United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, January 7, 2003*

This being the day fixed by the 20th amendment to the Constitution of the United States and Public Law 107–328 for the meeting of the Congress of the United States, the Members-elect of the 108th Congress met in their Hall, and at noon were called to order by the Clerk of the House of Representatives, Hon. Jeff Trandahl.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of history, our eternal God, You faithfully gather Your people in faith. You are always attentive to our prayers. The Journal of Congress records the fact that in 1774, the Reverend Duche led the Continental Congress in a prayer based on Psalm 35. Today, at the beginning of the 108th Congress, we return to the lines he quoted: ''Fight, O Lord, against those who fight me; war against those who make war upon me. Take up the shield and buckler and rise up in my defense.''

Lord, the ominous sound of impending violence grips the soul of this Nation today as it did at its beginnings. So be with us, Lord, as You have been throughout our history, both in times of war and in times of peace.

But the martial imagery does not narrow our gaze today only on battlefields and armaments. For our battle is against all forms of evil and any injustice. With the psalmist may the new Congress pray that truth will always uncover falsehood, and its righteous deeds will destroy cynicism. Knowing our enemy is anyone who denies God-given human rights, may the Members of this government, their families and staffs be committed to bring peace and unity to others as Your servants now and forever. Amen.

PLEDGE OF ALLEGIANCE

The CLERK. The Members-elect and their guests will please remain standing and join in the Pledge of Allegiance to the flag.

The Clerk led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The CLERK. Representatives-elect, this is the day fixed by the 20th amendment to the Constitution and Public Law 107–328 for the meeting of the 108th Congress and, as the law directs, the Clerk of the House has prepared the official roll of the Representatives-elect.

Certificates of election covering 434 seats in the 108th Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called.

The Clerk lays before the House a facsimile of a communication from the Chief Election Officer of the State of Hawaii.

JANUARY 5, 2003.

Hon. JEFF TRANDAHL,
Clerk, House of Representatives,
Washington, DC.

DEAR MR. TRANDAHL: This is to advise you that the unofficial results of the Special Election held on Saturday, January 4, 2003 for Representative in Congress from the Second Congressional District of Hawaii show that Ed Case (D) received 33,002 of votes of the total number cast for that office.

It would appear from the unofficial results that Ed Case (D) was elected Representative from the Second Congressional District of Hawaii. We are unaware of any election contest at this time.

As soon as the official results are certified, an official Certificate of Election will be transmitted as required by law.

Should you have any questions or need additional information, please contact Lori Tomczyk or myself at (808) 453–VOTE (8683).

Very truly yours,

DWAYNE D. YOSHINA,
Chief Election Officer.

Special Election: State of Hawaii,
Final Report, January 4, 2003

U.S. Representative, Dist 2	91 of 91	Percent
Case, Ed (D)	33,002	43.2
Matsunaga, Matt (D)	23,050	30.2
Hanabusa, Colleen (D)	6,046	7.9
Marumoto, Barbara C. (R)	4,497	5.9
McDermott, Bob (R)	4,298	5.6
Halford, Chris (R)	728	1.0
Kaloi, Kimo (R)	642	0.8
Carroll, John (Mahina) (R)	521	0.7

Special Election: State of Hawaii,—Continued
Final Report, January 4, 2003

U.S. Representative, Dist 2	91 of 91	Percent
Fasi, Frank F. (R)	483	0.6
McNett, Mark (N)	449	0.6
Rath, Jim (R)	414	0.5
Haake, Richard H. (R)	212	0.3
Secretario, Nelson J. (R)	208	0.3
Anderson, Whitney T. (R)	201	0.3
Keaulana-Dyball, Moana (N)	91	0.1
Nikhilananda, Nick (G)	75	0.1
Cole, Brian G. (D)	69	0.1
Kaapu, Kekoa D. (D)	68	0.1
Mallan, Jeff (L)	58	0.1
Mataafa, Sophie (N)	52	0.1
Fairhurst, Doug (R)	38	0.0
Gagnd, Mike (D)	35	0.0
Golojuch, Carolyn Mart (R)	29	0.0
Goodwin, G. (Imz) G)	27	0.0
Payne, Richard (Rich) (R)	25	0.0
Weatherwax, Clarence H (R)	25	0.0
Anand, Kabba (N)	24	0.0
Vierra, Dan (N)	22	0.0
Sabey, John L. (R)	20	0.0
Rocco, Pat (D)	19	0.0
Russell, Bill (N)	18	0.0
Sparks, Steve (N)	17	0.0
Wong, Solomon (N)	16	0.0
Reyes, Art P. (D)	15	0.0
Britos, Paul (D)	13	0.0
Harlan, S.J. (N)	11	0.0
Collins, Charles (D)	10	0.0
Randall, John (Jack) (N)	9	0.0
Tataii, Steven (D)	9	0.0
Rethman, Mike (R)	8	0.0
Turner, Marshall (N)	8	0.0
Jensen, Herbert L. (D)	6	0.0
Gano, Alan R. (N)	3	0.0
Rowland, Bartle Lee (N)	3	0.0
Blank votes	647	.8
Over Votes	107	0.1
Registration and turnout		
Total registration	348,342	
Total turnout	76.328	21.9
Precinct turnout	53,507	15.4
Type 1	53,507	15.4
Absentee turnout	22,821	6.6
Type 1	22,821	6.6
Overseas turnout	0	
1st Congressional	0	
2nd Congressional	0	

The CLERK. Without objection, the Representative-elect from the Second District of the State of Hawaii will be allowed to record his presence and also to vote on the election of the Speaker.

There was no objection.

The CLERK. Without objection, the Representatives-elect will record their presence by electronic device and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

There was no objection.

The call was taken by electronic device, and the following Representatives-elect responded to their names:

[Roll No. 1]

ANSWERED ''PRESENT''—432

ALABAMA

Aderholt
Bachus
Bonner
Cramer
Davis
Everett
Rogers

ALASKA

Young (AK)

ARIZONA

Flake
Franks (AZ)
Grijalva
Hayworth
Kolbe
Pastor
Renzi
Shadegg

ARKANSAS

Berry
Boozman
Ross
Snyder

CALIFORNIA

Baca
Becerra
Berman
Bono
Calvert
Capps
Cardoza
Cox
Cunningham
Davis (CA)
Dooley (CA)
Doolittle
Dreier
Eshoo
Farr
Filner
Gallegly
Harman
Herger
Honda
Hunter
Issa
Lantos
Lee
Lewis (CA)
Lofgren
Matsui
McKeon
Millender-McDonald
Miller, Gary
Miller, George
Napolitano
Nunes
Ose
Pelosi
Pombo
Radanovich
Rohrabacher
Roybal-Allard
Royce
Sánchez, Linda T.
Sanchez, Loretta
Schiff
Sherman
Solis
Stark
Tauscher
Thomas
Thompson (CA
Waters
Watson
Waxman
Woolsey

COLORADO

Beauprez
DeGette
Hefley
McInnis
Musgrave
Tancredo
Udall (CO)

CONNECTICUT

DeLauro
Johnson (CT)
Larson (CT)
Shays
Simmons

DELAWARE

Castle

FLORIDA

Bilirakis
Boyd
Brown, Corrine
Brown-Waite, Ginny
Crenshaw
Davis (FL)
Deutsch
Diaz-Balart, Lincoln
Diaz-Balart, Mario
Feeney
Foley
Goss
Harris
Hastings (FL)
Keller
Meek (FL)
Mica
Miller (FL)
Putnam
Ros-Lehtinen
Shaw
Stearns
Weldon (FL)
Wexler
Young (FL)

GEORGIA

Bishop (GA)
Burns
Collins
Deal (GA)
Gingrey
Isakson
Kingston
Lewis (GA)
Linder
Majette
Marshall
Norwood
Scott (GA)

HAWAII

Abercrombie
Case

IDAHO

Otter
Simpson

ILLINOIS

Biggert
Costello
Crane
Davis (IL)
Emanuel
Evans
Gutierrez
Hastert
Hyde
Jackson (IL)
Johnson (IL)
Kirk
LaHood
Lipinski
Manzullo
Rush
Schakowsky
Shimkus
Weller

INDIANA

Burton
Buyer
Carson (IN)
Chocola
Hill
Hostettler
Pence
Souder
Visclosky

IOWA

Boswell
King (IA)
Latham
Leach
Nussle

KANSAS

Moore
Moran (KS)
Ryun (KS)
Tiahrt

KENTUCKY

Fletcher
Lewis (KY)
Lucas (KY)
Northup
Rogers (KY)
Whitfield

LOUISIANA

Alexander
Baker
Jefferson
John
McCrery
Tauzin
Vitter

MAINE

Allen
Michaud

MARYLAND

Bartlett (MD)
Cardin
Cummings
Gilchrest
Hoyer
Ruppersberger
Van Hollen
Wynn

MASSACHUSETTS

Capuano
Delahunt
Frank (MA)
Lynch
Markey
McGovern
Meehan
Neal (MA)
Olver
Tierney

MICHIGAN

Camp
Conyers
Dingell
Ehlers
Hoekstra
Kildee
Kilpatrick
Knollenberg
Levin
McCotter
Miller (MI)
Rogers (MI)
Smith (MI)
Stupak
Upton

MINNESOTA

Gutknecht
Kennedy (MN)
Kline
McCollum
Oberstar
Peterson (MN)
Ramstad
Sabo

MISSISSIPPI

Pickering
Taylor (MS)
Thompson (MS)
Wicker

MISSOURI

Akin
Blunt
Clay
Emerson
Gephardt
Graves
Hulshof
McCarthy (MO)
Skelton

MONTANA

Rehberg

NEBRASKA

Bereuter
Osborne
Terry

NEVADA

Berkley
Gibbons
Porter

NEW HAMPSHIRE

Bass
Bradley (NH)

NEW JERSEY

Andrews
Ferguson
Frelinghuysen
Garrett (NJ)
Holt
LoBiondo
Menendez
Pallone
Pascrell
Payne
Rothman
Saxton
Smith (NJ)

NEW MEXICO

Pearce
Udall (NM)
Wilson (NM)

NEW YORK

Ackerman
Bishop (NH)
Boehlert
Crowley
Engel
Fossella
Hinchey
Houghton
Israel
Kelly
King (NY)
Lowey
McCarthy (NH)
McHugh
McNulty
Meeks (NY)
Nadler
Owens
Quinn
Rangel
Reynolds
Serrano
Slaughter
Sweeney
Towns
Velázquez
Walsh
Weiner

NORTH CAROLINA

Ballance
Ballenger
Burr
Coble
Etheridge
Hayes
Jones (NC)
McIntyre
Miller (NC)
Myrick
Price (NC)
Watt

NORTH DAKOTA

Pomeroy

OHIO

Boehner
Brown (OH)
Chabot
Gillmor
Hobson
Jones (OH)
Kaptur
Kucinich
LaTourette
Ney
Oxley
Portman
Pryce (OH)
Regula
Ryan (OH)
Strickland
Tiberi
Turner (OH)

OKLAHOMA

Carson (OK)
Cole
Istook
Lucas (OK)
Sullivan

OREGON

Blumenauer
DeFazio
Walden (OR)
Wu

PENNSYLVANIA

Brady (PA)
Doyle
English
Fattah
Gerlach
Greenwood
Hart
Hoeffel
Holden
Kanjorski
Murphy
Murtha
Peterson (PA)
Pitts
Platts
Sherwood
Shuster
Toomey
Weldon (PA)

RHODE ISLAND

Kennedy (RI)
Langevin

SOUTH CAROLINA

Barrett (SC)
Brown (SC)
Clyburn
DeMint
Spratt
Wilson (SC)

SOUTH DAKOTA

Janklow

TENNESSEE

Blackburn
Cooper
Davis (TN)
Duncan
Ford
Gordon
Jenkins
Tanner
Wamp

TEXAS

Barton (TX)
Bell
Bonilla
Brady (TX)
Burgess
Carter
Combest
Culberson
DeLay
Doggett
Edwards
Frost
Gonzalez
Granger
Green (TX)
Hall
Hensarling
Hinojosa
Jackson-Lee (TX)
Johnson, E.B.
Johnson, Sam
Lampson
Ortiz
Paul
Reyes
Rodriguez
Sandlin
Sessions
Smith (TX)
Stenholm
Thornberry
Turner (TX)

UTAH

Bishop (UT)
Cannon
Matheson

VERMONT

Sanders

VIRGINIA

Boucher
Cantor
Davis, Jo Ann
Davis, Tom
Forbes
Goode
Goodlatte
Moran (VA)
Schrock
Scott (VA)
Wolf

WASHINGTON

Baird
Dicks
Dunn
Hastings (WA)
Inslee
Larsen (WA)
McDermott
Nethercutt
Smith (WA)

WEST VIRGINIA

Capito
Mollohan
Rahall

WISCONSIN

Baldwin
Green (WI)
Kind
Kleczka
Obey
Petri
Ryan (WI)
Sensenbrenner

WYOMING

Cubin

□ 1230

The CLERK. Four hundred thirty-two Members have recorded their presence. A quorum is present.

ANNOUNCEMENT BY THE CLERK

The CLERK. The Clerk will state that credentials, regular in form, have

been received showing the election of the Honorable ANÍBAL ACEVEDO-VILÁ as Resident Commissioner of the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 2001; the election of the Honorable ELEANOR HOLMES NORTON as delegate from the District of Columbia; the election of the Honorable DONNA M. CHRISTENSEN as delegate of the Virgin Islands; the election of the Honorable ENI F.H. FALEOMAVAEGA as delegate from American Samoa; and the election of the Honorable MADELEINE Z. BORDALLO as delegate from Guam.

ELECTION OF SPEAKER

The CLERK. Pursuant to law and to precedent, the next order of business is the election of the Speaker of the House of Representatives for the 108th Congress.

Nominations are now in order.

The Clerk recognizes the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Clerk, for 4 years we have been blessed to have an individual of fairness, honesty, and common sense lead us without regard to rank or party. During even the most difficult of times, this common man with an uncommon conviction to do what is right has risen to the task and served as the Speaker for the whole House of Representatives.

Therefore, Mr. Clerk, as chairman of the House Republican Conference, I am directed by the unanimous vote of that conference, and am very honored to present for election to the Office of the Speaker of the House of Representatives of the 108th Congress of the United States of America, the name of the Honorable J. DENNIS HASTERT, a representative-elect from the State of Illinois.

The CLERK. The Chair now recognizes the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Clerk, as chairman of the Democratic Caucus, I am directed by the unanimous vote of that caucus to present for election to the Office of the Speaker of the House of Representatives for the 108th Congress an incredibly talented Member of the Democratic Caucus and, for the first time in history, the name of a woman, the name of the Honorable NANCY PELOSI, a representative-elect from the State of California.

The CLERK. The Honorable J. DENNIS HASTERT, a representative-elect from the State of Illinois, and the Honorable NANCY PELOSI, a representative-elect from the State of California, have been placed in nomination.

Are there further nominations?

There being no further nominations, the Clerk will appoint tellers.

The Clerk appoints the gentleman from Ohio (Mr. NEY), the gentlewoman from California (Ms. WATERS), the gentlewoman from Connecticut (Mrs. JOHNSON), and the gentleman from Texas (Mr. RODRIGUEZ).

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The reading clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote:

[Roll No. 2]

HASTERT—228

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, Lincoln
Diaz-Balart, Mario
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

PELOSI—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

MURTHA—1

Taylor (MS)

PRESENT—4

Hall
Hastert
Lucas (KY)
Stenholm

NOT VOTING—1

Hooley

□ 1330

The CLERK. The tellers agree in their tallies that the total number of votes cast is 434, of which the Honorable J. DENNIS HASTERT of the State of Illinois has received 228, the Honorable NANCY PELOSI of the State of California has received 201, the Honorable JOHN

MURTHA of the Commonwealth of Pennsylvania has received 1 vote, with 4 recorded as ''present.''

Therefore, the Honorable J. DENNIS HASTERT of the State of Illinois is duly elected Speaker of the House of Representatives for the 108th Congress, having received the majority of the votes cast.

The Clerk appoints the following committee to escort the Speaker-elect to the chair: The gentlewoman from California (Ms. PELOSI), the gentleman from Texas (Mr. DELAY), the gentleman from Missouri (Mr. BLUNT), the gentleman from Maryland (Mr. HOYER), the gentlewoman from Ohio (Ms. PRYCE), the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from Illinois (Mr. CRANE), the gentleman from Illinois (Mr. HYDE), the gentleman from Illinois (Mr. EVANS), the gentleman from Illinois (Mr. LIPINSKI), the gentleman from Illinois (Mr. COSTELLO), the gentleman from Illinois (Mr. GUTIERREZ), the gentleman from Illinois (Mr. MANZULLO), the gentleman from Illinois (Mr. RUSH), the gentleman from Illinois (Mr. LAHOOD), the gentleman from Illinois (Mr. WELLER), the gentleman from Illinois (Mr. JACKSON), the gentleman from Illinois (Mr. DAVIS), the gentleman from Illinois (Mr. SHIMKUS), the gentlewoman from Illinois (Mrs. BIGGERT), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentleman from Illinois (Mr. JOHNSON), the gentleman from Illinois (Mr. KIRK), the gentleman from Illinois (Mr. EMANUEL).

The committee will retire from the Chamber to escort the Speaker-elect to the chair.

The Sergeant at Arms announced the Speaker-elect of the House of Representatives of the 108th Congress, who was escorted to the chair by the Committee of escort.

□ 1345

Ms. PELOSI. First, congratulations to each and every Member of this House on your swearing-in to the 108th Congress which is about to occur. A special congratulations and welcome to the freshmen to the Capitol and certainly to their families and friends. Let us all welcome our freshmen Members.

Let me also thank my Democratic colleagues. I am humbled by the honor they have bestowed upon me to become the House Democratic leader. I know that I speak for all of us when I express profound gratitude to our esteemed colleague, the gentleman from Missouri (Mr. GEPHARDT). We thank the gentleman for his unwavering service to this institution and to our country. It is a great honor to follow in his footsteps.

And to my family, my dear husband, Paul, our five children, and our five grandchildren, and to my D'Alesandro family, I thank them very much for the love, support, encouragement, and joy that they have given me.

Because of you, and the people of San Francisco, whom I am honored to serve, I had the unprecedented privilege today to have my name placed in nomination as the first woman ever to do so in the history of the House of Representatives.

I am grateful to my colleagues for the confidence and proud of my party for breaking down another barrier and leading America closer to the ideal of equality that is both our heritage and our hope.

We serve in the people's House; and today, I want to pay tribute to the American people. It is their greatness, their fair-mindedness, their commitment to family, their willingness to hope and dream that sustain our country.

I especially wish to acknowledge the men and women in uniform whose courage keeps our country free and safe and makes it possible for us to strive for peace on Earth and goodwill toward mankind.

For more than 214 years, the American people have issued a most awesome challenge to those of us in Congress. Debate, the American people tell us when they send us here, debate the great issues of our Nation. Decide matters of war and peace. Fashion laws and policies that will make our economy sound, our institutions fair, our society just, our environment protected, our people educated and healthy, our religions and beliefs free from constraint, and our homeland secure from terror.

Debate policies, the American people tell us, which will ensure peace and justice throughout the world, comfort the afflicted, give voice to the oppressed, and make the future brighter for our children.

Today I speak as the leader of the minority in a closely divided House of Representatives. We are on different sides of the aisle, but we have shared oath and a greater obligation to serve our country together, both to find common ground wherever we can and to stand our ground wherever we must to be true to the people we represent.

My colleagues, I commit to all of you and to the American people that our party will always stand for the principles in which we believe, for I believe those principles represent the mainstream beliefs of our Nation: fairness, opportunity, patriotism, community, equal rights and a strong America, safe and prosperous at home, and committed abroad to a more secure and just world, free from the fear of terrorism.

So in that spirit, I ask the majority in this House and the administration to join us in a new spirit to get our economy moving again in a way that helps working families. I ask that you join us in creating jobs and providing access to quality health care for America's families, including a prescription drug coverage for our seniors.

I ask that, after having passed the Leave No Child Behind Act, we act now to pledge to put our children first and fully fund their education.

Finally and fundamentally, on the great and fateful issues we have all faced as Americans, especially since September 11, let me pledge for my party our absolute commitment to our national security, to winning the battle against terrorism and countering the threat of weapons of mass destruction.

At times, we will have to debate on how best to provide for the common defense. That debate is not only right and necessary, it is at the heart of our democracy. But let there be no doubt, in our commitment to the strength and safety of America, there are no Democrats, there are no Republicans. Together, as Americans, we must and will prevail.

We have great and grave issues to decide, as fateful as any faced by any of the 107 Congresses before us. So let us reach across party lines as we stand for principle, and let this be our own test, to advance and defend what is best for America.

Now it is my privilege to present the Speaker of the House with my hardiest congratulations. Mr. Speaker, I hope in the next Congress our roles will be reversed, and you will have this wonderful privilege of presenting the gavel.

In introducing our Speaker, let me first pay tribute to his skill, his decency and his integrity. We all hold the title of ''honorable'' by virtue of the office we hold; DENNIS HASTERT holds the title of ''honorable'' by virtue of his character. He is a man of honor.

It is my privilege, colleagues, to present the Speaker of the House for the 108th Congress, the gentleman from Illinois (Mr. HASTERT).

The SPEAKER. I want to thank the gentlewoman from California (Ms. PELOSI) for her gracious remarks, and I want to congratulate her for her historic achievement. NANCY PELOSI is the first woman in our Nation's history to be nominated to be Speaker of the House of Representatives. Now that this glass ceiling has been broken, I trust she will not be the last.

NANCY PELOSI is not the only woman to make history today. The gentlewoman from Ohio (Ms. PRYCE) today becomes the first woman to chair the House Republican Conference. I want to congratulate her as well.

I think it is altogether appropriate to note the history these two outstanding representatives have made today. We are a better country because of the active political participation of millions of American women, in this House and in elected positions all across this Nation.

We have 63 women Members in the House today. They represent millions of American. They fight hard for their constituents, and they serve with distinction.

Let me say to my good friend, the gentlewoman from California (Ms. PELOSI), as I welcome her to her new post as minority leader, we are going to have our fair share of disagreements. That is the nature of our two-party system. But together we must always find ways to make America a better and a more secure place to live.

My door will always be open as we work together in this 108th Congress. To all Members of this House, I say thank you for giving me the great honor to serve once again as your Speaker.

As we stand here today, we leave behind the work of the historic 107th Congress. Some of the achievements of the 107th Congress were planned, others were thrust upon us by events. We enacted landmark education reform, far-reaching election reform, and we have completed work on the most significant tax relief in a generation.

But we are also confronted by the most brutal, the senseless, and most tragic attack on our citizens in our Nation's history. The events of September 11, 2001, which we recalled in a historic commemorative session in New York City last fall, are still very much in our thoughts and in our prayers.

We ache for those we lost at the World Trade Towers and the Pentagon, and we give quiet thanks to those brave passengers on United Flight 93 who stopped the terrorists from crashing another plane into Washington, D.C. We sit in this Chamber knowing that it may very well have been the target for that ill-fated flight.

Just a few steps from here, on the central steps of this Capitol building, we stood together on September 11, Republicans and Democrats. We stood shoulder to shoulder representing one Nation, under God, indivisible, and pledged to fight those who would threaten our freedom.

□ 1400

In this room, just a few days later, our President called us to action. And act we did to give the President the tools he needed to fight those who engage in terrorism and those who harbor them.

Friends, our fellow Americans know that we are still engaged in that struggle today. Like generations before, they know that freedom comes with a price. As we begin this new Congress, I want to say to the American people, we will keep that commitment we made on the steps of this Capitol on September 11, 2001. This Congress will do everything in its power to provide for the security of the American people. We are determined that it shall never happen here again.

The Members of this House who are returning can be proud of the legislation we passed to create a Department of Homeland Security, the most significant restructuring of the Federal Government in the last 50 years. It will help make this Nation more secure.

But the 108th Congress must build on the work of the last Congress. Having given birth to this new department, we must now nurture it and, with the leadership of our President, guide it to successful maturity. And as we build on the achievements of the 107th Congress, we must not forget the legacy of three leaders, two who decided to make the 107th Congress their last, and another who chose to step down from his leadership post as he considers other opportunities for public service.

Dick Armey and DICK GEPHARDT differed in many ways. The former majority leader and the former minority leader were often at odds on tax policy, debated vigorously on social policy, and presented competing visions for America. But they both loved this House, and they both loved the St. Louis Rams. Their leadership, along with that of J.C. Watts, will be missed in this House, and I wish them the best in their new endeavors.

As we start the 108th Congress, we welcome 54 new Members of the House. I have had a chance to meet almost all of them, and I am impressed by their experience, by their expertise and by their energy. The other body also welcomes 10 new Senators, including several of our former colleagues.

As I begin my third term as Speaker of the House, and ninth term as a Member of Congress representing the voters of the 14th District of Illinois, I want to thank my constituents for honoring me with their trust. My district stretches from the far suburbs of Chicago, through the Fox River Valley, to the great Mississippi River. It includes suburbs, small towns and flowing fields of corn and soybeans. It is the heartland of America. I am particularly proud that it includes Dixon, Illinois, the boyhood home of one of the giants of the 20th century, President Ronald Reagan.

As you all know, I go home as often as possible, because it is there that I get a dose of reality. It is usually my wife Jean who provides that dose of reality. Thank you, Jean, for all of your love, your support and your patience.

I believe that to be a good Speaker of the House, you also must be a good listener. I pledge to you that I will continue to open my door to listen to your concerns and to do my best to do the will of this House. And as we start the 108th Congress, we must all begin by listening to America, to the men and women who sent us here.

What is it that concerns our citizens? First and foremost, they want us to make this Nation more secure. Terrorists threaten our American homeland. This Capitol building and the buildings where our fellow Americans work and live and worship are all on the front lines of this new war. Now that we have a Department of Homeland Security, we in the Congress have a duty to make sure it works as it was designed to work. It must protect our citizens without invading their privacy unnecessarily. It must make our government more effective in fighting terrorism without making our government too big. And it must do its work efficiently, without compromising workers' rights.

Later on today, we will vote to create a Select Committee on Homeland Security. Members of this select committee will oversee the creation of the Department of Homeland Security to make certain that the executive branch is carrying out the will of the Congress. This select committee will be our eyes and our ears as this critical department is organized. The standing committees of the House will maintain their jurisdictions and will still have authorization and oversight responsibilities. This House needs to adapt to the largest reorganization of our executive branch in 50 years, and this select committee will help us make this transition.

As we protect our citizens, we must also support our Armed Forces as they fight the terrorists and the terrorist states that protect them. Giving our Armed Forces and intelligence services the resources they need to get the job done will be a top priority of this House.

As we work to make American families more secure, we also need to improve our Nation's economy. Without a sound economy that creates jobs, no family really feels secure. In too many pockets of our Nation, the economy stumbles along. This week, this House, as we did in the waning hours of the 107th Congress, will address an immediate need by passing an extension of unemployment benefits.

But we all know that unemployment benefits are no substitute for a permanent job. We must ask ourselves, what can we do to improve our economic growth and create jobs? First, we can lower the tax burden on small businesses so that they can hire more workers. Eighty percent of all the jobs in my district, and I suspect many of yours, are created by small and medium-sized businesses. Let us do something to help the job creators.

Second, we can increase export opportunities with the rest of the world. Last year we passed trade promotion authority. This year we need to promote more trade and, yes, fair trade.

Third, we can cut the cost of government, of regulations, and of litigation, which too often strangles business creation and puts an undue burden on our consumers.

Fourth, we can make the President's tax cuts permanent. What sense does it make to phase out the unfair death tax over 8 years only to have it come back to life in year 9? And we have to look at longer term reform of our Tax Code.

Our Tax Code should help us compete on the world stage. But does it help or actually hurt job creation? Would it not make sense to make our Tax Code simpler, smarter and less burdensome?

As we work to make the economy stronger, we must also work to make our health care system better. We face a health care crisis in this country. Forty-four million Americans are uninsured. Prescription drug costs are too high. Health care costs continue to skyrocket. We need to address all of these issues, and we need to do it quickly. No senior citizen should be forced to choose between putting food on the table or purchasing lifesaving prescription drugs. No small business mom and pop operation should have to risk going without health insurance for their children because the cost is too high. No baby boomer should be forced to face bankruptcy just because she gets sick. Our health care system is the best in the world. But it could be even better and more accessible to everyone. We have the resources, we have the talent, and we have the know-how. Now let us have the right laws to allow for an even better system.

Finally, last year we passed landmark education reform. The Leave No Child Behind Act was a good start to making our public schools the best in the world. But we still have much work to do. I taught at a public high school for 16 years. My wife taught public grade school for over 30 years. I know how tough, yet how rewarding teaching can be. There is no more noble profession than being a teacher. There is no better investment in the future of our Nation than education. Yet far too often our schools are not as good as they ought to be. Let us work together, as Republicans and Democrats, to improve our schools and support our teachers.

On this historic day, my mind turns to our most sacred political document, our Constitution. It is here that we, the Congress of the United States, are charged with a simple task: establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity. Never has that mission seemed so important and never has it seemed to be more threatened.

My colleagues, we have a sacred duty to perform. As the elected representatives of the American people, we must, along with our President, shoulder a great burden of responsibility. Today, we are jubilant in our celebration, and rightfully so. Enjoy this day with your family and your friends. But come back tomorrow with your sleeves rolled up, because the task ahead is great and leadership is hard, steady work. You will be called upon to make many decisions over the next 2 years. Many will impact the economic well-being of your fellow Americans. Some may cause you to send our youth into harm's way. There is no textbook for how to do your job. Each of you must find your own way. Start by doing your job to the best of your ability. Represent your constituents with the noblest of motives. And always be true to the democratic values of this great institution. Let us be respectful of those with whom we disagree and make an effort to find the common ground. Let us keep before us our common goal, to make this Nation safer and more secure for all Americans and a better place to pass on to our children and our grandchildren when our work here is done.

As we begin this new 108th Congress, let us be mindful of our Creator and of His plans for this great country. May God bless this House of Representatives.

□ 1415

I recognize my good friend and colleague, the dean of the House of Representatives, the gentleman from Michigan (Mr. DINGELL); and he will administer the oath of the office of the Speaker.

Mr. DINGELL then administered the oath of office to Mr. HASTERT of Illinois, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office upon which you are about to enter. So help you God.

Mr. DINGELL. Congratulations.

(Applause, the Members rising.)

SWEARING IN OF MEMBERS

The SPEAKER. According to the precedents, the Chair will swear in all Members of the House at this time.

If the Members will rise, the Chair will now administer the oath of office.

The Members-elect and Delegates-elect and the Resident Commissioner-elect rose, and the Speaker administered the oath of office to them as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now Members of the 108th Congress.

MAJORITY LEADER

Ms. PRYCE of Ohio. Mr. Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as their majority leader the gentleman from Texas, the Honorable TOM DELAY.

MINORITY LEADER

Mr. MENENDEZ. Mr. Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that Democratic Members have selected as minority leader the gentlewoman from California, the Honorable NANCY PELOSI.

MAJORITY WHIP

Ms. PRYCE of Ohio. Mr. Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as majority whip the gentleman from Missouri, the Honorable ROY BLUNT.

MINORITY WHIP

Mr. MENENDEZ. Mr. Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have elected as minority whip the gentleman from Maryland, Mr. HOYER.

ELECTION OF CLERK OF THE HOUSE, SERGEANT AT ARMS, CHIEF ADMINISTRATIVE OFFICER, AND CHAPLAIN

Ms. PRYCE of Ohio. Mr. Speaker, I offer a privileged resolution (H. Res. 1) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1

Resolved, That Jeffery J. Trandahl of the State of South Dakota, be, and is hereby, chosen Clerk of the House of Representatives;

That Wilson S. Livinood of the Commonwealth of Virginia, be, and is hereby, chosen Sergeant at Arms of the House of Representatives;

That James M. Eagen, III, of the Commonwealth of Pennsylvania, be, and is hereby, chosen Chief Administrative Officer of the House of Representatives; and

That Father Daniel P. Coughlin of the State of Illinois, be, and is hereby, chosen Chaplain of the House of Representatives.

Mr. MENENDEZ. Mr. Speaker, I have an amendment to the resolution; but before offering the amendment, I request that there be a division of the question on the resolution so that we may have a separate vote on the chaplain.

The SPEAKER. The question will be divided.

The question is on agreeing to that portion of the resolution providing for the election of the Chaplain.

That portion of the resolution was agreed to.

AMENDMENT OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Speaker, I offer an amendment to the remainder of the resolution offered by the gentlewoman from Ohio (Ms. PRYCE).

The Clerk read as follows:

Amendment offered by Mr. MENENDEZ:

For the Remainder of the House Resolution 1

That George Crawford of the state of California be, and is hereby, chosen Clerk of the House of Representatives;

That Lorraine Miller of the state of Texas be, and is hereby, chosen Sergeant-at-Arms of the House of Representatives; and

That Cecile Richards of the state of Texas be, and is hereby, chosen Chief Administrative Officer of the House of Representatives.

The SPEAKER. The question is on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ).

The amendment was rejected.

The SPEAKER. The question is on the remainder of the resolution offered by the gentlewoman from Ohio (Ms. PRYCE).

The remainder of the resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair will now swear in the officers-elect of the House. Will they please come forward.

The officers-elect presented themselves at the bar of the House and took the oath of office as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take the obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office for which you are about to enter. So help you God.

The SPEAKER. Congratulations.

NOTIFICATION TO THE SENATE

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 2) to inform the Senate that a quorum of the House has assembled and of the election of the Speaker and the Clerk, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 2

Resolved, That the Senate be informed that a quorum of the House of Representatives has assembled; that J. Dennis Hastert, a Representative from the state of Illinois, has been elected Speaker; and Jeffrey J. Trandahl, a citizen of the State of South Dakota, has been elected Clerk of the House of Representatives of the One Hundred Eighth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE TO NOTIFY THE PRESIDENT

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 3) authorizing the Speaker to appoint a committee to notify the President of the assembly of the Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 3

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 3

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that the Congress is ready to receive any communication that he may be pleased to make, the gentleman from Texas (Mr. DELAY) and the gentlewoman from California (Ms. PELOSI).

AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SPEAKER AND THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 4) authorizing the Clerk to inform the President of the election of the Speaker and the Clerk, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 4

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected J. Dennis Hastert, a Representative from the State of Illinois, Speaker: and Jeffrey J. Trandahl, a citizen of the State of South Dakota, Clerk of the House of Representatives of the One Hundred Eighth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1430

RULES OF THE HOUSE

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 5) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That the Rules of the House of Representatives of the One Hundred Seventh Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Seventh Congress, are adopted as the Rules of the House of Representatives of the One Hundred Eighth Congress, with amendments to the standing rules as provided in section 2, and with other orders as provided in sections 3 and 4.

SEC. 2. CHANGES IN STANDING RULES.—

(a) MEMBERS TO ACT AS SPEAKER PRO TEMPORE.—In clause 8(b) of rule I, add at the end the following new subparagraph:

''(3)(A) In the case of a vacancy in the office of Speaker, the next Member on the list described in subdivision (B) shall act as Speaker pro tempore until the election of a Speaker or a Speaker pro tempore. Pending such election the Member acting as Speaker pro tempore may exercise such authorities of the Office of Speaker as may be necessary and appropriate to that end.

''(B) As soon as practicable after his election and whenever he deems appropriate thereafter, the Speaker shall deliver to the Clerk a list of Members in the order in which each shall act as Speaker pro tempore under subdivision (A).

''(C) For purposes of subdivision (A), a vacancy in the office of Speaker may exist by reason of the physical inability of the Speaker to discharge the duties of the office.''.

(b) TERM OF SPEAKER—In rule I—

(1) strike clause 9; and

(2) redesignate clause 13 as clause 9.

(c) RECESS AND CONVENING AUTHORITIES.—In clause 12 of rule I—

(1) amend the caption to read ''Recess and convening authorities''; and

(2) designate the existing text as paragraph (a) and add thereafter the following new paragraphs:

''(b) To suspend the business of the House when notified of an imminent threat to its safety, the Speaker may declare an emergency recess subject to the call of the Chair.

''(c) During any recess or adjournment of not more than three days, if the Speaker is notified by the Sergeant-at-Arms of an imminent impairment of the place of reconvening at the time previously appointed, then he may, in consultation with the Minority Leader—

''(1) postpone the time for reconvening within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly; or

''(2) reconvene the House before the time previously appointed solely to declare the House in recess within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly.

''(d) The Speaker may convene the House in a place at the seat of government other than the Hall of the House whenever, in his opinion, the public interest shall warrant it.''.

(d) PRIVILEGES OF FLOOR.—In clause 2(a)(7) of rule IV, after ''consideration'' insert a comma followed by ''and staff of the respective party leaderships when so assigned with the approval of the Speaker''.

(e) MEMBERSHIP OF BUDGET COMMITTEE.—In clause 5(a)(2) of rule X, amend subdivision (A)(i) to read as follows:

''(i) Members, Delegates, or the Resident Commissioner who are members of other standing committees, including five from the

Committee on Appropriations, five from the Committee on Ways and Means, and one from the Committee on Rules;''.

(e-1) TENURE OF CERTAIN CHAIRMEN AND RANKING MINORITY MEMBERS.—

(1) In clause 5(a)(2) of rule X, amended subdivision (C) to read as follows:

''(C) In the case of a Member, Delegate, or Resident Commissioner elected to serve as the chairman or the ranking minority member of the committee, tenure on the committee shall be limited only by paragraph (c)(2) of this clause.''.

(2) In clause 11(a)(4) of rule X, amend subdivision (B) to read as follows:

''(B) In the case of a Member, Delegate, or Resident Commissioner appointed to serve as the chairman or the ranking minority member of the select committee, tenure on the selected committee shall not be limited.''.

(f) ASSOCIATE STAFF.—In clause 9(b) of rule X—

(1) redesignate subparagraph (2) as subparagraph (2)(A);

(2) redesignate subparagraph (3) as subparagraph (2)(B);

(3) in subparagraph (2)(B), as redesignated, insert ''other than the committee on Appropriations'' after ''a committee''; and

(4) strike subparagraph (4).

(g) POSTPONING VOTES IN COMMITTEE.—At the end of clause 2(h) of rule XI, add the following new subparagraph:

''(4)(A) Each committee may adopt a rule authorizing the chairman of a committee or subcommittee—

''(i) to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment; and

''(ii) to resume proceedings on a postponed question at any time after reasonable notice.

''(B) A rule adopted pursuant to this subparagraph shall provide that when proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.''.

(h) CODIFICATION OF FREESTANDING ETHICS RULES.—In clause 3 of rule XI, add at the end the following new paragraphs:

''COMMITTEE AGENDAS

''(f) The committee shall adopt rules providing that the chairman shall establish the agenda for meetings of the committee, but shall not preclude the ranking minority member from placing any item on the agenda.

''COMMITTEE STAFF

''(g)(1) The committee shall adopt rules providing that—

''(A) the staff be assembled and retained as a professional, nonpartisan staff;

''(B) each member of the staff shall be professional and demonstrably qualified for the position for which he is hired;

''(C) the staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner;

''(D) no member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election;

''(E) no member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the committee without specific prior approval from the chairman and ranking minority member; and

''(F) no member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the committee.

''(2) Only subdivisions (C), (E), and (F) of subparagraph (1) shall apply to shared staff.

''(3)(A) All staff members shall be appointed by an affirmative vote of a majority of the members of the committee. Such vote shall occur at the first meeting of the membership of the committee during each Congress and as necessary during the Congress.

''(B) Subject to the approval of the Committee on House Administration, the committee may retain counsel not employed by the House of Representatives whenever the committee determines, by an affirmative vote of a majority of the members of the committee, that the retention of outside counsel is necessary and appropriate.

''(C) If the committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

''(D) Outside counsel may be dismissed before the end of a contract between the committee and such counsel only by an affirmative vote of a majority of the members of the committee.

''(4) In addition to any other staff provided for by law, rule, or other authority, with respect to the committee, the chairman and ranking minority member each may appoint one individual as a shared staff member for his or her personal staff to perform service for the committee. Such shared staff may assist the chairman or ranking minority member on any subcommittee on which he serves.

''MEETINGS AND HEARINGS

''(h)(1) The committee shall adopt rules providing that—

''(A) all meetings or hearings of the committee or any subcommittee thereof, other than any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee, shall occur in executive session unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting or hearing to the public; and

''(B) any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee shall be open to the public unless the committee or subcommittee by an affirmative vote of a majority of its members closes the hearing to the public.

''PUBLIC DISCLOSURE

''(i) The committee shall adopt rules providing that, unless otherwise determined by a vote of the committee, only the chairman or ranking minority member, after consultation with each other, may make public statements regarding matters before the committee or any subcommittee thereof.

''REQUIREMENTS TO CONSTITUTE A COMPLAINT

''(j) The committee shall adopt rules regarding complaints to provide that whenever information offered as a complaint is submitted to the committee, the chairman and ranking minority member shall have 14 calendar days or five legislative days, whichever is sooner, to determine whether the information meets the requirements of the rules of the committee for what constitutes a complaint.

''DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING PROPERLY FLIED COMPLAINTS

''(k)(1) The committee shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, they shall have 45 calendar days or five legislative days, whichever is later, after that determination (unless the committee by an affirmative vote of a majority of its members votes otherwise) to—

''(A) recommend to the committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

''(B) establish an investigative subcommittee; or

''(C) request that the committee extend the applicable 45-calendar day or five-legislative day period by one additional 45-calendar day period when they determine more time is necessary in order to make a recommendation under subdivision (A).

''(2) The committee shall adopt rules providing that if the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, and the complaint is not disposed of within the applicable time periods under subparagraph (1), then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.

''DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING INFORMATION NOT CONSTITUTING A COMPLAINT

''(l) The committee shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee does not meet the requirements of the rules of the committee for what constitutes a complaint, they may—

''(1) return the information to the complainant with a statement that it fails to meet the requirements of the rules of the committee for what constitutes a complaint; or

''(2) recommend to the committee that it authorize the establishment of an investigative subcommittee.

''INVESTIGATIVE AND ADJUDICATORY SUBCOMMITTEE

''(m) The committee shall adopt rules providing that—

''(1)(A) an investigative subcommittee shall be composed of four Members (with equal representation from the majority and minority parties) whenever such a subcommittee is established pursuant to the rules of the committee;

''(B) an adjudicatory subcommittee shall be composed of the members of the committee who did not serve on the pertinent investigative subcommittee (with equal representation from the majority and minority parties) whenever such a subcommittee is established pursuant to the rules of the committee; and

''(C) notwithstanding any other provision of this clause, the chairman and ranking minority member of the committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access

to information before a subcommittee with which they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee;

''(2) at the time of appointment, the chairman shall designate one member of a subcommittee to serve as chairman and the ranking minority member shall designate one member of the subcommittee to serve as the ranking minority member; and

''(3) the chairman and ranking minority member of the committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex officio members.

''STANDARD OF PROOF FOR ADOPTION OF STATEMENT OF ALLEGED VIOLATION

''(n) The committee shall adopt rules to provide that an investigative subcommittee may adopt a statement of alleged violation only if it determines by an affirmative vote of a majority of the members of the subcommittee that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives, has occurred.

''SUBCOMMITTEE POWERS

''(o)(1) The committee shall adopt rules providing that an investigative subcommittee or an adjudicatory subcommittee may authorize and issue subpoenas only when authorized by an affirmative vote of a majority of the members of the subcommittee.

''(2) The committee shall adopt rules providing that an investigative subcommittee may, upon an affirmative vote of a majority of its members, expand the scope of its investigation approved by an affirmative vote of a majority of the members of the committee.

''(3) The committee shall adopt rules to provide that—

''(A) an investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its statement of alleged violation anytime before the statement of alleged violation is transmitted to the committee; and

''(B) if an investigative subcommittee amends its statement of alleged violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended statement of alleged violation.

''DUE PROCESS RIGHTS OF RESPONDENTS

''(p) The committee shall adopt rules to provide that—

''(1) not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a statement of alleged violation, the subcommittee shall provide the respondent with a copy of the statement of alleged violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness; but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates;

''(2) neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (1) except for the sole purpose of settlement discussions where counsel for the respondent and the subcommittee are present;

''(3) if, at any time after the issuance of a statement of alleged violation, the committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (1) to prove the charges contained in the statement of alleged violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the rules of the committee;

''(4) evidence provided pursuant to paragraph (1) or (3) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

''(A) such time as a statement of alleged violation is made public by the committee if the respondent has waived the adjudicatory hearing; or

''(B) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and his counsel to so agree in writing, and their consequent failure to receive the evidence, shall not preclude the issuance of a statement of alleged violation at the end of the period referred to in paragraph (1);

''(5) a respondent shall receive written notice whenever—

''(A) the chairman and ranking minority member determine that information the committee has received constitutes a complaint;

''(B) a complaint or allegation is transmitted to an investigative subcommittee;

''(C) an investigative subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; or

''(D) an investigative subcommittee votes to expand the scope of its investigation;

''(6) whenever an investigative subcommittee adopts a statement of alleged violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which that statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and respondent's counsel, the chairman and ranking minority member of the subcommittee, and the outside counsel, if any;

''(7) statements or information derived solely from a respondent or his counsel during any settlement discussions between the committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the committee or otherwise publicly disclosed without the consent of the respondent; and

''(8) whenever a motion to establish an investigative subcommittee does not prevail, the committee shall promptly send a letter to the respondent informing him of such vote.

''COMMITTEE REPORTING REQUIREMENTS

''(q) The committee shall adopt rules to provide that—

''(1) whenever an investigative subcommittee does not adopt a statement of alleged violation and transmits a report to that effect to the committee, the committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

''(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the committee—

''(A) the subcommittee shall prepare a report for transmittal to the committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

''(B) the respondent may submit views in writing regarding the final draft to the subcommittee within seven calendar days of receipt of that draft;

''(C) the subcommittee shall transmit a report to the committee regarding the statement of alleged violation together with any views submitted by the respondent pursuant to subdivision (B), and the committee shall make the report together with respondent's views available to the public before the commencement of any sanction hearing; and

''(D) the committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subdivision (B) and any additional views respondent may submit for attachment to the final report; and

''(3) members of the committee shall have not less than 72 hours to review any report transmitted to the committee by an investigative subcommittee before both the commencement of a sanction hearing and the committee vote on whether to adopt the report.''

(i) JOINT REFERRAL.—In clause 2(c)(1) of rule XII, insert before the semicolon the following: ''(except where he determines that extraordinary circumstances justify review by more than one committee as though primary)''.

(j) MACROECONOMIC ANALYSIS OF TAX PROPOSALS.—In clause 3(h) of rule XIII, strike subparagraphs (2) and (3) and insert in lieu thereof the following:

''(2)(A) it shall not be in order to consider a bill or joint resolution reported by the Committee on Ways and Means that proposes the Internal Revenue Code of 1986 unless—

''(i) the report includes a macroeconomic impact analysis;

''(ii) the report includes a statement from the Joint Committee on Internal Revenue Taxation explaining why a macroeconomic impact analysis is not calculable; or

''(iii) the chairman of the Committee on Ways and Means causes a macroeconomic impact analysis to be printed in the Congressional Record before consideration of the bill or joint resolution.

''(B) In subdivision (A), the term ''macroeconomic impact analysis'' means—

''(i) an estimate prepared by the Joint Committee on Internal Revenue Taxation of the changes in economic output, employment, capital stock, and tax revenues expected to result from enactment of the proposal; and

''(ii) a statement from the Joint Committee on Internal Revenue Taxation identifying the critical assumptions and the source of data underlying that estimate.''.

(k) PERSONAL ELECTRONIC EQUIPMENT ON FLOOR.—In clause 5 of rule XVII, strike ''any personal'' and all that following in the penultimate sentence and insert in lieu thereof ''a wireless telephone or personal computer on the floor of the House.''.

(l) ACCOUNTING FOR VACANCIES.—In clause 5 of rule XX, add after paragraph (b) the following new paragraph:

''(c) Upon the death, resignation, expulsion, disqualification, or removal of a Member, the whole number of the House shall be

adjusted accordingly. The Speaker shall announce the adjustment to the House. Such an announcement shall not be subject to appeal. In the case of a death, the Speaker may lay before the House such documentation from federal, state, or local officials as he deems pertinent.''.

(m) PROCEEDINGS DURING CALL OF HOUSE.—In clause 6(c) of rule XX, strike ''the Speaker may entertain a motion that the House adjourn'' and insert in lieu thereof'' a motion that the House adjourn shall be in order''.

(n) FIVE-MINUTE VOTING IN SERIES.—In rule XX, amend clause 9 to read as follows:

''9. The Speaker may reduce to five minutes the minimum time for electronic voting on any question arising without intervening business after an electronic vote on another question if notice of possible five-minute voting for a given series of votes was issued before the proceeding electronic vote.''.

(o) CERTAIN TAX OR TARIFF PROVISIONS.—In clause 5(a) of XXI, designate the existing text as subparagraph (1) and add thereafter the following new subparagraph:

''(2) For purposes of paragraph (1), a tax or tariff measure includes an amendment proposing a limitation on funds in a general appropriation bill for the administration of a tax or tariff.''.

(p) MOTIONS TO INSTRUCT DURING CONFERENCE.—In clause 7(c)(1) of XXII, strike ''20 calendar days'' and insert in lieu thereof ''20 calendar days and 10 legislative days''.

(q) PRACTICE OF MEDICINE.—In clause 2 of rule XXV, insert ''except for the practice of medicine'' after ''fiduciary relationship'' in both places it appears.

(r) GIFTS OF PERISHABLE FOOD.—In clause 5(a)(1)(B) of XXV before the last sentence insert the following: ''The value of perishable food sent to an office shall be allocated among the individual recipients and not the Member, Delegate, or Resident Commissioner.''.

(s) CHARITY TRAVEL.—In clause 5(a)(4)(C) of XXV, insert before the period the following: ''unless—

''(i) all of the net proceeds of the event are for the benefit of an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

''(ii) reimbursement for the transportation and lodging in connection with the event is paid by such organization; and

''(iii) the offer of free attendance at the event is made by such organization''.

(t) PUBLIC DEBT-LIMIT LEGISLATION.—Redesignation rule XXVII as rule XXVII and insert after rule XXVI the following new rule:

''RULE XXVII

''STATUTORY LIMIT ON PUBLIC DEBT

''1. Upon adoption by Congress of a concurrent resolution on the budget under section 301 or 304 of the Congressional Budget Act of 1974 that sets forth, as the appropriate level of the public debt for the period to which the concurrent resolution relates, an amount that is different from the amount of the statutory limit on the public debt that otherwise would be in effect for that period, the Clerk shall prepare an engrossment of a joint resolution increasing or decreasing, as the case may be, the statutory limit on the public debt in the form prescribed in clause 2. Upon engrossment of the joint resolution, the vote by which the concurrent resolution on the budget was finally agreed to in the House shall also be considered as a vote on passage of the joint resolution in the House, and the joint resolution shall be considered as passed by the House and duly certified and examined. The engrossed copy shall be signed by the Clerk and transmitted to the Senate for further legislative action.

''2. The matter after the resolving clause in a joint resolution described in clause 1 shall be as follows: 'That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof ''$____''.', with the blank being filled with a dollar limitation equal to the appropriate level of the public debt set forth pursuant to section 301(a)(5) of the Congressional Budget Act of 1974 in the relevant concurrent resolution described in clause 1. If an adopted concurrent resolution under clause 1 sets forth different appropriate levels of the public debt for separate periods, only one engrossed joint resolution shall be prepared under clause 1; and the blank referred to in the preceding sentence shall be filled with the limitation that is to apply for each period.

''3. (a) The report of the Committee on the Budget on a concurrent resolution described in clause 1 and the joint explanatory statement of the managers on a conference report to accompany such a concurrent resolution each shall contain a clear statement of the effect the eventual enactment of a joint resolution engrossed under this rule would have on the statutory limit on the public debt.

''(b) It shall not be in order for the House to consider a concurrent resolution described in clause 1, or a conference report thereon, unless the report of the Committee on the Budget or the joint explanatory statement of the managers complies with paragraph (a).

''4. Nothing in this rule shall be construed as limiting or otherwise affecting—

''(a) the power of the House or the Senate to consider and pass bills or joint resolutions, without regard to the procedures under clause 1, that would change the statutory limit on the public debt; or

''(b) the rights of Members, Delegates, the Resident Commissioner, or committees with respect to the introduction, consideration, and reporting of such bills or joint resolutions.

''5. In this rule the term 'statutory limit on the public debt' means the maximum face amount of obligations issued under authority of chapter 31 of title 31, United States Code, and obligations guaranteed as to principal and interest by the United States (except such guaranteed obligations as may be held by the Secretary of the Treasury), as determined under section 3101(b) of such title after the application of section 3101(a) of such title, that may be outstanding at any one time.''

(u) TECHNICAL AND CODIFYING CHANGES.—

(1) In clause 2(g) of rule II—

(a) strike ''do'' in each place it appears and insert in lieu thereof ''perform''; and

(b) strike ''done'' and insert in lieu thereof ''performed''.

(2) In clause 1(g)(6) of rule X, strike ''organization'' and insert in lieu thereof ''organizations''.

(3) In clause 3(a)(1)(B) of rule XIII, strike ''or (4)''.

(4) In clause 3 of rule XVIII, strike ''All bills'' and insert in lieu thereof ''All public bills''.

(5) In clause 2(a) of rule XX, strike ''9 or 10'' and insert in lieu thereof ''8 or 9''.

(6) In clause 8 of rule XX—

(a) amend paragraph (a)(1) to read as follows:

''(a)(1) When a recorded vote is ordered, or the yeas and nays are ordered, or a vote is objected to under clause 6—

''(A) on any of the questions specified in subparagraph (2), the Speaker may postpone further proceedings to a designated place in the legislative schedule within two additional legislative days; and

''(B) on the question of agreeing to the Speaker's approval of the Journal, the Speaker may postpone further proceedings to a designated place in the legislative schedule on that legislative day.''; and

(b) in paragraph (a)(2), strike ''the'' before ''subparagraph (1)''.

(7) In clause 8 of rule XX—

(a) in paragraph (b) strike ''in the order in which it was considered''; and

(b) in paragraph (d) strike ''in the order in which they were considered''.

(8) In clause 1 of rule XXII, strike ''bill or resolution'' in each place it appears and insert in lieu thereof ''proposition''.

(9) In clause 12(a)(2) of rule XXII, strike ''by a record vote'' and insert in lieu thereof ''by the yeas and nays''.

SEC. 3. SEPARATE ORDERS.

(a) BUDGET MATTERS.—

(1) During the One Hundred Eighth Congress, references in section 306 of the Congressional Budget Act of 1974 to a resolution shall be construed in the House of Representatives as references to a joint resolution.

(2) During the One Hundred Eighth Congress, in the case of a reported bill or joint resolution considered pursuant to a special order of business, a point of order under section 303 of the Congressional Budget Act of 1974 shall be determined on the basis of the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be.

(3) During the One Hundred Eighth Congress, a provision in a bill or joint resolution, or in an amendment thereto or a conference report thereon, that establishes prospectively for a Federal office or position a specified or minimum level of compensation to be funded by annual discretionary appropriations shall not be considered as providing new entitlement authority within the meaning of the Congressional Budget Act of 1974.

(4)(A) During the One Hundred Eighth Congress, pending the adoption of a concurrent resolution on the budget for fiscal year 2003, the provisions of House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House, shall have force and effect in the House as though the One Hundred Eighth Congress has adopted such a concurrent resolution.

(B) The chairman of the Committee on the Budget (when elected) shall submit for printing in the Congressional Record—

(i) the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 to accompany the concurrent resolution described in subparagraph (A), which shall be considered to be such allocations under a concurrent resolution on the budget;

(ii) ''Accounts Identified for Advance Appropriations,'' which shall be considered to be the programs, projects, activities, or accounts referred to section 301(b) of House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House; and

(iii) an estimated unified surplus, which shall be considered to be the estimated unified surplus set forth in the report of the Committee on the Budget accompanying House Concurrent Resolution 353 of the One Hundred Seventh Congress referred to in section 211 of such concurrent resolution.

(C) The allocation referred to in section 231(d) of House Concurrent Resolution 353 of

the One Hundred Seventh Congress, as adopted by the House, shall be considered to be the corresponding allocation among those submitted by the chairman of the Committee on the Budget under subparagraph (B)(i).

(b) CERTAIN SUBCOMMITTEES.—Notwithstanding clause 5(d) of rule X, during the One Hundred Eighth Congress—

(1) the Committee on Armed Services may have not more than six subcommittees;

(2) the Committee on International Relations may have not more than six subcommittees; and

(3) the Committee on Transportation and Infrastructure may have not more than six subcommittees.

(c) NUMBERING OF BILLS.—In the One Hundred Eighth Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker to such bills as he may designate when introduced during the first session.

(d) MOTIONS TO SUSPEND THE RULES.—During the first session of the One Hundred Eighth Congress, the Speaker may entertain motions that the House suspend the rules on Wednesdays through the second Wednesday in April as though under clause 1 of rule XV.

SEC. 4. SELECT COMMITTEE ON HOMELAND SECURITY.

(a) ESTABLISHMENT; COMPOSITION; VACANCIES.—

(1) ESTABLISHMENT.—During the One Hundred Eighth Congress, there is established a Select Committee on Homeland Security.

(2) COMPOSITION.—The select committee shall be composed of Members appointed by the Speaker, including Members appointed on the recommendation of the Minority Leader. The Speaker shall designate one member as chairman. Service on the select committee shall not count against the limitations on committee service in clause 5(b)(2) of rule X.

(3) VACANCIES.—Any vacancies occurring in the membership of the select committee shall be filled in the same manner as the original appointment.

(b) JURISDICTION; FUNCTIONS.—

(1) LEGISLATIVE JURISDICTION.—The select committee may develop recommendations and report to the House by bill or otherwise on such matters that relate to the Homeland Security Act of 2002 (P.L. 107–296) as may be referred to it by the Speaker.

(2) OVERSIGHT FUNCTION.—The select committee shall review and study on the continuing basis laws, programs, and Government activities relating to homeland security.

(3) RULES STUDY.—The select committee is authorized and directed to conduct a thorough and complete study of the operation and implementation of the rules of the House, including rule X, with respect to the issue of homeland security. The select committee shall submit its recommendations regarding any changes in the rules of the House to the Committee on Rules not later than September 30, 2004.

(c) PROCEDURE.—The rules of the House applicable to the standing committees shall govern the select committee where not inconsistent with this section.

(d) FUNDING.—To enable the select committee to carry out the purposes of this resolution, the select committee may use the services of staff of the House.

(e) DISPOSITION OF RECORDS.—Upon dissolution of the select committee, the records of the select committee shall become the records of any committee designated by the Speaker.

The SPEAKER. The gentleman from Texas (Mr. DELAY) is recognized for 1 hour.

Mr. DELAY. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. PELOSI) or her designee, pending which I yield myself such time as I may consume. During the consideration of the resolution, all time yielded is for debate purposes only. I ask unanimous consent that the time allocated to me be controlled by the gentleman from California (Mr. DREIER).

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I want to begin by extending congratulations to the Speaker, our majority leader, our friends in the minority and all of our colleagues on their election.

The comprehensive changes that we are proposing in H. Res. 5 seek to build on the successful reform accomplishments of the last 8 years which have helped to make the House more accountable and deliberative and have strengthened our ability to govern effectively and responsibly.

As my colleagues recall, Mr. Speaker, we overhauled the committee system, made Congress compliant with anti-discrimination and workplace safety laws, opened committee meetings to the public and press, modernized the Rules of the House to make them more understandable, and cut the number of standing rules nearly in half. In the 107th Congress, we created the Committee on Financial Services, enhanced oversight planning, strengthened performance goals and objectives, and created the Department of Homeland Security.

Our continued investments in technology are transforming the culture, operations, and responsibilities of Congress in a very positive way.

With that having been said, I want to describe some of the more significant positive rules changes we are proposing to the standing rules of the House, and those are contained in section 2 of this resolution.

Section 2(A) and section 2(C), as well as section 2(L) stem from the recommendations made by the bipartisan Continuity of Congress Task Force, which was formed following the attack of September 11, 2001, which Speaker HASTERT talked about, that was cochaired by my friend, the gentleman from Texas (Mr. FROST) and the gentleman from California (Mr. COX), and it reviewed the rules and procedures of the House to ensure that the appropriate institutional and mechanisms were in place to respond to a catastrophic event.

The first provision amends rule 1, clause 8(b) to require the Speaker to provide to the Clerk of the House a list of Members in the order in which each shall act as Speaker pro tempore in the case of a vacancy in the office of Speaker.

Section 2(C) provides new recess and convening authorities to the Speaker in the event of an imminent threat to the safety of the House by amending clause 12 of rule 1.

Finally, Mr. Speaker, section 2(L) codifies the practice of adjusting the whole number of the House upon the death, resignation, expulsion, disqualification, or removal of a Member in rule 20, clause 5.

In the 107th Congress, rule 18 was amended to allow the Chairman of the Committee of the Whole to postpone a request for a recorded vote on any amendment. This procedure has been very helpful, as my colleagues know, Mr. Speaker, in improving the management of the floor and in dealing with the challenges of our legislative schedule. In an effort to provide committees with similar management flexibility, section 2(G) proposes to amend rule 11, clause 2(h) to allow committees to adopt a similar rule authorizing the chairman of a committee or subcommittee to postpone certain votes and resume proceedings on a postponed question after reasonable notice. An underlying proposition would remain subject to further debate or amendment to the same extent as when the question was postponed.

During the 105th Congress, Mr. Speaker, the House adopted H. Res. 168, which included both changes to the standing rules of the House and freestanding directives to the Committee on Standards of Official Conduct. For the past two Congresses, these freestanding directives have been carried forward through a separate order.

Section 2(H) codifies these directives which address committee agenda, committee staff, meetings and hearings, public disclosure, requirements to constitute a complaint, duties of the chairman and ranking member, investigative and adjudicatory subcommittees, standard of proof for adoption of statement of alleged violation, subcommittee powers, due process rights of respondents, and committee reporting requirements.

Section 2(I) permits the joint referral of measures without designation of primary jurisdiction. This change is meant only as a minor deviation from the normal requirement under the rules for the designation of one committee of primary jurisdiction and should be exercised only in extraordinary jurisdictionally deserving instances.

Mr. Speaker, in an effort to provide more realistic estimates of tax measures, section 2(J) requires the Committee on Ways and Means to include in reports on measures amending the Internal Revenue Code of 1986 an analysis by the Joint Tax Committee on

the macroeconomic impact of such legislation. This is something also known, Mr. Speaker, as dynamic scoring.

Mr. Speaker, section 2(O) of the resolution expands the application of clause 5(a) of rule 21 to include as a tax or tariff measure a floor amendment limiting funds in a general appropriation bill for the administration of a tax or tariff. The intent of this rules change is to ease the burden on the maker of a point of order from having to show a necessary, certain and inevitable change in revenue collections, tax statuses, or liability as previous precedents required, to one of showing a textual relationship between the amendment and the administration of the Internal Revenue or tariff laws.

The resolution amends clause 7(c)(1) of rule 22 to permit further motions to instruct during conference to be offered after 20 calendar days, but not less than 10 legislative days. While continuing to afford a Member a timely opportunity to offer a further motion to instruct, the modification in section 2(P) provides a more realistic timetable, especially when a conference extends over a lengthy recess and is unable to meet.

Section 2(T) creates a new rule 27 which provides for the automatic House passage of a joint resolution increasing the statutory limit on the public debt when the House agrees to a budget resolution that requires such an increase. The amount of the increase in the joint resolution conforms to the level established in the budget resolution. The final House vote on the conference report on the budget resolution shall be deemed the vote on the joint resolution. The rule is similar to the former rule 23 of the 106th Congress and prior Congresses.

The resolution also makes exceptions and clarifications to rule 25, also known as the gift rule, with regard to perishable food distributed in the office and charity travel, respectively. And, for the most part, the remaining provisions of section 2 are technical, conforming, or clarifying in nature.

Mr. Speaker, section 3 of the resolution consists of ''Separate Orders'' which do not change any of the standing rules of the House. These are more or less housekeeping provisions which deem certain actions or waive the application of certain rules of the House.

Section 3(A) provides for the continuation of certain budget enforcement mechanisms from the 107th Congress as well as deems the provisions of the budget resolution H. Con. Res. 353 as adopted by the House in the 107th Congress shall have effect in the 108th Congress until such time as a conference report establishing a budget for the fiscal year 2004 is adopted.

Also contained in section 3(B) is a separate order providing for the limited number of exemptions to clause 5(d) of rule 10 regarding a limitation on the number of subcommittees a committee may establish. This resolution grants the Committee on Armed Services, the Committee on International Relations, and the Committee on Transportation and Infrastructure up to six subcommittees each.

Mr. Speaker, recognizing that it takes time for committees to organize and report legislation at the beginning of a new Congress, section 3(D) provides that during the first session of this 108th Congress motions to suspend the rules shall be in order on Wednesdays from the beginning of the Congress through the second Wednesday in April, as though under clause 1 of rule 15.

Mr. Speaker, section 4 of the resolution is very important and significant, and is aimed at ensuring effective oversight of a crucial national priority, and that is what was discussed in the Speaker's address to us; namely, homeland security. The security threats to our Nation are real and dangerous. Every branch of government, including the Congress, must be an integral part of the homeland security effort.

In that regard, section 4 of the resolution establishes a Select Committee on Homeland Security for the 108th Congress with both legislative and oversight responsibilities.

The select committee would have legislative jurisdiction over matters that relate to the Homeland Security Act of 2002, Public Law 107–296. As the Act is the organic statute creating the new Department of Homeland Security, it is anticipated that the select committee would be the committee of jurisdiction over bills dealing with the new Department.

Further, the select committee would have jurisdiction over legislation amending the Act such as a bill making technical corrections to that Act. In addition to the committee of primary jurisdiction, the Speaker would have the authority to refer bills to the select committee as an additional committee, either initially or sequentially. Otherwise, the existing jurisdictional rules of the House would continue to apply during the 108th Congress.

The select committee would have oversight responsibility over laws, programs, and government activities relating to homeland security and is intended to serve as the primary coordinating committee of the House.

Mr. Speaker, until the new Department of Homeland Security is up and running, it is difficult to predict how best to reflect legislative oversight and authorization functions for the Department in the House. Furthermore, during this transitional period, it is crucial that the White House and the new Department's leadership have a central point of contact with the House. This new select committee will provide this interim capacity. It will also conduct a study of the operation of the rules of the House, including possible changes in committee jurisdiction with respect to homeland security. Those recommendations would be submitted to the Committee on Rules by September 30, 2004.

At this point, Mr. Speaker, I would like to include for the RECORD a more detailed, section-by-section summary of H. Res. 5, as well as other relevant material.

SECTION-BY-SECTION SUMMARY

SECTION 1. RESOLVED CLAUSE

The rules of the House of Representatives for the 107th Congress are adopted as the rules of the House for the 108th Congress with amendments as provided in section 2, and with other orders provided in sections 3 and 4.

SECTION 2. CHANGES IN STANDING RULES

(a) Speaker succession. The Speaker is required to submit to the Clerk of the House a list of Members to succeed the Speaker in the event of a vacancy in the office of the Speaker until the House reconvenes in order to elect a new Speaker. [Rule I, clause 8(b)]

(b) Repeal of Speaker term limit. This provision strikes Clause 9 of Rule 1, which limits a Member to no more than 4 consecutive terms as Speaker. [Rule I, clause 9]

(c) Declaration of emergency recess. The Speaker may, when notified of an imminent threat to the House's safety, declare an emergency recess subject to the call of the Chair. Allows the Speaker to accelerate or postpone the reconvening of the House in the event of an emergency. [Rule I, clause 12]

(d) Clarification of staff access to House Floor. The practice of allowing leadership staff with Floor responsibilities access to the House Floor is codified. [Rule IV, clause 2(a)(7)]

(e) Rules Member on Budget Committee. The Committee on the Budget shall include one member of the Committee on Rules. Codifies action taken in the 108th Republican Conference organizational meeting requiring that one Member of the Rules Committee serve on the Budget Committee. [Rule X, clause 5(a)(2)]

(f) Associate and professional staff. This change clarified that the professional staff of the Appropriations Committee shall comply with the same rules regarding their duties as the professional staff of all other House committees. Further clarifies that the associate or shared staff of the Appropriations Committee are not subject to the review of the Committee on House Administration in connection with the reporting of committee expense resolutions. This change is technical in nature [Rules X, clause 9(b)]

(g) Postponing votes in committee. Committees may adopt a rule which allows the chairman of a committee or subcommittee to postpone votes on approving a measure or matter or on adopting an amendment and to resume proceedings on a postponed question at any time after reasonable notice. An underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed. [Rule XI, clause 2(h)]

(h) Incorporation of H. Res. 168 (105th) in clause 3 of Rule XI ''(Committee on Standards of Official Conduct).'' Over the last two consecutive Congresses the Committee on Standards of Official Conduct's operating procedure has been carried over as a separate order referencing a resolution adopted by the 105th Congress. This modification codifies the aforementioned operating procedures. [Rule XII, clause 2(c)(1)]

(i) Joint referral. Joint referral of measures without designation of primary jurisdiction will be permitted under 'exceptional circumstances.' Under this designation, the Speaker may designate more than one committee as though primary. [Rule XII, clause 2(c)(1)]

(j) Require dynamic scoring in Ways & Means reports. The Committee on Ways and Means is required to include in reports on measures amending the Internal Revenue Code of 1986 an analysis by the Joint Tax Committee on the macroeconomic impact of such legislation. The committee is not required to include such analysis if the Joint Tax Committee certifies that such analysis is not calculable. In addition, the chairman of the Ways & Means Committee may satisfy this requirement by inserting such analysis in the Congressional Record prior to the bill's consideration on the floor. [Rule XIII, clause 3(h)]

(k) Personal electronic equipment on the Floor. This provision modernizes the rules of the House to prohibit only the use of wireless telephones and personal computers on the House floor, thereby permitting the use of unobtrusive handheld electronic devices. [Rule XVII, clause 5]

(l) Accounting for vacancies. The practice of adjusting the whole number of the House in the case of vacancies in the membership is codified. [Rule XX, clause 5]

(m) Proceedings during call of House. This change clarifies that a motion to adjourn retains its normal privilege and is in order during a call of the House under clause 6 of rule XX. The former language of the rule could be interpreted to five the Speaker the discretion to entertain such motion. This change is technical in nature. [Rule XX, clause 6(c)]

(n) Five-minute voting in series. The Speaker's authority to reduce the minimum time for electronic voting following a fifteen-minute vote is expanded to include all succeeding votes provided no other business intervenes and notice of possible five-minute voting is given. This change is technical in nature. [Rule XX, clause 9]

(o) Prohibition on limitation amendments for the administration of taxes and tariffs and on measures restricting imports. Expands the application of clause 5(a) of rule XXI to include as a tax or tariff measure a floor amendment limiting funds in a general appropriation bill for the administration of a tax or tariff. [Rule XXI, clause 5(a)]

(p) Motions to instruct during conference. Permits further motions to instruct to be offered after 20 calendar days, but not less than 10 legislative days. [Rule XXII, clause 7(c)(1)]

(q) Fiduciary relationship exemption for physicians. Redefines a fiduciary relationship as not including ''the practice of medicine,'' thereby allowing dentists and physicians to earn outside income up to $22,500. [Rule XXV, clause 2]

(r) Perishable food as gift. Provides that the value of perishable food sent as a gift to an office shall be allocated among the individual receipts and not to the Member. [Rule XXV, clause 5(a)(1)(B)]

(s) Gift ban exemption for charity travel. Clarifies the gift ban to allow Members to be reimbursed for travel and lodging expenses by a charity organization, in cases where the net proceeds of the event go to a qualified charity, and the invitation is issued by the charity. [Rule XXV, clause 5(a)(4)(C)]

(t) Statutory limit on public debt. (reinstate ''Gephardt Rule'', former Rule XXIII of the 106th Congress.) Provides for automatic House passage of joint resolution increasing the statutory limit on the public debt when the House agrees to a budget resolution that requires such an increase. The amount of the increase in the joint resolution conforms to the level established in the budget resolution. The final House vote on the budget resolution shall be deemed the vote on the joint resolution. [New Rule XXVII, former Rule XXVII redesignated as Rule XXVIII]

(u) Technical corrections. Technical and grammatical changes are made throughout the rules of the rules of the House, including those correcting changes that were made as a result of the recodification of the House rules.

SECTION 3. SEPARATE ORDERS

(a)(1)–(a)(3) Continuation of budget enforcement mechanisms from the 107th. This order clarifies that section 306 of the Budget Act (prohibiting consideration of legislation within the Budget Committee's jurisdiction, unless reported by the Budget Committee) only applies to bills and joint resolutions and not to simple and concurrent resolutions. It also makes a Section 303 point of order (requiring adoption of budget resolution before consideration of budget-related legislation) applicable to text made in order as original bill by a special rule. Specified or minimum levels of compensation will not be considered as providing new entitlement authority.

(a)(4) Continuation of budget ''deeming'' resolution from the 2nd Session of the 107th Congress. This order establishes that the provisions of House Concurrent Resolution 353 as adopted by the House in the 107th Congress, shall have effect in the 108th Congress until such time as a conference report establishing a budget for the fiscal year 2004 is adopted.

(b) Extra subcommittees for Armed Services, International Relations, and Transportation & Infrastructure. A waiver of Rule X, clause 5(d), is granted for International Relations, Transportation & Infrastructure, and Armed Services for 6 subcommittees in the 108th Congress.

(c) Numbering of bills. In the 108th Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker to such bills as he may designate when introduced during the first session.

(d) Wednesday suspension day. During the first session of the 108th Congress, motions to suspend the rules shall be in order on Wednesdays through the second Wednesday in April.

SECTION 4. SELECT COMMITTEE ON HOMELAND SECURITY

This section establishes the Select Committee on Homeland Security for the 108th Congress. It establishes that the Select Committee will have legislative jurisdiction to develop recommendations and report to the House by bill or otherwise on such matters that relates to the Homeland Security Act of 2002 (P.L. 107–296).

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we all remember how partisan, divisive and, most importantly, unproductive the last Congress was. Despite the President's campaign promise to change the tone in Washington, nothing really changed in the way Republicans ran the House of Representatives. In fact, over the past 2 years, the Republican majority had a well-established and easily documented track record of denying the minority a voice in proceedings and deliberations of the House, and that, unfortunately, played a large role in the failure of the Republican Congress to address America's critical concerns, from the economy and homeland security to health care and retirement security.

But, in the spirit of the new year, Mr. Speaker, Democrats came to the floor today hoping that Republicans might turn over a new leaf, that they might agree to a rules package to operate the House as a deliberate, democratic institution in which all points of view have a right to be heard. Unfortunately, the package before us only makes things worse, making changes that only assure that the voice of the minority will be heard less and less. For that reason, I rise in opposition to H. Res. 5. I will offer a motion to commit at the end of this debate, and I urge every Member of this body who believes that all of the American people have a right to be heard and a right to participate in a democratic, small ''d'', institution to vote for it.

Mr. Speaker, this is not the Politburo; this is the United States House of Representatives. It is high time that the majority remembered that very clear distinction. We are not here to raise our hands in unison; we are here to debate what is in the best interests of this country, and there are many differing views in this body about how to achieve that end. Those views should and must be heard.

Mr. Speaker, I would like to take a few minutes to explain why I and the Democratic Caucus oppose these rules changes proposed by the Republican majority. As I said, we see these changes, along with the majority's record of stifling dissent, as counterintuitive to the notion of the democratic process. We see some of these changes as fig leaves or, as my good friend the gentleman from Wisconsin (Mr. OBEY) is often heard to say, giving Members a chance to pose for holy pictures. We see some of these changes as attempts to cover up what is really happening in terms of the Federal budget, both on the spending and tax sides. And finally, we see some of these changes as allowing Members to skirt the intent of the ethics rules in this body, something that only sullies the reputation of an honorable institution.

For example, the majority took great pains in 1995 to abolish the practice of proxy voting. I am not here to pass judgment on that old practice. I can only say that the Republican majority condemned Democrats when we held the majority for allowing Members to vote by proxy in committee. However, the Republican majority has encountered some of the same problems that made proxy voting a useful tool for

committees to get their work done. Because the Republican majority has refused to negotiate committee ratios that accurately reflect and fairly reflect the numbers in this body, their Members have been spread too thin and oftentimes must choose between one committee's proceedings and another.

□ 1445

Consequently, there have been a number of markups held where Democrats have been able to pass amendments because some Republicans have voted for those amendments and because other Republican Members have been absent. The majority has decided that the best way to deal with those rare occasions in which Democrats actually win a vote is to ensure that votes cannot be taken until the Chair of the full committee or a subcommittee has all the votes in the room, somewhat akin to proxy voting.

This change proposed by the majority would allow those Chairs to postpone indefinitely votes on ordered questions. There is no definition in the rule about when votes must be called by, and there is no definition in the rule for what constitutes reasonable notice.

Frankly, Mr. Speaker, this rule is a recipe for autocracy in the committees of this body. My motion to commit will delete this provision from the package of the rules for the 108th Congress.

Secondly, the Republican majority seems intent on cooking the Federal budgetary books in so many ways that a new recipe was sure to find its way into this package, and so it has. The majority has now included a rule providing that no tax bill may be considered unless the Joint Committee on Taxation has included an analysis in the report accompanying that bill on the macroeconomic impact of such legislation. And just what is the macroeconomic impact? Why, it is nothing more than dynamic scoring, a methodology that has been discounted and outright dismissed by any economist worth his or her salt, including the chairman of the Federal Reserve.

As Chairman Greenspan has said about dynamic scoring: ''The analytical tools required to achieve it are deficient . . . no model currently in use can predict macroeconomic effects without substantial ad hoc adjustments that effectively override the internal structure of the model.'' In other words, Mr. Speaker, it does not work, an example of what President Bush had called ''fuzzy math.''

Yet, the Republican majority persists in believing that this bogus economic analysis of tax policy is real and reliable. But I would contend the only real thing that is real and reliable about dynamic scoring is that it will serve as a cover-up for the true impact of the losses of revenue to the Federal Treasury generated by tax cuts endorsed by this White House and the Republican majority. My motion to commit will delete this provision from the package of the rules of the 108th Congress.

Motions to instruct conferees have been successfully used by Democrats and, may I add, by the Republicans when they were in the minority, to fight for important issues like aviation security when otherwise denied that ability by the Republican majority. Because Democratic Members are far too often shut out of the deliberative process when a bill reaches the floor, a motion to instruct is sometimes the only way a Member might be able to bring an issue up for discussion. But the Republican majority, who did not seem particularly anxious to do much work in Washington in the past 2 years, considers these attempts to open the discussion in the House as a nuisance, rather than as a means to bring democracy back to the institution.

So Republicans have an amendment in this package that further restricts the right of any Member, Republican or Democrat, to offer a motion to instruct by requiring that in addition to the 20 calendar days from the time a conference is appointed, 10 legislative days must elapse. The new rule is so loosely drafted that it is questionable whether those 20 calendar days and 10 legislative days run concurrently or not. Either way, since this body is in session so seldom, 10 legislative days would fill up an entire month, further delaying the ability of Members to bring up legitimate issues relating to those bills submitted to conference.

Mr. Speaker, this provision is such a blatant slap in the face of the democratic process in the House of Representatives, the Republican majority should hang its collective head. For that reason, my motion to commit will strike this amendment from the rules package.

Mr. Speaker, since I have been in Congress, I have had the opportunity to serve on two special committees created for the purpose of revising and strengthening our ethics rules and regulations. The Republican majority made much of past abuses in this body, in spite of the fact that Members on both sides of the aisle were caught in these situations. Yet, now the Republicans believe they have such a safe and secure majority for the foreseeable future, they want to undo some of the significant strides that were made by these two special committees.

The Republican majority has opened a proverbial can of worms by including several items in their package. The first might be called the ''pizza rule.'' Because some outsiders like to provide large quantities of free food and drink to Members' offices night after night, this new Republican provision would carve out an exception to the gift rule.

We also have the ''I have a second job and I want to get paid for it'' rule. Members are currently prohibited from acting in certain fiduciary capacities and thus are not allowed to receive compensation for practicing a profession that offers services involving a fiduciary relationship.

Mr. Speaker, no matter how worthy a profession might be, why should we create a special exemption in the rules for the practice of medicine? If we do it for one, why not everyone? I think this House would be far better served if we just kept the rule the way it is now.

For these reasons, my motion to commit will strike the provisions in the rules package that relate to ethics rules.

My motion to commit also strikes two separate orders contained in section 3 of the resolution. The first provision I will seek to strike establishes the budget resolution adopted by the House in the second session of the 107th Congress as in effect in this Congress until such time as a conference report establishing a budget for fiscal year 2004 is passed.

Mr. Speaker, my Republican colleagues will say this will merely allow the House to finish work on the appropriations bills for fiscal year 2003. Perhaps we should have done that in the 107th Congress rather than waiting to do it in the 108th Congress, with budget numbers outdated and unrealistic given the current economic circumstances.

In addition, the appropriations number in the House-passed budget resolution of the 107th Congress is $749 billion; yet, the Republican leadership has agreed with the White House on budget numbers exceeding that figure. In addition, the budget resolution of the second session of last Congress maintains highway numbers that are also outdated and which, frankly, are not good policy. For example, those numbers will not allow for increased highway construction money that might be prudently spent throughout the country to create jobs and restore crumbling infrastructure.

Secondly, in furtherance of the Republican majority's agenda to stifle debate by cutting debate, cutting off amendments, and staying out of town as much as possible, this package contains a separate order that will make Wednesday a suspension day through the second Wednesday in April. Now, this order will certainly cut down on the work of the Committee on Rules, since one of our best work products has been a rule making Wednesday a suspension day. But Democrats believe that far too many bills are considered under suspension already and that the House is thus denied the opportunity to fully debate and amend legislation.

In my motion to commit, this provision would be stricken; but we have also included language that calls on the Republican majority to bring up

fewer, rather than more, bills on suspension, and that no bill should be considered on suspension if it authorizes or makes appropriations in excess of $100 million. There is ample time in our calendar to spend on the floor debating legislation. We should not be institutionalizing shortened weekdays and cutting off debate.

We have also included in the Democratic motion to commit language calling on the Republican leadership to ensure that the minority party will be able to fully participate in the legislative process. We have recommended that they strive to ensure that five ''good government'' ideas are followed in the House.

First, so that Members might know what they are voting on when they vote, we call on the Republican leadership to ensure that Members have conference reports available to them 3 calendar days before such a conference report is considered in the House; and at the very least, at a bare minimum, no conference report should come to the floor unless every Member has had 24 hours to review it; not exactly a revolutionary concept.

Second, we asked the Republican leadership to reduce the number of waivers contained in rules reported from the Committee on Rules. This is especially important in the consideration of bills that have been reported and that go straight to the floor. Many times, even members of the committee of jurisdiction are not sure if the bill that comes to the floor is the same bill that was reported, and it would only enhance the legislative process and democracy if Members had adequate time to review legislation.

Third, we call on the Republican leadership to allow the House to debate and amend legislation by reducing the number of important bills that are considered on the suspension calendar.

In that regard, we are, fourthly, asking that the majority ensure that more alternatives and substitutes be allowed in rules adopted by the Committee on Rules.

Finally, we ask the Republican leadership to allow more legislation to be considered on the floor under open rules so that more Democrats may offer amendments.

Finally, Mr. Speaker, Democrats must raise strong objections to the manner in which the Republican leadership has gone about creating a Select Committee on Homeland Security. This provision was added last night with no consultation with the minority, and we believe that is no way to begin a new Congress when the issue of homeland security is one that does not belong to either party. We are all Americans here, and we should be involved in the deliberations surrounding the provisions of the Homeland Security Act.

Mr. Speaker, I know our motion to commit will not pass today; but I do believe it is important that we talk about these issues, because in the long run it is for the good of the institution. I am proud to serve here, and I am proud to represent the people of my congressional district. I think that I, along with every other Member of this body, should be able to fully participate in the process of making laws, setting policy, and determining the course of this Nation in the years to come.

While I recognize that he with the most votes wins, I also know that if someone has the most votes, they should not fear an opposing point of view. For too long the Republican Party has seemed, through their words and actions, to fear dissent among their own ranks, as well as the opposing view that may be held by the minority. We are a democracy; and we should never forget that, for in a democracy the rights of the minority are protected while at the same time advancing the will of the majority. I hope my Republican colleagues will remember that in the 108th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I was inclined early on to believe that my friend, the gentleman from Texas (Mr. FROST), might be supportive of our package; but I have now come to the conclusion that he would at best be undecided on our package, and he has raised a number of questions.

I believe that I should say that we clearly plan to work in the area of homeland security with my friend, the gentleman from Texas, and other members of the minority in addressing issues of concern when we proceed with this very important work. We want to work in a bipartisan way; and I happen to believe that this package which we have come forth with will, as I said, increase the accountability and deliberative nature of the institution. I would hope that we could have both Democrats and Republicans supporting it.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in opposition to the rules package before us today. While it contains several items which I support, particularly the deeming resolution setting spending limits for the unfinished appropriation bills, the package contains two items which tilt the rules in favor of policies which will more easily send our Nation further into red ink. I would ask the majority to reconsider both of these proposals.

One of the reforms the majority made with great fanfare as part of the Contract with America in 1995 was repeal of the Gephardt rule, which would spin off separate legislation increasing the debt limit upon passage of the debt resolution without a separate vote or opportunity for debate on the amendments.

Now that our national debt is growing at a record pace under their policies, less than 6 months ago the administration asked us to increase the debt ceiling by $400 billion; Christmas Eve, the administration is asking us to increase the debt ceiling again to $6.4 trillion.

The majority now, under their rules package, has decided that greater openness and accountability regarding our national debt perhaps is not such a good thing after all. I ask Members to reconsider that. Just as credit card spending limits serve as tools to force families to examine their household budgets, the statutory debt limit reminds our Nation to more closely evaluate taxing and spending policies. Reviving the Gephardt rule will allow Members to avoid taking responsibility for paying the bills we incur by our votes.

Now, the implementation of dynamic scoring also should raise a red flag to those who call themselves conservative in this body. Under the logic of those advocating dynamic scoring, the tax cut we passed last year should have resulted in greater surpluses than was being projected last spring. We can disagree about the extent the tax cut contributed to the return of the deficit, but it is clear that it did not have a dynamic effect on producing higher surpluses and revenues.

The conservative approach, to me, is to be conservative in budget projections. If we err on the side of being conservative and cautious, Congress can easily deal with the problem of having more money than was projected. But when we err on the side of being too optimistic, we have a much greater challenge in dealing with fiscal problems such as those before us now.

We are paying the price today for ignoring the warnings of experts in the past. We should not ignore the warnings of those that say changing to dynamic scoring will contribute to further problems of the deficit and debt of this country.

Vote ''no'' on the rules changes; vote ''yes'' on cutting the interest taxes on the American people.

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Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, the proposal to create a new Select Committee on Homeland Security interestingly does not make any changes in the legislative jurisdiction of the committees outlined in rule 10 of the rules of the House. For instance, in the Committee on Transportation and Infrastructure we have handled complex aviation security issues for 28 years. We have held dozens of hearings, classified briefings on aviation security. We

have monitored security at U.S. and foreign airports. We have passed landmark legislation like the Aviation Security Improvement Act of 1990 in response to the terrorism attack on Pan Am 103, and in the aftermath of the September 11, the Aviation and Transportation Security Act of 2001. We have a great body of expertise on aviation security issues and the legislation to improve security.

Now, I am puzzled that a moment ago the Speaker said the ''select committee will be our eyes and ears of the House. The standing committees will maintain their jurisdictions and will still have authorization and oversight responsibilities.''

Now I take that to mean that nothing in the package would deprive the House of the American people of the expertise of the committee and the members and staff of the Committee on Transportation and Infrastructure. But it is not clear, the legislative proposal on the select committee includes ''matters that relate to the Homeland Security Act of 2002.''

As I read the proposal, the new committee would not have primary jurisdiction over legislation involving programs administered by the Department of Homeland Security. The explanation offered a moment ago by the distinguished chairman of the Committee on Rules does not clarify that jurisdictional question.

Now, let me pose an issue. Title 14 of the Homeland Security Act, entitled Arming Pilots Against Terrorism, establishes a program to deputize airline pilots as Federal law enforcement officers and enables them to carry firearms on board a plane. That provision was based upon a bill developed in our committee which passed the House. The question is, if a new bill were introduced to repeal that rule, would that bill be primarily referred to the Committee on Transportation and Infrastructure or to the Committee on Homeland Security? I would ask the gentleman that. Would the gentleman respond?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, let me just say that it is very clear that the Speaker does have authority to refer legislation, and it is his intent to ensure that we maintain the jurisdiction of those committees. And the expertise that the gentleman offered on this very important issue, and I remember his testimony upstairs in the Committee on Rules on this, it will be very valuable as this issue is addressed. And it is quite possible that the gentleman may or a member of his committee may be a member of the Select Committee on Homeland Security. So I can assure the gentleman that we are going to do everything possible to keep the expertise that is out there involved in this process.

Mr. Speaker, I thank my friend for yielding.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, last fall it took weeks for the Members of the House, the press and the public to figure out who inserted a special interest provision in the homeland security bill to exempt Eli Lilly and other manufacturers of thimerosal. We did not know the provision was in the bill before we voted on it. After it was found we could not figure out how it got there. Now that is no way to make law.

This is why I am supporting the motion to commit which would mandate that conference reports are made available to Members at least 24 hours before a vote. This requirement would not be permitted to be waived.

Members of this body deserve to know what they are voting on. The practice of sneaking in unrelated provisions in thick conference reports in the dead of night is unacceptable. The reason it is done is to cause Members who normally would not support a provision to do so by burying it in a conference report at the last minute when there is little chance for it to be found.

The thimerosal exception that was slipped into the Homeland Security bill is a prime example. The thimerosal exemption was a big Christmas gift to Eli Lilly and other thimerosal manufacturers. In the last election cycle is it any surprise that Eli Lilly was one of the top pharmaceutical contributors, giving $1.6 million? In return, they got a thimerosal exception that they have been lobbying for all year. Eli Lilly's first attempt was last spring when it placed the exemption in the comprehensive bill, but since the bill did not get anywhere in the Subcommittee on Health, it switched tactics to get the exemption in Homeland Security.

The exemption effectively shields Eli Lilly from all lawsuits from claimants injured by thimerosal. One of the concerns being expressed is that there is a possible link between thimerosal and autism. The exemption even closed the door on litigation that was ongoing at the time the legislation was passed. It is time to open the conference process and stop the back room political maneuvers that lead to secret provisions. We must stop the abuses of the congressional process. We must allow Members to know what they are voting on. Support the motion to commit.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, this rules package is a very important continuation of the majority's effort to shut down democratic debate. The ranking minority member spoke about this rule allowing the chairs of committees to roll votes. Basically what it represents is a willingness of the Republican Members to roll over, to beg, to sit up and do whatever their leadership tells them, because what this does is degrade the possibility of democratic debate in committees.

People not familiar with the jargon probably do not fully understand what is being proposed. You will go to a committee session, a markup as we call them, and vote on the legislation, and you will offer an amendment to try to change things. Under these rules you may very well not know whether your amendment has won or lost. There will be a debate on the amendment and the Chair of that committee can then postpone the voting on that amendment until the end of that session. And what do you do if you have offered an amendment that might be somewhat controversial that has a chance to pass? What do you do if you could have passed the amendment if you have made a slight change? How do you then decide what to do next? Obviously there is no way you can have a rational debate in a committee if, having offered an amendment, you cannot tell whether or not that amendment has passed or not.

So what this does is simply ratify the Republican approach, which is all power is lodged in whatever leadership is in charge at the particular moment and the Members are to be excused from the irritation of having to think about it. When the majority came to power in 1995 they wanted to give it a proxy. They said the problem with proxy voting is that people vote without listening to the debate. They are not there. They vote by proxy. So they have now come up with a proposal that has all of the abuses of proxies and none of the efficiencies. At least proxies allowed you to determine an issue one at a time.

What will happen is you will go to a committee meeting. Members will not be there. They will troop in obediently at the end and vote as the Chair tells them, and it will have destroyed the possibility of debate earlier because you simply cannot logically legislate if you do not know what the outcome has been of these amendments.

Now the majority has succeeded in a number of ways in this House, during my tenure here with their being in control, in shutting down debate. I have to say that sadly they have had an accomplice in this, the media. We had wide coverage in the press gallery of our ceremonial oath taking. Now that we are dealing with extremely controversial measures that will further the degradation of democracy in the U.S. House of Representatives, very few people are here to cover it. So I guess they will once again get away with it. But the

consequence will be very clear. The extent to which there is now rational debate and openness in the committees will be substantially diminished.

The Republican leadership is apparently willing obediently to vote for this rules package, although I am told that many of them objected to parts of it, to give once again their right to make decisions to their leadership.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I rise in opposition to the House rules package the majority is proposing for the 108th Congress.

The majority has turned its back on fiscal responsibility by attempting to hide large future increases in our national debt by reinstating the so-called ''Gephardt Rule.'' This rules change will allow the House to avoid a separate vote on the debt limit, preventing full and open debate on a policy with long-term consequences to our Nation's fiscal health.

Last June, Mr. Speaker, we had a full debate as Congress raised the limit on the debt by $450 billion. I opposed this increase because the House failed at that time to reevaluate the policies that required us to increase the statutory limit on debt in the first place. But at least, at least we had a debate.

An increase in the debt limit should require action by Congress and the President to put the fiscal house back in order. But now the majority party is resorting to the tactics that they opposed just last year. They are attempting to hide votes to increase the national debt by reviving this rule.

The majority will eagerly support the President's proposal to be unveiled today which will add more than $600 billion to the debt over the next 10 years. They should be willing to stand up and be counted when the time comes to pay the bill by raising the debt limit. The new proposed rule will allow the majority to avoid taking responsibility for paying our bills. The majority's rule will impose a new tax, a debt tax, a tax equal to the interest payments on our $6.2 trillion national debt, a tax that cannot be repealed.

Mr. Speaker, I urge my colleagues to vote for the motion to recommit and oppose the rules package that will result in a new debt tax increase for all Americans.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from New York (Ms. SLAUGHTER) has 4½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise to address section 2(J) of these rules providing for dynamic scoring of tax bills. I thought the Arthur Andersen accounting firm had been dissolved. Instead it is being moved wholesale into the Committee on Ways and Means and the Joint Committee on Taxation.

With dynamic scoring, every tax cut for the wealthy can be scored as making money for the Treasury. The first President George Bush described this as voodoo economics, while the advisors unfortunately of the current President seem nostalgic for supply-side trickle down economics.

The proof that dynamic scoring makes no sense is that dynamic scoring is provided in these rules for money spent to improve our economy. So if we were to spend $100 billion over 10 years improving vocational education, virtually every economist would agree that that will at least help our economy, maybe will help our economy to the point where the tax revenues outweigh the expenditures. And yet there is no recognition of the fact that spending money on education produces money eventually for our Treasury.

In contrast, if we were to spend $100 billion over 10 years by giving tax breaks to the wealthiest Americans, some economists would say the cost of the Treasury exceeds $100 billion because it will have an adverse impact on our economy, drive up interest rates, et cetera. And yet instead we will no doubt get a dynamic score that says tax cuts do not cost the Treasury any money but spending on education, oh, that costs.

That is why Alan Greenspan told us that unfortunately the analytical tools required to achieve dynamic scoring are deficient. Accordingly, we should be especially cautious about adopting technical scoring procedures that might be susceptible to overly optimistic assessments.

In summary, the currently relatively straightforward scoring has served us well. I think Mr. Greenspan is correct.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes, the remainder of my time, to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, we are barely 3 hours into this Congress and the political hedonists of this Congress have struck their first blow. You know hedonism, if it feels good do it regardless of the consequences.

Well, that is exactly what those people who have voted repeatedly to raise the debt limit and to stick our children and our children's children with our bills have done. Now they want to do it even better.

One of the few things that controlled their urge to run up the bill and stick our kids with it was at least a law that said we had to vote to raise the debt limit. Now they want to do away with that law. They want a rule that says if they pass a budget we do not have to raise the debt limit.

I would remind them that in the 19 months since the Bush budget became law, that we have stuck our children and our children's children with $749,529,498,242 worth of new debt. It did not stimulate the economy. It stimulated the debt. It is political hedonism. You heard it here first. You are going to hear it a lot.

Just a little while ago the Speaker of the House said, ''We pledge to fight those who would endanger our freedom.'' Those of you who would bankrupt our Nation will destroy our freedom. And, therefore, just as the Speaker pledged to fight those who would endanger our freedom, I pledge to fight you tooth and nail on every effort to increase the national debt and every effort to hide the way that you do it.

□ 1515

The last time we had to have a vote, it was scheduled for three o'clock in the morning.

My dad's taught me a lot in life; but generally, one of his best rules is anything a person does past midnight, they are probably not very proud of, and I am sure my colleagues were not proud of the fact that they raised the debt limit. So now my colleagues do not want to have that vote at all.

Mr. Speaker, I am opposing these rule changes; and I would ask every Member to do so who believes in accountability, believes in standing up and talking to the citizens and saying, yes, I did that and this is the reason why or, no, I did not oppose this rule. If my colleagues have come here to hide from the truth, if they have come here to stick their children and their children's children with their bills, then vote for it.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, we began today with wonderful bipartisan statements that came from both the gentlewoman from California (Ms. PELOSI), the new minority leader, and the gentleman from Illinois (Mr. HASTERT), the Speaker, right behind me here in this Chamber; and we want to see that spirit continue today, and obviously we very much want to have that spirit continue through this 108th Congress because we have many very serious challenges that we face as a Nation.

Number one, of course, is our national security and, along with that, homeland security, the challenges abroad. Right next to that, of course, is focusing on getting this economy moving, which the President talked about earlier today in Chicago; and as we look at this opening day rules package, I am very proud of the fact that it does more to focus on the very important issue of minority rights than anything that was done by my friends on the other side of the aisle during their 4 decades of uninterrupted, one-party control of this institution.

If my colleagues look at the reforms that we have maintained we initiated once we became a majority and frankly built upon, they do, in fact, increase the accountability and the deliberative nature of this Congress. We have items that are included in this measure which guarantee the minority the right to offer a motion to recommit on legislation.

Mr. Speaker, I had the privilege of serving for 14 years here in the minority until in 1994 we won the majority. During that period of time, there were numerous occasions when the then-Republican minority was denied the chance to even offer a motion to recommit.

Something else that we have done that we are very proud of, Mr. Speaker, again focusing on minority rights, has been to ensure that one-third of the funding level for minority staffing on committees is provided to the minority. Once again, during the 14 years that I was privileged to serve here in the minority, we saw numerous occasions when the then-Republican minority was denied the chance to have even a modicum of investigative staff on certain committees; and the numbers were very, very heavily skewed against the then-Republican minority. We are providing a much higher level of funding for the Democratic minority.

Also, we heard this discussion earlier about the issue of proxy voting. The issue of proxy voting had to do with committee chairmen arbitrarily utilizing the proxy of Members who were not even in the room, in the building, quite possibly they were not even in our Nation's capital; and yet their votes were being cast on issues that they may not have even known about. So we chose to bring an end to proxy voting.

Mr. Speaker, one of the things is that we have learned that we do have a very narrow majority. It is a little greater than in the 107th Congress, I am happy to say; but it is still the second narrowest in recent times, and we do have the challenge of trying to manage and move very important legislation through this body.

Mr. Speaker, I believe that we have, as a Republican majority, learned from some of the actions of the Democratic majority; and we went, as I said, for 4 decades without being in the majority. We served in the minority. It took us time to learn about the process of governing. We were not able to do that overnight, and so I will admit there are some modifications that we have made, and providing the opportunity for committee chairmen, obviously working, as has been the case in the 107th Congress and earlier Congresses, with the minority to roll votes in committee while guaranteeing Members the opportunity to offer second-degree amendments is something that will again enhance the ability to move legislation effectively; and we hope, as has been the case in the past, that much of that will be done in a bipartisan way.

We have established this Department of Homeland Security. We do have dynamic scoring. I know there was concern raised about that. It is a very, very small consideration. The Office of Management and Budget, the Congressional Budget Office will not be engaged in this; but we will see the Joint Committee on Taxation doing it. Why? Very simply, because we believe that behavioral patterns should be taken into consideration when we look at the impact of a tax cut on the flow of revenues to the Federal Treasury.

Today, I introduced legislation which reduces the top rate on capital gains from 20 percent down to 10 percent. I introduced it perspectively, encouraging the American people to once again invest, to get into the market and to invest. What the bill that I have introduced basically says is that during a 2-year period, if people invest and they hold on to that asset for 1 year, they will be able to see a tremendous cut, a cut of one-half, from 20 percent down to 10 percent and from 10 percent to 5 percent for those in the 15 percent bracket.

Mr. Speaker, I would argue and I believe that every shred of evidence over the past and with the scoring procedure that we have put into place will show that the rich pay more in taxes. Why? Because we have often a lock-in effect. More than half the American people are members of the investor class today. People are invested in markets through 401(k)s, individual retirement accounts. They have got some appreciated assets with real estate homes and all, and we know that the market has dropped tremendously, but the President's plan is encouraging economic growth.

We, in the bill that I have just introduced in a bipartisan way, are encouraging economic growth with that as well; and with economic growth, Mr. Speaker, we are going to see an increase in the flow of revenues to the Federal Treasury. That is what the scoring procedure that we have put into place for the Joint Committee on Taxation will do. It will simply provide that information, making that information available.

So we have a very fair, balanced measure here which again increases the deliberative nature of this institution and does increase the accountability.

On the issue of the debt limit, every Member will be accountable because that vote will be cast when we deal with the budget resolution itself. So we are going to see every Member accountable for their votes that they cast right here.

We have spectacular leadership from Speaker HASTERT. This is a measure that will allow him to deal with the very serious challenges that our Nation faces in the 108th Congress.

Mr. DINGELL. Mr. Speaker, I rise in opposition to the House Rules packages being offered today by the majority. Over the previous four Congresses, which have been controlled by the Republican party, the House rules became increasingly hostile to the rights of the minority. This proposal continues that trend.

Let there be no misunderstanding—when I speak of the rights of the minority I am speaking of the rights of the 47 percent of all Americans who are represented by Democratic and Independent Members of Congress. It is their rights which are being abused when their Member of Congress is treated unfairly.

For example, the right of all Members, and particularly the minority, to file its views on legislation reported by a committee, has been reduced to 2 days. During the 40 years of Democratic control the minority was always permitted 3 days.

Similarly, committee ratios have been consistently stacked against the minority. For example, on the Committee on Energy and Commerce, during Democratic control the majority representation of the committee was always within two percentage points of its ratio in the House, and the difference averaged less than one percent. In the past three Congresses, under Republican control, the difference was more than 3 percent. In short, the Republican majority has robbed the Democratic minority of seats they deserve in our committee.

In the last Congress, the Republican rules package radically changed the jurisdiction of the Energy and Commerce Committee by transferring its jurisdiction over securities and insurance to the Committee on Financial Services. This change was done without a single hearing at which Members of the majority or minority were permitted to present their views, or without a single markup at which minority Members could vote or suggest alternatives. Now the Republican majority is doing the same thing with the establishment of a Select Committee on Homeland Security.

The majority has not only trampled upon the rights of the minority, but also upon the rights of individual citizens. For example, Republicans eliminated a longstanding rule of the House that permitted individuals who were required to appear before a committee under a subpoena the right to have television cameras turned off. The rule had permitted all other media to cover the hearing, but the rule gave the witness the right to some level of fairness.

In this context, I look with interest every year to see what new rules will be adopted in response to the majority's irritation with the minority's invocation of its merger remaining rights.

This year there are several interesting changes. Perhaps the most interesting one is the permission to committees to adopt rules allowing the chairman to postpone votes on bills and amendments in committee. When my Republican colleagues took control of the House they complained that proxy voting permitted Members to cast votes on matters without attending the debate that accompanied the matter. It now appears that by permitting votes to be postponed to a time certain, Members will no longer have to attend committee markups while important amendments are being debated. Instead, they will merely have to

show up at a specified time to vote. It sounds an awful lot like proxy voting to me.

Another rule change stretches out the length of time before the minority may offer motions to instruct conferees by requiring a minimum of 10 legislative days. Again, this rule limits minority rights.

While some rule changes are technical in nature, it appears that the other substantive amendments are designed to make it easier for my Republican colleagues to plunge our Nation further into debt. Not satisfied with throwing away the progress made during the Clinton administration, which changed annual budget deficits to surpluses, the Republicans in the last Congress immediately threw the country back into budget deficits while raiding our Social Security and Medicare trust funds.

While they seemed to take delight in placing more and more tax cuts on the Floor during the past Congress, it was a lot more painful for them to figure out how to pay for them. So this year they are adopting a host of rules to hide their budget profligacy. No longer will they require Members to vote on raising the statutory limit on the debt. Now their vote on the budget resolution will automatically raise the debt limit.

Moreover, the rules continue the so-called ''deeming'' resolution, which allows the House to pretend it has adopted a binding budget resolution when in reality, only one House has acted. The rules would also require the Ways and Means Committee to include so-called ''dynamic scoring'' on amendments to the tax code. While ''dynamic scoring'' has no real definition, it is generally understood to mean a way to pretend that a tax cut increase revenues rather than decreasing them. We heard all of this same nonsense during the Reagan administration and talk about the Laffer curve. Ultimately, we saw only greater deficits.

Mr. Speaker, it is time for my Republican colleagues to stop playing games with the House rules. We must respect the rights of Democratic Members of this body, and more importantly, the rights of the 47 percent of Americans who they represent. We must stop using the House rules to make it easier to plunge the Nation into debt, while hiding raids on the Social Security and Medicare trust funds. The Republicans' procedural thumb on the scale demeans this institution and reduces its credibility.

Mr. OXLEY. Mr. Speaker, I rise today in strong support of H. Res. 5, the resolution providing for the rules for the House for the 108th Congress. This is an important package, with important reforms, for both the House and its committees.

In particular, I am pleased to see that the House is prepared to accept my proposal that committees be permitted postpone some votes during markups. As I explained in my testimony submitted to the Rules Committee, one of the biggest obstacles I faced during my first term as Chairman of the Financial Services committee was the limited House schedule, combined with multiple demands for Committee members' time. When the House is in session for 2½ or 3 days a week, and members routinely have 2 and 3 committee assignments, we are faced with a situation where it is next to impossible for authorizing committees to do their work. When the committees are unable to complete their work, it's hard to keep the floor in session. It is a vicious cycle, and we need new tools to address it.

That is why I suggested that the House change rule XI of the Rules of the House to permit committee chairmen to exercise authority similar to that of the Speaker in the House or the Chairman of the Committee of the Whole to postpone ordered record votes to permit the ''stacking'' of multiple votes. This is a practice we are all used to when we vote in the House or the Committee of the Whole, and one that can be easily applied to committee practice.

It is important to note that nothing in this rules change will alter committee quorum requirements, or curtail other parliamentary options available to the Minority. Ultimately, this tool will be one of bipartisan convenience, rather than a tool to be used by the Majority to impose its will on the Minority.

I am pleased to see that this proposal is included in the rules package before the House today. I especially want to thank the Majority Leader, Mr. DELAY, the speaker, and the Chairman of the Rules Committee, the gentleman from California, Mr. DREIER, for their support of this change.

I believe this is an important provision in an excellent rules package, and I encourage all of my colleagues to support it.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

MOTION TO COMMIT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

Ms. SLAUGHTER moves to commit the resolution H. Res. 5 to the Committee on Rules with instructions to report the same back to the House forthwith with the following amendments:

Amend section 2 of the resolution (relating to changes in standing rules) by striking amendments to the Rules of the House of Representatives relating to—

(1) postponement of votes in committee;

(2) requirement of dynamic scoring in Ways and Means reports;

(3) motions to instruct during conference;

(4) perishable food as a gift; and

(5) gift ban exemption for charity travel; and

(6) fiduciary relationship for physicians.

Further amend section 2 of the resolution by adding at the end the following new subsection:

(v) COMMITTEE RATIOS.—Clause 5(a)(1) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new sentence: ''The membership of each committee (and each subcommittee or other subunit thereof) shall reflect the ratio of majority to minority party members of the House at the beginning of the Congress. This requirement shall not apply to the Committee on Rules and the Committee on Standards of Official Conduct.''.

Amend section 3 of the resolution by striking subsection (a)(4) and subsection (d).

Amend the resolution by adding at the end the following new section:

SEC. 5. SENSE OF THE HOUSE.

It is the sense of the House of Representatives that it considers protection of the rights of the minority party to be able to fully participate in the legislative process to be of paramount importance and to that end, the Republican leadership of the House should:

(1) Pursuant to clause 8(a)(1) of rule XXII of the Rules of the House of Representatives, ensure that conference reports be available to Members at least three calendar days prior to consideration, and that in no case shall they be brought up for consideration without 24 hours availability.

(2) Seek to reduce the number of waivers of the Rules of the House of Representatives contained in special order of business resolutions reported by the Committee on Rules.

(3) Seek to reduce the number of bills considered by suspension of the rules, especially those bills which are of major legislative importance as well as any bill that may make or authorize appropriations in excess of $100,000,000 for any fiscal year.

(4) Seek to ensure that more alternatives or substitutes to legislation be allowed in any special order of business resolution reported by the Committee on Rules in order to ensure that differing viewpoints may be debated on the House floor which will open the democratic process in the House of Representatives.

(5) Seek to ensure that the Committee on Rules reports more open rules so that Members of the Democratic Caucus may offer amendments to committee bills, or in those cases where structured rules are reported, that more Democratic amendments presenting significant policy ideas and initiatives be included in those amendments made eligible for consideration by the rule.

The SPEAKER pro tempore. Without objection, the motion is considered as one to commit the resolution to a select committee composed of the majority leader and the minority leader.

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to announce that any Member-elect who failed to take the Oath of Office may present himself or herself in the well of the House prior to the vote on the motion to commit the resolution now pending or on any other rollcall vote.

The question is on the motion to commit offered by the gentlewoman from New York (Ms. SLAUGHTER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 200, nays 225, not voting 8, as follows:

[Roll No. 3]

YEAS—200

Abercrombie	Andrews	Ballance
Ackerman	Baca	Becerra
Alexander	Baird	Bell
Allen	Baldwin	Berkley

Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—225

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Carson (OK)
Clyburn
Janklow
Kennedy (RI)
Lynch
Meek (FL)
Pickering
Waters

□ 1553

Messrs. EVERETT, CASTLE, JONES of North Carolina, GARRETT of New Jersey, LEWIS of California, NORWOOD, PITTS, SMITH of Texas, and HUNTER changed their vote from ''yea'' to ''nay.''

Messrs. LARSON of Connecticut, McDERMOTT, CARDOZA, PETERSON of Minnesota, Ms. CORRINE BROWN of Florida, Mr. OWENS, Mr. STARK, Ms. LINDA T. SÁNCHEZ of California, Mr. RAHALL and Mr. CONYERS changed their vote from ''nay'' to ''yea.''

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, on rollcall No. 3, I inadvertently pressed the "yea" button. I meant to vote "nay."

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 203, not voting 9, as follows:

[Roll No. 4]

YEAS—221

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell

Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Aderholt
Bishop (NY)
Clyburn
Cox
Deal (GA)
Janklow
Jenkins
Johnson (CT)
King (IA)

□ 1611

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KING of Iowa. Mr. Speaker on rollcall No. 4, my voting card did not function properly. Had it worked properly, I would have voted "yea."

Stated against:

Mr. BISHOP of New York. Mr. Speaker, on rollcall No. 4, I was unavoidably detained and I would have voted "no" on H. Res. 5.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 5.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

ELECTION OF MAJORITY MEMBERS TO COMMITTEE ON RULES

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 6) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 6

Resolved, That the following Members be, and are hereby, elected to the Committee on Rules: Mr. DREIER of California, Chairman, Mr. GOSS of Florida, Mr. LINDER of Georgia, Ms. PRYCE of Ohio, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HASTINGS of Washington, Mrs. MYRICK of North Carolina, Mr. SESSIONS of Texas, and Mr. REYNOLDS of New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MINORITY MEMBERS TO COMMITTEE ON RULES

Mr. HOYER. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 7) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 7

Resolved, That the following Members be, and are hereby, elected to the Committee on Rules of the House of Representatives: Mr. Frost of Texas, Ms. Slaughter of New York, Mr. McGovern of Massachusetts, and Mr. Hastings of Florida.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMPENSATION OF CERTAIN MINORITY EMPLOYEES

Ms. PELOSI. Mr. Speaker, I offer a resolution (H. Res. 8) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 8

Resolved, That, pursuant to the Legislative Pay Act of 1929, four of the six minority employees authorized therein shall be the following named persons, effective January 3, 2003, until otherwise ordered by the House, to-wit: George Crawford, Lorraine Miller, Cecile Richards, and George Kundanis, each to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-fifth Congress, as enacted into permanent law by section 115 of Public Law 95–94. In addition to the six minority employees authorized by the Legislative Pay Act, the Minority Leader may appoint and set the annual rate of pay for up to three additional minority employees.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DAILY HOUR OF MEETING

Mr. DREIER. Mr. Speaker, I offer a privileged resolution (H. Res. 9) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 9

Resolved, That unless otherwise ordered, before Monday, May 19, 2003, the hour of daily meeting of the House shall be 2 p.m. on Mondays; noon on Tuesdays; and 10 a.m. on all other days of the week; and from Monday, May 19, 2003, until the end of the first session, the hour of daily meeting of the House shall be noon on Mondays; 10 a.m. on Tuesdays, Wednesdays, and Thursdays; and 9 a.m. on all others days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REGARDING CONSENT TO ASSEMBLE OUTSIDE THE SEAT OF GOVERNMENT

Mr. DREIER. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 1) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 1

Resolved by the House of Representatives (the Senate concurring), That pursuant to clause 4, section 5, article I of the Constitution, during the One Hundred Eighth Congress the Speaker of the House and the Majority Leader of the Senate or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, may notify the Members of the House and the Senate, respectively, to assemble at a place outside the District of Columbia whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO HOUSE OFFICE BUILDING COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to 40 United States Code, 175 and 176, the Chair announces the Speaker's appointment of the gentleman from Texas (Mr. DELAY) and the gentlewoman from California (Ms. PELOSI) as members of the House Office Building Commission to serve with himself.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, January 7, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Under Clause 2(g) of Rule II of the U.S. House of Representatives, I herewith designate Ms. Martha C. Morrison, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which she would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

If Ms. Morrison should not be able to act in my behalf for any reason, then Mr. Gerasimos C. Vans, Assistant to the Clerk or Mr. Daniel J. Strodel, Assistant to the Clerk should similarly perform such duties under the same conditions as are authorized by this designation.

These designations shall remain in effect for the 108th Congress or until modified by me.

With best wishes, I am.

Sincerely,

JEFF TRANDAHL.

□ 1615

COMMUNICATION FROM CHIEF OF STAFF OF HON. JOHN M. SHIMKUS, MEMBER OF CONGRESS

The Speaker pro tempore (Mr. LAHOOD) laid before the House the following communication from Craig Roberts, Chief of Staff of the Honorable JOHN M. SHIMKUS, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 3, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that our office has been served with a subpoena *duces tecum* issued by the U.S. District Court for the Central District of Illinois.

After consultation with the Office of General Counsel, we have determined that compliance with the subpoenas is consistent with the precedents and privileges of the House.

Sincerely,

CRAIG ROBERTS,
Chief of Staff.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair customarily takes this occasion on the opening day of the Congress to announce his policies with respect to particular aspects of the legislative process. The Chair will insert in the RECORD announcements by the Speaker concerning: first, privileges of the floor; second, introduction of bills and resolutions; third, unanimous consent requests for the consideration of bills and resolutions; forth, recognition for 1-minute speeches, morning hour debate, and special orders; fifth, decorum in debate; sixth, conduct of votes by electronic device; seventh, distribution of written material on the House floor; and, eighth, use of personal, electronic office equipment on the House floor.

These announcements, where appropriate, will reiterate the origins of the stated policies. The Speaker intends to continue in the 108th Congress the policies reflected in these statements. The policy announced in the 102nd Congress with respect to jurisdictional concepts related to clause 5(a) of rule XXI, tax and tariff measures, will continue to govern but need not be reiterated, as it is adequately documented as precedent in the House Rules and Manual.

The announcements referred to follow and, without objection, will be printed in the RECORD:

There was no objection.

1. PRIVILEGES OF THE FLOOR

The Chair will make the following announcement regarding floor privileges. Rule 4 strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. The Speaker's instructions to the former Doorkeeper and the Sergeant-at-Arms announced on January 25, 1983, and on January 21, 1986, regarding floor privileges of staff will apply during the 108th Congress. In accordance with the change in this Congress of clause 2(a) of rule 4 regarding leadership staff floor access, the Speaker announces that only designated staff approved by the Speaker shall be granted the privilege of the floor. The Speaker intends that his approval be narrowly granted on a bipartisan basis to staff from the majority and minority side and only to those staff essential to floor activities.

The rule strictly limits the number of committee staff permitted on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member has an amendment actually pending. To this end, the Chair requests all Members and committee staff to cooperate to assure that not more than the proper number of staff are on the floor, and then only during the actual consideration of measures reported from their committees. The Chair will again extend this admonition to all properly admitted majority and minority staff by insisting that their presence on the floor, including the areas behind the rail, be restricted to those periods during which their supervisors have specifically requested (and the Speaker has approved) their presence. The Chair has consulted with and has concurrence of the Minority Leader with respect to this policy and has directed the Sergeant-at-Arms to assure proper enforcement of the rule. The Speaker's policy announced on August 1, 1996, regarding floor privileges of former Members will also apply during the 108th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 25, 1983

The SPEAKER. Rule IV strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated as recently as August 22, 1974, by Speaker Albert under the principle stated in Deschler's Procedure, chapter 4, section 3.4, the rule strictly limits the number of committee staff permitted on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Member's personal staff except when a Member has an amendment actually pending during the five-minute rule. To this end, the Chair requests all Members and committee staff to cooperate to assure that not more than the proper number of staff are on the floor, and then only during the actual consideration of measures reported from their committees. The Chair will again extend this admonition to all properly admitted majority and minority staff by insisting that their presence on the floor, including the areas behind the rail, be restricted to those periods during which their supervisors have specifically requested their presence. The Chair stated this policy in the 97th Congress, and an increasing number of Members have insisted on strict enforcement of the rule. The Chair has consulted with and has the concurrence of the Minority Leader with respect to this policy and has directed [the Doorkeeper and] the Sergeant-at-Arms to assure proper enforcement of the rule.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 21, 1986

The SPEAKER. Rule IV strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated by the Chair on January 25, 1983, and January 3, 1985, and as stated in chapter 4, section 3.4 of Deschler-Brown's Procedure in the House of Representatives, the rule strictly limits the number of committee staff on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member's amendment is actually pending during the five-minute rule. It also does not extend to personal staff of Members who are sponsors of pending bills or who are engaging in special orders. The Chair requests the cooperation of all Members and committee staff to assure that only the proper number of staff are on the floor, and then only during the consideration of measures reported from their committees. The Chair is making this statement and reiterating this policy because of concerns expressed by many Members about the number of committee staff on the floor during the last weeks of the first session. The Chair requests each chairman, and each ranking minority member, to submit to the [Doorkeeper] Sergeant-at-Arms a list of staff who are to be allowed on the floor during the consideration of a measure reported by their committee. Each staff person should exchange his or her ID for a ''committee staff'' badge which is to be worn while on the floor. The Chair has consulted with the Minority Leader and will continue to consult with him. The Chair has furthermore directed the [Doorkeeper and] Sergeant-at-Arms to assure proper enforcement of rule IV.

ANNOUNCEMENT BY THE SPEAKER, AUGUST 1, 1996

The SPEAKER. The Chair will make a statement. On May 25, 1995, the Chair took the opportunity to reiterate guidelines on the prohibition against former Members exercising floor privileges during the consideration of a matter in which they have a personal or pecuniary interest or are employed or retained as a lobbyist.

Clause 4 of rule IV and the subsequent guidelines issued by previous Speakers on

this matter make it clear that consideration of legislative measures is not limited solely to those pending before the House. Consideration also includes all bills and resolutions either which have been called up by a full committee or subcommittee or on which hearings have been a full committee or subcommittee of the House.

Former Members can be prohibited from privileges of the floor, the Speaker's lobby and respective Cloakrooms should it be ascertained they have direct interests in legislation that is before a subcommittee, full committee, or the House. Not only do those circumstances prohibit former Members but the fact that a former Member is employed or retained by a lobbying organization attempting to directly or indirectly influence pending legislation is cause for prohibiting access to the House Chamber.

First announced by Speaker O'Neill on January 6, 1977, again on June 7, 1978, and by Speaker Foley in 1994, the guidelines were intended to prohibit former Members from using their floor privileges under the restrictions laid out in this rule. This restriction extends not only to the House floor but adjacent rooms, the Cloakrooms, and the Speaker's lobby.

Members who have reason to know that a former Member is on the floor inconsistent with clause 4 of rule IV should notify the Sergeant-at-Arms promptly.

2. INTRODUCTION OF BILLS AND RESOLUTIONS

The Speaker's policy announced on January 3, 1983, will continue to apply in the 108th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 3, 1983

The SPEAKER. The Chair would like to make a statement concerning the introduction and reference of bills and resolutions. As Members are aware, they have the privilege today of introducing bills. Heretofore on the opening day of a new Congress, several hundred bills have been introduced. The Chair will do his best to refer as many bills as possible, but he will ask the indulgence of Members if he is unable to refer all the bills that may be introduced. Those bills which are not referred and do not appear in the RECORD as of today will be included in the next day's RECORD and printed with a date as of today.

The Chair has advised all officers and employees of the House that are involved in the processing of bills that every bill, resolution, memorial, petition or other material that is placed in the hopper must bear the signature of a Member. Where a bill or resolution is jointly sponsored, the signature must be that of the Member first named thereon. The bill clerk is instructed to return to the Member any bill which appears in the hopper without an original signature. This procedure was inaugurated in the 92d Congress. It has worked well, and the Chair thinks that it is essential to continue this practice to insure the integrity of the process by which legislation is introduced in the House.

3. UNANIMOUS-CONSENT REQUESTS FOR THE CONSIDERATION OF BILLS AND RESOLUTIONS

The Speaker's policy announced on January 6, 1999, will continue to apply in the 108th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 6, 1999

The SPEAKER. The Speaker will continue to follow the guidelines recorded in section 956 of the House Rules and Manual conferring recognition for unanimous-consent requests for the consideration of bills and resolutions only when assured that the majority and minority floor leadership and committee and subcommittee chairmen and ranking minority members have no objection. Consistent with those guidelines, and with the Chair's inherent power of recognition under clause 2 of rule XVII, the Chair, and any occupant of the Chair appointed as Speaker pro tempore pursuant to clause 8 of rule I, will decline recognition for unanimous-consent requests for consideration of bills and resolutions without assurances that the request has been so cleared. This denial of recognition by the Chair will not reflect necessarily any personal opposition on the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the Chair that orderly procedures will be followed; that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle. In addition to unanimous-consent requests for the consideration of bills and resolutions, section 956 of the House Rules and Manual also chronicles examples where the Speaker applied this policy on recognition to other related unanimous-consent requests, such as requests to consider a motion to suspend the rules on a nonsuspension day and requests to permit consideration of nongermane amendments to bills.

As announced by the Speaker, April 26, 1984, the Chair will entertain unanimous-consent requests to dispose of Senate amendments to House bills on the Speaker's table if made by the chairman of the committee with jurisdiction, or by another committee member authorized to make the request.

4. RECOGNITION FOR ONE-MINUTE SPEECHES AND SPECIAL ORDERS

The Speaker's policy announced on January 25, 1984, with respect to recognition for one-minute speeches will apply during the 108th Congress with the continued understanding that the Chair reserves the authority to restrict one-minute speeches at the beginning of the legislative day. The Speaker's policy announced in the 104th Congress for recognition for ''morning hour'' debate and restricted special-order speeches, announced on May 12, 1995, will also continue through the 108th Congress with the further clarification that reallocations of time within each leadership special-order period will be permitted with notice to the Chair.

ANNOUNCEMENT BY THE SPEAKER, AUGUST 8, 1984, RELATIVE TO RECOGNITION FOR ONE-MINUTE SPEECHES

The SPEAKER. After consultation with and concurrence by the Minority Leader, the Chair announces that he will institute a new policy of recognition for ''one-minute'' speeches and for special order requests. The Chair will alternate recognition for one-minute speeches between majority and minority Members, in the order in which they seek recognition in the well under present practice from the Chair's right to the Chair's left, with possible exceptions for Members of the leadership and Members having business requests. The Chair, of course, reserves the right to limit one-minute speeches to a certain period of time or to a special place in the program on any given day, with notice to the leadership.

Upon consultation with the Minority Leader, the Speaker's policy, which began on February 23, 1994, was reiterated on January 4, 1995, and was supplemented on January 3, 2001, will continue to apply in the 108th Congress as outlined below:

On Tuesdays, following legislative business, the Chair may recognize Members for special-order speeches up to midnight, and such speeches may not extend beyond midnight. On all other days of the week, the Chair may recognize Members for special-order speeches up to four hours after the conclusion of five-minute special-order speeches. Such speeches may not extend beyond the four-hour limit without the permission of the Chair, which may be granted only with advance consultation between the leaderships and notification to the House. However, at no time shall the Chair recognize for any special-order speeches beyond midnight.

The Chair will first recognize Members for five-minute special-order speeches, alternating initially and subsequently between the parties regardless of the date the order was granted by the House. The Chair will then recognize longer special orders speeches. A Member recognized for a five-minute special-order speech may not be recognized for a longer special-order speech. The four-hour limitation will be divided between the majority and minority parties. Each party is entitled to reserve its first hour for respective leaderships or their designees. Recognition will alternate initially and subsequently between the parties each day.

The allocation of time within each party's two-hour period (or shorter period of prorated to end by midnight) is to be determined by a list submitted to the Chair by the respective leaderships. Members may not sign up with their leadership for any special-order speeches earlier than one week prior to the special order, and additional guidelines may be established for such sign-ups by the respective leaderships.

Pursuant to clause 2(a) of rule V, the television cameras will not pan the Chamber, but a ''crawl'' indicating morning hour or that the House has completed its legislative business and is proceeding with special-order speeches will appear on the screen. Other television camera adaptations during this period may be announced by the Chair.

The continuation of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 2 of rule XVII should circumstances so warrant.

5. DECORUM IN DEBATE

The Chair will make the following announcement regarding decorum in debate. It is essential that the dignity of the proceedings of the House be preserved, not only to assure that the House conducts its business in an orderly fashion but to permit Members to properly comprehend and participate in the business of the House. To this end, and in order to permit the Chair to understand and to correctly put the question on the numerous requests that are made by Members, the Chair requests that Members and others who have the privileges of the floor desist from audible conversation in the Chamber while the business of the House is being conducted. The Chair would encourage all Members to review rule 17 to gain a better understanding of the proper rules of decorum expected to them, and especially:

(1) to avoid ''personalities'' in debate with respect to references to other Members, the Senate, and the President;

(2) to address the Chair while standing and only when, and not beyond, the time recognized, and not to address the television or other imagined audience;

(3) to refrain from passing between the Chair and a Member speaking, or directly in front of a Member speaking from the well;

(4) to refrain from smoking in the Chamber;

(5) to disable wireless phones when entering the Chamber;

(6) to wear appropriate business attire in the Chamber; and to generally display the same degree of respect to the Chair and other Members that every Member is due.

The Speaker's policies with respect to decorum in debate announced on January 3, 1991, and January 4, 1995, will apply during the 108th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 3, 1991

The SPEAKER. It is essential that the dignity of the proceedings of the House be preserved, not only to assure that the House conducts its business in an orderly fashion but to permit Members to properly comprehend and participate in the business of the House. To this end, and in order to permit the Chair to understand and to correctly put the question on the numerous requests that are made by Members, the Chair requests that Members and others who have the privileges of the floor desist from audible conversation in the Chamber while the business of the House is being conducted. The Chair would encourage all Members to review rule XVII to gain a better understanding of the proper rules of decorum expected of them, and especially: First, to avoid ''personalities'' in debate with respect to references to other Members, the Senate, and the President; second, to address the Chair while standing and only when and not beyond the time recognized, and not to address the television or other imagined audience; third, to refrain from passing between the Chair and the Member speaking, or directly in front of a Member speaking from the well; fourth, to refrain from smoking in the Chamber; and generally to display the same degree of respect to the Chair and other Members that every Member is due.

The Speaker's announcement of January 4, 1995, will continue to apply in the 108th Congress as follows:

The SPEAKER. The Chair would like all Members to be on notice that the Chair intends to strictly enforce time limitations on debate. Furthermore, the Chair has the authority to immediately interrupt Members in debate who transgress rule XVII by failing to avoid ''personalities' in debate with respect to references to the Senate, the President, and other Members, rather than wait for Members to complete their remarks.

Finally, it is not in order to speak disrespectfully of the Speaker; and under the precedents the sanctions for such violations transcend the ordinary requirements for timeliness of challenges. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248 and was reiterated on January 19, 1995.

6. CONDUCT OF VOTES BY ELECTRIC DEVICE

The Speaker's policy announced on January 4, 1995, will continue through the 108th Congress.

The SPEAKER. The Chair wishes to enunciate a clear policy with respect to the conduct of electronic votes.

As Members are aware, clause 2(a) of rule XX provides that Members shall have not less than 15 minutes in which to answer an ordinary [rollcall] record vote or quorum call. The rule obviously establishes 15 minutes as a minimum. Still, with the cooperation of the Members, a vote can easily be completed in that time. The events of October 30, 1991, stand out as proof of this point. On that occasion, the House was considering a bill in the Committee of the Whole under a special rule that placed an overall time limit on the amendment process, including the time consumed by [rollcalls] record votes. The Chair announced, and then strictly enforced, a policy of closing electronic votes as soon as possible after the guaranteed period of 15 minutes. Members appreciated and cooperated with the Chair's enforcement of the policy on that occasion.

The Chair desires that the example of October 30, 1991, be made the regular practice of the House. To that end, the Chair enlists the assistance of all Members in avoiding the unnecessary loss of time in conducting the business of the House. The Chair encourages all Members to depart for the Chamber promptly upon the appropriate bell and light signal. As in recent Congresses, the cloakrooms should not forward to the Chair requests to hold a vote by electronic device, but should simply apprise inquiring Members of the time remaining on the voting clock.

Although no occupant of the Chair would prevent a Member who is in the well of the Chamber before the announcement of the result from casting his or her vote, each occupant of the Chair will have the full support of the Speaker in striving to close each electronic vote at the earliest opportunity. Members should not rely on signals relayed from outside the Chamber to assume that votes will be held open until they arrive in the Chamber.

7. USE OF HANDOUTS ON HOUSE FLOOR

The Speaker's policy announced on September 27, 1995, will continue through 108th Congress.

The SPEAKER. A recent misuse of handouts on the floor of the House has been called to the attention of the Chair and the House. At the bipartisan request of the Committee on Standards of Official Conduct, the Chair announces that all handouts distributed on or adjacent to the House floor by Members during House proceedings must bear the name of the member authorizing their distribution. In addition, the content of those materials must comport with standards of propriety applicable to words spoken in debate or inserted in the RECORD. Failure to comply with this admonition may constitute a breach of decorum and may give rise to a question of privilege.

The Chair would also remind Members that, pursuant to clause 5 of rule IV, staff are prohibited from engaging in efforts in the Hall of the House or rooms leading thereto to influence Members with regard to the legislation being amended. Staff cannot distribute handouts.

In order to enhance the quality of debate in the House, the Chair would ask Members to minimize the use of handouts.

8. USE OF EQUIPMENT ON HOUSE FLOOR

The Speaker's policy announced on January 27, 2000, as modified by the change in clause 5 of rule XVII in this Congress, will continue. All Members and staff are reminded of the absolute prohibition contained in the last sentence of clause 5 of rule XVII against the use of a wireless telephone or personal computer upon the floor of the House at any time.

The Chair requests all Members and staff wishing to receive or send wireless telephone messages to do so outside of the chamber, and to deactivate, which means to turn off, any audible ring of wireless phones before entering the Chamber. To this end, the Chair insists upon the cooperation of all Members and staff and instructs the Sergeant-at-Arms, pursuant to clause 3(a) of rule II, to enforce this prohibition.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. DELAY. Mr. Speaker, your committee appointed on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed its duty.

Ms. PELOSI. Mr. Speaker, I support the majority leader's comments.

MORNING HOUR DEBATE

Mr. DELAY. Mr. Speaker, I ask unanimous consent that during the first session of the 108th Congress: number one, on legislative days of Monday, when the House convenes pursuant to House resolution, the House shall convene 90 minutes earlier than the time otherwise established by that resolution solely for the purpose of conducting morning hour debate; and, number two, on legislative days of Tuesday when the House convenes pursuant to House resolution (a) before May 19, 2003, the House shall convene for morning hour debate 90 minutes earlier than the time otherwise established by that resolution; and (b) after May 19, 2003, the House shall convene for morning hour debate one hour earlier than the time otherwise established by that resolution.

And, three, the time for morning hour debate shall be limited to 30 minutes allocated to each party, except that on Tuesdays after May 19, 2003, the time shall be limited to 25 minutes allocated to each party and may not continue beyond 10 minutes beyond the hour appointed or the resumption of the session of the House; and, four, the form of proceeding to morning hour debate shall be as follows: the prayer by the chaplain, the approval of the Journal, and the Pledge of Allegiance to the Flag shall be postponed until resumption of the session of the House; initial and subsequent recognitions for debate shall alternate between the parties; recognition shall be conferred by the Speaker only pursuant to lists submitted by the majority leader and by the minority leader; no Members may address the House for longer than 5 minutes, except the majority leader, the minority leader, or the minority whip; and following morning hour debate, the Chair shall declare a recess pursuant to clause 12 of rule I until the time appointed for the resumption of the session of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

EDDIE MURRAY AND GARY CARTER TO BE INDUCTED INTO NATIONAL BASEBALL HALL OF FAME

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I have the high honor and privilege of announcing that on Sunday, July 27 in Cooperstown, New York, baseball's mecca, the newest class of greats will be inducted into the National Baseball Hall of Fame. Today at 2 o'clock, the Baseball Writers Association of America announced that greats Eddie Murray of the Baltimore Orioles and Gary Carter of the New York Mets will consist of the class of 2003. You are all invited to Cooperstown, New York, on July 27.

REMEMBERING JOE REMCHO

(Ms. HARMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, this past weekend I lost a dear friend and law school classmate and Californians lost a true champion of public interest and civil liberties. Joe Remcho died tragically in a helicopter accident. He will be sorely missed. I met Joe in law school 37 years ago. We became quick and close friends. After law school we took different paths, but both reveled in politics, public interest, and public policy. Joe became an acknowledged expert in first amendment, election law, and civil liberties. As a rookie lawyer, he represented soldiers in Saigon during the Vietnam War and later worked as a staff attorney and lobbyist for the ACLU in San Francisco and Sacramento.

He became an advisor to many public officials, including California Governor Gray Davis, Senator DIANNE FEINSTEIN, and me and was sought after for his skill, his decency, and his common sense. His advocacy greatly influenced the redistricting process in California, and he brought numerous cases involving voter initiatives, term limits, and campaign finance.

Legal titan that he was, I will remember Joe as quiet and self-effacing, a truly decent individual who eschewed headlines and publicity. He always had time to give advice to his friends, often pro bono. Recently, he helped me with a small, but important, family issue.

People like Joe are rare, but their impact great. Joe Remcho's legacy will inspire young lawyers for years to come. To his family, friends, clients, and other classmates, my family extends our deepest condolences.

HONORING FORMER CONGRESSMAN WAYNE OWENS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to honor the dedication and the life of a dear friend of this great Chamber, former Congressman Wayne Owens. Wayne Owens was an energetic Member who served the American people faithfully for four terms. As a member of the International Relations Committee on which I serve, Wayne Owens reached across the political aisle, committing himself to the peace process in the Middle East.

As the founder of the Center for Middle East Peace and Economic Cooperation, Wayne Owens brought together different leaders from the Middle East in his tireless pursuit of a just, lasting, and comprehensive peace.

Mr. Speaker, many were touched by Congressman Wayne Owens. I want to extend my deepest condolences to his wife, Marlene, their two children, their grandchildren, and to all of his family and friends. Wayne will surely be missed.

CELEBRATING JOHN COLLINS'S BIRTHDAY

(Ms. LOFGREN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, today is a historic day. It is a day that for the first time an Italian American, a Californian, a woman, was nominated for Speaker; but it is historic for me for another reason. Today my son, John Collins, has turned 18 years old, and this is the first time I have ever been away from him on his birthday. He insisted that I come to Washington today. He said I would be letting the country down if I did not come to vote for NANCY PELOSI. And so I took his advice.

I wanted to celebrate my son's birthday because he is well known to many Members of Congress. He has spent many hours on this floor teaching Members how to use the computers, arguing politics, policy, and philosophy. He is a wonderful young man. I am immensely proud of him, and I am so glad that he has reached this milestone, his 18th birthday and adulthood.

REMEMBERING JOE REMCHO

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, it is with a deep sense of sadness today that I rise to express my sense of sorrow upon learning of the death of a great lawyer, a courageous civil libertarian, a constituent, a very valued and very supportive constituent, a devoted husband and father, Joe Remcho.

I had the privilege to know Joe for many years and benefited from his advice, his counsel, and his steadiness. Joe had a keen intellect, a gentle heart, and a passion for justice. He took on difficult cases because he believed in the correctness of the cause, not in the glory of the moment. Joe Remcho was a humble man. He was a humble human being who exemplified all of the values we hold so dear.

My heart is very heavy today. We have lost an unsung hero to an untimely and sad and tragic death. His family—his wife, Ronnie, and his children, Morgan and Sam, have lost a great husband and father. To his family and to all of those who are close to Joe, I just want to say may he rest in peace. We send our condolences. May God bless him.

JOINING IN HONORING THE MEMORY OF JOE REMCHO

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I want to join my colleagues from California in honoring the memory of Joe Remcho, who was a great attorney in our State and who pled cases before the Supreme Court there very successfully. His daughter, Morgan, has been an intern in my office. So I know the values that this family shares and how committed they were to public service and for improving the lives of everyone in our country. Our sympathies go to every member of Joe Remcho's family. He was highly respected in the State of California. His death is a tragedy for many of us. He will be sorely missed, and I hope it is a comfort to his family that so many people share their loss and are praying for them at this sad time and that his passing has been recorded by the California Members of Congress in this very distinguished House of Representatives.

JOINING IN HONORING THE MEMORY OF JOE REMCHO

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, I also want to add my voice to those of the other Members who have spoken regarding the death of Joe Remcho. We will miss him greatly. He served the people of California well. As long as I can remember during my stint in the Senate, Joe Remcho has been there, representing us at every level of the justice system. He was a determined, an experienced, and a knowledgeable attorney. His accidental and untimely death shall be regretted by all the people of California as well as those that he worked with. We mourn him, but we

salute him as a lawyer who represented us at the highest level of performance. We extend our deepest sympathy to his family.

□ 1630

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE MEDICARE FRAUD PREVENTION AND ENFORCEMENT ACT OF 2003, THE FAMILY AND MEDICAL LEAVE CLARIFICATION ACT OF 2003, AND THE ENERGY AND SCIENCE RESEARCH INVESTMENT ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce three bills that address issues affecting our health care system, our workplace, and the future of science research in the United States.

Topping our agenda as we begin this first day of the 108th Congress are the serious challenges facing our Medicare system: enacting a prescription drug benefit for seniors and providing fair and adequate reimbursement for physicians, hospitals, and care facilities in my home State of Illinois and across the Nation.

So the first bill that I introduce today is one that will make it easier to provide this funding by cracking down on the waste, fraud, and abuse that drain more than $12 billion a year from the Medicare system.

The Medicare Fraud Prevention and Enforcement Act of 2003 will put an end to that theft. It will strengthen the Medicare enrollment process, expand certain standards of participation, and reduce erroneous payments. Perhaps most importantly, it gives criminal investigators at the Department of Health and Human Services the Federal law enforcement tools to help them pursue and prosecute health care swindlers.

The time to modernize Medicare is not next week, not next month or next year; the time is now. But true reform will not be achieved without first protecting Medicare from fraud and scandalous exploitation.

The second bill I introduce today, the Family and Medical Leave Clarification Act of 2003, will make a good act work even better for our Nation's workers and employers. What do I mean by that? Well, since its enactment in 1993, the Family and Medical Leave Act, or FMLA, has brought peace of mind and job security during critical times to thousands of workers and their families. That is a good thing. But along with this good thing has come the bad: conflict with existing workplace policies, misinterpretations, and misapplications of the law, intrusions into the privacy of employees, and other consequences that were never anticipated or intended by Congress. While none of us would say that FMLA is broken, all of us, employees and employers alike, must recognize that it should be fixed.

How will my bill fix the unintended and unwanted consequences of FMLA?

First, it clarifies what is now regarded as a confusing definition of a ''serious health condition.''

Second, it allows for employees to request leave time in blocks of at least 4 hours so that they have enough time to take care of their business without feeling rushed to return to the office. At the same time, it cuts down on the paperwork that employers must process and the intrusive questions they must ask employees before granting leave.

Third, it allows employers to require employees to choose whether to take unpaid leave under FMLA or a paid leave of absence under a collective bargaining agreement. It provides an incentive for employers who offer sick leave to continue to do so while providing a disincentive for those who are considering termination of such employee friendly plans.

The FMLA Clarification Act is a reasonable measure and fair response to many of the concerns raised by workers and employers around the country. I urge my colleagues to join me in supporting it.

Last but not least, I introduce today the Energy and Science Research Investment Act, which recognizes the urgent need to finance and manage well our Nation's basic research initiatives.

Over the past 5 years, Federal funding for medical research has nearly doubled, yet funding for research in the physical sciences has remained stagnant at 1990 levels.

The Energy and Science Research Investment Act will provide additional resources to the Department of Energy's Office of Science and make organizational changes that will enhance the accountability and oversight of energy research and science programs at the DOE.

Mr. Speaker, I thank those who have signed on as original cosponsors of these bills, and I urge others to join us in becoming cosponsors of these three key measures.

THREAT REDUCTION IMPLEMENTATION ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, earlier today, I introduced the Threat Reduction Implementation Act of 2003, granting the President permanent waiver authority over Nunn-Lugar Cooperative Threat Reduction certification requirements to prevent dangerous delays in this critical defense program. Unnecessary restrictions and delays in funding Nunn-Lugar put Americans at risk of potential attacks using smuggled Russian chemical, biological, or nuclear weapons technology or material.

The terrorist attacks of September 11 fundamentally changed the way we think of national security and protecting the homeland. Unlike adversaries of the past, our enemies today not only utilize untraditional weapons in their war of terror, but also are seeking access to new and even more destructive weapons, such as chemical, biological, and nuclear weapons.

Twelve years ago, the Nunn-Lugar Cooperative Threat Reduction Program was born out of the necessity to ensure that the nuclear arsenal of the Soviet Union would not fall into the wrong hands as the Soviet empire was coming apart. While much has been done to dismantle these weapons, continuing economic and social weaknesses in Russia, coupled with an eroding early warning system, poorly secured Russian weapons materials, and poorly paid Russian weapons scientists and security personnel, increase the threat of mass destruction on an unprecedented scale.

Unfortunately, every year opponents of the CTR program wage a campaign to slow down or even block funds for the continuation of U.S. efforts in Russia to monitor and reduce weapons-usable nuclear material and other weapons of mass destruction. While accountability and oversight are necessary to make sure that Nunn-Lugar funds are serving their intended purpose, recurrent delays owing to outdated certification requirements have proven detrimental to our ability to protect the homeland.

During the fiscal year 2003 Defense authorization and appropriation debates, the administration requested permanent waiver authority over many certification requirements in order to permit elements of the program to go forward. After a drawn out debate, conferees ended up granting a 3-year waiver on the Nunn-Lugar certification requirements and a 1-year waiver for the construction of a chemical weapons construction facility in Shchuchye, Russia. Avoiding lengthy and unnecessary delays in the Nunn-Lugar program and specifically with the chemical weapons elimination project in Russia, it is in the strong national interest of the United States and justifies granting the President permanent waiver authority. With the weapons at Shchuchye reportedly able to kill the

world's population some 20 times over, the continued, insecure existence of these highly dangerous and portable weapons is a direct threat to the American people.

Securing Russia's arsenal is a massive challenge, but not an impossible one. While the cost of a terrorist attack on the United States involving Russian expertise or smuggled Russian nuclear, chemical, or biological weapon materials are potentially staggering, funding for the simple measures that can prevent these attacks is both sensible and urgent. Robust, uninterrupted funding of this very critical program would accelerate the progress of reducing these attacks on the United States and help the Russian Federation secure its weapons stockpile.

Although the President has broad authority to use force in the war on terrorism, ironically he is significantly constrained in using cooperative means to destroy these weapons of mass destruction. Granting the President permanent waiver authority over Nunn-Lugar certification requirements will avoid dangerous delays in this critical defense program and prevent Russia's weapons of mass destruction from falling into the wrong hands.

Mr. Speaker, I want to thank my colleagues, the gentleman from South Carolina (Mr. SPRATT), the gentlewoman from California (Mrs. TAUSCHER), the gentleman from Texas (Mr. EDWARDS), the gentleman from New York (Mr. CROWLEY), the gentleman from Washington (Mr. MCDERMOTT), the gentleman from California (Mr. BERMAN), and the gentleman from Massachusetts (Mr. FRANK), who joined me today as original cosponsors of this bill. I would like to also thank Senator RICHARD LUGAR and former Senator Sam Nunn for their foresight and leadership on this issue. I look forward to working with my colleagues during this Congress on this very important homeland security issue.

HISTORIC MOMENTS FOR THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I am sure that my colleagues join me in welcoming the 54 new Members to this august body and the returning Members who are charged with helping to chart the course for these new Members, knowing that they have a very complex and awesome responsibility. But, Mr. Speaker, today has been an historic day for us. We have seen, for the first time ever a woman, a Democratic woman, whose name was put in nomination for the Speakership of the U.S. House of Representatives, and another woman who became the chairwoman of the congressional Republican Conference. Those are historic moments for us, Mr. Speaker, and as the Democratic chair of the Women's Caucus, I am very much enjoyous of this momentous occasion that has brought these two women front and center to leadership roles.

So as we convene this 108th Congress, we should also pause to look at the other historic notes that were taken today in this esteemed body, as we convened with two sibling pairs of Members that have come to this House. The SÁNCHEZ sisters from California and the DIAZ-BALART brothers from Florida will serve simultaneously as teams in this Congress, representing diverse districts on opposite coasts of this great country. My esteemed colleagues, with their formidable backgrounds, are all accomplished in their own rights, coming from immigrant families and immigrant backgrounds who have truly lived the American dream with hard work, as productive members of society, giving back and serving the people of their communities. They have now been elected to the U.S. Congress.

The senior sister, the gentlewoman from California (Ms. LORETTA SANCHEZ), has an MBA from American University and is an accomplished businesswoman, assisting municipalities and private companies in strategic planning and capital acquisition. The State of California selected her to independently review the financial status of Orange County's first toll road to save about $300 million in financing costs. The junior sister, the gentlewoman from California (Ms. LINDA SÁNCHEZ), with her law degree from UCLA, was a civil rights lawyer and labor activist heading up the Orange County AFL–CIO.

The senior brother, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), has a law degree from Cleveland, Ohio's Case Western Reserve University, which he used to provide free legal service to the poor. The junior brother, the gentleman from Florida (Mr. MARIO DIAZ-BALART), served in the Florida State Legislature for 14 years before being elected to serve in this Chamber.

Mr. Speaker, let us welcome all of these outstanding freshman Members, these pairs of siblings who have come to serve their respective districts, but who have made history, along with the two outstanding women, and may we all embrace them as they take their rightful roles. I know that all of us salute the Latino community, because they are proud of today's historic events, as well as all Americans are proud of these pairs of siblings.

LEGISLATIVE ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, happy New Year, and congratulations to all of my colleagues for the beginning of the 108th Congress.

I believe that we have an opportunity as we serve in the United States Congress to make things better and, therefore, I would like to speak this afternoon on the attempt to honor some who I believe have made this world a better place. So today I will be filing a resolution to express the sense of Congress for a commemorative postage stamp in honor of the late George Thomas ''Mickey'' Leland, one of our colleagues who fought so valiantly to avoid hunger in this world. As I stand here, we are recognizing the emerging famine in Ethiopia, which was one of the reasons that Congressman Leland was in Ethiopia in 1989, to be able to thwart the enormous hunger that that Nation was facing. It will be our challenge in this Congress to honor him, but to as well take up the cause that he so valiantly attempted in his work to avoid or to stamp out hunger in the world.

□ 1645

I hope, as we look at the funding and the issues before us, we will not forget that we are in fact our brothers' and sisters' keepers.

In addition, I am filing today a resolution to name the Department of Veterans Affairs in Houston Hospital as the Michael E. DeBakey Department of Veterans Affairs Medical Center. Michael E. DeBakey, a famous and renowned heart surgeon, was also a renowned, valiant fighter for America in World War II. So we believe that this would be an appropriate honoring of such an outstanding leader.

I also intend to file today a bill that will emphasize more mental health services for children and to provide more support for our community mental health centers around the Nation. We lost a valiant soldier on behalf of the mental health needs of this Nation last year, our dear friend, former Senator Paul Wellstone. In his honor I believe that we should continue to fight for the equality of health care as it relates to mental health services, and particularly I believe that we should advocate for the children of this land to have access to mental health services.

Over the last couple of years, as the co-Chair and Chair of the Congressional Children's Caucus, my colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), and myself have tried to focus on the needs of children in America. It has been appalling to watch in several States the tragedy of lost children by the children's protective services.

I have already filed a bill dealing with infant abandonment in hospitals,

and also the question of hospitals attending to the information or trying to find family members of abandoned children that may be left, or newborn babies that may be left in hospitals. We will be looking to file a bill dealing with and addressing the question of children's protective services across the Nation.

Let me first of all say that there are many who do good work as part of the system of protecting our children in States across the Nation. Let me applaud those individuals. Particularly, I would like to cite the Harris County Children's Protective Services that had worked with me so valiantly on the issue of baby abandonment and other child protection issues.

But when there is fault and error, when there is a circumstance such as that that generated the loss of life of a 7-year-old boy in New Jersey, and the starvation of two very young children, we need to address the question of accountability by our children's protective services across the Nation.

So I will be filing legislation to require an accounting of the children that are under their jurisdiction, an annual reporting, and a knowledge of whose possession those children are in. Our children are our most precious resource, and therefore we need to include legislation to protect them at every opportunity that we have.

Mr. Speaker, I will also be filing two private bills, and have filed them, one dealing with Gao Zhan, an outstanding academic from China, who still at this point has not received her citizenship. She was held against her will in China just a few months ago. We are delighted that she is released, and her husband and son are citizens; and I hope we will consider her plight.

Let me also say, Mr. Speaker, that I am filing a private bill on behalf of the Kesbeh family, who have been in this country for almost 12 years and have made every effort to become citizens, and in fact have a 9-year-old daughter. We hope that under the laws of this land their case can be considered and that we will treat them fairly under our laws.

Mr. Speaker, I believe we are here to work, and I hope that my colleagues will join me in supporting the legislative initiative that I have put forward and, as well, that we will find compromise and opportunity to work with those who are unemployed and to provide an outstanding economic stimulus package.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 23. An act to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends.

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communications he may be pleased to make.

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

S. RES. 5

Resolved, That the House of Representatives be notified of the election of Ted Stevens, a Senator from the State of Alaska, as President pro tempore.

S. RES. 9

Resolved, That the House of Representatives be notified of the election of the Honorable Emily J. Reynolds of Tennessee as Secretary of the Senate.

TRIBUTE TO THE HONORABLE WAYNE OWENS, FORMER MEMBER OF CONGRESS FROM UTAH

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 7, 2003, the gentleman from Utah (Mr. CANNON) is recognized for 60 minutes as the designee of the majority leader.

Mr. CANNON. Mr. Speaker, as dean of the Utah delegation, it is my sad duty to announce to the House the passing of the Honorable Wayne Owens, a former Member of this body and a good friend to many of us.

Wayne died unexpectedly just before Christmas of a massive heart attack while walking on the beach in Tel Aviv, Israel, at the conclusion of a peace-seeking trip to several countries in the Middle East. He was only 65 years old.

That Wayne Owens would be involved in that kind of activity as his life ended is no surprise to those of us who knew him. He spent a significant part of his life trying to bring about accommodation of the interests and passions plaguing that part of the world.

Wayne Owens served in this House from 1973 to 1975 and again from 1987 to 1993, representing the people of the Second District of Utah. His political career inspired a generation of young people with his political idealism. He was a Democrat and he and I differed on many policy issues, but we never disagreed on the need for the involvement of the electorate, and especially young people, in the art and science of making law. In fact, I might say that while we disagreed on almost every issue, he was never, and I hope I also was never, disagreeable.

In the House, Wayne served on the Committee on the Judiciary, and we had parallel careers in that he investigated one Republican President and I, early in my career, investigated another Democratic President. Later, he served on the Committee on Foreign Affairs, and it was his service there that led to his lifelong concern for the people of the Middle East and to his efforts to mediate their conflicts. He created the Center for Middle East Peace and Economic Cooperation to assist in that effort.

At the funeral service held for Wayne Owens, Gordon B. Hinckley, president of the Church of Jesus Christ of Latter Day Saints, said of him: ''Any man who is engaged in the cause of peace is engaged in the cause of Christ. By that measure, Wayne was a true Christian.''

The world is poorer for his passing. I join my colleagues in extending to his wife, Marlene, and his children and grandchildren our deepest sympathy for his loss, and our profound respect for their husband, father, and grandfather. We will miss him.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that Members have 5 days to submit tributes to their former colleague.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank the gentleman for yielding to me, and thank him for providing me an opportunity to express my deep affection and respect for Wayne Owens and his memory.

I can say that we were very good friends, even though our tenure here in the House of Representatives did not coincide. He was leaving for the second time, actually, as I was coming in in 1993; but we were associated by virtue of the fact that we were interested in similar issues. Two of those issues most principally were the protection and preservation of open space in the State of Utah and peace in the Middle East.

It was because of the initiative of Wayne Owens that I became the sponsor of a very significant piece of legislation here in the House of Representatives which would set aside a vast amount of publicly owned land in the State of Utah to be incorporated within that property owned by the Federal Government which is declared wilderness; in other words, affording it the highest level of protection for today and for future generations.

Future generations is what Wayne Owens often had in mind, whether he was working on environmental issues or working with young people in his own State of Utah or elsewhere. He was also, as we all know, dedicated to the idea of bringing about peace in the

Middle East between Israelis and Palestinians and others in that part of the world.

He first developed this intense interest as a result of his missionary work for the Mormon Church. He was, of course, a devout Mormon, and had, as all Mormons do, performed significant missionary work on behalf of the Mormon Church. It was in that cause that he first became intimately acquainted with the details and difficulties of the circumstances that prevail, and that have prevailed, for some time in the Middle East, and which led him to establish the Center for Middle East Peace, which later became the Center for Middle East Peace and Economic Development.

As the director of that center, he led many of us in this Congress on numerous trips to that part of the world, at least for two reasons: to better acquaint Members of Congress with the circumstances that prevail in Israel and the surrounding area, and also to enlist us in his work to bring about a peaceful settlement to the political difficulties that prevail there.

With Wayne Owens I have had the opportunity to be in Israel on numerous occasions; also in Beirut, and in Damascus; throughout the southern Mediterranean: in Tunisia and Morocco, Egypt, Algeria; and throughout the Saudi Arabian Peninsula and the Gulf States, as well.

Always, Wayne was well received by the political leaders of all of those countries. They were well acquainted with him, they liked him personally, they understood the devotion and intensity that he brought to his work, and they respected him deeply for all of that.

So whenever any of us traveled with Wayne, we were always treated well by everyone with whom we came into contact, not only because we were Members of the Congress, but also because we were traveling with Wayne Owens, who they knew and respected in the way that I have just described.

I and everyone who knew him were deeply shocked at his loss, by the suddenness of his death. He was a man of such energy and vitality we all could not help but think that he would go on for a long, long time doing the very good work that he has done. It is still hard to believe that he has been taken from us in the midst of his work; but so it is, and so we miss him and respect him.

I believe that all of us will continue to show that respect by continuing our devotion to the cause to which he in fact devoted his life, and that is, the cause of bringing peace to the Middle East.

I thank Wayne Owens, and I want to also at this moment express my deep appreciation to his wife and his family, who suffered, I guess is the best way to put it, his work. They allowed him to carry it on. They knew he was doing, in effect, the Lord's work. He was doing work that they appreciated and understood. I want to express my appreciation to his wife and family for allowing him to do all the good things that he did.

We miss him very, very deeply, we admire him, and we feel deeply his loss.

Mr. CANNON. Mr. Speaker, I first would like to thank the gentleman from New York (Mr. HINCHEY) for his comments. He and I worked closely together on issues that he has picked up on, public lands in Utah, from Mr. Owens; and I want to thank him for his kind words to our colleague.

Mr. Speaker, I yield to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, I thank the gentleman for yielding to me. It is with a heavy heart that I rise today to honor an outstanding visionary leader, former Member of Congress, and dear friend, Wayne Owens. Today is a sad day in the Middle East and here in our own country, not only because violence and terror continue unabated, but also because one of the greatest believers and promoters of peace in the Middle East has passed. That man was Wayne Owens.

It is with profound respect, admiration, and sadness that I wish to pay tribute to him today.

□ 1700

In my tenure as a Member of Congress I have traveled with Wayne to the Middle East on numerous occasions, witnessing firsthand his remarkable ability to bridge the gap between international leaders and promote dialogue, understanding and accord.

Wayne was the quintessential peacemaker because he never wavered in his steadfast dedication and commitment to the future of the Middle East. His expertise on this issue was the focus of his professional life, from his years in the House of Representatives, to his time as the President and driving force behind the Center for Middle East peace. Wayne's unique efforts promoted understanding and communication in a time of great uncertainty and despair in the Middle East. At a time when hostility, hatred and terror permeated current events, Wayne would travel to the epicenter of the conflict to encourage diplomacy and peace.

At a time when no one could envision a resolution to the most contentious issues in the Middle East, Wayne consistently offered creative answers and an optimistic spin. At a time when doors began to close in the region, Wayne dedicated the end of his life to opening the channels of peace, bringing American ideals to the region, and offering a glimmer of hope to leaders and people in the Middle East.

Wayne Owens was a truly remarkable man who leaves behind a legacy of compassion, leadership and hope. Wayne was a beautiful soul, an extremely kind man who loved his family and cherished life dearly. I wish to convey my deepest condolences to his wife Marlene and the rest of Wayne's family and offer my wholehearted sympathy at this most difficult time. Wayne's contributions to history will be forever remembered as will his unyielding dream of harmony and peace. Wayne, you will be missed by those who care for you, and I consider myself one that thinks of you like a brother, an older brother, a very dear person and we will all miss you very, very much.

Mr. CANNON. Madam Speaker, I want to thank the gentleman from Florida (Mr. WEXLER) for his kind words.

I will submit for the record a statement by the gentleman from California (Mr. BERMAN). If I may take a moment to summarize what the gentleman from California (Mr. BERMAN) said. His ideas are important.

The gentleman from California (Mr. BERMAN) served with Mr. Owens in the House and pointed out in his comments that Mr. Owens was remarkable for the broad range of issues with which he dealt.

He goes on to say that Mr. Owens was a very effective legislator, and after he left Congress that he was deeply involved in the Middle East peace process. One of the reasons why he was so effective, according to the gentleman from California (Mr. BERMAN), is that all sides accepted him as an honest broker. And finally, he never stopped believing that peace was possible even in the most difficult times recently in the Middle East.

Madam Speaker, I yield to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Madam Speaker, I thank the gentleman from Utah (Mr. CANNON) for all he has done in organizing these words today on the floor for Wayne Owens.

I just wanted to rise today to say a few words about Wayne Owens and his service to the United States of America. He was a fine public servant. Many will talk and some have already about his tireless efforts for Middle East peace, but Wayne had an extensive legislative record here in the House of Representatives. He fought tirelessly to restore endangered species across the West. And the issue that I specifically would like to talk about today is his bringing justice to the Colorado plateau uranium miners.

Wayne saw this as a situation with the Colorado uranium miners that had to have justice be brought to the situation. And what happened is these uranium miners went into mines on the Colorado plateau, worked in very dangerous, dirty air mines. There were high radon levels, as the gentleman from Utah (Mr. CANNON) knows. He has worked on this very issue. The government knew these levels were very high.

Government doctors did reports and doctors issued studies, but nobody told the uranium miners that there was really a problem. And so many years they continued to work in these uranium mines, 10 or 15 years in these dirty air mines.

As many of us know, when you contract radon in a uranium mine and it is at high levels what ends up happening is 10 or 15 years down the line you get lung cancer, and that is in fact what happened on the Colorado plateau, an epidemic of lung cancer. Lawsuits were brought on behalf of these uranium miners but many of them were unsuccessful. My father was one of the ones, Stewart Udall, that brought many of the lawsuits and represented the miners. He just told me the other day when we learned of Wayne's death, he said, if it had not been for Wayne at that particular point when the miners lost their lawsuits, when the families were discouraged, when they thought there was going to be no justice, it was Wayne Owens that picked up the fight. And he went out and held hearings and he involved TED KENNEDY and BARNEY FRANK and the Committee on the Judiciary and brought justice to this situation by helping pass a piece of legislation known as the Radiation Exposure Compensation Act. And many families today in Utah and across the Colorado plateau are now in much better shape because of Wayne Owens' efforts on that piece of legislation.

All of us here in the House of Representatives, I believe, miss Wayne very much and miss his contributions. We want to give our heartfelt condolences to his wife Marlene and his family, and we want to thank Wayne for his service, his great service to the country.

Mr. CANNON. As the gentleman from New Mexico (Mr. UDALL) knows, my first job as a lawyer, Madam Speaker, was with his father working on these very cases that we are talking about. It was one of the great experiences of my life, and it is one of many of the areas where Congressman Owens and I had a great deal in common.

I came to represent many of the people who were effected by the radon from the uranium mines. In fact, there is a whole town of widows, Minersville, Utah, which was part of my district until recently. So this has been a very important part of my life and one of reasons I appreciate the life and service of Mr. OWENS.

Madam Speaker, I yield to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Speaker, I thank my friend and colleague from Utah for yielding to me. I knew Wayne, particularly having had the opportunity to travel to the Middle East with him, and one thing that struck anyone who got to know him was how profoundly proud he was of having served in this institution. He served as an aide to Bobby Kennedy and to others. He worked in a number of political campaigns. Politics was his life. But he saw politics as an instrument to do good, to make lasting and positive change.

His colleagues from Utah have talked about the environmental progress that he was able to achieve. He did any number of things in bringing diverse groups together. But I have to believe as his lifelong career pursuit, at least the latter part of his life, was dedicated to bringing about peace in the Middle East. He founded the Center for Middle East Peace and Economic Cooperation.

He took a great many risks, not just personally and politically, but even physically. He had tremendous courage. That courage came from the personal belief in what he was doing. He put his own safety far below the importance of what he knew needed to be done in bringing about peace and reconciliation in one of the world's most conflicted parts. He found ways to build bridges. He loved people on both sides and found that commonality and worked on that commonality.

And I want to quote from somebody that not only founded the Center for Middle East Peace and Economic Cooperation but was a very close friend of Wayne's, an intimate friend of Wayne's. They shared objectives. They loved each other. And that is Danny Abraham. Danny sent out a letter from the Center for Middle East Peace and Economic Cooperation. I want to quote from it. He says with regard to Wayne, ''He was respected, loved and cherished by all who knew him. Wayne's single-minded devotion to continued dialogue and peace between Israelis and Arabs in the Middle East, even in the most challenging of circumstances, gave us the hope and courage we could have never found on our own. Wayne never faltered from his dream that one day Israelis and Arabs would live in peace and he had the magic, the gift of nurturing that dream in everyone he met. My beloved friend Wayne was a true servant of peace and he lived and died serving humanity. May Wayne Owens' life, his dedication and belief in us not be wasted. Together we must recommit ourselves to the pursuit of peace.''

That will be Wayne's legacy, to help us recommit ourselves in the pursuit of the noblest objectives that he committed his life to. Again I want to thank my friend and colleague from Utah (Mr. CANNON). Let us memorialize Wayne in the actions that we take to further the vision that he had for peace, not only in the Middle East but throughout the world.

Mr. CANNON. Madam Speaker, I would like to thank my friend and colleague, the gentleman from Virginia (Mr. MORAN), for his kind words with regard to my dear friend, Mr. Owens.

Madam Speaker, I would like to yield to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Madam Speaker, I thank the gentleman for yielding to me. I had just before Christmas returned to Florida from a 10-day trip to the Middle East with Wayne Owens and the gentleman from North Carolina (Mr. PRICE), who will speak shortly, as well as Danny Abraham with the Center. And I wanted to start by thanking Wayne's family and the people of Utah for sharing him with us, citizens of the United States, Members of Congress, the many people who were touched by Wayne.

Wayne was a wonderful husband, a wonderful father, a wonderful citizen and he gave so much because the people of Utah saw fit to send him to Congress to equip him with the knowledge that he used through the last minute of his life.

Wayne was one of the most selfless people I had met who served in this body. He had a wonderful sense of humor, a very strong sense of conviction, and something that I really came to appreciate more in the most recent trip to the Middle East, just a certain genius about him, a remarkable level of insight into people, people of all kinds, people who never could have been in the same room with one another, on different sides of the Israeli-Palestinian conflict, on different sides of other issues that separated us from countries like Syria and Saudi Arabia.

But Wayne truly believed in people and I think did his best to see the best in everyone he met and to draw that out, and I think that Wayne played a very important role in the diplomacy of this country in having some painfully direct and difficult conversations with the heads of states in some of these Arab nations and having some very frank and constructive conversations with the officials in the Israeli government.

Wayne Owens knew an awful lot about the Middle East and really would have been entitled to have been incredibly very cynical about what is happening over there right now, even hopeless, as many well-intentioned wise people are. But Wayne, like a lot of leaders who have made this country great and the world great, was an incurable optimist, and he til his dying day never stopped radiating the hope that he had that the better angels, as Abraham Lincoln would have put it, of all the people he had come in contact with would ultimately prevail, and that the United States would in the end play an important role in bringing about peace and tranquility in the Arab-Israeli dispute.

I always thought to myself that if there ever had been or could be an election to choose the mayor of the Middle East, my candidate would have been Wayne Owens. In the last trip that the gentleman from North Carolina (Mr. PRICE) and I took, at every major airport we passed through in the Middle

East, Wayne ran into people that knew him, respected him, who loved him, who had not seen him in 10 years because Wayne was one of those people that you never forgot.

I have to say that as a United States citizen, I was proud and will always be proud not just to call Wayne Owens my friend and someone who has helped develop me, but someone who I think represented the best things about our country in a part of the world where people are judging us very carefully, to see what we are made of and whether we really live up to the things that we say our country stands for because Wayne represented the very best of this country.

□ 1715

He has set a standard for diplomacy that we will all have to work very hard to live up to.

Wayne Owens' untimely death on the shores of Tel Aviv is tragic but perhaps the place where Wayne would have chosen, in between the United States, his beloved home of Utah, and on the shore of a country he loved dearly.

Wayne's tragic, premature death gives us another reason to do what Wayne Owens would have asked us to do if he were standing here today, and that is, to recommit ourselves to peace in the Middle East, to serve as an honest broker, to stand for the values that have helped this country get to where it is today, to bring about a Palestinian state that respects the security of Israel, to help the Palestinians find a way to govern themselves, bring the terror to an end and give the Israelis the chance to live the dream they have always had in that part of the world.

Let us renew ourselves to the cause of peace in the Middle East. It is another way that we can honor Wayne Owens, and I want to thank the gentleman from Utah (Mr. CANNON) and the gentleman from Utah (Mr. MATHESON) for all the things they have done in Utah today and will be doing in the future to honor Wayne Owens, and we are all blessed in that.

Mr. CANNON. Madam Speaker, I thank the gentleman from Florida, and I would now yield to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Madam Speaker, I thank the gentleman for calling this Special Order today and for his and the gentleman from Utah's (Mr. MATHESON) efforts to make certain colleagues have an opportunity to pay tribute to our dear friend Wayne Owens.

Madam Speaker, Wayne Owens bade the gentleman from Florida (Mr. DAVIS) and me farewell on December 17th after we had traveled through the Middle East together for 7 intense days. He planned to take that same flight the next evening. But the next day Wayne suffered a massive heart attack, collapsed and died while walking on the beach in Tel Aviv.

Our shock and consternation upon hearing the news a mere 24 hours after he had put us on that flight were acute, but these emotions were widely shared among Wayne's many friends, the Utah constituents he served during two distinguished stints in the United States House of Representatives, and the admirers of his path-breaking work since 1989 with the Center for Middle East Peace and Economic Cooperation.

Wayne's background included 6 years of service for the Church of Jesus Christ of Latter Day Saints, including work as a missionary in France. In Washington, he served on the staffs of Senators Frank Moss, Robert Kennedy, and EDWARD KENNEDY. He gave up his House seat for an unsuccessful Senate race in 1974 and then returned to the House in the class of 1986, where I and others in that class came to know him as an accomplished and supportive colleague.

He left for another Senate run in 1992 but in the meantime had found his true calling in his work in the Middle East. This was hardly a predictable path in terms of his personal and professional background, but it was one to which he was drawn by his experience on the House Foreign Affairs Committee, his friendship with Daniel Abraham, with whom he organized the Center for Middle East Peace in 1989, and by his vision of what a small, independent and creative organization might achieve in this political and policy thicket.

Wayne, Danny Abraham, and the various Middle East hands and political leaders working with the Center were actively involved in the discussions leading to the Madrid and Oslo agreements, and they found numerous ways of encouraging the Israeli-Syrian and Israeli-Palestinian negotiations of the 1990s. Wayne was haunted by the knowledge of how close to resolution those efforts had come only to collapse into distrust and violence. He had few illusions about the obstacles to getting peace negotiations back on track. Still he persevered, always looking for the openings, the confluences of interest, the glimmers of hope that could be acted and built upon. He was one of the most determined and dedicated persons I have ever known.

Wayne's approach was mirrored in the trip we took in December. We met with the heads of state in Syria, Lebanon, and Israel, demonstrating again the remarkable access and the relationships of respect that Wayne and the Center had developed across the political spectrum in Israel, in the Palestinian community, and in most Arab states. But many of our visits were more narrowly targeted to learn about and to encourage promising initiatives that are under way.

For example, we met in Cairo with Chief of Intelligence General Omar Seuliman regarding the next round of cease-fire talks to be brokered by Egypt among Hamas, Fatah, and possibly other groups. We then visited chief Palestinian Authority negotiator Abu Mazen on the day it was determined that he would personally attend this second round.

We met with Palestinian Authority Finance Minister Salam Fayyad regarding financial and budget reform, where there has been enough progress to allow the U.S. to broker the release of a first installment of Palestinian Authority revenues impounded by Israel.

We talked with Sari Nusseibeh, head of Jerusalem Affairs for the PLO, about the back-channel, unofficial peace initiatives undertaken by him and others.

Wayne specialized in discussions of these sorts, which bore witness to his remarkable understanding of the politics of the region and of the many facets of peacemaking, his conviction that fact-finding for himself or others required diverse sources, and his realization that the encouragement offered, the feedback given, the information exchanged, in such off-the-record sessions could be significant.

As a middle-ranking member of this House, I have found such repeated visits, and my work with Wayne and the center generally, invaluable as a source of information and insight and as an avenue for engagement.

Wayne was passionately committed to the security and integrity of Israel and to justice and self-determination for the Palestinians. He understood well the relation between those two and the unlikelihood of forward movement without persistent American engagement.

The achievement of a comprehensive peace among Israel and its neighbors is a compelling cause in its own right, but it is one given additional urgency by the need for regional cooperation and support in combating terrorism and in disarming Iraq.

With Wayne Owens' passing, we have lost one of our country's most determined and resourceful contributors to this cause. It is critically important for those of us who understand the value of his work to find ways to carry it forward.

Mr. CANNON. Madam Speaker, I thank the gentleman from North Carolina for his kind comments and now yield to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Speaker, let me first thank the gentleman from Utah and all of his colleagues from Utah for bringing this resolution to the floor, for their wonderful and warm words about Wayne Owens; and I wish to extend my condolences to his family, his wife, Marlene, his five children and 14 grandchildren.

Unlike many in this Chamber, I was only privileged to know Wayne Owens a very short time; but in the weeks

since he has died, I have learned a great deal about this man and his career, how he campaigned in 1972 by walking his entire district, about his courageous vote in the Judiciary Committee to impeach President Nixon, about his commitment to environmental protection which was way ahead of its time, and such a tribute to the land he represented in Congress.

I came to know Wayne Owens because of his work on another important issue, the cause of Middle East peace. As a Member of Congress and as a founder of the Center for Middle East Peace, Wayne Owens never lost sight of his dream, that one day Israelis and Arabs would put down their weapons and take up the mantle of peace.

Because of Wayne's decency and fairmindedness, he was a rare Middle East expert with credibility in the American Jewish and the American Arab communities. He was respected by Israelis and Palestinians alike.

Wayne Owens was the right messenger with the right message, that it is in the United States' interests to vigorously pursue peace with Israelis and Palestinians; that the cycle of unspeakable violence, illustrated so horribly just 2 days ago in Tel Aviv, will only be broken through a negotiated settlement; that Israelis deserve to live in security, and Palestinians in dignity, side by side in two sovereign states.

How touching it was that Wayne Owens passed away while accompanying these two of our colleagues who have just spoken on one of his countless missions to the region, that he passed away on the soil of the land he loved so much.

In my last conversation with Wayne, we agreed that I would travel with him to the Middle East early this year, and although we will not take that trip together, I hope to honor, in my own way, the memory of this great man and his legacy by continuing on this path. That path will bring us to the day when we can take up and we will wake up to the dawn of Middle East peace.

I thank my colleagues again for remembering their cherished colleagues in this fitting tribute. He did the State of Utah proud. His legacy gives pride to our Nation, and his message of negotiated settlement for peace gives hope to our world.

Mr. CANNON. Madam Speaker, I thank the gentlewoman for her kind words. It dawned on me during her discussion that Congressman Owens has been away from this body for 8 years; and yet many, many people have taken time at an awkward hour, on an important day, to express their appreciation for him and his work, and I hope that this is the kind of thing that his family will appreciate and understand and understand the depth of the value he brought to this institution.

Madam Speaker, I would yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Madam speaker, I want to thank the gentleman from Utah (Mr. CANNON) very much for his leadership in assembling this tribute this evening on behalf of our beloved colleague Wayne Owens who passed, as others have said, in Tel Aviv, as a witness for peace, and I would like to encourage my friend, the gentleman from Utah (Mr. CANNON), to consider perhaps in Congressman Owens' memory that we, on a bipartisan basis, might create, as the gentlewoman from California (Mrs. CAPPS) has very wisely suggested, a Middle Eastern study group oriented toward peace in that region and to do so on a bipartisan basis, naming it after Congressman Owens who showed us the way in that troubled and wartorn region of the world.

He was walking the path to peace and peace requires heroes and it requires heroics; and Wayne Owens, for our Nation, is such a hero. My heart goes out to his wife, Marlene, his five children, two sisters, a brother, 14 grandchildren who truly have a hero to admire.

At age 65 he did not have to go on that painstaking journey, 7 days of intensive work, trying to find those keyholes to peace, and yet he did that. He could have been living a comfortable life in some condo on some ski slope enjoying himself, but his whole life showed that Wayne Owens was not afraid of hard work.

In 1989, he cofounded the Center for Middle East Peace and Economic Cooperation here in our Nation's capital and established working relationships with leaders from Jordan, Egypt, Israel, Palestine, Saudi Arabia and was making a difference for all of us as the world and our own country is perched on the verge of war in that region. He was trying to show us a different path.

He was not afraid of hard work in his own life. I mean, from the time he washed dishes to work his way through school, to walking across his own State in the entire second congressional district and winning election here, this was a man who endured and who rose above common effort to heroic level to try to help the world, to remove from the television every evening those terrible images of death in the Middle East that infect every child in every nation on Earth, certainly our own.

To his family, may I please extend the deepest sympathy of the people of our community. I had the great honor of being able to work with Wayne in our efforts here to find a peaceful road in the Middle East. I am forever indebted to him, to the organization that he founded and to the friendships that he made on both sides of the aisle that helped us find a better way forward.

As mission president for the Church of Jesus Christ of Latter Day Saints in Montreal, Canada, for 3 years, Wayne Owens took his own peace quest to a much higher level and took it to ground zero in the battle for peace in the Middle East.

□ 1730

Madam Speaker, I will place in the RECORD an article that was in Roll Call this week in his honor and also thank the gentleman from Utah very much for yielding to me this evening.

FORMER REPRESENTATIVE OWENS DIES

(By Bree Hocking)

Wayne Owens, a relentless advocate for Arab-Israeli peace and former Democratic Representative from Utah, died Dec. 18 while walking on a beach in Tel Aviv.

Owens, who was 65, succumbed to a massive heart attack while traveling with a Congressional delegation to the region.

The four-term Congressman served in the House from 1973 to 1975 and from 1987 to 1993, representing the Salt Lake city area.

During his Congressional career, he made two unsuccessful bids for the Senate. In 1974, he lost to Republican Jake Garn and in 1992 he was defeated by Sen. Bob Bennett (R–Utah). He also ran unsuccessfully for governor of the Beehive State in 1984.

A devout Mormon, Owens served as president of the Montreal mission for the Church of Jesus Christ of Latter-day Saints in the mid- to late 1970s.

Despite his liberal credentials—he was the Western states coordinator for the presidential bids of both Robert Kennedy and now-Sen. Edward Kennedy (D–Mass.), and also was a staffer to the later Kennedy—Owens was admired by Members from both sides of the aisle for his tireless work for peace in the Middle East. In 1989, he cofounded the Center for Middle East Peace and Economic cooperation and served as its president.

Owens attended the University of Utah, later earning a law degree from that institution.

He is survived by his wife, Marlene, five children, two sisters, a brother and 14 grandchildren.

Mr. CANNON. Madam Speaker, I thank the gentlewoman from Ohio. If I might make a couple of comments on things she said.

I was thinking during this discussion that Mr. Owens spent a tenth of his life as a Mormon missionary. That is a remarkable commitment. Three years as a missionary and another 3 years as a mission president for the Church of Jesus Christ of Latter Day Saints.

In addition, the gentlewoman mentioned he could have easily spent his time on a ski slope. And in fact, in Utah, with all due respect to some of the other States who pretend, we actually have the best skiing in the world. So he could easily have taken advantage of that.

In fact, I was talking to the gentleman from Wisconsin (Mr. OBEY) a few moments ago, who will speak in a couple of minutes, in fact I think he is next, and he mentioned how healthy Wayne was. The fact is he was a healthy, robust, happy, thoughtful person who could have spent his life skiing or doing other things that he would have enjoyed and I know he did enjoy. But rather than do that, he chose to do things that were difficult, that were very difficult, and, frankly, very important.

Madam Speaker, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, I thank the gentleman for yielding to me. I was horrified to learn of Wayne Owens' death last week when I was at C–SPAN, just about to go on their morning program, and saw the news come across the bottom of the screen that Wayne had died the day before.

Wayne and I were neighbors when I was first elected to Congress. He and his wife lived right next door to my wife and I in Arlington in rented homes. He was then chief staff assistant to Senator KENNEDY. I got to know Wayne first as a friend and then I got to know him as an even stronger friend when he became a colleague of so many of us in the House. And after he left this House, as has been mentioned, he devoted a good deal of his time to the cause of peace, especially in the Middle East.

He was a strongly religious man. He prided himself on being a Christian and he took the responsibilities that come with that very seriously. One of those responsibilities, in his view, was the obligation that all of us have as the more comfortable members of the human race on this planet to reach out to try to help those who are not in such comfortable circumstances. He would have been appalled to see the lack of a sense of shared sacrifice that so often permeates what political leaders do these days.

But he never forgot his obligations to himself, to his maker, and to his fellow man to take into account always the needs of others. He was one of the least selfish human beings I have ever known, and he believed passionately that in the Middle East, the center of so many of the world's religions, that there ought to be a way to bring the parties closer to each other to avoid the violence and bloodshed that has plagued that region of the world for so long.

He is a tremendous loss not just to his family, but to all of us who took daily inspiration from his lack of cynicism and his profound human decency.

I thank the gentleman very much for holding this special order, and I appreciate also the comments of my colleagues in tribute to this wonderful man.

Mr. CANNON. Madam Speaker, I thank the gentleman from Wisconsin. I did not think about it until he spoke, but it occurs to me that he did not spend a tenth of his life doing missionary work, but when we consider the religious zeal he brought to the Middle East, it was probably more like two-tenths or a third of his life in these difficult and selfless aspirations.

Madam Speaker, I now yield to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Madam Speaker, I want to thank my colleague, the gentleman from Utah (Mr. CANNON).

I first met Wayne Owens when I was 12 years old. He was running for Congress in 1972 in the State of Utah and he took the State by storm. He walked over 700 miles during that campaign. And the walking was not just a gimmick. The walking was an indication of the fact that Wayne Owens genuinely, genuinely wanted to get to know the people of whom he was asking for a vote and the people who he was going to represent.

I think throughout his life, with all of the great goals that Wayne tried to achieve and the big picture and the big items he pursued, he never lost that notion of relating to the individual person, to the common man. That is something we here in this House should remember as we look back on Wayne's life.

I had the opportunity to be a campaign manager for Wayne Owens during one of his elections. It was an exceptional opportunity, a challenging opportunity, because Wayne, again, always liked to dream big and he would ask a lot of the people who worked for him. He pushed people beyond what they thought they could do. And as someone who was rather young at the time, I got to be a campaign manager, and that was something that was a significant development in my own life. So I considered Wayne a friend, a mentor, I considered him my Congressman, and I am pleased to occupy the Second Congressional District office that Wayne once represented so well.

When Wayne came to Congress the first time he happened to be on the Committee on the Judiciary, and he was involved in the impeachment process with then President Nixon. That was an exceptional period in Wayne's life. It was a time when he had invested so much time and effort in terms of examining that issue because he understood the gravity of the situation. This was not a partisan effort. And I remember talking to Wayne about the stories of when he actually voted out those articles of impeachment, about he and his colleagues walking out of the room with tears coming down their faces because they recognized what a difficult circumstance that was for this country.

I think that was one instance where Congress behaved in a professional way, and it showed the strength of this country that we were able to move on from that circumstance, and Wayne Owens was an important player in that process.

It was mentioned earlier about how he advocated for victims of radiation exposure. When Wayne was not in Congress, when he was an attorney, he represented victims of radiation exposure, the widows of the miners that worked in the uranium mines, the people who were told this was safe when it was not. And that work in private life is another example of a guy who acted in the context of service, and when he got to Congress he continued with that and pushed ahead with the Radiation Exposure Compensation Act.

This was a critical issue that forced the Federal Government to acknowledge it had lied to people and exposed people to dangerous radiation through open air testing of nuclear weapons in southern Nevada and also through the uranium mining activities; an important issue for people throughout the Colorado plateau.

As I have gone through these comments, what strikes me is the fact that Wayne Owens was a guy who always had big goals and big objectives, whether it was trying to address a wrong that the Federal Government had committed and force them to admit culpability, whether it was other issues we have heard about today, like pursuing peace in the Middle East, whether it was pursuing a tremendous change in public lands policy in Utah, with Wayne's vision of a wilderness designation in that State. And there were other big goals and lofty dreams that Wayne Owens pursued, some of which are successful today, and some of which the work is going to go on past Wayne's activity in regard to those issues. Significant issues.

I could go on and on. The Central Utah Water Project, a project that had been involved with Federal funding for many, many years but it was going in the wrong direction. Wayne was part of a group that pulled people together from the sportsmen community, from the conservation community, from the agriculture community, and they completed the Central Utah Water Project as a Member of Congress in 1991, a significant issue that moved the State of Utah forward.

That is the Wayne Owens I am going to remember, a guy who would dream big and would relentlessly and tirelessly pursue issues. But what I will also remember is what I pointed out at the start of these comments. This was someone who was incredibly genuine and would listen to people and took the public trust very seriously. It is the type of approach to the job that I think we can all learn from, and I think we can do no better activity to honor Wayne than to follow in that way in terms of how we approach this job.

Mr. CANNON. Madam Speaker, I thank the gentleman from Utah (Mr. MATHESON) for his kind words and for his help in organizing this event for Congressman Owens, who preceded him sometime ago in his Second District of Utah.

The last time I spent some time with Wayne Owens was the evening of one of the sniper attacks in northern Virginia here and the freeways were shut down. Wayne and I flew in together and shared a taxicab into town and I had the pleasure of spending 2 hours with him.

The nice thing is the government only paid the normal fee because we split the taxicab fee, but it was one of the more pleasant periods of time I have spent. We talked about many issues and talked about many things. We talked about the issues we had worked together on and the issues we disagreed on. It was a fine experience from my perspective.

The gentleman from Utah (Mr. MATHESON) mentioned that Wayne Owens was a person who caused you to work. I worked for Wayne Owens when he was a professor of law and I took a class from him. I worked against him in some of his campaigns. I was wondering about the 12-year-old and whether I was actually engaged or not. I think, in fact, I am a little older than the gentleman from the Second District, and will have to do the math later to see who had known Mr. OWENS longer. He was a dear friend for as long as I can remember.

We did work against each other on campaigns. We both suffered through a remarkable experience of investigating a President, and he and I developed a deep bond of shared experience there. We both worked together on the downwinders issue. That was my first job in law school, was working on that issue with the father of the gentleman from New Mexico (Mr. UDALL), Stewart Udall. And it was wonderful that Wayne picked that up and made that work.

We both shared a deep, deep love for the beautiful public lands of Utah. He traveled those lands, I traveled those lands, yet we had very distinct differences on how those should be managed. We shared a kinship, however, based upon one of the things that became a hallmark of his life, and that was, from my perspective, wonderful. He was a friend.

I am richer from my experience in knowing Wayne Owens, and we as an institution and as a country are poorer for his passing. I would like Marlene and the children and grandchildren to know how much we cared for him. I hope that this hour that we have spent talking about him will help them understand the deep, deep effect he had on our lives and on the course of American history, on the course of how we deal with our public lands and how we deal with individuals.

Mr. BERMAN. Madam Speaker, I rise to pay tribute to the life and work of Wayne Owens and to send my regards and sympathy to his wife, Marlene and his children and grandchildren.

I had the privilege of serving with Wayne in the House, and I quickly developed a great admiration for his hard work, integrity and dedication to good public policy. We served together on the House Foreign Affairs Committee, where he focused his attention on the Middle East.

Wayne was active on a broad range of issues, and while he spent much of his career focused on weighty matters of international affairs, he never lost sight of the issues that mattered most to people in his home state of Utah.

Wayne was a very effective legislator, and he earned the great respect of Members on both sides of the aisle for his willingness to put politics aside and tackle the important issues of the day.

After Wayne left Congress I continued to have the pleasure of working with him on the Middle East peace process.

As President of the non-profit Center for Middle East Peace, Wayne worked tirelessly to promote continued dialogue between Arabs and Israelis in the Middle East. His goal was to help build economic interaction between Israel and her Arab and Palestinian neighbors and through that work, to support and promote the peace process. He spent much of the last decade meeting with leaders in the region trying to foster peace through economic development.

He was very effective in this role because all sides accepted him as an honest broker.

Even over the last couple of years, when many others gave up hope that Israelis and Palestinians would ever be able to resolve their differences, Wayne continued his work to find common ground.

He was often frustrated—as we all are from time to time—and he understood the realities on the ground, but he never stopped believing that peace was possible.

We will sorely miss Wayne, and his dedication and creativity. As we work toward a just, lasting, and comprehensive peace in the Middle East, may we remember Wayne's life and works and let every action we perform be a tribute to his memory.

Mr. ISSA. Madam Speaker, I rise tonight to remember the life and work of former Congressman Wayne Owens. I did not know Wayne when he was a member of this body: I met him two years ago when he came to my office asking me to support the Middle East peace process.

Wayne's tireless commitment to Middle East peace, his willingness to reach across party lines, to go anywhere, and to talk to anyone, has been a source of inspiration to all who believe that Arabs and Israelis will one day live together in peace and security. He was a study in moderation and tolerance, a compassionate man who believed that all people deserve to be treated with respect and dignity. Wayne was also a true patriot. He loved his country and he believed that our values of freedom, prosperity, and tolerance should be shared with the entire world, particularly the Middle East.

But what makes this moment most painful for me is that Wayne Owens was my friend. He was a true champion of peace, and he lived and died serving humanity. He will be missed dearly.

THE ECONOMY

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Madam Speaker, I take to the floor this evening for the first day of the new Congress basically to talk about the economy and my concern about the fact that the Republican majority, President Bush and the Republican majority now in both the House and the other body, really are not doing anything, in my opinion, to address the downturn in the economy, the loss of jobs, the loss of production.

It is of a great deal of concern to me and I know to my constituents. This is their number one concern, what is this Congress and what is this President going to do to turn the economy around. Today is a very important day in that regard, because the President today, in Chicago, we understand, is unveiling his economic stimulus package, what he claims will be the answer to try to revive the economy. Every indication that we have had so far, as Democrats, is that his proposal will not do anything significant to turn the economic situation around, will not create more jobs. It is primarily a plan that benefits the wealthy, the corporate interests, and does very little, certainly very little in the next year or two, that would make any difference in terms of the economic situation in the United States and the world.

Sometimes I think that the White House and the Republican leadership in both Houses here would like us to think that the situation is not that bad and so maybe we do not have to do much in Congress because the economic outlook really is not that bad. Let me assure them that that is certainly not the case. It certainly is not the case with my constituents in New Jersey and it certainly is not the case with any of my fellow Democrats that I talked to today or in the last couple of days since we have returned and since the swearing in.

Just to give some idea, and I will not talk too long about this, Madam Speaker, but since January 2001, when President Bush first took office, private sector employment has been reduced by 2.1 million jobs. The number of jobs that have been lost in that period now, which is essentially 2 years, is over 2 million in the United States.

□ 1745

If we look at other indicators, business investment since the first quarter of 2001, that is down 10 percent. If I look at the budget outlook, that has deteriorated by $5 trillion since January 2001.

I do not need to show the statistics. Members are aware that the stock market has declined considerably, unemployment is up, the budget surplus that existed during the Clinton administration which was the first time in almost 20 years that we had actually turned around a budget deficit and we had a budget surplus, and that meant that we were paying down the debt and more

jobs were being created and Americans had more money and long-term interest rates were down because of the surplus. In the last 2 years during the term of this Republican President, we have seen that situation go the other way. We now have a budget deficit that is something like $150 billion, and we anticipate that it will only get worse.

It is only going to get worse unless something is done in this Congress to turn it around. The sad thing is when I listen to some of the suggestions that have been coming out of the White House in the last few weeks, including today, I am concerned that their proposal continues this country down the path of larger tax cuts for the wealthy, for corporate interests, and larger deficits that are only going to make the economic situation worse instead of better.

One of the things by way of background that really bothers me in terms of what comes out of this Republican White House is the notion that somehow the recession began under the previous administration and that the recession is not a product of the Bush administration. Again, let me give some information on that. The National Bureau of Economic Research, Business Cycle Dating Committee, and this is a direct quote, ''In November 2001, the committee determined that the peak in business activity occurred in the United States economy in March 2001.'' A peak marks the end of an expansion and the beginning of a recession. The determination of a peak date in March is, thus, a determination that the expansion that began in March 1991 ended in March 2001, and a recession began in March of that 2001.

So essentially we had 10 years of increased economic activity, of growth, and that ended in March of the first year that President Bush took office after a 10-year expansion that included the entire time that President Clinton was the President of the United States. I do not come here because I want to talk about who did this or who did that, but the bottom line is for Members to suggest that we are not in a bad situation economically today, by any indicator we clearly are, and clearly this recession began under President Bush and has only gotten worse in the 2 years he has been in office.

Now what is the President proposing and why is he proposing what he is proposing today? Well, he claims that he is trying to put together an economic stimulus package that essentially will turn the economy around, create more jobs, get consumer spending up and improve the business cycle.

If we look at what he actually has proposed, it is more of the same. It is more tax cuts, permanent tax cuts primarily for the wealthy. He thinks that he is going to turn the stock market around by a full exclusion of dividends; but, the bottom line is, again, that is only going to help wealthy people.

Media reports on possible elements of the administration's package include the following: full exclusion of dividends from individual taxation; acceleration of marginal tax reductions from the 2001 tax cut; acceleration of child credit increase from the 2001 tax cut; more corporate tax cuts; and possibly some State fiscal relief rumored at $10 billion. But if we look at what the President is proposing today, it will primarily mean more of the same, more tax cuts and more benefits for the wealthy and for corporate interests, and it will balloon the Federal deficit. It will cost up to $6 billion over 10 years with more than 80 percent of the cost after 2003.

I think what we are going to see from this administration is essentially more deficits, larger deficits, more money going to the wealthy, and very little, if any, short-term stimulus to the economy that will turn it around. Members do not have to believe me, though. I do not like to get in the well and just talk about what I think. I like to talk about what other third-party commentators have been saying about the President's plan; and I wanted to mention this evening, and I may read all or parts of two comments that were in the New York Times today in reaction to what has already come out about the President's tax proposals and the President's so-called economic stimulus package.

The editorial in today's New York Times is particularly revealing, and I will read parts to give Members an idea why I think what they are saying is so true. The title is ''The Charles Schwab Tax Cut.'' It begins: ''The Bush administration never met a domestic problem that tax cuts couldn't cure, and today in Chicago the President is planning to call for more of the same. The centerpiece of Mr. Bush's new economic plan is to eliminate the tax on dividends that will cost the Treasury about $30 billion over the next decade. In a theoretical world, ending the dividend tax might make sense. Unfortunately, we live in the real one, where it's the wrong move at the wrong time for the benefit of the wrong people.

''Ending the dividend tax cut will not provide the economy with a short-term stimulus, the ostensible goal of the plan. Investors won't be seeing their savings until 2004.''

Eliminating the dividend tax, admittedly, has something to commend it, but as became all too apparent in the financial bubble of the late 1990s, the Tax Code currently contains some perverse incentives for companies to becoming overly indebted and to manipulate their short-term stock price, instead of paying dividends as a form of prudent profit sharing.

The editorial continues: ''If Mr. Bush's mind had been on the long-term economy rather than on politics, he might have listened to the advice of his former Treasury Secretary, Paul O'Neill, and dropped the idea of further tax cuts altogether. But Mr. O'Neill is a former Treasury Secretary for a reason. The President cannot afford to look indifferent to the problems of average Americans in a sluggish economy. These days average Americans own stock, although most of it is in tax-sheltered retirement funds.''

This is what they say in conclusion, and I think it is important: ''Ending the dividend tax is something almost nobody has been crying out for, except the megabroker Charles Schwab, who made a pitch for it at the economic summit meeting at Waco last summer. The President happened to drop in on the panel on which Mr. Schwab was speaking and pronounced it a good idea. It may turn out to have been one of the most expensive courtesy calls in modern history.''

What the New York Times is essentially saying and what the Democrats are saying is that this elimination of the tax on dividends is going to cost the Federal Government a tremendous amount of money, $300 billion over the next 10 years, but it is not going to do anything to actually put money back into the pockets of consumers. It is not going to create any new jobs. It is not going to provide any real incentive for companies to start new production and create more jobs, do any investment in new production; and all it does is give another huge tax break primarily to very wealthy individuals who own most of the stock. How is this a stimulus? How is this in any way going to help the economy?

I wanted to talk about what the Democrats have in mind, and then I want to give some third-party validation of what we have proposed. Over the last month, the House Democrats have gotten together and basically thought about what needed to be done to try to give some short-term stimulus to the economy, to create jobs, to put more money in people's pockets, to turn things around.

We came up with a set of principles initially, and then yesterday we revealed our actual plan. I think the principles are important and need to be repeated before I mention some of the specifics of the plan.

The principles say any economic stimulus plan should, first, be front loaded and fast acting; second, avoid a mushrooming deficit in the long term; third, boost consumer demand and investment; fourth, help States through their fiscal straits; five, spur the economy by funding homeland defense; and, last, devote every penny to short-term stimulus.

We are not interested in looking right now at how something is going to impact 10 years from now. We need to get people back to work. We need to put money in consumers' pockets, and we need to make sure whatever we do

does not have any ballooning effect and create more of a deficit down the road in 2 or 3 years.

What the Democrats have proposed in that regard is very detailed, but I wanted to just go over some of the more important points, if I could. With regard to individuals in terms of individual tax cuts, basically we are proposing essentially a rebate that Americans get back 10 percent of what they earned in 2001 up to $6,000 of wages for a couple. This rebate is paid from the Treasury, not from the Social Security trust fund, because one of the other concerns that I have and all of us have as Democrats is not only do we do not want to increase the deficit, but we also do not want to delve into the Social Security and Medicare trust funds and aggravate the deficits that potentially could exist long term in those trust funds. We want to make sure that those trust funds have a surplus and that the money is available for Social Security and Medicare for senior citizens in the future. So our rebate plan does not tap any of the Social Security or Medicare trust funds.

Let me give a little more detail about what the Democrats have in mind. The Democratic plan is $130 billion as opposed to the Republican plan, which is $600 billion. Now the $130 billion is a smaller plan because, again, we do not want to increase the deficit. We are trying to do everything in 2003 to stimulate the economy and not cause long-term deficits. But even with the $130 billion stimulus, we can create as many as a million jobs, increase consumer spending, and help States out of their fiscal straits because if the States have to significantly cut back on their budgets, that is going to be taking more money out of the economy and could also aggravate the problem in terms of Americans losing their jobs and not having money to spend. We have to address the States as well.

The Democratic plan calls for a 26-week extension of unemployment benefits and a tax rebate of up to $300 per person, $600 per couple. It would also permit businesses to increase their write-off on new investments and provide $31 billion to State and local governments to help defray the cost of domestic security, Medicaid, highway projects and other programs.

Just a little more detail because I do not want to get into all of the details tonight, but in addition to extending the unemployment benefits and offering a tax rebate, the plan would allow small businesses to write off up to $50,000 of the cost of new investments made in 2003 as opposed to the current maximum write-off of $250,000. The plan would also permit companies to depreciate 50 percent of the cost of new plants or equipment in 2003; current law permits them to depreciate only 30 percent.

So we have a program that helps individuals by extending unemployment insurance for at least 26 weeks. We have a program that puts money back in consumers' pockets with the rebates that I mentioned, and we have a plan that helps small businesses, which is the backbone of our economy, to grow and invest in new production and create more jobs.

Lastly, we have an answer that we think can make a difference for the States: as I said, $31 billion in State aid. The plan would give $31 billion to States which as I said are struggling with these budget shortfalls, a one-time increase in the Federal share of Medicaid payments amounting to $10 billion. It would also give them $10 billion in grants to help them pay for domestic security needs like airport protection and public health preparedness, as well as $5 billion in Federal aid for highways and $6 billion for critical State needs to help those most hurt by unemployment and the lackluster economy.

□ 1800

So, as I said, Madam Speaker, the idea is to help individuals, help small businesses, and help the States. But all of it is designed specifically for the year 2003 to turn the economy around, to provide a stimulus, to create jobs. It is really a job creation program. If you look at what the Democrats have proposed, it is a job creation program. If you look at what the Republicans have proposed, it is a stock market-oriented program. And we know about the volatility of the stock market. I would venture to say that it is highly speculative. Even the White House will say that their dividend plan will not necessarily result in a significant increase in the stock market's performance. Yet they continue to make the highlight of their economic stimulus plan related to eliminating the tax on dividends.

Again, I always say that rather than just listen to me, I would like to have some third-party validator of what I have mentioned this evening in the brief time that I have talked about the need for an economic stimulus. I saw an article, an op-ed that was in today's New York Times, also, by Paul Krugman. He basically criticizes the President's proposal and he talks about the Democratic alternative in a very succinct way. I would just like to read some sections of that now and include the op-ed in its entirety in the RECORD, if I could, Madam Speaker.

It says:

Here's how it works. Faced with a real problem—terrorism, the economy, nukes in North Korea—the Bush administration's response has nothing to do with solving that problem. Instead it exploits the issue to advance its political agenda.

Right now a sensible plan would rush help to the long-term unemployed, whose benefits—in an act of incredible callousness—were allowed to lapse last month. It would provide immediate, large-scale aid to beleaguered State governments, which have been burdened with expensive homeland security mandates even as their revenues have plunged. Given our long-run budget problems, any tax relief would be temporary, and go largely to low- and middle-income families.

That is what the Democrats want to do. What does Paul Krugman say?

Yesterday House Democrats released a plan right out of the textbook: aid to States and the jobless, rebates to everyone. But the centerpiece of the administration's proposal is, of all things, the permanent elimination of taxes on dividends.

So instead of a temporary measure, we get a permanent tax cut. The price tag of the overall plan is a whopping $600 billion, yet less than $100 billion will arrive in the first year. The Democratic plan, with an overall price tag of only $136 billion, actually provides more short-run stimulus.

And instead of helping the needy, the Bush plan is almost ludicrously tilted toward the very, very well off. If you have stocks in a 401(k), your dividends are already tax-sheltered; this proposal gives big breaks only to people who have lots of stock outside their retirement accounts. More than half the benefits would go to people making more than $200,000 per year, a quarter to people making more than $1 million per year.

Even the administration's economists barely pretend that this proposal has anything to do with short-run stimulus. Instead they sell it as the answer to various other problems.

I do not want to keep reading, but the point I am trying to make is very simple. What the President appears to have done, and I do not necessarily want to give him bad intentions, is rather than doing a real economic stimulus that is going to have a short-term impact on the economy, turn the economy around and create jobs and put money back in people's pockets, he is trying to simply make more tax cuts primarily for the wealthy, for the corporate interests that are the primary backers of the Republican Party. And he does not even care about the fact that on a long-term basis this is only going to increase the deficit. I just cannot believe that this is the President's and the Republicans' answer to this economic downturn.

I think that as Democrats, we have to do whatever we can over the next few weeks to bare this proposal for what it really is and to make it absolutely clear that this is not going to do anything to turn the economy around.

Madam Speaker, I include the following for the RECORD:

[From the New York Times, Jan. 7, 2003]

AN IRRELEVANT PROPOSAL

(By Paul Krugman)

Here's how it works. Faced with a real problem—terrorism, the economy, nukes in North Korea—the Bush administration's response has nothing to do with solving that problem. Instead it exploits the issue to advance its political agenda.

Nonetheless, the faithful laud our glorious leader's wisdom. For a variety of reasons, including the desire to avoid charges of liberal bias, most reporting is carefully hedged. And the public, reading only praise or he-said-she-said discussions, never grasps the fundamental disconnect between problem and policy.

And so it goes with the administration's ''stimulus'' plan.

Boosting a stumbling economy (''It's Clinton's fault!'' shouted the claque) isn't rocket science. All a sensible plan must do is focus on the present, not the distant future; on those who are suffering, not on those doing well; and on those who are most likely to spend additional money.

Right now a sensible plan would rush help to the long-term unemployed, whose benefits—in an act of incredible callousness—were allowed to lapse last month. It would provide immediate, large-scale aid to beleaguered state governments, which have been burdened with expensive homeland security mandates even as their revenues have plunged. Given our long-run budget problems, any tax relief would be temporary, and go largely to low- and middle-income families.

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And instead of helping the needy, the Bush plan is almost ludicrously tilted toward the very, very well off. If you have stocks in a 401(k), your dividends are already tax-sheltered; this proposal gives big breaks only to people who have lots of stock outside their retirement accounts. More than half the benefits would go to people making more than $200,000 per year, a quarter to people making more than $1 million per year. (''Class warfare!'' shouted the claque.)

Even the administration's economists barely pretend that this proposal has anything to do with short-run stimulus. Instead they sell it as the answer to various other problems. (It slices! It dices! It purées!) Above all, it's supposed to end the evil of ''double taxation.''

Now lots of income faces double taxation, in the sense that the same dollar gets taxed more than once along the way. For example, most of us pay income and payroll taxes when we earn our salary, then pay sales taxes when we spend it. So why has it suddenly become urgent to ensure that dividends, in particular, never be taxed more than once!

That is, if they're taxed at all. In practice, the Bush plan would exempt a lot of income—rich people's income—from all taxes. Thanks to the efforts of lobbyists, today's corporate tax code has as many holes in it as a piece of Swiss cheese, and today's corporations take full advantage. Case in point: Between 1998 and 2001 CSX Corporation, the company run by the incoming Treasury secretary, John Snow, made $900 million in profits, but paid no net taxes—in fact, it received $164 million in rebates. This wasn't exceptional; the average tax rate on profits has fallen to a nearly 60-year low.

Anyway, even to debate the pros and cons of dividend taxation is to play the administration's game, which is to change the subject. Weren't we supposed to be talking about emergency economic stimulus?

No doubt the final version of the ''stimulus'' plan will contain a few genuine recession-fighting measures—a child credit here, an unemployment benefit there, a few crumbs for the states—for which the administration will expect immense gratitude. But the man in charge—that is, Karl Rove—is clearly betting that the economy will recover on its own, and intends to use the pretense of stimulus mainly as an opportunity to get more tax cuts for the rich.

Ideology aside, will these guys ever decide that their job includes solving problems, not just using them?

I yield to my friend from Oregon.

Mr. DEFAZIO. I appreciate the gentleman coming to the floor to try and explain the differences between these two critical plans. I happen to represent a part of the State of Oregon which has the highest unemployment rate in the United States of America and a part of the State which is particularly hard hit and am very concerned about an effective economic stimulus package. Representing a district with a high and enduring unemployment rate, I do not find that the elimination of the tax on dividends is very high on the agenda of anybody that I meet with in my district, but how we are going to put people back to work and how we are going to get the economy rolling again.

I share the gentleman's concerns. Certainly there are some interesting arguments to be made about how best to properly tax corporate profits and/or dividends which result from them, but if one looks underneath that whole issue, we find that many profitable corporations do not pay taxes and, therefore, the dividends are not being double-taxed in any way or form whatsoever. And also many of the individuals who realize these dividends are not the people who are unemployed or are worrying about their future or how to put food on the table for their kids. In fact, as the gentleman said earlier in the discussion, more than two-thirds of the benefits will accrue to people with incomes over $100,000 a year. The question becomes, is that an effective economic stimulus?

Let us see. A year from now, people will begin to file their taxes, probably most of the folks who clip coupons and dividends would be a little later in the year, so maybe 15 months from now some of those people who earn over $100,000 a year would realize an additional savings in their taxes or maybe a refund which would come in April or May or June and somehow that is going to provide an economic stimulus in the year 2003 when that does not happen until the year 2004? Beyond that, there is a whole issue of is this not a revisiting of trickle-down economics? If we give a little bit more to the people who are already doing relatively well, or in some cases very well, will they not spend that money in a way to put people back to work? I think there are some real questions about that, but it is at least more artfully presented than it was years ago under the Reagan administration. They are avoiding the words ''trickle down.''

But as the gentleman discussed, there are alternatives out there. We could certainly look at, as an alternative, things that are going to have a more immediate impact on the economy of the United States and put more middle- and low-income families back to work or on a more secure economic footing. If we look at, from my perspective on the Transportation Committee, the Nation's incredible underfunding of infrastructure, in my State alone, again the State with the highest unemployment in the union, has discovered that because of construction techniques used for the interstates back in the sixties, we have a $4 billion bridge problem on I–5, the most vital interstate-international link on the western corridor between Mexico, California, Oregon, Washington and Canada. That is something, in a State in as deep a recession as we are, that is beyond our capabilities. We need some additional help from the Federal Government. We know what the problems are. We could get people back to work within months, as soon as the contracts could be let on making those repairs. Critical water. There are a whole host of infrastructure needs, rail, bridges, highways, water, that would put people back to work and would provide secondary benefits to suppliers and small businesses in the communities where the workers would be. All these things would certainly have a much more direct economic impact than a tax break to people who are concerned about the taxation on their dividends that would accrue to them some 16 or 18 months from now. Hopefully by then this issue will be behind us.

The President's plan, of course, is so extraordinarily expensive. I mean, more than half of the President's entire plan is devoted to the concern about people who pay taxes on dividends as opposed to his rather small benefits for people on unemployment. We need a much more robust extension there. We need more worker retraining. There are other issues that could be debated. Whether or not we should have some sort of tax holiday on part of the FICA tax. More than half the families in America pay more in Social Security and Medicare taxes than they do in income taxes to the Federal Government. So if we could provide some relief there but not short the Social Security fund by putting that money back in; the States, as the Democrats have proposed, to provide to the States.

We have heard for years from that side of the aisle, Federal mandates, no unfunded Federal mandates. A whole host of new ones have come down, including the Leave No Child Behind Act and the testing that is required, yet there is no additional money flowing from the Federal Government; yet the States and particularly my State is strapped and the President's tax proposal would actually take money from

the States, $4 billion for the exemption of dividends, so States again would not be able to get taxes from those most well off and would be forced to either cut benefits for everybody else on programs, or essential schools, on health care, or they would have to raise taxes again on the remaining smaller tax base.

I applaud the gentleman for taking the time to come and try and outline some of these differences here on the floor. It is critical that people know they have a very clear choice. I think over the last couple of years, that was not so clear to many people, but now it is our duty to show them that there are clear choices to be made on some of these very, very critical issues, and this is the first one out of the chute after the elections of last year. I am determined that we will draw the lines and we will show here is what we would do, it is more responsible, it would provide more direct stimulus, it would benefit more people and more people in need in particular as opposed to what is being proposed by the other side of the aisle which is fiscally irresponsible, not paid for, will not kick in for 16 to 18 months or even longer and is really just trying to do what they were already doing before we were in a recession or proposing before we were in a recession but justify it by saying it will help us with a recession.

I thank the gentleman for clarifying those issues.

Mr. PALLONE. I just want to thank my colleague from Oregon for coming down and saying what he said. The thing that is amazing to me, I tried to point out in the beginning that essentially this recession began in March of 2001, I guess 3 months into President Bush's term. Not too long after that he imposed or got the Congress, primarily Republicans, to pass this huge tax cut which primarily went to the wealthy individuals and corporate interests. That has now been around, I guess, for a little over a year approximately and the recession has only gotten worse. So why now are we talking about another major tax cut that essentially does the same thing, making permanent those tax cuts from a year ago and then coming up with this exclusion of tax on dividends which admittedly is being done in order to try to boost up the stock market and therefore again primarily benefits wealthy people. It is sort of like a failed policy has not worked, so why are you going to make it worse? But even beyond that, the idea, as you say, of having the majority of this stimulus package be directly linked to trying to boost the stock market is such a risky thing. We all know the stock market's volatility. It is not necessarily dependent on any one factor. So to suggest that dealing with dividends is somehow going to increase the indexes dramatically I just do not buy, and I think it is so speculative and it is so much easier to do the kinds of things that the Democrats have proposed. I just want to thank you again for joining us.

I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I want to thank my very able colleague the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Oregon (Mr. DEFAZIO) for participating and spearheading this special order this evening. I think when the gentleman from New Jersey reminded us that the current recession was triggered back in March of 2001, we have to ask ourselves, well, what happened there? What happened was again rising oil prices in the global market, which America does not control because we are totally dependent on imports, thrust us into a recession which has only gotten worse and all the pump priming on Wall Street cannot draw us out of it because we are not energy independent. Oil just went up to $33 a barrel. There is instability obviously in the Middle East, certainly in Venezuela, Colombia, all these places where we are getting our oil, and the kind of short-term stimulus package that you are talking about would be an immediate shot in the arm here in the United States of America, whether it is building bridges, whether it is putting a small tax refund in the pockets of Americans that they can go out and buy things, ordinary Americans who are having trouble meeting ends from paycheck to paycheck. But beyond that, looking at how we can create entire new industries in this country so that we do not have to send our men and women to war for oil but, rather, that we can invest here at home.

Can you imagine the sentinel call it would be across just rural America if we really racheted up biofuels production and ethanol and biodiesel from coast to coast, what we could do to replace 25 percent of what we are importing today? I really wanted to say to both of my dear colleagues that there was an editorial in the New York Times on January 5 by Tom Friedman called ''A War for Oil.'' I would like to place it in the RECORD this evening as a part of this discussion and to say with all the pomp and circumstance that occurred here in the House today, the reality is we are faced with a likelihood that we will be at war with Iraq very soon. To do so at a time when we are suffering this major recession here at home, where we have got these rising oil prices globally and we are not energy independent, we are going into huge debt in terms of the government with all these tax payouts left and right to some of the wealthiest people in our country and no help for job creation here in this country, even in the key industry where we are totally vulnerable, that is, new fuels production.

□ 1815

We are importing over 60 percent of what we consume today and paying exorbitant prices for it, and Mr. Friedman says in his article that any war we launch in Iraq will certainly be in part about oil and that the Bush team is preparing to launch that war for oil and to deny the fact is actually laughable. And he says that the Bush policy towards North Korea has made it abundantly clear that the war with Iraq indeed is about oil.

The question is whether it is only about oil. And I am sure that the gentleman from Oregon (Mr. DEFAZIO), who has been a leader in new-fuels production and energy independence for America, in his own region when we consider the biomass that is out there that could be turned to new-fuels production we can see the jobs and the investment here in the United States that could happen if we would really propel this new industry forward.

What good does it do to give shareholders in multinational oil companies on Wall Street more dividends when those dollars do not have to be invested in this country at all? So much of what Wall Street has been doing is not investing in the United States. They have been moving jobs to Mexico. The other day I just bought some windshield wipers for my car, turned the package over, made in Mexico. In fact I have a question. Is anything made in America anymore? If we look at this past holiday shopping season, what is actually out there that we make? I am glad we can still make bridges if we would only fund them in our country, but try to find an American-made clock, American-made clothing. I just talked to a gentleman today downstairs. He said, Boy, I wish I could find a good pair of shoes. He said, My feet are killing me. And I said, Well, they are not made in America anymore.

What is it that we do make that is not being outsourced somewhere else? So the recession is being exacerbated by the fact that so much of what Wall Street has done with the money is not to put it here but to put it elsewhere where they can pay slave wages to people and then ship all those goods back here. So all this investment, I would be very interested in entertaining a proposal from the Bush administration to require that any benefits to Wall Street be invested in the USA and to do it in a stimulus plan in some of the key sectors where we are strategically vulnerable, including energy, where we are totally dependent on these international imports now more and more every day.

And when we think about the fact that Iraq has the second largest reserves in the world, one of my questions of the Bush administration is, if they are going to go in and take over these reserves, who is going to benefit? Which companies are going to get the

benefit of that? Maybe we should do some windfall profits taxes on the companies that are going to be getting all these Iraqi oil concessions and then use those dollars to buy down our public debt and pay off some of the bills that are being added every day with the tax cuts to the wealthiest people in this country.

So I just am very interested in what Tom Friedman said here, and he even talks about handing out drilling concessions to U.S. oil companies and how are those decisions going to be made by the administration. How is the administration going to get through this issue of nation-building in Iraq? Is this going to be like Somalia? I thought we were not supposed to be involved in nation-building. We are not out of Afghanistan yet. We are paying more and more and more every day. Our troops are on the ground there. Of course there is a press blackout; so you really do not know everything that is happening. We are not going to be out of there for years. The President of Afghanistan was on the board of Unical Oil Company, and when one looks at the movement of oil globally, it is obvious that control of that country and the movement of pipelines is really very essential to the global movement of oil, which is a diminishing world resource.

So the real question I have is, if we are going to have a stimulus package, how do we get investment here at home and how do we displace particularly in the energy area the kind of imports that have now moved us to the brink of war again in the most oil-rich region of the world? I am deeply concerned about the direction of this country and whether or not we have an exit strategy from Iraq. And when we look at the amount of money we are going to be spending on defense in order to move these troops and planes and ships for long periods of time now, the Ohio National Guard just had the longest deployment in Ohio history in that part of the world, and they have just returned home, building airfields, preparing.

This is costing an enormous amount. Imagine if we could invest those dollars here at home and create entire new industries, not just off biofuels, ethanol and biodiesel in the rural countryside, but what about photovoltaics to really rachet up our knowledge in that key area and manufacture those systems here in the United States not just for use here at home but for use abroad, to really move us into renewable resources of energy for the future. What an incredible job creator that would be, good jobs, high-paying jobs coast to coast in order to buy America true national security and energy independence here at home.

So I want to thank the gentleman for allowing me to share in this Special Order this evening and to say that I agree with Tom Friedman. I am not somebody who wants to go to war for oil. I think we should invest those dollars here at home and help America move beyond the petroleum age into a new age of renewables. I thank both gentlemen.

I include the following editorial for the RECORD:

[From the New York Times, Jan. 5, 2003]

A WAR FOR OIL?

(By Thomas L. Friedman)

Our family spent winter vacation in Colorado, and one day I saw the most unusual site: two women marching around the Aspen Mountain ski lift, waving signs protesting against war in Iraq. One sign said: ''Just war or Just Oil?'' As I watched this two-woman demonstration, I couldn't help notice the auto traffic whizzing by them: one gas-guzzling S.U.V. or Jeep after another, with even a Humvee or two tossed in for good measure. The whole scene made me wonder whether those two women weren't—indeed—asking the right question: Is the war that the Bush team is preparing to launch in Iraq really a war for oil?

My short answer is yes. Any war we launch in Iraq will certainly be—in part—about oil. To deny that is laughable. But whether it is seen to be only about oil will depend on how we behave before an invasion and what we try to build once we're there.

I say this possible Iraq war is partly about oil because it is impossible to explain the Bush team's behavior otherwise. Why are they going after Saddam Hussein with the 82nd Airborne and North Korea with diplomatic kid gloves—when North Korea already has nuclear weapons, the missiles to deliver them, a record of selling dangerous weapons to anyone with cash, 100,000 U.S. troops in its missile range and a leader who is even more cruel to his own people than Saddam?

One reason, of course, is that it is easier to go after Saddam. But the other reason is oil—even if the president doesn't want to admit it. (Mr. Bush's recent attempt to hype the Iraqi threat by saying that an Iraqi attack on America—which is most unlikely—''would cripple our economy'' was embarrassing. It made the president as if he was groping for an excuse to go to war, absent a smoking gun.

Let's cut the nonsense. The primary reason the Bush team is more focused on Saddam is because if he were to acquire weapons of mass destruction, it might give him the leverage he has long sought—not to attack us, but to extend his influence over the world's largest source of oil, the Persian Gulf.

But wait a minute. There is nothing illegitimate or immoral about the U.S. being concerned that an evil, megalomaniacal dictator might acquire excessive influence over the natural resource that powers the world's industrial base.

''Would those women protesting in Aspen prefer that Saddam Hussien control the oil instead—is that morally better?'' asks Michael Mandelbaum, the John Hopkins foreign policy expert and author of ''The Ideas That Conquered the World.'' ''Up to now, Saddam has used this oil wealth not to benefit his people, but to wage war against all his neighbors, build lavish palaces and acquire weapons of mass destruction.''

This is a good point, but the Bush team would have a stronger case for fighting a war partly for oil if it made clear by its behavior that it was acting for the benefit of the planet, not simply to fuel American excesses.

I have no problem with a war for oil—if we accompany it with a real program for energy conservation. But when we tell the world that we couldn't care less about climate change, that we feel entitled to drive whatever big cars we feel like, that we feel entitled to consume however much oil we like, the message we send is that a war for oil in the gulf is not a war to protect the world's right to economic survival—but our right to indulge. Now that will be seen as immoral.

And should we end up occupying Iraq, and the first thing we do is hand out drilling concessions to U.S. oil companies alone, that perception would only be intensified.

And that leads to my second point. If we occupy Iraq and simply install a more pro-U.S. autocrat to run the Iraqi gas station (as we have in other Arab oil states), then this war partly for oil would also be immoral

If, on the other hand, the Bush team, and the American people, prove willing to stay in Iraq and pay the full price, in money and manpower, needed to help Iraqis build a more progressive, democratizing Arab state—one that would use its oil income for the benefit of all its people and serve as a model for its neighbors—then a war partly over oil would be quite legitimate. It would be a critical step toward building a better Middle East.

So, I have no problem with a war for oil—provided that it is to fuel the first progressive Arab regime, and not just our S.U.V.'s, and provided we behave in a way that makes clear to the world we are protecting everyone's access to oil at reasonable prices—not simply our right to binge on it.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from Ohio (Ms. KAPTUR) for her remarks. Two things or maybe three things that I really appreciate. One, I think it is very important to bring up the crises or I should say the increase costs of oil and how that has steadily gone up in the last 2 years or so and is a major factor also impacting the economy and that this administration has not done anything in the first 2 years to make us more energy independent. They have fiddled around and talked about a lot of things, but nothing has actually been accomplished.

The other thing is, in listening to the gentlewoman, it is almost as if President Bush is just going back to the old sort of trickle-down economics; in other words, we give all the money to the rich. Now we give this huge tax break with dividends primarily to the wealthy and somehow that is going to trickle down. But as the gentlewoman pointed out, that is not what happens because the money is just invested overseas, and one of the things that I mentioned before and that is an important part of the Democrat stimulus package is relief for small businesses, which is specifically targeted so that it has to be used to reinvest in new jobs, new means of production, and the majority of the jobs that are created in the United States these days are through small business.

So we are doing the opposite. They are saying we will give a big boost to the big corporate interests and the wealthy and they are somehow going

to spend it to create jobs; but there are no strings attached, whereas the Democrats have a proposal that specifically targets small businesses and insists that whatever tax savings or credits are specifically for new jobs and new production here, which I think is crucial because otherwise it is a waste, and the gentlewoman has pointed that out very effectively.

Ms. KAPTUR. Mr. Speaker, I wanted to say to the gentleman, if one looks at the last 25 years, it is very important to point out that our last four recessions were all related to rising oil prices going back to the 1970's, the 1980's, and now the new 21st century. And if we do not learn from history, we are doomed to repeat it; and what has happened over a period of time is that there has been more and more military presence placed around the world in order to guard the oil lanes coming in here, and it truly would be destabilizing to our country if those paths were eliminated, but the answer for America is not to become more and more dependent on foreign supplies but rather to use not just the short-term stimulus package but the long-term economic growth strategy for our country to create energy independence so that we are not so vulnerable, and every time some oil baron or king wants to make it a little tough on America, they raise prices and then we are thrown into recession. They know they do not want us to go into deep, deep depression because then they lose some of their revenue, but the point is we are like a puppet on the end of a string and we are not controlling our own destiny. So I would hope that as we move forward, pass this short-term stimulus package that the Democratic Party has offered, and then move into long-term economic growth, that we really look at energy independence as a major pathway to new job creation and investment here at home.

Mr. PALLONE. Mr. Speaker, that is a very good point. And the other thing too is that everyone is sort of assuming that this recession is at its worst and somehow we are now going to turn it around; but if the government goes in the wrong direction with President Bush's plan, it could very easily get worse. There is nothing in that plan that is going to stimulate the economy. The consequence could very well be that the recession gets worse and unemployment gets worse. I hope that does not happen, but I think it would be naive for us to suggest that we have necessarily hit bottom. One of the reasons we need to do this, what the Democrats propose, is that we do not want things to get worse. It is not just a question of getting better, but not having the economy even move in a further downward direction.

Mr. DEFAZIO. Mr. Speaker, the gentleman raised the unemployment numbers. It is interesting that recently a survey has come out of rural areas in my State, particularly areas that were previously timber-dependent areas, about unemployment; and the numbers that we record today in unemployment do not reflect the real suffering or the true degree of unemployment. As high as unemployment is in the United States, and it is at some of the highest numbers it has been in a decade under this administration without an extension of unemployment benefits, which hopefully will be rectified here this week, but the numbers are actually much worse because the definitions have been cleverly changed to say, well, if they are unemployed and their unemployment benefits have run out, they are not considered unemployed anymore in the United States.

So if we follow that illogic through, if everybody in America lost their job today and all their benefits an out a year from today and nobody got their job back, no one would be working and we would have zero unemployment. It is an absolute absurdity. So the true measure of unemployment is actually much, much higher than we are seeing; and the struggle, as the gentlewoman from Ohio (Ms. KAPTUR) said, to bring some productive capacity back to this country and put people back to work, we were all first promised, well, they are losing their jobs in industry but they will all go into the new economy.

Well, the new economy has gone bust, and most of them did not get jobs there anyway or benefit during those good years; and one cannot, in my opinion, be a great Nation if one does not build things, and the reliance on foreign oil is extraordinary. The fact that our greatest balance of payment, the deficit, is to buy foreign oil, supporting people who hardly have any interest in the United States in mind and our future in mind and the investment in alternative fuels, alternative fuel technology to include fuel cells and all the other things that the gentlewoman talked about, bring those industries home to the United States and begin to export them into the rest of the world in addition to insulating ourselves from these people who are jacking up oil prices around the world would be an extraordinary benefit to the American people. And I hope that this administration, this unfortunately oil administration that we have in the White House, might be able to clear their vision a little bit, instead of saying we can somehow drill our way out of this, which we cannot. Even if there was as much oil as the most optimistic say up in the Alaskan National Wildlife Refuge and along the coast of the United States, we still could not drill our way out of this problem. We would still have a growing dependence on foreign oil. We need to make dramatic steps and investments in that direction, and we should orient more longer-term packages toward the recovery of our economy toward those new technologies, toward those investments in our country, and those are the kinds of things we need.

An ephemeral investment or expenditure of $300 billion to relieve people from paying taxes on dividends on stock, mostly people who earn over $100,000 a year, as an economic stimulus is almost laughable. I mean, it is extraordinary to me. And if it does work and it stimulates the stock market without dealing with the underlying problems and the fundamentals of U.S. industry and their unwillingness to invest if this country, in the productive capacity of this country, it will create another bubble, and guess what, some people will ride the bubble up, get out, and it will pop again, and what happens? The people who are always stuck are the middle class and working people who cannot get in and out of the market because their only investments in the market are through their retirement funds which they cannot liquidate and speculate on the way that some of these other folks can. It may well cause a big run-up in the stocks that pay dividends in particular, but it is not going to generally leaven the economy and put people back to work. I have yet to see a single credible economist make that assertion, that somehow this $300 billion gift other than through the trickle-down theory is going to somehow put people in this country back to work.

Mr. PALLONE. Mr. Speaker, the other problem that we have too, which we really did not dwell on too much but I think it is important, is that it really was disgraceful that the Republicans, who are in the majority, with the President went home after December 28 and the people that did not have their unemployment compensation just ran out.

Mr. DEFAZIO. Mr. Speaker, 28,000 people in my State alone saw an end to their unemployment benefits in the week between Christmas and New Year. Happy New Year from the Federal Government.

Ms. KAPTUR. Mr. Speaker, in the State of Ohio it was 24,000 people who fell off their benefits right before the New Year and 1,100 additional people in my own congressional district.

Mr. PALLONE. Mr. Speaker, the amazing thing, we were trying, the Democrats insisted before we went home that we would stay here to pass a package, but of course the Republicans just adjourned.

□ 1830

My understanding is, and I have not seen the proposal, I guess we may consider something tomorrow or Thursday, is that the Republicans are coming back with something like a 12-week extension which may or may not even be retroactive. That is a very short period of time, given what we are facing

here. The Democratic proposal is for double that, basically 26 weeks, and goes back to December 28.

Mr. DEFAZIO. Mr. Speaker, if the gentleman would keep in perspective, the total cost of the Democratic proposal, as I understand, it is to be twice as generous in terms of the extension of unemployment benefits; and to again, to begin to even penetrate some of those other people who have been longer unemployed or underemployed, is about one-twentieth, 5 percent, of what the President is proposing to gift upon the wealthiest by relieving them of the horrible burden of paying a small percentage tax on the dividends they earn by clipping coupons on stocks that they own.

Where are our priorities? Could he not do 10 percent for the unemployed and for their families? I mean, it is just extraordinary to me that the emphasis would be so thinly disguised.

Ms. KAPTUR. Mr. Speaker, every single one of those families would spend that money on basics. They would be buying food.

Mr. DEFAZIO. From local small businesses.

Ms. KAPTUR. From local small businesses. They would be shopping at local stores. They would be making their mortgage payments, if they can hold on to their houses.

Mr. DEFAZIO. Mr. Speaker, if I could, in my State, we have an extraordinary, we have already exhausted this year's allocation of low-income energy assistance in our State; and we are, what, 3 months into the year, the beginning of the heating season; and there are tens of thousands of people on the waiting list in my State, and I am sure in other States across America. And to say, well, we just cannot afford those things, but we can afford for the people who live up on the top of the hill in the big houses with all of the lights on and the windows open, we are going to give them a little extra gift so that they can go to Antigua to avoid the colder months.

Ms. KAPTUR. Mr. Speaker, I was struck by the fact that here we are on the very first day of the 108th Congress, and I am proud to say it is the Democratic Party that is down here on the floor tonight talking about the economy and the recession and how we invest our way out of it; we are talking about war, how we avoid it; we are talking about new job creation for our country. I do not hear anything from the other side. I mean, it is easy to go to cocktail parties and leave for dinners because it is kind of a day of pomp and circumstance; on the other hand, we are a serious party, we are true to our traditions, and I want to thank the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Oregon (Mr. DEFAZIO) for being a part of this this evening. I am very proud to be a Democrat tonight. We are doing our job.

Mr. DEFAZIO. Mr. Speaker, if I could expand on that, it is day 10 since the extended unemployment benefits expired, and Congress is not in official session this evening taking care of that problem. They are out, many of them downtown with the lobbyists on K Street celebrating with champagne beyond the weekly food budget of many of these families who are unemployed.

Ms. KAPTUR. I thought we would have extended the unemployment benefits today. I promised my constituents that it would be my top priority when I came back here to Washington; and, quite frankly, I was surprised that that bill was not offered today.

Mr. PALLONE. And we did have votes today. We did have the adoption of the rules package. So it was not that we only had a ceremonial session. We did have votes.

The other thing is that in the last few weeks I was hearing from some of our Republican colleagues about how maybe we did not even need to do it, to extend unemployment compensation because it has been going on too long, almost like it is some sort of welfare benefit or something. When the recession continues, and it is getting worse, there is no indication it is getting, things are getting better, it is only fair to extend it. I mean I could not believe I would even have to try to argue the case for it. But there are those on the other side of the aisle who do not think we should even do it.

Ms. KAPTUR. Mr. Speaker, I would have to say this also, that when the Bush administration's unemployment proposal was talked about, the President talked about this before the first of the year; he did not say what his proposal really was. His original proposal would have only taken care of the unemployed in three States. The State of Oregon was one of them, but our State was left out, the State of Ohio. I fail to see how an unemployed worker in Ohio who has exhausted his benefits is any different than an unemployed worker in Oregon or New Jersey.

Then there was the issue of how many weeks and at what level for benefits they had worked for. These are working people. They are people who have believed in our system of enterprise and have tried to make a difference in their lives. I was just amazed that none of the press talked about the difference in the bills, that we were as the Democratic Party talking about every State in the Union, every unemployed worker who had fallen off of benefits, and that we were talking about a realistic number of weeks, not just 6 weeks or 7 weeks, but so that people could plan, 26 weeks, which has been historic here.

Mr. DEFAZIO. Mr. Speaker, we should remember that unemployment benefits have been paid for by the employers and the employees. The employers have to pay a tax; most economists say that comes in the form of lower wages or at least is shared in lower wages by the employees, and there is a large and healthy balance in the unemployment trust fund. Yet our colleagues on the other side of the aisle, the President and the Republican majority, have refused to expend some of those taxes. That was money that was saved for a rainy day for families and individuals across this country. It is raining like hell out there right now, and they need that money. It is their money. That, in fact, does not have an impact on the deficit. Giving a $300 billion tax break to people who clip coupons on their taxes does cost the Federal Treasury and will increase the deficit, but if we kept the books honestly, money spent out of the unemployment trust fund which has been accumulated over many years for a rainy day would not count as money that is spent and created out of nothing. There is money there to spend. It is just like we could invest in infrastructure by spending down the highway trust fund. We could invest in aviation by spending down the aviation trust fund. We could accelerate a whole bunch of projects across this country and put people back to work, really. I mean, in the phony way we keep books here, it counts as deficit; but in reality it would not be. The American taxpayers would be getting the money back that they paid for the purpose for which it was intended, which is unemployment benefits or investment in bridges, highways, roads and aviation.

Ms. KAPTUR. Mr. Speaker, I want to say a word about Amtrak. I represent the largest passenger terminal in Ohio, and it has been amazing to me to watch under this administration's purview how service has been cut back. I travel around the world, and I ride trains that so far surpass anything that we have over land in this country. It is actually embarrassing. We talk about a stimulus package. What about high-speed rail? Why has it taken us as a country to this point in the 21st century where we have an antiquated system that needs new stimulus, that needs new investment, coast-to-coast, in order to meet all of the congestion problems we have at our airports; to provide a real, third rail, one might say over the road, in the air, and over land, not counting the sea ways, but to take a look at our rail system and the investment that is needed in it, and to think that we are cutting back to allow Wall Street to put our investment in China or Mexico or somewhere else.

Mr. DEFAZIO. China is building a huge and very expensive multibillion dollar new high-speed rail system, probably with some U.S. investment behind it.

Ms. KAPTUR. Very interesting. Maybe some of those Wall Street dollars are going to China rather than inside the United States. That is why it is important to target the investment here and to make sure that it builds wealth in our country, not someplace else.

When the gentleman mentioned about infrastructure, that really struck me because northern Ohio has been seriously diminished in its ability to move passengers. And the equipment, the trackage, everything that we need really has been underinvested, and this is a system that when one goes around the world, I do not care whether it is France, Japan, the gentleman mentioned China, we are falling behind, falling behind.

Mr. PALLONE. There is no question about that. Again, part of our Democratic stimulus package does provide for money to go back to the States for infrastructure, airports, highways, and the things that the gentlewoman mentioned.

I think we are running out of time, so we are going to have to wrap it up; we only have a couple more minutes. But I just want to thank both of my colleagues. The bottom line is that this is just the beginning. The gentlewoman mentioned the media not comparing the different unemployment compensation packages. Part of it is because the Bush administration has not really said exactly what they are proposing. I gather from today that they are talking about 12 weeks, and we will find that out tomorrow. But we are going to have to insist beginning tomorrow that this package pass and pass in a way that is effective before we leave this week, let alone tonight. So I particularly appreciate the fact that my colleagues mentioned that, because I think it is something we are going to have to deal with literally tomorrow.

But I thank my colleagues again, and we will continue to point out these differences between what the President is proposing and the Democratic stimulus package, not because it is partisan, but just because we honestly believe that the Republican proposal will not do anything to reverse the economic downturn.

THE DROUGHT AND ITS CONSEQUENCES

The SPEAKER pro tempore (Mr. OSE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes.

Mr. OSBORNE. Mr. Speaker, I sat here with a great deal of interest listening to the previous speakers and the fact that Republicans were at cocktail parties and out with lobbyists, and I am a Republican and I am still here. I was very interested in the comments that I was listening to. I am not a very partisan person. I believe very much in fairness and balance. When I heard the President's economic stimulus package characterized over and over again as another round of tax breaks for the rich, what I was surprised that somebody did not answer was that part of the plan is $3.6 billion going to the States that are to be distributed in $3,000 increments to the unemployed as they pay for transportation and child care and training to get back into the workforce.

Now, the unemployed are not by definition wealthy people. So that $3.6 billion does not go to the rich. The child tax credit increases by $400 per child. Now, not all children, certainly in the United States, are born to the wealthy. So a family of three would have $1,200 additional money in their pocket, and many of those families will be poor families. The marriage tax penalty has been accelerated. For the average married couple, that will mean $1,716 that they will receive. Certainly, not all married couples in the United States are wealthy. Many that I know are not wealthy at all. Mr. Speaker, 92 million tax filers this year will receive an average tax cut of $1,083. We certainly do not have 92 million tax filers in the United States this year that are wealthy people.

Finally, let me just say this. There has been a lot of mention of the dividends and how the dividends were tax breaks for the rich. But what most people do not seem to bother to mention is that roughly 40 percent of the American population now owns stock. Not all of those 40 percent are wealthy people. Many average wage-earners own stock and will benefit from any stock dividend reduction.

So just in the interest of fairness, Mr. Speaker, I thought we might mention the fact that there were some things that were not mentioned here this evening as we talked about the stimulus package, and I am not for sure what it is going to look like. I am not sure how it is going to play out. But I do know that it is not targeted only for the upper 5 percent or only the upper 10 percent of taxpayers. Certainly a good number of people will benefit.

But that is not what I am here for tonight, Mr. Speaker; it is not why I came over here. From the previous discussion, one can assume that what happens on this floor much of the time is aimed at discussion of the economy, tax breaks have been mentioned, a lot of discussion about Medicare at times, and certainly the Middle East, what is going on in Iraq, what is going on in North Korea. And these are all very, very important subjects. But the subject that we very seldom discuss here is somewhat amazing to me and that is something that is going on right here, right now in the United States; and it involves almost one-half of the country, and that is the drought. We almost never hear that discussed on the floor of this House. We almost never hear it discussed in our major metropolitan areas or in our major metropolitan newspapers.

So, Mr. Speaker, here is the map of the drought. This is what it looks like. In August of 2002, at the end of the growing season, this is what the drought looked like, and this was the impact that it had on our crops in 2002. So what that means, if one looks at the black area, that is exceptional drought; and those areas experienced, for the most part, drought that exceeded any records that go back over 100 years of recorded history of precipitation.

□ 1845

So we see large areas like this. The red areas would, for the most part, exceed the drought that we experienced in the thirties, the Dust Bowl, where tons and tons of Earth were blown away and crops were totally nonviable; and thousands and thousands of farmers left farming and ranching.

So we can see, Mr. Speaker, that this is a rather drastic picture. The bad thing is, it has not improved for the most part. In some areas, it is much worse now than it was then. In my home State of Nebraska, the month of December which just passed was in most cases the driest December ever recorded, so things have not improved at all.

Let us talk a little bit about why this is. Why do we not hear about this more? The reason is, I believe, that there are roughly 2 million farmers and ranchers in the United States today. That comprises a little bit less, actually, than 1 percent of the total population of the United States in farming and ranching. Probably in this drought area we have about one-half of the farmers and ranchers in our country, so we are talking about one-half of 1 percent that are directly impacted by this. Their way of living, their livelihood, is impacted by the drought. One-half of 1 percent sometimes does not make much of a ripple.

Mr. Speaker, that is why I have decided not to go to the cocktail parties and not to go out with the lobbyists tonight, as we have heard earlier was happening with the Republicans. That is why I am here on the floor tonight to talk about this, because very few other people are talking about it. It is something we need to look at because it has huge implications for this country, and for its economy and for its well-being.

Let me talk a little bit about the effects of the drought. Some of these areas are forest lands in Wyoming and in Colorado. One thing that was interesting, in examining the rings, the growth rings on the trees, we can pretty much tell when the droughts occurred. Some of those trees are 300 years old. 2002 was the driest year in

many of those areas in the last 300 years. The timber in those forests was drier than the lumber in the lumberyard that had been put through a kiln, so that shows the impact that the drought had on our forests and on our lands.

The reservoirs in these areas that are stored primarily for irrigation are at this time 25, 30 percent, in some cases as low as 15 or 20 percent, full. The bad thing, Mr. Speaker, is that the inflows into those reservoirs are greatly reduced from other years. The snowpack even for this winter is way, way below normal, so there is almost no chance of any great recovery this year. So we are looking at some really reduced irrigation waters for those people who irrigate out of those reservoirs.

Normally, an irrigator could count on somewhere between 90 and 100 days of water. This year, many of those irrigators have already been told that those reservoirs will only provide maybe 20 to 30 days of water, which means essentially that they cannot plant, because they cannot grow anything on 20 to 30 days of water.

Also, many people who would receive normally 20 to 24 inches of water out of a reservoir this year are going to receive 2 or 3 inches of water; so again, those people are having to convert to dry land. They are having to put their irrigated land into pastures and other types of products, and as a result there is a tremendous financial loss in those areas. The pastures in these areas have simply dried up, so there is no hay. There is nothing for the cattle to eat. As a result, what has happened is a great many of our ranchers have had to sell at least part, and in some cases nearly all, of their cattle.

The problem with that is that when we start reducing the breeding stock, and some of these breeding stocks have been put up over generations and of course have tremendous value, but when they can no longer provide food for them and they have to sell the breeding stock, then it is not long before the whole thing unravels, and it will take 5, 6, 7, or 8 years to rebuild the breeding stock. There has been tremendous devastation in these areas, particularly in the livestock industry.

On top of the farmers and ranchers, we also find that the small towns that really service those farmers and ranchers are in bad shape, too, because the implement dealers, the feed and seed dealers, have no money. The merchants, the bankers, all of these people are experiencing extreme hardship in these areas.

Currently, just in my State alone, the State of Nebraska, the economic devastation of this particular drought is estimated to be $1.4 billion. That was as of September or October. My estimation is it will probably go closer to $2 billion. If we multiply that by Kansas, South Dakota, Montana, Wyoming, Colorado, New Mexico, and Arizona, all of these other States, we are talking about a disaster in the range of 15 to $20 billion. This is huge for this part of the country, and it is something that we need to think about and we need to do something about.

In Nebraska, the nonrenewable farm loans this year will increase by roughly 400 percent which, if that plays out, and I believe that it will, we will probably lose somewhere between 3,000 and 4,000 farmers.

The most terrifying statistic that we heard recently that the bankers gave me was that 25 to 50 percent of the farm loans in the State of Nebraska are in serious trouble, and they could not endure another 2002. They would go under if we do not do any better; and, of course, the drought appears to be as bad in the coming year as it was in the past year, which would mean that we could lose as many as 15,000 to 20,000 farmers that would not be able to renew their farm loans.

So this is a very difficult prospect. It is something that is, I believe, unconscionable to not address. This is something that has to be done.

What has been done so far to combat the drought? I think, in fairness to the administration, we need to point out the fact that they did provide $752 million in livestock compensation this past fall. This was taken out of section 32 of USDA. It did not require an act or any initiative here in the Congress, but it was done administratively. This money was greatly appreciated.

There was also a livestock feed program that allowed ranchers to get vouchers to go down to feed stores and they could purchase some feed. Some people purchased their hay up on the Canadian border, and said that might help get them through the winter; so it was some help, but it is something that was maybe just a stopgap measure. The people in the ranching business are still in great difficulty; and the bottom line is that nothing so far has been done for the row crops, the people who grow wheat and corn and milo and soybeans. They have not received any type of aid at all.

So let us take a look at what has been going on in terms of disaster. We see that for Hurricane Andrew and a typhoon $6.4 billion were spent by the United States Government; for the 1997 flood of a river, $738 million. These, of course, are not due to drought.

We every year give $5.59 billion to Israel, $3.94 billion to Egypt, and we give to many, many other countries where we are certainly concerned about their welfare. I certainly do not begrudge the money given to Israel or Egypt or whatever, but the interesting thing is that we do these things, and yet we seem to be at the present time turning our backs on a large segment of the United States, which is a little bit difficult to understand at this point.

We say, now, why would we do this? Why do we turn our backs on our own people? A memo from the budget office said that a drought really is not like a natural disaster such as a flood or a tornado or a hurricane because a drought comes on more slowly. Since it comes on more slowly, then people have a chance to adjust; so they said a drought really is not something like other disasters that get disaster aid. It does not quite qualify. This was what somebody in the budget office wrote.

I would have to believe that that person maybe had not been in agriculture, had not been on a farm, did not know much about it. We have the input costs to till the soil, buy a tractor, plant the seed; we have to fertilize; and after you have spent thousands of dollars to get the crop ready, then if you do not get any water, it may only take about 3 weeks at the right time and you lose the whole crop.

So to say it does not come on suddenly, it may not be 15 minutes or 1 day, but it does not take very long. We have had huge numbers of people out there who have simply lost their whole crop, it has occurred fairly quickly, and it was beyond their control. There was nothing that they could do about it.

The other thing that I think has caused us to not come forward with any disaster aid has been the perception of the new farm bill that was passed last year. People would say, how in the world would that affect whether we had disaster aid or not? The perception of the new farm bill is that it has a huge amount of money in it; and because there is so much money in the farm bill, then that should take care of whatever disaster we might have.

I would say that that perception is not accurate. I would like to show the Members some information here that I think pretty much illustrates this.

In the last 3 years with the Freedom to Farm, the previous farm bill, we spent on average in 1999, in 2000, and 2001 $24.5 billion, $24.5 billion. The new farm bill that was passed this last year is projected to cost a little less than $21 billion in 2002, 2003, 2004, and 2005, so actually there will be less money spent in the new farm bill than there was in the last 3 years of the old farm bill. So it does not seem to be quite as expensive as what we would have been led to believe.

Now, the reason that the farm bill I think has gotten such a bad rap is that many of the urban newspapers really went after the President for signing the farm bill. I will read just a few of the editorial comments that we saw.

First of all, in the Las Vegas Review Journal the headline was ''Farm Welfare.'' The editorial said, ''The House voted to slide backwards some 70 years, choosing socialism and abandoning market-based reforms in the Nation's Stalinesque farm policy in voting for a new farm bill.''

The Washington Post, the headline was, ''Cringe for Mr. Bush.'' The editorial ran: ''Mr. Bush signed a farm bill that represents a low point in his presidency, a wasteful corporate welfare measure that penalizes taxpayers and the world's poorest people in order to bribe a few voters.'' So the President took a tremendous beating here.

In the Wall Street Journal, the headline was, ''The Farm State Pig-out.'' The editorial said, ''That great rooting, snooting noise you hear in the distance, dear taxpayers, is the sound of election year farm State politics rolling out of the U.S. Congress. This alone amounts to one of the greatest urban-to-rural transfers of wealth in history, a sort of Farm Belt Great Society.''

So it is only natural that the administration, after enduring this type of reaction, would say that they are very reluctant to step forward at this point with any further spending for agriculture. The thing we need to understand, however, is that some of the emergency payments that were paid to agriculture in 1999, 2000, and 2001 were paid out because of low prices. The prices were very low, so to keep farmers in business some emergency payments were given.

For instance, the price of corn during this period, a bushel of corn, probably averaged about $1.70, $1.80 a bushel. The cost of production was around $2.20 a bushel, so in order to keep people in business some emergency payments were made. We are not talking about emergency payments anymore. We are not talking about that; we are talking about a natural disaster. So this is not because of low prices.

The next thing we will look at here is what has happened this year. This is the projection, the new farm bill for 2002, roughly $19 billion. Let us see what has actually happened this year with the drought.

What has actually happened, Mr. Speaker, is that the $19 billion projected spending has not occurred. Instead, this year the farm bill will cost somewhere between $13 billion and $14 billion, a $5 billion to $6 billion shortfall. In other words, in the year 2002, we will actually spend about one-half of what we spent on average on the farm bill in 1999, 2000, and 2001; and yet this is being called the great farm State pig-out, that this is a fat bill. Obviously that is not true. We are spending roughly one-half of what we spent in the last 3 years of Freedom to Farm.

We will say, why did this happen? How could it have happened? What happened was the drought. What happened was that in corn production, in soybeans, in milo, in rye we are down about 10 or 15 percent because of the drought. Some people simply had no crops. When we have less supply, then the price goes up. When the price goes up, we have no farm supports. When people in Iowa, in Illinois, in Indiana have good crops and they have better prices, they get no farm payments because their prices are up. So as a result, ''we'' are saving, in quotes, we the government, somewhere in the neighborhood of $6 billion on this farm bill.

□ 1900

So the question would be, well, why would we not give some of that $6 billion back to the people who caused it to happen in the first place, the people who had no crops, the people who experienced the drought? Because you get no farm payments if you do not have a crop. And that is what happened to these people. They have no crop. And so it would make sense to a lot of people that, yes, we would return some of that. But again we do not seem to be getting any movement in any direction. And the staple answer we get is, well, there is so much money in the farm bill, just take it out of the farm bill.

Now, the problem that we have with that as we looked at the map, we can see that there was only part of the country that had the drought. And so we would have to convince the folks in Iowa, in Illinois, in Indiana, in Minnesota, in Texas, in Arkansas and Louisiana that they should take payment from their crops to give to South Dakota and North Dakota and Nebraska and Kansas and Colorado, and it seems that that is rather difficult to get done. People just do not seem to want to do that.

So what has happened is we are between a rock and a hard place. We cannot seem to get the administration to say, yes, we will help the farmers; and we cannot get many people saying, yes, we ought to go into the farm bill, and I can see that too. So as a result we have a lot of people who are hurting, who are in bad shape; and I really do not know exactly what we are going to do at the present time.

Let us talk a little bit more about the farm bill. This thing is greatly misunderstood. People do not understand why we have a farm bill. And so I would like to present one last graphic here, Mr. Speaker, and this is rationale as I see it for why we have a farm bill.

Farming is a little bit different than most other industries. People who have WallMart come in their community and the hardware store goes broke, they say, nobody helps me. I used to be a football coach and if I lost a game nobody protected me and so they say, why should we help the farmers? Let me tell you a little bit of the rationale that holds up very well.

First of all, farming is almost totally weather dependent. Now, most industries, most businesses in our country do not dissolve if you have a 15-minute hailstorm or if it does not rain for 3 weeks or if a strong wind comes through and knocks the wheat down. It does not happen that way, but farming is totally weather dependent.

Number two, in farming it is almost impossible to control the inventory. You say, well, what does that mean? Well, if General Motors has too many automobiles out there and they feel there is a glut what they do is shut down an assembly line and they wait until things get in balance. But when you are growing wheat around the world, you really cannot say, well, Australia, you do not plant this year or, Canada, you cut down because you do not know what the worldwide production will be. You do not know where the droughts are going to be. You do not know what is going to happen so you cannot control the inventory. Now most businesses can control the inventory.

Thirdly, producers do not set the price. If you are going to make a suit of clothes you will say, this is worth $500. This is what we will price it at. We will make a box of corn flakes. It will be $2.50. If we are going to sell a car it will be $30,000. So the manufacturer, the producer sets the price. But in farming the farmer does not set the price. The price is set for him. It is the local elevator, the Chicago Board of Trade that says corn is worth $1.60 a bushel this week, so much a pound for beef. And he has no choice. He does not set the price.

Fourthly, farming is critical to national security. As long as you can go down to the grocery store and things are convenient and easy and there is plenty there, and you only spend an average of 9 percent of your income on food you do not really see a problem. There is no problem with national security. But those countries that experienced a shortage of food in World War II have a little bit different slant on things. And the other thing that we want to point out here in regard to national security, somebody mentioned in the previous hour, they were talking about petroleum, our dependence on OPEC for oil. Well, what happened was about 20 years ago we found that we could buy petroleum from OPEC for like $15, $20 a barrel. So we said that is a good deal. So we should shut down our own exploration. We shut down our own refineries. As a result we are now 60 percent dependent so foreign.

People say that is still okay because we only pay $12 to $15 a barrel. That is no problem. But some economists have put a pencil to it and said the Gulf War cost us a lot of money, and the Gulf War was about oil. And we are maintaining a fleet and a military presence in the Middle East and we are now maintaining an even bigger presence which is due largely to oil. And what economists have said was that oil really does not cost us $15 a barrel. What it cost was more like $70 to $100 a barrel when you add it all in.

Now, we can do the same thing to our agriculture. We can very quickly ship our agriculture to South America, to

Australia, to Canada. And so the question is are we going to protect agriculture and are we going to keep it in the United States where we know what we have, and we have a secure food supply, and no matter what happens around the world we know we have got it here. Is that worth something to us? I think it is.

Fifthly, there is no level playing field worldwide. The European Union subsidizes agriculture by more than $300 per acre. Now, again, you go back to toward World War II and most people in Europe understand the value of a food supply so they subsidize $300 per acre. Japan subsidizes agriculture more than $1,000 per acre. In the United States, get this, the United States, that fat farm state pig out farm bill subsidizes agriculture $45 per acre, roughly one-sixth of what the European Union subsidizes their farmers.

The other thing to remember is that there is great competition from South America. In Brazil, for instance, a top grade of land will cost $250 per acre, land that would probably cost $2,500 an acre here in the United States. Labor costs an average of 50 cents an hour in Brazil. It would probably cost $10 an hour in the United States. And there are practically no environmental regulations in Brazil where we have a great many.

So what we are saying is that the farm bill is necessary to enable our agriculture to be somewhat competitive and we think we are getting a pretty good bargain here at $45 per acre. And so is that agriculture worth saving? Is that worth some type of investment in terms of disaster payment to keep that here, to keep it in the United States, to keep these people viable? I guess my slant, Mr. Speaker, is, yes, it is. And so that is pretty much my rationale this evening.

I guess one last comment, some people would say, well, we do not have any disaster aid because, number one, the drought is not a natural disaster; and of course I think I pretty well disputed that. Secondly, they have said the farm bill is too fat; and again I think we have offered some information to dispute that.

But the third argument is this, that, well, that those people who have row crops have crop insurance so they do not need any help. Well, I think people in the United States need to understand the crop insurance program is viable and it is very important. It works very well if you have three or four good years, good yields and good production, and then all of the sudden you have a drought for 1 year and maybe then you have 3 or 4 more good years because the crop insurance will at least hold you in there. It will get the input costs back, because the most insurance you can buy for crop insurance is 85 percent. Now, profitability is in the last 10 percent. So on crop insurance you do not make money. You probably still lose a little bit. But the problem is that when you have multiple years of drought, which we have had. Most of these farmers have experienced at least 2, 3, 4, some of them 5 years of drought. Every year of drought that you have the amount of insurance you can buy goes down because you have to average in those years where you had no production.

So probably most of the farmers in those drought areas are insured at a 60, 65 percent level and they have been receiving that now for 2 and 3 years. So they have been digging into their equity every year and some of them are to the point where they no longer have any equity left. So insurance is good for a 1-year situation, but when you have multiple years of drought which we have had, you have a disaster. And so that is where I believe at this point we need to step in.

So we hope very much that this body, in the House, we hope in the Senate and we hope that the administration will begin to see what we are up against and the difficulty of the situation. We hope this will be treated like a natural disaster, like a hurricane, like a flood, like a fire. And typically the United States has stepped forward in those situations, and it is difficult to stand back and see a lack of responses in this case.

Mr. Speaker, I appreciate this opportunity.

RECESS

The SPEAKER pro tempore (Mr. OSE). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2110

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 9 o'clock and 10 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 23, TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–1) on the resolution (H. Res. 14) providing for consideration of the Senate bill (S. 23) to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such act ends, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 1, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003 AND H.J. RES. 2, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–2) on the resolution (H. Res. 15) providing for consideration of the joint resolution (H.J. Res. 1) making further continuing appropriations for fiscal year 2003, and for other purposes, and for consideration of the joint resolution, (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NETHERCUTT (at the request of Mr. DELAY) for today after 4 p.m. through January 8 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mrs. BIGGERT) to revise and extend their remarks and include extraneous material:)

Mrs. BIGGERT, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

APPOINTMENT BY THE SPEAKER AFTER SINE DIE ADJOURNMENT

Pursuant to section 603(a) of the Intelligence Authorization Act for Fiscal Year 2003 (P.L. 107–306) and the order of the House of Thursday, November 14, 2002, the speaker on Sunday, December 15, 2002, appointed the following members on the part of the House to the National Commission on Terrorist Attacks Upon the United States:

Mr. Fred F. Fielding, Arlington, Virginia;

Mr. James R. Thompson, Chicago, Illinois.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER, AFTER SINE DIE ADJOURNMENT

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, December 13, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Title VI of the Intelligence Authorization Act for Fiscal Year 2003, I hereby appoint the following individuals to the National Commission on Terrorist Attacks Upon the United States: Honorable Tim Roemer (IN); Honorable Jamie Gorelick (MD).

Mr. Roemer's appointment shall be effective immediately after noon on January 3, 2003.

Yours Very Truly,
RICHARD A. GEPHARDT.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER, AFTER SINE DIE ADJOURNMENT

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, December 20, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Public Law 107–273, I hereby appoint the following individuals to the Antitrust Modernization Commission: John H. Shenefield (VA); Debra A. Valentine (District of Columbia).

Yours Very Truly,
RICHARD A. GEPHARDT.

COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 30, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a letter from Dwayne D. Yoshina, Chief Election Officer, State of Hawaii, transmitting a Certificate of Election indicating that, the Honorable Ed Case was duly chosen by the qualified electors of the State of Hawaii on November 30, 2002, as Representative in Congress for the State of Hawaii for the term ending January 3, 2003.

With best wishes, I am,

Sincerely,
JEFF TRANDAHL.

To the Clerk of the United States House of Representatives:

This is to certify that on the 30th day of November, 2002, Ed Case, was duly chosen by the qualified electors of the State of Hawaii as a Representative from said State to represent said State in the House of Representatives of the United States for a term ending on the 3rd day of January, 2003.

Witness: Her excellency our Governor Linda Lingle, and our seal hereto affixed at Honolulu, Hawaii this 20th day of December, in the year of our Lord 2002.

By the Governor.

LINDA LINGLE,
Governor.
DWAYNE D. YOSHIMA,
Chief Election Officer.

STATE OF HAWAII,
OFFICE OF ELECTIONS,
Pearl City, HI, December 23, 2002.

Mr. JEFF TRANDAHL,
Clerk, House of Representatives, Capitol Heights, MD.

DEAR MR. TRANDAHL: Enclosed is the Certificate of Election for Ed Case duly chosen by the qualified electors of the State of Hawaii on November 30, 2002.

Pursuant to Hawaii Revised Statutes Section 11–174.5, there were no challenges filed.

Should you have any questions or need additional information, please contact Lori Tomczyk.

Very truly yours,
DWAYNE D. YOSHINA,
Chief Election Officer.

BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

The President, subsequent to sine die adjournment of the 2d Session, 107th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

On December 16:

H.R. 38. An Act to provide for additional lands to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska, and for other purposes;

H.R. 308. An Act to establish the Guam War Claims Review Commission;

H.R. 451. An Act to make certain adjustments to the boundaries of the Mount Nebo Wilderness Area, and for other purposes;

H.R. 706. An Act to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico;

H.R. 1712. An Act to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes;

H.R. 1776. An Act to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in West Houston, Texas;

H.R. 1814. An Act to amend the National Trails System Act to designate the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut for study for potential addition to the National Trails System;

H.R. 1870. An Act to provide for the sale of certain real property within the Newlands Project in Nevada, to the city of Fallon, Nevada;

H.R. 1906. An Act to amend the Act that established the Pu'uhonua O Honaunau National Historical Park to expand the boundaries of that park; and

H.R. 1925. An Act to direct the Secretary of the Interior to study the suitability and feasibility of designating the Waco Mammoth Site Area in Waco, Texas, as a unit of the National Park System, and for other purposes.

On December 17:

H.R. 2099. An Act to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide adequate funding authorization for the Vancouver National Historic Reserve

H.R. 2109. An Act to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach Park in Biscayne Bay, Florida, for possible inclusion in the National Park System

H.R. 2115. An Act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington

H.R. 2187. An Act to amend title 10, United States Code, to make receipts collected from mineral leasing activities on certain naval oil shale reserves available to cover environmental restoration, waste management, and environmental compliance costs incurred by the United States with respect to the reserves

H.R. 2385. An Act to convey certain property to the city of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources in that property, and for other purposes

H.R. 2458. An Act to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes

H.R. 2628. An Act to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Muscle Shoals National Heritage Area in Alabama, and for other purposes

2818. An Act to authorize the Secretary of the Interior to convey certain public land within the Sand Mountain Wilderness Study Area in the State of Idaho to resolve an occupancy encroachment dating back to 1971

H.R. 2828. An Act to authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's transferred works for 2001, to authorize refunds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001, and for other purposes

H.R. 2937. An Act to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range

H.R. 2990. An Act to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act, and for other purposes

H.R. 3180. An Act to consent to certain amendments to the New Hampshire-Vermont Interstate School Compact

H.R. 3401. An Act to provide for the conveyance of Forest Service facilities and lands comprising the Five Mile Regional Learning Center in the State of California to the Clovis Unified School District, to authorize a new special use permit regarding the continued use of unconveyed lands comprising the Center, and for other purposes

H.R. 3449. An Act to revise the boundaries of the George Washington Birthplace National Monument, and for other purposes

H.R. 3609. An Act to amend title 49, United States Code, to enhance the security and safety of pipelines.

H.R. 3858. An Act to modify the boundaries of the New River Gorge National River, West Virginia.

H.R. 4692. An Act to amend the Act entitled ''An Act to authorize the Establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes'', to provide for the addition of certain donated lands to the Andersonville National Historic Site.

H.R. 4823. An Act to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

H.R. 5125. An Act to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

H.R. 5738. An Act to amend the Public Health Service Act with respect to special diabetes programs for Type I diabetes and Indians.

On December 19:

H.R. 3048. An Act to resolve the claims of Cook Inlet Region, Inc., to lands adjacent to the Russian River in the State of Alaska.

H.R. 3747. An Act to direct the Secretary of the Interior to conduct a study of the site commonly known as Eagledale Ferry Dock at Taylor Avenue in the State of Washington for potential inclusion in the National Park System.

H.R. 3909. An Act to designate certain Federal lands in the State of Utah as the Gunn McKay Nature Preserve, and for other purposes.

H.R. 3954. An Act to designate certain waterways in the Caribbean National Forest in the Commonwealth of Puerto Rico as components of the National Wild and Scenic Rivers System, and for other purposes.

H.R. 4129. An Act to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment.

H.R. 4638. An Act to reauthorize the Mni Wiconi Rural Water Supply Project.

H.R. 4664. An Act to authorize appropriations for fiscal years 2003, 2004, 2005, 2006, and 2007 for the National Science Foundation, and for other purposes.

SENATE BILL APPROVED BY THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

The President, subsequent to sine die adjournment of the 2d Session, 107th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

On December 13:

S. 2017. An Act to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program.

PROCEEDINGS OF THE HOUSE AFTER SINE DIE ADJOURNMENT OF THE 107TH CONGRESS 2ND SESSION AND FOLLOWING PUBLICATION OF THE FINAL EDITION OF THE CONGRESSIONAL RECORD OF THE 107TH CONGRESS

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 8, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Brucellosis: Testing of Rodeo Bulls [Docket No. 01-095-2] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2. A letter from the Administrator, Rural Utilities Services, Department of Agriculture, transmitting the Department's final rule — Exceptions of RUS Operational Controls Under Section 306E of the RE Act (RIN: 0572-AB68) received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Rural Business Enterprise Grants and Television Demonstration Grants; Definition of ''rural area'' and new types of ''eligible small and emerging private business enterprises'' (RIN: 0570-AA36) received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4. A letter from the Chief, Forest Service, Department of Agriculture, transmitting the Department's final rule — Sale and Disposal of National Forest System Timber; Extension of Timber Sale Contracts To Facilitate Urgent Timber Removal From Other Lands (RIN: 0596-AB48) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspect ion Service, Department of Agriculture, transmitting the Department's final rule — Mexican Fruit Fly; Addition of Regulated Area [Docket No. 02-121-1] received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspect ion Service, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of Great Britain With Regard to Foot-and-Mouth Disease [Docket No. 01-018-4] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Business and Industry Loans; Revision to Definition of Rural Area (RIN: 0570-AA38) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8. A letter from the Director, Regulatory Review & Foreign Investment Disclosure Group, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule — Skip Row and Strip Crops (RIN: 0560-AG55) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Decrease in Desirable Carryout Used to Compute Trade Demand [Docket No. FV02-989-6 FIR] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Change in the Minimum Maturity Requirements for Fresh Grapefruit [Docket No. FVO2-905-2 FIR] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Revision of Regulations for Determining Price Quotations for Spot Cotton [Doc. CN-01-004] (RIN: 0581-ACOO) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Stall Reservations at Import Quarantine Facilities [Docket No. 02-024-1] received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

13. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — Demand Side Management and Renewable Energy Systems (RIN: 0572-AB65) received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

14. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Agricultural Bioterrorism Protection Act of 2002; Possession, Use, and Transfer of Biological Agents and Toxins [Docket No. 02-088-1] (RIN: 0579-AB47) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

15. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Transportation, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Temporary Suspension of a Provision, and Extension of Certain Deadlines Under the Raisin Diversion Program [Docket No. FV03-989-2 IFR] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

16. A letter from the Acting Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Carboxin; Pesticide Tolerance [OPP-2002-0326; FRL-7282-1] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

17. A communication from the President of the United States, transmitting a request to make the subsidy budget authority necessary to support a $45 million Federal credit instrument for Aloha Airlines, Inc; (H. Doc. No. 108-10); to the Committee on Appropriations and ordered to be printed.

18. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Transactions Between Member Banks and Their Affiliates [Miscellaneous Interpretations] — received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

19. A letter from the Senior Paralegal, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Regulatory Reporting Standards: Qualifications for Independent Public Accountants Performing Audit Services for Voluntary Audit Filers [No. 2002-54] (RIN: 1550-AB54) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

20. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of Treasury, transmitting the Department's final rule — Alternative Mortgage Transaction Parity Act; Preemption Delay of Effective Date [No. 2002-59] (RIN: 1550-AB51) received December 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

21. A letter from the Director, Financial Crimes Enforcement Network, Department of Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Anti-Money Laundering Requirements — Correspondent Accounts for Foreign Shell Banks; Recordkeeping and Termination of Correspondent Accounts for Foreign Banks (RIN: 1506-AA35) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

22. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Minimum Standards of Integrity and Fitness for an FDIC Contractor (RIN: 3064-AC29) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

23. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determination [Docket No. FEMA-P-7618] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

24. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

25. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

26. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Federal Credit Unions; Miscellaneous Technical Amendment — received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

27. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Prompt Corrective Action — received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

28. A letter from the Deputy Assistant Secretary for Program Operations, PWBA, Department of Labor, transmitting the Department's final rule — Class Exemption to Permit Certain Transactions Identified in the Voluntary Fiduciary Correction Program [Prohibited Transaction Exemption 2002-51; Application No. D-10933] received November 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

29. A letter from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule — Furnishing Documents to the Secretary of Labor on Request Under ERISA Section 104(a)(6) and Assessment of Civil Penalties Under ERISA Section 502(c)(6) (RIN: 1210-AA67, 1210-AA68) received November 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

30. A letter from the Director OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting the Administration's final rule — Occupational Injury and Illness Recording and Reporting Requirements [Docket No. R-02B] (RIN: 1218-AC06) received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

31. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

32. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Efficiency Program for Certain Commercial and Industrial Equipment: Extension of Time for Electric Motor Manufacturers to Certify Compliance With Energy Efficiency Standards [Docket No. EE-RM-96-400] (RIN: 1904-AB11) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

33. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Health Claims; D-tagatose and Dental Caries [Docket No. 02P-0177] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

34. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Dental Devices; Classification for Intraoral Devices for Snoring and/or Obstructive Sleep Apnea [Docket No. 02N-0010] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

35. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Aluminum in Large and Small Volume Parenterals Used in Total Parenteral Nutrition; Amendment; Delay of Effective Date [Docket No. 90N-0056] (RIN: 0910-AA74) received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

36. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Presiding Officers at Regulatory Hearings; Confirmation of Effective Date [Docket No. 02N-0251] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

37. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities; Virgin Islands [Region II Docket No. VI3-1, FRL-7420-4] received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

38. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Repeal of Emission Standards for Perchloroethylene Dry Cleaning Systems [VA125-5058a; FRL-7422-1] received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

39. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: Revisions to the Alabama Nitrogen Oxides Budget and Allowance Trading Program [AL-059-200306(a); FRL-7419-9] received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

40. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills [OAR-2002-0047; FRL-7418-2] (RIN: 2060-AH13) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

41. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — New Jersey: Final Authorization of State Hazardous Waste Program Revision [FRL-7412-6] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

42. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Perfluoroalkyl Sulfonates; Significant New Use Rule [OPPT-2002-0043; FRL-7279-1] (RIN: 2070-AD43) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

43. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution District, Ventura County Air Pollution Control District [CA144-0375a; FRL-7410-9] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

44. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to Burma declared by Executive

Order 13047 of May 20, 1997, pursuant to 50 U.S.C. 1641(c)and 50 U.S.C. 1703(c); (H. Doc. No. 108—5); to the Committee on International Relations and ordered to be printed.

45. A communication from the President of the United States, transmitting a 6-month report on the national emergency declared by Executive Order 13222 of August 17, 2001, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—7); to the Committee on International Relations and ordered to be printed.

46. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—9); to the Committee on International Relations and ordered to be printed.

47. A communication from the President of the United States, transmitting a combined 6-month report on the national emergencies declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) in Executive Order 12808 on May 30, 1992 and Kosovo in Executive Order 13088 on June 9, 1998, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—11); to the Committee on International Relations and ordered to be printed.

48. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—12); to the Committee on International Relations and ordered to be printed.

49. A communication from the President of the United States, transmitting notification that the Libya emergency is to continue in effect beyond January 7, 2003, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 108—13); to the Committee on International Relations and ordered to be printed.

50. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

51. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

52. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

53. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Bureau of Political-Military Affairs; Amendments to the International Traffic in Arms Regulation: Canadian Exemption [Billing Code 4710-25] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

54. A communication from the President of the United States, transmitting an alternative plan for locality pay increases payable to civilian Federal employees covered by the General Schedules pay system in January 2003, pursuant to 5 U.S.C. 5305(a)(3); (H. Doc. No. 108—8); to the Committee on Government Reform and ordered to be printed.

55. A letter from the Director, Bureau of the Census, Department of Commerce, transmitting the Department's final rule — Bureau of the Census Geographically Updated Population Certification Program [Docket No. 020919216-2287-02] (RIN: 0607-AA37) received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

56. A letter from the NARA Regulatory Contact, National Archives and Records Administration, transmitting the Administration's final rule — Expanding Transfer Options for Electronic Records (RIN: 3095-AB03) received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

57. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — Offical Seals (RIN: 3095-AB12) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

58. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Excepted Service — Schedule A Authority for Chinese, Japanese, and Hindu Interpreters (RIN: 3206-AJ53) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

59. A letter from the Clerk, U.S. House of Representatives, transmitting list of reports pursuant to clause 2, Rule II of the Rules of the House of Representatives, pursuant to Rule II, clause 2(b), of the Rules of the House; (H. Doc. No. 108—14); to the Committee on House Administration and ordered to be printed.

60. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Iowa Abandoned Mine Land Reclamation Plan [IA-007-FOR] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

61. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Regulatory Program [WV-096-FOR] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

62. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Mississippi Regulatory Program [MS-017-FOR] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

63. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exlusive Economic Zone Off Alaska; Prohibition of Non-pelagic Trawl Gear in Cook Inlet in the Gulf of Alaska [Docket No. 0205222128-2267-02; I.D. 050602B] (RIN: 0648-AP79) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

64. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; annual Specifications and Management Measures; Trip Limit Adjustments; Correction [Docket No. 011231309-2090-03; I.D. 111302A) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

65. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02; I.D. 112602D] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

66. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and south Atlantic; Trip Limit Reduction [I.D. 112602E] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

67. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 110102E] received November 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

68. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Exemption Supplement to Framework Adjustment 35 [Docket No. 021101265-2265-01; I.D. 101602A] (RIN: 0648-AQ50) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

69. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 011218304-1304-01; I.D. 111802A] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

70. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commerical Quota Harvested for Quarter 4 Period [Docket No. 011109274-1301-02; I.D. 101602E] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

71. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 112801A] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

72. A letter from the Director, Regulations and Forms Services, INS, Department of Justice, transmitting the Department's final

rule — Waiver of Criminal Grounds of Inadmissibility for Immigrants [INS No. 2249-02; AG Order No. 2641-2002] (RIN: 1115-AG90) received December 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

73. A letter from the Director, Regulations and Forms Services, INS, Department of Justice, transmitting the Department's final rule — Adjustment of Status for Certain Aliens from Vietnam, Cambodia, and Laos in the United States [INS No. 2124-01; AG Order No. 2642-2002] (RIN: 1115-AG14) received December 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

74. A letter from the Director, Regulations and Forms Services, INS, Department of Justice, transmitting the Department's final rule — Retention and Reporting of Information for F, J, and M Nonimmigrants; Student and Exchange Visitor Information System (SEVIS) [INS No. 2185-02] (RIN: 1115-AF55) received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

75. A letter from the Director, Office Workers' Compensation Programs, Department of Labor, transmitting the Department's ''Major'' final rule — Performance of Functions Under This Chapter; Claims for Compensation Under the Energy Employees Occupational Illness Compensation Program Act of 2000, as Amended, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

76. A letter from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule — Partial Distribution of Fiscal Year 2003 Indian Reservation Roads Funds (RIN: 1076-AE34) received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

77. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zones; Drilling and Blasting Operations, Hubline Project, Captain of the Port Boston, Massachusetts [CGD01-02-131] (RIN: 2115-AA97) received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

78. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; San Pedro Bay, CA [COTP Los Angeles-Long Beach 02-004] (RIN: 2115-AA97) received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

79. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; New Rochelle Harbor, NY [CGD01-02-134] (RIN: 2115-AE47) received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

80. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulation; Mississippi River, Clinton, IA [CGD08-02-027] (RIN: 2115-AE47) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

81. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Charleston Harbor, Cooper River, SC [COTP Charleston-02-146] (RIN: 2115-AA97) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

82. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Hutchinson River, Eastchester Creek, NY [CGD01-02-138] received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

83. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30339; Amdt. No. 3031] received December 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

84. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model P-180 Airplanes [Docket No. 2002-CE-48-AD; Amendment 39-12954; AD 2002-23-10] (RIN: 2120-AA64) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

85. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Design-Build Contracting [FHWA Docket No. FHWA-2000-7799] (RIN: 2125-AE79) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

86. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations; Winterfest Boat Parade, Broward County, Fort Lauderdale, Florida [CGD07-02-122] (RIN: 2115-AE46) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

87. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Waters Adjacent to Diablo Canyon Nuclear Power Plant, Avila Beach, CA [COTP Los Angeles-Long Beach 02-006] (RIN: 2115-AA97) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

88. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30340; Amdt. No. 3032] received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

89. A communication from the President of the United States, transmitting his annual report on the state of small business, pursuant to 15 U.S.C. 639(a); to the Committee on Small Business.

90. A letter from the Executive Secretary, Disabled American Veterans, transmitting the 2002 National Convention Proceedings of the Disabled American Veterans, pursuant to 36 U.S.C. 90i and 44 U.S.C. 1332; (H. Doc. No. 108—4); to the Committee on Veterans' Affairs and ordered to be printed.

91. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule — Yadkin Valley Viticultural Area (2001R-88P) [T.D. No. ATF-485; Re: Notice No. 936] (RIN: 1512-AC82) received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

92. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Loans From a Qualified Employer Plan to Plan Participants or Beneficiaries [TD 9021] (RIN: 1545-AX68) received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

93. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and methods of accounting [Rev. Proc. 2002-74] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

94. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Licensing of Viatical Settlement Providers [Rev. Rul. 2002-82] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

95. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2002-80] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

96. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Interest Rates; Underpayments and Overpayments [Rev. Rul. 2002-70] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

97. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue All Industries ''Basis Shifting'' Tax Shelter [UIL NO: 9300.18-00] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

98. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Liability for Insurance Premium Excise Tax [TD 9024] (RIN: 1545-AY93) received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

99. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxability of Beneficiary of Employees' Trust [Rev. Rul. 2002-84] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

100. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Exchange of Property Held for Productive Use or Investment [Rev. Rul. 2002-83] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

101. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Amounts received Under Accident and Health Plans [Rev. Rul. 2002-80] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

102. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Allocation of National Limitation for Qualified Zone Academy Bonds for Year 2003 [Rev. Proc. 2002-72]

received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

103. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out inventories [Rev. Rul. 2002-87] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

104. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxpayer Identification Number Rule Where Taxpayer Claims Treaty Rate and Is Entitled to an Unexpected Payment [TD 9023] (RIN: 1545-BA39) received November 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

105. A communication from the President of the United States, transmitting a reorganization plan for the Department of Homeland Security; (H. Doc. No. 108—16); to the Committee on Homeland Security and ordered to be printed.

106. A communication from the President of the United States, transmitting notification of the functions, personnel, assets, and liabilities of the life sciences activities related to microbial pathogens of the Biological and Environmental Research Program of the Department of Energy, including the fuctions of the Secretary of Energy relating thereto, shall be transferred to the Secretary of Homeland Security; (H. Doc. No. 108—17); to the Committee on Homeland Security and ordered to be printed.

107. A letter from the Executive Director, Office of Compliance, transmitting the fourth biennial report on the applicability to the legislative branch of federal law relating to terms and conditions of employment and access to public services and accommodations, pursuant to section 102(b) of the Congressional Accountability Act of 1995; (H. Doc. No. 108—15); jointly to the Committees on House Administration and Education and the Workforce, and ordered to be printed.

108. A communication from the President of the United States, transmitting the Annual Report of the Railroad Retirement Board for Fiscal Year 2002, pursuant to 45 U.S.C. 231f(b)(6); jointly to the Committees on Transportation and Infrastructure and Ways and Means.

109. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2003 and Inclusion of Registered Nurses in the Personnel Provision of the Critical Access Hospital Emergency Services Requirement for Frontier Areas and Remote Locations, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

110. A communication from the President of the United States, transmitting a report on the progress made in achieving the militarily significant benchmarks for conditions that would achieve a sustainable peace in Kosovo, pursuant to Public Law 106—398; (H. Doc. No. 108—6); jointly to the Committees on International Relations, Armed Services, and Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following report was filed on December 18, 2002]

Mr. STUMP: Committee on Armed Services. Report of the Activities of the Committee on Armed Services for the 107th Congress (Rept. 107–791). Referred to the Committee of the Whole House on the State of the Union.

[The following reports were filed on December 20, 2002]

Mr. GOSS: Permanent Select Committee on Intelligence. Report of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001 (Rept. 107–792). Referred to the Committee of the Whole House on the State of the Union (printing awaiting declassification).

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. Summary of Legislative and Oversight Activities of the Committee on Transportation and Infrastructure for the 107th Congress (Rept. 107–793). Referred to the Committee of the Whole House on the State of the Union.

[The following reports were filed on January 2, 2003]

Mr. BURTON: Committee on Government Reform. Federal Law Enforcement at the Borders and Ports of Entry—Challenges and Solutions (Rept. 107–794). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on Activities of the Committee on Appropriations During the 107th Congress (Rept. 107–795). Referred to the Committee of the Whole House on the State of the Union.

Mr. COMBEST: Committee on Agriculture. Report of the Committee on Agriculture on Activities During the 107th Congress (Rept. 107–796). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. Report of the Activities of the Committee on Education and the Workforce During the 107th Congress (Rept. 107–797). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. Report of the Activity of the Committee on Financial Services for the 107th Congress (Rept. 107–798). Referred to the Committee of the Whole House on the State of the Union.

Mr. HEFLEY: Committee on Standards of Official Conduct. Report on the Activities of the Committee on Standards of Official Conduct, One Hundred Seventh Congress (Rept. 107–799). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. Report on Legislative and Oversight Activities of the Committee on Resources, 107th Congress (Rept. 107–800). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. Report on the Legislative and Oversight Activities of the Committee on Ways and Means During the 107th Congress (Rept. 107–801). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. Report on the Activity of the Committee on Energy and Commerce for the 107th Congress (Rept. 107–802). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on International Relations. Legislative Review Activities of the Committee on International Relations During the 107th Congress (Rept. 107–803). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. Report on activities of the Committee on Veterans Affairs' for the 107th Congress (Rept. 107–804). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. Report on the Activities of the House Committee on Government Reform for the 107th Congress (Rept. 107–805). Referred to the Committee of the Whole House on the State of the Union.

Mr. MANZULLO: Committee on Small Business. Summary of Activities of the Committee on Small Business for the 107th Congress (Rept. 107–806). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. Report of the Activities of the Committee on the Judiciary During the 107th Congress (Rept. 107–807). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. Survey of Activities of the House Committee on Rules, 107th Congress (Rept. 107–808). Referred to the Committee of the Whole House on the State of the Union.

[The following reports were filed on January 7, 2003]

Mr. SESSIONS: Committee on Rules. House Resolution 14. Resolution providing for consideration of the bill (S. 23) to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends (Rept. 108–1). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 15. Resolution providing for consideration of the joint resolution (H.J. Res. 1) making further continuing appropriations for the fiscal year 2003, and for other purposes, and for consideration of the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes (Rept. 108–2). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. OXLEY (for himself, Mr. FRANK of Massachusetts, Mr. LEACH, Mr. KANJORSKI, Mr. BEREUTER, Mr. GUTIERREZ, Mr. BAKER, Mr. ACKERMAN, Mr. BACHUS, Mr. FORD, Mr. CASTLE, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. NEY, Mrs. KELLY, Mr. OSE, Mr. GONZALEZ, Mr. JONES of North Carolina, Mr. SHAYS, Mr. ISRAEL, Mr. GARY G. MILLER of California, Mr. ROSS, Mr. FERGUSON, Mr. MATSUI, Mr. SHAW, Ms. ESHOO, Mr. VITTER, Mr. BLUMENAUER, Mr. SIMMONS, Mr. DAVIS of Alabama, Ms. LEE, and Mr. HINOJOSA):

H.R. 11. A bill to extend the national flood insurance program; to the Committee on Financial Services.

By Mr. MCKEON (for himself, Mr. BOEHNER, Mr. ISAKSON, Mr. PETRI, Mrs. MCCARTHY of New York, Mr. BALLENGER, Mr. SOUDER, Mr. KIND, Mr. TIBERI, Mr. KELLER, Mr. WU, Mr.

OSBORNE, Mr. WILSON of South Carolina, and Mr. BOYD):

H.R. 12. A bill to make changes to the Higher Education Act of 1965 incorporating the results of the FED UP Initiative, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOEKSTRA (for himself, Mr. BOEHNER, Mr. CASTLE, Mr. GREENWOOD, Mr. SOUDER, Mr. EHLERS, Mr. ISAKSON, Mrs. BIGGERT, Mr. OSBORNE, Mr. WILSON of South Carolina, and Mr. ENGLISH):

H.R. 13. A bill to reauthorize the Museum and Library Services Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOEKSTRA (for himself, Mr. BOEHNER, Mr. DELAY, Mr. GEORGE MILLER of California, and Mr. GREENWOOD):

H.R. 14. A bill to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DINGELL:

H.R. 15. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. COBLE, and Mr. BERMAN):

H.R. 16. A bill to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003; to the Committee on the Judiciary.

By Mr. RANGEL (for himself, Mr. CARDIN, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. SPRATT, Mr. CLYBURN, Mr. STARK, Mr. MATSUI, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. DOGGETT, Mr. KLECZKA, Mr. JEFFERSON, Mr. NEAL of Massachusetts, Mr. BECERRA, Mr. MCNULTY, Mr. POMEROY, Mr. ABERCROMBIE, Mr. ACEVEDO-VILÁ, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Ms. BERKLEY, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Ms. CARSON of Indiana, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CONYERS, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DEUTSCH, Mr. DINGELL, Mr. DOOLEY of California, Mr. DOYLE, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEPHARDT, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. HOEFFEL, Mr. HOLDEN, Mr. VAN HOLLEN, Mr. HOLT, Mr. INSLEE, Mr. ISRAEL, Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. LEE, Ms. JACKSON-LEE of Texas, Ms. LOFGREN, Mrs. JONES of Ohio, Mrs. LOWEY, Mr. LYNCH, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KUCINICH, Mrs. MCCARTHY of New York, Mrs. MALONEY, Mr. MARKEY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MEEHAN, Mr. MEEKS of New York, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MOLLOHAN, Mr. MOORE, Mr. MORAN of Virginia, Mr. MURTHA, Mr. NADLER, Ms. NORTON, Mr. OBEY, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SOLIS, Mr. STRICKLAND, Mr. STUPAK, Mr. TIERNEY, Mr. THOMPSON of Mississippi, Mr. UDALL of Colorado, Mr. VISCLOSKY, Ms. WATSON, Mr. WEINER, and Mr. WYNN):

H.R. 17. A bill to provide economic security for America's workers; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 18. A bill to amend title XVIII of the Social Security Act to establish additional provisions to combat waste, fraud, and abuse within the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN (for himself, Mr. RANGEL, and Mr. LEVIN):

H.R. 19. A bill to provide for a program of temporary enhanced unemployment benefits; to the Committee on Ways and Means.

By Mrs. KELLY (for herself and Mrs. TAUSCHER):

H.R. 20. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LEACH (for himself, Mr. OXLEY, Mr. ROGERS of Michigan, Mr. PICKERING, Mr. NORWOOD, Mr. GOODLATTE, Mr. BACHUS, Mrs. KELLY, Mr. WOLF, Mr. SPRATT, Mr. OSBORNE, Mr. PITTS, Mr. BERRY, and Mr. GILLMOR):

H.R. 21. A bill to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON:

H.R. 22. A bill to simplify certain provisions of the Internal Revenue Code of 1986 and to establish a uniform pass-thru regime; to the Committee on Ways and Means.

By Mr. BACHUS:

H.R. 23. A bill to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks; to the Committee on Financial Services.

By Mr. BECERRA:

H.R. 24. A bill to require ballistics testing of firearms manufactured in or imported into the United States, and to provide for the compilation, use, and availability of ballistics information for the purpose of curbing the use of firearms in crime; to the Committee on the Judiciary.

By Mr. LINDER (for himself and Mr. PETERSON of Minnesota):

H.R. 25. A bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 26. A bill to amend title XVIII of the Social Security Act to revise and improve payments to providers of services under the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER:

H.R. 27. A bill to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan; to the Committee on Financial Services.

By Mr. BEREUTER:

H.R. 28. A bill to amend section 501 of the American Homeownership and Economic Opportunity Act of 2000 to provide for the establishment of the Lands Title Report Commission for Indian trust lands; to the Committee on Financial Services.

By Mr. BEREUTER (for himself, Mr. TERRY, and Mr. OSBORNE):

H.R. 29. A bill to convert a temporary judgeship for the district of Nebraska to a permanent judgeship, and for other purposes; to the Committee on the Judiciary.

By Mr. BEREUTER:

H.R. 30. A bill to amend the Water Resources Development Act of 1992 to authorize the Secretary of the Army to pay the non-Federal share for managing recreation facilities and natural resources to water resource development projects if the non-Federal interest has agreed to reimburse the Secretary, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MILLER of Florida (for himself, Mr. PAUL, Mr. GOODE, Mr. LARSEN of Washington, Mr. TANCREDO, Mr. OSE, Mr. HALL, and Mr. FORBES):

H.R. 31. A bill to nullify the recent pay increase and to eliminate automatic pay adjustments for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER:

H.R. 32. A bill to amend the Internal Revenue Code of 1986 to provide a higher purchase price limitation applicable to mortgage subsidy bonds based on median family income; to the Committee on Ways and Means.

By Mr. BEREUTER (for himself, Mr. BERRY, Mr. FOLEY, Mr. MURTHA, Mr. KILDEE, Mr. COSTELLO, Mr. GREEN of Wisconsin, Mr. NETHERCUTT, Mr. MCINTYRE, Mr. TOWNS, Mr. LUCAS of Oklahoma, Mrs. WILSON of New Mexico, Mr. BOUCHER, Mr. TERRY, Mr. BAIRD, Mrs. CUBIN, Mr. BASS, Mr. FROST, and Mr. OSBORNE):

H.R. 33. A bill to amend title XVIII of the Social Security Act to establish a minimum geographic cost-of-practice index value for physicians' services furnished under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. EHLERS, Mrs. TAUSCHER, Mr. ANDREWS, Mr. BOSWELL, Mr. JOHNSON of Illinois, Mr. HOLT, Mr. TOM DAVIS of Virginia, Mr. HONDA, Mr. ISRAEL, Mr. MORAN of Virginia, Mr. SHIMKUS, Mr. WAMP, Mr. HOUGHTON, Mr. HASTINGS of Washington, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. NADLER, Mr. LEACH, Mr. BOYD, Mr. HINCHEY, Mr. BAIRD, Mr. ETHERIDGE, Mr. UDALL of New Mexico, Mr. FILNER, Ms. ROYBAL-ALLARD, Mrs. MCCARTHY of New York, Mr. CAPUANO, Ms. SLAUGHTER, Mr. MCDERMOTT, Mr. CALVERT, Mr. SCHIFF, Mr. DEUTSCH, Mr. WELLER, Mr. ABERCROMBIE, Mr. KENNEDY of Rhode Island, Mr. SIMPSON, Mr. HINOJOSA, Mr. RUSH, Mrs. DAVIS of California, and Mr. STUPAK):

H.R. 34. A bill to authorize appropriations for fiscal years 2004, 2005, 2006, and 2007 for the Department of Energy Office of Science, to ensure that the United States is the world leader in key scientific fields by restoring a healthy balance of science funding, to ensure maximum utilization of the national user facilities, and to secure the Nation's supply of scientists for the 21st century, and for other purposes; to the Committee on Science.

By Mrs. BIGGERT:

H.R. 35. A bill to amend the Family and Medical Leave Act of 1993 to clarify the Act, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. SMITH of New Jersey, and Mr. EVANS):

H.R. 36. A bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse; to the Committee on Veterans' Affairs.

By Mr. BOEHLERT:

H.R. 37. A bill to elevate the Environmental Protection Agency to Cabinet-level status and redesignate such agency as the Department of Environmental Protection; to the Committee on Government Reform.

By Mrs. CAPITO:

H.R. 38. A bill to amend title XVIII of the Social Security Act to provide for a voluntary outpatient prescription drug benefit program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 39. A bill to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound and job creating program for the exploration, development, and production of the oil and gas resources of the Coastal Plain, and for other purposes; to the Committee on Resources.

By Mr. CONYERS (for himself, Mr. BRADY of Pennsylvania, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. OWENS, Mr. RANGEL, Mr. RUSH, Ms. SCHAKOWSKY, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Ms. WATSON, and Mr. WYNN):

H.R. 40. A bill to acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to examine the institution of slavery, subsequently de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mrs. CAPPS (for herself, Mr. LARSEN of Washington, Mr. TAYLOR of Mississippi, Mrs. DAVIS of California, Ms. WOOLSEY, Ms. LOFGREN, Mr. ROSS, Mr. MARKEY, Mr. BOUCHER, Mr. GREEN of Texas, Mr. BRADY of Pennsylvania, Mr. MCNULTY, Ms. CARSON of Indiana, Ms. SLAUGHTER, Mr. REYES, Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, Mr. FROST, Mr. ISRAEL, Mr. DOGGETT, Mr. HINCHEY, Mr. DAVIS of Florida, Mr. RODRIGUEZ, Mr. NADLER, and Mr. WYNN):

H.R. 41. A bill to amend title XVIII of the Social Security Act to specify the update for payments under the Medicare physician fee schedule for 2003; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS:

H.R. 42. A bill to amend the Internal Revenue Code of 1986 reduce individual capital gains rates; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 43. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on corporations and individuals; to the Committee on Ways and Means.

By Mr. DREIER (for himself, Mr. HALL, Ms. DUNN, Ms. MCCARTHY of Missouri, Mr. ENGLISH, Mr. SESSIONS, Mr. TOOMEY, and Mr. MANZULLO):

H.R. 44. A bill to amend the Internal Revenue Code of 1986 to provide reduced capital gain rates for qualified economic stimulus gain and to index the basis of assets of individuals for purposes of determining gains and losses; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 45. A bill to amend the Internal Revenue Code of 1986 to repeal the double taxation of corporate profits; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 46. A bill to require the Secretary of the Treasury to submit a study of tax depreciation recovery periods; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Mr. ABERCROMBIE, Mr. DELAHUNT, Mr. FATTAH, Mr. BERMAN, Mr. GUTIERREZ, Mr. MCDERMOTT, Mr. PAYNE, Mr. REYES, Ms. LEE, Mr. NADLER, Mr. SERRANO, Mr. KLECZKA, Ms. ROYBAL-ALLARD, Mr. FILNER, Ms. SCHAKOWSKY, Mr. HONDA, Mrs. JONES of Ohio, and Ms. WOOLSEY):

H.R. 47. A bill to amend the Immigration and Nationality Act to restore fairness to immigration law, and for other purposes; to the Committee on the Judiciary.

By Mr. COX (for himself, Mr. LANTOS, Mr. ACKERMAN, Mr. CUNNINGHAM, Mr. POMEROY, Mr. WELLER, Ms. ROS-LEHTINEN, and Mr. SCHIFF):

H.R. 48. A bill to develop and deploy technologies to defeat Internet jamming and censorship; to the Committee on International Relations.

By Mr. COX (for himself, Mr. CALVERT, Mr. CANNON, Mr. CHABOT, Mr. CUNNINGHAM, Mr. TOM DAVIS of Virginia, Mr. DREIER, Mr. FLAKE, Mr. GOODLATTE, Mr. HERGER, Mr. HYDE, Mr. ISSA, Mr. MCKEON, Mr. GARY G. MILLER of California, Mr. OSE, Mr. PENCE, Mr. PLATTS, Mr. POMBO, Mr. ROHRABACHER, Mr. WELDON of Florida, Mr. DOOLITTLE, Mrs. MUSGRAVE, Ms. GINNY BROWN-WAITE of Florida, Mr. SWEENEY, Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. MCCOTTER, Mr. BLUMENAUER, Mr. ROYCE, Mr. TANCREDO, Mr. BLUNT, Mr. DICKS, Mr. LEWIS of California, and Mr. BEAUPREZ):

H.R. 49. A bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes; to the Committee on the Judiciary.

By Mr. COX (for himself, Mrs. BIGGERT, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. CANTOR, Mrs. JO ANN DAVIS of Virginia, Mr. DEMINT, Mr. DUNCAN, Mr. ENGLISH, Mr. FLAKE, Mr. GALLEGLY, Mr. HERGER, Mr. HYDE, Mr. ISTOOK, Mr. KOLBE, Mr. LATHAM, Mr. MILLER of Florida, Mr. NETHERCUTT, Mr. OTTER, Mr. PAUL, Mr. PENCE, Mr. PETRI, Mr. PLATTS, Mr. SESSIONS, Mr. SHADEGG, Mr. SHUSTER, Mr. SMITH of Michigan, Mr. SOUDER, Mr. SWEENEY, Mr. TIAHRT, Mr. WELDON of Florida, and Mr. WILSON of South Carolina):

H.R. 50. A bill to amend the Internal Revenue Code of 1986 to eliminate the double taxation of dividends; to the Committee on Ways and Means.

By Mr. COX:

H.R. 51. A bill to repeal the Federal death tax, including the estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Ways and Means.

By Mr. COX:

H.R. 52. A bill to amend the Internal Revenue Code of 1986 to repeal the ''luxury tax'' on beer, enacted in the Omnibus Budget Reconciliation Act of 1990, which doubled previous excise levels; to the Committee on Ways and Means.

By Mr. COX:

H.R. 53. A bill to improve health care choice by providing for the tax deductibility of medical expenses by individuals; to the Committee on Ways and Means.

By Mr. CRENSHAW (for himself, Mr. MICA, Mr. PUTNAM, Mr. OXLEY, Mr. FORBES, and Mr. KENNEDY of Minnesota):

H.R. 54. A bill to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes; to the Committee on the Judiciary.

By Mr. DREIER (for himself and Mr. MENENDEZ):

H.R. 55. A bill to provide authority to control exports, and for other purposes; to the Committee on International Relations.

By Mr. DREIER:

H.R. 56. A bill to make the Federal employees health benefits program available to individuals age 55 to 65 who would not otherwise have health insurance, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN (for herself, Mr. CRAMER, Mr. SHUSTER, Mr. DEMINT, Mr. NETHERCUTT, Mr. KOLBE, Mr. HERGER, Mr. HASTINGS of Washington, Mr. CAMP, Mr. FOLEY, Mr. WILSON of South Carolina, Mr. WELLER, Mr. PUTNAM, Mr. TOOMEY, Mr. MCKEON, Mr. MICA, Mr. WICKER, Mr. BOEHNER, Mr. PLATTS, Mr. GOODE, Mr. TOM DAVIS of Virginia, Mr. NORWOOD, Mr. WELDON of Florida, Mr. GIBBONS, Mr. BASS, Mr. CUNNINGHAM, Mr. SHIMKUS, Mr. WAMP, Mrs. MYRICK, Mr. PICKERING, Mr. RYAN of Wisconsin, Mr. ROGERS of Michigan, Mr. KIRK, Mr. JONES of North Carolina, Mr. WOLF, Mr. BOUCHER, Mr. REYNOLDS, Mr. ENGLISH, Mr. HALL, Mrs. NORTHUP, Mr. KNOLLENBERG, Mr. HAYWORTH, Mr. DREIER, Mr. MCINNIS, Mr. CRANE, Mr. SHAW, Mr. ABERCROMBIE, Mr. SOUDER, Mrs. WILSON of New Mexico, Mr. ROGERS of Kentucky, Mr. SAM JOHNSON of Texas, Mr. REHBERG, and Mr. CALVERT):

H.R. 57. A bill to make the repeal of the estate tax permanent; to the Committee on Ways and Means.

By Mr. EDWARDS:

H.R. 58. A bill to restore health care coverage to retired members of the uniformed services; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS:

H.R. 59. A bill to amend the Emergency Food Assistance Act of 1983 to permit States to use administrative funds to pay costs relating to the processing, transporting, and distributing to eligible recipient agencies of donated wild game; to the Committee on Agriculture.

By Mr. EHLERS:

H.R. 60. A bill to amend the Metric Conversion Act of 1975 to require Federal agencies to impose certain requirements on recipients of awards for scientific and engineering research; to the Committee on Science.

By Mr. EHLERS:

H.R. 61. A bill to amend the Internal Revenue Code of 1986 to provide that the percentage of completion method of accounting shall be required to be used with respect to contracts for the manufacture of property if no payments are required to be made before the completion of the manufacture of such property; to the Committee on Ways and Means.

By Mrs. EMERSON:

H.R. 62. A bill to establish the Medicare Eligible Military Retiree Health Care Consensus Task Force; to the Committee on Armed Services.

By Mrs. EMERSON:

H.R. 63. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers affected by the changes in benefit computation rules enacted in the Social Security Amendments of 1977 who attain age 65 during the 10-year period after 1981 and before 1992 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mrs. EMERSON:

H.R. 64. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free distributions from qualified retirement plans on account of the death or disability of the participant's spouse; to the Committee on Ways and Means.

By Mrs. EMERSON:

H.R. 65. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to military retirees for premiums paid for coverage under Medicare part B; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON:

H.R. 66. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to certain senior citizens for premiums paid for coverage under Medicare Part B; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself and Mr. HAYWORTH):

H.R. 67. A bill to provide temporary legal exemptions for certain land management activities of the Federal land management agencies undertaken in federally declared disaster areas; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRELINGHUYSEN:

H.R. 68. A bill to ensure the efficient allocation of telephone numbers; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN:

H.R. 69. A bill to require the Federal Trade Commission to prescribe regulations to protect the privacy of personal information collected from and about individuals who are not covered by the Children's Online Privacy Protection Act of 1998 on the Internet, to provide greater individual control over the collection and use of that information, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN:

H.R. 70. A bill to regulate the use by interactive computer services of Social Security account numbers and related personally identifiable information; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN:

H.R. 71. A bill to require customer consent to the provision of wireless call location information; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN (for himself, Mr. FERGUSON, Mr. HOLT, and Mr. PALLONE):

H.R. 72. A bill to prohibit a State from imposing a discriminatory commuter tax on nonresidents, and for other purposes; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 73. A bill to amend title 38, United States Code, to establish a comprehensive program for testing and treatment of veterans for the Hepatitis C virus; to the Committee on Veterans' Affairs.

By Mr. GIBBONS:

H.R. 74. A bill to direct the Secretary of Agriculture to convey certain land in the lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; to the Committee on Resources.

By Mr. SHAW (for himself, Mr. FOLEY, Mr. LEWIS of Kentucky, Mr. NORWOOD, and Mr. SMITH of Michigan):

H.R. 75. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to preserve and strengthen the Social Security program through the creation of personal Social Security guarantee accounts ensuring full benefits for all workers and their families, restoring long-term Social Security solvency, to make certain benefit improvements, and for other purposes; to the Committee on Ways and Means.

By Ms. JACKSON-LEE of Texas:

H.R. 76. A bill to prevent children's access to firearms; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 77. A bill to provide for the establishment of a task force within the Bureau of Justice Statistics to gather information about, study, and report to the Congress regarding, incidents of abandonment of infant children; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 78. A bill to amend title XVIII of the Social Security Act to require hospitals reimbursed under the Medicare system to establish and implement security procedures to reduce the likelihood of infant patient abduction and baby switching, including procedures for identifying all infant patients in the hospital in a manner that ensures that it will be evident if infants are missing from the hospital; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 79. A bill to require the Secretary of Education to conduct a study and submit to Congress a report on methods for identifying and treating children with dyslexia in kindergarten through third grade; to the Committee on Education and the Workforce.

By Ms. JACKSON-LEE of Texas:

H.R. 80. A bill to enhance Federal enforcement of hate crimes, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 81. A bill to amend the Public Health Service Act with respect to mental health services for children, adolescents and their families; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas:

H.R. 82. A bill to increase the numerical limitation on the number of asylees whose status may be adjusted to that of an alien lawfully admitted for permanent residence; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 83. A bill to amend the Immigration and Nationality Act with respect to the record of admission for permanent residence in the case of certain aliens; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 84. A bill to assist aliens who were transplanted to the United States as children in continuing their education and otherwise integrating into American society; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 85. A bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 86. A bill to provide for the collection of data on traffic stops; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 87. A bill to modify the requirements applicable to the admission into the United States of H-1C nonimmigrant registered nurses, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 88. A bill to amend the Immigration and Nationality Act to modify the requirements for a child born abroad and out of wedlock to acquire citizenship based on the citizenship of the child's father, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 89. A bill to create a separate DNA database for violent predators against children, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 90. A bill to establish the Cultural Competence Commission; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas:

H.R. 91. A bill to name the Department of Veterans Affairs in Houston, Texas, as the ''Michael E. DeBakey Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Mr. GRAVES:

H.R. 92. A bill to provide emergency disaster assistance to agricultural producers to respond to severe crop losses incurred in 2001 and 2002; to the Committee on Agriculture.

By Mr. GREEN of Texas:

H.R. 93. A bill to amend the National Labor Relations Act to require the arbitration of initial contract negotiation disputes, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GREEN of Texas:

H.R. 94. A bill to amend the Communications Act of 1934 to provide for the use of unexpended universal service funds in low-income schools, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GREEN of Texas:

H.R. 95. A bill to make amounts provided under the Operation Safe Home and New Approach Anti-Drug programs available for use for providing law enforcement officers to patrol and provide security for housing assisted by the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mr. HALL:

H.R. 96. A bill to amend title II of the Social Security Act to ensure the integrity of the Social Security trust funds by requiring the Managing Trustee to invest the annual surplus of such trust funds in marketable interest-bearing obligations of the United States and certificates of deposit in depository institutions insured by the Federal Deposit Insurance Corporation, and to protect such trust funds from the public debt limit; to the Committee on Ways and Means.

By Mr. HALL (for himself and Mr. WEXLER):

H.R. 97. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totalling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Ways and Means.

By Mr. GREEN of Texas:

H.R. 98. A bill to amend the National Flood Insurance Act of 1968 to provide a 50 percent discount in flood insurance rates for the first 5 years that certain low-cost properties are included in flood hazard zones; to the Committee on Financial Services.

By Mr. GREEN of Texas:

H.R. 99. A bill to designate ''God Bless America'' as the national hymn of the United States; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H.R. 100. A bill to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940; to the Committee on Veterans' Affairs.

By Mr. GREEN of Texas:

H.R. 101. A bill to provide Capitol-flown flags to the families of deceased law enforcement officers; to the Committee on the Judiciary.

By Mr. GREEN of Texas:

H.R. 102. A bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Texas:

H.R. 103. A bill to provide that no more than 50 percent of funding made available under the Low-Income Home Energy Assistance Act of 1981 for any fiscal year be provided for home heating purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Texas:

H.R. 104. A bill to amend title II of the Social Security Act to eliminate the 24-month waiting period for disabled individuals to become eligible for Medicare benefits; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H.R. 105. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide Federal grants to first responders to enhance their ability to respond to incidents of terrorism, including incidents involving weapons of mass destruction, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HAYWORTH:

H.R. 106. A bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors; to the Committee on Education and the Workforce.

By Mr. BOUCHER (for himself, Mr. DOOLITTLE, Mr. BACHUS, and Mr. KENNEDY of Rhode Island):

H.R. 107. A bill to amend the Federal Trade Commission Act to provide that the advertising or sale of a mislabeled copy-protected music disc is an unfair method of competition and an unfair and deceptive act or practice, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH:

H.R. 108. A bill to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act; to the Committee on Resources.

By Mr. HAYWORTH:

H.R. 109. A bill to amend the Internal Revenue Code of 1986 to allow a credit for residential solar energy property; to the Committee on Ways and Means.

By Mr. HAYWORTH:

H.R. 110. A bill to require Congress and the President to fulfill their constitutional duty to take personal responsibility for Federal laws; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT (for himself, Mr. KANJORSKI, Mr. LATOURETTE, Ms. WATERS, Mrs. NORTHUP, Mr. SHERMAN, Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. WAMP, Ms. WOOLSEY, Mrs. BONO, Mr. CUNNINGHAM, Mr. FOLEY, Mr. SANDERS, Mr. MURTHA, Mr. CONYERS, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. TOWNS, Mr. FARR, Mr. OWENS, Mr. SANDLIN, Ms. KAPTUR, Mr. BRADY of Texas, Ms. LEE, Mr. THOMPSON of California, Ms. NORTON, Mr. VITTER, Mr. DELAHUNT, Mr. GEORGE MILLER of California, Mr. ANDREWS, Mr. LANTOS, Mr. DOOLITTLE, Mr. SAXTON, Mr. NADLER, Mr. MATSUI, Mr. ISRAEL, Mrs. JO ANN DAVIS of Virginia, Mr. BLUMENAUER, Mr. GORDON, Mrs. CAPITO, Mr. HERGER, Mr. GOODLATTE, Mr. WEINER, Mr. MCHUGH, Mr. WILSON of South Carolina, Mr. HOLT, Mr. LARSEN of Washington, Mr. QUINN, Mr. SIMMONS, Mr. HOLDEN, Mr. ABERCROMBIE, Ms. SLAUGHTER, Mrs. JONES of Ohio, Mr. TANCREDO, Mr. SMITH of New Jersey, Mr. DUNCAN, Mr. SHUSTER, Mr. LOBIONDO, Mr. BARTON of

Texas, Ms. GRANGER, Ms. ESHOO, Mr. LARSON of Connecticut, Ms. MILLENDER-MCDONALD, Mr. UDALL of Colorado, Ms. ROYBAL-ALLARD, Mr. ROTHMAN, Mr. LAMPSON, Mr. MILLER of Florida, Mr. BAIRD, Mr. WHITFIELD, Mr. SHAW, Ms. SOLIS, Mr. DEFAZIO, Mr. MCKEON, Mr. BURTON of Indiana, Mr. LEWIS of Kentucky, Ms. CORRINE BROWN of Florida, Mr. LEVIN, Mr. PASCRELL, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. GREEN of Texas, Mr. MATHESON, Mr. CRAMER, Mr. STEARNS, Mr. ROGERS of Alabama, Mr. HINOJOSA, Ms. HARMAN, Mr. FORD, Mr. OTTER, Mr. KIRK, Mr. RODRIGUEZ, Mr. HOBSON, Mr. WEXLER, Mr. HEFLEY, Mr. BROWN of Ohio, Mr. MCINNIS, Ms. BALDWIN, Mr. ADERHOLT, Mr. ENGEL, Mr. MICA, Mr. HUNTER, Mr. EVERETT, Mr. BERMAN, Mr. TAUZIN, Mr. GIBBONS, Mr. DICKS, Mr. CARDOZA, Mr. BOEHLERT, and Mr. DINGELL):

H.R. 111. A bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes; to the Committee on Financial Services.

By Mr. HEFLEY:

H.R. 112. A bill to amend title 28, United States Code, to provide for an additional place of holding court in the District of Colorado; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. PALLONE, Mr. ANDREWS, Mr. LOBIONDO, Mr. SAXTON, Mr. FRELINGHUYSEN, Mr. HOLT, and Mr. ROTHMAN):

H.R. 113. A bill to establish the HARS-specific PCB effects level, expressed in a certain Memorandum of Agreement issued by the Environmental Protection Agency and the Corps of Engineers, as a final criterion; to the Committee on Transportation and Infrastructure.

By Mr. HEFLEY:

H.R. 114. A bill to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, and for other purposes; to the Committee on Resources.

By Mr. HEFLEY:

H.R. 115. A bill to amend title 49, United States Code, to improve airport security by using biometric security badges, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HEFLEY (for himself, Mr. UDALL of Colorado, Mr. MCINNIS, Mrs. MUSGRAVE, Mr. TANCREDO, Mr. BEAUPREZ, and Ms. DEGETTE):

H.R. 116. A bill to authorize the Secretary of Veterans Affairs to construct, lease, or modify major medical facilities at the site of the former Fitzsimons Army Medical Center, Aurora, Colorado; to the Committee on Veterans' Affairs.

By Mr. HEFLEY:

H.R. 117. A bill to amend the Internal Revenue Code of 1986 to extend to civilian employees of the Department of Defense serving in combat zones the tax treatment allowed to members of the Armed Forces serving in combat zones; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 118. A bill to overrule United States v. Fior D'Italia, Inc; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 119. A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 120. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for contributions for scholarships to attend elementary and secondary schools, for upgrading elementary and secondary school facilities, and for expenses related to technology for elementary and secondary schools; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 121. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes; to the Committee on Agriculture.

By Mr. HOLT:

H.R. 122. A bill to amend section 227 of the Communications Act of 1934 to prohibit the use of the text, graphic, or image messaging systems of wireless telephone systems to transmit unsolicited commercial messages; to the Committee on Energy and Commerce.

By Mr. HOLT:

H.R. 123. A bill to repeal the provision of the September 11th Victim Compensation Fund of 2001 that requires the reduction of a claimant's compensation by the amount of any collateral source compensation payments the claimant is entitled to receive, and for other purposes; to the Committee on the Judiciary.

By Mr. HOLT:

H.R. 124. A bill to provide for the mandatory licensing and registration of handguns; to the Committee on the Judiciary.

By Mr. HOLT (for himself, Mr. BOEHLERT, Mr. HOUGHTON, Mr. ETHERIDGE, Ms. DELAURO, Mr. HINCHEY, Mr. NADLER, Mr. MCDERMOTT, Mr. SNYDER, Mr. MARKEY, Mr. BRADY of Pennsylvania, Mr. KIND, Mr. SMITH of Washington, Mr. GREENWOOD, Mr. ENGEL, and Mr. BLUMENAUER):

H.R. 125. A bill to reestablish the Office of Technology Assessment; to the Committee on Science.

By Mr. HOLT (for himself, Mr. CUNNINGHAM, and Mrs. NORTHUP):

H.R. 126. A bill to establish a program to promote child literacy by making books available through early learning and other child care programs, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 127. A bill to amend the Congressional Budget Act of 1974 to preserve all budget surpluses until legislation is enacted significantly extending the solvency of the Social Security and Medicare trust funds; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 128. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of oral drugs to treat low blood calcium levels or elevated parathyroid hormone levels for patients with end stage renal disease; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 129. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a tax deduction for higher education expenses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR (for herself, Mr. BOSWELL, and Mr. HINCHEY):

H.R. 130. A bill to provide for a Biofuels Feedstocks Energy Reserve, and to authorize the Secretary of Agriculture to make and guarantee loans for the production, distribution, development, and storage of biofuels; to the Committee on Agriculture.

By Ms. KILPATRICK:

H.R. 131. A bill to prevent fraud and deception in network recreational games; to the Committee on Energy and Commerce.

By Ms. KILPATRICK:

H.R. 132. A bill to create Federal advertising procurement opportunities for minority business concerns, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York:

H.R. 133. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in income taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky (for himself and Mrs. NORTHUP):

H.R. 134. A bill to amend title II of the Social Security Act to permit Kentucky to operate a separate retirement system for certain public employees; to the Committee on Ways and Means.

By Mr. LINDER (for himself, Mr. CALVERT, Mr. DUNCAN, and Mr. SHUSTER):

H.R. 135. A bill to establish the ''Twenty-First Century Water Commission'' to study and develop recommendations for a comprehensive water strategy to address future water needs; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH:

H.R. 136. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for farmers' investments in value-added agriculture; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 137. A bill to provide job creation and assistance, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH:

H.R. 138. A bill to bridge the digital divide in rural areas; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINNIS:

H.R. 139. A bill to make the repeal of the estate tax permanent; to the Committee on Ways and Means.

By Mr. MCINTYRE (for himself, Mr. BOYD, and Mr. TOM DAVIS of Virginia):

H.R. 140. A bill to eliminate the Federal quota and price support programs for tobacco, to compensate quota holders and active producers for the loss of tobacco quota asset value, to establish a permanent advisory board to determine and describe the physical characteristics of United States farm-produced tobacco and unmanufactured imported tobacco, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINTYRE (for himself, Mr. HAYES, and Mr. MILLER of North Carolina):

H.R. 141. A bill to establish the SouthEast Crescent Authority, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California:

H.R. 142. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional water recycling project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, and to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project; to the Committee on Resources.

By Mr. NADLER:

H.R. 143. A bill to prohibit the importation of dangerous firearms that have been modified to avoid the ban on semiautomatic assault weapons; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 144. A bill to control the sale of gun kits; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 145. A bill to designate the Federal building located at 290 Broadway in New York, New York, as the ''Ted Weiss Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. NADLER:

H.R. 146. A bill to eliminate a limitation with respect to the collection of tolls for use of the Verrazano Narrows Bridge, New York; to the Committee on Transportation and Infrastructure.

By Mr. NADLER:

H.R. 147. A bill to amend the Internal Revenue Code of 1986 to exclude from the gross estate the value of certain works of artistic property created by the decedent; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 148. A bill to provide that Community Development Block Grant funds relating to the recovery of New York City from the September 11, 2001, terrorist attacks shall not be subject to Federal taxation; to the Committee on Ways and Means.

By Mr. NADLER (for himself and Mr. CROWLEY):

H.R. 149. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for direct-to-consumer advertisements of prescription drugs; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 150. A bill to amend the Internal Revenue Code of 1986 to provide for regional cost of living adjustments; to the Committee on Ways and Means.

By Mr. NETHERCUTT (for himself, Mr. HAYWORTH, Ms. DEGETTE, and Mr. KILDEE):

H.R. 151. A bill to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes; to the Committee on Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASTOR (for himself and Mr. GUTIERREZ):

H.R. 152. A bill to adjust the status of certain aliens with longstanding ties to the United States to that of an alien lawfully admitted to permanent residence, and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 153. A bill to restore the second amendment rights of all Americans; to the Committee on the Judiciary.

By Mr. PAUL (for himself and Mr. HALL):

H.R. 154. A bill to exclude certain properties from the John H. Chafee Coastal Barrier Resources System; to the Committee on Resources.

By Mr. PAUL (for himself and Mr. KINGSTON):

H.R. 155. A bill to support the domestic shrimping industry by eliminating taxpayer subsidies for certain competitors, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Resources, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI (for himself, Mrs. MALONEY, Mr. SHIMKUS, Mr. MCGOVERN, Mr. GREEN of Wisconsin, and Mr. SHAYS):

H.R. 156. A bill to amend the Federal Election Campaign Act of 1971 to require persons conducting Federal election polls by telephone to disclose certain information to respondents and the Federal Election Commission; to the Committee on House Administration.

By Mr. PETRI (for himself, Mr. KANJORSKI, Mr. FRANKS of Arizona, and Mr. ENGLISH):

H.R. 157. A bill to amend the Internal Revenue Code of 1986 to provide a credit and a deduction for small political contributions; to the Committee on Ways and Means.

By Mr. PITTS:

H.R. 158. A bill to make the repeal of the estate tax permanent; to the Committee on Ways and Means.

By Mr. PITTS:

H.R. 159. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale or exchange of certain farmland the use of which is restricted in perpetuity to use as farmland; to the Committee on Ways and Means.

By Mr. POMEROY (for himself, Mrs. CUBIN, Mr. BOSWELL, and Mr. BALLANCE):

H.R. 160. A bill to provide emergency disaster assistance to agricultural producers; to the Committee on Agriculture.

By Mr. PORTMAN:

H.R. 161. A bill to designate the Federal building and United States courthouse located at 10 East Commerce Street in Youngstown, Ohio, as the ''Nathaniel R. Jones Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. QUINN (for himself, Mr. MCHUGH, Mr. LOBIONDO, Mr. KING of New York, and Mr. WALSH):

H.R. 162. A bill to amend the Temporary Extended Unemployment Act of 2002 to provide for additional weeks of benefits to exhaustees, and to provide for a temporary extension of the temporary extended unemployment program; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. MCDERMOTT, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. STARK, and Mr. ABERCROMBIE):

H.R. 163. A bill to provide for the common defense by requiring that all young persons in the United States, including women, perform a period of military service or a period of civilian service in furtherance of the national defense and homeland security, and for other purposes; to the Committee on Armed Services.

By Mr. REGULA:

H.R. 164. A bill to provide for the retention of the name of Mount McKinley; to the Committee on Resources.

By Mr. REYNOLDS (for himself, Mr. DOOLITTLE, and Mr. FLAKE):

H.R. 165. A bill to prohibit the Secretary of the Treasury from using surplus funds to make any investment in securities, other than government and municipal securities; to the Committee on Financial Services.

By Mr. REYNOLDS:

H.R. 166. A bill to repeal limitations under the Home Investment Partnerships Act on the percentage of the operating budget of an organization receiving assistance under such Act that may be funded under such Act; to the Committee on Financial Services.

By Mr. REYNOLDS (for himself, Mr. SESSIONS, Mr. CROWLEY, Mr. ISRAEL, Mr. HOLDEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MCNULTY, Mr. WELLER, Mr. SWEENEY, Mr. SOUDER, Mr. OTTER, Mr. CANTOR, and Mr. WAMP):

H.R. 167. A bill to take certain steps toward recognition by the United States of Jerusalem as the capital of Israel; to the Committee on International Relations.

By Mr. REYNOLDS:

H.R. 168. A bill to permit States to place supplemental guide signs relating to veterans cemeteries on Federal-aid highways; to

the Committee on Transportation and Infrastructure.

By Mr. REYNOLDS (for himself, Mr. McGOVERN, and Mrs. MALONEY):

H.R. 169. A bill to amend title 38, United States Code, to allow the sworn affidavit of a veteran who served in combat during the Korean War or an earlier conflict to be accepted as proof of service-connection of a disease or injury alleged to have been incurred or aggravated by such service; to the Committee on Veterans' Affairs.

By Mr. REYNOLDS (for himself, Mr. DOOLITTLE, Mr. ENGLISH, and Mr. SOUDER):

H.R. 170. A bill to amend the Internal Revenue Code of 1986 to simplify and reduce the capital gain rates for all taxpayers and to exclude from gross income 55 percent of the dividends received by individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself and Mrs. MYRICK):

H.R. 171. A bill to amend the Internal Revenue Code of 1986 to repeal the provision that limited the interest deduction on refinanced home mortgage indebtedness to the amount of the indebtedness being refinanced; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself, Mr. QUINN, Mr. BOEHLERT, Mr. SWEENEY, Mr. SMITH of New Jersey, Mr. McGOVERN, Mr. GREENWOOD, Mr. SERRANO, Mrs. McCARTHY of New York, Mr. TOWNS, Mrs. MALONEY, Mrs. LOWEY, Mr. ENGEL, Mr. NADLER, Mr. WEINER, and Mr. HINCHEY):

H.R. 172. A bill to amend title XVI of the Social Security Act to provide that annuities paid by States to blind veterans shall be disregarded in determining supplemental security income benefits; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 173. A bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN:

H.R. 174. A bill to provide for the conveyance of certain real property by the Administrator of General Services; to the Committee on Government Reform.

By Mr. ROYCE:

H.R. 175. A bill to abolish the Advanced Technology Program; to the Committee on Science.

By Mr. ROYCE (for himself and Mr. KENNEDY of Minnesota):

H.R. 176. A bill to amend the Internal Revenue Code of 1986 to allow amounts elected for reimbursement of medical care expenses under a health flexible spending arrangement that are unused during a plan year to be carried over for such use for subsequent plan years; to the Committee on Ways and Means.

By Mr. ROYCE:

H.R. 177. A bill to strengthen and protect Social Security; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin:

H.R. 178. A bill to amend the Internal Revenue Code of 1986 to give a deduction to corporations for dividends paid and to exclude dividends from gross income; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. WELLER, Mrs. JOHNSON of Connecticut, Mr. CRANE, Mr. LEWIS of Kentucky, Mr. FOLEY, and Mr. MANZULLO):

H.R. 179. A bill to amend the Internal Revenue Code of 1986 to expand the depreciation benefits available to small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin (for himself, Mr. BRADY of Texas, Mr. AKIN, Mr. ROYCE, and Mr. SESSIONS):

H.R. 180. A bill to reform Federal budget procedures to restrain congressional spending, foster greater oversight of the budget, account for accurate Government agency costs, and for other purposes; referred to the Committee on the Budget for a period ending not later than June 1, 2003, and in addition to the Committees on Rules, Ways and Means and Government Reform for a period to be determined subsequently by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYUN of Kansas:

H.R. 181. A bill to amend the Internal Revenue Code of 1986 to allow all taxpayers who maintain households with dependents a credit for dependents; to the Committee on Ways and Means.

By Mr. SCHIFF (for himself, Mr. SPRATT, Mrs. TAUSCHER, Mr. EDWARDS, Mr. CROWLEY, Mr. McDERMOTT, Mr. BERMAN, Mr. FRANK of Massachusetts, Mr. SHAYS, Ms. HARMAN, and Mr. BROWN of Ohio):

H.R. 182. A bill to make permanent the authority to waive restrictions on use of funds for threat reduction in States of the former Soviet Union and for a chemical weapons destruction facility in Russia; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 183. A bill to permit members of the House of Representatives to donate used computer equipment to public elementary and secondary schools designated by the members; to the Committee on House Administration.

By Mr. SERRANO:

H.R. 184. A bill to amend the Immigration and Nationality Act to ensure that veterans of the United States Armed Forces are eligible for discretionary relief from detention, deportation, exclusion, and removal, and for other purposes; to the Committee on the Judiciary.

By Mr. SERRANO:

H.R. 185. A bill to amend the Internal Revenue Code of 1986 to provide a business credit relating to the use of clean-fuel vehicles by businesses within areas designated as nonattainment areas under the Clean Air Act; to the Committee on Ways and Means.

By Mr. SERRANO:

H.R. 186. A bill to amend the Food, Drug, and Cosmetic Act and the egg, meat, and poultry inspection laws to ensure that consumers receive notification regarding food products produced from crops, livestock, or poultry raised on land on which sewage sludge was applied; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 187. A bill to amend the Trade Sanctions Reform and Export Enhancement Act of 2000 to allow for the financing of agricultural sales to Cuba; to the Committee on Financial Services, and in addition to the Committees on International Relations, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 188. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Financial Services, Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 189. A bill to waive certain prohibitions with respect to nationals of Cuba coming to the United States to play organized professional baseball; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 190. A bill to amend the Internal Revenue Code of 1986 to provide for designation of overpayments and contributions to the United States Library Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMMONS (for himself, Mrs. JOHNSON of Connecticut, and Mr. SHAYS):

H.R. 191. A bill to direct the Secretary of Transportation to carry out a project to establish a greenway for purposes of environmental preservation along the portion of State Route 11 proposed for construction between Salem and Waterford, Connecticut; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey (for himself, Mr. HYDE, Mr. LANTOS, Mr. PAYNE, Mr. WOLF, Mr. OBERSTAR, Ms. ROS-LEHTINEN, Mr. KILDEE, Mr. ROHRABACHER, Mr. BERMAN, Mr. YOUNG of Alaska, Mr. HOUGHTON, Mr. TANCREDO, Mr. BLUMENAUER, Mr. TOM DAVIS of Virginia, Mr. BROWN of Ohio, Mr. LINCOLN DIAZ-BALART of Florida, Ms. CARSON of Indiana, Mr. ISSA, Mrs. DAVIS of California, Mr. ISAKSON, Mr. DICKS, Mr. BISHOP of Georgia, Mr. BEREUTER, Ms. ESHOO, Mr. SHAW, Mr. HOEFFEL, Mr. KIRK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SHAYS, Mr. MICA, Mr. CASTLE, Mr. McDERMOTT, Mr. GREENWOOD, Mr. MEEKS of New York, Ms. MILLENDER-McDONALD, Mr. RODRIGUEZ, Mr. SANDERS, and Ms. WOOLSEY):

H.R. 192. A bill to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes; to the Committee on International Relations.

By Mr. HEFLEY:

H.R. 193. A bill to amend section 922 of chapter 44 of title 18, United States Code, to protect the rights of citizens under the Second Amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 194. A bill to amend title XVIII of the Social Security Act with respect to reform of payment for drugs and biologicals under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. AKIN, Mr. BOOZMAN, Mr. BURTON of Indiana, Mrs. JO ANN DAVIS of Virginia, Mr. FALEOMAVAEGA, Mr. FOLEY, Mr. HALL, Mr. JONES of North Carolina, Mr. LAHOOD, Mrs. MYRICK, Mr. PENCE, Mr. PITTS, Mr. ROSS, Mr. SHUSTER, Mr. SOUDER, Mr. TERRY, Mr. WILSON of South Carolina, Mr. CALVERT, Mr. ISSA, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mr. PAYNE, Mr. PETERSON of Minnesota, Mr. PICKERING, Mr. RYUN of Kansas, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mr. TAYLOR of Mississippi, Mr. TIAHRT, Mr. VITTER, Mr. WELDON of Florida, Mr. BAKER, Mr. BARTLETT of Maryland, and Mr. FORBES):

H.R. 195. A bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to pregnant women needing such services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself, Mr. CUMMINGS, Mr. QUINN, and Mr. MORAN of Virginia):

H.R. 196. A bill to authorize the Secretary of the Interior to establish a memorial to slavery, in the District of Columbia; to the Committee on Resources.

By Mr. STEARNS (for himself, Ms. CORRINE BROWN of Florida, Mr. CRENSHAW, and Mr. MICA):

H.R. 197. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Jacksonville, Florida, metropolitan area; to the Committee on Veterans' Affairs.

By Mr. STEARNS (for himself, Mr. TERRY, and Mr. PAUL):

H.R. 198. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for amounts paid for health insurance and prescription drug costs of individuals; to the Committee on Ways and Means.

By Mr. STEARNS (for himself, Mr. CRANE, Mr. BOEHNER, Mr. BURR, Mr. FORBES, Mr. HEFLEY, Mr. ISAKSON, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mr. LAHOOD, Mr. LEACH, Mr. LEWIS of Kentucky, Mr. OTTER, Mr. PAUL, Mr. PRICE of North Carolina, Mr. RAMSTAD, Mr. SCHROCK, Mr. SHIMKUS, Mr. SIMMONS, and Mr. WILSON of South Carolina):

H.R. 199. A bill to amend the Internal Revenue Code of 1986 to repeal the 2 percent excise tax on the net investment income of tax-exempt foundations; to the Committee on Ways and Means.

By Mr. GUTIERREZ:

H.R. 200. A bill to revise various provisions of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 201. A bill to extend the time period prior to the need for workers for the filing of applications for temporary labor certification in the processing of alien labor certification applications; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 202. A bill to amend the Internal Revenue Code of 1986 to provide for an inflation adjustment of the base amounts used in determining the amount of Social Security benefits included in gross income; to the Committee on Ways and Means.

By Mr. SWEENEY (for himself and Mr. MCHUGH):

H.R. 203. A bill to reduce acid deposition under the Clean Air Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SWEENEY (for himself and Mr. PAUL):

H.R. 204. A bill to prohibit United States voluntary and assessed contributions to the United Nations if the United Nations imposes any tax or fee on United States persons or continues to develop or promote proposals for such taxes or fees; to the Committee on International Relations.

By Mr. SWEENEY:

H.R. 205. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a program to provide regulatory compliance assistance to small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. SWEENEY:

H.R. 206. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month) and that such individual's benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death; to the Committee on Ways and Means.

By Mr. SWEENEY (for himself and Mr. OSBORNE):

H.R. 207. A bill to amend the Controlled Substances Act with respect to the placing of certain substances on the schedules of controlled substances, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself and Mr. RADANOVICH):

H.R. 208. A bill to amend the Social Security Act with respect to the employment of persons with criminal backgrounds by long-term care providers; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT:

H.R. 209. A bill to extend the Temporary Extended Unemployment Compensation Act of 2002; to the Committee on Ways and Means.

By Mr. TIBERI:

H.R. 210. A bill to amend the Internal Revenue Code of 1986 to accelerate the individual income tax rate cuts made by the Economic Growth and Tax Relief Reconciliation Act of 2001 and to make permanent all tax cuts made by that Act; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 211. A bill to require the Consumer Product Safety Commission to ban toys which in size, shape, or overall appearance resemble real handguns; to the Committee on Energy and Commerce.

By Mr. TOWNS:

H.R. 212. A bill to amend the Internal Revenue Code of 1986 to deny the exemption from income tax for social clubs found to be practicing prohibited discrimination; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 213. A bill to amend the Internal Revenue Code of 1986 to designate educational empowerment zones in certain low-income areas and to give a tax incentive to attract teachers to work in such areas; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 214. A bill to amend the Civil Rights Act of 1964 and the Fair Housing Act to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER:

H.R. 215. A bill to extend the national flood insurance program; to the Committee on Financial Services.

By Mr. WAMP (for himself and Mr. DUNCAN):

H.R. 216. A bill to establish as a unit of Chickamauga and Chattanooga National Military Park, the Moccasin Bend National Archeological District; to the Committee on Resources.

By Mr. WEXLER:

H.R. 217. A bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred; to the Committee on Government Reform.

By Mr. CUNNINGHAM (for himself, Mr. BARTLETT of Maryland, Mr. GIBBONS, Mr. JENKINS, Mr. SHUSTER, Mr. MCINTYRE, Mr. FRANK of Massachusetts, Mr. CALVERT, Mr. WAMP, Mr. WELDON of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, Mrs. MALONEY, Mr. SHIMKUS, Mr. MICA, Mr. SHAYS, Mr. ISAKSON, Mr. MOORE, Mr. CRANE, Ms. BERKLEY, Mr. MCHUGH, Mr. CRAMER, Mr. KLECZKA, Mrs. CUBIN, Mr. MCGOVERN, Mr. LEWIS of California, Mr. HINCHEY, Mr. STUPAK, Mr. HALL, Mrs. JO ANN DAVIS of Virginia, Mr. HUNTER, Mr. TERRY, Mr. RYAN of Ohio, Mr. ALEXANDER, Mr. DUNCAN, Mr. BILIRAKIS, Mr. BAIRD, Mr. BISHOP of Georgia, Mr. LEWIS of Kentucky, Mr. STRICKLAND, Mr. HOLDEN, Mr. POMEROY, Mr. SAXTON, Mr. LINDER, Mr. ROGERS of Alabama, Mr. COBLE, Mr. ETHERIDGE, Mr. SCHIFF, Mr. SIMMONS, Mr. FRANKS of Arizona, Mr. WALSH, Mr. KING of New York, Mrs. KELLY, Mr. HOEFFEL, Mr. BUYER, Mr.

REHBERG, Mr. HAYWORTH, Mr. RAHALL, Mr. SOUDER, Mr. GREEN of Texas, Mr. RYUN of Kansas, Mr. KANJORSKI, Mr. FORBES, and Mr. BAKER):

H.R. 218. A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

By Mr. PAUL (for himself, Mr. SMITH of New Jersey, and Mr. TANCREDO):

H.R. 219. A bill to amend title II of the Social Security Act to ensure the integrity of the Social Security trust funds by requiring the Managing Trustee to invest the annual surplus of such trust funds in marketable interest-bearing obligations of the United States and certificates of deposit in depository institutions insured by the Federal Deposit Insurance Corporation, and to protect such trust funds from the public debt limit; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BARTLETT of Maryland, and Mr. HINCHEY):

H.R. 220. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to protect the integrity and confidentiality of Social Security account numbers issued under such title, to prohibit the establishment in the Federal Government of any uniform national identifying number, and to prohibit Federal agencies from imposing standards for identification of individuals on other agencies or persons; to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEXLER (for himself, Mr. NADLER, and Mr. MORAN of Virginia):

H.R. 221. A bill to prevent handgun violence and illegal commerce in handguns; to the Committee on the Judiciary.

By Mrs. WILSON of New Mexico (for herself, Mr. PEARCE, and Mr. UDALL of New Mexico):

H.R. 222. A bill to establish the T'uf Shur Bien Preservation Trust Area in the Cibola National Forest, and for other purposes; to the Committee on Resources.

By Mr. WILSON of South Carolina:

H.R. 223. A bill to amend the Internal Revenue Code of 1986 to increase the current 30 percent bonus depreciation to 50 percent for 5 years; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 224. A bill to amend the Internal Revenue Code of 1986 to increase the amount that small businesses may expense under section 179 to $75,000; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 225. A bill to amend the Internal Revenue Code of 1986 to allow individuals to exclude dividend income; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 226. A bill to amend the Internal Revenue Code of 1986 to allow individuals to exclude dividend income; to the Committee on Ways and Means.

By Mr. WU:

H.R. 227. A bill to eliminate the termination date on authority for schools with low default rates to make single disbursements of student loans; to the Committee on Education and the Workforce.

By Mr. WU:

H.R. 228. A bill to provide for additional benefits under the Temporary Extended Unemployment Compensation Act of 2002; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.J. Res. 1. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 2. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. THOMAS (for himself, Mrs. JOHNSON of Connecticut, Mr. LEWIS of Kentucky, Mr. MCINNIS, Mr. COLLINS, Ms. DUNN, Mr. MCCRERY, Mr. FOLEY, Mr. RYAN of Wisconsin, Mr. RAMSTAD, Mr. CAMP, Mr. CRANE, and Mr. KELLER):

H.J. Res. 3. A joint resolution to disapprove under the Congressional Review Act the rule submitted by the Centers for Medicare & Medicaid Services, relating to revisions to payment policies under the Medicare physician fee schedule for calendar year 2003 and other items, published in the Federal Register on December 31, 2002 (vol. 67, page 79966); to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUNNINGHAM (for himself, Mr. MURTHA, Mr. KENNEDY of Minnesota, Mr. MCINTYRE, Mr. WAMP, Mr. KING of New York, Mr. ROTHMAN, Mr. FOLEY, Mrs. JOHNSON of Connecticut, Mr. ISSA, Mr. SHIMKUS, Mr. STRICKLAND, Mr. KANJORSKI, Mrs. CUBIN, Mr. BRADY of Texas, Mr. PETERSON of Minnesota, Mr. GREEN of Texas, Mrs. JO ANN DAVIS of Virginia, Mr. SWEENEY, Mr. CRAMER, Mr. TOOMEY, Mrs. WILSON of New Mexico, Mr. BILIRAKIS, Mr. SHERWOOD, Mr. BUYER, and Mr. NEY):

H.J. Res. 4. A joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. DINGELL:

H.J. Res. 5. A joint resolution proposing an amendment to the Constitution of the United States to permit the Congress to limit expenditures in elections for Federal office; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res. 6. A joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res. 8. A joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res. 9. A joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. ROYCE:

H.J. Res. 10. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

By Mr. SERRANO:

H.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States to repeal the twenty-second article of amendment, thereby removing the limitation on the number of terms an individual may serve as President; to the Committee on the Judiciary.

By Mr. DREIER:

H. Con. Res. 1. Concurrent resolution regarding consent to assemble outside the seat of government; considered and agreed to.

By Ms. JACKSON-LEE of Texas (for herself, Mr. KUCINICH, Ms. LEE, Mr. DAVIS of Illinois, and Ms. WATSON):

H. Con. Res. 2. Concurrent resolution expressing the sense of Congress that the Authorization for Use of Military Force Against Iraq Resolution of 2002 should be repealed; to the Committee on International Relations.

By Ms. JACKSON-LEE of Texas (for herself, Mr. ACKERMAN, Mr. MCDERMOTT, Mr. MARKEY, Mr. HONDA, Mr. MOORE, Ms. KAPTUR, Mr. MEEKS of New York, Mrs. JONES of Ohio, Mr. LAMPSON, Mr. BRADY of Pennsylvania, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Mr. GREEN of Texas, Mr. WAXMAN, Mr. RUSH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCNULTY, Mr. WYNN, Mr. TURNER of Texas, Mr. DELAHUNT, Mr. SANDLIN, Mr. TOWNS, Mr. CLYBURN, and Mr. JEFFERSON):

H. Con. Res. 3. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of the late George Thomas ''Mickey'' Leland; to the Committee on Government Reform.

By Mr. PAUL (for himself, Mr. MILLER of Florida, and Mr. FLAKE):

H. Con. Res. 4. Concurrent resolution expressing the sense of the Congress that the United States should not rejoin the United Nations Educational, Scientific, and Cultural Organization (UNESCO); to the Committee on International Relations.

By Mr. SERRANO:

H. Con. Res. 5. Concurrent resolution entitled the ''English Plus Resolution''; to the Committee on Education and the Workforce.

By Mr. STEARNS (for himself, Mr. LEWIS of Georgia, Mr. FORBES, Mr. TERRY, and Mr. HINCHEY):

H. Con. Res. 6. Concurrent resolution supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month; to the Committee on Government Reform.

By Mr. TOWNS:

H. Con. Res. 7. Concurrent resolution expressing the sense of the Congress that Harriet Tubman should have been paid a pension for her service as a nurse and scout in the United States Army during the Civil War; to the Committee on Armed Services.

By Mr. DELAY:

H. Res. 1. A resolution electing officers of the House of Representatives; considered and agreed to.

By Mr. DELAY:

H. Res. 2. A resolution to inform the Senate that a quorum of the House has assembled and of the election of the Speaker and the Clerk; considered and agreed to.

By Mr. DELAY:

H. Res. 3. A resolution authorizing the Speaker to appoint a committee to notify

the President of the assembly of the Congress; considered and agreed to.

By Mr. DELAY:

H. Res. 4. A resolution authorizing the Clerk to inform the President of the election of the Speaker and the Clerk; considered and agreed to.

By Mr. DELAY:

H. Res. 5. A resolution adopting rules for the One Hundred Eighth Congress; considered and agreed to.

By Ms. PRYCE of Ohio:

H. Res. 6. A resolution designating majority membership on the Committee on Rules; considered and agreed to.

By Mr. HOYER:

H. Res. 7. A resolution designating minority membership on the Committee on Rules; considered and agreed to.

By Ms. PELOSI:

H. Res. 8. A resolution designating certain minority employees; considered and agreed to.

By Mr. DREIER:

H. Res. 9. A resolution fixing the daily hour of meeting of the First Session of the One Hundred Eighth Congress; considered and agreed to.

By Ms. PRYCE of Ohio (for herself, Mr. BOEHNER, Mr. CHABOT, Mr. GILLMOR, Mr. HOBSON, Mr. OXLEY, Mr. PORTMAN, Mr. REGULA, Mr. RYAN of Ohio, Mr. STRICKLAND, Mr. TIBERI, Mr. TURNER of Ohio, Mr. NEY, Mr. LATOURETTE, Mr. KUCINICH, Mrs. JONES of Ohio, Ms. KAPTUR, and Mr. BROWN of Ohio):

H. Res. 10. A resolution congratulating the Ohio State University football team for winning the 2002 NCAA Division I-A collegiate football national championship; to the Committee on Education and the Workforce.

By Mr. LANTOS (for himself and Mr. HYDE):

H. Res. 11. A resolution expressing the sense of the House of Representatives that the United States should declare its support for the independence of Kosova after it develops and consolidates democratic self-government; to the Committee on International Relations.

By Mr. GREEN of Texas:

H. Res. 12. A resolution expressing the sense of the House of Representatives that the United States Postal Service should issue a postage stamp commemorating Juan Nepomuceno Seguin; to the Committee on Government Reform.

By Mr. HOEKSTRA (for himself, Mr. EHLERS, Mr. KNOLLENBERG, Mr. UPTON, Mr. CAMP, Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, Mr. MCCOTTER, Mr. DINGELL, Mr. STUPAK, and Ms. KILPATRICK):

H. Res. 13. A resolution congratulating the Grand Valley State University Lakers for winning the 2002 NCAA Division II Football National Championship; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Florida:

H. Res. 16. A resolution commending the people and government of Kenya for the recent free elections and the orderly and democratic transfer of power; to the Committee on International Relations.

By Mr. LEWIS of Kentucky:

H. Res. 17. A resolution honoring the Hilltoppers of Western Kentucky University from Bowling Green, Kentucky, for winning the 2002 National Collegiate Athletic Association Division I-AA football championship; to the Committee on Education and the Workforce.

By Mr. MATHESON (for himself, Mr. CANNON, Mr. BISHOP of Utah, Mr. BERMAN, Mr. LANTOS, Mr. WEXLER, Mr. PRICE of North Carolina, Mr. DAVIS of Florida, Mrs. CAPPS, Ms. KAPTUR, Mr. HINCHEY, Mr. MORAN of Virginia, Ms. ROS-LEHTINEN, Mr. ISSA, and Mr. HOUGHTON):

H. Res. 18. A resolution honoring the life and dedicated service of former Congressman Wayne Owens of Utah; to the Committee on House Administration.

By Mr. NUSSLE:

H. Res. 19. A resolution designating the room numbered H-236 in the House of Representatives wing of the Capitol as the ''Richard K. Armey Room''; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE:

H. Res. 20. A resolution expressing the sense of the House of Representatives with respect to polio; to the Committee on Energy and Commerce, and in addition to the Committees on International Relations, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself, Ms. SLAUGHTER, Mrs. MALONEY, Mrs. CAPPS, Mr. SANDERS, Mr. NADLER, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. HINCHEY, Mr. FARR, Ms. SCHAKOWSKY, Mr. LANGEVIN, Mr. SERRANO, Mr. HASTINGS of Florida, Mr. MORAN of Virginia, Ms. KAPTUR, Mr. MEEHAN, Mr. FILNER, Mr. DEUTSCH, Ms. HARMAN, Mr. STARK, Mrs. JONES of Ohio, Mr. MARKEY, Mr. CUMMINGS, Ms. DELAURO, Mr. HOEFFEL, Mr. DAVIS of Florida, Mr. DELAHUNT, Ms. SOLIS, Mr. LAMPSON, Ms. BALDWIN, Mr. WU, Ms. KILPATRICK, Mr. CROWLEY, Mr. PALLONE, Ms. ROYBAL-ALLARD, Ms. CORRINE BROWN of Florida, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. SMITH of Washington, Ms. WATERS, Mrs. JOHNSON of Connecticut, Ms. PELOSI, Ms. ESHOO, Ms. WATSON, Ms. VELÁZQUEZ, Mr. PASCRELL, Ms. CARSON of Indiana, Mr. BACA, Mr. FROST, and Mrs. TAUSCHER):

H. Res. 21. A resolution expressing the sense of the House of Representatives that the Senate should ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. CUBIN:

H.R. 229. A bill for the relief of Ashley Ross Fuller; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 230. A bill for the relief of Gao Zhan; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 231. A bill for the relief of Sharif Kesbeh, Asmaa Sharif Kesbeh, Batool Kesbeh, Noor Sharif Kesbeh, Alaa Kesbeh, Sondos Kesbeh, Hadeel Kesbeh, and Mohanned Kesbeh; to the Committee on the Judiciary.

By Mr. THOMPSON of California:

H.R. 232. A bill for the relief of Kuan-Fan Hsieh; to the Committee on the Judiciary.

By Mr. WEXLER:

H.R. 233. A bill for the relief of Akintomide Apara; to the Committee on the Judiciary.

SENATE—*Tuesday, January 7, 2003*

The seventh day of January being the day prescribed by Senate Joint Resolution 53 for the meeting of the 1st session of the 108th Congress, the Senate assembled in its Chamber at the Capitol and at 12 noon was called to order by the Vice President (Mr. CHENEY).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we are one Nation under Your sovereignty, one body of leaders ready to be led by You, one band of patriots called to love You and serve our Nation above party or personal popularity, one family charged to work together in spite of differences to achieve Your will for our society. Today is an awesome time of dedication for the Senators-elect who will make an unreserved commitment to You, our beloved Nation, and our cherished Constitution. Give them a vision of their potential greatness as leaders; make them riverbeds for the flow of Your wisdom. Thank You for the families that nurtured them, the mentors who help them realize their talents and the power of Your gifts, and the loved ones who now stand by them to uphold and sustain them. May the vows they are about to take engender in them true humility. Save them from the seduction of power, political aggrandizement, and the bogus might of manipulation. With only You to please, set them free to speak truth, honed by study and prayer, to discern what is right and do it regardless of who gets the credit, to be distinguished for their integrity. All of the Senators and Officers of the Senate join with these new Senators once again in putting You and their families first, the good of the Nation second, consensus around truth, third; party loyalties, fourth; and, last of all, personal success. The time for greatness is now; the place for greatness is here; and the secret of greatness is in constant dependence on Your guidance and strength! You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD CHENEY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CERTIFICATE OF ELECTION AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate one certificate of election to fill an unexpired term, two letters of resignation, and two certificates of appointment to fill the vacancies created thereby, and the certificates of election of 33 Senators elected for 6-year terms beginning January 3, 2003.

All certificates, the Chair is advised, are in the form suggested by the Senate, or contain all of the essential requirements of the form suggested by the Senate.

If there be no objection, the reading of the above-mentioned letters and the certificates will be waived, and they will be printed in full in the RECORD.

The documents ordered to be printed in the RECORD are as follows:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 20, 2002.

Hon. RICHARD B. CHENEY,
President of the United States Senate, Dwight D. Eisenhower Executive Office Building, Washington, DC.

DEAR MR. PRESIDENT: I herewith tender my resignation as a Member of the United States Senate from Texas to become effective at the close of business on Saturday, November 30, 2002.

Yours respectfully,

PHIL GRAMM,
U.S. Senator.

STATE OF TEXAS

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Texas, I, Rick Perry, the governor of said State, do hereby appoint, effective December 1, 2002, John Cornyn, a Senator from said State to represent said State in the Senate of the United States to complete the term caused by the resignation of Phil Gramm.

Witness: His excellency our governor Rick Perry, and our seal hereto affixed at Austin, Texas this 21st day of November, in the year of our Lord 2002.

By the Governor:

RICK PERRY,
Governor.

U.S. SENATE,
Washington, DC, December 2, 2002.

Hon. RICHARD CHENEY,
Vice President of the United States, President of the United States Senate, Capitol, Washington, DC

DEAR MR. PRESIDENT: I hereby tender my resignation as a Member of the United States Senate from Alaska to be effective at 3:59 PM, Eastern Standard Time, (11:59 a.m Alaska Standard Time) on Monday, December 2, 2002.

Respectfully yours,

FRANK H. MURKOWSKI.

STATE OF ALASKA

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Alaska, I, Frank H. Murkowski, the governor of said State, do hereby appoint Lisa Murkowski a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by my resignation from the Senate, is filled by election as provided by law.

Witness: His excellency our governor, Frank H. Murkowski, and our seal hereto affixed at Anchorage this 20th day of December, in the year of our Lord 2002.

By the governor:

FRANK H. MURKOWSKI,
Governor.

STATE OF TENNESSEE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Lamar Alexander was duly chosen by the qualified electors of the State of Tennessee as Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our Governor, Don Sundquist, and our seal hereto affixed at Nashville this 2nd day of December, in the Year of our Lord, Two Thousand Two.

By the Governor:

DON SUNDQUIST,
Governor.

STATE OF COLORADO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on November 5, 2002, A. Wayne Allard was duly chosen by the qualified electors of the State of Colorado, a Senator from the State of Colorado to represent the people of the State of Colorado in the Senate of the United States for a term of six years, beginning on the 3rd day of January, 2003.

As Governor of the State of Colorado, I serve as witness to this certification and affix our State Seal hereto.

Given under my hand and the Executive Seal of the State of Colorado, this 10th day of December, 2002.

BILL OWENS,
Governor.

STATE OF MONTANA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM TO THE UNITED STATES SENATE

I, Bob Brown, Secretary of State of the State of Montana, do hereby certify that Max Baucus was duly chosen on November 5, 2002, by the qualified electors of the State of Montana as the United States Senator from said State to represent said State in the United States Senate. The term commences January 3, 2003.

Witness: Her excellency our Governor Judy Martz, and our seal hereunto affixed at the

City of Helena, the Capital, this 4th day of December, in the year of our Lord 2002.

By the Governor:

JUDY MARTZ,
Governor.

STATE OF DELAWARE

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

Be it known that at an election, in due manner held according to the form of the Act of the General Assembly of the State of Delaware, and of the Act of Congress in such case made and provided, on the first Tuesday after the first Monday of the month of November, 2002, Joseph R. Biden, Jr. was elected to be a Senator from the said State in the Senate of the United States for the constitutional term to commence at noon on the third day of January A.D. 2003.

Given under my hand and the Great Seal of the said State, at Dover, the 3rd day of December in the year of our Lord two thousand two and in the year of the Independence of the United States of America the two hundred and twenty-sixth.

RUTH ANN MINNER,
Governor.

STATE OF GEORGIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Saxby Chambliss was duly chosen by the qualified electors of the State of Georgia, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His Excellency our governor Roy E. Barnes, and our seal hereto affixed at 5:00 pm this 13th day of December, in the year of our Lord 2002.

ROY E. BARNES,
Governor.

STATE OF MISSISSIPPI

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Thad Cochran was duly chosen by the qualified electors of the State of Mississippi, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Ronnie Musgrove, and our seal hereto affixed this 4th day of December, in the year of our Lord 2002.

RONNIE MUSGROVE,
Governor.

STATE OF MINNESOTA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the Fifth day of November 2002, Norm Coleman was duly chosen by the qualified electors of the State of Minnesota, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the Third day of January, 2003.

Witness: His excellency our Governor Jesse Ventura, and our seal hereto affixed at St. Paul, Minnesota this 19th day of November, in the year of our Lord 2002.

By the Governor:

JESSE VENTURA,
Governor.

STATE OF MAINE

CERTIFICATE OF ELECTION FOR A SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the Fifth day of November, Two Thousand and Two, Susan M. Collins was duly chosen by the qualified electors of the State of Maine, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, in the year Two Thousand and Three.

Witness: His excellency our Governor, Angus S. King, Jr., and our seal hereto affixed at Augusta, Maine this twenty-fifth day of November, in the year of our Lord Two Thousand and Two.

By the Governor:

ANGUS S. KING, Jr.,
Governor.

STATE OF TEXAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, John Cornyn was duly chosen by the qualified electors of the State of Texas, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Rick Perry, and our seal hereto affixed at Austin, Texas this 20th day of November, in the year of our Lord 2002.

By the Governor:

RICK PERRY,
Governor.

STATE OF IDAHO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States.

This is to certify that on the 5th day of November, 2002, Larry E. Craig was duly chosen by the qualified electors of the State of Idaho a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Dirk Kempthorne, and our seal hereto affixed at Boise this 20th day of November, in the year of our Lord 2002.

By the Governor:

DIRK KEMPTHORNE,
Governor.

STATE OF NORTH CAROLINA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th Day of November, 2002, Elizabeth H. Dole was duly chosen by the qualified electors of the State of North Carolina, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Michael F. Easley, and our seal hereto affixed at Raleigh this 16th Day of December, in the Year of our Lord 2002.

MIKE EASLEY,
Governor.

STATE OF NEW MEXICO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States

This is to certify that on the 5th day of November, 2002, Pete V. Domenici was duly chosen by the qualified electors of the State of New Mexico, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2003.

Witness: His excellency our governor Gary Johnson, and our seal hereto affixed at Santa Fe this 26th day of November, in the year of our Lord 2002.

By the governor:

GARY JOHNSON,
Governor.

STATE OF ILLINOIS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, two thousand and two Richard J. Durbin was duly chosen by the qualified electors of the State of Illinois, a Senator from said State, to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, two thousand and three.

Witness: His excellency our governor George H. Ryan, and our seal hereto affixed at the City of Springfield this twenty-fifth day of November, in the year of our Lord two thousand and two.

By the governor:

GEORGE H. RYAN,
Governor.

STATE OF WYOMING

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Michael B. Enzi was duly chosen by the qualified electors of the State of Wyoming, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor, Jim Geringer, and our seal hereto affixed at the Wyoming State Capitol, Cheyenne, Wyoming, this 18th day of November, in the year of our Lord 2002.

By the governor:

Jim Geringer,
Governor.

STATE OF SOUTH CAROLINA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, 2002, Honorable Lindsey O. Graham was duly chosen by the qualified electors of the State of South Carolina, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January 2003.

Witness: His excellency our governor, Jim Hodges, and our seal hereto affixed at Columbia, South Carolina this fifteenth day of November, in the year of our Lord, 2002.

JIM HODGES,
Governor.

STATE OF NEBRASKA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Chuck Hagel was duly chosen by the qualified electors of the State of Nebraska, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Mike Johanns, and our seal hereto affixed at Lincoln, Nebraska this 9th day of December in the year of our Lord 2002.

By the governor:

MIKE JOHANNS,
Governor.

STATE OF IOWA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senator of the United States:

This is to certify that on the 5th day of November, 2002, Tom Harkin was duly chosen by the qualified electors of the State of Iowa a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2003.

Witness: His Excellency our Governor Thomas J. Vilsack, and our seal hereto affixed at Des Moines, Iowa, this twenty-sixth day of November, in the year of our Lord 2002.

THOMAS J. VILSACK,
Governor.

STATE OF OKLAHOMA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Jim Inhofe was duly chosen by the qualified electors of the State of Oklahoma, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 2003.

Witness: His Excellency our Governor Frank Keating, and our seal hereto affixed at Oklahoma City, Oklahoma this 12th day of November, in the year of our Lord 2002.

By the Governor.

FRANK KEATING,
Governor.

STATE OF SOUTH DAKOTA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

This is to certify that on the fifth day of November, 2002, at a general election, Tim Johnson was elected by the qualified voters of the State of South Dakota to the office of United States Senator for the term of six years, beginning on the third day of January, 2003.

In witness whereof, We have hereunto set our hands and caused the Seal of the State to be affixed at Pierre, the Capital, this 20th day of November, 2002.

WILLIAM J. JANKLOW,
Governor.

COMMONWEALTH OF MASSACHUSETTS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, two thousand and two John F. Kerry was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, two thousand and three.

Witness: Her Excellency, our Acting Governor, Jane W. Swift, and our seal hereto affixed at Boston, this fourth day of December in the year of our Lord two thousand and two.

By Her Honor the Acting Governor

JANE M. SWIFT.

STATE OF LOUISIANA

CERTIFICATION OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

I, M.J. ''Mike'' Foster, Jr., Governor of the State of Louisiana, do hereby certify that, in accordance with the provisions of the Louisiana Election Code, on the 7th day of December, 2002, Mary Landrieu was elected by the qualified electors of the state of Louisiana a Senator to represent the state of Louisiana in the United States Senate for the term of six years, beginning at noon on the 3rd day of January, 2003. The votes cast, 638,564 for Mary Landrieu (Democrat) and 596,642 for Suzanne Haik Terrell (Republican), are on file and of record in the Office of the Secretary of State of Louisiana.

In witness whereof, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 19th day of December, 2002.

M.J. FOSTER, Jr.,
Governor.

STATE OF NEW JERSEY

CERTIFICATE OF ELECTION FOR A SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Frank R. Lautenberg, was duly chosen by the qualified electors of the State of New Jersey, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Given, under my hand and the Great Seal of the State of New Jersey, this 11th day of December, in the year of Our Lord two thousand and two.

JAMES E. MCGREEVEY,
Governor.

STATE OF MICHIGAN

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Carl Levin was duly chosen by the qualified electors of the State of Michigan, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Given under my hand and the Great Seal of the State of Michigan this 27th day of November, in the Year of our Lord, two thousand and two.

JOHN ENGLER,
Governor.

COMMONWEALTH OF KENTUCKY

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To all to Whom These Presents Shall Come, Greeting: Know Ye, That Honorable Mitch McConnell having been duly certified, that on November 5, 2002 was duly chosen by the qualified electors of the Commonwealth of Kentucky a Senator from said state to represent said state in the Senate of the United States for the term of six years, beginning the 3rd day of January 2003.

I hereby invest the above named with full power and authority to execute and discharge the duties of the said office according to law. And to have and hold the same, with all the rights and emoluments thereunto legally appertaining, for and during the term prescribed by law.

In testimony whereof, I have caused these letters to be made patent and the seal of the Commonwealth to be hereunto affixed. Done in Frankfort, the 2nd day of December in the year of our Lord two thousand and two and in the 211th year of the Commonwealth,

PAUL E. PATTON,
Governor.

STATE OF ARKANSAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Mark Lunsford Pryor was duly chosen by the qualified electors of the State of Arkansas, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at the capitol in Little Rock, on this 3rd day of December, in the year of our Lord 2002.

MIKE HUCKABEE,
Governor.

STATE OF RHODE ISLAND

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, John F. Reed duly chosen by the qualified electors of the State of Rhode Island and Providence Plantations, a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning on the 3rd day of January, 2003.

Witness: His Excellency our Governor Lincoln C. Almond, and our seal affixed on this 10th day of December, in the year of our Lord 2002.

LINCOLN C. ALMOND,
Governor.

STATE OF KANSAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Pat Roberts was duly chosen by the qualified electors of the state of Kansas, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Bill Graves, and our seal hereto affixed at Topeka, Kansas this 2nd day of December, in the year of our Lord 2002.

By the governor:

BILL GRAVES,
Governor.

STATE OF WEST VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, 2002, Jay Rockefeller was duly

chosen by the qualified electors of the State of West Virginia, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 2003.

Witness: His excellency our governor Bob Wise, and our seal hereto affixed at Charleston this 20 day of December, in the year of our Lord 2002.

By the governor:

BOB WISE,
Governor.

STATE OF ALABAMA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, 2002, The Honorable Jeff Sessions was duly chosen by the qualified electors of the State of Alabama Senator from said State to represent said State in the United States Senate for the term of six years, beginning on the Third day of January, 2003.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Alabama, at the Capitol, in the City of Montgomery, on this 20th day of November, in the year of our Lord, 2002.

DON SIEGELMAN,
Governor.

STATE OF OREGON

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Gordon H. Smith was duly chosen by the qualified electors of the State of Oregon, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our Governor, John Kitzhaber, and our seal hereto affixed at Salem, Oregon this 3rd day of December, 2002.

By the governor:

JOHN A. KITZHABER,
Governor.

STATE OF ALASKA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Ted Stevens was duly chosen by the qualified electors of the State of Alaska, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Tony Knowles, and our seal hereto affixed at Juneau this 2d day of December, in the year of our Lord 2002.

TONY KNOWLES,
Governor.

STATE OF NEW HAMPSHIRE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, two-thousand and two, John E. Sununu was duly chosen by the qualified electors of the State of New Hampshire to represent said State in the Senate of the United States for the term of six years beginning on the third day of January, two thousand and three.

Witness: Her Excellency, Governor, Jeanne Shaheen and the and the Seal of the State of New Hampshire hereto affixed at Concord, this fourth day of December, in the year of Our Lord two thousand and two.

JEANNE SHAHEEN,
Governor.

STATE OF MISSOURI

CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Jim Talent was duly chosen by the qualified electors of the State of Missouri, a Senator for the unexpired term ending at noon on the 3rd day of January, 2007, to fill the vacancy in the representation from said State of the United States caused by the death of Mel Carnahan.

Witness: His Excellency our Governor, Bob Holden, and our seal hereto affixed at 2:00 p.m. this 21st day of November, in the year of our Lord 2002.

By the governor:

BOB HOLDEN,
Governor.

COMMONWEALTH OF VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, John W. Warner was duly chosen by the qualified electors of the Commonwealth of Virginia, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His Excellency our Governor, Mark R. Warner, and our seal hereto affixed at Richmond this 26th day of November, in the year of our Lord 2002.

MARK R. WARNER,
Governor.

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senators to be sworn will now present themselves at the desk in groups of four as their names are called in alphabetical order, the Chair will administer their oaths of office.

The clerk will read the names of the first group.

The legislative clerk called the names of Mr. ALEXANDER of Tennessee, Mr. ALLARD of Colorado, Mr. BAUCUS of Montana, and Mr. BIDEN of Delaware.

These Senators, escorted by Mr. FRIST, Mr. CAMPBELL, Mr. BURNS, and Mr. CARPER, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group of Senators.

The legislative clerk called the names of Mr. CHAMBLISS of Georgia, Mr. COCHRAN of Mississippi, Mr. COLEMAN of Minnesota, and Ms. COLLINS of Maine.

These Senators, escorted by Mr. MILLER, Mr. LOTT, Mr. DAYTON, and Ms. SNOWE, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. CORNYN of Texas, Mr. CRAIG of Idaho, Mrs. DOLE of North Carolina, and Mr. DOMENICI of New Mexico.

These Senators, escorted by Mrs. HUTCHISON, Mr. CRAPO, Mr. EDWARDS, former Senator Dole, and Mr. BINGAMAN, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. DURBIN of Illinois, Mr. ENZI of Wyoming, Mr. GRAHAM of South Carolina, and Mr. HAGEL of Nebraska.

These Senators, escorted by Mr. INOUYE, Mr. THOMAS, Mr. HOLLINGS, and Mr. BEN NELSON of Nebraska, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. HARKIN of Iowa, Mr. INHOFE of Oklahoma, Mr. JOHNSON of South Dakota, and Mr. KERRY of Massachusetts.

These Senators, escorted by Mr. GRASSLEY, Mr. NICKLES, Mr. DASCHLE, and Mr. HOLLINGS, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Ms. LANDRIEU of Louisiana,

Mr. LAUTENBERG of New Jersey, Mr. LEVIN of Michigan, and Mr. MCCONNELL of Kentucky.

These Senators, escorted by Mr. BREAUX, Mr. CORZINE, Ms. STABENOW, and Mr. BUNNING, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will please call the names of the next group of Senators.

The legislative clerk called the names of Ms. MURKOWSKI of Alaska, Mr. PRYOR of Arkansas, Mr. REED of Rhode Island, and Mr. ROBERTS of Kansas.

These Senators, escorted by former Senator Murkowski, Mr. STEVENS, Mrs. LINCOLN, former Senator Pryor, former Senator Bumpers, Mr. CHAFEE, Mr. BROWNBACK, and former Senator Dole, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group of Senators.

The legislative clerk called the names of Mr. ROCKEFELLER of West Virginia, Mr. SESSIONS of Alabama, Mr. SMITH of Oregon, and Mr. STEVENS of Alaska.

These Senators, escorted by Mr. BYRD, Mr. SHELBY, Mr. WYDEN, and Ms. MURKOWSKI, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group of Senators.

The legislative clerk called the names of Mr. SUNUNU of New Hampshire, Mr. TALENT of Missouri, and Mr. WARNER of Virginia.

These Senators, escorted by Mr. GREGG, Mr. BOND, and Mr. ALLEN, respectively, advanced to the desk of the Vice President, the oath prescribed by law as administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The majority leader.

CALL OF THE ROLL

Mr. FRIST. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators answered to their names:

Alexander	Dodd	Lott
Allard	Dole	Lugar
Allen	Domenici	McCain
Baucus	Dorgan	McConnell
Bayh	Durbin	Mikulski
Bennett	Edwards	Miller
Biden	Ensign	Murkowski
Bingaman	Enzi	Murray
Bond	Feingold	Nelson (FL)
Boxer	Feinstein	Nelson (NE)
Breaux	Frist	Nickles
Brownback	Graham (FL)	Pryor
Bunning	Graham (SC)	Reed
Burns	Grassley	Reid
Byrd	Gregg	Roberts
Campbell	Hagel	Rockefeller
Cantwell	Harkin	Santorum
Carper	Hatch	Sarbanes
Chafee	Hollings	Schumer
Chambliss	Hutchison	Sessions
Clinton	Inhofe	Shelby
Cochran	Inouye	Smith
Coleman	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kerry	Stabenow
Cornyn	Kyl	Stevens
Corzine	Landrieu	Sununu
Craig	Lautenberg	Talent
Crapo	Leahy	Thomas
Daschle	Levin	Warner
Dayton	Lieberman	Wyden
DeWine	Lincoln	

The VICE PRESIDENT. A quorum is present.

LIST OF SENATORS BY STATE

ALABAMA

Jeff Sessions
Richard C. Shelby

ALASKA

Lisa Murkowski
Ted Stevens

ARIZONA

Jon Kyl
John McCain

ARKANSAS

Blanche L. Lincoln
Mark L. Pryor

CALIFORNIA

Barbara Boxer
Dianne Feinstein

COLORADO

Wayne Allard
Ben Nighthorse Campbell

CONNECTICUT

Christopher J. Dodd
Joseph I. Lieberman

DELAWARE

Joseph R. Biden, Jr.
Thomas R. Carper

FLORIDA

Bob Graham
Bill Nelson

GEORGIA

Saxby Chambliss
Zell Miller

HAWAII

Daniel K. Akaka
Daniel K. Inouye

IDAHO

Larry E. Craig
Michael D. Crapo

ILLINOIS

Richard Durbin
Peter G. Fitzgerald

INDIANA

Evan Bayh
Richard G. Lugar

IOWA

Chuck Grassley
Tom Harkin

KANSAS

Sam Brownback
Pat Roberts

KENTUCKY

Jim Bunning
Mitch McConnell

LOUISIANA

John B. Breaux
Mary L. Landrieu

MAINE

Susan M. Collins
Olympia J. Snowe

MARYLAND

Barbara A. Mikulski
Paul S. Sarbanes

MASSACHUSETTS

Edward M. Kennedy
John F. Kerry

MICHIGAN

Carl Levin
Debbie Stabenow

MINNESOTA

Norm Coleman
Mark Dayton

MISSISSIPPI

Thad Cochran
Trent Lott

MISSOURI

Christopher S. Bond
Jim Talent

MONTANA

Max Baucus
Conrad R. Burns

NEBRASKA

Chuck Hagel
E. Benjamin Nelson

NEVADA

John Ensign
Harry Reid

NEW HAMPSHIRE

Judd Gregg
John E. Sununu

NEW JERSEY

Jon S. Corzine
Frank R. Lautenberg

NEW MEXICO

Jeff Bingaman
Pete V. Domenici

NEW YORK

Hillary Rodham Clinton
Charles E. Schumer

NORTH CAROLINA

Elizabeth Dole
John Edwards

NORTH DAKOTA

Kent Conrad
Byron L. Dorgan

OHIO

Mike DeWine
George V. Voinovich

OKLAHOMA

James M. Inhofe

Don Nickles

OREGON

Gordon H. Smith
Ron Wyden

PENNSYLVANIA

Rick Santorum
Arlen Spector

RHODE ISLAND

Lincoln Chafee
Jack Reed

SOUTH CAROLINA

Lindsey Graham
Ernest F. Hollings

SOUTH DAKOTA

Thomas A. Daschle
Tim Johnson

TENNESSEE

Lamar Alexander
William H. Frist

TEXAS

John Cornyn
Kay Bailey Hutchison

UTAH

Robert F. Bennett
Orrin G. Hatch

VERMONT

James M. Jeffords
Patrick J. Leahy

VIRGINIA

George Allen
John Warner

WASHINGTON

Maria Cantwell
Patty Murray

WEST VIRGINIA

Robert C. Byrd
John D. Rockefeller IV

WISCONSIN

Russell D. Feingold
Herb Kohl

WYOMING

Michael B. Enzi
Craig Thomas

INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 1) informing the President of the United States that a quorum of each House is assembled.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 1) reads as follows:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

Mr. FRIST. I ask unanimous consent that the motion to reconsider be laid upon the table.

The VICE PRESIDENT. Without objection, it is so ordered.

Pursuant to Senate Resolution 1, the Chair appoints the Senator from Tennessee, (Mr. FRIST), and the Senator from South Dakota, (Mr. DASCHLE), as a committee to join the committee on the part of the House of Representatives to wait upon the President of the United States and inform him that a quorum is assembled and that the Congress is ready to receive any communication he may be pleased to make.

INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution, (S. Res. 2) informing the House of Representatives that a quorum of the Senate is assembled.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 2) reads as follows:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Mr. FRIST. I ask unanimous consent that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELECTION OF THE HONORABLE TED STEVENS AS PRESIDENT PRO TEMPORE OF THE SENATE

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 3) to elect the Honorable TED STEVENS, a Senator from the State of Alaska, to be President pro tempore of the Senate of the United States.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 3) reads as follows:

S. RES. 3

Resolved, That Ted Stevens, a Senator from the State of Alaska, be, and he is hereby, elected President of the Senate pro tempore.

Mr. FRIST. I ask unanimous consent that the motion to reconsider be laid upon the table.

The VICE PRESIDENT. Without objection, it is so ordered.

ADMINISTRATION OF OATH TO SENATOR TED STEVENS AS PRESIDENT PRO TEMPORE OF THE SENATE FOR THE 108TH CONGRESS

The VICE PRESIDENT. The President pro tempore-elect will be escorted to the desk for the oath of office by the President pro tempore-elect, the Senator from West Virginia (Mr. BYRD).

The President pro tempore-elect, escorted by Senator BYRD, advanced to the desk of the Vice President, the oath was administered to him by the Vice President, and he subscribed to the oath in the Official Oath Book.

[Applause, Senators rising.]

[The President pro tempore assumed the chair.]

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 4) notifying the President of the United States of the election of a President pro tempore.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 4) reads as follows:

S. RES. 4

Resolved, That the President of the United States be notified of the election of Ted Stevens, a Senator from the State of Alaska, as President pro tempore.

Mr. FRIST. I ask unanimous consent the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE SENATE

Mr. FRIST. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 5) notifying the House of Representatives of the election of a President pro tempore of the U.S. Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res 5) reads as follows:

S. RES. 5

Resolved, That the House of Representatives be notified of the election of Ted Stevens, a Senator from the State of Alaska, as President pro tempore.

Mr. FRIST. I ask unanimous consent the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 6) fixing the hour of daily meeting of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 6) reads as follows:

S. RES. 6

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

Mr. FRIST. I ask unanimous consent the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ELECTING EMILY J. REYNOLDS OF TENNESSEE AS SECRETARY OF THE SENATE

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 7) electing Emily J. Reynolds of Tennessee as Secretary of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 7) reads as follows:

S. RES. 7

Resolved, That Emily J. Reynolds of Tennessee be, and she is hereby, elected Secretary of the Senate.

Mr. FRIST. I ask unanimous consent the motion to reconsider be laid upon the table and that any statements relating to this appointment be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ADMINISTRATION OF THE OATH TO THE SECRETARY OF THE SENATE

The Honorable Emily J. Reynolds, escorted by the Honorable WILLIAM FRIST and the Honorable THOMAS A. DASCHLE, advanced to the desk of the President pro tempore; the oath prescribed by law was administered to her by the President pro tempore.

The PRESIDENT pro tempore. Congratulations.

(Applause, Senators rising.)

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A SECRETARY OF THE SENATE

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 8) notifying the President of the United States of the election of a Secretary of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 8) reads as follows:

S. RES. 8

Resolved, That the President of the United States be notified of the election of the Honorable Emily J. Reynolds of Tennessee as Secretary of the Senate.

Mr. FRIST. I ask unanimous consent the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SECRETARY OF THE SENATE

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 9) notifying the House of Representatives of the election of a Secretary of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 9) reads as follows:

S. RES. 9

Resolved, That the House of Representatives be notified of the election of the Honorable Emily J. Reynolds of Tennessee as Secretary of the Senate.

Mr. FRIST. I ask unanimous consent the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I call attention to the fact that the motion to reconsider is not being made. I think it should be made so that the record will so read.

I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ELECTING DAVID J. SCHIAPPA OF MARYLAND AS THE SECRETARY FOR THE MAJORITY OF THE SENATE

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 10) electing David J. Schiappa of Maryland as Secretary for the majority of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 10) reads as follows:

S. RES. 10

Resolved, That David J. Schiappa of Maryland be, and he is hereby, elected Secretary for the Majority of the Senate.

Mr. DASCHLE. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ELECTING MARTIN P. PAONE AS SECRETARY FOR THE MINORITY OF THE SENATE

Mr. DASCHLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 11) electing Martin P. Paone as Secretary for the minority of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 11) reads as follows:

S. RES. 11

Resolved, That Martin P. Paone of Virginia be, and he is hereby, elected Secretary for the Minority of the Senate.

Mr. FRIST. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TO MAKE EFFECTIVE THE REAPPOINTMENT OF SENATE LEGAL COUNSEL

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 12) to make effective reappointment of Senate Legal Counsel.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 12) reads as follows:

S. RES. 12

Resolved, That the reappointment of Patricia Mack Bryan to be Senate Legal Counsel make by the President pro tempore this day is effective as of January 3, 2003, and the term of service of the appointee shall expire at the end of the One Hundred Ninth Congress.

Mr. FRIST. I move to reconsider.

Mr. NICKLES. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

TO MAKE EFFECTIVE REAPPOINTMENT OF DEPUTY SENATE LEGAL COUNSEL

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 13) to make effective reappointment of Deputy Senate Legal Counsel.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 13) reads as follows:

S. RES. 13

Resolved, That the reappointment of Morgan J. Frankel to be Deputy Senate Legal Counsel made by the President pro tempore this day is effective as of January 3, 2003, and the term of service of the appointee shall expire at the end of the One Hundred Ninth Congress.

Mr. DASCHLE. Mr. President, I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT

Mr. FRIST. Mr. President, I now send to the desk 12 routine housekeeping unanimous consent agreements and ask they be agreed to en bloc.

The PRESIDENT pro tempore. Is there objection?

Mr. BYRD. What are the resolutions? Will the clerk state them.

The PRESIDENT pro tempore. The clerk will read the unanimous consent requests.

The legislative clerk read as follows:

1. That for the duration of the 108th Congress, the Ethics Committee be authorized to meet during the session of the Senate;

2. That for the duration of the 108th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes;

3. That during the 108th Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate;

4. That the Majority and Minority leaders may daily have up to 10 minutes each on each calendar day following the prayer and disposition of the reading of, or the approval of, the Journal;

5. That the Parliamentarian of the House of Representatives and his five assistants be given the privileges of the floor during the 108th Congress;

6. That, notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed;

7. That the Committee on Appropriations be authorized during the 108th Congress to file reports during adjournments or recesses of the Senate on appropriations bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendments shall be printed;

8. That, for the duration of the 108th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to House bills or resolution;

9. That for the duration of the 108th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate is authorized to receive messages from the President of the United States, and—with the exception of House bills, joint resolutions and concurrent resolutions—messages fro the House of Representatives; and that they be appropriately referred; and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions;

10. That for the duration of the 108th Congress, Senators be allowed to leave at the desk with the Journal Clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant-at-Arms be instructed to rotate such staff members as space allows:

11. That for the duration of the 108th Congress; it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day; and

12. That for the remainder of the 108th Congress, Senators may be allowed to bring to the desk bills, joint resolutions, concurrent resolutions, and simple resolutions, for referral to appropriate committees.

The PRESIDENT pro tempore. Is there objection? Without objection, the unanimous consent request is agreed to.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period of morning business for up to 2 hours, equally divided in the usual form, with Senators permitted to speak for up to 10 minutes each.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

OPENING OF THE 108TH CONGRESS

Mr. FRIST. Mr. President, 35 of our colleagues have just sworn the oath of a United States Senator. I wish to congratulate all 35 of our colleagues, the 11 new Members and the 24 returning to this Chamber. I also want to welcome back to the Senate the rest of our esteemed colleagues, the former Members and the many friends that we have with us today, and family members—all who have joined us on what is truly a historic day as we convene the 108th Congress.

The very special tradition that we have just witnessed dates back to that first Congress in 1789, when that oath was a very simple one sentence, the oath being:

I do solemnly swear that I will support the Constitution of the United States.

Those words in the version that we just heard recited—when you come down to the essence—are a truly sacred bond that we all share in this body, regardless of what status, what State, what party, or what rank and what creed we represent.

Indeed, it is my hope that in this Congress we will be defined by achievement as well as a cooperative spirit.

At this point in time, our Nation faces truly historic challenges—winning the war against terror, boosting economic growth, job creation, addressing multiple health care challenges that now have become crises, and ensuring our agenda is inclusive of all Americans.

I look forward to working with our colleagues both on our side of the aisle and on the other side of the aisle—in particular with my colleague from South Dakota, Senator DASCHLE—to ensure that we succeed. I am convinced that we will find, based on our own principles, common ground to bridge this aisle between us.

As majority leader of the Senate, I pledge to serve this body, to serve the people of Tennessee, and to serve the American people to the best of my ability. I will remain guided by those same timeless principles of our founding documents. And, above all, I hope to enable this body to continue to contribute to the greatness of all Americans.

(Applause, Senators rising.)

The PRESIDENT pro tempore. The democratic leader.

THE SENATE AT ITS BEST

Mr. DASCHLE. Mr. President, let me congratulate the majority leader on his ascension to his new responsibilities and on his remarks just now. I have little doubt that we will be led well, and we will be led fairly. I look forward to working with him, as I know my whole caucus does as well.

I also congratulate our 35 returning colleagues—those 11 new Members and 24 Senators who are returning. There can be no more awesome responsibility than to sit at these historic desks—especially as we begin the 108th Congress.

Let me also thank my colleagues for their support, for their encouragement, and for the friendship they have given me these many months and years. At this time in particular in my life, I am extraordinarily grateful for that. I wish to express that in the most heartfelt way.

The 107th Congress was filled with history—filled in the way we elected a President, the way we governed as a 50–50 Senate, and in the way we addressed so many issues. I have no doubt that the momentous decisions made during the 107th Congress will be recorded and reported and analyzed and considered for generations to come. We begin a new Congress and a new day with a new spirit and a new mood for the recognition of new responsibilities and a new opportunity to write history.

Just yesterday, as I was coming back from South Dakota, an older woman stopped me in the airport. She pulled me at my arm. And she said: Senator DASCHLE, do your best. Do your best, and remember that history is in your hands.

I think that is our charge—to do our best, to recognize that history is now in our hands, and that as we face the challenges and the responsibilities as Senators in the 108th Congress, I hope we can look back with satisfaction, with pride and with a realization that, indeed, we did our best.

(Applause, Senators rising.)

The PRESIDENT pro tempore. The majority leader is recognized.

PROVISION OF A 5-MONTH EXTENSION OF THE TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 23, an unemployment insurance extension bill introduced today by Senators FITZGERALD, CLINTON, and others; further, that the bill be read the third time and passed, and the motion to reconsider be laid upon the table.

Mrs. CLINTON. Mr. President, reserving the right to object——

The PRESIDENT pro tempore. The Senator from New York.

Mrs. CLINTON. Mr. President, I ask unanimous consent that there be one amendment in order which would provide benefits for those who have previously exhausted their Federal unemployment benefits—approximately 1 million Americans and over 150,000 New Yorkers—that there be a time limitation on the amendment of 30 minutes for debate, equally divided in the usual form, and that no other amendments or motions be in order to the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. NICKLES. Mr. President, I object.

Mr. FRIST. Mr. President, reserving the right to object, a number of Senators on both sides of the aisle have been very aggressively working on this legislation for, indeed, several months and most intensively over the last several days. I believe we have reached a bipartisan agreement to allow us to pass the bill today so that the House will consider it and in order for it to become public law this week.

As most of my colleagues in the Senate Chamber know, if this bill is not passed by Thursday and signed by the President of the United States, there will be tremendous dislocation among the American people. With that, I urge that we proceed with the underlying unanimous consent.

The PRESIDING OFFICER (Mr. ALLEN). Is there objection to the initial request?

Mrs. CLINTON. Mr. President, reserving the right to object, I thank the majority leader for bringing this very important matter to the floor so early in our session. I also thank my colleague from Oklahoma, Senator NICKLES, for working with me and others over the last week to try to reach consensus. While I do not object at all to this final bill—in fact, I am a lead Democratic sponsor—I would point out that passage of this bill, as important as it is, will leave many, many people without any means of support, and I think that we must turn our attention to these people who have exhausted their benefits. I look forward to working with the majority and minority leader in doing so.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, reserving the right to object, I would simply also commend those responsible for bringing the resolution to this point. We could have accomplished this in the last Congress, but we were unable to complete our work. I remind my colleagues that by simply passing this resolution we are leaving out over 1 million people who have absolutely no recourse and have no assistance whatsoever because their benefits have expired. We are leaving them out. This will only address those who are about to see their benefits expire—about one-half of the 1 million people who otherwise would be eligible for these benefits.

To simply say we are doing half means that we are doing half the job. We are leaving half on the table. We are leaving 1 million people with absolutely no recourse in their efforts to try to bring about any quality of life in these difficult times.

So I urge my colleagues to reconsider. We will continue to offer this with the hope that we can find some resolution, that we can include all 2 million unemployed workers, and that we do so as quickly as is possible.

The PRESIDING OFFICER. Is there objection?

The Senator from Rhode Island.

Mr. REED. Mr. President, reserving the right to object, as I understand it, if we do not accept the unanimous consent request proposed by the Senator from New York, we will leave 1 million Americans without unemployment compensation benefits at a time they desperately need it. I also understand her amendment simply calls for 30 minutes of debate and a vote. I think it would be appropriate to vote.

If the majority leader can give us some indication as to when we will deal with the issue of these 1 million people who will be without benefits, I think it might help us as we try to respond and decide on this issue.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, reserving the right to object, and I will not object, while the Senators who had expressed their concerns may be correct, I believe we should commend those who have worked so hard to get this bill here, and our majority leader for bringing it up today because, while we wait to do some more, if more is needed, we will leave all of the unemployed without any new benefits. That is the issue. To do it today is to do it the way it is proposed. To debate it, or send it back to committee for refinement, means none of them will get benefits—not only those who have run out of benefits, but there will be no extension and no money.

I believe it is good that we comment, but it is better that we proceed and get the bill done.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, prior to our taking a recess, we begged the administration to do something to allow us to pass unemployment benefits for the people we knew would be out of unemployment benefits. We in Nevada now have thousands of people who need those benefits. I heard my friend from New York say there are 150,000 people who need them in her State. I believe that is the figure she used. But regardless, there are thousands and thousands

of people all over this country, adding up to a million, who need these benefits.

We on this side of the aisle believe we should do everything. I have to respectfully say to my friend, the majority leader, and his colleagues, the reason they are not going to allow us to vote is we would win the vote. We would win if we were allowed to vote to include all 2 million people who are desperately in need of these unemployment checks. We would win the vote.

I do not believe we should adjourn today until this matter is resolved. We want a vote. The people of America want a vote. The people we are leaving out are the ones who are in most need. There is no question the people we would help by passing this resolution need the help, but the million people are those who are chronically unemployed and are in desperate need of help.

We should not adjourn today until we are allowed to have a vote on this most important resolution with the amendment that has been offered by the Senator from New York.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, reserving the right to object, it is important that we take care of these individuals who will be left out without the amendment by Senator CLINTON. The issue is, unemployment benefits not only help these individuals who have lost their jobs through no fault of their own—whether it is the Boeing Company in a downturn or other people impacted by 9/11 who have lost their jobs and need these unemployment benefits—but more importantly, unemployment benefits are also an economic stimulus. Economists have said every $1 spent on unemployment insurance generates $2.15 of economic stimulus.

I can think of no better package for us to support in a bipartisan fashion than putting more dollars into our local economies that are hurting. I know our State, with one of the highest unemployment rates in the country, has an economic forecast that says the next 6 months will not get any better. So if not today, I say to my colleagues on the other side of the aisle, when will we realize this is an economic stimulus package that we must support.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, my understanding is this unemployment extension mirrors the unemployment extension we did in the last session of Congress. We extended benefits for 13 weeks.

There are some for which the 26 weeks plus the 13 weeks have expired. I assume the million people we are talking about are those people in places where there is not high unemployment, who do not qualify for an additional 13 weeks above the 13 weeks that have already been extended.

As you know, under this bill, as under the prior bill, in States where there are high rates of unemployment, people do get 26 weeks, the 13 plus 13. So what you are talking about is a million people, in places where there are lower rates of unemployment, not getting an additional 13 weeks on top of the 13 weeks they now get on top of the 26 weeks which the original unemployment act provided.

So when we talk about people being left out, what we are talking about is a change in what the original extension is. I am not too sure that is being left out. Those are people who went through their 26 weeks, went through their 13 weeks, and have still not been able to find a job but are not in States with high unemployment.

So what we are doing is extending last year's unemployment benefits to this year. I think that is a fair way to start. It is a way to get things done. If you want to change unemployment extension and turn it into 26 weeks, we can have that debate. But to suggest we are leaving people out, I am not too sure that is really what is factually happening in this situation.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in response to the question by the Senator from Rhode Island, it is clear we are not solving the problem today. Because of the reality of scheduling, and in part because of what happened in the last Congress, we are faced with the reality that if we do not act today, there are going to be as many as 750,000 people who will have a disruption in benefits as of Thursday. I believe the House is going out tomorrow.

We have a compromise on both sides of the aisle we have been working on that was agreed to—worked on by Senators CLINTON, FITZGERALD, NICKLES, SPECTER, CANTWELL, and a range of people.

I understand what we are doing today, if this is accepted by unanimous consent, is taking care of the 750,000 people who will be able to continue to receive their benefits. I know there is a lot more to do.

I am not sure it is necessary to go over everything that is in the bill. Basically, what the compromise does is extend unemployment benefits from December 28—which was while we were all out on vacation—up until June 1, 2003, which is an additional 5 months of coverage. That is what we would be agreeing to today, well recognizing there are other issues in addition to this that we are going to have to do as we go forward on this issue.

The compromise, I should also add, since some of the details were brought up, also provides coverage allowing benefits to be phased out rather than just shut off immediately when the program ends.

President Bush has made it very clear that the extension of unemployment benefits is a top priority. On both sides of the aisle, we have tried to come together. Given the circumstances of having been on our recent holiday, I would like to see us respond in a timely manner, meaning now, through the unanimous consent request, recognizing there is more work to do as we go forward.

The President, as we speak, or in the last hours, has addressed other parts of reemployment. At the end of the day, people want the checks, but what they really want are the jobs. There are other ways we will continue to address that in the future.

I urge my colleagues, very soon, to take the regular order—I will not call for it at this point—so we can take this first important step very significant to the American people, many of whom are not going to see their checks unless we act, and act today.

Mr. GRASSLEY. Mr. President, I rise today in support of extending the temporary extended unemployment compensation program.

In March of last year, Congress enacted the ''Job Creation and Worker Assistance Act of 2002.'' This Act created a temporary program to provide additional unemployment benefits to workers in every State.

Specifically, this program provided up to 13 weeks of federally funded employment benefits for workers who become unemployed and exhaust their regular State unemployment benefits. In addition, the program provided up to 13 weeks of additional benefits in high unemployment States—that's a maximum of 26 weeks.

When this extended benefit program was originally enacted last year, it was scheduled to expire at the end of 2002.

Unfortunately, the economy has not performed as well as we all hoped and the unemployment rate in many States continued to rise throughout last year.

As my colleagues may recall, the Senate agreed to a unanimous consent request last year to extend the deadline. Unfortunately, the 107th Congress adjourned before reaching a final agreement on the extension.

So, we are here again today seeking unanimous consent to extend the temporary extended unemployment compensation program.

This agreement which has been cosponsored by Senators FITZGERALD, SPECTER, COLLINS, GREGG, NICKLES, and CLINTON would provide a 5-month extension of the program through the end of May. This agreement has been reached in consultation with the House Leadership.

I believe a 5-month extension is an appropriate timeframe to see how the

economy will perform this year, as well as give Congress the opportunity to consider further economic stimulus legislation.

Our goal should be make sure that everyone who wants a job gets a paycheck, instead of just an unemployment check.

I also believe it is important to point out that although the program expired last week, if we can get this measure through the House and onto the President's desk by Thursday, no one will miss a check.

Unemployment benefits are the bridges that help people get from one job to another. These benefits are not huge, but they're certainly better than nothing for those who are out of work and desperately looking for jobs. People have to put food on the table. They have to heat their homes. They have to buy their kids clothes, shoes and school supplies. Their needs are immediate, and they need immediate relief.

While Congress is approving unemployment benefits, we need to do everything in our power to create jobs. I don't mean just any jobs, but quality opportunities that pay enough income to sustain families and build careers. I look forward to working with my colleagues and the President on creating jobs. Americans are the world's greatest workforce. Folks need and deserve to use their abilities and skills to the fullest.

According to the Department of Labor, more than 780,000 individuals were collecting extended benefits in mid-December. If we act now to extend this program, workers who qualified before December 28th will be able to continue receiving their weekly benefit check without interruption.

I urge my colleagues to support this measure.

Mr. SARBANES. Mr. President, I am pleased to join my colleagues today as cosponsor of the measure that will extend unemployment insurance benefits. We have a long bipartisan tradition of extending unemployment benefits during periods of prolonged joblessness. We have this policy because it is the right thing to do for people and for the economy. Before I present the case for why extended unemployment benefits are needed—a case which by now almost everyone agrees with—I want to remind my colleagues why we are at this point today.

Led by the late Senator Wellstone, several of my colleagues and I, began this discussion last September. At that point it appeared clear that this economy was still in a weak, 'jobless recovery.' Yet, the administration failed to understand the basic economic reality, and consequently refused to support an extension of benefits. During the next 2 months the economy remained weak and more jobs were lost. My colleagues and I returned to the Senate floor repeatedly, attempting to pass a reasonable extension of unemployment insurance benefits. We asked for unanimous consent eight times, each time pointing out the weak economy, the lack of job creation, the growing number of Americans who had exhausted their benefits, and the upcoming cliff that more Americans were facing, should Congress fail to act. All this while the President remained silent.

Finally, at the eleventh hour of the last Congress, on November 14, we came to an agreement within the Senate. And I would like to thank Senators CLINTON, CANTWELL and NICKLES for their leadership in reaching that compromise. That compromise was needed in order to prevent almost 1 million Americans who should have received benefits from having their benefits terminated. But even that compromise, which passed the Senate by unanimous consent, failed to elicit the support of the President. And without his urging the House failed to act.

Now finally, today we are passing this compromise again. Actually we are passing a slightly improved version which will last for five months, providing individuals with the opportunity to begin receiving extended benefits until June 1st, and allowing all of those who begin to receive their benefits to receive the full 13 weeks, in the event that they are unable to find a job. And it is my understanding that if the House acts on this tomorrow, and the President signs this measure by Thursday, that everyone who should receive a benefit will continue to do so.

However, even with passage of this measure, there is still significant work that needs to be done. This legislation, despite the valiant efforts of some of my colleagues, fails to provide benefits to those who have already exhausted their benefits and are still unable to find a job. There are an estimated 1 million Americans who are in such a position. They are in such a position because the economy has continued to remain weak and is failing to create jobs.

The latest unemployment report showed unemployment at an 8 year high of six percent. We have 2.17 million fewer private sector jobs today than when President Bush took office. We lost 48,000 private sector jobs last month alone.

As a result of the lack of jobs, there are over 1.7 million Americans who have been unemployed and looking for work for more than 26 weeks. There are 150,000 more long-term unemployed than in September and over 1 million more than when President Bush took office. Over 20 percent of those who are unemployed have been so for more than 26 weeks, a greater percentage than at any point in the past eight years.

The premise of the unemployment insurance system is that you give people some short-term support, the labor market picks up, and they can go back and find a job. Today, they cannot find jobs. In fact, not only can they not find them, more people are losing their jobs. So the labor market is contracting, not expanding. Extending benefits in this situation is the proper economic policy. Fed Chairman Greenspan, before the Joint Economic Committee this past November stated: ''I have always argued that in periods like that the economic restraints on the unemployment insurance system almost surely ought to the eased.''

This easing ought to include extending benefits to those who have already exhausted all of their benefits. I can not understand why anyone is objecting to extending benefits to these individuals. It is not because we lack the resources to extend benefits. Extending benefits to these individuals is projected to cost around $7.5 billion. Our unemployment insurance trust funds, specifically designed to meet this kind of situation, are in strong financial condition with approximately $24 billion. Those moneys have been paid into the trust fund over a period of time. The whole system was structured to have these trust funds build up in good times, and then to utilize them in bad times.

We will spend much time debating the wisdom of various economic stimulus plans over the coming months, but one thing that everyone should be able to agree on is the stimulative effects of extending unemployment insurance benefits. As the Baltimore Sun wrote in an editorial on January 3, 2003, ''Few dispute the clear returns from directing short-term relief to those who lose their jobs as a result of the fiscal turbulence. Giving money to people who need it to pay their bills ensures that it will be spent and multiply as it ripples through the economy.''

In closing, I would like to thank all of those who have worked so hard to pass the measure that we passed today. As a result many Americans will receive the benefits that they deserve and our economy will receive some of the stimulus that it needs. And I will continue to work to extend benefits to the 1 million Americans who have exhausted their unemployment insurance coverage.

Ms. MIKULSKI. Mr. President, I rise in support of the Emergency Unemployment Compensation Act. On December 28, 2002, the Federal Government played Scrooge to nearly 800,000 Americans. We left town, and we left a lot of people holding no money for the new year. Because the House of Representatives failed to pass an extension of unemployment benefits, 780,000 unemployed Americans—including 10,000 unemployed Marylanders—had their benefits abruptly cut off just a few days after Christmas.

Yet the story gets even worse. One million Americans have already exhausted both Federal and state aid

without finding a new job, and 2 million are expected to run out of state benefits in the next five months. We must act now to help these working Americans who have been hardest hit by the economic downturn.

That is why I am proud to cosponsor the Emergency Unemployment Compensation Act. This bill will give immediate assistance to those who need it most and it will put money back into the economy to keep it going. The Emergency Unemployment Compensation Act will help nearly 2.85 million Americans who are facing the highest unemployment rate since the recession during the first Bush Administration. It will restore benefits for those who were unfairly cut off in December and it will help those who will lose their benefits in the next five months. It will provide relief for approximately 30,000 people in my own state of Maryland who still have not been able to find a job.

Extending UI not only helps those who are hardest hit by bad economic times, it also helps turn the economy around. A good economic stimulus puts money in the hands of the people who will spend it. That is precisely what the Emergency Unemployment Compensation Act does. Workers who have lost their jobs because of September 11th or the economic downturn will spend this money. They will spend it on necessities, like rent and food, to keep the economy going. This bill will inject $7.25 billion into the economy as an immediate stimulus. I believe this will do more to help the people and stimulate the economy than the across the board tax cuts for the wealthy.

I am so pleased that the Senate is ready to pass this bill. But this measure doesn't go far enough. As long term unemployment balloons due to the weak economy, we can't forget about the 1 million Americans who have already exhausted both Federal and state unemployment benefits and have still not found a job. These people have no income, and now they have no safety net. I urge my colleagues to provide an additional 13 weeks of extended unemployment benefits for these Americans.

Mr. FITZGERALD. Mr. President, I rise today to urge the Senate to pass the extension of the Temporary Extended Unemployment Compensation, TEUC, Program.

In November, the Senate acted unanimously to extend the TEUC program through the end of March by passing a bill that I cosponsored along with Senators CLINTON, CANTWELL, SPECTER, SARBANES, KENNEDY, and DURBIN. However, the House and Senate were unable to reach a compromise that would have allowed President Bush to sign the extension into law. This is our last chance to act before there is an interruption in the receipt of benefits pursuant to the TEUC program.

November 2002, the nationwide unemployment level shot up to 6.0 percent from 5.7 percent in October. The law authorizing the TEUC program expired on December 28, 2002. If we do not act now to extend this program, as many as 800,000 workers who are receiving temporary benefits will not receive their full 13 weeks of extended unemployment benefits. 1.6 million workers will exhaust their regular unemployment benefits between December 28, 2002 and the end of May 2003 if we fail to act. If we act today to extend this important program, we will ensure that these workers will receive their next unemployment check.

The unemployment situation in my home State of Illinois is critical. It would be particularly adversely affected if we do not act. In November 2002, Illinois had a 6.7-percent unemployment rate, tying Mississippi with the third highest unemployment rate in the country behind Alaska and Oregon. Illinois' rate was substantially higher than the nationwide 6.0-percent unemployment rate. Over the 3-month period from September through November 2002, the average unemployment rate in Illinois was 6.6 percent, which is significantly higher than the national average of 5.8 percent over the same period. In November, there were 416,200 unemployed persons in Illinois.

I have introduced legislation that would extend the provisions of the Temporary Extended Unemployment Compensation Act of 2002 to allow individuals receiving benefits to continue collecting them until they expire in full. This bill is retroactive, and permits people who otherwise would have had their TEUC benefits cut off on December 28 to receive the full 13 weeks of TEUC benefits. Furthermore, this legislation would make individuals who have exhausted their regular 26 weeks of unemployment insurance eligible for a 13-week extension, and would allow these individuals to apply for such extensions through the end of May. Under my bill, even those who enrolled in the TEUC program just prior to the expiration of the program would be eligible to receive full 13 weeks of extended unemployment benefits.

This bill is a more generous extension of the TEUC program than the extension that the Senate approved last November. It provides for 5-month extension of the temporary unemployment insurance program, which is more than the 3 months of benefits provided by the extension that the Senate passed last year. Passing this legislation will help millions of families nationwide, easing the burden that these families might otherwise experience if their unemployment insurance were to have expired on December 28, 2002. It will help unemployed Americans feed their families and pay their bills while giving them an additional 5 months to find new jobs.

I would like to thank the Senators on both sides of the aisle who have helped to negotiate this bipartisan compromise bill that will extend unemployment insurance benefits to the millions of Americans who need them.

President Bush has called upon us to quickly pass legislation that will extend the TEUC program, a program whose benefits fell off a cliff on December 28, 2002. I urge may colleagues in the Senate to support this necessary legislation. I also urge the House of Representatives to take up and pass this bill in an expeditious manner so that President Bush can sign the measure into law by this Thursday and prevent any interruption in the receipt of temporary unemployment insurance benefits.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I fully appreciate the suggestion made by the distinguished Republican leader, the majority leader. Clearly, we have to resolve what we can resolve. I know a good deal of effort has been put forth in getting us to this point. But that does not acknowledge the urgency with which we have to address all of those people who are not considered in this resolution.

The Senator mentioned the fact that our Republican colleagues in the House have chosen to recess tomorrow. You do not have the luxury of recessing if you are unemployed. You do not have the luxury of recessing if there is no other option for you but to seek unemployment compensation.

I hope, as Senator REID has suggested, that we continue to find a way this afternoon to address this second group of people who need help, this 750,000 to 1 million people who are not covered in this resolution. I think he is right. I don't think we ought to leave until we get the job done this afternoon. There is no reason why we can't complete our work on both groups today, and I urge my colleagues to stay until we get the job done.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield to my friend and colleague.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield to my friend from Oklahoma.

Go ahead.

Mr. NICKLES. Mr. President, we have to talk about what is doable. If people want to revisit what we did last year, I am happy to do that. We passed temporary Federal unemployment compensation extension last March or April. We passed that. It was a benefit. It passed overwhelmingly in the Congress. It expired on December 28. Several people said we need to extend that.

Last year some people wanted to double the program from a 13-week Federal program to 26 weeks. This Senator, along with others, objected to that. The cost of that program or expansion was about $17- or $18 billion. I objected to it several times. I will object to it today.

What I did agree to and what this Senate passed last year was a simple extension of present law. We agreed, Senator CLINTON and myself, Senator FITZGERALD, Senator SPECTER, Senator CANTWELL—by unanimous vote, the Senate agreed to a 3-month extension of the present program. That passed the Senate. It did not pass the House. The cost of that program was about $4.9 billion. The House had passed a program that cost a little less than $1 billion. I tried to work out the differences between the House and the Senate late in the legislative session. I was not successful. Some of us have been working, frankly, for some period of time trying to get something done now.

We have a letter from the Secretary of Labor, Elaine Chao. I ask unanimous consent to print this letter in the RECORD.

SECRETARY OF LABOR,
Washington, DC, January 6, 2002.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Capitol Building, Washington, DC.

DEAR SENATOR FRIST: Although the economy is showing some positive signs, we believe that a short extension of Temporary Extended Unemployment Compensation (TEUC) benefits is needed to give many unemployed workers continued access to the necessities of life while they look for new jobs. As the 108th Congress convenes, we urge you to quickly pass an extension of the TEUC program retroactive to December 28, 2002. The only way for states to continue paying TEUC benefits without disruption is if a bill is presented to the President for signature no later than Thursday, January 9, 2003.

If you have any questions, please do not hesitate to have a member of your staff contact Mr. Anthony Bedell, Senior Legislative Officer, Office of Congressional and Intergovernmental Affairs, who will coordinate a departmental response. Mr. Bedell can be reached at (202) 693–4600.

Sincerely,

ELAINE L. CHAO.

Mr. NICKLES. The essence of the letter says the only way for States to continue paying temporary unemployment compensation benefits without disruption is if a bill is presented to the President for signature no later than Thursday, January 9, the day after tomorrow.

We had to resolve the differences between the House and the Senate. The Senate passed a $4.9 billion bill; the House passed a $1 billion bill. We have worked with our colleagues in the House. I think we have been successful. I believe we have been successful in getting them to accept a straight extension of present law.

We were originally talking 3 months. After negotiations with the House, I consulted with my colleague and friend from New York and said, let's make it a 5-month extension. So we extended the program all the way through May, and then the phaseout would occur. So there would not be a shutoff date as there was December 28, a much better transition. It was my understanding that colleagues had agreed upon this 5-month extension. The cost of this proposal is estimated to be $7.2, $7.3 billion on a 2002 scoring base. It might go up if benefits go up on the calendar year. It might even be a little bit more than that.

That is a significant change that I believe we have the House concurring with to pass. We will not pass and they will not concur with a doubling of the program to 26 weeks. I will not agree with it, and I don't believe my House colleagues will, either.

If we are going to provide unemployment compensation extension benefits so it would be a seamless transition, so those people who are presently receiving Federal temporary unemployment compensation, if they are in this 13-week window, one week or 10, that they could continue to receive benefits without missing a week, we need to pass it. We need to pass it today. It needs to go to the House, and it needs to go to the President by Thursday for his signature. The only way that will happen will be by unanimous consent.

I believe the only bill that will pass will be basically a clean extension of present law, and I believe the proposal we have before us is deserving of all of our support, just as the bill we passed last November, maybe October, we passed by unanimous consent a 3-month extension, this is a unanimous consent extension for 5 months with a phaseout.

I urge my colleagues not to object to the majority leader's unanimous consent request.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Let me just see if we can resolve this issue. We have two questions. One is the substantive question about who ought to be included in the unemployment compensation package. We believe all of those who ought to benefit ought to be provided the coverage in this resolution. Our Republican colleagues say that half of those ought to benefit. The other question is whether we ought to be able to have a procedural vote, whether we ought to have an opportunity to vote on the amendment offered by the distinguished Senator from New York.

I again ask consent that we have the one vote on the amendment offered by the Senator from New York and then obviously whatever the Senate may decide on that amendment would give us an opportunity to come to closure on the resolution itself.

I see no reason why the Senate should be denied that opportunity on an issue this important on the very first day of the session. I ask unanimous consent that that amendment be allowed a vote at this time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I respond to the comments by the Senator from South Dakota by saying the Senator from Oklahoma laid out clearly why a vote and adoption of such an amendment would be devastating. It would be devastating for the million people we want to cover with the unanimous consent request we have proposed. The House will not accept it. I am not too sure, even if we did pass it here and send it over to the House, the House would not accept it. We will be in conference and the opportunity for us to pass an unemployment extension by Thursday will be lost. I think it is important for us to pass a bill which, I remind everybody in the Chamber, passed when the Senator from South Dakota was the majority leader and the Senator from Montana was the head of the Finance Committee. They passed this unemployment extension.

All we are saying is, let's continue the unemployment extension that you proposed and you passed in the last session of Congress. All of a sudden your handiwork is no longer sufficient today. I don't know what happened between what you did then and what we did today. I don't know what possibly changed the dynamic that would now cause what we are proposing to be insufficient, when what you did was sufficient.

The fact is, this is exactly what you passed under your leadership and what we should do today. We should stop playing politics out of the box with this very important issue to over 1 million people in this country and get the job done.

Mrs. BOXER. Will the Senator yield for a question?

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, the Senator from Pennsylvania has made a number of errors in his comment. Let me clarify. We passed the resolution that we passed in the last session of Congress over the objections of many of those on our side, all of those on our side who felt this very amendment should have been included then. We were told back then we would revisit this issue immediately upon coming back.

Well, we are doing that. But we had a clear understanding that there would be an occasion for us to have a debate and have the amendment we have suggested by the Senator from New York. That is No. 1.

No. 2, I hope this body will never be dictated to by the House of Representatives. We are the Senate of the United States. As the Senate of the United States, I don't want the House telling

us what to do. We ought to do what is right. We ought to be the ones to dictate what our position is, not the House.

I would hope we could accommodate the need to address this resolution and the need to address the resolution offered by the Senator from New York. I will suggest a new approach. I would ask unanimous consent that we send two resolutions to the House, the resolution before us and the resolution offered by the Senator from New York. I make that request at this time.

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Montana.

Mr. BAUCUS. Mr. President, what is the present business? Is the request by the Senator from Tennessee the pending business?

The PRESIDING OFFICER. The original unanimous consent request of the majority leader is before the body.

Mr. BAUCUS. Mr. President, reserving the right to object, I have a couple of points. One, the Senator from Pennsylvania says, ''what's changed?'' A lot has changed. The unemployment rate is higher than it was last March. That is a significant change. Second, the nature of unemployment in America regrettably is becoming more long term. Economists debate why that is happening; nevertheless, it is a fact. It is becoming more long term. Some of it is Rust Belt jobs not being replaced. A lot of it is in the service industries, whether in technology and financial; but it is becoming more long term.

These people are having a hard time with the change in the nature of our economy and finding jobs. I think, frankly, the request by the Senator from New York is more than reasonable, that at least we should have an opportunity to vote on that; or we can take up the suggestion by the Senator from South Dakota, that we have two different options.

I might also add that this is stimulative. The Senator from Washington pointed out, quite correctly, that economists say for every dollar spent on unemployment, $2.15 is recirculated into the economy. Essentially, a lot of the discussion at the beginning of this year is stimulus—how are we going to stimulate the economy? I think that at least helping people who don't have jobs gain a little bit of benefits is a good idea because it stimulates the economy. I further add that there will be a lot of discussion over the next weeks and months about the President's stimulus plan, which includes tremendous tax breaks, whether it is dividends or income-tax breaks for these people who have jobs and income.

What about the people who don't have jobs, the people who don't have income? If we are going to ''stimulate'' the economy by giving tax breaks, the very least we can do is help people who are unemployed in an economy whose very nature means there is longer unemployment.

People who do not have income don't pay income tax. I suggest that we find a way to have a vote on the amendment of the Senator from New York. Senators can vote against it. If Senators do not want to be ''dictated'' to by the House, they can vote their conscience and do what they think is right. If Senators believe the House trumps this body, they can vote against the amendment. They have that option. But at the very least, I believe that we, as responsible Senators—I heard a couple of great speeches not long ago about defending the Constitution of the United States and doing what is right. Clearly, doing what is right is helping people who need some help. That is what is right. That is why we are here.

I understand it is a little inconvenient, and I don't denigrate that because of the receptions and the parties that are going on here. I don't think the Constitution had that in mind when the Framers wrote the provisions in that document, the oath of office which we took to support and defend our country.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I hope the leaders will provide some time for debate. The majority leader has made a unanimous consent request. Senators are reserving the right to object. They have no right to yield to other Senators when they are reserving the right to object. Let's have an orderly procedure here.

The PRESIDING OFFICER. The Senator is correct.

Mr. SCHUMER. I will reserve the right to object.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I reserve the right to object, and I will not object. I think there is a lot of good debate points being raised. But I hope we don't start this session the way we ended much of last year, which was getting in great debates about big topics and at the end of the day not passing anything. I think that is really where we ended, and we fouled up on a lot of bills last year—big bills. There were significant bills that we would work for weeks and months on and we didn't get them done.

We have a chance to do something here. I think everybody is agreed that there is more that could be done. That would be good, but we don't have that agreement. We can start this session off with doing something or nothing. I hope at some point in time we can get to the point of doing something.

We have a reasonable proposal that is agreed to by the basic principles in this proposal at least. Let's pass that. Let's start this session off with getting something that is going to be helpful for people. It may not be perfect for everybody, and that is obvious, but we can get something done here. It will be significant and it will be important and helpful. I hope we can move that forward and get this cleared through.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, in my unanimous consent request, I wanted to close what has become some debate here and basically say that we have an opportunity—and I believe an obligation—to finish up the business that we didn't finish in the last Congress, on which we have an opportunity to take the next very important step, which will affect the lives of 750,000 people after next Thursday, which doesn't have anything to do with the House or the Senate. Thursday is the deadline for these checks. If they don't go out, it affects 750,000 people. The 5 months' extension that is being proposed here also affects the lives of about 2½ million other people who will be enrolling over that period. Because we worked so hard on both sides of the aisle over so many months and weeks—and over the last several days—I didn't recognize that we would get to a point now where we would have so many reservations of the right to object. We are talking about Thursday, checks not going out, a dislocation affecting 750,000 people, an additional 2½ million, if we don't address this today. With that, I will call for the regular order.

The PRESIDING OFFICER. The regular order has been called for. Is there objection?

Mr. DURBIN. I object.

Mr. BYRD. What is the regular order?

The PRESIDING OFFICER. The regular order is a unanimous consent request made by the majority leader. The Senator can object.

Mr. BYRD. Parliamentary inquiry: Is the resolution before the Senate?

The PRESIDING OFFICER. The request is to have the measure sent to the desk and passed.

Mr. BYRD. Then the resolution is not before the Senate. There is nothing before the Senate that can be amended at this point.

The PRESIDING OFFICER. The Senator is correct. A request has been made that it be granted so it can be brought for a vote.

Mr. BYRD. The request is an all-encompassing request. It doesn't give the Senate a chance to amend the resolution? That is what I am trying to find out.

The PRESIDING OFFICER. The Senator from West Virginia is correct.

The majority leader has asked for regular order. Senators may not reserve the right to object when the regular order has been called for. They either must object or permit the request to be granted. Is there objection?

Mrs. BOXER. Mr. President, may I make a further unanimous consent request?

Mr. BYRD. Mr. President, do I have the floor?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BYRD. He made a request, but he sent something to the desk, didn't he?

The PRESIDING OFFICER. The majority leader has made a unanimous consent request and he retains the floor.

Mr. BYRD. Yes, he does. I understand that. I had hoped to suggest the absence of a quorum, but he does retain the floor. I ask unanimous consent that I may speak for 1 minute.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I ask to speak for a minute following the Senator——

The PRESIDING OFFICER. The Chair believes that objection is heard. Is there objection to the majority leader's request?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The majority leader has the floor.

Mr. FRIST. Mr. President, I am obviously disappointed with this objection for the reasons that I have set out. There are 750,000 people and their dependents who depend on these distributions, as well as another 2½ million people. We had been told this had been cleared on both sides after a lot of hard work. I am obviously disappointed, because this is the first move out for me, after it had been cleared on both sides, but I guess that is what I can come to expect. I do hope that my colleagues will rethink today's objection and allow us, for the reasons I have said, to have this cleared later today.

Mr. DASCHLE addressed the Chair.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I renew my original request.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object—and I will not object the objection I raised earlier within the caucus has been discussed at length and it is clear to me that the Democratic leadership, Senator DASCHLE through the membership, will continue to fight for the million people who are not covered by this resolution, but we cannot turn our backs on the 2.8 million who need this check on Thursday.

I will not object to this unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 23) was read the third time and passed.

EXTENSION OF MORNING BUSINESS

Mr. FRIST. I ask the period of morning business be extended for 3 hours under the earlier parameters.

Mr. DASCHLE. I ask unanimous consent the 3 hours be divided equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Democratic leader.

UNEMPLOYMENT ASSISTANCE

Mr. DASCHLE. Mr. President, let me thank the distinguished Senator from Illinois for not objecting to this resolution. He and my colleagues feel very strongly, as is evidenced by the debate this afternoon. We will not give up, we will not relent, we will not allow those million Americans who have no coverage not getting the consideration they deserve in the Senate. We will continue to offer amendments.

I put my colleagues on notice: On this legislation and on any other occasion that we have the opportunity to avail ourselves of an amendment, we will do so, because this deserves a vote. It deserves debate. It deserves passage. It is shameful we are leaving out these million people today. There is absolutely no excuse, especially when the President of the United States today is in Chicago talking about more tax cuts for those at the very top. That is wrong.

It is an illustration of the extraordinary difference in philosophy about how we stimulate the economy. This is not only good for the economy, it is good for 1 million people left out as a result of the actions today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. On the Democratic side we have a number of Senators who have asked for a specific time. I ask unanimous consent on our side, and on an alternating basis if, in fact, there are Republicans who wish to speak, that Senator BOXER first be recognized for 5 minutes, Senator SCHUMER for 5 minutes, Senator STABENOW for 5 minutes, Senator DORGAN for 5 minutes, Senator REID of Rhode Island for 5 minutes, Senator MURRAY for 5 minutes. That is a total, I believe, of 35 minutes, leaving 55 minutes for other Senators on this side of the aisle who wish to speak. The normal procedure is to alternate back and forth on the time evenly divided between now and 5 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. Mr. President, I thank my assistant Democratic leader for the time.

During the brief debate we had before we voted to extend these unemployment benefits, the Senator from Pennsylvania asked, What is wrong with you people? What has changed, that you really want to protect now these 1 million people, when several months ago you did not speak as loudly for their inclusion?

I state for the record what has happened in this period of time. As we go out and about our States, as I think we all did during this break, we find high anxiety among the people—high anxiety because of this economy. We are seeing more foreclosures than ever. Two million jobs have been lost in the private sector. On top of that we are seeing budget deficits that we have not seen in many years.

My friend who is now presiding, my esteemed colleague, understands this anxiety. We have teamed up to work on giving a jump-start to the high-tech sector with a bill on wireless fidelity, which I believe is going to really help this economy. He understands that.

We have a sense of urgency about that bill because we know we can turn things around. In my State we have a horrible situation in the northern areas because of what I would call a depression, really, in the high-tech sector. Some of it was to be expected; we went through this huge period of growth. We have some settling down there. But nonetheless, it is a problem. We have thousands of people in northern California who are suffering through no fault of their own. These people, who are intelligent, educated, and excellent workers, are out on the street. They are running out of benefits, and some of them have run out already. That is why we on this side of the aisle believe those million people should not be left out of the equation.

I have a State of 35 million people. In terms of its economy, it would be the sixth largest economy in the world. The fact is, the good people in that State need help. Why we on this side of the aisle were so upset and why we kept objecting or reserving the right to object is we wanted to make sure the people's voices were heard. That is what the Senate ought to be, a place where the voice of the people is heard.

We have a situation where our States are worse off. They cannot come in and help because they are financially strapped because of the recession. So people are turning to us. Today we took care of some people. I am very proud we did that, but we have left out in the cold a million people. I will not be satisfied, speaking as one Senator, until we have taken care of all those who are in need.

The Senator from Pennsylvania also made a comment that just some of the States have problems. This is not true. These million people reside in all of the States. In my own State, the pockets of real trouble are in the north of the

State right now; the south of the State is doing better. But individuals all over this country need help.

In summary, I say the Democrats are back. We are ready to go to work. We will stay. We will stay late into the night. But we are going to offer, all through this day and all through the coming days, a unanimous consent request saying we need to take care of those million people, those long-term unemployed people whose checks have already run out, who do not know where they are going to get the money to pay the rent, who don't know if they will get evicted, who don't know if they can take care of their children.

There is a new term of art that has come about. It is called ''food insecurity.'' Food insecurity—that is a delicate way of saying people are hungry.

We are seeing food insecurity. We are seeing housing insecurity. We are seeing joblessness. Can we turn it around? Of course we could turn it around.

I have seen the President's plan. In my personal opinion, having looked at where the benefits go, it is a bonanza to the wealthiest in the country, and it is a bust for the middle class. It is a budget deficit disaster. But he has a plan out there. It is a huge plan, and we are going to work to make it better, to get the benefits to those who need them. But if you want to talk about stimulus, talk about the million people who have no money to put bread on the table.

In closing, let's help those million people. I intend to stay here all this week and next and into future weeks to make sure we do.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Wyoming.

Mr. THOMAS. Mr. President, I have been here throughout this debate. I have not been involved in this issue prior to this point, as many have. But it has been an interesting and rather surprising sequence of events here on this first day, this sort of ceremonial day, in which we get into this kind of head-to-head arrangement. It is surprising.

I do understand why this issue was brought to the floor. That is because there is a time element. We heard a letter from the Secretary of Labor indicating that in order to get a continuation of the unemployment benefits of those who are still eligible, we have to do it by Thursday. So I think that is a pretty compelling issue. In order to get that done, we obviously also have to do something that has been agreed to, apparently, by the House as well.

So it is surprising to me that we have this effort made within the Senate, and also with House leadership, to try to do something within this time that is imperative we do, yet we come to the floor and apparently the very people who helped make the agreement now are proposing an amendment which would kill the bill. Certainly it would not make it available in the time that is necessary.

There is no reason for anybody to argue with the fact that there are those out there who need some additional help. This bill is not a total remedy. I think everyone admits that. We have to come back and do some other things. But this was argued last year. We could not get it done. We should have gotten it done last year and didn't. Now we have an opportunity to do something today to get it to the President, to get it through the House before they adjourn—apparently today.

It really sounds as if the process is such that it is pretty compelling that we do what seems to be available, and that is to pass a bill which would extend unemployment benefits to, apparently, up to 2 million people whose benefits otherwise would expire at the end of this week. If there are others who are eligible who still need some help—and there obviously are—then we can do that. We can come back and do that. But to sacrifice what we can do today to argue about something that we do not agree on yet and can do tomorrow does not seem to make good sense.

I hate to think it is a political issue, bringing up now the President's economic package. It really is not a part of this debate. The President has said all along that he wants to have the unemployment relief extended. So it is a puzzle to me. I hope we can now move forward. We have passed the bill. I say that is the greatest thing we could have done today. Certainly we needed to do that. We can come back and take a look at these other issues and everyone can get their opportunity to express their political issues and, I think, seek to separate us from the other side. I hate to think that is the case, but it seems to be. And it is too bad.

The notion that some of us do not want to do anything is not accurate. How we do it is what we are talking about. We have been through it before.

I am glad we are able to move forward. I think we ought to get in our minds a way to work on the issues that remain to be worked on and do that in the appropriate time. But I am reluctant to think we want to continue to confront one another today and to talk about all the bad things we can think of. That is not quite what is involved with this first session of the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, there is no question that today is a day for family, a day for congratulations. I congratulate all my colleagues who were just sworn in. I know it is a very exciting day. I remember being in this position 2 years ago. It is a very special day.

But in addition to celebrating family in the Senate today, we are very concerned about those families who find themselves in the difficult position of having no income coming in because of unemployment, through no cause of their own.

They want to work. But because of the changing economy, the structure of the economy, or because of a variety of other reasons, they have found themselves unemployed. Certainly in Michigan we find that the changing economic structure has occurred for many people. Many of us have been asking that we remember them. We asked during the holidays that we remember those whose unemployment benefits would be ending during the holidays and that we take action before we left last year. That did not happen. We are back today.

I commend the new leadership for their willingness to come forward with this issue of unemployment compensation. However, what we have seen today is a willingness to only do half the job. How can we say to a million people, and to their families, on a day when we celebrate families, that they don't count? We are told that the House of Representatives would not support solving this problem completely or addressing it completely—that they would only support addressing half of it.

We have said let us support solving the problem. And we did in fact pass a resolution to move forward solving half the problem.

But our leader, Senator DASCHLE, also proposed that we add a separate resolution to complete the job to help those 1 million individuals who also find themselves in a situation of needing to extend their unemployment benefits. Yet we were told no again. We have been told no so many times on this floor as it relates to helping unemployed workers. It is very regrettable that today, one more time, we were told no. I think, more specifically, families were told no. Those who have lost their jobs were told no. One million people were told no.

We celebrate today people coming into new commissions, new jobs, and with great pride, as they should. We know the ability to work and to be able to provide an income and care for your family is one of the basics of our society and our economy. We know that there are Americans today who find themselves in a difficult situation of searching for work, of being unemployed, and asking that their Government support their families as they move forward to find new employment so that they can care for their families in the way they would like to provide for them. Unfortunately, I believe today a tone was set by choosing not to address this problem completely at a time when we are seeing, unfortunately, one more time, an economic plan rolled out to help those who have been helped so many times who are at

the very top of the income bracket in our country.

As a member of the Budget Committee, I have heard many economists, including Alan Greenspan, say that by extending unemployment benefits—and by putting dollars into people's pockets so they can pay their bills, buy the shoes for their children, and be able to continue providing groceries for their families and paying other bills which they have—we actually stimulate the economy. We create demand. When there is money in people's pockets, they are spending it. We know someone who is unemployed is going to be spending it because they have to. The money coming in is not being saved. It is being spent on clothes, food, the electric bills, the car payment, the mortgage payment, and so on.

We know that is a short-term economic stimulus—certainly at a time when we are debating economic stimulus.

What we have been asking for today is something that is not only fair and right to address—all of those who find themselves in a situation of being unemployed, not leave 1 million people out of the solution—but we are also asking, as we talk about economic stimulus, that we in fact provide the kind of stimulus that puts money back into the economy and helping those who need to spend it to care for their families, to pay their bills, to be able to remain independent in their homes, and to be able to know that they are a part of the economic equation, and when we talk economic stimulus, that they are not left out.

While I am pleased we were able to pass the resolution, I am very disappointed that this very first time we were not able to address or even bring forward in a separate resolution the ability to address 1 million people today who are looking to us, at a time of celebration, and asking us to remember them; to ask on their behalf so they, too, can have the ability to care for their families. I hope we will, as quickly as possible, finish the job.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I first ask unanimous consent that Senator SCHUMER be placed as the next Democrat to be recognized in the order of recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Thank you, Mr. President.

Mr. President, let me remind not only my colleagues, but the American people, why we are forced today, at the eleventh hour, to make a very cruel choice between helping some Americans and abandoning other Americans. It is because all through last fall, the Republican House of Representatives refused to take up and vote upon unemployment benefits in a meaningful way that would lead to successful passage. The President did not involve himself on this issue until the unemployment rate reached 6 percent. He fired his economic team, and they discovered there really were Americans who desperately need help.

Today we were forced to make those choices that you see sometimes in the movies about who gets to stay in the life boat. It was a completely unnecessary choice.

The Senator from Oklahoma talked about one proposal costing $4 billion and another proposal costing $1 billion. The House wanted $1 billion.

There is a surplus today in the unemployment insurance trust fund of $24 billion. There is absolutely no fiscal reason we could not provide these benefits to 1 million Americans who have exhausted their unemployment benefits. We heard from colleagues on the other side of the aisle that they are categorically opposed to giving any extension of benefits beyond a certain time. This not only defies logic and defies the fiscal status of the trust fund but also defies history.

In the early 1990s, this Government extended unemployment compensation a total of five times—three times under President George Herbert Walker Bush because unemployment continued to rise for the 15th month after the so-called end of the recession. There are cases in which individuals were able to collect unemployment benefits for a total of 52 weeks because they qualified for these extensions.

Why is this so important? Because people are desperate. They had good jobs. They lost those jobs. They are looking for comparable work. They cannot find it. The record of this economy under this President is dismal. Family incomes have fallen for the first time in 8 years. Poverty is increasing. Families at all income levels are losing their health insurance left and right. Gross domestic product is growing, but it is growing too feebly to generate the jobs these people need.

Since the President took office, 2.2 million private payroll jobs have been lost. We are losing jobs. We are not gaining jobs. We are asking them to find jobs; we are setting them on a task that is extraordinarily difficult.

So what can we do in the interim?

We can at least give them unemployment compensation, extended, if necessary. It is the fair thing to do. It is the wise thing to do. The President, in his economic speech in Chicago, talked about some special $3,000 benefit for those people who are unemployed. Let's do the mathematics. That $3,000 represents probably a fraction of the unemployment insurance someone would collect if we voted for these benefits. That is not a good deal for the people of America—a $3,000, one-time payment, some type of scheme in which they can use it either to pay their household costs or go to training versus receiving, on a regular basis, unemployment compensation as they look for work.

The reality, as my colleague from Montana pointed out, is that unemployment is different today than it was even 10 years ago in the recession of the early 1990s. It is different because the economy has changed.

The State which the Presiding Officer and I represent used to be a manufacturing center, not just to the United States but to the world. That is changing. As I go about our State talking to people, the unemployed are 50-year-old, former mid-level management people who used to work for a company. They did not get fired. They did not get laid off. The company went away, went out of business, moved its operations to Mexico, moved its operations to Singapore. And then you ask this person, with a mortgage, college tuitions—and the health care benefits which they used to get at work are now his responsibility or her responsibility—to go look for a job with comparable pay? They are not hiring people like that. They are looking for the 35-year-old, with a computer degree, who will work cheaper, who does not have those responsibilities of a family, of a mortgage.

That is the reality out there. That is what we are fighting about today, not the number ''1 million,'' but a million Americans, struggling to find work, trying to find work. They need help. And we turn our back on them today. I heard my colleague, the Senator from Oklahoma, say he would never bring up extension of these benefits to people who have exhausted their benefits already. I heard the majority leader sort of talk about: Well, we want to deal with this issue, but let's get this issue done first.

The message is pretty clear to me and should be clear to the American public: We are walking away today from a million people. We should not do that.

This seems to me to be so clear and so obvious that I am, in fact, amazed and shocked at what we did. The money is there. This is a benefit for people who are looking for work. Once they find work, the benefit expires. We are talking about stimulating the economy. What is more stimulating than giving people money to pay for their household goods as they look for work?

I am more than disappointed. But we were forced today, because of the inattention of the administration and the House, at the last minute, to choose between denying benefits to all unemployed Americans or abandoning about a million—a cruel, unnecessary choice. We can do better. We should do better.

I yield the floor.

The PRESIDING OFFICER. If nobody yields time, time will be charged equally to both sides.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I also ask unanimous consent that the time be equally charged to both sides during the quorum call I am about to suggest.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent to proceed for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR TRENT LOTT

Mr. BENNETT. Mr. President, this is the first day of the 108th Congress. I remember the former Senator from Kansas, Nancy Kassebaum, used to refer to these days as the first day of school, coming back after the recess. Of course, it is a time of celebration as new Senators gather. This one is particular in that it is a time of a new majority leader. I rise to express my confidence in and give my congratulations to Senator FRIST of Tennessee in his assuming the position as majority leader. He will prove to be an outstanding leader. The Senate and the people of the United States will be well served by his stewardship.

However, I wish to take this opportunity to make a few comments about the previous majority leader, Senator LOTT of Mississippi. Senator LOTT has been very much in the news of the last few weeks. He ultimately made what I consider to be the right decision in stepping aside so that the challenges raised to him would not get in the way of the business of the Senate or of the country. The caricature of Senator LOTT that appeared in much of the national media did not match in any way the man that I know and love.

I rise to comment briefly on the contribution Senator LOTT has made to this institution and to the Nation and take the opportunity of the shifting of power to pay tribute to Senator LOTT and the work he has done.

There are many things in his career that we could point to. This is not his funeral so I won't run through a list. But there is one in particular that stands out in my mind, which I will share with those who may be watching, that demonstrates the kind of leader TRENT LOTT was. I refer to the experience many of us described as the most significant of our careers, and that was the historic moment when the Senate sat in judgment as a trial for the impeachment of the President of the United States. For only the second time in our history, a President had been impeached by the House of Representatives, and we were required under the Constitution to hold a trial to determine whether the President should be convicted of those crimes of which he was impeached.

Many in the press, many uninformed, asked: Why is the Senate wasting its time dealing with this challenge?

The Constitution left us with no choice. Once the House of Representatives had voted impeachment, the Senate was required under the Constitution to hold a trial, with the Chief Justice of the United States presiding. It was a historic time, and many of my colleagues commented that this was the most significant vote they would ever cast in their political careers.

We met in the old Senate Chamber to discuss what we should do. That was a historic meeting, off the record, if you will, because it was not here with an official reporter taking down every word. But it was an opportunity for Senators to speak freely and openly. In very solemn and somber proceedings, we discussed what we should do. I am not violating any confidences because it has been reported in the press that the Senator from West Virginia, Mr. BYRD, spoke on behalf of the Democrats as we addressed that issue. He made this point. I can't remember his exact words, but these were the words that are in my mind.

Referring to the case before us, he said: This case is toxic. It has besmirched the Presidency, and it has soiled the House of Representatives. And it is about to do the same thing to us.

I believe his analysis was correct, that the case of President Clinton and his actions did indeed besmirch the Presidency, degrade the Presidency, and I think the way it ultimately played out in the House of Representatives stained that body and left bitterness that is still producing bitter fruit. Senator BYRD warned this case, this toxic case, was about to affect the Senate.

The majority leader, who had to handle such a case, was TRENT LOTT of Mississippi. I was at his side in many of his meetings. I watched from afar in many of the other things he did. Senator LOTT handled that historic challenge with as much sensitivity, finesse, wisdom and, yes, grace as it would be possible to do.

When it was over, Senator LOTT and Senator DASCHLE met in the well of the Senate, embraced each other, and said: We did it.

Yes, they did. And they did it together. But the primary responsibility was on the shoulders of Senator LOTT. He made Senator BYRD's prophecy not come true. Instead of staining the Senate, instead of soiling the Senate the way that case soiled the Presidency and the House, it was in many ways the Senate's finest hour. The case was handled with dignity. The case was handled with dispatch. And the case was handled with a minimum of bad feelings on both sides.

There are some outside the Senate who attacked Senator LOTT and said: You should have had a full-blown trial. You should have let this drag on for 6 weeks, even 6 months. And at the end of that period of time, maybe, just maybe, you would have had a conviction.

Senator LOTT understood that the dignity of this body and the unity of the country required the kind of handling of that case that he gave us.

History will look back on the stewardship of TRENT LOTT as majority leader of the United States with great approval and kindness. This is a man of extraordinary skills who handled himself in an extraordinary way, and all of us who sat in the Senate through that experience benefited by his leadership.

Now he is moving on to other assignments. As I congratulate Senator FRIST on his ascension to the majority leadership, I also congratulate Senator LOTT on the prospect of a continued career of contribution, perhaps in the policy area more than in the process area. He has demonstrated that he can master the legislative process as well as anyone on the planet. I expect he will now demonstrate that he can make contributions of equal significance in the policy area.

On a personal note, while he is many years my junior in this business of politics, he has acted as my mentor and my teacher. I can think of many times when I have been tangled up in the minutia and arcane nature of the way this body works, where I had nowhere else to go to get myself untangled and set straight. I called Senator LOTT and, with calmness and clarity, he said, why don't we do this and, suddenly, the Gordian knot was cut and I emerged ready to go forward in my career because of his wisdom and his guidance.

Again, I congratulate Senator FRIST. I was happy to vote for him when the opportunity came. I am looking forward to working with Senator FRIST as he demonstrates his ability to lead this body. I have every confidence that that will be a tremendous period in the Senate's history, but, at the same time, I

wanted to rise and make it clear that as we embrace Senator FRIST's leadership we should recognize and pay tribute to the contribution made to this body and ultimately to the country by Senator TRENT LOTT of Mississippi.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

UNEMPLOYMENT BENEFITS

Mr. SCHUMER. Mr. President, first, I congratulate all of my new colleagues who were sworn in today, and all of those who won reelection—but particularly those who are here for the first time, and my good friend from New Jersey who is here for the second time, with a hiatus. I congratulate the new leadership on the Republican side, along with Majority Leader FRIST. We look forward to working together for the good of our country.

Today, I stand here feeling, I guess I would say, boxed in because we on this side of the aisle who feel that the unemployment package was not adequate are faced with the choice of taking half a loaf or none. Of course, when you are in a legislative body, you tend to take that half loaf. We will do it today—or we have done it already today. But when it comes to people out of work, when it comes to the pain in the eyes of fathers and mothers, young men and women who talk about missing or losing a job, knocking on doors and not being able to find one, half a loaf is not very adequate.

I find it confounding that the other side did not allow the amendment my colleague from New York proffered. We only asked for a half hour of debate, so it cannot be that it would take up much time. We certainly do not believe that they didn't want to help the unemployed. So the only logical answer is dollars. They thought it might be too expensive. To me—the main point I want to make this afternoon is this—the contrast of our President speaking in Chicago and putting forward a $600 billion plan of relief, mostly on the tax side—and the vast majority of that plan goes to the very highest income levels. I read somewhere that 42 percent goes to 1 percent; 1 percent of the highest income get 42 percent of the relief. One percent is 311,000. So there is $600 billion to go to tax relief, mainly for the most well off, and there is not a billion dollars to include a million people—150,000 New Yorkers—to give them the unemployment benefits they now do not have.

How many Americans would support that? Our job is to juxtapose those two issues. I hope the media will do that. These are not two separate issues because we have not heard a single reason that we cannot take the larger bill. They say our colleagues in the House will object. Then let the American people look at them and say to them, if you can afford and you are going to support $600 billion in tax relief, largely to extremely wealthy, high-income individuals and families, why can't you support a billion dollars for the unemployed?

If the election we just held were on that issue, what do you think would have happened? My guess is that the results would have been quite different. Frankly, our colleagues in the House and some on the other side of the aisle don't like to see this issue contrasted. The tax relief—huge amounts of it—is going to the upper income spectrums and the stingiest, the parsimonious attitude when it comes to the unemployed. It is not that we cannot afford it, because I offer to my colleagues, let's do $599 billion of tax relief and do this billion dollars. Hardly anyone would notice, except those million people who are out of work and desperately looking for work.

So I hope we will have another opportunity to work this amendment forward. I worry that we can make a lot of speeches on the floor of the Senate, but, yes, they will say, bring it up as part of the stimulus package, we will pass it in the Senate. But it will die in conference, and then there is nothing we can do legislatively.

So while I didn't agree with my colleague from Illinois for objecting because we are in such a box—I thought we should not object and try to persuade them—I sympathize with his anger and with his frustration that we could not spend a half hour to talk about some money for people who are out of work, or our colleagues here would have withdrawn the bill and hurt the 2.8 million who will benefit, and justifiably so.

The issue of money for the jobless doesn't change America. Unfortunately, it is not the most important issue we face. Getting a good education and good health care and more jobs for people is far more important than a stopgap measure. Until we are able to do that—so far we have not—we have to help those who need help. These are not people sitting on their duffs trying to get a check. They are people who are knocking on doors every day. When a notice goes out that one company is hiring, you see hundreds and even thousands in my city and elsewhere throughout my State lined up around the block.

People desperately want work. The best thing we can do is give them jobs by stimulating the economy in a real way. But until we do, it is our fundamental and solemn and important responsibility to at least let them live a life of dignity, maintain the payment on the home, feed the child, put a coat on the spouse's back. That is all we were trying to do today. It is unfortunate that we were put in such a box and we were told take half a loaf or none. When it comes to unemployment, we should not have to deal with half a loaf.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I regret what happened in the Senate today. We passed some legislation that will offer some assistance to some who are unemployed in this country, but we left 1 million people who should have received the help of Members of the Senate, from the Congress, and from the President, without the kind of help they need. A lot of folks in this country don't have people clogging the hallways of the Capitol lobbying on their behalf—certainly not the people who are without means, at the lower end of the economic ladder; they have not hired people in the hallways of the Capitol to represent their interests. They rely on us to do that. There are so many families in this country who know things that Members of the Senate do not know. They know about a second shift, they know about a second job, they know about a second mortgage, and they know about buying a secondhand car. They know firsthand that they are the first in this country during an economic downturn to be called into an office and be told, by the way, you are being laid off, you are losing your job.

Hundreds and hundreds and hundreds of thousands of Americans have had to go home to tell their families that, through no fault of theirs, they were given a notice that their job was gone. They are no longer employed. It is a devastating thing for families to experience that. In most cases, during an economic downturn, the Congress has moved very quickly to say, yes, you lost your job, but it wasn't through your fault, it wasn't something you did, and we want to help you, we want to extend a helping hand during this rough spell in the American economy. Congress has always done that—that is, until last year when we tried and tried in the Senate to pass legislation to extend that helping hand and extend unemployment benefits, and now again today when we made the effort once again.

It is terribly disappointing that today the President is in Chicago announcing his tax proposal. At a time when we are experiencing very substantial budget deficits, the President is proposing a tax cut of $675 billion over the next 10 years. That is $65 billion, $70 billion a year for 10 years in tax cuts, and then we are told: But there is not enough money really to fund that rather small amount needed to help those who are unemployed, who have lost their jobs. I do not understand that.

It is interesting to me, and also a little perplexing, that we are told the budget deficits are just a result of the economy; it is just because the economy turned sour. A year and three-

quarters ago, we had a debate in the Chamber of the Senate about a new fiscal policy. We were told we ought to embrace the idea of very large tax cuts for the long term.

Some of us stood up at these desks and said: Wait a second, it is pretty hard to see very far down the road. Shouldn't we worry perhaps some unforeseen consequences could run this economy into the ditch and cause very serious problems? Not to worry, they said. We have all that covered. We have contingency plans. So just pass this big tax cut of ours. The Congress did—not with my vote, but they did pass that large tax cut.

Within months, we discovered our economy was in a recession. Months later, on September 11, we were attacked by terrorists. And then there were corporate scandals almost unprecedented in this country's history. The tech bubble burst in the stock market. All of a sudden, very large Federal budget surpluses turned into very large Federal budget deficits, and now we are in a fix. Now we have competing needs, one of which is the item we discussed today: The need during an economic downturn to reach out a hand and help those who need help, to help those who have lost their job, by extending unemployment benefits.

Another competing interest and need was announced today by President Bush, saying what we really need at a time of unprecedented budget deficits—as far as the eye can see—is more tax cuts, $675 billion in additional tax cuts.

Interestingly enough, in terms of priorities, they say no to the people who have lost their jobs and need their unemployment extended, but they say yes in public policy, in this tax proposal, that we ought to tax people who work: Let's tax work and let's exempt investment. What kind of a value system is that?

There are many ways of making money. Some of them are to go to work, work hard, and get a paycheck. No one is proposing eliminating the tax on the paycheck, are they? So they say: Let's tax work.

Another way to make money is to collect substantial dividends from stockholdings and stock purchases, and the President is saying: Let's exempt that; we should not tax that at all.

I do not understand the value system: Let's tax work but exempt investment. Guess what that says. That says to the American people who are working—who, in my judgment, are the people who make this economic engine work well—we are going to tax you, but the folks who just sit back and collect their dividends—incidentally, the folks at the top of the income earning ladder—we are going to exempt you. Not with my vote we are not. Yet in terms of priorities on the very day the President says let's have a $675 billion tax cut, let's keep taxing work and exempt from taxation investment, he and our colleagues on the other side of the aisle say: We cannot afford that small amount of money to extend unemployment benefits to those at the bottom of the economic ladder, those who have had to come home with shattered dreams to tell their family: I have lost my job. What a devastating situation that is. These are people who want to work, who did work and, through no fault of their own but through a bad economy, lost their ability to work.

The best tradition in this country has always been for this Congress, during an economic downturn, for sound reasons, including trying to provide some stimulus to the economy, to say to those who have lost their jobs: We want to help you. It helps this country to help you. We are there now to give you some help during a tough time for you and your family.

I regret very much that today we were not able to do that for 1 million Americans who look to Capitol Hill and this capital city for us to make the right decision at the right time.

Today, regrettably, the majority in the Senate failed. There will be another day, and my hope is we will see a different decision, a better decision for those folks at the bottom of the economic ladder who want to work, who did work but lost their jobs, and for whom no one is clogging the hallways of Congress lobbying on their behalf. If this were a big economic interest, you can bet this Capitol would be full of people, well paid, with dark suits, ready to make the case for their economic interest.

There are a lot of folks out there today who are going to gather around their supper table and talk about their lot in life during an economic downturn and talk about where they looked for a job today, talk about the job they used to have, and talk about the hopes they had that we would help them during this tough period. They today will be mighty disappointed.

My hope is in a week or in a month, perhaps we can persuade our colleagues that today's decision was the wrong choice for our country and certainly the wrong choice for a lot of American families relying on the Congress to make the right decision today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I associate myself with the remarks of the Senator from North Dakota who has, once again, eloquently put this issue into a much larger context, a context that concerns the economic and tax policies of our country.

Today I have introduced a bill to help those who have exhausted their unemployment benefits, the nearly 1 million Americans we have heard spoken about from so many of my colleagues from Washington to North Dakota to Rhode Island, who have just run out of time and run out of money. They were eligible for the programs that each State administers, as it should be, because in many of our States we have had an increase in unemployment over the last year.

We now have a 6 to 6.5-percent unemployment rate in many parts of the country. In New York City, which is still dealing with the aftermath of the terrorist attacks of September 11, 2001, we have an 8-percent unemployment rate. Many of these people who lost their jobs have been working all their lives. When something happened—a layoff, a bankruptcy, a terrorist attack—and many of them have spent month after month looking for work and not finding it. In an economy such as we have now, which is not producing jobs, many people for the first time ever, especially given what we enjoyed during the 1990s, are finding it impossible, not just to find a job that paid what they were used to receiving through their job, but paying anything.

I recently had a number of such New Yorkers to my office in New York City shortly before the December 28 cutoff of unemployment benefits. I wish they could be here in the Chamber.

I wish that all of my colleagues could speak with the man who had worked on the Windows of the World restaurant at the top of the World Trade Center for more than 20 years, a manual laborer but a good hearted, decent American who, year after year, showed up, did what he was supposed to do, and luckily for him and his family was not at work on the morning of September 11, but unluckily for him and his four children, he no longer has any work. He has gone from place to place.

I wish my colleagues could meet the woman from Queens who was widowed when her husband died 3 years ago, had worked in the same business for many years, and now has lost her job and no longer has unemployment benefits. What are we supposed to tell these people?

We ended welfare as we knew it because we did not want anyone to be dependent, to produce generational dependency, and I supported that. There is not any better social program than a job. But when we do not produce jobs in the economy for decent, hard-working Americans, what do we expect to happen?

Some of the things that are happening: In many States, after being in decline for years, welfare rolls are climbing. In many States, homelessness is increasing, and it is homelessness of families with children. Bankruptcies are growing. Individuals who are chronically unemployed are going on Social Security disability in order to have some kind of income, one of the fastest growing programs in our country.

When we first started talking about extending unemployment benefits—I

introduced a bill last July—we did not get to first base. We did not even get out of the dugout. We would raise it time and again. My wonderful friend, our late colleague, Senator Wellstone from Minnesota, used to be at that desk. He would never be in the chair but would be pacing about. Before his tragic accident, every day he came to the floor asking that we extend unemployment benefits.

We often harkened back to the situation during the recession of the early 1990s when unemployment benefits were extended five times and signed into law by the first President Bush, as well as President Clinton. Finally, the Senate passed a measure.

I appreciated greatly working with my colleague, Senator NICKLES from Oklahoma, to get that done last year. We could not get it through the House. We did not have the support of the administration. But today, we have done the right thing, at least half the right thing. I am very grateful for that. I thank the President for his support. I thank the Republican leadership in the House for their support, but I mostly thank my colleagues and our new majority leader, Senator FRIST, for making sure this was the first order of business for this 108th Congress.

What we did today to help the nearly 800,000 Americans who watched their unemployment benefits disappear at the stroke of midnight on Saturday, December 28, to make sure the program will be there for those who are unfortunately coming on to the unemployment rolls was important, but it was not enough. We have to do more. We have to recognize the people who have exhausted their benefits, who are working as hard as they can to get work, who are found throughout our country, in every walk of life, doing every kind of job with every sort of challenge one could imagine. But what are we going to say to them?

We have a big task ahead of us to try to get our economy growing again, create jobs, move our Nation in the right direction. This new problem in the 21st century—new in the wake of the economic boom of the 1990s, that we have tens of thousands of Americans who want to work but cannot find a job—will have to be addressed.

Mr. President, I would now like to discuss a bill I am introducing.

THE PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. I thank the Chair.

(The remarks of Mrs. CLINTON pertaining to the introduction of S. 87 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Montana.

WESTERN DROUGHT

Mr. BURNS. Mr. President, in listening to my friend from New York talk about homeland security and the work we will be doing, she agreed to cochair the A 9/11 caucus. I invite other Members of this body to get interested. We found out cell phones worked pretty well during 9/11. Communications worked fairly good. There were some weak points, but those are being addressed. When we talk about 9/11 and wireless communications, there will be several of those issues that will come up in this Congress. We welcome the input of our colleagues as those issues move along.

Today we did take care of part of the unemployment compensation problem, extending it to workers involuntarily and who became involuntarily unemployed during 9/11 or as a result of 9/11. There is not one in this body who was not sympathetic to their cause. However, I have another segment of the American economy that is hurting just as badly. I will talk a little, by the way, today about the situation called drought. It is expanding throughout not only the upper Midwest but through the western part of Kansas, Nebraska, Dakotas, Montana, and Colorado, and extending down into New Mexico and the panhandle of Oklahoma.

There are always islands and spots that get enough moisture. In this morning's newspaper, the Billings Gazette in my hometown of Billings, MT, it was reported the water contents in the lower Yellowstone Basin snow pack rank the third lowest on record. It is only 63 percent of average. That one year at 63 percent average does not give cause for alarm. However, when you look at the sixth year of these situations, you get alarmed.

Last Friday, I drove to Sheridan, MT. I have never seen in the Big Horns, in the range west and northwest of Sheridan, WY, a snow pack that is as small as it is for this time of the year. The same is true in the Bear Tooth, but further west it is better. In the area important to irrigators and water users in my State, those snow packs are very low.

Agriculture in those droughted areas is just hanging on. If not relief this year, then we do not have to worry about them next year. They will be unemployed, too, and for reasons beyond their control. It is beyond anyone's control. Yet they do not qualify for unemployment benefits that we have approved today. A disaster package is being worked on. There are some folks averse to that.

Many of my colleagues in the Senate and in the administration continue to cite the farm bill as a solution for drought-stricken American agriculture. This bill is not retroactive, folks. It does not account for the losses incurred in 2001 and 2002. I remember the debate on that farm bill. The amount of money going to the Department of Agriculture sounded huge, spending almost $74.4 billion a year with the USDA. But they ignored that 27 percent of that figure was dedicated to farm programs and no money dedicated for disaster. Regarding the rest of the money, the American taxpayer should be overwhelmingly thanked for their generosity by those who perhaps cannot speak for themselves. That is, the working poor, women, infants and children, and food stamps. Mr. President, 63 percent of that humongous figure that people thought would go to production agriculture does not even go near production agriculture.

We thank the American taxpayer for making sure that, yes, there are food and nutrition programs dedicated to those seeing tough times in other sectors the Senior Farmers Market Nutrition Program, school lunches and breakfasts, food stamps, WIC, a program administered by the counties, to make sure young women, and usually young, single women, know something about nutrition, and of course the programs that feed them and their infants.

There are other programs under the umbrella of the USDA not directly to the producer, such as a nonagricultural loan and grant program to communities and individuals. How about this, folks? A historic barn preservation; or studies of animal welfare to see if mice should be used in scientific research. All this is from the huge pot of money that made every headline, in every newspaper across the Nation as excess spending for production agriculture.

So we thank the American taxpayer for funding those programs. We are trying to work on a bill, to be introduced before this week is out, for drought assistance. We cannot fight a natural hazard. If there were a way I could do it, I would. But we need just plain old rain and we need it before the spring thaw sets in.

So we passed the unemployment benefits today. What I am saying is there are other wants and needs in this country, too, and they have to do with the security and the safety of a good, strong agricultural food program. Once the legislation is introduced, the debate will begin, and it will be an interesting debate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. NICKLES. Mr. President, I spoke earlier today on unemployment compensation, and I am not going to repeat those statements. I think it is really

unfortunate that some people maybe want to play politics with this issue. I don't know. I am concerned. I am pleased we were able to pass a bill that will help a lot of Americans. I had resisted in the past and will continue to resist efforts to double the Federal program from 13 weeks to 26 weeks for every State. This is a Federally financed program—financed entirely by the Federal Government. In other words, people who participate in this program have already exhausted State benefits which are 26 weeks. Last year in March or April we passed a Federal program for 13 weeks of benefits. Some people are saying that 13 weeks should be 26 weeks. In other words, an unemployed person would be able to receive 1 full year of unemployment compensation benefits regardless of whether or not they are in the high unemployment State. I disagree with that. If you continue to expand unemployment benefits for a longer duration, in some cases you are going to expand unemployment. It will create disincentives for people to go to work.

I believe a fact of interest is that 70 percent of people receiving unemployed benefits are living in a household with an employed worker.

I just mention these facts not really to debate it but just to say there is a real concern trying to turn a Federal program which is to be temporary into a permanent program and to take a temporary program of 13 weeks for all States and make that 26 weeks. That is very expensive. I have strong reservations about it. I opposed that several times last year for months and will continue to do so if persons try to pass that proposal.

I might also mention there are several other expansions of unemployment compensation in the bill that was promoted last year. I brought that to individuals' attention who were sponsoring it because I think it had fatal flaws. I think, more importantly, rather than just trying to figure out ways in which we could expand unemployment, we should be figuring out ways to expand employment. How can we grow the economy? How can we expand jobs? How can we create more jobs, and not reward people for not working but reward them for working? Let's create greater incentives for work.

The President's speech today in Chicago outlined a growth package. I compliment him for it. It is different. In many cases, it is very good tax policy. I really hope when we work on tax issues that will work for things that are good tax policy. There are a lot of things under the present code that need to be changed and that need to be corrected that are wrong and that are real disincentives to grow, build or expand—one of which is double taxation of dividends.

I used to run a corporation. Why in the world would a corporation or somebody who runs a corporation want to pay dividends? The corporation has to pay a 35-percent tax on the earnings. And dividends come out after tax. So you have already paid a 35-percent rate. Then they are paid out to individuals. They also have to pay tax. The individual in all likelihood would be at a 27-percent rate, or a 30-percent rate, or a 38-percent rate. So you had the 37 percent plus the 35 percent. You are already at a 73-percent tax rate. If a corporation makes $100, $73 of the $100 goes to taxation. That is not very good use of resources from a corporate manager's position. It is not very encouraging of investment. A lot of us would like to eliminate that unfair penalty of double taxation.

The President proposed that today. There are different ways of doing it. He proposed one. I compliment him for it. I also believe the President had a provision to allow greater use of what we call expensing—allowing individuals—I believe in this case small companies—to expense items, I believe up to $75,000.

I used to run a small business. I have run a corporation. As I say, I have also run a small business. But if you allow small business to expense, they are going to be able to recoup the investment they make that year. They make the investment that year, they expense it, and they recoup that investment. That would greatly increase their incentives to make another investment. I think that is very positive for job creation, maybe the most positive as far as getting jobs for the dollars that we are talking about.

So I am pleased the President has that in his proposal. I hope this Congress will aggressively pursue expensing and/or accelerated depreciation or more realistic depreciation schedules over the life of these properties.

Far too many properties, under current tax laws and current regulations, require depreciation over a long period of time, much longer, in some cases, than the actual lives of the property. That discourages investment. So I encourage our colleagues, if we want to create jobs, let's work on accelerating depreciation or allow people to expense items or at least allow a shorter depreciation cycle for a lot of goods and services.

One example is software. A year ago, I believe, or 2 years ago, the depreciable life of software was 5 years. It was the same thing for computers and equipment. But we all know software is obsolete in a couple years, and hardware, for the most part, is probably obsolete in 2 or 3 years, certainly not 5 years. So allowing for a more realistic depreciation schedule makes sense.

Another example is improvements that you would make for apartments and homes if you are in the rental business. Right now, you have to depreciate these improvements over 39 years. If you have an apartment complex, and you want to make some investments to upgrade that apartment, you should be able to depreciate those improvements over a much shorter period of time than 39 years. It should be more like 15 years, maybe even 10 years. If we made that change, a lot of people would make those investments. A lot of jobs would be created in the process.

The President's proposal also says that we should have acceleration of the tax cuts that are already on the books. I agree with him wholeheartedly. Tax cuts, some of which are now scheduled for 2004, some of which are scheduled for 2006, in my opinion, should be made immediate, January 1, 2003.

If we want to have any positive economic impact from them, it does not do a lot of good knowing that they are going to come in a couple of years. Let's make them immediate. I know some people want to play class warfare and say: Wait a minute, that is a tax cut for the wealthy. If we did it immediately, the maximum tax rate would be 35 percent. When President Clinton was elected, the maximum tax rate was 31 percent. So it is still almost 20 percent higher than it was when President Clinton was elected. Now, 35 percent—why should the Federal Government be entitled to take over a third of what an individual makes? I believe 35 percent is a little over a third.

So why is that such a bad deal? We have to look at taxation policy, what is right, what is fair. Should the Federal Government be entitled to automatically take that amount?

I talk about marginal tax rates a lot because high marginal tax rates inhibit individuals, investors, entrepreneurs, small businesspeople, farmers, and ranchers from building and expanding if they have to work for the Government the majority of the time.

I used to be self-employed. Self-employed individuals pay the highest marginal tax rates of anybody. And guess what they create: about 70 or 80 percent of the jobs in America. You do not have to be very wealthy before you find out you are working as much for Uncle Sam as for yourself.

I will give you an example. A self-employed individual who has a taxable income of $30,000 is in a 20-percent marginal Federal income-tax bracket. I believe any additional dollar they make above $27,000, $28,000 is taxed at a 27-percent rate. That individual also has to pay what are commonly called FICA taxes, Social Security, and Medicare tax. That tax totals 15.3 percent. If you add 15.3 percent, plus the 27 percent, you get to 42.3 percent. So any additional dollar of income profits that the painter makes—I used to be a janitor—or a janitor makes, or someone who has some type of business, any profit they make above that $30,000, the Federal Government gets 42.3 percent of it.

If they are working in most States, they end up paying a State income tax. There are a few States that do not have an income tax. Most States have an income tax of 6 or 7 percent.

If you add 7 percent on top of the 42.3 percent, you are already right at 50 percent in taxes on any additional dollar of income generated from their work. That is a real disincentive to build, grow, or expand. I have been there. I was there with a janitorial service, so it did not take me very long to realize, wait a minute, why should this business grow if we are going to be working more for the Government than we work for ourselves?

The President, talking about trying to accelerate the existing tax cuts that are on the books, is exactly right. It is a small reduction in marginal rates. Even at that, the rates are still much higher for upper income people, far higher than they were during the Clinton administration.

The President has also proposed making the child tax credit effective immediately. Several years ago, we passed, as part of the 1997 bill, a $500 tax credit per child. I was one of the sponsors of that. We passed that. That became law. That was good. In 2001, President Bush's first tax bill, we passed another $500 tax credit per child, but we phased it in over several years. In the first year, we gave a $100 tax credit. There is still $400 that becomes effective in the outyears.

What the President has proposed is, let's make that effective this year. I have heard some say: Wait a minute. The President's proposal doesn't do anything for people making $35,000 or $40,000 a year.

That is not true. If they have one child, it is $400. If they have three children, that is $1,200 more per year they get to keep.

So I urge my colleagues to look at the President's proposal because I think it is a positive change. Let's make that $1,000 tax credit per child effective this year, not $600, as is present law. Let's make it $1,000 this year. That will help families. That will help individuals who have children as dependents.

The President, as well, has also proposed making the marriage penalty elimination, that is now spread out over several years, effective immediately. The net impact of this is a great positive change for married couples, particularly married couples who have incomes in the range from $30,000 to $40,000 to $50,000, $55,000. They will be the biggest beneficiaries of this proposal because the changes that we made in 2001 in the Tax Code say that really what we should do, for a married couple, is double the 15-percent bracket for an individual.

I believe the figures are something like, an individual pays 15 percent on their taxable income up to about $27,750. But a couple pays 15 percent up to an income of about $46,400. So an individual pays 15 percent up to $27,750, but a couple pays—or another way of saying that is, anything above $27,750, an individual pays 27 percent, anything above $46,400, a couple has to pay 27 percent. So if they were taxed as individuals, they could have a combined income of $55,500 before they would go into the 27-percent tax bracket. What we did in eliminating the marriage penalty relief was, over some period of time, double that individual 15-percent bracket. So the couple would not have to pay 27 percent until they had income above $55,500. Right now, they pay about $10,000 or $12,000 of that at the 27-percent bracket instead of the 15-percent bracket. The net result is, you are talking about $1,200 in savings, tax savings for couples who have taxable incomes of $40,000 to $50,000. That is a pretty good change. If they have a couple kids, they get another $400 tax credit per child. So if you have four kids and a taxable income of $54,000, the way I am thinking, that is $1,600 and $1,200, so $2,800. It is a pretty significant reduction and savings for a married couple with four kids with a taxable income of $50,000 or $60,000. And it happens to apply to a lot of middle-income Americans.

So I compliment the President for his combination of changes where he wants to grow the economy. It helps married families. It helps families with kids. It helps taxpayers. And it helps eliminate a well-known double taxation in the Tax Code, the double taxation of dividends that are really at exorbitant rates, which discourages investment, which discourages corporate ownership, which discourages equity, and encourages debt, which is not a very good policy—present law.

The President says, let's correct it. I think he is right in doing so. I look forward to working with my colleagues to see if we can't work in a bipartisan fashion to put together a real package that will help grow jobs this year.

I think that should be our challenge, not to say, here is the Democrat package, here is the Republican package. I say let's work together as we have done historically in the Finance Committee to see if we can't pass something good for America, good for American taxpayers and good for American families and good for our economy.

We should have our economy grow. Revenues declined last year by 7 percent. Somebody said, why is there a deficit? There is a deficit because of the tax cut?

The deficit is not because of the tax cut. It is because there has been a real recession. Revenues have declined because the stock market started declining dramatically in March of 2000. The Nasdaq index was at 5,000. It is around 1,500, 1,600 now. So you see there has been a real decline in markets. That has caused a real decline in revenues to the Government.

We need to do some positive things that will increase equity values and increase ownership in America's companies, that will create jobs, that will create real growth in the economy. The President has outlined a constructive package. I look forward to working with the President and my colleagues to enact a positive package for America this year.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING SUPPORTERS AND UNEMPLOYMENT COMPENSATION

Ms. LANDRIEU. Mr. President, I rise to spend a few minutes this afternoon commenting on the debate that is before the Senate, our challenge to shape an unemployment compensation package or relief package that will help workers and do what is right by them.

Before I do, I wish to take a moment to thank many people, many friends, many family members who are gathered in Washington and at home in Louisiana and around the country for their support, their prayers, and their help in the recent election cycle. I am back in the Senate at work in large part because of so many wonderful people who went beyond the call of duty, beyond what is expected and believed in what our campaign represented and what we spoke about and what I spoke about—putting the interests of Louisiana first as it comes to representing that great State in this body, speaking about the issues people all over the Nation are concerned about, primarily the economy, keeping their families, their homes, their hearth together, protecting the Nation from the threat of terrorism, and shoring up our defenses against the great challenges before the Nation.

I said many times over those months that it was important for us to speak the truth, that what Washington needed was leaders, not labels; that while we were proud of our parties respectively, we should not follow them blindly but should try to, as our new leader from Tennessee spoke this morning, put the country first. I hope his words and agenda and the words and agendas that come out of the Senate, fashioned by the men and women now in this body, will put the country first, will think about the fathers and mothers, the children, the workers who make up America, who are attempting as a nation, together, unified, black

and white, Hispanic, Asian, and many other nationalities from all over the world, to speak with one voice to help lead this world in a challenging time.

I thank particularly my husband and two children, the many members of my family, my parents, brothers and sisters and cousins. I joke often in Louisiana that one of the reasons I win is because if my family just votes for me, that is so many votes I always have a little advantage over my opponent. But truly, their votes, their work, and their prayers were noted in my heart today.

I couldn't think of a better way to thank the people of Louisiana and the Nation than to actually be on the floor of the Senate speaking about an issue important to them and taking a few minutes out of the festivities, as we all celebrate our return, our victories, large and small, to the Senate and to Washington, new assignments, et cetera, to spend a moment speaking about the unemployment insurance program and the desperate need of people in this country.

We have not seen unemployment rates this high in so many years. We have not seen a downturn in the economy such as this in so many years. I rise to speak for a moment about the great need, as we fashion a stimulus package, as we fashion an aid package, not a charity package, not a handout package, but a hand up package, a package not to people who are undeserving, a package not to people who don't work, a package not to people who don't want to work, but a stimulus package that honors the strength of America, the fact that people are working not just one job in many cases but two and three jobs, in this time of uncertainty, moving from job to job, people doing whatever it takes to keep that mortgage paid, to keep their car notes paid, to invest in the tools and resources they need to keep their families together and keep their net worth growing, not decreasing.

That has been a challenge for average Americans. It has been a challenge for everyone, as many people have seen their retirements shrink, not through any fault of their own. Every one realizes there is risk associated with investment. But I am sure the workers from Enron and WorldCom and others affected all over our country would have reason to stand on the floor of the Senate, if they could get here, and say, listen, some of this was out of my control or my ability to manage or regulate.

Some of it was done, as we know, fraudulently and without respect for the law. Frankly, maybe Congress didn't have as tight reins on some of these situations as we should have. So there are Americans who are angry and anxious and frustrated. I most certainly appreciate that. Having just come off a long and grueling campaign, I heard from many of these workers in Louisiana.

Here we are, the first day, trying to fashion a package. I have listened to people talking about the program. I want to explain the unemployment insurance program. First, there is $26 billion in the trust fund. It is a program, an enterprise established for the purposes of helping Americans when they need help. It is not a welfare or a charity program. There are certain times when welfare is good. And all the time, charity is good. But we are not talking about charity. We are talking about money that workers from their pockets put into a trust fund that grows with interest so when the economy turns down, they can, if the Members of Congress say it is OK, pull that money down, put it in their pocket, pay their car note, which makes the car dealer happy, pay their house note, which makes the banker happy, pay their loan to the credit card companies, which makes them happy, pay their money to the credit union that keeps the credit unions going, pay the grocery store, pay the gas bill, pay the cleaners to keep the small businesses going. Does anybody think these unemployment checks go in the bank just sitting there waiting to be invested?

I hope not, because people who have worked hard at a $50,000, $60,000, $70,000 job, who went to school sometimes late at night to get their skills, studied after putting their children to bed, way into the night, and worked hard to get those skills, now look to Washington to help.

We have people on this floor who talk about this as if it is a charity program. These people are due, number one, the money they put in the trust fund. Number two, it is not their fault that unemployment is 6, 7, or 8 percent. It is our fault, if it is anybody's fault, because we are not managing the situation well enough—not that it can be perfectly done, but it hasn't happened yet. It most certainly is not the fault of the workers who have been laid off. They came not to ask for money that belongs to somebody else, but to ask us to give them their money so they can get through this hard time.

We have to listen to House Republican leaders tell us that there is not enough money in the trust fund, when there is $26 billion in the trust fund, and we are arguing about whether we want something that costs $1 billion or $4 billion. And if we weren't spending the unemployment trust fund now, when would we spend it?

So for the 1.6 million full-time workers in Louisiana, for the 303,000 part-time workers in Louisiana, for the 1.085 million workers in Louisiana who work on an hourly wage, and for the 42,000 workers in Louisiana who work at the minimum wage, $5.15—I will repeat that—$5.15—because this President and the Republican leadership refuse to increase the minimum wage, so these workers are working at $5.15 an hour because this President refuses to raise the minimum wage, or to support a raise in the minimum wage—we are going to tell these people that while there is $26 billion in the trust fund, we choose not to ''expand'' the program.

Let me register my strongest objection to that, and let me on behalf of the 4.5 million people in my State register their strong objection to that and say how disappointed they are that this administration and the House Republican leadership refuse to give them the money they put in the fund so when times went bad they would have it to keep paying their house note, so they didn't lose all the equity they have spent the last 20 years of their lives working for.

Let me also object to the sentiment expressed too often on this floor that we have to give people an incentive to work. I don't know too many people who don't want to work. I really don't. Whether they work for a paycheck or stay at home raising seven children, or nine children, or four children, they work very hard. I don't know too many Americans who don't want to work because with work comes dignity, with work comes self-satisfaction, with work comes thinking that you are doing something to help yourself and your family and your country. I know that a job or a small business is what most people aspire overwhelmingly to. But when that small business or that job slips out of their hands, not because they didn't do a great job or because they don't enjoy working, but because the company and because the policies that we are managing have come short, and we hand them that pink slip and we say, go for it, you have 13 weeks to find another job—a job having the same benefits and salary—and when it runs out, we might consider giving you another 13 weeks, we have to look people in the eye and say I am sorry, there is no more help—when there is $26 billion sitting in this account.

So I wanted to register my strongest objection to leaving out a portion of these workers and to say for the workers in my State that I am going to be here now for 6 years fighting for them, talking for them. I hope I can do it adequately to meet how worthy they are. I am going to do my very best to represent them in as forceful and effective way possible on this and many other issues.

Let me close with giving a few concrete suggestions. If we are going to have a stimulus package, let's be truthful and honest about the portions of it that will actually stimulate the economy and those that might stimulate our conference next election time. I ask the administration to relook at their package. Why don't we have the payroll tax holiday? The payroll tax holiday has been judged by conservative and liberal think tanks to be one

of the most effective, immediate stimuli we can provide for the Nation. The money doesn't have to come out of the Social Security trust fund. It can come out of the general fund, based on payroll taxes. It is fair to every worker—the very wealthy, the middle income, and the poor. It rewards the idea of work. It is immediate and it is $1,500 per family. That $1,500 could be used immediately in this economy to give people confidence and to prime the pump, if you will.

The Social Security offset—again, putting money into the hands of workers, retirees, people who have worked hard now, instead of getting both their full retirement checks—teachers in many instances are offset by their Social Security benefits—what good does that do if we can provide both, which we have the money to do, which is less expensive than this package, and give them both of those checks.

Those people are in a time of their life when they are spending that money—not saving it, but spending it to live. That primes the pump in this Nation, as well as everything we can do to give depreciation for real estate, which would help in investments, and accelerating tax reductions for small business owners. But anything outside of that is actually nothing but stimulating some other special interests for other purposes, other than, in my opinion, strengthening this economy. That is wrong.

I hope Congress and this Senate will work hard to fashion a stimulus package that is truly stimulative, affordable, financially responsible, and something that really helps all people, and not just those at the very top, but those who count on us to do our part to help them do what they are trying to do for their families and their communities.

Mr. President, I am here giving my strongest support for moving forward with the unemployment compensation benefits, but very disappointed—extremely disappointed—that over a third to a half of workers in this Nation have been left out, and to say that we should include everyone, and we should focus on making the program better and more effective so that it is more helpful. I will tell you $182 a week, or $250 a week—the average payment in Louisiana—doesn't go far. You cannot even pay a grocery bill for a family with three or four children with $200 a week. I don't know where you get gas money, rent money, or mortgage payments on top of that. So this Congress has a lot to do when it comes to reforming, reshaping, revitalizing, and redesigning the unemployment insurance program for this Nation. I hope to be a part of that. But for today, extending that benefit—at least for all the workers who deserve it—again, it is not our money; it is theirs. They worked hard for it. There is $26 billion in the trust fund and we should give it to them.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I ask that the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, we also are in morning business; is that correct?

The PRESIDING OFFICER. That is correct.

The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Chair.

(The remarks of Mr. ALLARD pertaining to the introduction of S. 98 are located in today's RECORD under "Statements on Introduced bills and Joint Resolutions.")

THE MISSING MILLION

Mr. GRASSLEY. Mr. President, I am happy we were able to get an extension of unemployment compensation earlier today so there is a seamless flow of checks from December 28 through the period of our new legislation. If we had not completed it today, and hopefully in the House tomorrow and with the President's signature on Thursday, there would have been a lapse of those checks. We could have gone back and made up the difference but there still would have been a period of time that unemployed people would not get checks. I know there was a lot of concern on the other side of the aisle that we were trying to pass this too quickly. I am glad they backed down and allowed us to move ahead.

During the debate that took the form of reserving the right to object, there were a number of statements made about what they wanted to do. I take the opportunity to clarify the record of what my Democratic colleagues were really talking about. A number of colleagues have made the statement that the unemployment extension we passed earlier today leaves out a million workers.

Under the regular State unemployment program—and this is under longstanding law—workers are entitled to as much as 26 weeks of unemployment benefits. Under the temporary federally funded unemployment program that Congress passed last March, which we are continuing now, those who exhaust their State regular unemployment benefits can receive up to 13 weeks of additional benefits. In addition, the program we passed last March provided up to 13 weeks of yet more benefits in extremely high unemployment States. In those high unemployment States, that means a maximum of 26 weeks of Federal benefits on top of the usual 26 weeks of State benefits. I repeat, workers in every State can collect 39 weeks of benefits—26 weeks State, plus 13 weeks Federal. And workers in high unemployment States can collect 52 weeks of benefits—26 weeks of State benefits and 13 weeks Federal, plus an additional 13 weeks for unemployed people in the high unemployment States.

As we discussed, the bill we passed earlier today would allow more than 2 million workers to collect extended benefits through May of this year. According to some of my Democratic colleagues, that is not enough. They want to let workers who have collected 26 weeks of regular State benefits plus 13 weeks of federally funded benefits collect an additional 13 weeks of benefits, for a total of 52 weeks of benefits for everyone, every place, regardless of the unemployment rate of a particular State. In other words, the agreement we reached last March to provide up to 9 months of benefits in every State, and 12 months of benefits in high unemployment States, is no longer good enough as indicated by the debate of my colleagues on the other side of the aisle earlier this afternoon. They want 12 months of benefits for everyone in every State regardless of whether unemployment is going up or going down.

They claim extending last year's agreement leaves out a million workers. I respectfully disagree. Their proposal goes well beyond anything Congress has ever done. It provides 12 months of federally funded benefits to all workers in every State. While the national unemployment rate is higher than it was at this time last year, the unemployment rate in 20 States is now lower than it was a year ago.

Under current law, no one can receive more in federally funded benefits than they received in State benefits. In other words, those who collect 26 weeks of State benefits could also collect 26 weeks of federally funded benefits; but in those States that might have only 20 weeks of State benefits, then there would only be 20 weeks of federally funded benefits under current law. So there is a link between what we give in Federal benefits and State benefits. This link is designed to give States the

ability to honor their unemployment program.

Although we have not seen the latest version, the Democratic proposal would break this link. By breaking the link, it would pay federally funded benefits without regard to the 26 week level of State benefits. This represents a very historic and unprecedented expansion of the unemployment program.

While we may need to revisit the issue of unemployment benefits later this year, it seems to me that we should carefully review this proposal before final action. In the meantime, we have had an opportunity to make sure that there is a seamless flow of checks from December 28, now, to those 750,000 unemployed people who would otherwise have had a lapse in receiving unemployment compensation, plus probably 2.5 million people connected with those respective families. And, for people on the other side of the aisle who think they have legitimacy and want to discuss these additional issues, the institution of the Senate is very prone towards hearing any idea that Senators want presented, having an environment or a forum for the presentation of that. So we probably will be forced to, and maybe ought to, review what the Democrats propose today. But we should not do it in an environment as we had today. If it had been adopted today, I am sure the House of Representatives would not have accepted it and, obviously, if we had gone to conference to work out the differences, no bill would have been presented to the President of the United States by Thursday—for his signature in time, then, to keep a seamless flow of unemployment checks.

So I am glad we were able to work this out. Obviously, as chairman of the Senate Finance Committee, I have to be open to discussion of any issues dealing with unemployment. I look forward to those discussions but in an environment that does not stall the flow of checks for people who are deserving of them, and that is those people who would have otherwise been cut off on December 28.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I will again suggest the absence of a quorum, but I ask the time be evenly charged against each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we are going to have a vote in a short time. It is going to be a vote on adjourning the Senate. That is what the vote will be.

But in substance it is more than that. We have had a number of Senators here who have requested a vote on adjournment. The reason they have done that is because they believe they should be able to have a vote on unemployment benefits for the people who are not covered in the legislation we just passed. So let there be no mistake, even though this procedurally is a vote on adjourning the Senate, the substantive aspect of this vote is that people who vote to adjourn the Senate today at approximately 5 o'clock will be voting to not allow about 1 million people to have unemployment benefits.

That is what this is about. I have told my friend, my counterpart, that there are a number of people who believed a vote was inappropriate. There are people who have worked on both sides of the aisle not to have a vote today. But there are a number of people who believe the vote is important. I want to make sure, before that vote occurs at 5 o'clock, that people know what the purpose of the vote is.

Mr. MCCONNELL. Mr. President, with all due respect to my friend from Nevada, the motion to adjourn will have absolutely nothing to do with unemployment benefits. It is simply, in the judgment of this Senator, an ill-advised attempt to disrupt what is typically a ceremonial day. We have Members of the Senate who were sworn in today—some of them brand new, some of them for the second and third and fourth and fifth terms—who have family in town. They are scattered all about the Capitol and off the Capitol with receptions for their friends.

There is nothing, I would say, that the other side could do today on this issue that they could not do on Thursday on this issue. If they want to make a point on the subject, certainly that is always possible in the Senate, the Senate being the Senate.

But this is going to be extremely disruptive to the Members and their families. I am told by floor staff there is nothing we can do to prevent this vote, and so we will have it. But hopefully we will have it with enough notice to give our colleagues, who are scattered around town with their families and friends, an opportunity to come back and cast a completely unnecessary vote, which has nothing to do with anything other than whether or not we adjourn tonight.

Make no mistake about it, this is a meaningless vote. It is simply a procedural vote that we normally would not take at the end of the day. No effort to describe it otherwise would be sufficient to convince anyone that this is anything more than simply a motion to adjourn.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY NOMINATIONS

Mr. FRIST. Mr. President, today the Senate received from the President the nominations for the positions of Secretary of Homeland Security and Deputy Secretary of Homeland Security. I understand that these nominations will be referred to the Committee on Governmental Affairs because at this time the primary responsibility of these two officials will be to implement the structural reorganization of disparate entities into this new agency. I understand that in the future nominations for various positions created by the Homeland Security Act of 2002 may be referred on the basis of the responsibilities of those officials at that time, and that the initial referral of these nominations will not serve as precedent binding the Chair in the future.

ADDITIONAL STATEMENTS

THE SALT RIVER PROJECT'S 100TH ANNIVERSARY

• Mr. KYL. Mr. President, my best wishes today go to the Salt River Project on the celebration of its centennial of service to the communities of central Arizona.

When the Salt River Project, or SRP, was created on February 7, 1903, Arizona was still a territory and the people who had settled its central desert valleys had just endured a period of devastating droughts. They knew the future of their farms, businesses, and families depended on securing a reliable supply of water. If they failed, they were sure to witness the continued withering of their farms and livelihoods.

With commitment, they banded together to form the Salt River Valley Water Users Association, later to become SRP. With courage, they mortgaged their lands as debt collateral for a federal loan that was granted under terms of the National Reclamation Act of 1902. And the result eight years later was the completion of a great monolithic stone dam that was named after

the President, Theodore Roosevelt. It would be the first of other dams and water works built through partnership with SRP and federal and local governments to ensure the economic vitality of my native state.

Without Roosevelt Dam, Arizona's early communities could not have grown. Similarly, growth would not have continued without SRP's development and management of early hydropower resources and later leadership and partnership in constructing extensive generation and transmission systems to fuel Arizona's economy.

In the past century, SRP has become Arizona's largest water supplier and the third largest public power provider in the nation. It has gained a reputation as a utility with a record for service, safety, and commitment to the environment and human services. As SRP celebrates its centennial, it deserves recognition for its past achievements and for the important role it will continue to play in Arizona's advancement in the 21st century.●

TRIBUTE TO GOVERNOR FELIX CAMACHO AND LT. GOVERNOR KALEO MOYLAN

● Mr. BURNS. Mr. President, hafa adai and happy new year from our Nation's capital. It gives me great pleasure to congratulate Governor Felix Camacho and Lt. Governor Kaleo Moylan on their inauguration day as the seventh elected governor and lieutenant governor of Guam.

Guam's people have shown their patriotism to America time and time again. Indeed, it is this allegiance, coupled with a rich island culture, that make Guam so unique in our American family and an integral and indispensable part of our nation. As incoming Chairman of the Appropriations Subcommittee on Interior and Related Agencies, I look forward to working with both the governor and lieutenant governor, as we tackle Guam's present challenges.

As they embark on rebuilding their community, some progress will be swift and dramatic. At other times, improvements may be slower and only with perseverance and diligent hard work will they be finally achieved. Together, Guam and Washington will overcome these challenges.

I join the people of Guam in congratulating Governor Felix Camacho and Lt. Governor Kaleo Moylan, once again, and I look forward to meeting and working with them to address their island's needs. For this reason and in order to memorialize this moment, I have submitted this letter to be published in the CONGRESSIONAL RECORD on January 7, 2003.●

RETIREMENT OF JERRY SONGY

● Mr. BOND. Mr. President, in 1998, the Senate passed the Internal Revenue Service Restructuring and Reform Act, which I strongly supported. This landmark legislation set the Internal Revenue Service, IRS, on a new course, one that most Members of this body would agree is the right one. Today, the IRS is much more focused on customer service and education to achieve compliance with the Nation's tax laws.

It takes more than a new law, however, to change the way an agency fulfills its mission. It takes talented people committed to those reforms in order to turn the words in the statute into reality. We all know the role that former Commissioner Charles O. Rossotti played in restructuring the agency, and I commend him again for his invaluable service to the IRS and the Nation.

Today, I rise to recognize one of Mr. Rossotti's key aides, Jerry Songy, who is retiring after 34 years of dedication to agency. In early 1998, Jerry was selected to lead an organizational modernization effort that was intended to transform the IRS into a more customer-focused organization. Jerry's contributions to this business-process reengineering effort have greatly improved the delivery of products and services to all of America's taxpayers, and small businesses and the self-employed taxpayers in particular.

In addition to serving as Executive Director, Modernization Design, Jerry was instrumental in the design of the Small Business/Self-Employed, SB/SE, operating division, which serves approximately 45 million small businesses and self-employed taxpayers. He was also a driving force in the creation of the Taxpayer Education and Communication, TEC, section and has led the SB/SE division in its outreach and education efforts to small business and self-employed taxpayers. As the former Chairman and Ranking Member of the Committee on Small Business and Entrepreneurship, I had the pleasure of working with Jerry in that capacity.

Through his efforts, the IRS has created innovative web site applications, multilingual CDs, and a series of web cast programs to assist taxpayers with their tax filing and payment responsibilities. The IRS has partnered with tax practitioner and payroll organizations, trade and professional organizations, educational institutions, and corporate America on joint tax education initiatives. In short, our constituents are seeing the tangible benefits of Jerry's hard work on behalf of small enterprises across the nation.

Jerry was born and raised in New Orleans, LA and graduated from Loyola University with a Bachelor of Science degree in Accounting. He has two sons, three grandchildren, and will be joined in retirement by his wife, Lea, who also has had a distinguished career with the IRS.

On behalf of the 45 million small businesses and self-employed taxpayers throughout the country that have benefitted from his hard work and dedication, I commend Jerry Songy for his exemplary contributions to public service.●

TRIBUTE TO BONNIE NICKOL

● Mrs. LINCOLN. Mr. President, I rise today to pay tribute to Bonnie Nickol of Little Rock, Arkansas, who has committed herself to helping working families in Arkansas through the Arkansas Single Parent Scholarship Fund.

Bonnie's first involvement with the scholarship fund came in 1997. The fund's director, Ralph Nesson, knowing of Bonnie's interest in education, introduced her to several of the people who benefit from this statewide network of scholarship programs that help single parents get the education they need to better provide for their families. Bonnie was touched by the efforts of these women and men to raise children, hold steady jobs, and attend college—and she resolved to help.

And help she did. Upon learning that the Pulaski County Single Parent Scholarship Fund was able to offer only about 10 scholarships per year, and that many deserving single parents were being turned away due to a lack of funds and resources. Bonnie joined the board of directors and committed herself to expanding the program. From 1998 until 2002, Bonnie chaired the fund's board of directors. Under her leadership, the fund began to grow dramatically. In 1998, the fund awarded 16 scholarships worth a total of $8,000. By 2002, the fund was awarding 98 scholarships worth more than $63,000. That's an increase of 600 percent in just four years. On top of that, the amount of each scholarship awarded increased by $150, meaning that every recipient is now enjoying a more generous benefit than ever before. The Single Parent Scholarship Fund has also raised its profile by pursuing corporate and foundation grants and through private fund-raising events.

In addition to increasing the fund's size, Bonnie has spearheaded the effort to provide enhanced support services to scholarship recipients. Among these services are volunteer mentors and loaned computers to help ensure student success. In addition, Bonnie made a point of forging personal relationships with many of the scholarship recipients, meeting with each of them once per semester to encourage them and seek feedback; coordinating the selection process to ensure that scholarships are awarded in a fair, timely, and efficient manner; and continually working to improve service available to recipients.

These efforts are paying real dividends for the fund in terms of success. Since January 1998, an astonishing 94 percent of scholarship recipients have either graduated or are still in school

working toward their degrees. Fifty-eight parents have graduated since 1998. That's a tremendous record of success, for which Bonnie and all of the other volunteers with the Arkansas Single Parent Scholarship Fund can be justifiable proud.

Bonnie Nickol will retire from the Arkansas Single Parent Scholarship Fund this year, and while her leadership will be sorely missed, others who share Bonnie's vision and commitment will most certainly follow. In the meantime, she continues to provide her valuable leadership and volunteer energy for a number of groups in Arkansas, including New Futures for Youth, the Jewish Federation of Arkansas, and the Artspace Artists Cooperative. But of all her contributions, her most impressive may be the work that she's done with the Arkansas Single Parent Scholarship Fund, work that has made it possible for dozens of single parents in Arkansas to get their degrees and improve their job prospects for the future. I salute Bonnie's efforts, and I hope that others will look to her as an example of how one person can lend their time, talents, and energy to make a difference in his or her community and in the lives of others.●

TRIBUTE TO FALLEN FIREFIGHTERS

● Mr. SMITH. Mr. President, on November 25, 2002, Oregonians were reminded once again what the whole nation witnessed on September 11, 2001, that the men and women who run into burning buildings when everyone else is running out, are true heroes.

For it was on November 25, 2002, when Randy Carpenter, Jeffrey Common and Chuck Hanners, all members of the Coos Bay Fire Department, gave their lives while protecting others, when the roof of a warehouse collapsed during a fire.

Randy Carpenter was a thirteen year veteran of the Coos Bay Fire Department. He was a mentor to many young firefighters, and was respected as a man of integrity and professionalism. Along with fighting fires, Randy built houses and taught emergency medical aid classes. He was a loving father to two daughters.

Like his father, Jeffrey Common was a volunteer member of the Coos Bay Fire Department. He worked in the tugboat business and was the devoted father of three young children.

Chuck Hanners was also a volunteer member of the Coos Bay Fire Department. He served as the manager of a retail sporting goods department, but always carried a scanner in his back pocket so he could rush to a fire whenever help was needed. He left behind a wife and six children.

At a very moving memorial service, which was attended by over 7,000 community members and delegations of firefighters from across Oregon and the Pacific Northwest, Chuck's 17-year-old son, Daniel, read from the Firefighter's Prayer. The last line of this prayer says, ''If according to fate, I am to lose my life, please bless with your hand my children and my wife.''

I join with countless other Oregonians in extending my prayers and condolences to the family, friends, and colleagues of these three courageous Oregonians. While I was not privileged to know Randy, Jeff, and Chuck, I know of the pride they took in serving as a first responder, and I know that in giving themselves for others, they made themselves special, not just to us, but to God. The Bible tells us that ''Greater love than this has no man than to lay down his life for his friends.'' Because God is love, we know He was there with them when they died, and that He is with them still.

One of America's most beautiful monuments to courage and unselfish service is the National Fallen Firefighters Memorial in Emmitsburg, MD. Flags at this Memorial were flown at half-staff in honor of Randy, Jeff and Chuck. And their names will also be added to a plaque at the monument, which stands near an eternal flame that represents the spirit of the firefighter, past, present, and future.

The holiday season was a tough one for many in Coos Bay, but I hope that community members can take solace in the fact that they are fortunate to live in a community and we are all fortunate to live in a country that produces individuals like Randy, Jeff, and Chuck, individuals who are willing every day to risk their life so others might be safe. May God Bless the men and women of the Coos Bay Fire Department, and all fire department across the country, and may God Bless America.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the National Defense Stockpile (NDS) Annual Materials Plan (AMP) to increase the quantities of celestite and quinidine available for disposal; to the Committee on Armed Services.

EC–2. A communication from the Under Secretary of Defense, transmitting, the report entitled Selected Acquisition Reports for the quarter ending September 30, 2002; to the Committee on Armed Services.

EC–3. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the transportation of Chemical Warfare Agent from Pine Bluff Arsenal, Arkansas, to Aberdeen Proving Grounds, Maryland; to the Committee on Armed Services.

EC–4. A communication from the Deputy Assistant Secretary for Program Operations, PWBA, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Class Exemption to Permit Certain Transactions Identified in the Voluntary Fiduciary Correction Program'' received on November 25, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–5. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report entitled ''Department of Defense Annual Implementation Report''; to the Committee on Governmental Affairs.

EC–6. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report entitled ''U.S. Office of Personnel Management's Annual Report to Congress on Veterans' Employment in the Federal Government''; to the Committee on Veterans' Affairs.

EC–7. A communication from the Assistant Secretary of Commerce for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Exports and Re-exports to the Federal Republic of Yugoslavia: Lifting of U.N. Arms Embargo-Based Contents; Clarification of U.N. Arms Embargo-Based Controls on Rewards'' received on November 18, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8. A communication from the President, transmitting, pursuant to law, the report relative to the aggregate number, locations, activities, and lengths of assignment for all U.S. military personnel and civilians retained as contractors involved in the anti narcotics campaign in Columbia; received on November 14, 2002; to the Committee on Appropriations.

EC–9. A communication from the Director of Congressional Affairs, Central Intelligence Agency, transmitting, pursuant to law, the report of a nomination confirmed for the position of General Counsel of the Central Intelligence Agency, received on November 25, 2002; to the Select Committee on Intelligence.

EC–10. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary, Tax Policy, received on November 18, 2002; to the Committee on Finance.

EC–11. A communication from the Attorney/Advisor, Bureau of Transportation Statistics, transmitting, pursuant to law, the report of vacancy of the position of Director, received on December 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC–12. A communication from the General Counsel, Department of Commerce, transmitting, the report relative to the reauthorizing the programs of the Technology Administration and the National Institute of Standards and Technology and to make a number of improvements to the Advanced Technology Program and the Manufacturing Extension Partnership Program and Technical Amendments, received on October 28, 2002; to the Committee on Commerce, Science, and Transportation.

EC–13. A communication from the General Counsel, Department of Commerce, transmitting, the report of a draft bill entitled ''The Hydrographic Services Amendments Act of 2002'' received on October 28, 2002; to the Committee on Commerce, Science, and Transportation.

EC–14. A communication from the Director, Office of Personnel Manager, transmitting, the report of a legislative proposal entitled ''Postal Civil Service Retirement System Funding Reform Act of 2002'' received on November 12, 2002; to the Committee on Governmental Affairs.

EC–15. A communication from the Secretary of the Interior, transmitting, the report of a bill ''to authorize the Secretary of the Interior to assist in the implementation of fish passage and screening facilities and habitat improvements at non-Federal water projects and on non-Federal lands when required for a Federal reclamation project in the Columbia River Basin to comply with the Endangered Species Act'' received on October 30, 2002; to the Committee on Energy and Natural Resources.

EC–16. A communication from the President, transmitting, pursuant to law, the report relative to the Reorganization Plan for the Department of Homeland Security providing information concerning the elements identified in section 1502(b), received on December 2, 2002; to the Committee on Governmental Affairs.

EC–17. A communication from the Special Assistant to the President and Director, Office of Administration, transmitting, pursuant to law, the report of personnel employed in the White House Office, the executive Residence at the White House, the Office of the Vice-President, the Office of the Policy Development (Domestic Policy Staff) and the Office of Administration, received on December 2, 2002; to the Committee on Governmental Affairs.

EC–18. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the report entitled Inspector General Semiannual Report to Congress and Management Response, received on December 1, 2002; to the Committee on Governmental Affairs.

EC–19. A communication from the Chair, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the report addressing the Federal Managers' Financial Integrity Act, received on November 25, 2002; to the Committee on Governmental Affairs.

EC–20. A communication from the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, the report of the Agency in accordance with the requirements of the Federal Manager's Fiscal Integrity Act of 1982, and the Inspector General Act of 1988, received on November 25, 2002; to the Committee on Governmental Affairs.

EC–21. A communication from the Chair, Christopher Columbus Fellowship Foundation, transmitting, pursuant to law, the report relative to the Fiscal Year 2002 on the Foundations' Audit and Investigative Activities; to the Committee on Governmental Affairs.

EC–22. A communication from the Senior Deputy Chairman, National Endowment of the Arts, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Chairman's Semiannual report on the final action for the National Endowment of the Arts for the period of April 1, 2002 through September 30, 2002; to the Committee on Governmental Affairs.

EC–23. A communication from the Senior Deputy Chairman, National Endowment of the Arts, transmitting, pursuant to law, the report entitled National Endowment for the Arts 2002 FAIR Act inventory of activities; to the Committee on Governmental Affairs.

EC–24. A communication from the Secretary of Treasury, transmitting, pursuant to law, the Department of Treasury's Performance and Accountability Report for Fiscal Year 2002, received on December 1, 2002; to the Committee on Governmental Affairs.

EC–25. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Carl Wilson Basketball Court Designation Act of 2002''; to the Committee on Governmental Affairs.

EC–26. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Mandarin Oriental Hotel Project Tax Deferral Act of 2002''; to the Committee on Governmental Affairs.

EC–27. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Government Sport Utility Vehicle Purchasing Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–28. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Prostate Cancer Screening Insurance Coverage Requirement Act of 2002''; to the Committee on Governmental Affairs.

EC–29. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Square 456 Payment in Lieu of Taxes Act of 2002'', to the Committee on Government Affairs.

EC–30. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Department of Insurance and Securities Regulation Procurement Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–31. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–32. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''District of Columbia Flag Adoption and Design Act of 2002''; to the Committee on Governmental Affairs.

EC–33. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Medical Support Establishment and Enforcement Temporary Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–34. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a bill entitled ''The Audit Report Issued During the Fiscal Year 2002 Regarding the Thrift Savings Plan''; to the Committee on Governmental Affairs.

EC–35. A communication from the Acting Special Counsel, transmitting pursuant to law, the report on Agency Management of Commercial Activities; to the Committee on Governmental Affairs.

EC–36. A communication from the Director, Trade and Development Agency, transmitting, the report relative to the audit and internal management activities; to the Committee on Governmental Affairs.

EC–37. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report relative to the Annual Inventory of the Commercial Activities of NASA; to the Committee on Governmental Affairs.

EC–38. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report relative to the Annual Inventory of the Commercial Activities of NASA; to the Committee on Governmental Affairs.

EC–39. A communication from the Employment Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Excepted Service—Schedule A Authority for Nontemporary Part-Time of Intermittent Positions''; to the Committee On Governmental Affairs.

EC–40. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution District, Ventura County Air Pollution Control District'' received on December 4, 2002; to the Committee on Environment and Public Works.

EC–41. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a bill entitled ''National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills'' received on December 4, 2002; to the Committee on Environment and Public Works.

EC–42. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protecting Agency, transmitting, pursuant to law, the report of a rule entitled ''New Jersey: Final Authorization of State Hazardous Waste Program Revision'' received on December 4, 2002; to the Committee on Environment and Public Works.

EC–43. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a bill entitled ''Prevention of Significant Deterioration (PSB) and Nonattianment New Source Review (NRS): Baseline Emissions Determination, Actual-to-future-actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects'' received on December 4, 2002; to the Committee on Environment and Public Works.

EC–44. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation on Plans for the State of Montana; Revisions to the Administration Rules of Montana'' received on November 18, 2002; to the Committee on Environmental and Public Works.

EC–45. A communication from the Acting Principal Deputy Associate Administrator,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Indiana'' received on November 18, 2002; to the Committee on Environmental and Public Works.

EC–46. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plan for Designated Facilities and Pollutants; State of Mississippi'' received on November 18, 2002; to the Committee on Environment and Public Works.

EC–47. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a bill entitled ''Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District'' received on November 18, 2002; to the Committee on Environment and Public Works.

EC–48. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; One Hour Ozone Attainment Demonstration for the Massachusetts portion of the Boston-Lawrence-Worchester, MA-NH Ozone Nonattianment Area'' received on November 18, 2002; to the Committee on Environment and Public Works.

EC–49. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; One-hour Ozone Attainment Demonstration for the New Hampshire Portion of the Boston-Lawrence-Worcester, MA-NH Ozone Nonattainment Area'' received on December 2002; to the Committee on Environmental and Public Works.

EC–50. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a bill entitled ''Approval and Promulgation of the Implementation Plans for Texas: Transportation Control Measures Rule'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–51. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Control of Air Pollution from New Motor Vehicles: Amendments to the Tier 2 Motor Vehicle Emission Regulations'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–52. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a bill entitled ''National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–53. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–54. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Certain Federal Human and Health and Aquatic Life Water Quality Criteria Applicable to Vermont, the District of Columbia, Kansas and New Jersey'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–55. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Montana; State of Implementation Plan Correction'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–56. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Six Control Measures to meet EPA-Identified Shortfalls in Delaware's One-Hour Ozone Attainment Demonstration'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–57. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Operating Permits Programs; State of Missouri'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–58. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation Plans; State of Missouri'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–59. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Notice of Halting the Sanctions Clocks for the commonwealth of Virginia's Failure to Submit Required State Implementation Plan for the NOX SIP Call'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–60. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Pennsylvania; Redesignation of the Allegheny County Carbon Monoxide Nonattainment Area and Approval of Miscellaneous Revisions'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–61. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plan Designated Facilities and Pollutants; State of Mississippi'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–62. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–63. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standard Benzene Waste Operations'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–64. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of the rule entitled ''Notice of Request for Initial Proposals (IPs) for Projects to be funded from the Water quality Cooperation Agreement allocation (CFDA 66.463—Water Quality Cooperation Agreements)'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–65. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revised Freedom of Information Act Regulations'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–66. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Arizona State Implementation Plan, Pinal County Air Quality County Control District'' received on December 2, 2002; to the Committee on Environment and Public works.

EC–67. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Federal Human Health and Aquatic Life Water Quality Criteria for Toxic Pollutants Applicable to Michigan'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–68. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revised Settlement Policy and Contribution Waiver Language Regarding Exempt De Micromis and Non-Exempt De Micromis Parties'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–69. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Repeal of Emission Standards for Perchloroethylene Dry Cleaning Systems'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–70. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revisions to the Alabama Nitrogen Oxides Budget and Allowance Trading Program'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–71. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State

Plans for Designated Facilities; Virgin Islands'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–72. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Primary Drinking Water Regulations: Minor Revisions to Public Notification Rule, Consumer Confidence Report Rule and Primary Rule'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–73. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled Revisions to Operating Permits Program in Washington'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–74. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approval Spent Fuel Storage Casks: VSC–24 Revision'' (RIN 3150–AH05) received on November 18, 2002; to the Committee on Environment and Public Works.

EC–75. A communication from Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Metropolitan Transportation Planning and Programming'' received on October 15, 2002; to the Committee on Environment and Public works.

EC–76. A communication from Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Design Build Contracting'' received on October 15, 2002; to the Committee on Environment and Public Works.

EC–77. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Locational Requirements for Dispatching of United States Rail Operations'' received on December 17, 2002; to the Committee on Environment and Public works.

EC–78. A communication from the Assistant Secretary for Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Five Carbonate Plants from the San Bernardino Mountains in Southern California'' received on December 17, 2002; to the Committee on Environment and Public Works.

EC–79. A communication from A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the commission's monthly report on the status of licensing and regulatory duties for September 2002; to the committee on Environment and Public Works.

EC–80. A communication from A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Lomatium cooki (Cook's Lomatium) and Limnanthes floccosa ssp. grandiflora (Large-flowered Wooly Meadowfoam) from Southern Oregon; Final Rule''; to the Committee on Environment and Public Works.

EC–81. A communication from the Director, Fish and wildlife Service, Department of Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Deindra Conjugens (Otay tarplant)'' received on December 17, 2002; to the Committee on Environment and Public Works.

EC–82. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Superfund Five Year Review Report to Congress for Fiscal Years 1999–2001, received on November 25, 2002; to the Committee on Environment and Public Works.

EC–83. A communication from the Deputy Administrator, General Services Administration, transmitting, pursuant to law, the report entitled ''Reports of Building Building Projects Survey for the Federal Trade Commission building in Washington, DC''; to the Committee on Environment and Public Works.

EC–84. A communication from the Chairman, Commission on the Future of the United States Aerospace Industry, transmitting, pursuant to law, the report entitled ''Final Report of the Commission on the Future of the United States Aerospace Industry''; to the Committee on Commerce, Science, and Transportation.

EC–85. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Trip limit Adjustments; Correction'' received on December 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–86. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 8-Closure of the Commercial Fishery from Humbug Mountain, OR, to the Oregon-California Border'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–87. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 12-Adjustment of the Recreational fishery from the Queets River to Leadbetter point, WA (Westport Area)'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–88. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 10-Adjustment of the Commercial Fishery from the U.S.-Canada Border to Cape Falcon, OR'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–89. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off the West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 9-Closure and Reopening of the Recreational Fishery from Cape Falcon to Humbug Mountain, OR'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–90. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off the West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 13-Adjustment of the Commercial Fishery from the U.S.-Canada border to Cape Falcon, OR'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–91. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Modification of a closure—re-opening of directed fishing by vessels using trawl gear in the Gulf of Alaska (GOA)'' received on November 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC–92. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure Notice for Maine Mahogany Fishery; Commercial Quota Harvested for 2002 fishing year'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–93. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–94. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–95. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of the commercial fishery for king mackerel in the exclusive economic zone in the western zone of the Gulf of Mexico'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–96. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NMFS is closing directed fishing for Pacific cod by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This Action is necessary to prevent exceeding the 2002 Pacific halibut bycatch allowance specified for the trawl Pacific cod fishery'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–97. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department

of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 14-Adjustment of the Recreational Fishery from Leadbetter Point, WA to Cape Falcon, OR (Columbia River Area)'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–98. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off the West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 17-Adjustment of the Ceremonial and subsistence Harvest Regulations for the Ocean Salmon Fisheries of the Quileute Tribe'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–99. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off the West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 16-Adjustment of the Commercial Fishery from the Oregon-California Border to the Humboldt South Jetty'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–100. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off the West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 15-Closure of the Commercial Fishery from Humbug Mountain, OR to the Oregon-California Border'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–101. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off the West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 4-Adjustment of the Commercial fishery from the U.S.-Canada Border to Cape Falcon, OR'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–102. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Areas: Long Island Sound Marine Inspection and Captain of the Port Zone (CGD01–01–187)'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–103. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations (Including 2 regulations) [CGD08–02–030] [CGD08–02–031]'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–104. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety and Security Zone Regulations; Lower Mississippi River, Miles 87.2 to 91.2, above Head of Passes, New Orleans, LA (COTP New Orleans 02–002)'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–105. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations [including 7 regulations] ((RIN2115–AE47) (2002–0098))'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–106. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Northeast Cape Fear River, Wilmington, NC (CGD05–02–014]'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–107. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Including 2 regulations [CGD07–02–144] [CGD07–021–45]'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–108. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Ports of Jacksonville and Canaveral, FL (CGD07–02–148)'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–109. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Harlem River (CGD01–02–135)'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–110. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Charleston Harbor, Cooper River, S.C. [COTP Charleston–02–146]'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–111. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Drilling and Blasting Operations, Hubline Project, Captain of the Port Boston, Massachusetts [CGD01–02–131]'' received on December 10, 2002; to the Committee on Commerce, Science, and Transportation.

EC–112. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: New Rochelle Harbor, NY [CGD01–02–134]'' received on December 10, 2002; to the Committee on Commerce, Science, and Transportation.

EC–113. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: San Pedro Bay, CA [COPT Los Angeles-Long Beach 02–004]'' received on December 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–114. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations: Winterfest Boat Parade, Broward County, Fort Lauderdale, Florida [CGD07–02–122]'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–115. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Mississippi River, Clinton IA [CGD08–02–027]'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–116. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Hutchinson River, Eastchester Creek, NY [CGD01–02–138]'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–117. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: (Including 2 regulations) [CDG07–02–042] [COPT Los Angeles-Long Beach 02–006]'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–118. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NOAA Ocean Exploration Initiative, Fiscal Year 2003'' received on December 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–119. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, Department of Commerce, transmitting pursuant to law, the report of a rule entitled ''Joint Program Announcement on Climate Variability and Human Health for 2003'' received on December 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–120. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Tire Safety Information; Final Rule'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–121. A communication from the Attorney-Advisor, Bureau of Transportation Statistics, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Reporting the causes of Airline Delays and Cancellations under 14 CFR Part 234'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–122. A communication from the Trial Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Acceleration of Manufacturer's Remedy Program'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–123. A communication from the Director, Office of Sustainable Fisheries, National

Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; General category closure'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–124. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species NOAA Information, Collection Requirements; Regulatory Adjustments; Technical Amendment'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–125. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Quota transfers General category daily retention limit adjustment'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–126. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Opening of General category Atlantic Bluefin Tuna New York Bight set-aside fishery'' received on November 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–127. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of rule entitled ''National Parks Air Tour Management; Doc. No. FAA–2001–8690 [10–25/12–2]'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–128. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Experimental Setnet Sablefish landing to Qualify Limited Entry Sablefish Endorsed Permits for Tier Assignments'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–129. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Monkfish Fishery Management Plan; Emergency Rule Extension'' received on December 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC–130. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopters Textron, Inc. Model 204B, 205A, 212, 214B, and 214B–1 Helicopters Doc. No. 2001–SW–42 [11–08–11–14]'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–131. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Cessna Aircraft Company Models 208 and 208B Airplanes Doc. No. 2002–CE–23 [11–12–11–14]'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–132. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Textron Lycoming AEIO–540, IO–540, LTIO–540, O–540, and TIO–540 Series Reciprocating Engines Doc. No. 2002–NE–31 [11–14–11–14]'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–133. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Turbomeca Artouste III Series Turboshaft Engines Docket No. 99–NE–33 ((RIN 2120–AA64)(2002–0482))'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–134. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Titeflex Corporation Doc. No. 2000 NE57 ((RIN 2120–AA64)(2002–0481))'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–135. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Gulfstream Aerospace LP Model Galaxy and Gulfstream 200 Airplanes Doc. No. 2002–NM–265((2120–AA64)(11–13/11–14))'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–136. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Moravan a.s. Models Z–243L and Z–242L, Airplanes CORRECTION Doc. No. 99–CE–71((RIN 2120–AA64)(2002–0476))'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–137. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France model AS355N Helicopters Doc. No. 2002–SW–32 ((RIN 21220–AA64)(2002–0477))'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–138. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France model EC 155B Helicopters Doc. No. 2002–SW–26((RIN212–AA64)(2002–0478))'' received on November 18, 2002; to the Committee on Commerce, Science and Transportation.

EC–139. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Request for Comments PIAGGIO Aero Industries S.P.A. Model P–180 Airplanes Doc. No. 2002–CE–48 ((RIN 2120–AA64)(2002–0484))'' received on December 18, 2002; to the Committee on Commerce, Science and Transportation.

EC–140. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (23) Amendment No. 3032 ((RIN2120–AA65)(2002–0061))'' received on December 17, 2002; to the Committee on Commerce, Science and Transportation.

EC–141. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (51) Amendment No. 3031 ((RIN2120–AA645)(2002–0060))'' received on December 17, 2002; to the Committee on Commerce, Science and Transportation.

EC–142. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Needles Airport; Needles, CA; Doc. No. 010–AWP–15 ((RIN2120–AA66)(2002–0181))'' received on November 18, 2002; to the Committee on Commerce, Science and Transportation.

EC–143. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of restricted Area R–5207, Romulus, NY Doc. No. 02–AEA–17 ((RIN2120–AA66)(2002–0180))'' received on November 18, 2002; to the Committee on Commerce, Science and Transportation.

EC–144. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to using Agency for Restricted Area 2301W Ajo West, AZ Doc. No. 02–AWP–08 ((RIN 2120–AA66)(2002–0179))'' received on November 18, 2002; to the Committee on Commerce, Science and Transportation.

EC–145. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Ulyssess, KS Class E Airspace Area Doc. No. 02–ACE–11((RIN 2120–AA66)(2002–0182))'' received on November 18, 2002; to the Committee on Commerce, Science and Transportation.

EC–146. A communication from the Acting Under Secretary of Transportation for Security, Department of Transportation, transmitting, pursuant to law, the report relative to Federal Requirements concerning Federal Screening and Airport Security; to the Committee on Commerce, Science, and Transportation.

EC–147. A communication from the Acting Chairman, National Transportation Safety Board transmitting, pursuant to law, the report entitled ''2000–2001 National Transportation Safety Board Annual Report to Congress''; to the Committee on Commerce, Science, and Transportation.

EC–148. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting pursuant to law, the report of an interm rule relative to the Federal Acquisition Regulation (FAR) Supplement to revise the instructions for preparing NASA Form 1018, received on November 25, 2002; to

the Committee on Commerce, Science, and Transportation.

EC–149. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule relative to Federal Acquisition Regulation (FAR) Supplement to require internal Agency clearance before authorizing contractor use of interagency fleet management system vehicle; to the Committee on Commerce, Science, and Transportation.

EC–150. A communication from the Chief, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Assistance Loans and Loan Deficiency Payments for Peanuts, Pulse Crops, Wheat, Feed Grains, Soybeans and Other Oilseeds (RIN0560–AG72)'' received on December 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–151. A communication from the Chief, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR 1412–Direct and Counter-Cyclical Payments (RIN0560–AG71)'' received on November 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–152. A communication from the Chief, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''2002 Farm Bill Regulations—Cooperative Marketing Associations; Cotton; Dairy; Honey (RIN0560–AG72)'' received on December 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–153. A communication from the Chief, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''2002 Farm Bill Regulations—Cooperative Marketing Associations; Cotton; Dairy; Honey (RIN0560–AG72)'' received on December 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–154. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Special Supplement Nutrition Program for Women, Infants and Children (WIC): Exclusion of Military Housing Payments, State Agency option to exclude housing allowances paid to military personnel for privatized on-base or off-base housing (RIN0584–AD34)'' received on November 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–155 A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitle ''Brucellosis: Testing of Rodeo Bulls—Doc. No. 01–095–2'' received on November 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–156. A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Exotic Newcastle Disease: Designation of Quarantined Area—Doc. No. 02–117–1'' received on December 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–157. A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Stall Reservations at Import Quarantine Facilities—Doc. No. 02–024–1'' received on December 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–158. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitle ''Coordinated Issue 'Basis Shifting' Tax Shelter'' received on December 4, 2002; to the Committee on Finance.

EC–159. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Rev. Proc. 2003–2'' received on December 17, 2002; to the Committee on Finance.

EC–160. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Revenue Ruling 2003–3—Accrual of State Tax Refunds'' received on December 17, 2002; to the Committee on Finance.

EC–161. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Captive Insurance—Group Captive'' received on December 17, 2002; to the Committee on Finance.

EC–162. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Deductibility of Insurance Premiums Paid to Brother-Sister Captive Insurance Company'' received on December 17, 2002; to the Committee on Finance.

EC–163. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Intercompany Transactions; Conforming Amendments to 446'' received on December 17, 2002; to the Committee on Finance.

EC–164. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Appeals Settlement Guidelines: Mining—Receding Face Deduction'' received on December 17, 2002; to the Committee on Finance.

EC–165. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Allocation of National Limitation for Qualified Zone Academy Bonds for Year 2003'' received on December 12, 2002; to the Committee on Finance.

EC–166. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''D plus A Drop—Rev. Rul. 2002–85, 2002–52'' received on December 17, 2002; to the Committee on Finance.

EC–167. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Indirect Stock Transfer Notice—Rev. Rul. 2002–77, 2002–52'' received on December 17, 2002; to the Committee on Finance.

EC–168. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Modification of Revenue Procedure 2002–3—Rev. Rul. 2002–75'' received on December 17, 2002; to the Committee on Finance.

EC–169. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Captive Insurance—Rev. Rul. 2002–89'' received on December 17, 2002; to the Committee on Finance.

EC–170. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Notice 2003–1—Treatment of Certain Amounts Paid to 170(c) Organization Under Employer Leave-Based Donation Program'' received on December 17, 2002; to the Committee on Finance.

EC–171. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Licensing of Viatical Settlement Providers—Rev. Rul 2002–82'' received on December 9, 2002; to the Committee on Finance.

EC–172. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Revenue Ruling 2002–70'' received on December 4, 2002; to the Committee on Finance.

EC–173. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Weighted Average Interest Rate Update Notice'' received on December 4, 2002; to the Committee on Finance.

EC–174. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''T.D. 9021—Loans From a Qualified Plan to Plan Participants and Beneficiaries'' received on December 4, 2002; to the Committee on Finance.

EC–175. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Composite method for loss discounting—Rev. Rul 2002–74'' received on December 4, 2002; to the Committee on Finance.

EC–176. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Application of Inherent Reasonableness to all Medicare Part B Services (other than Physical Services)(CMS–1908–F)'' received on December 12, 2002; to the Committee on Finance

EC–177. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''The State Children's Health Insurance Program; a Summary Evaluation of States' Early Experience with SCHIP'' received on December 2, 2002; to the Committee on Finance.

EC–178. A communication from the Assistant Secretary of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Liability for Insurance Premium Excise Tax'' received on December 2, 2002; to the Committee on Finance.

EC–179. A communication from the Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the second annual report of the Task Force on the Prohibition of Importation of Products of Forced or Prison Labor, received on December 12, 2002; to the Committee on Finance.

EC–180. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of Treasury, the report of a rule entitled ''Yadkin Valley Viticultural Area (2001R–88P)'' received on December 12, 2002; to the Committee on Finance.

EC–181. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, the Semi-annual Report of the Inspector General of the U.S. International Trade Commission for the period April 1, 2002 through September 30, 2002; to the Committee on Finance.

EC–182. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, agreements relative to treaties entered into by the United States under the Case-Zablocki Act; to the Committee on Foreign Relations.

EC–183. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to

law, the fiftieth report on the extent and disposition of the United States contributions to international organizations; to the Committee on Foreign Relations.

EC–184. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the report entitled ''Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agent Registration Act of 1938, as amended for the six months ending June 30, 2002'' received on December 6, 2002; to the Committee on Foreign Relations.

EC–185. A communication from the Deputy Congressional Liaison, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled ''Regulations W—Transactions Between Member Banks and Their Affiliates'' received on December 2, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–186. A communication from the Deputy Secretary, Division of Investment Management, Office of Investment Advisor Regulations, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Exemption for Certain Investment Advisors Operating Through the Internet'' received on December 17, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–187. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Semiannual Report to Congress by the Board's Inspector General, to the Committee on Banking, Housing, and Urban Affairs.

EC–188. A communication from the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report entitled ''Stimulating Smarter Regulations: 2002 Report to Congress on the Costs and Benefits of the Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities'' received on December 20, 2002; to the Committee on Governmental Affairs.

EC–189. A communication from the Chairman, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of rule entitled ''Disclaimers, Fraudulent Solicitations, Civil Penalties, and Personal use of Campaign Funds'' received on December 10, 2002; to the Committee on Rules and Administration.

EC–190. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administratior, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans, State of Utah; Utah County PM10, State Implementation Plan Revisions'' received on December 20, 2002; to the Committee on Environment and Public Works.

EC–191. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia: Reorganization of and Revisions to Administrative and General Conformity Provisions; Documents Incorporated by Reference; Recodification of Existing SIP Provisions'' received on December 20, 2002; to the Committee on Environment and Public Works.

EC–192. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Air Quality Standard, Particulate Matter'' received on December 20, 2002; to the Committee on Environment and Public Works.

EC–193. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Pollutant Discharge Elimination System Permit Regulations and Effluent Limitations Guidelines and Standards for Concentrated Animal Feeding Operations (CAFOs)'' received on December 20, 2002; to the Committee on Environment and Public Works.

EC–194. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Additional Reconsideration of Petition Criteria and Incorporation of Montreal Protocol Decisions'' received on December 20, 2002; to the Committee on Environment and Public Works.

EC–195. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans for Kentucky: Air Permit Regulations'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–196. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions top North Carolina State Implementation Plan: Transportation Conformity Rule and Interagency Memorandum of Agreements'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–197. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; North Carolina: Nitrogen Oxides Budget and Allowance Trading Program'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–198. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Pollutants Discharge Elimination System—Amendment of Final Regulations Addressing Cooling Water Intake Structures for New Facilities'' received on January 2, 2002; to the Committee on Environmental and Public Works.

EC–199. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–200. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Ambient Air Quality Standards for Ozone: Final Response to Remand'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–201. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–202. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2003'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–203. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Allowance System for Controlling HCFC Production, Import and Export'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–204. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NRS): Baseline Emissions Determination, Actual-to-Future-actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–205. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Innovations: Pilot-Specific Rule for Electronic Materials in the EPA Region III Mid-Atlantic States; Hazardous Waste Management System; Modification of the Hazardous Waste Program; Cathode Ray Tubes'' received on January 2, 2002; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES RECEIVED DURING SINE DIE ADJOURNMENT

Under the authority of the order of the Senate of November 15, 2002, the following reports of committees were submitted on December 20, 2002:

By Mr. GRAHAM, from the Committee on Intelligence:

Special Report entitled ''Joint Inquiry into Intelligence Community Before and After the Terrorist Attacks of September 11, 2001'' (Rept. No. 107–351). Additional Views filed. Printing will occur following declassification of classified portions.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BIDEN, Mr. LEAHY, Mr. LEVIN, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. AKAKA, Mrs. MURRAY, Mr. DURBIN, Mr. SCHUMER, Mrs. CLINTON, Mr. CORZINE, Ms. STABENOW, Mr. JEFFORDS, and Mr. REID):

S. 6. A bill to enhance homeland security and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. ROCKEFELLER, Ms. STABENOW, Mr. SCHUMER, Mr. KENNEDY, Mrs. CLINTON, Mr. AKAKA, Mr. CORZINE, Mr. DURBIN, Ms. MIKULSKI, Mr. LEAHY, Mr. LEVIN, Mr. JOHNSON, Mr. REED, Mr. SARBANES, Mr. DAYTON, Mr. LAUTENBERG, and Mr. REID):

S. 7. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program and to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mrs. MURRAY, Ms. MIKULSKI, Mr. DODD, Mr. BREAUX, Mr. JOHNSON, Mr. LEAHY, Mr. ROCKEFELLER, Mr. LEVIN, Mr. DURBIN, Mr. SARBANES, Mrs. CLINTON, Mr. AKAKA, Mr. SCHUMER, Mr. BIDEN, Ms. STABENOW, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, Mr. REID, and Mr. BAUCUS):

S. 8. A bill to encourage lifelong learning by investing in public schools and improving access to and affordability of higher education and job training; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BINGAMAN, Ms. MIKULSKI, Mr. DURBIN, Mrs. CLINTON, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. SCHUMER, Mr. DAYTON, and Mr. REID):

S. 9. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Ms. STABENOW, Mrs. CLINTON, Mr. SCHUMER, Mrs. MURRAY, Mr. CORZINE, Mr. DURBIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. LEVIN, Mr. ROCKEFELLER, Mr. AKAKA , Mr. JOHNSON, Mr. SARBANES, Mr. DAYTON, Mr. LAUTENBERG, Mr. LEAHY, Mr. REID, and Mr. PRYOR):

S. 10. A bill to protect consumers in managed care plans and other health coverage, to provide for parity with respect to mental health coverage, to reduce medical errors, and to increase the access of individuals to quality health care; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. KENNEDY, Mr. BIDEN, Mr. SCHUMER, Mr. DURBIN, Mr. EDWARDS, Mr. AKAKA, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. HARKIN, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SARBANES, Ms. STABENOW, Mr. LAUTENBERG, and Mr. REID):

S. 16. A bill to protect the civil rights of all Americans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. JEFFORDS, Mrs. FEINSTEIN, Mr. AKAKA, Mr. BIDEN, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. KENNEDY, Mr. LIEBERMAN, Mr. LEAHY, Mrs. MURRAY, Mr. SCHUMER, Mr. LAUTENBERG, and Mr. REID):

S. 17. A bill to initiate responsible Federal actions that will reduce the risks from global warming and climate change to the economy, the environment, and quality of life, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mrs. CLINTON, Mr. LEAHY, Mr. ROCKEFELLER, Mr. BINGAMAN, Mrs. MURRAY, Mr. LEVIN, Mr. DURBIN, Mr. SARBANES, Mr. AKAKA, Mr. SCHUMER, Mr. REED, Mr. JOHNSON, Mr. BIDEN, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, and Mr. REID):

S. 18. A bill to improve early learning opportunities and promote preparedness by increasing the availability of Head Start programs, to increase the availability and affordability of quality child care, to reduce child hunger and encourage healthy eating habits, to facilitate parental involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BIDEN, Mr. BREAUX, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DORGAN, Mr. DURBIN, Mr. HOLLINGS, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Mr. LEVIN, Mrs. MURRAY, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, and Ms. STABENOW):

S. 19. A bill to amend the Internal Revenue Code of 1986 and titles 10 and 38, United States Code, to improve benefits for members of the uniformed services and for veterans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. EDWARDS, Mrs. CLINTON, Mr. AKAKA, Mr. BAYH, Mr. BIDEN, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CORZINE, Mr. DAYTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. WYDEN, Mr. LAUTENBERG, Ms. LANDRIEU, Mrs. BOXER, and Mr. PRYOR):

S. 20. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. HARKIN, Mrs. CLINTON, Ms. MIKULSKI, Mr. SARBANES, Mr. LEVIN, Mr. HOLLINGS, Mr. SCHUMER, Mr. DORGAN, Mr. DURBIN, Mrs. MURRAY, Mr. DAYTON, Mr. JOHNSON, Mr. KERRY, Mrs. LINCOLN, Ms. CANTWELL, Mr. BAUCUS, Mr. EDWARDS, Ms. STABENOW, Mr. CONRAD, Mr. REID, Mr. BREAUX, and Ms. LANDRIEU):

S. 21. A bill to provide emergency disaster assistance to agricultural producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. BIDEN, Mr. KENNEDY, Mr. SCHUMER, Mr. DURBIN, Mrs. CLINTON, Mrs. MURRAY, Mr. DAYTON, Mr. CORZINE, and Mr. REED):

S. 22. A bill to enhance domestic security, and for other purposes; to the Committee on the Judiciary.

By Mr. FITZGERALD (for himself, Mrs. CLINTON, Mr. NICKLES, Ms. CANTWELL, Mr. SPECTER, Mr. KENNEDY, Ms. COLLINS, Mr. DASCHLE, Mr. GREGG, Mr. DURBIN, Mr. GRASSLEY, Mr. SARBANES, Mrs. BOXER, Mr. SCHUMER, Mr. BAUCUS, Mr. BAYH, Ms. MIKULSKI, Mrs. MURRAY, and Mr. NELSON of Florida):

S. 23. A bill to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends; considered and passed.

By Mrs. HUTCHISON:

S. 24. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income dividends received by individuals; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 25. A bill to amend the Internal Revenue Code of 1986 to provide that dividend income of individuals not be taxed at rates in excess of the maximum capital gains rate; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 26. A bill to amend the Internal Revenue Code of 1986 to provide that dividend and interest income of individuals not be taxed at rates in excess of the maximum capital gains rate; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. JOHNSON, Mr. ENZI, and Mr. HARKIN):

S. 27. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Nebraska:

S. 28. A bill to amend the provisions of the Homeland Security Act of 2002 relating to the establishment of university-based centers for homeland security; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DAYTON:

S. 29. A bill to amend the Homeland Security Act of 2002 (Public Law 107–296) to provide that waivers of certain prohibitions on contracts with corporate expatriates shall apply only if the waiver is required in the interest of national security; to the Committee on Governmental Affairs.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 30. A bill to redesignate the Colonnade Center in Denver, Colorado, as the ''Cesar E. Chavez Memorial Building''; to the Committee on Environment and Public Works.

By Mr. CRAIG:

S. 31. A bill for the relief of Benjamin M. Banfro; to the Committee on the Judiciary.

By Mr. KYL (for himself, Mr. DOMENICI, Mr. ALLARD, Mr. CAMPBELL, and Mr. BINGAMAN):

S. 32. A bill to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems of the interior West; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN:

S. 33. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of

certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. LINCOLN:

S. 34. A bill to amend the Internal Revenue Code of 1986 to provide for the immediate and permanent repeal of the estate tax on family-owned businesses and farms, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mrs. CLINTON, Ms. CANTWELL, Mr. BAUCUS, Mr. SMITH, Mr. DURBIN, Mr. SARBANES, Mr. REED, Mrs. BOXER, Mrs. MURRAY, Mr. BAYH, Ms. MIKULSKI, and Mr. NELSON of Florida):

S. 35. A bill to provide economic security for America's workers; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Ms. COLLINS, and Mr. KOHL):

S. 36. A bill to amend title XVIII of the Social Security Act to eliminate the geographic physician work adjustment factor from the geographic indices used to adjust payments under the physician fee schedule, to provide incentives necessary to attract educators and clinical practitioners to underserved areas, and to revise the area wage adjustment applicable under the prospective payment system for skilled nursing facilities; to the Committee on Finance.

By Mr. McCONNELL (for himself and Mr. BUNNING):

S. 37. A bill to amend title II of the Social Security Act to permit Kentucky to operate a separate retirement system for certain public employees; to the Committee on Finance.

By Mr. VOINOVICH:

S. 38. A bill to designate the Federal building and United States courthouse located at 10 East Commerce Street in Youngstown, Ohio, as the ''Nathaniel R. Jones Federal Building and United States Courthouse; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 39. A bill to promote the development of health care cooperatives that will help businesses to pool the health care purchasing power of employers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself and Mr. JEFFORDS):

S. 40. A bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LIEBERMAN (for himself and Mr. DASCHLE):

S. 41. A bill to strike certain provisions of the Homeland Security Act of 2002 (Public Law 107-296), and for other purposes; to the Committee on Governmental Affairs.

By Mr. FEINGOLD:

S. 42. A bill to amend the Agricultural Adjustment Act to prohibit the Secretary of Agriculture from basing minimum prices for Class I milk on the distance or transportation costs from any location that is not within a marketing area, except under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD:

S. 43. A bill to allow modified bloc voting by cooperative associations of milk producers in connection with a referendum on Federal Milk Marketing Order reform; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD (for himself and Ms. CANTWELL):

S. 44. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 45. A bill to make changes to the Office for State and Local Government Coordination, Department of Homeland Security; to the Committee on Governmental Affairs.

By Mr. CRAIG:

S. 46. A bill for the relief of Robert Bancroft of Hayden Lake, Idaho, to permit the payment of backpay for overtime incurred in missions flown with the Drug Enforcement Agency; to the Committee on Governmental Affairs.

By Mr. FEINGOLD (for himself, Mr. KOHL, and Mr. WYDEN):

S. 47. A bill to terminate operation of the Extremely Low Frequency Communication System of the Navy; to the Committee on Armed Services.

By Mr. FEINGOLD:

S. 48. A bill to repeal the provisions of law that provides automatic pay adjustments for Members of Congress; to the Committee on Governmental Affairs.

By Mr. FEINGOLD:

S. 49. A bill to reduce the deficit of the United States; to the Committee on Energy and Natural Resources.

By Mr. JOHNSON (for himself, Ms. COLLINS, Mr. REID, Mr. INOUYE, Mr. DORGAN, Mr. HARKIN, Mr. KERRY, Mr. DASCHLE, and Mr. BAUCUS):

S. 50. A bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JOHNSON:

S. 51. A bill to provide access and choice for use of generic drugs instead of nongeneric drugs under Federal health care programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN:

S. 52. A bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself and Mrs. CLINTON):

S. 53. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for employee health insurance expenses paid or incurred by the employer; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. MCCAIN, Mr. EDWARDS, Ms. COLLINS, Mr. KENNEDY, Mr. MILLER, Mr. JOHNSON, Mrs. CLINTON, Mr. KOHL, Mr. FEINGOLD, Ms. STABENOW, Mr. DASCHLE, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. LEAHY, Mr. REED, Mr. PRYOR, Mr. DURBIN, and Mr. DORGAN):

S. 54. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself and Ms. COLLINS):

S. 55. A bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JOHNSON:

S. 56. A bill to restore health care coverage to retired members of the uniformed services; to the Committee on Armed Services.

By Mr. INOUYE:

S. 57. A bill for the relief of Donald C. Pence; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 58. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for the conversion of cooperative housing corporations into condominiums; to the Committee on Finance.

By Mr. INOUYE:

S. 59. A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

By Mr. INOUYE:

S. 60. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores; to the Committee on Armed Services.

By Mr. INOUYE:

S. 61. A bill to amend title VII of the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 62. A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician; to the Committee on Finance.

By Mr. INOUYE:

S. 63. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State medicaid programs; to the Committee on Finance.

By Mr. INOUYE:

S. 64. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the medicare program; to the Committee on Finance.

By Mr. INOUYE:

S. 65. A bill to amend title VII of the Public Health Service Act to establish a psychology post-doctoral fellowship program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 66. A bill to amend title 5, United States Code, to require the issuance of a prisoner-of-war medal to civilian employees of the Federal Government who are forcibly detained or interned by an enemy government or a hostile force under wartime conditions; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 67. A bill for the relief of Jim K. Yoshida; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 68. A bill to amend title 38, United States Code, to improve benefits for Filipino

veterans of World War II, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 69. A bill to require the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 70. A bill to restore the traditional day of observance of Memorial Day, and for other purposes; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 71. A bill for the relief of Ricke Kaname Fujino of Honolulu, Hawaii; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 72. A bill to provide for a special application of section 1034 of the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. INOUYE:

S. 73. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 74. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible to participate in various health professionals loan program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 75. A bill to amend the Public Health Service Act to provide health care practitioners in rural areas with training in preventive health care, including both physical and mental care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. AKAKA, Ms. CANTWELL, Mr. DURBIN, Mr. FEINGOLD, Mr. KENNEDY, Ms. LANDRIEU, Mr. LEVIN, Mr. SARBANES, Mrs. CLINTON, Mr. DODD, Mr. JOHNSON, Mr. LEAHY, Mrs. MURRAY, Mr. REID, Mr. SCHUMER, Mr. BINGAMAN, and Mr. BREAUX):

S. 76. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 77. A bill to amend title VII of the Public Health Service Act to ensure that social work students or social work schools are eligible for support under the certain programs to assist individuals in pursuing health careers and programs of grants for training projects in geriatrics, and to establish a social work training program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 78. A bill to amend title 38, United States Code, to revise certain provisions relating to the appointment of professional psychologists in the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 79. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect, to be conducted by a clinical social worker; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 80. A bill to recognize the organization known as the National Academies of Practice; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 81. A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to conduct evaluations to determine work-related emotional and mental illnesses; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 82. A bill to amend the Internal Revenue Code of 1986 to exempt certain helicopter uses from ticket taxes on transportation by air; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. DASCHLE, Mr. BAYH, Mr. KOHL, and Mr. INHOFE):

S. 83. A bill to expand aviation capacity in the Chicago area, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR:

S. 84. A bill to authorize the President to promote posthumously the late Raymond Ames Spruance to the grade of Fleet Admiral of the United States Navy, and for other purposes; to the Committee on Armed Services.

By Mr. LUGAR:

S. 85. A bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. DURBIN):

S. 86. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the health insurance expenses of small businesses; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. DURBIN, Mr. CORZINE, Mrs. BOXER, Mr. SCHUMER, Mrs. FEINSTEIN, and Ms. STABENOW):

S. 87. A bill to provide for homeland security block grants; to the Committee on Governmental Affairs.

By Mr. HOLLINGS:

S. 88. A bill to amend the Internal Revenue Code of 1986 to suspend future reductions of income tax rates if the Social Security surpluses are used to fund such tax rate cuts; to the Committee on Finance.

By Mr. HOLLINGS:

S. 89. A bill to provide for the common defense by requiring that all young persons in the United States, including women, perform a period of military service or a period of civilian service in furtherance of the national defense and homeland security, and for other purposes; to the Committee on Armed Services.

By Mr. GREGG (for himself and Mr. FEINGOLD):

S. 90. A bill to extend certain budgetary enforcement to maintain fiscal accountability and responsibility; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. GRASSLEY (for himself, Mr. FEINGOLD, Mr. ENZI, and Mr. HARKIN):

S. 91. A bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

By Mrs. LINCOLN:

S. 92. A bill to accelerate and make permanent the child tax credit; to the Committee on Finance.

By Mr. INOUYE:

S. 93. A bill for the relief of Sung Jun Oh; to the Committee on the Judiciary.

By Mrs. LINCOLN:

S. 94. A bill to accelerate and make permanent the 10 percent tax bracket; to the Committee on Finance.

By Mrs. LINCOLN:

S. 95. A bill to make permanent the pension and individual retirement arrangement provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001; to the Committee on Finance.

By Mr. KYL:

S. 96. A bill to repeal the sunset of the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001, and for other purposes; to the Committee on Finance.

By Mr. INOUYE:

S. 97. A bill to treat certain hospital support organizations as qualified organizations for purposes of determining acquisition indebtedness; to the Committee on Finance.

By Mr. ALLARD (for himself, Mrs. CLINTON, Mr. SHELBY, Mr. FEINGOLD, Mr. BURNS, Mr. SESSIONS, Mr. HARKIN, and Mr. CORZINE):

S. 98. A bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HOLLINGS:

S. 99. A bill for the relief of Jaya Gulab Tolani and Hitesh Gulab Tolani; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 100. A bill to expand access to affordable health care and to strengthen the health care safety net and make health care services more available in rural and underserved areas; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 101. A bill to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003; to the Committee on Governmental Affairs.

By Mrs. LINCOLN:

S. 102. A bill to make permanent the increase in the alternative minimum tax exemption; to the Committee on Finance.

By Mr. NICKLES:

S. 103. A bill for the relief of Lindita Idrizi Heath; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. BAYH, Mr. BIDEN, Mrs. BOXER, Mr. BREAUX, Mr. BURNS, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Ms. COLLINS, Mr. CORZINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Ms. MIKULSKI, Mr. MILLER, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, and Mr. STEVENS):

S. 104. A bill to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself, Mr. DASCHLE, Mrs. BOXER, Mr. LEVIN, Mr. LEAHY, Ms. LANDRIEU, Mr. DODD, Mr. DAYTON, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 105. A bill to repeal certain provisions of the Homeland Security Act (Public Law 107–

296) relating to liability with respect to certain vaccines; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL (for himself and Mrs. FEINSTEIN):

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

By Mr. CRAIG:

S.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget and protect Social Security surpluses; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST:

S. Res. 1. A resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

By Mr. FRIST:

S. Res. 2. A resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. FRIST:

S. Res. 3. A resolution to elect TED STEVENS, a Senator from the State of Alaska, to be President pro tempore of the Senate of the United States; considered and agreed to.

By Mr. FRIST:

S. Res. 4. A resolution notifying the President of the United States of the election of a President pro tempore; considered and agreed to.

By Mr. FRIST:

S. Res. 5. A resolution notifying the House of Representatives of the election of a President pro tempore of the Senate; considered and agreed to.

By Mr. FRIST:

S. Res. 6. A resolution fixing the hour of daily meeting of the Senate; considered and agreed to.

By Mr. FRIST:

S. Res. 7. A resolution electing Emily J. Reynolds of Tennessee as Secretary of the Senate; considered and agreed to.

By Mr. FRIST:

S. Res. 8. A resolution notifying the President of the United States of the election of a Secretary of the Senate; considered and agreed to.

By Mr. FRIST:

S. Res. 9. A resolution notifying the House of Representatives of the election of a Secretary of the Senate; considered and agreed to.

By Mr. FRIST:

S. Res. 10. A resolution electing David J. Schiappa of Maryland as Secretary for the Majority of the Senate; considered and agreed to.

By Mr. DASCHLE:

S. Res. 11. A resolution electing Martin P. Paone as Secretary for the Minority of the Senate; considered and agreed to.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 12. A resolution to make effective reappointment of Senate Legal Counsel; considered and agreed to.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 13. A resolution to make effective reappointment of Deputy Senate Legal Counsel; considered and agreed to.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. Res. 14. A resolution commending the Ohio State University Buckeyes football team for winning the 2002 NCAA Division 1–A collegiate national football championship; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BIDEN, Mr. LEAHY, Mr. LEVIN, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. AKAKA, Mrs. MURRAY, Mr. DURBIN, Mr. SCHUMER, Mrs. CLINTON, Mr. CORZINE, Ms. STABENOW, Mr. JEFFORDS, and Mr. REID):

S. 6. A bill to enhance homeland security and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. ROCKEFELLER, Ms. STABENOW, Mr. SCHUMER, Mr. KENNEDY, Mrs. CLINTON, Mr. AKAKA, Mr. CORZINE, Mr. DURBIN, Ms. MIKULSKI, Mr. LEAHY, Mr. LEVIN, Mr. JOHNSON, Mr. REED, Mr. SARBANES, Mr. DAYTON, Mr. LAUTENBERG, and Mr. REID):

S. 7. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program and to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mrs. MURRAY, Ms. MIKULSKI, Mr. DODD, Mr. BREAUX, Mr. JOHNSON, Mr. LEAHY, Mr. ROCKEFELLER, Mr. LEVIN, Mr. DURBIN, Mr. SARBANES, Mrs. CLINTON, Mr. AKAKA, Mr. SCHUMER, Mr. BIDEN, Ms. STABENOW, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, Mr. REID, and Mr. BAUCUS):

S. 8. A bill to encourage lifelong learning by investing in public schools and improving access to and affordability of higher education and job training; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BINGAMAN, Ms. MIKULSKI, Mr. HARKIN, Mrs. CLINTON, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. SCHUMER, Mr. DAYTON, and Mr. REID):

S. 9. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Ms. STABENOW, Mrs. CLINTON, Mr. SCHUMER, Mrs. MURRAY, Mr. CORZINE, Mr. DURBIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. LEVIN, Mr. ROCKEFELLER, Mr. AKAKA, Mr. JOHNSON, Mr. SARBANES, Mr. DAYTON, Mr. LAUTENBERG, Mr. LEAHY, Mr. REID, and Mr. PRYOR):

S. 10. A bill to protect consumers in managed care plans and other health coverage, to provide for parity with respect to mental health coverage, to reduce medical errors, and to increase the access of individuals to quality health care; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. KENNEDY, Mr. BIDEN, Mr. SCHUMER, Mr. DURBIN, Mr. EDWARDS, Mr. AKAKA, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. HARKIN, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SARBANES, Ms. STABENOW, Mr. LAUTENBERG, and Mr. REID):

S. 16. A bill to protect the civil rights of all Americans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. JEFFORDS, Mrs. FEINSTEIN, Mr. AKAKA, Mr. BIDEN, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. KENNEDY, Mr. LIEBERMAN, Mr. LEAHY, Mrs. MURRAY, Mr. SCHUMER, Mr. LAUTENBERG, and Mr. REID):

S. 17. A bill to initiate responsible Federal actions that will reduce the risks from global warming and climate change to the economy, the environment, and quality of life, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mrs. CLINTON, Mr. LEAHY, Mr. ROCKEFELLER, Mr. BINGAMAN, Mrs. MURRAY, Mr. LEVIN, Mr. DURBIN, Mr. SARBANES, Mr. AKAKA, Mr. SCHUMER, Mr. REED, Mr. JOHNSON, Mr. BIDEN, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, and Mr. REID):

S. 18. A bill to improve early learning opportunities and promote preparedness by increasing the availability of Head Start programs, to increase the availability and affordability of quality child care, to reduce child hunger and encourage healthy eating habits, to facilitate parental involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BIDEN, Mr. BREAUX, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DORGAN, Mr. DURBIN, Mr. HOLLINGS, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Mr. LEVIN, Mrs. MURRAY, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, and Ms. STABENOW):

S. 19. A bill to amend the Internal Revenue Code of 1986 and titles 10 and 38, United States Code, to improve benefits for members of the uniformed services and for veterans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. EDWARDS, Mrs. CLINTON, Mr. AKAKA, Mr. BAYH, Mr. BIDEN, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CORZINE, Mr. DAYTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. WYDEN, Mr. LAUTENBERG, Ms. LANDRIEU, Mrs. BOXER, and Mr. PRYOR):

S. 20. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; to the Committee on Health, Education, Labor, and Pensions.

DEMOCRATIC LEADERSHIP PRIORITIES FOR THE 108TH CONGRESS

Mr. DASCHLE. Mr. President, officially, the Congress that ended in December was the 107th Congress. But history will almost surely record it as the September 11th Congress. From the moment the first plane hit the first tower until the last moments of the lameduck session, helping America recover from that horrific day, bringing its plotters to justice and making changes to protect America from future terrorist attacks dominated the Senate's agenda.

We continued that work—even as we confronted unprecedented challenges in the Senate: anthrax, the rise of new threats to our Nation, and the loss of our friend and colleague, Paul Wellstone.

Through tragic and historic events, the 107th Senate under Democratic control produced a number of important legislative accomplishments: aviation security and counterterrorism legislation; the toughest corporate accountability law since the SEC was created in 1934; the most far-reaching campaign finance reforms since Watergate; the most significant overhaul of Federal education policies since 1965; and a new farm bill to replace the failed Freedom to Farm Act.

However, other important legislation fell victim to special-interest arm-twisting, and the other party's unwillingness to compromise on their proposals, or even consider ours. We saw that on proposals to dedicate greater resources to homeland security, a Medicare prescription drug benefit, and a real, enforceable patients' bill of rights.

The proposals we are introducing today recognize that the American people have real concerns about their security, and that Republicans and the Bush administration have not done enough to address those concerns.

But they also recognize that security means more than national security, and homeland security. It means economic security, retirement security, and the security of knowing that our children are getting a good education, and that, if you get sick, health care is available and affordable.

It means giving people who work fulltime the security of knowing they can earn a decent wage—whether they work on a farm, in a factory, or at a fast-food restaurant. It is the security of knowing that our air is safe to breathe and our water is safe to drink, that America is living up to its commitment to civil rights, and that we are keeping our promises to our veterans.

Democrats are committed to tackling terrorism abroad, and making our country more secure.

One of our first priorities will be to make Americans safer by enhancing protections for our ports, borders, food and water supplies, and chemical and nuclear plants.

We are introducing a bill to commit real resources to doing all of those things, and to hiring more police and first responders and providing them the tools and training to do the difficult jobs we are now asking them to do.

We also recognize that national strength also depends on economic strength, and in the last 2 years, America's economy has weakened. In the coming weeks, we will put forward our ideas for how best to stimulate the economy in the short term.

But, in the long term, one of the most important things we can do is give people greater confidence that their private pensions will be there for them. That is why another of our leadership bills is one to strengthen pension protections, expand pension coverage, and crack down on rogue corporations.

It has been said that almost every problem any society faces can be solved with two things: good health, and a good education—and we have bills in each of those areas.

The Right Start for Children Act makes Head Start fully available for 4- and 5-year-olds, and increases availability for infants and toddlers. It will help improve childcare quality, make childcare more affordable for 1 million additional children, and strengthen child nutrition programs to reduce child hunger.

The Educational Excellence for All Learners Act builds on that foundation by improving education every step of the way—from kindergarten, to college, to lifelong learning. It makes sure that we match the real reforms we passed last year with the real resources they demand. It will help us recruit, hire, and train qualified teachers, build new schools, and make college and job training more affordable and more available.

President Bush pledged to leave no child behind, and then proposed more than a billion dollars of education cuts. We are proposing to put our money where the Republicans' mouths are—and help secure a good start, a good education, and good prospects for all Americans.

When it comes to health care, it was an outrage that 40 million Americans were uninsured 2 years ago. In the past year, over 1 million more Americans have lost health insurance. And those who are lucky enough to have health insurance are seeing their premiums skyrocket.

With the Health Care Coverage Expansion and Quality Improvement Act, we hope to reduce the number of uninsured by making health care coverage more available to small businesses, parents of children eligible for CHIP and Medicaid, pregnant women, and others.

We also want to improve the quality of care people receive by overcoming Republican resistance to a real, enforceable, patients' bill of rights.

We will also insist that mental illness be treated like any other illness—something that will not only honor Paul Wellstone's legacy, but also help millions of families.

We are also committed to passing a prescription drug benefit under Medicare, and lowering the price of prescription drugs for all Americans. Last year, we passed a bill to lower the price of generic drugs, but the House refused to take it up. And we had 52 Senators support our Medicare prescription drug benefit—but it was blocked on a procedural motion.

The high cost of prescription drugs—combined with the increasing need for such drugs—is destroying the life savings—and threatening the dignity—of millions of older Americans. And that is simply unacceptable.

A couple of months ago in elections all across the country, and in words spoken here in the Senate, we have seen that when it comes to protecting equal rights, we still have a lot of work to do in changing hearts, minds, and laws.

That is why we are introducing The Equal Rights and Equal Dignity for

Americans Act. This bill will enforce employment nondiscrimination, fund the election-reform measures we passed last year, outlaw hate crimes, and take other steps to see that as a nation, we live up to the promise of equal rights.

I hope those Republicans who have recently expressed their support for civil rights will join us in expressing their support for this legislation. I also hope they will join us in supporting our bill to combat drug and gun violence, to crack down on new crimes like identity theft, and to protect against and prevent crimes against children and seniors.

We also need to ensure greater dignity for our minimum wage workers, our farmers, and our veterans. The purchasing power of the minimum wage is now the lowest it has been in more than 30 years. And a full-time minimum wage income won't get you over the poverty line. If we can afford over a trillion dollars in tax cuts for those at the top of the income scale, we can afford a dollar fifty more an hour for those at the bottom.

We need to help our rural economy, and help those impacted by a drought and other natural disasters that are being called among the costliest for agricultural producers in our Nation's history.

And we need to maintain our commitment to those currently serving, and keep our promises to our veterans. One way we do that is by allowing our wounded veterans to receive both their full disability and retirement benefits. Another way is by addressing the current crisis in veterans' health care. With each of these proposals—we stand with the leading veterans organizations, and for those who served our country.

Finally, we are committed to stopping what is adding up to an all-out assault on our environment. By unilaterally abandoning the Kyoto process, the Bush administration took us out of position to lead the world on the issue of climate change. The Global Climate Security Act will help America reassert our position of world leadership on this vital issue of world health.

Each of these things is relevant, not revolutionary. If they seem familiar, it is because most of what is in them has been introduced before.

But they are not law, despite the support of the American people and, in some cases, a bipartisan majority of Senators.

They have been opposed by an extreme few, and their special interest supporters. And while those bills have languished, we have seen the rise of more threats to our country; more people have lost their jobs and their health care; and more of our national challenges have gone unmet.

These are our priorities. In the last couple of days, the President has made clear his priorities—more tax cuts for those who need them least.

The President's plan won't help middle income families. It won't contribute to economic growth; it won't make our homeland more secure; it won't expand educational opportunity for the young, or strengthen health care for the elderly.

Instead—by putting us deeper into deficit and debt—it makes all of these things, and all of our other goals, harder to achieve.

Our bills will help us create an America that is stronger, safer, and better for all Americans—and I hope my colleagues will join me in supporting them.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. BIDEN, Mr. KENNEDY, Mr. SCHUMER, Mr. DURBIN, Mrs. CLINTON, Mrs. MURRAY, Mr. DAYTON, Mr. CORZINE, and Mr. REED):

S. 22. A bill to enhance domestic security, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased today to join Senator DASCHLE and other Democratic Senators in introducing the Justice Enhancement and Domestic Security Act of 2003. This comprehensive crime bill builds on prior Democratic crime initiatives, including the landmark Violent Crime Control and Law Enforcement Act of 1994, that worked to bring the crime rate down.

This year marked an unfortunate turn after a decade of remarkable declines in the Nation's crime rate. The decade of progress we made under the leadership of a Democratic President helped revitalize our cities and restore a sense of security for millions of Americans. According to the latest FBI report, however, the number of murders, rapes, robberies, assaults, and property crimes is up across the United States in all regions of the country except the Northeast, the first year-to-year increase since 1991. This upswing has been fueled by the faltering economy and high unemployment rates. The President's ill-conceived tax cut in 2001, along with the new cuts he proposes now, are likely to exacerbate these economic woes by plunging us deeper into deficit spending.

It is troubling that, at this crucial moment, the Bush Administration is proposing to reduce by nearly 80 percent the Community Oriented Policing Services, COPS, program that has helped to put 115,000 new police officers on the beat since 1994. I believe that we must fight to maintain and extend the COPS program, which has proven its value in increasing the security of our cities, towns, and neighborhoods.

The Justice Enhancement and Domestic Security Act is designed to get our Nation's crime rates moving downward, in the right direction, again. It also aims to bolster our security against terrorists, and to improve the administration of justice throughout the country.

This bill shows the way to making Americans safer. That objective will not be achieved by partisan posturing, ''tough on crime'' rhetoric, and a few executions. It will be achieved by giving law enforcement the tools they need to do their job, focusing on both immediate and long-term threats we face, and protecting the most vulnerable in our society.

Most importantly, we should not divert all our attention to fighting foreign terrorism and foreign wars only to discover that the safety of Americans at home is jeopardized by losing the fight on crime. Unfortunately, the rising crime rate shows the risk of not paying attention to the domestic crime issue. The safety of our schools, homes, streets, neighborhoods and communities cannot become a casualty of the economic downturn and our international engagements.

Among other things, the bill does the following: Provides $12 billion over three years to support public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism. Increases border security by authorizing funds for additional INS personnel and technology. Provides statutory authority for the President to use military tribunals to try suspected terrorists in appropriate circumstances. Targets crime against the most vulnerable members of our society: children and senior citizens. Combats the insidious crime of identity theft. Provides enhanced rights and protections for crime victims. Extends the COPS program and authorizes law enforcement improvement and training grants for rural communities. Increases funding to reduce the backlog of untested DNA evidence in the Nation's crime labs. Proposes important reforms to FBI policies on whistleblowers and other issues critical to our security. Cracks down on war criminals from other nations seeking sanctuary in the United States. Protects against the execution of innocent individuals.

In sum, the bill represents an important next step in the continuing effort by Senate Democrats to enhance homeland security and to enact tough yet balanced reforms to our criminal justice system.

I should note that the bill contains no new death penalties and no new or increased mandatory minimum sentences. We can be tough without imposing the death penalty, and we can ensure swift and certain punishment without removing all discretion from the judge at sentencing.

As we provide the necessary tools for Federal law enforcement officials to protect our homeland security, we must remember that State and local

law enforcement officers, firefighters and emergency personnel are our full partners in preventing, investigating and responding to criminal and terrorist acts.

As a former State prosecutor, I know that public safety officers are often the first responders to a crime. On September 11, the Nation saw that the first on the scene were the heroic firefighters, police officers and emergency personnel in New York City. These real-life heroes, many of whom gave the ultimate sacrifice, remind us of how important it is to support our State and local public safety partners.

Subtitle A of title I of the Justice Enhancement and Domestic Security Act establishes a First Responders Partnership Grant program, which will provide $4 billion in annual grants for each of the next three years to support our State and local law enforcement officers in the war against terrorism. First Responder Grants will be made directly to State and local governments and Indian tribes for equipment, training and facilities to support public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism. Grants may be used to pay up to 90 percent of the cost of the equipment, training or facility, and each State will be guaranteed a fair minimum amount. This is essential Federal support that our State and local public safety officers need and deserve.

Our State and local public safety law enforcement partners welcome the challenge to join in our national mission to protect our homeland security. But we cannot ask State and local law enforcement officers, firefighters and emergency personnel to assume these new national responsibilities without also providing new Federal support. The First Responders Partnership Grants will provide the necessary Federal support for our State and public safety officers to serve as full partners in our fight to protect homeland security and respond to acts of terrorism.

BORDER SECURITY

Subtitle B of title I provides for additional increases in INS personnel and improvements in INS technology to guard our borders. Just in the last few weeks, we have seen reports suggesting that numerous aliens crossed our Northern border illegally with the intention of planning terrorist acts. Through the USA PATRIOT Act and the Enhanced Border Security and Visa Reform Act, we have attempted to bolster our borders by creating additional positions. But our work is not done. This legislation would authorize such sums as may be necessary for the INS to hire an additional 250 inspectors and associated support staff, and an additional 250 investigative staff and associated support staff, during each fiscal year through FY2007. It would also authorize $250 million to the INS for the purposes of making improvements in technology for improving border security and facilitating the flow of commerce and persons at ports of entry, including improving and expanding programs for preenrollment and preclearance. Finally, this subtitle requires the Attorney General to report to Congress about the Department's implementation of the border improvements we have already legislated, and about his recommendations for any additional improvements.

MILITARY TRIBUNAL AUTHORIZATION ACT

On November 13, 2001, President Bush signed a military order authorizing the use of military commissions to try suspected terrorists. This order stimulated an important national debate and led to a series of Judiciary Committee hearings with the Attorney General and others to discuss the many legal, constitutional, and policy questions raised by the use of such tribunals. Our hearings, and the continued public discourse, helped to clarify the scope of the President's order and better define the terms of the debate.

Administration officials have taken the position that the President does not need the sanction of Congress to convene military commissions, but I disagree. Military tribunals may be appropriate under certain circumstances, but only if they are backed by specific congressional authorization. At a minimum, as the distinguished senior senator from Pennsylvania stated on this floor on November 15, ''the executive will be immeasurably strengthened if the Congress backs the President.'' Clearly, our government is at its strongest when the executive and legislative branches of government act in concert.

Subtitle C of title I, the Military Tribunal Authorization Act of 2003 would provide the executive branch with the specific authorization it now lacks to use extraordinary tribunals to try members of the al Qaeda terrorist network and those who cooperated with them. Specifically, this legislation authorizes the use of ''extraordinary tribunals'' for al Qaeda members and for persons aiding and abetting al Qaeda in terrorist activities against the United States who are apprehended in, or fleeing from, Afghanistan. It also authorizes the use of tribunals for those al Qaeda members and abettors who are captured in any other place where there is armed conflict involving the U.S. Armed Forces.

The Military Tribunal Authorization Act defines the jurisdiction and procedure of tribunals in a way that ensures a ''full and fair'' trial for anyone detained. It incorporates basic due process guarantees, including the right to independent counsel. These procedures do not as some have claimed provide greater protections to suspected terrorists than we offer our own soldiers. These are rather, the very basic guarantees provided under various sources of international law. Finally, the bill comes down squarely on the side of transparency in government by providing that tribunal proceedings should be open and public, and include public availability of the transcripts of the trial and the pronouncement of judgment. Passage of authorizing legislation would ensure the constitutionality of military tribunals and protect any convictions they might yield, while at the same time showing the world that we will fight terrorists without sacrificing our principles.

Title I of our bill would also provide a new tool for law enforcement to deal with the problem of serious hoaxes and malicious false reports relating to the use of biological, chemical, nuclear, or other weapons of mass destruction. These so-called ''hoaxes'' inflict both mental and economic damage on victims. They drain away scarce law enforcement resources from the investigation of real terrorist activity. They interrupt vital communication facilities. Finally, they feed a public fear that the vast majority of law abiding Americans are working hard to dispel.

Federal, State, and local law enforcement already have statutes which they have been using aggressively to prosecute those who have taken advantage of these times to perpetrate hoaxes about anthrax contamination. Existing statutes create serious penalties for threats to use biological, chemical, or nuclear weapons, for sending any threatening communication through the mail, or for making a willful false statement of Federal authorities. Indeed, current Federal threat laws do not require that the defendant have either the intent or present ability to carry out a threat. However, while they carry high penalties, including a maximum of life imprisonment, these statutes can sometimes be awkward when applied in the hoax context.

The Justice Enhancement and Domestic Security Act provides a well-tailored statute that deals specifically with the problem of biological, chemical, nuclear and other mass destruction hoaxes. For instance, it gives prosecutors a means to distinguish between a person who is actually threatening to use anthrax on a victim, and a person who never intends to use it, but wants the victim or the police to think they have done so. Another provision provides for mandatory restitution to any victim of these crimes, including the costs of any and all government response to the hoax. An earlier Administration proposal, offered during the debate over the terrorism bill, would have limited such restitution to the Federal government. As we know all too well from recent events, however, it is State and local authorities, along with private victims, who are often the first responders and primary victims when these incidents occur. Our bill

provides a mechanism so that they, too, can be reimbursed for their expenses.

The second title of the Justice Enhancement and Domestic Security Act contains a several proposals aimed at protecting the most vulnerable members of our society: children and seniors.

First, part 1 of subtitle A would enhance the operation of the AMBER Alert communications network in order to aid the recovery of abducted children. It is disturbing to see on TV or in the newspapers photo after photo of missing children from every corner of the Nation. As the father of three Children, as well as a grandfather of two, I know that an abducted child is a parent's or grandparent's worst nightmare.

Unfortunately, it appears this nightmare occurs all too often. Indeed, the Justice Department estimates that the number of children taken by strangers annually is between 3,000 and 4,000. These parents and grandparents, as well as the precious children, deserve the assistance of the American people and helping hand of the Congress.

The AMBER Plan was created as a reaction to the kidnapping and brutal murder of 9-year-old Amber Hagerman of Arlington, Texas, By coordinating their efforts, law enforcement, emergency management and transportation agencies, radio and television stations, and cable systems have worked to develop an innovative early warning system to help find abducted children by broadcasting information including descriptions and pictures of the missing child, the suspected abductor, a suspected vehicle, and any other information available and valuable to identifying the child and suspect to the public as speedily as possible.

The AMBER Alert system's popularity has raced across the United States: since the original AMBER Plan was established in 1996, 55 modified versions have been adopted at local, regional, and statewide levels. Eighteen States have already implemented statewide plans. It is also a proven success: to date, the AMBER Plan has been credited with recovering 30 children.

The National AMBER Alert Network Act of 2003 directs the Attorney General, in cooperation with the Secretary of Transportation and the Chairman of the Federal Communications Commission, to appoint a Justice Department National AMBER Alert Coordinator to oversee the Alert's communication network for abducted children. The AMBER Alert Coordinator will work with States, broadcasters, and law enforcement agencies to set up AMBER plans, serve as a point of contact to supplement existing AMBER plans, and facilitate regional coordination of AMBER alerts. In addition, the AMBER Alert Coordinator will work with the FCC, local broadcasters, and local law enforcement agencies to establish minimum standards for the issuance of AMBER alerts and for the extent of their dissemination. In sum, our bill will help kidnap victims while preserving flexibility for the States in implementing the Alert system.

Because developing and enhancing the AMBER Alert system is a costly endeavor for States to take on alone, our bill establishes two Federal grant programs to share the burden. First, the bill creates a Federal grant program, under the direction of the Secretary of Transportation, for statewide notification and communications systems, including electronic message boards and road signs, along highways for alerts and other information regarding abducted children. Second, the bill establishes a grant program managed by the Attorney General for the support of AMBER Alert communications plans with law enforcement agencies and others in the community.

Similar legislation was proposed in the last Congress by Senators FEINSTEIN and HUTCHISON and approved by both the Senate Judiciary Committee and the full Senate by unanimous consent only one week after introduction. When the bill passed, it had garnered 41 cosponsors from both sides of the aisle. Unfortunately, despite our great efforts to have the bill passed on its own merits, the House failed to pass it as a stand-alone bill. Instead, it was included in a larger package of bills dubbed the Child Abduction Prevention Act, introduced by Judiciary Committee Chairman SENSENBRENNER. Most of the incorporated bills had passed the House but were stalled in the Senate due to controversial language.

Our Nation's children, parents, and grandparents deserve our help to stop the disturbing trend of child abductions. The AMBER Alert National Network Act ensures that our communications systems help rescue abducted children from kidnappers and return them safely to their families.

Subtitle A of title II also includes the Protecting Our Children Comes First Act of 2003, which would double funding for the National Center for Missing and Exploited Children, (NCMEC), reauthorize the Center through fiscal year 2006, and increase Federal support to help NCMEC programs find missing children.

As the Nation's top resource center for child protection, the NCMEC spearheads national efforts to locate and recover missing children and raises public awareness about ways to prevent child abduction, molestation, and sexual exploitation, As a national voice and advocate for those too young to vote or speak up for their own rights, the NCMEC works to make our children safer. The Center operates under a Congressional mandate and works in cooperation with the Justice Department's Office of Juvenile Justice and Delinquency Prevention in coordinating the efforts of law enforcement officers, social service agencies, elected officials, judges, prosecutors, educators, and the public and private sectors to break the cycle of violence that historically has perpetuated such needless crimes against children.

NCMEC professionals have disturbingly busy jobs, they have worked on more than 90,000 cases of missing and exploited children since its 1984 founding, helping to recover more than 66,000 children. The Center raised its recovery rate from 60 percent in the 1980s to 94 percent today. It set up a nationwide, toll free, 24-hour telephone hotline to take reports about missing children and clues that might lead to their recovery. It also manages a national Child Pornography Tipline to handle calls from individuals reporting the sexual exploitation of children through the production and distribution of pornography and a CyberTipline to process online leads from individuals reporting the sexual exploitation of children. It has taken the lead in circulating millions of photographs of missing children, and serves as a vital resource for the 17,000 law enforcement agencies located throughout the United States.

Today, the NCMEC is truly a national organization, with its headquarters in Alexandria, Virginia and branch offices in five other locations throughout the country to provide hands-on assistance to families of missing children and conduct an array of prevention and awareness programs. It has also grown into an international organization, establishing the International Division of the National Center for Missing and Exploited Children, which works to fulfill the Hague Convention on the Civil Aspects of International Child Abduction. The International Division provides assistance to parents, law enforcement, attorneys, nonprofit organizations, and other concerned individuals who are seeking assistance in preventing or resolving international child abductions.

The NCMEC manages to do all of this good work with only a $10 million annual grant, which expired at the end of fiscal year 2002. We should act now both to extend its authorization and increase the center's funding to $20 million each year through fiscal year 2006 so that it can continue to help keep children safe and families intact around the nation. There is so much more to be done to ensure the safety of our children, and this provision will help the Center in its efforts to prevent crimes that are committed against them.

The Protecting Our Children Comes First Act also increases Federal support of NCMEC programs to find missing children by allowing the U.S. Secret Service to provide forensic and investigative support to the NCMEC. In

addition, it facilitates information sharing by allowing Federal authorities to share the facts or circumstances of sexual exploitation crimes against children with State authorities without a court order, and by allowing the NCMEC to make reports directly to State and local law enforcement officials instead of only through Federal agencies.

I applaud the ongoing work of the NCMEC and hope both the Senate and the House of Representatives will support this effort to provide more Federal support for the Center to continue to find missing children and protect exploited children across the country.

Finally, subtitle A of title II addresses the problems caused by housing juveniles who are prosecuted in the criminal justice system in adult correctional facilities. It assists the States in providing safe conditions for their confinement and appropriate access to educational, vocational, and health programs. Improving conditions for juveniles today will improve the public safety in the future, as juveniles who are not exposed to adult inmates have a lower likelihood of committing future crimes.

As a Nation, we increasingly rely on adult facilities to house juveniles. Nearly all of our States house juveniles in adult jails and prisons, and only half maintain designated youthful offender housing units. I believe that there is a will in the States to improve conditions for these juveniles, but resources are often lacking. The Federal Government can play a useful role by providing funding to States that want to take account of the differences between juveniles and adults.

Although many juvenile offenders serving time in adult prisons have committed extraordinarily serious offenses, others are there because of relatively minor crimes and will be released at a young age. Certainly, many of these juveniles can be convinced not to commit further crimes. The social and moral cost of not making that attempt is simply incalculable.

Many scholars have questioned whether housing juvenile offenders with adult inmates serves our long-term interest in public safety. Multiple studies have shown that youth transferred to the adult system recidivate at higher rates and with more serious offenses than youth who have committed similar offenses but are retained in the juvenile justice system. We must ensure that juveniles are treated humanely in the criminal justice system to reduce the risks that upon release they will commit additional and more serious crimes. One of the ways we can do that is by helping States improve confinement conditions.

Our bill creates a new incentive grant program for State and local governments and Indian tribes. These grants can be used for the following purposes related to juveniles under the jurisdiction of an adult criminal court: 1. alter existing correctional facilities, or develop separate facilities, to provide segregated facilities for them; 2. provide orientation and ongoing training for correctional staff supervising them; 3. provide monitors who will report on their treatment; and 4. provide them with access to educational programs, vocational training, mental and physical health assessment and treatment, and drug treatment. Grants can also be used to seek alternatives to housing juveniles with adult inmates, including the expansion of juvenile facilities.

It is important to note that States that choose not to house juveniles who are convicted as adults with adult inmates are still eligible for grants under this bill. For example, they could use the money to train staff, or to provide education or other program for juveniles, or to improve juvenile facilities.

In addition to these grants, part 5 of subtitle II reauthorizes the Family Unity Demonstration Project, which provides funding for projects allowing eligible prisoners who are parents to live in structured, community-based centers with their young children. A study by the Bureau of Justice Statistics found that about two-third of incarcerated women were parents of children under 18 years old. According to the White House, on any given day, America is home to 1.5 million children of prisoners. And according to Prison Fellowship Industries, more than half of the juveniles in custody in the United States had an immediate family member behind bars. This is a serious problem that reauthorizing the Family Unity Demonstration Project will help to address.

The remainder of title II includes a number of provisions designed to improve the safety and security of older Americans.

During the 1990s, while overall crime rates dropped throughout the nation the rate of crime against seniors remained constant. In addition to the increased vulnerability of some seniors to violent crime, older Americans are increasingly targeted by swindlers looking to take advantage of them through telemarketing schemes, pension fraud, and health care fraud. We must strengthen the hand of law enforcement to combat those criminals who plunder the savings that older Americans have worked their lifetime to earn. Subtitle B of title II of our bill, the Seniors Safety Act of 2003, tries to do exactly that, through a comprehensive package of proposals to establish new protections and increase penalties for a wide variety of crimes against seniors.

This legislation addresses the most prevalent crimes perpetrated against seniors, containing proposals to reduce health care fraud and abuse, combat nursing home fraud and abuse, prevent telemarketing fraud, and safeguard pension and employee benefit plans from fraud, bribery, and graft. In addition, this legislation would help seniors obtain restitution if their pension plans are defrauded.

Many of the proposals in this legislation are just common sense. For example, we would authorize the Attorney General to block telephone service to people using it to commit telemarketing fraud. We would also establish a ''Better Business Bureau'' style clearinghouse at the Federal Trade Commission, so that senior citizens and their families could call and find out whether a telemarketer who was bothering them had a criminal record or had received past complaints.

We would make it a new criminal offense to engage in multiple willful violations of the regulations or laws that protect nursing home residents. We would also protect employees at nursing homes who blow the whistle on the mistreatment of residents by giving them the power to bring a lawsuit for damages if they get fired as a result. And we would tell the Sentencing Commission that if you commit a crime against someone who is old and vulnerable, you should get a longer sentence.

We want to fight health care fraud and pension fraud because these are benefits that older Americans have earned and that they count on everyday. We must do more to prevent crooks from robbing seniors of their security. That is why we want to create new criminal penalties for pension fraud and give law enforcement more tools to root out and stop health care fraud.

The third title of the Justice Enhancement and Domestic Security Act contains important provisions to prevent and punish identify theft, a crime that victimizes thousands of Americans every year. Once a skilled scam artist gets his hands on a consumer's Social Security or bank account number, he can wreak unimaginable havoc on a family's finances.

With society conducting more and more of its business electronically, the incidence of identity theft in America is on the rise. In 2001, the Federal Trade Commission consumer hotline received 86,000 complaints of identity theft. Through the first six months of 2002, it received 70,000 such complaints. These complaints are mainly from people who have been hurt by identify theft, but thousands of others come from consumers worried about becoming an identity thief's next victim.

Our bill would help identity theft victims restore their credit ratings and reclaim their good names. It gives victims the tools they need, such as the right to obtain relevant business records and the ability to have fraudulent charges blocked from reporting in their consumer credit reports. It also

includes provisions designed to thwart identity theft, for example by requiring credit card companies to notify consumers of any change of address request on an existing credit account, by ensuring that credit card receipts no longer bear the expiration date or more than the last five digits of the customer's credit card number, and by entitling every citizen to a free credit report once per year upon request. Finally, it includes important provisions to prevent Social Security numbers from being sold, or published without express consent.

Title III also represents the next step in Senate Democrats' continuing efforts to afford dignity and recognition to victims of crime. It provides for comprehensive reform of the Federal law to establish enhanced rights and protections for victims of Federal crime. Among other things, it provides crime victims the right to consult with the prosecution prior to detention hearings and the entry of plea agreements, and generally requires the courts to give greater consideration to the views and interests of the victim at all stages of the criminal justice process. Responding to concerns raised by victims of the Oklahoma City bombing, the bill would provide standing for the prosecutor and the victim to assert the right of the victim to attend and observe the trial.

Assuring that victims are provided their statutorily guaranteed rights is a critical concern for all those involved in the administration of justice. That is why the bill establishes an administrative authority in the Department of Justice to receive and investigate victims' claims of unlawful or inappropriate action on the part of criminal justice and victims' service providers. Department of Justice employees who fail to comply with the law pertaining to the treatment of crime victims could face disciplinary sanctions, including suspension or termination of employment.

In addition to these improvements to the Federal system, the bill proposes several programs to help States provide better assistance for victims of State crimes. These programs would improve compliance with State victim's rights laws, promote the development of state-of-the-art notification systems to keep victims informed of case developments and important dates on a timely and efficient basis, and encourage further experimentation with the community-based restorative justice model in the juvenile court setting. The bill also provides assistance for shelters and transitional housing for victims of domestic violence.

Of particular significance, title III would eliminate the cap on distributions from the Crime Victims Fund, which has prevented millions of dollars in Fund deposits from reaching victims and supporting essential services. With violent crime on the increase and State governments struggling to overcome growing budget deficits, crime victim compensation and assistance programs are facing dire threats to their fiscal stability. We should not be imposing artificial caps on spending from the Crime Victims Fund while substantial needs remain unmet. Our bill proposes replacing the cap with a self-regulating formula, which would ensure stability and protection of Fund assets, while allowing more money to go out to the States for victim compensation and assistance.

While we have greatly improved our crime victims programs and made advances in recognizing crime victims rights, we still have more to do. The Justice Enhancement and Domestic Security Act would help make victims' rights a reality.

Title IV of the bill includes proposals for supporting Federal, State and local law enforcement and promoting the effective administration of justice.

An important element of this effort is the COPS program. As noted earlier, the Bush Administration has proposed to cut the COPS program by nearly 80 percent, despite the success of this program in putting 115,000 new police officers on the beat since 1994. Title IV extends the COPS program through fiscal year 2008, authorizing funding to deploy up to 50,000 additional police officers, 10,000 additional prosecutors, and 10,000 defense attorneys for indigents. It also authorizes $15 million per year for five years to help rural communities retain officers hired through the COPS program for an additional year.

In addition, title IV includes the Hometown Heroes Survivors Benefits Act, which would effectively erase any distinction between traumatic and occupational injuries when surviving families apply to the U.S. Department of Justice Public Safety Officers Benefits, PSOB, Program. The PSOB fund currently pays just over $260,000 to families of firefighters, police officers and emergency medical technicians who die in the line of duty. The survivors of emergency responders who die of heart attacks while performing in the line of duty, however, are ineligible to collect benefits. The Hometown Heroes bill would fix the loophole in the PSOB Program to ensure that the survivors of public safety officers who die of heart attacks or strokes in the line of duty or within 24 hours of a triggering effect while on duty, regardless of whether a traumatic injury is present at the time of the heart attack or stroke, are eligible to receive financial assistance.

The families of these brave public servants deserve to participate in the PSOB Program if their loved ones die of a heart attack or other cardiac-related ailments while selflessly protecting us from harm. It is time for Congress to show its support and appreciation for these extraordinarily brave and heroic public safety officers by passing the Hometown Heroes Survivors Benefit Act.

Title IV would also correct a disparity in the law that denies Federal prosecutors the same retirement benefits as other Federal law enforcement officers. These lawyers, who are more and more often on the front lines in the war on terrorism, deserve the same benefits as the other men and women with whom they work.

Also included in title IV of the bill is the FBI Reform Act of 2003, which stems from the lessons learned during a series of Judiciary Committee hearings on oversight of the FBI that I chaired beginning in June 2001. Even more recently, the important changes which are being made under the FBI's new leadership after the September 11 attacks and the new powers granted the FBI by the USA PATRIOT Act have resulted in FBI reform becoming a pressing matter of national importance.

Since the attacks of September 11, 2001, and the anthrax attacks last fall, we have relied on the FBI to detect and prevent acts of catastrophic terrorism that endanger the lives of the American people and the institutions of our country. The men and women of the FBI are performing this task with great professionalism at home and abroad. I think that we have all felt safer as a result of the full mobilization of the FBI's dedicated Special Agents, its expert support personnel, and its exceptional technical capabilities. We owe the men and women of the FBI our thanks.

For decades the FBI has been outstanding law enforcement agency and a vital member of the United States intelligence community. As our hearings and recent events have shown, however, there is room for improvement at the FBI. We must face the mistakes of the past, and make the changes needed to ensure that they are not repeated. In meeting the international terrorist challenge, the Congress has an opportunity and obligation to strengthen the institutional fiber of the FBI based on lessons learned from recent problems the Bureau has experienced.

The view is not mine alone. When Director Bob Mueller testified at his confirmation hearings in July 2001, he forthrightly acknowledged ''that the Bureau's remarkable legacy of service and accomplishment has been tarnished by some serious and highly publicized problems in recent years. Waco, Ruby Ridge, the FBI lab, Wen Ho Lee, Robert Hanssen and the McVeigh documents—these familiar names and events remind us all that the FBI is far from perfect and that the next director faces significant management and administrative challenges.'' Since then, the Judiciary Committee has forged a constructive partnership with Director Mueller to get the FBI back on track.

Congress sometimes has followed a hands-off approach about the FBI. But with the FBI's new increased power, with our increased reliance on them to stop terrorism, and with the increased funding requested in the President's budget will come increased scrutiny. Until the Bureau's problems are resolved and new challenges overcome, we have to take a hands-on approach. Indeed our hearing and other oversight activities have highlighted tangible steps the Congress should take in an FBI Reform bill as part of this hands-on approach. Among other things, these hearings demonstrated the need to extend whistleblower protection, end the double standard for discipline of senior FBI executives, and enhance the FBI's internal security program to protect against espionage as occurred in the Hanssen case.

When Director Mueller announced the first stage of his FBI reorganization in December 2001, he stressed the importance of taking a comprehensive look at the FBI's missions for the future, and Deputy Attorney General Thompson's office has told us that the Attorney General's management review of the FBI is considering this matter. Director Mueller has stated that the second phase of FBI reorganizations will be part of a ''comprehensive plan to address not only the new challenges of terrorism, but to modernize and streamline the Bureau's more traditional functions.'' Thus, through our hearings, our oversight efforts, and the statements and efforts of the new management team at the FBI, a list of challenges facing the FBI has been developed.

Our bill addresses each of these challenges. It strengthens whistleblower protection for FBI employees and protects them from retaliation for reporting wrongdoing. It addresses the issue of a double standard for discipline of senior executives by eliminating the disparity in authorized punishments between Senior Executive Service members and other federal employees. It establishes an FBI Counterintelligence Polygraph Program for screening personnel in exceptionally sensitive positions with specific safeguards, and an FBI Career Security Program, which would bring the FBI into line with other U.S. intelligence agencies that have strong career security professional cadres whose skills and leadership are dedicated to the protection of agency information, personnel, and facilities. It also requires a set of reports that would enable Congress to engage the Executive branch in a constructive dialogue building a more effective FBI for the future.

The FBI Reform Act of 2003 is designed to strengthen the FBI as an institution that has a unique role as both a law enforcement agency and a member of the intelligence community. As the Judiciary Committee continues its oversight work and more is learned about recent FBI performance, additional legislation may prove necessary. Especially important will be the lessons from the attacks of September 11, 2001, the anthrax attacks, and implementation of the USA PATRIOT Act and other counterterrorism measures. Strengthening the FBI cannot be accomplished overnight, but with this legislation, we take an important step into the future.

In addition to protecting, FBI whistleblowers, title IV of this bill provides new and important protections for other whistleblowers who provide information to Congress.

The 107th Congress was one of rejuvenated bipartisan oversight. On the Judiciary Committee we convened the first series of comprehensive bipartisan FBI oversight hearings in decades after I assumed the Chairmanship. The Joint Intelligence Committee conducted bipartisan hearings to ascertain what shortcomings on the part of our intelligence community need to be corrected so as not the allow the 9–11 terrorist attacks to recur. The Senate Banking Committee conducted extensive oversight of the SEC and its relationship with the accounting industry, to ascertain whether a new regulatory scheme was required. Both the Senate and House Judiciary Committees are still attempting to ascertain how the new powers we provided in the USA PATRIOT Act are being used. These are only a few examples.

A vital part of the increased oversight was the courage of the whistleblowers who provided information. Their revelations have led to important reforms. The Enron scandal and the subsequent hearing led to the most extensive corporate reform legislation in decades, including the criminal provisions and the first ever corporate whistleblower protections, which I authored. The testimony of the rank and file FBI agents that we heard on the Judiciary Committee helped us to craft bipartisan FBI reform legislation. The same day as Coleen Rowley's nationally televised testimony before the Judiciary Committee, President Bush not only reversed his previous opposition to establishing a new cabinet level Department of Homeland Security, but gave a national address calling for the largest government reorganization in 50 years. In the last year we have learned once again that the public as a whole can benefit from a lone voice. Indeed, Time Magazine recognized the courage of these whistleblowers by naming them the ''People of the Year'' for 2002.

Unfortunately, the people who very rarely benefit from these revelations are the whistleblowers themselves. We have heard testimony in oversight hearings on the Judiciary Committee that there is quite often retaliation against those who raise public awareness about problems within large organizations even to Congress. Sometimes the retaliation is overt, sometimes it is more subtle and invidious, but it is almost always there. The law needs to protect the people who risk so much to protect us and create a culture that encourages employees to report waste, fraud, and mismanagement.

For those who provide information to Congress, that protection is a hollow promise. On one hand, the law is very clear that it is illegal to interfere with or deny, ''the right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof . . .'' Amazingly, however, this simple provision is a right without a remedy. Employees who are retaliated against for providing information to Congress cannot pursue any avenue of redress to protect their statutory rights. The only exception to this applies to employees of publicly traded companies, who are now covered by the whistleblower provision included in the Sarbanes-Oxley Act that we passed last year. Thus, under current law, government whistleblowers reporting to Congress have less protection than private industry whistleblowers.

Title IV would correct this anomaly by providing government employees that come to Congress with the right to bring an action in court when they suffer the type of retaliation already prohibited under the law. Thus, it does not create new statutory rights, but merely provides a statutory remedy for existing law. That way, we can promise future whistleblowers who come before Congress that their rights to access the legislative branch is not an illusion. We can also assure the public at large that our efforts at Congressional oversight and improving the functions of government will be effective. This legislation is strongly supported by leading whistleblower groups, including the National Whistleblower Center and the Government Accountability Project.

Title IV of the bill also aims to improve the effective administration of justice by offering a two-pronged attack on sexual assault crime in America. First, it adds more Federal resources for States and for the first time, makes those resources directly available to local governments as well, so that they may eliminate the backlog of untested DNA samples, and in particular, the troubling backlog of untested rape kits. Second, because tapping the potential of DNA technology requires more than eliminating existing backlogs, the bill provides increased Federal support for sexual assault examiner programs, DNA training of law enforcement personnel and prosecutors, and updating the national DNA database. To ensure that these grants are effective, the bill heightens the standards for DNA collection and

maintenance, and requires the Department of Justice to promulgate national privacy guidelines. The bill also authorizes the issuance of John Doe DNA indictments for Federal sexual assault crimes, which toll the applicable statute of limitations and permit prosecution whenever a DNA match is made.

Congress began to attack the problem of the DNA backlog when it passed the DNA Analysis Backlog Elimination Act of 2000. That legislation authorized $170 million over four years for grants to States to increase the capacity of their forensic labs and to carry out DNA testing of backlogged evidence. Despite the new law and some Federal funding, the persistent backlogs nationwide make it plain that more must be done to help the States. Our bill takes the next step and provides more comprehensive assistance so that the criminal justice system can harness the full power of DNA.

A significant problem that arose during Special Prosecutor Kenneth Starr's investigation of President Clinton was the loss of confidentiality that had previously attached to the important work of the U.S. Secret Service. The Department of Justice and Treasury and even a former Republican President advise that the safety of future Presidents may be jeopardized by forcing U.S. Secret Service agents to breach the confidentiality they need to do their job by testifying before a grand jury. I trust the Secret Service on this issue; they are the experts with the mission of protecting the lives of the President and other high-level elected official and visiting dignitaries. I also have confidence in the judgment of former President Bush, who has written, ''I feel very strongly that [Secret Service] agents should not be made to appear in court to discuss that which they might or might not have seen or heard.''

Section 4502 of the Justice Enhancement and Domestic Security Act provides a reasonable and limited protective function privilege so future Secret Service agents are able to maintain the confidentiality they say they need to protect the lives of the President, Vice President and visiting heads of state.

Title V of this bill would create new treatment and prevention programs to reduce drug abuse, and reauthorize existing successful ones. Treatment and prevention efforts are often overshadowed by law enforcement needs. Indeed, a recent study by the Center on Addiction and Substance Abuse showed that of every dollar States spent on substance abuse and addiction, only four cents went to prevention and treatment. The States and the Federal government have undeniably important law enforcement obligations, but we must do more to balance those obligations with farsighted efforts to prevent drug crimes from happening in the first place.

Heroin is an increasing problem in my State. In other States, methamphetamines or other drugs present a growing challenge. This legislation will help States address their most pressing drug problems, and places a particular emphasis on States that may not have been able to address their treatment and prevention needs in the past. Indeed, among other provisions, the bill offers funding for rural States like Vermont to establish or enhance treatment centers. It instructs the Director of the Center for Substance Abuse Treatment to make grants to public and nonprofit private entities that provide treatment and are approved by State experts. This will allow the Vermont agencies looking to provide heroin treatment—or to prevent heroin abuse in the first place, to acquire Federal funding to help in their efforts.

The bill also authorizes funding for residential treatment centers that treat mothers who are addicted to heroin, methamphetamine, or other drugs. This will help mothers, and the children who depend on them to rebuild their lives, it will keep families together. And I hope it will help avoid further stories like one that appeared in the Burlington Free Press in February 2001, in which a young mother told a reporter how heroin ''made it easier for [her] to take care of [her] kids.''

The bill also would fund drug treatment programs for juveniles, who can see their lives quickly deteriorate under the influence of drugs. This is why I have worked to provide Vermont with funding to establish a long-term residential treatment facility for adolescents. I hope to continue that effort through this bill, in the hope that we may be able to prevent future tragedies.

We also would reauthorize substance abuse treatment in Federal prisons. It is critical that our prisons be drug-free, both because lawbreaking within our correctional system is a national embarrassment, and because prisoners who are released while still addicted to drugs are far more likely to commit future crimes than prisoners who are released sober. At the same time we are extending the 'carrot' of treatment opportunities, we also authorize grants to States and localities for programs supporting comprehensive drug testing of criminal justice populations, and to establish appropriate interventions to illegal drug use for offender populations.

Among other additional provisions, we would extend the Safe and Drug-Free Schools and Communities Program, and authorize grants to establish methamphetamine prevention and treatment pilot programs in rural areas.

I am particularly proud of title VI of the bill—the Innocence Protection Act, IPA, of 2003. For nearly three years, I have been working hard with members on both sides of the aisle, and in both houses of Congress, to address the horrendous problem of innocent people being condemned to death. The IPA represents the fruits of those efforts. This landmark legislation proposes a number of basic, commonsense reforms to our criminal justice system, aimed at reducing the risk that innocent people will be put to death.

We have come many miles since I first introduced the IPA in February 2000, along with four Democratic cosponsors. There is now a broad consensus across the country—among Democrats and Republicans, supporters and opponents of the death penalty, liberals and conservatives, that our death penalty machinery is broken. We know that the nightmare of innocent people on death row is not just a dream, but a frequently recurring reality. Since the early 1970s, more than 100 people who were sentenced to death have been released, not because of technicalities, but because they were innocent. Goodness only knows how many were not so lucky.

These are not just numbers; these are real people whose lives were ruined. Anthony Porter came within two days of execution in 1998; he was exonerated and released from prison only because a class of journalism students investigated his case and identified the real killer. Ray Krone spent ten years in prison, including three on death row; he was released last year after DNA testing exculpated him and pointed to another man as the real killer. These are just two of the many tragedies we learn of every year.

Today, Federal judges are voicing concern about the death penalty. Justice Sandra Day O'Connor has warned that ''the system may well be allowing some innocent defendants to be executed.'' Justice Ginsberg has supported a state moratorium on the death penalty. Another respected jurist, Sixth Circuit Judge Gilbert Merritt, has referred to the capital punishment system as ''broken.''

We can all agree that there is a grave problem. The good news is, there is also a broad consensus on one important step we must take, we can pass the Innocence Protection Act.

At the close of the 107th Congress, the IPA was cosponsored by a substantial bipartisan majority of the House and by 32 Senators from both sides of the aisle. In addition, a version of the bill had been reported by a bipartisan majority of the Senate Judiciary Committee. It is that version of the bill that we introduce today as title VI of the Justice Enhancement and Domestic Security Act.

What would the IPA do? In short, it proposes two minimum steps that we need to take, not to make the system perfect, but simply to reduce what is currently an unacceptably high risk of error. First, we need to make good on

the promise of modern technology in the form of DNA testing. Second, we need to make good on the constitutional promise of competent counsel.

DNA testing comes first because it is proven and effective. We all know that DNA testing is an extraordinary tool for uncovering the truth, whatever the truth may be. It is the fingerprint of the 21st Century. Prosecutors across the country rightly use it to prove guilt. By the same token, it should also be used to do what it is equally scientifically reliable to do, prove innocence.

Where there is DNA evidence, it can show us conclusively, even years after a conviction, where mistakes have been made. And there is no good reason not to use it.

Allowing testing does not deprive the state of its ability to present its case, and under a reasonable scheme for the preservation and testing of DNA evidence, the practical costs, burdens and delays involved are relatively small.

The Innocence Protection Act would therefore provide improved access to DNA testing for people who claim that they have been wrongfully convicted. It would also prevent the premature destruction of biological evidence that could hold the key to clearing an innocent person and, as we recently saw in Ray Krone's case, identifying the real culprit.

But DNA testing addresses only the tip of the iceberg of the problem of wrongful convictions. In most cases, there is no DNA evidence to be tested, just as in most cases, there are no fingerprints. In the vast majority of death row exonerations, no DNA testing has or could have been involved.

So the broad and growing consensus on death penalty reform has another top priority. All the statistics and evidence show that the single most frequent cause of wrongful convictions is inadequate defense representation at trial. By far the most important reform we can undertake is to ensure minimum standards of competency and funding for capital defense.

Under the IPA, States may choose to work with the federal government to improve the systems by which they appoint and compensate lawyers in death cases. These States would receive an infusion of new Federal grant money, but they would also open themselves up to a set of controls that are designed to ensure that their systems truly meet basic standards. In essence, the bill offers the States extra money for quality and accountability.

A State may also decline to participate in the new grant program, In that case, the money that would otherwise be available to the state would be used to fund one or more organizations that provide capital representation in that state. One way or another, the bill would improve the quality of appointed counsel in capital cases.

This is a reform that does not in any way hinder good, effective law enforcement. More money is good for the States. More openness and accountability is good for everyone. And better lawyering makes the trial process far less prone to error.

We can never guarantee that no innocent person will be convicted. But surely when people in this country are put on trial for their lives, they should be defended by lawyers who meet reasonable standards of competence and who have sufficient funds to investigate the facts and prepare thoroughly for trial. That bare minimum is all that the counsel provisions in the IPA seek to achieve.

The Innocence Protection Act addresses grave and urgent problems with moderate, fine-tuned practical solutions. It has passed out of Committee in the Senate and is supported by a majority of the House. Justice demands that we pass it before more lives are ruined.

Title VII of the bill includes various proposals for strengthening the Federal criminal laws, including, in subtitle A, the Anti-Atrocity Alien Deportation Act of 2003. This bill would close loopholes in our immigration laws that have allowed war criminals and human rights abusers to enter and remain in this country. I am appalled that this country has become a safe haven for those who exercised power in foreign countries to terrorize, rape, murder and torture innocent civilians. A recent report by Amnesty International claims that nearly 150 alleged human rights abusers have been identified living here, and warns that this number may be as high as 1,000.

The problem of human rights abusers seeking and obtaining refuge in this country is real, and requires an effective response with the legal and enforcement changes proposed in this legislation. We have unwittingly sheltered the oppressors along with the oppressed for too long. We should not let this situation continue. We need to focus the attention of our law enforcement investigators to prosecute and deport those who have committed atrocities abroad and who now enjoy safe harbor in the United States.

The Anti-Atrocity Alien Deportation Act would provide a stronger bar to human rights abusers who seek to exploit loopholes in current law. The Immigration and Nationality Act currently provides that 1. Participants in Nazi persecutions during the time period from March 23, 1933 to May 8, 1945, 2. aliens who engaged in genocide, and 3. aliens who committed particularly severe violations of religious freedom, are inadmissible to the United States and deportable. This legislation would expand the grounds for inadmissibility and deportation to 1. Add new bars for aliens who have engaged in acts, outside the United States, of ''torture'' and ''extrajudicial killing'' and 2. remove limitations on the current bases for ''genocide'' and ''particularly severe violations of religious freedom.''

The bill would not only add the new grounds for inadmissibility and deportation, it would expand two of the current grounds. First, the current bar to aliens who have ''engaged in genocide'' defines that term by reference to the ''genocide'' definition in the Convention on the Prevention and Punishment of the Crime of Genocide. For clarity and consistency, the bill would substitute instead the definition in the Federal criminal code, which was adopted pursuant to the U.S. obligations under the Genocide Convention. The bill would also broaden the reach of the provision to apply not only to those who ''engaged in genocide,'' as in current law, but also to cover any alien who has ordered, incited, assisted or otherwise participated in genocide. This broader scope will ensure that the genocide provision addresses a more appropriate range of levels of complicity.

Second, the current bar to aliens who have committed ''particularly severe violations of religious freedom,'' as defined in the International Religious Freedom Act of 1998, limits its application to foreign government officials who engaged in such conduct within the last 24 months. Our bill would delete reference to prohibited conduct occurring within a 24-month period since this limitation is not consistent with the strong stance of the United States to promote religious freedom throughout the world.

Changing the law to address the problem of human rights abusers seeking entry and remaining in the United States is only part of the solution. We also need effective enforcement, which I believe we can obtain by updating the mission of the Justice Department's Office of Special Investigations, or OSI. Our country has long provided the template and moral leadership for dealing with Nazi war criminals. The OSI, which was created to hunt down, prosecute, and remove Nazi war criminals who had slipped into the United States among their victims under the Displaced Persons Act, is an example of effective enforcement. Since the OSI's inception in 1979, over 60 Nazi persecutors have been stripped of U.S. citizenship, almost 50 have been removed from the United States, and more than 150 have been denied entry.

The OSI was created by the power of Attorney General Civiletti almost 35 years after the end of World War II and it is only authorized to track Nazi war criminals. As any prosecutor, or, in my case, former prosecutor, knows instinctively, delays make documentary and testimonial evidence more difficult to obtain. Stale cases are the hardest to make. We should not repeat the mistake of waiting decades before tracking

down war criminals and human rights abusers who have settled in this country. War criminals should find no sanctuary in loopholes in our current immigration policies and enforcement. No war criminal should ever come to believe that he is going to find safe harbor in the United States.

The Anti-Atrocity Alien Deportation Act would for the first time provide statutory authorization for the OSI within the Department of Justice, with authority to denaturalize any alien who has participated in Nazi persecution, torture, extrajudicial killing or genocide abroad. The bill would also expand the OSI's jurisdiction to deal with any alien who participated in torture, extrajudicial killing and genocide abroad, not just Nazis. Unquestionably, the need to bring Nazi war criminals to justice remains a matter of great importance. Funds would not be diverted from the OSI's current mission. Additional resources are authorized in the bill for OSI's expanded duties.

Title VII of the Justice Enhancement and Domestic Security Act also includes a proposal to increase the maximum penalties for violations of three existing statutes that protect the cultural and archaeological history of the American people, particularly Native Americans. The United States Sentencing Commission recommended the statutory changes contained in this proposal, which would complement the Commission's strengthening of Federal sentencing guidelines to ensure more stringent penalties for criminals who steal from our public lands. Passage of this legislation would demonstrate Congress' commitment to preserving our nation's history and our cultural heritage.

The Justice Enhancement and Domestic Security Act is a comprehensive and realistic set of proposals for assisting local enforcement, preventing crime, protecting our children and senior citizens, and assisting the victims of crime. I look forward to working on a bipartisan basis for passage of as much of this bill as possible during the 108th Congress.

I ask unanimous consent that a section-by-section summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUSTICE ENHANCEMENT AND DOMESTIC SECURITY ACT OF 2003

SECTION-BY-SECTION ANALYSIS

TITLE I—COMBATING TERRORISM AND ENHANCING DOMESTIC SECURITY

Subtitle A—Supporting First Responders

Sec. 1101. Short title. Contains the short title, the ''First Responders Partnership Grant Act of 2003''.

Sec. 1102. Purpose. Purpose in support of this subtitle.

Sec. 1103. First Responders Partnership Grant Program for public safety officers. Authorizes grants to States, units of local government, and Indian tribes to support public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism.

Sec. 1104. Applications. Requires the Director of the Bureau of Justice Assistance to promulgate regulations specifying the form and information to be included in submitting an application for a grant under this subtitle.

Sec. 1105. Definitions. Defines terms used in this subtitle.

Sec. 1106. Authorization of appropriations. Authorizes $4 billion for each fiscal year through FY2005 to carry out this subtitle.

Subtitle B—Border Security

Sec. 1201. Short title. Contains the short title, the ''Safe Borders Act of 2003''.

Sec. 1202. Authorization of appropriations for hiring additional INS personnel. Authorizes such sums as may be necessary for the INS to hire an additional 250 inspectors and associated support staff, and an additional 250 investigative staff and associated support staff, during each fiscal year through FY2007.

Sec. 1203. Authorization of appropriations for improvements in technology for improving border security. Authorizes $250 million to the INS for the purposes of making improvements in technology for improving border security and facilitating the flow of commerce and persons at ports of entry, including improving and expanding programs for preenrollment and preclearance.

Sec. 1204. Report on border security improvements. Directs the Attorney General to submit a report to Congress detailing all steps the Department of Justice has taken to implement the increases in border security personnel and improvements in border security technology and equipment authorized in the USA PATRIOT Act (Pub. L. 107–56) and the Enhanced Border Security and Visa Entry Reform Act (Pub. L. 107–173). The report shall also include the Attorney General's analysis of what additional personnel and other resources, if any, are needed to improve security at U.S. borders, particularly the U.S.-Canada border.

Subtitle C—Military Tribunals Authorization

Sec. 1301. Short title. Contains the short title, the ''Military Tribunal Authorization Act of 2003''.

Sec. 1302. Findings. Legislative findings in support of this subtitle.

Sec. 1303. Establishment of extraordinary tribunals. Authorizes the President to establish tribunals to try non-U.S. persons who are al Qaeda members (and persons aiding and abetting al Qaeda in terrorist activities against the United States); are apprehended in Afghanistan, apprehended fleeing from Afghanistan, or apprehended in or fleeing from any other place where there is armed conflict involving the U.S. Armed Forces; and are not prisoners of war, as defined by the Geneva Conventions. Tribunals may adjudicate violations of the laws of war targeted against U.S. persons. The Secretary of Defense is charged with promulgating rules of evidence and procedure for the tribunals.

Sec. 1304. Procedural requirements. Describes minimum procedural safeguards for tribunals established under this subtitle, including that the accused be presumed innocent until proven guilty, and that proof of guilt be established beyond a reasonable doubt. Trial proceedings will generally be accessible to the public with limited exceptions for demonstrable public safety concerns. Convictions may be appealed to the U.S. Court of Appeals for the Armed Forces; any decisions of that court regarding proceedings of tribunals are subject to review by the U.S. Supreme Court by writ of certiorari.

Sec. 1305. Detention. Authorizes detention of individuals who are subject to a tribunal under this subtitle. In order to detain an individual under the authority of this section, the President must certify that the U.S. is in armed conflict with al Qaeda or Taliban forces in Afghanistan or elsewhere, or that an investigation, prosecution or post-trial proceeding against the detainee is ongoing. Detention determinations and the conditions of detention are subject to review by the Court of Appeals for the D.C. Circuit.

Sec. 1306. Sense of the Congress. Calls for the President to seek the cooperation of U.S. allies and other nations in the investigation and prosecution of those responsible for the September 11 attacks. It also calls for the President to use multilateral institutions to the fullest extent possible in carrying out such investigations and prosecutions.

Sec. 1307. Definitions. Defines terms used in this subtitle.

Sec. 1308. Termination of Authority. Authority under this subtitle ends on December 31, 2005.

Subtitle D—Anti Terrorist Hoaxes and False Reports

Sec. 1401 Short title. Contains the short title, the ''Anti Terrorist Hoax and False Report Act of 2003''.

Sec. 1402. Findings. Legislative findings in support of this subtitle.

Sec. 1403. Hoaxes, false reports and reimbursement. Sets penalties for (1) knowingly conveying false information concerning an attempt to violate 18 U.S.C. §§175 (relating to biological weapons), 229 (relating to chemical weapons), 831 (relating to nuclear material), or 2332a (relating to weapons of mass destruction), under circumstances where such information may reasonably be believed; and (2) transferring any device or material, knowing or intending that it resembles a nuclear, chemical, biological, or other weapon of mass destruction, and under circumstances where it may reasonably be believed to involve an attempt to violate 18 U.S.C. §§175, 229, 831,or 2332a. Convicted offenders shall be ordered to reimburse all victims and government agencies for losses and expenses incurred as a result of the offense. Authorizes civil actions by victims and by U.S. Attorney General.

Subtitle E—Amendments to Federal Antiterrorism Laws

Sec. 1501. Attacks against mass transit clarification of definition. Clarifies that 18 U.S.C. §1993, which proscribes terrorist attacks against mass transportation systems, extends to attacks against ''any carriage or other contrivance used, or capable of being used, as a means of transportation on land, water, or through the air''.

Sec. 1502. Release or detention of a material witness. Clarifies the conditions under which individuals can be arrested and detained as material witnesses in Federal criminal cases and grand jury investigations.

Sec. 1503. Clarification of sunset provision in USA PATRIOT Act. Clarifies that after sunset of certain provisions in the USA PATRIOT Act (Pub. L. 107–56), pursuant to section 224(a) of that Act, the law shall revert to what it was before that Act was enacted.

TITLE II—PROTECTING AMERICA'S CHILDREN AND SENIORS

Subtitle A—Children's Safety

Part I—National Amber Alert Network

Sec. 2111. Short title. Contains the short title, the ''National AMBER Alert Network Act of 2003''.

Sec. 2112. National coordination of AMBER Alert Communications Network. Requires the Attorney General to assign an AMBER Alert Coordinator of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The Coordinator's duties include: (1) seeking to eliminate gaps in the network; and (2) working with States to ensure regional coordination.

Sec. 2113. Minimum standards for issuance and dissemination of alerts through AMBER Alert Communications Network. Directs the AMBER Alert Coordinator to establish minimum standards for the issuance of alerts and for the extent of their dissemination (limited to the geographic areas most likely to facilitate the recovery of the abducted child).

Sec. 2114. Grant program for notification and communications systems along highways for recovery of abducted children. Authorizes grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children.

Sec. 2115. Grant program for support of AMBER Alert communications plans. Authorizes grants to States for the development or enhancement of education, training, and law enforcement programs and activities for the support of AMBER Alert communications plans.

Part 2—Prosecutorial Remedies and Tools Against the Exploitation of Children Today

Sec. 2121. Short title. Contains the short title, the ''Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act of 2003'' or ''PROTECT Act''.

Sec. 2122. Findings. Legislative findings in support of this part.

Sec. 2123. Certain activities relating to material constituting or containing child pornography. Amends 18 U.S.C. §2252A, regarding activities relating to material constituting or containing child pornography, to prohibit: (1) promoting, distributing, or soliciting material through the mails or in commerce in a manner that conveys the impression that the material contains an obscene visual depiction of a minor engaging in sexually explicit conduct; or (2) knowingly distributing to a minor any such visual depiction that has been transported in commerce, or that was produced using materials that have been so transported, for purposes of inducing a minor to participate in illegal activity.

Sec. 2124. Admissibility of evidence. On motion of the Government, and except for good cause shown, certain identifying information of minors depicted in child pornography shall be inadmissible in any prosecution of such an act.

Sec. 2125. Definitions. Adds new definitions for interpretation of Federal criminal laws regarding sexual exploitation and other abuse of children.

Sec. 2126. Recordkeeping requirements. Increases penalties for violation of recordkeeping requirements applicable to producers of certain sexually explicit materials.

Sec. 2127. Extraterritorial production of child pornography for distribution in the United States. Sets penalties for employing or coercing a minor to engage in sexually explicit conduct outside of the United States for the purpose of producing a visual depiction of such conduct and transporting it to the United States.

Sec. 2128. Civil remedies. Authorizes civil remedies for offenses relating to material constituting or containing child pornography.

Sec. 2129. Enhanced penalties for recidivists. Increases penalties for certain recidivists who commit offenses involving sexual exploitation and other abuse of children.

Sec. 2130. Sentencing enhancements for interstate travel to engage in sexual act with a juvenile. Directs Sentencing Commission to ensure that guideline penalties are adequate in cases involving interstate travel to engage in a sexual act with a juvenile.

Sec. 2131. Miscellaneous provisions. Directs the Attorney General to appoint 25 additional trial attorneys to focus on the investigation and prosecution of Federal child pornography laws. Directs the Sentencing Commission to ensure that the guidelines are adequate to deter and punish violations of offenses proscribed in section 2123 of this Act.

Part 3—Reauthorization of the National Center for Missing and Exploited Children

Sec. 2141. Short title. Contains the short title, the ''Protecting Our Children Comes First Act of 2003''.

Sec. 2142. Annual grant to the National Center for Missing and Exploited Children. Doubles the annual grant to the National Center for Missing and Exploited Children (NCMEC) from $10 million to $20 million and extends funding through FY2006.

Sec. 2143. Authorization of appropriations. Amends the Missing Children's Assistance Act to reauthorize the appropriated such sums as may be necessary through FY2006.

Sec. 2144. Forensic and investigative support of missing and exploited children. Authorizes the U.S. Secret Service to provide forensic and investigative support to the NCMEC to assist in efforts to find missing children.

Sec. 2145. Creation of a Cyber-Tipline. Amends the Missing Children's Assistance Act to coordinate the operation of a Cyber-Tipline to provide online users an effective means of reporting Internet-related child sexual exploitation in the areas of distribution of child pornography, online enticement of children for sexual acts, and child prostitution.

Sec. 2146. Service provider reporting of child pornography and related information. Amends 42 U.S.C. §13032, which requires providers of electronic communications and remote computing services to report apparent offenses that involve child pornography. Under current law, communications providers must report to the NCMEC when the provider obtains knowledge of facts or circumstances from which a violation of sexual exploitation crimes against children occurs. The NCMEC then gives the information to Federal agencies designated by the Attorney General. This section authorizes Federal authorities to share the information with State authorities without a court order and also gives the NCMEC the power to make reports directly to State and local law enforcement. This section also clarifies that such tips must come from non-governmental sources, so as to prevent law enforcement from circumventing the statutory requirements of the Electronic Communications Privacy Act.

Sec. 2147. Contents disclosure of stored communications. Amends 18 U.S.C. §2702 to be consistent with the scope of reports under 42 U.S.C. §13032(d), which provides that, in addition to the required information that is reported to NCMEC by communications providers, the reports may include additional information, such as the identity of a subscriber who sent a message containing child pornography.

Part 4—National Child Protection and Volunteers for Children Improvement

Sec. 2151. Short title. Contains the short title, the ''National Child Protection and Volunteers for Children Improvement Act of 2003''.

Sec. 2152. Definitions. Defines new terms in the National Child Protection Act of 1993.

Sec. 2153. Strengthening and enforcing the National Child Protection Act and the Volunteers for Children Act. Amends the National Child Protection Act to allow qualified State programs that provide care for children, the elderly, or individuals with disabilities to apply directly to the Department of Justice to request national criminal background checks, which shall be returned within 15 business days. A qualified entity in a State that does not have a qualified State program can, one year after the date of enactment of this Act, also apply directly to the Department for a background check, which shall be returned within 20 business days.

Sec. 2154. Dissemination of information. Establishes an office within the Department of Justice to perform nationwide criminal background checks for qualified entities.

Sec. 2155. Fees. Caps fees for national criminal background checks for persons who volunteer with a qualified entity ($5) and persons who are employed by, or apply for a position with, a qualified entity ($18).

Sec. 2156. Strengthening State fingerprint technology. Directs the Attorney General to establish model programs in each State for the purpose of improving fingerprinting technology. Programs shall grant to each State funds to (1) purchase Live-Scan fingerprint technology and a State vehicle to make such technology mobile, or (2) purchase electric fingerprint imaging machines for use throughout the State to send fingerprint images to the Attorney General to conduct background checks. Additional funds shall be provided to each State to hire personnel to provide information and training regarding the requirements for input of criminal and disposition data into the National Criminal History Background Check System (NICS).

Sec. 2157. Privacy protections. Establishes privacy protections for information derived as a result of a national criminal fingerprint background check request under the National Child Protection Act of 1993.

Sec. 2158. Authorization of appropriations. Authorizes $100 million through FY2004, and such sums as may be necessary for the next four fiscal years.

Part 5—Children's Confinement Conditions Improvement

Sec. 2161. Findings. Legislative findings in support of this part.

Sec. 2162. Purpose. Legislative purpose in support of this part.

Sec. 2163. Definition. Defines term used in this part.

Sec. 2164. Juvenile Safe Incarceration Grant Program. Authorizes grants to fund efforts by State and local governments and Indian tribes to alter correctional facilities for detained juveniles so that they are segregated from the adult population, train corrections officers on the proper supervision of juvenile offenders, and build separate facilities to house limited numbers of juveniles sentenced as adults, among other things. Authorizes such sums as necessary through FY2007 for this grant program.

Sec. 2165. Rural State funding. Authorizes $20 million in each fiscal year through FY2006 for grants to assist rural States and economically distressed communities in providing secure custody for violent juvenile offenders.

Sec. 2166. GAO study. Directs the General Accounting Office to conduct a study and

provide a report within one year on the use of electroshock weapons, 4–point restraints, chemical restraints, and solitary confinement against juvenile offenders.

Sec. 2167. Family Unity Demonstration Project. Reauthorizes the Family Unity Demonstration Project Act through FY2006. The project provides funding for projects allowing eligible prisoners who are parents to live in structured, community-based centers with their young children.

Subtitle B—Seniors' Safety

Sec. 2201. Short title. Contains the short title, the ''Seniors Safety Act of 2003''.

Sec. 2202. Finding and purposes. Legislative findings in support of this subtitle, and statement of legislative purposes.

Sec. 2203. Definitions. Defines terms used in this subtitle.

Part 1—Combating Crimes Against Seniors

Sec. 2211. Enhanced sentencing penalties based on age of victim. Directs the U.S. Sentencing Commission to review and, if appropriate, amend the sentencing guidelines to include age as one of the criteria for determining whether a sentencing enhancement is appropriate. Encourages such review to reflect the economic and physical harm associated with criminal activity targeted at seniors and consider providing increased penalties for offenses where the victim was a senior.

Sec. 2212. Study and report on health care fraud sentences. Directs the U.S. Sentencing Commission to review and, if appropriate, amend the sentencing guidelines applicable to health care fraud offenses. Encourages such review to reflect the serious harms associated with health care fraud and the need for law enforcement to prevent such fraud, and to consider enhanced penalties for persons convicted of health care fraud.

Sec. 2213. Increased penalties for fraud resulting in serious injury or death. Increases the penalties under the mail fraud statute and the wire fraud statute for fraudulent schemes that result in serious injury or death. The maximum penalty if serious bodily harm occurred would be up to twenty years; if a death occurred, the maximum penalty would be a life sentence.

Sec. 2214. Safeguarding pension plans from fraud and theft. Punishes, with up to ten years' imprisonment, the act of defrauding retirement arrangements, or obtaining by means of false or fraudulent pretenses money or property of any retirement arrangement.

Sec. 2215. Additional civil penalties for defrauding pension plans. Authorizes the Attorney General to bring a civil action for retirement fraud, with penalties up to $50,000 for an individual or $100,000 for an organization, or the amount of the gain to the offender or loss to the victim, whichever is greatest.

Sec. 2216. Punishing bribery and graft in connection with employee benefit plans. Increases the maximum penalty for bribery and graft in connection with the operation of an employee benefit plan from three to five years' imprisonment. Broadens existing law to cover corrupt attempts to give or accept bribery or graft payments, and to proscribe bribery or graft payments to persons exercising de facto influence or control over employee benefit plans.

Part 2—Preventing Telemarketing Crime

Sec. 2221. Centralized complaint and consumer education service for victims of telemarketing fraud. Directs the Federal Trade Commission (FTC) to establish a central information clearinghouse for victims of telemarketing fraud and procedures for logging in complaints of telemarketing fraud victims, providing information on telemarketing fraud schemes, referring complaints to appropriate law enforcement officials, and providing complaint or prior conviction information. Directs the Attorney General to establish a database of telemarketing fraud convictions secured against corporations or companies, for uses described above.

Sec. 2222. Blocking of telemarketing scams. Clarifies that telemarketing fraud schemes executed using cellular telephone services are subject to the enhanced penalties for such fraud under 18 U.S.C. §2326. Authorizes termination of telephone service used to carry on telemarketing fraud. Requires telephone companies, upon notification in writing from the Department of Justice that a particular phone number is being used to engage in fraudulent telemarketing or other fraudulent conduct, and after notice to the customer, to terminate the subscriber's telephone service.

Part 3—Preventing Health Care Fraud

Sec. 2231. Injunctive authority relating to false claims and illegal kickback schemes involving Federal health care programs. Authorizes the Attorney General to take immediate action to halt illegal health care fraud kickback schemes under the Social Security Act. Attorney General may seek a civil penalty of up to $50,000 per violation, or three times the remuneration, whichever is greater, for each offense under this section with respect to a Federal health care program.

Sec. 2232. Authorized investigative demand procedures. Authorizes the Attorney General to issue administrative subpoenas to investigate civil health care fraud cases. Provides privacy safeguards for personally identifiable health information that may be obtained in response to an administrative subpoena and divulged in the course of a Federal investigation.

Sec. 2233. Extending antifraud safeguards to the Federal Employees Health Benefits program. Removes the anti-fraud exemption for the Federal Employee Health Benefits Act (FEHB), thereby extending anti-fraud and anti-kickback safeguards applicable to the Medicare and Medicaid program to the FEHB. Allows the Attorney General to use the same civil enforcement tools to fight fraud perpetrated against the FEHB program as are available to other Federal health care programs, and to recover civil penalties against persons or entities engaged in illegal kickback schemes.

Sec. 2234. Grand jury disclosure. Authorizes Federal prosecutors to seek a court order to share grand jury information regarding health care offenses with other Federal prosecutors for use in civil proceedings or investigations relating to fraud or false claims in connection with any Federal health care program. Permits grand jury information regarding health care offenses to be shared with Federal civil prosecutors, only after ex parte court review and a finding that the information would assist in enforcement of Federal laws or regulations.

Sec. 2235. Increasing the effectiveness of civil investigative demands in false claims investigations. Authorizes the Attorney General to delegate authority to issue civil investigative demands to the Deputy Attorney General or an Assistant Attorney General. Authorizes whistleblowers who have brought qui tam actions under the False Claims Act to seek permission ftom a district court to obtain information disclosed to the Department of Justice in response to civil investigative demands.

Part 4—Protecting Residents of Nursing Homes

Sec. 2241. Nursing home resident protection. Sets penalties for engaging in a pattern of willful violations of Federal or State laws governing the health, safety, or care of individuals residing in residential health care facilities. This section also provides additional whistleblower protection for persons who are retaliated against for reporting deficient nursing home conditions.

Part 5—Protecting the Rights of Elderly Crime Victims

Sec. 2251. Use of forfeited funds to pay restitution to crime victims and regulatory agencies. Authorizes the use of forfeited funds to pay restitution to crime victims and regulatory agencies.

Sec. 2252. Victim restitution. Allows the government to move to dismiss forfeiture proceedings to allow the defendant to use the property subject to forfeiture for the payment of restitution to victims. If forfeiture proceedings are complete, Government may return the forfeited property so it may be used for restitution.

Sec. 2253. Bankruptcy proceedings not used to shield illegal gains from false claims. Allows an action under the False Claims Act despite concurrent bankruptcy proceedings. Prohibits discharge of debts resulting from judgments or settlements in Medicare and Medicaid fraud cases. Provides that no debt owed for a violation of the False Claims Act or other agreement may be avoided under bankruptcy provisions.

Sec. 2254. Forfeiture for retirement offenses. Requires the forfeiture of proceeds of a criminal retirement offense. Permits the civil forfeiture of proceeds from a criminal retirement offense.

TITLE III—DETERRING IDENTITY THEFT AND ASSISTING VICTIMS OF CRIME AND DOMESTIC VIOLENCE

Subtitle A—Deterring Identity Theft

Part 1—Identity Theft Victims Assistance

Sec. 3111. Short title. Contains the short title, the ''Identity Theft Victims Assistance Act of 2003''.

Sec. 3112. Findings. Legislative findings in support of this part.

Sec. 3113. Treatment of identity theft mitigation. Requires business entities possessing information relating to an identity theft or that may have done business with a person who has made unauthorized use of a victim's means of identification to provide without charge to the victim or to any Federal, State, or local governing law enforcement agency or officer specified by the victim copies of all related application and transaction information. Limits liability for business entities that provide information under this section for the purpose of identification and prosecution of identity theft or to assist a victim. Authorizes civil enforcement actions by State Attorney General regarding identity theft.

Sec. 3114. Amendments to the Fair Credit Reporting Act. Amends the Fair Credit Reporting Act to direct a consumer reporting agency, at the request of a consumer, to block the reporting of any information identified by the consumer in such consumer's file resulting from identity theft, subject to specified requirements.

Sec. 3115. Coordinating committee study of coordination among Federal, State, and local authorities in enforcing identity theft laws. Amends the Internet False Identification Prevention Act of 2000 to (1) expand the membership of the coordinating committee on false identification to include the Chairman of the Federal Trade Commission, the

Postmaster General, and the Commissioner of the United States Customs Service; (2) extend the term of the coordinating committee through December 28, 2004; (3) direct the coordinating committee to include certain information regarding identity theft in its annual reports to Congress.

Part 2—Identity Theft Prevention Act

Sec. 3121. Short title. Contains the short title, the ''Identity Theft Prevention Act of 2003''.

Sec. 3122. Findings. Legislative findings in support of this part.

Sec. 3123. Identity theft prevention. Requires credit card companies to notify consumers within 30 days of a change of address request on an existing credit account. This section also codifies the current industry practice of ''fraud alerts'' and imposes penalties for non-compliance by credit issuers or credit reporting agencies. A fraud alert is a statement inserted in a consumer's credit report that notifies users that the consumer does not authorize the issuance of credit in his or her name unless the consumer is first notified in a pre-arranged manner.

Sec. 3124. Truncation of credit card account numbers. By 18 months after enactment of this Act, all new credit-card machines that print receipts electronically shall not print the expiration date or more than the last five digits of the customer's credit card number. By 4 years after enactment, all credit card machines that electronically print out receipts must comply.

Sec. 3125. Free annual credit report. Entitles every citizen to a free credit report once per year upon request.

Part 3—Social Security Number Misuse Prevention Act

Sec. 3131. Short title. Contains the short title, ''Social Security Number Misuse Prevention Act of 2003.''

Sec. 3132. Findings. Legislative findings in support of this part.

Sec. 3133. Prohibition of the display, sale, or purchase of social security numbers. Prohibits the sale and display of a social security number without the affirmatively expressed consent of the individual, but allows legitimate business-to-business and business-to-government uses of social security numbers as defined by the Attorney General. Financial institutions, though not subject to the Attorney General rule-making, are prohibited by their own regulators from selling or displaying social security numbers to the general public.

Sec. 3134. Application of prohibition of the display, sale, or purchase of social security numbers to public records. Prohibits government entities from displaying social security numbers on public records posted on the Internet. Only records posted on the Internet after the date of enactment are affected. In addition, the Attorney General may allow some entities that have already posted social security numbers on the Internet to continue doing so. This section also prohibits government entities from displaying a person's social security number on any record issued to the general public through CD–ROMs or other electronic media (for records issued after the date of enactment).

Sec. 3135. Rulemaking authority of the Attorney General. Allows the Attorney General to decide if social security numbers should be removed from the face of simple government documents like professional licenses.

Sec. 3136. Treatment of social security numbers on government documents. Requires social security numbers to be prospectively removed from drivers' licenses and government checks.

Sec. 3137. Limits on personal disclosure of a social security number for consumer transactions. Limits, for the first time, when businesses may require a customer to provide his or her social security number. Under this section, in general, businesses may not require that the social security number be provided. Exceptions include business purposes related to credit reporting, background checks, and law enforcement.

Sec. 3138. Extension of civil monetary penalties for misuse of a social security number. Authorizes the Social Security Administration to issue civil penalties of up to $5,000 for people who misuse social security numbers.

Sec. 3139. Criminal penalties for misuse of a social security number. Creates a five-year maximum prison sentence for anyone who obtains another person's social security number for the purpose of locating or identifying that person with the intent to physically injure or harm her.

Sec. 3140. Civil actions and civil penalties. Individuals whose social security numbers are misused may file a claim in State court to seek an injunction, or seek the greater of $500 in damages or their actual monetary losses. Businesses sued under the statute have an affirmative defense if they have taken reasonable steps to prevent violations of this part.

Sec. 3141. Federal injunctive authority. Provides the Federal government with injunctive authority with respect to any violation of this part by a public entity.

Subtitle B—Crime Victims Assistance

Sec. 3201. Short title. Contains the short title, the ''Crime Victims Assistance Act of 2003''.

Part 1—Victim Rights in the Federal System

Sec. 3211. Right to consult concerning detention. Requires the government to consult with victim prior to a detention hearing to obtain information that can be presented to the court on the issue of any threat the suspected offender may pose to the victim. Requires the court to make inquiry during a detention hearing concerning the views of the victim, and to consider such views in determining whether the suspected offender should be detained.

Sec. 3212. Right to a speedy trial. Requires the court to consider the interests of the victim in the prompt and appropriate disposition of the case, free from unreasonable delay.

Sec. 3213. Right to consult concerning plea. Requires the government to make reasonable efforts to notify the victim of, and consider the victim's views about, any proposed or contemplated plea agreement. Requires the court, prior to entering judgment on a plea, to make inquiry concerning the views of the victim on the issue of the plea.

Sec. 3214. Enhanced participatory rights at trial. Provides standing for the prosecutor and the victim to assert the right of the victim to attend and observe the trial. Extends the Victim Rights Clarification Act to apply to televised proceedings. Amends the Victims' Rights and Restitution Act of 1990 to strengthen the right of crime victims to be present at court proceedings, including trials.

Sec. 3215. Enhanced participatory rights at sentencing. Requires the probation officer to include as part of the presentence report any victim impact statement submitted by a victim. Extends to all victims the right to make a statement or present information in relation to the sentence. Requires the court to consider the victim's views concerning punishment, if such views are presented to the court, before imposing sentence.

Sec. 3216. Right to notice concerning sentence adjustment. Requires the government to provide the victim the earliest possible notice of the scheduling of a hearing on modification of probation or supervised release for the offender.

Sec. 3217. Right to notice concerning discharge from psychiatric facility. Requires the government to provide the victim the earliest possible notice of the discharge or conditional discharge from a psychiatric facility of an offender who was found not guilty by reason of insanity.

Sec. 3218. Right to notice concerning executive clemency. Requires the government to provide the victim the earliest possible notice of the grant of executive clemency to the offender. Requires the Attorney General to report to Congress concerning executive clemency matters delegated for review or investigation to the Attorney General.

Sec. 3219. Procedures to promote compliance. Establishes an administrative system for enforcing the rights of crime victims in the Federal system.

Part 2—Victim Assistance Initiatives

Sec. 3221. Pilot programs to enforce compliance with State crime victim's rights laws. Authorizes the establishment of pilot programs in five States to establish and operate compliance authorities to promote compliance and effective enforcement of State laws regarding the rights of victims of crime. Compliance authorities would receive and investigate complaints relating to the provision or violation of a crime victim's rights, and issue findings following such investigations. Amounts authorized are $8 million through FY2004, and such sums as necessary for the next two fiscal years.

Sec. 3222. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments. Authorizes grants to develop and implement crime victim notification systems. Amounts authorized are $10 million through FY2004, and $5 million for each of the next two fiscal years.

Sec. 3223. Restorative justice grants. Authorizes grants to establish juvenile restorative justice programs. Eligible programs shall: (1) be fully voluntary by both the victim and the offender (who must admit responsibility); (2) include as a critical component accountability conferences, at which the victim will have the opportunity to address the offender directly; (3) require that conferences be attended by the victim, the offender, and when possible, the parents or guardians of the offender, and the arresting officer; and (4) provide an early, individualized assessment and action plan to each juvenile offender. These programs may act as an alternative to, or in addition to, incarceration. Amounts authorized are $10 million through FY2004, and $5 million for each of the next two fiscal years.

Part 3—Amendments to the Victims of Crime Act

Sec. 3231. Formula for distributions from the Crime Victims Fund. Replaces the annual cap on distributions from the Crime Victims Fund with a formula that ensures stability in the amounts distributed while preserving the amounts remaining in the Fund for use in future years. In general, subject to the availability of money in the Fund, the total amount to be distributed in any fiscal year shall be not less than 105% nor more than 115% of the total amount distributed in the previous fiscal year. This section also establishes minimum levels of annual funding for both State victim assistance grants and discretionary grants by the Office for Victims of Crime.

Sec. 3232. Clarification regarding anti-terrorism emergency reserve. Clarifies the intent of the USA PATRIOT Act regarding the restructured Antiterrorism emergency reserve, which was that any amounts used to replenish the reserve after the first year would be above any limitation on spending from the Fund.

Sec. 3233. Prohibition on diverting crime victims fund to offset increased spending. Ensures that the amounts deposited in the Crime Victims Fund are distributed in a timely manner to assist victims of crime as intended by current law and are not diverted to offset increased spending.

Subtitle C—Violence Against Women Act Enhancements

Sec. 3301. Transitional housing assistance grants. Authorizes grants to State and local governments, Indian tribes, and organizations to provide transitional housing and related support services (18-month maximum with a 6–month extension) to individuals and dependents who are homeless as a result of domestic violence, and for whom emergency shelter services or other crisis intervention services are unavailable or insufficient. Amounts authorized are $30 million for each fiscal year through FY2007.

Sec. 3302. Shelter services for battered women and children. Provides assistance to local entities that provide shelter or transitional housing assistance to victims of domestic violence. Provides means to improve access to information on family violence within underserved 15 populations. Reauthorizes funding for the Family Violence Prevention and Services Act at a level of $175 million through FY2006.

Title IV—Supporting Law Enforcement and the Effective Administration of Justice

Subtitle A—Support for Public Safety Officers and Prosecutors

Part I—Providing Reliable Officers, Technology, Education, Community Prosecutors, and Training in Our Neighborhoods

Sec. 4101. Short title. Contains the short title, the ''Providing Reliable Officers, Technology, Education, Community Prosecutors, and Training in Our Neighborhoods Act of 2003,'' or ''PROTECTION Act''.

Sec. 4102. Authorizations. Authorizes $1.15 billion per year through FY 2008 to continue and modernize the Community Oriented Policing Services (COPS) program, which has funded 114,000 new community police officers in over 12,400 law enforcement agencies. This amount includes $600 million for police hiring grants, $350 million per year for law enforcement technology grants, and $200 million per year for community prosecutor grants.

Part 2—Hometown Heroes Survivors Benefits

Sec. 4111. Short title. Contains the short title, the ''Hometown Heroes Survivors Benefits Act of 2003''.

Sec. 4112. Fatal heart attack or stroke on duty presumed to be death in line of duty for purposes of public safety officer survivor benefits. Closes a loophole in the Department of Justice Public Safety Officers Benefits Program by ensuring that the survivors of public safety officers who die of heart attacks or strokes while on duty or within 24 hours after participating in a training exercise or responding to an emergency situation—regardless of whether a traumatic injury was present at the time of the heart attack or stroke—are eligible to receive financial assistance. This section applies to deaths occurring on or after January 1, 2002.

Part 3—Federal Prosecutors Retirement Benefit Equity

Sec. 4121. Short title. Contains the short title, the ''Federal Prosecutors Retirement Benefit Equity Act of 2003''.

Sec. 4122. Inclusion of Federal prosecutors in the definition of a law enforcement officer. Amends 5 U.S.C. §§8331 and 8401 to extend the enhanced law enforcement officer (LEO) retirement benefits to Federal prosecutors, defined to include Assistant United States Attorneys (AUSAs) and such other attorneys in the Department of Justice as are designated by the Attorney General. This section also exempts Federal prosecutors from mandatory retirement provisions for LEOs under the civil service laws.

Sec. 4123. Provisions relating to incumbents. Governs the treatment of incumbent Federal prosecutors who would be eligible for LEO retirement benefits under this part. This section requires the Office of Personnel Management to provide notice to incumbents of their rights under this part; allows incumbents to opt out of the LEO retirement program; governs the crediting of prior service by incumbents; and provides for make-up contributions for prior service of incumbents to the Civil Service Retirement and Disability Fund. Incumbents are given the option of either contributing their own share of any make-up contributions or receiving a proportionally lesser retirement benefit. The Government may contribute its share of any makeup contribution ratably over a ten-year period.

Sec. 4124. Department of Justice administrative actions. Allows the Attorney General to designate additional Department of Justice attorneys with substantially similar responsibilities, in addition to AUSAs, as Federal prosecutors for purposes of this Act, and thus be eligible for the LEO retirement benefit.

Subtitle B—Rural Law Enforcement Improvement and Training Grants

Sec. 4201. Rural Law Enforcement Retention Grant Program. Authorizes grants to help rural communities retain law enforcement officers hired through the COPS program for an additional year. Under this program, rural communities are eligible to receive a one-time retention grant of up to 20% of their original COPS award. Priority is given to communities that demonstrate financial hardship. Authorizes $15 million a year for five years. Provides a 10% set-aside to assist tribal communities.

Sec. 4202. Rural Law Enforcement Technology Grant Program. Authorizes grants to help rural communities purchase crime-fighting technologies without a community policing requirement. Under this program, rural communities are eligible to receive funding for the following general categories of law enforcement-related technology: communications equipment; computer hardware and software; video cameras; and crime analysis technologies. Grant recipients must provide 10% of the total grant amount, subject to a waiver for extreme hardship. Authorizes $40 million a year for five years. Provides a 10% set-aside to assist tribal communities.

Sec. 4203. Rural 9–1–1 service. Authorizes $25 million in grants to establish and improve 911 emergency service in rural areas. Under this program, rural communities are eligible to receive a grant of up to $250,000 to provide access to, and improve, a communications infrastructure that will ensure reliable and seamless communications between law enforcement, fire, and emergency medical service providers. Priority is given to communities that do not have 911 service. Provides a 10% set-aside to assist tribal communities.

Sec. 4204. Small town and rural law enforcement training program. Authorizes funding to establish a Rural Policing Institute as part of the Small Town and Rural Training Program administered by the Federal Law Enforcement Training Center. Funds may be used to: (1) assess the needs of law enforcement in rural areas; (2) develop and deliver export training to rural law enforcement; and (3) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers in rural areas. Authorizes $10 million through FY2004 to establish the Rural Policing Institute, and $5 million a year for the next four years to continue programs under the Institute. Provides a 10% set-aside to assist tribal communities.

Subtitle C—FBI Reform

Sec. 4301. Short title. Contain the short title, the ''Federal Bureau of Investigation Reform Act of 2003''.

Part I—Whistleblower Protection

Sec. 4311. Increasing protections for FBI whistleblowers. Amends 5 U.S.C. §2303 to expand the types of disclosures that trigger whistleblower protections by protecting disclosures to a supervisor of the employee, the Inspector General for the Department of Justice, a Member of Congress, or the Special Counsel (an office associated with enforcement before the Merit Systems Protection Board provided for by 5 U.S.C. §1214).

Part 2—FBI Security Career Program

Sec. 4321. Security management policies. Requires the Attorney General to establish policies and procedures for career management of FBI security personnel.

Sec. 4322. Director of the Federal Bureau of Investigation. Authorizes the Attorney General to delegate to the FBI Director the Attorney General's duties with respect to the FBI security workforce, and ensures that the security career program will cover both headquarters and FBI field offices.

Sec. 4323. Director of Security. Directs the FBI Director to appoint a Director of Security to assist the FBI Director in carrying out his duties under this part.

Sec. 4324. Security career program boards. Provides for the establishment of a security career program board to advise in managing hiring, training, education, and career development of personnel in the FBI security workforce.

Sec. 4325. Designation of security positions. Directs the FBI Director to designate certain positions as security positions, with responsibility for personnel security and access control; information systems security and information assurance; physical security and technical surveillance countermeasures; operational, program and industrial security; and information security and classification management.

Sec. 4326. Career development. Requires that career paths to senior security positions be published. No requirement or preference for FBI Special Agents shall be used in the consideration of persons for security positions unless the Attorney General makes a special determination. All FBI personnel shall have the opportunity to acquire the education, training and experience needed for senior security positions. Policies established under this part shall be designed to select the best qualified individuals, with consideration also given to the need for a balanced workforce.

Sec. 4327. General education, training, and experience requirements. Directs the FBI Director to establish education, training, and

experience requirements for each security position. Before assignment as a manager or deputy manager of a significant security program, a person must have completed a security program management course accredited by the Intelligence Community-Department of Defense Joint Security Training Consortium or determined to be comparable by the FBI Director, and have six years experience in security.

Sec. 4328. Education and training programs. Directs the FBI Director, in consultation with the Director of Central Intelligence and the Secretary of Defense, to establish education and training programs for FBI security personnel that are, to the maximum extent practical, uniform with Intelligence and Department of Defense programs.

Sec. 4329. Office of Personnel Management approval. Directs the Attorney General to submit any requirement established under section 4327 to the Office of Personnel Management for approval.

Part 3—FBI Counterintelligence Polygraph Program

Sec. 4331. Definitions. Defines terms used in this part.

Sec. 4332. Establishment of program. Establishes a counterintelligence screening polygraph program for the FBI, consisting of periodic polygraph examinations of employees and contractors in positions that are specified by the FBI Director as exceptionally sensitive. This program shall be established within six months of the publication of the results of the Polygraph Review by the National Academy of Sciences' Committee to Review the Scientific Evidence on the Polygraph.

Sec. 4333. Regulations. Directs the Attorney General to prescribe regulations for the polygraph program, which regulations shall include procedures for addressing ''false positive'' results and ensuring quality control. No adverse personnel action may be taken solely by reason of an individual's physiological reaction on a polygraph examination without further investigation and a personal determination by the FBI Director. Employees who are subject to polygraph 19 examinations shall have prompt access to unclassified reports regarding any such examinations that relate to adverse personnel actions.

Sec. 4334. Report on further enhancement of FBI personnel security program. Requires a report within nine months of the enactment of this Act on any further legislative action that the FBI Director considers appropriate to enhance the FBI's personnel security program.

Part 4—Report

Sec. 4341. Report on legal authority for FBI programs and activities. Requires a report within nine months after enactment of this Act describing the legal authority for all FBI programs and activities, identifying those that have express statutory authority and those that do not. This section also requires the Attorney General to recommend whether (1) the FBI should continue to have investigative responsibility for the criminal statutes for which it currently has investigative responsibility; (2) the authority for any FBI program or activity should be modified or repealed; (3) the FBI should have express statutory authority for any program or activity for which it does not currently have such authority; and (4) the FBI should have authority for any new program or activity.

Part 5—Ending the Double Standard

Sec. 4351. Allowing disciplinary suspensions of members of the Senior Executive Service for 14 days or less. Lifts the minimum of 14 days suspension that applies in the FBI's SES disciplinary cases and thereby provides additional options for discipline in SES cases and encourages equality of treatment. The current inflexibility of disciplinary options applicable to SES officials was cited at a Senate Judiciary Committee oversight hearing in July 2001 as one underlying reason for the ''double standard'' in FBI discipline.

Sec. 4352. Submitting Office of Professional Responsibility reports to congressional committees. Requires the OIG to submit to the Judiciary Committees, for five years, annual reports to be prepared by the FBI Office of Professional Responsibility summarizing its investigations, recommendations, and their dispositions, and also requires that such annual reports include an analysis of whether any double standard is being employed for FBI disciplinary action.

Part 6—Enhancing Security at the Department of Justice

Sec. 4361. Report on the protection of security and information at the Department of Justice. Requires the Attorney General to submit a report to Congress on the manner in which the Department of Justice Security and Emergency Planning Staff, Office of Intelligence Policy and Review (OIPR), and Chief Information Officer plan to improve the protection of security and information at the Department, including a plan to establish secure communications between the FBI and OIPR for processing information related to the Foreign Intelligence Surveillance Act.

Sec. 4362. Authorization for increased resources to protect security and information. Authorizes funds for the Department of Justice Security and Emergency Planning Staff to meet the increased demands to provide personnel, physical, information, technical, and litigation security for the Department, to prepare for terrorist threats and other emergencies, and to review security compliance by Department components. Amounts authorized are $13 million through FY2004, $17 million for FY2005, and $22 million for FY2006.

Sec. 4363. Authorization for increased resources to fulfill national security mission of the Department of Justice. Authorizes funds for the Department of Justice Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counterespionage investigations, provide policy analysis and oversight on national security matters, and enhance computer and telecommunications security. Amounts authorized are $7 million through FY2004, $7.5 million for FY2005, and $8 million for FY2006.

Subtitle D—DNA Sexual Assault Justice Act

Sec. 4401. Short title. Contains the short title, the ''DNA Sexual Assault Justice Act of 2003''.

Sec. 4402. Assessment of backlog in DNA analysis of samples. Requires the Attorney General to survey law enforcement to assess the extent of the backlog of untested rape kits and other sexual assault evidence. Within one year of enactment, the Attorney General shall submit his findings in a report to Congress with a plan for carrying out additional assessments and reports on the backlog as needed. Authorizes $500,000 to carry out this section.

Sec. 4403. The Debbie Smith DNA Backlog Grant Program. Names a section of the DNA Backlog Elimination Act after Ms. Debbie Smith, and amends the purpose section of that Act to ensure the timely testing of rape kits and evidence from non-suspect cases.

Sec. 4404. Increased grants for analysis of DNA samples from convicted offenders and crime scenes. Extends and increases authorizations in the DNA Analysis Backlog Elimination Act, 42 U.S.C. §14135. That Act authorizes $15 million dollars for FY2003 for DNA testing of convicted offender samples, and $50 million for FY2003 and FY2004 for DNA testing of crime scene evidence (including rape kits) and laboratory improvement. This section increases the convicted offender authorization to $15 million a year through FY2007—a total increase of $60 million—and increases the crime scene evidence and laboratory improvement authorizations to $75 million a year through FY2006, and $25 million for FY2007—a total increase of $275 million.

Sec. 4405. Authority of local governments to apply for and receive DNA Backlog Elimination Grants. Authorizes local State governments and Indian tribes to apply directly for Debbie Smith DNA Backlog Grants so that Federal resources can meet local needs more quickly.

Sec. 4406. Improving eligibility criteria for backlog grants. Amends the eligibility requirements for Debbie Smith DNA Backlog Grants to ensure that applicants adhere to certain protocols. In making Debbie Smith DNA Backlog Grants, the Department of Justice shall give priority to applicants with the greatest backlogs per capita.

Sec. 4407. Quality assurance standards for collection and handling of DNA evidence. Requires the Department of Justice to develop a recommended national protocol for the collection of DNA evidence at crime scenes, which will provide guidance to law enforcement and other first responders on appropriate ways to collect and maintain DNA evidence. This section also amends the Violence Against Women Act of 2000, 42 U.S.C. 3796gg, to ensure that the recommended national protocol for training individuals in the collection and use of DNA evidence through forensic examination in cases of sexual assault that is mandated by that Act is in fact developed, and to include standards for training of emergency response personnel.

Sec. 4408. Sexual Assault Forensic Exam Program Grants. Authorizes grants to establish and maintain sexual assault examiner programs, carry out sexual assault examiner training and certification, and acquire or improve forensic equipment. The grant program is authorized through FY2007, at $30 million per year. In awarding grants under this section, the Attorney General shall give priority to programs that are serving or will serve communities that are currently underserved by existing sexual assault examiner programs.

Sec. 4409. DNA Evidence Training Grants. Authorizes grants to train law enforcement and prosecutors in the collection, handling, and courtroom use of DNA evidence, and to train law enforcement in responding to drug-facilitated sexual assaults. Grants are contingent upon adherence to FBI laboratory protocols, use of the collection standards established pursuant to section 4407 and participation in a State laboratory system. The grant program is authorized through FY2007, at $10 million per year.

Sec. 4410. Authorizing John Doe DNA Indictments. In Federal sexual assault crimes, authorizes the issuance of ''John Doe'' DNA indictments that identify the defendant by his DNA profile. Such indictments must

issue within the applicable statute of limitations; thereafter, the prosecution may commence at any time once the defendant is arrested or served with a summons.

Sec. 4411. Increased grants for Combined DNA Index System (CODIS). Authorizes $9.7 million to upgrade the national DNA database.

Sec. 4412. Increased grants for Federal Convicted Offender Program (FCOP). Authorizes $500,000 to process Federal offender DNA samples and enter that information into the national DNA database.

Sec. 4413. Privacy requirements for handling DNA evidence and DNA analyses. Requires the Department of Justice to promulgate privacy regulations that will limit the use and dissemination of DNA information generated for criminal justice purposes, and ensure the privacy, security, and confidentiality of DNA samples and analyses. This section also amends the DNA Analysis Backlog Reduction Act of 2000 to increase criminal penalties for disclosing or using a DNA sample or DNA analysis in violation of that act by a fine not to exceed $100,000 per offense.

Subtitle E—Additional Improvements to the Justice System

Sec. 4501. Providing remedies for retaliation against whistleblowers making congressional disclosures. Provides a remedy for the currently existing right under 5 U.S.C. §7211 for Federal employees to provide information to a Member or Committee of Congress without retaliation. The existing statute provides a right without any remedy for such retaliation; this section creates a cause of action for the injured employee.

Sec. 4502. Establishment of protective function privilege. Establishes a privilege against testimony by Secret Service officers charged with protecting the President, those in direct line for the Presidency, and visiting foreign heads of state.

Sec. 4503. Professional standards for government attorneys. Clarifies the attorney conduct standards governing attorneys for the Federal Government to ensure that Federal prosecutors and agents can use traditional Federal law enforcement techniques without running afoul of State bar rules. This section also directs the U.S. Judicial Conference to develop national rules of professional conduct in any area in which local rules may interfere with effective Federal law enforcement, including, in particular, with respect to communications with represented persons.

TITLE V—COMBATING DRUG AND GUN VIOLENCE

Subtitle A—Drug Treatment, Prevention, and Testing

Part 1—Drug Treatment

Sec. 5101. Funding for treatment in rural States and economically depressed communities. Authorizes grants to States to provide treatment facilities in the neediest rural States and economically depressed communities that have high rates of drug addiction but lack resources to provide adequate treatment. Amount authorized is $50 million a year through FY2006.

Sec. 5102. Funding for residential treatment centers for women with children. Authorizes grants to States to provide residential treatment facilities for methamphetamine, heroin, and other drug addicted women who have minor children. These facilities offer specialized treatment for addicted mothers and allow their children to reside with them in the facility or nearby while treatment is ongoing. Amount authorized is $10 million a year through FY2006.

Sec. 5103. Drug treatment alternative to prison programs administered by State or local prosecutors. Authorizes grants to State or local prosecutors to implement or expand drug treatment alternatives to prison programs. Amounts authorized are $75 million through FY2004, $85 million for FY2005, $95 million for FY2006, $105 million for FY2007, and $125 million for FY2008.

Sec. 5104. Substance abuse treatment in Federal prisons reauthorization. Authorizes funding for substance abuse treatment in Federal prisons through FY2004.

Sec. 5105. Drug treatment for juveniles. Allows the Director of the Center for Substance Abuse to make grants to public and private nonprofit entities to provide residential drug treatment programs for juveniles. Authorizes such sums as necessary through FY2005, and $300 million a year through FY2007 from the Violent Crime Reduction Trust Fund.

Part 2—Funding for Drug-Free Community Programs

Sec. 5111. Extension of Safe and Drug-Free Schools and Communities Program. Extends funding for the Safe and Drug-Free Schools and Communities Program through FY2007, at $655 million a year through FY2005, and $955 million for FY2006 and FY2007.

Sec. 5112. Say No to Drugs Community Centers. Authorizes grants for the provision of drug prevention services to youth living in eligible communities during after-school hours or summer vacations. Authorizes $125 million a year through FY2005 from the Violent Crime Reduction Trust Fund.

Sec. 5113. Drug education and prevention relating to youth gangs. Extends funding under the Anti-Drug Abuse Act of 1988 through FY2007.

Sec. 5114. Drug education and prevention program for runaway and homeless youth. Extends funding under the Anti-Drug Abuse Act of 1988 through FY2007.

Part 3—Zero Tolerance Drug Testing

Sec. 5121. Grant authority. Authorizes grants to States and localities for programs supporting comprehensive drug testing of criminal justice populations, and to establish appropriate interventions to illegal drug use for offender populations.

Sec. 5122. Administration. Instructs Attorney General to coordinate with the other Department of Justice initiatives that address drug testing and interventions in the criminal justice system.

Sec. 5123. Applications. Instructs potential applicants on the process of requesting such grants, which are to be awarded on a competitive basis.

Sec. 5124. Federal share. The Federal share of a grant made under this part may not exceed 75% of the total cost of the program.

Sec. 5125. Geographic distribution. The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made, with rural and tribal jurisdiction representation.

Sec. 5126. Technical assistance, training, and evaluation. The Attorney General shall provide technical assistance and training in furtherance of the purposes of this part.

Sec. 5127. Authorization of appropriations. Authorizes $75 million for FY2003 and such sums as are necessary through FY2007.

Sec. 5128. Permanent set-aside for research and evaluation. The Attorney General shall set aside between 1% to 3% of the sums appropriated under section 5127 for research and evaluation of this program.

Part 4—Crack House Statute Amendments

Sec. 5131. Offenses. Amends crack house statute (21 U.S.C. §856) to make it apply to those who (1) knowingly open, lease, rent, use or maintain a place either permanently or temporarily for the purpose of manufacturing, distributing or using any controlled substance and (2) manage or control any place, whether permanently or temporarily, for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance. These changes clarify that the law applies not just to ongoing drug distribution operations, but to ''single-event'' activities. This section also applies the law to outdoor as well as indoor venues.

Sec. 5132. Civil penalty and equitable relief for maintaining drug-involved premises. Establishes the civil penalty for violating 21 U.S.C. §856 as amended to either $250,000 or two times the gross receipts that were derived from each violation of that section.

Sec. 5133. Declaratory and injunctive remedies. Authorizes the Attorney General to commence a civil action for declaratory or injunctive relief for violations of 21 U.S.C. §856 as amended.

Sec. 5134. Sentencing Commission guidelines. Requires the Sentencing Commission to review Federal sentencing guidelines with respect to offenses involving gammahydroxybutyric acid and consider amending Federal sentencing guidelines to provide for increased penalties.

Sec. 5135. Authorization of appropriations for a demand reduction coordinator. Authorizes $5.9 million to the Drug Enforcement Administration to hire a special agent in each State to coordinate demand reduction activities.

Sec. 5136. Authorization of appropriations for drug education. Authorizes such sums as may be necessary to the Drug Enforcement Administration to educate youths, parents, and other interested adults about the drugs associated with raves.

Part 5—Cracking Down on Methamphetamine in Rural Areas

Sec. 5141. Methamphetamine treatment programs in rural areas. Authorizes grants to establish methamphetamine prevention and treatment pilot programs in rural areas. Provides a 10% set-aside to assist tribal communities.

Sec. 5142. Methamphetamine prevention education. Authorizes $5 million a year through FY2008 to fund programs that educate people in rural areas about the early signs of methamphetamine use. Provides a 10% set-aside to assist tribal communities.

Sec. 5143. Methamphetamine cleanup. Authorizes $20 million to make grants to States or units of local government to help cleanup methamphetamine laboratories in rural areas and improve contract-related response times for such cleanups. Provides a 10% set-aside to assist tribal communities.

Subtitle B—Disarming Felons

Part 1—Our Lady of Peace Act

Sec. 5201. Short Title. Contains the short title, the ''Our Lady of Peace Act of 2003''.

Sec. 5202. Findings. Legislative findings in support of this part.

Sec. 5203. Enhancement of requirement that Federal departments and agencies provide relevant information to the National Instant Criminal Background Check System. Amends the Brady Handgun Violence Prevention Act to require the head of each U.S. department or agency to ascertain whether it has such information on persons for whom receipt of a firearm would violate specified Federal provisions regarding excluded individuals or State law as is necessary to enable the National Instant Criminal Background Check System (NICS) to operate. Directs

that any such record that the department or agency has to be made available to the Attorney General for inclusion in the NICS.

Sec. 5204. Requirements to obtain waiver. Makes a State eligible to receive a waiver of the 10% matching requirement for National Criminal History Improvement Grants if the State provides at least 95% of the information described in this Act, including the name of and other relevant identifying information related to each person disqualified from acquiring a firearm.

Sec. 5205. Implementation grants to States. Directs the Attorney General to make grants to each State: (1) to establish or upgrade information and identification technologies for firearms eligibility determinations; and (2) for use by the State's chief judicial officer to improve the handling of proceedings related to criminal history dispositions and restraining orders. Authorizes $250 million a year through FY2006.

Sec. 5206 Continuing evaluations. Requires the Director of the Bureau of Justice Statistics to study and evaluate the operations of NICS and to report on grants and on best practices of States.

Sec. 5207. Grants to State courts for the improvement in automation and transmittal of disposition record. Directs the Attorney General to make grants to each State for use by the chief judicial officer of the State to improve the handling of proceedings related to criminal history dispositions and restraining orders. Authorizes $125 million a year through FY2006.

Part 2—Ballistics, Law Assistance, and Safety Technology

Sec. 5211. Short title. Contains the short title, the ''Ballistics, Law Assistance, and Safety Technology Act of 2003,'' or ''BLAST Act''.

Sec. 5212. Purposes. Statement of legislative purposes.

Sec. 5213. Definition of ballistics. Defines terms used in this part.

Sec. 5214. Test firing and automated storage of ballistics records. Requires a licensed manufacturer or importer to test fire firearms, prepare ballistics images, make records available to the Secretary of the Treasury for entry in a computerized database, and store the fired bullet and cartridge casings. Directs the Attorney General and the Secretary to assist firearm manufacturers and importers in complying. Specifies that nothing herein creates a cause of action against any Federal firearms licensee or any other person for any civil liability except for imposition of a civil penalty under this section. Authorizes $20 million a year through FY2006 to carry out this program.

Sec. 5215. Privacy rights of law abiding citizens. Prohibits the use of ballistics information of individual guns for (1) prosecutorial purposes, unless law enforcement officials have a reasonable belief that a crime has been committed and that ballistics information would assist in the investigation of that crime, or (2) the creation of a national firearms registry of gun owners.

Sec. 5216. Demonstration firearm crime reduction strategy. Directs the Secretary and the Attorney General to establish in the jurisdictions selected a comprehensive firearm crime reduction strategy. Requires the Secretary and the Attorney General to select not fewer than ten jurisdictions for participation in the program. Authorizes $20 million per year through FY2006 to carry out this program.

Part 3—Extension of Project Exile

Sec. 5221. Authorization of funding for additional State and local gun prosecutors. Authorizes $150 million to hire additional local and State prosecutors to expand the Project Exile program in high gun-crime areas. Requires interdisciplinary team approach to prevent, reduce, and respond to firearm related crimes in partnership with communities.

Part 4—Expansion of the Youth Crime Gun Interdiction Initiative

Sec. 5231. Youth Crime Gun Interdiction Initiative. Directs the Secretary of the Treasury to expand participation in the Youth Crime Gun Interdiction Initiative (YCGII). Authorizes grants to States and localities for purposes of assisting them in the tracing of firearms and participation in the YCGII.

Part 5—Gun Offenses

Sec. 5241 Gun ban for dangerous juvenile offenders. Prohibits juveniles adjudged delinquent for serious drug offenses or violent felonies from receiving or possessing a firearm, and makes it a crime for any person to sell or provide a firearm to someone they have reason to believe has been adjudged delinquent. This section applies only prospectively, and access to firearms may be restored under State restoration of rights provisions, but only if such restoration is on a case-by-case, rather than automatic basis.

Sec. 5242. Improving firearms safety. Requires gun dealers to have secure gun storage devices available for sale, including any device or attachment to prevent a gun's use by one not having regular access to the firearm, or a lockable safe or storage box.

Sec. 5243. Juvenile handgun safety. Increases the maximum penalty for transferring a handgun to a juvenile or for a juvenile to unlawfully possess a handgun from one to five years.

Sec. 5244. Serious juvenile drug offenses as armed career criminal predicates. Permits the use of an adjudication of juvenile delinquency for a serious drug trafficking offense as a predicate offense for determining whether a defendant falls within the Armed Career Criminal Act. That act provides additional penalties for armed criminals with a proven record of serious crimes involving drugs and violence.

Sec. 5245. Increased penalty for transferring a firearm to a minor for use in crime of violence or drug trafficking crime. Increases the maximum penalty for providing a firearm to a juvenile that one knows will be used in a serious crime from 10 to 15 years.

Sec. 5246. Increased penalty for firearms conspiracy. Subjects conspirators to the same penalties as are provided for the underlying firearm offenses in 18 U.S.C. §924.

Part 6—Closing the Gun Show Loophole

Sec. 5251. Findings. Legislative findings in support of this part.

Sec. 5252. Extension of Brady background checks to gun shows. Closes the gun show loophole by regulating firearms transfers at gun shows, including requiring criminal background checks on all transferees. Increases penalties for serious record-keeping violations by licensees, and for violations of criminal background check requirements. Amends the Brady law to prevent the Federal government from keeping records on qualified purchasers for more than 90 days.

TITLE VI—THE INNOCENCE PROTECTION ACT

Sec. 6001. Short title. Contains the short title, the ''Innocence Protection Act of 2003.''

Subtitle A—Exonerating the Innocent Through DNA Testing

Sec. 6101. DNA testing in Federal criminal justice system. Establishes rules and procedures governing applications for DNA testing by inmates in the Federal system, and prohibits the destruction of biological evidence in a criminal case while a defendant remains incarcerated, with exceptions.

Sec. 6102. DNA testing in State criminal justice system. Conditions receipt of Federal grants for DNA-related programs on assurances that the State will adopt adequate procedures for preserving DNA evidence and making DNA testing available to inmates. States must also agree to review their capital convictions and conduct DNA testing where appropriate and, in cases where DNA testing exonerates an inmate, investigate what went wrong and take steps to prevent similar errors in future cases.

Sec. 6103. Prohibition pursuant to section 5 of the 14th Amendment. Prohibits States from denying State prisoners access to evidence for the purpose of DNA testing, where such testing has the scientific potential to produce new, noncumulative evidence that is material to the prisoner's claim of innocence, and that raises a reasonable probability that he or she would not have been convicted.

Sec. 6104. Grants to prosecutors for DNA testing programs. Permits States to use grants under the Edward Byrn Memorial State and Local Law Enforcement Assistance Programs to fund the growing number of prosecutor-initiated programs that review convictions to identify cases in which DNA testing is appropriate and that offer DNA testing to inmates in such cases.

Subtitle B—Improving State Systems for Providing Competent Legal Services in Capital Cases

Sec. 6201. Capital Representation System Improvement Grants. Authorizes grants to States to improve the quality of legal representation provided to indigent defendants in capital cases. States that choose to accept Federal funds agree to create or improve an effective system for providing competent legal representation in capital cases. The following funds are authorized to carry out the grant programs: FY2003: $50.million; FY2004: $75 million; FY2005 and FY2006: $ 100 million per year; FY2007: $75 million; FY2008: $50 million.

Sec. 6202. Enforcement suits. A person may bring a civil suit in Federal district court against an officer of a State receiving Federal funds under section 6201, alleging that the State has failed to maintain an effective capital representation system as required under the grant program. The Attorney General may intervene in such suits, and where he does so, he assumes responsibility for conducting the action. If the court finds that the State has not met the grant conditions, it may order injunctive or declaratory relief, but not money damages.

Sec. 6203. Grants to qualified capital defender organizations. If a State does not qualify or does not apply for a grant under section 6201, a qualified capital defender organization in that State may apply for grant funds. Grants to such organizations may be used to strengthen systems, recruit and train attorneys, and augment an organization's resources for providing competent representation in capital cases.

Sec. 6204. Grants to train prosecutors, defense counsel, and State and local judges handling State capital cases. Authorizes grants to train State and local prosecutors, defense counsel, and judges in handling capital cases. Each program is authorized at $15 million through FY2007.

Subtitle C—Right to Review of the Death Penalty Upon the Grant of Certiorari

Sec. 6301. Protecting the rights of death row inmates to review of cases granted certiorari. Ensure that a defendant who is granted certiorari by the Supreme Court (an action requiring four affirmative votes by qualified Justices), but who is not granted a stay of execution by the Court (an action requiring five affirmative votes), is not executed while awaiting review of his case.

Subtitle D—Compensation for the Wrongfully Convicted

Sec. 6401. Increased compensation in Federal cases. Increases the maximum amount of damages that the U.S. Court of Federal Claims may award against the United States in cases of unjust imprisonment from a flat $5,000 to $10,000 per year.

Sec. 6402. Sense of Congress regarding compensation in State death penalty cases. Expresses the sense of Congress that States should provide reasonable compensation to any person found to have been unjustly convicted of an offense against the State and sentenced to death.

Subtitle E—Student Loan Repayment for Public Attorneys

Sec. 6501. Student loan repayment for public attorneys. Encourages qualified individuals to enter and continue employment as prosecutors and public defenders by establishing a program to repay Stafford loans for both prosecutors and defenders who agree to remain employed for the required period of service. This section also extends Perkins loan forgiveness—currently available only to prosecutors—to public defenders. Repayment benefits may not exceed $6,000 in a single calendar year, or a total of $40,000 for any individual.

TITLE VII—STRENGTHENING THE FEDERAL CRIMINAL LAWS

Subtitle A—Anti-Atrocity Alien Deportation Act

Sec. 7101. Short title. Contains the short title, the ''Anti-Atrocity Alien Deportation Act of 2003''.

Sec. 7102. Inadmissibility and deportability of aliens who have committed acts of torture or extrajudicial killing abroad. Amends the Immigration and Nationality Act by expanding the grounds for inadmissibility and deportation to cover aliens who have committed, ordered, incited, assisted, or otherwise participated in the commission of acts of torture or extrajudicial killing abroad and clarify and expand the scope of the genocide bar. This section applies to acts committed before, on, or after the date this legislation is enacted, and to all cases after enactment, even where the acts in question occurred or where adjudication procedures were initiated prior to enactment.

Sec. 7103. Inadmissibility and deportability of foreign government officials who have committed particularly severe violations of religious freedom. Amends 8 U.S.C. 11 82(a)(2)(G), which was added as part of the International Religious Freedom Act of 1998, to expand the grounds for inadmissibility and deportability of aliens who commit particularly severe violations of religious freedom.

Sec. 7104. Bar to good moral character for aliens who have committed acts of torture, extrajudicial killings, or severe violations of religious freedom. Amends 8 U.S.C. 1101(f), which provides the current definition of ''good moral character,'' to make clear that aliens who have committed torture, extrajudicial killing, or severe violation of religious freedom abroad do not qualify. This amendment prevents aliens covered by the amendments made in sections 7102 and 7103 from becoming U.S. citizens or benefitting from cancellation of removal or voluntary departure.

Sec. 7105. Establishment of the Office of Special Investigations. Provides explicit statutory authority for the Office of Special Investigations (OSI), which was established in 1979 within the Criminal Division of the Department, and expands OSI's current authorized mission beyond Nazi war criminals. This section also sets forth specific considerations in determining the appropriate legal action to take against an alien who has participated in Nazi persecution, genocide, torture or extrajudicial killing abroad, and expressly directs the Department of Justice to consider the availability of prosecution under U.S. laws for any conduct that forms the basis for removal and denaturalization. In addition, the Department is directed to consider deportation to foreign jurisdictions that are prepared to undertake such a prosecution.

Sec. 7106. Report on implementation. Directs the Attorney General, in consultation with the INS Commissioner, to report within six months on the implementation of the Act, including procedures for referral of matters to OSI, any revisions made to INS forms to reflect amendments made by the Act, and the procedures developed, with adequate due process protection, to obtain sufficient evidence and determine whether an alien is deemed inadmissible under the Act.

Subtitle B—Deterring Cargo Theft

Sec. 7201. Punishment of cargo theft. Clarifies Federal statute governing thefts of vehicles normally used in interstate commerce to includes trailers, motortrucks, and air cargo containers; and freight warehouses and transfer stations. Makes such a theft a felony punishable by three (not one) years in prison. Provides for appropriate amendments to the Sentencing Guidelines.

Sec. 7202. Reports to Congress on cargo theft. Mandates annual reports by the Attorney General to evaluate and identify further means of combating cargo theft.

Sec. 7203. Establishment of advisory committee on cargo theft. Establishes a 6-member Advisory Committee on Cargo Theft with representatives of the Departments of Justice, Treasury and Transportation, and three experts from the private sector. Committee will hold hearings and submit a report within one year with detailed recommendations on cargo security.

Sec. 7204. Addition of attempted theft and counterfeiting offenses to eliminate gaps and inconsistencies in coverage. Amends 22 statutes to clarify that an attempt to embezzle funds or counterfeit is a crime, just as is actual embezzlement or counterfeiting.

Sec. 7205. Clarification of scienter requirement for receiving property stolen from an Indian tribal organization. Provides that it is a crime to receive, conceal or retain property stolen from a tribal organization if one knows that the property has been stolen, even if one did not know that it had been stolen from a tribal organization.

Sec. 7206. Larceny involving post office boxes and postal stamp vending machines. Clarifies that it is a crime to steal from a post office box or stamp vending machine irrespective of whether it is in a building used by the Postal Service.

Sec. 7207. Expansion of Federal theft offenses to cover theft of vessels. Expands Federal law covering the transportation of stolen vehicles to include watercraft.

Subtitle C—Additional Improvements and Corrections to the Federal Criminal Laws

Sec. 7301. Enhanced penalties for cultural heritage crimes. Increases penalties for violations of the Archaeological Resources Protection Act of 1979 and other cultural heritage crimes.

Sec. 7302. Enhanced enforcement of laws affecting racketeer-influenced and corrupt organizations. Enhances the ability of Federal and State regulators to enforce existing law by giving State Attorneys General and the Securities and Exchange Commission explicit authority to bring a civil RICO action under 18 U.S.C. §1964. Currently, only the U.S. Attorney General has such authority.

Sec. 7303. Increased maximum corporate penalty for antitrust violations. Increases the maximum statutory fine for corporations convicted of criminal antitrust violations from the current Sherman Act maximum of $10 million to a new maximum of $100 million.

Sec. 7304. Technical correction to ensure compliance of sentencing guidelines with provisions of all Federal statutes. Ensures that sentencing guidelines promulgated by the United States Sentencing Commission are consistent with the provisions of all Federal statutes.

Sec. 7305. Inclusion of assault crimes and unlicensed money transmitting businesses as racketeering activity. Makes assault with a dangerous weapon, assault resulting in serious bodily injury, and operating an unlicensed money transmitting business predicate crimes for a RICO prosecution.

Sec. 7306. Inclusion of unlicensed money transmitting businesses and structuring currency transactions to evade reporting requirement as wiretap predicates. Adds §18 U.S.C. §§1960 and 5324 to list of offenses for which the Government may seek a wiretap.

By Mrs. HUTCHISON:

S. 24. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income dividends received by individuals; to the Committee on Finance

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By Mrs. HUTCHISON:

S. 25. A bill to amend the Internal Revenue Code of 1986 to provide that dividend income of individuals not be taxed at rates in excess of the maximum capital gains rate; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 26. A bill to amend the Internal Revenue Code of 1986 to provide that dividend and interest income of individuals not be taxed at rates in excess of the maximum capital gains rate; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a package of three bills I hope will be the starting point for a long overdue discussion on reducing taxes on investment income, particularly dividends. The first bill would completely eliminate taxes on dividends. The second bill would reduce the tax on dividends to the capital gains rate. The third bill would lower the tax to the capital gains rate on dividends and interest income. These bills would not only stimulate the economy, but also correct long-term problems with the tax code.

The economy is currently on the way to recovery but faces significant bottlenecks along the way. Following a mild recession, we are experiencing moderate growth. Many believe we will continue on a slow yet steady pace, but we are not yet in the clear. We must take aggressive steps to create jobs and ensure the economy gets moving again.

The most effective tool government has for promoting growth is the tax code. By lowering taxes we allow people to keep more of their money and spend it more effectively than the government ever could.

Lowering the taxes on investment income would stimulate the economy on several levels. First, we would leave more money in the pockets of families to spend. Second, lowering taxes on dividends would encourage investors to re-enter the stock market and realize higher returns since the government would be taking less. The increased demand for stocks would stabilize the market and encourage economic growth. Third, these tax cuts would ultimately help to reduce the deficit as tax revenues increase from higher economic growth and increased capital gains revenue.

A tax cut on investment income would particularly help the elderly and others who rely on fixed incomes. A third of seniors received dividend income and more than half of dividends go to seniors. With such pressures as the rising cost of healthcare, it is critical that we let them keep as much of their money as possible. Also, these tax cuts would help a broad cross-section of Americans. For example, almost half of those who receive dividends have income of less than $50,000.

One of the problems with our tax code is the double taxation of dividends. People have already paid taxes on the money they use to invest. Then they must pay taxes on their investment income. This is not fair and discourages savings.

Also, companies must use after-tax dollars to pay dividends. Investors then have to pay taxes on their dividend income at the ordinary income tax rates. This leads to two unintended consequences.

First, it encourages investors to focus on returns through stock price appreciation, which are taxed at the lower capital gains rate. People are encouraged to invest in higher growth, but often in riskier companies, rather than more stable, dividend-paying companies. As anyone can see from the collapse of stock prices in high-growth sectors over the past two years, the current incentives in the tax code may not lead to the best decisions for investors.

Second, the double taxation of dividends encourages companies to raise capital by loading up on debt rather than issuing stock, because interest expense on debt can lower a company's taxes while dividend payments do not. This leads to an increase in highly leveraged companies that are at greater financial risk when the economy slows.

Whether investors should invest in growth stocks is a decision that must be left to individuals. Likewise, the issuance of debt is best decided by the company in question. By lowering the tax rates on dividends and interest income, we would reduce the influence of taxes on these decisions.

Increasingly, America is a Nation of investors. Today, half of U.S. households own stock. The number of shareholders has increased more than 60 percent since 1989. Thus, it is critical to ensure our tax laws lead to rational decisionmaking; decisions based on the best investment choices, not guided by tax inequities. Let's take tax rates out of the capital allocation decision process. People should make investment decisions based on what is the best investment.

I call on the Senate to bolster the economy, help senior citizens meet their financial needs, and level the way we tax investment gains by lowering taxes on investment income. Today, I offer three alternatives I hope will lead to a constructive discussion and action to achieve these goals.

I ask unanimous consent the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 24

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION OF DIVIDEND INCOME FROM TAX.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to amounts specifically excluded from gross income) is amended by inserting after section 115 the following new section:

"SEC. 116. EXCLUSION OF DIVIDENDS RECEIVED BY INDIVIDUALS.

''(a) EXCLUSION FROM GROSS INCOME.—Gross income does not include dividends otherwise includible in gross income which are received during the taxable year by an individual.

''(b) CERTAIN DIVIDENDS EXCLUDED.—Subsection (a) shall not apply to any dividend from a corporation which, for the taxable year of the corporation in which the distribution is made, or for the next preceding taxable year of the corporation, is a corporation exempt from tax under section 501 (relating to certain charitable, etc., organization) or section 521 (relating to farmers' cooperative associations).

''(c) SPECIAL RULES.—For purposes of this section—

''(1) EXCLUSION NOT TO APPLY TO CAPITAL GAIN DIVIDENDS FROM REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—

"For treatment of capital gain dividends, see sections 854(a) and 857(c).

''(2) CERTAIN NONRESIDENT ALIENS INELIGIBLE FOR EXCLUSION.—In the case of a nonresident alien individual, subsection (a) shall apply only—

''(A) in determining the tax imposed for the taxable year pursuant to section 871(b)(1) and only in respect of dividends which are effectively connected with the conduct of a trade or business within the United States, or

''(B) in determining the tax imposed for the taxable year pursuant to section 877(b).

''(3) DIVIDENDS FROM EMPLOYEE STOCK OWNERSHIP PLANS.—Subsection (a) shall not apply to any dividend described in section 404(k).''

(b) CONFORMING AMENDMENTS.—

(1)(A) Subparagraph (A) of section 135(c)(4) of such Code is amended by inserting ''116,'' before ''137''.

(B) Subsection (d) of section 135 of such Code is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) COORDINATION WITH SECTION 116.—This section shall be applied before section 116.''

(2) Subsection (c) of section 584 of such Code is amended by adding at the end thereof the following new flush sentence:

''The proportionate share of each participant in the amount of dividends received by the common trust fund and to which section 116 applies shall be considered for purposes of such section as having been received by such participant.''

(3) Subsection (a) of section 643 of such Code is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) DIVIDENDS.—There shall be included the amount of any dividends excluded from gross income pursuant to section 116.''

(4) Section 854(a) of such Code is amended by inserting ''section 116 (relating to exclusion of dividends received by individuals) and'' after ''For purposes of''.

(5) Section 857(c) of such Code is amended to read as follows:

''(c) RESTRICTIONS APPLICABLE TO DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—

''(1) TREATMENT FOR SECTION 116.—For purposes of section 116 (relating to exclusion of dividends received by individuals), a capital gain dividend (as defined in subsection (b)(3)(C)) received from a real estate investment trust which meets the requirements of this part shall not be considered as a dividend.

''(2) TREATMENT FOR SECTION 243.—For purposes of section 243 (relating to deductions for dividends received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered as a dividend.''

(6) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 115 the following new item:

''Sec. 116. Exclusion of dividends received by individuals.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

S. 25

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DIVIDENDS OF INDIVIDUALS TAXED AT CAPITAL GAIN RATES.

(a) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended by adding at the end the following new paragraph:

''(13) DIVIDENDS TAXED AS NET CAPITAL GAIN.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'net capital gain' means net capital gain (determined without regard to this paragraph), increased by qualified dividend income.

''(B) QUALIFIED DIVIDEND INCOME.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified dividend income' means dividends received from domestic corporations during the taxable year.

''(ii) CERTAIN DIVIDENDS EXCLUDED.—Such term shall not include—

''(I) any dividend from a corporation which for the taxable year of the corporation in which the distribution is made, or the preceding taxable year, is a corporation exempt from tax under section 501 or 521,

''(II) any amount allowed as a deduction under section 591 (relating to deduction for dividends paid by mutual savings banks, etc.), and

''(III) any dividend described in section 404(k).

''(iii) MINIMUM HOLDING PERIOD.—Such term shall not include any dividend on any share of stock with respect to which the holding period requirements of section 246(c) are not met.

''(C) SPECIAL RULES.—

''(i) AMOUNTS TAKEN INTO ACCOUNT AS INVESTMENT INCOME.—Qualified dividend income shall not include any amount which the taxpayer takes into account as investment income under section 163(d)(4)(B).

''(ii) NONRESIDENT ALIENS.—In the case of a nonresident alien individual, subparagraph (A) shall apply only—

''(I) in determining the tax imposed for the taxable year pursuant to section 871(b) and only in respect of amounts which are effectively connected with the conduct of a trade or business within the United States, and

''(II) in determining the tax imposed for the taxable year pursuant to section 877.

''(iii) TREATMENT OF DIVIDENDS FROM REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—

"For treatment of dividends from regulated investment companies and real estate investment trusts, see sections 854 and 857."

(b) EXCLUSION OF DIVIDENDS FROM INVESTMENT INCOME.—Subparagraph (B) of section 163(d)(4) of the Internal Revenue Code of 1986 (defining net investment income) is amended by adding at the end the following flush sentence:

''Such term shall include qualified dividend income (as defined in section 1(h)(13)(B)) only to the extent the taxpayer elects to treat such income as investment income for purposes of this subsection.''

(c) TREATMENT OF DIVIDENDS FROM REGULATED INVESTMENT COMPANIES.—

(1) Subsection (a) of section 854 of the Internal Revenue Code of 1986 (relating to dividends received from regulated investment companies) is amended by inserting ''section 1(h)(13) (relating to maximum rate of tax on dividends and interest) and'' after ''For purposes of''.

(2) Paragraph (1) of section 854(b) of such Code (relating to other dividends) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) MAXIMUM RATE UNDER SECTION 1(h).—

''(i) IN GENERAL.—If the aggregate dividends received by a regulated investment company during any taxable year is less than 95 percent of its gross income, then, in computing the maximum rate under section 1(h)(13), rules similar to the rules of subparagraph (A) shall apply.

''(ii) GROSS INCOME.—For purposes of clause (i), in the case of 1 or more sales or other dispositions of stock or securities, the term 'gross income' includes only the excess of—

''(I) the net short-term capital gain from such sales or dispositions, over

''(II) the net long-term capital loss from such sales or dispositions.''

(3) Subparagraph (C) of section 854(b)(1) of such Code, as redesignated by paragraph (2), is amended by striking ''subparagraph (A)'' and inserting ''subparagraph (A) or (B)''.

(4) Paragraph (2) of section 854(b) of such Code is amended by inserting ''the maximum rate under section 1(h)(13) and'' after ''for purposes of''.

(d) TREATMENT OF DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—Section 857(c) of the Internal Revenue Code of 1986 (relating to restrictions applicable to dividends received from real estate investment trusts) is amended to read as follows:

''(c) RESTRICTIONS APPLICABLE TO DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—For purposes of section 1(h)(13) (relating to maximum rate of tax on dividends) and section 243 (relating to deductions received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered a dividend.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

S. 26

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DIVIDENDS AND INTEREST OF INDIVIDUALS TAXED AT CAPITAL GAIN RATES.

(a) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended by adding at the end the following new paragraph:

''(13) DIVIDENDS AND INTEREST TAXED AS NET CAPITAL GAIN.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'net capital gain' means net capital gain (determined without regard to this paragraph), increased by qualified dividend income and qualified interest income.

''(B) QUALIFIED DIVIDEND INCOME.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified dividend income' means dividends received from domestic corporations during the taxable year.

''(ii) CERTAIN DIVIDENDS EXCLUDED.—Such term shall not include—

''(I) any dividend from a corporation which for the taxable year of the corporation in which the distribution is made, or the preceding taxable year, is a corporation exempt from tax under section 501 or 521,

''(II) any amount allowed as a deduction under section 591 (relating to deduction for dividends paid by mutual savings banks, etc.), and

''(III) any dividend described in section 404(k).

''(iii) MINIMUM HOLDING PERIOD.—Such term shall not include any dividend on any share of stock with respect to which the holding period requirements of section 246(c) are not met.

''(C) QUALIFIED INTEREST INCOME.—For purposes of this paragraph, the term 'qualified interest income' means—

''(i) interest on deposits with a bank (as defined in section 581),

''(ii) amounts (whether or not designated as interest) paid, in respect of deposits, investment certificates, or withdrawable or repurchasable shares, by—

''(I) a mutual savings bank, cooperative bank, domestic building and loan association, industrial loan association or bank, or credit union, or

''(II) any other savings or thrift institution which is chartered and supervised under Federal or State law,

the deposits or accounts in which are insured under Federal or State law or which are protected and guaranteed under State law,

''(iii) interest on—

''(I) evidences of indebtedness (including bonds, debentures, notes, and certificates) issued by a domestic corporation in registered form, and

''(II) to the extent provided in regulations prescribed by the Secretary, other evidences of indebtedness issued by a domestic corporation of a type offered by corporations to the public,

''(iv) interest on obligations of the United States, a State, or a political subdivision of a State (not excluded from gross income of the taxpayer under any other provision of law), and

''(v) interest attributable to participation shares in a trust established and maintained by a corporation established pursuant to Federal law.

''(D) SPECIAL RULES.—

''(i) AMOUNTS TAKEN INTO ACCOUNT AS INVESTMENT INCOME.—Qualified dividend income and qualified interest income shall not include any amount which the taxpayer takes into account as investment income under section 163(d)(4)(B).

''(ii) NONRESIDENT ALIENS.—In the case of a nonresident alien individual, subparagraph (A) shall apply only—

''(I) in determining the tax imposed for the taxable year pursuant to section 871(b) and only in respect of amounts which are effectively connected with the conduct of a trade or business within the United States, and

''(II) in determining the tax imposed for the taxable year pursuant to section 877.

''(iii) TREATMENT OF DIVIDENDS FROM REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—

"For treatment of dividends from regulated investment companies and real estate investment trusts, see sections 854 and 857."

(b) EXCLUSION OF DIVIDENDS AND INTEREST FROM INVESTMENT INCOME.—Subparagraph (B) of section 163(d)(4) of the Internal Revenue Code of 1986 (defining net investment income) is amended by adding at the end the following flush sentence:

''Such term shall include qualified dividend income (as defined in section 1(h)(13)(B)) or qualified interest income (as defined in section 1(h)(13)(C)) only to the extent the taxpayer elects to treat such income as investment income for purposes of this subsection.''

(c) TREATMENT OF DIVIDENDS FROM REGULATED INVESTMENT COMPANIES.—

(1) Subsection (a) of section 854 of the Internal Revenue Code of 1986 (relating to dividends received from regulated investment companies) is amended by inserting ''section 1(h)(13) (relating to maximum rate of tax on dividends and interest) and'' after ''For purposes of''.

(2) Paragraph (1) of section 854(b) of such Code (relating to other dividends) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) MAXIMUM RATE UNDER SECTION 1(h).—

''(i) IN GENERAL.—If the sum of the aggregate dividends received, and the aggregate

interest described in section 1(h)(13)(C) received, by a regulated investment company during any taxable year is less than 95 percent of its gross income, then, in computing the maximum rate under section 1(h)(13), rules similar to the rules of subparagraph (A) shall apply.

''(ii) GROSS INCOME.—For purposes of clause (i), in the case of 1 or more sales or other dispositions of stock or securities, the term 'gross income' includes only the excess of—

''(I) the net short-term capital gain from such sales or dispositions, over

''(II) the net long-term capital loss from such sales or dispositions.''

(3) Subparagraph (C) of section 854(b)(1) of such Code, as redesignated by paragraph (2), is amended by striking ''subparagraph (A)'' and inserting ''subparagraph (A) or (B)''.

(4) Paragraph (2) of section 854(b) of such Code is amended by inserting ''the maximum rate under section 1(h)(13) and'' after ''for purposes of''.

(d) TREATMENT OF DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—Section 857(c) of the Internal Revenue Code of 1986 (relating to restrictions applicable to dividends received from real estate investment trusts) is amended to read as follows:

''(c) RESTRICTIONS APPLICABLE TO DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—

''(1) IN GENERAL.—For purposes of section 1(h)(13) (relating to maximum rate of tax on dividends and interest) and section 243 (relating to deductions received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered a dividend.

''(2) TREATMENT AS INTEREST.—

''(A) IN GENERAL.—For purposes of section 1(h)(13), in the case of a dividend (other than a capital gain dividend, as defined in subsection (b)(3)(C)) received from a real estate investment trust which meets the requirements of this part for the taxable year in which it paid—

''(i) such dividend shall be treated as interest if the aggregate interest received by the real estate investment trust for the taxable year equals or exceeds 75 percent of its gross income, or

''(ii) if clause (i) does not apply, the portion of such dividend which bears the same ratio to the amount of such dividend as the aggregate interest received bears to gross income shall be treated as interest.

''(B) ADJUSTMENTS TO GROSS INCOME AND AGGREGATE INTEREST RECEIVED.—For purposes of subparagraph (B)—

''(i) gross income does not include the net capital gain,

''(ii) gross income and aggregate interest received shall each be reduced by so much of the deduction allowable by section 163 for the taxable year (other than for interest on mortgages on real property owned by the real estate investment trust) as does not exceed aggregate interest received by the taxable year, and

''(iii) gross income shall be reduced by the sum of the taxes imposed by paragraphs (4), (5), and (6) of section 857(b).

''(C) AGGREGATE INTEREST RECEIVED.—For purposes of this subsection, aggregate interest received shall be computed by taking into account only interest which is described in section 1(13)(C).

''(D) NOTICE TO SHAREHOLDERS.—The amount of any distribution by a real estate investment trust which may be taken into account as interest for purposes of section 1(h)(13) shall not exceed the amount so designated by the trust in a written notice to its shareholders mailed not later than 45 days after the close of its taxable year.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

By Mr. GRASSLEY (for himself, Mr. JOHNSON, Mr. ENZI, and Mr. HARKIN):

S. 27 A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for packet to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, the goal of the farm bill was to improve the economic condition of America's farmers over the next few years. However one of the many shortcomings of the new law is that it fails to protect family farmers and independent livestock producers from vertical integration in the livestock industry.

In recent years, family farmers from across Iowa have contacted me to express their fears about the threat they fell from concentration in the livestock industry. They fear that if the trend toward increased concentration continues, they may be unable to compete effectively and will not be able to get a fair price for their livestock in the marketplace.

The bill I am introducing would prevent meat packers from assuming complete control of the meat supply by preventing packers from owning livestock.

This bill would make it unlawful for a packer to own or feed livestock intended for slaughter. Single pack entities and packs too small to participate in the Mandatory Price Reporting program would be excluded from the limitation. In addition, farmer cooperatives in which the members own, feed, or control the livestock themselves would be exempt under this new bill.

We have tightened down the limitations in this new version of the packer ban. The last version provided an exemption to plants that killed less than 2 percent of the Nation's livestock, per commodity. That meant plants that killed less than 1.9 million pigs or approximately 725,000 cattle were excluded under the old version. We have changed the standard to be consistent with the Mandatory Price Reporting law and other legislation I've introduced. That means the new limit will be 125,000 for cattle and 100,000 for swine.

It's also important to realize that this is not the original version I cosponsored with Senator JOHNSON. Instead, this is the version I successfully offered on the floor during the debate on the farm bill that removed the word ''control'' so that the packers couldn't attack us with a red-herring argument.

It's important for our colleagues to remember that family farmers ultimately derive their income from the agricultural marketplace, not the farm bill. Family farmers have unfortunately been in a position of weakness in selling their product to large processors and in buying their inputs from large suppliers.

Today, the position of the family has become weaker as consolidation in agribusiness has reached all time highs. Farmers have fewer buyers and suppliers than ever before. The result is an increasing loss of family farms and the smallest farm share of the consumer dollar in history.

One hundred years ago, this Nation reacted appropriately to citizen concerns about large, powerful companies by establishing rules constraining such businesses when they achieved a level of market power that harmed, or risked harming, the public interest, trade and commerce. The United State Congress enacted the first competition laws in the world to make commerce more free and fair. These competition laws include the Sherman Act, Clayton Act, Federal Trade Commission Act and Packers & Stockyards Act.

Since that time, many countries in the world have followed this U.S. example to constrain undue market power in their domestic economies.

Unfortunately, competition policy has been severely weakened in this country, especially in agriculture, due to Federal case law, underfunded enforcement, and unfounded reliance on efficiency claims. The result has been a significant degradation of the domestic agricultural market infrastructure. The current situation reflects a tremendous mis-allocation of resources across the food chain. Congress must strengthen competition policy within the farm sector to reclaim a properly operating marketplace.

While this legislation does not accomplish all that we need to do in this area, it's an important first step toward remedying the biggest problem facing farmers today, the problem of concentration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no object, the bill was ordered to be printed in the RECORD, as follows:

S. 27

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.

(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

''(f) Own or feed livestock directly, through a subsidiary, or through an arrangement that gives the packer operational, managerial, or supervisory control over the livestock, or over the farming operation that produces the livestock, to such an extent

that the producer is no longer materially participating in the management of the operation with respect to the production of the livestock, except that this subsection shall not apply to—

''(1) an arrangement entered into within 7 days (excluding any Saturday or Sunday) before slaughter of the livestock by a packer, a person acting through the packer, or a person that directly or indirectly controls, or is controlled by or under common control with, the packer;

''(2) a cooperative or entity owned by a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

''(A) own, feed, or control livestock; and

''(B) provide the livestock to the cooperative for slaughter;

''(3) a packer that is not required to report to the Secretary on each reporting day (as defined in section 212 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635a)) information on the price and quantity of livestock purchased by the packer; or

''(4) a packer that owns 1 livestock processing plant; or''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) take effect on the date of enactment of this Act.

(2) TRANSITION RULES.—In the case of a packer that on the date of enactment of this Act owns, feeds, or controls livestock intended for slaughter in violation of section 202(f) of the Packers and Stockyards Act, 1921 (as amended by subsection (a)), the amendments made by subsection (a) apply to the packer—

(A) in the case of a packer of swine, beginning on the date that is 18 months after the date of enactment of this Act; and

(B) in the case of a packer of any other type of livestock, beginning as soon as practicable, but not later than 180 days, after the date of enactment of this Act, as determined by the Secretary of Agriculture.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 30. A bill to redesignate the Colonnade Center in Denver, Colorado, as the ''Cesar E. Chavez Memorial Building''; to the Committee on Environment and Public Works.

Mr. CAMPBELL. Mr. President, today I am introducing legislation to name the Federal building located at 1244 Speer Boulevard, Denver CO, as the ''Cesar E. Chavez Memorial Building.''

Cesar E. Chavez was an ordinary American who left behind an extraordinary legacy of commitment and accomplishment.

Born on March 31, 1927 in Yuma, AZ on a farm his grandfather homesteaded in the 1880's, he began his life as a migrant farm worker at the age of 10 when the family lost the farm during the Great Depression. Those were desperate years for the Chavez family as they joined the thousands of displaced people who were forced to migrate throughout the country to labor in the fields and vineyards.

Motivated by the poverty and harsh working conditions, he began to follow his dream of establishing an organization dedicated to helping these farm workers. In 1962 he founded the National Farm Workers Association which would eventually evolve into the United Farm Workers of America.

Over the next three decades with an unwavering commitment to democratic principals and a philosophy of non-violence he struggled to secure a living wage, health benefits and safe working conditions for arguably the most exploited work force in our country, that they might enjoy the basic protections and worker's right to which all Americans aspire.

In 1945, at the age of 18 Cesar Chavez joined the U.S. Navy and served his country for two years. He was the recipient of the Martin Luther King Jr. Peace Prize as well as the Presidential Medal of Freedom, the highest award this country can bestow upon a civilian.

Chavez's efforts brought dignity and respect to this country's farm workers and in doing so became a hero, role model and inspiration to people engaged in human rights struggles throughout the world.

The naming of this building will keep alive the memory of his sacrifice and commitment for the millions of people whose lives he touched.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 30

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF CESAR E. CHAVEZ MEMORIAL BUILDING.

The building known as the ''Colonnade Center'', located at 1244 Speer Boulevard in Denver, Colorado, shall be known and designated as the ''Cesar E. Chavez Memorial Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the Cesar E. Chavez Memorial Building.

By Mr. FEINGOLD (for himself, Ms. COLLINS, and Mr. KOHL):

S. 36. A bill to amend title XVIII of the Social Security Act to eliminate the geographic physician work adjustment factor from the geographic indices used to adjust payments under the physician fee schedule, to provide incentives necessary to attract educators and clinical practitioners to underserved areas, and to revise the area wage adjustment applicable under the prospective payment system for skilled nursing facilities; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, I rise today to join with my colleagues from Maine to introduce legislation to restore fairness to the Medicare program. This package of legislation will reduce regional inequalities in Medicare spending and support providers of high-quality, low-cost Medicare services.

The high cost of health care in Wisconsin is skyrocketing: A survey issued a few days ago found that the cost of health care benefits for employees in this State rose 14.8 percent this year, to an average of $6,940 per employee. That's 20 percent high than the national average of $5,758 for workers in businesses with 500 or more employees.

These costs are hitting our State hard, they are burdening businesses and employees, hurting health care providers, and preventing seniors from getting full access to the care that they deserve.

One of the major contributing factors to the high cost in our state is the inherent unfairness of the Medicare Program.

With the guidance and support of people across our State who are fighting for Medicare fairness. I have proposed this legislation to address Medicare's discrimination against Wisconsin's seniors, employers and health care providers. The Medicare program should encourage the kind of high-quality, cost-effective Medicare services that we have in Wisconsin. But as many in Wisconsin know, that's not the case.

To give an idea of how inequitable the distribution of Medicare dollars is, imagine identical twins over the age of 65. Both twins worked at the same company all their lives, at the same salary, and paid the same amount to the Federal Government in payroll taxes, the tax that goes into the Medicare Trust Fund.

But if one twin retired to New Orleans, Louisiana, and the other retired to Eau Claire, Wisconsin, they would have vastly different health options under the Medicare system. The twin in Louisiana would get much more.

For example, in most parts of Louisiana, the first twin would have more options under Medicare. The high Medicare payments in those areas allow Medicare beneficiaries to choose between an HMO or traditional fee-for-service plan, and, because area health care providers are reimbursed at such a high rate, those providers can afford to offer seniors a broad range of health care services. The twin in Eau Claire does not have the same access to care, there are no options to choose from in terms of Medicare HMOs, and sometimes fewer health care agencies that can afford to provide care under the traditional fee-for-service plan.

How can two people with identical backgrounds, who paid the same amount in payroll taxes, have such different options under Medicare? They can because the distribution of Medicare dollars among the 50 States is grossly unfair to Wisconsin, and much of the Upper Midwest. Wisconsinites pay payroll taxes just like every American taxpayer, but the Medicare funds

we get in return are lower than those received in many other states.

My legislation will take us a step in the right direction by reducing the inequities in Medicare payments to Wisconsin's hospitals, physicians, and skilled nursing facilities.

Last year, with the introduction my Medicare fairness legislation along with the efforts of many other Senators, we put Medicare fairness issues front and center in Congress. The Senate Budget Committee approved my amendment to promote Medicare fairness in any Medicare reform package. A wide range of Senators from both parties endorsed my proposal to create a Medicare fairness coalition. The House passed a number of Medicare fairness provisions that were a result of these successes, and both House and Senate leadership endorsed Medicare fairness issues. Now that we have finally brought these issues the attention that they deserve, we need to build on that momentum to pass Medicare fairness provisions into law.

My legislation demands Medicare fairness for Wisconsin and other affected States, plain and simple. Medicare shouldn't penalize high-quality providers of Medicare services, most of all. Medicare should stop penalizing seniors who depend on the program for their health care. They have worked had and paid into the program all their lives, and in return they deserve full access to the wide range of benefits that Medicare has to offer.

I look forward to working with my colleagues to move this legislation forward. I believe that we can re-balance the budget, while at the same time encouraging efficient, quality enhancing services, and that's what my legislation sets out to do.

By Mr. McCONNELL (for himself and Mr. BUNNING):

S. 37. A bill to amend title II of the Social Security Act to permit Kentucky to operate a separate retirement system for certain public employees; to the Committee on Finance.

Mr. McCONNELL. Mr. President, I rise today to introduce legislation to add Kentucky to the list of States that are permitted to offer ''divided retirement'' plans under the Social Security Act.

Last year, I was contacted by Brian James, President of the Louisville Fraternal Order of Police, FOP, and Tony Cobaugh, President of the Jefferson County FOP. These two law enforcement leaders called my attention to a problem that could jeopardize the retirement security of many of our community's police, fire, and emergency personnel.

In November of 2000, the citizens of Jefferson County and the City of Louisville, Kentucky voted to merge their communities and respective governments into a single entity, which will be known as Greater Louisville. As one might expect, combining two large metropolitan governments in such a short time frame cannot be done without encountering a few difficulties along the way. Jefferson County and the City of Louisville currently operate two very different retirement programs for their police officers. When these two governments merge today, current federal law will require the new government to offer a single retirement plan that could dramatically increase the cost of retirement for both our dedicated public safety officers and the new Greater Louisville government.

Thankfully, when the FOP's leaders called this problem to my attention, they also suggested a simple solution, let the police officers and firefighters choose for themselves the retirement system which best meets their needs.

I rise today to offer legislation that will provide retirement stability to our public safety officers by allowing Kentucky to operate what is known as a ''divided retirement system.''

With passage of my legislation and legislation already passed by the Kentucky General Assembly, Louisville's and Jefferson County's police officers would decide whether or not they want to participate in Social Security or remain in their traditional retirement plan. While future employees will be automatically enrolled in Social Security, no current officers would be forced into a new retirement system as a result of the merger without their approval.

Current Federal law allows twenty-one States the option of offering divided retirement systems. Unfortunately, Kentucky is not one of these twenty-one states. The legislation I am offering today would change that by adding Kentucky to list of states designated in the Social Security Act.

The language I introduce today was included in legislation, H.R. 4070, that passed both the House and the Senate in the 107th Congress. Unfortunately, there were differences in the House and Senate versions of H.R. 4070, unrelated to the Louisville language, that were resolved only shortly prior to the adjournment of the 107th Congress. Unfortunately, the 107th Congress adjourned *sine die* before this compromise version of H.R. 4070 could be considered by both bodies of Congress.

It is critical that the Senate provide this retirement stability to the brave men and women who protect the citizens of Louisville and Jefferson County everyday. There is extensive precedent for granting Kentucky this authority, and my legislation enjoys the broad, bipartisan support of policemen, firefighters, local and state officials, and the Social Security Administration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 37

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COVERAGE UNDER DIVIDED RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES IN KENTUCKY.

(a) IN GENERAL.—Section 218(d)(6)(C) of the Social Security Act (42 U.S.C. 418(d)(6)(C)) is amended by inserting ''Kentucky,'' after ''Illinois,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 2003.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 39. A bill to promote the development of health care cooperatives that will help businesses to pool the health care purchasing power of employers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, I rise today with my colleague from Maine to introduce legislation to help businesses form group-purchasing cooperatives to obtain enhanced benefits, to reduce health care rates, and to improve quality for their employees' health care.

High health care costs are burdening businesses and employees across the Nation. These costs are digging into profits and preventing access to affordable health care. Too many patients feel trapped by the system, with decisions about their health dictated by costs rather than by what they need.

The cost of health care in Wisconsin is skyrocketing: A recent survey found that the cost of health benefits for employees in Wisconsin rose 14.8 percent this year, to an average of $6,940 per employee. That's 20 percent higher than the national average of $5,758 for workers in businesses with 500 or more employees.

We must curb these rapidly-increasing health care premiums. I strongly support initiatives to ensure that everyone has access to health care. It is crucial that we support successful local initiatives to reduce health care premiums and to improve the quality of employees' health care.

By using group purchasing to obtain rate discounts, some employers have been able to reduce the cost of health care premiums for their employees. According to the National Business Coalition on Health, there are more than 90 employer-led coalitions across the United States that collectively purchase health care. Through these pools, businesses are able to proactively challenge high costs and inefficient delivery of health care and share information on quality. These coalitions represent over 7,000 employers and approximately 34 million employees Nationwide.

Improving the quality of health care will also lower the cost of care. By investing in the delivery of quality

health care, we will be able to lower long term health care costs. Effective care, such as quality preventive services, can reduce overall health care expenditures. Health purchasing coalitions help promote these services and act as an employer forum for networking and education on health care cost containment strategies. They can help foster a dialogue with health care providers, insurers, and local HMOs.

Health care markets are local. Problems with cost, quality, and access to health care are felt most intensely in the local markets. Health care coalitions can function best when they are formed and implemented locally. Local employers of large and small businesses have formed health care coalitions to track health care trends, create a demand for quality and safety, and encourage group purchasing.

In Wisconsin, there have been various successful initiatives that have formed health care purchasing cooperatives to improve quality of care and to reduce cost. For example, the Employer Health Care Alliance Cooperative, an employer-owned and employer-directed not-for-profit cooperative, has developed a network of health care providers in Dane County and 12 surrounding counties on behalf of its 170 member employers. Through this pooling effort, employers are able to obtain affordable, high-quality health care for their 110,000 employees and dependents.

This legislation seeks to build on successful local initiatives, such as the Alliance, that help businesses to join together to increase access to affordable and high-quality health care.

The Promoting Health Care Purchasing Cooperatives Act would authorize grants to a group of businesses so that they could form group-purchasing cooperatives to obtain enhanced benefits, reduce health care rates, and improve quality.

This legislation offers two separate grant programs to help different types of businesses pool their resources and bargaining power. Both programs would aid businesses to form cooperatives. The first program would help large businesses that sponsor their own health plans, while the second program would help small businesses that purchase their health insurance.

My bill would enable larger businesses to form cost-effective cooperatives that could offer quality health care through several ways. First, they could obtain health services through pooled purchasing from physicians, hospitals, home health agencies, and others. By pooling their experience and interests, employers involved in a coalition could better attack the essential issues, such as rising health insurance rates and the lack of comparable health care quality data. They would be able to share information regarding the quality of these services and to partner with these health care providers to meet the needs of their employees.

For smaller businesses that purchase their health insurance, the formation of cooperatives would allow them to buy health insurance at lower prices through pooled purchasing.

Also, the communication within these cooperatives would provide employees of small businesses with better information about the health care options that are available to them. Finally, coalitions would serve to promote quality improvements by facilitating partnerships between their group and the health care providers.

By working together, the group could develop better quality insurance plans and negotiate better rates.

Past health purchasing pool initiatives have focused only on cost and have tried to be all things for all people. My legislation creates an incentive to join the pools by giving grants to a group of similar businesses to form group-purchasing cooperatives. The pool are also given flexibility to find innovative ways to lower costs, such as enhancing benefits, for example, more preventive care, and improving quality. Finally, the cooperative structure is a proven model, which creates an incentive for businesses to remain in the pool because they will be invested in the organization.

We must reform health care in America and give employers and employees more options. This legislation, by providing for the formation of cost-effective coalitions that will also improve the quality of care, contributes to this essential reform process. I urge my colleagues to join me in cosponsoring this proposal to improve the quality and costs of health care.

By Mr. FEINGOLD (for himself and Mr. JEFFORDS):

S. 40. A bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, I am pleased to re-introduce the Quality Cheese Act of 2003. This legislation will protect the consumer, save taxpayer dollars and provide support to America's dairy farmers, who have taken a beating in the marketplace in recent years.

When Wisconsin consumers have the choice, they will choose natural Wisconsin cheese. But the Food and Drug Administration, FDA, and the U.S. Department of Agriculture, USDA, may change current law, and consumers won't know whether cheese is really all natural or not.

If the Federal Government creates a loophole for imitation cheese ingredients to be used in U.S. cheese vats, some cheese labels saying ''domestic'' and ''natural'' will no longer be truly accurate.

If USDA and FDA allow a change in Federal rules, imitation milk proteins known as milk protein concentrate, casein, or dry ultra filtered milk could be used to make cheese in place of the wholesome natural milk produced by cows in Wisconsin or other parts of the U.S.

I am deeply concerned by recent efforts to change America's natural cheese standard. This effort to allow milk protein concentrate and casein into natural cheese products flies in the face of logic and could create a loophole that could allow unlimited amounts of substandard imported milk proteins to enter U.S. cheese vats.

My legislation would close this loophole and ensure that consumers could be confident that they were buying natural cheese when they saw the natural label.

Over the past decade, cheese consumption has risen at a strong pace due in part to promotional and marketing efforts and investments by dairy farmers across the country. Year after year, per capita cheese consumption has risen at a steady rate.

Recent proposals to change to our natural cheese standards, however, could decrease consumption of natural cheese. These declines could result from concerns about the origin of casein and milk protein concentrate.

The addition of this kind of milk could significantly tarnish the wholesome reputation of natural cheese in the eyes of the consumer.

This change could seriously compromise decades of work by America's dairy farmers to build up domestic cheese consumption levels. It is simply not fair to America's farmers!

Consumers have a right to know if the cheese that they buy is unnatural. And by allowing milk protein concentrate milk into cheese, we are denying consumers the entire picture.

This legislation will require that labels paint the entire picture for the consumer, and allow them enough information to select cheese made from truly natural ingredients.

Allowing MPCs or dry ultra-filtered milk into natural cheeses would also harm dairy producers throughout the United States. Some estimate that the annual effect of the change on the dairy farm sector of the economy could be more than $100 million.

The proposed change to our natural cheese standard would also harm the American taxpayer. If we allow MPCs to be used in cheese, we will effectively permit unrestricted importation of these ingredients into the United States. Because there are no tariffs and quotas on these ingredients, these heavily-subsidized products would displace natural domestic dairy ingredients.

These unnatural domestic dairy products would enter our domestic cheese market and might further depress

dairy prices paid to American dairy producers. Low dairy prices result in increased costs to the dairy price support program. So, at the same time that U.S. dairy farmers would receive lower prices, the U.S. taxpayer would pay more for the dairy price support program.

This change does not benefit the dairy farmer, consumer or taxpayer. Who then is it good for?

It would benefit only unscrupulous foreign MPC producers out to make a fast buck at the expense of Americans.

This legislation addresses the concerns of farmers, consumers and taxpayers by prohibiting dry ultra-filtered milk from being included in America's natural cheese standard.

Congress must shut the door on any backdoor efforts to stack the deck against America's dairy farmers. And we must pass my legislation that prevents a loophole that would allow changes that hurt the consumer, taxpayer, and dairy farmer.

By Mr. LIEBERMAN (for himself and Mr. DASCHLE)

S. 41. A bill to strike certain provisions of the Homeland Security Act of 2002 (Public Law 107–296), and for other purposes; to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce a bill on behalf of myself and Senator DASCHLE to remedy some problems in landmark legislation passed at the end of the last Congress, and signed into law by President Bush, to establish a Department of Homeland Security. The legislation we are offering today would strike seven extraneous special interest provisions inserted into the Homeland Security Act by Republican leadership in the bill's waning hours, provisions that are contrary to the bipartisan spirit in which the Homeland Security Act was conceived.

Since the days following September 11, 2001, when terrorists viciously took the lives of 3,000 of our friends, family and fellow Americans, I have advocated establishing a Department of Homeland Security to beat the terrorist threat. Senator ARLEN SPECTER, and I initially proposed creating a new department in October 2001. Our measure was not just bipartisan. It was in fact intended to be nonpartisan.

Unfortunately, some partisan battles did ensue, primarily regarding longstanding civil service protections for homeland security workers, and I remain very concerned about the potential impact of these provisions. Nevertheless, the final bill was, for the most part, a critical, well-constructed piece of legislation that incorporated the majority of the provisions approved by the Governmental Affairs Committee, and which an overwhelming majority of the Senate embraced.

In some very specific ways, however, the bill was flawed. In the final stages of passing the bill, the Republican leadership hastily inserted several special interest provisions that had no place in this measure. Most of these provisions had never been in any version of the legislation before the Senate before they were presented in a take-it-or-leave-it package by Republicans, and several had not been considered by either chamber. The method and spirit in which these provisions found their way into what should have been a consensus piece of legislation was utterly objectionable and Senator DASCHLE and I made an effort to remove them at the time. That effort narrowly failed, but not before news of these special interest provisions had created great consternation for Democrats and the public, and even for some Republicans. Indeed, according to numerous published reports, the Republican leadership was able to muster the votes to preserve the provisions only after promising to revisit at least some of the most egregious additions during this session of Congress.

I believe that the seven extraneous provisions my legislation targets hurt the Homeland Security Act as it was finally passed by the Congress and signed by the President. And I believe that, by attaching these measures to what could have and should have been a common cause, the Republican leadership all but admitted that the provisions cannot withstand independent scrutiny. Following are the provisions my bill would strike.

First, perhaps the most egregious add-on to the Homeland Security Act was a provision that dramatically alters the way certain vaccine preservatives are treated for liability purposes under the law. To quickly summarize this very complicated issue, children who are hurt by childhood vaccines generally may not go directly to court to hold vaccine manufacturers liable. Instead, they have to go first to what's called the Federal Vaccine Injury Compensation Program, which offers compensation for some of these claims. Parents argued, however, that the bar on lawsuits didn't use to apply to claims regarding faulty vaccine additives.

These seemingly arcane legal distinctions were particularly important to a large number of parents of autistic children who have attributed their children's autism to thimerosal, a mercury-based preservative that used to be in some childhood vaccines. These parents sued the manufacturers of both vaccines and thimerosal, and they had many lawsuits pending in the courts as of last Fall.

If you are wondering what any of this has to do with Homeland Security, you are doing exactly what we all did last November when in the waning days of debate on the Homeland Security bill, a provision addressing this issue appeared for the very first time in any version of the bill. That provision fundamentally altered the way vaccine additive claims would be treated from then on. With the swoop of a pen, the pending additive lawsuits against both vaccine and additive manufacturers were thrown out of court and, the provision's supporters alleged, sent into the compensation fund.

As I said last Fall, I don't know whether there is any relationship between thimerosal and autism. I also don't know whether these cases really should be resolved in court or through the compensation fund. But I do know that figuring out where and how to resolve these claims is a very contentious, complex and challenging task, and is just one part of addressing broader problems with the vaccine compensation system. For example, the vaccine compensation fund's viability may be affected by the addition of claims regarding these additives. I also know that it is an issue that the committees of jurisdiction had been struggling with for a long time and that they should have been left to resolve. And I certainly know that a last second addition to the Homeland Security Act was absolutely the wrong way to deal with this issue and the wrong bill to use to take so many injured parents' and children's legal rights away. Indeed, we know that even more now, as it has become clear that while the provision closed the courthouse door to autistic children, it apparently didn't open the compensation fund window as its supporters said it would—because it didn't make the changes to either the fund's statute of limitations or to governing tax code provisions that would be necessary to obtain access to the fund for these cases.

The bottom line is that this was a wrong and poorly conceived provision to put in the Homeland Security bill—something I thought even the Republican leadership acknowledged when they were forced to make promises to get rid of this provision in order to save their bill. We should scrap it now, and let the committee of jurisdiction undertake a careful review and, I hope, get it right this time.

My legislation would also strike from the Act a measure that requires the Transportation Security Oversight Board to ratify within 90 days emergency security regulations issued by the Transportation Security Agency. If the oversight board does not ratify the regulations, they would automatically lapse. Despite the TSA having decided that they are necessary, 90 days later, lacking the board's approval, they'd disappear.

This doesn't make any sense. In the current climate, shouldn't we be trying to find new ways to expedite and implement TSA rules, not always to disrupt and derail them? This provision is contrary to new procedures that the Senate passed in 2001 in the aviation security bill. Under that law, regulations

go into effect and remain in effect unless they are affirmatively disapproved by the Board. I think that's a better system.

Another provision would extend liability protection to companies that provided passenger and baggage screening in airports on September 11.

But we in the Senate decided against extending such liability protection in at least two different contexts. First, the airline bailout bill limited the liability of the airlines, but not of the security screeners, due to ongoing concerns about their role leading up to September 11. Then, the conference report on the Transportation Security bill extended the liability limitations to others who might have been the target of lawsuits, such as aircraft manufacturers and airport operators, but again not to the baggage and passenger screeners.

Like that little mole you hit with the mallet in a whack-a-mole game, somehow this provision reappeared in the Homeland Security Act. We must strike it.

Another unnecessary and overreaching provision I seek to strike gives the Secretary of the new department broad authority to designate certain technologies as so-called ''qualified antiterrorism technologies.'' His granting of this designation, which appears to be unilateral, and probably not subject to review by anyone, would entitle companies selling that technology to broad liability protection from any claim arising out of, relating to, or resulting from an act of terrorism, no matter how negligently, or even wantonly and willfully, the company acted.

This provision seems to say that in many cases, the plaintiff can't recover anything from the seller unless an injured plaintiff can prove that the seller of the product that injured him or her acted fraudulently or with willful misconduct in submitting information to the Secretary when the Secretary was deciding whether to certify the product.

Even in cases where a seller isn't entitled to the benefit of that protection, the company still isn't fully, or in many cases even partially, responsible for its actions, even if it knew there was something terribly wrong with its product. Perhaps worst of all, this measure caps the seller's liability at the limits of its insurance policy. In other words, if injured people were lucky enough to get through the first hurdle and even hold a faulty seller liable, they still could go completely uncompensated even if a liable seller has more than enough money to compensate them.

The Homeland Security Act unwisely and unnecessarily allows the Secretary to exempt the new department's advisory committees from the open meetings requirements and other requirements of the Federal Advisory Committee Act, FACA.

Agencies throughout government make use of advisory committees that function under these open meetings requirements. Existing law is careful to protect discussions and documents that involve sensitive information, in fact, the FACA law currently applies successfully to the Department of Defense, the Department of Justice, the State Department, even the secretive National Security Agency.

So why should the Department of Homeland Security be allowed to exempt its advisory committees from its requirements? Why should its advisory committees be allowed to meet in total secret with no public knowledge?

We all say that we're for ''good government,'' for openness, integrity, and accountability. But as it now stands, few of us will be able to say with confidence that the new department's advisory committees are designed to be as independent, balanced, and transparent as possible. I know full well that the Homeland Security Department will deal with sensitive information involving life and death, but so does the National Security Agency. So does the FBI. So does the Department of Defense. Their advisory committees aren't allowed to hide themselves away from the public.

Finally, our legislation would alter a provision in the Act creating a university-based homeland security research center. Now, I have nothing against creating a university research center focused on homeland security.

But there's a problem with this particular provision as it is written. The research center that it would create is described so narrowly, through 15 specific criteria, that it appears Texas A&M University has the inside track, to say the least, to get the funding and house the center.

Science in this country has thrived over the years because, by and large, Congress has refused to intervene in science decisions. Science has thrived through peer review and competition over the best proposals—which are fundamentals of federal science policy. We are violating them here. This is nothing short of ''science pork.''

When it comes to making these research funding decisions, we need a playing field that's truly level, not one that only looks level when you tilt your head.

Our legislation keeps the university-based science center program. However, it removes the highly-specific criteria that appear to direct it to a particular university. That's the way we'll get the best science, not by making Congressional allocations to particular institutions.

I'm extremely pleased we have created a Department of Homeland Security and plan to do everything I can to help ensure its success. But these flaws are real. They are serious. And they are utterly unnecessary. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 41

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.

(a) STRICKEN PROVISIONS.—

(1) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(A) in section 308(b)(2) by striking subparagraph (B) and inserting the following:

''(B) CRITERIA FOR SELECTION.—In selecting colleges or universities as centers for homeland security, the Secretary shall consider demonstrated expertise in interdisciplinary public policy research and communication outreach regarding science, technology, and public policy.'';

(B) in section 311—

(i) by striking subsection (i); and

(ii) redesignating subsection (j) as subsection (i);

(C) in title VIII, by striking subtitle G;

(D) by striking section 871;

(E) by striking section 890;

(F) by striking section 1707; and

(G) by striking sections 1714, 1715, 1716, and 1717.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for the Homeland Security Act of 2002 (Public Law 107–296) is amended by striking the items relating to subtitle G of title VIII, and sections 871, 890, 1707, 1714, 1715, 1716, and 1717.

(b) ADVISORY GROUPS.—Section 232(b) of the Homeland Security Act of 2002 (Public Law 107–296) is amended by striking paragraph (2) and inserting the following:

''(2) To establish and maintain advisory groups to assess the law enforcement technology needs of Federal, State, and local law enforcement agencies.''.

(c) WAIVERS RELATING TO CONTRACTS WITH CORPORATE EXPATRIATES.—Section 835 of the Homeland Security Act of 2002 (Public Law 107–296) is amended by striking subsection (d) and inserting the following:

''(d) WAIVERS.—The Secretary shall waive subsection (a) with respect to any specific contract if the Secretary determines that the waiver is required in the interest of homeland security.''.

(d) EFFECTIVE DATE.—The amendments made by this Act shall take effect as though enacted as part of the Homeland Security Act of 2002 (Public Law 107–296).

By Mr. FEINGOLD:

S. 42. A bill to amend the Agricultural Adjustment Act to prohibit the Secretary of Agriculture from basing minimum prices for Class I milk on the distance or transportation costs from any location that is not within a marketing area, except under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, I rise today to offer a measure which could serve as a first step towards eliminating the inequities borne by the dairy farmers of Wisconsin and the upper Midwest under the Federal Milk Marketing Order system.

The Federal Milk Marketing Order system, created nearly 60 years ago, establishes minimum prices for milk paid to producers throughout various marketing areas in the U.S. For sixty years, this system has discriminated against producers in the Upper Midwest by awarding a higher price to dairy farmers in proportion to the distance of their farms from Eau Claire, Wisconsin.

My legislation is very simple. It identifies the single most harmful and unjust feature of the current system, and corrects it. Under the current archaic law, the price for fluid milk increases depending on the distance from Eau Claire, Wisconsin, even though most local milk markets do not receive any milk from Wisconsin.

The bill I introduce today would prohibit the Secretary of Agriculture from using distance or transportation costs from any location as the basis for pricing milk, unless significant quantities of milk are actually transported from that location into the recipient market. The Secretary will have to comply with the statutory requirement that supply and demand factors be considered as specified in the Agricultural Marketing Agreement Act when setting milk prices in marketing orders. The fact remains that single-basing-point pricing simply cannot be justified based on supply and demand for milk both in local and national markets.

This bill also requires the Secretary to report to Congress on specifically which criteria are used to set milk prices. Finally, the Secretary will have to certify to Congress that the criteria used by the Department do not in any way attempt to circumvent the prohibition on using distance or transportation cost as basis for pricing milk.

This one change is so crucial to Upper Midwest producers, because the current system has penalized them for many years. The current system provides disparate profits for producers in other parts of the country and creating artificial economic incentives for milk production. As a result, Wisconsin producers have seen national surpluses rise, and milk prices fall. Rather than providing adequate supplies of fluid milk, the prices have led to excess production.

The prices have provided production incentives beyond those needed to ensure a local supply of fluid milk in some regions, leading to an increase in manufactured products in those marketing orders. Those manufactured products directly compete with Wisconsin's processed products, eroding our markets and driving national prices down.

The perverse nature of this system is further illustrated by the fact that since 1995 some regions of the U.S., notably the Central states and the Southwest, are producing so much milk that they are actually shipping fluid milk north to the Upper Midwest. The high fluid milk prices have generated so much excess production, that these markets distant from Eau Claire are now encroaching upon not only our manufactured markets, but also our markets for fluid milk, further eroding prices in Wisconsin.

The market-distorting effects of the fluid price differentials in Federal orders are manifest in the Congressional Budget Office estimate that eliminating the orders would save $669 million over five years. Government outlays would fall, CBO concludes, because production would fall in response to lower milk prices and there would be fewer government purchases of surplus milk. The regions that would gain and lose in this scenario illustrate the discrimination inherent to the current system. Economic analyses show that farm revenues in a market undisturbed by Federal orders would actually increase in the Upper Midwest and fall in most other milk-producing regions.

While this system has been around since 1937, the practice of basing fluid milk price differentials on the distance from Eau Claire was formalized in the 1960's, when the Upper Midwest arguably was the primary reserve for additional supplies of milk. The idea was to encourage local supplies of fluid milk in areas of the country that did not traditionally produce enough fluid milk to meet their own needs.

That is no longer the case. The Upper Midwest is not the primary source of reserve supplies of milk. Unfortunately, the prices didn't adjust with changing economic conditions, most notably the shift of the dairy industry away from the Upper Midwest and towards the Southwest, and specifically California, which now leads the Nation in milk production.

The result of this antiquated system has been a decline in the Upper Midwest dairy industry, not because it can't produce a product that can compete in the market place, but because the system discriminates against it. Today, Wisconsin loses dairy farmers at a rate of more than 5 per day. The Upper Midwest, with the lowest fluid milk prices, is shrinking as a dairy region despite the dairy-friendly climate of the region. Other regions with higher fluid milk prices are growing rapidly.

In an free market with a level playing field, these shifts in production might be fair. But in a market where the government is setting the prices and providing that artificial advantage to regions outside the Upper Midwest, the current system is unconscionable.

I urge my colleagues to do the right thing and bring reform to this out dated system and work to eliminate the inequities in the current milk marketing order pricing system.

By Mr. FEINGOLD:

S. 43. A bill to allow modified bloc voting by cooperative associations of milk producers in connection with a referendum on Federal Milk Marketing Order reform; to the Committee on Agriculture, Nutrition and Forestry.

Mr. FEINGOLD. Mr. President, I rise to re-introduce a measure that will begin to restore democracy for dairy farmers throughout the Nation.

When dairy farmers across the country voted on a referendum four years ago, perhaps the most significant change in dairy policy in sixty years, they didn't actually get to vote. Instead, their dairy marketing cooperatives cast their votes for them.

This procedure is called ''bloc voting'' and it is used all the time. Basically, a Cooperative's Board of Directors decides that, in the interest of time, bloc voting will be implemented for that particular vote. It may serve the interest of time, but not always in the interest of their producer owner-members.

I do think that bloc voting can be a useful tool in some circumstances, but I have serious concerns about its use in every circumstance. Farmers in Wisconsin and in other states tell me that they do not agree with their Cooperative's view on every vote. Yet, they have no way to preserve their right to make their single vote count.

After speaking to farmers and officials at USDA, I have learned that if a Cooperative bloc votes, individual members simply have no opportunity to voice opinions separately. That seems unfair when you consider what significant issues may be at stake. Coops and their members do not always have identical interests. We shouldn't ask farmers to ignore that fact.

The Democracy for Dairy Producers Act of 2003 is simple and fair. It provides that a cooperative cannot deny any of its members a ballot if one or two or ten or all of the members chose to vote on their own.

This will in no way slow down the process at USDA; implementation of any rule or regulation would proceed on schedule. Also, I do not expect that this would often change the final outcome of any given vote. Coops could still cast votes for their members who do not exercise their right to vote individually. And to the extent that coops represent farmers interest, farmers are likely to vote along with the coops, but whether they join the coops or not, farmers deserve the right to vote according to their own views.

I urge my colleagues to return the democratic process to America's farmers, by supporting the Democracy for Dairy Producers Act.

By Mr. FEINGOLD (for himself and Ms. CANTWELL):

S. 44. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain

hardrock mines, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I am reintroducing legislation to eliminate from the Federal Tax Code percentage depletion allowances for hardrock minerals mined on Federal public lands. I am pleased that the Senator from Washington, Ms. CANTWELL, is joining me as an original cosponsor.

President Clinton proposed the elimination of the percentage depletion allowance on public lands in his FY 2001 budget. President Clinton's FY 2001 budget estimated that, under this legislation, income to the Federal treasury from the elimination of percentage depletion allowances for hardrock mining on public lands would total $487 million over 5 years and $1.20 billion over 10 years. The Joint Committee on Taxation estimated that it would save $410 million over 5 years and $823 million over 10 years. These savings are calculated as the excess amount of Federal revenues above what would be collected if depletion allowances were limited to sunk costs in capital investments. Percentage depletion allowances are contained in the tax code for extracted fuel, minerals, metal and other mined commodities. These allowances have a combined value, according to estimates by the Joint Committee on Taxation, of $4.8 billion.

These percentage depletion allowances were initiated by the Corporation Excise Act of 1909. That's right, these allowances were initiated nearly one hundred years ago. Provisions for a depletion allowance based on the value of the mine were made under a 1912 Treasury Department regulation, but difficulty in applying this accounting principle to mineral production led to the initial codification of the mineral depletion allowance in the Tariff Act of 1913. The Revenue Act of 1926 established percentage depletion much in its present form for oil and gas. The percentage depletion allowance was then extended to metal mines, coal, and other hardrock minerals by the Revenue Act of 1932, and has been adjusted several times since.

Percentage depletion allowances were historically placed in the Tax Code to reduce the effective tax rates in the mineral and extraction industries far below tax rates on other industries, providing incentives to increase investment, exploration and output. Percentage depletion also makes it possible, however, to recover many times the amount of the original investment.

There are two methods of calculating a deduction to allow a firm to recover the costs of its capital investment: cost depletion, and percentage depletion. Cost depletion allows for the recovery of the actual capital investment, the costs of discovering, purchasing, and developing a mineral reserve, over the period during which the reserve produces income. Using cost depletion, a company would deduct a portion of its original capital investment minus any previous deductions, in an amount that is equal to the fraction of the remaining recoverable reserves. Under this method, the total deductions cannot exceed the original capital investment.

Under percentage depletion, however, the deduction for recovery of a company's investment is a fixed percentage of ''gross income,'' namely, sales revenue—from the sale of the mineral. Under this method, total deductions typically exceed, let me be clear on that point, exceed the capital that the company invested.

The rates for percentage depletion are quite significant. Section 613 of the U.S. Code contains depletion allowances for more than 70 metals and minerals, at rates ranging from 10 to 22 percent.

In addition to repealing the percentage depletion allowances for minerals mined on public lands, my bill would also create a new fund, called the Abandoned Mine Reclamation Fund. One fourth of the revenue raised by the bill, or approximately $120 million dollars, would be deposited into an interest bearing fund in the Treasury to be used to clean up abandoned hardrock mines in states that are subject to the 1872 Mining Law. The Mineral Policy Center estimates that there are 557,650 abandoned hardrock mine sites nationwide and the cost of clearing them up will range from $32.7 billion to $71.5 billion.

There are currently no comprehensive Federal or State programs to address the need to clean up old mine sites. Reclaiming these sites requires the enactment of a program with explicit authority to clean up abandoned mine sites and the resources to do it. My legislation is a first step toward providing the needed authority and resources.

In today's budget climate we are faced with the question of who should bear the costs of exploration, development, and production of natural resources: all taxpayers, or the users and producers of the resource? For more than a century, the mining industry has been paying next to nothing for the privilege of extracting minerals from public lands and then abandoning its mines. Now those mines are adding to the nation's environmental and financial burdens. We face serious budget choices this fiscal year, yet these subsidies remain persistent tax expenditures that raise the deficit for all citizens or shift a greater tax burden to other taxpayers to compensate for the special tax breaks provided to the mining industry.

The measure I am introducing is fairly straightforward. It eliminates the percentage depletion allowance for hardrock minerals mined on public lands while continuing to allow companies to recover reasonable cost depletion.

Though at one time, there may have been an appropriate role for a government-driven incentive for enhanced mineral production, there is now sufficient reason to adopt a more reasonable depletion allowance that is consistent with depreciation rates given to other businesses.

The time has come for the Federal Government to get out of the business of subsidizing one business over another. We can no longer afford its costs in dollars or its cost to the health of our citizens. This legislation is one step toward the goal of ending these corporate welfare subsidies.

I ask unanimous consent the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 44

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Elimination of Double Subsidies for the Hardrock Mining Industry Act of 2003''.

SEC. 2. REPEAL OF PERCENTAGE DEPLETION ALLOWANCE FOR CERTAIN HARDROCK MINES.

(a) IN GENERAL.—Section 613(a) of the Internal Revenue Code of 1986 (relating to percentage depletion) is amended by inserting ''(other than hardrock mines located on lands subject to the general mining laws or on land patented under the general mining laws)'' after ''In the case of the mines''.

(b) GENERAL MINING LAWS DEFINED.—Section 613 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(f) GENERAL MINING LAWS.—For purposes of subsection (a), the term ''general mining laws'' means those Acts which generally comprise chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 3. ABANDONED MINE RECLAMATION FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following:

''SEC. 9511. ABANDONED MINE RECLAMATION FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Abandoned Mine Reclamation Trust Fund' (in this section referred to as 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

''(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Trust Fund amounts equivalent to 25 percent of the additional revenues received in the Treasury by reason of the amendments made by section 2 of the Elimination of Double Subsidies for the Hardrock Mining Industry Act of 2003.

''(c) EXPENDITURES FROM TRUST FUND.—

''(1) IN GENERAL.—Amounts in the Trust Fund shall be available, as provided in appropriation Acts, to the Secretary of the Interior for—

''(ii) for which the Secretary of the Interior makes a determination that there is no

continuing reclamation responsibility under State or Federal law, and

''(iii) for which it can be established to the satisfaction of the Secretary of the Interior that such lands or resources do not contain minerals which could economically be extracted through remining of such lands or resources.

''(B) CERTAIN SITES AND AREAS EXCLUDED.—The lands and water resources described in this paragraph shall not include sites and areas which are designated for remedial action under the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 et seq.) or which are listed for remedial action under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

''(3) GENERAL MINING LAWS.—For purposes of paragraph (2), the term 'general mining laws' means those Acts which generally comprise chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code.''.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Sec. 9511. Abandoned Mine Reclamation Trust Fund.''.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 45. A bill to make changes to the Office for State and Local Government Coordination, Department of Homeland Security; to the Committee on Governmental Affairs.

Mr. FEINGOLD. Mr. President I rise today with my colleague from Maine to introduce legislation to help first responders do what they do so well, protect our communities in an emergency.

The Department of Homeland Security will create a massive shift in the Federal Government. Nobody will feel the impact of this shift more than the brave men and women who work in law enforcement, as firefighters, as rescue workers, as emergency medical service providers, and in capacities as first responders.

We must make sure that these first responders have the resources that they need.

While I commend the Administration for raising the funding dedicated to first responders in the President's budget, I am concerned that new layers of bureaucracy and reorganization could reduce these funding levels, or just as harmful, put up barriers to first responders actually receiving these funds.

The Federal agencies in the proposed Department of Homeland Security must listen to the priorities of our communities. After all, the needs of first responders vary between regions, as well as between rural and urban communities. In Wisconsin, I have heard needs ranging from training to equipment to more emergency personnel in the field, just to name a few.

My legislation would promote effective coordination among Federal agencies under the Department of Homeland Security and ensure that our first responders, our firefighters, law enforcement, rescue, and EMS providers, can help Federal agencies and the new Department of Homeland Security to improve existing programs and future initiatives.

It would first establish a Federal Liaison on Homeland Security in each state and coordinate between the Department of Homeland Security and state and local first responders.

This office would serve not only as an avenue to exchange ideas, but also as a resource to ensure that the funding and programs are effective.

For example, my hope is that the Homeland Security Department will make programs such as the Fire Act a high priority. The Fire Act provides grants directly to fire departments across our nation for training and equipment needs. I recently visited one excellent example of this program in West Allis, Wisconsin, where the Department received a grant in 2001 to implement a wellness and fitness program for their firefighters. I am told that it is one of the first departments in the State to meet the goals of this program, and I commend the department for its efforts.

My legislation would also direct the agencies within the Department of Homeland Security to coordinate and prioritize their activities that support first responders, and at the same time, ensure effective use of taxpayer dollars.

As part of this coordination, the First Responders Support Act establishes a new advisory committee of those in the first responder community to identify and streamline effective programs.

Last year, both the original Senate and House homeland security bills lacked the provisions needed to ensure that the new Department of Homeland Security communicates and coordinates effectively with first responders.

During the Senate Governmental Affairs Committee mark-up of the Homeland Security bill, the Committee added our First Responders Support Act to the legislation. They did so knowing that we would have to reconcile the overlap between our legislation and the language in the Chairman's mark creating an office for state and local government coordination. Our amendment, which was approved by the full Senate, did just that. Unfortunately, our proposal was dropped from the final bill during backroom negotiations.

Because of this omission, I promised to make enacting this legislation one of our top priorities this Congress. That's why we are re-introducing this legislation today.

We must be aggressive in seeking the advice of our first responders, and helping them get the resources that they need to provide effective services. They are on the front lines, and deserve our strong support.

In almost any disaster, the local first responders and health care providers play an indispensable role. If the Department of Homeland Security is to be effective, we need to ensure that the resources are delivered to the front line personnel in an effective and coordinated manner. I urge my colleagues to join me in cosponsoring this proposal and support our first responders.

By Mr. FEINGOLD (for himself, Mr. KOHL, and Mr. WYDEN):

S. 47. A bill to terminate operation of the Extremely Low Frequency Communication System of the Navy; to the Committee on Armed Services.

Mr. FEINGOLD. Mr. President, today I am reintroducing legislation that would terminate the operation of the Navy's Extremely Low Frequency communications system, Project ELF, which is located in Clam Lake, WI, and Republic, MI.

I would like to thank the senior Senator from Wisconsin, Mr. KOHL, and the Senator from Oregon, Mr. WYDEN, for cosponsoring this bill.

Project ELF is a Cold War relic that was designed to send short one-way messages to ballistic and attack submarines that are submerged in deep waters. The bill that I am introducing today would terminate operations at Project ELF, while maintaining the infrastructure in Wisconsin and Michigan in the event that a resumption in operations becomes necessary.

Project ELF is ineffective and unnecessary in the post-Cold War era. This antiquated system does not facilitate the rapid mobilization that our military says it needs to respond to current threats from weapons of mass destruction. The horrific attacks of September 11, 2001, emphasized the need for rapid, reliable two-way communications. Since ELF cannot transmit detailed messages, it serves as an expensive ''beeper'' system to tell submarines to come to the surface to receive messages from other sources, and the subs cannot send a return message to ELF in the event of an emergency. It takes ELF four minutes to send a three-letter message to a deeply submerged submarine.

With the end of the Cold War, Project ELF becomes harder and harder to justify. Our submarines no longer need to take that extra precaution against Soviet nuclear forces. They can now surface on a regular basis with less danger of detection or attack. They can also receive more complicated messages through very low frequency, VLF, radio waves or lengthier messages through satellite systems. Taxpayers should not be asked to continue to pay for what amounts to a beeper system that tells our submarines to come to the surface to receive orders from another, more sophisticated source.

Further, continued operation of this facility is opposed by most residents in

my state. The members of the Wisconsin delegation have fought hard for years to close down Project ELF. I have introduced legislation during each Congress since taking office in 1993 to terminate it, and I have recommended it for closure to the Base Realignment and Closure Commission.

Project ELF has had a turbulent history. Since the idea for ELF was first proposed in 1958, the project has been changed or canceled several times. Residents of Wisconsin have opposed ELF since its inception, but for years we were told that the national security considerations of the Cold War outweighed our concerns about this installation in our State. Ironically, this system became fully operational in 1989, the same year the tide of democracy began to sweep across Eastern Europe and the Soviet Union. Now, fourteen years later, the hammer and sickle has fallen and the Russian submarine fleet is in disarray. But Project ELF still remains as a constant, expensive reminder to the people of my State that many at the Department of Defense remain focused on the past.

There also continue to be a number of public health and environmental concerns associated with Project ELF. For almost two decades, we have received inconclusive data on this project's effects on Wisconsin and Michigan residents. In 1984, a U.S. District Court ordered that ELF be shut down because the Navy paid inadequate attention to the system's possible health effects and violated the National Environmental Policy Act. Interestingly, that decision was overturned because U.S. national security, at the time, prevailed over public health and environmental concerns.

Numerous medical studies point to a possible link between exposure to extremely low frequency electromagnetic fields and a variety of human health effects and abnormalities in both animal and plant species.

In 1999, after six years of research, the National Institute of Environmental Health Sciences released a report that did not prove conclusively a link between electromagnetic fields and cancer, but the report did not disprove it, either. Serious questions remain, and many of my constituents are rightly concerned about this issue.

In addition, I have heard from a number of dairy farmers who are convinced that the stray voltage associated with ELF transmitters has demonstrably reduced milk production. As we continue our efforts to return to a sustainable balanced federal budget, and as the Department of Defense continues to struggle to address readiness and other concerns, it is clear that outdated programs such as Project ELF should be closed down.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 47

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TERMINATION OF OPERATION OF EXTREMELY LOW FREQUENCY COMMUNICATION SYSTEM.

(a) TERMINATION REQUIRED.—The Secretary of the Navy shall terminate the operation of the Extremely Low Frequency Communication System of the Navy.

(b) MAINTENANCE OF INFRASTRUCTURE.—The Secretary shall maintain the infrastructure necessary for resuming operation of the Extremely Low Frequency Communication System.

By Mr. FEINGOLD:

S. 48. A bill to repeal the provisions of law that provides automatic pay adjustments for Members of Congress; to the Committee on Governmental Affairs.

Mr. FEINGOLD. Mr. President, I am pleased to reintroduce legislation that would put an end to automatic cost-of-living adjustments for Congressional pay.

As my Colleagues are aware, it is an unusual thing to have the power to raise our own pay. Few people have that ability. Most of our constituents do not have that power. And that this power is so unusual is good reason for the Congress to exercise that power openly, and to exercise it subject to regular procedures that include debate, amendment, and a vote on the record.

Regrettably, current law permits Members to avoid such an open procedure. All that is necessary for Congress to get a pay raise is that nothing be done to stop it. Unless Congress affirmatively acts, the annual pay raise takes effect.

This stealth pay raise technique began with a change Congress enacted in the Ethics Reform Act of 1989. In section 704 of that Act, Members of Congress voted to make themselves entitled to an annual raise equal to half a percentage point less than the employment cost index, one measure of inflation.

On occasion, Congress has voted to deny itself the raise. Traditionally, this has been done on the Treasury-Postal appropriations bill. But that vehicle is not always made available to those who want a public debate and vote on the matter. In one instance, the Treasury-Postal bill was slipped into the conference report on the Legislative Branch appropriations bill, and thus completely shielded from amendment. And during 2002, the Senate did not consider the Treasury-Postal bill at all.

This makes getting a vote on the annual congressional pay raise a haphazard affair at best. And it should not be that way. No one should have to force a debate and public vote on the pay raise. On the contrary, Congress should have to act if it decides to award itself a hike in pay. This process of pay raises without accountability must end.

The question of how and whether Members of Congress can raise their own pay was one that our Founders considered from the beginning of our Nation. In August of 1789, as part of the package of 12 amendments advocated by James Madison that included what has become our Bill of Rights, the House of Representatives passed an amendment to the Constitution providing that Congress could not raise its pay without an intervening election. Almost 214 years ago, on September 9, 1789, the Senate passed that amendment. In late September of 1789, Congress submitted the amendments to the States.

Although the amendment on pay raises languished for two centuries, in the 1980s, a campaign began to ratify it. While I was a member of the Wisconsin State Senate, I was proud to help ratify the amendment. Its approval by the Michigan legislature on May 7, 1992, gave it the needed approval by three-fourths of the States.

The 27th Amendment to the Constitution now states: 'No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened.''

I try to honor that limitation in my own practices. In my own case, throughout my 6-year term, I accept only the rate of pay that Senators receive on the date on which I was sworn in as a Senator. And I return to the Treasury any additional income Senators get, whether from a cost-of-living adjustment or a pay raise we vote for ourselves. I don't take a raise until my bosses, the people of Wisconsin, give me one at the ballot box. That is the spirit of the 27th Amendment. The stealth pay raises like the one that Congress allowed last year, at a minimum, certainly violate the spirit of that amendment.

This practice must end. To address it, I am reintroducing this bill to end the automatic cost-of-living adjustment for Congressional pay. Senators and Congressmen should have to vote up-or-down to raise Congressional pay. My bill would simply require us to vote in the open. We owe our constituents no less.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 48

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking ''(a)(1)'' and inserting ''(a)'';

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking ''as adjusted by paragraph (2) of this subsection'' and inserting ''adjusted as provided by law''.

(c) EFFECTIVE DATE.—This section shall take effect on February 1, 2005.

By Mr. FEINGOLD:

S. 49. A bill to reduce the deficit of the United States; to the Committee on Energy and Natural Resources.

Mr. FEINGOLD. Mr. President, today I am introducing a measure aimed at curbing wasteful spending. In the face of our return to Federal deficits, we must prioritize and eliminate programs that can no longer be sustained with limited Federal dollars, or where a more cost-effective means of fulfilling those functions can be substituted. The measure that I introduce today eliminates or modifies three Federal programs: it establishes a means test for large agribusinesses receiving subsidized water from the Bureau of Reclamation, it terminates the Uniformed Services University of the Health Sciences, USUHS, a medical school run by the Department of Defense, and it ends the future production of submarine launched D5 missiles, commonly known as the Trident II missiles. Eliminating or reforming these three programs would save the taxpayers in excess of $8 billion over ten years.

The irrigation means test provision is drawn from legislation that I that have sponsored in previous Congresses to reduce the amount of Federal irrigation subsidies received by large agribusiness interests. I believe that reforming Federal water pricing policy by reducing subsidies is important as a means to achieve our broader objectives of achieving a truly balanced budget. This legislation is also needed to curb fundamental abuses of reclamation law that cost the taxpayer millions of dollars every year.

In 1901, President Theodore Roosevelt proposed legislation, which came to be known as the Reclamation Act of 1902, to encourage development of family farms throughout the western United States. The idea was to provide needed water for areas that were otherwise dry and give small farms, those no larger than 160 acres, a chance, with a helping hand from the Federal Government, to establish themselves. According to a 1996 General Accounting Office report, since the passage of the Reclamation Act, the Federal Government has spent $21.8 billion to construct 133 water projects in the west which provide water for irrigation. Agribusinesses, and other project beneficiaries, are required under the law to repay to the Federal Government their allocated share of the costs of constructing these projects.

As a result of the subsidized financing provided by the Federal Government, however, some of the beneficiaries of Federal water projects repay considerably less than their full share of these costs. According to the 1996 GAO report, agribusinesses generally receive the largest amount of Federal financial assistance. Since the initiation of the irrigation program in 1902, construction costs associated with irrigation have been repaid without interest. The GAO further found, in reviewing the Bureau of Reclamation's financial reports, that $16.9 billion, or 78 percent, of the $21.8 billion of Federal investment in water projects is considered to be reimbursable. Of the reimbursable costs, the largest share, $7.1 billion, is allocated to irrigation interests. GAO also found that the Bureau of Reclamation will likely shift $3.4 billion of the debt owed by agribusinesses to other users of the water projects for repayment.

There are several reasons why large agribusinesses continue to receive such significant subsidies. Under the Reclamation Reform Act of 1982, Congress acted to expand the size of the farms that could receive subsidized water from 160 acres to 960 acres. The RRA of 1982 expressly prohibits farms that exceed 960 acres in size from receiving federally-subsidized water. These restrictions were added to the Reclamation law to close loopholes through which Federal subsidies were flowing to large agribusinesses rather than the small family farmers that Reclamation projects were designed to serve. Agribusinesses were expected to pay full cost for all water received on land in excess of their 960 acre entitlement.

Despite the express mandate of Congress, regulations promulgated under the Reclamation Reform Act of 1982 have failed to keep big agricultural water users from receiving Federal subsidies. The General Accounting Office and the Inspector General of the Department of the Interior continue to find that the acreage limits established in law are circumvented through the creation of arrangements such as farming trusts. These trusts, which in total acreage well exceed the 960 acre limit, are comprised of smaller units that are not subject to the reclamation acreage cap. These smaller units are farmed under a single management agreement often through a combination of leasing and ownership.

The Department of the Interior has acknowledged that these trusts do exist. Interior published a final rulemaking in 1998 to require farm operators who provide services to more than 960 nonexempt acres westwide, held by a single trust or legal entity or any combination of trusts and legal entities to submit RRA forms to the district(s) where such land is located. Water districts are now required to provide specific information about farm operators to Interior annually. This information is an important step toward enforcing the legislation that I am reintroducing today.

My legislation combines various elements of proposals introduced by other members of Congress to close loopholes in the 1982 legislation and to impose a $500,000 means-test. This new approach limits the amount of subsidized irrigation water delivered to any operation in excess of the 960 acre limit which claimed $500,000 or more in gross income, as reported on its most recent IRS tax form. If the $500,000 threshold were exceeded, an income ratio would be used to determine how much of the water should be delivered to the user at the full-cost rate, and how much at the below-cost rate. For example, if a 961 acre operation earned $1 million dollars, a ratio of $500,000, the means-test value, divided by its gross income would determine the full cost rate. Thus the water user would pay the full cost rate on half of their acreage and the below-cost rate on the remaining half.

This means-testing proposal was featured in the 2000 Green Scissors report. This report is compiled annually by Friends of the Earth and Taxpayers for Common Sense and supported by a number of environmental, consumer and taxpayer groups. The premise of the report is that there are a number of subsidies and projects that could be cut to both reduce the deficit and benefit the environment. The Green Scissors recommendation on means-testing water subsidies indicates that if a test is successful in reducing subsidy payments to the highest grossing 10 percent of farms, then the Federal Government would recover between $440 million and $1.1 billion per year, or at least $2.2 billion over five years.

When countless Federal programs are subjected to various types of means-tests to limit benefits to those who truly need assistance, it makes little sense to continue to allow large business interests to dip into a program intended to help small entities struggling to survive. Taxpayers have legitimate concerns when they learn that their hard-earned tax dollars are being expended to assist large corporate interests in select regions of the country, particularly in tight budgetary times.

The second element of my bill will help our Armed Services obtain physician services at a more reasonable cost by terminating the Uniformed Services University of the Health Sciences, USUHS. The measure is one I proposed when I ran for the U.S. Senate, and was part of a larger, 82-point plan to reduce the Federal budget deficit. The most

recent estimates of the Congressional Budget Office, CBO, project that terminating the school would save $273 million over the next five years, and when completely phased-out, would generate $450 million in savings over five years.

USUHS was created in 1972 to meet an expected shortage of military medical personnel. Today, however, USUHS accounts for only a small fraction of the military's new physicians, less than 12 percent in 1994, according to CBO. This contrasts dramatically with the military's scholarship program, which provided over 80 percent of the military's new physicians in that year.

What is even more troubling is that USUHS is also the single most costly source of new physicians for the military. CBO reports that based on figures from 1995, each USUHS trained physician costs the military $615,000. By comparison, the scholarship program cost about $125,000 per doctor, with other sources providing new physicians at a cost of $60,000. As CBO has noted, even adjusting for the lengthier service commitment required of USUHS trained physicians, the cost of training them is still higher than that of training physicians from other sources, an assessment shared by the Pentagon itself. Indeed, CBO's estimate of the savings generated by this measure also includes the cost of obtaining physicians from other sources.

The House of Representatives has voted to terminate this program on several occasions, joining others, ranging from the Grace Commission to the CBO, in raising the question of whether this medical school, which graduated its first class in 1980, should be closed because it is so much more costly than alternative sources of physicians for the military.

The real issue we must address is whether USUHS is essential to the needs of today's military structure, or if we can do without this costly program. The proponents of USUHS frequently cite the higher retention rates of USUHS graduates over physicians obtained from other sources as a justification for continuation of this program, but while a greater percentage of USUHS trained physicians may remain in the military longer than those from other sources, the Pentagon indicates that the alternative sources already provide an appropriate mix of retention rates. Testimony by the Department of Defense before the Subcommittee on Force Requirements and Personnel noted that the military's scholarship program meets the retention needs of the services.

And while USUHS provides only a small fraction of the military's new physicians, relying primarily on these other sources has not compromised the ability of military physicians to meet the needs of the Pentagon. According to the Office of Management and Budget, of the approximately 2,000 physicians serving in Desert Storm, only 103, about 5 percent, were USUHS trained.

USUHS has some dedicated supporters in the U.S. Senate, and I realize that there are legitimate arguments that those supporters have made in defense of this institution. The problem, however, is that the Federal Government cannot afford to continue every program that provides some useful function, especially when such services can be procured elsewhere.

The final provision of my legislation terminates another wasteful defense program, the continued production of new Trident II submarine-launched ballistic missiles. Trident submarines, and the deadly submarine-launched ballistic missiles they carry, were designed specifically to attack targets inside the Soviet Union from waters off the continental United States.

Let me say at the outset that this provision would in no way prevent the Navy from maintaining the current arsenal of Trident II missiles. Nor would it affect those Trident II missiles that are currently in production.

The Navy currently has ten Trident II submarines, each of which carries 24 Trident II, D5, missiles. Each of these missiles contains eight independently targetable nuclear warheads, for a total of 192 warheads per submarine. Each warhead packs between 300 to 450 kilotons of explosive power.

By way of comparison, the first atomic bomb that the United States dropped on Hiroshima generated 15 kilotons of force. Let's do the math for just one fully-equipped Trident II submarine. Each warhead can generate up to 450 kilotons of force. Each missile has eight warheads, and each submarine has 24 missiles. That equals 86.4 megatons of force per submarine. That means that each Trident II submarine carries the power to deliver devastation which is the equivalent of 5,760 Hiroshimas.

And that is just one fully equipped submarine. As I noted earlier, the Navy currently has ten such submarines.

Through fiscal year 2003, the Navy will have been authorized to purchase 408 Trident II missiles for these submarines. Even taking into account the 86 Trident II missiles that have been expended in testing through calendar year 2002, the Navy will still have 322 missiles in stock once those authorized to be purchased during FY2003 are completed.

The Navy needs 240 missiles to fully equip ten Trident II submarines with 24 missiles each. That leaves 82 ''extra'' missiles in the Navy's inventory. And the Navy still plans to buy at least 132 more missiles over the next two years, for a total purchase of 540 missiles. My bill would terminate production of these missiles after the currently authorized 408, saving taxpayers $6.6 billion over the next ten years.

The tragic events of September 11, 2001, and the recent resumption of nuclear activities by North Korea, serve as chilling reminders that there is still a potential threat from rogue states, and from independent operators such as al-Qaeda, who seek to acquire ballistic missiles and other weapons of mass destruction. I also recognize that our submarine fleet and our arsenal of strategic nuclear weapons still have an important role to play in warding off these threats. Their role, however, has diminished dramatically from what it was at the height of the Cold War. Our missile procurement decisions should reflect that change and should reflect the realities of the post-Cold War world.

Our current ballistic missile capability is far superior to that of any other county on the globe. And the capability of the Russian military, the very force which these missiles were designed to counter, is seriously degraded.

We should not be buying more Trident II missiles at a time when the governments of the United States and Russia have signed the Moscow Treaty, which calls for deep reductions in our nuclear forces. To spend scarce resources on building more missiles now is short-sighted and could seriously undermine our efforts to negotiate further arms reductions with Russia.

In conclusion, the time has come to rethink our Federal budget priorities, and to redirect needed funds appropriately. Eliminating or reforming these three programs will go a long way to doing just that, and I urge Congress to act swiftly to save money for the taxpayers. I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 49

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Deficit Reduction Act of 2003'.

TITLE I—REFORMED BUREAU OF RECLAMATION WATER PRICING

SECTION 101. SHORT TITLE.

This Act may be cited as the 'Irrigation Subsidy Reduction Act of 2001'.

SEC. 102. FINDINGS.

Congress finds that—

(1) the Federal reclamation program has been in existence for over 90 years, with an estimated taxpayer investment of over $70,000,000,000;

(2) the program has had and continues to have an enormous effect on the water resources and aquatic environments of the western States;

(3) irrigation water made available from Federal water projects in the West is a very valuable resource for which there are increasing and competing demands;

(4) the justification for providing water at less than full cost was to benefit and promote the development of small family farms and exclude large corporate farms, but this purpose has been frustrated over the years

due to inadequate implementation of subsidy and acreage limits;

(5) below-cost water prices tend to encourage excessive use of scarce water supplies in the arid regions of the West, and reasonable price increases to the wealthiest western farmers would provide an economic incentive for greater water conservation;

(6) the Federal Government has increasingly applied eligibility tests based on income for Federal entitlement and subsidy programs, measures that are consistent with the historic approach of the reclamation program's acreage limitations that seek to limit water subsidies to small farms; and

(7) including a means test based on gross income in the reclamation program will increase the effectiveness of carrying out the family farm goals of the Federal reclamation laws.

SEC. 103. AMENDMENTS.

(a) DEFINITIONS—Section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb) is amended—

(1) by redesignating paragraphs (7), (8), (9), (10), and (11) as paragraphs (9), (10), (11), (12), and (13), respectively;

(2) in paragraph (6), by striking 'owned or operated under a lease which' and inserting 'that is owned, leased, or operated by an individual or legal entity and that';

(3) by inserting after paragraph (6) the following:

'(7) LEGAL ENTITY—The term 'legal entity' includes a corporation, association, partnership, trust, joint tenancy, or tenancy in common, or any other entity that owns, leases, or operates a farm operation for the benefit of more than 1 individual under any form of agreement or arrangement.

''(8) OPERATOR—

''(A) IN GENERAL—The term 'operator'—

''(i) means an individual or legal entity that operates a single farm operation on a parcel (or parcel) of land that is owned or leased by another person (or persons) under any form of agreement or arrangement (or agreements or arrangements); and

''(ii) if the individual or legal entity—

''(I) is an employee of an individual or legal entity, includes the individual or legal entity; or

''(II) is a legal entity that controls, is controlled by, or is under common control with another legal entity, includes each such other legal entity.

''(B) OPERATION OF A FARM OPERATION—For the purposes of subparagraph (A), an individual or legal entity shall be considered to operate a farm operation if the individual or legal entity is the person that performs the greatest proportion of the decisionmaking for and supervision of the agricultural enterprise on land served with irrigation water.'; and

(4) by adding at the end the following:

''(14) SINGLE FARM OPERATION—

''(A) IN GENERAL—The term 'single farm operation' means the total acreage of land served with irrigation water for which an individual or legal entity is the operator.

''(B) RULES FOR DETERMINING WHETHER SEPARATE PARCELS ARE OPERATED AS A SINGLE FARM OPERATION—

''(i) EQUIPMENT—AND LABOR-SHARING ACTIVITIES—The conduct of equipment- and labor-sharing activities on separate parcels of land by separate individuals or legal entities shall not by itself serve as a basis for concluding that the farming operations of the individuals or legal entities constitute a single farm operation.

''(ii) PERFORMANCE OF CERTAIN SERVICES—The performance by an individual or legal entity of an agricultural chemical application, pruning, or harvesting for a farm operation on a parcel of land shall not by itself serve as a basis for concluding that the farm operation on that parcel of land is part of a single farm operation operated by the individual or entity on other parcels of land.'.

(b) IDENTIFICATION OF OWNERS, LESSEES, AND OPERATORS AND OF SINGLE FARM OPERATIONS—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) is amended by inserting after section 201 the following:

"SEC. 201A. IDENTIFICATION OF OWNERS, LESSEES, AND OPERATORS AND OF SINGLE FARM OPERATIONS.

''(a) IN GENERAL—Subject to subsection (b), for each parcel of land to which irrigation water is delivered or proposed to be delivered, the Secretary shall identify a single individual or legal entity as the owner, lessee, or operator.

''(b) SHARED DECISIONMAKING AND SUPERVISION—If the Secretary determines that no single individual or legal entity is the owner, lessee, or other individual that performs the greatest proportion of decisionmaking for and supervision of the agricultural enterprise on a parcel of land—

''(1) all individuals and legal entities that own, lease, or perform a proportion of decisionmaking and supervision that is equal as among themselves but greater than the proportion performed by any other individual or legal entity shall be considered jointly to be the owner, lessee, or operator; and

''(2) all parcels of land of which any such individual or legal entity is the owner, lessee, or operator shall be considered to be part of the single farm operation of the owner, lessee, or operator identified under subsection (1);

(c) PRICING—Section 205 of the Reclamation Reform Act of 1982 (43 U.S.C. 390ee) is amended by adding at the end the following:

''(d) SINGLE FARM OPERATIONS GENERATING MORE THAN $500,000 IN GROSS FARM INCOME.—

''(1) IN GENERAL.—Notwithstanding subsections (a), (b), and (c), in the case of—

''(A) a qualified recipient that reports gross farm income from a single farm operation in excess of $500,000 for a taxable year; or

''(B) a limited recipient that received irrigation water on or before October 1, 1981, and that reports gross farm income from a single farm operation in excess of $500,000 for a taxable year;

irrigation water may be delivered to the single farm operation of the qualified recipient or limited recipient at less than full cost to a number of acres that does not exceed the number of acres determined under paragraph (2).

''(2) MAXIMUM NUMBER OF ACRES TO WHICH IRRIGATION WATER MAY BE DELIVERED AT LESS THAN FULL COST.—The number of acres determined under this subparagraph is the number equal to the number of acres of the single farm operation multiplied by a fraction, the numerator of which is $500,000 and the denominator of which is the amount of gross farm income reported by the qualified recipient or limited recipient in the most recent taxable year.

''(3) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—The $500,000 amount under paragraphs (1) and (2) for any taxable year beginning in a calendar year after 2002 shall be equal to the product of—

''(i) $500,000, multiplied by

''(ii) the inflation adjustment factor for the taxable year.

''(B) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to any calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for 2002. Not later than April 1 of any calendar year, the Secretary shall publish the inflation adjustment factor for the preceding calendar year.

''(C) GDP IMPLICIT PRICE DEFLATOR.—For purposes of subparagraph (B), the term 'GDP implicit price deflator' means the first revision of the implicit price deflator for the gross domestic product as computed and published by the Secretary of Commerce.

''(D) ROUNDING.—If any increase determined under subparagraph (A) is not a multiple of $100, the increase shall be rounded to the next lowest multiple of $100.''.

(d) CERTIFICATION OF COMPLIANCE.—Section 206 of the Reclamation Reform Act of 1982 (43 U.S.C. 390ff) is amended to read as follows:

"SEC. 206. CERTIFICATION OF COMPLIANCE.

''(a) IN GENERAL.—As a condition to the receipt of irrigation water for land in a district that has a contract described in section 203, each owner, lessee, or operator in the district shall furnish the district, in a form prescribed by the Secretary, a certificate that the owner, lessee, or operator is in compliance with this title, including a statement of the number of acres owned, leased, or operated, the terms of any lease or agreement pertaining to the operation of a farm operation, and, in the case of a lessee or operator, a certification that the rent or other fees paid reflect the reasonable value of the irrigation water to the productivity of the land.

''(b) DOCUMENTATION.—The Secretary may require a lessee or operator to submit for the Secretary's examination—

''(1) a complete copy of any lease or other agreement executed by each of the parties to the lease or other agreement; and

''(2) a copy of the return of income tax imposed by chapter 1 of the Internal Revenue Code of 1986 for any taxable year in which the single farm operation of the lessee or operator received irrigation water at less than full cost.''.

(e) TRUSTS.—Section 214 of the Reclamation Reform Act of 1982 (43 U.S.C. 390nn) is repealed.

(f) ADMINISTRATIVE PROVISIONS.—

(1) PENALTIES.—Section 224(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(c)) is amended—

(A) by striking ''(c) The Secretary'' and inserting the following:

''(c) REGULATIONS; DATA COLLECTION; PENALTIES.—

''(1) REGULATIONS; DATA COLLECTION.—The Secretary''; and

(B) by adding at the end the following:

''(2) PENALTIES.—Notwithstanding any other provision of law, the Secretary shall establish appropriate and effective penalties for failure to comply with any provision of this Act or any regulations issued under this Act.''.

(2) INTEREST.—Section 224(i) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(i)) is amended by striking the last sentence and inserting the following: ''The interest rate applicable to underpayments shall be equal to the rate applicable to expenditures under section 202(3)(C).''.

(g) REPORTING.—Section 228 of the Reclamation Reform Act of 1982 (43 U.S.C. 390zz) is amended by inserting ''operator or'' before ''contracting entity'' each place it appears.

(h) MEMORANDUM OF UNDERSTANDING.—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) is amended—

(1) by redesignating sections 229 and 220 as sections 230 and 231; and

(2) by inserting after section 228 the following:

"SEC. 229. MEMORANDUM OF UNDERSTANDING.

"The Secretary, the Secretary of the Treasury, and the Secretary of Agriculture shall enter into a memorandum of understanding or other appropriate instrument to permit the Secretary, notwithstanding section 6103 of the Internal Revenue Code of 1996, to have access to and use of available information collected or maintained by the Department of the Treasury and the Department of Agriculture that would aid enforcement of the ownership and pricing limitations of Federal reclamation law.''.

TITLE II—TERMINATION OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES. SECTION 201. TERMINATION.

(a) IN GENERAL.—The Uniformed Services University of the Health Sciences is terminated.

(b) CONFORMING AMENDMENTS.—

(1) Chapter 104 of title 10, United States Code, is repealed.

(2) The table of chapters at the beginning of subtitle A of such title, and at the beginning of part III of such subtitle, are each amended by striking out the item relating to chapter 104.

(C) EFFECTIVE DATES.—

(1) TERMINATION.—The termination of the Uniformed Services University of the Health Sciences under subsection (a)(1) shall take effect on the day after the date of the graduation from the university of the last class of students that enrolled in such university on or before the date of the enactment of the Act.

(2) AMENDMENTS.—The amendments made by subsection (a)(2) shall take effect on that date of the enactment of this Act, except that the provisions of chapter 104 of title 10, United States Code, as in effect on the day before such date, shall continue to apply with respect to the Uniformed Services University of the Health Sciences until the termination of the university under this section.

TITLE III—TERMINATION OF PRODUCTION UNDER THE D5 SUBMARINE LAUNCHED MISSILE PROGRAM.

SECTION 301. PRODUCTION TERMINATION.

(a) TERMINATION OF PROGRAM.—The Secretary of Defense shall terminate production of D5 submarine-launched ballistic missile program.

(b) PAYMENT OF TERMINATION COSTS.—Funds available on or after the date of the enactment of this Act for obligation for the D5 submarine-launched ballistic missile program may be obligated for production under that program only for payment of the costs associated with the termination of production under this Act.

SEC. 302. CURRENT PROGRAM ACTIVITIES.

Nothing in this legislation shall be construed to prohibit or otherwise affect the availability of funds for the following:

(1) Production of D5 submarine-launched ballistic missiles in production on the date of the enactment of this Act.

(2) Maintenance after the date of the enactment of this act of the arsenal of D5 submarine-launched ballistic missiles in existence on such date, including the missiles described in paragraph (1).

By Mr. WYDEN:

S. 52. A bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, predictions that the Internet Tax Freedom Act would topple Western Civilization have not come to pass. Since the moratorium on taxation of out-of-State, online sales was first enacted in October 1998, not a single community, county or state has come forward to prove it is being injured by its inability to impose discriminatory taxes on electronic commerce. There is simply no evidence that States have lost revenue by technology-driven commerce. On the contrary, the technology sector itself has been pounded as hard as any sector by the economic downturn.

Across the country States are facing tremendous budget pressures. My own State of Oregon is facing a nearly 20 percent budget shortfall, and Oregon has the highest unemployment rate in the Nation. The shift from black ink to red is the result of this Administration's failed economic policies, not the inability of States to impose discriminatory taxes on Internet sales.

Adding new taxes on the backs of consumers is not the way to salvage weakened State and local economies. Sales taxes are among the most regressive revenue measures, and imposing new sales taxes at this time could actually make a bad economic situation worse. A number of States seem to be arguing that their economic future is tied to taxing technology entrepreneurs located thousands of miles away with no physical presence in their jurisdiction. I don't share this view. The reason States don't tax remote sellers, as former Massachusetts Governor Celluci has testified before the Senate, is they don't want the political heat. Few of the 45 States that could collect a use tax on all items their residents have purchased out-of-State actually do so. Most States simply chose not to enforce their own laws, preferring to export their tax burden to out of state businesses who get no benefit from the taxing state.

Congress will soon be asked again by the Streamlined Sales Tax Project States to take the political heat for new sales taxes. The U.S. Senate has voted three times in recent years on whether to overturn Quill to require remote sellers with no nexus to serve the States as their tax collectors. Every time the Senate has rejected the notion. On January 19, 1995, the Senate voted 73–25 to table the amendment; on October 2, 1998, the Senate voted 66–29 to table the amendment; and most recently, on November 15, 2001, the Senate voted 57–43 to table the amendment.

As Congress revisits this issue again this year, we should remember what the Supreme Court said in Quill: ''Congress is . . . free to decide whether, when and to what extent the States may burden mail-order concerns with a duty to collect use taxes.'' The authority the Constitution vests in Congress to regulate interstate commerce—online or otherwise—is an enormous power that must be exercised with great care and caution. I believe the moratorium should be extended indefinitely, and that is what the legislation I introduce today would do. I am pleased to be joined once again in this effort by Representative CHRIS COX, and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 52

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Internet Tax Nondiscrimination Act''.

SEC. 2. PERMANENT EXTENSION OF INTERNET TAX FREEDOM ACT MORATORIUM.

(a) PERMANENT EXTENSION; INTERNET ACCESS TAXES.—Section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by striking ''taxes during the period beginning on October 1, 1998, and ending on November 1, 2003—'' and inserting ''taxes after September 30, 1998:'';

(2) by striking paragraph (1) of subsection (a) and inserting the following:

''(1) Taxes on Internet access.'';

(3) by striking ''multiple'' in paragraph (2) of subsection (a) and inserting ''Multiple'';

(4) by striking subsection (d); and

(5) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) CONFORMING AMENDMENT.—Section 1104(10) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking ''unless'' and all that follows through ''1998''.

By Mr. SCHUMER (for himself, Mr. MCCAIN, Mr. EDWARDS, Ms. COLLINS, Mr. KENNEDY, Mr. MILLER, Mr. JOHNSON, Mrs. CLINTON, Mr. KOHL, Mr. FEINGOLD, Ms. STABENOW, Mr. DASCHLE, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. LEAHY, Mr. REED, Mr. PRYOR, Mr. DURBIN, and Mr. DORGAN):

S. 54. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; to the Committee on Health, Education, Labor, and Pensions.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the test of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 54

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Greater Access to Affordable Pharmaceuticals Act of 2003''.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) prescription drug costs are increasing at an alarming rate and are a major worry of American families and senior citizens;

(2) enhancing competition between generic drug manufacturers and brand-name manufacturers can significantly reduce prescription drug costs for American families;

(3) the pharmaceutical market has become increasingly competitive during the last decade because of the increasing availability and accessibility of generic pharmaceuticals, but competition must be further stimulated and strengthened;

(4) the Federal Trade Commission has discovered that there are increasing opportunities for drug companies owning patents on brand-name drugs and generic drug companies to enter into private financial deals in a manner that could restrain trade and greatly reduce competition and increase prescription drug costs for consumers;

(5) generic pharmaceuticals are approved by the Food and Drug Administration on the basis of scientific testing and other information establishing that pharmaceuticals are therapeutically equivalent to brand-name pharmaceuticals, ensuring consumers a safe, efficacious, and cost-effective alternative to brand-name innovator pharmaceuticals;

(6) the Congressional Budget Office estimates that—

(A) the use of generic pharmaceuticals for brand-name pharmaceuticals could save purchasers of pharmaceuticals between $8,000,000,000 and $10,000,000,000 each year; and

(B) generic pharmaceuticals cost between 25 percent and 60 percent less than brand-name pharmaceuticals, resulting in an estimated average savings of $15 to $30 on each prescription;

(7) generic pharmaceuticals are widely accepted by consumers and the medical profession, as the market share held by generic pharmaceuticals compared to brand-name pharmaceuticals has more than doubled during the last decade, from approximately 19 percent to 43 percent, according to the Congressional Budget Office;

(8) expanding access to generic pharmaceuticals can help consumers, especially senior citizens and the uninsured, have access to more affordable prescription drugs;

(9) Congress should ensure that measures are taken to effectuate the amendments made by the Drug Price Competition and Patent Term Restoration Act of 1984 (98 Stat. 1585) (referred to in this section as the ''Hatch-Waxman Act'') to make generic drugs more accessible, and thus reduce health care costs; and

(10) it would be in the public interest if patents on drugs for which applications are approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(c)) were extended only through the patent extension procedure provided under the Hatch-Waxman Act rather than through the attachment of riders to bills in Congress.

(b) PURPOSES.—The purposes of this Act are—

(1) to increase competition, thereby helping all Americans, especially seniors and the uninsured, to have access to more affordable medication; and

(2) to ensure fair marketplace practices and deter pharmaceutical companies (including generic companies) from engaging in anticompetitive action or actions that tend to unfairly restrain trade.

SEC. 3. FILING OF PATENT INFORMATION WITH THE FOOD AND DRUG ADMINISTRATION.

(a) FILING AFTER APPROVAL OF AN APPLICATION.—

(1) IN GENERAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) (as amended by section 9(a)(2)(B)(ii)) is amended in subsection (c) by striking paragraph (2) and inserting the following:

''(2) PATENT INFORMATION.—

''(A) IN GENERAL.—Not later than the date that is 30 days after the date of an order approving an application under subsection (b) (unless the Secretary extends the date because of extraordinary or unusual circumstances), the holder of the application shall file with the Secretary the patent information described in subparagraph (C) with respect to any patent—

''(i)(I) that claims the drug for which the application was approved; or

''(II) that claims an approved method of using the drug; and

''(ii) with respect to which a claim of patent infringement could reasonably be asserted if a person not licensed by the owner engaged in the manufacture, use, or sale of the drug.

''(B) SUBSEQUENTLY ISSUED PATENTS.—In a case in which a patent described in subparagraph (A) is issued after the date of an order approving an application under subsection (b), the holder of the application shall file with the Secretary the patent information described in subparagraph (C) not later than the date that is 30 days after the date on which the patent is issued (unless the Secretary extends the date because of extraordinary or unusual circumstances).

''(C) PATENT INFORMATION.—The patent information required to be filed under subparagraph (A) or (B) includes—

''(i) the patent number;

''(ii) the expiration date of the patent;

''(iii) with respect to each claim of the patent—

''(I) whether the patent claims the drug or claims a method of using the drug; and

''(II) whether the claim covers—

''(aa) a drug substance;

''(bb) a drug formulation;

''(cc) a drug composition; or

''(dd) a method of use;

''(iv) if the patent claims a method of use, the approved use covered by the claim;

''(v) the identity of the owner of the patent (including the identity of any agent of the patent owner); and

''(vi) a declaration that the applicant, as of the date of the filing, has provided complete and accurate patent information for all patents described in subparagraph (A).

''(D) PUBLICATION.—On filing of patent information required under subparagraph (A) or (B), the Secretary shall—

''(i) immediately publish the information described in clauses (i) through (iv) of subparagraph (C); and

''(ii) make the information described in clauses (v) and (vi) of subparagraph (C) available to the public on request.

''(E) CIVIL ACTION FOR CORRECTION OR DELETION OF PATENT INFORMATION.—

''(i) IN GENERAL.—A person that has filed an application under subsection (b)(2) or (j) for a drug may bring a civil action against the holder of the approved application for the drug seeking an order requiring that the holder of the application amend the application—

''(I) to correct patent information filed under subparagraph (A); or

''(II) to delete the patent information in its entirety for the reason that—

''(aa) the patent does not claim the drug for which the application was approved; or

''(bb) the patent does not claim an approved method of using the drug.

''(ii) LIMITATIONS.—Clause (i) does not authorize—

''(I) a civil action to correct patent information filed under subparagraph (B); or

''(II) an award of damages in a civil action under clause (i).

''(F) NO CLAIM FOR PATENT INFRINGEMENT.—An owner of a patent with respect to which a holder of an application fails to file information on or before the date required under subparagraph (A) or (B) shall be barred from bringing a civil action for infringement of the patent against a person that—

''(i) has filed an application under subsection (b)(2) or (j); or

''(ii) manufactures, uses, offers to sell, or sells a drug approved under an application under subsection (b)(2) or (j).''.

(2) TRANSITION PROVISION.—

(A) FILING OF PATENT INFORMATION.—Each holder of an application for approval of a new drug under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) that has been approved before the date of enactment of this Act shall amend the application to include the patent information required under the amendment made by paragraph (1) not later than the date that is 30 days after the date of enactment of this Act (unless the Secretary of Health and Human Services extends the date because of extraordinary or unusual circumstances).

(B) NO CLAIM FOR PATENT INFRINGEMENT.—An owner of a patent with respect to which a holder of an application under subsection (b) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) fails to file information on or before the date required under subparagraph (A) shall be barred from bringing a civil action for infringement of the patent against a person that—

(i) has filed an application under subsection (b)(2) or (j) of that section; or

(ii) manufactures, uses, offers to sell, or sells a drug approved under an application under subsection (b)(2) or (j) of that section.

(b) FILING WITH AN APPLICATION.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) with respect to a patent that claims both the drug and a method of using the drug or claims more than 1 method of using the drug for which the application is filed—

''(i) a certification under subparagraph (A)(iv) on a claim-by-claim basis; and

''(ii) a statement under subparagraph (B) regarding the method of use claim.''; and

(2) in subsection (j)(2)(A), by inserting after clause (viii) the following:

''With respect to a patent that claims both the drug and a method of using the drug or claims more than 1 method of using the drug for which the application is filed, the application shall contain a certification under clause (vii)(IV) on a claim-by-claim basis and a statement under clause (viii) regarding the method of use claim.''.

SEC. 4. LIMITATION OF 30-MONTH STAY TO CERTAIN PATENTS.

(a) ABBREVIATED NEW DRUG APPLICATIONS.—Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) is amended—

(1) in subparagraph (B)—

(A) in clause (iii)—

(i) by striking ''(iii) If the applicant made a certification described in subclause (IV) of paragraph (2)(A)(vii),'' and inserting the following:

''(iii) SUBCLAUSE (IV) CERTIFICATION WITH RESPECT TO CERTAIN PATENTS.—If the applicant made a certification described in paragraph (2)(A)(vii)(IV) with respect to a patent (other than a patent that claims a process for manufacturing the listed drug) for which patent information was filed with the Secretary under subsection (c)(2)(A),''; and

(ii) by adding at the end the following: ''The 30-month period provided under the second sentence of this clause shall not apply to a certification under paragraph (2)(A)(vii)(IV) made with respect to a patent for which patent information was filed with the Secretary under subsection (c)(2)(B).'';

(B) by redesignating clause (iv) as clause (v); and

(C) by inserting after clause (iii) the following:

''(iv) SUBCLAUSE (IV) CERTIFICATION WITH RESPECT TO OTHER PATENTS.—

''(I) IN GENERAL.—If the applicant made a certification described in paragraph (2)(A)(vii)(IV) with respect to a patent not described in clause (iii) for which patent information was published by the Secretary under subsection (c)(2)(D), the approval shall be made effective on the date that is 45 days after the date on which the notice provided under paragraph (2)(B) was received, unless a civil action for infringement of the patent, accompanied by a motion for preliminary injunction to enjoin the applicant from engaging in the commercial manufacture or sale of the drug, was filed on or before the date that is 45 days after the date on which the notice was received, in which case the approval shall be made effective—

''(aa) on the date of a court action declining to grant a preliminary injunction; or

''(bb) if the court has granted a preliminary injunction prohibiting the applicant from engaging in the commercial manufacture or sale of the drug—

''(AA) on issuance by a court of a determination that the patent is invalid or is not infringed;

''(BB) on issuance by a court of an order revoking the preliminary injunction or permitting the applicant to engage in the commercial manufacture or sale of the drug; or

''(CC) on the date specified in a court order under section 271(e)(4)(A) of title 35, United States Code, if the court determines that the patent is infringed.

''(II) COOPERATION.—Each of the parties shall reasonably cooperate in expediting a civil action under subclause (I).

''(III) EXPEDITED NOTIFICATION.—If the notice under paragraph (2)(B) contains an address for the receipt of expedited notification of a civil action under subclause (I), the plaintiff shall, on the date on which the complaint is filed, simultaneously cause a notification of the civil action to be delivered to that address by the next business day.''; and

(2) by inserting after subparagraph (B) the following:

''(C) FAILURE TO BRING INFRINGEMENT ACTION.—If, in connection with an application under this subsection, the applicant provides an owner of a patent notice under paragraph (2)(B) with respect to the patent, and the owner of the patent fails to bring a civil action against the applicant for infringement of the patent on or before the date that is 45 days after the date on which the notice is received, the owner of the patent shall be barred from bringing a civil action for infringement of the patent in connection with the development, manufacture, use, offer to sell, or sale of the drug for which the application was filed or approved under this subsection.''.

(b) OTHER APPLICATIONS.—Section 505(c)) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(c)) (as amended by section 9(a)(3)(A)(iii)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (C)—

(i) by striking ''(C) If the applicant made a certification described in clause (iv) of subsection (b)(2)(A),'' and inserting the following:

''(C) CLAUSE (iv) CERTIFICATION WITH RESPECT TO CERTAIN PATENTS.—If the applicant made a certification described in subsection (b)(2)(A)(iv) with respect to a patent (other than a patent that claims a process for manufacturing the listed drug) for which patent information was filed with the Secretary under paragraph (2)(A),''; and

(ii) by adding at the end the following: ''The 30-month period provided under the second sentence of this subparagraph shall not apply to a certification under subsection (b)(2)(A)(iv) made with respect to a patent for which patent information was filed with the Secretary under paragraph (2)(B).''; and

(B) by inserting after subparagraph (C) the following:

''(D) CLAUSE (iv) CERTIFICATION WITH RESPECT TO OTHER PATENTS.—

''(i) IN GENERAL.—If the applicant made a certification described in subsection (b)(2)(A)(iv) with respect to a patent not described in subparagraph (C) for which patent information was published by the Secretary under paragraph (2)(D), the approval shall be made effective on the date that is 45 days after the date on which the notice provided under subsection (b)(3) was received, unless a civil action for infringement of the patent, accompanied by a motion for preliminary injunction to enjoin the applicant from engaging in the commercial manufacture or sale of the drug, was filed on or before the date that is 45 days after the date on which the notice was received, in which case the approval shall be made effective—

''(I) on the date of a court action declining to grant a preliminary injunction; or

''(II) if the court has granted a preliminary injunction prohibiting the applicant from engaging in the commercial manufacture or sale of the drug—

''(aa) on issuance by a court of a determination that the patent is invalid or is not infringed;

''(bb) on issuance by a court of an order revoking the preliminary injunction or permitting the applicant to engage in the commercial manufacture or sale of the drug; or

''(cc) on the date specified in a court order under section 271(e)(4)(A) of title 35, United States Code, if the court determines that the patent is infringed.

''(ii) COOPERATION.—Each of the parties shall reasonably cooperate in expediting a civil action under clause (i).

''(iii) EXPEDITED NOTIFICATION.—If the notice under subsection (b)(3) contains an address for the receipt of expedited notification of a civil action under clause (i), the plaintiff shall, on the date on which the complaint is filed, simultaneously cause a notification of the civil action to be delivered to that address by the next business day.''; and

(2) by inserting after paragraph (3) the following:

''(4) FAILURE TO BRING INFRINGEMENT ACTION.—If, in connection with an application under subsection (b)(2), the applicant provides an owner of a patent notice under subsection (b)(3) with respect to the patent, and the owner of the patent fails to bring a civil action against the applicant for infringement of the patent on or before the date that is 45 days after the date on which the notice is received, the owner of the patent shall be barred from bringing a civil action for infringement of the patent in connection with the development, manufacture, use, offer to sell, or sale of the drug for which the application was filed or approved under subsection (b)(2).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall be effective with respect to any certification under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) made after the date of enactment of this Act in an application filed under subsection (b)(2) or (j) of that section.

(2) TRANSITION PROVISION.—In the case of applications under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) filed before the date of enactment of this Act—

(A) a patent (other than a patent that claims a process for manufacturing a listed drug) for which information was submitted to the Secretary of Health and Human Services under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (as in effect on the day before the date of enactment of this Act) shall be subject to subsections (c)(3)(C) and (j)(5)(B)(iii) of section 505 of the Federal Food, Drug, and Cosmetic Act (as amended by this section); and

(B) any other patent (including a patent for which information was submitted to the Secretary under section 505(c)(2) of that Act (as in effect on the day before the date of enactment of this Act)) shall be subject to subsections (c)(3)(D) and (j)(5)(B)(iv) of section 505 of the Federal Food, Drug, and Cosmetic Act (as amended by this section).

SEC. 5. EXCLUSIVITY FOR ACCELERATED GENERIC DRUG APPLICANTS.

(a) IN GENERAL.—Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) (as amended by section 4(a)) is amended—

(1) in subparagraph (B)(v), by striking subclause (II) and inserting the following:

''(II) the earlier of—

''(aa) the date of a final decision of a court (from which no appeal has been or can be taken, other than a petition to the Supreme Court for a writ of certiorari) holding that the patent that is the subject of the certification is invalid or not infringed; or

''(bb) the date of a settlement order or consent decree signed by a Federal judge that enters a final judgment and includes a finding that the patent that is the subject of the certification is invalid or not infringed;''; and

(2) by inserting after subparagraph (C) the following:

''(D) FORFEITURE OF 180-DAY PERIOD.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) APPLICATION.—The term 'application' means an application for approval of a drug under this subsection containing a certification under paragraph (2)(A)(vii)(IV) with respect to a patent.

''(II) FIRST APPLICATION.—The term 'first application' means the first application to be filed for approval of the drug.

''(III) FORFEITURE EVENT.—The term 'forfeiture event', with respect to an application under this subsection, means the occurrence of any of the following:

''(aa) FAILURE TO MARKET.—The applicant fails to market the drug by the later of—

''(AA) the date that is 60 days after the date on which the approval of the application for the drug is made effective under clause (iii) or (iv) of subparagraph (B) (unless

the Secretary extends the date because of extraordinary or unusual circumstances); or

''(BB) if 1 or more civil actions have been brought against the applicant for infringement of a patent subject to a certification under paragraph (2)(A)(vii)(IV) or 1 or more civil actions have been brought by the applicant for a declaratory judgment that such a patent is invalid or not infringed, the date that is 60 days after the date of a final decision (from which no appeal has been or can be taken, other than a petition to the Supreme Court for a writ of certiorari) in the last of those civil actions to be decided (unless the Secretary extends the date because of extraordinary or unusual circumstances).

''(bb) WITHDRAWAL OF APPLICATION.—The applicant withdraws the application.

''(cc) AMENDMENT OF CERTIFICATION.—The applicant, voluntarily or as a result of a settlement or defeat in patent litigation, amends the certification from a certification under paragraph (2)(A)(vii)(IV) to a certification under paragraph (2)(A)(vii)(III).

''(dd) FAILURE TO OBTAIN APPROVAL.—The applicant fails to obtain tentative approval of an application within 30 months after the date on which the application is filed, unless the failure is caused by—

''(AA) a change in the requirements for approval of the application imposed after the date on which the application is filed; or

''(BB) other extraordinary circumstances warranting an exception, as determined by the Secretary.

''(ee) FAILURE TO CHALLENGE PATENT.—In a case in which, after the date on which the applicant submitted the application, new patent information is submitted under subsection (c)(2) for the listed drug for a patent for which certification is required under paragraph (2)(A), the applicant fails to submit, not later than the date that is 60 days after the date on which the Secretary publishes the new patent information under paragraph (7)(A)(iii) (unless the Secretary extends the date because of extraordinary or unusual circumstances)—

''(AA) a certification described in paragraph (2)(A)(vii)(IV) with respect to the patent to which the new patent information relates; or

''(BB) a statement that any method of use claim of that patent does not claim a use for which the applicant is seeking approval under this subsection in accordance with paragraph (2)(A)(viii).

''(ff) UNLAWFUL CONDUCT.—The Federal Trade Commission determines that the applicant engaged in unlawful conduct with respect to the application in violation of section 1 of the Sherman Act (15 U.S.C. 1).

''(IV) SUBSEQUENT APPLICATION.—The term 'subsequent application' means an application for approval of a drug that is filed subsequent to the filing of a first application for approval of that drug.

''(ii) FORFEITURE OF 180-DAY PERIOD.—

''(I) IN GENERAL.—Except as provided in subclause (II), if a forfeiture event occurs with respect to a first application—

''(aa) the 180-day period under subparagraph (B)(v) shall be forfeited by the first applicant; and

''(bb) any subsequent application shall become effective as provided under clause (i), (ii), (iii), or (iv) of subparagraph (B), and clause (v) of subparagraph (B) shall not apply to the subsequent application.

''(II) FORFEITURE TO FIRST SUBSEQUENT APPLICANT.—If the subsequent application that is the first to be made effective under subclause (I) was the first among a number of subsequent applications to be filed—

''(aa) that first subsequent application shall be treated as the first application under this subparagraph (including subclause (I)) and as the previous application under subparagraph (B)(v); and

''(bb) any other subsequent applications shall become effective as provided under clause (i), (ii), (iii), or (iv) of subparagraph (B), but clause (v) of subparagraph (B) shall apply to any such subsequent application.

''(iii) AVAILABILITY.—The 180-day period under subparagraph (B)(v) shall be available to a first applicant submitting an application for a drug with respect to any patent without regard to whether an application has been submitted for the drug under this subsection containing such a certification with respect to a different patent.

''(iv) APPLICABILITY.—The 180-day period described in subparagraph (B)(v) shall apply to an application only if a civil action is brought against the applicant for infringement of a patent that is the subject of the certification.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective only with respect to an application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) after the date of enactment of this Act for a listed drug for which no certification under section 505(j)(2)(A)(vii)(IV) of that Act was made before the date of enactment of this Act, except that if a forfeiture event described in section 505(j)(5)(D)(i)(III)(ff) of that Act occurs in the case of an applicant, the applicant shall forfeit the 180-day period under section 505(j)(5)(B)(v) of that Act without regard to when the applicant made a certification under section 505(j)(2)(A)(vii)(IV) of that Act.

SEC. 6. FAIR TREATMENT FOR INNOVATORS.

(a) BASIS FOR APPLICATION.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended—

(1) in subsection (b)(3)(B), by striking the second sentence and inserting ''The notice shall include a detailed statement of the factual and legal basis of the applicant's opinion that, as of the date of the notice, the patent is not valid or is not infringed, and shall include, as appropriate for the relevant patent, a description of the applicant's proposed drug substance, drug formulation, drug composition, or method of use. All information disclosed under this subparagraph shall be treated as confidential and may be used only for purposes relating to patent adjudication. Nothing in this subparagraph precludes the applicant from amending the factual or legal basis on which the applicant relies in patent litigation.''; and

(2) in subsection (j)(2)(B)(ii), by striking the second sentence and inserting ''The notice shall include a detailed statement of the factual and legal basis of the opinion of the applicant that, as of the date of the notice, the patent is not valid or is not infringed, and shall include, as appropriate for the relevant patent, a description of the applicant's proposed drug substance, drug formulation, drug composition, or method of use. All information disclosed under this subparagraph shall be treated as confidential and may be used only for purposes relating to patent adjudication. Nothing in this subparagraph precludes the applicant from amending the factual or legal basis on which the applicant relies in patent litigation.''.

(b) INJUNCTIVE RELIEF.—Section 505(j)(5)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(B)) (as amended by section 4(a)(1)) is amended—

(1) in clause (iii), by adding at the end the following: ''A court shall not regard the extent of the ability of an applicant to pay monetary damages as a whole or partial basis on which to deny a preliminary or permanent injunction under this clause.''; and

(2) in clause (iv), by adding at the end the following:

''(IV) INJUNCTIVE RELIEF.—A court shall not regard the extent of the ability of an applicant to pay monetary damages as a whole or partial basis on which to deny a preliminary or permanent injunction under this clause.''.

SEC. 7. BIOEQUIVALENCE.

(a) IN GENERAL.—The amendments to part 320 of title 21, Code of Federal Regulations, promulgated by the Commissioner of Food and Drugs on July 17, 1991 (57 Fed. Reg. 17997 (April 28, 1992)), shall continue in effect as an exercise of authorities under sections 501, 502, 505, and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, 355, 371).

(b) EFFECT.—Subsection (a) does not affect the authority of the Commissioner of Food and Drugs to amend part 320 of title 21, Code of Federal Regulations.

(c) EFFECT OF SECTION.—This section shall not be construed to alter the authority of the Secretary of Health and Human Services to regulate biological products under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.). Any such authority shall be exercised under that Act as in effect on the day before the date of enactment of this Act.

SEC. 8. REPORT.

(a) IN GENERAL.—Not later than the date that is 5 years after the date of enactment of this Act, the Federal Trade Commission shall submit to Congress a report describing the extent to which implementation of the amendments made by this Act—

(1) has enabled products to come to market in a fair and expeditious manner, consistent with the rights of patent owners under intellectual property law; and

(2) has promoted lower prices of drugs and greater access to drugs through price competition.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 9. CONFORMING AND TECHNICAL AMENDMENTS.

(a) SECTION 505.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended—

(1) in subsection (a), by striking ''(a) No person'' and inserting ''(a) IN GENERAL.—No person'';

(2) in subsection (b)—

(A) by striking ''(b)(1) Any person'' and inserting the following:

''(b) APPLICATIONS.—

''(1) REQUIREMENTS.—

''(A) IN GENERAL.—Any person'';

(B) in paragraph (1)—

(i) in the second sentence—

(I) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively, and adjusting the margins appropriately;

(II) by striking ''Such persons'' and inserting the following:

''(B) INFORMATION TO BE SUBMITTED WITH APPLICATION.—A person that submits an application under subparagraph (A)''; and

(III) by striking ''application'' and inserting ''application—'';

(ii) by striking the third through fifth sentences; and

(iii) in the sixth sentence—

(I) by striking ''The Secretary'' and inserting the following:

''(C) GUIDANCE.—The Secretary''; and

(II) by striking ''clause (A)'' and inserting ''subparagraph (B)(i)''; and

(C) in paragraph (2)—

(i) by striking ''clause (A) of such paragraph'' and inserting ''paragraph (1)(B)(i)'';

(ii) in subparagraphs (A) and (B), by striking ''paragraph (1) or''; and

(iii) in subparagraph (B)—

(I) by striking ''paragraph (1)(A)'' and inserting ''paragraph (1)(B)(i)''; and

(II) by striking ''patent'' each place it appears and inserting ''claim''; and

(3) in subsection (c)—

(A) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking ''(A) If the applicant'' and inserting the following:

''(A) CLAUSE (i) OR (ii) CERTIFICATION.—If the applicant''; and

(II) by striking ''may'' and inserting ''shall'';

(ii) in subparagraph (B)—

(I) by striking ''(B) If the applicant'' and inserting the following:

''(B) CLAUSE (iii) CERTIFICATION.—If the applicant''; and

(II) by striking ''may'' and inserting ''shall'';

(iii) by redesignating subparagraph (D) as subparagraph (E); and

(iv) in subparagraph (E) (as redesignated by clause (iii)), by striking ''clause (A) of subsection (b)(1)'' each place it appears and inserting ''subsection (b)(1)(B)(i)''; and

(B) by redesignating paragraph (4) as paragraph (5); and

(4) in subsection (j)—

(A) in paragraph (2)(A)—

(i) in clause (vi), by striking ''clauses (B) through ((F)'' and inserting ''subclauses (ii) through (vi) of subsection (b)(1)'';

(ii) in clause (vii), by striking ''(b) or''; and

(iii) in clause (viii)—

(I) by striking ''(b) or''; and

(II) by striking ''patent'' each place it appears and inserting ''claim''; and

(B) in paragraph (5)—

(i) in subparagraph (B)—

(I) in clause (i)—

(aa) by striking ''(i) If the applicant'' and inserting the following:

''(i) SUBCLAUSE (I) OR (II) CERTIFICATION.—If the applicant''; and

(bb) by striking ''may'' and inserting ''shall'';

(II) in clause (ii)—

(aa) by striking ''(ii) If the applicant'' and inserting the following:

''(i) SUBCLAUSE (III) CERTIFICATION.—If the applicant''; and

(bb) by striking ''may'' and inserting ''shall'';

(III) in clause (iii), by striking ''(2)(B)(i)'' each place it appears and inserting ''(2)(B)''; and

(IV) in clause (v) (as redesignated by section 4(a)(1)(B)), by striking ''continuing'' and inserting ''containing''; and

(ii) by redesignating subparagraphs (C) and (D) as subparagraphs (E) and (F), respectively.

(b) SECTION 505A.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsections (b)(1)(A)(i) and (c)(1)(A)(i)—

(A) by striking ''(c)(3)(D)(ii)'' each place it appears and inserting ''(c)(3)(E)(ii)''; and

(B) by striking ''(j)(5)(D)(ii)'' each place it appears and inserting ''(j)(5)(F)(ii)'';

(2) in subsections (b)(1)(A)(ii) and (c)(1)(A)(ii)—

(A) by striking ''(c)(3)(D)'' each place it appears and inserting ''(c)(3)(E)''; and

(B) by striking ''(j)(5)(D)'' each place it appears and inserting ''(j)(5)(F)'';

(3) in subsections (e) and (l)—

(A) by striking ''505(c)(3)(D)'' each place it appears and inserting ''505(c)(3)(E)''; and

(B) by striking ''505(j)(5)(D)'' each place it appears and inserting ''505(j)(5)(F)''; and

(4) in subsection (k), by striking ''505(j)(5)(B)(iv)'' and inserting ''505(j)(5)(B)(v)''.

(c) SECTION 527.—Section 527(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360cc(a)) is amended in the second sentence by striking ''505(c)(2)'' and inserting ''505(c)(1)(B)''.

Ms. COLLINS. Mr. President, I am pleased to join my colleagues from New York and Arizona in introducing the Greater Access to Affordable Pharmaceuticals Act, which will make prescription drugs more affordable by promoting completion in the pharmaceutical industry and increasing access to lower-priced generic drugs. The bipartisan bill that we are introducing today is identical to the compromise legislation that overwhelmingly passed the Senate last July by a vote of 78 to 21. That compromise was based on an amendment I Offered in the Health, Education, Labor and Pensions Committee with my colleague form North Carolina, Senator Edwards.

Prescription drug spending in the United States has increased by 92 percent over the past 5 years to almost $120 million. These soaring costs are a particular burden for the millions of uninsured Americans, as well as those seniors on Medicare who lack prescription drug coverage. Many of these individuals are simply priced out of the market, or forced to choose between paying the bills or buying the pills that keep them healthy.

Skyrocketing prescription drug costs are also putting the squeeze on our Nation's employers who are struggling in the face of double-digit annual premium increases to provide health care coverage for their workers. And they are exacerbating the Medicaid funding crisis that all of us are hearing about from our Governors back home as they struggle to bridge growing shortfalls in their State budgets.

The legislation that we are introducing today will make prescription drugs more affordable for all Americans. The nonpartisan Congressional Budget Office estimates that are bill will cut our Nation's drug costs by $60 billion over the next 10 years. That is why the legislation is supported by coalitions representing the Governors, insurers, businesses, organized labor, senior groups, and individual consumers who are footing the bill for these expensive drugs and whose costs for popular drugs like Cardizem CD, Cipro, Prilosec, and Zantac could be cut in half if generic alternatives were available.

The 1984 Hatch-Waxman Act made significant changes in our patent laws that were intended to encourage pharmaceutical companies to make the investments necessary to develop new drug products, while simultaneously enabling their competitors to bring lower-cost, generic alternatives to the market. To that end, the legislation has succeeded to a large degree. Prior to Hatch-Waxman, it took 3 to 5 years for generics to enter the market after a brand-name patent had expired. Today, lower-cost generics often enter the market immediately upon the expiration of the patent. As a consequence, consumers are saving anywhere from $8 to 10 billion a year by purchasing generic drugs.

Moreover, there are even greater potential savings on the horizon. Within the next 4 years, the patents on brand name drugs with combined sales of $20 billion are set to expire. If Hatch-Waxman were to work as it was intended, consumers could expect to save between 50 and 60 percent on these drugs as lower cost generic alternatives become available as these patents expire.

Despite its past success, however,it is becoming increasingly apparent that the Hatch-Waxman Act has been subject to abuse. While many pharmaceutical companies have acted in good faith, there is mounting evidence that some brand name generic drug manufacturers have attempted to ''game'' the system by exploiting legal loopholes in the current law.

Too many pharmaceutical companies have maximized their profits at the expense of consumers by filing frivolous patents that have delayed access to lower priced generic drugs. Currently, brand-name companies can delay a generic drug from going to market for years. A ''new'' patent for an existing drug can be awarded for merely changing the color of a pill or its packaging. For example, Bristol Myers-Squibb delayed generic competition on Platinol, a cancer treatment, by filing a patent on the brown bottle that it came in.

Another example cited by the Chairman of the Federal Trade Commission, Timothy Muris, in testimony before the Senate Commerce Commission, involved the producer of the heart medication Cardizem CD, which brought a lawsuit for patent and trademark infringement against the generic manufacturer in early 1996. Instead of asking the generic company to pay damages, however, the brand name manufacturer offered a settlement to pay the generic company more than $80 million in return for keeping the generic drug off the market. Meanwhile, users of Cardizem—which treats high blood pressure, chest pains and heart disease—were paying about $73 a month when the generic would have cost about $32 a month.

Last July, the Federal Trade Commission released a long-awaited report that found that brand-name drug manufacturers have misused legal loopholes to delay the entry of lower-cost generics into the market. The FTC

found that these tactics have led to delays of between four and 40 months—over and above the first 30-month stay provided under Hatch-Waxman—for generic competitors of at least eight drugs since 1992. Moreover, six of the eight delays have occurred since 1998.

The FTC report points to two specific provisions of the Hatch-Waxman Act—the automatic 30-month stay and the 180-day market exclusivity for the first generic to file a patent challenge—as being susceptible to strategies that could delay the entry of lower-cost generics into the market. According to the report, these loopholes ''continue to have the potential for abuse,'' and, if left unchanged, ''may have more significance in the future.'' These are the very loopholes that the legislation we are introducing today would close.

The original Hatch-Waxman Act was a carefully constructed compromise that balanced an expedited FDA approval process to speed the entry of lower-cost generic drugs into the market with additional patent protections to ensure continuing innovation. The bipartisan bill that we are introducing today restores that balance by closing the loopholes that have reduced the original law's effectiveness in bringing lower-cost generic drugs to market more quickly, and I urge all of my colleagues to join us as cosponsors.

By Mr. INOUYE:

S. 57. A bill for the relief of Donald C. Pence; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, today I am introducing a private relief bill on behalf of Donald C. Pence of Stanford, NC, for compensation for the failure of the Department of Veterans Affairs to pay dependency and indemnity compensation to Kathryn E. Box, the now-deceased mother of Donald C. Pence. It is rare that a Federal agency admits a mistake. In this case, the Department of Veterans Affairs has admitted that a mistake was made and explored ways to permit payment under the law, including equitable relief, but has found no provisions authorizing the Department to release the remaining benefits that were unpaid to Mrs. Box at the time of her death. My bill would correct this injustice, and I urge my colleagues to support this measure.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 57

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELIEF OF DONALD C. PENCE.

(a) RELIEF.—The Secretary of the Treasury shall pay, out of any moneys in the Treasury not otherwise appropriated, to Donald C. Pence, of Sanford, North Carolina, the sum of $31,128 in compensation for the failure of the Department of Veterans Affairs to pay dependency and indemnity compensation to Kathryn E. Box, the now-deceased mother of Donald C. Pence, for the period beginning on July 1, 1990, and ending on March 31, 1993.

(b) LIMITATION ON FEES.—Not more than a total of 10 percent of the payment authorized by subsection (a) shall be paid to or received by agents or attorneys for services rendered in connection with obtaining such payment, any contract to the contrary notwithstanding. Any person who violates this subsection shall be fined not more than $1,000.

By Mr. INOUYE:

S. 58. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for the conversion of cooperative housing corporations into condominiums; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I rise to introduce legislation which would amend the Internal Revenue Code of 1986 to allow Cooperative Housing Corporations, co-ops, to convert to condominium forms of ownership.

Under current law, a conversion from a cooperative shareholding to condominium ownership is taxable at a corporate level as well as an individual level. The conversion is treated as a corporate liquidation, and therefore taxed accordingly. In addition, a capital gains tax is levied on any increase between the owner's basis in the co-op share pre-conversion and the market value of the condominium interest post-conversion. This double taxation dissuades condominium conversion because the owner is being taxed on the transaction which is nothing more than a change in the form of ownership. While the Internal Revenue Service concedes that there are no discernable advantages to society of the cooperative form of ownership, they do not view Federal tax statutes as providing sufficient flexibility with which to address the obstacles of conversion.

Cooperative housing organizes the ownership structure into a corporation, with shares of stock for each apartment unit, which are sold to buyers. The corporation then issues a proprietary lease entitling the owner of the stock to the use of the unit in perpetuity. Because the investment is in the form of a share of stock, investors sometimes lose their entire investment as a result of debt incurred by the corporation in construction and development. In addition, due to the structure of a cooperative housing corporation, a prospective purchaser of shares in the corporation from an existing tenant-stockholder has difficulty obtaining mortgage financing for the purchase. Furthermore, tenant-stockholders of cooperative housing also encounter difficulties in securing bank loans for the full value of their investment.

As a result, owners of cooperative housing are increasingly looking toward conversion to the condominium structure of ownership. Condominium ownership permits the owner of a unit to own the unit itself, eliminating the cooperative housing dilemma of corporate debt that supersedes the investment of cooperative housing share owners, and other financial concerns.

The legislation I introduce today will remove the penalty of double taxation from the conversion of cooperative housing to condominium ownership, and will greatly benefit co-op owners across the nation. The bill does not apply to cooperatives which have been or are now being financed by any Federal, State, or local programs for the purpose of assisting in the construction of affordable housing cooperatives or the conversion of rental units to affordable housing cooperatives. I urge my colleagues' consideration of and support for this measure.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 58

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NONRECOGNITION OF GAIN OR LOSS ON DISTRIBUTIONS BY COOPERATIVE HOUSING CORPORATIONS.

(a) IN GENERAL.—Section 216(e) of the Internal Revenue Code of 1986 (relating to distributions by cooperative housing corporations) is amended to read as follows:

''(e) DISTRIBUTIONS BY COOPERATIVE HOUSING CORPORATIONS.—

''(1) IN GENERAL.—Except as provided in regulations—

''(A) no gain or loss shall be recognized to a cooperative housing corporation on the distribution by such corporation of a dwelling unit to a stockholder in such corporation if such distribution is in exchange for the stockholder's stock in such corporation, and

''(B) no gain or loss shall be recognized to a stockholder of such corporation on the transfer of such stockholder's stock in an exchange described in subparagraph (A).

''(2) BASIS.—The basis of a dwelling unit acquired in a distribution to which paragraph (1) applies shall be the same as the basis of the stock in the cooperative housing corporation for which it is exchanged, decreased in the amount of any money received by the taxpayer in such exchange.

(3) APPLICABILITY.—This subsection shall not apply with respect to any dwelling unit the basis of which includes financing under any Federal, State, or local program for the purpose of assisting the construction of affordable housing cooperatives or the conversion of rental units to affordable housing cooperatives.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after the date of the enactment of this Act.

By Mr. INOUYE:

S. 59. A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I am reintroducing a bill which is of great importance to a group of patriotic Americans. This legislation is designed to extend space-available travel privileges on military aircraft to those who have been totally disabled in the service of our country.

Currently, retired members of the Armed Forces are permitted to travel on a space-available basis on non-scheduled military flights within the continental United States, and on scheduled overseas flights operated by the Military Airlift Command. My bill would provide the same benefits for veterans with 100 percent service-connected disabilities.

We owe these heroic men and women who have given so much to our country a debt of gratitude. Of course, we can never repay them for the sacrifices they have made on behalf of our Nation, but we can surely try to make their lives more pleasant and fulfilling. One way in which we can help is to extend military travel privileges to these distinguished American veterans. I have received numerous letters from all over the country attesting to the importance attached to this issue by veterans. Therefore, I ask that my colleagues show their concern and join me in saying ''thank you'' by supporting this legislation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 59

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRAVEL ON MILITARY AIRCRAFT OF CERTAIN DISABLED FORMER MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding after section 1060a the following new section:

''§ 1060b. Travel on military aircraft: certain disabled former members of the armed forces

''The Secretary of Defense shall permit any former member of the armed forces who is entitled to compensation under the laws administered by the Secretary of Veterans Affairs for a service-connected disability rated as total to travel, in the same manner and to the same extent as retired members of the armed forces, on unscheduled military flights within the continental United States and on scheduled overseas flights operated by the Military Airlift Command. The Secretary of Defense shall permit such travel on a space-available basis.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1060a the following new item:

''1060b. Travel on military aircraft: certain disabled former members of the armed forces.''.

By Mr. INOUYE:

S. 60. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I am reintroducing legislation to enable those former prisoners of war who have been separated honorably from their respective services and who have been rated as having a 30 percent service-connected disability to have the use of both the military commissary and post exchange privileges. While I realize it is impossible to adequately compensate one who has endured long periods of incarceration at the hands of our Nation's enemies, I do feel this gesture is both meaningful and important to those concerned because it serves as a reminder that our Nation has not forgotten their sacrifices.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 60

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF COMMISSARY AND EXCHANGE STORES BY CERTAIN DISABLED FORMER PRISONERS OF WAR.

(a) IN GENERAL.—Chapter 54 of title 10, United States Code, is amended by inserting after section 1064 the following new section:

''§ 1064a. Use of commissary and exchange stores by certain disabled former prisoners of war

''(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, former prisoners of war described in subsection (b) may use commissary and exchange stores.

''(b) COVERED INDIVIDUALS.—Subsection (a) applies to any former prisoner of war who—

''(1) separated from active duty in the armed forces under honorable conditions; and

''(2) has a service-connected disability rated by the Secretary of Veterans Affairs at 30 percent or more.

''(c) DEFINITIONS.—In this section:

''(1) The term 'former prisoner of war' has the meaning given that term in section 101(32) of title 38.

''(2) The term 'service-connected' has the meaning given that term in section 101(16) of title 38.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1064 the following new item:

''1064a. Use of commissary and exchange stores by certain disabled former prisoners of war.''.

By Mr. INOUYE:

S. 61. A bill to amend title VII of the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, today I rise to introduce the Physical and Occupational Therapy Education Act of 2003. This legislation will increase educational opportunities for physical therapy and occupational therapy practitioners in order to meet the growing demand for the valuable services they provide in our communities.

Several factors contribute to the present need for federal support in this area. The rapid aging of our Nation's population, the demands of the AIDS crisis, increasing emphasis on health promotion and disease prevention, and the growth of home health care has increased the demand for physical and occupational therapy services. This demand has exceeded our ability to educate an adequate number of physical therapists and occupational therapists. In addition, technological advances are allowing injured and disabled individuals to survive conditions that would have proven fatal in past years.

An inadequate number of physical therapists has led to an increased reliance on foreign-educated, non-immigrant temporary workers who enter the U.S. as H–1B visa holders. The U.S. Commission on Immigration Reform has identified physical therapy and occupational therapy as having the highest number of H–1B visa holders in the United States, second only to computer specialists.

In addition to the shortage of practitioners, a shortage of faculty impedes the expansion of established education programs. The critical shortage of doctoral-prepared occupational therapists and physical therapists has resulted in a depleted pool of potential faculty. This bill would assist in the development of qualified faculty by giving preference to grant applicants seeking to develop and expand post-professional programs for the advanced training of physical and occupational therapists.

The legislation I introduce today would provide necessary assistance to physical and occupational therapy programs throughout the country. The investment we make will help reduce America's dependence on foreign labor and create highly-skilled, high-wage employment opportunities for American citizens.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 61

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Physical Therapy and Occupational Therapy Education Act of 2003''.

SEC. 2. PHYSICAL THERAPY AND OCCUPATIONAL THERAPY.

Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is amended by inserting after section 769, the following:

"SEC. 769A. PHYSICAL THERAPY AND OCCUPATIONAL THERAPY.

"(a) IN GENERAL.—The Secretary may make grants to, and enter into contracts with, programs of physical therapy and occupational therapy for the purpose of planning and implementing projects to recruit and retain faculty and students, develop curriculum, support the distribution of physical therapy and occupational therapy practitioners in underserved areas, or support the continuing development of these professions.

"(b) PREFERENCE IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give preference to qualified applicants that seek to educate physical therapists or occupational therapists in rural or urban medically underserved communities, or to expand post-professional programs for the advanced education of physical therapy or occupational therapy practitioners.

"(c) PEER REVIEW.—Each peer review group under section 799(f) that is reviewing proposals for grants or contracts under subsection (a) shall include not fewer than 2 physical therapists or occupational therapists.

"(d) REPORT TO CONGRESS.—

"(1) IN GENERAL.—The Secretary shall prepare a report that—

"(A) summarizes the applications submitted to the Secretary for grants or contracts under subsection (a);

"(B) specifies the identity of entities receiving the grants or contracts; and

"(C) evaluates the effectiveness of the program based upon the objectives established by the entities receiving the grants or contracts.

"(2) DATE CERTAIN FOR SUBMISSION.—Not later than February 1, 2004, the Secretary shall submit the report prepared under paragraph (1) to the Committee on Commerce and the Committee on Appropriations of the House of Representatives, the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $3,000,000 for each of the fiscal years 2004 through 2006.".

By Mr. INOUYE:

S. 62. A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce legislation to authorize the autonomous functioning of clinical psychologists and clinical social workers within the Medicare comprehensive outpatient rehabilitation facility program.

In my judgment, it is unfortunate that Medicare requires clinical supervision of the services provided by certain health professionals and does not allow them to function to the full extent of their State practice licenses. Those who need the services of outpatient rehabilitation facilities should have access to a wide range of social and behavioral science expertise. Clinical psychologists and clinical social workers are recognized as independent providers of mental health care services under the Federal Employee Health Benefits Program, the Civilian Health and Medical Program of the Uniformed Services, the Medicare, Part B, Program, and numerous private insurance plans. This legislation will ensure that these qualified professionals achieve the same recognition under the Medicare comprehensive outpatient rehabilitation facility program.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 62

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Autonomy for Psychologists and Social Workers Act of 2003".

SEC. 2. REMOVAL OF RESTRICTION THAT A CLINICAL PSYCHOLOGIST OR CLINICAL SOCIAL WORKER PROVIDE SERVICES IN A COMPREHENSIVE OUTPATIENT REHABILITATION FACILITY TO A PATIENT ONLY UNDER THE CARE OF A PHYSICIAN.

(a) IN GENERAL.—Section 1861(cc)(2)(E) of the Social Security Act (42 U.S.C. 1395x(cc)(2)(E)) is amended by striking "physician" and inserting "physician, except that a patient receiving qualified psychologist services (as defined in subsection (ii)) may be under the care of a clinical psychologist with respect to such services to the extent permitted under State law and except that a patient receiving clinical social worker services (as defined in subsection (hh)(2)) may be under the care of a clinical social worker with respect to such services to the extent permitted under State law".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services provided on or after January 1, 2004.

By Mr. INOUYE:

S. 63. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State Medicaid programs; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce the Nursing School Clinics Act of 2003. This measure builds on our concerted efforts to provide access to quality health care for all Americans by offering grants and incentives for nursing schools to establish primary care clinics in underserved areas where additional medical services are most needed. In addition, this measure provides the opportunity for nursing schools to enhance the scope of student training and education by providing firsthand clinical experience in primary care facilities.

Primary care clinics administered by nursing schools are university or nonprofit primary care centers developed mainly in collaboration with university schools of nursing and the communities they serve. These centers are staffed by faculty and staff who are nurse practitioners and public health nurses. Students supplement patient care while receiving preceptorships provided by college of nursing faculty and primary care physicians, often associated with academic institutions, who serve as collaborators with nurse practitioners. To date, the comprehensive models of care provided by nursing clinics have yielded excellent results, including significantly fewer emergency room visits, fewer hospital inpatient days, and less use of specialists, as compared to conventional primary health care.

This bill reinforces the principle of combining health care delivery in underserved areas with the education of advanced practices nurses. To accomplish these objectives, Title XIX of the Social Security Act would be amended to designate that the services provided in these nursing school clinics are reimbursable under Medicaid. The combination of grants and the provision of Medicaid reimbursement furnishes the financial incentives for clinic operators to establish the clinics.

In order to meet the increasing challenges of bringing cost-effective and quality health care to all Americans, we must consider a wide range of proposals, both large and small. Most importantly, we must approach the issue of health care with creativity and determination, ensuring that all reasonable avenues are pursued. Nurses have always been an integral part of health care delivery. The Nursing School Clinics Act of 2003 recognizes the central role nurses can perform as care givers to the medically underserved.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 63

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nursing School Clinics Act of 2003".

SEC. 2. MEDICAID COVERAGE OF SERVICES PROVIDED BY NURSING SCHOOL CLINICS.

(a) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) in paragraph (26), by striking "and" at the end;

(2) by redesignating paragraph (27) as paragraph (28); and

(3) by inserting after paragraph (26), the following new paragraph:

"(27) nursing school clinic services (as defined in subsection (x)) furnished by or under the supervision of a nurse practitioner or a clinical nurse specialist (as defined in section 1861(aa)(5)), whether or not the nurse practitioner or clinical nurse specialist is under the supervision of, or associated with, a physician or other health care provider; and".

(b) NURSING SCHOOL CLINIC SERVICES DEFINED.—Section 1905 of the Social Security

Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

''(x) The term 'nursing school clinic services' means services provided by a health care facility operated by an accredited school of nursing which provides primary care, long-term care, mental health counseling, home health counseling, home health care, or other health care services which are within the scope of practice of a registered nurse.''.

(c) CONFORMING AMENDMENT.—Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting ''and (27)'' after ''(24)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to payments made under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for calendar quarters commencing with the first calendar quarter beginning after the date of enactment of this Act.

By Mr. INOUYE:

S. 64. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the medicare program; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I am introducing legislation to amend Title XVIII of the Social Security Act to correct discrepancies in the reimbursement of clinical social workers covered through Medicare, Part B. The three proposed changes contained in this legislation clarify the current payment process for clinical social workers and establish a reimbursement methodology for the profession that is similar to other health care professionals reimbursed through the Medicare program.

First, this legislation sets payment for clinical social worker services according to a fee schedule established by the Secretary. Second, it explicitly states that services and supplies furnished by a clinical social worker are a covered Medicare expense, just as these services are covered for other mental health professionals in Medicare. Third, the bill allows clinical social workers to be reimbursed for services provided to a client who is hospitalized.

Clinical social workers are valued members of our health care provider network. They are legally regulated in every state of the nation and are recognized as independent providers of mental health care throughout the health care system. It is time to correct the disparate reimbursement treatment of this profession under Medicare.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 64

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Equity for Clinical Social Workers Act of 2003''.

SEC. 2. IMPROVED REIMBURSEMENT FOR CLINICAL SOCIAL WORKER SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Section 1833(a)(1)(F)(ii) of the Social Security Act (42 U.S.C. 1395l(a)(1)(F)(ii)) is amended to read as follows: ''(ii) the amount determined by a fee schedule established by the Secretary,''.

(b) DEFINITION OF CLINICAL SOCIAL WORKER SERVICES EXPANDED.—Section 1861(hh)(2) of the Social Security Act (42 U.S.C. 1395x(hh)(2)) is amended by striking ''services performed by a clinical social worker (as defined in paragraph (1))'' and inserting ''such services and such services and supplies furnished as an incident to such services performed by a clinical social worker (as defined in paragraph (1))''.

(c) CLINICAL SOCIAL WORKER SERVICES NOT TO BE INCLUDED IN INPATIENT HOSPITAL SERVICES.—Section 1861(b)(4) of the Social Security Act (42 U.S.C. 1395x(b)(4)) is amended by striking ''and services'' and inserting ''clinical social worker services, and services''.

(d) TREATMENT OF SERVICES FURNISHED IN INPATIENT SETTING.—Section 1832(a)(2)(B)(iii) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)(iii)) is amended by striking ''and services'' and inserting ''clinical social worker services, and services''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made for clinical social worker services furnished on or after January 1, 2004.

By Mr. INOUYE:

S. 65. A bill to amend title VII of the Public Health Service Act to establish a psychology post-doctoral fellowship program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I am introducing legislation today to amend Title VII of the Public Health Service Act to establish a psychology post-doctoral program.

Psychologists have made a unique contribution in reaching out to the Nation's medically underserved populations. Expertise in behavioral science is useful in addressing grave concerns such as violence, addiction, mental illness, adolescent and child behavioral disorders, and family disruption. Establishment of a psychology post-doctoral program could be an effective way to find solutions to these issues.

Similar programs supporting additional, specialized training in traditionally underserved settings have been successful in retaining participants to serve the same populations. For example, mental health professionals who have participated in these specialized federally funded programs have tended not only to meet their repayment obligations, but have continued to work in the public sector or with the underserved.

While a doctorate in psychology provides broad-based knowledge and mastery in a wide variety of clinical skills, specialized post-doctoral fellowship programs help to develop particular diagnostic and treatment skills required to respond effectively to underserved populations. For example, what appears to be poor academic motivation in a child recently relocated from Southeast Asia might actually reflect a cultural value of reserve rather than a disinterest in academic learning. Specialized assessment skills enable the clinician to initiate effective treatment.

Domestic violence poses a significant public health problem and is not just a problem for the criminal justice system. Violence against women results in thousands of hospitalizations a year. Rates of child and spouse abuse in rural areas are particularly high, as are the rates of alcohol abuse and depression in adolescents. A post-doctoral fellowship program in the psychology of the rural populations could be of special benefit in addressing these problems.

Given the demonstrated success and effectiveness of specialized training programs, it is incumbent upon us to encourage participation in post-doctoral fellowships that respond to the needs of the nation's underserved.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 65

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Psychologists in the Service of the Public Act of 2003''.

SEC. 2. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

Part C of title VII of the Public Health Service Act (42 U.S.C. 293k et seq.) is amended by adding at the end the following:

''SEC. 749. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

''(a) IN GENERAL.—The Secretary shall establish a psychology post-doctoral fellowship program to make grants to and enter into contracts with eligible entities to encourage the provision of psychological training and services in underserved treatment areas.

''(b) ELIGIBLE ENTITIES.—

''(1) INDIVIDUALS.—In order to receive a grant under this section an individual shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such individual—

''(A) has received a doctoral degree through a graduate program in psychology provided by an accredited institution at the time such grant is awarded;

''(B) will provide services in a medically underserved population during the period of such grant;

''(C) will comply with the provisions of subsection (c); and

''(D) will provide any other information or assurances as the Secretary determines appropriate.

''(2) INSTITUTIONS.—In order to receive a grant or contract under this section, an institution shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such institution—

''(A) is an entity, approved by the State, that provides psychological services in medically underserved areas or to medically underserved populations (including entities that care for the mentally retarded, mental health institutions, and prisons);

''(B) will use amounts provided to such institution under this section to provide financial assistance in the form of fellowships to qualified individuals who meet the requirements of subparagraphs (A) through (C) of paragraph (1);

''(C) will not use in excess of 10 percent of amounts provided under this section to pay for the administrative costs of any fellowship programs established with such funds; and

''(D) will provide any other information or assurance as the Secretary determines appropriate.

''(c) CONTINUED PROVISION OF SERVICES.—Any individual who receives a grant or fellowship under this section shall certify to the Secretary that such individual will continue to provide the type of services for which such grant or fellowship is awarded for at least 1 year after the term of the grant or fellowship has expired.

''(d) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that define the terms 'medically underserved areas' or 'medically unserved populations'.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 2004 through 2006.''.

By Mr. INOUYE:

S. 66. A bill to amend title 5, United States Code, to require the issuance of prisoner-of-war medal to civilian employees of the Federal Government who are forcibly detained or interned by an enemy government or a hostile force under wartime conditions; to the Committee on Governmental Affairs.

Mr. INOUYE. Mr. President, all too often we find that our Nation's civilian employees of the Federal Government who have been forcibly detained or interred by a hostile government do not receive the recognition they deserve. My bill would correct this inequity and provide a prisoner of war medal for such citizens.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 66

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRISONER-OF-WAR MEDAL FOR CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT.

(a) AUTHORITY TO ISSUE PRISONER-OF-WAR MEDAL.—(1) Subpart A of part III of title 5, United States Code, is amended by inserting after chapter 23 the following new chapter:

"CHAPTER 25—MISCELLANEOUS AWARDS

''Sec.

''2501. Prisoner-of-war medal: issue.

"§ 2501. Prisoner-of-war medal: issue

''(a) The President shall issue a prisoner-of-war medal to any person who, while serving in any capacity as an officer or employee of the Federal Government, was forcibly detained or interned, not as a result of such person's own willful misconduct—

''(1) by an enemy government or its agents, or a hostile force, during a period of war; or

''(2) by a foreign government or its agents, or a hostile force, during a period other than a period of war in which such person was held under circumstances which the President finds to have been comparable to the circumstances under which members of the armed forces have generally been forcibly detained or interned by enemy governments during periods of war.

''(b) The prisoner-of-war medal shall be of appropriate design, with ribbons and appurtenances.

''(c) Not more than one prisoner-of-war medal may be issued to a person under this section or section 1128 of title 10. However, for each succeeding service that would otherwise justify the issuance of such a medal, the President (in the case of service referred to in subsection (a) of this section) or the Secretary concerned (in the case of service referred to in section 1128(a) of title 10) may issue a suitable device to be worn as determined by the President or the Secretary, as the case may be.

''(d) For a person to be eligible for issuance of a prisoner-of-war medal, the person's conduct must have been honorable for the period of captivity which serves as the basis for the issuance.

''(e) If a person dies before the issuance of a prisoner-of-war medal to which he is entitled, the medal may be issued to the person's representative, as designated by the President.

''(f) Under regulations to be prescribed by the President, a prisoner-of-war medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

''(g) In this section, the term 'period of war' has the meaning given such term in section 101(11) of title 38.''.

(2) The table of chapters at the beginning of part III of such title is amended by inserting after the item relating to chapter 23 the following new item:

"25. Miscellaneous Awards ..... 2501".

(b) APPLICABILITY.—Section 2501 of title 5, United States Code, as added by subsection (a), applies with respect to any person who, after April 5, 1917, is forcibly detained or interned as described in subsection (a) of such section.

By Mr. INOUYE:

S. 67. A bill for the relief of Jim K. Yoshida; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, today I am introducing a private relief bill on behalf of Jim K. Yoshida, to obtain recognition of his service with the U.S. military in Korea so that he may obtain veteran's status.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 67

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VETERAN STATUS.

(a) ENTITLEMENT TO STATUS.—Notwithstanding any other provision of law, Jim K. Yoshida of Honolulu, Hawaii, is deemed to be a veteran for the purposes of all laws administered by the Secretary of Veterans Affairs.

(b) TREATMENT OF SERVICE.—Notwithstanding any other provision of law, the service of Jim K. Yoshida of Honolulu, Hawaii, as a volunteer member of the United States Army during the period beginning on July 2, 1950, and ending on January 17, 1951, shall be deemed to be active military service from which Jim K. Yoshida was discharged under honorable conditions for the purposes of all laws administered by the Secretary of Veterans Affairs.

(c) PROSPECTIVE APPLICABILITY.—No benefits may be paid or otherwise provided to Jim K. Yoshida of Honolulu, Hawaii, by reason of the enactment of this Act with respect to any period before the date of the enactment of this Act.

By Mr. INOUYE:

S. 68. A bill to amend title 36, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, I rise to introduce the Filipino Veterans' Benefits Improvement Act of 2003 to give our country the opportunity to right a wrong committed decades ago by providing Philippine-born veterans of World War II, who served in the United States Armed Forces, their hard-earned, due compensation.

The Philippines became a United States possession in 1898, when it was ceded from Spain following the Spanish-American War. In 1934, the Congress enacted the Philippine Independence Act, Public Law 73–127, which provided a 10-year time frame for the independence of the Philippines. Between 1934 and final independence in 1946, the United States retained certain powers over the Philippines, including the right to call all military forces organized by the newly-formed Commonwealth government into the service of the United States Armed Forces.

On July 26, 1941, President Roosevelt issued an Executive Order calling members of the Philippine Commonwealth Army into the service of the United States Armed Forces of the Far East. Under this order, Filipinos were entitled to full veterans' benefits. More than 100,000 Filipinos volunteered for the Philippine Commonwealth Army and fought alongside the United States Armed Forces.

Shortly after Japan's surrender, Congress enacted the Armed Forces Voluntary Recruitment Act of 1945 for the purpose of sending American troops to occupy enemy lands, and to oversee military installations at various overseas locations.

A provision included in the Recruitment Act called for the enlistment of Philippine citizens to constitute a new body of scouts. The New Philippine Scouts were authorized to receive pay and allowances for services performed throughout the Western Pacific. Although hostilities had ceased, wartime service of the New Philippine Scouts

continued as a matter of law until the end of 1946.

Despite their sacrifices, on February 18, 1946, Congress betrayed these veterans by enacting the Rescission Act of 1946 and declaring the service performed by the Philippine Commonwealth Army veterans as not ''active service,'' thus denying many benefits to which these veterans were entitled.

On May 27, 1946, the Congress enacted the Second Supplemental Surplus Appropriations Rescission Act, which included a provision to limit veterans' benefits provided to Filipinos. This provision duplicated the language that had eliminated veterans' benefits under the First Rescission Act, and placed similar restrictions on veterans of the New Philippine Scouts. Thus, the Filipino veterans who fought in the service of the United States during World War II were precluded from receiving most veterans' benefits that had been available to them before 1946, and that are available to all other veterans of our armed forces regardless of race, national origin, or citizenship status.

The Congress tried to rectify the wrong committed against the Filipino veterans of World War II by amending the Nationality Act of 1940, to grant the veterans the privilege of becoming United States citizens for having served in the United States Armed Forces of the Far East. The law expired at the end of 1946, but not before the United States had withdrawn its sole naturalization examiner from the Philippines for a nine-month period. This effectively denied Filipino veterans the opportunity to become citizens during this nine-month window. Forty-five years later, under the Immigration Act of 1990, certain Filipino veterans who had served during World War II became eligible for United States citizenship. Between November, 1990, and February, 1995, approximately 24,000 veterans took advantage of this opportunity and became United States citizens.

Although progress has been made, we must, as a nation, correct fully the injustice caused by the Rescission Acts by providing equal treatment for the service and sacrifice by these brave men. The Filipino Veterans' Benefits Improvement Act of 2003 will compensate eligible veterans by providing a number of needed benefits: Dependency and Indeminity Compensation to surviving widows of service-connected veterans living in the United States; a payment increase to New Philippine Scouts and survivors residing in the United States from 50 percent to the full dollar amount for service-connected disability compensation; authorization of non-service connected disability pensions for veterans residing in the Philippines, but at a rate of $100 per month, which matches the amount of the veterans' pension received by them from the Philippine government; access to veterans hospitals for non-service connected disabled veterans in the same manner as United States veterans; and $500,000 per year to the Outpatient Clinic in Manila.

Heroes should never be forgotten or ignored, so let us not turn our backs on those who sacrificed so much. Many of the Filipinos who fought so hard for our nation have been honored with American citizenship, but let us now work to repay all of these brave men for their sacrifices by providing them the veterans' benefits they have earned.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 68

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Filipino Veterans' Benefits Improvements Act of 2003''.

SEC. 2. RATE OF PAYMENT OF CERTAIN BENEFITS FOR NEW PHILIPPINE SCOUTS RESIDING IN THE UNITED STATES.

(a) RATE OF PAYMENT.—Section 107 of title 38, United States Code, is amended—

(1) in the second sentence of subsection (b), by striking ''Payments'' and inserting ''Except as provided in subsection (c), payments''; and

(2) in subsection (c)—

(A) by inserting ''or (b)'' after ''subsection (a)'' the first place it appears; and

(B) by striking ''subsection (a)'' the second place it appears and inserting ''the applicable subsection''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to benefits paid for months beginning on or after that date.

SEC. 3. RATE OF PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES OF CERTAIN FILIPINO VETERANS.

(a) RATE OF PAYMENT.—Subsection (c) of section 107 of title 38, United States Code, as amended by section 2 of this Act, is further amended by inserting '', and under chapter 13 of this title,'' after ''chapter 11 of this title''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to benefits paid for months beginning on or after that date.

SEC. 4. ELIGIBILITY OF CERTAIN FILIPINO VETERANS FOR DISABILITY PENSION.

(a) ELIGIBILITY.—Section 107 of title 38, United States Code, as amended by this Act, is further amended—

(1) in subsection (a)—

(A) in paragraph (3) of the first sentence, by inserting ''15,'' before ''23,''; and

(B) in the second sentence, by striking ''subsections (c) and (d)'' and inserting ''subsections (c), (d), and (e)''; and

(2) in subsection (b)—

(A) by striking paragraph (2) of the first sentence and inserting the following new paragraph (2):

''(2) chapters 11, 13 (except section 1312(a)), and 15 of this title.''; and

(B) in the second sentence, by striking ''subsection (c)'' and inserting ''subsections (c) and (e)''.

(b) RATE OF PAYMENT.—That section is further amended by adding at the end the following new subsection:

''(e) In the case of benefits under chapter 15 of this title paid by reason of service described in subsection (a) or (b), if—

''(1) the benefits are paid to an individual residing in the United States who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States, the second sentence of the applicable subsection shall not apply; and

''(2) the benefits are paid to an individual residing in the Republic of the Philippines, the benefits shall be paid (notwithstanding any other provision of law) at the rate of $100 per month.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to benefits for months beginning on or after that date.

SEC. 5. ELIGIBILITY OF FILIPINO VETERANS FOR HEALTH CARE IN THE UNITED STATES.

The text of section 1734 of title 38, United States Code, is amended to read as follows:

''The Secretary, within the limits of Department facilities, shall furnish hospital and nursing home care and medical services to Commonwealth Army veterans and new Philippine Scouts in the same manner as provided for under section 1710 of this title.''.

SEC. 6. OUTPATIENT HEALTH CARE FOR VETERANS RESIDING IN THE PHILIPPINES.

(a) IN GENERAL.—Subchapter IV of chapter 17 of title 38, United States Code, is amended—

(1) by redesignating section 1735 as section 1736; and

(2) by inserting after section 1734 the following new section 1735:

''§ 1735. Outpatient care and services for World War II veterans residing in the Philippines

''(a) OUTPATIENT HEALTH CARE.—The Secretary shall furnish care and services to veterans of World War II, Commonwealth Army veterans, and new Philippine Scouts for the treatment of the service-connected disabilities and nonservice-connected disabilities of such veterans and scouts residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinic.

''(b) LIMITATIONS.—(1) The amount expended by the Secretary for the purpose of subsection (a) in any fiscal year may not exceed $500,000.

''(2) The authority of the Secretary to furnish care and services under subsection (a) is effective in any fiscal year only to the extent that appropriations are available for that purpose.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1735 and inserting after the item relating to section 1734 the following new items:

''1735. Outpatient care and services for World War II veterans residing in the Philippines.

''1736. Definitions.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

By Mr. INOUYE:

S. 69. A bill to require the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World

War II; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, I am reintroducing legislation today that would direct the Secretary of the Army to determine whether certain nationals of the Philippine Islands performed military service on behalf of the United States during World War II.

Our Filipino veterans fought side by side and sacrificed their lives on behalf of the United States. This legislation would confirm the validity of their claims and further allow qualified individuals the opportunity to apply for military and veterans benefits that, I believe, they are entitled to. As this population becomes older, it is important for our nation to extend its firm commitment to the Filipino veterans and their families who participated in making us the great nation that we are today.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 69

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DETERMINATIONS BY THE SECRETARY OF THE ARMY.

(a) IN GENERAL.—Upon the written application of any person who is a national of the Philippine Islands, the Secretary of the Army shall determine whether such person performed any military service in the Philippine Islands in aid of the Armed Forces of the United States during World War II which qualifies such person to receive any military, veterans', or other benefits under the laws of the United States.

(b) INFORMATION TO BE CONSIDERED.—In making a determination for the purpose of subsection (a), the Secretary shall consider all information and evidence (relating to service referred to in subsection (a)) that is available to the Secretary, including information and evidence submitted by the applicant, if any.

SEC. 2. CERTIFICATE OF SERVICE.

(a) ISSUANCE OF CERTIFICATE OF SERVICE.—The Secretary of the Army shall issue a certificate of service to each person determined by the Secretary to have performed military service described in section 1(a).

(b) EFFECT OF CERTIFICATE OF SERVICE.—A certificate of service issued to any person under subsection (a) shall, for the purpose of any law of the United States, conclusively establish the period, nature, and character of the military service described in the certificate.

SEC. 3. APPLICATIONS BY SURVIVORS.

An application submitted by a surviving spouse, child, or parent of a deceased person described in section 1(a) shall be treated as an application submitted by such person.

SEC. 4. LIMITATION PERIOD.

The Secretary of the Army may not consider for the purpose of this Act any application received by the Secretary more than two years after the date of the enactment of this Act.

SEC. 5. PROSPECTIVE APPLICATION OF DETERMINATIONS BY THE SECRETARY OF THE ARMY.

No benefits shall accrue to any person for any period before the date of the enactment of this Act as a result of the enactment of this Act.

SEC. 6. REGULATIONS.

The Secretary of the Army shall prescribe regulations to carry out sections 1, 3, and 4.

SEC. 7. RESPONSIBILITIES OF THE SECRETARY OF VETERANS AFFAIRS.

Any entitlement of a person to receive veterans' benefits by reason of this Act shall be administered by the Department of Veterans Affairs pursuant to regulations prescribed by the Secretary of Veterans Affairs.

SEC. 8. DEFINITION.

In this Act, the term ''World War II'' means the period beginning on December 7, 1941, and ending on December 31, 1946.

By Mr. INOUYE:

S. 70. A bill to restore the traditional day of observance of Memorial Day, and for other purposes; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, in our efforts to accommodate many Americans by making Memorial Day the last Monday in May, we have lost sight of the significance of this day to our Nation. My bill would restore Memorial Day to May 30 and authorize our flag to fly at half mast on that day. In addition, this legislation would authorize the President to issue a proclamation designating Memorial Day and Veterans Day as days for prayer and ceremonies. This legislation would help restore the recognition our veterans deserve for the sacrifices they have made on behalf of our Nation

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 70

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF TRADITIONAL DAY OF OBSERVANCE OF MEMORIAL DAY.

(a) DESIGNATION OF LEGAL PUBLIC HOLIDAY.—Section 6103(a) of title 5, United States Code, is amended in the item relating to Memorial Day by striking ''the last Monday in May.'' and inserting ''May 30.''.

(b) OBSERVANCES AND CEREMONIES.—Section 116 of title 36, United States Code, is amended—

(1) in subsection (a), by striking ''The last Monday in May'' and inserting ''May 30''; and

(2) in subsection (b)—

(A) by striking ''and'' at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph (4):

''(4) calling on the people of the United States to observe Memorial Day as a day of ceremonies for showing respect for American veterans of wars and other military conflicts; and''.

(c) DISPLAY OF FLAG.—Section 6(d) of title 4, United States Code, is amended by striking ''the last Monday in May;'' and inserting ''May 30;''.

By Mr. INOUYE:

S. 73. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I rise today to introduce legislation to amend the Public Health Service Act for the establishment of a National Center for Social Work Research.

Social workers provide a multitude of health care delivery services throughout America to our children, families, the elderly, and persons suffering from various forms of abuse and neglect.

The purpose of this center is to support and disseminate information about basic and clinical social work research, and training, with an emphasis on service to underserved and rural populations.

While the Federal Government provides funding for various social work research activities through the National Institutes of Health and other federal agencies, there presently is no coordination or direction of these critical activities and no overall assessment of needs and opportunities for empirical knowledge development. The establishment of a Center for Social Work Research would result in improved behavioral and mental health care outcomes for our nation's children, families, the elderly, and others.

In order to meet the increasing challenges of bringing cost-effective, research-based, quality health care to all Americans, we must recognize the important contributions of social work researchers to health care delivery and the central role that the Center for Social Work can provide in facilitating their work.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 73

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Center for Social Work Research Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) social workers focus on the improvement of individual and family functioning and the creation of effective health and mental health prevention and treatment interventions in order for individuals to become more productive members of society;

(2) social workers provide front line prevention and treatment services in the areas of school violence, aging, teen pregnancy, child abuse, domestic violence, juvenile crime, and substance abuse, particularly in rural and underserved communities; and

(3) social workers are in a unique position to provide valuable research information on these complex social concerns, taking into account a wide range of social, medical, economic and community influences from an

interdisciplinary, family-centered and community-based approach.

SEC. 3. ESTABLISHMENT OF NATIONAL CENTER FOR SOCIAL WORK RESEARCH.

(a) IN GENERAL.—Section 401(b)(2) of the Public Health Service Act (42 U.S.C. 281(b)(2)) is amended by adding at the end the following:

''(H) The National Center for Social Work Research.''.

(b) ESTABLISHMENT.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following:

''Subpart 7—National Center for Social Work Research

''SEC. 485J. PURPOSE OF CENTER.

''The general purpose of the National Center for Social Work Research (referred to in this subpart as the 'Center') is the conduct and support of, and dissemination of targeted research concerning social work methods and outcomes related to problems of significant social concern. The Center shall—

''(1) promote research and training that is designed to inform social work practices, thus increasing the knowledge base which promotes a healthier America; and

''(2) provide policymakers with empirically-based research information to enable such policymakers to better understand complex social issues and make informed funding decisions about service effectiveness and cost efficiency.

''SEC. 485K. SPECIFIC AUTHORITIES.

''(a) IN GENERAL.—To carry out the purpose described in section 485J, the Director of the Center may provide research training and instruction and establish, in the Center and in other nonprofit institutions, research traineeships and fellowships in the study and investigation of the prevention of disease, health promotion, the association of socioeconomic status, gender, ethnicity, age and geographical location and health, the social work care of individuals with, and families of individuals with, acute and chronic illnesses, child abuse, neglect, and youth violence, and child and family care to address problems of significant social concern especially in underserved populations and underserved geographical areas.

''(b) STIPENDS AND ALLOWANCES.—The Director of the Center may provide individuals receiving training and instruction or traineeships or fellowships under subsection (a) with such stipends and allowances (including amounts for travel and subsistence and dependency allowances) as the Director determines necessary.

''(c) GRANTS.—The Director of the Center may make grants to nonprofit institutions to provide training and instruction and traineeships and fellowships under subsection (a).

''SEC. 485L. ADVISORY COUNCIL.

''(a) DUTIES.—

''(1) IN GENERAL.—The Secretary shall establish an advisory council for the Center that shall advise, assist, consult with, and make recommendations to the Secretary and the Director of the Center on matters related to the activities carried out by and through the Center and the policies with respect to such activities.

''(2) GIFTS.—The advisory council for the Center may recommend to the Secretary the acceptance, in accordance with section 231, of conditional gifts for study, investigations, and research and for the acquisition of grounds or construction, equipment, or maintenance of facilities for the Center.

''(3) OTHER DUTIES AND FUNCTIONS.—The advisory council for the Center—

''(A)(i) may make recommendations to the Director of the Center with respect to research to be conducted by the Center;

''(ii) may review applications for grants and cooperative agreements for research or training and recommend for approval applications for projects that demonstrate the probability of making valuable contributions to human knowledge; and

''(iii) may review any grant, contract, or cooperative agreement proposed to be made or entered into by the Center;

''(B) may collect, by correspondence or by personal investigation, information relating to studies that are being carried out in the United States or any other country and, with the approval of the Director of the Center, make such information available through appropriate publications; and

''(C) may appoint subcommittees and convene workshops and conferences.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The advisory council shall be composed of the ex officio members described in paragraph (2) and not more than 18 individuals to be appointed by the Secretary under paragraph (3).

''(2) EX OFFICIO MEMBERS.—The ex officio members of the advisory council shall include—

''(A) the Secretary of Health and Human Services, the Director of NIH, the Director of the Center, the Chief Social Work Officer of the Veterans' Administration, the Assistant Secretary of Defense for Health Affairs, the Associate Director of Prevention Research at the National Institute of Mental Health, the Director of the Division of Epidemiology and Services Research, the Assistant Secretary of Health and Human Services for the Administration for Children and Families, the Assistant Secretary of Education for the Office of Educational Research and Improvement, the Assistant Secretary of Housing and Urban Development for Community Planning and Development, and the Assistant Attorney General for Office of Justice Programs (or the designees of such officers); and

''(B) such additional officers or employees of the United States as the Secretary determines necessary for the advisory council to effectively carry out its functions.

''(3) APPOINTED MEMBERS.—The Secretary shall appoint not to exceed 18 individuals to the advisory council, of which—

''(A) not more than two-thirds of such individual shall be appointed from among the leading representatives of the health and scientific disciplines (including public health and the behavioral or social sciences) relevant to the activities of the Center, and at least 7 such individuals shall be professional social workers who are recognized experts in the area of clinical practice, education, or research; and

''(B) not more than one-third of such individuals shall be appointed from the general public and shall include leaders in fields of public policy, law, health policy, economics, and management.

The Secretary shall make appointments to the advisory council in such a manner as to ensure that the terms of the members do not all expire in the same year.

''(4) COMPENSATION.—Members of the advisory council who are officers or employees of the United States shall not receive any compensation for service on the advisory council. The remaining members shall receive, for each day (including travel time) they are engaged in the performance of the functions of the advisory council, compensation at rates not to exceed the daily equivalent of the annual rate in effect for an individual at grade GS–18 of the General Schedule.

''(c) TERMS.—

''(1) IN GENERAL.—The term of office of an individual appointed to the advisory council under subsection (b)(3) shall be 4 years, except that any individual appointed to fill a vacancy on the advisory council shall serve for the remainder of the unexpired term. A member may serve after the expiration of the member's term until a successor has been appointed.

''(2) REAPPOINTMENTS.—A member of the advisory council who has been appointed under subsection (b)(3) for a term of 4 years may not be reappointed to the advisory council prior to the expiration of the 2-year period beginning on the date on which the prior term expired.

''(3) VACANCY.—If a vacancy occurs on the advisory council among the members under subsection (b)(3), the Secretary shall make an appointment to fill that vacancy not later than 90 days after the date on which the vacancy occurs.

''(d) CHAIRPERSON.—The chairperson of the advisory council shall be selected by the Secretary from among the members appointed under subsection (b)(3), except that the Secretary may select the Director of the Center to be the chairperson of the advisory council. The term of office of the chairperson shall be 2 years.

''(e) MEETINGS.—The advisory council shall meet at the call of the chairperson or upon the request of the Director of the Center, but not less than 3 times each fiscal year. The location of the meetings of the advisory council shall be subject to the approval of the Director of the Center.

''(f) ADMINISTRATIVE PROVISIONS.—The Director of the Center shall designate a member of the staff of the Center to serve as the executive secretary of the advisory council. The Director of the Center shall make available to the advisory council such staff, information, and other assistance as the council may require to carry out its functions. The Director of the Center shall provide orientation and training for new members of the advisory council to provide such members with such information and training as may be appropriate for their effective participation in the functions of the advisory council.

''(g) COMMENTS AND RECOMMENDATIONS.—The advisory council may prepare, for inclusion in the biennial report under section 485M—

''(1) comments with respect to the activities of the advisory council in the fiscal years for which the report is prepared;

''(2) comments on the progress of the Center in meeting its objectives; and

''(3) recommendations with respect to the future direction and program and policy emphasis of the center.

The advisory council may prepare such additional reports as it may determine appropriate.

''SEC. 485M. BIENNIAL REPORT.

''The Director of the Center, after consultation with the advisory council for the Center, shall prepare for inclusion in the biennial report under section 403, a biennial report that shall consist of a description of the activities of the Center and program policies of the Director of the Center in the fiscal years for which the report is prepared. The Director of the Center may prepare such additional reports as the Director determines appropriate. The Director of the Center shall provide the advisory council of the Center an opportunity for the submission of the written comments described in section 485L(g).

"SEC. 485N. QUARTERLY REPORT.

"The Director of the Center shall prepare and submit to Congress a quarterly report that contains a summary of findings and policy implications derived from research conducted or supported through the Center.".

By Mr. INOUYE:

S. 74. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible to participate in various health professionals loan program; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I rise to introduce legislation today to modify Title VII of the U.S. Public Health Service Act in order to provide students enrolled in graduate psychology programs with the opportunity to participate in various health professions loan programs.

Providing students enrolled in graduate psychology programs with eligibility for financial assistance in the form of loans, loan guarantees, and scholarships will facilitate a much-needed infusion of behavioral science expertise into our community of public health providers. There is a growing recognition of the valuable contribution being made by psychologists toward solving some of our Nation's most distressing problems.

The participation of students from all backgrounds and clinical disciplines is vital to the success of health care training. The Title VII programs play a significant role in providing financial support for the recruitment of minorities, women, and individuals from economically disadvantaged backgrounds. Minority therapists have an advantage in the provision of critical services to minority populations because often they can communicate with clients in their own language and cultural framework. Minority therapists are more likely to work in community settings where ethnic minority and economically disadvantaged individuals are most likely to seek care. It is critical that continued support be provided for the training of individuals who provide health care services to underserved communities.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 74

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthen the Public Health Service Act".

SEC. 2. PARTICIPATION IN VARIOUS HEALTH PROFESSIONS LOAN PROGRAMS.

(a) LOAN AGREEMENTS.—Section 721 of the Public Health Service Act (42 U.S.C. 292q) is amended—

(1) in subsection (a), by inserting ", or any public or nonprofit school that offers a graduate program in professional psychology" after "veterinary medicine";

(2) in subsection (b)(4), by inserting ", or to a graduate degree in professional psychology" after "or doctor of veterinary medicine or an equivalent degree"; and

(3) in subsection (c)(1), by inserting ", or schools that offer graduate programs in professional psychology" after "veterinary medicine".

(b) LOAN PROVISIONS.—Section 722 of the Public Health Service Act (42 U.S.C. 292r) is amended—

(1) in subsection (b)(1), by inserting ", or to a graduate degree in professional psychology" after "or doctor of veterinary medicine or an equivalent degree";

(2) in subsection (c), in the matter preceding paragraph (1), by inserting ", or at a school that offers a graduate program in professional psychology" after "veterinary medicine"; and

(3) in subsection (k)—

(A) in the matter preceding paragraph (1), by striking "or podiatry" and inserting "podiatry, or professional psychology"; and

(B) in paragraph (4), by striking "or podiatric medicine" and inserting "podiatric medicine, or professional psychology".

SEC. 3. GENERAL PROVISIONS.

(a) HEALTH PROFESSIONS DATA.—Section 792(a) of the Public Health Service Act (42 U.S.C. 295k(a)) is amended by striking "clinical" and inserting "professional".

(b) PROHIBITION AGAINST DISCRIMINATION ON BASIS OF SEX.—Section 794 of the Public Health Service Act (42 U.S.C. 295m) is amended in the matter preceding paragraph (1) by striking "clinical" and inserting "professional".

(c) DEFINITIONS.—Section 799B(1)(B) of the Public Health Service Act (42 U.S.C. 295p(1)(B)) is amended by striking "clinical" each place it appears and inserting "professional".

By Mr. INOUYE:

S. 75. A bill to amend the Public Health Service Act to provide health care practitioners in rural areas with training in preventive health care, including both physical and mental care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, today I introduce legislation on the Rural Preventive Health Care Training Act of 2003, a bill that responds to the dire need of our rural communities for quality health care and disease prevention programs.

Almost one fourth of Americans live in rural areas and frequently lack access to adequate physical and mental health care. As many as 21 million of the 34 million people living in underserved rural areas are without access to a primary care provider. Even in areas where providers do exist, there are numerous limits to access, such as geographical barriers lack of transportation, and lack of knowledge about available resources. Due to the diversity of rural populations, language and cultural obstacles are often a factor in the access to medical care.

Compound these problems with limited financial resources, and the result is that many Americans living in rural communities go without vital health care, especially preventive care. Children fail to receive immunizations and routine checkups. Preventable illnesses and injuries occur needlessly, and lead to expensive hospitalizations. Early symptoms of emotional problems and substance abuse go undetected, and often develop into full-blown disorders.

An Institute of Medicine, IOM, report entitled, "Reducing Risks for Mental Disorders: Frontiers for Preventive Intervention Research," highlights the benefits of preventive care for all health problems. The training of health care providers in prevention is crucial in order to meet the demand for care in underserved areas. Currently, rural health care providers lack preventive care training opportunities.

Interdisciplinary preventive training of rural health care providers must be encouraged. Through such training programs, rural health care providers can build a strong educational foundation in the behavioral, biological, and psychological sciences. Interdisciplinary team prevention training will also facilitate operations at sites with both health and mental health clinics by facilitating routine consultation between groups. Emphasizing the mental health disciplines and their services as part of the health care team will contribute to the overall health of rural communities.

The Rural Preventive Health Care Training Act of 2003 would implement the risk-reduction model described in the IOM study. This model is based on the identification of risk factors and targets specific interventions for those risk factors.

The human suffering caused by poor health is immeasurable, and places a huge financial burden on communities, families, and individuals. By implementing preventive measures to reduce this suffering, the potential overall health and financial savings are enormous.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 75

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Preventive Health Care Training Act of 2003".

SEC. 2. PREVENTIVE HEALTH CARE TRAINING.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by inserting after section 754 the following:

"SEC. 754A. PREVENTIVE HEALTH CARE TRAINING.

"(a) IN GENERAL.—The Secretary may make grants to, and enter into contracts with, eligible applicants to enable such applicants to provide preventive health care training, in accordance with subsection (c), to health care practitioners practicing in

rural areas. Such training shall, to the extent practicable, include training in health care to prevent both physical and mental disorders before the initial occurrence of such disorders. In carrying out this subsection, the Secretary shall encourage, but may not require, the use of interdisciplinary training project applications.

''(b) LIMITATION.—To be eligible to receive training using assistance provided under subsection (a), a health care practitioner shall be determined by the eligible applicant involved to be practicing, or desiring to practice, in a rural area.

''(c) USE OF ASSISTANCE.—Amounts received under a grant made or contract entered into under this section shall be used—

''(1) to provide student stipends to individuals attending rural community colleges or other institutions that service predominantly rural communities, for the purpose of enabling the individuals to receive preventive health care training;

''(2) to increase staff support at rural community colleges or other institutions that service predominantly rural communities to facilitate the provision of preventive health care training;

''(3) to provide training in appropriate research and program evaluation skills in rural communities;

''(4) to create and implement innovative programs and curricula with a specific prevention component; and

''(5) for other purposes as the Secretary determines to be appropriate.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2004 through 2006.''.

By Mr. INOUYE:

S. 77. A bill to amend title VII of the Public Health Service Act to ensure that social work students or social work schools are eligible for support under certain programs to assist individuals in pursing health careers and programs of grants for training projects in geriatrics, and to establish a social work training program; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, on behalf of our Nation's clinical social workers, I am introducing legislation to amend the Public Health Service Act. This legislation would: 1. establish a new social work training program, 2. ensure that social work students are eligible for support under the Health Careers Opportunity Program, 3. provide social work schools with eligibility for support under the Minority Centers of Excellence programs, 4. permit schools offering degrees in social work to obtain grants for training projects in geriatrics, and 5. ensure that social work is recognized as a profession under the Public Health Maintenance Organization Act.

Despite the impressive range of services social workers provide to people of this Nation, few Federal programs exist to provide opportunities for social work training in health and mental health care.

Social workers have long provided quality mental health services to our citizens and continue to be at the forefront of establishing innovative programs to serve our disadvantaged populations. I believe it is important to ensure that the special expertise social workers possess continues to be available to the citizens of this Nation. This bill, by providing financial assistance to schools of social work and social work students, acknowledges the long history and critical importance of the services provided by social work professionals. I believe it is time to provide them with the recognition they deserve.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 77

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Strengthen Social Work Training Act of 2003''.

SEC. 2. SOCIAL WORK STUDENTS.

(a) HEALTH PROFESSIONS SCHOOL.—Section 736(g)(1)(A) of the Public Health Service Act (42 U.S.C. 293(g)(1)(A)) is amended by striking ''graduate program in behavioral or mental health'' and inserting ''graduate program in behavioral or mental health including a school offering graduate programs in clinical social work, or programs in social work''.

(b) SCHOLARSHIPS, GENERALLY.—Section 737(d)(1)(A) of the Public Health Service Act (42 U.S.C. 293a(d)(1)(A)) is amended by striking ''mental health practice'' and inserting ''mental health practice including graduate programs in clinical psychology, graduate programs in clinical social work, or programs in social work''.

(c) FACULTY POSITIONS.—Section 738(a)(3) of the Public Health Service Act (42 U.S.C. 293b(a)(3)) is amended by striking ''offering graduate programs in behavioral and mental health'' and inserting ''offering graduate programs in behavioral and mental health including graduate programs in clinical psychology, graduate programs in clinical social work, or programs in social work''.

SEC. 3. GERIATRICS TRAINING PROJECTS.

Section 753(b)(1) of the Public Health Service Act (42 U.S.C. 294c(b)(1)) is amended by inserting ''schools offering degrees in social work,'' after ''teaching hospitals,''.

SEC. 4. SOCIAL WORK TRAINING PROGRAM.

Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is amended—

(1) by redesignating section 770 as section 770A;

(2) by inserting after section 769, the following:

''SEC. 770. SOCIAL WORK TRAINING PROGRAM.

''(a) TRAINING GENERALLY.—The Secretary may make grants to, or enter into contracts with, any public or nonprofit private hospital, school offering programs in social work, or to or with a public or private nonprofit entity (which the Secretary has determined is capable of carrying out such grant or contract)—

''(1) to plan, develop, and operate, or participate in, an approved social work training program (including an approved residency or internship program) for students, interns, residents, or practicing physicians;

''(2) to provide financial assistance (in the form of traineeships and fellowships) to students, interns, residents, practicing physicians, or other individuals, who are in need thereof, who are participants in any such program, and who plan to specialize or work in the practice of social work;

''(3) to plan, develop, and operate a program for the training of individuals who plan to teach in social work training programs; and

''(4) to provide financial assistance (in the form of traineeships and fellowships) to individuals who are participants in any such program and who plan to teach in a social work training program.

''(b) ACADEMIC ADMINISTRATIVE UNITS.—

''(1) IN GENERAL.—The Secretary may make grants to or enter into contracts with schools offering programs in social work to meet the costs of projects to establish, maintain, or improve academic administrative units (which may be departments, divisions, or other units) to provide clinical instruction in social work.

''(2) PREFERENCE IN MAKING AWARDS.—In making awards of grants and contracts under paragraph (1), the Secretary shall give preference to any qualified applicant for such an award that agrees to expend the award for the purpose of—

''(A) establishing an academic administrative unit for programs in social work; or

''(B) substantially expanding the programs of such a unit.

''(c) DURATION OF AWARD.—The period during which payments are made to an entity from an award of a grant or contract under subsection (a) may not exceed 5 years. The provision of such payments shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments.

''(d) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $10,000,000 for each of the fiscal years 2004 through 2006.

''(2) ALLOCATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available not less than 20 percent for awards of grants and contracts under subsection (b).''; and

(3) in section 770A (as so redesignated) by inserting ''other than section 770,'' after ''carrying out this subpart,''.

SEC. 5. CLINICAL SOCIAL WORKER SERVICES.

Section 1302 of the Public Health Service Act (42 U.S.C. 300e–1) is amended—

(1) in paragraphs (1) and (2), by inserting ''clinical social worker,'' after ''psychologist,'' each place it appears;

(2) in paragraph (4)(A), by striking ''and psychologists'' and inserting ''psychologists, and clinical social workers''; and

(3) in paragraph (5), by inserting ''clinical social work,'' after ''psychology,''.

By Mr. INOUYE:

S. 78. A bill to amend Title 38, United States Code, to revise certain provisions relating to the appointment of professional psychologists in the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, today I introduce legislation to amend Chapter 74 of Title 38, United States Code, to revise certain provisions relating to the appointment of clinical and professional psychologists in the Veterans

Health Administration, VHA. The VHA has a long history of maintaining a staff of the very best health care professionals to provide care to those men and women who have served our country in the Armed Forces.

Recently, a distressing situation regarding the care of our veterans has come to my attention: the recruitment and retention of psychologists in the VHA of the Department of Veterans Affairs has become a significant problem.

The Congress has recognized the important contribution of the behavioral sciences in the treatment of several conditions afflicting a significant portion of our veterans. Programs related to homelessness, substance abuse, and post traumatic stress disorder have received funding from the Congress in recent years.

Psychologists, as behavioral science experts, are essential to the successful implementation of these programs. Consequently, the high vacancy and turnover rates for psychologists in the VHA might seriously jeopardize these programs and will negatively impact overall patient care in the VHA.

Recruitment of psychologists by the VHA is hindered by a number of factors including a pay scale that is not commensurate with private sector rates together with a low number of clinical and professional psychologists appearing on the register of the Office of Personnel Management, OPM. Most new hires have no post-doctoral experience, and are hired immediately after a VHA internship. Recruitment, when successful, takes up to six months or longer.

Retention of psychologists in the VHA system poses an even more significant problem. I have been informed that almost 40 percent of VHA psychologists have five years or less of post-doctoral experience. Psychologists leave the VHA system after five years because they have almost reached peak levels for salary and professional advancement. Under the present system, psychologists cannot be recognized, or appropriately compensated, for excellence or for taking on additional responsibilities such as running treatment programs.

In effect, the current system for hiring psychologists in the VHA supports mediocrity, not excellence and mastery. Our veterans with behavioral and mental health disorders deserve better psychological care from more experienced professionals than they are now receiving.

Currently, psychologists are the only doctoral level health care providers in the VHA who are not included in Title 38. This is without question a significant factor in the recruitment and retention difficulties that I have mentioned.

Title 38 appointment authority for psychologists would help ameliorate the recruitment and retention problems. The length of time needed to recruit psychologists could be shortened by eliminating the requirement for applicants to be rated by the OPM. This would also encourage the recruitment of applicants who are not recent VHA interns by reducing the amount of time between identifying a desirable applicant and being able to offer that applicant a position.

It is expected that problems in retention will be greatly alleviated by the implementation of a Title 38 system that offers financial incentives for psychologists to pursue professional development. Achievements that would merit salary increases include such activities as assuming supervisory responsibilities for clinical programs, implementing innovative clinical treatments that improve the effectiveness and efficiency of patient care, making significant contributions to the science of psychology, and becoming a Fellow of the American Psychological Association.

The addition of psychologists to Title 38, as proposed by this amendment, would provide relief for the retention and recruitment issues and enhance the quality of care for our veterans and their families.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 78

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veteran's Health Administration Act of 2003''.

SEC. 2. REVISION OF AUTHORITY RELATING TO APPOINTMENT OF PROFESSIONAL PSYCHOLOGISTS IN THE VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—Section 7401(3) of title 38, United States Code, is amended by striking ''who hold diplomas as diplomates in psychology from an accrediting authority approved by the Secretary''.

(b) CERTAIN OTHER APPOINTMENTS.—Section 7405(a) of such title is amended—

(1) in paragraph (1)(B), by striking ''Certified or'' and inserting ''Professional psychologists, certified or''; and

(2) in paragraph (2)(B), by striking ''Certified or'' and inserting ''Professional psychologists, certified or''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

(d) APPOINTMENT REQUIREMENT.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall begin to make appointments of professional psychologists in the Veterans Health Administration under section 7401(3) of title 38, United States Code (as amended by subsection (a)), not later than one year after the date of the enactment of this Act.

By Mr. INOUYE:

S. 79. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect, to be conducted by a clinical social worker; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, today I introduce legislation to amend Title 18 of the United States Code to allow our Nation's clinical social workers to use their mental health expertise on behalf of the Federal judiciary by conducting psychological and psychiatric exams.

I feel that the time has come to allow our Nation's judicial system to have access to a wide range of behavioral science and mental health expertise. I am confident that the enactment of this legislation would be very much in our Nation's best interest.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 79

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Psychiatric and Psychological Examinations Act of 2003''.

SEC. 2. EXAMINATIONS BY CLINICAL SOCIAL WORKERS.

Section 4247(b) of title 18, United States Code, is amended, in the first sentence, by striking ''psychiatrist or psychologist'' and inserting ''psychiatrist, psychologist, or clinical social worker''.

By Mr. IOUYE:

S. 80. A bill to recognize the organization known as the National Academies of Practice; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, today I am introducing legislation that would provide a Federal charter for the National Academies of Practice. This organization represents outstanding medical professionals who have made significant contributions to the practice of applied psychology, medicine, dentistry, nursing, optometry, osteopathy, podiatry, social work, veterinary medicine, and pharmacy. When fully established, each of the ten academies will possess 100 distinguished practitioners selected by their peers. These academics will be able to provide the Congress of the United States and the executive branch with considerable health policy expertise, especially from the perspective of those individuals who are in the forefront of actually providing health care.

As we continue to grapple with the many complex issues surrounding the delivery of health care services, it is clearly in our best interest to ensure that the Congress has direct and immediate access to the recommendations of an interdisciplinary body of health care practitioners.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 80

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Academies of Practice Recognition Act of 2003''.

SEC. 2. CHARTER.

The National Academies of Practice organized and incorporated under the laws of the District of Columbia, is hereby recognized as such and is granted a Federal charter.

SEC. 3. CORPORATE POWERS.

The National Academies of Practice (referred to in this Act as the ''corporation'') shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

SEC. 4. PURPOSES OF CORPORATION.

The purposes of the corporation shall be to honor persons who have made significant contributions to the practice of applied psychology, dentistry, medicine, nursing, optometry, osteopathy, podiatry, social work, veterinary medicine, pharmacy, and other health care professions, and to improve the practices in such professions by disseminating information about new techniques and procedures.

SEC. 5. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 6. MEMBERSHIP.

Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

SEC. 7. BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES.

The composition and the responsibilities of the board of directors of the corporation shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 8. OFFICERS OF THE CORPORATION.

The officers of the corporation and the election of such officers shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 9. RESTRICTIONS.

(a) USE OF INCOME AND ASSETS.—No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of the charter under this Act. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) POLITICAL ACTIVITY.—The corporation, any officer, or any director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) CLAIMS OF FEDERAL APPROVAL.—The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

SEC. 10. LIABILITY.

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

SEC. 11. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the corporation.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time.

(d) APPLICATION OF STATE LAW.—Nothing in this section shall be construed to contravene any applicable State law.

SEC. 12. ANNUAL REPORT.

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. The report shall not be printed as a public document.

SEC. 13. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

The right to alter, amend, or repeal this Act is expressly reserved to Congress.

SEC. 14. DEFINITION.

In this Act, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

SEC. 15. TAX-EXEMPT STATUS.

The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986 or any corresponding similar provision.

SEC. 16. TERMINATION.

If the corporation fails to comply with any of the restrictions or provisions of this Act the charter granted by this Act shall terminate.

By Mr. INOUYE:

S. 81. A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to conduct evaluations to determine work-related emotional and mental illnesses; to the Committee on Governmental Affairs.

Mr. INOUYE. Mr. President, today I introduce the Clinical Social Workers' Recognition Act of 2003 to correct a continuing problem in the Federal Employees Compensation Act. This bill will also provide clinical social workers the recognition they deserve as independent providers of quality mental health care services.

Clinical social workers are authorized to independently diagnose and treat mental illnesses through public and private health insurance plans across the nation. However, Title V of the United States Code, does not permit the use of mental health evaluations conducted by clinical social workers for use as evidence in determining workers' compensation claims brought by federal employees. The bill I am introducing corrects this problem.

It is a sad irony that federal employees may select a clinical social worker through their health plans to provide mental health services, but may not go to this same professional for workers' compensation evaluations. The failure to recognize the validity of evaluations provided by clinical social workers unnecessarily limits Federal employees' selection of a provider to conduct the workers' compensation mental health evaluations. Lack of this recognition may well impose an undue burden on Federal employees where clinical social workers are the only available providers of mental health care.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 81

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

This Act may be cited as the ''Clinical Social Workers' Recognition Act of 2003''.

SEC. 2. EXAMINATIONS BY CLINICAL SOCIAL WORKERS FOR FEDERAL WORKER COMPENSATION CLAIMS.

Section 8101 of title 5, United States Code, is amended—

(1) in paragraph (2), by striking ''and osteopathic practitioners'' and inserting ''osteopathic practitioners, and clinical social workers''; and

(2) in paragraph (3), by striking ''osteopathic practitioners'' and inserting ''osteopathic practitioners, clinical social workers,''.

By Mr. INOUYE:

S. 82. A bill to amend the Internal Revenue Code of 1986 to exempt certain helicopter uses from ticket taxes on transportation by air; to the Committee on Finance.

Mr. INOUYE. Mr. President, I rise to introduce legislation that would exempt from the Airport and Airway Trust Fund excise taxes on air transportation by helicopters of individuals and cargo for the purpose of conducting removal and environmental restoration activities relating to unexploded ordnance on the Island of Kahoolawe.

The Kahoolawe Island Unexploded Ordnance Clearance and Environmental Restoration Project is authorized under Title X of the Fiscal Year 1994 Department of Defense Appropriations Act. The Island of Kahoolawe is uninhabited, and it served as a bombing range for the Department of Defense until 1990. The Department of Defense is currently in the process of cleaning up and restoring Kahoolawe

for its eventual return to the State of Hawaii.

The Airport and Airway Trust Fund excise taxes help support our nation's air traffic systems and airport infrastructures. However, there are no airports or landing zones on Kahoolawe that receive benefits from the Trust Fund. In addition, the taxes place an undue burden on the air transportation services provided to the Kahoolawe Clearance Project. Compared to a normal airline whose aircraft make fewer trips per day over much longer distances, the services provided to the project are very frequent, with many trips over very short distances. I urge my colleagues to support this measure.

I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 82

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION OF CERTAIN HELICOPTER USES FROM TAXES ON TRANSPORTATION BY AIR.

(a) IN GENERAL.—Section 4261 of the Internal Revenue Code of 1986 (relating to imposition of tax) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) ADDITIONAL EXEMPTION FOR CERTAIN HELICOPTER USES.—No tax shall be imposed under this section or section 4271 on air transportation by helicopter for the purpose of transporting individuals and cargo to and from sites for the purpose of conducting removal and environmental restoration activities relating to unexploded ordnance.''.

(b) CONFORMING AMENDMENT.—Section 4041(l) of the Internal Revenue Code of 1986 is amended by striking ''(f) or (g)'' and inserting ''(f), (g), or (i)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transportation beginning after June 30, 1997, and before August 1, 2005.

By Mrs. CLINTON (for herself and Mr. DURBIN):

S. 86. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the health insurance expenses of small businesses; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I am introducing the Small Employer Tax Assistance for Health Care Act of 2003, SETAH, a bill to provide tax subsidy to small employers to help them provide health coverage to their workers.

The problem of the uninsured is a problem of working families, but 7 out of 10 workers without coverage are not even offered coverage through their employers. This bill provides assistance and incentives for those employers who are least likely and least able to afford coverage for their workers, small, low-wage firms.

Statistics show that small firms are half as likely to offer coverage as large firms, while the offer rate for small low-wage firms is cut 50 percent further, compared to small high-wage firms.

This legislation will offer a significant tax break to those businesses in order to subsidize their purchase of health insurance. The credit is designed sensibly, so that rates adjust slowly as firm size and average wage increase.

Tax credits can unintentionally penalize firms that grow beyond the eligibility limitation. For instance, a tax credit for firms smaller than 20 means a firm's decision to add the 21st worker could add thousands to their tax bill. Tax credits should help businesses and their workers prosper, and not unintentionally discourage business growth.

The bill would contain the following elements:

50 Percent Credit to Help Workers at Smallest and Lowest-Wage firms. All firms smaller than 10, whose average worker earns minimum wage, are the ones who have the lowest insurance offer rates. These firms will receive a 50 percent tax credit up to $2000 per individual policy, and $5000 per family.

Double Phase-Out. Tax credits can unintentionally penalize firms that grow beyond the eligibility limitation. Using a ''double phase-out'' so that the tax credit diminishes gradually as firm size and average wage increase, eliminating the ''cliff effect'' that would otherwise discourage firms from adding employees or increasing wages.

5 Percent Floor. All firms under 50 workers, with average wages under $30,000, would be protected by a 5 percent floor.

Simplified Eligibility for All Small Low-Wage Firms. Restricting tax credits to only those firms who did not previously offer can unintentionally give small businesses starting out an incentive not to offer health insurance. By contract, the SETAH credit will be available to all small, low-wage firms, defined as smaller than 50 employees, and under $30,000 in average wages, that quality, regardless of whether they have offered coverage before. This helps employers who are doing the right thing and encourages others to follow their example by offering coverage.

Fiscally Prudent Targeting. Because the credit is well-targeted to firms who are unlikely to offer anyway, the credit remains less duplicative and more efficient than other credits. At an overall cost of $6 to $7 billion annually, the SETAH credit covers 3.3 million new individuals for roughly $2000 per newly insured individual, which is crucial in an era of fiscal prudence.

By Mrs. CLINTON (for herself, Mr. DURBIN, Mr. CORZINE, Mrs. BOXER, Mr. SCHUMER, Mrs. FEINSTEIN, and Ms. STABENOW):

S. 87. A bill to provide for homeland security block grants; to the Committee on Governmental Affairs.

Mrs. CLINTON. Mr. President, I am very concerned about the kind of economic policies we are pursuing because I believe in the absence of changing our economic policies we are not likely to get our economy growing again. It is important we do all we can to make the right decisions.

I know the President was in Chicago today. He addressed his proposal for the economy. I understand it is a package of approximately $650 billion, most of which concern some provisions that will affect relatively affluent Americans. I look forward to seeing what else is in that package.

We have to recognize the economic challenges we now confront are not just ones in Washington but are throughout our Nation, in the capitals of our States, and in our cities. In Washington, we have to be cognizant of the ripple effect on revenues to our States and cities by the decisions we make.

In fact, one of the unintended consequences of many of the changes that were made at the beginning of the 107th Congress with respect to tax policy and that are embedded in what the President is proposing will mean further reduction of revenues for State governments, which cannot print money, which have to balance budgets, which have to live within their means, and the net effect will be either States having to raise their taxes, local communities having to raise their property taxes, or dramatic cuts in services.

Among those services that we cannot as a Nation afford to cut are the ones that directly bear on homeland security: Our police and law enforcement officers, our firefighters, and our first responders. Today I am reintroducing the Homeland Security Block Grant Act that would provide direct funding to our local communities.

For me, this is one of our first orders of business because our first responders are our first line of defense at home.

Since September 11, 2001, cities, counties, and towns, large and small, urban and rural, have responded to the call to be more vigilant, to beef up our homeland defenses. They have invested more than $2.6 billion from their own budgets. They have purchased more equipment. They have provided training for emergency responders. They are doing the very best they can to deal with all of the new challenges and threats we face.

I have met with mayors, fire commissioners, police chiefs, and other emergency workers who all tell me they do not have the resources they need in order to protect us.

I have conducted a survey of towns, cities, and counties across New York. From Buffalo to the tip of Long Island, we have heard the same thing: Despite

this body's passage of legislation creating a Homeland Security Department, they have yet to see any additional funding where they need it most, close to home.

Most of the money that has been passed and sent to the States has not been addressed directly at beefing up local fire, police, and emergency responders but for a specialized purpose of confronting the challenge of bioterrorism.

We have a declining economy, rising unemployment, terrible revenue problems in our cities and States, and our answer has been to create a new bureaucracy in Washington. I believe creating the new Homeland Security Department, without funding our first responders on the front lines, is like building a hospital without hiring doctors and nurses. We may have a good plan on paper, but we do not have the means to execute it.

The bill I am introducing will give our first responders $3.5 billion to give them the resources they need to do what they know they must accomplish. We should not be determining in Washington how they spend this money. That should be done at the local level. What Buffalo needs may be different from Rochester which is different from Syracuse or Albany. It makes no sense to hold up this money any longer. We should disperse the money appropriated and we should funnel it, State to local communities, and we should be looking at what our unmet needs are.

The Homeland Security Block Grant Act of 2003 will provide direct funding to our communities and first responders. That is where the money should go.

I am delighted—my belief that this is the appropriate step to take is endorsed by the United States Conference of Mayors, the International Association of Fire Chiefs, the International Association of Firefighters, the Major Cities Police Chiefs Association, the National Association of Police Organizations, and the Police Executive Research Forum.

We did well today to deal with part of our problem when it comes to the unemployed. I look forward to working with my colleagues to deal with the other part, which are those who are chronically unemployed, to come up with ways of helping them be able to make a transition or just hold their families together until the economy turns around. I also hope we will address homeland security in a way that gets the money where it needs to be, on the front lines of our cities, our towns, with our police and our firefighters and emergency responders. That would send a strong signal that homeland security is not just a slogan, it is a reality throughout America.

I yield the floor.

By Mr. HOLLINGS:

S. 88. A bill to amend the Internal Revenue Code of 1986 to suspend future reductions of income tax rates if the Social Security surpluses are used to fund such tax rate cuts; to the Committee on Finance.

Mr. HOLLINGS. Mr. President, we have a whole list of every senator, and every candidate in last year's election, all coming out and saying we won't touch Social Security. The President of the United States promised Congress in his first address to a Joint Session in February 2001 that all Social Security surplus money will be budgeted for Social Security and Social Security only.

Now that everyone is talking about cutting taxes, I do not want to forget the promises made on Social Security. I want to hold everyone to their word, because that is what the American people who depend on Social Security want as priority one. So, today, I am introducing a bill that says if the Treasury Secretary of the United States determines that if on October 1, 2003, there is a Federal on-budget deficit, future reductions in income tax rates will be suspended. Once the deficit no longer exists, the tax reductions can be put in place again.

Don't get me wrong, I'm not trying to do away with tax cuts, so long as you can pay for them. The purpose of this Act is simply to ensure that no Social Security surpluses be used to pay for any further tax cuts. I want to make sure Social Security will be around when everyone retires.

So I look forward to working with my colleagues on both sides of the aisle to pass this and make Social Security secure once and for all.

By Mr. GREGG (for himself and Mr. FEINGOLD):

S. 90. A bill to extend certain budgetary enforcement to maintain fiscal accountability and responsibility; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee has thirty days to report or be discharged.

LEGISLATION TO EXTEND BUDGET ENFORCEMENT

Mr. FEINGOLD. Mr. President, I am pleased to join today with my colleague from New Hampshire, Mr. GREGG, to introduce legislation to extend budgetary enforcement and to maintain fiscal accountability and responsibility. this bill would ensure that the budget rules that govern the congressional budget process do not expire on April 15 of this year.

On October 16 of last year, Senator GREGG and I joined with Senators CONRAD and DOMENICI to offer an amendment to extend the budget process. The Senate agreed to our amendment, Senate amendment No. 4886 to S. Res. 304, but with a modification that limited the extension to April 15. Thus the Senate must act before April 15 on legislation like that which Senator GREGG and I propose today, or we will risk allowing the Congress to legislate in an environment nearly completely unconstrained by budget discipline.

The last 2 years have seen an unfortunate deterioration in the Government's ability to perform one of its most fundamental jobs—balancing the Nation's fiscal books.

In January of 2001, the Congressional budget Office projected that in the fiscal year that ended a few months ago on September 30, 2002, fiscal year 2002, the Government would run a unified budget surplus of $313 billion. In the actual event, however, the Government ran a unified budget deficit of $159 billion. That's a dramatic swing of $472 billion—the disappearance of nearly half a trillion dollars—for that one year alone.

And without counting Social Security, the Government ran a deficit of fully $318 billion in fiscal year 2002. Last year, the Government used $160 billion of income received by the Social Security trust fund to fund other Government programs.

For the 4 years before this past year, the Government ran unified budget surpluses. The Government demonstrated that it can exercise fiscal restraint, if it chooses to.

But now, CBO projects that under current policies, unified budget deficits will continue until 2006. And without counting Social Security, CBO projects that deficits will continue until 2011, when the hypothetical sunset of the tax cut brings us back to surplus again, just barely.

And using more realistic assumptions of not sunsetting tax cuts just enacted and letting appropriations keep pace with inflation, CBO estimated last month in response to a request from Senator VOINOVICH and me that deficits will continue at least until 2009.

We must stop running deficits because they cause the Government to use the surpluses of the Social Security trust fund for other government purposes, rather than to pay down the debt and help our nation prepare for the coming retirement of the baby boom generation.

And we must stop running deficits because every dollar that we add to the Federal debt is another dollar that we are forcing our children to pay back in higher taxes or fewer government benefits. When the Government in this generation chooses to spend on current consumption and to accumulate debt for our children's generation to pay, it does nothing less than rob our children of their own choices. We make our choices to spend on our wants, but we saddle them with debts that they must pay from their tax dollars and their hard work. And that is not right.

That is why I am joining today with my colleague from New Hampshire to

introduce this bill to extend the budget process. We need a strong budget process. We need to exert fiscal discipline.

Our bill would extend the budget process for 5 years, to October 1, 2007.

Specifically, it would extend the requirement that entitlement and tax legislation be paid for, or trigger automatic cuts—called ''sequesters''—in entitlement programs if they are not. We would provide that these automatic cuts would not take place when the Government is running a surplus.

Similarly, our bill would extend the pay-as-you-go rule in Senate procedures, as well, maintaining 60-vote points of order that enforce the pay-as-you-go rule. As we did in our amendment at the close of the last Congress, our bill would prevent savings achieved in reconciliation legislation from being used to offset new spending or tax cuts in other legislation. And to ensure that there is no loophole for entitlements enacted in appropriations measures, our bill would provide that entitlement expansions and tax cuts added to appropriations bills would be subjected to the pay-as-you-go rule, as well.

Our bill would extend other Congressional Budget Act enforcement mechanisms, as well. All the provisions of the Congressional Budget Act that now require 60 votes to waive would remain in effect in the Senate through October 1, 2007.

Finally, our bill would call for appropriations caps. It would state the sense of the Senate that Congress and the President should negotiate and agree on the appropriate discretionary spending levels and extend the statutory discretionary spending caps for 2003 and beyond as early as possible in a manner consistent with fiscal discipline and accountability.

That is what our bill would do. It is a straightforward bill. it is the least that we should do to ensure fiscal responsibility and sound budgeting.

We must stop using Social Security surpluses to fund other Government programs. We must stop piling up debt for our children to pay off. We must continue the discipline of the budget process.

Together with my colleague from New Hampshire, Mr. GREGG, I will work to those ends. I urge my colleagues to join us.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis of the bill appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GREGG-FEINGOLD BUDGET PROCESS LAW EXTENSION—SECTION-BY-SECTION ANALYSIS

EXTENDING THE PAY-AS-YOU-GO REQUIREMENT AND AUTOMATIC CUTS IN STATUTE

Subsection 1(a)(1) extends the requirement that entitlement and tax legislation be paid for, or cause automatic cuts (called ''sequesters'') in entitlement programs.

Subsection 1(a)(2) provides that these automatic cuts would not take place when the government is running a surplus.

Subsection 1(b) pushes back the expiration of the mechanisms that cause the automatic cuts to October 1, 2007.

EXTENDING BUDGET ACT ENFORCEMENT

Subsection 2(a) provides that the provisions of the Congressional Budget Act that require 60 votes to waive Budget Act points of order will remain in effect in the Senate through October 1, 2007.

EXTENDING THE PAY-AS-YOU-GO RULE IN SENATE RULES

Subsection 2(b) extends the pay-as-you-go rule in the Senate.

Subsection 2(b)(1)(A) prevents savings achieved in reconciliation legislation from being used to offset new spending or tax cuts in other legislation.

Subsection 2(b)(1)(B) extends the existing pay-as-you-go point of order (in section 207 of the fiscal year 2000 budget resolution, H. Con. Res. 68 (106th Congress, 1st Session)) through October 1, 2007.

Subsection 2(b)(2) provides that entitlement expansions and tax cuts added to appropriations bills shall be subjected to the pay-as-you-go rule, just as if they were part of freestanding entitlement or tax legislation.

CALLING FOR APPROPRIATIONS CAPS

Section 3 states the sense of the Senate that Congress and the President should negotiate and agree on the appropriate discretionary spending levels and extend the statutory discretionary spending caps for 2003 and beyond as early as possible in a manner consistent with fiscal disciplines and accountability.

S. 90

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT.

(a) IN GENERAL.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(1) in subsections (a) and (b)(1), by striking ''enacted before October 1, 2002,'' and inserting ''enacted before October 1, 2007''; and

(2) in subsection (b), by inserting at the end thereof the following:

''(3) EXCEPTION.—Notwithstanding any other provision of law, there shall be no sequestration under this section for any fiscal year in which a surplus exists (as measured in conformance with section 13301 of the Budget Enforcement Act of 1990).''.

(b) ENFORCEMENT.—The second sentence of section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended by striking ''2006'' and inserting ''2007''.

SEC. 2. EXTENSION OF BUDGET POINTS OF ORDER AND RULES IN THE SENATE.

(a) EXTENSION OF SUPERMAJORITY ENFORCEMENT.—Notwithstanding any provision of the Congressional Budget Act of 1974, subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 shall remain in effect for purposes of Senate enforcement through October 1, 2007.

(b) PAY-AS-YOU-GO RULE IN THE SENATE.—

(1) IN GENERAL.—Section 207 of H. Con. Res. 68 (106th Congress, 1st Session) is amended—

(A) in subsection (b)(6), by inserting after ''paragraph (5)(A)'' the following: '', except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available''; and

(B) in subsection (g), by striking ''April 15, 2003'' and inserting ''October 1, 2007''.

(2) APPLICATION TO APPROPRIATIONS.—For the purposes of enforcing this section, notwithstanding rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, during the consideration of any appropriations Act, provisions of an amendment (other than an amendment reported by the Committee on Appropriations including routine and ongoing direct spending or receipts), a motion, or a conference report thereon (only to the extent that such provision was not committed to conference), that would have been estimated as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 207 of H. Con. Res. 68 (106th Congress, 1st Session) as amended by this section.

SEC. 3. SENSE OF THE SENATE ON EXTENSION OF STATUTORY DISCRETIONARY SPENDING CAPS.

It is the sense of the Senate that Congress and the President should negotiate and agree on the appropriate discretionary spending levels and extend the statutory discretionary spending caps for 2003 and beyond as early as possible during the 108th Congress in a manner consistent with fiscal disciplines and accountability.

By Mr. GRASSLEY (for himself, Mr. FEINGOLD, Mr. ENZI, and Mr. HARKIN):

S. 91. A bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, the Fair Contracts for Growers Act of 2003 would simply give farmers a choice of venues to resolve disputes associated with agricultural contracts. This legislation would not prohibit arbitration. Instead, it would ensure that the decision to arbitrate is truly voluntary and that the rights and remedies provided for by our judicial system are not waived under coercion.

I certainly recognize that arbitration has its benefits. In certain cases, it can be less costly than other dispute settlement means. In certain other cases, it can remove some of the workload from our nation's overburdened court system. For these reasons, arbitration must be an option—but it should be no more than an option.

Mandatory arbitration clauses are used in a growing number of agricultural contracts between individual farmers and processors. These provisions limit a farmer's ability to resolve a dispute with the company, even when a violation of Federal and State law is suspected. Rather than having the option to pursue a claim in court, disputes are required to go through an arbitration process that puts the farmer

at a severe disadvantage. Such disputes often involve instances of discrimination, fraud, or negligent misrepresentation. The effect of these violations for the individual farmer can be bankruptcy and financial ruin, and mandatory arbitration clauses make it impossible for farmers to seek redress in court.

When a farmer chooses arbitration, the farmer is waving rights to access to the courts and the constitutional right to a jury trial. Certain standardized court rules are also waived, such as the right to discovery. This is important because the farmer must prove his case, the company has the relevant information, and the farmer can not prevail unless he can compel disclosure of relevant information.

Examples of farmers' concerns that have gone unaddressed due to limitations on dispute resolution options include; mis-weighed animals, bad feed cases, wrongful termination of contracts, diseased swine or birds provided by the company, fraud and misrepresentation to induce a grower to enter a contract, and retaliation by companies against farmers who join producer associations.

During consideration of the Farm Bill, the Senate passed, by a vote of 64–31, the Feingold-Grassley amendment to give farmers a choice of venues to resolve disputes associated with agricultural contracts.

During the last session of Congress, 66 Senators cosponsored S. 1140, the Motor Vehicle Franchise Contract Arbitration Fairness Act of 2001, to provide similar protection from mandatory arbitration clauses in franchise agreements between auto dealers and manufacturers. This legislation was enacted at the end of the last session. It is my hope that we will be able to move this legislation in an equally efficient fashion.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 91

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fair Contracts for Growers Act of 2003''.

SEC. 2. ELECTION OF ARBITRATION.

(a) IN GENERAL.—Chapter 1 of title 9, United States Code, is amended by adding at the end the following:

''§ 17. Livestock and poultry contracts

''(a) DEFINITIONS.—In this section:

''(1) LIVESTOCK.—The term 'livestock' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

''(2) LIVESTOCK OR POULTRY CONTRACT.—The term 'livestock or poultry contract' means any growout contract, marketing agreement, or other arrangement under which a livestock or poultry grower raises and cares for livestock or poultry.

''(3) LIVESTOCK OR POULTRY GROWER.—The term 'livestock or poultry grower' means any person engaged in the business of raising and caring for livestock or poultry in accordance with a livestock or poultry contract, whether the livestock or poultry is owned by the person or by another person.

''(4) POULTRY.—The term 'poultry' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

''(b) CONSENT TO ARBITRATION.—If a livestock or poultry contract provides for the use of arbitration to resolve a controversy under the livestock or poultry contract, arbitration may be used to settle the controversy only if, after the controversy arises, both parties consent in writing to use arbitration to settle the controversy.

''(c) EXPLANATION OF BASIS FOR AWARDS.—If arbitration is elected to settle a dispute under a livestock or poultry contract, the arbitrator shall provide to the parties to the contract a written explanation of the factual and legal basis for the award.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 9, United States Code, is amended by adding at the end the following:

''17. Livestock and poultry contracts.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to a contract entered into, amended, altered, modified, renewed, or extended after the date of enactment of this Act.

By Mr. INOUYE:

S. 97. A bill to treat certain hospital support organizations as qualified organizations for purposes of determining acquisition indebtedness; to the Committee on Finance.

Mr. INOUYE. Mr. President, I rise to introduce legislation that would extend to qualified teaching hospital support organizations the existing debt-financed property rules that apply to tax-exempt educational organizations, pension funds, and investment consortia of qualified schools and funds.

In a June 21, 2002, article, the New York Times describes the financial straits that nonprofit hospitals now face. More and more people in our weakened economy are seeking medical care from nonprofit hospitals. As a condition for Federal tax exemption, nonprofit hospitals must provide significant charitable services. Fees from other patients, especially in orthopedics, cardiology, and oncology, have in the past, allowed nonprofit hospitals to cover the expense of caring for the poor.

For-profit entrepreneurs, however, are better positioned to win away these specialty care patients because they are not burdened by the same requirement to provide indigent care. Consequently, investors and lenders have readily funded for-profit health care ventures. This available capital allows profit-making companies to build the most up-to-date facilities in competing for the high-margin patient.

No doubt, for-profit operations do offer charity care, but their profit orientation limits the amount they will provide. For example, residency and fellowship programs to train our doctors are not profitable, and, therefore, as the New York Times points out, nearly all the postgraduate medical education in the United States is provided by the nonprofit hospitals.

Of course, rising costs, such as for wages, supplies, and insurance, further compound the problem of nonprofit hospitals of stretching their income to cover significant charitable services. In addition, many of these nonprofit hospitals cannot raise or borrow the capital to modernize. They cover operating costs by postponing hospital maintenance and deferring the purchase of new technology, exacerbating an already bad situation. Eventually, as the New York Times article documents, more and more nonprofit hospitals will be forced to sell their facilities to for-profit enterprises.

The Queen's Medical Center in Honolulu faces these very same financial difficulties. This 143-year-old nonprofit hospital system maintains the largest private, nonprofit hospital in my state. It is a teaching hospital that provides residency training in a number of areas, and it treated 18,000 inpatients and 200,000 outpatients in 2001. With the only accredited trauma center in Hawaii, it served over 40,000 individuals without regard to their ability to pay. Medicaid and Medicare patients comprise nearly 60 percent of all its admissions.

In addition, the Center directly, or through its affiliates, operates community clinics throughout the state, conducts professional training programs, offers home health services, maintains a medical library, in addition to running a rural hospital on the rural, economically depressed Island of Molokai. Like other nonprofit hospitals, the Center provides significant charitable care, with nearly $23 million in uncompensated services in 2002.

Further, like other nonprofit hospitals, it has grave problems raising the funds needed to support all these uncompensated services while at the same time renovating and expanding its treatment facilities. A recent report from the Healthcare Association of Hawaii estimated that the hospitals in my state, similar to hospitals nationwide, will face additional, major losses this year due to reduced reimbursements, higher costs, and greater demand for services.

In the past, Congress has allowed tax-exempt schools, colleges, universities, and pension funds to invest in real estate development so as to help meet these institutions' financial needs. Under the tax code these organizations can incur debt to develop their real estate holdings without triggering the tax on unrelated business activities. Our nonprofit teaching hospitals have equal if not more pressing needs

and should have the same opportunity. Unless Congress wishes to assume responsibility for charitable health care, we must help our nonprofit hospitals, especially the teaching hospitals. My bill, which is identical to an amendment that the Senate had previously adopted during the debate of the Economic Growth and Tax Relief Reconciliation Act of 2001, would allow support organizations for qualified nonprofit teaching hospital to engage in limited real estate activities. These nonprofit hospitals would thereby be able to supplement their investment income in order to meet the growing demand placed on them for more community service.

I ask unanimous consent that the text of the bill and the New York Times article be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

S. 97

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN HOSPITAL SUPPORT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS FOR PURPOSES OF DETERMINING ACQUISITION INDEBTEDNESS.

(a) IN GENERAL.—Subparagraph (C) of section 514(c)(9) of the Internal Revenue Code of 1986 (relating to real property acquired by a qualified organization) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ''; or'', and by adding at the end the following new clause:

''(iv) a qualified hospital support organization (as defined in subparagraph (I)).''.

(b) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—Paragraph (9) of section 514(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(I) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—For purposes of subparagraph (C)(iv), the term 'qualified hospital support organization' means, with respect to any eligible indebtedness (including any qualified refinancing of such eligible indebtedness), a support organization (as defined in section 509(a)(3)) which supports a hospital described in section 119(d)(4)(B) and with respect to which—

''(i) more than half of its assets (by value) at any time since its organization—

''(I) were acquired, directly or indirectly, by testamentary gift or devise, and

''(II) consisted of real property, and

''(ii) the fair market value of the organization's real estate acquired, directly or indirectly, by gift or devise, exceeded 25 percent of the fair market value of all investment assets held by the organization immediately prior to the time that the eligible indebtedness was incurred.

For purposes of this subparagraph, the term 'eligible indebtedness' means indebtedness secured by real property acquired by the organization, directly or indirectly, by gift or devise, the proceeds of which are used exclusively to acquire any leasehold interest in such real property or for improvements on, or repairs to, such real property. A determination under clauses (i) and (ii) of this subparagraph shall be made each time such an eligible indebtedness (or the qualified refinancing of such an eligible indebtedness) is incurred. For purposes of this subparagraph, a refinancing of such an eligible indebtedness shall be considered qualified if such refinancing does not exceed the amount of the refinanced eligible indebtedness immediately before the refinancing.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to indebtedness incurred after December 31, 2003.

[From the New Yorks Times, June 21, 2002]

DEMAND, BUT NO CAPITAL, AT NONPROFIT HOSPITALS

(By Reed Abelson)

As nonprofit hospitals around the country struggle with a surprising growth in admissions, many are finding it increasingly difficult to raise the money they need to meet the new demands on them.

The need for capital is becoming so intense that nonprofit hospitals are selling facilities to their for-profit cousins, which are better able to find money to operate them, or starting joint ventures in which for-profit companies put up cash to renovate a hospital or expand into a new area. Others make do with outdated facilities and medical equipment, even as for-profit hospitals invest in new technologies.

Critics of for-profit hospitals have long raised concerns about how those institutions operate, pointing to instances when they have acquired nonprofits and then cut the staff or reduced the amount of charity care being provided. Other experts say there are no significant differences in those areas, and many for-profit companies say they intend to provide the same care to patients but with better facilities.

Still, nonprofit hospitals, roughly 85 percent of all the hospitals in the United States, provide nearly all the postgraduate medical education, and if nonprofits continue to struggle financially, many of them will be training doctors in out-of-date facilities—or selling facilities to for-profit companies that may prove to have no interest in operating residency and fellow-ship programs for doctors.

''The needs are higher than they have been in the past,'' said Bruce Vladeck, a professor of health policy at the Mount Sinai School of Medicine in New York. Without access to enough capital, many nonprofit hospitals, he fears, will focus only on projects that can demonstrate a financial return, like a new cardiology center. ''It's harder and harder to finance esoteric stuff that isn't profitable,'' he said, as well as basic services like pediatrics.

Higher labor costs, rising malpractice insurance premiums and other expenses have all battered the nonprofits' finances, even if some have benefited from the growing demand for their services.

Since the beginning of 2000, Moody's Investors Service has downgraded 121 nonprofit hospitals, affecting $34 billion of bonds, and upgraded only 38 with $7 billion in bonds. About 9 percent of Moody's nonprofit hospital portfolio is now considered below investment grade, compared with 7 percent in 1999, and most hospitals are not even rated.

''We've got a majority of the nation's hospitals in serious financial difficulty,'' said Carmela Coyle, a senior vice president for the American Hospital Association.

A number of hospitals, unable to make the kind of investments needed, are taking dramatic steps:

Catholic Health Initiatives, one of the nation's largest nonprofit hospital chains, said in late May that it planned to sell three hospitals in Albuquerque to Ardent Health Services, a for-profit company that will invest at least $40 million in them.

Memorial Hospital of Salem County agreed last November to be bought by Community Health Systems, another for-profit company. If the deal receives regulatory approval, Memorial will become New Jersey's only for-profit acute-care hospital. While Community Health has said it will invest $30 million in the hospital, advocacy groups like New Jersey Citizen Action have raised concerns about the change of the hospital's status and its possible impact on charity care. Community Health says it is committed to providing the same levels of charity care as Memorial.

In Fairmont, W. Va., the operations of the community hospital are being turned over to Triad Hospitals, a for-profit company that has promised to spend $75 million to build a new hospital.

The flurry of deals is beginning to echo the situation in the mid-1990's, when for-profit chains gobbled up many nonprofit hospitals. ''There are several signs that acquisition activity is heating up in the hospital sector,'' said Nancy Weaver, an analyst for Stephens Inc.

Many for-profit companies are flush with cash from growing profits, a result of higher reimbursements, and surging stock prices. These companies can readily find the money to invest, sometimes by selling more stock or issuing corporate bonds.

''There is no question that this does put the nonprofits at a disadvantage,'' said Stuart H. Altman, a professor of national health policy at Brandeis University.

HCA, for example, which was struggling to overcome huge legal problems and overly aggressive expansion just a few years ago, is planning $1.6 billion in capital spending this year and plans to open a new hospital in Denver at a cost of $147 million this year. Triad expects to make capital investments worth roughly $350 million this year at 47 hospitals in 16 states.

In some cases, for-profit hospitals are buying troubled institutions that have been poorly managed for years. In addition to much-needed capital, the new owners may bring in stronger management and improved business practices.

In other instances, the prospects of better access to capital is leading some nonprofit hospitals to seek out joint ventures with for-profit companies.

''We're seeing a lot of partnerships going on,'' said Ms. Weaver, including for-profit companies providing capital to build surgical centers in partnership with nonprofits. ''It's an evolving model that is coming about because of the capital issue.''

Triad says it is in discussions with numerous nonprofit hospitals about a variety of arrangements, including joint ventures. Many hospitals ''are looking for ways to raise money or access capital to remain competitive,'' said James D. Shelton, Triad's chairman and chief executive. ''We're probably seeing more of this in the last year than in the last five to six years.''

The alternatives to deals with for-profit companies are few. In Louisiana, Slidell Memorial Hospital will be asking voters to approve a new tax that would generate revenue to pay off the $85 million it needs to borrow for renovations and equipment, according to B. Clement, associate administrator for business development at the hospital. Slidell's board has considered selling the institution, but would prefer it to remain nonprofit.

A few nonprofit hospitals with solid credit ratings are still borrowing money with relative ease. Early this year, for example, Memorial Sloan-Kettering Cancer Center of

New York issued $450 million in bonds. Memorial expects to use some of the money to build new facilities.

But even the nonprofits with finances are being more conservative in how they spend their money. ''We're very conscious of how much debt we have on our books,'' Jerry Judd, vice president for treasury services for Catholic Health.

That hospital system plans to spend about $500 million on capital improvements this year, but that may not cover the necessary investment in its Albuquerque hospitals. * * * Health Services, a for-profit company, expects to take over those details some time later this year.

Some analysts say the tough market environment is providing needed discipline. James C. * * *, a professor of health policy administration at the University California at Berkeley, said many nonprofit hospitals have expanded into areas like managed or physician practices that proved to be disastrous strategies decisions.

''There have been too many adventures.'' he said.

By Mr. ALLARD (for himself, Mrs. CLINTON, Mr. SHELBY, Mr. FEINGOLD, Mr. BURNS, Mr. SESSIONS, Mr. HARKIN, and Mr. CORZINE):

S. 98. A bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLARD. Mr. President, I would like to make a few brief comments about legislation I am introducing today. I also will talk briefly about some of the agenda items I have been looking at for this year. Obviously, having just been sworn into office today, we are putting together our agendas and beginning to think seriously about what kind of issues we would like to put forward.

The people of Colorado understand that, as we move into this session, my priority is the cleanup of a number of our Superfund sites in Colorado, staying on track with the cleanup of Rocky Flats by 2006, cleaning up the Shattuck waste site, as well as the cleanup of Pueblo Depot.

I will also be working on transportation issues which are important to States such as Colorado, Wyoming, the home State of the presiding officer, as well as throughout the country. Transportation will be a big issue as we move into this session.

Another issue I have spoken about is housing, which we will be dealing with in this session. I also plan to focus on missile defense and judiciary nominations.

The legislation I rise today to introduce is called the Community Choice In Real Estate Act of 2003. I am pleased to have Senators CLINTON, SHELBY, FEINGOLD, BURNS, SESSIONS, and HARKIN join me in introducing this bill. This is something I am doing as part of the effort to keep the housing markets competitive and strong.

The Community Choice in Real Estate Act of 2003 is the continuation of an effort that I began in the 107th Congress. This bill would clarify Congressional intent that real estate brokerage and management are not financial activities and would therefore retain the separation of commerce and banking that we intended during consideration of the Gramm-Leach-Bliley Act.

The Gramm-Leach-Bliley Act closed the unitary thrift loophole that allowed a single savings and loan to be owned by a commercial entity. This clearly established that banking and commerce were not to mix. Congress explicitly defined several functions to be financial in nature or incidental to finance to clarify the separation. Real estate management and brokerage services were not defined as financial activities.

Congress already established a clear position regarding banks' involvement in real estate management and brokerage activities, and the bill I'm introducing with my colleagues would reiterate that prohibition. I believe that we should not permit federal regulators to preempt the intent of Congress.

The real estate and banking industries have served America well, and I believe that the current system provides consumers with many important options. I know that the regulators received many letters during the comment period. I commend them for taking the time to allow all interested parties to comment and for their pledge to carefully review all comments. I intend to continue to work with them to ensure that Congressional intent is followed in this matter.

Realtors play a vital role in our economy, and housing has been one of the bright spots in our otherwise slow economy. Realtors are an integral part of the housing industry share in the credit for this positive economic news.

Additionally, Realtors help fuel the economy as small businesses. As a small businessman myself, I can appreciate the challenges of starting and running a small business. As a U.S. Senator I have worked hard to reduce rules and regulations hindering small businesses, as well as excessive taxes. The Community Choice in Real Estate Act of 2003 will ensure that small real estate businesses are able to continue to thrive.

Mr. President, I urge the Senate to promptly consider this matter, and I would ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 98

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Community Choice in Real Estate Act of 2003''.

SEC. 2. CLARIFICATION THAT REAL ESTATE BROKERAGE AND MANAGEMENT ACTIVITIES ARE NOT BANKING OR FINANCIAL ACTIVITIES.

(a) BANK HOLDING COMPANY ACT OF 1956.—Section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)) is amended by adding at the end the following new paragraph:

''(8) REAL ESTATE BROKERAGE AND REAL ESTATE MANAGEMENT ACTIVITIES.—

''(A) IN GENERAL.—The Board may not determine that real estate brokerage activity or real estate management activity is an activity that is financial in nature, is incidental to any financial activity, or is complementary to a financial activity.

''(B) REAL ESTATE BROKERAGE ACTIVITY DEFINED.—For purposes of this paragraph, the term 'real estate brokerage activity' means any activity that involves offering or providing real estate brokerage services to the public, including—

''(i) acting as an agent for a buyer, seller, lessor, or lessee of real property;

''(ii) listing or advertising real property for sale, purchase, lease, rental, or exchange;

''(iii) providing advice in connection with sale, purchase, lease, rental, or exchange of real property;

''(iv) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

''(v) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

''(vi) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or broker under any applicable law; and

''(vii) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), (iv), (v), or (vi).

''(C) REAL ESTATE MANAGEMENT ACTIVITY DEFINED.—For purposes of this paragraph, the term 'real estate management activity' means any activity that involves offering or providing real estate management services to the public, including—

''(i) procuring any tenant or lessee for any real property;

''(ii) negotiating leases of real property;

''(iii) maintaining security deposits on behalf of any tenant or lessor of real property (other than as a depository institution for any person providing real estate management services for any tenant or lessor of real property);

''(iv) billing and collecting rental payments with respect to real property or providing periodic accounting for such payments;

''(v) making principal, interest, insurance, tax, or utility payments with respect to real property (other than as a depository institution or other financial institution on behalf of, and at the direction of, an account holder at the institution);

''(vi) overseeing the inspection, maintenance, and upkeep of real property, generally; and

''(vii) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), (iv), (v), or (vi).

''(D) EXCEPTION FOR COMPANY PROPERTY.—This paragraph does not apply to an activity of a bank holding company or any affiliate of

such company that directly relates to managing any real property owned by such company or affiliate, or the purchase, sale, or lease of property owned, or to be used or occupied, by such company or affiliate.''.

(b) REVISED STATUTES OF THE UNITED STATES.—Section 5136A(b) of the Revised Statutes of the United States (12 U.S.C. 24a(b)) is amended by adding at the end the following new paragraph:

''(4) REAL ESTATE BROKERAGE AND REAL ESTATE MANAGEMENT ACTIVITIES.—

''(A) IN GENERAL.—The Secretary may not determine that real estate brokerage activity or real estate management activity is an activity that is financial in nature, is incidental to any financial activity, or is complementary to a financial activity.

''(B) DEFINITIONS.—For purposes of this paragraph, the terms 'real estate brokerage activity' and 'real estate management activity' have the same meanings as in section 4(k)(8) of the Bank Holding Company Act of 1956.

''(C) EXCEPTION FOR COMPANY PROPERTY.—This paragraph does not apply to an activity of a national bank, or a subsidiary of a national bank, that directly relates to managing any real property owned by such bank or subsidiary, or the purchase, sale, or lease of property owned, or to be owned, by such bank or subsidiary.''.

Mrs. CLINTON. Mr. President, I am so pleased to join my colleague, Senator ALLARD from Colorado, today to introduce the Community Choice in Real Estate Act of 2003.

This critically important piece of legislation would clarify Congressional intent, by preventing the Federal Reserve Board and the Treasury Department from issuing a regulation permitting banks and their affiliates from engaging in real estate management and brokerage activities, which are commercial—and not financial—in nature.

The legislation that Senator ALLARD and I are introducing today recognizes the possible unintended consequences that implementation of such regulation could have on consumers and on the real estate industry. The powers afforded banks under the Gramm-Leach-Bliley act would give banks a considerable competitive advantage over brokers and service providers who lack access to customer financial information. I am concerned that this could force independent real estate brokers out of the market, and in turn lower the quality of service to consumers.

Congress has armed regulators with the flexibility to adapt to changes in the marketplace. Indeed, in the coming years, I am confident the Federal Reserve Board and the Treasury Department will determine the effect that the Gramm-Leach-Bliley Act is having on the financial market place and on consumers. As the effects are analyzed and changes considered, I urge that safeguards be included that ensure the protection of consumers and existing businesses as well as compliance with the intent of Congress. Until then, allowing banks in real estate could create inherent conflicts of interest for the lenders and brokers, and could place inevitable pressure on consumers and limit their choices in products and services.

Last year, there was tremendous support for this legislation in the House and Senate, and I look forward to working with my colleagues again this year to ensure the Treasury Secretary hears loud and clear the intent of Congress to protect consumers, and to protect an industry from being put at a competitive disadvantage through executive action.

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 100. A bill to expand access to affordable health care and to strengthen the health care safety net and make health care services more available in rural and underserved areas; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to join with my colleague from Louisiana, Senator LANDRIEU, in introducing the Access to Affordable Health Care Act, a comprehensive, seven-point plan that builds on the strengths of our current public programs and private health care system to make quality, affordable health care available to millions more Americans.

One of my top priorities in the Senate has been to expand access to affordable health care for all Americans. There are still far too many Americans without health insurance or with woefully inadequate coverage. More than 41 million Americans do not have health care coverage, including more than 150,000 in Maine.

Health insurance matters. The simple fact is that people with health insurance are healthier than those who are uninsured. People without health insurance are less likely to seek care when they need it, and to forgo services such as periodic check-ups and preventive services. As a consequence, they are more likely to be hospitalized or require costly medical attention for conditions that could have been prevented or treated at a curable stage. Not only does this put the health of these individuals at greater risk, but it also puts additional pressure on our hospitals and emergency rooms, many of them already financially challenged.

Compared with people who have health coverage, uninsured adults are four times, and uninsured children five times, more likely to use the emergency rooms. The costs of care for these individuals are often absorbed by providers and passed on to the covered population through increased fees and insurance premiums.

Maine is in the midst of a growing health insurance crisis, with insurance premiums rising at alarming rates. Whether I am talking to a self-employed fisherman, the owner of a struggling small businesses, or the human resource manager of a large company, the soaring costs of health insurance is a common concern.

Maine's employers are currently facing premium increases of as much as 40 percent a year. These premium increases have been particularly burdensome for small businesses, the backbone of the Maine economy. Many small business owners are caught in a cost squeeze: they know that if they pass on the premium increases to their employees, more of them will decline coverage. Yet, these small businesses simply cannot afford to absorb double-digit increases of 20, 30 or 40 percent, year after year.

The problem of rising costs is even more acute for individuals and families who must purchase health insurance on their own. Monthly insurance premiums often exceed a family's mortgage payment. Clearly, we must do more to make health insurance more available and affordable.

The Access to Affordable Health Care Act, which we are introducing today, it a seven-point plan that combines a variety of public and private approaches to make quality health care coverage more affordable and available. The legislation's seven goals are: One, to expand access to affordable health care for small businesses; two, to make health insurance more affordable for individuals and families purchasing coverage on their own; three, to strengthen the health care safety net for those without coverage; four, to expand access to care in rural and underserved areas; five, to increase access to affordable long-term care; six, to promote healthier lifestyles; and seven, to provide more equitable Medicare payments to Maine providers to reduce the Medicare shortfall, which has forced hospitals, physicians and other providers to shift costs onto other payers in the form of higher charges, which, in turn drives up health care premiums.

Let me discuss each of these seven points in more detail.

First, our legislation will help small employers cope with rising health care costs.

Since most Americans get their health insurance through the workplace, it is a common assumption that people without health insurance are unemployed. The fact is, however, that most uninsured Americans are members of families with at least one full-time worker. As many as 82 percent of Americans who do not have health insurance are in a family with a worker.

Uninsured working Americans are most often employees of small businesses. In fact, some 60 percent of uninsured workers are employed by small firms. Smaller firms generally face higher costs for health insurance than larger firms, which makes them less likely to offer coverage. Small businesses want to provide health insurance for their employees, but the cost is often just too high.

The legislation we are introducing today will help small employers cope

with rising costs, by providing new tax credits for small businesses to help make health insurance more affordable. It will encourage those small businesses that do not currently offer health insurance to do so and will help employers that do offer insurance to continue coverage for their employees even in the face of rising costs.

Our legislation will also help increase the clout of small businesses in negotiating with insurers. Premiums are generally higher for small businesses because they do not have as much purchasing power as large companies, which limits their ability to bargain for lower rates. They also have higher administrative costs because they have fewer employees among whom to spread the fixed cost of a health benefits plan. Moreover, they are not as able to spread the risks of medical claims over as many employees as large firms.

Our legislation will help address these problems by authorizing federal grants to provide start-up funding to States to assist them with the planning, development, and operation of small employer purchasing cooperatives. These cooperatives will help to reduce health care costs for small employers by allowing them to band together to purchase health insurance jointly. Group purchasing cooperatives have a number of advantages for small employers. For example, the increased numbers of participants in the group help to lower the premium costs for all. Moreover, they decrease the risk of adverse selection and spread the cost of health care over a broader group.

The legislation would also authorize a Small Business Administration grant program for States, local governments and non-profit organizations to provide information about the benefits of health insurance to small employers, including tax benefits, increased productivity of employees, and decreased turnover. These grants would also be used to make employers aware of their current rights under State and Federal laws. While costs are clearly a problem, many small employers are not fully aware of the laws that have already been enacted by both States and the Federal Government to make health insurance more affordable. For example, in one survey, 57 percent of small employers did not know that they could deduct 100 percent of their health insurance premiums as a business expense.

The legislation would also create a new program to encourage innovation by awarding demonstration grants in up to 10 states conducting innovative coverage expansions, such as alternative group purchasing or pooling arrangements, individual or small group market reforms, or subsidies to employers or individuals purchasing coverage. The States have long been laboratories for reform, and they should be encouraged in the development of innovative programs that can serve as models for the nation.

The Access of Affordable Health Care Act will also expand access to affordable health are for individuals and families.

One of the first bills I cosponsored as a Senator was legislation to establish the State Children's Health Insurance Program, S–CHIP, which provides insurance for the children of low-income parents who cannot afford health insurance, yet make too much money to qualify for Medicaid. This important program has provided affordable health insurance coverage to over four million children nationwide, including over 12,000 who are currently enrolled in the MaineCare program. Even so, nationwide, hundreds of thousands of qualified children have yet to be enrolled in this program, many because their parents simply don't know that they are eligible for the assistance.

Our legislation builds on the success of this program and gives States a number of new tools to increase participation. For example, the bill gives States the option of covering the parents of the children who are enrolled in programs like MaineCare. States could also use funds provided through this program to help eligible working families pay their share of an employer-based health insurance plan. In short, the legislation will help ensure that the entire family receives the health care they need.

The legislation will also allow States to expand coverage to eligible legal immigrants through Medicaid and SCHIP. Maine is one of a number of states that is currently covering eligible legal immigrant pregnant women and children under Medicaid using 100 percent state dollars. Giving States the option of covering these children and families under Medicaid will enable them to receive matching federal funds, and will help relieve the pressure that most a State budgets are currently experiencing due to the economic downturn and rising Medicaid costs.

Many people with serious health problems encounter difficulties in finding a company that is willing to insure them. To address this problem, the Access to Affordable Health Care Act authorizes Federal grants to provide money for states to create high-risk pools through which individuals who have pre-existing health conditions can obtain affordable health can obtain affordable health insurance.

And finally, to help make health coverage more affordable for low and middle-income individuals and families who do not have employer-provided coverage and who are not eligible for the expanded public programs, our legislation would provide an advanceable, refundable tax credit of up to $1,000 for individuals earning up to $30,000 and up to $3,000 for families earning up to $60,000. This could provide coverage for up to 6 million Americans who would otherwise be uninsured for one or more months, and will help many more working lower-income families who currently purchase private health insurance with little or no government help.

The Access to Affordable Health Insurance Act will also help to strengthen our nation's health care safety net by doubling funding over five years for the Consolidated Health Centers program, which includes community, migrant, public housing and homeless health centers. These centers, which operate in underserved rural and urban communities, provide critical primaary care services to millions of Americans regardless of their ability to pay. About 20 percent of the patients treated at Maine's community health centers have no insurance coverage and many more have inadequate coverage, so these centers are a critical part of our Nation's health care safety net.

The problem of access to affordable health care services is not limited to the uninsured, but it also shared by many Americans living in rural and underserved areas where there is a serious shortage of health care providers. The Access to Affordable Health Care Act therefore includes a number of provisions to strengthen the National Health Service Corps, which supports doctors, dentists, and other clinicians who serve in rural and inner city areas.

For example, taxing students adversely affects their financial incentive to participate in the National Health Services Corps and provide health care services in underserved communities. The tax bill passed by the last Congress provided a tax deduction for National Health Service Corps scholarship recipients to deduct all tuition, fees and related educational expenses from their income taxes. The deduction did not extend to loan repayment recipients however, so loan repayment amounts are still taxed as income. Participants in the loan repayment program are actually given extra payment amounts to help them cover their tax liability which, frankly, is a little ridiculous. It makes much more sense to simply exempt them from taxation in the first place.

In addition, the legislation will allow National Health Service Corps participants to fulfill their commitment on a part-time basis. Current law requires all National Health Service Corps participants to serve full time. Many rural communities, however, simply do not have enough volume to support a full-time health care practitioner. Moreover, some sites may not need a particular type of provider, for example, a dentist, on a full-time basis. Some practitioners may also find part-time service more attractive, which, in turn, could improve recruitment and retention. Our bill will therefore give the

program additional flexibility to meet community needs.

Long-term care is the major catastrophic health care expense faced by older Americans today, and these costs will only increase with the aging of the baby boomers. Most Americans mistakenly believe that Medicare or their private health insurance policies will cover the costs of long-term care should they develop a chronic illness or cognitive impairment like Alzheimer's Disease. Unfortunately, far too many do not discover that they do not have coverage until they are confronted with the difficult decision of placing a much-loved parent or spouse in long-term care and facing the shocking realization that they will have to cover the costs themselves.

The Access to Affordable Health Care Act will provide a tax credit for long-term care expenses of up to $3,000 to provide some help to those families struggling to provide long-term care to a loved one. It will also encourage more Americans to plan for their future long-term care needs by providing a tax deduction to help them purchase private long-term care insurance.

Health insurance alone is not going to ensure good health. As noted author and physician Dr. Michael Crichton has observed, ''the future of medicine lies not in treating illness, but preventing it.'' Many of our most serious health problems are directly related to unhealthy behaviors, smoking, lack of regular exercise and poor diet. These three major risk factors alone have made Maine the state with the fourth highest death rate due to four largely preventable diseases: cardiovascular disease, cancer, chronic lung disease and diabetes. These four chronic diseases are responsible for 70 percent of the health care problems in Maine.

Our bill therefore contains a number of provisions designed to promote health lifestyles. An ever-expanding body of evidence shows that these kinds of investments in health promotion and prevention offer returns not only in reduced health care bills, but in longer life and increased productivity. The legislation will provide grants to States to assist small businesses wishing to establish ''worksite wellness'' programs for their employees. It would also authorize a grant program to support new and existing ''community partnerships,'' such as the Healthy Community Coalition in Franklin County, to promote healthy lifestyles among hospitals, employers, schools and community organizations. And, it would provide funds for States to establish or expand comprehensive school health education, including, for example, physical education programs that promote lifelong physical activity, healthy food service selections and programs that promote a healthy and safe school environment.

And finally, the Access to Affordable Health Care Act would promote equity in Medicare payments and help to ensure that the Medicare system rewards rather than punishes states like Maine that deliver high-quality, cost effective Medicare services to our elderly and disabled citizens.

According to a recent study in the Journal of the American Medical Association, Maine ranks third in the nation when it comes to the quality of care delivered to our Medicare beneficiaries. Yet we are 11th from the bottom when it comes to per-beneficiary Medicare spending.

The fact is that Maine's Medicare dollars are being used to subsidize higher reimbursements in other parts of the country. This simply is not fair. Medicare's reimbursement systems have historically tended to favor urban areas and failed to take the special needs of rural states into account. Ironically, Maine's low payment rates are also the result of its long history of providing high-quality, cost-effective care. In the early 1980s, Maine's lower than average costs were used to justify lower payment rates. Since then, Medicare's payment policies have only served to widen the gap between low and high-cost states.

As a consequence, Maine's hospitals, physicians and other providers have experienced a serious Medicare shortfall, which has forced them to shift costs on to other payers in the form of higher charges. The Medicare shortfall is one of the reasons that Maine has among the highest health insurance premiums in the nation. The provisions in the Access to Affordable Health Care Act provide a complement to legislation that I introduced in the last Congress with Senator RUSS FEINGOLD to promote greater fairness in Medicare payments to physicians and other health professionals by eliminating outdated geographic adjustment factors that discriminate against rural areas.

The Access to Affordable Health Care Act outlines a blueprint for reform based upon principles upon which I believe a bipartisan majority in Congress could agree. The plan takes significant strides toward the goal of universal health care coverage by bringing millions more Americans into the insurance system, by strengthening the health care safety net, and by addressing the inequities in the Medicare system.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 101. A bill to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003; to the Committee on Governmental Affairs.

Mr. HATCH. Mr. President, on this first day of the 108th Congress, I rise to address the serious matter of pay inequity in the Federal judiciary.

As things stand now, nearly every Federal employee will receive a cost of living adjustment during 2003, every employee, that is, except Federal judges. This is because of a legislative prescription that requires Congress to authorize raises in the salaries of Federal judges. Although this COLA of roughly three percent may seem small and inconsequential, it makes a significant difference in light of the fact that Federal judges earn far less than many, it not most, of their counterparts in the private sector.

In this 2002 year-end report, Supreme Court Chief Justice William Rehnquist highlighted his concern that salaries of Federal judges have not kept pace with those of lawyers in private firms and in business. He observed, ''Inadequate compensation seriously compromises the judicial independence fostered by life tenure. That low salaries might force judges to return to the private sector rather than stay on the bench risks affecting judicial performance—instead of serving for life, those judges would serve the terms their finances would allow, and they would worry about what awaits them when they return to the private sector.'' The Chief Justice lamented, ''Unless the 108th Congress acts, judges will not even receive the cost-of-living adjustment that nearly every other federal employee will receive during 2003.'' He concluded by urging Congress and the President to ''take up this issue early in the new year.''

Today, Senator LEAHY and I are introducing a bill that will allow Federal judges to receive the COLA that other Federal employees are already slated to receive this year. Although the larger issue of minimizing the gap between Federal judicial salaries and private sector salaries still remains, this small step will resolve the salary inequity between Federal judges and other Federal employees. I urge my colleagues to join Senator LEAHY and me in supporting this bipartisan measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF SALARY ADJUSTMENTS FOR FEDERAL JUSTICES AND JUDGES.

Pursuant to section 140 of Public Law 97–92, Justices and judges of the United States are authorized during fiscal year 2003 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.

By Mr. NICKLES:

S. 103. A bill for the relief of Lindita Idrizi Heath; to the Committee on the Judiciary.

Mr. NICKLES. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR LINDITA IDRIZI HEATH.

(a) IN GENERAL.—Notwithstanding section 101(b)(1) and subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Lindita Idrizi Heath shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Lindita Idrizi Heath enters the United States before the filing deadline specified in subsection (c), Lindita Idrizi Heath shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Lindita Idrizi Heath, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Lindita Idrizi Heath under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Lindita Idrizi Heath under section 202(e) of that Act.

SEC. 2. ELIGIBILITY FOR CITIZENSHIP.

For purposes of section 320 of the Immigration and Nationality Act (8 U.S.C. 1431; relating to the automatic acquisition of citizenship by certain children born outside the United States), Lindita Idrizi Heath shall be considered to have satisfied the requirements applicable to adopted children under section 101(b)(1) of that Act (8 U.S.C. 1101(b)(1)).

SEC. 3. LIMITATION.

No natural parent, brother, or sister, if any, of Lindita Idrizi Heath shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

By Mr. HOLLINGS (for himself, Mr. BAYH, Mr. BIDEN, Mrs. BOXER, Mr. BREAUX, Mr. BURNS, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Ms. COLLINS, Mr. CORZINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Ms. MIKULSKI, Mr. MILLER, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, and Mr. STEVENS):

S. 104. A bill to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, I rise today to introduce the National Defense Rail Act. This legislation is of vital importance to rail transportation, it provides funding for railroad security, Amtrak, investment in both freight and passenger rail, and the development of high speed corridors throughout the country.

We have modified the security provision to reflect the creation of the Department of Homeland Security, otherwise, this is the same bill that the Commerce Committee reported last April by a vote of 20 to 3. I am joined by twenty five of my colleagues in introducing this bipartisan legislation. It is critical that the Senate take this bill up, and pass it, to ensure that our railroads are secure and we have adequate investment in both Amtrak and the development of high speed rail corridors to move us into the future.

By Ms. STABENOW (for herself, Mr. DASCHLE, Mrs. BOXER, Mr. LEVIN, Mr. LEAHY, Ms. LANDRIEU, Mr. DODD, Mr. DAYTON, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 105. A bill to repeal certain provisions of the Homeland Security Act (Public Law 107–296) relating to liability with respect to certain vaccines; to the Committee on Health, Education, Labor, and Pensions.

Ms. STABENOW. Mr. President, today I rise to keep a promise I made in November. On this, the very first day of the 108th Congress, I am introducing a bill that will remove the controversial vaccine component liability provisions from the Homeland Security bill.

I am joined by a long list of original cosponsors: Senators DASCHLE, BOXER, LEVIN, LEAHY, LANDRIEU, DODD, DAYTON, SARBANES, DORGAN, DURBIN, LAUTENBERG, and FEINSTEIN. The Homeland Security bill, signed into law by President Bush in December, contains a provision that protects that financial security of pharmaceutical companies, not the homeland security of our Nation.

The newly minted law contains a provision that expands the liability projections that currently exist for vaccines to include other vaccine components, such as vaccine preservates like Thimerosal. This provision was included in the bill, at the last minute, with no debate and no committee hearings

Thimerosal; was the subject of several class action lawsuits based on increasing research connecting this preservative, which contains mercury, to the rising incidence of autism in children.

Now that the vaccine component provision has been signed into law, all of these cases are expected to be dismissed. I urge my colleagues to join me and to remove the component provision from the law before it is too late. If these cases are dismissed with prejudice, then many families will have nowhere to go to see justice for the harm their children suffered.

While the research is not conclusive on the connection between Thimerosal and autism, was this narrowly written, unrelated provision in the Homeland Security law the way to respond to these concerns? Don't these children and their families merit the full protection under the law? Certainly, they deserve their day in court. The Homeland Security provision includes vaccine components in the National Vaccine Injury Compensation Program, VICP, in which awards are limited to money available through its special trust fund.

In 1988, Congress enacted the National Vaccine Injury Compensation Program as a no-fault alternative to the tort system for resolving claims resulting from adverse reactions to mandated childhood vaccines. This Federal no fault system is designed to compensate individuals, or families of individuals, who have been injured by childhood vaccines.

Damages are awarded out of a trust fund that is financed by excise taxes of 75 cents per dose imposed on each vaccine covered under the program. There is a three year statute of limitations on bringing cases to the VICP. It is very likely that many families who joined the Thimerosal class action suits, now under the treat of dismissal, have exceeded the three year time limit. Therefore, these families will have no recourse whatsoever.

An issue as serious as revising the Vaccine Injury Compensation Program certainly merits due Congressional process. Amending this program by including a provision in the Homeland Security bill was inappropriate and this serious mistake should be corrected. I urge my colleagues to join me in cosponsoring this bill and working to see it signed into law as soon as possible. We must remove the vaccine component liability provisions from the Homeland Security law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 105

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF CERTAIN VACCINE LIABILITY PROVISIONS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(1) by repealing sections 1714, 1715, 1716, and 1717; and

(2) in the table of contents, by striking the items relating to sections 1714, 1715, 1716, and 1717.

(b) EFFECTIVE DATE.—This section shall take effect as though enacted as part of the Homeland Security Act of 2002 (Public Law 107–296).

Mr. DORGAN. Mr. President, I rise to speak as a cosponsor of S. 105. This bill repeals provisions of the Homeland Security Act offering certain liability protections to pharmaceutical companies.

Mr. President, these provisions protect the manufacturers of a vaccine additive called thimerosal. This additive is a mercury-based vaccine component. It was used extensively in the past, until some parents began to claim that it caused autism in their children.

Those parents are now seeking their day in court against the manufacturers of the drug. And the effect of the provisions in the Homeland Security Bill is to steer claims away from the courts and to the Vaccine Injury Compensation Program.

I do not know whether the scientific evidence will ultimately support the parents' claim that their children's autism was caused by thimerosal. Right now, the research on the link between thimerosal and autism is inconclusive. But I do know that the manner in which these particular provisions were added to the Homeland Security law is just plain wrong.

These provisions were at last-minute addition to the version of the Homeland Security Act that was passed in the House of Representatives. And like many things done at the last minute, without the benefit of thoughtful debate, these provisions were poorly conceived.

The Chairman of the House Committee on Government Reform, DAN BURTON, expressed his concern about these provisions in a letter to his colleagues. He noted that the scientific debate about thimersoal was unresolved. And he argued that some parents of autistic children might lose all legal recourse if the provisions passed, because the Vaccine Injury Compensation Program has a narrow 3-year statute of limitations, and some parents may not have filed petitions on time. Chairman BURTON pleaded with his colleagues not to ''stampede'' into cutting of the legal rights of these children ''without hearings and a full public debate.''

Despite these pleadings, the provision remained in the House version of the Homeland Security Act.

When the bill came to the U.S. Senate for consideration, many Members—on both sides of the aisle—expressed concern at the way that the provisions had been introduced. They argued that the provisions did not belong in the Homeland Security Act, and should be considered at some later time.

Senators DASCHLE and LIEBERMAN moved to strike these provisions from the Homeland Security legislation. In the hours before the vote, it appeared that the thimerosal language would indeed be struck—until the Republican leadership reportedly gave some Members assurances that the provisions would be struck in the next Congress. Unfortunately, enough Members accepted these assurances that the thimerosal provisions remained in the Homeland Security Act.

Once the bill was signed into law, and the public became increasingly aware of what had happened, an interesting thing happened: No one would admit authorship of the provisions. The House majority leader's office initially claimed that it had been the White House's idea.

The White House said that it had nothing to do with it. And the companies that were the beneficiaries of the provisions said that they were as surprised as anybody.

So the public was left to ask: Who did this?

This is not the way that Congress should legislate. What happened in this instance is deplorable, and it undermines public confidence in our legislative process.

If there are good, legitimate reasons to give liability protection to the makers of thimerosal, let us have a thoughtful debate about them. Let us have hearings. I understand that the new majority leader, Senator FRIST, has been working on legislation for some time in this regard. Senator FRIST now controls the floor, and can ensure a prompt, thoughtful debate about reforms to the Vaccine Injury Compensation Program.

In the meantime, let us strip the thimerosal provisions currently in the Homeland Security Act.

I yield the floor.

By Mr. KYL (for himself and Mrs. FEINSTEIN):

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I rise to introduce the Crime Victims' Rights Amendment.

The scales of justice are imbalanced. The U.S. Constitution, mainly through amendments, grants those accused of crime many constitutional rights, such as a speedy trial, a jury trial, counsel, the right against self-incrimination, the right to be free from unreasonable searches and seizures, the right to subpoena witnesses, the right to confront witnesses, and the right to due process under the law.

The Constitution, however, guarantees no rights to crime victims. For example, victims have no right to be present, no right to be informed of hearings, no right to be heard at sentencing or at a parole hearing, no right to insist on reasonable conditions of release to protect the victim, no right to restitution, no right to challenge unending delays in the disposition of their case, and no right to be told if they might be in danger from release or escape of their attacker. This lack of rights for crime victims has caused many victims and their families to suffer twice, once at the hands of the criminal, and again at the hands of a justice system that fails to protect them. The Crime Victims' Rights Amendment would bring balance to the judicial system by giving victims of violent crime the rights to be informed, present, and heard at critical stages throughout their ordeal.

The amendment gives victims of violent crime the right: to reasonable and timely notice of any public proceeding involving the crime and of any release or escape of the accused; not to be excluded from such public proceeding; reasonably to be heard at public release, plea, sentencing, reprieve, and pardon proceedings; and to adjudicative decisions that duly consider the victim's safety, interest in avoiding unreasonable delay, and just and timely claims to restitution from the offender.

These rights have been at the core of the amendment since 1996, when Senator FEINSTEIN and I first introduced the Crime Victims' Rights Amendment. The amendment is the product of extended discussions with the White House, the Department of Justice, Representative Steve Chabot, Senators Hatch and Biden, law enforcement officials, major victims' rights groups, and such diverse scholars as Professor Larry Tribe and then-Professor Paul Cassell. The current version is similar to the version in the 107th Congress. As President Bush stated when announcing his support for the language of the amendment, the amendment was ''written with care, and strikes a proper balance.'' http://www.whitehouse.gov/news/releases/2002/04/20020416-1.html. One of the nation's leading constitutional scholars, Harvard Law Professor Laurence Tribe, who is on the opposite end of the ideological spectrum from President Bush, concurred. Professor Tribe praised the Amendment's ''brevity and clarity'' and commented, ''That you achieved such conciseness while fully protecting defendants' rights and accommodating the legitimate concerns that have been voiced about prosecutorial power and presidential authority is no mean feat. . . . I think you have done a splendid job at distilling the prior versions of the Victims' Rights Amendment into a form that would be worthy of a constitutional amendment.'' Letter of April 15, 2002.

If reform is to be meaningful, it must be in the U.S. Constitution. Since 1982, when the need for a constitutional amendment was first recognized by

President Reagan's Task Force on Victims of Crime, 32 states have passed similar measures, by an average popular vote of about 80 percent. These state measures have helped protect crime victims; but they are inadequate for two reasons. First, each amendment is different, and not all States have provided protection to victims; a Federal amendment would establish a basic floor of crime victims' rights for all Americans, just as the federal Constitution provides for the accused. Second, statutory and state constitutional provisions are always subservient to the federal constitution; so, in cases of conflict, the defendants' rights, which are already in the U.S. Constitution, will always prevail. The Crime Victims' Rights Amendment would correct this imbalance.

It is important to note that the number one recommendation in a 400 page report by the Department of Justice on victims rights and services was that ''the U.S. Constitution should be amended to guarantee fundamental rights for victims of crime.'' U.S. Department of Justice, Office for Victims of Crime, New Directions from the Field: Victims' Rights and Services for the 21st Century 9, 1998. The report continued: ''A victims' rights constitutional amendment is the only legal measure strong enough to rectify the current inconsistencies in victims' rights laws that vary significantly from jurisdiction to jurisdiction on the state and federal levels.'' Id. at 10. Further: ''Granting victims of crime the ability to participate in the justice system is exactly the type of participatory right the Constitution is designed to protect and has been amended to permanently ensure. Such rights include the right to vote on an equal basis and the right to be heard when the government deprives one of life, liberty, or property.'' Id.

Some may say, ''I'm all for victims' rights but they don't need to be in the U.S. Constitution. The Constitution is too hard to change.'' But the history of our country teaches us that constitutional protections are needed to protect the basic rights of the people. Our criminal justice system needs the kind of fundamental reform that can only be accomplished through changes in our fundamental law, the Constitution. Attempts to establish rights by Federal or State statute, or even State constitutional amendment, have proven inadequate, after more than twenty years of trying. Then-Attorney General Reno has confirmed the point, noting that, ''unless the Constitution is amended to ensure basic rights to crime victims, we will never correct the existing imbalance in this country between defendants' constitutional rights and the haphazard patchwork of victims' rights.'' Senate Judiciary Committee Hearing, April 16, 1997, statement of Attorney General Janet Reno, at 41.

On behalf of the Department of Justice, Ray Fisher, then Associate Attorney General, now a judge on the Ninth Circuit Court of Appeals, testified that ''the state legislative route to change has proven less than adequate in according victims their rights. Rather than form a minimum baseline of protections, the state provisions have produced a hodgepodge of rights that vary from jurisdiction to jurisdiction. Rights that are guaranteed by the Constitution will receive greater recognition and respect, and will provide a national baseline.'' Senate Judiciary Committee Hearing, April 28, 1998, statement of Associate Attorney General Ray Fisher, at 9.

A number of legal commentators have reached similar conclusions. Harvard Professor of Law Laurence Tribe has explained that the existing statutes and state amendments ''are likely, as experience to date sadly shows, to provide too little real protection whenever they come into conflict with bureaucratic habit, traditional indifference, sheer inertia, or any mention of an accused's rights regardless of whether those rights are genuinely threatened.'' Senate Judiciary Committee Hearing, March 24, 1999, statement of Laurence Tribe, at 6. He also stated, ''there appears to be a considerable body of evidence showing that, even where statutory or regulatory or judge-made rules exist to protect the participatory rights of victims, such rights often tend to be honored in the breach . . . .'' Id. at 7. Indeed, according to a report by the National Institute of Justice, even in states that gave ''strong protection'' to victims rights, fewer than 60 percent of the victims were notified of the sentencing hearing and fewer than 40 percent were notified of the pretrial release of the defendant. National Institute of Justice, Research in Brief, ''The Rights of Crime Victims—Does Legal Protection Make a Difference?'' at 4 (Dec. 1998).

If crime victims are to have meaningful rights, those rights must be in the U.S. Constitution. As President Bush has stated, ''The protection of victims' rights is one of those rare instances when amending the Constitution is the right thing to do. And . . . the Crime Victims' Rights Amendment is the right way to do it.'' http://www.whitehouse.gov/news/releases/2002/04/20020416-1.html.

The Crime Victims' Rights Amendment has strong bipartisan support in the House and Senate. Senator FEINSTEIN is the lead Democratic sponsor. I would like to thank her for her tireless efforts on behalf of crime victims and for her hard and very valuable work on the language. Also, a bipartisan group of 39 State Attorneys General has signed a letter expressing their ''strong and unequivocal support'' for an amendment. In January 1997, the National Governors' Association voted in favor of an amendment. In 1996 and 2000, both the Republican and Democratic Party Platforms called for a crime victims' rights amendment. Additionally, the amendment is supported by the International Association of Chiefs of Police and major national victims' rights groups, including Parents of Murdered Children, the National Organization for Victim Assistance, Mothers Against Drunk Driving, MADD, the Maryland Crime Victims' Resource Center, Arizona Voice for Crime Victims, Crime Victims United, and, Memory of Victims Everywhere.

The amendment has received strong support around the country. As I mentioned earlier, 32 states have passed similar measures—by an average popular vote of almost 80 percent.

Since we first introduced the amendment in 1996, Nila Lynn has been murdered in my home State of Arizona. Nila and her husband Duane were three months short of their 50th wedding anniversary. Nila was shot in the back by Richard Glassel and died in Duane's arms. Despite the fact that Duane had a State constitutional right to be heard at Glassel's sentencing and despite the fact that Glassel was afforded the right to make a sentencing recommendation to the jury, Duane's voice was silenced because he had no U.S. Constitutional right to make a similar sentencing recommendation.

For far too long, the criminal justice system has ignored crime victims who deserve to be treated with fairness, dignity, and respect. Our criminal justice system will never be truly just as long as criminals have rights and victims have none.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 1

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States:

''ARTICLE—

''SECTION 1. The rights of victims of violent crime, being capable of protection without denying the constitutional rights of those accused of victimizing them, are hereby established and shall not be denied by any State or the United States and may be restricted only as provided in this article.

''SECTION 2. A victim of violent crime shall have the right to reasonable and timely notice of any public proceeding involving the crime and of any release or escape of the accused; the rights not to be excluded from such public proceeding and reasonably to be heard at public release, plea, sentencing, reprieve, and pardon proceedings; and the right to adjudicative decisions that duly consider the victim's safety, interest in avoiding unreasonable delay, and just and timely claims to restitution from the offender. These rights shall not be restricted except when

and to the degree dictated by a substantial interest in public safety or the administration of criminal justice, or by compelling necessity.

''SECTION 3. Nothing in this article shall be construed to provide grounds for a new trial or to authorize any claim for damages. Only the victim or the victim's lawful representative may assert the rights established by this article, and no person accused of the crime may obtain any form of relief hereunder.

''SECTION 4. Congress shall have power to enforce by appropriate legislation the provisions of this article. Nothing in this article shall affect the President's authority to grant reprieves or pardons.

''SECTION 5. This article shall be inoperative unless it has been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission to the States by the Congress. This article shall take effect on the 180th day after the date of its ratification.''.

Mrs. FEINSTEIN. Mr. President, I join my good friend, Senator KYL, in introducing S.J. Res, 1, the Victims' Rights Amendment.

Two years ago, the Senate debated a proposed constitutional amendment drafted by Senator KYL and me to protect the rights of victims of violent crime. The amendment had been reported out of the Senate Judiciary Committee on a strong bipartisan vote of 12 to 5. After 82 Senators voted to proceed to consideration of the amendment, there was a vigorous debate on the floor of the Senate. Some Senators raised concerns about the amendment, saying that it was too long or that it read too much like a statute.

Ultimately, in the face of a threatened filibuster, Senator KYL and I decided to withdraw the amendment. We then hunkered down with constitutional experts, such as Professor Larry Tribe of Harvard Law School, to see if we could revise the amendment to meet Senators' concerns. We also worked with constitutional experts at the Department of Justice and the White House, and we came up with a new and improved draft of the amendment. This new amendment provides many of the same rights as the old amendment.

Specifically, the amendment would give crime victims the rights to be notified, present, and heard at critical stages throughout their case. It would ensure that their views are considered and they are treated fairly. It would ensure that their interest in a speedy resolution of the case, safety, and claims for restitution are not ignored. And it would do so in a way that would not abridge the rights of defendants or offenders, or otherwise disrupt the delicate balance of our Constitution.

We had a hearing in the Constitution Subcommittee. Unfortunately, the Judiciary Committee did not act on the amendment. There are many reasons why we need a constitutional amendment.

First, a constitutional amendment will balance the scales of justice. Currently, while criminal defendants have almost two dozen separate constitutional rights, fifteen of them provided by amendments to the U.S. Constitution, there is not a single word in the Constitution about crime victims. These rights trump the statutory and State constitutional rights of crime victims because the U.S. Constitution is the supreme law of the land. To level the playing field, crime victims need rights in the U.S. Constitution. In the event of a conflict between a victim's and a defendant's rights, the court will be able to balance those rights and determine which party has the most compelling argument.

Second, a constitutional amendment will fix the patchwork of victims' rights laws. Eighteen States lack state constitutional victim's rights amendment, and the 32 existing State victims' rights amendments differ from each other. Also, virtually every State has statutory protections for victims, but these vary considerably across the country. Only a Federal constitutional amendment can ensure a uniform national floor for victims' rights.

Third, a constitutional amendment will restore rights that existed when the Constitution was written. It is a little known fact that at the time the Constitution was drafted, it was standard practice for victims, not public prosecutors, to prosecute criminal cases. Because victims were parties to most criminal cases, they enjoyed the basic rights to notice, to be present, and be heard. Hence, it is not surprising that the Constitution does not mention victims.

Now, of course, it is extremely rare for a victim to undertake a criminal prosecution. Thus, victims have none of the basic procedural rights they used to enjoy. Victims should receive some of the modest notice and participation rights they enjoyed at the time that the Constitution was drafted.

Fourth, a constitutional amendment is necessary because mere State law is insufficient. State victims' rights laws lacking the force of Federal constitutional law are often given short shrift. A Justice Department-sponsored study and other studies have found that, even in States with strong legal protections for victims' rights, many victims are denied those rights. The studies have also found that statutes are insufficient to guarantee victims' rights. Only a Federal constitutional amendment can ensure that crime victims receive the rights they are due.

Fifth, a constitutional amendment is necessary because Federal statutory law is insufficient. The leading statutory alternative to the Victims' Rights Amendment would only directly cover certain violent crimes prosecuted in Federal court. Thus, it would slight more than 99 percent of victims of violent crime. We should acknowledge that Federal statutes have been tried and found wanting. It is time for us to amend the U.S. Constitution.

The Oklahoma City bombing case offers another reason why we need a constitutional amendment. This case shows how even the strongest Federal statute is too weak to protect victims in the face of a defendant's constitutional rights. In that case, two Federal victims' rights statutes were not enough to give victims of the bombing a clear right to watch the trial and still testify at the sentencing, even though one of the statutes was passed with the specific purpose of allowing the victims to do just that.

Let me quote from the first of these statutes: the Victims of Crime Bill of Rights, passed in 1990. That Bill of Rights provides in part that:

A crime victim has the following rights: The right to be present at all public court proceedings related to the offense, unless that court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial.

That statute further states that Federal Government officers and employees ''engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that victims of crime are accorded the[se] rights.''

The law also provides that ''[t]his section does not create a cause of action or defense in favor of any person arising out of the failure to accord to a victim the[se] rights.''

In spite of the law, the judge in the Oklahoma City bombing case ruled, without any request from Timothy McVeigh's attorneys, that no victim who saw any portion of the case could testify about the bombing's impact at a possible sentencing hearing:

The Justice Department asked the judge to exempt victims who would not be ''factual witnesses at trial'' but who might testify at a sentencing hearing about the impact of the bombing on their lives. The judge denied the motion. The victims were then given until the lunchbreak to decide whether to watch the proceedings or remain eligible to testify at a sentencing hearing. In the hour that they had, some of the victims opted to watch the proceedings; other decided to leave to remain eligible to testify at the sentencing hearing.

Subsequently, the Justice Department asked the court to reconsider its order in light of the 1990 Victims' Bill of Rights. Bombing victims then filed their own motion to raise their rights under the Victims' Bill of Rights. The court denied both motions. With regard to the victims' motion, the judge held that the victims lacked standing. The judge stated that the victims would not be able to separate the ''experience of trial'' from the ''experience of loss from the conduct in question.'' The judge also alluded to concerns about

the defendants' constitutional rights, the common law, and rules of evidence.

The victims and DOJ separately appealed to the Court of Appeals for the Tenth Circuit. That court ruled that the victims lacked standing under Article III of the Constitution because they had no ''legally protected interest'' to be present at trial and thus had suffered no ''injury in fact'' from their exclusion. The victims and DOJ then asked the entire Tenth Circuit to review that decision. Forty-nine members of Congress, all six attorneys general in the Tenth Circuit, and many of the leading crime victims' organizations filed briefs in support of the victims. All to no avail.

The Victims' Clarification Act of 1997 when then introduced in Congress. That act provided that watching a trial does not constitute grounds for denying victims the chance to provide an impact statement. This bill passed the House 414 to 13 and the Senate by unanimous consent. Two days later, President Clinton signed into law, explaining that ''when someone is a victim, he or she should be at the center of the criminal justice process, not on the outside looking in.''

The victims then filed a motion asserting a right to attend the trial under the new law. However, the judge declined to apply the law as written. He concluded that ''any motions raising constitutional questions about this legislation would be premature and would present questions issues that are not now ripe for decision.'' Moreover, he held that it could address issues of possible prejudicial impact from attending the trial by interviewing the witnesses after the trial.

The judge also refused to grant the victims a hearing on the application of the new law, concluding that his ruling rendered their request ''moot.'' The victims then faced a painful decision: watch the trial or preserve their right to testify at the sentencing hearing. Many victims gave up their right to watch the trial as a result.

A constitutional amendment would help ensure that victims of a domestic terrorist attack such as the Oklahoma City bombing have standing and that their arguments for a right to be present are not dismissed as ''unripe.'' A constitutional amendment would give victims of violent crime an unambiguous right to watch a trial and still testify at sentencing.

There is strong and wide support for a constitutional amendment. I am pleased that President Bush and Attorney General Ashcroft have endorsed the amendment. As the President put it last year, ''The Feinstein-Kyl amendment was written with care, and strikes a proper balance. Our legal system properly protects the rights of the accused in the Constitution, but it does not provide similar protection for the rights of victims, and that must change. The protection of victims' rights is one of those rare instances when amending the Constitution is the right thing to do. And the Feinstein-Kyl crime victims' rights amendment is the right way to do it.''

I greatly appreciate their support. And I am also pleased that both former President Clinton and former Vice President Gore have all expressed support for a constitutional amendment on victim's right. Moreover, in the last Congress, the Victims' Rights Amendment was cosponsored by a bipartisan group of 28 Senators. I have spoken to many of my colleagues about the amendment we introduce today and I am hopeful that it will receive even more support in this Congress. In addition I would vote the following:

Both the Democratic and Republican Party Platforms call for a victims' rights amendment. Governors in 49 out of 50 States have called for an amendment. Four former U.S. Attorneys General, including Attorney General Reno, support an amendment. Attorney General Ashcroft support an amendment. Forty State attorneys general support an amendment.

Major national victims' rights groups—including Parents of Murdered Children, Mothers Against Drunk Driving, MADD, and the National Organization for Victim Assistance, support the amendment. Many law enforcement groups, including the International Association of Chiefs of Police, the Nation Troops' Coalition, the International Union of Police Associations AFL–CIO, the Federal Law Enforcement Officers Association, and the California District Attorneys Association support an amendment. Constitutional scholars, such as Harvard Law School Professor Larry Tribe, support an amendment.

The amendment has received strong support around the country. Thirty-two States have passed similar measures—by an average popular vote of almost 80 percent.

I am delighted to join my good friend Senator JON KYL in sponsoring the victims' rights amendment, and I look forward to its adoption by this Congress.

I ask unanimous consent that a copy of a letter dated April 15, 2002 from Harvard Law School Professor Larry Tribe be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HARVARD UNIVERSITY LAW SCHOOL,
Cambridge, MA, April 15, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. JON KYL,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATORS FEINSTEIN AND KYL: I think that you have done a splendid job at distilling the prior versions of the Victims' Rights Amendment into a form that would be worthy of a constitutional amendment—an amendment to our most fundamental legal charter, which I agree ought never to be altered lightly. I will not repeat here the many reasons I have set forth in the past for believing that, despite the skepticism I have detected in some quarters both on the left and on the right, the time is past due for recognizing that the victims of violent crime, as well as those closest to victims who have succumbed to such violence, have a fundamental right to be considered, and heard when appropriate, in decisions and proceedings that profoundly affect their lives.

How best to protect that right without compromising either the fundamental rights of the accused or the important prerogatives of the prosecution is not always a simple matter, but I think your final working draft of April 13, 2002, resolves that problem in a thoughtful and sensitive way, improving in a number of respects on the earlier drafts that I have seen. Among other things, the greater brevity and clarity of this version makes it more fitting for inclusion in our basic law. That you achieved such conciseness while fully protecting defendants' rights and accommodating the legitimate concerns that have been voiced about prosecutorial power and presidential authority is no mean feat. I happily congratulate you both on attaining it.

A case argued two weeks ago in the Supreme Judicial Court of Massachusetts, in which a woman was brutally raped a decade and a half ago but in which the man who was convicted and sentenced to a long prison term has yet to serve a single day of that sentence, helps make the point that the legal system does not do well by victims even in the many states that, on paper, are committed to the protection of victims' rights. Despite the Massachusetts Victims' Bill of Rights, solemnly enacted by the legislature to include an explicit right on the part of the victim to a ''prompt disposition'' of the case in which he or she was victimized, the Massachusetts Attorney General, to who has yet to take the simple step of seeking the incarceration of the convicted criminal pending his on-again, off-again motion for a new trial—a motion that has not been ruled on during the 15 years that this convicted rapist has been on the streets—has taken the position that the victim of the rape does not even have legal standing to appear in the courts of this state, through counsel, to challenge the state's astonishing failure to put her rapist in prison to begin serving the term to which he was sentenced so long ago.

If this remarkable failure of justice represented a wild aberration, perpetrated by a state that had not incorporated the rights of victims into its laws, then it would prove little, standing alone, about the need to write into the United States Constitution a national commitment to the rights of victims. Sadly, however, the failure of justice of which I write here is far from aberrant. It represents but the visible tip of an enormous iceberg of indifference toward those whose rights ought finally to be given formal federal recognition.

I am grateful to you for fighting this fight. I only hope that many others can soon be stirred to join you in a cause that deserves the most widespread bipartisan support.

Sincerely yours,

LAURENCE H. TRIBE.

By Mr. CRAIG:

S.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States to require a

balanced budget and protect Social Security surpluses; to the Committee on the Judiciary.

Mr. CRAIG. Mr. President, today I am reintroducing a Balanced Budget Amendment to the Constitution of the United States. When we were in deficit and when we were in surplus, I have always said, if we could adopt one fundamental reform to the way the Federal Government does business, this is it. The fiscal events of the last couple years have again demonstrated the need for this long-term, fundamental, permanent reform.

For many Americans, one of the signs of our deep respect for the Constitution is our acknowledgment that, in exceptional cases, a problem rises to such a level that it can be adequately addressed only in the Constitution, by way of a Constitutional amendment.

For four years in a row, a modern record, the first time since the 1920s, Congress balanced the Federal budget. The first Republican Congresses in 40 years made balancing the budget their top priority, and did what was necessary, working on a bipartisan basis, to run the kind of surpluses we need to pay down the national debt and safeguard the future of Social Security.

Then events intervened.

A return to budget deficits was caused by an economic recession and a war begun by a terrorist attack. Even before taking office, President Bush correctly foresaw the coming recession and prescribed the right medicine, the bipartisan Tax Relief Act of 2001, that has bolstered the economy and prevented a far worse recession.

Sadly, at least on the budget front, the Senate did not rise to the challenge. Last year, many of us were deeply disappointed by the Senate's failure to pass a budget resolution for the first time in the history of the Budget Act. That failure only made the need for fiscal discipline all the more evident, as we saw a return to deepening deficit spending.

The return to deficit spending can and should be a temporary phenomenon. We will rebound from the recent economic slowdown. And we must do whatever it takes to win the war, that's a matter of survival and of protecting the safety and security of the American people. Beyond that, we must keep all other Federal spending under control, so that we return, as soon as possible, to balancing the budget.

In other words, the return to deficit spending will be a temporary problem only if we make a permanent commitment to the moral imperative of fiscal responsibility.

We always did, and always will, need a Balanced Budget Amendment to our Constitution.

Even in the heady days of budget surpluses, I always maintained the only way to guarantee that the Federal Government would stay fiscally responsible was to add a Balanced Budget Amendment to the Constitution.

Before we balanced the budget in 1998, the government was deficit spending for 28 years in a row and for 59 out of 67 years. The basic law of politics, to just say ''yes'', was not repealed in 1998, but only restrained some, when we came together and briefly faced up to the grave threat to the future posed by decades of debt.

Now, the government is back to borrowing. And for some, a return to deficit spending seems to have been liberating, as the demands for new spending only seem to be multiplying again.

That is why, today, I am again introducing a Balanced Budget Amendment to the Constitution and calling upon my colleagues to send it to the states for ratification. The amendment I introduce today is the same one I cosponsored last year, which would not count the Social Security surplus in its calculation of a balanced budget. Those annual surpluses would be set aside exclusively to meet the future needs of Social Security beneficiaries.

It's a new day, a new year, and a new Senate. We have the opportunity of a fresh start and, hopefully, the wisdom of experience. On this first day of the 108th Congress, with the first piece of legislation I am introducing this year, I call on the Senate to safeguard the future, by considering and passing a Balanced Budget Amendment to the Constitution, a Bill of Economic Rights for our future and our children.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 1—INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

SENATE RESOLUTION 2—INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

SENATE RESOLUTION 3—TO ELECT TED STEVENS, A SENATOR FROM THE STATE OF ALASKA, TO BE PRESIDENT PRO TEMPORE OF THE SENATE OF THE UNITED STATES

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 3

Resolved, That Ted Stevens, a Senator from the State of Alaska, be, and he is hereby, elected President of the Senate pro tempore.

SENATE RESOLUTION 4—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 4

Resolved, That the President of the United States be notified of the election of Ted Stevens, a Senator from the State of Alaska, as President pro tempore.

SENATE RESOLUTION 5—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE SENATE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 5

Resolved, That the House of Representatives be notified of the election of Ted Stevens, a Senator from the State of Alaska, as President pro tempore.

SENATE RESOLUTION 6—FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 6

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

SENATE RESOLUTION 7—ELECTING EMILY J. REYNOLDS OF TENNESSEE AS SECRETARY OF THE SENATE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 7

Resolved, That Emily J. Reynolds of Tennessee be, and she is hereby, elected Secretary of the Senate.

SENATE RESOLUTION 8—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A SECRETARY OF THE SENATE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 8

Resolved, That the President of the United States be notified of the election of the Honorable Emily J. Reynolds of Tennessee as Secretary of the Senate.

SENATE RESOLUTION 9—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SECRETARY OF THE SENATE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 9

Resolved, That the House of Representatives be notified of the election of the Honorable Emily J. Reynolds of Tennessee as Secretary of the Senate.

SENATE RESOLUTION 10—ELECTING DAVID J. SCHIAPPA OF MARYLAND AS SECRETARY FOR THE MAJORITY OF THE SENATE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 10

Resolved, That David J. Schiappa of Maryland be, and he is hereby, elected Secretary for the Majority of the Senate.

SENATE RESOLUTION 11—ELECTING MARTIN P. PAONE AS SECRETARY FOR THE MINORITY OF THE SENATE

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 11

Resolved, That Martin P. Paone of Virginia be, and he is hereby, elected Secretary for the Minority of the Senate.

SENATE RESOLUTION 12—TO MAKE EFFECTIVE REAPPOINTMENT OF SENATE LEGAL COUNSEL

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 12

Resolved, That the reappointment of Patricia Mack Bryan to be Senate Legal Counsel made by the President pro tempore this day is effective as of January 3, 2003, and the term of service of the appointee shall expire at the end of the One Hundred Ninth Congress.

SENATE RESOLUTION 13—TO MAKE EFFECTIVE REAPPOINTMENT OF DEPUTY SENATE LEGAL COUNSEL

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 13

Resolved, That the reappointment of Morgan J. Frankel to be Deputy Senate Legal Counsel make by the President pro tempore this day is effective as of January 3, 2003, and the term of service of the appointee shall expire at the end of the One Hundred Ninth Congress.

SENATE RESOLUTION 14—COMMENDING THE OHIO STATE UNIVERSITY BUCKEYES FOOTBALL TEAM FOR WINNING THE 2002 NCAA DIVISION 1–A COLLEGIATE NATIONAL FOOTBALL CHAMPIONSHIP

Mr. VOINOVICH (for himself and Mr. DEWINE) submitted the following resolution; which was considered and agreed to:

S. RES. 14

Whereas in 2002, the Ohio State University claimed its fifth undisputed Division I–A collegiate national football championship;

Whereas Ohio State captured its 29th Big Ten conference championship;

Whereas Ohio State finished the season with a perfect 14–0 record, its first unbeaten season since 1968;

Whereas on the way to the national championship, Ohio State defeated 5 ranked opponents, including a 14–9 triumph over the University of Michigan;

Whereas Ohio State is the first Big Ten team to qualify for and win the Bowl Championship Series national championship game;

Whereas seniors strong safety Mike Doss, middle linebacker Matt Wilhelm, and punter Andy Groom, along with sophomore placekicker Mike Nugent, have been named first-team All-Americans;

Whereas Jim Tressel has led Ohio State to a national championship in just his second year as head coach at Ohio State and has been recognized for his accomplishments as a finalist for the 2002 Football Writers' Association of America (FWAA)/Eddie Robinson Coach of the Year Award; and

Whereas the Ohio State University community, including the Ohio State University Athletic Department, the Ohio State University Marching Band, and the Ohio State cheerleaders, as well as the students, administration, board of trustees, faculty, and alumni, the city of Columbus, and the entire State of Ohio, are to be congratulated for their continuous support of the Ohio State University football team: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Ohio State University Buckeyes football team for winning the 2002 NCAA Division I–A collegiate football national championship;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the Ohio State University win the 2002 NCAA Division I–A collegiate football national championship and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the accomplishments and achievements of the 2002 Ohio State University football team and invite them to Washington, D.C. for a White House ceremony for national championship teams; and

(4) directs the Secretary of the Senate to make available enrolled copies of this resolution to the Ohio State University for appropriate display and to transmit an enrolled copy of the resolution to each coach and member of the 2002 NCAA Division I–A collegiate national championship football team.

APPOINTMENT

The PRESIDENT pro tempore. The Chair, on behalf of the Democratic Leader, after consultation with the ranking member of the Senate committee on Finance, pursuant to Public Law 106–170, announces the appointment of David L. Miller, of South Dakota, to serve as a member of the Ticket to Work and Work Incentives Advisory Panel.

APPOINTMENTS MADE DURING ADJOURNMENT

The PRESIDENT pro tempore. The Chair announces the following appointments made by the Democratic leader during the adjournment:

Pursuant to the provisions of Public Law 107–202, on behalf of the Democratic Leader, the appointment of the Senator from Delaware, Mr. BIDEN, and Joseph M. Torsella of Pennsylvania to the Benjamin Franklin Tercentenary Commission on December 9, 2002.

Pursuant to the provisions of Public Law 107–273, on behalf of the Democratic leader, the appointment of Jonathan M. Jacobson of New York and Jonathan R. Yarowsky of Washington, D.C., to the Antitrust Modernization Commission on December 20, 2002.

COMMENDING THE OHIO STATE UNIVERSITY BUCKEYES FOOTBALL TEAM

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 14, introduced earlier today by Senator VOINOVICH.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 14) commending the Ohio State University Buckeyes football team for winning the 2002 NCAA Division I–A collegiate national football championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, no Senator is in the Chamber from the State of Florida or the State of Ohio, but it does not matter who you favored in that game, I think it was one of the finest football games in the history of the world. So this resolution is something that is well done and necessary.

Mr. MCCONNELL. Mr. President, let me just say, I had not planned to speak on this resolution, but I, too, watched that ball game. I think it was, as the distinguished assistant Democratic leader said, possibly one of the most exciting football games ever. So we all do commend the Ohio State Buckeyes for their great victory.

Mr. President, I ask unanimous consent that the resolution and its preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 14) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 14

Whereas in 2002, the Ohio State University claimed its fifth undisputed Division I–A collegiate national football championship;

Whereas Ohio State captured its 29th Big Ten Conference championship;

Whereas Ohio State finished the season with a perfect 14-0 record, its first unbeaten season since 1968;

Whereas on the way to the national championship, Ohio State defeated 5 ranked opponents, including a 14-9 triumph over the University of Michigan;

Whereas Ohio State is the first Big Ten team to qualify for and win the Bowl Championship Series national championship game;

Whereas seniors strong safety Mike Doss, middle linebacker Matt Wilhelm, and punter Andy Groom, along with sophomore placekicker Mike Nugent, have been named first-team All-Americans;

Whereas Jim Tressel has lead Ohio State to a national championship in just his second year as head coach at Ohio State and has been recognized for his accomplishments as a finalist for the 2002 Football Writers' Association of America (FWAA)/Eddie Robinson Coach of the Year Award; and

Whereas the Ohio State University community, including the Ohio State University Athletic Department, the Ohio State University Marching Band, and the Ohio State cheerleaders, as well as the students, administration, board of trustees, faculty, and alumni, the city of Columbus, and the entire State of Ohio, are to be congratulated for their continuous support of the Ohio State University football team: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Ohio State University Buckeyes football team for winning the 2002 NCAA Division I–A collegiate football national championship;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the Ohio State University win the 2002 NCAA Division I–A collegiate football national championship and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the accomplishments and achievements of the 2002 Ohio State University football team and invite them to Washington, D.C. for a White House ceremony for national championship teams; and

(4) directs the Secretary of the Senate to make available enrolled copies of this resolution to the Ohio State University for appropriate display and to transmit an enrolled copy of the resolution to each coach and member of the 2002 NCAA Division I–A collegiate national championship football team.

ORDERS FOR THURSDAY, JANUARY 9, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that if the motion to adjourn is agreed to later today, the Senate stand in adjournment until 9:30 a.m. on Thursday, January 9; I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and there then be a period of morning business, with Members permitted to speak for up to 10 minutes each, until the hour of 11:30.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—VOTE ON MOTION TO ADJOURN

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the motion to adjourn at the hour of 5:15 today.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. Without objection, we will order the yeas and nays.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, if I could get the attention of my counterpart, the distinguished Senator from Kentucky, there are Senators here on the floor now. We will have the vote stay open for certainly past 15 minutes. I am wondering if we could go ahead and start the vote now. There is no other business to come before the Senate. There are Members in the Chamber from both sides of the aisle.

Mr. MCCONNELL. Mr. President, let me say that we are just hotlining it now. If I could ask my friend from Nevada to withhold temporarily, we will be able to give him an answer shortly.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

VOTE ON MOTION TO ADJOURN

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the vote previously ordered proceed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to the motion to adjourn. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Wisconsin (Mr. KOHL) are necessarily absent.

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—51

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bennett	Ensign	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Voinovich
Crapo	Lugar	Warner

NAYS—46

Akaka	Dorgan	Lincoln
Baucus	Durbin	Mikulski
Bayh	Edwards	Miller
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Graham (FL)	Nelson (NE)
Breaux	Harkin	Pryor
Byrd	Hollings	Reed
Cantwell	Inouye	Reid
Carper	Jeffords	Rockefeller
Clinton	Johnson	Sarbanes
Conrad	Landrieu	Schumer
Corzine	Lautenberg	Stabenow
Daschle	Leahy	Wyden
Dayton	Levin	
Dodd	Lieberman	

NOT VOTING—3

Kennedy	Kerry	Kohl

ADJOURNMENT UNTIL 9:30 A.M., THURSDAY, JANUARY 9, 2003

The motion was agreed to and at 6:13 p.m., the Senate adjourned until Thursday, January 9, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 7, 2003:

DEPARTMENT OF HOMELAND SECURITY

THOMAS J. RIDGE, OF PENNSYLVANIA, TO BE SECRETARY OF HOMELAND SECURITY. (NEW POSITION)

GORDON ENGLAND, OF TEXAS, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY. (NEW POSITION)

THE JUDICIARY

TERRENCE W. BOYLE, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE J. DICKSON PHILLIPS, JR., RETIRED.

JAY S. BYBEE, OF NEVADA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE PROCTER R. HUG, JR., RETIRED.

DEBORAH L. COOK, OF OHIO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE ALAN E. NORRIS, RETIRED.

MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE PATRICIA M. WALD, RETIRED.

RICHARD A. GRIFFIN, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE DAMON J. KEITH, RETIRED.

CAROLYN B. KUHL, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE JAMES R. BROWNING, RETIRED.

DAVID W. MCKEAGUE, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE RICHARD F. SUHRHEINRICH, RETIRED.

SUSAN BIEKE NEILSON, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE CORNELIA G. KENNEDY, RETIRED.

PRISCILLA RICHMAN OWEN, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE WILLIAM L. GARWOOD, RETIRED.

CHARLES W. PICKERING, SR., OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE HENRY A. POLITZ, RETIRED.

JOHN G. ROBERTS, JR., OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE JAMES L. BUCKLEY, RETIRED.

HENRY W. SAAD, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE JAMES L. RYAN, RETIRED.

JEFFREY S. SUTTON, OF OHIO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE DAVID A. NELSON, RETIRED.

TIMOTHY M. TYMKOVICH, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE JOHN C. PORFILIO, RETIRED.

JOHN R. ADAMS, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE GEORGE WASHINGTON WHITE, RETIRED.

J. DANIEL BREEN, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE, VICE JULIA SMITH GIBBONS, ELEVATED.

CORMAC J. CARNEY, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE CARLOS R. MORENO, RESIGNED.

JAMES C. DEVER III, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA, VICE W. EARL BRITT, RETIRED.

RALPH R. ERICKSON, OF NORTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NORTH DAKOTA, VICE RODNEY S. WEBB, RETIRED.

SANDRA J. FEUERSTEIN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE THOMAS C. PLATT, JR., RETIRED.

GREGORY L. FROST, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO, VICE GEORGE C. SMITH, RETIRED.

S. MAURICE HICKS, JR., OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA, VICE DONALD E. WALTER, RETIRED.

RICHARD J. HOLWELL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE BARRINGTON D. PARKER, JR., ELEVATED.

ROBERT A. JUNELL, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, VICE HIPOLITO FRANK GARCIA, DECEASED.

THOMAS L. LUDINGTON, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE PAUL V. GADOLA, RETIRED .

S. JAMES OTERO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT CALIFORNIA, VICE RICHARD A. PAEZ, ELEVATED.

WILLIAM D. QUARLES, JR., OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE WILLIAM M. NICKERSON, RETIRED.

FREDRICK W. ROHLFING III, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII, VICE ALAN C. KAY, RETIRED.

THOMAS A. VARLAN, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE, VICE ROBERT LEON JORDAN, RETIRED.

WILLIAM H. STEELE, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ALABAMA, VICE RICHARD W. VOLLMER, JR., RETIRED.

TIMOTHY C. STANCEU, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE, VICE RICHARD W. GOLDBERG, RETIRED.

SUSAN G. BRADEN, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE ROGER B. ANDWELT, DECEASED.

MARIAN BLANK HORN, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS. (REAPPOINTMENT)

CHARLES F. LETTOW, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE JOHN PAUL WIESE, TERM EXPIRED.

MARY ELLEN COSTER WILLIAMS, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE SARAH L. WILSON.

VICTOR J. WOLSKI, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE BOHDAN A. FUTEY, TERM EXPIRED.

GLEN L. BOWER, OF ILLINOIS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE, VICE CAROLYN MILLER PARR, TERM EXPIRED.

BRUCE E. KASOLD, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM PRESCRIBED BY LAW, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–103, APPROVED DECEMBER 27, 2001.

ALAN G. LANCE, SR., OF IDAHO, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM PRESCRIBED BY LAW, VICE FRANK QUILL NEBEKER, RESIGNED.

FERN FLANAGAN SADDLER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE PATRICIA A. WYNN, RETIRED.

HOUSE OF REPRESENTATIVES—*Wednesday, January 8, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 8, 2003.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of revelation and eternal guide, when Moses found Your presence and heard Your voice, he began to ask questions. When the disciples of Jesus began their journey, they asked questions of Him and themselves.

At the beginning of this 108th Congress here in the House of Representatives, we pray especially for all the new Members. May they be so welcomed that, with solid reflection and Your grace, they ask the right questions. May the freshness of their presence and the richness of their past experience bring to bear a new understanding of government and the freedom to search for deeper truth. As they learn the workings of Congress, may their questions find attentive listeners and never lead to embarrassment but only to new perspectives and creative methods to accomplish the work of the people's House.

May this time of adjustment for their families be fruitful and surrounded with joy and peace because of Your presence to them now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. SOLIS) come forward and lead the House in the Pledge of Allegiance.

Ms. SOLIS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 one-minutes per side.

CONGRATULATING JAMES McDONOUGH, FLORIDA DRUG CONTROL DIRECTOR, FOR BEING NAMED A NATIONAL CHAMPION OF YOUTH

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate James McDonough, who is the director of the Florida Office of Drug Control, for being named a national champion of youth by the Youth Crime Watch of America. James has made incredible strides in protecting the dignity and the innocence of our youth in South Florida through several successful drug and alcohol prevention programs. Mr. McDonough's hard work and devotion have profoundly changed the lives of many of our young people. James has worked with Youth Crime Watch of America, which strives to create an environment free from crime and violence so that our children will be able to flourish.

Please join me in thanking James McDonough for his selfless dedication to the care of our community's children.

ON EXTENSION OF UNEMPLOYMENT BENEFITS

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, I say good morning to our fellow Americans and to the public who are watching us as we begin to draw our attention now to something that has been ailing our economy, and that is a discussion of unemployment. It is about time, Members, that we start addressing this issue. When we left this House almost a month ago, we forgot about the 800,000 workers that right after Christmas were given a Christmas gift: they were given no unemployment insurance. Their families are suffering. We are here today now to talk about what we can do to improve upon that.

In the State that I represent, one of the largest, California, we saw well over 1.3 million people out of work. This recession that hit our area began in March of 2001. We need to help all workers, especially families.

This past month, I had the opportunity to visit several of our shelters and food pantries and saw something that was very surprising, children now, small children, 3 and 2 years old and infants, women that just lost their jobs that have no place to go and no food. They are not asking for just a handout. They are asking for jobs. They are asking for also a replenishment of their unemployment insurance. We have a chance now to extend that to 26 weeks.

Let us support the Democratic alternative. I plan to do that today.

CALLING FOR PERMANENT REPEAL OF THE DEATH TAX

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, our Nation's economy is lagging behind the needed economic recovery that we all seek. Just yesterday President Bush announced a sensible economic growth package that will grow our economy and create jobs for the American people. The President also again called upon Congress to permanently repeal the unfair death tax. As we all know, the 10-year sunset provision on the tax relief bill passed in 2001 has added a level of anxiety and uncertainty into our already complicated Tax Code. The current sunset has made estate planning as unpredictable as our own inevitable fate.

Also, Mr. Speaker, as unemployment levels continue to rise, it is important to note that, according to the Heritage Foundation, just the repeal of the death tax will help to create an additional 145,000 jobs. In turn, the U.S. economy could produce $11 billion per year in extra output. So not only is the elimination of the death tax fair, it just makes common economic sense.

Mr. Speaker, our President has again asked Congress to do the right thing, and I urge my colleagues to act now to permanently eliminate the death tax.

RECOGNIZING 50 YEARS OF TIRELESS WORK FOR WEST VIRGINIA BY SENATOR ROBERT C. BYRD

(Mr. RAHALL asked and was given permission to address the House for 1 minute.)

Mr. RAHALL. Mr. Speaker, this year marks the 50th anniversary of West Virginia's senior Senator's service to the people of West Virginia in the United States Congress. It was Winston Churchill who perhaps best foresaw the defining nature of the tenure of Senator ROBERT BYRD'S tireless work on behalf of the State of West Virginia, our Nation, the House and the Senate and, of course, our Federal Constitution. Churchill said, ''Success is not final. Failure is not fatal. It is the courage to continue that counts.''

Senator BYRD has seen success. He has never lost an election. But ROBERT C. BYRD does not measure success by personal standards, but by the public good. He does not seek success, only to serve. And through his service, West Virginians have prospered, America has been strengthened, the Congress has been ennobled, and the Constitution secured. Failure has been rare and momentary but always used as a catapult to advance the next charge for the cause of the day.

It is common to celebrate milestones in our Nation's capital, Mr. Speaker; but tenure no matter the length is temporary. What matters, what measures the man, Mr. Speaker, is not the number of terms but the depth of his determination, not the years but the heights of his horizons and not one more sunrise but the courage of his convictions.

By this measure, Mr. Speaker, ROBERT C. BYRD'S record can never be outdone.

PRAISING PRESIDENT BUSH'S INITIATIVES ON MISSILE DEFENSE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, President George W. Bush made history when he announced to the world on December 17, 2002, that America would deploy a national missile defense shield to protect our country. My friend and mentor, the late Congressman Floyd Spence, continually warned us about the urgency of having a missile defense system in place to protect the homeland. President Bush has demonstrated tremendous leadership by taking action to work with our allies to create such a system inspired by Ronald Reagan.

As my colleague and chairman of the Committee on Armed Services, the gentleman from California (Mr. HUNTER), recently stated, ''The case for deploying a national missile defense system has never been more clear. Today, the United States cannot stop a single ballistic missile headed for an American city.''

I wholeheartedly agree, and I believe Congress should work in a bipartisan fashion to successfully implement a missile defense shield that will protect the American people and our allies.

EXTENDING UNEMPLOYMENT BENEFITS SHOULD BE FIRST PRIORITY

(Mr. HONDA asked and was given permission to address the House for 1 minute.)

Mr. HONDA. Mr. Speaker, last November, President Bush and the Republican leadership turned their backs on over 1 million Americans. Despite repeated efforts by Democrats, President Bush and the Republican leadership refused to pass legislation that would have prevented unemployment benefits from expiring on December 28. Due to their inaction, over 800,000 Americans faced a holiday season full of uncertainty. I repeat, President Bush and the Republican leadership allowed over 800,000 Americans to lose their unemployment benefits on December 28. Mr. Speaker, this is unacceptable. In my district of Santa Clara County alone, over 7,000 unemployed workers were cut off from their benefits, and an additional 13,000 unemployed workers will lose their benefits if Congress does not act now.

Mr. Speaker, 1.5 million Americans have lost their jobs since President Bush took office. Congress cannot continue to callously ignore their needs. I call on the Bush administration and the Republican leadership to make the extension of unemployment benefits the first priority of the 108th Congress.

EMERGENCY AGRICULTURAL DISASTER ASSISTANCE ACT OF 2003

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, farmers of the 12th District of Georgia, as well as those across the Nation, are hurting. Disastrous yields and poor crop quality are the result of the weather of 2002. To respond to these needs, to work for Georgia farmers and with the Georgia Farm Bureau and its president, Wayne Dollar, today I will introduce the Emergency Agricultural Disaster Assistance Act. I urge my colleagues to take steps toward aiding some of America's finest in these difficult times by cosponsoring and supporting this bill.

INVITING MEMBERS TO JOIN CAUCUS ON MISSING AND EXPLOITED CHILDREN

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, we are all too familiar with the names Elizabeth Smart and Danielle Van Damm. As founder of the Congressional Caucus on Missing and Exploited Children, I invite all of our colleagues to join our caucus and help protect America's children.

During the 105th Congress, a family in the Ninth Congressional District of Texas experienced an unthinkable tragedy. Laura Kate Smither, a 12-year-old, was abducted and brutally murdered. In Laura's name, the Congressional Caucus on Missing and Exploited Children was founded. What Laura's dreadful tragedy has taught us is that we must do more to protect our children.

As a society, our efforts to prevent crimes against children have not kept pace with the increasing vulnerability of our young citizens. Please join this very important caucus, if you have not already, and all of our new Members, please do so quickly. You have a letter coming to you today or tomorrow. Our children, our grandchildren, our nieces and nephews are counting on you to give them a voice in Washington.

□ 1015

TAX RELIEF AND FRIVOLOUS LAWSUIT REFORM

(Mr. GRAVES asked and was given permission to address the House for 1 minute.)

Mr. GRAVES. Mr. Speaker, I want to urge my colleagues to focus on returning more Americans to work. Although our economy continues to grow, I believe we should accelerate the economic recovery to help get more Americans back to work as soon as possible by focusing on two priorities, tax relief designed to get Americans working again and frivolous lawsuit reform. High taxes continue to be a burden on American families. Now is the time to accelerate the tax relief we passed last Congress, provide incentives to businesses to invest in new workers, and provide fair investor tax relief to boost our economic recovery.

We also look for fairness in the legal system. Frivolous lawsuits not only clog our court systems, but they cause higher prices for consumers and threaten robust job creation. As a result, too many businesses, especially small businesses, are investing too much money and paying excessive and frivolous punitive damages and not enough money invested in health care benefits for workers and new job creation. We must protect the rights of individuals who have been wronged, but we should not permit frivolous lawsuits at the expense of the American worker and consumer.

Frivolous lawsuit reform and tax relief are the key to healthy economic recovery and job creation. The sooner we act, the faster we can begin to get Americans back to work.

A NEW VISION FOR THE ECONOMY

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, like many people across eastern Indiana, I was shocked and dismayed yesterday to learn of the complete elimination of over 400 manufacturing jobs from Anderson, Indiana. It is therefore altogether fitting that we would as our first priority in Congress in this majority, Mr. Speaker, pass an extension of unemployment benefits to help Americans like those in Anderson who will be beset by these layoffs. I also applaud the President of the United States, who outlined a jobs package yesterday that I believe is a good start.

But it is written, Mr. Speaker, that without a vision the people perish, and I would paraphrase by saying that without a vision economies perish as well. I would challenge this Congress and leadership in my own party to not just be content, Mr. Speaker, with unemployment insurance extensions, helping those that are laid off, or passing legislation that simply alleviates a recession. We need a new vision for an economy that is abundant and growing at historic levels. We need to bring additional tax relief that will unleash the entrepreneurial energy of the American economy as never before, and part of that must be tax relief designed at encouraging and promoting capital formation.

CLONING BAN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, recently a religious group called the Raelians announced that they had cloned a human being, and despite all the press coverage they have received most observers are convinced this is a hoax. But true or not, this episode underscores the fact that human cloning is no longer limited to B movie science fiction. The technology exists. It may take hundreds of tries and it may result in dozens of horribly mutated human embryos and the violation of every standard of ethics and decency, but human cloning is very close to happening.

Congress must act before it is too late. We need to pass a comprehensive human cloning ban into law immediately. The House did its job last year, passed a bill that died in the Senate. Now both Houses of Congress need to pass a comprehensive cloning ban. We need to stop this horror before it happens.

The bill is being introduced today by the gentleman from Florida (Mr. WELDON). I urge my colleagues to cosponsor this important bill, and I urge the House to pass it as soon as possible. It is still not too late for us to act.

HONORING JOE FOSS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, tomorrow afternoon in Scottsdale, Arizona at 2 o'clock Mountain Standard Time, there will be a memorial service held for the man described as the ace of aces, a genuine hero, Congressional Medal of Honor recipient Joe Foss.

Joe Foss accomplished much in his life. Indeed Tom Brokaw in his book The Greatest Generation devoted an entire chapter to the life of Joe Foss. It was a remarkable life, not only in wartime but in winning the peace. A two-term governor of South Dakota, the first commissioner of the American Football League, president of the National Rifle Association, a television personality in his own right, and finally in retirement Joe Foss relocated to Arizona.

It was my privilege to know this great and good man, this genuine American hero who despite the reputation of fliers had none of the swagger but all of the humility and humble nature that a man could possess.

The story goes once a journalist asked Joe Foss about his many earthly accomplishments, and Joe said ''Yeah, I guess I have done a lot of things but nothing compares to the day when I met the Lord.'' Now Joe Foss is with the Lord, and I know the people of Arizona along with the gentleman from South Dakota (Mr. JANKLOW), the people of South Dakota, and all of America remember and revere this great American. At ease, Joe, rest in peace.

REMOVING THE TAX ON DIVIDENDS

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, President Bush this week announced plans to make sure that in the tax proposals that this Congress will address that as part of that tax package we will not tax dividends, and I want to stand up and say how proud I am of what the President is doing because it is furthering the commitment that I believe this House of Representatives should have as well as the President to where we do not tax savings or investment in America.

I believe as the vigorous debate takes place across this country and in this body we will find out that this will be good for people who will be able to save money, save money, and not have it taxed in between that period of time every year for tax purposes but will see their savings grow. I am proud of what this President is doing. I plan to support not only his tax bill but the things the President does, and I offer a hearty congratulations to the President of the United States, George W. Bush.

MERCURY IN VACCINATIONS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, everybody knows that mercury is a toxic substance. If it is spilled on the ground, they evacuate the area and they bring in the fire department and they clean it up with all kinds of paraphernalia to protect the citizens and the firemen that are working on it, and yet it is injected into our children's bodies in our vaccinations, and in the Homeland Security bill this year they eliminated the possibility of the families who have been damaged and the children who have been damaged by the mercury in these vaccines from having any chance to get restitution from the pharmaceutical companies or from the Vaccine Injury Compensation Fund. That is criminal. It needs to be changed.

We have the fastest growing epidemic in America and the parents have nowhere to go, and it is caused in large part by the mercury in the vaccines. This is just tragic. We need to correct that in the technical corrections bill very, very quickly so these parents have some recourse. They are mortgaging their homes. They are going bankrupt trying to take care of these children. One in 10,000 children used to be autistic. Now it is one in 180. It is an absolute epidemic and this government prohibited the families from finding a way to take care of their children, and these kids are going to grow up. These kids are going to grow up, and they are going to be a burden on society unless we do something about it now.

And in addition Mr. Speaker, I just found out that the vaccines that we are giving to our military personnel who are over in the Persian Gulf who may be going to war with Iraq, they are being vaccinated with vaccines that contain mercury as well.

We need to get mercury out of all vaccines and we need to make absolutely sure that the parents who have damaged children have some course to get restitution this government should not block. It is criminal.

PRESIDENT'S STIMULUS PACKAGE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I just want to say how disappointed I was with the President's so-called economic stimulus package that was announced yesterday. First of all, there is no immediate jumpstart to the economy, and this is just more of the same: Tax breaks essentially to the wealthy, to corporate interests, and very little that means anything for the average American.

Mr. Speaker, we have a tremendous problem with an economic downturn. We have more and more people who have lost their jobs. This is not the time to continue the same failed economic policies. The Democrats have talked about basically giving money back to consumers in the form of a rebate. We have talked about extending unemployment compensation for at least 26 weeks. In addition to that, our plan is a real economic stimulus. It gets the economy going again and does not basically put together long-term deficits.

If you listen to what the President and the Republicans have been proposing, it is just going to put the economy and the Federal Government into debt even greater, as much as $2 trillion perhaps over the next 10 years. Why do we continue with the same failed Republican policies? Let us do something that gets people back to work, that creates jobs, that gives some money back to the States because the States have so many problems now with their own deficits. The Federal Government has to do something now that is going to make a difference for the average American, and that is not what we are hearing from the Bush administration. We are just hearing the same thing about giving more tax breaks, eliminating dividends with regard to stocks. These things are not going to do anything in the next year to actually help the American people. In fact, I am very fearful that there is a potential that the economic situation even gets worse unless we get together on a bipartisan basis.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair has a statement about the length of electronic votes.

Clause 4 of rule XX says that Members shall have at least 15 minutes to respond on an ordinary recorded vote or quorum call. But with the cooperation of Members, it is possible to complete a vote in that time.

The Chair believes that closing votes as soon as possible after the guaranteed minimum time should be the regular practice. The Chair is certain that votes can be shortened if Members simply resolve to head to the Chamber as soon as they are notified by the bell and light signal. The Chair will remind Members when two minutes remain on the clock.

The goal of completing votes in as close to the minimum time as possible is even more reasonable in the case of a 5-minute vote because every 5-minute vote necessarily follows another electronic vote and it is always preceded by an announcement from the Chair and a distinctive bell and light signal.

Each occupant of the Chair will have the full support of the Speaker in striving to close each electronic vote at the earliest opportunity. Members should not rely on signals relayed from outside the Chamber to assume that votes will be held open until they arrive in the Chamber.

PROVIDING FOR CONSIDERATION OF S. 23, EXTENSION OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 14 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 14

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (S. 23) to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by Representative Thomas of California and Representative Rangel of New York; and (2) one motion to recommit.

SEC. 2. The allocations referred to in section 3(a)(4)(B)(i) of House Resolution 5 may be submitted by Representative Nussle of Iowa.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

The rule provides for 1 hour of debate and waives all points of order against consideration of the bill. As we begin the 108th Congress I would like to point out that we intend to continue the courtesy that we began when the Republicans became the majority. This rule allows us to continue in the tradition of extending the minority party an opportunity to offer a motion to recommit.

Mr. Speaker, the resolution before us today allows us to debate and consider a most important measure, S–23, which provides for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002. Last Congress we passed the Job Creation and Worker Assistance Act of 2002, which became Public Law 107–147. This economic stimulus bill includes a temporary extension of unemployment compensation and provides for the temporary extended unemployment compensation program.

□ 1030

This program provided up to 13 additional weeks of federally funded benefits for unemployed workers in all States. Benefits were payable to qualified workers through December 28, 2002. Though several attempts were made, and language extending this program was passed by the House, the 107th Congress unfortunately adjourned without having passed an extension.

Today, we have the opportunity to consider legislation that would immediately provide for a 5-month extension of unemployed benefits, through May 2003, with a 3-month phaseout. This also allows for newly eligible workers by the end of May 2003 to receive extended unemployment benefits through August of this year.

Mr. Speaker, 1.9 million new recipients would be aided by this extension, as well as nearly 800,000 continuing recipients who have been affected by the December 28 ''cliff.'' This comes to a total of 2.7 million workers and their families who would benefit from the legislation that will hopefully pass today.

This measure is similar to the language that was championed by Senators CLINTON and NICKLES at the end of the last Congress. Yesterday, the Senate passed this legislation by unanimous consent. Today, the House has the opportunity to pass and to send this measure to President Bush for his signature. By moving expeditiously, we could ensure that unemployed workers do not suffer from a significant delay in the receipt of their checks. I hope that we can mirror the Senate's actions on this bill with a strong, bipartisan vote. I believe that it would be a strong indication of this new Congress's commitment to American workers and their families. Furthermore, extending unemployment benefits and providing unemployed workers with additional purchasing power would be yet another way to help stimulate the economy which, in turn, would help us to keep unemployment down.

Mr. Speaker, before I yield to the gentlewoman from New York, I would like to offer a brief explanation of the second part of this resolution. Section 2 of this resolution provides that allocations referred to in section 3(a) of House Resolution 5 may be submitted by the gentleman from Iowa (Mr. NUSSLE). This is merely a technical clarification of the rules package we

adopted yesterday, which contained a provision to allow the chairman of the Committee on the Budget to have printed in the CONGRESSIONAL RECORD 302(a) allocations. This is necessary so that the House might complete its obligation to fund this through the current year FY 03 fiscal year.

As everyone knows, the Committee on Rules is currently the only committee up and running, so my good friend, the gentleman from Iowa (Mr. NUSSLE), has technically not been appointed the chairman of the Committee on the Budget yet. This provision merely lets him carry out his duties as if he already were the committee chairman.

Mr. Speaker, I urge my colleagues to join me in supporting this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Texas for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I am going to read a letter from a constituent of mine in Rochester, New York, whom we will call Mary.

''Dear Louise: I am a 52-year-old mother with a handicapped child at home and a daughter in graduate school. I am writing because I am tired of freezing. Our thermostat is set at 55 and the electric company is still sending us threatening letters every month. We pay as much as we can, but without extended unemployment benefits, my son will have to go to an institution. I have 42 job rejections and I have a B.A. in sociology. It's very hard for me to worry about home security issues and terrorism when I am cold. Maybe I can make it through the winter with extended benefits.''

Another received over the holidays:

''Dear Louise: My husband was laid off in January. We have taken out two loans against our house in addition to our mortgage to survive and we have a 2-year-old child who is getting almost nothing under the Christmas tree.''

There are more where that came from, Mr. Speaker. Another wrote me, ''I am 34 years old. A year ago today I was making $76,000 a year as a software engineer at Xerox, and today I cannot find a job. I have a newborn baby girl, and I am going to run out of my benefits next week. I consistently made $60,000 a year for the past 5 years and paid taxes accordingly.''

None of these people will be helped by this legislation today. None of them.

Mr. Speaker, last month I asked some unemployed workers in my district to sign a petition that calls on Congress to make the extension of Federal unemployment benefits a priority. During the last 2 weeks alone, more than 300 constituents have signed on to the petition. They are losing their homes. They have sold their cars. They cannot support their families, their children; and these are not people who sit back and passively collect checks to avoid working. They have been pounding the pavement in an economy that is shutting them out. Indeed, Mr. Speaker, I have been told that it is almost impossible at this time to get even a part-time job or a temporary job in Rochester.

These are people who have worked all of their lives and paid into the unemployment insurance fund and now simply are asking to get some back. Through no fault of their own, they find themselves reeling in an economic slowdown.

While working, they did all of their part; and the cushion that they are given now is resonating like a hard thud. The money is sitting there, Mr. Speaker, in a trust fund that we are failing to fully utilize. That is bad stewardship. These constituents are not comforted by an abstract proposal to reduce the tax on corporate dividends or other so-called stimulus. A victory for them would be to keep their homes heated and a roof over their heads. To add insult to injury, my constituents were greeted with this headline 3 days after Christmas reading nationwide, ''800,000 lose jobless benefits,'' with the kicker that Congress went home and failed to okay funds.

All during the holidays, Mr. Speaker, we talked about getting back here and the first thing we wanted to do, there was this great sense that we would come back to help the people whose benefits expired on December 28. Unfortunately, that is not the case. If benefits expire later, this bill will do some help, but this is appalling. I have been at a loss to explain to my constituents why a majority in this House let them down. A recent report suggests that without an extension package, a projected 12,000 unemployed workers in Rochester, in the Buffalo-Niagra area are scheduled to lose their benefits between December 28 and March 31. But, as I said before, this measure before us today will be too little and too late for thousands in my region and perhaps in others.

The version we are considering today would only allow for a 13-week extension of benefits for those who are still eligible. It would not address the needs of the nearly 84,000 unemployed in the State of New York alone who have already exhausted their benefits.

Mr. Speaker, it seems almost superfluous to note that the 108th Congress kicks off its legislative program with a rule so closed and restricted that the minority party was prevented from offering even a single substitute. I remember the day that this institution was considered one of the great deliberative bodies, brimming with ideas and a host of viewpoints befitting a democracy, but no more, Mr. Speaker. Today, 205 Members of this body and their constituents have been disenfranchised and shut out. My colleagues, a cold wind is blowing in this institution, and the needs and voices of our most vulnerable constituents are feeling the chill.

Mr. Speaker, the Democratic substitute that was blocked by the Committee on Rules last night would have made a real difference to thousands. First and foremost, the measure would reestablish the Federal extended unemployment compensation program and guarantee all jobless workers at least 26 weeks of extended benefits. The program would be extended until June 30, 2003. Workers in every State would be eligible for 26 weeks of extended unemployment benefits after they exhaust their regular unemployment compensation. This provision would provide extended unemployment benefits to merely 2½ million workers over the first half of 2003, and the unemployment rate becomes more and more shocking every day.

Moreover, any workers who exhausted their initial 13 weeks of temporary extended unemployment compensation in 2002 would receive an additional 13 weeks. Any worker who was cut off on December 28 because of the termination of the current program would receive the remainder of their original 13 weeks on a retroactive basis, plus the additional 13 weeks. Finally, any worker who exhausted 26 weeks which they received because their State hit the requisite unemployment trigger would receive an additional 7 weeks if their State remained designated as having high unemployment.

Mr. Speaker, one of the things that literally broke my heart was when one Member of Congress was quoted as saying, ''We don't want to extend these benefits; they will not go out and look for work.'' We are talking about people who are having a very difficult time; in fact, probably will not be able to find the kind of work commensurate with their education and their skills. I am very much afraid that my district, like many others, will lose them to other parts of the country. It is a tragedy that is happening here today, Mr. Speaker. We could be doing something good for the unemployed of America; but instead, we are turning our back on them and saying, have a little dividend tax relief.

I do want to point out too on the stimulus package, because it is so important that most people who have stock in the United States have either a 401(k) program or a mutual fund, they will not see anything from any kind of tax relief.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, last night the Committee on Rules had an

opportunity to hold a hearing on this unemployment compensation bill. However, for months our chairman, the gentleman from California (Mr. DREIER), has been involved in the negotiations as a member of the leadership of the House and is a person who has taken a lead on this important issue. I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding me this time, and I congratulate him on his fine management on this very important rule.

I will begin by saying that none of us is enthused by the prospect of having to extend unemployment benefits. Why? Because we want to focus on job creation and economic growth; and we know that the people who are out there who, unfortunately, are suffering, want to have opportunity, and that is why we are bound and determined to do everything possible to ensure that they have it. But I see what we are doing here today, Mr. Speaker, as really part of our national security responsibility. We all know that on September 11 of 2001 we had the worst attack and the loss of civilian life in our Nation's history. We know that the aftermath of that has cost us over $100 billion in direct appropriations. We also know, Mr. Speaker, that it has created a very, very large drain on our Nation's economy, and there are people out there who are hurting.

Last November 14, we passed out of the House of Representatives a bill to make sure that there would be no interruption in unemployment benefits that were provided. Unfortunately, the Senate did not bring that measure up. But they did, however, pass a bill that is identical to this. A bill that is identical to this measure passed the Democratic-controlled United States Senate. This is the measure which was known as the Clinton-Nichols bill. Senator CLINTON from New York who got her start in elective office thanks to my friend, the gentleman from New York (Mr. RANGEL), who encouraged her from the outset, as the author of this measure that we are going to be voting on today. I believe that this is a measure which will go a long way towards mitigating the pain which has come about because of the aftermath of September 11 and the economic downturn.

So that is why this measure should enjoy broad bipartisan support. As the gentleman from Texas (Mr. SESSIONS) pointed out, we do have, in fact, in the rules of the House, since this is the second day of the 108th Congress, I underscore again, we have guaranteed the minority the right to a motion to recommit, so they will have a chance to deal with this issue if they want to in a different way. But I underscore the fact that the measure we are going to be voting on today is a bipartisan measure. It passed unanimously, under unanimous consent in the Senate.

So in light of the fact that it has passed there and we have this measure here, we want to make sure that there is no interruption. One of the reasons that we need to make sure that this is done today is so that there is not an interruption. We want to pass this bill so that we can get it to the President's desk, so that he can sign the bill to ensure that we get this much-needed assistance to those who are hurting.

Now, a number of my colleagues have today gotten up and talked about the President's plan that he unveiled yesterday in Chicago to get the economy moving, and I heard criticism of the opportunity to eliminate double taxation of dividends. We know, Mr. Speaker, that more than half of the American people are members of the investor class.

□ 1045

They have over the past several years been involved in some kind of investment. Guess what? Most of us who are members of the investor class have suffered because of the economic downturn. We all know that.

One of the things we need to do is we need to encourage investment. I believe that the President's proposal that he unveiled yesterday will go a long way towards doing that. The by-product is that it will create jobs and opportunity out there for people who are hurting today, those people who we are going to be assisting with this plan that we have to extend unemployment benefits.

I yesterday introduced legislation which I believe can help make the President's plan even better. It gets back to an issue that my friend, the gentleman from New York (Mr. RANGEL), and I have worked on for years. That has to do with the capital gains tax.

A lot of people say, when we talk about a capital gains tax, they laughingly say, who has capital gains? We have had tremendous losses. Why would you think about cutting the capital gains tax?

H.R. 44, which I introduced yesterday, will bring about a halving of the top rate on capital gains from 20 percent to 10 percent, and from 10 percent to 5 percent for those in the 15 percent bracket for those who prospectively invest. We believe that having a 1-year holding period will guarantee that.

While some argue that it creates a loss in revenues to the Federal Treasury, it in fact will not do that. It will create, obviously, that 1-year holding period, so we are going to see revenues increase to the Treasury, but there would be absolutely no cost regardless of how we score it in the first year because of the fact that we would have had that 1-year holding period.

But it encourages people to get into the market, and allows them to have that top rate go from 20 percent down to 10 percent if they get in and realize some kind of capital gains during that period of time. It is during a 2-year window, and I think that is the kind of thing which, once again, can encourage savings, investment, and productivity.

These are the kinds of things we are working on. So while we are unfortunately, unfortunately in a position where we have no choice but to extend unemployment benefits, and we very much want to do that because we know people are suffering, the key thing for us to do as a Congress is to make sure that we create incentives for people to invest and save and produce.

So that is why this is a very fair rule. It is one which I believe will create a good opportunity for us to deal with the challenges that are out there. I urge my colleagues, Democrats and Republicans alike, to support it.

Ms. SLAUGHTER. Mr. Speaker, I yield 3¾ minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, those of us that come from urban communities know of circumstances when someone is grabbed by the police and they are interrogated, and they have what is called a ''good cop-bad cop'' rule. The good cop talks about compassion and sensitivity and why he is our friend, and why he wants to help us; but the bad cop is the one that is mean-spirited, the one that is in the back, and the one that ultimately is going to see that we get hurt.

Our beloved President is the good cop. He is the one that talks about conservatism, but with compassion. He is the one that says that he does not know why the Congress did not take care of the 800,000 people who lost their unemployment compensation after the Christmas holidays.

But, Mr. Speaker, someplace in the House of Representatives lurks the bad cop. He was the one that would not allow us to vote for workmen's compensation before we left here for the Christmas holidays. While the President talks about unemployment compensation and benefits, and while all of us will be voting for the President's package, the bad cop is there saying, yes, but do not give benefits to the 1 million people whose extended benefits have expired, that have worked every day, that have paid into the unemployment compensation, that are looking for jobs.

The bad cop says that we cannot afford to help those million people. Eighty-four thousand New Yorkers who took the hit for 9–11, not for our city, not for our State, but for the United States of America and for the free world, they are looking for work. They are looking to listen to the good cop. They are looking for compassion.

But the bad cop says, no, we will help you later, much later, because we have to cut taxes on dividends. And if you live long enough and survive long enough, you will be able to get a job. Where is the compassion?

But, Mr. Speaker, I am just as hard-nosed as any Republican that is in this House. I know when one wins the majority, he or she wins the votes and does what they want to do. The difference between me and the bad cop is that I thought we had the right to come here and at least debate our position. If Members do not want the substitute that really takes care, in a small part, of a million people who are seeking work, why do they not give us a chance to at least debate it? How does the bad cop just cut off debate, and then they tell us that we have a motion to recommit?

So all we are saying is, can we not lose with dignity? Can we not lose with compassion? Can they not give us a chance, as they have found $675 billion for the wealthy, to at least let us debate to provide unemployment compensation benefits for a million people? If they will not give us the substitute, could they not waive the point of order for at least the motion to recommit?

No, Mr. Speaker, the bad cop is in charge here, and the compassionate cop remains in the White House.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what we are trying to work on today is a bill that was passed by the Senate last night. Last year, this House passed a bill very similar to this. We tried to do the very best we could. The process is that two bodies of Congress, the House and Senate, have to get together. That is what is happening today.

Yesterday, the Senate acted, or last night. Immediately last night the Committee on Rules had a meeting. We had a hearing where we talked directly about this bill. Today it is on the floor. I think we are doing the timely things. I think we are doing the right things. I do not think we are delaying this in any manner. It is process, and it is a process that we intend to follow.

I am proud that we had this on the floor today, and I am also proud that by presenting this rule and by having this debate perhaps as early as tonight or tomorrow the President of the United States, George W. Bush, will have the chance to sign this bill. That is what this is about. I am proud that we are able to do that today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. NUSSLE), the gentleman who is to be chairman of the Committee on the Budget.

Mr. NUSSLE. Mr. Speaker, I thank my distinguished friend and colleague for yielding time to me.

I rise in support of S. 23, which will provide a 5-month extension of the Federal emergency unemployment insurance benefits. I do so both as a member of the Committee on the Budget with an interest in the enforcement of the budget resolution deemed in effect for fiscal year 2003, and as a member of the Committee on Ways and Means, under whose jurisdiction this legislation has been prepared.

This measure is not inexpensive. The bill carries a $7.25 billion price tag for fiscal year 2003, and moreover, that price tag fails to take into account an additional $650 billion in costs that the Congressional Budget Office will recognize for this bill when it adjusts its budget projections at the end of this month.

However, for those among the Nation's unemployed, they will find this to be a lifeline. They will find a lifeline in this legislation that will help them pay their bills, help them pay their family's bills, while they continue to look for work.

As the incoming chairman of the committee charged with enforcing the budget resolution, I must, however, point out that S. 23 will exceed the budget resolution which the House adopted for fiscal year 2003 in March of last year. It would specifically exceed the allocation for the Committee on Ways and Means by $5.69 billion in budget authority for 2003, and by $1.9 billion in budget authority during the period 2003–2007.

I, however, like the President and most in Congress, recognize the seriousness of the Nation's continuing challenge regarding the unemployment rate. We must take into consideration and we must take that action now to ensure economic security for families of those who have been unemployed as a result of the continuing economic trauma our Nation has suffered since the September 11 terrorist attacks.

It is with understandable reluctance that I would ever support bringing a bill to the floor that exceeds the budget resolution, but I believe that it may be warranted during periods of economic instability and insecurity. This is one of them.

As of December 28, 2002, more than 800,000 American workers have had their eligibility for unemployment insurance benefits terminated. Although they have not yet found new jobs, S. 23 will prevent these workers and others who exhaust the benefits prior to May of this year from having their benefits terminated.

In summary, I support this bill despite its cost because of my concern for Iowa workers and American workers who may have a hard time finding jobs during this period of instability and challenging unemployment rate. More important, I commit to drafting a budget again this year which will support and help strengthen the economic recovery and encourage long-term economic growth.

Mr. Speaker, I urge support of S. 23, and I urge support of this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I am fascinated by the comments of my colleagues on the other side of the aisle who have this new-found compassion for the plight of the unemployed in our country. There is nothing like spending a couple of weeks at home with constituents to open one's eyes.

After months of callously ignoring the unemployed American workers, the Republican majority turned tail and adjourned the 107th Congress without providing any unemployment compensation for people out of work, providing nothing. Now, after almost 800,000 Americans lost their unemployment benefits on December 28, the majority acts like they have seen the light and that they are fully supportive of helping the unemployed.

But while we consider a bill to help these 800,000 Americans, there are 1 million American workers who have already exhausted their benefits who will not be covered by the bill that we are considering today. This is wrong. The selective assistance the majority is attempting to provide does not come soon enough, does not go far enough, and will not help enough. Congress should provide unemployment assistance to every worker who needs it. The bill that we are considering today does not do that.

The gentleman from New York (Mr. RANGEL), on behalf of the minority, offered a substitute in the Committee on Rules last night, but the majority, in the now-traditional House spirit of nonbipartisanship, denied us the opportunity to even consider the substitute. Our substitute would extend unemployment benefits by 26 weeks instead of 13 weeks for people losing their unemployment compensation during the first half of this year, and it would provide an additional 13 weeks to the 1 million jobless Americans who exhausted their benefits last year. There is no question we need to help the unemployed, but we should not be providing selective assistance. Unemployed Americans deserve better than this.

I would say to my colleagues on the other side of the aisle, if they do not want to help these people, it is their right to do nothing. They could vote against the Rangel substitute. But they should not deny us the opportunity to try to bring this substitute to the floor and debate our position and have an up-or-down vote. They can vote no if they want to, but we should all have that opportunity to vote up or down.

They give speeches about democracy in all these countries all around the world. We need a little democracy here in the United States House of Representatives. We should not be denied the opportunity to bring this substitute to the floor. This is supposed to be the people's House. The people should work their will. We should not be denied this opportunity. It is outrageous that they are not giving us the opportunity to help these 1 million workers who have exhausted their benefits.

I would urge Members to vote no on this rule as a protest to the fact that we are being denied the right to offer a substitute to help these people.

□ 1100

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, speech after speech we hear about how we have been delayed in this process. I agree. Part of the process is, however, that the two bodies, the House and the Senate, have a process. What we are doing today is taking a Senate bill that is even more generous than the one which the Senate passed last year. We are accepting this because we believe it is the right thing to do.

Our President, George W. Bush, spoke very clearly and very passionately about his belief that when the House of Representatives and the Senate would come back, this was several weeks ago when he spoke, that he was asking us to make sure that we held the necessary meetings and committee mark-ups to make sure that this bill did come to the floor. That is what we are doing today. I am proud of what we are doing. I offer no apologies for what our party stands for.

We are here on the floor of the House of Representatives as a majority party with a great bill. It happens to be a better bill now than what was marked up last year and passed by the United States Senate. But it is one that we agree on, and it is one that we should be proud of.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, it has been said here that unfortunately the 107th adjourned without passage of a bill like this. I was here with the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Maryland (Mr. HOYER) that day of sine die adjournment. We tried to bring up this issue. We were thwarted by the Republican majority. We asked that we bring up the Senate bill. Unanimous consent is all that was needed.

The gentleman from Texas (Mr. SESSIONS) says the President has spoken passionately. On that day the President was silent. Now there has been political pressure. Now some of the faces of the unemployed have appeared in the newspapers and on television. And so now you are ready to act. The Senate has acted. But, look, I think we can do better and there is time for us to do even better.

One of my colleagues on the Republican side said there should be no interruptions to those who are hurting, if I got the words down correctly. What about the million who have exhausted their extended benefits and who are hurting? To the gentleman from Texas (Mr. SESSIONS), 56,000 from your State. The gentleman from Iowa talked about the unemployed in his State. How about the 8,500-plus who have exhausted their benefits and who are looking for work who are hurting. Why do we not act?

Well, the gentleman from Iowa (Mr. NUSSLE) talks about the budget process. You are waiving it today up to a point. There is an unwillingness to waive it to let us bring up coverage of those who have exhausted their benefits. There is $25 billion in the trust fund for this purpose. And our proposal would include enough people so that everybody would be covered within the $25 billion.

Look, I remember so vividly on that day when we adjourned sine die, we held a press conference, and distributed by the Republicans on the Committee on Ways and Means ''Debunking Liberal Myths on the Unemployment Picture.'' That was distributed as we came out of the press conference. ''Debunking liberal Myths on the Unemployment Picture.''

Look, I suggest to people who think unemployment is a liberal myth, talk to the unemployed when you go home tomorrow. Talk to their families. Find out the trials and the tribulations. I think if you will do that, you will agree today we could have done even better. We could have done better.

Mr. SESSIONS. Mr. Speaker, at this time I have no further speakers. I would like to inquire from the gentlewoman from New York (Ms. SLAUGHTER) as to how many speakers and the time remaining on both sides.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. SESSIONS) has 13½ minutes remaining. The gentlewoman from New York (Ms. SLAUGHTER) has 13¾ minutes remaining.

Ms. SLAUGHTER. I do have three or four more speakers, Mr. Speaker.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise to oppose, and strenuously oppose, this bill. It is fundamentally unfair. We talk in this body about the need for open and fair debate, but the Republicans have shut off the Democrats' ideas on this very important subject, how we can help those people who are unemployed.

Years ago the legendary singer Marvin Gaye had a song out called ''What's Going On.'' Let me talk about what is going on. September 11 and its aftermath are going on, mergers, bankruptcy, failed dot-coms, closed plants, airline restructuring, corporate downsizing. That is what is going on in America. And the bottom line is people are unemployed.

Now, today we could have a debate about two opposing views, the Democrats and the Republicans. Let us talk about what Democrats would do versus the Republicans' approach to Americans who are unemployed.

First, those people we call exhaustees, those who have exhausted their benefits. There are 1 million Americans who have exhausted their benefits. The Democrats would give them 13 weeks of additional benefits. The Republican plan before us today gives them zero. That is unfair.

Let us talk about what we call new entries, that is, the 93,000 people each week who become unemployed, exhaust all of their benefits at the State level. The Democrats would give them 26 weeks, roughly 6½ months. The Republicans would only give them 3½ months, 13 weeks. The Democrat plan is clearly fair. And critically the people who have been cut off, 800,000 workers were cut off on December 28. The Democrats would give them a total of 26 weeks. The Republicans say, well, whatever is left, that is what you get. If you only have 2 weeks of benefits left, you only get 2 weeks of unemployment benefits. That is not fair.

Now the Republicans say we do not want to talk about unemployment. We want to talk about growth and that is why we are proposing to give a big tax break to the wealthy in the form of eliminating the tax on dividends and that will spur growth in jobs. Sounds good, does it not?

The problem is that conservative compassion or compassionate conservatism is out of sync because their job creation comes sometimes years after these people are unemployed. They need benefits and help now. Then if the jobs come, fine. But we ought to be helping Americans now and the Republicans do not do it. That is tragedy. I will vote down this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me time.

The President is intent on going to war. He continues to take us down a path to war. The papers carry today the story that the stimulus package is going to be eaten up by the war. You

can pour that $700 billion into the economy, and it will not do any good because nobody is going to invest, which means we are going to continue to have long-term unemployment.

My State has the highest rate of unemployment. The distinguished gentleman from California says, well, they are going to get some money from the stimulus package when they get their capital gains excuse there.

I am going to tell the 30,000 people in my State that are not covered by this bill that we will try to get an address where they can go and get their money for their non-existent tax benefits.

This is a travesty, and what you are doing is you are putting a little Band-Aid on it today because you have got public pressure. You will be back. I guarantee you will be back in March. You will be out here saying, well, amazingly, the economy has not picked up. We do not know what to do, so we have to give a few more benefits, a few more nickels and dimes out the door.

If you continue down this path to war and spend the money out of the Treasury of the United States in a stupid tax giveaway to the wealthy, 70 percent of the people in this country will not get more than a $100 out of it. If you think that is a stimulus to the economy, you do not understand ordinary people.

So you are wasting $700 billion. You are taking us into a senseless war, and you will not take care of people who are sitting in your own districts. And you will not let us debate it. You say, well, we have the budget, we have the budget, you know, we have to keep the budget in balance. You gave that up and you are going to give it up.

The President says we are having a wartime budget. So in a wartime budget you do not have to worry about what is going on. You can just spend money on all kinds of things but not on the unemployed, even though the $25 billion is sitting right in the account right now, and they will not acquire a damn dime.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members that remarks in debate should avoid profanity.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, we live in a cold world, and we are in a cold and somewhat impassioned Chamber.

Mr. Speaker, I thank the distinguished gentlewoman from New York (Ms. SLAUGHTER) for yielding me time.

Mr. Speaker, we live in a world that does not seem to care that people who deserve or get unemployment insurance are, in fact, the workers of America who have built this Nation. Now we have a bill given by now the singular government of the United States, Republican Presidency, Republican Senate, Republican House. There is no two-party system in this Nation, which means that the railroad train, the train of no return, will be the legislative call of the day.

How in the world can you argue that we live in a democracy when you are denying the opposition the right to present their proposal that will, in fact, save families and save lives?

The Democrats realize that people are unemployed because there is no work. And the Bill Clinton administration, in the first term he created 11 million jobs in America. Right now the Bush administration has seen 2 million jobs go down the drain. So are you telling me that the 56,000 people in the State of Texas are ne're-do-wells who do not want to work? No.

They have fallen upon hard times. They are trying to work. Their mortgage payments are coming. The college tuition payments are coming. The car payments are coming. And we are leaving them to fall on their spears.

We have got a war that we do not need that is costing us a trillion dollars, but yet a lousy $7.2 billion is all we are going to give. We cannot afford to give 26 full weeks and pay for the million people that are about to lose their homes right now because they are not included in this bill that we have to vote for. I never knew or thought as a child growing up in America that had unemployed parents, saw the hardship of trying to make ends meet, borrowing from relatives to stay alive, that we would have a government that would be so uncaring, that we would stand here and force down this legislative initiative because we do not like the opposition, because we are in control now.

The only thing I can say is that this is an abomination and Lord have mercy on all of us as we try to be compassionate for those who are in need.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, it is somewhat painful to say that we begin the 108th Congress today with new Members, a new majority in the Senate under Republican control, a Republican-controlled House, a Republican in the White House, and the first order of legislative business in the 108th Congress in the year 2003 is a plan which gags the minority party in the greatest democracy in the world to discuss something very important to millions of Americans who are working and about to lose their jobs or who are trying to work but cannot find a job. It is difficult to believe that today, January 8 of 2003, that in the House of Representatives, the people's House, we will not have an opportunity to discuss how we can provide unemployment benefits, emergency unemployment benefits to a million Americans who are struggling to find work.

In my State of California, over 100,000 Americans are out of a job and are trying to find ways to put food on the table. But in this House of Representatives, I cannot put a proposal before my colleagues for a vote, whether it wins or loses, up or down, to decide whether or not those 1 million Americans, and more than 100,000 of them in my State of California, cannot see unemployment benefits extended for them as this proposal would do for some other Americans.

□ 1115

Why Peter gets it and Paul does not, I do not understand, but that is the case, and when we look at the sad history of this, we see that a year ago, less than a year ago, a few months ago, Democrats put a proposal to do exactly what is on the table now, to extend benefits.

At the end of last year, when we knew that people were losing work, when we knew that on December 28, close to a million people would run out of benefits and that we knew more than 80,000 people a week were becoming unemployed and without unemployment benefits, this Congress did try to do something, at least the Democratic side of the Congress.

We had a proposal under the leadership of the gentleman from New York (Mr. RANGEL) to provide those extended benefits, but we could not get it heard in this House for the same reason we cannot have the proposal heard today. We were gagged. It was bad then but it is shameful today that we begin a new session on what should be a bipartisan note for Americans who are looking for work, and we cannot do it.

Yet just yesterday the President proposed close to $700 billion worth of tax cuts to help mostly wealthy investors, not folks who are out there working with their hands, but folks who invested money and can make money because the company happens to earn a little bit more on their stock. The folks who are willing to use their legs, their hands, their minds, who are right now out of work, will not get any assistance, not just one American, not just 1,000 Americans, but about a million Americans.

I am going to go back to California. If we pass something I will be able to tell some of my Californians and colleagues there we got them that extended benefit that they needed to put food on the table, but I am going, in the same moment, to turn over to the next American in California and say, sorry, I could not even take a vote to see if I could extend their benefits. That is not the note we should start on, but that is the note that this Congress and the House of Representatives starts on.

I believe we have an opportunity today to change that. We should not

for us, not for politicians but for hard-working Americans who probably will not even listen to this debate, but this is still their House, this is the people's House, and we should do the people's work, and to leave today or tomorrow or this week, as we did back in December, without concluding the work for our working Americans who are seeking jobs is unfair, too little too late. Let us do something right. Let us do it for all Americans, not just for some.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself the remaining time.

Today, we have had a fabulous debate, an opportunity to have people from both parties, both sides of the aisle to be able to talk about this bill that is before us, S. 23. It is a Senate bill. It is an agreement that was reached in the other body just last night.

Last night, this body, through the leadership of the gentleman from Illinois (Mr. HASTERT) had the Committee on Rules come into order. We had a hearing last night. We talked about this important issue. We deliberated. We heard from both sides. We followed the process. That process that the Committee on Rules went through is one that this body has gone through for many years, and we came up with a product.

The product that we chose was exactly the same bill that the Senate had approved last year but made better, and was done all last night.

Ms. SLAUGHTER. Mr. Speaker, I would ask the gentleman from Texas to yield for a unanimous consent.

Mr. SESSIONS. Mr. Speaker, it is my time and I do not choose to yield at this time. I am offering to close as is provided for by the rules, and I will allow the gentlewoman to insert something into the RECORD if that is a request.

The SPEAKER pro tempore (Mr. SIMPSON). Does the gentlewoman have a request?

Ms. SLAUGHTER. Mr. Speaker, I meant to say at the end of my time that we will call for a vote on the previous question. If it is defeated, we have an amendment to the rule, that we would like to offer the Rangel substitute for 26 weeks of extended benefits. We are concerned that we were denied an opportunity to put that on the floor, and by voting no on the previous question we will be able to substitute.

AMENDMENT TO H. RES. 14 OFFERED BY MS. SLAUGHTER

Strike all after the resolved clause and insert:

That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (S. 23) to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by Representative Thomas of California and Representative Rangel of New York; (2) the amendment specified in section 2, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

Sec. 2. The amendment referred to in the first section of this resolution is as follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Emergency Unemployment Compensation Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Extension of the Temporary Extended Unemployment Compensation Act of 2002.
Sec. 3. Entitlement to additional weeks of temporary extended unemployment compensation.
Sec. 4. Application of revised rate of insured unemployment.
Sec. 5. Additional TEUC extended benefit period trigger.
Sec. 6. Additional weeks of benefits for workers in high unemployment States.
Sec. 7. Effective date.

SEC. 2. EXTENSION OF THE TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002.

(a) SIX-MONTH EXTENSION OF PROGRAM.—Section 208 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 30) is amended to read as follows:

''SEC. 208. APPLICABILITY.

''(a) IN GENERAL.—Subject to subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

''(1) beginning after the date on which such agreement is entered into; and

''(2) ending before July 1, 2003.

''(b) TRANSITION.—In the case of an individual who is receiving temporary extended unemployment compensation for the week which immediately precedes July 1, 2003, temporary extended unemployment compensation shall continue to be payable to such individual for any week thereafter from the account from which such individual received compensation for the week immediately preceding that termination date. No compensation shall be payable by reason of the preceding sentence for any week beginning after December 31, 2003.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21).

SEC. 3. ENTITLEMENT TO ADDITIONAL WEEKS OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.

Paragraph (1) of section 203(b) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21) is amended to read as follows:

''(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to 26 times the individual's weekly benefit amount for the benefit year.''.

SEC. 4. APPLICATION OF REVISED RATE OF INSURED UNEMPLOYMENT.

Section 207 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21) is amended—

(1) by striking ''In'' and inserting ''(a) GENERAL DEFINITIONS.—In''; and

(2) by adding at the end the following new paragraph:

''(b) ADJUSTED INSURED UNEMPLOYMENT RATE.—For purposes of carrying out section 203(c) with respect to weeks of unemployment beginning on or after the date of enactment of the Emergency Unemployment Compensation Act of 2003, the term 'rate of insured unemployment', as used in section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note), has the meaning given such term under section 203(e)(1) of such Act, except that individuals exhausting their right to regular compensation during the most recent 3 calendar months for which data are available before the close of the period for which such rate is being determined shall be taken into account as if they were individuals filing claims for regular compensation for each week during the period for which such rate is being determined.''.

SEC. 5. ADDITIONAL TEUC EXTENDED BENEFIT PERIOD TRIGGER.

(a) IN GENERAL.—Section 203(c) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21) is amended by adding at the end the following new paragraph:

''(3) ADDITIONAL EXTENDED BENEFIT PERIOD TRIGGER.—

''(A) IN GENERAL.—Effective with respect to compensation for weeks of unemployment beginning on or after the date of enactment of the Emergency Unemployment Compensation Act of 2003, an agreement under this title shall provide that, in addition to any other extended benefit period trigger, for purposes of beginning or ending any extended benefit period under this section—

''(i) there is a State 'on' indicator for a week if—

''(I) the average rate of total unemployment in such State (seasonally adjusted) for the period consisting of the most recent 3 months for which data for all States are published before the close of such week equals or exceeds 6 percent; and

''(II) the average rate of total unemployment in such State (seasonally adjusted) for the 3-month period referred to in clause (i) equals or exceeds 110 percent of such average rate for either (or both) of the corresponding 3-month periods ending in the 2 preceding calendar years; and

''(ii) there is a State 'off' indicator for a week if either the requirements of subclause (I) or (II) of clause (i) are not satisfied.

''(B) NO EFFECT ON OTHER DETERMINATIONS.—Notwithstanding the provisions of any agreement described in subparagraph (A), any week for which there would otherwise be a State 'on' indicator shall continue to be such a week and shall not be determined to be a week for which there is a State 'off' indicator.

''(C) DETERMINATIONS MADE BY THE SECRETARY.—For purposes of this subsection, determinations of the rate of total unemployment in any State for any period (and of any seasonal adjustment) shall be made by the Secretary.''.

(b) CONFORMING AMENDMENT.—Section 203(c)(1) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21) is amended by inserting ''or (3)'' after ''paragraph (2)''.

SEC. 6. ADDITIONAL WEEKS OF BENEFITS FOR WORKERS IN HIGH UNEMPLOYMENT STATES.

Section 203(c)(1) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 30) is amended by striking ''an amount equal to the amount originally established in such account (as determined under subsection (b)(1))'' and inserting ''7 times the individual's weekly benefit amount for the benefit year''.

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall apply with respect to weeks of unemployment beginning on or after the date of enactment this Act.

(b) RESUMPTION OF BENEFITS.—

(1) RULE APPLICABLE TO EXHAUSTEES.—In the case of any individual—

(A) to whom any temporary extended unemployment compensation was payable for any week beginning before January 1, 2003, and

(B) who exhausted such individual's rights to such compensation (by reason of the payment of all amounts in such individual's temporary extended unemployment compensation account) before January 1, 2003,

such individual's eligibility for any additional weeks of temporary extended unemployment compensation by reason of the amendments made by this Act shall apply with respect to weeks of unemployment beginning on or after the date of enactment of this Act.

(2) RULE APPLICABLE TO NON-EXHAUSTEES.—In the case of any individual—

(A) to whom any temporary extended unemployment compensation was payable for any week beginning before January 1, 2003, and

(B) as to whom the condition described in paragraph (1)(B) does not apply,

such individual shall, upon appropriate application, be eligible for temporary extended unemployment compensation (in accordance with the provisions of the Temporary Extended Unemployment Compensation Act of 2002, as amended by this Act) with respect to any weeks of unemployment beginning on or after December 29, 2002.

(c) DATE FOR DETERMINING ELIGIBILITY OF EXHAUSTEES FOR AUGMENTED BENEFITS.—In the case of any individual described in subsection (b)(1), the determination under section 203(c) as to whether such individual's State is in an extended benefit period (for purposes of determining eligibility for augmented benefits under the Temporary Extended Unemployment Compensation Act of 2002, as amended by this Act) shall be made—

(1) as of the date of enactment of this Act, and

(2) without regard to whether or not such a determination was made under the Temporary Extended Unemployment Compensation Act of 2002, as in effect before the amendments made by this Act.

Mr. SESSIONS. Mr. Speaker, I yielded to the gentlewoman for the purpose of allowing something to be placed into the RECORD. It is my time and I wish to gain that time back.

The SPEAKER pro tempore. Without objection, the gentlewoman may insert her comments into the RECORD.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, I thank the Speaker for allowing the gentlewoman to insert that into the RECORD.

So now we are at the point where we have completed part of the process where we are going to vote on the rule, and in a few minutes, I assume after a vote on that, then we will have a debate where we will talk about the substance further of the bill. This has allowed both parties the time to place forward their ideas, and for anyone to think that we have not allowed free time or gagged someone to tell them what they can or cannot discuss is simply ludicrous. That is why we allow the time on the floor.

I am proud of what the Committee on Rules has done. I am proud of the debate that we have had today, and I look forward to the President of the United States having an opportunity, perhaps as early as this afternoon or tomorrow, to sign this bill to get these benefits to the people that need it the most. I am proud of what we are doing.

Mr. Speaker, once again, I urge my colleagues to join me in supporting this rule and the underlying legislation which is so critical.

Ms. LEE. Mr. Speaker, I rise in opposition to this closed rule and to speak about the need for extending unemployment benefits. I'm happy to see that our Republican colleagues have finally gotten around to agreeing with us that the working people of this country need help in the economic downturn that is plaguing our country. Democrats tried to pass emergency extensions for unemployed workers across the country during our November session, but the Republican leadership only wanted to extend benefits for unemployed workers in Alaska, Oregon, and Washington.

What did this legislative delay mean for my 9th California district? It meant that three days after Christmas almost 7,500 in the Oakland metropolitan area lost their federal extended unemployment benefits. It meant that these people, who are already struggling in an environment of high housing costs, are struggling to survive. It meant that in an economy that is already miserable we had fewer spending consumers.

I applaud the fact that the Republicans have agreed to extend unemployment benefits, and I will vote for this legislation. But I also want to insist that we do more. For those people who have exhausted their benefits, for instance, the President's plan provides no more help. On the other hand, the Democratic legislation would provide 13 weeks more of benefits for those who have already exhausted their extended federal benefits, perhaps the people with the greatest need.

President Bush's so-called economic stimulus package spends billions to fatten the wallets of the wealthy, but our plan focuses aid on lower- and middle-class workers who need that help immediately.

That's why I urge a "no" vote on this closed rule.

Mr. SESSIONS, Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Before placing the question, the Chair has a statement about the length of electronic votes.

Clause 4 of rule XX says that Members shall have at least 15 minutes to respond on an ordinary record vote or quorum call, but with cooperation among Members, it is possible to complete a vote in that time.

The Chair believes that closing votes as soon as possible after the guaranteed minimum time should be the regular practice. The Chair is certain that votes can be shortened if Members simply resolve to head to the chamber as soon as they are notified by the bell and light signal. The Chair will remind Members when 2 minutes remain on the clock.

The goal of completing votes in as close to the minimum time as possible is even more reasonable in the case of 5-minute votes because every 5-minute vote necessarily follows another electronic vote and is always preceded by an announcement from the Chair and a distinctive bell and light signal.

No occupant of the chair would prevent a Member who is in the well of the Chamber before a result is announced from casting his or her vote, but each occupant of the chair will have the full support of the Speaker in striving to close each electronic vote at the earliest opportunity. Members should not rely on signals relayed from outside the Chamber to assume that votes will be held open until they arrive in the Chamber.

The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for an electronic vote, if ordered, on the question of adopting the resolution.

The vote was taken by electronic device, and there were—yeas 224, nays 196, not voting 13, as follows:

[Roll No. 5]

YEAS—224

Aderholt	Barton (TX)	Blackburn
Akin	Bass	Blunt
Bachus	Beauprez	Boehlert
Baker	Bereuter	Boehner
Ballenger	Biggert	Bonilla
Barrett (SC)	Bilirakis	Bonner
Bartlett (MD)	Bishop (UT)	Bono

Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Cardin
Conyers
Delahunt
Diaz-Balart, M.
Kilpatrick
Kind
Majette
Miller, George
Myrick
Nethercutt
Stenholm
Towns
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). The Chair advises Members that approximately 2 minutes remain on the 15-minute clock.

□ 1144

Mr. STARK changed his vote from ''yea'' to ''nay.''

Mr. STEARNS and Mrs. JOHNSON of Connecticut changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. WELLER. Mr. Speaker, on rollcall No. 5 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, on rollcall No. 5 I was inadvertently detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

Mr. NUSSLE. Mr. Speaker, pursuant to House Resolutions 5 and 14, I am submitting for printing in the CONGRESSIONAL RECORD the committees' spending allocations contemplated by section 302(a) of the Congressional Budget Act.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 8, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Office of the Speaker, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: Section 2 of House Resolution 14 provides that I may submit the 302(a) allocations contemplated by House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House.

The attached tables, which I submit for printing in the CONGRESSIONAL RECORD, provide that information.

Sincerely,

JIM NUSSLE.

Attachments.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES [1]—APPROPRIATIONS COMMITTEE

[In millions of dollars]

		2003
General Purpose *	BA	747,174
	OT	748,528
Highways *	BA	.....
	OT	28,761
Mass Transit *	BA	.....
	OT	6,030
Conservation *	BA	1,922
	OT	1,872
Total Discretionary Action	BA	749,096
	OT	785,191
	BA	350,316
Current Law Mandatory	OT	353,319

* Shown for display purposes only.

[1] Reflecting allocation adjustments through the end of the 107th Congress.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES [1]—COMMITTEES OTHER THAN APPROPRIATIONS

[By fiscal year in millions of dollars]

		2003	2004	2005	2006	2007	Total 200–2007	Total 203–2012
Agriculture Committee:								
Current Law Base	BA	36,573	35,545	34,841	34,241	34,889	176,089	n.a.
	OT	33,247	33,726	32,788	32,283	32,885	164,929	n.a.
Discretionary Action	BA	7,825	7,604	7,198	7,249	7,141	37,017	n.a.
	OT	7,271	7,019	6,688	6,727	6,774	34,479	n.a.
Total	BA	44,398	43,149	42,039	41,490	42,030	213,106	n.a.
	OT	40,518	40,745	39,746	39,010	39,659	199,408	n.a.
Armed Services Committee:								
Current Law Base	BA	76,090	78,358	80,609	83,134	85,779	403,970	n.a.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES [1]—COMMITTEES OTHER THAN APPROPRIATIONS—Continued

[By fiscal year in millions of dollars]

		2003	2004	2005	2006	2007	Total 200–2007	Total 203–2012
	OT	75,258	77,722	80,228	82,780	85,466	401,454	n.a.
Discretionary Action	BA	516	652	1,025	1,605	2,006	5,804	n.a.
	OT	516	652	1,025	1,605	2,006	5,804	n.a.
Total	BA	76,606	79,010	81,634	84,739	87,785	409,774	n.a.
	OT	75,774	78,374	81,253	84,385	87,472	407,258	n.a.
Committee on Education and the Workforce:								
Current Law Base	BA	4,633	4,325	4,709	4,885	5,066	23,618	n.a.
	OT	3,264	3,172	3,475	3,604	3,744	17,259	n.a.
Energy and Commerce Committee:								
Current Law Base	BA	10,248	10,017	11,164	11,498	12,503	55,430	n.a.
	OT	11,401	11,496	11,562	11,871	11,881	58,211	n.a.
Discretionary Action	BA	95	285	606	801	922	2,709	n.a.
	OT	59	272	598	798	922	2,649	n.a.
Total	BA	10,343	10,302	11,770	12,299	13,425	58,139	n.a.
	OT	11,460	11,768	12,160	12,669	12,803	60,860	n.a.
Financial Services Committee:								
Current Law Base	BA	7,985	8,428	8,249	8,053	8,574	41,289	n.a.
	OT	2,696	1,578	541	−165	−344	4,306	n.a.
Government Reform Committee:								
Current Law Base	BA	66,536	69,943	73,568	76,706	79,236	365,989	n.a.
	OT	65,527	68,971	72,573	75,514	78,253	361,038	n.a.
Committee on House Administration:								
Current Law Base	BA	82	85	85	82	81	415	n.a.
	OT	37	161	18	14	14	244	n.a.
International Relations Committee:								
Current Law Base	BA	10,069	10,390	10,705	10,952	11,287	53,403	n.a.
	OT	10,075	10,127	10,364	10,591	10,864	52,021	n.a.
Judiciary Committee:								
Current Law Base	BA	6,404	5,133	5,116	5,092	5,112	26,857	n.a.
	OT	5,763	5,613	5,281	5,148	5,180	26,985	n.a.
Resources Committee:								
Current Law Base	BA	2,537	2,430	2,371	2,394	2,392	12,124	n.a.
	OT	2,471	2,313	2,052	2,297	2,154	11,287	n.a.
Discretionary Action	BA	0	113	498	89	0	700	n.a.
	BA	0	113	498	89	0	700	n.a.
Total	BA	2,537	2,543	2,869	2,483	2,392	12,824	n.a.
	OT	2,471	2,426	2,550	2,386	2,154	11,987	n.a.
Science Committee:								
Current Law Base	BA	143	20	17	17	18	215	n.a.
	OT	147	102	56	29	24	358	n.a.
Small Business Committee:								
Current Law Base	BA	3	2	1	1	1	8	n.a.
	OT	−238	−88	−32	−30	−28	−416	n.a.
Transportation and Infrastructure Committee:								
Current Law Base	BA	54,029	51,640	50,234	50,657	50,932	257,492	n.a.
	OT	14,910	12,014	10,429	10,651	10,774	58,778	n.a.
Discretionary Action	BA	0	4,369	4,369	4,369	4,369	17,476	n.a.
	OT	0	0	0	0	0	0	n.a.
Total	BA	54,029	56,009	54,603	55,026	55,301	274,968	n.a.
	OT	14,910	12,014	10,429	10,651	10,774	58,778	n.a.
Veterans' Affairs Committee:								
Current Law Base	BA	1,629	2,055	2,543	3,082	3,633	12,942	n.a.
	OT	1,570	1,999	2,590	3,065	3,431	12,655	n.a.
Ways and Means Committee:								
Current Law Base	BA	643,804	661,849	684,591	701,838	727,703	3,419,785	n.a.
	OT	645,017	661,964	684,461	701,118	727,005	3,419,565	n.a.
Discretionary Action	BA	2,203	858	1,280	1,639	1,875	7,855	n.a.
	OT	174	853	1,231	1,660	1,943	5,861	n.a.
Total	BA	646,007	662,707	685,871	703,477	729,578	3,427,640	n.a.
	OT	645,191	662,817	685,692	702,778	728,948	3,425,426	n.a.
Current Law Base, Medicare	BA	174,977	180,768	193,068	197,062	211,086	n.a.	2,224,058
	OT	174,843	181,045	192,994	196,851	211,379	n.a.	2,223,844
Discretionary Action	BA	4,650	n.a.	n.a.	n.a.	n.a.	n.a.	347,270
	OT	4,575	n.a.	n.a.	n.a.	n.a.	n.a.	347,270
Total	BA	174,977	180,768	193,068	197,062	211,086	n.a.	2,224,058
	OT	174,843	181,045	192,994	196,851	211,379	n.a.	2,223,844

n.a.=not applicable.
[1] Reflecting allocation adjustments through the end of the 107th Congress.

□ 1145

EXTENSION OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 14, I call up the Senate bill (S. 23) to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 14, the Senate bill is considered read for amendment.

The text of S. 23 is as follows:

S. 23

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF THE TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002.

(a) IN GENERAL.—Section 208 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 30) is amended to read as follows:

"SEC. 208. APPLICABILITY.

''(a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

''(1) beginning after the date on which such agreement is entered into; and

''(2) ending before June 1, 2003.

''(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 203 as of May 31, 2003, temporary extended unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such date for which the individual meets the eligibility requirements of this title.

''(2) NO AUGMENTATION AFTER MAY 31, 2003.—If the account of an individual is exhausted after May 31, 2003, then section 203(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

''(3) LIMITATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after August 30, 2003.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21).

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS)

and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to remind Members why we are here today. We are here today to vote on an unemployment assistance bill because the House, in trying to respond to the needs of the unemployed, passed legislation last December. The Senate, in attempting to respond to the needs of the unemployed, passed legislation last December. As we all know, constitutionally for it to go to the President, if the Senate passes legislation different than the House, and similarly if the House passes legislation different than the Senate, the differences in those bills need to be reconciled. They were not reconciled.

The last Congress adjourned without addressing unemployment needs with the understanding that some individuals, through no fault of their own, notwithstanding the fact that they had not received the full benefits entitled to them, would lose unemployment benefits on December 28. That is still technically the case. They have not yet lost those benefits, but if the President does not have a bill to sign by tomorrow, that technicality will in fact be a reality.

We are here today because the Senate modified the proposal that they had passed in the last Congress and they sent it to us yesterday by unanimous consent.

Mr. Speaker, I imagine there are as many different ways to structure unemployment benefits as there are Members of the House; and if we are to debate the different ways in which it can be constructed and if we are to offer votes to try to produce a different result than the Senate, then it is inevitable that what we are trying to avoid will in fact occur.

I, as a Member of this body, do not like being put in the position of making a statement of this type. We are compelled to pass the unemployment provision as it was structured by the Senate because if we do not the President will not have a bill tomorrow.

I had visited with the leadership of the Senate and talked to them about offering amendments so we could really target unemployment to where it is most needed, give those most in need more benefits. They indicated while they may be sympathetic with that view, there was no way given the structure of the Senate's membership and the rules of Senate that that could be done in a day.

What we were able to do was to extend the period that the Senate had passed so instead of getting into this discussion in March, once again we are extending for 5 months the unemployment benefits to May with a phase-out through August. That means that we are going to see a continuation of assistance to the unemployed. It means that the President's commitment to make sure that those who would have lost their benefits on December 28 does not happen, and it means that there are going to be 1.9 million new recipients and 800,000 current recipients that will receive unemployment benefits at a cost of up to $7.2 billion when the House votes on this measure.

We are going to hear people say we could have, would have, should have, and the argument is that they are being denied rights because they cannot offer alternatives. If we do not pass this measure, people will lose their unemployment benefits. That should not happen.

Mr. Speaker, I hope I do not take the floor again in this session of the 108th Congress and say we have to do what the Senate has given us. I only hope we do that because we want to do it. I believe this is the right thing to do. More importantly, it is absolutely essential that we do it and that we do it today rather than argue that somebody is trying to withhold these unemployment benefits from these individuals. All we have to do is say yes, the President will sign, and the unemployment benefits will be available.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentlewoman from Washington (Ms. DUNN) to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, news release, news release, news release. The chairman of the Committee on Ways and Means has said that the Republican-controlled Senate and the Republican-controlled House cannot legislate, that they cannot provide for the one million Americans who are seeking jobs but whose unemployment compensation has expired. Who is going to deliver this message to the empowered Republican President who has now told the American people that he controls the agenda? And now we find out that the chairman of the awesome and powerful and influential Committee on Ways and Means cannot legislate in the people's House.

Well, I do not believe it. My colleagues do not believe it, and the only reason I am commenting on it is because I do not want the American people to believe it. We have a million people out there. They do not have dividends or savings; all they have is heart and are looking for work. They are Americans that will be called on to fight the wars. They have lost their jobs, lost health benefits, but they have not lost their dignity.

But we will have people to believe that somewhere down the line they will not have to pay taxes on their dividends and jobs will be created for them. The other side of the aisle says we would like to help them because of compassionate conservatism, but we just cannot do it.

We have majorities in the House and the Senate, but the House has to do what the Senate did; the Senate has to do what the House would do. Do not do this to these people. They should just say they do not want to do it because they do not believe in it. They did not do it before the Christmas holidays, and they are just giving a little interest today.

Mr. Speaker, so I do not know how the other side of the aisle is going to explain it back home, but I know one thing, and that is we have 84,000 New Yorkers. They took the hit for this Nation. They are looking for work. I will go back and tell them that we discussed it with the Republicans, and they said that Democrats and Republicans will not be able even to debate coverage for the 84,000 people who are without work who paid into the fund. I will tell them that we cannot even vote on it because we do not want to complicate it for the Republican-controlled Senate.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Washington (Mr. MCDERMOTT) for the purposes of control.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to respond to the million worker comment made by the gentleman from New York (Mr. RANGEL). I think it is very important for us to know the history of what has already happened in the area of unemployment compensation and why we are going to add some additional assistance for people who come from States like mine.

The Democrats make it sound like we have not helped at all the unemployed, whom we already have helped. We have helped those million unemployed workers. We have helped them consistently through this last year. They make that assertion about the million people being let down, but already we have helped one million people under the Federal expanded benefits that we put into effect last year in March of 2002. They have all already received Federal unemployment benefits that averaged $250 a week generally for 13 weeks. On top of that, generally 26 weeks of regular State benefits which they had received previously, and I think that is very important. In States like Washington State, my State, there have been additional expanded benefits.

So to talk about not helping one million folks who have been unemployed is

to move from the truth, Mr. Speaker, and I think it is important to clear that up.

My second point is in addition to the one million folks, we are going to help two million additional people. Plus, we will be extending benefits that ran out on December 28 for 800,000 additional people. Let us not get mixed up in the rhetoric of partisanship here and let us talk about what we can do to help unemployed people who very much want to hold jobs.

Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I thank the gentlewoman from Washington (Ms. DUNN) for all of her work on the issue of unemployment benefits because I know this has been a big focus of her efforts in this body for the last few months.

Mr. Speaker, last year Republican leadership in the House advanced a program of extended unemployment insurance which has assisted some four million Americans. Today we will be extending that critical program to help the millions of Americans who continue to face unemployment through no fault of their own.

□ 1200

These working families have borne the brunt of hard economic times and will continue to do so until our economy gets back on a growth path and begins to generate new jobs. We in Congress have a fundamental responsibility to help cushion the effects of economic displacement by providing a set of extended unemployment benefits for those who exhaust their regular State compensation. Under today's legislation, these workers who exhaust their 26 weeks of State benefits will be able to collect up to 13 more weeks of benefits; and in a couple of other States with very high unemployment, 13 more on top of that.

This program not only benefits working families but it also acts as an economic stabilizer for communities like the many that we have in western Pennsylvania that have been particularly hard hit by this downturn and its effect on the manufacturing sector, places like Erie, Warren, Meadville. These are communities where this program is going to be enormously beneficial to those who depend on jobs that are tied to the local economy.

Nonetheless, many Americans will continue to face difficulties as this economy recovers. For this reason I will be introducing legislation that reforms the trigger mechanism on extended benefits and that allows unemployed workers to receive up to 26 weeks of additional assistance. State unemployment numbers can mask big regional differences. I believe that a change in the trigger mechanism will allow us to more effectively respond to uneven economic recovery across the country within States.

I support the legislation before us. I believe that we need to continue to work to provide more relief for the unemployed where and when it is needed; and above all since these are workers who want a job, not just unemployment insurance, we need to pass a stimulus package that gets the economy back on a growth path.

Mr. MCDERMOTT. Mr. Speaker, my heart goes out to the gentleman from Pennsylvania who is not allowed to put up an amendment. He is the only one I have ever heard of talk about exhaustees on the other side.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I just want to speak further to clarify this issue that the gentlewoman from Washington has spoken about. There are a million people who exhausted their 13 weeks of extended benefits. There are 31,500 of them in your State. To the gentleman from Pennsylvania, 44,000 are in your State. In 1991, we provided 26 weeks of extended benefits. We did not need to change the trigger to do that.

We Democrats here today wanted to provide to those people an additional 13 weeks if they were still out of work. You keep talking about those who are out of work, who are hurting, who are looking for work. How about the million who have been out of work beyond the 39 weeks who are looking for work? Why do we not act today as we did 10 years ago? Why not? What is the obstacle? Is it because the Senate would have to act? All right. They would have to act. They are going to be in session. The Republicans control both Houses and the White House. This is a vivid example of those who have control not being willing to exercise it.

I understand covering one's tracks politically. We should have acted in December, and you failed to do it. But for the unemployed, it is not a question of covering tracks politically. It is covering the expenses day to day for food, for housing, and for health care if possible. There is no excuse for the refusal of the Republicans to let us bring extended benefits for the million of exhaustees up today. Zero excuse.

Ms. DUNN. Mr. Speaker, I would comment to the gentleman from Michigan that this assistance which we are providing in today's legislation will assist 86,000 new individuals from his State of Michigan.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, the issue is to get people back to work and for those that cannot find work, it is to help them out. The other side of the aisle opposed that.

One of the problems we have had in the past, in the Senate, we have had gridlock. James Carville wrote in a memo to the then-leader DASCHLE that he recommended two things: one, that the Senate not have a budget; two, that they gridlock all House bills.

The House passed an unemployment bill. It takes 60 votes in the Senate, unlike the House with a simple majority. Yes, we control the House and the Senate. We could pass the bill right here today. But in the Senate, the same Senate Democrats gridlock legislation, that would go forward in a bipartisan way.

We need to pull together on both sides of the aisle to make sure that the people that do not have work, work. But even more important, instead of handing out dollars to individuals, we need to create the jobs, whether it is tax relief which the President has offered. Not only long-term, instead of just handing out money and having Davis-Bacon and unions reap the benefits of it, it creates jobs across the board and allows those same people, instead of having to receive benefits, will have a good job.

The gentlewoman from Washington has stated clearly that they have received both State and Federal moneys. That runs out, and we have got to come together today to make sure that that happens. Put aside the partisanship, and let us pass this bill.

Mr. MCDERMOTT. Mr. Speaker, I would remind the gentleman from California that under the Republican bill, that if you had exhausted your benefits under your bill, you would have gotten absolutely nothing.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. There has been talk in recent months that if there is to be an economic recovery in our future, it will be a so-called ''jobless recovery.'' I would submit that for the 8.5 million Americans who are currently unemployed, an economic recovery that does not provide jobs is no recovery at all. The Economic Policy Institute has reported that using even optimistic projections of the gross domestic product, the unemployment rate is expected to remain at 6 percent for all of 2003. An analysis projecting less optimistic growth numbers suggests the unemployment rate will climb to 6.4 percent by the last quarter of this year.

However, there is one factor that impacts the severity of the current downturn for American workers more than any other. That is, significantly more workers have exhausted their Federal benefits since the Federal extension of benefit program began in March than ran out of Federal benefits over a comparable number of months in the recession of the early nineties. Under the Federal extension program of the early nineties, each worker was eligible for 20 to 26 weeks of benefits some 10 months after the program was enacted. Under the program which just expired

at the end of December, most workers were eligible for a maximum of 13 weeks of benefits. As a result, by the end of December, an estimated 2.2 million workers had exhausted all of their Federal benefits. And without congressional assistance, the new year brings these 2.2 million unemployed a job market that is stripped bare. It is a job market with 1.5 million fewer jobs than in March of 2001.

It is for this reason that it is critical that the Federal unemployment insurance system be extended now. However, the majority plan and the Democratic proposal, which was disallowed, offer two very different levels of compensation to American families. The majority plan would provide for 13 weeks of extended benefits over the next 5 months to the estimated 90,000 workers a week who will exhaust their State benefits without finding work. The Democratic plan would have offered 26 weeks.

I want to say that there is a difference in the economic benefit to families. We need to make sure that families have some of this uncertainty lifted from them. It is not enough to just say, well, another 13 weeks. This country has the money for a longer extension. Families should not have to wonder if they are going to have the ability to pay their mortgage or to buy clothes or to put food on the table. We have an obligation to the unemployed, and that is why I am supporting our Democratic proposal.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

I would remind the gentleman from Ohio that our unemployment compensation assistance provided last year, from his State we assisted 123,000 individuals. And with the passage of today's bill, which is very important to be passed on the floor today, signed by the President tomorrow so there is no gap in assistance from December 28, we will be assisting an additional 61,600 folks from the State of Ohio.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, I rise to make the point that it is not the assistance that we are providing, that this is assistance that the American public has paid for through their unemployment contributions to the fund. I just share the concerns of the gentleman from New York (Mr. RANGEL), the ranking member.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, the principal thing that people are talking about, particularly the President of this country, is a $600 billion economic stimulus plan. Yet here we are at the same time debating whether we should help a million families whose breadwinner has been out of work, who has been searching for work, whether we should provide them 38 percent of the income that they had been getting from their job to put food on the table for their families.Q03

And if we do not extend this, what happens to those families? Think about the faces behind the statistics. They stop payment on their mortgage. They have to pull their kids out of college. All kinds of suffering we cannot imagine. Yet we can put up $600 billion in tax cuts instead of providing five percent of that amount for people who would spend that money immediately.

Any economic stimulus needs to be fast acting, it needs to be fiscally responsible, and it needs to be fair. What could be fairer than providing the unemployment insurance for those people who have exhausted their benefits? All we asked for was an opportunity to vote on whether or not we could and should do that. We were denied that opportunity to vote.

We are going to vote for extending unemployment insurance for the part of the people who will be helped by this, but it is not the population that needs it the most. That is what we should be doing today, providing economic stimulus to the people who need it the most, who have been hard working, who are suffering because we have the highest unemployment rate we have had for 9 years, who cannot find a job. So let us let them keep being able to feed their families, keep their homes until they find that job, until the economy recovers.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

It is very important for us, Mr. Speaker, to debate, and we will debate over the ensuing months, an economic growth plan that will stimulate the economy and create more jobs. Everybody right now on unemployment wishes that he or she had a job. We are going to have that debate. It is vitally important. Today we are debating what we can do in the interim to assist people who, not by their own choice, are out of a job.

We are talking about a $7 billion piece of legislation today that will assist a huge number of folks who were not covered before by unemployment compensation. We have already spent $19 billion with assistance last year. I think it is vitally important that we continue the debate on this bill so we can get passage of it on the floor today, combined with the piece of legislation passed by the Senate yesterday, and get it to the President tomorrow so we can begin to help people whose unemployment benefits ended on December 28; and we can do this without disruption in the dollars they will receive so they can have some peace of mind as they move through this very, very tough time in their lives.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

□ 1215

Mr. SCOTT of Georgia. Mr. Speaker, there is nothing more critical right now than responding to the very critical needs of our unemployed. We have almost a million people in this country who are unemployed, and for us to sit here and dally and not move forthright and push for the strongest measure we can, the people of this country are crying out for help. There are families to feed, there are bills to be paid, and we know we were derelict in our responsibilities not to do this last year, and it will be a shame if we do not move forcefully. Not just 13 weeks, we need 26 weeks of help at least, mainly because every economic adviser, every economic indicator, points out clearly that this economic downturn is going to last well into the next year.

Thirteen weeks is not enough. Furthermore, if we do it for 26 weeks, it will pump an immediate $18 billion into the economy where people would be able to spend it, where the need is greatest, and not only will it do the good of helping those with their unemployment benefits, but by doing this, pumping the $18 billion in, it will create badly needed jobs. The greatest need right now is not to dally, and with all due respect to the present administration, I say 13 weeks is not enough. We need 26 weeks. The people of this country are crying out for help, and they are looking to us in the Congress to speak with a loud voice for them.

I urge this House to move forthrightly, do the right thing. Let us not go home this week without passing the most significant resourceful bill we can that will help those in the greatest need.

Ms. DUNN. Mr. Speaker, I retain the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I listened to my distinguished colleague from the State of Washington, and she had this list, and she said that the Republican bill helped 134,000 members or something in the State. I have my list here, which is the list of all those people we do not help, and the question is why can we not do that? I mean the gentlewoman from Washington (Ms. DUNN) and I have 31,500 people that this bill does nothing for. They are the people who exhausted their benefits. I know she cares about them. I am absolutely sure she does, and I care about them, but we are told that we cannot

do anything about it because the Senate has acted unanimously.

I am sorry, but I have been in legislatures, State legislatures, the House and Senate, and I have been here in the House, and I have been doing this for 30 years, and I have seen things go through legislatures in an hour through both houses, no problem, if you want to do something. Of course if you do not want to do something, then you say, oh, the heavy burdens of the legislative process, the Senate has acted, the House has acted, oh, we cannot get it done, the President must have it on his desk tomorrow at 11 o'clock, that is the time his press conference is, I think, so he can sign it at the press conference tomorrow to put it out.

Now for those 31,000 people in the State of Washington that the gentlewoman from Washington (Ms. DUNN) and I care about, we are just saying to them we do not have time because the press release is already printed. I am sorry, folks. It might take an extra 3 or 4 hours to get the House and Senate to get it done, but have no fear, 31,000 people, the President has you on his mind, deeply on his mind. He went to Chicago to make the speech about how big and how heavy his heart was about your problems. He is proposing to put $674 billion into the economy, not to you of course, no, unless you have capital gains that you might benefit a little bit from his bill, but it is really for the rich people on the top. They are going to get 75 percent of it, and then they will think up some way to put you to work. So hold on and we will pass this tax bill and then in April of 2004 when they got this money back, then they are going to invest it and make you a job. So if you can hold your breath for a year for that tax break to take hold, why, things are going to be all right.

And the worst thing about this whole process, why it is an empty promise the President is making, is that in today's newspaper there is an article entitled War's Cost May Dwarf Stimulus Effect, from the Washington Post, January 8. This article says that as long as this country is threatening the whole world with the war in the Middle East that what is going to happen is that we are going to suck all the juice out of the stimulus package by the war.

The gentlewoman from Washington (Ms. DUNN) and I represent an air company that makes airplanes. Last year they made 400 and some odd planes. Do my colleagues know what their orders are for this year? Two hundred twenty-one. Now, why are airlines not buying airplanes? Well, it probably has something to do with the fact that people are not flying. They are not getting on planes and flying all over the world like they used to. So this war on terrorism that is scaring the living daylights out of the travelers is knocking the jobs out. We have lost 30,000 jobs at Boeing this last couple of years. And the President says, yes, but we are going to Iraq and we are going to have a war there and that is going to fix it all, and then after that Iraq war everybody will feel comfortable again and we will go back to living the way we have always lived.

Nonsense. The gentleman from Georgia (Mr. SCOTT) was right. We are going to be back here in 3 months with this very same bill or something just like it because you are not going to get a stimulus in 90 days and you certainly would not want to have this linger on into the next election period. You had better have something on the table for them. Maybe you will wait until this time next year to put a little something more on the table, but by then there will be a million more. The long-term unemployment in the State of Washington has risen by 35 percent in the last 2 years, 35 percent. I admit we are the point persons, Washington and Oregon, for the unemployment problem in this country; so we have got it a little worse than the rest of you, but if you think it is not going to affect you, that somehow you are going to slide by this thing, you are wrong, and to say here today that we have not got an extra hour to add an amendment to take care of a million people and then ship it back over to the Senate and say would they please accept the House amendment, I have done it. I am sure I have done it 500 times in the last 30 years, to send an amendment over and it gets accepted and that is the end of it. You know you could do it. You do not want to do it. You do not want to do it. You do not care about those million people. No matter what you say or how you wave your arms and whatever you want to say, the Republican Party does not care about those million unemployed because you have the Presidency, you have the Senate, and you have the House, and if you cannot do it, you have two choices, I guess. You could be stupid and not know how to do it. That is one possibility. I do not think that is true. The alternative is you do not want to do it. You ought to be ashamed of yourself.

[From the Washington Post, Jan. 8, 2003]

WAR'S COST MAY DWARF STIMULUS EFFECT

(By Jonathan Weisman)

Mindful of his pending reelection bid and his father's political mistakes, President Bush is plowing ahead with an ambitious 10-year, $674 billion economic stimulus plan even as U.S. troops pour into the Persian Gulf region preparing for war.

The president's determination to push more tax cuts as the nation prepares for war has struck some economists as folly, since the economic shock of war would likely dwarf the impact of Bush's stimulus plan. Moreover, no tax policy at the moment could actually address what many economists believe to be the greatest drag on the nation's economy: the uncertainty of war.

''Clearing away the clouds over Iraq would open the paths for expansion, regardless of what the Bush administration is proposing,'' said Robert DiClemente, a managing director at Salomon Smith Barney who has studied the potential impact of an Iraq war on the U.S. economy.'' That is undoubtedly the biggest obstacle to expansion right now.''

Bush was explicit about his two-track policymaking yesterday, beginning his speech in Chicago by addressing the threats of terrorism, Iraq and North Korea. He then added, ''Even as we confront these dangers, you need to know I know we have needs here at home, especially the need for a vigorous and growing economy.''

But it is becoming increasingly difficult to address those domestic needs without first confronting the problems abroad, economists said. The goal of the president's plan is to inject $102 billion into the economy this year, by accelerating planned income tax cuts, excluding investment dividends from taxation, boosting the child tax credit and speeding tax relief to married couples. The elimination of dividend taxes alone could boost the stock market by 10 percent, according to White House allies.

But all of that could be undone by a war in the oil-rich Persian Gulf region, especially if the war were protracted and led to terrorist attacks and the use of weapons of mass destruction. Last month, Yale University economist William D. Nordhaus published an analysis that dramatized the uncertainties the United States faces. The cost to the Treasury of a war with Iraq could be as low as $100 billion over the next decade or as high as $1.6 trillion, he concluded. Most likely, the economy would take a $391 billion hit in the next two years, Nordhaus predicted, which would dwarf the cash infusion the president is offering.

''If energy prices spike up, it wouldn't take much to offset all of this stimulus,'' said William G. Gale, a tax economist at the Brookings Institution.

A recent analysis by experts convened by the Center for Strategic and International Studies predicted that any war would knock down stock prices by as much as 25 percent, more than undoing the anticipated benefit of the dividend tax elimination.

Recovery would depend on how a war with Iraq unfolded. If the war ended swiftly, stocks and the economy as a whole would recover quickly and grow at a rate faster than they would if there were no war, thanks to the lifting of uncertainty, falling oil prices, higher government spending and rising consumer confidence. In that event, the Bush plan could end up harming the economy by fueling inflation or pushing interest rates higher, said Laurence Meyer, a former Federal Reserve Board governor who convened the CSIS conference.

But if the war lasted six to 12 weeks, stock prices would continue to fall, interest rates would rise and economic growth would slow by 1¾ percent, the CSIS analysis said. A worst-case scenario—in which the war dragged on for 90 to 180 days, oil supplies were significantly disrupted, and serious terrorists attacks ensued—would push the economy back into recession, regardless of economic policymaking.

In that case, the economic response would probably be far different from the one Bush is proposing now, Meyer said. That range of potential outcomes makes policymaking at this point ''treacherous,'' he said.

''The best policy right now is to wait, to see what happens ahead, and to plan in the background some contingency plans, just in case we have an adverse outcome,'' Meyer said.

Not everyone is so cautious. DiClemente said the Bush proposal could provide a buffer for the shocks that would come from a war. Bruce Bartlett, a conservative economist with the National Center for Policy Analysis, noted that a war with Iraq could be long over by the time Congress passed a stimulus plan. In that case, he said, Bush might as well get the ball rolling now.

But, for the president's critics, the timing and boldness of the Bush plan present an irresistible target.

''Whenever the president talks about war, he talks about a spirit of shared sacrifice,'' Gale said. ''But for rich people, shared sacrifice appears to be accepting tax cuts, and for the poor, it seems to be accepting cuts in social spending. There seems to be a disconnect bordering on the dishonest.''

Fumed Rep. Charles B. Rangel (N.Y.), the ranking Democrat on the tax-writing House Ways and Means Committee, ''Never in a time of war have we reduced the tax burden on the most privileged.''

Even some of Bush's allies in past tax fights expressed exasperation yesterday, given the gathering clouds of war.

''I understand you can't just put everything on the back burner and ignore it,'' said Sen. John Breaux (D–La.), a key ally in the battle over the president's 2001 tax cut. ''But what you can do is take modest steps, and $670 billion is more than modest.''

Mr. Speaker, I reserve the balance of my time.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to remind the gentleman from Washington of what the situation was last fall when we began to debate the extension of unemployment compensation. The leading plan was one that was proposed by his party on the Senate side. It was a $5 billion plan. It called for a 3-month extension of unemployment benefits. It called for an additional 3-month phaseout. What we have done in the interim, led by people who are from States like Alaska and Oregon and Washington, States where we are very, very concerned about our extremely high level of unemployment, not led by people from Virginia, where the unemployment rate is something like 3.8 percent over the last 3 months, or Georgia, where the unemployment rate is 4.6 percent, low unemployment rates never thought to be even possible to achieve by economists in years past, but we have put together a piece of legislation which considering the state of our economy is a generous piece of legislation. It takes care of an additional 2 million people who were not helped before. It extends benefits for some 800,000 folks nationwide whose benefits were interrupted on December 28, and this is specifically Federal dollars I am talking about. I am not including the State unemployment programs.

We are at the point where we have a 5-month extension that we are providing of unemployment benefits to folks who have been put out of their jobs through no choice of their own plus a 3-month phaseout of these benefits, plus we are helping an additional 800,000 whose benefits are interrupted. So this is a bill that is almost twice as much, certainly almost twice as much as what we were talking about last fall. It is generous, and I think it is a very good bill, and I think the fact that as we pass it today, as it is signed into law by the President tomorrow, that will allow for no interruption in the receipt of Federal unemployment benefits by people in the States. We are also assisting States so that they can use their funds later, not at the beginning.

Mr. Speaker, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, I want to commend the gentlewoman from Washington (Ms. DUNN) for her leadership on this issue.

The recovery is not as strong as any of us would like, and there are people who are out of jobs through no fault of their own. While our first priority has to be to get this economy back on a strong positive note, get the recovery to be stronger so that people have jobs and have paychecks, all of us know that we need to help people over the hump from their last job to their next job because they are desperate and because they do not have the kinds of options that they may have had in better economic times. That is why we are here. That is why we are doing this. All of us have constituents who ran out of benefits on December 28, and we need to act quickly so that those benefits will not be interrupted and they will be able to make the payments on their house, pay the rent, put food on the table.

The gentleman from the State of Washington (Mr. MCDERMOTT) said what this really means, this vote really means, is that we just do not care. And he said it is a shame we do not care. I think it is a shame that a Member of this body would make that kind of accusation. We are here because we care and because we understand that there are real people and real lives at stake. This Congress will pass today, with the unanimous support of the United States Senate and I think with a broad bipartisan support here in the House, benefits extensions that will take us through June so that we can work on recovering this economy and get people back to paychecks but in the meantime make sure they can pay for the food to put on their table and take care of their families.

Mr. MCDERMOTT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time.

I guess if we look at what was proposed by the Republican majority today versus what was proposed last year, this is generous because this proposal that we have before us provides 13 weeks of unemployment compensation for about a million Americans. Last year the Republicans proposed a 5-week extension not for every American in every State but in only three States. Three States last year would have received unemployment benefit compensation for some of its workers.

□ 1230

Today, we are hearing more. That is absolutely correct.

What has changed between that proposal, which was puny, to today's, which is a more realistic proposal? Well, we had 800,000 Americans cut off from all of their benefits on December 28; and every week since then about 90,000 Americans, in addition, have been losing their unemployment benefits. And between now and June, we are going to see about another 2.5 million Americans run out of unemployment benefits.

So yes, it is more generous; but it does not take into account all of the millions of Americans who are going to be left out. And that is why we are saying, if nothing else, let us just have an up-or-down vote.

Why is it that Americans who probably will never get a chance to see this debate will not know that the Republican majority of this House used the rules of the House to deny just a vote on whether we could extend the benefits to those other Americans who are going to be left out by this bill? If we lose, we lose. But give Americans a chance to know that we tried to help them as well. If we lose, so be it. Let us go back home and tell them that we could not get a majority of Members of Congress to support extending benefits to more than a million Americans who have run out of their benefits, who are seeking work and trying to put food on the table for their kids. Why can we not do this? We do this all the time. We put together amendments, as the gentleman from Washington said, in minutes. It would not even take that, because we have the language before us that we would need to extend those benefits to the more than 1 million Americans.

I have to go home now to California and tell more than 109,000 Americans that we did not extend benefits to them, while some of their coworkers who are out of work did get it. It makes no sense. What can I tell them? Well, you lost your job a little earlier than did your colleague who is getting benefits. That makes no sense. Everyone is working hard.

By the way, if we are talking about stimulus, instead of the President spending $700 billion-or-so over 15 years to give investors money to try to stimulate the economy, give it to those who are out of work who otherwise would be spending their money if they were working to put food on the table, buy the necessities, pay the rent, pay the mortgage. That would stimulate the economy instead of having them run

out of those things that are essential to the economy. We can do it, there is no reason why we cannot, and the American public should know that we can.

Ms. DUNN. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I want to commend my colleagues for their diligent work in bringing this piece of legislation to the floor. It is certainly an admirable goal that we seek to achieve here today, trying to bring some relief to the people who find themselves unemployed in this economy, and I intend to support the legislation.

I must, however, say that there is a bit of irony here that I wanted to bring to the attention of the body, and that is that we are debating what we should do to help people who are unemployed. Again, appropriate. But we have steadfastly refused as a body and, as a matter of fact, as a government, to debate one other aspect of this, and that is the fact that many people are unemployed today in the United States because there are people here from other countries, here illegally, I should say, who have taken jobs. It is not just those jobs that we hear about all the time from people who say, well, there are jobs Americans will not take. I assure my colleagues, we can go to any factory town in America, we can go to any of the States that are identified in this bill that have significant unemployment, and we can find out whether or not people are willing to accept jobs that ''others will not take.''

I assure my colleagues, American citizens are willing to do so, citizens who are willing to take jobs that are being taken by people with H1B visas, people who are willing to take jobs from people who are here, as I say, illegally, and are working in menial jobs with low wages. There are still many American citizens willing to take jobs that are being taken by between 8 million and 13 million people who are here illegally; and we refuse to debate that point while we come here today, of course, to do again, what I say is the right thing to do, and I will support it. But it is just an irony that I wanted to bring to the attention of the body. There is an aspect of this that we steadfastly, both sides, both parties, refuse to debate, and that is a shame.

Mr. McDERMOTT. Mr. Speaker, I would remind the gentleman from Colorado that according to the U.S. Department of Labor, for every job opening, there are 2.7 applicants. So if the problem is immigration, I do not know quite how we are going to fix this. We already have too many people looking for jobs.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, it was bad enough when the Republicans adjourned Congress and went home for the holidays without doing the work of taking care of those who were unemployed through no fault of their own, hard-working Americans; but it is worse, it is a darker dereliction of duty to today bring a bill to the floor and refuse to allow an honest debate by America's representatives to truly cover the unemployed. That is a darker dereliction of duty, and it is darker because while the Republican Party says that there is no money in the Treasury to cover $2 billion to $4 billion to take care of people who are out of work, the day before that, the President said, but we have $400 billion to give out to the wealthiest Americans. It is a dark day for democracy.

Mr. Speaker, yesterday we had all of these new Members of Congress who came here and they stood right here and they looked right up at their grandparents and their kids and they waved and they were really proud, rightfully so, to be Members of the people's House, because they knew that they were in a place that the entire world looks to for the practice of democracy. But on the first day of business, they are here for the shutdown of democracy. They are here where the Republican Party is basically saying to Americans, you poor peasants, take it or leave it. We are putting a bill out here, and you can take it or leave it. We are not going to allow an improved bill even to be voted on. That is a callous dereliction of the oath of office to democracy.

Now, I rarely get exercised about procedural issues. I do not think Americans could give two hoots normally about what happens procedurally here in the House and we spend too much time arguing about it is. But when we bring a substantive bill to the floor and tell people who are out of work who cannot make their house payments, who cannot make their kids' tuition payments, that you are going to give them a take-it-or-leave-it proposal and if they do not like it, they can just walk out of here and sulk, that is simply wrong. It is wrong for democracy. I am not going to go down without raising my voice.

Mr. Speaker, up here we have Hamarabi, a bust of him for creating a great legal code, and now his country is ruled by a tyrant, Saddam Hussein.

Things can go backwards in democracy. This is a step backwards in the democratic process.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

I would remind the gentleman from Washington State that just late last fall, I think in December, senior Members of his own party leadership were talking about what a wonderful bill the unemployment bill was that then was far less generous than what we would like to do today. The gentlewoman from California (Ms. PELOSI), for example, last fall said, ''Tomorrow the House will meet one more time before adjourning for the year. We could simply take up the bipartisan Senate bill which has the 3-month extension and agree to it unanimously. That action would send a positive signal about our willingness to work together to solve our economic problems.''

I submit that this additional 2-month extension, our bill is 5 months, plus a 3-month phaseout that assists 2 million additional people, is far more generous. So I think a dark day is perhaps not the right characterization for what we are doing today.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I stand before my colleagues today supportive, clearly, of extending unemployment benefits. I represent parts of six counties in western Pennsylvania; and we have seen the unemployment rate rise, as others have in this body. But to call what we are doing today a dereliction of duty seems to me to be silly and extreme, and completely inaccurate.

A dereliction of duty would be to today avoid passing what the Senate has passed unanimously to extend unemployment benefits to those who are in danger of losing them. If, in fact, we pass this bill today, it will go directly to the President, the President can sign the bill, and that will prevent the interruption of benefits for those who will have those benefits interrupted if we are derelict in our duty.

Being derelict in our duty would be to not pass this bill today to fight what the Senate has unanimously approved, the Senators, who were elected as we were, by the people of the 50 States, sent here to do the best we can for them. This House has agreed that we should, without hesitation, pass an unemployment extension for those who are still in need.

It only makes sense for us today to unanimously, as a body, support those who right now cannot support their families. It is our duty to do so.

My colleagues who have spoken prior to me have explained the generous benefit that is available in this bill. Clearly, the Senators debated it yesterday, with our families here, on the day of swearing in. All I heard yesterday from the folks who came here from my district was, that is a great thing for you to do. Please do it and do it forthwith. Get it done. The people need the help.

Mr. Speaker, a unanimous approval by the House today will show the American people that we are here to do business together, Republicans and Democrats, to make sure that we will not be derelict in the duty of making sure the American people get the benefits they need, and then continue working on the economy to make sure that those people will have a job once these benefits expire in several months.

Mr. McDERMOTT. Mr. Speaker, I am glad to hear the gentlewoman from Pennsylvania tell those 44,000 people in Pennsylvania to hold on, hold on.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, as I look at this bill, it is too little and, for many, almost too late. Almost too late for them to avoid absolute disaster. As a matter of fact, I pulled out one of my old records the other day and was listening to it, and it said, every morning about this time, when I get to the breakfast table, my wife is there crying, get a job, get a job, that I could not find. Then the other part says, I read the paper through and through trying to see if there is any work for me to do; and, of course, in many instances, the individuals come up short.

The real deal is that if one represents a district like mine, over the last 30 years, we have lost more than 120,000 good-paying manufacturing jobs that are gone, that do not exist. Unemployment in many of the communities that I represent is 20 to 25 percent. So if we want to stimulate the economy, what do we do? Put some money in the pockets of those individuals so that they can go to the grocery store and buy a loaf of bread, so that they can get a gallon of milk, so that they can have something to plow back into the economy, to keep it moving, to keep it turning. Do not go to the top; stimulate the bottom. Then we can really stimulate the economy.

I would hope that 27 weeks would be the very minimum that we could do for some of the people who have been out of work even for 26 months. I am not sure that some have not been out for 26 years. We can do better than what we are proposing.

Ms. DUNN. Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise in support of extending the Federal unemployment benefits. Everyone has heard about the impact of the current recession on all of our constituents. The country, and especially my City of New York, continues to suffer from recession in part due to the terrorist attacks of 9–11 on our fair city, but in greater part, I believe, due to the economic policies of this White House, highlighted by the President's so-called economic stimulus plan.

The effects of this Bush recession have been devastating for far too many once-hard-working men and women, effects such as an economy that has shed 69,000 jobs a month and 2,000 jobs a day. New York State alone has lost over 502,000 jobs and workers. New York City has lost 281,000 jobs. New Yorkers want to work and provide for their families with good-paying jobs, but until America adopts responsible economic policies, these jobs will not be forthcoming.

For an economy to lose 69,000 jobs a month and 2,000 jobs a day since Mr. Bush has become President, the only answer is a jobs package and not a gift to the wealthy. This economy needs a shot in the arm and not a kick in the pants, which the Bush White House has given to the American people.

Ms. DUNN. Mr. Speaker, I reserve the balance of my time.

□ 1245

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, I sat here and listened in amazement as my Republican colleagues came crying crocodile tears for the poor unemployed who lost their benefits as of December 28. As I recall, back before we adjourned in November the Senate sent an identical bill over here, but the Republican House leadership chose not to take it up and instead went home; so the House Republicans created this situation which now they decry as the poor unemployed workers, something that they actually caused.

But the problem even after we pass this bill is that they are forgetting about in excess of 1 million people whose benefits have expired that we could extend for another 13 weeks, knowing full well that the money is there. If this country has $674 billion in additional tax cuts for people other than these unemployed, surely we have a couple of billion for the million unemployed workers and their families who get no money today.

So we are saying that the bill before us is incomplete. Add the rest of the people who are hurting and we have done a better job. Yes, we can do that in 2 seconds. The Senate will adopt it unanimously, and the President can sign it tomorrow.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will remind the gentleman from Wisconsin that 37,000 people would likely be helped by this additional bill; and also remind him that that piece of legislation we looked at very late and very briefly last fall was a provision that was far less expansive than this one. In the time that we have had in order to put together legislation on which the Senate and the House together would agree and the President would sign, we have come up with a larger program that extends unemployment benefits for 5 months with a phaseout of 3 months, and I think a far better piece of legislation, I am sure the gentleman from Wisconsin would agree.

Mr. McDERMOTT. Mr. Speaker, I yield 15 seconds to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. The gentlewoman from Washington is correct, Mr. Speaker, 37,000 people from Wisconsin will benefit under the bill, 37,000 that they cut off because we went home. However, let us worry about the other 22,000 who have been let go. I represent the City of Milwaukee, and I bet the bulk of those people come from the City of Milwaukee and have no income today.

So yes, I am with them on the 37,000, but why are they shafting the 22,000 who get nothing under this bill?

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I would like to respond to something my friend, the gentlewoman from Washington (Ms. DUNN), said about the basic improvement in this bill, or improvement in the Republicans' position since last year.

I think she is correct in what happened, that when the Republicans had a penurious proposal last year and then went home without adopting one, and caught heck when they went home, they improved their position. This is a better bill, I want to agree with her on that.

But there is another group that is being abused by this failure today, not just the unemployed. It is the unrepresented. Because when we bring a bill to the floor where two or three people get into a room and decide what the bill is going to be, and bring it out to this floor and tell the American people that that is their only solution, that is a form of tyranny. It is a step down the road to a government that does not respect democracy.

Unfortunately, it is the first time it is happening, and it is going to happen over and over and over again during this Congress. That is why I am here today raising my voice against it, saying that we cannot have a democracy if we bring a bill to the floor and do not have an alternative for the American people to consider. It is the wrong thing to do.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, the unemployment rate in my State is 6.6 percent. That is a hugely, incredibly large number of folks who, through no fault of their own, have found themselves without jobs. This is occurring in many States around the Nation.

The attempt we are making today, which is a huge assistance to folks who are out of jobs, a bill that totals $7 billion, that includes 2 million additional people who will be assisted, 2 million people who will be assisted through additional help over the 4 million who we have already helped through our legislation that provided benefits last year, is hugely important.

In my own State, Washington State, many layoffs have been due to the aerospace industry. The adverse impact of the economy on our aerospace industry concerns me, because I have thousands of aerospace workers who live in

my district. I do not want to see them without jobs. If they are without jobs, I want to help to stimulate the economy so they will not much longer be without jobs. But the fact is, they are now.

I am very pleased that we are beginning this new session of Congress by heading in the right direction by providing much needed benefits to all Americans who are out of jobs. Under this legislation, unemployed workers who had Federal unemployment benefits that remained after December 28, when, by the way, we had put into place on the floor of the House a 5-week extension which would overlap into this session, so we could take a look and see what additional work we needed to do, which is what we are doing today, these folks will now receive the balance of their benefits. It is very important to those whose benefits were interrupted.

Further, workers who exhaust the regular State unemployment benefits in the coming months will become eligible for up to 13 weeks of Federal benefits in all States and up to 26 weeks in States like mine that have high unemployment, as we do in Washington State. In my State, this will help 56,000 additional people. That is 2.7 million people all over the country who are recipients of unemployment benefits who need help. These are folks who are still looking for jobs.

I think we need to put ourselves in their place. I think we need to feel how they feel when they need to meet a mortgage, to pay for the costs of food and heat in their homes. This is a vitally important piece of legislation that we are discussing today.

Mr. Speaker, I urge my colleagues to support this vitally important bill. I know there is debate on what additions we could make to this, but this is a generous bill and it is going to help a lot of people in my State and other States around the Nation. It is going to assist almost 2 million additional people today, in addition to the 4 million we have assisted in the past through other provisions that were passed last year.

I think it is a generous piece of legislation, and I think it is an imperative as we begin the debate to stimulate this economy and create those jobs that folks right now would like to be holding.

I have great faith in this body. I know that we will do the right thing: that we will pass this piece of legislation today so in coordination with the Senate we may send this to the President, so by tomorrow he can sign this bill, and create no interruption in the Federal benefits received by folks whose benefits were stopped on December 28.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think all that needs to be said has been said already, but I would only emphasize the fact that what we are hearing today is what we heard from the Supreme Court of the United States at the time of the election of the President. The Supreme Court said, we do not have time to count the votes. We have to declare a winner here.

In this instance, we are telling a million people out there that we do not have time to do anything about extending their benefits. If they happened to run out of them last year, well, that is just tough luck. I guess they can wait for the economy to pick up, and we wish them well.

Mr. Speaker, I yield such time as he may consume the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today in opposition to this "day late and dollar short" Republican bill.

I fear that a lot of desperate families back in Springfield, North Hampton, and Milford, MA, are watching this debate today with confusion and anxiety. Well over 2,000 families of displaced workers in my district lost their unemployment compensation on December 28. Those desperate families,who thought losing their job in an economic slump was plenty to deal with, encountered even more pain with the loss of their financial life-line during the holidays.

Almost a million families around the country today, who are struggling to get back into the workplace, will not see their benefits resume if this bill is enacted.

In a successful effort to provide fewer benefits to fewer workers, the leaders of this House scuttled any chances for meaningful relief back in December when we knew this crisis was upon us.

What we are asking for in our substitute is not unusual. Congress has previously acted to temporarily extend unemployment benefits during periods of economic recession of high employment. And, unfortunately, the Nation reached an 8-year high for unemployment in November, 2002.

While the majority has recently decided that extending these benefits is the right thing to do, this bill is literally too little and too late. I urge my colleagues to support the substitute providing more financial security to more displaced workers. Every penny we provide to the families of laid-off workers goes right back into the economy. Support this economic stimulus proposal.

Ms. KILPATRICK. Mr. Speaker, I regret that Congress did not pass an extension of unemployment benefits last year. Last November, the other body passed a bill that cost $5 billion and would have provided 13 weeks of additional UI benefits to jobless Americans. The House passed a paltry bill that cost $900 million that would have extended benefits only through the end of January.

I'm delighted that this bill is closer to the one that was proposed by the Democrats in the other body last year. The bill we are considering today costs $7.6 billion and it extends unemployment benefits through the end of May. It gives an additional 13 weeks of unemployment benefits to jobless Americans who have exhausted their 26 weeks of unemployment benefits. I am pleased that the bill is retroactive to December 28, so that those who had their benefits cut off on this date would receive the remainder of the 13 weeks owed to them.

Even though the bill is an improvement over last year's attempt, it is not enough. The bill excludes from coverage one million Americans who have exhausted their unemployment benefits and who have not found a job. These people will not be eligible for the extended benefits proposed under this bill, and they need our help. But this bill slams the door shut on their need for extended benefits.

This action should come as no surprise. The majority has consistently voted to exclude segments of the unemployed from receiving jobless benefits. Although the majority has changed the scope of coverage of the bill, it has not had a change of heart. At a time when we need national unity, the majority party continues to pit Americans against their fellow Americans. The economic policies of this Administration and the majority party of this chamber pits the well-off against the not-so-well off, working Americans against the jobless, and the jobless with benefits against those without.

While I support the passage of S. 23, I encourage my colleagues to support the motion to instruct offered by the gentleman from Washington, Mr. MC DERMOTT. We can do more to assist those 1 million unemployed Americans who need our help, and we should take this opportunity to do so.

Mr. CASE. Mr. Speaker, I reluctantly rise today in support of S. 23, a bill to extend unemployment benefits for thousands of Americans.

Every day, too many American workers are exhausting their unemployment benefits and must use their retirement savings or make other sacrifices just to cover basic living expenses. More than 800,000 people have already exhausted their 13 weeks of extended unemployment insurance benefits that were provided in the economic stimulus legislation enacted in March, which means they have no federal assistance as they search for new jobs.

In my home State of Hawaii, over 23,540 workers are currently unemployed, and 3,100 workers who have exhausted their extended unemployment benefits in 2002 remain unemployed. Over 1,800 workers in Hawaii could lose their benefits because the State of Hawaii must cut off extended unemployment benefits unless we continue the Temporary Extended Unemployment Compensation (TEUC) program.

I am pleased that the 108th Congress is passing legislation to retroactively extend unemployment compensation to laid-off workers who have exhausted their normal benefits. Congress has an obligation to make sure individuals who believed they would receive 13 weeks of extended benefits are not arbitrarily denied these benefits because the TEUC program expired on December 28.

When I was elected by the people of Hawaii, I quickly committed myself to helping

working family struggling to survive this recession. I decided to join with my Democratic colleagues to introduce legislation to extend unemployment benefits for those who were going to lose their benefits because Congress failed to extend the TEUC program.

I wish the House could pass the Democratic proposal because it would give every worker 26 weeks of extended unemployment benefits, up from 13 weeks under the current program. During the last recession in the early 1990s, Congress provided 26 weeks of extended benefits, and struggling families need this type of temporary assistance once again. The Democratic proposal would help the 1 million American workers who have already exhausted their extended unemployment benefits.

Nevertheless, I reluctantly support S. 23. Unemployed American workers need our help. We must immediately pass this legislation and then develop a comprehensive economic program to help unemployed workers and stimulate our struggling economy.

Mr. UDALL of New Mexico. Mr. Speaker, although with great hesitancy, I rise today in support of this overdue legislation to extend unemployment benefits. I had greatly hoped that Congress would have passed this extension prior to adjournment of the 107th Congress. I also am very disappointed that the bill before us today does not extend 26 weeks of extended benefits to all unemployed workers. However, I will vote in favor of S. 23 because we must expedite the extension of unemployment benefits.

As we all well know, and as I hope the American people are aware, last year, before the 107th Congress adjourned, and fully cognizant that the expiration deadline of the Temporary Extended Unemployment Compensation, TEUC, program was fast approaching, the majority refused to act on a good compromise bill that the Senate had passed unanimously. As a result, the TEUC program expired on December 28, 2002, and with it so did federal unemployment benefits for more than 800,000 jobless Americans. In New Mexico, that delay meant 2,200 families lost their benefits.

S. 23 is certainly a step in the right direction. It is imperative that we extend these benefits as the sluggish economy struggles to regain the vibrancy and growth it experienced under the previous administration. The unemployment rate has climbed from 4.2 percent when President Bush was inaugurated to 6.0 percent today. Additionally, there are now 8 million unemployed Americans.

However, while the bill before us is a good start, I vow to continue fighting for passage of the comprehensive unemployment Federal benefits bill offered by Representatives RANGEL, CARDIN, and LEVIN, that would guarantee at least 26 weeks of extended benefits and would expand access to unemployment benefits for workers who are low-wage earners or work part time. I am greatly disappointed that the rule stipulating the guidelines for debate over this legislation precluded us from debating Mr. RANGEL's substitute.

It is worth noting, that during the recession of the early 1990s the first President Bush signed into law the unemployment benefit extensions. It is estimated, however, that 800,000 more workers than during the 90s are expecting to exhaust their benefits this year. As such, it is clear to me that there is a need to extend the benefits beyond the 13 weeks provided by this bill.

Nevertheless, I will vote in support of S. 23, but do so with the hope that the leadership of the House and Senate will take up additional legislation to further extend unemployment benefits during this slow economic growth period.

Ms. DELAURO. Mr. Speaker, I rise to reluctantly support this bill. Today the House must once again come together to provide relief to America's unemployed. The president says that the economy is improving, but those words are cold comfort to those who have not only lost their jobs but also their unemployment benefits in recent weeks. These folks have been left with no job or assistance and are struggling to provide for their families this winter.

Unfortunately, this bill only extends unemployment benefits for workers who had not yet exhausted their 13 weeks before the program expired in December, doing nothing for those who exhausted their benefits yet still have not been able to find work.

But Mr. Speaker, the inability to find work is hardly due to a lack of trying. According to the Center on Budget and Policy Priorities, there are approximately 1½ million fewer jobs today than there were in March of 2001. And roughly 1 million workers have used up their unemployment insurance without finding a new job—more than 15,000 in Connecticut alone.

That is why, with America experiencing the lowest job growth in 58 years, we should not only be extending unemployment insurance, but also giving the unemployed opportunities to purchase health insurance. And we should guarantee an additional 26 weeks of benefits for everyone—whether they have exhausted their previous benefits or not.

Mr. Speaker, this bill is the least we can do. Too many families were left out in the cold this holiday season due to the Republican's refusal to address this issue and a president who only voiced his support for an extension of benefits well after Congress had left town. Mr. Speaker, this bill is not enough, but it is better than nothing, which until now is all this majority has supported.

Mr. MEEK of Florida. Mr. Speaker, I rise in strong support of S. 23, which will finally provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002.

I say ''finally'' because this legislation is long overdue. We all knew for months that on December 28th, in the middle of the holiday season, an estimated one million people out of work would be cut off from receiving unemployment benefits. Yet neither House Republicans nor the President took action to help suffering Americans provide for themselves or for their families.

Mr. Speaker, our economy continues to weaken. The latest figures show that unemployment claims in my district, which includes part of Miami-Dade County, reached a record high of 80,554 during October 2002. In only one year, unemployment claims were up an overwhelming 30%.

The unemployment rate in Miami-Dade County, a major international trading and tourist hub of the Americas, has climbed to an outrageous 8.0%, considerably higher than the national average. In Broward County, which is also a part of my district, the unemployment rate has reached a national rate of 6.0%.

Last week alone, there were more than 13,000 new jobless applicants filing for unemployment benefits. It is no wonder that Americans are enraged. The House has waited until today, 11 days after the expiration, to provide benefits to jobless Americans.

When a building is on fire, does a fire rescue team wait 11 days to put the fire out? When a patient is seriously ill, does a hospital wait 11 days to attend to this patient? In a crisis situation, we act immediately. The House has waited too long, putting Americans in fear.

My district and the country are in an unemployment crisis. Everyday, more and more of my constituents join the hundreds of thousands of Americans in my colleagues' districts in the unemployment line.

Mr. Speaker, it is important that we help displaced American workers today. It is terrible that we have waited so long to do so.

Mr. TIAHRT. Mr. Speaker, I rise in support of the bill before us today which will provide as much as 26 weeks of additional unemployment benefits to laid off workers across America in ''high unemployment states'' and will ensure that those workers who still had benefits remaining on the December 28 cutoff date will receive all of their 13 weeks.

The Unemployment Insurance Benefits Extension Act, much like the provisions in the American Worker Temporary Relief Act that I introduced yesterday, will allow approximately 800,000 Americans, including nearly 6,000 workers in my state of Kansas, to once again begin receiving benefits. Like my bill, it also allows workers who may in the months ahead exhaust their regular 26 weeks of State unemployment benefits to become eligible for up to 13 weeks of extended benefits.

Unfortunately, this bill does nothing for those in my state and other states who have exhausted their 13 week extension and do not live in a state meeting the definition of a ''high unemployment state.''

This legislation is an important step in helping our workers through these tough economic times. Many have suffered from the lingering effects of a recession and the economic impact of the September 11th attacks.

Mr. Speaker, we must remember, however, that this is short term aid. The best and most responsible approach Congress can take is to adopt policies designed to get our economy growing again. We can all agree that America's workers would rather earn a paycheck than receive an unemployment benefit.

I urge my colleagues to support this bill and approve this new extension in order to avoid a disruption in benefits to our nation's unemployed workers.

Mr. RUSH. Mr. Speaker, today, we are considering one of the most important legislative initiatives that we, as members of the House of Representatives, can enact this year the extension of unemployment benefits for the millions of this nation's workers who have lost their jobs in the current economic downturn. I am pleased to join with the overwhelming majority of my colleagues in the House in approving this bill, which will extend unemployment

benefits for the more than 800,000 American workers lost their benefits on December 28, 2002 for an additional 13 weeks.

As the economy has stagnated and the job growth that characterized the economic boom of the 1990s has dissipated, the American economy has lost nearly one and one-half million jobs. In November of last year, the national unemployment rate reached an eight-year high of 6 percent.

Mr. Speaker, last month, the Democratic staff of the House Government Reform Committee, completed a study of the current state of unemployment in Chicago, Illinois. The study verified what we who live in Chicago already know—that unemployment in the Chicago metropolitan area, at 6.3 percent, is higher than both the statewide and national average. The Committee's study illustrated that of the 377,000 unemployed workers identified by the Bureau of Labor Statistics in Illinois, the vast majority of those individuals—263,000—are in the Chicago metropolitan area.

Many of these workers have exhausted their basic unemployment benefits in their search for new employment and were relying on the extended benefits provided under the law that expired on December 28, 2002. Without the passage of this most critical legislation, more than 65,000 workers in the Chicago area would have lost an estimated $236 million in unemployment benefits.

Mr. Speaker, I am pleased that the Congress has adopted this extension of unemployment benefits, but much more needs to be done. Unemployment nationwide is higher now than it was when Congress first passed the extended unemployment benefits in March of last year; the economic and fiscal condition of the nation is weaker. We need a strong, sound and fiscally responsible economic stimulus package that will create real jobs to support real families and provide real permanent relief to laid off workers and states.

Mr. GREEN of Texas. Mr. Speaker, I rise in support of S. 23, legislation to extend Temporary Unemployment Benefits. Millions of American workers are in trouble today, including many of my constituents, and it is high time we did something about it.

Back in March 2002, Congress created the Temporary Emergency Unemployment Benefits Compensation (TEUC) program to provide 13 weeks of federally funded unemployment insurance to qualified workers who had exhausted their state unemployment benefits, and an additional 13 weeks to some in ''high unemployment'' states. The TEUC program was a great idea, but we underestimated the economic trouble that we were in. At that time, the unemployment rate in my home state of Texas was 5.6% and that quickly rose to 6.9% by June of 2002. By November 2002, the latest month for which the Texas Workforce Commission has data, the official unemployment rate still stood at 6.0%, meaning that over 640,000 Texas workers are out of work.

So, we can see that the problem is not over. The need for an unemployment compensation extension is still very urgent. However, the TEUC program expired, three days after Christmas, on December 28, 2002. Congress was fully aware of the unemployment problem when we were here in November and December, but the House leadership would not agree to the Senate compromise legislation, which was partly the work of the Republican Whip in the Senate. So, it is with great relief that I have the opportunity to vote in favor of the Senate compromise today.

While I am relieved that we are delivering relief to the people that need it most—those who are out of work and are trying their best to find it—I do not believe that we are doing enough. The legislation before us today only restores TEUC benefits for those who lost their eligibility on or after December 28, 2002. I am an original cosponsor of the Rangel-Cardin alternative, H.R. 17, which would restore these unemployed workers' benefits while they continue to look for work. H.R. 17 should be under consideration today by the House of Representatives, but the Republican leadership has denied us the opportunity to even let it come to vote.

Now I agree that partisan conflicts over how much unemployment assistance to provide during one of the longest economic slowdowns in recent history should not prevent us from doing something, today. So I strongly urge my colleagues, on both sides of the aisle, to support this legislation and send it to the president so that some unemployed workers can get something soon. After that, I also urge all of my colleagues to look at what we have done today and compare that to H.R. 17. If you do that, I think you will realize how much more needs to be done. Let us pass S. 23 today, and pass more relief as soon as possible.

Mr. BLUMENAUER. Mr. Speaker, I am saddened that the first major action of Congress will begin with a flawed process. One can only hope that this is not a sign of things to come with the Republican leadership at the helm of both chambers. Over 20,000 workers in Oregon alone were affected by the failure of Congress to pass this extension last session. These people deserve our best, not the lowest common denominator of benefits that the Republican leadership has decided it has to offer. Furthermore, the Republican leadership is not even allowing debate to occur on more reasonable options, instead choosing to limit the democratic process. The Democratic alternative provides for 26 weeks of extended unemployment benefits, helping nearly 2.5 million Americans over the next six months, while the Republican proposal only offers 13 weeks. While I am grateful for my jobless constituents that an extension will now be implemented, it is too little and too late.

Extending unemployment insurance is the fastest way to help the people that need it most, since it provides targeted and effective economic stimulus. These critical benefits increase consumer spending in the hardest-hit areas and sustain and strengthen economic recovery. It makes more sense to invest in expanded unemployment benefits now to help millions of Americans, than exploding the budget deficit with President Bush's economic stimulus plan which will cost almost $850 billion, including debt service, and whose own economists say will create less than 200,000 jobs.

Mr. LANGEVIN. Mr. Speaker, I rise in support of the measure passed by the Senate yesterday that would provide an extension of federal unemployment insurance benefits to jobless workers.

I am pleased that Congress is finally extending unemployment benefits to the 800,000 Americans and 2,800 Rhode Islanders whose federal benefits were cut off on December 28, 2002. However, I would be remiss if I did not remind the House Republican Leadership that even with passage of this legislation, Congress would still leave out over 1 million workers nationwide, including thousands of Rhode Islanders, who have already exhausted their benefits and are still unable to find a job.

Many Rhode Islanders, and Americans across the nation, are still struggling to find employment. The national unemployment rate reached 6 percent in November last year, its highest point in eight years, and Rhode Island's unemployment rate currently stands above 5 percent. Congress must provide all unemployed workers the resources they need to put food on the table and pay the bills while they weather this economic downturn.

While I intend to support the underlying legislation, I would point out that passage of this bill, as important as it is, will leave too many people without any means of support, and I would strongly urge my colleagues to turn their attention to the unemployed workers who have already exhausted their extended benefits. In addition, I am very disappointed that the Republican Leadership has denied our colleagues the opportunity to debate and vote on a Democratic alternative, which would provide 26 weeks of additional benefits to struggling workers. We must not turn our backs on those who are most vulnerable during these trying times.

Ms. BALDWIN. Mr. Speaker, the House is finally acting to provide relief to some of the unemployed. This bill will be retroactive to December 28th, so those who had their benefits cut off will receive the remainder of the 13 weeks of benefits that is due to them. The relief will continue until June. It will also allow those who begin to receive their benefits to receive the full 13 weeks in the event that they are unable to find a job. That is good. However, this bill is not complete. This legislation fails to provide benefits to those who have already exhausted their benefits and are still unable to find a job. Why is the leadership forgetting those that need the benefits the most?

In Wisconsin, 22,200 people exhausted their unemployment benefits and remained unemployed at the end of December. This bill leaves these people and their families without help. Over one million people across our country have absolutely no recourse and have no assistance whatsoever because their benefits have expired. We are leaving them out in the cold when they need help the most.

These unemployment benefits don't just help the unemployed; they also help our economy as recipients will pay for immediate needs such as housing, utilities and food. Economists have said that every dollar spent on unemployment generates $2.15 in economic stimulus. Offering assistance to those whose benefits have already expired would help these families and our economy. They are paying for basic necessities with their benefits. They are trying to keep their heads above water. Unfortunately, this bill is offering to help some of the unemployed, but not the

thousands of Wisconsin families who have been without a paycheck for ten months or more.

I am glad we are providing the relief included in this bill, but we have to do more. We must help those who continue to look for work in our weak economy. And we should do it today.

Mr. KUCINICH. Mr. Speaker, there has been talk in recent months that if there is to be an economic recovery in our future, it will be a so-called ''jobless recovery''. I would submit that for the 8.5 million Americans who are currently unemployed, an economic recovery that does not provide jobs is no recovery at all.

The Economic Policy (EPI) has reported that using even optimistic projections of GDP growth, the unemployment rate is expected to remain at 6 percent for all of 2003. An analysis projecting less optimistic growth numbers suggest the unemployment rate will climb to 6.4 percent by the last quarter of this year. However, there is one factor that impacts the severity of the current downturn for American workers more than any other. That is, significantly more workers have exhausted their federal benefits since the federal extension of benefit program began in March than ran out of federal benefits over a comparable number of months in the recession of the early nineties.

Under the federal extension program of the early 90s, each worker was eligible for 20 to 26 weeks of benefits some ten months after the program was enacted. Under the program which just expired at the end of last December, most workers were eligible for a maximum of 13 weeks of benefits. As a result, by the end of December, an estimated 2.2 million workers had exhausted all of their federal benefits. And without Congressional assistance, the New year brings these 2.2 million unemployed a job market that is stripped bare. It is a job market with 1.5 million fewer jobs today than in March of 2001.

For this reason it is critical that the federal unemployment insurance system be extended now. However, the Republican plan, and Democratic proposal which was disallowed, offer two very different levels of compensation to American families.

The Republican plan would provide 13 weeks of extended benefits over the next five months to the estimated 90,000 workers a week who will exhaust their state benefits without finding work. The Democratic plan would have offered 26 weeks. The Republican plan will also provide the remainder of 13 weeks of benefits to the nearly 800,000 workers who were cut off from federal unemployment benefits on December 28th when the program was allowed to expire. The Democratic plan offered workers those 13 weeks and adds 13 more for a total of 26 weeks.

In an even starker comparison, even in the face of economic data suggesting the current economic conditions are no better, and maybe even worse than when the current program began in March, The Republican proposal mysteriously provides no extension of benefits to the 1 million workers who exhausted their federal benefits by December and remain jobless.

The Democratic proposal gave those workers an extra 13 weeks of job-hunting cushioned by unemployment insurance. Indeed, the Democratic plan did not selectively pick and choose which group of unemployed workers id deemed worthy of coverage. For in a so-called ''jobless recovery'' millions of Americans will remain jobless. But under the Republican's so-called unemployment plan, 1 million Americans will also be without unemployment insurance.

In covering these 1 million Americans, the Democratic proposal did not ignore the over $24 million sitting unused in the Federal Unemployment Trust Fund. Instead it honors the basic purpose of the trust funds: to build large resources when work is plentiful in order to provide relief to the unemployed when they need it most. The Republican proposal ''writes off'' 1 million people. Contrary to the thinking behind the Republican proposal, there is no reason 1 million unemployed workers should be denied unemployment compensation when they need it the most. The Democratic plan suggest the time for them to receive it is now. So do I. Vote for the Motion to Recommit.

Ms. JACKSON-LEE of Texas. Mr. Speaker, each day Americans are losing their jobs across the country and in all sectors of the economy. My state of Texas and city of Houston have suffered job losses. I have heard from many constituents whose have been laid off and from those whose unemployment benefits expired shortly after Christmas on December 28.

The Republican plan passed by the Senate yesterday does not go far enough. The Republican plan does not help those workers who have already exhausted their benefits. I am appalled. I support the Democratic alternative plan offered by Congressman CHARLES RANGEL.

The Rangel/Cardin bill would extend unemployment insurance benefits an additional 13 weeks to those in need. The Republican plan does not; these workers would not receive any additional assistance. About one million workers have exhausted their 13 weeks of extended benefits under the Temporary Extended Unemployment Compensation (TEUC) program and still remain unemployed.

Every week about 90,000 workers run out of regular, state provided unemployment benefits before finding a job. During the last recession, Congress initially provided these workers with 26 weeks of extended benefits. The Democratic plan would provide these workers with at least 26 weeks of extended benefits, which would help nearly 2.5 million Americans over the next six months. The Republican plan would generally provide 13 weeks of extended benefits over the next five months (only three states currently qualify under a trigger to provide 26 weeks).

The Republican proposal would allow these workers to receive the remainder of their initial 13 weeks of extended benefits (not clear if benefits are retroactive). The Democratic bill would provide these workers with the remainder of their first 13 weeks (retroactively), and an additional 13 weeks, for a total 26 weeks of extended benefits.

We need to help those people whose unemployment benefits expired on December 28. I have heard from many of my constituents in the 18th Congressional District in Houston who have exhausted their unemployment benefits. I agree with one of my constituents who said that we should ''Leave no jobless worker behind.''

Mr. DICKS. Mr. Speaker, I rise today in support of this legislation to reinstate the extended unemployment benefits program. These are bad economic times we are living in and few places have it tougher than my home state of Washington which had a 6.6 percent unemployment rate in November. I know from my constituents that these extra weeks of benefits are a vital lifeline which I wish we had extended back in December. While I am relieved that we finally are passing this bill, I wish that we had the chance to vote on an unemployment package that more fully meets the needs of those Americans who are out of work.

While I am grateful that this bill contains a provision that provides an additional 13 weeks of extended benefits for states with exceptionally high jobless rates—which includes Washington State and two others—it is a mistake that the eligibility requirements are so stringent that the jobless in 47 states cannot receive them. These additional benefits will result in 26 weeks of extended benefits for those of my constituents who have been unable to find new employment. But I do not understand why those unfortunate people living in other states who find themselves in a similar dire situation are limited to only 13 weeks of extended benefits because the unemployment rate is lower in their home state. Being out of work is devastating for people and their families wherever they live and Congress should pass a bill reflecting that reality.

The extended benefits authorized by this legislation expire at the end of May. It is doubtful that the economy will have improved significantly by then. Therefore, we will need to re-visit this issue before these benefits expire. I hope at that time we will pass legislation that better meets the tremendous needs of those Americans who are having a hard time finding new jobs. Compassion demands that action.

Mr. DEFAZIO. Mr. Speaker, I don't have to lecture my colleagues on the difficult economic problems facing the country, state and local governments, and far too many of our constituents who have lost jobs or are losing benefits and support services due to budget pressures. We're all much too familiar with those facts.

But, I was elected to be a voice for those who need help. And, Mr. Speaker, there are 18,000 Oregonians who need help and this bill isn't going to provide it. I'm grateful that this bill will provide extended benefits for some 20,000 unemployed Oregonians who were at some stage of the Temporary Emergency Unemployment Compensation (TEUC) program that expired on December 28, 2002, and the 35,000 Oregonians that are expected to lose work between now and the end of May when this extension expires. However, the bill turns a cold shoulder on the 18,000 long-term unemployed Oregonians who have already exhausted 26 weeks of TEUC.

The unemployment rate in Oregon has hovered between 7 and 8 percent for more than a year. Several counties have double digit unemployment rates, and new layoff are announced weekly. The workers of the Pacific

Northwest need help. And we should give it to them.

The Congressional Budget Office projects the national unemployment rate will remain at about six percent until the second half of 2003. The Oregon rate is expected to be higher than the national average.

Unemployment insurance provides targeted and effective economic stimulus. These critical benefits increase consumer spending in the hardest hit areas and sustain and strengthen economic recovery. Fortunately, the federal unemployment insurance trust funds contain large reserves that can be used to strengthen TEUC without additional unemployment insurance taxes.

I sat here today and listened to the debate on this legislation and heard member after member on the other side of the aisle say how important this legislation is and how much workers need this assistance, but we just can't afford to provide additional benefits for the long-term unemployed. That's not true, and it's unconscionable that we're not providing additional benefits for those who, through no fault of their own, have found themselves on the wrong side of this ''economic recovery,'' and haven't been able to find work.

Somehow, we could afford to give members of Congress a generous 3.4 percent cost-of-living adjustment, but could only give senior citizens a paltry 1.4 percent increase. Somehow, there was money to throw all sorts of favors to corporate special interests at the end of the session, and there's money for more tax breaks for those earning more than $373,000 a year. Somehow, there was money to give President Bush's political appointee's bonuses at the end of the year, but we can't use the huge surpluses in the unemployment trust funds to give a hand to the 800,000 long-term unemployed who are trying to hang on to their homes, pay the heating bill, keep food on the table, and keep their families together. There's something very wrong with the priorities here.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to House Resolution 14, the Senate bill is considered as read for amendment and the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

MOTION TO COMMIT OFFERED BY MR. MC DERMOTT

Mr. McDERMOTT. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. McDERMOTT. Yes, Mr. Speaker, I am.

The SPEAKER pro tempore. The Clerk will report the motion.

The clerk read as follows:

Mr. McDERMOTT moves to commit the bill S. 23 to the Committee on Ways and Means with instructions that the Committee report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Emergency Unemployment Compensation Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Extension of the Temporary Extended Unemployment Compensation Act of 2002.
Sec. 3. Entitlement to additional weeks of temporary extended unemployment compensation.
Sec. 4. Application of revised rate of insured unemployment.
Sec. 5. Additional TEUC extended benefit period trigger.
Sec. 6. Additional weeks of benefits for workers in high unemployment States.
Sec. 7. Effective date.

SEC. 2. EXTENSION OF THE TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002.

(a) SIX-MONTH EXTENSION OF PROGRAM.—Section 208 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 30) is amended to read as follows:

''SEC. 208. APPLICABILITY.

''(a) IN GENERAL.—Subject to subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

''(1) beginning after the date on which such agreement is entered into; and

''(2) ending before July 1, 2003.

''(b) TRANSITION.—In the case of an individual who is receiving temporary extended unemployment compensation for the week which immediately precedes July 1, 2003, temporary extended unemployment compensation shall continue to be payable to such individual for any week thereafter from the account from which such individual received compensation for the week immediately preceding that termination date. No compensation shall be payable by reason of the preceding sentence for any week beginning after December 31, 2003.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21).

SEC. 3. ENTITLEMENT TO ADDITIONAL WEEKS OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.

Paragraph (1) of section 203(b) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21) is amended to read as follows:

''(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to 26 times the individual's weekly benefit amount for the benefit year.''.

SEC. 4. APPLICATION OF REVISED RATE OF INSURED UNEMPLOYMENT.

Section 207 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21) is amended—

(1) by striking ''In'' and inserting ''(a) GENERAL DEFINITIONS.—In''; and

(2) by adding at the end the following new paragraph:

''(b) ADJUSTED INSURED UNEMPLOYMENT RATE.—For purposes of carrying out section 203(c) with respect to weeks of unemployment beginning on or after the date of enactment of the Emergency Unemployment Compensation Act of 2003, the term 'rate of insured unemployment', as used in section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note), has the meaning given such term under section 203(e)(1) of such Act, except that individuals exhausting their right to regular compensation during the most recent 3 calendar months for which data are available before the close of the period for which such rate is being determined shall be taken into account as if they were individuals filing claims for regular compensation for each week during the period for which such rate is being determined.''.

SEC. 5. ADDITIONAL TEUC EXTENDED BENEFIT PERIOD TRIGGER.

(a) IN GENERAL.—Section 203(c) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21) is amended by adding at the end the following new paragraph:

''(3) ADDITIONAL EXTENDED BENEFIT PERIOD TRIGGER.—

''(A) IN GENERAL.—Effective with respect to compensation for weeks of unemployment beginning on or after the date of enactment of the Emergency Unemployment Compensation Act of 2003, an agreement under this title shall provide that, in addition to any other extended benefit period trigger, for purposes of beginning or ending any extended benefit period under this section—

''(i) there is a State 'on' indicator for a week if—

''(I) the average rate of total unemployment in such State (seasonally adjusted) for the period consisting of the most recent 3 months for which data for all States are published before the close of such week equals or exceeds 6 percent; and

''(II) the average rate of total unemployment in such State (seasonally adjusted) for the 3-month period referred to in clause (i) equals or exceeds 110 percent of such average rate for either (or both) of the corresponding 3-month periods ending in the 2 preceding calendar years; and

''(ii) there is a State 'off' indicator for a week if either the requirements of subclause (I) or (II) of clause (i) are not satisfied.

''(B) NO EFFECT ON OTHER DETERMINATIONS.—Notwithstanding the provisions of any agreement described in subparagraph (A), any week for which there would otherwise be a State 'on' indicator shall continue to be such a week and shall not be determined to be a week for which there is a State 'off' indicator.

''(C) DETERMINATIONS MADE BY THE SECRETARY.—For purposes of this subsection, determinations of the rate of total unemployment in any State for any period (and of any seasonal adjustment) shall be made by the Secretary.''.

(b) CONFORMING AMENDMENT.—Section 203(c)(1) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21) is amended by inserting ''or (3)'' after ''paragraph (2)''.

SEC. 6. ADDITIONAL WEEKS OF BENEFITS FOR WORKERS IN HIGH UNEMPLOYMENT STATES.

Section 203(c)(1) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 30) is amended by striking ''an amount equal to the amount originally established in such account (as determined under subsection (b)(1))'' and inserting ''7 times the individual's weekly benefit amount for the benefit year''.

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall apply with respect to weeks of unemployment beginning on or after the date of enactment this Act.

(b) RESUMPTION OF BENEFITS.—

(1) RULE APPLICABLE TO EXHAUSTEES.—In the case of any individual—

(A) to whom any temporary extended unemployment compensation was payable for any week beginning before January 1, 2003, and

(B) who exhausted such individual's rights to such compensation (by reason of the payment of all amounts in such individual's temporary extended unemployment compensation account) before January 1, 2003,

such individual's eligibility for any additional weeks of temporary extended unemployment compensation by reason of the amendments made by this Act shall apply with respect to weeks of unemployment beginning on or after the date of enactment of this Act.

(2) RULE APPLICABLE TO NON-EXHAUSTEES.—In the case of any individual—

(A) to whom any temporary extended unemployment compensation was payable for any week beginning before January 1, 2003, and

(B) as to whom the condition described in paragraph (1)(B) does not apply,

such individual shall, upon appropriate application, be eligible for temporary extended unemployment compensation (in accordance with the provisions of the Temporary Extended Unemployment Compensation Act of 2002, as amended by this Act) with respect to any weeks of unemployment beginning on or after December 29, 2002.

(c) DATE FOR DETERMINING ELIGIBILITY OF EXHAUSTEES FOR AUGMENTED BENEFITS.—In the case of any individual described in subsection (b)(1), the determination under section 203(c) as to whether such individual's State is in an extended benefit period (for purposes of determining eligibility for augmented benefits under the Temporary Extended Unemployment Compensation Act of 2002, as amended by this Act) shall be made—

(1) as of the date of enactment of this Act, and

(2) without regard to whether or not such a determination was made under the Temporary Extended Unemployment Compensation Act of 2002, as in effect before the amendments made by this Act.

Mr. MCDERMOTT (during the reading). Mr. Speaker, I ask unanimous consent that the motion to commit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

POINT OF ORDER

Mr. THOMAS. Mr. Speaker, I have no objection to considering the motion as having been read, but I object to the motion to commit on the basis of its violation of the Budget Act.

The SPEAKER pro tempore. Does the gentleman make a point of order?

Mr. THOMAS. Yes, Mr. Speaker, I wish to make a point of order.

The SPEAKER pro tempore. The gentleman may state his point of order.

Mr. THOMAS. Mr. Speaker, I object and make the point of order because this motion, if passed, would cause the allocation to the Committee on Ways and Means to be further exceeded in the first year and over the 5-year period governed by the budget resolution currently deemed in force. The motion therefore violates section 302(f) of the Congressional Budget Act, and I make a point of order that it violates section 302(f) of the Budget Act.

The SPEAKER pro tempore. Is there any other Member who wishes to be heard on the point of order?

Mr. CARDIN. Mr. Speaker, on the point of order, if I understand the objection, it is based upon the fact that, as I understand it, the bill before us has a waiver on the Budget Act from the Committee on Rules, but that because there is no waiver of the Budget Act provided in the rules, the minority will not have a chance to offer a similar type of a motion to recommit.

I would ask the chairman, is that the basis that we were not protected in the rule, whereas the underlying bill did not get a waiver in the rule?

Mr. THOMAS. Mr. Speaker, I would tell the gentleman that that is the technical effect. However, had the minority offered an amendment which was in the——

The SPEAKER pro tempore. Will the gentleman suspend? Members will not engage in colloquy on a point of order. The Chair will hear argument on the point of order from each Member in turn.

Mr. THOMAS. Might I make an argument on the point of order, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Maryland (Mr. CARDIN) may complete his argument first.

Mr. CARDIN. Mr. Speaker, may I yield on my reservation or argument?

The SPEAKER pro tempore. There is no yielding on a point of order.

Mr. CARDIN. Let me just complete my argument, and then I would welcome the chairman's response.

Mr. Speaker, I think that there needs to be some discretion here as far as fairness in the rules. I know that yesterday we adopted the rules of the House. It seems to me that the minority needs to be protected to be able to offer a motion to recommit.

I understand the chairman's point, but it would seem to me that the rules should permit the minority to offer a motion to recommit if we are going to have an open and full debate in the House.

The SPEAKER pro tempore. Are there other Members who wish to be heard on the point of order?

Mr. THOMAS. Yes, sir.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) is recognized.

Mr. THOMAS. Further on my point of order, Mr. Speaker, the reason I believe a 302(f) budget point of order lies against this measure is that it significantly exceeds in its amount the underlying bill.

The legislation before us was not reported by any committee of the House; rather, it was passed by the Senate, and the Committee on Rules has presented it to us.

So my point of order is not based on the fact that the underlying measure has a waiver from the Committee on Rules; it is that if the minority had offered an amendment equal to or less than the Senate position, it would have been in order and not subject to a point of order. Since it is significantly in excess of the Senate measure, it does in fact violate 302(f) of the Budget Act.

□ 1300

The SPEAKER pro tempore (Mr. SIMPSON). Are there other Members who wish to be heard on the point of order?

The Chair is prepared to rule.

The gentleman from California (Mr. THOMAS) makes a point of order that the amendment proposed by the instructions in the motion to commit offered by the gentleman from Washington (Mr. MCDERMOTT) violates section 302(f) of the Congressional Budget Act of 1974.

Section 302(f) of the Budget Act precludes consideration of an amendment providing new budget authority if the adoption of the amendment and enactment of the bill, as amended, would cause the pertinent allocation of new budget authority under section 302(a) of the act to be exceeded.

The Chair is persuasively guided by an estimate of the gentleman from Iowa (Mr. NUSSLE) that an amendment providing any net increase in new budget authority for fiscal year 2003, or the period of fiscal years 2003 through 2007, over that provided by the bill would exacerbate the breach of the applicable section 302(a) allocations of the Committee on Ways and Means.

As such, the motion to commit violates section 302(f) of the Budget Act. The point of order is sustained, and the motion is not in order.

MOTION TO COMMIT OFFERED BY MR. MCDERMOTT

Mr. MCDERMOTT. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCDERMOTT. Yes, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. MCDERMOTT moves to commit the bill S. 23 to the Committee on Ways and Means with instructions that the Committee report the same back to the House promptly with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Emergency Unemployment Compensation Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Extension of the Temporary Extended Unemployment Compensation Act of 2002.

Sec. 3. Entitlement to additional weeks of temporary extended unemployment compensation.
Sec. 4. Application of revised rate of insured unemployment.
Sec. 5. Additional TEUC extended benefit period trigger.
Sec. 6. Additional weeks of benefits for workers in high unemployment States.
Sec. 7. Effective date.

SEC. 2. EXTENSION OF THE TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002.

(a) SIX-MONTH EXTENSION OF PROGRAM.—Section 208 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 30) is amended to read as follows:

"SEC. 208. APPLICABILITY.

''(a) IN GENERAL.—Subject to subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

''(1) beginning after the date on which such agreement is entered into; and

''(2) ending before July 1, 2003.

''(b) TRANSITION.—In the case of an individual who is receiving temporary extended unemployment compensation for the week which immediately precedes July 1, 2003, temporary extended unemployment compensation shall continue to be payable to such individual for any week thereafter from the account from which such individual received compensation for the week immediately preceding that termination date. No compensation shall be payable by reason of the preceding sentence for any week beginning after December 31, 2003.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21).

SEC. 3. ENTITLEMENT TO ADDITIONAL WEEKS OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.

Paragraph (1) of section 203(b) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21) is amended to read as follows:

''(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to 26 times the individual's weekly benefit amount for the benefit year.''.

SEC. 4. APPLICATION OF REVISED RATE OF INSURED UNEMPLOYMENT.

Section 207 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21) is amended—

(1) by striking ''In'' and inserting ''(a) GENERAL DEFINITIONS.—In''; and

(2) by adding at the end the following new paragraph:

''(b) ADJUSTED INSURED UNEMPLOYMENT RATE.—For purposes of carrying out section 203(c) with respect to weeks of unemployment beginning on or after the date of enactment of the Emergency Unemployment Compensation Act of 2003, the term 'rate of insured unemployment', as used in section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note), has the meaning given such term under section 203(e)(1) of such Act, except that individuals exhausting their right to regular compensation during the most recent 3 calendar months for which data are available before the close of the period for which such rate is being determined shall be taken into account as if they were individuals filing claims for regular compensation for each week during the period for which such rate is being determined.''.

SEC. 5. ADDITIONAL TEUC EXTENDED BENEFIT PERIOD TRIGGER.

(a) IN GENERAL.—Section 203(c) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21) is amended by adding at the end the following new paragraph:

''(3) ADDITIONAL EXTENDED BENEFIT PERIOD TRIGGER.—

''(A) IN GENERAL.—Effective with respect to compensation for weeks of unemployment beginning on or after the date of enactment of the Emergency Unemployment Compensation Act of 2003, an agreement under this title shall provide that, in addition to any other extended benefit period trigger, for purposes of beginning or ending any extended benefit period under this section—

''(i) there is a State 'on' indicator for a week if—

''(I) the average rate of total unemployment in such State (seasonally adjusted) for the period consisting of the most recent 3 months for which data for all States are published before the close of such week equals or exceeds 6 percent; and

''(II) the average rate of total unemployment in such State (seasonally adjusted) for the 3-month period referred to in clause (i) equals or exceeds 110 percent of such average rate for either (or both) of the corresponding 3-month periods ending in the 2 preceding calendar years; and

''(ii) there is a State 'off' indicator for a week if either the requirements of subclause (I) or (II) of clause (i) are not satisfied.

''(B) NO EFFECT ON OTHER DETERMINATIONS.—Notwithstanding the provisions of any agreement described in subparagraph (A), any week for which there would otherwise be a State 'on' indicator shall continue to be such a week and shall not be determined to be a week for which there is a State 'off' indicator.

''(C) DETERMINATIONS MADE BY THE SECRETARY.—For purposes of this subsection, determinations of the rate of total unemployment in any State for any period (and of any seasonal adjustment) shall be made by the Secretary.''.

(b) CONFORMING AMENDMENT.—Section 203(c)(1) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21) is amended by inserting ''or (3)'' after ''paragraph (2)''.

SEC. 6. ADDITIONAL WEEKS OF BENEFITS FOR WORKERS IN HIGH UNEMPLOYMENT STATES.

Section 203(c)(1) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 30) is amended by striking ''an amount equal to the amount originally established in such account (as determined under subsection (b)(1))'' and inserting ''7 times the individual's weekly benefit amount for the benefit year''.

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall apply with respect to weeks of unemployment beginning on or after the date of enactment this Act.

(b) RESUMPTION OF BENEFITS.—

(1) RULE APPLICABLE TO EXHAUSTEES.—In the case of any individual—

(A) to whom any temporary extended unemployment compensation was payable for any week beginning before January 1, 2003, and

(B) who exhausted such individual's rights to such compensation (by reason of the payment of all amounts in such individual's temporary extended unemployment compensation account) before January 1, 2003,

such individual's eligibility for any additional weeks of temporary extended unemployment compensation by reason of the amendments made by this Act shall apply with respect to weeks of unemployment beginning on or after the date of enactment of this Act.

(2) RULE APPLICABLE TO NON-EXHAUSTEES.—In the case of any individual—

(A) to whom any temporary extended unemployment compensation was payable for any week beginning before January 1, 2003, and

(B) as to whom the condition described in paragraph (1)(B) does not apply,

such individual shall, upon appropriate application, be eligible for temporary extended unemployment compensation (in accordance with the provisions of the Temporary Extended Unemployment Compensation Act of 2002, as amended by this Act) with respect to any weeks of unemployment beginning on or after December 29, 2002.

(c) DATE FOR DETERMINING ELIGIBILITY OF EXHAUSTEES FOR AUGMENTED BENEFITS.—In the case of any individual described in subsection (b)(1), the determination under section 203(c) as to whether such individual's State is in an extended benefit period (for purposes of determining eligibility for augmented benefits under the Temporary Extended Unemployment Compensation Act of 2002, as amended by this Act) shall be made—

(1) as of the date of enactment of this Act, and

(2) without regard to whether or not such a determination was made under the Temporary Extended Unemployment Compensation Act of 2002, as in effect before the amendments made by this Act.

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD since the appropriate part has already been read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from Washington is recognized for 5 minutes in support of his motion.

Mr. MCDERMOTT. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank the gentleman for yielding me this time.

Mr. Speaker, I think that we need to pass legislation today, so I support legislation. I think it is important that we deal with the people who lost their benefits in December because we failed to extend the law. I think it is important that we pass legislation that will provide the additional weeks of benefits for those who exhaust their regular unemployment insurance, and the underlying legislation does that and it is worthy of support.

The problem is, as we have heard during the course of this debate, that the legislation does not go far enough. There will be a million people during the next several months who will exhaust their extended benefits, and the gentleman's motion to commit urges us to deal with that group of unemployed who have lost their unemployment insurance benefits through no

fault of their own; and if we do not take action immediately, these individuals will not have any unemployment insurance benefits.

Now, Mr. Speaker, the motion before us will not delay the issue. I know I will hear that from my friends. The conference could be appointed today. It could act today. This is not a controversial issue. This is unfinished business from the last Congress. The funds are there. The funds are in the Federal unemployment trust account to pay for these benefits.

In 1990, the last recession we had, we extended benefits for 26 additional weeks. This tells us to do at least as well for the unemployed today as we did in the 1990s so we can get this done. We can get it done quickly, and we can get it done before we adjourn this week, and that is the essence of the gentleman's motion. So I support the underlying bill, but we need to do better now on the unfinished business of the last Congress.

Then, Mr. Speaker, let me urge my chairman who is on the floor that we look at reforming the unemployment insurance and we do it quickly, that we deal with the part-time employees who pay into the unemployment insurance funds and do not get unemployment benefits. And we deal with the people, many of whom left the welfare system for work only to find that their jobs have been lost and we deal with the most recent quarter of their earnings so they can qualify for unemployment insurance. As we look at a stimulus package, let us also look at increasing the benefits for those people who are unemployed. That would certainly stimulate our economy and is far less costly than the tax legislation that the President brought forward yesterday.

So I would urge my colleagues to support the gentleman from Washington's motion to commit. It urges us to do more. It allows us to move forward with the underlying bill but to do more; and we can get it done today, make no mistake about it. The conference report could be back to us before we leave this evening. There is no question about that in anyone's mind. We know exactly what needs to be done, and I would urge my colleagues to support the motion to commit.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the fact is that you have a calendar which says we will be here until 8 or 9 o'clock tonight, so there is plenty of time to make this small change, and any argument that we do not have time is simply a bogus argument.

Now, the fact is that as my colleague from Maryland has said, this is unfinished business from before. I have tried two different ways and the majority is intent on killing any attempt to modify what they have agreed to with the Senate. Now, I guess from now on we will just wait for the Senate to tell us what we need to do because the House clearly has no power to ever confront the Senate and tell the Senate that they have made not quite the right bill.

This is a historic moment. I do not ever remember being in the House of Representatives any place where they conceded to the Senate that whatever the Senate says is what we have to do.

We could do this by 3 o'clock very easily and cover a million people. Now, for anybody to say that because they have already exhausted, because of that technicality on the 28th of December they should not get any more, I find that incredible that you would say that to somebody who is unemployed, that the law we wrote did not work so you do not get any money. Explain that to your kids when you are sitting there at the dinner table. We do not have any food, kids, because the law that the Congress wrote did not work right so I did not get a check this month. I paid for it, I paid into the benefits, and we do not get them.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to commit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes in opposition to the motion.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, apparently we have come full circle. I opened this debate by saying I had the uncomfortable requirement of informing the House and hoped that it would be the last time that we did so, that I was presenting a bill passed by the Senate and that we would be compelled to have to pass the bill that was passed by the Senate.

I did mention at that time that the Senate passed it unanimously. Notwithstanding the difficulties the other body has in coming together to pass legislation, when time is up, they were able to come together and agree that we needed to address a problem, and they passed this legislation.

For my friends on the other side of the aisle to offer this motion to commit versus the previous one, and the reason I said you did not need to read any further is all you have to do is look at the first paragraph that said the House should report it forthwith. That, in fact, means it comes immediately back and it could go to the Senate. They changed the word ''forthwith'' to ''promptly.'' That means it has to go to committee. And for my colleagues on the other side of the aisle, members of the Committee on Ways and Means say all we have to do is get the Committee on Ways and Means together so we can go ahead and hold a meeting, I have to tell you, who are your appointees to the Committee on Ways and Means?

The Committee on Ways and Means has not been constituted. We do not have a functioning committee. And yet they say blithely all we have to do is come together.

I cannot imagine the mental set that says notwithstanding the Senate came together in time of need and worked cooperatively that even at 11:30 to midnight my friends on the other side of the aisle are offering motions to commit which will kill this provision.

This provision allows for those December 28 folks to continue their benefits. In fact, it allows for almost 4 million to continue to receive benefits, an additional 2 million under the time extension, for a total of 6 million Americans to receive their unemployment benefits. If the motion to commit passes, it effectively kills the measure. The Senate's attempt to unify and put politics aside will have been destroyed by my colleagues' willingness to even today play politics.

In December, the House passed a short-term extension, only 5 weeks. We were criticized for making it only 5 weeks. Why? Because we wanted to address the question when we came back.

My friend from Maryland says we ought to address this promptly. You voted against the measure that would have required us to address it promptly. The Senate failed to pass it. So we are in a position of having the President sign a bill tomorrow or not sign a bill tomorrow.

If you vote ''yes'' for the motion to commit, there will be no bill signed tomorrow and people will really lose the unemployment benefits that they have earned, those people that you apparently shed crocodile tears over. If you vote against the motion to commit and for passage of the measure, we will pick up those folks who inadvertently were dropped on December 28; and 6 million people will continue to receive benefits and hopefully we will pass legislation which will in fact spur the economy and provide them with a job instead of unemployment insurance. And I am quite sure my colleagues will be opposed to the proposals to stimulate the economy as well. So those will be future battles.

Today the line is drawn very simply. Vote for the motion to commit and kill the opportunity to help people get their well-deserved unemployment. Vote against the motion to commit, vote for the underlying bill, and the President can have a bill-signing ceremony tomorrow, and we can do what we should have done back in December.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. McDERMOTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote, if ordered, on the question of passage.

The vote was taken by electronic device, and there were—yeas 202, nays 224, not voting 7, as follows:

[Roll No. 6]

YEAS—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—224

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—7

Burton (IN)
Kilpatrick
Kind
Nethercutt
Towns
Vitter
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). The Chair advises Members that approximately 2 minutes remain in this 15-minute vote.

□ 1333

Messrs. LARSON of Connecticut, CRAMER, SMITH of Washington, CARSON of Oklahoma, GORDON, and HALL changed their vote from ''nay'' to ''yea.''

Messrs. JOHNSON of Illinois, BOEHLERT, and OXLEY changed their vote from ''yea'' to ''nay.''

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HOUGHTON. Mr. Speaker, on rollcall No. 6 I inadvertently pressed the "yea" button. I meant to vote "nay" on the McDermott motion to commit.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair has a statement about the length of electronic votes.

Clause 4 of rule XX says that Members shall have at least 15 minutes to respond on an ordinary record vote or quorum call. But with cooperation among the Members, it is possible to complete a vote in that time.

The Chair believes that closing votes as soon as possible after the guaranteed minimum time should be the regular practice. The Chair is certain that votes can be shortened if Members simply resolve to head to the Chamber as soon as they are notified by the bell-and-light signal. The Chair will remind Members when 2 minutes remain on the clock.

The goal of completing votes in as close to the minimum time as possible is even more reasonable in the case of a 5-minute vote, because every 5-minute vote necessarily follows another electronic vote, and is always preceded by an announcement from the Chair and a distinctive bell-and-light signal.

No occupant of the chair would prevent a Member who is in the well of the Chamber before a result is announced from casting his or her vote. But each occupant of the chair will have the full support of the Speaker in striving to close each electronic vote at the earliest opportunity. Members should not rely on signals relayed from outside the Chamber to assume that votes will be held open until they arrive in the Chamber.

The question is on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. THOMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 4, not voting 13, as follows:

[Roll No. 7]

YEAS—416

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)

Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Flake
Garrett (NJ)
Miller (FL)
Paul

NOT VOTING—13

Akin
Bachus
Bell
Delahunt
Gallegly
Kilpatrick
Kind
Larson (CT)
McDermott
Nethercutt
Tauzin
Towns
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that approximately 2 minutes remain in this 5-minute vote.

□ 1341

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GALLEGLY. Mr. Speaker, I was pushing the button when time went off. I understand it, but had I been present, I would like to have been recorded as voting ''yea.''

Mr. BELL. Mr. Speaker, I was unavoidably detained and unable to record my vote on rollcall vote No. 7, the Unemployment Insurance Benefits Extension Act. Had I been able to record my vote, I would have voted "yea "

Mr. AKIN. Mr. Speaker, on rollcall No. 7 I am not recorded. I would have voted "yea."

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 7, apparently the card did not register a "yes" vote. Let the RECORD show had the machine recorded the vote, I would have voted in the affirmative.

PERSONAL EXPLANATION

Mr. WOLF. Mr. Speaker, I was unavoidably detained this afternoon at a news conference reporting on my recent fact-finding trip to Ethiopia to observe the famine conditions and did not vote on rollcall Nos. 6 and 7. Had I been present, I would have voted "nay" on the motion to recommit S. 23, and "yea" on final passage of S. 23, to extend unemployment insurance benefits.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 1 AND HOUSE JOINT RESOLUTION 2, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 15 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 15

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 1) making further continuing appropriations for the fiscal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by Representative Young of Florida and Representative Obey of Wisconsin; and (2) one motion to recommit.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by Representative Young of Florida and Representative Obey of Wisconsin; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 15 is a closed rule providing for the consideration of two continuing resolutions, H.J. Res. 1 and H.J. Res. 2, both of which make further continuing appropriations for fiscal year 2003. The rule provides that H.J. Res. 1 will be debatable in the House for 1 hour, equally divided and controlled by the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY).

The rule waives all points of order against consideration of H.J. Res. 1, and it provides one motion to recommit the underlying measure. H.J. Res. 15 also provides that H.J. Res. 2 will be debatable in the House for 1 hour, equally divided and controlled by the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY).

The rule waives all points of order against consideration of H.J. Res. 2. It provides one motion to recommit.

As we start this year's legislative session, I urge my colleagues to join

me in supporting this rule so we may proceed to consideration of the two underlying continuing resolutions, both of which will allow the Federal Government to remain open until the end of this month. Failure to pass these measures would mean the government, outside of the defense and military construction appropriations bills, would have to shut down on midnight this Friday, January 10. We simply cannot allow that to happen to the American people.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Georgia for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I cannot think of a good reason, other than nostalgia, to explain why we are still trying to complete our work from 2002. The rest of America has already celebrated the new year. They have already started to write 2003 on their checks. But for the House of Representatives, the calendar year has not turned.

Every year this House has the responsibility to pass the 13 appropriation bills that keep this government running.

□ 1345

Funding for education, health care, environmental protection, homeland security, national defense all must originate here. The scorecard from the last Congress shows that the majority could only pass 2 of these 13 bills. So we are here today to consider a sixth continuing resolution to keep the government open and running. We are here for one simple reason: The majority party in this House has failed. They did not do their job, and the American people deserve to know that.

Members of this House get up all of the time and give great speeches about how much they value education, about how no child should be left behind. But when it comes to actually funding education, the majority says maybe we will get to it later.

I just met with leaders from hospitals and home health care agencies and nursing homes in Massachusetts that are struggling just to hold on. They need relief and they need it now; but when it comes to actually funding our health care system, the majority says maybe we will get to it later.

Where is our commitment to our police, our firefighters and other first responders? Where is our commitment to environmental protection, and funding for our transportation and infrastructure needs? Certainly not in this bill.

Mr. Speaker, later is not good enough. We need to act now on the issues that matter to the American people. Indeed, we should have acted yesterday. As even senior Republican appropriators have pointed out, we are leaving ourself extremely underfunded in the area of homeland security. Take a look at port security, for example. Right now 21,000 shipping containers arrive in U.S. ports every day, each one big enough to carry a weapon of mass destruction, but less than 2 percent are actually screened.

As the Washington Post has reported, Customs Commissioner Robert Bonner has said there is virtually no security for what is the primary system to transport global trade.

Worse yet, the rule before us prevents Democrats from even offering amendments to correct that mistake and provide that critical funding. Somehow, the majority found time last year to pass huge tax breaks for the wealthiest Americans, but not much else. We hear a lot of talk about homeland security, but we are not funding our homeland security needs.

This is a time for New Year's resolutions. I hope my colleagues on the other side of the aisle will resolve to bring our appropriation bills to the floor in a timely manner and let the House work its will, vote and move on. The American people deserve a House of Representatives that functions, that does the job given to it by the Constitution, and I hope that we can at least achieve that much during this new year.

Mr. Speaker, there will be a vote on the previous question, and I urge my colleagues to vote no on that previous question. A no vote will allow Democrats to offer important amendments to fund some of our vital interests.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, of course the CR before us is not supposed to have items that raise the cost of government, nor agreement on what the cost should be. There is a sleeper item in this CR that Members need to know about because it certainly raises the cost of government a great deal and a great deal more than was necessary.

We are treated in this CR to a lease. That is I must say an unprecedented circumvention of the committee process. Perhaps that could be justified under some circumstances. There are three hugely negative consequences for doing so today. We have raised the price of the interim headquarters for the Homeland Security Department. We have disrespected the committee which was in a position to help mitigate the price and the length of the lease, and we have undermined the economy of the Nation's capital. Let me say a word about each of those.

First, raise the price. What we have here is something that gives every appearance of a sweetheart lease. It was supposed to be 5 years, it is 10 years, which is more than is necessary because this is an interim headquarters. This is not the headquarters. It cannot be cancelled. It is for $250 million, a quarter of a billion dollars for a 10-year lease. After 10 years, we could have bought a building. Why would we lease a building for 10 years at a time when we are cutting appropriations to smithereens.

We disrespected the committee to the detriment of this lease because the committee had ideas about how to meet the deadline without signing such a long lease that in effect bought the building, but at the end of 10 years taxpayers will have nothing to show for a 10-year lease. A quarter of a billion dollars is the least of it. We are going to have to add millions more to enhance the security of this leased building, this building we do not own. We could have built this building.

Finally, we have undermined the economy of the Nation's capital. What has been done is the Federal Government has taken all of the most valuable land in the District of Columbia off for yourself. Having done that, all we get in return are Federal jobs. We cannot tax the people who come in here for their Federal jobs, but at least they can leave their disposable income here. Now we will not even have that.

Mr. Speaker, according to a survey that we had done, a study that we had done, the cost to the District of Columbia over 10 years is a loss of $342 million. We cannot replace that money. Under the Constitution, there are only two sectors in the Nation's capital, government and tourism. We are leaving the Nation's capital without an economy. We had no fair chance to compete for the interim headquarters.

Mr. Speaker, sadly the District of Columbia had no fair chance to even compete for the interim headquarters. That is clear if we review the language of the request for proposal. They preselected the suburbs from the beginning. The language gave it away. They might as well have said, "We want to locate this in Northern Virginia." What they said instead is we want an office park setting. Give me a break. We do not have office parks in big cities.

They took out what is standard in all RFPs for Federal sites, and that is that there be access to a Metro. That means that the residents of the District of Columbia, those particularly in the lower levels, do not have any way to get there from here. This is a heartless thing to do to the Nation's capital, but that is what has been done.

Let me put Members on notice, all the District of Columbia asks is not that we get a site, but that we have a fair chance to get a site. This administration did not give us a fair chance to get the interim headquarters. We will not allow the Homeland Security Department to be the only department

other than the Pentagon whose headquarters are located outside of the District of Columbia. The Pentagon had to be located out of the District of Columbia because there was not enough room for it. There is enough room for the Department of Homeland Security in the Nation's capital. We insist that the permanent headquarters be located here, and I ask Members of this body to assist us in making sure that happens.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I have been in this body for 10 years, and each year we have had continuing resolutions, both when I served in the minority and also in the majority. They are always unfortunate because it holds up the work of this House.

I would say to my colleagues a little lesson in history, in the 107th Congress the House passed 58 bills, 58 bills that the other body refused to either take up or pass. They gridlocked them. I would say that this body did its work. We passed bills. And regardless of the gridlock in the other body, we did many things together, Republican and Democrats, that helped the American people. I worked with many of my colleagues on both sides of the aisle, including the gentleman from Wisconsin (Mr. OBEY), whom I serve with on the Committee on Appropriations.

Mr. Speaker, we intercepted a memo from James Carville, a political partisan, Democrat operative, and it was entitled, ''It's the Economy, Stupid,'' and he recommended two things to the other body, one that they not pass a budget. Why? Because a good example is prescription drugs. The House did its work. We passed prescription drug legislation two times in this body. The last time was for $350 billion, more than the other side of the aisle requested during the first go-round, yet it did not satisfy them. Carville and the other body, they requested $1.3 trillion for prescription drugs in their first go-round. Why? So they could bad mouth Republicans to specific interest groups. And in the 13 appropriations bills if Democrats do not have a budget, they can put a trillion here and a trillion there. In Labor-HHS, for example, over time it was $278 billion more, yet they talk about being fiscal conservatives and it just does not add up.

Yes, we did not pass the appropriations bills as the gentleman talked about, but we chose to wait and see what we could do to work it together. But with the Senate not passing its bills, it made it more and more difficult.

The second portion of the Carville memo recommended that the Senate not pass any of the House bills, which they did. They held 58 of them up during that time, bills that would help the American people, such as the energy bill, and I can tell Members California is very strapped for energy and the need for infrastructure. Yet the other body, upon recommendation, held that bill up.

The economic stimulus package, we all know that the economy, a lot is based on the stock market. We had bills that we passed in this body that would help people regain confidence in the stock market so that the people like from Enron that invested their life savings in a retirement plan would not have some CEO take the whole bundle of wax and leave them with nothing. We heard testimony of a lady that had over $200,000 in her retirement account. After Enron, she had like $15,000 in her retirement account. The gentleman says we did not do our work, but the Senate refused to take up legislation. They refused to take up an energy bill.

Mr. Speaker, I would tell Members yes, we did not pass appropriations bills, but we were not going to play the Carville game.

Secondly, when the Democrats had majority in this place, we remember in 1993 when they said they were going to help the middle class. They increased the tax on the middle class, after months and months of the then-majority leader saying that they were going to cut taxes on the middle class. They increased the tax on Social Security. That is because they had a President in the White House that would sign it. They increased the tax on gas. They even had a retroactive tax. They took every dime out of the Social Security Trust Fund. They cut veterans' COLAS and military COLAS, and this is when they had control. They passed it because they had large numbers in the majority in the other body.

In the other body, we have a 2-vote margin. We do not have 60 votes to pass things in the Senate. They are not like the House where it is a simple majority. Yes, in the future there is also going to be gridlock from the Senate because the same partisan Democrats that held up legislation in the Senate when they were in the majority are going to hold up legislation on the Senate side.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise Members not to make improper references to the Senate or characterization of Senate action or inaction.

Mr. CUNNINGHAM. Mr. Speaker, there are a lot of things that we can come together on in this House over the next 2 years; but, if we look at the pending bill, all I have heard so far is vitriolic, partisan points at the Republican Party. That is not going to get Members anywhere; it just makes us madder, like it makes the other side of the aisle madder when they do not get their way.

There is a lot of things we can do together, which we do within the committees themselves. But when it comes to the leadership of the Democrat Party, that is their goal, to gridlock, to hold things up like over the past 2 years.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Wisconsin.

□ 1400

Mr. OBEY. Mr. Speaker, let me just point out, the name of our party is not the Democrat Party. It is the Democratic Party. We would appreciate it if we would at least be called by our proper name, okay?

Mr. CUNNINGHAM. I yield to the gentleman and my friend from Wisconsin. The Democratic Party. I meant nothing by that and the gentleman knows that. But there are a lot of things we can do and most of these freshmen that came have ideals, actually sitting down and working together. Unfortunately, we have got a Presidential election, and there is a lot at stake for the parties. Myself, I am a fighter. The gentleman knows me by now, over 10 years. But I would much rather sit down with the gentleman from Wisconsin and with the leadership of the Democratic Party and work out these things instead of this bickering. It hurts all of us.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I just want to say to the gentleman from California that I am sorry that my comments made him mad, but I will restate my position, that I believe that the majority party failed to do its job in the last Congress. You are in charge. You have the majority. You are supposed to pass these 13 appropriations bills and you failed to do so. As a result, here we are talking about our sixth continuing resolution; and we are underfunding education, we are underfunding health care, we are underfunding environmental protection, we are underfunding homeland security; and I think the American people are furious over the inability of the leadership of this Congress to lead. That is your job.

I would also simply point out to the gentleman that rather than adjourning early to get an early jump on Christmas shopping, we should have remained in session and worked out the differences with the other body; and we should have stayed here, remained here until we did our work.

Mr. Speaker, I yield 9 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I thank the gentleman for yielding me this time.

Mr. Speaker, what is happening here today is that the democratic processes in the institution that is supposed to represent the finest of democratic traditions in the world are being mutilated, and I want to explain what I mean by that.

The majority party for the last year has been able to prevent this House from making any significant decisions whatsoever on 90 percent of the domestic budget. They have succeeded in preventing the education, health and labor bill from coming to the floor for a vote. They succeeded in preventing the science budget, the housing budget, the veterans budget and others from coming to the floor.

And now that we are past the election, they are now doing two things. By this resolution before us today, they are making it possible for the House to consider two resolutions, both of which will be sent to the Senate. The first resolution will continue the authority to keep the government open for 1 month, and the second resolution will be used as a vehicle to which the Senate will then attach all of the remaining appropriation bills as they have been worked out in the Senate. It will be attached to that vehicle and then sent back here for an up-or-down vote, and no Member will have any opportunity to affect that package in any way whatsoever. That will mean that we will have gone an entire year without any degree of accountability for the actions of either the majority party or the minority party. Our last opportunity to affect the content of that budget comes today on these resolutions. We are being denied again an opportunity to provide any meaningful alternative to the proposition that is being put together by the majority party.

The House rules say that if the Committee on Appropriations has not passed what is called a 302(b) allocation under which it takes its spending authority and allocates that authority to the 13 different subcommittees, if the committee has not done that, then the rules of the House say that the House cannot consider an appropriation bill. The Committee on Rules agreed to waive that provision for the majority, so they are allowing the majority to bring a bill to the floor allowing for a huge amount of spending, but they did not afford the same privilege to the minority. That means that we cannot offer any meaningful amendment to the funding level being provided by the majority.

There are reasons for rules. Whether you are talking about a New York Giants–San Francisco 49ers game or whether you are talking about the House floor, the purpose of rules is to see to it that everybody is treated the same. What this rule in essence says is that there is only one team that can even touch the ball; that is, the Republican majority team. And it says the Democratic team can have no opportunity whatsoever to have any impact on the outcome. That destroys the ability of this place to be a legitimate representative body.

After the election, I was watching McNeil-Lehrer, and I noticed in the panel that they had, the moderator asked the panel, what were the roles going to be for the Republican and Democratic Party after the election. When they discussed the Democratic Party, Tom Oliphant, the distinguished columnist, said, ''Well, they are now the minority party and so it is their responsibility to offer alternatives to the majority party's propositions.'' That is correct. But we are being denied by this rule by the majority party the opportunity to offer meaningful alternatives. That is bad for us, but it is also bad for the majority party because it means that there is no way to hold the majority party accountable for its decisions and there is no way to judge whether their decisions or ours are better, or more in tune with the country's needs. That is a disastrous result in what is supposed to be the most representative body on the face of the Earth.

If we had not been boxed out by the illegitimate action of the Committee on Rules, what we wanted to do is to offer a simple amendment which would put the House on record supporting expenditures which the majority party has already voted for on the supplemental. We wanted to make certain that the $2.5 billion in homeland security items, for port security, for border security, for FBI computers, et cetera, we wanted to make certain that those contingent appropriations which were frozen by the President, we wanted to give the House an opportunity to say that those items should be provided in this continuing resolution. The President has stonewalled on those $2.5 billion worth of items.

And we also wanted the House to reaffirm its support for $275 million of additional veterans medical care, for $200 million additional funding to fight terrorism in the Middle East, which we would have provided to Israel. The election reform money which both parties posed for political holy pictures about early on, we wanted to provide that. And we are being denied the opportunity to provide all of it. None of that adds to the spending level of the Republican-approved budget resolution. It does add to the level in this bill, but this bill is substantially below that resolution. Yet we are being denied the opportunity to strengthen the homeland security of this country because of the partisan needs of the majority party. I think that is illegitimate.

The other thing we wanted to do is to see to it that the Securities and Exchange Commission is funded at the level promised in the Sarbanes-Oxley bill so that we could in fact put our money where our mouth is and afford investors decent protection from corporate fraud in their balance statements and in their accounting. We are being denied by the Republican majority the opportunity to do that as well.

That is why we are going to be asking this body to vote against the previous question on the rule so that we can in fact offer this legitimate amendment, to offer these items which all of you, at least 90 percent of you on the majority party side of the aisle have already voted for. The items I am asking people to allow have already been supported by 90 percent of the Republicans and Democrats in the Senate and the House. I do not think that would be too much to ask if this House were a legitimate democratic body, which apparently the House is not. Democracy in this House is being shredded. The Republican Party is simply afraid to vote on these issues because they know that they would either lose the vote or else have a substantial segment of the American people saying to them, ''What in God's name were you thinking when you turned those items down?'' This is an illegitimate action, an illegitimate, arrogant and anti-democratic, small ''d,'' operation, and the majority party ought to be ashamed of themselves.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I too rise in opposition to the rule. By prohibiting a motion to strike the imprudent and fiscally irresponsible language in the continuing resolution concerning the housing of the new Department of Homeland Security, this rule circumvents fair, deliberative legislative process. This language in the CR authorizes the government to enter into a long-term lease for a building in Virginia to house some of the employees of the new department. The Bush administration and the House Republican leadership have thereby created a Department of Homeland Security that itself is not secure. This was a backdoor deal done without participation from House Democrats, and frankly very little participation by House Republican leadership and members on the Committee on Transportation and Infrastructure.

Here is how: the CR says that the prospectus to lease the property is deemed approved by the Committee on Transportation and Infrastructure. We have not even considered it. We have not even seen it in open committee hearing process. In fact, it was not approved by our committee or any other relevant committee of either the House or the Senate. We did not have a chance to meet and discuss it. The prospectus was signed on Christmas Eve and delivered through the mail slot in our door the day after Christmas when people were on leave. The new department and the security of the people who work there, frankly, are far too

important for this kind of gimmickry; and in the process, the Committee on Transportation and Infrastructure has been marginalized and trivialized.

This secretive process avoids answering questions by the administration, such as does the commercial office space that they have chosen meet basic security standards, such as a 100-foot setback to protect against truck bombs? Does it have shatterproof windows? Neither of these issues is addressed in the prospectus, nor in the CR.

At the signing of the Homeland Security Act, President Bush said, ''Our objective in creating this department is to spend less on overhead and more on protecting neighborhoods, borders, waters and skies from terrorists.'' Well, this lease is going to cost the government a quarter of a billion dollars over 10 years, and in addition the government is going to have to spend tens of millions of dollars to make necessary security enhancements to the building. That is not keeping overhead costs down. Furthermore, they have got a leased building. After investing all the money, the Bush administration is clearly prepared to walk away from that investment and stick the taxpayers with the bill. A better solution is for the Federal Government to build a new facility to house the department. We proposed that solution last year in committee. The House passed it in July as part of the Homeland Security Act. It did not continue in the final legislation, but nonetheless there is a longstanding provision of Federal law that requires Cabinet-level offices to be built in the District of Columbia.

□ 1415

Common sense tells us it is better to own your house than rent it, and this building is not going to hold the 17,000 employees of the new department headquarters. At most it is going to hold 2,200 people on a 10-year lease that if they try to cancel they are going to pay a huge price. This is fiscally irresponsible. It is a disrespect to the people, it is a disrespect to the public discussion and legislative process, and under the rubric of security, secretive process is not appropriate.

Vote against the rule and against the CR.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, let me just say that my major concern is that we need not continue this abdication of our responsibility to the Senate. This is the second bill in a row that we have said let the Senate take care of it. The people of this country elected us in the House of Representatives to take care of some business as well.

The other point is that I would like to have a voice before we cut education, which this will do. I would like to have a voice before we cut veterans care and appropriations for our veterans who served in our wars, and particularly low income energy assistance, particularly at this time of cold weather. We will have none of that, none of that if we move in this direction. We cannot start this year by consistently setting a pattern of abdicating our responsibility here in the House of Representatives and keep saying let the Senate do it. Is that what we are going to do when we go back and we campaign and when the people ask ''What did you do on that vote? Did you have a say?'' No, we just voted to extend the shell, let it go over there to the Senate, let them do the work, and then they just pass it back.

So I urge the Members to let us take another look at this and let us do the will of the people and let this House of Representatives stand up and be the House that we are out there on the campaign trail telling people send me to the House of the people and let me do the people's will. Not one time did we say send me to the House and I will abdicate and let the Senate do our will.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). The Chair would respectfully remind the gentleman, as he previously reminded the other Member, to refrain from improper references to the Senate.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, there is a close contest as to which aspect of this bill is more outrageous, its terribly deficient substance or its antidemocratic procedure. As to the substance, as the gentleman from Wisconsin just mentioned, this bill continues the Republican position of complete and total hypocrisy with regard to corporate accountability. When the Sarbanes-Oxley bill was signed, the President quite proudly cited this as an example of his concern for increased corporate accountability. A key piece of that bill which the President signed called for an increased appropriation for the Securities and Exchange Commission so it could do the large number of new responsibilities it is given by Sarbanes-Oxley. Consistently since the passage of this bill at every budget opportunity, the Republican majority in this House has refused to make one penny of that available so that none of the additional responsibilities of Sarbanes-Oxley have been funded. This bill continues the pattern of hypocrisy, of having called for and signed into law funding for Sarbanes-Oxley to the SEC and not providing it. The President has sent up before that for fiscal 2004. Of course given this Committee on Appropriations and this House's track record, fiscal 2004 will not be passed until late in 2004, but even if it were to be in an unprecedented way passed on time, it will have been over a year and a half between the signing of the bill and its funding.

Similarly, let me warn Members that when they go back from here, they will be told by public housing authorities if they have them in their district and people who administer section 8 that this appropriation substantially underfunds both, public housing authorities for a combination of reasons, including the incompetence which has kept the bill from being passed in a timely fashion and the priorities of an administration that is in power. Public housing authorities will not be given enough operating money to run their budgets.

When the Republican majority at the President's behest abolished the drug elimination program by which public housing authorities fought drug use, they were told, well, that is okay, they can fund it out of their regular operating budget, but now comes the second part of that. They have underfunded the operating budget. So first they say fund that $300 million program nationally out of their operating budgets and then they cut the operating budgets by hundreds of millions more so there will be no chance of doing that.

So the Sarbanes-Oxley bill is rendered once again a nullity under this in substantial part. The public housing authorities are given too little money to do their basic operations, and there is not enough money to continue the existing section 8 contracts, and as I guess as an admission of the indefensibility of this bill, the Republicans have of course come up with the most antidemocratic procedure imaginable so that no amendment addressing any aspect of what I have just talked about will be in order. So we have I guess a synergy, a terrible bill which can only be put forward with an outrageous procedure.

Mr. Speaker, I would just repeat because people ought to understand that there is a synergy here. It is a bill so deficient in its substance that it can only be brought to the floor under an antidemocratic procedure that presents the substance from being addressed. And let me say Members of this body who vote for this rule and prevent any amendment, when they go back to their districts and talk about their support for public housing authorities that are in trouble, the elderly housing with the drug problems that they want to fight, talk about their commitment to Sarbanes-Oxley, will be telling people things that will be in direct contrast to their actions. Vote for this

rule and you vote to keep the funding needed to make Sarbanes-Oxley a reality, you vote against allowing the public housing authorities to meet their basic operating needs so that when elderly people complain to you about the problems of heat, the problems of law enforcement, the problems of maintenance, understand that voting for this rule makes you responsible for that.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, may I ask the gentleman if there are any requests for time on his side?

Mr. LINDER. Mr. Speaker, I have no more requests for time.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I thought we had a doubleheader here, but apparently we have a trifecta. Not only do we have a bill that is lousy in its substance and indefensible so that procedurally no amendment can be offered, but it is in both cases so bad that the majority will not even explain or defend it. So the procedure is bad, the substance is worse, and the majority confirms that by refusing quite sensibly to try to say a word in its defense.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Let me close for our side by again expressing our frustration on this side of the aisle that we are still dealing with last year's work. The fact that we are dealing with the six continuing resolutions before us today I do believe is a failure of the majority party's leadership in the last Congress, and it continues in this Congress. As we bring this bill to the floor, we continue to undercut and underfund education and health care and transportation needs as speaker after speaker has already said.

We are going to call for a vote on the previous question, and I am going to urge people to vote no on the previous question. This rule is unfair, it is undemocratic, it is arrogant, and this is an issue of fairness. The majority has waived the budget rules for themselves, but they have not waived those rules for the minority. This is another abuse of power, and maybe in his closing statement the gentleman from Georgia (Mr. LINDER), my friend, can explain why one set of rules applies to the majority and a different set applies to the minority in dealing with an issue of this importance. By defeating the previous question, we will restore some fairness to this debate, to this process, by applying the waiver of budget rules to the motion to recommit so that we can offer a meaningful motion to recommit and we can provide the funding, as the gentleman from Wisconsin (Mr. OBEY) said earlier, to the SEC so that it gets the proper funding as authorized by the Sarbanes-Oxley bill. It also can provide much needed moneys for homeland security which, for all of our talk about homeland security, we continue to underfund important needs. It provides important moneys for veterans medical care. Everybody talks about how we are committed to veterans, and yet here we are again moving forward on a bill that underfunds veterans medical care and we are not even being allowed an opportunity to correct this. So I would urge all of my colleagues to vote no on the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment into the RECORD just prior to the vote.

The SPEAKER pro tempore. Is there objection to the request by the gentleman from Massachusetts?

There was no objection.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

In closing, I would say to the gentleman from Massachusetts (Mr. FRANK), who worried about the fact that the Republicans were not defending the bill during the discussion on the rule, under the regular order during the discussion of the 1-hour debate on the rule, we should be discussing the rule. We will be delighted to defend the substance of our bills in the subsequent debate on the bills.

The material previously referred to by Mr. MCGOVERN is as follows:

AMENDMENT TO H. RES. 15 OFFERED BY MR. MCGOVERN

Strike all after the resolved clause and insert:

That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 1) making further continuing appropriations for the fiscal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by Representative Young of Florida and Representative Obey of Wisconsin; and (2) one motion to recommit.

Sec. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by Representative Young of Florida and Representative Obey of Wisconsin; and (2) one motion to recommit.

Sec. 3. During consideration of House Joint Resolution 1 and House Joint Resolution 2, points of order against amendments for failure to comply with section 302(c) of the Congressional Budget Act of 1974 are waived.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the time for electronic voting, if ordered, on the question of adoption of the resolution.

Members will be reminded that the Chair will strictly enforce the 15-minute rule.

The vote was taken by electronic device, and there were—yeas 225, nays 198, not voting 10, as follows:

[Roll No. 8]

YEAS—225

Aderholt	DeLay	Janklow
Akin	DeMint	Jenkins
Bachus	Diaz-Balart, L.	Johnson (CT)
Baker	Diaz-Balart, M.	Johnson (IL)
Ballenger	Doolittle	Johnson, Sam
Barrett (SC)	Dreier	Jones (NC)
Bartlett (MD)	Duncan	Keller
Barton (TX)	Dunn	Kelly
Bass	Ehlers	Kennedy (MN)
Beauprez	Emerson	King (IA)
Bereuter	English	King (NY)
Biggert	Everett	Kingston
Bilirakis	Feeney	Kirk
Bishop (UT)	Ferguson	Kline
Blackburn	Flake	Knollenberg
Blunt	Fletcher	Kolbe
Boehlert	Foley	LaHood
Boehner	Forbes	Latham
Bonilla	Fossella	LaTourette
Bonner	Franks (AZ)	Leach
Bono	Frelinghuysen	Lewis (CA)
Boozman	Gallegly	Lewis (KY)
Bradley (NH)	Garrett (NJ)	Linder
Brady (TX)	Gerlach	LoBiondo
Brown (SC)	Gibbons	Lucas (OK)
Brown-Waite, Ginny	Gilchrest	Manzullo
Burgess	Gillmor	McCotter
Burns	Gingrey	McCrery
Burr	Goode	McHugh
Burton (IN)	Goodlatte	McInnis
Buyer	Goss	McKeon
Calvert	Granger	Mica
Camp	Graves	Miller (FL)
Cannon	Green (TX)	Miller (MI)
Cantor	Green (WI)	Miller, Gary
Capito	Gutknecht	Moran (KS)
Carter	Hall	Murphy
Castle	Harris	Musgrave
Chabot	Hart	Myrick
Chocola	Hastings (WA)	Ney
Coble	Hayes	Northup
Cole	Hayworth	Norwood
Collins	Hefley	Nunes
Combest	Hensarling	Nussle
Cox	Herger	Osborne
Crane	Hobson	Ose
Crenshaw	Hoekstra	Otter
Cubin	Hostettler	Oxley
Culberson	Hulshof	Paul
Cunningham	Hunter	Pearce
Davis, Jo Ann	Hyde	Pence
Davis, Tom	Isakson	Peterson (PA)
Deal (GA)	Issa	Petri
	Istook	Pitts

Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Delahunt
Greenwood
Houghton
Inslee
Kilpatrick
Kind
Nethercutt
Pickering
Towns
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON) (during the vote). The Chair advises Members that approximately 2 minutes remain on the 15-minute clock.

□ 1447

Messrs. ISRAEL, DAVIS of Tennessee, HOYER, GORDON, KANJORSKI, and EVANS changed their vote from ''yea'' to ''nay.''

Mr. GREEN of Wisconsin changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KIND. Mr. Speaker, today, January 8, due to family considerations, I unfortunately was not able to vote on several rollcall votes. Had I been present, I would have voted "no" on rollcall No. 5. I also would have voted "no" on rollcall No. 6, "yes" on rollcall No. 7, and "no" on rollcall No. 8.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1448

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

NATIONAL FLOOD INSURANCE PROGRAM REAUTHORIZATION ACT OF 2003

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11) to extend the National Flood Insurance Program.

The Clerk read as follows:

H.R. 11

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Flood Insurance Program Reauthorization Act of 2003''.

SEC. 2. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—The National Flood Insurance Act of 1968 is amended—

(1) in section 1309(a)(2) (42 U.S.C. 4016(a)(2)), by striking ''December 31, 2002'' and inserting ''December 31, 2003'';

(2) in section 1319 (42 U.S.C. 4026), by striking ''after'' and all that follows through the period at the end and inserting ''after December 31, 2003.'';

(3) in section 1336(a) (42 U.S.C. 4056(a)), by striking ''ending'' and all that follows through ''in'' and inserting ''ending December 31, 2003, in''; and

(4) in section 1376(c) (42 U.S.C. 4127), by striking ''December 31, 2002'' and inserting ''December 31, 2003''.

(b) EFFECTIVE DATE.—The amendments made by this section shall be considered to have taken effect on December 31, 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to alert my colleagues that this is not the Ohio State resolution. That comes next.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, today we consider a bill I have introduced to reauthorize the Federal Emergency Management Agency's National Flood Insurance Program, which expired on December 31. Joining me in cosponsoring this legislation are 31 other Members of Congress, almost equally divided between Republicans and Democrats.

The gentleman from Massachusetts (Mr. FRANK) and I have been in contact with our counterparts in the Senate, who are in agreement with us on the need for immediate reauthorization of this important program. This is an important, noncontroversial, bipartisan bill that demands our attention so Americans will be protected from disaster and flood losses.

Despite last minute efforts to remedy the situation, authorization for the NFIP expired at the end of last year. The current continuing resolution, which extends fiscal year 2002 baseline funding through January 3, 2003, does not extend the NFIP authorization. Until the NFIP authority is reauthorized, FEMA cannot issue or renew flood insurance policies and cannot borrow funds to cover claims that may arise.

Realtors, homebuilders, mortgage bankers, and other real estate professionals in every one of the 20,000 communities covered by the NFIP are deeply and rightly concerned by the fact that real estate contracts cannot go to closing until this program is reauthorized. Countless small businesses, as

well as current and prospective homeowners, are gravely concerned.

I have been in touch with the regulators and asked that they oversee loans during this period to make sure no profiteering takes place as a result of a 1-week lag in the program. We need to make sure that consumers are protected during this period.

By including language in this bill to make the reauthorization retroactive to January 1, 2003, we intend for there to be no gap in this authority, and for all program activity to occur in a seamless manner. Further, it is our intent that any actions taken to renew or enter into new policies would be treated as if the authority were in effect, and that the NFIP pay any claims that may have arisen during this time, or any policies renewed or made effective during this period.

Though there are some who had wanted us to pass a 5-year authorization of the NFIP, our bill opts to reauthorize the program for 1 year only. This is in deference to those Members who have sought to make changes to the flood insurance program in order to prevent costly repetitive loss claims.

With approximately $200 million being spent on an annual basis on repetitive flood loss properties, it is important that we in the Congress work with the administration to promote greater fiscal responsibility for the program. The Committee on Financial Services held a valuable hearing on this issue during the last Congress, and I expect we will revisit the subject with another hearing this year.

I want to thank our good friend, the gentleman from Massachusetts (Mr. FRANK), as well as our counterparts in the other body and the FEMA staff, for their leadership on this issue. The NFIP is an important program that protects 4.4 million property owners with $623 billion in insurance coverage. It is critical that we reauthorize the program without further delay.

I urge my colleagues to support this important measure so we can get it to the President this week.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank the distinguished ranking member for yielding time to me, and thank the chairman of the Committee on Financial Services for their work together in bringing this important legislation to the floor today.

Mr. Speaker, the gentleman from New York (Mr. ACKERMAN) and the gentlewoman from New York (Mrs. MCCARTHY), my Long Island colleagues, joined me in writing to the gentleman from Illinois (Speaker HASTERT) and to the gentlewoman from California (Ms. PELOSI) last month asking that this bill be among the first the House considers this year. We did so because the program is absolutely vital to our region's homeowners.

Long Island, Mr. Speaker, is indeed an island. To the south we face the Atlantic Ocean and to the north the Long Island Sound. As a result, many in our communities depend upon the National Flood Insurance Program to protect and finance their homes. The program lapsed on December 31, resulting in essentially a halt to all real estate transactions on Long Island's shores until the program was reauthorized. The lapse has exposed homeowners, lenders, and the Federal Government, through the Department of Housing and Urban Development, to catastrophic and uninsured losses in the case of a major weather event.

Mr. Speaker, this is a straight reauthorization of the National Flood Insurance Program through the end of this year. It has the strong support of the Committee on Financial Services. People on Long Island and around our country need this program.

I want to thank the Speaker, the gentleman from Ohio (Chairman OXLEY), and the ranking member, the gentleman from Massachusetts (Mr. FRANK), for their leadership on this issue, and for bringing this bill to the floor in such a timely fashion. I look forward to the President's expeditious signature on this matter at the earliest possible moment.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I rise in strong support of the legislation. I am very pleased to say that it is a 1-year extension, only because it is important that we address the reforms that are necessary for our own constituents and for some of the very important matters brought to us by the managers of the National Flood Insurance Program and FEMA.

During most of my time here in Congress, I have been working on reform legislation for the flood insurance program. I would say it is overdue. With Mr. KENNEDY from Massachusetts, we often tried to make some reforms. We were successful in part. In recent years, the gentleman from Oregon (Mr. BLUMENAUER) and I have been working on this subject. We have reintroduced legislation today.

We were happy to work with Mr. Bentsen, the former Member from Texas, and we look forward to working with all Members, such as the gentleman from Louisiana (Mr. BAKER), who has played a key role and has had a great interest in this subject. This is important legislation which the chairman has identified for work this year, so I hope their input will come to us.

Mr. Speaker, again, I rise in strong support of the legislation and urge its passage.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for yielding time to me. I appreciate the gentleman's courtesy in permitting me to speak on this bill.

Mr. Speaker, I commend the Chair and ranking member for moving this forward expeditiously. It is important. I appreciate their commitment to look at the long term.

My colleague the gentleman from Nebraska (Mr. BEREUTER) has been working on this for some time. It is a critical program for the lives and livelihood of many people around the country. It is a good example of how the Federal Government can step in and help work with local communities to lessen the impact that disasters have on people's lives and property.

However, as we look at this reauthorization we must indeed look at the big picture, because the Federal Government can do a much better job of providing the right signals and incentives for individuals, communities, and State governments to act responsibly. Unfortunately, some aspects of our disaster policy on the national level are themselves a disaster, including a dominant structural model for flood plain and flood management that has a serious number of problems.

Despite spending over $40 billion in the last 40 years on flood program management to reduce flooding, we have actually seen flood losses increase to an average of $8 billion a year, six times what it was before the program was enacted 40 years ago. Forty percent of the payments go to 2 percent of the property.

We have a serious problem of repetitive flood loss. I have often cited an example of one home in Houston, Texas, with an assessed value of less than $115,000 that has received over at least 16 losses totaling over $806,000. It is an example of a program that needs to be corrected.

Flood losses are only going to get more expensive as global warming leads to more extreme weather events. The world's largest banks and insurers are already estimating that the cost of financial losses from events such as this summer's devastating floods in Central Europe and in India will be $150 billion over the next 10 years.

□ 1500

Our national flood policy often encourages development and rebuilding in places with a predictably high risk of future catastrophic loss. It also fosters an unsustainable reliance on the Federal Government. That is why the Bush administration in one of their first actions upon taking office identified flood insurance reform as one of the areas that could both help the environment and save money. It is an area of reform that was identified by the

Clinton administration and James Lee Witt, a FEMA director that we all worked with.

I am pleased to join with my colleague, the gentleman from Nebraska (Mr. BEREUTER), in co-sponsoring the Two Flood and You Are Out of the Taxpayer Pocket Act that would reauthorize the program until the year 2007. I will not go into the details other than to say it is the sort of heavy lifting in terms of legislation that will actually unite the administration, environmentalists, people who are fiscally conservative, people who care about being able to make sure that we do not encourage people to put themselves in harm's way.

I appreciate speaking in support of this bill today and look forward with working with people in this Chamber on important reform legislation that can be a source of pride for this Congress.

Mr. Speaker, I appreciate the gentleman's courtesy.

Mr. OXLEY. Mr. Speaker, let me recognize the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Oregon (Mr. BLUMENAUER) for their excellent work on a very important subject, and we appreciate their input.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I thank the gentleman from Ohio for yielding me time.

Mr. Speaker, in September of 1999, most of the east coast was hit hard by Hurricane Floyd. There were 66 known deaths, 48 in North Carolina, three in New Jersey, two in New York, six in Pennsylvania, four in Virginia, two in Delaware and one in Vermont. Ten States were declared Federal disaster areas as a result of Hurricane Floyd. These 10 States needed support. In the aftermath of the storm, 4,582 individuals registered for Federal assistance in my home State of New York alone.

The insurance for this kind of storm risk is priced far too high for the average homeowner. The Federal Government passed the Federal Flood Insurance Program in 1968 to provide homeowners in communities which meet certain requirements. In return for coverage, a community adopts and enforces a set of floodplain management ordinances to reduce future flood risk for new construction in floodplain areas.

This program is critical to communities across the country which are threatened by potential floods. This is not a perfect program; but it is something that we need to do, and we need to do it now. It was essential to the recovery of the community in my area of New York in 1999, and it has helped thousands of families nationwide to rebuild their lives after floods. When you see a natural disaster, the pictures of a natural disaster on television or in the papers, flooded homes, flooded schools, flooded churches, this is the money that helps those folks reclaim their communities and reclaim their washed-out lives. Many members believe that this Federal Flood Insurance Program should be reformed, and I support that. I am confident that the Committee on Financial Services will consider Federal flood insurance reform legislation in this Congress.

However, today we are not here to debate reform of the program. Today we are here to ensure that the program can continue for 1 additional year to provide retroactive coverage for those days which have already passed since the authorization expired. December 31st the flood insurance expired because of an oversight in the last continuing resolution. Without this legislation, homeowners are going to be unable to purchase homes in areas threatened by an occasional potential for flooding. This can harm people and it can harm communities and could cause further harm to the economy. So today we need to pass this legislation and I urge all of my colleagues on both sides of the aisle to join in this support of the bipartisan support of this legislation.

Mr. Speaker, I just want to applaud the chairman's Ohio State Buckeyes. Way to go, Buckeyes.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, I rise, of course, in support of this bill today; but I want to call my colleagues' attention to the fact that this has happened a little too often in this House. We allowed unemployment compensation to lapse giving a tremendous Christmas present on December 28 to 800,000 unemployed people in this country. The House of Representatives did not think it was important enough that they could have security.

Now we have allowed this bill to lapse by failing just to schedule a bill that passed the Senate by unanimous consent. Some failure of leadership.

Last year I participated in the disaster insurance bill, and for a full year it lagged where technical defaults and failures of commercial building occurred because we had some attempt by the White House or others to attach on tort reform.

As a Member of Congress, I think our first responsibility is to our constituents. And technically, we have put people in technical default of their mortgages with our failure to act last fall.

Now, I think all of our colleagues will support this bill. They would have supported it last fall. Why did we have to have tens of thousands or hundreds of thousands of people in the United States receive letters from their insurance carriers that they were in technical default?

Mr. OXLEY. Mr. Speaker, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentleman from Ohio.

MR. OXLEY. Mr. Speaker, just for a clarification, the last day of the 107th Congress, the Senate passed a bill, sent it over to the House. We brought it up on unanimous consent, and it was objected to by your side. Just for the record, I wanted to point that out.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I had been asked as the ranking member designate and had no objection to it. So I do not know exactly what the procedure was. We had been told there was an objection on the part of the Republican leadership. We had been willing to approve it.

When I was consulted by the Democratic leadership, I said for this extension we should go forward. So I do not know, this is a different version than I had heard. We had been informed that there was an objection on the Republican side.

Mr. KANJORSKI. Mr. Speaker, reclaiming my time, all I can say is I am not aware of what objections were made; but this was perfunctory and should have been performed before we adjourned the last session of the last Congress. It is almost farcical.

Do you realize in my district alone thousands of senior citizens have received letters that they are no longer insured? They are elderly, in their seventies, their 75th, 80th year and they are completely discombobulated with the idea that this Congress would be so callous as to not respond to their needs. Just as the 800,000 unemployed people are discombobulated today knowing that they do not know when their next unemployment check will come because we failed to extend it before we went home.

Quite frankly, I do not care whether it is a Republican problem or a Democratic problem. I do not think this is a party problem. This is a traffic cop problem for the leadership of this House, and the leadership of this House rests on the Republican control. And I am just calling your attention to it as a Member without partisan feeling.

We cannot afford to allow this to happen in the future. We passed a bill that a bank cannot issue a mortgage on any residence in the United States that is in a flood zone unless they have flood insurance. So technically we were prepared and have for the last 7 or 8 days barred and put into technical default anybody wanting to mortgage or transact residence sales in the United States for the last 7 days. This is ridiculous. This is important.

If you really analyze, we have cost insurance companies, we have cost residences and we have cost constituents across this country millions of

dollars and great anxiety for nothing. And all I am urging is let us not have this happen again. This should not be a matter of politics, should not be a matter of who controls the leadership of either side, either body of this House. This is responsible legislation that should have been passed in the last Congress. We failed to.

We have the force also in this legislation for unemployment compensation. It is awfully nice for us to argue over the issues of that question for all this time; but our constituents, 800,000 of them across America, do not know whether or not they will be able to buy groceries this week. That is unacceptable in the United States. And I am only speaking for our average constituents and calling the attention of that to the Members of the House. We cannot continue to allow this to happen.

This should, and I predict will, pass unanimously. I cannot imagine any Member of the House of Representatives that is opposed to giving flood insurance to the American people. So why are we making it a ridiculous thing here 7 days late to come forth with a piece of legislation where there has been a hiatus and technical defaults all over this country, interrupting commerce, interrupting construction, interrupting all kinds of things when our economy is hurting? And we are saying we are being responsible as a body? I think not.

Mr. Speaker, I want to congratulate my chairman and my ranking member for finally putting this piece of legislation in a timely way here before the floor on this first legislative day. I think it is important. I urge all my colleagues on the Republican side and the Democratic side to support this legislation unanimously. It is something important, and it means a great deal to an awful lot of Americans to maintain their homes with some sort of security.

Mr. Speaker, I rise today in strong support of the National Flood Insurance Program Reauthorization Act that would extend for one year the four basic authorities contained in the National Flood Insurance Act

As many of my colleagues may already know, virtually all residential and commercial mortgage transactions on properties located in flood zones came to a halt on January 1, 2003.

The Senate did attempt to address this problem in the closing days of the 107th Congress. The House, however, regrettably failed to consider the Senate-approved bill before the 107th Congress adjourned.

We must now, as a result, take quick action on this legislation in the House in order to minimize disruptions to homeownership and to protect our already struggling economy.

I am pleased therefore that the leadership has scheduled this legislation for a vote early in the 108th Congress.

This lapse in coverage has already resulted in significant confusion for all parties with an interest in the National Flood Insurance Program. Moving quickly on this bill will help to abate these problems.

From my perspective, it is also of the utmost importance that this bill retroactively reauthorize the National Flood Insurance Program.

In January 1996, the Susquehanna River and its tributaries in Northeastern Pennsylvania exceeded their banks and caused considerable flooding. Mother Nature may cause similar flooding in Pennsylvania or elsewhere before we can complete our work in Washington in the coming days.

I am therefore pleased that this bill would protect homeowners in the interim by making these changes effective as of December 31, 2002.

In closing, we should protect homeowners and businesses from financial losses by not allowing the National Flood Insurance Program to lapse into an extended legal limbo.

Accordingly, Mr. Speaker, I urge my colleagues to support this legislation.

Mr. OXLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Mr. Speaker, I would like to commend the gentleman from Ohio (Mr. OXLEY) for his leadership in bringing this before the House today.

I feel like it is like election time again. It is rather interesting. Nobody is arguing reform is not necessary. Reform is necessary. But we are talking about global warming. We are talking about senior citizens. They will be losing Social Security next thing we know if this bill drags on more than 5 more minutes.

And leadership, it is amazing, I think about the bills this last year that we voted out of this House that sat on the Democratic leader's desk in the Senate that went nowhere, and yet today we blame leadership on this side of the aisle as the problem for everything that occurred in this Nation.

The fact is that 20,000 communities in this Nation are covered by the national flood hazard law. In January alone there will be 400,000 households either seeking insurance or seeking to reinsure their home based on an existing policy. And if this does not occur today, that will not happen. That is dangerous and I applaud our chairman for making sure that that is going to happen today; but to sit around and complain about all the ills of society based on what we are trying to resolve and fix today is unreasonable on this floor.

Fannie Mae and Freddie Mac represent 85 percent of the secondary mortgages that are in this Nation. Dealing with the other lenders that are out there, they are prohibited by law from making a loan or reloaning to a home if people do not have an existing insurance policy. Now, lenders are forced, if people cannot provide a policy, to put a forced policy on a home.

Now, I applaud the gentleman for his concern for seniors; but understand if we do not do this, they will pay double or triple the price for insurance than they would pay in the open market if a lender is forced to place that insurance company on a home for a person on a fixed income or anybody who has a mortgage out there.

If you do not have an existing loan today and you are trying to get one from Fannie Mae, they have given you until January 15 and they will not place loans after that, unless at that point in time they put a forced insurance loan on your house itself; and that forced policy, again, is two to three times the normal price that you would pay on the market today.

We have a problem before us. We have an issue that can be dealt with. I would encourage an ''aye'' vote in dealing with this issue that should be dealt with and should have been dealt with last year. Nobody is arguing that. I believe reform will occur this year, but for the next 12 months this has to occur to allow the open marketplace to continue as it has in the past.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 45 seconds to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, I just want to respond to the former speaker. I hope he did not want to indicate that I am either opposed to the passage of this legislation or suggest that it will not be very successful or will not be needed. Because I certainly do not want him to leave the floor with that impression.

I just want to make sure the record is very clear. This bill did not have any major objection, to my knowledge, on the floor at all. It was held up because of other tactical reasons for other legislation passed by the Senate that did not want to be considered by the leadership of this House after the Senate passed the bill.

I think that is unacceptable as a policy in this House. I am in favor and I will ask all of my colleagues on both sides of the aisle, as you do, that we should impose this immediately in the legislation; and if we have other things to do, let us have our committee hold hearings to find out what has to be done. But we should not penalize, jeopardize and put into such an anxiety state the American people. I just want the record to reflect that.

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Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank my friend and colleague the gentleman from Massachusetts (Mr. FRANK) for yielding me the time, and Mr. Speaker, it is nice to see you in the Chair.

I am proud to be an original cosponsor of this bill to reinstate the National Flood Insurance Program. It is widely known by the acronym NFIP. I am relieved that it has come to the floor because it is important that it is passed. It is important for many reasons.

Because it did expire on December 21, it would affect 400,000 American homeowners because they will be without coverage by the end of the month. So timeliness is important and it is legitimate to say that this thing could have been taken care of before we left last year. So that is why I am saying I am relieved that it is coming up today.

For those who own property in flood-prone areas, flood insurance is really essential. It is a must and the consequences of the lapse in this program are serious. New policies cannot be issued, and without coverage perspective home buyers may not be able to close on a home. Many of us have closed on a home and we know that there are many parts of that closure. This is an essential piece if someone lives in a flood zone.

Policies cannot be renewed for homeowners whose policies expired after December 31st, and they could be liable for damage, even if they paid their premiums. That is not such a great deal.

Finally, the NFIP will not be able to borrow money to cover claims. So this has to pass, and I do not think that there is anyone that is opposed to it, but we really did not have to come to this point of anxiety.

My constituents have a special association with this coverage. That is because we suffered severe flooding in 1998 in the last El Nino, and hundreds of homes were flooded, many millions of dollars in damage. We can ill afford to be without this flood insurance today.

I want to urge every single person in this House to vote for this. It should be unanimous. It should be bipartisan. The American people deserved to have this taken care of before we left, but as I said, I am relieved it is on the floor now. Let us get this thing done. Let us send it to the President to have him sign it into law. The American people deserve the backing of this kind of insurance coverage and cannot afford to be without it.

I thank the gentleman for yielding the time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself the remaining time. I will be brief.

I am pleased that we were able as the first legislative effort this year to have the Committee on Financial Services bring forward a bipartisan bill that is going to be accepted unanimously. There will be differences on some ideological issues, and I look forward to our being able to debate those in a civil fashion, and I think it is important to note the differences on some issues will in no way interfere with our ability to work together in a cooperative way on the great bulk of issues that are not ideological and not partisan.

So I, as my first act as the ranking minority member, am grateful to the chairman for giving us a chance to come forward this quickly in a bipartisan fashion.

I do want to note that there is one unsung hero in this act and it is an unsung hero that is actually criticized and is unusually in the position of a hero, and that is an entity called the Federal Government. It has become very popular in America today to denounce government.

The people who talk about less government generally are applauded, and we are told that we have to get the government to stop interfering with the private sector, but we are here bringing forward a bill that will be passed unanimously because there are some important issues in this society which the private sector cannot do by itself. If there was not a National Flood Insurance Program, we would have serious difficulties.

I should add that I agree with those who spoke earlier, the gentleman from Nebraska and the gentleman from Oregon, about the need for reform. That is why I was pleased that the gentleman from Ohio took the bait, and I was glad to agree with him in resisting a longer authorization. This is a 1-year authorization, precisely so that we can as a committee work on the kind of reforms that will be both environmentally and fiscally sound that this program can have.

Whether it is reformed in one way or not, it will remain an example of the government coming to the aid of the private sector in dealing with an important national need that the private sector by itself cannot deal with. It is not an entirely government enterprise either. It is an example of private/public sector cooperation, and on that grounds I am glad to have it.

I would also add just for the historical record, I have the CONGRESSIONAL RECORD from the last day. At least on the last day of the session in November, no unanimous consent request was made. So I do not see any record that anybody here objected to it, but the important issue is we are bringing forward this bill. I believe it is going to pass unanimously, and it is certainly my commitment and I know the chairman's to begin a process this year so that we can within a few months come forward with a bill that will have a longer and reformed authorization, and I will be glad to do that.

Mr. Speaker, I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield myself the remaining time.

In closing, let me thank my good friend from Massachusetts, the new ranking member of the Committee on Financial Services, for his cooperation in this area.

Mr. VITTER. Mr. Speaker, I rise in strong support of reauthorizing the FEMA Flood Insurance Program. Yesterday, I introduced a similar piece of legislation, HR 215, and I am very thankful to Chairman OXLEY for bringing this important bill to the floor so that America's homeowners can have the flood insurance many of them desperately need.

I represent a district in southeast Louisiana, a region that is very prone to flooding, perhaps one of the most flood-prone areas in our country. Nearly all of southeast Louisiana falls in flood zones. So, a lapse in this program would be devastating to commerce in Louisiana. Without the flood insurance, banks will not lend mortgage money to prospective home buyers or owners in designated flood zones. Also, any home buyer that was set to close after January 1 would suffer delays without having the required flood insurance coverage.

Living under the constant threat of a flood—much less actually experiencing one—is devastating enough mentally and physically without families having to worry about how to recover financially in the aftermath. With the passage of the important legislation, the real estate market will be able to move forward, and millions of homeowners will be assured they are covered in the event of a catastrophe. I thank the House for considering this today, and I urge a yes vote.

Mr. OXLEY. Mr. Speaker, we have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 11.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONGRATULATING OHIO STATE UNIVERSITY BUCKEYES FOOTBALL TEAM

Mr. TIBERI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 10) congratulating the Ohio State University football team for winning the 2002 NCAA Division I-A collegiate football national championship.

The Clerk read as follows:

H. RES. 10

Whereas in 2002, the Ohio State University Buckeyes football team captured its fifth undisputed collegiate national football championship;

Whereas The Ohio State University is a member of the Big Ten Conference of the National Collegiate Athletic Association Division I–A and in 2002 was the Conference's champion for the 29th time in school history;

Whereas The Ohio State University's 14–0 record in 2002 is the best for a season for a Division I–A football team in national college football history;

Whereas on the way to the national championship Ohio State defeated five nationally ranked opponents, which included a 14–9 triumph over the University of Michigan;

Whereas The Ohio State University entered the Fiesta Bowl as an 11-point underdog to a University of Miami team that was on a 34-game winning streak, yet emerged victorious;

Whereas Head Coach Jim Tressel has won five national college football championships, the 2002 championship being his first Division I–A title and his first with The Ohio State University;

Whereas Coach Tressel and his father Lee Tressel are the only father-son combination to each win National Coach of the Year honors and a national championship in football;

Whereas each player, coach, trainer, and manager dedicated their time and effort to ensuring that the Buckeyes reached the pinnacle of team achievement;

Whereas The Ohio State University Marching Band, and the cheerleaders, students, alumni, faculty, and supporters of The Ohio State University are to be congratulated for their commitment and pride in the Buckeyes' football program; and

Whereas its five Division I–A football national championships makes the Ohio State University football program among the most successful in college football history: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Ohio State University football team for winning the 2002 NCAA Division I–A collegiate football national championship;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping The Ohio State University win the 2002 NCAA Division I–A collegiate football national championship and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the accomplishments and achievements of the 2002 Ohio State University football team and invite them to Washington, D.C., for a White House ceremony for national championship teams; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to The Ohio State University for appropriate display and to transmit an enrolled copy of the resolution to each coach and member of the 2002 NCAA Division I–A collegiate football national championship team.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TIBERI) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TIBERI).

GENERAL LEAVE

Mr. TIBERI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 10.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TIBERI. Mr. Speaker, I yield myself as much time as I may consume.

As a member of the Committee on Education and the Workforce, it is a privilege to manage this resolution today on behalf of the committee and for my neighbor and colleague from Columbus, Ohio (Ms. PRYCE), a graduate of the Ohio State University, on the new reigning NCAA national champions of college football, congratulating the Ohio State University on a great season and a great title game.

The gentlewoman from Ohio (Ms. PRYCE), a huge Buckeye fan, represents the main campus of the Ohio State University and could not be with us today because of leadership obligations.

I, as the other Member of Congress from Columbus, Ohio, have a privilege to manage this resolution today honoring our great football team and a tremendous season, a true story of David versus Goliath, with 13 seniors and many young players on a team in an incredible season, unprecedented season, 14 and 0.

Ohio State brought home its fifth national championship, Mr. Speaker, a classic season and a classic final game for the ages.

Mr. Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of H. Res. 10, congratulating Ohio State University for winning the NCAA Division I football championship.

Last Friday, Ohio State captured its fifth national football championship, winning one of the most closely fought college football games in recent memory. College football fans, student athletes and the general public were treated to an exciting Fiesta Bowl and end to this college football season.

I want to extend my hearty congratulations to head coach Jim Tressel, Ohio State University president Karen Holbrook, and Ohio State's student athletes for a job very well done.

I also want to extend my congratulations to the University of Miami and their student athletes for a great season. The University of Miami won all of their games during the regular season and produced two leading Heisman trophy contenders in Ken Dorsey and William McGahee. I know that I speak for all of this Congress as we wish Mr. McGahee a speedy and thorough recovery from the knee injury he sustained during the game.

Winning a championship has brought national acclaim to Ohio State University, and I hope the fans at the university and the university community treasures this moment for many, many years to come.

Mr. Speaker, I reserve the balance of my time.

Mr. TIBERI. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, let me thank my colleague the gentleman from Ohio (Mr. TIBERI) from Columbus, Ohio, and an Ohio State grad and a former member of the Ohio State marching band for bringing this resolution to the floor today, and let me say I support the underlying resolution, support and congratulate the Ohio State University on what really was an outstanding season, not only for the coach and the players, the fans, but for all who watched Ohio State go through a number of games where it was very close, games that they were certainly about to lose, including the national championship.

As an old football player myself, I can tell my colleagues the game on January 3, the national championship game, was one of the most exciting football games that I have ever watched or one that I ever played in.

The real credit here goes to Coach Jim Tressel and his players. They did not have the most talented team in the country, not even close, and to win all of the close games all year is a sign of very good coaching and players who come together to create a very good team, and so for myself and my colleagues, our delegation, we want to congratulate the Ohio State University, the coach Jim Tressel, the players and all the fans.

Way to go, Bucks.

Mr. TIBERI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services, and a Ohio State University Law School graduate.

Mr. OXLEY. Mr. Speaker, I thank the gentleman for yielding me the time, and this is indeed a proud day for all Buckeyes. This has been quite a season to see in the ups and downs, and to see this talented group of athletes, student athletes, under the leadership of Coach Jim Tressel was a memorable time for all of us and to see an underdog team perform so well in the Fiesta Bowl for the national championship, with a crowd that was probably 80 to 85 percent made up of scarlet and gray was truly amazing, and as the coach said after the game, he felt that the crowd, very strong crowd, from Ohio State truly made a difference in the outcome, and for that, we are very, very pleased.

The gentleman from Columbus mentioned that I was an Ohio State law grad. That is correct. It is also true that of the four branch campuses of the Ohio State University, I represent three, in Mansfield and Lima and Marion. I have had a long-standing relationship with that great university, and we have seen perhaps the culmination of a season, like no other, where we have won 14 games, including the national championship.

The last one we won was January 1 of 1969, when I was a senior at Ohio State Law School and got to see Ohio State defeat Southern California. If the gentlewoman from California is listening, we beat USC for the national championship. So Woody Hayes is smiling somewhere today because Ohio State is back on top, and for that we are very, very grateful.

I thank the gentleman from Columbus for his leadership in this area.

As an Ohio State football fan since I was boy, I never thought I'd say this, but there is something bigger than the Michigan game.

Ohio State has a great football history. Going into this year 4 consensus National Championships. 28 Big Ten Championships. 13 Rose Bowl appearances. 6 Heisman Trophy Winners.

But I doubt there will ever be a single game that matches what happened last Friday night at the Fiesta Bowl when the Buckeyes defeated the Miami Hurricanes, 31–24 in overtime, to win their first undisputed national championship since the 1968 team.

I was a student at the Ohio State's law school back then and never dreamed I'd have to wait this long to see the Buckeyes win another championship. But in exchange for a little patience and few frustrating years against our neighboring state to the north, Ohio State fans were able to watch our team play and win the greatest college football game in history.

Under legendary coach Woody Hayes, the Buckeyes usually went into games as the favorites. This time, the experts said Ohio State was overmatched. But Coach Jim Tressel knew that all any team needs to do to win, is make plays. The plays were unforgettable—and there were so many of them!

Maurice Clarett's strip after a crucial Miami interception. Michael Doss's pick-off. Matt Wilhelms's crushing sack. Craig Krenzel's miraculous 4th-and-14 completion in overtime and his quarterback sneak for the touchdown. And the final goal line stand by a valiant defense.

I salute Miami's effort, and you can see why they were the defending champions. But we in Ohio are proud that the Buckeyes won and ever prouder of the way they won: with determination, passion, and courage. This is a team that taught all of us a lesson, and the lesson is: it's only over when you stop trying.

I don't want to wait another 34 years to see Ohio State play for another national championship. But my heart may need that long to recover from this one!

□ 1530

Mr. TIBERI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the chairman of the Committee on Financial Services mentioned that he represents three of the four branch campuses. I happen to represent the fourth, in Newark, Ohio. So I believe we have the State covered, Mr. Chairman.

The gentleman from Ohio (Mr. BOEHNER) mentioned that Coach Jim Tressel has truly reinvigorated the football program at Ohio State and the fans around the State of Ohio, but also his belief in college football and what it means to the student athlete, the importance of teamwork and sportsmanship, school spirit and heart; and he was recognized this week as coach of the year by the American Football Coaches Association, a truly well-deserved honor.

Mr. Speaker, I yield such time as he may consume to the gentleman from Springfield, Ohio (Mr. HOBSON), who is a distinguished law school graduate from Ohio State University.

Mr. HOBSON. Mr. Speaker, I represent a large part of Franklin County. I would like to thank the gentleman from Columbus for his leadership on this bill. As a former band member, I guess he learned how to march pretty well; and he has done a good job here in Congress.

It was a great game, and both teams need to be congratulated for playing an outstanding game, one of the best traditions in competition. There were no penalties, as I recall, for any unnecessary roughness or unsportsmanlike activities in that game. It was true champions going at each other.

In the final analysis, the champion was Ohio State University. Ohio State University is a champion in many ways, not just in football but in a lot of other endeavors as a university. It is an outstanding university in this country, and it has been my pleasure to work with them on a number of things.

I think there was a time when many people said to themselves, golly, I wonder if this new coach can coach at this level in the Big Ten. Well, I think that has all been put to rest. He is a national coach today. He has a national reputation. And he has shown what a true gentleman can do in recruiting and in coaching this young team to the success that they had this year. He has built a successful football team without sacrificing strong beliefs in the importance of academics for his players. His leadership has paid off with the Buckeyes' having a championship to show for it and memories of a game that people and sports writers are already calling one of the greatest college football games in history.

In conclusion, Mr. Speaker, I would like to quote something that Coach Tressel said. He said, I believe an accurate quote, ''We have always known we had the best damn band in the land. Now we know we have the best damned team in the land.'' With that, Go Bucks!

Mr. TIBERI. Mr. Speaker, I reserve the balance of my time to close.

Ms. WOOLSEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TIBERI. Mr. Speaker, I yield myself the balance of my time.

As my colleague, the gentleman from Ohio (Mr. HOBSON), mentioned, he also represents Franklin County. We also have the gentlewoman from Ohio (Ms. PRYCE), who represents Franklin County, and as I said represents the main campus of Ohio State University, but could not be with us on the floor today because of leadership duties. But again, on behalf of the entire Ohio delegation, we want to again congratulate Ohio State University and all of the Buckeye nation for a fantastic season and a well-deserved honor.

As a native of Columbus and an Ohio State graduate and a 4-year member of the Ohio State Marching Band, I want to also congratulate the rest of the folks at Ohio State; not just the team, but the band, the cheerleaders, the entire athletic department, the student athletes who represent other sports, and the students as well of Ohio State University for such a fine honor, as well as to again salute Coach Tressel and the entire organization not only in winning the championship but doing it with class.

Mr. UPTON. Mr. Speaker, it was with some reluctance that I voted for the OSU resolution.

Much has been said today about the quality of the Ohio State players, coaches, and fans. However, nothing has been said about the refs.

After watching the game I too, wondered about the refs and their ability to be employed in the future. I was pleased to see that they seemed to be in action just a couple days later during the San Francisco–N.Y. Giants game on Sunday.

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to The Ohio State University football team. On January 3rd they finished their season by beating the then number 1 ranked Miami Hurricanes in the Fiesta Bowl. This resulted in their winning the Division 1–A College Football National Championship. This is the university's first title since 1968. Furthermore, Mr. Speaker, the Buckeyes are the first Big 10 team to win the crown since the Bowl Championship Series was implemented in 1998.

The amount of time and effort Coach Tressel, his staff, and the team put into this feat is a tribute to the proud tradition boasted by The Ohio State University. They have proven that even the most difficult goals can be reached through hard work, sacrifice, and dedication.

Mr. Speaker, Jim Tressel is the only coach currently in his profession to win national titles in both Division 1–AA and now Division 1–A. He won four national titles while coaching at Youngstown State and now has his first at Ohio State. His steadfastness toward education and the discipline he demands off the field is a formula to which all coaches should aspire. His win last Friday validates so much more than what a strong defense can do for a team. It shows that character, planning, and responsible decision-making are what really matters in the end. Coach Tressel has built an organization that has taken The Ohio State University back to greatness both on and off the football field. On behalf of Ohio's Fifth Congressional District, I congratulate him, his coaches, and the team on a job well done.

Ms. PRYCE of Ohio. Mr. Speaker, it is with tremendous pride that I offer this resolution, which congratulates the Ohio State Buckeyes on their historic win against the Miami Hurricanes in claiming the 2002 Division 1–A national collegiate football championship.

Mr. Speaker, the Buckeyes steadily rose through the national rankings this year under the unwavering leadership of their second year head coach, Jim Tressel. Starting the season ranked an unlucky 13th, the Buckeyes kept winning and winning, ending up the regular season by beating archrival Michigan 14–9, remaining undefeated and ranked 2nd in the country.

Their record earned Ohio State a trip to Tempe, Arizona to play in the Bowl Championship Series national championship game against the Miami Hurricanes, a game in which the Buckeyes entered as an 11 point underdog.

In that national championship game, ultimately decided in double overtime Ohio State emerged victorious with their offense scoring 31 points and their defense holding Miami for four downs on the two yard line as time expired to win the game. Critics and sportswriters have already called this game arguably the greatest college football game ever played.

The Buckeyes found a breathtaking way to end an equally dramatic season.

From their fourth-down play successes to their 8 come-from-behind victories, Ohio State showed their hearts on the field and won a record setting 14 victories.

Mr. Speaker, I would also like to take a moment to recognize Coach Tressel, who is in his second year as the Head Coach of the Ohio State Buckeyes. Coach Tressel's stoic, disciplinarian, and consistent style of leadership has restored the Buckeye team to its rightful place among the nation's elite college programs. And, in the process, Coach Tressel has instantly joined coaches Woody Hayes and Paul Brown in the annals of Ohio State's proud athletic history. In two short seasons, Coach Tressel has demonstrated that winning is innate—whether at Division 1–AA (Division 1 double A) Youngstown State or the Ohio State University.

However, the 2002 Buckeye team was perhaps best personified by junior quarterback Craig Krenzel. The consistently under-rated Krenzel, a molecular genetics major carrying a 3.7 GPA, displayed a grit and toughness equal to his intellect by scoring two dramatic touchdowns, leading both teams in rushing yards, and earning the Fiesta Bowl's MVP honor.

Ohio State football history and tradition are the bedrock of Columbus, Ohio—from The Best Damn Band in the Land, the Dotting of the I in Script Ohio to the Horseshoe, Skull Sessions and Hineygate, Ohio State fans are ever mindful of the University's storied past.

Both with and without tickets, some 60,000 adoring OSU faithful traveled to Tempe to cheer on their Buckeyes, coloring Sun Devil Stadium in a sea of scarlet and gray, and giving the Buckeyes a home field advantage some 2000 miles away from Columbus.

As a graduate of The Ohio State University, I take enormous pride in the Ohio State football team's sportsmanship and courage. The Buckeyes showed the world the definition of champions. Their preparation, fortitude, and desire will go down in the history of athletic competition as an example of triumph in the face of adversity. I could not be more pleased to be a fan, alumna, and Representative of The Ohio State University and their championship football team.

Mr. TIBERI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Ohio (Mr. TIBERI) that the House suspend the rules and agree to the resolution, House Resolution 10.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TIBERI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING THE GRAND VALLEY STATE UNIVERSITY LAKERS FOR WINNING THE 2002 NCAA DIVISION II FOOTBALL NATIONAL CHAMPIONSHIP

Mr. HOEKSTRA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 13) congratulating the Grand Valley State University Lakers for winning the 2002 NCAA Division II Football National Championship.

The Clerk read as follows:

H. RES. 13

Whereas on December 14, 2002, the Grand Valley State University Lakers won the 2002 NCAA Division II Football National Championship by defeating Valdosta State University;

Whereas this national championship is the school's first in a varsity sport;

Whereas the Lakers won the 2002 Great Lakes Intercollegiate Athletic Conference (GLIAC) Football Championship with a perfect 9-0 record in league play;

Whereas the Lakers completed the 2002 season with a perfect 14-0 record, and won 33 of its last 34 games;

Whereas Head Coach Brian Kelly has been with the team since 1991, and has lead the team to a 104-34-2 overall record;

Whereas the Lakers returned 51 letter winners, including 16 starters from the 2001 team that fell only to North Dakota in the NCAA Division II National Championship game;

Whereas the Lakers placed 18 players on the 2002 All-GLIAC team;

Whereas quarterback Curt Anes was named the GLIAC Player of the Year for the second straight year and earned the 2002 Harlon Hill Trophy as NCAA Division II's most outstanding player;

Whereas the Lakers defense dominated opponents by ranking 34th in the Nation in rushing defense and recording 58 quarterback sacks;

Whereas the students, alumni, faculty, and fans of Grand Valley State University showed their support for by helping the Lakers set a GLIAC record for regular-season attendance; and

Whereas the Lakers have displayed great strength, ability, and perseverance this season and have made the State of Michigan proud: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Grand Valley State University Lakers for winning the 2002 NCAA Division II Football National Championship and recognizes all the players, coaches, and support staff who were instrumental in this achievement;

(2) requests that the President recognize the accomplishments of the 2002 Grand Valley State University football team and invite them to Washington, D.C., for a White House ceremony for national championship teams; and

(3) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to Grand Valley State University for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 13.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to congratulate the Grand Valley State University Lakers Football Team. On December 14, approximately 3 weeks before the Ohio State Buckeyes became national champions, the Grand Valley State University Lakers Football Team set the national standard by winning the NCAA Division II Football National Championship by defeating Valdosta State University.

In all seriousness, as a Wolverine from the great State of Michigan, just north of the State of Ohio, congratulations to our colleagues of the Big Ten, the Ohio State Buckeyes. It was a great year for the Midwest. My sympathy to my colleagues in other parts of the country who did not enjoy the same type of success the Midwest had this year during the football season.

This game also was an exciting game that pitted the number one ranked Grand Valley State Lakers against the number two ranked and perennial football powerhouse Valdosta State University from the great State of Georgia. Ultimately, the game was won by the Lakers when quarterback Curt Anes threw a 10-yard scoring pass to wide receiver David Kircus with 1:04 left in the game to lift the Lakers to a 31–24 victory.

In addition to the national championship victory and the second consecutive trip to the national championship game, Grand Valley captured its second consecutive Great Lake Intercollegiate Athletic Conference Football Championship with a perfect 9–0 record, and going through the playoffs and concluding the season with a perfect record of 14–0.

Head Coach Brian Kelly, who has been with the team since 1991, has led the team to a 104–34–2 overall record and has much to be proud of. Coach Kelly assembled an extraordinary football program and a stellar coaching staff.

Led by senior quarterback Curt Anes, who on the evening before the championship game was awarded the 2002 Harlon Hill Trophy as Division II Football's most outstanding player, the Grand Valley State Football Team was an example of resiliency and determination as they strived to meet their team goal of a national championship. This triumph was truly a team effort.

Finally, I would like to also offer my thanks and congratulations to the extended family of Grand Valley State University, the alumni, the faculty, the fans, and of course the students who supported this team.

Mr. Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H. Res. 13, congratulating the Grand Valley State University Lakers for winning the NCAA Division II National Football Championship. This national championship is a special moment for Grand Valley State's fans and its university community. It is the school's first national championship in any varsity sport.

This is an outstanding achievement, especially when we consider that Division II football athletes do not have the benefit and publicity garnered by Division I schools. I know that as a fact because one of my sons was an All American Tackle for a Division II school and it was exciting, but they did not get any of the recognition that the Division I schools garnered.

I want to extend my hearty congratulations to Head Coach Brian Kelly, the Grand Valley State community, all of their fans, and most importantly their student athletes. Grand Valley's athletes have certainly performed admirably, and they deserve all the praise that we can give them.

Mr. Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield such time as he may consume to my colleague from the State of Michigan (Mr. EHLERS), who also represents a number of Grand Valley State campuses in his district.

Mr. EHLERS. Mr. Speaker, I thank the chairman for yielding me this time, and I can only echo the words of congratulation that he has offered.

Just to give a little more information about Grand Valley State University, it did not start until 1960, with 223 students. If they fielded a football team that year, it would have consumed 10 percent of the student body. And in 42 short years, they went from that to a rather large University of 20,000 students, more than 48,000 alumni, and winning the national championship in the NCAA. It is an astounding record.

Also, I might mention that the main campus is in the west Michigan area, represented by the gentleman from Michigan (Mr. HOEKSTRA), from whom we just heard; but the downtown campus is in my district. That consists of many graduate studies programs, engineering, and post-graduate course offerings.

It is a remarkable record of success. I have to pay tribute to the former president, Arend (Don) Lubbers, who served from 1968 through 2001 and did an incredible job of taking a fledgling university and building it into a full-grown university. In fact, the football stadium at Grand Valley is named after him, and is called Lubbers Stadium. The current president, Mark Murray, succeeded Lubbers in 2001. He has been there a short time and has done a great job of continuing the work there.

Football and sports are not the be-all and end-all of the university experience, especially in Michigan, where we have a strong orientation towards academic performance. But President Lubbers understood that successful sports teams are a source of pride for the students, staff, administration, and alumni of the schools they represent. In this respect, Grand Valley State University Lakers have ably represented their university and all of west Michigan in their march to the national championship.

The opportunity of playing on national television in the Division II championship game in each of the past two seasons has given Grand Valley State University national exposure it never would have received otherwise. I wish to congratulate the team for their tremendous performance this year. They came within one game of winning the national championship last year. They came back determined to win it this year, and they did.

Congratulations are also due to Coach Brian Kelly, who was named last night as the American Football Coaches Association's Division II National Coach of the Year. He has done an outstanding job there. I also want to congratulate senior quarterback Curt Anes, who received the Harlan Hill Trophy, which is Division II's equivalent of the Heisman Trophy. He is also a First-Team All American.

Senior wide receiver David Kircus, also a First-Team All American, set numerous NCAA Division II and school records throughout his career.

In addition, congratulations are due to offensive lineman Dale Westrick and defensive lineman Keyonta Marshall, both named First-Team All Americans.

Also, I have to congratulate not only the school, not only the team, the coach and the players, but also the supporters of the Grand Valley State University Lakers, who set a conference attendance record. That shows their loyalty and their support for the university and for their sports teams.

So I am very pleased that the gentleman from Michigan (Mr. HOEKSTRA) has offered this resolution. I am very pleased to join him in commending Grand Valley State University and their football team for their very, very, very fine performance.

Ms. WOOLSEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield myself the balance of my time, and I would once again like to congratulate the Grand Valley State University Lakers. They have had an awesome year. Today we recognize them and congratulate them for that performance.

Mr. Speaker, as we pass this resolution, I would extend to the President a request that he invite the Grand Valley State University football team to Washington, D.C., to a White House ceremony that the White House traditionally hosts for Division II national championships of all sports; and we look forward to that happening.

□ 1545

Mr. Speaker, I congratulate the extended Grand Valley State University family.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Michigan (Mr. HOEKSTRA) that the House suspend the rules and agree to the resolution, House Resolution 13.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H. RES. 13, CONGRATULATING THE GRAND VALLEY STATE UNIVERSITY LAKERS FOR WINNING THE 2002 NCAA DIVISION II FOOTBALL NATIONAL CHAMPIONSHIP

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that in the engrossment of House Resolution 13 the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

HONORING WESTERN KENTUCKY UNIVERSITY FOR WINNING 2002 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I-AA FOOTBALL CHAMPIONSHIP

Mr. HOEKSTRA. Mr. Speaker, I move to suspend the rules and agree to the

resolution (H. Res. 17) honoring the Hilltoppers of Western Kentucky University from Bowling Green, Kentucky, for winning the 2002 National Collegiate Athletic Association Division I-AA football championship.

The Clerk read as follows:

H. RES. 17

Whereas the Western Kentucky University Hilltoppers from Bowling Green, Kentucky, won the 2002 NCAA Division I–AA collegiate football national championship;

Whereas the national championship is the first for the Western Kentucky University football program since its inception in 1913;

Whereas the Hilltoppers had an impressive overall record of 12 wins and 3 losses during the 2002 season, which included 10 consecutive wins;

Whereas the Hilltoppers showed tremendous dedication to each other, appreciation to their fans, sportsmanship to their opponents, and respect for the game of football throughout their 2002 season;

Whereas Western Kentucky University was represented with integrity and principled leadership under the direction of Head Football Coach Jack Harbaugh, Athletic Director Dr. Wood Selig, and President Dr. Gary A. Ransdell; and

Whereas on December 20, 2002, the Western Kentucky University Hilltoppers, ranked 15th among Division I–AA teams, defeated the top-ranked McNeese State University Cowboys for the 2002 NCAA Division I-AA football championship in Chattanooga, Tennessee, by a score of 34–14: Now, therefore, be it

Resolved, That the House of Representatives honors the Western Kentucky University football team from Bowling Green, Kentucky, for winning the 2002 NCAA Division I–AA football championship.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 17.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOEKSTRA. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, with Western Kentucky University's recent success on the basketball court and the Hilltoppers' first NCAA championship on the football field in 2002, Kentucky is now home to yet another top-ranked college sports program. I am proud to have Western Kentucky University in my district.

We were not in session on December 20 when Western Kentucky won its first Division I-AA football championship, but I wanted to take this opportunity in this session of Congress to acknowledge the team's achievements.

The 15th ranked Hilltoppers defeated top-ranked McNeese State 34–14 in the championship game. Western brought their best game to the playoffs and the championship, defeating the three highest ranked teams on their way to taking the title.

Just as they had all season, the Toppers again relied on their tough defense and strong running game. Jon Frazier rushed for 159 yards and two touchdowns, bringing his season total to 1,537 yards and moving him into second place in Western's running records. The defense combined for three interceptions and a sack, holding McNeese State below its season scoring average.

In his 14th year at Western Kentucky, Coach Jack Harbaugh saw his and the team's hard work finally pay off. Coach Harbaugh has been committed to the Western football program and has built a successful program that the University, the Bowling Green community and the State should be proud of.

After starting the season with a 2–3 record, including a loss to McNeese State, the Hilltoppers relied on their teamwork and dedication to win 10 straight games, finishing the season with the national championship.

Mr. Speaker, I join Western Kentucky University and all of Bowling Green in congratulating the Hilltopper football team on its national championship season.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 17 congratulating the Hilltoppers of Western Kentucky for winning the 2002 Division I-AA national football championship. It is quite an achievement to win a national championship at any college level, and this championship is even more noteworthy due to the fact that it is Western Kentucky's first national championship since 1913.

Student athletes split their time between their athletic and academic pursuits. The student athletes that make up this year's national championship Hilltoppers' team must be commended because they did such a good job for their dual pursuit. I want to especially congratulate them for all their hard work, and also extend my hardy congratulations to head coach Jack Harbaugh for a great season and great win.

Mr. Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Res. 17 honoring the Hilltoppers of Western Kentucky University from Bowling Green, Kentucky for winning the 2002 National Collegiate Athletic Association Division I-AA football championship.

I want to thank my colleague, the gentleman from Kentucky (Mr. LEWIS), for sponsoring this resolution and congratulate the gentleman for the success this school has had from his district and for his opportunity to represent them in Washington, D.C.

Today the House has recognized the outstanding athletic accomplishment of our Nation's young people. These championships are a testament to the spirit of athletic competition; and, frankly, they are enormous fun to watch. I congratulate all of the athletes and schools who have participated in collegiate athletics, and express my specific congratulations to Western Kentucky University.

Ms. WOOLSEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. HOEKSTRA) that the House suspend the rules and agree to the resolution, H. Res. 17.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING SALARY ADJUSTMENTS FOR JUSTICES AND JUDGES FOR FISCAL YEAR 2003

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16) to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

The Clerk read as follows:

H.R. 16

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF SALARY ADJUSTMENTS FOR FEDERAL JUSTICES AND JUDGES.

Pursuant to section 140 of Public Law 97–92, Justices and judges of the United States are authorized during fiscal year 2003 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 16, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation authorizes Federal judges to receive the same cost of living pay adjustment that all Federal employees, including Members of Congress, have received for calendar year 2003.

By way of background, Congress enacted the Executive Salary Cost-of-Living Adjustment Act in 1975, which was intended to give judges, Members of Congress and other high-ranking Executive Branch officials automatic COLAs as accorded other Federal employees unless rejected by Congress. In 1981, Congress enacted section 140 of Public Law 97–92, which requires specific congressional action authorizing judges the COLA.

Mr. Speaker, in the closing days of the 107th Congress, we failed to provide a COLA for Federal judges. This constitutes an inequity, since Members of Congress and all other Federal employees did receive a COLA in 2003.

The bill is straightforward. It simply provides for a cost-of-living adjustment for Federal judges consistent with the law. The President and the Chief Justice of the United States support granting judges a COLA now. The bill will assist in the administration of justice in our Federal courts and is otherwise noncontroversial. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this critical legislation which provides the Federal judiciary with a much-needed cost-of-living adjustment. I also thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his leadership on this matter, and the speed with which he has brought this legislation to the House floor.

Article I, Section III of the Constitution provides that the pay of Federal judges ''shall not be diminished during their time in office.'' Unfortunately, by failing to provide Federal judges with annual COLAs over the last decade, they have faced the economic equivalent of a $77,000 reduction in salary. In the last 30 years, while average pay has increased 12 percent for most workers, it has decreased 25 percent for Federal judges.

Currently, Federal district court judges earn $150,000 per year. This is far less than they could earn in private practice, and is even less than an associate right out of law school earns in New York City. It has gotten so bad that employees of the Administrative Office of Courts, who work for the Federal judges, now enjoy greater salaries than the judges themselves. This is the equivalent of congressional staff earning more than congressmen and women. It is no wonder that Federal judges are leaving in droves, with nearly six dozen judges leaving over the last several years, and notably with many districts overloaded with cases and many citizens not able to have their grievances addressed. That certainly does not bear well for the Constitution.

There can be no doubt of the value and importance of ensuring that our Federal judges are fairly compensated. The Federal judiciary is the crown jewel of our democracy. If there is any single idea in the Constitution that has separated our experiment in democracy from all other nations, it is the concept of a free and independent and just judiciary.

The Founding Fathers, in their great wisdom, created a system of checks and balances, granting independent judges not only lifetime tenure, but the right to an undiminished salary. It is no surprise that over the years, the Federal judiciary, more than any other branch, has served as the protector of our precious civil rights and liberties. I agree with Alexander Hamilton that the ''independent spirit of judges'' enables them to stand against the ''ill humors of passing political majorities.''

But we cannot have a qualified and independent judiciary if we do not pay them a just wage. Just last week Chief Justice Rehnquist declared that ''providing adequate compensation for judges is basic to attracting and retaining experienced, well-qualified and diverse men and women.'' Justice Breyer was even more blunt when he stated ''The gulf that separates judicial pay from compensation in the nonprofit sector, in academia, and in the private sector grows larger and larger, and threatens irreparable harm both to the institution and the public it serves.''

It is for these reasons that I was so shocked last November when the continuing resolution Congress approved gave a cost-of-living adjustment to nearly every Federal worker but the Federal judges. The bill before us responds to that oversight by granting the judiciary a COLA retroactive to the start of the last fiscal year. I consider this to be a modest downpayment in the development of a more rational and fair system of compensating our Federal judges. I urge an enthusiastic yes vote for this bill.

I rise in support of this critical legislation, which provides the federal judiciary with a much needed cost of living adjustment. I also want to thank Chairman SENSENBRENNER for his leadership on this matter and the speed with which he has brought this legislation to the House floor.

Article I, Section III of the Constitution provides that the pay of federal judges "shall not be diminished during their time in office." Unfortunately, by failing to provide federal judges with annual COLA's over the last decade, they have faced the economic equivalent of a $77,000 reduction in salary. In the last 30 years, while average pay has increased 12 percent for most workers, it has decreased 25 percent for federal judges.

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There can be no doubt of the value and importance of insuring that our federal judges are fairly compensated. The federal judiciary is the crown jewel of our democracy. If there is any single idea in the Constitution that has separated our experiment in democracy from all other nations, it is the concept of an independent judiciary.

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Mr. Speaker, I reserve the balance of my time.

□ 1600

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to express my strong support for this legislation

to give our Federal judges a cost-of-living adjustment. There is no question that they deserve and need this COLA and more. In 2001, the American Bar Association and the Federal Bar Association released a report detailing a fundamental problem that has escalated over the past decade, the erosion of fair and adequate compensation for the Federal judiciary. These two well-respected groups issued this report because they found that the current salaries of Federal judges have reached such levels of inadequacy that, and I quote, ''they threaten to impair the quality and independence of the third branch.''

Yes, it is true that Federal judges earn a higher salary than many Americans, but it is also true that in many cases a first-year associate at law firm earns considerably more than does a judge. I think that all of us would agree that public service has its own rewards, but those rewards do not pay the bills.

Members may wonder why it is that we must take up this legislation to authorize a COLA for Federal judges. The short answer is that we should not have to do so. But because of a provision enacted back in 1981, every year, year in and year out, Congress must authorize the COLAs of Federal judges even though those COLAs are the very same COLAs that are automatically granted to Members of Congress and senior executive branch employees. It is inefficient and it is unfair to make judges scale this additional hurdle. That is why I soon will introduce legislation that puts judges back on the same track as Congress and senior members of the executive branch, automatic COLAs, unless Congress specifically votes against it.

I urge my colleagues to support this legislation. Let us give our judges the pay they deserve, and let us eliminate the provision that requires us to take this action each year.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we all come from different congressional districts, but we are honored and cherish the right to represent Americans. I happen to come from a district with a sizable population of Hispanic Americans, African Americans and Asian Americans, a very diverse community.

In paying tribute to the Federal judiciary, might I make note of the fact that it is the Federal judiciary that most often has been able to create opportunities for groups who have felt disenfranchised and left out. It is the Federal judiciary that responded favorably in the Sixth Circuit on the positive aspects of affirmative action, recognizing that affirmative action is not a handout but a hand-up, and affirmatively approved the affirmative action program at the State university, the University of Michigan, allowing for that campus to have a diverse student body.

In particular, I happen to come from what is defined as a voter rights district, established under the Voter Rights Act of 1965. Since the creation of that district, held first by the Honorable Barbara Jordan, we have been in court over the years time after time. In the times that we have been in courts, it has been the Federal courts that have reaffirmed the value of having congressional districts that are able to give one-vote/one-person and provide the opportunities for, in this instance, minorities, African Americans and Hispanics, to vote for the person of their choosing, some now call it communities of interest, and to allow them to have a voice in the United States Congress. It has been the Federal courts that have heard these cases over and over and in many instances the Federal judiciary that has risen above their political persuasions and have offered opportunity and hope to my constituents.

Likewise, when there have been cases of discrimination, we have been most gratified that it has been the Federal courts that have taken these cases and responded, on sexual discrimination, age discrimination, race discrimination; and for many Americans, this would be the only way that they would be able to seek opportunity and to address their grievances.

I believe this vital role that the third branch of government plays should be so noted when we cavalierly miss them, if you will, in compensation. This is a time to appreciate the very important role that they play in bringing justice to America. As I conclude my remarks, might I say that that is why so many of us play a role in the process of nominations and why we so vigorously fight in the struggle, if you will, for designing a Federal court judiciary that is truly reflective of all of America.

With that, I would say that I hope that my colleagues in the comments that I have made will reflect upon the high importance of the judiciary that is a key part of the democracy of this Nation, and I would ask my colleagues to enthusiastically both respect, admire, and support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

I think at this point in the debate, it is proper to give a little history of how judicial salaries have been set. The last time Congress visited the whole issue of executive, legislative, and judicial salaries was in the Ethics Reform Act in 1989. Prior to 1989, there was a quadrennial commission that met every 4 years to decide what would be fair compensation for Federal judges, Members of Congress, and senior members of the executive branch, except the President whose salary was set through another process. This commission, which was comprised of people outside government, always recommended that there be significant pay raises for all of the officials covered in the old law. The pay raises were so significant that there was a huge public outcry, and Congress ended up rejecting those recommendations almost uniformly because of pressure from our constituency.

So in 1989 when Congress passed the Ethics Reform Act, it abolished the quadrennial commission, and it replaced it with a citizens' commission on public service and compensation. That was 14 years ago, and the new commission has never met. This same law stated that the salaries of the district judges would be the same as salaries of Members of Congress, and there has been a linkage of the district judges' salaries and that paid United States Senators and United States Representatives since. So as our salaries have gone up through cost-of-living increases, the judicial salaries have also gone up; and it was usually because there was a provision put in an appropriations bill that gave the judges the same COLA as Members of Congress and executive branch officials.

I know every year the Chief Justice talks about the inequity in pay of Federal judges and those who practice before them. I think he has a very valid point. But the points that the Chief Justice makes miss the point of the 1989 law completely; and I think that if we are talking about a judicial pay raise, it is incumbent upon those who are supporting it, which is not me at this time, to answer two questions: What should be the compensation of district judges, appeals judges, and justices of the Supreme Court of the United States? And why are the responsibilities of the Federal judiciary so much more than the responsibilities of United States Senators and United States Representatives that they deserve to be paid out of the taxpayers' treasury a considerably higher pay than the Senators and the Representatives, which I think have at least equal and probably much greater responsibilities on a day-to-day basis than members of the Federal judiciary have.

The burden of proof, to use a judicial term, on why the judicial salaries should be delinked from the legislative and executive branch salaries is on the Federal judiciary and those who advocate such a delinkage. In none of the statements that I have seen from the advocates of higher judicial salaries has there been one argument in favor of why these salaries should be delinked.

Because the Congress last fall failed to pass the same COLA as Members of Congress and the executive branch received, this bill is fair, this bill is necessary, and this bill should be supported. But until we get answers to the

other two issues that I have raised, I do not think we should amend the basic law that was passed in the Ethics Reform Act of 1989.

I urge the House to pass this bill.

Mr. BERMAN. Mr. Speaker, I support this measure to give Federal Judges a cost-of-living adjustment.

Just today, the Washington Post reported the findings of a non-partisan National Commission on the Public Service, led by former Federal Reserve chairman Paul A. Volker.

One of the first steps the Commission recommends is to give federal judges an "immediate and significant" increase in pay.

As it is, judges make far less than they could earn in private firms, and there is certainly no monetary incentive for top lawyers to accept nomination to the Federal judiciary.

Though there is prestige in serving as a Federal judge, many of this country's best lawyers simply cannot justify leaving private practice during their prime earning years to serve on the bench.

In the long run, this phenomenon will affect the quality of people we can attract to serve as federal judges. It doesn't mean that we ought to be matching partner bonuses dollar-for-dollar, but it does mean that we have to consider what the private sector offers if we want to ask our best and brightest to become public servants.

Though a 3.1 percent COLA may not be all that "significant," it is a small step toward creating enough incentive for Judges to remain on the Bench.

I urge my colleagues to support this measure.

Mr. SANDLIN. Mr. Speaker, I rise today to express my strong support for H.R. 16, which authorizes salary adjustments for the federal judiciary during fiscal year 2003.

Before the 107th Congress adjourned sine die, the House failed to authorize a necessary pay adjustment for the federal judiciary. The continuing resolution that the House passed on November 13, 2002, did not include the 3.1 percent cost-of-living adjustment for FY 2003 that federal judges were supposed to have received on January 1, 2003. The Ethics Reform Act of 1989 assures federal judges an annual adjustment based upon the Employment Cost Index [ECI], and Congress's failure to live up to its promise under that Act could have dire consequences for our legal system.

It is imperative that Congress takes every action necessary to ensure the viability of the federal judiciary. In his 2001 Year-End Report on the Federal Judiciary, Supreme Court Chief Justice William Rehnquist stressed the importance of annual pay adjustments and requested that Congress increase salaries as a means of attracting and retaining qualified judges. Federal judicial salaries are relatively small compared to the salaries that are earned by experienced attorneys in private practice. Relatively low judicial pay, combined with a complicated and lengthy judicial confirmation process, acts as a disincentive for qualified, dedicated attorneys to join the federal judiciary. When judicial vacancies go unfilled, the American legal system suffers.

It is inexcusable that the House failed to pass the FY 2003 Commerce, Justice and State appropriations bill, which contains the necessary authorization and appropriation for a federal judicial pay adjustment, during the 107th Congress. While Congress managed to give itself a pay raise for the current fiscal year, the federal judiciary was hung out to dry.

Mr. Speaker, our system of justice is among the best in the world, and as the peoples' representatives, we should do all that we can to ensure the future viability of the judiciary. I am pleased that the House has finally considered this long-overdue legislation, and I urge my colleagues to support it.

Mr. CONYERS. Mr. Speaker, I rise in support of this critical legislation, of which I am an original cosponsor. This bill provides the federal judiciary with a much needed cost of living adjustment (COLA) for their salary. I also would like to thank Chairman SENSENBRENNER for his leadership and bipartisanship on this issue.

The Constitution mandates that the pay of federal judges "shall not be diminished during their Continuance in Office." Unfortunately, by failing to provide judges with annual COLA"s over the last decade, they have faced the equivalent of a $77,000 reduction in salary. Currently, federal district court judges earn $150,000 per year. This is much less than they could earn in private practice; in fact, it is less than an attorney right out of law school can earn in private practice. Even the judges' employees, those who work at the Administrative Office of the U.S. Courts make more than their employers. In the last 30 years, while average pay has increased 12 percent for most workers, it had decreased 25 percent for federal judges.

This issue can seem to be just a matter of salary, but it extends deeply into our concept of a democracy and judicial independence. The Constitution establishes a system of checks and balances, granting independent judges lifetime tenure and the right to an undiminished salary, in order to ensure the judiciary remains independent of financial, political, and social pressures. Unfortunately, many federal judges are leaving the bench for private practice, and many experienced and qualified private practitioners are deterred from serving in the judiciary. The pay disparity has diminished the independence of our third branch and made it difficult to attract and retain qualified attorneys.

This is why I was surprised when the continuing resolution Congress approved last session gave a cost of living adjustment to most federal employees except judges. The bill before us remedies this oversight by authorizing a COLA for the judiciary that is retroactive to the start of the 2003 fiscal year.

I urge my colleagues to vote "yes" on this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 16.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1740

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BEREUTER) at 5 o'clock and 40 minutes p.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 40 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1850

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BEREUTER) at 6 o'clock and 50 minutes p.m.

MOTION TO ADJOURN

Mr. FRANK of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 95, nays 315, not voting 23, as follows:

[Roll No. 9]

YEAS—95

Alexander	Clyburn	Evans
Allen	Cooper	Farr
Andrews	Crowley	Filner
Bell	Cummings	Frank (MA)
Berman	Davis (AL)	Frost
Berry	Davis (TN)	Grijalva
Bishop (GA)	DeFazio	Hastings (FL)
Boucher	Delahunt	Hill
Brown, Corrine	DeLauro	Hinchey
Capuano	Deutsch	Jackson (IL)
Cardoza	Dingell	Jackson-Lee (TX)
Carson (IN)	Doggett	Jefferson
Clay	Emanuel	

John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kleczka
Lampson
Langevin
Lantos
Larson (CT)
Lee
Lowey
Lynch
Maloney
Markey
Marshall
McGovern
Meehan
Menendez
Millender-McDonald
Miller, George
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Peterson (MN)
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Sabo
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Scott (GA)
Skelton
Slaughter
Stark
Stenholm
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Van Hollen
Velázquez
Waters
Watson
Wexler
Woolsey
Wynn

NAYS—315

Abercrombie
Aderholt
Akin
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Pascrell
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Saxton
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Waxman
Weiner
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—23

Ackerman
Baird
Ballance
Ballenger
Cardin
Conyers
Gillmor
Gutierrez
Hayworth
Herger
Janklow
Kilpatrick
Kind
Lipinski
McCrery
McDermott
Miller (NC)
Nethercutt
Oxley
Payne
Rush
Towns
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEREUTER) (during the vote). The Chair would advise Members that there is approximately 2 minutes remaining on the 15 minute clock.

□ 1912

Messrs. ETHERIDGE, MORAN of Virginia, and MEEK of Florida changed their vote from ''yea'' to ''nay.''

Mr. THOMPSON of California and Mr. TIERNEY changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 1 and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. BEREUTER). Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 15, I call up the joint resolution (H.J. Res. 1) making further continuing appropriations for the fiscal year 2003, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 1 is as follows:

H.J. RES. 1

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107–229 is further amended by striking the date specified in section 107(c) and inserting in lieu thereof ''January 31, 2003''.

SEC. 2. Public Law 107–229, as amended, is further amended in section 120, by striking ''and December 1, 2002,'' and inserting ''December 1, 2002, January 31, 2003, and February 1, 2003,''.

SEC. 3. Section 613 of the Treasury and General Government Appropriations Act, 2002, is amended (1) by striking ''2001'' and ''2002'' each place it appears and inserting ''2002'' and ''2003'', respectively; and (2) in subsection (a)(1), as so amended, by inserting ''(as if effect on September 30, 2002)'' after ''Act, 2002'' and after ''such section 613'': *Provided,* That such section, as so amended, shall be effective through September 30, 2003, notwithstanding section 107 of this joint resolution.

SEC. 4. Public Law 107–229, as amended, is further amended by striking section 137 and inserting the following new section:

''SEC. 137. (a) Notwithstanding any other provision of this joint resolution, in addition to amounts made available in section 101, and subject to sections 107(c) and 108, such sums as may be necessary shall be available to the Securities and Exchange Commission for the Secretary of the Treasury to advance start-up expenses to the Public Company Accounting Oversight Board pursuant to section 109(j) of the Sarbanes-Oxley Act of 2002 (Pub. L. 107–204).

''(b) Notwithstanding any other provision of this joint resolution, upon the collection of fees authorized in section 109(d) of the Sarbanes-Oxley Act of 2002 (Pub. L. 107–204), the Public Company Accounting Oversight Board shall reimburse the Securities and Exchange Commission for any Commission appropriations advanced to the Board for start-up expenses pursuant to section 109(j) of such Act or subsection (a) of this section, so as to result in no net effect of such advances on appropriations available to the Commission in fiscal year 2003.''.

SEC. 5. (a) APPROVAL OF PROSPECTUS.—For proposes of section 3307(a) of title 40, United States Code, the prospectus of General Services Administration entitled ''Prospectus—Lease, Department of Homeland Security, Washington, DC Metropolitan Area'', prospectus number PDC–08W03, as submitted on December 24, 2002, is deemed approved by the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the date of enactment of this Act.

(b) PROHIBITION ON DELEGATION.—The authority of the General Services Administration to lease space under this section may not be delegated to any other department or agency.

(c) MODIFICATIONS.—Any modification to the prospectus referred to in subsection (a) that is subject to approval under section 3307 of title 40, United States Code, shall be approved in accordance with the requirements of such section.

SEC. 6. Section 126 of Public Law 107–229, as added by Public Law 107–240, is amended to read as follows:

''SEC. 126. Notwithstanding any other provision of this joint resolution, except section 107, the District of Columbia may expend

local funds for programs and activities under the heading 'District of Columbia Funds—Operating Expenses' at the rate set forth for such programs and activities in the revised financial plan and budget for the District Government for fiscal year 2003 submitted to Congress by the District of Columbia pursuant to section 138 of H.R. 5521 of the 107th Congress, as reported by the Committee on Appropriations of the House of Representatives.''.

The SPEAKER pro tempore. Pursuant to House Resolution 15, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

□ 1915

Mr. Speaker, the legislation before the House, H.J. Res. 1, will extend the current continuing resolution to allow the government to continue to operate through January 31 of 2003. All of the ongoing programs and activities will be continued at current rates under the same terms and conditions as fiscal year 2002, with the exception of funding for programs included in the Defense and Military Construction appropriations bills for fiscal year 2003, which have already been enacted into law.

In addition, all the provisions of the previous CRs remain in effect, with one exception: It deletes a provision relating to the rate of operations for the Federal-aid Highways Program that had been enacted as part of the third continuing resolution. Specifically, that CR established total obligations for the highway program while operating under continuing resolutions. Section 4 of this resolution deletes that provision, and Mr. Speaker, it does so with the concurrence of the transportation and infrastructure authorizing committee.

I want everyone to understand this action is going to affect the budget. We have been advised by the Congressional Budget Office that it will score an additional $1.1 billion in outlays on an annualized basis against this continuing resolution as a result of that deletion. So we are upping the price, but this was an agreed arrangement. So that is what we are going to do.

The CR also includes five new provisions. I will briefly explain what they are.

Number 1, it will extend the authorities necessary to make entitlement payments to include the Child Nutrition Programs, the Food Stamps Program, Medicaid grants to States, payments to Medicare trust funds, Trade Adjustment Assistance Programs, veterans entitlements and supplemental security income payments through the month of February.

Number 2, it will maintain the annual blue collar worker pay adjustment to be consistent with other Federal pay increases.

Number 3, it will allow for funding for the Public Companies Accounting Oversight Board as established in the Sarbanes-Oxley Act of 2002, Public Law 107–204.

Number 4, it will allow the District of Columbia to spend local funds at the revised budget levels for fiscal year 2003.

Number 5, it will allow the Administrator of General Services to move forward on the GSA prospectus to lease space for the headquarters of the Department of Homeland Security.

Mr. Speaker, we are beginning a new year and a new Congress. We need to get the business of the old Congress behind us. We will explain at a later date how we plan to do this, but this CR gives us time to put that plan into effect.

I do not think this CR is controversial. I am not aware of any controversy. I urge the House to move this legislation to the Senate and then to the President so that there will be no question that the government will continue to operate smoothly and efficiently through January 31.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, what is happening here is that this is the first of two continuing resolutions which the House is going to endeavor to pass tonight. The first is simply a vehicle by which we keep the government open for the next 30 days or so, while the Congress at long last gets about the business of finishing what it should have done last year; namely, virtually all of the domestic appropriation bills.

The second continuing resolution that will be voted on after this one will be an empty vehicle which is sent to the Senate, and the Senate will then use that as the carrying vehicle for the work that they do to put together all of the remaining appropriation bills.

As I was saying, the Senate will then proceed to work its will on the remaining domestic appropriation bills. They will then put them together in one package in the second CR, which we will send over, and they will come back to the House for an up or down vote as a conference report. That effectively means that the House will have been shielded from any responsibility to take visible positions on virtually all of the issues involved in education, in health care, in the Labor Department programs, in housing programs, in science programs, foreign aid, you name it. That, I believe, is the purpose of this process.

I do not happen to think that is a very healthy process but that is what the plan is. What that means is that tonight represented the only opportunity for Members of this body to speak to any of the issues that would be funded by this continuing resolution.

Now, the rules of the House provide that if the Committee on Appropriations has not passed a new 302(b) allocation, allocating the total resources of the committee that are available to us to the various subcommittees, then the House is precluded from considering an appropriation bill. So last night the Committee on Rules waived that provision for the majority so that the majority is able to proceed with this process today, but they refused to waive it for the minority, which means that we cannot offer any significant or meaningful amendments to the continuing resolution.

If we had not been denied that right, we wanted to offer a $5 billion package that essentially asked the House to, once again, approve matters which it approved in the supplemental last summer. Half of that would be the $2.5 billion that we provided for additional homeland security items, additional port protection, additional border protection, additional support to the FBI to modernize its computer system, additional translators and the like. All of that money has already been voted for by 90 percent of the Members of both parties in this House, but it has been effectively impounded by the President who declined to spend that $2.5 billion, thus leaving this country needlessly exposed on the homeland security front.

The other $2 billion or so that we wanted to add represented other items that the House had already voted for: The $274 million which was badly needed for veterans medical care to clean up the backlog at veterans facilities; the $401 million which was necessary to provide aid to first responders, our police and our firemen at the local level; and $200 million to assist with anti-terrorist actions on the part of the State of Israel, for instance, all of that has been denied us because the House Committee on Rules essentially said that there should be one set of rules for the majority and another set of rules for the minority.

Now, as I said earlier today on the floor, the purpose of rules in any venue is to see to it that all people are treated the same, and that is true whether you are talking about a San Francisco 49er and New York Giant football game or whether you are talking about actions on the floor of the House. We are supposed to have rules that apply equally to everybody, but thanks to the misguided and misbegotten action of the Committee on Rules that is not what we are going to have.

So what that means is that this House, which is supposed to be the greatest deliberative body in the world, has been turned into something that much more clearly represents a Soviet Congress than it represents the embodiment of democratic representation.

What this means is that a small group of insider Members in the Republican leadership have essentially decided ahead of time what the outcome should be on all of these appropriation bills, and now they have fixed the process so that there is no practical possibility whatsoever of changing in any way that desired outcome. That may be an effective use of power, but it is a fundamental corruption of the legislative process that goes to the heart of democratic government, and people who engage in that kind of conduct, in my view, should be ashamed of themselves.

So what we are faced with is the necessity to try to use extraordinary means in order to try to gain some ability to define what actions we on this side of the aisle believe are in the best interests of the country. Mr. Speaker, I detest the idea of having to go after House traditions and normal House procedures. I do not like, for instance, to have to try to appeal the ruling of the Chair on matters, but when we are denied the legitimate exercise of our rights to define differences, which is supposed to be the subject of legislative debate, then we are left with no choice but to engage in extraordinary measures as a matter of protest.

Now, we have not created this situation. The House Republican leadership and the House Committee on Rules has. I would urge them to reconsider.

Yesterday, we heard all kinds of nice words about bipartisanship. The Speaker said that we should respect each other. We do not feel that much respect has been shown this institution when the normal processes of this institution are cut short for the partisan convenience of the party that happens to control this House.

□ 1930

So I wanted to explain why it is that we on this side of the aisle are unhappy and why we will be doing what we are doing tonight.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Florida (Mr. HASTINGS), a member of the Committee on Rules.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman for yielding me this time. The gentleman from Wisconsin has given us an explanation with reference to what is transpiring.

When I came to this body, I had no idea that I would have the privilege to serve on the Committee on Rules. When I was given that opportunity, it became the proudest moment in my limited congressional career. Last night, before we left here, I became rather distressed that the majority does not see fit to grant the minority privileges that the minority at another point in time argued that they should have, I remember very distinctly.

I have great respect for my colleagues on the other side of the aisle. Certainly, the chairman of the Committee on Appropriations is a friend of mine, and I have immense respect for him, his fairness and his ability. But the gentleman from Florida (Mr. YOUNG) is not the person that is in control of the situation with reference to the rule. The chairman of the Committee on Rules also is a friend of mine, and I am not certain that he is in control of what is transpiring with reference to the rule.

What is happening here is we are giving back-room deals new meaning. In essence, what my colleagues have done, if we were to take 10 people, as one Member of Congress here said today, she described it as though we had 10 people and my colleagues put a gag on four and a half of them, so that nearly one-half of America is being denied an opportunity to go forward and put ideas on the table for this body to work its will. That is not fair.

Thus my colleagues will find that there are some of us who, different than the gentleman from Wisconsin (Mr. OBEY) described when he said we are unhappy, some of us are outraged and plain mad about the circumstances we find ourselves in. In fact, what my colleagues are allowing with these two continuing resolutions is absolutely no debate of consequence with reference to matters of immense and enormous magnitude for the good of this country.

Among the things that we say all the time, and on yesterday proudly all of us admired, as we do admire the Speaker of the House, when he cited certain portions of the Constitution that all of us know so well, among those things was to promote the general welfare. Well, we cannot promote the general welfare with dynamic scoring when we are hiding the deficit with creative math. We cannot promote the general welfare when we find ourselves taking ''Jefferson's Manual on Parliamentary Procedure'' and pitching it into the Potomac River.

We did not have hearings last night. A train hit those of us in the minority in the Committee on Rules, and a train is hitting every member of the minority as well as the majority. My colleagues hurt themselves as much as they hurt us when they do not give us an opportunity to make an adequate presentation on matters of health, on matters of education, on matters of homeland security; and I could go on and on.

Everybody knows what my colleagues did when they took over the House of Representatives, and they did it by arguing against what the Democrats did that was so wrong then: closed rules. Yet every time we look up, all we see is no opportunity for amendments, no opportunity for supplementals. Nothing in the way of decency is coming forward. I am outraged.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute just to say that I am not going to try to respond to all the political comments that are going to be made here this evening. I understand the minority is upset. They are upset because they are the minority, and I know about that. I served in this House for 24 years under their rule.

And if my colleagues think what our party is doing tonight to manage the business of the House is something wrong, they should go back and look over the 40 years of their own rule. We had more closed rules, we had more autocratic management of this House, we had more weird, crazy, creative schemes to get through the legislative process. And, yes, we complained, just like they are complaining tonight.

But we have to get this job done. Come on. We are already beginning to get ready for our 2004 business. We need to get the 2003 business finished. Like I have suggested on other occasions, let us do our politicking somewhere else. Let us do the people's business here tonight. Let us get this CR out of here.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, we are not objecting to this process tonight because we are unhappy we are in the minority. We are in the minority, and we expect to lose 99 percent of the votes around here. But we do not expect to have denied to us the opportunity to at least engage in the debate.

My question is, what is the majority party afraid of? Our colleagues in the majority have the votes, and if they think we are wrong, outvote us. But the Committee on Rules has taken us beyond that. What the Committee on Rules has done is that they have said, ''Sorry, we are not going to even allow an opportunity to raise any of these questions.''

Now, this issue came up in March of 1999 when the Republicans were also in control. The exact same situation arose. At that time the majority party did the right thing. The Republican Party waived the rule for the majority so that we could proceed, but they also waived the rule so that we could participate equally in the process. That is what the majority party should have done this time around. They should have followed their own earlier example.

I would also say that, in effect, what is happening is that the minority party is being prevented from doing its job because the majority party neglected to pass a 302 allocation. We did not make the determination on this side that that would not happen; the majority party did. So the minority party is

being penalized for the inaction of the majority party. That is quaint in any legislative body.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, as a parent of two small children, I have been told that children pay more attention to what their parents do than what we say. Tonight, I hope the American people will use that commonsense principle in judging Congress. It is not what we say in our speeches that counts so much, but far more important to the American people is what we do.

What has this Congress, what has this House done today? Basically, the Republican leadership has denied the minority an opportunity to present an amendment that would have added $275 million desperately needed in veterans health care. These particular dollars were focused to try to help those veterans who have such critical health care problems that they need specialist care. This $275 million was designed so that veterans who fought for our country so valiantly, so patriotically would not have to wait 6 months for a heart specialist or for some sort of very, very important care.

I would imagine Republicans and Democrats alike on Veterans Day back home go make that speech, that it is wrong for veterans to have to wait 6 months to get the care that they have earned and even fought for, even been wounded to earn. Yet when we have a chance to do something about it, the Committee on Rules, not through the leadership of either the chairmen or the subcommittee chairmen, who are valiant supporters of veterans health care, but through the actions of the Republican leadership in the House, despite all of our great words on Veterans Day and Memorial Day, all our respect for veterans, when we could do something about it tonight, when we could have helped veterans, what are our actions? We are prevented from even having a vote on helping to improve veterans health care in that desperately needed way.

The Republican leadership does not hurt the Democrats when they deny us the right to such a vote, denying Republicans and Democrats the right to that vote. They hurt veterans. These are men and women who fought for this country, men and women who have been willing to die for this country.

So I wish the Republican leadership would reconsider its ill-founded rule that denies not us but veterans the right to get better health care. Let the American people and let veterans know what we parents of small children know: it is what we do that counts, not what we say that counts.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Speaker, I thank the distinguished ranking member for yielding me this time and congratulate my chairman, as always, for trying to do the best job he possibly can under the circumstances and the facts that he is dealing with.

I do not speak in my capacity as whip but as I guess still the ranking member of the Treasury, Postal committee, or whatever capacity I am in, because we have not reconstituted that committee. Mr. Speaker, in the Treasury, Postal committee we included a number of dollars in the supplemental, which would be the subject of the amendment that the gentleman from Wisconsin (Mr. OBEY) speaks of and that we would like to offer and we think is critical.

First of all, there was $400 million in there for the emergency first responders. That is a critical figure. All of us are for that. I do not think anybody is opposed to that. As a matter of fact, all of us were for all the dollars that were in this bill. We voted on it, passed it, and it was sequestered by the President. We believe that it is underminding homeland security not to move ahead with these finances at this point in time.

And not only the $400 million for first responders, but I was at the White House today with the leadership and brought up the funding of the election reform bill. The election reform bill was the most significant bipartisan success that we had in the 107th Congress. The chairman was a very important part of passing that and committing ourselves to funding that election reform legislation to make sure that every American vote not only is cast but is counted accurately. There was $400 million in that bill for that objective.

The President agreed today that we ought to fund that. Mitchell Daniels agreed we ought to fund it. I do not say they were for this particular amendment, but they believe that funding is appropriate funding. As a matter of fact, I am hopeful and believe that we will get a higher figure.

In this amendment was $28.5 million for the Secret Service to support the increased cost to protective details and to implement provisions of the PATRIOT Act we passed to secure our homeland. But it needs funding. This $28.5 million would be in that request.

In addition, there were $39 million for the Customs Service Container Security initiative. We have heard recently the vulnerability of our ports and the infrastructure in our ports to boats, ships coming into our ports that may be laden with explosives. Customs needs to have additional resources in order to check this. I do not think anybody disagrees with that proposition. However, it has languished unfunded.

Mr. Speaker, because my time is short, let me mention also, and lastly, $16 million in the Federal Law Enforcement Training Center, FLETC, located in Glynco, Georgia. All of us know as a result of the tragedy of 9–11 of the outrage that was committed against this country, that we have made a determination that we are going to upgrade the security of our homeland. One of the ways we are doing that is adding Federal security officers. We are adding them at our airports, we are adding them at our Federal buildings, we are adding them in other places in our Federal infrastructure. We need to train them.

□ 1945

This was not anticipated. The demands for the Federal Law Enforcement Training Center have, therefore, been substantially increased. But we have not given them the resources to accomplish that training. In doing so, we undermine homeland security. What we are saying is we ought not to wait. We ought to act, and we ought to act now to protect the homeland security.

It is very nice for us to pass bills and say we want to do this. But if we do not fund it, we cannot do it. We are going to be talking about that at the end of this month. I would hope to find a way to allow this amendment to be offered and that we could pass this amendment overwhelmingly because I believe the objectives are supported.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the gentleman from Maryland (Mr. HOYER) was speaking directly to the issue of the CR and to the issue of the necessary funding, and especially for homeland security. The gentleman is correct. In the supplemental that we presented, we covered most of those items that the gentleman mentioned. The President chose not to release some of those funds, and that was the authority that the President had.

What I would say to the gentleman is my support for those issues is no less today than when we did the supplemental. We are in a procedural situation today. We need to get the CR so we can extend past January 11, which is the present CR, and we have to get the second CR which the gentleman from Wisconsin (Mr. OBEY) has mentioned so we can conclude our work of the 107th Congress.

A lot of Members are congratulating each other in starting out the 108th Congress. My comment to some of my colleagues is I am still trying to get out of the 107th Congress. That is what we need to do tonight. Let us finish the business of the 107th Congress, and then we will get on and take care of the issues that the gentleman from Maryland (Mr. HOYER) has so properly identified.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr.

WALSH), chairman of the Subcommittee on VA, HUD, and Independent Agencies, such as NASA.

Mr. WALSH. Mr. Speaker, I thank the chairman for his leadership and also the distinguished ranking member for the gentleman's hard work.

Mr. Speaker, we had the opportunity to debate all of these issues at the subcommittee level, at the full committee level, and in many cases on the floor. But all of these items have been debated.

It has been stated that there has not been time for debate, but there has been. We have spent hours and hours and hours. We spent 2½ months in our subcommittee putting this very, very complex bill together, the VA–HUD bill. If we could move forward and pass this and then get to a point where we can pass all of the fiscal year 2003 appropriations bills, that would be a good thing.

There has been discussion about veterans. We have substantial increases in veterans' health care benefits in the 2003 bill. We cannot get to those until we pass this continuing resolution and send a bill to the Senate. We cannot make the increases in the housing accounts for the homeless, in housing for people with AIDS, in the section 8 program, in the senior housing programs. We cannot get those funding measures to the department heads and the money to the department heads to implement those policies if we do not pass this bill.

So there has been plenty of time to debate all of the policy issues. We are at a point where we need to bring closure to the 2003 year. I know I have and the other subcommittee chairmen have a lot of work to do. As soon as we complete on these 2003 bills, I will begin hearings for the Veterans Administration, for HUD, for NASA, for FEMA, for the EPA, for the National Science Foundation. There is a tremendous amount of work to be done, and every minute of every day, every hour that we delay here puts our decisions off for the future, and those are critical decisions.

Advocates are coming to us, veterans are coming to us, people from the science community are coming to us and saying please get these bills done so we can begin to plan for next year's bills. If we work very closely with OMB and the House and the Senate work closely together, we will have a budget resolution to work with. That is what happened this year. The House did its job. We passed our budget resolution. The Senate did not. Had they passed a budget resolution, we could have worked out the differences and had a road map to work with. But we did not have that road map. That is why we are at this juncture.

We need to get this work out of the way, get the bills passed, complete our work on 2003 and get a good solid budget resolution passed for 2004 and get these appropriations bills done. It is not that difficult. It is not rocket science, but we need to get last year's work out of the way first.

The SPEAKER pro tempore (Mr. BEREUTER). The gentleman from Florida (Mr. YOUNG) has 9 minutes remaining and the gentleman from Wisconsin (Mr. OBEY) has 21 minutes.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, this continuing resolution which I think instead ought to be called this continuing saga of one budget's lonely effort to struggle into maturity is in part a continuing story of the majority's refusal to allow the corporate responsibility bill to go forward. There is some language in here finally that would allow the Public Company Accounting Board to get a couple million dollars in advance from the Treasury. That comes several months late after a couple of unsuccessful efforts that we made; finally the committee has done this.

But on the committee point of funding the corporate responsibility bill known as the Sarbanes-Oxley bill, this continuing resolution continues to refuse to do that. When the President signed the bill with great fanfare months ago, it called for an authorization of $776 million. This bill has in fact a lower figure than the original budget request as amended, and even if we throw in the pay parity, the appropriations level in this bill, as I last saw it, is more than $200 million less than Sarbanes-Oxley called for. That is $540 million instead of $776 million.

So the President signs the bill with great fanfare, and then refuses to fund it. The Securities and Exchange Commission was given a great number of new responsibilities, and none of them are effectively funded in this bill.

The bill also will continue a situation in which public housing authorities are in crisis. Public housing authorities were told by the Republican Party that when they lost the money for the drug elimination program that had been a specific amount, $300 million, not to worry. When the majority eliminated the drug elimination program, quite surprisingly to me, which made funds available to housing authorities to combat drug abuses in the housing projects by hiring police and other ways, they were told that is okay, they could fund this out of their regular, ongoing operation.

But this bill, this procedure, has shorted those housing authorities. So they, in the first place, lose the $300 million for the drug elimination program, and now they are given less money than they needed even without that $300 million, and already because of the stop and go and interruptions of the continuing resolution and some mistakes on the part of HUD, public housing authorities all over this country are going to be short of money. Elderly people are going to be looking for police protection and maintenance, and people are going to be looking for a whole range of basic protections and they will not be there because of the majority's handling of this matter.

So with regards to both Sarbanes-Oxley and public housing, this bill is sorrily deficient.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. ISTOOK), chairman of the Subcommittee on Treasury, Postal and General Government.

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I think it is always good in exchanges like this that every once in a while we try to come back to reality and discuss what the topic for debate actually is.

What we have under consideration is a continuing resolution so that the Federal Government can stay open through the end of January, so that people who are expecting some sort of Federal benefit, whether it be a Social Security check, whether it is the continuation of Medicare, whether it is the processing of their Veterans Administration disability claim, whatever it may be, we are here to talk about a resolution to enable the Federal Government to keep going through the end of January.

We are in that situation because the kind of bickering that we are hearing from too many people on this floor was what predominated last year and kept us from adopting any permanent appropriations legislation.

Some Members are saying we do not want to talk about keeping things going, we do not want to talk anything until we can solve all of the problems and put a lot of new issues on the table. I guess they want to go ahead and let the government shut down. If that is Members' desire, and what they really want to do is mask that desire through other verbiage that they are throwing at us, I wish they would be open about it.

But the resolution under consideration is to allow continuing expenditures at predetermined, ordinary rates so until we can work out all these problems things do not come to a grinding halt. We are not going to be able to have time to work on the permanent solutions to the very funding problems that Members are complaining about unless we can get things like this through. When all of the time has to be devoted to temporary stopgap measures, that takes away from the time that we need to devote to permanent measures.

The American people spoke last fall in the elections. They said they want us to be solvers. They want us to be

working towards solutions, not bogging down in bickering and petty parliamentary complaints.

Mr. Speaker, this is legislation that we need to adopt. It is responsible. I do not hear Members complaining about it, or the other side of the aisle saying we want to shut things down instead. But they do want to throw all sorts of barriers and roadblocks that will mean the current spending authority will expire, we will have a government shutdown.

We are trying to be responsible, Mr. Speaker. We should pass this resolution tonight so we can then work together on the permanent solutions and the permanent appropriations bills that need to be adopted.

Mr. Speaker, I commend the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations. I thank the leadership for bringing this up, and I urge adoption of the resolution.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I am sorry that the gentleman from Oklahoma (Mr. ISTOOK) feels that we are unduly taxing his capacities by raising all of these complex issues. I did not think that the Sarbanes-Oxley corporate accountability bill came as entirely a shock to Members on the other side of the aisle.

We just heard that we are raising new issues. All we are asking for and all I mentioned was let us fund the Securities and Exchange Commission at the level this House and the rest of the government said was appropriate last August. It is not a complicated matter. I am not trying to raise new obstacles. The gentleman said this is just an ordinary bill.

I thought there was a decision by the Congress and the President last summer that ordinary was not good enough for the Securities and Exchange Commission, that we had to do some extraordinary things to combat abuses in the securities industry. So when I say that we should fund the level that we said we would fund, apparently for the gentleman from Oklahoma (Mr. ISTOOK) that is too complicated.

□ 2000

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee on Commerce, Justice, State and Judiciary.

Mr. WOLF. Mr. Speaker, we wanted to bring some sort of information here because I was listening back in my office. In the CR under consideration today are two provisions providing the Securities and Exchange Commission with additional authorities and resources to protect investors. That is already in the CR. The second provision allows the SEC to fund the start-up expenses of the Public Company Accounting Oversight Board to begin to provide the additional necessary scrutiny in corporate accounting.

There was also a bill put in earlier today, I believe it has been put in, which does the following: with regard to the fiscal year 2003 Commerce-State-Justice appropriations bill, and the gentleman from Massachusetts was referring to this, it includes $776 million for the Securities and Exchange Commission. That is the level that is authorized by the Sarbanes-Oxley bill. It is $209 million, I will tell the gentleman, above the President's request; and it is higher than the amount that was in the Senate bill.

In addition to fully funding the SEC's pay parity cost, the funding will include an increase of $100 million for information technology initiatives such as enhanced automated analytical tools, an integrated document management system, a central data repository and various e-government projects.

It will also, I will tell the body so they feel very comfortable in voting for what the gentleman was talking about on the CR, the funding level will also provide for hundreds of additional accountants, attorneys and examiners to substantially increase oversight of auditors and audit services, enhance the commission's investigative and enforcement capability, improve disclosure of information to investors, and perform various other oversight duties. So that bill has been introduced and is in the hopper tonight.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentleman says it has been introduced, but it is not in this version here. It has been introduced for later adoption. It is not a number that is in this bill.

Mr. WOLF. But it is introduced to be the subject of, and we are committed to those figures, to be the subject of the 2003 conference. We are actually higher with regard to that than what the Senate had. That is the subject of us going to conference. It is higher than what the administration asked for and also higher than what the Senate has.

Mr. OBEY. Mr. Speaker, I yield 1 additional minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Providing more money than this administration asked for for opposing corporate abuses is not a great thing. What the gentleman from Virginia has said is they have now introduced a bill to be acted on at some future date that will carry out the funding level of Sarbanes-Oxley. But the fact is that we are now in our sixth or seventh continuing resolution and we have not got it yet. I am pleased to know that a bill has been introduced, but it does not do anything for the SEC now. Why not simply in this version of the continuing resolution put that number in there? The bill passed in August. The President in August signed the bill and said, ''I'm improving corporate accountability.'' Several opportunities have gone by to actually fund it at that level, and the answer from the gentleman from Virginia is, ''Don't worry. Hope is on the way. The Lone Ranger is coming. We actually introduced the bill.'' I never heard of a bill being introduced that was immediately implemented.

If, in fact, that is the right number, why not have it in this bill?

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. KNOLLENBERG), who has just become chairman of the Subcommittee on Military Construction.

Mr. KNOLLENBERG. Mr. Speaker, I rise in support of this continuing resolution, and I really want to thank Chairman YOUNG for all the hard work that he has put into this process. I want to thank also the gentleman from Wisconsin (Mr. OBEY) on the minority side. It is not easy. I know. This may be one of the hardest jobs in the House that the chairman has and the ranking member, too. The continuing resolution is an essential bill, and obviously I strongly urge all my colleagues to support it. I do not think the appropriations process has ever been easy, and I think this particular situation is maybe one of the most difficult that we have ever had, at least in my understanding. All we can do is take the situation that we have and do the very best that we can. I believe that is exactly what we are going to do.

The President has made it pretty clear, quite clear, that he will not sign any bills that push us over the discretionary level of $750.5 billion. I believe we have to pay attention to that. We have to respect that. And I believe we will. The gulf between the spending levels between the two bodies has now been closed. I understand that we are now close to agreeing to new allocations for the fiscal year 2003 bills that have not been completed.

As my colleagues will remember, this was one of the key problems last year as we attempted, as some attempted, rather, to throw fiscal discipline out the window. Not everybody may be happy, either, with the final allocations; but they are critical to move this process forward. Time is of the essence. We have to complete the fiscal year 2003 bills so we can properly focus on fiscal year 2004, which is why again we must pass this continuing resolution. Further delays run the risk of the Federal Government operating for an entire year under a continuing resolution. That is the alternative. What is it you want to do? If that is what you

want as an alternative, that is the only thing that is out there. I do not think either side of the aisle will be satisfied with that outcome. The blame game is easy. By the way, if I were in the minority, I might be saying some of the same things that you are saying and doing some of the same things.

But the hard work, by the way, is being done by Chairman YOUNG and, yes, Ranking Member OBEY to bring the fiscal year 2003, I am talking about 2003, by the way, and we should be talking about 2004, bring the fiscal year 2003 appropriation bills to a successful resolution.

I just say, let us pass this CR and let us get back to work. I urge my colleagues to support this bill.

Mr. OBEY. Mr. Speaker, will the gentleman yield for a point of clarification?

Mr. KNOLLENBERG. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, let me make clear to the gentleman, if our amendment is passed, we are still substantially below the Republican budget resolution numbers. We do not exceed the amount dictated by the White House. We simply make sure that the money is used for homeland security, for the SEC, and for the other items that you have already voted for in the supplemental.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Arizona (Mr. KOLBE), chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. KOLBE. Mr. Speaker, I rise in support of this resolution to provide for continuing appropriations for the United States Government through January 31 of this year with the exception, of course, of the Defense and Military Construction bills that we have already passed and have had enacted into law.

Like a lot of my colleagues and certainly other members of the Committee on Appropriations, I have been frustrated that we were not able during the regular course of events last year and even into the beginning of the next fiscal year, but still during the course of the 107th Congress, that we have found ourselves unable to complete work on the appropriations legislation for fiscal year 2003. And so we find ourselves here in the 108th Congress, a new Congress, a new body, new committees, new personnel, faced with still doing almost all of the appropriation bills for 2003. I am not into the blame game of pointing the fingers as to where the responsibility for this lies. I think that one can look at the political facts that caused us all, neither side, to want to complete the work during the calendar year 2002.

And so we find ourselves here in 2003, at the beginning of a new Congress, a new calendar year, and in the second quarter of this fiscal year with the appropriation bills still unfinished. I have high hopes that the new Congress, the 108th Congress, can move speedily to complete this work. But it cannot be done unless we give authorization to the government to continue its work, all the agencies of the Federal Government that have appropriations to continue their work past this coming weekend and to the end of this month. While we are gone from Washington in the next couple of weeks, the Senate will be taking up these appropriation bills. The plan is that they will add them to our continuing resolution and we will have an opportunity to go to conference and discuss them there.

Whatever one thinks of the process, I think one has to look at the end result, which is to try to get the appropriation bills done for 2003 so that we can get into the regular appropriation bills for 2004, and I think all of us understand that there is going to be a supplemental appropriation bill as well coming up in the next couple of months to deal with the military and political crisis that we find ourselves dealing with in the Middle East and South Asia.

And so, Mr. Speaker, I would hope that this body would support this continuing resolution, that we would adopt it, and that we would get on with the work of adopting the bills for 2003 before the end of this month and that we can do the regular work of fiscal year 2004 in the next year.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

I take this time, Mr. Speaker, to explain to the House the amendment that I will shortly offer. That amendment will do essentially two things: it would provide an additional $308 million for the Securities and Exchange Commission to increase funding to the level agreed to in the Sarbanes-Oxley bill. Secondly, it would make available $5.1 billion in critical funding already agreed to by the House last year as contingent emergencies in the fiscal year 2002 supplemental. That money will pay for items such as helping to find, arrest and deport high-risk individuals who have disregarded the departure date on their visas. It would provide for increased security of U.S. nuclear weapons and nuclear materials at DOE weapons labs, money which the DOE has asked for. It would provide money for the Customs Container Security initiative suggested by the agency. It would provide $275 million for veterans health care, which this House has already approved on a contingent appropriation basis. It would provide $415 million for grants to State and local first responders, and a variety of other items which the House has already approved, but which the President has declined to release.

As I told the House earlier today, right after the election I was watching McNeil-Lehrer. In their panel discussion, Tom Oliphant, the columnist, was asked what the role of the Democratic Party was going to be now that the Republican Party had all of the marbles in every institution. He said, ''Well, their obligation as the minority is to offer alternatives to what the majority proposes.'' That is exactly what we are trying to do. The problem with the rule that was adopted earlier is that it attempts to preclude us from meeting those responsibilities as a minority to offer constructive alternatives. In the process, it also denies the ability to hold either the majority or the minority accountable for the decisions they make. That is why we are attempting to move forward with this amendment.

I would hope when the time comes that no point of order is lodged against the amendment so that we can, in fact, meet the obligations that we have in this House to be a real legislative body, not a Soviet-style Congress where a few unknown individuals make decisions and then subvert the process in order to predetermine the outcome.

□ 2015

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of the time.

I will be very brief just to say that it has been an interesting debate as usual. I appreciate the work that the gentleman from Wisconsin (Mr. OBEY) and I are able to do together because we do agree a lot. My position is we should pass this CR and get on with completing the work of the 107th Congress. There are a lot of good issues raised here today by the gentleman from Wisconsin (Mr. OBEY), by the gentleman from Maryland (Mr. HOYER), by others, but those will be fixed, and I am as anxious as they are to get those fixes in place. I would like to pass this CR now. I would like to take up the second CR immediately, pass it now, and get on to finalizing the work of the 107th Congress by completing the appropriations process for that Congress because we are starting the process for the 108th Congress for fiscal year 2004.

We anticipate the budget from the administration shortly. We will begin our hearings in our subcommittees shortly. We will have a budget resolution this year that we will begin then to mark up our bills and bring them to the floor, but let us get this behind us, let us get this off the table, get it off the desk, get it out of contention. Pass the CR and let us get on to the business of the 108th Congress.

Mr. BLUMENAUER. Mr. Speaker, only one day into the new Congress and the Republican Leadership's procedures for advancing legislation are an outrage that purposefully seeks to limit meaningful debate. By stifling opportunities to present alternatives by either Democrats or Republicans, the House leadership is showing its unwillingness to legislate and its lack of fiscal responsibility.

This morning we passed legislation to extend unemployment benefits for millions of Americans out of work. Unfortunately, due to the Republican leadership procedures, provisions could not be added to provide benefits to 1 million whose benefits have already expired.

Now, with this Continuing Resolution, we are faced with a provision for the Department of Homeland Security that would allow the Administration to bypass a normal review by the Transportation and Infrastructure Committee and win blanket approval on the House floor for its plan to lease up to 575,000 square feet at a cost of up to $250 million. There are important security, infrastructure, and fiscal considerations left undiscussed by this approach.

The Republican leadership is not just afraid of the Democratic proposals, but they are afraid of their own moderate members and the American public. Decision-making that leaves out normal congressional and committee processes is an attempt to remove democratic debate and public opinion from the table. This is a horrible way to begin the new Congress. The American public deserves better.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to oppose H.J. Res. 1, the continuing resolution to fund the Federal Government through January 31. It is an abomination that only two appropriations bills have been passed by this Congress—the Defense and Military Construction bills. We have essentially been operating without set spending levels for the Federal Government since the fiscal year began October 1.

My priorities include funding for education, protecting Medicaid, and providing funds for HIV/AIDS in Africa. I understand the fiscal constraints, but I also realize that Federal agencies and our constituents need funding provided from the various appropriations bills.

This resolution does extend entitlement payments including Food Stamps, Medicaid Grants to states and veterans' entitlements. The appropriations bills that fund these programs have not been passed. We simply cannot keep passing continuing resolutions with set spending levels. Congress is not living up to its responsibility as stated in the U.S. Constitution in Article 1.

Congress must do its work. We have eleven appropriations bills that have yet to be passed by Congress and enacted into law. The Labor-HHS appropriations bill funds the Department of Education, the Department of Labor, and the Department of Health and Human Services.

The Democratic priorities in education health care must be fully funded. Last year, we passed the No Child Left Behind Act, but have yet to fund the bill at levels to ensure the adequacy of the measures contained in the education bill.

I am concerned about the increasing spread of AIDS/HIV in Africa. I support funding for research in this area and getting the necessary medical supplies and medicine to combat this disease to Africa.

Congress adjourned last year with much unfinished business. Passing the appropriations bills must be on our list of priorities. We cannot continue this uncertainty in the budget process. This is the sixth continuing resolution.

The president will soon release his fiscal year 2004 budget and we have not yet passed eleven funding bills for fiscal year 2003.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OTTER). All time for debate has expired.

The joint resolution is considered read for amendment, and pursuant to House Resolution 15, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. OBEY. I think the Speaker can safely assume that, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the joint resolution H.J. Res. 1 to a select committee consisting of Mr. YOUNG of Florida and Mr. OBEY of Wisconsin with instructions to report the same back to the House forthwith with the following amendments:

Page 1, line 5, after ''2003'', insert the following:

''*Provided*, That notwithstanding any other provision of this joint resolution, $776,000,000 is available for the Securities and Exchange Commission, Salaries and expenses.''

At the end of the joint resolution, add the following new section:

SEC. 7. Public Law 107–229 is further amended by adding at the end the following new section:

''SEC. 138. In addition to the amounts made available by section 101, and subject to sections 107(c) and 108, amounts made available in Public Law 107–206 only to the extent that an official budget request is transmitted by the President shall be considered available for obligation.''.

Mr. OBEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

POINT OF ORDER

Mr. GUTKNECHT. Mr. Speaker, I make a point of order against the motion to recommit because it violates section 302(c) of the Congressional Budget Act.

The SPEAKER pro tempore. Does the gentleman care to argue further on his point of order?

Mr. GUTKNECHT. Mr. Speaker, Section 302(c) prohibits the consideration of any amendment that provides for new budget authority for a fiscal year until the Committee on Appropriations has made the suballocations required by section 302(b) of the Congressional Budget Act.

This motion to recommit increases the amount of budget authority provided by the measure. The suballocations published by the Committee on Appropriations on October 10 of 2002 lapsed upon the adjournment of the 107th Congress, and no 302(b) suballocations have been made for the 108th Congress. Hence I make the point of order that this motion to recommit violates section 302(c) of the Congressional Budget Act.

The SPEAKER pro tempore. Does the gentleman from Wisconsin wish to be heard on the point of order?

Mr. OBEY. Mr. Speaker, what the gentleman from Minnesota is asserting is that the minority should not be allowed to offer a legitimate amendment because the majority did not fulfill its responsibilities to abide by certain provisions of the Budget Act and by the timetable of that act. I find that highly objectionable especially since the Committee on Rules has already waived the requirement as far as the majority party is concerned. It seems to me that the House rules certainly ought to allow the minority the same privilege that the majority has arranged by rule.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. FRANK) is recognized.

Mr. FRANK of Massachusetts. Mr. Speaker, when we have points of order, they are important because they establish precedents, and for that reason I intend, if the Chair rules in favor of this point of order, to join in trying to overturn it because I cannot think of a more damaging precedent.

What this does is to take advantage of the fact that the House did not complete the fiscal 2003 appropriations when it should have in the last calendar year. Thus we are now dealing with fiscal 2003 appropriations in a Congress later than we should, not just a year later but in a Congress later than we should. Because it is a later Congress than it should be, the 302(b) allocations expired. Instead of routinely reenacting them, the majority waived the requirement for itself in a rule and did not waive it for any amendment; so the precedent being set will be as follows: Do not get the work done on time, let it go over until the next Congress months after it should have been done; then abstain from the routine act that the gentleman from Wisconsin mentioned, give yourself a waiver from your failure to act, and do not give it to anyone else. So the precedent is that if you delay the appropriations bills, you can bring them to the floor in an unamendable fashion, totally unamendable so that when we complain about the underfunding of the Securities Exchange Commission we are told do not despair, we have introduced a bill and one of these days we might even act on it. Nothing could be more damaging to the democratic fabric of this House.

And I will say that I often, when an appeal to the Chair is made, will vote

to uphold the Chair even when I disagree with the legislative consequence, but in this case we are not talking about a standing rule of the House. We are not talking about interfering with those rules that try to govern our deliberations. We are talking about objecting to a deliberate scheme to bring the appropriations for the entire government to the floor of the House in an absolutely unamendable fashion.

The leadership on the other side used to boast, the chairman of the Committee on Rules, about we always get a motion to recommit. This is a motion to recommit, an entirely germane motion to recommit on the substance that is being ruled out of order on this ground, and for that reason I hope the Chair will not sustain this degradation of democracy.

Mr. NUSSLE. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The gentleman from Iowa is recognized.

Mr. NUSSLE. Mr. Speaker, just to correct the record, the gentleman from Massachusetts is one of the experts when it comes to the rules of the House, and I commend him for that, but just to be technically correct with regard to his statement, it is not because we failed to do appropriation bills that the 302(b) allocations did not carry forward. It is because the Senate failed to produce a budget that the 302(b) allocation did not carry forward. Had a budget resolution been completed, the 302(b) allocations would have carried forward even though it was a new Congress.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman, and that is true. But it is also true that we could have in this House passed those appropriations bills without any action from any other body, and it is a fact in addition that we did not finish the work last year that put us in the situation which the majority takes advantage of by denying the House the chance to have even a germane recommit on the motion.

The SPEAKER pro tempore. The Chair would take this opportunity to remind those who are speaking to the point of order that their comments should be directed through the Chair.

The gentleman from Iowa is recognized.

Mr. NUSSLE. Mr. Speaker, I support the point of order. The gentleman from Massachusetts is correct that certainly appropriation bills could have moved forward. We deemed the budget in order for that process to continue. There are many reasons why appropriation bills did not move forward, but the only fact I wanted to make clear for the RECORD and for the purpose of precedent setting, if there will be precedent setting this evening, is that in fact it was the failure of a budget to be produced by the Senate and not failure of appropriation bills to be produced that causes this extraordinary procedure to occur this evening. I hope this is not precedent setting because it is very unfortunate that in fact for the first time since the 1974 Budget Act was passed that the other body failed to produce a budget.

Mr. Speaker, I support the point of order.

The SPEAKER pro tempore. Unless the gentleman from Minnesota desires to speak further on the point of order, the Chair is prepared to rule.

Mr. GUTKNECHT. Mr. Speaker, I will let the Chair rule.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. GUTKNECHT) makes a point of order that the amendment proposed in the motion to recommit offered by the gentleman from Wisconsin (Mr. OBEY) violates section 302(c) of the Congressional Budget Act of 1974. Section 302(c) precludes consideration after the Committee on Appropriations has received a section 302(a) allocation for a fiscal year of a measure within the committee's jurisdiction that provides new budget authority until the committee makes the suballocations required under section 302(b).

The amendment proposed in the motion offered by the gentleman from Wisconsin provides new budget authority, and the Committee on Appropriations has not made the required section 302(b) suballocations, and as such, the motion to recommit violates section 302(c) of the Budget Act. The point of order is sustained, and the motion is not in order.

Mr. FRANK of Massachusetts. Mr. Speaker, I move to appeal the decision of the Chair.

The SPEAKER pro tempore. The question is: Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. GUTKNECHT

Mr. GUTKNECHT. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) to lay the appeal on the table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 217, nays 192, not voting 24, as follows:

[Roll No. 10]

YEAS—217

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—192

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hall

Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Woolsey
Wu
Wynn

NOT VOTING—24

Baird
Ballance
Becerra
Cardin
Gephardt
Gillmor
Goss
Gutierrez
Hayworth
Janklow
Kilpatrick
Kind
Lipinski
McCrery
McInnis
Miller, Gary
Napolitano
Nethercutt
Oxley
Payne
Rush
Slaughter
Towns
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OTTER) (during the vote). The Chair would advise Members of the House that there are 2 minutes remaining on the 15-minute clock.

□ 2045

Ms. BONO and Mr. ISSA changed their vote from ''nay'' to ''yea.''

So the motion to table the appeal of the ruling of the Chair was agreed to.

The result of the vote was announced as above recorded.

□ 2045

MOTION TO RECOMMIT

Mr. OBEY. Mr. Speaker, I offer an alternative motion to recommit at the desk.

The SPEAKER pro tempore (Mr. OTTER). Is the gentleman still opposed to the joint resolution?

Mr. OBEY. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the joint resolution, H.J. Res. 1 to a select committee consisting of Mr. YOUNG of Florida and Mr. OBEY of Wisconsin with instructions to report the same back to the House forthwith with the following amendments:

(1) On page 3, line 8, of the joint resolution, strike everything after ''December 24, 2002,'' to the end of the section and insert the following ''shall require approval by the Committee on Environment and Public Works of the Senate and a select committee of the House consisting of Mr. Young of Alaska, Mr. LaTourette of Ohio and Mr. Oberstar of Minnesota.

(b) PROHIBITION ON DELEGATION.—The authority of the General Services Administration to lease space under this section may not be delegated to any other department or agency.''

(2) At the end of the joint resolution, insert the following section:

''SEC. 7.—Public Law 107–229 is further amended by adding at the end the following new sections:

''SEC. 138. None of the funds made available by this Act may be used to implement section 1717 of the Homeland Security Act of 2002 or the amendments to section 2133 of the Public Health Service Act made by sections 1714, 1715 and 1716 of the Homeland Security Act of 2002 (other than to process, adjudicate or pay claims for compensation under the program established by subtitle 2 of title XXI of the Public Health Service Act).

''SEC. 139. None of the fund made available by this Act may be obligated by the Secretary of Homeland Security in violation of section 835 of the Homeland Security Act of 2002, which for purposes of this section shall be applied (1) by inserting immediately before the period in subsection (a) 'or with any direct or indirect subsidiary of such an entity' and (2) by substituting the phrase 'before, on or after the date' for 'after the date' in subsection (b)(1) of such section 835.''.''

Mr. OBEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

POINT OF ORDER

Mr. YOUNG of Florida. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. YOUNG of Florida. Mr. Speaker, the House is not in order.

The SPEAKER pro tempore. The gentleman is correct. The House will be in order.

The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, this motion to recommit would do three things: It would modify the language in the Department of Homeland Security legislation to prevent existing corporations who moved offshore to avoid paying their fair share of taxes from getting government contracts from that agency. It would bring the bill back in line with the language this House voted to include by a vote of 318 to 110 on the motion to recommit offered by the gentlewoman from Connecticut (Ms. DELAURO) last July.

The Joint Committee on Taxation has estimated that over the next 10 years corporate expatriates would cost us more than $4 billion in funds that could help pay for our Nation's security.

The second point of this motion to recommit would be to suspend the operation of one of the most egregious provisions inserted into the Department of Homeland Security legislation at the last minute last year. That is a provision apparently designed to shield the giant drugmaker Eli Lilly & Company from lawsuits that have been brought by parents of autistic children claiming that their children's disease was caused by a vaccine preservative.

There may be good reason to ultimately require claims of this type to be brought under the Federal Vaccine Injury Compensation Program, but if that is done, it should be done openly in the sunshine after proper hearings and deliberation, not in a back room deal at the last moment.

Thirdly, this motion would restore the authority of the Committee on Transportation and Infrastructure to review the leasing of space for the new Department of Homeland Security, replacing the provision in the CR that simply approves the administration proposal without any congressional oversight or scrutiny whatsoever.

We do not stop them from going forward, we simply say that they must follow the procedure of having some review by the committee of jurisdiction before they proceed to spend a great deal of taxpayers' money on leasing property which at this point has been reviewed and overseen by no one whatsoever in the Congress.

Ms. DELAURO. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Speaker, I thank the gentleman from Wisconsin for yielding to me.

I just wanted to remind my colleagues, Mr. Speaker, that in fact there were 318 people in this body last year who came together and we voted to end the practice of rewarding those corporations who take their corporations overseas just for the ostensible purpose of not paying their taxes, of avoiding their most basic responsibility. We said no, they can no longer do that and get rewarded with government contracts.

Why? Why are we weakening the language that 318 or 319 people voted on? It is what we expect of American citizens, to pay their taxes every year. Why are we going to weaken this law with regard to these corporations? We have an opportunity tonight to right this wrong.

When push came to shove, this House weakened its language. We put good corporate citizens at a permanent disadvantage by protecting these companies who have moved overseas to avoid their most basic responsibility, and tonight we have the opportunity to right that wrong. We will not be acting responsibly this evening if we in fact vote to allow a small number of people who, quite frankly, put aside their

American responsibilities, at a time when this Nation in fact is ostensibly on its way to war, and allow them to do what we would not allow anyone else to do.

We ought to right this wrong, we ought to vote for this motion to recommit, and live up to our responsibilities as the representatives of the good people of this country.

The SPEAKER pro tempore. Does the gentleman from Florida (Mr. YOUNG) rise in opposition to the motion to recommit?

Mr. YOUNG of Florida. Mr. Speaker, I definitely rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, as is so often the case, the motions of the gentleman from Wisconsin (Mr. OBEY) are creative and appealing, and address subjects that should be addressed.

What I would ask the House to do is to reject the motion to recommit. Let us get on with the regular order of dealing with these issues in the regular order, which we expect to do in a very expeditious manner.

At this point, because we do not want to make too many major decisions in the dark of night, as we hear so often, let us simply vote against this motion to recommit, pass the continuing resolution, deal with House Joint Resolution 1, and get out of here for tonight.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote, if ordered, on the question of passage, and, after that, on the motion to suspend the rules and adopt House Resolution 10.

The vote was taken by electronic device, and there were—ayes 192, noes 220, not voting 21, as follows:

[Roll No. 11]

AYES—192

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Baird
Ballance
Cardin
Gephardt
Gillmor
Goss
Gutierrez
Hayworth
Janklow
Jefferson
Kilpatrick
Kind
Lipinski
McCrery
McInnis
Miller, Gary
Nethercutt
Payne
Rush
Towns
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OTTER) (during the vote). The Chair would advise Members that there are 2 minutes left on the 15-minute clock.

□ 2112

Mrs. MALONEY changed her vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. NETHERCUTT. Mr. Speaker, due to a family emergency, I was unavoidably absent on January 8, 2003. I ask the RECORD to reflect that, had I been present, I would have voted "yea" on rollcall vote 7, final passage of S. 23, the Unemployment Insurance Benefits Extension Act.

CONGRATULATING OHIO STATE UNIVERSITY BUCKEYES FOOTBALL TEAM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 10.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Ohio (Mr. TIBERI) that the House suspend the rules and agree to the resolution, H. Res. 10, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 1, answered ''present'' 4, not voting 24, as follows:

[Roll No. 12]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Sensenbrenner

ANSWERED ''PRESENT''—4

Hinchey
Obey
Sanders
Tierney

NOT VOTING—24

Baird
Ballance
Bilirakis
Brady (TX)
Cardin
Gillmor
Goss
Gutierrez
Hayworth
Janklow
Kaptur
Kilpatrick
Kind
Lipinski
McCrery
McDermott
McInnis
Miller, Gary
Nethercutt
Payne
Rush
Sullivan
Towns
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OTTER) (during the vote). The Chair would advise the Members that there are 2 minutes left in the 5-minute vote.

□ 2119

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, unfortunately, personal business requires my presence in the district. Had I been present for today's legislative business I would have cast my votes as follows: "nay" on rollcall No. 5, on ordering the previous question during consideration of H. Res. 14; "aye" on rollcall No. 6, on the motion to instruct offered by the gentleman from Washington (Mr. MCDERMOTT); "aye" on rollcall No. 7, S. 23, the Unemployment Insurance Benefits Extension Act; "nay" on rollcall No. 8, on ordering the previous question during consideration of H. Res. 15; "aye" on rollcall No. 9, the motion to adjourn; "nay" on rollcall No. 10 on the motion tabling the appeal of the ruling of the chair; "aye" on rollcall No. 11 on the motion to instruct offered by the gentleman from Wisconsin, Mr. OBEY; and "yea" on rollcall No. 12 on passage of H. Res. 10, a resolution congratulating the Ohio State University Buckeyes football team.

PERSONAL EXPLANATION

Mr. GOSS. Mr. Speaker, this evening I had to depart early for a previously scheduled meeting. As a result, I was not able to be present for rollcall votes 10, 11, and 12. Had I been present, I would have voted "yea" on rollcall vote 10, "nay" on rollcall vote 11, and "yea" on rollcall vote 12.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 2, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MAKING FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 15, I call up the joint resolution (H.J. Res. 2) making continuing appropriations for the fiscal year ending September 30, 2003, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 2 is as follows:

H.J. RES. 2

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107–229 is further amended by striking the date specified in section 107(e) and inserting in lieu thereof ''January 31, 2003''.

SEC. 2. Public Law 107–229, as amended, is further amended in section 120, by striking ''and December 1, 2002,'' and inserting ''December 1, 2002, January 1, 2003, and February 1, 2003,''.

SEC. 3. Section 613 of the Treasury and General Government Appropriations Act, 2002, is amended (1) by striking ''2001'' and ''2002'' each place it appears and subsection (a)(1), as so amended, by inserting ''(as in effect on September 30, 2002)'' after ''Act, 2002''

and after ''such section 613'': *Provided*, That such section, as so amended, shall be effective through September 30, 2003, notwithstanding section 107 of this joint resolution.

SEC. 4. Public Law 107–229, as amended, is further amended by striking section 137 and inserting the following new section:

''SEC. 137. (a) Notwithstanding any other provision of this joint resolution, in addition to amounts made available in section 101, and subject to sections 107(c) and 108, such sums as may be necessary shall be available to the Securities and Exchange Commission for the Secretary of the Treasury to advance start-up expenses to the Public Company Accounting Oversight Board pursuant to section 109(j) of the Sarbanes-Oxley Act of 2002 (Pub. L. 107–204).

''(b) Notwithstanding any other provision of this joint resolution, upon the collection of fees authorized in section 109(d) of the Sarbanes-Oxley Act of 2002 (Pub. L. 107–204), the Public Company Accounting Oversight Board shall reimburse the Securities and Exchange Commission for any Commission appropriations advanced to the Board for start-up expenses pursuant to section 109(j) of such Act or subsection (a) of this section, so as to result in no net effect of such advances on appropriations available to the Commission in fiscal year 2003.''.

SEC. 5. Section 8005 of the Department of Defense Appropriations Act, 2003 (Pub. L. 107–248) is amended by inserting before the period at the end the following: '': *Provided further*, That in addition to the transfer authority provided in this section, and subject to the terms and conditions of this section except the limitation in the fourth proviso, only to meet unforeseen requirements associated with the global war on terrorism, the Secretary of Defense may transfer an additional $2,500,000,000 of working capital funds of the Department of Defense or funds made available in titles I through VII of this Act to the Department of Defense for military functions (except military construction), including programs and activities of the National Foreign Intelligence Program (with the concurrence of the Director of Central Intelligence) and the United States Special Operations Command, between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred''.

SEC. 6. (a) APPROVAL OF PROSPECTUS.—For purposes of section 3307(a) of title 40, United States Code, the prospectus of General Services Administration entitled ''Prospectus—Lease, Department of Homeland Security, Washington, DC Metropolitan Area'', prospectus number PDC–08W03, as submitted on December 24, 2002, is deemed approved by the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the date of enactment of this Act.

(b) PROHIBITION ON DELEGATION.—The authority of the General Services Administration to lease space under this section may not be delegated to another department or agency.

(c) MODIFICATIONS.—Any modification to the prospectus referred to in subsection (a) that is subject to approval under section 3307 of title 40, United States Code, shall be approved in accordance with the requirements of such section.

SEC. 7. Section 126 of Public Law 107–229, as added by Public Law 107–240, is amended to read as follows:

''SEC. 126. Notwithstanding any other provision of this joint resolution, except section 107, the District of Columbia may expend local funds for programs and activities under the heading 'District of Columbia Funds—Operating Expenses' at the rate set forth for such programs and activities in the revised financial plan and budget for the District Government for fiscal year 2003 submitted to Congress by the District of Columbia pursuant to section 138 of H.R. 5521 of the 107th Congress, as reported by the Committee on Appropriations of the House of Representatives.''.

The SPEAKER pro tempore. Pursuant to House Resolution 15, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, this resolution, H.J. Res. 2, is identical to H.J. Res. 1 except for one thing, and that is the provision that allows the Defense Department the authority to transfer within their own accounts, they cannot go outside of their accounts, but to transfer up to $2.5 billion within their accounts to fight the war on terrorism, to pay for Enduring Freedom and to do the necessary things to make the security of our Nation happen.

Other than that, it would also become the vehicle, we hope the vehicle, for the final appropriations bill for last year. We plan to conclude all of last year's appropriations bills using this as a vehicle that we will send to the Senate. We hope that they will do the right thing and send it back to us and we will either vote on it or go to conference.

Anyway, that is how we are going to conclude our 107th Congress appropriations business.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Let me simply say that in Wisconsin only cows chew cuds twice, and so we have the same concerns about the consideration of this resolution, but we have already made those concerns quite clear. I see no point in dragging it out.

Let me simply say that with respect to the one difference between this resolution and the previous resolution, on this side of the aisle we agree with the provision that the gentleman is providing. I think it is a constructive provision.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the distinguished gentleman, and I am going to rush through my comments, and to the chairman of the committee.

I, too, just want to associate myself with the remarks of the earlier debate, but I do want to express the fact that the running of government impacts on the lives of individuals, particularly those who are facing stress, economic stress, and we dealt with this in the unemployment legislation that we passed, but here is my concern as it relates to my particular congressional district.

My concern is public hospitals and the lack of increased funding for Medicaid. I believe it is important to put on the RECORD that we are seeing increased numbers of individuals going to our public hospitals because they have no insurance, they have no alternatives. They are utilizing Medicaid. Some of that obviously has an enormous shortfall, and so the burden is falling upon my local county government.

The longer we stay in this condition, without the actual passing of appropriations bills, the longer we put the burden on the States, the longer we put the burden on local government.

So I just argue that we can pass this CR to the 31st, we passed the other one to the 31st, but all the issues we are concerned about, funding for HIV–AIDS, increased funding for Medicaid, funding Leave No Child Behind, all of that falls, if you will, around our feet and people are suffering. I am just hoping that we will have an opportunity to work in a bipartisan manner on the crisis that is going on in our districts, and we will come to a point where we recognize that we have got to address the needs of working people, but we have also got to address the needs of uninsured and impoverished who need this government to work on their behalf.

Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) very kindly for his time.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I just ask for a yes vote on this resolution, and I yield back my time.

The SPEAKER pro tempore. All time for debate has expired.

The joint resolution is considered read for amendment, and pursuant to House Resolution 15, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain requests for special orders without prejudice to regular business.

GRANTING MEMBERS OF HOUSE PRIVILEGE TO EXTEND REMARKS AND INCLUDE EXTRANEOUS MATERIAL IN CONGRESSIONAL RECORD FOR FIRST SESSION OF 108TH CONGRESS

Mr. WOLF. Mr. Speaker, I ask unanimous consent that for the first session of the 108th Congress all Members be permitted to extend their remarks and to include extraneous material within the permitted limit in that section of the RECORD entitled ''Extensions of Remarks.''

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ENERGY INDEPENDENCE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, of course our Nation is on the verge of war, a war against what is called terrorism. It is interesting to think about that word. It is kind of a nebulous term. The enemy moves around the world. I think it is important to take a look at what is happening here at home and to think about who it was that crashed into those trade towers and where they originated from and what might have propelled the hatred that was directed against the people of our country on our home soil.

It is very interesting that the majority of hijackers came from the nation of Saudi Arabia. We look at where they came from, where they were educated and what their motives really were. It is interesting that Saudi Arabia remains the country from which the United States is importing the greatest share of petroleum, and if we look at the balance of accounts today, the primary area in which we have yielded a trade deficit with the world is in imported petroleum.

Oil prices are going up over $33 a barrel. Every time we go to the gas pump and we buy a gallon, over half of what we spend goes to countries like Saudi Arabia, Kuwait, Iraq, Venezuela, Nigeria. It is very clear what has been happening. In fact, the current recession we are in, starting in March 2001, was triggered by rising oil prices, and in fact, rising prices at the pump are driving us into deeper recession every day.

When will America see who is controlling the innards of this economy and how where we are importing this oil from is affecting the politics of the world?

□ 2130

Today, I have introduced a bill that will create a biofuels independence initiative for our country. It is time for America to erase our key strategic vulnerability, and that is to imported petroleum and the evil politics that it yields globally.

America has not been serious. Over the decade of the 1980s and 1990s, in spite of four recessions and major oil embargoes, we have continued to import more and more petroleum, which by the year 2050 will indeed be a scarce world resource. Armed forces from throughout the United States have been building air fields in the Middle East. We are being asked to appropriate over $100 billion to defend the Occidental pipeline in the nation of Colombia. And Venezuela teeters as we sit here this evening.

It is time to pay attention to where the oil comes from, and it is time to do something here at home to revive the sagging and critical state of rural America and, at the same time, create jobs from coast to coast.

One of the most important and neglected areas that we can do something about, if we are serious, is to create the kind of umbrella across our country, as we did with the National Rural Electrification Administration and the National Telephone Administration. We can do the same with the National Biofuels Corporation, so that from coast to coast, where acres can be turned to productive use and move farmers from farming for a government check by going to their mailbox, to farming the marketplace and producing new, renewable clean fuels for America, we will have a win-win-win across every State in this Union.

There are other answers to our energy crisis: cleaning up coal in the Coal Belt that lies between Pennsylvania and Illinois, which has more Btus under the ground than the entire Middle East. Why can we not see it? Why can we not, a Nation that can clean up chemical weapons in Pine Bluff, not find a way to clean up coal? We are not serious.

The bill that we are introducing today says America is long overdue from sending her Marines around the world in special forces to protect the oil highways over the seas. It is time to produce our way to energy independence and create real growth inside this economy.

It should be interesting also for people to know that with every billion dollars of trade deficit that we rack up, that we cannot pay for here at home because of our imports, we have to bond our indebtedness. Today, the United States of America is in hock to about 12 nations around the world, including those very same oil kingdoms, but also nations like China. Not exactly a democratic state.

So I say, think about it, America. Take a look at our Energy Independence Act, H.R. 103. Think about making America energy independent in 10 years. It is time. And it is time to bring our troops home, not conducting any wars for oil on any continent.

HONORING NEW CONSTRUCTION OF JOHN H. STROGER, JR. HOSPITAL OF COOK COUNTY

The SPEAKER pro tempore (Mr. REHBERG). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, a few days ago the Cook County Board of Commissioners opened a brand new public hospital in Chicago, the John H. Stroger Cook County Hospital. I rise to congratulate and commend President Stroger, the Cook County Board of Commissioners, Ms. Ruth Rothstein, director of the Bureau of Health Services for the county, Mr. Lacy Clay, director of the hospital, and all of the staff for making this milestone possible.

Mr. Speaker, Cook County Hospital is one of the finest hospitals in the Seventh Congressional District and in the nation. Since the 1800s, Cook County Hospital has delivered comprehensive primary, specialty and tertiary health care services to all residents of Cook County, despite socioeconomic status, being uninsured, or their ability to pay. With the astonishing fact that 98 percent of patients who arrive alive at the trauma center survive, this public hospitals is well known nationwide.

Cook County Hospital excels in services and expertise for its level I trauma center, burn unit, the largest neonatal intensive care unit in the Midwest and its women's cancer center, which treats 30 percent of the women with breast cancer in the county. Yet Cook County Hospital could not be the model for public hospitals in our Nation if it were not for the hospital's extraordinary staff. The staff is commended for their consistent dedication and enthusiasm for giving the highest quality of care, even when they worked in a hospital constructed over 100 years ago, which made the task of serving the needs of patients much more complicated.

However, the staff has extended their participation of saving lives in the hospital to help save lives in the communities surrounding the hospital. Though half of the admissions in the trauma unit are a result of assaults, and the majority of those from gun violence, the hospital staff decided to pursue efforts to reduce violence by creating a violence prevention task force, which helped spawn the Chicago Violence Prevention Strategic Plan.

However, on Thursday, December 12, 2002, the historic beauty on West Harrison Street that inspired the hit television show ''ER'' stopped accepting patients. The remarkable medical staff and their patients were moved to the new modern facility, the John H. Stroger, Jr. Hospital of Cook County. The patients and staff will now be air conditioned in the summer, have access to oxygen hookups in each room, and have a hospital-wide paging system.

And although the staff expects quality of care to improve along with efficiency, they are certain that the largest impact will be on patients, who gained private bathrooms for the first time, televisions and telephones in their rooms, and nurses stations that are in close proximity in the new hospital. This new hospital will have fewer beds and is smaller than the old, but it is a reflection of the changing times, with fewer inpatient and a growing number of outpatient procedures.

Mr. Speaker, I believe that this new development is a testament to Cook County's sensitivity and farsightedness by investing in public health care at a time when cities and counties around the country are closing public hospitals or cutting back services. I commend the Cook County Board in its efforts to make real their mission statement: to provide a comprehensive program of quality care with respect and dignity to the residents of Cook County regardless of their ability to pay.

This new hospital positions the county to do just that, and I again commend them for their farsightedness and their sensitivity in providing high-quality health care to even those with the least ability to pay.

AMERICAN DREAM TAX RELIEF ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, from the time I arrived in Washington, D.C., now fully more than 2 years ago, I pledged myself to my constituents in eastern Indiana to fight to renew the American Dream; that is that dream of every American, whatever their race, whatever their creed, whatever their color, that they might better themselves and better their families so that not only they but their posterity could enjoy more abundance in this country in every way, material and spiritual, as they pursue that dream.

It is about renewing and restoring the American Dream, Mr. Speaker, that I was proud today to author and to drop into the hopper the American Dream Tax Relief Act of 2003. I am proud that this bill, filed as it is on the very first legislative day of the 108th Congress, is not only my work but the work of some 33 original cosponsors, including many distinguished leaders of this institution and chairmen of major committees.

The American Dream Tax Relief Act, Mr. Speaker, is, quite simply put, an act that would dramatically reduce the taxes on capital gains in this country from their rate, which varies everywhere from 28 percent down to 8 percent, to a single flat capital gains tax rate of 10 percent. The enthusiasm with which this was greeted by my colleagues in just a few short hours of trafficking the idea here on Capitol Hill has greatly encouraged me that this is an idea whose time has come.

Mr. Speaker, I would offer to you that while the President of the United States, traveling as he did to the Economic Club of Chicago, did much this week to set the stage for recovery from recession, now is the time for us in this Congress to go beyond strategies for aiding those who are struggling with unemployment and layoffs, as we did earlier today, to go beyond even the President's thoughtful effort to bring the recession finally to a close. We need to begin to pursue, Mr. Speaker, economic policies that, in sum total, will explode the American Dream for an unprecedented generation of our citizens.

Only a significant reduction in taxes on capital will succeed in unleashing the entrepreneurial energy that is buried in the morass of high taxes and overregulation. Reduced taxes on capital will enable working families to save for the future or use invested funds for immediate financial obligations without fear of excessive tax penalties. American families, not the government, will have a greater power, Mr. Speaker, to decide what it is they do with their money. And for all of our great wisdom in this Chamber, Mr. Speaker, it seems like every time we give the American people more power over their own money, the Nation and even the coffers of government benefit.

Now, some will argue as we proceed forward with this tax relief measure that we cannot afford this in these times of Federal red ink and deficits and a growing national debt. But the truth is, Mr. Speaker, that the last time the capital gains tax was cut, 1997, under the Clinton administration, prior to the cut, at 28 percent, the capital gains tax generated some $62 billion per annum to the Federal Government. Within 2 years following the 8 percent cut in the capital gains tax, it became a program that generated $109 billion to the Federal Government.

It is one of those ironies in a dynamic model of economics that when we lower the tax rate, we actually encourage entrepreneurism, encourage investment, and encourage people to move dollars out of passive assets into productive assets. And, in so doing, not only do the American people win, but the government wins with higher revenues.

This has been the unflagging experience of the capital gains tax when President Kennedy reduced it, when President Reagan reduced it, and even when President Clinton signed a reduction in the capital gains tax. As President John F. Kennedy said, not only is it a good thing for government, but in every real sense it is great for the American people.

Some will say it benefits the rich. And to that, I confess, it will. It will benefit the wealthy in this country. It will benefit the middle class in this country. It will benefit working Americans struggling to start their own small businesses and enterprises. It will benefit every single American. As President John F. Kennedy said so memorably so long ago of the capital gains tax reduction he advocated, a rising tide lifts all boats.

By reducing the rate at which we tax capital, we will unleash an energy in this country that will raise the tide of economic prosperity, and I am proud to author this American Dream Tax Relief Act of 2003.

IRAQ AND THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Mr. Speaker, the America I envision seeks world unity instead of unilateralism. It gains its power through being the first to help, not the first to strike. It extends itself to the peoples of the world to lift their burden. It is an America which, when asked for help, dispenses bread instead of bombs, medical assistance instead of missiles, and food instead of fissile materials.

□ 2145

There is a role for America in the world. It is in working with the community of nations to achieve the security of all nations. It is in restoring the promise of the nonproliferation treaty to lead the way to get rid of all nuclear weapons. It is through strengthening and abiding by international treaties. It is in assuring control and eventual elimination of chemical and biological weapons and land mines. It is in protecting our global climate.

America can help protect the world. America can help save the world. But America cannot control the world, nor should we want to do so.

Yet our administration would project American power for the purpose of domination. Their national security doctrines call for America to strike anywhere it pleases and to be the first to use nuclear weapons.

Our Nation is now poised to go to all-out war against Iraq. Iraq has not committed any act of aggression against the United States. Iraq was not responsible for 9/11. No credible evidence exists linking Iraq to Al Qaeda's role in 9/

11. Iraq was not responsible for the anthrax attack on our Nation. The United Nations has yet to establish that Iraq has usable weapons of mass destruction. There is no intelligence that Iraq has the ability to strike at the United States. According to the CIA, Iraq has no intention to attack America, but will defend itself if attacked.

Why then is our Nation prepared to send 300,000 of our young men and women into house-to-house combat in the streets of Baghdad? Why is our Nation prepared to spend $200 billion or more of our hard-earned tax dollars for the destruction of Iraq?

Why is our Nation preparing to use the most powerful military machine in history to wage an assault on the people of Iraq, to destroy their houses and buildings, to wipe out their water and electrical systems, and to block their access to food and medical supplies? There is no answer that can separate itself from oil economics, profit requirements of arms trade, or distorted notions of empire building.

War with Iraq is wrong. But if war is prosecuted further in Iraq, we must be prepared to advance the cause of peace in this country. We must be prepared to stand up, to speak out, to organize, to march, to demand an end to the war, or to demand an end to an administration which insists on war.

It is urgent we oppose this war. It will dominate our Nation's priorities. It will threaten Social Security and Medicare and block a prescription drug benefit for the elderly. It will stop America from providing jobs for all, health care for all, education for all.

There are some who believe that it is unpatriotic to challenge the administration on the war. They believe it is politically wiser to debate the economy. But how can one reasonably separate war from the budget, war from the economy, war from America's ability to meet the needs of the people of this Nation?

The administration's own top economic adviser said the war would cost up to $200 billion. Our Federal budget is already close to huge tax cuts for the wealthy. Remember when we had a budget surplus?

Each time the administration talks about war, fear is created and when fear goes up, the market goes down. War will mean a sharp increase in oil prices, which will hurt jobs in manufacturing and transportation. One economic study with a worst-case scenario puts the cost of an all-out war plus long-term occupation of Iraq at $1.6 trillion.

We cannot separate war from the economy. We cannot separate war from America's ability to meet the needs of her own people here at home.

We need to ask the questions: Why does America have hundreds of billions to ruin the health and take the lives of innocent people in Iraq but no money to provide health care for all Americans? Why would America spend hundreds of billions to retire Saddam Hussein, but no money to protect the retirement security of its own people? Why does America have money to blow up bridges over the Euphrates River in Iraq, but no money to build bridges over the Cuyahoga River in Cleveland, Ohio?

The path America must take is one of peace that leads to prosperity. It is one which understands that creating a structure of peace ensures that economic structures can be sound, affirmative of human needs and restorative of human values.

This is the dream of a Department of Peace to making nonviolence an organizing principle in our society, making the work of Dr. Martin Luther King, Jr., a reality, and working to make war itself a thing of the past. It is the ethic of peace building which will cause us to take down weapons from the heavens and work to create a heaven on Earth.

Peace and prosperity shall be as two pillars in a newly rebuilt America which provides for the economic and Social Security of its own people as a cause of nationhood and for the economic and social progress of people of other lands as a cause of brotherhood.

This confirmation of the purpose of Nation was the dream of Franklin Roosevelt and the New Deal, Lyndon Johnson and the Great Society, and John F. Kennedy and the New Frontier. This shall continue to be our dream in the days ahead, that no matter the darkness, we shall hold up the light of America's higher purpose which calls to us across the ages from Washington, Jefferson and Adams, through Lincoln to the present day. Our Nation has a higher calling.

[Ceremonial Swearing-In Jan. 5, 2003, Cleveland, Ohio]

IRAQ AND THE ECONOMY

(By Rep. Dennis J. Kucinich)

The America I envision seeks world unity instead of unilateralism. It gains its power through being the first to help, not the first to strike. It extends itself to the peoples of the world to lift their burden. It is an America, which when asked for help, dispenses bread instead of bombs, medical assistance instead of missiles, and food instead of fissile materials.

There is a role for America in the world. It is in working with the community of nations to achieve the security of all nations. It is in restoring the promise of the Non Proliferation Treaty to lead the way to get rid of all nuclear weapons. It is through strengthening and abiding by international treaties. It is in assuring control and eventual elimination of biological and chemical weapons, and landmines. It is in protecting our global climate.

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It is urgent we oppose this war. It will dominate our nation's priorities. It will threaten Social Security. It will threaten Medicare. It will block a prescription drug benefit for the elderly. It will stop America from providing jobs for all, health care for all, education for all.

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Our nation has always had a higher calling, despite the darkness of 911 and the official response to it. It is a calling to maintain the quest for democracy, for freedom and liberty at times of peril as well as in times of peace. That higher calling is our heritage. The words of Francis Scott Key still echo:

''Oh say does that Star Spangled Banner yet wave, o'er the land of the free and the home of the brave?'' he celebrated the link between freedom and bravery: it takes courage to live in a democracy. It takes courage to stand up to terrorists and maintain basic liberties. It takes courage to lead the way toward global disarmament while some are bent on destruction.

It takes patience to face dictators around the world and not be tempted to bomb them into submission. It takes wisdom to have great power and to make gentle its presence in the world.

And it takes compassion to understand the plight of peoples world wide who themselves are trying to survive, to live out their own humble lives despite having conditions which are challenging or governments which are oppressive.

My friends. This is still your government. You have a right to have a say in how its destiny is being charted. That right derives from our very Declaration of Independence, which claimed self-governance as a basic right. Government does not just happen in Washington, DC. It is the result of a process that takes place in thousands of cities, villages and townships. It is also a process which also takes place in our hearts, which is brought to life by our love of country, and our love of each other.

VETERANS BEING DENIED HEALTH BENEFITS

The SPEAKER pro tempore (Mr. REHBERG). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, at a time of pending war, the President has submitted a program to this House referred to as the stimulus package that will direct about $300 billion to the richest 5 percent of America's citizens, and I would like to place that against further decisions made by this administration which affect America's veterans.

At a time of possible war, at a time when we talk about our admiration for our military and at a time when we verbalize our appreciation for those who have served our country in military service, we are treating our veterans in the most shabby manner.

A case in point, last February the Veterans Administration increased the copayment that veterans must pay for prescription medications by a whopping 350 percent. Now at a time when we find money to give billions to the richest among us, we are nickel and diming America's veterans. Perhaps the most egregious example of how we are shortchanging our veterans is found in a memo that was written on July 19, 2002, a memo that was sent out by the Deputy Under-Secretary for Operations and Management of the Veterans Administration. I would like to read a few comments from that memo. It was sent to all of the health care providers across the country.

It says, ''As you are aware, the Veterans Health Administration is currently facing a growing crisis related to the continuing demand for health care services that exceeds our resources. Moreover, actuarial projections indicate a widening gap in the demand versus resource availability.'' And then the shameful conclusion of this memo, ''Therefore, I am directing each network director to ensure that no marketing activities to enroll new veterans occur within your networks.'' Let me read that sentence again. ''I am directing each network director to ensure that no marketing activities to enroll new veterans occur within your networks.''

Even though some sites may have local capacity as a national system, all facilities are expected to abide by this policy. Marketing activities may include generalized mailings to veterans, prohibited. Local newspaper or newspaper articles encouraging veterans to enroll, prohibited, or similar public service announcements. In other words, the policy of the VA is to withhold information from veterans regarding the services that they are legally entitled to.

Now, I call this the new ''if they do not ask, we will not tell'' policy. If the veterans do not ask what services they are entitled to under the law, the VA policy is that we will not tell them. And, furthermore, we will prohibit our health care providers from reaching out to sick or disabled veterans and telling them what this body has provided under the law for them. This is shameful. I ask how the American people can tolerate and why the administration would institute such a policy that says to America's veterans that they may be entitled to certain services legally, health services, but we are prohibiting. Think of that, we are prohibiting our network providers from giving veterans information that they deserve, that they need to know in order to get the services that they are legally entitled to receive. This is shameful.

I call upon the administration and I call upon those of us who are Members of this body to hold this administration accountable for this shameful act. I wonder how many veterans who have served this country and paid with their health and their bodies understand what this administration is doing to them.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. CLYBURN. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 22) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 22

Resolved, That the following named Members be, and are hereby, elected to the following committees:

Committee on Agriculture: Mr. Stenholm of Texas.

Committee on Appropriations: Mr. Obey of Wisconsin.

Committee on Armed Services: Mr. Skelton of Missouri.

Committee on the Budget: Mr. Spratt of South Carolina.

Committee on Education and the Workforce: Mr. George Miller of California.

Committee on Energy and Commerce: Mr. Dingell of Michigan.

Committee on Financial Services: Mr. Frank of Massachusetts.

Committee on Government Reform: Mr. Waxman of California.

Committee on International Relations: Mr. Lantos of California.

Committee on the Judiciary: Mr. Conyers of Michigan.

Committee on Resources: Mr. Rahall of West Virginia.

Committee on Science: Mr. Hall of Texas.

Committee on Small Business: Ms. Velázquez of New York.

Committee on Transportation and Infrastructure: Mr. Oberstar of Minnesota.

Committee on Veterans Affairs: Mr. Evans of Illinois.

Committee on Ways and Means: Mr. Rangel of New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. CLYBURN. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 23) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 23

Resolved, That the following Member be, and is hereby, elected to the Committee on Standards of Official Conduct:

Mr. BERMAN of California.

The resolution was agreed to.

The motion to reconsider was laid on the table.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Mr. Speaker, today we have successfully debated and passed a bill to provide an extension of unemployment benefits to millions of Americans who find themselves out of work. This is a laudable activity for us to be involved with and I was proud to be able to support that particular piece of legislation.

I find, however, that we are soon going to be debating another piece of legislation that is referred to as an economic stimulus package, and during the course of that debate we will undoubtedly be talking about the number of jobs that need to be created in the United States in order for our economy to get moving again. All of these things I support and I believe need to be done, but I also believe that there is something which has been left out of the equation and left out of the discussion when it comes to jobs and providing economic benefits for American citizens. I underline the word ''citizens'' because what has happened over the course of the last decade is that we have allowed into this country, illegally we have allowed into this country between 8 and 13 million people. We do not know for sure, of course, because they came without our permission. They came across the borders. We are told that they are here working and taking jobs no other Americans would take.

Mr. Speaker, I get many, many letters from people in my district who are out of work and they tell me that they would take any job available to them. There are steelworkers out of work, factory workers up and down the East Coast, all across the rust belt, these people are willing to take any job available; but, of course, other people have gotten there before them. But, who are these people? Up to 13 million of them are people who are not citizens of this country.

□ 2200

We import them. Of course it is true that many businesses hire people who are here illegally, even knowingly hire people who are here illegally because they believe they will work for less, they will work under conditions that perhaps other people would not. We take advantage of many people. They are oftentimes manipulated by unscrupulous employers once they get here.

This is all bad, it is all illegal, but we ignore it and we suggest that we have to do something else to provide jobs for people who are here. But why do we not look at the fact that if we secure our own borders, if we ask people who are here illegally to return to their country of origin, that we would immediately provide millions of jobs for American citizens? Only we would not have to spend another dollar; we would not have to appropriate any more money.

Today it was 7 or $8 billion for the extension of unemployment benefits, but doing what I ask, and that is to secure our borders, to identify people who are here illegally and deport them. This does not really cost all that much. That is what the Federal Government should be doing. That is our role and responsibility, to secure the border, to know who is coming into this country, for how long and for what purpose. We choose not to do that. We choose not to do that because there are political implications there, and there are political ramifications of such a decision. If we were to actually defend our own borders and control the process so that people coming into this country would do so in a legal process, we would, of course, diminish the flow of illegal immigrants. That would upset the Democrats because they would say that this would impede their ability to gain potential voters, knowing that many immigrants, especially illegal immigrants, would flock to the Democratic Party.

On the other hand, we have the Republican Party which says that if we were to secure our own borders, if we were to stop the flow of illegal immigrants into the country, that would impede the ability of businesses to hire cheap labor. Both of these reasons are, I think, bogus. They do not reflect what we should be doing in this body and, that is, to uphold the law. We should be demanding that the INS, we should be demanding that this administration uphold the law and that we address the issue of border patrol, increasing border patrol and also putting the military on the border which is absolutely necessary in order for us to achieve any degree of security on our borders and on our coastline. That is imperative. But we refuse to do it. We are fearful of doing it.

At the same time, there have been attempts on this floor, there have been attempts in this body to provide amnesty for people who are here illegally, to reward people who have come here illegally and give them the opportunities that are usually provided for people who have gone through the process, who have spent the time, who have spent the money, who have had the brain damage of having to go through sometimes years of bureaucratic wrangling to come into the country legally. They have waited in line. They have done it the right way. But we keep proposing to give people who have broken the law, who have snuck into the country, we keep proposing to give them amnesty. What does that concept tell everybody who has done it the right way? It tells them that they were essentially suckers and that they should have simply snuck into the country, we would eventually give them amnesty and they would get all the benefits that anyone here legally would enjoy.

Speaking of those benefits, Mr. Speaker, let me tell you about another phenomenon that is going on throughout the country. There is a process, something called the matricula consular. This is a card, an identification card that is being handed out by the Mexican Government to Mexican nationals in the United States.

THE ECONOMY

The SPEAKER pro tempore (Mr. REHBERG). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I just wanted to follow up to some extent on the comments made by my Republican colleague from Colorado. I know he mentioned that today the House passed a Republican-sponsored bill that would provide an additional 13 weeks of extended unemployment benefits to workers who had exhausted their benefits. But I have to say that this proposal did not go far enough. We know that the economy is in a significant downturn, there are many people who have exhausted their unemployment benefits, who would not be able to continue to receive benefits under the Republican proposal, and also the Republican proposal is for a relatively short period of time, 13 weeks, as opposed to the 26 weeks that had been proposed by the Democrats.

Basically what they agreed to today, the Republicans, was to pass a bill that would provide 13 weeks of extended unemployment benefits in every State during the first 5 months of 2003. However, even now the Republicans still refuse to provide any additional assistance to the 1 million workers who exhausted their 13 weeks of extended benefits last year but who remain unemployed.

During the last recession in the early 1990s, these workers were provided 26 weeks of benefits; but this time they only received 13 weeks. Furthermore, there is $25 billion in the Federal unemployment trust funds, more than enough to both continue the extended benefits program this year and help exhaustees from the last year. Unemployment compensation goes to the

families who must spend it very quickly, meaning it acts as an economic stimulus. Economists have estimated that each dollar of unemployment benefits leads to $2.15 in economic growth.

I mention this because I think that to some extent people are going to read now that the Republicans passed this bill and say, that is great, we are going to have some more extended weeks of unemployment benefits, but the fact of the matter is a lot of people will not receive the benefits who really need it and it is for a relatively short period of time. The Democrats have said, of course, that we would go 26 weeks, to the end of June, and we would include all of those who have exhausted their benefits, the 1 million or so from last year who would get an additional 13 weeks under the Democratic proposal.

The other thing, though, that was very upsetting to me today was not only that we did not go far enough in terms of unemployment benefits in what we finally passed here in the House but also even as President Bush announced his economic stimulus plan, which I do not think is an economic stimulus plan at all and I will go into that a little bit, it was announced as part of it that the effect on the deficit over the next 10 years would be about 674, $675 billion.

We know that we are already back into a serious deficit problem this year, about $150 billion. After having several years under President Clinton when we actually had a surplus, now we are back into a deficit situation. And what President Bush proposes in his economic package will cost a tremendous amount of money and not necessarily put anybody back to work, not create the very stimulus that he claims to be talking about. But an important part of that is that it is going to put us so much further into debt, to the tune of something like $674 billion.

But what did I hear? Instead of reacting the way the Democrats said and saying let us have a real economic stimulus plan that actually does something and does not cost that much because the Democrats are at just a little over $100 billion, what we are hearing from the Republican side of the aisle is that this economic plan of the President's is not big enough, is not going to put us enough in deficit. In fact, we have the majority leader, the Republican majority leader, the gentleman from Texas (Mr. DELAY) saying that he wants to boost the size of the Bush tax cut package. He is actually quoted in Congress Daily saying today that the Republicans, the House Republicans would move quickly to pass most of President Bush's 10-year $674 billion tax cut proposal, and they would likely increase the total size of the package. This is a quote: ''The House will pass a bill that will have all the tax relief that is in the President's bill and probably more,'' Mr. DELAY said, adding, ''I see the President's package as a floor, not a ceiling.''

Obviously, what the gentleman from Texas is trying to do is counteract the statements being made by the Democrats that the President's plan is not only ineffective as a stimulus but is also going to put us seriously into debt by suggesting, ''Oh, don't worry about that, I'll come up with an even bigger one.'' It is scary to think what the Republicans are thinking about in the House. They seem to be just perfectly willing to rubber-stamp whatever the President does and then go even further in terms of putting us into debt and doing something that is not going to be very effective for the American people.

Why do I say it is not effective? Why do I say the President's plan that was announced yesterday is not effective as a stimulus package, that it is not going to do anything to put people back to work, that it is not going to do anything to improve the economy? If you look at it, the centerpiece of the President's plan is the complete elimination of all taxes on stock dividends. If you think about it, not only is that primarily going to benefit the wealthy instead of putting back money into the hands of the average American, but what guarantee is it that if you give this windfall essentially to people who have dividends, stock dividends, that they are going to invest it back in the economy and create jobs? We have no guarantee that the stock market is going to go up because of it. We have no guarantee that whatever savings are made are going to be reinvested in new means of production or creating new jobs. This is just speculation. And to say that the centerpiece of your plan is such a speculative proposal and to put us into debt so much more over the next 10 years is just, I think, totally irresponsible.

According to a preliminary estimate by the nonpartisan Tax Policy Center, 45 percent of the benefits of the entire Bush proposal will go to the top 5 percent of taxpayers who have an average income of $350,000. In fact, those making over $1 million will see an average tax break of $88,000, more than 100 times the tax cut for the vast majority of taxpayers making less than $75,000. Let me also add, when I talk about this budget deficit that is going to be increased by 6 to $700 billion under the Bush plan, keep in mind that the President also said when he announced his proposal that he also wanted to make the tax cuts of last year permanent, which would probably double the amount of deficit. You could probably double that 6 to $700 billion figure and go up to, say, 1.4, $1.5 trillion, not to count the debt service that you would have on that. By the time it is all said and done, the thing that the President proposed or said he wanted to do yesterday not only in this initial so-called stimulus plan but also long term in terms of making the tax cuts permanent that were put into law last year, we would probably be talking about a $2 trillion deficit. We are going to go back to the worst of times that we have ever seen in terms of deficit. The consequence to the economy will be dismal. The impact in terms of creating even more of a downward trend on the economy from that kind of budget deficit is really incredible.

Mr. Speaker, I wanted to talk a little bit about the Democratic alternative, and basically the Democratic alternative is radically different from what President Bush has proposed because it is based on certain very sound principles. First of all, it says that any economic stimulus plan should be front-loaded and fast-acting. The benefits have to accrue to the American people this year, in 2003. It has got to create jobs. It has got to put money in their pockets. It has to put money back to the States so that they can bail themselves out of some of the deficit problems that they have. It should also avoid mushrooming the deficit in the long term. The Democratic proposal basically is targeted towards 2003 and over the 10-year period would only create an additional deficit of about $100 billion.

I think you could make a legitimate argument that the economy would grow enough to make up for that $100 billion because it is front-loaded and fast-acting. It would also boost consumer demand and investment because it would say that some money is going to go directly into consumers' pockets and some money is going to be given back to small businesses so that they can invest here and would be forced to invest here rather than take their stock dividends overseas or put them in some other country.

Also the Democratic plan would help States through their fiscal straits. We know that so many States, my home State of New Jersey we estimate maybe a 4, $5 billion deficit that has to be overcome. Let the Federal Government help out a little bit with that. And also we are investing in infrastructure primarily by funding homeland defense, airport security, security for other infrastructure around the country.

But I think the most important thing, and I do not want to keep repeating myself, is the fact that under the Democratic proposal we are basically doing something that makes a difference now in this next year. I should say in this year, 2003.

Let me just briefly run through what the Democrats are proposing. We have a middle-class tax cut that basically gives a refundable tax cut. It is 10 percent of your taxes up to about $600 for a couple, structured to include those who pay payroll taxes. Basically it is going to be structured in a way that

you get a rebate of up to $300 for an individual or up to $600 for a couple. We have business tax incentives to encourage investment so that the investment has to be here in the United States, this year. And we have assistance to the States including money for infrastructure and also to help States defray the cost of Medicaid, which is a big part of the reason why so many of them are in a deficit situation. And I mentioned the unemployment compensation benefits would be much more extensive than what the Republicans proposed today and passed today.

I just wanted to say a little bit, a little commentary by some of the media. The media in the editorials that I have read have essentially panned the Republican proposal and said that the Democratic proposal would be much better and really make a difference in terms of economic growth. I just wanted to read some excerpts, if I could, just from two New York Times editorials and op-eds that were in the paper yesterday. This one is by Paul Krugman, it was in yesterday's paper, just to give you some highlights of it. He is talking about a sensible plan: ''A sensible economic stimulus plan would provide immediate, large-scale aid to beleaguered State governments, which have been burdened with expensive homeland security mandates even as their revenues have plunged. Given our long-run budget problem, any tax relief would be temporary and go largely to low- and middle-income families.

□ 2215

''Yesterday House Democrats released a plan right out of the textbook: aid to States and the jobless, rebates to everyone. But the centerpiece of the administration's proposal'' by contrast ''is the permanent elimination of taxes on dividends.

''So instead of a temporary measure, we get a permanent tax cut. The price tag of the overall plan is a whopping $600 billion; yet less than $100 billion will arrive in the first year. The Democratic plan, with an overall price tag of only $136 billion actually provides more short-term stimulus.

''And instead of helping the needy, the Bush plan is almost ludicrously tilted towards the very, very well off. If you have stocks in a 401(k), your dividends are already tax sheltered; this proposal gives big breaks only to people who have lots of stock outside their retirement accounts. More than half the benefits will go to people making more than $200,000 per year.''

I could go on and on but I think the point is well made. The Democratic proposal is a real stimulus package. It does not increase the deficit in a significant way. It gives money back to the average American. It is primarily skewed to help the average guy. The Republican proposal is primarily for the rich. It does not do anything short term, and it leads to an even greater deficit, worse than the one that we have right now. But the House Republicans are going to say they are going to push this and Mr. DELAY has already said that he wants to do an even bigger one; so we will just have to continue the fight.

At this time I see the gentlewoman from California (Ms. WATSON) is here, and I have probably spoken long enough and I would like to yield time to her on the same subject.

Ms. WATSON. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for yielding.

This month marks the beginning of the third year of the Bush recession, and I would like to say that even if the Clinton administration is being blamed, it is on this administration's watch that these things are occurring. Across the Nation workers continue to lose their jobs on this watch. Nationwide 800,000 laid-off workers lost their benefits on December 28, and I appreciate the 13-week expansion that was signed today, but I think 26 weeks would have been more likely, more acceptable, and make a better difference.

In my own State, the State of California, our budget deficit has mushroomed to 35 billion, with a ''b,'' dollars, while unemployment has risen by 6.5 percent, and that is only those that can be counted who are still in the system. Many have dropped out of the system, do not even report for unemployment, do not even report seeking jobs. They are just out there on the streets. So I am sure in my district this number would be higher.

As millions of people are out of work and the economy continues in a weak and jobless recovery at its best, it is important to have a strong and immediate economic program that will put money in the hands of consumers now. I am sorry to say that this administration has been more consumed with initiating a war than it has been with initiating a domestic economic policy that will benefit this country and make it stronger in defending against those who would attack us.

Earlier this week the President announced his plan to deal with this slow economy. Why were we not talking about it last year? Why did we have to go through the Christmas holidays with parents wondering if they could afford to buy gifts for their children? Are parents wondering if they can keep shelter, keep a roof over their heads? We knew the economy had slowed, but it was just this week that finally the administration awakened. This was the President's chance to ask Congress for real job-creating plans, to immediately address the economic problems faced by that working class ordinary Americans. Instead, the President chose to stick with more of the same tax schemes that he tried last year.

I wonder if anyone noticed except me that in September a year ago when the tax cut plan was passed that we saw more bankruptcies, corporate misconduct was revealed, and we were in a mess. We saw the jobless rate grow. Now, if the tax cut was meant to stimulate investments in business, it had the opposite effect, and I would be truly concerned if I were the administration why there were so many bankruptcies when we gave a tax break to corporate America. What happened? I think I know. All we need to do is watch any program that deals with wealth and the wealthy in this country. We will see that they are building larger homes in exotic places, 3,800 square foot homes for these executives of these companies that have gone bankrupt, larger yachts, are buying more business but not employing more people. Some of the biggest corporations cut staff, pare down. Somebody ought to explain that. These policies were skewed to favor these same wealthy Americans, and to think that we have a homeland security proposal that allows a lot of these business owners to escape paying their fair taxes and run to other exotic places to hide their companies I think is un-American. His plan will blow an even bigger hole in the budget and threaten economic growth, and only 15 percent of the Bush package will take effect this year, meaning that most of the economic impact of the program would not be felt until 2004 and thereafter. The centerpiece of the plan, the complete elimination of taxes on stock dividends, and think for a second, many of the people I represent do not know what a stock dividend is. Investing dollars? Are we kidding? They are trying to pay their rent. They are trying to pay their house notes. They are trying to send their children to college if they can even get through elementary, middle school, and high school. They are trying to keep their families together. So they are not the ones that are going to feel any benefit from the elimination of these taxes. And they say it will benefit the seniors. Certainly I think today when you get 50 years old you can claim being a senior, and certainly the guys and gals who have made the big money are in their 60's and they can sit back with all this money flowing in because they do not have taxes to pay. It certainly will benefit them, but it certainly will not get to the people that really make up the core of America. So it primarily benefits this elite class, the wealthy, instead of putting money in the hands of the hard-working Americans who keep this country going.

According to preliminary estimates of the Nonpartisan Tax Policy Center, 45 percent of the benefits of the entire Bush proposal would go, and now get this, do not take my word for it, check it out yourself, but the benefit will go to the top 5 percent of taxpayers who have an average income of $350,000. In

fact, those making over a million dollars will see an average tax break of $88,000-plus, more than a hundred times the tax cut for the vast majority of taxpayers making less than $75,000. Do not take my figures. Do the math. Be analytical in your thinking. Look at the President's proposal and see who fits the description of the provisions in it.

As the nonpartisan Congressional Budget Office concluded last year, tax cuts that are targeted towards lower income households are likely to generate more stimulus dollar for dollar of revenue loss, that is, be more cost effective and have more bang for the buck, than those concentrated among higher income households. This is because higher income families are less likely to put that money back into the economy by spending it. So by targeting their tax cuts on the wealthy, the Bush administration has undermined its stimulus effect. Look what happened with the last tax cut.

Furthermore, the Bush plan would worsen the current budget deficits. Anybody concerned about deficits today? I remember several years ago they were. But the Bush plan would worsen the current budget deficits that have ballooned since the Bush administration took over. Check it out. The Bush plan would increase the deficit by nearly $700 billion over 10 years, and I do not think there is any argument over that. We are dealing with concrete numbers. Not only does this threaten key investments like Social Security and Medicare, this growth in deficits would promote higher interest rates and threaten to worsen the economy instead of spurring economic growth. Where is the concern of current Republicans? And I remember under the Newt Gingrich era, they were very concerned about deficit. Maybe it is amnesia.

Democrats have put forth an alternative stimulus plan, one that delivers a real immediate boost for our economy. The House Democratic alternative, economic stimulus package, is fast acting, fair, and fiscally responsible. Does anyone care about fiscal responsibility, or is it smoke and mirrors? It focuses on jump-starting the economy now and quickly moving the United States to a long-term growth agenda. It does not deceive people. It does not make people buy this fluff and try to feel good about it when it is not real. Our package is.

The Democratic economic stimulus plan aimed at those who need it most avoids increasing the deficit and helps States that are deeply suffering through this recession. Not only California but across this country, States are suffering. We ought to have the governors in here to debate these proposals. The Democratic plan will immediately target $18 billion to extend unemployment benefits for laid-off workers who have already exhausted their claims and in addition provide more needed relief to cash strap States and localities. The Democratic plan also provides immediate tax relief for small businesses to generate investment and jobs. It allocates additional funds for transportation, homeland security, healthcare, and extends unemployment benefits for workers whose insurance has run out and who have been unable to find jobs. The plan also puts money in the hands of consumers who drive the economy by giving a $300 tax rebate to every working American and also $600 for couples. Unlike the Republican tax plan which favors the wealthy by providing tax cuts on stock dividends and does little to grow the economy, the Democrats' stimulus package focuses tax cuts on lower and middle class taxpayers and actually will cost less than Republican plan.

□ 2230

In addition, the Democratic plan will spur the economy by providing funding for homeland security. Let us make America secure on the real side that targets rebuilding our Nation's long-neglected infrastructure. Most importantly, the Democratic plan is fiscally responsive and fair. It provides the proper amount of targeted economic stimulus and, at the same time, will not impact the budget deficit.

So in closing, I would like to say, Mr. Speaker, I appreciate this opportunity to discuss the two plans and to give some real numbers and real figures. I represent one of those States that is sorely in need of help. But of the $35 billion deficit, that is with a ''B,'' we cannot cut enough and we cannot raise enough taxes to fill in that gap. We need to put America back to work. We need to put Californians back to work. We need to generate real jobs.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from California for her remarks. Obviously, she really set forth the differences between what the Democrats are trying to do with our economic stimulus plan versus the President and the Republicans' plans, which I do not think, and the gentlewoman agrees, that the President's and the Republican plan is really going to make a difference for the economy. It is just sort of a way of getting more tax cuts, more of the same, primarily to the wealthy and to corporate interests. It is almost like they are using the need for a stimulus plan as an excuse to basically continue the same old policies of more and more tax cuts for the wealthy, which have failed.

One of the things that bothers me a great deal, and the gentlewoman hit upon it, is the fact that we still hear, although we do not hear it so much, but for a while we were hearing the Republicans say, oh, this recession really started under President Clinton, as if somehow the Democrats brought about the recession. The gentlewoman and I know, and the facts show, that we had the greatest, or one of the greatest, I think probably the greatest economic growth in the 10 years from 1991 to the end of President Clinton's term in 2001 or the very beginning of 2001, the greatest economic expansion the country has ever seen. All of a sudden, in March of 2001, 3 months into President Bush's term, we start to see the economic downturn.

I had actually mentioned the other night, and this is from the National Bureau of Economic Research Business Cycle Dating Committee, and maybe it is sort of a minor point, but I only mention it because I see our Republican colleagues saying the opposite. And in this research, it says, ''In November 2001, the Committee determined that a peak in business activity occurred in the U.S. in March of 2001. A peak marks the end of an expansion and the beginning of a recession. The determination of a peak date in March is thus a determination that the expansion that began in March of 1991 ended in March 2001 and a recession began in March of 2001.''

The recession began, as the gentlewoman said, under President Bush's watch. Regardless of that, it has gotten worse. It gets worse every day. I have to say that I am very concerned that if we put in place this Republican economic plan and we continue the same-old-same-old policies of more tax cuts for the wealthy, that we are probably going to be in a worse situation in a few months than we even are today. I do not want to see that happen, but it is very possible.

The other thing that really galls me too, and the gentlewoman brought it up, and the gentlewoman remembers and I remember it even more because I have been here longer is how the Republicans, before they took the majority here in the House under Gingrich, used to get on this floor and rail and rail and rail almost every night about the deficit and how the deficit was getting worse and getting worse all the time. There was one guy I remember, do I not know if he is still here, I do not think he is, who used to have one of the pages bring this sort of clock, digital clock that literally extended almost the entire length of this podium where I am standing, and every night he would come here and do a 1-minute or a 5-minute, and he would see the clock number going up with the higher and higher deficit. That was the centerpiece. The whole theme of the Republicans at the time was how terrible this deficit is.

What happened? How come all of a sudden we do not see the guy with the clock anymore? I think he may have left Congress. But we do not see anybody on the Republican side coming down here. In fact, the other day the President said we should not worry

about the deficit; it is no big deal. We will grow out of it. We should expect it. We are going to have this problem. It is just some kind of regular business cycle or something. It was ridiculous. I just appreciate the gentlewoman's comments.

The other thing that the gentlewoman mentioned that I think was so important is this sort of notion of shared sacrifice or caring about the future generations in a time of war, and I think that is what the gentlewoman said, and she may want to dwell on it a little more, that in a time of war, the idea was that we sacrificed. We have a war against terrorism, we may have a war against Iraq, who knows, in the next few weeks or months. So why in the middle of all this are we getting this tax cut plan that primarily helps wealthy individuals and corporate interests? Why are they not paying their share, if you will, of the cost of this war? Why is there not a shared sacrifice? Why does it always have to be on the backs of the little guy, the average guy? It never used to be that way. It seems to me to be an opportunity for the President to get up and say, we have a potential war, we are in a war against terrorists, essentially, and it is costing us more money. I really do not understand the whole philosophy. It really baffles the mind.

There was an article, there was an op-ed in The Washington Post actually today that essentially made that point. It was an analysis by Jonathan Weisman, and it is entitled, ''War's Cost May Dwarf Stimulus Effect.'' Essentially what he said in this opinion page is that we really should not be dealing with any kind of major tax cuts or any kind of a plan that causes a major deficit problem, because we might have a tremendous expense from the war with Iraq, and that the impact of that would create such a large deficit and have such a downward effect on the economy that this is not the time to be playing with a huge tax package, with a huge long-term tax package that has the potential for greater debt, and we should only be doing something, essentially, I mean, to counteract that; we should only be doing something like the Democrats are proposing which is quick, which is one year and does not have any major impact on the deficit.

Mr. Speaker, I promised to yield to the gentlewoman from Ohio (Ms. PRYCE) for procedural matters.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Republican Conference, I offer a privileged resolution (H. Res. 24) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 24

Resolved, That the following named Members be, and are hereby, elected chairmen of the following standing committees:

Committee on Agriculture: Mr. Goodlatte of Virginia.

Committee on Appropriations: Mr. Young of Florida.

Committee on Armed Services: Mr. Hunter of California.

Committee on the Budget: Mr. Nussle of Iowa.

Committee on Education and the Workforce: Mr. Boehner of Ohio.

Committee on Energy and Commerce: Mr. Tauzin of Louisiana.

Committee on Financial Services: Mr. Oxley of Ohio.

Committee on Government Reform: Mr. Tom Davis of Virginia.

Committee on House Administration: Mr. Ney of Ohio.

Committee on International Relations: Mr. Hyde of Illinois.

Committee on the Judiciary: Mr. Sensenbrenner of Wisconsin.

Committee on Resources: Mr. Pombo of California.

Committee on Science: Mr. Boehlert of New York.

Committee on Small Business: Mr. Manzullo of Illinois.

Committee on Standards of Official Conduct: Mr. Hefley of Colorado.

Committee on Transportation and Infrastructure: Mr. Young of Alaska.

Committee on Veterans' Affairs: Mr. Chris Smith of New Jersey.

Committee on Ways and Means: Mr. Thomas of California.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMPOSITION OF MEMBERS OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that, notwithstanding the requirement of clause 11(a)(1) of Rule X, the Permanent Select Committee on Intelligence be composed of not more than 20 Members, Delegates, or the Resident Commissioner, of whom not more than 11 be from the same party.

The SPEAKER pro tempore (Mr. REHBERG). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

APPOINTMENT OF MEMBERS TO THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Without objection, and pursuant to clause 11 of rule XX and clause 11 of rule I, the Chair announces the Speaker's appointment of the following Members of the House to the Permanent Select Committee on Intelligence:

Mr. GOSS, Florida, Chairman,
Mr. BEREUTER, Nebraska,
Mr. BOEHLERT, New York,
Mr. GIBBONS, Nevada,
Mr. LAHOOD, Illinois,
Mr. CUNNINGHAM, California,
Mr. HOEKSTRA, Michigan,
Mr. BURR, North Carolina,
Mr. EVERETT, Alabama,
Ms. HARMAN, California,
Mr. HASTINGS, Florida,
Mr. REYES, Texas,
Mr. BOSWELL, Iowa,
Mr. PETERSON, Minnesota,
Mr. CRAMER, Alabama,
Ms. ESHOO, California,
Mr. HOLT, New Jersey,
Mr. RUPPERSBERGER, Maryland.

There was no objection.

APPOINTMENT OF MEMBER TO THE JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Without objection, and pursuant to 15 U.S.C. 1024(a), the Chair announces the Speaker's appointment of the following Member of the House to the Joint Economic Committee:

Mr. SAXTON, New Jersey.

APPOINTMENT OF HON. MAC THORNBERRY OR HON. ROY BLUNT TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JANUARY 27, 2003

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 8, 2003.

I hereby appoint the Honorable MAC THORNBERRY or, if not available to perform this duty, the Honorable ROY BLUNT to act as Speaker pro tempore to sign enrolled bills and joint resolutions through January 27, 2003.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Ms. PRYCE of Ohio. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 8) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 8

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, January 8, 2003, Thursday, January 9, 2003, or Friday, January 10, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, January 27, 2003, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, January 9, 2003, through Friday, January 24, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT OF THE HOUSE TO FRIDAY, JANUARY 10, 2003

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Friday, January 10, 2003, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 8, in which case the House will stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS DURING FIRST SESSION OF 108TH CONGRESS

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that during the first session of the 108th Congress, the Speaker and majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

THE ECONOMY

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. PALLONE) has 22 minutes remaining.

Mr. Speaker, I do intend now to wrap up the evening. I want to thank the gentlewoman from California again for coming down here and for the remarks that she made. I just wanted to, if I could, just briefly summarize or make some of the points that were made in this Washington Post opinion by Jonathan Weisman about the cost of the war and the impact of the war, because I think that as much as the gentlewoman and I are hoping that there is not going to be a war and that somehow we manage to peacefully resolve the situation in Iraq, the bottom line is it is hovering over us.

□ 2245

We know that a lot of troops have already been sent over there, that a lot of supplies have already been sent there, and that there is a real possibility that this could occur in the next few weeks.

I just wanted to read some sections, if I could, of Mr. Weisman's opinion. He said, ''President Bush is plowing ahead with an ambitious 10-year, $674 billion economic stimulus plan even as U.S. troops pour into the Persian Gulf region preparing for war.

''The president's determination to push more tax cuts as the nation prepares for war has struck some economists as folly, since the economic shock of war would likely dwarf the impact of Bush's stimulus plan.''

It says, ''The Cost to the Treasury of a war with Iraq could be as low as $100 billion over the next decade or as high as $1.6 trillion.''

''If energy prices spike up, it wouldn't take much to offset all of this stimulus.'' It goes on to say, ''If the war lasted even 6 to 12 weeks, stock prices would continue to fall, interest rates would rise and economic growth would slow by 1¾ percent.''

''The best policy right now is to wait, to see what happens ahead, and to plan in the background some contingency plans, just in case we have an adverse outcome.'' ''But for the President's critics the timing and boldness of the Bush plan presents a target,'' and of course this is what we have been saying. ''Whenever the President talks about war, he talks about a spirit of shared sacrifice; but for rich people, shared sacrifice appears to be accepting tax cuts, and for the poor, it seems to be accepting cuts in social spending.''

Then we have a quote from one of our favorite Members, the gentleman from New York (Mr. RANGEL). He says, and I think it is very appropriate, and he is, of course, the ranking member on our tax-writing committee, the Committee on Ways and Means, he says, ''Never in a time of war have we reduced the tax burden on the most privileged.'' That is basically what is going on here.

I think if we listen to what Mr. Weisman says, he is basically saying that this plan is too ambitious, and it is so long-term and has such an impact on the deficit that it is folly, given what we might face in a potential war against Iraq.

If we look at the Democratic plan, it is much smaller. It has only just a little over $100 billion impact over 10 years, and it is targeted to small businesses so we invest in new proposals, new job creation here at home.

We give a tax rebate, a relatively small one, to consumers, up to $600 for a couple, to try to get the economy going quickly. But the bottom line is, we do not do anything long-term to have a major impact on the deficit, and we are spending a relatively small amount of money with a big impact over the short term. So I think that that plan fits into the potential if you have a conflict or a war.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I want to request from the gentleman from New Jersey (Mr. PALLONE) if we can do a side-by-side chart on the cost of waging war in Iraq. I understand we have several thousand troops already over in the Middle East, and possibly the dispute with North Korea might require us to commit dollars.

I would like to see a chart with the cost of war and the cost of nationbuilding if we are trying to create a new regime. What is our commitment going to be to this new regime that we have called for? I can tell the Members from my own experience as the ambassador to the Federated States of Micronesia, they were a trust territory until 1986. In 1986, we signed a compact of free association with them that was to last 15 years. It has cost us $5 billion, and we are getting ready to sign on another 20 years.

Now, I saw taxpayers' dollars go into the ocean. I was there. I knew. We had to close down some programs because that money was going into people's pockets, and into building homes for the very wealthy and the families of the very wealthy. We were not monitoring it.

I came back here many times saying, give me not only audits but oversight and follow-up; get the FBI out here, because our money is being taken. I could not get anyone to listen. I left; the problem got worse. Ask the current ambassador.

What is going to happen in Afghanistan in the long run and in Iraq in the long run? We talked about the axis of evil, so let us talk about Iran, too, and let us talk about North Korea. We did not say that; the President stood on this floor and talked about the axis of evil. Getting rid of the evil means changing those who are running those countries now. What is our obligation as Congress, as the Federal Government, and taxpayers? All this has to be taken into consideration in terms of the proposed tax cuts.

If we talk about homeland security, how do we secure our own home if we cannot even educate our children, if we cannot even improve our infrastructure, if we cannot set out a budget for first responders? In my own city of Los Angeles we only have 9,000 police officers, as compared to Giuliani's New York with 30,000. We have 2 million people.

So are we sincere about protecting our homeland? That means not the home land, that means America's people. What is our plan for seriously doing that? I just wanted to put that out as we go about looking at the budget. I think it is very important to be heard. That is why I said it.

Mr. PALLONE. I appreciate it. Mr. Speaker, I think it all goes back to the same thing, which is as the Democrats we are talking about a short-term 2003 plan that does not spend a lot of money relatively and put the government in deficit, and that is specifically directed to jumpstart the economy.

But what the President and the Republicans have proposed does not really even address the short-term economic needs in order to turn the economy around. It is just a long-range plan to basically provide more tax cuts for wealthy people: the stock dividends; the proposal to make the tax cuts permanent in another 10 years.

If we look at that in the context of what the budget needs are, as the gentlewoman says, in this war on terrorism both at home or abroad, we have to wonder where all this money is going to come from and what the consequences are going to be in terms of the deficit.

Ms. WATSON. We are cutting our revenue base, and we are fighting a war over 10,000 miles away that we really do not need to fight, we really do not need to fight.

Mr. PALLONE. I have been hesitating to talk about whether the war is just or necessary, but I think the bottom line is if it is going to be fought or whether it is going to be fought, we have to think about the costs of it. This President's economic plan makes absolutely no sense in the context of whether it is a war against Iraq or the other axis of evil, or just the war against terrorism and homeland security. It really does not.

Ms. WATSON. Let me say, we are a member of the United Nations. We went to the Security Council. They have their inspectors out there. If they do not find what they are looking for, it needs to go back to the Security Council.

We are working on an assumption, and North Korea says, we have your bomb. The monies that we give them for food and so on, does it really get to the people? If it did, why do we have such massive starvation over in North Korea? And I do not see why we are treating them any differently than we are treating Iraq.

Where is our commitment? How do we secure the United States? A country is only as strong as its people, and we cannot let the general public forget that. I thank the gentleman.

Mr. PALLONE. We need to continue. I thank the gentlewoman.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KIND (at the request of Ms. PELOSI) for today on account of personal business.

Ms. KILPATRICK (at the request of Ms. PELOSI) for today and the balance of the week on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KUCINICH) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. FEENEY of Florida) to revise and extend their remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

Mr. DEMINT, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. TANCREDO, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 23. An act to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such act ends.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, pursuant to House Concurrent Resolution 8 of the 108th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. REHBERG). Pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. Friday, January 10, 2003, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 8, in which case the House shall stand adjourned until 2 p.m. on Monday, January 27, 2003, pursuant to House Concurrent Resolution 8.

Thereupon (at 10 o'clock and 55 minutes p.m.), pursuant to House Concurrent Resolution 8, 108th Congress, and its previous order, the House adjourned until Monday, January 27, 2003, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

111. A letter from the Chief, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — 2002 Farm Bill Regulations — Marketing Assistance Loans and Loan Deficiency Payments for Peanuts, Pulse Crops, Wheat, Feed Grains, Soybeans and Other Oilseeds (RIN: 0560-AG72) received November 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

112. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticides; Tolerance Exemptions for Active and Inert Ingredients for Use in Antimicrobial Formulations (Food-Contact Surface Sanitizing Solutions) [OPP-2002-0278; FRL-6824-2] received November 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

113. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pyriproxyfen; Pesticide Tolerance for Emergency Exemption [OPP-2002-0314; FRL-7281-2] received November 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

114. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pyrithiobac Sodium (sodium 2-chloro-6[(4,6-dimethoxypyrimidin-2-yl)thio]benzoate); Pesticide Tolerance [OPP-2002-0005; FRL-7279-5] received November 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

115. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyromazine; Pesticide Tolerance [OPP-2002-0237; FRL-7274-8] received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

116. A communication from the President of the United States, transmitting his requests for FY 2003 budget amendments for the Departments of Agriculture, Health and Human Services, the Interior, Labor, and the Treasury; the Corps of Engineers; as well as the Equal Employment Opportunity Commission and the Federal Trade Commission; (H. Doc. No. 108—18); to the Committee on Appropriations and ordered to be printed.

117. A letter from the Under Secretary, Department of Defense, transmitting the Department's USTRANSCOM Personal Property Pilot Programs Evaluation Report; to the Committee on Armed Services.

118. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Transactions between Member Banks and their Affiliates [Regulation W; Docket No. R-1103] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

119. A letter from the Vice Chairman, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Australia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

120. A letter from the Senior Vice President, Congressional Affairs, Export-Import Bank of the United States, transmitting the annual report to Congress on the operations of the Export-Import Bank of the United States for Fiscal Year 2002, pursuant to 12 U.S.C. 635g(a); to the Committee on Financial Services.

121. A letter from the Secretary, Department of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2002, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and the Workforce.

122. A letter from the President and Chief Executive Officer, Corporation for Public Broadcasting, transmitting the annual report on the provision of services to minority and diverse audiences by public broadcasting entities and public telecommunications entities, pursuant to Public Law 100—626, section

9(a) (102 Stat. 3211); to the Committee on Energy and Commerce.

123. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, ''The State Children's Health Insurance Program: a Summary Evaluation of States' Early Experience with SCHIP''; to the Committee on Energy and Commerce.

124. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations: Minor Revisions to Public Notification Rule, Consumer Confidence Report Rule and Primacy Rule [FRL-7413-9] (RIN: 2040-AD06) received November 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

125. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Air Pollution From New Motor Vehicles: Amendments to the Tier 2 Motor Vehicle Emission Regulations [AMS-FRL-7416-7] (RIN: 2060-AI23) received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

126. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans for Texas: Transportation Control Measures Rule [TX-127-1-7555; FRL-7416-5] received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

127. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; One-hour Ozone Attainment Demonstration for the New Hampshire Portion of the Boston-Lawrence-Worcester, MA-NH Ozone Nonattainment Area [NH-049-7174a; A-1-FRL-7418-5] received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

128. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; One-hour Ozone Attainment Demonstration for the Massachusetts portion of the Boston-Lawrence-Worcester, MA-NH Ozone Nonattainment Area [MA069-7205a; A-1-FRL-7418-6] received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

129. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revision to Operating Permits Program in Washington [FRL-7415-2] received November 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

130. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA 262-0371; FRL-7413-1] received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

131. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry [FRL-7416-9] (RIN: 2060-AJ57) received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

132. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste [FRL-7424-2] (RIN: 2050-AE79) received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

133. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions to Miscellaneous Regulations Within the North Carolina State Implementation Plan [NC 102-200304(a); FRL-7425-2] received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

134. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans for Mississippi: Infectious Waste Incinerator Requirements [MS 23-1-200242(a); FRL-7424-3] Recieved December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

135. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Low Emission Vehicle Program [MA087-7215a; A-1-FRL-7418-7] received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

136. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Notice and Request for Comment Regarding Textile Corporate Leniency Policy [Billing Code 6750-01P] received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

137. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Rules and Regulations Under the Textile Fiber Products Identification Act [Billing Code: 6750-01P] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

138. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Material Control and Accounting Amendments (RIN: 3150-AG69) received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

139. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the FY 2001 Inventory of Programs, produced by the Interagency Working Group; to the Committee on International Relations.

140. A communication from the President of the United States, transmitting a report on the status of the world intellectual property organization copyright treaty and the world intellectual property organization performances and phonograms treaty; to the Committee on International Relations.

141. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, ''Audit of Advisory Neighborhood Commission 5C for Fiscal Years 1999, 2000, 2001, and 2002, Through June 30, 2002,'' pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

142. A letter from the Assistant Secretary, Policy, Managment and Budget, Department of the Interior, transmitting the Department's inventory of commercial activities prepared in accordance with the Federal Activities Reform (FAIR) Act of 1998; to the Committee on Government Reform.

143. A letter from the Archivist, National Archives and Records Administration, transmitting the Administration's Commercial Activities Inventory and Inherently Governmental Inventory; to the Committee on Government Reform.

144. A letter from the Administrator, Office of Management and Budget, transmitting a copy of the report, ''Stimulating Smarter Regulation: 2002 Report to Congress on the Costs and Benefits of Federal Regulations and Unfunded Mandates on State, Local and Tribal Entities,'' pursuant to 2 U.S.C. 1538; to the Committee on Government Reform.

145. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Bipartisan Campaign Reform Act of 2002 Reporting [Notice 2002-26] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

146. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Five Carbonate Plants from the San Bernardino Mountains in Southern California (RIN: 1018-AI27) received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

147. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Deinandra conjugens (Otay tarplant) (RIN: 1018-AH00) received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

148. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Extend the Interim Groundfish Observer Program Through December 31, 2007, and Amend Regulations for the North Pacific Groundfish Observer Program [Docket No. 020814193-2282-02; I.D. 070102C] (RIN: 0648-AQ05) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

149. A letter from the Secretary, Department of Transportation, transmitting the Department's proposed legislation entitled, ''Title 46 Codification Act of 2002''; to the Committee on the Judiciary.

150. A letter from the Acting Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting the Annual Report on Civil Works Activities for Fiscal Year 2001; to the Committee on Transportation and Infrastructure.

151. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule — Retention of Current Monetary Threshold for Reporting Rail Equipment Accidents/Incidents During Calendar Year 2003 and Until Further Amended

[FRA-1998-4898, Notice No. 5] (RIN: 2130-AB57) received December 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

152. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — U.S. Locational Requirement for Dispatching of U.S. Rail Operations [FRA Docket No. FRA-2001-8728, Notice No. 3] (RIN: 2130-AB38) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

153. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of Certain Federal Human Health and Aquatic Life Water Quality Criteria Applicable to Vermont, the District of Columbia, Kansas and New Jersey [FRL-7416-3] received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

154. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Disclaimers, Fraudulent Solicitation, Civil P enalties [Notice 2002-25] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

155. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Coordinated and Independent Expenditures [Notice 2002-17] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELDON of Florida (for himself, Mr. STUPAK, Mr. SENSENBRENNER, Mr. KUCINICH, Mr. SMITH of Texas, Mr. DOYLE, Mr. CHABOT, Mr. SANDERS, Mr. CANNON, Mr. HALL, Mr. KELLER, Mr. FLAKE, Ms. HART, Mr. DELAY, Mrs. MYRICK, Mr. BACHUS, Mr. TAYLOR of Mississippi, Mr. LUCAS of Kentucky, Mr. MURTHA, Mr. BLUNT, Mr. MCINTYRE, Mr. ORTIZ, Mr. MOLLOHAN, Mr. FLETCHER, Mr. BILIRAKIS, Mr. NORWOOD, Mr. PITTS, Mr. SHIMKUS, Mr. STEARNS, Mr. SMITH of New Jersey, Mr. VITTER, Mr. GOODE, Mr. WOLF, Mr. STENHOLM, Mr. BRADY of Texas, Mr. JOHN, Mr. SOUDER, Mr. PETERSON of Minnesota, Mr. HOEKSTRA, Mr. KILDEE, Mr. ADERHOLT, Mr. SKELTON, Mr. WICKER, Mr. COSTELLO, Mr. LEWIS of Kentucky, Mr. TURNER of Texas, Mr. SAM JOHNSON of Texas, Mr. MCNULTY, Mr. EHLERS, Mr. RAHALL, Mr. LIPINSKI, Mr. SHUSTER, Mr. GOODLATTE, Mr. PICKERING, Mr. BURTON of Indiana, Mr. HUNTER, Mr. CANTOR, Mr. NETHERCUTT, Mr. GUTKNECHT, Mr. HAYWORTH, Mr. MILLER of Florida, Mr. MCCRERY, Mr. RYUN of Kansas, Mrs. JO ANN DAVIS of Virginia, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. LINDER, Mr. MICA, Mr. SHADEGG, Mr. TERRY, Mr. COLLINS, Mrs. MUSGRAVE, Mr. KENNEDY of Minnesota, Mr. PENCE, Mr. ROGERS of Michigan, Mr. TIBERI, Mr. RYAN of Wisconsin, Mr. FORBES, Mr. KING of Iowa, Mr. EVERETT, Mr. AKIN, Mr. OSBORNE, Mr. TANCREDO, Mr. JONES of North Carolina, Mr. CAMP, Mr. DUNCAN, Mr. CRENSHAW, Mr. PETERSON of Pennsylvania, Mr. KING of New York, Mr. WAMP, Mr. FOSSELLA, Mr. COMBEST, Mr. HAYES, Mr. TIAHRT, Mr. BURNS, Mr. HOSTETTLER, Mrs. EMERSON, Mr. ISSA, Mr. MANZULLO, Mr. CRANE, Mr. FEENEY, Mr. BUYER, and Mr. FERGUSON):

H.R. 234. A bill to amend title 18, United States Code, to prohibit human cloning; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina (for himself, Mr. DELAY, Mr. BLUNT, Mr. HAYES, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. HALL, Mr. DEMINT, Mr. GUTKNECHT, Mr. KENNEDY of Minnesota, Mr. WELDON of Florida, Mr. PENCE, Ms. HART, and Mr. PITTS):

H.R. 235. A bill to amend the Internal Revenue Code of 1986 to protect the religious free exercise and free speech rights of churches and other houses of worship; to the Committee on Ways and Means.

By Mr. FATTAH (for himself, Mr. GEORGE MILLER of California, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Mr. JACKSON of Illinois, Mr. RUSH, Mr. HOLDEN, Mr. SERRANO, Ms. WATSON, Mr. TOWNS, Mr. HOEFFEL, Mr. REYES, Mr. ISRAEL, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Mr. CROWLEY, Mr. HINCHEY, Mr. SCOTT of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OLVER, Mr. DELAHUNT, Mr. FILNER, Mr. OWENS, Ms. WOOLSEY, Mr. ACEVEDO-VILÁ, Mr. RAHALL, Mr. BRADY of Pennsylvania, Mr. NEAL of Massachusetts, Mrs. MCCARTHY of New York, Mr. DOYLE, Mr. MCNULTY, Mr. LYNCH, Mr. MEEHAN, Mr. HONDA, Mrs. CHRISTENSEN, Ms. ROYBAL-ALLARD, Mr. DAVIS of Alabama, Mr. GUTIERREZ, Mr. FORD, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Mr. CLAY, Mr. CLYBURN, Ms. JACKSON-LEE of Texas, Mr. RANGEL, Mr. JEFFERSON, Ms. NORTON, Mr. THOMPSON of Mississippi, Ms. LEE, and Mr. WATT):

H.R. 236. A bill to provide for adequate and equitable educational opportunities for students in State public school systems, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BURTON of Indiana (for himself, Mr. KUCINICH, Mr. DUNCAN, Mr. PAUL, Mrs. MALONEY, Mr. KING of New York, and Mr. PLATTS):

H.R. 237. A bill to repeal certain amendments to the National Vaccine Injury Compensation Program; to the Committee on Energy and Commerce.

By Mr. BOEHLERT (for himself and Mr. HALL):

H.R. 238. A bill to provide for Federal energy research, development, demonstration, and commercial application activities, and for other purposes; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California (for himself, Mrs. MALONEY, Mr. OXLEY, Mr. KANJORSKI, Mr. LEACH, Mrs. KELLY, Mr. MCHUGH, Mr. TOOMEY, Mr. SOUDER, Ms. HART, and Mr. PLATTS):

H.R. 239. A bill to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields; to the Committee on Financial Services.

By Mr. MICA:

H.R. 240. A bill to amend title 38, United States Code, to require Department of Veterans Affairs pharmacies to dispense medications to veterans for prescriptions written by private health-care practitioners in the case of veterans who, after having made an appointment to see a Department of Veterans Affairs physician to obtain such a prescription, have been waiting for longer than 30 days, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H.R. 241. A bill to amend title 38, United States Code, to repeal the two-year limitation on the payment of accrued benefits that are due and unpaid by the Secretary of Veterans Affairs upon the death of a veteran or other beneficiary under laws administered by the Secretary; to the Committee on Veterans' Affairs.

By Mr. ISSA (for himself, Mr. FARR, Mr. NETHERCUTT, and Mr. MEEHAN):

H.R. 242. A bill to make technical corrections in patent law; to the Committee on the Judiciary.

By Mr. ISSA (for himself, Mr. BAIRD, Mr. LEWIS of California, Ms. LOFGREN, Mr. MCDERMOTT, Mr. ENGLISH, and Mr. INSLEE):

H.R. 243. A bill to amend title 23, United States Code, relating to the use of high occupancy vehicle lanes by hybrid vehicles; to the Committee on Transportation and Infrastructure.

By Mr. ISSA (for himself, Mr. THOMPSON of California, Mr. OSE, Mr. MATSUI, Mr. GEORGE MILLER of California, Ms. LEE, Ms. ESHOO, Mr. MCKEON, Mr. SCHIFF, Ms. ROYBAL-ALLARD, Ms. MILLENDER-MCDONALD, Mr. ROYCE, Mr. LEWIS of California, Mr. CALVERT, Mrs. DAVIS of California, Mr. HUNTER, Mrs. NAPOLITANO, Mr. HERGER, Mr. DOOLITTLE, Mr. POMBO, Mr. RADANOVICH, Mr. THOMAS, Mr. GALLEGLY, Mr. DREIER, Mr. GARY G. MILLER of California, Mrs. BONO, Mr. ROHRABACHER, Mr. COX, Mr. CUNNINGHAM, Mr. NUNES, Mrs. CAPPS, Mr. HONDA, Mrs. TAUSCHER, Mr. DOOLEY of California, Mr. BECERRA, Ms. LOFGREN, Mr. CARDOZA, Ms. WATSON, and Mr. LANTOS):

H.R. 244. A bill to amend the Clean Air Act to permit the exclusive application of California State regulations regarding reformulated gas in certain areas within the State; to the Committee on Energy and Commerce.

By Mr. FLETCHER (for himself, Mr. ETHERIDGE, Mr. TANNER, Mr. BISHOP of Georgia, Mr. BOUCHER, Mr. LEWIS of Kentucky, Ms. MCCARTHY of Missouri, Mr. LUCAS of Kentucky, Mr. WAMP, Mr. WHITFIELD, Mr. PRICE of North Carolina, and Mr. ROGERS of Kentucky):

H.R. 245. A bill to replace the existing Federal price support and quota programs for tobacco with price support and quota programs designed to assist the actual producers of tobacco, to compensate quota holders for the loss of tobacco quota asset value, to provide assistance for active tobacco producers, including those producers who forgo obtaining a tobacco production license, during the transition of the new programs, and for other purposes; to the Committee on Agriculture.

By Mr. REGULA:

H.R. 246. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2003, and for other purposes; to the Committee on Appropriations.

By Mr. WOLF:

H.R. 247. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2003, and for other purposes; to the Committee on Appropriations.

By Mr. ALLEN (for himself, Mr. STARK, Mr. PALLONE, Mr. BROWN of Ohio, Mr. MICHAUD, Mr. SANDERS, Mr. BERRY, Mr. DAVIS of Florida, Mr. KUCINICH, and Mrs. CAPPS):

H.R. 248. A bill to amend the Public Health Service Act and the Homeland Security Act of 2002 to strike unrelated provisions concerning changes to the National Vaccine Injury Compensation Program and liability for vaccine manufacturers; to the Committee on Energy and Commerce.

By Mr. ALLEN:

H.R. 249. A bill to amend title II of the Social Security Act to provide an exception to the nine-month duration of marriage requirement for widows and widowers in cases in which the marriage was postponed by legal impediments to the marriage caused by State restrictions on divorce from a prior spouse institutionalized due to mental incompetence or similar incapacity; to the Committee on Ways and Means.

By Mr. FARR (for himself, Mr. UDALL of Colorado, and Mr. HONDA):

H.R. 250. A bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 251. A bill to protect small businesses from increased tariffs and other retaliatory actions taken by the United States during a trade dispute; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 252. A bill to amend the Internal Revenue Code of 1986 to extend the period for filing for a credit or refund of individual income taxes to 7 years; to the Committee on Ways and Means.

By Mr. BEREUTER (for himself and Mr. BLUMENAUER):

H.R. 253. A bill to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made; to the Committee on Financial Services.

By Mr. BEREUTER (for himself, Mr. BONILLA, Mr. GONZALEZ, Mr. HINOJOSA, Mr. OSE, Mr. ROYCE, Mr. REYES, Mr. RODRIGUEZ, Mr. GRIJALVA, and Mr. ORTIZ):

H.R. 254. A bill to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes; to the Committee on Financial Services.

By Mr. BEREUTER:

H.R. 255. A bill to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretative Center in Nebraska City, Nebraska; to the Committee on Resources.

By Mr. BOUCHER (for himself and Mr. GOODE):

H.R. 256. A bill to provide for premium assistance for COBRA continuation coverage for certain individuals and to permit States to provide temporary Medicaid coverage for certain uninsured employees; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURNS (for himself, Mr. HAYES, Mr. MCINTYRE, Mr. PICKERING, Mr. KINGSTON, Mr. ROGERS of Alabama, Mr. GOODE, Mr. CRAMER, and Mr. BISHOP of Georgia):

H.R. 257. A bill to provide emergency disaster assistance to agricultural producers that incurred 2002 crop losses due to damaging weather or related condition and to provide emergency disaster assistance to livestock producers in counties that received a primary disaster designation by the Secretary of Agriculture in calendar year 2001 or 2002, and for other purposes; to the Committee on Agriculture.

By Mr. CANTOR (for himself, Mr. GOODE, Mr. SCHROCK, Mr. TOM DAVIS of Virginia, Mr. GOODLATTE, Mr. SCOTT of Virginia, Mr. FORBES, Mr. MORAN of Virginia, Mr. BOUCHER, Mrs. JO ANN DAVIS of Virginia, and Mr. WOLF):

H.R. 258. A bill to ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Advisory Committee, and for other purposes; to the Committee on Financial Services.

By Mr. CONYERS (for himself, Mr. FROST, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. CLYBURN, Mr. DAVIS of Illinois, Mr. BROWN of Ohio, Mr. RUSH, Mr. OWENS, Ms. KILPATRICK, Mr. WYNN, Mr. JACKSON of Illinois, Mr. HASTINGS of Florida, Mr. FATTAH, Ms. LEE, Mr. CUMMINGS, Mr. BRADY of Pennsylvania, Mr. FORD, Mrs. JONES of Ohio, Ms. SCHAKOWSKY, Mr. LEWIS of Georgia, Ms. NORTON, Mr. MORAN of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. KUCINICH):

H.R. 259. A bill to secure the Federal voting rights of persons who have been released from incarceration; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. NADLER, Mr. ACKERMAN, Ms. CORRINE BROWN of Florida, Mr. DELAHUNT, Ms. KILPATRICK, Ms. LEE, Mr. MARKEY, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. CUMMINGS, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. KENNEDY of Rhode Island, Ms. LOFGREN, Mr. MEEHAN, Mr. TOWNS, Mr. WEXLER, Mr. DEUTSCH, Mr. FRANK of Massachusetts, Ms. DEGETTE, Mr. PAYNE, Mr. STARK, Mr. BERMAN, Mr. DAVIS of Florida, Mr. CLAY, Ms. NORTON, Mr. HOLT, Mr. GUTIERREZ, and Mr. MCDERMOTT):

H.R. 260. A bill to extend Brady background checks to gun shows, and for other purposes; to the Committee on the Judiciary.

By Mr. COOPER (for himself, Mr. GORDON, Mr. TANNER, and Mr. DAVIS of Tennessee):

H.R. 261. A bill to amend the Internal Revenue Code of 1986 to allow residents of States with no income tax a deduction for State and local sales taxes; to the Committee on Ways and Means.

By Mr. COX (for himself, Mr. FOLEY, Ms. HART, Ms. LOFGREN, Mr. FILNER, Mr. DREIER, Mr. SHADEGG, Mr. TOWNS, Mr. MCKEON, Mr. SENSENBRENNER, Mr. OWENS, Mr. WILSON of South Carolina, Mr. CUNNINGHAM, Mr. OSE, Mr. SANDERS, Ms. CORRINE BROWN of Florida, Mr. BURTON of Indiana, Mr. CALVERT, Mr. ROTHMAN, Mr. ISSA, Mr. GARY G. MILLER of California, Mr. KUCINICH, Mr. PENCE, Mr. PITTS, Mr. PASCRELL, Mr. POMBO, Mr. ROHRABACHER, Mr. ROYCE, Mr. TANCREDO, Mr. TIBERI, Mr. WALDEN of Oregon, Mr. GILLMOR, Mr. DUNCAN, Mr. FOSSELLA, Ms. MILLENDER-MCDONALD, Mr. GILCHREST, Mr. WEXLER, Mr. VISCLOSKY, Mr. ENGEL, Mr. PAYNE, Mr. PLATTS, Mr. DOYLE, Mr. EVANS, Mr. KENNEDY of Minnesota, Mr. JONES of North Carolina, Mr. KNOLLENBERG, Mr. KING of New York, and Mr. QUINN):

H.R. 262. A bill to allow a custodial parent a bad debt deduction for unpaid child support payments, and to require a parent who is chronically delinquent in child support to include the amount of the unpaid obligation in gross income; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 263. A bill to amend title 38, United States Code, to improve access to medical services for veterans seeking treatment at Department of Veterans Affairs outpatient clinics with exceptionally long waiting periods; to the Committee on Veterans' Affairs.

By Mr. DUNCAN:

H.R. 264. A bill to amend title II of the Social Security Act to provide for payment of lump-sum death payments upon the death of a spouse; to the Committee on Ways and Means.

By Ms. DUNN (for herself, Mr. DICKS, Mr. LARSEN of Washington, Mr. HASTINGS of Washington, Mr. SMITH of Washington, and Mr. BAIRD):

H.R. 265. A bill to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes; to the Committee on Resources.

By Mr. EHLERS (for himself and Mr. GILCHREST):

H.R. 266. A bill to establish the National Invasive Species Council, and for other purposes; to the Committee on Resources.

By Mr. ENGLISH:

H.R. 267. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability; to the Committee on Ways and Means.

By Mr. EHLERS:

H.R. 268. A bill to authorize appropriations for the United States Weather Research Program, and for other purposes; to the Committee on Science.

By Mr. ENGLISH:

H.R. 269. A bill to amend the Internal Revenue Code of 1986 to restructure and replace the income tax system of the United States to meet national priorities, and for other purposes; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN (for himself, Mr. PALLONE, Mrs. MCCARTHY of New York, Mr. CROWLEY, Mr. HINCHEY, Mr. MCNULTY, Mrs. KELLY, Mr. PAYNE, Mr. KING of New York, and Mr. SANDERS):

H.R. 270. A bill to require the Secretary of Veterans Affairs to replace with a more equitable formula the current formula, known as the Veterans Equitable Resource Allocation (VERA), for the allocation of funds appropriated to the Department of Veterans Affairs for medical care to different geographic regions of the Nation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FRELINGHUYSEN (for himself, Mrs. KELLY, Mr. HINCHEY, and Mr. KING of New York):

H.R. 271. A bill to require the Secretary of Veterans Affairs to modify the formula, known as the Veterans Equitable Resource Allocation (VERA) system, for the allocation of funds appropriated to the Department of Veterans Affairs for medical care to different geographic regions of the Nation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GIBBONS:

H.R. 272. A bill to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; to the Committee on Resources.

By Mr. GILCHREST (for himself and Mr. TAUZIN):

H.R. 273. A bill to provide for the eradication and control of nutria in Maryland and Louisiana; to the Committee on Resources.

By Mr. GILCHREST:

H.R. 274. A bill to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge; to the Committee on Resources.

By Mr. GILLMOR (for himself and Mr. TIBERI):

H.R. 275. A bill to amend the Securities and Exchange Act of 1934 to require improved disclosure of corporate charitable contributions, and for other purposes; to the Committee on Financial Services.

By Mr. GOODE (for himself, Mr. JONES of North Carolina, and Mr. PAUL):

H.R. 276. A bill to repeal section 658 of Public Law 104-208, commonly referred to as the Lautenberg amendment; to the Committee on the Judiciary.

By Mr. GOODE (for himself, Mr. JONES of North Carolina, and Mr. TANCREDO):

H.R. 277. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to assign members of the Army, Navy, Air Force, and Marine Corps, under certain circumstances and subject to certain conditions, to assist the Department of Homeland Security in the performance of border protection functions; to the Committee on Armed Services, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES:

H.R. 278. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida:

H.R. 279. A bill to amend the Small Business Act to include drought in the definition of disaster for purposes of the disaster loan program administered by the Small Business Administration; to the Committee on Small Business.

By Mr. HOBSON (for himself, Mr. PORTMAN, Mr. REGULA, Mr. LATOURETTE, Mr. BOEHNER, Mr. TURNER of Ohio, Mr. TIBERI, Mr. NEY, Mr. BROWN of Ohio, Mr. OXLEY, Mrs. JONES of Ohio, Ms. KAPTUR, and Mr. GILLMOR):

H.R. 280. A bill to establish the National Aviation Heritage Area, and for other purposes; to the Committee on Resources.

By Mr. HOBSON (for himself, Mr. BOEHNER, Mr. BROWN of Ohio, Mr. CHABOT, Mr. GILLMOR, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KUCINICH, Mr. LATOURETTE, Mr. NEY, Mr. OXLEY, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. REGULA, Mr. STRICKLAND, Mr. TIBERI, Mr. RYAN of Ohio, and Mr. TURNER of Ohio):

H.R. 281. A bill to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. HOEKSTRA (for himself, Mr. TANCREDO, and Mr. SOUDER):

H.R. 282. A bill to amend the Internal Revenue Code of 1986 to allow a credit for contributions for the benefit of elementary and secondary schools; to the Committee on Ways and Means.

By Mr. HONDA (for himself, Ms. JACKSON-LEE of Texas, Mrs. TAUSCHER, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HOEFFEL, Ms. NORTON, Ms. LOFGREN, and Mr. ETHERIDGE):

H.R. 283. A bill to establish the Nanoscience and Nanotechnology Advisory Board; to the Committee on Science.

By Mr. HOUGHTON (for himself and Mr. NEAL of Massachusetts):

H.R. 284. A bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself, Mr. SAM JOHNSON of Texas, Mr. PORTMAN, and Mr. RAMSTAD):

H.R. 285. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States businesses operating abroad, and for other purposes; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself, Mr. BARTLETT of Maryland, Mr. COX, Mr. CRANE, Mr. TOM DAVIS of Virginia, Mr. DOOLEY of California, Ms. DUNN, Mr. ENGLISH, Mr. FILNER, Mr. FOLEY, Mr. GILLMOR, Mr. HAYWORTH, Mr. HERGER, Mr. HONDA, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON of Texas, Ms. LOFGREN, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RAMSTAD, and Mr. SESSIONS):

H.R. 286. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of incentive stock options and employee stock purchase plans; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 287. A bill to prohibit the exportation of natural gas from the United States to Mexico for use in electric energy generation units near the United States border that do not comply with air quality control requirements that provide air quality protection that is at least equivalent to the protection provided by requirements applicable in the United States; to the Committee on International Relations.

By Mr. INSLEE:

H.R. 288. A bill to amend title 23, United States Code, to establish programs to enhance roadway safety and improve transportation efficiency in the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. KAPTUR (for herself and Mr. DINGELL):

H.R. 289. A bill to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge; to the Committee on Resources.

By Mrs. KELLY:

H.R. 290. A bill to expand research regarding inflammatory bowel disease, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. KELLY:

H.R. 291. A bill to amend title 18, United States Code, to increase the mandatory minimum penalties provided for possessing, brandishing, or discharging a firearm during and in relation to a crime of violence or drug trafficking crime; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 292. A bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 293. A bill to amend title 18, United States Code, to prohibit taking a child hostage in order to evade arrest; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 294. A bill to amend title 38, United States Code, to improve the automobile assistance program for disabled veterans; to the Committee on Veterans' Affairs.

By Mrs. KELLY:

H.R. 295. A bill to amend the Internal Revenue Code of 1986 to require group health plans to provide coverage for reconstructive surgery following mastectomy, consistent with the Women's Health and Cancer Rights Act of 1998; to the Committee on Ways and Means.

By Mrs. KELLY:

H.R. 296. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself and Mr. KIRK):

H.R. 297. A bill to require any amounts remaining in a Member's Representational Allowance at the end of a fiscal year to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt; to the Committee on House Administration.

By Mr. KING of New York (for himself and Mr. ENGEL):

H.R. 298. A bill to posthumously award congressional gold medals to government workers and others who responded to the attacks on the World Trade Center and the Pentagon and perished and to people aboard United Airlines Flight 93 who helped resist

the hijackers and caused the plane to crash, to require the Secretary of the Treasury to mint coins in commemoration of the Spirit of America, recognizing the tragic events of September 11, 2001, and for other purposes; to the Committee on Financial Services.

By Mr. KING of New York:

H.R. 299. A bill to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the ''Gerard A. Fiorenza Post Office Building''; to the Committee on Government Reform.

By Mr. KING of New York (for himself, Mr. ISTOOK, Mr. PAUL, Mr. NORWOOD, Mr. DOOLITTLE, Mr. DUNCAN, Mr. CRANE, Mr. FLAKE, Mr. DEAL of Georgia, Mr. HAYWORTH, Mr. WELDON of Florida, Mr. BARTLETT of Maryland, Mr. ROHRABACHER, Mr. TANCREDO, Mr. EVERETT, Mrs. CUBIN, Mr. HALL, Mr. COBLE, Mr. PLATTS, Mr. WICKER, Mr. RYUN of Kansas, Mr. BUYER, Mr. NEY, Mr. SAM JOHNSON of Texas, Mr. AKIN, Mr. GOODLATTE, Mr. GOODE, Mr. BURR, and Mr. FORBES):

H.R. 300. A bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes; to the Committee on Government Reform.

By Mr. KNOLLENBERG:

H.R. 301. A bill to amend the Internal Revenue Code of 1986 to eliminate the tax on the net capital gain of taxpayers other than corporations; to the Committee on Ways and Means.

By Mr. MCINTYRE:

H.R. 302. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives and job training grants for communities affected by the migration of businesses and jobs to Canada or Mexico as a result of the North American Free Trade Agreement; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. EVANS, Mr. WHITFIELD, Mr. FILNER, Mr. ROSS, Mr. HASTINGS of Washington, Mr. PAYNE, Mr. BARTLETT of Maryland, Mr. JONES of North Carolina, Mr. MILLER of Florida, Mr. RODRIGUEZ, Mr. NADLER, Mr. EDWARDS, Mr. BOOZMAN, Mr. KENNEDY of Minnesota, Mr. BONILLA, Mr. SHAW, Mrs. WILSON of New Mexico, Mr. LEVIN, Mr. GOODLATTE, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. OSBORNE):

H.R. 303. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCNULTY:

H.R. 304. A bill to authorize the President to award the Medal of Honor posthumously to Henry Johnson for acts of valor during World War I; to the Committee on Armed Services.

By Mr. MCNULTY:

H.R. 305. A bill to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes; to the Committee on Resources.

By Mr. GARY G. MILLER of California (for himself, Mr. CALVERT, and Mr. DOOLEY of California):

H.R. 306. A bill to amend the Safe Drinking Water Act to provide procedures for claims relating to drinking water; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas (for himself, Mr. OSBORNE, Mr. LUCAS of Oklahoma, Mr. JOHNSON of Illinois, Mr. MCINTYRE, Mr. PETERSON of Minnesota, Mr. POMEROY, Mr. BOSWELL, Mr. BEREUTER, Mr. LAHOOD, Mr. SHIMKUS, Mr. GOODE, Mr. RYUN of Kansas, Mr. STUPAK, Mr. LATOURETTE, Mr. MOORE, Mr. WELLER, Mr. UDALL of New Mexico, Mrs. MUSGRAVE, Mrs. CUBIN, Mr. WALDEN of Oregon, Mr. REHBERG, and Mr. PETERSON of Pennsylvania):

H.R. 307. A bill to provide emergency disaster assistance to agricultural producers to respond to severe crop losses and livestock losses incurred in 2001 and 2002, and for other purposes; to the Committee on Agriculture.

By Mr. NADLER:

H.R. 308. A bill to provide for the resolution of certain labor issues relating to the merger of the Metro-North Railroad and the Long Island Rail Road; to the Committee on Transportation and Infrastructure.

By Mr. NUNES:

H.R. 309. A bill to direct the Secretary of the Interior to conduct a study to determine the feasibility of increasing the capacity of water storage, increasing power generation, improving water supply reliability and quality, improving water management efficiency, and improving ecosystem function and flood control on the San Joaquin River through the construction of a reservoir at Temperance Flat and other reasonable measures; to the Committee on Resources.

By Mr. OSBORNE (for himself, Mr. BEREUTER, Mr. POMEROY, Mr. PAUL, Mr. NETHERCUTT, Mr. FLAKE, Mr. WAMP, Mr. KENNEDY of Minnesota, Mr. WHITFIELD, Mr. GREEN of Wisconsin, Mr. WILSON of South Carolina, Mr. FROST, Mr. SMITH of Michigan, Mrs. EMERSON, Mr. REHBERG, Mr. LEWIS of Kentucky, and Mr. SOUDER):

H.R. 310. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence; to the Committee on Ways and Means.

By Mr. PENCE (for himself, Mr. TOOMEY, Mrs. MYRICK, Mrs. JO ANN DAVIS of Virginia, Mr. GOODE, Mr. PITTS, Mr. KING of Iowa, Mr. CHOCOLA, Mr. RYUN of Kansas, Mr. TANCREDO, Mr. AKIN, Mr. WILSON of South Carolina, Mr. PEARCE, Mr. HOSTETTLER, Mr. HOEKSTRA, Mr. FEENEY, Mr. SOUDER, Mr. FLAKE, Mr. BURTON of Indiana, Mr. TERRY, Mr. TIAHRT, Mr. SHADEGG, Mr. SESSIONS, Mr. OTTER, Mr. ADERHOLT, Mr. WELDON of Florida, Mr. RYAN of Wisconsin, Mr. BARRETT of South Carolina, Mr. DEMINT, Mr. CULBERSON, Mr. DOOLITTLE, Mr. GARRETT of New Jersey, and Mr. SULLIVAN):

H.R. 311. A bill to amend the Internal Revenue Code of 1986 to provide a 10 percent maximum capital gains tax for individuals; to the Committee on Ways and Means.

By Mr. PETRI (for himself, Mr. KIRK, and Mr. FRANKS of Arizona):

H.R. 312. A bill to amend the Internal Revenue Code of 1986 to allow a dividends paid deduction; to the Committee on Ways and Means.

By Mr. RAHALL (for himself and Mr. NEY):

H.R. 313. A bill to modify requirements relating to allocation of interest that accrues to the Abandoned Mine Reclamation Fund; to the Committee on Resources.

By Mr. ROYCE (for himself, Mr. KANJORSKI, Mr. JONES of North Carolina, Mr. PAUL, Mr. SHERMAN, Mr. MEEKS of New York, and Mrs. MALONEY):

H.R. 314. A bill to amend the Fair Debt Collection Practices Act to exempt mortgage servicers from certain requirements of the Act with respect to federally related mortgage loans secured by a first lien, and for other purposes; to the Committee on Financial Services.

By Mr. SAXTON:

H.R. 315. A bill to amend the Internal Revenue Code of 1986 to remove the requirement of a mandatory beginning date for distributions from individual retirement plans; to the Committee on Ways and Means.

By Mr. SHIMKUS (for himself, Ms. MCCARTHY of Missouri, Mr. JOHNSON of Illinois, Mr. LAHOOD, Mr. KIRK, and Mr. LIPINSKI):

H.R. 316. A bill to eliminate certain restrictions on the availability of credits under title III of the Energy Policy Act of 1992 for the use of biodiesel fuel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHIMKUS:

H.R. 317. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991, relating to a rural access project in Mt. Vernon, Illinois; to the Committee on Transportation and Infrastructure.

By Mr. SHIMKUS (for himself, Ms. MCCARTHY of Missouri, Mr. JOHNSON of Illinois, Mr. LAHOOD, Mr. KIRK, and Mr. MANZULLO):

H.R. 318. A bill to amend title 23, United States Code, to require consideration under the congestion mitigation and air quality improvement program of the extent to which a proposed project or program reduces sulfur or atmospheric carbon emissions, to make renewable fuel projects eligible under that program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. STUPAK:

H.R. 319. A bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT:

H.R. 320. A bill to amend the Internal Revenue Code of 1986 to allow expanded penalty-free withdrawals from certain retirement plans during periods of unemployment for any employee of an air carrier or of a manufacturer of aircraft or parts or components of aircraft; to the Committee on Ways and Means.

By Mr. TOOMEY:

H.R. 321. A bill to establish limits on medical malpractice claims, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS:

H.R. 322. A bill to amend title XIX of the Social Security Act to assure coverage for legal immigrant children and pregnant women under the Medicaid Program and the State children's health insurance program (SCHIP); to the Committee on Energy and Commerce.

By Mr. VISCLOSKY (for himself, Mr. LYNCH, Mr. WYNN, Mr. OBERSTAR, and Mr. STUPAK):

H.R. 323. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for joint trusteeship of single-employer pension plans; to the Committee on Education and the Workforce.

By Mr. VITTER:

H.R. 324. A bill to restore the consent of Congress to the Northeast Interstate Dairy Compact and to grant the consent of Congress to the Southern Dairy Compact, a Pacific Northwest Dairy Compact, and an Intermountain Dairy Compact; to the Committee on the Judiciary.

By Mr. VITTER:

H.R. 325. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit against income tax for individuals who purchase a residential safe storage device for the safe storage of firearms; to the Committee on Ways and Means.

By Mr. VITTER:

H.R. 326. A bill to amend the Internal Revenue Code of 1986 to eliminate the double taxation of dividends; to the Committee on Ways and Means.

By Mr. WHITFIELD:

H.R. 327. A bill to authorize the President to award the Medal of Honor posthumously to Garlin Murl Conner for acts of valor during World War II; to the Committee on Armed Services.

By Mr. WHITFIELD (for himself, Ms. DEGETTE, Mr. DREIER, Ms. PELOSI, Mr. RADANOVICH, Ms. ESHOO, Mr. SHIMKUS, and Mr. GUTIERREZ):

H.R. 328. A bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000; to the Committee on Energy and Commerce.

By Mrs. WILSON of New Mexico:

H.R. 329. A bill to improve mathematics and science instruction in elementary and secondary schools by authorizing the Secretary of Education to make grants for regional workshops designed to permit educators to share successful strategies for such instruction; to the Committee on Education and the Workforce.

By Mrs. WILSON of New Mexico (for herself, Mr. BLUNT, Mr. BURR, Mr. FOSSELLA, Mr. NORWOOD, Mrs. TAUSCHER, Mr. WAMP, and Mr. WHITFIELD):

H.R. 330. A bill to extend indemnification authority under section 170 of the Atomic Energy Act of 1954, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina:

H.R. 331. A bill to amend title 10, United States Code, to provide that military retired pay for nonregular service shall be paid without regard to the age of a person otherwise eligible for such retired pay, rather than commencing when an otherwise eligible person attains age 60; to the Committee on Armed Services.

By Mr. WILSON of South Carolina:

H.R. 332. A bill to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era to assess the suitability and feasibility of designating the study area as a unit of the National Park System; to the Committee on Resources.

By Mr. WU (for himself, Mr. HONDA, Mr. MATSUI, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Ms. BORDALLO, Mr. HINCHEY, Mr. SCHIFF, Ms. WATSON, Mr. SERRANO, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, Ms. LOFGREN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BLUMENAUER, Mr. WYNN, and Ms. MILLENDER-MCDONALD):

H.R. 333. A bill to amend the Higher Education Act of 1965 to authorize grants for institutions of higher education serving Asian Americans and Pacific Islanders; to the Committee on Education and the Workforce.

By Mr. SKELTON (for himself, Ms. PELOSI, Ms. HARMAN, Mr. MURTHA, Mr. SPRATT, Mr. DICKS, Mr. WAXMAN, Mr. EVANS, Mr. SNYDER, Mr. DELAHUNT, Mr. MORAN of Virginia, Mr. SMITH of Washington, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. TURNER of Texas, Mr. BROWN of Ohio, Mr. ENGEL, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mr. OBERSTAR, Mr. BOYD, Mr. SERRANO, Mr. EDWARDS, Mr. HOLDEN, Mr. ROTHMAN, Mr. ROSS, Mr. THOMPSON of California, Mr. RAHALL, Mr. KILDEE, Mrs. DAVIS of California, Mr. CARSON of Oklahoma, Ms. LOFGREN, Ms. KILPATRICK, Mr. LAMPSON, Mr. JOHN, Mr. TANNER, Mr. HOLT, Mr. ETHERIDGE, and Mr. ORTIZ):

H.J. Res. 12. A joint resolution commending the members of the United States Armed Forces; to the Committee on Armed Services.

By Ms. PRYCE of Ohio:

H. Con. Res. 8. A concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. GOODE (for himself, Mr. BACHUS, Mrs. JO ANN DAVIS of Virginia, Mr. JONES of North Carolina, Mr. LEWIS of Kentucky, and Mrs. MYRICK):

H. Con. Res. 9. Concurrent resolution urging the President to negotiate a new base rights agreement with the Government of the Republic of Panama in order for United States Armed Forces to be stationed in Panama for the purposes of defending the Panama Canal; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H. Con. Res. 10. A concurrent resolution condemning the Democratic People's Republic of Korea for its failure to comply with the Treaty on the Non-Proliferation of Nuclear Weapons and the U.S.-North Korea Agreed Framework of 1994; to the Committee on International Relations.

By Mr. MCNULTY:

H. Con. Res. 11. A concurrent resolution expressing the sense of Congress regarding the primary author and the official home of ''Yankee Doodle''; to the Committee on Government Reform.

By Mr. CLYBURN:

H. Res. 22. A resolution electing certain ranking minority members to standing committees; considered and agreed to.

By Mr. CLYBURN:

H. Res. 23. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Ms. PRYCE of Ohio:

H. Res. 24. A resolution electing chairmen of certain standing committees of the House.

By Mr. OSBORNE (for himself, Mr. KELLER, Ms. MCCOLLUM, Mrs. DAVIS of California, Mr. FORD, Mr. WAXMAN, Mr. BEREUTER, Mr. CARSON of Oklahoma, Mr. BAIRD, Mr. ETHERIDGE, and Mr. NEAL of Massachusetts):

H. Res. 25. A resolution supporting efforts to promote greater awareness of the need for youth mentors and increased involvement with youth through mentoring; to the Committee on Education and the Workforce.

By Mr. VITTER:

H. Res. 26. A resolution honoring the contributions of Catholic schools; to the Committee on Education and the Workforce.

By Mr. WYNN:

H. Res. 27. A resolution concerning the establishment of a permanent United Nations security force; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ALLEN:

H.R. 334. A bill for the relief of Nancy B. Wilson; to the Committee on the Judiciary.

By Mr. WILSON of South Carolina:

H.R. 335. A bill for the relief of Jaya Gulab Tolani and Hitesh Gulab Tolani; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. EVANS, Mr. GORDON, and Mr. UDALL of New Mexico.

H.R. 20: Mr. SWEENEY.

H.R. 24: Mr. MEEHAN.

H.R. 33: Mr. HALL, Mr. PICKERING, Mr. STUPAK, Mr. CARSON of Oklahoma, and Mr. MCINNIS.

H.R. 34: Mr. DAVIS of Florida, Mr. ALLEN, Mr. ROGERS of Michigan, and Mr. SMITH of Washington.

H.R. 41: Mr. BLUMENAUER, Mr. MCGOVERN, Mr. BACA, Mr. HALL, Mr. Engle, Mr. ALLEN, Mr. STENHOLM, Mr. BAIRD, Mr. SCHIFF, and Mr. KILDEE.

H.R. 47: Mr. FALEOMAVAGEA.

H.R. 49: Mr. HEFLEY, Mr. FEENEY, Mr. BARTON of Texas, Mr. WILSON of South Carolina, Mr. CRANE, Mr. WELLER, Mr. AKIN, Mr. GRAVES, Mr. KIRK, and Mr. WALDEN of Oregon.

H.R. 57: Mrs. JO ANN DAVIS of Virginia, Mr. BACHUS, Mr. SIMPSON, Mr. BAKER, Mrs. EMERSON, and Mr. OXLEY.

H.R. 111: Mr. MCNULTY, Mr. WALDEN of Oregon, Mr. SMITH of Washington, Mr. ALLEN, Mr. SCHIFF, Mr. PLATTS, and Mrs. CUBIN.

H.R. 127: Mr. HONDA, Mr. TOWNS, Ms. LOFGREN, Mr. SERRANO, Mr. FROST, Mr.

PASCRELL, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 156: Mr. ENGLISH.

H.R. 160: Mr. STUPAK.

H.R. 167: Mr. DEUTSCH and Mrs. KELLY.

H.R. 172: Mr. MCNULTY.

H.R. 179: Mr. SMITH of Michigan.

H.R. 182: Mr. HOEFFEL, Ms. NORTON, and Mr. BEREUTER.

H.R. 218: Mr. DINGELL, Mr. NEY, Mr. ANDREWS, Mr. COMBEST, Mrs. EMERSON, Mr. LOBIONDO, Mr. LUCAS of Oklahoma, Mr. CARSON of Oklahoma, Mr. SKELTON, Mr. PALLONE, Mr. PASCRELL, Mr. HOLT, and Mr. RYAN of Wisconsin.

H.J. Res. 3: Mrs. CAPPS, Mr. BOOZMAN, Mr. BASS, Mr. KIRK, Mr. HOUGHTON, Mr. TURNER of Ohio, Mr. BEREUTER, Mr. SCOTT of Georgia, Mr. KINGSTON, Mr. WILSON of South Carolina, Mr. SHERWOOD, Mr. ROGERS of Michigan, Mr. HAYWORTH, Mr. GORDON, Mr. ANDREWS, Mr. THORNBERRY, Mr. SIMMONS, Mr. HOBSON, Mr. ISTOOK, Mr. SHAW, Mr. BISHOP of Georgia, Mr. SAXTON, Mr. STENHOLM, Mr. SMITH of New Jersey, Mr. LOBIONDO, and Mr. SESSIONS.

H. Res. 17: Mr. HILL.

H. Res. 21: Mr. CONYERS and Mr. KUCINICH.

EXTENSIONS OF REMARKS

THE CHILDREN'S ACCESS TO TECHNOLOGY ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. GREEN of Texas. Mr. Speaker, I rise today to reintroduce the Children's Access to Technology Act providing the disadvantaged children of this country with the technology they need to succeed in life. My legislation will provide Title I schools with additional financial resources to modernize their Internet delivery tools. Specifically, this legislation will utilize any unspent e-rate funding to provide Title I schools with a maximum $25,000 award to modernize their Internet labs.

Mr. Speaker, the e-rate program has been very effective in bringing the Internet to libraries and classrooms across America. As a strong supporter of that program, I was disturbed to learn that crucial e-rate funding was going unspent because recipients were not following through with their paperwork confirming receipt of service. The Universal Service Administrative Company (USAC) is working to improve the timely utilization of authorized grants to approved school and library systems, but there will always be some unexpended funds in the program.

Because any unspent e-rate funding is lost at the end of each program year, my legislation will create a new funding mechanism, using any unspent monies, that will allow Title I schools to update their computer hardware. Specifically, the legislation directs the Federal Communications Commission (FCC) to establish a lottery system for Title I schools to enter and be eligible to receive up to $25,000 to modernize their computer hardware.

In light of President Bush's commitment to strengthen and streamline the e-rate program, I believe we must ensure that all funding made available through the USAC be spent on improving our children's access to new and innovative technology. While I understand USAC has taken steps to speed the grant process and close the unexpended funding gap, I still believe there will always be some unallocated funding at the end of each program year. In these instances, my legislation will provide an additional benefit to truly needy schools that are struggling to improve the delivery of Internet services to their students.

Our children are our future; without innovating new approaches to provide better tools in our classroom, the now-passable digital divide will become an impenetrable digital barrier, unbreachable no matter how much funding we throw at the problem.

Mr. Speaker, this is a complimentary piece of education legislation when compared with President Bush's proposals and will further enhance the educational opportunities of our children.

NOTCH BABY HEALTH CARE RELIEF ACT

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mrs. EMERSON. Mr. Speaker, today I am again introducing legislation to assist the over 6 million senior citizens who have been negatively impacted the Social Security Amendments of 1977. Seniors born between the years of 1917 and 1926—the Notch Babies—have received lower Social Security monthly payments that those seniors born shortly before or after this ten year period. My legislation, the Notch Baby Health Care Relief Act, will offset the reduction in Social Security benefits by providing a tax credit for Medicare Part B premiums.

The approach taken in this bill is different than taken by my Notch Baby Act of 2001 or in any other Notch bill that has been introduced. This legislation is particularly noteworthy because it was suggested to me by one of my constituents—adjust Medicare Part B premiums for senior citizens born between the years 1917 and 1926, their spouses and their widows or widowers. The bill also eliminates the Medicare Part B premium late enrollment penalty for these individuals.

As health care expenses can take up a large portion of a senior's retirement income, this tax credit can go a long way to both correct the inequity caused by the Notch and to help seniors meet their health care needs. I urge my colleagues to review the Notch Baby Heath Care Relief Act, to discuss this legislation with the seniors in their districts, and to join me in cosponsoring this important legislation.

HONORING THE CONCLUSION OF ALAMEDA BOARD OF EDUCATION TRUSTEE ANNA ELEFANT'S TENURE ON THE SCHOOL BOARD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. STARK. Mr. Speaker, I rise to honor Anna Elefant on the completion of her second term as trustee of the Alameda Board of Education.

An eight-year veteran on the school board, Ms. Elefant has the maximum number of terms allowed under district term limits. In 1997 and 2001 she served as Board President, and as Board Chair of the successful 2001 "Measure A" School Parcel Tax Campaign.

Ms. Elefant has also served the Board as a member of the Superintendent's Woodstock Child Development Center Advisory Team, as Board Representative to the California School Age Families' Education program at Island High School, as Board Chair of the search for a new superintendent of schools in 2000, and as Board Representative to the City of Alameda Economic Task Force.

Ms. Elefant is a passionate advocate of educational excellence. She has supported innovative programs such as year-round education, developmental education, and open enrollment for special programs.

A persistent lobbyist, she has worked at state and local levels to increase funding for the Alameda Unified School District. In November of 2001 she successfully rallied the community to pass the city's first school funding parcel tax. She provided courageous leadership to settle a historic 3–year closed salary contract,, and helped district employee groups in rebuilding trust in the district.

The mother of three children attending Alameda public schools, Ms. Elefant was the first PTA co-president of Bay Farm Elementary School when it opened its doors in 1992.

I am honored to commend Anna Elefant for her years of service to the Alameda Board of Education. A dedicated member of the Board of Education, Elefant has continually worked to expand the District's vision of meeting the educational needs of all students.

SOCIAL SECURITY PRESERVATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. PAUL. Mr. Speaker, I rise to protect the integrity of the Social Security trust fund by introducing the Social Security Preservation Act. The Social Security Preservation Act is a rather simple bill which states that all monies raised by the Social Security trust fund will be spent in payments to beneficiaries, with excess receipts invested in interest-bearing certificates of deposit. This will help keep Social Security trust fund monies from being diverted to other programs, as well as allow the fund to grow by providing for investment in interest-bearing instruments.

The Social Security Preservation Act ensures that the government will keep its promises to America's seniors that taxes collected for Social Security will be used for Social Security. When the government taxes Americans to fund Social Security, it promises the American people that the money will be there for them when they retire. Congress has a moral obligation to keep that promise.

The return of massive federal deficits, and the accompanying pressure for massive new raids on the trust fund, make it more important than ever that Congress protect the trust fund

from big spending, pork-barrel politics. I call upon all my colleagues, regardless of which proposal for long-term Social Security reform they support, to stand up for America's seniors by cosponsoring the Social Security Preservation Act.

IN SUPPORT OF THE LABOR RELATIONS FIRST CONTRACT NEGOTIATIONS ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of the Labor Relations First Contract Negotiations Act.

The National Labor Relations Act guarantees the right of employees to organize and bargain collectively to improve living standards and working conditions. The right to organize is a basic civil right, and unions are an avenue to equity, fair treatment, and economic stability for working people. Free enterprise includes the freedom to organize as a unit to bargain collectively. Unfortunately, current law hinders this ability. To remedy this serious situation, I have introduced the Labor Relations First Contract Negotiations Act.

My legislation requires mediation and, if necessary, binding arbitration of initial contract negotiation disputes. Under this proposed bill, if an employer and a newly elected representative have not reached a collective bargaining agreement within 60 days of the representative's certification, the employer and the representative will jointly select a mediator to help them reach an agreement. If they cannot agree on a mediator, one will be appointed for them by the Federal Mediation and Conciliation Service. In the event that the parties do not reach an agreement in 30 days, the remaining issues may be transferred to the Federal Mediation and Conciliation Service for binding arbitration. Let us make sure that everyone has a fair opportunity to negotiate a collective bargaining agreement. I urge my colleagues to join me in cosponsoring this legislation.

THE ANSONIA POP WARNER JUNIOR PEEWEE CHEERLEADERS ON THEIR TRIP TO THE NATIONAL CHAMPIONSHIPS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Ms. DELAURO. Mr. Speaker, it is with the greatest pride that I rise today to extend my sincere congratulations and very best wishes to the Ansonia Pop Warner Junior PeeWee Cheerleaders as they make their way to Orlando, Florida to compete in the National Championships. The Junior PeeWee Cheerleaders join the Ansonia Coppers Midget Football team who are also in Orlando for their National Championship game. The Ansonia community certainly has cause for celebration with the tremendous accomplishments of these young people.

A squad of eighteen girls between the ages of eight and ten, the Ansonia Junior PeeWee Cheerleaders have worked very hard over the last several months to be able to compete in this year's competitions. Coming together in August, the girls practiced for two hours four nights a week and, after the start of the school year, three nights a week. This fall, the squad was able to perform live, cheering for the Ansonia Coppers every Sunday.

The dedication and commitment these girls have demonstrated is truly inspiring. They have worked so hard to master the required high-level tumbling skills and the necessary symmetry of their movements. The girls haven't missed a beat, even when, during the regional competition, a judge accidently stopped their music halfway through their routine. In Orlando, the girls will face seventeen other teams. They should certainly be very proud of what they have already been able to accomplish and I have no doubt that they will represent Ansonia and Connecticut well in the Championships.

I am also pleased to recognize Judy Banks, a Pop Warner cheerleading coach for thirteen years, who has worked with the girls since August of this year. Her leadership and energy has been the driving force behind the success of the Ansonia Junior PeeWee Cheerleaders. In addition, I would also extend a note of thanks and appreciation to the parents and volunteers whose support has enabled the girls to practice and travel for their competitions. Without their efforts, the success of the Ansonia Junior PeeWee Cheerleaders would not be possible.

I am thrilled to join the Ansonia community in extending my sincere congratulations and very best wishes to the Ansonia Pop Warner Junior PeeWee Cheerleaders as they head to their National Championship competition. I, as well as the entire community, will be rooting for you! Win or lose, you have made us very proud!

INTRODUCTION OF LEGISLATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mrs. EMERSON. Mr. Speaker, I rise today to introduce the Notch Baby Act of 2003, which would create a new alternative transition computation formula for Social Security benefits for those seniors born between 1917 and 1926. These seniors, who are generally referred to as "Notch Babies," have been receiving lower monthly Social Security benefits than seniors born the years just prior to or after this ten year period.

There are those who dispute the existence of a Notch problem. However, take into consideration the following example presented in a 1994 report by the Commission on Social Security Notch issue. There are two workers who retired at the same age with the same average career earnings. One was born on December 31, 1916 and the other was born on January 2, 1917. Both retired in 1982 at the age of 65. The retiree born 1917 received $110 a month less in Social Security benefits than did the retiree born just two weeks before in 1916. Also take into consideration that there are currently millions of seniors in our Nation who are faced with this painfully obvious inequity in the Social Security benefit computation formula.

By phasing in an improved benefit formula over five years, the Notch Baby Act of 2003 will restore fairness and equality in the Social Security benefit computation formula for the Notch Babies. For once and for all this legislation would put to rest the Notch issue, and it would put an end to the constant barrage of mailings and fundraising attempts, which target our Nation's seniors in the name of Notch reform. Our seniors deserve fairness and equality in the Social Security system. They deserve an end to the repeated Congressional stalling on this issue. I urge my colleagues in the House to discuss this issue with the seniors in their districts, and to join me in ensuring that the Notch issue is addressed in the 108th Congress.

HONORING SAN LORENZO UNIFIED SCHOOL BOARD OF EDUCATION MEMBER BETTY MOOSE'S TENURE ON THE SCHOOL BOARD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. STARK. Mr. Speaker, I rise today to honor Betty Moose for twenty-one years of exemplary service to the San Lorenzo Unified School District as a member of the Board of Education.

First elected to the Board in 1981, Betty was elected by her fellow Board members to serve as president of the Board from December 2000 to December 2001. Previously, she was vice-president and clerk of the Board.

As a Board Member, Betty has been strongly committed to helping children in all aspects of their development and education. She has proudly represented the San Lorenzo Unified School District on numerous local and state committees and commissions. She is especially pleased with her accomplishments as a 17–year member of the Hayward Area Shoreline Planning Agency and as a member of the San Leandro Collaborative for Children, Youth, and their Families.

Betty has also worked on the San Lorenzo Unified School District Drug Advisory Council, the Citizens Advisory Committee to the Sheriff, the San Lorenzo Area Youth Advisory Commission, and the California School Boards Association Legislative Network.

An active and dynamic community activist, Betty has served on the boards of many organizations. She has been president of the San Lorenzo Area Friends of the Library, the Gray Panthers of Southern Alameda County, and the San Lorenzo Heritage Society. She is a member and first co-chair of the National Women's Political Caucus of Southern Alameda County.

Betty has also served as Vice-President of the Fairmont Hospital Campus Service League

and the Church Women United of the Eden Area and Chair of the Alameda County Consumer Affairs Commission and the San Lorenzo Youth Resource Group. Betty's other memberships include the Eden Area League of Women Voters and the California Women's Association for Education reform.

Betty has been married to Claude C. Moose for 56 years, and the couple has lived in San Lorenzo for 50 years. Their five children attended San Lorenzo schools, and graduated from Arroyo High School.

I am honored to commend Betty Moose for her years of service to the San Lorenzo Board of Education. Although San Lorenzo will no longer have the benefit of Betty's wisdom and experience as a School Board member, I know she will continue to be involved in the community. We look forward to her continued contributions. I value her longtime friendship and appreciate all she does for others.

''SAY 'NO' TO UNESCO'' ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. PAUL. Mr. Speaker, I rise today to introduce a bill expressing the sense of the Congress that the United States should not rejoin the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

Mr. Speaker, in 1984 President Ronald Reagan withdrew the United States from membership in that UNESCO, citing egregious financial mis-management, blatant anti-Americanism, and UNESCO's general anti-freedom policies. President Reagan was correct in identifying UNESCO as an organization that does not act in America's interest, and he was correct in questioning why the United States should fund 25 percent of UNESCO's budget for that privilege.

Those calling for the United States to rejoin UNESCO claim that the organization has undertaken fundamental reforms and therefore the United States should re-join. It is strange that in the 18 years since the United States left UNESCO, we only started reading about the beginnings of reform in the year 2000. Are we to believe that after nearly two decades of no change in UNESCO's way of mis-managing itself things have changed so much in just two years? Is it worth spending $60 million per year on an organization with such a terrible history of waste, corruption, and anti-Americanism?

Mr. Speaker, even if UNESCO has been ''reforming'' its finances over the past two years, its programmatic activities are still enough to cause great concern among those of us who value American sovereignty and honor our Constitution. Consider the following as a partial list of UNESCO's ongoing highly questionable activities:

UNESCO meddles in the education affairs of its member-countries and has sought to construct a U.N.-based school curriculum for American schools.

UNESCO has been fully supportive of the United Nations' Population Fund (UNFPA) in its assistance to China's brutal coercive population control program.

UNESCO has designated 47 U.N. Biosphere Reserves in the United States covering more than 70 million acres, without Congressional consultation.

UNESCO effectively bypasses Congressional authority to manage federal lands, by establishing management policies without Congressional consultation of approval.

Mr. Speaker, I hope all members of this body will join me in opposing renewed U.S. membership in the United Nations Educational, Scientific, and Cultural Organization by co-sponsoring this ''Say 'No' to UNESCO'' act.

HONORING WILLIAM H. CARBONE FOR HIS CONTRIBUTIONS TO THE CONNECTICUT JOB CORPS CENTER

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the Connecticut Job Corps Center in honoring one of our community's most active leaders and my dear friend, William H. Carbone. For his outstanding contributions and invaluable assistance, Bill will receive an honorary membership in the Job Corps Alumni Association as the Connecticut Job Corps Center celebrates the graduation of eighty students.

Since its inception only six years ago, the Connecticut Job Corps Center has helped hundreds of students between the ages of sixteen and twenty-four develop the skills and training they need to obtain jobs that will allow them to provide for themselves and their families. By building partnerships with businesses throughout Greater New Haven, students who successfully complete the Center's rigorous program have access to real careers.

Upon the announcement of its opening in 1996, the Center found an immediate advocate and resource in Bill Carbone. Knowing that young people who have access to job training and a job are likely to stay away from the state's correctional system, Bill initially contacted the Center in an effort to provide a positive step for young people completing the Alternative Incarceration Program. Through this effort, three Job Corps Judicial Liaisons have guided nearly two hundred young people to successfully participate in the Connecticut Job Corps Center's judicial program. Many of these young people have attained their GED, completed vocational training, obtained jobs and so much more. Bill's efforts have created invaluable opportunities for these young people, giving them one of life's most precious gifts—hope.

Our communities would not be the same without the generosity and compassion of those who dedicate themselves to enriching the lives of others. Throughout his career, Bill has worked hard to ensure that some of our community's most vulnerable citizens have access to opportunity. The Greater New Haven area is certainly fortunate to have an individual like Bill working on our behalf. He is a true community treasure.

It is with my deepest thanks and appreciation that I rise today to join the Connecticut Job Corps Center in paying tribute to William H. Carbone. His unwavering support and tireless efforts have touched countless lives and has left an indelible mark on this community.

IN SUPPORT OF THE LOW INCOME FAMILIES FLOOD INSURANCE ACCESS ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. GREEN of Texas. Mr. Speaker, in June of 2001, Texas and other States witnessed the damage wrought by Tropical Storm Allison after it swept through Texas and up the East Coast, and the importance of the National Flood Insurance Program (NFIP) really hit home. Thousands of my constituents suffered substantial flood damage to their homes and businesses, but many of these losses were mitigated because they had federal flood insurance.

Unfortunately, not all my constituents who needed flood insurance could afford to purchase a policy. Because of a recent redraw of Houston's Flood Insurance Rate Map (FIRM) many of my low-income folks were brought into the 100-year flood plain, but could not afford the insurance. As a consequence of my constituents' experience, I rise today to introduce the Low Income Families Flood Insurance Access Act.

This legislation helps bridge the insurance gap between those that can afford a flood policy and those that cannot. The bill would provide discounted flood insurance over a five-year term for low-income homeowners or renters whose primary residence is placed within a Special Flood Hazard Area (flood plain) by a redraw of the Flood Insurance Rate Map (FIRM). If their property is worth no more than $75,000, they would be eligible to receive a 50% discount on their flood insurance premiums for a five-year period.

It also provides for limited retroactivity if their residence is placed within the flood plain within two years of the enactment of the legislation; otherwise, the five years would begin upon the placement of the property within the flood plain. I hope that this legislation will not only increase participation in the National Flood Insurance Program (NFIP), but make this program more affordable for the economically disadvantaged. It provides an incentive for those who are most vulnerable to huge losses in floods to get the protection they need at a price they can afford.

The NFIP plays a crucial role in lessening the impact of a major flooding disaster, but to make the program operate most effectively we need greater participation. I believe my legislation will extend the helping hand associated with flood insurance down to those people in greatest need of assistance.

Mr. Speaker, I hope that we can speed this bill through the 108th Congress.

MILITARY RETIREE HEALTH CARE TASK FORCE ACT

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mrs. EMERSON. Mr. Speaker, I am here today to introduce the Military Retiree Health Care Task Force Act of 2003. This legislation will establish a Task Force that will look into all of the health care promises and representations made to members of the Uniformed Services by Department of Defense personnel and Department literature. The Task Force will submit a comprehensive report to Congress which will contain a detailed statement of its findings and conclusions. This report will include legislative remedies to correct the great injustices that have occurred to those men and women who served their country in good faith.

Let us not forget why we are blessed with freedom and democracy in this country. The sacrifices made by those who served in the military are something that must never be overlooked. Promises were made to those who served in the Uniformed Services. They were told that their health care would be taken care of for life if they served a minimum of twenty years of active federal service.

Well, those military retirees served their time and expected the government to hold up its end of the bargain. They are now realizing that these were nothing more than empty promises. Those who served in the military did not let their country down in its time of need and we should not let military retirees down in theirs. It's time military retirees get what was promised to them and that's why I am introducing this legislation.

SHRIMP IMPORTATION FINANCING FAIRNESS ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the Shrimp Importation Financing Fairness Act. This bill aids America's struggling domestic shrimping industry by placing a moratorium on restrictive regulations affecting the shrimping industry. This bill also prevents tax dollars from going to the domestic shrimping industry's major foreign competitors.

The United States domestic shrimping industry is a vital social and economic force in many coastal communities across the United States, including several in my congressional district. A thriving shrimping industry benefits not only those who own and operate shrimp boats, but also food processors, hotels and restaurants, grocery stores, and all those who work in and service these industries. Shrimping also serves as a key source of safe domestic foods at a time when the nation is engaged in hostilities abroad.

Given the importance of a strong shrimping industry to so many Americans, it seems strange that the federal government continues to burden shrimpers with excessive regulations. For example, the federal government has imposed costly regulations, dealing with usage of items such as by catch reduction devices and turtle excluder devices (TEDS), on the industry. The mandatory use of these devices results in a significant reduction in the amount of shrimp caught by domestic shrimpers, thus damaging their competitive position and market share.

Many members of Congress have let the National Marine Fisheries Service, which is the lead federal agency with responsibility to regulate the domestic shrimp industry, know of their displeasure with the unreasonable regulatory burden imposed upon the industry. In response, the agency held briefings with House and Senate staffers as well as industry representatives to discuss how the agency's actions are harming shrimpers.

However, even after hearing first-hand testimony from industry representatives and representatives of communities whose economies rely on a thriving shrimping industry, the agency refuses to refrain from placing regulatory encumbrances upon the domestic shrimping industry. Therefore it is up to Congress to protect this industry from overzealous regulators. The Shrimp Importation Financing Fairness Act provides this protection by placing an indefinite moratorium on all future restrictive regulations on the shrimping industry.

Seven foreign countries (Thailand, Vietnam, India, China, Ecuador, Indonesia, and Brazil) have taken advantage of the domestic shrimping industry's government-created vulnerabilities. These countries each exported in excess of 20,000,000 pounds of shrimp to the United States in the first 6 months of 2002. These seven countries account for nearly 70 percent of all shrimp consumed in the United States in the first six months of this year and nearly 80 percent of all shrimp imported to this country in the same period!

Adding insult to injury, the federal government is forcing American shrimpers to subsidize their competitors! Since 1999, the United States Government has provided more than $1,800,000,000 in financing and insurance for these foreign countries through the Overseas Private Investment Corporation (OPIC). Furthermore, according to the latest available figures, the U.S. current exposure relative to these countries through the Export-Import Bank totals some $14,800,000,000. Thus, the United States taxpayer is providing a subsidy of at least $16,500,000,000 to the home countries of the leading foreign competitors of American shrimpers! Of course, the American taxpayer could be forced to shovel more money to these countries through the International Monetary Fund (IMF).

Many of the countries in question do not have free-market economics. Thus, the participation of these countries in United States-supported international financial regimes amounts to a direct subsidy by American shrimpers to their international competitors. In any case, providing aid to any of these countries indirectly grants benefits to foreign shrimpers because of the fungibility of money.

In order to ensure that American shrimpers are not forced to subsidize their competitors, the Shrimp Importation Financing Fairness Act ends all Export-Import and OPIC subsidies to the seven countries who imported more than 20 million pounds of shrimp in the first six months of 2002. The bill also reduces America's contribution to the IMF by America's pro rata share of any IMF aid provided to one of those seven countries.

Mr. Speaker, it is time for Congress to rein in regulation-happy bureaucrats and stop subsidizing the domestic shrimping industry's leading competitors. Otherwise, the government-manufactured depression in the price of shrimp will decimate the domestic shrimping industry and the communities whose economies depend on this industry. I, therefore, hope all my colleagues will stand up for shrimpers by cosponsoring the Shrimp Importation Financing Fairness Act.

HONORING THE ANSONIA COPPERS ON THEIR TRIP TO THE NATIONAL CHAMPIONSHIPS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Ms. DELAURO. Mr. Speaker, it is with the greatest pride that I rise today to extend my very best wishes to the Ansonia Coppers Junior Midget Football team as they head to the National Championships in Orlando. This group of 24 have worked hard throughout the regular and post seasons for this tremendous opportunity. In addition, their loudest cheering section, the Junior Pee Wee Girls will be on their way to their National Championship competition as well. The Ansonia community certainly has reason to celebrate the accomplishments of these fine young people!

The Ansonia Coppers, a team made up of twenty four boys, ages eleven through thirteen, are undefeated and have played through four rounds of post season games for the opportunity to play in the National Championships. Throughout this season, the Coppers have not only defeated every challenger they have faced, but, more importantly, they have learned one of life's most valuable lessons—teamwork. Football, like all sports, teaches us the value of team work, practice, comradery, and commitment to excellence. These skills will serve these young people well as they begin to make a difference in the world. Working together, they have already accomplished so much. I have every confidence that they will celebrate a great victory in Orlando.

The Ansonia Coppers are members of the Pop Warner Midget Football League which is unique in that all of their support comes from volunteers. From coaches to travel, almost every aspect of the team's playing is due to the support of community volunteers. It is with great pleasure that I also recognize Head Coach Ron Commune, Assistant Coaches Bob Jones, Bill Mikita, Mike Simon, Carl Williams, and Jay Frattalone, and Team Mom Michelle Spader—all of whom have worked hard to give these young people the chance to play! Without their efforts, the success of the Ansonia Coppers would not be possible.

I am thrilled to join the Ansonia community in extending my sincere congratulations and very best wishes to the Ansonia Coppers as

they head to their National Championship game. I, as well as the entire community, will be rooting for you! Win or lose, you have made us very proud!

IN SUPPORT OF THE HUD HOUSING AND SECURITY FLEXIBILITY ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. GREEN of Texas. Mr. Speaker, I would like to call to the attention of the House an innovative program created by the Houston office of the Department of Housing and Urban Development (HUD) in conjunction with local law enforcement agencies in the Houston area. This program, utilizing grant money from the Operation Safe Home program, hires off-duty law enforcement officers to provide security and patrol housing complexes and apartments that are owned by or receive funds from HUD. This program has been a great success, and has made residents feel safer and more secure in their homes.

Unfortunately, this program turned out to be too innovative. Although this initiative has been an unqualified success, it turns out that HUD did not have the authority to make these types of security decisions. I believe that we should allow our local communities and those who know them best the flexibility to pursue the solutions that will decrease violence, drug use, and other crimes that plague much of the public housing in our nation today. I do not believe that Americans who need assistance with housing costs should be forced to live in fear.

That is why I am reintroducing the HUD Housing Security and Flexibility Act. This legislation would allow HUD to hire local law enforcement agencies for these purposes. It authorizes offices that receive or administer funds under either of the aforementioned programs to enter into contracts with police departments and other agencies. These contracts would be limited to three years in length, and would be solely for security, patrols, or other protective services at HUD-owned or -assisted housing.

Mr. Speaker, I feel that this legislation will go a long way towards eliminating crime in our public housing, and making Americans feel safer in their homes. I hope that the Congress will take up this important legislation during the 108th Congress.

PROTECT OUR FLAG

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mrs. EMERSON. Mr. Speaker, I rise today to introduce a constitutional amendment for the protection of our nation's flag. The flag is a revered symbol of America's great tradition of liberty and democratic government, and it ought to be protected from acts of desecration that diminish us all.

As you know, there have been several attempts to outlaw by statute the desecration of the flag. Both Congress and state legislatures have passed such measures in recent years, only to be overruled later by decisions of the Supreme Court. It is clear that nothing short of an amendment to the Constitution will ensure that Old Glory has the complete and unqualified protection of the law.

The most common objection to this kind of amendment is that it unduly infringes on the freedom of speech. However, this objection disregards the fact that our freedoms are not practiced beyond the bounds of common sense and reason. As is often the case, there are reasonable exceptions to the freedom of speech, such as libel, obscenity, trademarks, and the like. Desecration of the flag is this kind of act, something that goes well beyond the legitimate exercising of a right. It is a wholly disgraceful and unacceptable form of behavior, an affront to the proud heritage and tradition of America.

Make no mistake, this constitutional amendment should be at the very top of the agenda of this Congress. We owe it to every citizen of this country, and particularly to those brave men and women who have stood in harm's way so that the flag and what it stands for might endure. I urge this body to take a strong stand for what is right and ensure the protection of our flag.

HONORING THE CONCLUSION OF ALAMEDA BOARD OF EDUCATION TRUSTEE BERRESFORD BINGHAM'S TENURE ON THE SCHOOL BOARD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. STARK. Mr. Speaker, I rise today to honor Berresford "Berry" Bingham on the completion of his second term as trustee of the Alameda Board of Education.

An eight-year veteran on the school board, Berry has served the maximum number of terms allowed under district term limits. In 1998 he served as Board President, and he was chair of the District Base Reuse Committee, which monitored the impact on Alameda Schools of the closure of the Alameda Naval Air Station.

The First African-American elected to the Alameda Board of Education, Berry has served as president-elect of the California School Board Association (CSBA) Black Caucus and as a member of CSBA's statewide Parent Task Force. He is also the first Alameda School Board Member to serve in the CSBA Delegate Assembly, where he served four years.

A long time advocate for quality education, Berry has served as Board Representative in negotiating joint agreements with the City of Alameda regarding increased developers' fees, as a Board Member of the Alameda Education Foundation, and as Board Representative to the Oakland-Alameda Regional Occupational Program Advisory Board. Also, he has served as a member of the Urban School Board Council in Sacramento.

Berry is a passionate advocate for innovative educational programs, and he has pushed for district accountability in improving student performance. He holds the district to high academic standards for all students, and he is a tireless supporter of the role of early-childhood education in laying the foundation for academic success.

A deeply caring, "hands-on" board member, Berry has made himself accessible to the community at any time of the day or night. When Alameda's Woodstock Child Development Center was at risk of closing due to a large budget deficit, Berry contributed his monthly Board stipend to help offset expenses.

The father of three Alameda public school graduates, Berry is past PTA president of Woodstock Elementary School and Chipman Middle School.

A courageous school board member, Berry never wavered in making decisions that put students first. I am honored to commend Berresford "Berry" Bingham for his years of dedicated service to the Alameda Board of Education.

IDENTITY THEFT PREVENTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. PAUL. Mr. Speaker, today I introduce the Identity Theft Prevention Act. This act protects the American people from government-mandated uniform identifiers that facilitate private crime as well as the abuse of liberty. The major provision of the Identity Theft Prevention Act halts the practice of using the Social Security number as an identifier by requiring the Social Security Administration to issue all Americans new Social Security numbers within five years after the enactment of the bill. These new numbers will be the sole legal property of the recipient and the Social Security administration shall be forbidden to divulge the numbers for any purposes not related to Social Security administration. Social Security numbers issued before implementation of this bill shall no longer be considered valid federal identifiers. Of course, the Social Security Administration shall be able to use an individual's original Social Security number to ensure efficient administration of the Social Security system.

Mr. Speaker, Congress has a moral responsibility to address this problem because it was Congress which transformed the Social Security number into a national identifier. Thanks to Congress, today no American can get a job, open a bank account, get a professional license, or even get a driver's license without presenting their Social Security number. So widespread has the use of the Social Security number become that a member of my staff had to produce a Social Security number in order to get a fishing license!

One of the most disturbing abuses of the Social Security number is the congressionally-authorized rule forcing parents to get a Social Security number for their newborn children in

order to claim them as dependents. Forcing parents to register their children with the state is more like something out of the nightmares of George Orwell than the dreams of a free republic which inspired this nation's founders.

Congressionally-mandated use of the Social Security number as an identifier facilitates the horrendous crime of identity theft. Thanks to Congress, an unscrupulous person may simply obtain someone's Social Security number in order to access that person's bank accounts, credit cards, and other financial assets. Many Americans have lost their life savings and had their credit destroyed as a result of identity theft—yet the federal government continues to encourage such crimes by mandating use of the Social Security number as a uniform ID!

This act also forbids the federal government from creating national ID cards or establishing any identifiers for the purpose of investigating, monitoring, overseeing, or regulating private transactions between American citizens, as well as repealing those sections of the Health Insurance Portability and Accountability Act of 1996 that require the Department of Health and Human Services to establish a uniform standard health identifier. By putting an end to government-mandated uniform IDs, the Identity Theft Prevention Act will prevent millions of Americans from having their liberty, property and privacy violated by private-and-public sector criminals.

In addition to forbidding the federal government from creating national identifiers, this legislation forbids the federal government from blackmailing states into adopting uniform standard identifiers by withholding federal funds. One of the most onerous practices of Congress is the use of federal funds illegitimately taken from the American people to bribe states into obeying federal dictates.

Mr. Speaker, of all the invasions of privacy proposed in the past decade, perhaps the most onerous is the attempt to assign every American a ''unique health identifier''—an identifier which could be used to create a national database containing the medical history of all Americans. As an OB/GYN with more than 30 years in private practice, I know the importance of preserving the sanctity of the physician-patient relationship. Oftentimes, effective treatment depends on a patient's ability to place absolute trust in his or her doctor. What will happen to that trust when patients know that any and all information given to their doctor will be placed in a government accessible database?

Some members of Congress may claim that the federal monitoring of all Americans will enhance security. However, the fact is that creating a surveillance state will divert valuable resources away from investigating legitimate security threats into spying on innocent Americans, thus reducing security. The American people would be better served if the government focused attention on ensuring our borders are closed to potential terrorists instead of coming up with new ways to violate the rights of American citizens.

Other members of Congress will claim that the federal government needs the power to monitor Americans in order to allow the government to operate more efficiently. I would remind my colleagues that in a constitutional republic, the people are never asked to sacrifice their liberties to make the job of government officials easier. We are here to protect the freedom of the American people, not to make privacy invasion more efficient.

Mr. Speaker, while I do not question the sincerity of those members who suggest that Congress can ensure that citizens' rights are protected through legislation restricting access to personal information, the only effective privacy protection is to forbid the federal government from mandating national identifiers. Legislative ''privacy protections'' are inadequate to protect the liberty of Americans for several reasons:

First, it is simply common sense that repealing those federal laws that promote identity theft is more effective in protecting the public than expanding the power of the federal police force. Federal punishment of identity thieves provides cold comfort to those who have suffered financial losses and the destruction of their good reputation as a result of identity theft.

Federal laws are not only ineffective in stopping private criminals, but have not even stopped unscrupulous government officials from accessing personal information. After all, laws purporting to restrict the use of personal information did not stop the well-publicized violations of privacy by IRS officials or the FBI abuses by the Clinton and Nixon administrations.

Just last month, thousands of active-duty soldiers and veterans had their personal information stolen, putting them at risk of identity theft. Imagine the dangers if thieves are able to obtain the universal identifier, and other personal information, of millions of Americans simply by breaking, or hacking, into one government facility or one government database?

Second, the federal government has been creating proprietary interests in private information for certain state-favored special interests. Perhaps the most outrageous example of phony privacy protection is the ''medical privacy'' regulation, which allows medical researchers, certain business interests, and law enforcement officials' access to health care information, in complete disregard of the Fifth Amendment and the wishes of individual patients! Obviously, ''privacy protection'' laws have proven greatly inadequate to protect personal information when the government is the one providing or seeking the information.

The primary reason why any action short of the repeal of laws authorizing privacy violations is insufficient is because the federal government lacks constitutional authority to force citizens to adopt a universal identifier for health care, employment, or any other reason. Any federal action that oversteps constitutional limitations violates liberty because it ratifies the principle that the federal government, not the Constitution, is the ultimate judge of its own jurisdiction over the people. The only effective protection of the rights of citizens is for Congress to follow Thomas Jefferson's advice and ''bind (the federal government) down with the chains of the Constitution.''

Mr. Speaker, those members who are unpersuaded by the moral and constitutional reasons for embracing the Identity Theft Prevention Act should consider the opposition of the American people toward national identifiers. The overwhelming public opposition to the various ''Know-Your-Customer'' schemes, the attempt to turn driver's licenses into National ID cards, as well as the numerous complaints over the ever-growing uses of the Social Security number, show that American people want Congress to stop invading their privacy. Furthermore, according to a survey by the Gallup company, 91 percent of the American people oppose forcing Americans to obtain a universal health ID. Several other recent polls show most Americans remain skeptical that a national ID card would enhance their security or preserve their liberty.

In conclusion, Mr. Speaker, I once again call on my colleagues to join me in putting an end to the federal government's unconstitutional use of national identifiers to monitor the actions of private citizens. National identifiers threaten all Americans by exposing them to the threat of identity theft by private criminals and abuse of their liberties by public criminals, while diverting valuable law enforcement resources away from addressing real threats to public safety. In addition, national identifiers are incompatible with a limited, constitutional government. I, therefore, hope my colleagues will join my efforts to protect the freedom of their constituents by supporting the Identity Theft Prevention Act.

IN SUPPORT OF THE LAW ENFORCEMENT OFFICERS FLAG MEMORIAL ACT OF 2002

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. GREEN of Texas. Mr. Speaker, I rise in support of the Law Enforcement Officers Flag Memorial Act of 2002. I am deeply sad that Harris County, where my hometown of Houston is located, is leading the Nation in the grim category of peace officers killed according to the National Law Enforcement Officers' Fund.

Peace officers and their families know better than anyone the perils and risks involved in their job. Yet every day, they put on a badge and make our Nation a safer place. While we should never forget these officers, we also need to remember their spouses, their children and friends who miss them dearly. Our hearts go out to those survivors who are trying to cope with saying good-bye to a loved one. We are indebted to the survivors for the courage of these officers, and we share their grief and offer kind words knowing that it is a poor substitute for their loss.

Every day, ordinary men and women make an extraordinary commitment when they put on a badge that symbolizes the oath they take to protect and serve. The badge also makes them a target. Every day, they leave their families behind not knowing if they will come home tonight.

Mr. Speaker, I invite my colleagues to join me as a cosponsor of the Law Enforcement Officers' Flag Memorial Act of 2002. This legislation seeks to honor slain law enforcement officers by providing their families a Capitol-flown U.S. flag.

While a Capitol flag is a meaningful and true symbol of our nation's gratitude, Congress

should continue to make sure that we keep our commitment to the law enforcement community by providing funding for more officers, better equipment, and advanced training. Doing so not only saves the lives of officers, but it makes our families, our homes, and our neighborhoods a safer place.

DEFEND THE RIGHT TO LIFE

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mrs. EMERSON. Mr. Speaker, I rise today to introduce a constitutional amendment for the protection of the right to life. Tragically, this most basic of human rights has been disregarded, set aside, abused, spurned, and sometimes altogether forgotten. Even more tragically, the United States government has been a willing partner in this affair, and the sad consequence is the sacrifice of something far more important than just principle.

One of the things that sets America apart from the rest of the world is the fact that in this country, everyone is equal before the law. Regardless of race, religion, or background, each person has fundamental rights that are guaranteed by the law. However, we too often overlook the rights of perhaps the most vulnerable among us—the unborn. When abortion is legal and available on demand, then where are the rights of the unborn? When abortion is sanctioned and sometimes paid for by the government, then how do we measure the degree to which life has been cheapened? When an innocent life is taken before its time, then how can one say that this is justice in America?

My amendment would establish beyond a doubt the fundamental right to life. Congress has an obligation to do what it has failed to do for so long, fully protect the unborn. I urge this body to move forward with this legislation to put an end to a most terrible injustice.

HONORING SUPERVISOR MEL VARRELMAN UPON HIS RETIREMENT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Mel Varrelman as he retires from the Napa County Board of Supervisors. Mel's tenure as a Napa County Supervisor is a model for all those who are in public office and for all those who value community service.

During my service in Congress and the California State Senate, I have consistently turned to Mel for advice, assistance, and friendship. Since Mel was first elected to the St. Helena City Council in 1976 and then to the Board of Supervisors in 1982, he has represented his district, which includes my home in St. Helena, with sincerity, pragmatism and vision. Whether being on the winning side or the losing side of votes, Mel always cast his vote in the way he believed would improve the lives of his constituents. He has repeatedly demonstrated that true leadership often requires taking an unpopular position before time is eventually allowed to prove its benefits to all.

Mel shares a passion for agriculture and open space, particularly in the Napa Valley. Mel's steadfast commitment to the preservation of open space and agricultural lands in Napa County has allowed our Valley to remain as both an economic engine for the region and as one of the most beautiful places in the country. During, his tenure, Mel helped enact measures including a landmark plan to require a vote of the people to rezone land, a hillside ordinance, a 160-acre minimum parcel requirement for agriculture, watershed and open space lands, a groundwater ordinance and a viewshed ordinance.

As a private citizen, Mel has also contributed to the well being of those in our community. As an accountant and certified financial planner, he has helped individuals and small businesses navigate the tax code and the confusing world of finance. I often seek Mel's analysis of how national tax and fiscal policy will affect the lives of the hardworking people of the First Congressional District.

In addition to serving on the Board of Supervisors, Mel also serves on the Napa County Emergency Medical Care Committee, the Upper Valley Waste Management Agency, the Napa County Transportation Planning Agency, the Local Agency Formation Commission and the Government Finance Committee of the California State Association of Counties.

Mel lives in my hometown of St. Helena with his wife, Rose. They have two great children and are wonderful neighbors.

Mr. Speaker, I am honored today to recognize Napa County Supervisor and my friend Mel Varrelman for his tremendous contributions to the Napa Valley and its residents. Even as Mel retires as the District 3 Supervisor, I am confident that he will continue to provide leadership in Napa County for many years to come.

RECOGNITION OF VINCENT KRASINSKI

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of Vincent Krasinski, a highly respected and influential member of the Glaziers Local Union 1087 who recently announced his retirement. In his 32 years as a member, Vincent was a leading voice for labor in Nassau and Suffolk County, and New York City. He joined the union in 1970 and quickly became a leader. First, he was elected to the LU 1087 executive board in 1979 and then being elected in 1987 as a Business Agent for LU 1087.

Vincent proudly served his country in the United States Air Force during the Vietnam War from 1969 to 1970. Upon returning from his tour of duty he married Jennifer, his wife of almost 33 years. They have two wonderful children, Jennifer and Laurie, and are the proud grandparents of Vincent, Alyssia, Chloe and Casey.

While serving as a member of the union's executive board, and raising a family, Vincent still found time to work on many political campaigns for labor friendly candidates. I am proud to say I am one of them. He has volunteered his time for the St. Francis Hospital Heart Center in Roslyn, New York and currently sits on Bob Gaffney's Labor Advisory Board.

Vincent Krasinski is responsible for the current strength of LU 1087. He leaves behind a strong legacy and is a good example of the difference one person can make. I applaud Vincent for his dedication to our community and thank him on behalf of the people of not only for the 4th Congressional District, but the rest of Nassau and Suffolk County and New York City who benefitted from his hard work and commitment.

IN SUPPORT OF THE LOW-INCOME HOME ENERGY ASSISTANCE EQUITY ACT OF 2002

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. GREEN of Texas. Mr. Speaker, I rise in support of the Low-Income Home Energy Assistance (LIHEAP) Equity Act of 2002. Most people associate LIHEAP with home heating assistance to needy families in the wintertime, and that is an extremely important purpose of the program. However, while many people are in danger each year because they cannot afford to properly heat their homes, many across the South but also all over the country are in danger every year because they cannot afford to cool their homes.

I am introducing this legislation to bring parity to the LIHEAP program between regions that are more likely to use LIHEAP for heating and for cooling. My hometown of Houston can see many consecutive days of above 100 degree temperatures, combined with high humidity. This is a potentially lethal combination for the poor, often elderly, residents who cannot afford an air conditioner or afford to pay the electricity bill. In addition, the Northern part of the country sees too many preventable heat related deaths.

According to the National Weather Service, heat related deaths and injuries far outpaced cold related deaths and injuries. In 2000, there were 158 heat related deaths and 26 cold related deaths. In addition, there were over 400 heat related injuries also in 2000. In 2001, the difference was even more pronounced with 166 heat related fatalities and 4 cold related fatalities.

It is time Congress and the LIHEAP program recognize the dangerous reality the heat waves pose in this country and begin to offer residents in danger from hot weather as much energy assistance as we offer to residents in danger from cold weather. Let us work together to bring some equity to LIHEAP and prevent more, senseless, fatalities of the elderly, infirm, and children who cannot afford

air conditioning. I urge my colleagues to support the Low-Income Home Energy Assistance (LIHEAP) Equity Act of 2002.

BALANCED FEDERAL BUDGET

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mrs. EMERSON. Mr. Speaker, this afternoon I fulfill the pledge I made to the citizens of southern Missouri to introduce and work tirelessly to pass an amendment to the Constitution of the United States, that requires a balanced Federal budget. Over the course of the past several decades, fiscal irresponsibility has produced a Federal debt that is fast approaching $5 trillion. That's trillion, with a 't,' Mr. Speaker. A debt of $5 trillion is a mind-boggling figure, but it can be placed in a much clearer perspective. A child born today immediately inherits nearly $20,000 of debt, owed directly to Uncle Sam. The same is true for every American. The era of continuing annual budget deficits must end, and it is clear that the only way to restore conservative fiscal values to the Nation's budget is to pass the balanced budget amendment to the Constitution.

The stakes in this debate could not be more important. The fiscal future of the United States hinges on the ability of Congress and the President to make the difficult choices required to balance the Federal budget. It's more than debating trillion dollar figures. It's about making our economy stronger and providing every working American family with a better chance to make ends meet. A balanced budget will strengthen every sector of our economy with lower interest rates that will help families stretch each paycheck further. Home mortgages, automobiles, and a better education will become more affordable to every working family, making the American Dream closer to reality for all.

Mr. Speaker, I am committed to working with my colleagues in the new Congress to see that the balanced budget constitutional amendment is passed and sent to the States for ratification. A constitutional amendment is certainly no substitute for direct action on the part of the Congress. However, we have seen time and time again instances where those who object to conservative fiscal responsibility find convenient excuses to deny the American people a balanced budget. An unbreakable enforcement mechanism is clearly needed to ensure that those who would continue to spend our children's future further into debt are not able to do so.

I also want to make plain that the Social Security trust fund has no place in this debate. The independent trust fund is a sacred trust between generations and must never be used to balance the budget or hide the true size of the deficit.

Commonsense conservatives in Congress and the American people are committed to balancing the budget. I look forward to working throughout this session with all of my colleagues and the White House to pass the balanced budget constitutional amendment on a bipartisan basis. The obligations we owe to hard working American families, their children, and our Nation's future generations deserve nothing less than decisive action to preserve our future by balancing the budget. A constitutional amendment will ensure this outcome.

HONORING THE RETIREMENT OF SAN LEANDRO CITY COUNCILMEMBER GARRY LOEFFLER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. STARK. Mr. Speaker, I rise today to recognize San Leandro City Councilmember Garry Loeffler on his retirement after 8 years of distinguished service on the Council and a lifetime of leadership in the San Leandro Unified School District.

First elected to the City Council in 1994, Loeffler has served on many committees dedicated to improving the city, including Disaster Council, Rules and Communications, School Liaison, Finance, Human Relations, and Facilities.

He is a strong supporter of the Seniors Commission, and a founding member of the San Leandro Collaborative for Families and Youth. Beyond the Council, Loeffler is active on regional groups including the Association of Bay Area Governments and the League of California Cities.

Dedicated to education, Loeffler was Principal or Vice-Principal of six of San Leandro's eight elementary schools during his 33-year career in education. Prior to his teaching career, he served active duty in the Army from 1963 until 1965. He remained in the Army Reserves until 1983, retiring as Lieutenant Colonel.

I am honored to congratulate Garry Loeffler on his retirement. The City of San Leandro is a better place today thanks to his years of dedicated service.

RECOGNITION OF CARLO CARRIERE

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of Carlo Carriere, a highly respected and influential member of the Glaziers local Union 1087 who recently announced his retirement. In his 32 years as a member, Carlo was a leading voice for labor. He joined the union as an apprentice in 1970 and quickly became a leader.

Carlo proudly served his country in the United States Army from 1966 to 1968 where he attained the rank of Staff Sergeant. After the terrorist attacks of 9/11, he again served his country by leading a contingent of Glaziers in rescue and clean up of the World Trade Center site.

As a member of LU 1087, Carlo was elected District Council Delegate in 1973 and just three years later was elected to the Executive Board in 1976. He continued his accession in 1982 when he was elected as Vice President of the LU 1087. During his tenure as Vice President Carlo, became a Business Representative and was elected Chairman of the National Glaziers and Glass Workers Apprenticeship Program in 1990. He also served as a Trustee to the Union Funds beginning in 1986. In 1995 he was elected Business Manager of LU 1087. Just one year later, upon the full affiliation of LU 1087 with District Council 9, Carlo was appointed Assistant Secretary-Treasurer.

Carlo Carriere is responsible for the current strength of LU 1087. He leaves behind a strong legacy and is a good example of the difference one person can make. I applaud Carlo for his dedication to our community, and thank him on behalf of the people of the 4th Congressional District who have benefitted from his hard work and commitment.

INTRODUCTION OF THE KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2003

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. HOEKSTRA. Mr. Speaker, today I introduce the "Keeping Children and Families Safe Act of 2003" to reauthorize the Child Abuse Prevention and Treatment Act (CAPTA), the Adoption Opportunities program, the Abandoned Infants Act, and the Family Violence Prevention and Services Act (FVPSA).

Unfortunately, last Congress the House and Senate were unable to reach agreement on all issues pertaining to the reauthorization of CAPTA and its related programs and acts. The bill I am introducing today once again puts forth our bipartisan effort and ongoing commitment to ensuring that programs aimed at the prevention of child abuse and neglect continue.

The Keeping Children and Families Safe Act of 2003 supports the continued provision of important federal resources for identifying and addressing the issues of child abuse and neglect, and supports effective methods of prevention and treatment. It also continues local projects with demonstrated value in eliminating barriers to permanent adoption and in addressing the circumstances that often lead to infant abandonment.

This bill emphasizes the prevention of child abuse and neglect before it occurs. It retains language promoting partnerships between child protective services and private and community-based organizations to ensure that services are more effectively provided, and retains important language supporting public education on child abuse and neglect by strengthening the public's understanding of the role of the child protection system and appropriate methods for public reporting of suspected incidents of child maltreatment.

This bill also continues to foster cooperation between parents and child protective services workers by requiring case workers to inform parents of the allegations made against them, and improves the training opportunities and requirements for child protective services personnel regarding the extent and limits of their

legal authority and the legal rights of parents and guardians.

Lastly, this bill ensures the safety of foster and adoptive children by requiring states to conduct criminal background checks for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household.

Mr. Speaker, I urge my colleagues on both sides of the aisle to back this important bipartisan legislation that supports improved services for children and families in the prevention and treatment of child abuse, neglect and family violence.

DESIGNATING ''GOD BLESS AMERICA'' AS OUR NATIONAL HYMN

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. GREEN of Texas. Mr. Speaker, I rise today to reintroduce a simple piece of legislation that will provide all Americans with another important national symbol which they can lean on during times of national stress. The legislation will designate ''God Bless America'' as our National Hymn. The first words of this song, ''God Bless America, land that I love,'' say it all. They are simple, direct, and they truly reflect the spirit of our country during this latest challenge.

Although nothing can surpass the importance or meaning of the ''Star Spangled Banner'' as our preeminent national anthem, ''God Bless America'' is almost always the second song our citizens fall to in times of great national tragedy. America's unofficial national anthem was composed by Irving Berlin, an immigrant who left Siberia for America when he was only five years old.

While originally written for a musical in 1918, Berlin realized that this was more than a light-hearted musical number. So he set it aside for a more appropriate time. That time came shortly before the Second World War. Berlin released ''God Bless America'' in November of 1938.

As the nation prepared to enter World War II, it was evident that the whole country—from the mountains, to the prairies, to the oceans white with foam—would need to stay strong, to protect our home sweet home.

''God Bless America'' unified all Americans with its simple sentiment, and it unifies us again today.

This song is the heart and soul of our country, and we should honor it by designating it as our National Hymn.

Thank you Mr. Speaker.

INTRODUCTION OF THE CITIZENS INVOLVEMENT IN CAMPAIGNS (CIVIC) ACT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. PETRI. Mr. Speaker, today, I am introducing legislation to establish a program of limited tax credits and tax deductions to get average Americans involved in the political process. My bill, the Citizens Involvement in Campaigns (CIVIC) Act, will broaden the base of political contributors and limit the influence of big money donors in federal elections.

Members of Congress can be forgiven for being exhausted by the recent debates over campaign finance reform that last year concluded with passage of the Bipartisan Campaign Reform Act (BCRA). Although that legislation will curb some of the worst abuses of our current campaign system, such as the unlimited soft money loophole, the reality is that special interests and high-income donors still will have a disproportionate level of influence in our political system. We cannot stop here, with the job only partly complete.

As the next step in the process of campaign finance reform, we need to take a fresh look at innovative approaches, including ways that encourage, and not restrict, people's participation in our campaigns. Toward this end, I have been advocating tax credits and deductions for small political contributions for many years. An updated tax credit system would be a simple and effective means of balancing the influence of big money donors and bringing individual contributors back to our campaigns. The impact of this counterweight will reduce the burden of raising money, as well as the appearance of impropriety that accompanies the money chase.

Most would agree that the ideal way to finance political campaigns is through a broad base of donors. But, as we are all painfully aware, the economic realities of modern-day campaigning lead many candidates to focus most of their efforts on collecting funds from a few large donors. This reality alienates many Americans from the political process.

The concept of empowering small donors is not a new idea. For example, from 1972 to 1986, the federal government offered a tax credit for small political contributions. This provided an incentive for average Americans to contribute to campaigns in small amounts while simultaneously encouraging politicians to solicit donations from a larger pool of contributors. Currently, six geographically and politically diverse states (Oregon, Minnesota, Ohio, Virginia, Arkansas, and Arizona) offer their own tax credits for political contributions. These state-level credits vary in many respects, but all share the same goal of encouraging average Americans to become more involved.

The CIVIC Act can begin the process of building this counterweight for federal elections. This bill is designed to encourage Americans who ordinarily do not get involved in politics beyond casting a vote every two or four years (that is, if they bother to vote at all) to become more active participants in our political process.

The CIVIC Act will reestablish and update the discontinued federal tax credit. Taxpayers can choose between a 100 percent tax credit for political contributions to federal candidates or national political parties (limited to $200 per taxable year), or a 100 percent tax deduction (limited to $600 per taxable year). Both limits, of course, are doubled for joint returns. As long as political parties and candidates promote the existence of these credits, the program can have a real impact and aid in making elections more grassroots affairs than they are now.

A side benefit of this legislation will be to strengthen political parties, which, many feel, have been weakened by the passage of BCRA. Under the CIVIC Act, only federal candidates and national party committees count as eligible recipients for purposes of the tax benefits. This will allow the parties to tap new sources of revenue and begin to replace the massive soft-money donations that have been cut off.

In conclusion, a limited tax credit for political contributions can be a bipartisan, cost-efficient method for helping balance the influence of large money donors in the American electoral process. Instead of driving away most Americans from participation in political life, we can invite them in. It seems to me that this will be a fruitful way to clean up our system, while at the same time convincing Americans that they actually have a meaningful stake in elections.

VOLUNTARY SCHOOL PRAYER

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mrs. EMERSON. I rise today to introduce a constitutional amendment to ensure that students can choose to pray in school. Regrettably, the notion of the separation of church and state has been widely misrepresented in recent years, and the government has strayed far from the vision of America as established by the Founding Fathers.

Our Founding Fathers had the foresight and wisdom to understand that a government cannot secure the freedom of religion if at the same time it favors one religion over another through official actions. Their philosophy was one of even-handed treatment of the different faiths practiced in America, a philosophy that was at the very core of what their new Nation was to be about. Somehow, this philosophy is often interpreted today to mean that religion has no place at all in public life, no matter what its form. President Reagan summarized the situation well when he remarked, ''The First Amendment of the Constitution was not written to protect the people of this country from religious values; it was written to protect religious values from government tyranny.'' And this is what voluntary school prayer is about, making sure that prayer, regardless of its denomination, is protected.

There can be little doubt that no student should be forced to pray in a certain fashion or be forced to pray at all. At the same time, a student should not be prohibited from praying, just because he/she is attending a public school. This straightforward principle is lost on the liberal courts and high-minded bureaucrats who have systematically eroded the right to voluntary school prayer, and it is now necessary to correct the situation through a constitutional amendment. I urge my colleagues to support my amendment and make a strong statement in support of the freedom of religion.

HONORING THE MEMORY OF WAYNE OWENS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. HASTINGS of Florida. Mr. Speaker, it is with a heavy heart that I rise today to honor the memory of our colleague and good friend Congressman Wayne Owens. His death on December 18, 2002, was, indeed, unexpected. Today, we are left with a void that will undoubtedly remain unfilled for a long time to come.

A four term Member of Congress, Wayne Owens experienced this institution from the inside during two very trying times in American history. As a member of the House Committee on the Judiciary, in 1973, Congressman Owens voted to recommend the impeachment of then President Richard M. Nixon. Additionally, in 1991, during his final term in the House of Representatives, Congressman Owens joined with 44 of his Democratic colleagues to sue then President George H. W. Bush to prevent him from taking offensive action against Iraq without first obtaining a Congressional declaration of war or ''other explicit authority from the Congress.'' While the suit only succeeded to delay war for a brief period, it reaffirmed the Congress' constitutional authority to make war.

Congressman Owens remained a continued advisor to many of us still serving today long after he left the House of Representatives in 1992. In 1989, Congressman Owens cofounded the Center for Middle East Peace and Economic Cooperation where he quickly became a leading voice advocating a peaceful solution to a historically deadly conflict. Many of us were often left in true admiration of his passion and commitment to educating policy makers and public citizens that peace in the Middle East is not a pipe dream, but rather a real possibility. During my tenure on the House Committee on International Relations, I often sought Congressman Owens advice and guidance, especially when considering legislation affecting the Middle East. While Middle Eastern leaders continue down the difficult path toward peace, Congressman Owens' voice of reason and understanding will truly be missed.

Mr. Speaker, the United States must work harder to fulfill the aspirations of peace that Wayne Owens sought for so long. Peace in the Middle East is not a pipe dream. Wayne Owens knew that and the Center that he founded is evidence. Without doubt, it would be a fitting legacy to the memory of Wayne Owens for Middle Eastern leaders to recommit themselves today to a life of peace, harmony, and coexistence. Congressman Owens wouldn't have wanted it any other way.

RECOGNIZING CHICO STATE UNIVERSITY POLITICAL SCIENCE PROFESSOR CHARLES M. PRICE ON THE OCCASION OF HIS RETIREMENT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the significant achievements of Charles M. Price, a retiring political science professor at Chico State University in Chico, California.

Dr. Price began his outstanding work at Chico State in 1965. During the 37 years that followed, he taught through some of our Nation's most turbulent times. The assassinations of President Kennedy, Martin Luther King Jr. and Robert Kennedy, the Vietnam War, the civil rights movement and 9/11. These events shook the world and drastically impacted our college-aged youth. However, rather than allow frustration and confusion to rob his students of their confidence in government, Dr. Price used his unique talents to uplift and inspire students. He taught his students hope for a better tomorrow through our government, not in spite of it.

Dr. Price is a frequently sought-after commentator on direct democracy, California government and politics. His articles appear regularly in both local and national newspapers and the textbook he authored is the leading text on California government. He has received many accolades including several university merit awards. Yet as impressive as Dr. Price's resume is, his legacy lays in the civic involvement he has evoked from his students.

For over 10 years, Dr. Price served as director of the California Assembly Fellows program where students were able to gain a deep and thorough understanding of California's state government. He created and directs the Chico State University Sacramento Internship program, which provides Chico State students the opportunity to secure political internships and often jobs in politics. Several of Dr. Price's students have moved on to hold public office.

To have so many students become politically active is rare for many political science professors. For Dr. Price, it is the norm.

I earned my undergraduate degree from Chico State University. There, I had the privilege of being one of Dr. Price's political science students. The encouragement and motivation I received was profound as Dr. Price taught my class that we could, and should, make a difference in government. Dr. Price has the ability to make you believe that you can reach out and touch government; he made me believe I could get involved.

Mr. Speaker, for his invaluable contributions to Chico State University, his students Californian state government and our Nation, it is most appropriate that we honor Dr. Charles M. Price.

ELIMINATING THE 24-MONTH WAITING PERIOD FOR MEDICARE

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. GREEN of Texas. Mr. Speaker, more than 56 million Americans currently live with some kind of disability. These disabilities include blindness, paralysis, mental illness, hearing loss, physical ailments, and a host of other conditions.

The federal government has recognized the unique challenges faced by these Americans by allowing qualified disabled individuals to receive health insurance under the Medicare program. Unfortunately, the law includes a 24 month waiting period before disabled individuals can qualify for coverage.

This waiting period poses a serious problem for many newly disabled Americans. Faced with the loss of their employment due to their disability, their situation is only made worse because they cannot access the health care services they need. The Medicare program was designed to help people in need—not make their situations worse by denying them necessary health care.

That is why I am introducing legislation to eliminate the 24-month waiting period under the Medicare program. This legislation would allow individuals to enroll in Medicare immediately upon their disability determination. This is a necessary change in the law which will help countless Americans access the health care they need upon becoming disabled.

APPLES DON'T FALL FAR FROM THE TREE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. STARK. Mr. Speaker, I commend to your attention the following editorial, ''No interest like self-interest,'' written by Alexandra Pelosi.

Ms. Pelosi is a television news producer who co-directed the documentary ''Journeys with George,'' a behind the scenes look at George W. Bush's 2000 presidential campaign. She is also the daughter of the House Democratic Leader, Representative NANCY PELOSI.

It is clear that apples don't fall far from the tree. The values, commitment and leadership NANCY PELOSI exemplifies resound here in the eloquent words of her daughter. I commend Alexandra Pelosi for her straightforward insight. She is right to call on the President to put the common good ahead of self-interest and to challenge all Americans to the same.

The following is a reprinted version of Ms. Pelosi's editorial that appeared in the San Francisco Chronicle on December 3, 2002:

NO INTEREST LIKE SELF-INTEREST

Watching President Bush on television this election cycle at those staged, made-for-TV photo-ops as he stumped for the congressional candidate du jour made me nostalgic.

Back in 2000, when I was an NBC News producer covering his campaign, then candidate Bush sat down with me and my absentee ballot during the primaries. This is the pitch Bush made to me, a declared Democrat, for why I should vote for him: ''You're in a key position. You happen to know me, you can read me like a book, you are able to share thoughts with the people of NBC in such a way that no one else will. And if I lose, you're out of work baby, you're off the plane, baby. It's in your interests.'' He appealed to my ambition and my pocketbook. He didn't push my country's interest—but rather, my own.

His pitch struck me as a cynical appeal to the personal good over the public good. So I asked, ''But is that why people are supposed to vote? Are they supposed to vote just for themselves? What about the little people? I have a good job, I have a good life. BUT what about the people who really need my vote: the hungry, the unemployed, the homeless?'' He didn't really have an answer for me, all he had to give me was a kiss.

A lot has changed since Bush became president. A new patriotic fervor and a spirit of sacrifice swept the nation after Sept. 11. Remember the endless lines of New Yorkers celebrating the rescue workers near Ground Zero, the generous donations coming in from across our country? America showed the kind of selfless spirit that has defined some of the best moments of our history. We were ''stronger, more united.'' Remember?

If the days after Sept. 11 taught us anything, it was that the American way of ''me first, me only'' just isn't going to make it in the new millennium. We were willing to admit that ''what is good for you, may not be good for your country.'' It felt like a new day was dawning.

So when I saw Bush campaigning last month, I was surprised to see him using his old line. Here is the pitch he made to the people of New Hampshire for why they should vote for JOHN SUNUNU, the Republican senator-elect: ''It doesn't matter whether you're a Republican or Democrat or independent, it's in your interest, it's in your personal interest and it's in your state interest that you have one of your own be the chairman of one of the most vital committees in the United States Senate.''

These midterm elections made me wonder. Have we learned nothing in the last two years? What happened to the Sept. 11 lesson of selflessness and sacrifice?

The political commentators love to marvel at how President Bush has grown up in office. And people who see ''Journeys With George'' always ask me about how he has ''risen to the occasion.'' For evidence of his evolution, they point to the scene in my movie that takes place 60 days before the 2000 presidential election. I ask Bush how he changed during the campaign. ''I started out as a cowboy,'' he says. ''And I'm now a statesman.''

''Are you?'' I ask.

For a second, he bristles at my impertinence, then says, ''If you have to ask, I think we're in trouble.''

There's a difference between a cowboy and a statesman. A cowboy is a rodeo performer or a wild loner roaming the land just looking out for himself. A statesman looks out for and leads us all.

As he did in 2000, Bush went state to state in 2002, bringing the message to America that a vote for one of his hand-picked candidates was ''in their interest.'' Apparently, that tactic worked, for now he has a pliant Republican Congress, ready to do the bidding of a population acting only in its own self-interest.

I thought we'd all grown a little since Sept. 11, that we've embraced our inner statesman. But have we? And if I have to ask, I think we're in trouble.

INTRODUCTION OF THE MUSEUM AND LIBRARY SERVICES ACT OF 2003

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. HOEKSTRA. Mr. Speaker, today I am introducing a bill to reauthorize federal assistance to museums and libraries through fiscal year 2009. The Museum and Library Services Act of 2003 maintains the modest but essential federal support for museums and libraries across the country; authorizes funds for the one federal agency—the Institute of Museum and Library Services—devoted exclusively to museums and libraries; and encourages model cooperation between museums and libraries.

Last Congress, the Committee on Education and the Workforce reported H.R. 3784, the Museum and Library Services Act of 2002. That bill had 94 cosponsors, was supported by the Administration, and was endorsed by the American Library Association, the Chief Officers of State Library Agencies and the American Association of Museums.

The Museum and Library Services Act of 2003 makes several modifications to current law to streamline and strengthen museum and library services, and will help build on the bipartisan progress made by the Committee during the 107th Congress.

Generally, this legislation authorizes the federal library and museums program under the Institute of Museum and Library Services. Specifically, the Museum and Library Services Act of 2003: Requires the Director of the Institute of Museum and Library Services to establish procedural standards for making grants available to museums and libraries (ensuring that the criteria are consistent with the statutory purposes); Prohibits projects that are determined to be obscene from receiving funding; Ensures that library activities are coordinated with activities under the No Child Left Behind Act of 2001; Consolidates museum and library advisory board activities under a single statute; Authorizes the IMLS Director to issue National Awards for Library Service and National Awards for Museum Service; and Ensures that administrative funds are also used to conduct annual analyses of the impact of museum and library services to evaluate and identify needs and trends of services provided under funded programs.

The Museum and Library Services Act of 2003 makes common sense reforms to authorized museum and library activities, includes provisions important to Members on both sides of the aisle and reauthorizes a program that should be supported by the Congress.

I hope that my colleagues on both sides of the aisle cosponsor the Museum and Library Services Act of 2003. 1 look forward to completing this legislation this Congress so we can ensure that our nation's museums and libraries are getting the best assistance we are able to provide from the federal level.

COMMENDING THE PEOPLE AND GOVERNMENT OF KENYA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to express my total support for the people and the newly elected government of Kenya. The hard work and perseverance on the part of the people of Kenya is commendable, as they march along the difficult road of peace and democracy. In much of the developing world, we have witnessed, time and again, countries whose efforts have fallen short of that needed to fully implement a democratic tradition.

The determined Kenyan voters ignored unseasonably heavy rains and provided a solid mandate to the new president, the parliament, and local councilors throughout the country. It is refreshing to see the change of government at the ballot box of free and fair elections and not at the end of rifles. Local and international observers who witnessed the election of President Mwai Kibaki described it as the fairest in Kenya's 39–year history. I urge this body to support and commend the Kenyans for the positive measures they have taken to establish a solid democratic foundation.

This body, the House of Representatives, along with the Senate and the executive branch should provide assistance to this country as it continues to build its economy and political institutions.

INTRODUCTION OF THE GERIATRIC CARE ACT OF 2003

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. GREEN of Texas. Mr. Speaker, I rise today to reintroduce the Geriatric Care Act of 2003, an important piece of legislation which will help our nation prepare for the health care pressures associated with the aging of the baby boom generation.

Americans are living longer than ever, with the average life expectancy rising to 80 years old for women and 74 years old for men. While this is generally a positive development, there are costs associated with the aging of America. As seniors live longer, they face greater risks of disease and disabilities, such as Alzheimer's, diabetes, cancer, stroke, and heart disease.

Geriatricians are physicians who are uniquely trained to help care for the aging and elderly. By promoting a comprehensive approach to health care, including wellness and preventive care, geriatricians can help seniors live longer and healthier lives.

It is critical that our nation have a sufficient number of geriatricians to help manage the

aging of the baby-boom generation. Unfortunately, there are currently only 9,000 certified geriatricians, and that number is expected to decline dramatically in the coming years. Of the approximately 98,000 medical residency and fellowship positions supported by Medicare in 1998, only 324 were in geriatric medicine and geriatric psychiatry. The Alliance for Aging Research estimates that the United States will need approximately 36,000 geriatricians to counter the aging population. We must do more to promote geriatric residency programs.

There are two barriers preventing physicians from entering geriatrics: insufficient Medicare reimbursements for the provision of geriatric care and inadequate training dollars and positions for geriatricians.

A MedPac survey found that Medicare's low reimbursement rates serve as a major obstacle to recruiting new geriatricians. Due to their higher level of chronic disease and multiple prescriptions, seniors require additional care to ensure proper diagnosis and treatment. Medicare's reimbursement rates do not factor the complex needs of elderly patients. Because geriatricians treat seniors exclusively, they are especially affected by Medicare's low reimbursement rates.

Additionally, the Balanced Budget Act placed limits on the numbers of residents a hospital can have, based on 1996 numbers. This cap serves as a disincentive for some hospitals, and has caused them to eliminate or reduce their geriatric Graduate Medical Education (GME) programs.

The legislation I am introducing today would remedy both of these problems, so that America is prepared for the aging baby boom generation. The Geriatric Care Act would modemize the Medicare fee schedule to more accurately reflect the cost of providing care for seniors. It also would allow for additional geriatric residency slots, so that we can develop an adequate supply of geriatricians for the next generation.

I urge all of my colleagues to join me as cosponsors of this legislation. Thank you, Mr. Speaker, I yield back the balance of my time.

INTRODUCTION OF THE MEDICARE MARKET ACQUISITION DRUG PRICE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. STARK. Mr. Speaker, I rise today to introduce the Medicare Market Acquisition Drug Price Act. This bill would correct a long-standing and well-documented problem with the way Medicare pays for the few outpatient prescription drugs it covers today. This bill would save the government billions of dollars and lower cost-sharing for Medicare beneficiaries who are paying a substantial share of the industry's bloated prices today. Congress should enact this bill immediately.

This problem must be resolved—this year—whether or not we succeed in creating a new Medicare prescription drug benefit. We have had hearings, we have had GAO and Inspector General reports, and we have had bipartisan consensus that this is a problem, but due to pharmaceutical industry efforts, we have had no congressional action. This problem was not addressed in the prescription drug legislation passed by the House Republican leadership last Congress. In the absence of congressional action, the Centers for Medicare and Medicaid Services, CMS, at the Department of Health and Human Services recently took modest steps to trim overpayments resulting from the current system. I applaud CMS's efforts and urge them to take any actions within their authority to ensure that Medicare pays reasonable prices for drugs.

However, the ultimate solution to this problem requires legislation. Despite the House Republican leadership's persistent neglect of the issue, I believe there is bipartisan consensus that Medicare should not continue to pay exorbitant prices for prescription drugs. I urge my colleagues to join me in supporting this bill.

Medicare currently pays for only a limited number of outpatient drugs, generally ones that a patient cannot self-administer, such as chemotherapy drugs. Medicare spends over $5 billion every year on these drugs. Under current rules, Medicare vastly over-pays for these drugs, because it bases payments on the artificially high "average wholesale price," AWP, reported by the drug's manufacturer—regardless of the actual price a provider pays for the drug. There is abundant evidence that drug manufacturers have boosted their own drug sales and increased their profits, at great taxpayer expense, by manipulating the AWP of their drugs. Simply put, drug manufacturers report inflated prices, sell providers the drugs for much less, and then encourage providers to bill Medicare for the maximum allowable amount—95 percent of the inflated AWP reported by the manufacturer.

This bill offers a straightforward solution to this problem. It would require Medicare payments to be based on the actual market prices at which manufacturers sell their drugs. This price, called the average acquisition price, would be verifiable. The Secretary would have the authority to audit drug companies' reports. Drug companies would be subject to steep fines for deliberately filing false or incomplete information.

Mr. Speaker, the current Medicare AWP rules are a sham and must be changed. Consider the following:

The General Accounting Office has described the AWT as "neither 'average' nor 'wholesale;' it is simply a number assigned by the product's manufacturer." The GAO found that Medicare's payments for physician-administered outpatient drugs were at least $532 million higher than providers' potential acquisition costs in 2000. Similarly, the GAO found that Medicare paid at least $483 million more for supplier-billed drugs than suppliers' potential acquisition costs in 2000. Some drugs were available at prices averaging less than 15 percent of the manufacturer's reported AWP, while Medicare continued to pay 95 percent of AWP.

In a real-life example, Mr. Bob Harper of Florida wrote to me about the high costs of one of his wife's chemotherapy drugs, Leucovorin. According to a September 2001 GAO report, this drug is widely available for just 14.4 percent of the AWP. Yet beneficiaries can be charged as much as 19 percent of the AWP—more than the actual price of the drug. Mr. Harper stated that his wife is being charged a co-payment of $155.27 for 36 treatments, or a total out-of-pocket charge of $5,589.72 for this drug. As Mr. Harper said, "This is outrageous!"

The Office of the Inspector General, OIG, at the Department of Health and Human Services found that Medicare could save $761 million per year by paying the actual wholesale prices available to physicians and suppliers for just 24 of the outpatient drugs currently covered by Medicare.

Numerous states, consumer groups, and private health plans have sued drug manufacturers for fraudulently inflating Medicare drug prices.

These suits follow on the heels of a record Medicare and Medicaid fraud settlement by TAP Pharmaceutical Products. In October 2001, TAP pleaded guilty to a charge of conspiracy to violate federal law. TAP agreed to pay $875 million—the largest criminal fine ever levied by the government for health care fraud—to settle the suit, in which the government alleged the company artificially inflated the AWP of the company's prostate cancer drug Lupron.

In October 2002, the OIG issued draft compliance program guidance to pharmaceutical companies. This guidance specifically highlighted pharmaceutical companies' manipulation of the average wholesale price as fraudulent behavior: "A pharmaceutical manufacturer's purposeful manipulation of the AWP to increase its customers' profits by increasing the amount the Federal health care programs reimburse its customers implicates the anti-kickback statute."

Mr. Speaker, the problem is well known. The solution is straightforward. Both the GAO and the OIG have recommended that we revise Medicare's drug payment policies to reflect actual market prices, accounting for rebates and other discounts available from manufacturers. That is exactly what this bill does.

Manufacturers would be required to report the actual average market acquisition prices for their drugs as a condition for Medicare coverage of those drugs. Each manufacturer would have to certify the accuracy of its reports and the Secretary of HHS would be empowered to audit price information to verify the accuracy of the reports. Drug manufacturers would be subject to unlimited civil monetary penalties for filing false reports and would be subject to a penalty of $100,000 for each day they fail to provide timely information.

The bill is also carefully crafted to ensure that the reimbursement revisions will not adversely impact Medicare beneficiaries' access to care. First, to ensure these drugs are available in areas of the country where providers must purchase covered drugs at prices above the average, the actual reimbursement level to providers would be set 5 percent above the average acquisition price. Second, Medicare would pay dispensing fees to reflect differences in the costs of dispensing different drugs and biologics. Third, the bill would ensure continued access to cancer treatment. Oncologists have argued that inflated AWP reimbursements are necessary to compensate

for the administration of cancer medicines. This bill would correct this anomaly by revising Medicare payments for oncology services to appropriately account for these indirect costs, in accordance with GAO recommendations.

Mr. Speaker, I sincerely hope that Congress will act to provide a meaningful Medicare prescription drug benefit this year. On top of the many other serious concerns I have with the so-called drug benefit bills offered by the Republican leadership in recent years, I am deeply disappointed that they have not addressed the abuses of the current AWP system. We must not shirk our responsibility to ensure that Medicare properly pays for the limited outpatient prescription drugs it already covers. There is no need for taxpayers to continue to fill pharmaceutical companies' coffers with the ill-gotten gains of the current AWP system. I hope all of my colleagues will join me in passing this important legislation.

PASS 21ST CENTURY WATER COMMISSION ACT

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. LINDER. Mr. Speaker, over the past year, major newspapers reported almost daily on water problems, as over half of the United States experienced drought conditions. Rivers and wells dried up, aquifers were challenged by saltwater intrusion, and fish, wildlife, and crops were threatened. In many states, the droughts continue today, with no relief in sight. Even without the problems caused by drought, projected population growth for the United States indicates that water demand will continue to increase in coming years. It is critical that states across the nation find ways to store more fresh water to meet growing needs.

Water resources managers will be faced with unavoidable, life-threatening challenges in the 21st century, and we must prepare for these challenges now through extensive research and coordination of objectives among all levels of water management—federal, state, local, and the private sector. I am introducing a bill today to begin this process.

My bill would create the ''21st Century Water Commission'' to recommend strategies for meeting 21st century water challenges. The commission, composed of seven members appointed by the President, is charged with assessing future water supply and demand, evaluating federal water programs and the coordination of federal agencies, and researching contemporary technologies for increasing fresh water resources. The commission would also make recommendations for conserving fresh water, storing excess water for use in times of drought, and repairing aging, leaky infrastructures.

The legislation I am introducing today is designed to bring our nation's premier water experts and managers together to the discussion table to share their ideas for the future. This bill is in no way intended to federalize our nation's water policies; it should create a resource and a research engine to enable local communities to better solve their water problems.

In John Steinbeck's novel, East of Eden, the narrator observes, ''It never failed that during the dry years the people forgot about the rich years, and during the wet years they lost all memory of the dry years. It was always that way.'' I have been told over and over again that the United States only reevaluates its water policies when a crisis hits. But failure to plan for future water shortages is a recipe for disaster. We must begin now to advance the science and knowledge that will be necessary to deal with 21st century water challenges.

Last March, EPA Administrator Christie Whitman expressed that, ''Water is going to be the biggest environmental issue that we face in the 21st century, in terms of both quantity and quality.'' I couldn't agree more. Mr. Speaker, we must begin working today to meet this challenge, by passing the ''21st Century Water Commission Act.''

INTRODUCTION OF THE AMERICAN WORKER TEMPORARY RELIEF ACT

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. TIAHRT. Mr. Speaker, today I am introducing the American Worker Temporary Relief Act, legislation which will extend for 13 weeks unemployment compensation for those Americans whose benefits expired on December 28. If enacted, this bill will enable approximately 800,000 Americans—including 6,000 laid-off workers in my state of Kansas—to begin receiving benefits again.

The American Worker Temporary Relief Act is an important step in helping our workers through these tough economic times. Many have been severely affected by a lingering recession and the economic effects of the September 11, and we, as elected representatives of the people, cannot turn our backs on them.

While this measure is important for immediate relief, I must emphasize its title, ''The American Worker Temporary Relief Act.'' Make no mistake: This is short term aid. I believe the best and most responsible approach Congress can take is to adopt policies designed to get our economy growing again. We should work to create a climate in which businesses, especially small businesses, can grow and create jobs that America needs. We should work to guarantee that hard-working Americans are able to keep more of their money to spend in our economy.

I represent the Fourth District of Kansas, which includes Wichita, the Aviation Capital of the World. In the greater Wichita area, we have had in excess of 10,000 layoffs in the aircraft manufacturing industry as a result of the downturn following the attacks on September 11, and have, by far, the highest unemployment rate of any area in the state. And while many of these laid-off workers will benefit from the bill I am introducing today, they have been unable to qualify for additional unemployment benefits available to other high unemployment states due to the relative economic health of other areas in our state.

While I am truly grateful that other parts of my state have been spared the high unemployment which is prevalent in the Wichita-area, I believe we must review the formula for determining the qualifications for more benefits when a particular area has been hard hit. In the coming weeks, I will be introducing legislation to fundamentally change the procedure for dispersing, unemployment benefits.

Under the current formula, hard-hit areas of a particular state often do not meet the ''trigger'' for unemployment benefits due to the more robust economic health of the rest of the state. This policy change, if enacted, will guarantee that unemployment assistance will not be contingent on an overall state unemployment rate, but a more localized approach designed to assist areas of greatest need.

Mr. Speaker, this change will undoubtedly take time. I look forward to working with my colleagues to correct this unjust method of measuring econonmic hardship and I will seek their support as we work to provide assistance for those areas most in need.

In the meantime, I urge my colleagues to support legislation to extend the unemployment benefits of all Americans whose assistance lapsed on December 28. Support the American Worker Temporary Relief Act.

FLAG PROTECTION AMENDMENT

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. CUNNINGHAM. Mr. Speaker, I rise today to reintroduce legislation which would amend the Constitution to prevent desecration of the American flag. This measure is identical to H.J. Res. 36, which I sponsored in the last session of Congress, and language adopted by the House four times. It is necessary to restore protections for the symbol of our nation and all its honored traditions, which were sadly wiped away in the 1989 Supreme Court ruling on Texas v. Johnson.

In that fateful 5–4 ruling, the Court cast aside longstanding national laws and 48 state laws recognizing the flag's special status and honoring its place in American society—ruling that its desecration is protected under the First Amendment. For those who see our flag as a revered symbol of freedom and the great sacrifices that were made to sustain it at home and abroad, that decision was a horrible affront—and the call to action was immediate.

Inspired to preserve our national trademark and unalloyed symbol of unity, Congress quickly moved to pass a law restoring flag protections. But in its 5–4 ruling on United States v. Eichman in 1990, the Supreme Court once again found that flag protections were inconsistent with free expression rights accorded under the First Amendment. That ruling made it clear that restoration of flag protections would require a Constitutional Amendment.

Since that ruling, the House has four times passed a Flag Protection Constitutional Amendment with well over the two-thirds majority required. The Senate has also acted, failing to achieve the two-thirds votes necessary to move the amendment forward to the states for ratification by a mere handful of votes. Since that time, our nation has endured

some of its most difficult challenges and we have been reminded once again how important the flag is in unifying our nation, demonstrating our resolve and honoring those who have sacrificed to protect the lives and liberties of the American people.

Each color on the flag, each star and each stripe evokes emotion in me, and together they stand as a symbol of everything I believed in about this country when I fought to defend it. When I heard that some in my country were opposing my military's involvement in Vietnam, that flag reminded me of our tolerance for differences and our endurance through unity. It was a steady symbol of the liberties we enjoy—a way of life that should be protected for future generations and defended for others who aspire to it. From the soldier deployed or detained abroad to the policemen and firefighters protecting citizens in communities, it has stood as a symbol of the country we love, the reason we serve and most important, the sacrifices that have been made.

There have been several major incidents of flag burning since the Court ruling in 1990. These incidents tear at me, and represent a direct attack on all I hold dear about this country. The Constitution was not designed to protect actions which jeopardize others' rights, and the government has long acted to restrict speech and conduct that could cause harm to others. Those who want to express their anger against this country have options that don't involve destroying the sacred symbol that belongs to all citizens.

At a time when we are faced with increasing youth violence and cultural breakdown, restoring our most recognized sign of unity would be a positive step in the right direction—providing a steady reminder that living free comes with responsibility to respect others. Since 9–11, the flag has come to represent even more for all Americans and a reminder of those who were lost protecting us. Allowing its desecration is an insult to all those who perished.

Mr. Speaker, the state of Israel has laws protecting not only its flag, but the flags of its allies as well. It is inexplicable to me that the United States is being told by its courts to tolerate such acts of hatred and violence against its flag when our allies go to such great lengths to protect it. Over seventy-five percent of Americans consistently agree: the time to restore protections for our flag is long overdue. I ask my colleagues to join me in support of this Constitutional Amendment, and to move it back to the American people for speedy ratification.

TRIBUTE TO PUNCH WOODS, RETIRING EXECUTIVE DIRECTOR OF THE TUCSON COMMUNITY FOOD BANK

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. KOLBE. Mr. Speaker, I rise today to pay tribute to Punch Woods, the retiring Executive Director of the Tucson Community Food Bank who has served his community in this important role for the past 25 years.

Mr. Speaker, it is hard to imagine what Tucson would be like without the contributions Punch has made to helping people who are hungry and needy. Just as important, however, has been his work to raise the awareness of the rest of the community, who do not suffer from hunger, of what it means to those who do. An entire generation of school children has grown up in southern Arizona bringing cans of food to school, to their Girl Scout meetings and even to birthday parties because of Punch's efforts. Now, many of them are parents themselves and are raising their kids to do the same.

I've had the privilege of serving on the Community Food Bank Board for some 20 years now. I don't know if I have contributed much to the work of the Food Bank over the years, but I know how much it has personally benefited to me. It has been so rewarding to be associated with an organization that is both compassionate and practical and to understand these are not mutually exclusive terms. We always say that we wish the Community Food Bank didn't have to be in business, and that is true. But hunger and poverty are—sadly—facts of life in our community today, and it is heartening to know that the Community Food Bank has been there to serve our families and neighbors in need with an ever-increasing array of services. The very fact that Punch and I—one Democrat and one Republican—could work so well together to tackle the problems of hunger in our community is proof that there is no partisanship in these issues. But none of this could happen without his vision, dedication, determination and the personal sacrifices that he has made over the years.

Mr. Speaker, the Tucson Community Food Bank will not only survive but will grow even stronger because of the base that Punch Woods has built for it.

TRIBUTE TO ROBERT E. ''BOB'' BOWEN

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mrs. CAPITO. Mr. Speaker, The Polymer Alliance Zone (Polymer) was developed in 1996 as a private/public partnership designed to promote the polymer industry in West Virginia. Polymer has been cited as one of West Virginia's most successful initiatives and has been emulated in the chemical and wood industries throughout the world.

One man, Robert E. "Bob" Bowen has served with great distinction as the Chairman of the Board of Directors since Polymer's inception. During that time, his leadership has brought the organization to a level of success that far exceeded all expectations, creating thousands of jobs and millions of dollars in new investments.

Mr. Bowen has leveraged resources from education, labor, management and government to bring worldwide recognition to Polymer and focus attention on the many opportunities available for companies and workers in West Virginia.

Mr. Bowen has dedicated countless hours toward facilitating and managing the many successes of the Polymer Alliance Zone, and has served as mentor to other alliances now forming among West Virginia industries.

After six years of successful leadership, Mr. Bowen is retiring as the Chairman of the Board of Directors. His vision and skill have secured the jobs of thousands of West Virginia families and growth for the future of many communities.

Mr. Speaker, I rise today to express the appreciation of the citizens of West Virginia to Robert E. "Bob" Bowen for the invaluable contribution he has made to our beloved state.

H.R. 100, THE SERVICEMEMBERS CIVIL RELIEF ACT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. SMITH of New Jersey. Mr. Speaker, today Mr. EVANS of Illinois and I are introducing H.R. 100, the Servicemembers Civil Relief Act, a bill to restate, clarify and strengthen the legal protections afforded our men and women who serve on active duty in our armed forces. This measure would modernize and rename the current Soldiers' and Sailors' Civil Relief Act, which has had only a few changes since it was passed during World War II. While it has always provided extremely important legal protections, this law is badly in need of comprehensive redrafting in modern legislative language so that it has a more inclusive name, is easier to understand and interpret, and, most importantly, provides updated protections to reflect the considerable changes in American society that have occurred over the past fifty years.

During the 107th Congress, I introduced H.R. 5111, a bill of the same name. H.R. 100 is a continuation of that initiative, and it may be possible to make more improvements as the new bill is considered. I think the timing of this legislation is important. Our Nation is engaged in a war against terrorism and once again contemplates the possibility of a war to prevent Saddam Hussein from developing weapons intended to terrorize the world. Our servicemembers need to know their elected representatives are working to reduce the burdens they and their loved ones face as they protect our freedoms and way of life. That is why we are introducing this bill on the first day of the 108th Congress.

Mr. Speaker, H.R. 100 is intended to make the Soldiers' and Sailors' Civil Relief Act (SSCRA) easier to understand by restating it in plain language, to incorporate generally accepted procedural practices, and to adjust its provisions to developments in American life since 1940. Major improvements to the SSCRA in H.R. 100 would:

1. Expand the SSCRA provision temporarily suspending legal proceedings that may prejudice the civil legal rights of military personnel to include administrative as well as judicial proceedings;

2. Add a section pertaining to Legal Representatives that clarifies the term "servicemember," as used in the Act, and incorporates by reference the concept of a legal

representative (the SSCRA is silent on this issue);

3. Establish a 90–day automatic stay of proceedings when military duty requirements materially affect the servicemember's ability to appear in a judicial or administrative proceeding;

4. Clarify the 6 percent interest rate cap by specifying that interest in excess of 6 percent per year is forgiven;

5. Improve eviction protections by precluding evictions from premises occupied by servicemembers for which the monthly rent does not exceed $1,700, rather than the current ceiling of $1,200;

6. Add leases to the provision protecting servicemembers who, prior to entry into military service, have entered an installment contract for the purchase of real or personal property by prohibiting creditors without court action from terminating contracts and repossessing property for nonpayment or breach occurring prior to or during military service;

7. Expand the termination of the real property leases provision by adding a clause stating that, if a servicemember while in military service executes a lease and thereafter receives military orders for a permanent change of station (PCS) move or a deployment order of 90 days or more, the servicemember can terminate the lease by giving the landlord written notice;

8. Clarify that protections regarding taxes on personal property include all forms of property owned by a servicemember or jointly held by a servicemember and the servicemember's spouse;

9. Add a provision that states "a tax jurisdiction may not use the military compensation of the non-resident servicemember to increase the tax liability imposed on other income earned by the nonresident servicemember or spouse subject to tax by the jurisdiction"; and

10. Include legal services as a professional service specifically named under the provision that provides for suspension and subsequent reinstatement of existing professional liability insurance coverage for designated professionals serving on active duty.

Mr. Speaker, during the last Congress, with Public Law 107–330 we amended the Soldiers' and Sailors' Civil Relief Act to expand coverage to National Guard members activated under title 32 to respond to national emergencies declared by the President. Just in the past few days, some members of the reserve components have received notices that they will be called up for active duty, and Congress should consider more ways to encourage citizen service in the armed forces both by reducing its burdens and increasing its incentives. I hope to do that during this Congress. What was once called the Militia is now the National Guard and the Reserves, but the purpose remains the same, to give the people themselves the opportunity and responsibility to voluntarily contribute their time and talents to the national defense.

Mr. Speaker, I am hopeful that the House will consider and pass H.R. 100 early in this session. Our servicemembers should be uppermost in our minds and in our prayers during these dangerous times. As we depend on them, we must also do our part.

JUAN NEPOMUCENO SEGUIN POSTAGE STAMP

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. GREEN of Texas. Mr. Speaker, I rise to introduce a resolution which urges the United States Postal Service to commission a postage stamp commemorating Juan N. Seguin, hero of Texas' War for Independence.

Juan Seguin believed in the freedoms that we enjoy today, many of which we take for granted.

He was fair minded, did not tolerate injustice, and fought for basic human rights for all people, despite the constant risk of imprisonment or death.

He was one of the key leaders of Texas' War for Independence.

As territorial governor of Texas, he protested the dismantling of the Mexican Republic of General Antonio Lopez de Santa Ana, and was the first to sound the alarm in response to Santa Ana's tyrannical actions.

He renounced General Santa Ana's overturning of the Mexican Constitution of 1824, which had granted all citizens and subjects of Mexico their basic human rights.

This was what the men in the Alamo were fighting to restore, as represented by the famous image of the Mexican flag with the number "1824" painted across the middle.

In October 1934, Seguin convened the first revolutionary meeting protesting the actions of Santa Ana's government.

Once the revolution was underway, he fought in the successful battle to retake San Antonio from General Martin Perfecto de Cos.

Later he was one of the 189 defenders of the Alamo, and his life was spared by Colonel William Travis' decision to send him with a request for reinforcements to Colonel James Fannin at Goliad, Texas.

He left on March 5, 1836, the day before the fall of the Alamo and the slaughter of its defenders.

He was able to rejoin the remainder of the Texas Army under General Sam Houston, and thus became the only man to fight at both the Alamo and San Jacinto.

Juan Seguin was a legendary leader in the Texas Revolution and an unsung hero of Texas. Though he is seldom given credit for his contributions, he helped establish the Texas that we are so proud of today.

I urge my colleagues to join me in support of this resolution.

STATEMENT AGAINST A PREVENTIVE WAR IN IRAQ

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, on Monday night, literally on the eve of our swearing in as members of the 108th Congress, I spoke in Wellesley, Massachusetts at the Unitarian Universalist Society of Wellesley Hills at the invitation of that society. The topic they asked me to address was the potential war in Iraq, and I spoke to a crowd of several hundred people expressing my reasons for opposing a war in Iraq at this time. I was struck by the extremely large turnout—overflowing the hall—on a weeknight, and on a day when there had been a significant snowstorm, leaving the roads in difficult condition.

At the conclusion of the question and answer period, a representative of the society presented me with the attached statement, signed by approximately 160 people in the group. (I should note that the attendance at the meeting was much larger because not everyone who attended had been previously solicited to sign the statement.)

Mr. Speaker, given the grave nature of the question of whether or not to go to war, and the strong interest expressed by these citizens, I welcome their contribution to our debate and I ask that the Statement Against A Preventive War In Iraq presented by Members and Friends of the Unitarian Universalist Society of Wellesley Hills be printed here.

INTRODUCTION OF THE PUSH POLL DISCLOSURE ACT OF 2003

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. PETRI. Mr. Speaker, today, I am introducing legislation to increase the disclosure requirements for telephone "push polls." As many candidates for public office have learned through personal experience, these push polls are not legitimate telephone surveys, but campaign devices designed to smear a candidate under the guise of a standard opinion poll.

Imagine a voter, who has been identified as a supporter of candidate X, being asked in a survey if this support would continue if it was learned that candidate X was guilty of a terrible indiscretion or an outright crime. It doesn't matter whether the allegations are true because the idea that candidate X is somehow unfit for office has been planted successfully. This is a telephone push poll.

My legislation, the Push Poll Disclosure Act of 2003, requires that each participant in a poll conducted for a candidate for a Federal office seeking the opinion of more that 1,200 households be told the identity of the survey's sponsor, It also requires further disclosures when a survey's results are not to be released to the public. In this case, the cost of the poll and the sources of its funding must be reported to the Federal Election Commission, along with a count of the households contacted and a transcript of the questions asked.

The Push Poll Disclosure Act of 2003 is a simple bill. It will not hinder the traditional use of polling, nor will it burden polling firms with excessive regulations. What this bill does do, however, is regulate push polls for what they are—campaign activities, and questionable ones at that. This legislation is noncontroversial and should be bipartisan, and its passage will make campaigns for Federal office a little bit cleaner.

INTRODUCTION OF THE FED UP HIGHER EDUCATION TECHNICAL AMENDMENTS ACT OF 2003

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. BOEHNER. Mr. Speaker, today I would like to join my colleague from California, the Chairman of the 21st Century Competitiveness Subcommittee, Representative HOWARD P. ''BUCK'' MCKEON, in reintroducing the FED UP Higher Education Technical Amendments Act. This bipartisan bill, cosponsored by Education & the Workforce Democrat committee members CAROLYN MCCARTHY (D–NY) and DAVID WU (D–OR), provides for technical amendments to the Higher Education Act, which will be up for reauthorization later this year.

Representative MCKEON, a leader in the House on higher education issues, along with the late Representative Patsy Mink (D–HI), initiated the FED UP process to make it easier for Hispanic-Serving Institutions to receive Federal aid, help college students avoid defaulting on their student loans, clarify that Federal scholarship aid can go to low-income and minority students for law school, and improve higher education access in other ways recommended by the higher education community.

The FED UP project is a unique effort, utilizing the Internet to get input directly from those most affected by current Federal higher education regulations—students and school officials themselves. The project solicited comments from student aid professionals from across the country in an effort to pinpoint unnecessary Federal rules and red tape that could be streamlined without jeopardizing the integrity of America's student financial assistance programs.

The response was phenomenal, both in terms of the number of comments received and in the reaction from the higher education community. Many of those responding commented that this is the first time Congress has put forward an effort to hear directly from those on the front lines of assisting students. Another said this is the way government should work, Congress listening to the experts and getting input, rather than just dictating a course of action. This bill is intended to address noncontroversial, budget neutral changes to the Higher Education Act that will assist in reducing red tape. It also clears the decks of clerical and technical problems within the act to set the stage for the Committee to begin the reauthorization process later this year.

This year I hope we can move this legislation through the floor in a swift manner. As part of an ongoing election-year effort to disrupt proceedings in the House, Democrat leaders in July 2002 blocked floor passage of the noncontroversial, bipartisan FED UP initiative. Twenty-seven House Democrats, including the late Representative Patsy Mink, broke with the Democratic leadership and joined Republicans in voting ''yes'' on the measure, which is also strongly backed by the higher education community.

This legislation was created in an effort to do what is right for students, institutions and others involved in providing higher education. The FED UP measure will help to untie the hands of students and institutions through a series of common-sense steps that will make a difference while paving the way for the reauthorization of the Higher Education Act in the 108th Congress.

INTRODUCTION OF THE FED UP HIGHER EDUCATION TECHNICAL AMENDMENTS ACT OF 2003

HON. HOWARD P. ''BUCK'' McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. MCKEON. Mr. Speaker, today, I am proud to join my colleague, the Chairman of the House Education and the Workforce Committee, John Boehner, in introducing the FED UP Higher Education Technical Amendments Act of 2003. This legislation is the result of a great deal of effort to improve the efficiencies and effectiveness of the Title IV student aid programs through the review of overly burdensome and outdated regulations.

During the 107th Congress, the House Education and the Workforce Committee launched the FED UP project (short for ''Upping the Effectiveness of our Federal Student Aid Programs) to identify and simplify burdensome regulations in the Higher Education Act of 1965 (HEA) that work against college students and personnel, The initiative, which was started to bring some sense to the regulations that students and the higher education community must deal with on a daily basis, received over 3,000 responses from college officials, administrators and other personnel who operate America's institutions of higher learning. After all of the responses were catalogued, the Department of Education initiated a negotiated rulemaking process to consider the regulatory changes included in the project, and have since published final regulations implementing many of the FED UP proposals.

These proposed amendments to the Higher Education Act of 1965 continue this effort to identify and simplify burdensome regulations that work against college students and personnel, and are non-controversial and technical in nature. They provide for improvements that will reduce red tape for colleges and universities and will improve the financial aid process for students. Enacting these changes now will allow the House Education and Workforce Committee to address larger, more intricate proposals during the reauthorization of the HEA without being bogged down with technical and clerical issues.

This legislation provides for the streamlining and increased effectiveness of many provisions within the HEA. It reinstates two provisions beneficial to both students and institutions that expired on September 30, 2002. Specifically, schools with default rates under 10 percent for three consecutive fiscal years will be permitted to waive a 30–day delay requirement for first-year, first-time borrowers. Schools meeting the same low default rate standard would also be permitted to request one term loans in a single disbursement, rather than the required multiple disbursements. These provisions act as an incentive to schools to keep their default rates low and assist students in getting access to their loan funds on a timelier basis.

The FED UP Higher Education Technical Amendments Act of 2003 also corrects an error in an overly broad implementation of a provision affecting a student's eligibility for Title IV financial aid once convicted of a federal drug offense. Only those students enrolled and receiving Title IV aid when convicted will be affected once this correction is implemented.

A drafting error during the 1998 reauthorization of the HEA inadvertently removed the eligibility of not-for-profit foreign veterinary schools from participation in the Federal Family Education Loan (FFEL) Program. This legislation will correct that error and keep hundreds of students from losing their loan eligibility.

This legislation also provides clarification for financial aid officers in the return of Title IV funds. It clarifies how the return of Title IV funds should be implemented for schools utilizing clock hours, and what percentage of funds need to be included in any return. The language also makes clear that Leveraging Educational Assistance Partnership (LEAP) funds may be removed from the return of Title IV funds formula due to the mix of State and Federal funds at the school level. It clarifies that students who have been home schooled, and are treated as such under State law, are eligible for admittance into an institution of higher education as defined in the HEA and are eligible to receive financial aid. It also allows aid professionals to use professional judgment in determining financial need for a student who is declared a ward of the court.

This bill allows for the use of technology wherever possible to enhance and improve communication and the transfer of information. This includes reporting by States in providing information on teacher quality and providing students with voter registration materials.

This legislation allows student loan borrowers to receive more timely assistance from their lenders when they are seeking forbearance of loan payments. It allows a lender to accept a request for assistance over the telephone as long as a confirmation notice of the agreement reached is provided to the borrower and the borrower's file is updated. This eliminates the need for borrowers to sign paper documents requesting help and agreeing in writing to what they already have agreed to verbally.

The FED UP Higher Education Technical Amendments Act of 2003 corrects an administrative issue in the payment of insurance to lenders and reinsurance to guaranty agencies on borrower default claims when the borrower failed to establish eligibility for that loan. This change reinstates long-standing policy of the Department of Education in the payment of these specific claims, which was altered by a new reporting process put in place via a forms change.

This legislation allows Hispanic Serving Institutions (HSIs) to apply for HSI grants without having to wait two years in between applications. It also clarifies allowable uses of grant funds within the Thurgood Marshall Legal Educational Opportunity Program. It also provides

clarification within the Federal TRIO programs that institutions with more than one campus may apply for separate grants to serve different populations at different campuses.

This legislation also provides clarification as to what items must be included within the annual report of the Department of Education's Performance Based Organization (PBO). Finally, the bill corrects the names of the authorizing committees throughout the HEA.

The FED UP Higher Education Technical Amendments Act of 2003 will take us one step closer to reducing burdensome rules and allow financial aid administrators and others in the higher education community to do their jobs more efficiently and effectively. Program integrity and service to students remain the priority and this legislation accomplishes both.

This legislation also brings forward, as an addition to FED UP, the provisions passed by the House of Representatives in the previous Congress that deal with the forgiveness of student loans for spouses of victims of the tragedy of September 11th and provides for the additional innovation of the delivery of post-secondary education by eliminating the rule prohibiting institutions of higher education from offering more than 50 percent of their coursework through distance education. This provision provides for a controlled look at increasing the availability of distance education, while protecting the integrity of the student aid programs.

We will be beginning the reauthorization of the Higher Education Act with this Congress and this is a very positive, productive and efficient first step. FED UP has accomplished its goal of streamlining the current regulatory system to the extent possible, while maintaining or improving program integrity, and I urge my colleagues to support this legislation.

INTRODUCTION OF THE SOCIAL SECURITY GUARANTEE PLUS ACT OF 2003

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. SHAW. Mr. Speaker, whether we live in prosperous or uncertain times, American families need economic security—the kind of economic security that Social Security provides. For 68 years, Social Security has protected workers and their families from falling into poverty if a breadwinner retires, suffers disability, or dies. Social Security has endured, unlike many other government programs, because its architects designed it to be owned by workers and to treat all workers fairly.

Social Security has evolved over the decades, strengthening its protections and finances along the way. However, our nation's demographics and economics are fundamentally changing, and Social Security's ability to continue meeting its promises is threatened. The Social Security Guarantee Plus Plan I am introducing today will enable Social Security to continue fulfilling its vital role in the lives of all Americans.

First, the Guarantee Plus Plan keeps intact the Social Security safety net. Promised benefits, including cost of living increases, are guaranteed for people receiving benefits today, tomorrow and for all future generations.

Second, the plan treats all workers fairly. Workers have paid into the system, it's their money, and we must protect and enhance their investment. It's not fair to workers to raise their payroll taxes or lower their benefits. Nor is it fair for the government to tell workers to work longer. That's why my plan does not raise taxes, does not lower benefits, and does not change the retirement age.

Third, Social Security payroll taxes belong to the workers who paid them. My plan gives workers a real ownership stake in Social Security by allowing them to choose to receive a tax cut to invest directly in prudent, individually-selected, market investments. For the first time, a nation of savers, not the government, will own and control the assets backing Social Security. Should an individual die before becoming eligible, the balance of their money will be passed along to their heirs.

Fourth, under my plan, Social Security can be counted on for the next 75 years, and beyond. Real assets guarantee current and future benefits, establishing a sound and sustainable financial footing. No longer will there be a need to periodically increase taxes or lower benefits to keep the program working.

Beyond keeping these promises to all Americans, we must also do more to improve Social Security for the women of our nation. Because of their longer life expectancies and lower earnings, women are more likely to suffer poverty in old age. Social Security is a vital safety net for these women. In addition, because benefits are based on earnings, women are disadvantaged when they choose to stay home to raise their children. The Guarantee Plus Plan protects our daughters, our mothers, our aunts and our grandmothers, not only by securing the future of Social Security and guaranteeing full benefits, but also by enhancing benefits for widows, divorced spouses, and working mothers. These benefits become available immediately in my bill.

Here's how the Social Security Guarantee Plus Plan works. The plan guarantees full, promised, current law benefits for all workers, whether you are 6 or 65. Just as companies must back your pension plan with real assets, the Guarantee Plus Plan saves Social Security by setting aside real assets, not IOUs, to prefund benefits. These assets are saved in each worker's own account, thereby providing workers the opportunity to create real wealth for themselves and their families.

Workers who choose to participate will receive a refundable credit of up to 4 percent of their earnings to establish their own Social Security Guarantee Account. Workers, not the government, would select where to invest their Guarantee Account funds. The assets in these accounts would grow tax-free. No withdrawals would be permitted until a worker starts receiving benefits to ensure that the money is preserved for retirement.

At retirement or when the worker becomes disabled, a portion of the Guarantee Account is paid directly to the worker and the rest is used to help pay full, guaranteed Social Security benefits. But that's not all.

In addition to the much needed improvements in benefits for women I mentioned, my plan eliminates the retirement earnings penalty for all workers age 62 and older and reduces the so-called Government Pension Offset affecting spouse and survivor benefits to certain government workers.

Other plans may cost less, because they cut benefits or raise taxes. If our goal is to pay full promised benefits, boost women's benefits, and return Social Security to financial independence, the Guarantee Plus Plan is the lowest-cost proposal to date. The Guarantee Plus Plan does all this and pays for itself over the seventy five-year actuarial period, and that's confirmed by the Social Security Administration's Office of the Actuary. Even under the most conservative estimates, the Guarantee Plus Plan allows the new Social Security system to generate surplus cash in the Latter part of the century, actually adding black ink to the government's bottom tine.

My plan uses general revenues to fund the accounts. Even assuming borrowing for a transitional period, my plan pays back every borrowed dollar plus interest within the seventy five-year evaluation period. Not only would we pay off the mortgage on Social Security, we would leave workers with substantial account balances and the federal government with excess cash.

The Guarantee Plus Plan also meets or exceeds all of the President's principles for reform—pays promised benefits to retirees, near-retirees, and all workers; no tax increases; no government investing; fully preserves disability and survivor benefits; offers individually controlled, voluntary personal retirement accounts that will augment Social Security. In addition, my plan is consistent with the first option to establish personal accounts recommended by the President's Commission to Strengthen Social Security. My plan also accomplishes the objectives agreed to by the House during the 107th Congress to guarantee current law promised benefits, with cost-of-living adjustments to current and future retirees, without increasing taxes.

This past November, we witnessed yet another election cycle featuring Social Security as a key issue. Once again, Americans showed their willingness to explore new ideas to strengthen this vital program, since the old ways must be improved upon for future generations. Once again candidates who took a stand on ways to save Social Security not only held their own, they won. Yet, once again, not one penny has been invested in saving our nation's most successful retirement program. The result—while politicians debate, the price tag for saving Social Security only goes up and up.

From the time of Social Security's enactment until today, the history of the program's evolution has demonstrated that while everybody has his or her own ideas on how to strengthen the program, progress toward that goal is only achieved through bipartisan cooperation. It's tong past time for us to lay all our best thoughts on the table and work together to build on our success to make a stronger Social Security system that is an asset to all and not a liability to our children and grandchildren.

IN HONOR OF DR. WILLIAM CLAIBORN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. MORAN of Virginia. Mr. Speaker, I rise today to acknowledge the accomplishments of Dr. William Claiborn during his 21 years of outstanding and dedicated service as Executive Director of the Alexandria Community Services Board and Director of Mental Health, Mental Retardation and Substance Abuse.

Over the course of his career, Dr. Claiborn has taken the Alexandria Community Services Board from an organization of four facilities to a nationally recognized provider serving over 4,000 Alexandrians in 63 facilities. Under his dynamic leadership, the Community Services Board has made many tremendous accomplishments. From creating a nationally recognized Sober Living Unit at the Alexandria Detention Center to establishing the Parent-Infant Education Program that assists infants with developmental disabilities and their families, Dr. Claiborn has consistently gone above and beyond the call of duty to help others.

Dr. Claiborn's extraordinary commitment to improving the lives of his fellow Alexandrians, Virginians and Americans suffering from mental health problems; mental retardation and substance abuse has been a true blessing to those in need. His work in partnering with state and regional leaders led to the development of new Medicaid rules in 1989, representing a major positive change in social policy. Dr. Claiborn also spearheaded a regional cooperative effort to provide funding and carry out the discharge of people from state hospitals into the care of the Community Services Boards, where they would receive better treatment and higher quality care.

Mr. Speaker, it is with the greatest pleasure that I recognize Dr. Claiborn today. He is a brilliant and exceptionally compassionate public servant who has devoted his life to the betterment of our society and the people of Alexandria, Virginia, a city in which he has long served. The benefits of Dr. Claiborn's tireless efforts on behalf of the less fortunate will resonate not only in the present, but throughout Alexandria's history for decades to come.

SPECIAL TRIBUTE TO CHARLES F. KURFESS FOR HIS YEARS OF DEDICATED PUBLIC SERVICE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding gentleman, and good friend, from Ohio. The Honorable Charles Kurfess, from Bowling Green, is retiring from his current post as Common Pleas Judge in Wood County. His retirement marks the conclusion of a distinguished career dedicated to the service of others.

Mr. Speaker, upon his graduation from Bowling Green State University in 1951, Judge Kurfess was drafted into the Army where he was assigned to the Counter Intelligence Corp. He spent thirteen months in Tokyo and then returned home to enroll in law school at The Ohio State University.

While in law school at Ohio State, Chuck was elected to the Ohio House of Representatives. After ten years as a member of the House, Judge Kurfess was elected Speaker and served in that capacity for six years.

Judge Kurfess has had a significant impact on public policy in Ohio. He has also been a strong proponent of justice during his tenure on the bench. He has reached out nationally in an attempt to improve the lives of all citizens living in this great land. This is evidenced by his service as a Past President of the National Legislative Conference (now the National Conference of State Legislatures) and his service to Presidents Nixon and Ford on the Advisory Commission on Intergovernmental Relations. Serving his community, the state of Ohio and his country was not only Chuck's duty, but also his honor. These chances to give back to the public have brought him a lifetime of both personal and professional achievement. Judge Kurfess truly is a valued asset to Wood County and beyond.

Judge Kurfess has been a great resource and a true friend to everyone around him. Respected by his colleagues in the legislature and in the private sector, Chuck has shown the ability to improve the environment around him. He has been the recipient of many awards that reflect his service, to include being named the Outstanding Young Man of 1965 by the Bowling Green Jaycees, the Outstanding Freshman Representative by the Ohio Statehouse News Corp, he received the Distinguished Alumnus Award from Bowling Green State University, and was the recipient of the Distinguished Achievement Award for Contribution to Public Service from Wayne State University.

Judge Kurfess will be missed in the public arena, His wisdom, honesty and forthrightness are attributes to which all public servants should aspire. He has set an example for everyone on how to live a life of service, putting the greater interests of the community before one's own.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Judge Charles F. Kurfess. Our communities are served well by having such honorable and giving citizens, like Charles, who care about their well being and stability. We wish Judge Kurfess, his wife Helyn and their three children all the best as we pay tribute to one of our nation's finest citizens.

TRIBUTE TO CLAUDIA GAMAR

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. DOOLITTLE. Mr. Speaker, today I wish to express warm thanks and congratulations to Claudia Gamar, the outgoing mayor of the City of Roseville, upon her retirement from the city council. After nine busy years of service on the council, including two terms as mayor, Claudia is able to enjoy private life once again.

Following her studies in journalism and business at the University of Nevada, Reno, and the Reno Business College, Claudia embarked on a business career by directing client relations and convention booking at various hotels and casinos in Reno. In 1980, she came to Roseville, California, as the owner and operator of Gamar & Associates, a marketing and public relations firm.

Since that time, Claudia has been a prominent part of Roseville's community fabric. Her civic involvement is manifest in her participation with numerous boards, commissions, business organizations, service clubs, and charitable causes. Most significantly, she committed herself to the sacrifices required of public officials when she was elected to the Roseville City Council in 1993.

Roseville has experienced the most dynamic phase of its history during Claudia's tenure. Under her leadership, the city has developed several outstanding public amenities, including the recently-dedicated Roseville Civic Center, the new Police Department headquarters, the Roseville Aquatics Center, the Roseville Sports Center, the Woodcreek Oaks Golf Course, and numerous parks. In addition to the fine city projects to which she contributed, Claudia has also helped to create an environment in Roseville that fosters high levels of private investment. For example, she personally traveled to Japan three times to meet with NEC officials regarding the company's $1 billion of assets in Roseville. Perhaps the most recognizable example of this probusiness attitude she helped foster is the 1.12 million square foot regional mall, known as the Roseville Galleria, which opened in the year 2000. Due to this aggressive economic development, the city is now regarded as one of the Sacramento region's premier retail centers and dining destinations.

Roseville, which was once a sleepy railroad town, is now a vibrant, well-planned community with award-winning parks, law enforcement, and city management. It is home to nationally-recognized, high-performing public schools. Its railroad past blends with its newer high-tech industry and thriving commercial centers. Its residential areas include dynamic new developments as well as historic neighborhoods. In short, Roseville is a model community with a bright horizon. My good friend Claudia Gamar is part of the reason why.

I join with a grateful community to thank her for her efforts. Now that she is somewhat removed from the immediate glare of public scrutiny, demands on her time, and strains on her privacy and family life, may she and her husband, Bill, find fulfillment in the quality of life she helped generate.

PRESIDENT CARTER'S NOBEL LECTURE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. HOLT. Mr. Speaker, I rise today to call the attention of my colleagues to the powerful

and eloquent lecture former President Carter delivered upon receiving the Nobel Peace Prize last December.

With the establishment of the Carter Center in 1982, President Carter embraced one of humanity's loftiest and most widely shared goals—the alleviation of human suffering. The Carter Center has worked to virtually eliminate the crippling Guinea worm disease in Africa and treat millions of others who suffer from river blindness and trachoma. The Center's efforts to promote peace and democracy throughout the world are also well-known, monitoring elections in emerging democracies such as Sierra Leone and East Timor while promoting peaceful conflict resolution in places like the Sudan.

There is certainly little doubt that Jimmy Carter has earned the title of elder statesman and has become a voice of authority on foreign policy issues. His Nobel lecture was an affirmation of the principles that have guided his efforts for so many years. He articulated his vision of a world sharing the goals of "peace, freedom, human rights, environmental quality, the alleviation of suffering, and the rule of law." But he also sounded a stern warning, a reminder that we live in a dangerous time that requires international cooperation and resolve, rather than preemptive unilateral action.

Mr. Speaker, I ask unanimous consent that the text of President Carter's Nobel lecture, delivered December 10, 2002, be placed in the RECORD.

NOBEL LECTURE

(By Jimmy Carter)

Your Majesties, Members of the Norwegian Nobel Committee, Excellencies, Ladies and Gentlemen:

It is with a deep sense of gratitude that I accept this prize. I am grateful to my wife Rosalynn, to my colleagues at The Carter Center, and to many others who continue to seek an end to violence and suffering throughout the world. The scope and character of our Center's activities are perhaps unique, but in many other ways they are typical of the work being done by many hundreds of nongovernmental organizations that strive for human rights and peace.

Most Nobel laureates have carried out our work in safety, but there are others who have acted with great personal courage. None has provided more vivid reminders of the dangers of peacemaking than two of my friends, Anwar Sadat and Yitzhak Rabin, who gave their lives for the cause of peace in the Middle East.

Like these two heroes, my first chosen career was in the military, as a submarine officer. My shipmates and I realized that we had to be ready to fight if combat was forced upon us, and we were prepared to give our lives to defend our nation and its principles. At the same time, we always prayed fervently that our readiness would ensure that there would be no war.

Later, as President and as Commander-in-Chief of our armed forces, I was one of those who bore the sobering responsibility of maintaining global stability during the height of the Cold War, as the world's two superpowers confronted each other. Both sides understood that an unresolved political altercation or a serious misjudgment could lead to a nuclear holocaust. In Washington and in Moscow, we knew that we would have less than a half hour to respond after we learned that intercontinental missiles had been launched against us. There had to be a constant and delicate balancing of our great military strength with aggressive diplomacy, always seeking to build friendships with other nations, large and small, that shared a common cause.

In those days, the nuclear and conventional armaments of the United States and the Soviet Union were almost equal, but democracy ultimately prevailed because of commitments to freedom and human rights, not only by people in my country and those of our allies, but in the former Soviet empire as well. As president, I extended my public support and encouragement to Andrei Sakharov, who, although denied the right to attend the ceremony, was honored here for his personal commitments to these same ideals.

The world has changed greatly since I left the White House. Now there is only one superpower, with unprecedented military and economic strength. The coming budget for American armaments will be greater than those of the next fifteen nations combined, and there are troops from the United States in many countries throughout the world. Our gross national economy exceeds that of the three countries that follow us, and our nation's voice most often prevails as decisions are made concerning trade, humanitarian assistance, and the allocation of global wealth. This dominant status is unlikely to change in our lifetimes.

Great American power and responsibility are not unprecedented, and have been used with restraint and great benefit in the past. We have not assumed that super strength guarantees super wisdom, and we have consistently reached out to the international community to ensure that our own power and influence are tempered by the best common judgment.

Within our country, ultimate decisions are made through democratic means, which tend to moderate radical or ill-advised proposals. Constrained and inspired by historic constitutional principles, our nation has endeavored for more than two hundred years to follow the now almost universal ideals of freedom, human rights, and justice for all.

Our president, Woodrow Wilson, was honored here for promoting the League of Nations, whose two basic concepts were profoundly important: "collective security" and "self-determination." Now they are embedded in international law. Violations of these premises during the last half-century have been tragic failures, as was vividly demonstrated when the Soviet Union attempted to conquer Afghanistan and when Iraq invaded Kuwait.

After the second world war, American Secretary of State Cordell Hull received this prize for his role in founding the United Nations. His successor, General George C. Marshall, was recognized because of his efforts to help rebuild Europe, without excluding the vanquished nations of Italy and Germany. This was a historic example of respecting human rights at the international level.

Ladies and gentlemen:

Twelve years ago, President Mikhail Gorbachev received your recognition for his preeminent role in ending the Cold War that had lasted fifty years.

But instead of entering a millennium of peace, the world is now, in many ways, a more dangerous place. The greater ease of travel and communication has not been matched by equal understanding and mutual respect. There is a plethora of civil wars, unrestrained by rules of the Geneva Convention, within which an overwhelming portion of the casualties are unarmed civilians who have no ability to defend themselves. And recent appalling acts of terrorism have reminded us that no nations, even superpowers, are invulnerable.

It is clear that global challenges must be met with an emphasis on peace, in harmony with others, with strong alliances and international consensus. Imperfect as it may be, there is no doubt that this can best be done through the United Nations, which Ralph Bunche described here in this same forum as exhibiting a "fortunate flexibility"—not merely to preserve peace but also to make change, even radical change, without violence.

He went on to say: "To suggest that war can prevent war is a base play on words and a despicable form of warmongering. The objective of any who sincerely believe in peace clearly must be to exhaust every honorable recourse in the effort to save the peace. The world has had ample evidence that war begets only conditions that beget further war."

We must remember that today there are at least eight nuclear powers on earth, and three of them are threatening to their neighbors in areas of great international tension. For powerful countries to adopt a principle of preventive war may well set an example that can have catastrophic consequences.

If we accept the premise that the United Nations is the best avenue for the maintenance of peace, then the carefully considered decisions of the United Nations Security Council must be enforced. All too often, the alternative has proven to be uncontrollable violence and expanding spheres of hostility.

For more than half a century, following the founding of the State of Israel in 1948, the Middle East conflict has been a source of worldwide tension. At Camp David in 1978 and in Oslo in 1993, Israelis, Egyptians, and Palestinians have endorsed the only reasonable prescription for peace: United Nations Resolution 242. It condemns the acquisition of territory by force, calls for withdrawal of Israel from the occupied territories, and provides for Israelis to live securely and in harmony with their neighbors. There is no other mandate whose implementation could more profoundly improve international relationships.

Perhaps of more immediate concern is the necessity for Iraq to comply fully with the unanimous decision of the Security Council that it eliminate all weapons of mass destruction and permit unimpeded access by inspectors to confirm that this commitment has been honored. The world insists that this be done.

I thought often during my years in the White House of an admonition that we received in our small school in Plains, Georgia, from a beloved teacher, Miss Julia Coleman. She often said: "We must adjust to changing times and still hold to unchanging principles."

When I was a young boy, this same teacher also introduced me to Leo Tolstoy's novel, "War and Peace." She interpreted that powerful narrative as a reminder that the simple human attributes of goodness and truth can overcome great power. She also taught us that an individual is not swept along on a tide of inevitability but can influence even the greatest human events.

These premises have been proven by the lives of many heroes, some of whose names were little known outside their own regions until they became Nobel laureates: Albert John Lutuli, Norman Borlaug, Desmond Tutu, Elie Wiesel, Aung San Suu Kyi, Jody Williams, and even Albert Schweitzer and

Mother Teresa. All of these and others have proven that even without government power—and often in opposition to it—individuals can enhance human rights and wage peace, actively and effectively.

The Nobel prize also profoundly magnified the inspiring global influence of Martin Luther King, Jr., the greatest leader that my native state has ever produced. On a personal note, it is unlikely that my political career beyond Georgia would have been possible without the changes brought about by the civil rights movement in the American south and throughout our nation.

On the steps of our memorial to Abraham Lincoln, Dr. King said: ''I have a dream that on the red hills of Georgia the sons of former slaves and the sons of former slaveowners will be able to sit down together at a table of brotherhood.''

The scourge of racism has not been vanquished, either in the red hills of our state or around the world. And yet we see ever more frequent manifestations of his dream of racial healing. In a symbolic but very genuine way, at least involving two Georgians, it is coming true in Oslo today.

I am not here as a public official, but as a citizen of a troubled world who finds hope in a growing consensus that the generally accepted goals of society are peace, freedom, human rights, environmental quality, the alleviation of suffering, and the rule of law.

During the past decades, the international community, usually under the auspices of the United Nations, has struggled to negotiate global standards that can help us achieve these essential goals. They include: the abolition of land mines and chemical weapons; an end to the testing, proliferation, and further deployment of nuclear warheads; constraints on global warming; prohibition of the death penalty, at least for children; and an international criminal court to deter and to punish war crimes and genocide. Those agreements already adopted must be fully implemented, and others should be pursued aggressively.

We must also strive to correct the injustice of economic sanctions that seek to penalize abusive leaders but all too often inflict punishment on those who are already suffering from the abuse.

The unchanging principles of life predate modern times. I worship Jesus Christ, whom we Christians consider to be the Prince of Peace. As a Jew, he taught us to cross religious boundaries, in service and in love. He repeatedly reached out and embraced Roman conquerors, other Gentiles, and even the more despised Samaritans.

Despite theological differences, all great religions share common commitments that define our ideal secular relationships. I am convinced that Christians, Muslims, Buddhists, Hindus, Jews, and others can embrace each other in a common effort to alleviate human suffering and to espouse peace.

But the present era is a challenging and disturbing time for those whose lives are shaped by religious faith based on kindness toward each other. We have been reminded that cruel and inhuman acts can be derived from distorted theological beliefs, as suicide bombers take the lives of innocent human beings, draped falsely in the cloak of God's will. With horrible brutality, neighbors have massacred neighbors in Europe, Asia, and Africa.

In order for us human beings to commit ourselves personally to the inhumanity of war, we find it necessary first to dehumanize our opponents, which is in itself a violation of the beliefs of all religions. Once we characterize our adversaries as beyond the scope of God's mercy and grace, their lives lose all value. We deny personal responsibility when we plant landmines and, days or years later, a stranger to us—often a child—is crippled or killed. From a great distance, we launch bombs or missiles with almost total impunity, and never want to know the number or identity of the victims.

At the beginning of this new millennium I was asked to discuss, here in Oslo, the greatest challenge that the world faces. Among all the possible choices, I decided that the most serious and universal problem is the growing chasm between the richest and poorest people on earth. Citizens of the ten wealthiest countries are now seventy-five times richer than those who live in the ten poorest ones, and the separation is increasing every year, not only between nations but also within them. The results of this disparity are root causes of most of the world's unresolved problems, including starvation, illiteracy, environmental degradation, violent conflict, and unnecessary illnesses that range from Guinea worm to HIV/AIDS.

Most work of The Carter Center is in remote villages in the poorest nations of Africa, and there I have witnessed the capacity of destitute people to persevere under heartbreaking conditions. I have come to admire their judgment and wisdom, their courage and faith, and their awesome accomplishments when given a chance to use their innate abilities.

But tragically, in the industrialized world there is a terrible absence of understanding or concern about those who are enduring lives of despair and hopelessness. We have not yet made the commitment to share with others an appreciable part of our excessive wealth. This is a potentially rewarding burden that we should all be willing to assume.

Ladies and gentlemen:

War may sometimes be a necessary evil. But no matter how necessary, it is always an evil, never a good. We will not learn how to live together in peace by killing each other's children,

The bond of our common humanity is stronger than the divisiveness of our fears and prejudices. God gives us the capacity for choice. We can choose to alleviate suffering. We can choose to work together for peace. We can make these changes—and we must.

DIGITAL MEDIA CONSUMERS' RIGHTS ACT OF 2002

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. BOUCHER. Mr. Speaker, I am pleased to join with my colleague from California, Mr. DOOLITTLE, in re-introducing the Digital Media Consumers' Rights Act (DMCRA).

The Digital Millennium Copyright Act of 1998 (DMCA) tilted the balance in our copyright laws too heavily in favor of the interests of copyright owners and undermined the longstanding fair use rights of information consumers, including research scientists, library patrons, and students at all education levels. With the DMCRA, we intend to restore the historical balance in our copyright law that has served our nation well in past years.

In order to reduce growing consumer confusion and to reduce a burden on retailers and equipment manufacturers caused by the introduction of so-called ''copy protected CDs,'' we have also included in the bill comprehensive statutory provisions to ensure that consumers will receive adequate notice before they purchase these non-standard compact discs that they cannot record from them and that they might not work as expected in computers and other popular consumer electronics products. Consumers shouldn't have to learn after they get home that the product they just purchased can't be recorded onto the hard drive of a personal computer or won't play in a standard DVD player or in some automotive CD players.

As my colleagues know, we introduced the bill at the end of last year to make clear that enactment of the legislation would be a high priority this year. We are now prepared to start the debate in earnest.

BACKGROUND AND NEED FOR LEGISLATION

Before describing the provisions of the bill in detail, I think it useful to provide a general overview of what has occurred over the past five years and why we need to recalibrate the DMCA in light of that experience.

As my colleagues may recall, in 1997 the Administration proposed legislation to implement two international copyright treaties intended to protect digital media in the 21st century. At the time, motion picture studios, record companies, book publishers, and other owners of copyrighted works indicated that the treaty implementing legislation was necessary to stop ''pirates'' from ''circumventing'' technical protection measures used to protect copyrighted works. As the bill was being formulated, it was clear that the proclaimed effort to crack down on piracy would have potentially harmful consequences for information consumers. Nonetheless, copyright owners asserted that the proposed legislation was not intended to limit fair use rights.

At the time, libraries, universities, consumer electronics manufacturers, personal computer manufacturers, Internet portals, and others warned that enactment of overly broad legislation would stifle new technology, would threaten access to information, and would move our nation inexorably towards a ''pay per use'' society. Prior to 1998, the American public had enjoyed the ability to make a wide range of personal non-commercial uses of copyrighted works without obtaining the prior consent of copyright owners. These traditional ''fair use'' rights have long been at the foundation of the receipt and use of information by the American public, and have been critical to the advancement of important educational, scientific, and social goals.

Congress was warned that overly broad legislation could have potentially harmful effects. Manufacturers of consumer electronic and other multiple purpose devices, for example, pointed out that a VCR or PC, among other popular devices, could be deemed to be an illegal ''circumvention'' device. In response to these concerns, the Administration limited the prohibition to devices that are primarily designed or produced for the purpose of circumventing; have only a limited commercially significant purpose or use other than to circumvent; or are marketed for use in circumventing. Even with this modification, however,

the provision still contained a fundamental defect: it prohibited circumvention of access controls for lawful purposes, and it prohibited the manufacture and distribution of technologies that enabled circumvention for lawful purposes. In apparent response to expressions of concern, the Administration proposed a ''savings'' clause (ultimately enacted as section 1201(c)(1)), which states that section 1201 does not affect rights, remedies, limitations, or defenses to copyright infringement, including fair use. However, as at least some of us understood at the time, and two courts have since confirmed, the fair use defense to copyright infringement actions is not a defense to the independent prohibition on circumvention contained in Chapter 12 of the DMCA. Since Chapter 12 actions are not grounded in copyright law, the so-called ''savings clause'' preserving fair use defenses to copyright infringement actions is meaningless in the context of actions under the DMCA.

Other problems were seen with the Administration's original draft. As Congress became aware that the Administration's proposal prohibited many other legitimate activities, our colleagues agreed to graft numerous exceptions onto section 1201. The House Committee on Commerce, in particular, sought to more carefully balance the interests of copyright owners and information consumers by including provisions dealing with encryption research, reverse engineering, and security systems testing. We can now see in retrospect, however, that these provisions did not go far enough.

Congress made other changes in an effort to right the balance. Principally at the urging of consumer electronics manufacturers, Congress adopted the so-called ''no mandate'' provision to give equipment manufacturers the freedom to design new products without fear of litigation. Section 1201(c)(3) provides that, with one exception (set forth in section 1201(k)), manufacturers of consumer electronics, telecommunications, and computing products are not required to design their products to respond to any particular technological protection measure. (The only requirement imposed on device manufacturers is to build certain analog VCRs to conform to the copy control technology already in wide use in the market.) The ''no mandate'' provision was essential to addressing the legitimate concerns of the consumer electronics, telecommunications, and computer industries, which feared that section 1201 otherwise might require VCRs, PCs, and other popular consumer products to respond to various embedded or associated codes, or other unilateral impositions by content owners without the assurance of corresponding protections for equipment consumers. Moreover, through legislative history, Congress also made clear that equipment manufacturers were free to make adjustments to products to remedy ''playability'' problems created by unilaterally developed technical measures.

In the end, however, these changes were not enough to achieve the appropriate level of balance. In the end, the DMCA dramatically tilted the balance in the Copyright Act towards content protection and away from information availability.

Given the breadth of the law and its application so far, the fair use rights of the public at large clearly are at risk. From the college student who photocopies a page from a library book for use in writing a report, to the newspaper reporter excerpting materials from a document for a story, to the typical television viewer who records a broadcast program for viewing at a later time, we all depend on the ability to make limited copies of copyrighted material without having to pay a fee or to obtain prior approval of the copyright owner. In fact, fair use rights to obtain and use a wide array of information are essential to the exercise of First Amendment rights. In my view, the very vibrancy of our democracy is dependent on the information availability and use facilitated by the fair use doctrine.

Yet, efforts to exercise those rights increasingly are being threatened by the application of section 1201 of the DMCA. Because the law does not limit its application to circumvention for the purpose of infringing a copyright, all kinds of traditionally accepted activities may be at risk.

Consider the implications. A time may soon come when what is now available for free on library shelves will only be available on a ''pay per use'' basis. It would be a simple matter for a copyright owner to technically enshroud material delivered in digital format and then to impose a requirement that a small fee be paid each time the password is used so that a digital book may be accessed by a library patron. Even the student who wants the most basic access to only a portion of an electronic book to write a term paper would have to pay. The DMCA places the force of law behind these technical barriers by making it a crime to circumvent them even to exercise fair use rights. The day is already here in which copyright owners use ''click on,'' ''click through,'' and ''shrink wrap'' licenses to limit what purchasers of a copyrighted work may do with it. Some go so far as to make it a violation of the license to even criticize the contents of a work, let alone to make a copy of a paragraph or two.

To address these and other concerns that have been voiced since enactment of the DMCA, the bill we have introduced would amend sections 1201 (a)(2) and (b)(1) to permit otherwise prohibited conduct when engaged in solely in furtherance of scientific research into technological protection measures. Current law permits circumvention of technological protection measures for the purpose of encryption research. The bill expands the exception to include scientific research into technological protection measures, some of which are not encryption. This change is intended to address a real concern identified by the scientific community. It does not authorize hackers and others to post trade secrets on the Internet under the guise of scientific research, or to cloak otherwise unlawful conduct as scientific research.

Since September 11, 2001, we have all become more aware of the importance of improving the security of computer networks against hacking. Our computer scientists must be allowed to pursue legitimate research into technological protection measures to determine their strengths and shortcomings without fear of civil litigation or criminal prosecution under the DMCA. The public needs to know the genuine capabilities of the technological protection measures. The proposed amendment provides computer scientists with a bright line rule they can easily follow, and would encourage them to engage in research for the public's benefit.

The bill we have introduced does what the proponents of section 1201(c)(1) of the DMCA said it did, namely, to preserve the fair use rights of consumers under section 107 of the Copyright Act and under section 1201. (In 2001, for example, the presidents of the Business Software Alliance and the Interactive Digital Software Associations citing the ''savings clause'' stated in a letter to the editor of the Washington Post that ''[t]he DMCA did nothing to upset existing fair use rules that still permit a variety of academic inquiries and other activities that might otherwise be infringing.'') The bill amends the ''savings clause'' to make clear that it is not a violation of section 1201 to circumvent a technological measure in connection with gaining access to or using a work if the circumvention does not result in an infringement of the copyright in the work. In short, if a consumer may make a fair use of a copyrighted work, he may gain access to it and then make use of it without liability under section 1201. At the same time, if his or her conduct does not constitute fair use under section 107, liability may attach under section 1201.

In this connection, I think it important to stress that, when the DMCA was being debated equipment manufacturers unsuccessfully sought to clarify the savings clause in section 1201. Since enactment of the DMCA, these same manufacturers have had to build business plans that incorporate copy protection technologies into their digital product offerings in order to ensure that content will be made available to consumers in digital formats. At the same time, these manufacturers have worked to ensure that those technologies are used in ways that are consistent with consumers' customary recording and viewing practices. I recognize that because the determination of whether or not a particular use is considered a ''fair use'' depends on a highly fact specific inquiry, it is not an easy concept to translate into a technological implementation. Our bill is not intended to encourage consumers to disable copy protection systems in order to gain increased access to protected works where the technology has been implemented in a manner that seeks to accommodate the consumer's fair use expectations. Instead, this proposal is in pursuance of a larger objective of ensuring that existing copy protection measures are implemented in ways that respect consumers' customary practices and ensuring that, as future technologies are developed, they incorporate means by which fair use of content can be made. As Congress demonstrated in developing section 1201(k) of the DMCA, there are ways to balance legislatively the interests of content owners and consumers when technological solutions that respect fair use practices can be agreed upon by all parties.

In addition to restrictions on their fair use rights, consumers face a new problem as record companies increasingly introduce into the market non-standard ''copy-protected compact discs.'' As widely reported in the press, consumers have found that these ordinary-looking CDs do not play in some standard

consumer electronics and computer products and that they cannot be copied on computer hard drives or in CD recorders. Without question, record companies should have the freedom to innovate, but they also have the responsibility to provide adequate notice to consumers about the ''recordability'' and ''playability'' of these discs. They have not done so. For that reason, I believe it is appropriate for Congress to now step in. Our bill will ensure that non-standard discs are properly labeled to give consumers adequate notice of all dysfunctionalities.

In this connection, I think it is important to note that the conferees to the DMCA expected all affected industries to work together in developing measures to protect copyrighted works. As the conferees pointed out, ''[o]ne of the benefits of such consultation is to allow testing of proposed technologies to determine whether there are adverse effects on the ordinary performance of playback and display equipment in the marketplace, and to take steps to eliminate or substantially mitigate those effects before technologies are introduced.'' That process does not appear to have been employed with regard to the new unilaterally developed methods being used to protect compact discs.

In closing, I think it important to stress that, for over 150 years, the fair use doctrine has helped stimulate broad advances in scientific inquiry and in education, and has advanced broad societal goals in many other ways. We need to return to first principles. We need to achieve the balance that should be at the heart of our efforts to promote the interests of copyright owners while respecting the rights of information consumers. The DMCRA of 2003 will restore that balance.

We urge our colleagues to join us as cosponsors of this important legislation.

TRIBUTE TO MS. KATHERINE DUNHAM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. CONYERS. Mr. Speaker, today, I rise to commemorate Katherine Dunham for her extraordinary contributions to dance, culture, history and the world. Ms. Dunham has been called the ''Matriarch of black dance.'' Her unprecedented blend of cultural anthropology with the artistic genre of dance in the early 1930's, produced groundbreaking forms of movement, and in the United States, established black dance as an art form in its own right. Global awareness of folk dance in Haiti can be chiefly attributed to the work of Katherine Dunham.

It is important to share the history of this amazing woman. After various stays in Jamaica, Martinique, and Trinidad, Ms. Dunham arrived in Haiti in 1935. She chose to visit the Caribbean in order to study the intensity, depth and the African influence of the Caribbean dance culture. The Caribbean nations of Haiti and Jamaica provided Dunham with new insights, as the villagers began to trust her and invited her to join in some of their most sacred dance rituals. She would ultimately claim Haiti as her second home and even adopt their Vodum (or Voodoo) religion. She later chronicled much of her time spent in Haiti in a book entitled, Island Possessed. Shortly after leaving Haiti she completed a thesis on the dances of Haiti, entitled Las Danzi de Haiti. In 1983, the Center for Afro-American Studies at UCLA published a revised version, incorporating a long campaign of subsequent research. It was through her dance compositions that Ms. Dunham introduced the Haitian based vocabulary of movement to the world. This form of dance later became known as the Dunham technique.

Ms. Dunham' formal career begin in 1931, when the ''First Negro Dance Recital in America'' was presented in New York. At the time she was a 21 year old University of Chicago student who also served as the group's choreographer, teacher and chief dancer. The multitude of roles that she played in this initial endeavor were indicative of her great career which would span the next 50 years. In 1935, Ms. Dunham was given the opportunity to study both academic and practical aspects of dance when she received a Rosenwald fellowship which enabled her to undertake an anthropological study of dance in the Caribbean. As a result of her research, Ms. Dunham determined that African influences dominated three aspects of Black folk dance. These include: the incorporation of African religious dance into new ritual behaviors; the secularization of the African religious dance; and the interaction of African secular dance with European secular dance.

Upon returning to the United States, Ms Dunham reconstituted her dance group focusing primarily on her Caribbean experiences, particularly in Haiti. She choreographed and produced numerous production, Pins and Needles, Tropics, Le Jazz Hot—From Haiti to Harlem, Cabin in the Sky, Tropical Revue, Carib Song, Bal Begre which played in various location, including New York and Los Angeles. Ms. Dunham's company also appeared in the film Stormy Weather with Lena Horne and Bill Robinson. Specifically, the dance troupe is featured in fog-drenched ''Stormy Weather'' dream sequence.

Later, Ms. Dunham returned to the international stage by opening Caribbean Rhapsody, Tropics, Son, Chorus, Nanigo, Bahian, Shango, LAg Ya', Rites of de Passage, Flaming Youth and Blues in Europe. Ms. Dunham's success in Europe led to considerable imitation of her work in European revues. Her company also toured South America, Africa and Mexico. Ms. Dunham's dance troupe was so successful that it became the most widely recognized American dance company in the world. This distinction was later inherited by the Alvin Ailey American Dance Theater in 1970's.

The Dunham company made its last appearance in New York in 1962. It performed a production entitled Bamboche! which featured a contingent from the Royal Troupe of Morocco. In 1963 in Aida, Dunham continued to secure her place in artistic history by becoming the first African-American to choreograph for the Metropolitan Opera. Dunham first appeared in films in 1940 in Carnival of Rhythm. Her other film credits include Cabin in the Sky, Star Spangled Rhythm, Casbah, and Pardon My Sarong.

In 1945, the Katherine Dunham School of Arts and Research opened and was comprised of a Department of Theater, Cultural Studies and the Institute for Caribbean research. It offered two, three and five year courses leading to professional, teaching and research certificates. The faculty numbered thirty, and the school's curriculum included classes such as dance notation ballet, modern and primitive techniques, psychology and philosophy. It also offered courses in acting, music, visual design, history and languages. During the 1940's and 50's, Dunham's School of Dance became the premier training facility for African American dancers by providing instruction in dance described as ''arresting,'' and ''highly theatrical.'' The student body was interracial and numbered approximately four hundred. The cost to run this school was enormous and absorbed most, if not all of profits earned by Ms. Dunham. However, during its tenure some of its more famous students included Marlon Brando, James Dean and Shelley Winters.

In 1967, Miss Dunham joined the faculty of Southern Illinois University in Edwardsville, to create a performing arts training center and dance anthropology program. In 1969, Miss Dunham created the Katherine Dunham Center for the Arts and Humanities, a community-based arts education program in East St. Louis. The center provided East St. Louis residents with the opportunity to witness and participate in fine, performing, and cultural arts.

Further, The Katherine Dunham Dynamic Museum is also located at Southern University in St. Louis. This landmark building appears on the Illinois Historic Register, and houses Miss Dunham's superb collection of African, West African, and South American art. It is also located in the Pennsylvania Avenue Historic District which is registered with the National Trust for Historic Preservation. The museum houses an outstanding collection of symbolic and functional art, including more than 250 African and Caribbean art objects from more than 50 countries. Tapestries, paintings, sculpture, musical instruments and ceremonial costumes from these and other areas of the world celebrate the human spirit. The museum also displays costumes, photographs, programs, letters, awards and mementos from Miss Dunham's career as a dancer, choreographer, teacher, writer and dance company owner.

Additional accolades attributed to Ms. Dunham include advisor on the First World Festival of Negro Arts, which was the subject of a television special entitled, ''Divine Drumbeats: Katherine Dunham and Her People.'' In addition, she received the Kennedy Center Honors Award in 1983, and has been inducted into the Black Filmmakers Hall of Fame. Dunham has also been given a star on the St. Louis Walk of Fame for the field of Acting and Entertainment.

On January 7th, when the 108th Congress convenes, I will introduce this letter into the CONGRESSIONAL RECORD, adding this commendation to the tidal wave of many others, Thank you Katherine Dunham for your wonderful and marvelous contributions to the world.

COMMEMORATING THE PROSPECT HILL FLAG RAISING

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. CAPUANO. Mr. Speaker, I rise today to commemorate a moment of tremendous historical significance to our great country. January 1, 2003, marks the 227th anniversary of the raising on Prospect Hill, Somerville (then in Charlestown) the first flag of the United American Colonies. It is also the 100th anniversary of the building of the monument on Prospect Hill to recognize this event.

On January 1, 1776, General George Washington authorized that the Grand Union Flag be flown to celebrate the formation of the Continental Army. Thus, the Grand Union Flag, also known as the Great Union Flag, the Continental Union Flag and the Congress Flag, was raised at the fort sited on Prospect Hill. The brigade of Continental troops commanded by the legendary General Nathaniel Greene stationed at Prospect Hill produced a rousing cry and fired a salute of thirteen guns as the flag proudly flew on that cold winter's morning. Washington himself fondly recalled the scene, writing in a letter to his friend Colonel Joseph Reed, "we hoisted the Union Flag in compliment to the United Colonies."

Our first flag itself bears only a similarity to our current flag, although, surprisingly, it bears a strong resemblance to the flag flown during the 18th century by the East India Company. The Grand Union Flag was an alteration of the British meteor flag. It featured thirteen alternating red and white stripes to signify the thirteen American colonies. A contemporary British Union flag—the red cross of St. George and the White cross of St. Andrew on a blue background—formed its canton. It was felt that this combination aptly reflected the unity the colonists felt in their struggle and the loyalty many still felt to England. While the Continental Congress never passed a resolution recognizing the Grand Union Flag as the official American flag, it was used until mid-1777 by the Continental Army and is considered the first flag of the United States. I am proud that it was first raised on Prospect Hill, Somerville, in what is now the 8th Congressional District of Massachusetts.

COMMENDING TWO NEWLY NAMED RHODES SCHOLARS FROM KANSAS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. MOORE. Mr. Speaker, I am pleased to report that two Rhodes Scholars from Kansas were named last week. I include in the Record for the House's review a wire story from the Associated Press concerning these two exemplary young Kansans, Robert Chamberlain of Topeka, and Ben Champion of Olathe, but particularly want to take note of Ben Champion, a constituent who interned in my Overland Park and Washington, D.C., congressional offices last summer. I also include a recent story from The Olathe News concerning Ben.

Ben Champion, who is hoping to pursue a career in politics and public policy, is majoring in chemistry, natural resources and environmental sciences at Kansas State University. His goal is to bridge the gap between the sciences and the political arena by first specializing in the sciences, especially chemistry, and subsequently by working in the policy arena to develop and implement sound environmental policy. My constituents in Kansas' Third District were fortunate to have him serving them in their congressional offices last summer, and I join with our staff in congratulating Ben and wishing him well on this exciting new challenge.

KANSAS STUDENT NAMED RHODES SCHOLAR

(By The Associated Press)

Two young men from Kansas, one a University of Kansas graduate now in the Army, and the other a senior at Kansas State University, were named Saturday as Rhodes Scholars for 2003.

They area Robert M. Chamberlain of Topeka, who earned a political science degree from Kansas in May, and Ben Champion of Olathe, who is majoring in chemistry, natural resources and environmental sciences at Kansas State.

The prestigious scholarships provide more than $50,000 for two years of graduate study at Oxford University in England. They were established in 1903 by British philanthropist Cecil Rhodes, and 32 scholarships are awarded every year to students from the United States.

Chamberlain, a second lieutenant in the U.S. Army, is a field artillery officer with the 101st Airborne Division at Fort Sill, Okla., until April 2003, when he transfers to Fort Campbell, Ky.

A finalist for the scholarship a year ago, he is the son of Michael and Judy Chamberlain of Topeka and a graduate of Washburn Rural High School. He plans a public service career in international law.

Chamberlain said his selection for the scholarship was "still sinking in."

"It's such an honor to be selected from such an outstanding group of people," he said.

Chamberlain is the 24th University of Kansas student, and the first since 1994, to win a Rhodes scholarship. Kansas State has had seven Rhodes scholars since 1986.

Champion is a 1998 graduate of Olathe South High School. He is the son of Mike and Paula Champion of Olathe.

[From the Olathe News]

SOUTH GRAD IS RHODES SCHOLAR

(By Kevin Selders)

Ben Champion, a 1998 graduate of Olathe South High School, discovered something Saturday that changed his life.

Champion, who is graduating Saturday from Kansas State University with a degree in chemistry and environmental science, has been chosen as a Rhodes Scholar. He is one of two recipients from Kansas of the two-year, $50,000 scholarship to University of Oxford in England. "I really don't know what to think about it yet," he said. "It's still sinking in." The Rhodes Scholarships, the oldest international fellowships, were initiated in 1902 after the death of Cecil Rhodes. They allow students from many countries around the world to attend the University of Oxford.

American Rhodes Scholars are selected through a decentralized process by which regional selection committees choose 32 scholars each year from among those nominated by selection committees in each state. Applicants from more than 300 American colleges and universities have been selected as Rhodes Scholars.

The other recipient from Kansas, Robert Chamberlain of Topeka, earned a political science degree from the University of Kansas in May, and is now a second lieutenant in the U.S. Army. Scholarships also were awarded to students from other countries, bringing the total number of scholarships awarded this year to about 95.

Champion, who plans to study renewable energy technologies at Oxford, said he's excited about attending the university, which is known for having the largest chemistry department in the world. "I'm really looking forward to studying at Oxford," he said. "It's going to be a good fit for me." He said that after his time at Oxford, he'd like to conduct research and get into the political process and advise on environmental policy issues.

Rhodes Scholars are selected for two years of study at Oxford, with the possibility of renewal for a third year. All educational costs, such as enrollment, tuition, laboratory and other fees, are paid on the scholar's behalf by the Rhodes Trustees.

Each scholar also receives an allowance adequate to meet necessary expenses for term-time and vacations. The Rhodes Trustees cover the costs of travel to and from Oxford, and upon application, may approve additional grants for research purposes or study-related travel.

Champion, who also is a drummer and vocalist for a band called The Vetivers, attributed his success to having a supportive family, encouraging professors, a solid education from the Olathe school district and 12 years of experience in the Boy Scouts, which resulted in his achievement of Eagle Scout status. Champion also has won the Udall Scholarship for environmental studies and was a finalist for the Truman Scholarship.

Champion's father, Mike, credits his son's success to his positive, focused mind-set, his strong work ethic and his ability to adapt to any situation he's in. "I'm about as excited as a dad can get," he said. "It's one of those things where you pinch yourself to make sure you're awake and not dreaming."

WELCOMING ROTARY INTERNATIONAL PRESIDENT BHICHAI RATTAKUL

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. CRENSHAW. Mr. Speaker, I rise today to recognize an event that took place in my district yesterday, and to welcome the Rotary International President Bhichai Rattakul to Jacksonville and the United States.

The Rotary Clubs of Greater Jacksonville are dedicated and respected members of the large international humanitarian service organization. The Rotary Clubs of Greater Jacksonville are comprised of business and professional leaders who practice ethical standards in relationships in the community.

The many members of the Rotary Clubs of Greater Jacksonville dedicate their time, skills,

expertise and other resources to help improve the lives of others in developing countries by supporting the Rotary Foundation and by working to eradicate polio worldwide; and consistently promote truth, fairness, and try to improve relations among the citizens of northeast Florida.

The Rotary Clubs of Greater Jacksonville provide friendship and fellowship to its members and visiting Rotarians. These dedicated men and women are some of the most active local citizens who motivate and influence community leaders through their efforts on a regular basis. But more importantly, the members of the Rotary Clubs of Greater Jacksonville are citizens of the World who live each day with the goal of ''Service Above Self.''

It was an honor for me to join the fine men and women of the Rotary Clubs of Greater Jacksonville on January 6, 2003, to welcome Rotary International President Bhichai Rattakul and thank him for his many efforts and his service on behalf of all Rotarians in Jacksonville, the Nation, and the World.

TRIBUTE TO MARTHA C. MYERS

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. ROGERS of Alabama. Mr. Speaker, on December 30, 2002, Dr. Martha C. Myers died doing what she loved—helping and healing people as a missionary in Yemen.

Her death last Monday was the result of an Islamic extremist who smuggled a gun into her hospital and opened fire. The gunman killed not only Dr. Myers but also two of her American colleagues and seriously wounded another. This act of senseless brutality against those devoted to goodness reminds us just how dangerous the world is even for those doing God's work.

Dr. Myers, a Jefferson County native, grew up in Montgomery wanting nothing more in life than to be a missionary. The daughter of Dr. Ira and Dorothy Myers, Martha Myers graduated from Robert E. Lee High School in 1963, and after completing her medical degree at the University of Alabama at Birmingham, committed to missionary life and doing what she believed God wanted her to do.

In 1977 she was assigned to Yemen as a missionary for the International Mission Board of the Southern Baptist Convention, working in the 80-bed hospital which treated more than 40,000 patients a year. Dr. Myers' medical career spanned 25 years as an obstetrician and surgeon, saving lives and giving hope.

Her brother Stephen said Martha gave away most of her small medical salary to others she felt more in need. She even recently divested her savings account to help pay the cost of a kidney transplant for one of the hospital patients.

Dr. Myers was a model citizen, a committed Christian, a shining example for us all.

President Bush has promised to bring to justice those responsible for the slayings. I join the President and my fellow citizens in strongly condemning this brutal act of murder and will work to ensure the United States Government and Yemeni officials work together to investigate the causes of this attack. We can not and should not tolerate the merciless killings of innocent Americans working and living abroad.

Let us send our condolences to the family of Dr. Martha Myers and our prayers that their grief may be soothed. But most importantly, let us keep the memory of Dr. Myers alive so her mission may not die in vain, but serve as a shining example for future American missionaries working to spread peace and hope throughout the world.

MEMORIAL TRIBUTE TO MRS. HELEN DOBSON

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. RAHALL. Mr. Speaker, I rise today to pay tribute to my dear friend, Mrs. Helen Dobson, who passed away on December 8, 2002.

Helen will be missed by all of us, but her memories will last forever in our hearts. She was a beautiful flower whose fragrance permeated her surroundings. Her songbird voice soothed the souls of many and brought joy to our hearts. Helen's untiring efforts on behalf of our community never went unnoticed, as she gave unselfishly of herself to meet the needs of others time and time again.

One of my fondest of many memories, is when Helen surprised me by singing ''Happy Birthday'' and inviting the congregation to join in, during a Sunrise Prayer Service at Central Baptist Church, in conjunction with a visit to my hometown of Beckley, West Virginia, by former U. S. Secretary of Transportation, Rodney E. Slater. Secretary Slater was in awe of Helen's beautiful voice, as she sang her favorite song, ''If I Can Help Somebody, Then My Living Shall Not Be In Vain.''

I will never forget Helen's efforts on my behalf and the support she gave me throughout the years. I pray that Helen's memories will live forever in our hearts. It is for certain that, ''Helen's Living Shall Not Be In Vain'' and the West Virginia Hills are alive with the sound of her music.

U.S. EMPLOYEE, FAMILY UNITY AND LEGALIZATION ACT

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. GUTIERREZ. Mr. Speaker, I rise today to announce the introduction of my bill, the ''U.S. Employee, Family Unity and Legalization Act'' or the ''U.S.E.F.U.L. Act.''

I am very pleased to reintroduce legislation that reflects the global reality of our economy and the migratory nature of the labor market. Today, more than ever, immigrants play a critical role in our country's well-being and competently fill voids in our workforce and add strength and stability to our society.

My bill will help many immigrants realize their potential and our Nation's promise. Tax payers, home and business owners, parents and grandparents, neighbors and friends will no longer be forced to hide in the shadows of a country with a broken immigration system.

The USEFUL Act will enable immigrants now in the country to become eligible for permanent residency if they have lived in the U.S. for at least 5 years, regardless of their current immigration status. My bill calls for an immediate revision of the ''date of registry'', a provision in current immigration law that allows people to apply for permanent resident status if they had entered the United States by a specific date.

Updating the registry date has been a sensible practice of our nation's immigration policy since 1929, yet Congress has allowed the registry date to remain set at January 1, 1972. As a result, the historic and fair recognition of valuable contributions of long-term, law-abiding, tax-paying residents of the United States has been undermined.

The 1972 registry date has essentially become obsolete. My bill would immediately update the registry date to January 1, 1998, thus granting legal status to any immigrant who can establish that he or she was living in the United States by that time. The registry date would then roll forward by one year at a time every subsequent year until 2009. Thus, my bill would eventually grant permanent residency to every immigrant who entered the United States by January 1, 2003.

Some people might say that this legislation is bold, ambitious, and faces an uphill battle. I agree.

This bill is all of those things, but it is also legislation that is sound, sensible, and will ultimately be successful. My proposal will not only benefit deserving immigrants who have adopted the United States as their home, but all people who rely on safe communities and a sound and sustainable economy.

Immigrants are vital to the health and strength of a number of economic sectors, such as the agricultural, service and construction industries. Immigrants are also vital to the smooth running of our daily lives—they educate our children, wash our dishes, mow our lawns, take care of our aging parents and grandparents, serve our food and clean our homes.

If these workers are able enough, are responsible enough to care for our children, parents, and grandparents, should they not at least be afforded the benefits they have rightfully earned?

A study highlighting the economic contributions of immigrants released just last month by the Center for Labor Market Studies at Northeastern University reported what many of us have understood for some time: Immigrant labor is absolutely essential to the health of the U.S. economy, both in terms of filling gaps in the labor market and expanding the nation's tax base.

Despite the well-documented contributions of immigrants, some people still might say, in light of the attacks of September 11, that this is a bill whose time cannot come.

I would strongly disagree. In fact, I would say that this bill is long overdue.

We must not let our national security concerns cast a dark shadow over the importance and real contributions of immigrants to our

country. We should not allow terrorists to destroy the hopes and quest for a better life that is inherent in each and every immigrant seeking a better life while making a considerable contribution to our workforce.

Given the difficult lessons we learned from the tragedies of September 11th and our subsequent efforts to make this country safer for all of us, I would say we need this kind of bold immigration reform, like we have never needed it before. In fact, our national security demands it.

We are all aware than an estimated 8 to 9 million undocumented immigrants live in this country. Imagine this community of people currently living in the shadows brought forward to live openly in our society as legal permanent residents.

Imagine the relief it will provide to parents who, like the immigrants before them, came in search of a better life for their families.

Imagine the relief of employers who depend on the work of these immigrants to keep their hotels, restaurants, factories, and businesses afloat.

As a nation, we have committed immense resources to make our communities safer and to root out terrorists. Imagine our collective relief as Americans when we, alongside our immigrant friends who have come to build this Nation, are better able to focus our efforts on identifying and delivering justice to those that come to tear down this Nation.

The United States has been and always will be a country of immigrants. I believe the USEFUL Act will go far toward easing the plight of long-term U.S. residents who, for all practical purposes are here to stay, but who under current immigration law remain vulnerable. Ultimately, we will all benefit from a stronger, more stable workforce.

I also believe my bill will be extremely useful in our efforts to better secure the homeland and to protect us from future terrorist attacks.

I urge my colleagues to help achieve needed immigration reform by supporting the USEFUL Act.

CONGRATULATING THE WESTERN KENTUCKY UNIVERSITY HILLTOPPERS FOOTBALL TEAM

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to congratulate the Western Kentucky University Hilltoppers on their first NCAA Division I–AA football championship.

Today in Bowling Green, they are putting up seven new signs for drivers to see when they come into the city, signs recognizing the Toppers as national champions. Here in Washington, I introduced a resolution congratulating the Hilltoppers on their win, and my Kentucky colleague Jim Bunning has introduced the same resolution in the Senate.

The 15th ranked Hilltoppers defeated top-ranked McNeese State 34–14 to take the championship on December 20. Western brought their best game to the playoffs and the championship, defeating the three highest ranked teams on their way to winning the title.

Just as they had all season, the Hilltoppers relied on their tough defense and strong running game. Jon Frazier rushed for 159 yards and two touchdowns, bringing his season total to 1,537 yards and moving him into second place in Western's running records. The defense combined for three interceptions and a sack, holding McNeese State well below its season scoring average.

In his 14th year at Western Kentucky, coach Jack Harbaugh saw the team's hard work pay off. He has built a successful program over the years that the university, the Bowling Green community and the state can be proud of.

After starting the season with a 2–3 record, and a loss to McNeese State, the Hilltoppers relied on their teamwork and dedication to win 10 straight games, finishing the season with the national championship.

I join Western Kentucky University and all of Bowling Green in congratulating the Hilltopper football team for its success. Go Big Red!

THE FAILED CHILD WELFARE SYSTEM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, there is an urgent need for the Congress to overhaul the failed child welfare system.

In 2000, almost 3 million instances of child abuse or neglect were reported and more than 870,000 incidents substantiated, and 556,000 children lived in foster care. A particularly horrendous example of abuse, and the failure of state agencies to address it, fills the newspapers today in reporting the tragedy in Newark, NJ.

Despite spending billions of dollars on child welfare, we continue to fail these and other children every day. Recent audits by the Department of Health and Human Services have found that *every state examined is out of compliance with federal regulations to protect children.*

Unfortunately, nearly every Member can find horrific stories in their own state about the failure of the child welfare system. In the most recent New Jersey tragedy, despite the state welfare system being repeatedly notified about abuse in this family over 10 years, two young brothers were found starving and neglected with their brother laying dead in another part of the basement. Serious reform at the local, state and federal levels is long overdue.

In November 2002, Representatives RANGEL and CARDIN and I convened a Child Welfare Summit that brought together child welfare experts, administrators, judges, and academicians to discuss the state of child welfare reform. Summit participants discussed the great need for reform and the communities in which improvements have been achieved. They called for more community involvement and partnerships, better investment in prevention, standards of accountability for welfare systems and improved caseworker training, supervision and retention.

The following article from The Washington Post discusses the urgent need for reform and some of the recommendations of the Summit. Congress needs to act without delay to review these findings and implement changes to safeguard our most vulnerable children.

[From the Washington Post, Jan. 2, 2003]

BEFORE THE NEXT TRAGEDY

By Susan Notkin

We have become accustomed to the headlines: A child in foster care is missing. An infant is left alone in a locked car on a hot day. A child dies at the hands of a parent whose acts of abuse or neglect went unnoticed—or, worse, were noticed and ignored by those who might have helped. One week's troubling stories may come from Florida, Michigan or Texas, but the next week it could just as easily be another state, another child in the news.

These tragedies initiate predictable events. Politicians, journalists and others point fingers. A caseworker, supervisor or child welfare commissioner resigns. A blue ribbon panel is convened. But real system reform seems impossible, and the sense of urgency fades until the next headline.

In the year 2000, nearly 3 million cases of child abuse or neglect were reported, with more than 870,000 incidents substantiated. For each day of that year, three children died as a result of abuse or neglect. In 2000, more than half-a-million children were in foster care nationwide, many residing in communities far from their homes and families.

The problem is not lack of caring. Child welfare workers and administrators go to work everyday hoping to do their best for vulnerable children and families. But state and local agencies suffer from inadequate resources, high turnover, poor training, low pay and outrageously heavy caseloads. At present, dozens of states are either involved in child welfare class action lawsuits or are operating under court order for failing to adequately protect abused and neglected children. Still we lack the political will for major reform.

Recently, national child welfare experts and congressional leaders held a Child Welfare Summit to discuss urgent problems confronting child welfare services and to recommend priorities for reform.

Participants called for major changes in our nation's approach to protecting children. They recommended investing in prevention instead of continuing with inadequate after-the-fact responses. They stressed that efforts to hold child welfare systems more accountable must be coupled with relevant standards for child welfare practice that make accountability possible. They supported measures to build skills and improve compensation for caseworkers, increase caseworker retention and provide rewards for superior performance. Nearly all participants spoke to the need to address the over representation of children of color in our child welfare system.

Perhaps the area of greatest consensus was that government alone cannot effectively protect children. We need much greater community involvement, especially in the form of partnerships between public child welfare agencies and local communities. Such partnerships make keeping children safe everybody's business. Neighbors and community leaders reach out to vulnerable families to talk about good parenting. They carry the challenge of child abuse prevention to neighborhood meetings, block parties, picnics and congregations of different faiths. These partnerships offer individualized services based

on a family's needs and give families at risk more say in the decisions that affect their lives.

Because child welfare, mental health, substance abuse and domestic violence agencies typically work with the same families, community partnerships ensure that their services are coordinated. And when children must be placed outside their homes, every effort is made to keep them in their own communities. Community partnerships are already showing great promise in more than 50 locations across the country, including cities as diverse as Jacksonville, Fla., Cedar Rapids, Iowa, and Atlanta.

The task of changing the way we conduct child welfare is demanding, but we have no choice. The terrible cost to children and families who fall in the cracks of the current system is obvious enough, but the financial cost is also daunting. Prevent Child Abuse America reports that we spend more than $93 billion annually in direct and indirect responses to child abuse and neglect. We could spend this money far more wisely by implementing the types of reforms recommended by the nation's leading child welfare experts. This is the future we must invest in.

OVERLAPPING ERAS

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, Janaury 7, 2003

Mr. HOUGHTON. Mr. Speaker, our former colleague, the extraordinary Daniel Patrick Moynihan, notes that from the summer of 1914 the world was at war, with only brief interludes, until the collapse of the Soviet Union. "But now we have to ask if it is once again the summer of 1914. Small acts of terror in the Middle East, in South Asia, could lead to cataclysm, as they did in Sarajevo . . . The eras are overlapping."

Senator Moynihan was speaking in the same forum from which General George C. Marshall summoned the American people to rebuild Europe—the Harvard University Commencement. He said that the end of the Cold War has brought not universal peace, but widespread violence. The new horrors occur on the fault lines between major conflicting cultures.

Recalling that General Marshall had spoken to the graduating class 47 years before, he said: "History summons us once more in different ways, but with even greater urgency. Civilization need not die. At this moment, only the United States can save it. As we fight the war against evil, we must also wage peace, guided by the lessons of the Marshall Plan—vision and generosity can help make the world a safer place."

I would commend the address in its entirety to my colleagues and would like to insert the text in the RECORD at this point:

COMMENCEMENT ADDRESS, JUNE 6, 2002

(By Daniel Patrick Moynihan)

A while back it came as something of a start to find in The New Yorker a reference to an article I had written, and I quote, "In the middle of the last century." Yet persons my age have been thinking back to those times and how, in the end, things turned out so well and so badly. Millions of us returned from the assorted services to find the economic growth that had come with the Second World War had not ended with the peace. The Depression had not resumed. It is not perhaps remembered, but it was widely thought it would.

It would be difficult indeed to summon up the optimism that came with this great surprise. My beloved colleague Nathan Glazer and the revered David Riesman wrote that America was "the land of the second chance" and so indeed it seemed. We had surmounted the depression; the war. We could realistically think of a world of stability, peace—above all, a world of law.

Looking back, it is clear we were not nearly so fortunate. Great leaders preserved—and in measure extended—democracy. But totalitarianism had not been defeated. To the contrary, by 1948 totalitarians controlled most of Eurasia. As we now learn, 11 days after Nagasaki the Soviets established a special committee to create an equivalent weapon. Their first atomic bomb was acquired through espionage, but their hydrogen bomb was their own doing. Now the Cold War was on. From the summer of 1914, the world had been at war, with interludes no more. It finally seemed to end with the collapse of the Soviet Union and the changes in China. But now . . .

But now we have to ask if it is once again the summer of 1914.

Small acts of terror in the Middle East, in South Asia, could lead to cataclysm, as they did in Sarajevo. And for which great powers, mindful or not, have been preparing.

The eras are overlapping.

As the United States reacts to the mass murder of 9/11 and prepares for more, it would do well to consider how much terror India endured in the second half of the last century. And its response. It happens I was our man in New Delhi in 1974 when India detonated its first nuclear device. I was sent in to see Prime Minister Indira Gandhi with a statement as much as anything of regret. For there was nothing to be done; it was going to happen. The second most populous nation on earth was not going to leave itself disarmed and disregarded, as non-nuclear powers appeared to be. But leaving, I asked to speak as a friend of India and not as an official. In twenty years time, I opined, there would be a Moghul general in command in Islamabad, and he would have nuclear weapons and would demand Kashmir back, perhaps the Punjab.

The Prime Minister said nothing; I dare to think she half agreed. In time, she would be murdered in her own garden; next, her son and successor was murdered by a suicide bomber. This, while nuclear weapons accumulated which are now poised.

Standing at Trinity Site at Los Alamos, J. Robert Oppenheimer pondered an ancient Sanskrit text in which Lord Shiva declares, "I am become Death, the shatterer of worlds." Was he right?

At the very least we can come to terms with the limits of our capacity to foresee events.

It happens I had been a Senate observer to the START negotiations in Geneva, and was on the Foreign Relations Committee when the treaty, having been signed, was sent to us for ratification. In a moment of mischief I remarked to our superb negotiators that we had sent them to Geneva to negotiate a treaty with the Soviet Union, but the document before us was a treaty with four countries, only two of which I could confidently locate on a map. I was told they had exchanged letters in Lisbon [the Lisbon Protocol, May 23, 1992]. I said that sounded like a Humphrey Bogart movie.

The hard fact is that American intelligence had not the least anticipated the implosion of the Soviet Union. I cite Stansfield Turner, former director of the CIA in Foreign Affairs, 1991. "We should not gloss over the enormity of this failure to forecast the magnitude of the Soviet crisis . . . The corporate view missed by a mile."

Russia now faces a near-permanent crisis. By mid-century its population could well decline to as few as 80 million persons. Immigrants will press in; one dares not think what will have happened to the nuclear materials scattered across 11 time zones.

Admiral Turner's 1991 article was entitled "Intelligence for a New World Order." Two years later Samuel Huntington outlined what that new world order—or disorder—would be in an article in the same journal entitled "The Clash of Civilizations." His subsequent book of that title is a defining text of our time.

Huntington perceives a world of seven or eight major conflicting cultures, the West, Russia, China, India, and Islam. Add Japan, South America, Africa. Most incorporate a major nation-state which typically leads its fellows.

The Cold War on balance suppressed conflict. But the end of the Cold War has brought not universal peace but widespread violence. Some of this has been merely residual proxy conflicts dating back to the earlier era. Some plain ethnic conflict. But the new horrors occur on the fault lines, as Huntington has it, between the different cultures.

For argument's sake one could propose that Marxism was the last nearly successful effort to Westernize the rest of the world. In 1975, I stood in Tiananmen Square, the center of the Middle Kingdom. In an otherwise empty space, there were two towering masts. At the top of one were giant portraits of two hirsute 19th century German gentlemen, Messrs. Marx and Engels. The other displayed a somewhat Mongol-looking Stalin and Mao. That wasn't going to last, and of course, it didn't.

Hence Huntington: "The central problem in the relations between the West and the rest is . . . the discordance between the West's particularly America's—efforts to promote universal Western culture and its declining ability to do so."

Again there seems to be no end of ethnic conflict within civilizations. But it is to the clash of civilizations we must look with a measure of dread. The Bulletin of the Atomic Scientists recently noted that "The crisis between India and Pakistan, touched off by a December 13th terrorist attack on the Indian Parliament marks the closest two states have come to nuclear war since the Cuban Missile Crisis." By 1991, the minute-hand on their doomsday clock had dropped back to 17 minutes to midnight. It has since been moved forward three times and is again seven minutes to midnight, just where it started in 1947.

The terrorist attacks on the United States of last September 11 were not nuclear, but they will be. Again to cite Huntington, "At some point . . . a few terrorists will be able to produce massive violence and massive destruction. Separately, terrorism and nuclear weapons are the weapons of the non-Western weak. If and when they are combined, the non-Western weak will be strong."

This was written in 1996. The first mass murder by terrorists came last September. Just last month the vice president informed Tim Russert that "the prospects of a future attack ... are almost certain. Not a matter of

if, but when.'' Secretary Rumsfeld has added that the attack will be nuclear.

We are indeed at war and we must act accordingly, with equal measures of audacity and precaution.

As regards precaution, note how readily the clash of civilizations could spread to our own homeland. The Bureau of the Census lists some 68 separate ancestries in the American population. (Military gravestones provide for emblems of 36 religions.) All the major civilizations. Not since 1910 have we had so high a proportion of immigrants. As of 2000, one in five school-age children have at least one foreign-born parent.

This, as ever, has had bounteous rewards. The problem comes when immigrants and their descendants bring with them—and even intensify—the clashes they left behind. Nothing new, but newly ominous. Last month in Washington an enormous march filled Pennsylvania Avenue on the way to the Capitol grounds. The marchers, in the main, were there to support the Palestinian cause. Fair enough. But every five feet or so there would be a sign proclaiming ''Zionism equals Racism'' or a placard with a swastika alongside a Star of David. Which is anything but fair, which is poisonous and has no place in our discourse.

This hateful equation first appeared in a two-part series in Pravda in Moscow in 1971. Part of Cold War ''agit prop.'' It has since spread into a murderous attack on the right of the State of Israel to exist—the right of Jews to exist!—a world in which a hateful Soviet lie has mutated into a new and vicious anti-Semitism. Again, that is the world we live in, but it is all the more chilling when it fills Pennsylvania Avenue.

It is a testament to our First Amendment freedoms that we permit such displays, however obnoxious to our fundamental ideals. But in the wake of 9/11, we confront the fear that such heinous speech can be a precursor to violence, not least here at home, that threatens our existence.

To be sure, we must do what is necessary to meet the threat. We need to better understand what the dangers are. We need to explore how better to organize the agencies of government to detect and prevent calamitous action.

But at the same time, we need take care that whatever we do is consistent with our basic constitutional design. What we do must be commensurate with the threat in ways that do not needlessly undermine the very liberties we seek to protect.

The concern is suspicion and fear within. Does the Park Service really need to photograph every visitor to the Lincoln Memorial? They don't, but they will. It is already done at the Statue of Liberty. In Washington, agencies compete in techniques of intrusion and exclusion. Identity cards and X-ray machines and all the clutter, plus a new life for secrecy. Some necessary; some discouraging. Mary Graham warns of the stultifying effects of secrecy on inquiry. Secrecy, as George Will writes, ''renders societies susceptible to epidemics of suspicion.''

We are witnessing such an outbreak in Washington just now. Great clamor as to what the different agencies knew in advance of the 9/11 attack; when the President was briefed; what was he told. These are legitimate questions, but there is a prior issue, which is the disposition of closed systems not to share information. By the late 1940s the Army Signal Corps had decoded enough KGB traffic to have a firm grip on the Soviet espionage in the United States and their American agents. No one needed to know about this more than the President of the United States. But Truman was not told. By order, mind, of Omar Bradley, Chairman of the Joint Chiefs of Staff. Now as then there is police work to be done. But so many forms of secrecy are self-defeating. In 1988, the CIA formally estimated the Gross Domestic Product of East Germany to be higher than West Germany. We should calculate such risks.

The ''what-ifs'' are intriguing. What if the United States had recognized Soviet weakness earlier and, accordingly, kept its own budget in order, so that upon the breakup of the Soviet Union a momentous economic aid program could have been commenced? What if we had better calculated the forces of the future so that we could have avoided going directly from the ''end'' of the cold War to a new Balkan war—a classic clash of civilizations—leaving little attention and far fewer resources for the shattered Soviet empire?

Because we have that second chance Riesman and Glazer wrote about. A chance to define our principles and stay true to them. The more then, to keep our system open as much as possible, with our purposes plain and accessible, so long as we continue to understand what the 20th century has surely taught, which is that open societies have enemies, too. Indeed, they are the greatest threat to closed societies, and, accordingly, the first object of their enmity.

We are committed, as the Constitution states, to ''the Law of Nations,'' but that law as properly understood. Many have come to think that international law prohibits the use of force. To the contrary, like domestic law, it legitimates the use of force to uphold law in a manner that is itself proportional and lawful.

Democracy may not prove to be a universal norm. But decency would do. Our present conflict, as the President says over and again, is not with Islam, but with a malignant growth within Islam defying the teaching of the Q'uran, that the struggle to the path of God forbids the deliberate killing of noncombatants. Just how and when Islam will rid itself of current heresies is something no one can say. But not soon. Christianity has been through such heresy—and more than once. Other clashes will follow.

Certainly we must not let ourselves be seen as rushing about the world looking for arguments. There are now American armed forces in some 40 countries overseas. Some would say too many. Nor should we let ourselves be seen as ignoring allies, disillusioning friends, thinking only of ourselves in the most narrow terms. That is not how we survived the 20th century.

Nor will it serve in the 21st.

Last February, some 60 academics of the widest range of political persuasion and religious belief, a number from here at Harvard, including Huntington, published a manifesto: ''What We're Fighting For: A Letter from America.''

It has attracted some attention here; perhaps more abroad, which was our purpose. Our references are wide, Socrates, St. Augustine, Franciscus de Victoria, John Paul II, Martin Luther King, Jr., Alexander Solzhenitsyn, the Universal Declaration of Human Rights.

We affirmed ''five fundamental truths that pertain to all people without distinction,'' beginning ''all human beings are born free and equal in dignity and rights.''

We allow for our own shortcomings as a nation, sins, arrogance, failings. But we assert we are no less bound by moral obligation. And finally, . . . reason and careful moral reflection . . . teach us that there are times when the first and most important reply to evil is to stop it.

But there is more. Forty-seven years ago , on this occasion, General George C. Marshall summoned our nation to restore the countries whose mad regimes had brought the world such horror. It was an act of statesmanship and vision without equal in history. History summons us once more in different ways, but with even greater urgency. Civilization need not die. At this moment, only the United States can save it. As we fight the war against evil, we must also wage peace, guided by the lesson of the Marshall Plan—vision and generosity can help make the world a safer place.

Thank you.

COMMENDING THE KURDS AND TRADE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend to his colleagues three editorials from the Omaha World-Herald.

First, the editorial from the December 11, 2002, edition of the paper, entitled ''Kurds set an impressive example,'' correctly commends the economic, political, and social progress made by the Kurds in northern Iraq despite Saddam Hussein's concerted and well-documented efforts to annihilate Iraq's Kurdish population.

Second, the editorial from the December 16, 2002, edition of the Omaha World-Herald, entitled ''Behind Mexico's farm woes,'' encourages Mexico to pursue new farm policies which fully utilize market opportunities created through the North American Free Trade Agreement (NAFTA) rather than simply continuing to blame U.S. farm subsidies for Mexico's continued ag sector problems.

Finally, the editorial from the January 2, 2003, edition of the paper, entitled ''Open trade, open meetings,'' offers support for U.S. proposals to increase transparency within the World Trade Organization (WTO).

KURDS SET AN IMPRESSIVE EXAMPLE

The Kurdish area of Iraq shows the progress that is possible once a dictator is freed from a dictator's rule. U.S. Sen. Chuck Hagel visited that zone last week, and he was on the mark in saying the Kurdish area has the potential to serve as a model for what a post-Saddam Iraq could become.

Saddam Hussein's regime devastated the Kurd's territory in the 1980s but lost its grip on the area in 1991 as a result of the Gulf War. Economic development began to surge there in 1996, when the United Nations began channeling a set portion of Iraq's oil revenues to the Kurds. Saddam's government is able to short-circuit or delay various development projects, but the Kurds have still made impressive progress.

Here is how Barham Salih, prime minister of the Kurdistan Regional Government, described that improvement, in an opinion essay this week in The Washington Post:

''In 11 years we have rebuilt some 4,000 villages, set up two universities and opened more than 2,700 schools. Protected by U.S. and British air power, we have created an environment of freedom unique in Iraqi history, in which Kurds, Turkomens, Assyrian

Christians and Arabs enjoy cultural and political rights. My home city of Sulaimani alone has more than 130 media outlets, including 13 TV stations and dozens of newspapers—as well as unrestricted access to the Internet and satellite TV.''

The currency in Kurdish-controlled areas is worth more than 100 times its counterpart in the rest of Iraq, the San Francisco Chronicle notes. A Chronicle article described the area's newly paved highways as well as new hotels and open-air restaurants.

The child mortality rate among the Kurds, the Chronicle points out, is about 45 percent less than that for the rest of Iraq. Such a contrast strongly suggests that Saddam's decisions in allocating medical resources are a major factor in bringing misery to average Iraqis.

The Kurds' progress shouldn't be exaggerated. Many Kurds eke out only a modest living, and the area's political system still needs to achieve the orderliness and relative comity associated with democratic systems.

On balance, though, the Kurds' achievement after only a few years offers tremendous hope. In certain respects, it can be a role model not just for Iraq but for many countries in that part of the world.

BEHIND MEXICO'S FARM WOES

Tariffs on agricultural trade between Mexico and the United States have fallen in dramatic fashion since the mid-1990s. That embrace of open trade has put pressure on many Mexican farmers, compelling many of them to get out of agriculture altogether.

Some farm activists and commentators are blaming the United States, arguing that its heavy subsidizing of agriculture puts Mexico at an unfair disadvantage.

It's true that U.S. farm subsidies are wide-ranging and second only to those of the European Union (although Mexico's corn subsidies average $150 a ton, compared to $85 in this country). But it is woefully simplistic to lay all responsibility at the feet of the United States. Many other important factors are also in play.

Critics tend to sidestep the fact, for instance, that much of the Mexican farm sector is thriving. Under NAFTA, Mexico's agricultural exports have gone up significantly. That growth was made possible in part because many Mexican farmers invested and modernized in preparation for the impending changes.

Other farmers, in contrast, made no adjustments. They are now feeling pressure. True, many Mexican farmers have little flexibility because they own small plots or else communal ones lacking clear title. But that only underscores the reality that such farms have precarious financial prospects to begin with.

The Mexican farm sector has brought some problems on itself by failing, in many cases, to invest in improvements for irrigation and transportation. Mexico has hurt itself, too, by failing to curtail disease in livestock. Disease is so widespread for Mexican hogs, for example, that just two Mexican states are currently allowed to export pork—and only to Japan.

A sensible strategy would be to promote industrial development so that Mexican farmers and laborers can leave unsustainable plots and take on better-paying factory jobs—which, in fact, is the course the Mexican government has been attempting under NAFTA. Anti-globalization activists, regrettably, are trying to block the creation of factories in rural Mexico, arguing that the traditional farm economy needs to be preserved in is entirety.

Mexico's farm sector has much to gain from the efficiencies and opportunities that open markets create. Mexico will toss away those opportunities, however, if it allows farm interests and political activists to block crucial flexibility and diversification.

OPEN TRADE, OPEN MEETINGS

The World Trade Organization serves a vital function by overseeing the rules that govern the annual exchange of more than $7 trillion in goods and services worldwide. Under the WTO's direction, the world is moving slowly, if sometimes unsteadily, toward more open trade. The trend is healthy.

Critics raise a legitimate point, however, when they decry how the WTO conceals its deliberations from public scrutiny.

Defenders rationalize the closed-door nature of much of the WTO's proceedings as necessary to protect companies' proprietary information. But such an arrangement understandably leads to accusations that the deliberations are permitting private horse-trading that should more properly be conducted in public.

The United States, to its credit, has proposed a series of measures to open up the WTO process. Under the U.S. recommendations, hearings would be conducted openly. Legal briefs and final panel reports would be made available to the public in a timely fashion. Meanwhile, procedures would be put in place to ensure that proprietary information that legitimately deserves protection would receive it.

Those would all be positive steps. Some WTO members are balking but the call for greater openness should be heeded. The WTO, whose decisions have enormous ramifications for countries' economic well-being, ought to move its operations into the daylight.

A BILL TO CREATE FEDERAL ADVERTISING PROCUREMENT OPPORTUNITIES FOR MINORITY BUSINESS CONCERNS, AND FOR OTHER PURPOSES

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Ms. KILPATRICK. Mr. Speaker, small, disadvantaged businesses have been denied access to prominent contracting and subcontracting opportunities across the spectrum of industry. Many entrepreneurs and small businesses have either been hurt or put out of business by the gross disparity between procurement opportunities they receive and those received by large, majority owned businesses. In response to this inequity, former President Clinton enacted an executive order in October 2000 to improve the situation and rectify the inequity. The executive order's sole focus was to increase opportunities and access for disadvantaged businesses in relation to Federal procurement opportunities.

According to the executive order, each department and agency with procurement authority was to aggressively seek to ensure that small disadvantaged businesses, minority business enterprises and other types of small businesses were intimately involved in prime contracting opportunities. The underlying premise of the order was to contribute to a reduction of inequality within the realm of Federal procurement opportunities.

I want to codify former President Clinton's executive order specifically as it relates to Federal advertising contracts. My goal is to ensure that minority business concerns engaged in the advertising industry have ample Federal advertisement procurement opportunities. In addition, the legislation pinpoints minority business concerns owned and controlled by socially and economically disadvantaged individuals as businesses in drastic need of increased participation in Federal advertising procurement opportunities.

The advertising industry is an ever-expanding industry that exposes many products and services to a growing and diverse nation. There are more than 21,000 advertising agencies engaged in the business and thousands more that want to become engaged in the advertising industry. However, for various reasons, many smaller and disadvantaged businesses have found it difficult to obtain advertising contracts, particularly large Federal government contracts. This bill will eradicate the inequity by facilitating the following:

1. Aggressively seeking to ensure that minority business concerns are aware of the Federal advertising procurement opportunities by using the most effective forms of communication, including the Internet, specialty press and trade press;

2. Ensuring that procurement authorities will work with the Small Business Administration (SBA) to make sure that eligible small business concerns receive information regarding the contracts;

3. Ensuring that the price evaluation preference programs authorized by Section 7102 of the Federal Acquisition Streamlining Act of 1994 are used to the maximum extent when granting Federal advertising contracts to minority business concerns;

4. Requiring that contractors meet the commitments required by this legislation and other related laws (i.e., Small Business Act); and

5. Ensuring that contracts involving commitments with minority business concerns include clauses that address the assessment of liquidated damages when commitments are not met.

I sincerely hope that Congress will consider the positive effect of this bill not only for minority business concerns, but also for the betterment of the advertising industry in general. This bill can cure an ill that has plagued the advertising industry for a long time. I look forward to the opportunity to discuss this issue with my many colleagues in Congress.

CELEBRATING THE WEDDING OF PETER DILLON CAIRNEY AND ANNA CHRISTINE LEE

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. KING of New York. Mr. Speaker, I rise today to hail the upcoming wedding of my good friend Peter Dillon Cairney to Anna Christine Lee in Portland, Oregon on February 1, 2003. I bring this merger to the attention of

the Congress because in addition to his other exploits, Pete Cairney served his country well as an infantry officer in the United States Marine Corps, rising to the rank of Captain and serving in Operation Desert Storm.

Pete Cairney is a true American and a true New Yorker, born in Queens where, like his literary soul mate Jimmy Breslin, he was born in the shadow of manual labor. Pete went on to graduate from St. John's University where he earned a B.S. degree at the University of Notre Dame where he received an M.B.A. degree. His fiancée Anna Christine is a native Oregonian who received her B.S. and M.A. degrees from George Fox University and is currently a sales director.

I ask all my colleagues to join me in wishing this great couple many years of health and happiness.

TRIBUTE TO ALABAMA MISSIONARY DR. MARTHA C. MYERS

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. EVERETT. Mr. Speaker, I rise to pay tribute to the service and memory of a great American and a remarkable citizen of my State of Alabama, Dr. Martha C. Myers.

On December 30, Dr. Myers and two others, William E. Koehn of Texas and Kathleen A. Gariety of Wisconsin, lost their lives in a terror attack aimed at them simply because they were American missionaries. All three were in Jibla, Yemen serving in a hospital for the poor run by the Southern Baptist Church.

Like her colleagues, Dr. Myers was thoroughly devoted to serving the Lord and believed that her life should be spent doing His work regardless of personal risk. She loved treating and caring for the poor and labored in Yemen for 24 years before she lost her life.

Americans and Christians are both a rarity in that remote Arab nation which has long been known for its lawlessness. Dr. Myers knew the danger that awaited her each day while serving in Yemen and yet she looked forward to her work as each day brought her closer to the Lord.

Last weekend, a large memorial service was held at her home church, Dalraida Baptist, in Montgomery in my congressional district. So many family, friends and fellow Alabamians turned out to honor the testimony of this remarkable Christian. Perhaps the most striking example of Dr. Myer's walk for Christ was the attendance of Yemenis at another memorial service held for her last week in Jibla, a place she loved so much that she chose to be buried there.

The Alabama Baptist newspaper reported that no less than 40,000 gathered at the missionary hospital and lined the street to pay their respects for Dr. Myers and her colleagues. "In a country where professing faith in Jesus Christ could result in death, mourners sang 'He is Lord' in Arabic and recited the Lord's Prayer," the paper wrote.

Our prayers go out to the families of Dr. Myers and her colleagues who died in service to their fellow man. They are a powerful example of true courage and sacrifice no matter what the cost to themselves.

Thank you, Mr. Speaker.

CENTENNIAL OF THE NATION'S OLDEST MULTI-PURPOSE RECLAMATION PROJECT: THE SALT RIVER PROJECT

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. HAYWORTH. Mr. Speaker, a little more than halfway through our nation's history, when the West was still an untamed region full of untapped potential, central Arizona's early settlers embarked on what has become a hallmark of American vision, boldness and success. The story is that of the Salt River Project, the nation's third largest public power provider, the largest supplier of water to the greater Phoenix metropolitan area and the oldest multi-purpose reclamation project in the U.S.

Incorporated on February 7, 1903, the Salt River Project, more commonly known as SRP, deserves special commendation in its centennial year for the prominent role it has played in central Arizona's growth and development. Its place in Arizona's history prompted me and my colleague, Congressman JOHN SHADEGG, to nominate SRP for inclusion in the Library of Congress's Bicentennial Local Legacies Project.

Before SRP was formed, pioneers of the area that now encompasses large parts of my own Congressional District 5 saw opportunity in the desert region they had settled. Farming, commerce and trade were beginning to boom. But the region's main source of water, the Salt River, proved fickle and dangerous.

To preserve themselves, their families and their future, the pioneers banded together to secure a reliable water supply. They envisioned a great dam in the Salt River Canyon east of Phoenix and, though the idea may have seemed fanciful to some, it won the support of President Theodore Roosevelt.

With passage of the National Reclamation Act of 1902, the foundation was laid for formation in 1903 of the Salt River Valley Water Users Association, a non-profit entity that later became the Salt River Project. Local farms were offered as collateral to secure a federal loan for construction of a stone masonry dam on the Salt River. When the dam was completed in 1911, it was rightly named Roosevelt Dam after the president whose visionary reclamation concepts helped settlers of Arizona and other Western states forge progress and prosperity.

Today, SRP has more than 780,000 electric power customers, shares ownership of power plants in four states, participates actively in power transmission decisions across the West, and manages six dams on the Salt and Verde rivers and thousands of miles of canals and laterals that deliver more than 40 percent of the region's water supply.

Among utilities nationally, SRP is recognized for its customer service, employee-community involvement, corporate giving and environmental leadership.

There can be no doubt that SRP will continue to be a major force in meeting Arizona's water and power needs, and an invaluable partner to the communities it serves. With pride, Mr. Speaker, I salute the Salt River Project on its 100th anniversary.

A BILL TO EXPAND AND IMPROVE THE BENEFITS PROVIDED TO SMALL BUSINESSES UNDER INTERNAL REVENUE CODE SECTION 179

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. HERGER. Mr. Speaker, I rise today to join with President Bush in his call to assist our Nation's small businesses by introducing the "Small Business Expensing Improvement Act of 2003." This legislation will encourage new business investment and expansion, and I am pleased to be joined in this effort by several of my colleagues on the tax-writing Ways and Means Committee.

Small businesses truly are the backbone of our economy, representing more than half of all jobs and economic output. We should not take small business vitality for granted, however. Rather, our tax laws should support small businesses in their role as the engines of innovation, growth, and job creation.

Earlier today, President Bush unveiled his economic growth proposal. I applaud the President for his commitment to our Nation's small business owners and his dedication to ensure that our tax laws do not impede the growth and development of small businesses. The legislation we are introducing today will implement a key element of the President's plan, expansion of the benefits available to small businesses under Internal Revenue Code Section 179.

Our bill will improve our tax laws to make it easier for small businesses to make the crucial investments in new equipment necessary for continued prosperity. Under Code Section 179, a small business is allowed to expense the first $25,000 in new business investment in a year. Following the President's lead, our legislation will permanently increase this amount to $75,000. Furthermore, our bill will index this amount to ensure that the value of this provision is not eroded over time.

This legislation will also allow more small businesses to take advantage of expensing by increasing from $200,000 to $325,000 the total amount a business may invest in a year and qualify for Section 179. It is important to note that this amount has not been adjusted for inflation since the provision was enacted into law in 1986.

Mr. Speaker, in times of economic uncertainty, we must do all we can to encourage new investment and job creation. The "Small Business Expensing Improvement Act of 2003" will help accomplish this worthy goal. I applaud President Bush for his leadership on this issue, and I look forward to working with my colleagues to enact this much-needed legislation.

HONORING THE LIFE AND DEDICATED SERVICE OF FORMER CONGRESSMAN WAYNE OWENS OF UTAH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. LANTOS. Mr. Speaker, I join my distinguished colleague from Utah, Mr. MATHESON, the other members of the Utah delegation, and all of my colleagues in this body in mourning the passing of our former colleague, Congressman Wayne Owens of Utah. I consider it an honor to have known him and to have served with him.

Wayne and I served on the International Relations Committee during his second term of service in this House from 1987 until 1993. I visited Wayne's congressional district in Salt Lake City at his request to assist with his reelection.

My relationship with Wayne, however, went back much further than our association here in this House. In the 1960s he served as a legislative aide to Senator Frank E. Moss of Utah, and later he was the Administrative Assistant to Senator EDWARD M. KENNEDY of Massachusetts. I also served on the staff of other members of the Senate while Wayne was working there.

Mr. Speaker, Wayne and I stood together on many issues before the International Relations Committee—from seeking to bring peace in the Middle East to dealing with the momentous changes taking place in Central Europe and the former Soviet Union. We also worked together on many other issues that were before the Congress—from protecting our nation's fragile environment to seeking the welfare of the working men and women of our country.

Mr. Speaker, Wayne Owens was a man of conviction, who took action that he thought was right despite the personal consequences. During his first term in the House of Representatives, he served on the Judiciary Committee and cast his vote for the impeachment of then-President Richard M. Nixon. Not long after that important vote, he ran for an open seat in the United States Senate but lost. He blamed his defeat on that Judiciary Committee vote because President Nixon remained popular in Utah. Wayne also worked on environmental legislation to protect the incomparable Utah wilderness and to reintroduce wolves to Yellowstone National Park—issues that many in his home state did not support. He voted against authorizing the use of military force against Iraq in 1991. I greatly admire Wayne for his determination to act as he thought right, despite the personal consequences.

Mr. Speaker, both before and after his congressional service, Wayne was committed to working for peace and reconciliation in the Middle East. In 1989 he joined my friend S. Daniel Abraham, the former Chairman of Slim Fast Foods, to establish the Center for Middle East Peace and Economic Cooperation. After his loss in the Utah Senate election in 1992, Wayne devoted a great deal of his time to the Center, and he was a frequent visitor to Arab States and Israel. On many occasions he traveled with Members of Congress to that region in an effort to increase understanding of regional problems and to seek solutions through economic cooperation.

Mr. Speaker, I join my colleagues in acknowledging the contributions of Wayne Owens to our nation, to this House, and to the cause of better understanding between peoples of the world. He was a remarkable and a dedicated man, and we all join in expressing our condolences to Marlene, his devoted wife of 41 years, and to his five children and 14 grandchildren.

INDIVIDUAL AND SMALL BUSINESS TAX SIMPLIFICATION ACT OF 2003

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. HOUGHTON. Mr. Speaker, today I am re-introducing a bill, the Individual and Small Business Tax Simplification Act, to address a problem that remains as relevant in the 108th Congress as it was in the 107th. In 1935, there were 34 lines on Form 1040 and instructions were two pages. Today, the tax code and regulations have grown to over 9 million words. According to the Tax Foundation, individual taxpayers spent 2.9 billion hours on federal tax compliance in 2002. This is 370 million more hours than in 2001. Businesses spent an additional 2.75 billion hours on tax compliance. The value of this 5.6 billion hours of lost time is incalculable. Our tax code is a growing thicket of complexity that frustrates ordinary taxpayers, is a haven for promoters of dubious schemes, and frequently generates unintended consequences.

To be sure, defining income in a manner that is fair and easy to administer is inherently complex, but, for a variety of reasons, the tax code has become far more complicated than necessary. Pamela Olson, the Treasury Department Assistant Secretary for Tax Policy, put it well recently when she said that our tax system "is surely not a tax system that anyone would set out to create * * * it is the system that has evolved over time." In many cases, there is a clear answer to the question of whether a rational person would design a tax provision the same way from a clean slate. The objective of the legislation I am introducing today is to roll back unneeded complexity for individuals and small business taxpayers. One or more of the bill's provisions would simplify annual filing for every individual taxpayer and nearly every business in America.

This legislation builds on a bill that I introduced in the 106th Congress, the Tax Simplification and Burden Reduction Act. The Ways and Means Subcommittee on Oversight has held numerous hearings on tax simplification, and the bill draws on the record built at those hearings. I plan to hold additional hearings on tax simplification during the 108th Congress to consider ways to refine this legislation and to consider additional simplification proposals. Several of the provisions of this legislation appeared first as recommendations in the Joint Committee on Taxation's April, 2001 report, and the staff of the Joint Committee on Taxation has helped to refine the proposals contained in the bill. Other provisions originated with the work of the Tax Section of the American Bar Association and the American Institute of Certified Public Accountants. I have received many comments on last year's legislation, and I welcome comments from other individuals and organizations on the bill as we continue to work toward the goal of simplification.

Our future as a Nation depends on our ability to raise revenue in a manner that is fair and equitable. The Internal Revenue Code must be simplified to restore faith by all taxpayers in our tax system.

The proposal includes the following provisions:

I. INDIVIDUAL INCOME TAX SIMPLIFICATION

Alternative Minimum Tax—Inflation has caused many middle-income taxpayers to be subject to AMT by eroding the value of the AMT exemption. Rising state and local taxes have added to the problem, because state taxes are not deductible in calculating taxable income for AMT purposes. The failure to allow a state and local tax deduction for AMT purposes is one of the most unfair aspects of the Internal Revenue Code. It results in double taxation of income, and it forces taxpayers who live in states with higher income taxes to bear a larger percentage of the federal tax burden than those who live in states with lower taxes or no tax. If we allow the AMT to remain unaddressed, this unfair and inequitable disparity will worsen over time.

As a result of inflation, the Joint Committee on Taxation predicts that more than 35 million will pay AMT within ten years. Currently, AMT affects less than 2 million taxpayers. A recent study by the Urban-Brookings Tax Policy Center confirms this finding and further notes that if left unattended the AMT will shift a substantial portion of the tax burden of this country to urban and suburban middle-class taxpayers. Congress would not design a system with these features deliberately, and we should not allow it to happen by default.

Under the proposal, the AMT exemption would be adjusted for inflation since the date it was enacted and indexed for inflation in future years. State and local taxes would become fully deductible under the new AMT. The effect of these changes will be to restore AMT to its intended purpose and stop its growth.

Replace Head of Household Filing Status with New Exemption—Head of Household filing status has long been a leading source of taxpayer confusion and mistakes during the filing season. In 2000, the IRS fielded over half a million taxpayer questions on filing status. An error on filing status can have consequences throughout the return, and it can lead to costly interest and penalty charges later on. To address this problem, the bill replaces Head of Household filing status with a $3,700 "Single Parent Exemption." This amount will be indexed. The proposal, as a whole, is revenue neutral. The bill achieves further simplification by cross referencing the new uniform definition of a qualifying child.

Simplified Taxation of Social Security Benefits—Under present law, determining whether and how much social security benefits are

subject to tax is a highly involved process that requires the completion of an 18 line worksheet. Many taxpayers are not eligible to use this worksheet, and they must refer to a 27 page publication.

The bill would simplify the calculation by repealing the 85 percent inclusion rule that was enacted in 1993. This alone would remove 6 lines from the Form 1040 worksheet. Going further, the proposal would index the 50 percent inclusion rule for future inflation, and greatly simplify the calculation of income for purposes of this rule. Tax exempt interest will no longer be required to be added in the calculation. Indexation will mean that fewer taxpayers will be required to complete the calculation and include benefits in income.

Simplify Capital Gains Tax—Under present law, there are seven different capital gains rates that apply to various kinds of dispositions of property. There are special rates for taxpayers in lower tax brackets, for property held five years or more, and for gain on collectibles. Before 1986, there was one rule: 50 percent of capital gains are deductible. For any investor who has struggled to fill out Schedule D of Form 1040, it will come as welcome news that the bill proposes a return to the system in place prior to 1986.

No taxpayer will pay a higher capital gains rate under this proposal. By definition, the capital gains rate that individuals pay will be no more than one-half of their marginal income tax rate. Therefore, this proposal preserves the progressivity that is accomplished by a rate structure under current law, and the maximum rate will be no more than one-half of the highest marginal income tax rate. Thus, the maximum effective capital gains rate would be 19.3 percent in 2003, and an individual in the 10 percent bracket would have a 5 percent capital gains rate.

Repeal of 2 percent Floor on Miscellaneous Itemized Deductions—The bill follows the recommendation of the Joint Committee on Taxation that the 2 percent floor on miscellaneous itemized deductions should be repealed. This provision was originally enacted in 1986 to ease administrative burdens for the IRS and record keeping burdens for taxpayers.

Instead of easing taxpayers' burdens, it has caused extensive litigation and controversy over such matters as whether an individual is properly characterized as an employee or an independent contractor. It has also resulted in disparate treatment of similarly situated taxpayers. For example, an employee whose job requires him to pay out of pocket for travel, professional publications, or education is disadvantaged compared to a taxpayer in a similar job whose employer reimburses such items.

Simplify Taxation of Minor Children—This provision would eliminate the current restrictions on adding a minor child's income to the parent's return. A parent could freely elect to include the income of a child under 14 on his or her own tax return, regardless of the character and amount of the child's income. Parents and children would retain the ability to file separate returns, but the unearned income of a minor child would be subject to tax at the rates applicable to trusts. The single filing rate structure would continue to apply to the child's earned income.

Simplify Dependent Care Tax Benefits—The bill would conform differences between the Dependent Care Tax Credit and the Exclusion for Employer-Provided Dependent Care Assistance. The two programs serve identical purposes, but their rules are different. Under this proposal, the dollar limit on the amount creditable or excludable would be increased to $5,500, and the percentage creditable would be increased to 35 percent. These provisions would be further simplified by a cross-reference to the new uniform definition of a qualifying child.

Accelerate Repeal of PEP and PEASE—The bill would accelerate and make permanent the repeal of the overall limitation on itemized deductions (PEASE) and the personal exemption phaseout (PEP). These provisions add complexity and complicate planning for millions of taxpayers. The Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) reduces their impact between 2006 and 2009, and they are repealed entirely in 2010 but, because of EGTRRA's sunset provisions, PEP and PEASE spring back to life in 2011.

Uniform Definition of a Child—One of the most challenging and difficult problems that taxpayers face each year is to navigate the multiple definitions of a qualifying child for the dependent exemption, the child tax credit, the dependent care credit, the earned income tax credit, and for purposes of determining head of household filing status. The bill would establish a uniform definition of a child based on the residence, relationship, and age of the child. The proposal would replace the rule that requires taxpayers to prove that they provide more than one-half of a child's support with a preference for the parent who provides housing for the child for more than one-half of the year. In addition, the bill would establish that means-tested government benefits are generally disregarded in determining eligibility for tax benefits.

Combine HOPE and Lifetime Learning Credits—Like the dependent care credit and the exclusion for employer provided dependent care assistance, the HOPE and Lifetime Learning Credits (LTL) serve nearly identical purposes, but they have different rules. The LTL credit is a per-taxpayer credit, and it applies on up to $10,000 of qualifying education expenses. The HOPE credit is a per-child credit, and it applies with respect to the first $2,000 of qualifying education expenses incurred during the first two years of post-secondary education. Both credits are for higher education, but taxpayers face a challenge to determine which credit is best for their circumstances. The bill would merge the two credits, providing a credit for one-half of the first $3,000 of post-secondary education expenses. This credit would apply on a per-child basis, and it would not be limited to the first two years of post-secondary education.

Uniform Definition of Qualifying Higher Education Expense—The bill adopts the recommendation of the Joint Committee on Taxation that there should be a uniform definition of higher education expense for purposes of the various education tax benefit programs. The varying definitions that exist in current law greatly complicate the task of determining which education benefit is best for the taxpayer.

II. SMALL BUSINESS TAX SIMPLIFICATION

Uniform Passthrough Entity Regime—This provision would combine the benefits of Subchapter S (S corporations) and Subchapter K (Partnerships) of the Internal Revenue Code in a single, unified passthrough entity regime based on Subchapter K. While at one time, Subchapter S provided the only avenue for prospective investors to avoid the corporate-level tax while retaining a full liability protection, the emergence and broad acceptance of limited liability companies (LLCs) has provided investors with an alternative. There are now two separate, fully articulated passthrough entity regimes.

Maintaining two separate passthrough entity regimes is expensive and unnecessarily complicated. It increases costs both for taxpayers and for the IRS. At a time when the IRS is striving to train its auditors to understand passthrough entities, and a new class of investors is struggling to understand the pros and cons of the two regimes, the time is ripe to rationalize this most complex area of the Internal Revenue Code by reconciling Subchapter S and Subchapter K.

The objective of the proposal is to establish a single passthrough entity regime that preserves the major benefits of Subchapter S and Subchapter K. Domestic corporations that are not publicly traded would have a new election to be treated as a partnership for federal tax purposes, and the S election would be repealed. The proposal would therefore endorse, and extend, the 1996 Check-the-Box regulations to allow state law corporations to elect partnership status. Existing S corporations would be permitted to continue as S corporations for ten years at which time they would be required to elect partnership or corporate status.

So as not to undermine the corporate tax that will remain applicable to publicly traded corporations and other entities that elect to be taxed as corporations, a corporation that elects partnership status with undistributed earnings and profits will be required to track distributions of earnings under rules similar to IRC Section 1368. Similarly, electing corporations (including S corporations) with appreciated assets will be required to pay a built in gains tax if they sell or dispose of such assets within the first ten years after the election. The net proceeds of built in gain transactions will be added to historic earnings and profits and not currently taxed to the partners. Finally, the election to be taxed as a partnership will not itself be treated as a sale or disposition of assets.

Consistent with the overall objective of preserving the benefits of Subchapter S, the proposal will establish a means for passthrough entities to engage in tax free reorganizations with entities classified as corporations. Under the proposal, a partnership engaged in an active trade or business may contribute substantially all of its assets to a new corporation and immediately thereafter engage in a tax free reorganization.

The bill would also adopt a recommendation of the American Institute of Certified Public Accountants and the American Bar Association that the definition of earnings from self-employment should not include the portion of

a partner's distributive share that is attributable to capital. This proposal contains reasonable safe harbors and it would eliminate the disparate treatment of limited partners, S corporation shareholders, and limited liability company members. The current rules can only be described as a historical anachronism and a significant trap for the unwary. Additionally, the bill would adopt the recommendation of the Joint Committee on Taxation that the electing large partnership rules should be eliminated.

Some may argue that by repealing the S election, the proposal forces more taxpayers to contend with a more complex tax regime, but this is generally not true. If there is a demand, investors can create an investment vehicle with all the features of an S corporation by contract or they may select a state law business form that restricts flexibility, such as a corporation or close corporation. This would eliminate nearly all of Subchapter K's feared complexity. The relative complexity of Subchapter K stems from its greater flexibility. The proposal allows investors to regulate the level of tax complexity by voluntary agreement among the investors or through the investors' choice of a state law business entity.

Increase Section 179 Expensing Limit—The bill would increase the limit on expensing to $25,000 in the tax year after enactment and to $40,000 after 2012. This measure will greatly reduce complexity for many small businesses by minimizing controversy over whether an item should be expensed or capitalized.

Rollover of Property Held for Productive Use or Investment—Present law strongly favors sophisticated taxpayers over ordinary small business owners in the execution of like-kind exchange transactions. Thirty-seven pages of the Code of Federal Regulations is devoted to the topic of like-kind exchanges, and a library could be filled with the court decisions, revenue rulings, and letter rulings that Section 1031 of the IRC has engendered. Attorneys and exchange facilitators must execute hundreds of thousands of pages of documents each year to comply with the formalistic rule that prevents the owners of like-kind property from receiving cash in a like-kind exchange transaction.

There is a simple way to eliminate this paperwork: repeal the limitation on sales for cash and allow a like-kind exchange within 180 days before or after the disposition of relinquished property. The bill does this.

Repeal of Collapsible Corporation Rules and the Personal Holding Company Tax—Finally, the bill would repeal the collapsible corporation rules and the Personal Holding Company tax, both of which regimes have been largely eclipsed by subsequent changes to the tax code. The Collapsible Corporation rules have lost their rationale, due to the repeal of the General Utilities doctrine. The Personal Holding Company tax no longer serves its original purpose, because the maximum individual income tax rate is close to the maximum corporate rate. Both provisions continue to add complexity to small business tax planning that is out of proportion to their remaining tax policy justification. Repeal of these rules is long overdue.

I urge my colleagues to join me in cosponsoring this legislation.

ELIMINATION OF DOUBLE TAXATION ON DIVIDENDS, REPEAL OF THE AMT, REDUCTION IN THE CAPITAL GAINS TAX, AND STUDY ON DEPRECIATION TAX SCHEDULES

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. COLLINS. Mr. Speaker, I rise today to introduce several tax-based reform bills which will have a positive impact on our current economy. They are measures which will stimulate growth, eliminate outdated, punitive provisions of the tax code, and prepare the way for further reforms which will bring our tax code more in line with the current market conditions.

First, is the Capital Gains Tax Rate Reduction Act. This legislation will reduce the top capital gains tax rate from 20 percent to 10 percent. Additionally, the lower rate of 10 percent would be reduced to 5 percent. The measure would also repeal the five year holding rule.

This legislation is needed to spur today's ailing economy. From past rate reductions, we know that the economy responds to the lowering of rates. The impact of reducing the tax burden on investments is to increase activity in the markets. When the tax is reduced, individuals have an incentive to sell assets. These sales spur economic growth, as well as generate revenue for the Federal coffers.

Second is the Alternative Minimum Tax Repeal Act (AMT). This legislation will repeal the Alternative Minimum Tax applied to individual taxpayers. The domestic tax system has dramatically changed since the creation of the AMT regime. Consequently, this tax structure has long outlived its purpose. Today, the AMT is punitive in nature, overly cumbersome and affects taxpayers who were never intended to fall into this tax trap. Congress has taken action to address some of the concerns raised by the individual AMT. Specifically, the Economic Growth and Tax Relief Reconciliation Act (H.R. 1836) enacted in the 107th Congress made permanent the ability to offset the individual AMT calculation with the child tax credit. The measure also increased the AMT exemption amount by $4,000 for joint returns ($2,000 for unmarried individuals) effective for tax years between 2001 and 2004. In tax year 2005, the AMT exemption amount reverts back to its previous levels.

Additionally, the Job Creation and Worker Assistance Act, signed into law on March 9, 2002, provides for another temporary extension of the provisions which allow individuals to use all remaining personal tax credits against both their regular and AMT tax. These provisions expire at the end of the 2003 tax year. It is time for a permanent fix to this escalating problem. The impact of the individual AMT structure will continue to grow until these issues are addressed head on. Changes should be made on a long-term, permanent basis.

To provide a permanent remedy to the increasing problem of more tax filers falling into the AMT each year, my legislation will permanently extend the current-law provision which allows all personal tax credits to be applied against the AMT calculation. The proposal will also immediately increase the AMT income exemption level by 10 percent, and subsequently increase the exemption by 10 percent in subsequent years. In addition, the bill will repeal the income limitation that currently applies to that exemption. Finally, at the end of a ten year period, the individual AMT will fully be repealed.

The bill will also repeal the corporate AMT. The U.S. is the only nation which imposes the Alternative Minimum Tax (AMT) on businesses. It is a very complex and outdated dual tax system which essentially imposes a tax penalty for making capital investments. The legislation would also allow businesses to utilize their accrued AMT credits over the next five years.

Third is the Elimination of Double Taxation Act. Today dividends paid to investors are double taxed at the business level and then at the individual level. Today, investors are all across the economic spectrum. According to the Tax Foundation, 63.6 percent of the taxpayers who claimed dividends on 2000 tax returns earned less than $50,000 in wages and salaries. More and more, investors are men and women who are working on the front line of manufacturing firms or small businesses who have chosen to share in the benefit of their labor through investing in the business. This legislation will eliminate a cost that the government imposes on that investment.

Finally, I am introducing legislation that will begin the process of reforming current depreciation schedules in the tax code. Depreciation tax laws provide businesses the ability to deduct the costs of capital investments over time. Current depreciation schedules are dramatically out of line with the real economic life and use of the properties that are being purchased in today's markets. Often the number of years allowed for the deduction exceeds the number of years the investor may finance the capital investment. The result is a higher tax cost. This legislation will call upon the Secretary of the Treasury to make specific recommendations about how to bring the depreciations schedules more in line with the true economic life of property.

Mr. Speaker, I congratulate the President on his announcement of an economic stimulus package today. I ask my colleagues in the House of Representatives to join me by cosponsoring the legislation I am introducing. They are important first steps in addressing the need to change the tax code in ways that will provide economic stimulus across the board for American workers.

THE CONSUMER PROTECTION FOR ON-LINE GAMES ACT

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Ms. KILPATRICK. Mr. Speaker, the gaming industry has broadened its exposure over online and wireless communications networks. People do not have to go to casinos in Las

Vegas, Reno, Detroit, Atlantic City or other gaming sites to gamble. They can play games of chance over the Internet from the privacy of their own homes.

According to one financial analysis, Internet gambling is a $1 billion industry and is forecasted to grow to $5 billion by 2005. There are nearly 1 million paying users of the largest network games and free sweepstakes sites which are among the most popular Internet destinations.

Many of the network gaming sites originate from offshore websites, and are beyond the reach of States and local authorities, even those authorities that prohibit Internet gaming in their jurisdictions. Local and state governments devote few resources to regulate or enforce laws against network gaming. No protections exist to ensure the integrity of the game, protection from minors seeking to patronize games, or protection from excessive financial loss. Therefore, network gaming continues with very little regulation and with very few guarantees that the games of chance or sweepstakes one finds on internet sites are above board.

The Consumer Protection for On-line Games Act, which I am introducing today, will allow U.S. consumers to know if the games they are playing are fraudulent. The bill will permit U.S. consumers to participate in online games with the security of knowing they are playing from a straight deck of cards. Specifically, the bill proposes the following:

1. Establishes the Federal Trade Commission as the agency responsible for monitoring games of chance offered on the Internet or wireless network.
2. Prohibits network game operators subject to U.S. law from making false or misleading claims regarding the fairness of such games.
3. Requires self-regulatory organizations to comply with specific minimum requirements.
4. Specifies that States must notify the FTC when it brings action against a network game provider and allows the FTC to intervene in any action brought on by the state and file petitions for appeal.

I know feelings run strong on both sides of the gaming question. It is a policy area with which I have some issues. The fact exists, however, that gaming websites are available for everyone's entertainment. It is my hope that this legislation will prevent present and future abuses and reduce the incidence of fraud. America has a chance to become a leader in this emerging global industry, but we presently lag behind other countries which are dealing honestly and openly with the issue of on-line gaming.

I hope that Congress will seriously study this proposal and raise the level of debate on this issue. I look forward to working with my colleagues to improve this measure as it travels through the legislative process.

ROUTE 11 GREENWAY ACT OF 2003

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. SIMMONS. Mr. Speaker, I rise today to introduce my first legislative initiative of the 108th Congress—the ''Route 11 Greenway Act of 2003.'' This bill authorizes the Secretary of Transportation to acquire land for a greenway along the proposed construction of Route 11 in eastern Connecticut.

Route 11 is a state road, initially intended to connect Connecticut's state capital region to its southeastern shoreline, making it a vital transportation link for the region. The road has been unfinished for over thirty years. As a result, traffic is forced onto Route 85—a local, 2-lane, 18th-century country road incapable of absorbing today's volume of traffic in a safe and efficient manner. And the problem is only getting worse.

The site of numerous accidents—and many of those fatal—the Federal Highway and Transit Administration gives the Route 11 corridor a failing service grade in many places and projects mostly failing grades in the coming years as traffic increases.

The bottom line is simple: the completion of Route 11 is critical to the safety of Connecticut motorists. And further inaction is unacceptable.

Unfortunately, the environmental review process has delayed completion of Route 11 for three decades. Connecticut travelers have paid the price for this delay—some of them, with their lives. This is unacceptable.

I am here today to reject the idea that environmental concerns and transportation safety are mutually exclusive ideals. In fact, I have long believed that environmental stewardship and transportation projects do not have to be inherently competitive pursuits. Instead, if we are willing, these interests can serve each other.

That is why I stand before my colleagues today to introduce legislation establishing a greenway along the proposed construction of Route 11, from Salem to Waterford, Connecticut.

My bill specifies that the land acquired for this greenway will be in addition to any land otherwise required to mitigate the environmental impacts of the roadway construction.

This region has seen rapid sprawl and unprecedented economic change, making it increasingly ripe for growing development. Knowing this, the Route 11 and greenway projects offer an environmental opportunity to preserve land that will otherwise be lost to development. This is a win-win. It is time to move forward.

The completion of Route 11 and an associated greenway have been unanimously endorsed by the chief elected officials of the twenty municipalities in the region acting through the Southeastern Connecticut Council of Governments.

I am honored to have the support of several of my Connecticut colleagues for this bill and proud to introduce this important legislation in the interests of environmental preservation and the safety of Connecticut motorists. I look forward to working with my colleagues in passing the Route 11 Greenway Act of 2003.

TRIBUTE TO BEN R. DRAKE, PRESIDENT OF THE TEMECULA VALLEY WINEGROWER'S ASSOCIATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to Southern California are exceptional. Southern California has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give time and talent to making their communities a better place to live and work. Bob Drake is one of these individuals. On January 8, 2003, Ben will be stepping down as President of the Temecula Valley Winegrower's Association after a year of dedicated service.

The Temecula Valley Winegrowers Association represents 17 wineries and 49 grower members in their efforts to promote the making and growing of quality wine and winegrapes in the Temecula Valley appellation located in Riverside County. During his year as president, Ben has shown exemplary leadership skills as he has guided the association through a period of dynamic growth, vital to the associations' representation and promotion as one of the world's premiere wine and winegrape producing regions.

Ben has represented the association on critical community and political matters, such as land use, beautification efforts, state shipping restrictions and continuing issues dealing with Pierce's Disease and the glass-winger sharpshooter. He has worked diligently to keep open lines of communication with our membership, regional vintner and grower groups and elected officials.

Ben has placed much of his energy and focus on enhancing the recognition of the region as one of quality through educating association members through monthly enology and viticulture seminars. He has made himself available for countless media interviews and community outreach programs. Because of his personal and intensive involvement with association fundraising activities, he is leaving the association in a position of strength and financial stability.

Ben's diligent work at the Temecula Valley Winegrower's Association has contributed unmeasurably to the betterment of Riverside County. His involvement in the community makes me proud to call him a fellow community member, American and friend. I know that all of the residents of Riverside County are grateful for his service and salute him as his term comes to an end. I look forward to working with him in the future for the good of our community.

RECOGNIZING THE ACCOMPLISHMENTS OF RICK WINDBIGLER

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. ISSA. Mr. Speaker, I rise today to recognize Rick Windbigler the 2002 President of

the Fallbrook, California Chamber of Commerce. Rick Windbigler is an exceptional community leader, business leader and model citizen of Fallbrook.

Mr. Windbigler has provided leadership by working on programs of importance to Fallbrook and San Diego County with local, county, state and federal officials. His work on the Gavilan Fire Victims Fund, Keep Fallbrook Clean and Green, Valley Center Mexican fruitfly emergency and Christmas programs with the Marine Corps are all examples of his outstanding leadership skills.

In addition to his leadership he has been a model of personal involvement. Rick has assisted in such community projects as the redecoration of the chamber's office, placing flags on Main Street, Avocado Festival logistics, volunteering during Holiday celebrations and attending hundreds of events to represent the Fallbrook Chamber and its members.

Rick has demonstrated his community leadership in many successful chamber programs which has resulted in an increase in chamber membership. Under Rick's leadership the Fallbrook Chamber experienced a year of record breaking fundraising with successful events such as the Honorary Mayor Race and Golf Tournament, record attendance at the Avocado Festival, SunDowners, Friendly Village Forums and Christmas Parade.

Mr. Speaker, I would like to personally thank Mr. Windbigler for his service to the people of Fallbrook and wish him good fortune in the future.

RESTORATION OF FAIRNESS IN IMMIGRATION ACT OF 2003

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. CONYERS. Mr. Speaker, I have introduced today the ''Restoration of Fairness in Immigration Act of 2003.''

Since this nation's founding, more than 55 million immigrants from every continent have settled in the United States. Immigrants work hard to make ends meet and pay taxes every day. They have lived in this country for decades, married U.S. citizens, and raised their U.S.-citizen children. Laws that single these people out for no other reason than their status as immigrants violate their fundamental right to fair treatment.

Yet, for too many years, Congress has witnessed a wave of anti-immigrant legislation, playing on our worst fears and prejudices. Since 1994, we have considered proposals to ban birthright citizenship, ban bilingual ballots, and slash family and employment based immigration, as well as to limit the number of asylees and refugees. In 1996 we passed laws denying legal residents the right to public benefits and denying immigrants a range of due process and fairness protections.

We continue to see the tragedy of September 11th used as an excuse for even more assaults on the rights of immigrants. The Justice Department is now registering certain classes of immigrants and arresting them when law abiding immigrants arrive to register. The Department is holding deportation hearings in secret and detaining immigrants even after they are ordered released. The Attorney General is reducing both the independence and number of judges that handle the appeals of immigration cases. We are fending off legislation almost daily intended to reduce if not eliminate immigration to this country.

Those who urge us to restrict the due process rights of immigrants forget the reason these rights were established in the first place. We grant due process rights to citizens and non-citizens alike; not out of some soft-hearted sentimentality, but because we believe that these rights form an important cornerstone to maintaining civilized society.

The ''Restoration of Fairness in Immigration Act of 2003'' furthers this proud legacy by restoring our nation's long standing compassion for individuals seeking to build a better life and reunite with their families.

The bill restores fairness to the immigration process by making sure that each person has a chance to have their case heard by a fair and impartial decision maker. No one here is looking to give immigrants a free ride, just a fair chance.

Justice and fairness, as well as our own economic interests, demand no less.

SUPPORTING THE EMERGENCY UNEMPLOYMENT COMPENSATION ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. STARK. Mr. Speaker, I rise to support the Emergency Unemployment Compensation Act being introduced by Democrats today.

Democrats have made it a top priority to help out-of-work Americans struggling to make ends meet in this tough economy. Given the difficulty many are having finding work, extending unemployment benefits an additional 26 weeks in every State is a necessity. Our Democratic bill does this while also retroactively extending unemployment benefits to the 800,000 Americans that exhausted their benefits on December 28th. Democrats also provide an additional 7 weeks of benefits—on top of the 26-week extension—in those States especially hard hit by unemployment.

Republican proposals for unemployment extension fall far short. They are seeking only to extend benefits a mere 13 weeks. It seems Republicans are more generous when it comes to tax breaks for their wealthy friends than for those who can really use a helping hand.

The argument that any extension of unemployment benefits is too costly is just plain wrong. The Democratic proposal requires no new spending. It simply requires drawing on the trust fund that these workers and businesses have paid into for exactly this kind of economic downturn.

As we reconvene the 108th Congress today, it will be up to the President and Congressional Republicans to extend unemployment benefits for millions of out-of-work Americans since the Republican party controls the House, Senate and the Presidency. I hope the President and his Republican friends in Congress will finally put their money where their mouths are and join Democrats to fully extend unemployment insurance for America's families.

I urge my colleagues to support the Democratic Emergency Unemployment Compensation Act to achieve that goal.

IN REMEMBRANCE OF STATE REPRESENTATIVE TIMOTHY OSMOND

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. KIRK. Mr. Speaker, as Americans celebrated a season of renewal and the coming of the new year, many from northern Illinois observed the holidays with heavy hearts. In the days before Christmas, State Representative Timothy Osmond was taken from his family, friends and constituents by a sudden heart attack.

It is my honor to call Tim both a colleague and a dear, dear friend. His advice was valuable to me and to his fellow members of the Illinois General Assembly. Tim approached public service with the same gentlemanly spirit with which he built his insurance business in Antioch, Illinois. As a businessman, he built a reputation as someone his customers could count on, someone who was a problem solver, and someone you knew would always give you a straight answer.

In 1989, Tim was elected an Antioch Township Trustee, and went on to serve as Township Supervisor, before being elected to the Illinois House in 1999.

In Springfield, Tim made friends quickly. One thing I appreciated most about Tim was that he thoroughly researched legislation, reading the full text of most bills. He was down-to-earth, a sincere and genuine man. It was that demeanor that defined his approach as a legislator. He saw every constituent as a neighbor, a customer and a friend, deserving his every effort, every day. That is why many constituents who never knew Tim personally felt touched by his service to the people of Illinois.

Of course this loss is most deeply felt by the Osmond family. Tim's wife, JoAnne, and their children, Michael and Colleen, shared Tim with the community. This is the often unseen sacrifice of the spouses and children of those who serve in elective office. As the Osmond family bears this heartfelt loss, they can take solace in the respect and admiration Tim earned in public life, and the way in which he touched so many lives. I count myself among those helped by Tim. And while I will always be grateful for all Tim's professional help, it is our friendship I treasure most. He will be deeply missed.

I offer the condolences of the Congress to his family. Local leaders honored his memory by appointing his widow to serve out his term in office. We wish JoAnne well and know that she, better than anyone else, will continue Tim's work.

REINTRODUCTION OF LEGISLATION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. STEARNS. Mr. Speaker, I am pleased on this first day of the 108th Congress to introduce four pieces of legislation that I have been pursuing over the years, and for which I will continue to advocate these next two years.

First, together with the gentleman from Illinois (Mr. CRANE), I introduced bill H.R. 804, a bill to repeal the 2 percent excise tax on private foundations. The United States is blessed with a deep spirit of philanthropy. Charitable organizations serve the interest of both the individual and the community. Private foundations in particular have made measurable differences in the lives of Americans, from access to public libraries, developing the polio vaccine, and even leading in the creation of the emergency number 911. Each and every American has experienced the benefits of the tireless efforts of these foundations. Under current law, not-for-profit private foundations generally must pay a 2 percent excise tax on their net investment income. This requirement was originally enacted in the Tax Reform Act of 1969 as a way to offset the cost of government audits on these organizations. So some 34 years ago, we instituted a tax on these foundations to cover the audit expense. However, when you look at the number of audits that have been performed, particularly since 1990, the IRS audits on private foundations has decreased from 1,200 to just 191. Yet the excise collection during these 31 years has grown from roughly $200 million in 1990 to $500 million in the year 1999.

In addition, private foundations are bound by a 5 percent distribution rule. Foundations must make annual qualifying distributions for charitable purposes equal to roughly 5 percent of their fair market value of the foundation's net investment assets. The required 2 percent excise tax, which is payable to the IRS, actually counts as a credit to the 5 percent distribution rule.

So in a nutshell, what we have here is a private foundation making a charitable grant to the Federal Government every year, and since 1969 the number of audits have gone down; yet the number of charitable foundations has gone up.

Mr. Speaker, I believe that Americans have been more than charitable in giving the government their hard-earned dollars. It is time that we begin the process of returning the money to the people and the foundations to which it is intended.

President Bush is working to accomplish that goal with his reduction in tax rates, allowing for the increased use of charitable deductions and credits. My bill goes one step further. It gives those charitable organizations relief from the $500 billion tax that the Federal Government instituted 34 years ago so they can give more of their money back to the people who need it.

I would like to also emphasize that the former President, Mr. Clinton, proposed a reduction in this same excise tax in his fiscal-year 2001 budget. The Treasury Department noted: ''Lowering the excise tax rate for all foundations would make additional funds available for charitable purposes.''

So, Madam Speaker, common sense dictates that the elimination of this tax would increase additional charitable giving. I would like to thank my colleague, the gentleman from Illinois (Mr. CRANE), for his support on this bill, and for my other colleagues who have graciously recommitted their support. I ask my colleagues to take a look at this piece of legislation.

Next, I am pleased to again sponsor the Health Care Tax Deduction Act of 2003. What it does is allow deductions for amounts paid for health insurance premiums and unreimbursed prescription drugs. What I am proposing would also provide much-needed relief to individuals struggling with the high cost of health insurance and prescription drugs through a tax deduction.

As we all know, employers can write off the cost of health care coverage that is purchased for their employees. Why cannot individuals be afforded this same opportunity to write off their premiums and their unreimbursed prescription drug expenses? The current tax code sets a threshold at 7.5 percent of adjusted gross income before medical expenses can be taken as a write-off. I do not think this is fair.

Right now, under the current tax code, in order to claim health care expenses the individuals must file an itemized tax return. I believe that all taxpayers should be allowed to deduct these out-of-pocket expenses and costs and that we need to include a place where this deduction could be taken on the short form such as the 1040 EZ, and the 1040A. My bill also applies to the self-employed because although individuals who are self-employed are now eligible for a 100 percent write-off of health insurance premiums, not so with prescription drug expenses.

I believe we must address this issue because so many Americans are uninsured today, and many millions more are underinsured. And, we all end up paying for the uninsured through higher premiums, deductibles and copayments for covered services, higher taxes for uncompensated care, and reduced wages.

Did you know that Americans spends more than $1 trillion on health care? That represents about 13.5 percent of the gross domestic product. By 2008, spending will increase to 16.5 percent of the gross domestic product. In fact, Mr. Speaker, Americans spend more per capita for health care than any other nation in the world.

But why are so many people uninsured? Most studies cite cost as a major reason for not having insurance. Many workers decline coverage through their place of employment because they cannot afford to pay their share of the premium. Others, such as temporary workers, cannot afford to purchase their own insurance.

We all know that the cost of health care has risen dramatically over the last 20 years. According to the Health Insurance Association of America, the average major medical premium costs about $ for an individual and about $ for a family. Of that amount, employees pay anywhere from 10 to 30 percent of that premium, typically. Unfortunately, things may get worse in an economic downturn, because many employers cover the cost of the high premiums to keep workers in a tight labor market, and as costs increase employers might pass the cost along to the employees, or in fact discontinue providing health insurance altogether. Further, as unemployment has risen, begins to rise, many individuals have turned to the individual market, and must shoulder the entire cost on their own.

Seniors, in particular, have been impacted because so many HMOs have pulled out of Medicare due in large part to,the high cost of prescription drugs. Allowing a simple write-off of certain costly health care expenses such as health insurance premiums and out-of-pocket expenses for prescription drugs would be a tremendous benefit that may not be available to them under the current system. Mr. Speaker, I hope all of my colleagues cosponsor my bill. It makes sense to have all taxpayers have this type of deduction available to them.

Turning to our nation's veterans, residing in my home state of Florida, I am sponsoring legislation to establish a national Veterans' Affairs cemetery in Jacksonville, Florida. Florida has our nation's 2nd largest veterans population, and the number one oldest. Nearly 325,000 veterans call home somewhere in the Jacksonville vicinity of three congressional districts. Yet, the closest VA cemetery is at least a three-hour drive from Jacksonville. The next closest in proximity lies in Marietta, Georgia, just north of Atlanta. A new national VA cemetery in Jacksonville would answer this unmet need for north Floridians and southern Georgians. I hope my colleagues will consider cosponsoring this bill, and help provide the dignified, hallowed grounds our veterans deserve.

Finally, I am pleased to reintroduce a resolution supporting the goals and ideals of establishing a Chronic Obstructive Pulmonary Disease (COPD) awareness month. In the 107th Congress, this bill had tremendous support from Members and from the U.S. COPD Coalition, including the patient and provider community. We are so pleased to report that on November 9th, President George W. Bush proclaimed November 2001 COPD Awareness Month. Next, the President sent a gracious letter on October 24, 2002 commending the organizations of the U.S. COPD Coalition for their efforts. COPD is an umbrella term used to describe the airflow obstruction associated mainly with emphysema and chronic bronchitis. This is a debilitating disease, that is currently the nation's fourth leading cause of death. Both conditions decrease the lungs' ability to take in oxygen and remove carbon dioxide. Long-term smoking—the most common cause of COPD—is responsible for 80–90 percent of all cases, while other risk factors include heredity, second-hand smoke, air pollution, and a history of frequent childhood respiratory infections. Common symptoms of COPD include shortness of breath, chronic coughing, chest tightness, and increased effort to breathe. COPD has no cure, but there are treatment options available to those who have been properly diagnosed.

I look forward to working with my colleagues on all four of these important pieces of business for the nation.

IN MEMORY OF THE HONORABLE JOHN HENRY KYL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. WOLF. Mr. Speaker, I want to call to the attention of our colleagues the passing of the Honorable John Henry Kyl, who served as a member of the House of Representatives for six terms in the 1960s and 1970s from the state of Iowa. He was 83 years old and the father of Arizona Senator JON KYL, and I know firsthand how proud he was of his son's own public service.

I count myself fortunate to have known and worked with John Kyl. He was a hardworking, decent, and honorable man who was widely respected on both sides of the aisle, especially for his work on the Interior and Insular Affairs Committee. I met him in that capacity when I served as an assistant to then Interior Secretary Rogers C.B. Morton in the early 1970s.

The Interior Committee was a perfect fit for John Kyl, who deeply respected America's public lands and Native Americans. In Congress, he sponsored a bill that ultimately led to the creation of the Lewis and Clark National Historic Trail. When his service in Congress ended in 1972, he was named assistant secretary for congressional and legislative affairs at the Department of the Interior, where I was proud to work by his side. He served there from 1973 to 1977. Before retiring to Phoenix, Arizona, in 1985, he was executive vice president of Occidental International Corporation. He also had been a public school teacher before beginning his political career.

Mr. Speaker, I will include following my remarks an obituary from the January 6, 2003, edition of Roll Call, headlined, "Kyl Viewed Life Through Lens of Camera." In addition to his dedication to public service, John Kyl was an accomplished amateur photographer who captured on film the everyday scenes of life that we often overlook in what has become our too hurried paces.

We offer our condolences to John's wife, Arlene, of Phoenix, daughters Jayne Kyl, of Phoenix, and Jan Martin, of Des Moines, and, of course, his son, Senator KYL. He is also survived by a brother and a sister, six grandchildren and 12 great-grandchildren.

[From Roll Call, Jan. 6, 2003]

KYL VIEWED LIFE THROUGH LENS OF CAMERA

(By Bree Hocking)

When it came to appreciating life's simple beauties, no aspect was too small for the gimlet eye of former Republican Rep. John Kyl (Iowa).

The 83-year-old Kyl, the father of Sen. Jon Kyl (R-Ariz), died in his sleep just two days before Christmas from complications of heart disease and diabetes.

During his decades-long career in Washington—first as a Hawkeye State Congressman and later as an assistant secretary at the Interior Department—Kyl was seldom without his Canon camera, snapping everything from the monuments at night to the ordinary scenes that make up the day-to-day Washington tableau.

While his photographs of the capital's loftier sites still warm the walls of the Capitol Hill Club's Grill Room—and a picture he took of the Capitol holiday tree once graced the cover of the National Republican Club's magazine—it was the quotidian that particularly intrigued him.

"He was always a photographer . . . and a lot of [his subjects] were the out-of-the-way places that most people probably never realized existed. We whiz by these things as we are driving or walking, but we don't stop to take a look," said Sen. Kyl.

"I just came across an album as we were looking through his things—a very large album of all Washington, D.C., photos and most of them, probably 80 or 90 percent, were street scenes: street people, storefronts with a lot of graffiti on them, or just a park bench right after a snowstorm," Kyl added.

While his father initially advised him against running for Congress, Sen. Kyl credited the lessons learned at the feet of the elder Kyl with his own political success. For example, the former public school teacher insisted his son be equipped to operate effectively in the public arena.

"He got some of my friends and me together when we were in high school . . . and he said, 'You all need to learn to do public speaking, so I'll teach you what I can here.' "

"My father was [also] a kind of frustrated farmer. We always lived in town but we always leased land and we always had livestock. He was really proud when I showed the grand champion steer at the county fair," the Senator recalled fondly.

The elder Kyl—who lost his first bid for Congress in 1958 but won a special election for a seat in 1959—went on to serve five additional terms, though not consecutively.

While in Congress, Kyl devoted himself to his work on the Interior and Insular Affairs Committee, which included significant contributions to the genesis of the Lewis and Clark trail project, the younger Kyl said.

"He always stressed to me his ability to work on a bipartisan basis. . . . He was proud that Wayne Aspinall [then Democratic chairman of the Interior and Insular Affairs Committee] would turn the gavel over to him or turn a bill over to him to manage on the floor as if it were not a partisan matter."

After losing his 1964 re-election bid, Kyl came back to triumph in 1966, then won seats in the two succeeding Congresses and served as a deputy to then-Minority Leader Gerald Ford (R-Mich.).

However, in 1972, redistricting forced him to run in a more Democratic district, and he was bested in a Member-versus-Member Contest by Rep. Neal Smith (D-Iowa).

"If he was defeated, he understood," noted Kyl. "It wasn't the end of his life."

Soon after, the Nixon administration tapped Kyl as assistant secretary for Congressional and legislative affairs at the Interior Department, where he served from 1973 to 1977.

In 1977, he joined the Occidental International Corporation as executive vice president, a post he held until retiring to Phoenix, Ariz., in 1985.

Shortly thereafter, he had the pleasure of seeing his son, now the junior Senator from Arizona, win a seat in the House of Representatives.

"There aren't many father-son combinations from different states. Most of the father-son combinations are from the same state," Kyl noted.

In addition to his Senator son, Kyl is survived by his wife Arlene, two daughters, one sister, one brother, six grandchildren and 12 great-grandchildren.

PAYING TRIBUTE TO: DURANGO-LA PLATA EMERGENCY COMMUNICATIONS CENTRAL DISPATCH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to recognize the Durango-La Plata Emergency Communications Central Dispatch for their service and dedication during one of Colorado's most formidable fire seasons. Last summer, the Central Dispatch played an integral role in containing the Missionary Ridge forest fire that burned over 70,000 acres in Southwestern Colorado. Today, I would like to pay tribute to their heroic efforts before this body of Congress and this nation.

When the Missionary Ridge fire first erupted last June, the citizens of Durango, Bayfield and the surrounding communities, the Durango-La Plata Central Dispatch worked to protect the homes and lives of their loved ones and community members from what would become the worst fire in area history. The fire began in a ditch beside Missionary Ridge Road, just 15 miles northeast of Durango, and grew to consume more than 70,000 acres, 56 residences, and 27 outbuildings.

Although the Missionary Ridge fire was a devastating reminder of how destructive forest fires can be, it also served to remind us of the men and women who dedicate their lives to protecting their fellow citizens on a daily basis. The Durango-La Plata Central Dispatch has roots reaching back to 1976, when it consolidated the dispatch communications for area agencies. Others have looked to Durango-La Plata Central Dispatch as a model for combining dispatch functions. Today, its 17 employees and technicians routinely handle 11,000 calls and 6,000 fire, medical, and law enforcement incidents per month. During the Missionary Ridge Fire, several organizations stepped up and volunteered to help manage the 60% increase in calls. Throughout the 22 days of the fire, the Colorado Mountain Rangers, Search and Rescue, Civil Air Patrol, and concerned citizens voluntarily manned the Emergency Operations Command, as well as the Fire Information Line. The Durango-La Plata Central Dispatch's guidance and coordination helped manage over 5000 donated man-hours, handling an estimated 35,000 to 50,000 fire related calls. The expertise and leadership from the Durango-La Plata Central Dispatch illustrate the dedication and readiness with which these men and women serve the citizens of Durango.

Mr. Speaker, it is with sincere admiration that I recognize the Durango-La Plata Central Dispatch before this body of Congress and this nation. I want to commend all of the Durango-La Plata Central Dispatch's personnel for their determination, courage, and resolve during last summer's efforts on Missionary Ridge. Without the help of the Durango-La Plata Central Dispatch and others, the added devastation to our community, environment, and quality of life would have been unimaginable. Their tireless commitment throughout

the summer's exhaustive fire season has served as an inspiration to us all and it is an honor to represent such an outstanding group of Americans in this Congress.

IN RECOGNITION OF ALBERTO CARDENAS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. SHAW. Mr. Speaker, I rise today in recognition of my friend, Mr. Alberto Cardenas of Miami, for his 10 years of diligent service to the Republican Party of Florida and the people of our great state as party chairman and vice chairman. Al has served with distinction over the last four years in his role as state chairman. During his tenure, Chairman Cardenas shepherded the Republican Party of Florida to a historic level.

Following the 1998 election of Governor Jeb Bush, Al was elected unanimously by his peers, men and women, black and white; to lead our party. As Governor Bush began his agenda of reforming state government, Chairman Cardenas undertook the vision of changing the perception of Florida Republicans. Chairman Cardenas quickly made diversity a major focus of his first year. Establishing both Hispanic and African-American outreach programs, Al ushered the Party into uncharted territory. His message of inclusion spread throughout Florida as Republican ranks began to soar. Al's message of inclusion was carried out with the formation of the Florida Black Republican Council, the Florida National Hispanic Assembly, and the chartering of the Broward Log Cabin Club. For his efforts, Republican National Chairman, Governor Jim Gilmore selected Al to serve on the RNC Executive Committee. A post which gave Al the opportunity to promote Republican diversity throughout the nation. Recently, Governor Bush appointed Al to the Board of Trustees of Florida A&M in Tallahassee.

Along with an aggressive vision of inclusion, Al campaigned tirelessly throughout Florida urging elected officials, both state and local, to join the Republican Party. Since 1999, numerous elected officials have switched party affiliation to Republican.

Mr. Speaker, later this month Al leaves his post and returns to Miami. Another chapter in a storied personal journey that began at the young age of 13 with his leaving Communist Cuba in 1961, at the height of the U.S.-Cuba conflict, and ends leading the largest state Republican Party in the nation. State Republican history will look back favorably on his service which saw a number of firsts: the first Republican governor to be re-elected; the first elected Republican Attorney General; the first elected Republican Agriculture Commissioner; and the first elected Republican Chief Financial Officer, and increased seats in the Florida House of Representatives and Florida Senate, as well as, the largest number of Florida members of Congress ever.

Mr. Speaker, I join my fellow Republicans in thanking our friend, Chairman Al Cardenas for his friendship, service and support. I wish, Al, Diana and the entire Cardenas family best of health in the coming year.

HONORING THE RETIREMENT OF UNION CITY POLICE LIEUTENANT DON SCHUITEMAKER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. STARK. Mr. Speaker, on January 25, 2003 the Union City Police Department will celebrate the retirement of one of its finest officers, Lieutenant Don Schuitemaker.

In his 28-year law enforcement career Lieutenant Schuitemaker has served as a model for school policing, trained other officers, and worked with juveniles and the narcotics unit.

Lieutenant Schuitemaker served his entire career with the Union City Police Department. He joined the force on October 25, 1974, after attending the Los Angeles Sheriff's Department Academy, one of the toughest in the State, where he achieved an expert marksman's medallion.

Lieutenant Schuitemaker became part of the Union City Special Enforcement Response Team (SWAT), in 1978, and in 1984 he retired from the team as one of its leaders.

In 1979, he became the department's first School Resource Officer, a new and innovative position. Based largely on Lieutenant Schuitemaker's success in that position, and in cooperation with the New Haven Unified School District, the number of School Resource Officers positions was increased. The Union City program has become a model for other law enforcement agencies to follow, partly as a result of Lieutenant Schuitemaker's accomplishments.

Lieutenant Schuitemaker was promoted to sergeant in 1981, and served as Personnel and Training Manager before being selected to supervise the Southern Alameda County Narcotics Enforcement Team, a tri-city narcotics and vice task force. In 1989, he was selected to supervise the department's Juvenile Unit.

In 1992, he transferred to patrol duty, where in addition to typical Watch Commander duties, he supervised the training of new officers as the Field Training Officer Program Supervisor. He later worked in the Traffic Unit, where he was instrumental in bringing back motorcycles as an effective enforcement tool, and as a true "motor cop" rode the motorcycle throughout his tour of duty.

In 2000, he was promoted to Acting Lieutenant, and then to Lieutenant. During that time, Lieutenant Schuitemaker acted as a Field Operations Officer, overseeing the operation of the department's patrol section. He holds basic, intermediate, advanced, supervisory, and management Peace Officer Standards and Training certificates.

I am honored to join the colleagues of Lieutenant Schuitemaker to commend his many years of dedicated and exemplary service to law enforcement. His commitment to excellence has left its irreplaceable mark on the Union City Police Department.

INTRODUCTION OF THE "GUN SHOW BACKGROUND CHECK ACT OF 2003"

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. CONYERS. Mr. Speaker, today I am introducing the "Gun Show Background Check Act of 2003", legislation designed to close the loophole in federal gun laws which allow criminals to buy firearms at gun shows. I am joined by Representatives FRANK, BERMAN, NADLER, LOFGREN, MEEHAN, DELAHUNT, WEXLER, ACKERMAN, BROWN of Florida, KILPATRICK, LEE, MARKEY, SCHAKOWSKY, BLUMENAUER, CUMMINGS, FATTAH, HASTINGS of Florida, KENNEDY, TOWNS, DEUTSCH, DEGETTE, PAYNE, STARK, DAVIS of Florida, CLAY, NORTON, HOLT, GUTIERREZ, and MCDERMOTT.

As you know, under current law federal firearms licenses are required to maintain careful records of their sales, and under the Brady Act, to check the purchaser's background with the National Instant Criminal Background Check System (NICS) before transferring any firearm. However, a person does not need a federal firearms license—and the Brady Act does not apply—if the person is not "engaged in the business" of selling firearms pursuant to federal law.

My bill corrects these deficiencies by (1) requiring background checks for all firearms sales at gun shows, (2) defining gun shows to include any event at which 50 or more firearms are offered or exhibited for sale and (3) by improving firearm tracing measures—in the event that a firearm becomes the subject of a law enforcement investigation. Thus, unlike other legislation introduced in the past which actually weakens the Brady law by shortening background checks to 24 hours and considerably limits the type of information in individual records that may be searched, my bill guarantees that over 2,200 additional felons, fugitives and stalkers will be denied the opportunity to purchase a gun.

Considering the many recent tragedies and threats of violence we have had in our nation's schools and the recent reports indicating that the U.S. gun industry sold numerous guns to members of Osama bin Laden's "Al Qaeda" terrorist network, the importance of enacting legislation that will promote a safe and sound environment can not be overstated.

It's time for smarter, better gun safety enforcement. The bill we are introducing today will move us in that direction. I am hopeful that Congress will move quickly to enact this worthwhile and timely legislation.

PAYING TRIBUTE TO: DURANGO POLICE DEPARTMENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to recognize the Durango Police Department for their service and

dedication during one of Colorado's most formidable fire seasons. Last summer, the Durango Police Department played an integral role in containing the Missionary Ridge forest fire that burned over 70,000 acres in Southwestern Colorado. Today, I would like to pay tribute to their heroic efforts before this body of Congress and this nation.

When the Missionary Ridge fire first erupted last June, the citizens of Durango, Bayfield and the surrounding communities called upon the Durango Police Department to protect their loved ones, homes, and communities from what would become the worst fire in area history. The fire began in a ditch beside Missionary Ridge Road, just 15 miles northeast of Durango, and grew to consume more than 70,000 acres, 56 residences, and 27 outbuildings.

Although the Missionary Ridge fire was a devastating reminder of how destructive forest fires can be, it also served to remind us of the men and women who risk their lives to protect their fellow citizens on a daily basis. The Durango Police Department has roots reaching back to 1881, when one marshal and two deputies were solely responsible for law enforcement in the area. Today, the Department has 50 sworn officers under the leadership of Chief Al Bell. During the Missionary Ridge Fire, the Durango Police Department turned their resources to numerous emergency activities, including over 200 hours debriefing emergency workers, firefighters, police officers, as well as Red Cross volunteers, to help them cope with the tragedy. The personnel and resources devoted to this summer's fires by the Durango Police Department illustrate the dedication and readiness with which these men and women serve the citizens of Durango.

Mr. Speaker, it is with sincere admiration that I recognize the Durango Police Department before this body of Congress and this nation. I want to commend all of the employees of the Durango Police Department for their determination, courage, and resolve during last summer's efforts on Missionary Ridge. Without the help of the Durango Police Department and others, the added devastation to our community, environment, and quality of life would have been unimaginable. Their tireless commitment throughout the summer's exhaustive fire season has served as an inspiration to us all, and it is an honor to represent such an outstanding group of Americans in this Congress.

INTRODUCTION OF THE UNITED STATES WEATHER RESEARCH PROGRAM ACT OF 2003

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. EHLERS. Mr. Speaker, today, I am introducing a very important piece of legislation, the "United States Weather Research Program Act of 2003." The human toll and dollar loss from severe weather events is staggering. Each year this nation experiences more than 1,500 weather-related fatalities and more than 15 billion dollars in damage to property.

The Weather Research Program is a partnership among academic and commercial communities and several government agencies—the National Oceanic and Atmospheric Administration (NOAA), the National Aeronautics and Space Administration (NASA), the National Science Foundation (NSF), the U.S. Navy and many others. Led by NOAA, the program supports government and university-based research to improve severe weather forecasts and better utilization by emergency managers as well as the public.

This legislation authorizes $46.5 million over three years and emphasizes research on hurricanes and heavy precipitation events through better observations and modeling. Another important goal for the program will be to improve the communication between weather forecasters and the public and emergency managers when it is needed most. The bill also provides for the development of centers where research can be tested in real life environments to more quickly move research and new technology into operation—and save lives in the process.

I look forward to working with the agencies involved in this program, the research community, and my colleagues to pass this important legislation.

CONGRATULATIONS AND THANKS TO MR. RICHARD BIOLSI

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. TOOMEY. Mr. Speaker, today I rise to offer congratulations and thanks to Mr. Richard Biolsi, Chief Operating Officer of KidsPeace, one of America's most comprehensive children's mental health charities which is headquartered in the Lehigh Valley in Pennsylvania.

Rich is retiring this year after 34 years of dedicated service to America's youth. Over that span, Rich has served as a social worker, Vice President for Programs, Executive Vice-President for Programs, interim Chief Executive Officer, and Chief Operating Officer for KidsPeace.

When he began his career with KidsPeace in 1969, the fledgling service organization was caring for only 35 children in a run-down home with very few resources. Now, 34 years later, KidsPeace directly cares for nearly 3,000 children at more than 50 centers across the country. What once was a single-home orphanage for children in the Lehigh Valley has become one of the most comprehensive children's mental health charities in the nation that has helped millions of children in every state of our nation, on overseas military bases, and in 70 foreign countries.

Many of these accomplishments, in no small part, can be attributed to Rich's efforts and strategic organizational leadership. From the development of six major residential campuses in four states, the establishment of the KidsPeace Hospital, and the creation of a unique and effective foster care program that provides homes for children in crisis in nine states, Rich has been an integral component of KidsPeace's success.

Rich's accomplishments extend well beyond the borders of KidsPeace. In 2001, he was named Social Worker of the Year by the National Association of Social Workers. KidsPeace estimates that during his distinguished career, Rich and the programs he has created and overseen have directly cared for nearly 80,000 children in emotional crisis.

So today, Mr. Speaker, I rise to recognize the outstanding dedication of Mr. Richard Biolsi to America's most vulnerable children. His commitment to excellence has enriched the lives of each of the children he cared for. I offer congratulations on his outstanding career, and the thanks of a grateful nation.

TRIBUTE TO THE ACHIEVEMENTS OF 21 NORTHWEST MISSOURI SCHOOL DISTRICTS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. GRAVES. Mr. Speaker, I rise today to recognize the outstanding achievements of 21 Northwest Missouri School Districts that have received the State's Distinction in Performance Award. The Distinction in Performance Award is designed to be an incentive for School Districts to focus on improving academic achievement. The criteria for the award, established by the State Board of Education, requires that the School Districts meet certain performance standards in the Missouri Assessment Program test scores, ACT test scores, attendance and dropout rates, and other academic performance records.

Of the 524 Public School Districts in the State of Missouri, 157 were given accolades for their achievements in 2002. Twenty-one School Districts in the 6th District were honored with this distinctive award and are as follows: Avenue City School District, Chillicothe School District, Cowgill School District, Gallatin School District, Grundy County School District, Jefferson School District, Lathrop School District, Mound City School District, Mid-Buchanan School District, Nodaway-Holt School District, North Platte School District, Pattonsburg School District, Platte County School District, Rock Port School District, Savannah School District, South Harrison School District, Stanberry School District, Tri-County School District, West Platte County School District, Winston School District, and Worth County School District.

Mr. Speaker, please join me in honoring these exceptional School Districts for their dedications to and achievement in educating the children of the 6th District.

PAYING TRIBUTE TO: LA PLATA COUNTY SHERIFF'S OFFICE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize the La

Plata County Sheriff's Office for their service and dedication during one of Colorado's most formidable fire seasons. Last summer, the LPCSO played an integral role in containing the Missionary Ridge forest fire that burned over 70,000 acres in Southwestern Colorado. Today, I would like to pay tribute to their heroic efforts before this body of Congress and this nation.

When the Missionary Ridge fire first erupted last June, the citizens of Durango, Bayfield and the surrounding communities called upon the La Plata County Sheriff's Office to protect their loved ones, homes, and communities from what would become the worst fire in area history. The fire began in a ditch beside Missionary Ridge Road, just 15 miles northeast of Durango, and grew to consume more than 70,000 acres, 56 residences, and 27 outbuildings.

Although the Missionary Ridge fire was a devastating reminder of how destructive forest fires can be, it also served to remind us of the men and women who risk their lives to protect their fellow citizens on a daily basis. The roots of the La Plata County Sheriff's Office reach back to 1871, when Sheriff Joseph W. Wallace was solely responsible for law enforcement in the county. Today, the Sheriff's Office has 100 employees under the supervision of Sheriff Duke Schirard. During the Missionary Ridge Fire, the La Plata County Sheriff's Office turned their resources to numerous emergency activities that include alerting citizens and evacuating them from threatened roadways and properties, assisting the coordination of emergency services, and acting as real-time fire spotters. The LPCSO maintained traffic control for a 40-mile section along the fire's perimeter. Their personnel brought food and supplies to firefighters on the fire line and provided personnel to man checkpoints and fire lines. The over 2000 hours of overtime logged by the LPCSO illustrate the dedication and readiness with which these men and women serve the citizens of La Plata County.

Mr. Speaker, it is with sincere admiration that I recognize the La Plata County Sheriff's Office before this body of Congress and this nation. I want to commend all of the employees of the La Plata County Sheriff's Office for their determination, courage, and resolve during last summer's efforts on Missionary Ridge. Without the help of the La Plata County Sheriff's Office and others, the added devastation to our community, environment, and quality of life would have been unimaginable. Their tireless commitment throughout the summer's exhaustive fire season has served as an inspiration to us all, and it is an honor to represent such an outstanding group of Americans in this Congress.

TRIBUTE TO SURENKUMAR S. DESAI

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to pay tribute to Mr. Surenkumar S. Desai of Madison County, Mississippi. Mr. Desai was serving as the Ward 3 Alderman in Canton, Mississippi at the time of his passing.

Mr. Desai immigrated to the United States from India in 1981, and was proud to be an American while still embracing his Indian heritage. In 1982, Mr. Desai moved to Mississippi and worked at a local drive-in restaurant. Two years later, he was transferred to the City of Canton to serve as the manager of another drive-in restaurant within the same chain.

Mr. Desai became an American citizen in 1992, and developed a keen interest in local politics thereafter. Mr. Desai campaigned several times serve as an elected official in the capacity of Mayor of Canton and Madison County District 1 Supervisory to no avail. However, his persistence paid off and in December of 2001, Mr. Desai was finally elected to serve as Ward 3 Alderman of the City of Canton, Mississippi.

Many referred to and knew Mr. Desai merely as S.K. Mr. Desai was known as a hard working man that loved his job. He was regarded as a person who took great pride in being an elected public servant. Mr. Desai made a point to be present at City Hall everyday and make himself accessible to the citizens of Canton.

Mr. Desai is survived by his wife, two sons, and his parents.

HONORING LILLIAN WOOD FOR FIFTY YEARS OF DEDICATED SERVICE TO THE UNITED STATES MARINE CORPS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. MURTHA. Mr. Speaker, it is a privilege for me today to recognize an extraordinary Pennsylvanian who has dedicated herself to the service of her country for more than half a century.

Ms. Lillian Wood, born in East Millsboro, Pennsylvania, graduated from Brownsville High School in 1951. She began working as a civilian clerk-typist for the Marine Corps in February 1952. ''Lil,'' as she is known to generations of Marines, quickly demonstrated a commitment and dedication and was recognized with a rapid series of promotions in several divisions within Headquarters, United States Marine Corps.

Based on her superb performance in support of the Personnel, Aviation, G–4, and Reserve Affairs divisions, Lil was selected as the Branch Supervisor for the newly created Special Correspondence Branch of the Manpower and Reserve Affairs Department in 1966. Lil was charged with supervision of 28 employees, both military and civilian, and was responsible for providing updates and responses to all Congressional inquiries into Marine Corps affairs.

''The Few and the Proud'' is not just a recruiting slogan, and it applies as much to Marines in combat as to the civilian Marines who make it possible for them to deploy and come home safely. The success of Marines in battle throughout the history of our great nation is due, in no small measure, to the support they receive from civilian Marines and families back home.

Lil Wood stands as a shining example to all Marines, civilian Marines, and civil servants throughout the government. Lil and I both began our service to our country in 1952, both in the Marine Corps. Her accomplishments and fifty years of dedication to the Corps and to our country are remarkable and commendable. The Marine Corps is losing a valuable asset, and I offer Lil my best wishes for a well-deserved retirement.

CARE 21

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. RAHALL. Mr. Speaker, today I am reintroducing legislation to restore our Nation's historic commitment to insuring lifetime health care for retired coal miners. Joining me in introducing this bill is the distinguished gentleman from Ohio, BOB NEY. Indeed, last year the House of Representatives passed the legislation we are reintroducing today. However, the other body did not take action on it prior to adjournment of the 107th Congress.

Enactment this year of CARE 21, the ''Coal Accountability and Retired Employee Act for the 21st Century,'' is essential if we are to avoid seeing a curtailment in health care coverage for thousands of retired coal miners and their widows. This would not be the first time that Congress acted in this matter. In 1992, in what is known as the ''Coal Act'' enacted as part of the Energy Policy Act, Congress established the UMWA Combined Benefit Fund (CBF) combining the union's 1950 and 1974 benefit plans. This action came in response to changes in the coal industry which created a large class of ''orphaned'' miners whose benefits were no longer being paid by an active coal company. A key feature of the Coal Act was the financing of orphaned miner health care costs through an annual transfer of a portion of the interest which accrues to the unappropriated balance in the Abandoned Mine Reclamation Fund.

Simply put, in restoring abandoned coal mine lands we must not abandon the retired coal miner.

The Coal Act has worked well with health care for retirees whose former employers could be identified financed by premiums paid by those companies while providing for a transfer of reclamation fund interest to finance orphaned miner care.

However, a barrage of litigation, adverse court decisions and skyrocketing health care costs is now threatening the financial integrity of the program. The result: Without a new source of funds, the CBF faces a deficit which if it continues could force curtailments in health care coverage for some 50,000 retirees and widows whose average age is 78.

CARE 21 takes a relatively simple and straightforward approach to addressing this impending crisis: It would lift the restriction in current law that reclamation fund interest can only be used for orphaned miner health care.

Instead, it would allow interest transfers to be made for the purpose of offsetting any deficit in net assets in the CBF.

One of the key features of CARE 21 is that the general taxpayer is not being called upon to pay for retired coal miner health care, but rather, the coal industry itself would provide for this coverage through the interest which accrues to the fees it pays into the Abandoned Mine Reclamation Fund.

Mr. Speaker, I noted earlier there is a historical commitment to providing health care for retired coal miners. This is a unique situation in that what would normally be a matter solely for the private sector is not in this instance. The genesis for this situation dates back to 1946 in an agreement between then-UMW President John L. Lewis and the federal government to resolve a long-running labor dispute. At the time, President Truman had ordered the Interior Secretary to take possession of all bituminous coal mines in the country in an effort to break a United Mine Workers of America strike. Eventually, Lewis and Secretary Julius Krug reached an agreement that included an industry-wide, miner controlled health plan.

In fact, the 1992 Coal Act itself was formulated partly on the basis of recommendations from the Coal Commission, established by former Labor Secretary Libby Dole, which in 1990 recommended a statutory obligation to help finance the UMWA's Health Benefit Funds.

Mr. Speaker, the people covered by this health care program spent their careers producing the energy which powered this Nation to greatness. We must not forsake them. We must not cast them adrift in their later years, robbed of the health care they so desperately need.

PAYING TRIBUTE TO: KENT & LESLIE TAYLOR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. McINNIS. Mr. Speaker, it is with great enthusiasm that I rise today to pay tribute to Kent and Leslie Taylor, founders of the Texas Roadhouse. This family steakhouse restaurant chain remains very popular throughout this country for its great food and distinctive atmosphere. As Texas Roadhouse celebrates their tenth anniversary, I would like to recognize this milestone, and the Taylor's success before this body of Congress and this nation.

Kent and Leslie Taylor's success represents the entrepreneurial spirit of the American dream. Their persistence in forging an idea into a dream, and their commitment to that dream, is truly inspirational. Their product, market, customers, and most importantly, their employees, have all come together to create a winning formula. What began as a simple idea has now grown into an organization employing thousands. They have become an essential contributor to many communities throughout this country, and I would like to commend them for their outstanding success.

Mr. Speaker, it is with great pride that I recognize Kent and Leslie Taylor before this body of Congress and this nation for their enduring commitment to realizing the American dream. Businesses like these are the backbone of our economy and the heart of our neighborhoods. The Taylor's dream has become a successful and enduring enterprise, and I wish all the best to Kent and Leslie in all of their future endeavors.

REGARDING THE DEATH OF HELMUT ''BROWNIE'' BRAUNSTEINER

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. SMITH of Washington. Mr. Speaker, on Sunday, December 29th, Pierce County, Washington State and our nation lost a true hero, Helmut ''Brownie'' Braunsteiner, due to complications surrounding his battle with cancer.

It is difficult to describe Brownie's life without resorting to superlatives, but the evidence speaks for itself. From his birth in 1926 to his escape from Nazi-controlled Austria to America in 1939, Brownie never failed to display his particular brand of zest for life that so characterized his 75 years with us.

In 1944 Brownie began his decorated 27-year career in the United States Army, serving in World War II, the Korean War and the Vietnam War. Because of his fluency in German, he later served as an interpreter at the Nuremberg war crime trials.

For thirty years, Brownie was a full-time volunteer for veterans organizations, coordinating Veterans of Foreign War volunteers for the VA Hospital and chairing the Pierce County Veterans Advisory Council. In 1987, he helped found Fife's Veterans Independent Enterprises of Washington to rehabilitate homeless drug- or alcohol-dependent vets and help them become self-sufficient.

After he developed diabetes, Brownie dedicated countless hours to the Diabetes Association of Pierce County, conducting diabetes screenings without charge to residents of Pierce County. Brownie was known for both helping people detect their diabetes and begin to manage the condition. He would frequently go so far as to check in with people after their initial diagnosis to make sure they'd seen a doctor about their condition even three weeks after the test.

But these jobs and titles don't begin to describe either who Brownie was or the depth of his commitment to life. A man with a big heart, Brownie fought for issues he believed in. After serving our nation with a decorated career in the Army, Brownie worked tirelessly for the rights of veterans. Brownie was a passionate, dedicated citizen. He was patient and kind in teaching me not just about veterans and military issues, but also a wide range of other concerns close to his heart.

I was fortunate enough to work with Brownie on veterans issues ranging from concurrent receipt to VA health care to continuing education and reform of the Montgomery GI bill. It was always an honor to stand in the same room as him and I will always cherish the opportunity I had to call him both a colleague and a friend.

Brownie's outstanding contributions, selfless volunteerism, patriotism, and endless devotion cannot be sufficiently acknowledged. Everyone in the veterans' community, every elected official, everyone in Pierce County knew him and admired him. His tireless work earned him not only the respect, but also the love of everyone he touched.

Brownie Braunsteiner's passing is a loss to all who knew him and we extend our deepest sympathy to his family in their great loss. I will miss his friendship and his counsel.

IN MEMORY OF COLD WAR HERO WILLIAM G. GEIMER

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. WOLF. Mr. Speaker, on December 1, 2002 another chapter of the Cold War with the Former Soviet Union ended with the passing of William G. Geimer. Bill was the visionary founder and longtime president of the Jamestown Foundation, a non profit organization devoted to promoting liberty and fighting totalitarianism most notably in the Soviet Union during the Cold War.

I had the privilege of working with and learning from Bill as he waged the good fight against the oppressive regimes of the Soviet Union that sought to crush the human spirit. Through his instrumental role at the Jamestown Foundation, Bill's leadership and vision helped bring down the Iron Curtain. Mr. Speaker, I will insert following these remarks a press release from the Jamestown Foundation that describes how Bill made a tremendous difference with his life.

Bill's efforts and advocacy with the Jamestown Foundation influenced Members of Congress, government officials and the general public exposing the corrupt and immoral nature of Soviet communism. Bill will be truly missed as this nation confronts other totalitarian regimes, but his life and vision can serve as a legacy for others continuing the fight against evil.

IN MEMORIAM, WILLIAM W. GEIMER: AUGUST 18, 1937—DECEMBER 1, 2002

JAMESTOWN FOUNDATION FOUNDER AND COLD WAR HERO DIES

WASHINGTON, DC.—With deep sorrow, the Jamestown Foundation announces the death of William W. Geimer, its visionary founder and longtime president.

Mr. Geimer, 65, established the Jamestown Foundation at a critical point in the Cold War as a source of first-hand accounts of the inner workings of the Soviet Union and other Eastern bloc countries. From its founding in 1984, the foundation has become the leading force for disclosing to the world the knowledge and insights of those in the top reaches of closed totalitarian societies, including high level defectors from the Soviet Union and its client states. For creating a safe haven for high-ranking officials from behind the Iron Curtain with the courage to tell the world the true nature of communism, Geimer was recognized by President Ronald Reagan as a key figure in the collapse of the Soviet Union.

Geimer was inspired to launch the foundation following his work with Arkady

Shevchenko, the highest-ranking Soviet official ever to defect when he left his position as undersecretary general of the United Nations. Asked by the State Department to serve as Shevchenko's attorney, Geimer recognized that Shevchenko could provide a unique and invaluable insider's view of Soviet policymaking, arms control negotiation strategies and the workings of the top reaches of the then-secret Soviet government. Geimer was instrumental in the publication of Shevchenko's writings, most notably, the bestseller ''Breaking with Moscow,'' in which Shevchenko acknowledged, as well as the close personal friendship between them, ''the countless hours, days, years of himself'' that Bill Geimer had given to ''bring me into a new life.''

Following the end of the Cold War, Geimer moved the foundation aggressively into monitoring the Soviet transition away from totalitarianism by publishing daily analytical reports on events in the region. The Jamestown Foundation's research and publications have become the leading source of information on the war in Chechnya, and on political, military and economic trends in the states of the former Soviet Union and in China.

''Bill was an American patriot who devoted his life to promote freedom and democracy worldwide,'' said Barbara D. Abbott, the Jamestown Foundation's vice chairman and now president. ''From the Evil Empire to the Axis of Evil, he never wavered in his belief that an attack on the secrecy of closed societies is one of the greatest weapons in a democracy's arsenal. Bill's vision, wisdom, kindness and humor will be missed, but his work will continue at the Jamestown Foundation.''

''Geimer was a visionary,'' long-time Board member and former Central Intelligence Agency director R. James Woolsey observed. ''He had an enormous impact on our national security efforts. As the Soviet Union began to collapse, Bill was one of the first to foresee that the instability brought about by that dissolution might result in rogue groups more difficult to deal with and potentially more of a threat to freedom than the USSR, which is precisely the situation we face with Osama bin Laden and al-Qaida.''

Zbigniew Brzezinski, Jamestown Advisory Board member, recalls that ''Bill Geimer was a patriot with a vision, an idealist with a program, and a leader who knew how to get things done.''

Vice President Dick Cheney, a former Jamestown Foundation board member who attended Wednesday's funeral services, stated, ''The Jamestown Foundation has played an important role in alleviating suffering and in furthering democracy.''

A native of Chicago, William W. Geimer received his bachelor's degree from Marquette University and his law degree from Northwestern University. He served on President Ronald Reagan's Export-Import Bank transition team, and in top-level positions in the Nixon and Ford administrations, including as deputy assistant secretary of state for international trade. He maintained a private law practice in Washington, DC from 1976 to 1984.

IN RECOGNITION OF THE CAREER OF BASEBALL LEGEND GARY CARTER

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. SHAW. Mr. Speaker, I rise to congratulate a constituent of mine, Mr. Gary Carter of Palm Beach Gardens, Florida, for his election to baseball's most coveted fraternity, the Hall of Fame. Over a successful 19-year professional career, Gary Carter exemplified what it takes to be a big league ball player. Playing the difficult position of catcher, Gary compiled an impressive array of statistics and accolades. In 1975, his first full year with the Montreal Expos, Gary exploded onto the big league scene. Seventeen years later, Gary returned to Montreal, after stints in New York, San Francisco and Los Angeles, finishing his career where it all started. What a ride it had been. Following the 1992 season, Gary retired with numbers that foretold an eventual trip to Cooperstown. Games played: 2,296; Hits: 2,092; Home Runs: 324; Runs Batted In: 1,225 and a batting average of: 262.

Each year, Gary's teammates and fan could always count on his durability and consistency. Season after season, Gary's presence in a big league lineup made opposing pitchers fear his bat and power. In 1986, Gary lead the New Yorks Mets to a seven game World Series win over the Boston Red Sox. Although that series is remembered for a series saving error at first base, many fans remember Gary's clutch hitting when he was needed most. In the end, Gary had his World Series championship and ring.

Mr. Speaker, the baseball writers across the country paid tribute to Gary's career by bestowing on him the highest honor in professional sports. To be a member of the Hall of Fame means more than just another accomplishment; it means having the ability and dedication to rise above the hundreds of other noteworthy players and become one of baseball's greatest players of all-time. In the 100 year history of American baseball, players have come and gone. However, baseball fans, young and old were thrilled to watch Gary Carter play the game he loved throughout his 19-year playing career. His teammates bestowed upon him the nickname ''The Kid.'' A fitting tribute to a man always eager to play an adult sport with a childlike enthusiasm.

Mr. Speaker, Gary Carter becomes the newest member of baseball's Hall of Fame on July 27, 2003. Congratulations to, ''The Kid.''

PAYING TRIBUTE TO: FRED LEE HOWARD, JR.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. McINNIS. Mr. Speaker, it is with great sadness that I recognize the life and passing of Colonel Fred Howard of Grand Junction, Colorado. Colonel Howard served in the United States Air Force with the honor, courage and integrity that Americans have come to expect from our nation's military. Sadly, Fred passed away in November and, as his family mourns his loss, I would like to pay tribute to his lifetime of service before this body of Congress and this nation.

The day after the bombing of Pearl Harbor, Fred enlisted in the Army Air Corps as an Air Force Cadet and served in Europe during World War II. During the war, Fred served as a pilot, dropping paratroopers behind enemy lines. Fred received numerous medals of commendation for his efforts including the Distinguished Flying Cross and the Bronze Star. At the age of 22, Fred was promoted to the rank of Captain, where he continued to exhibit the leadership and courage that became his hallmark.

After the war, Fred continued to contribute his leadership and expertise to the United States Air Force. During the Korean War, Fred was called once again into active duty. During the Vietnam War, he served as Director of Scheduling, where his responsibilities included the ''in-air'' refueling of all aircraft entering and exiting Vietnam. Upon retiring from the military, Fred served as an inspector for the Federal Aviation Administration, inspecting all domestic airlines in the Western United States.

Mr. Speaker, it is with earnest respect that I recognize the life and passing of Colonel Fred Howard before this body of Congress and this nation. I extend my sincere condolences to his wife Mildred, son Fred, daughters Cheryl, Susan and Betty, and his many grandchildren. Colonel Howard served our country with great honor and distinction through a period of global uncertainty, and his remarkable courage serves as an inspiration to us all. His loss will be deeply felt and a grateful nation will be forever in his debt.

SUPPORTING H.R. 163, THE UNIVERSAL NATIONAL SERVICE ACT OF 2003

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. STARK. Mr. Speaker, I am an original cosponsor of the Rangel/Conyers bill, the Universal National Service Act of 2003 (H.R. 163), which would reinstate a national draft. I would like to explain my support for this legislation.

I ardently oppose war with Iraq. The evidence simply does not exist to warrant sending our nation's young people to sacrifice their lives in Iraq. I believe America ought to be an advocate for peace, not imperialism.

Yet, war is on the horizon. The President is intent on invading Iraq whatever the cost. Thanks to the President's brand of hotheaded bully diplomacy, war with North Korea may also be imminent. The only real question that remains is whether or not Americans are ready and willing to bear the cost?

I commend my colleagues Mr. RANGEL and Mr. CONYERS for their wisdom in authoring this bill. I'm honored to be an original cosponsor.

This bill requires all young Americans—men and women between 18 and 26—to perform a

two year period of national service in a military or civilian capacity as determined by the President. For those who conscientiously object to war, the bill assures that any military service would not include combat. Otherwise, there would be no preferences, no deferments, no chance for the well-off or the well-connected to dodge military service for their country, as did our President.

Reinstituting the draft may seem unnecessary to some. But, it will ensure all Americans share in the cost and sacrifice of war. Without a universal draft, this burden weighs disproportionately on the shoulders of the poor, the disadvantaged and minority populations.

It is my understanding that out of the 435 Members of this House and the 100 members of the Senate, only one—only one—has a child in active military service. Who are we to know the pain of war when we ourselves will not directly bear the brunt of that action? It won't be us mourning the loss of a child or loved one. Maybe some of you in this Congress would think twice about voting for war in Iraq if you knew your child may be sent to fight in the streets of Baghdad?

If our nation is to go to war, it is only right that all Americans share in the sacrifice of war. It is time we truly comprehended the consequences. I urge my colleagues to support a universal draft which I believe will make votes for war much more real for many of my colleagues.

INTRODUCTION OF CIVIC PARTICIPATION AND REHABILITATION ACT OF 2003

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. CONYERS. Mr. Speaker, I am pleased to introduce the Civic Participation and Rehabilitation Act of 2003, along with additional cosponsors. At a time when our Nation faces record low voter participation, this legislation represents an historic means of both expanding voting rights while helping to reintegrate former felons into our democratic society.

The practice of many states denying voting rights to former felons represents a vestige from a time when suffrage was denied to whole classes of our population based on race, gender, religion, national origin and property. Over the past two centuries, these restrictions, along with post-Civil War exclusions such as the poll tax and literacy requirements, have been eliminated. It is long past time that these restrictions be relegated to unenlightened history.

Unfortunately, the United States continues to stand alone among the major industrialized nations in permitting an entire category of citizens, former felons, to be cut off from the democratic process. It is time that the United States restored these fundamental rights and join the community of nations in this regard.

Denial of suffrage to these individuals is no small matter. A recent study by the Sentencing Project reveals that some 3.9 million Americans, or one in 50 adults have currently or permanently lost their voting rights as a result of a felony conviction. This includes an estimated 1.4 million African American men, or 13 percent of the total population of black adult men, a rate seven times the national average. Forty-eight states and the District of Columbia prohibit inmates from voting while incarcerated for a federal offense; 32 states prohibit felons from voting while they are on parole and 28 of these states exclude felony probationers as well. In fact, in six states that deny the vote to ex-offenders, one in four black men are permanently disenfranchised. Hispanic citizens are also disproportionately disenfranchised.

In addition to diminishing the legitimacy of our democratic process, denying voting rights to ex-offenders is inconsistent with the goal of rehabilitation. Instead of reintegrating such individuals into society, felony voting restrictions only serve to reaffirm their feelings of alienation and isolation. As the National Advisory Commission on Criminal Justice Standards and Goals has concluded, "if correction is to reintegrate an offender into free society, the offender must retain all attributes of citizenship." The purpose of correctional facilities throughout our history have been to make an offender fit to re-enter society. We should honor this conviction that once a felon has served his/her time, the he/she is ready to be a functioning member of society. Voting then must be allowed, as the most basic constitutive act of citizenship.

It is even more important for this legislation to pass when we look back at the 2000 election in Florida. In that election 400,000 ex-felons were denied their right to vote. In an election where it came down to 537 voters, this is a decisive number. Instead of contracting the voting pool we should be expanding it so that our elected officials can more accurately resemble the wishes of the people. Our nation has slowly seen the enfranchisement of all of its citizens. Though it has been a slow process we have always moved forward, giving more and more citizens the right to vote. This bill is merely the next step in the expansion of the electorate. And it is a step we must take.

Many states are beginning to take the lead on this issue. Maryland, Connecticut, Delaware, and New Mexico have all scaled back voting bans on ex-felons who have paid the price for their crimes and now want to participate in the democratic process as citizens. The growing roster of states which allow ex-felons to vote is encouraging. We must help along the process by enacting this bill and taking this crucial step at the Federal level.

The legislation we will introduce constitutes a narrowly crafted effort to expand voting rights for ex-felons, while protecting state prerogatives to generally establish voting qualifications. The legislation would only apply to persons who have been released from prison, and it would only apply to federal elections. As such, our bill is fully consistent with constitutional requirements established by the Supreme Court in a series of decisions upholding federal voting rights laws.

The legislation has been supported by a broad coalition of groups interested in voting and civil rights, including the NAACP, ACLU, the National Council of Churches (National and Washington Office), the National Urban League, the Human Rights Watch and the Lawyers Committee for Civil Rights, among many others.

TRIBUTE TO MAJOR CLARK THOMPSON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. VISCLOSKY. Mr. Speaker it is my distinct honor to commend one of Northern California's most distinguished citizens and a great friend of mine, Mayor Clark Thompson of Petaluma, California. He has served the people of Petaluma for 25 years, culminating over the last 4 years with his service as Mayor of that fine city. His leadership and pursuit of excellence will be sorely missed as he steps down from a career of public service.

A longtime resident of Petaluma, Mayor Clark Thompson began his career in public service by serving the city on the Parking and Business Improvement Area Committee. From there, he served on the Committee to study and initiate bicycle paths and access, as a member of the Petaluma Valley Hospital Foundation Board, and as a member of the Petaluma Rotary Club and Chamber of Commerce Board. He is still a lifetime member of the Casa Grande Boosters Club.

At a time when his beloved city faced many challenges Mayor Thompson brought a broad vision to lead the citizens of Petaluma into the future. His determination is unwavering; his pride in his city is unequaled. I have had the pleasure to work with Mayor Thompson on a professional level, and witnessed his abilities as a leader when he solved Petaluma's long standing flood control issues. He has the uncommon ability to work with people of different beliefs in order to do what is right. The city of Petaluma and its people have benefited greatly from Clark Thompson's years as a public servant.

Although he has been a devoted public servant, Mr. Thompson has always held his family as a to priority. He and his wife, Sue Ellen, originally settled in the community of Petaluma to raise their two daughters, Molly and Abigail. Clark's retirement will allow him to spend more time with his family, something he will greatly cherish.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating Mayor Clark Thompson on his retirement after 25 years of diligent service to the city of Petaluma, California. Clark has been a valuable member of the community for which he cares so deeply, and his service will be greatly missed. I wish him the best of luck in future endeavors, and I know he will enjoy his retirement for many years to come.

PAYING TRIBUTE TO: UPPER PINE RIVER FIRE PROTECTION DISTRICT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize the Upper Pine River Fire Protection District of La Plata County, Colorado for their service and dedication during one of Colorado's most formidable fire seasons. Last summer, the Fire Protection District played an integral role in containing the Missionary Ridge forest fire that burned over 70,000 acres in Southwestern Colorado. Today, I would like to pay tribute to their heroic efforts before this body of Congress and this nation.

When the Missionary Ridge fire first erupted last June, the citizens of Durango, Bayfield and the surrounding communities called upon the Upper Pine River Fire Protection District to protect their loved ones, homes, and communities from what would become the worst fire in area history. The fire began in a ditch beside Missionary Ridge Road just 15 miles northeast of Durango and grew to consume more than 70,000 acres, 56 residences, and 27 outbuildings.

Although the Missionary Ridge fire was a devastating reminder of how destructive forest fires can be, it also served to remind us of the men and women who risk their lives to protect their fellow citizens on a daily basis. The Upper Pine River Fire Protection District has served the citizens of La Plata County since 1974 and oversees a 264 square mile region. The district relies upon its Fire Chief, Jim Piccoli, its Deputy Fire Chief, Rod Richardson, and nearly 65 volunteers to remain on call, prepared to fight fires or provide medical assistance on a moment's notice.

Mr. Speaker, it is with sincere admiration that I recognize the Upper Pine River Fire Protection District of La Plata County before this body of Congress and this nation. I want to commend the Chief and all of the Fire District's fire fighters for their determination, courage, and resolve during last summer's efforts on Missionary Ridge. Without the help of the Upper Pine River Fire Protection District and others, the added devastation to our community, environment, and quality of life would have been unimaginable. Their tireless commitment throughout the fire season has served as an inspiration to us all and it is an honor to represent such an outstanding group of Americans in this Congress.

A SPECIAL TRIBUTE TO JAMES R. TILLING FOR HIS DEDICATED SERVICE TO THE STATE OF OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding gentleman, and good friend, from Ohio. Jim Tilling came to Ohio, in September 1969, to begin a career as a political science professor at Ohio University in Athens. He spent six years at Ohio University where he taught courses in American national government, urban government, Soviet government and foreign policy. In 1973–74, he was named a ''University Professor''—an honor given each year to the ten best teaching professors at Ohio University.

Mr. Speaker, in February, 1977, Jim joined the staff of the Senate Republican caucus in the Ohio General Assembly. He began as its Director of Communications and Research, then served two terms as Minority Chief of Staff. He was elected Clerk of the Senate for 1981–82.

From January 1984 until April 1994, Mr. Tilling served as Chief Executive Officer of the Senate with me when I was Senate President and also for my successor, Senate President Stanley Aronoff. In that capacity, he was responsible for the day-to-day operation of the Senate's staff and also worked with Senate Republican members to develop their legislative policy agenda.

In 1981–82, Jim was the principal co-author of the bi-partisan congressional redistricting plan, which determined congressional district boundaries for that decade. In 1991, he served as secretary to the Ohio Apportionment Board, in which capacity he was the principal author of the redistricting plan for the Ohio General Assembly in the 1990's. Jim has served as Chief of Staff for the Ohio Attorney General since January 9, 1995.

Jim Tilling has had a significant impact on public policy in Ohio. He is the public servant not often seen or heard from in the media. However, he is the person that makes the operation work. His substantive knowledge and steadfast patience have served well the many elected officials in Ohio with whom Jim has served. These chances to give back to the public have brought him a lifetime of both personal and professional achievement. Jim truly is a valued asset to the state of Ohio.

Jim will leave big shoes to fill in the halls of Ohio state government. His wisdom, honesty and forthrightness are attributes to which all public servants should aspire. He has set an example for everyone on how to live a life of service, putting the greater interests of the community before one's own.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to James R. Tilling. Our communities are served well by having such honorable and giving citizens, like Jim, who care about their well being and stability. We wish Jim, his wife, Cathy, and their family all the best as we pay tribute to one of our state's finest citizens.

INTRODUCTION OF THE NATIONAL INVASIVE SPECIES COUNCIL ACT

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. EHLERS. Mr. Speaker, today I am introducing legislation to codify the Executive Order that established the Invasive Species Council and gave the Council responsibility for coordinating all invasive species activities across the Federal government (Executive Order #13112, issued in 1999). Invasive species, such as the snakehead fish and zebra mussel, cause an enormous economic, ecological and human health toll on the United States every year. There are over 20 different Federal agencies involved in prevention, eradication, control, monitoring, research and outreach efforts to deal with the threat of invasive species, and this Executive effort seeks to make these efforts more coordinated, effective and cost-efficient. Better management of invasive species efforts across Federal agencies is critical to an effective response to this threat, and the Executive Order was the right first step. However, it is only the first step. Congress now needs to pass this legislation to give the Council more authority to effectively meet this threat.

Since its inception, the Council has made progress in achieving its mandate. In particular, in 2001 the council issued the National Management Plan to provide a general blueprint of goals and actions for Federal agencies to better deal with invasive species. While this broad plan lacks detail in some areas, it is a good first step toward focusing the various Federal efforts on common goals and coordinated actions. In addition, the Council established a Federal advisory committee consisting of 32 members from a broad array of stakeholders. The advisory committee has met several times in order to provide guidance on the development of the National Management Plan and on Federal agency actions regarding invasive species in general.

While the Council has had some success, its authority to coordinate the actions of Federal agencies has been limited. The General Accounting Office (GAO) recently recognized this problem, stating that agencies did not incorporate the components of the National Management Plan into their annual performance plans. In addition, GAO recommended that the Council study whether or not a lack of legislative authority has hampered its mission. Key agencies of the Council have already recognized this lack of authority as problematic and have supported codification of the Council in testimony before a November 2002 joint hearing of the House Resources and House Science Committees on aquatic invasive species.

The legislation I am introducing today essentially keeps the existing structure of the Council intact, while at the same time it addresses issues raised by GAO by giving the Council a clear statutory mandate.

First, the legislation maintains the Executive Order's statement of administration policy that Federal agencies should not undertake actions that may lead to the introduction or further spread of invasive species without careful consideration of the costs that the proposed action may cause. The legislation requires that the Council for Environmental Quality, in conjunction with the Council, issue guidelines for Federal agencies to help them consider the consequences of any proposed action. The intent of this provision is to create a common set of guidelines by which all Federal agencies

can measure their actions, not to give individuals a private right of action against government agencies that take actions regarding invasive species.

Second, the legislation makes some modifications to the existing institutional structure of the Council. The membership of the Council will remain the same; however the legislation updates the membership, as described by the Executive Order, to reflect additional agencies that have been added since 1999. It also makes the Council an independent entity within the Executive Branch, to be chaired on a rotating basis by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. This is a change from the Executive Order, which called for the Council to be housed within the Department of Interior and chaired by that agency. If the Council is to be a truly independent entity that can work with all Federal agencies, this change is necessary.

Third, the legislation retains the duties of the Council as described by the Executive Order (including development of an updated National Management Plan), but it adds some new duties in order to give the council more tools to use in coordinating Federal programs. In particular, the Council must submit an annual list of the top priorities in several different areas related to addressing the threat posed by invasive species. The legislation also specifically calls upon the Council to work with Federal agencies during the budget development and submission process in order to ensure that budget priorities reflect the priorities of the National Management Plan. The legislation also calls on the Office of Management and Budget to develop a crosscut budget of all invasive species efforts in the Federal government. This is a necessary tool for the Council to coordinate efforts among the various Federal agencies.

Finally, the legislation retains the existing Invasive Species Advisory Council to serve as an important contributor to the ongoing dialogue between the Federal government and stakeholders to ensure that the Federal government acts in the most effective way.

This legislation will help further the Federal government's efforts to combat invasive species, and I urge all of my colleagues to cosponsor this important legislation.

BAN ON CONVERSIONS IN INDIA SHOWS IT IS THEOCRACY, NOT DEMOCRACY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. BURTON of Indiana. Mr. Speaker, while we were in recess, a law was passed in the Indian state of Tamil Nadu by the Hindu fundamentalist government there that bans religious conversions to any religion but Hinduism. The Washington Times did an excellent report on this bill in its issue of November 11.

According to the article, the bill "penalizes those who convert to a religion other than Hinduism with imprisonment and a hefty fine." The ruling BJP and its coalition partners, as well as one of its sister organizations, the Vishwa Hindu Parishad (VHP), have endorsed this bill and called for similar bills to be passed all over the country.

The militant Hindu nationalists claim that people are being converted by force. However, as John Dayal, secretary-general of the All-India Christian Council in New Delhi, said, "In fact, the only inducements by fraud and fear are those being carried out by [Hindu organizations] in the tribal belt, where innocent tribals are being forced to become Hindus." A Cabinet members was quoted several months ago as saying that everyone who lives in India must be a Hindu or be subservient to Hindus. This is the reality of Indian democracy, Mr. Speaker.

India must start acting like a democracy. 52,268 Sikhs political prisoners and tens of thousands of other political prisoners being held in India must be released. Since 1984, over 250,000 Sikhs have been murdered by the Indian government. The Indian regime has also killed over 85,000 Kashmiri Muslims since 1988, over 200,000 Christians in Nagaland, and tens of thousands of other minorities, including Assamese, Bodos, Dalits, Manipuris, and Tamils, among others. Last spring, 2,000 to 5,000 Muslims were murdered in Gujarat with the connivance and support of the police. In November, the government of Pakistan issued 400 visas to Sikhs to come and celebrate the birthday of one of the Sikh Gurus, Guru Nanak. India only let 48 Sikhs to the celebration.

Why are American taxpayers being asked to support this theocratic regime? It is time to cut off our aid to India, and it is time to support the American principles of freedom, democracy, peace, and stability by openly and publicly supporting self-determination for all the peoples and nations of South Asia, such as Khalistan, Kashmir, Nagalim, and others, through a free and fair plebiscite. This will show India's commitment to being a true democracy rather than a Hindu theocracy.

Mr. Speaker, I would like to place the Washington Times article on the anti-conversion ordinance into the RECORD at this time for the information of my colleagues.

[From the Washington Times, Nov. 11, 2002]

LOW-CASTE HINDUS EYE NEW RELIGIONS

(By Shaikh Azizur Rahman)

NEW DELHI.—Low-caste Hindus in the southern Indian state of Tamil Nadu are threatening to embrace Christianity, Buddhism or Islam to protest a new law that outlaws religious conversion.

A bill passed into law by the state legislature last month penalizes those who convert to a religion other than Hinduism with imprisonment and a hefty fine.

While religious minorities in Tamil Nadu plan to challenge the law in court, many Hindus from so-called "untouchable castes," known as Dalits, are threatening to publicly defy the new law.

One group of Dalit Hindus in the state capital, Chennai, said that a group of 10,000 will convert to Buddhism on Dec. 6 if the law is not revoked.

Another group, known as the Dalit Panthers of India [DPI), pledged that 25,000 of its members would become Christians to protest what they called an "unjustified" decree.

"The upper class has been torturing the Dalits for centuries, and now, by passing the bill, the government has decided to shackle us in a society where we are denied even our basic democratic rights," said one Dalit activist, who identified himself by the Christian name Emmanuel.

On Oct. 31, Tamil Nadu became the first—but probably not the last—Indian state to outlaw religious conversions. Though the law targets conversions "by force, allurement or fraudulent means," opponents say the language offers the means to challenge all conversions to faiths other than Hinduism.

"Even if one changes one's religion of one's own free will, those involved in the conversion can be punished on the ground that it's a case of forced conversion," said M. Karunanidhi a former chief minister of Tamil Nadu.

The new law was welcomed by Hindu fundamentalists, who govern the nation in a coalition led by the Hindu nationalist Bharatiya Janata Party (BJP).

"The BJP is strongly of the view that this law is most necessary for the whole country. Lots of money is coming into the country from Islamic organizations to aid conversions," said BJP President M. Venkaih Naidu.

Ashok Singhal, leader of the World Hindu Council (VHP), hailed the law as a "timely and bold step" and he urged other states to pass similar laws.

The issue of religious conversion has long been a source of strife in India. While federal law allows Indians to change their faith, the ruling BJP makes no secret of its dislike to the practice, while its ruling partner—the VHP party—views conversions as betrayal.

Opponents of the new law warn it will only trigger an even larger exodus of Hindus to other faiths.

The Global Council of Indian Christians said it was "alarmed by the hurriedly promulgated ordinance," and called it "the most heinous violation of religious freedom aimed at targeting Christian missionaries engaged in poverty alleviation and spreading the light of education.

The All-Indian Christian People's Forum said that it went against the core of the Constitution. "This ordinance is uncalled for, unwarranted and smacks of a pro-Hindu ideological basis of the . . . government".

"The bill runs foul of Article 25 [25] of the Indian Constitution, which grants freedom of conscience and free profession, practice and propagation of religion to every Indian citizen," the group said.

Dominic Emmanuel, director of New Delhi Catholic Archdiocese, called the measure, "an assault as much on civil rights as on human rights as on human dignity."

John Daya, secretary-general of the Christian Council in New Delhi, said: "In fact the only inducements by fraud and fear are those being carried out by [Hindu organizations] in the tribal belt, where innocent tribals are being forced to become Hindus."

Muslims, too, are concerned.

How can conversions be prevented if an individual is attracted to another religion because of his or her faith in it? Force is never used to convert one to Islam because it is against the basic tenets of [Islam]," said Maolana Siddikullah Chowdhury, general secretary of the Jamiat-e-Ulema party in Calcutta.

He added that low-caste Hindus converted to Islam simply to "escape discrimination and ill treatment" and not under any coercion.

PAYING TRIBUTE TO: SILVERTON FIRE DISTRICT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize the Silverton Fire District for their service and dedication during one of Colorado's most formidable fire seasons. Last summer, the Silverton Fire Department played an integral role in containing the Missionary Ridge forest fire that burned over 70,000 acres in Southwestern Colorado. Today, I would like to pay tribute to their heroic efforts before this body of Congress and this nation.

When the Missionary Ridge fire first erupted last June, the citizens of Durango, Bayfield and the surrounding communities called upon the Silverton Fire District to protect their loved ones, homes, and communities from what would become the worst fire in area history. The fire began in a ditch beside Missionary Ridge Road just 15 miles northeast of Durango and grew to consume more than 70,000 acres, 56 residences, and 27 outbuildings.

Although the Missionary Ridge fire was a devastating reminder of how destructive forest fires can be, it also served to remind us of the men and women who risk their lives to protect their fellow citizens on a daily basis. The Silverton Fire District has served the citizens of Colorado for many years and has a reputation for its outstanding service. The district relies upon the Chief and its fire fighters to remain on call, prepared to fight fires or provide medical assistance on a moment's notice.

Mr. Speaker, it is with sincere admiration that I recognize the Silverton Fire District before this body of Congress and this nation. I want to commend all of the Fire District's fire fighters for their determination, courage, and resolve during last summer's efforts on Missionary Ridge. Without the help of the Silverton Fire District and others, the added devastation to our community, environment, and quality of life would have been unimaginable. Their tireless commitment throughout the fire season has served as an inspiration to us all and it is an honor to represent such an outstanding group of Americans in this Congress.

IN HONOR OF NOAM SHUDOFSKY, ADMINISTRATOR OF RAMAZ DAY SCHOOL

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to Noam Shudofsky on the occasion of his retirement as Administrator of Ramaz Day School, one of the finest religious schools in New York City. Mr. Shudofsky, a native New Yorker, was born and raised in my hometown, Brooklyn, where he attended the Yeshiva of Flatbush. He has since enjoyed a long and exemplary career as an educator in New York. It is my pleasure to honor him today.

In his role as Administrator of Ramaz, Mr. Shudofsky has helped to maintain the vision of its founder, Rabbi Joseph Lookstein. He came to Ramaz in 1962, and has served as Administrator for 40 years. As Administrator, Mr. Shudofsky has managed the day to day operations of the school, and is responsible for the operational fund raising. His career at Ramaz has helped to make it the world-renowned institution that it is today.

In addition to his role as an educator, Mr. Shudofsky was a leader in the movement to free Soviet Jews from Communist oppression and permit their emigration to Israel, and was one of the first people to travel to the Soviet Union during that period. He has three children, and multiple grandchildren.

For his commitment to Jewish education, to his community and his city, and to the freedom of the Jewish people, it is my privilege to congratulate Mr. Shudofsky on this special occasion.

RECOGNITION OF IVORY LATTA

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. SPRATT. Mr. Speaker, this past week in my hometown, York, South Carolina, we made history Ivory Latta, standing all of 5 feet 6 inches in her shoes, set a new state scoring record in high school basketball, breaking the standing record of 3,427 points set by Allison Feaster, now a player for the Charlotte Sting.

Ivory was within reach of the record when York Comprehensive High School went up against East Forsyth High in the Dell Curry Basketball Shoot-Out in Charlotte, and she lost no time going after it. In the first 8 seconds of the game, she stole the ball and went in for a lay-up. She went on to score 52 points. This brought her career total to 3,439 points, more than any other player in our state, boy or girl, has ever scored. Since basketball season is far from over, Ivory will score more, and raise the bar even higher, before her high school career is finished.

Ivory Latta is a star in the classroom as well as on the basketball court. She has a grade point ratio of 3.9, and is headed for the University of North Carolina at Chapel Hill on scholarship next fall.

I bring this young lady's feat to the attention of the House because I think we will be hearing a lot more from Ivory Latta as she takes her extraordinary skills and team-play spirit on to college and possibly into the pro's. As her congressman, I share Ivory Latta's story with you because I am immensely proud of her. So is everyone throughout the Carolinas, and not least in York, which has declared Friday, January 10, "Ivory Latta Day."

The following is an editorial tribute to Ivory Latta that appeared in The Herald in Rock Hill, South Carolina on January 8, 2003:

[From the Herald, Jan. 8, 2003]

LATTA DESERVES ACCOLADES

York's Ivory Latta now stands as the greatest high school basketball scorer, boy or girl, in South Carolina history, and the universal sentiment seems to be: It couldn't happen to a nicer kid.

On Friday, the day Latta reached and then exceed the scoring record, her biggest concern was her team. While she may be the spark plug for the York Comprehensive High School Lady Cougars, she is, first and foremost, a team player.

On this day, the Cougars would fall to East Forsyth in the Dell Curry High School Basketball Shootout in Charlotte. But nothing could eclipse the accomplishment of Latta, the 5-foot-six guard who scored 52 points in the game, bringing her career total to 3,439.

In reaching this pinnacle, Latta had to break the scoring title of another formidable local athlete. Until Friday, the scoring record of 3,427 points had been held by Allison Feaster, the Sting player, who set that record her senior year at Chester High School, in 1994.

Latta seems to be following in Feaster's footsteps in other ways as well. Feaster was an outstanding student who went on to graduate from Harvard University in 1998. Latta, who maintains a 3.9 grade-point average, is headed for the University of North Carolina on a basketball scholarship.

In addition to being tops in scoring, Latta has set numerous other records, including the number of 3-pointers made in a season (121), 30-point or more games in a season (23), 40-point or more games in a season (9), free throws made in a season (229) and free throws made in a state championship (17).

Some young player, perhaps one just learning to dribble a basketball, may someday challenge this amazing record. Whoever that player may be, he or she could do no better than emulate Latta as a role model.

INTRODUCTION OF THE DIVIDEND PAYMENT INCENTIVE ACT OF 2003

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. PETRI. Mr. Speaker, today, I am introducing legislation to authorize a deduction from corporate income for dividends paid to stockholders. This legislation, the Dividend Payment Incentive Act of 2003, will provide benefits to shareholders, public company managers, and the broader U.S. economy. Passage of this bill is important for many reasons, including:

This legislation will end the double taxation of dividends. Currently, corporate income is taxed at 35 percent and then shareholders also pay personal income tax on any dividends received. An investor in the 27 percent tax bracket nets less than 48 cents for each dollar of earnings a public company allocates to dividend payments.

Current tax policy provides a disincentive for corporations to transfer earnings to shareholders, and dividend payments have declined significantly. In fact, many corporations make no dividend distributions.

Clearly, the expectation of receiving regular dividend payments from profitable companies can persuade investors to invest money in our equity markets. It has been estimated that dividends comprised half of the average return to shareholders in the decades before 1990.

Encouraging managers to make dividend distributions can help to boost overall stock market performance by providing a very real incentive for investors to put their hard-earned money back into the stock market.

Because corporate income is taxed at a single 35 percent rate and personal income is taxed at marginal rates ranging from 15 to 38.6 percent, ending the double taxation of dividends on the corporate tax side will provide a fairer distribution of the benefit to taxpayers at all income levels. This stands in sharp contrast with proposals to reduce the personal income tax on dividends received which will give a greater benefit to taxpayers paying higher marginal tax rates.

Income allocated to dividends is fully taxed while interest payments are deductible. This uneven treatment of different financing vehicles distorts the corporate decisionmaking process by creating a distinct financial advantage for borrowing. Allowing a deduction for dividends paid will equalize this treatment and enable corporate managers to consider the full range of debt and equity financing options.

The time has come to end the double taxation of dividends, and it should be clear that enacting this reform through a corporate side deduction will provide the greatest benefit to the broadest array of taxpayers.

JOB CREATION ACT OF 2003

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. KNOLLENBERG. Mr. Speaker, today I have introduced the Job Creation Act of 2003. The country is now in its second year of economic growth, but we are not growing fast enough. We must continue to look for ways to continue and quicken our economic recovery.

President George W. Bush recently announced his economic growth and jobs plan to strengthen the American economy by providing accelerated tax relief to every American paying income tax, encouraging job creation by giving small businesses incentives to grow, and helping displaced workers.

This is a step in the right direction, but we must also address the numerous benefits that an elimination of capital gains taxes would have on our economy. The Job Creation Act would eliminate capital gains taxes for individuals.

By cutting the capital gains tax, we create greater incentives to invest and start new businesses, which means more jobs available. In addition, a cut in the capital gains tax will almost certainly generate more revenue, as was the case when the tax was reduced in the early 1960s and late 1970s.

Furthermore, it is estimated that trillions of dollars are being held in investments such as stocks, bonds, and market funds to avoid the tax. Relief from the capital gains tax would induce people to profit from their investments, leading to the potential of ''unlocking'' hundreds of billions of dollars of stored up wealth.

The elimination of the capital gain tax would also eliminate a complex and confusing portion of our tax code. Relief would enable people to better plan for retirement by knowing the true value of their investments without worrying about federal taxes.

I am pleased to have introduced the Jobs Creation Act and look forward to working with my colleagues on this important issue.

PAYING TRIBUTE TO: SAN JUAN COUNTY FIRE DEPARTMENT

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to recognize the San Juan County Fire Department for their service and dedication during one of Colorado's most formidable fire seasons. Last summer, the Fire Department played an integral role in containing the Missionary Ridge forest fire that burned over 70,000 acres in Southwestern Colorado. Today, I would like to pay tribute to their heroic efforts before this body of Congress and this nation.

When the Missionary Ridge fire first erupted last June, the citizens of Durango, Bayfield and the surrounding communities called upon the San Juan County Fire Department to protect their loved ones, homes, and communities from what would become the worst fire in area history. The fire began in a ditch beside Missionary Ridge Road just 15 miles northeast of Durango and grew to consume more than 70,000 acres, 56 residences, and 27 outbuildings.

Although the Missionary Ridge fire was a devastating reminder of how destructive forest fires can be, it also served to remind us of the men and women who risk their lives to protect their fellow citizens on a daily basis. The San Juan County Fire Department has served its citizens and community since 1962 and oversees a 5,500 square mile region. The Department relies upon 330 volunteers who remain on call, prepared to fight fires, conduct rescue operations, or provide medical assistance on a moment's notice.

Mr. Speaker, it is with sincere admiration that I recognize the San Juan County Fire Department before this body of Congress and this nation. I want to commend the Department's fire fighters for their determination, courage, and resolve during last summer's efforts on Missionary Ridge. Without the help of the San Juan County Fire Department and others, the added devastation to our community, environment, and quality of life would have been unimaginable. Their tireless commitment throughout the fire season has served as an inspiration to us all and I extend my sincere gratitude to everyone in the department.

INTRODUCTION OF THE BROWNFIELDS REDEVELOPMENT ENHANCEMENT ACT

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today to reintroduce the Brownfields Redevelopment Enhancement Act, to provide communities with new options when it comes to financing Brownfields redevelopment projects. This legislation gives local communities a valuable tool to address blight, create new jobs, and expand their tax base. Last Congress, identical language passed the House unanimously on June 4, 2002. I would like to thank the following Members who join me in introducing this important legislation today: Ms. MALONEY, Chairman OXLEY, Mr. KANJORSKI, Mr. LEACH, Ms. KELLY, Mr. MCHUGH, Mr. TOOMEY, Mr. SOUDER, and Ms. HART.

The EPA defines Brownfields as ''abandoned, idled, or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.'' It is estimated that there are over 500,000 Brownfield sites across the country in need of cleanup and remediation. Brownfields represent more than just eyesores blighting individual communities. They threaten our groundwater supply, cost our local communities jobs and revenue, and contribute to urban sprawl.

Unfortunately, the largest obstacle cities face when redeveloping Brownfields sites is the lack of capital needed to carry out essential early-stage activities such as site-assessment, remediation planning, and actual cleanup. Because private financiers are often unwilling or unable to provide the funding to take a site through the full redevelopment cycle, local municipalities and local leaders find themselves confronted with the complex task of redevelopment. The Brownfield Economic Development Initiative or BEDI grant program was designed to help cities overcome this challenge. The HUD program was created in 1998 to provide flexible funds for any stage of the revitalization process, from site assessment and clean up to economic development.

Current law makes the BEDI grant difficult to utilize. If a local community wishes to pursue clean-up and redevelopment funds from HUD, they must first apply for a Section 108 loan. In order to secure this loan, they are required to put up a portion of their Community Development Block Grant (CDBG) money as collateral. Few cities are willing to tie up these funds on a loan guarantee—especially in the early stages of a Brownfields redevelopment. Tying up CDBG funds means a city may be forced to discontinue other programs which benefit low to moderate-income residents in order to pursue a riskier redevelopment project. For instance, CDBG funds are used to provide important community services such as Meals on Wheels and child care programs. Without the Section 108 loan guarantee, cities are effectively locked out of the BEDI grant.

The Brownfields Redevelopment Enhancement Act remedies this problem by de-linking the BEDI grant program from the Section 108 loan guarantee and clarifying that CDBG funds may be used for Brownfields redevelopment. In addition, the bill creates a pilot program for a revolving loan pool for Brownfields redevelopment. As a result, cities will have new options—they can proceed, as under current law, by applying for a Section 108 loan, to be secured by a portion of their CDBG funds, and then apply for a BEDI grant; they can simply apply for a BEDI grant; they can apply for pilot

program funds; or they can use any combination of the above which best meets their project needs. With the flexible access to such government funding, we can help revitalize Brownfields sites across the country.

It is important to point out the benefits cities will receive under this legislation. First, there will be a direct, positive effect on the environment when the sites are cleaned up. Second, cities have an opportunity to minimize urban sprawl and preserve existing green space by working with local developers and builders to utilize previously developed properties. Due to the liability associated with Brownfields, many developers currently opt to purchase and plan projects on open space. This bill will empower cities to take ownership of their Brownfields and work with their development community to design projects that utilize existing infrastructure. Most importantly, it is estimated that up to $2.4 billion in new tax revenues can be generated through Brownfields redevelopment.

The goal of H.R. 2941 is to make two existing HUD programs work better for the communities they are intended to serve. In speaking with my local mayors, I learned that communities in my district are currently locked out of the BEDI grant program. The city manager of the City of La Habra, California, which is in my district, has stated that this bill "would only further assist the City's efforts in pursuing the clean-up of environmentally contaminated sites." I assure you that many of my colleagues will hear similar sentiments from community leaders in their districts.

Let's give cities access to the up-front financing they need to clean up Brownfields sites. I urge expeditious consideration of this crucial legislation.

A TRIBUTE TO LILLIAN WOOD FOR 50 YEARS OF SERVICE WITH THE MARINE CORPS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to Mrs. Lillian Wood, who is well-known in many of our offices as the "go-to" person to provide service and answers to constituents who are Marines or former Marines. After 50 years of service as a civilian with the U.S. Marine Corps, Mrs. Wood is retiring as head of the Legislative Affairs Correspondence Branch.

As you and my colleagues know, when our constituents decide to "call my Congressman" to fix a problem, we turn to the agencies involved to help us with that solution. During her several decades with the Marine Corps legislative affairs office, Mrs. Wood helped tens of thousands of our constituents gain satisfaction, and she has become a shining example of a government official dedicated to public service.

A native of East Millsboro, Pennsylvania, Lillian went to work for the Marine Corps as a clerk-typist in 1952, not long after her high school graduation. She soon moved up to clerk-stenographer and began a quick ascent in the Marine Corps support services. From 1955 to 1966, she served with the Marine Corps dental/administrative division, and later with the reserve, aviation and G–4 divisions.

Her supervisors were so impressed with her business administration acumen that in 1966 Mrs. Wood was asked to join the Special Correspondence Branch of the Manpower and Reserve Affairs Department, formerly the Personnel Department. She was ultimately responsible for 28 employees in that department, and advanced to assistant branch head before her assignment to the legislative affairs correspondence branch.

Because of her personal integrity and the utmost respect and confidence she receives from the Corps, Mrs. Wood ensures that the Marines speak with one voice to congressional offices. She serves as the focal point for more than 4,000 written inquiries sent each year from Members of Congress. Her understanding of the needs of the average Marine and former Marine has been vital not only to our offices, but to the Secretary to the Navy, the Bureau of Medical Surgery and other military services.

Mr. Speaker, I ask you and my colleagues to join me in thanking Lillian Wood for 50 years of dedicated service with the Marine Corps, for showing exemplary leadership and inspirational service that set the standard for civilian service in the Corps and the United States Naval Service. We wish her well in her retirement.

HATE SUCCEEDS IN INDIA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. BURTON of Indiana. Mr. Speaker, there was an interesting article in the Washington Post on December 11. It shows that hate can be a winning platform in India.

The article focuses on Jeetubhai Waghela, a candidate of the ruling BJP in the recent elections. He was involved in the killings in Gujarat last year, according to Muslims there. Now he runs as a protector of Hindus and this platform of hatred gains votes for him.

The Indian government has oppressed minorities for many years. In 1984, almost 20 years ago, it invaded the Golden Temple in Amritsar, the most sacred of Sikh shrines. Since then, over 250,000 Sikhs have been murdered by the government, according to figures from the Punjab State Magistracy. 52,268 Sikhs are being held as political prisoners, according to a study from the Movement Against State Repression. These political prisoners should be released immediately.

The government was directly involved in the murders in Gujarat last year, according to published reports in India. It has killed over 85,000 Kashmiri Muslims as well as Muslims throughout the country. Over 200,000 Christians have been killed in Nagaland. Since Christmas 1998, priests have been murdered, nuns have been raped, churches have been burned, and Christian schools and prayer halls have been attacked. Missionary Graham Staines and his two young sons were burned to death while they slept in their Jeep. Police broke up a religious festival with gunfire. These acts have been carried out by government forces or by their Hindu nationalist allies with government connivance. Is this a democracy?

We can help stop hate in the subcontinent. We must cut off our aid to India and we must come out for a free and fair plebiscite on independence in Kashmir, as India promised in 1948, as well as in Khalistan, in Nagaland, and the other countries seeking their freedom from India. Self-determination is the right of all peoples and nations, Mr. Speaker. That was the principle on which America is founded. It must be the principle that we promote around the world.

Mr. Speaker, I would like to place the Washington Post article I referred to into the RECORD at this time.

[From the Washington Post, Dec. 11, 2002]

IN INDIAN ELECTION, HATE IS PART OF PLATFORM

(By Rama Lakshmi)

AHMEDABAD, India—The candidate marched down the slum's narrow lanes, followed by men dancing to the sound of loud drums and spraying the streets with marigold petals. Hindu women paused from their chores of peeling garlic and doing laundry to offer garlands and blessings.

The cheerful scene, part of Jeetubhai Waghela's campaign for a seat in the state legislature, played out beneath a cloth banner that revealed a more ominous aspect of the coming election here in India's western state of Gujarat. The banner vows to avenge the killing of 58 Hindus during an attack on a train by Muslims last February, and as the supporters of Waghela, a member of the Hindu-nationalist Bharatiya Janata Party (BJP), pressed forward and choked the alleys, Muslim residents quickly hurried indoors.

"Here comes the lion," roared Waghela's men.

Nine months ago, as Gujarat was being riven by religious violence that followed the killing of the Hindus, Waghela stormed the same streets with a mob of Hindu men wearing orange bandanas and armed with swords, sticks and gasoline, according to witnesses and police records. Shouting angry slogans at Muslim residents, Waghela allegedly ordered the mob to loot and destroy their homes, leaving them homeless for months.

"For three days, Waghela and his men looted and burnt our homes. For eight months, we lived in relief camps because of him," said Nasir Khan, a complainant. "Now he tells Hindus he is their protector against us. Where do we run for cover if he gets elected?"

After a Muslim mob in the town of Godhra killed 58 Hindu train passengers in February, more than 1,000 people died, most of them Muslim, in weeks of arson and killing throughout Gujarat. Human rights groups have accused the BJP—the ruling party in Gujarat as well as in India's national government—of essentially ignoring the killings by its Hindu extremist allies.

As Gujarat prepares to elect a new state legislature on Thursday, many analysts are describing the vote as an important test of the secular foundations of India's religiously and ethnically diverse democracy.

In a state where only 9 percent of the population of 50 million is Muslim, the BJP is counting on sectarian passions to consolidate the Hindu vote. Throughout the state, BJP leaders have delivered fiery speeches

against Muslims involved in the Feb. 27 attack and against Pakistan-aided Islamic militants killing Hindus in the revolt-wracked province of Jammu and Kashmir.

One such party stalwart is Waghela, who was arrested in connection with this year's riots on four charges, including murder and rioting. Jailed for 108 days and now free on bail, Waghela, 31, is back here in Gomtipur, a mixed working-class neighborhood in Ahmedabad, with folded hands, asking for votes for the BJP. He denies playing a role in the riots and insists he was framed.

Campaigning on a recent morning, Waghela identified a new target of hate for his Hindu voters. Climbing on a platform, he told them that a fancy new high-rise for Muslims is being planned adjacent to their homes, on the site of a closed textile mill. He warned them that they would not be safe any longer.

''You will be surrounded from all sides by Muslims,'' said Waghela, breathlessly flicking back his hair from his forehead. ''Don't let them gain power over you. Vote for me and I will stop that building plan.''

''Do you want the building here?'' he said.

''No!'' the crowd shouted back.

This election is critical to the political destiny of the BJP, which has suffered defeats in several state elections in the past two years. Gujarat is the last major state in which the party holds power, and critics fear that it could use a victory here as an endorsement of strident Hindu politics. The national coalition that the BJP leads in New Delhi under Prime Minister Atal Bihari Vajpayee will face the polls in 2004.

''In this election, the BJP is seeking a legitimization of violence that its members indulged in against the Muslims,'' said Achyut Yagnik, a political analyst and social worker in Gujarat. ''The results in Gujarat will determine whether they take this appeal of Hindutva [Hindu chauvinism] beyond Gujarat.''

The BJP's main challenger in Gujarat—and at the national level—is the Congress party, which attacks the BJP's Hindu fundamentalism for endangering the lives and rights of India's religious minorities. As a result, Gujarat's Muslims and Christians have rallied behind Congress, while many Hindu voters in Gujarat feel that Congress, headed at the national level by the Italian-born Sonia Gandhi, has an anti-Hindu slant and defends only the religious minorities.

Opinion polls show that it is likely to be a close contest between the BJP and Congress. Some secular analysts said that although Hindu voters may find the demagoguery of the BJP attractive, the social divisions inherent in the caste system may prevent Hindus from voting as a bloc.

The Muslims of Gujarat, on the other hand, appear to have decided to vote en masse for Congress. Yet many complained that Congress took their support for granted and often forgot them when attaining power. They will vote for Congress, they say, simply because they have no other choice.

Nowhere is this frustration felt more sharply than in Godhra, the epicenter of Gujarat's religious strife.

The BJP's candidate in Godhra, Haresh Bhatt, campaigns under banners of the burning train, distributes pictures of the dead Hindu passengers and describes the election as a ''religious war.'' But the Congress candidate there, Rajendra Singh Patel, many Muslims said, was involved in burning the shops and homes of Muslims in March.

''We made two appeals to the Congress last month not to field Patel in the elections, but they still made him the candidate,'' said Mohammad Yusaf, 56, a clerk in the city government. ''But we are caught between a ditch and a well. To defeat the BJP, we will have to vote for Patel. But our heart is not in it.''

THE HOUSING BOND AND CREDIT MODERNIZATION AND FAIRNESS ACT OF 2003

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from Massachusetts, Representative RICHARD NEAL, in introducing our bill, "The Housing Bond and Credit Modernization and Fairness Act of 2003". My collaboration with Mr. NEAL today is indicative of the broad bipartisan support Housing Bonds and the Low Income Housing Tax Credit (Housing Credit) programs enjoy.

The Congress has a golden opportunity, without creating any new program or asking for any appropriation of Federal money, to create new housing opportunity for tens of thousands of low- and moderate-income families every year. All it will take is enactment of simple legislation to eliminate obsolete provisions in the two principal federal programs that finance the production of affordable housing: Housing Bonds, or single-family Mortgage Revenue Bonds, MRBs, as they are commonly known, and the Housing Credit.

This bill is identical to the one Representative NEAL and I introduced in the 107th Congress, which earned the support of 360 House cosponsors from both parties, from all regions of the country, and from rural and urban districts.

The Housing Bond and Credit Modernization and Fairness Act of 2003 would do three things.

First, the bill would repeal the Ten-Year Rule, a provision added to the MRB program in 1988 that prevents states from using homeowner payments on such mortgages to make new mortgages to additional qualified purchasers. For each day the Ten-Year Rule is in effect, states lose millions of dollars in financing for first-time home buyer mortgages, amounting to more than $12 billion in mortgage authority between 2001 and 2005. This represents nearly half of the entire Bond cap increase Congress enacted in 2000. Our bill would eliminate the Ten-Year Rule to allow states to use mortgage payments to finance additional lower income mortgages.

Second, the bill would replace the present unworkable limit on the price of the homes these mortgages can finance with a simple limit that works. No reliable comprehensive data exists to determine average area home prices. The current price limits were issued in 1994 based on 1993 data. They are obsolete and well below current home price levels in most parts of the country. Many qualified buyers simply cannot find homes that are priced below the outdated limits.

The answer is to replace the present limit, set in Washington, by a simple formula limiting the purchase price to three and a half times the qualifying income under the program.

Finally, the bill makes Housing Credit apartment production viable in rural areas by allowing statewide median incomes as the basis for the income limits in that program. This change would apply the same methodology for determining qualifying income levels used in the MRB Program. HUD data shows that current income limits inhibit Housing Credit development in more than 1,300 nonmetropolitan counties across the country.

I am pleased to tell my colleagues that the changes proposed by the Housing Bond and Credit Modernization and Fairness Act of 2003 have been endorsed by the bipartisan National Governors Association, the National Council of State Housing Agencies, and every major national housing organization. These groups know how important the Housing Bond and Housing Credit programs are in giving states the ability to meet the housing needs of low- and moderate-income families.

Today, I ask you to join in a bipartisan effort to see that these important provisions are enacted as part of tax legislation this year.

TRIBUTE TO PAUL B. HIGGINBOTHAM

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to recognize Paul B. Higginbotham, a Dane County Circuit Court Judge for the past 8 years, for his continued service to the people of Wisconsin.

Paul Higginbotham is a 29-year resident of Dane County and a former small business owner. Throughout his life he has demonstrated an extraordinary commitment to public service.

As a Circuit Court Judge, he presided over some of the most significant cases in recent history, including the case challenging the Milwaukee private school voucher program, which ultimately reached the U.S. Supreme Court.

In addition to his work on the Circuit Court, Paul was the city of Madison's first Municipal Judge. He was also a successful attorney who worked for a diverse group of law firms, focusing particularly on the areas of civil rights, family law, criminal defense, and housing. Between 1993 and 1994 he served as the Acting Executive Director of the Madison Equal Opportunities Commission. From 1988 to 1992, Paul was the Dane County Minority Affairs Coordinator in the County Executive's Office, where his advocacy ensured our government would reflect the rich diversity of the community. He has also served as a lecturer at the University of Wisconsin Law School and as a staff attorney for the Metropolitan Milwaukee Fair Housing Council.

Judge Higginbotham has also been an active community member in the greater Madison area, benefiting numerous community service organizations. He currently serves on the United Way Foundation Board of Trustees and is involved with both the Collaborative Management Team and the Comprehensive Approaches to Sex Offender Management

Program. In the past, he has served as a Vice-President of the Madison Mutual Housing Association Board of Directors, a trustee of the Greater Madison Housing Foundation, as well as an Executive Committee Member of the NAACP. He was also a Commissioner of the Dane County Housing Authority, President of WORT Radio, co-chair of the Grant Allocations Board of the Wisconsin Community Fund, and Private Sector Review Committee Member of Madison Area Technical College.

Wisconsin is fortunate to have a public servant with the commitment, passion, and integrity of Paul Higginbotham. As the Wisconsin Community Fund honors Paul Higginbotham, I am proud to join them in thanking him for his dedication and service to the community.

THE ARC OF LUZERNE COUNTY CELEBRATES 50 YEARS OF SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the service to the community of the Arc of Luzerne County, PA, which was founded in 1952 as the Wyoming Valley Council for the Mentally Retarded. The Arc will hold its 50th anniversary celebration on January 15, 2003.

Like many nonprofit organizations, the Arc of Luzerne County started as a small group of parents trying to make a better life for their children. Today, the Arc has become an influential advocacy organization serving all people with mental retardation and related developmental disabilities and their families. The local organization also benefits from its affiliation with the state and national Arc.

Among the many accomplishments of the Arc of Luzerne County is the Community Resource Center, which opened in July 2000 to serve people in six northeastern Pennyslvania counties. Since opening, the center has provided a creative arts program and other community integration activities, as well as up-to-date information and a place for the people it serves to meet with each other and with caregivers and service providers.

The Arc of Luzerne County also has a long history of working to improve the support services offered to children and adults with mental retardation and related developmental disabilities. In addition, the organization provides representative payee services and independent monitoring teams that assess the quality of residential facilities.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the half-century of service to the community of the Arc of Luzerne County, and I commend its members for their hard work and dedication.

PAYING TRIBUTE TO: MANCOS FIRE PROTECTION DEPARTMENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to recognize the Mancos Fire District for their service and dedication during one of Colorado's most formidable fire seasons. Last summer, the Mancos Fire Department played an integral role in containing the Missionary Ridge forest fire that burned over 70,000 acres in Southwestern Colorado. Today, I would like to pay tribute to their heroic efforts before this body of Congress and this nation.

When the Missionary Ridge fire first erupted last June, the citizens of Durango, Bayfield, and the surrounding communities called upon the Mancos Fire District to protect their loved ones, homes, and communities from what would become the worst fire in area history. The fire began in a ditch beside Missionary Ridge Road just 15 miles northeast of Durango and grew to consume more than 70,000 acres, 56 residences, and 27 outbuildings.

Although the Missionary Ridge fire was a devastating reminder of how destructive forest fires can be, it also served to remind us of the men and women who risk their lives to protect their fellow citizens on a daily basis. The Mancos Fire District has served the citizens of Colorado for many years and has a reputation for its outstanding service. The district relies upon its volunteers to remain on call, prepared to fight fires or provide medical assistance on a moment's notice.

Mr. Speaker, it is with sincere admiration that I recognize the Mancos Fire District before this body of Congress and this nation. I want to commend all of the Fire District's fire fighters for their determination, courage, and resolve during last summer's efforts on Missionary Ridge. Without the help of the Mancos Fire District and others, the added devastation to our community, environment, and quality of life would have been unimaginable. Their tireless commitment throughout last summer's fire season has served as an inspiration to us all and it is an honor to represent such an outstanding group of Americans in this Congress.

SAN JOAQUIN RIVER RESTORATION ACT

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. NUNES. Mr. Speaker, I rise today to take the first of many steps to improve the water situation in the San Joaquin Valley of California. Today, the San Joaquin Valley continues to face a water crisis in which our water supplies have become inadequate to meet expanding needs. Demands by domestic users, industry, and environmental needs continue to grow with no relief in sight. One of my top priorities in Congress is to address this water crisis and begin the long process of constructing much needed water storage for the Central Valley.

Today, I have introduced the San Joaquin River Restoration Act which will take the first step to construct a major storage facility on the Upper San Joaquin River. This legislation directs the Secretary of the Interior to conduct a study to determine the feasibility of increasing water storage capability on the Upper San Joaquin River. Furthermore, this legislation directs the Secretary to investigate the feasibility of increasing power generation, improving water supply reliability and quality, improving water management efficiency, and improving ecosystem function and flood control on the river in the area of Temperance Flat.

This new storage capability on the San Joaquin River will go a long way to meet the needs of the 15,000 farmers in Madera, Fresno, Tulare, and Kern counties. While my efforts to increase storage capacity on the San Joaquin River are vitally important to our water future, it must be part of a larger water storage plan. In the coming decades, the growth in our Valley will only worsen our water crisis. Now is the time to increase our water storage and efficiency for the future. I look forward to working with my colleagues on the San Joaquin River Restoration Act.

SOUTHERN BORDER AIR QUALITY PROTECTION ACT

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. HUNTER. Mr. Speaker, I proudly represent Southern California communities, many of which are along the U.S.-Mexico border. These border communities, by and large, have a good working relationship with their neighbors in Mexico. Unfortunately, their proximity to the border causes them to suffer the consequences of Mexico's more lax environmental requirements, especially with respect to air quality. As we all know, air does not respect the international boundaries we put in place and, as a result, border communities are often penalized for activities that are actually happening south of the border and beyond their control.

At least partially due to the heavy regulatory and environmental compliance burdens, electrical generation facilities are locating in Mexico. While some companies are building power plants that meet U.S. standards, for which they should be commended, other companies are choosing to operate dirty plants as opposed to incurring the additional cost of installing the best available emission control devices.

As a result, I am reintroducing the Southern Border Air Quality Protection Act. This bill takes an immediate and important step in acknowledging that we must consider air pollution a regional issue that does not respect international boundaries. My legislation will prohibit the export of natural gas to any electricity generation facility located in Mexico and within 50 miles of the U.S. that does not meet the air pollution emission rate requirements in the nearest U.S. air quality control region. In

addition, the legislation includes a grandfathering clause so that any plants put in service before December 31, 2002 are exempted from this law.

This bill is necessary to protect our border communities from rapidly increasing emissions from unregulated, substandard power plants that leave U.S. communities vulnerable to Federal regulatory sanctions. If a plant isn't good enough to build and operate five miles inside the border in California, then it shouldn't be good enough to operate five miles across the border in Mexico.

I realize this is a first step and that more work must be done to create cross border air quality zones. I look forward to working with the appropriate U.S. agencies and the Mexican government to implement such binational agreements. In the meantime, this legislation is immediately necessary for the protection of our border communities and I urge all my colleagues to join me in this effort to ensure the clean air throughout the region.

TRIBUTE TO LOUIS MORSE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Louis Morse, clerk of Cato Township, who earned the Master Municipal Clerk designation in 2002 through the International Institute of Municipal Clerks. Mr. Morse was recognized with this honor for his exemplary performance as a municipal clerk at the local, state, national and global levels.

Mr. Morse received the highest level of education achievable for municipal clerks through the Master Municipal Clerk Academy, to which he demonstrated that he actively pursued educational and professional activities and remained informed about current events in local government. In addition, he completed coursework and earned academy points by attending professional seminars and workshops, teaching advertisement writing in the profession and participating in professional meetings and conferences.

Making a personal commitment to life-long learning and mentoring, Mr. Morse continues to serve his community through his extraordinary service. He truly makes the effort to go well beyond his regular duties.

I am honored today to recognize Mr. Morse as an outstanding citizen whose admirable qualities make him an outstanding role model to all who know him.

THE HOUSING BOND AND CREDIT MODERNIZATION AND FAIRNESS ACT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. NEAL of Massachusetts. Mr. Speaker, I join my colleague and friend, Representative AMO HOUGHTON, in reintroducing legislation to make three important changes to two of the most popular and efficient housing programs before Congress: the Mortgage Revenue Bond (MRB) program and the Low Income Housing Tax Credit program.

First, this bill repeals the Ten-Year Rule, a provision of the MRB program that restricts states from using homeowner mortgage payments to make new mortgages to qualified purchasers. This provision is obsolete and detrimental to the program. Every day, states lose millions of dollars in financing for first-time homebuyer mortgages due to this handcuffing provision. Our bill removes this unnecessarily restrictive provision to allow states to finance additional lower income mortgages.

Next, the bill replaces the present limit on the purchase price of the homes these mortgages can finance. The plain fact is there are no reliable comprehensive data that exist to determine average area home prices. The current price limits were issued in 1994 based on 1993 data and are well below current home price levels in most parts of the country. We propose a simpler formula limiting the purchase price to three and a half times the qualifying income under the program. This will work to preserve the goals of current law while providing a realistic limit on the program for almost all areas of the nation.

Finally, the bill facilitates lower income apartment production in rural areas by allowing states to use the greater of statewide median incomes or area median incomes as the basis for the income limits in the Housing Credit program. It is clear that the current rules do not provide sufficient incentives to build apartments in very low-income rural areas. Our bill addresses this by applying to the Housing Credit program the same methodology used in the MRB Program to determine qualifying income levels.

This bill is identical to the one 360 of our House colleagues cosponsored in the last Congress, which earned the support of the National Governors Association and every major national housing organization along the way.

Mr. Houghton and I believe these changes will ensure a strong, effective housing program that will meet the needs of our constituents now and well into the future. We ask for your support to ensure that these important provisions are enacted as part of tax legislation this year.

TRIBUTE TO ANTHONY MAZZOCHI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. KUCINICH. Mr. Speaker, I rise today to honor and recognize Anthony Mazzochi, a champion of the labor movement. Through his compassion, dedication, and commitment he improved the lives of the working men and women of the Nation. His hope brought those who toil in the factories and fields across the country together and gave them a voice and the empowering recognition that they cannot go unnoticed in the social, economic, or political arenas.

Anthony Mazzochi began his life in Brooklyn, New York. The struggles of the working class were brought to his attention at a young age when his father, a unionized garment worker, lost the family home due to medical bills for his wife who died of cancer when Anthony Mazzochi was 6 years old. Anthony Mazzochi served in World War II as an Army combat veteran, fought in the Battle of the Bulge, and was one of the first soldiers to reach the Nazi death camps. Upon returning to the U.S. he worked as a steelworker, an autoworker and in construction.

In the 1950s Anthony Mazzochi began his work in the labor movement with the Oil, Chemical and Atomic Workers International Union and fought for one of the first dental insurance contracts for workers. He later became the local OCAW president. Over the years he took on more roles within the union and eventually became the union's health and safety director from 1979 to 1981 and the secretary-treasurer from 1988 until he retired in 1991.

Anthony Mazzochi was instrumental in the fight to create the Occupational Health and Safety Administration (OSHA) and pass the National Gas Pipeline Safety Act, among other legislation. He also led the effort to highlight the plight of Karen Silkwood, a worker who blew the whistle on health and safety problems at a Kerr-McGee nuclear facility.

He was innovative in extending the labor cause to art, education and activism. To educate union members he established Alice Hamilton College. Anthony Mazzochi was the publisher of "New Solutions" an environmental and occupational health policy publication. He helped commission a play about Karen Silkwood performed at the Attic Theatre in Detroit in 1993. He also created an internship program that brought awareness to medical and public health students about workplace conditions.

Anthony Mazzochi established the Labor Party Advocates in 1991 in an effort to build support for a national labor party. In 1996, with 1,400 union leaders, he organized a meeting in Cleveland to establish the Labor Party. He never lost hope that support for a national movement to improve conditions of workers was present in the country.

Anthony Mazzochi received the Presidential Citation for outstanding contributions to public health from the American Public Health Association in 1983; the Alice Hamilton Award from that organization in 1987; and was cited by Ms. Magazine in 1982 as one of the "40 Male Heroes of the Decade" for his work organizing the effort that exposed the forced sterilization of women workers at American Cyanamid.

Anthony Mazzochi was a working class intellectual and a renaissance man. While the country underwent unsteady and unpredictable periods over the last several decades his vision and optimism remained unwavering. Anthony Mazzochi embraced the human spirit in its totality and invited people to join in fighting for justice. Countless have joined and will continue to join as his indelible and inspirational legacy lives on. I ask my colleagues to join me in honoring Anthony Mazzochi.

RECOGNITION OF THE DOMINICAN AMERICAN NATIONAL ROUNDTABLE

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to recognize the Dominican American National Roundtable as it celebrates five years of serving the interests of the Dominican community living throughout the United States.

During its first five years, the Dominican American National Roundtable has assisted the Dominican community living in the United States with immigration issues and voter registration drives. It has also established a Dominican internship program, opened its permanent office in Washington, DC, and held five national conferences. In the future, the Dominican American National Roundtable plans to host varied events throughout the country such as Dominican American Business Legislative meetings, and, of course, their annual conference. The Roundtable is also putting together the Dominican Leadership Institute.

I also take this opportunity to recognize the President of the Dominican American National Roundtable, Margarita Cepeda-Leonardo, 1st Vice President, Sid Wilson, 2nd Vice President, State Senator Juan Pichardo, and all the former Presidents, Vice Presidents and current and past members of the Dominican American National Roundtable Board.

Mr. Speaker, I commend the Dominican American National Roundtable for its tremendous achievements with the certainty that it will continue to make valuable contributions to the Dominican community. I join the Dominican community in the United States in applauding its continued successes.

H.R. 11, THE NATIONAL FLOOD INSURANCE PROGRAM REAUTHORIZATION ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. GREEN of Texas. Mr. Speaker, I rise in today in support of H.R. 11, the National Flood Insurance Program (NFIP) Reauthorization Act, which we are considering today under suspension of the rules.

It is a shame that Congressional leadership allowed any lapse in the authority to write new flood insurance policies by the Federal Insurance and Mitigation Administration (FIMA) under the Federal Emergency Management Agency (FEMA). However, I am relieved that the lapse in authority, which began December 31, 2002, is shortly coming to an end. Thousands of my constituents are mandatory and voluntary participants in the NFIP, and they deserve the convenience of renewing and beginning new policies without interference from Congressional inaction.

I would like to commend FEMA and the underwriters for the efforts that they have made to reach out to homeowners and warn them of the problem and lead them to solutions. Hopefully, the Senate will take up this legislation immediately and send it to the President, and Congress will not allow this situation to occur again. The NFIP is an absolutely critical program for my constituents and millions of other homeowners, with flooding causing billions of dollars of damage nationwide every year. Since affordable flood insurance is not a sustainable business for the private insurance industry, it is essential that Congress support the NFIP.

Mr. Speaker, we need to come together and take care of business for the millions of Americans who live in the floodplain or other flood hazard areas. It is our duty to ensure the smooth operation of the National Flood Insurance Program, and we have already delayed too long. I urge my colleagues to suspend the rules and approve H.R. 11, the National Flood Insurance Program Reauthorization Act.

PERSONAL EXPLANATION

HON. DENISE L. MAJETTE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Ms. MAJETTE. Mr. Speaker, regarding the vote on the rule for the unemployment insurance, had I been able to vote, I would have voted "no." I was on the floor at the time of the vote but was unable to vote within the time allotted.

DO NOT TRANSPORT GEMS LANDFILL POLLUTANTS TO CCMUA

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. ANDREWS. Mr. Speaker, I rise today to comment on the legislative intent of the Comprehensive Environment Response, Compensation, and Liability Act (CERCLA) and specifically on the cleanup of a Superfund site in my district, the Gloucester Environmental Management Services (GEMS) landfill (EPA Facility ID NJD980529192).

I strongly oppose the transport of pollutants from the GEMS landfill through sewer lines to the Camden County Municipal Utilities Authority (CCMUA). I continue to believe that the only responsible option is for the GEMS Trust to build an on-site treatment facility that can treat the contaminated water to the highest standards possible. Further, I call on the Environmental Protection Agency (EPA), New Jersey Department of Environmental Protection (NJDEP) and CCMUA to step up and protect the public interest by insisting on on-site treatment, and only on-site treatment of the contaminants in the landfill. According to a letter from EPA Region 2 Administrator Jane Kenney dated November 25, 2002, the CCMUA is under no legal obligation to accept contaminants from GEMS. As such, I continue to urge the CCMUA heed the call of the local community and reject any discharge from GEMS.

The intent of Superfund is to hold polluters responsible for cleaning up the damage they have caused to a community. There is no plausible reason that a publicly financed municipal utility authority should be involved in the remediation process. Furthermore, committing the CCMUA to the long term burden of processing unpredictable wastewater is inconsistent with New Jersey's efforts to meet federal Total Maximum Daily Loads (TMDL) initiatives as prescribed in the Clean Water Act.

Proponents of the CCMUA treatment option cite water quality tests that satisfy permit requirements for discharge to the CCMUA. I believe that this testing is inadequate evidence to send the GEMS pollutants off-site. It is likely that the customary "grab samples" will miss radioactive "spikes" and that the heavier radio isotopes will flocculate in the sludge, which is destined to be sent back into a community as part of the state's controversial "beneficial use" land application sludge policy. It is also predictable that under current testing and notification procedures, there will be a significant lapse of time from when a problem is detected, its source is determined, the flow to the sewer plant halted, and byproduct recipients are notified. I am convinced that this testing and monitoring regime will not fully protect the community.

Insufficient review has been given to the synergistic and cumulative effects of discharges to CCMUA. Needless to say, any costs related to the disruption of the CCMUA system, environmental impairment and legal defenses, will immediately be a pass through cost to the CCMUA rate payers and ultimately, to New Jersey taxpayers in general. This is a risk that I am not will to pass on to my constituents.

The GEMS Landfill has exposed our community to hazardous material for almost 50 years. Today, approximately 38,000 of my constituents live within a three mile radius of the GEMS Landfill, some as close as 300 feet. Unfortunately the community has not been adequately involved in the decision making process. Many of my constituents have contacted me with their concerns about GEMS and to outline their difficulty in obtaining information about the remediation.

Although the landfill has been closed for 22 years, amazingly we are still grappling with how to cleanup the site. The GEMS Trust should not get away with a band aid solution to a major environmental hazard. My constituents have suffered long enough. I sincerely hope that the EPA, NJDEP and constituents meet the responsibility they have to the public and to public health by supporting the construction of a treatment facility that will contain the pollution and treat it on-site rather than spread it around the community by sending it to the constituents. If, however, they do not do so, I am prepared to pursue any avenue necessary—including legislation or litigation or both—to block this unwelcome and risky plan.

100TH ANNIVERSARY OF THE NEW BETHEL BAPTIST CHURCH

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Ms. NORTON. Mr. Speaker, I rise to offer a very special tribute to one of this city's most distinguished churches, New Bethel Baptist Church; and to its pastor, a leading citizen, former House colleague, and my predecessor as District of Columbia Delegate, Reverend Walter Fauntroy. The church is celebrating the 100th anniversary of New Bethel.

New Bethel Baptist Church is revered in this city for its leadership on many levels. The church is not only a spiritual center. This historic church, located centrally in the historic Shaw district, also is a leader of social innovation and programs that serve its community in diverse and essential ways.

New Bethel's wide ranging service to its community and our city is not surprising. The church's spiritual leader, Reverend Walter Fauntroy, is not only a talented and dedicated minister of the gospel. He has long been a major figure in the civil rights movement even before being elected to Congress. Reverend Fauntroy served for 19 years as a distinguished Member of the House and has been a leader of many activities for social and economic justice here and in the nation since resigning his House seat. Pastor Fauntroy's life and work have added to the unique place New Bethel occupies in the life of his church community and of the District of Columbia.

New Bethel is among the oldest and most distinguished churches in the city. In its hundredth year, it is almost half as old as the city itself. The group that formed the church met first in the home of Brother Benjamin Graves under the guidance of Dr. W. Bishop Johnson, Pastor of the Second Baptist Church. The membership grew and purchased a building on 15th Street, NW. Under the leadership of the Revs. Alfred A. Agerton, Samuel Washington and Richard L. Holmes, the congregation experienced steady growth.

In 1903, the Rev. William D. Jarvis accepted the call to the pastorate, and the church embarked on a 37-year journey of spiritual growth and prosperity. In February 1915, the first worship service was held in the building at 9th and S Streets, NW., which had been purchased from the Grace M.E. Church. Before Dr. Jarvis' retirement on October 1, 1940, the church had grown to 600 worshipers and had become a welcome fixture in the community.

In May 1941, the Rev. C. David Foster, of Philadelphia, PA, was unanimously called to the pastorate. Under this leadership, the church grew spiritually, numerically and financially, and the building underwent extensive renovation.

On January 19, 1959, the Rev. Walter E. Fauntroy, a son of the church who had served as supply pastor, received a unanimous call from the members to serve as pastor. For forty-three years, he has responded to the spiritually needs of the congregation and the rapidly-changing dynamics of the community. Existing organizations have been revitalized and new ones have been created. The position of full-time Assistant Pastor was established, and a ministerial staff was implemented. A tithing program was launched and, in 1973, New Bethel constructed the C. David Foster House, an eight-story building with 75 units for low and moderate-income families of the Shaw area and other displaced persons.

In 1977, the old structure at 9th and S Streets was razed, and a striking new building was constructed on the site and dedicated and entered in 1982. Today, guided by the pastor's five-year plan, the church continues its mission of service to church members and to the Shaw community.

Mr. Speaker, it is an honor for me to offer this tribute to my predecessor and to his distinguished congregation. I ask that this body join me in saluting our former colleague, the pastor, and the members of the New Bethel Baptist Church on the occasion of their 100th Anniversary.

PAYING TRIBUTE TO: PAGOSA FIRE PROTECTION DISTRICT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize the Pagosa Fire Protection District of Archuleta County, Colorado for their service and dedication during one of Colorado's most formidable fire seasons. Last summer, the Fire Protection District played an integral role in containing the Missionary Ridge forest fire that burned over 70,000 acres in Southwestern Colorado. Today, I would like to pay tribute to their heroic efforts before this body of Congress and this nation.

When the Missionary Ridge fire first erupted last June, the citizens of Durango, Bayfield and the surrounding communities called upon the Pagosa Fire Protection District to protect their loved ones, homes, and communities from what would become the worst fire in area history. The fire began in a ditch beside Missionary Ridge Road just 15 miles northeast of Durango and grew to consume more than 70,000 acres, 56 residences, and 27 outbuildings.

Although the Missionary Ridge fire was a devastating reminder of how destructive forest fires can be, it also served to remind us of the men and women who risk their lives to protect their fellow citizens on a daily basis. The Pagosa Fire Protection District has served the citizens of Archuleta County since 1948 and oversees a 161 square mile region. The district relies upon its Fire Chief Warren Grams, Manager Diane Bowers, Assistant Chief of Maintenance Manuel Trujillo, and volunteer firefighters to remain on call, prepared to fight fires or provide medical assistance on a moment's notice.

Mr. Speaker, it is with sincere admiration that I recognize the Pagosa Fire Protection District of Archuleta County before this body of Congress and this nation. I want to commend the Chief and all of the Fire District's fire fighters for their determination, courage, and resolve during last summer's efforts on Missionary Ridge. Without the help of the Pagosa Fire Protection District and others, the added devastation to our community, environment, and quality of life would have been unimaginable. Their tireless commitment throughout the fire season has served as an inspiration to us all and it is an honor to represent such an outstanding group of Americans in this Congress.

TRIBUTE TO RYAN KRABILL

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to pay tribute to a member of my Washington, D.C. staff who is leaving my office to pursue full-time employment. During his time with us, Ryan Krabill has tirelessly served the people of the Second District of Oregan as our intern. His positive outlook on life and strong work ethic will be greatly missed.

Mr. Speaker, whenever something needed to be done, Ryan readily stepped in and offered to help. From simple tasks like answering phones to attending briefings and drafting letters, Ryan proved himself to be an extremely reliable and efficient worker. My staff came to depend on him heavily, and he never let them down. This is all the more remarkable given that in addition to interning full time at my office, he also held a full time job at Starbucks in the evening!

Ryan originally hails from Albany, Oregon. He attended Westmont College in Santa Barbara, California, where he earned bachelors' degrees in Business and Biology. After college Ryan spent two years in sales, where he honed the professional demeanor and devotion to customer service that he so often demonstrated on the phone and when greeting constituents in my office. Ryan had always been interested in politics, and decided to leave sunny California for Washington, D.C. Luckily, my office was able to take him on as an intern while he explored his options for a full time Capitol Hill career. With the skills he has demonstrated in his service to the people of Oregon, I'm sure he will be an asset to any office.

Mr. Speaker, my office has been lucky to have an intern like Ryan. His strong work ethic and upbeat attitude will no doubt serve him well in any position that he chooses to pursue and will truly be missed around the office. Best of luck in the future Ryan, and keep up the good work.

SIERRA NATIONAL FOREST LAND EXCHANGE ACT OF 2003

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. RADANOVICH. Mr. Speaker, to facilitate a Forest Service land exchange that will eliminate a private in-holding in the Sierra National Forest in the State of California and provide

for the permanent enjoyment by the Boy Scouts of America of a parcel of National Forest System land currently used under a special use permit, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. RADANOVICH (for himself, Mr. NUNES and Mr. DOOLEY) introduced the following bill; which was referred to the Committee on Resources

A BILL

To facilitate a Forest Service land exchange that will eliminate a private in-holding in the Sierra National Forest in the State of California and provide for the permanent enjoyment by the Boy Scouts of America of a parcel of National Forest System land currently used under a special use permit, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Sierra National Forest Land Exchange Act of 2003'.

SEC. 2. LAND EXCHANGE, SIERRA NATIONAL FOREST, CALIFORNIA.

(a) RECEIPT OF PRIVATE LANDS—In exchange for the land described in subsection (b), the owners of a parcel of private land consisting of the north ½ of the northwest ¼ of section 29, township 8 south, range 26 east, Mount Diablo base and meridian, California, shall convey all of their right, title, and interest in and to the parcel to the Secretary of Agriculture.

(b) CONVEYANCE OF FOREST SERVICE PROPERTY—Upon receipt of the land conveyed under subsection (a), the Secretary of Agriculture shall convey to the persons making such conveyance all right, title, and interest of the United States in and to a parcel of National Forest System land consisting of the east ½ of the southwest ¼ and the west ½ of the southeast ¼ of section 30, township 9 south, range 25 east, Mount Diablo meridian, California.

(c) RECONVEYANCE—The Conveyance under subsection (b) shall be subject to the condition that the recipients of the land agree to convey the land, within a time period agreed to by the Secretary of Agriculture and the recipient, to the Sequoia Council of the Boy Scouts of America.

(d) EQUAL VALUE OF PARCELS—The value of the two parcels of real property to be exchanged under this section are deemed to be equal.

A BILL TO CLARIFY THE TREATMENT OF INCENTIVE STOCK OPTIONS AND EMPLOYEE STOCK PURCHASE PLANS

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. HOUGHTON. Mr. Speaker, I am pleased to join a number of my colleagues in introducing our bill to solve a problem that has been facing a number of companies during the past few years who grant stock options to their employees. Due to the passage of time, this problem is becoming more urgent for a number of reasons mentioned below. I introduced an identical bill in the 107th Congress.

Many companies use stock options as an incentive to attract and motivate employees. Companies give their workers the right to purchase company stock, at a small discount from the listed price, through Employee Stock Purchase Plans and Incentive Stock Options. Employee stock ownership motivates workers and can create a positive relationship between management and workers, where both reap rewards for successful company performance.

For nearly 30 years the Internal Revenue Service (IRS) took the position that the income from these stock options was not subject to employment taxes when the option is granted or exercised. Instead tax is imposed when the actual stock is sold. However, audits and rulings on specific companies a few years ago raised the troubling prospect that the IRS was changing its position to require that employment taxes should be withheld from the paychecks of individuals who exercised stock options under these plans.

Employee Stock Purchase Plans and Incentive Stock Options were created by Congress to provide tools to build strong companies and encourage greater employee ownership of company stock. It was not the intent of Congress to dilute these incentives by requiring employment tax on withholding when the stock is purchased.

Members of Congress raised concerns about this issue, and in early 2001 the IRS put in place a moratorium so that no employment taxes would be assessed on stock options. The IRS later lifted the moratorium for options exercised this year. In response to further opposition, in 2002 the IRS announced an indefinite moratorium. As a result, the Joint Committee on Taxation determined that there would be no revenue loss it the law were clarified to prevent withholding on ESPPs and ISOs. If the moratorium is lifted by the IRS there will be a substantial revenue cost attached to clarifying the law. In 2002, the House passed the previous legislation I introduced. Although the Senate Finance Committee passed the legislation unanimously, the legislation was not considered by the Senate.

The legislation would clarify that the difference between the exercise price and fair market value of a stock is not subject to employment taxes when an ISO or ESPP is exercised. In addition, wage withholding is not required on disqualifying dispositions of ISO stock or on the fifteen percent discount offered to employees by ESPPs.

I urge my colleagues to support this proposed legislation, so that this issue can be resolved as quickly as possible in this Congress.

INTRODUCTORY STATEMENT OF H.R. 241, THE VETERANS BENEFICIARY FAIRNESS ACT OF 2003

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing H.R. 241, the Veterans Beneficiary Fairness Act of 2003. This legislation, which is cosponsored by my friend Lane Evans of Illinois, the Ranking Member of the Committee on Veterans' Affairs, will correct a deficiency in the law that negatively affects some surviving spouses of disabled veterans.

Currently, if a veteran dies while a claim for VA benefits (other than insurance and servicemen's indemnity) is being processed, but before his or her claim becomes final, the surviving spouse is entitled to no more than two years of accrued benefits when the claim is decided in the veteran's favor. H.R. 241 would repeal this two-year limitation so that the veteran's survivor may receive the full amount of the award and not be penalized by VA's failure to resolve a claim in less than two years.

Mr. Speaker, while VA has made great efforts to lower claims processing times, the fact remains that it can sometimes take more than 2 years to correctly determine and adjudicate a claim. When this process takes an inordinate length of time, it is simply not fair to prevent veterans' survivors from receiving disability or pension benefit payments the veteran would have received if VA had been able to process claims in a timely fashion. H.R. 241 would ensure that a veteran's survivor would not suffer because the veteran died while waiting for the claim to be adjudicated.

Mr. Speaker, it is my intention that the Veterans' Affairs Committee consider this bill as soon as possible during the 1st Session of the 108th Congress. It is a matter of fairness and I urge all of my colleagues to join in this effort.

TRIBUTE TO GREG STANFORD

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to pay tribute to a member of my Washington, DC staff for his tireless efforts on behalf of the good people of Oregon's Second Congressional District. Greg Stanford is leaving my office after three years of dedicated service to pursue other endeavors. Greg has done a great job and will be sorely missed.

Greg was raised near Grass Valley, California, in the community of Chicago Park. Following his graduation from Nevada Union High School, Greg chose to further his education by moving across the California border and attending the University of Nevada at Reno. While pursuing his bachelor's degree in Political Science, he also found the time to participate in Phi Mu Alpha, the international music fraternity and the University Band, honing the impressive drum skills that he was always happy to demonstrate for his coworkers.

After graduating Greg made another move, this time across the country to work in Congressman Jack Metcalf's office as his staff assistant where he wet his political feet while serving the people of Washington's Second District. When Congressman Metcalf decided to retire at the end of the 106th Congress, my office was lucky enough to hire him as our legislative correspondent and deputy systems administrator.

Greg, affectionately known around the office as "Brady," has been an asset to my office during his tenure. He brought a strong interest in politics and a genuine desire to serve the people of Oregon. He hit the ground running, putting in long hours and working hard at any task he was given whether it was drafting constituent letters or following legislation as our

"floor czar" to rolling up his sleeves and pulling all-nighters printing mass mailings to keep my constituents informed, Greg was a loyal and tireless worker.

Mr. Speaker, Greg has dutifully served the people of Oregon's Second District. His smiling face, his contagious laugh, and good-natured temper will be missed. However, I'm sure he won't miss his days in the cave! I have every confidence that he will do well in whatever vocation he decides to pursue. Good luck, Brady, and good job.

INTRODUCTION OF A BILL TO AMEND THE HIGHER EDUCATION ACT OF 1965 TO AUTHORIZE GRANTS FROM INSTITUTIONS OF HIGHER EDUCATION SERVING ASIAN AMERICANS AND PACIFIC ISLANDERS

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. WU. Mr. Speaker, as Chairman of the Congressional Asian Pacific American Caucus, I am proud to introduce legislation to improve educational opportunities for Asian American and Pacific Islander American (AAPI) communities across the nation. This legislation would authorize the Department of Education to designate schools with an undergraduate enrollment of at least 10 percent AAPI students as Asian American and Pacific Islander Serving Institutions to improve their capacity to provide higher education. By so doing, we increase educational opportunity for all Americans because this bill adds to our commitment to education for all and takes resources from none.

Title III and Title V of the Higher Education Act were established to aid colleges and universities in expanding educational opportunities for historically underrepresented and financially needy students. They have enabled the Department of Education to designate minority serving higher education institutions for Historically Black Colleges and Universities, American Indian Tribally Controlled Colleges and Universities, Hispanic Serving Institutions, Native Hawaiian Serving Institutions, and Alaska Native Serving Institutions. However, there is no such program for Asian American and Pacific Islander Americans. As Asian Americans and Pacific Islander Americans are one of the fastest growing populations in the nation, legislation is needed to help low-income AAPI students left behind so that they can have an equal opportunity toward quality education.

I look forward to working with my colleagues on this issue.

PROPERTY TAX ENDOWMENT ACT OF 2003

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. RADANOVICH. Mr. Speaker, to provide full funding for the payment in lieu of taxes program for the next five fiscal years, to protect local jurisdictions against the loss of property tax revenues when private lands are acquired by a Federal land management agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. RADANOVICH introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide full funding for the payment in lieu of taxes program for the next five fiscal years, to protect local jurisdictions against the loss of property tax revenues when private lands are acquired by a Federal land management agency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Property Tax Endowment Act of 2003''.

SEC. 2. FULL FUNDING FOR PAYMENTS IN LIEU OF TAXES.

Section 6906 of title 31, United States Code, is amended—

(1) by striking ''Necessary'' and inserting ''(a) IN GENERAL.—Necessary'';

(2) by striking ''Amounts'' and inserting ''Except as provided in subsection (b) amounts''; and

(3) by adding at the end the following new subsection:

''(b) FULL FUNDING.—For fiscal years 2004 through 2008, amounts necessary to carry out this chapter shall be made available to the Secretary of the Interior, out of any funds in the Treasury not otherwise appropriated and without further appropriation, for obligation and expenditure in accordance with this chapter.''.

SEC. 3. PROTECTION OF LOCAL TAX BASE AS PART OF FEDERAL LAND ACQUISITION.

(a) ELECTION OF PAYMENT TO OFFSET REVENUE LOSS.—

(1) NOTIFICATION OF LOCAL GOVERNMENTS.—Whenever a Federal land management agency acquires privately owned land by purchase, exchange, or donation, the head of the agency shall notify the unit of general local government within whose jurisdiction the land lies.

(2) ELECTION.—If a unit of general local government is notified by a Federal agency under paragraph (1) regarding an acquisition of land by the Federal agency, the elected officials with authority under State law to govern the unit may, within 90 days after that notification, elect to receive from the Federal land management agency a one-time payment in an amount sufficient to offset the long term revenue loss to the local government that will result from the acquisition of the land by the Federal agency.

(b) TREATMENT OF LAND AFTER ONE-TIME PAYMENT.—

(1) IN GENERAL.—If a unit of general local government receives, pursuant to an election under subsection (a), a one-time payment with respect to land acquired by a Federal land management agency, the land shall not be treated as entitlement land for purposes of chapter 69 of title 31, United States Code, notwithstanding any changes that may thereafter occur in the value of the land, interest rates, taxation rates, or any other economic factor.

(2) CONFORMING AMENDMENT.—Section 6901(1) of title 31, United States Code, is amended by adding at the end the following:

''Such term does not include any land with respect to which a unit of local government receives a one-time payment under the Property Tax Endowment Act of 2003.''

(c) APPLICATION.—

(1) IN GENERAL.—This section shall apply to any land acquisition by a Federal land management agency completed after September 30, 1998.

(2) APPLICATION TO PRIOR ACQUISITIONS.—For purposes of the application of this section to an acquisition of land by a Federal agency before the date of the enactment of this Act, the head of the agency is deemed to have notified the unit of general local government concerned in accordance with paragraph (1) on the date of the enactment of this Act.

(3) NO EFFECT ON TITLE.—This subsection shall not affect any right, title, or interest of the United States in or to land.

SEC. 4. ONE-TIME PAYMENT.

(a) IN GENERAL.—If a unit of general local government elects under section 3(a)(2) to receive a one-time payment with respect to land acquired by a Federal land management agency—

(1) the head of the Federal agency shall determine and make such payment in accordance with this section; and

(2) such acquisition may not occur before the date the payment is made.

(b) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—The amount of such payment—

(A) shall be sufficient to yield a revenue stream in perpetuity equal to the property taxes currently required to be paid with respect to the land, determined as an annuity amount based on an interest rate equal to the current average yield on outstanding obligations of the United States with remaining periods of maturity of 10 years on the date of acquisition of the land by the Federal agency;

(B) shall be determined based on the rate of tax and land valuation in effect for the land under the property tax laws of the unit of general local government that apply in the local tax year in which the land is acquired by the Federal land management agency; and

(C) shall include amounts to offset property taxes that were attributable to—

(i) improvements on the acquired lands; or

(ii) the use of the lands for business enterprise.

(2) FEDERAL ACQUISITIONS FROM TAX-EXEMPT ENTITITIES.—If a Federal land management agency acquires lands by purchase, donation, exchange, or other means from a nongovernmental organization or other entity that is exempt from local taxation, paragraph (1) shall apply as if the lands were acquired from the last person that owned the lands that was not exempt from such taxation.

(3) DEDUCTION OF PILT PAYMENTS.—In the case of a payment under this section to a unit of general local government with respect to land that was acquired by a Federal land management agency before the date of the enactment of this Act, the head of the agency shall deduct, from the amount otherwise required to be paid, the amount of any payment made to the unit with respect to the land after September 30, 1998, under Chapter 69 of title 31, United States Code.

(c) TIME FOR PAYMENT.—The payment required under subsection (a) in connection with a land acquisition shall be made before the Federal land management agency takes possession of the land.

(d) USE OF PAYMENT.—

(1) IN GENERAL.—Amounts paid to a unit of general local government under this section shall be deposited into a trust fund established and administered by the unit of general local government.

(2) RESTRICTION ON USE OF PRINCIPAL.—The principal of the trust fund may not be expended.

(3) USE OF INTEREST.—Interest generated by the trust fund shall be available to the unit of general local government for any governmental purpose.

SEC. 5. RELATIONSHIP OF ONE-TIME PAYMENTS TO PAYMENTS IN LIEU OF TAXES

A one-time payment received by a unit of general local government under this Act shall not be deducted or in any way used to offset payments required to be made to the unit under chapter 69 of title 31, United States Code.

SEC. 6. DEFINITIONS.

In this section:

(1) DONATION.—The term ''donation'' includes any conveyance of land to the Federal Government that is required as a condition of receipt of any benefit under Federal law.

(2) FEDERAL LAND MANAGEMENT AGENCY.—The term ''Federal land management agency'' means each of the following:

(A) The Forest Service.

(B) The Bureau of Land Management.

(C) The National Park Service.

(D) The United States Fish and Wildlife Service.

(3) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ''unit of general local government'' has the meaning given the term in section 6901(2) of title 31, United States Code.

TRIBUTE TO MAJOR GENERAL ROBERT A. MCINTOSH, UNITED STATES AIR FORCE

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. HOBSON. Mr. Speaker, I take this opportunity to recognize and say farewell to an outstanding Air Force officer, Major General Robert A. McIntosh, upon his retirement from the Air Force after more than 36 years of commissioned service. Throughout his career, General McIntosh has served with distinction, and it is my privilege to recognize his many accomplishments and to commend him for the superb service he has provided the Air Force and our Nation.

General McIntosh is a native of my home State. He was born in Bellefontaine, Ohio, which until recently was in my Congressional District. He entered the United States Air Force through the ROTC program at Ohio University in 1966. After successfully completing undergraduate pilot training at Webb Air Force Base in Texas, F–4D fighter training at Homestead Air Force Base in Florida, and A–37 training at England Air Force Base in Louisiana, he joined the 604th Special Operations Squadron at Bien Hoa Air Base in South Vietnam. He served his nation as an aviator in Southeast Asia flying over 300 combat missions over North Vietnam.

Lieutenant McIntosh pinned on Captain at his next assignment, as an A–37 Combat Crew Training Instructor Pilot back at England Air Force Base from April 1969 to August 1971. He separated from active duty and began another distinguished military chapter as an Air Reserve Technician and active participant in the Air Force Reserve.

Captain McIntosh's first Air Force Reserve assignment was as an A–37 instructor pilot at the 910th Tactical Fighter Group at Youngstown Municipal Airport in Ohio. Next he held two critical positions at Grissom Air Force Base in Indiana, first as Chief of the 434th Tactical Fighter Wing standardization and evaluation office and then as Operations Officer of the 46th Tactical Fighter Squadron.

Major McIntosh then took on his most challenging assignment to date as the Director of Operations for the 926th Tactical Fighter Group at the Naval Air Station in New Orleans, Louisiana.

Lt. Col. McIntosh's dream of being a Commander was realized first at Richards-Gebaur Air Force Base in Missouri, in January 1982 when he took command of the 442nd Tactical Fighter Group. His assignments increased in scope and responsibility, culminating in his selection as Commander of Air Force Reserve Command and Chief of the Air Force Reserve in 1994.

General McIntosh most recently served as Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Affairs, where he continued his personal tradition of excellence, service, and integrity as he watched over the men and women of the Reserve Components during an historic period of the highest operations and personnel tempo ever seen. Deployment after deployment, he helped to break ground in Total Force operations as he advised our nation's top Commanding Generals as they prosecute the War on Terrorism.

General McIntosh's accomplishments are many. Units under his command received the Outstanding Unit Award two of seven years he was in command. He is a command pilot with more than 4000 hours flying the A–10, A–37, C–130, and F–4.

During his incredible career, General McIntosh has served the United States Air Force and our great Nation with excellence and distinction. He provided exemplary leadership to the best-trained, best-equipped, and best-prepared citizen-airmen force in the history of our Nation. General McIntosh is a model of leadership and a living example of our military's dedication to our safety and security entrusted to them by each of us.

General McIntosh will retire from the United States Air Force on 3 February 2003 after 36 years and seven months of dedicated commissioned service. On behalf of my colleagues on both sides of the aisle, I wish General McIntosh blue skies and safe landings. Congratulations on completion of an outstanding and successful career.

INTRODUCING THE SMALL BUSINESS DROUGHT RELIEF ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to reintroduce the Small Business Drought Relief Act. The bill provides small businesses that depend upon water supply as a means of income with the opportunity to qualify and apply for disaster assistance from the Small Business Administration when drought affects their ability to earn income. This is the second Congress that I have introduced this much needed legislation, and the need for its immediate passage is greater today than ever.

As the clear majority of Members can attest to, the past two years have been two of the driest years in the history of the United States. The National Oceanic and Atmospheric Agency recently noted that 2002 was the second warmest year on record for the globe. In the western parts of United States, record low waterfalls were a plenty. On multiple occasions, more than half of the country was in moderate to extreme drought. Then, when Congress adjourned late last year, thousands of farmers and small businesses fell victim to partisan politics and were left without emergency assistance from the 2002 drought.

Under current law, small businesses whose income depreciates as a result of diminishing water supply are unable to even apply for SBA loans. Often these businesses are family-owned and family-run recreational or commercial fishing firms. The majority of them are dependent upon water resources, whether lakes, streams, or rivers, for the ability to operate their businesses. When water levels drop to unbearable points, aside from the obvious water supply issues, boats are unable to make it into lakes and rivers, commercial fishing ceases to exist, and businesses often lay off workers and close their doors for good.

I became more acutely interested in drought relief the summer of 2001 when Florida found itself in the most prolonged drought it had seen in nearly 20 years. The water level in Lake Okeechobee, our country's 2nd largest fresh water lake, and located in my District, had decreased by nearly 25 percent. Not only did the water shortage in the lake cause problems for agriculture and water management, but it also destroyed the economic well being of small businesses around the Lake who depend on it for income. Realize this too, the clear majority of these businesses are owned by minorities or families who struggle every day just to get by.

As I began to try and help the towns and businesses surrounding the Lake in locating temporary assistance, even if it was only low interest loans, I found that unless a firm was involved in agriculture, assistance is virtually impossible. When it is possible, the bureaucratic red tape applicants must cut through is so discouraging that they don't even try.

The issue at hand, Mr. Speaker, is that droughts are major natural disasters. The Stafford Act says it is, as well as the U.S. Departments of Agriculture, Commerce, and Defense also say it is. Congress said it as recently as 1998. But for some reason, the Small Business Act does not include drought in its definition of disaster. Frankly, this oversight is a disaster of its own.

Today, Mr. Speaker, I am reintroducing a bill which will reconcile the oversight made by our body's predecessors and ensure that businesses who suffer from drought will live to see another day. I urge my colleagues to support

this bill, and I urge the leadership to bring it swiftly to the floor for a vote.

IN CELEBRATION OF THE PHOEBUS HIGH SCHOOL PHANTOMS WINNING THE 2002 VIRGINIA STATE GROUP AAA DIVISION 5 FOOTBALL CHAMPIONSHIP

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. SCOTT of Virginia. Mr. Speaker, along with my colleagues, Representative JO ANN DAVIS and Representative ED SCHROCK, I rise with great pride to call attention to a group of young students from Hampton, Virginia who have distinguished themselves, their school, their community, and the Commonwealth of Virginia.

The Phoebus High School Phantoms football team had a remarkable season and we believe the Phantoms deserve formal recognition for their accomplishments. On December 14, 2002, the Phoebus High School Phantoms won their second straight state Group AAA Division 5 Football Championship, defeating Stafford 39–13 in the title game at the University of Richmond stadium. And they did not just win the championship, they did it in style. The Phoebus Phantoms went undefeated during the 2002 season—finishing with a record of 14 and 0. There are 114 state Group AAA schools that play football in Virginia, and Phoebus High School was the only one to finish the 2002 season undefeated. And their win in the title game was Phoebus High School's 26th win in a row—including 10 shutouts.

Opened in 1975, Phoebus High School is the newest and smallest of Hampton's four high schools. Under the direction of Principal Phyllis Henry, the Phoebus faculty seeks to inspire students to strive for excellence and achievement in the classroom, in their extracurricular activities, and in their communities. Phoebus students meet rigorous academic requirements, and take responsibility for academic progress, behavior and attendance. The majority of Phoebus students continue on to institutions of higher education. It is clear that this drive for excellence has now been extended into the field of athletics.

Phoebus High School's championship this year marked the 8th time in the last 11 years that a Peninsula District team has won a state title in football. To quote from our hometown newspaper, the Daily Press, ''High school football on the Peninsula is championship football.''

We would like to extend our enthusiastic congratulations to Coach Bill Dee, his coaching staff, and all of the players on the Phoebus High School Phantoms—the 2002 Group AAA Division 5 Virginia High School League State Football Champions.

FAIRNESS, SIMPLIFICATION AND COMPETITIVENESS FOR AMERICAN BUSINESS ACT OF 2003

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleagues, Mr. SAM JOHNSON from Texas, Mr. PORTMAN from Ohio and Mr. RAMSTAD from Minnesota, in introducing a bill, the ''Fairness, Simplification and Competitiveness for American Business Act of 2003''. This bill is very similar to the one I introduced in the last Congress, and contains many of the provisions that have been included in past bills I have sponsored on international tax matters. Our trade laws and practices, as well as our commitment to the World Trade Organization, have encouraged the expansion of U.S. business interests abroad. That process continues with passage of the Trade Promotion Authority legislation and recent announcements of various free trade agreements that have been completed or are being negotiated. However, our tax policy lags far behind and seems out of sync with our trade policy. Many would argue that our international tax policy seems to promote consequences that may be contrary to our national interest.

The United States continues to be the largest trading nation in the world. In a $10 trillion-plus economy, current data indicate that the value of our exports and imports of goods and services continues to represent about 25% of our GDP. It is no secret that our economy is more and more trade dependent, as our companies depend on overseas markets for a much larger share of profits and sales.

Recent cases with the WTO show how our trade relations with various countries or blocks of countries affect the competitiveness of U.S. multinationals vis-a-vis their foreign competitors. Tax policy sometimes becomes intertwined with trade policy. For example, how we comply with the WTO ruling that our foreign sales corporation/extraterritorial income tax provisions are a prohibited export subsidy highlights the significance of these matters to our economy. The ruling allows sanctions that would amount to an annual $4 billion-plus potential hit against U.S. exports, unless we come into compliance. The forty-year-plus history behind the FSC/ETI and predecessor provisions was all about trying to make our companies tax competitive with their foreign competitors.

I don't believe anyone would seriously dispute that our tax system, in general and especially as it relates to international taxation, is overly complex and basically out of date. Many provisions were enacted, e.g. subpart F, in a totally different era as far as the world economy and competitiveness are concerned.

The focus of the legislation is to make the international area more rational. The proposal contains a number of provisions to simplify and make fair our international tax laws. In general, the bill seeks in important ways to: (1) simplify this overly complex area, especially in subpart F of the Code and the foreign tax credit mechanisms; (2) encourage exports; and (3) enhance U.S. competitiveness in other industrialized countries. The bill includes some provisions proposed by the Joint Committee on Taxation in its simplification report issued in 2001. In addition, Treasury officials have repeatedly stressed the importance of updating our international tax laws.

Some of the provisions in the prior bill have been modified to be consistent with H.R. 5095, introduced in the last Congress by the Chairman of the Ways and Means Committee. In addition, provisions relating to subpart F have been added from that bill. They are essential to updating that portion of the Internal Revenue Code.

In summary, the law as now constituted frustrates the legitimate goals and objectives of U.S. businesses and erects artificial and unnecessary barriers to U.S. competitiveness. Neither the largest U.S.-based multinational companies nor the Internal Revenue Service is in a position to administer and interpret the mind-numbing complexity of many of the foreign provisions. Why not then move toward creating a set of international tax rules that taxpayers can understand and the government can administer? I believe the proposed changes in this bill represent a creditable package and we have a unique opportunity in the 108th Congress to make significant progress in enacting reform in the international tax area. I urge your support of the proposal.

THE AUTISM EPIDEMIC MUST BE A HIGH PRIORITY FOR THE 108TH CONGRESS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. BURTON of Indiana. Mr. Speaker, as we come back to Washington this January and set our priorities for the first session of the 108th Congress, I want to remind my colleagues that we have a looming crisis—a crisis of spirit, of policies, and of economics. This crisis is a looming and immediate economic crisis to the education system, to health care systems, to long-term housing and care for the disabled, to un-addressed research needs, and most especially to an increasing number of families across the country. This crisis is the autism epidemic.

Over the last three years, you have heard me speak many times on this issue—and you will continue to hear me speak on this issue because we have our work cut out for us. You well know that my own grandson was adversely affected by a series of vaccines and became autistic. When I looked at what I thought was a rare condition, I found that my grandson was one among many similarly injured.

Our health agencies have spent much of the last decade in denial about this problem. To date, they have not replicated clinical studies that point to a connection between autism entercolitis and the Measles, Mumps, Rubella (MMR) vaccine. Nor have our health agencies adequately addressed the dangers of thimerosal in pediatric vaccines and the fact that tens of thousands of families feel their children were injured from thimerosal-containing vaccines, leaving their child autistic.

Autism is a condition that has no known cure. Children, whether autistic from birth as a result of vaccine injury, genetic defects, or as a result of some other environmental influence, require lots of special medical and educational attention. The earlier a diagnosis is made and interventions are begun, the better the long-term outlook can be for a child. This is why the programs such as First Steps in Indiana are so important. However, this attention gets to be very expensive. Many of the private schools, specifically designed to educate children with autism have annual tuitions of $60,000 or more. Many of these children, when in public schools, require a full-time one-on-one aide, and numerous other special accommodations including speech and occupational therapies. Mainstream and Special Education Teachers need special autism teacher training. Every child with autism or any disability is entitled under Federal law to a free and appropriate education.

PREVALENCE OF AUTISM

Last week the Centers for Disease Control and Prevention (CDC) published in the Journal of the American Medical Association their Prevalence Study of Autism Rates in metropolitan Atlanta. In this report, they acknowledged that autism prevalence rates published prior to 1985 were 4 to 5 per 10,000 for autism spectrum disorders and 1 to 2 per 10,000 for the more narrow definition of autism. In Atlanta in 1996, the rates in children ages 3 to 10 had skyrocketed to a range of 19 per 10,000 to 47 per 10,000. Two years ago, the CDC published their 1998 prevalence study of children in Brick Township, New Jersey and found that 40 per 10,000 children were autistic and 67 per 10,000 were diagnosed with autism spectrum disorder.

Let's do the math here. According to our latest Census, there are 72.3 million children under the age of 18 in this country. If we extrapolate the Atlanta numbers nationwide, that would mean that in 1996 we may have had between 137,370 and 339,810 children under the age of 18 with autism in this country. And if we use the newer 1998 Brick Township numbers, nationwide we had 289,200 children with autism and 484,410 children on the autism spectrum.

EDUCATION SYSTEM BURDEN

The Department of Education tells us that it spends on average $12,234 more each year for a child with autism than it does for educating a non-disabled child. ($18,790 average cost of educating a child with autism compared to $6,556 to educate a non-disabled child.) So that would mean our education system needs to find additional resources on the magnitude of 3.5 to 5.9 billion dollars each year to educate children with autism. Since many of the children in our system are not getting the services they really need, the $18,790 is probably much lower than it ought to be. Realistically, schools will likely need about $40,000 per child with autism to provide the full breadth of services needed. So that would mean, the education system needs to budget approximately $16 billion dollars a year more just for children with autism.

Most of this additional tax burden falls on the local and state tax base. We in Congress need to act quickly this session to keep our promise to pay the 40 percent Federal portion to the Individuals with Disabilities Education Act (IDEA) Part B. We haven't even come close to keeping that promise and local school jurisdictions are feeling the strain of carrying this burden. Many children go without services and that is a travesty.

FAMILY ECONOMIC BURDEN

We have learned from families that they often spend between $20,000 and $50,000 each year, much of it not reimbursed to provide care and services for their autistic children. This is a huge burden for any family to carry. There are no magic bullet approaches to treating autism. As yet there is no cure. Half of the children with autism will never speak. Many of these children have severe food sensitivities, especially to casein and gluten, products that are in almost every processed food. Many are highly sensitive to many chemicals—even perfumes. Exposure to these foods or chemicals causes a serious deterioration in behavior. Many have autoimmune disorders; have enzyme deficiencies, and heavy metal toxicities. Some individuals with autism will go through bouts of self-injurious behavior. Some, particularly autistic boys, as they hit their teen years when all teenage boys experience that surge of testosterone, may experience aggressive behavior, requiring medication. While some individuals with autism, those with higher functioning autism or Asperger's Syndrome may be able to go on to college and even live independently, the vast majority of today's children with autism will never have that opportunity unless we can turn this epidemic around. The vast majority of these boys and girls will never have the chance to serve in the armed forces, to become doctors, lawyers, teachers, or astronauts. They will never have the chance that you and I have had to run for political office.

ADULTS WITH AUTISM—LONG-TERM CARE AND DISABILITY HOUSING

We have no good numbers on how many autistic adults there are in this country. Many are institutionalized because their parents can no longer care for them. Obviously, our current infrastructure for long-term care for the disabled is not equipped to manage the more than tenfold increase they will be facing in the next decade.

RESEARCH NEEDS

As I mentioned, there is no cure for autism. The research response to looking at causes, treatments, and possible cures for autism has been vastly inadequate. Out of a twenty-seven billion dollar budget, the National Institutes of Health has focused less than sixty million dollars on autism. A condition they say affects 1 in 250 children in this country and they only invested sixty million dollars to address the epidemic. And unfortunately, most of those sixty million dollars will never translate into treatments for autism or in answering the questions about a possible vaccine injury connection. The CDC, while spending over 930 million dollars on AIDS last year invested only about $11 million dollars on autism. We must treat this like an epidemic and mobilize research and services resources to address the epidemic.

And most disturbing to families of vaccine-injured autistic children is that none of the government agencies have adequately addressed their concerns about thimerosal and the MMR vaccine. Instead of a replication of clinical evidence indicating low-level measles infection lingering in the gastrointestinal tract of children who became autistic after receiving the MMR vaccine, they cited CDC funded population-based epidemiological studies and used these epidemiological studies to say there is no connection between MMR and autism. In fact, epidemiological research cannot disprove clinical research. This is like trying to make lemonade with apples.

And in two difference prevalence studies—in New Jersey and Georgia, the CDC had an opportunity to do a thorough evaluation of a potential link between autism and immunizations and they chose not to. In fact, the families in Brick Township requested this analysis. The CDC evaluated environmental influences and all other possible causes, but they chose not to look at the immunization records and see if there might be a link.

In the CDC's initial evaluation in their Vaccine Safety Datalink (VSD) looking at a possible link between thimerosal-containing vaccines and any health conditions, they found a statistically significant correlation between thimerosal-containing vaccines and attention deficit disorder, neurological developmental disorders, speech and language delays and tics. After these initial findings, the CDC conducted a second evaluation that was in a much smaller population and did not find the same correlations. It is obvious that much more research is needed. We had to fight for more than two years to get the CDC to open up access to the VSD data, and unfortunately we have learned that some independent researchers are still having a hard time accessing this data. The Department needs to make sure that independent researchers can easily access this data to conduct replications of existing studies and to conduct new studies that the Department has not done.

We hear repeatedly in Congressional hearings, in media communications, and through reports that "there is no evidence that proves a connection between vaccines and autism." And of course, if the Department of Health and Human Services never funds or conducts the right studies, the evidence proving a connection will never exist. But the lack of well-designed research asking the right questions does not mean that a connection is not there. What it does mean is that our health agencies have failed the American public.

For ten years, the Institute of Medicine has asked for research to be conducted in this area—to look at the autism-vaccine connection. This independent agency has repeatedly found that there is a paucity of studies evaluating vaccine adverse reactions. They found that there was inadequate science to rule in or rule out a connection between autism and thimerosal, but they also found that is was "biologically plausible" for such an injury to occur. We continue to see the Department of Health and Human Service's agencies stalling on doing the right kinds of studies. Vaccines are the only medications that are mandated for American citizens to receive as a condition of school and day care attendance and in some instances, for employment. Therefore, it is even more important that vaccines are as safe as possible, that only those vaccines that are really needed are mandated, and that we accelerate the level of well designed studies that

actually answer the questions on vaccine adverse reactions.

NO MORE CONFLICTS OF INTEREST IN RESEARCH AND POLICY

It is important for individuals and institutions that are going to conduct this research not to have financial ties to the manufacturers of vaccines. It is a travesty that the NIH and CDC only seem to fund those institutions that also receive a lot of pharmaceutical funding and do not fund those researchers who have chosen not to accept industry money and who are in the trenches answering the tough questions. Some of those researchers have been before the Committee on Government Reform. They had long histories of receiving NIH funding, but as soon as they started looking at vaccine injury issues, their NIH funding dried up. This is a clear indication to me that out health agencies are more devoted to the vaccine industry than to the vaccine injured. This must change. It is also a travesty that so many of the experts that HHS agencies appoint to sit on advisory committees are individuals who have financial ties to the pharmaceutical industry.

THE VACCINE INJURY COMPENSATION PROGRAM

Late in the 107th Congress, we as a Congress failed this same community, Mr. Speaker, by tacking provisions into the Homeland Security Act which cut off the ability of families to seek legal recourse to the manufacturers of thimerosal, while not including provisions to include those families whose statute of limitation had expired, in the Vaccine Injury Compensation program. We as a Congress have failed this community. This retroactive provision was not about homeland security.

We tripled infants' exposure to thimerosal through their vaccines for the first six months of life in the late 1980's. And yet it was not until 1999 that the FDA realized what they had done. It was more than ten years before they realized the dramatic increase in infants' exposure to mercury. Many families realized that their child became autistic after receiving vaccines, but they had nowhere to turn. Doctors discounted the possible connection because they were not informed until late 1999 of this thimerosal/mercury exposure in vaccines. Many of these families were not aware that the Vaccine Injury Compensation Program existed until well after their three year statute of limitations had expired. The Department of Health and Human Services acknowledges that their media campaigns on this program were inadequate. In fact it has been the advent of the Internet and online autism and vaccine injury discussion groups that first informed most of these families of this program.

We must work quickly this year to first repeal the provisions of the Homeland Security Act that cut off families' legal options and second to pass legislation that will improve the Vaccine Injury Compensation Program for these families and for all individuals who face an injury from a covered vaccine. There is over 1.3 billion dollars in the trust fund. It is wrong that families have to fight for five, seven, even ten years to be compensated. It was not supposed to be a fight or a long process. The over-zealous government lawyers and program managers have lost sight of what this program is about. The Compensation program was supposed to be compassionate and non-litigious. When it was a close call, the program was supposed to rule in favor of the injured. Instead, the government goes to battle on many of the close cases and challenges the special masters when they lose. Oftentimes, when the Special Master rules in favor of the injured, Justice Department lawyers and HHS program managers call it a ''bad decision by the Special Master.'' They see this as litigation and not compensation and because of that mindset, in many instances; it has become exactly what Congress was trying to avoid—a difficult, litigious, drawn-out process.

Mr. Speaker, in November I wrote the President and asked him to host a White House Conference on Autism to address many of these issues. Today the families of vaccine-injured children are in Washington to protest the loss of their legal options as a result of the Homeland Security Act provisions. I hope that my colleagues will take the time to listen to these families—their constituents—as they come around to their offices this week. Many of my colleagues are already members of the Autism Caucus and will be actively working on autism issues this year. Every member of Congress needs to pay attention to this issue. Autism and vaccine issues are not partisan issues. I am pleased that in the last congressional session we set aside partisanship and focused on the issues. I hope that as we bring legislation through committees and to the floor for votes, that I can count on all of your support to put the families first, to do the right thing, and pass effective, compassionate legislation. I am introducing legislation today to repeal the provisions in the Homeland Security Act and I hope to have all of your cooperation in getting this done quickly. These families deserve justice and the opportunity to seek compensation.

REGARDING THE INTRODUCTION OF LEGISLATION PROVIDING APPROPRIATIONS FOR FISCAL YEAR 2003 FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. REGULA. Mr. Speaker, today I am introducing legislation to provide appropriations for the Departments of Labor, Health and Human Services, Education and Related Agencies for fiscal year 2003.

Mr. Speaker, this is an appropriations bill that truly touches every life in our nation—from funding our children's education, to research on countless diseases to job training funding to improve our nation's workforce and thus our competitiveness in the world economy.

The bill I am introducing today provides $130,902,000,000 for the discretionary programs and activities within the jurisdiction of the Subcommittee on Labor, HHS, Education and Related Agencies. It is the same funding level as the President's budget request and $3.3 billion over the fiscal year 2002 level.

The challenging demands of funding the important programs in this bill have required us to seek a very delicate balance in crafting the legislation. Therefore, I would like to share with my colleagues some of the programs we have focused our attention on in structuring this bill.

HEALTH AND HUMAN SERVICES

First in the area of our nation's health, we are providing $26.6 billion for the National Institutes of Health (NIH), and increase of $3.357 billion over last year. This funding level brings us very close to our final investment in our five year commitment to double the NIH biomedical research budget. Research efforts to date have resulted in great progress in understanding, preventing and treating disease and I am pleased to support these efforts.

The Centers for Disease Control and Prevention (CDC) is our nation's first line of defense in bioterrorism preparedness. The agency is also our nation's leader in promoting health and wellness as well as disease prevention. It is critical that we support the CDC's efforts in these areas, and we therefore provide $4.3 billion for fiscal 2003 to carry out these functions.

The Health Resources and Services Administration programs provide the vital backbone for carrying out health programs across the nation. We provide $1.457 billion for Community Health Centers, the access points for healthcare for our nation's uninsured and underinsured. This is a $115 million increase over last year's level. At this new level, we anticipate that nearly 13 million people will receive these important services.

The Health Professions account in this bill has a long tradition of support by the Members of this House, and I am pleased to report that the bill continues this longstanding tradition. We have included $377.6 million for the numerous health professions accounts. Included in this number is additional funding for nursing education, as our nation is now experiencing a critical nursing shortage.

Two further health programs of importance to many Members in this body include funding for the Ryan White CARE Act, at $1.93 billion and Children's Hospitals Graduate Medical Education at $292 million.

LIHEAP, the program that provides heating and cooling assistance to the poor will receive $1.7 billion in regular formula grant funding, the same level as last year. All of the funding is provided to the states for distribution to families and individuals rather than diverting a portion to emergencies as requested, as $300 million for emergency funding remains available for this purpose.

Other human services programs we focus priority funding on include the Safe and Stable Family program that we fund at $70 million. To support those young people who are no longer of eligible age to receive foster care, we are providing $40 million for Independent Living Vouchers. Finally, for the Compassion Capital Fund we are providing $30 million and for abstinence education we are providing $60 million, bringing the total for discretionary pro-family initiatives to $200 million.

EDUCATION

Turning to education, Mr. Speaker, this appropriations bill provides the funding for implementing our nation's new elementary and secondary education law, the No Child Left Behind Act. Since the enactment of this important law a year ago, much attention has been devoted to the need to fund this law, giving states and local education agencies the necessary resources to comply with the act.

The bill I am introducing today provides the important resources to assist teachers, school administrators, parents and students to achieve the goals of this new law. Funding for the numerous programs included in the No Child Left Behind Act totals $22.3 billion. This figure includes increases in the following areas: $500 million for the Title I program; $100 million for teacher quality, $100 million for the new Reading First program and $87.5 million for Math and Science Partnerships. Also of substantial importance, Special Education is increased by $500 million over last year.

Mr. Speaker, to some in the education arena this funding level may not be sufficient. However, I would like to take the opportunity to remind my colleagues that education is not exclusively about dollars. Historically, we have watched federal funding for Title I and other programs increase while test scores either remained stagnant or have actually declined. Hence, in the No Child Left Behind Act we seek results. Results in student achievement, results in accountability. How can we best accomplish these goals? I believe we can achieve these goals by ensuring that every year, every child has a good teacher in his or her classroom It is for this reason that I continue to dedicate attention and resources to teacher quality in this bill.

Pell Grants continue to receive pressure for funding, as large numbers of people of returned to higher education as a result of our economic downturn. These new students seek additional skills to improve their position in our job market and in our global economy. In the bill we retain the maximum level for the Pell Grant set last year at $4000, providing $11.2 billion to fund the program. At this level nearly 4.5 million students are expected to receive this aid.

Head Start is an important program that serves our nation's poor and is being called upon to more fully prepare our nation's children for school. We are providing $6.667 billion for this program. At this funding level, we anticipate that program may serve 915,000 children.

LABOR

Keeping in mind our nation's current economic situation, the bill focuses increases within the Department of Labor account on dislocated workers, providing an additional $113 million above fiscal year 2002. With this increase, local workforce development boards will receive a total of $1.4 billion for re-employment assistance to these dislocated workers.

CONCLUSION

Mr. Speaker, the numbers before us represent our best efforts at crafting this bill. It focuses our priorities on protecting our nation against bioterrorism, providing assistance to dislocated workers and investing in our future by funding important education programs. The numbers are subject to change as we proceed to work both here in the House and together with the other body to produce a final bill.

AN ARIZONA PUBLIC POWER UTILITY TURNS 100

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. PASTOR. Mr. Speaker, I call attention today to an Arizona institution that has risen from dusty frontier beginnings to become one of the nation's most successful public power companies. On Feb. 7, 2003, the Salt River River Project, generally known as SRP, will mark the centennial of its incorporation the oldest multi-purpose reclamation project in the nation.

On rivers east and north of Phoenix, SRP maintains a system of six large dams and reservoirs essential to maintaining central Arizona's economy. The company also operates a generation and transmission system that provides electricity to more than 60 percent of businesses, industries and residents of the greater Phoenix metropolitan area.

One could say much of SRP's one hundred-year history—how it began when pioneering settlers mortgaged their farms and lands for a federal loan to build Theodore Roosevelt Dam on the Salt River; how SRP paved the way for expanded water storage projects to quench central Arizona's thirst; how SRP got into the power business; and how it grew from hydropower provider to Arizona's copper mines to the third largest public power utility in the U.S.

While these are noteworthy achievements, SRP deserves further note for the community-minded spirit and it has continued to show since the days when a partnership between small desert farm communities led to the building of Roosevelt Dam.

Many times in recent years the company's employees have been recognized locally and nationally for their spirit of volunteerism and generosity. They have led in fundraising for the United Way and have contributed time to many good causes, including litter clean-ups, school mentoring, environmental teaching, meal service at homeless shelters, Special Olympic programs, summer camps for youths—the list is long.

In short, one could say that the community partnerships that led to SRP's formation a century ago have instilled in the company an ongoing commitment to community service. And, while SRP in virtually every respect must operate by the same competitive standards as private industry, it has not forgotten the meaning of the word "public" as a public power and water provider.

Mr. Speaker, I wish SRP a bright future of continuing good service in the year of its centennial.

HONORING ALBERTSONS

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. SIMPSON. Mr. Speaker, it is my honor to recognize and congratulate Albertsons Corporation for receiving the State Chairman Award from the Employer Support for Guard and Reserve.

Who puts their lives on the line for us? Who provides the combat ready forces that will help protect our national security interests? With the support of their employers, members of the National Guard and Reserve are there when we need them.

The National Guard and Reserve provide half of our nation's uniformed military forces. In fact, some military skills are found only in the Reserve components. The Secretary of Defense will call Reserve forces to serve along side their Active duty counterparts anytime the United States is conducting a significant military operation.

Now, more than ever, we as a nation are relying on our Reserve Members. Because they are Reserve and this is not their regular, full-time job, it is essential that employers support them. That's why I am so proud of Albertsons.

Albertsons has gone beyond the letter and the spirit of the law. After September 11th terrorist attacks, Albertsons implemented an enhanced military leave policy. Albertsons now provides wage differentials; continued health care coverage and retirement plan participation. Albertsons even set up a "hot line" to support impacted employees and their families. The company is a leader in reinforcing and enhancing its corporate policies in support of National Guard activities.

Because of this voluntary, proactive action that Albertsons took to assist our Reserve, they are receiving the State Chairman Award. This award is presented on behalf of the Assistant Secretary of Defense for Reserve Affairs in recognizing "outstanding" contributions in support of Reserve Forces made by individuals, organizations or employers. Each award signifies extraordinary endowments that materially affect the Reserves.

Albertsons deserves this award and I'm proud to acknowledge them for receiving it. Thank you, Albertsons, for supporting your country in such a patriotic manner.

THE SECOND AMENDMENT PROTECTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. PAUL. Mr. Speaker, I rise to restore the right the founding fathers saw as "the guarantee of every other right" by introducing the Second Amendment Protection Act. This legislation reverses the steady erosion of the right to keep and bear arms by repealing unconstitutional laws which allow power-hungry federal bureaucrats to restrict the rights of law-abiding gun owners.

Specifically, my legislation repeals the five-day waiting period and the ''instant'' background check, which enable the Federal Government to compile a database of every gun owner in America. My legislation also repeals the misnamed ban on ''semi-automatic'' weapons which bans entire class of firearms for no conceivable reason beside the desire of demagogic politicians to appear ''tough on crime.'' Finally, my bill amends the Gun Control Act of 1968 by deleting the sporting purposes'' test, which allows the Treasury Secretary to infringe on second amendment rights by classifying a firearm (handgun, rifle, shotgun) as a ''destructive device'' simply because the Secretary believes the gun to be ''non-sporting.''

Thomas Jefferson said ''The constitutions of most of our States assert that all power is inherent in the people; . . . that it is their right and duty to be at all times armed.'' Jefferson, and all of the Founders, would be horrified by the proliferation of unconstitutional legislation which prevent law-abiding Americans from exercising their ''right and duty,'' to keep and bear arms. I hope my colleagues will join me in upholding the Founders' vision a free society by cosponsoring the Second Amendment Restoration Act.

A BILL TO REAUTHORIZE THE UNITED STATES PEACE CORPS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. FARR. Mr. Speaker, I ask permission to revise and extend my remarks.

Mr. Speaker, I have the pleasure and the honor today of introducing a bill which will reauthorize the United States Peace Corps. I served in the Peace Corps for two years, from 1964–66, in Colombia and it inspired me to devote my life to public service. With this bill, over 14,000 Americans will be given the chance to have the same inspiration.

This bill is long in the making. We in Congress have been advocating the increase and strengthening of the Peace Corps for a long time. The goal of increasing the Peace Corps to 10,000 volunteers was announced by President Ronald Reagan in 1986. It was echoed by President Clinton in 1992. Finally, President George W. Bush announced in his State of Union address last year, his commitment to double the number of Peace Corps volunteers in five years. Last year, following the President's statement, I introduced a bill, which would help fulfill this vision for the Peace Corps. The same bill was introduced in the Senate, where it was ultimately passed by unanimous consent.

The bill I am introducing today is essentially the same bill that was passed by the Senate:

It doubles the number of volunteers in five years;

It restates the independence of the Peace Corps;

It asks for reports to Congress on new initiatives and security for Peace Corps volunteers;

It makes a commitment to recruit and place Peace Corps volunteers in countries where they could help promote mutual understanding, particularly in areas with substantial Muslim populations;

It develops training programs for Peace Corps volunteers in areas of education and prevention of AIDS;

It streamlines and empowers the Peace Corps Advisory Council and creates a fund to promote the work of returned Peace Corps volunteers in fulfilling the third goal of the Peace Corps—to educate other Americans about their experience overseas.

This is a crucial time to invest in the Peace Corps, a crucial time to invest in improving America's relations with peoples and countries across the globe. I believe that this bill represents an important symbol of the good will of the United States, and reflects our fundamental nature as a concerned and caring nation.

I would like to thank Congressman MARK UDALL, whose mother was a Peace Corps volunteer in Nepal, for helping to author the bill. I would also like to thank my fellow Congressman MIKE HONDA for also being an original cosponsor. I would also like to thank all of the Returned Peace Corps Volunteers who have given invaluable input in creating this bill.

I encourage my colleagues to join us in cosponsoring this important piece of legislation.

TRIBUTE TO MRS. PATRICIA BROOKS CAREY OF HUTCHINSON, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. MORAN of Kansas. Mr. Speaker, I rise today to pay tribute to a woman who affected the lives of thousands of people in Kansas and across the country. This month we mourn the death of Mrs. Patricia ''Patty'' Brooks Carey of Hutchinson, Kansas.

As Kansans, we are dutifully aware of our state motto, Ad Astra Per Aspera which translates, ''To the Stars Through Difficulties.'' Patty lived this theme with an unsurpassed passion.

In 1962, with vision and determination, Patty launched a small planetarium in the poultry house on the Kansas State Fairgrounds. From this humble beginning, the planetarium has evolved into a multifaceted space science education museum that today houses one of the world's largest and most significant collections of United States and Soviet space artifacts. Thanks to Patty's devotion, the Kansas Cosmosphere and Space Center stands as a testament to her mission of excellence.

Patty's dedication to her hometown is legendary. Throughout her life, Patty touched the lives of many—especially those of children—taking a lead role in making certain her community was progressive in pursuits of education, culture and other quality of life issues. Her leadership and service on the board of directors for the Cosmosphere, Community Foundation and hospital were always marked with practicality, persuasion and genuineness.

Most important to Patty was her family. Over the course of 61 years she and her husband Howard J. ''Jake'' Carey, grandson of the founder of Carey Salt, raised three sons, Brooks, Christopher and Michael, and devoted endless love and attention to six grandchildren.

Gene Cernan, the last man to walk on the moon and whose Apollo 17 mission is featured at the Cosmosphere, summed up his goodbye to his friend this way: ''Patty was a very small woman in size, but certainly a big woman in stature. She had a dream, and she stuck with it.'' I can think of no finer compliment.

Patty Carey made her community, State and Nation a better place. I join her many friends and admirers in extending my deepest sympathies to Jake and his family during their time of loss.

TRIBUTE TO THE HONORABLE WAYNE OWENS, FORMER MEMBER OF CONGRESS FROM UTAH

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 2003

Mr. UDALL of New Mexico. Madam Speaker, I thank the gentleman from Utah (Mr. CANNON) for all he has done in organizing these words today on the floor for Wayne Owens. His untimely death was unfortunate and a real loss to this country.

Wayne Owens was a fine public servant. Many will talk and some already have about his tireless efforts for peace in the Middle East, but Wayne had an extensive legislative record here in the House of Representatives. During his term, he helped secure funding for the large-scale Colorado River Storage Project that is the main source of water for Utah and other Western States. He continually fought for wilderness designation to protect vast expanses of Utah's mountains from development.

Wayne was not afraid to take a stand for what he believed in. For example, in 1987 he introduced legislation to reintroduce wolves into Yellowstone National Park to help save the threatened species. He was the only member of the Utah congressional delegation to vote against giving former President Bush the authority to go to war against Iraq in 1991. No matter the issue, Wayne voted his conscience.

The issue that I specifically would like to talk about today is his bringing justice to the Colorado plateau uranium miners.

Wayne saw this as a situation with the Colorado uranium miners that had to have justice be brought to the situation. And what happened is these uranium miners went into mines on the Colorado plateau, worked in very dangerous, dirty air mines. There were high radon levels, as the gentleman from Utah (Mr. CANNON) knows. He has worked on this very issue. The government knew these levels were very high. Government doctors did reports and doctors issued studies, but nobody told the uranium miners that there was really a problem. And so many years they continued to work in these uranium mines, 10 or 15 years in these dirty air mines.

As many of us know, when you contract radon in a uranium mine and it is at high levels what ends up happening is 10 or 15 years

down the line you get lung cancer, and that is in fact what happened on the Colorado plateau, an epidemic of lung cancer. Lawsuits were brought on behalf of these uranium miners but many of them were unsuccessful. My father was one of the ones, Stewart Udall, that brought many of the lawsuits and represented the miners. He just told me the other day when we learned of Wayne's death, he said, if it had not been for Wayne at that particular point when the miners lost their lawsuits, when the families were discouraged, when they thought there was going to be no justice, it was Wayne Owens that picked up the fight. And he went out and held hearings and he involved TED KENNEDY and BARNEY FRANK and the Committee on the Judiciary and brought justice to this situation by helping pass a piece of legislation known as the Radiation Exposure Compensation Act. And many families today in Utah and across the Colorado plateau are now in much better shape because of Wayne Owens' efforts on that piece of legislation.

In closing, I want to say that Wayne genuinely loved people and was extremely generous with time and resources. He was a wonderful and caring husband and father. His wife, Marlene, five children and fourteen grandchildren always knew of his unconditional love. He had boundless energy and reached out to everyone he met. He treated everyone with respect. Perhaps there is no greater way to be remembered than that.

It is my privilege to pay tribute to Wayne Owens for his commitment and service. I send my heartfelt condolences to his family, friends, and the State of Utah.

When I reflect upon the lives of men such as Wayne Owens, who dedicated his life to serving others, I am reminded of the principles of public service.

A TRIBUTE TO THE THIRTEEN BEST COMPANIES TO WORK FOR IN THE BAY AREA

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Ms. ESHOO. Mr. Speaker, I rise to honor the 13 companies in the Bay Area which were selected by Fortune magazine as one of the "100 Best Companies to Work For."

Xilinx, Adobe Systems, Cisco Systems, Intel, Agilent Technologies, Silicon Graphics, Network Appliance, Autodesk, Intuit, Sun Microsystems, Genentech, Charles Schwab and Electronic Arts have distinguished themselves as employers. How proud I am to represent the District which is either home to several of the honorees or who employ some of my constituents.

Despite adverse market conditions each one of these companies has demonstrated in important ways how much they value their employees. Top executives have taken pay cuts and many have set a high corporate standard of providing employees incentives to work for nonprofit organizations in their communities.

Each company who is part of this 'honor role' has come to the list experiencing a challenging economy and tough workplace issues. Yet they've done it with fairness, with integrity and with respect for their employees.

Mr. Speaker, I ask my colleagues to join me in honoring Xilinx, Adobe Systems, Cisco Systems, Intel, Agilent Technologies, Silicon Graphics, Network Appliance, Autodesk, Intuit, Sun Microsystems, Genentech, Charles Schwab and Electronic Arts for everything they've done to create the best workplaces of the 21st century and as they do, we salute them for what they contribute to the well being of our nation.

IN APPRECIATION FOR SHARING AN EXTRAORDINARY STORY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. ROSS. Mr. Speaker, I rise today to pay tribute to an individual from my district who has lived an extraordinary life and is now working to share the stories of his incredible experiences during the Second World War.

Growing up on his family's small Missouri farm during the Depression, Fred Randle became well acquainted with hardship and adversity. One of the first members of his family to graduate high school, Fred was looking forward to earning a steady living and beginning a new life with his new bride when the Japanese attacked Pearl Harbor. The young man immediately enlisted in the United States Army, unaware of the unique role he would play in determining the outcome of World War II.

During the Quebec Conference of 1943, President Franklin D. Roosevelt, Prime Minister Winston Churchill of England, and other allied leaders conceived the idea of having an American ground unit spearhead the Chinese Army with a Long Range Penetration Mission behind enemy lines in Burma. Its goal would be the destruction of Japanese communications and supply lines and generally to play havoc with enemy forces while an attempt was made to reopen the Burma Road.

A Presidential call for volunteers for "A Dangerous and Hazardous Mission" was issued, and approximately 2,900 American soldiers responded to the call, including Fred Randle. The unit later became popularly known as Merrill's Marauders, named after its leader, Brigadier General Frank Merrill.

Shortly after completing basic training at the age of 21. Randle and the Marauders embarked on their mission. During a rendezvous with other ships in the Mediterranean, about 30 German bombers attacked the convoy without success. Fifteen minutes later, a smaller group of planes arrived and one released a guided missile that struck the side of the HMT Rohna. Witnesses watched the total destruction of the boat with its 1,600 Americans aboard. Fewer than 600 survived.

Fred Randle was among those 600 survivors, and despite the loss of his fellow soldiers, he continued on to ensure the success of the Marauders' mission. I find Randle's wartime experiences truly inspiring, and I salute him for his eagerness to share his story with younger generations so they may understand what it is like to fight for your country, even when faced with unbelievable setbacks. Fred Randle is truly part of America's greatest generation, and his sacrifices and contribution to our country are among the reasons we remain free today.

FIRST BIRTHDAY OF DIEGO VINCENT OLIVAREZ

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today on a point of personal privilege to exercise my rights, responsibilities and pride as a grandmother to note a significant occasion in the life of the Roybal-Allard family—the first birthday of my beloved grandson, Diego Vincent Olivarez.

Diego is my first grandchild and the first great-grandchild of my father, former Rep. Edward Roybal, and I can with great modesty and accuracy report to my colleagues that he is the most beautiful baby in the world.

Diego's first birthday is notable because he was diagnosed at birth with microcephaly, and not expected to live more than a few months. While the birth and first year of a grandchild are always joyful, this year has been a particularly challenging one for his loving parents, Ricardo and Rory Olivarez. To Ricardo and Rory's everlasting credit, they rejected medical advice to institutionalize Diego. At home, they have provided a stimulating and nurturing environment for Diego, helping him to thrive. As a result, Diego's progress has far surpassed the original pessimistic medical opinions.

As I'm sure is true for all grandparents, Diego has brought real joy and meaning to our lives. His medical affliction, while an on-going concern for us, has been a blessing in disguise because it has emphasized, in a way that nothing else probably could, how precious each day is that we are given on this earth.

Diego, although your grandmother is in Washington today serving her constituents, she is thinking about you and wishes you a Happy Birthday.

STOP DISCRIMINATION AGAINST SEVEN STATES ACT OF 2003

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 8, 2003

Mr. COOPER. Mr. Speaker, most Americans take for granted that federal laws apply to every American equally, regardless of what state we live in. Well, you may be surprised to learn that taxpayers in seven states are discriminated against by the Internal Revenue Code, and have been since 1986. This means that the 51 million people who live in the states of Texas, Florida, Tennessee, Washington, New Hampshire, Alaska, and Wyoming are treated differently, and punitively, by the federal government, due to no fault of their

own, and for no good reason of public policy. This injustice amounts to many billions of dollars in higher taxes paid by residents of these states every year.

How did this discrimination occur? Prior to 1986, federal tax law allowed taxpayers to deduct from their federal income tax any state taxes that they paid, whether for a state income tax or a state sales tax. This deduction allowed all Americans the ability to reduce their federal tax burden due to the accepted principle that (1) the federal government deferred to the chosen tax system of each state, and (2) to prevent double taxation of taxes paid to state governments.

After 1986, in the tax reform act of that year, only state income taxes were deductible. Taxpayers in states with no income tax were suddenly allowed no deduction on the money they paid to their state governments. The 1986 tax reform legislation was a giant bill with many unintended consequences. There was no sound public policy reason for discriminating against states which have chosen to rely on a sales tax, yet this discrimination has persisted for 16 years.

There are 43 states today which have a state income tax and seven states which have no income tax, but which in most cases use a state sales tax for their primary source of revenue. This means that taxpayers in 43 states get different and better treatment from the Internal Revenue Code than the residents of the other seven states: Texas, Florida, Tennessee, Washington, New Hampshire, Alaska, and Wyoming.

I have introduced a bill today to remedy this situation. My original cosponsors are BART GORDON, JOHN TANNER, and LINCOLN DAVIS. My legislation would allow taxpayers in states which rely on a sales tax to get the same deduction as residents of income tax states—no better and no worse.

To allow the current injustice to continue means that federal law is forcing all states to adopt an income tax. This should never be federal policy. To deny 51 million Americans the benefits of a deduction that every other American enjoys is rank discrimination. And to deny this deduction is to effectively double-tax the hard-earned pay of residents of seven states.

My colleague BRIAN BAIRD has been fighting this battle for years now, as has my predecessor, Bob Clement. There are 79 Members of Congress whose constituents are directly and adversely affected by this discrimination. We owe it to our seven states, and to the 51 million people we represent to restore basic fairness to our tax code.

SENATE—*Thursday, January 9, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. The Senate's guest Chaplain this morning is RADM Barry C. Black, the Chief of Chaplains for the United States Navy.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray:

Eternal Lord God, good beyond all that is good, fair beyond all that is fair, in whom is calmness, peace, and concord, destroy the dissensions that divide us and bring us back to the unity You desire for humanity.

Lord, we seek for peace and unity, and yet we live in tension. We make agreements but suspect that we have not agreed. We flex the muscle of our might to reassure ourselves and to caution aggressors, and still anxieties persist.

Lord, show us the way. Keep us from presuming that because of some goodness we possess, You are on our side. Empower us, instead, to seek to be on Your side.

Bless this great land. Bless also all whom You have set in authority. Give them such wisdom and candor, courage and justice, joy and truth, that Your will will be done on Earth even as it is done in Heaven.

All glory, honor, and praise be to You. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning there will be a period of morning business for 2 hours, until 11:30 a.m., for Senators to speak and introduce bills.

Today, we expect to receive from the House a continuing resolution. It is my hope that we will be able to take up that measure and pass it in short order. We also hope to have the committee resolutions completed so that we can get the committees up and running so they can all begin their work for the 108th Congress.

Yesterday, the Republican conference approved our membership and, therefore, we would like to have the respective party committee resolutions passed today if at all possible.

Over the course of the morning we will be talking leadership to leadership to establish a timetable, but hopefully that can be done today in terms of the committee composition and chairmanships.

Senators should know that rollcall votes are possible today. We will let Senators know the timing of votes as soon as they are scheduled. Also, Senators should be aware that if we are unable to complete our work today, there could be rollcall votes on Friday.

I yield the floor.

(Mr. ALEXANDER assumed the chair.)

Mr. STEVENS. Will the Senator yield?

Mr. FRIST. Yes.

Mr. STEVENS. Mr. President, if that resolution is agreed to today, I would like to have a meeting of the Appropriations Committee tomorrow morning at 10 o'clock.

Mr. FRIST. I understand. It is absolutely critical that we finish much of the business from last year. There are 11 appropriations bills that are very dependent on us having the committee resolutions passed. Hopefully that can be done as soon as possible. We made real progress yesterday. I am very hopeful, over the course of today, we can come to some conclusion with that, and then we would be able to have the appropriations meetings and be able to address the spending bills—11 of those spending bills that are critically important to this country—over the course of Friday and next week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the majority leader leaves, as the leader knows, we had a very productive meeting with the President yesterday. We left there with the feeling of bipartisanship that we should have with us today. We would hope, with the chairman of the very important Appropriations Committee, the President pro tempore of the Senate, being on the floor today, that we can make it possible so he and Senator BYRD can lead us in completing that appropriations process.

So we look forward to working with you. Hopefully, we can get this done in the near future.

ORDER OF PROCEDURE

Mr. REID. Mr. President, after the Chair announces the period of morning business, I ask unanimous consent I be recognized in morning business, and then the Senator from New Hampshire, Mr. GREGG, be recognized for up to 40 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Nevada.

LEGISLATION TO BE PASSED

Mr. REID. Mr. President, we did have a meeting with the President yesterday. It was one where we talked about the things that need to be done. The people who were at the meeting are experienced and understand the legislative perils we face on a daily basis. But we also recognize there are things that need to be done for the country, and we have to work toward that.

I want to just briefly mention today that Senator DASCHLE introduced, on behalf of the Democratic caucus, bills that we believe are extremely important to pass. These are not necessarily in the order of importance, but the first bill introduced was S. 6, the Comprehensive Homeland Security Act.

Basically, this bill builds on legislative initiatives that were passed in the 107th Congress. It would authorize funding for important programs. We have big holes in our security blanket. We have to do something about chemical security, domestic nuclear plants. We have to do something about rail security, security of water treatment works, and border security efforts to combat terrorism generally. This legislation is, in my opinion, a must-do piece of legislation.

Prescription drugs has been talked about endlessly, with nothing having been done. It is so important that we pass legislation that makes Medicare a more meaningful, modern piece of legislation for our senior citizens.

When the Medicare legislation passed in 1965, there was really no need for prescription drugs because they were not used as they are today to make people more comfortable, to save lives, and to prevent disease. But now that is part of the basic treatment that seniors have.

The average senior has 18 prescriptions filled every year. As a result, they pay large amounts out of their pocket for prescription drugs. What we have to do is provide a prescription drug benefit as part of Medicare. We need to do that and also in the process preserve Medicare. Medicare is not a perfect program, but it is a good program. People are saying it is about to go broke. Medicare is not about to go broke. And always remember that Medicare is a pay-as-you-go program. We continually have to refund and figure out ways to finance Medicare. That is the way it is. It is different than Social Security.

So a prescription drug benefit is important for Medicare. Also, it is important we get ahold of prescription drug prices generally for everybody. Prescription drugs in this country are tremendously expensive, more expensive than in any other country, even though we develop and manufacture and produce most of them. It is not fair we spend more on prescription drugs than other countries. It is not fair they are cheaper in Canada and cheaper in Mexico than they are in the United States.

The Leave No Child Behind Act is something that is an important piece of legislation, but the problem now is that it is not funded. We have to provide full funding for this No Child Left Behind Act. We have to hold States accountable for ensuring that all students have access to educational resources.

We have to guarantee full funding of the Individuals With Disabilities Education Act.

The Senator from New Hampshire has been a loud advocate for doing something to fund that program. We have to, as part of S. 8, help communities modernize public schools, and there are other things we need to do included in S. 8 that we need to debate and pass this year.

S. 9 is the protection for pensions. This is a buildup of last year's corporate scandals and the 3-year stock market decline. They have simply highlighted the need to strengthen pension protections. That is what S. 9 is all about.

S. 10 deals with the more than 40 million people who have no health insurance. There are many other people who have inadequate health insurance. We have to do something to provide some way of these people getting decent medical care. Over 40 million people with no health insurance says it all. That is what S. 10 is all about.

As to the Equal Rights and Equal Dignity for Americans Act, we believe that we have to expand hate crimes protection, strengthen enforcement of existing civil rights laws, support legal representation for indigent Americans, and respond to the injustice of racial profiling. That is what S. 16 is all about. It is important legislation that needs to be passed.

Global warming is S. 17. There is no question, there is no debate—sensibly, logically, intellectually—that global warming is taking place. It is. The question is, what are we going to do about it? That is the key.

We as Democrats talk about the minimum wage. We do it because most people have the stereotype that people who draw the minimum wage are kids flipping hamburgers at McDonald's. That is not the case. In fact, 60 percent of the people who draw the minimum wage are women; for 40 percent of those women, that is the only money they get for them and their families. So it is really important that we do something to increase the minimum wage. The minimum wage act would in two steps raise the minimum wage by $1.50: 75 cents when we pass the legislation; 75 cents after that. It is important we do that.

Many people who work two and sometimes three jobs, most of them part time, are paid the minimum wage. We need to increase that. That is the right thing to do.

I was very happy the leader included in his package of must-do legislation for the Democratic caucus this year the Veterans and Military Personnel Fairness Act. Among other provisions, this includes expanding full concurrent receipt of military retirement. We have made a little bit of progress over the last couple years. Last year we made the most progress, but we are still lacking.

If you retire from the military and have a medical disability, you cannot draw both pensions. Prior to last year, no one could. Last year we provided that people who are Purple Heart recipients basically can. We need to expand that. I was very happy the leader included this legislation that I authored and have worked on very closely with Senators LEVIN and WARNER. It has taken years to get where we are now. We will continue to try to expand until people who retire from the military and have a disability can draw the same pension as somebody who retires from Sears and Roebuck and the Department of Interior and has the military disability. They should be able to draw the pension just the same. We want that to happen.

S. 21, the Emergency Disaster Assistance Act, addresses severe drought and floods, natural disasters farmers and ranchers face all over the country. We need to do more to take care of these desperate people. Time magazine had their pictures of the year. I looked at that last night before going to bed. It is interesting to note that a number of those pictures deal with the drought that has taken place. One picture is of a 67-year-old farmer. For the first time in his career, he has nothing. He said: Farmers know what to do when it rains; we don't know what to do when it doesn't rain.

That is what this legislation is all about. I hope in the spirit of what the majority leader talked about today and the President talked about at the White House yesterday we can work together to pass this legislation.

The majority has pieces of legislation that they believe are important to pass. What we should do is work together. They have pieces of our legislation. Maybe we can work together. That is what we should do to pass the legislation. I don't think there would be many who would disagree that this legislation is important. They may not agree with every part of it, but that is what legislation is about. Legislation is the art of compromise. I hope we can move forward and do some compromising and some legislating.

Before the Senator takes his 40 minutes, I would say to my friends on the Democratic side, prior to their arriving, Senator GREGG asked for 40 minutes of the hour that the Republicans have set aside. He will do that now. Do you want to lock in a time for the two Senators now?

Mrs. LINCOLN. Mr. President, I would need 5 minutes.

Mr. REID. You are entitled to 10. So following the remarks of the Senator from New Hampshire, the Senator from Arkansas will speak. The Senator from Minnesota?

Mr. DAYTON. If I may have 15.

Mr. REID. Mr. President, I ask unanimous consent that following the statement of the Senator from New Hampshire, the Senator from Arkansas be recognized for up to 10 minutes and the Senator from Minnesota for up to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I will speak for about 40 minutes. I understood the Senator from Arkansas only needed about 5 minutes. I am happy to yield to her now as long as it does not impact my 40 minutes, if the Senator from Arkansas wishes to proceed.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that I might proceed as in morning business for 5 minutes and that it not take anything out of the time of the Senator from New Hampshire.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO LANCE CORPORAL JASON SMEDLEY

Mrs. LINCOLN. Mr. President, I have some very important guests with me today in the Senate. I wanted to share that with my colleagues as well as my colleagues across the land.

I rise today to pay tribute to a young man who is with me today and who has served on my staff for the past year, Jason Smedley, of Little Rock, AK. We are joined today by his mother and his girlfriend and many members of my staff. Jason is a lance corporal in the 4th Civil Affairs Group of the U.S. Marine Corps stationed here in Washington, DC.

On Friday, Jason and his colleagues will depart for the Middle East where he will await orders for potential U.S. military action against Iraq. Like all of the men and women who serve in our armed forces to preserve our liberties and ensure global security, Jason is making a tremendous sacrifice in service to his country.

As a senior at Howard University, Jason is only a few months away from completing studies and earning his degree which he plans to earn upon his return. He will be leaving behind his 2-year old daughter Isis and his parents James and Carolyn Smedley, all of Little Rock, AK.

For the next few months, Jason is offering his service in a cause greater than himself. I know that all of my colleagues and the American people join me in honoring Jason and the tens of thousands of men and women who, just like him, face similar sacrifices in the coming weeks and months.

From Arkansas alone, as of last week nearly 700 Guardsmen and reservists have been activated in support of the war on terrorism and for potential action against Iraq. These include troops from Little Rock, North Little Rock, Lincoln, Ogden, Ozark, Siloam Springs, Van Buren, Fayetteville, Pine Bluff, and Fort Smith. I ask unanimous consent that the list of Arkansas units currently activated in support of the war on terrorism and potential action against Iraq be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. LINCOLN. We are proud of each and every one of these men and women for their commitment to this country and to each of us. We look forward to welcoming them back when their work overseas is done. My own father who passed away in October was a veteran of the Korean war. He taught me to always respect the great commitment made by our troops in fighting to protect our freedoms. Our troops of today's generation deserve the same respect.

During Jason's service to Arkansas as a member of my staff, I have appreciated his hard work, as well as his energy and positive attitude. I look forward to welcoming him back to my staff as soon as possible. I am sure all of my colleagues here will join me in wishing Lance Corporal Jason Smedley the best in the months ahead.

I thank his mother and girlfriend for being here to share that with us today. Most importantly, I ask my colleagues, as we enter into the challenging months we have before us in this great country, that we look not only within ourselves but around us to our immediate family, to our extended family, to our Senate family, and to all of those lives that are going to be, have been, and will be affected. This is a great country. The freedoms we enjoy, the incredible potential that we have is right here in people such as Jason Smedley.

I ask my colleagues to join me as we wish Jason well in his endeavors and as he goes to take on whatever his duties may be on behalf of the American people. I thank my colleague from New Hampshire for affording me the opportunity to salute someone who has meant an awful lot to me in my life and in my work and now to me, as an American citizen, and to the rest of this great country.

Thank you, Mr. President. Thank you, especially, to Lance Corporal Jason Smedley. We bid you well.

Thank you, Mr. President.

EXHIBIT 1

The following units from Arkansas have been activated as of December 31, 2002:

Army National Guard:

N. Little Rock, State Area Command, AR Army NG HQ;
Ft. Smith, 142nd Field Artillery HHB, 2nd Battalion;
Lincoln, 2–142nd Field Artillery, HHSB, Detachment 1;
Ogden, 142nd Military Intelligence Battalion Co. A, Detachment 4;
Ogden, 142nd Military Intelligence Battalion Co. A, Detachment 3;
Ozark, 142nd Field Artillery Battery C, 2nd Battalion;
Siloam Springs, 142nd Field Artillery, 2nd Battalion, Battery B;
Van Buren, 142nd Field Artillery, 2nd Battalion, Battery A;
West Memphis, 216th Military Police Company Guard Company;
Little Rock, 149th Medical Company Forward, Detachment 1; and
Little Rock, State Area Command, AR Army National Guard HQ.

Army Reserve:

Fayetteville, 362nd Psychological Ops. Co. EF SPT ELE;
Fayetteville, 362nd Psychological Ops. OEF SPT ELE 2;
Little Rock, 431st Civil Affairs Battalion;
Little Rock, 460 Chemical Brigade, Detachment 1; and
Pine Bluff, 92nd Chemical Battalion, Detachment 1.

Air National Guard:

Little Rock, 189th Airlift Wing; and
Fort Smith, 189th Airlift Wing.

Navy Reserves:

Little Rock, Naval Suport Activity Bahrain, Detachment C.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I join with the Senator from Arkansas in thanking her staff member for going to serve our country. We wish him good luck and godspeed as he goes forth to protect us.

NO CHILD LEFT BEHIND

Mr. GREGG. Mr. President, I wanted to speak today on a number of issues—primarily on the issue of the legislation we passed a year ago, which was landmark legislation, called ''No Child Left Behind.'' It fundamentally changed the way the Federal Government and many of our educational institutions across the Nation will approach the education of low-income especially, but children generally.

Yesterday was the 1-year anniversary of this extraordinary bill, the most significant piece of education reform legislation passed by the Congress. It was the primary domestic policy initiative of the President in his first 2 years in office. It continues to be one of his primary focuses. The No Child Left Behind bill had as its goal essentially a few items. No. 1 was that low income children who for years have been basically warehoused through our system will no longer be put into that situation. Low-income children especially will be given the opportunity to learn and compete in our society and be given the opportunity to receive an education that will allow them to participate in the American dream; and that no child—low-income or not—should be left behind by our educational system. It did this and it tries to accomplish this goal by basically empowering the local school districts, the teachers, the principals, and the school boards, with more opportunities for educating the low-income child. It gives them more flexibility over the dollars the Federal Government puts back into the school districts and gives them more dollars. At the same time, it is saying to the school districts and the States that we are going to give you more dollars and more flexibility for handling the dollars and, in addition, we are going to expect results, accountability; and the children, as they move through their educational experience—in the elementary school systems, especially—are actually learning to their grade level.

We are going to have standards and tests—not developed by the Federal Government but, rather, by the local communities and the States—and those standards and tests are going to be set by the local communities and the States. Once they are set, we are going to expect that the children in those schools in those districts will have the educational experience that will allow them to reach those standards and

goals set out by the States and local communities. So we will have accountability.

Most important, we are going to give the parents of those children the opportunity to see how successful their children are, to learn whether or not the schools they are in are teaching their children at a level that gives the children the ability to compete in America and participate in the American dream.

If the school systems regrettably do not succeed, if after years of effort in trying to bring them up to speed they are unable still to educate the children at a level that is competitive with their peers, then we are going to give the parents and the school systems tools to allow those schools to reform and we are going to give the parents tools to get their children other options for education.

So under this bill, we would basically do four things: 1, put more money into the system; 2, put more flexibility into the system for the use of that money; 3, expect accountability; and empower parents to take action to try to correct the situation of their child not getting the education and assistance that they need.

This bill, this concept, obviously, is a huge and fundamental change. There is clearly going to be, and there has been, a period of adjustment and ramping up and organizing that is necessary to put this type of change in place. We are just really in the early stages of that effort. In fact, the States, under this bill, do not have to have their plans in and approved until the end of this month. So as a practical matter, many States have not even ordered their plans in order to respond to the issue of how you bring your children up to speed and how you make sure no child is left behind. A few States have. The President yesterday recognized five States that have put in place plans that meet the basic goals of the No Child Left Behind bill, which is to create a system where there is accountability and where parents will know how much their children are learning and where, if it doesn't work, if some schools are not reaching the levels of success that are required, then there will be options for those parents, such as public school choice, such as getting tutorial support for their children, or such as just reform fundamentally the school that is having problems.

Five States have already accomplished that: Ohio, Massachusetts, New York, Indiana—I am not sure of the fifth. But these States have a lot of kids in their school systems and they have been able to pull together the plans to be successful under the No Child Left Behind bill.

As these States and communities and school systems have tried to get organized to be ready for the No Child Left Behind initiative and tried to address the issue that I think we all want to accomplish—to make sure the school systems of America are strong, vibrant, and are giving children what they need in order to learn—as that has happened, unfortunately, there has been an undercurrent of opposition growing. I am not sure what is energizing it. Some is initiated by the fact that many of our States and local school districts are going through very difficult economic times now, and therefore they are under strain financially, and that is understandable. Some of it is initiated simply because there are, unfortunately, people in the educational community—certainly not the majority and certainly not even a large percentage, in my opinion, because I think the vast majority of people in education really want to succeed and they want this bill to work and they understand the importance of making sure our children learn or they would not be in education. It is a very altruistic undertaking.

Some at the higher levels of some of our professional organizations basically don't like the idea of accountability. They don't like the idea that there will be a scorecard that parents can look at to determine whether or not children are getting an education that will make them competitive in America and give them a shot at the American dream. For years, unfortunately, kids have been allowed to slip through the system, to be warehoused and just pushed on. That simply is not acceptable under this bill. That means people are going to have to perform to bring those kids up to the ability to read and write and do the basic elements that are required in order to be a literate person in America. Unfortunately, some people do not like that pressure being put on them to be accountable.

Then there is the problem, unfortunately, to some degree, of the old-fashioned ''we are headed into a Presidential election, so let's be partisan.''

Today I want to spend some time going over what we as the Republican Party have put forward in resources to support the bill and why I believe we have committed the type of resources that are necessary to make No Child Left Behind successful because we have heard a number of speeches made on the other side of the aisle by, unfortunately, Members who should be familiar with this issue but who appear to not be familiar with the facts attacking the issue of whether or not this President has made a strong enough commitment in the area of funding to support the No Child Left Behind bill.

It is important to do this in a juxtapositional manner. This President came into office saying he was going to make education a No. 1 goal. He was the successor to an administration which did not make education the No. 1 goal of its administration. I believe it is important to reflect on the fact that we, as Republicans, have truly committed significant resources, especially in comparison to the prior administration in this area.

For example, since 1996, when Republicans took control of the Congress, Federal spending for education has more than doubled and Pell grants, which are the maximum awards—Pell grants being higher education grants—have increased by 62 percent from $2,400 up to $4,000.

Looking at the programs which are covered by the No Child Left Behind bill, funding has increased by 49 percent, almost 50 percent in the last 2 years. That means that funding for education has grown faster as a function of the Federal Government than any other element of the Federal Government. That includes Health and Human Services and Defense. Defense is up 48 percent; Health and Human Services is up 96 percent; Education is up 132 percent. That is a massive increase in the commitment to education.

Republicans have committed the highest level of funding to education in the history of this country. Last year, under President Bush's leadership, we committed $60.5 billion, for an increase of 44 percent for K–12 education and higher education. This is nearly $20 billion more than the highest level of funding of the Clinton administration. This chart shows that: $60 billion versus $42 billion.

A year ago, President Bush signed into law, as I mentioned, the No Child Left Behind bill, which contained the most significant elementary and secondary education reforms in the last 30 years, and he followed it up with the largest increases in elementary and secondary education funding in the history, a whopping $4.8 billion, representing a 28-percent increase in funding as a result of his commitment to back up that law.

In addition to increasing the funding for the No Child Left Behind bill, the Congress passed tax cut legislation that provided $30 billion of tax relief for parents who are trying to educate their children. Our tax bill created a new deduction for qualified higher education expenses, increased the amount individuals can contribute to educational savings accounts, allowed tax redistribution from qualified tuition plans, expanded deductions which teachers can take as a result of expenses they incur to buy classroom supplies and created a loan forgiveness program for teachers.

I note that tax bill which increased spending on education by $30 billion did not receive one vote from one member of the Democratic side of the aisle on the Education Committee. So when I hear these folks who come down to this well from the committee on which I have the honor to serve say we are not making our commitment—the Republican Party specifically, and we have

heard this interminably for the last few months—we are not making our commitment to fund education, I find that hard to defend in the face of the facts which I have just outlined.

In addition to the No Child Left Behind bill and the tax bill, we have dramatically increased funding for special education under the Republican Congress. We have increased funding for IDEA by 224 percent since the Republicans took control of the Congress. In fact, unlike the previous administration which essentially level funded IDEA with every budget they sent up here, President Bush has increased funding for special education by over $1 billion in each year of his Presidency.

There have been dramatic increases, which are shown by this chart, in the request for and the actual funding that has gone into special education as a result of President Bush being elected President, which is the exact opposite of how special education was being treated under the prior administration, where virtually no increase was occurring from the request put forward by the President, then-President Clinton, in his budget.

President Bush supported the largest increase in the title I program in history. Last year, title I received $1.5 billion. Title I is the program that is directed specifically at low-income kids. It is the program which is the core of the No Child Left Behind bill.

Last year, President Bush, as I mentioned, put $1.5 billion of new money into this title. He has requested an additional $1 billion of new money for this year. When you add these together, this will be the single largest increase in title I funding in the history of the program, and these dollars are dramatic in the face of what occurred under the prior administration where the largest increase that was ever requested by the prior administration was $200 million to $300 million. It was not until President Bush was elected President and took up this cause of educating lower income children that significant dollars flowed into this program for the purpose of educating low-income children. This chart reflects that.

In 2 years, President Bush has increased funding by over $2.5 billion, which represents a larger increase in funding in 2 years than President Clinton asked for in his entire 7 years by a factor of about 25 percent.

If one looks at the specific programs within the educational component, such as reading, within the last year alone, we have tripled the funds for effective reading programs. As we all know, this President and First Lady Laura Bush consider reading to be the real civil right of the 21st century. Kids have to be able to read competitively with their peers or they cannot compete in the American society. They will not have a shot at the American dream. And Mrs. Bush, who, of course, is a librarian and a former teacher, has made reading the essence of her efforts as First Lady, and President Bush has made a commitment to reading, an absolutely critical element of making sure that children are not left behind. He has developed a whole set of issues in this area of reading.

The starkness of this chart, which shows the funding differences between the President's commitment to reading and the prior administration's commitment to reading, pretty dramatically sets out the fact that we have made the commitment on a core element of education to accomplish the goal of making sure kids are competitive and have the knowledge they need to participate in our society.

It is not just reading that we have funded with significant increases. You can look at the programs for immigrant children, where we have seen the largest increase ever in that program, to try to help kids learn English, kids who come to America and unfortunately—well, no, not unfortunately. They have come to America to participate in our dream. But they have come here speaking a different language, and this program tries to assist them.

In the area of teachers, I have heard from the other side of the aisle, Members on the other side of the aisle make representations that we have not made a commitment to teachers. They cannot possibly defend that on the facts. Within the last year, State and local school districts have received dramatic increases in funding for teacher programs, specifically $742 million, a 35 percent increase in teachers' programs.

More important than that, we have taken off of those programs the strictures and the categorical directions which came under the prior administration. We took all the different programs for teachers, put them together, and we no longer say you have to do this with the teacher money; you have to do that with the teacher money; you have to send the teacher there; you have to give the teacher that. We say to the local school district—we say to the local principal, most importantly—you are going to get this money. You are supposed to spend it the best way you know how to get the best teachers in your classrooms. If you want to use it for merit pay, you can; if you want to use it to send the teachers to extra course curriculum activity, you can; if you want to use it for supplies for your teachers, you can use it that way. It is up to the principal and school district on how to spend that money. We are not going to decide here in Washington. We are not going to send it out with a bunch of strings leading out from this desk, telling you how to run that program. We know you, the principal, you the school district, know best what your teachers need in order to make them better and stronger participants in the classrooms.

So we are going to give you this 35 percent increase, $742 million, without strings. We are simply going to require that at the end of the day your teachers be qualified to teach the courses they are in, a fairly reasonable requirement. I think most people think it is a reasonable requirement.

But the other side of the aisle says we haven't increased teacher funding this year. That is true. That's because we increased it by 35 percent last year. But that is such a specious argument because the dollar increase which we have put into the program has been so significant that it hasn't even been all spent. I will get to that in a second.

In addition, the President requested dramatic increases in funding for programs specifically designed to help the neediest children—as I mentioned, title I and IDEA. For 2003, the President has requested even more money in these categories.

It should be noted that over the last several years, educational funding has greatly outpaced the rate of inflation and the rate of growth of our schools. I think this is important. We have increased elementary and secondary educational funding at the Federal level by 28 percent, whereas student enrollment over the same period has only increased by .3 percent—less than 1 percent. That is a dramatic fact and this chart shows it. I am not sure if those who are watching can see this. This is the .3 percent increase in enrollment. This is the increase in funding. In fact, the funding for education has grown at such a rapid rate that school districts simply have not been able to absorb it all. This is another important point. We have been putting so much money so fast into the educational system that the educational community, quite honestly, has not been able to develop the programmatic activity to handle the money efficiently and effectively yet.

There is presently $4.5 billion of Federal funds which has been appropriated and is unspent. It has not been drawn down by the school districts or by the States. This pie chart shows where this money is. A lot of it is in the school improvement program. A lot of it is in special education. A lot of it is in education for the disadvantaged. That is the title I program. These are huge amounts of dollars.

So when the other side of the aisle comes to this floor and starts saying there is not enough money in education, we have not spent enough money at the Federal level, first off, they ought to look at the history of their leadership when they were in charge, because their leadership made nowhere near the commitment this President has made. Second, they ought to give the President credit for what he has done, which is dramatically increase the amount of funding in

the area of title I activity—over 27 percent. Third, they ought to at least acknowledge there has been so much money put into the system so fast, because of this President's commitment, that the system is still trying to adjust to it and figure out how to handle it efficiently.

It is interesting to note that a great deal of the money that has not been spent here is in the two programs which were true failures that were the primary initiatives of the Clinton administration, one being class size and the other being school renovation. These two programs, which were the classic, categorical, ''we know best'' Washington programs, which have basically been merged now into the overall approach of giving States more flexibility and sending the money back as more of a flexible grant with results-based testing versus input control—these programs are the ones with some of the biggest dollars waiting here in Washington to be managed by the local communities.

So we spent a lot of time here talking about dollars, but let's remember something else. In the area of education it is not necessarily dollars that makes the difference. There are a lot of statistics that point this out, but I think common sense points it out as well as anything else. I think we all know a good school system depends on a lot of factors. It depends on parental involvement, No. 1. You have to have parents who want to see their kids educated, in most cases, to get participation in that atmosphere at home. It depends on a good principal, one of the most important factors; good teachers, obviously; good facilities; and the atmosphere in the community that encourages academics in the school systems.

We know for a fact that just putting dollars into the system has not worked. That is why our system is doing so poorly. Federal funding has increased over the last 10 years, dramatically, but scores, for example, in math, have been flat. Reading scores have the same track record. Federal funding has increased dramatically, but scores in reading have been flat. When we compare ourselves to the other industrialized countries in the world, we spend more money on education than almost any other industrialized country, per pupil. We are spending $8,000. But our reading scores, our math scores, are some of the worst in the industrialized world, whereas other nations that are spending significantly less per child are doing much better academically. Hungary is a good example.

Granted, these other nations don't have some of the issues we have. They may be more homogeneous nations, they are much smaller, so they don't have the same concerns. But the fact is that we can show that the amount of money we spend is competitive with everybody in the world, but the results are not. We as a creative Nation should not tolerate that sort of situation.

So it is not just money that is important. But, if it were just money that was important, this administration gets an A+ for having made the dollar commitment that is necessary in very difficult times.

Let's go back to the first chart. This Government, under the President and under Republican leadership, has increased spending for education by 132 percent—more than we have increased spending in any other Federal account, such as defense, which is always used as a whipping dog for some of my colleagues across the aisle for increased spending, and Health and Human Services.

When we talk about education, I do want to take a second to talk about higher education because that's another area where we have heard some fairly aggressive misrepresentation from the other side of the aisle. The fact is, President Bush has increased funding for student aid at a dramatically faster pace than the prior administration increased funding in this area. Let's compare President Bush's higher education record to that of President Clinton.

The last time the Democrats were in charge, they actually cut the Pell grant by $100. For the year 2003, President Bush has requested the highest level of funding for student aid in the history of these programs. Under the President's budget, total funding for financial aid for higher education and kids going to college will be $55 billion. That is a 5-percent increase over 2002.

Furthermore, the President has more than tripled the loan forgiveness activities in areas such as math and science, special education teachers, and low-income schools. And under the President's proposal, teachers would qualify for up to $17,500 in loan forgiveness, up from the current $5,000 that teachers get if they go into high-need schools.

The keystone of the President's effort is in the Pell grant. As I mentioned, the last time the Democrats were in charge they cut Pell grants by $100. President Bush has dramatically increased the Pell grant program. Whereas, President Clinton's first budget request for the Pell grant program was $8.3 billion, his next six Pell grant budget requests were for less than that amount—less than the original amount. In his last budget—the 2001 budget—he actually increased Pell grant funding.

President Bush came in and the Pell grant account was at, I think, $11 billion. He has increased that dramatically. Under President Bush, we have seen a $4.5 million increase. Needy college children who weren't getting them before will now be getting Pell grants. He has increased the funding. So it is now up to almost $11 billion. That is a dramatic increase in Pell grant funding. He has also increased the amount of the actual grant for students under the Pell grant program.

Not only has the President made the commitment in the elementary and secondary school level, in title I, in IDEA, in reading, in immigrant education, but he has also made a commitment at the higher education level.

Let us go back to the issue of this tax cut directed at benefiting people in education. This is something that has sort of been overlooked by my colleagues on the other side of the aisle when they are attacking the President for his failure to fund education. It is pretty hard to attack him on that, but they have been making this representation.

Here is how this tax cut has worked, translated into real dollars. We put in place a new above-the-line reduction for qualified higher education expenses. It is a $3,000 deduction today. It is going to go up to $4,000 in 2004. And it represents an $11 billion tax cut for Americans who are sending their kids to school. Eliminated is the 60-month limitation on the student loan interest deduction. That represents a $3.4 billion benefit to kids who get out of school with lots of loans. We know that is one of the big issues for kids today. They leave the school system and their college experience with a lot of loans, and they have to pay them back. This is a $3.4 billion attempt to try to reduce that burden. He has increased the annual limit on the contribution to the educational savings accounts from $500 to $2,000. That is a $1.2 billion benefit to people who are trying to save to make sure that they can go to college and participate in the American dream.

He has allowed tax-free deductions for qualified tuition plans used to pay educational expenses, and he has permitted private institutions to setup those plans. This is a real benefit to people who want to get ready for education and to be sure, when they go to college, that they have the funds to pay for it, $2.3 billion of benefits is represented by this change.

He made the income exclusion for employer-provided educational activity permanent. When your employer gives you the opportunity to go to school to better yourself, you will be able to take advantage of that. That is a $3 billion benefit to people trying to get their education.

Over the next 5 years these changes will provide almost $22 billion in direct in-the-pocket benefit to students and parents who are trying to make sure that their kids participate in higher education and as a result can go into the American workforce better prepared and have a better opportunity to be successful.

As this chart shows, during the last year of the Clinton administration,

total higher education tax benefits amounted to $7.6 billion. President Bush's tax benefits for helping families today represents almost a $12 billion benefit. That is a huge difference. It is something, however, that is never mentioned by the other side of the aisle.

When President Clinton came into office in 1993, the total appropriations for discretionary student programs was about $8 billion. President Clinton's last budget request for discretionary student aid totaled about $11 billion, an increase of about 5.4 percent per year over 8 years.

Let us remember that during all of those 8 years we were fortunate to have a surplus and a strong economy. In contrast, when President Bush came into office in 2001, as I mentioned, the appropriations was about $11 billion for student discretionary programs—for student activities for schools. President Bush's latest budget request for discretionary student aid will be about $14 billion. That is an increase of 18.3 percent over the 2001 appropriations. Over 2 years that averages to a 9.1 percent increase—almost 70 percent higher than the increases during the Clinton years.

Remember that this was done and has been done during the period when we were facing a deficit. Of course, if you start adding in things such as the higher education and a tax cut, it even gets higher and more significant.

Yesterday, Senator KENNEDY—soon to be, I believe, my ranking Member, I am not really sure whether he is chairman or ranking Member right now. I believe he is still chairman—who I work with on the education committee and Congressman MILLER, who is the ranking Member of the House Education Committee, sent a letter to the Secretary of Education that suggested that we were underfunding No Child Left Behind; that the administration was actually providing too much flexibility under that bill to the local school districts and the States. We have talked a little bit here about the funding issue of No Child Left Behind, but let me go into some specifics.

The letter, I believe, was blatantly misleading. It talks about a $90 million cut.

The President requested a $1 billion increase in title I and a $1 billion increase in IDEA. It is very hard to criticize the President for cutting a $90 million earmarked program for untested non-means-tested program—to attack the President for cutting that $90 million when he is putting in $2 billion of new funding that will benefit the same people in a much more aggressive way, directed with flexibility and with accountability at the local school districts. It is truly a bit of an inconsistency to attack him on that point.

Then the letter went on to say, Well, you haven't funded it up to the authorization level—No Child Left Behind. There are many pieces of legislation attached to this Congress that are funded to the authorization level. And there is no legislation that has passed through this Congress in the last 2 years that has received the type of funding increases that the educational accounts have received, as I mentioned earlier.

Authorization levels is a term we use around here basically to set out a thematic approach to an issue; not an actual approach, a wish-list approach. That is why we almost never go to authorization levels in funding. Think of it as your credit card. You have a maximum level that you can take out under your credit card, but rarely, hopefully, do you ever get to that level. Usually you are borrowing much less than that.

Mr. President, I ask unanimous consent for an additional 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, the fact is, what counts is what is actually being spent in relation to what was spent the year before and in relation to the rest of the priorities of the Government. As I have mentioned, this President's commitment to education has been $20 billion higher in 2001 than the Clinton administration's commitment in its last year. As a percentage of spending of the Federal Government, it dwarfs everything else. We are outspending defense by a factor of 3 and outspending health and human services by a factor of 2. Yet the letter went on to say that the funds were not adequately increased for teacher funding. I mentioned that earlier. That is because we raised it $742 million the year before.

We have a total funding for teachers of $3 billion in the appropriations process. So it is totally inconsistent to say: Well, they have not increased it this year—when they ignore and do not give credit for last year's $740 million increase in teacher funding.

You can go down the list. The same is true with representations made in the area of weakening the dropout provisions or in the area of alternative certification. Just the idea that there is opposition to alternative certification is pretty outrageous. We are trying to get classroom teachers who know what they are doing. Alternative certification is one of the best ways of accomplishing that.

They went on to say we are dumbing down the tests because we are allowing a patchwork of local tests to meet the new annual testing. But that claim is absolutely inaccurate. And the Department has made it crystal clear to the States the only local tests that are available to meet the uniform tests are those that can still be compared to the rest of the States. So you do not have a dumbing down of those tests.

There are other issues in that letter which I will put in the RECORD—because I have obviously taken more time and appreciate the courtesy of the Senator from Minnesota in his allowing me to proceed even longer—that are simply inconsistent with the way the law is being put in place and being organized.

The bottom line is this: No child left behind is a dramatic departure from the historic role and goal and undertaking that we have had in education in this country, a dramatic departure because it says, very simply, children can learn and will learn. And we are going to require that our school systems not leave children behind. It is a dramatic departure because it empowers parents to do something when they find their children in schools that are not working. It is a dramatic departure because it gives local school districts, teachers, and principals a huge amount of flexibility to undertake the goals of educating their children. It is a dramatic departure because it has accountability, and it allows transparency on that accountability. It is a dramatic departure because it has huge increases in funding, as have been outlined by the points I have made here today.

Rather than attacking the funding effort, and rather than attacking the underlying goals here, we should be pulling together to make sure this bill succeeds because the success of this bill is critical to the success of our Nation.

If we can produce an educational system which really does take care of all American children, which really does make sure that every child in the first grade, the second grade, and by the third grade can read, we will have made a massive stride to eliminating poverty in this country, to making our Nation prosperous, and to making sure that all Americans have a good and decent life and have a chance to participate in the American dream.

This bill was an extraordinary bipartisan success. I regret there has been this growing, orchestrated effort to basically try to undermine it. I hope my statements today have made it clear that on the facts the funding has been there. I hope that, as we move down the road in the future, we can accomplish the goals of this bill, without getting into this type of debate but will rather be focused on debates as to how we can make it work better in the actual delivery of service to the kids in America.

No child left behind is truly a historic piece of legislation. Let's try to make it work right. Let's recognize that we are working aggressively to accomplish that.

On January 8, 2002, the one-year anniversary of the passage of ''No Child Left Behind'', Senator KENNEDY and Representative MILLER sent a letter to

Secretary Paige suggesting that we are imperiling the law's goals by underfunding NCLB and by providing too much flexibility in its implementation.

I ask unanimous consent that a response to Senator KENNEDY and Congressman MILLER's letter on No Child Left Behind be printed in the RECORD.

There being no objection, the following material was ordered to be printed in the RECORD, as follows:

Let's review the letter.

Funding. Kennedy and Miller misleadingly claim that the Administration cut NCLB by $90 million. Although it's true that $90 million was cut from earmarks and the Fund for the Improvement for Education—which contains many untested, non-means tested programs—funding for Title I and IDEA was increased by $1 billion. An administration that requests such an enormous overall funding boost can hardly be criticized for cutting $90 million from untested programs that are not necessarily targeted toward either disadvantaged or disabled kids, and are therefore not critical to successfully implementing ''No Child Left Behind.''

The Democrats also state that the Administration's budget is $7 billion shy of what was promised in NCLB. Let's keep in mind that authorization levels are maximum numbers that can be spent, not necessarily what should be spent. Think of it as the maximum on your credit card. You have a maximum amount of money you can borrow on your card, but generally you don't spend all of that money. Authorization numbers are similar. They are suggested levels of funding that are not necessarily based on what is needed or what is available to spend.

Democrats know this. Back in 1995, when they passed the last K–12 education bill, the Democrat Congress and President Clinton authorized $13 billion for education programs, yet they appropriated only $10.3 billion. Curiously, not a single Democrat accused President Clinton of under funding education by $2.7 billion.

Unfunded mandates. Messrs. Kennedy and Miller claim that NCLB burdens school districts and States with unfunded mandates to build schools and hire highly qualified teachers to comply with the bill's public school choice capacity requirements, but that is not the case. It should be noted that since 1995 Congress has been prohibited from passing unfunded mandates.

With regard to school construction, the U.S. Department of Education has never required school districts to build new schools to accommodate NCLB's public school choice provisions. Furthermore, the Department is still waiting for States to draw down $900 million in school renovation funds that were appropriated in 2001.

With regard to the new teacher requirements, it should be noted that the new ''high-quality'' teacher requirements that were included in No Child Left Behind were coupled with one of the largest increases in teacher funding in history. Last year States received over $3 billion to assist them with the teacher requirements—this was a 35 percent increase over anything Clinton provided for teachers. Furthermore, States are guaranteed to continue to receive at least another $3 billion.

Weakening drop-out provisions. Kennedy and Miller say that NCLB final regulations establish an incentive for schools to focus on test scores while ignoring high dropout rates, thereby jeopardizing the law's accountability provisions. Nothing could be further from the truth; the regulations are actually stronger than the statute. The statute was unclear on graduation rates. The regulations state that even if all children are doing well in school, if dropout rates are high, then the school is still identified as in need of improvement.

Alternative certification. The Democrats criticize the Department for allowing teachers who are alternatively certified or working on becoming alternatively certified to be counted as highly qualified. This is a perfect example of how the Democrats do the teacher union's bidding by trying to prevent individuals who don't go through the traditional teacher certification process—which is dominated by the unions and their allies—from being hired by schools. They want no competition from Teach for America or other programs that encourage professionals from other fields to become teachers.

Prohibiting norm-referenced tests. Kennedy and Miller state that NCLB prohibits ''norm-referenced'' tests, which measure students' achievement against that of their peers. That is patently false. Although the House bill originally prohibited ''norm-referenced'' tests, that provision was dropped in conference and no such prohibition is contained in the law.

Different tests for different students. The Democrats claim that the Department allows States to use a patchwork of local tests to meet the new annual testing requirements, making it impossible to measure whether achievement gaps are being closed. The Department, however, has made it crystal clear the States can only use local tests if those tests allow for a uniform or comparable measure of student performance across the State. NCLB is based on President Bush's firm commitment to reduce the achievement gap. To infer that in any way this Administration would allow States to mask the achievement gap is simply absurd.

Allowing discrimination with federal funds and denying basic civil rights protections for children. The Democrats are engaged in a bit of revisionist history when they claim that NCLB allows federal education programs to directly fund religious organizations and to permit organizations to discriminate based on religion. After many, many hours of negotiations, we reached a bi-partisan agreement to be silent, that is, to allow current law to continue to operate, on the issue of Title VII of the 1964 Civil Rights Act. Title VII prohibits discrimination based on race, sex religion, and national origin in employment, except with regard to employment by religious institutions. We did not, nor did we intend to, reverse that precedent. To claim otherwise is simply a ridiculous misinterpretation of the facts.

In sum, the letter from Messrs. KENNEDY and MILLER is classic political ploy. The Democrats want the Department to pile additional requirements onto States and school districts who are already doing a yeomen's job to comply with the many reforms in NCLB. This letter is nothing short of an attempt to sabotage the bill and ensure that States and school districts will be so overwhelmed that they will be unable to implement even the smallest provisions in the bill.

Mr. GREGG. I yield the floor. I especially thank the Senator from Minnesota for his courtesy in allowing me to proceed.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank the distinguished Senator from New Hampshire for his impassioned set of statements. I share the Senator's hope that we can work constructively on both sides of the aisle on behalf of education in America.

Mr. President, I ask unanimous consent that following my remarks, Senator DEWINE be recognized for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX CUTS

Mr. DAYTON. Mr. President, I wonder if perhaps you and some of my colleagues remember, as I do, the movie ''Animal House,'' one of the classic American comedies. In the movie, the rogue fraternity Delta House had one solution to many of their problems, and that was a road trip. If there was an academic suspension—a road trip; fraternity problems—a road trip; expulsions—a road trip.

Here in Washington we have some who hold a similar one-line refrain to just about every problem; and that is—tax cuts. We have budget surpluses—tax cuts; budget deficits—tax cuts; economic recessions—tax cuts.

Well, like road trips, tax cuts are a lot more fun and popular than dealing with unpleasant realities. Tax cuts are practically guaranteed to make the politicians who support them popular with their constituents, and so I must confess to liking them myself. But, like road trips, tax cuts not only avoid unpleasant realities, they often make them worse. They might postpone the day of reckoning, but the conditions will be even worse as a result, not only because of the delay in facing up to those realities, but also because of the tax cut itself.

This tax cut proposal that the President made 2 days ago is the road trip equivalent of visiting Fort Lauderdale. It is excessive, it is reckless, it is dangerous, and it is seductively appealing. Masquerading it as economic stimulus would be consumer fraud. I note with interest that the White House has seemed to have dropped that claim. Little of it would take effect actually this year, and none of the proposals put real dollars in the pockets of consumers.

This is a reelection stimulus package aimed at 2004 rather than an economic stimulus package aimed at 2003. It is putting money in the pockets of the wealthiest Americans who, if this administration had its way, would, it seems, pay almost no Federal taxes of any kind, whether they are alive or after they are dead. It is important we remember that the richest Americans already got huge tax reductions in 2001. Those with incomes of more than $1 million a year will get an average of $650,000 in tax cuts over the 10-year life

of that bill. The rich do not need another tax cut, yet they would be the ones getting most of the money in the President's proposal.

The struggling millionaire getting by on an annual income of $1 million or more would be getting another $50 to $100,000 a year in additional tax reduction, depending on their amount of dividend income. Middle-income-tax payers, upper middle income-tax payers, people who work for a living, would get the benefit of the increase in the child tax credit, which I support. That is a good idea. I hope this body will pass it. But they will get little from the rest of the President's proposals. And for most of them who put their investments into 401(k)s or IRAs or other retirement accounts for whom dividend income is already tax exempt, there would be no additional gain in our doing so at the cost of some $67 billion over the next 10 years to the Federal Treasury.

In fact, the total tax package of $670 billion in cost over the next 10 years would give little boost to economic recovery, little tax relief to most Americans, and once again, more huge tax cuts to the richest 1 percent of Americans.

Those of us who point this out are accused of class warfare. I must say, this is not my proposal. These are the facts. And those who are proposing it are the ones who are guilty of setting one class of Americans against others.

In addition, this is a $670 tax package that we cannot afford. We are already running, once again, $200-billion-a-year deficits. That is $200 billion a year in deficit after we use up all of the Social Security trust fund surplus. President Clinton, in 1997 and 1998, balanced the Federal budget for the first time in 28 years. Then he did it again in 1999 and 2000, in the actual operating account of the Federal Government, leaving the Social Security surpluses untouched. As you recall, those of you who, like me, ran in the year 2000, most of us, I think probably all of us promised to put that money in a lockbox.

The President, when he was campaigning, promised to put the Social Security surpluses in a lockbox which meant that the rest of the Federal operating budget would have to be balanced, and it was. It was projected by OMB in January of 2001 to remain balanced, actually in a surplus, for the next 10 years. Well, of course, that has not happened.

We have gone from debating, when I first arrived here 2 years ago, how to best utilize a $5.6 trillion expected surplus over the decade, how we could pay down the national debt and save $200 billion a year in interest payments so that when the baby boom generation retires in significant numbers, starting in about a decade, when that trust fund has to start cashing in its IOUs, that this country would be in the strongest possible financial condition to meet those growing needs. But in 2 years, those surpluses have disappeared, and we are now looking at projected deficits every year for the foreseeable future, which is heading us, with additional debt and no cushion, toward a financial Armageddon in a decade that will rival nothing we have seen in this country since the Great Depression.

The least we should do—not what we should do but the least we should do—is not make it worse. This tax proposal would do so.

So in one tax proposal, we have greater tax unfairness, greater income inequality, greater financial instability, a greater future catastrophe. For this proposal and those who support it, it is like an alcoholic. I am a recovering alcoholic, so I know whereof I speak. It is like an alcoholic who knows that they should stop, that it is bad, that there are going to be future disastrous consequences, but is unwilling or unable to do so.

I must say that those of us who are ''Friends of Bill W.'' see other signs of that kind of behavior in some of the statements being made these days, justifications for these deficits—that a trifecta caused our budget downfall; people don't cause deficits, trifectas cause deficits—and denial where top administration officials are starting to say: Well, deficits don't matter.

Well, they mattered when the President was campaigning in the year 2000 and pledged to keep the Social Security surpluses in a lockbox. They mattered the last 2 years when the President criticized any attempt to spend additional money on schoolchildren or prescription drugs for the elderly. It seems that deficits don't matter only when the White House wants to ignore them.

It is bad enough that people in the administration who should know better say that deficits don't matter. It is their job to pretend that the emperor has clothes even when he does not. But other economists and economic policymakers around the country who are saying the same things and making up rationalizations and contradicting their former positions really are guilty of professional cowardice, and they do their country a great disservice by the masquerade they are enabling. They have no honest escape from or avoidance of the truth and the facts as they know them to be.

I must say that responsibility starts with and falls most heavily on the Chairman of the Federal Reserve, who has danced around the head of a needle every time this administration has proposed policies which contradicted the admonitions he consistently gave to the Congress during the last administration. I think it will be shameful for anybody, any professional economist, or economic policymaker to come to Capitol Hill in the next few weeks and hedge or confuse or rationalize whether this is an economic stimulus proposal, which is not what its benefits are relative to its fiscal cost to this country, and whether it promotes greater tax inequality or equity. And anyone who is unwilling to speak that truth should have the integrity to step out of any public position or should just stay away from here entirely.

To the millionaires and the multimillionaires of America, the captains of industry who are running up support for this proposal, I know whereof I speak. I say, you are letting your greed ruin America. I can understand most Americans' aversion to taxes, especially the poor, the middle class, even the upper middle class who are living on their earned incomes, who are raising children, wanting to improve their own financial conditions and that of their families. I can understand their resentment for every tax dollar. But if you can't live on a million dollars in this country and pay your fair share of taxes on it, you should deal with that yourself. You are the luckiest people in America. You are the luckiest people in the world. You are the luckiest people in the history of the world.

If you are paying more taxes, it is because you are earning more money, a lot more money in many cases in the last few years. For people who want to make more money and pay less taxes on it, that, to me, is greed. To advocate for it, knowing the financial condition of this country, knowing the harm it would cause your children and your grandchildren when they have to pay the bills in the years ahead, is not only selfish, it is downright unpatriotic.

This antitax ideology is destructive to America. This obsession with paying no taxes whatever it takes, moving a home or residence, moving a business, setting up offshore shells and tax evasions and other kinds of tax avoidance, people who are doing so should be ashamed. If this country falls into a financial abyss in the years ahead, we will have no one to blame but you. Nothing that anyone has hoarded will begin to replace the economic strength of this country if it is lost.

There are other reasons this tax cut is terrible. That is that it ignores the serious unmet needs of our people. The priorities of this Congress and this administration regretfully have been tax cuts for the rich ahead of quality education for our schoolchildren, prescription drug coverage for senior citizens, disaster aid to destitute farmers and flood and fire victims, and a lot of serious unmet social needs.

One of those areas of greatest critical need and a broken promise of the Federal Government for a decade is the area of special education. It was a quarter century ago when Congress made a promise that it would pay for 40 percent of the cost of special education. In fact, Congress even passed a law in 1982 that stated that it would do

so. It legally bound itself to providing 40 percent of the cost of special education.

Today, nationwide it is 16 percent; in other words, less than half of the promise that was made.

For my State of Minnesota, that difference amounts to over $200 million a year in tax money, in funding for education that has to be made up by tax money in Minnesota, with more regressive property taxes, State income taxes—money that Minnesota does not have and many other States don't have.

Now, I heard my friend from New Hampshire recite a great number of statistics that purported to demonstrate how much the Federal Government has increased its funding for education. The problem with the numbers of percentage of increase is the actual base in many of these programs—the measure was quite low. In fact, the Federal share for funding of all of K–12 education has been 7 percent. The State and local governments have been obligated to pick up the rest. For most of the time it has been desirable because it has maintained local control of our schools. But you can increase a low number by a high percent and still have a low number.

I heard lots of blaming of the previous administration, that they should have spent more for education. I would say, having come 2 years ago, probably it should have done so. Probably the last 25 years of administrations should have spent more for education—certainly in special education they should have honored that promise when it was made and kept it. The priority of the last administration, almost by necessity, was to bring this country out of deficits, to put this country back in sound fiscal condition, to put the Social Security surplus money in a lockbox so it would, therefore, meet present and future retirements.

I believe I heard the Senator from New Hampshire say that in all of those 8 years, this country was operating in a surplus. That is not the case.

The PRESIDING OFFICER. The Senator has used up his time.

Mr. DAYTON. Mr. President, I ask unanimous consent to have 2 more minutes to finish my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Certainly we should have spent more. President Bush, to the extent he has spent more money—and he has—for special education, boosting the Federal share from 12 to 16 percent, I give him credit for doing so.

But I am not concerned about who is right. I am concerned about doing what is right. I am concerned about what is right for the schoolchildren of this Nation. I speak as a former schoolteacher who taught in a public school in New York City with 32 children in the classroom. It was the toughest job I ever had. I heard them say that the number of students in a classroom doesn't make any difference. Anybody who has tried to teach kids knows it makes a difference. I have been to 150 more schools in Minnesota, and anybody who doesn't know they are substandard and dangerously decrepit—they can cite all the statistics they want, but they are not looking at reality. Anybody who thinks the schools are over funded and that teachers who are averaging $40,000 nationwide are overpaid should spend a day, a week, or a year in a school and see what that job is about, see the kids from all different backgrounds and countries with different languages and capabilities—no wonder test scores are affected.

Anybody who thinks we are over funding public education is off in another world. In Minnesota and in other States where funds are not and will not be available through property taxes and State taxes, the question is, Who will help us out? The Federal Government has these tax cuts for the wealthiest people, and we are saying to these kids: No, I am sorry, you go your own way, you suffer, we are not going to put computers on your desks to enable you to succeed. We are going to test you and find out how you are doing and use the bully pulpit. It is no wonder good teachers are leaving. Who would want to stay when that is going on. This next year is about priorities for this country, priorities on how we will spend the money and the resources we have. That debate should continue.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized for 15 minutes.

Mr. DURBIN. Mr. President, I ask unanimous consent to follow the Senator from Ohio for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO OHIO COLLEGE FOOTBALL TEAMS

Mr. DEWINE. Mr. President, I am very proud, as the 108th Congress gets underway today, to pay tribute to the awesome accomplishments of this season's Ohio State University football team—a team that, after what was certainly one of the greatest games in college football history, clinched the 2002 National Collegeiate Football Championship title. This recent distinction represents Ohio State's fifth outright national football title.

It is a great privilege, also, to represent a State that is home to many outstanding schools and numerous past national champions of college football. In Alliance, OH, for example, we have the Mount Union College Purple Raiders. This exceptional football team ended the year with a 14 and 0 record, winning the division III national championship for the sixth time in 7 years.

The team is 109 and 1 in the last 11 regular seasons. Since 1990, the Raiders have won an incredible 162 out of 170 games. So I congratulate these fine young athletes on yet another great championship season.

I want to recognize the Raiders' coach, Larry Kehres, for his dedication and commitment to the school and to the team. He has just been named the AFCA Division III National Coach of the Year, making him the first coach to win 7 national coach of the year awards. Mr. President, this is an unprecedented accomplishment. I congratulate Coach Kehres and his entire coaching staff. I wish him and the Purple Raiders and their fans all the best for next season and for many years to come.

Mr. President, I also congratulate Ohio State football coach Jim Tressel, who was named this season's Division 1–A National Coach of the Year. This is the third time Coach Tressel has been recognized as national coach of the year, and deservedly so. He is a man who already has a lifetime coaching record of 142 wins, 62 losses, and 2 ties. He has coached previous teams at Youngstown State University to 4 national championships and has qualified for the Division 1–AA playoffs a remarkable 10 times in the past. He is a native Ohioan who graduated cum laud in 1975 from another fine Ohio institution of higher learning, Baldwin Wallace College. Coach Jim Tressel stresses academics, athletics, and community responsibility. When Jim Tressel took over as head coach of Ohio State, he said this:

> The two greatest days in our student-athletes lives should be the day they walk across the stage to receive their diploma and the day they slip a championship ring on their finger.

Because of Coach Tressel's dedication to his athletes, many of the players on Ohio State's football team have and will accomplish both of these great honors.

Mr. President, I am sure many of my colleagues watched last week's Ohio State-University of Miami game. What a great game it was. Both teams played very well, and both schools can be very proud. I know that Senator REID and Senator MCCONNELL certainly watched the game. They have both already come to the floor to talk about it. I thank them for their remarks on the floor earlier in the week.

I was pleased to join my friend and colleague from Ohio, Senator GEORGE VOINOVICH, in sponsoring a resolution honoring the team's achievement. This resolution commends not only the entire Ohio State athletic department, but also recognizes the support and dedication of the Ohio State marching band, the cheerleaders, the students, the administration, the board of trustees, the faculty, the alumni, the City of Columbus, the entire State of Ohio,

and all of the great fans. Indeed, this season and last week's championship game represent the culmination of a year of hard work and a true team effort.

Mr. President, anyone who watched last week's game will tell you it was an unbelievably tense game. Ohio State entered the game at least an 11½-point underdog. The team's defense was certainly key in putting Ohio State into a position where they could win the game. During the first overtime, the game was tied 17 to 17. Then facing what could have been the end of the game—fourth down and 14 yards to go—Ohio State completed a 17-yard pass to stay alive.

I know Ohio State fans, whether they were in Tempee, AZ, or whether they were, as I was, watching TV in Cedarville, OH, just could not believe what happened. Ohio State's quarterback faded back and made that unbelievable pass on fourth down and 14. After a few more plays, the Buckeyes scored from the 1-yard line to go into that second overtime.

Then in the second overtime, Ohio State scored on a rushing attempt, and this proved to be the last score of the game. Miami got the ball, of course, and then on the last play of the game, fourth and goal at the 1-yard line, the Buckeyes blitzed and forced Miami's quarterback to rush his pass in desperation, allowing the Buckeye defensive linebacker to bat it down to the ground. This moment secured Ohio State as the 2002 national champions and gave the team a place in history. Without a doubt, both teams played well; both teams are great champions.

Many sports writers already have made the case that Ohio State's 31-to-24 double overtime victory in this year's Fiesta Bowl was the greatest championship game in the history of college football. This sort of fantastic finish was the same type of dramatic conclusion to many of the Buckeyes's wins this season.

The truth is Ohio State was underestimated the entire season, but because the players worked together as a team to overcome huge obstacles, they were able to reach their ultimate goal. The unselfish attitude of the players and coaches resulted in win after win for their team.

The Ohio State University football team defied history and odds to win 14 games in one season, overcoming all barriers along the way to persevere in the end.

I wish to conclude with the words of former Ohio State national champion coach, Ohio legend, the late Woodrow Wayne Hayes—Woody Hayes. I quote Woody Hayes:

> Anytime you give a man something he doesn't earn, you cheapen him. Our kids earn what they get, and that includes respect.

It is with great respect today that I say congratulations and go Bucks.

Mr. President, I ask unanimous consent that the names of the Ohio State football team, coaching staff, and players be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

2002 OHIO STATE FOOTBALL TEAM ROSTER

John Adams, Tucker Allen, Will Allen, Tim Anderson, David Andrews, Kyle Andrews, Redgie Arden, Bryce Bishop, Mike Bogart, Jason Bond, LeAndre Boone, Joe Bradley, Bobby Britton, Jason Caldwell, Bobby Carpenter, Drew Carter, Angelo Chattams, Bam Childress, Maurice Claretta, Adrien Clarke, R.J. Coleman, John Conroy, Chris Conwell, Ryan Cook, Bryce Culver, Mike D'Andrea, Doug Datish, Michael DeMaria, Mike Doss, Ivan Douglas, T.J. Downing, Tyler Everett, Dustin Fox, Simon Fraser, Chris Gamble, Steve Graef, Cie Grant;

Marcus Green, Andy Groom, Maurice Hall, Roy Hall, Ryan Hamby, Rob Harley, Ben Hartsock, A.J. Hawk, John Hollins, Santonio Holmes, Andrew Hooks, Josh Huston, Harlen Jacobs, Michael Jenkins, Branden Joe, Mike Kne, Craig Kolk, Craig Krenzel, Mike Kudla, Scott Kuhnhein, Maurice Lee, Jamal Luke, Nick Mangold, Thomas Matthews, John McLaughlin, Scott McMullen, Richard McNutt, Jeremy Miller, Brandon Mitchell, Steven Moore, Ben Nash, Donnie Nickey, Mike Nugent, Adam Olds, Shane Olivea, Pat O'Neill, Jim Otis;

Fred Pagac Jr., Roshawn Parker, Steve Pavelka, Joel Penton, Kenny Peterson, Scott Petroff, Quinn Pitcock, Robert Reynolds, Jay Richardson, JaJa Riley, Mike Roberts, Lydell Ross, Matt Russell, Nate Salley, B.J. Sander, Tim Schafer, Brandon Schnittker, Darrion Scott, Rob Sims, Antonio Smith, Troy Smith, Will Smith, Michael Stafford, Alex Stepanovich, David Thompson, Matt Trombitas, Jack Tucker, Kyle Turano, Andree Tyree, Jeremy Uhlenhake, E.J. Underwood, Chris Vance, Bryan Weaver, Stan White Jr., Kurt Wilhelm, Matt Wilhelm, Sam Williams, Steve Winner, Mike Young, and Justin Zwick.

Mr. DEWINE. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Illinois.

Mr. HOLLINGS. Mr. President, I ask unanimous that following the remarks of the distinguished Senator from Illinois I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I say to my colleague from the State of Ohio, I tuned in to that game in the final minute of the regular game and was watching as one of the Miami running backs was injured. It appeared the game was going to end with Miami being the winner. I agree with the Senator from Ohio, it was one of the most exciting college football games I have ever seen. Of course, being from Illinois, since our signature university is one of the 11 members of the Big Ten, we are particularly proud that another team from the Big Ten is the national champion, and the Ohio State Buckeyes certainly did us proud that evening. I am sure Senator DEWINE is very happy about that outcome and proud of what they did as well.

Mr. DEWINE. Mr. President, if my colleague will yield, I appreciate my colleague's comment. I just knew my colleague from Illinois, another Big Ten school, would be rooting for the Buckeyes that day.

Mr. DURBIN. I certainly was.

Mr. DEWINE. I appreciate that.

THE ECONOMY AND EDUCATION

Mr. DURBIN. Mr. President, we came back to Washington to be sworn in and begin a new Congress, and the President traveled to my State of Illinois, to Chicago, to announce his proposal for an economic stimulus. We need it; we need it desperately. For the last 2 years, we have languished. Our economy has gone from bad to worst.

The President inherited a budget surplus, at least on paper, that gave us some opportunities to pay down the debt of the Nation. Instead of borrowing money from the economy to finance our Government, we were actually not borrowing at the same rate. I am careful with my rhetoric because I am being followed by Senator HOLLINGS who is the guru and past master when it comes to the questions of deficits and surplus. He will quickly disabuse me of my notions if I am wrong. He will concede, as I hope I would as well, that our budget situation today is worse than it was when President Bush took office in terms of the deficits we are generating.

That deficit situation reflects three situations, some of which we control and some we do not. No one could have anticipated the negative impact September 11 had on our economy and the increased expenses of Government for military and defense efforts. That is something for which no President can be held accountable because it was totally unexpected. That situation has added to our deficit.

The continued recession we are going through has made the deficit even worse: Fewer tax revenues going into Washington, fewer dollars available for spending on programs and a deficit as a result.

The third piece, though, has to fall on the President's lap. He came to us and said: I want to cut taxes, and if I cut taxes, this economy will turn around, trust me. The majority of the Senate and the House did—I was not one of them—and they were wrong.

The President's tax cut proposal did not invigorate the economy; it added to our deficit. So that red ink pool gets deeper and deeper. We are deeper in debt and the economy is still languishing.

The President came back this week and said: I have a brand new idea: More of the same. Let me cut taxes on the highest income people in America, and I swear to you, America, this time it is going to work; if you will just give the richest people in America a substantial

tax break, we know they will do the right thing; we know they will invigorate the economy.

Isn't it interesting what the public reaction has been? CNN had a call-in and said to the American people: Do you buy the President's approach? Do you want to try this again or would you rather go for a different approach suggested by the Democrats, that we have a smaller more manageable stimulus package that helps us this year immediately and is focused on helping the majority of Americans, not just 1 percent of the wage earners, the wealthiest?

The CNN poll came back. Two to one, the people calling in said: We prefer the more managed approach, the smaller stimulus that does not add to the deficit and, frankly, tries to help all taxpayers, not just the wealthiest among us. Two to one, people rejected President Bush's failed economic policy which he is trying to bring back to us again.

Let me tell you what is interesting, too. President Bush suggests that in the course of this economic stimulus we can take out of the Treasury during the next 10 years—let me get the number correct—$676 billion. Most of it is not going to happen in the first year, so it is not much of a stimulus package. It really does not happen at all. To suggest that people who receive corporate dividends this year will not have to pay taxes next year—of course, those are the wealthiest people in America as a class—it will not stimulate the economy. Most Americans say that does not make any sense at all. Why create a worse deficit for our country, more debt for our children, more competition for capital funds between business and Government with a program that won't work?

The President says we can take $676 billion out of our Treasury for this experiment, the first phase of which has already failed. Taking that money out of the Treasury would, of course, mean less money available for America's priorities.

What would that be? Well, more compensation to provide for our military. We are about to go to war. I hope we do not. If we do, make no mistake, we will spend what is necessary to put our troops in the field and make sure they are adequately trained, have the right resources and technology to win, and come home safely. We will spend that money. And we should—every penny of it.

The President says as we take money out of the Treasury, it makes no difference. It does; more money spent on the military means less money spent elsewhere. For example, homeland security. We want to be safe in Illinois. Every person does. It costs money. We need a statewide communication network so all the first responders—police, fire, medical communities—can share in communications instantly. It will cost us $20 million. We do not have it.

If the Federal Government wants to make America safer, wants real homeland security, start on the home front. When we take $676 billion out for a tax break for wealthy people, the likelihood that Illinois will get $20 million to be safer as a State is diminished dramatically.

Another area tells an important story about the priorities of this administration: education. When we take more money out for tax breaks for wealthy people, there is less money available to go into education. Remember a year ago? A year ago yesterday President Bush signed No Child Left Behind, the first and highest priority of his new administration. When he was still in Texas before being sworn in, he called in the congressional leaders, Democrats and Republicans, and said: Put your party label aside; can't we all agree—Senator KENNEDY, Congressman GEORGE MILLER and the Republican leaders—on a bipartisan basis to do something meaningful for America's schools? He convinced them. He convinced me. He convinced the majority in Congress. We passed No Child Left Behind and said we would go after the 6 million-plus students in America who are falling behind in failing schools. We are going to not only find out what their current state of education is, we are going to help the school districts get back on their feet with better teachers, better classrooms, more technology, more time in the classroom, and better results. I cheered it on. We all did. It was a bipartisan approach. The President took great pride. This would be the centerpiece of his new administration. He was truly going to be an education President.

As soon as the floodlights had dimmed and the television cameras had left, we learned something in this town of secrets, about a secret that had been kept by the administration. The secret was this: The President was prepared to sign the bill to approve the plan. The President was not prepared to put the Federal dollars on the table to make it work. As a consequence, we stand here today with mandates from this No Child Left Behind on school districts in States across America and the Bush White House refuses to fund those mandates.

Pick your State. With very few exceptions, every State in the Union is in deep deficit. My home State of Illinois will swear in a new Governor on Monday. Congressman Rob Blajovich is leaving the House of Representatives to become our new Governor. He inherits a fiscal nightmare of a $4 billion deficit. California has more than a $30 billion deficit. These Governors who are required to balance their budgets will be scrambling to cut basic services or increase taxes. They have no other place to turn.

One of the major responsibilities of our State is education. At a time when the State of Illinois cannot afford to meet its basic obligation for education, we have a mandate coming from President Bush, a mandate under No Child Left Behind, which will add to the expenses of Illinois and every other State, but the President refuses to put the money on the table to fund his own education program.

Take a look at some of the charts to get an idea of the priorities of education by this Bush administration. The Elementary and Secondary Education Act, the basic bedrock of helping failing schools and students improve, is a part of the Federal budget which reflects the priorities of the administration. Under the Clinton administration, the average amount of increase each year was 22.3 percent. In comes President Bush, the education President, proposing a 3.6-percent increase. Thank goodness Congress refused, denied him, and increased it to 20 percent. This tells you about the priorities.

Look at the increases in education over the last 7 years, overall spending in education, and you see double digits, but for 1 year, until we come to President Bush; his increase was 2.8 percent in education. The education President will not put the money on the table. Under the Bush administration, we have the smallest increase for education in 7 years.

Now take a look at what the Bush budget has done. Because he cuts back on education increases, because he will not fund his own No Child Left Behind, 18,000 teachers were cut from professional development to improve their skills in the classroom; 20,000 students lost college work-study programs; 25,000 limited-English-proficient children were cut from the Federal bilingual education programs; 33,000 kids cut out of afterschool programs; no increase in Pell grants; no increase in student loans. Is this the education President?

No child left behind? Look who is being left behind. Not only the children but the teachers—and the Nation.

If you take a look at President Bush's budget, he promised 6.7 million children would be rescued by No Child Left Behind. In fact, they have not been. They have been left behind themselves. The President said we were going to have 2 million more children protected this year. In fact, there are only 354,000.

When it comes down to it, you have the Bush administration on the one hand posing for pictures and shaking hands with school principals across America and with the other hand reaching into their pockets and pulling out their State funds to fund his unfunded mandate under No Child Left Behind. We will have States paying for the testing required by the Federal

Government and not paid for, paying for the evaluation of students required by the Federal Government and not paid for, teacher certification and improvement required by the Federal Government and not paid for, paraprofessionals improving skills required by the Federal Government and not paid for—along series of unfunded mandates from this President.

What will it mean in the States across the Nation? Read the bad news. I have it here. State after State is seriously considering, and some already deciding, to go to a four-day school week because they cannot afford to keep the schools open while President Bush sends unfunded mandates under No Child Left Behind.

Mr. REID. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. REID. The Senator has outlined what we have required States to do as a result of Federal legislation. What if school districts decide not to do this?

Mr. DURBIN. They could face a cutoff of the existing Federal funds they are receiving. You have States that could be penalized, States that already are in trouble because of State deficits. They could be penalized by not complying with the Federal mandates that President Bush created, signed, and refused to fund.

Now, let me tell you where I stand. Senator KENNEDY, who is not with us today but he certainly has been our leader on this issue, has called for full funding under title 1, full funding under the IDEA program for disabled students, and those are things I support. It comes to about $7 billion, if I am not mistaken. We should come up with that money. If we can find $676 billion for tax breaks for wealthy people, can we not find $7 billion for education?

It is my position—and I do not speak for anyone but myself on this—if this Congress fails to fund the unfunded mandates of No Child Left Behind, this Senator will propose suspending those mandates, saying to those school districts across America that until we are prepared to put the money on the table, until this economy is stronger, we are not going to require you to test every student every year to make an evaluation of each of those students and go through all the requirements of No Child Left Behind.

The President cannot have it both ways. He cannot call himself an education President, wrap himself in the cloak of educational reform, and then refuse to put the money on the table. That is what he has done, year after year after year.

There are those who believe the way to stimulate America's economy is to make sure a majority of tax breaks go to a majority of Americans who believe that we should invest, as well, in the education of our children. Is there anything more important? This administration makes it the lowest priority. It should be our highest. That investment by our Nation at this moment in time will not only help us through the current recession but it will also help us for generations to come.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended for 20 minutes, and that the additional minutes be evenly divided between the Democrats and the Republicans.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the Senator from South Carolina be recognized for 20 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 20 minutes.

THE ECONOMY

Mr. HOLLINGS. I commend our distinguished friend from Illinois. He has brought into sharp focus our dilemma with respect to the prime initiative of President Bush with respect to education.

I just finished a column for the local newspaper relative to symbols versus substance. You will find our Republican colleagues very strong on symbols but very weak on substance itself.

Let me ask the question, rhetorically, of course: What Governor, what mayor—all of us are facing these deficits—is cutting taxes in the face of these deficits? With voodoo? In other words, all you have to do to fix the deficit is cut your revenues. We heard this under President Reagan, and Vice President Bush called it voodoo. We heard all you needed to do was to cut taxes and the people would have so much money they would spend and everything else. We would have consumer demand. You would have sales tax revenues. You would have income tax revenues, they would all increase, and we would just grow out of a deficit.

At that time Vice President George Herbert Walker Bush, Bush No. 1, called it voodoo.

We just had, last year and the year before, of course, voodoo II. A tax cut of $1.3 trillion plus interest costs $1.7 trillion. We are cutting the revenues and at the same time in the 4 years, and I want my colleagues to check the record and mark it down, the defense budget has gone in the last a little over 3, nearer 4 years from 1998 until now, from $271 billion to at least $371 billion. It will probably be nearer $386 billion. We have increased defense costs $100 billion. We have increased health costs $107 billion, when you look at Medicare and Medicaid and the veterans. But that does not include the community health centers or child health care, of course. So we spend another $200 billion there. We have increased agriculture, farm subsidies another $35 billion.

While we are increasing the spending that both sides of the aisle support—health care, defense, and agriculture, some $235 billion—and then we cut the revenues $1.7 trillion, in voodoo, and we end up with a deficit. We are just like the States. Only there is no serious purpose up here for the needs of the country. It is only for the needs of the campaign.

We have been using this Congress and the White House to campaign. The heck with the country. Despite having just completed one election, we're already looking at the next election. And the blooming media has gone along with us. They treat politics as a spectator sport, where they want to know who is up, who is down, who is announcing, who is quitting, who is doing this, and who is doing that. You can't get their attention on paying the bill.

As a result, the debt has soared to $6.3 trillion. We will be debating next month about increasing the debt limit. I want to see how many of my colleagues will vote for that. They have increased the debt by cutting all the revenues, increasing all the spending, and saying: I am against the Government, the Government is too big, the Government is not the solution, the Government is the problem.

I have sent to the desk a value-added tax. I want to increase taxes. I am sober. I am experienced. I got a triple A credit rating back in 1959 for the little State of South Carolina. I know what you have to do to pay the bill. I have been the chairman of our Budget Committee up here in the National Government, in the Senate. I can tell you, this is about my third try for a value-added tax.

My bill will be referred to the Finance Committee. I know revenue measures under the Constitution derive in the House of Representatives. But I know also that we had a hearing back in the 1980s when we had this voodoo. Lloyd Bentsen of Texas was chairman of that committee. I brought Dr. Cnossen, the Hollander expert. He testified, because he knew he had helped the United Kingdom. He had written a value-added tax for Japan, for Canada—every industrialized country in the world save the United States has a value-added tax. That is one of the big deficiencies we have in international trade.

They have a 15 percent to 17 percent advantage with their VAT. We have the disadvantage. When Dr. Cnossen testified, as they were leaving the room—I will never forget—former Senator John Chafee turned to Lloyd, the chairman, and he said, ''Lloyd, if we had a secret ballot we would vote it out of this committee unanimously.''

We needed the money to balance the budget. We tried with Gramm-Rudman-

Hollings and had a temporary restraint on the Federal budget. But then instead of a prompter, a sword to prompt fiscal responsibility, it was used as a shield. We needed to take extreme action. But we didn't take it, and Gramm-Rudman-Hollings was out by 1992. Bush I was running a $400 billion deficit and lost office to the Governor of Arkansas.

Let's get to the Governor of Arkansas. When Clinton got nominated, his friend Erskine Bowles from Charlotte got together business leaders and market experts. They went down to Little Rock. Along with them was Alan Greenspan. Greenspan told then-Governor Clinton—he said, When you come to Washington you are going to have to not only cut spending, you are going to have to increase taxes.

Clinton said, Are you serious?

He said, The country needs it. We are not going to have any investment, we are not going to have any jobs, until the Government starts paying down the debt.

And paying down the debt was the 8-year chant on the floor of the Senate. You can't hear it now. You can't hear it now, about paying down the debt. You have to have tax cuts and so forth. One side says let's have, I don't know, a $700 billion, $800 billion, $900 billion tax cut. The other one says, no, only $200 billion or $300 billion. We are back into the ying and the yang. We had that under voodoo I, under Bush II, year before last, when he said he wanted $2.3 trillion in tax cuts. The Democrats come around and said $900 billion and we compromised at $1.3 trillion and with interest costs $1.7 trillion. That is what we are on course to do.

Politicians go on the weekend shows chanting, I am for the rich, you are for the poor, the ying and yang, and it is all campaign applesauce. It is not for the good of the country.

I am telling you what we need to do is pay for the war. We have a President, a Commander in Chief who says, look, I am going to send you to get killed in Iraq, or maybe North Korea, or wherever he is headed. He is going to ask you to fight and sacrifice, but we are not going to pay for it. We are going to have to run deficits. In past wars we ran deficits, but we paid for it at the particular time.

What really happened? If you take all of the deficits for the last 30 years—right after World War II—under Presidents Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford—you take the sum total of all those deficits. It is $358 billion.

We just finished the fiscal year—one year under Bush II—which does not include the cost of the real war. It was only an excursion in Afghanistan. The Congressional Budget Office says the excursion in Afghanistan and homeland security amounts to $35 billion at the most. But in one year we have run a deficit of $428 billion. And to what do we owe this amount? Guess what. We had a stimulus—I want everybody to hear this—a stimulus of $428 billion in the last fiscal year. We are already $159 billion in the red the first 3 months of this fiscal year.

Added together, you have a $587 billion stimulus in the last 15 months. It hasn't worked. We are getting worse and worse. There is not going to be financial investment as long as we continue on this course. It is absolutely reckless to talk about whether any kind of a dividend can do it, or whether a marriage penalty can do it, or whatever else. They have to come around and argue about double taxation and everything else of that kind. We need to do both. We need to cut the spending and we need to increase the revenues. To accomplish this goal, we must have a value-added tax.

I can tell you here and now that it will take a year to get this 1 percent value-added tax up and running. It will take a year to get it the administration worked out, and to get the different businesses to change around their computers and for the IRS to institute it. And when we do it will get about $35 or $40 billion, and we will begin a modest effort to pay for whatever war, whether it is a domestic war, an Iraqi war, a North Korean war, or some of the 14 peacekeeping operations.

I can tell you now the military is stretched. That Reserve crowd that flies the C–17s in my backyard have been there since September 12, 2001. If they made $60,000 or $70,000 in private life, they are down now to $35,000 at the most. They cannot pay their rent. It is the same way with the National Guard. They are being called up everywhere in these particular cases.

We need to come to grips with what we are doing and cut out the campaigning and start looking at the needs of the country. Specifically, every Senator says we are not going to spend Social Security. President Bush, in February the year before last, when he submitted his message to the Congress said: I am setting aside $2.6 trillion for Social Security.

We have that, and more. In the law, it says: You shall not spend the Social Security surplus on anything other than Social Security. That is section 13301, recommended in section 21 of the Greenspan Commission. I dropped in a bill that requires the Secretary of the Treasury to certify that if there is a deficit there cannot be a tax cut. That tax cut—whatever they pass in this pandemonium, pell-mell rush for reelection—whatever tax cut they pass will not take effect until that on-budget surplus or on-budget deficit is zero.

That is the test of not using Social Security moneys. I want to keep them honest. I have already introduced it as a bill. It won't be a surprise. I had it all ready last year. We couldn't even debate the budget last year. We were criticized on the Democratic side of the aisle for not bringing up the budget. But I say bring it up and we will get the votes and find out whether they really want to protect Social Security because they have been spending it on any and everything but Social Security. Under section 21 of the 1983 Greenspan Commission report, it said set these funds aside in trust for the baby boomers. There is nothing wrong with Social Security except how they spend it. Now we owe the Social Security trust fund $1.3 trillion because we have been spending it on any and everything other than Social Security.

Let us not double talk the electorate. Let us remember to tell the truth to the American people. But I can tell you the bottom line is there is a $428 billion deficit for 2002, and we are $159 billion already in the red in first 3 months of 2003—in the last 15 months we have $600 billion of stimulus money that hasn't stimulated the economy. Another $30 billion or $40 billion a year is not going to stimulate it.

So we are whistling ''Dixie.'' We are doing this not for the country but for campaigns.

I want to say one more word with respect to the economy. We were having a hearing, and the distinguished Senator from Kansas talked about Boeing and how they just lost some 10,000 jobs. I reminded him that since NAFTA, we have lost 55,200 textile jobs. The Senator from West Virginia, Mr. ROCKEFELLER, reminded us how we lost the steel industry. We can go right on down. We have 6.3-percent unemployment in my little State of South Carolina. We are not manufacturing anything. We have exported the industrial backbone of the United States. What we have is not free trade. Now the Senator from Kansas understands that it is competitive trade.

There are all kinds of subsidies. There is a standard of living. We require before you open up any manufacturing, you have to have clean air, clean water, Social Security, Medicare, Medicaid, plant closing notice, parental leave, safe machinery, safe working places—go right on down the list—the highest standard of living. You can go to Mexico for 58 cents an hour, and you can go to China for less than that. They are leaving Mexico to go to China. They are all talking about free trade. Nothing is free. It is competitive.

We have to rebuild the economic manufacturing capacity and strength of the United States. We need jobs. We are not going to have any jobs until we get a competitive trade policy. Otherwise we are not going to have any investment long-term because what we are doing is increasing interest on taxes. You cannot avoid it. The interest costs for the debt is growing at $1

billion a day right now. If we go to war, oil costs are going up, and interest costs are going up. Rather than $365 billion, interest costs are going to be up to $400 billion to $500 billion for just carrying the charges—for the privilege of campaigning and the politicians looking out for their reelection and not for the country.

I am sorry to say this. But that is the truth.

I see others are now ready to speak. I will speak at length otherwise with respect to the draft. There is no sense of sacrifice in this country. Our friend, CHARLIE RANGEL, over on the House side, has put in the draft bill. In the beginning, I was opposed to the creation of an all volunteer force. So I put the draft bill in the Senate three other times. And I put it in now a fourth time day before yesterday because there has to be a sense and a feel of shared sacrifice. Don't come and tell us we have a strong economy, and I am sending you to get killed; and, this is a wonderful thing. We have to have more confidence in our commander in chief. He simply cannot just go to flag factories, get his sound bite early in the morning, rat-a-tat-tat sound bite, have two fundraisers at night, and let the country go to—you know what—in a hand basket.

That is what is going on. We have to sober up. We have to pay for the war. There has to be a shared sacrifice and sense of it in this country. I think the country is ready, but the Government is not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from South Carolina for his remarks.

EXTENSION OF MORNING BUSINESS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the period for morning business be extended; that I be recognized for up to 20 minutes and that Senator LEVIN be recognized for up to 10 minutes.

Mr. STEVENS. I temporarily object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Under the previous order, the majority controls the remainder of the time in morning business.

Is there objection?

Without objection, it is so ordered.

Mr. FEINGOLD. I thank the Senator from Alaska.

CIVIL RIGHTS AS A PRIORITY FOR THE 108TH CONGRESS

Mr. FEINGOLD. Mr. President, this month our Nation will celebrate what would have been Dr. Martin Luther King, Jr.'s 74th birthday. It is right and fitting that on the third Monday of every January since 1986, Americans have paused from their work, school, or other activities to honor Dr. King and his legacy. Dr. King gave hope to millions of Americans and was a catalyst for the greatest advancement in civil rights our Nation has experienced since the end of the Civil War.

Because of great Americans such as Dr. King, separate but equal is no longer the law of the land. Because of the progress we have made in the last 50 years, segregation in public schools has been unlawful. African Americans have the right to vote. Americans cannot be fired or denied a job based on race, religion, ethnicity, national origin, gender, or age. Our Nation has made great strides to protect freedom and equality for all Americans as a result of Dr. King's leadership.

But almost 40 years after Dr. King delivered his historic ''I Have a Dream'' speech on the steps of the Lincoln Memorial, and nearly 35 years after Dr. King was tragically gunned down at a hotel in Memphis, TN, our Nation still has a long way to go to finish his work.

As we begin the 108th Congress, I want to take this moment to urge both my colleagues and the President to make civil rights a priority.

Earlier this week, the Senate welcomed a new majority leader, Senator BILL FRIST. But the discussions leading up to that should be the beginning, not the end, of a national discussion about the unfinished work of securing civil rights for every American.

Congress and the President can demonstrate their support for freedom and justice by supporting civil rights initiatives that have been ignored for far too long. And they should begin this month, as the new Congress convenes and as the Nation celebrates Dr. King's birthday.

Perhaps no issue on this agenda is more urgent than the issue of racial profiling. Racial profiling is the insidious practice by which some law enforcement agents routinely stop African Americans, Latinos, Asian-Americans, Arab Americans, and others simply because of their race, ethnicity, or national origin. Reports in States from New Jersey to Florida, and Maryland to Texas all show that African Americans, Hispanics, and members of other minority groups are sometimes being stopped by some police far in excess—far in excess—of their share of the population and the rate at which they engage in criminal conduct.

Just this week, the Boston Globe ran a series of news articles about its analysis of traffic stop data in Massachusetts and came to the same troubling conclusion we have seen in places such as New Jersey and Maryland. Racial profiling still exists and is a very real problem. It hasn't gone away or ended. In fact, the Massachusetts experience only underscores the need for a national law on this issue of racial profiling. And the time to act is now.

I might add that the urgency for banning racial profiling is compounded by concerns post-September 11 that racial profiling—not good police work and following up on legitimate leads—is being used more frequently against Arabs, Muslims, or Americans who are perceived to be Arabs or Muslims.

President Bush pledged to end racial profiling nearly 2 years ago during this first address to a joint session of Congress. Attorney General John Ashcroft also has acknowledged the damage caused by racial profiling and, he too, called for an end to the practice. So it is time for this administration to move this effort forward.

In the last Congress, a bipartisan group of Members of Congress sponsored the End Racial Profiling Act. Representative JOHN CONYERS, the distinguished ranking member of the House Judiciary Committee, and I, intend to reintroduce our bill early in this Congress. Our bill bans racial profiling and requires Federal, State, and local enforcement agencies to take steps to prevent the practice. This bill should be one of the top agenda items in this Congress, and the administration should follow through on its promise to address this issue.

September 11 cannot be an excuse for continued delay in dealing with the problem of racial profiling. This is a problem and a challenge that our country can and must meet. We need improved intelligence and we need improved law enforcement, not racial stereotypes, to protect our Nation from future terrorist attacks.

Indeed, I believe that the End Racial Profiling Act is a pro-law enforcement bill. It will help to restore the trust and confidence of the communities our police and law enforcement have pledged to serve and protect. That confidence is crucial to success in stopping crime, and, yes, in stopping terrorism. The End Racial Profiling Act is good for law enforcement and good for America.

As Dr. King often implored his fellow activists, it is not time to wait. It is not time to ''slow up'' or ''cool off.'' He said, ''[W]e can't afford to stop now because our Nation has a date with destiny. We must keep moving.'' Mr. President, it is time to act.

Yes, we have many pressing priorities this Congress. And I certainly think that first and foremost is combating terrorism and addressing our Nation's weak economy. But we cannot ignore a fundamental responsibility of this Congress: to fight for freedom, justice, and equality for all Americans. In addition to passing the End Racial Profiling Act, Congress and the President should also address a range of civil rights-related issues this Congress—from education, to welfare, to

health care, to improving our criminal justice system.

We should ensure that every child has access to a quality public education. I voted against the education bill in the last Congress, because I do not believe that it will bring us closer to that goal. I am particularly concerned about the annual testing mandate included in this law. Study after study shows that disadvantaged students lag behind their peers on standardized tests. If we are to truly leave no child behind, we should give local school districts the resources they need to provide the basic educational services and programs to which each child is entitled. If we fail to provide these resources, we run the risk of setting disadvantaged children up for failure on these tests—failure which could damage the self-esteem of some of our most vulnerable students.

Congress should also do more to ensure that federally funded programs comply with civil rights and other laws. In particular, we must improve the Federal welfare law to require that each State's program treats all applicants and clients fairly. While Congress rightly encouraged State-level innovation with the 1996 welfare law, we should use the pending reauthorization of that law as an opportunity to ensure that all State plans conform to uniform Federal fair treatment and due process protections for all applicants and clients.

Congress should ensure that all Americans get a fair wage for an honest day's work. Too often, parents work double shifts or more than one job for low wages in order to make ends meet and to provide the basic necessities for their families. We must at last increase the Federal minimum wage. And we must work to close the wage gap between women and men.

Congress should also take action to ensure fairness and justice in the administration of the death penalty. We know that the administration of the death penalty at the Federal and State levels is flawed. With over 100 innocent people on death row later exonerated in the modern death penalty era, any reasonable person can see that the current system risks executing the innocent.

Just this week, the University of Maryland released a study finding enormous racial and geographic disparities in the Maryland death penalty system. African-American defendants accused of killing white victims are significantly more likely to face the death penalty than cases with nonwhite victims. Prosecutors in Baltimore County are significantly more likely to file initially for a death sentence than other Maryland jurisdictions.

I think Governor Glendening did the right thing when he placed a moratorium on executions last year, and I urge Governor Ehrlich to continue that moratorium while he and other Maryland officials analyze this study's disturbing findings. It would be contrary to our Nation's fundamental principles of justice and fairness to execute anyone in Maryland until the disparities identified by this study have been addressed.

Of course, Maryland is not the only State with troubling racial and geographic disparities in its death penalty system. Similar concerns have been raised about the Federal system, as well as the administration of the death penalty in other States. That is why Congress should pass the National Death Penalty Moratorium Act. Congress and the President should support a moratorium on executions while a national, blue ribbon commission reviews the fairness of the administration of the death penalty.

This is a civil rights issue. We simply cannot say we live in a country that offers equal justice to all Americans when racial disparities plague the system by which society imposes the ultimate punishment.

Congress must also do more to protect hardworking Americans from discrimination in the workplace. We should pass the Employment Non-Discrimination Act. I have been pleased to join my colleague, Senator KENNEDY, in sponsoring this important bill that will ensure that Americans are not discriminated against by employers based on their sexual orientation. The world has changed. It is time that we take this step on behalf of equal opportunity and equal rights.

Congress should also take another step to realize Dr. King's dream of a nation where all Americans have the right to vote and to be represented in their Congress. We meet today in a jurisdiction where over half-a-million people are denied the right to fully participate in their government. The majority of the people in this jurisdiction, the District of Columbia, are African American. Shutting them out of our Government is a continuing moral stain on our Nation that must be addressed. We should take action on legislation sponsored by Senator LIEBERMAN and myself, under D.C. Delegate ELEANOR HOLMES NORTON's leadership, to grant full congressional representation for the District of Columbia.

Finally, the President should demonstrate his commitment to justice for all Americans by nominating judges to the Federal bench whose records demonstrate that they will uphold our Nation's civil rights laws and give fair and impartial treatment to all who come before them. The President's renomination this week of Charles Pickering, Sr. to a position on the Fifth Circuit is a step backward. As a member of the Judiciary Committee, I reviewed his record closely last year and came to the conclusion that Mr. Pickering would not be fit for a position on the Fifth Circuit. I am not convinced that he will give all who come before him a fair hearing, especially on issues of racial justice.

Soothing words or a change of leadership alone cannot heal the divisions that remain in our Nation. Congress and the Administration must take concrete steps to protect Americans' civil rights, not just give them lip service.

As Dr. King said, ''This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy.''

There is much more work to do to fulfill Dr. King's dream that all of America's children would someday live in a country ''where they will not be judged by the color of their skin but by the content of their character.'' Let's begin that work in this Congress, in this body, during this month when the nation celebrates Dr. King's birthday. There is no time to waste.

I yield the floor.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to H.J. Res. 1, the short-term continuing resolution which is at the desk; further, that the resolution be read the third time and passed, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, there are a number of our colleagues—and I would say I am certainly one of them—who would vote no if we were to have a rollcall vote on this continuing resolution today. I have attempted to accommodate colleagues who are not able to be here as a result of their illness, and it is only as a result of illness we will forego the need for a rollcall vote. But I think this moment requires at least an explanation.

We are now into the 6th month of the effort underway in Congress to address appropriations. We have continued to extend the continuing resolutions at

levels far below what is viewed as adequate for education, homeland security, health, research, and for the priorities that many of us hold to be the most important. So I must say I am deeply troubled by this continuing extension of the continuing resolution without addressing the need for adequacy in education and homeland security, in particular.

Basically, what this reflects is a dramatic cut, a deep cut in the funding for education, a deep cut in the funding for homeland security, a deep cut in transportation and research—cuts virtually across the board. I hope this will be the last continuing resolution that we will adopt in this manner.

I know that the chairs and ranking members of the Appropriations Committee are working now to resolve the other matters relating to these priorities and will bring an appropriations bill to the floor perhaps within the next few days.

It is with that understanding that we will not object to this CR, that we will not ask for a rollcall vote, but that we will voice, as strongly as we can, our opposition to these cuts and our determination to find a way to address them successfully as we consider the appropriations bills perhaps as early as next week. I do not object.

Mr. STEVENS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I congratulate our leaders for this understanding. We are standing by ready to commence work on the 11 bills that are the fiscal year 2003 appropriations bills. We have had great bipartisan work on our committee with the staff and the Members. I believe the Democratic leader is absolutely correct; we are prepared to work with anyone in the Senate to try to work out any details that might have to be considered. We look forward to working with Senator DASCHLE in every way possible so we can move these bills as quickly as possible.

I speak as one who has just come back from my home in Alaska. We have the highest unemployment I have seen. Many of these bills contain money that would bring construction items and jobs to my State during this year. If we delay any further, we miss the construction season. These bills are vital to restart our economic engine. I am pleased to have this report that we are able to move forward on this continuing resolution. I can pledge the four leaders of the Appropriations Committees—of the House and Senate—on a bipartisan basis have agreed to work together to get these bills finished as rapidly as possible with the help of the leaders. I thank the leaders.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, Senators should not be under any illusion: CR will starve vital functions of government. You don't have to take my word for it. According to Representative BILL YOUNG the Republican chairman of the House Appropriations Committee, a long-term CR at these levels ''would have disastrous impacts on the war on terror, homeland security, and other important government responsibilities.''

Chairman YOUNG wrote that sentence in a memo he sent to Speaker HASTERT. The memo went even further, detailing the impact of a CR on a host of important domestic programs. Here is a sampling of what Chairman YOUNG said will be cut:

No. 1, FBI: The funding to hire additional agents to fight terrorism and to continue information technology upgrades would be denied;

No. 2, bioterrorism: There would be no funding for the President's $800 million initiative to increase funding for new basic bioterror research, to develop and test a new improved anthrax vaccine, and to assist universities and research institutions;

No. 3, first responders: There will be no funding for the President's $3.5 billion initiative to provide assistance to local law enforcement, fire departments, and emergency response teams;

No. 4, SEC/corporate responsibility: There will be insufficient funding to support current staffing requirements let alone significant staff increases needed to monitor corporate behavior;

No. 5, veterans medical care: A long-term CR would leave the veterans medical health care system at least $2.5 billion short of expected requirements;

No. 6, firefighting: The $1.5 billion taken from other Interior Department programs to pay for firefighting costs will not be replaced;

No. 7, Pell grants: A freeze in this program will result in a shortfall of over $900 million;

No. 8, Medicare claims: There will be no funding for the President's $143 million proposal to ensure that the growing number of claims are processed in a timely manner;

No. 9, special supplemental feeding program for WIC: Funding would be reduced by $114 million below current levels, meaning less will be available for families that depend on this program;

No. 10, Social Security claims: There will be no funding increase to process and pay benefits to millions of Social Security recipients.

In addition to the program cuts listed by Chairman YOUNG, the House CR omits assistance for thousands of farmers all over this country who are confronting the worst drought in more than 50 years.

This is the wrong way to do business. We should be completing our work on the bipartisan appropriations bills, not cutting education, veterans affairs, homeland security and other important priorities.

Each of these bills properly fund key priorities. And, most importantly, each enjoyed the unanimous support of the Democrats and the Republicans on the Committee.

Mr. President, the chairman of the Appropriations Committee in the House wrote a memo that has been widely read. It is an excellent memo that reviews the impact of these cuts. It was sent to the Speaker last October. I ask unanimous consent that the memo be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM

To: Speaker Hastert
From: Chairman C.W. Bill Young
Re: Impacts of a Long-term Continuing Resolution
Date: October 3, 2002

Pursuant to my October 1st correspondence regarding the state of the appropriations process, I want to provide you with further analysis of the potential impacts of a long-term continuing resolution (CR). These projections assume a current-rate CR excluding one time expenditures that extends through February or March.

A long-term continuing resolution (CR) that funds government operations at FY02 levels would have disastrous impacts on the war on terror, homeland security, and other important government responsibilities. It would also be fiscally irresponsible. It would fund low-priority programs the President has proposed to eliminate.

Homeland Security—The President has proposed a nearly $40 billion increase for homeland security in his FY03 budget. None of these funds would be provided under a long-term CR. Assuming Congress completes work on creating a Department of Homeland Security, a long-term CR would leave this new agency with very little resources to carry out its new mission.

Projects—A long-term CR ensures that no Member of Congress would receive a single project. The Committee has received tens of thousands of requests for billions of dollars from almost every Member of Congress.

War Supplemental—It is likely that the first item Congress will consider when we reconvene after the election is a major supplemental to fund possible military operations in Iraq. It would be highly problematic to expect the Congress to complete work on 11 spending bills while working on an urgent war supplement.

HOMELAND SECURITY IMPACTS OF LONG-TERM CR

FBI—We would not have sufficient funding to hire additional agents to fight terrorism and to continue IT upgrades that will help the FBI ''connect the dots'' through data mining proposals and other information infrastructure enhancements.

TSA—Efforts to improve aviation, maritime and land security would be seriously curtailed. Port, cargo, and trucking security would seriously deteriorate. If emergency funds are excluded from the CR calculations (which is historically the case), TSA would be under an annual rate of $1.5 billion for the life of a long-term CR. This would be only 28 percent of their FY03 budget request ($5.3 billion). At this level, it is unlikely TSA could maintain their current workforce of 32,000 screeners as well as air marshals. TSA

would likely face personnel RIF's. Most airports would not be able to meet the deadlines for security improvements established by Congress last December.

Coast Guard—The Coast Guard is requesting a large ($500 million) budget increase in FY03, and much of this is to hire additional security personnel, such as Maritime Safety and Security Teams to patrol harbors and respond to suspicious activity. It also includes funds to expand the sea marshal programs, which escorts DoD and high-risk commercial ships into pert. Under the FY02 level, these safety expenses would be deferred, or would require diversion of fund from other critical missions such as drug interdiction or search and rescue. Coast Guard ''deepwater'' program is slated to expand from $500 million in FY02 to $725 million in FY03. The contract was just signed this past June. Under a long-term CR, the effort will have to be scaled back due to lack of funding. This will impact shipyards, design companies, aircraft manufacturers, and integration companies, all around the country.

Bioterrorism—President has proposed a nearly $800 million increase for new, basic bioterror research, $250 million to develop and test a new improved anthrax vaccine, and $150 million to assist universities and research institutions in upgrading research facilities to conduct secure, comprehensive research on biological agents. None of these important initiatives to combat, study and prevent bio-terroism would be funded under a long-term CR.

Border Patrol/INS—Efforts to deploy an additional Border Patrol agents and immigration inspectors at land port-of-entry along both the northern and southern borders would be stalled. Likewise, construction projects that are necessary to house these additional Border Patrol agents would be delayed. No funding would be available to continue planning and implementation of the INS' Entry Exit system, a program designed to facilitate more secure and controlled access to this country by non-U.S. citizens.

First Responders—The President has proposed a new initiative to provide $3.5 billion in assistance to local law enforcement, fire departments and emergency response teams across the Nation. No funds would be provided for this program, one of the highest domestic security priorities for the President and his Homeland Security advisor. Tom Ridge.

Hospital preparedness—We would not have sufficient funds to assist hopitals in making the necessary infrastructure improvements and expansions so that they are prepared to respond to bio-terrorism emergencies.

Diplomatic security—We would not have the funds to hire additional State Department security staff for deployment overseas, or to carry out needed technical and physical security upgrades.

Office of Homeland Security—The Office of Homeland Security was funded through the $20 billion supplemental. Under a clean CR, this office would not be funded.

PROGRAMMATIC IMPACTS OF LONG-TERM CR

SEC/Corporate Responsibility—We would not be able to fund current staffing requirements, let alone support significant staff increases needed to fight corporate fraud and protect investors.

Veterans—The veterans medical care system will likely be at least $2.5 billion short of expected requirements. Veterans would be deprived of significant increases in medical care proposed by the President and the House budget resolution.

NIH—We would not be able to scale-up significantly Federal support for bio-preparedness research and development as proposed by the President. Anthrax vaccine research and development also would be slowed. It would forgo the nearly $4 billion proposed for the National Institutes of Health which is consistent with Congress commitment to double funding for NIH over a set period of time.

Foreign Operations—Afghanistan reconstruction, including the famous Presidential ring road, would staff, increasing chances that unrest and killings would resume there as the Iraq matter comes to a head. It will severely cut the U.S. contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria and reduce by 30 percent funds for Plan Colombia.

Firefighting—interior has already spent $1.5 billion on firefighting above what provided in FY02. This has come at the expense of other programs including Member projects. These bills would not be paid under a long-term CR.

Pay—All agencies would have to absorb Federal employee pay increases due in January. This will make it much more difficult for agencies to operate under a current rate and result in widespread layoffs and furloughs.

Pell Grants—A freeze in the Pell program will result in the accumulation of a significant shortfall. There will be a shortfall of over $900 million, even when factoring in the $1 billion supplemental appropriation provided to the program in fiscal year 2002.

DEA—We would be unable to hire new agents in response to FBI restructuring, which shifted 400 FBI drug agents to counter-terrorism. We have proposed to hire hundreds of new agents to fight the war on drugs. Not a single new agent would be hired under a long term CR leaving a significant gap in the federal government's drug enforcement capabilities.

GSA Construction—No new starts for any GSA line-item construction ($630 million); would delay $300 million for 11 courthouse construction projects, $30 million for 6 border station construction projects, and $300 million for 5 other construction projects, including funds for consolidating Food and Drug Administration facilities, a major Census building, and the US mission to the UN in New York. Projects would become more expensive due to inflation.

Campaign finance Reform—No funding for implementation of the Bipartisan Campaign Reform Act making it difficult for the Federal Elections Commission to implement the reforms signed into law by the President.

Federal Prisons—Insufficient activation funds to four Federal prisons that are scheduled to open in FY 2003, exacerbating the already overcrowded conditions in the Federal prison system.

Medicare claims—We would not be able to provide additional funding, as proposed by the President, to handle the increased Medicare claims volume in a timely manner. The President proposed a $143 million increase to adequately process the growing number of claims. A long term CR would significantly slow down the claims process and unnecessarily inconvenience Senior Citizens who depend on Medicare.

Yucca Mountain—A CR at the FY 2002 enacted level of $375M would significantly cut DOE's nuclear waste repository program by over $200 million. This would cause real delays in the scheduled opening of the facility.

The Special Supplemental Feeding Program for Women, Infants, and Children (WIC) would be reduced $114 million from current levels. This would result in less assistance being available for families who depend on this important program, especially in uncertain economic times.

The Food and Drug Administration would be reduced by $138 million which would result in immediate furloughs and RIFs among newly hired employees responsible for enhanced availability of drugs and vaccines, and for increased food safety activities (primarily surveillance of imported food products, an identified vulnerability).

Social Security—The President also asked for a significant increase in funds to process and pay benefits to the millions of Social Security recipients.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the majority leader?

Without objection, it is so ordered.

The joint resolution (H.J. Res. 1) was read the third time and passed.

EXTENSION OF MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the period for morning business be extended until 3 p.m., with the time equally divided, and that Senators be permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I understand that the Senate is now in morning business. I ask unanimous consent that I be allowed to proceed in morning business for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATE OF THE AMERICAN ECONOMY

Mr. HARKIN. Mr. President, I want to spend some time today here on the floor of the Senate discussing the state of the American economy, the choices we face, how we got here and hopefully a vision for a better future for our middle-class working families.

What is the state of the Nation's economy? You don't need to look at the economic indicators, and the latest unemployment statistics, although they could tell you a story. You can just walk on the streets of Burlington or Waterloo or any city, or most towns large and small anywhere in America. For ordinary people paying taxes, it is tough for families right now. People are hurting.

In the longer view, we face a growing fiscal and economic crisis due to a lack

of reasonable economic leadership of this President. We have returned to deficit spending and are mortgaging the dreams of the middle class with millions to finance a tax cut aimed at the very few. That tax cut is squeezing out sensible, middle-class tax relief. It is squeezing out funding for health care and education. In the last year, the President, even in his budget reduced funding for the Leave No Child Behind Act, which just yesterday at the White House he was touting as being a great success. It is squeezing out money needed for that.

Worst of all, the President's fiscal mismanagement threatens Social Security and Medicare, and threatens having a real prescription drug benefit that is so needed. It threatens the need that we have to raise the floor on Medicare payments to States. My State of Iowa is right now rock bottom in the Nation in terms of beneficiary funding for Medicare.

Again, we are facing the retirement of the baby boomers who are coming along pretty soon; and, of course, the need to fight terrorism.

All of these are being squeezed by the misguided and misplaced economic policies of this administration. To date, the economic leadership of President Bush has been a miserable failure.

Let us start at the beginning.

On the day that George W. Bush was sworn as the 43rd President of the United States, the 10-year budget surplus was estimated at $5.6 trillion $3.1 trillion on budget—the largest in American history. That year's budget surplus was $236 billion—again, the largest 1-year budget surplus in our Nation's history. The economy had created 22 million new jobs in the previous 8 years. Unemployment stood at 4.2 percent, a record.

The Nation's fiscal health in January of 2001 was such that facing a slowing economy, we could have passed a substantial stimulus package to boost the short-term economy without harming the Nation's long-term fiscal health. In kind of simple terms, it is if you or I get sick, and if we eat right and exercise, and we are in good health, we can even ride out the occasion of a bad flu, for example. But if you haven't taken care of yourself, if you haven't eaten right, and you are not in good health overall, a simple flu can put you in the hospital or on life support. That is the kind of smart economic plan we followed in the 1990s. Those fiscally responsible and pro-growth policies made it possible for us to deal with the short-term economic slowdown without harming our Nation's long-term fiscal health.

Unfortunately, President Bush chose a different but now an all-to-familiar economic course—a massive, fiscally irresponsible tax cut that does little to create jobs but does benefit largely the wealthiest among us. It has little or nothing to do with helping the middle class or with creating jobs.

In this day and age it seems that a Republican candidate running for President can never go wrong by proposing a massive, deficit-bloating tax plan that largely benefits the wealthy. That is what candidate George Bush did in 1999. It was not about the state of the American economy, it was about simple Republican politics.

The Bush tax plan forgot that Americans don't live their lives on the right or the left of political parties. They live and work and struggle as part of the great American middle class. And they are here every day—not just on election day. They deserve economic policies that respond to their needs—not the short-term political goals of this President, or any other politician or party or political theory. Not only is the Bush tax plan rooted in what I call 2000 Republican politics, but it is deeply rooted in a failed economic theory called ''supply-side economics.'' Supply-side economics is nothing more than a dressed up fancy name for what we called back in the 1920s and the 1930s trickle-down economics. In fact, former President Bush called it, I think, what it really is. He once termed it voodoo economics.

You can call it anything you want, but, in the end, it spells disaster for America's long-term fiscal health. At its core, trickle-down economics says that if we just slash marginal tax rates, particularly for the wealthiest Americans, they will get so much money that it will trickle down, and the economy will grow so rapidly that this tax cut will, to a significant extent, pay for itself.

Well, it is a nice theory for those who are not weighted down by the burden of reality. It does not work in widely held economic theory and it did not work in practice when former President Reagan tried it in 1981. That is a fact.

Many will claim that the 1981 tax cut was good for the economy. In fact, the economy dropped like a rock. When it passed in August 1981, unemployment was 7.4 percent. By the end of the year, it had climbed to 8.5 percent. A year after passage, it was continuing to rise, reaching a peak of 10.8 percent.

In Iowa, we faced the worst farm and small-town prices since the Great Depression. I have a chart in the Chamber that depicts what happened after the 1981 tax bill was passed. It shows the unemployment rate going up and up and up and up and up all the time. That was the result of that 1981 tax bill.

While the economy did get back on track, it did thanks to a sharp cut in interest rates by the Federal Reserve in 1982. But the adverse effects of this misguided tax policy remained. The Federal deficit climbed from 2.7 percent of the gross domestic product to over 5 percent—double. More importantly, over time, the Government's publicly held debt multiplied fivefold as well.

This failed philosophy is now being put into practice for the second time with the first Bush tax cut and now with this proposed second tax cut. That is why I call those who support this failed economic program ''red ink'' Republicans. Maybe, as we move ahead if this is the course Republicans choose, I say to the Presiding Officer, we should replace the symbol of the Republican Party with something more fitting. Rather than an elephant that is supposed to have a great memory, perhaps the symbol of the Republican Party ought to be a big bottle of red ink, because every chance that these ''red ink'' Republicans get, they leave us swimming in red ink in this country. They did it in 1981. They are doing it again now—deficits, deficits, deficits as far as the eye can see.

This chart shows what happened during the 1980s. The deficits climbed. Then, in 1993, we enacted the Clinton economic program. Look what happened to the deficits. Down they came. Down they came, until we had the largest surplus on record.

Then we hit 2001, and another trickle-down economic tax plan, with deficits soaring again. And again, we are swimming in red ink in this country. The trickle-down, red-ink tax cut in 1981 did not get folks to work then, and it isn't now.

Just look at how many of my Republican friends reacted to the recent appointment of Stephen Friedman to the chairmanship of the President's National Economic Council. Many vocally opposed Mr. Friedman's appointment because, of all things, he was a member of the Concord Coalition, a bipartisan organization focused on doing away with the deficits. They certainly did not want anyone like that as the Chairman of the President's National Economic Council.

I think the case of Mr. Friedman signals the modern day Republican Party's total abandonment of fiscal discipline. It began in 1981. It continued through the 1990s as Republicans, to a person here in the Congress, opposed President Clinton's economic plan, a plan that balanced the budget, brought us a surplus, created 22 million new jobs, and gave us the longest economic expansion in America's history.

Now these ''red ink'' Republicans are still at it today. We heard all kinds of arguments in 1993—I was here—from my friends on the other side of the aisle about how terrible this 1993 recovery plan was going to be. Why, it was just going to be awful. It was going to destroy this country. And yet, as I said, it created one of the longest economic expansions in our Nation's history. Not one Republican voted for it.

One trickle-down Republican after another united in one prediction: that the 1993 bill was going to ruin the economy.

Well, let's take a look at what happened, after that 1993 bill was passed, in terms of unemployment. Unemployment was high. We passed the bill and unemployment came down. It came down, in fact, to the lowest point in our Nation's recent history; down to about 4 percent in the late 1990s.

Now we come to the end of 2000. We have our country on course. We have a record surplus. We have predicted surpluses for this decade of over $5 trillion; a healthy basis on which we could now begin to address the needs of the baby boomers as they start to retire, reduce the public debt, get our economy on a sound keel, and then, when the baby boomers retire, we will have the wherewithal to meet those needs of Social Security and Medicare. That is where we were at the beginning of the Bush Presidency in 2001.

That was until President Bush sent down his tax proposal of 2001. The Congress passed it and sent it to the President. The price tag was supposed to be $1.35 trillion, but the actual cost was much higher. It was only by using some accounting gimmicks and tricks that would even make Ken Lay of Enron blush. The actual cost goes much higher.

The 2001 tax bill was structured in another interesting way. In 2001, those in the top 1 percent of income—with incomes averaging over $1 million got under 10 percent of the benefits. For 2002 and 2003, they get under 20 percent of the benefits. By 2006, they are scheduled the get over a third of the benefits. And in 2010, they get over 50 percent of the benefits.

This truly is trickle-down economics. The top 1 percent's share of the Bush tax cuts—see, it is a kind of little trick. It starts out low, but look what happens when we go through the decade. And we wind up in a decade where over 50 percent of the Bush tax cut goes to the top 1 percent, the wealthiest people in this country.

What did President Bush tell us at the time in trying to pass this bill?

I quote here from a speech he gave at Western Michigan State:

> Tax relief is central to my plan to encourage economic growth, and we can proceed with tax relief without fear of budget deficits, even if the economy softens. Projections for the surpluses in my budget are cautious and conservative. They already assume an economic slowdown in the year 2001.

President Bush gave that speech on March 27, 2001:

> . . . we can proceed with tax relief without fear of budget deficits. . . .

We went from a surplus, the largest on budget surplus in our Nation's history of $83 billion, to over a $300 billion deficit just two years later; a shift of over $400 billion in just two years. $½ trillion in surpluses wiped out in 2 years of this Presidency. And he said there would be no fear of budget deficits. Well, maybe the President doesn't fear budget deficits; maybe like President Reagan.

Maybe they don't care, but the middle class in America, the baby boomers about ready to retire better fear it because it is eating right into Social Security. That is exactly what it is doing.

Then he says, ''projections for the surpluses in my budget.'' Can you believe that his budget actually projected surpluses when in the very first year it plunges us into the biggest deficits we have ever had?

I can only say that if I were President and my economic advisers had given me this plan and written this speech for me, which I assume they probably did for him, and it turned out the way it turned out, I would fire the whole lot of them. Obviously, they didn't know what they were talking about. Either that or they knew what they were doing, they knew what they were talking about, and they were pulling the wool over the eyes of the American people. I tend to think that is really what it was about. It was a scheme to reward those who had done the most to help this President get elected, a massive tax cut for the wealthiest in our country.

Two years after this quote, here is the Bush economic record: The estimated 10-year budget surplus of $5.6 trillion is wiped out; this year's on-budget deficit, $319 billion as estimated by the CBO. The economy has shed 2 million jobs, the worst record of negative job creation of any President in more than 50 years.

I must hand it to this President. All this was done in 2 years. It is amazing. The latest unemployment is about 6 percent. This is where we came from: 4.5 percent in April, 2001 when the bill became law. After 18 months, it is still going up. Hang on.

That is why we need a short-term stimulus to stop the rise in unemployment. Quite frankly, the President's program of slashing taxes on dividends will not do that. I will explain that.

The Center on Budget and Policy Priorities noted that:

> The tax cut would cost the Treasury approximately $4 trillion in the decade after 2011, the same period when the baby boomers will begin to retire in large numbers and the cost of Social Security and Medicare and Medicaid and long-term care will rise substantially as a result. Yet it is during that same decade, after 2010, that the cost of a permanent tax cut would explode as all of its revenue losing provisions would then be fully in effect.

As I pointed out, after it goes fully into effect, well over half of it goes to the top 1 percent of our country. And yet those who rely on Social Security and Medicare and long-term care are the ones put at risk.

Continuing:

> [If] the tax cut takes full effect as scheduled and continues after 2010, the long-term cost will substantially exceed the 75-year deficit projected within Social Security. In fact, if the tax cut were just scaled back so that three-fifths of it took effect while the funds of the other two-fifths were used to strengthen Social Security, the entire 75-year projected deficit of Social Security could be eliminated.

There you have it. You have your priorities. Do you want to shore up and secure Social Security for the next 75 years, or do you want to give the top 1 percent of our country more tax breaks?

That is the course we face. That is the course we have to change: Going from an $86 billion budget surplus to a $318 billion deficit, a shift of over $400 billion.

The economic record of this President is one of fiscal mismanagement, economic stagnation, rising unemployment, and jeopardizing the jobs and the futures of our middle-class families and jeopardizing the long-term health of Social Security and Medicare. That is why we have to change course now.

I said, we need to begin with a stimulus package to stop the rise in unemployment. In the coming debate, the President has already accused some of us on our side of playing ''class warfare.'' But it is the President's own tax cut of 2 years ago that already declared class warfare, class warfare on the middle class. Take from the middle class, give to the wealthiest 1 percent. If that is not class warfare, I don't know what is.

Middle-class families are not getting their fair share of tax relief. They are not seeing their incomes rise. Many are losing their jobs. And every day hundreds of thousands of working families go without any health insurance. Millions of Americans are already without any health insurance coverage whatsoever; every day hundreds of thousands more are added to the rolls.

For some reason the President cannot see the pain that his economic policies are causing. The President's refusal to see his own mistakes reminds me of that scene from the Caine Mutiny. The ship was sailing through a typhoon. It was in danger of floundering, but stubbornly and rigidly, Captain Queeg tells the helmsman to hold course, because Queeg refused to listen. He refused to see the danger ahead. He could not save the ship.

Just like the crew of the Caine, our first loyalty is in saving the ship, not protecting the captain, not blindly following what the captain says when we plainly know what lies ahead. That is why it is time for us to change America's economic course. We need to provide an immediate stimulus to put people to work.

The President made his proposal. It is more of the same—more tax cuts for the wealthiest, little for working and middle-class families. The centerpiece of the President's new proposal is the elimination of dividend taxes at an estimated cost of $364 billion over 10 years.

According to the tax policy center, about 45 percent of these benefits will go to the wealthiest 5 percent of taxpayers. Sound familiar? It should. We did the same thing 2 years ago.

Here are the facts: A 100-percent reduction in dividend taxes, plus the other components of the Bush economic plan, would provide for those who make more than a million dollars a year over $88,000 in tax cuts this year, 2003. For my fellow average Iowan making between $20,000 and $30,000 a year, they will get $204 in 2003. So I guess the President is right. Everybody gets a little something—yes, average working families get the crumbs from the table and the wealthy get the smorgasbord. But, looking ahead, most of the benefits that went to average taxpayers dissolve. But, the linchpin of the plan that mostly goes to the top 5 percent, that continues on for the long haul

That is class warfare. It is a direct frontal assault on the middle class in America. But not only is the Bush plan class warfare, it mortgages our future by raiding the Social Security and Medicare trust funds. And now it will shortchange key investments in education, health care, and homeland security. I predict—and I will come to the floor next week and apologize if I am wrong—that the appropriations bills that will be brought up by the Republican side to be added to the continuing resolution for this year will have cuts in education compared to what the Appropriations Committee approved last summer. I predict that there will be cuts in education.

Quite frankly, in the budget for this year that the President sent up for fiscal year 2003, he actually proposed cutting funding for Leave No Child Behind. Secretary Paige was on television today saying that was wrong. Next time I see Secretary Paige, next time he comes before our committee for a hearing, I am going to get the White House's own budget book and lay out the programs for Leave No Child Behind and show him what the President's budget was. There was a cut of $90 million in the Bush budget this year for the Leave No Child Behind programs. Why? So we can pay for all these tax cuts for the wealthiest in our society.

Trickle-down economics. We need to get a prescription drug benefit through for the elderly, but there will not be any money for it. Why? Because we are going to have a tax benefit, doing away with taxes on dividends, which benefit the wealthiest 5 percent. We will not have any money left for prescription drug coverage. So we have to change course. We cannot blindly follow the captain in his misguided economic policies for America. We must stimulate job growth now and it must not come at the expense of Social Security.

I think the following elements should be addressed and should be passed to get our economy going. First, extend the unemployment insurance benefits. We need to do that now. We have considerable reserves and now those facing long-term unemployment need help. Of course, if they get that money, they spend it quickly and it helps the economy. Now, we did pass an extension this week that is short, but we need to do more.

Secondly, we need to provide fiscal relief for the State. States all across the country, including my own, are facing huge deficits that they have to eliminate under their State constitutions. That means there are going to be big cuts in crucial services—often health care for the poor or the working poor, education for our children, housing, help for the homeless, things that States have to spend a lot of money on. Well, they will not have it. So we are going to need to step in to provide these crucial services.

Third, we need to quickly put people back to work on things we need. I have been trying for years to get the Congress to address the need of rebuilding and modernizing schools all over America. We did succeed in getting a billion dollars into that program in the last Clinton budget for 2001. The results of that are now coming in from States all over America. That money was used to rebuild and modernize schools all over America.

Our experience in Iowa—I can only speak about that because that is all I have the data for right now—was that for every dollar that we put into rebuilding and modernizing schools in Iowa, it translated into well over $20 of economic activity. It put people to work, it got money into the economy, and guess what we got out of it. We got new schools, new classrooms, better equipped classrooms for our teachers to teach in.

There are many projects in this country that are truly needed. We can have people working on these within months. I was told when they were using this money to build a new school in Iowa with this money that not only did it put people to work immediately, but the whole chain—everything from the electricians ordering electrical parts, lights and wiring, to those who put in the wallboard, ordering that, and the lumber and the tile and everything that goes into that. As one small restaurant owner told me, for the year and a half they were building the school, he even had people come in there buying lunches, so it even helped that local economy. This is what we need to do to get people back to work right away.

Fourth, we need to pass a short-term middle-class tax cut that will improve our short-term economy without further harming our long-term fiscal health. I say that we should consider a short-term payroll tax holiday, paid through the general fund, that will put money in the hands of people more likely to spend it right now. If we had a payroll-tax holiday, people could get their money directly through the regular payroll checks, that will speed up its delivery and the likelihood that it will be spent now.

We need to stimulate the economy right now and this would help working people left out of the tax rebates in 2001.

Fifth, we must cut wasteful spending and close tax loopholes. I have outlined a series of cuts in Government spending that would do that. I say to my friends on the other side that we can have a significant stimulus package and we can take care of the unemployed, provide tax relief for middle-class families for this year, and reduce the size of Government at the same time.

One of the first things we have to do is have competitive bidding in Medicare. Now, we have cut down the waste, fraud, and abuse in Medicare over the past 10 years. It has gone from $20-some billion a year to around $11 billion or $12 billion. We have a ways to go. But the one thing that would save money right now and cut wasteful spending would be good old-fashioned competitive bidding in Medicare. We ought to do it and we ought to do it soon.

I believe that the stimulus package should entirely be in the people's hands this year. The cost should not exceed $100 billion. And, that it could be more than fully paid for over the course of ten years through the implementation of reductions in spending by things like requiring competitive bidding on durable medical equipment and by eliminating the tax rate cut that only goes to the one percent of those with the highest incomes, averaging over a million dollars a year. We also need to eliminate allowing Benedict Arnold companies and individuals that make their home overseas in order to escape paying their fair share of taxes.

Well, this, I believe, is the course of action we ought to take and not continue on the disastrous course we were set upon 2 years ago. And now we are asked to make it even worse with the new President Bush proposing tax relief for the wealthy. We need a strategy that adheres to these good principles: benefit working and middle-class families, focus on job creation, restore fiscal discipline. In short, America's new economic strategy must take into account the economic realities, not failed trickle-down theories or cynical political strategies purely for election purposes.

When it comes to the economy, I will paraphrase President Bush in his acceptance speech at the Republican National Convention almost 3 years ago: You have had your chance. You have not led. We will. That is what we need to do.

President Bush's response was to make permanent the 2001 tax windfalls which will blow a hole in the budget to endanger Social Security. Add to that another windfall tax benefit to the wealthiest in our country. By every measure, it is the wrong course for America. It will just ensure the rich get richer, the poor get poorer, and the middle class gets stuck with paying both of the bills. It is time for a new direction. I am hopeful that in the Senate we can have a real debate over the best economic policies for the future of our country.

When it comes to the economy, the President reminds me of the guy who is lost driving but he refuses to pull over and get directions. He just keeps going down the same roads over and over. Mr. President, it is either time to pull over and get directions or let someone else drive because it is obvious, Mr. President, you and your economic team are lost. It is time to return to policies we know work: Balanced budgets, tax cuts for working families, investment in education and health care, not failed trickle-down economics.

Let's start the debate. Let's have the debate, but more than the debate, let's have the votes in the Senate. We can no longer afford to delay. We have to step up to the plate and change our course. We are now in the midst of a serious economic and fiscal predicament. We have to make some adjustments, some course corrections. We cannot cling dogmatically and rigidly to the same old policies that did not work before, are failing us now, and will jeopardize the future of Social Security and Medicare.

Again, let's have the debate but, more importantly, let's have the votes to change the economic course in our country so that our middle-class families are the ones who benefit. Let's end the class warfare declared on the middle class by this President and his failed economic policies. Let's recognize that we are all in this together, and the best way to keep that ladder of opportunity there so people, yes, on the bottom can become middle class and, yes, those in the middle class can become rich is to change the failed economic policies of this administration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. LEVIN. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. REED. Yes, I yield.

Mr. LEVIN. Mr. President, I ask unanimous consent that after the Senator from Rhode Island speaks for up to 10 minutes, the Senator from New York then be recognized for 10 minutes, and then I be recognized for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Rhode Island.

Mr. REED. Mr. President, the American economy is in serious distress and thousands of families across America are suffering. When President Bush took office in January 2001, the unemployment rate was 4.2 percent. In November of 2002, the unemployment rate was 6.0 percent; 2.2 million more Americans were out of work than when President Bush took office in January of 2001.

The economy is not growing fast enough to generate the jobs that continue to employ millions of Americans. Labor market conditions are not improving. In fact, tomorrow the Bureau of Labor Statistics will report on employment statistics in December, and they are likely to be unchanged from November, roughly 6 percent unemployment in the United States.

This is an extremely disappointing economic record, and the Bush administration is refusing to take prompt and responsible action to put Americans back to work.

Increasingly, we hear the Republicans trying to deflect this situation by claiming this is the Clinton recession, but the National Bureau of Economic Research, which is recognized as the authority on these matters, indicated that the recession began in March 2001, months after President Clinton left office, several months after President Bush assumed responsibility for economic policy.

Indeed, in the last full month of the Clinton administration, the unemployment rate was 4.0 percent. In the last full quarter of the Clinton administration, the economy was still growing. More to the point, rather than assessing responsibility, a President of the United States, regardless of responsibility, has to act on behalf of the American people, and we are still waiting for prompt and effective action from President Bush to remedy the ills of this economy.

What has the President proposed to get us moving again? He is proposing, as the centerpiece of his plan, a massive elimination of taxation on dividends, which has several problems.

First, it would have no immediate stimulative effect on the economy.

Second, it is grossly unfair. It will accrue to taxpayers with very high incomes and provide little or no benefit to the majority of taxpayers, including most seniors, and it significantly erodes long-term budget discipline, which has been the foundation of economic growth in this country since the Clinton administration.

When we began debating a stimulus package over a year ago—because even then we recognized the economy was foundering—the four leaders of the House and Senate Budget Committees on a bipartisan basis established principles for any effective stimulus package. The Congressional Budget Office used similar principles in a report in January of 2002 evaluating proposed changes in tax policy aimed at providing stimulus.

The President's dividend proposal, when measured by these bipartisan principles, fails dramatically.

First, a tax cut is most effective as stimulus when it puts money into the hands of the people who will spend that money almost immediately, but based on the administration's own theories, only $20 billion of the projected direct cost of $364 billion over 10 years will be spent in the first year. A small fraction of the ultimate cost of this tax plan will be available to be spent in the near term. That is when we need stimulus. That is what a stimulus package is all about.

Second, the dividend proposal is particularly poorly targeted as stimulus. Most families have little or no direct ownership in stock. They have pension plans, they have Keogh plans, they have retirement accounts, but the majority of direct ownership of stock is concentrated in the hands of very wealthy individuals, higher income households that are more likely to save the money than to immediately engage in consumption, to increase demand, to get the economy moving.

As I mentioned before, a stimulus by its very nature should provide immediate effects, but even the $20 billion in projected stimulus for 2003 is not really stimulus because taxpayers will have to wait until they file their returns next year until they actually see this money in their hands.

Stimulus should not undermine long-term economic discipline. We found out through the policies of the Clinton administration that sound fiscal policy in Washington, leading ultimately to a surplus, was the foundation for economic expansion, the longest running economic expansion in the history of this country. We are in grave danger of losing that economic discipline, of seeing interest rates begin to climb and choke off growth.

For all these reasons, the President's proposal, particularly his centerpiece, the dividend proposal, is bad economic policy.

Some have said these criticisms are just an exercise in class warfare. Let me tell my colleagues the facts. Under the President's proposal, the 226,000 tax filers with more than $1 million of income—about .2 percent of tax filers—will receive an average tax cut of almost $90,000. A third to a half of that will come simply from this dividend proposal.

In contrast, the 109 million taxpayers with incomes under $75,000—the middle and working class Americans, 82 percent of taxpayers—will receive an average tax cut of $273. Let me once again suggest the dimensions here: 226,000 upper-income tax filers versus 109 million middle-class and working-class tax filers. The 226,000 receive $90,000 on average; the 109 million—the rest of us—

receive about $273. Now, nearly a quarter of elderly taxpayers will be left out of this bounty. Nearly half the heads of households with children will be left out of the benefit.

I have concentrated on the bad economic policy associated with this proposal. But it is also terrible budgetary policy. Even without the President's new proposal, we have seen a stunning decline in our fiscal situation. In January of 2001, we were looking at a projected surplus over 10 years of $5.6 trillion. In fact, we were shopping around—not really ''we,'' the Republicans—were shopping around for tax cuts because they said we will have too much surplus and we will not be able to conduct debt operations of the United States. We will have too much surplus, and we will not be able to find investments for all this money. In a little over 2 years, we have seen those surpluses disappear.

Still, we have educational issues we have to fund and health care issues. Ask the average American what they are most concerned about, the first concern is health care. Can I get it? If I am a business man or woman, can I afford to give it to my employees. Second issue, can we maintain education? That is not just an issue for families but for States and localities. They are suffering under tremendous budget pressure. Their two biggest items of expense are health care and education.

And we have the challenges of international affairs and of homeland defense. All of these proposals require expenditures that cannot be ignored or deferred. And the President proposes further to weaken our fiscal balance, our fiscal foundation.

And there is another issue. We are within a decade of the baby boom generation reaching retirement age, a huge demographic tidal wave. Will we be prepared for it? Will we have the resources to take care of Medicare and Social Security? Not if we cut taxes as dramatically and as inefficiently and inappropriately as the President has asked.

Now, there is an alternative to the President's proposal. That is a proposal that Democrats in both the Senate and House have advocated. The plans differ but they are consistent in many respects. They want to give tax benefits to middle and working class Americans. They want to make sure these benefits are immediate. They can be spent now to stimulate the economy and get them going forward. And they are crafted in such a way we do not jeopardize any further our fiscal discipline here in the United States. These are the proposals we should enact. I hope we do.

Let me conclude by summarizing a major concern I have. We will, in the weeks ahead, debate this issue of stimulus and growth. We will take votes on stimulus and growth. We will try to adopt economic policy. But for me, the real issue is not whether we reduce taxes, the real issue for me is whether we are going to have a Social Security system for Americans of this generation, of my generation, and of future generations.

This chart is illustrative. Where is all the money coming from in the President's proposal, $933 billion? That is not just a direct tax benefit, that is all the interest over 10 years that we will have to pay because of this deficit. Where does it come from? It comes from the Social Security system. I fear that if we enact the President's proposal, within months the President will simply say we can no longer afford Social Security. We have such a large deficit now we have to abandon the system.

I hope all my colleagues and the American people pay attention to the votes in the next several weeks. They are not about growth and stimulus but about whether we will have a Social Security system, whether we will have an adequate Medicare system, whether we will keep our promise over 60 more years to the people of America.

These are daunting times. We need policies that will work, that will be fair, and that will leave us stronger rather than weaker. I hope we adopt these policies.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I commend my colleague from Rhode Island; he has done a superb job in his leadership of the Joint Economic Committee, following the economic trends and keeping track of all of the evidence that supports the remarks he has completed.

I join the Senator and my other colleagues in sharing some of my own thoughts on this latest tax proposal outlined by the President. I will be sure not to call it a stimulus package because it is not. In fact, as I understand it, the President and his staff have recently been careful not to describe it as one either. Yet, again, the administration has opted to use our stumbling economy to stimulate budget-busting tax cuts, rather than to use common sense to stimulate the stumbling economy.

There is a conventional wisdom developing in Washington. One can almost see it and one can certainly hear it as it emerges from the pages of our national newspapers and our television talk shows. That conventional wisdom proclaims the boldness of President Bush's economic strategy. ''In for a dime, in for a dollar,'' says one of our colleagues. ''Big steps get more followers,'' says a White House official.

I am relatively new to the Senate but not to the work of public service. So I do have a healthy respect for conventional wisdom and the power that it has over how people think and even act about the issues. I also know enough to be weary of marching in lock step with the latest line. Far too often, what we collectively say and think today is proven to be wrong tomorrow.

I will not deny that the President's plan is, as conventional wisdom holds, bold. I looked up the meaning of that word. There is nothing that equates ''bold'' with ''good'' or ''bold'' with ''right.'' We should not assume that the solution to our deficits or to our faltering economy is to in some way take bold action, even if it is wrong. We ought to be looking for the right action that will bring about the results that all agree are in our country's best interests.

Winston Churchill once said: Never in the field of human conflict have so few given so much to so many. The Bush economic plan turns that saying on its head: Never in the field of economics have so few been given so much at the expense of so many.

What is this really all about? I believe fundamentally it is a question of values. What do we as Americans value? Every discussion we make about our own private money or that we make as a society about tax or spending decisions is at bottom a decision about values. People who live for today because they will not plan for tomorrow are demonstrating their values. They are not willing to put away and save. They think somehow it will rain from heaven. We look at them and say they are irresponsible.

Here, when we look at the tax decisions proposed by this administration, we have to ask ourselves, What are the values that are embedded in these proposals? I believe when it comes down to a choice about values, the American people expect us to be making choices that reflect their values.

During the 1990s, we saw the creation of over 22 million new jobs. That reflected our value of work and the belief that a good job is by far the best kind of outcome for any economic or social policy.

Over the last 2 years, we have seen what is called negative job growth. That means that people are losing jobs and are not able to find them. During the 1990s, real median family income grew by over $6,000 with double-digit income growth for all income brackets, and unemployment and welfare rolls hit their lowest level in 30 years. We ended the 1990s with the largest surplus and 3-year debt paydown in American history. Those reflected solid American values: Pay as you go; live within your means, the kind of values with which I was raised, the kind of values I think made America a very great nation.

We are at this turning point. I think someone has to say that a strategy of ''in for a dime, in for a dollar'' is not the strategy for our Nation.

Many Americans are counting their pennies. They are worried about where

their next dollar is coming from. They should not feel the values they hold dear are being abrogated by irresponsible economic decisions made by their Government. Someone needs to point out that it is hard to be in for a dime and in for a dollar when what you are really doing is passing the buck.

We are passing the buck right to our States and our cities. We are forcing them to make the hard decisions we are avoiding. Looking at a State such as New York, we are facing drastic cutbacks. When I talk about the services that will be cut, I am not talking about luxuries. I am talking about taking police off the street. I am talking about closing fire houses. I am talking about increasing tuition so much that some kids are going to have to drop out of college because they and their families will not be able to afford for them to stay.

As we look at what the States and cities of our country are laboring under, how can we in good conscience turn our backs on them? How can we continue to talk about enormous tax cuts that will not stimulate anything except red ink, when we are on the brink of facing perhaps military actions that will require billions upon billions of our dollars?

Our Governor in New York recently announced that the $2 billion deficit we face this year could grow to $10 billion next year. The President's tax package basically says: That is your problem, New York; not ours. In all of the counties throughout New York, as in States around the country, every dime of property tax raised in the counties of New York may very well end up going to pay for the Medicaid bills that we have.

Unlike the Federal Government, States have to balance their budgets. They cannot just have a gigantic credit card that runs up the costs and does not really worry about tomorrow. Our States need help. That is one of the reasons why last year I fought for some assistance with the Federal Medicaid matches amounts and today I will again join Senator ROCKEFELLER and Senator COLLINS in introducing a similar proposal that would bring an additional $20 billion in fiscal relief to States, including $2.6 billion for New York.

Those are all stopgap measures, because if the President's proposal is enacted, it will have a dramatic ripple effect through the States, because most States tie their tax systems to the Federal system so when a change is made in Washington, where some kind of tax is cut, one can count on revenues being taken away from the States.

The President's package was advertised as costing about $674 billion. The truer cost is closer to $900 billion and we are still trying to calculate the real cost.

I am not going to, as some of my colleagues have, talk about the unfairness of the way this tax is configured. I think that pretty much speaks for itself. But I want to say a word about deficits.

I realize there is a new economic team in town and the President's advisers do not think budget deficits are much of a problem. I have to respectfully disagree. I cannot understand how a tax cut that pushes us deeper into long-term debt and raises our current budget deficit is not a values choice. We are choosing to go into debt instead of providing help for the States. We are choosing to run up the deficit and therefore we cannot keep our promises to our children and our schools about funding the education reform we voted for.

Where will we, for example, come up with the money for the promised prescription drug benefit? Where will we come up with the money to keep the lights and the heat on in homes that rely on the low income heating energy program? I do not understand how these are the choices that reflect the values of the vast majority of Americans, and today I raise these issues.

I do not think we should shy away in this Chamber from saying that, yes, the proposal may be bold and it may be big but it is boldly wrong. It takes big steps in exactly the wrong direction from where our country should be headed. We will talk day after day about the real choices, trying to illustrate and contrast the value systems that underlie the economic policies chosen by this administration compared to those that were chosen by the previous administration, because it is imperative that the American public understands this is not just about photo ops. It is not just about speeches and rhetoric. It is not even just about charts. It is about the future of this country and it is about the billions of individual choices that Americans will be able to make as they seek to demonstrate their own responsible life choices, as they seek to acquire greater opportunity for themselves and their children, and as they seek to contribute to making our country richer, safer, stronger, and smarter in the future.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

IRAQ

Mr. LEVIN. Mr. President, as we begin the 108th Congress, I want to talk about the situation in Iraq and our response to it, because I believe there may be a fundamental misunderstanding as to the process that is underway to bring about Iraq's disarmament. Pursuant to U.N. resolution 1441, the U.N. Inspection Commission and the International Atomic Energy Agency are to provide updates to the U.N. on the results of their inspections to date. These updates are intended to be interim reports, not final conclusions. I think we all, particularly the administration and the press, need to be very aware of that fact.

The January 27 report will only be one of a number of such reports that will be presented to the Security Council over the weeks and months to come. It is not a determining date on the issue of whether or not Iraq has materially breached U.N. resolution 1441, or whether we will use force against Iraq. We are not in the fourth quarter of some football game. In fact, we have just begun to share a small quantity of the large amount of information that we have relative to Iraqi suspect sites.

Let us look at the events that led up to the unanimous decision by the United Nations Security Council on November 8 of last year to set up an enhanced inspection regime to afford Iraq an opportunity to comply with its disarmament obligations. Iraq, as we all remember, invaded Kuwait on August 1, 1990. After numerous demands and diplomatic, economic, and political action by the international community, on November 29, 1990, almost 4 months after the attack, the U.N. authorized member states ''to use all necessary means'' to liberate Kuwait.

Iraq's defeat at the hands of a United States-led coalition in 1991 was followed by a U.N. Security Council resolution in April 1991 that established a number of conditions for a cease fire, notably including a demand for the destruction of Iraq's weapons of mass destruction programs, and Iraq accepted that resolution.

In the intervening years, Iraq repeatedly obstructed and failed to cooperate with the weapons inspectors of the United Nations and of the atomic energy agency that were charged with the responsibility of disarming Iraq.

With this historical background, the Security Council adopted resolution 1441 on November 8 of last year to set up an enhanced inspection regime. Under resolution 1441, Iraq is required to provide the United Nations inspectors and the IAEA ''immediate, unimpeded, unconditional, and unrestricted access to any and all areas, including underground areas, facilities, buildings, equipment, records and means of transport which they wish to inspect, as well immediate, unimpeded, unrestricted, and private access to all officials and other persons whom the inspectors of the IAEA wish to interview,'' and that includes outside of Iraq. Resolution 1441 also requires Iraq

to provide a complete, accurate, and full declaration of all aspects of its weapons of mass destruction and delivery systems programs.

In order to assist the U.N. Security Council in its oversight of implementation of Iraq's disarmament, resolution 1441 set out a time line of events. Using November 8, 2000, the date the U.N. Security Council adopted resolution 1441, Iraq was required to accept the resolution within 7 days. It did so. Iraq was required to provide a full declaration of weapons of mass destruction within 30 days of November 8. It said that its declaration was a full one and it did it on the 29th day.

The inspectors were to start within 45 days of November 8; the inspections began on November 25th.

The inspectors were to provide an update on their inspections to the Security Council within 60 days of the date that the inspections commenced. They have announced their intention to provide these first interim progress reports on January 27, within that time limit.

The inspection process was begun with reasonable speed. The inspectors have already inspected a Presidential palace that had heretofore been subject to special rules, and they are inspecting on weekends and holidays. Their principal job right now is to establish a baseline for future inspections and testing Iraq's willingness to cooperate. This is the key, the inspection process is at its beginning. As of the end of December, virtually all of the arms inspections had taken place in the Baghdad area as the U.N. inspectors only had one of its eight helicopters in Iraq and had just opened a headquarters in Mosul in northern Iraq.

Again and most significantly, the United States and other nations with sophisticated intelligence capabilities have only just begun to share intelligence with the arms inspectors and are proceeding cautiously in light of the reported Iraqi infiltration of the inspectors during the 1990s. In fact, today's Washington Post reports that Secretary of State Powell stated in an interview yesterday that the administration was holding back much of the information in its possession, waiting to see if the inspectors ''are able to handle and exploit'' the information that we did give them.

The inspection process is estimated to take months, not weeks, and this timetable was understood by the Security Council from its inception. That is why the U.N. resolution refers to the January 27th reports from the inspectors as ''updates,'' and that is why January 27 is not a deadline for deciding whether to use force.

British Foreign Secretary Straw noted on December 19, with respect to the declaration filed by Iraq on its weapons of mass destruction and delivery systems: that [''What we've got today is a further step in a very calm and deliberate process to try by every means possible to get Iraq to comply with its international obligations peacefully and therefore and thereby to resolve this crisis in a peaceful manner.'']

In an interview at Crawford, TX, on December 31, President Bush seemed to agree with the British Secretary when he stated that he hoped the Iraqi situation will be resolved peacefully. And in answer to a reporter's question, President Bush said: ''You said we're headed to war in Iraq—I don't know why you say that. I hope we're not headed to war in Iraq.'' On that same day, U.N. Secretary General Kofi Annan said ''Obviously they [the inspectors] are carrying out their work and in the meantime Iraq is cooperating and they are able to do their work in an unimpeded manner, therefore I don't see an argument for a military action now.'' And, in a press conference at the Pentagon just yesterday, Secretary of Defense Rumsfeld said ''I don't know why anyone would use the word 'inevitable.' It clearly is not inevitable.''

The arms inspections in Iraq are at an early stage. The United States has just begun to provide information to the inspectors about suspect sites. Barring a dramatic development, the interim progress reports that the inspectors will make to the U.N. Security Council on January 27 will only be one of a number of such reports that will be presented to the council over the months to come.

Earlier today, Mohamed ElBaradei, Director General of the IAEA, at a press conference at the United Nations stated ''We will provide an update report on the 27th of this month. However, that report, we should emphasize, is an update report, it is not a final report. It's a work in progress. And this simply would register where we are on the 27th of January, but we obviously continue to we'll our work afterward, and we still have a lot of work to do.''

In the absence of the U.N. inspectors finding that Iraq currently possesses or is developing weapons of mass destruction or that Iraq is not cooperating with the inspections, we need to give the inspectors the needed time to complete their work. In the meantime, we need to provide targeted intelligence to inspectors to facilitate their effort, without disclosing sources and methods, of course. That is our best chance of bringing about Iraq's voluntary disarmament or, failing that, obtaining broad international backing, including U.N. authorization for a multilateral effort to forcibly disarm Iraq.

If we prejudge the outcome of the inspections or if we don't furnish the arms inspectors with targeted intelligence, we will not be able to obtain the international support, as represented by U.N. authorization for the use of force, that is so highly desirable and advantageous to us. Forcibly disarming Iraq without international support would be perceived as a unilateral attack by the United States and a few allies. International support is critical to reducing the short-term risks, such as a loss of regional cooperation with resulting increased probability of U.S. casualties and reduced likelihood of international contributions in a postconflict environment.

International support is also important to reducing long-term risks, such as a loss of international cooperation in connection with the war against al-Qaida, and increased probability of terrorist attacks against us.

In summary, January 27 is the first interim report. It is not D-Day, decision day, as to whether to attack Iraq. We must not prejudge the outcome of the very inspection process that we worked so hard to put in place as being highly relevant to the question of whether we launch attack on Iraq. We must share all the information we can on suspect sites. And finally, if we don't share our information with the U.N. inspectors, or if we prejudge the outcome of these inspections, we will increase the likelihood that we will go to war and increase the risks, short term and long term, to our troops and our Nation in doing so.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

EXTENSION OF MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent the period for morning business be extended until 4:30, with the time equally divided and Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Colorado.

ENFORCEMENT OF THE LAW OF THE RIVER

Mr. ALLARD. Mr. President, the beginning of the 108th Congress marks a pivotal moment in the management of one of the most complex water systems in the world. Complex both hydrologically and legally, the river is managed through a series of agreements that are collectively known as the ''law of the river.'' and it is the ''law of the river'' that brings me to the floor today.

For years, the State of California has consumed far more than its annual allocation of 4.4 million acre-feet of water from the Colorado River. Instead, the State has pursued a path of overuse—often drawing more than 1 million acre-feet of water a year over its allocation. With the turn of the new year, and just as Colorado enters the

fourth year of the most severe drought in 300 years, I am pleased that Secretary Norton and the Department of the Interior have taken strong action to force California into compliance with the decades-old agreements that dictate the amount of water that the State is entitled to consume, thereby ending its abuse of the river. This watershed decision to enforce the 4.4 million acre-feet allocation reveals a welcome determination to ensure confidence in the law through decisive action, demonstrating to all parties that abuse of the ''law of the river'' will not be tolerated.

''The law of the river'' has evolved over 80 hard fought years; every precious drop of the river means life or death to the people of the basin States. Secretary Norton has now made it clear that every party to the compact will be held accountable, and that these agreements will stand as precious as the water itself. No longer will States be able to ignore the ''law of the river.''

In Colorado, our citizens must abide by the doctrine of prior appropriations. Other States govern water under a hybrid or riparian rights system. These time-tested theories have one constant principle—a user cannot take more water than its legal share. This strong sentiment is reflected in a recent Denver Post editorial that I would like to share with you today. I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLARD. California has had ample opportunity to meet its legal obligation; agreements outlining baby steps toward compliance with the 4.4 limit have been in existence since the 1990's. Even though the State has consumed far more than its fair share for years, it has had plenty of opportunity to live within its allocation. Yet in the end, with the water shutoff, I hope California will recognize its legal obligations.

To Secretary Norton and my colleagues from the basin States, I urge you to continue to force all members to abide by their allocation and to protect the law. Secretary Norton's fair action has demonstrated that this administration will uphold the ''law of the river,'' and when the law is not adhered to, those in violation will be held accountable.

I have remained in close contact with Colorado Governor Bill Owens throughout the ordeal, and would like to share with you an insightful comment made by the Governor in a conversation we had shortly after the decision to shut off the water was announced Governor Owens said, ''In the West, our word is our bond. As Colorado suffers from the worst drought in its history, we cannot and will not support so-called 'surplus' water deliveries to California, unless California keeps its word to us.'' I certainly agree.

I commend the Secretary for her action, and hope this will serve as a clarion call that the law of the river is indeed a law that must be obeyed.

EXHIBIT 1

[From the Denver Post, January 4, 2003]

THE LAW OF THE RIVER

Nevada shouldn't be surprised. Two weeks ago, U.S. Interior Secretary Gale Norton said California couldn't take more than its legal share of Colorado River water. This week, she told Nevada the same thing. Her actions were proper. All seven states that share the river and tributaries must abide by the Colorado River Interstate Compact, the 80-year-old agreement known as ''the law of the river.''

California hogs 5.2 million acre-feet of river water a year, far more than its legal share of 4.4 million acre-feet.

But Nevada has been slurping more than its share, too. The pact entitles Nevada to 300,000 acre-feet annually, but it uses an extra 37,00 acre-feet a year, or 11 percent over its legal share.

California had wanted Norton to declare a surplus of water in the Colorado River, thus letting it continue using more than its legal allotment. But such a declaration would have been absurd during an ongoing, record-breaking drought.

After telling California ''no,'' Norton had to apply the same standard to other states. Although Nevada's excess water use is a drop in the bucket compared to California's wastrel ways, Nevada also must follow the law of the river.

Colorado doesn't use its entire share of river water, however. The river flows on the Western Slope, but our population lives mostly on the Front Range. The dispute is over preserving Colorado water rights for future generations.

Colorado is supposed to get 51.75 percent of the river's water. The interstate pact assumed the Colorado River would, on average, flow 7.5 million acre-feet a year. But the pact was signed during an exceptionally wet era in the West, so it overestimated how much water the river usually has. Still, the optimistic scenario entitled Colorado to 3.85 million acre-feet of river water in an average year.

In reality, the Colorado River averages about 6 million acre-feet a year, allowing Colorado 3.1 million acre-feet under the formula.

But Colorado consumes only 2.65 million acre-feet from the river in a normal year. So, depending on how the river's average flows are calculated, Colorado lets 500,000 to 1.2 million acre-feet of its share flow out of state. Much of that water supplies vegetable farms and fruit orchids in California's agriculturally rich Imperial Valley.

To recapture its lost water, Colorado leaders have floated ideas to build new dams or pump thousands of acre-feet from the Utah line to metro Denver. But any of the plans would cost billions of dollars and create ecological woes.

If Colorado's population continues growing, our state someday will claim its share of Colorado River water. When it does, California and Nevada could rightly demand that Colorado and other upper-basin states—Wyoming, Utah, Arizona, and New Mexico—follow the pact's strict limits, too.

The law of the river must be enforced, for everyone. And water conservation must become a way of life in the West.

Mr. ALLARD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE OHIO STATE UNIVERSITY BUCKEYES NATIONAL CHAMPIONSHIP WINNER

Mr. VOINOVICH. Mr. President, I rise today as an alumnus of Ohio State University and a Senator filled with pride for our 2002 national champions, the Ohio State Buckeyes.

I congratulate my home team and their outstanding coach, Jim Tressel, on a spectacular win and the best season ever in the history of Ohio State University—14 wins and no losses. Throughout the season, the Buckeyes showed a remarkable spirit of determination, cooperation, and the best teamwork that I have seen in a football team, frankly, during my lifetime.

The Buckeyes have good people and a great leader who inspired his team to do their best—as athletes and young men with character, determination, pride, and loyalty to each other and to their alumni.

On the night of the game, some of the sports pundits said that the other team had more talent than the Ohio State Buckeyes. But throughout this season, we utilized our talent more fully than any other opponent.

The Buckeyes have that special ingredient—sticking together and working together—a true symbiotic relationship. They understood that the more they cooperated on behalf of the team as a whole the better off all of them would be. That is the spirit that shone through during the whole season—unselfish determination and genuine teamwork. That is what it was about.

Their lesson is a good one for us in the Senate. It is the same kind of spirit that we are going to need on the floor of the Senate and in our country if we expect to win the war on terrorism and to become national champions for our hard-working citizens who put their trust in us. We would all do well to emulate the 2002 Ohio State Buckeyes. I congratulate our 2002 national champions and again underscore that if we can maintain the spirit they have of working together, teamwork, and bipartisanship, we are going to have an outstanding season here in the 108th Congress.

I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, are we in morning business?

Mr. CRAPO. The Senate is in morning business for another 23½ minutes.

Mr. DORGAN. I ask unanimous consent to speak in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOMESTEAD ECONOMIC OPPORTUNITY ACT

Mr. DORGAN. Mr. President, there has been a great deal of discussion in recent days about the American economy. The President was in Chicago the middle of this week and proposed a new plan talking about tax cuts in order to stimulate the economy. Others in the Democratic Caucus in the Senate and the House have talked about various plans for tax cuts to stimulate the economy. While all this discussion about the economy is important, I wanted to mention something else that is happening in the American economy that gets precious little attention.

There is an economic blight that is occurring in our country that is out of sight and therefore it is not very well understood by most Americans. I want to talk about it for a moment.

In the last Congress, with Senator Chuck Hagel from Nebraska, I introduced legislation called the New Homestead Economic Opportunity Act. I visited briefly yesterday with Senator HAGEL and we are going to be talking about reintroducing that legislation very soon in this Congress. I wanted to make a couple of comments about it and alert colleagues that this legislation is something we are going to work very hard to try and get approved by this Senate.

There is a problem in this country with the economy. This is not a problem about the American economy in its entirety. It is a problem about the economy in the heartland of our country. This map shows the rural counties of high out-migration in the country, that is, counties in which people are moving out, not in; counties that are losing population.

If we draw an egg shape from North Dakota down to Texas in the middle part of our country, we have the heartland of America being depopulated.

This is the heartland of America, which is North Dakota, South Dakota, Nebraska, Kansas, right on down to Texas, including some States on both sides. This is the part of the country that we populated a century and a half ago with something called the Homestead Act. My great-grandmother, named Caroline, with her six children—her husband having died, she was an immigrant widow from Norway—decided to move to the prairies of North Dakota. She pitched a tent, built a house, started a farm, and raised a family. She had a son, who had a daughter, who had me, and that is how I come from Hettinger County in North Dakota.

A century and a half ago, we populated the middle part of our country through something called the Homestead Act, saying to people: move there, build there, and create a family there. We will give you some free land. It is called the Homestead Act. So they did. In covered wagons they came to the middle of our country. Now a century and a half later, people are moving out in a relentless depopulation. In every one of these States—North Dakota, Nebraska, Kansas, South Dakota, Wyoming—people are moving out of the rural counties. The percentage of out-migration is shown on this chart. In North Dakota, about 90 percent of the counties are losing population. I grew up in a county in southwestern North Dakota. My home county is bigger than the State of Rhode Island. When I left there were 5,000 people who lived there. Now there are 2,700 living there. In the year 2020 the demographers say there will be 1,700 living in my home county, a county larger than the State of Rhode Island.

In this county, there is a town called New England, ND, a wonderful little community. Donna Dorman is the minister at the Lutheran Church in New England. She said that as a minister she presides over four funerals for every wedding. Think of that: Four funerals she officiates at for every wedding. This is a Lutheran minister. What does that say about the towns, where the population is getting older, people are moving out, young couples that stay are not having children. It is the opposite of the movie ''Four Weddings and a Funeral.'' Four funerals per wedding. That is a description of what is happening up and down the middle part of the country with this steady depopulation.

Then we have people in other parts of the country who are trying to recreate what we have in the middle: Great schools, good places to live, safe neighborhoods, good places to raise children. They are trying to recreate that in other population centers of the country.

We have people leaving the middle of America, in the heartland. The question is, What do we do about this? Can we do anything? William Jennings Bryant said destiny is not a matter of chance; it is a matter of choice. It is not a thing to be waited for; destiny is a thing to be achieved.

The question is, What kind of an economy do we want in this country? Do we care about the heartland? Do we want to do something about the depopulation of the heartland? When America's cities were in deep trouble several decades ago, with the decay of America's cities and the economic blight affecting America's metropolitan areas, guess what the Congress did. The Congress said, let us help; let us develop an urban renewal program, a model cities program. And we did. We invested in America's cities. And America's cities are doing well. We turned around the major metropolitan areas of this country with programs deciding that the cities are too good, too important, to be allowed to fail. So we had model cities and urban renewal programs.

What about America's heartland? Is that important enough to save? Is it important enough to care about? Senator HAGEL and I introduced a piece of legislation called the New Homestead Economic Opportunity Act. We do not have land to give away to people who would come out and homestead anymore. We did a century and a half ago. We gave them free land. We do not have land to give away. What we do have is tax and other financial incentives to offer to encourage people to stay there, to come there, to live there, to grow there, to build there, and to do business there. We have the capability to say to them: If you are going to run a business in a rural county that has lost more than 10 percent of its population in the last 20 years, you may benefit from investment tax credits. You are a new student who has graduated from school and are employed in a high out-migration rural county, you will get some help paying off your college loans. There are tools we can develop and use to do that.

Senator HAGEL and I have written a piece of legislation that has now been joined by 10 other members of the Senate, Republicans and Democrats, saying this country owes it to itself to save the heartland.

Let me describe why I think this is important to do. Some would say, well, whatever is, is; whatever happens, happens, and do not pay too much mind to it. If for some reason the incentives for life in America in the year 2003 do not provide people some inertia or encouragement to settle in Hettinger County, ND, that is just the way it is. I suppose you could have said that a century and a half ago and we would not have the wagon trains taking the pioneers out to go homestead. They did not say it then. They said it is important to populate the heartland of our country for a number of reasons.

I will discuss the value system in rural America that nourishes and refreshes the values of our country. I come from a wonderful State of 640,000 people. I grew up myself in a very

small town. There were 400 people when I was living in that town. Now there are fewer than 300 people in that same community. I graduated from a senior high school class of nine students. In my State, in communities like that, there are wonderful people and they are great places in which to live. In my State, there is a small town called Sentinel Butte, ND. They have one gas station. The man and his wife who run the gas station are nearing retirement age and do not want to work all day long, so when they close the gas station in early afternoon, they hang the key to the gas pumps on a nail in the front door. If you want gas and they are not open, take the key, unlock the pump, pump gas, and write your name on a tablet that is right below the key.

That is a value system that is important. It works in rural America. There is a place called Marmarth. They have a hotel in Marmarth that is a very small town but no one works at the hotel. If you need a bed, go take a bed and get some rest. And there is a cigar box tacked on the inside of the door when you leave. When you are done sleeping at that hotel, when you leave, please put a little money in the cigar box.

Is that a big business? No. Is it important to Marmarth? Sure. In a town called Tuttle, the grocery store closed. That little community understood you need to have a grocery store. No one would come in and build a grocery store. So the city government built it. The city council decided we have to build a grocery store. And I was there the day they cut ribbons on the grocery store in Tuttle, ND. They blocked off Main Street and had the high school band play. What was that about? Cutting the ribbon on a new grocery store in Tuttle, ND, that was developed by the city council of Tuttle, ND.

In Havana, ND, they cannot keep a cafe open, unless they have people in town sign up for the time they are going to work for nothing to keep the cafe open. When is it your turn to work in the cafe? That is the way the community keeps the cafe open.

All of these things represent a value system that I think is important to this country—wonderful small communities making do for themselves, great places in which to live, great places in which to raise children, safe streets, good neighbors. We are going to lose all of that unless the Congress decides the heartland is worth saving. The New Homestead Economic Opportunity Act is a piece of legislation Senator HAGEL and I will reintroduce in the next couple of weeks. My hope is that Senators, Republicans and Democrats, up and down the heartland, will join us as cosponsors once again this year and that we can work together creating tools by which these States, these counties, these small cities that are losing population, can begin once again to build a future home and opportunity for themselves.

There are some who say, well, this is just the way things are, just a force of life that is not going to change. People are moving from rural areas to the cities. My State is also an agricultural State with a lot of family farmers. I know there are some who look at that and say, Why would someone farm? I suppose you have to live on a farm to understand the values and the forces that make you believe it is a wonderful way of life.

I notice that there is a television network that is going to do a reality show which I read about yesterday—and shook my head once again, as is so often the case with modern television shows. They are looking for a poor farm family somewhere in this country. They are going to take that poor farm family, they said, and put them in a mansion in Beverly Hills and then do reality television to see how they react, a poor farm family in a Beverly Hills mansion, kind of like ''The Beverly Hillbillies.'' They are doing what I think they call their ''hick search'' now, looking for these people who would not fit in. Then they would send them out to a mansion in Beverly Hills so they can do a television show and make fun of them. There is precious little to make fun of, in my judgment, about the value system of life on the family farm in this country. It is about struggling against the odds. It is about perseverance, sometimes against hope, almost. It's about developing survival skills.

These are people who put a seed in the ground and then have to pray and hope the seed comes up to a plant, so that it grows into a plant and perhaps it will rain, so it grows and perhaps it won't rain too much so it doesn't drown out, maybe the insects won't come in and eat it, maybe it won't get crop disease, maybe it won't hail, maybe you won't get a windstorm that knocks the crop over. But, in any event, in the fall when you have grown that seed into a crop, having put all your money into it in the spring to try to get the seed into the ground, then if you are lucky enough to get a crop, then you have to hope that the price is decent in August, September, October, because if you lost the crop you lost everything, and if you get a crop and don't get a price in the fall you have lost everything.

Those are the odds these farmers have faced, those who have elected to go to the prairies in the heartland of our country and begin to farm. They produce America's food. But they do more than that. They produce communities. They are a seedbed of values that, as I said, nourishes and refreshes the value system of our country.

My fervent hope is that we will find a way in this Congress to understand, just as we did in dealing with the blight of America's cities, that we have responsibility to deal with the relentless out-migration that is crippling so many rural counties up and down the part of America's heartland that you see marked in red.

I think there is a tendency for some to think what is between California and New York is simply 6 hours in an airplane seat. That, of course, is not the case at all. What is between California and New York is a wonderful part of America and a part of America that we should care a great deal about, a part of America that is suffering a great deal at this point with the outmigration of people. You see it in red on this map.

As we proceed, there will likely be things that are very partisan here on the floor of the Senate, and perhaps properly should be because the political parties come to this debate on a range of issues believing in different things—not different goals, but dramatically different ways to achieve the same goal, in many cases. But my hope is that even as we have those debates which can and perhaps will be partisan debates from time to time, there will be some issues on which Republicans and Democrats can say: Sign us up together. This is not about getting credit. It's not about forcing the other side to lose or demanding that we win. It is about doing together that which needs to be done for the preservation of this country, for the preserving of values in this country, and for the nourishing of hope for certain people in this country who have lost hope, especially those living in the heartland and living in circumstances where their neighbors have left, their community is shrinking, family farmers are leaving.

We can do better than that. My hope is that we will find a bipartisan way in this Congress to decide this, too, is an urgent priority for our country and pass legislation of the type Senator HAGEL and I will reintroduce once again, called the New Homestead Economic Opportunity Act.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the time for morning business be extended by 10 minutes and that I be permitted to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN HONOR OF CAPTAIN JIM BINKLEY

Mr. STEVENS. Mr. President, I come with a sad heart today because on January 3, the City of Fairbanks, where I started my life in Alaska, and the State of Alaska lost a great citizen with the passing of Captain Jim Binkley at the age of 82.

Jim was born in our State in Wrangell, on May 16, 1920. His parents were gold rush pioneers, and his father was a riverboat pilot on the Stikine River in southeast Alaska.

In World War II, he was a veteran who served on riverboats in Alaska and after the war he attended the University of Alaska in Fairbanks. In 1950, Jim and his wife Mary bought their first boat, the Godspeed, and began what would become Alaska Riverways, Incorporated. They ran a historic riverboat for tourists who came to Alaska.

Jim and Mary built and rebuilt many of their company's sternwheelers in the backyard of their family's home which was on Noyes Slough, which is a river that runs through Fairbanks, AK. It was a great experience to go with him on that boat. I have taken many people on Captain Jim's boat.

Alaska Riverways is Fairbanks' number one tourist attraction. Each summer, Alaska Riverways' three sternwheelers, the Discovery (I), the Discovery (II), and the Discovery (III), ferry thousands of tourists down the Chena and Tanana Rivers, following trails to the gold rush people and really letting people see what rural Alaska is like.

Along with being a successful riverboat captain, Jim served in the Alaska State House of Representatives for two terms from 1961 to 1964. In addition to that service in the Alaska legislature, Captain Jim served on numerous community boards and organizations. He received many statewide awards, including being named ''Alaskan of Year'' and the business leader of the year.

Jim was a proud father of three sons and daughter Marilee. I know all three sons: Johne, Jim Jr., and Skip. They are all riverboat captains and they have continued the great tradition of their father, as have several of his grandchildren.

Captain Jim was clearly a leader in the development of Alaska tourism and of our State in general. His vision and hard work forever changed Alaska's visitor industry, and for that we are very grateful.

I am pleased to say I have asked that a flag be flown over the Capitol today so we may send it to his family, along with a copy of this statement.

(At the request of Mr. STEVENS, the following statement was ordered to be printed in the RECORD.)

• Ms. MURKOWSKI. Mr. President, I rise today to speak and honor a great Alaskan, and long time family friend, Jim Binkley of Fairbanks.

Jim, one of the State's great riverboat captains, died last Friday after a long and painful illness. I join all Alaskans in expressing my deepest condolences to his family and all of his friends across the State.

Jim was born in Wrangell in southeast Alaska 82 years ago and was raised in California after his father's death. After high school, Jim moved back to Wrangell and worked as a river guide with him uncle, learning his craft on riverboats and gaining his love of the water. After a few years he moved to Fairbanks to attend the University of Alaska.

It was there during the long Fairbanks summers that he learned the ways of interior rivers, working on steamboats, hauling supplies to Eskimo and native villages along the Yukon River. While his schooling at the University was interrupted by a tour of duty in the U.S. military during World War II, he returned to school in Fairbanks after the war. There he met his future wife of 55 years, Mary Hall, and they were married in June 1947.

In 1950, Jim and Mary were asked to run riverboat cruises in Fairbanks by Alaska tourism pioneer Chuck West. Using the Episcopal Church vessel, ''Godspeed'' they began offering tours of the Chena and Tanana Rivers. As their business expanded, they needed a bigger boat. So in 1955, Jim and Mary, along with their original partner Bill English, built the first Riverboat Discovery in their backyard on the Noyes Slough in Fairbanks.

Over his 45 years in the riverboat business, Jim built two more boats, helping to launch the modern era of tourism in Alaska's interior. But he launched much more for Alaska.

He helped create Alaskaland, Fairbanks' historic major municipal park. He was a founder of the Alaska Visitors Association and the Fairbanks Convention and Visitors Bureau. And he showed his commitment to public service by serving two terms in the Alaska House of Representative in Juneau from 1961 through 1964.

He was also a pioneer in improving communications in Alaska, serving on the boards of Alascom, Pacific Corp. and later Pacific Telecom, helping switch telecommunications in Alaska from an era of Government-controlled long-distance phone service to the modern era of satellite communication that included the arrival of live television to all parts of the State.

He received numerous awards, including being named the Alaskan of the Year and the Business Leader of the Year.

While I have lived in Anchorage for the past 25 years, I can never forget sitting in my parents' backyard along the Chena River in Fairbanks. You could almost tell time by when Captain Binkley would pilot the Discovery past our house, always waving his warm welcome as we tooted a fog horn in reply as the sternwheeler rounded the small bends heading for the junction with the Tanana.

Alaska has lost a great pioneer and an even greater leader. I want to express my deepest condolences to his wife, Mary, to his daughter Marilee, to his son Johne, himself a former leading member of the Alaska Legislature, to his sons Jim, Jr. and Skip and to all his grandchildren. All of Alaska mourns his passing.•

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

US AIRWAYS

Mr. SANTORUM. Mr. President, I rise today to talk about an issue that is of acute importance to my State, the State of Pennsylvania, and, I argue, to the traveling public throughout the east coast, in particular. That is the situation of US Airways and the problem that US Airways is encountering in reorganizing the company and trying to get the government loan provided here by legislation enacted after September 11. The Air Transportation Stabilization Board has set forth criteria that US Airways must meet in order to secure that loan and continue to operate. They are under a relatively tight timeframe and have to go to court next Thursday, I believe, to get the reorganization plan approved.

There are several issues out there, but the most important and major issue is the issue of the pension plan that US Airways has and the expense associated with that, and in particular, the pilots' plan. US Airways has been working now for a better part of a year to work with the union and within its management to find cost savings, money dictated by the Air Transportation Stabilization Board, and they have done an excellent job. I will say that the US Airways unions have done an outstanding job in working with management to try to get the company to be an efficient and lower cost airline to survive in these very difficult times in the airline industry.

One of the most important aspects of the reorganization, as I mentioned before, was the rather significant pension liability and, in particular, because of the higher salaries of pilots, the pilot pension program. US Airways has been negotiating with the pilots now for quite some time, and within the last month or so came up with an agreement to restructure the plan—in fact,

to terminate the plan and then restart the plan—with a different benefit structure and having the cost of those benefits amortized over a 30-year period.

They went to the Pension Benefit Guaranty Corporation, the government agency that oversees the pension plans and guarantees those plans, and asked for an approval to terminate and restart the plan with a 30-year amortization. The Pension Benefit Guaranty Corporation informed the company and union they believed they had no legal authority. Any time you get two lawyers in a room you have five opinions; but in this case, some lawyers on both sides suggested there was, and some suggesting there was not, legal authority to terminate and restart.

I will say, for the purpose of the taxpayers, had the Pension Benefit Guaranty Corporation decided to accept the US Airways pilots' union plan, there would have been no liability to the PBGC, and no cost associated with it. The airline would have terminated the plan but maintained all the liability and simply amortized that cost over a 30-year period. The Pension Benefit Guaranty Corporation proposed in the alternative that they terminate the plan; PBGC take over the responsibility for that plan; and US Airways move forward without a pilot pension plan.

Such a plan, which I think you could make the argument, would be to the financial benefit of US Airways and the management because they would be released of this rather significant, roughly $3 billion, obligation of paying pilot pensions. But, US Airways management, working together with their unions in a great spirit of cooperation, did not want to have their pilot pensions reduced in the area of 75 percent. That would be the result of a takeover by the PBGC. So they have pled with the PBGC to approve their plan which would result in, again, a drastic reduction in the benefits of the pilots, but not as draconian as the PBGC change.

Having said all that, they have been back and forth and back and forth and we are now at a point where there does not seem to be any hope for an agreement. We have been working together, myself and Senator SPECTER from Pennsylvania. I ask unanimous consent that the distinguished Senator from North Carolina, Senator DOLE, be added as a cosponsor to S. 119—the bill I will call up in a minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. We have been working together, the Senators from North Carolina, Florida, New York, Pennsylvania, Massachusetts, and Virginia—Senator WARNER is a sponsor of this resolution—to see what we can do to be helpful in this process. The problem is, candidly, that this plan has to be filed by next Thursday, a week from today. So the PBGC says they do not have the legal authority to approve the US Airways plan.

So the only way to get around that problem is for Congress to act to amend the law, pension law, and allow for this agreement that US Airways and the pilots union have agreed to, to be a valid change in plan under the pension laws of this country.

So, I, in just a few minutes, am going to ask unanimous consent that we bring up this legislation and that we debate it on the floor of the Senate and pass this legislation today. I understand this is an extraordinary thing to ask. I know the Chairman of the Finance Committee is here, as well as the former Chairman of the Finance Committee and now ranking member. They have been working diligently trying to deal with this very complex issue. I understand there are a lot of companies who are in similar circumstances as US Airways. But this is a dire situation.

This is the largest carrier on the east coast. This is probably the airline, I would argue, most affected by September 11. It was not one of the airlines targeted by the terrorists on September 11 but, as everybody knows, it is the dominant carrier in the cities that were affected by the terrorist incidents. So, in particular, Reagan National Airport, which was closed for a long period of time, is the most profitable hub of US Airways. So it was dramatically impacted by Government action of shutting down airports, not just by the reduction in the air trafficking that was going on in the country, and the traveling, but by Government action actually shutting down the facility.

So I think we have a special obligation as a result of that to help this particular airline because it was, again, arguably, most affected by what happened.

I understand that this is, as we term it here in the Senate, a rifleshot. And rifleshots are not looked upon kindly by the Finance Committee and by this institution. But I would certainly make the argument that, if a rifleshot were ever warranted, this is a rifleshot that certainly deserves to hit the target.

So, Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 119; that the Senate then proceed to its immediate consideration; that the bill be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

Several Senators addressed the Chair.

Mr. SPECTER. Mr. President, I ask my colleague to withhold the request until I have had a chance to make a brief statement.

Mr. SANTORUM. I withhold my request until the Senator from Pennsylvania speaks.

The PRESIDING OFFICER. The request is withheld.

Mr. SPECTER. Mr. President, I sought recognition to join my distinguished colleague, Senator SANTORUM, in the presentation of this matter which is of great importance, not only to Pennsylvania, but great importance to the country.

The US Airways system is the sixth-largest carrier in the United States. It provides service on a national and international basis. As a result of the problems of September 11, US Airways has had considerable financial problems and has moved forward to get a loan guarantee from the Federal Government, $1 billion, and to accomplish that there have been major concessions made by labor and major concessions made by suppliers to enable the airline to chart a course for the future on which they can succeed.

The Pension Benefit Guaranty Corporation has interpreted the law to say that they are not in a position to accept the termination of a plan and the reinstatement unless there is a legislative change. If the bill, which Senator SANTORUM, Senator DOLE and I are proposing, is not enacted, airline pilots will have a drastic reduction in their pension benefits, and the taxpayers will have all of the obligations thrust upon the Pension Benefit Guaranty Corporation so that the taxpayers will be hurt and the pilots will be hurt and, ultimately, consumers of airline travel will be hurt.

The legislation which we have proposed would authorize the PBGC to have a discontinuance of the plan and then to have a reinstatement of the plan. I think it is preeminently sensible.

I am not unaware of the prerogatives of the Finance Committee and their guardianship of the law generally, and I do not subscribe to rifleshot, buckshot—any shot. This is a proposal that makes sense. If other companies come in and can make a similar presentation, that makes sense, too.

So it is my hope that we will be able to consider this bill on the merits. We are not too busy to take a little time of the Senate having a discussion of the bill. It cannot be considered without a unanimous consent agreement. But, if the unanimous consent agreement were entered into, we could have debate.

If the Senator from Iowa and the Senator from Montana disagree with the substance of the bill, I can understand that. We can debate it, it can be considered, and we can vote on it. But this is one of those situations where I think a little extra consideration is in line.

If the unanimous consent request is granted, then we can have debate on the merits, and I will go into these issues in some greater detail for the edification of my colleagues whom I hope will have a chance to vote on this matter.

I thank my colleague from Pennsylvania for yielding and for withholding the unanimous consent request.

I have sought recognition today to join my colleague Senator SANTORUM in introducing legislation that would benefit American taxpayers by saving them hundreds of millions of dollars in potential Federal pension liabilities as well as protecting pension benefits of US Airways pilots. Senator SANTORUM and I believe this legislation is a win-win proposition that benefits all parties involved, and it is good policy that the American consumer will benefit from as well.

Sound transportation infrastructure is the backbone of a healthy and vibrant economy. The airline industry continues to struggle in the wake of the events of September 11. Though passengers are returning, the industry is still operating at well below historic levels, and this is obviously affecting the industry's profitability.

US Airways, the Nation's sixth-largest air carrier, has been particularly hard hit, filing for chapter 11 bankruptcy protection on August 11, 2002, and laying off over 13,000 employees since. One unique challenge faced by this airline is the fact that it has historically had a large and lucrative operation at Washington's Ronald Reagan National Airport, and so long as operations from this airport were constrained due to post-September 11 security considerations, US Airways was losing a significant portion of its revenues.

US Airways is now in the final stage of obtaining approval for a $1 billion loan guarantee from the Air Transportation Stabilization Board, ATSB. I have been assured that this loan guarantee will enable US Airways to emerge successfully from chapter 11 bankruptcy proceedings and again vie successfully for passengers in the international market.

But before this can happen, US Airways needs to restructure its pension obligations, which are backed by the Federal Pension Benefit Guaranty Corporation, PBGC, and, ultimately, the American taxpayer. US Airways's pension liabilities increased significantly in recent months due to poor market performance and a 41-year low in interest rates. Funding obligations for the pilots' pension plan is estimated to be $575 million for 2004 and $333 million for 2005. Given its current cash position, US Airways cannot make these payments, and, additionally, the airline has indications from the ATSB that the ATSB will not approve its loan considering these large obligations.

But US Airways is proposing a simple and cost-saving solution that would essentially terminate and then restore its pilots' pension plan, a change that would allow the airline to amortize the plan's unfunded accrued liability and unfunded current liability in level payments over a 30-year period. Simply put, payments that would have been made over a 5-year period would be spread out over 30 years, a schedule that would allow US Airways to fully meet its pension obligations. This means that the PBGC would not have to step in to cover liabilities US Airways would not otherwise be able to meet, and the pilots are agreeable to this proposal. This also means that US Airways would then likely have its loan guarantee approved and thus be able to emerge from bankruptcy protection.

The only problem is that the PBGC has determined that it does not have the legal authority to approve such a plan. Inaction would leave US Airways with no option but to terminate its pilots' pension plan and regrettably transfer liability to the PBGC.

To avoid this unnecessary situation, we are proposing a legislative clarification that would specify that the PBGC has the legal authority to terminate and then restore US Airways's pilots' pension plan, thereby protecting the pilots' pensions while potentially saving the American taxpayer hundreds of millions of dollars annually. I want to emphasize that this is a simple statutory clarification, a clean bill that provides no additional benefits to US Airways and is of no cost to the Federal Government. In fact, successful and timely passage of this bill may very well save the U.S. Treasury billions of dollars over a period of many years.

US Airways will present its reorganization plan before U.S. Bankruptcy Court on January 16, 2003, prior to which it must resolve this pensions issue. Accordingly, time is of the essence, and this legislative fix must be signed into law prior to January 16, 2003, for it to have any positive effect. It is thus with this sense of urgency that Senator SANTORUM and I ask for the bill's immediate consideration.

I ask unanimous consent a list of facts in support of this legislation be printed in the RECORD.

FACTS IN SUPPORT OF LEGISLATION

PROBLEM/BACKGROUND

US Airways is in the final stage of obtaining approval of (1) a $1 billion loan guarantee from the Air Transportation Stabilization Board (''ATSB''), (2) a $240 million equity investment from the Retirement System of Alabama, and (3) a plan of reorganization pursuant to which US Airways would emerge from Chapter 11 bankruptcy proceedings.

On 12/20/02, US Airways filed a Plan of Reorganization and Disclosure Statement with the bankruptcy court. A hearing is scheduled for 01/16/03 on the adequacy of the Disclosure Statement, and if approved, the Plan will be circulated with voting materials to impaired creditors. It is expected that a hearing on confirmation of the plan of reorganization will take place in March 2003.

This progress is a direct result of unprecedented contract modifications agreed to both during the summer and in the last few weeks by the Air Line Pilots Association, International (''ALPA''). These modifications will produce an average savings of $633 million annually.

One of the remaining issues to be resolved is the restructuring of US Airways's pension obligation, which has increased significantly because of the poor market performance and 41-year low interest rates. US Airways sponsors defined benefit plans for its pilots, flight attendants, mechanics and other employees and other employees.

US Airways is facing estimated pension contributions of $1 billion in 2004 and $800 million in 2005 for its defined benefit plans. *The pilot plan pension funding obligation alone is estimated to be $575 million for 2004 and $333 million for 2005*. The Company can not make these payments, given its cash position. Additionally, it has indications from the ATSB and the ATSB will not approve its loan with these large pension obligations. The ATSB is requiring that US Airways develop a viable business plan for the 7-year ATSB loan period.

The traditional funding waiver permitted under the Internal Revenue Code and the Employee Retirement Income Security Act is not sufficient relief because a waiver applies only one year at a time and the waived contribution is amortized over only a 5-year period. A traditional waiver would actually result in increased pension contributions, particularly in years 2005, 2006 and 2007, which the Company cannot afford.

As of 01/01/02, the funded status (on a current liability and market value of assets basis) of the US Airways pilot defined benefit plan was 73.7 percent. Due to the proper market performance and low interest rates, it is estimated that the funded status of the plan will drop significantly as of 01/01/03 (based on information as of 10/31/02) to 50.1 percent.

US Airways and ALPA reached agreement on substantial changes to the pilots' plan that eliminate and reduce benefits accruing on and after 01/01/03. However, US Airways must resolve the pension funding obligations for benefits that accrued prior to 01/01/03 in order to get final approval for the loan guarantee and emerge from bankruptcy.

There is tremendous urgency to resolving US Airways's pension funding liabilities, which can be achieved in a manner that: Insures the success of US Airways' reorganization; protects the pension benefits of US Airways' employees and retirees, who would lose hundreds of millions of dollars in pension benefits that are not guaranteed by the Pension Benefit Guaranty Corporation (''PBGC'') in the event of plan termination, and retirees, who would lose hundreds of millions; protect the solvency of dollars in pension benefits that are not guaranteed by the PBGC) in the event of plan termination; and protects the PBGC by providing substantial funding for a continuing plan in place of a plan termination which leaves PBGC with billions of dollars in liabilities that will not be recovered in the bankruptcy.

US Airways' bankruptcy filings emphasized the need to resolve this crisis immediately by legislation, and made clear the likely alternative was plan termination.

SOLUTION

US Airways and ALPA have requested a special funding rule for liabilities that have accrued under the US Airways pilot defined benefit plan as of 12/31/02. Under the proposed bill introduced today, the US Airways pilot defined benefit plan will be treated as if terminated and restored as of 01/01/03, with a restoration payment schedule that amortizes the plan's unfunded liability and unfunded current liability in level payments of a 30-year period.

With enactment of the proposed bill, US Airways would continue to maintain and fund the pension plans for its pilots. US Airways would successfully restructure. US Airways would meet all funding obligations to the pilots' plan by making substantial level pension contributions of approximately $150 million on average per year under the proposed payment schedule. Additionally, with enactment of the proposed bill, the PBGC would avoid the liability and responsibility resulting from the termination of an underfunded pension plan.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. If my colleague would withhold his request, I would like to speak on this issue.

I appreciate the efforts of the two Senators from Pennsylvania to help these underfunded airline pension plans, particularly as it relates to a company that is very important to the economy of their State. We are also in a situation where, as far as I know, the House Ways and Means Committee has not acted on this issue and, consequently, even if the Senate were to pass it the measure would be subject to a blue slip, meaning, under the Constitution, a revenue measure needs to start in the House of Representatives. So if we took action, what would that do? It could not become law.

The legislation the Senator has introduced would create, as a matter of substance, perverse disincentives for all plans that paid premiums to the Pension Benefit Guaranty Corporation. The bill would permit a single airline to avoid the pension funding rules in the Internal Revenue Code, while every responsible plan sponsor funds its own plans. We will need to deal with this particular problem when we deal with the rest of the funding rules and the pension interest rate problem because that is a very real problem and several times we have tried to address it, just not successfully through the whole process. So we get to a point that one set of rules for one company harms the nation's pension laws applicable to the remaining plans.

I respectfully suggest that something this important would—surely ought to be referred to the Finance Committee and that we should deal with it under the regular rules of the committee, but particularly we need a solution that would be nation-wide, not dealing with just one company. So I express opposition to this effort.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I renew my unanimous consent request that I stated previously.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object and I will object, I deeply appreciate the concerns of both Senators from Pennsylvania, the senior Senator and junior Senator, who spoke eloquently about the problems facing those particular airlines, and I understand that. I think every Member of this body does. The fact of the matter is, there are other airlines, too, facing very difficult financial problems these days. It is unfortunate but that is the fact.

I must say, too, as has the chairman of the Finance Committee, I have not seen that proposal. All I know is what I hear on the floor now. I think it would be inappropriate for the Senate to unanimously pass a change in the pension laws which have not been reviewed by other Senators, certainly not by Members of the Finance Committee.

My good friend, Senator GRASSLEY, soon to be chairman of the Finance Committee, makes a very good point. Even if it were passed here, we would have to wait until some other measure passed in the body so it could be amended and have it considered. There are a lot of reasons—although I certainly appreciate the argument by the Senators—this is not the appropriate time nor the appropriate way to take up this measure.

I ask my good colleagues to work with the committee and to work with Senator GRASSLEY and myself over the next several days or next week—and also with other airlines because other airlines, frankly, are hurt by their request. I was contacted a couple hours ago by airlines that said: Wait a minute. It may be good for them, but it is not good for us.

We have to make sure that all airlines are treated fairly.

I very much look forward to working with my good friends from Pennsylvania, and all Senators. But I just think because of propriety and doing it the right way to make sure this is the right solution that we should not take it up at this time. There may be amendments and modifications to the provision being requested that could be quite helpful to meet some of the objections some others might have. This is the first time we have heard of it. I haven't seen the language. It did not come before our committee.

I must respectfully object to the request.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleagues from Iowa and Montana for their responses. I appreciate their considerations.

It would be my hope, as I said earlier, that they would recognize the exigencies of this situation and permit us to proceed. But in light of their statements that they intend to object, which I understand will follow, I inquire of my colleague from Montana, who is now chairman, and of my colleague from Iowa, who hopefully by this time tomorrow will have the resolution passed to shift the chairmanship, whether there might be an early hearing set in the Finance Committee.

I am in line to be chairman of the appropriations subcommittee having jurisdiction over the Department of Labor. And Senator HARKIN and I have agreed to have a hearing on this next week. But the authorizing committee has the paramount responsibility. There is a U.S. Bankruptcy Court hearing on this matter on Wednesday. I do not think we have a problem about the solvency of US Airways being involved as I thought there might have been several weeks ago. But I think the court might be willing to defer action which touches upon these issues if there was knowledge that there was going to be expedited treatment.

So my question to the chairman and ranking member of the Finance Committee is whether it might be possible to schedule a hearing yet this month which could then be used with the court to defer action with the possibility or prospects of some action by the Senate on this issue, that is, US Airways, or the issue generally.

Mr. BAUCUS. Mr. President, I might say to my good friends that I think that is a good idea. The Senator has my assurance—and I know the assurance of my colleague from Iowa—that we will look into the matter tomorrow, say, and determine if a hearing makes sense. It could well be a very good idea. Maybe it can be resolved in some other way without a hearing.

But I would like to look at the issue and expeditiously, see if there is a way to resolve this matter. It could well be that we could have a hearing this week or sometime this month. It could be a very good idea. We could well do that. But I could really answer that question a little more after I look at the issue more and know what is involved.

Mr. SPECTER. Mr. President, if I might direct a question through the Chair to the Senator from Montana, he says he may well be able to have a hearing this month. It depends upon his analysis of the legislation or the complexity of it. Would it be a fair statement that the representation could be made to the court that there will be an effort made, if possible, to have a hearing in finance this month?

Mr. BAUCUS. That is a very fair representation.

Mr. SPECTER. I think that would be a yes.

Mr. BAUCUS. That is a yes.

Mr. SPECTER. Might I ask my colleague from Iowa, who will soon waive the gavel, if he concurs in what the Senator from Montana said?

Mr. GRASSLEY. I might modify it just a little bit, but understand that I am making this statement not having had a chance to think deeply on it. But it would be in relationship to the extent to which there should be a hearing just on this one company as opposed to a hearing on the pension problem generally and in the larger context because I did voice in my statement to

the Senate that it seems to me that we do have to look into this area, and we have to look at it as a pension problem in a much broader context than just one company. Obviously, in that context, I have absolutely no opposition to looking at the problem of one company. But I also think it ought to be looked into only in the context of the others because of the extent to which it might lead to other companies making the same request.

Mr. SPECTER. Mr. President, if I may direct a question through the Chair to the Senator from Iowa, the substance of what I understand he said is that if it is possible to have a hearing this month, considering whether it be on a single company or the complexity of taking up a broader issue, that consideration would be given to having a hearing this month if it can be done in a practical sense.

Mr. GRASSLEY. In the context of what I stated, the answer to that is, I would agree.

Mr. SPECTER. Mr. President, I take that also to be a yes.

I thank my colleague from Iowa.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I am disappointed that we were not able to get unanimous consent. I certainly understand the position of my colleagues from Montana and Iowa. But I just want to reemphasize that the reason we sought to submit this extraordinary act is because of the timing of the judicial submission a week from now. A revenue bill is being generated in the House. As an old House Ways and Means Committee member, I was very jealous of that prerogative and wanted to make sure that we enforced it with regularity if the Senate got out of constitutional control. I thought it could act on these things unilaterally. But, again, I think there is a certain support on the Ways and Means Committee for dealing with this issue. The request of the Senator from Pennsylvania, hopefully, will not only be one communicated to the Finance Committee but also would be communicated to the Ways and Means Committee in the House to seriously look into this.

I know many of my colleagues from Pennsylvania and other Congressmen from other states are going to be adversely affected—potentially affected—by what happens next Thursday. I hope a request will be made to the Chairman of the House Ways and Means Committee to take a very significant look at this. I hope they will be moved to act in a way that would be beneficial to this situation, and again other situations around the country of pensions failing.

But the point I want to reiterate is if this legislation were passed there would be no cost to the Federal Government by picking up the pensions of the pilots and others in the union of US Airways. Without this legislation, the cost to the Pension Benefit Guaranty Corporation, and, therefore, to the taxpayers of the United States would be about $3 billion. So this is a measure that will save $3 billion over a set number of years. That is not pocket change, even in Washington, DC.

I think there has been an attempt to try to address this issue in a way that does not—as the Senator from Iowa said—create an incentive for companies not to fund their legal obligation. I don't think this narrow provision is an incentive for any other corporation to not do what is required of them under the pension laws. But what we have is an extraordinary case where union and management come together to dramatically reduce the benefits of the pilots. And I underscore the words ''dramatically reduce'' the benefits to the pilots. The pilots signed off on it. They have signed off on this as a way for the company to continue to operate. It will save the taxpayers money, and it will save these airlines and all of the employers—as well as the traveling public in the Northeast and throughout the eastern part of the United States.

I think this is a narrow exception. I think this is a special circumstance. Whether we can effectually change something that would allow the kind of flexibility under very stringent rules—I would agree with the Senator from Iowa. It allows the flexibility of the Pension Benefit Guaranty Corporation to look at the unique circumstances of these petitions of companies and unions.

I just remind everyone, this is not the management going in unilaterally saying: We are going to cut benefits and restructure the program. This is the union and the management saying: This is what we want to do. This is a very rare circumstance, indeed. So I do think we have unique circumstances.

Again, I understand the precedent that this sets, but I am hopeful we can work out a change in the law that will give the PBGC the flexibility to look at these unique circumstances, and unique circumstances in the future with respect to other companies, to come up with a solution that is best for the taxpayer as well as best for the companies and unions involved in these very difficult times.

Mr. President, with that, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent I can proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

IN DEFENSE OF THE FEDERALIST SOCIETY

Mr. HATCH. Mr. President, I am very pleased that the President has wasted no time in delivering his judicial nominations left behind in the last Congress. The President's judicial nominees have proven to be superb and among the best I have seen in all my years of service in this body.

As chairman of the Judiciary Committee, I expect that my colleagues on both sides are eager to do the people's business and move as promptly as President Bush to fill judicial vacancies.

Of course, I realize that the distortions have begun.

The usual special interest lobbies, pursuing their political and economic interests, have already been busy painting a very scary picture with the usual shrillness and tired old tactics.

The President of the United States has nominated men and women who, whatever their personal politics or views, are constitutionalists who are committed to enforcing the law as the people's elected representatives have adopted, and who will interpret the Constitution, not rewrite it as if they were in the room with the founding fathers—Constitutionalists, not Republican or Democrat, not liberal or conservative, who will approach their roles in a common sense manner.

But today, I rise to right one particular wrong. A recent report by People for the American Way, with, oddly enough, a remarkably biblical title, paints President Bush's nomination as an Armageddon. In reading the report, one would well think the President is choosing judges from the ranks of the Raelians.

But they especially go out of their way to malign the thousands of honest, smart and hard-working lawyers and law students who are members of the Federalist Society as if these fine men and women wear the mark of the devil.

Mr. President, I am a member of the Federalist Society and I am proud of it. Last year, the Federalist Society celebrated its 20th anniversary, and we are all proud of that.

Of course, the childish games played against the Federalist Society are not new. Over the past 2 years, members of the Federalist Society have been much maligned by some even in this body. The Federalist Society has even been presented as an ''evil cabal'' of conservative lawyers. Its members have been subjected to questions which remind one of the McCarthy hearings of the early 1950s. Detractors have painted a picture which is surreal, twisted and untrue.

The truth is that liberal orthodoxies reign rampant and often unchecked in

a majority of this country's law schools and in the legal profession, and that the left is shocked that an association of honest, non-partisan, constitutionalist lawyers would exist, much less include the notable legal minds it does.

During the mid-1990s, Professor James Lindgren of Northwestern University Law School conducted a survey of law school professors and came to the following conclusion. At the faculties of the top 100 law schools 80 percent of law professors were Democrats or leaned left and only 13 percent were Republicans or leaned right. These liberal professors promulgate their ideology in and outside the classroom.

Mr. President, anyone associated with America's campuses or law schools knows that non-liberal views are regularly stifled and those espousing those views are often publicly shunned and ridiculed. It was this environment of hostility to freedom of expression and the exchange of ideas in universities that set the stage for the formation of the Federalist Society. And given my Democrat colleagues' reaction to the Society, it appears to be fighting against narrow-mindedness still.

In 1982, the Federalist Society was organized, not to foster any political agenda, but to encourage debate and public discourse on social and legal issues. Over the past 20 years, the Federalist Society has accomplished just that. It has served to open the channels of discourse and debate in may of America's law schools.

The Federalist Society espouses no official dogma. Its members share acceptance of three universal ideas: One, that government's essential purpose is the preservation of freedom; Two, that our Constitution embraces and requires separation of governmental powers; and, three that judges should interpret the law, not write it.

Tell me if you disagree with any of these ideas. Most Americans do not, but it seems like some in this town do.

For the vast majority of Americans, these are not controversial issues. Rather, they are basic constitutional assertions that are essential to the survival of our republic. They are truths that have united Americans for more than two centuries.

Recently we have seen the emergence of some groups that seek to undermine the third of these ideas—that judges should not write laws. These groups have attempted to use the judiciary to circumvent the democratic process and impose their minority views on the American people.

This judicial activism is a nefarious practice that seeks to undermine the principle of democratic rule. It results in an unelected oligarchy—government by small elite. Judicial activism imposes the will of a small group of politicized lawyers upon the American people and undermines the work of the people's representatives.

Indeed, if the radical left, the abortion on demand lobby, and some predatory businessmen who happen to hold law degrees and call themselves trial lawyers are successful; if we appoint judges that are committed to writing the law and Constitution and not interpreting it only, then all of us can just go home. We can resign ourselves to live under the oligarchic rule of lawyers—or should I say judges.

I happen to know a few lawyers, and please trust me when I say, this is not a good idea.

Not surprisingly in an association of lawyers, the truth is that beyond acceptance of the Federalist Society's three key ideas: freedom, separation of powers, and that judges should not write laws, it is challenging, if not impossible, to find consensus among Federalist Society members. Its members hold a wide array of differing views. They are so diverse that it is impossible to describe a Federalist Society philosophy.

The assertion that members are ideological carbon copies of each other is at the very least ludicrous.

The Society revels in open, thoughtful, and rigorous debate on all issues. It rests on the premise that public policy and social issues should not be accepted as part of a party line but, rather, warrant much thought and dialog. Any organization that sponsors debate on issues of public importance, as opposed to self-serving indoctrination, is healthy for us all and it is good for this body as well.

Now, how does the Federalist Society accomplish its goal? Not by lobbying Congress, writing amicus briefs, or issuing press releases. And, no, it does not threaten members with withdrawal of support in campaigns or running negative smear ads, which some of the special interest groups that smear this President's good judges engage in. The Federalist Society seeks only to sponsor fair, serious, and open debate about the need to enhance individual freedom and the role of the courts in saying what the law is rather than what it should be. The Society believes that debate is the best way to ensure that legal principles that have not been the subject of sufficient attention for the past several decades receive a fair hearing.

The Federalist Society's commitment to fair and open debate can be seen by a small sampling of some participants in its meetings and symposiums. I venture to say the Federalist Society's meetings and symposiums are among the most well attended and among the most widely attended and among the most diversely attended and among the best symposiums held by anybody in the judicial field. But those participants who have participated—maybe we should look at some of them. They have included scores of liberals such as Justices Ruth Bader Ginsburg and Stephen Breyer, Michael Dukakis, BARNEY FRANK, Abner Mikva, Alan Dershowitz, Laurence Tribe, Steve Shapiro, Christopher Hitchins, and Ralph Nader, to name a few.

I would like to include for the RECORD a list of 60 participants in Federalist Society events that demonstrates the remarkable diversity of thought of Federalist Society events. One of them is Nadine Strossen, president of the ACLU, who many of us know, respect, and have worked with, and who has participated in Federalist Society functions regularly and constantly since its founding, and who attended the recent 20th anniversary dinner.

The ACLU's president has praised the Society's fundamental principle of individual liberty, its high-profile on law school campuses, and its intellectual diversity, noting that there is frequently strenuous disagreement among members about the role of the courts. Ms. Strossen has said that she cannot draw any firm conclusion about a potential judicial nominee's views based on the fact that he is a Federalist Society member.

It seems to me that an organization that includes such a wide array of opinion serves this Nation well and does not deserve the vilification it gets from the usual suspects here in Washington.

There are many notable conservatives that also affiliate with the Federalist Society. But as the members of the Senate demonstrate, even amongst those that are often labeled ''conservatives'' there is much disagreement on most social and political issues. Some, unfortunately, often portray the Federalist Society as a tightly knit, well-organized coalition of conservative lawyers who are united by their right-wing ideology. This is far from true. Allow me to illustrate further.

Three years ago the Washington Monthly published an article entitled ''The Conservative Cabal That's Transforming American Law,'' which cited a 1999 decision by a panel of the D.C. Circuit's Court of Appeals as the ''network's most far-reaching victory in recent years.''. The decision overturned some of the EPA's clean-air standards on the grounds that it was unconstitutional for Congress to delegate legislative authority to the executive branch. C. Boyden Gray, a former White House Counsel for the first President Bush and a member of the Federalist Society's Board of Visitors, filed an amicus brief making the winning argument.

However, this is not the smoking gun case that opponents of the Federalist Society would have us believe it to be to prove that it is part of the vast right wing conservative conspiracy. First, the case was overturned on appeal by the Supreme Court, in a decision written by Justice Antonin Scalia, a frequent participant in Federalist Society

activities who was the faculty advisor to the organization when he taught at the University of Chicago.

Second, the Washington Monthly piece also attacked Boyden Gray as a water carrier for the Federalist Society for advancing Microsoft's effort against antitrust enforcement.

Of course, Mr. Gray serves on the Society's Board of Visitors with Robert Bork, who has been Microsoft's chief intellectual adversary. They are on opposite sides.

There is not quite the vast right wing conspiracy hobgoblin some of the special interest groups in this town would have the American people and members of this body believe in. Indeed, I urge my colleagues to be extra careful when and look at the record before they attack this fine organization or its members.

A close examination of the Federalist Society reveals not a tight-knit organization that demands ideological unity, but an association of lawyers, much like the early bar associations that first appeared in this country in the late 19th century, made up of individuals from across the political spectrum who are committed to the principles of freedom and the rule of law according to the Constitution.

As a co-chairman myself, I am not surprised that the President has sought out its members to appoint for position on the bench and in the government. I applaud his foresight and wisdom. I am proud that its members are solid constitutionalists, whether they are liberal or conservative, Democrat or Republican.

Mr. President, contrast that with People for the American Way, which has waged every obnoxious rotten fight against President Bush's nominations that has been waged in the last year. This is a very well-heeled organization. It is totally ideological. If you disagree with their far left liberal viewpoints, then they vilify you and try to impugn your motives. That is not what I call fairness in the debates that we should have around this body. Yet it is amazing to me how some in this body seem to be absolutely in tune, or should I say marching to the drumbeat of People for the American Way.

I started off by mentioning criticisms by the People for the American Way of the Federalist Society, and I have to say, if you add it all up, this is a well-heeled, very liberal organization that is as partisan, combative, obnoxious in many ways, and false in its arguments and accusations as any organization I have seen in this country.

In almost every case where there has been any type of conservative of stature nominated to the courts, they have come in and completely done their best to deliver body blows to that nominee. It all seems to come down to basically one issue, and that is, if they suspect that a nominee is pro-life, then that is just an absolute no-no to them. It isn't just that. They have taken other nominees nominated by this President and others in the past, have taken their records and, in my opinion, have distorted in many ways their record. I don't think People for the American Way should be in a position to criticize the Federalist Society which primarily conducts the best symposia in law in America today. That is a fact.

I will never forget; I was invited to the University of Chicago by the Federalist Society members—150 members at that time—to speak at the law school at the behest of the Federalist Society. I figured there would be 100 or 150 people there. They had this one hall rented. They had to take me in the back way because of the protesters out front. Although I was willing to go through the protesters, they were afraid some of them were violent. We went inside the hall, and they were absolutely jampacked, people hanging from the rafters. Almost all of those who disagreed with the Federalist Society principles—in other words, principles that were not the left-wing principles—had a heavy piece of parchment paper. As I went to speak, they would stand up and rattle that paper. And that sound was deafening. You could not be heard. I have to say that what was going to be about a 20-minute speech turned out to be 145 minutes, or 2 hours by the time I could complete it.

I have to say I enjoyed the experience. But it was disconcerting that people at a major university—these were not people from the law school, in my opinion. And I am not sure they were even students at the university, many of them—would try to stop discourse from a U.S. Senator or anybody else, for that matter, who came there in good faith to deliver points of view that certainly I felt were worthy of consideration in this field of law.

I have to say there was one young lady three or four rows down who kept yelling epitaphs at me throughout my remarks. I tried to humor her, and I tried to go along and be reasonably thoughtful and kind to her. But, finally, I could tell she was getting on the nerves of almost everybody because she was really out of line and loud. I kind of enjoyed the confrontation to a degree. But it was getting old. Finally, after about an hour and 15 minutes, I looked at her, and, I said, I finally figured it out. You could not possibly be a member of this great law school, because, No. 1, you are so rude. I said, No. 2, you are so stupid. Of course, even at that point, even those who were there to oppose me and to rattle their parchment so I couldn't be heard started to cheer and applaud. I was able to end my remarks, which I felt were remarkably good for anybody in the field of law, whether they were from the left or the right or the center. I think in the end they were good for everybody there.

That is what is going on in the debate on judges today. We have some of these well-heeled left-wing groups that don't care what the facts are and distort anybody's life by coming in and utilizing their economic swat because they have all kinds of left-wing money behind them to malign and to slander and sometimes libel very good nominees.

I know a number of people in People from the American Way, and I have respect for some of them, but I have to tell you I hope they will elevate their discourse so that we will have true debates and not distortions and slander and libel and complete ignorance of what people stand for and what their records are.

I think we are getting down to where we are getting very close in this country to where single litmus tests are going to determine whether we can have judges. And we are getting to the point where the great jurists of the future might not arise because we might have to go to the lowest common denominator.

Having said all of that, I look forward to working with every group in this coming year. Hopefully, we can get a greater sense of discourse and a greater sense of responsibility, and that when we raise objections we hope they will be legitimate and honorable objections rather than objections geared to trying to smear somebody because of their disagreement. I think it is time we elevate the discourse around judges in this country, and I hope this year we can prove we can do that. But, in any event, my hopes have not been fulfilled today.

I ask unanimous consent to have printed in the RECORD 60 diverse participants who have participated in Federalist Society events at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

60 DIVERSE PARTICIPANTS IN FEDERALIST SOCIETY EVENTS

SUPREME COURT JUSTICES

1. Justice Stephen Breyer
2. Justice Ruth Bader Ginsburg
3. Justice Anthony Kennedy
4. Justice Antonin Scalia
5. Justice Clarence Thomas

CABINET MEMBERS

6. Griffin Bell
7. Abner Mikva
8. Bernard Nussbaum
9. Zbigniew Brezinski
10. Alan Keyes

ELECTED

11. Barney Frank
12. Michael Dukakis
13. George Pataki
14. Eugene McCarthy
15. Charles Robb
16. Jim Wright
17. Mayor Willie Brown

JUDGES

18. Robert Bork
19. Guido Calabrasi
20. Richard Posner

21. Alex Kozinski
22. Pat Wald
23. Stephen Williams

LAW SCHOOL DEANS

24. Robert Clark—Harvard
25. Anthony Kronman—Yale
26. Paul Brest—Stanford
27. John Sexton—NYU
28. Geoffrey Stone—Chicago

LAW SCHOOL PROFESSORS

29. Alan Dershowitz—Harvard
30. Laurence Tribe—Harvard
31. Cass Sunstein—Chicago

Mr. HATCH. Mr. President, I yield the floor.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, in my first act after taking the oath of office for my second term, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes legislation, sending a signal that violence of any kind is unacceptable in our society.

Each day we are in session I have taken the opportunity to make sure another example of a hate crime is published in the RECORD in an effort to sway my colleagues about the need for expanding current hate crimes law to include sexual orientation, gender and disability and to expand the definition of what is a hate crime.

Hate crimes legislation will benefit our Nation as a whole, our country is a diverse one, made up of Muslims, Christians, and countless other religious faiths. Our society finds great strength in its Black and Hispanic communities as well as its gay and Jewish communities. Groups such as these represent not divisions but diversity, and that distinction has built a great Nation. However, hate crimes touch all our communities and tear the very fabric that binds our Nation together.

Passage of a hate crimes bill will assure all Americans that the violence done by a hate crime will not go unpunished. It will ensure that the violence done to an American because of the color of his or her skin will not go unpunished and will make it easier to punish on the Federal level. It will ensure Muslim Americans that they will not be harassed because of their faith and make it easier to punish on a Federal level. It will ensure that sexual orientation and identity are not reasons for a violent crime that goes unpunished.

As we move through these early weeks of the 108th Congress, I call on all my colleagues to consider hate crime legislation as a way to move forward on civil rights issues that are so important in our democratic society.

So, I rise today to describe yet another terrible crime that occurred January 1, 2003 in Miami, FL. After leaving a New Year's Eve party in South Beach, a gay man was shot by two attackers. Earnest Robinson, 23, was walking home when he was approached by two men, one of whom tried to pick him up.

Upon realizing that Robinson was not a woman, one of the men shot him and left him on the street. Police say one of the assailants shouted anti-gay slurs before shooting the victim. Robinson was treated at a local hospital and is in good condition.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Hate crimes legislation like the Local Law Enforcement Enhancement Act is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

POLICE OFFICERS ARE BEING KILLED

Mr. LEVIN. Mr. President, late last year, the Federal Bureau of Investigation released its annual report on Law Enforcement Officers Killed and Assaulted in 2001. According to the report, there were 136 law enforcement officers killed in 30 States. The tragic events of September 11, 2001, claimed the lives of 72 officers. Excluding these 72 lives, the number of officers killed in 2001 increased over 37 percent, from 51 officer fatalities in 2000 to 70 in 2001. A closer examination of data shows that firearms were used in 61 of the officer murders, and of those, handguns were responsible for 46. The handgun of choice was the 9 millimeter. In my home State of Michigan, Clinton Township, the city of Detroit, and the Federal Protective Service in Detroit each lost an officer in 2001. One of these officers worked in the building in which my Detroit office is located.

In 1994, the Brady law established the National Instant Criminal Background Check System, NICS. The creation of this check system allows federally licensed gun sellers to quickly determine whether an individual is eligible to purchase a firearm. Since its inception, NICS checks have prevented more than 156,000 felons, fugitives, and others not eligible from purchasing a firearm without infringing upon any law-abiding individual's ability to buy a firearm. However, a loophole in the law allows unlicensed private gun sellers to sell guns without conducting a NICS background check.

During the last Congress, Senator REED introduced the Gun Show Background Check Act. I cosponsored that bill because I believe it is a critical tool in preventing guns from getting into the hands of criminals and other ineligible buyers. This bill would simply apply existing law governing background checks to individuals buying firearms at gun shows. As reflected in the FBI report, preventing easy and unchecked access to guns is critical in preventing police deaths and gun violence. That is why it is supported by major law enforcement organizations including the International Association of Chiefs of Police, the National Troopers Coalition, the International Brotherhood of Police Officers, the Police Executive Research Forum, the Major Cities Chiefs, the National Association of School Resource Officers, the National Black Police Association, the National Organization of Black Law Enforcement Executives, and the Hispanic American Police Command Officers Association.

We must stand by our Nation's law enforcement community and take this commonsense step to reduce gun violence. I urge all of my colleagues to join me in supporting this legislation when it is reintroduced during this Congress.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last congress, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred on November 3, 2002, in Atlanta, GA. Gregory Love, a junior at Morehouse College, was beaten with a baseball bat in a college shower. He was treated at a local hospital where doctors removed a blood clot from the lining of his brain. The assailant, Aaron Price, a sophomore, admitted to the beating and will be charged with a hate crime based on his perception of the victim's sexual orientation.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

MOUNT UNION FOOTBALL TEAM

• Mr. DEWINE. Mr. President, I rise today to congratulate the Mount Union Purple Raiders football team, from Alliance, OH, on a number of outstanding achievements. The Purple Raiders recently won the Division III National Championship for the sixth time in 7 years. Maintaining a perfect record of

14 victories this season, Mount Union's team is 109 and 1 in the last 11 regular seasons, and since 1990 the Raiders have won an incredible 162 out of 170 games.

I congratulate these fine young athletes on yet another championship season and would like to recognize Raiders' coach Larry Kehres for his dedication and commitment to the school and the team. He has just been named the AFCA Division III National Coach of the Year, making him the first coach to win seven National Coach of the Year Awards. This is an unprecedented accomplishment, and I congratulate Coach Kehres and wish him and the Purple Raiders all the best for next season and many more after that.

While their execution of the split-back offense is flawless, it is Mount Union's academic performance that is truly remarkable. The football team has graduated a near-perfect percentage of players in the last 17 seasons. I applaud the Purple Raider players who exceed all expectations on the gridiron, as well as in the classroom.

For the local residents of Alliance and the students of Mount Union, there is so much to be proud of when it comes to the Purple Raiders. As the fans crowd into the oldest college football stadium in Ohio every fall, they are not only cheering for the heroes of the Purple Raiders, but also for future heroes, future leaders who will have learned the valuable lessons that come with a solid education and a demanding athletic routine. These experiences will aid them in making a positive impact many years from now.

Again, I congratulate head coach Larry Kehres and his Purple Raiders on another perfect championship season. They are a shining example of true student-athletes.

I ask that the names of the Mount Union College Purple Raiders football team coaching staff and players be listed at the conclusion of my remarks.

The list follows.

PURPLE RAIDERS COACHING STAFF

Larry Kehres, Don Montgomery, Jeff Wojtowicz, Joe Leigh, Marty Cvelbar, Vince Kehres, E.J. Henderson, Rudy Sharkey, Paul Gulling, Gene Paina, Joel Cockley, and Clyde Ross.

STUDENT ASSISTANT COACHES

Jason Candle, Jason Gerber, Nick Lesniak, and Kacy Carter.

PLAYERS

Jamoni Robinson, Randy Mason, Josh Reger, Aaron Bubonics, Rourke Skelton, Ryan Rimedio, Jason Cavell, Jay Francis, Josh Liddell, Steve Watson, Derrick Leach, Michael Hinger, Rob Adamson, Zac Bruney, Joe Montgomery, Wade Kirk, Jesse Clum, Brandon Fishbach, Ryan Modica, Andrew Winkler, Jesse Burghardt, Ken Whitfield, Mike Miller, Matt Cole, Grant Relic, Marty Mazanec, Tom Underdahl, Mike Adamson, Matt Caponi, Michael Kernik, Chris Kern, Russell Logan, Matt Sotcan, Sean Keegan, Jamie Allman, Robert McDavid, and Ross Watson;

Cody Bertone, Vince Suber, Jared Gulling, Dustin Blake, Michael Marcellino, Justen Stickley, Scott Casto, Nick Sirianni, Emery Holmes, Justin Burton, Todd Frank, E.J. Lilly, Jonathan Falatic, Anthony Frate, Aaron Robinson, Jeff Strauch, Jordan Beach, Mike Sabo, Josh Church, Brett Jordan, Dan Pugh, Ryan Witkoski, Mike Abramo, Jeff Berdysz, Chase Ross, Mike Gibbons, Rick Ciccone, Brian Weiser, Tony Buckler, Nick Ciani, Michael Deitrick, Jonathan Bailey, Jason McElhaney, Kalvine Mcgee, Keith Spivey, Kelechi Ibeh, and Josh Wells;

Antoine Beale, Chris Carter, Kyle Pelfrey, Luke Garland, Vince Ilacqua, Joe Culler, Mark Brace, Brian Wise, Shaun Spisak, Monty Harris, Stan Watson, Byron Jackson, Brian Miller, Brett Linzey, Justin Meiser, James Wetzel, Peter Gasparro, George Wilders, Brent Fox, Scott Kyser, Thomas Cesarz, Dusty Sanna, Jim Nelson, Derek Buell, Bruce Novestine, Bryan Myers, Josh Lahmers, Josh Huffman, John Gliha, Mike Restivo, Dave Knestaut, Josh Hoskins, Ron DeJulio, Thomas Manning, Grant Savelli, Mike Reeder, and John Brutvan;

Daniel Blume, Bob Bradley, Eric Cook, Jeff Goodwill, Ryan Knapp, Vance Vukelic, Don Penny, Adam Holmes, Eric Spurlock, Robert VanDyke, Frederick Blackman, Dusty Wilson, Jesse Wells, Rick Prescott, Eric Ardo, Pat Yappel, Mark Pauli, Dominic Danesi, Levi Motts, Justin Coston, Frank Palcko, George Momirovic, Drew DeHart, Brian Boucher, Brian Leckonby, Jonathan Harvey, Maurice Gibson, Larry Kinnard, Michael Gill, Josh Johnson, Matthew Byrne, Brent Miller, Derek McIntosh, Adam Slopek, Andrew Blake, Doug Miller, Joe Bugara, and Marcello DeAngelis; and

John Healy, Trevor Smith, Randell Knapp, Tom Sanor, Geoff Dartt, Aarik Gault, James Cunningham, Michael Myers, Joel Sickmeier, Corey Brunson, Drew Hanley, Greg Braur, Keith Brown, Travis Johnson, Caleb Chappelear, Mike Maluk, Matt Campbell, Kristopher Takach, Josh Ludwig, Jake Guthrie, Antoine Dillard, Matthew Bogo, Victor Preisel, Dan Phillips, Edward Dick, Karl Jackson, Buddy Wolf, Brandon Harr, Rob Conroy, Johnny Josef, Scott Campbell, Jeff Knoblauch, Chad Teague, Sam Vucelich, Ryan Westerburg, Donte Rhode, and Brian Proud.●

IN MEMORIAM: JOE REMCHO

● Mrs. BOXER. Mr. President, I rise in tribute to the late Joe Remcho, who died in a helicopter crash in California last Saturday. Joe was a great American an accomplished attorney, a strong advocate for civil liberties, a leading legal scholar, and a trusted advisor to many public officials.

Joe's curriculum vitae is varied and impressive. After graduating from Yale University and Harvard Law School, he taught second grade for a year at an inner-city public school. In the early 1970s, with the Vietnam war at its height, the young attorney went to Saigon to serve on the Lawyers Military Defense Committee. After returning to the United States, he moved to California to become the staff attorney for the American Civil Liberties Union of Northern California. Four years later, he established a successful private practice specializing in first amendment, education, and election law. His clients included California's Governor and the State assembly. In 1988, he was honored by his colleagues as California's Trial Lawyer of the Year.

Despite his very full docket, Joe found time to serve as an adjunct professor of law at the University of San Francisco, a commissioner on the California Fair Political Practices Commission, and a member of California's bipartisan State committees on internet political practices and the Political Reform Act.

Above all, Joe Remcho was a warm and wonderful human being a devoted family man, a loving husband and father, and a friend to those who were fortunate enough to know him.

I last saw Joe just 2 days before he died. Our families were together, and his strength and warmth were ever present.

Whether he was spending a quiet vacation with family and friends or fighting in court to defend the Constitution, Joe Remcho lived his life to the fullest. His death leaves a tremendous void in the lives of all those who knew him, but his memory fills that space with love and admiration.●

THE SILVER ROSE

● Mr. NELSON of Nebraska. Mr. President, I am here today to thank Gary Chenett, Diane Rey, and John Schniedermeier. They are responsible for awarding the Silver Rose to our veterans in Nebraska. The Order of the Silver Rose was established in 1997 by Mary Elizabeth Marchand. Her father, Chief Hospital Corpsman Frank Davis, died from illnesses resulting from the use of Agent Orange in the Vietnam war. He was a combat veteran; however, he was not wounded in combat, but was exposed to a dangerous substance while fighting for his country that took his life many years later.

The Department of Defense has determined that Chief Davis and many like him do not qualify for the Purple Heart. It is the mission of the Order of The Silver Rose organization to recognize the courage, heroism, and contributions of American service personnel found to have been exposed to Agent Orange in a combat zone. I am sure that as time passes, they will expand their focus to members who have died from other conflicts.

The Order of the Silver Rose gives many veterans the satisfaction that they are being recognized for giving their Nation the ultimate sacrifice. There are thousands of veterans who served this country faithfully and now find themselves in poor health, some fatal health, directly due to being exposed to harmful substances during war.

Gary Chenett, Diane Rey, and John Schniedermeier have awarded 11 Nebraskans with the Silver Rose, I would

like to honor them today, they are: Raymond D. Todorovich of Omaha, Edgar Fleharty of Fremont, Randy E. Holke of Fremont, John Schniedermeier of Omaha, Ronald R. Charles of Omaha, Terry H. Greenwell of Omaha, David C. Smith of Firth, Joseph E. Stillwell of Omaha, Roy R. Rogers of Fremont, Albert W. Kowalski of Omaha, and Gilbert J. Styskal, Jr. of Omaha.

On behalf of Nebraska, I thank these brave patriots for their sacrifices.●

LEON WEINER, IN MEMORIUM

● Mr. CARPER. Mr. President, I would like to set aside a moment to reflect on the life of Mr. Leon N. Weiner upon his passing. Leon was a good friend and a man who made remarkable contributions toward affordable housing for thousands of families in Delaware and many more beyond our state's borders. He was a man with a kind heart, diverse interests, great abilities, and boundless energy.

Leon was born in Philadelphia, PA. After graduating from Overbrook High School, he attended the University of Pennsylvania for 3 years before leaving to take up a job as an apprentice machinist at Westinghouse Electric Corp. in Essington, PA.

After serving his country in the Army Air Corps during World War II, Leon came to Delaware and joined his uncle in building Leedom Estates near New Castle. This was one of the first suburban housing projects in New Castle County and the first of more than 5,000 houses that Leon built across New Castle County during his 54-year career. At the age of 53, he turned his attention to the challenge of building housing for low- and moderate-income families and seniors.

A very colorful character, Leon spoke with a booming voice and always wore suspenders, something that became his trademark. To the end of his days his office was filled with honorary gavels, keys to cities, and pictures of him with leading Democratic figures. In 1979 he was inducted to the National Housing Hall of Fame and subsequently was given the National Housing Man of the Year Award. His appointment to the Kaiser Commission on Urban Housing led to the landmark Housing Act of 1968.

Leon leaves behind his wife of 53 years, Helen; as well as a stepdaughter; three grandchildren; and two great-grandchildren. He also leaves behind many friends, colleagues and several thousand families who are living more productive, satisfying lives today because Leon was committed to building affordable housing.

Leon's lifelong dream was that low-income seniors and families would have the opportunity to afford their own homes, in the communities they called home. He lived to see that dream largely fulfilled.

Leon's legacy will live on in the lives of those he helped shape, in the rooms of affordable low-income housing he helped build, and in the hearts of those who were lucky enough to call him their friend. I rise today to commemorate Leon's life, to celebrate his life, and to offer his family our support and our thanks for sharing with the rest of us a truly remarkable human being. Although a resident of nearby Pennsylvania, Leon embodied the best of Delaware where his firm, Leon Weiner and Associates, was headquartered. He will be sorely missed. I know he can never be replaced.●

IN MEMORIAM: MARYJANE DUNSTAN

● Mrs. BOXER. Mr. President, I rise to remember and pay tribute to a most beloved and accomplished constituent, Maryjane Dunstan, who died on December 20, 2002.

Although most of us knew her as a California resident for over 50 years, Maryjane was born in Bethlehem, PA, on January 12, 1925, and went on to serve in the Waves during WWII. Her pursuit of education brought her to San Francisco where she earned both a BA and an MA at San Francisco State University. For her excellence as a teacher, she was awarded a Fulbright scholarship to Burma where for 4 years she taught teachers on methods of teaching English, until the political climate in Burma forced her departure in 1962.

Upon her return, she embarked on a 20 year career at the College of Marin in Kentfield, CA, including 12 years as the founder and chairwoman of the Communications Department where she developed one of the most innovative classes anyone had ever seen: The Future. Her coauthored textbooks, ''Worlds In The Making'' and ''Star Sight,'' were designed to help students project themselves into a possible and desirable future, and to motivate them to create a human and humane future for all.

Those of us who didn't know her through the college, crossed her path as the owner of the Artists Proof Bookstore in Larkspur, Marin County, or through the Literary Luncheons which brought accomplished writers to the community to share their talent.

In truth, Maryjane's greatest joy came as she continually provided a rich milieu for people interested in the large and small issues facing the community, intent on her belief that each of us is responsible for improving the quality of life around us. She never tired of working to help community groups analyze and explore problems and to inspire individuals to seek solutions. She understood how to create positive change by fostering thoughtful, informed action.

She was always gracious, willingly taking on the small tasks as well as the immense, seemingly impossible projects, always an inspiring role model with her passionate interest in the politics, economy and welfare of her community.

For all of this, she has been recognized by her town, her county, and her State. In 1989, she received the Larkspur Citizen of the Year Award from the Larkspur Chamber of Commerce. In April of 1999 the Marin County Commission on Women bestowed upon her the Women of Wisdom, Passion and Vision Award. The Marin County Board of Supervisors proclaimed June 13, 1999, Maryjane Dunstan Day. Also, in 1999 the California State Legislature gave her a Certificate of Recognition for her contributions to improve the lives of women. And the California State Senate gave her a Certificate of Recognition for distinguished service in education. Thanks in large part to Maryjane's work on behalf of low cost and senior housing, the Larkspur City Council approved a 24-unit workforce housing project in December 2002. The developer, the Ecumenical Association for Housing will dedicate the building to her in honor of her work for affordable housing.

Maryjane Dunstan leaves a legacy of hope and optimism for any community that is willing to work collaboratively to enhance the quality of life and create viable, peaceful solutions to all kinds of challenges.

Maryjane will be greatly missed.●

HONORING ROBERT HOLSTEIN

● Mrs. BOXER. Mr. President, I rise today to honor the late Bob Holstein, an attorney in Riverside, CA. He is survived by his wife, Loretta, and five children. I know they will all miss him very much.

A former priest, Bob Holstein cared passionately about people. He did not just speak about peace and social justice, but worked for it every day of his life. He and Loretta regularly provided both the inspiration and the financial means to make projects come to fruition. Riverside's landscape and the lives of countless Californians were changed by their generosity.

Bob Holstein counted my late friend and colleague, Congressman George Brown, among his good friends, along with many other government officials. He was also the friend of the University of California, Riverside, where he and Loretta endowed a chair in religious studies. It was also under his careful guidance that the campus built St. Andrew's Newman Center.

Upon hearing of his friend's death, Bishop Gerald Barnes of the Diocese of San Bernardino said: ''In a world long on style, Bob Holstein was long on substance. He was genuine. Bob lived what he believed. And what he believed was justice and fairness for all peoples. Particularly the poor and disenfranchised.''

I ask my colleagues to join me today in honoring Bob Holstein, who dedicated his life to the betterment of his fellow men and women. He will be sorely missed by his friends, colleagues, and by the countless people who live better lives because of his actions.●

WIND CAVE NATIONAL PARK CENTENNIAL

Mr. DASCHLE. Mr. President, I rise today to recognize a milestone in South Dakota and the United States, the centennial of Wind Cave National Park.

For years, American Indians in the Black Hills had told stories about holes that blow wind. In 1881, while exploring in southwestern South Dakota, Jesse and Tom Bingham came upon one of those holes, Wind Cave. A man named Charlie Crary was the first person to enter the cave, and 6 years later it was reported to be 3 miles long. An early landowner was once heard saying he had ''given up finding the end of Wind Cave.''

For nearly 20 years, the cave was held in private ownership through mining and homestead claims. In the late 1890s, the Department of the Interior took jurisdiction over the area after it ruled that no legitimate mining development was occurring and that homesteaders were not acting in good faith to occupy the land. On January 9, 1903, President Teddy Roosevelt, one of our Nation's most revered conservationists, signed legislation creating Wind Cave National Park, the seventh national park in the country and the first ever in the world to protect a cave. Later, Wind Cave officials were put in charge of managing new parks in the Black Hills area, including Devils Tower National Monument and Mount Rushmore National Memorial, until those parks established their own management programs.

For 100 years, Wind Cave National Park has been one of the jewels of the National Park System. Today, the cave is one of the world's longest and most complex cave systems, with more than 103 miles of mapped tunnels, with more passageways still being discovered. Indeed, we may never find the cave's end. Cavers and tourists from around the world are attracted by the cave's unique boxwork, a honeycomb-shaped formation that covers the cave's ceilings and walls. And while that park's namesake is its focal point, the land above the cave is equally impressive, with 28,000 acres of rolling meadows, majestic forests, creeks, and streams. As one of the few remaining mixed-grass prairie ecosystems in the country, the park is home to abundant wildlife, such as bison, deer, elk and birds, and is a National Game Preserve.

As many of my colleagues may know, last year, I introduced the Wind Cave National Park Boundary Revision Act. This legislation would enhance Wind Cave National Park's value to the public and help visitors enjoy it even more by expanding the park in it's southern ''keyhole'' region. This land currently is owned by a ranching family that wants to see it preserved for future generations. The land is a natural extension of the park, with mixed-grass prairie and ponderosa pine forests set off by a dramatic river canyon. The area also boasts archaeological sites, such as a buffalo jump over which early Native Americans once drove the bison they hunted. The addition of this land would enhance recreation for hikers who come for the solitude of the park's backcountry.

Wind Cave National Park is a national treasure, and I can think of no better way to help the park enter its next century than by approving this expansion. The Senate approved the expansion last November, but unfortunately, it was not considered by the House before Congress adjourned for the year. I intend to reintroduce this legislative soon, and hope that my colleagues will again support its passage so we can permanently protect these extraordinary lands for future generations of Americans to enjoy.

I congratulate the National Park Service and the staff of Wind Cave National Park on the centennial of the park's founding, and wish them all the best for the next 100 years.

HONORING JIM SEARS OF INDIANAPOLIS, IN

● Mr. BAYH. Mr. President, I rise today to honor Jim Sears, a fellow Hoosier, an Indiana State Police officer, a family man and a friend, who passed away on December 31, 2002.

As those who knew Trooper Sears would attest, his strong commitment to the city of Indianapolis was reflected in his distinguished career. In 1962, he became the first African American to wear an Indiana State Police uniform. He opened doors for other African Americans who aspired to become State Police officers and to break through barriers of all kinds. Marion County's first African American Sheriff, Frank Anderson was a classmate of Sears' at Short Ridge High School in 1956 and was with him on the day they both went downtown to apply for the force. State Police Superintendent Melvin Carraway referred to Sears as ''our mentor.''

Jim Sears' life was an example of kindness, gentleness and perseverance in the face of constant prejudice. His guiding principle was to protect the dignity of the public, especially those whom he was forced to deal with for legal infractions. He once shared that if he caught someone speeding, he would ask the person to step out of the car if children were present in an attempt to protect the children from witnessing their parent in an embarrassing situation.

Trooper Sears sought to keep others from humiliation, although often he was the recipient of cold, disparaging treatment from fellow troopers and the public because of the color of his skin. Not easily discouraged Trooper Sears remained a perfectionist and a stickler for regulations, allowing others to benefit from his shining example. In 1976, Trooper Sears and a group of other Black troopers settled a racial discrimination lawsuit with the State Police, which subsequently agreed to recruit and promote minorities. ''Despite the bad things that happened, I'd do it all over again,'' Trooper Sears said after the settlement. ''Because someone had to straighten out this mess of people not being hired strictly on color. I helped open the door.''

After 15 years as a trooper, Jim Sears was transferred to the job he called ''the highlight of his career,'' serving on the security detail for Gov. Otis Bowen from 1977 to 1980. After that detail, Sears was head of the department's planning arm when he retired in 1992 after 30 years of service. After retirement, Jim Sears graduated from Indiana University-Purdue University of Indianapolis and worked for the Indiana Bureau of Motor Vehicles.

Trooper Jim Sears opened doors for those who followed. He was a true leader and humanitarian whom the city of Indianapolis and the State of Indiana will miss tremendously.

We owe a debt of gratitude to the late Jim Sears for his lifelong service to Indiana and our Nation.●

IN RECOGNITION OF THE 70TH WEDDING ANNIVERSARY OF MILLARD AND HATTYE MAE BIDDLE

● Mr. CARPER. Mr. President, I rise today in recognition of the 70th wedding anniversary of my dear friends Millard and Hattye Mae Biddle. Our friendship has spanned some three decades. I want to congratulate them on behalf of all Delawareans wish them both the very best in all that lies ahead.

As they celebrate this milestone in their lives, they will surely reflect on the many changes, successes, and accomplishments they have experienced together over the last 70 years. Theirs is a journey of which they can be proud.

The Biddles have lived in the Dover community for many years. For a number of those years, they owned a bed and breakfast in Wyoming, DE. At the start of my career, I worked in Kent County and lived in New Castle County in the northern part of out State. Their trademark hospitality was in full swing. I stayed so often as their guest, they finally gave me my own bedroom and a key to the House! They have always made me feel like a member of

their family, and their home became, in many ways, mine as well.

Both Millard and Hattye Mae have lived their lives in the service of others. Long before it was popular, Hattye Mae recognized the tremendous need for early childhood education for kindergartners and preschool children in Kent County. She started a successful preschool called the Little School. Both the school and its students—hundreds of them—have grown up, stronger under her watchful eye.

Hattye Mae volunteers at the Old State House in Dover, giving tours to the many visitors. She has served as a member of the board of directors and is now an honorary member of the Board of Directors of Kent/Sussex Industries, a nonprofit organization that provides work opportunities for Delawareans each year. And no July in Harrington is complete without seeing her sweet smile at the annual Delaware State Fair.

Millard started his career delivering milk for the Frear Milk Company. After serving in World War II, Millard opened a grocery store. He returned to public service as a Kent County assessor shortly thereafter, from which he happily retired.

Millard served as a member of the Dover Housing Authority and served two terms on the Dover City Council. He is, in fact, the oldest living former council member. Millard has enjoyed many hours giving tours at the E.R. Johnson Victrola Museum in Dover, reading about the talking machines, records and other relics of the Victor Talking Machine Company of Eldridge R. Johnson Manufacturing Machinists. A wiz at clock making, Millard enjoys using old Victrola records and transforming them into clocks. They are, by all accounts, incredibly impressive.

Today, I rise to congratulate Millard and Hattye Mae on their 70th wedding anniversary. In a day and age where many marriages do not last 70 months or even 70 weeks, the strength and durability of their union serves as a source of inspiration to us all. In addition, each of them has demonstrated great devotion to their family, three children, nine grandchildren and nine great-grandchildren, and to their community in too many ways to number. I know that their years together hold many beautiful memories. It is my hope that those ahead will be filled with continued joy and contentment. They give true meaning to the words of the poet who wrote, ''Grow old along with me, the best is yet to be.''●

TRIBUTE TO JAMES R. TILLING

● Mr. VOINOVICH. Mr. President, I rise today to recognize and pay tribute to James R. Tilling, who is retiring after 33 years of service to the State of Ohio.

Mr. Tilling came to Ohio in September, 1969 to begin a career as a political science professor at my alma mater, Ohio University in Athens. He spent 6 years at Ohio University where he taught courses in American national government, urban government and politics, and Soviet government and foreign policy. In academic year 1973–1974, he was named a ''University Professor,'' an honor given each year to the 10 best teaching professors at Ohio University.

Following his tenure as a distinguished Ohio University professor in 1977, Mr. Tilling joined public service, as director of communications and research of the Ohio Senate's Republican caucus. He served twice as minority chief of staff, in 1979 to 1980 and 1983 to 1984. He was elected clerk of the senate for 1981 to 1982.

From January 1984 until April 1994, Mr. Tilling served as chief executive officer of the senate under then-senate presidents Paul Gillmor and Stanley J. Aronoff. In that capacity, he was responsible for the day-to-day operation of the senate's staff and also worked with senate Republican members to develop their legislative policy agenda.

Through the years, Mr. Tilling made significant contributions which helped improve the effectiveness and efficiency of the Ohio Legislature. For example, in 1981 and 1992, he was the principal coauthor of the bipartisan congressional redistricting plans which determined congressional district boundaries for the 1980s and 1990s. In 1991, he served as the secretary for to the Ohio Apportionment Board, where he helped craft the districting plan for the Ohio General Assembly in the last decade.

In addition to creating the redistricting plans that have been in effect for 20 years, Mr. Tilling has been a key advisor in major policy debates in the Ohio Legislature, he has recruited candidates to run for the U.S. Congress and he has the regard of legislators and policymakers on both sides of the aisle.

I worked with him and appreciated his contributions when I was Governor of Ohio during the 1990s. For the past 7 years Mr. Tilling has served as chief of staff and chief policy advisor to Ohio Attorney General Betty D. Montgomery. I recruited Betty Montgomery to run for attorney general and I know how valuable Mr. Tilling has been to her over the years.

James R. Tilling has over three decades of dedicated and distinguished public service to the people of Ohio and our Nation. I commend his intellect and his passion for public service which have inspired colleagues and students alike. His contributions are longlasting and should be emulated for years to come.●

EXTENSION OF UNEMPLOYMENT

● Mr. KERRY. Mr. President, the American people are facing difficult economic times. The unemployment rate is at a 9-year high, and a growing number of both skilled and unskilled American workers are left without jobs and without a way to provide for themselves and their families.

I am so pleased that we finally passed S. 23 on Tuesday, which provides a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002, and that the House passed it also. I believe that it was critical for the Congress to address the issue or expiring unemployment insurance benefits on the very first day of the 108th Congress. Actually, if we had had it our way, my Democratic colleagues and I would have delivered this aid to unemployed workers last year before 780,000 workers had their benefits cut off. At the end of the last Congress, Democrats asked for unanimous consent eight times to pass a bill that would provide benefits for workers who were cut off from their benefits on December 28, for workers who had not yet received the extension, and for workers who had run out of their State and Federal benefits and had not yet found a new job. But each time Republicans objected to this proposal. An agreement was finally reached between Senate Democrats and Republicans in December, but the Senate agreement was rejected by House Republicans.

S. 23 will help millions of Americans, 91,000 in Massachusetts alone, but there is one deserving group that it won't help, the more than 1 million unemployed workers who have already exhausted their State and Federal unemployment benefits. On Tuesday, Senator REED asked that the Senate not adjourn until it address the issue of unemployment insurance benefits for workers who have already exhausted their benefits. Unfortunately, I was not present for Tuesday's vote because I was detained at a doctor's appointment, but had I been present I would have voted in favor of continuing the debate until we addressed the needs of the long-term unemployed.

Over 2 million people's benefits have expired since the passage of the Temporary Extended Unemployment Compensation Program in March 2001. Of those 2 million, 1 million are still working hard to find jobs. There are 1.5 million fewer jobs today than there were in March 2001 and the economy remains weak. I have heard from so many of my constituents about how difficult it is to find jobs in this economic climate. Twenty percent of America's unemployed have been without work for more than 26 weeks, and the percentage is still growing. We must not leave the long-term unemployed and their families with no where to turn.

We have taken an important first step to help unemployed workers. But we have not done nearly enough. And I will continue to urge my colleagues to take action to help the long-term unemployed.●

BOB POTTER

• Mr. CRAIG. Mr. President, I rise today to congratulate Bob Potter, president of Jobs Plus in Coeur d'Alene, ID, on his retirement and a job well done.

Idaho found Bob Potter after he retired the last time enjoying life at his home on Hayden Lake. Thankfully, we had a few good salesmen in North Idaho who drew him out of retirement to head Jobs Plus, the then-new economic development corporation for Kootenai County. Over the past 16 years, Bob has done a stellar job. Jobs Plus, under his leadership, has recruited over 70 companies that employ over 3,500 workers with a payroll just shy of $100 million. What a tremendous benefit to North Idaho.

Bob always jokes that the Governor of California ought to be on his board because no one does more for his recruitment. However, the truth of the matter is that Bob's tireless efforts to recruit small and medium size businesses is what gets results. The key to sales is to show someone they have a need and that your product will meet it. Yes, California's business climate has created a need for businesses to lower costs, and Idaho is the perfect place to come to do that. However, folks wouldn't know about that unless Bob Potter was knocking on their doors.

Over the years, I have answered many a call from Bob to help recruit, and I have visited many of the businesses that have chosen Idaho. Every time, Bob is delight to deal with and his effectiveness shines through. He had truly been a blessing to Idaho.

While I am saying, ''thank you, Bob,'' I know I am not saying farewell. I know that he will still be active in the community because Bob Potter cares deeply about Idaho.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

Under the authority of the order of January 7, 2003, the Secretary of the Senate, on January 8, 2003, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 23. An act to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends.

The message also announced that the House has agreed to the following resolutions:

H. Res. 2. Resolution stating that the Senate be informed that a quorum of the House of Representatives; has assembled; that J. Dennis Hastert, a Representative from the State of Illinois, has been elected Speaker; and Jeffrey J. Trandahl, a citizen of the State of South Dakota, has been elected Clerk of the House of Representatives of the One Hundred Eight Congress.

H. Res. 3. Resolution stating that a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The message further announced that pursuant to section 5(a)(2) of the Benjamin Franklin Tercentenary Commission Act (Public Law 107–202), the Speaker appoints the following Member of the House of Representatives to the Benjamin Franklin Tercentenary Commission: Mr. CASTLE of Delaware; and Mrs. Elise DuPoint of Rockland, Delaware.

The message also announced that pursuant to section 206 of the Juvenile Justice and Delinquency prevention Act of 1974 (42 U.S.C. 5616) and upon the recommendation of the Minority Leader, the Speaker reappoints the following member on the part of the House of Representatives to the Coordinating Council on Juvenile Justice and Delinquency Prevention to a 2-year term: Mr. Gordon A. Marin of Roxbury, Massachusetts.

The message further announced that pursuant to section 4404(c)(2) of the Congressional Hunger Fellows Act of 2002 (Public Law 107–171), the Speaker appoints the following members on the part of the House of Representatives to the Board of Trustees of the Congressional Hunger Fellows Program for a term of 4 years: Mrs. JO ANN EMERSON of Cape Girardeau, Missouri; and Mr. David Weaver, Jr. of Lubbock, Texas.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following bill:

S. 23. An act to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends.

Under the authority of the order of January 7, 2003, the enrolled bill was signed by the President pro tempore (Mr. STEVENS) on January 8, 2003.

At 9:36 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 11. An act to extend the national flood insurance program.

H.R. 16. An act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

H.J. Res. 1. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

H.J. Res. 2. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 1. Concurrent resolution regarding consent to assemble outside the seat of Government.

At 10:24 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 8. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate:

At 2:43 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to 15 U.S.C. 1024(a), the Speaker appoints the following Member of the House of Representatives to the Joint Economic Committee: Mr. SAXTON of New Jersey.

ENROLLED JOINT RESOLUTION SIGNED

At 4:41 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 1. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

The joint resolution was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 16 An act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

The following joint resolution was read the first time.

H.J. Res. 2. Joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on January 8, 2003, she had presented to the President of the United States the following enrolled bill:

S. 23. An act to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–206. A communication from the Secretary of Energy, transmitting, pursuant to law, the ''Report To Congress By The Secretary of Energy Regarding Programs For The Protection, Control and Accounting of Fissile Materials in the Countries of the Former Soviet Union Second Half of Fiscal Year 2002''; to the Committee on Armed Services.

EC–207. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report relative to Section 122 of the National Defense Authorization Act, fiscal year 2001, authorizes the use of a multiyear procurement contract for the DDG–51; to the Committee on Armed Services.

EC–208. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Enterprise Software Agreements'' received on November 7, 2002; to the Committee on Armed Services.

EC–209. A communication from the Deputy Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–210. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report relative to funding transfers in 2002 under the Authority of the Defense Appropriations Act of 1997, 2000, 2001, and 2002 and transfers made during the Fiscal Year 2002 under the Authority of the Emergency Supplemental Act in response to the Terrorist Attacks on the United States; to the Committee on Armed Services.

EC–211. A communication from the National Service Officer, American Gold Star Mothers, Inc., transmitting, pursuant too law, a report relative to the CPA audit; to the Committee on the Judiciary.

EC–212. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report relative to Foreign Relations Authorization Act; to the Committee on the Budget.

EC–213. A communication from the Chairman, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Contribution Limitations and Prohibitions'' received on November 12, 2002; to the Committee on Rules and Administration.

EC–214. A communication from the Chief of Staff, U.S. Trade and Development Agency, transmitting, pursuant to law, the report relative to a prospective funding obligation related to the Partnering for Clean Water in Asia Conference; to the Committee on Appropriations.

EC–215. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report relative to a violation of the Antideficiency Act by the Department of the Navy; to the Committee on Appropriations.

EC–216. A communication from the Chief Counsel, Foreign Claims Settlement Commission, Department of Justice, transmitting, the report entitled ''Foreign Claims Settlement Commission's Annual Report for 2001''; to the Committee on Foreign Relations.

EC–217. A communication from the Director of Governmental Affairs, Commission on International Religious Freedom, transmitting, the report relative to the human rights conditions in Afghanistan; to the Committee on Foreign Relations.

EC–218. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report relative to international agreements other than treaties entered into by the United States under the Case-Zablocki Act; to the Committee on Foreign Relations.

EC–219. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, the report correcting a computation error, contained in Executive Communication 8910 of the 107th Congress, covering defense articles and services that were licensed for export under section 38 of the Arms Export Control Act during Fiscal Year 2001; to the Committee on Foreign Relations.

EC–220. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfishery; Whiting Closure for the Catcher/Processor Sector; to the Committee on Commerce, Science, and Transportation.

EC–221. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries 2002 Atlantic Bluefin Tuna Quota Specifications and General Category Effort Controls'' received on November 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–222. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Retention of Shipping Papers—Response to Appeals'' received on November 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–223. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Science Advisory Board (SAB) Notice of Open Meeting November 5, 2002 from 8:30 a.m. to 12:00 p.m.; Wednesday, November 6, 2002 from 1:30 p.m. to 5:00 p.m. and Thursday, November 7, from 8:30 a.m. to 12:00 p.m.; to the Committee on Commerce, Science, and Transportation.

EC–224. A communication from the Legal Advisory, Wireless Telecommunications Bureau, Federal Communications Commissions, transmitting, pursuant to law, the report of rule entitled ''Amendment of Part 95 of the Commission's Rules to authorize the use of 406.025 MHz for Personal Locator Beacons (PLB)'' received on November 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–225. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Consumer Information; Safety Rating Program for Child Restraint Systems'' received on November 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–226. A communication from the Administrative Specialist, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regulations on Safety Integration Plans Governing Railroad Consolidated, Mergers, and Acquisitions of Control'' received on November 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–227. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report entitled ''Department of Transportation's Research, Development, and Technology Plan''; to the Committee on Commerce, Science, and Transportation.

EC–228. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the report entitled ''Federal Trade Commission Management's Report on the Final Actions for the Six-Month Period Ending March 31, 2002'' received on November 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–229. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report entitled ''Subsonic Noise Reduction Technology''; to the Committee on Commerce, Science, and Transportation.

EC–230. A communication from the Comptroller General, General Accounting Office, transmitting, pursuant to law, the report relative to Reducing Redundant IT Infrastructure Related to Homeland Security; to the Committees on Appropriations; the Budget; Agriculture, Nutrition, and Forestry; Armed Services; Commerce, Science, and Transportation; Environment and Public Works; Finance; and the Judiciary.

EC–231. A communication from the Secretary of Defense, transmitting, the report urging Congress to adopt in an additional provision in the Defense Appropriations Bill with the authority to use up to $150 million to support allied and indigenous forces in activities in support of U.S. forces; ordered to lie on the table.

EC–232. A communication from the Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Administrator for Enforcement Compliance and Assurance, received on October 15, 2002; to the Committee on Environment and Public Works.

EC–233. A communication from the Assistant Administrator, Office of Administration and Resource Management, Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator for Enforcement Compliance and Assurance, received on October 15, 2002; to the Committee on Environment and Public Works.

EC–234. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Amendment to at KNOB NOSTER, Whiteman AFB, MO Class D and E Airspace Areas Docket NO. 02–ACE–7 [10–25–10/31]'' received on November 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–235. A communication from the Director, National Archives and Records Administration, Information Security Oversight Office, transmitting, pursuant to law, the report relative to Information Security Oversights Office's (ISOO) ''Report to the President for 2001'' received on December 4, 2002; to the Committee on Governmental Affairs.

EC–236. A communication from the Inspector General Liaison, National Headquarters, Selective Services System, transmitting, pursuant to law, the semi-annual report in accordance with the Inspector General Act of 1978; to the Committee on Governmental Affairs.

EC–237. A communication from the Chair, Railroad Retirement Board, transmitting, pursuant to law, the report entitled ''Office of Inspector General Railroad Retirement Board'' received on December 2, 2002; to the Committee on Governmental Affairs.

EC–238. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Semiannual Report to Congress, April 1, 2002-September 30, 2002, along with the classified Annex to the Semiannual Report on Intelligence-Related Oversight, received on December 16, 2002; to the Committee on Governmental Affairs.

EC–239. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, the report relative to the Fiscal Year 2002 activities of the agency's formal management control review program; to the Committee on Governmental Affairs.

EC–240. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the semiannual report of the Inspector General of the Peace Corps covering the period from April 1, 2002, through September 30, 2002; to the Committee on Governmental Affairs.

EC–241. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the semiannual report of the Office of Inspector General (OIG) for the period April 1, 2002, through September 30, 2002; to the Committee on Governmental Affairs.

EC–242. A communication from the President of the United States, transmitting, the report of an alternative plan for locality pay increases payable to civilian Federal employees covered by the General Schedule (GS) pay system in January 2003; to the Committee on Governmental Affairs.

EC–243. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Official Seals'' received on December 4, 2002; to the Committee on Governmental Affairs.

EC–244. A communication from the Chairman, Board of Governors, United States Postal Service, transmitting, pursuant to law, the Semiannual Report to Congress of the Inspector General and the Postal Service management response to the report for the period ending September 30, 2002; to the Committee on Governmental Affairs.

EC–245. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report entitled ''Unvouchered Expenditures Report'' received on December 12, 2002; to the Committee on Governmental Affairs.

EC–246. A communication from the Commissioner, Social Security, transmitting, pursuant to law, the Social Security Administration's (SSA) Performance and Accountability Report (PAR) for the Fiscal Year 2002, received on December 4, 2002; to the Committee on Governmental Affairs.

EC–247. A communication from the Administrator, Agency for International Development, transmitting, pursuant to law, the report entitled ''U.S. Agency for International Development (USAID) Inspector General's Semiannual Report to the Congress (SARC) for the period ending September 30, 2002'' received on December 12, 2002; to the Committee on Governmental Affairs.

EC–248. A communication from the General Counsel, National Labor Relations Board, transmitting, pursuant to law, the report entitled ''The National Labor Relations Board Office of Inspector General has prepared its inventory of inherently governmental and commercial activities'' received on December 12, 2002; to the Committee on Governmental Affairs.

EC–249. A communication from the Chairman, Federal Maritime Commission. transmitting, pursuant to law, the Federal Maritime Commission's Inspector General's Semiannual Report for the period April 1, 2002-September 30, 2002; to the Committee on Governmental Affairs.

EC–250. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department of Health and Human Services (HHS) Office of Inspector General (OIG) Semiannual Report for the period April 1, 2002, through September 30, 2002; to the Committee on Governmental Affairs.

EC–251. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled ''Audit of Advisory Neighborhood Commission 5 C for Fiscal Years 1999, 2000, 2001, and 2002, through June 30, 2002'' received on December 12, 2002; to the Committee on Governmental Affairs.

EC–252. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report entitled ''Making Continuing Appropriations'' received on November 25, 2002; to the Committee on the Budget.

EC–253. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the appropriations report containing OMB cost estimates for P.L. 107–248, the Department of Defense Appropriations Act, 2003; P.L. 107–249, the Military Construction Appropriations Act, 2003; and detail on estimating differences with CBO; to the Committee on the Budget.

EC–254. A communication from the Acting Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards; Adoption of Size Standards by 2002 North American Industry Classifications System for Size Standards'' received on December 12, 2002; to the Committee on Small Business and Entrepreneurship.

EC–255. A communication from the Acting Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Investment Companies'' received on December 12, 2002; to the Committee on Small Business and Entrepreneurship.

EC–256. A communication from the Acting Deputy General Counsel, Office of Disaster Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Pre-Disaster Mitigation Loans'' received on November 25, 2002; to the Committee on Small Business and Entrepreneurship.

EC–257. A communication from the Secretary of Energy, transmitting, pursuant to law, the report entitled ''Comprehensive Status of Exxon and Stripper Well Oil Overcharge Funds, Forty-Sixth Report Covering January 1, 2001 through March 31, 2002; to the Committee on Energy and Natural Resources.

EC–258. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Regulatory Program'' received on December 2, 2002; to the Committee on Energy and Natural Resources.

EC–259. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Mississippi Regulatory Program'' received on December 2, 2002; to the Committee on Energy and Natural Resources.

EC–260. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Iowa Abandoned Mine Land Reclamation Plan'' received on December 2, 2002; to the Committee on Energy and Natural Resources.

EC–261. A communication from the Deputy Assistant Secretary, Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Special Regulations; Areas of the National Park System Snowmobile use at Yellowstone and Grand Teton N.D.'' received on November 19, 2002; to the Committee on Energy and Natural Resources.

EC–262. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report relative to test programs regarding the transportation of household goods for members of the Armed Forces; to the Committee on Armed Services.

EC–263. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, the report relative to activities of the Medical Informatics Advisory Committee and the coordination of development and maintenance of health care informatics systems; to the Committee on Armed Services.

EC–264. A communication from the Director, Defense Procurement and Acquisition Policy, transmitting, pursuant to law, the report of a rule entitled ''Foreign Military Sales Customer Involvement'' received on December 12, 2002; to the Committee on Armed Services.

EC–265. A communication from the Deputy Chief of Naval Operations, Manpower and Personnel, Department of the Navy, transmitting, pursuant to law, the report relative to the conversion of certain functions performed by Department of Defense civilian employees to the private sector; to the Committee on Armed Services.

EC–266. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, the report relative to implementing the TRICARE Pharmacy Benefits Program (TPBP); to the Committee on Armed Services.

EC–267. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–268. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–269. A communication from the Secretary of Defense, transmitting, pursuant to law, the report relative to the Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States and the Government of Tajikstans' claimed costs for such military support; to the Committee on Armed Services.

EC–270. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of Defense (Reserve Affairs), received on November 13, 2002; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–1. A resolution adopted by the Legislature of Rockland County, State on New York, relative to the Younger Americans Act; to the Committee on Health, Education, Labor, and Pensions.

RESOLUTION NO. 650

Whereas, the United States Congress has introduced the Younger Americans Act (H.R. 17 and S. 1005); and

Whereas, the proposed legislation will provide assistance to mobilize and support communities throughout the nation in carrying out community-based youth development programs that ensure that all youth have access to various programs and services that build the competencies and character development needed to fully prepare them to become adults and effective citizens; and

Whereas, the proposed legislation works to ensure that all communities are able to provide programs that fulfill five core needs that all young people between the ages of ten and nineteen have, namely, ongoing relationships with caring adults, safe places with structured activities, access to services that promote healthy life styles, opportunities to acquire marketable skills and competencies, and opportunities for community service and civic participation; and

Whereas, the Younger Americans Act creates a comprehensive national youth policy, provides 5.75 billion dollars over the course of five years to support existing and future youth development programs, and gives our nation's youth a voice in decision-making; and

Whereas, the proposed legislation establishes in the Executive Office of the President of the United States the Office of National Youth Policy, a Director of that office, and the Council on National Youth Policy within the office; and

Whereas, the proposed legislation does not specify specific programs to be funded, rather, it allows communities to make these decisions and to make various programs and services available to all youth, including, community youth centers, workforce preparation programs, youth-led programs, community service programs, mentoring programs, cultural programs and sports programs; and

Whereas, while the Younger Americans Act focuses on all young people, it includes a special focus on youth who have greater needs and who reside in rural communities, high areas of poverty or out-of-home facilities, as well as youth who are subjected to abuse and neglect; and

Whereas, it is the local communities, not the federal government, who are in control of the funds designated pursuant to this act; and

Whereas, the Rockland County Legislature firmly believes that passage of the Younger Americans Act (H.R. 17 and S. 1005) is necessary in order to assist America's youth and to help guide them down the road to adulthood; and

Whereas, the Multi-Services Committee has met, considered and by a unanimous vote approved this resolution: Now, therefore, be it

Resolved, That the Legislature of Rockland County hereby requests the United States Congress to enact the Younger Americans Act (H.R. 17 and S. 1005); and be it further

Resolved, That the Clerk to the Legislature be and is hereby authorized and directed to send a certified copy of this resolution to the Hon. George W. Bush, President of the United States; Hon. Charles Schumer and Hon. Hillary Rodham Clinton, United States Senators: Hon. Benjamin Gilman, Hon. Eliot Engel, Hon. Nita Lowey and Hon. Sue Kelly; Members of the United States Congress; the President Pro Tem of the United States Senate; the Speaker of the United States House of Representatives; the Majority and Minority Leaders of the United States Senate and House of Representatives; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

POM–2. A resolution adopted by the Legislature of Rockland County, State of New York, relative to the United Nations Convention on the Rights of the Child; to the Committee on Foreign Relations.

RESOLUTION NO. 651

Whereas, on November 20, 1989, the governments represented at the United Nations General Assembly agreed to adopt the Convention on the Rights of the Child into international law; and

Whereas, the Convention on the Rights of the Child is an international treaty that recognizes the human rights of children and establishes in international law that nations throughout the world must take steps to ensure that all children have access to services such as education and health care and can grow up in a caring, loving and nurturing environment; and

Whereas, the Convention on the Rights of the Child sets forth the rights to which every child is entitled, irrespective of gender, religion or social origin; and

Whereas, the Convention on the Rights of the Child highlights the critical role that the family plays in the development and growth of our youth; and

Whereas, the Convention on the Rights of the Child attempts to reinforce the idea that children have a right to express their views and to have their opinions given the importance that they deserve; and

Whereas, the Convention on the Rights of the Child is the most widely accepted and rapidly accepted human rights treaty in history; and

Whereas, to date, one-hundred and ninety-one nations have ratified the Convention on the Rights of the Child, while only two nations, the United States and Somalia, have not yet ratified the Convention; and

Whereas, the Rockland County Legislature is a strong advocate for the rights of all children and commends the nations throughout the world that have decided to abide by the principles set forth in this important treaty; and

Whereas, the Multi-Services Committee has met, considered and by a vote of three ayes to one nay approved this resolution: Now, therefore, be it

Resolved, That the Rockland County Legislature hereby requests the United States Congress to support ratification of the United Nations Convention on the Rights of the Child; and be it further

Resolved, That the Clerk to the Legislature be and is hereby authorized and directed to send a copy of this resolution to the Hon. George W. Bush, President of the United States; Hon. Charles Schumer and Hon. Hillary Rodham Clinton, United States Senators; Hon. Benjamin Gilman, Hon. Eliot Engel, Hon. Nita Lowey and Hon. Sue Kelly, Members of the United States Congress; the President Pro Tem of the United States Senate; the Speaker of the United States House of Representatives; the Majority and Minority Leaders of the United States Senate and House of Representatives; Kofi Annan, Secretary General of the United Nations; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

POM–3. A resolution adopted by the New Jersey State Senate relative to allocation of additional resources to address resident Canada goose population in New Jersey; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE RESOLUTION NO. 36

Whereas, Canada geese are migratory game birds afforded protection by the federal Migratory Bird Treaty Act, 16 U.S.C. 703 et seq.; and

Whereas, The United States Department of Agriculture currently provides assistance to the State's agricultural community and municipalities in identifying non-lethal, or harassment, techniques available to manage the Canada goose population; and

Whereas, The Canada goose population residing year-round in New Jersey has grown significantly over the past two decades; and

Whereas, This large Canada goose population causes a significant amount of damage to agricultural crops every year, contributes to nonpoint pollution, and generally causes significant lawn maintenance, sanitation, and nuisance problems for public parks, playgrounds, golf courses, schoolyards, and corporate parks; and

Whereas, Given the economic damage, pollution, health and aesthetic concerns and problems attributable to the resident Canada goose population, the federal government should direct more resources to this State to assist in controlling this population: Now, therefore, be it

Resolved by the Senate of the State of New Jersey:

1. This House urges the United States Department of Agriculture to allocate additional resources to address problems associated with the resident Canada goose population in New Jersey. The House urges the United States Department of Agriculture to dedicate an additional wildlife biologist to the department's New Jersey office to assist the State's agricultural community and municipalities in identifying non-lethal harassment techniques and to facilitate applications to the United States Fish and Wildlife Service for additional management options

when the harassment techniques are unsuccessful.

2. Duly authenticated copies of this resolution, signed by the President of the Senate attested by the Secretary thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, each member of Congress elected from this State, the Secretary of the United States Department of Agriculture, the Commissioner of the New Jersey Department of Environmental Protection, and the Secretary of the New Jersey Department of Agriculture.

POM–4. A communication from the Senate of the State of Pennsylvania relative to Human Rights violations in Nigeria; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 297

Whereas, In March 2002, a Sharia court in the state of Katsina in northern Nigeria sentenced 30-year-old Amina Lawal to death for having engaged in sexual intercourse outside marriage; and

Whereas, The government used Amina Lawal's pregnancy as evidence of her having committee adultery; and

Whereas, On August 19, 2002, the judgment of the lower court that sentenced Amina Lawal to death by stoning was upheld on appeal; and

Whereas, Over the past year, some northern Nigerian states have increasingly applied Sharia law to criminal cases, principal among them sexual intercourse outside marriage by women; and

Whereas, As a consequence, Nigerian Sharia courts have ordered public flogging, long-term imprisonment and death by stoning for cases involving sexual intercourse outside marriage; and

Whereas, The Nigerian constitution guarantees the right to life and to freedom from torture and cruel and inhuman and degrading punishments and the right to fair trial; and

Whereas, Nigeria is also a state party to the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights (ICCPR); and

Whereas, The ICCPR protects the right to life, and, in countries which have not abolished the death penalty, assures that sentences of death may be imposed only for the most serious crimes; and

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POM–5. A joint resolution adopted by the Alaska State Legislature Relative to federal land grants; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION NO. 48

Whereas vast tracts of lands managed by federal agencies of the United States have been withdrawn from public entry; and

Whereas, in many instances, the original purpose for the withdrawal has been accomplished or lapsed; and

Whereas, in the State of Alaska, many of these withdrawn lands have been selected by the state under the Alaska Statehood Act for transfer to become state-owned lands; and

Whereas the withdrawn lands in the state have been selected because of their value for recreation, mineral resources, and access corridors; and

Whereas the withdrawn lands cannot be transferred to the State of Alaska until and unless the federal withdrawals are removed; and

Whereas the land managing agencies of the United States are neither empowered nor motivated to terminate these so-called ''temporary'' withdrawals; and

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POM–6. A resolution adopted by the New Jersey State Senate relative to construction of a memorial at Gateway National Recreation Area; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 77

Whereas, On September 11, 2001, terrorists injured or killed thousands of innocent victims in the United States by hijacking and crashing four commercial airliners; and

Whereas, Two of the commercial airliners were crashed into the World Trade Center towers in New York City, one commercial airliner was crashed into the Pentagon while another crashed in Pennsylvania; and

Whereas, A significant percentage of the victims in these attacks were residents of the State of New Jersey, and the toll on the State of New Jersey and its residents has been severe; and

Whereas, Legislation currently pending in the United States House of Representatives as House Resolution Number 4726 would allow a permanent memorial to the victims of the September 11, 2001 terrorist attacks against the United States to be constructed on Sandy Hook in the Gateway National Recreation Area; and

Whereas, The Sandy Hook peninsula is included in the Gateway National Recreation Area administered by the National Park Service within the United States Department of the Interior; and

Whereas, The State of New Jersey recognizes the need to remember and honor the victims of the September 11, 2001 attacks: Now, therefore, be it

Resolved by the Senate of the State of New Jersey:

1. This House urges the Congress of the United States to support legislation currently pending in the United States House of Representatives as House Resolution Number 4726, which would allow a permanent memorial to the victims of the September 11, 2001 terrorist attacks against the United States to be constructed on Sandy Hook in the Gateway National Recreation Area.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to the President and Vice-President of the United States, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, each member of the United States Congress elected from this State, the Secretary of the United States Department of the Interior, and the Director of the National Park Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship:

Special Report entitled ''Summary of Legislative and Oversight Activities During the 107th Congress.'' (Rept. No. 108–1).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS:

S. 106. A bill to amend the Internal Revenue Code of 1986 to increase and modify the exclusion relating to qualified small business stock, to reduce the depreciation recovery period for certain restaurant buildings, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 107. A bill to prohibit the exportation of natural gas from the United States to Mexico for use in electric energy generation units near the United States border that do not comply with air quality control requirements that provide air quality protection that is at least equivalent to the protection provided by requirements applicable in the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Nebraska:

S. 108. A bill to provide emergency disaster assistance to agricultural producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Nebraska:

S. 109. A bill to convert the temporary judgeship for the district of Nebraska to a permanent judgeship, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAHAM of South Carolina:

S. 110. A bill to increase the amount of student loan forgiveness and loan cancellation available to qualified teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM of Florida (for himself and Mr. NELSON of Florida):

S. 111. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS:

S. 112. A bill to amend the Internal Revenue Code of 1986 to impose a value added tax and to use the receipts from the tax to fund America's war effort; to the Committee on Finance.

By Mr. KYL (for himself, Mr. HATCH, Mr. DEWINE, and Mr. SCHUMER):

S. 113. A bill to exclude United States persons from the definition of ''foreign power'' under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. 114. A bill to amend title XVIII of the Social Security Act to remove the 20 percent inpatient limitation under the medicare program on the proportion of hospice care that certain rural hospice programs may provide; to the Committee on Finance.

By Mr. COCHRAN:

S. 115. A bill for the relief of Richi James Lesley; to the Committee on the Judiciary.

By Mr. GRAHAM of Florida:

S. 116. A bill to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM of Florida:

S. 117. A bill to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. EDWARDS (for himself and Mr. HOLLINGS):

S. 118. A bill to develop and coordinate a national emergency warning system; to the Committee on Commerce, Science, and Transportation.

By Mr. SANTORUM (for himself, Mr. SPECTER, Mr. WARNER, and Mrs. DOLE):

S. 119. A bill to provide special minimum funding requirements for certain pension plans maintained pursuant to collective bargaining agreements; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. BAYH, Mr. BROWNBACK, Mr. HAGEL, Mr. BURNS, Mr. FITZGERALD, Mr. CORNYN, and Mr. COCHRAN):

S. 120. A bill to eliminate the marriage tax penalty permanently in 2003; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. HATCH, Mr. LEAHY, Mrs. CLINTON, Mr. ENSIGN, Mr. MILLER, Mr. VOINOVICH, Mr. CRAPO, Mr. LUGAR, Mr. BINGAMAN, Ms. STABENOW, Mr. FITZGERALD, Mr. FEINGOLD, Mr. BIDEN, Mr. MCCONNELL, Mr. NELSON of Florida, Mr. BENNETT, Mr. DODD, Ms. LANDRIEU, Mr. SESSIONS, Ms. COLLINS, Mr. ALLARD, Mr. ROCKEFELLER, Mr. WYDEN, Mr. HARKIN, and Mr. DURBIN):

S. 121. A bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes; to the Committee on the Judiciary.

By Mr. SHELBY (for himself, Mr. SARBANES, Mr. BOND, Ms. MIKULSKI, Mr. BUNNING, Mr. BENNETT, Mr. ALLARD, Mr. ENZI, Mr. HAGEL, Mr. CHAFEE, Mr. JOHNSON, Mr. REED, Mr. SCHUMER, Mr. BAYH, Mr. MILLER, Ms. STABENOW, and Mr. CORZINE):

S. 122. A bill to extend the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KYL:

S. 123. A bill to exclude United States persons from the definition of ''foreign power'' under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism; to the Committee on the Judiciary.

By Mr. ROBERTS:

S. 124. A bill to amend the Food Security Act of 1985 to suspend the requirement that rental payments under the conservation reserve program be reduced by reason of harvesting or grazing conducted in response to a drought or other emergency; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROBERTS (for himself, Mr. CRAIG, Mr. BROWNBACK, Mr. CRAPO, and Mr. ENZI):

S. 125. A bill to provide emergency disaster assistance to agricultural producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN (for herself and Mr. CHAFEE):

S. 126. A bill to amend the Internal Revenue Code of 1986 to suspend future reductions of the highest income tax rate if there exists a Federal on-budget deficit; to the Committee on Finance.

By Mrs. BOXER (for herself and Ms. SNOWE):

S. 127. A bill to allow a custodial parent a bad debt deduction for unpaid child support payments, and to require a parent who is chronically delinquent in child support to include the amount of the unpaid obligation in gross income; to the Committee on Finance.

By Mr. FEINGOLD:

S. 128. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes; to the Committee on Environment and Public Works.

By Mr. VOINOVICH:

S. 129. A bill to provide for reform relating to Federal employment, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. BOXER (for herself, Mr. BIDEN, Mr. HOLLINGS, Mr. KERRY, and Ms. CANTWELL):

S. 130. A bill to amend the labeling requirements of the Dolphin Protection Consumer Information Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself, Mrs. CLINTON, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. HARKIN, and Mr. EDWARDS):

S. 131. A bill to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself, Mr. LEVIN, Mr. CORZINE, and Mr. DURBIN):

S. 132. A bill to place a moratorium on executions by the Federal Government and urge the States to do the same, while a National Commission on the Death Penalty reviews the fairness of the imposition of the death penalty; to the Committee on the Judiciary.

By Mr. DAYTON:

S. 133. A bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DAYTON:

S. 134. A bill to amend the Homeland Security Act of 2002 (Public Law 107-296) to provide that waivers of certain prohibitions on contracts with corporate expatriates shall apply only if the waiver is required in the interest of national security; to the Committee on Governmental Affairs.

By Mr. DAYTON:

S. 135. A bill to amend the Internal Revenue Code of 1986 to expand the 10 percent tax bracket, to freeze the rate of the top tax brackets, to provide an immediate $4,000,000 estate tax exemption and complete estate tax exclusion for family-owned businesses while eliminating the repeal of the estate tax, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Mr. BAYH, Mr. DURBIN, and Mr. HOLLINGS):

S. 136. A bill to amend the Tariff Act of 1930 to provide for an expedited antidumping investigation when imports increase materially from new suppliers after an antidumping order has been issued, and to amend the provision relating to adjustments to export price and constructed export price; to the Committee on Finance.

By Mrs. LINCOLN:

S. 137. A bill to improve the administration of the Animal and Plant Health Inspection Service of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (for himself, Ms. COLLINS, Mr. NELSON of Nebraska, Mr. SMITH, Mrs. CLINTON, Mrs. HUTCHISON, and Mr. GRAHAM of Florida):

S. 138. A bill to temporarily increase the Federal medical assistance percentage for the medicaid program; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. MCCAIN):

S. 139. A bill to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that could be used interchangably with passenger vehicle fuel economy standard credits, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself, Mr. CONRAD, Mr. GRASSLEY, Mr. HOLLINGS, Mr. NICKLES, Mr. SARBANES, Mr. BOND, Mrs. MURRAY, Mr. GREGG, Mr. WYDEN, Ms. SNOWE, Mr. FEINGOLD, Mr. FRIST, Mr. JOHNSON, Mr. SMITH, Mr. BYRD, Mr. ALLARD, Mr. NELSON of Florida, Mr. HAGEL, Ms. STABENOW, Mrs. CLINTON, and Mr. CORZINE):

S. Res. 15. A resolution commending Dan L. Crippen for his service to Congress and the Nation; considered and agreed to.

By Mr. BUNNING (for himself and Mr. MCCONNELL):

S. Res. 16. A resolution honoring the Hilltoppers of Western Kentucky University from Bowling Green, Kentucky, for winning the 2002 National Collegiate Athletic Association Division I–AA Football Championship; considered and agreed to.

By Mr. SARBANES (for himself, Mr. BINGAMAN, Mr. DURBIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. LEVIN, Mr. WARNER, Ms. CANTWELL, Mr. NELSON of Nebraska, Mrs. CLINTON, Mr. AKAKA, Mr. KENNEDY, and Mr. LIEBERMAN):

S. Con. Res. 1. A concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States; to the Committee on Governmental Affairs.

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. DASCHLE, the names of the Senator from Connecticut (Mr. DODD) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 7, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program and to amend the Federal Food, Drug, and Cosmetic Act to provide

greater access to affordable pharmaceuticals, and for other purposes.

S. 8

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 8, a bill to encourage lifelong learning by investing in public schools and improving access to and affordability of higher education and job training.

S. 9

At the request of Mr. DASCHLE, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 9, a bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes.

S. 10

At the request of Mr. DASCHLE, the names of the Senator from California (Mrs. BOXER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 10, a bill to protect consumers in managed care plans and other health coverage, to provide for parity with respect to mental health coverage, to reduce medical errors, and to increase the access of individuals to quality health care.

S. 16

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 16, a bill to protect the civil rights of all Americans, and for other purposes.

S. 18

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 18, a bill to improve early learning opportunities and promote preparedness by increasing the availability of Head Start programs, to increase the availability and affordability of quality child care, to reduce child hunger and encourage healthy eating habits, to facilitate parental involvement, and for other purposes.

S. 19

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 19, a bill to amend the Internal Revenue Code of 1986 and titles 10 and 38, United States Code, to improve benefits for members of the uniformed services and for veterans, and for other purposes.

S. 20

At the request of Mr. DASCHLE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 20, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 22

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 22, a bill to enhance domestic security, and for other purposes.

S. 27

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 27, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

S. 32

At the request of Mr. KYL, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 32, a bill to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems of the interior West.

S. 35

At the request of Mr. DASCHLE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 35, a bill to provide economic security for America's workers.

S. 40

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 40, a bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes.

S. 50

At the request of Mr. JOHNSON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 76

At the request of Mr. DASCHLE, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 76, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 84

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 84, a bill to authorize the President to promote posthumously the late Raymond Ames Spruance to the grade of Fleet Admiral of the United States Navy, and for other purposes.

S. 85

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 85

At the request of Mr. LUGAR, the names of the Senator from Missouri (Mr. BOND), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 85, supra.

S. 104

At the request of Mr. HOLLINGS, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Hawaii (Mr. INOUYE), the Senator from California (Mrs. FEINSTEIN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 104, a bill to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

DEMOCRATIC LEADERSHIP PRIORITIES FOR THE 108TH CONGRESS

Mr. DASCHLE. Mr. President, officially, the Congress that ended in December was the 107th Congress. But history will almost surely record it as the September 11th Congress. From the moment the first plane hit the first tower until the last moments of the lameduck session, helping America recover from that horrific day, bringing its plotters to justice and making changes to protect America from future terrorist attacks dominated the Senate's agenda.

We continued that work—even as we confronted unprecedented challenges in the Senate: anthrax, the rise of new threats to our Nation, and the loss of our friend and colleague, Paul Wellstone.

Through tragic and historic events, the 107th Senate under Democratic control produced a number of important legislative accomplishments: aviation security and counterterrorism legislation; the toughest corporate accountability law since the SEC was created in 1934; the most far-reaching campaign finance reforms since Watergate; the most significant overhaul of Federal education policies since 1965; and a new farm bill to replace the failed Freedom to Farm Act.

However, other important legislation fell victim to special-interest arm-twisting, and the other party's unwillingness to compromise on their proposals, or even consider ours. We saw that on proposals to dedicate greater resources to homeland security, a Medicare prescription drug benefit, and a real, enforceable patients' bill of rights.

The proposals we are introducing today recognize that the American people have real concerns about their security, and that Republicans and the Bush administration have not done enough to address those concerns.

But they also recognize that security means more than national security,

and homeland security. It means economic security, retirement security, and the security of knowing that our children are getting a good education, and that, if you get sick, health care is available and affordable. It means giving people who work fulltime the security of knowing they can earn a decent wage—whether they work on a farm, in a factory, or at a fast-food restaurant. It is the security of knowing that our air is safe to breathe and our water is safe to drink, that America is living up to its commitment to civil rights, and that we are keeping our promises to our veterans.

Democrats are committed to tackling terrorism abroad, and making our country more secure.

One of our first priorities will be to make Americans safer by enhancing protections for our ports, borders, food and water supplies, and chemical and nuclear plants.

We are introducing a bill to commit real resources to doing all of those things, and to hiring more police and first responders and providing them the tools and training to do the difficult jobs we are now asking them to do.

We also recognize that national strength also depends on economic strength, and in the last 2 years, America's economy has weakened. In the coming weeks, we will put forward our ideas for how best to stimulate the economy in the short term.

But, in the long term, one of the most important things we can do is give people greater confidence that their private pensions will be there for them. That is why another of our leadership bills is one to strengthen pension protections, expand pension coverage, and crack down on rogue corporations.

It has been said that almost every problem any society faces can be solved with two things: good health, and a good education—and we have bills in each of those areas.

The Right Start for Children Act makes Head Start fully available for 4- and 5-year-olds, and increases availability for infants and toddlers. It will help improve childcare quality, make childcare more affordable for 1 million additional children, and strengthen child nutrition programs to reduce child hunger.

The Educational Excellence for All Learners Act builds on that foundation by improving education every step of the way—from kindergarten, to college, to lifelong learning. It makes sure that we match the real reforms we passed last year with the real resources they demand. It will help us recruit, hire, and train qualified teachers, build new schools, and make college and job training more affordable and more available.

President Bush pledged to leave no child behind, and then proposed more than a billion dollars of education cuts. We are proposing to put our money where the Republicans' mouths are—and help secure a good start, a good education, and good prospects for all Americans.

When it comes to health care, it was an outrage that 40 million Americans were uninsured 2 years ago. In the past year, over 1 million more Americans have lost health insurance. And those who are lucky enough to have health insurance are seeing their premiums skyrocket.

With the Health Care Coverage Expansion and Quality Improvement Act, we hope to reduce the number of uninsured by making health care coverage more available to small businesses, parents of children eligible for CHIP and Medicaid, pregnant women, and others.

We also want to improve the quality of care people receive by overcoming Republican resistance to a real, enforceable, patients' bill of rights.

We will also insist that mental illness be treated like any other illness—something that will not only honor Paul Wellstone's legacy, but also help millions of families.

We are also committed to passing a prescription drug benefit under Medicare, and lowering the price of prescription drugs for all Americans. Last year, we passed a bill to lower the price of generic drugs, but the House refused to take it up. And we had 52 Senators support our Medicare prescription drug benefit—but it was blocked on a procedural motion.

The high cost of prescription drugs—combined with the increasing need for such drugs—is destroying the life savings—and threatening the dignity—of millions of older Americans. And that is simply unacceptable.

A couple of months ago in elections all across the country, and in words spoken here in the Senate, we have seen that when it comes to protecting equal rights, we still have a lot of work to do in changing hearts, minds, and laws.

That is why we are introducing The Equal Rights and Equal Dignity for Americans Act. This bill will enforce employment nondiscrimination, fund the election-reform measures we passed last year, outlaw hate crimes, and take other steps to see that as a nation, we live up to the promise of equal rights.

I hope those Republicans who have recently expressed their support for civil rights will join us in expressing their support for this legislation. I also hope they will join us in supporting our bill to combat drug and gun violence, to crack down on new crimes like identity theft, and to protect against and prevent crimes against children and seniors.

We also need to ensure greater dignity for our minimum wage workers, our farmers, and our veterans. The purchasing power of the minimum wage is now the lowest it has been in more than 30 years. And a full-time minimum wage income won't get you over the poverty line. If we can afford over a trillion dollars in tax cuts for those at the top of the income scale, we can afford a dollar fifty more an hour for those at the bottom.

We need to help our rural economy, and help those impacted by a drought and other natural disasters that are being called among the costliest for agricultural producers in our Nation's history.

And we need to maintain our commitment to those currently serving, and keep our promises to our veterans. One way we do that is by allowing our wounded veterans to receive both their full disability and retirement benefits. Another way is by addressing the current crisis in veterans' health care. With each of these proposals—we stand with the leading veterans organizations, and for those who served our country.

Finally, we are committed to stopping what is adding up to an all-out assault on our environment. By unilaterally abandoning the Kyoto process, the Bush administration took us out of position to lead the world on the issue of climate change. The Global Climate Security Act will help America reassert our position of world leadership on this vital issue of world health.

Each of these things is relevant, not revolutionary. If they seem familiar, it is because most of what is in them has been introduced before.

But they are not law, despite the support of the American people and, in some cases, a bipartisan majority of Senators.

They have been opposed by an extreme few, and their special interest supporters. And while those bills have languished, we have seen the rise of more threats to our country; more people have lost their jobs and their health care; and more of our national challenges have gone unmet.

These are our priorities. In the last couple of days, the President has made clear his priorities—more tax cuts for those who need them least.

The President's plan won't help middle income families. It won't contribute to economic growth; it won't make our homeland more secure; it won't expand educational opportunity for the young, or strengthen health care for the elderly.

Instead—by putting us deeper into deficit and debt—it makes all of these things, and all of our other goals, harder to achieve.

Our bills will help us create an America that is stronger, safer, and better for all Americans—and I hope my colleagues will join me in supporting them.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 107. A bill to prohibit the exportation of natural gas from the United States to Mexico for use in electric energy generation units near the United States border that do not comply with air quality control requirements that provide air quality protection that is at least equivalent to the protection provided by requirements applicable in the United States; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to re-introduce legislation at the start of this new Congress to protect those living along the California-Mexican border from harmful power plant emissions.

This bill, which Congressman DUNCAN HUNTER is also re-introducing today in the House of Representatives, will prevent power plants built in Mexico from using natural gas from the United States, unless firms operating these plants agree to comply with California's air pollution standards.

Currently there are two new power plants planned for Mexicali, Mexico, a city right across the border from Imperial County, California. The Imperial Valley produces much of our Nation's wintertime vegetables. The Valley is the region in Southern California that will be impacted most by pollution from these power plants in Mexico. And since Imperial County has some of the worst air quality in the United States and one of the highest childhood asthma rates in the State, I believe these new plants must meet California emission standards.

One of the Mexicali plants, which is being built by Sempra Energy, will have pollution mitigation technology to minimize the impact of air pollution on the residents of the Imperial Valley. However, the other plant, to be built by InterGen, will not. InterGen officials have repeatedly stated that their Mexicali plant will meet ''domestic standards or World Bank standards.'' The problem is these are not U.S. standards and are far below California standards.

I am introducing this legislation today to make sure any plant that comes online along the California-Mexican border meets the same air quality standards as plants in California.

The residents of Imperial County and the entire Southern California region deserve nothing less.

I have heard from many constituents in Southern California concerned about the InterGen plant and local officials in Imperial County are adamantly opposed to the InterGen plant because the company has refused to install pollution control devices on all four operating units.

This legislation has the support of the Imperial County Board of Supervisors, the Imperial District, the Coachella Valley Association of Governments, and San Diego Mayor Dick Murphy.

This legislation will ensure energy plants along the border employ the best technology available to control pollution and protect the public health for residents of Southern California and other border regions in a similar situation.

The bill will prohibit energy companies from exporting natural gas from the United States for use in Mexico unless the natural gas fired generators south of the border meet the air standards prevalent in the United States. This will effectively cut power plants off from the natural gas supply if they do not meet higher emissions standards.

This legislation will not constrain power plants that were put online prior to January 1, 2003. It will apply to plants built after the new year and projects that come online in the future.

This bill will only apply to power plants within 50 miles of the U.S.-Mexican border.

And the legislation will only apply to power plants that generate more than 50 megawatts of power. We do not want to block any moves to replace dirty diesel back-up generators with cleaner natural-gas fired small power sources.

The bill calls for collaboration between the Secretary of Commerce and the Administrator of the Environmental Protection Agency to determine if a power plant is in compliance with relevant emission standards.

I support the development of new energy projects for California because I believe we need to bring more power online. However, I do not believe the fact that we need more power in California should allow companies to take advantage of this need and use it as an excuse to devote less attention to clear air and public health.

It is not unreasonable to ensure that companies making money in California energy market meet strict environmental standards. This legislation is meant to strike a balance between promoting new sources of energy south of the border and protecting the environment throughout the border region. It is not a final resolution of these cross-border issues, but I believe it is a good first step.

By Mr. EDWARDS (for himself and Mr. HOLLINGS):

S. 118. A bill to develop and coordinate a national emergency warning system; to the Committee on Commerce, Science, and Transportation.

Mr. EDWARDS. Mr. President, I rise to introduce, together with Senator HOLLINGS, the Emergency Warning Act of 2003.

In the event of a terrorist attack or natural disaster, Americans must know how to respond. In the first terrible hours on September 11, 2001, in Washington, in New York, and across the country, most of us didn't know what to do. We didn't know whether it was safer to pick our children up from school or safer to leave them there. We didn't know if we should stay at work or head for home.

For everything that's happened since September 11, the reality is that if an attack happened again, many of us still would not know what to do. That must change.

To prepare Americans to respond in time of attack, the first thing we need to do is to update our emergency warning system. Today, that system depends heavily on television and radio, and it has two big problems. First, the system doesn't reach millions of Americans who aren't near a TV and radio at a given moment. How many of us would hear a warning issued on TV at 3 a.m? Second, the system doesn't provide all the information we need. For many of us, the new color-coded terrorism warnings have proven more confusing than helpful. We need practical information about what we can do to respond to threats or attacks.

While the terrorist attacks have highlighted the need for effective public warnings, they're also essential during natural disasters. In fact, most public warnings deal with weather hazards like hurricanes and floods. After Hurricane Floyd hit North Carolina, the Air Force had to rescue more than 200 people stranded in cars, on roofs, and in trees, people who weren't told to evacuate their homes until it was too late. More than 50 people died during that hurricane. In our State's neighbor, Tennessee, six people died during a 1999 tornado because tornado sirens failed. With all the technology that we have at our disposal, we can do better.

In short, we have to make sure effective warnings get to every American in time of danger, and we have to make sure those warnings tell folks just what they can do to protect themselves and their loved ones.

The Emergency Warning Act will help achieve that goal. This legislation will require the Department of Homeland Security and the Department of Commerce to make sure that comprehensive, easily understood emergency warnings get to every American at risk, Whether from flood, hurricane or terrorist attack. This bill instructs Commerce and DHS to work with the government agencies that currently issue warnings, with first responders, with private industry, and with the media to make sure that our emergency warning system actually warns Americans who are at risk.

There are a lot of things the system could do using existing technology. For example, it could alert Americans in their homes through a special phone ring. These warnings could reach people as they sleep in their homes. For

people on the move, the system could use cell phones, which can already be programmed to broadcast emergency warnings to all users in a certain area—even if those folks are just passing through. Pagers and beepers can achieve the same result. Televisions can be programmed to come on automatically and provide alerts in the event of a disaster.

We also can make sure that warnings provide the specific information people need—what to watch for, where to go, how to travel, what to bring. We should not have empty warnings. Instead, we should respond to specific threats with specific information that people can use.

This legislation was developed with a lot of help from the Partnership for Public Warning. Their comprehensive study of the problem, ''Developing a Unified All-Hazard Public Warning System,'' pointed the way to what we are doing. I'm grateful for their help, as well as the indispensable help of Senator HOLLINGS.

Creating a better emergency warning system is only the first step we must take in order to empower Americans to respond to terrorist attack. As I've said in the past, I believe Americans want to contribute to our nation's defense, they are just looking for ways to do it. In the coming weeks, I will introduce additional legislation to support civilian defense efforts across America. But this bill makes an important contribution to our efforts.

By Mrs. HUTCHISON (for herself, Mr. BAYH, Mr. BROWNBACK, Mr. HAGEL, Mr. BURNS, Mr. FITZGERALD, Mr. CORNYN, and Mr. COCHRAN):

S. 120. A bill to eliminate the marriage tax penalty permanently in 2003; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a bill to provide permanent tax relief from one of the most egregious, anti-family aspects of the tax code, the marriage penalty. Relieving American taxpayers of this burden has been one of my highest priorities as a U.S. Senator.

Today, millions of couples across America are penalized by our tax code simply because they are married. The Treasury Department estimates that 48 percent of married couples pay this additional tax, and, according to a study by the Congressional Budget Office, the average penalty paid is $1,400 per couple.

Fortunately, the 107th Congress took a step in the right direction. The Economic Growth and Tax Relief Reconciliation Act of 2001 will provide marriage penalty relief to millions of couples by increasing the size of the standard deduction and the width of the 15 percent tax bracket, so those applied to a married couple will be twice the size of those for an individual. In addition, the phase-out levels for the earned income tax credit will be adjusted so as to reduce the penalty on married couples.

But once again, we face the infamous ''sunset provision'' that will wipe away these reforms in 2011. Another problem is that relief does not begin to be phased in until 2005, with the full impact not taking effect until 2009. President Bush has called for making marriage penalty relief effective immediately as part of his economic stimulus package.

I agree that this is an important step. Given the state of the economy and the difficulty many families are having in making ends meet, we cannot wait any longer to give young couples the break they deserve.

The bi-partisan bill I am offering with Senator BAYH and others would make the 2001 reforms effective immediately and permanently. People will no longer have to decide between love and money.

The benefits for couples are significant. A couple earning $30,000 could keep $800 they now pay in taxes, while a couple earning $80,000 could save more than $1,300. 35 million couples will benefit from enacting marriage penalty relief in 2003, including 2.4 million Texas families.

The tax code provides a significant disincentive for people to take marriage vows. Marriage is a fundamental institution in our society and should not be discouraged by the IRS. The benefits of marriage are well established. Children living in a married household are far less likely to live in poverty or to suffer from child abuse. Research indicates they are less likely to be depressed or have developmental problems. Scourges such as adolescent drug use are less common in married families, and married mothers are less likely to be victims of domestic violence.

At the very least, marriage should not be a taxable event.

I call on the Senate to finish the job we started and say ''I do'' to providing permanent marriage penalty relief today.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Marriage Penalty Relief Act of 2003''.

SEC. 2. ACCELERATION OF MARRIAGE PENALTY RELIEF PROVISIONS.

(a) ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.—

(1) IN GENERAL.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to standard deduction) is amended—

(A) by striking ''$5,000'' in subparagraph (A) and inserting ''200 percent of the dollar amount in effect under subparagraph (C) for the taxable year'';

(B) by adding ''or'' at the end of subparagraph (B);

(C) by striking ''in the case of'' and all that follows in subparagraph (C) and inserting ''in any other case.''; and

(D) by striking subparagraph (D).

(2) TECHNICAL AMENDMENTS.—

(A) Subparagraph (B) of section 1(f)(6) of such Code is amended by striking ''(other than with'' and all that follows through ''shall be applied'' and inserting ''(other than with respect to sections 63(c)(4) and 151(d)(4)(A)) shall be applied''.

(B) Paragraph (4) of section 63(c) of such Code is amended by adding at the end the following flush sentence:

''The preceding sentence shall not apply to the amount referred to in paragraph (2)(A).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2002.

(b) ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.—

(1) IN GENERAL.—Section 1(f) of the Internal Revenue Code of 1986 (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended by adding at the end the following new paragraph:

''(8) ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.—

''(A) IN GENERAL.—With respect to taxable years beginning after December 31, 2002, in prescribing the tables under paragraph (1)—

''(i) the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (a) (and the minimum taxable income in the next higher taxable income bracket in such table) shall be 200 percent of the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (c) (after any other adjustment under this subsection), and

''(ii) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under clause (i).

''(B) ROUNDING.—If any amount determined under subparagraph (A)(i) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.''.

(2) TECHNICAL AMENDMENTS.—

(A) Subparagraph (A) of section 1(f)(2) of such Code is amended by inserting ''except as provided in paragraph (8),'' before ''by increasing''.

(B) The heading for subsection (f) of section 1 is amended by inserting ''ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET;'' before ''ADJUSTMENTS''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2002.

(c) MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT.—

(1) INCREASED PHASEOUT AMOUNT.—

(A) IN GENERAL.—Section 32(b)(2)(B) of the Internal Revenue Code of 1986 (relating to amounts) is amended by striking '''increased by—'' and all that follows and inserting ''increased by $3,000.''.

(B) INFLATION ADJUSTMENT.—Paragraph (1)(B)(ii) of section 32(j) of such Code (relating to inflation adjustments) is amended to read as follows:

''(ii) in the case of the $3,000 amount in subsection (b)(2)(B), by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) of such section 1.''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to taxable years beginning after December 31, 2002.

(2) EXPANSION OF MATHEMATICAL ERROR AUTHORITY.—

(A) IN GENERAL.—Paragraph (2) of section 6213(g) of such Code is amended by striking ''and'' at the end of subparagraph (K), by striking the period at the end of subparagraph (L) and inserting '', and'', and by inserting after subparagraph (L) the following new subparagraph:

''(M) the entry on the return claiming the credit under section 32 with respect to a child if, according to the Federal Case Registry of Child Support Orders established under section 453(h) of the Social Security Act, the taxpayer is a noncustodial parent of such child.''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect on January 1, 2003.

(d) CONFORMING AMENDMENTS.—

(1) REPEAL OF AMENDMENTS.—Sections 301, 302, and 303(g) of the Economic Growth and Tax Relief Reconciliation Act of 2001 are repealed.

(2) REPEAL OF SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 303 (other than subsection (g) of such section) of such Act (relating to marriage penalty relief).

By Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. HATCH, Mr. LEAHY, Mrs. CLINTON, Mr. ENSIGN, Mr. MILLER, Mr. VOINOVICH, Mr. CRAPO, Mr. LUGAR, Mr. BINGAMAN, Ms. STABENOW, Mr. FITZGERALD, Mr. FEINGOLD, Mr. BIDEN, Mr. MCCONNELL, Mr. NELSON of Florida, Mr. BENNETT, Mr. DODD, Ms. LANDRIEU, Mr. SESSIONS, Ms. COLLINS, Mr. ALLARD, Mr. ROCKEFELLER, Mr. WYDEN, Mr. HARKIN, and Mr. DURBIN):

S. 121. A bill to enhance the operation of the AMBER Alsert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes; to the Committee on the Judiciary.

Mrs. HUTCHISON. Mr. President, I am introducing today with my friend from California, Senator FEINSTEIN, and 26 other senators, the National AMBER Network Act. This legislation will establish a National Amber Network and improve the current system of AMBER Alert plans that exist in various states. Our legislation recognizes the tremendous work that those involved in AMBER alerts are doing and seeks to build on their efforts.

In 1996, 9-year-old Amber Hagerman of Arlington, Texas was abducted and brutally murdered. Her death had such an impact on the community that local law enforcement and area broadcasters developed what is now known as AMBER Alert, America's Missing: Broadcast Emergency Response. An AMBER Alert is activated by law enforcement to find a child, when a child has been abducted. An Alert triggers highway notification and broadcast messages throughout the area where the abduction occurred.

As we have seen, AMBER plans in different communities have worked to bring children home safely. To date, AMBER Alert has helped recover 42 children nationwide. Many communities and States have outstanding AMBER plans. However, the vast majority of States do not yet have comprehensive, statewide coverage and lack the ability to effectively communicate. This is a critical issue particularly when an abducted child is taken across State lines.

The bill I am introducing today establishes an AMBER Alert Coordinator within the Department of Justice to assist states with their AMBER plans. Last year, President Bush ordered the Attorney General to establish an AMBER Alert Coordinator, and this bill will codify that position for future Administrations. While we have witnessed successful stories of AMBER alerts helping to recover a child within a region, huge gaps exist among the AMBER plans around the country. The AMBER Alert Coordinator will facilitate appropriate regional coordination of AMBER alerts, particularly with interstate travel situations, and will assist states, broadcasters, and law enforcement in establishing additional AMBER plans.

The AMBER Alert Coordinator will set minimum, voluntary standards to help states work together, and will help to reconcile the different standards and criteria for issuing an AMBER Alert. In doing so, the Coordinator will work with the National Center for Missing and Exploited Children, local and State law enforcement and broadcasters to define minimum standards. Overall, the AMBER Alert Coordinator's efforts will set safeguards to make sure the AMBER alert system is used to meet it intended purpose.

In addition, the bill provides for matching grants to states with AMBER programs. The grant program will help localities and States build or further enhance their efforts to disseminate AMBER alerts. To this end, Federal matching grants will fund road signs and electronic message boards along highways, broadcasts of information on abducted children, education and training, and related equipment.

Our bill has the strong support of the National Center of Missing and Exploited Children and the National Association of Broadcasters, who play essential roles in the AMBER Alert system. I urge the Senate to act expeditiously on this legislation to protect America's children.

Mrs. FEINSTEIN. Mr. President, today I am pleased to join Senator HUTCHISON in re-introducing the National AMBER Alert Network Act. This legislation builds on the proven successes of the AMBER Alert program.

AMBER Alerts are official bulletins transmitted over the airwaves to enlist the public's help in tracking down child abductors fleeing a crime scene.

AMBER Alerts are such powerful tools because they can be issued within minutes of an abduction and reach a wide public audience.

Statistics show that children in the most dangerous abduction cases have precious little time until their safety is compromised.

According to a study by the U.S. Department of Justice, 74 percent of children who were abducted, and later found murdered, are killed in the first hours after being taken.

Simply put, we need more AMBER Alerts because they may be the best tool law enforcement has to save kidnapped children facing imminent danger.

Last Fall, Senator HUTCHISON and I first introduced the ''National AMBER Alert Network Act.'' The bill attracted tremendous support in the Senate. Just seven days after it was introduced, the bill passed the Senate.

While the legislation did not pass the House, President Bush issued an executive order putting some of the pieces of the National AMBER Alert Network Act into effect.

Specifically, on October 3, 2002, President Bush announced that the Administration would create a national AMBER Alert coordinator in the Department of Justice, would draft national standards for AMBER Alerts; and allocate $10 million in funding for the creation of new AMBER Alert programs.

While President Bush's actions were an important first step, we now need to ensure the long-term viability of the national AMBER Alert program by enacting authorizing legislation.

The bill we introduce today has three key components.

First, the legislation would authorize $20 million to the Department of Transportation and $5 million to the Department of Justice in FY 2004 to provide grants for the development of AMBER Alert systems, electronic message boards, and training and education programs in states that do not have AMBER Alerts.

To date, AMBER Alert systems exist in 33 States and a total of 83 local, regional and State jurisdictions. This bill would help the expansion of AMBER Alerts to new jurisdictions.

Second, the bill would build upon the President's Executive Order by authorizing a national coordinator for AMBER Alerts in the Department of Justice to expand the network of AMBER Alert systems and to coordinate the issuance of region-wide AMBER Alerts.

Third, the bill provides a framework for the Department of Justice to establish minimum standards for the regional coordination of AMBER alerts.

The Department of Justice, working with the National Center for Missing and Exploited Children and other private organizations with expertise in this area, would build upon the best standards currently in place.

Today, an AMBER Alert is typically issued only when: a law enforcement agency confirms that a predatory child abduction has occurred, the child is in imminent danger, and there is information available that, if disseminated to the public, could assist in the safe recovery of the child.

The effectiveness of AMBER Alerts depends on the continued judicious use of the system so that the public does not grow to ignore the warnings.

Furthermore, it is the specific intent of this bill not to interfere with the operation of the 83 AMBER plans that are working today.

Participation in regional AMBER plans is voluntary, and any plan that wishes to go it alone may still do so.

I urge members to support this bill because AMBER Alerts have a proven track record.

Nationally, since 1996, the AMBER Alert has been credited with the safe return of 42 children to their families, including one case in which an abductor reportedly released the child after hearing the alert himself.

I would like to briefly describe two of these cases: the rescues of 10 year-old Nichole Timmons from Riverside and four-year old Jessica Cortez from Los Angeles.

Last fall, Nichole Timmons and her mother Sharon attended a hearing of the Senate Judiciary Subcommittee on Technology, Terrorism, and Government information on the AMBER Alert program.

In moving testimony, Sharon described how Nichole was abducted from their Riverside home on August 20, 2002 and how an AMBER Alert brought her daughter back to her within hours of the abduction.

In Nichole's case, an Alert was issued not just in California, but in Nevada as well.

After learning about the Alert, a tribal police officer in Nevada spotted the truck of Nichole's abductor and stopped him within 24 hours of the abduction.

He was found with duct tape and a metal pipe.

The AMBER Alert was the only reason that Nichole was able to return home to her mother, safe.

I can't think of any testimony in support of a bill more powerful than the sight of a mother sitting next to her daughter who she thought might be gone forever.

The second case I want to mention is that of Jessica Cortez. Jessica disappeared from Echo Park in Los Angeles on August 11, 2002.

But when Jessica's abductor took her to a clinic for medical care, receptionist Denise Leon recognized Jessica from AMBER Alert and notified law enforcement.

Without the publicity generated by the Alert, Jessica could have been lost to her parents forever.

Through this legislation, we will extend to every corner of the Nation a network of AMBER Alerts that will protect our children.

This program will increase the odds that an abducted child will return to his or her family safely.

But importantly, it will deter potential abductors from taking a child in the first place.

As Mark Klaas said at a hearing on the bill last Fall, this legislation will "save kids lives."

Once again, let me thank Senator KAY BAILEY HUTCHISON for her tremendous leadership on this issue.

It is my hope that this bill will continue to see the strong, bipartisan support that led to its swift passage in the Senate last year. Thank you.

By Mr. SHELBY (for himself, Mr. SARBANES, Mr. BOND, Ms. MIKULSKI, Mr. BUNNING, Mr. BENNETT, Mr. ALLARD, Mr. ENZI, Mr. HAGEL, Mr. CHAFEE, Mr. JOHNSON, Mr. REED, Mr. SCHUMER, Mr. BAYH, Mr. MILLER, Ms. STABENOW, and Mr. CORZINE):

S. 122. A bill to extend the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SHELBY. Mr. President, I rise today to introduce the "National Flood Insurance Program Reauthorization Act of 2003." This bill, which is cosponsored by the Ranking Democrat on the Banking Committee, Senator SARBANES, as well as Senators BOND and MIKULSKI, the Chairman and Ranking Member, respectively, of the Subcommittee on VA, HUD and Independent Agencies Appropriations, will provide a one-year extension of the lapsed federal flood insurance program.

The National Flood Insurance Program, "NFIP", expired on December 31, 2002. The expiration of the program has prevented homeowners and home buyers from obtaining or renewing flood insurance policies in the intervening time. Since anyone buying or refinancing a home in a flood plan must have flood insurance, NFIP's expiration will block the path to home ownership for many Americans, and have a disruptive effect on residential real estate and mortgage markets.

I have a December 6, 2002 letter from Anthony S. Lowe, the Administrator of the Federal Insurance and Mitigation Administration, which goes into greater detail regarding the consequences of the expiration of the NFIP. As Director Low indicates in this letter the lapse of this authority could effect as many as 400,000 households in the month of January alone. I ask unanimous consent that this letter be printed in the RECORD.

The bill that I am introducing today simply extends the NFIP through the end of this calender year, retroactive to January 1, 2003. As such, its purpose is the same as S. 13, which the Senate passed last November 20th.

The House passed companion legislation this week, and it is our hope to have a short term extension of the NFIP enacted into law as soon as possible. This will permit the two Houses of Congress to consider the larger issues confronting the NFIP in a deliberate manner, without creating hardship for homeowners and undue turmoil in our nation's real estate markets.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL EMERGENCY MANAGEMENT AGENCY,
Washington, DC, December 6, 2002.

U.S. Senate,
Washington, DC.

DEAR SENATOR: On December 31, 2002, certain basic authorities for the Federal Emergency Management Agency's National Flood Insurance Program (NFIP) will expire. The continuing resolution (P.L. 107–294), which extends FY 02 baseline funding through January 11, 2003, does not extend NFIP authorization. This lapse in authority in January alone could affect as many as 400,000 households seeking to obtain or renew a flood insurance policy in nearly 20,000 communities in all 50 States and territories.

In particular, the lack of authorization for NFIP to issue and renew policies will cause significant disruption to policyholders, the lending and real estate industries, secondary mortgage market, many private insurance companies writing flood insurance under arrangements with the NFIP, and particularly those seeking home loans or mortgage refinancing that requires flood insurance as a precondition to settlement.

The lapse in authorization will also have a negative impact on public entities that provide or require flood insurance, including Fannie Mae and Freddie Mac, which together control about 85% of the secondary mortgage market in the country. In addition, since policy renewal billing is generally conducted 45–90 days prior to expiration of a policy, unless our authority to renew policies is reauthorized immediately, many more individuals will be impacted than the above initial estimate.

The four authorities requiring reauthorization are sections 1309(a)(2), 1391, 1336 and 1376(c) of the National Flood Insurance Act of 1968 (P.L. 90–448). Should they lapse, the resulting uninsured flood losses could impose significant hardship on citizens, and increase costs to the Federal government and the States. I would urge Congress to act as quickly as possible to reauthorize this important program effective January 1, 2003. Should you have any questions on this issue, please do not hesitate to contact our Congressional and Intergovernmental Affairs Division at (202) 646–4500. Thank you for your consideration.

Sincerely,

ANTHONY S. LOWE,
Administrator,
Federal Insurance and Mitigation Administration.

Mr. SARBANES. Mr. President, I am pleased to join with Senator SHELBY and others of my colleagues in introducing the National Flood Insurance Program Reauthorization Act of 2003. This legislation is similar to legislation I introduced last year S. 13, which would have reauthorized the National Flood Insurance Program (NFIP), for one year, preventing a lapse in the Federal Emergency Management Agency's authority to administer this important program. The Senate passed this bill on November 20, 2002, but unfortunately, the House of Representatives did not consider it before adjourning for the year. FEMA's authority to manage the NFIP expired on December 31, 2002.

FEMA has estimated that even a brief lapse in its authority to run the NFIP could affect approximately 500,000 households seeking to obtain or maintain flood insurance, which in many cases is a precondition for settlement of a mortgage or home loan. The NFIP was created by Congress in 1968 in response to the lack of such insurance being offered by the private sector. This program made flood insurance available in communities that adopted flood plain management regulations designed to reduce future damages from flooding, and it is now available in almost 20,000 participating communities nationwide. As of September 30, 2002, the NFIP had almost 4.4 million policies in force, representing more than 90 percent of the flood insurance in the United States. The availability of flood insurance helps Americans prepare for floods, while reducing the need for federal disaster assistance after a flood.

The unfortunate lapse in FEMA's authority has caused confusion and uncertainty in the real estate industry for both lenders and borrowers. The Federal Insurance and Mitigation Administration within FEMA has made efforts to work with the banking regulators, the lending community, and other stakeholders to address their concerns about the lapse in FEMA's authority. While these efforts have been helpful, the only effective solution is a rapid reauthorization of this program by the Congress.

The legislation we are introducing today makes reauthorization of the NFIP retroactive to December 31, 2002, to minimize any disruption that would be caused by a lapse in FEMA's authority. We have worked closely with FEMA in developing this language, and it is supported by a coalition of industry representatives, including America's Community Bankers, the American Bankers Association, the American Insurance Association, the American Society of Appraisers, the Appraisal Institute, Fannie Mae. Farmers Insurance Group, Freddie Mac, Independent Insurance Agent & Brokers of America, the Mortgage Bankers Association, the National Association of Homebuilders, the National Association of Mortgage Brokers, the National Association of Professional Insurance Agents, and the National Association of Realtors.

Property owners and mortgage lenders throughout the country rely on the NFIP to insure their properties against flood damage. Unless the NFIP is reauthorized, that protection will disappear. I urge my colleagues to support swift passage of this urgently needed legislation.

By Mr. KYL:

S. 123. A bill to exclude United States persons from the definition of ''foreign power'' under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION OF UNITED STATES PERSONS FROM DEFINITION OF FOREIGN POWER IN FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 RELATING TO INTERNATIONAL TERRORISM.

Paragraph (4) of section 101(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)) is amended to read as follows:

''(4) a person, other than a United States person, or group that is engaged in international terrorism or activities in preparation therefor;''.

By Mrs. FEINSTEIN (for herself and Mr. CHAFEE):

S. 126. A bill to amend the Internal Revenue Code of 1986 to suspend future reductions of the highest income tax rate if there exists a Federal on-budget deficit; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce a bill, with Senator CHAFEE, to freeze the top income tax rate at its current level of 38.6 percent, until such time as the Federal budget returns to surpluses. We believe the ballooning deficit is bad for the economy, bad for interest rates, and bad for the health of the Nation.

Under current law, the top income tax rate is scheduled to drop from 38.6 percent to 37.6 percent in 2004 and then to 35 percent in 2006. This rate is applied to the adjusted gross income of those who earn over $312,000. This top rate freeze would save $88 billion between now and 2010, and $132 billion through 2012, every penny of which would go toward reducing the Federal deficit.

Everyone should understand that this top tax rate is paid by just 908,000 of the more than 128 million taxpayers nationwide, just 0.7 percent of American taxpayers. This is not a time for tax policies which benefit only a small portion of the population. It is a time for fiscally responsible policies that will ensure long-term growth and provide an immediate stimulus to our economy.

In June 2001, I voted for the President's tax plan. It was truly a different time: 9/11 had not taken place; war had not appeared on the horizon; revelations of corporate fraud had not surfaced; and a recession was not evident.

Those times are as different from today as day is from night. At the time, Senator CHAFEE and I, along with twelve other Senators from both parties, supported a ''trigger'' on the 2001 tax reduction. This would have frozen future tax reductions under the Bush Tax Cut if the budget returned to deficit. Unfortunately, we were able to attract only 49 votes on the amendment. I wish we had that trigger today.

Now, it is estimated that we face $1.4 trillion in cumulative budget deficits between now and 2012. And that is why we return to the idea of the trigger. I believe that we should not allow the rate reduction for the top rate to proceed, until we return to budget surpluses.

And that brings us to the Bush Administration's $674 billion tax cut and economic stimulus package. In my view, this is the wrong plan at the wrong time. It digs the Nation deeper into debt. It is not a stimulus. It is skewed to the wealthy. And it severely limits the government's ability to pay for needed programs, like education, transportation, and law enforcement.

First, the President's plan would be a major contributor to massive budget deficits. The proposal would result in a budget deficit of approximately $482 billion this year alone, if the social security trust fund surpluses were not used to fund the budget. Using the social security trust fund, the deficit would still be $312 billion. This does not include the costs of a possible war with Iraq, an extension of Federal unemployment benefits, and the FY 2003 and FY 2004 appropriations bills.

Furthermore, as the Federal debt increases, the government will spend billions more in tax dollars on servicing the debt, instead of priorities like homeland security, healthcare, education, transportation, or the environment. Interest on the debt over ten years is already projected to be $1.3 trillion higher than expected, even before this new package, and this package would add more than $100 billion in new interest payments over the next ten years. Unlike home mortgage payments, interest on the debt is rolled over and compounds, which makes a rising debt extremely dangerous over the long-term.

Second, the President's tax cut is skewed to the wealthiest 1 percent of Americans. Taxpayers with income over 1 million would receive an average

of more than $88,000 in benefits, while the typical middle-income taxpayer would only benefit by $265. This is clearly unfair. In fact one-third of all benefits would go to the wealthiest 1 percent, while less than 10 percent of the benefits would go to the 60 percent of taxpayers making under $54,000.

Third, the proposal is not stimulative. The central feature of the Administration's plan, an elimination of taxes on corporate dividends, would not begin to be felt until April 2004. And when those savings do kick in, they would largely benefit the wealthiest people—with more than half the benefits, $225 billion, going to the top five percent of taxpayers. So to say this is a stimulus is simply inaccurate and misleading.

So, today we are urging the Senate to consider freezing a single element of the 2001 tax package. I urge my colleagues to approve a fiscally responsible package of tax proposals that reduce the deficit and stimulate the economy, instead of a massive tax cut which will do neither.

Mr. President, I request that the attached table be included for the RECORD with my statement of support for the Feinstein-Chafee Fiscal Responsibility Act of 2003.

There being no objection, the material was ordered to be printed in the RECORDS, as follows:

TABLE 2.—TOP FEDERAL TAX BRACKET TAXPAYERS, BY STATE 2001

State	All tax units		Total tax units	Units not in top bracket
	No. in top bracket	Percent in top bracket		
Alabama	10,805	0.5	2,057,000	2,046,195
Alaska	1,731	0.6	282,000	280,269
Arizona	13,843	0.7	2,112,000	2,098,157
Arkansas	4,607	0.4	1,217,000	1,212,393
California	133,060	0.9	14,398,000	14,264,940
Colorado	16,717	0.8	2,024,000	2,007,283
Connecticut	16,019	1.0	1,595,000	1,578,981
Delaware	2,917	0.8	371,000	368,083
District of Columbia	2,845	1.1	256,000	253,155
Florida	58,928	0.8	7,645,000	7,586,072
Georgia	23,853	0.6	3,756,000	3,732,147
Hawaii	2,409	0.4	567,000	564,591
Idaho	2,876	0.5	565,000	562,124
Illinois	52,255	0.9	5,730,000	5,677,745
Indiana	17,112	0.6	2,821,000	2,803,888
Iowa	7,244	0.5	1,389,000	1,381,756
Kansas	7,174	0.6	1,244,000	1,236,826
Kentucky	8,237	0.4	1,884,000	1,875,763
Louisiana	9,534	0.5	1,981,000	1,971,466
Maine	2,858	0.5	611,000	608,142
Maryland	16,578	0.7	2,494,000	2,477,422
Massachusetts	20,520	0.7	3,092,000	3,071,480
Michigan	29,601	0.6	4,600,000	4,570,399
Minnesota	20,447	0.9	2,307,000	2,286,553
Mississippi	5,989	0.5	1,296,000	1,290,011
Missouri	15,772	0.6	2,631,000	2,615,228
Montana	1,422	0.3	421,000	419,578
Nebraska	4,373	0.5	803,000	798,627
Nevada	8,494	0.9	934,000	925,506
New Hampshire	4,121	0.7	589,000	584,879
New Jersey	42,379	1.1	3,909,000	3,866,621
New Mexico	2,367	0.3	768,000	765,633
New York	68,372	0.8	8,700,000	8,631,628
North Carolina	21,201	0.6	3,778,000	3,756,799
North Dakota	1,241	0.4	293,000	291,759
Ohio	26,723	0.5	5,630,000	5,603,277
Oklahoma	7,007	0.5	1,483,000	1,475,993
Oregon	9,264	0.6	1,623,000	1,613,736
Pennsylvania	39,987	0.7	5,833,000	5,793,013
Rhode Island	3,100	0.6	486,000	482,900
South Carolina	8,710	0.5	1,858,000	1,849,290
South Dakota	1,693	0.5	340,000	338,307
Tennessee	15,216	0.6	2,686,000	2,670,784
Texas	54,705	0.6	8,922,000	8,867,295
Utah	5,646	0.6	896,000	890,354
Vermont	1,412	0.5	287,000	285,588
Virginia	21,366	0.6	3,318,000	3,296,634
Washington	23,391	0.8	2,799,000	2,775,609
West Virginia	2,213	0.3	842,000	839,787
Wisconsin	15,597	0.6	2,517,000	2,501,403
Wyoming	1,211	0.5	229,000	227,789
U.S. Totals	907,990	0.7	128,869,000	127,961,010

NOTE: US totals include returns filed from other areas.
SOURCE: ITEP Tax Model, Preliminary.
Citizens for Tax Justice, May 7, 2001.

By Mrs. BOXER (for herself and Ms. SNOWE):

S. 127. A bill to allow a custodial parent a bad debt deduction for unpaid child support payments, and to require a parent who is chronically delinquent in child support to include the amount of the unpaid obligation in gross income; to the Committee on Finance.

Mrs. BOXER. Mr. President, today I am reintroducing the child Support Enforcement Act. This bill will bring much-needed relief to the millions of families who are not receiving the child support they desperately need.

The importance of this bill is clear. Each year, nearly 60 percent of the 20 million children who are owed child support receive less than the amount they are due. And more than 30 percent receive no payment at all. California is no exception; preliminary findings from the 2000 Census Report found that of more than 2.3 million Californians who were owed child support, only 39 percent received those payments.

Clearly, millions of individuals, largely women and children, are in crisis when it comes to child support. It is time to treat delinquent child support the same way all other bad debt is treated in the tax law.

The Child Support Enforcement Act would allow custodial parents to deduct the amount of child support they are owed from their adjusted gross income on their income taxes. This is true for all taxpayers, regardless of whether they itemize.

This bill will also penalize the noncustodial parent who is not paying his or her legally obligated child support. It will force the deadbeat parent to add the owed amount to his adjusted gross income.

This is not creating new tax law. It is extending current tax law on bad debts to delinquent child support payments. It's that simple.

The relief provided in this bill is extremely important for single parents. Child support payments can literally mean the difference between paying rent or being homeless; the difference

between putting food on the table or being forced to let children go hungry; the difference between making ends meet or going on welfare.

I am pleased to be joined in the effort by Senator SNOWE. And Representative COX has introduced the House version of the bill this week as well. As you can see, this is not a partisan issue. This is a family issue. It will help families and children nationwide. I urge my colleagues to cosponsor this bill.

By Mr. FEINGOLD:

S. 128. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries in activities of which directly or indirectly affect cranes; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, I rise today to introduce the Crane Conservation Act of 2003. I am very pleased that the Senator from Louisiana, Ms. LANDRIEU, has joined me as a cosponsor of this bill. I propose this legislation in the hope that Congress will do its part to protect the existence of these birds, whose cultural significance and popular appeal can be seen worldwide. This legislation is important to the people of Wisconsin, as our State provides habitat and refuge to several crane species. But this legislation, which authorizes the United States Fish and Wildlife Service to distribute funds and grants to crane conservation efforts both domestically and in developing countries, promises to have a larger environmental and cultural impact that will go far beyond the boundaries of my home State. This bill is similar to legislation that I introduced in the 107th Congress, which was reported by the Environment and Public Works Committee but unfortunately did not receive floor action before the Congress adjourned. I have incorporated many of the changes made to my bill by the Environment Committee last year, and I hope that, by doing so, this bill can be swiftly reported and passed.

In October of 1994, Congress passed and the President signed the Rhinoceros and Tiger Conservation Act. The passage of this act provided support for multinational rhino and tiger conservation through the creation of the Rhinoceros and Tiger Conservation Fund, or RTCF. Administered by the United States Fish and Wildlife Service, the RTCF distributes up to $10 million in grants every year to conservation groups to support projects in developing countries. Since its establishment in 1994, the RTCF has been expanded by Congress to cover other species, such as elephants and great apes.

Today, with the legislation I am introducing, I am asking Congress to add cranes to this list. Cranes are the most endangered family of birds in the world, with ten of the world's fifteen species at risk of extinction. Specifically, this legislation would authorize up to $3 million of funds per year to be distributed in the form of conservation project grants to protect cranes and their habitat. The financial resources authorized by this bill can be made available to qualifying conservation groups operating in Asia, Africa, and North America. The program is authorized from Fiscal Year 2004 through Fiscal Year 2008.

In keeping with my belief that we should balance the budget, this bill proposes that the $15 million in authorized spending over five years for the Crane Conservation Act established in this legislation should be offset by rescinding $18 million in unspent funds from funds carried over by the Department of Energy's Clean Coal Technology Program in the Fiscal Year 2002 Energy and Water Appropriations Bill. The Secretary of the Interior would be required to transfer any funds it does not expend under the Crane Conservation Act back to the Treasury at the end of Fiscal Year 2007. I do not intend my bill to make any particular judgments about the Clean Coal program or its effectiveness, but I do think, in general, that programs should expend resources that we appropriate in a timely fashion.

I am offering this legislation due to the serious and significant decline that can be expected in crane populations worldwide without conservation efforts. The decline of the North American whooping crane, the rarest crane on earth, perfectly illustrates the dangers faced by these birds. In 1941, only 21 whooping cranes existed in the entire world. This stands in contrast to the almost 400 birds in existence today. The North American whooping crane's resurgence is attributed to the birds' tenacity for survival and to the efforts of conservationists in the United States and Canada. Today, the only wild flock of North American whooping cranes breeds in northwest Canada, and spends its winters in coastal Texas. Two new flocks of cranes are currently being reintroduced to the wild, one of which is a migratory flock on the Wisconsin to Florida flyway.

This flock of birds illustrates that any effort by Congress to regulate crane conservation needs to cross both national and international lines. As this flock of birds makes its journey from Wisconsin to Florida, the birds rely on the ecosystems of a multitude of states in this country. In its journey from the Necedah National Wildlife Refuge in Wisconsin to the Chassahowitzka National Wildlife Refuge in Florida in the fall and eventual return to my home state in the spring, this flock also faces threats from pollution of traditional watering grounds, collision with utility lines, human disturbance, disease, predation, loss of genetic diversity within the population, and vulnerability to catastrophes, both natural and man-made. Despite the conservation efforts taken since 1941, this symbol of conservation is still very much in danger of extinction.

While over the course of the last half-century, North American whooping cranes have begun to make a slow recovery, many species of crane in Africa and Asia have declined, including the sarus crane of Asia and the wattled crane of Africa.

The sarus crane stands four feet tall and can be found in the wetlands of northern India and south Asia. These birds require large, open, well watered plains or marshes to breed and survive.

Due to agricultural expansion, industrial development, river basin development, pollution, warfare, and heavy use of pesticides prevalent in India and southeast Asia, the sarus crane population has been in decline. Furthermore, in many areas, a high human population concentration compounds these factors. On the Mekong River, which runs through Cambodia, Vietnam, Laos, Thailand, and China, human population growth and planned development projects threaten the sarus crane. Reports from India, Cambodia, and Thailand have also cited incidences of the trading of adult birds and chicks, as well as hunting and egg stealing in the drop-in population of the sarus crane.

Only three subspecies of the sarus crane exist today. One resides in northern India and Nepal, one resides in southeast Asia, and one resides in northern Australia. Their population is about 8,000 in the main Indian population, with recent numbers showing a rapid decline. In Southeast Asia, only 1,000 birds remain.

The situation of the sarus crane in Asia is mirrored by the situation of the wattled crane in Africa. In Africa, the wattled crane is found in the southern and eastern regions, with an isolated population in the mountains of Ethiopia. Current population estimates range between 6,000 to 8,000 and are declining rapidly, due to loss and degradation of wetland habitats, as well as intensified agriculture, dam construction, and industrialization. In other parts of the range, the creation of dams has changed the dynamics of the flood plains, thus further endangering these cranes and their habitats. Human disturbance at or near breeding sites also continues to be a major threat. Lack of oversight and education over the actions of people, industry, and agriculture is leading to reduced preservation for the lands on which cranes live, thereby threatening the ability of cranes to survive in these regions.

If we do not act now, not only will cranes face extinction, but the ecosystems that depend on their contributions will suffer. With the decline of the crane population, the wetlands and

marshes they inhabit can potentially be thrown off balance. I urge my colleagues to join me in supporting legislation that can provide funding to the local farming, education and enforcement projects that can have the greatest positive effect on the preservation of both cranes and fragile habitats. This small investment can secure the future of these exemplary birds and the beautiful areas in which they live. Therefore, I ask my colleagues to support the Crane Conservation Act of 2003.

By Mrs. BOXER (for herself, Mr. BIDEN, Mr. HOLLINGS, Mr. KERRY, and Ms. CANTWELL):

S. 130. A bill to amend the labeling requirements of the Dolphin Protection Consumer Information Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today I am introducing the ''Truth in Tuna Labeling Act.'' This important legislation will ensure that the fishing of tuna labeled ''dolphin safe'' does not kill, harm or attack dolphins, and that consumers are given accurate information on how the tuna they purchase is caught. My bill will guarantee that tuna products labeled ''dolphin safe'' will be truly safe for dolphins.

In 1990, the Dolphin Protection Consumer Information Act, introduced by myself in the House and Senator BIDEN in the Senate, created a ''dolphin safe'' label for consumers. This legislation was passed with overwhelming bipartisan support, and it allowed American consumers to buy tuna bearing the ''dolphin safe'' label with confidence, knowing that their purchase did not trade dolphin mortalities for tuna fishing profit.

Dolphin and yellowfin tuna tend to run together in some waters. Dolphin swim closer to the surface to breathe. Under the destructive ''chase and encirclement'' practice, helicopters spot the schools of dolphin. Speedboats deliberately encircle the dolphins and cast a mile-wide net, knowing that the tuna will be below. While the tunas are to be harvested, the hope is that the dolphins will escape the edges of the net and suffocation or capture. This practice is termed ''purse seine netting.''

According to the annual reports of the Marine Mammal Commission and the Inter-American Tropical Tuna Commission, dolphin mortality in the eastern tropical Pacific alone has decreased from more than 100,000 dolphin kills each year to fewer than 2,000 kills each year since the passage of the ''dolphin safe'' label in 1990.

Unfortunately, on New Year's Eve, the Commerce Department announced its plans to make the labeling standard largely meaningless by changing the definition of ''dolphin safe'' tuna to allow the label to be put on tuna harvested through deadly purse seine netting.

This flies in the face of all available scientific information.

According to the Marine Mammal Commission, ''. . . the results of the [National Marine Fisheries] Service's research program . . . provide evidence that the practice of chasing and encircling dolphins is having adverse effects on the recover of depleted dolphin stocks and that the magnitude of those effects, at both the individual and population levels, may be significant.''

The report prepared by the Commerce Department reached a similar conclusion. It said, ''. . . despite considerable effort by fishery scientists, there is little evidence of recovery, and concerns remain that the practice of chasing and circling dolphins somehow is adversely affecting the ability of those depleted stocks to recover.''

The new rule completely undermines the integrity of the ''dolphin safe'' label, allowing ''dolphin safe'' labels to be placed on dolphin deadly tuna, and misleading the public. These changes fly in the face of the bipartisan legislation that was enacted in response to public outcry and consumer demand.

As one who fought in the past to protect dolphins and inform consumers, I believe that the effectiveness of the label will be severely undermined by the change and will allow the continued deterioration of dolphin populations. This administration has once again continued its attack on the environment by weakening protections for marine mammals, ignoring science, and providing yet another favor to industry.

Therefore, I am introducing the ''Truth in Tuna Labeling Act'' to reinstate the original ''dolphin safe'' label.

By Mr. REID (for himself, Mrs. CLINTON, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. HARKIN, and Mr. EDWARDS):

S. 131. A bill to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities; to the Committee on Environment and Public Works.

Mr. REID. Mr. President. Today I am joined by Senators CLINTON, JEFFORDS, LIEBERMAN, HARKIN and EDWARDS in introducing the Nuclear Security Act of 2003.

The tragedy of September 11 taught us many things. It taught us the vulnerability of our Nation's buildings and the strength of our nation's resolve. We also learned how important our first responders the brave men and women who arrive at the scene when there is an emergency. Finally, we are reminded that we must be prepared for today's threats because they could become tomorrow's attacks.

Last year, I introduced legislation to improve the safety of our Nation's nuclear power plants. Nearly one year has passed since the President warned us in his last State of the Union address how vulnerable these facilities are, but the Nuclear Regulatory Commission has still not taken any clear steps to improve the safety and security of our nation's nuclear power plants. That is not acceptable.

Recent reports by the Nuclear Regulatory Commission's Inspector General paint a bleak picture of the NRC's commitment to safety and security.

Just a few days ago, the Inspector General released a survey of NRC employees.

According to the Associated Press that survey found that a third of the Agency's employees question the agency's commitment to public safety and nearly half are not comfortable raising concerns about safety issues within the agency.

The survey also found that some NRC employees worry that safety training requirements for nuclear facilities are outdated and ''leave the security of the nuclear sites . . . vulnerable to sabotage.''

So today, we are reintroducing legislation to protect our nation's commercial nuclear facilities.

This legislation will fill the void that has been left by the NRC's unwillingness to challenge the industry when terrorists could.

In particular, it will: establish a task force—chaired by the Nuclear Regulatory Commission, NRC to take a comprehensive look at the security of our nuclear facilities.

Assign a new Federal security coordinator to each nuclear power plant. Each plant should have a dedicated NRC employee responsible for ensuring the appropriate coordination and communication between federal, state, and local emergency response and law enforcement agencies.

Establish a new antiterrorism team, which will provide additional support to the existing private security forces. This team will be a model for how to protect other potentially vulnerable elements of our energy infrastructure.

Require the NRC to update the threats nuclear power plants must protect against; Require the NRC to make a comprehensive review of emergency and security plans; Require the NRC to establish a new threat level system for nuclear power plants; Require the NRC to revise and update their hiring and training standards.

Establish a new, rigorous program to test nuclear facilities against realistic threats. This is the kind of training security guards are asking for.

In developing this bill, we listened to the concerns of guards and to the concerns of Americans who live and work near these facilities.

In opposing this bill, the Administration continues to listen instead to the nuclear power industry.

It is time the Administration lived up to its commitments to make our nation's nuclear power plants more secure.

It is time the Administration listens to the people who really matter, not the companies for whom only profit matters.

By Mr. FEINGOLD (for himself, Mr. LEVIN, Mr. CORZINE, and Mr. DURBIN):

S. 132. A bill to place a moratorium on executions by the Federal Government and urge the States to do the same, while a National Commission on the Death Penalty reviews the fairness of the imposition of the death penalty; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, this week, the University of Maryland released the findings of its landmark 2-year study on Maryland's death penalty system. The report reveals disturbing racial and geographic disparities in the administration of the death penalty in Maryland. It confirms the alarming conclusion that the administration of our criminal justice system's ultimate punishment is flawed and far from fair or just.

That is why I rise today to reintroduce the National Death Penalty Moratorium Act. This bill seeks to apply the wisdom of out-going Maryland Governor Parris Glendening and out-going Illinois Governor George Ryan to the Federal Government and all States that authorize the use of capital punishment. The bill would place a moratorium on Federal executions and urge States to do the same. The bill would also create a National Commission on the Death Penalty to review the fairness of the administration of the death penalty at the State and Federal levels. This Commission would be an independent, blue ribbon panel of distinguished prosecutors, defense attorneys, jurists and others. I am pleased that my distinguished colleagues, Senators LEVIN, CORZINE, and DURBIN, have joined me in cosponsoring this bill.

The University of Maryland study was conducted by Professor Raymond Paternoster of the University's Institute of Criminal Justice and Criminology, and is the most exhaustive study of Maryland's application of the death penalty in history. Professor Paternoster and other researchers examined records of every homicide prosecution in which the death penalty could have been sought, dating back to 1978.

The study released this week found that blacks accused of killing whites are simply more likely to receive a death sentence than blacks who kill blacks, or than white killers. According to the report, black offenders who kill whites are four times as likely to be sentenced to death as blacks who kill blacks, and twice as likely to get a death sentence as whites who kill whites.

The study also confirms geographic disparity in Maryland's death penalty system. Those convicted of murder in Baltimore County, a jurisdiction with a high number of white murder victims, are 26 times as likely to be sentenced to death as those convicted in Baltimore City, and 14 times as likely as those convicted in Montgomery County.

Two years ago, when Governor Glendening learned of these suspected disparities, he did not look the other way. Then last year, faced with the rapid approach of a scheduled execution, he acknowledged that it was unacceptable to allow executions to take place while the study he had ordered was not yet complete. So, in May 2002, he placed a moratorium on executions. That was the right thing to do.

I urge Governor-elect Ehrlich to do the right thing by extending the moratorium. It would be contrary to our Nation's founding principles of fairness and justice to execute anyone in Maryland before the questions raised by the study are addressed.

The year 2002 was a landmark year for the examination of the death penalty. Last year the 102nd person was exonerated from death row in the modern death penalty era; 102 innocent people have been exonerated, in some cases just days from execution, after being found innocent of crimes for which they served sometimes years on death row. That is not a small number. In the modern death penalty era, our Nation has executed 820 people. That means that according to our best estimates, since the death penalty was reinstated in 1976, for every 8 people executed, one who had been convicted and sentenced to death has been found innocent.

That is an unacceptable high error rate in the administration of a punishment for which errors caught too late cannot be fixed. That's a rate of error with which none of us should be comfortable.

We should learn from the example set by Governor Glendening and by Governor Ryan. Their voices are two of the many that have chimed in over recent years to express doubt about the fairness of our Nation's system of capital punishment. As evidence of the flaws in our system mounts, it has created an awareness that has not escaped the attention of the American people. Layer after layer of confidence in the death penalty system has been gradually peeling away, and the voices of those questioning its fairness are growing louder and louder. Now they can be heard from college campuses and court rooms and podiums across the nation, to the Senate Judiciary Committee hearing room, to the Supreme Court. We must not ignore them.

In 2002, Governor Ryan's Commission on Capital Punishment issued its report, which concluded with 85 recommendations for reforming the death penalty system. In June 2002, I held a hearing in the Judiciary Subcommittee on the Constitution on the report of the Illinois Governor's Commission on Capital Punishment. We were fortunate to have Governor Ryan and other members of the Commission testify about the many flaws in the Illinois death penalty system and their recommendations for reform.

The Illinois study and report are invaluable to the study of fairness in our justice system. Governor Ryan's Commission provides a model for the nation for how we can respond to the indisputable proof of errors in our justice system. I am confident that as Governor Ryan leaves office next week, his greatest legacy to our nation will be the courage he showed three years ago when he suspended executions and acknowledged that the death penalty system in Illinois was broken.

If we are prepared to admit, as Illinois and Maryland have, that there are flaws in the death penalty system, then it is unconscionable to allow executions to continue without a thorough, nationwide review. The problems in the Illinois and Maryland systems are not unique to their states. Since reinstatement of the modern death penalty, 81 percent of capital cases have involved white victims, even though only 50 percent of murder victims are white. Nationwide, more than half of the death row inmates are African-Americans or Hispanic-Americans. There is evidence of racial disparities, inadequate counsel, prosecutorial misconduct, and false scientific evidence in death penalty systems across the country.

In 2002, we saw progress here in Congress in addressing problems plaguing the death penalty. The Innocence Protection Act, introduced by my distinguished colleague and ranking member on the Judiciary Committee, Senator LEAHY, was favorably reported from the Judiciary Committee in July. This legislation takes an important step by recognizing the need for access to modern DNA testing and certain minimum standards of competency for defense counsel in capital cases.

I commend Senator LEAHY and the bipartisan effort of my colleagues who helped move this important bill and I hope we will finish the job and enact it into law this year. But I also urge them and the rest of the Senate to recognize that if we are prepared to admit that we need these reforms, a time-out is also needed to ensure that we do not execute a single innocent person. The stakes are too high and the consequences are far too devastating to allow executions to proceed.

Also in 2002, in a significant turning point for our Nation, the Supreme Court reversed itself and ruled unconstitutional the execution of the mentally retarded in Atkins versus Virginia. The Court's decision further confirms that our Nation's standards of

decency concerning the ultimate punishment are indeed evolving and maturing.

While last year's events are steps toward fairness and indications of progress, they also serve as shocking reminders that our system is seriously flawed. The statistics reflecting unfairness and stories of innocent people wrongly convicted are clear and disturbing to all Americans who believe in the founding principles of our Nation, liberty and justice for all.

When examined collectively, these facts paint a devastating picture that needs to be examined in much greater detail.

That is why I urge my colleagues to join me in cosponsoring the National Death Penalty Moratorium Act.

The courts in this country have already made, by our best, conservative estimates, 102 very grave mistakes. One hundred and two mistakes in the death penalty system qualifies as a crisis. And a crisis calls for immediate action. The time for a moratorium is now.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Death Penalty Moratorium Act of 2003''.

TITLE I—MORATORIUM ON THE DEATH PENALTY

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) GENERAL FINDINGS.—

(A) The administration of the death penalty by the Federal government and the States should be consistent with our Nation's fundamental principles of fairness, justice, equality, and due process.

(B) Congress should consider that more than ever Americans are questioning the use of the death penalty and calling for assurances that it be fairly applied.

(C) Documented unfairness in the Federal system requires Congress to act and suspend Federal executions. Additionally, substantial evidence of unfairness throughout death penalty States justifies further investigation by Congress.

(2) ADMINISTRATION OF THE DEATH PENALTY BY THE FEDERAL GOVERNMENT.—

(A) The fairness of the administration of the Federal death penalty has recently come under serious scrutiny, specifically raising questions of racial and geographic disparities:

(i) Almost 75 percent of Federal death row inmates are members of minority groups.

(ii) A report released by the Department of Justice on September 12, 2000, found that 80 percent of defendants who were charged with death-eligible offenses under Federal law and whose cases were submitted by the United States attorneys under the Department's death penalty decision-making procedures were African American, Hispanic American, or members of other minority groups.

(iii) The Department of Justice report shows that United States attorneys in only 5 of 94 Federal districts—1 each in Virginia, Maryland, Puerto Rico, and 2 in New York—submit 40 percent of all cases in which the death penalty is considered.

(iv) The Department of Justice report shows that United States attorneys who have frequently recommended seeking the death penalty are often from States with a high number of executions under State law, including Texas, Virginia, and Missouri.

(v) The Department of Justice report shows that white defendants are more likely than black defendants to negotiate plea bargains saving them from the death penalty in Federal cases.

(vi) A study conducted by the House Judiciary Subcommittee on Civil and Constitutional Rights in 1994 concluded that 89 percent of defendants selected for capital prosecution under the Anti-Drug Abuse Act of 1988 were either African American or Hispanic American.

(vii) The National Institute of Justice has already set into motion a comprehensive study of these racial and geographic disparities.

(viii) Federal executions should not proceed until these disparities are fully studied, discussed, and the federal death penalty process is subjected to necessary remedial action.

(B) In addition to racial and geographic disparities in the administration of the federal death penalty, other serious questions exist about the fairness and reliability of federal death penalty prosecutions:

(i) Federal prosecutors rely heavily on bargained-for testimony from accomplices of the capital defendant, which is often obtained in exchange for not seeking the death penalty against the accomplices. This practice creates a serious risk of false testimony.

(ii) Federal prosecutors are not required to provide discovery sufficiently ahead of trial to permit the defense to be prepared to use this information effectively in defending their clients.

(iii) The Federal Bureau of Investigation (FBI), in increasing isolation from the rest of the nation's law enforcement agencies, refuses to make electronic recordings of interrogations that produce confessions, thus making subsequent scrutiny of the legality and reliability of such interrogations more difficult.

(iv) Federal prosecutors rely heavily on predictions of ''future dangerousness''—predictions deemed unreliable and misleading by the American Psychiatric Association and the American Psychological Association—to secure death sentences.

(3) ADMINISTRATION OF THE DEATH PENALTY BY THE STATES.—

(A) The punishment of death carries an especially heavy burden to be free from arbitrariness and discrimination. The Supreme Court has held that ''super due process'', a higher standard than that applied in regular criminal trials, is necessary to meet constitutional requirements. There is significant evidence that States are not providing this heightened level of due process. For example:

(i) In the most comprehensive review of modern death sentencing, Professor James Liebman and researchers at Columbia University found that, during the period 1973 to 1995, 68 percent of all death penalty cases reviewed were overturned due to serious constitutional errors. In the wake of the Liebman study, 6 States (Arizona, Maryland, North Carolina, Illinois, Indiana, and Nebraska) have conducted additional studies. These studies expose additional problems.

(ii) Forty percent of the cases overturned were reversed in Federal court after having been upheld by the States.

(B) The high rate of error throughout all death penalty jurisdictions suggests that there is a grave risk that innocent persons may have been, or will likely be, wrongfully executed. Although the Supreme Court has never conclusively addressed the issue of whether executing an innocent person would in and of itself violate the Constitution, in Herrara v. Collins, 506 U.S. 390 (1993), a majority of the court expressed the view that a persuasive demonstration of actual innocence would violate substantive due process rendering imposition of a death sentence unconstitutional. In any event, the wrongful conviction and sentencing of a person to death is a serious concern for many Americans. For example:

(i) After 13 innocent people were released from Illinois death row in the same period that the State had executed 12 people, on January 31, 2000, Governor George Ryan of Illinois imposed a moratorium on executions until he could be ''sure with moral certainty that no innocent man or woman is facing a lethal injection, no one will meet that fate''.

(ii) Since 1973, over 100 innocent persons sitting on death rows across the country have been exonerated, most after serving lengthy sentences.

(C) Wrongful convictions create a serious public safety problem because the true killer is still at large, while the innocent person languishes in prison.

(D) There are many systemic problems that result in innocent people being convicted such as mistaken identification, reliance on jailhouse informants, reliance on faulty forensic testing and no access to reliable DNA testing. For example:

(i) A study of cases of innocent people who were later exonerated, conducted by attorneys Barry Scheck and Peter Neufeld with ''The Innocence Project'' at Cardozo Law School, showed that mistaken identifications of eyewitnesses or victims contributed to 84 percent of the wrongful convictions.

(ii) Many persons on death row were convicted prior to 1994 and did not receive the benefit of modern DNA testing. At least 10 individuals sentenced to death have been exonerated through post-conviction DNA testing, some within days of execution. Yet in spite of the current widespread prevalence and availability of DNA testing, many States have procedural barriers blocking introduction of post-conviction DNA testing. More than 30 States have laws that require a motion for a new trial based on newly discovered evidence to be filed within 6 months or less.

(iii) The widespread use of jailhouse snitches who earn reduced charges or sentences by fabricating ''admissions'' by fellow inmates to unsolved crimes can lead to wrongful convictions.

(iv) The misuse of forensic evidence can lead to wrongful convictions. A report from the Texas Defender Service entitled ''A State of Denial: Texas and the Death Penalty'' found 160 cases of official forensic misconduct including 121 cases where expert psychiatrists testified ''with absolute certainty that the defendant would be a danger in the future'', often without even interviewing the defendant.

(E) The sixth amendment to the Constitution guarantees all accused persons access to competent counsel. The Supreme Court set out standards for determining competency in

the case of Strickland v. Washington, 466 U.S. 668 (1984). Unfortunately, there is unequal access to competent counsel throughout death penalty States. For example:

(i) Ninety percent of capital defendants cannot afford to hire their own attorney.

(ii) Fewer than one-quarter of the 38 death penalty States have set any standards for competency of counsel and in those few States, these standards were set only recently. In most States, any person who passes a bar examination, even if that attorney has never represented a client in any type of case, may represent a client in a death penalty case.

(iii) Thirty-seven percent of capital cases were reversed because of ineffective assistance of counsel, according to the Columbia study.

(iv) The Texas report noted problems with Texas defense attorneys who slept through capital trials, ignored obvious exculpatory evidence, suffered discipline for ethical lapses or for being under the influence of drugs or alcohol while representing an indigent capital defendant at trial.

(v) Poor lawyering was also cited by Governor Ryan in Illinois as a basis for a moratorium. More than half of all capital defendants there were represented by lawyers who were later disciplined or disbarred for unethical conduct.

(F) The Supreme Court has held that it is a violation of the eighth amendment to impose the death penalty in a manner that is arbitrary, capricious, or discriminatory. McKlesky v. Kemp, 481 U.S. 279 (1987). Studies consistently indicate racial disparity in the application of the death penalty both for the defendants and the victims. The death penalty is disparately applied in various regions throughout the country, suggesting arbitrary administration of the death penalty based on where the prosecution takes place. For example:

(i) Since 1976, 45 percent of death row inmates were white, 43 percent were black, 9 percent were Hispanic, and 2 percent were of other racial groups. Of the victims in the underlying murder, 81 percent were white, 14 percent were black, and 4 percent were Hispanic. While over 80 percent of completed capital cases involve white victims, nationally only 50 percent of murder victims are white. These figures show a continuing trend since reinstatement of the modern death penalty of a predominance of white victims' cases and implies that white victims are considered more valuable in the criminal justice system.

(ii) Executions are conducted predominately in southern States. Ninety percent of all executions in 2000 were conducted in the south. Only 3 States outside the south, Arizona, California, and Missouri, conducted an execution in 2000. Texas accounted for almost as many executions as all the remaining States combined.

(G) The Supreme Court recently reversed itself and has ruled the execution of the mentally retarded unconstitutional and in violation of the Eighth Amendment. (Atkins v. Virginia, 536 U.S. 304 (2002)).

SEC. 102. FEDERAL AND STATE DEATH PENALTY MORATORIUM.

(a) IN GENERAL.—The Federal Government shall not carry out any sentence of death imposed under Federal law until the Congress considers the final findings and recommendations of the National Commission on the Death Penalty in the report submitted under section 202(c)(2) and the Congress enacts legislation repealing this section and implements or rejects the guidelines and procedures recommended by the Commission.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each State that authorizes the use of the death penalty should enact a moratorium on executions to allow time to review whether the administration of the death penalty by that State is consistent with constitutional requirements of fairness, justice, equality, and due process.

TITLE II—NATIONAL COMMISSION ON THE DEATH PENALTY

SEC. 201. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on the Death Penalty (in this title referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) APPOINTMENT.—Members of the Commission shall be appointed by the President in consultation with the Attorney General and the Chairmen and Ranking Members of the Committees on the Judiciary of the House of Representatives and the Senate.

(2) COMPOSITION.—The Commission shall be composed of 15 members, of whom—

(A) 3 members shall be Federal or State prosecutors;

(B) 3 members shall be attorneys experienced in capital defense;

(C) 2 members shall be current or former Federal or State judges;

(D) 2 members shall be current or former Federal or State law enforcement officials; and

(E) 5 members shall be individuals from the public or private sector who have knowledge or expertise, whether by experience or training, in matters to be studied by the Commission, which may include—

(i) officers or employees of the Federal Government or State or local governments;

(ii) members of academia, nonprofit organizations, the religious community, or industry; and

(iii) other interested individuals.

(3) BALANCED VIEWPOINTS.—In appointing the members of the Commission, the President shall, to the maximum extent practicable, ensure that the membership of the Commission is fairly balanced with respect to the opinions of the members of the Commission regarding support for or opposition to the use of the death penalty.

(4) DATE.—The appointments of the initial members of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT.—Each member shall be appointed for the life of the Commission.

(d) VACANCIES.—A vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner as the original appointment.

(e) INITIAL MEETING.—Not later than 30 days after all initial members of the Commission have been appointed, the Commission shall hold the first meeting.

(f) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(g) QUORUM.—A majority of the members of the Commission shall constitute a quorum for conducting business, but a lesser number of members may hold hearings.

(h) CHAIR.—The President shall designate 1 member appointed under subsection (a) to serve as the Chair of the Commission.

(i) RULES AND PROCEDURES.—The Commission shall adopt rules and procedures to govern the proceedings of the Commission.

SEC. 202. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study of all matters relating to the administration of the death penalty to determine whether the administration of the death penalty comports with constitutional principles and requirements of fairness, justice, equality, and due process.

(2) MATTERS STUDIED.—The matters studied by the Commission shall include the following:

(A) Racial disparities in capital charging, prosecuting, and sentencing decisions.

(B) Disproportionality in capital charging, prosecuting, and sentencing decisions based on geographic location and income status of defendants or any other factor resulting in such disproportionality.

(C) Adequacy of representation of capital defendants, including consideration of the American Bar Association ''Guidelines for the Appointment and Performance of Counsel in Death Penalty Cases'' (adopted February 1989) and American Bar Association policies that are intended to encourage competency of counsel in capital cases (adopted February 1979, February 1988, February 1990, and August 1996).

(D) Whether innocent persons have been sentenced to death and the reasons these wrongful convictions have occurred.

(E) Whether the Federal Government should seek the death penalty in a State with no death penalty.

(F) Whether courts are adequately exercising independent judgment on the merits of constitutional claims in State post-conviction and Federal habeas corpus proceedings.

(G) Whether persons who were under the age of 18 at the time of their offenses should be sentenced to death after conviction of death-eligible offenses.

(H) Procedures to ensure that persons sentenced to death have access to forensic evidence and modern testing of forensic evidence, including DNA testing, when modern testing could result in new evidence of innocence.

(I) Any other law or procedure to ensure that death penalty cases are administered fairly and impartially, in accordance with the Constitution.

(b) GUIDELINES AND PROCEDURES.—

(1) IN GENERAL.—Based on the study conducted under subsection (a), the Commission shall establish guidelines and procedures for the administration of the death penalty consistent with paragraph (2).

(2) INTENT OF GUIDELINES AND PROCEDURES.—The guidelines and procedures required by this subsection shall—

(A) ensure that the death penalty cases are administered fairly and impartially, in accordance with due process;

(B) minimize the risk that innocent persons may be executed; and

(C) ensure that the death penalty is not administered in a racially discriminatory manner.

(c) REPORT.—

(1) PRELIMINARY REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the President, the Attorney General, and the Congress a preliminary report, which shall contain a preliminary statement of findings and conclusions.

(2) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit a report to the President, the Attorney General, and the Congress which shall contain a detailed statement of the findings and conclusions of

the Commission, together with the recommendations of the Commission for legislation and administrative actions that implement the guidelines and procedures that the Commission considers appropriate.

SEC. 203. POWERS OF THE COMMISSION.

(a) INFORMATION FROM FEDERAL AND STATE AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from any Federal or State department or agency information that the Commission considers necessary to carry out the provisions of this title.

(2) FURNISHING OF INFORMATION.—Upon a request of the Chairperson of the Commission, the head of any Federal or State department or agency shall furnish the information requested by the Chairperson to the Commission.

(b) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) HEARINGS.—The Commission or, at the direction of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out the provisions of this title—

(1) hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths that the Commission, subcommittee, or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, documents, tapes, and materials that the Commission, subcommittee, or member considers advisable.

(e) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued pursuant to subsection (d)—

(A) shall bear the signature of the Chairperson of the Commission; and

(B) shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) ENFORCEMENT.—

(A) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (d), the district court of the United States for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring that person to appear at any designated place to testify or to produce documentary or other evidence.

(B) CONTEMPT.—Any failure to obey a court order issued under subparagraph (A) may be punished by the court as a contempt.

(3) TESTIMONY OF PERSONS IN CUSTODY.—A court of the United States within the jurisdiction in which testimony of a person held in custody is sought by the Commission or within the jurisdiction of which such person is held in custody, may, upon application by the Attorney General, issue a writ of habeas corpus ad testificandum requiring the custodian to produce such person before the Commission, or before a member of the Commission or a member of the staff of the Commission designated by the Commission for such purpose.

(f) WITNESS ALLOWANCES AND FEES.—

(1) IN GENERAL.—The provisions of section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission.

(2) TRAVEL EXPENSES.—The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

SEC. 204. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation for the services of the member to the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform the duties of the Commission.

(2) EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5.

SEC. 205. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 202.

SEC. 206. FUNDING.

(a) IN GENERAL.—The Commission may expend an amount not to exceed $850,000, as provided by subsection (b), to carry out this title.

(b) AVAILABILITY.—Sums appropriated to the Department of Justice shall be made available to carry out this title.

By Mr. ROCKEFELLER (for himself, Ms. COLLINS, Mr. NELSON of Nebraska, Mr. SMITH, Mrs. CLINTON, Mrs. HUTCHISON, and Mr. GRAHAM of Florida):

S. 138. A bill to temporarily increase the Federal medical assistance percentage for the medicaid program; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, this budget cycle State legislators face the largest deficits in 50 years. To balance combined budget deficits of $60 to $85 billion, most States will be forced to raise taxes and cut spending. In July of last year, 75 Senators voted to provide meaningful fiscal relief to the states. That is why I return to the floor today to introduce ''The State Budget Relief Act of 2003,'' with my friends and colleagues Senators COLLINS, BEN NELSON, and GORDON SMITH. This bipartisan legislation will provide $20 billion in immediate assistance to states to help pay for increases in Medicaid enrollment due to rising unemployment and to stop cuts in health insurance coverage, child care, education and other social services due to state budget crises.

As one of the largest State programs, Medicaid has become increasingly vulnerable as a target for cuts. In 11 States, legislators have proposed and adopted cuts that when fully implemented will strip health insurance coverage from approximately one million low-income people. Further, when governors release their budgets this month, that number is expected to climb much higher than one million. Most of these people are parents and children in working families that will go uninsured without Medicaid coverage.

If States are forced to institute further Medicaid cuts, our most vulnerable Americans will be left out in the cold. In West Virginia, Medicaid provides coverage to 14 percent of the population. Just this week, a West Virginia health clinic, which provides the only care for Medicaid patients in town, was forced to lay off 18 employees. The clinic is at risk because the State Medicaid program does not have the money to pay it for services.

These problems are not unique to West Virginia. Stories from across the country show that many states will be forced to seek solutions to their budget crises at the expense of low-income people covered by Medicaid. On December 30th, the LA Times reported that California is considering proposals that would cut coverage for 500,000 people by the end of fiscal year 2004. This is more than one-third of the total number of people, nationally, who lost coverage in all of 2001.

Some Senators might ask why we should help the States. The answer to that question is that the current economic downturn and the continuing State fiscal crises are hurting people across this country and a great many more people will be hurt in the next 18 months. The budget deficits are too large for States to cover alone without threatening the health and welfare of millions of Americans.

The bipartisan ''State Budget Relief Act'' provides a temporary increase in Federal Medicaid matching rates, which will help reduce the pressure on states to cut health insurance coverage for low-income families and individuals. It grants states money that they can use for social services such as education and child care. Finally, the bill holds States harmless for reduced Federal match rates in fiscal year 2002. As

a result of these provisions, West Virginia would receive $127 million to help balance its budget.

I want to stress that this proposal is a critical component of economic stimulus. In this time of economic downturn, we need to ensure that there will be a safety net for low-income people and that states are not placing a further drag on the economy in efforts to balance their budgets. Several States have completed Medicaid economic impact studies within the last year. These reports conclude that in addition to the personal toll that loss of coverage takes on people, Medicaid cuts create an economic ripple effect by contributing to job and income losses for individuals and reduced output for businesses. The President's proposed economic stimulus package ignores this storm brewing in the States. It provides no fiscal relief for states and, in fact, worsens the problem by reducing state revenues by more than $4 billion a year through the individual tax cut on dividends.

In contrast, our bipartisan proposal provides immediate, temporary relief to States that will complement other economic stimulus strategies while protecting the health of millions of Americans. It will be effective for 18 months from April 2003. I am extremely disappointed that the Administration failed to include any real relief for the states in its own massive stimulus package. I think that is a serious mistake, and I will fight to include the proposal introduced by Senators COLLINS, BEN NELSON, GORDON SMITH and myself in any stimulus package we deal with in the Senate Finance Committee or on the floor.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. TEMPORARY STATE FISCAL RELIEF.

(a) TEMPORARY INCREASE OF MEDICAID FMAP.—

(1) PERMITTING MAINTENANCE OF FISCAL YEAR 2002 FMAP FOR LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2003.—Notwithstanding any other provision of law, but subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2002, the FMAP for the State for fiscal year 2002 shall be substituted for the State's FMAP for the third and fourth calendar quarters of fiscal year 2003, before the application of this subsection.

(2) PERMITTING MAINTENANCE OF FISCAL YEAR 2003 FMAP FOR FISCAL YEAR 2004.—Notwithstanding any other provision of law, but subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2004 is less than the FMAP as so determined for fiscal year 2003, the FMAP for the State for fiscal year 2003 shall be substituted for the State's FMAP for each calendar quarter of fiscal year 2004, before the application of this subsection.

(3) GENERAL 2.45 PERCENTAGE POINTS INCREASE FOR LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2003 AND FISCAL YEAR 2004.—Notwithstanding any other provision of law, but subject to paragraphs (5) and (6), for each State for the third and fourth calendar quarters of fiscal year 2003 and each calendar quarter of fiscal year 2004, the FMAP (taking into account the application of paragraphs (1) and (2)) shall be increased by 2.45 percentage points.

(4) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Notwithstanding any other provision of law, but subject to paragraph (6), with respect to the third and fourth calendar quarters of fiscal year 2003 and each calendar quarter of fiscal year 2004, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 4.90 percent of such amounts.

(5) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this subsection shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(A) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4); or

(B) payments under title IV or XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.).

(6) STATE ELIGIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a State is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on September 2, 2003.

(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after September 2, 2003, but prior to the date of enactment of this Act is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) in the first calendar quarter (and subsequent calendar quarters) in which the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on September 2, 2003.

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or (B) shall be construed as affecting a State's flexibility with respect to benefits offered under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(7) DEFINITIONS.—In this subsection:

(A) FMAP.—The term ''FMAP'' means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(B) STATE.—The term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(8) REPEAL.—Effective as of October 1, 2004, this subsection is repealed.

(b) ADDITIONAL TEMPORARY STATE FISCAL RELIEF.—

(1) IN GENERAL.—Title XX of the Social Security Act (42 U.S.C. 1397–1397f) is amended by adding at the end the following:

''SEC. 2008. ADDITIONAL TEMPORARY GRANTS FOR STATE FISCAL RELIEF.

''(a) IN GENERAL.—For the purpose of providing State fiscal relief allotments to States under this section, there are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, $10,000,000,000. Such funds shall be available for obligation by the State through June 30, 2005, and for expenditure by the State through September 30, 2005. This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to States of amounts provided under this section.

''(b) ALLOTMENT.—Funds appropriated under subsection (a) shall be allotted by the Secretary among the States in accordance with the following table:

''State	Allotment (in dollars)
Alabama	$113,960,092
Alaska	$28,050,916
Amer. Samoa	$276,005
Arizona	$174,176,300
Arkansas	$88,932,482
California	$1,055,900,700
Colorado	$95,353,555
Connecticut	$138,136,104
Delaware	$25,691,623
District of Columbia	$43,356,542
Florida	$416,437,302
Georgia	$245,721,379
Guam	$446,563
Hawaii	$30,891,959
Idaho	$32,439,936
Illinois	$362,420,855
Indiana	$181,086,404
Iowa	$86,873,236
Kansas	$62,913,352
Kentucky	$141,415,311
Louisiana	$159,884,723
Maine	$61,854,394
Maryland	$157,333,510
Massachusetts	$315,177,172
Michigan	$290,300,805
Minnesota	$201,619,700
Mississippi	$117,970,775
Missouri	$201,689,388
Montana	$24,291,445
Nebraska	$53,033,542
Nevada	$34,887,749
New Hampshire	$36,067,567
New Jersey	$274,636,614
New Mexico	$75,233,465
New York	$1,588,884,965
North Carolina	$293,161,659
North Dakota	$18,169,187
N. Mariana Islands	$155,920
Ohio	$410,965,675
Oklahoma	$97,493,874
Oregon	$111,334,973
Pennsylvania	$497,241,778
Puerto Rico	$12,610,820
Rhode Island	$53,399,083
South Carolina	$122,811,620
South Dakota	$20,201,430
Tennessee	$233,515,925
Texas	$543,148,021
Utah	$42,281,420
Vermont	$27,033,142
Virgin Islands	$416,332
Virginia	$143,436,753
Washington	$199,131,541
West Virginia	$63,879,139
Wisconsin	$180,600,752
Wyoming	$11,664,525
Total	**$10,000,000,000**

''(c) USE OF FUNDS.—Funds appropriated under this section may be used by a State for

services directed at the goals set forth in section 2001, subject to the requirements of this title.

''(d) PAYMENT TO STATES.—Not later than 30 days after amounts are appropriated under subsection (a), in addition to any payment made under section 2002 or 2007, the Secretary shall make a lump sum payment to a State of the total amount of the allotment for the State as specified in subsection (b).

''(e) DEFINITION.—For purposes of this section, the term 'State' means the 50 States, the District of Columbia, and the territories contained in the list under subsection (b).''.

(2) REPEAL.—Effective as of October 1, 2005, section 2008 of the Social Security Act, as added by paragraph (1), is repealed.

(c) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine the most appropriate data and methodology to use to determine the Federal medical assistance percentage for purposes of programs authorized under the Social Security Act.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the study conducted under paragraph (1).

Mr. NELSON of Nebraska. Mr. President, today I am pleased to introduce legislation to assist State governments badly hurt by poor economic conditions and declining revenue. This legislation, that I am proud to be introducing with my good friends Senators COLLINS and ROCKEFELLER, will provide $20 billion in Federal assistance to States.

Last July, 75 of our colleagues agreed with us that we need to help the States and passed a similar plan that we authored. Unfortunately, the House failed to act on our bill. In that timeframe, the budget situation in the States has gotten worse, not better. New estimates show the States facing a $60 to $85 billion shortfall next year. This is why I come to the floor today to introduce ''The State Budget Relief Act of 2003.''

The Federal and State governments are a partnership. When State governments are in a budget crisis, the Federal Government must step in and fulfill the obligations to the programs people rely on. We have the same constituents and the same goals.

The bipartisan fiscal relief package will provide assistance through a temporary increase in the Federal Medical Assistance Percentage, FMAP, of Medicaid and $10 billion in social service block grants. This bill strikes a good balance by providing direct relief to Medicaid, which is one of the fastest growing programs in State budgets, while giving Governors needed flexibility through the block grants. This 18-month package will provide over $104 million in new funds to Nebraska.

As a former Governor, I know how hard it is for States to maintain a balanced budget. I urge my colleagues to support this legislation and take that step to avert, at least in part, potentially damaging cuts to Medicaid as well as to other social services programs. If we do not help the States, any other Federal economic stimulus will likely be lost in State and local tax hikes and spending cuts.

By Mr. LIEBERMAN (for himself and Mr. MCCAIN):

S. 139. A bill to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that could be used interchangably with passenger vehicle fuel economy standard credits, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, I rise today to join my friend and colleague, Senator MCCAIN, to introduce the first ever comprehensive legislation to limit the emissions of greenhouse gases in the United States. Today we take the first step up a long mountain road, a road that will culminate with this country taking credible action to address the global problems of our warming planet. The rest of the world is now taking on the challenge this problem presents. The United States, as the world's largest emitter of the gases and the home of the world's strongest economy, must not have its head in the clouds.

Climate change is not a new problem. Recently, I had come across my desk a 1979 document produced by the National Academy of Sciences at the request of then-President Carter. The document says, ''When it is assumed that the CO2 content of the atmosphere has doubled, the more realistic of the modeling efforts predict a global surface warming of between 2 degrees and 3.5 degrees with greater increases at higher altitudes.'' That is remarkably similar to last year's national communication on climate change that predicted a warming of 2.5 degrees to 4 degrees over the next century. So in some sense, we have known about this problem for over two decades. That's two decades of neglect. We don't need to spin our wheels in the mud any longer. It is time to get traction. It is time to take action.

I do not believe there is any longer any credible dissent on the central question: namely, whether human-caused climate change is happening. The thermometer mercury is creeping up, glaciers are melting, and waters are rising. According to a NASA study released last month, the permanent, summer ice cap over the Arctic Ocean is disappearing far faster than previously thought and will at this rate be gone by the end of the century. And just last week, two major new research studies said global warming is already posing a dire threat to the world's plants and animals, a danger that is likely to rise dramatically, with the temperature, in the coming years.

The scientific evidence is potent and persuasive. But we've witnessed other changes across the globe that have anecdotally announced the arrival of global warming to human populations. I noticed two examples recently that resonated with me; both come from the Arctic north, and in my view are canaries in the climate change coalmine.

The first example comes from the Native American populations of Alaska and Northern Canada. In just the past few years, a robin appeared in an Inupiat village in Alaska. Unfortunately, the elders, despite an intimate awareness of their 10,000 year old language, did not know what to call the bird. You see, there is no word for robin in their language.

A second example comes from the town of Nenana, AK, which has an annual lottery to determine when a tripod placed on the frozen Tenana River would break through the ice. And over the past 50 years, that breakthrough has occurred earlier and earlier.

So, it's not only in the language of statistics that climate change is occurring. It's in the language of everyday life.

The nature of this problem is that it gets worse every year we fail to face it head on. It's not unlike the federal budget deficit. The weight of the interest payments bearing down on us grow over time and dig us deeper and deeper into a hole of our own making. So too with global warming. Today the problem is manageable. Tomorrow, quite literally, we could be up to our waists in it.

There are a few remaining skeptics who still doubt that human greenhouse gas emissions are contributing to climate change but even they should understand the wisdom of taking preventive action. Even they should realize that reducing greenhouse gas emissions now is the best insurance policy against the possibility of future catastrophe.

The question remains, then, what we should do about it. There is no easy fix. Carbon dioxide, once released, stays in our atmosphere for about a century, so any solution needs to be long-term. But I believe that the legislation we have drafted and will soon introduce will take us on the path to that ultimate solution, and do so in a way that can provide an economic boost, not an economic burden, to American businesses. Given our flagging economy, this is a critical point for us all to absorb.

Our approach works like this. The country's overall emissions will be capped, then individual companies will have the flexibility to find the most innovative and cost-effective ways to

drive their emissions down. They will trade pollution credits, also called allowances, with each other rather than paying penalties to the government.

The result of that innovative model is that we will unleash and focuses the genius of American enterprise to take on a critical common challenge. And the innovation unleashed as companies compete will create a boomlet of new, high-paying jobs. It's no wonder the Wall Street Journal editorial page endorsed this approach saying that it would achieve the same amount of overall pollution reduction at a lower cost than traditional regulation, and urging the Bush Administration to sign on.

In making its endorsement, The Wall Street Journal looked, as we did, at the record. Many similar programs have helped solve pollution problems throughout the country and the world. The most well-known example is the Acid Rain Trading Program in the 1990 Clean Air Act, one of the most successful environmental programs in history and something I was proud to have a hand in creating. This program secured strict cuts in sulfur dioxide emissions from power plants at less than a quarter of the predicted costs to industry.

We have some initial reaction to our proposal from our country's leading economists, and the response has been positive. For instance, Steven DeCanio, a professor of economics at the University of California, Santa Barbara and the former staff economist on this issue in the Reagan White House, stated the following about our proposal:

The Climate Stewardship Act of 2003 is a good first step towards the ultimate goal of stabilizing levels of greenhouse gas emissions that will prevent dangerous anthropogenic interference with the climate. The Bill embodies market mechanisms that will enable emissions reductions to be accomplished efficiently, and has provisions for an equitable allocation of the emissions permits. Funds are set aside to assist workers and communities that may be adversely affected by the transition. The Bill permits flexibility in the manner by which the emissions reductions are achieved, including allowing credits for verifiable enhancement of carbon sinks and limited international emissions trading. The proposed legislation also encourages investment in energy-efficiency technologies, as well as the establishment of a national emissions database and funding for new research. All of these features of the Bill are components of a strategy that can enable the United States to begin to make meaningful reductions in greenhouse gas emissions in a way that is supportive of economic growth and beneficial to our standard of living. It is entirely appropriate that the risks of global climate change be addressed in specific legislation at this time.

But this bill is more than a broad policy proposal. It is a detailed legislative design for the system. Our staffs have been working ardently over the past 16 months to craft a detailed proposal that could find support both in the halls of industry and amongst the nation's leading environmental organizations. Hopefully that means that both sides of the aisle in Congress will find something to their liking. I hope all involved realized that this is no marker bill; it is a comprehensive proposal. Please indulge me as I run through a few of the key details.

Our bill covers the four main sectors of the U.S. economy that emit greenhouse gases: electric utilities, industrial plants, transportation, and large commercial facilities. For each of these sectors, we ease back on the greenhouse gas accelerator, spreading the burden equally amongst the companies. The progress required is real but realistic. By the year 2010, we ask only that they return to 2000 levels. By 2016, we ask that they return to their 1990 levels, in keeping with our treaty commitment under the Rio Convention.

In doing so, we provide each participant with a generous amount of flexibility on how to comply with their obligations. There is no limit on the amount of allowances that they may obtain from other participants in the system. Moreover, companies in the system can avail themselves of ''alternative compliance'' options, including sequestration projects, international reductions, and verified reductions made by parties outside the system. Such ''alternative compliance'' options can be used to satisfy 300 percent of the average companies' obligation.

These alternative compliance options will have other benefits as well. As many members of this committee already know, sequestration projects can produce environmental benefits beyond the benefit to the climate, including reduced deforestation and more sustainable agricultural practices. Such projects also bring a needed infusion of money into the farm economy not through subsidies, but through the sale of a new ''crop,'' sequestered carbon dioxide. Even now, with a purely speculative market in greenhouse gases, Entergy Services and Pacific Northwest Direct Seed Association brokered a deal for 30,000 million metric tons of carbon over 10 years. The sale price was not divulged, but the point is that the deal was made even in the absence of a real market. Our program would greatly increase the opportunity for these types of sales by farmers.

Our businesses will benefit dramatically from the regulatory certainty that our bill will provide. Businesses now receive a confusing set of messages from the Federal Government. On the one hand, they know that, with climate change worsening every year, government will somehow and sometime have to require them to reduce their emissions. As the Conference Board recently noted in a June 2002 report, ''climate change is an issue business executives ignore at their peril.'' On the other hand, businesses are being left uncertain about Washington's ultimate global warming policy plans, and therefore have a perverse incentive to put off any real anti-pollution technology investments.

Indeed, our innovation economy more broadly is unwilling or unable to engage while the Federal Government continues to vacillate. As a result, we are losing countless dollars in new market and job opportunities. Europe and Japan already have an early head start in the pollution reduction industry. That lead will only grow if our government stands pat.

Finally, I want to mention one other, perhaps unlikely reason to support this legislation beyond our economic and environmental well being, and that's foreign policy. Many of our most important allies are much more worried about climate change than we in the United States have historically been. When the Bush administration plays down the risks of global warming and shows no interest in devising a serious solution, it frays our relationship with those allies. That's especially true since we as a nation are responsible for about a quarter of the world's total climate change problem.

We should never compromise critical American policy simply to satisfy the international community. But in this case, doing what's in our own best environmental and economic interests will also earn respect and support around the world. And lest we forget it also happens to be the right thing to do.

The Earth is not only ours to use; we are stewards of it, who must hold it in trust for future generations to live in, breathe in, and, yes, prosper in. Regrettably, this Nation's climate change policy to date has not respected our role as stewards. It is time we reverse that trend, and our bill will help do exactly that.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Climate Stewardship Act of 2003''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—FEDERAL CLIMATE CHANGE RESEARCH AND RELATED ACTIVITIES

Sec. 101. National Science Foundation scholarships.
Sec. 102. Commerce Department study of technology transfer barriers.
Sec. 103. Report on United States impact of Kyoto protocol.
Sec. 104. Research grants.
Sec. 105. Abrupt climate change research.

Sec. 106. NIST greenhouse gas functions.
Sec. 107. Development of new measurement technologies.
Sec. 108. Enhanced environmental measurements and standards.
Sec. 109. Techonolgy development and diffusion.

TITLE II—NATIONAL GREENHOUSE GAS DATABASE

Sec. 201. National greenhouse gas database and registry established.
Sec. 202. Inventory of greenhouse gas emissions for covered entities.
Sec. 203. Greenhouse gas reduction reporting.
Sec. 204. Measurement and verification.

TITLE III—MARKET-DRIVEN GREENHOUSE GAS REDUCTIONS

Subtitle A—Emission Reduction Requirements; Use of Tradeable Allowances

Sec. 311. Covered entities must submit allowances for emissions.
Sec. 312. Compliance.
Sec. 313. Tradeable allowances and fuel economy standard credits.
Sec. 314. Borrowing against future reductions.
Sec. 315. Other uses of tradable allowances.
Sec. 316. Exemption of source categories.

Subitle B—Establishment and Allocation of Tradeable Allowances.

Sec. 331. Establishment of tradeable allowances.
Sec. 332. Determination of tradeable allowances allocations.
Sec. 333. Allocation of tradeable allowances.
Sec. 334. Initial allocations for early participation and accelerated participation.
Sec. 335. Bonus for accelerated participation.
Sec. 336. Ensuring target adequacy.

Subtitle C—Climate Change Credit Corporation

Sec. 351. Establishment.
Sec. 352. Purposes and functions.

Subtitle D—Sequestration Accounting; Penalties

Sec. 371. Sequestration accounting.
Sec. 372. Penalties.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) BASELINE.—The term ''baseline'' means the historic greenhouse gas emission levels of an entity, as adjusted upward by the Administrator to reflect actual reductions that are verified in accordance with—

(A) regulations promulgated under section 201(c)(1); and

(B) relevant standards and methods developed under this title.

(3) COVERED SECTORS.—The term ''covered sectors'' means the electricity, transportation, industry, and commercial sectors, as such terms are used in the Inventory.

(4) COVERED ENTITY.—The term ''covered entity'' means an entity (including a branch, department, agency, or instrumentality of Federal, State, or local government) that—

(A) owns or controls a source of greenhouse gas emissions in the electric power, industrial, or commercial sectors of the United States economy (as defined in the Inventory), refines or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, or sulfur hexaflouride; and

(B) emits over 10,000 metric tons of greenhouse gas per year, measured in units of carbon dioxide equivalance, or produces or imports—

(i) petroleum products that, when combusted, will emit,

(ii) hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that, when used, will emit, or

(iii) other greenhouse gases that, when used, will emit,

over 10,000 metric tons of greenhouse gas per year, measured in units of carbon dioxide equivalence.

(5) DATABASE.—The term ''database'' means the National Greenhouse Gas Database established under section 201.

(6) DIRECT EMISSIONS.—The term ''direct emissions'' means greenhouse gas emissions by an entity from a facility that is owned or controlled by that entity.

(7) FACILITY.—The term ''facility'' means a building, structure, or installation located on any 1 or more contiguous or adjacent properties of an entity in the United States.

(8) GREENHOUSE GAS.—The term ''greenhouse gas'' means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; and

(F) sulfur hexafluoride.

(9) INDIRECT EMISSIONS.—The term ''indirect emissions'' means greenhouse gas emissions that are—

(A) a result of the activities of an entity; but

(B) emitted from a facility owned or controlled by another entity; and

(C) not reported as direct emissions by the entity from which they were emitted.

(10) INVENTORY.—The term ''Inventory'' means the Inventory of U.S. Greenhouse Gas Emissions and Sinks, prepared in compliance with the United Nations Framework Convention on Climate Change Decision 3/CP.5.).

(11) PHASE I ALLOTMENT.—The term ''Phase I allotment'' means—

(A) the amount of emissions emitted by a covered sector, as identified in the Inventory for the calendar year preceding the calendar year in which this Act is enacted (reduced by the amount of allowances allocated by early and accelerated participants under section 334 of this Act); multiplied by—

(B) the result of—

(i) the total greenhouse emissions for all covered sectors for the year 2000, as identified in the 2000 Inventory; divided by

(ii) the total greenhouse emissions for all covered sectors for the calendar year preceding the date of enactment of this Act, as identified in the Inventory.

(12) PHASE II ALLOTMENT.—The term ''Phase II allotment'' means—

(A) the amount of emissions emitted by a covered sector, as identified in the Inventory for the calendar year preceding the calendar year in which this Act is enacted (reduced by the amount of allowances allocated to early and accelerated participants under section 334 of this Act); multiplied by—

(B) the result of—

(i) the total greenhouse emissions for all covered sectors for the year 1990, as identified in the 1990 Inventory; divided by

(ii) the total greenhouse emissions for all covered sectors for the calendar year preceding the date of enactment of this Act, as identified in the Inventory.

(13) REGISTRY.—The term ''registry'' means the registry of greenhouse gas emission reductions established under section 201(b)(2).

(14) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(15) SEQUESTRATION.—

(A) IN GENERAL.—The term ''sequestration'' means the capture, long-term separation, isolidation, or removal of greenhouse gases from the atmosphere.

(B) INCLUSIONS.—The term ''sequestration'' includes—

(i) agricultural and conservation practices;

(ii) reforestation;

(iii) forest preservation; and

(iv) any other appropriate method of capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere, as determined by the Administrator.

(C) EXCLUSIONS.—The term ''sequestration'' does not include—

(i) any conversion of, or negative impact on, a native ecosystem; or

(ii) any introduction of non-native species or genetically modified organisms.

(16) SOURCE CATEGORY.—The term ''source category'' means a process or activity that leads to direct emissions of greenhouse gases, as listed in the Inventory.

TITLE I—FEDERAL CLIMATE CHANGE RESEARCH AND RELATED ACTIVITIES.

SEC. 101. NATIONAL SCIENCE FOUNDATION SCHOLARSHIPS.

The Director of the National Science Foundation shall establish a scholarship program for post-secondary students studying global climate change, including capability in observation, analysis, modeling, paleoclimatology, consequences, and adaptation.

SEC. 102. COMMERCE DEPARTMENT STUDY OF TECHNOLOGY TRANSFER BARRIERS.

(a) STUDY.—The Assistant Secretary of Technology Policy at Department of Commerce shall conduct a study of technology transfer barriers, best practices, and outcomes of technology transfer activities at Federal laboratories related to the licensing and commercialization of energy efficient technologies. The study shall be submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act. The Assistant Secretary shall work with the existing interagency working group to address identified barriers.

(b) AGENCY REPORT TO INCLUDE INFORMATION ON TECHNOLOGY TRANSFER INCOME AND ROYALTIES.—Paragraph (2)(B) of section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f) is amended—

(1) by striking ''and'' after the semicolon in clause (vi);

(2) by redesignating clause (vii) as clause (ix); and

(3) by inserting after clause (vi) the following:

''(vii) the number of fully-executed licenses which received royalty income in the preceding fiscal year for climate-change or energy-efficient technology;

''(viii) the total earned royalty income for climate-change or energy-efficient technology; and''.

(c) INCREASED INCENTIVES FOR DEVELOPMENT OF CLIMATE-CHANGE OR ENERGY-EFFICIENT TECHNOLOGY.—Section 14(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)) is amended—

(1) by striking ''15 percent,'' in paragraph (1)(A) and inserting ''15 percent (25 percent for climate change-related technologies),''; and

(2) by inserting ''($250,000 for climate change-related technologies)'' after ''$150,000'' each place it appears in paragraph (3).

SEC. 103. REPORT ON UNITED STATES IMPACT OF KYOTO PROTOCOL.

Within 6 months after the date of enactment of this Act, the Secretary shall submit

a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the effects that the entry into force of the Kyoto Protocol will have on—

(1) United States industry and its ability to compete globally;

(2) international cooperation on scientific research and development; and

(3) United States participation in international environmental climate change mitigation efforts and technology deployment.

SEC. 104. RESEARCH GRANTS.

Section 105 of the Global Change Research Act of 1990 (15 U.S.C. 2935) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

(c) RESEARCH GRANTS.

''(1) COMMITTEE TO DEVELOP LIST OF PRIORITY RESEARCH AREAS.—The Committee shall develop a list of priority areas for research and development on climate change that are not being addressed by Federal agencies.

''(2) DIRECTOR OF OSTP TO TRANSMIT LIST TO NSF.—the Director of the Office of Science and Technology Policy shall transmit the list to the National Science Foundation.

''(3) FUNDING THROUGH NSF.

''(A) BUDGET REQUEST.—The National Science Foundation shall include, as part of the annual request for appropriations for the Science and Technology Policy Institute, a request for appropriations to fund research in the priority areas on the list developed under paragraph (1).

''(B) AUTHORIZATION.—For fiscal year 2004 and each fiscal year thereafter, there are authorized to be appropriated to the National Science Foundation not less than $17,000,000, to be made available through the Science and Technology Policy Institute, for research in those priority areas.''.

SEC. 105. ABRUPT CLIMATE CHANGE RESEARCH.

''(a) IN GENERAL.—The Secretary, through the National Oceanic and Atmospheric Administration, shall carry out a program of scientific research on potential abrupt climate change designed—

(1) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order sufficiently to identify and describe past instances of abrupt climate change;

(2) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change;

(3) to incorporate these mechanisms into advanced geophysical models of climate change; and

(4) to test the output of these models against an improved global array of records of past abrupt climate changes.

(b) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term ''abrupt climate change'' means a change in climate that occurs so rapidly or unexpectedly that human or natural systems may have difficulty adapting to it.

SEC. 106. NIST GREENHOUSE GAS FUNCTIONS.

Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (21);

(2) by redesignating paragraph (22) as paragraph (23); and

(3) by inserting after paragraph (21) the following;

''(22) perform research to develop enhanced measurements, calibrations, standards, and technologies which will enable the reduced production in the United States of greenhouse gases associated with global warming, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulfur hexafluoride; and''.

SEC. 107. DEVELOPMENT OF NEW MEASUREMENT TECHNOLOGIES.

The Secretary shall initiate a program to develop, with technical assistance from appropriate Federal agencies, innovative standards and measurement technologies (including technologies to measure carbon changes due to changes in land use cover) to calculate—

(1) greenhouse gas emissions and reductions from agriculture, forestry, and other land use practices;

(2) noncarbon dioxide greenhouse gas emissions from transportation;

(3) greenhouse gas emissions from facilities or sources using remote sensing technology; and

(4) any other greenhouse gas emission or reductions for which no accurate or reliable measurement technology exists.

SEC. 108. ENHANCED ENVIRONMENTAL MEASUREMENTS AND STANDARDS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by redesignating sections 17 through 32 as sections 18 through 33, respectively; and

(2) by inserting after section 16 the following:

''SEC. 17. CLIMATE CHANGE STANDARDS AND PROCESSES.

''(a) IN GENERAL.—The Director shall establish within the Institute a program to perform and support research on global climate change standards and processes, with the goal of providing scientific and technical knowledge applicable to the reduction of greenhouse gases (as defined in section 3(8) of the Climate Stewardship Act of 2003).

''(b) RESEARCH PROGRAM.

''(1) IN GENERAL.—The Director is authorized to conduct, directly or through contracts or grants, a global climate change standards and processes research program.

''(2) RESEARCH PROJECTS.—The specific contents and priorities of the research program shall be determined in consultation with appropriate Federal agencies, including the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration. The program generally shall include basic and applied research—

''(A) to develop and provide the enhanced measurements, calibrations, data, models, and reference material standards which will enable the monitoring of greenhouse gases;

''(B) to assist in establishing a baseline reference point for future trading in greenhouse gases and the measurement of progress in emissions reduction;

''(C) that will be exchanged internationally as scientific or technical information which has the stated purpose of developing mutually recognized measurements, standards, and procedures for reducing greenhouse gases; and

''(D) to assist in developing improved industrial processes designed to reduce or eliminate greenhouse gases.

''(c) NATIONAL MEASUREMENT LABORATORIES.—

''(1) IN GENERAL.—In carrying out this section, the Director shall utilize the collective skills of the National Measurement Laboratories of the National Institute of Standards and Technology to improve the accuracy of measurements that will permit better understanding and control of these industrial chemical processes and result in the reduction or elimination of greenhouse gases.

''(2) MATERIAL, PROCESS, AND BUILDING RESEARCH.—The National Measurement Laboratories shall conduct research under this subsection that includes—

''(A) developing material and manufacturing processes which are designed for energy efficiency and reduced greenhouse gas emissions into the environment;

''(B) developing environmentally-friendly, 'green' chemical processes to be used by industry; and

''(C) enhancing building performance with a focus in developing standards or tools which will help incorporate low- or no-emission technologies into building designs.

''(3) STANDARDS AND TOOLS.—The National Measurement Laboratories shall develop standards and tools under this subsection that include software to assist designers in selecting alternate building materials, performance data on materials, artificial intelligence-aided design procedures for building subsystems and 'smart buildings', and improved test methods and rating procedures for evaluating the energy performance of residential and commercial appliances and products.

''(d) NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM.—The Director shall utilize the National Voluntary Laboratory Accreditation Program under this section to establish a program to include specific calibration or test standards and related methods and protocols assembled to satisfy the unique needs for accreditation in measuring the production of greenhouse gases. In carrying out this subsection the Director may cooperate with other departments and agencies of the Federal Government, State and local governments, and private organizations.''.

SEC. 109. TECHNOLOGY DEVELOPMENT AND DIFFUSION.

The Director of the National Institute of Standards and Technology, through the Manufacturing Extension Partnership Program, may develop a program to support the implementation of new ''green'' manufacturing technologies and techniques by the more than 380,000 small manufacturers.

TITLE II—NATIONAL GREENHOUSE GAS DATABASE

SEC. 201. NATIONAL GREENHOUSE GAS DATABASE AND REGISTRY ESTABLISHED.

(a) ESTABLISHMENT.—As soon as practicable after the date of enactment of this Act, the Administrator, in coordination with the Secretary, the Secretary of Energy, the Secretary of Agriculture, and private sector and non-governmental organizations, shall establish, operate, and maintain a database, to be known as the ''National Greenhouse Gas Database'', to collect, verify, and analyze information on greenhouse gas emissions by entities.

(b) NATIONAL GREENHOUSE GAS DATABASE COMPONENTS.—The database shall consist of—

(1) an inventory of greenhouse gas emissions; and

(2) a registry of greenhouse gas emission reductions and increases in greenhouse gas sequestrations.

(c) COMPREHENSIVE SYSTEM.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to implement a comprehensive system for greenhouse gas emissions reporting, inventorying, and reductions registration.

(2) REQUIREMENTS.—The Administrator shall ensure, to the maximum extent practicable, that—

(A) the comprehensive system described in paragraph (1) is designed to—

(i) maximize completeness, transparency, and accuracy of information reported; and

(ii) minimize costs incurred by entities in measuring and reporting greenhouse gas emissions; and

(B) the regulations promulgated under paragraph (1) establish procedures and protocols necessary—

(i) to prevent the reporting of some or all of the same greenhouse gas emissions or emission reductions by more than 1 reporting entity;

(ii) to provide for corrections to errors in data submitted to the database;

(iii) to provide for adjustment to data by reporting entities that have had a significant organizational change (including mergers, acquisitions, and divestiture), in order to maintain comparability among data in the database over time;

(iv) to provide for adjustments to reflect new technologies or methods for measuring or calculating greenhouse gas emissions;

(v) to account for changes in registration of ownership of emission reductions resulting from a voluntary private transaction between reporting entities; and

(vi) to clarify the responsibility for reporting in the case of any facility owned or controlled by more than 1 entity.

(3) SERIAL NUMBERS.—Through regulations promulgated under paragraph (1), the Administrator shall develop and implement a system that provides—

(A) for the verification of submitted emissions reductions;

(B) for the provision of unique serial numbers to identify the verified emission reductions made by an entity relative to the baseline of the entity; and

(C) for the tracking of the reductions associated with the serial numbers.

SEC. 202. INVENTORY OF GREENHOUSE GAS EMISSIONS FOR COVERED ENTITIES.

(a) IN GENERAL.—Not later than July 1st of each calendar year after 2008, a covered entity shall submit to the Administrator a report that describes, for the preceding calendar year, the entity-wide greenhouse gas emissions (as reported at the facility level), including—

(1) the total quantity of direct greenhouse gas emissions from stationary sources, expressed in units of carbon dioxide equivalence;

(2) the amount of petroleum products sold or imported and the amount of greenhouse gases, expressed in carbon dioxide equivalents, that would be produced when these products are used for transportation; and

(3) such other categories of emissions as the Administrator determines in the regulations promulgated under section 201(c)(1) may be practicable and useful for the purposes of this Act, such as—

(A) indirect emissions from imported electricity, heat, and steam;

(B) process and fugitive emissions; and

(C) production or importation of greenhouse gases.

(b) COLLECTION AND ANALYSIS OF DATA.—The Administrator shall collect and analyze information reported under subsection (a) for use under title III.

SEC. 203. GREENHOUSE GAS REDUCTION REPORTING.

(a) IN GENERAL.—Subject to the requirements described in subsection (b)—

(1) a covered entity may register greenhouse gas emission reductions achieved after 1990 and before 2010 under this section; and

(2) an entity that is not a covered entity may register greenhouse gas emission reductions achieved at any time since 1990 under this section.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The requirements referred to in subsection (a) are that an entity (other than an entity described in paragraph (2)) shall—

(A) establish a baseline; and

(B) submit the report described in subsection (c)(1).

(2) REQUIREMENTS APPLICABLE TO ENTITIES ENTERING INTO CERTAIN AGREEMENTS.—An entity that enters into an agreement with a participant in the registry for the purpose of a carbon sequestration project shall not be required to comply with the requirements specified in paragraph (1) unless that entity is required to comply with the requirements by reason of an activity other than the agreement.

(c) REPORTS.—

(1) REQUIRED REPORT.—Not later than July 1st of the calendar year beginning more than 2 years after the date of enactment of this Act, but subject to paragraph (3), an entity described in subsection (a) shall submit to the Administrator a report that describes, for the preceding calendar year, the entity-wide greenhouse gas emissions (as reported at the facility level), including—

(A) the total quantity of direct greenhouse gas emissions from stationary sources, expressed in units of carbon dioxide equivalence;

(B) the amount of petroleum products sold or imported and the amount of greenhouse gases, expressed in carbon dioxide equivalents, that would be produced when these products are used by vehicles; and

(C) such other categories of emissions as the Administrator determines in the regulations promulgated under section 201(c)(1) may be practicable and useful for the purposes of this Act, such as—

(i) indirect emissions from imported electricity, heat, and steam;

(ii) process and fugitive emissions; and

(iii) production or importation of greenhouse gases.

(2) VOLUNTARY REPORTING.—An entity described in subsection (a) may (along with establishing a baseline and reporting emissions under this section)—

(A) submit a report described in paragraph (1) before the date specified in that paragraph for the purposes of achieving and commoditizing greenhouse gas reductions through use of the registry; and

(B) submit to the Administrator, for inclusion in the registry, information that has been verified in accordance with regulations promulgated under section 201(c)(1) and that relates to—

(i) any entity-wide greenhouse gas emission reductions activities of the entity that were carried out during or after 1990 and before the establishment of the National Greenhouse Gas Database, verified in accordance with regulations promulgated under section 201(c)(1), and submitted to the Administrator before the date that is 4 years after the date of enactment of this Act; and

(ii) with respect to the calendar year preceding the calendar year in which the information is submitted, any project or activity that results in an entity-wide reduction of greenhouse gas emissions or an increase in net sequestration of a greenhouse gas that is carried out by the entity.

(3) *Provision of verification information by reporting entities.*—Each entity that submits a report under this subsection shall provide information sufficient for the Administrator to verify, in accordance with measurement and verification methods and standards developed under section 203, that the greenhouse gas report of the reporting entity—

(A) has been accurately reported; and

(B) in the case of each voluntary report under paragraph (2), represents—

(i) actual reductions in direct greenhouse gas emissions—

(I) relative to historic emission levels of the entity; and

(II) after accounting for any increases in indirect emissions described in paragraph (1)(C)(i); or

(ii) actual increases in net sequestration.

(4) FAILURE TO SUBMIT REPORT.—An entity that participates or has participated in the registry and that fails to submit a report required under this subsection shall be prohibited from using, or allowing another entity to use, its registered emissions reductions or increases in sequestration to satisfy the requirements of section 311.

(5) INDEPENDENT THIRD-PARTY VERIFICATION.—To meet the requirements of this section and section 203, an entity that is required to submit a report under this section may—

(A) obtain independent third-party verification; and

(B) present the results of the third-party verification to the Administrator.

(6) AVAILABILITY OF DATA.—

(A) IN GENERAL.—The Administrator shall ensure that information in the database is—

(i) published; and

(ii) accessible to the public, including in electronic format on the Internet.

(B) Exception.—Subparagraph (A) shall not apply in any case in which the Administrator determines that publishing or otherwise making available information described in that subparagraph poses a risk to national security.

(7) DATA INFRASTRUCTURE.—The Administrator shall ensure, to the maximum extent practicable, that the database uses, and is integrated with, Federal, State, and regional greenhouse gas data collection and reporting systems in effect as of the date of enactment of this Act.

(8) ADDITIONAL ISSUES TO BE CONSIDERED.—In promulgating the regulations under section 201(c)(1) and implementing the database, the Administrator shall take into consideration a broad range of issues involved in establishing an effective database, including—

(A) the appropriate allowances for reporting each greenhouse gas;

(B) the data and information systems and measures necessary to identify, track, and verify greenhouse gas emissions in a manner that will encourage private sector trading and exchanges;

(C) the greenhouse gas reduction and sequestration methods and standards applied in other countries, as applicable or relevant;

(D) the extent to which available fossil fuels, greenhouse gas emissions, and greenhouse gas production and importation data are adequate to implement the database; and

(E) the differences in, and potential uniqueness of, the facilities, operations, and business and other relevant practices of persons and entities in the private and public sectors that may be expected to participate in the database.

(d) ANNUAL REPORT.—The Administrator shall publish an annual report that—

(1) describes the total greenhouse gas emissions and emission reductions reported to the database during the year covered by the report;

(2) provides entity-by-entity and sector-by-sector analyses of the emissions and emission reductions reported;

(3) describes the atmospheric concentrations of greenhouse gases; and

(4) provides a comparison of current and past atmospheric concentrations of greenhouse gases.

SEC. 204. MEASUREMENT AND VERIFICATION.

(a) STANDARDS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop comprehensive measurement and verification methods and standards to ensure a consistent and technically accurate record of greenhouse gas emissions, emission reductions, sequestration, and atmospheric concentrations for use in the registry.

(2) REQUIREMENTS.—The development of methods and standards under paragraph (1) shall include—

(A) a requirement that a covered entity use a continuous emissions monitoring system, or another system of measuring or estimating emissions that is determined by the Secretary to provide information with the same precision, reliability, accessibility, and timeliness as a continuous emissions monitoring system provides;

(B) establishment of standardized measurement and verification practices for reports made by all entities participating in the registry, taking into account—

(i) protocols and standards in use by entities desiring to participate in the registry as of the date of development of the methods and standards under paragraph (1);

(ii) boundary issues, such as leakage and shifted use;

(iii) avoidable of double counting of greenhouse gas emissions and emission reductions;

(iv) protocols to prevent a covered entity from avoiding the requirements of this Act by reorganization into multiple entities that are under common control; and

(v) such other factors as the Secretary, in consultation with the Administrator, determines to be appropriate;

(C) establishment of measurement and verification standards applicable to actions taken to reduce, avoid, or sequester greenhouse gas emissions;

(D) in coordination with the Secretary of Agriculture, standards to measure the results of the use of carbon sequestration and carbon recapture technologies, including—

(i) organic soil carbon sequestration practices; and

(ii) forest preservation and reforestation activities that adequately address the issues of permanence, leakage, and verification;

(E) establishment of such other measurement and verification standards as the Secretary, in consultation with the Secretary of Agriculture, the Administrator, and the Secretary of Energy, determines to be appropriate;

(F) establishment of standards for obtaining the Secretary's approval of the suitability of geological storage sites that include evaluation of both the geology of the site and the entity's capacity to manage the site; and

(G) establishment of other features that, as determined by the Secretary, will allow entities to adequately establish a fair and reliable measurement and reporting system.

(b) REVIEW AND REVISION.—The Secretary shall periodically review, and revise as necessary, the methods and standards developed under subsection (a).

(c) PUBLIC PARTICIPATION.—The Secretary shall—

(1) make available to the public for comment, in draft form and for a period of at least 90 days, the methods and standards developed under subsection (a); and

(2) after the 90-day period referred to in paragraph (1), in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator, adopt the methods and standards developed under subsection (a) for use in implementing the database.

(d) EXPERTS AND CONSULTANTS.—

(1) IN GENERAL.—The Secretary may obtain the services of experts and consultants in the private and nonprofit sectors in accordance with section 3109 of title 5, United States Code, in the areas of greenhouse gas measurement, certification, and emission trading.

(2) AVAILABLE ARRANGEMENTS.—In obtaining any service described in paragraph (1), the Secretary may use any available grant, contract, cooperative agreement, or other arrangement authorized by law.

TITLE III—MARKET-DRIVEN GREENHOUSE GAS REDUCTIONS

SUBTITLE A—EMISSION REDUCTION REQUIREMENTS; USE OF TRADEABLE ALLOWANCES

SEC. 311. COVERED ENTITIES MUST SUBMIT ALLOWANCES FOR EMISSIONS.

(a) IN GENERAL.—Beginning with calendar year 2010—

(1) each covered entity in the electric generation, industrial, and commercial sectors shall submit to the Administrator one tradeable allowance for every metric ton of greenhouse gases, measured in units of carbon dioxide equivalence, that it emits;

(2) producer or importer of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that is a covered entity shall submit to the Administrator one tradeable allowance for every metric ton of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride it produces or imports, measured in units of carbon dioxide equivalence; and

(3) each petroleum refiner or importer that is a covered entity shall submit one tradeable allowance for every unit of petroleum product it sells that will produce one metric ton of greenhouse gases, measured in units of carbon dioxide equivalence, when used for transportation.

(b) DETERMINATION OF TRANSPORTATION SECTOR AMOUNT.—For the transportation sector, the Administrator shall determine the amount of greenhouse gases, measured in units of carbon dioxide equivalence, that will be emitted when petroleum products are used for transportation.

(c) EXCEPTION FOR CERTAIN DEPOSITED EMISSIONS.—Notwithstanding subsection (a), a covered entity is not required to submit a tradeable allowance for any amount of greenhouse gas that would otherwise have been emitted from a source under the ownership or control of that entity if—

(1) the emission is deposited in a geological storage facility approved by the Administrator under section 204(a)(2)(F); and

(2) the entity agrees to submit tradeable allowances for any portion of the deposited emission that is subsequently emitted from that facility.

SEC. 312. COMPLIANCE.

(a) IN GENERAL.—

(1) SOURCE OF TRADEABLE ALLOWANCES USED.—A covered entity may use a tradeable allowance to meet the requirements of this section without regard to whether the tradeable allowance was allocated to it under subtitle B or acquired from another entity or the Climate Change Credit Corporation established under section 351.

(2) VERIFICATION OF ADMINISTRATOR.—At various times during each year, the Administrator shall determine whether each covered entity has met the requirements of this section. In making that determination, the Administrator shall—

(A) take into account tradeable allowances allocated to, or acquired by, that covered entity; and

(B) retire the serial number assigned to each such tradeable allowance so used.

(b) ALTERNATIVE MEANS OF COMPLIANCE FROM 2010 THROUGH 2015.—For the years 2010, 2011, 2012, 2013, 2014, and 2015, a covered entity may satisfy 15 percent of its total allowance submission requirement under this section by—

(1) submitting tradeable allowances from another nation's market in greenhouse gas emissions if—

(A) the Secretary certifies that the other nation's system for trading in greenhouse gas emissions is complete, accurate, and transparent and reviews that determination at least once every 5 years;

(B) the other nation has adopted enforceable limits on its greenhouse gas emissions which the tradeable allowances were issued to implement; and

(C) the covered entity certifies that the tradeable allowance has been retired unused in the other nation's market;

(2) submitting a registered net increase in sequestration, as registered in the National Greenhouse Gas Database established under section 201, adjusted, if necessary, to comply with the accounting standards and methods established under section 372;

(3) submitting a greenhouse gas emissions reduction (other than a registered net increase in sequestration) that was registered in the National Greenhouse Gas Database by a person that is not a covered entity; or

(4) submitting credits obtained from the Administrator under section 314.

(c) ALTERNATIVE MEANS OF COMPLIANCE AFTER 2015.—For years beginning after 2015, a covered entity may meet the requirements of this section by any means described in subsection (b), except that for the purpose of applying subsection (d) after 2015, ''10 percent'' shall be substituted for ''15 percent''.

SEC. 313. TRADEABLE ALLOWANCES AND FUEL ECONOMY STANDARD CREDITS.

(a) IN GENERAL.—Section 32903 of title 49, United States Code, is amended by striking the second sentence of subsection (a) and inserting ''The credits may be—

''(1) applied to any of the 3 model years immediately following the model year for which the credits are earned; or

''(2) if the average fuel economy of a manufacturer exceeds the fuel efficiency standards by more than 20 percent, sold to the registry established under section 201 of the Climate Stewardship Act of 2003.''.

(b) CONVERSION RATIO.—The Secretary of Transportation, in consultation with the Administrator, shall determine the conversion factor to be used for purposes of credits purchased from, or sold to, the registry established under section 201 of this Act and fuel economy standard credits under section 32903 of title 49, United States Code.

(c) REDUCTION OF TRANSPORTATION SECTOR ALLOCATION.—If any manufacturer sells credits under section 32903(a)(2) of title 49, United States Code, to the registry established under section 201 of this Act in any calendar year, the amount of tradeable allowances allocated to the transportation sector under section 311(b) for the next calendar year, and the total allocation of tradeable allowance available for allocation in the next calendar

years, shall be reduced by an amount equivalent to the sum of the credits, measured in units of carbon dioxide equivalents, sold to the registry by such manufacturers during the preceding calendar year.

SEC. 314. BORROWING AGAINST FUTURE REDUCTIONS.

(a) IN GENERAL.—The Administrator shall establish a program under which a covered entity may—

(1) receive a credit in the current calendar year for anticipated reductions in emissions in a future calendar year; and

(2) use the credit in lieu of a tradeable allowance to meet the requirements of this Act for the current calendar year, subject to the limitation imposed by section 312(b).

(b) DETERMINATION OF TRADEABLE ALLOWANCE CREDITS.—The Administrator may make credits available under subsection (a) only for anticipated reductions in emissions that—

(1) are attributable to the realization of capital investments in equipment, the construction, reconstruction, or acquisition of facilities, or the deployment of new technologies—

(A) for which the covered entity has executed a binding contract and secured, or applied for, all necessary permits and operating or implementation authority;

(B) that will not become operational within the current calendar year; and

(C) that will become operational and begin to reduce emissions from the covered source within 5 years after the year in which the credit is used; and

(2) will be realized within 5 years after the year in which the credit is used.

(c) CARRYING COST.—If a covered entity uses a credit under this section to meet the requirements of this Act for a calendar year (referred to as the use year), the tradeable allowance requirement for the year from which the credit was taken (referred to as the source year) shall be increased by an amount equal to—

(1) 10 percent for each credit borrowed from the source year; multiplied by

(2) the number of years beginning after the use year and before the source year.

(d) MAXIMUM BORROWING PERIOD.—A credit from a year beginning more than 5 years after the current year may not be used to meet the requirements of this Act for the current year.

(e) FAILURE TO ACHIEVE REDUCTIONS GENERATING CREDIT.—If a covered entity that uses a credit under this section fails to achieve the anticipated reduction for which the credit was granted for the year from which the credit was taken, then—

(1) the covered entity's requirements under this Act for that year shall be increased by the amount of the credit, plus the amount determined under subsection (c);

(2) any tradeable allowances submitted by the covered entity for that year shall be counted first against the increase in those requirements; and

(3) the covered entity may not use credits under this section to meet the increased requirements.

SEC. 315. OTHER USES OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—Tradeable allowances may be sold, exchanged, purchased, retired, or used as provided in this section.

(b) INTERSECTOR TRADING.—Covered entities may purchase or otherwise acquire tradeable allowances from other covered sectors to satisfy the requirements of section 311.

(c) CLIMATE CHANGE CREDIT ORGANIZATION.—The Climate Change Credit Corporation established under section 351 may sell tradeable allowances allocated to it under section 332(a)(2) to any covered entity or to any investor, broker, or dealer in such tradeable allowances. The Climate Change Credit Corporation shall use all proceeds from such sales in accordance with the provisions of section 352.

(d) BANKING OF TRADEABLE ALLOWANCES.—Not withstanding the requirements of section 311, a covered entity that has more than a sufficient amount of tradeable allowances to satisfy the requirements of section 311, may refrain from submitting a tradeable allowance to satisfy the requirements in order to sell, exchange, or use the tradeable allowance in the future.

SEC. 316. EXEMPTION OF SOURCE CATEGORIES.

(a) IN GENERAL.—The Administrator may grant an exemption from the requirements of this Act to a source category if the Administrator determines, after public notice and comment, that it is not feasible to measure or estimate emissions from that source category.

(b) REDUCTION OF LIMITATIONS.—If the Administrator exempts a source category under subsection (a), the Administrator shall also reduce the total tradeable allowances under section 321(a) as follows:

(1) 2010 LIMITATION.—For the tradeable allowances under section 311(a)(1), the Administrator shall reduce the total by the amount of greenhouse gas emissions that the exempted source category emitted in calendar year 2000, as identified in the 2000 Inventory.

(2) 2016 LIMITATION.—For the tradeable allowances under subsection 311(a)(2), the Administrator shall reduce the total by the amount of green-house gas emissions that the exempted source category emitted in calendar year 1990, as identified in the 1990 Inventory.

(c) LIMITATION ON EXEMPTION.—The Administrator may not grant an exemption under subsection (a) to carbon dioxide produced from fossil fuel.

Subtitle B—Establishment and Allocation of Tradeable Allowances

SEC. 331. ESTABLISHMENT OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—The Administrator shall promulgate regulations to establish tradeable allowances, denominated in units of carbon dioxide equivalence—

(1) for calendar years beginning after 2009 and before 2016, equal to—

(A) 5896 million metric tons, measured in units of carbon dioxide equivalence, reduced by

(B) the amount of emissions of greenhouse gases in calendar year 2000 from non-covered entities; and

(2) for calendar years beginning after 2015, equal to—

(A) 5123 million metric tons, measured in units of carbon dioxide equivalence, reduced by

(B) the amount of emissions of greenhouse gases in calendar year 1990 from non-covered entities.

(b) SERIAL NUMBERS.—The Administrator shall assign a unique serial number to each tradeable allowance established under subsection (a), and shall take such action as may be necessary to prevent counterfeiting of tradeable allowances.

(c) NATURE OF TRADEABLE ALLOWANCES.—A tradeable allowance is not a property right, and nothing in this title or any other provision of law limits the authority of the United States to terminate or limit a tradeable allowance.

(d) NON-COVERED ENTITY.—In this section:

(1) IN GENERAL.—The term ''non-covered entity'' means an entity that—

(A) owns or controls a source of greenhouse gas emissions in the electric power, industrial, or commercial sectors of the United States economy (as defined in the Inventory), refines or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride; and

(B) is not a covered entity, determined by applying the definition in section 3(4) for the year 2000 (for the purpose of subsection (a)(1)(B)) or the year 1990 (for the purpose of subsection (a)(2)(B)).

(2) EXCEPTION.—Notwithstanding paragraph (1), an entity that is a covered entity for any calendar year beginning after 2009 shall not be considered to be a non-covered entity for the purpose of either subsection (a)(1)(B) or subsection (a)(2)(B) only because it emitted, or its products would have emitted, 10,000 metric tons or less of greenhouse gas, measured in units of carbon dioxide equivalence, in the year 2000 or 1990, respectively.

SEC. 332. DETERMINATION OF TRADEABLE ALLOWANCE ALLOCATIONS.

(a) IN GENERAL.—The Secretary shall determine—

(1) the amount of tradeable allowances to be allocated to each covered sector of that sector's Phase I and Phase II allotments; and

(2) the amount of tradeable allowances to be allocated to the Climate Change Credit Corporation established under section 351.

(b) ALLOCAITON FACTORS.—In making the determination required by subsection (a), the Secretary shall consider—

(1) the distributive effect of the allocations on household income and net worth of individuals

(2) the impact of the allocations on corporate income, taxes, and asset value;

(3) the impact of the allocations on income levels of consumers and on their energy consumption;

(4) the effects of the allocations in terms of economic efficiency;

(5) the ability of covered entities to pass through compliance costs to their customers; and

(6) the degree to which the amount of allocations to the covered sectors should decrease over time.

(c) ALLOCATION RECOMMENDATIONS AND IMPLEMENTATIONS.—Before allocating or providing tradeable allowances under subsection(a) and within 24 hours after the date of enactment of this Act, the Secretary shall submit the determinations under subsection (a) to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce. The Secretary's determinations under paragraph (1), including the allocations and provision of tradeable allowances pursuant to that determination, are deemed to be a major rule (as defined in section 804(2) of title 5, United States Code), and subject to the provisions of chapter 8 of that title.

SEC. 333. ALLOCATION OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—Beginning with calendar year 2010 and after taking into account any initial allocations under section 334, the Administrator shall—

(1) allocate to each covered sector that sector's Phase I and Phase II allotments determined by the Administrator under section

332 (adjusted for any such initial allocations and the allocation to the Climate Change Credit Corporation established under section 351); and

(2) allocate to the Climate Change Credit Corporation established under section 351 the tradeable allowances allocable to that Corporation.

(b) INTRASECTORIAL ALLOTMENTS.—The Administrator shall, by regulation, establish a process for the allocation of tradeable allowances under this section, without cost to facilities within each sector, that will—

(1) encourage investments that increase the efficiency of the processes that produce greenhouse gas emissions;

(2) minimize the costs to the government of allocating the tradeable allowances;

(3) not penalize a covered entity for registered emissions reductions made before 2010; and

(4) provide sufficient allocation for new entrants into the sector.

(c) POINT SOURCE ALLOCATION.—The Administrator shall allocate the tradeable allowances for the electricity generation, industrial, and commercial sectors to the entities owning or controlling the point sources of greeenhouse gas emissions within that sector.

(d) HYDROFLUOROCARBONS, PERFLUOROCARBONS, AND SULFUR HEXAFLUORIDE.—The Administrator shall allocate the tradeable allowances for producers or importers of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride one tradeable allowance for every metric ton of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride produced or imported, measured in units of carbon dioxide equivalence.

(e) SPECIAL RULE FOR ALLOCATION WITHIN THE TRANSPORTATION SECTOR.—The Administrator shall allocate the tradeable allowances for the transportation sector to petroleum refiners or importers that produce or import petroleum products that will be used as fuel for transportation.

SEC. 334. INITIAL ALLOCATIONS FOR EARLY PARTICIPATION AND ACCELERATED PARTICIPATION.

Before making allocations under section 333, the Administrator shall allocate—

(1) to any covered entity an amount of tradeable allowances equivalent to the amount of greenhouse gas emissions reductions registered by that covered entity in the national greenhouse gas database if—

(A) the covered entity has requested to use the registered reduction in the year of allocation;

(B) the reduction was registered prior to 2010; and

(C) the Administrator retires the unique serial number assigned to the reduction under section 201(c)(3); and

(2) to any covered entity that has entered into an accelerated participation agreement under section 335, such tradeable allowances as the Administrator has determined to be appropriate under that section.

SEC. 335. BONUS FOR ACCELERATED PARTICIPATION.

(A) IN GENERAL.—If a covered entity executes an agreement with the Administrator under which it agrees to reduce its level of greenhouse gas emissions to a level no greater than the level of its greenhouse gas emissions for calendar year 1990 by the year 2010, then, for the 6-year period beginning with calendar year 2010, the Administrator shall—

(1) provide additional tradeable allowances to that entity when allocating allowances under section 334 in order to recognize the additional emissions reductions that will be required of the covered entity;

(2) allow that entry to satisfy 20 percent of its requirements under section 311 by—

(A) submitting tradeable allowances from another nation's market in greenhouse gas emission under the conditions described in section 312(b)(1);

(B) submitting a registered net increase in sequestration, as registered in the National Greenhouse Gas Database established under section 201, and as adjusted by the appropriate sequestration discount rate established under section 372; or

(C) submitting a greenhouse gas emission reduction (other than a registered net increase in sequestration) that was registered in the National Greenhouse Gas Database by a person that is not a covered entity.

(b) TERMINATION.—An entity that executes an agreement described in subsection (a) may terminate the agreement at any time.

(c) FAILURE TO MEET COMMITMENT.—If an entity that executes an agreement described in subsection (a) fails to achieve the level of emissions to which it committed by calendar year 2010—

(1) its requirements under section 311 shall be increased by the amount of any tradeable allowances provided to it under subsection (a)(1); and

(2) any tradeable allowances submitted thereafter shall be counted first against the increase in those requirements.

SEC. 336. ENSURING TARGET ADEQUACY.

(a) IN GENERAL.—Beginning 2 years after the date of enactment of this Act, the Under Secretary of Commerce for Oceans and Atmosphere shall review the allowances established by subsection (a) no less frequently than biennially—

(1) to re-evaluate the levels established by that subsection, after taking into account the best available science and the most currently available data, and

(2) to re-evaluate the environmental and public health impacts of specific concentration levels of greenhouse gases,

to determine whether the allowances established by subsection (a) continue to be consistent with the objective of the United Nations' Framework Convention on Climate Change of stabilizing levels of greenhouse gas emissions at a level that will prevent dangerous anthropogenic interference with the climate system.

(b) REVIEW OF 2010 AND 2016 LEVELS.—The Under Secretary shall specifically review in 2008 the level established under section 311(a)(1) and, in 2012, the level established under section 311(a)(2), and transmit a report on his reviews, together with any recommendations, including legislative recommendations, for modification of the levels, to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce.

Subtitle C—Climate Change Credit Corporation

SEC. 351. ESTABLISHMENT.

(a) IN GENERAL.—The Climate Change Credit Corporation is established as a nonprofit corporation without stock. The Corporation shall not be considered to be an agency or establishment of the United States Government.

(b) APPLICABLE LAWS.—The Corporation shall be subject to the provisions of this title and, to the extent consistent with this title, to the District of Columbia Business Corporation Act.

(c) BOARD OF DIRECTORS.—The Corporation shall have a board of directors of 5 individuals who are citizens of the United States, of whom 1 shall be elected annually by the board to serve as chairman. No more than 3 members of the board serving at any time may be affiliated with the same political party. The members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate and shall serve for terms of 5 years.

SEC. 352. PURPOSES AND FUNCTIONS.

(a) TRADING.—The Corporation—

(1) shall receive and manage tradeable allowances allocated to it under section 333(a)(2); and

(2) shall buy and sell tradeable allowances, whether allocated to it under that section or obtained by purchase, trade, or donation from other entities; but

(3) may not retire tradeable allowances unused.

(b) USE OF TRADEABLE ALLOWANCES AND PROCEEDS.—

(1) IN GENERAL.—The Corporation shall use the tradeable allowances, and proceeds derived from its trading activities in tradeable allowances, to reduce costs borne by consumers as a result of the greenhouse gas reduction requirements of this Act. The reductions—

(A) may be obtained by buy-down, subsidy, negotiation of discounts, consumer rebates, or otherwise;

(B) shall be, as nearly as possible, equitably distributed across all regions of the United States; and

(C) may include arrangements for preferential treatment to consumers who can least afford any such increased costs.

(2) TRANSITION ASSISTANCE TO DISLOCATED WORKERS AND COMMUNITIES.—The Corporation shall allocate a percentage of the proceeds derived from its trading activities in tradeable allowances to provide transition assistance to dislocated workers and communities. Transition assistance may take the form of—

(A) grants to employers, employer associations, and representatives of employees—

(i) to provide training, adjustment assistance, and employment services to dislocated workers; and

(ii) to make income-maintenance and needs-related payments to dislocated workers; and

(B) grants to State and local governments to assist communities in attracting new employers or providing essential local government services.

(3) PHASE-OUT OF TRANSITION ASSISTANCE.—The percentage allocated by the Corporation under paragraph (2)—

(A) shall be 20 percent for 2010;

(B) shall be reduced by 2 percentage points each year thereafter; and

(C) may not be reduced below zero.

(c) ANNUAL REPORT.—The Corporation shall issue an annual report setting forth the results of its operations for the year.

SUBTITLE D—SEQUESTRATION ACCOUNTING; PENALTIES

SEC. 371. SEQUESTRATION ACCOUNTING.

(a) SEQUESTRATION ACCOUNTING.—If a covered entity uses a registered net increase in sequestration to satisfy the requirements of section 311 for any year, that covered entity shall submit information to the Administrator every 5 years thereafter sufficient to allow the Administrator to determine, using the methods and standards created under section 204, whether that net increase in sequestration still exists. Unless the Administrator determines that the net increase in

sequestration continues to exist, the covered entity shall offset any loss of sequestration by submitting additional tradeable allowances of equivalent amount in the calendar year following that determination.

(b) REGULATIONS REQUIRED.—The Secretary, acting through the Under Secretary of Commerce for Science and Technology, in coordination with the Secretary of Agriculture, the Secretary of Energy, and the Administrator, shall issue regulations establishing the sequestration accounting rules for all classes of sequestration projects.

(c) CRITERIA FOR REGULATIONS.—In issuing regulations under this section, the Secretary shall use the following criteria:

(1) If the range of possible amounts of net increase in sequestration for a particular class of sequestration project is not more than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the median value of that range.

(2) If the range of possible amounts of net increase in sequestration for a particular class of sequestration project is more than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the fifth percentile of that range.

(3) The regulations shall include procedures for accounting for potential leakage from sequestration projects and for ensuring that any registered increase in sequestration is in addition that which would have occurred if this Act had not been enacted.

(d) UPDATES.—The Secretary shall update the sequestration accounting rules for every class of sequestration project at least once every 5 years.

SEC. 372. PENALTIES.

Any covered entity that fails to meet the requirements of section 311 for a year shall be liable for a civil penalty, payable to the Administrator, equal to thrice the market value (determined as of the last day of the year at issue) of the tradeable allowances that would be necessary for that covered entity to meet those requirements on the date of the emission that resulted in the violation.

Mr. MCCAIN. Mr. President, the National Academy of Science has said, ''Greenhouse gases are accumulating in the Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise. Temperatures are, in fact, rising. The changes observed over the last several decades are likely mostly due to human activities, but we cannot rule out that some significant part of these changes is also a reflection of natural variability.''

Over the past five years, the Commerce Committee has held eight hearings on climate change. Two the last five years, 1998 and 2002, have been the warmest, in terms of average global temperatures, ever recorded. According to a recent report from the National Oceanic and Atmospheric Administration NOAA, nine of the warmest years have occurred since 1990. As reported in the New York Times on December 31, 2002, many experts think it is more likely than not 2003 will either match or exceed the 1998 average temperature record of 58 degrees Fahrenheit.

Researchers at the University of Texas, Wesleyan University, and Stanford University recently reported in the journal Nature that global warming is forcing species around the world, from California starfish to Alpine herbs, to move into new ranges or alter habits that could disrupt ecosystems. The report states there is ''very high confidence,'' defined as having more than 95 percent of observed changes which were principally caused by climate change, that climate change is already affecting living systems. The end result off these changes could be substantial ecological disruption, local losses in wildlife, and extinction of certain species.

This and many other reports over the years have highlighted time and again the consequences of a warming climate system. We have seen the destruction of over 70 percent of the heat-sensitive corals reefs, the melting of glaciers at unprecedented levels, the increase of wildfires, and the spreading of diseases. A large German insurance company has estimated that global warming could cost $300 billion annually by 2050 in weather damage, pollution, industrial and agricultural losses, and other expenses.

Our international partners, the States, and private industry are reacting to this challenge. For example, California has enacted legislation that will regulate tailpipe emissions of greenhouse gases. The European Union just recently approved an emissions trading system. The World Bank has estimated that greenhouse gas trading will be a $10 billion market by 2005. Financial ratification of the Kyoto Protocol rests with Russia.

Industry is also paying attention to what's happening. Laws firms and insurance companies are setting up business units to deal with climate-related risks.

Thus far, however, little has actually been accomplished to reduce greenhouse gas emissions. The United States must do something, but it must also do the right thing. Many have focused on what we do not know or the uncertainties are climate change. I prefer a more sound and scientific approach of starting with what is known or given and then proceeding to solve the problem at hand.

While we cannot say with 100 percent confidence what will happen in the future, we do know the mission of greenhouse gases is not healthy for the environment. As many of the top scientists through the world have stated, the sooner we start to reduce these emissions, the better off we will be in the future.

In 2001, Senator LIEBERMAN and I announced our intention to develop legislation to require mandatory reductions in greenhouse gases emissions and provide for the trading of emission allowances. We have been working with industry and the environmental community to develop legislation to move the country in the right direction and demonstrate leadership on this important issue. It will be the first comprehensive piece of legislation in this area. Not only will it not place the burden on any one sector, it would allow for the partnering across sectors through the trading system to most effectively meet the required reductions.

The bill we are introducing will propose a ''cap and trade'' approach to reducing greenhouse gases emissions. It would require the promulgation of regulations to limit greenhouse gases emissions from the electricity generation, transportation, industrial and commercial economic sectors. The affected sectors request approximately 85 percent of the overall U.S. emissions for the year 2000. The bill also would provide for the trading of emissions allowances and reductions through the government provided greenhouse gas database, which would contain an inventory of emissions and a registry of reduction.

I thank Senator LIEBERMAN for his commitment and leadership in bringing this piece of legislative initiative. We hope that our colleagues in the Senate and the Administration will work with us to improve upon and ultimately adopt this much needed legislation.

The U.S. is responsible for 25 percent of the worldwide greenhouse gases emissions. It is time for the U.S. government to do its part to address this global problem, and legislation on mandatory reductions is the form of leadership that is required to address this global problem.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 15—COMMENDING DAN L. CRIPPEN FOR HIS SERVICE TO CONGRESS AND THE NATION

Mr. DOMENICI (for himself, Mr. CONRAD, Mr. GRASSLEY, Mr. HOLLINGS, Mr. NICKLES, Mr. SARBANES, Mr. BOND, Mrs. MURRAY, Mr. GREGG, Mr. WYDEN, Ms. SNOWE, Mr. FEINGOLD, Mr. FRIST, Mr. JOHNSON, Mr. SMITH, Mr. BYRD, Mr. ALLARD, Mr. NELSON of Florida, Mr. HAGEL, Ms. STABENOW, Mrs. CLINTON, and Mr. CORZINE) submitted the following resolution; which was considered and agreed to:

S. RES. 15

Whereas Dr. Dan L. Crippen has served as the fifth Director of the Congressional Budget Office since February 3, 1999 and now has ended his service on January 3, 2003;

Whereas during his tenure as Director, he has continued to encourage the highest standards of analytical excellence within the staff of the Congressional Budget Office while maintaining the independent and nonpartisan character of the organization;

Whereas he has provided expert testimony to all committees of the United States Senate;

Whereas during his tenure as Director, he has expanded and improved the accessibility of the Congressional Budget Office's work products to the Congress and the public;

Whereas he has led the agency's development of an independent long-term economic modeling capability that examines demographic changes and their critical impact on economic and budget estimates;

Whereas he has performed his duties as Director at a time of extreme personal loss with courage, dignity, and intelligence; and

Whereas he has earned the respect and esteem of the United States Senate: Now, therefore, be it

Resolved, That the Senate of the United States commends Dr. Dan L. Crippen for his dedicated, faithful, and outstanding service to his country and to the Senate.

SENATE RESOLUTION 16—HONORING THE HILLTOPPERS OF WESTERN KENTUCKY UNIVERSITY FROM BOWLING GREEN, KENTUCKY, FOR WINNING THE 2002 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I–AA FOOTBALL CHAMPIONSHIP

Mr. BUNNING (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 16

Whereas on December 20, 2002, the Western Kentucky University Hilltoppers from Bowling Green, Kentucky, won the 2002 NCAA Division I–AA Collegiate Football Championship;

Whereas this championship is Western Kentucky University's first NCAA Football Championship since its football program began in 1913;

Whereas the Hilltoppers had an impressive and overall record of 12 wins and 3 losses, including 10 consecutive wins and winning the championship game;

Whereas the Hilltoppers showed tremendous dedication to each other, appreciation to their fans, sportsmanship to their opponents, and respect for the game of football throughout their 2002 season;

Whereas Western Kentucky University was represented with integrity and principled leadership under the direction of its head coach Jack Harbaugh, athletic director Dr. Wood Selig, and president Dr. Gary A. Ransdell; and

Whereas on December 20, 2002, the 15th ranked Western Kentucky University Hilltoppers faced the number 1 ranked McNeese State University Cowboys for the 2002 NCAA Division I–AA Football Championship in Chattanooga, Tennessee, and came away victorious by a score of 34 to 14: Now, therefore, be it

Resolved, That the Senate honors the Western Kentucky University football team from Bowling Green, Kentucky, for winning the 2002 NCAA Division I–AA Football Championship.

SENATE CONCURRENT RESOLUTION 1—EXPRESSING THE SENSE OF CONGRESS THAT THERE SHOULD CONTINUE TO BE PARITY BETWEEN THE ADJUSTMENTS IN THE COMPENSATION OF MEMBERS OF THE UNIFORMED SERVICES AND THE ADJUSTMENTS IN THE COMPENSATION OF CIVILIAN EMPLOYEES OF THE UNITED STATES

Mr. SARBANES (for himself, Mr. BINGAMAN, Mr. DURBIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. LEVIN, Mr. WARNER, Ms. CANTWELL, Mr. NELSON of Nebraska, Mrs. CLINTON, Mr. AKAKA, Mr. KENNEDY, and Mr. LIEBERMAN) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 1

Whereas members of the uniformed services of the United States and civilian employees of the United States make significant contributions to the general welfare of the United States and are on the front lines in the fight against terrorism;

Whereas civilian employees of the United States play a crucial role in the fight against terrorism, as exemplified by the civilian employees of the new Department of Homeland Security who are working to ensure the security of the United States, the civilian employees of the Central Intelligence Agency and the Federal Bureau of Investigation who are investigating the September 11, 2001, terrorist attacks and working to prevent further terrorist attacks, the numerous civilian employees of the Federal Government who participated in disaster response teams after such attacks, and the civilian employees of the Transportation Security Agency who are working to make our skies safer;

Whereas civilian employees of the United States will continue to support and defend the United States during this difficult time;

Whereas for fiscal year 2003 the Administration granted a 4.1 percent pay raise for members of the uniformed services but only a 3.1 percent pay raise for the dedicated civilian employees of the United States, a disparity in adjustments that violates the traditional principle of parity of pay adjustments; and

Whereas this disparity in pay adjustments goes against the longstanding policy of parity for all those who have chosen to serve the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

Mr. SARBANES. Mr. President, I am called to join with Senators AKAKA, BINGAMAN, CANTWELL, CLINTON, DURBIN, KENNEDY, LEVIN, LIEBERMAN, MIKULSKI, MURRAY, NELSON, E. BENJAMIN, and WARNER in introducing a resolution that would express the sense of the Congress that parity in the pay increases granted to Federal civilian and military employees should be maintained. A comparison of military and civilian pay increases by the Congressional Research Service finds that in 14 of the last 17 years military and civilian pay increases have been identical. Disparate treatment of civilian and military pay goes against the longstanding policy of parity for all those who have chosen to serve our Nation, whether that service be in the civilian workforce or in the armed services.

During this unpredented time in our Nation's history, both members of the armed services and civilian Federal employees are fighting the war on terrorism and making remarkable contributions to the safety of this country and our citizens. Both the armed forces and civilian employees are on the front lines in the fight against terrorism, and civilian employees are playing a significant role in that fight.

For example, civilian employees of the new Department of Homeland Security are working to ensure the safety of our Nation. Air marshals and members of the Transportation Security Agency are making America's skies safer. Civilian employees of the Central Intelligence Agency and the Federal Bureau of Investigation are investigating the events of September 11th and working to prevent further terrorist attacks. And Federal employees at the State Department are working with other countries in an international coalition against terrorism.

In addition, there are numerous Federal employees who participated in disaster response teams on September 11th and during the anthrax attacks. And every day, thousands of civilian Federal employees continue to go to work and carry out their responsibilities in this unpredictable time.

This Senate Concurrent Resolution expresses the sense of the Congress that parity between the adjustments in Federal civilian pay and military pay should be maintained. For Fiscal Year 2003, President Bush gave a 4.1 percent pay raise to members of the armed services, but only a 3.1 percent pay raise to our dedicated public servants. This discrepancy violates the traditional principle of pay parity, and does not recognize the crucial work of the civilian Federal workforce. Furthermore, this discrepancy ignores the express wish of Congress that the principle of pay parity be followed. Past budget resolutions and Treasury-Postal appropriations bills approved by the Senate and the House of Representatives have included language expressing the ''sense of Congress that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for member of the uniformed services.''

In this difficult time, the dedication and commitment of both the armed services and our civilian employees demonstrate the greatness of our Nation. The contribution of both should be recognized.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on January 9, 2003, at 9:30 am on the future of the airline industry in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on January 9, 2003, at 2:30 pm on phase-out of single hull tankers in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. GREGG. Mr. President, I ask unanimous consent that Bill Lucia of my HELP Committee staff be granted floor privileges.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING DR. DAN L. CRIPPEN

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 15.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 15) commending Dr. Dan L. Crippen for his service to Congress and the Nation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. Mr. President, today, I would like to recognize the exemplary and faithful service that Dan L. Crippen has provided to his country and to the U.S. Congress. January 3, 2003, was Dr. Crippen's last day as the Director of the Congressional Budget Office.

In the four years that he has held that position, he has led CBO with dedication and integrity. As a respected and thoughtful steward of the agency, he has provided the Members of Congress with impartial analyses of a wide array of budgetary and economic issues and thereby provided a sound basis for Congressional decisions, and he has aided the American public's understanding of these issues through his clear and forthright statements.

Some of his particular accomplishments as Director include fostering the development of long-term modeling and a long-range perspective in the agency's analyses, bolstering research support, building a stronger and more diverse workforce, securing access to previously unavailable data, and modernizing many support processes and much of the work space.

Dan Crippen received a bachelor of arts degree from South Dakota in 1974, a master of arts from Ohio State in 1976, and a doctor of philosophy degree in public finance from Ohio State in 1981. He then set out on a remarkable career that has included positions of great responsibility in both the public and private sectors. From 1981 to 1985, he served in the United States Senate as Chief Counsel and Economic Policy Adviser to the Senate majority leader, working on major tax and budget bills as well as other legislation. From 1985 to 1987, he was Executive Director of Merrill Lynch International Advisory Council.

He then returned to public service, this time at the White House, as Deputy Assistant to the President from 1987 to 1988 and Assistant to the President for Domestic Affairs from 1988 to 1989, in which capacity he served as the President's adviser on domestic policy issues, including the preparation and presentation of the federal budget.

In 1989, he became Senior Vice President of the consulting firm Duberstein Group, and in 1996, he became Principal in the consulting firm Washington Counsel.

From there, he was tapped again for Congressional service and became the fifth director of the Congressional Budget Office, where he advanced its already strong reputation for objective and insightful analysis. For that reason and many others, he has earned the respect, admiration, and affection of his colleagues at CBO and, once again, the gratitude of the U.S. Congress.

So on the occasion of Dan Crippen's departure from CBO, I want to salute his accomplishments and contributions thus far in his career and to say that I look forward to his continued success as he takes on new responsibilities in the next phase of his career.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements related to this matter be printed in the RECORD.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. Does the majority whip yield the floor?

Mr. McCONNELL. I yield the floor.

Mr. REID. I withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 15) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 15

Whereas Dr. Dan L. Crippen has served as the fifth Director of the Congressional Budget Office since February 3, 1999 and now has ended his service on January 3, 2003;

Whereas during his tenure as Director, he has continued to encourage the highest standards of analytical excellence within the staff of the Congressional Budget Office while maintaining the independent and nonpartisan character of the organization;

Whereas he has provided expert testimony to all committees of the United States Senate;

Whereas during his tenure as Director, he has expanded and improved the accessibility of the Congressional Budget Office's work products to the Congress and the public;

Whereas he had led the agency's development of an independent long-term economic modeling capability that examines demographic changes and their critical impact on economic and budget estimates;

Whereas he has performed his duties as Director at a time of extreme personal loss with courage, dignity, and intelligence; and

Whereas he has earned the respect and esteem of the United States Senate: Now, therefore, be it

Resolved, That the Senate of the United States commends Dr. Dan L. Crippen for his dedicated, faithful, and outstanding service to his country and to the Senate.

HONORING THE HILLTOPPERS OF WESTERN KENTUCKY UNIVERSITY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 16 submitted earlier by Senator BUNNING and myself.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 16) honoring the Hilltoppers of Western Kentucky University from Bowling Green, Kentucky, for winning the 2002 National Collegiate Athletic Association Division I–AA Football Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BUNNING. Mr. President, I rise today to honor and congratulate the players and coaches of the Western Kentucky University Hilltopper football team on winning the 2002 NCAA Division I–AA National Championship.

When people take a look back at Western's championship season, they will certainly wonder how in the world a team which lost three of its first five games wound up winning the national title? The answer lies in the hearts and minds of every single member of Western Kentucky's team, from the coaches to freshmen walk-ons. Not only did this team refuse to give up, they made it their mission to work harder on and off the field to achieve their dreams and goals. Head Coach Jack Harbaugh deserves special recognition for his

ability to right Western's ship before it veered too far off course.

Having to go on a six game win streak simply to reach the post-season, Western entered the Division I–AA playoffs as a longshot. To even reach the championship game, Western had to beat the number two and three rated teams in the nation. Once in the title game, Western was simply too strong to be stopped. They beat the number one rated McNeese State Cowboys by a score of 34–14, exacting revenge on the team which had beat them early in the season. Quarterback Jason Michael threw for a career-high 185 yards and running back Jon Frazier added 159 yards on the ground in the national title match. This was Western Kentucky University's first NCAA football championship.

Mr. President, I ask that my fellow colleagues join me in congratulating the Hilltopper football players, Head Coach Jack Harbaugh, Athletic Director Dr. Wood Selig and Dr. Gary Ransdell on winning the 2002 Division I–AA National Championship. This win reflects very highly on Western Kentucky University and the entire Commonwealth of Kentucky. Who said Kentucky wasn't a football State?

Mr. McCONNELL. Mr. President, I would like to thank my colleague, Mr. Bunning, for introducing this resolution congratulating the Western Kentucky University Hilltoppers on capturing the National Collegiate Athletics Association's NCAA Division I–AA championship, and I would urge the Senate to adopt it.

Mr. President, the story of Western Kentucky University's 2002 football season is one of perseverance and determination in the face of long odds. After a disappointing start, in which Western Kentucky dropped three of its first five games, Coach Jack Harbaugh rallied the Hilltoppers to victories in their last six regular season games. This late-season charge helped Western Kentucky secure one of the final spots in the Division I–AA playoffs. Once in the NCAA tournament, Western was faced with a daunting path to the championship which required them to defeat each of the top three ranked teams on consecutive weekends. However, Western Kentucky rose to the challenge and even exacted a measure of revenge by defeating Western Illinois and McNeese State, two of the teams that had previously defeated the Hilltoppers during the regular season. With its 34 to 14 victory over McNeese State on December 20, 2002, Western Kentucky University captured the first NCAA football championship in the program's proud eighty-nine year history.

I want to congratulate the Hilltopper football team, head Coach Jack Harbaugh, Athletic Director Dr. Wood Selig, and President Gary Ransdell on capturing the 2002 Division I–AA national championship and thank them for the outstanding manner in which they represented Western Kentucky University and the Commonwealth of Kentucky.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 16) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 16

Whereas on December 20, 2002, the Western Kentucky University Hilltoppers from Bowling Green, Kentucky, won the 2002 NCAA Division I–AA Collegiate Football Championship;

Whereas this championship is Western Kentucky University's first NCAA Football Championship since its football program began in 1913;

Whereas the Hilltoppers had an impressive and overall record of 12 wins and 3 losses, including 10 consecutive wins and winning the championship game;

Whereas the Hilltoppers showed tremendous dedication to each other, appreciation to their fans, sportsmanship to their opponents, and respect for the game of football throughout their 2002 season;

Whereas Western Kentucky University was represented with integrity and principled leadership under the direction of its head coach Jack Harbaugh, athletic director Dr. Wood Selig, and president Dr. Gary A. Ransdell; and

Whereas on December 20, 2002, the 15th ranked Western Kentucky University Hilltoppers faced the number 1 ranked McNeese State University Cowboys for the 2002 NCAA Division I–AA Football Championship in Chattanooga, Tennessee, and came away victorious by a score of 34 to 14: Now, therefore, be it

Resolved, That the Senate honors the Western Kentucky University football team from Bowling Green, Kentucky, for winning the 2002 NCAA Division I–AA Football Championship.

EXTENDING THE NATIONAL FLOOD INSURANCE PROGRAM

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 11, which is being held at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 11) to extend the national flood insurance program.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 11) was read a third time and passed.

MEASURE READ THE FIRST TIME—H.J. RES. 2

Mr. McCONNELL. Mr. President, I understand that H.J. Res. 2 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes.

Mr. McCONNELL. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The joint resolution will be read for the second time on the next legislative day.

MEASURE READ THE FIRST TIME—H.R. 16

Mr. McCONNELL. Mr. President, I understand that H.R. 16 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 16) to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

Mr. McCONNELL. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

PROVIDING FOR ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 8 which is at the desk; further, that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 8) was agreed to.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 108–1

Mr. McCONNELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on January 9, 2003 by the President of the United

States: Agreement Amending Treaty with Canada Concerning Pacific Coast Albacore Tuna Vessels and Port Privileges (Treaty Document No. 108–1).

I further ask unanimous consent that the treaty be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Agreement Amending the Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges done at Washington May 26, 1981 (the ''Treaty''), effected by an exchange of diplomatic notes at Washington on July 17, 2002, and August 13, 2002 (the ''Agreement''). I am also enclosing, for the information of the Senate, the report of the Secretary of State on the Agreement and a related agreement, effected by an exchange of notes at Washington on August 21, 2002, and September 10, 2002, amending the Annexes to the Treaty; this related agreement was concluded pursuant to Article VII of the Treaty.

The Treaty currently permits unlimited fishing for albacore tuna by vessels of each Party in waters under the jurisdiction of the other Party. The Agreement amends the Treaty to allow for a limitation on such fishing necessitated by changing circumstances.

The U.S. fishing and processing industries strongly support the amendment to the Treaty. The amendment not only allows the Parties to redress the imbalance of benefits received by U.S. fishers that has developed in the operation of the Treaty, but also preserves U.S. interests under the Treaty, including the interest of U.S. fishers to fish in Canadian waters at times when the albacore stock moves northward, the interest of U.S. processors to continue to receive Canadian catches for processing, and the U.S. interest in being able to conserve and manage the stock.

The recommended legislation necessary to implement the Agreement will be submitted separately to the Congress.

I recommend that the Senate give favorable consideration to this Agreement and give its advice and consent to ratification at an early date.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 9, 2003.*

ORDERS FOR FRIDAY, JANUARY 10, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Friday, January 10; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that there then be a period of morning business until noon with the time equally divided, and that Senators be permitted to speak for up to 10 minutes each.

Mr. REID. Mr. President, reserving the right to object, I would like to spread on the record the fact that I want to congratulate the majority whip, Senator MCCONNELL, for his elevation to this job. I look forward to working with him. We have worked together on a number of issues over the years, and I have found him to be a gentleman and a good legislator. There is so much we have to do this year in this Congress. A lot that happens will depend on how he and I manage the floor. I am very happy he is going to be spending a lot of time on the floor. I look forward to working with him. With his advocacy and the work that I hope I will be able to do, we should be able to move the legislation along, maybe better than it has in the past. So I look forward to working with Senator MCCONNELL. He was in a meeting that I attended yesterday with the President, and it was clear that we have so much to do for the good of the country. I hope we can set aside partisan differences most of the time and look forward to accomplishing what the people in this country—those from Kentucky, Nevada, and Georgia—really need.

Senator DASCHLE and I pledge our support to do that and I hope we can do that in the months to come.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. MCCONNELL. Mr. President, I, too, look forward to working with Senator REID. I have known him for many years and have admired his great work. I am confident that we will get along well and advance the business of the people to the maximum extent possible, and whatever partisan differences develop along the way, I know neither of us will take that personally. As we know, the most important vote is always the next one. So I look forward to continuing our good relationship. We will be spending a lot of time together in this Chamber.

PROGRAM

Mr. MCCONNELL. Mr. President, the Senate will be in session tomorrow. It is the leader's hope that we will be able to pass the respective party committee resolutions. As he mentioned previously, it is important that we get that done so that the committees can begin their work. Therefore, rollcall votes are possible during Friday's session. Normally, these routine committee resolutions are agreed to by consent. I hope that will be the case in this instance. Having said that, until this is resolved, Members should expect votes.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:30 p.m., adjourned until Friday, January 10, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 9, 2003:

DEPARTMENT OF EDUCATION

GERALD REYNOLDS, OF MISSOURI, TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCTION, VICE NORMA V. CANTU, RESIGNED.

NATIONAL SCIENCE FOUNDATION

STEVEN C. BEERING, OF INDIANA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR THE REMAINDER OF THE TERM EXPIRING MAY 10, 2004, VICE CHANG-LIN TIEN, RESIGNED.

BARRY C. BARISH, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE EAMON M. KELLY, TERM EXPIRED.

RAY M. BOWEN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE VERA C. RUBIN, TERM EXPIRED.

DELORES M. ETTER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE JOHN A. ARMSTRONG, TERM EXPIRED.

KENNETH M. FORD, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE M.R.C. GREENWOOD, TERM EXPIRED.

DANIEL E. HASTINGS, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE BOB H. SUZUKI, TERM EXPIRED.

ELIZABETH HOFFMAN, OF COLORADO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE STANLEY VINCENT JASKOLSKI, TERM EXPIRED.

DOUGLAS D. RANDALL, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE RICHARD A. TAPIA, TERM EXPIRED.

JO ANNE VASQUEZ, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE MARY K. GAILLARD, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JEWEL SPEARS BROOKER, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE PEGGY WHITMAN PRENSHAW, TERM EXPIRED.

CELESTE COLGAN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE JON N. MOLINE, TERM EXPIRED.

DARIO FERNANDEZ-MORERA, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE SUSAN E. TREES, TERM EXPIRED.

ELIZABETH FOX-GENOVESE, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE LORRAINE WEISS FRANK, TERM EXPIRED.

DAVID HERTZ, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE HENRY GLASSIE.

STEPHEN MCKNIGHT, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE ISABEL CARTER STEWART.

SIDNEY MC PHEE, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE MARGARET P. DUCKETT, TERM EXPIRED.

LAWRENCE OKAMURA, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE DORIS B. HOLLEB, TERM EXPIRED.

STEPHAN THERNSTROM, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE ARTHUR I. BLAUSTEIN, TERM EXPIRED.

MARGUERITE SULLIVAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE SUSAN FORD WILTSHIRE, TERM EXPIRED.

HARRY ROBINSON, JR., OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2003, VICE ALBERTA SEBOLT GEORGE, TERM EXPIRED.

ELIZABETH J. PRUET, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2004, VICE DAVID A. UCKO, TERM EXPIRED.

TERRY L. MAPLE, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2005, VICE TOWNSEND WOLFE, TERM EXPIRED.

EDWIN JOSEPH RIGAUD, OF OHIO, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2007, VICE ARTHUR ROSENBLATT, TERM EXPIRED.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

JUANITA ALICIA VASQUEZ-GARDNER, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2003, VICE STEVEN L. ZINTER, TERM EXPIRED.

WILLIAM PRESTON GRAVES, OF KANSAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 10, 2005, VICE MEL CARNAHAN.

PATRICK LLOYD MC CRORY, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005, VICE RICHARD C. HACKETT, TERM EXPIRED.

NATIONAL INSTITUTE FOR LITERACY

PHYLLIS C. HUNTER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF TWO YEARS. (NEW POSITION)

DOUGLAS CARNINE, OF OREGON, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF THREE YEARS. (NEW POSITION)

BLANCA E. ENRIQUEZ, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF THREE YEARS. (NEW POSITION)

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

WILLIAM A. SCHAMBRA, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING SEPTEMBER 14, 2006, VICE CAROL W. KINSLEY, TERM EXPIRED.

DONNA N. WILLIAMS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2006, VICE ROBERT B. ROGERS, TERM EXPIRED.

LEGAL SERVICES CORPORATION

FLORENTINO SUBIA, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2004, VICE EDNA FAIRBANKS-WILLIAMS, TERM EXPIRED.

FRANK B. STRICKLAND, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2004, VICE JOHN N. ERLENBORN, TERM EXPIRED.

MICHAEL MCKAY, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2004, VICE NANCY HARDIN ROGERS, TERM EXPIRED.

LILLIAN R. BEVIER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2004, VICE HULETT HALL ASKEW, TERM EXPIRED.

ROBERT J. DIETER, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005, VICE F. WILLIAM MCCALPIN, TERM EXPIRED.

THOMAS A. FUENTES, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005, VICE THOMAS F. SMEGAL, JR., TERM EXPIRED.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

STANLEY C. SUBOLESKI, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2006, VICE MARC LINCOLN MARKS, TERM EXPIRED.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

W. SCOTT RAILTON, OF VIRGINIA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2007, VICE GARY L. VISSCHER, TERM EXPIRED.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NAOMI CHURCHILL EARP, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2005, VICE REGINALD EARL JONES, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DANA GIOIA, OF CALIFORNIA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF FOUR YEARS, VICE MICHAEL HAMMOND.

DEPARTMENT OF STATE

MICHAEL B. ENZI, OF WYOMING, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

PAUL SARBANES, OF MARYLAND, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JAMES SHINN, OF NEW JERSEY, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CYNTHIA COSTA, OF SOUTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

RALPH MARTINEZ, OF FLORIDA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

GRANT S. GREEN, JR., OF VIRGINIA, TO BE DEPUTY SECRETARY OF STATE FOR MANAGEMENT AND RESOURCES. (NEW POSITION)

AFRICAN DEVELOPMENT FOUNDATION

WALTER H. KANSTEINER, ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2003, VICE GEORGE EDWARD MOOSE, TERM EXPIRED.

CLAUDE A. ALLEN, DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2003, VICE JOHN F. HICKS, TERM EXPIRED.

INTER-AMERICAN FOUNDATION

JOSE A. FOURQUET, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2004, VICE MARK L. SCHNEIDER, TERM EXPIRED.

ROGER FRANCISCO NORIEGA, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006, VICE HARRIET C. BABBIT, TERM EXPIRED.

ADOLFO A. FRANCO, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2008, VICE JEFFREY DAVIDOW, RESIGNED.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

DENNIS L. SCHORNACK, OF MICHIGAN, TO BE COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA, VICE THOMAS L. BALDINI.

EXECUTIVE OFFICE OF THE PRESIDENT

FELICIANO FOYO, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING AUGUST 12, 2004, VICE JORGE L. MAS.

UNITED STATES POSTAL SERVICE

ALBERT CASEY, OF TEXAS, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2009, VICE TIRSO DEL JUNCO, TERM EXPIRED.

JAMES C. MILLER III, OF VIRGINIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2010, VICE EINAR V. DYHRKOPP, TERM EXPIRED.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

TERRENCE A. DUFFY, OF ILLINOIS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2003, VICE SCOTT B. LUKINS, TERM EXPIRED.

TERRENCE A. DUFFY, OF ILLINOIS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2007. (REAPPOINTMENT)

MERIT SYSTEMS PROTECTION BOARD

SUSANNE T. MARSHALL, OF VIRGINIA, TO BE CHAIRMAN OF THE MERIT SYSTEMS PROTECTION BOARD, VICE BETH SUSAN SLAVET.

NEIL MCPHIE, OF VIRGINIA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2009, VICE BETH SUSAN SLAVET, TERM EXPIRED.

FEDERAL LABOR RELATIONS AUTHORITY

PETER EIDE, OF MARYLAND, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS, VICE JOSEPH SWERDZENWSKI, RESIGNED.

DALE CABANISS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 29, 2007. (REAPPOINTMENT)

EXECUTIVE OFFICE OF THE PRESIDENT

LINDA M. SPRINGER, OF PENNSYLVANIA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGER AND BUDGET, VICE MARK W. EVERSON.

SECURITIES INVESTOR PROTECTION CORPORATION

NOE HINOJOSA, JR., OF TEXAS, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2003, VICE MARIANNE C. SPRAGGINS, TERM EXPIRED.

THOMAS WATERS GRANT, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2005, VICE CHARLES L. MARINACCIO, TERM EXPIRED.

NOE HINOJOSA, JR., OF TEXAS, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2006. (REAPPOINTMENT)

WILLIAM ROBERT TIMKEN, JR., OF OHIO, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2003, VICE JAMES CLIFFORD HUDSON, TERM EXPIRED.

WILLIAM ROBERT TIMKEN, JR., OF OHIO, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2006. (REAPPOINTMENT)

NATIONAL CONSUMER COOPERATIVE BANK

ALFRED PLAMANN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS, VICE HARRY J. BOWIE, TERM EXPIRED.

UNITED STATES INTERNATIONAL TRADE COMMISSION

CHARLOTTE A. LANE, OF WEST VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING DECEMBER 16, 2009, VICE DENNIS M. DEVANEY.

DANIEL PEARSON, OF MINNESOTA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING DECEMBER 16, 2011, VICE LYNN M. BRAGG, TERM EXPIRED.

DEPARTMENT OF THE TREASURY

RAYMOND T. WAGNER, JR., OF MISSOURI, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 14, 2004, VICE GEORGE L. FARR.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

HERBERT GUENTHER, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM TWO YEARS. (NEW POSITION)

BRADLEY UDALL, OF COLORADO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2006, VICE MATT JAMES, TERM EXPIRED.

MALCOLM B. BOWEKATY, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2006, VICE BILL ANOATUBBY, TERM EXPIRED.

RICHARD NARCIA, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING AUGUST 25, 2006, VICE NORMA GILBERT UDALL, TERM EXPIRED.

ROBERT BOLDREY, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING MAY 26, 2007, VICE JUDITH M. ESPINOSA, TERM EXPIRED.

MISSISSIPPI RIVER COMMISSION

RICKY DALE JAMES, OF MISSOURI, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION FOR A TERM OF NINE YEARS. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

HARLON EUGENE COSTNER, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE BECKY JANE WALLACE.

MARK MOKI HANOHANO, OF HAWAII, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII FOR THE TERM OF FOUR YEARS, VICE HOWARD HIKARU TAGOMORI.

THOMAS DYSON HURLBURT, JR., OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE DON R. MORELAND, TERM EXPIRED.

CHRISTINA PHARO, OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE JAMES A. TASSONE.

DENNIS ARTHUR WILLIAMSON, OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE JAMES W. LOCKLEY, TERM EXPIRED.

RICHARD ZENOS WINGET, OF NEVADA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS, VICE JOSE GERARDO TRONCOSO.

HUMBERTO S. GARCIA, OF PUERTO RICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF PUERTO RICO FOR THE TERM OF FOUR YEARS, VICE DANIEL F. LOPEZ ROMO, RESIGNED.

EDWARD F. REILLY, OF KANSAS, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS. (REAPPOINTMENT)

CRANSTON J. MITCHELL, OF MISSOURI, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE TIMOTHY EARL JONES, SR.

DAVID B. RIVKIN, JR., OF VIRGINIA, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2004, VICE LARAMIE FAITH MCNAMARA.

JEREMY H. G. IBRAHIM, OF PENNSYLVANIA, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2005, VICE RICHARD THOMAS WHITE, TERM EXPIRED.

DEPARTMENT OF TRANSPORTATION

EMIL H. FRANKEL, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE EUGENE A. CONTI, JR., RESIGNED.

JEFFREY SHANE, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE DEPUTY SECRETARY OF TRANSPORTATION, VICE STEPHEN D. VAN BEEK, RESIGNED.

MARK V. ROSENKER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 2005, VICE MARION BLAKEY, RESIGNED.

RICHARD F. HEALING, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2006, VICE GEORGE W. BLACK, JR., TERM EXPIRED.

DEPARTMENT OF COMMERCE

CLAUDIA PUIG, OF FLORIDA, TO BE A MEMBER OF OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 31, 2006, VICE KENNETH Y. TOMLINSON.

CHERYL FELDMAN HALPERN, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2008, VICE HEIDI H. SCHULMAN, TERM EXPIRED.

REAR ADMIRAL NICHOLAS AUGUSTUS PRAHL, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED 28 JUNE 1879 (21 STAT. 37) (22 USC 642).

DEPARTMENT OF AGRICULTURE

THOMAS C. DORR, OF IOWA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT, VICE JILL L. LONG, RESIGNED.

THOMAS C. DORR, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION,VICE JILL L. LONG, RESIGNED.

DEPARTMENT OF DEFENSE

PAUL MCHALE, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE. (NEW POSITION)

CHRISTOPHER RYAN HENRY, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY, VICE STEPHEN A. CAMBONE, RESIGNED.

R. BRUCE MATTHEWS, OF NEW MEXICO, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2005, VICE JOSEPH DINUNNO, RESIGNED.

FEDERAL ELECTION COMMISSION

ELLEN L. WEINTRAUB, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISION FOR TERM A EXPIRING APRIL 30, 2007, VICE KARL J. SANDSTROM, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

MICHAEL E. TONER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2007, VICE DARRYL R. WOLD, TERM EXPIRED.

VETERANS AFFAIR

JOHN W. NICHOLSON, OF VIRGINIA, TO BE UNDER SECRETARY OF VETERANS AFFAIRS FOR MEMORIAL AFFAIRS, VICE ROBIN L. HIGGINS, RESIGNED.

DEPARTMENT OF ENERGY

JOSEPH TIMOTHY KELLIHER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2007, VICE LINDA KEY BREATHITT, TERM EXPIRED.

SMALL BUSINESS ADMINISTRATION

HAROLD DAMELIN, OF VIRGINIA, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION, VICE PHYLLIS K. FONG.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JARISSE J. SANBORN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. WILLIAM J. GERMANN

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM J. LUTZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL PAUL F. CAPASSO
COLONEL FLOYD L. CARPENTER
COLONEL WILLIAM A. CHAMBERS
COLONEL PAUL A. DETTMER
COLONEL DAVID K. EDMONDS
COLONEL JACK B. EGGINTON
COLONEL DAVID J. EICHHORN
COLONEL DAVID W. EIDSAUNE
COLONEL BURTON M. FIELD
COLONEL ALFRED K. FLOWERS
COLONEL RANDAL D. FULLHART
COLONEL MARKE F. GIBSON
COLONEL ROBERT H. HOLMES
COLONEL STEPHEN L. HOOG
COLONEL LARRY D. JAMES
COLONEL RALPH J. JODICE II
COLONEL JAN MARC JOUAS
COLONEL JAY H. LINDELL
COLONEL KAY C. MCCLAIN
COLONEL ROBERT H. MCMAHON
COLONEL STEPHEN P. MUELLER
COLONEL WILLIAM J. REW
COLONEL KATHERINE E. ROBERTS
COLONEL KIP L. SELF
COLONEL MICHAEL A. SNODGRASS
COLONEL DAVID M. SNYDER
COLONEL LARRY O. SPENCER
COLONEL ROBERT P. STEEL
COLONEL THOMAS J. VERBECK
COLONEL JAMES A. WHITMORE
COLONEL BOBBY J. WILKES
COLONEL ROBERT M. WORLEY II

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG.
GEN. DENNIS M. KENNEALLY

To be brigadier general

COL. OSCAR B. HILMAN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. TONY L. CORWIN
BRIG. GEN. JON A. GALLINETTI
BRIG. GEN. THOMAS L. MOORE JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JOHN R. ALLEN
COL. JOHN R. CONANT
COL. JOSEPH V. MEDINA
COL. ROBERT E. SCHMIDLE JR.
COL. THOMAS D. WALDHAUSER

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ANTHONY E. MUSELLA JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

STEVEN B. WALLIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SARA M. DEVINE
DENNIS J. FASBINDER
RODNEY D. PHOENIX
MICHAEL H. QUINN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES F. BARBER
THOMAS A. SCHENK
JACK K. SEWELL JR.
DONALD G. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOSEPH M. KOROLUK
RICKY J. THOMPSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PATRICK W. BEHAN
BLAIR M. BERKLAND
NORMA H. BRESSI
IVAN L. CRAFT
JAMES M. GERMAIN
SCOTT A. OSTROW
ROLAND E. RONDEAU JR.
JAMIE L. SAIVES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

HOSSAM E. AHMED
JOHN E. BREWER
NELSON W. COUCH
CHRIS S. CRNICH
KARLA A. MOORE
BRETT W. PERKINS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT A. BAZYLAK
JOHN T. DEJONG
JAMES L. FISHBACK
TIM W. GRENNAN
SCOTT J. HADAWAY
JOHN S. HUNT
STEPHEN G. HURST
JAY A. JOHANNIGMAN
WILLIAM B. KLEIN
GREGG S. MEYER
WILLIAM A. POLLAN
RICHARD M. SCHWEND
MARK S. SMYCZYNSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DEBORAH L. ASPLING
DEBRA S. BLIESNER
ROBIN S. DIAMOND
TERRI L. DOCKERY
MARGARET C. GRAM
ELFREDA L. HARRIS
WILLIAM R. HYATT
ROSEMARY L. JANOFSKY
PATRICIA A. JARMUZ
NINA G. PEREZ
DARRELL R. RASK
EDITH A. SCHAFER
PATRICIA L. SIEVERDING
MARTHA R. SLEUTEL
PAULA F. SPRINGER
JOHN M. STARZYK
ELLEN N. THOMAS
KAREN S. THOMPSON-SNIPES
JANICE L. TULAK
DEBRA L. WADDELL
DENISE L. WALKER
MARY L. WALKER
CANDACE W. WOODHAM

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ANDREW A. AKELMAN
DANIEL W. ALLEN
WILLIAM F. AMES
WILLIAM B. ANHOLT
JAMES E. ASLIN
DEBORAH J. ASSELANIS
WILLIAM A. AUGER
HERMAN L. BAKER, JR.
RICHARD J. BARTELL
GARY M. BATINICH
ROBERT W. BELKNAP
MARK A. BENSON
MICHAEL D. BERGMAN
PATRICK E. BIELBY
GARY C. BLASZKIEWICZ
CONNIE J. BOETTLER
PAUL H. BONNIER
TERRY N. BOONE
CARL E. BRAZELTON
RODNEY E. BRYAN
MARY E. BURRELL
WILLIAM T. CAHOON
DONALD R. CAVIN
STEVEN J. CHAPMAN
TERRY LEE CHASE
ROBERT R. COLYER
WILLIE W. COOPER II
STEVEN D. CORNELL
JIM H. CRUMPACKER
DONALD N. CULLEN
KENNETH E. CURELL
SCOTT A. CUSIMANO
DENNIS L. DALEY
CELESTINO DAMIANO
MARJORIE J. R. S. DAVIS
RICHARD D. DAVIS
SETH M. DAVIS
DAVID A. DIPIETRO
LISA S. DISBROW
BRIAN E. DUBIE
WILLIAM V. EDMONDS
LARRY L. ETZEL
JEFFREY W. FIEBIG
SAMUEL L. FINKLEA III
MICHAEL FLORES
DONNA L. FORE
ROBERT C. GAYLORD
RICHARD W. GLITZ
WALTER O. GORDON
CRAIG N. GOURLEY
DENNIS W. GREENE
KATHRYN L. GRIBBEN
ROSCOE L. GRIFFIN
EDWARD J. HAGERTY
TERESA A. HAMS
MERLE D. HART
ARTHUR C. HAUBOLD
THOMAS L. HENDRICKS
STEPHEN M. HERLT
MARY K. HIGGINS
DALE R. HITE
RICHARD G. HONNEYWELL
JOHN W. HUFFMAN
ELEANOR A. HUNTER
GARY M. JENSEN
LYNN W. JOBES
WILSON JOHNSON III
DARYL L. JONES
KERRY E. KEITHCART
RICHARD D. KELLEY, JR.
KAREN KINDLER
DAVID J. KING
DARKO D. KREINER
DELLA R. KRIMSKY
CHRISTINA L. LAFFERTY
ELIZABETH A. LANGSTON
SON M. LE
LARRY C. LEE
JEROME A. LEMIEUX
THOMAS J. LEVERETTE
REBECCA L. LEWIS
GABRIEL LIFSCHITZ
THOMAS A. LINSTER
ERIC G. LUND
MICHAEL W. MAHAN
JOHN J. MANDICO
LINDA S. MARCHIONE
JAMES V. MASKOWITZ
JACKIE W. MATHIS
MURIEL R. MCCARTHY
JOHN C. MCKEEMAN
ANDREW T. MCMAHON
BETH L. B. MCNULTY
RICHARD E. MCQUISTON, JR.
LARRY L. MERINGTON
ROSS A. MILES
PAMELA K. MILLIGAN
IVAN A. MOORE, JR.
SUSAN D. MORGAN
VINCENT J. NAPOLEON
JOHN R. NELSON
TODD R. NORDAHL
DAVID J. PARKER
JERRY N. PEERY
MARK E. PESTANA
JANE D. PETITTO
PATRICK R. PHELPS
GEORGE J. PIERCE
MELISSA A. PLANERT
DENNIS P. PLOYER
MICHAEL B. POWELL
ROBERT F. RAVELO
JOE T. REAMS
JACK W. REED
ROBERT D. REGO
JAMES R. RHETTA, JR.
SUSAN M. RHODES
DONALD R. ROTAR, JR.
ROBERT H. RUPP
MARILYN I. SABICER
CHARLES W. SACHS
MARK A. SANCHEZ
VINCENT M. SARONI
STEPHEN T. SCOTT
GLENN D. SEITCHEK
EROTOKRITOS SHIAKALLIS
ANN C. SHIPPY
ERIC M. SITRIN
NEIL K. SNYDER
MICHAEL J. SORTINO
WILLIAM D. STEPHENS
CARL D. STROHL
GERALD E. SUTTON
ABBOTT L. TAYLOR JR.
JEFFREY J. THEULEN
JOSEPH D. TIMM
THOMAS V. TORNILLO
JOSEPH C. TRIPPY
LANCE D. UNDHJEM
STEPHEN P. VANCIL
GREGORY L. VITALIS
EDMUND D. WALKER
MARCIA M. WALKER
JOE H. WALLACE JR.
JAMES D. WEST
ROBERT L. WHITE
VINCENT S. WILCOX
CURTIS L. WILLIAMS
GEORGE F. WILLIAMS
ROBERT C. WILSON
DALE R. WISE
CARL S. WOLF
KEVIN M. WOLFE
FOUAD W. YACOUB
NICHOLAS M. ZALLAS
STEVEN ZEBICH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHAEL L. BELL
JAMES R. DIKEMAN
BRENT A. EVANS
STEPHEN P. FEAGA
KIRK R. GRANIER
DAVID W. HICKMAN
ROBERT G. KENNY
JAMES A. MARLOW
MICHAEL R. SHUTTER
GLENN L. SPITZER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be colonel

ROOSEVELT ALLEN JR.
CHRISTOPHER F. BATES
THOMAS W. BECKMAN
DIANE M. BEECHER
THOMAS J. BEESON
MARK J. BENTELE
RONALD L. * BERRY
MICHAEL P. CUNNINGHAM
JEFFERY R. DENTON
WAYNE H. DUDLEY
DANIEL G. DUPONT
EARL B. ELLIS
CRAIG A. FLICKINGER
SALVADOR FLORES JR.
TIMOTHY J. HALLIGAN
THOMAS D. HAWLEY
PETER J. HEATH
JOSE E. IBANEZPABON
KEVIN D. KIELY
BARBARA B. KING
JOEL C. * KNUTSON
JOHN C. KRESIN
JOHN C. LEIST III
JACK H. LINCKS
SCOTT A. MACKEY
PAGE W. MCNALL
MICHAEL A. MOSUR
BRENT E. NIKOLAUS
ROBERT H. POINDEXTER
HOWARD W. ROBERTS
ALAN J. SUTTON
JEFFREY M. SWARTZ
LARRY TABATCHNICK
VINCENT J. TAKACS
ARJEN L. VANDEVOORDE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be colonel

PETER A. BAUER
CHRISTIAN R. BENJAMIN
EVA T. BERRO
JAMES H. BERRO
DEBORAH J. BOSTOCK
JOSEPH A. BRENNAN
WILBERT * CAIN
WILLIAM M. CAMPBELL
KENNETH L. COX
GARY D. CROUCH
RICHARD J. * DELORENZO JR.
MATTHEW J. * DOLAN
ARAM M. DONIGIAN
THOMAS H. * DOUGHERTY
ROBERT W. ELLIS
ALAAELDEEN M. ELSAYED
WILLIAM J. FLYNN
LES R. FOLIO
DAVID A. GOODWIN
JOYCE R. GRISSOM
THOMAS E. GRISSOM
DAVID C. HALL
THOMAS C. * HANKINS
DIANNE Y. * HARRIS
LORI J. HEIM
TODD D. * HESS
JOHN V. * INGARI
MARTIN L. * JOHNSON
JAMES A. * KING
STEPHEN A. KNYCH
GAEL J. LONERGAN
STEPHEN F. LOVICH
STEVEN C. * LYNCH
ERIC A. * MAIR
ANDREW C. MARCHIANDO
GEORGE TEO MARTIN
BRIAN J. MASTERSON
KIMBERLY P. MAY
THOMAS L. * MCKNIGHT
ROBERT J. MEDELL
DONALD M. MEDUNA
VINCENT J. MICHAUD
ROBERT I. MILLER
JAMES S. MOELLER
THOMAS A. NEAL II
WILLIAM E. NELSON
STEPHEN J. NILES
MICHAEL S. PANOSIAN
THEODORE W. PARSONS III
MARY M. PELSZYNSKI
JOSE L. * PEREZBECERRA
MARCUS L. PETERSON
BRIAN D. PEYTON
MOIRA C. PFEIFER
ELISHA T. POWELL IV
DANIEL J. QUENNEVILLE
BRIAN V. REAMY
DAVID B. * RHODES
DAVID A. * RIGGS
DIANE C. RITTER
JAMES L. RUSHFORD
BRADLEY S. RUST
ANDREW J. SATIN
GERALD R. SCHWARTZ
FRANK J. SHELTON
ERIC J. SIMKO
CARL G. SIMPSON
THOMAS M. * SLYTER
ROBERT E. SMITH II
WILLIAM H. SNEEDER JR.
MARK J. * SNELL
LAWRENCE W. STEINKRAUS JR.
JILL L. STERLING
JAMES R. STEWART
CYNTHIA N. TAYLOR
DONALD F. THOMPSON
DAVID F. VANDERBURGH
JOSEPH M. WEMPE
GREGORY M. WICKERN
KELLY H. * WOODWARD
GROVER K. YAMANE
PAUL A. YOUNG
CHRISTOPHER M. ZAHN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RONALD D. HARRIS

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

WILLIAM T. BARTO
STEPHEN E. CASTLEN
ANNE E. EHRSAMHOLLAND
RAFE R. FOSTER
AMY M. FRISK
JILL M. GRANT

SARAH S. GREEN
STEPHEN R. HENLEY
KEVAN F. JACOBSON
KAREN L. JUDKINS
JOHN C. KENT
RAFAEL LARA JR.
LAUREN B. LEEKER
JON L. LIGHTNER
JAMES K. LOVEJOY
RICHARD B. OKEEFFE JR.
ALLISON A. POLCHEK
MARK A. RIVEST
KATHRYN R. SOMMERKAMP
BRADLEY P. STAI

SENATE—*Friday, January 10, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, Source of all the blessings of life, You have made us rich spiritually. As we begin this new day, we realize that You have placed in our spiritual bank accounts abundant deposits of soul strength, intellectual acumen, volitional aptitude, and physical agility.

You remind us of Your loving-kindness, You give us the gift of faith to trust You for what we will need to meet today's challenges. You promise to go before us, preparing people and circumstances so we can press on with Your best for America. You open doors previously shut and enable serendipities of success so we can work without strain or stress. You give us the magnificent gifts of wisdom and discernment, vision and vibrant hope.

Bless the Senators as they expect great strength from You and attempt great work for Your glory and for the good of America. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, there will be a period for morning business until noon, with the time equally divided, and Senators permitted to speak for up to 10 minutes each.

It is my hope that an agreement can be reached regarding the committee resolutions on which both sides are working very hard at this juncture. Once these committee resolutions are adopted, the committees will then be able to begin their important and very urgent work addressing the issues surrounding homeland security, the war, health care, our economy, and the important agenda before the American people, an agenda they expect us to address as soon as possible. So I do not want these discussions to progress indefinitely because it is important we begin to address the agenda before us in this 108th Congress.

We are making progress, and I am very hopeful over the course of the morning that discussions will continue and I will be able to report back on the progress and, ultimately, agreement on these committee resolutions. One example is that of the Senate Appropriations Committee which is poised to meet to complete action on the fiscal year 2003 bills which is unfinished business from last year. Before we address our agenda for the coming year in the 108th Congress, both sides of the aisle made a commitment to finish last year's business.

The importance of proceeding with these committee resolutions is that, as of today, the new Senators do not have committee assignments. Although both sides made the assignments, until we officially adopt the committee resolutions, they are not on any committees in the Senate. It is my hope that this agreement can be reached in short order on the committees and that the resolutions can be agreed to after we agree to it at the leadership level and in our caucuses by voice vote. However, at this time we are not quite there, and I regret to say that rollcall votes are still possible today.

Over the course of the morning, as negotiations continue, I will be back on the floor to advise the Senate about the day's schedule.

Mr. REID. Will the leader yield?

Mr. FRIST. Yes.

Mr. REID. Mr. President, I say to the distinguished majority leader that Senator DASCHLE has indicated that he and the majority leader had productive meetings yesterday and that we are very close to working something out on the organizational resolution. I received a call last night from Senator LOTT, the incoming chairman of the Rules Committee, when we get the organizational business done, that he is working on the space problem we have. He has indicated he thinks this can be worked out shortly also.

We hope the leader can come back to the floor later today and indicate to Senators that we have worked out something. It would be good for everyone if we can do that.

Mr. FRIST. I thank the Senator.

Mr. REID. Mr. President, it is my understanding the Chair will announce morning business until noon today; is that right?

The PRESIDING OFFICER (Mr. SUNUNU). The Senator is correct.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 12 noon, with the time equally divided, with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Under the order, that gives us time until noon. I have two Senators on this side who wish to speak for up to 30 minutes each. I ask unanimous consent that Senator HOLLINGS, who is now in the Chamber, be recognized for 30 minutes and, of course, if there is a Republican who comes, someone from the majority in between that, that will be fine.

Mr. FRIST. Mr. President, will the Senator yield for one minute?

Mr. REID. Of course.

MEASURES PLACED ON THE CALENDAR—H.J. RES. 2 AND H.R. 16

Mr. FRIST. Mr. President, I understand H.J. Res. 2 is at the desk and is due for a second reading.

The PRESIDING OFFICER. The leader is correct. The clerk will read the joint resolution for the second time.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes.

Mr. FRIST. Mr. President, I understand H.R. 16 is at the desk and is due for a second reading.

The PRESIDING OFFICER. The leader is correct. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 16) to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

Mr. STEVENS. Parliamentary inquiry: Is the process concluded?

The PRESIDING OFFICER. Is there any objection to proceeding thereon?

Mr. STEVENS. I object to proceeding on either measure.

The PRESIDING OFFICER. Objection is heard from the Senator from Alaska. The measures will be placed on the calendar.

Mr. FRIST. Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that Senator HOLLINGS

be recognized for 30 minutes. Following his speech, if someone on the Republican side or others wish to use up to 30 minutes, they can go, and following that, Senator CORZINE would be recognized for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina.

THE ECONOMY

Mr. HOLLINGS. Mr. President, I would like to get the attention of the distinguished majority leader. Pending that, what brings this Senator to the floor is the headlines of the morning paper: ''Deficit Predictions Soar with Bush Stimulus Plan.''

The economists from Standard & Poor's is quoted as saying:

I don't think it's a near-term concern.

Then, of course, as the story follows on page 6, the headline is to the effect: ''Economic Plan Could Lead to a Record Deficit.''

I wanted the distinguished majority leader to send a message to Karl Rove. I cannot get the Washington Post to listen. I have been in here regularly for a good 10 years saying we are running record deficits. Now they have the chief economists saying this could lead to a record deficit.

Let the record show on September 30, last year, at the end of fiscal year 2002, the CBO figure was $428 billion, a record deficit. Let's not come here in January and start talking about making records when we already have made a record. Everybody look up on their Internet, www.publicdebt.treas.gov, and you will see the public debt to the penny is already up some $155 to $159 or $160 billion. So we are already, in this year, $30 billion to $40 billion in the red ahead of last year.

Of course, with the so-called tax cut of revenues, the cut of revenues under the Bush plan, we are bound to have an over $500 billion deficit. That is why I wanted to get the distinguished majority leader's attention because history is repeating itself.

I remember 10 years ago President Bush I, as a result of Desert Storm, the gulf war success, was at all-time popularity. Then they looked economically with these headlines to a record deficit, and they had a $402 to $403 billion deficit. And the Governor of Arkansas beat him. That is exactly where we are headed this morning.

I don't know why it is that you cannot get the truth out of these figures. I know what the economists are thinking. You get the money in and spend it and hold what they call the on-budget deficit and off-budget and unified and public debt and government debt. That is all tommyrot. There is not a Governor in America with deficits asking to cut the revenues. Ask Governor Bush in Texas if he would recommend this out of the Governor's office in Austin, they would have run him out of the State.

Come to Washington and nobody listens. If he can carry a message, I think Karl Rove would listen because he is trying to reelect the President. ''Economic Plan Could Lead to Record Deficit,'' and he will be electing John Kerry. Maybe I can get their attention telling them that. Here it comes, 2 years ahead of time, the economic plan could lead to record deficit.

It is almost like working in the CIA here. It is top secret when you talk the truth. I think the axiom of Mark Twain is correct. He said: The truth is such a precious thing it should be used very sparingly. Of course, that is the media with respect to the truth on the amount of money we take in, on the amount of money we spend.

Let's go exactly back to 1992. At that particular time, Governor Clinton had just been nominated and invited Alan Greenspan, among others, down to Little Rock. Greenspan told the Presidential nominee: Look, you are coming up to Washington. You are not only going to have to cut spending, you are going to have to increase taxes. And Governor Clinton said: Are you serious? He said: That is exactly what the country needs. That is what you are going to do to get long-term investment. You are not going to get long-term investment with these deficits upon deficits, the debt going up, the interest costs going up, which I call interest taxes.

When the President says he is cutting taxes, he is actually increasing taxes. They cannot be avoided. They have to be paid. Interest costs run at the rate of $1 billion a day. This morning at 8 o'clock, the first thing the Government did is add another $1 billion and add it to the debt. The distinguished Presiding Officer will pick up my bill. Senator Thurmond and I have gotten by. We are home free economically. But the next generation coming along will have to pick up our bill.

In any event, President Clinton came to town. We submitted the plan, and we cut billions of spending, we raised taxes, and for the next eight years had the best economy we have ever had. The Senator from Tennessee, the distinguished majority leader, if I could get his attention. I ask my distinguished friend from Tennessee, I know you will see Karl Rove, and I want him to see he is leading his distinguished President into the same trap that Bush and I got led into. When you see these stories, Senator, to the effect that the economic plan could lead to record deficits, and they are quoting the chief economists of Standard & Poors, that is exactly where we were in 1992.

President Bush I was the most popular President after that Desert Storm you could possibly find. And within a year's time, the economy was at a $400 billion deficit. The young Governor from Arkansas beat him, and this is what we have right now when you see the economic world saying there will not be any investment, when they are saying they will have record deficits.

Mr. FRIST. Will the Senator yield for a question?

Mr. HOLLINGS. I'd be delighted.

Mr. FRIST. The issue of deficit is of concern to our entire body. But if you look back at history, what was the size of the economy in 1992?

Mr. HOLLINGS. I don't go with percentages, I go with reality. The reality is that the interest costs continue to go up.

Mr. FRIST. Is it not true, though, that even at the worst projected deficit in the very article that the Senator read for 2003, as a percentage of GDP, about $10.5 trillion, is less than it would be in 1992?

Mr. HOLLINGS. You like that, is that right?

Mr. FRIST. If the Senator would yield for a question, the answer to his question is yes; I would like, as a percentage of GDP, the deficit to be as low as possible. That is correct.

Mr. HOLLINGS. Well, if that is the way they want to run the Government, tell President Bush to go back down——

Mr. FRIST. Will the Senator yield for one more question?

Mr. HOLLINGS. I yield.

Mr. FRIST. In 1992, we were at war. Had we just gone through a fall in the stock market? Had we just got through the corporate scandals? Had we just had a 9/11 incident at that time?

Mr. HOLLINGS. You don't want to jump on Ken Lay this morning. As the new majority leader, heavens above, I thought we got past Ken Lay. Now you want to jump on the poor fellow. Come on. I don't know, I think they are a little addled over there.

What happens is, if the distinguished majority leader can tell me of any Governor in America with deficits who is running around talking about the percentage of his GDP—they would run Governor Bush out of Austin, TX, if he came out with that nonsense. But he comes up here and gets credibility. They have a drive on for dividend tax cuts that could not possibly help anybody until, of course, the election year. That is a Karl Rove instrumentality and strategy if there ever was. We understand that. But then—Karl will understand this—you are not going to be running on the talk shows with the President of the United States talking about the percentage of the GDP. We have to pay the bills. And what happens is, after President Bush came to town, we did raise taxes on Social Security. We raised taxes on gasoline. We raised income taxes. We couldn't get—Mr. President, the Presiding Officer should understand—we couldn't get a single Republican vote. And Vice President Gore had to come in here and break the tie in this body.

So it happened at that time the other Senator from Texas, Senator Gramm of Texas, said: You folks raise taxes on Social Security, and they will be hunting you Democrats down in the street and shooting you like dogs. That is in the CONGRESSIONAL RECORD.

Now that they have the White House, the House and the Senate, has any Republican asked that the increase in Social Security taxes be canceled? Oh, no. They are not interested in saving Social Security. They give you the words, but like John Mitchell says: Watch what we do, not what we say. They will say Social Security, but they will not come back and reduce the Social Security tax. They just couldn't think of it 10 years ago, and they have not been able to think otherwise for the past 10 years.

We had the best 8 years of economic expansion, investment, and everything else, with the raising of taxes during the 1990s. And we are back into the same situation where we have already got a record deficit as of the end of the last fiscal year. The fiscal year 2002 ended on September 30 of last year with a $428 billion deficit. We are running $159 billion in the red already this year. You are already at $587 billion. That is approaching $600 billion in stimulus. That is stimulating the economy, money that you do not have, money that you have to go out and borrow—for which you are not going to pay back. We have had the most stimulative economic program that you could think of for 15 months, and it hasn't worked. The economy is worse.

Why? On account of voodoo II. President Reagan started this nonsense of what you do is cut revenues, cut taxes, and therefore increase your revenues. We went from less than a $1 trillion debt before Reagan. We had 200 years of history, all the wars, and we had not reached $1 trillion in debt. Then we started this charade, which is all for the campaign and not for the country, because everybody can get reelected on cutting taxes.

President Reagan said: Cut the taxes, cut the revenues, and we will grow out of it. As a result, we had the economic downturn in 1987, and we have had the economic downturn in 2001 with the tax cuts.

Vice President Bush under Reagan called it voodoo. Now, young President Bush is giving us voodoo II, and young President Bush recommends voodoo III.

Record deficits? Let me describe it so you can add it up and then subtract it. If you take all the deficits from 1945 up until 1976, 30 years, take the deficits of President Truman, President Eisenhower, President Kennedy, President Johnson, President Nixon, President Ford—take 30 years of all the deficits, the deficits of World War II, the Korean war, the war in Vietnam—take all of those deficits, add them up, and you will come to $358 billion over the 30-year period. And in 1 year we have got $428 billion under this administration, and they still play the game.

The Washington Post will not print the truth. They absolutely refuse to do it. All the other papers and everything else—I have gotten a few articles from time to time, but very few—just scattered, little squibs or anything else of that kind. What you end up doing, you have already got a record deficit. You are going to have record interest costs. We are going to war and immediately the cost of fuel is going up, the interest costs are going up, and we, instead of paying $1 billion a day, $360 billion or $365 billion a year in interest costs, we are going over $400 billion a year in debt. That $400 billion is just absolute waste, for nothing. We have to spend it each year. We come in here, but we are playing the political game. That is why this Senator is on the floor. I have been in the game 50 years. I never thought the Government would be turned into a campaign office.

No one is concerned around here about the needs of the country. It is the needs of the campaign and the media. Jefferson spoke it best when he said: As between a free government and a free press, give me the latter. He knew as long as the free press would tell the truth to the American people, the people, through their representatives, would reflect the needs of the country. But that is not what the media does. It is a spectator sport. It is who is running and who is not running, who is elected and who is not elected, who may be elected and not be elected. They are not paying attention to needs. They are just like pollsters—what the polls show. No, I don't have any cosponsors for VAT, a value-added tax. But we ought to institute this, before the war.

It is not the Volunteer Army going to war in Iraq, it is the United States of America, the country, going to war. That is why I put in the draft with Representative CHARLIE RANGEL over on the House side. We need a sense of sacrifice and commitment and togetherness in this country. But all we have is partisan politics for the next campaign, and the media generates it. All the talk shows, ''Firing Line,'' ''Crossfire,'' ''Talk Back''—whatever they call those particular programs—they all offset each other, and they are supposed to make news. You can't get this printed. You cannot get the truth of how much came in and how much went out in any fiscal year.

The truth is, by section 21 of the Greenspan Commission report in 1983, they said: Set aside a surplus in trust for the baby boomers in the next century. And we are now in the next century. There is no problem with Social Security if we adhere to it. It took me some 7 years to get it done.

George Herbert Walker Bush, on November 5, 1990, signed into law section 13301 of the Budget Act. It says: Thou shalt not spend Social Security on anything other than Social Security.

Today we are spending Social Security trust funds on anything and everything but Social Security. That is what is happening. We would have $1.3 trillion banked up, ready to go. There would be no privatized Social Security and all the problems we are going to solve in Social Security. They solve the political problem here in this body. It is politics. They all voted for it. President Bush I signed it into law. But they don't adhere to it.

So I have another little amendment. In addition to paying for the war, I have one where the Secretary of Treasury has to certify that, in order for the tax cut to take effect, the government does not spend Social Security. I want to see how they vote on that. Any and all tax cuts, whether they have capital gains, dividends, marriage penalty, income—whatever they want to think of—let them pass it, but let it not take effect unless they can certify that it does not cost Social Security. Let's see how they vote on that.

(Mr. CHAFEE assumed the chair.)

Mr. HOLLINGS. They cannot run around here—everyone, to a man, every Republican, every Democrat, says: I want to save Social Security. But then they come around and continually spend it, and the American people wonder why.

So the truth is, the economic plan ''could lead'' to a record deficit?

The economic plan has led to a record deficit. The distinguished Presiding Officer should have been here. Of course, he couldn't because his distinguished father had the seat. But it was back in the 1980s. I recommended a value-added tax at that time. We had a hearing. I will have to get the gentleman's name from Holland—Dr. Cnossen. He was the Dutch expert who had written the value-added tax for Japan and Canada and helped update it with the United Kingdom. He testified. We needed the money. As we were going out of the Finance Committee room, John Chafee turned to Lloyd Bentsen, the chairman. This was the Finance Committee. He said, Lloyd, if we had a secret ballot, we would pass that out unanimously. That was almost 15 years ago.

We had been running those deficits until we got into the 1990s, and we increased the taxes. We increased taxes on income. We increased taxes on gasoline. We increased taxes on Social Security and all of that. We had over a $400 billion deficit in 1992 when President Bush One left office. We brought it down in the early part of President Bush Two. We got it into the black. But then we passed the tax cuts. Voodoo Two. President Bush One was Vice President. He called it voodoo. He was right.

This idea of cutting revenues and increasing revenues at the same time is

bologna. Everybody knows it. We know from hard experience. Under President Reagan, under President Bush Two now, the Voodoo Two. Now we have before us the economic plan Voodoo Three. When will we ever learn? That was when I came to town. That was the song they were singing during Vietnam. ''When will we ever learn?''

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for up to half an hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Thank you, Mr. President. I appreciate your concern and your helpfulness.

THE PRESIDENT'S GROWTH PACKAGE

Mr. BENNETT. Mr. President, the Senator from South Carolina has just concluded a rather lengthy and significant speech on the President's growth package. I thought it appropriate that there be some kind of response. If I may, I would like to start with something that some of my staff might consider professorial, a little lecture, if you will, on the nature of economics to sort of set the background for what I want to say about the President's growth package.

There are laws in economics that apply regardless of how we like them or do not like them. If I may create a somewhat crude analogy but one I hope makes the point, there is a law in science known as the law of gravity. The law of gravity says two bodies will attract each other when falling in free space, so that an individual who walks to the edge of a cliff and looks down and jumps into space will be attracted to the mass of the Earth below him and end up down at the bottom of the valley. We call this falling off a cliff.

Some people will go to the edge of a cliff and, in desperation, jump off the cliff to commit suicide. Others will be playing at the edge of a cliff, examining the beautiful view, and, by accident, stumble and fall off the cliff. And there are those who say: Well, it isn't fair. It isn't fair. The first person jumped off the cliff deliberately and, therefore, to a certain extent, deserved his fate of death, but the second person had no desire to kill himself, and he just stumbled, and, by virtue of where he was, the law of gravity killed him, too. And it isn't fair.

Well, we can rail all we want about fairness, but the law of gravity operates regardless.

I make that point because a similar situation exists with respect to economics. There are laws in economics that many in this Chamber will stand here and say: It isn't fair. But they operate nonetheless. They operate just as inexorably as the law of gravity operates. And they have an impact on our lives and the way things work.

The most significant of these laws, of course, is the law of supply and demand. The law of supply and demand operates in capitalistic countries; it operates in communistic countries; it operates in dictatorships; it operates in tyrannies; it operates in free societies everywhere. The law of supply and demand is as inexorable as the law of gravity.

There are some people who stand up and say it isn't fair for Michael Jordan to play basketball for a living and be paid $20 or $30 million a year, when someone else plays just as much basketball on a playground, works just as hard as Michael Jordan, expends just as much sweat, and doesn't get paid anything.

Well, there is no demand for the services of the second player. No one wants to pay to see him perform. But there is great demand on the part of sports-loving Americans to see Michael Jordan perform. Therefore, since there is great demand for his services, and there is only a supply of one Michael Jordan, he can command virtually whatever salary he wants in that situation.

There are those who say: It isn't fair for Tiger Woods to be paid millions and millions of dollars just because he plays golf. There are plenty of Americans who would love to play golf all weekend, the way Tiger Woods plays golf all weekend, and be paid millions and millions of dollars for their efforts—it isn't fair—but for those who would like to be Tiger Woods, no one wants to watch them play golf, there is no demand for observing their abilities on the golf links, and the number of people who want to watch Tiger Woods either in person or on television is very high, a very high demand, a supply of only one, Tiger Woods. As a consequence, he can charge, once again, virtually anything he wants for his services.

The law of supply and demand cannot be repealed by the Senate. The law of supply and demand cannot be repealed by the House of Representatives. It operates, it dominates what happens in the economy.

Now we come to the question of what do we do to make the economy as strong as possible. One of the first rules we should follow is to respect the law of supply and demand and we do not attempt to repeal it through government activity in the name of fairness.

Let's talk about taxes for a moment. Most Americans don't realize that we have two Federal tax systems. We have additional tax systems at the State and local level in sales taxes, property taxes, and other kinds of taxes, but at the Federal level we have two tax systems. They are completely independent of each other. Even though for accounting purposes, the Federal Government mixes the money together and makes it appear as if there is only one source of income, there are two.

The first is the payroll taxes. The payroll taxes have been instituted by the Congress for the purpose of funding the Nation's primary entitlement programs, which are Social Security and Medicare. Everyone who works pays into the Social Security trust fund. Everyone who works pays into the Medicare trust fund. There is no refund. There is no forgiveness. If you work, you pay into those trust funds. Then at the end, when you retire, you get the benefits that come out of those trust funds.

That is an entirely self-contained, single tax system of payments in and benefits out. We can argue about the fairness of that one because many people pay in all their working lives, die before they reach 65, and get nothing back. Other people who are long lived pay in all their working lives and then get 10 times back what they pay in. If you live until your eighties or your nineties and you have been paying in Social Security since you started work at 14, it is a great deal for you; you get an enormous amount back. But if you pay in and die at 62, every penny you put in is lost. That is the system. We can talk about dealing with it at some point, and perhaps we should, but that is one entirely self-contained tax system.

The other tax system the Federal Government uses is income tax. Income tax is graduated. The more you earn, the more you pay. The fact is that if you separate these two systems as they are separated by law and practice, you discover that roughly 50 percent of working Americans pay nothing into the second system. They make no contribution whatsoever to covering the cost of government. The top 50 percent of American wage earners pay all of the income taxes. Indeed, the top 1 percent pay something like a quarter of all of the income taxes. It is heavily loaded to the top end. There are some who say that isn't fair, some who say every citizen ought to pay something for the management of government: Every working citizen pays something for the entitlements, but every working American ought to pay something for the cost of the Defense Department and the Commerce Department and the new Homeland Security Department and all of the rest of it.

We have made the decision in the Congress that that is not the case. We

have made the decision that only the top half of Americans will pay for the cost of general government. We have loaded it in such a way that the very richest Americans pay the very most. Indeed, a very high percentage of the total tax load is at the top 1 percent. When you go to the top 5 percent, you are beginning to get close to half of the whole of Federal revenues. Over half of all Federal revenue comes from the top 10 percent of earnings.

Economics is about incentives. Tiger Woods has an incentive to perfect his golf game better than anybody else's so he can get to that point I have described where he is in short supply and there is great demand. Michael Jordan has an incentive, an economic incentive, to perfect his basketball game so he is better than anybody else so that the law of supply and demand will work on his behalf. If we want to grow the entire economy and, therefore, the amount of money that comes from those top 50 percent of the taxpayers, indeed from the top 10 percent where the majority of the money comes from, we want to create incentives for those people to perfect their skills and improve their ability to create wealth.

Understand, all wealth is created from two things: One, risk taking. There is no wealth created unless somebody takes a risk somewhere; and No. 2, accumulated capital. Even the Communists learned that. They tried to say, no, wealth is created by labor, but as they built their own economy, they recognized that somewhere, someplace there had to be an accumulation of capital.

The creation of a backhoe that can dig better ditches than people can dig with sticks represents capital that is accumulated for the cost of purchasing that backhoe. Somebody put that much capital together to create that backhoe. We have in the United States the largest capital investment of any nation in the world, and we have the strongest economy in the world. We reward risk taking better than any other country in the world, and that creates more wealth in the world.

This is not an accident. This is the way it happens. When you have the right incentive to the right people, they will respond to that incentive and, under the law of supply and demand, they will then create skills that create wealth that benefits everybody.

As I have said, the top 50 percent pay all of the income taxes in this country. The bottom 50 percent benefit enormously from that fact.

I remember in the Banking Committee, a question was asked of Chairman Greenspan of the Federal Reserve system during the nineties, when the economy was booming: Mr. Chairman, said the questioner, what portion of American society has benefited the most from this economy?

Now, from the way the questioner asked the question, it was clear what answer he expected and certainly the answer he wanted. He wanted Chairman Greenspan to say the top 20 percent have benefited more than anybody else because, look at all the money they have gotten.

Chairman Greenspan surprised the questioner and pleased me with his insight when he said: Without question, the group that has benefited the most from this booming economy is the bottom 20 percent. Oh, said the questioner, look at the amount of money that has gone to the bottom 20 percent compared to the huge amount of money that has gone to the top 20 percent. How can you say the bottom 20 percent benefited the most? Because the lifestyles of the top 20 percent have not changed all that much, he said. If Bill Gates is worth $80 billion, as opposed to $60 billion, there is no big difference in his lifestyle. But if someone at the bottom 20 percent, who barely has employable skills and cannot find a job in a tough economy, can suddenly find a job at $2, $3 and $4 above minimum wage because jobs are scarce—why are they scarce? Supply and demand. The economy is booming. There is a great demand for labor and the supply is small and so the price goes up. He says, in terms of the impact on the lives of people, this booming economy has clearly benefited the bottom 20 percent far more than the other 80 percent.

I think that is the way we have to look at it, Mr. President. I think we have to say, what is the best thing we can do for the citizens who are at the bottom 20 percent. The first answer is that we can get them a job. But if you go back to the Great Depression of the 1930s, 30 percent of Americans were without jobs. In those days, that only included men; women were not in the workforce. If you were to add unemployed women to the statistics, as we would today, because women are now in the workforce, the 1930s would have been absolutely devastating for the number of people who could not find jobs. As the economy got bigger, as wealth was created through accumulated capital and risk taking, people at the bottom began to find jobs.

The statistics are out this morning that unemployment is at 6 percent. This is unchanged from the last number. Some people find that encouraging. I find it a little discouraging. I had hoped that the unemployment rate would start to go down, even though I was taught in school that 6 percent unemployment is full employment. This shows how the economists have changed their attitudes. There was a time when economists said structural unemployment built into the system is 6 percent, and if you ever get below 6 percent unemployment, the economy will overheat and self-destruct through inflation. We know now that isn't true.

We got the unemployment rate down below 4 percent in the late 1990s, as the economy was expanding and growing. Now the economy is still expanding and growing but nowhere near the rate it was. For the year 2002, the growth in the economy will probably come in around 2.9 percent. That is the current forecast. In historic terms, 2.9 percent is a good growth year. In historic terms, there are many years when we would be thrilled with a 2.9 percent growth. But compared to where we were, 2.9 looks anemic. Indeed, compared to where we can be, 2.9 is anemic. I clearly want to see the economy growing at 3, 3.5. I get a little nervous when it starts growing at 4. Then you are getting into the area where you are in danger of tipping over to inflation.

What does all this have to do with the President's growth package? This is a nice lecture on economics. I hope nobody disagrees with it because I think it is sound. But what does it have to do with the President's growth package? Simply this: The President's growth package recognizes the fundamental truths embedded in what I have had to say; that is, all growth comes from capital accumulation and from risk-taking, and the President's growth package is saying to those who have accumulated capital that we will give you an incentive to take some risks.

There are two incentives built into the President's program: No. 1, lower taxes. If you take your money and risk it and get a return on it, you will get to keep more of it than you can now. That is an incentive for you to take your accumulated capital and risk it more than you are now.

No. 2—almost as important—is certainty. Markets flee uncertainty. Markets get very nervous when we cannot have a sense of what the future will be. The President is saying: Here is a tax cut. We want to move it forward a year and, ultimately, we want to make it permanent so that as you make your plans for how you are going to take risks with your accumulated capital, you can have some certainty that you will be able to keep a little more of it. And if they do that and the economy grows at a rate faster than 2.9 percent per year, who will benefit the most? It will be the people at the bottom. It will be the people who cannot get jobs now who will find that jobs will become plentiful again. It will be the people who are hurting now who will benefit the most from the changes in the economy that will come about as a result of the actions of the President's growth package. There are those who will say: But this isn't fair. It is not fair for you to have an incentive for the Michael Jordans of the world. Your incentives, or your money, should be given to the unemployed. Well, we have extended unemployment insurance. We did that the first day of the Congress, and we should continue to pay attention to that. But the structural needs of the economy are such that the best welfare

program we can give the unemployed is to get them a job.

The best way to create jobs is to see to it that the economy grows at more than 2.9 percent per year. So for that reason, I think the President's program is a sound one. There are those who say we cannot afford it in terms of the Federal deficit—look, this is going to cost us $600 billion over the next 10 years. How in the world can we afford that?

Let's go back to the growth numbers. In the next 10 years, if we grow at 2.9 percent every year for the next 10 years, that is an increase of over 30 percent. So 2.9 compounded over 10 years comes to well over 30 percent. Let's say it is 3 percent and not compound it and say it is exactly 30 percent. The economy is currently operating at the level of $10 trillion per year. If we can keep the growth rate at 3 percent per year for 10 years, that is a 30-percent increase. Again, we are not compounding this; we are keeping the numbers simple.

Ten years at $10 trillion is $100 trillion. If the growth rate is indeed another 30 percent, that is another $30 trillion. If what we do in terms of incentives in the tax program can raise the growth rate from 2.9 to just 3.1 or 3.2, multiply that over 10 years and you have $150 trillion. Does $600 billion amount to anything when you are talking about $150 trillion?

The numbers are staggering, but they are very important. If we can raise the growth rate from 2.9 percent to 3.1 percent or 3.2 percent or 3.3 percent with the President's growth program over the 10-year period, we will solve the social problems of those at the bottom. We will get enough revenue for the Federal Government because the Federal Government revenue does not come from the budget. The Federal Government revenue comes from the growth of the economy. We can grow our way out of this problem if we are only smart enough not to fight the basic laws of economics. If we spend our time saying it is not fair, we are like the people who will not build a fence on the edge of the cliff because we say it is not fair for the law of gravity to kill the fellow who stumbled across. Or do we say the law of gravity is going to operate whether we like it or not, and let's go to the expense of building the fence on the edge of the cliff; we will get the benefit of saving the lives of those who stumble across.

I suggest that if we have the right kind of incentives for those who accumulate capital and take risks so that the economy grows, it will be worth whatever it costs, just like building the fence is worth it, even though it is an expense, because of the saving of lives at the other end.

People speak of economics as a science, and it is because it has basic laws on which it is based, but it is also something of an art. Certainly economic forecasting is an art. I have been in this Chamber long enough to see the forecasts all over the place, and no forecast that has ever been made by the Office of Management and Budget, be it Democratic or Republican, or by the Congressional Budget Office, be it Democratic or Republican, has ever proved to be accurate. There are too many variables in the system. It is not that their forecasting tools are wrong, it is that the economy is so fluid and changes all the time and people react differently to incentives than others predict that the forecasts almost always turn out to be either too high or too low.

For many years, OMB and CBO predicted surpluses, and we got deficits. Then for some years, they predicted deficits, and we got surpluses. The economy surprised us.

The plea I have made the whole time I have been in the Senate is, yes, we need to pay attention to the forecasts, we need to pay attention to the economists and their projections, but we need to be a whole lot more humble in our assumption that these are scripture carved in stone. We should focus more on the fundamentals of economics than on the details of today's projections and today's numbers.

Looking at the world as a whole, this is what we see: The United States has less structural taxation built into its system than any other country in the world. The United States has the greatest rewards for risk taking of any country in the world. The United States respects accumulated capital more than any other country in the world. And guess what. The United States has the strongest economy with the strongest growth rate and the highest standard of living of any other country in the world.

If we were to listen to our European friends who tell us what we need to be doing, we should ask the fundamental question: Do we want the U.S. economy to be like the European economy, which is not creating any new jobs, which has a higher rate of taxation than we have and which is virtually stagnant in terms of their GDP growth?

The Europeans are trying to create the world's second largest economy, maybe the world's largest economy through the Euro zone and the establishment of the European Community, but they are not getting there. I submit one of the reasons they are not getting there is because they do not reward productivity; they do not reward creativity; they do not reward risk taking. In the name of fairness, they are stifling the very activity that would create the wealth that would allow them to solve their problems.

I have owned businesses in Japan. Japan is statistically the second largest national economy in the world. Japan has been virtually in depression for 10 years. Why? Because Japan, once again, is not willing to take the kinds of steps I think President Bush's economic plan represents because they say it is not fair. As a result, the pain is spread over all of the Japanese, and they pay a serious price for their inability to recognize that economics is about incentives and the purpose of government is to get out of the way of those who create wealth to the best degree.

Yes, those who create wealth should pay for the government, and in this country they do. As I have said, once again, it is the top earners who pay for the Government. The bottom 50 percent pay nothing for governmental services. They have taxes deducted, once again, but those taxes are in the entitlement system. They do not participate in any way in the payment of Government services out of the general fund.

One last comment, Mr. President, and I will yield the floor. There has been a lot of discussion here about the unfairness of the President's proposal to reduce taxation on dividends. We can debate the fairness argument, and fairness is in the eye of the beholder. There are some who say, as they do out of the administration, it is unfair to tax income twice. There are those in this Chamber who say: Hey, we tax income twice all the time in America. People earn something and they are taxed; they earn something and they are taxed again; they earn something and they are taxed again. I will leave the fairness argument aside because, as I say, fairness is in the eye of the beholder, and I will not make the case that it is unfair to tax corporate income twice, even though I think there is some validity to the case. I want to address another fundamental question.

In this Chamber last Congress, we passed what is now known as the Sarbanes-Oxley bill. It was a reaction to the Enron scandal and to the corporate governance excesses we saw throughout all of corporate America. Out of that came a phrase that stockholders had heard but that general Americans had not heard before that scandal. It was the phrase referring to ''managed earnings.''

I remember when I was running a public company. They talked about, ''We can manage our earnings,'' the accountants were saying, ''to produce this kind of quarterly result, and Wall Street is looking for this kind of number and we should manage our earnings to give them that number.''

Mr. President, I ask unanimous consent that I be allowed to continue for another 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I remember painfully when our public company fell 1 penny per share short of the projection that Wall Street was

looking for. The stock dropped something like 20 percent that day because we fell 1 penny short. When some people in the company said it is not fair for us to be penalized that way, the reaction of the Wall Street analysts was very interesting.

They said: You have the ability to manage your earnings, and if you were not able to find that extra penny and change your number to reflect it, that means you are in a whole lot more trouble than we thought you were. The penny is not important. What is important is what your inability to come up with that penny says about your ability to manage your earnings.

The stock, frankly, has never recovered. When I came to the Senate, it was in the low twenties. At one point in my Senate career it hit 40. Today you can buy every share of that stock you want for $1.25. Fortunately, I sold all of mine before it got there, but not at a high enough number to leave me with anything like the net worth I had when I came to the Senate. So I have had a very painful personal experience with that situation.

Back to the question of dividends. I know as a CEO you can manage earnings but you cannot manage cash. Earnings are an idea, a concept, a hope, or a prayer. Cash is a fact. We created with the Clinton tax cut an incentive for companies to manage their earnings because we put into the law there could be no corporation deduction as an expense for CEO pay over $1 million a year. In other words, if a company was going to pay their CEO $2 million a year, they could only deduct as an expense the first $1 million. So there was a disincentive to compensate the CEO with cash. We did it because people on the floor said it was not fair for a CEO to be paid that much money just like, as I say, some people say it is not fair for Michael Jordan to earn so much more money than any other basketball player.

We created an incentive for compensation to be tied to stock options. Boy, did the Enron executives get that message. They and a number of others under that incentive managed the earnings to drive up the stock price so they could cash in. And those who understood that this was phony accounting did cash in. They sold their shares at the highest point.

That did not use to happen in American industry. It used to be that the measure of a company's value was how high a dividend it paid. But dividends are paid in cash. You can manage earnings but you cannot manage cash. You have to manage the business in order to get cash.

If we were to say, OK, we will make it attractive for people to invest in companies that accumulate cash and pay that cash out to their owners, it will be taxed but it will only be taxed once and the owners can look for a cash return, I think that would have a greater impact on corporate governance and decisions in the boardrooms of America's manufacturing corporations than all of the Sarbanes-Oxley bills we can conceive of and pass. If we want to change the corporate culture in America back toward more fundamental sound manufacturing and goods-producing companies, what structural change could we make that would have a more beneficial effect than saying if you concentrate on accumulating cash which comes from real operations rather than managed earnings, and there is an incentive for you to pay out that cash to your shareholders so there will be an incentive for shareholders to reward those managers who manage their business on sound principles rather than managed earnings, we would have a cultural change that would be tremendous.

Back to my beginning point. Ultimately, the solution to all of our economic problems is to have the economy grow, to have it grow on a sound basis, to have it grow on a consistent basis, to have it grow year over year over year. If we can get the growth rate back up from last year's 2.9 percent to 3.1 or 3.2 and maintain that for the next 10 years, at the end of the 10-year period with the 3-percent growth rate sustained and compounded, we will have all the money we need in the Federal Treasury to cover all projections of deficits. We will have an unemployment rate well below today's 6 percent, even though 6 percent is historically considered full employment. We will have all of the things we need. If in the name of ''fairness'' we ignore economic laws, we ignore the impact of the law of supply and demand, and we do things now that look good for political rhetoric and hamper the long-term growth of the economy, we will find ourselves 10 years from now with bigger deficits and slower growth and higher unemployment and more social problems.

Ultimately, we must keep our eye on the goal that we have: grow the economy. Grow the economy intelligently on the basis of sound principles, build incentives into the system that will reward those that will contribute to growing the economy. And as we do that, we will then be in a position to solve all of our economic problems.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I understand we are in a period of morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. CORZINE. I request I be permitted to speak up to 30 minutes.

The PRESIDING OFFICER. That authority has already been granted.

THE ECONOMY

Mr. CORZINE. Mr. President, I say to the distinguished Senator from Utah, I could very much agree with many of the broad principles I hear. How we rearrange them to get to those longrun growth numbers that do compound and make our economy stronger is an area where men have a difference of opinion. That is one of the things I will discuss. We are seriously at a point in the path of economic history, at least of our Nation, where those choices lead to long-term structural problems, ones we have visited at other points in time, ones that with regard to alternatives could actually stimulate the economy, get us into an investment cycle that could drive that same kind of growth rate that the Senator speaks so eloquently about and which I could agree. If we could get that economy growing from 2.9 percent to 3.5 or 3.4, we could create the kinds of incentives for people to invest and go forward.

The real issue is how do we get on to that path of growth? There are serious differences of opinion. That is a debate we need to have on the floor of the Senate in front of the American people.

I will take a few moments to actually talk through at least my perspective on some of the issues that arise from the President's proposal. I have certainly heard a lot of commentary on it. We have heard from some that it is bold. We have heard from some that it is risky. We have heard from some that it is reckless.

From my point of view, it is more towards the imprudent, at best, and in some ways I find it is reckless with regard to long-term fiscal health and stability.

I consider myself a fiscal conservative, on balance, over a period of time. I think we need to live within our means. I don't think that is going to be accomplished here.

I am pleased the President recognizes our economy has major problems. It is a reality. Unfortunately, it is past the time when we should have addressed some of these issues, but it is an important admission. This and changing the economic team has been an important statement. We needed a new look at where we were.

Since March of 2001 when the recession was declared by a blue-ribbon panel of economists led by Mr. Feldstein, a prominent conservative economist, we have lost 2.1 million American jobs in the private sector. Actually, with this morning's announcement on unemployment, that would be about 2.2 million jobs. The unemployment rate, again, as many have heard, stands at 6 percent. The most important element of the announcement today is that over the last 2 months we have lost 188,000 jobs.

By the way, the President is predicting that the program that we put in place will only produce that amount of jobs over the next 12 to 18 months.

Mortgage foreclosures are at a high. I think everyone knows all too well the

kind of lost value we have had in the stock market over the last 2 years, even more substantial over the last 3. Consumer confidence is bumping along at historic lows. Demand has declined to an extent that businesses are operating at 75 percent of their capacity. The average for the country over the last 25 years is about 81 percent.

We are running Federal budget deficit rates of about $200 billion this year. Just yesterday there was a new study of the State governments. They are running budget deficits cumulatively of about $90 billion. Many of our local communities are suffering from the same kind of pressures in their local budgets. We are seeing increases in property taxes.

I think, in short, we have a serious economic situation in this country. It is one that does deserve attention and I am glad we are having the debate with regard to it. Frankly, the people of New Jersey have known this for some time. I live in a State where Lucent Technology has shrunk its workforce from 180,000 employees—not all of them in New Jersey but on a worldwide basis—to roughly 30,000. We have closed essentially one of the great intellectual research institutions that created some of the innovation that has driven the American economy—Bell Labs. We are seeing an impending shutdown of the two remaining auto manufacturing plants, certainly cut shifts to one, and they are talking about closing one of those plants in New Jersey. In the northern part of the State we are seeing significant if not massive layoffs in the financial services industry, among others.

We are having about a $4 billion budget deficit in the State of New Jersey in fiscal 2003 and projections for about $6 billion in fiscal 2004.

Our Governors and mayors know we have a problem. I am glad we are now coming to that recognition here in Washington.

California is looking at a budget deficit, I saw in the paper this morning, of about $35 billion over the next 15 months to 18 months. The Texas deficit is $12 billion, New York's is $10 billion, New Jersey, as I said, is someplace between $5.5 billion and $6 billion. We have to understand we have to deal with growth in this economy and it has to happen now or we are going to have incredible stress and strain and I think actions that will end up undermining our longrun economic security here at home.

We need a serious and focused action to get our economy moving. On that front I think there are several parts of the President's program that deserve support. For example, I totally would back accelerating an expanded child credit, the adjustments in the marriage penalty, tax relief for the middle class in the 10 percent bracket, the small business, the AMT provisions. These are all sound and reasonable provisions.

Unfortunately, though, they are a relatively small part of the overall package. I think we need to make sure we are providing help to those who need it most. These do. I think they will help get our economy on track. Unfortunately, so few of these will be hit today, in 2003 and 2004, to really give that drive, that thrust to the economy that I think will make a difference in a way that deals with some of those problems I talked about.

We have 1 million people with 95,000 a week already on long-term extended unemployment. These are people who dropped off the rolls that will allow for benefiting from the unemployment compensation program we put in place this week.

I think it is important that we get moving. There are some elements in the President's plan that I think are supportable, but they are relatively a small piece—about 30 percent—of the overall program. I think in many ways—and I will try to go through this and will make some comments on specific elements of it—you could argue there are elements of this program that are antigrowth.

I would particularly like to talk about some of this cash issue I heard the Senator from Utah talk about. He and I agree that cash is king. It is one of those things that actually drives the valuations of corporations and their ability to do things. I just come out with a different perspective on how we are addressing that in this particular program.

We really do, though, need to stimulate our economy now to provide jobs, absorb excess capacity, get into that investment cycle that I think will drive our economy to creating jobs. Let's remember, most economists and business people believed—and by the way, so did all of our budgeteers around here—that there were some simple principles we need to follow with regard to stimulus programs. They articulated those last year when we were going through these programs.

We need short-term stimulus. That should be immediate and temporary. We need long-term fiscal discipline, long-term fiscal health and, in my view, the plan we saw put on the table on Tuesday just the reverse. Less than 10 percent of its 10-year cost will go into the economy this year, a very small percentage.

By the way, if we talk for a while longer here on the floor of the Senate, there will be even less going to the economy this year, before the program is implemented.

There is very little argument with the view that it will undermine our long-term fiscal discipline leading to what I believe will be higher long-term interest rates down the road. People argue about whether deficits create interest rates. They only do that when we are operating at full capacity. When there is not full capacity, there is no crowding out issue. What we need to worry about is what are interest rates going to do when there is real competition for money in a fully operating economy. I think those shortfalls that are going to be built in structurally when we come out of this are going to lead to disastrous deficits when we come out of this down the road.

When the baby boomers retire—we have 35 million seniors now—we will have 70 million in 20 years. That will put incredible pressures on our medical system, Social Security system, all elements of our society. I do not think anyone has planned, particularly in the context of these tax cuts, how we are going to get through that.

The bottom line, in my view, is this is a plan that will not work. It is antijobs and antigrowth, from my perspective, on balance, and in many ways it is imprudent.

First, this plan—and this gets at one of the things on which I think the distinguished Senator from Utah and I agree, in principle—the plan to encourage corporations to shift cash from corporate investments and employment into dividends will reduce overall business investment and either cost jobs that could be created, or even the maintenance of them. Certainly in the short run that is going to be the case, and potentially over the long run.

Few people seem to get focused on the fact which I think should be obvious: You can't spend the same dollar twice. So for each dollar contributed as a dividend, companies will have one less dollar to invest in plant and equipment; one less dollar to plow into research and development, one less dollar to hire new personnel. The end result will be investment in fewer jobs in the short term and potentially less economic growth in the long term as well.

By the way, I have some sympathy for this double taxation of dividend argument. But if you were going to do that, it ought to be a deduction against taxable income on the balance sheet of the corporation. Then the cash is held, they can make the decisions and treat it as an equivalent of interest, and then we would not have the bias in our system towards debt as opposed to equity. And it should, in my view, be accompanied with reform, other tax reforms, that take away some of the causes of why reported income is about 100 percent higher than what taxable reported income is.

It just strikes me we are addressing this problem wrong, even if we wanted to reduce the double taxation of dividends, but it is absolutely obvious and certainly common sense if you take cash off the balance sheet of the corporation it has less ability to invest in its future, less ability to invest in hiring more people going forward. Cash is

king. It is part of the valuation. But it strikes me, as we are approaching this, it is a wrong formulation.

The Bush plan does contain one element that I think is a reasonably decent and dampening incentive to shift money in cash dividends. It is very complicated. It adjusts the shareholder base. Their stock profits are not distributed in the form of dividends. I accept the fact that it will marginally offset the shift of cash dividends. I think that will be the minor scheme of things because I think the competition among corporations showing different returns will be high. But I do think that it is a reasonable attempt to try to make some offset to getting cash off the balance sheet for those who think they have to do marginal rates of return in which they can invest.

It is an incredibly complex concept to be able to explain to the vast majority of Americans. To understand the differences and the increased bases for the vast majority of Americans will be a hard concept to get their minds around. It is going to lead to an absolute deluge of paperwork and shifting of information back and forth between investors, brokers, tax preparers, and all other kinds of folks which I think can lead to all kinds of unintended consequences.

Beyond the lack of fiscal stimulus in the first year and what I believe will be a perverse impact created by the structure of the different proposals, I am also concerned about the distribution of tax benefits provided in the President's plan. Many of my colleagues tried to explain or at least talked about the obvious unfairness of that distribution in a progressive tax system. The Bush administration, in my view, and those who often talk about this obscure distributional impact of the proposal, focus the tax burden exclusively on Federal income taxes and ignore the severe burdens imposed by Federal payroll taxes, all shapes and forms of State taxes, and local taxes, and especially property taxes and sales taxes.

In New Jersey, the budget deficit required us to cut services and raise property taxes 7.1 percent. The State of New Jersey, by the way, also had to put on a business tax to be able to raise about $1 billion to close that budget deficit. In the city of New York, which has been troubled by current events, will have to raise property taxes 18.5 percent this year to try to make up for the holes that are being created and the lack of support from the Federal Government.

These additional taxes that I am talking about, such as property taxes in particular, which weigh very heavily on the middle class, and taking into account the distribution of the American tax burden, create an entirely different profile than if you just take a small slice of the pie and look at the Federal income tax.

Without taking a more comprehensive approach, the President is really misleading the American people based on the secondary impacts that will occur. Rather than focusing on the fairness issue, I wish to focus instead on the ineffectiveness of the administration's proposal in promoting economic growth.

I am one of those guys who believes a rising tide does lift all boats, and if we do well everyone will benefit. Grow the pie.

There is a broad agreement among economists that low- and moderate-income people are likely to spend the tax cuts rather than the high marginal income people who would not have a propensity to spend it. It is a well-known fact and it is a matter of economic policy that any stimulus program ought to focus its tax cuts marginally on those who will turn around and spend it because then you will get the multiplier effect on the economy. You will get that growth that we are both trying to get.

My friend from Utah has talked about trying to get it up to 3.5 or 3.1 or 3.2. We can do that if we can get the people to spend the money—reducing inventories of manufacturers and people going back to work. I think the Bush plan does precisely the opposite.

Over the next 10 years, just looking at some of the distributional interests, lots of people with annual incomes of more than $1 million—by the way, this is a 10-year look—those with $1 million of income or more will get a break worth $900,000.

Middle-class-income families—by the way, I define, at least in New Jersey, the middle class as being in the $75,000 to $125,000 range because there are different views about what that is. But let us take middle-class-income families of $75,000 to $125,000. In that same 10-year period, they would get $18,000 over 10 years. I think that is roughly 2.5 percent of the $900,000.

Let us consider people who would be in moderate-income classes. In some parts of the country maybe this is defined as the middle class. Even in New Jersey, it is between $30,000 and $40,000.

The median income for an individual in the United States is about $27,000. But using a $30,000 to $40,000 range, I think the total 10-year cumulative value of this is about $3,500 under the Bush plan. This is .4 percent of the total benefit that the million-dollar earners get.

Consider the 25 million taxpayers with purported gross incomes of less than $10,000. They make up 20 percent of the population of taxpayers. They will get, over the 10 years, a total of $50.

By the way, they are paying payroll taxes. Many of them are paying property taxes. Many of them are paying State sales taxes, and all the other nonconsidered taxes in this view. I think that is a tough way to look at it. This is not intended to say, wow, this is bad; people at the top end are getting such great breaks. It is just that there is a distributional reality that doesn't make sense: $900,000 over 10 years for those making more than $1 million; $18,000 for those between $75,000 and $100,000; and $3,500 for those between $30,000 and $40,000; and $50 for those $10,000 and below.

I think you can make a fairness argument. But I think the most important piece is that it will not stimulate the economy. The people who will spend money—particularly in the short run—are not going to be receiving the resources to be able to go off to their Wal-Marts or Targets and other places and put the demand into this economy.

I know that the administration and many have argued and are pointing out that those of us who make the kind of case that I just made are entering into what is tantamount to class warfare. My point has nothing to do with that—nothing at all. It is, in fact, just the opposite.

As other Democrats, I believe our goal should be to grow the economy to the benefit of every American—for all Americans. I want to create more millionaires. I want more people to be more successful—not fewer. Handing out tax cuts so disproportionately to the top of the income scale is a highly ineffective way to grow our economy. They just do not turn around and drive the economy—certainly not in the short run.

There are real debates about whether that actually gets back into the investment system, particularly if a lot of it goes off to seniors and a lot of it goes into bonds and coupons and into Federal Government securities. It is just not certain that it is going to grow productive capacity, and certainly it isn't going to eat up the excess capacity we have today. I don't think this is going to grow the pie larger, which is what all of us should look for.

We made more millionaires in the 1990s than we did in any other period in the history of the United States. I think it is absolutely essential that we talk about growing the pie as opposed to getting into this discussion about how we are dividing it.

Keep in mind that all Americans, including the very wealthy, in my view, benefit from a strong economy. Those at the top income scale, as I said, did well in the 1990s. We adopted policies based on a commitment of fiscal discipline, along with targeted investment in priorities such as education. Abandoning those policies for tax breaks such as the proposed dividend exclusion clearly will not mean more cash in hand for those who invest in our society. There is nothing wrong with that in its own right. But is it going to grow the economy? I think this, in many ways, runs the risk of being

antigrowth. It certainly runs the risk of higher interest rates down the road given the fiscal implications that may very well come about.

I just have to say that it seems odd after the growth experience of the 1990s. I know there were problems at the end of the 1990s. But we created 22 million new jobs, we had a balanced budget, and we had tremendous growth and productivity in this country because of investment in technology and the spread of American entrepreneurial skills.

Why we need radical surgery on America's tax structure is just a hard concept to get your mind around. Clearly, we have cyclical problems that can be addressed by dealing with an inventory cycle and investment cycle. And I think that calls for short-term stimulus and managing carefully our long-term fiscal situation.

Next, I want to move on and talk about one claim that has been made repeatedly by proponents of the administration and the administration officials that gets sort of tied up in this class-warfare charge; that is, the administration's tax cut supposedly benefits seniors. This claim, in my view, is about as misleading as anything I can imagine.

There are 37 million seniors in the U.S. Yet only one-fourth of them—less than 10 million; about 9.25 million—will receive dividends. Some 75 percent—or 27 million—of America's seniors will get absolutely nothing from the President's dividend exclusion. Moreover, only a small fraction of the wealthiest seniors will enjoy most of the benefits. Nearly 40 percent of the dividend tax cut for seniors will flow to those filers with incomes exceeding $200,000. That is a mere 2.5 percent of tax returns filed by senior citizens.

I am trying to figure it out because there are married couples in there, but I think it is around 250,000 seniors out of 37 million seniors who will get 40 percent of that so-called benefit for seniors. So it is highly misleading to argue that seniors will benefit from this plan. Only a small number of the wealthiest seniors will benefit.

And when you take the potential cost of this—in maintaining the real value of Social Security benefits, the ability of our Nation to truly deal with a prescription drug benefit, regardless of what kind of plan comes forward—to talk about this benefiting seniors on a relative basis to the overall needs of the seniors is hard for me to get my mind around. It is virtually mind-boggling. In fact, one could make the case that seniors are among the biggest losers in the President's plan because we are not going to have the ability to deal with this baby boom generation, going from 37 million seniors to 70 million seniors over the next 15 years.

So far, I have discussed the small size of the stimulus in the first year, its incentives for companies to shift cash away from investments and jobs, and targeting the tax cuts to those who are least likely to spend it. I have responded to some of the claims that I think are relatively bogus with regard to benefits for America's seniors.

Now I want to focus on another and critically important issue, which is the failure to address the severe fiscal problems facing our States. In many ways, it makes those problems worse. In fact, it is in this vein that this plan is also seriously antigrowth. And if it isn't antigrowth, it is absolutely anti-state when you come to considering the impact on State finances.

While many of us in Washington are talking about putting more money into the economy, as I suggested, most of our Governors and our State legislators are having to deal with how we pull money out of the economy. That is because almost all of our States have strict balanced budget requirements—48 out of 50 States—and face severe fiscal problems.

The total of the projected deficits, as I said, was just reestimated—about $90 billion, give or take $10 billion. I agree with the distinguished Senator from Utah; some of these economic projections are hard to put in print. But if we do not get the economy going, the only way that number is going to go is up. The crisis facing State treasuries is not just a problem for elected officials; it is a problem for all of our citizens and for our economy. States and localities already have begun to raise taxes.

In New Jersey, property taxes have increased 7.1 percent; in the city of New York, 18.5 percent. Across this country, we are raising property taxes because people care about the education of their children, they care about transportation, and they are investing heavily in homeland security to protect the American people. It is a big deal that we are not taking on a fair share of that at the Federal level.

By the way, we just created another unfunded mandate with Leave No Child Behind. And our budget proposals are not meeting our promises according to it. We have not done that with IDEA or in special education. And there are real needs with regard to our homeland security. We are putting burdens on the States and local governments and not coming up with help to make it happen.

These tax increases and spending cuts that the individual States and localities are doing not only hurt taxpayers but they really undermine the efficacy of Government and the program beneficiaries they serve to depress the economy further. That deficit among the States, in fact, more than offsets the entire stimulus proposed for fiscal year 2003 in the President's plan. And I suspect you will be able to say the same thing about fiscal year 2004. We have different timings on when the two fit together. But we are taking out of one pocket and putting it into another. I think it is really wrongheaded policy and really will limit growth in the country. I think it is really putting unfair burdens on our State and local governments.

Only the Federal Government is in a position to counter these pressures. Instead, the administration's plan does absolutely nothing to address these fiscal crises in our States or to reduce the need for State tax hikes or spending cuts. It just does not deal with these issues. I hope we can understand and adjust this plan to take into consideration the plight of all of our country, all of our various entities that service the American people, by pulling this all together.

By the way, the proposal actually worsens the situation on not only the support level, but every State ties its State income tax—those States that have an income tax—to the Federal tax system. And the States are going to directly lose $4.5 billion—almost $100 million in my State of New Jersey, but over $1 billion in the State of California.

Mr. President, I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Mr. President, reserving the right to object, I would simply ask if we could enter a unanimous consent agreement on order. I certainly do not object to the Senator from New Jersey having an extra 5 minutes, but I understand the Senator from Utah and the Senator from Ohio wish to speak.

I ask unanimous consent that after the Senator from Utah has spoken, who will speak after the Senator from New Jersey, and after the Senator from Ohio has spoken, I be recognized at the completion of the comments of the Senator from Ohio.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. I thank the Senator from New Jersey.

Mr. CORZINE. I appreciate very much the courtesy of the Senator from New Hampshire.

Mr. President, we have a problem in the States. And the tie in of the taxes that States collect to the Federal tax system is one of those places where there is a problem.

Another, on which I will not go into great deal, is the issuance of municipal bonds, tax-exempt bonds, the fundamental element of how you fund infrastructure, schools, and all the other elements at the local level. They are going to have to compete now with tax-free dividends and are going to suffer very seriously on a competitive basis in the financial markets.

I can assure you, interest rates for State and local government bonds, on an equal basis—regardless of where the

markets go, where interest rates go—will be higher than they would have otherwise been. So there is a real problem.

I will go back and just mention briefly, the lack of attention to these exhausted unemployment benefits is going to put greater burdens on States and create greater rolls in Medicaid. Lots of support is going to have to be delivered to the individual families who are suffering from those kinds of situations. I think we have a real problem there.

I also want to say I think there are other issues involved. Maybe the most important is, where are our priorities? We are at a time of great national insecurity, with good reason. We need to protect the American people at home, abroad, and against terrorists.

We had almost 700 New Jersey people lose their lives on September 11. People are concerned about security. We need to be investing in it. Why and wherefore are we having such a program that brings little sacrifice to those who are doing well at a time when there are such great needs?

I could go on further about some of the complexities of this and how it will offer great opportunity for financial engineering, chicanery, if you will, almost the repetitive nature of some of the things that we saw in the last several years: The unfortunate implication for 401(k)s and IRAs and tax-exempt pension funds with regard to dividends, the disincentives it will create for longrun savings for retirement, the problems it may very well cause to the real estate industry because of the competitive disadvantage of REITs and the financial structure which is an important thing for housing for people.

There are serious, serious flaws in this. Instead of directly addressing the fundamental economic problem, which is excess capacity, both in labor and manufacturing, this reflects, in my view, a return to the discredited economics of radical supply siders.

I don't want to quote only a Republican commentator, but I will. Kevin Phillips put it this way:

> This isn't even trickle-down economics. It's mist down economics.

We are on the wrong track. We have a new economic team at the White House. I hope they will step back and evaluate some of these elements. There are places where we can work together on this plan, but 90 percent of this proposal that is focused on the longrun restructuring of economic structure, in my view, is a bad idea. It truly hurts our States and potentially undermines investment at the corporate level, and it has some issues on the fairness side.

It is time that we take a rethink. I hope we can have a great debate over the next few months in the Senate to make this a better program to help all Americans.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I spoke at length and I do not intend to do that again. I congratulate the Senator from New Jersey on his presentation. Even though it sounds as if we are miles apart, we are in fact very much together on our determination to see to it that the ultimate result of what we do is long-term growth for the whole economy. I congratulate him on his analysis.

I have a few things, obviously, with which I would disagree and anticipate that we will have that conversation both in the Banking Committee and on the floor.

There are two specifics I would like to respond to briefly before I turn the time over to my friend from Ohio. The Senator from New Jersey said he would prefer, with respect to dividends, that they be deducted as expenses on the corporate P&L statement rather than made tax free to the recipient. I agree with him absolutely, that that is the more intelligent way to do it. I have said that to the White House as we have had these conversations. The reaction is politically that would be more difficult to sell than making it sound tax free to the recipient.

Maybe if the Senator from New Jersey and I march together in that particular parade, we can move in that direction because the comments he makes about the complexity of the tax system are exactly correct. The difficulties of reporting how this would be handled are just as complex as the Senator from New Jersey suggests they are. I would be with him in seeing if we could make that shift somewhere along the way.

I know he would stop short of doing that because of his feelings with respect to the dividend proposal anyway, but I want him to know that his analysis here is the same as mine and that he has analyzed that one correctly.

The other item we ought to have on the table as we have the discussion, the Senator from New Jersey refers to the impact on the top 1 percent; they would receive $900,000, et cetera. That is true if we assume that every taxpayer who files a tax return who is in that top 1 percent is in fact an individual.

When I first came to the Senate, I stood on this floor and asked this fundamental question—I know the answer from the Senator from New Jersey will be yes, but the answer from the vast majority of my colleagues was no—do you know what a K–1 is? Overwhelmingly, Republicans and Democrats had no idea what a K–1 is. A K–1 is the form you file for income you are receiving from a partnership or an S corporation.

A majority of the tax returns filed by the individuals who would receive the $900,000 to which the Senator from New Jersey refers include K–1 income. The K–1 is set up to avoid double taxation. You join an S corporation or a partnership and you say: All right, the profits of that corporation will flow to my individual tax return. I will pay taxes.

I know this very dramatically from my experience in the 1980s when the personal rate was lower than the corporate rate. With four other individuals, we built a company from virtually nothing to a company that today employs over 4,000 people, and we did it in the decade of greed, as it was referred to by some, of the Reagan years when the top personal rate was 28 percent. By putting that on my personal tax return and paying 28 percent rather than today's effective rate of 42, I was able to see to it that that company, which I headed as the CEO, grew with internally generated funds.

The difference between a 28-percent yield to the Feds and a 42-percent yield to the Feds was the difference between our ability to make that business survive. We built that business entirely with internally generated funds.

My salary was $100,000. My tax return showed $1 million because the money that was flowing through that corporation went on to my tax return as K–1 income. I didn't get a dime of that. I would have loved to have had the after-tax income show up, but we had to fund the company. So as we talk about the tax break to wealthy individuals during this debate, let us keep in mind that we are not talking about Michael Jordan or Donald Trump or Tiger Woods. Yes, they would get those breaks, but overwhelmingly a majority of the people who would get those breaks are businesses that, either through an S corporation device or a partnership device, are putting that income on to individual returns. And that would, in fact, be money that would be invested in creating new jobs. That would, in fact, be money that would be invested in growing the economy.

I know the Senator from New Jersey has had K–1 income because he has been a partnership partner in a very successful partnership, and he understands this. But I want to take this occasion to put this on the record and make this part of the debate as we go forward.

Let us understand, as we argue about the amount the top 1 percent is going to get out of this, that we are not talking just about individuals; we are talking about businesses that depend very definitely on the benefit that comes from having S corporation profits reported through a K–1 show up on individual tax returns but are, in fact, not getting into the individual pockets, are, in fact, funding the growth of small businesses and new enterprises.

With those two immediate comments, I will yield the floor and save the other notes I have taken on the Senator's excellent speech for a direct conversation with the Senator from New Jersey. He has made a significant

contribution to this debate, and I look forward to working with him to try to eventually come up with a growth package that makes sense.

Mr. CORZINE. Mr. President, I ask unanimous consent to respond for 1 minute, if the Senator from Ohio will not object.

Mr. DEWINE. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORZINE. I appreciate very much the comments of the Senator from Utah. I think we need a healthy debate to get the best policies. I will make one observation about the S corporations and K–1s, which I know something about. The fact is, I try not to use the sort of distributional numbers. You will notice I did not use the top 1 percent; I used people making $1 million or more as the basis on which I compare numbers. So there is some element of that which translates into comparability. I think you and I can sort through those in detail. But the fact is, people at $1 million or more in adjusted gross income are going to have an advantage of $900,000 cumulatively over the 10 years, and the other brackets are at $18,500, $3,500, and $50.

I believe that a rising tide lifts all boats. That is the theme about which I am talking. We may have differences about how you get there. I want to make sure that we distinguish between talking about percentages, and what I am trying to talk about is the people who actually get the benefit.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

UNBORN VICTIMS OF VIOLENCE ACT OF 2003

Mr. DEWINE. Mr. President, I rise today to speak, once again, on behalf of unborn children. Unborn children are the silent victims of violent crimes. Today, along with my distinguished colleagues, Senator GRAHAM of South Carolina, Senator VOINOVICH, Senator BROWNBACK, Senator ENSIGN, Senator ENZI, Senator INHOFE, Senator NICKLES, Senator SANTORUM, and Senator FITZGERALD, we will once again introduce the Unborn Victims of Violence Act, which would hold victims liable for conduct that injures or kills an unborn child by creating a separate Federal offense for unborn children. I thank my colleagues for their support in this effort. I want to recognize especially Senator GRAHAM of South Carolina who championed this cause so successfully last year on the House side. He has worked tirelessly to see that the most vulnerable in our society are in fact protected.

Mr. President, our bill, which is similar to the legislation that we sponsored in the 106th and 107th Congresses, would establish new criminal penalties for anybody injuring or killing a fetus while committing certain Federal offenses. Therefore, this bill would make the death or injury of an unborn child during the commission of certain existing Federal crimes a separate crime under Federal law and under the Uniform Code of Military Justice.

Mr. President, 26 of our States already have criminalized the killing and injuring of unborn victims during a crime. Our bill, the Unborn Victims of Violence Act, simply acknowledges that violent acts against unborn babies are also criminal when the assailant is committing a Federal crime.

We live in a violent world and, sadly, sometimes—perhaps more often than we realize—even unborn babies are the targets, intended or otherwise, of violent acts. Let me give some very disturbing examples.

In 1996, airman Gregory Robbins and his family were stationed in my home State of Ohio at Wright-Patterson Air Force Base near Dayton. At that time, Mrs. Robbins was more than 8 months pregnant with a daughter who they named Jasmine. On September 12, 1996, in a fit of rage, Airman Robbins wrapped his fist in a T-shirt and savagely beat his wife by striking her repeatedly about the head and the abdomen. Fortunately, Mrs. Robbins survived the violent assault. Tragically, her uterus ruptured during the attack, expelling the baby into her abdominal cavity, causing Jasmine's death.

Air Force prosecutors sought to prosecute Airman Robbins for Jasmine's death, but found that neither the Uniform Code of Military Justice nor the Federal code makes criminal such an act which results in the death or injury of an unborn child. No Federal law covered that act. The only available Federal offense was for the simple assault on the mother. This was a case in which the only available Federal penalty simply did not fit the crime.

Now, fortunately, Ohio had at the time, and still does, a fetal homicide act. So Federal prosecutors were able to bootstrap the Ohio fetal homicide law under the Federal law to convict Airman Robbins of Jasmine's death. Upon appeal, the Federal appeals court upheld the lower court's ruling.

Mr. President, if it hadn't been for the Ohio law that was already in place, there would have been no opportunity for the Federal prosecutors to prosecute and punish Airman Robbins for the assault against baby Jasmine. That is one reason we need a Federal remedy to avoid having to bootstrap Federal laws to provide recourse when a violent act occurs during the commission of a Federal crime. If this had been a crime that occurred on a Federal enclave in a State that did not have a similar law—and there are 24 States that don't—there would have been no remedy, and there is no remedy today. Federal prosecutors have no remedy in those situations today. Our bill would rectify that.

A Federal remedy will ensure that crime within Federal jurisdictions against unborn victims are, in fact, punished. Our bill also ensures that if certain Federal crimes are committed anywhere in the United States and they result in the death of a child, Federal prosecutors will be able to file charges.

Let me give you another example of another tragedy. In August 1999, Shiwona Pace of Little Rock, AR, was days away from giving birth. She was thrilled about her pregnancy, but her boyfriend, Eric Bullock, did not share the joy and enthusiasm. In fact, Eric wanted the baby to die. So he hired three thugs to beat his girlfriend so badly that she lost the unborn child. According to Shiwona, who testified in a Senate Judiciary Committee hearing we held in Washington in February of 2000:

> I begged and pleaded for the life of my unborn child, but they showed me no mercy. In fact, one of them told me, ''your baby is dying tonight.'' I was choked, hit in the face with a gun, slapped, punched, and kicked repeatedly in the stomach. One of them even put a gun in my mouth and threatened to shoot.

Mr. President, in this particular case, this particular tragedy, just a few short weeks before this vicious attack, Arkansas had passed its fetal protection act. Under that Arkansas State law, Eric Bullock was convicted on February 9, 2001, of capital murder against Shiwona's unborn child and sentenced to life in prison without parole. He was also convicted of first degree battery for harm against Shiwona.

In yet another example—this one in Columbus, OH—16-year-old Sean Steele was found guilty of two counts of murder for the death of his girlfriend, Barbara ''Bobbie'' Watkins, age 15, and her 22-week-old unborn child. He was convicted under Ohio's unborn victims law, which represented the first murder conviction in Franklin County, OH, in which the victim was a fetus.

Another example: In the Oklahoma City and World Trade Center bombings, Federal prosecutors were able to charge the defendants with the murders of or injuries to the mothers, but not to their unborn babies. Again, Federal law currently fails to criminalize these violent acts. There are no Federal provisions of the unborn victims of Federal crimes.

Our bill would make acts like these—acts of violence within Federal jurisdictions—Federal crimes. This is a very simple step that we can take, one that will have, I believe, a dramatic effect. It is something that we simply need to do.

The fact is that it is just plain wrong that our Federal Government does absolutely nothing to criminalize violent acts against unborn children. We cannot allow criminals to get away with murder. We simply must close this loophole.

As a civilized society, we must take a stand against violent crimes against children. We must close this loophole.

We purposely drafted this legislation very narrowly. Because of that, our bill would not permit the prosecution for any abortion to which a woman consented. It would not permit the prosecution of a woman for any action, legal or unlegal, in regard to her unborn child. Our legislation would not permit the prosecution for harm caused to the mother or unborn child in the course of medical treatment. And finally, our bill would not allow for the imposition of the death penalty under this act.

It is time we wrap the arms of justice around unborn children and protect them against criminal assailants. Everyone agrees that violent assailants of unborn babies are, in fact, criminals. When acts of violence against unborn victims fall within Federal jurisdiction, we must have a penalty. We have an obligation to our unborn children who cannot speak for themselves. The Senate must act.

I strongly urge my colleagues to join in support of this legislation. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

EXTENSION OF MORNING BUSINESS

Mr. GREGG. Mr. President, I ask unanimous consent that the period for morning business be extended to 2 p.m., with the time equally divided, and that Senators be permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I further ask unanimous consent that Senator NELSON of Florida be recognized at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION FUNDING

Mr. GREGG. Mr. President, I wish to address again an issue I addressed yesterday on the floor relative to the funding and the activity under the No Child Left Behind legislation which is landmark legislation we passed a year ago which the President of the United States signed and which was a bipartisan effort.

After I spoke yesterday, a couple of Senators came down to the Chamber and addressed the issue but, once again, misrepresented the facts. I think it is important, therefore, to restate what the facts are and go through some of the history and also review in more depth a letter which was sent by Senator KENNEDY and Senator MILLER to the Department of Education, which letter, in my opinion, is off base and inaccurate.

To begin with, the No Child Left Behind bill is landmark legislation, the purpose of which is to give parents of low-income children and low-income children an opportunity to participate in the American dream by assuring they get a decent education and have a chance to learn what they need to learn to be competitive with their peers, especially as they proceed through the early years of education.

It is a bill that ties four different elements to it.

No. 1, the purpose is to obviously give low-income children a better educational opportunity through a process of giving the local school districts flexibility over how they deal with the rules under title I, which is the low-income child education part of the Federal law.

No. 2, there is an initiative in this bill to make sure that low-income children are reaching the standards of their peers through putting in place a testing regime which basically sets up accountability and to establish that children of all ethnic groups in the same classroom are learning at a level which is necessary for them to move on so that the children are not being warehoused, are not simply being passed through the system—as we discovered, unfortunately, was happening for years and, at the end of their educational experience in public schools, they really did not know enough to compete in America and to have a successful life.

No. 3, if a child was found to be in a school that simply was not working, was not educating that child, there are certain rules put into the bill which empower the parent to take some action so they can get their child the educational assistance they need, such as public school choice, such as getting tutorial support outside the school. And if the school continued not to work, then the public school system was given a lot of funds and resources to correct that problem.

No. 4, there was a significant amount of Federal dollars—a dramatic increase in Federal funding—that was put into local schools for the purpose of addressing this bill. That is what I want to talk about today because, once again, that was misrepresented on this floor.

The amount of funding which President Bush has put into the new bill represents the most historic increase in the educational funding in the history of Federal funding. It has been a 132-percent increase in funding. We have seen a 132-percent increase in funding in education over the last 6 years, and that compares to a 48-percent increase in Defense, or a 96-percent increase in Health and Human Services. It is a dramatic increase in educational funding.

One might say that ties to the Clinton years, too. Yes, it does, but if we look at what President Bush has done in his first year in office, he increased funding in education by approximately $20 billion over the last year of the Clinton administration. That is a dramatic increase, a 50-percent increase almost in funding over the last year of the Clinton administration.

The request of the President for new funding in areas of, for example, special education, was historic compared to President Clinton who essentially requested no increases in special education until his last year, this being a chart showing President Clinton's request. The red represents the $1 billion increase in special education funding that President Bush requested and received in his first year, and the $1 billion increase in special education funding which President Bush requested on top of that $1 billion in the coming year.

If one looks at the history of the commitment of this President to educational funding, it dwarfs—dwarfs—the commitment made by the Clinton administration. For example, if one looks at the 7 years of increases in educational funding under the Clinton administration, they are almost 25-percent less than the increases which President Bush has put into educational funding in just 2 years. He has not only made this type of a commitment in 2 years, but he has already stated that he intends to increase title I funding by another $1 billion this year. He has asked for that, and I expect we are going to see the same type of dramatic increase in special education funding and across the board.

This letter was sent by Senator KENNEDY and Senator MILLER to Secretary Paige, and it outlined their concerns with the No Child Left Behind legislation. I think it is important to respond to this because this letter was truly an inaccurate letter. It began—and I heard Senator HARKIN yesterday parroting this position—by saying that the President has cut No Child Left Behind spending. That is absolutely inaccurate. Not only has he not cut it, he has increased that specific account, title I, by over $4 billion since he has been President.

How do they define it as a cut? There is one program—one program—that they did not fund. It was a $90 million program called the Fund for Improvement of Education. Because they did not fund that one program, that is a cut in the minds of Senator HARKIN and Senator KENNEDY. That is a very interesting way to account. If you increase spending in one year by $1 billion, but as part of that $1-billion increase you eliminate a program worth $90 million, you have cut spending, according to Senator KENNEDY and Senator HARKIN. That is a truly unique way to look at the way math is done. I think maybe they should go back and do math in the third grade and see if they pass the test

which we are going to try to make sure kids have to pass to be competent in the third grade.

Clearly, if the funds have been increased by $1 billion, you have not cut the program. If you have eliminated an earmarked program—which is not working to begin with and which has virtually no purpose other than to fund special interest activity—which is worth $90 million, but at the same time you have increased funding over $1 billion in that account, you have not cut the program; you have improved the program and you have made sure that billion dollars is going to be spent much more effectively. What do we do with the $90 million they eliminated? We sent it back to the towns, the cities, and let the teachers and principals and the school boards decide how to spend that money rather than have it be a categorical program. That representation in the letter was specious.

The letter goes on to say the bill is filled with an unfunded mandate to build schools and hire highly qualified teachers to comply with the bill's public school choice capacity requirements. But that is not the case. It should be noted that in 1995 Congress prohibited unfunded mandates. With regard to school construction, the Department of Education has never required districts to build new schools. Of course, it has not required that in order to accommodate the No Child Left Behind law.

Furthermore, the Department is still waiting for the States to draw down $900 million in school construction renovation money that was passed in the year 2001. So the money is still sitting there and has not even been spent.

With regard to the new teacher requirement, which simply says the teachers have to be highly qualified teachers, that is not a mandate. In fact, what this bill does is dramatically increase and has dramatically increased the funding for teacher training and for teacher pay and for teacher support. A $742 million increase in one year. Three billion dollars is now going out to the States to assist them with teacher training, teacher qualification, and teacher support.

What we did in this bill which is unique and special and is going to help the local school, instead of having a whole set of categorical programs, one of which says you must have this number of teachers in your schoolroom depending on this number of kids, instead of telling schools that is how they have to educate their children, we said we are going to take all this money, this $3 billion—we have increased it now by $742 million—and we will put it together in a pool and we will say to you, the principal, you tell us how you can use this to improve your teachers. If you need more teachers in the classroom, if you need to hire more teachers, you can use the money for that. If you have really good teachers you want to keep in your classroom, you can pay them more. If you have teachers who need technical support, computers, whatever, in their classroom to help them, you can use it that way. If you have teachers who need a little extra help, a little extra education, or want that to improve themselves, you can use it that way. We gave the flexibility to local school districts to make the decisions as to how they were going to use this money to improve their teachers so all the teachers would be of high quality.

But that does not satisfy the Senator from Iowa or the Senator from Massachusetts. They want that categorical program which says with this money you have to hire this number of teachers if you have this number of students. That was rejected in No Child Left Behind. You cannot come around the corner now and say you have to do it now because that is not the law anymore. Therefore, you cannot claim there is an unfunded mandate.

Let's remember, this President has increased funding for teachers by 35 percent over what the Clinton administration funded.

The letter also says the final regulations established an incentive for schools to focus on test scores while ignoring high school dropout rates, thereby jeopardizing the law's accountability provisions. Nothing could be further from the truth. The regulations are actually stronger than the statute. The statute was unclear on graduation rates and the regulations state even if all children are doing well in school, if the dropout rates are high, the school is still identified as being in need of improvement, a tougher standard than what we passed in the Congress.

The letter also criticizes the Department for not allowing teachers who are alternatively certified or working on becoming alternatively certified to be counted as highly qualified. This is a perfect example of how my colleagues on the other side of the aisle do the teachers union bidding by trying to prevent individuals who do not go through the traditional teacher certification process, which is dominated by, unfortunately, union rules which sometimes have no relevance to capacity to teach. It restricts those people from being hired. They do not want competition. They do not want teachers coming in from the Teach for America Program or other programs and encourage professionals from other fields to move into the teaching arena. This bill, No Child Left Behind, encourages drawing into our school systems people who are qualified but are not necessarily professional teachers—going to the military services, for example, to get people out of the Army and the Armed Forces into teaching. And as I said, Teach for America. That language was a strong addition to the bill, not a weakening of the bill.

The letter also states that the No Child Left Behind prohibited norm-reference tests which measures students' achievements against that of their peers. This is patently false. Patently false. The House bill originally had that language; this language was dropped. It is another example, as is the example that I pointed out prior, of using the old law of the way things used to be to attack the new law, the way things are and the way things are improving.

The letter also claims the Department allowed States to use a patchwork of local tests to meet the new annual testing requirements, making it possible to measure whether achievement gaps are closed. The Department has made it crystal clear if you use local tests they have to be comparable tests. That is the way it should be. There is no reason to deny school districts from using local tests. If they put together a plan which makes it clear that those local tests are comparable, of course we should let them use local tests. That is called flexibility. As long as there is a way to compare them and the Department has said that is a commitment, that is something a State has to do in deciding their plan.

And let's remember here, one of the States that has met the test of putting forward an accountability system that will work happens to be Massachusetts. Massachusetts has proved you can do it. As has New York. As has Indiana. As has Ohio. Big States. States with lots of kids in their system. Their plans have been approved, ahead of schedule, that they can meet the tests of this bill.

And what is the purpose of this bill? Remember, the purpose of the bill is to make sure kids learn. These people who put these plans together are excited about the fact they now have a law they can follow which allows them to make sure that kids do learn. All the teachers in this country, all teachers, that is their purpose. They are altruistic people because they want to help kids learn. Now we put in place a system to help them find out whether the kids are meeting those standards and whether they are learning. These States which have already come up and put forward plans and initiatives which work under the bill are reflecting the energy out there to do good under this bill, and yet we get a letter like this which is basically trying to undermine the bill.

Last point. This letter engaged in a bit of what I call revisionist history when it claims No Child Left Behind allows Federal educational programs to directly fund religious organizations and to permit organizations to discriminate based on religion. After many hours of negotiation—I was there; Senator KENNEDY was there; Senator MILLER was there—and I am

very surprised to see this language in this letter. We reached a bipartisan agreement to be silent. That is to allow current law to operate on the issue of the Civil Rights Act. Title VII of the Civil Rights Act prohibits discrimination based on race, sex, religion, national origin and employment, except with regard to employment by religious institutions. We did not nor did we intend to reverse this precedent. To claim otherwise is simply to ridicule the process we went through for months and misrepresents the outcome of the process which we resolved over those months.

What my colleagues are asking for in this letter is to have the Department of Education pile more and more regulations onto the States and the local communities as they try to come into compliance and make the No Child Left Behind bill work. That is just the opposite of our goal. Our goal was to free up the local communities in the States to give them the opportunity to use their energy, their creativity, and their individuality to address this very serious problem we have in America, which is that so many kids, especially low-income kids, are not being educated well enough to participate in American society.

We don't want to go back to the old way where there were strings running from every desk in this Chamber out to every school district. We were saying: You must do this or we are going to pull that string and jerk you around. We want to go to the new way, which says: We are going to give you flexibility; we are going to give you money; we are going to empower parents to know what is going on. But at the end of the day we are going to expect accountability; we are going to expect results; we are going to expect these kids actually are learning.

We are going to test them. The tests will be designed by local folks, but we are going to expect them to learn to the standards the local folks design. It is a reasonable bill. It is going to help a lot of kids in America. And it is unfortunate there appears to be this orchestrated effort to undermine it.

It is extremely unfortunate that we hear, again and again, misrepresentations on the floor of this Senate about how much money is committed to it and about the commitment of this President to funding education.

I yield the floor.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. The Senator is recognized without objection.

NORTH KOREA

Mr. NELSON of Florida. Mr. President, we have heard some weighty subjects discussed here today. The Senator from New Hampshire was discussing the issue of education. Prior to that, Senators from Utah and New Jersey were talking about tax policy, trying to get our sickly economy revved up and moving again. If those were not enough of weighty subjects to talk about, I want to bring up one of grave concern to the foreign policy of this United States, indeed to the very defense of these United States: That is the subject of North Korea.

I rise today to speak on this subject as a member of the Senate Foreign Relations Committee. This question of development of nuclear weapons by North Korea is something we should address. That is the occasion to which I rise today.

Over half a century we have seen North Korea struggle along in its totalitarian, repressive regime. If there is any question about that, look at the fruits of that repressive labor—the starvation there among the people while the leaders, indeed, lead very comfortable and cushy lives. Nobody questions the starvation among the people in North Korea. The free world has been trying to do something about it.

To those in this Chamber who have had the privilege, as I have, of going to the DMZ, to the line, to see the stark differences on either side of the line, it is very apparent. One, is a side that is lush in vegetation, highly developed. Then, just looking across the line, you see quite a contrast with the sparse vegetation on the north side of the line.

But I saw North Korea also from a different perspective, from the window of a spacecraft on the night side of the Earth. There is quite a contrast for the lights reflecting from Earth back up into space—there is a distinct difference between North and South Korea from space at night. The South Korean peninsula is lit up, vibrant in its economic activity, whereas north of the line there are very few lights discernible from the view of the window of the spacecraft.

In North Korea, we have had a regime that has isolated its own country. Now this situation is urgent, vis-a-vis the foreign policy of the United States. It requires sustained attention from our administration even as we deal with a separate and growing crisis in Iraq. Unfortunately, the Bush administration is approaching the events on the Korean peninsula in an inconsistent and incoherent way, in the opinion of this Senator, even as it continues to build up our forces in the Persian Gulf region.

This is dangerous. We cannot, in my opinion, and we must not, allow the North Koreans to develop an effective nuclear weapons arsenal. Yet it is a very difficult situation. Go back to 1994. The Clinton administration faced a similar crisis in 1994, which it averted by striking an agreement with North Korea. This Agreed Framework provided the United States would provide North Korea with economic assistance and more open diplomatic communication in exchange for a cessation of operations and infrastructure development of reactors and facilities used to build its nuclear weapons program. This agreement, while flawed, allowed the United Nations to come in and monitor the disposal of the plutonium rods to ensure they would not be used to develop weapons. Indeed, it helped prevent North Korea from having dozens of nuclear weapons by now.

One year ago, President Bush, in his State of the Union speech, referred to North Korea as a member of the axis of evil for its repressive and brutal actions against their own population. In that respect the President was correct.

But we see now what the consequences of that speech are. Instead of speaking softly and carrying a big stick, President Bush decided to speak harshly without a coherent policy to back it up. Though this pronouncement did not cause the North Koreans to begin their bad behavior and cheat on their agreements—it certainly didn't cause them to start that bad behavior or cheat on their agreements with the United States and the international community which, by the way, the North Koreans have now admitted—it did embolden them to harden their position, to renounce the 1994 agreement and to begin in earnest to openly pursue more nuclear weapons.

This is now the situation in which the Bush administration, by its own words, has painted our Nation into a very difficult corner.

U.S. policy regarding North Korea has been inconsistent. The President has demanded North Korea give up its nuclear weapons programs, which is a good starting point. He said he wants to solve this peacefully, through diplomatic means, but until this week—indeed, until day before yesterday—the President refused even to speak directly to the North Koreans. The administration has said it wanted to isolate North Korea, possibly with sanctions.

Look around the world. That option is opposed vehemently by the governments, friendly to us, of South Korea and Japan. Even China has stated its position, that it supports a non-nuclear Korean peninsula. Yet the administration has scarcely engaged the Chinese in a meaningful way. We ought to be encouraging them to join us to stop the development of North Korean nuclear weapons.

Russia also needs to be included in these discussions. The lack of a clear strategy increases the risk of a volatile and destabilized atmosphere in the face of a North Korean nuclear threat. This danger is underscored by today's news that North Korea has announced its immediate withdrawal from the Nuclear Non-proliferation Treaty. U.S.

leadership is needed for the world's declared nuclear powers to work together, perhaps through the United Nations, in a common response to this immediate danger.

If we fail to do so, the nightmare scenario of North Korea selling its nuclear weapons to terrorist groups and other rogue states and other provocations could become a reality.

I welcome the President's belated decision to engage the North Koreans directly. I hope it has not come too late. I also hope that these talks will be conducted at the highest possible levels. We must make North Korea understand that the building of an arsenal of nuclear weapons will not be tolerated, and that all options to combat this threat are on the table.

At the same time, we must work to form a viable, regional solution with South Korea, Japan, China, and Russia. No policy that we pursue can possibly work unless it is carried out in consultation with these key countries. We must devise workable policy options that the United States and North Korea may consider to de-escalate the situation immediately. These talks must be substantive and be conducted in good faith, which has been a consistent problem over the years with North Korea—but now the world is watching—immediately, now.

Finally, I hope that the Senate Foreign Relations Committee will hold hearings on North Korea as soon as possible. Hearings should explore the administration's detailed plans and policy prescriptions for this crisis and its implications. I know Senators LUGAR and BIDEN care a great deal about this. I thank them for their leadership.

I call upon President Bush to stop sending mixed signals on this urgent matter. Consistency in policy and leadership is demanded in these very hazardous and uncertain times. Then one day, maybe from the window of a future spacecraft—with a North Korea that has become a part of the world community of nations, a North Korea that reaches out in friendship to her neighbors—then maybe one day from the window of a future spacecraft on the night side of the Earth, we can look down and see a North Korea joining a South Korea lit up like a glittering jewel showing economic and political progress and freedom in that part of the world.

Thank you for the opportunity to address this most important matter.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent to speak as long as I may speak beyond 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I want to talk today about a subject that is very much on our minds—the subject of North Korea and the threat North Korea poses to the entire world because of its development of weapons of mass destruction, including nuclear weapons, and the fact it is the world's largest proliferator of those kinds of weapons.

Next week, Senator MCCAIN and I will be introducing a bill called the North Korea Democracy Act of 2003. The purpose of this legislation is to establish American policy, from a congressional standpoint, that will help us to move North Korea toward a more democratic regime and forego the development of these weapons of mass destruction and the proliferation of them as well as missiles throughout the world. As we are all very much aware, today, right now, North Korea is ruled by a leader and leaders who have cheated on agreements in the past not to produce these weapons, and has really brought the world to the brink of military conflict, and has removed itself from numerous agreements it had earlier entered into, which have constrained its activities to date.

As a result, the United States is presented with a challenge of what to do in North Korea that has a very short timeline on it, a challenge in which, as one pundit put it, ''the clock is ticking.'' Just as an aside, we know we have to deal with countries such as Iraq as well. Iraq is one of the fronts of the war on terror, and we are all aware of the fact the President has been preparing for the potential for military action should Saddam Hussein not comply with the U.N. resolutions that require him to come clean on his weapons of mass destruction program and to dismantle those weapons.

The President has made it clear that while he is proceeding for those preparations with regard to Iraq, that he also understands the importance of dealing with the problem of North Korea, because North Korea has nuclear weapons already, we believe, and because of its recent actions, it could create more nuclear weapons quite quickly and, from our past understanding of North Korea's policies, could begin to sell those weapons to other countries.

To not put too fine a point on it, think about the prospects of dealing with a Libya or an Algeria or a Syria or a Sudan or a country such as these that bought a nuclear weapon from North Korea. It is a very troubling prospect, indeed. Yet in a matter of months—not years, not some time way down the line, but literally in a matter of a few months under the current program in which it is engaged—North Korea could develop nuclear weapons and sell them to countries such as those I have mentioned. Of course, it could also sell a weapon to a terrorist organization, other than a state that sponsors terror.

This is, indeed, a troubling prospect, and that is why I say the clock is ticking. That is why it is important for the United States to have a very firm policy, a very clear policy for dealing with this and for the Congress to be engaged in the development of that policy; hence, the reason for the introduction of this legislation.

I will set the stage with what this threat is, what the U.S. policy has been, what our current strategy is with respect to dealing with North Korea, and then I will describe in a little more detail the bill about which I am talking.

The President has said that the centerpiece of our policy with respect to North Korea is that it must promptly and verifiably dismantle its nuclear enrichment program. Of what exactly is the President speaking?

In the past, North Korea created a plutonium enrichment facility that produced only 5 megawatts of electricity, so it was clearly not something to produce power for the country of North Korea—in fact, it requires coal to operate—but was for producing fissionable material to put into nuclear weapons.

In 1994, North Korea agreed that it would no longer produce fissionable material from that facility and that it would not produce any other fissionable material. That plant was put into a standby mode, in effect, and the International Atomic Energy Agency, IAEA, was permitted to install devices that would monitor the compliance of that commitment, as well as people who were onsite to verify compliance.

In the interim, North Korea began to develop a uranium enrichment project in deep underground facilities in North Korea. North Korea began this program and only recently 'fessed up to the fact that it had been engaging in this program for a long time.

It, too, is in violation of agreements that North Korea had entered into, including the Nuclear Non-Proliferation Treaty, or the NPT. North Korea today, I believe, announced it was, in fact, withdrawing from the NPT. It had been threatening to do so for some time. At the time it developed this fissionable material, North Korea was a signatory to the NPT.

Throughout the last several years—and we do not know precisely how long—North Korea had been developing a clandestine nuclear fissionable program with which to build nuclear weapons. We believe that as a result of the previous program, as well as perhaps what might have been developed

in the uranium program, North Korea does, in fact, possess nuclear capability at this time. The exact number of weapons we believe they have is a classified number.

That is what the President was talking about when he said that North Korea must promptly and verifiably dismantle its nuclear enrichment program—both the plutonium enrichment program, which it has now restarted, as well as the uranium fissile material program that it has recently admitted to possessing.

I mentioned the NPT, but North Korea has also agreed in other fora to not produce these kinds of weapons. Another agreement that it entered into was the North-South Declaration on the Denuclearization of the Korean Peninsula.

It also in 1994, as part of what is referred to as the agreed framework with the United States, forsworn the development of any of these nuclear weapons. There are actually four specific different agreements that North Korea is currently in violation of as a result of these two nuclear programs with which it is engaged.

When we confronted the Koreans last September with the fact that we were aware of the development of its uranium enrichment program, at that point North Korean leaders threatened to pull out of the NPT and, as a result of that, the United States and the other nations that had been involved in the agreed framework on the Korean peninsula agreement decided the violation of these accords could not be rewarded with continued sale or providing of heavy fuel oil or other products to North Korea, as a result of which the last shipment, I believe, went to North Korea in September or October.

That was part of the quid pro quo for North Korea forswearing these nuclear programs. We said: We will build nuclear facilities for you; we will provide you with fuel for your current facilities, including this heavy fuel oil; if you will continue to forswear those nuclear weapons, we will continue to supply that material and that fuel to you.

Once they threatened to pull out of the NPT and agreed they were in violation, we stopped those fuel oil shipments. That is what brought the current controversy to a literal boiling point when the Korean leaders said they would pull out of the NPT ostensibly because we cut off the fuel shipments, and, of course, it was the other way around.

The question is what to do at this point with the North Korean leaders having not only threatened now to pull out of the NPT, but actually giving notice that they pulled out, and their admission they have been in violation of these other agreements.

There have basically been three schools of thought. One school of thought is we should actually engage in a military attack on the plutonium facility which has been restarted by North Korea. Some people who worked in the Clinton administration, and perhaps President Clinton—I am not sure—actually said that was part of President Clinton's threat against North Korea: That if they ever started that facility again, we would bomb the facility. I do not know if that was conveyed to the North Koreans. I do not know whether we ever would have done so.

The problem with military activity is that North Korea is a country that today possesses a very large number of rockets and artillery pieces, as well as missiles, all of which could very quickly, within a matter of minutes, literally kill millions of people in the area of Seoul, Korea, only 30-some miles away from the DMZ.

It is a good example, by the way, of why, if we are going to have to deal with Saddam Hussein, it is better to do it today when he does not pose that kind of threat to us than tomorrow when he might, just as North Korea does today.

So, the military option, while probably not one that should be taken off the table, is one that is fraught with peril and difficulties. North Korea could very probably cause great destruction not only on South Korea, killing South Koreans and American servicemen, about 37,000 of which are stationed in South Korea, but also, if they desire to do so, could strike Japan and possibly even Hawaii. Its missiles are that well developed.

Because of that, the potential for military action, while it probably should never be taken off the table because we do not know just how serious North Korea will be with its aggression, is not one most experts believe should be threatened as a means of making North Korea comply.

At the other end of the spectrum are those who say we should talk with North Korea. There are two problems. One, it has been tried and found to have failed. North Korea is willing to talk, but it is not willing to make concessions or, if it does make concessions, it is not willing to keep them. So talk alone is clearly, at least in my view, not a solution to this problem. Originally, North Koreans said if you will talk to us, then we can get a dialog going that will actually result in our compliance with these agreements. But as soon as the Secretary of State hinted maybe the United States would talk, all of a sudden there are new conditions. As a matter of fact, it is reported in the news media that the North Korean leaders said they were going to pull out of the nuclear nonproliferation treaty today—unless we would resume fuel oil shipments to them.

This is the point. That is the way the North Koreans talk. They are always bargaining. They will talk to you today if you will give them something today; otherwise, no dice. And the problem is you give it to them and then even if they have made a commitment, we find they will break it. So the North Koreans are not exactly the kind of partners you can rely upon and negotiate. For the same reason, we are not negotiating with Saddam Hussein or the al-Qaida. We do not believe it is in our best interest to negotiate with the North Koreans. So talk alone will not solve the problem.

Somewhere in between military action and talk there has to be a solution to this problem. As I pointed out, the clock is ticking. We do not have a long time to wait. So even though the legislation I will be describing in a moment contains components that would gradually pressure North Korea to become more democratic, to become more peaceful, to eschew its weapons of mass destruction and stop its nuclear program, the question is whether even this kind of approach can take hold quickly enough to force North Korea to stop before it develops the nuclear weapons and gets them in somebody else's hands. That is the real question.

So, even this middle ground, this third wave, as I call it, has the potential of not working if North Korea believes it can gain enough time to build these nuclear weapons and sell them to somebody else or build them and threaten to do that as a way of extracting concessions from us. That is the problem. I don't want to get too specific about the timing. I will say that in a matter of months, much less than a year, North Korea could develop a number of nuclear weapons. That is the kind of timeframe we are talking about.

Mr. DORGAN. Will the Senator yield for a unanimous consent request.

Mr. KYL. I am happy to yield.

Mr. DORGAN. I apologize for interrupting. I ask unanimous consent that I be recognized following the presentation by the Senator from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I ask unanimous consent to have printed in the RECORD a very well thought-through op-ed piece called ''Don't Rule Out Force,'' penned by Dennis Ross, which appeared in today's Washington Post newspaper.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 10, 2003]

DON'T RULE OUT FORCE

(By Dennis Ross)

Why is the Bush administration suggesting there is no crisis in Korea? Is it because it doesn't want to be diverted from taking on Saddam Hussein and, in effect prefers dealing with each threat sequentially? Perhaps. But I suspect it has less to do with Hussein than with what is clearly a weak set of options.

True, it would not be easy to fight both North Korea and Iraq at the same time. But even more to the point, North Korea has formidable conventional military capabilities. If the United States decided to bomb the nuclear processing center in the Yongbyon complex, one could not rule out the possibility that the North Koreans would react with a massive attack against the South. They certainly want us to think they would, and it would be irresponsible not to take this threat seriously.

Does that argue for the administration's approach of isolation and containment of North Korea? It might, if the North Koreans were two or three years away from being able to produce a half-dozen nuclear devices. But it's more likely that they are only six months away, and that is not sufficient time for the effects of isolation and containment to work on Kim Jong Il. The price to North Korea in six months will not be appreciably different from what it is today. In six months North Korea will be in a position to sell a nuclear device, and its record to date demonstrates unmistakably that it will sell anything to anybody any time.

To put it simply, the clock is ticking. And paradoxically, by publicly taking the military option off the table, the United States is sending Kim Jong Il the message that he has time. From his standpoint, that will permit him to become a nuclear power, making him, in his eyes, a factor internationally and requiring us to deal with him on his terms.

He may, of course, be miscalculating. But even the Bush administration's preferred strategy of isolation and containment has no real support from those who would be essential to making it work over time. Neither the South Koreans nor the Chinese nor even the Russians seem to accept it. Each country favors a policy of engagement. While South Korea's desire to mediate the crisis is understandable, North Korea will continue to use the South's fears to erode its positions and to try to drive a wedge between Washington and Seoul.

If we want diplomacy to stand a chance, we cannot divorce it completely from possible military responses, and we must look to those who actually do possess leverage given current realities. Our readiness to use military force—alone if necessary—has been essential to the administration's ability to isolate Iraq and build a consensus on disarming it. By taking the military option off the table in Korea, we not only signal the North Koreans that they have time, but also reduce the sense of urgency that might alter Chinese and Russian behavior. And it is the Chinese and Russians who have the greatest leverage on Kim Jong Il.

The Chinese provide half of North Korea's food and fuel assistance. Russia's leverage stems less from what it provides now, though its economic ties are important to North Korea, than from the relationship President Vladimir Putin has with Kim Jong Il. He has feted him in Moscow and seems to take him seriously. The North Korean leader clearly values his connection to Putin.

While neither the Chinese nor the Russians are pleased with North Korean behavior, their public reactions have been tepid. (Moscow ''regrets'' the North Korean threat to withdraw from the Nuclear Non-Proliferation Treaty.)

Both the Russians and the Chinese would undoubtedly oppose a U.S. military response. But if we want to mobilize more vigorous action from them, those two countries have to become seized with the seriousness of the moment. They have to believe that the resumption of reprocessing is not acceptable to us and could trigger a military reaction.

The purpose is not to make the military option inevitable but to build the pressure to produce a diplomatic alternative.

At the minimum, the administration must introduce greater ambiguity into its posture. For example, it could make clear that no option is being excluded, including military ones. Similarly, without calling attention to it, we could also build our naval presence in the area, something that would please neither the Chinese nor the Russians. Should we feel the need for more dramatic and extreme measures, the administration could say that a continuing North Korean capability to produce nuclear weapons is so threatening that we would reserve the right to act militarily and would even contemplate extending our nuclear umbrella to South Korea.

The goal would be to promote a greater sense of urgency, without making an empty bluff or triggering worse North Korean behavior. Making clear we have been left with no choice but to consider the military option need not be done in public, but it does need to be done if we are to persuade the Russians and the Chinese to help us alter North Korean behavior.

Neither the Russians nor the Chinese want a war on the Korean peninsula; nor do they want the U.S. presence to be expanded or the U.S. nuclear umbrella to be extended, making us even more of the arbiter of Asian affairs. We have to play on these fears, while making it clear that it is in the hands of Russia and China to head off the very possibilities that are so troubling to them.

The Russians, in particular, could organize a diplomatic initiative that could finesse the administration's unwillingness to ''negotiate'' with North Korea, while creating the indirect engagement that will be necessary. In this connection, Moscow could host a meeting of all the interested parties: the United States, China, South Korea, Japan and perhaps the European Union and the United Nations.

Ground rules for settling this crisis could be established, with the clear understanding that North Korea's wishes will not be addressed until Pyongyang is ready to stop its nuclear program, subject all parts of its nuclear efforts to intensive and continuing inspection and turn over all existing spent fuel.

No doubt if the Russians were to present such demands to North Korea, the North Koreans would seek to negotiate on these conditions and what they might receive in return. Provided the Russians knew clearly what our red lines were—and convinced of our readiness to act military if necessary—diplomacy might yet succeed.

Mr. KYL. The reason I do this at this point, Mr. President, Dennis Ross makes the point, and I think eloquently, that the administration should not rule out force; that it ought to make it clear not only to North Korea but to North Korea's neighbors, Russia and China, that, of course, force is always an option; that there have to be some consequences to an absolute refusal of North Korea to agree to abide by the norms all the rest of us abide by, and to abide by the agreements it has entered into.

I hasten to point out neither Dennis Ross nor I are advocating the use of force. He points out, and I reiterate the point, one would hope it would never come to that because the use of force against North Korea is fraught with the perils I discussed before.

But Ross makes the point, and I think it is a valid one, that without consequences to failing to agree to be reasonable, it is unlikely North Korea will be reasonable. And more importantly, without that kind of a potential development, it may well be our allies in the region—the Russians and Chinese—who may also not be willing to put the kind of pressure they can and should against North Korea to cause North Korea to back down.

So that is the reason why this kind of action by the United States should not necessarily be ruled out, even with all of its potential dangers.

The reason I make this point is as follows: Talks can only succeed if we change the circumstances on the ground today. As of right now, talks result in promises by North Korea in exchange for fuel oil or food or whatever to North Korea, and then they violate the agreements and we are left in a position of reacting to their violation. We have to change that dynamic in some way so that North Korea feels some pressure to come to terms with its violations, some pressure to comply with the commitments it has made, some pressure to begin to dismantle its nuclear programs. Without that kind of pressure, without something to lose by refusing to go along in our negotiations or violating the agreements they make, talk alone is not likely to change anything. We have to change the circumstances.

How do we do that? That is where our legislation comes in. This legislation would put into place several circumstances which we believe would cause North Korea to more seriously consider negotiations as a means toward real, peaceful resolution of the dispute and real disarmament of its nuclear facilities. But without these kinds of pressures or conditions or circumstances, they are not likely to do so.

Let me briefly summarize the legislation. The first thing is to recognize what the North Koreans themselves have said, but to make it official: That the agreed framework entered into 9 years ago has failed and is no longer extant and it related to a circumstance North Korea has no longer permitted to exist and, as a result, the subsidization of North Korea called for under the agreement will cease; that they are not going to continue to be supported by the United States under the agreed framework.

The second thing we do is prohibit the United States assistance to North Korea or the Korean Peninsula Energy Development Organization under the agreed framework. This is designed, among other things, to help deny North Korea the funds, the hard currency it needs, to continuing the development of its nuclear program.

That is the third thing the act would do. It would reinstitute the sanctions that were previously in place and permit the President to invoke new sanctions. In effect, what I have called for is a resolution similar to resolution 611 against Iraq. Same terms, prohibiting exports and imports, as a way of denying hard currency to a country to engage in illicit activity. In the case of North Korea, this is especially important. The biggest source of hard currency for North Korea is the illicit drug trade and the weaponry it sends to other countries.

Where do countries such as Iraq get Scud missiles? North Korea. Where did Pakistan get some of its equipment? North Korea. Where do other countries get weapons of mass destruction? North Korea.

If we impose sanctions that both prohibit the importation and the exportation of these items from North Korea, we can help to impose upon their regime an economic circumstance which might persuade them it is more beneficial to talk and to make promises they intend to keep than to continue on their present course of action.

Another provision of the act would prohibit any nuclear cooperation agreement or type of nuclear interaction with North Korea unless and until the President made several determinations and sent them to the Congress and Congress approved of such an interaction or agreement by congressional action.

We would also encourage the President to obtain multilateral sanctions including the blocking of remittances from ethnic Koreans to North Korea. That's the other source of hard currency, the remittances from North Koreans elsewhere in the world to their relatives in North Korea itself.

But with regard to multilateral activity here, it is interesting to me that probably the most significant pressure that could be put on North Korea to begin complying with its commitments would come from China. China supplies approximately 80 percent of the fuel oil to North Korea. It provides over half of the food and fuel generally to North Korea. It has a long border with North Korea. It clearly would be called upon to help enforce sanctions if they were imposed. And it clearly would suffer, probably more than any other country, from any kind of nuclear explosion on the North Korean peninsula or any other explosion in which poison gases or nerve agents or biological agents of some kind were released from the atmosphere since the wind is prevailing south to north.

China has a great deal to lose from North Korea acquiring a nuclear capability as well. In the first place, I don't think China wants other countries in the region to have nuclear weapons. China has those weapons, but I don't think it wants Japan to acquire those weapons. I don't think it would want South Korea or Taiwan to acquire nuclear weapons. I am not sure it would want the United States to extend its nuclear umbrella to South Korea, for example.

All of those things could happen if North Korea is permitted to develop nuclear weapons. It seems to me, therefore, it is very much in China's interest to quietly, if that is the way they have to do it, but firmly dissuade the North Koreans from progressing with its nuclear development program.

It is especially troublesome that very recently China has continued to supply North Korea with materiel and other assistance for the further development of North Korea's nuclear program. Again, without going into details, we are well aware of what China has been doing. The United States needs to come down very firmly against this kind of export from China to North Korea. Not only do I think we should argue to China what we believe is in China's best interests, but in other ways to exert what other kind of influence we can on China to stop this kind of activity and assist us working with the North Koreans to stop their program.

To some extent, arguments similar to that relate to Russia, although Russia is not as close to North Korea as are the Chinese. But in both cases, both Russia and China could assist us. One of the things our bill urges is the development of those multilateral kinds of agreements and actions that would stop North Korea from furthering its program.

We would also in this act do a variety of things which we think would help to put pressure on North Korea, in terms of democratization and in terms of liberalizing its country in general. For example, granting North Koreans refugee status in the United States, encouraging the executive branch to work with other countries to care for and resettle refugees from North Korea and provide money for that purpose. We would require Radio Free Asia to increase its broadcasting to North Korea to 24 hours a day and authorize whatever money is necessary to do that.

We also believe it is important for Congress to actually take measures, including military reinforcements, if that is called for, and enhanced defense exercises and other steps as determined appropriate to assure the highest level of deterrence against North Korea.

This is important for two reasons. First, there are those who called on us to bring our troops home from South Korea and, frankly, the temptation is great, when South Korean leaders basically talk about not wanting the United States in South Korea anymore, to do precisely that. Why should we have our own troops there when they allegedly do not want us there? Unfortunately, that's a shortsighted way of looking at the problem. If we are to put the pressure on North Korea to make dialog meaningful, the third way I was talking about, to back it up with some potential action, then you do have to have a military presence and demonstrate you mean it when you talk about the North Koreans needing to comply with their agreements. Therefore, it would be the wrong time to either remove our troops or suggest they are not prepared. Thus, the reason our bill calls for enhanced measures to ensure our deterrence in that area.

What these provisions of the bill demonstrate is that there are a lot of alternatives in between just talk which, as I said, is cheap, and military action, which is to be avoided at all costs here because of the consequences of it. There are a lot of things we could be doing in between that. I have described in not very much detail what our bill provides in that regard, to just demonstrate there are a lot of things we could be doing to cut off its supply of hard currency, to isolate it, and to put pressure on North Korea to begin to comply with the agreements it has made in the past.

Some might say this is provocative. Frankly, I don't think it is very provocative. It is certainly not as provocative as having to resort to military force. It seems to me it is also not provocative to let the North Koreans know there are consequences to violating agreements they have made with the rest of the world.

If we are not able to back up these agreements, then why ever have agreements in the first place? Why couldn't any country simply get out of the NPT and say, We didn't really mean it when we signed up? The United Nations charter itself—I have forgotten the exact chapters; I think it is chapters 6 and 7—provides for the imposition of international norms of behavior in cases where the peace of the world is threatened by a particular country. That applies directly to North Korea in this case.

So we have the ability to act as an international group of nations, in addition to unilaterally in the case of the United States. But I would also say to those who say this is dangerous and provocative, that's the same thing people criticized Ronald Reagan for when he talked about the Evil Empire, Russia. It was the pressure the United States put on Russia in the latter stages of the Soviet Union, during which time the President not only built up our military to create a strong deterrence to any military action by the Soviet Union but also began to expand our push for democratization and freedom in Eastern Europe and in the outlying areas of the Soviet empire.

Many think it was the combination of those factors that caused the Soviet Union to break up, the combination of a strong deterrence on our part, the peace-through-strength concept of

Ronald Reagan, but also the declaration that it was an evil empire, the assistance to Lech Walesa, the characterization of the country and all of the eastern satellite countries of the Soviet Union as evil and nondemocratic and abusive of human rights, the Jackson-Vanik amendment. Those actions, over time, I believe, had a very salutary effect on the people in the Soviet Union and caused them to eventually conclude they could not confront the democratic nations of the world. As a result, Russia has been the product, fortunately for the people of Russia, of that kind of push.

I do not think you create a more dangerous or provocative situation here. I think in the case of North Korea you begin to lay the groundwork for the North Koreans to become a democratic society that can actually take care of its people and not starve them to death and engage in the human rights abuses it has in the past.

Let me just quote something Ronald Reagan wrote to himself. This is in a book called ''Reagan's War.'' It is talking about the philosophy Reagan had in dealing with the Soviet Union, but I think it is relevant to North Korea as well. In his diary the President wrote the following with respect to a meeting that had been convened, an emergency meeting of the NSC. He jotted these notes to himself about his goal with respect to Poland. He said:

> I took a stand that this may be the last chance in our lifetime to see a change in the Soviet empire's colonial policy re Eastern Europe. We should take a stand and tell them unless and until martial law is lifted in Poland, the prisoners were released and negotiations resumed between Walesa and the Polish government, we would quarantine the Soviets and Poland with no trade or communications across their borders. Also tell our NATO allies and others to join us in such sanctions or risk an estrangement from us.

Bearing in mind that all know what the result of President Reagan's policies were, I think that is the same philosophy that should animate our policy today toward North Korea. We should not be seen as vacillating. Some have characterized the administration as vacillating.

We should be sure the positions we are taking are clear-cut, firm, and no one can mistake what our intentions are, as the first step. Second, we should adhere to the President's policy of forcing North Korea to promptly and verifiably dismantle its nuclear enrichment program. And third, Congress can play a role in this by enacting legislation of the kind I have described that would not only create the conditions for more democratization in the country by granting refugee status to political refugees, broadcasting into North Korea the message of freedom to its people, but also squeezing economically the military leaders of the country to deny them the hard currency they are currently using to build up this nuclear capability, to prevent them from exporting these weapons of mass destruction to other countries.

Just as a final point, such an export limitation or quarantine as part of the sanctions that could be imposed here would not only deny the economic reward to the North Koreans from the production of this material, but it could result in an interdiction of such material if in fact they are going to try to send it some place else. Remember that shipment from North Korea that was recently intercepted going into Yemen. This kind of sale of weapons of mass destruction by North Korea, therefore, if interdicted, would not only deny the country the hard currency that it uses for its nuclear program but perhaps ultimately more importantly would prevent this kind of equipment from getting into the hands of terrorists or terrorist nations that mean us harm.

This is the approach we believe is appropriate for the United States to take. Neither military action nor just plain talk, but a dialog backed up by firm, positive, constructive actions on the part of the United States would put a lot of pressure on North Korea and would hopefully bring countries such as China and Russia along with us to help us put pressure on North Korea to cause it to come to meaningful agreement with the United States that is verifiable and that would result in peace in the region and the dismantlement of dangerous nuclear weapons they have been building.

We will be introducing this legislation next week. I appreciate the support Senator MCCAIN has provided in putting this legislation together, and I look forward to visiting with my colleagues and getting sponsorship of the legislation with an early commitment to get it passed by this body and sent on to the President.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

HIGH-SPEED PURSUITS

Mr. DORGAN. Mr. President, in this morning's Los Angeles Times there was a story headlined ''Border Pursuit Crash Kills Two, Hurts Thirteen''.

The paper reported that 2 women were killed and 13 people were injured—7 of them critically—when a pickup truck full of suspected illegal immigrants overturned, after a pursuit by the Border Patrol. The 15-year-old truck was packed with people huddled under a tarp as it sped west on Interstate 8.

That pickup truck apparently smashed into a guardrail and overturned sending bodies tumbling down an embankment. According to the California Highway Patrol, two women were pronounced dead at the scene 20 miles north of the U.S.-Mexican border. Seven victims were taken to local hospitals in critical condition, and six other people with minor to moderate injuries.

The issue of high-speed pursuit by law enforcement officials is not new. In fact, on Tuesday of this week, the Los Angeles Police Department announced that they were severely restricting circumstances in which officers could engage in high-speed pursuits, following a series of deadly crashes in that city involving fleeing vehicles.

Los Angeles has become known as the car chase capital of the world. We have all seen the helicopters following police chases on live television. In 2001, the Los Angeles Police Department launched 781 pursuits. One-hundred and thirty-nine people were injured. Six people died in those pursuits. Fifty-nine percent of the police pursuits in Los Angeles resulted from minor traffic infractions.

According to the Border Patrol, in 1996, 8 illegal immigrants were killed and 19 were injured when their vehicle tumbled into a ditch as part of a high-speed pursuit by the Border Patrol. There is a list of such cases.

Look, this is not the fault of law enforcement officials. It is the fault of the people who are fleeing law enforcement officials. But we ought to have policies and training on high-speed pursuits, to make sure pursuit is appropriate. In cases where we have minor infractions, in cases where there is no imminent danger, we ought not have chases at 60-, 80-, or 100-mile miles per hour, in which innocent people get killed.

Today I am writing to the head of the Border Patrol asking for an investigation into what happened yesterday. I want to understand what kind of pursuit policies the Border Patrol uses, and what kind of pursuit policies and training they have.

This is happening too often. I think more law enforcement ought to follow the model of Los Angeles.

I have a personal interest in this issue. My mother was killed in a high-speed police chase. She was driving home from a hospital one night about 9 o'clock in the evening on a quiet street in Bismark, ND. A couple of drunks driving a pickup truck fishtailed. Witnesses said the police were chasing them at 80 to 100 miles an hour, down a city street in Bismark, ND. There was a crash. My mother was an innocent victim.

Three-hundred to four-hundred people a year in this country suffer that fate; some say up to 1,000.

This is not some mysterious illness for which we don't know a cure. We understand what causes the death of innocent people with respect to police pursuits. We understand how to stop it.

I believe if there is a bank robbery and guns are blazing and a getaway car is moving, the police ought to chase

and ought to pursue because they have no choice. The public is desperately endangered in that circumstance. But such chases are inappropriate in many other circumstances.

I have spent a lot of time on this issue in recent years. I remember talking to a county sheriff in North Dakota about this issue. He said: Just last week we had a police pursuit. We started this pursuit, and one of my deputies saw someone horribly drunk weaving all over the road. He began immediately to apprehend this person. The person took off at a high rate of speed, and my deputy saw two little children in the backseat of that car and immediately disengaged. We got the license number. We didn't chase. We arrested that person about 3 hours later and those children were safe.

If they had not made that judgment call, perhaps that would have resulted in a car crash and the death of those children.

I mentioned my family's acquaintance with this issue in a deadly way. Here are some other examples, which occurred recently in Los Angeles. In March of 2002, Henry and Anna Polivoda, 79 and 76 years old, were struck and killed by a fleeing suspect in a pursuit that began over a car registration. Henry and Anna were Holocaust survivors, but they couldn't survive a high-speed pursuit on a city street. They were innocent victims of that pursuit.

A couple of months after that, a 4-year-old girl was killed when an auto theft suspect ran a red light on a busy downtown street, causing a chain reaction that knocked over a traffic light, killing the girl.

This goes on and on and on.

Yesterday's incident is one I know very little about—only that which I read in the newspaper. Of course, it brought back to me some very sad memories.

I know that those who were attempting to smuggle illegal immigrants into this country yesterday are ultimately at fault. I know those smugglers who decided not to stop when the Border Patrol tried to apprehend them are at fault.

But I also know this requires us, once again, to review when it is appropriate for us to engage in high-speed police pursuits and when it is inappropriate.

I have undying admiration for the work law enforcement officers do every day and every night. While we lie safely in our beds at night, there are people patrolling our streets and keeping us safe. They deserve our enormous admiration for the work they do. It is dangerous and difficult.

But I only ask this: How many more crashes, how many more deaths will it take for this country—all of us—to decide that in some circumstances it is inappropriate for law enforcement to engage in high-speed chases?

I know a city police chief from a southern State. His daughter is dead as a result of a high-speed police chase. Now, this is a police chief. This is a law enforcement official. His daughter was killed in a chase that occurred as a result of a broken taillight. That broken taillight was a cause for law enforcement to want to stop the vehicle. The vehicle did not stop. It took off at a high rate of speed. Because of that broken taillight, the police pursued, and the police chief's daughter was killed—an innocent bystander at an intersection down the road.

And it is always the innocent bystander who is killed. The drunk driver who killed my mother had almost no injuries, as is almost always the case with drunks. He was fleeing from the police. It was his fault. But in the circumstance I described with my mother, in that community, they did not have the kind of training I think they needed with respect to police pursuit. I think that is the case in many communities around the country.

Today, I say to the police chief in Los Angeles: Good for you. Thanks for the announcement you made on Tuesday, to decide to restrict police pursuit and high-speed chases to circumstances where they are essential.

We do not need to be entertained on a television network by having a helicopter following a chase. That ought not be what entertains the American people. Police chases are appropriate and necessary in certain circumstances. But in other circumstances they are killing innocent Americans.

So what I wanted to say today is this: There have been too many examples with the Border Patrol of high-speed pursuits in which people are being killed, especially on Interstate 8. I think it is time for us to take a look at what is going on. I am going to ask the head of the Border Patrol to investigate this and report to us exactly what happened.

I want the head of the Border Patrol, and all other Federal law enforcement authorities, to tell us about their policies and training with respect to high-speed law enforcement pursuit.

I am not suggesting they should not be able to pursue; I am saying they need training and policies that determine when it is appropriate and when it is not.

Mr. President, this is always a painful subject for me. I have been dealing with it for a long while.

There are of course many others who have also been dealing with this. There was a wonderful woman in the State of Wyoming who lost a loved one to a high-speed police pursuit. She created a national organization called STOP, to deal with the problem. She and many other people who suffered and whose loved ones suffered as a result of being on the wrong end of a police pursuit—an innocent victim—tried very hard to make progress in requiring uniform policies and uniform training in this area. I am sorry to say that she died of cancer some while ago.

I hope we will make more progress than we have in the past. We have made some progress in some areas, but not nearly enough. Yesterday's incident—this morning's news—I think reflects that once again.

I do not come here assigning blame with respect to the incident yesterday. Clearly, the ultimate blame lies with the smugglers who decided not to stop when law enforcement authorities tried to apprehend them. But I want to know if perhaps policies which allow chases in certain circumstances are also contributing to the death of innocent people. If that is the case, we need to ask law enforcement to better train their officers, and create better policies.

So I will send a letter today and call the head of the Border Patrol and ask for this investigation. I will share with my colleagues the results of it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I believe we are in morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. The Senator is correct.

NORTH KOREA

Mr. SESSIONS. Mr. President, I express my appreciation to Senators KYL and MCCAIN for the introduction of the legislation to cause us to confront the unacceptable behavior of North Korea. That is a situation that is dangerous. It is a situation that has gotten out of hand, for a number of reasons; one of which is, over the years, through bad behavior, North Korea has obtained what they consider to be benefits as a result of misbehaving, violating world standards. As a result of that, I think they have been encouraged, in a way, to continue that misbehavior. So we need to change that cycle.

I have not studied the legislation completely, but it strikes me as a good step in sending a message that this Congress and this country will not continue to reward bad behavior.

This time last year—maybe just about this time—I was in Korea, and I went just across the DMZ, as you can do, in that building that splits the boundary line, and actually had a few minutes in North Korea. It is a remarkable situation in so many ways.

South Korea is one of the most booming economies in the world. Buildings are going up everywhere. Interstates with cloverleafs are all around Seoul. We flew all over the country in helicopters, visiting our military bases and air bases. And you could see it so clearly. There are traffic jams. People are

well dressed. They are healthy. They are industrious. They are highly educated and doing very well.

In fact, while I was there I had an opportunity to meet with a number of Korean business leaders and to ask them to invest $1 billion in the creation of a world class automobile plant in Alabama. They were considering several locations in the United States. They chose to take the wealth they have created—through a free market, a free country, with technology and science and education—and expand their capacity to produce world class automobiles. And Hyundai expects to be one of the top five automobile manufacturers in the world in the next several years.

Just north of that DMZ, less than—what?—50 miles from Seoul, Korea, is the North Korean countryside. The people of North Korea are suffering the most terrible privations. Starvation is all about. This country is unable to feed its own people.

But what do they do well? They have a good military, which they spend millions and millions of dollars on. They have a State police system that oppresses the people to a degree that is almost unsurpassed in the world's history.

I asked one of the American officials at the Embassy: Why don't we do more to send in Radio-Free-Europe-type messages to the people? Let's send in a ''Radio-Free North Korea,'' as Senator KYL proposes in this legislation. And he said: Well, it's much more difficult than you think. For example, the TV sets the people can obtain, have only three channels, and all of those channels are full-time government channels. Thus, one can't send in a television message. And they asserted there are similar problems even with radios in North Korea.

This is a nation that has suffered the most oppression of almost any nation I can name. Their oppression is as systematic and as deliberate as one can imagine. And the results are so stark, so dramatic.

Many people have seen the famous and stunning photograph of the Korean peninsula at night. In it, you can see the DMZ. You can also see south of the demilitarized zone into South Korea.

There are lights everywhere in South Korea. You can see into China and there are lights everywhere, but North Korea is just dark, without electricity, without lights, for the people. How long does this continue? What plan do we have to try to change this situation?

The President has expressed concern about it. From the world leaders and the Europeans and others who like to be engaged in these issues, do I hear sufficient outrage as to the moral unacceptability of what is occurring in this country? If there is any decency, if there is any concern for fellow human beings anywhere in the world, we ought to be outraged by what is happening to the good people of North Korea who have little if any chance to free themselves from this oppression.

They say we have to send aid and food and other things or else the country might implode. We know people are dying now. We know the population of North Korea is shrinking. We know the population of North Korea has fallen to probably half that of the population in South Korea and just in the last 20 years. How much worse could an implosion be? What should we think and how should we analyze this situation?

I will have more to say about it, but any humane, forward-looking foreign policy ought to consider what we can do to change the fundamental nature of the Government in North Korea. It is oppressing its people to an extraordinary degree. Through threats and bluster, we have been allowing North Korea to obtain benefits pursuant to agreements. Now they have admitted before the entire world, flat out, that the benefits they have been receiving pursuant to the agreement with the United States and the Clinton administration were built on a lie, that they were, in fact, in violation of the very agreement they signed.

The Economist magazine had an interesting piece recently that said, yes, agreements are good in the world. Multilateral agreements are good. Bilateral agreements are good. Peace agreements are good. But they said this: What happens when the country doesn't abide by it? What happens when they say they are going to do something and just don't do it? If there are no consequences for their failure to comply with solemn agreements that they have made, presumably for the good of the region and the world and their own nation, then what is going to occur here? Are we not creating a circumstance where a country may conclude that they may, indeed, gain by a lie, gain by cheating, gain by threatening and destabilizing and selling weapons around the world?

We need to reexamine our policy. We need to understand that this is not a normal regime in North Korea. This is an abnormal regime of the worst kind. It is hurting its own people more than anything else. It is threatening the stability of that region and the world. Something needs to be done about it. We cannot continue to ignore it.

One thing we cannot do, we cannot expect to sign an agreement with them and expect it to be honored because their history is not to honor agreements.

I support the legislation. We need to do something such as this and move it forward. We need to strengthen our relationship with South Korea. They have so much to offer to the world. We need to do what we can to change that regime in North Korea that is so unhealthy, a regime that is doing so much damage and threatening the stability and safety and security of the world.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act—a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 26, 2002, in Houston, TX. Hugo Cesar ''Bibi'' Barajas was found dead from multiple gunshot wounds to the neck, arm, and chest near a club that caters to the gay and transgender community. Barajas was dressed as a woman at the time of the murder. Police are investigating the murder as a possible hate crime and have investigated six similar murders of transgender women in the last 3 years alone.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

PERU AIRBRIDGE PROGRAM

Mr. LEAHY. Mr. President, since 1994, the U.S. Government has provided tactical aerial intelligence assistance to the Government of Peru, to help it stop the shipment of illegal drugs across its borders.

U.S. surveillance aircraft owned by the Defense Department and operated by contractors employed by the Central Intelligence Agency are tasked to locate potential drug flights, which Peruvian military jets then intercept. Occasionally, the Peruvian military has shot down those aircraft.

Unfortunately, the mistaken shootdown on April 20, 2001, of a civilian missionary aircraft resulting in the deaths of two innocent Americans, including a young child, and the wounding of the pilot, revealed serious deficiencies in the procedures governing this program.

After a thorough investigation and revision of the procedures, the State Department has recommended that this program be reinstated in Columbia, and it is anticipated that it may also resume at some point in Peru.

I understand the motivation for this program is to stop the shipment of illegal drugs. That is a goal we all share, and we are spending hundreds of millions of dollars each year in the Andes to do so. However, a policy of shooting down civilian aircraft in such circumstances would not be lawful in the United States, and I am concerned that the foreign pilots are performing the role of prosecutor, jury and executioner, even when there may be no cause for self-defense and no proof that the operators of the targeted aircraft have broken any law.

This policy, in essence, presumed any civilian aircraft in drug-producing areas to be guilty unless proven innocent, and permitted the use of deadly force when there was only the suspicion of involvement of smuggling drugs.

I have read a report issued by the Senate Select Committee on Intelligence in October of 2001, which describes the serious flaws in the aerial interdiction program in the Andean countries. I agree with many of the report's findings. The Intelligence Committee report I refer to was commissioned specifically to investigate the April 20, 2001 incident in Peru.

Despite the appearance of legitimacy, the missionary plane was singled out by a U.S. surveillance jet as a possible drug smuggling flight. The U.S. surveillance aircraft was participating in the joint U.S.-Peru counterdrug aerial interdiction program. The surveillance jet tracked the path of the missionary flight and a Peruvian military jet responded.

A confused and ultimately unsuccessful effort was made by Peruvian military and Peruvian civilian authorities to identify the missionary plane and to surmise the intentions of its crew, all of which are mandated by the standard operating procedures that govern operation of the aerial interdiction program.

That information was available to the Peruvian authorities. But due to the lack of access to records of flight plans kept by Peruvian aviation authorities; the failure of a Peruvian officer to check a list of aircraft tail numbers that would have identified the missionary plane as a legitimately owned and operated aircraft; and inefficient communications between the aircraft involved and ground personnel, a presumption of guilt, without supporting evidence, led to this avoidable tragedy.

This incident is a glaring example of the dire consequences resulting from attempts by law enforcement and military agencies to take the place of prosecutors and courts to mete out justice to suspected criminals.

I am sympathetic to the motivations for this policy. But absent an imminent, serious threat to human health or safety, I do not believe that deadly force of this type should be used against civilian aircraft. While I hope I am proven wrong, I worry that the new procedures, while well-intentioned, may not be adequate to prevent another tragic mistake. I am also concerned that we risk providing other countries with an excuse to shoot down civilian aircraft over their territory, whether to stop illegal drugs or for some completely different reason which they may deem to be legitimate.

I urge the administration to reconsider this policy. Yes, we want to stop drugs. Yes, we want to conduct aerial surveillance of suspected aircraft. But shooting civilian aircraft out of the sky, when there is no cause for self-defense, no imminent threat to innocent life, and not even proof of illegality, I believe goes too far. We have seen what can happen. Let us not repeat that mistake.

THE TRUTH IN TUNA LABELING ACT OF 2003

Mr. HOLLINGS. Mr. President, I rise today in support of the Truth in Tuna Labeling Act of 2003. This act would amend the Dolphin Protection Consumer Information Act by reinstating an important consumer provision that had been a part of U.S. law since 1990. The provision in this bill would ensure our consumers that tuna fish sold in the United States that is labeled ''dolphin safe'' in fact was caught in a way that will not harm dolphins.

My colleague Senator BOXER and I believe that restoring the original ''dolphin-safe'' standard is necessary after a recent—and surprising—decision by the Secretary of Commerce that would now allow tuna caught by chasing and encircling dolphins to be deemed ''safe'' for dolphins.

The ''dolphin safe'' label came about as an entirely voluntary consumer label. It was created in reaction to public outrage about fishing methods specific to the eastern tropical Pacific Ocean, ETP, where dolphins that swim with schools of yellowfin tuna were intentionally encircled by purse seine tuna vessels and killed in fishing operations. Hundreds of thousands of dolphins died as a result of this practice over the years. A massive consumer boycott of tuna was launched. The U.S. tuna industry stepped up to the plate and voluntarily committed to abandon this ''encirclement'' practice. This commitment is what the 1990 ''dolphin safe'' labeling provision recognized. Since that time, the U.S. fishing fleet has not used the encirclement method, and has stopped fishing in the ETP entirely.

In 1997, the act was amended after conclusion of an international dolphin protection agreement among many ETP tuna fishing nations. The change would allow the Secretary of Commerce to consider whether a modified encirclement method could qualify for the dolphin safe label. But, there were those who strongly questioned that any encirclement method could be safe, and a condition of agreeing to this charge was that there would be a scientific study to ensure there would be no adverse impact on the dolphin populations. The amended law directed the Secretary of Commerce to make his decision based on the scientific study.

The deadline for making this decision came at the end of last year. The Secretary had to find that encirclement had no significant impact on dolphins in order to change the standard to allow tuna caught by this method to call itself ''dolphin safe.'' Well, the National Marine Fisheries Service study found that:

> concerns remains that the practice of chasing and encircling dolphins somehow is adversely affecting the ability of depleted stocks [of dolphins in the eastern Tropical Pacific] to recover.

Yet, on December 31, 2002, the Secretary of Commerce made a remarkable finding, saying that despite these stated scientific concerns about chasing and encircling dolphins, there would be ''no significant adverse impact'' on dolphin populations. As a result, they weakened the labeling standard, allowing tuna caught by encircling and chasing dolphins to be sold as ''dolphin safe.'' Mr. President, this decision did not follow the intent of Congress, which was to base this decision on the science alone. I was particularly concerned about a report in the New York Times this week that scientific studies on dolphin stress were discontinued by NMFS due to political pressure on this very issue. I hope and trust that is not the case, and I am sure we will get to the bottom of this in Committee hearings. But until these scientific questions are sorted out, we need to restore the standard that was in place prior to the decision.

My own interest in this issue has always been threefold: to ensure sound conservation of marine mammals, to provide consumers with the information they need when purchasing tuna, and ensure U.S. tuna fishermen a level playing field on which to compete. This bill is consistent with this philosophy. It sets forth an even-handed measure that gives consumers the straight story. In addition, any country can export tuna to the United States. But to get a specially authorized ''dolphin safe'' label on the can, they must fish in a dolphin safe way. Quite simply, anyone who wants to use the specific ''dolphin safe'' label needs to follow the same standards. That's as fair as you can get.

I understand that there may be additional ways we can help restore the dolphin populations of the ETP, including through international action, and I look forward to discussing those ideas. But this is a simple provision that we can surely all agree upon. It says if you want to label your tuna ''dolphin safe,'' you can't harm dolphins. The American consumer wants and deserves clarity when they purchase tuna. I look forward to working with my colleagues to ensure we get to that result.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill and joint resolution were read the second time, and placed on the calendar:

H.R. 16. An act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

H.J. Res. 2. Joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself and Mr. VOINOVICH):

S. 140. A bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. BOND, Mr. KERRY, Mr. CRAPO, Mr. BENNETT, Mr. ENZI, Mr. BURNS, Mr. LEVIN, Ms. LANDRIEU, and Mr. ALLEN):

S. 141. A bill to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. LINCOLN:

S. Res. 17. A resolution recognizing The First Tee for its support of programs that provide young people of all backgrounds an opportunity to develop, through golf and character education, life-enhancing values such as honor, integrity, and sportsmanship; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 35

At the request of Mr. DASCHLE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 35, a bill to provide economic security for America's workers.

S. 90

At the request of Mr. GREGG, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 90, a bill to extend certain budgetary enforcement to maintain fiscal accountability and responsibility.

S. 105

At the request of Ms. STABENOW, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 105, a bill to repeal certain provisions of the Homeland Security Act (Public Law 107–296) relating to liability with respect to certain vaccines.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. VOINOVICH):

S. 140. A bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator VOINOVICH to introduce legislation to expand the Federal loan forgiveness program to include Head Start teachers and administrators.

Nationwide, only 22 percent of Head Start teachers have completed a baccalaureate or advanced degree program. In California, that number is even smaller: about 16 percent of Head Start teachers have completed a bachelor's degree.

A survey completed by the U.S. Department of Health and Human Services in June 2000 called the Head Start Family and Child Experiences Survey, FACES, found a strong relationship between the education of the Head Start teacher and classroom quality. ''Teachers with higher education levels were found to be more sensitive and responsive to their children, to have more high quality language activities, and more creative activities in their classrooms.''

Teachers with higher levels of education also had classes with more high quality language activities such as reading books to the children and provided more opportunities for children to develop skills in expressing thoughts.

Equally important, teachers with higher levels of education were found to be more responsive and sensitive to the children in their classes.

Head Start is one of the most important Federal programs because it has the potential to reach children early in their formative years when their cognitive skills are just developing.

We know that poor children disproportionately start school behind their peers, they are less likely to count to 10 or to recite the alphabet.

Providing low-income children with access to programs that encourage cognitive learning and prepare them to enter school ready to learn is important.

Head Start is one example of a Federal program that has the potential to reach every low-income child; to help every eligible child learn to count to ten and begin to recite the alphabet.

Many of our Nation's youngsters, however, enter elementary school without the basic skills necessary to succeed. Often these children lag behind their peers throughout their academic career.

As taxpayers, we will spend millions on efforts to help these children catch up. Many of these children will never catch up.

Several studies confirm the importance of providing low-income children with the opportunity early on to gain basic cognitive skills: a study conducted on a preschool program in Chicago showed that for every dollar invested, $8 was saved by society in projected costs. Additionally, 26 percent more children were likely to finish high school and 40 percent were less likely to repeat a grade.

The National Head Start Association found that for every dollar invested in Head Start, at least $2.50 is saved because these children need less remedial education and are less likely to be on welfare programs or involved with the juvenile justice system that non-Head Start peers.

The Rand Corporation found that for every dollar invested in early childhood learning programs, taxpayers save between $4 and $7 later by reducing the need for alcohol and drug treatment programs, special education programs, mental health services, and the likelihood of incarceration.

We can save millions by providing low-income children with access to quality preschool where they will gain the necessary skills to succeed in school and life.

In order to give every child a head start in life, we must continue to recruit qualified teachers to the Head Start field who have demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of the preschool

curriculum with a particular focus on cognition learning.

Obtaining and maintaining teachers with such qualifications is the only way to jump-start cognition learning and to ensure that our youngsters start elementary school ready to learn.

In 2000, the Head Start 2010 National Advisory Panel presided over fifteen national hearings and open forums. The panel found: ''There was a tremendous amount of testimony about the fact that, despite increases resulting from Federal quality set-aside funding, relatively low salaries and poor or nonexistent benefits make it difficult to attract and retain qualified staff over the long term.

Witnesses stated that many staff positions remain vacant and turnover is likely to worsen if compensation does not improve significantly . . . comments included passionate exhortations for greater investment in staff, observing that, in Head Start . . . the quality of the program is tied directly to the quality of the staff.''

Many Head Start programs in California are losing qualified teachers to local school districts in part because the pay is better, nationally, the average Head Start teacher made $20,700 in 2000 compared to $40,575 for an elementary and secondary school teacher.

Head Start teachers are making half of that elementary and secondary teachers are paid on average.

Low pay, combined with mounting student loan debt, is a real deterrent to getting college graduates to become Head Start teachers.

And every teacher Head Start loses impacts access to services for our Nation's youngsters.

Today, there are no educational requirements for a Head Start teacher other than a child development associate CDA, credential, requiring 24 early child education credits and 16 general education credits.

By 2003, 50 percent of Head Start teachers will be required to have at minimum an associate or 2-year degree.

Following the recommendation of the Head Start 2010 National Advisory Panel, I believe we must elevate the compensation to attract and retain qualified individuals to commit to long-term careers in Head Start.

The loan forgiveness incentives in this bill are meant to encourage recent graduates, current Head Start teachers without a degree, and college students to enter and remain in the Head Start field. In exchange for 5 years of service, a Head Start teacher administrator could receive up to $5,000 of the Federal Stafford Loan forgiven.

I believe we must continue to improve the Head Start program such that children leave the program able to count to ten, to recognize sizes and colors, and can begin to recite the alphabet, to name a few indicators of cognitive learning.

This is just the first step. To further ensure cognitive learning, we must also continue to raise the standards and pay for Head Start teachers.

Ensuring that our nation's youngster have access to highly educated and qualified teachers should be a priority of this Congress.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOAN FORGIVENESS FOR HEAD START TEACHERS.

(a) SHORT TITLE.—This section may be cited as the ''Loan Forgiveness for Head Start Teachers Act of 2003''.

(b) HEAD START TEACHERS.—Section 428J of the Higher Education Act of 1965 (20 U.S.C 1078–10) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following:

''(1)(A) has been employed—

''(i) as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school; or

''(ii) as a Head Start teacher for 5 consecutive complete program years under the Head Start Act; and

''(B)(i) if employed as a secondary school teacher, is teaching a subject area that is relevant to the borrower's academic major as certified by the chief administrative officer of the public or nonprofit private secondary school in which the borrower is employed;

''(ii) if employed as an elementary school teacher, has demonstrated, as certified by the chief administrative officer of the public or nonprofit private elementary school in which the borrower is employed, knowledge and teaching skills in reading, writing, mathematics, and other areas of the elementary school curriculum; and

''(iii) if employed as a Head Start teacher, has demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of a preschool curriculum, with a focus on cognitive learning; and'';

(2) in subsection (g), by adding at the end the following:

''(3) HEAD START.—An individual shall be eligible for loan forgiveness under this section for service described in clause (ii) of subsection (b)(1)(A) only if such individual received a baccalaureate or graduate degree on or after the date of enactment of the Loan Forgiveness for Head Start Teachers Act of 2003.''; and

(3) by adding at the end the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2007 and succeeding fiscal years to carry out loan repayment under this section for service described in clause (ii) of subsection (b)(1)(A).''.

(c) DIRECT STUDENT LOAN FORGIVENESS.—

(1) IN GENERAL.—Section 460 of the Higher Education Act of 1965 (20 U.S.C 1087j) is amended—

(A) in subsection (b)(1), by striking subparagraph (A) and inserting the following:

''(A)(i) has been employed—

''(I) as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school; or

''(II) as a Head Start teacher for 5 consecutive complete program years under the Head Start Act; and

''(ii)(I) if employed as a secondary school teacher, is teaching a subject area that is relevant to the borrower's academic major as certified by the chief administrative officer of the public or nonprofit private secondary school in which the borrower is employed;

''(II) if employed as an elementary school teacher, has demonstrated, as certified by the chief administrative officer of the public or nonprofit private elementary school in which the borrower is employed, knowledge and teaching skills in reading, writing, mathematics, and other areas of the elementary school curriculum; and

''(III) if employed as a Head Start teacher, has demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of a preschool curriculum, with a focus on cognitive learning; and'';

(B) in subsection (g), by adding at the end the following:

''(3) HEAD START.—An individual shall be eligible for loan forgiveness under this section for service described in subclause (II) of subsection (b)(1)(A)(i) only if such individual received a baccalaureate or graduate degree on or after the date of enactment of the Loan Forgiveness for Head Start Teachers Act of 2003.''; and

(C) by adding at the end the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2007 and succeeding fiscal years to carry out loan repayment under this section for service described in subclause (II) of subsection (b)(1)(A)(i).''.

(2) CONFORMING AMENDMENTS.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(A) in subsection (c)(1), by inserting ''or fifth complete program year'' after ''fifth complete school year of teaching'';

(B) in subsection (f), by striking ''subsection (b)'' and inserting ''subsection (b)(1)(A)(i)(I)'';

(C) in subsection (g)(1)(A), by striking ''subsection (b)(1)(A)'' and inserting ''subsection (b)(1)(A)(i)(I)''; and

(D) in subsection (h), by inserting ''except as part of the term 'program year','' before ''where''.

(d) CONFORMING AMENDMENTS.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—

(1) in subsection (c)(1), by inserting ''or fifth complete program year'' after ''fifth complete school year of teaching'';

(2) in subsection (f), by striking ''subsection (b)'' and inserting ''subsection (b)(1)(A)(i)'';

(3) in subsection (g)(1)(A), by striking ''subsection (b)(1)(A)'' and inserting ''subsection (b)(1)(A)(i)''; and

(4) in subsection (h), by inserting ''except as part of the term 'program year','' before ''where''.

Mr. VOINOVICH. Mr. President, I rise today to again join my friend and colleague, Senator FEINSTEIN, to reintroduce legislation which will encourage young teachers to go into early childhood education, encourage further learning and credentialing of early learning educators, and lead to

better education for our Nation's youngest children.

There is no more important time in a child's life than their earliest years. Scientific research tells us that babies are born with 100 billion neurons, or brain cells, that are waiting to make connections, or synapses, with one another. These synapses empower the brain and dictate healthy development and future learning. By the time a baby is three, 1,000 trillion connections have been made, twice as many synapses as most adults have.

However, at age 11, children start eliminating those brain connections that have not been used, thus decreasing their potential for learning and development.

To maximize their learning potential, we must begin to teach our children the necessary skills before they reach kindergarten. Researchers have found that focusing on these earliest years can make the greatest difference in a child's development and learning, and I know of few other programs that provide the same focus as Head Start.

Our bill, the Loan Forgiveness for Head Start Teachers Act of 2003, is designed to encourage currently enrolled and incoming college students working on a Bachelor's or a Master's degree to pursue a career as a Head Start teacher. In exchange for a 5-year teaching commitment in a qualified Head Start program, a college graduate with a minimum of a bachelor's degree could receive up to $5,000 in forgiveness for their Federal Stafford student loan.

I was pleased that in the 107th Congress, during debate over the No Child Left Behind Act of 2001, this bill was offered as an amendment and was overwhelmingly passed by the Senate. Unfortunately, the amendment was not included in the final version of the No Child Left Behind Act. However, the support our bill received in the Senate gives me great hope that this legislation will be enacted in the 108th Congress.

When I was Governor of Ohio, we invested heavily in Head Start so that there was room for every eligible child in Ohio. Because of our efforts, Ohio is 4th in the nation in terms of children served by Head Start with nearly 38,000 students served in the year 2000.

I have carried my passion for early childhood education with me to the U.S. Senate. I continue to believe that it is absolutely critical that we do more to help our young people prepare to begin school and it is why I was pleased to work with Senators JEFFORDS and STEVENS to help pass the Early Learning Opportunities Act of 2000. Still, we must now do more to help those teachers who educate our youngest children.

The results of a survey undertaken by the U.S. Department of Health and Human Services over the past two years has shown a significant correlation between the quality of education a child receives and the amount of education that child's teacher possesses. That is, the more education a teacher has, the more effectively they teach their students cognitive skills, and the more likely that students are to act upon those skills.

Current Federal law requires that 50 percent of all Head Start teachers must have an associate, bachelor's, or advanced degree in early childhood education or a related field with teaching experience by 2003. Under Ohio law, by 2007, all Head Start teachers must have at least an associates degree. The more education our teachers have, the better off our children will be. Unfortunately, as we all know, education is expensive.

In Ohio today, only 11.3 percent—242—of the 2,126 Head Start teachers employed in the state have a bachelor's degree. Additionally, less than 1 percent—20—of Ohio's Head Start teachers have a graduate degree. We must do more to help our teachers afford the education that will be used to help educate our children.

Recruiting and retaining Head Start and early childhood teachers continues to be a challenge for Ohio and other states. The Loan Forgiveness for Head Start Teachers Act of 2003 will help communities, schools and other funded Head Start providers to meet the challenge of recruiting and retaining high quality teachers. It is one of the best ways that I know of where we can make a real difference in the lives of our most precious resource—our children.

I am pleased to have been able to work with the National Head Start Association and Ohio Head Start Association, and my colleague Senator FEINSTEIN, on this legislation, and I urge my colleagues to join as cosponsors of this bill.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 17—RECOGNIZING THE FIRST TEE FOR ITS SUPPORT OF PROGRAMS THAT PROVIDE YOUNG PEOPLE OF ALL BACKGROUNDS AN OPPORTUNITY TO DEVELOP, THROUGH GOLF AND CHARACTER EDUCATION, LIFE-ENHANCING VALUES SUCH AS HONOR, INTEGRITY, AND SPORTSMANSHIP

Mrs. LINCOLN submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 17

Whereas The First Tee, a youth character building organization, teaches young people positive values reinforced through the game of golf;

Whereas The First Tee is working to make the game of golf more affordable and accessible to young people across the country;

Whereas The First Tee is implemented through a partnership of parents, civic and corporate leaders, State and local governments, youth-serving agencies, schools, and the golfing community;

Whereas community-based programs such as The First Tee play an important role in educating youth in the positive values that build strong character;

Whereas, through the teachings of The First Tee Life Skills experience, young people learn the importance of maintaining a positive attitude, considering the consequences of their decisions, setting and achieving objectives, holding themselves to high standards, and applying to their everyday lives values such as responsibility, honesty, integrity, respect, confidence, and sportsmanship;

Whereas the strong values that The First Tee teaches to youth will positively impact their lives, their education, and their experiences in school;

Whereas the character traits youth learn in The First Tee Life Skills experience and Annual Life Skills and Leadership Academy complement the character education programs found in many schools;

Whereas these lessons are taught through a variety of golf-related exercises designed to enhance fundamental golf skills while promoting strong character;

Whereas these lessons will remain with participants for a lifetime, regardless of whether they play golf professionally or as a hobby; and

Whereas The First Tee has established and incorporated 9 core values that reflect the principles of character education, namely: confidence, courtesy, honesty, integrity, judgment, perseverance, respect, responsibility, and sportsmanship: Now, therefore, be it

Resolved, That the Senate recognizes The First Tee for its support of programs that provide young people of all backgrounds an opportunity to develop, through golf and character education, life-enhancing values such as honor, integrity, and sportsmanship.

Mrs. LINCOLN. Mr. President, I rise today to submit a resolution which recognizes the many benefits provided to our Nation's youth by the First Tee Golf program. The First Tee, a youth character building organization, provides young people of all backgrounds an opportunity to develop life-enhancing values such as honor, integrity and sportsmanship through golf.

Golf is a unique sport that teaches many of life's important lessons and promotes the best of character through fellowship and good sportsmanship. This resolution recognizes the contribution of the First Tee Golf program which, through the game of golf, provides many youths the lessons they will use to succeed as young men and women. By mitigating the high cost associated with this sport, the First Tee program gives young people an opportunity to reap the numerous benefits the game offers. Participants involved with First Tee learn to interact more effectively with others and to be a positive influence in their communities through curriculum specifically designed to teach interpersonal skills, self-management, goal-setting, and resistance skills. These are difficult life

skills to teach, and I believe that the game of golf and the First Tee program is an ideal way to foster these values.

I am proud that such an honorable program is finally becoming a reality in my State of Arkansas, and I am pleased to introduce this resolution recognizing the First Tee.

7(a) CREDIT SUBSIDY RATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 141, which was introduced earlier today by Senators SNOWE, BOND, KERRY, and others.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 141) to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. SNOWE. Mr. President, I rise today in support of legislation that I introduced today to permit the Office of Management and Budget, OMB, and the Small Business Administration, SBA, to use a recently-completed econometric model to calculate the credit subsidy rate for the 7(a) small business loan guarantee program, the flagship loan program at the SBA. I am very pleased that Senators BOND, KERRY, CRAPO, BENNETT, ENZI, BURNS, and LANDRIEU are original cosponsors of this important legislation.

Our bill, once signed into law by President Bush, will allow the 7(a) loan program to meet the borrowing demands of our Nation's small businesses, which is approximately $10 billion for fiscal year 2003. Without this bill, the program would limit 7(a) loans to less than $5 billion for FY 2003. Currently, the 7(a) program is operating at a very reduced capacity, with a loan size cap of $500,000, to avoid exceeding the program limitations.

By limiting the 7(a) guaranteed small business loan program, we are unnecessarily hampering much-needed job growth in the United States. Just 2 days ago, we here in the Senate passed much-needed legislation to extend jobless benefits for 20 more weeks. These benefits are intended to help those persons who have already been unemployed for 6 months. This is much too long for someone who is actively looking for a job. And we should be doing everything possible to support job creation opportunities.

The SBA 7(a) small business loan program is just the answer. According to the SBA, the 7(a) program is its most efficient program for creating new jobs. Historically, the SBA maintains the ''job coefficient'' for the 7(a) loans is $32,382. The SBA ''job coefficient'' is the amount of an SBA-guaranteed 7(a) loan that leads to one job.

Based on the SBA's ''job coefficient'' for the 7(a) program, the impact of the small business guaranteed loan program is staggering. According to the OMB, enactment of our bill and implementation of the econometric model will reduce the credit subsidy rate of the 7(a) program from 1.76 percent to 1.04 percent. This reduction will expand the size of the 7(a) program from $4.85 billion to $8.2 billion, an increase of nearly $3.5 billion. Based on the SBA 7(a) ''job coefficient,'' the increase in lending from our bill will result in nearly 21,000 more loans to small businesses that will support 103,690 jobs. And no additional Federal Government spending will be needed to support this change.

The good news about the expansion of the 7(a) small business loan program does not stop here. Part of our strategy to expand the 7(a) loans program is to reprogram leftover, no-year funds previously appropriated for the SBA's STAR terrorist disaster recovery loan program, which is set to expire on January 10, 2003. If the reprogramming is approved later this month as part of the Omnibus Appropriations bill, the leftover STAR funds would be used for the regular 7(a) loan program. At this time, there is approximately $20 million remaining, which would support an additional 12,000 loans to small businesses totaling $1.92 billion, while assuming a credit subsidy rate of 1.04 percent established by the new econometric model. SBA-guaranteed loans to small businesses made with these funds would support 60,000 more jobs.

Unlike many stimulus plans that project benefits that occur years after enactment of the proposal, the expansion of the SBA's 7(a) program makes a critical expansion of the jobs a ''today'' event rather than a promise in the future. Once our bill is enacted, the increased lending between now and September 30, 2003, will guarantee 21,000 small business loans that support over 103,000 jobs. And after the STAR reprogramming is approved, 12,000 loans can be made to small businesses that support another 60,000 jobs. That's over 163,000 more jobs between now and the end of fiscal year 2003. How incredible is that?

The ''econometric model'' is a significant reform in the way the SBA and OMB calculates the credit subsidy rate for the 7(a) loan program. Our bill provides that the OMB and SBA will adopt the new econometric model effective retroactively to October 1, 2002. Developed by the SBA and OMB, the econometric model will use far more comprehensive data about individual borrowers and loans when forecasting anticipated defaults and establishing loan reserves to cover them.

Under the Credit Reform Act of 1990, the annual appropriation for the SBA must, in advance, provide sufficient funds to cover the cost of a Federal loan guarantee, after taking into consideration the fees paid by small business borrowers and lenders under the 7(a) program. This amount, referred to as the credit subsidy rate, is determined by the OMB prior to the submission of the President's annual budget request to the Congress.

Critics of the credit subsidy rate for the 7(a) program have cited the use of historical loan performance data that pre-dates the enactment of the Federal Credit Reform Act as a major cause of a credit subsidy rate that greatly exceeds actual loan performance. The consequence is the use of the most conservative loan default rates, year-in and year-out, and the failure by the OMB and the SBA to adjust historical loan performance data to reflect 7(a) program changes, both statutory and regulatory, that have lead to real reductions in the default rates and improved program performance. According to an in-depth analysis undertaken by the General Accounting Office (GAO), the excessively high credit subsidy rates have resulted in nearly $1 billion in unnecessary fees being paid by small business borrowers and lenders to the U.S. Treasury.

It is very unrealistic to believe that a 100 percent accurate credit subsidy rate estimate can be derived for the 7(a) loan program, or for any other Federal credit program. The econometric model, designed to calculate the 7(a) credit subsidy rate, is a major improvement over the ''old'' model.

Originally, the administration stated that the econometric model would not be available until FY 2004. After extensive discussions with the senior White House staff, the administration has agreed to accelerate their use of the model retroactive to October 1, 2002, the beginning of FY 2003. Their policy change is a very positive effort to help small businesses and promote job growth.

Our bill is designed to waive a key provision of the Federal Credit Reform Act that prohibits the Congress from changing a credit subsidy rate estimate once it has been transmitted to the Congress as part of the President's annual budget submission. This may be the first time this provision has been waived since implementation of the act in FY 1992.

We would not be where we are today resolving this important matter without the tireless efforts of my colleagues in the Senate and the House of Representatives. Mr. MANZULLO, chairman of the House Committee on Small Business, fought for this change every step of the way. The ranking member, Ms. VELÁZQUEZ, was especially vigilant in her efforts. In the Senate, my friend and colleague from Massachusetts, JOHN KERRY, has kept the committee focused on resolving this issue for the past year. We have all fought hard to resolve the credit subsidy rate controversy for the past year. We have all

fought hard to resolve the credit subsidy rate controversy for FY 2003.

Resolving the 7(a) credit subsidy rate issue is good for small businesses, is good for those seeking work and is good for America. It will mean more jobs, more opportunity and economic fuel for start-up companies. It will also be invaluable in growing small businesses. I urge each of my colleagues to vote a resounding ''aye'' for this important bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 141) was read a third time and passed, as follows:

S. 141

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUBSIDY RATE FOR SMALL BUSINESS LOANS.

Notwithstanding section 502(5)(F) of the Federal Credit Reform Act of 1990 and section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Director of the Office of Management and Budget, in calculating the Federal cost for guaranteeing loans during fiscal year 2003 under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), may use the most recently approved subsidy cost model and methodology in conjunction with the program and economic assumptions, and historical data which were included in the fiscal year 2003 budget. After written notification to Congress, the Small Business Administration shall implement the validated, OMB-approved subsidy rate for fiscal year 2003, using this model and methodology. Such rate shall be deemed to have been effective on October 1, 2002.

ORDERS FOR MONDAY, JANUARY 13, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until noon Monday, January 13. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that there then be a period of morning business until 2 p.m. with the time equally divided and with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, reserving the right to object, if I may address this request, I know the majority leader was going to make a statement about what our program is on Monday. I have just left Senator DASCHLE's office, and it appears there is one issue to be resolved on the committee reorganization plan. I hope we can get that done. It is somewhat of a delicate issue. I spoke with the staff person that leads our Rules Committee. She has been in touch with her counterpart who is assigned with Senator LOTT to work on these problems. I have spoken to Senator MCCONNELL today, and I am hopeful and confident that we can have that done Monday. I know some of this housekeeping material is hard for those outside the Chamber to understand—why it takes so long. I tell the majority leader that we are doing the very best we can to get this worked out.

Mr. FRIST. Mr. President, I thank the leadership on the other side of the aisle because we have had a very productive week. For our colleagues in the Senate and also the people who watch these proceedings, I want to reiterate that we have all been working in good faith on a range of issues with respect to these committee resolutions. I very much appreciate that cooperation.

The PRESIDING OFFICER. The Chair will rule on the request that was made. Without objection, it is so ordered.

Mr. FRIST. Mr. President, just to update our membership, I think that we have made tremendous progress, to be honest with you, in terms of the last 6 or 7 days on the committee resolutions. There are a couple of issues that we have worked on all day today and yesterday, and I know that is not apparent before the Senate, but there has been real progress. What we would like to do—it is an objective for both sides—is to have the committees organized. There are 21 committees with new chairmen, and the Presiding Officer is one of the newer Members right now who does not have a committee presence. That is the sort of thing we are waiting on, and we have all agreed that we need to have that done as soon as possible. The new Members, right now, don't sit on any of the 21 committees. We are working to get the committee assignments on both sides of the aisle. That is the particular issue that we are talking about now and putting the new committee chairmen in place.

As we just heard, we will be able to do that in the very near future.

PROGRAM

Mr. FRIST. We will be leaving here shortly. I will mention what time we may have votes on Monday afternoon. I do hope that we can use as a goal Monday completion of these committee resolutions. There are a number of issues that we are working on, but until the committees are organized, assignments are made, we cannot fully address the issues before us.

Senators should anticipate a busy week next week as we address a whole range of issues, including the committee resolutions; and then, I should add the appropriations, which is the next big challenge for us—the 11 appropriations bills that we were unable to finish in the 107th Congress. I very much would like to have as a goal by the end of next week completion, if at all possible, of that unfinished business.

I think we should remain in session—and this is unfinished business from the last session—until we finish the committee resolutions, as well as the appropriations. I hope Senators can plan their schedules accordingly.

Rollcall votes are possible during each day next week, including Monday, although we would not have a vote before Monday at 5 o'clock. We don't anticipate any votes. We don't know absolutely for sure that we will have a vote at that point in time, but I think it is important to proceed in that direction with the business before us.

I want to thank my colleagues for their cooperation and all the kindness they have shown in the last few days as I have taken on this new position. We have addressed a number of issues that are important to the American people during this first week of the 108th Congress. If I may look back over the last several days, it has been one of active negotiation. It is not all that apparent to the world at large, but we have had action and accomplishment and achievement. It has been a productive start.

By working together over the course of the last week, there are three things in addition to the debate on the floor that we have been able to accomplish. One is the unemployment insurance, which, again, working in a bipartisan way, we were able to pass within several hours of opening the session. That will aid thousands of our fellow citizens in need. It is a problem that we addressed in this body before. We were able to address it in a very cooperative spirit, and we have accomplished that. A number of us had the pleasure of meeting with the President 2 days later as he signed that bill. That is to the benefit of Americans.

Secondly, we passed a continuing resolution that will keep our Government functioning and give us the time we need to complete the spending bills, the appropriations bills, that I mentioned earlier.

Third, just a few minutes ago, we wrapped up one other issue that came from the 107th Congress, one report. To our colleagues who are here and are listening, that was a promise made in the 107th Congress that we have been able to fulfill in the last few minutes.

Many will recall that immediately prior to passage of the homeland security bill in the Senate, Senator LOTT secured an agreement with Speaker HASTERT and Majority Leader DELAY to revisit in this Congress certain provisions in the homeland security bill. I am pleased to tell my colleagues that we have done just that in a manner

that is acceptable to our Members. We have reached agreement. The changes will be included in the omnibus appropriations bill that I hope we will be able to consider shortly. The specifics of that will be released in the coming days.

I thank Speaker HASTERT for his willingness to work with the Senate to address these specific issues. I thank Majority Leader DELAY for his assistance, and I thank Senators CHAFEE, COLLINS, and SNOWE for their cooperation, as well as Senators GREGG and ROBERTS for their assistance.

In closing, I wish to acknowledge the help of my colleagues because, as I said in my opening remarks, the spirit of working together in cooperation, I know—I absolutely know—will be to the benefit of the American people. I hope the 108th Congress will be increasingly characterized by that spirit of cooperation.

On Tuesday, we promised the American people we would get right to work. We have in a strong bipartisan way. It has been a good week. We extended the unemployment insurance, we passed the continuing resolution, and we have made good on a promise to revisit those provisions in the homeland security bill.

I am delighted to report that after 72 hours, I got voice mail in my office.

ADJOURNMENT UNTIL MONDAY, JANUARY 13, 2003

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:12 p.m., adjourned until Monday, January 13, 2003, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate January 10, 2003:

DEPARTMENT OF HOMELAND SECURITY

CLARK KENT ERVIN, OF TEXAS, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

ASA HUTCHINSON, OF ARKANSAS, TO BE UNDER SECRETARY FOR BORDER AND TRANSPORTATION, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

SENATE—*Monday, January 13, 2003*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You have called the men and women of this Senate to glorify You by being servant-leaders. The calling is shared by the officers of the Senate, the Senators' staffs, and all who enable the work done in this Chamber. Keep us focused on the liberating truth that we are here to serve You by serving our Nation. Our sole purpose is to accept Your absolute lordship over our lives and give ourselves totally to the work of this day. Give us the enthusiasm that comes from knowing the high calling of serving in government. Grant us the holy esteem of knowing that You seek to accomplish Your plans for America through the legislation of this Senate. Free us from secondary, self-serving goals. Help us to humble ourselves and ask how we may serve today. We know that happiness comes not from having things or getting recognition, but from serving in the great cause of implementing Your righteousness, justice, and mercy for every person and in every circumstance in this Nation. We take delight in the ultimate paradox of life: the more we give ourselves away, the more we can receive of Your love. In our Lord's name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m., with the time to be equally divided and with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Kentucky, the distinguished majority whip, is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, today the Senate will be conducting a period of morning business to allow Senators to speak and introduce legislation. Talks continue with respect to the committee resolutions.

On behalf of the majority leader, I announce to all Members that this week we will need to complete action on the committee resolution and the appropriations bills for fiscal year 2003. It is the hope that the committee resolution will be agreed to by consent once an agreement is reached.

The appropriations bills will require floor time and votes throughout the week. As the majority leader mentioned last week, the Senate will remain in session to complete those matters. Therefore, votes are possible each day this week and Senators should plan their schedules accordingly.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Nevada.

ORGANIZING THE SENATE

Mr. REID. Mr. President, in regard to the organizing resolution, the two leaders thought we had about had it done on Friday, but I guess there has been a little bit of slippage on that. The two leaders have met today, and I hope, as my distinguished friend, the Senator from Kentucky, has mentioned, they can work this thing out quickly.

Speaking for only me personally, I hope what we can do is basically what we did last year: Have it the same as it was when it was 51 to 49 the other way. That seems to be the fair thing to do, and I hope we can work that out.

We have made progress on another issue that has been very important to the majority whip and to me, and that is the office space. I think we have been trying to work it out and have the leadership sign off on that. Hopefully, that can be arranged very quickly, which will be good for the majority whip and me at least.

Did the Chair announce morning business? I did not hear the Chair announce it.

The PRESIDING OFFICER. The Chair announced that.

Mr. REID. If I may be recognized, if my friend would withhold the quorum call.

The PRESIDING OFFICER. The Senator from Nevada.

WOMEN IN CONGRESS

Mr. REID. Mr. President, I wish to comment on an issue that I think is so important. In reading the Hill publication Roll Call, I think it speaks volumes to look at page 13. I see the distinguished Democratic leader coming in, and I am sure he would agree with that.

On this page, it indicates why, from the time he and I came to the Senate, things have changed for the better. This is a picture of all the women in the Senate. There are 3 Republicans and I think 9 or 10 Democrats. It is really a tremendously important picture.

I recall last year when the military construction appropriations bill came to the floor. That committee was chaired by the Senator from California, Mrs. FEINSTEIN, and the ranking member was the Senator from Texas, KAY BAILEY HUTCHISON. That says it all.

I think this is a better place and we are a better country for having these women in the Senate.

Then I show to my distinguished friend, the Democratic leader, on this same page there is a picture of the Democratic leader in the House of Representatives, NANCY PELOSI. I think that is really tremendous, and we should think every day about what a better place this is because of the women who have been elected to the House and Senate.

The PRESIDING OFFICER. The minority leader.

A CHANGE OF HEART OR ONLY A CHANGE OF FACE?

Mr. DASCHLE. Mr. President, I concur with the distinguished Senator from Nevada, the assistant Democratic leader. We have made a great deal of progress, as is evidenced by the number of women who now serve in the Senate as well as the House. In addition, of course, as we look to the election of the first woman as a leader of either caucus, I think that, too, speaks volumes for the transition that this country and the Congress itself have experienced over the course of the last couple of decades. We have made progress on women's rights, and many of us would like to think we have made progress as well on civil rights.

Over the course of the last several weeks, this country has been focused on the issue of civil rights. I think virtually every Member of the body spoke

strongly about the need for healing and reconciliation as we consider the issue of civil rights and the rights of minorities in this country. We recognize we have a long way to go.

We have a new leader in the Republican caucus who has pledged to pursue these goals, and I applaud him for his willingness to do so. Unfortunately, yesterday the Republican leader may have caused confusion about his intent in that regard. His comments indicated to me that among the Republican leadership there may have been a change of face, but there has not been a change of heart.

When the administration chose to renominate Charles Pickering to the second highest court in the land, it now appears that in many respects, they did not even have a change of face. The question is whether or not all of us, Republicans and Democrats, can express in our actions what so many have expressed in words. If indeed it is a change of heart, we need to see actions that bear out such a change.

On the question of affirmative action, Senator FRIST said he supports it if affirmative action is defined as it was in the 1960 Civil Rights Act. Well, that was not affirmative action; that was civil rights. That was equal rights.

The real question of affirmative educational opportunity is now being asked in the United States Supreme Court. The administration has chosen to remain silent. Yesterday the Republican leader in the Senate did not ask them to break that silence or indicate a desire to break his.

When it comes to protecting equal rights, we still have a lot of work to do in changing hearts, in changing minds, and in changing laws. Unfortunately, that lesson still seems to be lost on a number of our Republican colleagues, in spite of their expressions of intent over the course of the last several weeks.

There will be much more to say and do on the issue of racial reconciliation in the coming weeks. I hope to see more than just words from our Republican colleagues, because yesterday it appeared that what we had hoped was a change of heart was little more than a change of face.

Last week the administration announced we would be able to see the details of the economic stimulus package they intend to offer.

Last week we also learned that during the month of December we lost 100,000 jobs; 100,000 jobs in December. That brings the total job loss since George Bush took office to 2.3 million jobs. When the President puts forth his stimulus plan, my concern is it will be a stimulus plan for the rich and a sedative for the rest. The reason I say that, in part, is because there is very little job creation in the first year under what we know of the President's plan. The President has acknowledged that in his first year he will be creating approximately 190,000 jobs. When that 190,000 jobs is compared to the 100,000 jobs lost in December alone, or the 2.3 million jobs lost in the first 2 years, 190,000 jobs is hardly a drop in the bucket. It is hardly worth writing home about. It is not the stimulus that all economists and the rest of the country expect the Congress to consider. That is the concern many have: 90 percent of the so-called stimulus plan the President is proposing takes place in the outyears—not when we are losing the jobs by the hundreds of thousands each month. It takes place in years beyond 2003.

If anything, the economists have said over and over if you are going to create a stimulus package, make sure it is immediate. Make sure it takes effect now, not at some point in the outyears. We made that mistake before. We are feeling the consequences of it. So, the fact it does not stimulate the economy is the first concern we have.

My second concern is the question of fairness. Mr. President, 200,000 millionaires get tax relief that exceeds the salary of 92 million Americans who make $50,000 or less. Again, 200,000 millionaires will get $89,000 annually as a tax cut while those who are making $50,000 a year or less will get somewhere in the vicinity of $70 or $80 a year in tax reduction. This proposal flunks the test of fairness.

I am troubled on two other accounts. In the last few weeks young men and women at Ellsworth Air Force Base in South Dakota have been sent off to the Persian Gulf to prepare for war. We hope that war will not come. But if war does come, they will be asked to put their lives on the line. They will be asked to put their lives on the line at the very time these millionaires are going to get an $89,000 tax break. For the life of me, I don't see where the fairness is in that.

Over the last 333 days, we have also suggested there has to be some form of drought relief, some form of assistance given to farmers and ranchers and people in rural areas who are suffering as a consequence of the drought. So far we have been unsuccessful. We have been unsuccessful because the administration has said we cannot afford $6 billion in drought assistance. What I don't understand is how in the name of fiscal fairness we can support $764 billion in tax cuts largely directed to those at the very top while we tell our farmers and ranchers they are not eligible for any assistance and while we send our young men and women off to war. On the issue of fairness, this plan also fails.

Perhaps my biggest concern, however, goes to how reckless this plan is. People have to be reminded we are borrowing every single dollar of these funds to pay for the tax cut. We are borrowing that out of Social Security. We have no other recourse. Whatever money is going to go to the tax cut this year will be borrowed from the Social Security trust fund. So the fact we are borrowing at a time when we may go to war, where we may actually have to draw down more resources to be able to fight that war, seems senseless to me. To borrow at the magnitude the President is proposing, $764 billion in face value and perhaps $1 trillion when interest costs are factored in, $1 trillion when we have to fight a war, seems like the most reckless course for fiscal responsibility I can think of.

The Governors are not sounding a false alarm when they tell us this plan will cost them $4 billion. That is over and above the $50 billion shortfall they are currently experiencing all over this country. In my own State of South Dakota, we are experiencing about a $50 million shortfall, one of the largest on record. But it is $50 billion nationwide. This tax plan will exacerbate that $50 billion by another $4 billion.

Mr. President, from the point of view of its stimulative value, from the point of view of fairness, from the point of view of our responsibilities and the potential for recklessness, this plan leaves a great deal to be desired. In fact, it causes very great concern to many.

I am also troubled that as we contemplate the need for action on this stimulus package, as we contemplate the need to address the omnibus appropriations bill, as we recognize we still have to work out our organizing resolution, that the Congress may take vacation next week. I hope we would refrain from taking a vacation next week. I hope we come to the floor, resolve these matters, work on them intently, bring this economic stimulus plan, have a good debate, make sure we are acting in good faith to try to deal with these tragic unemployment numbers that roll out month after month. That is my hope, that we stay here next week, that we address these concerns in a realistic, in a bipartisan, and in an immediate way, sending a clear message we are a lot more interested in getting this work done than we are in taking a few days off so soon into the new session. I stand ready to work with our Republican leadership and certainly with those in the committees as we begin to do our work.

Senator FRIST and I have had some conversations with regard to the organizing resolution. We are not yet able to say with any confidence when we may finish those discussions. It is fair to say, as everyone knows, we had exactly the mirror circumstances in the 107th Congress that we have today. In the 107th Congress, there were 51 Members in the majority and 49 Members in the minority. In the 108th Congress, there are 51 Members in the majority and 49 Members in the minority. It would seem to me given the fact that

we have simply seen a reverse, the mirror image of the makeup of the 107th Congress, we ought to have exactly the same organizing resolution; the same funding, the same membership, the same space, the same circumstances. That really is as simply as I can describe what the Democratic position is. If it was good enough for Republicans and Democrats in the 107th Congress, you would think it would be good enough for Democrats and Republicans in the 108th Congress.

We are willing to settle for 49 percent of the resources, 49 percent of the space, and a one-vote Republican majority on committees in the 108th Congress. That is our position. It is the same position we held last time. Unfortunately, there are some who have argued that ratio is not satisfactory any longer. Since they are in the majority, they want more—more resources, more space. I hope, in the interests filling the committee positions and moving through the legislative agenda we have before us, that we can move as quickly as possible to a resolution of this matter.

Let's do in this Congress what we did in the last one. We all signed off on it. We all said it was the right thing to do. We all agreed, and the time has come for us to agree again.

I yield the floor.

Mr. REID. Will the Senator allow me to ask a question?

Mr. DASCHLE. I will be happy to.

Mr. REID. The leader has made it very clear, but I want to make sure again that everyone hears the fact the Democrats simply want to have the same exact program for committees that was here last year. The only thing is the Democrats are now in the minority and Republicans are now in the majority, but the funding and the staffing and the space would be exactly the same, is that right?

Mr. DASCHLE. Mr. President, that is exactly what I am proposing and what I assume would be the circumstance in the 108th Congress.

As I say, I did not have one chairman last year express a concern about the inadequacy of resources while we were in the majority. I can't imagine, with the cost-of-living adjustment, that anyone would have difficulty accepting those resources—as I say, with a cost-of-living adjustment—in this Congress.

Mr. REID. If there is a problem here and the organizational efforts are not going forward, it would not be anything the Democratic leader has done? You want exactly the same situation as last year, is that right?

Mr. DASCHLE. The Senator is absolutely correct. What we are simply saying is what we had agreed to with a 51–49 breakdown in the 107th Congress is what we ought to agree to with a 51–49 breakdown in the 108th Congress.

Mr. REID. If I could ask the Democratic leader one other series of questions based upon what I think was his very clear speech, the Wall Street Journal, which I understand has a circulation of about 2.5 million people, came out today with something you usually don't see in the Wall Street Journal, something supporting what we think is going wrong in the country. The headline in the Wall Street Journal:

U.S. Job-Market Slump Is Longest in Decades—Near-Term Prospects for Workers Remain Grim . . .

The leader is aware that even the Wall Street Journal is painting a very bleak picture about this economy, is that true?

Mr. DASCHLE. Mr. President, it is certainly true. I read that article this morning. I commend the distinguished Senator from Nevada for raising its content.

Mr. President, I ask unanimous consent the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 13, 2003]

U.S. JOB-MARKET SLUMP IS LONGEST IN DECADES—NEAR TERM PROSPECTS FOR WORKERS REMAIN GRIM DESPITE HOPEFUL FORECASTS

(By Jon E. Hilsenrath)

The later market in the U.S. appears to be in the most protracted slump in decades, and the near-term prospect for workers isn't encouraging.

The Labor Department said payroll employment contracted by 101,000 in December, led by more hemorrhaging in the manufacturing sector, which eliminated jobs for the 29th straight month, and by struggling retailers that hired less than normally during the Christmas selling season. The unemployment rate was steady in December at 6%, mainly because workers are leaving the labor force, which contracted by 191,000 last month.

For more than a year, economists have said that the current economic recovery was too limp to spur hiring because corporate profits have been so weak. In recent weeks, however, economists have speculated that the jobs market would start to pick up later this year, in part because they expect business confidence to improve. Some recent reports support that argument. The Institute for Supply Management, for instance, said earlier this month that orders to manufacturers picked up in December.

But Friday's report suggested that, despite signs that the corporate sector is healing, cost cutting remains the order of the day for many companies. That could mean more setbacks for labor.

The surprising labor market weakness heightened attention on Wall Street and in Washington on the need for fiscal stimulus. President George W. Bush last week proposed $674 billion in tax cuts and spending increases to lift economic growth. Analysts said the weak job market probably softens opposition to some kind of action out of Congress in the months ahead, although the shape of that action remains to be hashed out by Washington partisans.

Bush administration officials seized on the report to make their case. ''The president views the latest report on unemployment as another reason why it's so important for Congress to pass the president's job-creating economic plan,'' said presidential spokesman Ari Fleischer. Democrats argue that the Bush plan doesn't provide enough short-term stimulus and costs too much in the long-term.

Even before Friday's report, economists were likening the U.S. economy's performance to the jobless recovery of the early 1990s. The latest data suggest it might be that and more. Few job-market downturns have been this protracted. The 29 straight declines in manufacturing employment is the longest stretch of manufacturing retrenchment in post World War II history. Overall in the 22 months since the recession began in March 2001, employers have eliminated 1.75 million jobs. By contrast, 22 months after the 1990 recession began, employment had already started to pick up, and fewer jobs—1.57 million—had been eliminated.

Executive caution about hiring has made it increasingly hard for unemployed workers to get back in the work force once they have lost jobs. The Labor Department said 22% of all unemployed workers have been out of work for more than half a year, the highest ratio of long-term unemployed workers since 1992. Also in December, 30% of workers said jobs were hard to get, the highest level since 1994, an earlier report by the Conference Board indicated.

Some economists said the weak job market puts the economy on more insecure footing at the beginning of 2003. Business spending has been held back for months by uncertainties surrounding the possibility of war with Iraq. Economists are becoming concerned that the weak job market could pinch consumer spending.

But the job market news wasn't all bad last week. Several economists said they expect the employment statistics to look a bit better in January because of seasonal adjustment factors. And the U.S. government's measure of retail employment fell for December after seasonal adjustments, because retailers hired fewer workers than they normally do in the month. In January, they are conversely likely to lay off fewer seasonal workers, which should boost the retail employment statistics.

Mr. DASCHLE. Mr. President, simply to summarize the article, it says not only are we suffering month-to-month joblessness at levels we have not seen in 8 years, but if you look at the joblessness in the context of the economy over the last several decades, this is one of the most severe slumps we have seen in decades.

So we have both an immediate context and a long-term context. In both of those contexts, as the Wall Street Journal article points out, this matter is of great consequence. Mr. President, 2.3 million jobs, now, in the last 24 months have been lost. What the article simply states is that, while it is a serious immediate concern, we have to be very concerned about the long-term repercussions of this joblessness. I thought it was one of the better articles I had seen in recent times with regard to the economic dilemma we face as we deal with the stimulus package later this month.

Mr. REID. If I could ask one more question? The leader mentioned we were borrowing money. It is true, is it

not, that when this administration took over there was a 10-year surplus, in the trillions of dollars? Whether it was $5 trillion or $6 trillion, it was trillions of dollars. In the last 2 years every penny of that is gone, and the leader is certainly aware of that, is that true?

Mr. DASCHLE. I would say to the Senator from Nevada, that is one of my greatest concerns. Obviously, the debt we were able to eliminate over the final years of the 1990s, thinking that somehow—I can recall having conversations that we may be spending down the debt too fast. People expressed the concern we might be eliminating the debt too fast.

I just now shake my head in disbelief we even had conversations like that. But, nonetheless, that was one of the concerns expressed by some during that period of time.

I can recall so vividly this question about what it is we were going to do with a $5.5 trillion projected surplus. We no longer have that surplus projection. We no longer have those year-to-year balanced budgets we were proud to report to the American people. We now have a deficit of $200 billion to $300 billion, depending on whether or not you consider the Social Security trust fund. We are expected now to see a deficit of $350 billion in the next fiscal year. So we will see debts of a magnitude we have not seen, deficits of a magnitude we have not experienced as a result of what has happened over the course of the last 24 months.

In spite of it, we are going to be actually borrowing to exacerbate that debt even more, borrowing to provide a tax cut to those at the very top of the income scale.

I have always been concerned about the relationship between the circumstances we face now in the war on terror and the circumstances we faced in World War II. President Roosevelt stood up and said: I want all Americans to sacrifice. In fact, he raised revenue, he did everything possible to ensure there was an adequate degree of sacrifice across the board. Now we are asking young men and women to sacrifice perhaps their lives at the very time we turn around and give a millionaire an $89,000 tax break. It turns logic on its head, but that is the concern I have.

I appreciate very much the Senator from Nevada raising the question.

Mr. REID. I know how busy the Democratic leader is, but I would ask one more question. The Democratic leader is going into his 9th year being leader of this caucus. Prior to that time Senator Mitchell of Maine was leader. I can remember the Democratic leader today and myself going into a meeting with Senator Mitchell. The problem there is the Republicans were having a mad rush to have a constitutional amendment to balance the budget, but they were going to use Social Security surpluses to offset that deficit. The Senator remembers that, does he not?

Mr. DASCHLE. I sure do.

Mr. REID. You remember at that time I agreed to sponsor an amendment to have a constitutional amendment to balance the budget but not using Social Security surpluses? That worked out well enough that we were able to stop that very mischievous amendment from passing. It would have wiped out Social Security. Social Security would be gone by now.

But I say to my friend, the Democratic leader, the money that is being borrowed now is coming from Social Security. Not only that, the deficit would even be more if they didn't use Social Security surpluses to hide it, isn't that also true?

Mr. DASCHLE. That's the concern we have about a $200 billion Social Security cushion that is all being drawn down; not only this year, but for every year in the foreseeable future, every year in the coming decade. Every dollar of Social Security revenue coming in will be used to offset the costs involved in running the Government and providing the resources for the tax cuts the President has either advocated or actually enacted.

There is no doubt that the fiscal irresponsibility and the recklessness that comes with the extraordinary reliance on Social Security trust funds at the very time the baby boomers are coming into retirement age is very troubling. I think it ought to be the subject of a lot more debate and scrutiny in the days and weeks ahead.

Mr. REID. Mr. President, as the leader is leaving the floor, I wish to recognize my friend from North Dakota who after I offered that amendment was on the forefront of the next Congress making sure that we continued our efforts to beat down that mischievous constitutional amendment to balance the budget which would have used the Social Security surplus to balance the budget. I applaud my friend from North Dakota for taking that tough stand which allowed us to move forward and help us defeat one of the most dangerous efforts in the guise of balancing the budget and destroying Social Security.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota.

FUNDING FOR COMMITTEE STAFFING AND THE PRESIDENT'S TAX CUT PROPOSAL

Mr. JOHNSON. Mr. President, I rise today to make observations on two important points that have already been alluded to by my colleagues from South Dakota and Nevada during this session. One has to do with the need to resolve the issue of funding for committee staffing.

One ordinarily would think this would be an administrative decision that would not be of enormous consequence, but the fact is, until that is resolved, this Senate is not able to go forward with legislation of any kind, much less to resolving the fiscal year 2003 appropriations issue involving 11 of the 13 appropriations bills remaining incomplete and needing work. These are bills that should have been concluded prior to October 1 of last year, and yet here we are now well into January with that work incomplete.

I have some concerns about the size of the budget cuts—roughly $9 billion—that will be required, apparently, to come out of these 11 appropriations bills in order to accommodate President Bush and the Republican leadership budget baseline to which they have agreed. I look forward to offering amendments to moderate that for purposes of agriculture, veterans health care, and other areas. But we cannot go forward, in any way, until a resolution is reached.

Unfortunately, the majority leader, at this point, appears to have taken the position of the far right of his caucus in demanding that his party have two-thirds of the funding versus one-third for the Democratic side. It does not take a rocket scientist to conclude that with a 51-to-49 division in the Senate—consistent with what we did in the most recent Congress—a funding division of two-thirds to one-third is not fair.

I appreciate that there is precedent going back a number of years for that kind of divide, but most recently, with the then-majority leader, Senator DASCHLE, in place, we accommodated our Republican colleagues with a much narrower divide of committee budgeting. That is the right way to proceed. It is the only way that will allow us to go forward with our work. It certainly is my hope that the majority leader will see the error of his ways and return to a more moderate, more responsible approach to the funding of these committees and concur with the recommendations of Senator DASCHLE, the Democratic leader, so we may get on with the work of the people.

Secondly, I have to share with my colleagues some thoughts on the budget tax proposal submitted by President Bush. I stand here as 1 of 12 Democrats who joined in an effort of moderating President Bush's initial $1.35 trillion

tax cut. Our thought was that by participating in that effort, we could moderate its cost, make it more fiscally responsible, as well as redirect some of its benefits to middle-class and working families, to people who really make our economy go, and certainly in a way that is consistent with the interests of my home State of South Dakota.

We did that, but we did that at a time when the projections were that we were going to run up a $5.6 trillion budget surplus over the coming 10 years. We had just come from 4 consecutive years—the final 4 years of the Clinton administration—of budgets in the black, and we were paying down the national debt. There was concern about whether we would pay down the national debt too quickly. That, believe it or not, was the concern at the time. We had budget surpluses as far as the eye could see, and there was no war on the horizon. So the environment was considerably different.

Now we find ourselves, with the passage of that tax bill, with changes in the economy and with a war possibly imminent. We hope not, but we certainly are very cognizant of the fact that we may wind up in Iraq and expending literally hundreds of billions of dollars in that effort to make sure that our men and women in uniform have the resources they need if, in fact, we wind up in that kind of conflict.

So the environment is radically different. Now we find ourselves with deficits as far as the eye can see. Now we find ourselves utilizing Social Security trust fund dollars, according to the administration's Office of Management and Budget, for the remainder of this decade. Now we find ourselves not paying down the accumulated national debt at all, much less paying it down too quickly, as President Bush and his administration coached us to fear a short time ago.

So now we find ourselves with this radically different environment. Yet the President comes to us with a plan which would cost $675 billion over the coming 10 years. If you take into consideration the interest payments that would have to be made—because every dime of that will have to be borrowed; we will have to borrow that money out of the Social Security trust fund to pay for these tax cuts—if you take into consideration the interest costs, it comes to cost roughly $933 billion over the coming 10 years. We would be deep in the red as far as the eye could see. And this is before you take into consideration the added costs of war, before you take into consideration what else could happen to the economy.

This would involve about a $108 billion tax cut in the coming year, primarily for Wall Street and for the superwealthy, although there are a few grains of benefit for middle-class families. But, by and large, that is a very modest part of the overall plan we would borrow money to pay for.

Yet at the same time that we are considering this ill-considered, irresponsible plan, we are being told by the administration that we have to cut about $9 billion out of next year's budget. That comes out of veterans health care. That comes out of education; it comes out of economic development; it comes out of infrastructure; it comes out of highways and airports; it comes out of law enforcement; it comes out of so many areas that are fundamental and vital to America's national interests. That will have to come out this year alone. But that is just the beginning compared to where we would be in future years.

My constituents—Republicans and Democrats alike—in my home State, which is a very agricultural State, are asking me: Why has the President threatened to veto a $6 billion drought relief bill, for droughts in 2001 and 2002, that has the support of 32 agricultural organizations, from the Farm Bureau to the Farmers Union, liberal to conservative, because of the natural disasters they faced? Why is the President threatening to veto $6 billion of relief but talking simultaneously about $108 billion of economic stimulus this year that would go primarily to Wall Street?

What would be more stimulative of the economy than to provide that drought relief across the dozens of States that suffer badly this year? Because of the circumstances the States face, schools in my State are literally on the verge of closing their doors. My hospitals and my nursing homes—because we did not pass the Medicare reimbursement changes last year and seemed to be in no rush to get it done this year—are at risk of closing their doors as well.

Our veterans are standing in lines, 10 and 12 and 14 months long, in my home State, waiting to gain access to the health care benefits that they fought and struggled for in defending our Nation but for which we do not now have the money to provide.

The priorities laid on the table are astonishing, that the President would recommend $108 billion of tax cuts this year, to borrow the money to pay for that when we can't come up with the drought relief and the VA health care and can't keep our schools and nursing homes open. What sense does that make?

I am willing to consider some additional tax relief for middle-class families, but the environment has changed radically from what it was a couple years ago. Now we find ourselves in a situation where the most fundamental needs of our people are in jeopardy. We need to take that into consideration.

It is my hope that there will be strong bipartisan opposition to the plan as presented by the President, that we can in fact go forward, come to an equitable division of resources available for committees, promptly take up the 2003 budget, take up the 2004 budget, deal with the shortfalls that we have in rural America for our veterans, education, health care, seniors. And when we have done that, we will see what we can do relative to tax relief for our middle-class working families who struggle so hard every day to meet health care payments and house payments and to keep their kids in school. We will work with them as well, but we can't give away the store. We cannot, regardless of the libertarian political drive behind it, support a budget tax proposal as wildly out of keeping with where most South Dakotans and most Americans of either political persuasion want to go.

I express my frustration that this Nation needs to meet its commitments, it needs fiscal responsibility, and it can only do that by rejecting the President's enormous $933 billion, over 10-year proposal, and returning to taking care of the needs of our people, returning our budgets to the black and setting the stage for additional prosperity and making sure that we have the resources to deal with whatever military eventuality we may have to face very soon.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I rise to speak in morning business.

The PRESIDING OFFICER. We are in morning business.

FIGHTING THE WAR ON TERRORISM

Mr. THOMAS. Mr. President, I rise to talk about several issues. First, of course, we all know so well that we are involved now in this war on terrorism, and I wanted to speak a moment about that, the fact that it affects us all. Since that terrible day on September 11, virtually none of us have been untouched by those acts of cowardice and the effort to break the American spirit. Fortunately, they did not succeed. We were shaken but probably strengthened from that. Our efforts to combat the production and proliferation of weapons require that we prepare forces in the Middle East, and everyone has a role in that.

I just learned that one of my staff members will be called in the Reserve to active duty tomorrow. Sgt John Travis Deti of the Marine Corps Reserve will be serving as an operations specialist with the Marine Corps combat engineers.

He was promoted from legislative correspondent to legislative aide just 1 day before learning of his orders to report to duty. As a fellow marine, I know that Travis is ready to do what he can, prepared to serve his country. I am very proud of what he is doing during this difficult time. Travis, semper fi.

SENATE ORGANIZATION

Mr. THOMAS. Mr. President, I wish to talk a little about the congressional session we are in now for our second week. We have lots of things to do. Certainly, the American people are anxious that we move on to do those things. Yet we find ourselves in sort of a stall on the floor, which is disappointing. We know we have actions to take. We know we have to be organized. Yet we are held up in being organized. That is discouraging to many of us.

The fact is that 2 years ago, when the Senate was 50–50, we had an agreement as to how to work and how to fund the committees. Now we find, particularly on the other side, that we can't come to agreement.

As I understand it, we had then a 50–50 arrangement with 10 percent going to the majority committee because there are lots of common costs. So it broke it down really into a 60–40 arrangement. That was satisfactory.

Now it seems that we can't find a satisfactory agreement. I urge the leadership to move forward so we can get on to do the things we are here to do. We have a lot of things to do, many of which are held over from the last session.

One of the most pressing is ready to be acted upon whenever we are ready to act on it, and that is 11 of the 13 appropriations which we did not even get to last year. The other is to begin on a budget of which we had none last year. A lot of people say it doesn't make much difference whether you have a budget anyway; You always break it. The fact is, it is important because it has a restriction in it. When a budget is set and the spending goes beyond that budget, you can raise a point of order, and it takes 60 votes instead of 50. That is a protection from overspending. We hear a lot about spending. I am one who wants to control spending.

So here we are with things to do in the new year. We are here with items left over from last year, and we are not able to get going with it.

Everyone, of course, has their own priorities, but there are some fairly commonly agreed upon. Certainly education is one. There is nothing more important. When I talk to people about Government programs and things they want to do more about, education is always among the top. It is true that the Federal contribution to the financing of education is only about 7 percent of the total. But nevertheless, it is an important part, particularly when Federal rules and regulations provide some unfunded mandates to the States to do the things they must do.

I am in favor of having some common methods of having an assessment of how schools are doing partly because now we move so freely in this Nation; if you are educated in Wyoming, you may end up working in New York. You need to know that your education is comparable so you will do as well there as you could anywhere else.

We are talking about funding. We are talking about IDEA, funding for special education, which is very important. I hear a great deal about that. My wife happens to be a special education teacher, and it is terribly important that we give everyone an opportunity. To do that, you have to have special education.

The Perkins Act, which funds vocational education, whether it be agriculture, business, whatever, is apparently in somewhat of a controversy at the moment. It is very important that we be able to provide vocational education and opportunities for young people to become trained in what they want to do.

Testing, of course, is very controversial, but I believe it is a test as to whether or not schools are keeping up with others. Some argue, well, you just teach to the test. I suppose there is some danger of that. If the tests are adequate, perhaps that is not a bad idea, but there has to be accountability. So that is where we are with education.

On energy policy, we spent a great deal of time with that last year, more probably than we should have had to spend because it was pulled out of committee and the committee did not make the decisions. We brought it to the floor. I believe we were here 7 weeks on energy policy. Then it went into committee to facilitate the differences between the House and Senate and, frankly, we never did come to a successful conclusion.

Energy policy is very important at any time because nothing touches more of us than does energy—whether it is light, heat, automobiles, whatever. Even more important now, as we deal with economic difficulties, is that we find the price of energy going up, partly because of the unrest in the Middle East. So energy policy, it seems to me, is very important, and we ought to get back on that.

We can have an energy policy. We have not had one for years. We need to have one that has to do with domestic production, so that we are not 60-percent dependent upon exports as we are now. We need a policy that provides for more research into new sources of energy, so that we have renewables, so that we have various other kinds of opportunities. We have to have research to make sure that what we use now—coal, for instance—is as clean as it can be for air quality. That is the kind of balanced policy we need. But here we are with that need to move forward and we are not able to do that.

Certainly, health care is one. In my State of Wyoming, health care has become particularly important over the last couple years, largely because of cost and accessibility. Often, when we talk about health care, we talk about Medicare, and certainly we should. Medicare is very important to a large number of people who have higher costs generally. Nevertheless, Medicare is there and we need to make some changes with it, particularly as we look forward to what we are going to do over the next few years—a program that gives some choices and hopefully brings in more private operations and a more private distribution of resources that will fund a program that is needed over a period of time. The one we have now isn't going to do that.

We have to make some changes. I suspect we will be looking at more short-term changes originally, as we first go about it. We need to look at the long term, what we want to have over time and what it takes to provide a health care distribution system that is useful. It is not all Medicare. For example, in our State the prices have gone up substantially. There are a number of reasons, of course. Part of it is liability insurance for physicians. Many have given up certain kinds of practices because the cost of liability insurance is out of sight. We can do something about that, and we can do something about it here as well as in our States.

We have a problem with the number of uninsured in this country. Of course, the notion of insurance, the concept of insurance is that you have a broad participation of people, some of whom are less likely to need services than others, so that it levels out the costs. But when you have a large segment of the most healthy people who do not carry insurance, then that concept is weakened. So those are broader issues that we need to have. We have a shortage of nurses. We need to do something about that. It has very little to do with Medicare.

The other one that is important, of course, and I suspect will be dealt with more quickly, is pharmaceuticals. Some say we have an overutilization of pharmaceuticals. For many people, particularly the elderly, the cost is extremely high for pharmaceuticals and is unable to be handled by many people. We need to find a better way of distribution, find a better way of using generics, find a better way of examining the pharmaceutical requirements.

We had some meetings. In one case, we had a retired pharmacist take a

look at the pharmaceutical needs of the people employed by his former company. He was able to reduce it substantially and still provide the same kind of health care. So there are a lot of things that we can do.

As to jobs and the economy, obviously, nobody is unaware of the fact that we need to do something there. We need to have a program. All we have heard in the last 2 weeks is criticism of the President's economic program. I believe the President has a very well-balanced effort at doing something about the economy. He does something initially with payments, such as child care, reduction of income tax withholding, which would put more dollars in right away. I suppose we can talk about the size of the package because of dividends on some of the payments that are made. But the fact is, it is a balanced program that has initial impact; it has long-term kinds of tax reductions that create jobs.

Now, it is one thing to just sling money out there, which some folks like to do. The real answer is to develop jobs so people have them long term, and that is what it is all about.

On judicial nominations, we are behind from last year. We still haven't organized a committee to do that.

We are faced with lots of opportunities to do some things that need to be done. Yet here we are waiting to begin to move. I think the pressure needs to be on the leadership to resolve this issue and get us into a position to move forward so we can deal—as we are here to do—with the issues before us and resolve many of the questions that are pending.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the time for morning business be extended until 4 p.m. and the time be equally divided in the usual form, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

FUNDING GOVERNMENT

Mr. REID. Mr. President, hopefully we will be able to move forward on the most important matter facing the country today, in my opinion, and that is getting something done to be able to fund Government.

As the Democratic leader said earlier today, we all recognize the country is in a deep economic decline. Last month alone we lost over 101,000 jobs as reported by the Department of Labor. As we talked earlier this morning, we need only look at the article in the Wall Street Journal today which is entitled, ''Slump in Job Market Is Longest in Decades. Near-term Prospects For Workers Remain Grim.''

This is Monday. Thursday is fast approaching, and that is when people are always saying they have to catch a plane. If we cannot complete our business this week and deal with the 11 appropriations bills, we should work next week. The majority leader should tell everybody right now that they should put on hold their business for next week, that this is an important time for the country. With the economy being in the recession and no prospects in the near future of getting out of it, and the only proposal we have coming from the White House is to give more tax cuts to the rich—and from the reports in the press today part of the tax dividends would go to both the President and Vice President in the sums of hundreds of thousands of dollars if this crazy dividend scheme goes through—hopefully we would work through next week, if necessary, to deal with the problems the country faces.

There is no plan for creating jobs. It seems the only answer that comes from the administration to every problem is more tax cuts for the wealthy.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent to speak as in morning business for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I thank the Chair.

THE NATION'S ECONOMY

Mr. HARKIN. Mr. President, last Thursday I spoke at some length about the Nation's economy and pointed out what I thought at that time were some of the deficiencies in the President's plan for economic recovery.

In my remarks on Thursday, in reading them over in the RECORD, I thought maybe I might have been a little harsh; maybe my remarks were a little too pointed in that they referred to the President's economic plan as one that would unduly benefit the wealthiest in our country and that would not do much to really help working Americans.

After reading the newspapers over the weekend, I have come to the conclusion that what I said on Thursday was not nearly as harsh a judgment on the President's economic policy as that of some of our foremost economic thinkers and writers in America today.

So after reading these newspapers this weekend, I thought I would call the attention of my colleagues and others to several articles that appeared on this topic over the weekend, which I think are graphic in their detail and analysis of how awful the President's economic program is, and will be for this country if we enact his latest version.

The first thing I saw was, on Saturday morning, a front-page article that said the economy lost 100,000 jobs in December. The unemployment rate remains at an 8-year high. This was on the front page of the Washington Post on January 11:

> U.S. companies shed more than 100,000 jobs last month, reducing payrolls to their lowest level since the recession began in early 2001, while the unemployment rate remained at 6 percent, its eight-year high, the Labor Department reported yesterday.

Again, unemployment is high and continues to get worse. So clearly we have to do something in this country to stem the rising tide of people who are not working.

Looking back a couple of years ago to when the first economic downturn started, when the President put his recovery program into place, in 2001, it is clear it is not working. We are 18 months later and it is not working. It is going in the wrong direction. So do we keep going down that road or do we start to make some changes? That is what we have to do. We have to recognize we are going down the wrong road and we have to make some changes.

The President has now proclaimed his new economic program to build on the misguided one of 2001. This is a David Broder column from Sunday's Washington Post entitled: ''It Reeks of Politics.'' I wondered what he was talking about. I thought maybe he was talking about judicial appointments or something like that—''It Reeks of Politics.'' No. What Mr. Broder was talking about was the economic program. I will quote some parts of it.

> Before the O'Neill talk—

He is talking about a phone call from Paul O'Neill—

> I asked one of my favorite Republican economics guides what he thought of the new

Bush tax plan. He did not mince words. This man—a veteran of the Nixon and Ford administrations and a friend and adviser to many officials in the Reagan and two Bush administrations—said, ''It may be the least defensible policy ever.'' I would amend that slightly. It is probably the most ill-considered since Treasury Secretary John Connally persuaded President Nixon to freeze wages and prices in 1971. Like that move—designed to help Nixon's reelection in 1972, whatever the damaging long-term consequences, this latest pack of proposals reeks of politics. The proposal to eliminate taxes on dividends—the centerpiece of the plan and the source of more than half of its staggering costs—looks like ''the wrong reform at the wrong time,'' my mentor said.

I ask unanimous consent to have Mr. Broder's column printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 12, 2003]

IT REEKS OF POLITICS

(By David S. Broder)

When Commerce Secretary Don Evans phoned me to praise the tax plan announced by President Bush last week—he must have drawn the short straw to have my name on his call list—he assured me that the ''bold package'' would boost ''the general well-being of the people.''

''Nobody wins unless we all win,'' the president's longtime friend said—a sentiment with which I assured him I concurred.

In his next breath, Evans derided the rival Democratic stimulus plan—which would cost one-fifth as much as the $674 billion, 10-year Bush package—because it relies mainly on a one-time rebate of $300 to every taxpayer. ''One-shot remedies don't work,'' Evans said. ''You have to create a feeling of certainty for at least the next 10 years, so businesses and families can plan.''

It was not that long ago that the White House was telling us that the 2001 tax rebate—$300 for individuals and $600 for families—had been instrumental in making the recession ''the shortest and shallowest in history.'' But now, as the president's re-election approaches and unemployment lingers at uncomfortably high levels, the ''certainty'' of 2001's 10-year Bush tax plan is being scrapped by the administration in hopes of pumping the economy before the voters get to the polls.

Is it needed? In his first public appearance since he was fired last month as Treasury secretary, Paul O'Neill told a Sulgrave Club audience the other night that, with the economy growing at a 3 percent annual rate in the first three quarters of 2002, ''it is hard to see a need for Keynesian remedies,'' i.e., further tax cuts and more stimulus.

Before the O'Neill talk, I asked one of my favorite Republican economics guides what he thought of the new Bush tax plan. He did not mince words. This man—a veteran of the Nixon and Ford administrations and a friend and adviser to many officials in the Reagan and two Bush administrations—said, ''it may be the least defensible policy ever.'' I would amend that slightly: It is probably the most ill-considered since Treasury Secretary John Connally persuaded President Nixon to freeze wages and prices in 1971.

Like that move—designed to help Nixon's reelection in 1972, whatever the damaging long-term consequences—this latest pack of proposals reeks of politics. The proposal to eliminate taxes on dividends—the centerpiece of the plan and the source of more than half its staggering cost—looks like ''the wrong reform at the wrong time,'' my mentor said.

Eliminating the double taxation of dividends—once on the profits of the corporation and again on the payout to the stockholder—has been discussed in every Republican administration, he said, and considered by some Democratic presidents. It has a sound foundation, because double taxation tilts corporate finance toward borrowing, rather than going into the equity markets. But, he said, business groups and almost all economists agree that the right way to remedy the situation is to make dividend payments deductible for the corporations, as interest payments already are.

Instead of that straightforward policy, the administration chose to lift the tax on dividend recipients—eliminating any direct benefit to the companies—so that Bush could claim, as he did, that this change ''is for the good of our senior citizens'' who count on dividends to supplement their Social Security.

That argument has gaping holes. As was quickly noted by the accounting industry, the Bush proposal entails complicated calculations for both business and individual taxpayers, adding further complexity to the tax code.

Moreover, it would not affect the mass of dividends that go into the 401(k) plans on which most working Americans depend for additional retirement income. Those dividends are not immediately taxed now, and the taxes due when the money is withdrawn would remain unchanged under the Bush proposal.

According to an analysis by the Urban Institute and the Brookings Institution, 64 percent of the $364 billion in benefits from dividend tax elimination would go to the top 5 percent of taxpayers, the same people who are the main beneficiaries of the Bush tax cuts of 2001.

Over time, eliminating this tax would likely deepen the growing budget deficits. The first round of Bush tax cuts will cost more than $1.3 trillion in revenue over 10 years. This package pushes the costs to the $2 trillion level—even as the demands of homeland defense, the war on terrorism and a possible attack on Iraq add to spending pressures.

But none of this is likely to deter Bush. His arguments are flexible, but the policy is constant: Keep cutting taxes from the top down.

Mr. HARKIN. Mr. Rove and the political advisers to the President may think it is good politics, but it is terribly damaging to our economy. Again, I refer to some Republicans in this Congress and in this administration who support this plan, and I said they should properly be called ''red ink Republicans'' because they seem to have absolutely no concern about pushing plans that will skyrocket the deficit and the national debt.

Mr. Broder goes on in the last couple of paragraphs to point out:

Over time, eliminating this tax—

The dividend tax—

would likely deepen the growing budget deficits. The first round of Bush tax cuts will cost more than $1.3 trillion in revenue over 10 years. This package—

This new package—

pushes the costs to the $2 trillion level—even as the demands of homeland defense, the war on terrorism and a possible attack on Iraq add to spending pressures. But none of this is likely to deter Bush. His arguments are flexible, but the policy is constant: Keep cutting taxes from the top down.

Now we are talking about more than $2 trillion in deficits. I guess the times have changed. Former Senator Everett Dirksen of Illinois once said: A billion here and a billion there, and pretty soon you are talking about real money. We have to revise that. Now it is a trillion here and a trillion there and pretty soon you are talking about real money. And, that is before we add huge additional sums in interest to be paid on the debt.

We have considerable needs that we have to meet domestically: Homeland defense, a possible war with Iraq—I hope not—a huge unfunded mandate on local schools called Leave No Child Behind, which is underfunded; special education, totally underfunded. These last two items, the cost of special education, the cost of all the testing and everything to leave no child behind, they mean higher property taxes at the local level, which is harder on the middle class than the tax on corporate dividends.

If we do not meet our obligations at the Federal level on special education and meet other education needs like the unfunded mandate of Leave No Child Behind, that means the States and local communities will have to do it. They will raise property taxes. That hits the middle class a lot harder than the tax on dividends.

Of course, towards the end of the decade we will have the retirement of the baby boomers coming. Then where will the money be to fix Social Security and Medicare? We will be so far in the hole at that time maybe then that dream will come true of those who want to privatize Social Security. Maybe that is what it is all about at the end of this decade.

So the reading this weekend was not too good, not promotive of the President's policies. There were a lot of warning shots heard. There was another article in the Sunday Washington Post, ''A Tax Plan That Will Pay Few Dividends.'' The article was written by Reuven S. Avi-Yonah, the Irwin I. Cohn Professor of Law at the University of Michigan, and David S. Miller who is a tax lawyer in Manhattan. I don't know either one of these individuals. Reading their article is a clear warning to those in Congress that if the President will not cease and desist from this ill-considered tax scheme of his to cut taxes on dividends, then we in the Senate must hold up the stop sign and say no. This article, ''A Tax Plan That Will Pay Few Dividends,'' is alarming in how it paints the future of what happens if we go down that path:

So the portrayal of the double tax on dividends as evil is more fiction than fact. Dividend exclusion is unlikely to have the desired effect of lifting the stock market, and the administration's proposal won't really cure the woes of our corporate tax system.

Instead, it raises serious issues. First, if the measure does encourage individuals to shift investments from taxable bonds into more risky tax-free dividend-paying stocks, the investing public will be less diversified and less cushioned for the next stock market downturn. And if the proposal succeeds in increasing dividend rates, corporations might borrow more to pay higher yields, making balance sheets all the more shaky.

And fourth, the exclusion will benefit the wealthy. The Urban-Brookings Tax Policy Center estimates that the wealthiest 1 percent of all taxpayers could capture as much as 42 percent of the benefits of a dividend exclusion. This ''tax cut'' won't put any more money in the hands of working Americans.

But we are certain of one thing: Excluding dividends from taxation will create opportunities for new tax shelters. There will be tax shelters that permit corporations to artificially manufacture dividends for shareholders and shelters that permit shareholders to receive tax-exempt dividends without economically ''owning'' any of the underlying stock. Each of these shelters is easy to develop under current law.

If history is any guide, Congress will respond by enacting new rules to stop taxpayers from abusing the exclusion. Given the IRS's recent track record, these anti-abuse rules will run to hundreds of pages, few cheats will ever be caught, those cases will take years to litigate and ultimately the anti-abuse rules will prove ineffective.

Then this morning, I listened to NPR and I obtained a transcription. This was ''Morning Edition'' on National Public Radio. Bob Edwards was host in the first of a series of commentaries about the Bush economic plan. Commentator Kevin Phillips says:

The White House proposal to eliminate taxes on dividends will increase debate over class warfare in the U.S. economic policy.

Then Kevin Phillips came on, and he said:

Over the last two decades, the Republicans in Washington have been quick to charge class warfare when the Democrats complain that this or that tax or economic proposal gives too much to the American rich. By this the Democrats usually mean the top 1 percent income group. It's been a good GOP strategy, and sometimes it has worked when Democratic debaters have backed off. But this time, with the administration's proposal to allocate more than half of a $674 billion economic stimulus program to tax relief for stock dividends, the whole class warfare issue was riding a giant boomerang.

The Democrats say, and they're quite right, that what the administration is doing is in itself class warfare; high-income policy makeovers are short-changing the other income groups. The top 1 percent of Americans alone hold some 40 percent of the individually owned stock in the United States, and they also get about that same 40 percent ratio of dividends paid out. Given all the concern in the White House and elsewhere about pumping support into a weak economy, this proposal is really mind-blowing, not just for its contents, but for its lack of stimulus. Republican Senator John McCain had called for payroll tax relief.

Well, so have I. Last Thursday I said what we ought to be calling for is a payroll tax holiday with the trust funds fully reimbursed through the general fund for perhaps four months and put the money where it really needs to go.

But not George Bush. The congressional leadership in the White House are so wedded to an economic policy keyed to helping those at the top that they lined up behind what is really a program to make stock dividends into a 10-year, $300 billion individual income tax shelter. This isn't just trickle-down economics. The benefits to the rest of the economy, even to the stock market, are so conjectural that trickle-down looks to become misting down.

That is Kevin Phillips; with long Republican credentials.

I say to my friend from Nevada, after the trickle-down economics of the 1980s, one of my constituents came up to me in Iowa and said: I heard all about the trickle-down, I have not even had any drops on me. I would just settle for a heavy dew. That is what Kevin Philips said we might get out of this: Maybe a heavy dew.

I yield to the Senator from Nevada.

Mr. REID. I heard the Senator speaking and wanted to congratulate the Senator. I listened also to Kevin Phillips' presentation. By the way, Kevin Phillips is a Republican, not a Democrat. But he was fair in his analysis. Quite clearly, all economists that I know, unless they work at 1600 Pennsylvania Avenue, say this tax plan is bizarre. Crazy.

The Senator is aware, is he not, that not only do we have this tax plan that is floating around, that is going to be very harmful short term and disastrous long term, the Senator is aware that the Wall Street Journal, which is also not a piece put out by the Democratic Party, said today, on page 2: ''Slump in Job Market is Longest in Decades.'' And near-term prospects for workers remain grim?

Is the Senator aware that is in the Wall Street Journal today?

Mr. HARKIN. I was so depressed after reading the newspapers this weekend, I didn't pick up the Wall Street Journal this morning. I guess I could get depressed further reading that.

Mr. REID. This article points out, among other things, last month this economy lost over 101,000 jobs. I know this because I was on a television program with Tim Russert. He had a chart demonstrating all the Presidents of the United States going back to Truman. Every President created jobs—Nixon, Truman, Eisenhower, all of them except George W. Bush. That chart shows the only President that has not created jobs, George W. Bush, and, in fact, he has lost 2.5 million jobs.

Is the Senator aware of that?

Mr. HARKIN. I was not. I was aware of the fact we lost 100,000 jobs in December. It was Christmas. Imagine, at Christmas, to have 100,000 jobs lost. I also know we are at the highest unemployment level in over 8 years.

Mr. REID. The Senator is right. The Senator is absolutely right.

Also, this article in the Wall Street Journal has a number of graphs and charts, but one of the things that just jumped out at me is the levels of unemployment of certain segments of our economy, certain demographic segments. It just jumps out.

Teenagers, of course, a lot of them are unemployed, and they want to work. But for African-American teenagers the unemployment rate is over 33 percent. It has gone up. From last year to this year, it has gone up 3 percent. These are kids who want to work.

Mr. HARKIN. That is right.

Mr. REID. There are no jobs for them.

Mr. HARKIN. Then we wonder why kids in the cities are hanging around the streets and get into drug, joining gangs and things like that. They need jobs. They need to be put to work.

Mr. REID. I say to my friend, the distinguished Senator from Iowa, I was on a talk radio program this morning in Las Vegas—conservative. One of the things I have advocated is that the Federal Government should spend money creating jobs, infrastructure. I know in Iowa there are water systems that need to be worked on, sewer systems that need to be repaired and enlarged, highways, bridges, dams that need to be worked on.

Mr. HARKIN. Schools.

Mr. REID. And school repairs. This is a conservative program. They brought it up.

They said: I understand you want to have jobs and spend taxpayers' money on creating jobs.

I said: Yes, I do.

They said: Wouldn't the private sector be better off creating those jobs?

I said: Wait just a second. You understand the private sector is the one that is going to be conducting the work.

Mr. HARKIN. That is true.

Mr. REID. It is no Government giveaway. These are projects that need to be done, roads that need to be built, dams that need to be repaired.

Mr. HARKIN. That is right.

Mr. REID. I think we had a good discussion on this conservative radio program. I hope I educated them and their listeners because I said, among other things, that for every $1 billion we spend, we create 42,000 or 44,000 jobs. Think about that. These are good jobs, people who are paying taxes, they are buying refrigerators and cars.

We have this backwards. We are trying to help the wrong people, to create this windfall to the very wealthy in this scheme. There is no better place to start than the President and the Vice President. Is the Senator aware that the President of the United States and the Vice President of the United States would benefit significantly from this dividend scheme? In fact, between the two of them, the benefits would be over $400,000 a year.

Mr. HARKIN. A huge benefit.

Mr. REID. Don't we have this backwards? Wouldn't it be better if we were creating jobs rather than cutting taxes for the wealthy?

Mr. HARKIN. I say to my friend from Nevada, the assistant minority leader: You are thinking too rationally. You are just thinking too rationally. Evidently what is happening down there at the White House is they want to think irrationally. But we have to stand up and we have to think along the lines the Senator is talking about here right now.

The Senator put his finger on it. I have been somewhat successful in the last few years, getting some money in my State for rebuilding and modernizing schools all over the State of Iowa. I visited—not all of them, I visited a number of them: new classrooms, getting new technology in.

I visited one school that just started up this fall, and one of the workers there, one of the brick masons, saw me outside. He said: I understand you helped get some Federal money to get this going, get this school improved.

I said yes.

He said: I want to thank you. It put food on my family's table for months, working on that school.

To answer this sort of statement the Senator made earlier about: Well, these are government jobs; wouldn't the private sector be better?—all the jobs done on that school were done in the private sector: private contractors, private electricians. They buy all the stuff from the private sector. So the ripple effect in the economy was tremendous.

That is why the Senator has put his finger on it. There are so many unmet needs in this country. I focus on schools a lot. I think the recent estimate is somewhere in the neighborhood of $189 billion, I believe—I could be off some—just to bring all our public schools up to modern-day standards; in other words, to give them the heating and the air-conditioning, the lighting, fire standards, the Internet hookups—just making them modern. What an unmet need out there.

What if we were to do that? Think of the jobs we would create. One thing I might also say to my friend from Nevada: Just think, not only do you get the jobs' ripple effect in the economy, but when it is over with, you have something that lasts a long time. You have new schools.

Mr. REID. I say to my friend, the distinguished Senator from Iowa, I traveled to one of Nevada's schools fairly recently, Boulder City High School. It is an old school now. It is an old high school. It is hard for me to comprehend Boulder City having an old high school, but they do. The average school in America is 45 years old. The average school—think of that—is 45 years old. Schools need to be refurbished and rebuilt. Boulder City is kind of unusual in Clark County, in Nevada, because most of our schools there are new. We hold the record. We dedicated 18 new schools in 1 year in the Clark County School District.

So certainly the Senator is right. But I wanted to say this about the thing the Senator mentioned, and Kevin Phillips was mentioned, and he talked about class warfare. They believe the best defense is a good offense. So they have been whacking away at us since they introduced this ridiculous tax plan. They have been whacking away at us saying: They, the Democrats, are trying to create class warfare. We are not doing it. They have been doing it with their ridiculous tax plan.

I have nothing against rich people. I wish them well if they can make a lot of money and be rich. But they have created that, that the very wealthy are going to get tax benefits from this plan and the middle class and the poor get nothing.

Mr. HARKIN. That is right.

Mr. REID. Almost literally nothing. We are only bringing out facts and talking about the reality of this tax plan. We are not trying to create class warfare.

That is why the Wall Street Journal writes about this:

> Slump in Job Market Is Longest in Decades.

We are not doing that. That is a fact of life.

Mr. HARKIN. I say to my friend from Nevada, I got depressed reading the weekend newspapers. Here is one in the Business section of the Sunday Washington Post, apropos of what you are just talking about here, about whom this is benefitting. The headline:

> Some CEOs Would See a Windfall.

They have a nice little 1040 Tax Code wrapped up as a nice package here.

It says here:

> . . . some of the biggest potential winners under the Bush plan would be top executives at dividend-paying companies who own big blocks of their firm's shares.
>
> Walt Disney Co.'s Michael D. Eisner, for instance, owns about 14 million company shares, a spokesman said. Disney announced an annual dividend of 21 cents this month, which adds up to about $2.9 million for Eisner. Under the current tax code, assuming Eisner is in the highest personal income tax bracket, the Disney chairman and CEO would pay about $1.3 million in state and federal taxes on that amount, according to a tax expert at a major accounting firm. Under the Bush plan, he might pay nothing on that portion of his income.

It went on. There were some other ones here that they mentioned. Sanford Weil, who owns 22.8 million shares, would save as much as $6.9 million in taxes.

Mr. REID. This is per year. This is not over a lifetime; this is per year.

Mr. HARKIN. This is for 1 year. I am sorry. I thank the Senator for pointing that out. It is not a lifetime sum. It might be repeated year after year.

Douglas Daft owns 2.5 million shares in Coca-Cola. He is chief executive. Coke paid 80 cents a share in dividends. Under the Bush plan, he would save about $875,000 in taxes.

These are all, I am sure, fine individuals. They have done a lot. They have invested in America, helped build big corporations. They are CEOs. I have nothing against them, as the Senator said. I have nothing against them. They are likely to be fine people. But does that mean what we are going to do now is take the Tax Code and give them even more wealth, as the Senator said, when we have 100,000 people in December out of work and we have so many unmet needs in this country? This is a cockamamie scheme.

My friend from South Carolina, who sits across the aisle from me, Senator HOLLINGS, once said this came about after Charles Schwab went down to the Texas ranch—I guess in December or sometime like that—and had a little bite to eat and a little refreshment with the President. And Schwab evidently said: This is a good idea. And the President said: It sounds good to me. Let's do it.

Mr. REID. Will the Senator yield?

Mr. HARKIN. I would be happy to yield.

Mr. REID. Last week I called someone the Senator from Iowa knows. He is a very strong businessman. I don't want to embarrass him. It was a private telephone call.

I said: Tell me what you think about this tax thing. He said: It is crazy. He would benefit from it. He said: It is crazy. There are too many things that need to be done.

I said: Would you come down and join with us and say something publicly about this? He said: I have a lot of government contracts, and I am afraid I would be punished if I did something like that.

He is not kidding. He has a lot of government contracts. The people from 16th and Pennsylvania Avenue and all people in the Cabinet have some influence over who gets contracts and how they keep them.

I would also say this is in support of and in commendation for rich people in America. I have, as does the Senator from Iowa, some rich friends. I have not had a single person from Nevada call me about this goofy scheme. I haven't had a single Nevadan call me. They know me well. If they liked this program, they would call me.

There have been other tax proposals from the White House—in the Clinton administration and in this administration—that I got calls on saying either do it or not do it. I haven't received a single call from my wealthy Nevada friends, or from wealthy Nevadans who may not be my friends, I haven't had anybody call me and say: Reid, I want you to support this. This is important to me.

I don't think they could do it with a straight face.

Could Michael Eisner support what is happening? Knowing all of the charitable things the Disney corporation is involved in, he couldn't possibly want more money for himself personally and another $2 million a year when he makes these multimillions. He knows this should go toward some of the public service things that need to be done and some of the health things that need to be done—the terrible battle we are fighting in the United States with AIDS and the like. I have to acknowledge and applaud wealthy Americans because they are not out clamoring for this to be done.

Mr. HARKIN. I agree with my friend. I have had not a single call either. I have often said there is nothing wrong with being rich in America. There is nothing wrong with having a nicer home and a nicer car, or a nicer lifestyle, as long as you have done it honestly and forthrightly. And most wealthy people have done it that way. There is nothing wrong with that. But I think the obligation that we have in government is to make sure we leave the ladder down for others to climb.

What the Bush administration seems to be saying is: You have a lot of money, you have made all this money, and you can pull the ladder up behind you. And guess what. We are going to help you pull the ladder up behind you.

That is not my idea of what America is about. America is about fairness and equity and giving the kids from Searchlight, NV, or Cumming, IA, that same opportunity to get a great education, to be healthy, to have a piece of that American dream, and to have that opportunity. But the more we concentrate wealth in the hands of a few people and then use the Government to ensure that they not only keep it to get wealthy, the more we are taking that American dream from those kids in Searchlight, NV, and Cumming, IA.

Mr. REID. If the Senator will yield, I want to say a word, if I may, before the Senator from Rhode Island, who is the Presiding Officer, leaves the Chamber.

The junior Senator from Rhode Island I think set a mark for people on the other side of the aisle when he was the first to come out against this proposal. That is the way I heard it. I read in the paper that the Senator from Rhode Island opposes this, and as a result of his doing this, there have been several other Republican Senators who followed. Before he leaves the floor, I want to express my appreciation for the courage of the Senator from Rhode Island in coming out against this program.

Mr. HARKIN. I would add my commendations also to my good friend, the Senator from Rhode Island, for his forthrightness in coming out as he did. I appreciate that.

Mr. REID. I have taken so much of the Senator's time.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator's time has expired.

Mr. HARKIN. Mr. President, I ask unanimous consent for 15 additional minutes.

Mr. REID. Mr. President, I apologize for using so much of the Senator's time.

Mr. HARKIN. It is a good exchange. I appreciate it.

Mr. REID. I will say this last thing. I hope that we, the Democrats, and those courageous Republicans who oppose this don't fall for some compromise. I hope they don't come back and say: Well, we will not do away with all of that, but we will do such and such.

We have to recognize this for what it is. It is a bad program. We are broke as a country, and in the 2 years of this Bush administration they have ruined the economy. During the last 3 years of the Clinton administration we were taking in more money than we were spending.

Mr. HARKIN. There was a surplus.

Mr. REID. It is remarkable. We were paying down the surplus. They have wasted the largest surplus that we were able to acquire. It is a terrible shame. I hope we don't have some cockamamie compromise where people walk out here and say: Well, it is not as bad as it could have been. We should recognize this for what it is and not compromise. We don't want it.

That is how I think we should move forward.

Mr. HARKIN. Here is the chart that illustrates it. Here we are, starting in, in 1981, with the first Reagan tax program. Look at what happened to the deficit. It went down and down until finally we had the 1993 plan when we started to reinvest in America and get our economy back on track. Look at what happened. Look at this. It is a steady climb up for 8 straight years to one of the largest surpluses we have ever had in America.

Then, in 2001, the administration couldn't stand that we were getting out of debt. There were actually too much surplus for them. We were paying down national debt for future generations. This is the 2001 tax bill. Look at what happened—right back down where we started. Now we are back down in the hole again in the deficit. If that isn't enough, they want to add even more—taking more money out with this new cockamamie scheme of theirs to take it away with a tax dividend.

Mr. REID. I only point out one thing. In the Senator's last statement, he said it was one of the largest surpluses in the history of this country. It was the largest surplus in the history of this country.

Mr. HARKIN. This is the largest surplus on record. Exactly.

Mr. REID. I appreciate the Senator for allowing me to interrupt. I appreciate the Senator very much for allowing me to have a few words on the floor.

Mr. HARKIN. I thank my friend for his keen insight into the economics of this country and this tax bill and how bad it really is.

I close by saying again that we have to kind of look at the past and take some instruction from what happened. If you look at unemployment rates, when the 1981 tax bill was passed, the unemployment rate was 7.4 percent. Eighteen months later, it went from 7.4 to 10.3 percent. When the 2001 tax bill was passed, unemployment was 4.5 percent. Now it is 6 percent. Now we have this coming in. Now in 1993, the blue line shows what we did. The unemployment rate went down. When it passed in 1993, the unemployment rate was 6.8 percent, 18 months later it was down to 5.4 percent and eventually it dropped to 4 percent. All of the red ink Republicans said how it would be so terrible for the economy. But, after the 1993 tax bill where the wealthy did see some real tax increases, the economy boomed. The deficits turned into surpluses. And we created a huge number of jobs. Again, we ought to be instructed by that and know the fact that the President's tax cut will not only plunge us further into deficit spending but it will not help increase employment. It will provide for one of the unfairest distributions of income in our country.

For example, the 100-percent reduction in dividend rates provides, for those making more than $1 million a year, an $88,000 tax cut—an $88,000 tax cut. And the average Iowan, making between $20,000 and $30,000, would get $204 in 2003.

But that is just the beginning. When you look at the outyears, it gets worse. By 2010, for the average Iowan, making $20,000 to $30,000, they might get maybe $25. For those making $40,000 to $50,000, they would get about $84. But if you made over $1 million a year, you would get $27,000 in tax benefits in the year 2010.

I believe it was former OMB Director David Stockman back in 1981, who called the Reagan tax cut—the trickle-down tax cut—he called it a ''riverboat gamble.'' And that is exactly what it was: a riverboat gamble. And we lost in terms of deficits and unemployment. We got it back on track in the 1990s, but here we are back again.

Well, Mr. President, a ''riverboat gamble,'' ''trickle-down economics''—whatever you call it—I call it ''go-go economics'': Don't think about the future. Live for today. And, by all means, whatever may help you politically, whatever will help ensure your reelection, do that, and forget about what comes after.

That is what this program is. Because it is designed, basically, to help those who will give the most out of

their pockets to reelect this Republican President: the richest people in this country. And, of course, we just had campaign finance reform, so to speak. And what did it do? It doubled the amount of money that a person can give to a Federal candidate—doubled it.

So I believe President Bush, when he was a candidate, if I am not mistaken, raised over $100 million—with those $1,000 contributions. Well, now that doubles and with a primary and general combined, it adds up to $4,000. So it just goes back to the same people. Plus they give more money in other ways. So I guess what this is: rewarding your friends. I understand that politically he rewards your friends. But in this case it is hurting our whole economy by him rewarding his few rich friends at the top.

As my friend from Nevada said—and I share this with him—I have not spoken with one wealthy person in Iowa or anywhere who called me saying this is the best thing to do. Not one. In fact, I think most of them are even embarrassed by President Bush's proposal.

So the best thing, I think, is for the President to recognize this was a bad piece of advice he got. I think one of the marks of leadership is to recognize when you are wrong and to rectify it. If you want to give the economy a shot in the arm right now, and give our bond markets a shot in the arm, I think the best thing the President can do is say he is scrapping this whole deal.

Then what we need is a payroll tax holiday, paid through the general fund to put money in the hands of working people, many of whom do not even pay income taxes. But they are working, and they are raising families, and they are paying every last penny of payroll taxes. Many of these people did not get anything out of the 2001 tax plan. These are people who need some help. I will be talking more next week and in the days to come about my concept of a payroll tax holiday that would extend for a few months, and which could be adjusted after that depending upon what the economy is doing at that time.

It would be a lot cheaper than what the President is proposing, No. 1. No. 2, it would give an immediate stimulus to the economy. Third, it is fair because it puts the money down at the bottom where it is needed. As we know in Iowa, and as I am sure they know in Minnesota, you don't fertilize a tree from the top down. You have to put it in at the roots and let it grow. That is what a payroll tax holiday would do. That would give us our short-term stimulus.

Then—exactly what Senator REID was talking about—let's invest in rebuilding and modernizing schools. Drive the interstates someday and have your car beaten to death. That interstate highway system is now almost 50 years—a half a century—old. It needs to be rebuilt. These are things that need to be done in investment in the future of this country that puts people to work. That is the kind of job growth we need in this country. And all those jobs are not done by the Government. They will all be done by the private contractors.

So I hope the President will recognize the bad advice he got, will say he is scrapping this plan, and then come down and work with all of us. There are bipartisan things we can do here—I am convinced of it—bipartisan things we can do that will be both a short-term stimulus, that will not inure huge deficits in the outyears, and there are long-term things we can do to put people back to work that will benefit this country.

I call upon all my friends on the other side of the aisle who are not ''red ink'' Republicans to join in this effort and to recognize the future of this country is not more red ink and more red ink and more red ink, but it is getting this country out of the hole, paying off the deficits, and getting back to a surplus once again.

Mr. President, I look forward to working in a bipartisan fashion towards this end. But the lead has to come from the President. As long as he pushes that dividend tax scheme of his, well, then we are going to be kind of blocked from doing anything here. So I hope the President will scrap it, call us together, and let's work out a bipartisan plan to get this country moving again.

I thank the Presiding Officer for his indulgence. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

REORGANIZATION OF THE SENATE

Mrs. HUTCHISON. Mr. President, I am very pleased to see the person presiding in the chair and welcome him to the Senate.

I am looking at an empty Chamber except for Senator HARKIN, who is just leaving. It is incredible to understand that the Senate was sworn in on January 7, and yet today we sit in the Chamber having transacted no business except for the extension of unemployment benefits which was done by unanimous consent because it didn't have to go through a committee.

Why, one may ask, would something only be able to pass that didn't have to go through committee? Well, the answer is, because we don't have any committees. The Senate has not been able to reorganize since January 7 because we cannot get an agreement. We have not been able to organize our committees because the Democrats have been unwilling to come to an agreement that would be a fair allocation of resources and that would allow us to go forward.

A lot of people in the country don't realize that the Senate is in an absolute stalemate because we do not have Republican chairmen, even though the Republicans control the Senate. There are eight new Members of the Senate, and none of them have been appointed to a committee—not one—because we don't have an organization resolution.

I do not think that is what the people of America said last November when they went to the polls. They voted on Senators, and they voted to give Republicans a 51-to-49 vote count in the Senate.

Any person who follows this would imagine that everyone would understand that there has been a change of control, and they would have expected us to be up and open for business, with committees meeting and doing the business of the people. That is what was said by the people who went to the polls in November and made their decisions on who would represent them in the Senate.

I am very pleased that our new Members have been sworn in. It is little enough to ask, I would say. But to think that they have not been able to even go to a committee meeting yet is unconscionable. A lot of people have not realized that this is going on because we have tried to negotiate in good faith, and Senator FRIST is doing that as we speak. Hopefully Senator DASCHLE is doing the same.

I don't think we can wait another week before we start confirming some of these judges who have been sitting unconfirmed since May of 2001 or even unable to have their nominations acted on.

We were ready to hit the ground running. The Judiciary Committee chairman wanted to start the process so the President would have his constitutional right to appoint and have confirmed or turned down his nominees to the Federal bench. He has had neither. We were ready to go. What has happened? The Judiciary Committee cannot meet because Senator HATCH has not been installed as chairman because we don't have an organization resolution.

We had hoped to pass the appropriations bills that had been lingering since last Congress. We had only passed the Defense and military construction appropriations so all of the other Departments of Government have not yet been funded except in a continuing resolution, an omnibus bill that just says we will go on with 2002 levels of spending, but we don't have any allocations because the Appropriations Committee has not been able to meet. The appointments have not even been formalized yet.

I do not think that is what the people of America expected when they voted last November to put a Republican majority in the Senate. They expected us to start appropriations bills. They expected us to confirm the judges that had been sitting in the pipeline since 2001.

The President of the United States has a constitutional responsibility to appoint judges, and he has the constitutional right to have those judges acted on by the Senate. Yet we have people whose lives have been disrupted because they have been appointed to the Federal bench, sitting there for 1 year, 2 years with their lives interrupted. They are unable to have Senate confirmation or turndown.

The Senate has the absolute right to make the decision, but it has the responsibility to go forward and let these people know if the President is going to get his appointment through or if these people can go on with their lives.

I hope the President gets all of his appointments. He has been very careful in making his appointments. But all of them have a right to action, and the President, most of all, has a right for the Senate to take the very serious responsibility of confirming nominees.

We have appropriations bills. We have Departments of Government that have no specific authorizations because we have only acted in a general way, saying whatever you had in 2002, you may keep until we can exercise our responsibility to pass the appropriations bills, which we have not done since the end of the fiscal year October 1, 2002. These agencies deserve to know what Congress intends for them to do this year and how much money they have to spend.

This is not the way to run the Government. It is not responsible for us to be talking to an empty Chamber since January 7 when the people have spoken and we are here to do business.

I do hope we will come to an agreement. It should be very simple. The elections were held. The majority has been elected. It is time to let the majority take control of the Senate, organize the Senate, have the committees appointed, and start to do business. I hope we will go forward and do that.

Mr. REID. Will the Senator yield for a question?

Mrs. HUTCHISON. Mr. President, I am happy to yield for a question.

Mr. REID. I was in my office and I listened to the distinguished Senator from Texas, the senior Senator from Texas. I agree with the Senator. I agree with what she said.

From our perspective, we realize we have lost the majority. It has gone from 51 Democrats to 51 Republicans and 49 Democrats. Last year at this time there were 49 Republicans.

But our suggestion is that the exact same organizational status that was in existence for the 51–49 Democratic majority should be in effect for the 51–49 Republican majority. That is what this is all about. We believe we should be working under the same organizational standards set when the majority was held by the Democrats. You would have the same staffing that we had as Democrats, the same funding that we had as Democrats, with the exception that both sides would have cost-of living increases given to them automatically.

I hope common sense and fairness will prevail and, in short, that we will have the same organizational standards as existed last time, except you would have what we had and we would have what you had.

Mrs. HUTCHISON. Mr. President, I appreciate so much the distinguished deputy leader of the Democrats coming down because there are a lot of different precedents in the Senate for all the years that the Senate has been in session. Last session was quite unusual in that we had a 50–50 Senate when we first came into office.

We made an agreement at that time that was based on 50–50, and the agreement was that it would stay in place regardless of what happened during that time.

We can argue about what the funding ratio is of committees, but I don't think that should hold us up from doing the business of the people.

The committee allocations have been determined by agreement. The numbers that serve on the committee have been set. So the committee appointments could be made, and we could open for business. What we are losing this week is the nomination hearing for the Secretary of Homeland Defense, because the Democratic chairman would not yield to the Republican chairman to chair such a hearing.

Now, Mr. President, there should not be a Democratic chairman in this Senate. The Republicans have control of the Senate. That is a fact. So I ask the distinguished deputy leader if we can open for business, hold hearings, appoint the committee so the Democrats and Republicans would have their committee assignments and be able to begin the work and let the negotiations go on for what the money allocation is for the committees. Let us do the business of Government and worry about whether we have 60 percent of the money for the majority or 50 percent of the money for the majority, or 55, or 57, or whatever it is. We don't have to decide that to do the business of Government.

Mr. McCONNELL. Will the Senator yield?

Mrs. HUTCHISON. I am happy to yield to the deputy leader on the Republican side.

Mr. McCONNELL. I wonder if my friend from Texas knew what our friends and colleagues on the other side of the aisle had in mind had they still been in the majority this year. I will read this to the Senator.

Mrs. HUTCHISON. I would not know that, so I am happy for the Senator to do that.

Mr. McCONNELL. There was an article on October 31 of 2002, and I will quote a couple of them:

Neither side particularly liked the resolutions that were struck, after two intense negotiations, over how to organize the Senate and its committees in the 107th Congress, establishing new rules and giving equal space and funding to the minority and majority parties.

Skipping over:

A senior Democratic aide said that was an ''extraordinary circumstance''—

We will agree that the Senate ending up 50/50 was unusual. It hasn't happened since the 1880s.

—that forced them to continue under an even funding deal for committees.

''If we pick up a seat or two, I think it's without a doubt we'd go back to the two-thirds/one-third,'' the aide said, using the in-house phrase to describe normal funding levels that gave the majority up to 67 percent of committee money.

My question to the Senator from Texas is this: I wonder what has changed between then and now. It appears that what our good friends and colleagues on the other side of the aisle had in mind, had they continued to be up 51–49, was to go back to the traditional split of two-thirds/one-third. There must have been some intervening thinking, I ask my friend from Texas, some new development here.

Mrs. HUTCHISON. I wonder if the Senator from Kentucky might have been referring to the election held in November just after that statement you have just read was made.

Mr. McCONNELL. It is pretty clear, as the Senator from Texas pointed out, the American people are not in doubt as to who took control of the Senate. What is also not in doubt was that the previous Congress was an extraordinary circumstance, very unusual circumstance, in which we found ourselves in a 50/50 tie at the beginning of that Congress—and we are now at the beginning of a new Congress—and we produced a resolution that dealt not just with appointing of the committees but also funding and space. That was unusual. It had not been done before in a floor resolution, as the Senator from Texas pointed out. We switched in the middle because one Senator decided to go to the other side. It was not because the voters had voted out a Republican Senate, but a Senator decided to go over. In order to minimize the disruptions to staff who could have been laid off in the middle of a Congress after making plans and having families rely on employment at least for a 2-year period of time, to minimize the disruption, since we were in the middle of a Congress, we decided to leave it that way. I say my friend from Texas is absolutely on the mark.

There is no precedent for what is being suggested would be appropriate by the other side. It is clearly inconsistent with what they had in mind had they been up by a seat or two.

Mr. REID. Will the Senator allow me to answer the question she asked?

Mrs. HUTCHISON. I am happy to.

Mr. REID. I say through the Chair to the distinguished Senator from Texas,

in response to my friend from Kentucky, that Roll Call is not Senate precedent. Roll Call is a fine newspaper that we have here on Capitol Hill, but you always have to question when someone is quoting a ''senior Democratic aide.'' Even if, in fact, that person were speaking with some authority—which that person, of course, was not—if you listen to what the person said, it said if we Democrats pick up a seat or two—in fact, if that happened, it would not have been 49–51, it would have been 47–53. With that, I think there might have been an opportunity to look at how the distribution should take place. But the fact is the American people understand that common sense still is part of what we need to deal with here in Washington, and that is that last year the Republicans were in the minority with 49 Senators. We are now in the minority with 49 Senators. Why don't we keep the same deal we had last year? That is what Senator DASCHLE, the Democratic leader, is pushing. That is what we Democrats want because it is fair.

I appreciate very much the Senator yielding and being as courteous as she always is.

Mrs. HUTCHISON. Mr. President, I will end by saying I really hope we can put aside the 57 percent, or the 60 percent, even though I think there is certainly the argument for precedent whenever there has been a clear majority at the beginning of a term to have a two-thirds/one-third split. In fact, I was told that in the really old days, the majority got 100 percent of the allocation of committee funds, and it was only to give the minority some ability to hire staff that it went from 100 percent to two-thirds/one-third. That has been the precedent ever since when there has been a clear majority at the beginning of a Congress.

I think it is also a fact when the change was made, it was then said there would be a hold-harmless from the change in staff allocations so that we actually added budget to allow all the staff to stay on from both parties. So I think now that we are at the beginning of a Congress, you can argue we have to have certain levels of funding on the majority side for the administrative functions of a committee. You have to put out the notices, you have to pay for certain witnesses to come to your committee, you have to do the printing of the bills and the printing of the statements. There are administrative costs.

So I think the majority has to have some lead to be able to function as a committee. I think that also is the precedent for the Senate. I do think we will be talking about this to determine what is fair. But even if you said there is a disagreement between two-thirds/one-third and 50/50, and maybe you go to 60/40, or maybe you don't, nevertheless, there is nothing that would not allow us in the next 30 minutes to have a unanimous consent resolution that would say the committees will be formed, the appointments will be made, they will be able to function, and we will fund them at a certain level until we have a final agreement.

The key is the people of America deserve the business of our country to go forward. We can offer them the excuse that we cannot decide between two-thirds/one-third and 50–50 and, therefore, we are holding everything up, but I do not think that excuse holds water.

I believe we ought to move forward. Let our committees convene. Let's work this out. This is a body of 100 intelligent people. We can work it out if we agree that we are going to all sit down and negotiate in good faith, but I do not think we ought to hold up the business of the people of this country for another week or a week after that. We were sworn in on January 7. We have been unable to have a committee hearing to confirm the Secretary of Homeland Defense so he can start the planning for his agency to protect this country.

We had to cancel a hearing for the Chairman of the Federal Reserve Board to speak to the Budget Committee because we cannot form our committees. That is not what the people of our country expect, it is not what they deserve, and I do hope we can, in a very short order—tonight or early in the morning—have the cooperation of the Democrats to go forward and do the business of the country.

Let our committees be appointed. Let our work begin. Let's have a hearing this week for the Secretary of Homeland Defense. Let's have the Federal Reserve Board Chairman come to the Senate and talk about the state of our economy. We need to hear from him. The least we can do is form our committees and allow the business to go forward. We can talk about 60–40 or 67–33 or 50–50 for the next month and not hold up the business of the people of our country.

I urge my colleagues to work with us to do that. I thank the Chair.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Mr. President, I simply say in response to my friend from Texas that the hearing could have gone forward. There is no reason for the hearing not to go forward. Senator LIEBERMAN, or someone else, would have conducted the hearing. No one I know opposes the proposed nominee for this new Cabinet office. It would have been a very quick hearing. It is not as if a hearing could not have gone forward. The majority chose not to go forward with the hearing. That is a choice they made, not a choice we made.

I further say to the Senator from Texas, or those within the sound of my voice, once you turn over the chairmanship of these committees and have the committee people assigned to the committees, we simply lose any authority we had. Fairness dictates that if the Senate was divided last time 51–49 with the Democrats in the majority and it is divided 51–49 with the Republicans in the majority, the committee structure should be the same. That is what we are saying it should be, and we are going to hang tight until it is that way. That is the way we think it should be.

Other Congresses have joined together and worked out their differences. We have to do that. The only way we will do that is if we agree on 51–49 having the same value it did a few months ago.

The PRESIDING OFFICER. The assistant majority leader.

Mr. MCCONNELL. Mr. President, as the Senator from Texas pointed out, except for the extraordinary circumstance in which the Senate found itself—50–50—for the first time since the 1880s, the issue of committee funding was not dealt with by the full Senate. The only issue that was dealt with by the full Senate was the appointment of the committees. For 1 week now, the Senate has been in the majority of the Republicans, and yet there is not a single Republican committee chairman. New Members of the Senate, such as the occupant of the Chair, do not yet have committee assignments. He has been a Senator, I say to the Senator from Minnesota, for almost a week now, and he is not yet on a committee.

What the Senator from Texas has been saying—wholly aside from this debate over what the committee funding should be, which is typically not dealt with by the full Senate anyway—there is no rational basis, no equitable basis for not ratifying the results of the election last November by letting the new Members of the Senate and, for that matter, the old Members of the Senate who are going to new committees, have those committees ratified and the chairmen and ranking members selected. That is what I believe the Senator from Texas was saying.

I do not have the exact facts in front of me, but I understand this is the latest, certainly in recent Congresses, after the beginning of a Congress that we have, in effect, ratified the results of the election.

Last Tuesday, the Senator from Minnesota was sworn in. It has been almost a week; he is not on a committee yet. We do not have any committee chairmen. It is not enough to suggest that the minority ought to hold the hearings about which the Senator from Texas was talking. The minority does not hold hearings; the majority does. That is the tradition of the Senate. That tradition should be honored, and we should not delay passing the committee resolution pending the outcome of this ongoing discussion about what the committee funding ratio should be.

I think the Senator from Texas makes a compelling and irrefutable point about the need to start doing the people's business. We did not pass 11 of the 13 appropriations bills last year. They have not been done yet. We cannot have a meeting of the Appropriations Committee to get started on trying to pass those 11 bills because we do not have a chairman. The committees have not been organized. Let's at least get that job done, as the Senator from Texas points out, and we can continue—I assume at the rate we are going indefinitely—to discuss what the appropriate funding ratios should be.

We are holding up the people's business. We are not honoring the results of the election Tuesday, November 5. We need to get on with it, and tonight or tomorrow would be a good time. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE REORGANIZATION

Mr. REID. Mr. President, I know the majority leader is on the floor and I will be very brief.

A couple of times this afternoon people have talked about the 11 appropriations bills that did not pass last year, but the RECORD should be spread with the fact that the Senate completed its work on the appropriations bills. We reported every bill out of committee, but even before the summer hit the House closed down and would not send us any bills. So that is why the appropriations bills were not passed.

We did everything we could to try to get those bills passed and the Republicans in the House simply would send us no bills. We asked the White House, we asked the Republican leadership and they simply would not help us, so we were not to blame for the bills not passing. That was something that was done by the Republicans in the House and in the White House.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I will take a moment and update Members of the status of the committee resolution. I know we have had a discussion and some debate of this on the floor, both in the last hour and earlier today.

I will reassure my colleagues that we have been working in good faith to try to resolve the outstanding issues which would allow us to go forward and do something that is very fundamental to the operation of this body, in fact necessary for us to go forward with the nature of the business. It is what the Senate is all about.

We do have 11 new Senators who simply are not on committees, who do not have the opportunity to fully participate in that process as we look at the issues surrounding us, whether it is war, homeland security, or the funding of the appropriations bills that were just mentioned.

I remind my colleagues on both sides of the aisle that normally this so-called committee resolution is adopted in the first day or two of the session with very little fanfare. Again, we are talking about after an election, when there is a clear-cut majority based on that election, that we appoint the committees and their chairmen, which is really what we are talking about. That allows us to proceed with the important business before the Senate.

It was mentioned earlier in the day that the precedent has been set to go beyond what we would like to do and that is address committee membership so that we can begin with the hearings and the discussion. It was mentioned that the precedent has been set that we include a range of other issues, such as committee funding and space. I remind my colleagues—and I have had an opportunity to do that with a number of them today but not everybody—that the precedent in Congress after Congress, when we begin with a clear-cut majority based on elections, is the traditional practice of limiting these resolutions, usually carried out in the first couple of days, of naming committee members.

Some Members have mentioned the agreements of the 107th Congress as the precedent or the basis where we have to consider all of these other issues. Let's not forget that the 107th Congress was a unique Congress, unlike the Congresses before, in that in that Congress we had 50–50, something that neither side had fully addressed or thought about because it had not occurred in a generation or so of this body.

That being the case, and very appropriately, this committee resolution did address other issues such as space and the other issues that were mentioned today. But it is not 50–50 beginning this Congress. This is not the 107th Congress; it is the 108th Congress. The American people spoke very clearly in the most recent elections and provided for a majority—yes, in this case a Republican majority.

Again, I hope we can proceed. I think we have made real progress in all of our discussions, but now is the time we need to come together and get on with the Nation's business. Therefore, I hope we can proceed in the traditional manner that when we begin a Congress and there is a clear-cut majority based on the elections that we pass the committee resolution, establish the committee membership and their chairmanships and move towards working on the issues that are important to the American people: security of the homeland; we have important nominations that have to do with homeland security. Until we get the committees actually set up and established, Members, such as the Member occupying the Chair, do not sit on any committees and cannot fully participate. They cannot vote because they are not on that committee yet. That applies to the appropriations bills as well.

We are trying to finish the business from the last Congress, which because of the indecision and a whole range of issues we were not fully able to address in the 107th Congress. Now we are working very hard, in a bipartisan way, on these so-called appropriations bills or spending bills. The American people at this juncture really expect no less of us. If it is not confusing now, it is going to get very confusing as to why we cannot even name the committees and their chairmen.

The American people do not want a continuation of an inability of this body to function, to carefully consider the appropriations bills and the nominations through the committee structure.

I have been keeping an open mind and in truth have really encouraged Members on our side of the aisle to not come out and say we should move forward because we are in the majority. I have encouraged them to sit back and let the negotiations continue. Over the last 7 days, we have addressed this whole range of issues and have felt obligated to extend, at least in our discussions, beyond just naming the committee members and chairmanships and to talk about space. We talked at length about other committees and the way particular committees should be organized and the space both within the Capitol and among the committees.

We have worked in good faith and we have worked productively on a whole range of issues.

Having said that, we need to proceed with the business of the Senate, and what I have observed today is that we are unable to adequately address appropriations, the nominations for the Treasury which the President has addressed and the 31 nominations of the judiciary, with vacancies around the country, which we really cannot address until we do something very simple, and that is appoint who is on the committees, which we have already decided, by the way. The American people should know we have already decided who is going to be on these committees and who the chairmen are.

Having said this, I need to put everyone on notice that if an agreement is not reached shortly—and we will be working through this evening as we have throughout the course of today—if we do not reach an agreement shortly—and by that I mean very soon, very soon—I will be moving forward with the committee resolution. The resolution is simple: That is, who is on the

committees, which has already been decided, who those chairmen are.

This may or may not delay the consideration of the appropriations package of fiscal year 2003. My goal had been that we do what is normally done in the Congress in the first several days: Appoint committee chairmen and systematically address the appropriations bills left over from last year. Now we are 1 day into this week and we have not made progress sufficiently in negotiations to be able to appoint those committees. I am beginning to think we are not going to be able to complete those appropriations bills this week—again, business left over from the last Congress.

In any event, the Senate will not adjourn for a recess next week unless and until the Senate completes these two items. The very basic one, appointing who is on committees, that has already been decided. Again, we need to come to that very quickly. The other item is the appropriations. Great progress has been made. But until we have the committee structure in place, we have a chairman at that juncture and we have 11 Senators, who have been duly elected, able to participate in that process, as I have said previously, we will remain in session to get our work done. What we will do if we do not make adequate progress is return next week, on Tuesday, after the holiday and remain in session each day and evening until we can complete both of these must-do items.

I yield to my colleague.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I appreciate the distinguished Republican leader, the majority leader's explanation to the Senate as to the current circumstances involving the organizing resolution. I have been through a number of these resolutions over the time that I have had the good fortune to be leader. I share his view that oftentimes these matters do not require a great deal of attention. I wish this would not require the time that it has. I am very hopeful we can resolve these matters. He and I have talked. Our staffs have talked. He has consulted with his chairs. I have consulted with 9 Democrat ranking members, currently the chairs, because they are the chairs until a new resolution has been incorporated. I have said on several occasions, to him personally as well as to my colleagues, that I will do all I can to see if we can find a way to resolve the matter.

Let me respond to a couple of things on which the distinguished majority leader commented. First of all, while there have been occasions when a two-thirds/one-third funding breakdown has been the order of the organizing resolution, in the last Congress, in the 107th Congress, there were 51 Democrats and 49 Republicans. As he noted, it started at a point where there were 50 and 50. As we negotiated the resolution under a 50–50 Senate, we attempted to address what happens when you have membership in committees that is equal. We came to the conclusion that there is a significant budgetary, a significant practical space consideration to be given when you have membership on committees that close. There are times when, obviously, the disparity between the two parties and membership would reflect a need that also is commensurate budgetarily and in space, but with a 51–49 or a 50–50 Senate, clearly the budgetary, the staffing, the space questions become more relevant. That was really what our discussions were when we moved from 50–50 to 51–49 last spring. In fact, I would say as I negotiated with, I believe, five senior members of the Republican caucus, the issue of funding and the issue of space were not even at question. At that point, it was more a question of a blue slip and a number of other what I call extraneous matters that we attempted to resolve: How do we deal with judgeships? How do we deal with the question of a blue slip; that is, a Senator's prerogative to sign off on a nominee before it comes before the committee. That was the subject of discussion—not the funding, not the space.

So it was after several weeks of negotiation—and I emphasize weeks, not days—that we had to move back the time that officially we became the majority on committees by about 6 weeks. During that time, obviously, I would have preferred to have moved much more quickly, but we were unable to do that—again, not because of space and not because of budget but because of the question of blue slips.

When we did pass the resolution with a 51–49 breakdown in the Senate, we passed it with a recognition that those budgets and that space and those questions pertaining to membership on committees were as relevant with 51 Senators as they were when we had 50 Senators.

So the Senate established a precedent that was practical, that was in keeping with the functional responsibilities of the two parties and each committee. Again, I would emphasize, it passed unanimously, 51 to 49, virtually equal budgets, with an administrative bonus for the chairman to be allocated as that particular chair and ranking member saw fit. We lived under that resolution. It worked.

Now we have the reverse, the mirror image of that, 51–49, the same breakdown we had just a month ago. Yet some of our Republican colleagues are saying they want a budget that is dramatically different, a huge disparity, once again, between the Republican funding and the Democratic funding. If it was good for both parties in the last Congress with 51–49, we are simply saying it is good for this Congress. We are prepared to go to work tomorrow. We are prepared to move this legislation, and I want very much to work with my Republican colleagues and the majority leader to take up these priority matters. In fact, I said last week to the President, we do not need a new organizing resolution to do the work of the Senate. Sure, it would accommodate the new Senators, and we would like very much to get that done. But the Senators heard what I heard from the President just last week at our meeting. The President said it is urgent we move these nominations. It is urgent we take up some of these priorities. I indicated at that time we would be more than happy to move these nominations.

The Snow papers just arrived today, so it is not the fault of the Congress that we have not been able to hold hearings or confirm the Snow nomination. But with regard to all nominations, the Ridge nomination was supposed to be the subject of hearings tomorrow. I understand that was canceled. I am disappointed, in spite of the urgency expressed by the administration; their unwillingness to move ahead with the hearings sends a conflicting message with regard to just how urgent it is. We are prepared with whatever circumstances to deal with the nomination and to deal with these issues.

It is hard for me to understand the logic or the rationale for reversing what was done unanimously not once but twice in the 107th Congress, which was done in a way that reflected the balance in committees, reflected the functional and practical needs of the committees. That is all we are asking now. If it was good enough for a 51–49 Senate a month ago, it ought to be good enough for a 51–49 Senate today.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. MCCONNELL. Mr. President, I would say to my good friend, the Democratic leader, I was one of those five Republican Members who were appointed by Senator LOTT to discuss with you how we would go forward in the wake of Senator JEFFORDS' decision to leave us and to come over to your side. Your recollection is entirely correct. The reason for the delay was a discussion of how to handle the judges and the whole blue slip policy.

But on the issue of staffing, my recollection is the reason we had almost no discussion of that is that we didn't want to, in the middle of a Congress, disrupt the lives of a number of staff members on both sides who had signed on for 2 years. I think we all believed this was such an extraordinary circumstance, we didn't want to be sending out pink slips a mere 5 or 6 months into a new Congress since a lot of people had been hired for the Congress and were depending on this for a livelihood.

So my recollection of the reason we spent little or no time talking about changing the staffing was the compassionate decision, bipartisan compassionate decision, not to disrupt the lives of a great many members. I had no recollection that we discussed this to be sort of a permanent notion about how we would handle a 51–49 Senate at the beginning of a Congress. I have no recollection of that.

I just thought I would add my own thoughts to the Democratic leader's, having been a part of that discussion.

Mr. DASCHLE. Mr. President, if I could just respond quickly, and I don't want to belabor this, but I would say actually that was my belief, too—that we wanted to hold our Republican colleagues harmless, if you will, if that is the right phrase; in other words, to accommodate their staff.

But I think that the logic, again, ought to be extended. If that was the case, that we wanted to show some compassion for staff, we wanted to send a clear message about our intent to work in a meaningful and a bipartisan way, it would seem to me under a 51–49 Senate last time we made the decisions that the Senator from Kentucky has noted; we did so with an understanding about the disruption it would cause.

That isn't my first concern in this case, but it is a concern. I would think those staff would have every bit as much of an expectation now that they had a year ago—I guess it would be 2 years ago, in May—that certainly some continuity, some degree of certainty under these circumstances could be expected, given what we did before.

So I appreciate very much the Senator commenting. We will have more to say about it as time goes on.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I am ready to close. Let me yield 3 minutes to my colleague from Texas.

Mrs. HUTCHISON. Mr. President, I would just like to ask a question. We are sitting here talking about percentages and funding of committees. Why can't we just agree to set up the committees, appoint the chairmen, let them function, and decide on the percentages later? The people of America deserve for us to do their business. We have been organized for a week, but we don't have committees functioning and we don't have chairmen. The idea that we would sit here and hold the entire Senate, all the employees here, when we cannot have committee meetings and begin to do the work, just doesn't pass the smell test. I mean it is just ridiculous.

So I would ask the distinguished leaders on the Democratic side if they would allow us to draw up a resolution tonight—we could do it in 30 minutes—organize the committees, let us appoint the chairmen, and we can talk about the funding later. We can agree that we will go forward. Since the appropriations bills have not been passed and the legislative branch is operating on the 2002 budget, let's go forward and organize, and we can deal with the money later. That is what I ask.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I just want to close and say that we have worked together, both sides of the aisle, aggressively over the last week. I do believe it is time for us to, as much as possible, bring this to a close, at least in terms of getting our committees set up and running.

I am ready to close unless my colleague has anything to add.

Mr. REID. I would just briefly say to the leader—I appreciate his courtesy in allowing me to speak—we waited 6 weeks last time. I was part of the wait. I understand how long it took. It may have been over blue slips or something else, but still the organizational resolution was held up for 6 weeks. I hope that isn't the case this time. I hope we can work it out more quickly. There has been a lot of debate on both sides. It has clearly been spread on the record of the Senate what the respective positions of both sides are.

Mr. FRIST. Mr. President, in closing, we have a lot of work to do. We got off to a good start last week with the unemployment insurance. We are making progress in terms of negotiations. But—and I mentioned this a few moments ago—the two issues that we have to address, as we look forward to this potential recess 8 or 9 days from now, are: The basic organization of the Senate, simply getting the committee assignments made; second, appropriations: And if we do not complete them, we will be back during the week, after the holiday.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 25, 2001 in Dumfries, VA. Two Afghan-American teenagers were beaten by a group of attackers. Police said that April Scruggs, 42, and her son, Jarvis Berkley Wilhoit, 19, had been taunting the victims for more than a month prior to the beating. Wilhoit and a group of friends approached the victims, who are brothers ages 16 and 17, and began hitting them. Scruggs joined the fight and hit the 17-year-old in the head with a wrench.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

INVESTORS ARE KEY TO ECONOMIC GROWTH

Mr. KYL. Mr. President, on January 7, I reintroduced the ''Contract with Investors,'' which proposes a number of changes to the tax code to spur investment and encourage economic growth and job creation.

Investment, especially by individuals, is the lifeblood of the U.S. economic system. They key to fostering robust economic growth, rather than the anemic growth we are seeing right now, is to eliminate the disincentives, the high tax rates, that discourage individuals from investing. Once individual investors return to the stock markets, or are encouraged to start up, or invest in existing, small businesses, we will get the growth that creates new, good jobs.

The first element of my proposal repeals from the 2001 tax-relief law the sunset provision that was required by arcane Senate budget rules. The prospect of taxes reverting back to their 2001 levels in 2011 sends a signal to businesses and investors that tax increases are in their future, and this dampens investment. Furthermore, a dramatic tax increase in 2011 will devastate our economy.

Next, I propose to accelerate the remaining marginal rate reductions from the 2001 law, moving the 2004 rate reductions to this year and the 2006 reductions to 2004. Lowering these rates benefits all taxpayers, and is the key to encouraging individuals to invest and take the economic risks that will create jobs. In our progressive income tax system, the marginal rate is the rate at which a person's last dollar of income is taxed. This means that a person who works harder and longer and earns more has those additional earnings taxed at the highest rate for which he or she qualifies. Reducing marginal rates encourages taxpayers to work harder and longer because they will not be taxed as much on that extra income. On the same principle, it makes sense to accelerate the planned tax-rate reductions. Phased-in reductions give taxpayers an incentive to put off income-producing activity into the future, when rates are scheduled to be lower. Accelerating the reductions gives taxpayers the incentive to engage in that income-producing activity immediately.

This also gives quicker relief to small businesses, which are typically taxed not at corporate, but at individual rates. Small businesses account

for most new jobs and half of the output of our economy. Currently, the maximum income tax rate for C corporations is 35 percent; once the individual rate cuts are fully implemented, the top tax rate for individuals will also be 35 percent, instead of the current 38.6 percent. This will eliminate a penalty unfairly imposed on small businesses and enable them to expand and employ more workers.

The next element of my plan accelerates to 2005 repeal of the death tax, the estate and generation-skipping transfer taxes. The death tax is unfair and counterproductive and it must be permanently eliminated. A 1998 study by the Joint Economic Committee concluded that the existence of the death tax during the last century has reduced the amount of investors' capital in the economy by nearly half a trillion dollars. The same study estimates that, by repealing the death tax and putting those resources to better use, as many as 240,000 jobs could have been created over seven years and Americans would have had an additional $24.4 billion in disposable personal income.

In 2001 testimony before the Senate Finance Committee, Dr. Wilbur Steger, the president of Consad Research Corporation and a professor at Carnegie Mellon University, testified that immediate repeal of the death tax would provide a $40 billion automatic stimulus to the economy, based on estimates of the amount of net unrealized capital gains that would be ''unlocked.'' Many Americans choose to hold on to their assets until death in order to obtain for their heirs a ''step-up'' in basis. Getting rid of the death tax will encourage Americans to sell assets before death, hence my term ''unlocking.'' Repeal also removes the strongest disincentive to business investment and expansion that faces older business owners. After all, why would people in their golden years expand their businesses, when the federal government is poised to confiscate a large share upon their death?

Under current law, the death tax will go down to zero in 2010 but reappear thereafter, at exorbitant 2001 levels, thus adding significant complexity to future death tax planning, increasing costs that are a drag on economic activity, and retreating from a principled rejection of this unfair tax. This is unacceptable. Until the death tax is gone, family business, farms and ranches must still pay for expensive life insurance policies, death tax planners, and tax attorneys. These expenses, wasted resources that could be put to much more productive use, total more than $12 billion a year, according to Consad Research Corporation. My bill would, as I said, permanently repeal the death tax in 2005, thus allowing all Americans two years to plan for a future in which the federal government no longer taxes the death of its citizens.

The Contract with Investors also addresses capital gains. It provides for maximum taxation of individual capital gains at a rate of 10 percent, which is half the current rate. Ideally, this tax should go the way of the death tax. The capital gains tax is a form of double taxation that penalizes risk-taking and entrepreneurship. Short of eliminating this tax, a solution endorsed by many economists, including Federal Reserve Chairman Alan Greenspan, Congress must enact a substantial and permanent reduction in the capital gains tax rate to stimulate new investment and more productive use of resources for both the short-term health of our economy.

According to a recent study by the American Council for Capital Formation, American taxpayers face capital gains tax rates that are 35 percent higher than those paid by average investors in other countries. Furthermore, the United States is one of a small number of countries that requires a holding period for an investment to qualify for preferential capital gains treatment. Reducing the capital gains rate will promote the type of productive business investment that fosters growth and creates high-paying jobs. Lowering rates will aid entrepreneurs in their effort to make advances in products, technologies, and services that people want and need.

The fifth component of the Contract with Investors modernizes the capital loss limitation of the tax code by increasing the amount of capital loss an individual may deduct against ordinary income from the current $3,000 to $10,000, and by indexing this amount for inflation. The capital loss limitation was set arbitrarily more than 25 years ago, and would have grown to $10,000 if it had been indexed for inflation when enacted. Modernizing this provision will allow investors to move out of unproductive assets or unfavorable investments, and use the profits to reinvest, save, or spend, as they choose.

My bill also encourages savings. It accelerates the increase in amounts that may be contributed to certain tax-qualified retirement savings plans, and raises the age at which mandatory distributions must begin. Increasing the annual, maximum individual retirement account, IRA, contribution to $5,000 and the annual, maximum 401(k) plan contribution to $15,000 will enable American workers to save more for the future by investing in businesses. Increasing from 70.5 to 75 the age at which seniors must begin making annual withdrawals from this tax-deferred retirement accounts will allow seniors who are approaching this arbitrary age to choose whether to maintain their investments, rather than being forced to divest.

Finally, the Contract with Investors eliminates the double taxation of dividends by excluding from gross income 100 percent of dividends received by individuals. Currently, corporations pay income taxes on their profits. Their investors are forced to pay income tax at the highest marginal rate applicable on amounts that corporations distribute to them in the form of dividends. The National Center for Policy Analysis has calculated that the combined tax rate on corporate profits is approximately 60 percent.

My bill will eliminate the tax imposed on individuals receiving dividends from domestic C corporations, which will produce higher returns on dividend-yielding equity investments. It will also remove the disincentive for corporations to pay dividends and put equity financing on the same tax-footing as debt financing. Eliminating the tax bias against equity will improve corporate governance at a time when the public is demanding better practices at American firms. It will reassure investors who may be concerned about companies taking on too much debt or making unwise or unnecessary investments with excess cash. Eliminating the double taxation of dividends will, like the other elements of my plan, encourage investment and foster economic expansion.

Finally, I have included five provisions under ''Sense of the Senate'' language. I believe that the Senate must act on these issues and I stand ready and willing to assist my colleagues in solving these problems.

First, Congress should pass legislation to safeguard American workers' pension and retirement accounts. Last Congress, the Finance Committee unanimously passed out of committee such a bill. The Senate and the House of Representatives should act quickly to pass similar legislation as soon as possible.

Second, Congress should modernize this country's international tax provisions to permit U.S. companies to better compete internationally. Our tax code places U.S. companies and the investors who own them at a distinct competitive disadvantage. Congress must modernize these provisions and move towards ending the current practice of taxing profits earned outside the boundaries of the United States.

Third, Congress must take the trouble to purge redundant, outdated, and unscientific regulatory burdens on investors and U.S. companies. Congress is quick to pass onerous new laws but slow to repeal them. This is an abdication of our responsibility as legislators. Before placing new burdens on investors and businesses, Congress should be required to perform a cost-benefit analysis and institute performance criteria to evaluate these new burdens on U.S. businesses and investors.

Fourth, Congress should enact meaningful tort reform as soon as possible.

Finally, Congress should enact meaning tax reform that simplifies the Internal Revenue Code and reduces the

depreciation recovery periods that businesses are forced to use to recover the cost of capital investments.

Now is the time for bold action. A ''Contract with Investors'' is long overdue. I have laid out my principles. I look forward to future hearings and discussions with my colleagues. It's time to get working.

ADDITIONAL STATEMENTS

RETIREMENT OF GUY COATES

• Ms. LANDRIEU. Mr. President, I rise today on behalf of myself, Senator BREAUX, and the entire State of Louisiana to pay tribute to a real Louisiana legend, Guy Coates.

For the better part of 40 years, Guy Coates has reported on all aspects of Louisiana politics and State news. Guy Coates started his journalistic career as a reporter for KNOE–TV in Monroe and KSLA–TV in Shreveport. He joined the AP in 1968 in the New Orleans Bureau and moved to Baton Rouge in 1973. Guy became the bureau chief in Baton Rouge in 1991. He is currently the dean of Baton Rouge Press Corps.

Mr. Coates has a long and distinguished career as one of Louisiana's finest reporters. Guy covered his first governor, Jimmie Davis, in 1962 at a ground-breaking for Toledo Bend Lake. He covered his first legislative session in 1965 when John McKeithen was governor. For the AP, Coates has been involved in coverage of the New Orleans sniper; the 1973 constitutional convention; the Luling ferry disaster; various racial demonstrations; the big '73 flood; every statewide political campaign and election since 1968; GOP and Democratic National Conventions; Apollo 14; the Louisiana visit of Poe John Paul II; executions at Angola; the Oakdale prison riots; and he was the only reporter invited to the marriage of Edwin Edwards and Candy Picou. Guy served as a witness to history for all of us when he was the only AP reporter on the Gulf Coast during the landfall of Hurricane Camille in 1969.

Guy was perhaps best known for his alter ego, Jethro. As one reporter and colleague of Guy put it, Guy ''was unique among AP writers for his political column, which included the homespun, irreverent observation of his fictional friend, Jethro.'' In Guy's final column, today, he writes, ''So, it's time to join my old column soul mate, Jethro Rotheschild, who retired to our make believe world in the garage a few years ago.'' The entire State of Louisiana is going to miss the poignant insights into the political arena that made his opinion invaluable in any Louisiana political discourse.

I know that my colleague, Senator BREAUX joins me in wishing Guy and his wife Jonica McDaniel many happy years together in whatever endeavors they choose to pursue. Louisiana is losing one of our finest reporters, and we are better off having had him report on our State, Nation and the world.•

HONORING DON COOK

• Mr. JOHNSON. Mr. President, I am saddened to report the passing of one of South Dakota's most exceptional public leaders, Don Cook.

Don Cook was a widely respected representative, political strategist, and long time leader in the South Dakota Democratic Party. He was greatly admired by his peers for his dedication to his community and local concerns. A principle figure in the State party, Don served as State Central Committeeman and Vice Chairman, as well as a delegate to the Democratic National Conventions in 1992 and 2000. His tremendous contributions to the community and public leadership set him apart from other outstanding South Dakotans.

Born in 1920, Don joined the U.S. Army in 1942 and served with General George Patton's Army in Europe where he was awarded the Bronze Star and five Battle Stars. A native of Missouri, Don moved to South Dakota 40 years ago, where he and his wife Maxie ran a very successful feed and seed business in Huron. They had two children, a daughter Connie and son Sid, who recently preceeded his father in death. An active member of the community, Don was a participating member of the First Presbyterian Church, the Huron Country Club, Yel Daz Shrine, American Legion, VFW, and the Huron Chamber of Commerce.

Like fellow Missouri native, President Harry Truman, Don was described as a regular guy who did not mince words. He was a staunch and determined political fighter, who unselfishly lent his support to many local politicians. A man of action and passion, Don made things happen and those around him proud to know him. His influence on South Dakota's political development is extraordinary, and extends here to our Nation's capital. He was a friend and supporter of both Senator DASCHLE and myself, both as State legislators and as representatives in Washington, D.C.

Through his outstanding community involvement and political activism the lives of countless South Dakotans were enormously enhanced. His work continues to inspire all those who knew him. I am proud to have been a friend of Don Cook. Our Nation and South Dakota are far better places because of his life, and while we miss him very much, the best way to honor his life is to emulate his commitment to public service and to his community.•

IN MEMORY OF EDWARD PIOTROWSKI

• Mr. KOHL. Mr. President, over the weekend one of my constituents, Edward J. Piotrowski, passed away. This eulogy was written by his son, Steve, a long time and greatly valued member of my State staff. Steve's words speak for themselves, but I would just add that Steve and his father are not at all average, but extraordinary citizens and contributors to the State of Wisconsin and the Nation.

The eulogy follows:

AN AVERAGE AMERICAN

An average American died today. His death did not make the evening news. Only his friends and family noticed his death. His death was unremarkable as was his life. Yet, his passing lessens us all a little bit.

He was the son of Polish immigrants. He grew up on a farm in Central Wisconsin. He attended a school that was taught in Polish, and he only had an eighth-grade education. Yet, he was a smart man, and he was a kind and gentle man. He cared about other people and knew that part of his obligation in life was to help make his community a better place. He cared deeply about his family, his community, his church and his country. He never aspired to greatness, he only wanted to work hard and make life better for his family and community.

His was a simple life. He worked hard from the time he was young as one of thirteen children helping his family on the farm. He came of age during WWII, and in spite of the fact that he had and could have maintained a farm deferment, he volunteered to serve his country during the War. He was initially trained as an infantryman, but was then transferred to the Army Air Corps where he became a nose gunner on a B–24. He was scheduled to ship to the European theater of operations when one of his crewmembers was killed in a training accident. The Army broke up the crew and reassigned and retrained them. He was on his way to the Pacific when the war ended. I believe that he always regretted that he never got the opportunity to test his courage in combat but was also grateful that he along with his brothers made it home alive and well.

Shortly after the war, he met my mother and they married and began the process of raising their family. Eventually they had six children, and suffered through the loss of their first daughter at the age of two. He drove a semi-truck for nearly 20 years after the war. It was a good way to earn a living, but caused him to have to spend a great deal of time away from his home and family. He eventually decided to run his own business, a small service station in his small hometown. He loved to build and fix things, and this business, while trying at times, allowed him many opportunities to do that. After a while the changes in the service station business convinced him to look for work that better suited his skills and abilities.

He found a job as a carpenter; his life-long hobby was now also his occupation. He had a talent and dedication for wood working that was amazing. His ability to turn raw lumber into beautiful furniture and useful items was inspiring. He loved to spend his time in his workshop building furniture for his family and friends. He usually made his furniture only for friends and family, and he never charged anywhere near what his skills and labor could have demanded. He just wanted to create useful and beautiful things for others to enjoy. He donated his creations to his

church and the community for their use and as items in various fundraisers.

He was not a man that showed his emotions easily. Like most men of his generation, he was taught to be stoic and composed in all situations. Yet, he showed his love for his family in so many ways every day. When his boys were young, go-carts were all the craze. He found an old Nash Rambler and using parts from the body and frame of the car, his own ingenuity, and his skills with wood working and welding, he built the boys a go-cart with a hood and seat and working lights. It was a rather funny looking little vehicle, but it gave the boys hours and hours of pleasure racing around the farm fields and yards.

When we moved off the farm and into town, there wasn't a place for us to play baseball. The only ballpark in town was set up for softball, and the river ran right behind the short left field fence causing us to lose many baseballs. He, along with a number of other fathers, talked to a man who owned an unused farm field on the edge of town and got permission for us to build a ball field. Using only their garden roto-tillers and hand tools, he led the fathers and boys in building, seeding and leveling a very useable ballpark for us kids. It was maintained and used for years by the kids in Amherst as a ballpark.

He also worked to fulfill the dreams of his daughters. He spent many hours building a dollhouse for his second daughter. It challenged his skills to work in such a small scale. Because she wanted it, he built it for her using left over materials from his home remodeling projects. She has that dollhouse in her home today. His last daughter wanted a playhouse. He built her one that many would have considered a starter home in early days. She still has the miniature cupboards and kitchen cabinets from that treasured play area.

For many years he was a member of the volunteer fire department. He regularly volunteered to help out with community improvement projects bringing his skills and work dedication to help make his hometown a better place. He always was willing to help his church, friends and family. He was a member of the local American Legion for many, many years. He always marched in the Memorial Day parade, and was especially proud when he was selected to be the flag bearer for the parade. Last year, in spite of the cancer that was slowly destroying him, he again was in the parade. He did make the concession to ride in the pick-up truck rather than march because of his loss of strength. He epitomized the dedication of a citizen that is necessary to make a city a true community.

Our father was never recognized as a celebrity. In fact, if you met him on the street, he would have appeared to be just an average American. In all so many ways he was just an average American, but he was the type of everyday American we need. He worked hard. He cared about his family and community. He gave of himself to help others and to make his small part of the world better. Most of all he set an example for his children, an example of what it takes to be a good person and to succeed in life by taking care of those things that really matter. As we got older we tried to let him know how well he had done in raising us and how much he meant to us. I don't think I could ever truly express to him how much he taught me by his example and his everyday kindness.

Edward J. Piotrowski, known to your family as Pops from the time we boys felt too old to call you daddy, you will be deeply missed. I hope that when you died you understood that we were proud to call you ''Pops''. I also hope that I can someday be considered as good a citizen of our great country as you were.

With love and respect, your children.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the order of January 7, 2003, the Secretary of the Senate, on January 10, 2003, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 11. An act to extend the national flood insurance program.

Under the authority of the order of January 7, 2003, the enrolled bill was signed by the President pro tempore (Mr. STEVENS) on January 10, 2003.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–271. A communication from the Assistant Secretary, Bureau of Indian Affairs, transmitting, pursuant to law, the report of a rule entitled ''Arrangement with States, Territories, or Other Agencies for Relief of Distress and Social Welfare of Indians'' received on December 16, 2002; to the Committee on Indian Affairs.

EC–272. A communication from the Acting Director, Office of Regulatory Law, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Vocational Training for Certain Children of Veterans—Covered Birth Defects and Spina Bifida'' received on December 12, 2002; to the Committee on Veterans' Affairs.

EC–273. A communication from the Chairman, Federal Election Committee, transmitting, pursuant to law, the report entitled ''FEC Policy Statement: Interim Reporting Procedures'' received on November 25, 2002; to the Committee on Rules and Administration.

EC–274. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Dental Devices; Classification for Intraoral Devices for Snoring and/or Obstructive Sleep Apnea'' received on December 12, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–275. A communication from the Director, White House Liaison, Office of Educational Research and Improvement, Department of Education, transmitting, the report of the elimination of the position of Assistant Secretary, received on December 12, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–276. A communication from the Director, White House Liaison, Office of Educational Research and Improvement, Department of Education, transmitting, the report of the creation of the position of Director, Institute of Education Sciences, received on December 12, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–277. A communication from the Director, White House Liaison, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, the report of nomination confirmed for the position of Assistant Inspector General, Department of Education, received on December 12, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–278. A communication from the Acting Assistant General Counsel, Division of Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Title I—Improving the Academic Achievement of the Disadvantaged'' received on December 2, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–279. A communication from the Deputy Assistant Secretary for Program Operations, Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Prohibited Transaction Exemption 97–11'' received on December 12, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–280. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Possession, Use, and Transfer at Select Agents and Toxins'' received on December 9, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–281. A communication from the White Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, received on October 9, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–282. A communication from the White House Liaison, Office of the Inspector General, Department of Education, transmitting, pursuant to law, the report of the designation of acting officer for the position of Inspector General, received on October 9, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–283. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Ear, Nose, and Throat Devices; Classification of the Transcutaneous Air Conduction Hearing Aid System'' received on December 1,

2002; to the Committee on Health, Education, Labor, and Pensions.

EC–284. A communication from the Regulations Coordinator, Center for Medicare Management, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2003 and Inclusion of Registered Nurses in the Personnel Provisions of the Critical Access Hospital Emergency Services Requirement for Frontier Areas and Remote Locations (RIN0938–AL21)'' received on January 2, 2003; to the Committee on Finance.

EC–285. A communication from the Secretary of Education, transmitting, pursuant to law, the report relative to the follow-up, required by Section 6(b) of the Federal Advisory Committee Act, on the report entitled ''The Power of the Internet for learning: Moving from Promise to Practice'' received on December 1, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–286. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–287. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Advance Reimbursement of Medical Expenses (Rev. Ruling 2002–80)'' received on December 2, 2002; to the Committee on Finance.

EC–288. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling 2002–83—Related Party Like-Kind Exchanges'' received on December 2, 2002; to the Committee on Finance.

EC–289. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Overpayments from a qualified plan'' received on December 2, 2002; to the Committee on Finance.

EC–290. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''RAP & RENT/SUPP PAYMENTS (Rev Ruling 2002–65)'' received on November 7, 2002; to the Committee on Finance.

EC–291. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling 2002–77—Bureau of Labor Statistics Price Indexes for Department Stores—September 2002'' received on November 7, 2002; to the Committee on Finance.

EC–292. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Biodiesel ((RR–136293–02) (Rev. Rul. 2002–76))'' received on November 25, 2002; to the Committee on Finance.

EC–293. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Taxpayer Identification Number Rule where Taxpayer Claims Treaty Rate and is Entitled to an Unexpected Payment'' received on November 25, 2002; to the Committee on Finance.

EC–294. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Information Reporting Relating to Taxable Stock Transactions ((RIN1545–BB40)(TD 9022))'' received on November 18, 2002; to the Committee on Finance.

EC–295. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 2002–76—Disaster Relief Payments by lower Manhattan Development Corporation (Notice 2002–76)'' received on November 18, 2002; to the Committee on Finance.

EC–296. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Statement of Procedural Rules—Freedom of Information Act (RIN1545–AR99)'' received on November 21, 2002; to the Committee on Finance.

EC–297. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—December 2002 (Revenue Ruling 2002–81)'' received on November 21, 2002; to the Committee on Finance.

EC–298. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''CPI Adjustment for Section 7872(g) for 2003 (Rev. Rul, 2002–78)'' received on November 21, 2002; to the Committee on Finance.

EC–299. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''CPI Adjustment for Section 1274A for 2003 (Rev. Rul. 2002–79)'' received on November 21, 2002; to the Committee on Finance.

EC–300. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2003 annual covered compensation tables (Rev. Rul. 2002–63)'' received on November 14, 2002; to the Committee on Finance.

EC–301. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2002 Base Period T-Bill Rate (Rev. Rul. 2002–68)'' received on November 14, 2002; to the Committee on Finance.

EC–302. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Substantiation of Incidental Expenses (RIN1545–BB19)'' received on November 14, 2002; to the Committee on Finance.

EC–303. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Aggregation of Annuity Contracts (Rev. Rul. 2002–75)'' received on November 14, 2002; to the Committee on Finance.

EC–304. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Annual pension plan, etc., cost-of-living adjustments for 2003 (Notice 2002–71)'' received on November 14, 2002; to the Committee on Finance.

EC–305. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Fee Schedule for Payment of Ambulance Services—Update for C42003 ((CMS–1220–N) (RIN0938–AL97))'' received on December 2, 2002; to the Committee on Finance.

EC–306. A communication from the Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Extension of Expiration Date for the Respiratory System Listings (RIN0960–AF76)'' received on November 25, 2002; to the Committee on Finance.

EC–307. A communication from the Staff Director, Commission on Civil Rights, transmitting, pursuant to law, the report relative to state advisory committee being rechartered by the U.S. Commission on Civil Rights (Commission); to the Committee on the Judiciary.

EC–308. A communication from the Staff Director, Commission on Civil Rights, transmitting, pursuant to law, the report relative to the rechartering of the Washington State Advisory committee by the Commission on Civil Rights; to the Committee on the Judiciary.

EC–309. A communication from the Director, Regulations and Forms Services Division, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Retention and Reporting of Information for F, J, and M Nonimmigrants; Student and Exchange Visitor Information System 9(SEVIS)(RIN1115–AF55)''; to the Committee on the Judiciary.

EC–310. A communication from the Director, Regulations and Forms Services Division, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Biometric Border Crossing Identification Cards (BCC's) and Elimination of Non-Biometric BCCs on Mexican and Canadian Borders (RIN1115–AF24)'' received on November 25, 2002; to the Committee on the Judiciary.

EC–311. A communication from the Administrator, Dairy Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the Pacific Northwest Marketing Area—Interim Order—Implementing the amendments to the Pacific Northwest milk order. Has received producer approval. (DA–01–06; AO–368–A29)'' received on November 19, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–312. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Apples; Grade Standards (Doc. Number: FV–98–303)'' received on November 19, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–313. A communication from the Administrator, Tobacco Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tobacco Inspection; Mandatory Grading (RIN0581–AC20)'' received on November 19, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–314. A communication from the Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit (Doc. No. FV02–905–5 FIR)'' received on November 19, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–315. A communication from the Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Walnuts Grown in California; Decreased Assessment Rate (Doc. No. FV02–984–1 FR)'' received on November 19, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–316. A communication from the Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Colorado; Reduction in Membership on the Area No. 3 Colorado Potato Administration Committee (Doc. No. FV02–948–2 FR)'' received on November 18, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–317. A communication from the Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Dried Prunes Produced in California; Decreased Assessment Rate (Doc. No. FV02–993–4FIR)'' received on November 19, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–318. A communication from the Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Kiwifruit Grown in California; Relaxation of Pack and Container Requirements (Doc. No. FV02–920–3 FIR)'' received on November 19, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–319. A communication from the Chief, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a final interim rule entitled ''Sale and Disposal of National Forest System Timber; Extension of Timber Sale Contracts to Facilitate Urgent Removal From Other Lands'' received on December 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–320. A communication from then Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR Part 1710, Demand Side Management and Renewable Energy Systems (RIN0572–AB65)'' received on December 2, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–321. A communication from then Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR Part 1710 and 1717, Exceptions of RUS Operational Controls Under Section 306E of the RE Act (RIN0572–AB68)'' received on December 2, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–322. A communication from the Chairman and Chief Executive Officer, Farm Credit Union, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation (RIN3052–AC12)'' received on December 1, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–323. A communication from the Acting Principle Deputy Associate Administration, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyromazine; Pesticide Tolerance (FRL7274–8)'' received on December 2, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–324. A communication from the Acting Principle Deputy Associate Administration, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus Cereus Strain BPO1; exemption from the Requirement of a Tolerance (FRL7277–3)'' received on November 18, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–325. A communication from the Acting Principle Deputy Associate Administration, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pesticides; Tolerance Exemptions for Active and Inert Ingredients for Use in Antimicrobial Formulations (Food-Contact Surface Sanitizing Solutions)(FRL6824–2)'' received on December 2, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–326. A communication from the Acting Principle Deputy Associate Administration, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyriproxyfen; Pesticide Tolerance for Emergency Exemption (FRL 7281–2)'' received on December 2, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–327. A communication from the Acting Principle Deputy Associate Administration, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyrithiobac Sodium (sodium 2-chloro-6[(4, 6-dimethoxyprimidim-2-yl)thio]benzoate); Pesticide Tolerance (FRL 7279–5)'' received on December 2, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–328. A communication from the Acting Principle Deputy Associate Administration, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Carboxin. Pesticide Tolerance (FRL7282–1)'' received on December 4, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–329. A communication from the Acting Principle Deputy Associate Administration, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Perfluoroalkyl Sulfonates; Significant New Use Rule (FRL7279–1)'' received on December 4, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–330. A communication from the President of the United States, transmitting, pursuant to law, the report relative to militarily significant benchmarks for conditions that would achieve a sustainable peace in Kosovo and ultimately allow for the withdrawal of the United States military presence in Kosovo, received on December 1, 2002; to the Committee on Foreign Relations.

EC–331. A communication from the President of the United States, transmitting, pursuant to law, the report relative to the national emergencies declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) in Executive Order 12808 on May 30, 1992, received on December 4, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–332. A communication from the President of the United States, transmitting, pursuant to law, the report relative to the national emergency with the respect to Burma that was declared in Executive Order 13047 of May 20, 1997, received on December 1, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–333. A communication from the President of the United States, transmitting, pursuant to law, the report relative to the national emergency declared by Executive Order 13222 of August 17, 2001, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, received on December 2, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–334. A communication from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report for a rule entitled ''Housing Choice Voucher Program Homeownership Option; Eligibility of Units Owned or Controlled by a Public Housing Agency (RIN2577–AC39)'' received on November 25, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–335. A communication from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report for a rule entitled ''Housing Choice Voucher Program Homeownership Option: Eligibility of Units Owned or Controlled by a Public Housing Agency; Correction (RIN2577–AC39)'' received on November 25, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–336. A communication from the General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report for a rule entitled ''Final Flood Elevation Determinations 67 FR 67125 (44 CFR Part 67)'' received on December 4, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–337. A communication from the General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report for a rule entitled ''Changes in Flood Elevation Determinations 67 FR 67123 (44 CFR Part 65)'' received on December 4, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–338. A communication from the General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report for a rule entitled ''Changes in Final Flood Elevation Determination 67 FR 65718 (Doc. No. FEMA–B–7431)'' received on December 4, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–339. A communication from the General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report for a rule entitled ''Change in Flood Elevation Determinations 67 FR 67119 (Doc. No. FEMA–D–7531)'' received on December 4, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–340. A communication from the General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report for a rule entitled ''Suspension of Community Eligibility 67 FR 67117 (Doc. No. FEMA–7795)'' received on December 4, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–341. A communication from the General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report for a rule entitled ''Final Flood Elevation Determination 67 FR 67126 (44 CFR Part 67)'' received on December 4, 2002; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DAYTON:

S. 142. A bill to amend the Internal Revenue Code of 1986 to allow medicare beneficiaries an advanced refundable credit against income tax for the purchase of outpatient prescription drugs; to the Committee on Finance.

By Mr. INOUYE:

S. 143. A bill to increase the role of the Secretary of Transportation in administering section 901 of the Merchant Marine Act, 1936, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG (for himself, Mr. HAGEL, Mr. DASCHLE, Mr. CRAPO, Mr. BAUCUS, Mr. BURNS, Mr. DORGAN, Mr. SMITH, Mr. JOHNSON, and Mr. ENSIGN):

S. 144. A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; to the Committee on Energy and Natural Resources.

By Mr. KYL (for himself, Mr. MCCAIN, Mr. SESSIONS, and Mr. BAYH):

S. 145. A bill to prohibit assistance to North Korea or the Korean Peninsula Development Organization, and for other purposes; to the Committee on Foreign Relations.

By Mr. DEWINE (for himself, Mr. GRAHAM of South Carolina, Mr. VOINOVICH, Mr. BROWNBACK, Mr. ENSIGN, Mr. ENZI, Mr. INHOFE, Mr. NICKLES, Mr. SANTORUM, and Mr. FITZGERALD):

S. 146. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence; to the Committee on the Judiciary.

By Mr. DEWINE:

S. 147. A bill to amend title 18 of the United States Code to add a general provision for criminal attempt; to the Committee on the Judiciary.

By Mr. DEWINE:

S. 148. A bill to provide for the Secretary of Homeland Security to be included in the line of Presidential succession; to the Committee on Rules and Administration.

By Mr. DEWINE (for himself and Mr. CRAPO):

S. 149. A bill to improve investigation and prosecution of sexual assault cases with DNA evidence, and for other purposes; to the Committee on the Judiciary.

By Mr. ALLEN:

S. 150. A bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself, Mr. LEAHY, and Mr. BENNETT):

S. 151. A bill to amend title 18, United States Code, with respect to the sexual exploitation of children; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 6, a bill to enhance homeland security and for other purposes.

S. 16

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 16, a bill to protect the civil rights of all Americans, and for other purposes.

S. 17

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 17, a bill to initiate responsible Federal actions that will reduce the risks from global warming and climate change to the economy, the environment, and quality of life, and for other purposes.

S. 99

At the request of Mr. HOLLINGS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 99, a bill for the relief of Jaya Gulab Tolani and Hitesh Gulab Tolani.

S. 101

At the request of Mr. HATCH, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 101, a bill to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

S. 119

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 119, a bill to provide special minimum funding requirements for certain pension plans maintained pursuant to collective bargaining agreements.

S. 120

At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 120, a bill to eliminate the marriage tax penalty permanently in 2003.

S. 125

At the request of Mr. ROBERTS, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 125, a bill to provide emergency disaster assistance to agricultural producers.

S. 138

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 138, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. CON. RES. 1

At the request of Mr. SARBANES, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from South Dakota (Mr. DASCHLE), the Senator from North Dakota (Mr. DORGAN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Con. Res. 1, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself, Mr. HAGEL, Mr. DASCHLE, Mr. CRAPO, Mr. BAUCUS, Mr. BURNS, Mr. DORGAN, Mr. SMITH, Mr. JOHNSON, and Mr. ENSIGN):

S. 144. A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I would like to address an issue of enormous economic magnitude, but one that many are only vaguely familiar with. This issue is extremely important to those of us in the West and around the country because it affects countless farmers, ranchers, public land managers and private landowners, and it literally knows no boundaries.

Noxious weeds threaten fully two-thirds of all endangered species and are now considered by some experts to be the second most important threat to bio-diversity. In some areas in the West, spotted knapweed and thistle grows so dense that big game wildlife are forced to move out of the area to find edible plants. Noxious weeds also increase soil erosion, and prevent recreationists from accessing land that is infested with poisonous plants.

I believe stopping the spread of noxious weeds requires a two pronged effort. First, we must prevent new nonnative weed species from becoming established in the United States, and second, we must stop or slow the spread of the noxious weeds currently present in our country.

I have stood before Congress for a number of years pushing legislation and speaking on the issue of noxious weeds. I know some in the Senate tire of hearing me bring up this issue, but growing up on a farm and ranch in western Idaho, I have experienced the destruction caused when noxious weeds are not treated and are left to overtake native species. Two-thirds of our land in Idaho is owned by the Federal Government. Our Montana, Washington, and Oregon neighbors all have comparable Federal ownership. State and private land borders much of these Federal lands. I have seen the devastation noxious weeds can have when unchecked and not effectively treated or managed largely due to lack of resources.

Because of these problems, during the 106th Congress I introduced and worked to pass the Plant Protection Act. That bill primarily dealt with the

Animal Plant Health Inspection Service's, APHIS, authority to block or regulate the importation or movement of a noxious weed and plant pest, and it also provides authority for inspection and enforcement of the regulations. Basically the bill focused on stopping the weeds at our borders.

Last Congress, along with 16 of my colleagues, I introduced S. 198, the ''Noxious Weed Control Act.'' We held two Committee hearings on the bill, and it passed the Senate in November. Unfortunately there was not time to reconcile the bill with the other body, so we are introducing the legislation again.

To develop the Noxious Weed Control Act, I worked tirelessly with the National Cattlemen's Beef Association, Public Lands Council, and The Nature Conservancy. This legislation will provide a mechanism to get funding to the local level where weeds can be fought in a collaborative way. Working together is what this entire initiative is all about.

Specifically, this bill establishes, in the Office of the Secretary of the Interior, a program to provide assistance through States to eligible weed management entities. The Secretary of the Interior would appoint an Advisory Committee of ten individuals to make recommendations to the Secretary regarding the annual allocation of funds. The Secretary, in consultation with the Advisory Committee, would allocate funds to States to provide funding to eligible weed management entities to carry out projects approved by States to control or eradicate harmful, non-native weeds on public and private lands. Funds would be allocated based on several factors, including but not limited to: the seriousness of the problem in the State; the extent to which the Federal funds will be used to leverage non-Federal funds to address the problem; and the extent to which the State has already made progress in addressing the problems.

The bill directs that the States may use 8 percent of their allocation to fund applied research to solve locally significant weed management problems and solutions. States may also allocate 25 percent of available funding to encourage the formation of weed management areas and to carry out projects relating to the control and eradication of noxious weeds, and 75 percent for financial awards to eligible weed management entities. To be eligible for funding, a weed management entity must be established by local stakeholders for weed management or public education purposes, provide the State a description of its purpose and proposed projects, and fulfill any other requirements set by the State. Projects would be evaluated, giving equal consideration to economic and natural values, and selected for funding based on factors such as the seriousness of the problem, the likelihood that the project will address the problem, and the comprehensiveness of the project's approach to the noxious weed problem within the State. A 50 percent of non-Federal match is required to receive the funds.

The Department of Agriculture in Idaho, ISDA, has developed a ''Strategic Plan for Managing Noxious Weeds'' through a collaborative effort involving private landowners, State and Federal land managers, State and local governmental entities, and other interested parties. Cooperative Weed Management Areas, CWMAs, are the centerpiece of the strategic plan. CWMAs cross jurisdictional boundaries to bring together all landowners, land managers, and interested parties to identify and prioritize noxious weed strategies within the CWMA in a collaborative manner. The primary responsibilities of the ISDA are to provide coordination, administrative support, facilitation, and project cost-share funding for this collaborative effort. Idaho already has a record of working in a collaborative way on this issue, my legislation will build on the progress we have had, and establish the same formula for success in other States.

As I have said before, noxious weeds are a serious problem on both public and private lands across the Nation. Like a ''slow burning wildfire,'' noxious weeds take land out of production, force native species off the land, and interrupt the commerce and activities of all those who rely on the land for their livelihoods, including farmers, ranchers, recreationists, and others.

I believe we must focus our efforts to rid our lands of this devastating invader. Noxious weeds are not only a problem for farmers and ranchers, but a hazard to our environment, economy, and communities in Idaho, the West, and for the country as a whole. We must reclaim the rangeland for natural species. Noxious weeds do not recognize property boundaries, so if we want to win this war on weeds, we must integrate all stakeholders at the Federal, State, local, and individual levels. The Noxious Weed Control Act is an important step to ensure we are diligent in stopping the spread of these weeds. I am confident that if we work together at all levels of government and throughout our communities, we can protect our land, livelihood, and environment.

I urge my colleagues to support this effort.

By Mr. KYL (for himself, Mr. McCAIN, Mr. SESSIONS, and Mr. BAYH):

S. 145. A bill to prohibit assistance to North Korea or the Korean Peninsula Development Organization, and for other purposes; to the Committee on Foreign Relations.

Mr. KYL. Mr. President, I ask unanimous consent that the text of the North Korea Democracy Act of 2003 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''North Korea Democracy Act of 2003''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Under the Agreed Framework of October 21, 1994, North Korea committed to—

(A) freeze and eventually dismantle its graphite-moderated reactors and related facilities;

(B) implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula, which prohibits the production, testing, or possession of nuclear weapons; and

(C) allow implementation of its IAEA safeguards agreement under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) for nuclear facilities designated under the Agreed Framework and any other North Korean nuclear facilities.

(2) The General Accounting Office has reported that North Korea has diverted heavy oil received from the United States-led Korean Peninsula Energy Development Organization for unauthorized purposes in violation of the Agreed Framework.

(3) On April 1, 2002, President George W. Bush stated that he would not certify North Korea's compliance with all provisions of the Agreed Framework.

(4) North Korea has violated the basic terms of the Agreed Framework and the North-South Joint Declaration on the Denuclearlization of the Korean Peninsula by pursuing the enrichment of uranium for the purpose of building a nuclear weapon and by ''nuclearizing'' the Korean peninsula.

(5) North Korea has admitted to having a covert nuclear weapons program and declared the Agreed Framework nullified.

(6) North Korea has announced its intention to restart the 5-megawatt reactor and related reprocessing facility at Yongbyon, which were frozen under the Agreed Framework, and has expelled the IAEA personnel monitoring the freeze.

(7) North Korea has announced its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968 (21 UST 483).

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREED FRAMEWORK.—The term ''Agreed Framework'' means the Agreed Framework Between the United States of America and the Democratic People's Republic of Korea, signed in Geneva on October 21, 1994, and the Confidential Minute to that agreement.

(2) IAEA.—The term ''IAEA'' means the International Atomic Energy Agency.

(3) KEDO.—The term ''KEDO'' means the Korean Peninsula Energy Development Organization.

(4) NORTH KOREA.—The term ''North Korea'' means the Democratic People's Republic of Korea.

(5) NPT.—The term ''NPT'' means the Treaty on the Non-Proliferation of Nuclear

Weapons done at Washington, London, and Moscow, July 1, 1968 (22 UST 483).

SEC. 4. SENSE OF CONGRESS REGARDING THE AGREED FRAMEWORK AND THE NORTH KOREAN NUCLEAR WEAPONS PROGRAM.

It is the sense of Congress that—

(1) the Agreed Framework is, as a result of North Korea's own illicit and deceitful actions over several years and recent declaration, null and void;

(2) North Korea's pursuit and development of nuclear weapons—

(A) is of grave concern and represents a serious threat to the security of the United States, its regional allies, and friends;

(B) is a clear and present danger to United States forces and personnel in the region and the United States homeland; and

(C) seriously undermines the security and stability of Northeast Asia; and

(3) North Korea must immediately come into compliance with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and other commitments to the international community by—

(A) renouncing its nuclear weapons and materials production ambitions;

(B) dismantling its nuclear infrastructure and facilities;

(C) transferring all sensitive nuclear materials, technologies, and equipment (including nuclear devices in any stage of development) to the IAEA forthwith; and

(D) allowing immediate, full, and unfettered access by IAEA inspectors to ensure that subparagraphs (A), (B), and (C) have been fully and verifiably achieved; and

(4) any diplomatic solution to the North Korean crisis—

(A) should take into account that North Korea is not a trustworthy negotiating partner;

(B) must achieve the total dismantlement of North Korea's nuclear weapons and nuclear production capability; and

(C) must include highly intrusive verification requirements, including on-site monitoring and free access for the investigation of all sites of concern, that are no less stringent than those imposed on Iraq pursuant to United Nations Security Council Resolution 1441 (2002) and previous corresponding resolutions.

SEC. 5. PROHIBITION ON UNITED STATES ASSISTANCE UNDER THE AGREED FRAMEWORK.

No department, agency, or entity of the United States Government may provide assistance to North Korea or the Korean Peninsula Energy Development Organization under the Agreed Framework.

SEC. 6. LIMITATIONS ON NUCLEAR COOPERATION.

(a) RESTRICTION ON ENTRY INTO FORCE OF NUCLEAR COOPERATION AGREEMENT AND IMPLEMENTATION OF THE AGREEMENT.—Section 822(a) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(b)(7) of Public Law 106–113; 113 Stat. 1501A–472) is amended to read as follows:

''(a) IN GENERAL.—

''(1) RESTRICTIONS.—Notwithstanding any other provision of law or any international agreement, unless or until the conditions described in paragraph (2) are satisfied—

''(A) no agreement for cooperation (as defined in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014 b.)) between the United States and North Korea may become effective;

''(B) no license may be issued for export directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement;

''(C) no approval may be given for the transfer or retransfer directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement;

''(D) no license may be issued under the Export Administration Act of 1979 for the export to North Korea of any item or related technical data which, as determined under section 309(c) of the Nuclear Non-Proliferation Act of 1978, could be of significance for nuclear explosive purposes or the production of nuclear materials;

''(E) no license may be issued under section 109 b. of the Atomic Energy Act of 1954 for the export to North Korea of any component, substance, or item that is subject to a license requirement under such section;

''(F) no approval may be granted, under the Export Administration Act of 1979 or section 109 b.(3) of the Atomic Energy Act of 1954, for the retransfer to North Korea of any item, technical data, component, or substance described in subparagraph (D) or (E); and

''(G) no authorization may be granted under section 57 b.(2) of the Atomic Energy Act of 1954 for any person to engage, directly or indirectly, in the production of special nuclear material (as defined in section 11 aa. of the Atomic Energy Act of 1954) in North Korea.

''(2) CONDITIONS.—The conditions referred to in paragraph (1) are that—

''(A) the President determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that—

''(i) North Korea has come into full compliance with its safeguards agreement with the IAEA (INFCIRC/403), and has taken all steps that have been deemed necessary by the IAEA in this regard;

''(ii) North Korea has permitted the IAEA full access to—

''(I) all additional sites and all information (including historical records) deemed necessary by the IAEA to verify the accuracy and completeness of North Korea's initial report of May 4, 1992, to the IAEA on all nuclear sites and material in North Korea; and

''(II) all nuclear sites deemed to be of concern to the IAEA subsequent to that report;

''(iii) North Korea has consistently and verifiably taken steps to implement the Joint Declaration on Denuclearization, and is in full compliance with its obligations under numbered paragraphs 1, 2, and 3 of the Joint Declaration on Denuclearization;

''(iv) North Korea does not have uranium enrichment or nuclear reprocessing facilities, and is making no progress toward acquiring or developing such facilities;

''(v) North Korea does not have nuclear materials or nuclear weapons and is making no effort to acquire, develop, test, produce, or deploy such weapons; and

''(vi) the transfer, approval, licensing, or authorization of any of such materials, components, facilities, goods, services, technologies, data, substances or production to, for or in North Korea is in the national interest of the United States; and

''(B) there is enacted into law a joint resolution stating in substance the approval of Congress of such action.''.

(b) CONFORMING AMENDMENT.—Section 822(b) of such Act is amended by striking ''subsection (a)'' and inserting ''subsection (a)(1)''.

SEC. 7. APPLICATION OF UNITED STATES SANCTIONS.

(a) AUTHORITY TO IMPOSE ADDITIONAL UNITED STATES SANCTIONS AGAINST NORTH KOREA.—The President is authorized to exercise any of his authorities under the Foreign Assistance Act of 1961, the Arms Export Control Act, the International Emergency Economic Powers Act, or any other provision of law to impose full economic sanctions against North Korea, or to take any other appropriate action against North Korea, including the interdiction of shipments of weapons, weapons-related components, materials, or technologies, or dual-use items traveling to or from North Korea, in response to the activities of North Korea to develop nuclear weapons in violation of North Korea's international obligations.

(b) PROHIBITION ON AVAILABILITY OF FUNDS FOR EASING OF SANCTIONS AGAINST NORTH KOREA.—None of the funds appropriated under any provision of law may be made available to carry out any sanctions regime against North Korea that is less restrictive than the sanctions regime in effect against North Korea immediately prior to the September 17, 1999, announcement by the President of an easing of sanctions against North Korea.

SEC. 8. PURSUIT OF MULTILATERAL MEASURES.

The President should take all necessary and appropriate actions to obtain—

(1) international condemnation of North Korea for its pursuit of nuclear weapons and serious breach of the Treaty on the Non-Proliferation of Nuclear Weapons and other international obligations, and

(2) multilateral diplomatic and economic sanctions against North Korea that are at least as restrictive as United Nations Security Council Resolution 661 concerning Iraq.

SEC. 9. TREATMENT OF REFUGEES FROM NORTH KOREA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should begin immediately to work with other countries in the region to adopt a policy with respect to refugees from North Korea that would—

(1) guarantee all such refugees safe arrival in a country of first asylum in which the refugees would stay on a temporary basis; and

(2) promote burden-sharing of refugee costs between countries by providing for the resettlement of the refugees from the country of first asylum to a third country.

(b) ELIGIBILITY FOR REFUGEE STATUS.—

(1) IN GENERAL.—In the case of an alien who is a national of North Korea, the alien may establish, for purposes of admission as a refugee under section 207 of the Immigration and Nationality Act, that the alien has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion by asserting such a fear and asserting a credible basis for concern about the possibility of such persecution.

(2) NOT TREATED AS NATIONAL OF SOUTH KOREA.—For purposes of eligibility for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or for asylum under section 208 of such Act (8 U.S.C. 1158), a national of North Korea shall not be considered a national of the Republic of Korea.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 10. INCREASED BROADCASTING BY RADIO FREE ASIA.

(a) IN GENERAL.—In making grants to Radio Free Asia, the Broadcasting Board of

Governors shall ensure that Radio Free Asia increases its broadcasting with respect to North Korea to 24 hours each day.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 11. SENSE OF CONGRESS.

It is the sense of Congress that the United States, in conjunction with the Republic of Korea and other allies in the Pacific region, should take measures, including military reinforcements, enhanced defense exercises and other steps as appropriate, to ensure—

(1) the highest possible level of deterrence against the multiple threats that North Korea poses; and

(2) the highest level of readiness of United States and allied forces should military action become necessary.

SEC. 12. PRESIDENTIAL REPORT.

Not later than 180 days after the date of enactment of this Act, the President shall submit a report to Congress regarding his actions to implement the provisions of this Act.

By Mr. DEWINE (for himself, Mr. GRAHAM of South Carolina, Mr. VOINOVICH, Mr. ENSIGN, Mr. BROWNBACK, Mr. ENZI, Mr. INHOFE, Mr. NICKLES, Mr. SANTORUM, and Mr. FITZGERALD):

S. 146. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Unborn Victims of Violence Act of 2003''.

SEC. 2. PROTECTION OF UNBORN CHILDREN.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 90 the following:

''CHAPTER 90A—PROTECTION OF UNBORN CHILDREN

''Sec.
''1841. Causing death of or bodily injury to unborn child.

''§ 1841. Causing death of or bodily injury to unborn child

''(a)(1) Any person who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

''(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided for that conduct under Federal law had that injury or death occurred to the unborn child's mother.

''(B) An offense under this section does not require proof that—

''(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

''(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

''(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall be punished as provided under section 1111, 1112, or 1113, as applicable, for intentionally killing or attempting to kill a human being, instead of the penalties that would otherwise apply under subparagraph (A).

''(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

''(b) The provisions referred to in subsection (a) are the following:

''(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), 844(f), 844(h)(1), 844(i), 924(j), 930, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203, 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952(a)(1)(B), 1952(a)(2)(B), 1952(a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.

''(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848(e)).

''(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

''(c) Subsection (a) does not permit prosecution—

''(1) for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

''(2) for conduct relating to any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) In this section—

''(1) the terms 'child in utero' and 'child, who is in utero' mean a member of the species homo sapiens, at any stage of development, who is carried in the womb; and

''(2) the term 'unborn child' means a child in utero.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 90 the following:

''90A. Causing death of or bodily injury to unborn child ..... 1841''.

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF UNBORN CHILDREN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following:

''§ 919a. Art. 119a. Causing death of or bodily injury to unborn child

''(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

''(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment for that conduct under this chapter had that injury or death occurred to the unborn child's mother.

''(B) An offense under this section does not require proof that—

''(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

''(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

''(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall be punished as provided under section 918, 919, or 880 of this title (article 118, 119, or 80), as applicable, for intentionally killing or attempting to kill a human being, instead of the penalties that would otherwise apply under subparagraph (A).

''(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

''(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 111, 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

''(c) Subsection (a) does not permit prosecution—

''(1) for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

''(2) for conduct relating to any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) In this section—

''(1) the terms 'child in utero' and 'child, who is in utero' mean a member of the species homo sapiens, at any stage of development, who is carried in the womb; and

''(2) the term 'unborn child' means a child in utero.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after the item relating to section 919 the following:

''919a. 119a. Causing death of or bodily injury to unborn child.''.

By Mr. DEWINE:

S. 147. A bill to amend title 18 of the United States Code to add a general provision for criminal attempt; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the ''General Attempt Provision Act''.

SEC. 2. ESTABLISHMENT OF GENERAL ATTEMPT OFFENSE.

(a) Chapter 19 of title 18, United States Code, is amended—

(1) in the chapter heading, by striking ''Conspiracy'' and inserting ''Inchoate offenses''; and

(2) by adding at the end the following:

''§ 374. Attempt to commit offense

''(a) IN GENERAL.—Whoever, acting with the state of mind otherwise required for the commission of an offense described in this title, intentionally engages in conduct that, in fact, constitutes a substantial step toward the commission of the offense, is guilty of an attempt and is subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt, except that the penalty of death shall not be imposed.

''(b) INABILITY TO COMMIT OFFENSE; COMPLETION OF OFFENSE.—It is not a defense to a prosecution under this section—

''(1) that it was factually impossible for the actor to commit the offense, if the offense could have been committed had the circumstances been as the actor believed them to be; or

''(2) that the offense attempted was completed.

''(c) EXCEPTIONS.—This section does not apply—

''(1) to an offense consisting of conspiracy, attempt, endeavor, or solicitation;

''(2) to an offense consisting of an omission, refusal, failure of refraining to act;

''(3) to an offense involving negligent conduct; or

''(4) to an offense described in section 1118, 1120, 1121, or 1153.

''(d) AFFIRMATIVE DEFENSE.—

''(1) IN GENERAL.—It is an affirmative defense to a prosecution under this section, on which the defendant bears the burden of persuasion by a preponderance of the evidence, that, under circumstances manifesting a voluntary and complete renunciation of criminal intent, the defendant prevented the commission of the offense.

''(2) DEFINITION.—For purposes of this subsection, a renunciation is not 'voluntary and complete' if it is motivated in whole or in part by circumstances that increase the probability of detection or apprehension or that make it more difficult to accomplish the offense, or by a decision to postpone the offense until a more advantageous time or to transfer the criminal effort to a similar objective or victim.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 19 of title 18, United States Code, is amended by adding at the end the following:

''374. Attempt to commit offense.''.

SEC. 3. RATIONALIZATION OF CONSPIRACY PENALTY AND CREATION OF RENUNCIATION DEFENSE.

Section 371 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by striking ''If two or more'' and inserting the following:

''(a) IN GENERAL.—If 2 or more''; and

(B) by striking ''either to commit any offense against the United States, or'';

(2) by striking the second undesignated paragraph; and

(3) by adding at the end the following:

''(b) CONSPIRACY.—If 2 or more persons conspire to commit any offense against the United States, and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be subject to the same penalties as those prescribed for the most serious offense, the commission of which was the object of the conspiracy, except that the penalty of death shall not be imposed.''.

By Mr. DEWINE:

S. 148. A bill to provide for the Secretary of Homeland Security to be included in the line of Presidential succession; to the Committee on Rules and Administration.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SECRETARY OF HOMELAND SECURITY IN PRESIDENTIAL LINE OF SUCCESSION.

Section 19(d)(1) of title 3, United States Code, is amended by inserting ''Secretary of Homeland Security,'' after ''Attorney General,''.

By Mr. DEWINE (for himself and Mr. CRAPO):

S. 149. A bill to improve investigation and prosecution of sexual assault cases with DNA evidence, and for other purposes; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rape Kits and DNA Evidence Backlog Elimination Act of 2003''.

SEC. 2. REAUTHORIZATION OF DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000.

Section 2(j) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(j)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''and'';

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) $25,000,000 for fiscal year 2004;

''(E) $25,000,000 for fiscal year 2005;

''(F) $25,000,000 for fiscal year 2006; and

''(G) $25,000,000 for fiscal year 2007.''; and

(2) in paragraph (2)—

(A) in subparagraph (C), by striking ''and''; and

(B) by striking subparagraph (D), and inserting the following:

''(D) $75,000,000 for fiscal year 2004;

''(E) $75,000,000 for fiscal year 2005;

''(F) $25,000,000 for fiscal year 2006; and

''(G) $25,000,000 for fiscal year 2007.''.

SEC. 3. EXPANSION OF COMBINED DNA INDEX SYSTEM.

(a) INCLUSION OF ALL DNA SAMPLES FROM STATES.—Section 210304 of the DNA Identification Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1), by striking ''of persons convicted of crimes;'' and inserting the following: ''of—

''(A) persons convicted of crimes; and

''(B) other persons, as authorized under the laws of the jurisdiction that generates the records;''; and

(2) by striking subsection (d).

(b) FELONS CONVICTED OF FEDERAL CRIMES.—

Section 3(d) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)) is amended to read as follows:

''(d) QUALIFYING FEDERAL OFFENSES.—The offenses that shall be treated for purposes of this section as qualifying Federal offenses are the following offenses, as determined by the Attorney General:

''(1) Any felony.

''(2) Any offense under chapter 109A of title 18, United States Code.

''(3) Any crime of violence (as that term is defined in section 16 of title 18, United States Code).

''(4) Any attempt or conspiracy to commit any of the offenses under paragraphs (1) through (3).''.

(c) UNIFORM CODE OF MILITARY JUSTICE.—Section 1565 of title 10, United States Code, is amended—

(1) by amending subsection (d) to read as follows:

''(d) QUALIFYING MILITARY OFFENSES.—The offenses that shall be treated for purposes of this section as qualifying military offenses are the following offenses, as determined by the Secretary of Defense, in consultation with the Attorney General:

''(1) Any offense under the Uniform Code of Military Justice for which the authorized penalties include confinement for more than 1 year.

''(2) Any other offense under the Uniform Code of Military Justice that is comparable to a qualifying Federal offense (as determined under section 3(d) of the DNA Analysis Backlog Elimination Act of 2000).'';

(2) by striking subsection (e); and

(3) by redesignating subsection (f) as subsection (e).

(d) TECHNICAL AMENDMENTS.—Section 811(a)(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 531 note) is amended—

(1) in subparagraph (A), by striking ''[42 U.S.C.A. 14132a(d)]'' and inserting ''(42 U.S.C. 14135a(d))''; and

(2) in subparagraph (B), by striking ''[42 U.S.C.A. §14132b(d)]'' and inserting ''(42 U.S.C. 14135b(d))''.

SEC. 4. FORENSIC LABORATORY GRANTS.

(a) GRANTS AUTHORIZED.—The Attorney General is authorized to award grants to not more than 15 State or local forensic laboratories to implement innovative plans to encourage law enforcement, judicial, and corrections personnel to increase the submission of rape evidence kits and other biological evidence from crime scenes.

(b) APPLICATION.—Not later than December 31, 2004, each laboratory desiring a grant under this section shall submit an application containing a proposed plan to encourage law enforcement officials in localities with a DNA backlog to increase the submission of rape evidence kits and other biological evidence from crime scenes.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $30,000,000 for each of the fiscal years 2004 through 2006 to carry out the provisions of this section.

SEC. 5. ELIGIBILITY OF LOCAL GOVERNMENTS OR INDIAN TRIBES TO APPLY FOR AND RECEIVE DNA BACKLOG ELIMINATION GRANTS.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting '', units of local government, or Indian tribes'' after ''eligible States''; and

(ii) by inserting '', unit of local government, or Indian tribe'' after ''State''; and

(B) in paragraph (3), by striking ''or by units of local government'' and inserting '', units of local government, or Indian tribes'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting '', unit of local government, or Indian tribe'' after ''State'' each place that term appears;

(B) in paragraph (1), by inserting '', unit of local government, or Indian tribe'' after ''State'';

(C) in paragraph (3), by inserting '', unit of local government, or Indian tribe'' after ''State'' the first time that term appears;

(D) in paragraph (4), by inserting ''unit of local government, or Indian tribe'' after ''State''; and

(E) in paragraph (5), by inserting ''unit of local government, or Indian tribe'' after ''State''; and

(3) in subsection (c), by inserting ''unit of local government, or Indian tribe'' after ''State''; and

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''or a unit of local government'' and inserting ''a unit of local government, or an Indian tribe''; and

(ii) in subparagraph (B), by striking ''or a unit of local government'' and inserting ''a unit of local government, or an Indian tribe''; and

(B) in paragraph (2)(A), by inserting ''units of local government, and Indian tribes,'' after ''States''; and

(5) in subsection (e)—

(A) in paragraph (1), by inserting ''or local government'' after ''State'' each place that term appears; and

(B) in paragraph (2), by inserting ''unit of local government, or Indian tribe'' after ''State''; and

(6) in subsection (f), in the matter preceding paragraph (1), by inserting ''unit of local government, or Indian tribe'' after ''State''; and

(7) in subsection (g)—

(A) in paragraph (1), by inserting ''unit of local government, or Indian tribe'' after ''State''; and

(B) in paragraph (2), by inserting ''units of local government, or Indian tribes'' after ''States''; and

(8) in subsection (h), by inserting ''unit of local government, or Indian tribe'' after ''State'' each place that term appears.

SEC. 6. SAFE PROGRAM.

(a) ESTABLISHMENT OF GRANT PROGRAM.—The Attorney General shall establish a program to award and disburse annual grants to SAFE programs.

(b) COMPLIANCE WITH NATIONAL PROTOCOL.—To receive a grant under this section, a proposed or existing SAFE program shall be in compliance with the standards and recommended national protocol developed by the Attorney General pursuant to section 1405 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg note).

(c) APPLICATION.—

(1) IN GENERAL.—Each proposed or existing SAFE program that desires a grant under this section shall submit an application to the Attorney General at such time, and in such manner, as the Attorney General shall reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall include information regarding—

(A) the size of the population or estimated population to be served by the proposed or existing SAFE program; and

(B) if the SAFE program exists at the time the applicant submits its application, the effectiveness of that SAFE program.

(d) PRIORITY GIVEN TO PROGRAMS IN UNDERSERVED AREAS.—In awarding grants under this section, the Attorney General shall give priority to proposed or existing SAFE programs that are serving, or will serve, populations currently underserved by existing SAFE programs.

(e) NONEXCLUSIVITY.—Nothing in this Act shall be construed to limit or restrict the ability of proposed or existing SAFE programs to apply for and obtain Federal funding from any other agency or department, or under any other Federal grant program.

(f) AUDITS.—The Attorney General shall audit recipients of grants awarded and disbursed under this section to ensure—

(1) compliance with the standards and recommended national protocol developed by the Attorney General pursuant to section 1405 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg note);

(2) compliance with other applicable Federal laws; and

(3) overall program effectiveness.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice $10,000,000 for each of fiscal years 2004 through 2008 for grants under this section.

SEC. 7. DNA EVIDENCE TRAINING GRANTS.

(a) GRANTS AUTHORIZED.—The Attorney General is authorized to award grants to prosecutor's offices, associations, or organizations to train local prosecutors in the use of DNA evidence in a criminal investigation or a trial.

(b) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 2004 through 2006 to carry out the provisions of this section.

SEC. 8. NO STATUTE OF LIMITATIONS FOR CHILD ABDUCTION AND SEX CRIMES.

(a) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''§ 3297. Child abduction and sex offenses

''Notwithstanding any other provision of law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110, or 117, or section 1591.''.

(2) AMENDMENT TO CHAPTER ANALYSIS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3297. Child abduction and sex offenses.''.

(b) APPLICATION.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this section.

SEC. 9. TOLLING OF LIMITATION PERIOD FOR PROSECUTION IN CASES INVOLVING DNA IDENTIFICATION.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, as amended by section 8, is further amended by adding at the end the following:

''§ 3298. Cases involving DNA evidence

''In a case in which DNA testing implicates a person in the commission of a felony, no statute of limitations that would otherwise preclude prosecution of the offense shall preclude such prosecution until a period of time following the DNA testing that implicates the person has elapsed that is equal to the otherwise applicable limitation period.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''3298. Cases involving DNA evidence.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this section.

SEC. 10. LEGAL ASSISTANCE FOR VICTIMS OF VIOLENCE.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended—

(1) in subsection (a), by inserting ''dating violence,'' after ''domestic violence,'';

(2) in subsection (b)—

(A) by inserting before paragraph (1) the following:

''(1) DATING VIOLENCE.—The term 'dating violence' means violence committed by a person—

''(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

''(B) where the existence of such a relationship shall be determined based on a consideration of—

''(i) the length of the relationship;

''(ii) the type of relationship;

''(iii) the frequency of interaction between the persons involved in the relationship.'';

(B) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4) respectively; and

(C) in paragraph (3), as redesignated by subparagraph (B) of this paragraph, by inserting ''dating violence,'' after ''domestic violence,'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting—

(i) ''dating violence,'' after ''between domestic violence''; and

(ii) ''dating violence,'' after ''victims of domestic violence,'';

(B) in paragraph (2), by inserting ''dating violence,'' after ''domestic violence,''; and

(C) in paragraph (3), by inserting ''dating violence,'' after ''domestic violence,'';

(4) in subsection (d)—

(A) in paragraph (1), by inserting ''dating violence,'' after ''domestic violence'';

(B) in paragraph (2), by inserting ''dating violence,'' after ''domestic violence'';

(C) in paragraph (3), by inserting ''dating violence,'' after ''domestic violence''; and

(D) in paragraph (4), by inserting ''dating violence,'' after ''domestic violence,'';

(5) in subsection (e), by inserting ''dating violence,'' after ''domestic violence,''; and

(6) in subsection (f)(2)(A), by inserting ''dating violence,'' after ''domestic violence,''.

SEC. 11. SENSE OF CONGRESS.

It is the sense of Congress that the Paul Coverdell National Forensic Science Improvement Act (Public Law 106–561) should be funded in order to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

By Mr. ALLEN:

S. 150. A bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; to the Committee on Commerce, Science, and Transportation.

Mr. ALLEN. Mr. President, today I rise to introduce the Internet Tax Nondiscrimination Act of 2003, to permanently extend the moratorium on Internet access taxes, as well as prevent multiple and discriminatory taxes on the Internet. There are two postulates in life that guide me today: first, always stand strong for freedom and

opportunity for all people; and second, always keep your word and keep your promises.

As many in this chamber know, I have made permanently extending the moratorium on new taxes that discriminate against the Internet one of my top priorities since coming to the Senate. Looking back two years ago, as a rookie, I was pleased to work in the successful effort, with Senator MCCAIN and others, to extend the moratorium on new Internet taxes for two years. Of course, I would have preferred to have a permanent moratorium and introduced S. 777 to do so back in 2001.

I cannot ever envision a time when it will be desirable policy for any government to tax access to the Internet. I cannot ever conceive of any instance or event that will precipitate justification for multiple or discriminatory taxes on the Internet by any government, large or small, national, State or local.

This has been a position I have held from 1997 during my days as Governor or Virginia when I was one of only four Governors with this position. I have promised the first bill I'd introduce in the 108th Congress would be a permanent ban on discriminatory taxes and Internet access taxes. I am one who stands on the side of freedom of the Internet, trusting free people and entrepreneurs, not on the side of making this advancement in technology easier to tax for the tax collectors. My legislation will permanently ban taxes on Internet access, as well as taxes on Internet transactions by multiple jurisdictions, and discriminatory taxes that unfairly target Internet transactions.

The current moratorium on Internet tax is set to expire in November of this year. I want the members of this body to understand that the moratorium on Internet tax is completely unrelated to issues surrounding sales tax simplification. I was here for the previous debate when legislation extending this moratorium was bogged down and held hostage on the extremely complicated and cumbersome issue of sales tax collection.

Since that time, I know State tax administrators have been working to simplify their sales tax system. However, I encourage my colleagues in the Senate that when considering the issue of sales tax simplification and business activity tax nexus that they do so separately from legislation that deals with the Internet tax moratorium.

I understand most of the States are looking for more tax revenue, but the Internet Tax Nondiscrimination Act will not, and does not, prohibit States from collecting sales and use tax on electronic commerce. Rather, this legislation will permanently ban taxes placed on consumers to access the Internet, like the Spanish American War Tax on telephone service, and prohibits multiple and discriminatory taxes on Internet purchases, which are taxes that would apply more than once on the same product or taxes that are higher because of the method by which a product is purchased.

The moratorium on Internet access taxes prohibits governments from placing taxes on top of the monthly rates Americans already pay to connect to the Internet. I am concerned that if this Congress were to allow new, discriminatory taxes on Internet access it would be allowing States and localities to contribute to the economic ''digital divide.'' For every dollar added to the cost of Internet access, we can expect to see lost utilization of the Internet by thousands of lower income American families nationwide.

Now, more than ever, with our Nation's economy emerging from a recession and the Congress working with the President on an economic stimulus package, the people of this country need security with regard to their financial future. Any additional tax burdens on the Internet, will mean additional costs that many Americans cannot afford, forcing the poorest in our society to reduce or even forgo their use of the Internet as a tool for education, exploration and individual opportunity.

The more expensive the government makes Internet access, the less likely people will be to buy advanced services, such as high-speed broadband connections, Internet protocol software, wireless WiFi devices and many other multimedia applications. In a time when technology and the Internet have grown into every aspect of our daily lives and where access to the Internet has become a necessity for Americans, will imposing taxes to access the Internet or levying taxes that discriminate against the Internet as a form of commerce ever be fair? The answer is that there will never be a time to tax access to the Internet nor impose discriminatory taxes on Internet commerce.

The goal of the Internet Tax Nondiscrimination Act is simple and clear: the Internet should remain as accessible as possible to all people in all parts of our country, forever.

I call on my colleagues to join me and cosponsor the Internet Tax Nondiscrimination Act of 2003, permanently extending the Internet moratorium on access, multiple and discriminatory taxes.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Internet Tax Non-discrimination Act of 2003''.

SEC. 2. AMENDMENT OF INTERNET TAX FREEDOM ACT.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 nt.) is amended—

(1) by striking ''taxes during the period beginning on October 1, 1998, and ending on November 1, 2003—'' and inserting ''taxes:'';

(2) by striking paragraph (1) and inserting the following:

''(1) Taxes on Internet access.''; and

(3) by striking ''multiple'' in paragraph (2) and inserting ''Multiple''.

SEC. 3. REPEAL OF EXCEPTION.

Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 nt.) is amended by striking paragraph (10).

By Mr. HATCH (for himself, Mr. LEAHY, and Mr. BENNETT):

S. 151. A bill to amend title 18, United States Code, with respect to the sexual exploitation of children; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce a critically important piece of legislation, the PROTECT Act of 2003. As its name makes clear, this bill will help to protect our children from the horrors of child pornography. Disgusting as child pornography is, the growth of technology and the rise of the internet have flooded our Nation with it. This is one area where we cannot afford to simply look the other way. Child pornography is routinely used by perverts and pedophiles not only to whet their sick desires, but also to lure our defenseless children into unspeakable acts of sexual exploitation. In sum, child pornography is a root from which more evils grow. It creates a measurable harm to children in our society. On this record, we must act.

I am proud to have Senator LEAHY as the leading co-sponsor of the PROTECT Act. We jointly introduced an earlier version of this bill last year in the wake of the Supreme Court's decision in Ashcroft v. Free Speech Coalition. That decision greatly weakened the laws pertaining to child pornography and left some gaping holes in our Nation's ability to effectively prosecute child pornography offenses. We must now act quickly to repair our child pornography laws to provide for effective law enforcement in a manner that accords with the Court's ruling.

The PROTECT Act strikes a necessary balance between the First Amendment and our Nation's critically important interest in protecting children. This Act does many things to aid the prosecution of child PROTECT Act, and I highlight some of its most significant provisions here.

First, the Act plugs the loophole that exists today where child pornographers can escape prosecution by claiming that their sexually explicit material did not actually involve real children. Technology has advanced so far that even experts often cannot say with absolute certainty that an image is real or a ''virtual'' computer creation. For

this reason, the Act permits a prosecution to proceed when the child pornography includes persons who appear virtually indistinguishable from actual minors. And even when this occurs, the accused is afforded a complete affirmative defense by showing that the child pornography did not involve a minor.

Second, the Act prohibits the pandering or solicitation of anything represented to be obscene child pornography. The Supreme Court has ruled that this type of conduct does not constitute protected speech. Congress, moreover, should severely punish those who would try to profit or satisfy their depraved desires by dealing in such filth.

Third, the Act prohibits any depictions of minors, or apparent minors, in actual, not simulated, acts of bestiality, sadistic or masochistic abuse, or sexual intercourse, when such depictions lack literary, artistic, political or scientific value. This type of hardcore sexually explicit material merits our highest form of disdain and disgust and is something that our society ought to try hard to eradicate. Nor does the First Amendment bar us from banning the depictions of children actually engaging in the most explicit and disturbing forms of sexual activity.

Fourth, the Act beefs up existing record keeping requirements for those who chose to produce sexually explicit materials. These record keeping requirements are unobjectionable since they do not ban anything. Rather, the Act simply requires such producers to keep records confirming that no actual minors were involved in the making of the sexually explicit materials. In light of the difficulty experts face in determining an actor's true age and identity just by viewing the material itself, increasing the criminal penalties for failing to maintain these records are vital to ensuring that only adults appear in such productions.

Finally, the Act creates a new civil action for those aggrieved by the depraved acts of those who violate our child pornography laws. This is one area of the law where society as a whole can benefit from more vigorous enforcement, both on the criminal and civil fronts.

I was disappointed that the PROTECT Act did not pass into law last year, although it unanimously cleared the Senate in the final days of the 107th Congress. As incoming Chairman of the Judiciary Committee, passing this important bill will be one of my very top priorities. I remain open to hearing suggestions from all interested parties on how to improve the bill or make it even tougher against child pornographers. I strongly urge my colleagues to work with me and join with me in promptly passing this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act of 2003'' or ''PROTECT Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Obscenity and child pornography are not entitled to protection under the First Amendment under Miller v. California, 413 U.S. 15 (1973) (obscenity), or New York v. Ferber, 458 U.S. 747 (1982) (child pornography) and thus may be prohibited.

(2) The Government has a compelling state interest in protecting children from those who sexually exploit them, including both child molesters and child pornographers. ''The prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance,'' New York v. Ferber, 458 U.S. 747, 757 (1982) (emphasis added), and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain. Osborne v. Ohio, 495 U.S. 103, 110 (1990).

(3) The Government thus has a compelling interest in ensuring that the criminal prohibitions against child pornography remain enforceable and effective. ''[T]he most expeditious if not the only practical method of law enforcement may be to dry up the market for this material by imposing severe criminal penalties on persons selling, advertising, or otherwise promoting the product.'' Ferber, 458 U.S. at 760.

(4) In 1982, when the Supreme Court decided Ferber, the technology did not exist to: (A) create depictions of virtual children that are indistinguishable from depictions of real children; (B) create depictions of virtual children using compositions of real children to create an unidentifiable child; or (C) disguise pictures of real children being abused by making the image look computer generated.

(5) Evidence submitted to the Congress, including from the National Center for Missing and Exploited Children, demonstrates that technology already exists to disguise depictions of real children to make them unidentifiable and to make depictions of real children appear computer generated. The technology will soon exist, if it does not already, to make depictions of virtual children look real.

(6) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and/or related media.

(7) There is no substantial evidence that any of the child pornography images being trafficked today were made other than by the abuse of real children. Nevertheless, technological advances since Ferber have led many criminal defendants to suggest that the images of child pornography they possess are not those of real children, insisting that the government prove beyond a reasonable doubt that the images are not computer-generated. Such challenges will likely increase after the Ashcroft v. Free Speech Coalition decision.

(8) Child pornography circulating on the Internet has, by definition, been digitally uploaded or scanned into computers and has been transferred over the Internet, often in different file formats, from trafficker to trafficker. An image seized from a collector of child pornography is rarely a first-generation product, and the retransmission of images can alter the image so as to make it difficult for even an expert conclusively to opine that a particular image depicts a real child. If the original image has been scanned from a paper version into a digital format, this task can be even harder since proper forensic delineation may depend on the quality of the image scanned and the tools used to scan it.

(9) The impact on the government's ability to prosecute child pornography offenders is already evident. The Ninth Circuit has seen a significant adverse effect on prosecutions since the 1999 Ninth Circuit Court of Appeals decision in Free Speech Coalition. After that decision, prosecutions generally have been brought in the Ninth Circuit only in the most clear-cut cases in which the government can specifically identify the child in the depiction or otherwise identify the origin of the image. This is a fraction of meritorious child pornography cases. The National Center for Missing and Exploited Children testified that, in light of the Supreme Court's affirmation of the Ninth Circuit decision, prosecutors in various parts of the country have expressed concern about the continued viability of previously indicted cases as well as declined potentially meritorious prosecutions.

(10) In the absence of congressional action, this problem will continue to grow increasingly worse. The mere prospect that the technology exists to create computer or computer-generated depictions that are indistinguishable from depictions of real children will allow defendants who possess images of real children to escape prosecution, for it threatens to create a reasonable doubt in every case of computer images even when a real child was abused. This threatens to render child pornography laws that protect real children unenforceable.

(11) To avoid this grave threat to the Government's unquestioned compelling interest in effective enforcement of the child pornography laws that protect real children, a statute must be adopted that prohibits a narrowly-defined subcategory of images.

(12) The Supreme Court's 1982 Ferber v. New York decision holding that child pornography was not protected drove child pornography off the shelves of adult bookstores. Congressional action is necessary to ensure that open and notorious trafficking in such materials does not reappear.

SEC. 3. CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.

Section 2252A of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (3) and inserting the following:

''(3) knowingly—

''(A) reproduces any child pornography for distribution through the mails, or in interstate or foreign commerce by any means, including by computer; or

''(B) advertises, promotes, presents, distributes, or solicits through the mails, or in interstate or foreign commerce by any means, including by computer, any material or purported material in a manner that conveys the impression that the material or purported material is, or contains, an obscene visual depiction of a minor engaging in sexually explicit conduct;'';

(B) in paragraph (4), by striking ''or'' at the end;

(C) in paragraph (5), by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(6) knowingly distributes, offers, sends, or provides to a minor any visual depiction, including any photograph, film, video, picture, or computer generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct—

''(A) that has been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer;

''(B) that was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer; or

''(C) which distribution, offer, sending, or provision is accomplished using the mails or by transmitting or causing to be transmitted any wire communication in interstate or foreign commerce, including by computer,

for purposes of inducing or persuading a minor to participate in any activity that is illegal.'';

(2) in subsection (b)(1), by striking ''(1), (2), (3), or (4)'' and inserting ''(1), (2), (3), (4), or (6)''; and

(3) by striking subsection (c) and inserting the following:

''(c) It shall be an affirmative defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of subsection (a) that—

''(1)(A) the alleged child pornography was produced using an actual person or persons engaging in sexually explicit conduct; and

''(B) each such person was an adult at the time the material was produced; or

''(2) the alleged child pornography was not produced using any actual minor or minors. No affirmative defense shall be available in any prosecution that involves obscene child pornography or child pornography as described in section 2256(8)(D). A defendant may not assert an affirmative defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of subsection (a) unless, within the time provided for filing pretrial motions or at such time prior to trial as the judge may direct, but in no event later than 10 days before the commencement of the trial, the defendant provides the court and the United States with notice of the intent to assert such defense and the substance of any expert or other specialized testimony or evidence upon which the defendant intends to rely. If the defendant fails to comply with this subsection, the court shall, absent a finding of extraordinary circumstances that prevented timely compliance, prohibit the defendant from asserting such defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of subsection (a) or presenting any evidence for which the defendant has failed to provide proper and timely notice.''.

SEC. 4. ADMISSIBILITY OF EVIDENCE.

Section 2252A of title 18, United States Code, is amended by adding at the end the following:

''(e) ADMISSIBILITY OF EVIDENCE.—On motion of the government, in any prosecution under this chapter, except for good cause shown, the name, address, social security number, or other nonphysical identifying information, other than the age or approximate age, of any minor who is depicted in any child pornography shall not be admissible and may be redacted from any otherwise admissible evidence, and the jury shall be instructed, upon request of the United States, that it can draw no inference from the absence of such evidence in deciding whether the child pornography depicts an actual minor .''.

SEC. 5. DEFINITIONS.

Section 2256 of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting before the semicolon the following: ''and shall not be construed to require proof of the actual identity of the person'';

(2) in paragraph (8)—

(A) in subparagraph (B), by inserting ''is obscene and'' before ''is'';

(B) in subparagraph (C), by striking ''or'' at the end; and

(C) by striking subparagraph (D) and inserting the following:

''(D) such visual depiction—

''(i) is, or appears to be, of a minor actually engaging in bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and

''(ii) lacks serious literary, artistic, political, or scientific value; or

''(E) the production of such visual depiction involves the use of an identifiable minor engaging in sexually explicit conduct;''; and

(3) by striking paragraph (9), and inserting the following:

''(9) 'identifiable minor'—

''(A)(i) means a person—

''(I)(aa) who was a minor at the time the visual depiction was created, adapted, or modified; or

''(bb) whose image as a minor was used in creating, adapting, or modifying the visual depiction; and

''(II) who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and

''(ii) shall not be construed to require proof of the actual identity of the identifiable minor; or

''(B) means a computer or computer generated image that is virtually indistinguishable from an actual minor; and

''(10) 'virtually indistinguishable' means that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor.''.

SEC. 6. RECORDKEEPING REQUIREMENTS.

Section 2257 of title 18, United States Code, is amended—

(1) in subsection (d)(2), by striking ''of this section'' and inserting ''of this chapter or chapter 71,'';

(2) in subsection (h)(3), by inserting '', computer generated image or picture,'' after ''video tape''; and

(3) in subsection (i)—

(A) by striking ''not more than 2 years'' and inserting ''not more than 5 years''; and

(B) by striking ''5 years'' and inserting ''10 years''.

SEC. 7. SERVICE PROVIDER REPORTING OF CHILD PORNOGRAPHY AND RELATED INFORMATION.

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended—

(1) in subsection (c), by inserting ''or pursuant to'' after ''to comply with'';

(2) by amending subsection (f)(1)(D) to read as follows:

''(D) where the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.'';

(3) by redesignating paragraph (3) of subsection (b) as paragraph (4); and

(4) by inserting after paragraph (2) of subsection (b) the following new paragraph:

''(3) In addition to forwarding such reports to those agencies designated in subsection (b)(2), the National Center for Missing and Exploited Children is authorized to forward any such report to an appropriate official of a state or subdivision of a state for the purpose of enforcing state criminal law.''.

SEC. 8. CONTENTS DISCLOSURE OF STORED COMMUNICATIONS.

Section 2702 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking ''or'' at the end;

(B) in paragraph (6)—

(i) in subparagraph (A)(ii), by inserting ''or'' at the end;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(C) by redesignating paragraph (6) as paragraph (7); and

(D) by inserting after paragraph (5) the following:

''(6) to the National Center for Missing and Exploited Children, in connection with a report submitted under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or''; and

(2) in subsection (c)—

(A) in paragraph (4), by striking ''or'' at the end;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

''(5) to the National Center for Missing and Exploited Children, in connection with a report submitted under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or''.

SEC. 9. EXTRATERRITORIAL PRODUCTION OF CHILD PORNOGRAPHY FOR DISTRIBUTION IN THE UNITED STATES.

Section 2251 of title 18, United States Code, is amended—

(1) by striking ''subsection (d)'' each place that term appears and inserting ''subsection (e)'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

''(c)(1) Any person who, in a circumstance described in paragraph (2), employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct outside of the United States, its territories or possessions, for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e).

''(2) The circumstance referred to in paragraph (1) is that—

''(A) the person intends such visual depiction to be transported to the United States, its territories or possessions, by any means, including by computer or mail; or

''(B) the person transports such visual depiction to the United States, its territories or possessions, by any means, including by computer or mail.''.

SEC. 10. CIVIL REMEDIES.

Section 2252A of title 18, United States Code, as amended by this Act, is amended by adding at the end the following:

''(f) CIVIL REMEDIES.—

''(1) IN GENERAL.—Any person aggrieved by reason of the conduct prohibited under subsection (a) or (b) may commence a civil action for the relief set forth in paragraph (2).

''(2) RELIEF.—In any action commenced in accordance with paragraph (1), the court may award appropriate relief, including—

''(A) temporary, preliminary, or permanent injunctive relief;

''(B) compensatory and punitive damages; and

''(C) the costs of the civil action and reasonable fees for attorneys and expert witnesses.''.

SEC. 11. ENHANCED PENALTIES FOR RECIDIVISTS.

Sections 2251(d), 2252(b), and 2252A(b) of title 18, United States Code, are amended by inserting ''chapter 71,'' before ''chapter 109A,'' each place it appears.

SEC. 12. SENTENCING ENHANCEMENTS FOR INTERSTATE TRAVEL TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.

Pursuant to its authority under section 994(p) of title 18, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the Federal Sentencing Guidelines and policy statements to ensure that guideline penalties are adequate in cases that involve interstate travel with the intent to engage in a sexual act with a juvenile in violation of section 2423 of title 18, United States Code, to deter and punish such conduct.

SEC. 13. MISCELLANEOUS PROVISIONS.

(a) APPOINTMENT OF TRIAL ATTORNEYS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall appoint 25 additional trial attorneys to the Child Exploitation and Obscenity Section of the Criminal Division of the Department of Justice or to appropriate U.S. Attorney's Offices, and those trial attorneys shall have as their primary focus, the investigation and prosecution of Federal child pornography laws.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out this subsection.

(b) REPORT TO CONGRESSIONAL COMMITTEES.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, and every 2 years thereafter, the Attorney General shall report to the Chairpersons and Ranking Members of the Committees on the Judiciary of the Senate and the House of Representatives on the Federal enforcement actions under chapter 110 of title 18, United States Code.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) an evaluation of the prosecutions brought under chapter 110 of title 18, United States Code;

(B) an outcome-based measurement of performance; and

(C) an analysis of the technology being used by the child pornography industry.

(c) SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 18, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the Federal Sentencing Guidelines and policy statements to ensure that the guidelines are adequate to deter and punish conduct that involves a violation of paragraph (3)(B) or (6) of section 2252A(a) of title 18, United States Code, as created by this Act. With respect to the guidelines for section 2252A(a)(3)(B), the Commission shall consider the relative culpability of promoting, presenting, describing, or distributing material in violation of that section as compared with solicitation of such material.

SEC. 14. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Mr. LEAHY. Mr. President, I rise today to join my good friend, the senior Senator from Utah, in introducing the PROTECT Act, a bill providing important new tools to fight child pornography. This bill is identical to the measure that Senator HATCH and I worked so hard on in the last Congress. The bill passed the Senate by unanimous consent in the 107th Congress and I am proud to be the lead cosponsor of this legislation for the 108th Congress as well, but unfortunately, it did not become law last year because, even though the Senate was still meeting, considering and passing legislation, the House of Representatives had adjourned. The House would not return to take action on this measure that had passed the Senate unanimously or to work out our differences.

I hope that the full Senate will quickly pass this bill again, and I strongly urge the Republican leadership in the House of Representatives to take this second opportunity to pass this important legislation. I also urge the Administration to support this bipartisan measure, instead of using this debate as an opportunity to push for legislation that strives to make an ideological statement, but which may not withstand Constitutional scrutiny.

I want to take a moment to speak about the history of this important bill and the effort that it took to get to this point. In May of 2002, I came to the Senate floor and joined Senator HATCH in introducing S. 2520, the PROTECT Act, after the Supreme Court's decision in Ashcroft v. Free Speech Coalition, (''Free Speech''). Although there were some others who raised constitutional concerns about specific provisions in that bill, I believed that unlike legislative language proposed by the Administration in the last Congress, it was a good faith effort to work within the First Amendment.

Everyone in the Senate agrees that we should do all we can to protect our children from being victimized by child pornography. That would be an easy debate and vote. The more difficult thing is to write a law that will both do that and will stick. In 1996, when we passed the Child Pornography Prevention Act, (''CPPA''), many warned us that certain provisions of that Act violated the First Amendment. The Supreme Court's recent decision in Free Speech has proven them correct.

We should not sit by and do nothing. It is important that we respond to the Supreme Court decision. It is just as important, however, that we avoid repeating our past mistakes. Unlike the 1996 CPPA, this time we should respond with a law that passes constitutional muster. Our children deserve more than a press conference on this issue. They deserve a law that will last.

It is important that we do all we can to end the victimization of real children by child pornographers, but it is also important that we pass a law that will withstand First Amendment scrutiny. We need a law with real teeth, not one with false teeth.

After joining Senator HATCH in introducing the PROTECT Act in the 107th Congress, as Chairman of the Judiciary Committee I convened a hearing on October 2, 2002 on the legislation. We heard from the Administration, from the National Center for Missing and Exploited Children, (''NCMEC''), and from experts who came and told us that our bill, as introduced, would pass constitutional muster, but the House-passed bill supported by the Administration would not.

I then placed S. 2520 on the Judiciary Committee's calendar for the October 8, 2002, business meeting. I continued to work with Senator HATCH to improve the bill so that it could be quickly enacted. Senator HATCH circulated a Hatch-Leahy proposed Judiciary Committee substitute that improved the bill before our October 8 business meeting. Unfortunately the Judiciary Committee was unable to consider it because of procedural maneuvering by my colleagues that had nothing to do with this important legislation, including the refusal of Committee members on the other side of the aisle to consider any pending legislation on the Committee's agenda.

I still wanted to get this bill done. That is why, for a full week in October, I worked to clear and have the full Senate pass a substitute to S. 2520 that tracked the Hatch-Leahy proposed committee substitute in nearly every area. Indeed, the substitute I offered even adopted parts of the House bill which would help the NCMEC work with local and state law enforcement on these cases. Twice, I spoke on the Senate floor imploring that we approve such legislation. As I stated then, every single Democratic Senator cleared that measure. I then urged Republicans to work on their side of the aisle to clear this measure—so similar to the joint Hatch-Leahy substitute—so that we could swiftly enact a law that would pass constitutional muster. Unfortunately, they did not. Facing the recess before the mid-term elections, we were stymied again.

Even after the last election, however, during our lame duck session, I continued to work with Senator HATCH to pass this legislation through the Senate. As I had stated I would do prior to the election, I called a meeting of the Judiciary Committee on November 14, 2002. In the last meeting of the Judiciary Committee under my Chairmanship in the 107th Congress, I placed S. 2520, the Hatch-Leahy PROTECT Act, on the agenda yet again. At that meeting the Judiciary Committee amended

and approved this legislation. We agreed on a substitute and to improvements in the victim shield provision that I authored.

Although I did not agree with two of Senator HATCH's amendments, because I thought that they risked having the bill declared unconstitutional, I nevertheless called both for the Committee to approve the bill and voted for the bill in its amended form. I will discuss these provisions later.

I then sought, that same day, to gain the unanimous consent of the full Senate to pass S. 2520 as reported by the Judiciary Committee, and I worked with Senator HATCH to clear the bill on both sides of the aisle. I am pleased that the Senate did pass S. 2520 by unanimous consent. I want to thank Senator HATCH for all he did to help clear the bill for passage in the 107th Congress.

Unfortunately, the House failed to act on this measure last year and the Administration decided not to push for passage. If they had, we could have passed a bill, sent it to the President, and already had a new law on the books.

Instead, I am here again with Senator HATCH asking yet again that this bill be enacted. I am glad to have been able to work hand in hand with Senator HATCH on the PROTECT Act because it is a bill that gives prosecutors and investigators the tools they need to combat child pornography. The Hatch-Leahy PROTECT Act strives to be a serious response to a serious problem.

The provisions of the Hatch-Leahy bill, as we introduce it, are bipartisan and good faith efforts to protect both our children and to honor the Constitution. At our hearing last October, Constitutional and criminal law scholars—one of whom was the same person who warned us last time that the CPPA would be struck down—stated that the PROTECT Act as introduced in the last Congress could withstand Constitutional scrutiny, although there were parts that were very close to the line. Let me outline some of the bill's important provisions:

I would like to emphasize some key provisions of the PROTECT Act. Section 3 of the bill creates two new crimes aimed at people who distribute child pornography and those who use such material to entice children to do illegal acts. Each of these new crimes carry a 15 year maximum prison sentence for a first offense and double that term for repeat offenders. First, the bill criminalizes the pandering of child pornography, creating a new crime to respond to the Supreme Court's recent ruling striking down the CPPA's definition of pandering. This provision is narrower than the old ''pandering'' definition for two reasons, both of which respond to specific Court criticisms: First, the new crime only applies to the people who actually pander the child pornography or solicit it, not to all those who possess the material ''downstream.''

The bill also contains a directive to the Sentencing Commission which asks them to distinguish between those who pander or distribute such material who are more culpable than those who solicit the material. Second, the pandering in this provision must be linked to ''obscene'' material, which is totally unprotected speech under Miller. Thus, while I would have liked for the provision to be crafted more narrowly so that ''purported'' material was not included, and I acknowledge that this provision may well be challenged on some of the same grounds as the prior CPPA provision, it responds to some specific concerns raised by the Supreme Court and is significantly narrower than the CPPA's definition of pandering.

Second, the bill creates a new crime to take direct aim at one of the chief evils of child pornography: namely, its use by sexual predators to entice minors either to engage in sexual activity or the production of more child pornography. This was one of the compelling arguments made by the government before the Supreme Court in support of the CPPA, but the Court rejected that argument as an insufficient basis to ban the production, distribution or possession of ''virtual'' child pornography. This bill addresses that same harm in a more targeted manner. It creates a new felony, which applies to both actual and virtual child pornography, for people who use such material to entice minors to participate in illegal activity. This will provide prosecutors a potent new tool to put away those who prey upon children using such pornography—whether the child pornography is virtual or not.

Next, this bill attempts to revamp the existing affirmative defense in child pornography cases both in response to criticisms of the Supreme Court and so that the defense does not erect unfair hurdles to the prosecution of cases involving real children. Responding directly to criticisms of the Court, the new affirmative defense applies equally to those who are charged with possessing child pornography and to those who actually produce it, a change from current law. It also allows, again responding to specific Supreme Court criticisms, for a defense that no actual children were used in the production of the child pornography—i.e. that it was made using computers. At the same time, this provision protects prosecutors from unfair surprise in the use of this affirmative defense by requiring that a defendant give advance notice of his intent to assert it, just as defendants are currently required to give if they plan to assert an alibi or insanity defense. As a former prosecutor I suggested this provision because it effects the real way that these important trials are conducted. With the provision, the government can marshal the expert testimony that may be needed to rebut this ''virtual porn'' defense in cases where real children were victimized.

This improved affirmative defense provides important support for the constitutionality of much of this bill after the Free Speech decision. Even Justice Thomas specifically wrote that it would be a key factor for him. This is one reason for making the defense applicable to all non-obscene, child pornography, as defined in 18 U.S.C. §2256. In the bill's current form, however, the affirmative defense is not available in one of the new proposed classes of virtual child pornography, which would be found at 18 U.S.C. §2256(8)(D). This omission may render that provision unconstitutional under the First Amendment, and I hope that, as the legislative process continues, we can work with constitutional experts to improve the bill in this and other ways. I do not want to be here again in five years, after yet another Supreme Court decision striking this law down.

The bill also provides needed assistance to prosecutors in rebutting the virtual porn defense by removing a restriction on the use of records of performers portrayed in certain sexually explicit conduct that are required to be maintained under 18 U.S.C. §2257, and expanding such records to cover computer images. These records, which will be helpful in proving that the material in question is not ''virtual'' child pornography, may be used in federal child pornography and obscenity prosecutions under this Act. The purpose of this provision is to protect real children from exploitation. It is important that prosecutors have access to this information in both child pornography and obscenity prosecutions, since the Supreme Court's recent decision has had the effect of narrowing the child pornography laws, making more likely that the general obscenity statutes will be important tools in protecting children from exploitation. In addition, the Act raises the penalties for not keeping accurate records, further deterring the exploitation of minors and enhancing the reliability of the records.

Next, this bill contains several provisions altering the definition of ''child pornography'' in response to the Free Speech case. One approach would have been simply to add an ''obscenity'' requirement to the child pornography definitions. Outlawing all obscene child pornography real and virtual; minor and 'youthful-adult;' simulated and real—would clearly pass a constitutional challenge because obscene speech enjoys no protection at all. Under the Miller obscenity test, such material (1) ''appeals to the prurient interest,'' (2) is utterly ''offensive'' in

any ''community,'' and (3) has absolutely no ''literary, artistic or scientific value.''

Some new provisions of this bill do take this ''obscenity'' approach, like the new § 2256(8)(B). Other provisions, however, take a different approach. Specifically, the CPPA's definition of ''identifiable minor'' has been modified in the bill to include a prong for persons who are ''virtually indistinguishable from an actual minor.'' This adopts language from Justice O'Connor's concurrence in the Free Speech case. Thus, while this language is defensible, I predict that this provision will be the center of much constitutional debate. Although I will explain in more detail later, these new definitional provisions risk crossing the constitutional line.

It does not do America's children any good to write a law that might get struck down by our courts in order to prove an ideological point. These provisions should be fully debated and examined during the legislative process, and I will speak about them in more detail later.

The bill also contains a variety of other measures designed to increase jail sentences in cases where children are victimized by sexual predators. First, it enhances penalties for repeat offenders of child sex offenses by expanding the predicate crimes which trigger tough, mandatory minimum sentences. Second, the bill requires the U.S. Sentencing Commission to address a disturbing disparity in the current Sentencing Guidelines. The current sentences for a person who actually travels across state lines to have sex with a child are not as high as for child pornography. The Commission needs to correct this oversight immediately, so that prosecutors can take these dangerous sexual predators off the street. These are all strong measures designed to protect children and increase prison sentences for child molesters and those who otherwise exploit children.

The Act also has several provisions designed to protect the children who are victims in these horrible cases. Privacy of the children must be paramount. It is important that they not be victimized yet again in the criminal process. This bill provides for the first time ever an explicit shield law that prohibits the name or other non physical identifying information of the child victim, other than the age or approximate age, from being admitted at any child pornography trial. It is also intended that judges will take appropriate steps to ensure that such information as the child's name, address or other identifying information not be publicly disclosed during the pretrial phase of the case or at sentencing. The bill also contains a provision requiring the judge to instruct the jury, upon request of the government, that no inference should be drawn against the United States because of information inadmissible under the new shield law.

The Hatch-Leahy PROTECT Act also amends certain reporting provisions governing child pornography. Specifically, it allows federal authorities to report information they receive from the Center from Missing and Exploited Children, CMEC, to state and local police without a court order. In addition, the bill removes the restrictions under the Electronic Communications Privacy Act, ECPA, for reporting the contents of, and information pertaining to, a subscriber of stored electronic communications to the CMEC when a mandatory child porn report is filed with the CMEC pursuant to 42 U.S.C. §13032. This change may invite federal, state or local authorities to circumvent all subpoena and court order requirements under ECPA and allow them to obtain subscriber emails and information by triggering the initial report to the CMEC themselves. To the extent that these changes in ECPA may have that unintended effect, as this bill is considered in the Judiciary Committee and on the floor, we should consider mechanisms to guard against subverting the safeguards in ECPA from government officials going on fishing expeditions for stored electronic communications under the rubric of child porn investigations.

I also must express my disappointment in a recent Government Accounting Office, GAO, report that criticizes the Department of Justice information sharing regulations related to the CMEC tip line. Evidently, due to outdated turf mentalities, the Attorney General's regulations exclude both the United States Secret Service and the U.S. Postal Inspection Service from direct access to important tip line information. That is totally unacceptable, especially in the post 9–11 world where the importance of information sharing is greater than ever. How can the Administration justify support of this bill, which allows state and local law enforcement officers such access, when they are simultaneously refusing to allow other federal law enforcement agencies access to the same information? I urge the Attorney General to end this unseemly turf battle and to issue regulations allowing both the Secret Service and the Postal Inspection Service, who both perform valuable work in investigating these cases, to have access to this important information so that they can better protect our nation's children.

This bill also provides for extraterritorial jurisdiction where a defendant induces a child to engage in sexually explicit conduct outside the United States for the purposes of producing child pornography which they intend to transport to the United States. The provision is crafted to require the intent of actual transport of the material into the United States, unlike the House bill from the last Congress, which criminalized even an intent to make such material ''accessible.'' Under that overly broad wording, any material posted on a web site internationally could be covered, whether or not it was ever intended that the material be downloaded in the United States.

Finally, the bill provides also a new private right of action for the victims of child pornography. This provision has teeth, including injunctive relief and punitive damages that will help to put those who produce child pornography out of business for good. I commend Senator HATCH for his leadership on this provision.

These provisions are important, practical tools to put child pornographers out of business for good and in jail where they belong.

As to the administration proposal, unfortunately legal experts could not also vouch for the constitutionality of the bill supported by the Administration in the last Congress, which seemed to challenge the Supreme Court's decision, rather than accommodate the restraints spelled out by the Supreme Court. That proposal and the associated House bill from the 107th Congress simply ignored the Supreme Court's decision, reflecting an ideological response rather than a carefully drawn bill that would stand up to scrutiny. Last year, I received letters from other Constitutional scholars and practitioners expressing the same conclusion, which I will place in the record with unanimous consent.

With regard to the potential constitutional issues and suggested improvements, as I mentioned previously, the PROTECT Act is a good faith effort to tackle this problem, but it is not perfect and I would like to see some additional changes to the bill. I hope that we can consider these as the process moves forward.

First, regarding the tip line, I would like to clarify that law enforcement agents cannot ''tickle the tip line'' to avoid the key protections of the Electronic Communications Privacy Act. This may include clarifying 42 U.S.C. §13032 that the initial tip triggering the report may not be generated by the government's investigative agents themselves. A tip line to the CMEC is just that—a way for outsiders to report wrongdoing to the CMEC and the government, not for the government to generate a report to itself without following otherwise required lawful process.

Second, regarding the affirmative defense, I would like to ensure that there is an affirmative defense for the new category of child pornography and for all cases where a defendant can prove in court that a specific, non-obscene image was made using not any child but only actual, identifiable adults.

As a general matter, it is worth repeating that we could be avoiding all

these problems were we to take the simple approach of outlawing ''obscene'' child pornography of all types, which we do in one new provision that I suggested. That approach would produce a law beyond any possible challenge. This approach is also supported by the National Center for Missing and Exploited Children, which we all respect as the true expert in this field.

Following is an excerpt from the Center's answer to written questions submitted after our hearing, which I will place in the RECORD in its entirety:

> Our view is that the vast majority (99–100%) of all child pornography would be found to be obscene by most judges and juries, even under a standard of beyond a reasonable doubt in criminal cases. Even within the reasonable person under community standards model, it is highly unlikely that any community would not find child pornography obscene. . . .
>
> In the post Free Speech decision legal climate, the prosecution of child pornography under an obscenity approach is a reasonable strategy and sound policy.

Thus, according to the National Center for Missing and Exploited Children, the approach that is least likely to raise constitutional questions—using established obscenity law—is also an effective one. Because that is not the approach we have decided to use, I recognize that the PROTECT Act contains provisions about which some may have legitimate Constitutional questions.

Specifically, in addition to the provisions that I have already discussed, there were two amendments adopted in the Judiciary Committee in the last Congress to which I objected that are included in the bill as we introduce it today. I felt and still feel that these provisions needlessly risked a serious constitutional challenge to a bill that provided prosecutors the tools they needed to do their jobs. Let me discuss my opposition to these two amendments offered by my good friend Senator HATCH last Congress.

As to the expansion of the pandering provision, although I worked with Senator HATCH to write the new pandering provision in the PROTECT Act, I did not support Senator HATCH's amendment extending the provision to cover ''purported'' material, which criminalizes speech even when there is no underlying material at all—whether obscene or non-obscene, virtual or real, child or adult.

The pandering provision is an important tool for prosecutors to punish true child pornographers who for some technical reason are beyond the reach of the normal child porn distribution or production statutes. It is not meant to federally criminalize talking dirty over the internet or the telephone when the person never possesses any material at all. That is speech, and that goes too far.

The original pandering provision in S. 2520 was quite broad, and some argued that it presented constitutional problems as written, but I thought that prosecutors needed a strong tool, so I supported Senator HATCH on that current provision.

I was heartened that Professor Schauer of Harvard, a noted First Amendment expert, testified at our hearing that he thought that the original provision was Constitutional, barely. Unfortunately, Professor Schauer has since written to me stating that this new amendment to include ''purported'' material ''would push well over the constitutional edge a provision that is now up against the edge, but probably barely on the constitutional side of it.'' I will place that letter and other materials in the record with unanimous consent of the Senate.

Because this change endangers the entire pandering provision, because it is unwise, and because that section is already strong enough to prosecute those who peddle child pornography, I hope that we can debate the merits of that provision as the legislative process continues.

And as to the inclusion of 100 percent virtual child pornography in ''Identifiable Minor'' provision, a change to the definition of ''identifiable minor'' would expand the bill to cover ''virtual'' child pornography—that is, 100 percent computer generated pictures not involving any real children. For that reason, it also presents constitutional problems. I objected to this amendment when it was added to the bill in the last Congress in Committee and I continue to have serious concerns with it now.

Senator HATCH and I agree that legislation in this area is important. But regardless of our personal views, any law must be within constitutional limits or it does no good at all. This change which would include all ''virtual child pornography'' in the definition of child pornography, in my view, crosses the constitutional line, however, and needlessly risks protracted litigation that could assist child pornographers in escaping punishment. I hope we can work to narrow this provision.

Although I joined Senator HATCH in introducing this bill, even when it was introduced last year I expressed concern over certain provisions. One such provision was the new definition of ''identifiable minor.'' When the bill was introduced, I noted that this provision might ''both confuse the statute unnecessarily and endanger the already upheld 'morphing' section of the CPPA.'' I said I was concerned that it ''could present both overbreadth and vagueness problems in a later constitutional challenge.''

The Supreme Court made it clear that we can only outlaw child pornography in two situations: No. 1, it is obscene, or No. 2, it involves real kids. That is the law as stated by the Supreme Court, whether or not we agree with it.

The original ''identifiable minor'' provision in the PROTECT Act may be used without any link to obscenity doctrine. Therefore, what saved the original version as introduced in the 107th Congress was that it applied to child porn made with real ''persons.'' The provision was designed to cover all sorts of images of real kids that are morphed or altered, but not something entirely made by computer, with no child involved. That is the provision as Senator HATCH and I introduced this bill last year.

The change adopted in the Judiciary Committee last year, however, redefined ''identifiable minor'' by creating a new category of pornography for any ''computer generated image that is virtually indistinguishable from an actual minor'' dislodged, in my view, that sole constitutional anchor. The new provision could be read to include images that never involved real children at all but were 100 percent computer generated.

That was never the goal of this provision and that was the reason it was constitutional. There are other provisions in the bill that deal with obscene virtual child pornography that I support. This provision was intended to ease the prosecutor's burden in cases where images of real children were cleverly altered to avoid prosecution.

I support the definition of ''identifiable minor'' as we originally wrote and introduced it last Congress. Because this new change seriously weakens the constitutional argument supporting this entire provision, I oppose it and I hope that we can work to further narrow this provision.

These provisions raise legitimate concerns, but in the interest of making progress I support consideration of the measure as introduced. I hope that we can work to debate these issues and improve it and produce a bill with the best chance of withstanding a constitutional challenge.

That is not everyone's view. Others evidently think it is more important to make an ideological statement than to write a law. A media report on this legislation at the end of the last Congress reported the wide consensus that the Hatch-Leahy bill was more likely than the House bill to withstand scrutiny, but quoted a Republican House member as stating: ''Even if it comes back to Congress three times we will have created better legislation.''

To me, that makes no sense. Why not create the ''better legislation'' right now for today's children, instead of inviting more years of litigation and putting at risk any convictions obtained in the interim period before the Supreme Court again reviews the constitutionality of Congress' effort to address this serious problem? That is what the PROTECT Act seeks to accomplish.

Even though this bill is not perfect, I am glad to stand with Senator HATCH

to secure its approval by the Senate as I did in the last Congress.

As I have explained, I believe that this issue is so important that I have been willing to compromise and to support a measure even though I do not agree with each and every provision that it contains. That is how legislation is normally passed. I hope that the Administration and the House do not decide to play politics with this issue this year as I fear they did at the close of the last Congress. I urge swift consideration and passage of this important bill aimed at protecting our nation's children.

Mr. President, I ask unanimous consent that the letters and materials to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 17, 2002.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: Thank you for the opportunity to express the views of the National Center for Missing and Exploited Children on these critically important issues for our nation's children. Your stewardship of the Committee's tireless efforts to craft a statute that will withstand constitutional scrutiny is wise and in the long-term best interest of the nation. The National Center for Missing and Exploited Children is grateful for your leadership on this issue.

Please find below my response to your written questions submitted on October 9, 2002, regarding the ''Stopping Child Pornography: Protecting our Children and the Constitution.''

1. Our view is that the vast majority (99–100%) of all child pornography would be found to be obscene by most judges and juries, even under the standard of beyond a reasonable doubt in criminal cases. Even within the reasonable person under community standards model, it is highly unlikely that any community would not find child pornography obscene.

There is a legitimate concern that the obscenity standard does not fully recognize, and therefore punish the exceptional harm to children inherent in child pornography. This issue can be addressed by the enactment of tougher sentencing provisions if the obscenity standard is implemented in the law regarding child pornography. Moreover, mere possession of obscene materials under current law in most jurisdictions is not a criminal violation. If the obscenity standard were implemented for child pornography the legislative intent should be clear concerning punishment for possession of child obscene pornography.

In the post—Free Speech decision legal climate the prosecution of child pornography cases under an obscenity approach is a reasonable strategy and sound policy.

2. Based on my experience all the images in actual criminal cases meet the lawful definition of obscenity, irrespective of what community you litigate the case. In my experience there has never been a visual depiction of child pornography that did not meet the constitutional requirements for obscenity.

3. The National Center for Missing and Exploited Children fully supports the correction of this sentencing disparity and welcomes the provision of additional tools for federal judges to remove these predators from our communities. These types of offenders belong to a demographic that is the highest percentile in terms of recidivism than any other single offender category.

4. The National Center for Missing and Exploited Children fully supports language that allows only ''non-government sources'' to provide tips to the CyberTipline. The role of the CyberTipline at the National Center for Missing and Exploited Children is to provide tips received from the public and Electronic Communication Services communities and make them available to appropriate law enforcement agencies. Due in part to the overwhelming success of the system and in part to the tragedies of September 11, 2001, federal law enforcement resources cannot address all of the legitimate tips and leads received by the CyberTipline. Allowing the National Center for Missing and Exploited Children and appropriate federal agencies to forward this information to state and local law enforcement while at the same time addressing legitimate privacy concerns is fully supported.

5. The victim shield provision is an excellent and timely policy initiative and one that is fully supported by the National Center for Missing and Exploited Children. This provision should allow the narrow exception to a general non-disclosure clause that anticipates the need for law enforcement and prosecutors to use the victim's photography and other relevant information for the sole purpose of verification and authentication of an actual child victim in future cases. This exception would allow the successful prosecution of other cases that may involve a particular victim and still provide the protection against the revictimization by the criminal justice system.

6. The National Center for Missing and Exploited Children fully supports extending the terms of authorized supervised release in federal cases involving the exploitation of minors. The evidence for extended supervision in such cases is overwhelming. Without adequate treatment and continued supervision, there is a significantly higher risk for re-offending by this type of offender. Moreover, there is a significant link between those offenders who possess child pornography and those who sexually assault children. Please see the attached studies that the National Center for Missing and Exploited Children has produced on these issues.

Thank you again for the opportunity to address these important issues. Should you need further input or assistance please contact us at your convenience.

Sincerely,

DANIEL ARMAGH,
Director, Legal Resource Division,
National Center for Missing and Exploited Children.

UNIVERSITY OF VIRGINIA
SCHOOL OF LAW
Charlottesville, VA, Nov. 28, 2002.

SENATOR PATRICK J. LEAHY,
Chairman, U.S. Senate Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN LEAHY: On October 2, 2002, I testified before the Senate Judiciary Committee concerning S. 2520 and H.R. 4623. Each of these bills was drafted in response to Ashcroft v. Free Speech Coalition, 122 S.Ct. 1389 (2002), in which the Supreme Court threw out key provisions of the federal child pornography laws. As I stated in my testimony, the new sections contained in S. 2520 have been carefully tailored with an eye towards satisfying the precise concerns identified by the Supreme Court. Recently, Senator Hatch offered an amendment in the nature of a substitute to S. 2520 (hereinafter ''the Hatch Substitute''). I have examined the Hatch Substitute, and I believe that it contains a definition of child pornography that is nearly identical to the definition rejected by Free Speech Coalition. Therefore, the Hatch Substitute is unlikely to survive constitutional challenge in the federal courts, and the Committee should decline to adopt it.

As you know, each of these bills contains some complicated provisions, including especially their definition sections. As you also know, this complexity is unavoidable, for the Congress aims to intervene in and eliminate some of the complex law enforcement problems created by the phenomenon of virtual pornography. In the following comments, I will try to state my concerns about the Hatch Substitute as concisely as possible, while identifying the statutory nuances that are likely to generate significant constitutional questions in the event that the Hatch Substitute is enacted.

In Free Speech Coalition, the Supreme Court scrutinized provisions of the Child Pornography Prevention Act of 1996 (''CPPA'') that were designed to eliminate obstacles to law enforcement created by virtual child pornography. The proliferation of virtual pornography has enabled child pornographers to escape conviction by arguing that it is so difficult to distinguish the virtual child from the real one that (1) the government cannot carry its burden of proving that the pornography was made using real children and/or (2) the government cannot carry its burden of proving scienter because the defenders believed that the images in their possession depicted virtual children, rather than real ones. In order to foreclose these arguments, the CPPA defined ''child pornography'' broadly so that it extended not only to a sexually-explicit image that had been produced using a real minor, but also to an image that ''appears to be of a minor'' engaging in sexually-explicit conduct. Free Speech Coalition rejected this definition on First Amendment grounds. The Court reaffirmed the holding of New York v. Ferber, 458 U.S. 747 (1982), under which the government is free to regulate sexually-explicit materials produced using real minors without regard to the value of those materials. However, the Court refused to extend the Ferber analysis to sexually-explicit materials that only appear to depict minors. The Court noticed that many mainstream movies, as well as works of great artistic, literary, and scientific significance, explore the sexuality of adolescents and children. Such works, including ones that are sexually explicit, are valuable in the eyes of the community, and, as long as their production involves no real children, such works are protected by the First Amendment against governmental regulation.

In Free Speech Coalition, the Supreme Court expressly considered and rejected a number of arguments made by the Solicitor General on behalf of the CPPA definition. One of these arguments was that the ''speech prohibited by the CPPA is virtually indistinguishable from child pornography, which may be banned without regard to whether it depicts works of value.'' In his opinion for the Court, Justice Kennedy explained that this argument fundamentally misconceived the nature of the First Amendment inquiry. Materials that satisfy the Ferber definition are regulable not because they are necessarily without value; to the contrary, Ferber itself recognized that some child pornography might have significant value. Indeed,

the Court there reasoned that the ban on the use of actual children was permissible in part because virtual images—by definition, images ''virtually indistinguishable'' from child pornography—were an available and lawful alternative. Hence, as Justice Kennedy put it: ''Ferber, then, not only referred to the distinction between actual and virtual child pornography, it relied on [the distinction] as a reason supporting its holding. Ferber provides no support for a statute that eliminates the distinction and makes the alternative mode criminal as well.''

S. 2520 aims to reform the CPPA in ways that are sensitive to these First Amendment value judgments. By contrast, the Hatch Substitute proposes that the Congress should reenact a definition that is almost identical to the one that the Supreme Court just rejected. In the Hatch Substitute, the definition of child pornography would cover, among other things, sexually-explicit materials whose production involved the use of an ''identifiable minor.'' The Hatch Substitute defines ''identifiable minor'' as including a ''computer or computer generated image that is virtually indistinguishable from an actual minor.'' As I explained above, the Solicitor General suggested in Free Speech Coalition that the First Amendment would be satisfied if the Supreme Court limited the CPPA to depictions that are ''virtually indistinguishable'' from child pornography, and the Court rejected that interpretation. To put it mildly, it is hard to imagine that the Supreme Court would be inclined to view the Hatch Substitute as a good-faith legislative response to Free Speech Coalition when all it does is reenact a definition that the Court there expressly considered and disapproved. You will notice that I here am paraphrasing the definition provisions in the Hatch Substitute and omitting some of their complexity. In particular, the Hatch Substitute provides a further definition of the phrase ''virtually indistinguishable,'' requiring that the quality of the depiction be determined from the viewpoint of an ''ordinary person'' and providing an exception for ''drawings, cartoons, sculptures, or paintings.'' But neither the definition of ''identifiable minor'' nor these refinements of ''virtually indistinguishable'' are calculated to satisfy the concerns raised in Free Speech Coalition. As Justice Kennedy explained for the Court, an absolute ban on pornography made with real children is compatible with First Amendment rights precisely because computer-generated images are an available alternative, and, yet, the Hatch Substitute proposes to forbid the computer-generated alternative as well. Likewise, an exception for cartoons and so forth is insensitive to the Supreme Court's commitment to protect realistic portrayals of child sexuality, a commitment that is clearly expressed in the Court's recognition of the value of (among other things) mainstream movies such as Traffic and American Beauty.

In this regard, you will notice that the Hatch Substitute closely resembles some of the defective provisions of H.R. 4623, which would prohibit virtual child porn that is ''indistinguishable'' from porn produced with real minors. Unlike S. 2520, both H.R. 4623 and the Hatch Substitute seem to embody a decision merely to endorse the unconstitutional portions of the CPPA all over again. The Committee should refuse to engage in such a futile and disrespectful exercise. The law enforcement problems posed by virtual pornography are not symbolic but real, and the Congress should make a real effort to solve them. In my judgment, S. 2520 is a real effort to solve them, and the Committee should use S. 2520 as the basis for correcting the CPPA.

The Hatch Substitute contains additional innovations that the Committee should study carefully. Because this letter already is too long, I will allude to only one of them here. The ''pandering'' provision set forth in the Hatch Substitute contains some language that strikes me as being both vague and unnecessarily broad, and the provision therefore is likely to attract unfavorable attention in the federal courts. The Hatch pandering provision would punish anyone who ''advertises, promotes, presents, distributes, or solicits . . . any material or purported material in a manner that conveys the impression that the material or purported material'' is child pornography. To be completely candid, I am not sure that I understand what problems would be solved by defining the items that may not be pandered so that they include not only actual ''material,'' but also ''purported material.'' I suppose that there might be cases where a person offers to sell pornographic materials that do not actually exist and that the person might make the offer in a manner that violates the pandering prohibition. If that is the problem that the drafters of the Hatch Substitute have in mind, it seems that they might solve that problem more cleanly by adding the word ''offers'' to the list of forbidden conduct and deleting the reference to ''purported material.'' (In other words, the provision would punish anyone who ''advertises, offers, promotes, presents, distributes, or solicits through the mails . . . any material on a manner that conveys the impression that the material'' is child pornography.) If that is not the problem that the Hatch Substitute has in mind, I would suggest that the drafters identify the problem precisely and develop language that is clearer and narrower than the phrase ''purported material,'' for that ambiguous term is likely to generate First Amendment concerns that otherwise could and should be avoided.

Respectfully yours,

ANNE M. COUGHLIN,
Class of 1948 Research Professor of Law.

Washington, DC, Oct. 11, 2002.

HON. PATRICK J. LEAHY,
Chairman, U.S. Senate Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN LEAHY: I want to thank you for your efforts to protect American children by filling the gap left by the Supreme Court's decision to strike down the Child Pornography Prevention Act. Ashcroft v. Free Speech Coalition dealt a blow to those who appreciate the important role the federal government must ply in protecting young people from those who would exploit them. Your efforts to craft a bill, the PROTECT Act, that will withstand Constitutional scrutiny deserves the public's applause.

I would like to draw your attention to a similar, but separate, matter that also reflects on the health and security of our children in regards to pornography. Like the Child Pornography Prevention Act, the Child Internet Protection Act (CIPA), which was passed by the 106th Congress, has been struck down by the federal judiciary. In American Library Association, et al. v. United States of America, et al, a District Court in Pennsylvania threw CIPA out, arguing that its efforts to prevent children from exposure to harmful material on school and library computers amounted to a violation of the First Amendment. The Justice Department has appealed that case to the Supreme Court, where the lower court's decision will very likely be upheld. Unfortunately, as Harvard Law School professor Frederick Schauer testified at the hearing you recently held on CPPA, ''constitutionally suspect legislation under existing Supreme Court interpretation of the First Amendment, whatever we may think of the wisdom and accuracy of those interpretations, puts the process of [prosecution] . . . on hold while the . . . courts proceed at their own pace.

I think we ought not wait for what will likely be a disappointing conclusion. Rather, I hope you will lead an effort to craft new legislation which (1) passes Constitutional muster, and (2) better enables schools and libraries to protect children from harmful images and websites. Let me take a moment to delimit how exactly a new, improved Children's Internet Protection Act would differ from the bill passed by the 106th Congress.

First, a new bill should distinguish clearly between measures affecting adults and minors. Though the title of the legislation is the Children's Internet Protection Act, it requires technology protection measures on all computers with Internet access, regardless of the age of the patron using each computer. If the aim is to protect minors, it is unnecessary to put filters on every computer in a library. This, of course, was one of the District Court's primary concerns. I hope you will draft legislation requiring separate computers for adults and minors. All those under 18 should be required to use filtered computers, unless accompanied by a parent or teacher. Those over 18 should have access to un-filtered computers in a separate area. In smaller facilities, where only one computer is available, special adult hours could be set during which the filter is disabled and only adults may use the computer. The rest of the time a filter would be in place.

Second, I would encourage you to incorporate language that distinguishes children 12 and under from teenagers 13–18. Teenagers have greater capacities to process information than children, as well as different needs for information. In recognition of this, I would hope that your new bill would require different policies for children and teenagers, such as providing different filter settings.

Third, I hope you will consider expanding the scope of your bill to include provisions that protect minors from violent images as well as sexual ones. I realize that limiting the access of children to violent content poses a potentially more difficult constitutional question, but based on the weight of social science evidence showing the harm caused to children by violence in the media, I believe that violence must be included in any definition of content that is ''harmful to children.''

To further explain the reasoning behind these recommendations, I am enclosing a law review article, ''On Protecting Children from Speech,'' which will be published next fall in the Chicago-Kent Law Review. I would welcome the opportunity to discuss our position with you further. In the meantime, please feel free to contact Marc Dunkelman, Assistant Director of the Communitarian Network, with any questions. Thank you for your consideration.

Sincerely,

AMITAI ETZIONI,
Founder & Director.

MAY 13, 2002.

Chairman PATRICK J. LEAHY,
U.S. Senate Judiciary Committee, Washington, DC.

DEAR CHAIRMAN LEAHY: We write to express our grave concern with the legislation

recently proposed by the Department of Justice in response to the Supreme Court's decision in Ashcroft, et al. v. The Free Speech Coalition, et al., No. 00–795 (Apr. 16, 2002). In particular, the proposed legislation purports to ban speech that is neither obscene nor unprotected child pornography (indeed, the bill expressly targets images that do not involve real human beings at all). Accordingly, in our view, it suffers from the same infirmities that led the Court to invalidate the statute at issue in Ashcroft.

We emphasize that we share the revulsion all Americans feel toward those who harm children, and fully support legitimate efforts to eradicate child pornography. As the Court in Ashcroft emphasized, however, in doing so Congress must act within the limits of the First Amendment. In our view, the bill proposed by the Department of Justice fails to do so.

Respectfully submitted,

JODIE L. KELLEY,
Partner, Jenner & Block, LLC, Washington, DC.

ERWIN CHEMERINSKY,
Sydney M. Irmas Professor of Public Interest Law, Legal Ethics and Political Science, University of Southern California Law School, Los Angeles, CA.

PAUL HOFFMAN,
Partner, Schonbrun, DeSimone, Seplow, Harris & Hoffman, LLP, Venice, CA.
Adjunct Professor, University of Southern California Law School, Los Angeles, CA.

GREGORY P. MAGARIAN,
Assistant Professor of Law, Villanova University School of Law, Villanova, PA.

JAMIN RASKIN,
Professor of Law, American University, Washington College of Law, Washington, DC.

DONALD B. VERRILLI, Jr.,
Partner, Jenner & Block, LLC, Washington, DC.

HARVARD UNIVERSITY, JOHN F. KENNEDY SCHOOL OF GOVERNMENT,
Cambridge, MA, October 3, 2002.

Re S. 2520.

Hon. PATRICK LEAHY,
U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR LEAHY: Following up on my written statement and on my oral testimony before the Committee on Wednesday, October 2, 2002, the staff of the Committee has asked me to comment on the constitutional implications of changing the current version of S. 2520 to change the word ''material'' in Section 2 of the bill (page 2, lines 17 and 19) to ''purported material.''

In my opinion the change would push well over the constitutional edge a provision that is now right up against that edge, but probably barely on the constitutional side of it.

As I explained in my statement and orally, the Supreme Court has from the Ginzburg decision in 1966 to the Hamling decision in 1973 to the Free Speech Coalition decision in 2002 consistently refused to accept that ''pandering'' may be an independent offense, as opposed to being evidence of the offense of obscenity (and, by implication, child pornography). The basic premise of the pandering prohibition in S. 2520 is thus in some tension with more than thirty-five years of Supreme Court doctrine. What may save the provision, however, is the fact that pandering may also be seen as commercial advertisement, and the commercial advertisement of an unlawful product or service is not protected by the Supreme Court's commercial speech doctrine, as the Court made clear in both Virginia Pharmacy and also in Pittsburgh Press v. Human Relations Commission, 413 U.S. 376 (1973). It is important to recognize, however, that this feature of commercial speech doctrine does not apply to non-commercial speech, where the description on advocacy of illegal acts is fully protected unless under the narrow circumstances, not applicable here, of immediate incitement.

The implication of this is that moving away from communication that could be described as an actual commercial advertisement decreases the availability of this approach to defending Section 2 of S. 2520. Although it may appear as if advertising ''material'' that does not exist at all (''purported material'') makes little difference, there is a substantial risk that the change moves the entire section away from the straight commercial speech category into more general description, conversation, and perhaps even advocacy. Because the existing arguments for the constitutionality of this provision are already difficult ones after Free Speech Coalition, anything that makes this provision less like a straight offer to engage in a commercial transaction increases the degree of constitutional jeopardy. By including ''purported'' in the relevant section, the pandering looks less commercial, and thus less like commercial speech, and thus less open to constitutional defense I outlined in my written statement and oral testimony.

I hope that this is helpful.

Yours sincerely,

FREDERICK SCHAUER,
Frank Stanton Professor of the First Amendment.

ORDERS FOR TUESDAY, JANUARY 14, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Tuesday, January 14. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 12:30 p.m., with the time equally divided and Senators permitted to speak for up to 10 minutes each.

I ask unanimous consent that the Senate recess from the hour of 12:30 p.m. to 2:15 p.m. for the weekly party caucuses.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. As I mentioned earlier, we hope to have the committee resolution agreed to. Members should be on notice that rollcall votes are therefore possible beginning tomorrow morning.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:07 p.m., adjourned until Tuesday, January 14, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 13, 2003:

DEPARTMENT OF THE TREASURY

JOHN W. SNOW, OF VIRGINIA, TO BE SECRETARY OF THE TREASURY, VICE PAUL HENRY O'NEILL, RESIGNED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. EDWIN H. ROBERTS JR.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

FRANK W. *ALLARA JR.
PAUL J. *ANDREWS
JEFFREY L. *ANDRUS
KENNETH J. *BOONE
ROBERT R. *COOPE
GARY J. *GERACCI
DARLENE R. *HACHMEISTER
ALLEN J. *HEBERT JR.
MICHELE M. *JOINES
LARA INGA *LARSON
ROSE MARIE *LEARY
STEVEN C. *MALLER
ROY C. *MARLOW
COLIN A. *MIHALIK
MARIA *SANTOS
CHARLES J. *SNYDER
JESUS L. *SOJO
CRAIG S. *STEWART
LUKE UNDERHILL
MICHAEL N. *WAJDOWICZ
GLYNIS D. *WALLACE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

NANCY M. ACAMPADO
FEDERICO C. AQUINO JR.
MEDHAT G. BADER
ROBERT K. BOGART
ALVIS D. BURRIS
MARJORIE M. CABELL
JEFFERY A. CASEY
ANGELA L. DELGADO
JASON C. DORMINEY
NEIL E. DUNLOW
JOHN C. DUNNING
THOMAS P. EDMONSON
STEPHANIE A. FAGEN
AGUSTIN L. FARIAS
DOUGLAS M. FERRIS JR.
SHAI T. HALL
DERREK D. HENRIE
RODNEY C. JOHNS
RANDALL S. JONES
ROBERT H. JUDY
MATTHEW D. KATZ
AMAR KOSARAJU
JASON S. LENK
DOUGLAS M. LITTLEFIELD
PAUL A. LONGO
VICTOR B. MAGGIO
IGOR MARYANCHIK

SAPNA J. MELCHIORRE
JUAN K. PACKER
DARON C. PRAETZEL
THOMAS P. RILEY
ENRIQUE E. ROSADO
JENNIE LEIGH L. STODDART
GEORGE A. TANKSLEY JR.
KAREN ANN THOMPSON
MINH C. VU
KIM L. WILKINSON
JUNKO YAMAMOTO
JAMES H. YAO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

GREGORY A. *ABRAHAMIAN
EDITH A. *AGUAYO
ALAN K. *ANZAI
RICHARD D. *BAKER
CATHERINE S. *BARD
GORDON W. *BATES JR.
RICHARD J. *BEAN
CHARLES P. *BIEDIGER
JOSEPH A. *BIFANO
DAN W. BODILY
JAMES J. *BORDERS
JAMES E. BOYD
MARK P. BURTON
LEANDRO T. CABANILLA
JEFFREY S. *CALDER
DAVID B. *CARMACK
JOHN B. *CHACE
JONATHAN T. *CHAI
ANDY CJ *CHIOU
NISHAN H. *CHOBANIAN JR.
THOMAS F. CLARKE
GARY L. *COHEN
EDWARD J. *COHN JR.
ANDREW J. *COLLINS
KEVIN P. *CONNOLLY
DAVID D. COPP
DAVID L. *CUNNINGHAM
JOSEPH L. CVANCARA
DAVID R. *DELONE
SUSAN E. *DESJARDINS
LEE H. *DIEHL
BRIAN B. DURSTELER
MARK A. ERICKSON
MARK D. *ERVIN
DAVID E. FARNIE
SEAN D. *FINK
THEODORE J. FOONDOS
STACEY A. *FRAZIER
LARIS E. *GALEJS
JOHN V. GANDY
JOHN M. *GOOCH
PATRICIA L. GOODEMOTE
MARIA T. *GRABOW
PETER H. GRUBB
RANDY J. *GULIUZZA
E. RONALD *HALE
ERIC H. HANSON
JOHN H. *HARDY JR.
THOMAS W. *HARRELL
BENJAMIN A. *HARRIS
LEE H. *HARVIS
CLAUDE A. HAWKINS
JOHN L. HAWS
MARC A. HESTER
STEPHEN V. HINGSON
ERIC G. HOOVER
ANN L. *HOYNIAKBECKER
TIMOTHY W. *HUISKEN
MYLENE T. *HUYNH
DANIEL M. *IHNAT
JEFFERY L. JOHNSON
PAUL C. JOHNSON IV
TIMOTHY W. KACZMAR
ROBERT W. *KESSLER
RUSSELL F. *KING II
PETER B. *KOVATS
GIA EVITA LANZANO
JEFFREY A. *LAWSON
JOHN G. *LINK
CHERYL A. *LINN
ELIAHU A. *LITMAN
DARRYL E. *MALAK
JOHN P. *MCKENNA JR.
SHANNON C. *MILLER
DEBORAH L. *MUELLER
MARCUS E. MURPHY
ERIK J. NELSON
THOMAS S. NEUHAUSER
MICHAEL G. OLDROYD
GREGORY C. PARK
PHILLIP E. *PARKER
JOSEPH PR *PELLETIER
WILBUR D. PERALTA
MARILYN D. *PERRY
JON F. *PETERSEN
HEATHER R. *PICKETT
LOYD C. *PIMPERL
TRACY L. *POPEY
JERRY W. *PRATT
ANTHONY M. *PROPST
JAMES R. RICK
ERIC R. RITCHIE
SANFORD E. ROBERTS II
STEPHEN P. *ROBERTS
GONZALEZ JAVIER *ROMAN
DAVID M. *ROSSO
DOUGLAS M. ROUSE
ELIZABETH A. ROUSE
STEVEN R. SABO
CHRISTOPHER G. SCHARENBROCK
JANET C. SHAW
JACK B. SHELTON JR.
PETER R. SILVERO
ALICE B. *SMITH
JENNIFER L. *SPERANDIO
JULIE A. *STARK
THERESA L. *STEWART
DAVID L. *STROBEL
DAVID A. *SVETEC
SARADY *TAN
KATHY J. *TOWNLEY
HOANG N. *TRAN
KARL K. *TRIMBLE
DONALD E. *TRUMMEL
SHAWN M. VARNEY
DALE A. VOLQUARTSEN
APRIL C. *WALTON
NATHAN C. WARD
JAMES W. *WHELAN
DAVID K. *WHITE
MICHAEL S. *XYDAKIS
EVELINE F. *YAOTIU
GREGORY B. *YORK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

SAMEH G. ABUERREISH
ZOHAIR S. ALAM
TALIB Y. ALI
PATRICK F. ALLAN
JAY R. ALLEN
MICHAEL D. ALMALEH
KEVIN M. ANDERSON
MICHAEL A. ANDERSON
KURT W. ANDREASON
MARC C. ANTONETTI
ADITYA ARORA
ELAINE T. ASTOR
TIMOTHY K. ATKINSON
MATTHEW J. AUNGST
KERI A. BAACKE
PETER SUNG JAE BAEK
TIMOTHY C. BALL
MICHAEL G. BARDEN
KEVIN B. BARKER
RENEE V. BARNHIZER
STEVEN M. BAUGHMAN
FELICIA M. BAXTER
TAMMY J. BEAVERS
VIKHYAT S. BEBARTA
RACHEL L. BECK
JEFFREY D. BELL
JAMES E. BERMUDEZ
CATHERINE L. BERRY
GARLAND K. BERRY
JULIE ANN BERRY
ANTHONY I. BEUTLER
DAVID A. BIDDLE
CHRISTOPHER T. BIRD
EDWARD W. BLOOM
KIRK D. BLUTH
STEVEN A. BOARDMAN
MICHAEL I. BOND
TRENA K. BONDE
GREGORY CLARK BORSTAD
NABIL BOUTROS
LAZARO O. BRAVO JR.
BARTON C. BREZINA
JEFF BROBERG
MARC C. BROWER
DARIN S. BROWN
FRANCHESCA D. BROWN
HEIDI BUCKINGHAM
DEBORAH J. BULLOCK
RAFAEL BURGOS
GARY J. BUTCHKO
MICHAEL W. CANTRELL
CHRISTIAN CANZONIERO
DAREN E. CARLING
KYLE L. CARTER
MARK R. CARTER
MARK T. CATHERALL
MICHAEL T. CHARLTON
LYNN L. CHARRLIN
KRISTA CIVILETTI
GARY W. CLAUSER
JERRY M. CLINE
MARK B. CLINGER
SAMUEL G. CLOUD
DONALD M. COBB
MARK F. COLLIGAN
JAMES C. CONNAUGHTON
TAVIS L. COWAN
ROBERT W. CRAIGGRAY
EDWARD E. CRAVEN
PAUL F. CRAWFORD JR.
PETER G. CRAWLEY
CORNELIS CRAYE
ERIC P. CRITCHLEY
JEFFREY T. CROWDER
SCOTT M. CUMMIS
THERESA M. CUOCO
VARD CURTIS III
CLAY R. DAHLQUIST
ANDREW C. DALEY
HEATHER I. DAVIS
MICHAEL R. DAVIS
CHRISTINA T. DEANGELIS
BRIAN L. DELMONACO
SANTOS ALAN J. DELOS
CHAD J. DEMOTT
EDWARD G. DETAR
PAUL D. DEVERS
JUSTIN F. DEVITO
WENDI J. DICK
PAUL A. DICPINIGAITIS
BENJAMIN C. DILLARD
HEATH A. DORIAN
SHELLEY E. DOTSON
CHRISTOPHER M. DRESS
MATTHEW D. DUNCAN
MICHAEL M. DUNN
JOHN P. DUTTON
DAVID P. EASLEY
ERIC J. EDELENBOS
KENNETH S. EGERSTROM
DARRYL G. ELROD JR.
DAVID L. ESTEP JR.
JOHN B. ESTER
CHRISTOPHER A. EWING
MATTHEW D. FAUBION
DOUGLAS J. FEELEY
JEFFREY A. FEINSTEIN
KEVIN J. FINLEY
KEVIN P. FITZGERALD
AMY L. FORSBERG
CHRISTIE L. FOSTER
KIMBERLY F. FOSTER
DAVID A. FOUTS
JAMES A. FROELICH
DANIEL H. FULKERSON
EMMANUEL L. GALLEGOS
SUSAN C. GALVIN
RUDOLPH B. GAMBOA
MATTHEW J. GARBERINA
ERIKA K. GEITNER
STEPHANIE P. GOLD
ROBERT GONZALEZ
JAMES A. GRAHAM
STEVEN F. GREGUREK
CAROL J. GROBNER
ROBERT S. GUERZON
LORIN E. GUILLORY
CHAD A. HAMILTON
TROY E. HAMPTON
CHRISTIAN T. HANLEY JR.
ANDREW H. HARDY
SUSAN B. HARRISON
ALLYSON L. HARROFF
CRAIG A. HARTMAN
TRACIE F. HATA
JASON T. HAYES
CHRYSTAL D. HENDERSON
KENT S. HERBERT
BRUCE WAYNE HESS
RACHEL A. HIGHT
LANSING C. HILLMAN
CHAD M. HIVNOR
CYNTHIA D. HO
JEREMY P. HOLDSWORTH
MICHAEL D. HOLZER
BRADLEY S. HOOD
DELLA L. HOWELL
BRIAN T. HUBBARD
AMY M. HUBER
CHRISTOPHER M. HUDSON
ROSALIE P. HUDSON
JAMES F. HUIET III
JENNIFER A. HUNT
MARK T. ISAAC
BRANDON G. ISAACS
RANDOLPH L. JAMES
HERSHAN S. JOHL
KIMBERLY S. JOHNSON
HELEN N. JOHNSONWALL
MCCLURE K. JONES
ROLAND P. JONES
ANDREW W. KAMELL
KEVIN J. KAPS
ERICK G. KENT
JOCELYN A. KILGORE
TONY S. KIM
HEIDI L. KJOS
BRIAN A. KLATT
DANIEL S. KNEE
KY M. KOBAYASHI
JEFFREY D. KUETER
NONATO A. LARGOZA
MARK S. LASHELL
PAULETTE D. LASSITER
JAMES NATHAN LAU
CHARLES A. LEATH III
MAXIMILIAN S. LEE
JEANETTE A. LEGENZA
TANYA M. LEINICKE
WILLIAM C. LEWIS
TREVOR D. LIM
JOHN C. LIN
ERIC LIU
MARK D. LOCKETT
TERENCE PATRICK LONERGAN
JONATHAN D. LOPEZ
EVA M. LUHMAN

THOMAS W. LUTZ
TROY D. B. LYONS
DAVID S. MALLETTE
MADHAVI K. MANIAR
MELVIN J. MARQUE III
STEVEN C. MARTIN
DANIEL J. MARTINIE
ROBERT A. MAXEY
RYAN M. MCADAMS
DAVID E. MCCARTY
ZAIGA K. MCCONNELL
ROSS W. MCFARLAND
YURI F. MCKEE
AINE P. MCKENZIE
NOLA S. MCMANUS
VICTORIA LYNN MEREDITH
STEPHEN E. MESSIER
KYLE J. MICHAELIS
JULIE A. MONROE
JOHN V. MONTORELLO
THOMAS O. MOORE
REINALDO J. MORALES
DANIEL R. MORE
MICHAEL S. MORRIS
CHARLES H. MOSHER
MARK A. MOZER
TODD L. MURPHY
EDWARD M. NEELY
KAREN P. NEIL
DAVID M. NELSON
TERESA D. NESSELROAD
NATALIE A. NEVINS
THANG V. NGUYEN
ROBERT E. NOLL JR.
BRENDAN M. NOONE
JR. KENNETH J. NORRIS
JEFFREY S. NUGENT
SAMIA A. OCHIA
AUDRA L. OCHSNER
ROBERT J. OCONNELL
DONELL BAIRD OLIVER
AMY OLSEN
ALAN R. OPSAHL
CHUMA G. OSUJI
TIMOTHY N. OZBURN
SYLVIA L. PARRA
RALPH W. PASSARELLI III
NATHAN H. PEKAR
MICHAEL D. PERRINO
LUTHER G. PERSON
MICHAEL C. PETRO
DARREL G. PIERCE
DANIEL J. PODBERESKY
THEODORE W. POPE
MATTHEW M. POPPE
DENNIS S. PROBST
ALLISON P. PUCKETT
MICHAEL S. PUTHOFF
MARK S. RASNAKE
JENNIFER RAVENSCROFT
PATRICK A. RAY
STEPHEN S. REICH
JOHN P. REILLY
TUESDAY M. RENNER
JOSEPH R. RICHARDS
TIMOTHY A. RICHTER
MATTHEW K. RIEDESEL
KISMET T. ROBERTS
ROBB K. ROWLEY
HARLAN C. RUST
JERRY D. SADLER
IRFAN SAEED
JAMES B. SAMPSON
MICHELLE SANBORN
JERRY W. SANDIEGO
KURT R. SANDINE
DONALD P. SAUBERAN
STEPHEN P. SAWYER
KIRK D. SCHLAFER
GREGORY A. SCHNERINGER
JEFFERY P. SCHOONOVER
MARK W. SCHULKE
NEIL L. SCHWIMLEY
SUZANNE M. SCOTT
RAYMOND R. SESSIONS
ROGER P. SHERMAN
ROBERT M. SHIDELER
JAMES W. SIMMONS
MONA A. SINNO
JOHN L. SMEAR
RICHARD A. SORENSEN
DAVID L. STEINHISER II
KEVIN W. STEPHENS
SHANNON F. STROMBERG
THOMAS G. STRUBLE
PHILLIP J. SUFFRIDGE
MICHAEL J. SUTHERLAND
ANGELA H. SWEENY
MATTHEW R. TALARCZYK
PUMIPAK TANTAMJARIK
LINDA P. THOMAS
MICHAEL C. THOMPSON
JEFFERSON R. THURLBY
STEPHANIA K. TIMOTHY
ANDREW O. TODD
KELLIE M. TOLIN
DAVID J. TOVEY
KELLY L. TRAPOLD
DAVID G. TRUE
MARK W. TRUE
RAJESH TULI
GALE T. TUPER
LAURIE K. TURENNE
KREANGKAI TYREE
MELISSA M. TYREE
CHRISTOPHER P. VAGLIA
CEASAR A. VALLE
KEVIN R. VANVALKENBURG
ANGELA J. VANZEE
PAUL A. VESCO
JOHN S. VISGER
LAWRENCE T. VOLZ
KEVIN R. WADDELL
JOEL S. WALDROP
CHRISTOPHER S. WALKER
CHRISTOPHER W. WALKER
GRAHAM W. WALLACE
STEVEN R. WARD
LORI SUE S. WEBER
JENIFER HALL WELSH
JOHN C. WESKE
REBECCA M. WESTER
MARIE J. WESTPHAL
DAVID A. WHITE
STEVEN E. WHITMARSH
JAMES F. WIEDENHOEFER
PAUL G. WILHELM
ARTHUR L. WILLIAMS
JAMES L. WILLIS
GORDON G. WINGARD
KRISTI C. WITCHER
JOHN R. WITHEROW
ROBERT M. WOOD
FRANCIS M. WU
RAMON YAMBOARIAS
PAUL A. YATES
ROBERT R. YORK
RUSSELL J. YOUNG III
GABRIEL ZIMMERER
MICHELLE K. ZIMMERMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

JAMES L. *AGLER JR.
DAVID G. *AULT
SLAYTON E. *AUSTRIA
STEVEN E. *BODILY JR.
ROBERT J. *BRICH
CHRISTOPHER J. *CANALES
GEORGE G. *CARTER
ANDREW T. *COLE
PAUL N. *CONNER
CARRIE D. COOPER
MARY G. *CREECH
GREGORY S. *CULLISON
MICHAEL D. *CUPITO
CHRISTOPHER A. *DUN
TIMOTHY A. *DYKENS
CORINA M. *EARLGRAEF
MONTSERRAT P. *EDIEKORLESKI
LEAH JANE *ERWIN
IRAD P. *GILLETT
BRIAN T. *GOUVEIA
LINDA M. GUERRERO
ROBERT A. HARRIS
HEIDI SPALT *HASTINGS
WARD K. *HINGER
MICHAEL R. *HOLMES
MARVIN S. *HSIE
SALLY ANN *KELLYRANK
STEPHEN D. *LARSEN
RODNEY J. *LASTER
DANIEL E. *LEE
SHELLEY R. *LOVELADY
JOHN J. *MAMMANO
ANTHONY M. *MARICI
TIMOTHY L. MARTINEZ
CHARESSE E. MCCREADIE
RONALD J. *MERCHANT
TIMOTHY T. *MIDDLETON
JON T. *MOHATT
JAMES B. *MOTT
GREGORY W. *PAPKE
WAYNE S. *PETERS
SUSAN J. *PIETRYKOWSKI
CADINA C. *POWELL
CURT B. *PRICHARD
MICHELLE A. *PUFALL
DIRK W. *SANDSTROM
SCOTT C. *SUCKOW
MICHAEL A. *TAYLOR
MARTIN G. *VALLES
SAMUEL C. *WASHINGTON
JEFFREY J. *WHITE
PAUL A. *WILLINGHAM
BEVERLY A. WOODS

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To be major

COLBY D. *ADAMS
ESTHER C. *ALLEN
LANCE L. *ANNICELLI
MICHAEL A. *ARNHOLTZ
LINUS *AUGUSTUS
DOUGLAS S. *BAKER
KAREN L. *BERKELEY
NICOLE K. *BOYLAN
GERALD S. *BRALEY
WILLIAM L. *BRIM
TENA M. *BUFFINGTON
RAUL *CANALES JR.
PATRICK J. CASTLE
IMELDA M. *CATALASAN
ERIC M. *COX
KRISSA J. C. *CRAWFORD
EDDIE D. *DAVIS
KURTIS L. *DEAN
DAVID L. *DEATON
KATHLEEN S. *DETAMORE
JONATHAN R. *DEVANE
DAINE E. *DROBEK
MARK R. *DUFFY
MATTHEW J. *EITUTIS
MELANIE J. *ELLIS
PEDRO M. *FERNANDEZ
NICOLE L. *FRAZER
BETH R. *GARCIA
ANDREA D. *GARDNER
SHARON J. *GOBER
EDWARD A. *GOODNITE
JEFFERY A. *GOULD
TODD H. *GRAY
STEPHEN G. *GRIEP
JENNIFER L. *HALTER
COLLEEN M. A. *HALUPA
LEVETTE M. *HAMBLIN
GARY S. *HANKINS
MATTHEW V. *HANSEN
ILEANA *HAUGE
PEGGY A. *HEIMLICH
OSCAR R. *HERNANDEZ
DERYCK K. *HILL
BARBARA J. *HOEBEN
THOMAS G. *HUGHES
WILLIAM R. HURTLE
KENNETH L. *JONES
JULIE E. *KEAVENEY
NATALIE M. *KEELER
DANIEL C. *KING
DAVID W. *KOLES
LARRY S. *KROLL
DAVID J. *KUCH
MARTIN W. *LAFRANCE
ALLEN *LEIMENSTOLL
DAVID A. *LINCOLN
DAVID J. *LINKH
WINNIE *LOK
MARION F. *MALINOWSKI JR.
CHERIE ANNE C. *MAUNTEL
MARK R. *MCDOWELL
JEFFREY W. *MCGUIRE
DONALD H. *MCKENZIE JR.
TAMMY H. *MCKENZIE
WILLIAM M. *MCLEAN
JULIAN *MCLEOD
THOMAS W. *MCMAHON JR.
BRIDGET N. *MCMULLEN
KEVIN L. *MCNABB
ABDOLLAH P. *MOGHADDAM
BRIAN E. *MOORE
DAVID G. *MORRIS
BARRY E. *NEWTON
DOUGLAS M. *ODEGAARD JR.
KELLEY MAUD *OLIVER
GARY D. *PAGE
AMY J. *PARKER
MICHAEL B. *PEAKE
NINA L. *PERINO
SONJA R. *POITIER HICKMAN
PATRICE L. *PYE
CHARLES W. *REED
CRAIG A. *REFOSCO
DARREN P. *RHOTON
TRICIA L. *RILEY
JOEL B. ROBB
TERESA K. *ROBERTS
PHYLLIS M. *ROBERTSON
CHRISTINE R. *RUSS
LINDA M. *SCHEMM
STEPHANIE P. *SCHULTZ
LYNN M. *SHINABERY
MICHAEL E. *SHIPMAN
JEREMY M. SLAGLEY
DONNA C. *SMITH
KIMBERLY M. *SMITH
SCOTT M. *SONNEK
ALLEN D. *SPROUL
CHRISTINE L. *STABILE
STEVEN G. *STERN
ZAHID M. *SULAIMAN
DAVID F. *SWAYNE JR.
LANCE A. *THOMPSON
THOMAS P. *TIMOTHY
MICHAEL W. *VERMEULEN
MINH T. *VUONG
DOUGLAS W. *WEBB
DAVID A. *WELGE
RICKY L. *WHITE
SCOT T. *WILLIAMS
VINCENT G. *WILLIAMS
JOHN W. *WOODS
ROBERT A. *WOOTTON
ROBERT K. *YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED

BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

ELISE A. *AHLSWEDE
LEE ANN *ALEXANDER
WENDY L. *ARONSON
CONSTANCE C. *BANKS
MIMI *BANKS
LISA M. *BELL
VALERIE T. *BELLE
CHRISTINE R. *BERBERICK
PATRICIA N. *BRADSHAW
WAYNE R. *BRASCH
KIMBERLY A. *BRIDGE
KATHLEEN M. *BROWNING
LISA M. *COLE
ELLA M. *COLVIN
NICHOLAS J. *CUSOLITO
LISA A. *DANIELSSUTTON
SUSAN C. *DAVIS
LISA A. *DAVISON
MARTIN K. *DEFANT
LINDA S. *DEMARY
FRANCIS J. *DESJARDINS JR.
KRISTA L. *DIXON
BELINDA A. *DOHERTY
DEBORAH K. *DRAPER
JOSEPH L. *EASLEY
MICHELE M. *EVEN
JULIE M. *FAUBION
KAREN M. *FEDERICI
LOUIS A. *GALLO
STEPHANIE M. *GARDNER
ELIZABETH S. *GESSNER
CAROL L. *GILCHRIST
HOLLY L. *GINN
ANDREA K. *GOODEN
SHAWN *GREGG
CALVIN R. *GRINER JR.
EVELYN J. *HALE
ROSEMARY T. *HALEY
TAMARA J. *HALL
ROCHELLE L. *HAYNES
KERRY L. *HESSELRODE
JADE K. *HIN
WILLIAM C. *HULST III
PENNY L. *JESS
HEATHER L. *JOHNSON
MARGRET M. *JONES
HOWARD E. *LOAR JR.
TERYL A. *LOENDORF
KRISTEN BERG *LOGAN
RODNEY A. *LOGAN
MARIA L. *MARCANGELO
CHARLENE R. *MARTINNEAL
STEPHENIE J. *MCCUE
LEE A. *MICHAELS
MARY B. *MIRE
SHERRY D. *MOORE
BRENDA J. *MORGAN
GEORGE R. *MOSELEY
RAYMOND M. *NUDO
BRADLEY A. *OLSSON
BRENDA L. *PARKER
JEANNINE M. *PARKER
CONNIE S. *PATTERSON
TORI E. *PEARCE
PAMELA D. *PETREE
KAREN J. *RADER
LORETTA C. *RAMBY
IMELDA M. *REEDY
GAIL A. *REICHERT
JOSERENAR U. *REYES
WILLIAM A. *REYNOLDS
ROBERT K. *RICE
SHIRRON E. *RICHARDSON
JOHN E. *ROSE
JEANNINE M. *RYDER
TREESA J. *SALTER
BRIAN R. *SCHWARTZ
SHEVONNE L. *SCOTT
THU D. *SCOTT
RICKY JAY *SEXTON
RICHARD W. *SHEA
GEMMA M. *SMITH
SUSAN E. *SMITHBOZKURT
TAMMY R. *STARMAND
DEANNA D. *STEEBY
PAMELA D. *STEPHENSON
BONNIE J. *STIFFLER
AVEN L. *STRAND
LANE C. *TAYLOR
RICHARD J. *TERRACCIANO
ANDREW J. *THOMAS
MICHELLE R. *TIRADO
ROBERT D. *TWEED
MELISSA A. *ULITZSCH
MARIA T. *VIDA
KIMBERLY J. *VOGEL
THEODORE J. *WALKER JR.
MARY M. *WALSH
MARTHA A. WANCA
CHARLES T. *WHEELER
SHARON M. *WHITE
KIRBY L. WOOTEN III
CHERYL E. *YANCEY
PAUL K. *YENTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

LAURA S. *BARCHICK
CHRISTOPHER B. *BENNETT
THOMAS A. *BIEDIGER
JONATHAN C. BOYD
GEORGE L. *BURNETT
BRETT D. *BURTON
REBECCA S. *CAGLE
KERRY A. *CARLSON
AMY L. *CHARLTON
THOMAS L. *CLUFF JR.
BRENT A. *COTTON
ROBERT C. *COTTRELL JR.
GAIL E. *CRAWFORD
TIFFANY A. DAWSON
PATRICK J. *DOLAN
DAVID B. *EBY
GREGORY C. *FOLEY
MICHELE A. *FORTE
PATRICK W. *FRANZESE
KARRI L. *GARRETT
HELEN A. GEORGE
ANDREA M. *GORMEL
KYLE W. *GREEN
CALEB B. HALSTEAD JR.
BRANDON L. *HART
MATTHEW T. *JARREAU
JOHN C. *JOHNSON
JAMES H. *KENNEDY III
SHANNON J. *KENNEDY
JAMES E. KEY III
ARTHUR G. *KIRKPATRICK
MARC G. *KOBLENTZ
ANTONY B. *KOLENC
ANDREW T. *KROG
KIM E. *LONDON
JOHN C. *MALLEY
SEAN C. MALTBIE
MICHAEL S. *MARTIN
LAURA J. *MEGAN
MATTHEW J. *MULBARGER
KATHERINE E. *OLER
DANIEL A. *OLSON
RALPH A. *PARADISO
MICHELE A. *PEARCE
STEVE A. *RAMON
JAMES W. *RICHARDS IV
MICHAEL S. *RODERICK
THOMAS M. *RODRIGUES
WILLIAM G. *ROGERS SR.
ROBERT N. *RUSHAKOFF
ELIZABETH L. *SCHUCHSGOPAUL
MICHAEL W. *TAYLOR
GRAHAM H. TODD
CHRISTINE C. *TREND
OWEN W. *TULLOS
TIMOTHY J. *TUTTLE
BRYAN D. *WATSON
JEREMY S. *WEBER
LISA F. *WILLIS
MARK V. *WITHERS
DONALD E. *WITMYER

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

WAYNE H. ALBRIGHT
MICHAEL G. BALL
MARK E. BARTMAN
JOAN M. BENTZ
STEVEN R. BLATT
ROBERT A. BLISSARD
ROBERT L. BOGGS
MAURICE T. BROCK
BRYAN G. CARPENTER
STEPHEN D. COTTER
DONNIE R. DAVIS
J. TERRY DAVIS
DENNIS M. DIGGETT
JAMES A. DRAKE
LEROY B. DUNKELBERGER II
RICHARD R. DUPUIS
ROBERT J. DUSEK
MARK F. ELLIS
ROBERT L. EZELLE
ROBERT V. FITCH
DANA J. GARVEY
EDWARD J. HULL
GARY J. JANDRISEVITS
SCOT W. JOHNSON
ELIZABETH M. JOSEPHSON
EDWARD D. KINOWSKI
CYNTHIA N. KIRKLAND
WILLIAM F. KOLBINGER
STEVEN R. KOPP
JAMES S. KRAJNIK
DONALD M. LAGOR
ROBERT H. MAGLASANG
MARY V. MARSHALL
DEBORAH C. MCMANUS
DANIEL M. MINI
MICHAEL R. MORGAN
WILLIAM E. NORTON
MATTEO J. ORLANDO
WILLIAM M. PARSEL
DEANE D. PENNINGTON
JOHN R. PRESLEY
STEVEN M. ROWE
BRUCE A. ROY
ANDREW T. RYDER
DARRELL A. SAMPLES JR.
ALICE K. SANDERS
THOMAS J. SIMONET
GEORGE P. SMERAGLIO
DAVID D. SMITH
JACOB Y. SMITH III
WALTER J. SOBCZYK JR.
ALLYSON R. SOLOMON
DAVID W. STICKLEY
FRANK H. STOKES
JONATHAN T. TREACY
THOMAS J. TURLIP
RICHARD G. TURNER
HARVEY M. VANWIE JR.
CRAIG E. WALLACE
RUSS A. WALZ
DANIEL WAWRUCK
MICHAEL J. WILLIAMS

SENATE—*Tuesday, January 14, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by the guest Chaplain, Dr. Richard Roth of Falls Church, VA.

PRAYER

The guest Chaplain offered the following prayer:

Standing in Your presence on this winter morning, Gracious God, we affirm with our forefathers that You have not only created us, but You sustain us each day. So with the psalmist of old, we proclaim, ''This is the day that the Lord has made. We will rejoice and be glad in it.''

Our Senators will face again today matters of such import that differences and conflict will be natural. In this arena, where vision and reality collide freely, may clear heads prevail. We are grateful for the freedom to challenge ideas and debate issues and for that freedom, we will rejoice and be glad.

This moment in history weighs heavy in this chamber and around Capitol Hill, so we ask for wisdom beyond experience and a fresh touch of Your grace. In a world on edge, as diplomats talk and warriors make ready in the pursuit of needed security, we pray that a peaceful resolution will come. With hope in our hearts, Lord, we submit ourselves to You. You are now and forever our Prince of Peace. For Your presence among us we will rejoice and be glad.

In Your Holy Name, we pray. Amen.

The PRESIDENT pro tempore. This morning I would like to ask the distinguished assistant minority leader to lead us in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with the time equally divided and Senators permitted to speak therein for up to 10 minutes.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader.

SCHEDULE

Mr. FRIST. Mr. President, today there will be a period of morning business until 12:30 p.m., with the time equally divided and Senators permitted to speak for up to 10 minutes.

Last night, I closed saying that I remain hopeful an agreement can be reached as soon as possible with respect to the committee resolution which, very simply, allows us to proceed with Senate business and with appointment of our committees and the chairmen.

Again, as I mentioned last night, I want to put my colleagues on notice that if we are unable to reach accord in a short period of time, it will be my intent to begin consideration of the resolution. Again, it is very simple. It just names the chairmen and the Republican members of the committees. In addition, the appropriations process for fiscal year 2003 absolutely must be completed.

Members should be aware that the Senate will finish these matters or it will be necessary to return after the holiday on Monday and be in session through next week. I mentioned that last night in closing. But again I want to make sure my colleagues understand that we have two matters that are of critical importance to the fundamental organization of this body, No. 1; and, No. 2, on the appropriations bills that are the unfinished business from last year, we have an obligation to the American people to complete.

As the negotiations progress over the course of the morning—and, again, discussions continued well into the evening last night and began early this morning—as those negotiations progress, I will advise the Senate about the day's schedule.

Rollcall votes are, therefore, possible each day this week, including Friday, and it may be necessary to begin to have late evenings until we complete the appropriations bill.

I think we could make real progress over the next several minutes and the next hour. But if not and if, in my judgment, we are just at a point where our business comes to a halt, it is important that we come forward on the floor of the Senate with the resolution on those committees.

I think we will have a productive day today. I am optimistic that we will. We have negotiated in good faith over the last week and a half. Now is the time to get on with the Nation's business.

Mr. REID. Mr. President, will the leader yield for a question?

Mr. FRIST. Absolutely.

Mr. REID. Mr. President, I was listening intently. But when does the leader think he would bring this resolution up, if we can't work something out?

Mr. FRIST. Mr. President, my intention is to review it with everybody who has been involved in the negotiations over the next several minutes or hour. But it is time for us to move ahead. So, very shortly. I hesitate to do so, to be very straightforward, because the overall negotiations have gone very well, and I did not in any way want to interrupt those negotiations. But at this point I am receiving phone calls from our colleagues, including the 11 freshmen, who, even if we met right now with committees, are simply not on those committees and are asking: What do we do? We came here. We were elected with the majority, and we are not on committees. We are not allowed.

It is incumbent upon me to get to it sometime very shortly. It may be this afternoon. It may be this morning. But sometime today we need to bring to a head the very simple Republican resolution to appoint chairmen, which we ratified on this side, and to appoint committees.

Mr. REID. Mr. President, my only suggestion to the leader would be that I think it would be in the best interests of all if we at least waited until the party caucuses so our leader and the majority leader could explain to their folks what the end might be. But we will await the decision of the leader. I will report to Senator DASCHLE momentarily.

Mr. FRIST. Mr. President, again, I am trying to have discussions in good faith. If in the next hour or hour and a half it is clear to me that no progress is being made—because by the time we have the policy luncheons, that will be 2 o'clock, and by the time we get back out here, it will be 3 or 4, and in essence we have lost a day. I do not want to make any commitment. I understand. That is why day after day I have not gone public, and I appreciate the Democratic leadership doing the same. But now all our colleagues are recognizing that our responsibility is to the United States of America and to this body, and we simply cannot leave next week with these things pending.

If I wait until tomorrow or the next day before we bring this to a head, it

will be clear that we are going to be here every single day. Right now, I think we have a chance. If we can do the committee resolution today—this morning—I think we can very quickly go to the appropriations process, the committee will be organized, and we can consider that legislation. Because so much work has already been done, we could, in fact, complete this and be able to have the recess that we initially planned. But if it is not done this morning or early this afternoon, I don't see how we will be able to do it.

Mr. REID. Mr. President, certainly we understand the difficulty in organizing. When the majority changed a year and half or 2 years ago, it took us 6 weeks to work this out. I certainly hope it doesn't take that long this time.

I also say both Senator DASCHLE and I yesterday indicated we agree with you that if we cannot complete our business this week, we should stay in next week. The chairman of the Appropriations Committee and Senator BYRD need to finish these bills, and they cannot do that if we are not in session.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Will the Senator yield for a unanimous consent request while the majority leader is on the floor?

Mr. CRAIG. Yes.

Mr. REID. I put us into a quorum call. I ask unanimous consent that during this morning business time that we have, the quorum calls be equally divided between both sides and not be charged against the party who asks for it.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Idaho.

Mr. CRAIG. Mr. President, we are now in morning business?

The PRESIDENT pro tempore. We are now in morning business.

Mr. CRAIG. Mr. President, I will speak for a period of time in morning business.

COMMITTEE ORGANIZATION AND THE SENATE'S BUSINESS

Mr. CRAIG. Mr. President, I was pleased to see the minority whip and our majority leader on the floor a few moments ago, as I was viewing the floor from my office, hoping that an organizational resolution had been completed, that negotiations that had been underway now for nearly 2 weeks as to the organization of the Senate might bring us to a state where the Senate could begin to work.

Obviously, the American people have spoken very loudly in the last several months about the need to get our work done as it relates to both the economy, the risk of war, and certainly the ongoing business of Government. And they spoke out loudly on November 5 as to who ought to be running the Senate. I think they would expect that transition, in a peaceful democratic system, would go smoothly and that we could be in the business of running the Senate. That simply has not happened to date.

I served, at the privilege of the majority leader, as chairman of the Committee on Committees. My task was to call all the Senators and get them fitted into the new committee structure and to recommend that kind of shaping for the ongoing business of the 108th. That work was completed well over a week ago. The majority leader urged me to get it done as soon as possible after the first of the year. Why? Because of the history of the Senate, that most organizational resolutions that get our Senate working occur usually in the first week of January, so we can be immediately at the people's business, so we can be immediately examining budgets and spending resolutions, and begin the work of shaping a budget for our Government to operate.

That simply has not happened. Why has it not happened?

I think the best evaluation of it appeared in the Wall Street Journal editorial yesterday, called ''Daschle's Election Lesson.'' Mr. President, I ask unanimous consent that editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 13, 2003]

DASCHLE'S ELECTION LESSON

So much for the theory that Democrats lost the Senate in November because they had obstructed President Bush's agenda. Judging by Tom Daschle's behavior so far this year, the new Senate minority leader has concluded that the lesson of their drubbing is that Democrats weren't obstructionist enough.

Only a week into the new Congress, the Daschle Democrats are already in full-throated opposition, assailing every White House idea and starting up the 2004 election campaign. Mr. Daschle's response to the President's tax cut hasn't been merely that it's wrong or helps ''the rich,'' but that it's ''obscene.'' (Tom, what are you going to say when you really don't like something?)

Democrats are also already vowing to defeat Mr. Bush's judicial nominees, even if it takes filibusters that let a mere 41 Democrats define Senate ''advice and consent.'' Yesterday Mr. Daschle said the renomination of Charles Pickering Sr. ''lays bare the Administration's real position on civil rights'' and ''exposes the Southern strategy clearly.'' Ah, racial harmony.

This same goodwill embrace is also being extended to new GOP Majority Leader Bill Frist. Despite a bipartisan deal last week to pass unemployment benefits by unanimous consent, Democrats sandbagged Mr. Frist on the floor by demanding more cash than the deal had called for. Hillary Clinton was seen giving orders on this ambush on the Senate floor. While the original deal ultimately passed, the vote was an omen of the Democratic strategy.

Which seems to be to use every opportunity to bollix up the Senate works. That includes even delaying the handover of their majority status. Every new Congress requires ''organizing resolutions,'' but Democrats have threatened to filibuster the Senate version unless they get virtually the same committee and staff funding as the majority.

Some of this haggling is understandable, but the demand for 50/50 funding is absurd. The historical split has typically been two thirds/one-third regardless of the Senate breakdown. Last Congress's division of 55/45 was the exception, because it began with the parties split 50/50, and Democrats only got to 51 midterm after Jim Jeffords defected to get a committee chair. Republicans have now won an election, and Democrats know the majority needs more funding because it has the duty of actually running the Senate.

Conveniently, any organizing delay allows Democrats to continue as committee chairmen, slowing the Republican start. Joe Lieberman, who is supposed to be the former chairman of Governmental Affairs, sent out a notice saying that he'd preside over this week's confirmation hearing for Tom Ridge, nominated to run the new Homeland Security Department.

This would mean a nice photo-op for the soon-to-be Presidential candidate, but it's an insult to Maine Republican Susan Collins, who should be running the committee. The White House pulled Mr. Ridge at the last minute to deny Mr. Lieberman his chance to knock the Administration around, but this only delays Mr. Ridge's ability to get on with the job.

No doubt the Senate will organize, but the shenanigans portend a nasty two years. Democrats are understandably sore about losing their majority, but rather than undertake some introspection they're jumping right back to the barricades. They apparently figure they can obstruct Mr. Bush's agenda and voters will blame Republicans who are supposed to be in control.

Maybe, but we seem to recall that's similar to the argument they made last year. Max Cleland and Jean Carnahan can testify from private life to how well it worked.

Mr. CRAIG. What the editorial in the Wall Street Journal said was apparently the former majority leader had not learned a lesson, that in the obstructionist character by which he operated the Senate for the last 18 to 20 months—that lost him the majority in the Senate, that denied us a budget and 11 appropriations bills, that denied us Medicare and prescription drugs, that denied the American people a great many things that not only was the President promising but the Senate and the House were working under—he should have learned a lesson; that he should be here helping facilitate the process of helping this Senate to move forward.

That has not happened. Why? I guess they don't realize they lost the majority; that somehow they are now in the minority, and it is the responsibility of them, in this Democratic process, to

work with us to make our Government function appropriately. It has always happened that way in the past, but it isn't happening that way today.

Over the last week, the negotiations, which I have not been a part of but certainly which have been reported to me, largely say: We want everything we had last year. But they were in the majority last year. Are they entitled to everything they had last year? No. There is a clear historic precedent that said the majority always got two-thirds of the funding to operate the committees and to cause this system of the Senate to function, and the minority got one-third.

It changed during the 107th because of the 50–50 relationship. And certainly, when I was asked, I would say that in a relationship like we have today, 51–49, with 1 independent, we could be more flexible than just 66 or one-third, two-thirds. But to suggest that they have everything they had last year, in helping set the agenda of the Senate, if that is what their position is, then the tactics they used in the last Senate, that gave them the minority in the new Senate, are being employed once again.

I know why they are doing it and why they think they can get away with it in this business, because it is inside ball, it is inside politics. The American public does not register with them. When we start talking about committee funding and staffing, that is of little interest to an American who is out of work, to a senior who is paying $400 or $500 a month for his or her prescription drugs. They want those problems solved and they want them solved now. And while, in many instances, we cannot move that quickly, it certainly is our responsibility to move.

The Presiding Officer at this moment is the new chairman of the Appropriations Committee. He and his staff have been working for weeks to move the 11 appropriations bills that fund Government through this system, and it has not happened. Why? Because he has not been given the authority, even though he is in the majority, to do it. Why? Because the former majority leader, now the minority leader, has simply blocked it.

The editorial I put in the RECORD from the Wall Street Journal, I thought, said it well in the closing paragraph:

> No doubt the Senate will organize—

and we will. And we may see that debate over a final resolution begin today—

> but the shenanigans—

some that I have just referred to—

> portend a nasty two years. Democrats are understandably sore about losing their majority, but rather than undertake some introspection they're jumping right back to the barricades. They apparently figure they can obstruct Mr. Bush's agenda and voters will blame Republicans who are supposed to be in control.

> Maybe, but we seem to recall that's similar to the argument they made last year.

And then they go on to talk about certain Senators who lost their election. Maybe that message was not as obstructed from the American people as some of us might have believed it was.

The Senate is not working today. And the reason the Senate isn't working is because the minority leader, the Democrat leader, is doing everything he can to block it from working. It is simple. It is straightforward. And I believe my comments are very honest.

Mr. GREGG. Will the Senator yield for a question?

Mr. CRAIG. I am happy to yield.

Mr. GREGG. I think the Senator is making an excellent point, and it goes beyond just the question of the operation of the Senate. It really goes to the constitutional form of government we have.

We have a constitutional democracy in this country. One of the key elements of constitutional democracy is that after there is an election in which one party is succeeded by another party in power, that transfer of power occurs smoothly and seamlessly. That has been the tradition in this country for over 200 years. Yet now we see the other side of the aisle insisting on maintaining their chairmanships after they have lost the majority. That flies in the face of the concept of a constitutional form of government, does it not?

Mr. CRAIG. I think the Senator from New Hampshire is straight on. What we are talking about is that peaceful transition of power, when you are no longer in the majority and it is the responsibility of the new majority to form a Congress, and that is what you do every 2 years with a new Congress.

This is the 108th Congress that we are now forming. I think the point of the Senator is made, which is that the Democratic Party is now in the minority and are still holding chairmanships and therefore refusing to allow committees to function on the whole, and to allow the majority—now Republicans—to shape the committees, bring staff on board, and establish the agendas. And what is most critical at this moment is to finish the work that was left undone in the last Congress.

The Senator from New Hampshire and I know, and certainly the Senator from Alaska who is in the chair at this moment knows, one of the single most important tasks we do every year is pass 13 appropriations bills to fund the Government. That is the budget of the U.S. Government. It is not just dollars and cents. It is policy—where you spend it, how you spend it, how much you spend, what it gets, programs that are discontinued, programs that are expanded. A budget is absolutely critical, and the funding of that budget is, in essence, the operations of the Government.

Yet last year the Congress was not able to perform, not able to pass those 13 appropriations bills. Why? Because of this Senate denying the Congress the time and the opportunity to move forward to get that done. We had hoped we could come back in and, during the month of January, move expeditiously to complete those 11 appropriations bills left undone, get those policy messages and spending messages out to the agencies that are clearly affected so that Government would run as we are expected to ask it to run. Of course, that is really what is being denied at this moment by our inability to organize, the inability of the chairman of the Appropriations Committee—now presiding—to move forward. Yes, we have been working.

Right now, we should not be debating an organizational resolution on the floor or hoping we can debate it; we ought to have the omnibus appropriations bill on the floor with those 11 bills in it. That is what the debate of the day and the work of this week ought to be.

I hope the minority leader and the Democrats who serve in the Senate recognize that the game they play may be inside politics, but more and more of us are going to be talking outside the inside trying to reflect to the American people that, as the Wall Street Journal said, the shenanigans being played are to man the barricades and use obstructionist tactics to stop the Senate from moving and—I think the Senator from New Hampshire said it so clearly—in essence deny us the democratic process.

Mr. GREGG. If the Senator will yield further.

Mr. CRAIG. Yes.

Mr. GREGG. This is a significant point. We have had a number of extraordinarily enlightening discussions on this floor involving the history of the Senate and the history of the Senate in the context, for example, of the Roman Senate. If you look at the history of this Senate and at the history of legislative bodies similar to the Senate, when there has been a sliding away from the traditional transfer of power as a result of an election; when there has been a sliding away from that, that is when crisis has occurred. I know the Senator who was often giving us extraordinary statements and information on the issue of the Roman Senate, and he would probably have to concede that the Roman Senate—if I may refer to that body as the precursor of ours—really fell into disrepair and became a nonfunctional body when Caesar refused to abide by the Roman Senate and stepped on the authority of the Roman Senate and took away its authority and didn't acknowledge its elective role.

The only time in our history when we have not had a transfer of power that has occurred as a result of an election,

when the right of an election has been superseded, was in the Civil War, and there were extenuating circumstances for why that occurred. It occurred in the Maryland Legislature, to be specific. So this decision by the other side of the body to retain their chairmanships in the face of an election which has removed them from them, because the majority has shifted, sets a precedent which has immense impact, potentially, on the way this body functions as a reflection of a democratic government.

So before the Democratic side of the aisle continues down this course, I think they need to think about what they are doing. Are they damaging the integrity of our process, of the elective process, by continuing to insist that they remain in power when they have lost power through the election? That is what this is about. They want to retain power even though they lost power through the elective process. I think the Senator has touched the issue rather effectively. I suppose it can be understated, but I don't think it is.

Mr. CRAIG. Let me conclude because I see another colleague on the floor who wishes to speak. I am going to serve on the Judiciary Committee this year, along with several colleagues, for a lot of reasons, but primarily to move judges into our Federal court system that now lacks 150 seats. That third branch of Government isn't functioning largely because of the denial to move the President's nominees through in this past 18 to 20 months. We have seen that going on. Yet we are now being told that 41 Senators will filibuster, and that that simply won't happen if they don't get what they want.

The role of the Senate and the Judiciary Committee in this instance fits well into that advise and consent role that we play with the executive. My colleague from New Hampshire was talking about constitutional authority and constitutional responsibility and the transition, if you will, in a democratic process. Our job is to advise and consent. Our job is to review the President's nominees, and I hope we can bring every one of them to the floor for an open-ended debate—not to filibuster; that would be precedent-setting, but to have a debate and have an up-or-down vote. That is what the American people expect of us and they should demand it, and I hope the hue and cry from the hinterland becomes very loud in the next few months if the processes are denied simply by an obstructionist tactic of refusing to give up power when the electorate has spoken.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Alabama is recognized.

WHAT THE AMERICAN PEOPLE WANT

Mr. SESSIONS. Mr. President, I had the great honor of being elected by the people of Alabama to a second term this year. I traveled hard all over the State. I travel to every county every year in my State. I was out this past year talking with the American people and listening to what they had to say. I have a sense of what they are concerned about, what they want to see done, what they thought their vote meant.

They were, I believe, tired of politics as usual, political logjams, obstructionism. They wanted us to move forward, work together, and put the interest of the United States and the people first. They think we focus too much on parties and political interests. Certainly, sometimes what may appear to individuals as a petty political party dispute really has significant policy impact for the country and the world, but the truth is that many times that is not so. Many times, the American people are correct that politics interferes and overcomes our responsibility to serve the people of the United States. Sometimes the debates we have here are indeed ''insider baseball,'' as some would say. It reveals personal pique, pride, and sometimes plain obstructionism.

After the election, when the majority changed in the Senate, just ordinary people would grab my arm as I went about and they would say to me—and I have told others this, and they have said it in almost these same words—JEFF, maybe you can get something done now.

I think the message of this election was the American people wanted us to get the work done. I believe that strongly.

I was a Federal prosecutor for a number of years. I know the Presiding Officer has been a lawyer for a number of years. I remember the story—it has different versions—about a jury that had been out a couple of days. The judge was getting a little worried about them. He asked them how they were doing, and they reported: Fine, Your Honor, we just elected a foreman.

How much time do we have to piddle around with organizing resolutions? The situation with which we are struggling today is critical. We must pass an organizing resolution for this Senate. It is important because nothing much is going to happen in this body until we do. New Senators cannot even be assigned to committees until this organizing resolution is adopted. We can do better.

The Senate has been in session over a week. We still have not adopted the organizing resolution. The new majority leader, Senator BILL FRIST from Tennessee, has a reputation of working across the aisle, of being able to bring together people with different views, and he is a good and nice person. He desires a bipartisan resolution that is fair to everyone, but I think it would be a mistake for Members of this body to believe that because he desires to be fair and he desires to reach across the aisle, he is just vulnerable to being pushed around; that they can insist no changes occur in their vision of how this body ought to be organized, and they will just sit back and refuse to let the business of the Senate go forward until that happens. I believe that is wrong.

The majority leader is going to be open, but he will not capitulate and change the historic procedures that have guided the Senate over the years. Frankly, there is a reason on the financial end of this organizing resolution for the majority party to have additional resources. That reason is the majority has to chair the committees, and the chairman has to move the agenda of the committee. Not only does the chairman have to chair the committee, but each committee has subcommittees. Armed Services, of which I am a member, and Judiciary, of which I am a member, have four, five, six subcommittees, and each one of those subcommittees the last 2 years has been chaired by Democratic chairmen, as well as the chairman of the committee being Democratic. Now those subcommittees will be chaired by Republicans who have the burden of moving the legislation forward and moving an agenda forward.

It is historic that the chairmen and the majority on the committees have had a higher degree of financial support than the minority.

There is a lot of work for us to do. This last Congress, which I suggest raised obstructionism to a high art form, was a failure by any objective analysis. It is little wonder its failure led to a change in the majority in this body.

For example, for the first time in nearly 30 years, we did not pass a budget. This was a signal failure that symbolized the ''my way or no way'' attitude of the past Congress leadership.

We failed to pass a prescription drug plan. Why? Because the Democratic leadership insisted on a bill that would spend twice what we had budgeted the year before. We had budgeted $300 billion for a prescription drug plan. But, oh, no, it had to be twice that. Some suggested that had to do with politics. Some suggested there was a concern on behalf of the leadership—and I hope this is not true—that if a bill passed, the President would get credit and the Republicans would get credit, and they did not want them to get credit. I hope that is not true.

I do know I was prepared to vote for a bill that even exceeded that $300 billion which would have created a prescription drug plan that had tripartisan support, but it never went forward to be passed.

Then there was the homeland security issue, really an amazing issue. The President of the United States, in response to an attack on the homeland of the United States and after careful evaluation, concluded we needed to reorganize our Government to get those departments and agencies that function to protect our homeland security together in one agency so they could work together in an effective way to be more efficient and more productive in protecting our homeland.

It was a big deal. He proposed that resolution, and what happened? Some of our Government union friends—and I used to be a Government employee; I know and respect many of those members—wanted to use the homeland security bill as leverage to maneuver into the law provisions providing benefits to their workers that were not even in current law. When, in fact, we were trying to create an agency that was more like a military agency—with a higher degree of responsiveness required than the normal agencies—no, they wanted to make sure there were even greater protections than existed at the time for workers.

The President said: What I need is flexibility, please, Senate. His bill passed the House. He said to the Senate: Please give me some flexibility; I have to move people; I have to be able to protect and defend the homeland of America. Don't tie this up by politics of special interest. He urged us not to do so. We debated and debated, and it was obstructed week after week, and then we took his case to the American people on election day, and the American people spoke. They said: We are tired of obstructionism. We want a bill. We want homeland security, and we want it now. A few weeks ago in December when we were in a lame-duck session, the homeland security bill passed quickly, and the leadership on the other side of the aisle capitulated to the changes the President wanted. It was a complete victory for the President because the American people spoke on that issue.

Another one of the more amazing failures of this past Congress was our utter inability to pass the appropriations bills. This Government cannot function; no Government agency can spend a dime that has not been appropriated by the Congress. So each year we have a burden to do our jobs before the beginning of the fiscal year in October and pass appropriations bills. We work on that every year. Sometimes we do pass them on time, and sometimes we are a few weeks late and have to do a continuing resolution, but we normally get the appropriations bills done. Not this year. By October 1, we had not done our job. By the time we recessed and by the time the Senate reconvened in a lame-duck session in December, we still had not passed 11 of the 13 appropriations bills necessary to organize this Government. And they still have not been passed.

We need to be moving on those bills now. In fact, what we really need to be doing right now is preparing for the 2004 fiscal year that will begin in October. That is what we should be doing. But what are we doing? We are still working on those appropriations bills that did not pass last year. It is a historic failure because of the obstructive tactics that occurred in this Chamber. We should have done better. There is no excuse for that failure. But I really overstate the matter. We are not formally working on that now in any significant way because we do not even have committees. We do not have committees because the other side thinks just like they did with homeland security; that going forward and moving the agenda is so important they can demand and extract from Senator FRIST concessions they would not otherwise get under these circumstances. I do not believe that is healthy.

I hope Senator FRIST will reach across the aisle and do what he can to accommodate legitimate concerns, but I do not think he should be pushed beyond what he thinks is right. I do not think he should be shoved around where he concedes things that are not part of the historic traditions of this Senate.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. SESSIONS. I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I do not know if they have mules in South Carolina. I suspect they still do. I conclude by these remarks: It is said that one way to get the attention of a mule is a 2 by 4 across the head.

We had an election this past year, and I believe a critical part of that election dealt with the question of obstructionism in the Senate. The 2 by 4 has been delivered. I was proud to be sworn in, as I know the present occupant of the Chair was proud to be sworn in as the successor to Senator Strom Thurmond from South Carolina. There were 35 Senators sworn in. Twenty-two of them were Republicans. That is a pretty good 2 by 4 against those who believe obstructionism is the proper tactic.

Some on the other side think their lack of success in this election was not due to obstructionism. They think their lack of success was they were too cooperative, and they are being encouraged to fight even harder this time. If that is so, we are in for a long, difficult year, and that is why I am troubled by this extraordinary delay. It has gone on day after day, everybody thinking day after day it will be settled. It has not been settled yet.

So are we going to now start a year of partisanship and obstructionism on every issue? I hope not. I believe we need to settle this matter now, and I want to be clear and say I think Senator FRIST is doing everything possible to be fair and to work out this difficulty, and that once that is done we will move forward and we will have a successful Senate term.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

DO UNTO OTHERS

Mr. DURBIN. Mr. President, I have listened to the remarks of my colleague from the State of Alabama very closely and carefully, and I have a very simple suggestion of three words for the organizing resolution, and the three words are: Do unto others.

What the Democrats are proposing as an organizing resolution, in a 51–49 Senate, is exactly what the Democrats proposed to the Republicans when we had 51 votes and the Republicans had 49. We said, this is such a close division of control in the Senate we are going to offer resources which historically had never been offered to a minority but we felt that it was only fair, and here is what we said: We will give 55 percent of the resources to run the Senate to the majority party, in that case Democrats who had 51 votes, and 45 percent of the resources to the Republicans. And the Republicans said: thank you. That is fair. That is just. We accept it.

Along comes an election and two Senate seats change, and guess what. Now the Republicans are in control with 51 votes, and this fair and just approach of running the Senate is now being rejected.

I am hearing from the Senator from Alabama that we do not understand the mandate of the American people says we are not going back to this fair allocation of resources—no, no, no. Two-thirds of the resources go to the Republicans and a third to the Democrats. Democrats get fewer offices, fewer staff, fewer people working for them, and the fact the Democrats gave the Republicans 45 percent of the resources when they had 49 votes, forget it, those days are over.

We are trying to, as the Senator from Alabama said, run over Senator FRIST. No, we are offering to Senator FRIST, the new majority leader, exactly as a proposal what we offered to the Republicans when they were in the same situation.

Our organizing resolution is simple: Do unto others. We are asking the Republicans to be as fair to us as we were to them, and they have rejected it.

My colleague has come to the floor today and said we are being unreasonable. I do not think so. When it came to allocating the resources of a closely divided Senate, we gave to the Republican minority of 49 Senators an extraordinary allocation of resources, a

fair allocation of resources, and they do not want to see that happen again.

In talking about this last election, it was truly an historic election. The fact that the President's party would increase the number of seats in the House and the Senate is history making, and the Republicans deserve credit for that. Their party was successful in its campaign strategy, but to suggest that two Senate seats represent a revolution in thinking to the point where we can cast aside all of the fair allocations which we decided would be part of the future of the Senate is unreasonable to me. Why can't we play by the same rules?

Mr. SESSIONS. Will the Senator yield?

Mr. DURBIN. I am glad to acknowledge the Senator and allow him to speak on Republican time, but I want to maintain the 10 minutes I was allocated as part of morning business. I do not think that is unfair.

What we are suggesting is exactly what we gave to the Republicans and now they cannot stand it. They cannot stand the thought we would end up with 45 percent of the resources.

On the outside, people say, why are we haggling over 45 percent or 50 percent? Well, it comes down to people and staff who are working on committees, who are trying to process and evaluate bills so we can have a lively and informed debate, and the Republicans want to deny us those resources, the same resources we offered to them. I do not think that is fair.

As for this organizing resolution, make it simple, three words: Do unto others. Have the Republicans do unto us what we did unto them in exactly the same circumstances. They say they cannot live with that. It really tells the whole story.

Let me talk for a moment about the failure of the last Congress, which the Senator from Alabama has addressed. It was breathtaking to hear his analysis of what happened over the 15 or 16 months when the Democrats were in control, how terrible it was, how things could not get done. He talked about the homeland security bill, and I remember when the Senator from Texas, Phil Gramm, came to this floor and tied up the Senate for 6 weeks and would not pass the homeland security bill because he would not allow an amendment to be called for a vote. For 6 weeks he held up the Senate, which can be done. This is the greatest place in the world to get nothing done, and we do a lot of it. The rules are designed so that nothing is done. Senator Gramm knew the rules and the Republicans knew the rules. Time and again they established the roadblocks and stopped the bills we wanted to pass.

Homeland security was a classic example. It got so bad that my former colleague, Max Cleland of Georgia, a triple amputee Vietnam veteran, a man I was proud to count as a colleague and friend, was attacked during the course of his Senate campaign for not being patriotic. He is a triple amputee Vietnam veteran, and they said in the campaign he was not patriotic because he would not go along with the Republican position on homeland security. To me, that represented the depths of campaigning in America, the absolute worst, and that is what we faced in the last election.

It is a tough business. This is not a bean bag. One has to expect give and take in this business. It is part of it. But that really represented the bottom as far as I was concerned, and that is what we are up against.

On prescription drugs, we came up with a proposal which said make it voluntary, make it universal, make it under Medicare so seniors have a chance to pay for their drugs. Who opposed it? The drug companies. Know why? Because if the Federal Government, under Medicare, offered this program we would bargain with the drug companies to bring down their prices.

They did not want to do that. That would cut into their profits. They supported the Republican version of their bills which basically gave the seniors little or nothing, and then turned around, and if people did not believe who they were supporting, look at the money they spent in the election—tens of millions of dollars in support of Republican Congressional candidates who supported their point of view, that basically said consumers in America will keep paying the highest prices so the profit margins to these drug companies can be as high as they have always been. That was the whole story in that debate.

Frankly, when I hear the Senator from Alabama blame the Democratic Senate on the failure of the appropriations process, I might remind him the appropriations bills originate in the House and they could not get started. We passed two bills. There were 11 appropriations bills that did not pass, and still have not passed. They could not pass them out of the House because they could not reconcile the Republican caucus in the House. They put that blame on Senator DASCHLE and the Democrats. We could have done a better job. I wish we had. Frankly, some of those criticisms are weak and wrong.

Now a word about the President's stimulus package. Is it not interesting that the former Secretary of the Treasury, Paul O'Neill, said yesterday that had he continued on as Treasury Secretary, he would have not supported President Bush's stimulus plan: I would not have done it, Paul O'Neill said. I can understand why. When you look at this plan, you see there are three fundamental problems. It is not a stimulus plan. To get the economy moving, do something now. Give people spending power.

There are a lot of working families in Illinois and across the Nation. With a few more dollars, they would spend on goods and services, creating demand, creating jobs, creating opportunity. No way. This Bush approach is going to defer most of the money that will be spent for an extremely long period of time. Look at what the President's stimulus package does in the first year: 12 percent of the money he is proposing to be spent in the first year, $110 billion; over a 10-year period of time, $933 billion. This is not an economic stimulus. If it were, you would focus on the first year, as the Democrats have, put the money in the first year, get the economy moving again.

I live in a State now No. 3 in the Nation for unemployment. I cannot imagine that this has happened, but it has. In Illinois, there is 6.7 percent unemployment. We have lost over 20,000 manufacturing jobs in the last 12 months. The President says all the stimulus should come in years to come. What about the people losing their jobs today? Don't we want to put them back to work? Not under the President's plan.

The second problem is the nature of the tax breaks. They are fundamentally unfair. I believe this, fundamentally, when it comes to tax law: The majority of the tax benefits should go to a majority of Americans.

I have heard Republican Senators—one from Pennsylvania—say: Don't you understand? A third of the workers in America do not pay taxes.

Hey, wake up. These people are paying payroll taxes every week.

Oh, he just meant income taxes. What difference does it make if they are taking it out of your paycheck? That is what is happening to the workers who are being ignored by the President's proposal, ignored by the Republican majority in this Chamber.

Look at these benefits: Typical middle-income taxpayers, adjusted gross incomes up to $38,000—that is at the lower end of middle income, I am sure—$265 a year under President Bush's proposal for tax breaks. Now look at those with incomes over $1 million a year: Under President Bush's proposal, those making over $1 million a year will get almost $89,000 in tax breaks. Think about that. When a citizen has $80,000 in income a month coming in, how big a difference in your life is $89,000?

Somebody said the other day in one of the articles, the President is standing up for minorities in America. Sure, the minority being millionaires.

Why in the world are we not standing up for the working people across this country? In my State and across the Nation, they are struggling to make ends meet. They are trying to pay the bills. These are folks who have seen their retirement income shrinking. If they are members of labor unions, they

have seen their pension benefits threatened. Struggling working families in America are people who need tax breaks as well.

Take the cost of health insurance. What do you think about that? Have you paid any attention to what is happening, whether you are small business, large business, or labor union? It is breaking the bank. In my State, construction workers with good jobs, with good paychecks, come to me and say: Another year has gone by, we have $1.50 more an hour under our contract, and I don't see a penny of it in take-home pay; it is being gobbled up by health insurance.

At General Electric, the employees called a strike because of the cost of health insurance.

And the President is saying, let's not worry about those folks, let's worry about the millionaires and give them $89,000 in additional tax breaks. Why in the world are we not giving tax benefits to help working families and small businesses cope with the real expenses of life?

My colleague, Senator CHUCK SCHUMER of New York, has a proposal, which I cosponsor, which allows the deductibility of college education expenses. That just makes sense to me. A new couple with a new baby, and you go see them and say: Looks like his dad. Looks like his mom. Is he sleeping at night? Are you starting to save money for college for this little baby? The first thing that comes to mind: You know how expensive it is. Why in the world, if we are talking about tax breaks to help people, to spark the economy, aren't we talking about things like that—breaks for small businesses to offer health insurance, breaks for families so they can pay for their kids' college education expenses, reductions in the payroll tax that would help every single American across the board. No way.

When this President takes a look at it, he cannot even see those people. The only people he sees are those making $1 million a year; $89,000 in tax breaks for them. That is not fair.

Let me tell you about something that troubles me greatly. Not only are the President's tax breaks unfair in terms of whom they help—not a stimulus, because they do not take place in the first year—the thing that troubles me greatly is we are returning to that era of deficits in America that we had under Presidents Reagan and Bush and the first few years of President Clinton: Red ink as far as the eye can see.

When you ask the Bush Cabinet, Aren't you worried about the deficits you are going to create with this tax program the President is proposing, they say that deficit is ''manageable.'' Manageable—$350 billion in deficit?

Let me tell you what we are doing. We are betraying two generations with the President's economic stimulus package. The first generation we are betraying is the baby boomers who within a few years are going to show up for Social Security and Medicare. For their entire lives, as long as they have worked, they have dutifully paid every single hour of every day of work into the Social Security trust fund with the understanding that when they were eligible for Social Security, it would be there and Medicare would be there. But the President's proposal is taking money—in this case, $933 billion over 10 years—out of the Social Security trust fund, just at the baby boomers are looking for their benefits. At a time when the largest number of retirees come in, President Bush is taking more money out of the Social Security trust fund to make it more difficult to meet our obligation. Will we meet it? We will, but at the expense of everything else in our Government—at the expense of education, at the expense of prescription drugs, at the expense of helping families pay for their basic education needs and basic needs of their family. These are the topics central to this debate.

The second generation we are betraying is our children. President Bush's proposal betrays the generation of our children. Why do I say that? They have to pay off this debt. All this money that we are borrowing at this point in time in our history has to be paid back, or at least interest on it to service it over the years. The Republicans, fiscal conservatives, watchdogs of the Treasury, are digging us into this deep deficit of red ink so we can give tax breaks to the wealthiest people in America. How can that make sense?

Let me add another perspective. This is a time when usually a country cinches its belt, takes a view toward reality, and is prepared to sacrifice. We are in the midst of a war on terrorism.

I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I ask unanimous consent for 7 minutes afterwards.

Mr. DAYTON. Reserving the right to object, is there an order established right now?

The PRESIDING OFFICER. There is an order.

Mr. DAYTON. Is the Senator from Alabama asking consent—is part of the unanimous consent request—I see the Senator from Vermont is here. I ask the Senator from Vermont if he wants to add his time to the unanimous consent request, and I request 15 minutes after the Senator from Vermont.

Mr. JEFFORDS. If you want to proceed, that is fine with me.

Mr. DAYTON. I refer to the Democratic whip.

Mr. REID. It is my understanding the Senator from Alabama wishes to speak. Is that right?

Mr. SESSIONS. Seven minutes.

Mr. REID. Following the Senator from Illinois. And then following that, the Senator from Vermont wishes to speak for how long?

Mr. JEFFORDS. Five minutes.

Mr. REID. And then the Senator from Minnesota wishes to speak for how long?

Mr. DAYTON. Fifteen minutes.

Mr. REID. I ask the Chair, do the Democrats, with our allotment of time, have that much time?

The PRESIDING OFFICER. Yes.

Mr. REID. I ask unanimous consent, then, that the Senator from Alabama be recognized following the statement of the Senator from Illinois; then the Senator from Vermont be recognized for 5 minutes; then the Senator from Minnesota for 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DURBIN. Mr. President, let me conclude by saying the following: On the organizing resolution, the Republicans should offer to the Democrats exactly what we offered to them under the same allocation of seats in the Senate, 51–49, Democrats over Republicans. We offered to the Republicans 45 percent of the funding for the Senate and they took it and said, thank you; that's only fair. That is all we are asking for now. It is not unreasonable.

Second, the President's economic stimulus package is not a stimulus because most of the benefits do not occur in the first year. It is not fair because most of the money is going to people in the highest income categories. And it is reckless in terms of the deficits it is creating for this generation of baby boomers who are going to need Social Security and for our children who will have to ultimately pay for this debt.

The final point I make is this. At a time of national sacrifice, facing a war on terrorism and the potential of at least one other war in some other part of the world, we are allocating tax cuts and deeper deficits instead of saying to the American people: Stand with us; take care; let us go through this time of crisis together and then as the economy is restored we will stand together and prosper together. Instead, we are saying: Tax cuts for everybody—as long as you are wealthy in America.

That is not the best approach to get America moving again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I strongly disagree with the characterization of the President's stimulus package as stated by the Senator from Illinois. He is a great advocate and eloquent spokesman for his values and views, but I don't agree with that analysis.

The problem we are dealing with today is that it does little good to be talking about stimulus packages, war,

or other matters when we can't get the Senate organized. He challenged some of the statements I made and I want to talk about that a little bit.

First, it is indisputable that the last Congress was marked by obstructionism and failure. We produced no budget for the first time in the history of the Budget Act, almost 30 years. No budget was passed. We were not under a budget. It is a historic failure of monumental proportions.

Mr. President, 11 of the 13 appropriations bills that should have been passed by October 1 of last year remain unpassed. This Government cannot operate, cannot spend money not authorized by Congress. So we are at this moment unable to even take serious steps toward passing these appropriations bills from last year when the Senator's leadership was in control because we can't get the Senate organized.

Homeland security was held up interminably, over nothing more than labor issues, driven by the other side. After the election, the President got exactly what he wanted. The other side capitulated on that because they were not sound objections. They never were. And the American people didn't appreciate it, and they knew it, and the bill passed.

There were a lot of bills that failed last year that should have passed had we met each other halfway. Let me tell you how that year started. This is important.

Two years ago the Senate was 50–50. That changed when the distinguished Senator JEFFORDS made a decision to change last year. But when it began, it was 50–50. The Republicans had an effective majority because the President of the Senate was Vice President of the United States, DICK CHENEY, and he would have broken the tie on these matters. In an effort to work in a bipartisan way, TRENT LOTT agreed to something never before agreed to. He agreed to basically a divided Senate financing and an organization that was historically favorable to the Democrats, because we were at a 50–50 deal, and he wanted to work in a bipartisan way the last 2 years, in the last Congress. That was a big step, to not fight but to reach an accord. Some criticized him for that but he did that.

In the course of that agreement, somebody said: Well, what happens if the majority changes in this year? We don't know that is going to happen, but over every 2-year period often things change that you do not expect. So the agreement was reached that if the majority changed and the Democrats achieved a majority and got 51 Senators, then the funding would remain the same for the Republicans so we would not have disruption in the middle of that Congress. That was the agreement reached. When Senator JEFFORDS made his change—and he remained as an Independent but he organized with the Democrats and they had 50 Democrats and 1 Independent to organize and elect Senator DASCHLE the majority leader—then the funding continued as we had agreed months before when the original resolution was agreed to.

That is what happened. That is how it is that it came out that the funding ended last year the way it did. It was not as if the Democrats made a great concession. In fact, TRENT LOTT made the concession. As part of that agreement that they worked out, they worked out how it would continue throughout that Congress, and that is what happened.

Now we are here in a situation in which every committee is chaired by Republicans, every subcommittee is chaired by Republicans, and we are back into the normal historical deal where you have a majority in the Senate—whether it is 51, 52, 53, or 54—and the majority needs funding. The majority needs other capabilities to operate the Senate so we can pass our appropriations bills; so we can pass a budget; so we can move legislation that needs to be moved.

So it is just not right to say this plan that Senator FRIST is working on to return to the historic way that we have organized this Senate throughout our lifetimes, and perhaps even more, is somehow unfair and not legitimate. It is the way we organized and the way we ought to organize this time.

So I hope we do not start this Congress with this kind of spat. I know Senator FRIST has, for days now, been working to reach an accord with which people can be familiar. I think there are some who think if they keep shoving it, the crisis in our agenda is so important that Senator FRIST will just give in. I think he will be cooperative and reach out, but there is a limit as to how far he can and should go. I know he is not going to capitulate and give in to an unhistorical way to divide the leadership in this Senate and to accept a resolution of organization that is not consistent with our traditions and the needs, frankly, of this body.

I hope this will be worked out. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

EDUCATION

Mr. JEFFORDS. Mr. President, first, briefly, I remind those who don't remember that my decision to change parties came about on the basis of education and education funding, not what we have been discussing recently. At that time, the budget had left the Senate with $500 million to be made available for education—maybe $450 million. But when it came back out of conference it was zero, absolutely zero.

It was at that point, in order to impress upon this Nation the importance of education and to show my disagreement with my friends on the other side of the aisle, I decided I would change over such that the Democrats would have control of the budget process and that we would not suffer the horrendous cuts which were proposed in education.

I would say right now we are still on that issue. The most critical problem we have in this Nation right now is education. I will discuss that now and try to put some light on the difficulties we are having.

Usually in times of war the question of national priorities is summed up with a simple phrase: Guns or butter. But today, I fear that the choices aren't that simple. Perhaps it is time that we retool that phrase and ask ourselves, will it be guns or butter, tax breaks or textbooks?

As the threat of war dominates our front page headlines and as we talk about stimulating our economy with billions of dollars in tax breaks, I was astonished when I turned to an inside page of the New York Times last weekend and read the headline, ''Schools Ending Year Early Among Efforts to Cut Costs.''

If I may quote from that story:

> Fourth-grade students in Portland, OR will not read about their State's history in their social studies classes, nor will they study the metric system in math class, nor will they study electricity in their science class.

That is because some schools in Portland will be forced to slash more than a month from their school calendars this year because the money has run dry.

And Oregon is not alone in this crisis.

In California, Oklahoma—all over the country—schools are having to cut millions of dollars and they expect even deeper cuts in the year to come.

Schools are cutting janitors, cafeteria workers and substitute teachers in an effort to keep their classrooms in tact. One teacher described it as ''death by a thousand cuts.''

In my home state of Vermont, there is talk of whether a 4-day school week would be an option.

This all comes on the heels of last week's celebration of the 1-year anniversary of the No Child Left Behind Act.

Something is dreadfully wrong with this picture, and if we don't address this now, the consequences will be with us for generations to come.

What kind of a nation have we become that we put so little value on a school day? Every school day is sacred. It is an opportunity to expand a child's horizons, an opportunity to help a child build new relationships, an opportunity for a child to learn.

Our Nation's public schools cannot overcome the obstacles they face on the cheap. We might pride ourselves as being a superpower, yet we lag dangerously behind our counterparts in our commitment to fund education.

Of the major industrial nations, the United States ranks among the lowest in funding education at the Federal level, providing only seven percent of the costs. This figure pales by comparison when you look at our overseas competition.

Other nations hold their teachers in the highest regard, and compensate them accordingly. We do not.

I laud the efforts of the administration to boost Title 1 funding for the poorest schools, but the one billion dollar increase this year is still far short of the mark.

And I once again remind everyone in the Chamber of our failed promise to fund 40 percent of our schools' special education costs. We made that promise more than a quarter of a century ago. It is shameful that we have fallen so short.

In other nations, students spend far more time in classrooms than they do in the United States.

In China, the average school year is 250 days. In Europe, students spend an average of 190 days a year in the classroom.

In the United States, we are down to 180 days, and that number is likely to fall as school budgets are slashed, as we see happening today in Oregon.

We cannot, and we should not, stand idly by while our schools struggle without enough money to do their jobs. This is a national disgrace.

I understand that there are many priorities facing our Nation, perhaps too many for what our recessionary budget can afford.

But when we consider guns and butter, we must not allow textbooks to slip to the bottom of the list. The security of our great Nation is at risk, and the threat is right here at home.

We must act responsibly.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

COMMITTEE ASSIGNMENTS

Mr. DAYTON. Mr. President, I was listening with some amazement to the discussion last night and earlier today about the reorganization, who is to blame, and who has the interests of the American people at heart. I have been kind of astonished at the reworking of the present reality and the past history by my Republican colleagues.

I am reminded that when I arrived at the Senate 2 years ago, I waited for 5 weeks to receive my committee assignments. We had, as others have said, a 50–50 split then, and the Republicans, because of the Vice President, had the majority. But it was unprecedented. So there was some reason for this delay. But then when Senator JEFFORDS moved over to caucus with our party in June of that year, I lost my committee assignments for the next 6 weeks while once again this agreement was negotiated.

Contrary to what I have heard from others across the aisle, it is my understanding that an agreement was reached for when the Senate was 50–50, and we had a provision that the agreement would end if and when the majority in the Senate moved to one side—not that it would remain the same for that entire session of Congress.

I had no committee assignments for 6 weeks while this split of 51 to 49 was being renegotiated, despite years of precedence and how we were told the Senate should be organized and how funds were distributed when the Senate was in clear majority by one side or another.

Those who are today shedding crocodile tears for their colleagues who are denied committee assignments certainly were not at all visible 2 years ago when I was waiting for those 6 weeks for my committee assignments to be reinstated.

I don't propose that our side should act as irresponsibly as others did 2 years ago. In fact, I am told that many of the chairs and ranking members of the various committees, as they will be reestablished under Republican leadership, have already reached their agreement about how they are going to allocate funds—either 50–50 or 60–40—along the lines of what they agreed to 2 years ago. It seems to me that those who are able to behave responsibly have already come to their own agreements regarding their committees and what we are left with are those who are holding out with insistence that they are going to have their two-thirds share.

I am reminded of my mother, when I was a child growing up with my brother and sisters, who said when we were squabbling over who was going to get this or that: Well, until you can work it out among yourselves, none of you will have it. It was amazing how, back then, it was possible for my brother and sisters at very young ages to work these things out, knowing that until we got it resolved, none of us could have what we wanted. So I think that would be a good admonition for my colleagues who are complaining today about the lack of organization.

I am reminded also that when we arrived here a week ago, our new colleagues were sworn in and the next day the Republican caucus wanted to adjourn to have a conference. In fact, we on the Democrat side wanted to stay in session. Senator CLINTON had an amendment to reinstate unemployment benefits for those who lost them in December. We asked for 30 minutes equally divided to debate that amendment and to have a vote. We were told we couldn't have that; there was not time. The Senate was adjourning to the next day so the Republican caucus could go out and have their conference.

We came back on Thursday. The Republican leader—the majority leader, now acknowledged by everybody and recognized as representing the majority caucus, the Republican caucus—told us on Thursday afternoon that there would be no votes on Friday, no votes until Monday at 5 o'clock. We had a long 4-day weekend and came back. I came back yesterday. I understood that we were going to have a hearing this morning—right at this hour, in fact—to confirm the nomination in the Governmental Affairs Committee of Governor Ridge as the new Secretary of the Department of Homeland Security.

I met last week with Governor Ridge. I told him he had my support. I met with the Secretary of the Navy last week, Mr. England, who will be the Deputy Secretary. I said I hoped we would have a hearing this week on his nomination, as well, so we could pass that—I expect virtually unanimously, or if not unanimously, on a bipartisan basis.

Yesterday afternoon, I was told that the committee meeting for today had been canceled—not by the Democrats, who were fully prepared to convene today, but by our Republican colleagues from each State who in turn would be asking questions of Governor Ridge. I cannot believe that any of us are going to have any objections to this outstanding American and public servant taking over this helm as rapidly as possible. He certainly has my full support.

But the committee hearing was canceled, I suspect more for the fact that the present chairman has expressed over the weekend some ambitions of seeking the Presidency than anything else because, as I say, last week, when Governor Ridge and Secretary England came to my office to meet with me, they understood we were having a hearing this week—the Governor did—and certainly understood that the arrangement was as it was.

Of even greater concern to me is the fact that we had a briefing on national security scheduled for this afternoon, a top secret briefing for Members of the Senate, with the Deputy Secretary of Defense, the Vice Chair of the Joint Chiefs of Staff, and the Deputy Secretary of State, about the international situation in Iraq and North Korea.

We have been back a week. We have not had that briefing. I am a member of the Armed Services Committee. I have not had that briefing. At 2 o'clock this afternoon we were supposed to receive the information, of which we are certainly entitled as Members of this body in which the American people elected us to represent their interests, and that briefing was canceled. Whether by the administration or the majority leader, I do not know, but it was not canceled by the Democratic caucus, I can assure you.

So when we talk about preventing this body from doing the business of

the American people, representing the interests of the American people, I think those of my colleagues on the other side of the aisle should look in the mirror.

Frankly, for someone such as myself, and my position in seniority, this argument over funding for committees—two-thirds/one-third—gets to be a little bit surreal: Who should have a car, who should have a driver. I do not even have a car in Washington. I certainly do not have a driver. I get to work just fine every day.

If the American people knew what one-third of this budget or committee actually was, I think they would be astonished that anybody could not operate effectively on one-third of what we are talking about. In fact, I would propose, if we are really concerned about the taxpayers, as we profess, we should establish a precedent of one-third of the committee budgets for the Republicans and one-third of the committee budgets for the Democrats, and give one-third back to the American taxpayers. Give it to some needy food shelves around the country. Let's establish that for the President to follow.

Precedents get established and reestablished all the time. That would be a good one, to have the same funding for the Democrats and Republicans, regardless of who has the majority, and giving one-third back to the American people. And then let's proceed.

I might also point out that the majority leader has also announced, even if we do have an organizational resolution this week, we are going to be in recess next week. In other words, we were in session last week for a couple days, and will be in session this week for a few days, and then we are going to go off for a week. Lots of us have ideas of what we are going to do back in our States around the country, but the fact is, as others have said, we have the people's business before us.

I was delighted to see the Republican leader say that based on his priorities we would be dealing with prescription drug coverage for seniors in the very near future. I understood that was his first order of business, in fact. I thought that was just exactly the right priority for the American people.

So I suggest to the majority leader that, given these delays, let's get this organizing resolution resolved and then let's stay in Washington next week. Let's do the business of the people. Let's not leave Washington. Let's not go away for a weekend. Let's not go away for a week. Let's stay here in session until we get passed prescription drug coverage for seniors. If he kept all of us to the task, denying us our recess until we completed the business of American senior citizens, I guarantee you we would have something done sooner rather than much later.

Mr. President, I ask unanimous consent that I have the opportunity to finish my remarks with an additional 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BENNETT. Mr. President, reserving the right to object, might I inquire as to how many additional minutes we are talking about?

Mr. DAYTON. I have 5 more minutes approximately, I say to my colleague, and I would ask for an additional 5 minutes.

Mr. BENNETT. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. I thank my colleague and the Chair.

CORPORATE TAX DODGERS

Mr. DAYTON. Mr. President, the President announced a tax proposal last week. I call it ''Leave No Millionaire Behind.'' He expressed his concern about the double taxation of corporate profits in America. I wish he would devote equal concern about the nontaxation of corporate profits in this country. It is estimated that now less than half of corporate profits are taxed at all. Through various tax and accounting gimmicks, some of the very profitable companies in this country not only have no tax liability whatsoever, they receive multimillion-dollar refunds from the American taxpayer.

Take CSX, for example, a company headed by the President's nominee for Secretary of Treasury, Mr. John Snow. For the last 4 years, CSX reported U.S. profits of $934 billion. It paid, in American taxes, zero. It received rebates, in fact, from the American Treasury of $164 billion.

Let me repeat that. CSX earned $934 billion in profits on its American operations, paid zero taxes to the American Treasury, and received a $164 billion refund from the American taxpayer.

I would say that is ''compassionate conservatism,'' but it is certainly not double taxation. It is no taxation. And it is a big winner, increasingly so, on Wall Street. It is a reason that corporate income tax in this country has been a declining share of the Federal tax revenues over the last decades.

In 1960, corporate taxes amounted to 23 percent of Federal revenues. In 1970, that dropped to 18 percent; in 1980, 14 percent; last year, 10.5 percent. In other words, the corporate income tax share of Federal Government revenue is one-half of what it was 40 years ago.

There used to be an ethic in this country that business, being an integral part of the communities in which they operated, drew their lifeblood from the people of this country and from its democratic and capitalist structures, and that they had an obligation to give something back. But no longer.

The modern version of John Kennedy's inaugural refrain, ''Ask not what your country can do for you; ask what you can do for your country,'' has become, in corporate America, ''Ask what your country can do for you and what you can avoid doing for your country.''

One of the most obvious and disgraceful tax avoidance schemes is the growing practice of some American companies of setting up sham corporate headquarters offshore in places such as Bermuda or the Cayman Islands. These tax-free havens permit the total avoidance of taxes for foreign operations and, in some cases, from domestic operations as well.

It is bad enough that profitable U.S. corporations can essentially renounce their U.S. corporate citizenship, but some of them continue to secure very large and lucrative contracts with our Federal Government, some even in the areas of national defense and homeland security. Evidently, they see nothing wrong with profiting off the U.S. Government and then avoiding paying taxes, even on those profits to support our very own Government.

One partner in Ernst & Young said recently: ''A lot of companies feel that the improvement in earnings is powerful enough so that maybe the patriotism issue should take a back seat.''

That is why last summer my colleague, Senator Paul Wellstone, amended the 2002 Defense appropriations bill to bar such corporate tax dodgers from being awarded Government defense contracts. Then he successfully amended the homeland security bill to bar those companies from getting contracts with the new Department of Homeland Security. Both amendments passed on the Senate floor by voice votes, seemingly unanimously.

However, after the November election, after Paul's tragic death, the final version of the homeland security bill gutted the Wellstone amendment. Whereas Paul's amendment permitted only the President to grant a waiver upon certification to the Congress that would be necessary for national security, the corporate callboys snuck in language that allowed the Secretary of Homeland Security to grant waivers for national security or for economic benefits.

Who could argue that tax-free Government contracts are not to someone's economic benefit? It seems if that corporate someone is big enough and rich enough to know who to call in Washington, and to pay $1,000 an hour for what is euphemistically here called ''Government relations,'' there is no doubt that the waiver would be granted. In other words, Paul Wellstone's legacy is going to be obliterated by waves of waivers, which is why we need more Paul Wellstones in Washington.

So, last week, to honor Paul's memory, to try to reclaim part of his legacy, I introduced the Senator Paul

Wellstone Corporate Patriotism Act that reinstates the Wellstone amendment to the Homeland Security Act. It says that corporations that have renounced their American citizenship and moved offshore to avoid paying taxes to the U.S. Government will not get business contracts with the U.S. Government, at least not with homeland security projects.

It is the least we can do for Paul Wellstone. It is the least we should do for ourselves because most U.S. companies, like most American citizens, are law abiding, patriotic, and responsible. Nobody likes paying taxes. Americans have been anti taxes since the colonial days, since the Boston Tea Party, since the rallying cry of, ''Taxation without representation is tyranny.''

Taxes are necessary for this country's survival, however. We have increased military spending by 23 percent in the last 2 years on a bipartisan basis, which the President requested. We have evidence that new efforts in homeland security will cost an additional $37 billion. Operation Enduring Freedom in Afghanistan, the military buildup in the neighborhood of Iraq—all of these depend upon Americans paying taxes and everyone paying their fair share of taxes. When someone avoids paying their fair share, everyone else pays a higher unfair share. We need to reestablish an ethic in this country that tax avoidance is unpatriotic, un-American; tax avoidance is selfish, greedy, and an insult to this Nation.

Tax exemption, especially for the wealthy, whether they be dividends or estates—those tax exemptions not based on the inability to pay for social benefits such as charitable negotiation are betrayals of our democracy. They betray the American promise of better lives for everyone by all of us working together, by joining together, by pledging together, as our forefathers did, our lives, our fortunes, and our sacred honor.

This country won't work if we don't work together. This country won't thrive if the richest citizens avoid paying taxes and profitable companies put profits before patriotism. More is never enough. It is time for the American elite to say they have enough—more than enough. I urge you, don't break America with your selfishness or your greed. Pay your fair share for America. Do so willingly, proudly, and patriotically. I say to the corporate expatriots of America, come home.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, are we in a period of morning business?

The PRESIDING OFFICER. Yes.

Mr. BENNETT. What is the time limit?

The PRESIDING OFFICER. Ten minutes.

Mr. BENNETT. I ask unanimous consent that I be allowed to speak for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORGANIZING RESOLUTION

Mr. BENNETT. I thank the Chair.

Mr. President, we are having a debate on the organizing resolution. We have heard a great deal. The Senator from Minnesota just spoke somewhat disparagingly of what he calls ''crocodile tears'' on this side of the aisle and said we were trying to rewrite history.

I would like to set the record straight with a little bit of history—some that I know because I was directly and personally involved.

We all recall that the 107th Congress was unique. It was 50–50 for the first time in history. The two leaders, facing that unusual circumstance, created an unusual solution to it. However, the question of who would chair the committees was never in doubt. Right from the very beginning, it was clearly understood that since the Republicans had the vote of the Vice President for organization purposes, Republicans would chair all of the committees.

The fight over money has been exaggerated by those who have debated here. There was a protracted conversation and negotiation between Senator LOTT and Senator DASCHLE over the issue of money, but there was never any doubt that the Republicans, with the Vice President's vote, would organize the committees, and work began immediately for the organization of the committees, with the Republicans recognized as the chairs.

Now, when Senator JEFFORDS left the Republican Conference—crossed the aisle and decided he would caucus with the Democrats—I was chairman of the Legislative Branch Subcommittee of the Appropriations Committee. I had a hearing scheduled to proceed with the work of the Appropriations Committee. Senator JEFFORDS made his announcement at a 10 o'clock news conference in the morning, as I recall—I may not have the exact time correct. As I left the Senate Chamber following Senator JEFFORDS' announcement, I said to my staff: Put the hearing on hold because Senator DURBIN is now the chairman of that subcommittee.

I ran into Senator DURBIN waiting for the subway in the basement of the Capitol, and I said to him: DICK, since you are now the chairman of that subcommittee, you decide whether or not we hold the hearing. He looked a little nonplussed but said to me: BOB, don't you want to hold the hearing since you have set it up? I said: No, DICK, you hold the hearing because you are now the chairman. He said: Oh, thank you very much for that courtesy.

There were no resolutions that had to be passed, as far as I was concerned, because it was very clear that the power in the Senate had shifted and I—and I know of no other Republican—was not going to act as a dog in the manger and hang on to the technicality that no resolution had been passed in order to hold on to power for a few extra minutes, or a few extra days, in the face of the fact that the decision had been made as to who would control the Senate.

Now we come to the present circumstance: An organizing resolution determining who will be chairmen of the committees has been introduced by the majority leader, and it is being contested by the minority leader and the members of the Democratic Party. We understand now that this is a deliberate strategy that was laid down by the Democrats prior to the time this Congress was organized. Prior to the time when new Senators were sworn in, prior to the time when we gathered to meet, the Democrats had met and made the decision that they would hang on to the committee power for as long as they possibly could. We have written evidence of this in the form of an e-mail sent by Ben McMakin, who is the legislative director to Senator PATTY MURRAY, the previous chairman of the Senatorial Campaign Committee.

Senator MURRAY's legislative director, in an e-mail dated January 2, prior to the time when we met, prior to the time anybody was sworn in, prior to the time when anybody was addressing these questions formally, made these points. He begins this by saying to his staff:

> Here is an update from Daschle staff on where we find ourselves at the beginning of the 108th Congress. Democrats continue to serve as chairs of all committees and subcommittees until the Senate reorganizes.

Technically, that is true. Historically, that has never been true. No party, when there has been a change in control from one party to the other as a result of the actions of the American people—those things called elections, which we usually pay attention to around here—but no party has ever tried to hang on to its control of committees when there was a transition of power from one party to the other. Technically, it is true, Democrats continue to serve as chairs of all committees and subcommittees until the Senate reorganizes, but that reorganization resolution always passes virtually immediately, and there is never an attempt on the part of the outgoing party to hang on to the power that the people have given to the incoming party.

However, Mr. McMakin makes this point:

> Senate Democrats have leverage when the organizing resolution hits the floor, as it is debatable and will ultimately require 60 votes to pass.

Understand, this is not Mr. McMakin's idea. This is Mr. McMakin's

report to his staff of the position of the Daschle staff. He simply was taking notes of what the minority leader staff was telling him and the other legislative directors. I will read that sentence again:

Senate Democrats have leverage when the organizing resolution hits the floor, as it is debatable and will ultimately require 60 votes to pass.

If ever there was a clear statement that prior to the time the Congress even met, Senator DASCHLE and his staff were planning to filibuster the organizing resolution, there it is.

Again, the attitude that was on the Republican side when Senator JEFFORDS walked across the aisle, I handed the gavel to Senator DURBIN that afternoon. I handed it to him without any resolution. I handed it to him without any action, without any thought that there would be a filibuster or clinging to power because I recognized the power had changed in the Senate, and that meant if we were going to have orderly activity on the people's business, the power had to change in committees.

Here is the reality of where we are today. The Democrats are saying: We cannot allow the organizing resolution to pass until the funding issues are resolved. The funding issues are not up for resolution until the end of February because of the disarray with which we ended the last Congress, with funding resolutions and appropriations bills not passed. The funding of committees was passed in the last Congress that carries over to the end of February. We have no dispute on funding at the moment. We will have at the end of February.

We can organize the Senate and allow the committees to go forward this afternoon without disrupting the present funding circumstance. We do not need to tie the two together. The majority leader has offered the resolution just to allow the Republicans to take the gavels, nothing else. The negotiations over funding can still continue. The arguments over percentages can still go forward. And the Democratic leader is saying: No, we are going to hang on to the gavels; we are going to hang on to our technical power that is a residue of the last Congress; we are going to continue to say the election did not make any difference week after week for as long as we can.

We come to another very interesting statement by Mr. McMakin in this e-mail on January 2. He says:

January 20th recess. Daschle staff says highly unlikely that we will recess that week due to standoff over organizing resolution and delay in addressing outstanding appropriations measures.

Before the Congress even met, Senator DASCHLE knew there would be a filibuster on the organizing resolution and knew that would carry over 3 weeks, 4 weeks, on in to cancelling the January 20 recess which had been previously scheduled with, I understand, the approval of the Democratic schedulers. No, no, Daschle's staff is alerting other Senators' staffs that the recess will not take place because we will still be haggling over the organizing resolution.

I do not know how you can be more specific about a determined plan laid out in the beginning to slow down the work of the Senate, to obstruct the people's business, to make sure the effect of the election is delayed as long as possible than you have in this e-mail from Mr. McMakin.

There is one item on here I find of interest. While most of the e-mail does deal with the fact that the Democrats intend to filibuster the organizing resolution and slow down, delay as long as possible the Republicans' ability to take over the Senate and manage it, under the heading ''Other Legislative Issues,'' Mr. McMakin has this very interesting sentence:

UI fight to resume again on first day.

Those of us who were here on the first day understand ''UI'' stands for unemployment insurance. That the first item out of the box when the new majority leader offered a bill, which he thought had been agreed upon by both sides and, therefore, was a simple matter of asking unanimous consent, in fact, the Democrats were lying in wait to begin the fight over again; that the unanimous-consent request would be objected to, as it was—objected to by one of the Senators who had entered into the agreement forming it in the first place. Ultimately, that got taken care of, but the strong message laid in advance by the Daschle staff, as they talked to other legislative directors, was: We are going to begin fighting the Republicans at every step on every item the first day—the first day.

As we think back over the election, with all of the punditry that goes into analyzing it, we find that different pundits come to different conclusions. Some have said the Democrats lost because they did not have a clear message. Others have said the Democrats lost because they obstructed everything the President tried to do and the voters punished them for that obstruction. And then others said the Democrats lost because they did not obstruct enough; they were not tough enough; they did not show themselves with enough backbone.

From this memo and from the actions since this memo, it becomes clear to me the Democratic leadership in the Senate has decided the third set of pundits is correct: That they lost the election because they did not obstruct the President enough, and so this time, they are not only going to try to trip him up on unanimous-consent agreements that Republicans think have been cleared in advance, they are not only going to lay traps for the majority leader when he thinks the path is clear, they are even going to go to the point of trying to hang on to the gavels as long as they can to prevent the Republicans from organizing the committees and moving forward with the committee work as long as they can so that perhaps at the end of the Congress, they can say: You see the disarray the Republicans were in, you see how difficult it was for us to have Republicans in charge; they could not get anything done.

Filibustering the organizing resolution, demanding 60 votes before the Republican chairmen can even pick up the gavels, and then complaining, as the Senator from Minnesota did, that the Republicans are shedding crocodile tears because things are not being done the way the Democrats want—Mr. President, this is unprecedented, and I hope it is unique. I hope in every successive session in the history of this Republic, when the Senate gathers, the party which won the control of the Senate through the election is allowed to take control of the gavels in the committee as soon as the Senate gathers.

That is what I thought democracy was all about. That is how I behaved when Senator JEFFORDS changed the power in the Senate and, as far as I know, that is how every other Republican chairman behaved. We handed over the gavels without protest.

We handed over the gavels with an attempt to make sure the work of the Senate went forward smoothly. We did not haggle and complain. We just said, the Democrats are now in charge. Good luck. We will do the best we can to help.

When Senator JEFFORDS crossed the aisle, funding issues took weeks to resolve. That is a different question. Funding issues can go until February and they will not affect anybody. To tie the two of them together and to slow down, indeed prevent, the majority party from exercising majority control over funding issues that can and should be resolved at some point in the future is, in my view, irresponsible and ultimately, in the eyes of the American people, unforgivable.

I am sure there will be those in the media who will say the Democrats are just asking that the Republicans be fair. They got 49 votes, they should have 49 percent of the money.

Let me take a few moments and explain that one. If we do not deal in percentages but we deal in dollars, what is it the Republicans are offering the Democrats in funding? Forget the percentages; talk about the dollars. We are offering, as I understand it, the same dollars they had in the last Congress. What we are asking for is a few more dollars on the Republican side. That brings the Republican percentage of the total dollars up to 60, which is

down from the target Senator DASCHLE set prior to the election when he was asked what the funding levels would be. He said the funding levels would be two-thirds to one-third, 67 percent for the Democrats, 33 percent for the Republicans, if the Democrats took clear control in the election. That was his plan if he had control as majority leader.

Now when he is not majority leader, he is saying they have to have 49 percent of the total funding. Using their power in the filibuster, they will give the Republicans a little bit of an administrative kicker but will not allow the Republicans to get enough additional administrative money so the total pot is divided 60/40. They have to have the Republicans under 60. That is the demand, as I understand it.

If we had a fixed amount of dollars we were debating and we were saying we give the Democrats X percent of that fixed amount, maybe their argument for fairness might have some validity. But the fixed amount is the same amount they had been getting under the 107th Congress when they were in the majority, and we are saying we are going to add on the Republican side enough administrative dollars so the total percentages go up to 60, and the Democrats are objecting to that.

I ask unanimous consent for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. So this is where we are. This is not a fight over money. This is not a fight over fairness in funding. This is a deliberate, predetermined, precongressional attempt to prevent the Republicans from being successful. This is deliberate obstruction, planned and announced, at least among their own troops, prepared for and carefully scripted. For the Democratic leader, through his staff, to be able to predict in advance of the Congress meeting that a recess scheduled 3 weeks later would not occur is a clear demonstration he is prepared to obstruct every step of the way, even if it means denying the party that was chosen by the people as the majority party its proper majority status.

So let us not get carried away in percentages. Let us not get carried away in false arguments about fairness. What is on the table is an organizing resolution that deals nothing with money. What is on the table for discussion is a funding resolution that gives the Democrats every bit as much money as they had in the 107th Congress.

Simple fairness to the American people who made their choice in November demands we get on with this; that the Republicans be given the gavels; that the Congress be organized, the Senate be organized; and that we move ahead to the people's business instead of to partisan monkey business.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. ALLARD. We are in morning business?

The PRESIDING OFFICER. The Senator is correct.

CONTINUING OBSTRUCTIONISM

Mr. ALLARD. Mr. President, ordinarily I do not come to the Senate floor and involve myself in a lot of the issues that are going on at the leadership level, but I have to say I really am disappointed the leaders of the Democratic Party are continuing to obstruct the Republicans' effort to organize and to move forward with this Nation's agenda.

In the last session, we could not even pass a budget. We have appropriations bills that are waiting to be acted on as we move into this new year. My hope is we could put aside our partisan differences and move quickly forward with these pressing issues, deal with the people's business. After we finish the unfinished business of the last Congress, and after the State of the Union address, then we could go ahead and begin to move forward with the business of this new year.

Historically in the Senate, the majority party has moved ahead very quickly on the organizing resolution. It has been a standard process where two-thirds of the funding goes to the majority party and a third to the minority party.

I was interested in the reference by my colleague from Utah who mentioned there was an e-mail floating around, which he quoted, that this was actually a planned effort by the Democratic party to obstruct the agenda. I have been informed there have been previous e-mails that if the Democrat party had been in control in the Senate, they were planning to push the two-thirds/one-third breakout on funding because that has been the tradition of the Senate year after year; that is what has happened, the majority party has had the two-thirds and the minority party has been one-third.

Now we find the majority party has tried to use last year's abnormal type of session—there was nothing normal about last year's session we can use as a standard for moving forward from this point on, but the fact is historically this has been a rather standard process. I hope we can put aside this type of partisan bickering that does not have anything to do with the people's business and move forward with what historically we have done in the Senate.

Last year, Congress started with Republican control, then went back to the Democrat Party because a Republican changed parties—went from a Republican to an Independent. And then after this election, technically, we could have been back in the majority again—after the vote in Missouri. It was decided we would hold that aside and just move forward with this year's agenda.

As we enter the second week of a new year, the second week of the 108th Congress, the business of the Senate is once again seeing obstructionist politics blocking the Nation's business and our work from moving forward, getting something accomplished. I don't see any legitimate reason for this delay.

The Senate, over its many years, has abided by the clear precedent I referred to earlier, with an organizing resolution quickly agreed upon, and then we move forward with our routine business each year. Now we have the Democrats wanting to change the world since they did not get their way in November.

I had one of the more contested races in the Nation, in Colorado. It is clear to me the people of Colorado are disappointed that we did not pass a budget last year; that we did not get our work done in the last Congress.

I don't think anyone wins with obstructionist politics. The big losers are the citizens of this country. We are not able to address their problems and move forward with real solutions. The people of the United States made clear whom they chose to lead the Senate. It was the same argument all over the country as in my race. Yet the minority party refuses to step aside and let the duly elected party move forward. We have a clear majority in this Congress to deal with the business of the people and the business of the country. They refuse to relinquish the power the people of the United States said they no longer wished them to hold.

We face challenging times in our Nation. Grave threats against our national security continue to damage economic confidence. Spending bills that should have been approved last year are still pending. That is right, 11 spending bills that provide funding for parks and research failed, under the leadership of the Democrats, to proceed. And they are not passing now because of the Democrats' persistence in obstructionist politics. Last year, for the first time in decades, we did not even pass a budget. Yet the Democrats still want to control.

I stand by our newly elected Majority Leader FRIST and the people of the United States. Let our work proceed. Let the will of the people stand victorious and let the continuing resolution move forward according to the

clear precedent that we have in the Senate.

Newspapers across the Nation continue to report that the obstructionist politics of the Democrats have delayed the confirmation hearing of Tom Ridge, the President's choice to run the new Department of Homeland Security. My question is, Do my colleagues on the other side of the aisle truly believe the people of the United States would rather see obstruction than move forward with the Department of Homeland Security, with the effort to try to restore economic growth in this country, to finish the unfinished business we had left over from the last Congress because of obstruction politics?

The New York Times reported that until Senators adopt a so-called organizing resolution, committee chairmanships will rest with the Democrats despite the November elections that gave Republicans a 1-vote majority. The impasse creates delays in the Senate business, not only of Mr. Ridge's confirmation but also the confirmation of John Snow as Treasury Secretary, as well as consideration of the appropriations bills left over from last year. In addition, the 11 freshman Senators cannot receive their committee assignments until the dispute is settled. Obstructionist politics of the 107th Congress continue: No committee assignments, no chairmen; newly elected Members of the Senate remain without the right to participate in discussions because of heavy obstructionism.

In my view, we must end the stalemate and get back to work. I come to the floor to reemphasize how important it is that we move forward and get the Senate's business accomplished.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry: Are we in morning business?

The PRESIDING OFFICER. We are in morning business.

Mr. DOMENICI. Are we allowed 10 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I come to the floor today to talk about a situation that is evolving with reference to who is going to run the Senate and who are going to be chairmen of committees and how are we going to pay our staffs. I don't think the American people understand this debate, so we ought to explain it quite a few times.

The election occurred. There has been a lot of talk in the country about what happened. The conclusion was: Republicans won the Senate.

Now I will go back in time to the day that the distinguished Senator from Vermont formally decided to leave this side of the aisle and become independent and was ready to vote with that side of the aisle, giving them a 1-vote majority. Before that day was up, the gavels were handed to the Democrats to run the committees. So as I had been chairman of the Budget Committee, I was no more. And KENT CONRAD, who had not been chairman, was chairman. So if any meetings were called or hearings held, the agenda was prepared by him, not me.

Now we win an election, we come into session, we convene the Senate, and guess what: Democrats maintain they are still entitled to run the committees. I believe this borders on nonsense, but to the Democrats it must mean something. Perhaps they think they win elections by delaying what we do, by not letting us do work. Last time, they did that, we got nothing done, and they lost. Maybe we should do nothing and stay in this stalemate. Maybe we will win and they will lose again. But we don't think that way. We think we ought to get on with the business that is not yet done from last year.

Remember, we were not running things last year. I am not casting aspersions, but they ran the Senate and we got nothing done. As a matter of fact, we had 11 appropriations bills that we will be debating perhaps for weeks that were last year's appropriations bills. They are not finished. The year started out when that gavel was switched from DOMENICI to CONRAD and he became chairman. The Democrats never produced a budget resolution last year either.

Again, some people do not want Senators from this side of the aisle to lay blame on anyone, but a budget resolution was not passed and it is supposed to be. The answer that was given was: We do not have the votes; or: It is too hard. I passed a lot of them. We did not have the votes, and they were too hard, and yet I got them done because that was my job.

I am not saying every Senator who is chairman of the Budget Committee should produce a budget. I am saying it should have been done last year. And then we probably would have completed our appropriations bills. We probably would have gotten the appropriations bills done. Now we do not have them, 11 of them, and the other side of the aisle is waiting for something to happen other than the election, which we won, to give us the gavel so we can start to work at the Senate. Frankly, I know people are probably saying: You can't be telling us the truth. This can't be the case.

It is the case. It is the case. I am chairman of the Energy Committee now. I have been told if I want to call a meeting, I am not chairman. But I am chairman. Certainly the Democrat is not chairman. They say they are, I guess, because we have not passed a resolution saying how we are going to pay the committees. Frankly, that is another issue, how much do we allot to the Democrats and how much to the Republicans to run these committees. Frankly, I didn't think, having a brand new majority leader, the first thing that would be given to him to solve is this issue. I thought we would see him down here helping us get the appropriations bills finished and get on with what we think we were asked to do by the American people in the last election.

I think they were unhappy, at least enough to swing the election, because the other side of the aisle delayed incessantly the passage of the homeland security bill—incessantly. In fact, I should have asked how many days that bill was delayed on the floor and in committee because certain Senators on that side of the aisle did not like it the way it was. That is their prerogative. They wanted to delay it. That is their prerogative. They succeeded in delaying it. But we succeeded, with the help of a Democrat Senator who suggested to his own people: Is there a higher calling than the security of our country, even if it is a special interest bill? Ask the Senator from that side of the aisle. That spread like wildfire. That is why a couple of Senators on that side of the aisle lost: Delay, delay, special interests on the homeland bill. We barely got it finished. But we didn't get appropriations finished.

Do you know what that means? If the American people understood what that means, more telegrams and whatever they send to us would be here on the laps of the Senators than you could ever imagine. It means literally we have not funded education, roads, all of the bills on HUD, on defense, on nuclear bombs, nuclear programs—defense we have done; all the others we have not. We have not passed the annual appropriations bills. They are operating at last year's funding levels. What they got was for 1 year. We said we didn't get our work done so just operate the same way you did last year. That is why some money is not being spent on education, because it has not been appropriated. They have not been allocated the new moneys. Up and down the appropriations bills, that is the mess we are in. And we sit here and argue about how many dollars are we going to give to the staff on the Democrat side of the Energy Committee and how much to the staff of the Republicans on the Energy Committee? I cite that because I happen to chair that committee.

All I know, fellow Senators, is that in all of modern history, whichever party was ahead—by one vote or 10 votes or 12 votes or two votes—that is, however many more Senators elected on their side, they got two-thirds of the money for staff. And the side that had a minority—whether it was a three-vote minority, a six-vote minority, a 10-vote minority, which we were

in sometimes—we were in an 18-vote minority sometimes—the minority got one-third, the majority got two-thirds.

This year we are one vote ahead. It seems to me the rule has been that the party that is in the majority gets two-thirds, the other one-third. I don't think the rule said: but only if you are ahead by five votes, if you have five more Senators. What if it were two? Would that be enough to apply the rule? It has been six, it has been eight. But now it is one, but one doesn't work? It's not a majority?

Because when we were even—remember, we were even at one time. We thought we should be running the Senate because the Vice President gave us an extra vote. It didn't work out that way. We had to concede. And we split the money 50–50, or at least we said we will not force a reduction.

To me, the dollars involved in that are important, but clearly not as important as doing the public's business. They are not as important as recognizing they lost and we won, and we ought to be in control. We ought to be chairmen. Clearly, our leader is the majority leader. He is not the ''maybe majority leader''. If you call a meeting to have a serious hearing tomorrow or the next day, whoever the Republican on that committee who has been designated by the Republicans as chairman, is chairman.

Why we sit here and let the appropriations for all of our Government languish while we argue this issue is beyond this Senator. I truly believe the Democrats are not going to win by this tactic. I urge them to get this resolved. The American people do not want them delaying this. They want us getting on with work together. They don't want us bickering. But how can you not have an argument when the facts are what I have just said? Apparently, unless they get the same amount of money as we had agreed upon when we were not in the majority, they believe they are not going to let us run the business of the Senate.

I think it can be worked out. It should be two-thirds/one-third, just as it was through all of history, but at least we ought to work it out some way—60–40? Some way, so we can get on with our work. One hundred Senators, many new ones, are here ready to get on with their work. How surprised they must be, the new ones, ready to go to work and here we are, arguing about who is entitled to the gavel. I don't know if all those new Senators thought that was what their work was about, but here we are.

Mr. WARNER. Mr. President, before the Senator departs, we have had the privilege of sitting next to each other for some period of time right there in the Senate. I, of course, admire him as one of the elder statesmen and pillars of this institution. I think, if people were asked what are the hallmarks because of which we have such strong admiration for the Senator from New Mexico, it would be because of his ability to reach across the aisle and work as he has always done these many years in the Senate.

So I listened carefully to what my colleague had to say. It was not easy for you to say some of the remarks you did. You feel strongly about it, as do I. Here we are with a new Republican leader and we just want the work of the institution to go on, on behalf of the people of this Nation who entrusted to us the awesome power that resides in this Senate—the institution regarded as perhaps the most powerful legislative body, not only just here in the United States in comparison to the legislatures of our States, but, indeed, the world.

I thank my friend.

The PRESIDING OFFICER. The time controlled by the majority has expired.

Mr. DOMENICI. I ask for 1 additional minute.

Mr. WARNER. Would the Chair advise the Senate with regard to the parliamentary situation?

The PRESIDING OFFICER. The time for morning business was to be equally divided. The minority party has 41 minutes left. The majority party's time has expired.

Mr. WARNER. I see. I do not at this time know—I'm not entirely sure how we say majority or minority here in this situation.

Mr. DOMENICI. That's right.

Mr. WARNER. I do not see where there is someone from the other side of the aisle seeking recognition, so the Senator from Virginia would ask for 7 minutes to proceed as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, what is the time allocation? The Democrats were allotted equal time with the Republicans. What is the time remaining?

The PRESIDING OFFICER. The minority has 40 minutes remaining. The time for the majority party has expired.

Mr. DOMENICI. We were asking for a few minutes because the Senator was not here. He was going to use some time.

Mr. WARNER. Then, Mr. President, I will put again before the Chair the request on behalf of the Senator from Virginia to proceed as in morning business for, say, 6 minutes?

Mr. REID. I am happy to agree to that. Forty minutes takes us until 12:30, when the time is up.

What I ask is that the time be extended past 12:30 for the Democrats by the 5 or 6 minutes, if that is what the Senator wants.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I am sorry, I simply did not hear.

Mr. REID. I have no objection to that. I only ask the time from 12:30 to whatever time the Senator takes, 7 minutes or whatever it is, be given to the Democrats so that would be until approximately 12:40.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia.

Mr. WARNER. I thank the Chair. I thank the distinguished Senator from Nevada.

I thought I would bring to this series of comments some experience I have been privileged to have in this institution. I mark a quarter of a century of service beginning this week in which I have been privileged to serve the people of Virginia and the people of the United States in this venerable institution. I just draw on some of my own experience, particularly as it relates to the Committee on Armed Services.

Currently, the distinguished Senator from Michigan, my very good friend, Mr. LEVIN, remains as chairman of the committee. We are actively carrying forward the work of the committee irrespective of some of the difficulties we are facing on the floor as it relates to other matters. But that is the way Chairman LEVIN and I have operated through our years since we came together. Both of us mark a quarter of a century of service beginning this week in the Senate.

I am very respectful of the distinguished majority leader, Senator FRIST, Senator DASCHLE, and the respective whips in their efforts to try to negotiate a resolution to this unique situation—unique in some respects but in other respects I feel that elections are held in America and the results are announced to the people of our Nation. I know of no contest going on with regard to any of the 100 Senate seats, and most particularly those of the class who were just elected, or reelected in my case to a fifth term in the Senate. I don't know of any contest anywhere in the States in this Nation but such contest as this which most unfortunately remains here in this Chamber.

But this is the way that I have conducted myself and as others have conducted themselves in these 25 years that I have been here as it relates to the Committee on Armed Services.

I suppose if I were to say what some of the great lessons are that I have had as a Senator it would have been my service with men—and in some instances several women but most particularly the men—on the Armed Services Committee. I say women because when I was Secretary of the Navy I appeared before Margaret Chase Smith of Maine, an absolutely brilliant Senator and stalwart member of the Armed Services Committee. But Senator Stennis was chairman of the Senate Armed Services Committee, who followed in the tradition of Richard Russell. I really stood in awe to testify before Russell when I was Secretary of the Navy

at the time I knew him in that period of time. When I joined the committee, Senator Stennis really took me under his wing and just sort of treated me almost like an adopted younger brother. It was a marvelous experience. He gave me a variety of special assignments when I first came to the Senate to serve him and the other members of the committee.

Another Senator on the committee at that time was Scoop Jackson of the State of Washington. For those few of us here in the Chamber who had the opportunity to serve with him, he touched our lives very deeply.

These men not only carefully operated under the rules of the Senate, but there was so much tradition and unwritten sort of rules of the Senate that they conveyed to us.

Following Stennis, Senators Gore and John Tower; and then my longtime valued friend, Senator Nunn—I served as ranking on the committee under Senator Nunn as I do now under CARL LEVIN.

But I thought I would go back and just describe how we handled the transition when Senator JEFFORDS made his decision, which decision was an incalculable blow to the Republicans who served with him in this institution because there had never really been a precedent at any time when the change of power in the Senate shifted other than by elections. It was unprecedented.

But on May 24, the declaration of independence statement was made by Senator JEFFORDS. And from May 26 to June 3, the Senate was in recess. On June 5, 2001, Senator JOHN WARNER, acting as chairman, presided over an Armed Services Committee nominating hearing. At the close of the business on June 5, the Democrats became the majority party in the Senate when Senator JEFFORDS switched formally his party affiliation from Republican to Independent. On June 6, Senator CARL LEVIN was designated chairman of the Committee of Armed Services. On June 7, Senator LEVIN, as chairman, presided over the Armed Services Committee nominating hearing and other business of the committee.

There it is. I had waited some 20 years through this procession of seniority. Then we have an election process in our conference. I became chairman and served in that 2-year period—some 18 months, whatever it worked out to be—after 20-some-odd years of training and preparation to take on that awesome responsibility. In less than 24 hours, I stood up as I was trained as a military man and handed the gavel to Senator LEVIN, and the business of the committee went on.

That is sort of the transition, and that is the sort of spirit we have in that great committee on which I serve. We try to keep to a very minimum questions of partisanship because we have the responsibility for the men and women of the Armed Forces and, indeed, the security policies in terms of oversight of this Nation. We take that responsibility very seriously. As such, I am proud to say that I think Senator LEVIN and I have continued the traditions of those men who we deem great, great chairmen of this committee.

I hope this casts some light on the negotiations that are being undertaken on our behalf by the leadership because I certainly value it. We took our blow when Senator JEFFORDS made his switch. But I think to the man and to the woman on this side of the aisle we did it, and we did it swiftly and in recognizing that the leadership in this Nation should never be in doubt.

If I could just reminisce on one story that I remember so well. I was working on the staff of the Vice President of the United States, Richard Nixon. I was traveling with him in 1960—as we call it, an ''advance man.'' I had the last assignment of taking him to California that night when the nationwide election was held. The following morning I made the arrangements to convey the Vice President back to Washington. The election was still not fully decided in the minds of a number of people, primarily because of the celebrated block of votes in Chicago allegedly under the control of the then-mayor, the father of the current mayor, Richard Daley. But, in any event, we proceeded to the airport. I put the Vice President's plane on the end of the runway because we wanted to try to remove ourselves as much as possible from the clamor of the press watching the final results of that election unfold.

There was a mechanic who had come out to make certain the plane was operative before we departed. We loaded all the staff. I then escorted the Vice President and Mrs. Nixon out, and one or two of his senior associates. The mechanic had a small radio that was blaring about these 10,000 votes. I watched the Vice President at that time instruct one of his aides to call in and say that he would not contest those votes because at no time did he feel there should ever be a doubt in the minds of the American people or in the minds of the world of the ability of the elections of this country to decide the change of power.

Right there at the end of that airstrip when that decision was made, it was conveyed back to President Eisenhower, and that was it. That night, we came back to Washington and he formally conceded that election. I think that is an interesting precedent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, the minority has until 12:40; is that correct?

The PRESIDING OFFICER. That is correct.

CRY UNCLE

Mr. REID. First of all, I am not going to spend a lot of time talking about the organizing resolution. I think we should follow the Durbin plan of government, which he enunciated here today—the golden rule: Do unto others. We are willing to take what we were given last time by the Republicans. And the Senate has changed; last year at this time, there were 51 Democrats; now there are 49. Today, there are 51 Republicans and 49 Democrats. We can take the same thing that we were given. That is what this debate is all about.

There were four boys in our family, and my wife and I had four children. We have kind of followed a tradition that I am sure is in a lot of families with boys. When you wrestle and do other things, one of the rules I had with my brothers and my children is, if there is a little too much wrestling, or maybe you are putting on a little too much pressure, let him cry uncle on it; then you stop.

I think the time has come with this, as reported in a number of accounts yesterday, bizarre, foolish, crazy tax plan the President has given us. I think it is time that he cry uncle because it simply won't work. Even people from his own party—U.S. Senators—are saying enough. I think what they are saying in so many words is: Please cry uncle, Mr. President.

You can look at what some journalists have had to say. David Broder said, among other things:

> The dividend tax would likely deepen the growing budget deficits. The first round of Bush tax cuts will cost more than $1.3 trillion in revenue over the next 10 years.

Kevin Phillips said, among other things:

> The congressional leadership and the White House are so wedded to an economic policy keyed to helping those at the top that they lined up behind what is really a program to make stock dividends into a 10-year, $300 billion individual income tax shelter. This isn't just trickle down economics. The benefits to the rest of the economy, even to the stock market, are so conjectural that trickle down looks to become misting down.

That is by Kevin Phillips, a Republican.

All we need to do is look in the Washington Post, which has run a story by a man by the name of Allan Sloan, a Newsweek Wall Street reporter. He writes for Newsweek. The Washington Post ran this story. Among other things, he says there are too many leaps of faith in the Bush tax cut plan. He says that the debate is focused largely on the question of fairness and affordability.

I ask unanimous consent that the full column of Allan Sloan be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TOO MANY LEAPS OF FAITH IN BUSH TAX-CUT PLAN

(By Allan Sloan)

Do you remember those happy bygone boom days when the stock market was going to save us from a variety of ills? Rising stock prices would solve the problem of Social Security shortfalls; boost federal, state and local income tax revenue; and let us all retire young, rich and happy. It never happened, of course. And now that stocks have been in a three-year funk, we the taxpayers are being asked to bet around $500 billion on the dubious proposition that we can jack up stock prices by changing the way we tax dividends. And that higher stock prices will bring back the good times so many of us got used to in the late '90s.

What I'm talking about, of course, is the dividend tax cut that's the heart of the proposed economic stimulus package from President Bush, our MBA-in-chief.

The debate has focused largely on questions of fairness and affordability, which are certainly important. But lost amid the din are some important unanswered questions, such as whether a $33 billion-a-year dividend tax cut can really provide serious help for an ailing $10 trillion economy. And whether a dividend cut whose benefit is concentrated among a small number of high-income households is a better way to jump-start the economy than House Democrats' proposals to send out millions of one-time checks in the $300-to-$600 range. And, finally, whether we should even be trying to stimulate the economy with tax cuts, rather than letting it seek its own path.

Bush's proposal is designed to eliminate double taxation of dividends. That's when a corporation pays taxes on its profits, then pays out after tax money as dividends to investors who pay tax on them.

Bush's plan, simple in sound-bite form but horribly complex in the real world, would make some cash dividends that companies pay tax-free. But a company's status depends on how much income tax it paid the IRS. So you wouldn't know what to count on from year to year.

The Treasury estimates that the dividend package will reduce tax revenue by $364 billion over 11 years—my $33 billion-a-year number. But we'd have to pay years of interest on a larger national debt, hence my $500 billion cost estimate.

You've got to take several leaps of faith to believe a $33 billion cut can bring back the good times. The leaps look like this: Cutting dividend taxes jacks up stock prices. Higher stock prices make capital cheaper, encouraging companies to expand, adding jobs. Combine these jobs with the good feelings that higher stock prices would generate among the populace and people run out and spend, stimulating the economy big time. That's enough leaps to give you shin splints.

This is actually a simplified version of the thesis floated by economists including R. Glenn Hubbard, head of Bush's Council of Economic Advisers. At various times, Hubbard has said that eliminating dividend taxes would raise stock prices by 20 percent or 10 percent or 7.5 percent. He's co-written papers asserting that dividend taxes depress stock prices. But academic opinion is divided on the subject. Besides, who'd risk $500 billion on an academic theory? Not me.

When you enter the real world, you run into more problems with the dividend-cut-to-the-rescue plan. To wit: About half the dividends eligible for this break go to non-taxpayers, such as pension funds and retirement accounts, for whom tax cuts are irrelevant. Besides, the big players who drive stock prices—professional traders, hedge funds, mutual funds—are generally rated on their results without taking taxes into account.

Finally, the double-taxation problem is smaller than it used to be. That's because corporations pay less income tax (as a percent of profits) than they did before the advent of aggressive corporate tax shelters, and dividends are far lower, relative to stock prices, than in the pre-'90s days.

If we're going for quick stimulus through tax cuts—which I'm not sure would work—I'd take the Democrats' version. If we want to fix a long-term problem, I'd reform the hideous alternative minimum tax. The AMT, a complex trap designed three decades ago to keep richies from ducking taxes entirely, has morphed into a monster that threatens millions of middle- and upper-middle-income people.

The Bush tax package would mitigate the problem through 2005; Treasury types told me it would return in 2006. But the Bushies can produce happy tables showing middle-income people benefiting today. Apres moi, l'AMT.

Even though I think the idea of reducing dividend taxes to stimulate the economy is not likely to work and would be a terrible waste of public money, I love the way the Treasury tax types want to implement it. Instead of just making all dividend payments tax-free, which is what I thought would happen when I wrote about this last month, Treasury has come up with an elaborate plan to make sure that only stockholders of taxpaying corporations benefit from this break.

One of the side effects of this proposal—which I doubt that many people in the White House realized—is that each corporation would have to announce every year how much in federal income taxes, if any, it had paid.

Can you imagine the uproar when someone made a list like that public?

Alas, even if this plan gets passed, I doubt we'll see this type of disclosure. For what I'm sure are perfectly good reasons, Treasury would allow companies to count foreign income tax credits as taxes paid to the United States. So you can see corporate America lining up to seek more loopholes—add back the deductions for pollution bonds, employees cashing in stock options, state, local and social Security taxes, all sorts of other high-minded stuff—until the disclosures would become meaningless. But you've got to commend the Treasury people for being intellectually honest.

Letting corporations deduct interest payments but not dividend payments has skewed balance sheets toward debt. That's bad. But the way to fix it is to let corporations deduct dividends the way they deduct interest. That idea ''had a short shelf life,'' a Treasury tax techie said last week, because it's much more costly then Bush's plan.

The idea that cutting dividend taxes will save us should have a short shelf life, too. This is beyond voodoo economics. It's just a mistake. Call it booboo economics.

Mr. REID. He says, among other things:

Letting corporations deduct interest payments but not dividend payments has skewed balance sheets toward debt. That's bad. But the way to fix it is to let corporations deduct dividends the way they deduct interest. That idea ''had a short shelf life,'' a Treasury tax techie said last week, because it's much more costly than Bush's plan.

Last paragraph:

The idea that cutting dividend taxes will save us should have a short shelf life, too. This is beyond voodoo economics [which was a term President Bush number 1 used in the campaign against President Reagan]. This is beyond voodoo economics. It's just a mistake. Call it booboo economics.

Mr. President, the economic tax plan the President has given us is bad. It is something that is doomed to failure. If it passes, it will wreak havoc in this country. I hope that people of good will, Democrats and Republicans, will prevail upon the President to have him cry uncle and come forward with a reasonable proposal.

Mrs. BOXER. Mr. President, if my friend will yield for a question.

Mr. REID. Yes.

Mrs. BOXER. I know my colleagues are here. I have one point I want to make, and then I am leaving the floor. I think it is an important point. I wonder if my friend can let me know if he agrees. I think America is now learning who benefits from this Bush plan. It is very clear. It is not rhetoric; it is fact. It is a boon to the millionaires and the billionaires, plain and simple. I know people in this very Chamber who have come up and said: This is absurd. We would much rather see a country that invests in its children, invests in its homeland security, and that gives tax breaks to those in the middle. They are fighting to stop this ill-advised plan. You have made the case that it makes no sense. We are talking about deficits as high as the eye can see and people being rewarded who don't need to be helped. It is not going to stimulate this economy. In the long term, it will lead to outrageous deficits.

I ask my friend this question: Isn't it bad enough that this is a plan that won't do what we need; namely, have stimulus and long-term prosperity? Isn't it worse that at the same time the President is saying let's cut all these taxes for the millionaires, he is shorting homeland security and education? Our colleague, PAUL SARBANES, said it best when he said we ought to call this plan ''leave no millionaire behind.''

We have President Bush sign a bill called Leave No Child Behind. We are going to get a bill pretty soon here that breaks the promise he made to the children of this country. He stood with Senator KENNEDY, he stood with Congressman MILLER, the champions of education and children, and now he will not fund it because he wants to give the money back. He is not funding homeland security, and our States are suffering as a result.

So the juxtaposition of these two things—a plan that does not do the job, plus shorting our people in terms of education and homeland defense—isn't this a time that we have not seen ever before, a dangerous time for our people?

Mr. REID. I say to my friend from California that there are some at 16th and Pennsylvania Avenue who have

tried to place upon the Democratic Senate that we are creating class warfare. My response to that is, we have not created class warfare; they have.

I know the Senator from the State of California represents approximately 35 million people—35 million people. The Senator from California has had wide-ranging support over the years from poor, middle class, and the Senator from California received lots of support from very wealthy people. We are not opposed to rich people. They are good for the country. But Senator HARKIN and I were here on the floor yesterday, and both of us, from the State of Iowa and Nevada—and I would like to hear from the three Senators on the floor—with New York not being here and Texas not being here, the most populous States in the Nation—Florida, Illinois, and California. I would like to know if you have had a ground swell of calls, people calling you who are rich saying please do this; it is good for the country.

I say to my friend from California, for Michael Eisner—and I know him—this tax boondoggle would give him an extra $2.6 million every year. Michael Eisner does not need that tax break. Michael Eisner does not want that. I say to my friend, is there anyone who has received phone calls from rich people saying: Please take away this dividend? No, they would rather, as the Senator from California said, that the money be spent on making us more secure in the form of better educated children, better protected citizens in our hometowns. The Senator from California is right on target.

Mr. DURBIN. Will the Senator yield?

Mr. REID. I will be happy to yield.

Mr. DURBIN. I accept the Senator's invitation for comment. I can remember a comment made to me, even as I stand here. The CEO of a Fortune 500 corporation in Chicago, when I visited him and said: Do you believe the President's approach, tax breaks for the highest income categories, is the right way to stimulate this economy? He said: Of course not; we have to create demand for goods and services.

He told me: I am not very popular in my country club.

Here is what I told him. Throughout history, millions of Americans have sacrificed; they have given their lives to make this a great Nation. Is it too much to ask the wealthiest people in this country to pay their fair share of taxes? I do not think it is too much. These are people who have been blessed with creativity, skill, energy, and success, and to say they are the ones we are going to continue to reward defies any logic. Why are we not trying to reward and help the struggling families who are trying to pay their basic bills?

Take a look at this chart. In terms of the Bush tax cut, the benefit for those making about $40,000 a year is $265, but if you happen to be a millionaire—$1 million of annual income—the Bush tax cut is worth almost $89,000.

PAUL SARBANES was right—and I am going to credit him for this only one time and never again—the Bush tax cut is clearly a policy of leave no millionaire behind.

Mrs. BOXER. Every year?

Mr. DURBIN. Every year this is what it comes down to. Frankly, this is the average annual tax cut for millionaires, an annual tax cut of $89,000.

What does the President cut to provide these tax cuts? Money for schools. Under his program, the education legislation, No Child Left Behind, the schools have all the mandates for testing, for evaluation, and for improvement, but the President will not put the money on the table. This is a President who posed for those holy pictures with the leaders in education in Congress, saying he was the education President, and yet when Mitch Daniels and OMB had a chance to write a budget, they did not put the money there. It is an unfunded mandate to the States when the States are desperately in trouble. The President cannot find the money to fund education, to fund his bill, but he can find money for a tax cut for the wealthiest people in America. He has abandoned No Child Left Behind so he can embrace a tax policy of no millionaire left behind, and that to me is unforgivable.

That is the difference in the approach between the two parties, and that is the difference we need to dramatize as we talk about tax policy and spending policy in this Congress.

Mr. NELSON of Florida. Will the Senator yield?

Mr. REID. If I can respond to the Senator from Illinois. Senator HARKIN has done a wonderful job working with Senator SPECTER on the appropriations subcommittee dealing with Health and Human Services, Labor-HHS, and he has done a lot for making sure we have money for school construction. We do not have nearly what we need. A little bit helps.

The unfunded school construction in this country today, as we speak, is $189 billion. The average school in America is 45 years old. A lot of places, Florida and Nevada especially, have rapid growth and need to build new schools, and school districts are at the limit of what they can do with floating bonds.

The Senator from Illinois is absolutely right. I was in the Chamber when the Senator from Illinois said schools are cutting back to 4-day weeks. When we are fighting to keep up with the demand of modern education, we are cutting back a day of these young kids' lives. I think it is just awful.

I so much appreciate the Senator from Illinois bringing to our attention that we have to take care of priorities. Where are these tax cuts coming from? It is not as if there is a big building someplace down at 16th and Pennsylvania Avenue where they can go in and start hauling out wheelbarrows of money.

Mr. DURBIN. Will the Senator yield? They are coming from the Social Security trust funds.

Mr. REID. Absolutely.

Mr. DURBIN. When baby boomers are about to retire and counting on Social Security, we are going to have the trust funds even deeper in debt, and the debt we are leaving behind is for our children and grandchildren. This approach betrays two generations: the baby-boomer generation and our children, who are going to have to pay off the debts incurred to give tax breaks to the wealthiest people in America at this moment in history.

Mr. REID. To Michael Eisner, who does not want a tax cut—he has not told me that, but he does not need it. That money is going to Michael Eisner, and children in America are going to school 4 days a week. Not fair.

Mr. NELSON of Florida. Will the Senator yield?

Mr. REID. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

STIMULATING THE ECONOMY

Mr. NELSON of Florida. Mr. President, I wish to discuss this same issue and do it with a different approach. We have been talking about the unconscionable cuts in education. We are about to see some huge cuts in homeland defense. A lot of this burden is being shifted to the States.

On the question of local law enforcement and the question of port security, my State of Florida has 14 deep-water ports. The ports are an obvious target for those who are trying to do bad things to us. Right now only 3 percent of all the containers coming into this country are, in fact, inspected. A lot of this financial burden is being shifted to the States with the cuts that are being proposed in this coming appropriations bill to homeland defense.

Wait until there is another attack, and then what is going to be the answer when this administration did not insist on an appropriations bill that would fully fund the adequate protection for this country's homeland?

To come back to the issue of a tax cut, coming from Florida, I have a lot of folks who are retirees with a percentage of the population that is well above the national average—that is 65 and above—and, therefore, a lot of our population looks to income from dividends. In an ideal world, it would certainly be good if we could cut the tax on dividends and eliminate it, but we are not in an ideal world. We are in a war. We have increased expenses for war and, at the same time, we are in a sick economy.

We need to get this economy moving again. We need to stimulate this economy. How can we do that? We can do it

by putting dollars in the pockets of everyone across the board so they will spend and let those dollars circulate through the economy and, thus, rev up the economic engine.

There is something else we can do with regard to business. We can give business the incentive to invest in more plant and equipment in the short term to create more jobs and to get the engine of the economy stoked up again. How can we do that? We can accelerate depreciation—not 5 years from now, not 3 years from now, but accelerate depreciation in the next year.

If we are looking at what works with regard to stimulating the economy, it would be my suggestion—and I think this is common sense—we pick tax policies and tax cuts that will directly do that now, not some hoped-for stimulation several years down the road.

When we balance that against all the needs in a huge deficit situation that is being projected as $250 billion in this present fiscal year—in other words, we are spending $250 billion more than we have coming in in tax revenue. When we realize that the sick economy is, in part, a reflection of lack of confidence of the American people in the future of the economy because of the deficit spending, while at the same time we are going into a war where we are going to have more expenditures, then the tax cuts that should be used should be surgically and strategically determined in order to stimulate the economy.

It would be this Senator's opinion that even though I would like very much to eliminate the tax on dividends and that would help a lot of my people, the first requirement of our people in Florida and this country is to get this economy moving again and to stimulate the economy. We could be much wiser in how we approach our ultimate decision on this stimulus of the economy through a tax cut.

I have been quite disturbed by what I see emerging as a means of cramming an appropriations bill down the throat of Congress by bringing about a number of major cuts in homeland security and education. The mechanism that is being employed is under the gun of shutting down the Government at the end of this month. A continuing resolution is being proposed, which is a resolution that continues the funding of Government under last year's appropriations levels, up through the end of this month, but there is a threat of shutting down the Government on January 31 unless there is a new continuing resolution or continuing funding of the Government. There are huge cuts being proposed in homeland security and education but some of us are going to fight that as not in the best interest of this country.

Ultimately, we are being maneuvered into a position, are you going to shut down the Government by refusing to enact a continuing resolution or are you going to accept that and accept it at last year's levels, which would totally not have our country prepared for the defense of this homeland? That does not make sense to this Senator, and that is not in the interest of my State particularly since it seems as if whatever happens often happens first in Florida.

Anthrax happened. We even had a kid flying a plane into a tall building. We have the threats in the 14 deepwater ports in Florida of what kind of cargo could come in that would never be inspected. It could not even come in on a commercial cargo ship. It could come in on a pleasure craft. So many of the ports of this Nation have deepwater access all the way up to a highly urbanized downtown area. There is the opportunity for mischief by those who want to do damage to the United States.

I urge upon my colleagues that we be very careful as we approach these decisions on the appropriations bills, and on the concurrent decisions on tax policy, that we do what is in the interest of the defense of this country and also in the interest of the stimulus of getting this sick economy moving again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to speak about the need to truly stimulate our economy and create jobs and how we can do that in a way that is fair for everyone, that puts dollars back in the pockets of middle-class Americans who we know literally drive the economic engine by buying cars, homes, clothes for their children, groceries, and all of the other purchases that keep our economy going.

I have grave concerns about the so-called economic proposal that has come from the President. In fact, it does not meet the definition of that term, and I have great concern because it does not put the majority of money back in the pockets of people who drive the economic engine.

We can come together on issues such as eliminating the marriage tax penalty, increasing the child credit, and helping small businesses, which by the way are the majority of new jobs being created today. The majority of new jobs is coming from small businesses. We need to be focusing on ways to help small businesses pay for their health care and to have the kinds of incentives they need to invest back in their companies so they will grow.

When we look at the proposal the President has brought forward, if we were to come together, we could easily pass relief as it relates to the marriage tax penalty, with bipartisan support. We could easily pass increases in the child tax credit on a bipartisan basis. We could easily support small business in ways that we can provide tax relief and other kinds of support.

The problem is two-thirds of the President's plan, the vast majority, does not do any of that. Two-thirds of the plan is focused on the very top income earners in the United States who already have one, two, or three homes, multiple cars, and who are not necessarily going to be spending these dollars back into the economy, at the expense of everyone else.

When we look at what this proposal from the White House means to Americans, taxpayers with incomes of over $1 million would get back an average of $88,873, almost $89,000 coming back to them. The majority of taxpayers, the typical middle-class taxpayer in the United States of America, would get $265. That is a huge disparity.

Some say, well, if we talk about the differences, if we talk about the fact that the majority goes to those at the very top, we are engaged in class warfare. With all due respect, that is a bunch of baloney. We are talking about how we can fairly put money into people's pockets. We want to make sure the majority of the middle-income taxpayers, the ones who are keeping the engine going, have tax relief and get dollars back in their pockets. Of course, that happens in a variety of ways. Tax relief is one. This kind of a difference is not fair. It is simply not fair.

There is another way to make sure we have money in people's pockets. That is to make sure we are not exploding the national debt and causing interest rates to rise. There is another kind of tax on people we went through in the 1980s and the 1990s. That is high interest rates. When citizens buy an automobile—coming from Michigan, I am very interested in people buying a lot of automobiles, a lot of domestically made, American-made automobiles; we want people to be able to afford that—high interest rates affect your ability to buy that new car. High interest rates affect your ability to buy your new home, or to be able to afford to send your children to college. Interest rates which directly relate to the national debt affect how much money goes in people's pockets.

This proposal of the President is not fair on its face. We are looking at the top .2 percent, 226,000 millionaires, receive more than half, almost two-thirds of all of the tax cuts being imposed; 68 percent of the people receive $15 billion; and .2 percent of the taxpayers get $20 billion. It is not fair on its face. If you add in the fact this is a proposal that will greatly increase the national debt on the back end, what we are doing is saddling these middle-class taxpayers and our baby boomers—of which I am one—and our children and grandchildren with more debt. We will increase interest rates and take more money out of people's pockets.

Mr. REID. If I could ask my friend from Michigan to withhold. The majority leader is on the floor with important business.

The PRESIDING OFFICER. The majority leader.

COMMITTEE RESOLUTION

Mr. FRIST. Mr. President, I will take this opportunity to update Members as to where we are in the process. We have been working in very good faith—I might add, frustrating in many ways, but very good faith—making progress over the last 8 or 9 days. That is the committee resolution. As I pointed out earlier this morning and last night, in order to get on with the Nation's business, it is important to organize our committees so Members can be on committees. On the Republican side, we began this process, assigning Republican Members to their various committee assignments. I assume, that being very basic, the other side has done that as well.

The American people do want Congress to continue to tackle the challenges we face today as a country, homeland security, the issues surrounding the spending bills and appropriations bills from the last Congress.

CONCLUSION OF MORNING BUSINESS

Mr. FRIST. I ask that morning business be closed, and I now send a resolution to the desk which would make majority party committee appointments.

Mr. REID. I have no objection to morning business being closed.

The PRESIDING OFFICER. Without objection, it is so ordered. Morning business is now closed.

MAKING MAJORITY PARTY APPOINTMENTS

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 18) making majority party appointments to certain Senate committees for the 108th Congress.

Mr. FRIST. Mr. President, I hope we can agree to this resolution in short order. Following its approval, we will proceed to the minority committee appointments, which will allow the Senate to begin the real work.

Mr. REID. On behalf of the minority leader, and I spoke to him just before coming out here, the Democratic leader and I have spoken. He feels, as does the majority leader, that we need to try to move this organizing resolution along, and both leaders have worked and assigned staff to work on it. It is moving along. We hope it can be accomplished very quickly. We are both going to go now to our weekly party conferences and this will be discussed at length with other important matters before the Senate.

I, on behalf of the Democratic Senate, understand the frustration of the majority leader. We had the same problem a year and a half or so ago. It took a while to resolve that almost 6 weeks. I certainly hope this does not take that long. I appreciate the manner and tone that the resolution is offered. Of course, it is fully debatable. We hope it does not have to be fully debated.

It is my understanding now that morning business is closed and the Senate will recess, is that right?

The PRESIDING OFFICER. The Senate will proceed with consideration of the resolution.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 2:15.

There being no objection, the Senate, at 12:30 p.m, recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

MAKING MAJORITY COMMITTEE APPOINTMENTS—Continued

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise today to share some memories with my colleagues. As I watched what is going on in this body, I was trying to think of something. I have seen this before. It is sort of a deja vu all over again. I was thinking back to maybe 14 or 15 years ago when my son was playing T-ball. You remember T-ball? That is the kids' game.

The kindergarteners played T-ball. They had a lot of fun. But in one game we had a problem because after the other side was out, they had their outs and they were finished, they wouldn't put down their bats and go out in the field. They didn't want to play the game. They thought that once they had been at bat they were going to stay at bat, even though their side was out and it was time for them to leave.

The more I thought about it, the more I thought maybe that is what is happening in the Senate today. We had an election and the people of America sent some new Republicans, a new Democrat or two, to Washington, and they established a 51-to-48-plus-1 majority. I mean, 51 is more than 48. It is more than 48 plus 1. It seems to me it would be common math, it would be reasonable politics, it would be just common civility, to say once you have a majority and the people of America have voted for members of the Republican Party to be the leadership, to be the majority party in the Senate, it ought to move forward.

All the time I have been here, once we have had an election we have shifted power, if there has been a shift in power. A year and a half ago when one of our Members switched and we lost the majority, I handed over the gavel immediately to my ranking member and she became the Chair. That is because this is a democracy. That is how this is supposed to work. We are supposed to have reasonable rules.

But today I am reminded of that T-ball game when the side that was out, they had lost but wouldn't put down their bats and go out in the field. Guess what. The game can't go on. Everybody is a loser.

This is not a T-ball game. This is time to handle the business of this Nation. The people of America voted for us. They voted for Republicans and Democrats. They voted for House Members and Senate Members because they expected us to come to Washington and be serious about doing the people's business.

One of the defining marks of democracies in the modern day is that there is a peaceful transition of power. The winners take over and lead. The losers relinquish their leadership and join in the governmental efforts. That is the rule in democracies throughout the world.

Here is the U.S. Senate sticking out like a sore thumb, an exception to the principle that when there is an election and there is a change of power, the winning side takes over. This is truly regrettable when we have so much business to be done. We have all the business that did not get done last year. Unfortunately, I believe the leadership last year would not let us go to a budget.

They wouldn't let us pass appropriations bills. As a result, we are now funding 11 of the 13 appropriations bills for the jurisdictional functions of the Federal Government based on a continuing resolution. Things have changed. We need more money for these functions. We need to pass appropriations bills. We are ready to move on appropriations bills, but we can't set up a committee. We can't get the committee set up until we pass a resolution and find out who is on the committee.

This is a serious failure to live up to our responsibility, to do the work the people of America have a right to expect us to do. The longer we wait, the more difficult the appropriations process is going to be, and the more difficult it will be for us to do this year's work, which is to do the 2004 appropriations bills.

There are a lot of things we really shouldn't even have to bother with on the floor. The T-ball team is not just keeping the bats. They are saying some of our people who have assumed new leadership positions can't even get into leadership offices.

This is a new day. This is 2003. There was an election in November of 2002. The people in the United States by their votes said you as Republicans should move forward. We can't do that. We can't do that until we get cooperation.

This is a body that operates on common decency, respect, and civility. It works on unanimous consent. Obviously, we can't get unanimous consent. We haven't so far. There are a lot of arguments in the negotiations. But the fact is we need to get on to the people's business. I can tell you, I know our majority leader, BILL FRIST. He is a man who is more than willing to make decent provisions for the minority, and he will do that. But nothing we say is good enough. We can't move forward in this circumstance.

I think that is a real tragedy. We have a lot of work to do this year. We need to confirm judges to make sure our judiciary works. We need to pass an energy bill. We are looking at possible hostilities in the Middle East where we face potentially a cutoff of some of our supply of petroleum. What are we going to do about it? We haven't had an energy policy for 9 or 10 years. Our energy policy bill last year was blocked. This year wouldn't it be nice if we allowed the Energy Committee to work on a bipartisan basis and report a bill out to the floor, then vote on it, send it over to the House, work in conference, and bring it back to vote it up or down? We ought to be doing that. But we haven't done that.

There are some who suggest maybe the Democratic Party lost the election because they were obstructionist. I happen to think that is true. I happen to think that was one of the most telling arguments in campaigns in which I participated. People of America don't want to see obstruction, roadblocks, and red tape. There are others who say, Well, maybe the Democrats lost because they weren't confrontational enough and they weren't obstructionist. It looks like those people have won the day, or at least they are calling the shots. I believe many of my Democratic colleagues would feel the way I do. They know the election is over. They know we have some very important work to do this year. We have to do the basic appropriations to get the Government operating and to fund programs. We need to do an energy bill. We have to do a highway bill this year.

If you are worried about where we are going to get stimulus, as some of my colleagues on the other side of the aisle said, we need stimulus to make sure we have a highway bill that continues funding of the vitally important construction on our Nation's highways. That is one of the most important bills we are going to have to pass this year. But we can't do it when we can't even get the Senate organized.

I am very discouraged. I am very discouraged that we have run into this problem. I hope the people who are listening or watching back home will call, write, or e-mail. I guess you can't write anymore. You can't write us here. You can write to our offices in our States, call, and send faxes and messages, and tell those of us who are in the Senate it is time for us to get to work.

All of last year I waited to bring an appropriations bill to the floor under the good leadership of my colleague and friend who was chairman at the time. I am still waiting to bring an appropriations bill to the floor. It is a bipartisan bill. It is one we have worked on. We will work on it together, and it will be a bill which we hope reflects the interests of people on both sides of this aisle. But we can't do it until the other side lets us move forward.

A lot of people do not understand the Senate is a deliberative body. It requires unanimous consent. Most of the time I have been here, we have been a deliberative and decent body. We are a decent body, and we will move forward. But now we have become the world's greatest dilatory body. We can't get anything moving until the other side lets us.

We need a stimulus bill. I will address that later.

I think the President has put forth a good plan to help families. A typical family of four with two wage earners with a combined income of $39,000 would receive a total of $1,100 in tax relief. The Council of Economic Advisers said the plan would create 2.1 million jobs over the next 3 years.

As one who has spent a lot of time since I have been here working for small business, I can tell you this is a bill small business needs. We in the Small Business Committee have long urged an increase in the amount of expenses a small business can do from $25,000 to $75,000. So the smallest of the small businesses under $300,000-plus revenue can write off immediately and they don't have to go through depreciation and write off against immediate income capital expenditures up to $75,000.

Second, by bringing the reduction in individual rates forward, you are benefiting small business. Twenty-three million small businesses are taxed as individuals. They are set up either as proprietorships, partnerships, or subchapter S corporations. So those 23 million small businesses are taxed at the individual rate. Putting this money back into their pockets will give them the money to hire workers, to invest and to expand and grow their business.

That is an argument for the day when we actually can get to work in the Senate and we can have committees. God bless the committee system. Have them work and have them put out bills. They have to put them out on a bipartisan basis. We will bring them to the floor, and we will debate them and discuss them and work on them on a bipartisan basis. Unfortunately and regrettably, that can't happen until this gridlock is broken.

I call upon my colleagues on the other side of the aisle to recognize the tremendous needs. These are more compelling needs than in previous years because we didn't get our work done last year. Let us get over this gridlock—this deadlock. Let us get going with the business of the Senate.

I urge all our colleagues to come together and work on this. I hope we can do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment my friend and colleague from Missouri for his statement. I wish to make a few additional comments as well.

This is my 23rd year in the Senate. Every 2 years we have passed an organizing resolution within a couple of days of the House and the Senate reconvening—almost always on the first or second day; always within a week. Every 2 years for the last 20-some years we have done that within a couple of days. This year we haven't because our friends and colleagues on the Democrat side have objected. I am embarrassed by their objection. The resolution the majority leader introduced is basically pro forma. It should have been done on the first day. It recognizes the newly elected Senators and the committees on which they have chosen to serve. It also recognizes the new chairmanships as a result of the elections.

That is only appropriate. It is only proper. It is only fitting. It is normal course. It is standard practice. And it should have been done by unanimous consent, without any objection.

It has happened every year I have been in the Senate—or every other year. We do it at the beginning of every new Congress. But this year, for whatever reason, our colleagues on the Democrat side decided to object. They indicated they would filibuster. I urge them not to. I urge them to keep in mind we do serve and are privileged to serve in probably the greatest deliberative, elected body in the history of the world. Senator BYRD may come over and talk about the Roman Senate, but certainly this rivals the Roman Senate. But this is not our finest hour.

If the Democrats are saying, wait a minute, we are going to insist on maintaining chairmanship of the committees, they are really refuting the elected will of the people which they made clear last November.

In my term in the Senate, there has been a change in leadership and a change in committees done automatically, within a couple of days. It happened in 1981, as a result of the 1980

elections. It happened in 1987, as a result of the 1986 elections. It happened in 1995, as a result of the 1994 elections. It happened in the year 2000, as a result of the Senator JEFFORDS switch. And it happened immediately. There was no prolonged debate on this side, saying: Wait a minute. This is not fair. As a matter of fact, gavels were handed over.

So it is almost as if the minority party or the Democrat Party said: Wait a minute. We don't want to be in the minority so we are going to delay process indefinitely. I just read an e-mail that basically said that. It said: We will continue to chair.

I am or will be the new chairman of the Budget Committee. I scheduled a hearing with Alan Greenspan, Chairman of the Federal Reserve, to testify today. I had to postpone that because of this embarrassment. I am embarrassed for the Senate. I love this institution. And to see our colleagues on the other side denigrate the reputation of the Senate, by falsely trying to assume that they maintain chairmanships of these committees, is ridiculous.

So I urge my colleagues—I see the assistant Democrat leader and whip. I urge my colleagues: Enough. Let's think of the institution. Let's think of the Senate. Let's think of the traditions of the Senate. Let's think of regular order in the Senate. Let's think of the reputation of the Senate and not fall down into this kind of partisan ploy to obstruct.

And now I have read a letter that said: Well, we don't want to get this solved until we get a certain ratio of money. You are going to get plenty of money for committees. I think everybody knows that. Or maybe: We don't want to do this until we have an agreement on square footage in each office space. That is ridiculous. Those negotiations usually take months.

Or now I see a letter that says: Well, we don't want to have an organizational resolution until we have an agreement on the confirmation of judges and how many will be taken up at what time. That is, again, totally ridiculous, totally out of line, totally contrary to the great traditions of the Senate.

We are all, I think, proud to serve in the Senate, but this is denigrating to the Senate. We need to think of the reputation of the Senate. We need to show other countries, which have struggling democracies, that you can have a transition of power, and it can move very seamlessly and very smoothly and very appropriately, and not have something such as this lingering. What kind of example is this to set for other countries that have aspirations for democracy to see this kind of episode?

This is not our finest hour. This is an embarrassment. So I implore our colleagues, for the sake of the Senate, for the institution in which we have the pleasure and privilege to serve, for the Constitution, that we should work together, that we should have a smooth, seamless transition of power within our body, within our committees, and let's work together.

This is not a good start. The tradition of the Senate is, when we come back from election time, and we come back from Christmas break, and holidays, that we are in a good spirit, and that we shake hands, and that we put elections behind us and say we are going to work together for the good of the country. And, oh, yes, maybe in the second year, at some point—late in the second year—we will start worrying about elections.

Now it seems as if people are more worried about the elections. We have everybody announcing they are running for President, and Presidential elections are starting 2 years in advance. And the Senate is already somewhat in a quagmire, not even operating because some people think: Well, maybe we will be better off if we just obstruct. We will not even let the committees organize. And I read that in an e-mail.

That is not the way to run the Senate. That is not the way to serve in the Senate. So again, I implore upon my friends—and I have many friends on the Democrat side—let's think of what is right for the institution, for this body, for democracy as a whole, and let's work together.

We have a lot of unfinished business to do. Maybe people do not want to do it, but we have 11 out of 13 appropriations bills that have not been passed from last year. We are already in fiscal year 2003. We have already finished 3 months of fiscal year 2003. We need to finish those appropriations bills. We need to have those amounts fixed so we can base that for the 2004 budget.

We have a lot of work to do. We have international threats, certainly in Iraq, possibly in Korea. We have a war on terrorism. We have a lot of work to do that is far more important than partisan gamesmanship. We need to think of what is important for our country. We ought to at least have a grace period where we put partisanship aside and where we work together for the good of the country.

I urge my colleagues, let's do what the tradition of the Senate has always done; let's reorganize now. Let's do it without objection. Let's work together. Let's finish some of our unfinished business. And let's work together to tackle some of the real critical problems we have confronting our country today.

Mr. REID. Mr. President, I want to, before the Senator leaves, quote the Senator, make a couple comments, and maybe have the Senator respond to a question. Would that be permissible to the Senator from Oklahoma?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield the floor?

Mr. NICKLES. I have not yielded the floor. I would be happy to yield the floor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Oklahoma and I have had the good fortune, at least from my perspective, of working together on a number of items while we have served together in the Senate. We had served together on the Legislative Branch Appropriations Subcommittee for a number of years. I think we did some good things for the institutions, both the Senate and the House. I enjoyed and have appreciated working with him. We also worked on the Interior Appropriations Subcommittee and, I think, did some good things for the country.

So the only reason I say this is that I have great respect and admiration for the distinguished senior Senator from Oklahoma. I have very rarely known him to speak anything that was not factual, but I would like to just bring one thing to the Senator's attention today that really was not factual.

This is not a direct quote but pretty close: Within a couple of days after an election there's always been a reorganization to take place—words to that effect. My friend said he was embarrassed because there has not been one that has followed this tradition during the 108th Congress.

I say to my friend, I know you have a good memory, so this must be something that you forgot, because during the 107th Congress, when we became the majority party, it took us 6 weeks to organize.

Now, I do not think that Senator FRIST——

Mr. NICKLES. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. NICKLES. That would be what year?

Mr. REID. The year 2001.

Mr. NICKLES. Correct me if I am wrong, but at what date did we pass a resolution announcing the chairmanships of the committees?

Mr. REID. Six weeks after Senator JEFFORDS changed parties.

Mr. NICKLES. No. Correct me if I am wrong, but in January of 2001, we passed a resolution quickly, announcing who would be committee chairs.

Mr. REID. I don't really know that. We had a lot of negotiations because it was a very unique situation. We had 50–50, of which the only time that happened previously, that I am aware of, was in 1880.

Mr. NICKLES. I did not serve in 1880. But I still believe that early in January we passed a resolution announcing who the committee chairs were. And I also believe—correct me if I am wrong;

and I am happy to be corrected—after Senator JEFFORDS switched, we had an automatic transition of who was to be committee chairmen, and I believe that happened in June of 2001.

Mr. REID. From the time he switched to the time we, in effect, were able to go forward on the basis of the new majority, it took 6 weeks.

Mr. NICKLES. If the Senator will yield, again, I think he announced he was switching, but I think he delayed it until we passed the tax bill. As a matter of fact, if memory serves me correctly—and I am stretching it—I believe Senator JEFFORDS announced his intentions to switch, and some of us tried hard to dissuade him from that. I believe he also said his switch would not be effective until after we passed President Bush's tax bill, which took a few weeks, which we did pass; and I believe shortly after the conclusion of passing that bill, he did announce his affiliation as an Independent but his alignment with Democrats; and I believe—I may well be corrected—shortly after that, not when he announced his intention, but after he announced he would do that, after we passed the tax bill, there was a transition of power almost immediately in all the committees.

In the Jeffords case, it was a little different because that wasn't an election, that was a switch, and that was not as a result of elections, that was a unique scenario. This is not a unique scenario. We have had 108 Congresses, and every Congress, until now, to my knowledge, after convening at the beginning of the Congress, has elected its chairmanships and assigned committee members. We have 10 new Senators—11, if you count Senator LAUTENBERG who haven't even been formally assigned to committees. I was scheduled to have a hearing with Chairman Greenspan. I will have seven new members on the committee, and we could not have them sit in on that hearing. How absurd is that?

I urge my colleague—I will refresh my memory on the Jeffords case, but let us work together. This is so unlike the tradition of the Senate. I see my colleague from Maryland here who I know has a love for this institution. This is denigrating to this institution and sending a terrible signal to those other countries that have fledgling democracies, to say, wait a minute, there was an election and a change in power but the Democrats are not relinquishing that power.

Mr. SARBANES. Will the Senator from Nevada yield for a question?

Mr. REID. I am happy to.

Mr. SARBANES. Since my colleague from Oklahoma is drawing me into this matter.

Mr. REID. If the Senator will withhold for a moment, I would like to respond to the statements made by the Senator from Oklahoma.

First of all, I agree; I think it would be tremendous if we could have this reorganization resolution passed 20 minutes from now. But it is more than chairmen appointing members to committees. I think turnabout is fair play. As Senator DURBIN said, the golden rule should apply here, and that is that we have the same status as when the Senate was 51–49 Democrats. It is now 51–49 Republicans. We will take the deal that we gave them, the same deal. We want the same makeup as when we were 51.

I agree that we should do something about appropriations bills. I agree that we should not have Presidential campaigns as long as they are. But the issue before the Senate is not that. The issue is, why can't we have the same rules that were in effect 3 months ago in effect today? Simply because the roles are reversed and we have a new majority, that doesn't mean the new minority has to take a lot less.

I yield to my friend from Maryland.

Mr. SARBANES. It is my understanding that what is holding up the organizing resolution is a difference in the course of organizing, how we allocate resources, and that all this side of the aisle is seeking, now that it is in the minority, is that we be treated the same way the other side of the aisle was treated in the last Congress when they went into the minority; is that not correct?

Mr. REID. The Senator from Maryland is absolutely correct. This matter could be resolved, as I indicated a few minutes ago, in 10 minutes. The only thing we want is the same rule that applied when the Senate was 51–49 Democrats.

Mr. SARBANES. In other words, all we are seeking is that the majority now accord us as a minority the same treatment that we accorded to them when they were in the minority and we were the majority. That seems to me an eminently reasonable and fair thing to be seeking. I cannot, for the life of me, understand why we cannot quickly reach an understanding on that basis and move the organizing resolution.

Mr. REID. Mr. President, I respond to my friend because here is what they have done. They have a resolution before the Senate now that says what we want to do is appoint chairmen and members of the committees and we will leave the rest to further negotiations.

The Senator from Maryland is much more experienced than I. But the Senator from Maryland and I both know that if the chairmen and members are placed on the committees, this is all over with and the committees will wind up with far less resources and the ranking members will not be treated as we treated theirs. It will be a totally different ball game. We want to have the same ball game and the same rules as were applied when we were in the majority. That seems fair.

Mr. SARBANES. I say to the Senator, my understanding is that we have treated the organizing resolution as encompassing the allocation of resources in the past.

Mr. NICKLES. No, we have not.

Mr. SARBANES. We certainly did so in the 107th Congress. In the 107th Congress, when it came to that question and we became the majority, we accorded, I think, a very fair and eminently reasonable treatment to the minority, and that is all we are seeking in the current circumstance. I don't understand what the problem is or the difficulty in accepting that arrangement. That is what I don't understand.

Mr. REID. I will also interrupt and say this to my friend: One of the reasons this is going on—and we kind of beat around the bush and dance around it—the majority had a really serious problem after the election; that is, they were having trouble finding out who was going to be the Republican leader. Prior to Senator LOTT stepping down, Senator DASCHLE and Senator LOTT had a number of communications and conversations and meetings as to how they would proceed. That took weeks and weeks after Senator LOTT gave the speech we all know about now, and just recently they chose a new leader. It has put us behind. It is not our fault.

All we want is to be treated exactly the same—not one iota differently—as we treated them; that is, let's use the last 18 months during the 107th Congress as the model for how we should be treated today.

Mr. SARBANES. Will the Senator yield for a further question?

Mr. REID. I am happy to yield to the Senator without losing my right to the floor.

Mr. SARBANES. It is my understanding that there was, in a sense, a delay on the Republican side in terms of choosing their leader and then being in a position to discuss these issues with our leader, Senator DASCHLE. I have not raised the issue about that being a factor in the delay, but obviously it is part of the matter. But now that that has been resolved, it seems to me we ought to be able to reach a fairly quick agreement here if we simply abide by the concept of reciprocal treatment.

It seems to me that we tried very hard in the last Congress to be fair about this. I think we were fair and eminently reasonable. It seems to me a fair and eminently reasonable request now that the same treatment be accorded to us in the minority that we accorded to the minority in the last Congress. If we could accept what I think is an almost elementary principle, this matter could be settled, and could it not be settled in very short order?

Mr. REID. In a matter of minutes. The resolution before the body today

makes the appointments for Republican members of the committees. That is all it does. It doesn't take into consideration all the other things that make this complicated body function, which is through the committee system. As anybody reading the basic text of how the Senate works knows, we operate through the committee system. We are not a committee of the whole. We work through committees.

We have tried to establish fairness in the distribution of resources and certainly membership on the committees. When there is such a close division between the majority and minority, one of which was caused by the death of Senator Paul Wellstone—he was killed, unfortunately—as a result of the very closeness of the Senate, 51 to 49, which it was just last year, why shouldn't we have the same rules dealing with committees now as we did then? That is the whole point.

I am happy to yield to my friend. I have the floor.

Mr. NICKLES. I yielded to my colleague.

Mr. REID. Mr. President, I will be happy to give him the floor.

Mr. NICKLES. If the Senator would.

Mr. REID. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I have a couple comments. One, I am going to be very strict when people start engaging in dialog and not going through the Chair. The Senate is a great institution. It is not a little chat club. I am warning my colleagues, they should go through the Chair.

To say that when we do a Senate reorganizing resolution, we are supposed to solve staffing allocations, room allocations, and now blue-slip policies on appellate court judges, that is absurd. It has never been done.

In the last Congress, after the Jeffords switch, there was a reorganizing resolution. It did mention staff, and it should not have.

Mr. REID. Should or should not?

Mr. NICKLES. Should not have. That was the breaking of a precedent in every Congress of never mentioning the funding resolution.

Mr. President, 1977 was the first time funding was ever raised, and I do not believe it was part of the reorganizing resolution. It did say the minority should get one-third.

Mr. SARBANES. Will the Senator yield?

Mr. NICKLES. I will not yield.

Mr. SARBANES. Just for a question.

Mr. NICKLES. I will not yield. My point being, the tradition of the Senate has always been to adopt a resolution announcing the individuals serving on committees and that this person or that person will be chairman of a committee. That has always been the tradition of the Senate.

We broke tradition last year, and it was a terrible precedent to set because now if we are going to do a reorganization now, we have to negotiate wages, staff allotment, space allotment, and now people are trying to bring in blue slips. They are trying to drag in all kinds of issues so basically they can obstruct the Senate. That is absurd.

Let's pass the resolution as we have done for the last 200-some years in the Senate, and say: Here is the organizing resolution; here are the committees on which you will serve.

I have been in the Senate for 22 years, and that is what we have done in at least 21 out of the 22 years, and I would venture to say we did it 22 out of 22 years. The aberration being in the middle of last year after the Jeffords switch in 2001. I believe that was a mistake. Obviously, it was a mistake because we can have the Senate tied up in knots for weeks discussing all kinds of trivial issues that, frankly, should be decided by the Rules Committee, not by the Senate, not by reorganization.

Reorganization is assigning individuals as chairmen and new members of a committee so they can serve on their committees; so we can staff the committees; so we can have hearings; so we can have Chairman Greenspan today; so we can have hearings on nominees; so we can get our work done; so the chairman of the Appropriations Committee can bring forward the unfinished business; so we can move on and discuss space allotment.

We can discuss staff allotment, and we can discuss blue-slip policy in committees which have their work cut out to work on those issues. It should not be in a reorganization resolution. That was a mistake last year, in my opinion. It was the first time we did it, I believe—this is now my 23rd year—for 22 years we always adopted a resolution that said: Here are the committees.

Now people are trying to put on more bells and whistles: Before we do committees, we have to get this. That is absurd. That is designed to fail. That is designed to obstruct. That is designed to say: We are not going to let you chair this committee unless you give us our way on blue-slip policy. Now we are going to give Senators vetoes on circuit court appellate judges which we have never had? It is a case of maybe the minority not wanting to relinquish their majority or wanting to pretend they are the majority just to obstruct the majority that is trying to get some work done. It is really indefensible.

Again, I implore my colleagues who love this institution, let's work together. Let's adopt this reorganizing resolution. It does exactly what my colleague from Nevada said. It says: Here are the committee chairs; here are the members of the committees. The minority needs to adopt the same resolution: Here are the members of the committees. Then let's go to work.

The funding issue is not that big an issue. It is very close to being solved. The space allotment is not that big of an issue. It is close to being resolved. But it should not be resolved as part of this resolution.

This resolution says who will be committee chairs, and we should adopt it today. There is a lot of serious work that needs to be done. Let the Rules Committee do its work. That is what the Rules Committee is for, to divvy up space and work on allotments.

I worked with my colleague from Nevada, and I am very interested in being fair on space and being fair on committee allotments, but that should not be done now. What should be done now is to adopt this resolution so we can have a confirmation hearing on the nominee for Treasury Secretary and so we can have a hearing on the nominee for the Department of Homeland Security, so we can have Chairman Greenspan testify before the Committee on the Budget about the economy so we can move our Nation's business forward, so we can take up the appropriations bills and try to get caught up on some of the work on which we are behind.

It is absurd to tie it to getting this and that; we did it last year. Last year was unique, and maybe we did not solve it right. Let's look back at the tradition of the Senate and at all those struggling democracies around the world. They look to us with great pride. When they visit the United States, they love to come to the Senate. They want to see a functioning democracy.

In my years in the Senate, we changed power, we changed chairmen several times and always did it smoothly and seamlessly, but this year we are not, and that is not a very good example for us to set.

I urge my colleagues, let's step back a little bit. Let's move off this partisan excitement in which people are engaged, and together solve some of these other problems behind closed doors, as we usually do, in a way that is satisfactory to all. We can do that. To say we are going to filibuster this resolution and you can never be chair until we do such and such—frankly, I find it demeaning to the Senate. I do not want to say that. I do not want it to happen. I love this institution, and this situation is denigrating to this great institution. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I listened with great care to my colleague from Oklahoma, and I certainly agree with his point about seeking to sustain, maintain, and enhance the institution of the Senate. But I say to my colleague from Oklahoma, I am going to be the ranking member now of the Banking, Housing, and Urban Affairs Committee. That is a consequence of the elections that took place in November, and I recognize that. But our

ability to do our job in the committee is closely related to receiving adequate resources and staff resources with which to carry out our responsibilities.

Unfortunately, that issue has been put in some question. I do not quite know why this has happened, although I understand there are some on the other side who want to really do a very radical shift from the allocations in the previous Congress when the margins were so close. Of course, that has created a lot of concern and apprehension about the ability then of the minority to meet and carry out its responsibilities.

I cannot, for the life of me, understand why we cannot in short order reach an agreement that would be encompassed in this organizing resolution that the allocation of resources to what is now the minority would parallel the allocation that was made by this side of the aisle when it was a majority to the Republican minority in the last Congress.

I do not understand what the difficulty is with that position. Of course, the fact that there seems to be some difficulty only increases the degree of concern in terms of what lies in wait.

Mr. NICKLES. Will the Senator yield?

Mr. SARBANES. And only reaffirms what is perceived as a need to work this matter out in the course of organizing for the 108th Congress.

Mr. NICKLES. Will the Senator yield for a comment?

Mr. SARBANES. I yield for a question without losing my right to the floor.

Mr. NICKLES. I do not want to get into the funding because I do not believe it belongs in this resolution, but my understanding is that the offer the majority leader has made is that the committee is going to be held whole, that the amount of staff money for the Banking Committee would still be there for the next Congress, so there would not be a radical shift; there would be ample funds. I wanted to make sure the Senator was aware of that.

I ask the Senator if he is aware of the fact, not counting the last Congress, that in every Congress going all the way back to 1993, Banking traditionally had a two-thirds/one-third, but the majority leader is not talking about going back to two-thirds/one-third; he is basically talking about giving the same amount of money that was allocated last year.

Mr. SARBANES. Let me say to my colleague, as a consequence of what occurred in the 107th Congress and the very close divisions that took place, and indeed the assertion by what was then the Republican minority of the necessity of protecting their staff positions, we developed a new understanding with respect to the allocation of resources, something that many Members have been arguing for over a number of years. So the position that is being advocated by this side is simply reciprocity on the basis of what was done in the 107th Congress.

In fact, I ask my distinguished assistant leader, am I correct that what is now being sought by the minority is reciprocity in terms of being treated in the 108th Congress as we treated the minority in the 107th Congress? Is that correct?

Mr. REID. The Senator is absolutely factually correct.

I further say to my friend from Maryland that my friend from Oklahoma talks about blue slips. We just attended almost a 2-hour conference and there was no decision made that this would be part of the organizing resolution. There is an issue going on about leadership space, but that has nothing to do with this organizational resolution.

So in answer to my friend, all this stuff about blue slips and space has nothing to do with the organizational resolution. All we want is to be treated the same way we treated the minority when we were in the majority—simple, direct, factual.

Mr. GREGG. Will the Senator yield on that point?

Mr. SARBANES. I yield for a question.

Mr. GREGG. Is it not true that the resolution before the Senate has nothing to do with money either; that it simply deals with the appointment of Members to the committees and the chairmanships of those committees?

Mr. SARBANES. That is what the resolution is, and that is the basis of the complaint. It is our assertion that the organizing resolution ought to at least encompass the allocation of staff resources and that the minority now should receive a treatment on that issue comparable to and paralleling what the other side of the aisle received when they were in the minority in the 107th Congress.

Mr. GREGG. Will the Senator yield for a further question?

Mr. SARBANES. Certainly.

Mr. GREGG. Is it not true that the resolution, as brought forth by the majority leader, is consistent with all the resolutions that have been brought forward in the last 10 Congresses relative to the language in that resolution specifically applying only to the membership of the committee?

Mr. SARBANES. It is not consistent with the resolutions brought forward in the 107th Congress when we first encountered this very close division between the two sides of the aisle.

Second of all, even if it is inconsistent, it seems to me, given what we are hearing in terms of what at least some Members on the other side—not all of its Members, as I understand it, but what some of its Members intend to do in terms of staff allocation, it seems to me perfectly reasonable, since our ability to carry out our responsibilities as a minority is closely related to that question, for us to seek an understanding and an agreement right at the outset on that very important issue.

Mr. GREGG. Mr. President, will the Senator yield for a further question?

Mr. SARBANES. Certainly.

Mr. GREGG. Is it not only the tradition but the legally appropriate action that in a constitutional democracy, where there are two major parties, when a majority takes control of a body within that constitutional democracy, the committees be chaired by the majority party?

Mr. SARBANES. Under our constitutional system, we recognize the rule of the majority but we protect the rights of the minority. That is a fundamental principle of the U.S. Constitution, and indeed it has been a fundamental principle in the operations of our various institutions under the Constitution.

No one is arguing the proposition of who will become chairman of the committees, I recognize that, but we are asserting that in the course of making that decision, we need to make also the decision with respect to the allocation of resources for staff, which is an important dimension of both the majority and the minority being able to discharge their responsibilities in the operations of this institution.

Mr. REID. Will the Senator yield for a question?

Mr. SARBANES. I yield for a question.

Mr. REID. The Senator from Maryland raises a most important issue. When I speak to townhall meetings and especially when I speak to government classes—high school, even elementary school, and college classes—whenever I am asked about the Constitution, I always say what my friend from Maryland said—that the Constitution was not written to protect the majority; the Constitution of the United States was written to protect the minority. The majority can always protect itself. Rules, regulations, and laws that flow from this little document are so devised to protect the minority, and that is what this is all about.

That is why I felt so at ease during the last Congress—because we protected the minority; we did not run over the minority. In fact, their resources were allocated almost identically to what ours were because the Senate was divided 51 to 49. As the Senator from Maryland has said several times today, that is all we want. We want to make sure that the resources are allocated just like they were in the last Congress.

Mr. SARBANES. In fact, when the Senator from Oklahoma was speaking, he was making the point how people would come from other countries, particularly fledgling democracies, to see the Congress of the United States, particularly the Senate, and how we wanted them to draw the right lessons from

seeing the Senate. One of the most important lessons they need to draw in the fledgling democracies is the necessity of respecting the rights of the minority. In instance after instance, they have been prepared to exercise the majority rule but they are unwilling in these emerging democracies to accord proper respect to the minorities within them which, of course, are also an essential part of making a democracy work. That essentially is all we are seeking to do in this instance.

I repeat what I said before. For the life of me, I cannot understand why we cannot reach agreement in short order since what this side of the aisle is seeking is simply reciprocity, seeking to be treated now as the minority the way we were willing to treat the other side when they were in the minority in the last Congress.

Mr. GREGG. Will the Senator yield for a further question?

Mr. SARBANES. I will yield for a further question.

Mr. GREGG. It will be the last one. I agree with the purposes of protecting the minority. That obviously is one of the core elements of our structure of government. My question is this: Under a constitutional government that has a two-party system, when there is an election, is it not appropriate and, in fact, an obligation of a majority which loses its majority to turn over the chairmanships of the committees which operate that government and operate that house to the party which has taken the majority? And is it not the sole purpose of this resolution to accomplish that goal, to establish the committees, and thereby establish the majority party as having the chairmen of those committees? And why is the minority not respecting this understanding of our form of government? Why deny the ability of people who assume the chairmanships of the committees as majority Members of the party?

Mr. SARBANES. It is very simple. We think the compass within the organizing resolution would be an assurance of what is now the minority in terms of the allocation of resources so we will be able to meet our responsibilities. We are not asserting the majority will not assume the chairmanships of the committees. Obviously they will do so. In fact, I stood out here a little while ago and said I recognize now I was on my way to being the ranking member instead of the chairman of the Banking, Housing and Urban Affairs Committee.

We are simply saying, and it goes right to the point the Senator raised about the workings of the institution, part and parcel workings of the institution is to include within the organizing resolution an understanding with respect to the allocations, particularly since Members of the majority—not all Members, but some Members of the majority—have been very outspoken in asserting a position that would significantly deny to the minority adequate resources to meet its responsibility and which is directly counter and in marked conflict with the way the majority was treated in the last Congress when they were a minority.

Mr. GREGG. Would the Senator state to me, at this time is the Senator the ranking member of the Banking Committee or is the Senator the Chairman of the Banking Committee?

Mr. SARBANES. At the moment I am still the chairman because we have not passed the organizing resolution. I am quite happy to pass an organizing resolution which will make me the ranking member, but I want that organizing resolution to contain in it an understanding with respect to the allocation of resources so I can be certain we will be able to meet our responsibilities; furthermore, an allocation of resources comparable to what is now the majority received in the previous Congress when they were a minority.

I don't understand why the other side of the aisle will not accord to us now the same treatment, the same fairness, and the same equity which they received in the previous Congress. Why won't you do that? I ask that question. Why won't they do that? If they were to do that, we could conclude an organizing resolution in very short order.

In fact, I ask our assistant leader, is it not the case if we were able to receive the same treatment on this allocation of resources issue we extended in the last Congress when we were the majority, that we would be able to wrap up the organizing resolution in short order?

Mr. REID. Ten or 15 minutes.

Mr. GREGG. If the Senator will yield for one last question, the Senator from Maryland has now declared himself the chairman of the committee.

Mr. SARBANES. If the Senator will yield, I didn't declare myself; it is still the operating premise since we have not passed a new organizing resolution.

Mr. GREGG. Is the Senator from Maryland in the majority party in this body?

Mr. SARBANES. I am no longer in the majority party, but the organizing resolution to reflect that fact has not yet been passed.

Mr. GREGG. You made my point.

Mr. SARBANES. I have been careful in the committee not to exercise authorities as chairman.

But I repeat my question that goes to fairness and equity. I cannot for the life of me understand why what is now the majority in this body will not extend to the minority the same treatment we were prepared to extend when we were the majority and the other side was in the minority in the 107th Congress. That is all we are seeking—reciprocity. If we could obtain that, we could conclude this organizing resolution in short order.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I wish to make a few observations after listening to this debate.

When I came to the Senate and watched procedures and arguments, I came fairly quickly to the conclusion I never wanted to become accustomed to the way people think in Washington. In listening to this debate and wondering why we cannot vote on Senate Resolution 18, which very simply states who the chairmen are of the various committees and also determines who the Members are from each party on those committees, not an unfair but a very fair allocation of committees and spaces and seats on the committee based upon proportional representation. It is 51–48 plus 1, so, one extra seat, for the majority, the Republicans.

What is getting missed is representative democracy. Being from the Commonwealth of Virginia, the home of James Madison, who wrote and authored the Constitution of the United States, to listen to the assertions of some on the floor from the other side of the aisle about the Constitution and all of their arguments in thwarting the vote on chairmanships and committee assignments so we can go forward on issues that matter to the real people in the real world in America, they say it is the Constitution that protects minority parties over majority parties.

George Washington's farewell address warned against political parties. The Constitution was not created to protect political parties. James Madison, and our Founding Fathers, put forward the Constitution to protect the rights of the people, to protect their God-given rights. To talk about the Constitution as a defense for this obstructionism and this delay and dilatory practice would have James Madison stating this is a shameless, dilatory dilemma. It is holding up the business of the people of America. People recognize there are issues and ideas and measures that should have been acted upon last year—whether they were funding bills, or whether they were a variety of other issues. You can talk about improving Medicare with the prescription drug plan. It may be we need greater—and I agree we need greater—energy independence. I believe we need to make sure we have a more prosperous economy with tax policies and regulatory policies that allow more people to get work and get jobs for themselves and their families.

I very much support the President's ideas as far as the job creation and economic growth packages. There are other ideas on education, on a variety of issues, including partial-birth abortion. It is all being stopped because of this delay.

We talk about elementary civics with the school groups that come up and watch, people from around the world. They see the peaceful transition of power in this country. They see the people in the several States of the Union elect Senators and, as a result, there are a majority of Republicans. Now the people of this country expect a new leadership to go forward on a variety of issues, as I talked about, whether it is jobs, or health care matters, budgetary matters, or funding.

We are a representative democracy and people have seen the transition of power from the local level of mayors and boards of supervisors on up to State legislators to Governors, to Presidents. This is a very unfortunate situation, that we sit here idly, worrying about some of these very picayune procedures.

I ask my colleagues on the other side of the aisle, let's have a vote on S. Res. 18. I would like to see a vote because then those who vote will take whatever stand they want to take on it. They can say: I didn't want to be in favor of it because, whether it is office space or funding for staff, that can get worked out in the future; let's get moving with the business of the American people. What they want us to do is move forward on a variety of pressing issues, from national security to economic security, that affect the lives of real people in the real world. Bickering over such petty things as office space and staff allocations is beneath the dignity and the importance and the authority that is granted to us by the people of this country.

Mr. President, let's act. Let's move forward. Stop the dilatory practices and let's act in a responsible manner.

I yield the floor.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, are we in morning business?

The PRESIDING OFFICER. No, the Senate has under consideration S. Res. 18.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, perhaps before I do, I should indicate I am a little bit perplexed about the debate going on here on the floor of the Senate on the funding or the reorganization resolution dealing with the 108th Congress, and especially the Senate. It seems to me the question of how much money shall be allocated to committees to run the operations of the Senate around here ought not be difficult to resolve.

In the last Congress we had 51 Democrats, 49 Republicans, and we had an even split with a slight differential for administration.

Now we have 51 Republicans and 49 Democrats. It seems to me we ought to have exactly the same split as we did in the last Congress, just in reverse. I don't understand why the majority now will not do for the minority as we did last year when we were in the majority for the Republican side. It doesn't make any sense to me. This ought not be rocket science trying to put this together. It is about fairness. We ought to have exactly the same circumstance we gave to the Republicans in the last Congress.

It is unseemly to me we are having this lengthy debate about it. We have foreign policy questions and challenges in Iraq and Korea and elsewhere. We have very significant challenges with respect to the economy in this country. Now we are being told by the majority: Unless you agree to conditions we would have considered unfair—speaking now for them—in the last Congress, we will not move forward on a resolution that funds the committees of this Congress.

Our side simply says: Why don't you do for us what we did for you? Is that unfair? I wouldn't think so. Do unto others? Do we understand about this? All we are asking is we have the same kind of agreement we had in the last Congress. For whom is that unfair? Who decides that is unfair?

It was fair in the last Congress for the Republicans who were in the minority. It was fair to them because we made sure it was. Now they are saying they need more than that now they are in the majority. They will not give us the same deal we gave them.

We have a lot of problems and a lot of challenges. It seems to me the new majority leader would be well advised to come to the floor and provide the same kind of agreement we had in the last Congress. That is all we are asking. If it was fair for them when we did it to them—and it was—then it ought to be fair for us, and we ought to suggest that is the resolution to bring to the floor of the Senate.

I know there is a lot of genuflecting around here about this. There is a lot of background noise about it. The fact is, we ought to get this done, get it done fairly as we did a year and a half ago, and then move on to the other business of the Senate.

THE ECONOMY

Mr. DORGAN. Mr. President, one of the challenges we face in this Congress is trying to find a way to stimulate the economy. Frankly, if we do not move at some point, and move rather rapidly, we are not going to do what I think the American people deserve to have us do and that is to try to put this economy back on solid footing—one towards economic growth and opportunity.

Back at the start of this century there was a fellow, I believe he was from Iowa. His name was Joe Connely.

He actually decided to make a living by something he saw when he was a kid. His dad took to him an event in Texas when he was a little boy. It was an event in which a promoter took two railroad locomotives and ran them together and created a train crash. People actually paid to come to see it. Joe Connely thought this was a great deal: If you can get people to pay to see a train wreck, I am going to get in the business of creating train wrecks. So he did. He went and found old locomotives, and he had people lay a track at a town fair. He would run these locomotives together and create train wrecks. They called him ''Head-On Joe Connely.'' His business in life was to create train wrecks. Joe died, I believe, in 1936. But his spirit still lives—at least here in some nooks and crannies of the Senate—with people who design and want to create a train wreck, whether it is on funding, or economic packages, or other things.

But much more important than creating a train wreck is to lay some track and do it someplace where we want this country to be able to see.

Let me describe what I think we ought to do. The President says that we have trouble in our economy. Indeed, we do. When you take a look at what the American people face in this economy, it is pretty obvious.

In 2002, 82,000 more Americans were unemployed in December than in November. In December, 82,000 people came home and said to their families: By the way, dear, I lost my job. The men and women who lost their jobs had to come home and tell their families that they were no longer employed. It wasn't a fault of theirs, it was that their companies were contracting and eliminating jobs. The economy is soft and over 80,000 people had to tell their families that they lost their jobs. Some 8.6 million Americans were unemployed in December. 2.6 million more Americans are unemployed now than when this administration took office.

What do we do about that? It seems to me we need to try to put the economy back on track and to stimulate the economy some. The President says let us have a tax cut of $670 billion over the next 10 years. I think that is manufacturing a train wreck. We have a huge budget deficit staring us right

smack in the face. If we are to do a tax cut, I think we probably should try to stimulate the economy in the short run. It ought to be a 1-year tax cut which would really stimulate the economy. A tax cut of $670 billion over 10 years, the centerpiece of which is to exempt all dividends from taxation, is not going to stimulate the economy. It doesn't have anything to do with stimulating the economy.

So what should we do?

I put together some thoughts which I think represent the kind of plan we ought to consider. I think we ought to have a tax cut for 1 year, a plan that does in fact stimulate economic growth and encourage people to create new jobs. I think one of the best ways to do that is to provide a one-time tax rebate. I would propose it be in the neighborhood of $500 per individual and $1,000 per couple. It is a tax rebate that we know works, by the way, because that rebate goes into the pockets of the working Americans and then it is spent. That spending represents an absorption of capacity in the economy and the creation of economic growth.

In addition to the one-time tax rebate, I would propose a 10-percent investment tax credit on new equipment purchased by December 31 of this year for manufacturing and production. That, I think, is also stimulative and would encourage the kind of activity that can lift and provide economic growth.

In addition, I would—as President Bush has suggested—increase small business expensing to $75,000. But again, I would limit it to 1 year.

I would allow individuals to exclude up to $250 of dividends and interest income. I would up that amount to $500 for married couple. Finally, I would include in a stimulus package the agricultural disaster bill for family farmers that we have already passed here by a wide bipartisan margin in the Senate.

This is a 1-year plan that is affordable. A 1-year plan to try to stimulate the economy makes sense. There is not much stimulus in the Administration's 10-year plan of $675 billion that puts less than 10 cents on the dollar back into the economy in 2003. There is not very much there to stimulate the economy. The number of dollars of that plan for 10 years will be borrowed. We would be borrowing from our kids in order to create a plan that would transfer wealth to the upper income folks in this country. That doesn't make much sense to me.

Here are the numbers with respect to the President's plan. Those who have $1 million in income and more, on average, will receive an $88,000 per year tax cut under his plan. I don't know; it seems to me that at a time when we have very large Federal budget deficits staring us in the face, that is not the kind of thing we want to do.

Just about a year and three-quarters ago, we had this debate on the floor of the Senate about what kind of a tax cut we should have. At that time, the administration said: We have an economy that is flowing along. We have a country that is blessed with economic health. We have an estimated budget surplus as far as the eye can see. We propose a $1.7 trillion tax cut over the next 10 years.

Some of us said: Look. We think we ought to have a tax rebate. I proposed a rebate then and some other tax cuts. But we think it is unwise to believe that we can see 5 months or 5 years or 10 years down the road. What if something happens? What if these budget surpluses don't materialize? We were washed away. We were just swept away. Nobody cared much about that argument. Do not be conservative about this—just understand that we are going to have surpluses that last forever.

The Congress passed a very sizable tax cut. I did not vote for that tax cut, although I supported a tax rebate.

Mr. President, I ask unanimous consent for 5 additional minutes.

Mr. KYL. Mr. President, I wonder. Some of us have been waiting. Would the Senator make it a little bit shorter?

The PRESIDING OFFICER. I take that as an objection.

Mr. KYL. I don't want to object to the Senator's request.

Mr. DORGAN. Mr. President, I asked consent to speak in morning business. Perhaps I should not have done that. I simply should have spoken about the underlying resolution. I hope I can perhaps use 5 minutes in morning business. If the Senator has a time deadline, I will be glad to truncate mine and then he can be recognized following this Senator's presentation. How long does the Senator intend?

Mr. KYL. Mr. President, I have no objection to the Senator's request for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has 5 additional minutes.

Mr. DORGAN. Mr. President, the point I was making was that roughly a year and three-quarters ago when the very large tax cut was proposed by the administration and embraced by Congress, it was anticipated that we would have surpluses forever. It was anticipated that these wonderful surpluses were really good economic news and they would last not only for a decade but much more.

Then, in a very short period of time, we had the following. We had an understanding that the country went into a recession. In March of 2001, we were told that the country went into a recession. Then, on September 11, we had a devastating terrorist attack in this country that blew a hole in the belly of this economy, along with the recession. Then we had the war on terrorism that ensued. Then we had corporate scandals. I think they were the most significant and perhaps the worst corporate scandals in this country's history.

All of these things converged at the same intersection, undermining the confidence the American people had in this country's economy. The warning, some of us suggested, should have been heeded because there are economic expansion periods and contraction periods. The fact is that we went into an economic contraction, and those anticipated surpluses are now gone, replaced by very large projected budget deficits.

I know there are some who come to the floor and say the deficit last year was $159 billion. It is not. The deficit last year was really $318 billion. The only way someone can say $159 billion is if they take the money out of the Social Security trust fund and use it for operating the budget and then show a lower budget deficit. That is what they do when they come to the floor of the Senate.

Fast forward to January 2003. The President says: Yes, now our economy is in some trouble. I have a proposal. The proposal is a $670 billion tax cut over the next 10 years.

I don't know where he gets the money for that. You borrow it from the kids, I guess. But the fact is we are fighting a war against terrorism which required us to increase defense spending by $45 billion last year alone and increases in homeland security to the tune of $25 billion to $30 billion. Is there anyone suggesting that anybody is paying for any of this? No. The President is suggesting, as the tonic for America, large tax cuts. These tax cuts would go on for 10 years and will be paid for by our children in the form of additional borrowing that they will be responsible for in order to give the highest income earners in the country—particularly those who have very large dividends—big tax cuts.

I come from a small town. I went to a small school and had a high school class of nine. They only teach arithmetic one way in this country. None of this adds up. It just does not add up. So I think we ought to start over.

Do we need to do something to stimulate this economy? The answer is yes. Should we put this country deeper in debt? Should we drink more of the tonic that helped us get into this trouble? The answer is no. What we ought to do is be thoughtful. What we ought to do is join in bipartisan agreements to say: Let's stimulate the economy, in this year, to give it some lift, put it back on track, to produce more jobs and more opportunity.

We will not do that by borrowing $675 billion in the coming 10 years, adding it to the Federal debt, saddling our children with that additional responsibility. We will do that if we are thoughtful, by providing, for example, a rebate to the American taxpayers on

a one-time basis, perhaps an investment tax credit, on a short-term basis, for business investments in capital equipment and capital goods. We will do that if we make the right choices.

But I tell you, the wrong choice is to go back to the old formula that was foisted on this country over a year and a half ago by those who said: Don't worry. Don't worry. Times are good, and they will last forever. They did not. And now our responsibility, in my judgment, is to put this back on track with a plan that will work, one that is thoughtful, and one that respects the need to come up with the money to pay for these initiatives of ours, and, as Franklin Delano Roosevelt said, to give us the privilege, as Americans, to meet our responsibilities, yes, during times of national crisis.

So I say to President Bush, and to my colleagues on both sides of the aisle, I really believe we need to do something, but we need to do the right thing, most importantly. I hope, as we begin to debate this issue of an economic stimulus, of putting the economy back on track, we can find a thoughtful, aggressive way to do that without breaking the bank and without saddling our children with more debt.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

MAKING MAJORITY PARTY APPOINTMENTS—Continued

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, the American people must be wondering what is going on in the Senate today. They frequently see us just talking. We do a lot of that. But sometimes they see a little action on the Senate floor. And, of course, other than extending the unemployment benefits, we have done nothing in the Senate since we reconvened at the beginning of this year.

Why is that so? Why is it that we have been having this squabble on the floor of the Senate for the last 24 hours or so, accusing each other of not wanting to get on with doing the Nation's business and the constructing, getting on with that business?

People have asked me: Why can't you all get along? Why can't you resolve what appears to be petty disputes and get on with the Nation's business?

One person said: Didn't we elect you to the majority? He was talking about me as a Republican Senator. So I had to explain what the situation was. I said: Yes, as a matter of fact, last November the news was full of the fact that, for the first time in a long time, Republicans were supposedly in control. The Presidency was occupied by George Bush, and the Republicans were to control both the House of Representatives and the Senate.

But he said: Well, then, why aren't you getting going? Why aren't you doing things? I said: Well, there's a little problem; that is, as you know, in Congress most of the work is done in committees, and the Democrats, who had controlled the Congress for the last year and a half, have been unwilling to turn over the gavels to the new Republican chairmen.

My friend said: That's not possible. This is the United States of America. You Republicans won the election. Just take them.

I said: Well, it's not quite that simple. It is kind of like the old phrase: Possession is 99 percent of the law. The Democrats are in possession of the gavels. They are currently considered to be the chairmen until we do a very simple thing in the Senate. Usually it takes about 10 seconds. The majority leader asks unanimous consent that the list of Republican Senators assigned to these committees be accepted, with the committee chairmen as indicated. The Democratic leader does the same thing for the Democrats. And then the Senate is considered organized. The new Senators have their committee assignments, the chairmen are noted, and we get to work. But that has been objected to on the Democratic side. They want to hold on to the gavel a little while longer, even though in the election last November they lost—supposedly lost the majority control of the Senate.

My friend said: Well, how can they prevent change? I thought you were in control.

I said: Remember that in the Senate we have a procedure called the filibuster, and in order to stop debate and force a vote on our organizing resolution—or committee resolution, it is called—it takes 60 Senators to agree to force the vote. It only takes 51 to adopt the resolution, but 60 Senators are required to actually force the vote; otherwise, you have to just keep talking. And that is what we are doing right now.

Obviously, with the Senate organized at 51 Republicans and 49 Democrats—unless some of our Democratic friends would be willing to concede that the election was won by Republicans, and be willing to turn the gavels over to the Republican chairmen—if they want to stick in their partisan mode here, at 49, they can continue to keep us from voting on this resolution and, thus, continue to have control of the committees.

Well, why is this important? Things my colleague was just talking about a moment ago: The budget and getting on with the President's economic growth package are a good illustration.

For the first time in the history of the Senate, since the Budget Act of 1974, last year, when the Democrats were in control of the Senate, they failed to pass a budget. And the appropriations bills, except for the Defense bills, were not passed. That is unfinished business from last year we have to hurry up and do. The President would like to see that done before his State of the Union speech. We have to get on with that. We cannot do it if the Appropriations Committee cannot meet, pass out a resolution, and get it to the floor so we can debate it.

We have judges who have been waiting for almost 2 years now to be confirmed by the Senate because they have been held up by the Democratic Senate. We need to get on with that. And there is other important business.

The point is, we ought to get on with it and stop this squabbling. What is it that is really at the bottom here? What is the complaint? What is the Democratic objective? It is a little hard to tell.

Part of it, I suppose, is just delay for delay's sake. But part of it also has been indicated by those who say: We want our fair share of money and office space. This may seem pretty petty to people watching, but it is true that both sides need to have money for their staffs and operations. The majority leader has been negotiating in good faith on that, and he says they are very close to getting that issue resolved. But that does not have to be resolved today. The funding resolution goes on until the end of February. So we could easily get the committee process started, exchange positions so that Republican chairmen would have a gavel, get on with the Nation's business in the committees, and continue to work to resolve the issue of funding, such as that issue may continue to exist.

Democrats have talked about the comparison to the middle of the year switch in parties when JIM JEFFORDS, a Senator from Vermont, left the Republican side, became an Independent, and joined the Democrats. The day that happened, Republicans turned their gavels over to their Democratic counterparts to let them run the committees, recognizing the power had now shifted in the Senate and they were now in the majority.

It took another several weeks to get all the funding issues resolved, but they were resolved. We have that same amount of time here, so we can go ahead and give the gavels over to the Republicans to chair the committees and continue to negotiate the funding issues. We have several weeks yet to get that done. There is no reason to continue to delay this process.

So I urge my Democratic colleagues to stop the squabbling and act like the world's greatest deliberative body that the Senate is often called. Instead, we look more like some Third World country where the losing party did not want to turn over control to the party that won the election. And that is just not acceptable in the Senate of the United States of America.

So I urge my colleagues to agree to turn the power over to the party that

won. Then we can continue to try to satisfy their requirements with funding. We want to do the Nation's business.

Mr. MCCONNELL. Will the Senator from Arizona yield for a question?

Mr. KYL. I am happy to yield.

Mr. MCCONNELL. Will the Senator from Arizona agree with me that, unquestionably, the beginning of the previous Congress was the most complicated situation we have had in Senate organization, having ended up with a 50–50 tie for the first time since the 1880s?

Mr. KYL. Yes. The first time, I guess, since the 1880s; that is right.

Mr. MCCONNELL. I would point out to my friend from Arizona, the Congress was sworn in on January 3 of 2001, the beginning of that dead-even Senate, and 2 days later this complicated organizational resolution, which our friends and colleagues on the other side, in effect, want to continue into this Congress, was passed—2 days.

The reason for that, obviously, is that we had known since the election what was going to happen and we were working long on it. We have known since November 5, 2002, what was going to happen. I have heard on the other side it was 6 weeks, but in fact there were 24 days after Senator JEFFORDS switched to get the resolution passed. But the chairmen switched almost immediately. I handed my gavel over to Senator DODD, Senator BENNETT handed his over, Senator BOND did; I believe everybody did, including Senator KYL.

We have known now for 70 days who was going to be in the majority—70 days. It seems to this Senator that we have had adequate notice for quite some time who was going to be in the majority and yet we have killed a week in failing to address the people's business from last year because of an apparent unwillingness to recognize who is in the majority around here.

Mr. KYL. I respond to my colleague from Kentucky that in the last five Congresses we have organized the Senate on January 3, January 5, and January 7. The very latest date was January 9. We are already a week beyond that, and the week has, in fact, been wasted except for a very quick passage of the unemployment compensation benefit, which shows what we can do when we get down to work here.

The history is that we do this very quickly, even in the most complicated circumstances, as the Senator noted, when we were 50–50 and had a lot of issues to try to resolve. That gets back to my point that there is no reason to hold up the exchanges of the gavels, a routine matter that recognizes who won the election, simply because there is still some disagreement about whether the money is going to be split—I don't even know—57/43, or whatever the numbers are.

Mr. MCCONNELL. Particularly since the funding resolution goes until the first of March.

Mr. KYL. Precisely the point. So unless there is some other ulterior motives—and I never ascribe motives to my colleagues and they can explain their own actions—the result of this is delay, though, and given the fact that we have unfinished business from last year because of the Democrat leader's inability to pass a budget and get appropriations bills passed, we are already behind schedule.

We are in a war with terrorists. There could be a military conflict with Iraq. The President has an economic agenda that the American people are very interested in because it affects both their families and the economy as a whole. My constituents want Medicare reform and a prescription drug benefit to go along with that so we can strengthen and preserve Medicare. We have a lot on our agenda, and this delay is not helping the American people and there is no reason for it. That is why I, again, urge my Democratic colleagues. We are not saying this in anger or in a partisan tone, I hope, but it does not serve the interests of the American people, and it certainly blemishes the Senate to be unable to organize, to simply recognize which side won the election. Let this side chair the committees so we can get on with the other business of the day. That is the inevitable result of what is happening here.

I urge my colleagues on the other side of the aisle to recognize that fact. It doesn't make them look good, it doesn't make the Senate look good, and it is bad for the American people. I hope we can get the resolution adopted quickly and get on with the business of the American people.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I thank the Senator from Arizona for his comments. Before he leaves the floor, I will make the observation that in addition to not being able to address the unfinished business from last year, because we don't have committees approved, we have Senators from 11 States who have no committees at all. They were duly chosen in an election last November. A week ago today, they took the oath of office here at the front of the Chamber and became Senators. A week later, they are still not on committees.

Now, it is almost impossible for a Senator to represent his constituents if he or she is not on a committee. So we have, in effect, disenfranchised those 11 States for a week. There is no crisis to address if the committee funding resolution doesn't expire for some 7 weeks from now. There is no reason to be doing this, other than an apparent attempt to fail to recognize the results of last year's election.

So we have, I say to my friend from Arizona, Senators from Alaska, Arkansas, Georgia, Minnesota, Missouri, New Hampshire, New Jersey, North Carolina, South Carolina, Tennessee, and Texas who have all been sworn in and have no committee assignments whatsoever.

This is the United States of America. We had an election. All of these new Senators have been certified and they are entitled to be effective Members of this body representing their constituents. Our failure to act makes that impossible.

There has been a lot of discussion about committee funding. Really, that is not the issue before us in this resolution before the Senate today. This is simply a resolution ratifying committee membership of Republican Members of the Senate. Traditionally, Democrats offer a similar resolution putting their members on committees. What has gotten all mixed up in this, apparently, is the whole question of what kind of committee funding ratios there are going to be. There was a very revealing article in Roll Call before the November election in which—it was on October 31—a senior Democratic aide said it was ''an extraordinary circumstance that forced them to continue the equal funding.''

I agree with that, both in the beginning of the 107th Congress and after the defection of Senator JEFFORDS. Both were extraordinary circumstances. Here you have a Democratic aide stating the obvious, with which I agree. It was an extraordinary circumstance that forced continuing funding at that level in the middle of a Congress when they suddenly became a majority. But the same aide stated that ''if we pick up a seat or two, I think it is without a doubt we would go back to two-thirds/one-third,'' which is right before the election of last fall. ''If we pick up a seat or two . . . we would go back to two-thirds/one-third.'' It is quite stunning how accurate Roll Call's predictions were. They predicted that if the Democrats were to lose a seat, which is indeed what happened, they would fight for equal funding, which is where we find ourselves today.

The funding issue is not before us in the Senate today. This is about ratifying the results of last November's election. The majority leader has laid down a committee resolution that would give the Republican Members of the Senate an opportunity to serve on committees, so that they can represent the people they were sent here to represent.

I hope we will be able to resolve all of this amicably. It has gone on entirely too long. We have been doing this for over a week. Of course, it has been tougher on the majority leader than anybody else because he spends an endless amount of time each day discussing it. I hope we are beginning to see the light at the end of the tunnel and may be able to resolve this matter in some kind of amicable fashion, hopefully before the day is out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I can remember when I was in the House of Representatives, the legendary Mo Udall came to a meeting. He was chairman of the Franking Commission. There was a big dispute as to a franking issue. Members of the House paraded in and it went on for a long period of time. Mo Udall, in only the way he could do it, kind of—how would you describe how he walked? It was kind of a saunter—sauntered in and took his place as chairman of this committee. He said:

> Everything has been said, but not everybody has said it.

So he proceeded to say the same thing that everybody else had said. I have been here for 2 days and the same thing has been said over and over again by the majority, the Republicans, and the same thing has been said over and over again by the minority, the Democrats. But as Mo Udall would say, it hasn't been said today as many times as perhaps it should.

I repeat, what the minority wants is to be treated exactly as we treated the minority during the last Congress.

My friend, the distinguished senior Senator from Kentucky, has brought to our attention again what one Democratic aide said. I talked about this previously, but I will say it again because not everyone has heard it, I guess, and if they have, they can listen again. One Democratic aide said:

> If we pick up a seat or two, I think we'd go back to one-third/two-thirds.

First, this is a Democratic aide, whoever that is. But if we are going to take Roll Call for gospel, then what I suggest is the whole article be looked at. In this article in Roll Call, a GOP leadership aide said:

> It will be a serious fight. It will be a series of knock-down drag-out talks that last a long, long time.

Remember, he is commenting on changing the committee ratio. A senior GOP leadership aide said:

> It will be a serious fight. It will be a series of knock-down drag-out talks that last a long, long time.

Finally, this same—or it could be a different GOP leadership aide, I do not know; it might be the same one—said:

> There is no way we will countenance that or stand for that.

He said of the Democratic aide's comment about shifting parties.

Mr. DORGAN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield for a question without losing my right to the floor.

Mr. DORGAN. I think people watch these proceedings and think it is all very silly that the Senate cannot agree on an organizing resolution.

I am trying to understand, if I can, some of the statements that have been made. My colleague from Kentucky said that last summer, for example, when the Senate went from Republican to Democratic control as a result of one Senator shifting from the Republican caucus to an Independent caucus and caucusing with the Democrats, he said the gavels were turned over immediately.

As I heard that, it occurred to me that was not the case at all. History is history, and revisionist history is fun, but it is not accurate.

Isn't it the case that last summer, for example, when the Republicans were in control and then one Senator moved to caucus with Democrats and the Democrats actually took control of the Senate, for 3 weeks the gavels were not turned over to the chairmen? I am not suggesting there is any justification for anything by making that point. My point is, when people come to the Chamber to talk about this, let's talk about what really happened, and if we can, let's talk about what is happening now for the moment.

Isn't it the case that the reason the Senate is hung up is because the majority leader is saying: We have 51 percent of the votes in the Senate, and we want two-thirds of the money to run the place? Isn't that exactly what is hanging this up?

Mr. REID. Yes, I say to my friend. Revisionist history is a very good way of projecting what has been said on the other side—revisionist history. The fact is, I say to my friend from North Dakota, who, I am sure, realizes this, when Senator JEFFORDS announced he was going to move from the Republican Party, it was about 6 weeks from the time he announced that to the time the actual change took place; that is, the reorganizing resolution.

Technically, the Senator from North Dakota is right. Senator DASCHLE became majority leader on June 6, 2001. The organizing resolution was adopted on June 29, 2001. So that is a period of over 3 weeks. But the actual time period is 6 weeks. Let's take those 3-plus weeks we waited around.

Responding to my friend from Arizona, for whom I have the greatest respect—and he is a fine lawyer, but sometimes lawyers make tones and arguments that are not as factual as they appear—he said 70 days they have been waiting; something should have been done during that period of time.

I said it earlier and I will say it again. It is not Senator DASCHLE's fault that he was not negotiating earlier. It was the fault of the Republicans because they could not determine who was going to be their leader. Senator DASCHLE had some early meetings with Senator LOTT right after the election, but those meetings were for nought because they got a new leader a few days ago, and Senator DASCHLE has been doing his very best to project a very simple message. That is, if the Senate was divided 51–49 with the Democrats controlling and the Republicans in the minority and there is a shift in power where the Republicans control and the Democrats are in the minority, let's have the same rules. It is simple: Let's have the same rules.

There have been people who have come to the Chamber and said: Why would they argue over space? As we know, there are a number of issues the two leaders have to work out. They have to work out the funding, and they have to work out making sure that is fair, as it was last time, and the space is basically the same as it was last time. It has nothing to do with blue slips or yellow slips or green slips. There is another issue around here dealing with leadership space. It has nothing to do with that.

It has everything to do with we, the minority, want to be treated just as the Republicans when they were in the minority. I am from Nevada. I think we have a lot of common sense in Nevada. Some people may not agree with some of the things we do or do not do. My friend from North Dakota and I have had a number of good laughs about the differences between Nevada and North Dakota, but the fact is common sense prevails in Nevada, and common sense dictates to me that if you have the exact same makeup of the Senate—100 Senators—but the majority has changed, two Senate seats have changed and now instead of 51–49 Democrats, it is 51–49 Republicans, why shouldn't the same rules apply?

That is my answer to my friend from North Dakota. Simple, factual; it is play by the same rules that we had during the last Congress.

Mr. DORGAN. Will the Senator yield further?

Mr. REID. I will be happy to yield for a question without losing my right to the floor.

Mr. DORGAN. Mr. President, I think people will look at this debate and say: What on Earth is going on here? The Senate at least ought to be able to organize. I listened to some of this debate. For example, my friend from Arizona, Mr. KYL, said part of the reason we have to do this right now is because we have all this unfinished business from last year. In fact, Senator DASCHLE could not pass a budget last year, he said. That is true, we could not pass a budget because my friend from Arizona and his friends would not vote for it. That is why we could not pass a budget.

The fact is, there is a lot of discussion around here surrounding this resolution. I, again, ask the Senator from Nevada, isn't this the simplest possible issue to solve, and doesn't it send a message to every kid in school: If you ever say fractions do not matter, come listen to this debate because we have a circumstance where the majority is now saying: We have slightly over half

of the Senate, 51 Members; you have almost half of the Senate, 49, but we want two-thirds of the money. The next time a kid says fractions do not matter, go talk to the folks who say it is true, we have just a little over a half but we want two-thirds of the money with respect to the Senate.

My point is, I assume this could be resolved this afternoon, and, in my judgment, it should be resolved this afternoon by doing exactly what was done in the last Congress. In the last Congress, we had 51 votes on the Democratic side and 49 votes on the Republican side. So there was an apportionment of the money, about half and half, with a slight increase for the administration of those who ran the committees.

Now there are 51 Republicans and 49 Democrats. It seems to me the easiest solution is to use the same rule we had in the last session, just reverse it because that would be the fairest way to deal with the circumstances in which there is a 51–49 split. Just reverse the parties and use exactly the same functioning mechanism that was used in the last Congress.

The reason I say that is this ought to be the easiest possible thing to solve. It ought to be done this afternoon. We have a lot of work to do. Those colleagues who have been talking about the need for this Congress to get to work are sure right about that. We have an economy that is faltering. I am sure as we speak today there are perhaps thousands of people prepared to go home tonight to tell their spouse they lost their job. There were 88,000 last month.

Mr. REID. One hundred and one thousand.

Mr. DORGAN. So they go home and say, I lost my job. This economy is not working. This economy is contracting, not expanding. Should we do something about that? Sure, we ought to be working on that.

We have homeland security issues. We have appropriations bills. We have a lot of work to do, so let's resolve this.

The simplest possible way to resolve it is for the majority leader to understand he ought to use the same formula for this Congress as the Democrats used when they were in control in the last Congress.

It seems to me that is the fair way to do it, and it seems to me it ought to be done this afternoon. Most people would look at this and say this is silly, just do this and get it done now.

Mr. REID. Let me respond to my friend. When I was a young boy, I could not run very fast. I was never fast afoot. So I participated in games where it did not matter how fast you could run. I loved tug of war because I was as good as anybody. I would dig in my heels and it would take a lot to move me.

I want everyone within the sound of my voice to know my heels are dug in. The Democratic caucus' heels are dug in. We will win this tug of war. They can put us to the test and have a series of votes to see if we can proceed. They can have all the votes they want on the motion to invoke cloture, but we are not going to bend. The Democrats in the Senate are dug in and we are not going to bend.

The resolution of this is going to be the same as it was in the last Congress because that was fair. We were fair to the Republicans and we expect them to be fair to us. If they want to get to the issues my friend from Arizona brought up—Iraq, Medicare reform, prescription drugs—let them do it. They can do it 15 minutes from now. Organize the way we organized; otherwise, they can wait because they are holding it up; we are not.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I heard an impassioned plea by the Democratic assistant leader on the other side of the aisle, whom I greatly admire and respect. I am not sure whether he considers himself the assistant majority leader now or the assistant leader, but I would point out some facts that maybe should be filtered out of the smokescreen of dialogue that has taken over.

The facts are these: The resolution before the Senate is a resolution to appoint majority members to committees so our new Members can be confirmed to committees and so the majority can take the chairmanships of the committees of the Senate. That is the resolution before the Senate. That is the resolution which has always come to the Senate.

This resolution does not address the issue of funding. The issue of funding has not actually come up from the standpoint of needing to be done until sometime in February. It does not address the issue of space, because the issue of space has never been addressed in this type of resolution. This resolution is the prototypical resolution that comes before a Senate every time a Senate organizes. Under the constitutional form of government we have in the United States, after elections the party that takes the majority organizes the Senate, appoints the members to the committees and has members of the committees become chairmen as a result of being in the majority party.

The Senator from Nevada, who I respect, has decided to cloud this issue of appointments to the committees with the issue of funding. I guess they see this as a point of leverage which they can use to question the funding through addressing the issue of membership to the committees.

What is the practical effect of the actions of the Democratic membership of the Senate today? The practical effect is they are denying the proper transfer of power that proceeds after an election. They are essentially saying the election last fall does not matter; that they remain chairmen of the committees in the Senate, even though they are in the minority party.

Earlier today, I had a discussion with a Member of the Democratic leadership in the sense that he was chairman of the Banking Committee, and he represented he still considers himself to be chairman. Yet he also acknowledges, as I think anybody does who is fairminded about this, that he presently is in the minority.

How can one be chairman of the committee in our form of government if they are in the minority? They cannot. They are usurping the rights of the people of this country who have elected a majority in the Senate.

The majority has the right to chair the committees of the Senate, and yet the Democratic membership has decided to deny that right to the American people, the right which they put forward when they voted in November.

I suppose if I were a Member of the Democratic side of the aisle, I would have been frustrated by that election. It was the first time in recent memory—or maybe ever—that a sitting President actually won control of one of the bodies of Congress in an off-year. It was startling. I thank President Bush for his efforts, and I thank those folks who subscribe to his view of the way we should govern. Obviously, I am very appreciative of the fact that as a result of that election we ended up going into the majority on the Republican side. Granted, it was only by one vote, but that is all it takes. All it takes in our constitutional form of government is one vote to be in the majority. We do not function under a super majority for the purposes of organizing the Senate. We do not have to have 60 votes to organize the Senate. We have to have a 1-vote majority. When one gets that 1-vote majority after an election, in a two-party system, involving a constitutional form of government, which is what we function under, then the new minority which used to be the majority is supposed to transfer power over to the majority peacefully and without resistance.

What are we seeing today? Resistance. We have heard the assistant leader—who may consider himself to be assistant majority leader or the assistant minority leader, I am not sure, but the assistant leader say his heels are dug in and we could be here, I suppose, until Lake Powell freezes over before

we are going to get a change from their side of the aisle.

That fundamentally undermines the concept of constitutional government after an election in a two-party system.

They may have a legitimate concern over funding. I happen to think they do not. I believe the majority leader has made very reasonable offers in this case and, in fact, when it becomes public I think the public will feel they were extremely reasonable offers, but they have no reasonable argument for holding up the proper transfer of power in a constitutional government. They are doing fundamental damage to the way we govern if they continue down this road.

There are Members on their side—in fact, all of the Members on their side—who I greatly respect, but there are some Members on their side who have an immense history and strength on the issue of the integrity of the process in the Senate. I cannot believe those Members are not cringing at the thought we have not transferred responsibility in an orderly way in the Senate.

The resolution before the Senate does not deal with space. It deals with who is the majority party. It is totally inappropriate for Members from the other side to be chairing committees and claiming chairmanships of committees when they are no longer in the majority position. It frustrates not only our side of the aisle but, more importantly, it frustrates the intent and purpose of our form of government. It is a serious matter. And the Senator from Nevada has dug his heels in. So be it.

Speaking as one Senator on this side, I find this issue to be of such significance that I don't know how we can back off of our request that the majority be the majority, that the chairmanships go to the majority, that the memberships of the committees be given to the majority. If we did, what would have been the purpose of the last election? We would be fundamentally undermining that election.

What happens in the future? Do we move into a government where elections are reasonably irrelevant if they are close? No. Close elections happen in America. Presidents are elected by the electoral college without winning the popular vote. But the fact is they were elected under the constitutional form of government. Majorities take control of the Senate when more Members of one party arrive in the Senate than from the other party. We have received certification from the Secretaries of State across the country who have established beyond question that the Republican Party presently holds the majority in the Senate. And, as such, the Republican Party has the right to and must claim the chairmanships of the committees of jurisdiction in the Senate. If we fail to do that, we fail our responsibility to the electorate.

It is very hard to understand how the other side of the aisle can attempt to undermine this most fundamental exercise of the transfer of power after an election in a constitutional government.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, my friend from New Hampshire said some nice things about me that I am grateful for because the feelings are certainly mutual. I have great admiration and respect for his public service. I don't know what he did before he came to the House of Representatives, but he served there representing his State admirably. He left the House and became Governor of the State and then came to the Senate. That is a great public service career. I am surprised I have heard him talk more the last day or so. He is not one who spends a lot of time on the floor. When he does speak, I always listen because he is very direct and does not beat around the bush. I have not only great respect for what he has accomplished but also his style as a legislator.

Having said that, however, this is not undermining the election. Regarding the chairmanships, we do not dispute who should be chairman. No one disputes that. Senator SARBANES said that today. We recognize we are now in a minority, 51–49, just like the Republicans were in a minority a few months ago. What are we talking about? They say all this resolution does is allow us to be a chairman and appoint members of the committee. That is the problem. That is all it does.

We could settle this matter, as I told Senator SARBANES, in less than 15 minutes if, in addition to changing the chairmen and appointing the members of the committee, there would be an agreement the staff would remain as it was last year. That is, whatever the minority had last year, we would still have, and that the same space the minority had, the committee staff we are talking about, would be the same as it was last year—simple as that.

Now, assume that I am wrong: Illogical, unreasonable, not factual. Say that I am wrong. It seems to me what would happen if the majority would go along with the rules we had last time, the chairmanships would take place immediately, the members of the committees would be appointed immediately, and the only thing they would have some concern about—because we agree with that—is they gave us too much space and they gave us too much of the financial resources to the committees.

I heard Senator NICKLES, the senior Senator from Oklahoma, who I also am very fond of, earlier today state this has nothing to do with committee resources. Well, if it doesn't, what are we arguing about? We agree they should be chairmen. We agree they should be able to appoint the committees. Why not go one step further and keep the same resources—because Senator NICKLES said this battle was not about resources—the same resources as we had last year.

I might be having trouble comprehending, but like a lot of people here I think I understand the procedures of the Senate. I understand the resolution directed and dictated what we did last time. Why not do the same thing? What is wrong with that? If the matters before the country are important—and I recognize they are; I realize we have problems, as the Senator from Arizona talked about—we need to have some discussion about Iraq, and we need to have a discussion about health care delivery in this country—the committees should be functioning better than they are.

The committees, instead of having a total of 89 Members, should have 100 Members. Let's go to work and do that. That is all we are asking. We are not asking for any advantage. We are only asking we be treated the way the Republicans were treated when we were the majority.

If the matters to come before the country are that important, the majority party, the party that controls the House, the White House, what in the world do they fear from having the same committee structure as we had last time with the same resources allocated? What is there to fear? If there were ever the ability to exercise authority and power in the United States, it is from the White House, which is Republican, from a Senate that is Republican, and from the House of Representatives that is Republican.

That is why we believe we are not being treated fairly, and the resolution before this body is inadequate and incomplete. Until it is adequate and complete, we are going to hang in for the same rule that applied during the 107th Congress.

THE ECONOMY

Mr. REID. I will change the subject. Mr. President, I just received a news flash from my office—not a pleasant one. K-Mart is going to close three Nevada stores, including one on Rainbow Boulevard in Las Vegas, one in Reno, and one in Carson City.

I agree with my friend from Arizona; we should be talking about the economy. That is one thing he failed to mention, but I think we should be talking about that as an important issue. The economy is in trouble. We talked about that earlier today.

I was struck by the New York Times today which had an article written by Edmond Andrews: ''O'Neill Expresses Doubts About the Tax Cut.'' Who is O'Neill? This is Paul H. O'Neill, who

was Secretary of the Treasury in this administration until he decided he did not like what was happening with the tax policies of this country. And for lack of a better word, he was dumped, unceremoniously expelled from the administration.

Now, he is a gentleman, and he is determined not to be too blatant in his criticism of the White House. But in the process of not being too critical, let me emphasize a few things that he said. The President's plan for stock dividends is something I would not have done. O'Neill has also talked about his discomfort with the sweeping tax cuts. He talked about these before his departure. And, of course, reading between the lines, I am sure that is one of the reasons for his departure.

He told a group of executives at a public meeting in the United States Chamber of Commerce he would select, carefully, tax breaks that might help the segments of the industry having the most trouble.

Mr. O'Neill said during his confirmation hearing in 2001 that he was skeptical about the wisdom of big tax cuts.

He said he was bitter about what was going on here in Washington. And I quote:

> It's all about sound bites, deluding the people, pandering to the lowest common denominator. Real leadership requires you to stick your neck out and have a point of view.

As has been discussed here on the floor, the proposal to stimulate the economy that has been propounded by this administration is, using the words of some, bizarre, crazy. So I think it is important the President reexamine this proposal that would give huge amounts of money to rich people like him, like the Vice President, like Michael Eisner, the head of Disney. I was told here on the floor yesterday that he will get $2.6 million extra money each year. That is not going to stimulate the economy. But I guess if I had my druthers, it would be I would not be spending so much time here on the floor and we would be getting to the business that should be before the Senate; that is, doing the appropriations bills, the 11 that were undone, bringing some of the nominations the President has told us last Wednesday at the White House he would like to have quickly.

I wish I were not here doing the things I have done in the last couple of days and we had gone about the business of the Senate. We cannot do that until this organizing resolution passes. I hope we can do that. Then we can talk about the things the Senate should be doing, rather than doing the work some refer to as kind of inside politics, inside the beltway.

Mr. President, is my friend from Kansas going to speak soon?

Mr. ROBERTS. I am ready to proceed.

MAKING MAJORITY PARTY APPOINTMENTS—Continued

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I rise today with some degree of reluctance, I might say, to discuss the apparent disagreement and the difference of opinion within the Select Committee on Intelligence with regard to staffing. This is the kind of disagreement that is obviously taking place in many of the committees in the Senate. We have heard a lot about this. We probably heard too much about it, to the point this whole business is now at the leadership level and is holding up the appointment of committee chairmen, not to mention the business of the Senate. This is not only regrettable but, as this drags on, I think this really represents the kind of sandbox silliness—that is my term—that prompts folks outside the beltway to wonder if this body is the Senate or a partisan romper room.

Given the importance of our Select Committee on Intelligence and our obligations and our responsibilities during this time of vital national security threat—and I am talking about the war on terrorism, I am talking about Iraq, I am talking about North Korea, not to mention any number of other national security threats by state and nonstate terrorists—and given the committee's 26 years of history of bipartisanship—that means no majority, no minority, no Republican, no Democrat approach or viewpoint—we should not be having this dispute. The Select Committee on Intelligence is very different from any other committee in the Senate. In fact, it is a committee that serves the entire Senate; it is your committee, my colleagues, and the leadership, and given its importance at this particular time in our history this committee, above all others, should be spared this kind of public spat.

Senator ROCKEFELLER, our very distinguished vice-chairman-to-be, myself, the incoming chairman—I hope, I hope we can get past this—our leadership and the entire Senate should not be party or bystanders to what has been going on in the Senate for the last week or so. It is untoward. That is the nice way of saying it. In Dodge City, KS, we would say we should not be part of this hell-for-leather ride down a partisan trail of obstructionism like a herd of cattle milling about in confusion and delay in a box canyon. That is about what it looks like in my hometown.

But here we are, and the leadership tells me the Intelligence Committee, the Senate's select committee, the committee that really belongs to us all, is at loggerheads. I don't know that because I have not been part of the negotiations. But the leadership tells me this is now a separate issue.

In saying this, I don't question the intent of the distinguished Senator from West Virginia. I want to point out he is a good man. He is a good Senator. He is a personal friend. I look forward to working with Vice Chairman ROCKEFELLER. We have already discussed mutual goals, possible long-term structural reform within the intelligence community, not to mention the regular business of the committee with regard to our oversight responsibilities—and they are pressing responsibilities. We should be meeting this week.

The truth of it is we simply have a different—an apparent difference of opinion on how the Intelligence Committee should be organized. So here I am on the floor of the Senate, making one of those ''I had not intended to make a speech'' speeches.

The larger issue is whether or not the duly elected majority will be able to run the Senate. We should not be laying down organizational demands, demands for more space—this space, that space; different rules on how this body will consider the confirmation of judges. The next thing you know, it is going to be majority and minority restrooms. That is about where we have come to.

But I believe the issue involving the organization of the Select Committee on Intelligence is important because of what is at stake, and what is at stake is our national security. The difference, as I understand it—and as I say again, this has been at the leadership level for about a week now, and I think it can be summarized quite easily. We should preserve the committee's 26-year history of bipartisanship. We should preserve our Intelligence Committee staff as a single unified staff that works for the committee as a whole under the supervision of the chairman and the vice chairman. Let me repeat that, the chairman and the vice chairman.

The minority—or I guess we should call them the temporary majority, I hope it is temporary—apparently wishes to divide the committee staff for the first time in history into a majority/minority or partisan camps. To the contrary, we should preserve the committee's 26-year history of nonpartisanship by keeping to a minimum those staff who are designated as partisan. The minority apparently wishes to increase the ranks of partisan staff.

We should structure the committee staff in accordance with the committee's rules and custom and practice. We should not repeal the committee's rules and ignore our custom and practice of working together with one single staff.

As I said before, the Select Committee on Intelligence has been a unique institution in the Senate and was envisioned from the start to operate under different rules than any other committee. The Intelligence Committee was created by S. Res. 400 over 25 years ago. The resolution actually grew out of the intelligence abuses

of the 1970s which were highlighted by the Church Committee.

There were a number of proposals for the creation of the Intelligence Committee—numerous hearings, lengthy debate and multiple amendments. In the end, the Senate agreed to create a bipartisan committee with—I underscore this—a permanent professional nonpartisan staff to serve the committee as a whole.

The intent was to limit sharply the number of designated partisan staff. In fact, our rules really contemplate only two positions to be wholly partisan. This is not well understood apparently by those who have a difference of opinion.

The only positions that are wholly partisan are the minority staff director and the minority counsel. The rest of the staff works for the ''committee as a whole.''

That is a quote from S. Res. 400—under the direct supervision and control of the staff director on behalf of the chairman and the vice chairman—both of us.

The Senate report accompanying S. Res. 400 emphasizes the bipartisan nature of the committee. I am quoting here:

> The unique importance and nature of the matters [of] the committee will make such bipartisanship essential. The existence of trust and confidence between the executive branch and the committee will enable the committee to exercise more effective oversight. This trust and confidence will only be achieved if the committee does act in a fully bipartisan manner.

That comes from the Senate Report 94–675.

In order to ensure the committee would act in this fully bipartisan manner, committee rules provide for a single unified staff that works for the committee as a whole under the supervision of the chairman and the vice chairman. No other committee is advised by a nonpartisan and also integrated staff.

Committee rules also provide the minority extraordinary powers through the vice chairman. Our rules emphasize and confirm the unique authorities of the minority and the bipartisan nature of the Intelligence Committee and its distinction from the other committees of the Senate. Let me give you some examples.

Rule 2 of the committee's Rules of Procedure permits the vice chairman to preside over the committee.

Rule 2 also permits meetings to occur without the presence of a majority member of the committee.

Rule 6 actually permits the vice chairman to authorize a committee investigation.

Rule 7 actually permits the vice chairman to issue a subpoena.

Rule 8 actually permits the vice chairman to authorize witness interrogation by committee staff.

Rule 9 requires that both the chairman and the vice chairman agree to authorize disclosure of or access to committee information. That means both the majority and the minority are made aware of requests by any member of the Senate to review any committee document, and either can prevent it.

Rule 10 requires all staff work for the committee as a whole. Thus the chairman or the vice chairman may direct any professional staff action through the staff director.

Rule 10 requires all staff assist the minority in the writing of any minority or additional views.

I know. I have had them help me when we were in the minority; more especially in a report on the USS *Cole*.

Rule 11 requires staff members brief both majority and minority members, which means there are no secrets from the minority.

These authorities and privileges enjoyed by the vice chairman illustrate clearly the unique nature of this committee and the importance of these authorities in maintaining its nonpartisan nature.

Some have argued this structure has not worked in the past. And I would argue that it has worked—and it has worked well—when the chairman and the vice chairman want it to work. It requires cooperation, and one cannot foster a spirit of cooperation by proposing to fire all of our current professional staff, split the committee's staff in two, and rehire on a partisan basis. The unique bipartisan nature of this committee is its greatest strength and is essential to the ability of the committee to develop a consensus product and to avoid all of the politics of our Nation's intelligence activities. That would not serve our Nation well, and that could occur.

The legislative record reflects that the Senators who really created the Intelligence Committee believed—this is so important—that the less partisan nature of the committee would serve to make the intelligence community more willing to keep the Congress fully and currently informed of highly sensitive intelligence activity. For a quarter of a century, this has permitted the committee to fulfill its primary responsibility: Oversight of the intelligence activities of the United States Government. My 6 years on the committee tell me that is absolutely true.

I remember the years when DICK SHELBY was chairman, Richard Bryan was vice chairman, and Bob Kerrey was vice chairman. We got along well. It isn't that we didn't have any differences of opinion, but we acted in a nonpartisan, bipartisan way in the interests of the United States.

The incoming vice chairman has argued that under our rules the vice chairman has access to only two staff, and the chairman, which would be myself, would control the rest. That is not true. That is absolutely incorrect. Under our rules, the entire staff works for the chairman and the vice chairman jointly.

I do not know how many times I have to say this. In fact, the vice chairman actually controls the committee's only truly partisan staff because everybody else works for the committee as a whole.

That is the concept that is hard, I guess, for some people to understand. He has two minority staff. Those are the only partisan staff. The rest of the entire committee works for the committee as a whole, including myself and the vice chairman.

It is about the eighth time I have had to repeat that. I hope it finally sinks in.

My advice to my good and excellent friend from West Virginia is you should never take to ''sawin' '' on the branch that is ''supportin' '' you unless you are going to be hung from it.

We are not hanging anybody. This is not Judge Bean. We have promised a bipartisan approach to all issues on the Intelligence Committee.

You have my word that will be the case. As chairman, I have no staff which works exclusively for me. I cannot understand how one can argue the minority is unsupported when the entire staff, excluding the designated minority staff, works for the vice chairman as well, and his designated staff works exclusively for him.

The proposal, as I understand it, is to split the staff into a majority-minority camp. That is contrary to the 26-year precedent for the operation of the committee, the bipartisan spirit of the committee's enabling legislation, S. Res. 400, the rules of the Intelligence Committee for the management of the staff, and the intent of the Senate.

Other than that, it is a heck of a good idea.

I believe the committee has worked well and effectively with the professional nonpartisan staff as originally intended and should continue to do so.

I have faith. I am an optimist. I have faith that the incoming vice chairman, Senator ROCKEFELLER, and I can continue a long tradition of cooperation personally and that has been taking place on the committee between the chairman and vice chairman in this unique and valuable institution. Once we get past this tiff, this spat, these differences of opinion—what shouldn't be but is now a big piece in this hole, or whatever we are into here—I would call it obstructionism, and I think any proposal to split the committee or increase the numbers of strictly partisan staff would represent a break with tradition. I think it would not be in the best interests of the committee, of the Senate, or of our national security.

I want to say one other thing not related to Senator ROCKEFELLER and our difference of opinion but something that is of great concern. It is becoming apparent in statements from some of

my colleagues across the aisle over the past several days and weeks that there is a growing campaign of criticism aimed at the President, the war against terrorism, and what may be a necessary military confrontation with Iraq and Saddam Hussein, not to mention now the entire business with North Korea. It would appear to me as an individual Senator on the Armed Services Committee and on the Intelligence Committee that any criticism on foreign policy does not stop at the water's edge. It also appears now that is true of national security as well.

In this regard, I don't question any Member's honest intent or difference of opinion relative to our national security, not to mention their patriotism. That is not what I am talking about. We need healthy debate. We have strong differences of opinion. That is our obligation as Senators.

But when we hear statements that this Nation is no better prepared, intelligence-wise, than we were prior to 9/11, that is not right. Nothing hurts the truth so much as stretching it. And, boy, that is a stretch. That is not only not true but it borders on the politics of opportunism.

Our job on the Intelligence Committee is to conduct serious, tough, proactive, and vigorous oversight, and to hold the intelligence community accountable, as well, I think, as being a champion for their mission and enabling the community to safeguard our Nation. That is why we should not allow the Intelligence Committee to split into partisan camps during these perilous times.

Finally, in regard to this whole business of holding up the chairmanships and transfer of power and the Senate's business, we all ran through partisan gauntlets of sorts to gain the privilege of being here—some more than others. Yet the special fabric that binds this institution in purpose and in achievement is bipartisan.

I am the first to admit that no political party has an exclusive patent on common sense or can lay claim to what is absolutely right. Personally, I try very hard to work with my good Democrat colleagues and friends. And, yes, they are my friends. Now, to be sure, we have our differences, but for the most part we work together, and we try on the other fellow's boots. Sometimes they pinch—sometimes they pinch really hard—but we get the foot to fit and we get something done.

I try to be the best Member I know how to be. That is tempered by over 30 years of public service as a staffer and a House and Senate Member. I am a piece of old furniture around here.

But to my friends now in the minority and acting as if you are in the majority, that is the rub. Part of what we are is what the other side allows us to be. And during these past 8 or 9 days, you have had us on short reins—in fact, no reins at all. And I know this: If this obstructionism keeps up—the space, the staffing, the ratios, the blue slips, the rules on judges, and Lord knows what is next—you will tear that special fabric that holds us together as the Senate of the United States.

If we do not end this business and get to the business of the Nation, and understand there is a majority and a minority and that the majority rules, we will open up a wound further that will not heal without significant price and scar, not to mention public ridicule for our institution.

The sad thing is, I say to my colleagues, we did not have to go down this road.

Mr. President, I always figure it is a good thing to be a little bit nicer than is called for. I do not think too many Members would call me too nice. But in trying to be a little bit nicer than is called for, you shouldn't take too much guff.

My colleagues across the aisle, it is time to end the guff.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, before the Senator from Kansas leaves the floor, I just want to say to him that in all my years in the Senate, that is one of the finest speeches I have ever heard. And I think it came at a particularly good time, as we remind ourselves, once again, what this body is supposed to be like. No matter how bitterly we contest these elections, at the end of the day we are here to do the people's business. And to fail to even take the elementary steps to make it possible for us to get started in doing that is an enormous disservice to this institution and to the country.

Beyond that, I think it is important to remember what the Intelligence Committee is all about. I think the Senator, by laying out the history of the committee, and the tradition of the committee, and the way it has protected sensitive information, and the way it has, in effect, insisted upon bipartisan cooperation, has done a great service for the Senate. That was a speech we needed to hear, given at precisely the right time.

I thank my friend again.

Mr. ROBERTS. I thank the Senator from Kentucky.

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. WARNER. Mr. President, I judge the parliamentary situation is such that the Senator can speak as in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. There is no restriction at this point.

Mr. WARNER. I thank the Chair.

MEETING OF THE SENATE ARMED SERVICES COMMITTEE

Mr. WARNER. Mr. President, tomorrow morning the Senate Armed Services Committee will conduct a closed hearing with the Secretary of Defense and the Chairman of the Joint Chiefs as our witnesses. This came about in a routine way as a consequence of a letter that Senator LEVIN, the chairman of the committee, and I as ranking member, sent to the Secretary on January 8.

Senator LEVIN and I have worked closely in the joint management of this committee, and I expressed to him, following the Christmas recess, the need that I perceived for Members to get a current briefing with regard to those issues relating to the Department of Defense, obviously one being the deployment to Iraq, the situation in Iraq, the situation in Korea, and other matters—generally speaking, the continuing war that the President is engaging against terrorist.

I am about to read the letter we sent. I have been very much involved in these issues as a member of this committee. Senator LEVIN and I start our 25th year as Senators, and we have been together on that committee now this quarter of a century. We have worked together very closely in a trusting relationship, and that continues.

We have had our strong differences, particularly when we manage the annual Defense authorization bill. We have taken the two desks of our respective leaders here and debated issues during those 25 years. We have our differences with regard to certain issues as they relate to Iraq.

Interestingly enough, we planned a joint trip to Korea some 18 months ago, but that trip just could not be developed.

I bring that background only to say this letter reflects a perfectly routine meeting that we have had through the years and the joint desire on behalf of the committee to have these two very important witnesses appear to bring us up to their current knowledge with regard to these issues. It is a routine matter.

There is some concern that we have summoned the Secretary of Defense to be here tomorrow morning as a consequence of some publicity that has been put forward of recent regarding the relationships between the Congress and the administration and, most specifically, the Department of Defense. Some of that publicity relates to a conference Republican Senators held last

week. I have always followed the rule—and will continue to do so—that those are private matters between the respective conferences of this side of the aisle and that side of the aisle, and what transpires is simply our business.

Nevertheless, certain facts have emanated from the one held by the Republicans.

Coincidentally, the morning after that conference, Senator LEVIN and I—just the two of us from the Senate—had a breakfast meeting with the Secretary of Defense and about, I would say, eight of his senior members to discuss a wide range of issues. At that meeting, we brought up the subject of this letter, and the Secretary said: Of course, let's schedule whatever time you want. I have the letter. I am ready to come.

In fact, he had just briefed the House Armed Services Committee in a similar way.

This letter is straightforward.

I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. It states in part:

> Dear Mr. Secretary, we are writing to request that you or your Deputy, together with Joint Chiefs . . . testify before the Armed Services Committee next week, in both open and closed session—

We have now decided it will be just in closed session—

> on current and potential U.S. military operations. . . .

And the letter flows thereafter. It will be part of the RECORD.

In no way is this to be construed as a summons to the Secretary by myself or Senator LEVIN with respect to our concerns about the consultation process between the Department of Defense and the Congress.

To amplify on my concern about certain inquiries that have been received in my office in the last roughly 36 hours, I do feel very strongly about the situation in Iraq; likewise, the situation in Korea. I believe every Member of this body feels very strongly about it.

Frankly, candidly, and proudly, I say that our President has exhibited the extraordinary leadership with regard to particularly the situation in Iraq and the manner in which he has taken steps in the international arena—the United Nations, the Security Council—working with the heads of state and governments of nations which are now and have been close friends and allies in trying to bring about peace in this world.

I have said in this Chamber, and I will continue to say, that in my humble career, almost a quarter of a century in this body and some 5 years I spent in the Pentagon where I was exposed to international situations, foremost among them the war in Vietnam, Mr. President, the situation in Iraq is one of the most complex and serious situations I have ever witnessed in my professional career as a public servant. I think it requires the highest degree of attention that it is receiving by our President, that it has, is, and will be received by this august body, the Senate, and working with the House as a Congress as a whole. I think our President has received strong support with regard to the steps he has taken.

I was proud with Senator MCCAIN, Senator BAYH, and Senator LIEBERMAN to draw up a resolution which was passed by this body on which, for the record—and it is in the Record—Senator LEVIN and I had disagreements, but there was a strong endorsement of the actions being taken by our President.

In that context, I think the consultation process between the President and his principal Cabinet officers and others in the Congress has to be stronger than it has ever been because of the complexity of this situation. That is why I urged Senator LEVIN to have this hearing tomorrow. That is why I am taking other steps to see that our committee, the Senate Armed Services Committee, which presumably in the not too distant future I will be named chairman, receives the maximum amount of information, not only that it desires but that it needs to properly perform our oversight process, that it needs to properly not only relate to our constituents but to members of the administration to convey our feelings and views which indeed could be contrary in some respects to actions taken or that are about to be taken by the President and others as it relates to this situation.

North Korea is a very special and complex situation. Again, I think our President is following the correct steps.

Had I had the opportunity, I probably would have advised a greater relationship in terms of visitations and otherwise with the regime in North Korea, assuming the opportunity had been provided, but that government completely abandoned the commitments they had made earlier, and indeed the commitments which presumably they were continuing with this administration of President George Bush.

I will not get involved in the various details there, but I am gravely concerned about the some 37,000 men and women in the Armed Forces who are essential on that border to show the resolve of this country to protect South Korea and to try to promote first the deterrence of any combat and then perhaps promote closer relationships between the North and the South. Those forces, together with other associated forces on standby, are in the area of North and South Korea for peaceful purposes.

I do not know what will evolve from the efforts by the administration, which I think are very positive. The administration has sent a high-ranking official over there to see whether, in working with our principal allies on this matter—Japan, China, Russia—we can work together as a group of nations to once again bring back a course of action which will involve the cessation of the manufacture of weapons of mass destruction by North Korea and to foster a closer and more peaceful relationship with those two countries and North Korea as it relates to the neighboring countries in that area of the world, and hopefully to curtail the continued export by North Korea of weapons of mass destruction to other nations.

I return to this whole subject of the consultation and its importance at this particular time because of the complexity and the difficulty of the American people to really fully grasp the seriousness of this situation in Iraq and the threat posed by Saddam Hussein.

I saw where there is being planned what has been termed a peaceful march, a protest march, protesting the possibility of military engagement with Iraq at some point in time. I underscore that our President has made no decision about that and repeatedly says he has made no decision about it.

For over 5 years during the war in Vietnam, I was privileged to serve in the Navy Secretariat. I remember so many times coming up to the Hill to testify. I remember the widening gap between the Congress of the United States and the administration in that period of time because of the different views with regard to that conflict. Who suffered the most? It was really the men and women of the Armed Forces who were courageously fighting in that war.

I suppose at no time in the long public career which I have been privileged to have in this country have I had such heartfelt compassion for the men and women in the Armed Forces than in that period. They would come home on leave or come home wounded or tragically, in many cases, not come home as a consequence of being a casualty on the battlefields, battlefields which I visited on occasion, and the ships, and they would come home to a nation that did not understand what they were doing, a nation that was hostile to them individually and collectively, as well as to the families of those service persons.

Strengthening the consultation between the Congress and the executive branch at this time is essential to see that that chapter in American history is never repeated.

Today we have an all-volunteer force, and I think it is magnificent. I do not think we have to return to the draft—but I will save that for another day—because I experienced the draft periods.

I was privileged to serve briefly in a very modest way in the Navy in the concluding months of World War II when the draft was on. I happened to volunteer at 17. Most of my age group at that time did volunteer for selective service. I served again in the Korean war, briefly again in Korea. Again, it was a draft situation. I do not want to return to those periods where men and women—well, in those days men were drafted. Any future draft would have to involve both sexes, but that is a subject for another time.

I harken back to those periods of Vietnam, and I will watch very carefully what transpires in the next few days during this hopefully peaceful protest of the policies of the Government as they relate to the possible use of our troops in the war.

I want to recount one other chapter which I will never forget. My recollection is it was Saturday afternoon and I was in my office and my beloved, dear friend John Chafee, who used to sit right at that desk, was Secretary of the Navy and I was Under Secretary, and Secretary Laird telephoned me and said: I would like to have you and John Chafee go down to The Mall and take a look at another demonstration—by the young men and women of that era—in protest to Vietnam and come back and have a talk with me.

I remember so well that in those days we were all dressed up in our business suits even though it was a Saturday. We used to work pretty much 6 days a week during that war. We dispensed with our chauffeur-driven cars. We got in an old car and drove down to The Mall in some sort of cobbled together set of gym clothes, or whatever we had on. We blended right into that crowd. I can see it as clearly this moment as I did then.

Estimates were there were close to a million—I want to repeat that—close to a million young men and women. There was no particular anger, but they were protesting the war in Vietnam and the impact that war was having on their lives, their future, and their loved ones or friends or otherwise who had suffered the consequences of serving in uniform in that period. I do not want to see a return to that.

I remember we went back and talked to Secretary of Defense Laird about what we had seen, and I can see him now. He was very concerned because we did not have in place then a clear policy by which at some point in time we as a nation had to come to the conclusion that we had to basically make an honorable and dignified exit in that situation. That is for another day for historians to examine. It is emblazoned in my mind. I do not see nor do I sense among our people across the Nation today any feeling that such magnitude of a problem exists at this point in time with regard to Iraq.

Nevertheless, those situations come about sometimes quickly. That is why I will always be an advocate—whether it is the Bush administration, whether it is the Clinton administration, the Carter administration, or the previous Bush administration; I have worked with them all; I have been privileged to work in this body a quarter of a century—why I have been a steadfast proponent for consultation. I will continue. I hope it is not misconstrued by way of criticism. It is constructive thinking and drawing upon my own, you might say limited, experiences in previous military conflicts in this country.

I recall at the conclusion of World War II when those in uniform came home. They were welcomed with open arms. It is impossible in these few minutes to describe the gratitude of the Nation, of the world, for the participation of those upward 16 million who served in that conflict and how all doors were open when they came home.

That was not present in Korea. It is why it is called the forgotten war. When they came back, there was no warm reception. We read something about it, but we were not entirely sure what it was they were fighting for over there. It is called the forgotten war. Over 50,000 men, and some women, from the United States of America gave their lives in that conflict. That is why it is called the forgotten war. Fortunately, today there are a number of things that have taken place to properly put in perspective the enormous sacrifice this country gave to secure for South Korea the freedoms they have enjoyed, the freedoms that have flourished. It is with a certain sense of sadness I read from time to time now that certain elements of the South Korean people resent our presence there.

The principle focus of these remarks is to reflect in the quiet moments at the end of a long day in the Senate a subject I feel strongly about, the consultation between the executive branch—whatever President it would be—and his principal Cabinet and other officers with this body, particularly in times as stressful and as complex as we are now facing here with the Iraqi situation or with the Korean situation.

I encourage the Department of Defense at the earliest point to release such statistics they keep with regard to the consulting process, the number of times that the Secretary of Defense has been up to brief the Congress—as they are going to do tomorrow. To the extent I can reflect on those brief remarks that I make to our conference, they were done in a constructive tone, a noncritical tone, and against the background that I briefly described of what I have experienced in my years as a public servant in times that are parallel, in many respects, to what we have now with the extraordinary tensions in this world as a consequence of terrorists, as a consequence of a despot such as Saddam Hussein.

Much is unknown about the Government of North Korea and its principal leaders. That is, in itself, very difficult. We have so little insight into that regime and particularly the leader of that nation at this time.

I conclude by saying I will continue to speak out. If I feel strongly enough I will criticize. I have been known to do it. At this time I am trying to provide an element of constructive leadership as it relates to my good friend and longtime friend. When I was in the Navy, Secretary Rumsfeld was on President Nixon's staff in the White House, and we have known each other from that period of time. We formed a friendship then and have seen each other in the intervening years. We remain trusting and good, close working colleagues. Now and then he has a few choice words about me about some of the things I have done over here. He was not entirely pleased with my efforts on TRICARE For Life and current receipts, but those are honest differences between public servants.

In this instance, what I said at that conference was done in a heartfelt, constructive manner and it was not in any way directed as a personal criticism against any of the President's Cabinet or the President himself. It was done simply to lay down a format for consultation with this body in the weeks and months to come, as we are continuing to lead as a nation to secure freedom in this world and a greater degree of peace for others.

Tomorrow's hearing will be very important before the Senate Armed Services Committee. I am confident the Secretary will share such information that is essential for us to perform our functions.

I yield the floor.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, January 8, 2003.

Hon. DONALD H. RUMSFELD,
Secretary of Defense, the Pentagon,
Washington, DC

DEAR MR. SECRETARY: We are writing to request that you or your Deputy, together with Joint Chiefs of Staff Chairman General Richard B. Myers, USAF, testify before the Armed Services Committee next week, in both open and closed session, on current and potential U.S. military operations. In particular, we request that you discuss the commitment of military forces in and around Afghanistan allocated to the global war on terrorism, the buildup of U.S. military personnel and equipment in the Persian Gulf region to confront the threat posed by Iraq, and potential military commitments in support of a diplomatic solution to the enhanced tensions on the Korean Peninsula.

As the 108th Congress convenes, our nation is facing a broad range of national security challenges. Together with a large coalition of nations, our troops are engaged in the second year of operations in Afghanistan; on an almost daily basis, U.S. military forces are deploying to areas around Iraq; and for the past month, we have witnessed escalating tension over the North Korean nuclear weapons program.

Our Committee last conducted hearings on Iraq in September of 2002, prior to the vote on the resolution to authorize the use of force against Iraq, followed by a briefing in December. We had comprehensive hearings on Afghanistan in July 2002, and North Korea in March 2002, when the combatant commanders responsible for those regions testified.

As the new Congress convenes, and the Committee has a large number of new Members, it is essential to our oversight responsibilities to gain a timely update on vital national security issues in order to fulfill our constitutional responsibilities.

Sincerely,

JOHN WARNER.
CARL LEVIN.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TALENT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING MAJORITY PARTY APPOINTMENTS—Continued

Mr. FRIST. Mr. President, I will take just a very brief moment to update our Members as to where we are in our recent discussions. We have spent most of today, while debate has been underway, continuing discussions in terms of the committee resolution. Pending on the floor is that resolution making the majority party appointments for the 108th Congress. A number of the issues have been raised, both on the floor as well as between the leaders, and we have made tremendous progress. We have, over the course of the day, resolved many of the concerns that have been raised. I believe we are very close to working out an agreement that will let us adopt the respective committee resolution—and very quickly begin work on the appropriations bill.

My hope is that over the course of this evening and in the morning, the last of these issues will have been worked through and we can achieve the objective of organizing the committees.

I will say that as a backstop, or a preventive measure, I am compelled tonight to file cloture on the resolution in the event—again, this is not anticipated at all because of the great progress that has been made—in the event that we are unable to reach an agreement on the committee resolution. Again, I am very hopeful that early tomorrow we will be ready to pass the respective party resolutions and begin the appropriations process.

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk to S. Res. 18 making majority party appointments for the 108th Congress.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. Res. 18, a resolution making majority appointments to committees.

Bill Frist, Mitch McConnell, Ted Stevens, Kay Bailey Hutchison, Ben Nighthorse Campbell, Larry E. Craig, Conrad R. Burns, Orrin Hatch, Norm Coleman, Pete Domenici, Pat Roberts, R.F. Bennett, Michael B. Enzi, George Allen, James Talent, Gordon Smith, James M. Inhofe, Richard Shelby, John W. Warner, Jim Bunning, Chuck Grassley, John Ensign, Rick Santorum, Lincoln Chafee, George V. Voinovich, Jeff Sessions, C.S. Bond, Susan Collins, Mike DeWine, Thad Cochran, Olympia J. Snowe, John McCain, Peter Fitzgerald, Sam Brownback, Lindsey Graham, John E. Sununu, Jon Kyl, Lamar Alexander, Elizabeth Dole, John Cornyn, Craig Thomas, Judd Gregg, Don Nickles, Richard G. Lugar, Trent Lott, Wayne Allard, Lisa Murkowski, Saxby Chambliss, Arlen Specter, Chuck Hagel, Mike Crapo.

Mr. FRIST. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Will the majority leader yield?

Mr. FRIST. I yield.

Mr. REID. I say, through the Presiding Officer, to the majority leader, there have been a lot of speeches on the floor today. People said what they said. I think everything has been said, but not quite everyone has said it.

I feel good about the progress that has been made. However, I say to the majority leader, you and Senator DASCHLE are really close to being able to work something out. This is where it really gets hard. This is where you and Senator DASCHLE really have to show your leadership. I am confident that will happen. It would be good for the institution if we could get this done. We could move on, as the leader knows, to the appropriations bills which need to be done.

In spite of the threatening nature of the speeches on both sides today, tomorrow will be a better day. I am hopeful and very confident, and so is Senator DASCHLE, that we can work this out. I express to the majority leader my wishes for a productive final half yard to the goal line.

Mr. FRIST. Again, progress has been made. I appreciate the comments. I expect continuing progress to be made such that tomorrow we will have a very successful day in progressing the agenda that the American people expect.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that there now be a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred March 6, 2001 in Middleburg, PA. A gay man was severely beaten by two neighbors. Michael Aucker, 41, and two brothers, Todd Justin Clinger, 20, and Troy Lee Clinger, 18, were drinking beer in a trailer when the brothers thought Aucker made a sexual advance towards them. Police said the brothers took Aucker out on the deck and stomped on him with heavy work boots. Aucker was discovered a day and a half later by another neighbor and co-worker. He was in a coma and every bone in his face and nose were broken. I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Mr. FEINGOLD. Mr. President, I rise to call my colleagues' attention to a situation in the Democratic Republic of the Congo. Last month, the parties to the bloody conflict in the Democratic Republic of the Congo signed an accord intended to end the country's 4-year civil war. But central Africans may not have much reason to celebrate yet, because unless this step is accompanied by meaningful new initiatives, the agreement promises little change from the insecurity and repression that have killed millions of their countrymen and dominated their lives throughout the conflict.

As the outgoing chairman and incoming ranking Democratic member of the Senate Subcommittee on African Affairs, I have monitored events in the Congo in recent years, and I must share some of this skepticism. The international community has been eager to certify a withdrawal of foreign forces so that it could move the Congo file out of the international crisis bin

and into the overstuffed stack of civil collapses. Consequently, the world has demanded very little of the signatories to this new accord. Meanwhile, the demands of the Congolese people appear to have not been taken into account at all.

The agreement provides for Joseph Kabila, who was installed as President in Kinshasa after his father's assassination, to remain in the Presidency, and establishes four Vice-Presidential positions to accommodate his own party, the two major armed rebel groups, and the unarmed political opposition. But neither the President nor this bevy of Vice-Presidents can boast of any real political legitimacy, and thus far plans to ensure an eventual democratic transition have a feeble, wishful quality that suggests no one takes them terribly seriously.

Intercommunal tensions in Eastern Congo continue to simmer violently in the context of atrocious governance, but this is treated as an extraneous and inconvenient detail. Violence continues to rage in the Ituri region, displacing tens of thousands, it is clear, killing many civilians caught in a brutal struggle for power between factions uninterested in any aspect of governance save the accumulation of power and riches.

Evidence that virtually all parties now ensconced in an internationally sanctioned government have participated in rapacious exploitation of Congo's natural resources merited ambitious reports from a U.N. commission, but the United States appears to have largely ignored the commission's recommendations. Mr. President, I want to stress how important the commission's work truly is, in exposing the motives of the actors involved and revealing the extent to which the country's resources and future have been sold out to the highest bidder, leaving little for rebuilding the Congolese state and providing for the needs of the Congolese people. The commission's work should continue, and the U.S. should work with our partners in the international community to make its recommendations reality.

But I want to underscore an important fact. Our failure to hold actors within Congo and within the Governments of Rwanda, Uganda, and Zimbabwe accountable for looting the country is a lesser crime than our failure to address the killing, rape, and deprivation that these forces inflicted on the Congolese. Despite the fanfare accompanying recent agreements, no one has meaningfully addressed the need to hold those responsible accountable for the horrific human rights abuses that have characterized this conflict. In fact, the international community has countenanced the slaughter of innocents with impunity throughout the region for years, and appears to have even lost its taste for making the International Criminal Tribunal for Rwanda, established in the wake of the 1994 genocide, an effective and impartial body.

To consider the history of the Congo is to confront an appalling litany of exploitation and manipulation—first orchestrated by Belgium's rapacious King Leopold, then by the American-backed kleptocrat, Mobutu Sese Seko. The Congolese people deserve finally to have a voice in decisions about their political leadership and some degree of control over their own destiny. But I fear that they are about to get more of the same—more harassment of civil society and the free press, more underdevelopment, and more thuggery disguised as authority. The hundreds of millions of dollars that the U.S. is devoting to peacekeeping in the Congo must be accompanied by real political leadership that underscores the need for accountability, improved governance, grassroots participation, and focused reconstruction and rehabilitation efforts. Without that leadership, the American people will have simply made a costly investment in continued injustice.

The current approach is not merely morally reprehensible and fiscally irresponsible, it is also dangerous. In hearings I convened earlier this year, I tried to draw out the links between unstable and lawless swathes of Africa and international criminal networks—including terrorist networks. Experts have warned about the potential for terrorists to acquire uranium from central African sources. A free-for-all of corruption and instability is appealing to money-launderers, arms and mineral traffickers, and others who would prefer to keep their activities in the shadows. The spillover effects of sustained chaos in Congo are simply too serious to be ignored. The U.S. needs a coherent, long-term policy aimed at building stability and strengthening institutions.

ADDITIONAL STATEMENTS

TRIBUTE TO MAYOR ''DU'' BURNS

• Ms. MIKULSKI. Mr. President, I rise to pay tribute to the life and legacy of Mayor Clarence Henry Burns.

Mayor ''Du'' Burns was born to an economically poor family—but he was rich in hope and spirit. No one gave Du Burns anything on a silver platter. What he had and what he became—he did on his own—using his God-given skills. He used his grit and gifts to make life better for the people of Baltimore. He went from being a locker-room attendant to become the first African American Mayor of Baltimore, and he took his whole community with him.

I had the pleasure of serving with Du Burns on the Baltimore City Council. I had such great respect and affection for him. We worked together to strengthen neighborhoods and built communities. He believed, as I do, that the best ideas come from the people. His mission was to meet the day to day needs of the people of Baltimore.

Mayor Burns was a coalition builder, forging an alliance for East Baltimore that included the different communities that give our city its strength. He started Baltimore's first homeless program. He strengthened schools and libraries and public housing. He made our city work.

Mayor Du Burns left an indelible mark on the city of Baltimore. He also left a strong and loving family—and so many friends, including me. His wife Edith and his family are in my thoughts and prayers.•

HONORING A BROADCASTING PIONEER

• Mr. NELSON of Florida. Mr. President, I rise today to recognize a Floridian who has made significant contributions to his community through the field of broadcasting and communications.

A resident of St. Petersburg, Patrick L. McLaughlin is a broadcast engineer whose career began after service in the United States Navy in World War II and culminated with this retirement from the television industry in 1985.

He, and many radio-and-television pioneers like him, literally helped get television off the ground, laboring behind-the-scenes to usher in the dawn of modern, electronic television. For the technicians and engineers of those early days of TV, it often was a low-budget, low-glamour profession. But they pressed on and built an extraordinary industry.

In 1954, Mr. McLaughlin helped build up West Central Florida's first television station, WSUN–TV, Channel 38. Later, he served as chief engineer at WFLA–TV, Channel 8, in Tampa, now one of the country's largest media markets.

Under his guidance, WFLA and other television stations initiated important technological changes that have been models for later industry transformations. Along the way, he made sure local stations remained on the air during times of crisis to provide an essential lifeline and source of information for dispersed Tampa Bay area communities when they were hit by hurricanes and riots.

Nowadays, we take television so much for granted that it's easy to forget that innovative technicians and engineers, such as Mr. McLaughlin, helped transform broadcasting stations into a source of entertainment and education for current and future generations, as well as a powerful medium that helps shape both popular culture and contemporary history.

For this, we owe that early generation of broadcast engineering pioneers our gratitude.

I ask my Senate colleagues to join me today in recognizing one of them, Patrick L. McLaughlin.●

TRIBUTE TO STEVE YOUNG

● Mr. VOINOVICH. Mr. President, I rise today to pay tribute to Steve Young, the National President of the Fraternal Order of Police, who passed away on January 9, 2002. One of the most rewarding things about serving in the government is having the opportunity to meet some very special people, and Steve was one of them. Every so often in life a person is fortunate enough to cross paths with someone who makes them feel good about being in their presence, someone who is caring, genuine, sincere and who brings a special life to the lives of others. That was Steve Young and I feel blessed to have known him. Steve, a native of Upper Sandusky, OH and graduate of upper Sandusky High School, is survived by his wife, Denise; his two sons, Steven David and Staten Daniel; his three sisters Gloria Steurer, Kay Baker, and Deborah Smith and his mother, Lillian Heffelfinger.

Serving as a member of the Fraternal Order of Police, F.O.P., for 26 years, Steve dedicated his life and career to law enforcement. His distinguished membership included eleven years as President of the Ohio State lodge, four years as National Vice President, and 17 months as National President.

Steve's understanding of the rigorous demands placed on law enforcement officers who protect our citizens each and every day made him an extremely effective and well-respected leader. His innovative leadership style produced a list of accomplishments that set a new standard for success.

During his career, Steve helped to create the Ohio Labor Council, with more than 8,000 members, to improve the effectiveness of labor-management negotiations within police forces. Remarkably, fourteen States across our Nation are using this methodology as a model for improving labor-management relations. He also implemented the Critical Incident Response program, to rapidly assist officers psychologically damaged in the line of duty, a program that has been implemented across the country.

It came as no surprise that Steve's numerous accomplishments led to his overwhelming election as the National President of the F.O.P. in August 2001. During his tenure, Steve's enthusiasm, spirit, and love of law enforcement never diminished. In fact, he continued to dedicate his career to the citizens of Ohio serving as Lieutenant in the Marion City Police Department, until his passing.

One would not know by looking at his achievements, but his term as President of the F.O.P. was all too brief. Under his Presidency, the F.O.P. developed a close relationship with the Bush Administration, which led to Steve's appointment to the Homeland Security Advisory Council. Thanks to Steve, the F.O.P. will now play an important role in the transition as the various law enforcement agencies are folded into the new Department of Homeland Security.

Under Steve's presidency and at the request of the Administration, the F.O.P. was asked to serve as a Charter member of the National Citizens Corps Council. This group is dedicated to bringing together national leaders from first responder groups, emergency management agencies, volunteer service organizations, State and local governments, and the private sector in an effort to engage citizens in homeland security and promote community and family safety practices across the country.

Recognizing the importance of family and the commitment that law enforcement officers make each day, Steve worked with Secretary Elaine Chao to obtain a $2 million grant from the U.S. Department of Labor so that the F.O.P. could design and administer a scholarship program for the spouses of fallen officers.

It is evident that Steve Young served our country and his community with honor, courage, and distinction. However, in times of great loss, words often fail to comfort the anguish loved ones feel for their departed. I can only hope that the entire Young family will find solace in the thoughts and prayers of loved ones, friends, and the countless other lives that Steve touched.

May God bless Steve Young and his entire family.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in Executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN (for himself, Mr. SPECTER, Ms. CANTWELL, Mrs. CLINTON, Mr. SCHUMER, Mr. CARPER, Mrs. FEINSTEIN, Mr. DURBIN, Mr. LEAHY, Mr. JEFFORDS, Mr. CRAIG, Mr. WARNER, Mrs. MURRAY, Mr. EDWARDS, Ms. COLLINS, Mr. CORZINE, Mr. ALLEN, Ms. LANDRIEU, Mr. KOHL, and Ms. STABENOW):

S. 152. A bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. GRASSLEY, Mr. SESSIONS, and Mr. CRAIG):

S. 153. A bill to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes; to the Committee on the Judiciary.

By Mr. DAYTON:

S. 154. A bill to provide emergency disaster assistance to agricultural producers, to impose tariff-rate quotas on certain casein and milk protein concentrates, and to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and the producers of biodiesel, and for other purposes; to the Committee on Finance.

By Mr. ENZI:

S. 155. A bill to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself and Mr. INHOFE):

S. 156. A bill to amend the Atomic Energy Act of 1954 to reauthorize the Price-Anderson provisions; to the Committee on Environment and Public Works.

By Mr. CORZINE (for himself, Mr. JEFFORDS, Mrs. BOXER, Mrs. CLINTON, and Mr. LAUTENBERG):

S. 157. A bill to help protect the public against the threat of chemical attacks; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself and Mr. BOND):

S. 158. A bill to amend the Internal Revenue Code of 1986 to expand the depreciation benefits available to small businesses, and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself and Mr. ALLEN):

S. 159. A bill to require the Federal Communication Commission to allocate additional spectrum for unlicensed use by wireless broadband devices, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BURNS (for himself, Mr. BAUCUS, Mr. HATCH, Mr. BUNNING, Mr. KENNEDY, Mrs. CLINTON, Mr. SCHUMER, and Mr. GRAHAM of South Carolina):

S. 160. A bill to amend the Internal Revenue Code of 1986 to allow the expensing of broadband Internet access expenditures, and for other purposes; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. INOUYE, Mr. DORGAN, and Mrs. HUTCHISON):

S. 161. A bill to amend the Communications Act of 1934 to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself and Mr. LIEBERMAN):

S.J. Res. 3. A joint resolution expressing the sense of Congress with respect to human rights in Central Asia; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST:

S. Res. 18. A resolution making majority party appointments to certain Senate committees for the 108th Congress; submitted and read.

By Mr. FEINGOLD (for himself, Ms. COLLINS, and Mr. KENNEDY):

S. Res. 19. A resolution expressing the sense of the Senate that Congress should increase the maximum individual Federal Pell Grant award to $9,000 by 2010; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. LEAHY) was withdrawn as a cosponsor of S. 27, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

S. 27

At the request of Mr. JOHNSON, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 27, supra.

S. 85

At the request of Mr. LUGAR, the names of the Senator from New York (Mr. SCHUMER), the Senator from Indiana (Mr. BAYH), and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 85, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 91

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 91, a bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts.

S. 105

At the request of Ms. STABENOW, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 105, a bill to repeal certain provisions of the Homeland Security Act (Public Law 107–296) relating to liability with respect to certain vaccines.

S. 125

At the request of Mr. ROBERTS, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 125, a bill to provide emergency disaster assistance to agricultural producers.

S. 140

At the request of Mrs. FEINSTEIN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 140, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. SPECTER, Ms. CANTWELL, Mrs. CLINTON, Mr. SCHUMER, Mr. CARPER, Mrs. FEINSTEIN, Mr. DURBIN, Mr. LEAHY, Mr. JEFFORDS, Mr. CRAIG, Mr. WARNER, Mrs. MURRAY, Mr. EDWARDS, Ms. COLLINS, Mr. CORZINE, Mr. ALLEN, Ms. LANDRIEU, Mr. KOHL, and Ms. STABENOW):

S. 152. A bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise along with the distinguished Senior Senator from Pennsylvania, Senator SPECTER, to introduce the DNA Sexual Assault Justice Act of 2003, a bill that guarantees prompt justice to victims of sexual assault crimes through DNA technology. This bill is not new to my colleagues. Last session, I introduced the DNA Sexual Assault Justice Act with Senators SPECTER, CANTWELL, CLINTON, and SCHUMER. The bill was voted favorably out of the Judiciary Committee with the key support of my good friend across the aisle, Senator SPECTER. And in September, with twenty co-sponsors, Republicans and Democrats, the DNA Sexual Assault Justice Act unanimously passed the Senate. Regrettably, our House counterparts were not able to act so quickly or decisively on a DNA bill, so I am back to re-introduce the bill and to urge quick passage of the DNA Sexual Assault Justice Act of 2003. I am pleased that, once again, this bill has strong bipartisan support and I look forward to working with my good friend from Utah, the distinguished Senior Senator, Senator HATCH, in acting promptly in marking up this bill when he assumes chairmanship of the Judiciary Committee.

Promoting and supporting DNA technology as a crime-fighting tool is not a new endeavor for me. A provision of my 1994 Crime Bill created the Combined DNA Index System, called ''CODIS'', which is an electronic database of DNA profiles, much like the FBI's fingerprint database. CODIS includes two kinds of DNA information, convicted offender DNA samples and DNA from crime scenes. CODIS uses the two indexes to generate investigative leads in crimes where biological evidence is recovered from the scene. In essence, CODIS facilitates the DNA match. And once that match is made a crime is solved because of the incredible accuracy and durability of DNA evidence.

99.9 percent—that is how accurate DNA evidence is. 1 in 30 billion, those are the odds someone else committed a crime if a suspect's DNA matches evidence at the crime scene. 20 or 30 years, that is how long DNA evidence from a crime scene lasts.

Just ten years ago DNA analysis of evidence could have cost thousands of dollars and taken months; now testing one sample costs $40 and can take days. Ten years ago forensic scientists needed blood the size of a bottle cap, now DNA testing can be done on a sample the size of a pinhead. The changes in DNA technology are remarkable, and mark a sea change in how we can fight crime, particularly sexual assault crimes.

The FBI reports that since 1998 the national DNA database has helped put away violent criminals in 6,257 investigations in 40 States. How? By matching the DNA crime evidence to the DNA profiles of offenders. Individual success stories of DNA ''cold hits'' in sexual assault cases make these numbers all too real.

Just last month, Alabama authorities charged a man in the rape of an 85-year-old woman almost ten years ago after he was linked to the case by a DNA sample he was compelled to submit while in prison on unrelated charges.

In Colorado Springs, CO, a trial will soon begin of a man accused of at least fourteen rapes and sexual assaults. Due to the national DNA database, prosecutors were able to trace the defendant to rapes and assaults that occurred in Colorado, California, Arizona, Nevada and Oklahoma between 1999 and 2002.

In Florida, Kellie Green was brutally attacked and raped in the laundry room of her apartment complex. Because of lack of funds, her rape kit sat on the shelf for three years until a persistent detective had it analyzed. The evidence matched the profile of a man already incarcerated for beating and raping a woman 6 weeks before Kellie.

Or take, for example, a 1996 case in St. Louis where two young girls were abducted from bus stops and raped at opposite ends of the city. The police were unable to identify a suspect. In 1999, the police decided to re-run the DNA testing to develop new leads. In January 2000, the DNA database matched the case to a 1999 rape case, and police were able to identify the perpetrator.

Last spring, the New York Police Department arrested a man linked to the rape of a woman years ago. In 1997, a woman was horribly beaten, robbed and

raped, there were no suspects. Five years later, the perpetrator submitted a DNA sample as a condition of probation after serving time for burglary. The DNA sample matched the DNA from the 1997 rape. Crime solved, streets safer.

Undoubtedly, DNA matching by comparing evidence gathered at the crime scene with offender samples entered on the national DNA database has proven to be the deciding factor in solving stranger sexual assault cases—it has revolutionized the criminal justice system, and brought closure and justice for victims.

In light of the past successes and the future potential of DNA evidence, the reports about the backlog of untested rape kits and other crime scene evidence waiting in police warehouses are simply shocking. It is a national problem, plaguing both urban and rural areas, that deserves national attention and solutions. One woman, in particular, has reminded State and Federal lawmakers that we cannot ignore even one rape kit sitting on a shelf gathering dust, Debbie Smith. In 1989, Mrs. Smith was brutally taken from her home and raped. There were no known suspects and Mrs. Smith lived in fear of her attacker's return. Six years later, the Virginia crime laboratory discovered a DNA match between the rape scene evidence and a State prisoner's DNA sample. Mrs. Smith had her first moment of real security and closure and since then, she has traveled the country to advocate on behalf of assault victims and champion the use of DNA to fight sexual assault. I am pleased that the DNA Sexual Assault Justice Act of 2003 bears a provision entitled, ''The Debbie Smith DNA Backlog Grants.''

Today I am introducing legislation, ''The DNA Sexual Assault Justice Act of 2003'', to strengthen the existing Federal DNA regime as an effective crimefighting tool. My bill addresses five pressing issues.

First, exactly how bad is the backlog of untested rape kits nationwide? A 1999 government report found over 180,000 rape kits were sitting, untested, on the storage shelves of police department and crime laboratories all across the country.

While recent press reports estimate that the number today is approaching 500,000 untested rape kits, I am told that there are no current, accurate numbers of the backlog. Behind every single one of those rape kits is a victim who deserves recognition and justice. Accordingly, my legislation would require the Attorney General to survey law enforcement agencies nationwide to assess the extent of the backlog of rape kits waiting to undergo DNA testing. To combat the problem of rape kit backlogs, it is imperative to know the real numbers, and how best to utilize Federal resources.

Second, how can existing Federal law be strengthened to make sure that State crime labs have the funds for the critical DNA analysis needed to solve sex assault cases? To fight crime most effectively, we must both test rape kits and enter convicted offender DNA samples into the DNA database. There has been explosive growth in the use of forensic sciences by law enforcement. A government survey found that in 2000 alone, crime labs received 31,000 cases—a 47 percent increase from almost 21,000 cases in 1999. In addition, the labs received 177,000 convicted offender DNA samples, an almost 77 percent increase from 100,242 samples in 1999.

The backlog in DNA testing is found all across the country. Last month a Michigan newspaper reported that its State police forensic unit is expected to have a 10-year backlog of items in need of DNA testing. Similar news reports are elsewhere. The Florida crime lab system is facing a backlog of more than 2,400 rape, murder and assault and burglary cases with DNA evidence waiting for testing. In North Carolina, up to 20,000 rape kit tests sit on evidence shelves because the lab does not have the resources to conduct timely DNA testing.

Many crime laboratories report personnel shortages in the face of this overwhelming work. According to a government survey, on average, there are 6 employees in a State crime lab, a lab that must not only conduct DNA testing for hundreds of cases, but also run forensic tests on blood, footprints or ballistic evidence.

The bill I'm introducing would: 1. Increase current funding levels to both test rape kits and to process and upload offender samples; and 2. allow local governments to apply directly to the Justice Department for these grants. I thank my colleagues Senators KOHL and DEWINE who began this effort with the DNA Backlog Elimination Act of 2000 and acknowledge their ongoing interest in this area.

Third, what assistance does the FBI need to keep up with the crushing number of DNA samples which need to be tested or stored in the national database? I am told that the current national DNA database, ''CODIS'', is nearing capacity of convicted offender DNA samples. My bill would provide funds to the FBI to: 1. Upgrade the national DNA computer database to handle the huge projections of samples; and 2. process and upload Federal convicted offender DNA samples into the database.

Efforts to include more Federal and State convicted offenders in our database just makes plain sense to fight crime. We know that sexual assault is a crime with one of the highest rates of recidivism, and that many sexual assault crimes are committed by those with past convictions for other kinds of crime. Their DNA samples from prior convictions help law enforcement efforts enormously. We cannot wait; the 2001 FBI crime records show that one forcible rape occurs every 5.8 minutes, and the most recent reports from the first six months of 2002 indicate a 1.8 percent increase in the number of rapes as compared to 2001 statistics.

Fourth, what additional tools are needed to help treat victims of sexual assault? One group that understands the importance of gathering credible DNA evidence are forensic sexual assault examiners, who are sensitive to the trauma of this horrible crime and make sure that patients are not revictimized in the aftermath. These programs should be in each and every emergency room and play an integral role in police departments to bridge the gap between the law and the medicine.

I first recognized the importance of sexual assault nurse examiners in solving rape cases when I authored the Violence Against Women Act. A key provision in the Violence Against Women Act requires the Attorney General to evaluate and recommend standards for training and practice for licensed health care professionals performing sexual assault forensic exams. So I knew that any DNA bill aimed at ending sexual assault must include resources for sexual forensic examiners, and not just one type. My bill ensures that sexual forensic nurses, doctors, and response teams are all eligible for assistance.

Tapping the power of DNA requires well-trained law enforcement who know how to collect and preserve DNA evidence from the crime scene. Training should be a matter of course for all law enforcement. No rape kit evidence will lead to the perpetrator if the DNA evidence is collected improperly.

The DNA Sexual Assault Justice Act would create a new grant program to carry out sexual assault examiner programs and training. And it would train law enforcement personnel and prosecutors in the handling of sexual assault cases, including drug-facilitated assaults, and the collection and use of DNA samples for use as forensic evidence at trial.

Fifth, what can be done to ensure that sexual assault offenders who cannot be identified by their victim are nevertheless brought to justice?

Profound injustice is done to rape victims when delayed DNA testing leads to a ''cold hit'' after the statute of limitations has expired. For example, Jeri Elster was brutally raped in her California home, and for years the police were unable to solve the crime. Seven years later, DNA from the rape matched a man in jail for an unrelated crime. Yet the rapist was never charged, convicted or sentenced because California's statute of limitations had expired the previous year.

The DNA Sexual Assault Justice Act of 2003 would change current law to authorize Federal ''John Doe/DNA indictments'' that will permit Federal prosecutors to issue an indictment identifying an unknown defendant by his DNA profile within the five year statute of limitations. Once outstanding, the DNA indictment would permit prosecution at anytime once there was a DNA ''cold hit'' through the national DNA database system.

John Doe/DNA indictments strike the right balance between encouraging swift and efficient investigations, recognizing the durability and credibility of DNA evidence and preventing an injustice if a cold hit happens years after the crime. Criminal law must catch up with DNA technology without the wholesale eradication of prevailing statutes of limitations.

I started looking at the issue of improved prosecution of sexual assault crimes almost two decades ago when I began drafting the Violence Against Women Act. The DNA Sexual Justice Act of 2003 is the next step, a way to connect the dots between the extraordinary strides in DNA technology and my commitment to ending violence against women. We must ensure that justice delayed is not justice denied.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''DNA Sexual Assault Justice Act of 2003''.

SEC. 2. ASSESSMENT OF BACKLOG IN DNA ANALYSIS OF SAMPLES.

(a) ASSESSMENT.—The Attorney General, acting through the Director of the National Institute of Justice, shall survey Federal, State, local, and tribal law enforcement jurisdictions to assess the amount of DNA evidence contained in rape kits and in other evidence from sexual assault crimes that has not been subjected to testing and analysis.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the assessment carried out under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) the results of the assessment carried out under subsection (a);

(B) the number of rape kit samples and other evidence from sexual assault crimes that have not been subjected to DNA testing and analysis; and

(C) a plan for carrying out additional assessments and reports on the backlog in crime scene DNA testing and analysis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Justice to carry out this section $500,000 for fiscal year 2004.

SEC. 3. THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) by striking the heading and inserting ''**AUTHORIZATION OF DEBBIE SMITH DNA BACKLOG GRANTS.**''; and

(2) in subsection (a)—

(A) in paragraph (2), by inserting ''including samples from rape kits and samples from other sexual assault evidence, including samples taken in cases with no identified suspect'' after ''crime scene''; and

(B) by adding at the end the following:

''(4) To ensure that DNA testing and analysis of samples from rape kits and nonsuspect cases are carried out in a timely manner.''.

SEC. 4. INCREASED GRANTS FOR ANALYSIS OF DNA SAMPLES FROM CONVICTED OFFENDERS AND CRIME SCENES.

Section 2(j) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(j)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''and'' at the end; and

(B) by striking subparagraph (C) and inserting the following:

''(C) $15,000,000 for fiscal year 2004;

''(D) $15,000,000 for fiscal year 2005;

''(E) $15,000,000 for fiscal year 2006;

''(F) $15,000,000 for fiscal year 2007; and

''(G) $15,000,000 for fiscal year 2008.

Amounts made available to carry out the purposes specified in subsection (a)(1) shall remain available until expended.''; and

(2) in paragraph (2), by striking subparagraphs (C) and (D) and inserting the following:

''(C) $75,000,000 for fiscal year 2004;

''(D) $75,000,000 for fiscal year 2005;

''(E) $75,000,000 for fiscal year 2006;

''(F) $75,000,000 for fiscal year 2007; and

''(G) $25,000,000 for fiscal year 2008.

Amounts made available to carry out the purposes specified in paragraphs (2) and (3) of subsection (a) shall remain available until expended.''.

SEC. 5. AUTHORITY OF LOCAL GOVERNMENTS TO APPLY FOR AND RECEIVE DNA BACKLOG ELIMINATION GRANTS.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (a)—

(A) in the matter preceeding paragraph (1)—

(i) by inserting '', units of local government, or Indian tribes'' after ''eligible States''; and

(ii) by inserting '', unit of local government, or Indian tribe'' after ''State''; and

(B) in paragraph (3), by striking ''or by units of local government'' and inserting '', units of local government, or Indian tribes'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''or unit of local government, or the head of the Indian tribe'' after ''State'' each place that term appears;

(B) in paragraph (1), by inserting '', unit of local government, or Indian tribe'' after ''State'';

(C) in paragraph (3), by inserting '', unit of local government, or Indian tribe'' after ''State'' the first time that term appears;

(D) in paragraph (4), by inserting '', unit of local government, or Indian tribe'' after ''State''; and

(E) in paragraph (5), by inserting '', unit of local government, or Indian tribe'' after ''State'';

(3) in subsection (c), by inserting '', unit of local government, or Indian tribe'' after ''State'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''or a unit of local government'' and inserting '', a unit of local government, or an Indian tribe''; and

(ii) in subparagraph (B), by striking ''or a unit of local government'' and inserting '', a unit of local government, or an Indian tribe''; and

(B) in paragraph (2)(A), by inserting '', units of local government, and Indian tribes,'' after ''States'';

(5) in subsection (e)—

(A) in paragraph (1), by inserting ''or local government'' after ''State'' each place that term appears; and

(B) in paragraph (2), by inserting '', unit of local government, or Indian tribe'' after ''State'';

(6) in subsection (f), in the matter preceeding paragraph (1), by inserting '', unit of local government, or Indian tribe'' after ''State'';

(7) in subsection (g)—

(A) in paragraph (1), by inserting '', unit of local government, or Indian tribe'' after ''State''; and

(B) in paragraph (2), by inserting '', units of local government, or Indian tribes'' after ''States''; and

(8) in subsection (h), by inserting '', unit of local government, or Indian tribe'' after ''State'' each place that term appears.

SEC. 6. IMPROVING ELIGIBILITY CRITERIA FOR BACKLOG GRANTS.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''and'' after the semicolon;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(6) if the applicant is a unit of local government, certify that the applicant participates in a State laboratory system;

''(7) provide assurances that, not later than 3 years after the date on which the application is submitted, the State, unit of local government, or Indian tribe will implement a plan for forwarding, not later than 180 days after a DNA evidence sample is obtained, all samples collected in cases of sexual assault to a laboratory that meets the quality assurance standards for testing under subsection (d); and

''(8) upon issuance of the regulations specified in section 10(d), certify that the State, unit of local government, or Indian tribe is in compliance with those regulations.''; and

(2) by adding at the end the following:

''(k) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to a State or unit of local government that has a significant rape kit or nonsuspect case backlog per capita as compared with other applicants.''.

SEC. 7. QUALITY ASSURANCE STANDARDS FOR COLLECTION AND HANDLING OF DNA EVIDENCE.

(a) NATIONAL PROTOCOL.—

(1) IN GENERAL.—The Attorney General shall review national, State, local, and tribal government protocols, that exist on or before the date of enactment of this Act, on the collection and processing of DNA evidence at crime scenes.

(2) RECOMMENDED PROTOCOL.—Based upon the review described in paragraph (1), the Attorney General shall develop a recommended

national protocol for the collection of DNA evidence at crime scenes, including crimes of rape and other sexual assault.

(b) STANDARDS, PRACTICE, AND TRAINING FOR SEXUAL ASSAULT FORENSIC EXAMINATIONS.—Section 1405(a) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg note) is amended—

(1) in paragraph (2), by inserting ''and emergency response personnel'' after ''health care students''; and

(2) in paragraph (3), by inserting ''and DNA evidence collection'' after ''sexual assault forensic examinations''.

SEC. 8. SEXUAL ASSAULT FORENSIC EXAM PROGRAM GRANTS.

(a) AUTHORIZATION OF GRANTS.—The Attorney General shall make grants to eligible entities to—

(1) establish and maintain sexual assault examiner programs;

(2) carry out sexual assault examiner training and certification; and

(3) acquire or improve forensic equipment.

(b) ELIGIBLE ENTITY.—For purposes of this section, the term ''eligible entity'' means—

(1) a State;

(2) a unit of local government;

(3) a college, university, or other institute of higher learning;

(4) an Indian tribe;

(5) sexual assault examination programs, including sexual assault nurse examiner (SANE) programs, sexual assault forensic examiner (SAFE) programs, and sexual assault response team (SART) programs; and

(6) a State sexual assault coalition.

(c) APPLICATION.—To receive a grant under this section—

(1) an eligible entity shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require; and

(2) an existing or proposed sexual assault examination program shall also—

(A) certify that the program complies with the standards and recommended protocol developed by the Attorney General pursuant to section 1405 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg note); and

(B) certify that the applicant is aware of, and utilizing, uniform protocols and standards issued by the Department of Justice on the collection and processing of DNA evidence at crime scenes.

(d) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to proposed or existing sexual assault examination programs that are serving, or will serve, populations currently underserved by existing sexual assault examination programs.

(e) RESTRICTIONS ON USE OF FUNDS.—

(1) SUPPLEMENTAL FUNDS.—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources for the purposes of this section.

(2) ADMINISTRATIVE COSTS.—An eligible entity may not use more than 5 percent of the funds it receives under this section for administrative expenses.

(3) NONEXCLUSIVITY.—Nothing in this section shall be construed to limit or restrict the ability of proposed or existing sexual assault examination programs to apply for and obtain Federal funding from any other agency or department or any other Federal grant program.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice, to remain available until expended, $30,000,000 for each of fiscal years 2004 through 2008 to carry out this section.

SEC. 9. DNA EVIDENCE TRAINING GRANTS.

(a) AUTHORIZATION OF GRANTS.—The Attorney General shall make grants to eligible entities to—

(1) train law enforcement personnel and all other first responders at crime scenes, including investigators, in the handling of sexual assault cases and the collection and use of DNA samples for use as forensic evidence;

(2) train State and local prosecutors on the use of DNA samples for use as forensic evidence; and

(3) train law enforcement personnel to recognize, detect, report, and respond to drug-facilitated sexual assaults.

(b) ELIGIBLE ENTITY.—For purposes of this section, the term ''eligible entity'' means—

(1) a State;

(2) a unit of local government;

(3) a college, university, or other institute of higher learning; and

(4) an Indian tribe.

(c) APPLICATION.—To receive a grant under this section, the chief executive officer of a State, unit of local government, or university, or the head of a tribal government that desires a grant under this section shall submit to the Attorney General—

(1) an application in such form and containing such information as the Attorney General may require;

(2) certification that the applicant is aware of, and utilizing, uniform protocols and standards issued by the Department of Justice on the collection and processing of DNA evidence at crime scenes;

(3) certification that the applicant is aware of, and utilizing, the national sexual assault forensic examination training protocols developed under section 1405(a) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg note); and

(4) if the applicant is a unit of local government, certification that the applicant participates in a State laboratory system.

(d) RESTRICTIONS ON USE OF FUNDS.—

(1) SUPPLEMENTAL FUNDS.—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources for the purposes of this section.

(2) ADMINISTRATIVE COSTS.—An eligible entity may not use more than 5 percent of the funds it receives under this section for administrative expenses.

(3) NONEXCLUSIVITY.—Nothing in this section shall be construed to limit or restrict the ability of an eligible entity to apply for and obtain Federal funding from any other agency or department or any other Federal grant program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice $10,000,000 for each of fiscal years 2004 through 2008 to carry out this section.

SEC. 10. AUTHORIZING JOHN DOE DNA INDICTMENTS.

(a) LIMITATIONS.—Section 3282 of title 18, United States Code, is amended—

(1) by striking ''Except'' and inserting the following:

''(a) LIMITATION.—Except''; and

(2) by adding at the end the following:

''(b) DNA PROFILE INDICTMENT.—

''(1) IN GENERAL.—In any indictment found for an offense under chapter 109A, if the identity of the accused is unknown, it shall be sufficient to describe the accused as an individual whose name is unknown, but who has a particular DNA profile.

''(2) EXCEPTION.—Any indictment described in paragraph (1), which is found within 5 years after the offense under chapter 109A shall have been committed, shall not be subject to—

''(A) the limitations period described in subsection (a); and

''(B) the provisions of chapter 208 until the individual is arrested or served with a summons in connection with the charges contained in the indictment.

''(3) DEFINITION.—For purposes of this subsection, the term 'DNA profile' means a set of DNA identification characteristics.''.

(b) RULES OF CRIMINAL PROCEDURE.—Rule 7 of the Federal Rules of Criminal Procedure is amended in subdivision (c)(1) by adding at the end the following: ''For purposes of an indictment referred to in section 3282 of title 18, United States Code, if the identity of the defendant is unknown, it shall be sufficient to describe the defendant, in the indictment, as an individual whose name is unknown, but who has a particular DNA profile, as defined in that section 3282.''.

SEC. 11. INCREASED GRANTS FOR COMBINED DNA INDEX (CODIS) SYSTEM.

Section 210306 of the DNA Identification Act of 1994 (42 U.S.C. 14134) is amended—

(1) by striking ''There'' and inserting the following:

''(a) IN GENERAL.—There''; and

(2) by adding at the end the following:

''(b) INCREASED GRANTS FOR CODIS.—There is authorized to be appropriated to the Federal Bureau of Investigation to carry out upgrades to the Combined DNA Index System (CODIS) $9,700,000 for fiscal year 2003.''.

SEC. 12. INCREASED GRANTS FOR FEDERAL CONVICTED OFFENDER PROGRAM (FCOP).

Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended by adding at the end the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Federal Bureau of Investigation to carry out this section $500,000 for fiscal year 2003.''.

SEC. 13. PRIVACY REQUIREMENTS FOR HANDLING DNA EVIDENCE AND DNA ANALYSES.

(a) PRIVACY PROTECTION STANDARD.—Section 10(a) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135e(a)) is amended by inserting before the period at the end the following: ''or in section 3282(b) of title 18, United States Code''.

(b) LIMITATION ON ACCESS TO DNA INFORMATION.—Section 10 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135e) is amended by adding at the end the following:

''(d) LIMITATION ON ACCESS TO DNA INFORMATION.—

''(1) IN GENERAL.—The Attorney General shall establish, by regulation, procedures to limit access to, or use of, stored DNA samples or DNA analyses.

''(2) REGULATIONS.—The regulations established under paragraph (1) shall establish conditions for using DNA information to—

''(A) limit the use and dissemination of such information, as provided under subparagraphs (A), (B), and (C) of section 210304(b)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)(3));

''(B) limit the redissemination of such information;

''(C) ensure the accuracy, security, and confidentiality of such information;

''(D) protect any privacy rights of individuals who are the subject of such information; and

''(E) provide for the timely removal and destruction of obsolete or inaccurate information, or information required to be expunged.''.

(c) CRIMINAL PENALTY.—Section 10(c) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135e) is amended—

(1) in paragraph (1), by striking ''discloses a sample or result'' and inserting ''discloses or uses a DNA sample or DNA analysis''; and

(2) in paragraph (2), by inserting ''per offense'' after ''$100,000''.

Ms. CANTWELL. Mr. President, I am pleased to cosponsor this important legislation to address the shameful backlog of unanalyzed DNA evidence in rape kits. Senator BIDEN, Senator SPECTOR and I worked closely on this issue last year and this bill is an excellent compromise that combines aspects of bills introduced by myself and by Senator BIDEN. This bill provides critical resources to State and Federal Governments to ensure that all the DNA evidence sitting in storage rooms across the country can be tested and perpetrators found and convicted. As more and more states have moved to require DNA samples from all convicted felons, the Federal resources that this bill provides to aid in the building of convicted offender records has also become more critical. The bill unanimously passed both the Judiciary Committee and the full Senate last year. It once again has strong bipartisan support, and I anticipate that we will work quickly to pass the bill in this new Congress, so that the bill can also pass the House of Representatives and become law. This bill reauthorizes a 2000 bill and time is of the essence as those authorizations expire soon. The power of DNA to find and convict rapists in cases where there have never even been an identified suspect cannot be overstated. We must act now to help law enforcement and prosecutors across the country be able to make full use of the most valuable tool at their disposal.

One of the things that I am most pleased about is that the grant program in this bill to fund DNA testing of existing rape kits throughout the country will bear the name of Debbie Smith. In her testimony before the Crime Subcommittee of the Judiciary Committee last June, she proved herself an extraordinary spokesperson on the power of DNA evidence to bring not just justice but peace to victims of sexual assault.

The heart of this bill is about getting DNA evidence from rape cases that is currently sitting in police evidence rooms tested and checked against the DNA profiles of convicted felons. We all know that DNA is a tool that works and as more states begin building their felon data bases, more and more cases of rape where police have no suspect are being solved.

We owe every woman in this country who has had the courage to come forward and undergo an invasive physical exam and evidence gathering after the trauma of a sexual assault, at a minimum, the absolute guarantee that the collected evidence is being checked against known felons. That is what this bill does.

In my state of Washington alone, in the past five years at least 12,950 women have submitted to humiliating and traumatic exams for the collection of evidence that has not been analyzed to help solve their rape. When applied on a national scale, these findings would indicate a national backlog of 615,000 cases of untested evidence. Washington State University is currently in the process of conducting a national assessment of the backlog of rape kits and I look forward to learning those results but we simply must provide the resources to get this evidence analyzed now.

We need to pass this bill and fund this bill to help police solve more rapes and give women receive the peace of mind of knowing that everything that can be done to catch their attacker is being done.

Mr. KOHL. Mr. President, I rise today in support of S. 152, the DNA Sexual Justice Act of 2003. Building on the success of the Kohl-DeWine DNA Analysis Backlog Elimination Act enacted during the 106th Congress, this legislation will provide law enforcement and prosecutors with critical physical evidence that will help put more criminals behind bars. Currently, DNA evidence is languishing untested at laboratories nationwide, simply for lack of funding. The DNA Sexual Justice Act will assess the extent of the backlog and provide funding for its elimination. Further, this legislation will ensure that DNA evidence from cases involving sexual assault is handled properly by providing training for emergency personnel, medical examiners, law enforcement, forensic analysts and prosecutors.

Currently, all 50 States and the Federal Government require DNA samples to be obtained from certain convicted offenders, and these samples increasingly can be shared through a national DNA database established by Federal law. This national database, part of the Combined Database Index System, CODIS, enables law enforcement officials to link DNA evidence found at a crime scene with any suspect whose DNA is already on file. By identifying repeat offenders, this DNA sharing can and does make a difference.

Before passage of the Kohl-DeWine Backlog Elimination Act in 2000, law enforcement was in large part unable to take advantage of DNA analysis as a crime-fighting technology. This was primarily due to the fact that DNA sample collection was not required of all Federal offenders, forensic labs did not have enough resources or equipment to analyze collected samples, and State databases were not interoperable with Federal databases. This bill will further address these issues by directing the Attorney General to survey forensic laboratories across the country to determine the scope of the backlog and authorizes the funding necessary to eliminate the backlog over the next four years.

However this legislation goes even further, focusing new, targeted grant programs toward DNA evidence collected from crimes of sexual assault or violence. By authorizing funding for the training of emergency personnel and medical examiners, this legislation ensures that DNA evidence will be properly collected. With funding for forensic equipment and the training of forensic examiners, it ensures that DNA evidence will be accurately analyzed. And by providing funding for the training of prosecutors, this legislation ensures that the evidence will be used to its greatest possible effect in the courtroom.

This measure will ensure that women who have been victims of sexual assault or violence will have the most reliable tools to bring their assailants to justice. Most importantly, this legislation will help police use modern technology to solve crimes and prevent repeat offenders from committing new ones.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. GRASSLEY, Mr. SESSIONS, and Mr. CRAIG):

S. 153. A bill to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to reintroduce the Identity Theft Penalty Enhancement Act along with Senator KYL, Senator GRASSLEY, Senator SESSIONS, and Senator CRAIG.

I first introduced this bipartisan legislation last June with the full support of the Justice Department. The bill will make it easier for prosecutors to target those identity thieves who, as is so often the case, steal an identity for the purpose of committing one or more other crimes.

I am hopeful that we can build on the momentum generated by this legislation in the 107th Congress. The Senate Judiciary Subcommittee on Technology, Terrorism, and Government Information conducted a hearing on the bill on July 9, 2002.

The Judiciary Committee subsequently passed the legislation out of Committee on November 14, shortly before the Senate went out of session.

As we enter the 108th congress, there remains a compelling need to stiffen the penalties for identity thieves.

A little more than a month ago, the largest single identity theft case in U.S. history was uncovered. Federal authorities arrested Philip Cummings who, along with two accomplices, allegedly sold the credit reports and

other personal information of 30,000 victims for as little as $30 each. Investigators have confirmed $2.7 million in losses so far, and the totals are expected to be much greater. This case is an example of the tremendous damage that an identity thief can cause.

Moreover, many serious crimes, even including terrorism, are aided by stolen identifies.

Lofti Raissi, a 27-year old Algerian pilot from London who is believed to have trained four of the 9/11 hijackers, was identified in British court papers as having used the Social Security number of Dorothy Hansen, a retired factory worker from Jersey City, NJ, who died in 1991.

Last year, the Department of Justice filed charges against an Algerian national who stole the identifies of 21 members of a health club in Cambridge, MA. He then transferred those stolen identities to one of the individuals convicted in the failed plot to bomb Los Angeles International Airport in 1999.

Joseph Kalady of Chicago was charged with trying to fake his own death using the identity of another. Kalady, who was awaiting trial on charges of counterfeiting birth certificates, Social Security cards and driver's licenses, allegedly suffocated a homeless man and sought to have him cremated under Mr. Kalady's identity in order to fake his own death and avoid prosecution.

The stories go on and on, and it is those stories that make the legislation we introduce today so vital. Identity theft has become the major escalating crime of the new millennium, and Congress needs to give law enforcement the tools to prosecute these crimes.

Let me just outline what this bill would do.

First, the bill would create a separate crime of ''aggravated identity theft'' for any person who uses the identity of another person to commit certain serious, Federal crimes.

Specifically, the legislation would provide for an additional two-year penalty for any individual convicted of committing one of the following serious Federal crimes while using the identity of another person: Stealing another's identity in order to illegally obtain citizenship in the United States; stealing another's identity to obtain a passport or visa; using another's identity to remain in the United States illegally after a visa has expired or an individual has been ordered to depart this country; stealing an individual's identity to commit bank, wire or mail fraud, or to steal from employee pension funds; and other serious Federal crimes, all of them felonies.

Furthermore, the legislation would provide for an additional five-year penalty for any individual who uses the stolen identity of another person to commit any one of the enumerated Federal terrorism crimes found in 18 U.S.C. 2332b(g)(5)(B). These crimes include: The destruction of aircraft; the assassination or kidnapping of high level Federal officials; bombings; hostage taking; providing material support to terrorism organizations; and other terrorist crimes.

Under the legislation, aggravated identity theft is a separate crime, not just a sentencing enhancement. And the two-year and five-year penalties for aggravated identity theft must be served consecutively to the sentence for the underlying crime.

This bill also strengthens the ability of law enforcement to go after identity thieves and to provide their case.

First, the bill adds the word ''possesses'' to current law, in order to allow law enforcement to target individuals who possess the identity documents of another person with the intent to commit a crime. Current Federal law prohibits the transfer or use of false identity documents, but does not specifically ban the possession of those documents with the intent to commit a crime.

So if law enforcement discovers a stash of identity documents with the clear intent to use those documents to commit other crimes, the person who possesses those documents will now be subject to prosecution.

Second, the legislation amends current law to make it clear that if a person uses a false identity ''in connection with'' another Federal crime, and the intent of the underlying Federal crime is proven, then the intent to use the false identity to commitment that crime need not be separately proved.

This simply makes the job of the prosecutor easier when an individual is convicted of a Federal crime and uses a false identity in collection with that crime.

This legislation also increases the maximum penalty for identity theft under current law from three years to five years.

And finally, the legislation we introduce today will clarify that the current 25-year maximum sentence for identity theft in facilitation of international terrorism also applies to identity theft in facilitation of domestic terrorism as well.

Identity theft is a crime on the rise in America, and it is a crime with severe consequences not only for the individual victims of the identity theft, but for every consumer and every financial institution as well.

Identity theft comes in many forms and can be perpetrated in many ways, and that is why I have worked for many years now with Senator KYL and others to put some safeguards into the law that might better prevent the fraud from occurring in the first place, and to crack down on identity thieves.

And other legislation I have introduced would put into place certain procedural safeguards to protect credit card numbers, personal information, and other key data from potential identity thieves.

The legislation we introduce today is meant to beef up the law in terms of what happens after an identity theft takes place. In seriously enhancing the penalties for identity thieves who commit other Federal crimes, we mean to send a strong signal to all those who would commit this increasingly popular crime that the relatively free ride they have experienced in recent years is over.

No longer will prosecutors decline to take identity theft seriously. No longer will identity thieves get off with just a slap on the wrist, if they are prosecuted at all. Under this legislation, penalties will be severe, prosecution will be more likely, and cases against identity thieves will be easier to prove.

Every day in this country serious criminals and criminal organizations are stealing and falsifying identities with the purpose of doing serious harm to common citizens, government officials, or even our Nation itself. It is time we did something about it, and this bill is an important step in that process.

I urge my colleagues to support this bill, and I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Identity Theft Penalty Enhancement Act''.

SEC. 2. AGGRAVATED IDENTITY THEFT.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding after section 1028, the following:

''§ 1028A. Aggravated identity theft

''(a) OFFENSES.—

''(1) IN GENERAL.—Whoever, during and in relation to any felony violation enumerated in subsection (c), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 2 years.

''(2) TERRORISM OFFENSE.—Whoever, during and in relation to any felony violation enumerated in section 2332b(g)(5)(B), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 5 years.

''(b) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

''(1) a court shall not place on probation any person convicted of a violation of this section;

''(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for the felony during which

the means of identification was transferred, possessed, or used;

''(3) in determining any term of imprisonment to be imposed for the felony during which the means of identification was transferred, possessed, or used, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

''(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the Sentencing Commission pursuant to section 994 of title 28.

''(c) DEFINITION.—For purposes of this section, the term 'felony violation enumerated in subsection (c)' means any offense that is a felony violation of—

''(1) section 664 (relating to theft from employee benefit plans);

''(2) section 911 (relating to false personation of citizenship);

''(3) section 922(a)(6) (relating to false statements in connection with the acquisition of a firearm);

''(4) any provision contained in this chapter (relating to fraud and false statements), other than this section or section 1028(a)(7);

''(5) any provision contained in chapter 63 (relating to mail, bank, and wire fraud);

''(6) any provision contained in chapter 69 (relating to nationality and citizenship);

''(7) any provision contained in chapter 75 (relating to passports and visas);

''(8) section 523 of the Gramm-Leach-Bliley Act (15 U.S.C. 6823) (relating to obtaining customer information by false pretenses);

''(9) section 243 or 266 of the Immigration and Nationality Act (8 U.S.C. 1253 and 1306) (relating to willfully failing to leave the United States after deportation and creating a counterfeit alien registration card);

''(10) any provision contained in chapter 8 of title II of the Immigration and Nationality Act (8 U.S.C. 1321 et seq.) (relating to various immigration offenses); or

''(11) section 208, 1107(b), or 1128B(a) of the Social Security Act (42 U.S.C. 408, 1307(b), and 1320a–7b(a)) (relating to false statements relating to programs under the Act).''.

(b) AMENDMENT TO CHAPTER ANALYSIS.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1028 the following new item:

''1028A. Aggravated identity theft.''.

SEC. 3. AMENDMENTS TO EXISTING IDENTITY THEFT PROHIBITION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(7)—

(A) by striking ''transfers'' and inserting ''transfers, possesses,''; and

(B) by striking ''abet,'' and inserting ''abet, or in connection with,'';

(2) in subsection (b)(1)(D), by striking ''transfer'' and inserting ''transfer, possession,'';

(3) in subsection (b)(2), by striking ''three years'' and inserting ''5 years''; and

(4) in subsection (b)(4), by inserting after ''facilitate'' the following: ''an act of domestic terrorism (as defined under section 2331(5) of this title) or''.

By Mr. VOINOVICH (for himself and Mr. INHOFE):

S. 156. A bill to amend the Atomic Energy Act of 1954 to reauthorize the Price-Anderson provisions; to the Committee on Environmental and Public Works.

Mr. VOINOVICH. Mr. President, I rise today, as the Chairman of the Clean Air, Climate Change, and Nuclear Safety Subcommittee, to introduce a bill to reauthorize the Price-Anderson Act. While the Act was first passed in 1957 and has been renewed three times, the current authorization expired on August 1, 2002 for Nuclear Regulatory Commission licensees. The growth of nuclear power depends greatly on the reauthorization of this Act, which provides liability for damages to the general public from nuclear incidents.

It is important for the American public to understand how the Price-Anderson liability program works. The nuclear industry actually funds the program; it is not a Federal subsidy. Each nuclear power plant purchases liability insurance from private insurers to cover the first $200 million for immediate response in the case of an accident. If the damages amounted to more than this amount, a second level of financial protection would apply. In these cases, each of the U.S. licensed nuclear units would pay up to $10 million annually into a collective fund to cover the damages, with a maximum payment of $88.1 million per accident. This, together with the $200 million in insurance money, provides a total of about $9.3 billion in insurance coverage to compensate the public in the case of a nuclear accident. If more than this amount is needed, Congress could then go back to the industry and demand a larger contribution.

This is an incredible system. I am not aware of any facility in the country or world that is insured for up to $9.3 billion. Neither do I know of any other industry in which all of the competitors agree up front to pay for the mistakes or acts of God that affect any one company. Furthermore, instead of fighting claims in court, the industry waives its traditional tort defense so that the fund begins making payments immediately. This means that if there were a nuclear disaster somewhere, the insurance companies would immediately start paying out claims. In fact, after the Three Mile Island incident, claims offices were on the site within 24 hours. This program provides extensive insurance coverage and provides it up front.

The expiration of this program affects only new NRC licenses, not existing licensees. Without the program, a new nuclear facility would be unable to obtain the liability insurance that this program provides, making new licenses very improbable, if not impossible.

Nuclear energy is important to our Nation's national security, economy, and environment. America's nuclear energy industry currently provides approximately 20 percent of our energy. It is a safe, reliable, and zero-emission source of energy. This has had a tremendous positive effect on the environment and public health. Since 1973, nuclear energy has prevented 62 million tons of sulfur dioxide, a key component of acid rain, and 32 million tons of nitrogen oxide, a precursor to ozone, from being released into the atmosphere. Arguably, nuclear power has contributed more to achieving a reduction in emissions than any other source of energy, except possibly solar, wind, and hydropower.

Our Nation needs to do whatever it can to promote a safe and efficient nuclear energy industry and encourage the development of new nuclear reactors. Reauthorizing the Price-Anderson Act is a major step in that direction.

During the previous administration, both the Department of Energy and the NRC issued reports to Congress recommending the reauthorization of Price-Anderson. Last Congress, I introduced legislation to reauthorize Price-Anderson, S. 1360, and included these provisions in an amendment that I proposed to the energy bill. My amendment, S. Amdt. 2983, was agreed to by a vote of 78–21 on March 7, 2002. This amendment reauthorized the program for both DOE contractors and NRC licensees. The amendment falls under the shared jurisdiction of both the Energy Committee for contractors and the Environment and Public Works Committee for NRC licensees. I look forward to working with the EPW Committee to pass this bill to reauthorize the Price-Anderson Act for 10 years for NRC licensees.

I thank Senator INHOFE for joining me in cosponsoring this bill. The Price-Anderson Act is so vital to the future expansion of our nuclear energy industry. I urge the speedy consideration and passage of this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Price-Anderson Amendments Act of 2003''.

SEC. 2. EXTENSION OF INDEMNIFICATION AUTHORITY.

(a) INDEMNIFICATION OF NUCLEAR REGULATORY COMMISSION LICENSEES.—Section 170c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking ''LICENSES'' and inserting ''LICENSEES''; and

(2) by striking ''August 1, 2002'' each place it appears and inserting ''August 1, 2012''.

SEC. 3. REPORTS.

Section 170p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking

''August 1, 1998'' and inserting ''August 1, 2008''.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act take effect on August 1, 2002.

By Mr. CORZINE (for himself, Mr. JEFFORDS, Mrs. BOXER, Mrs. CLINTON, and Mr. LAUTENBERG):

S. 157. A bill to help protect the public against the threat of chemical attacks; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President, I rise today to reintroduce an important piece of legislation that I worked on in the 107th Congress, the Chemical Security Act. I am proud to be joined by Senators JEFFORDS, BOXER, CLINTON, and LAUTENBERG in reintroducing this bill. Senators JEFFORDS, BOXER, and CLINTON were all strong allies in the 107th Congress, and I thank them for their continuing support. And I am pleased to have Senator LAUTENBERG as a cosponsor. He has a long history of working to protect communities from all types of chemical threats. I particularly want to thank Senator JEFFORDS for his hard work on this legislation in the 107th Congress. As Chairman of the Environment and Public Works committee, he provided critical leadership in bringing this bill through the committee successfully. I thank him and his staff for their hard work and look forward to continuing to work with them on this important issue.

I'll describe what the bill does in a minute. But first I want to briefly explain why I think this legislation is so important.

September 11 shocked us into the realization that our assets can be turned against us by terrorists. If you are a New Jersey Senator, you don't have to think about that idea for too long before you realize that chemical plants and other facilities that have hazardous chemicals would be high on a terrorist's list. The fact is, that we have a lot of those types of facilities in my State, and because we're such a densely populated State, chemical releases from these facilities pose grave risks. In fact, according to EPA data, there are eight plants in my State where a worst-case release of toxic chemicals could threaten more than a million people.

But this is not a parochial issue. The same EPA data shows that there are 110 plants nationwide where such a release could threaten more than a million people. These plants are located in 22 States. And there are 44 States that have at least one facility where such a release could threaten more than 100,000 people.

I want to be clear that I am stating these facts here today in an effort to advance a measure that would protect workers and communities, not in an attempt to vilify our nations' chemical companies. Indeed, these companies are a key part of our industrial fabric, providing jobs and producing products essential to our lives. This is certainly true of my home State of New Jersey, as I have already indicated.

But when you look at the numbers, as I have laid them out here today, you realize that we have a problem to deal with. I'm certainly not unique in recognizing this issue, EPA, the Justice Department, the Nuclear Regulatory Commissions, industry groups, and public safety groups all agree. In addition, the White House Strategy for Homeland Security recognizes the chemical and hazardous materials sector as an infrastructure protection priority. Governor Ridge amplified this point in his testimony before the Senate Environment Public Works committee on July 10 of last year. He said that:

> The fact is, we have a very diversified economy and our enemies look at some of our economic assets as targets. And clearly, the chemical facilities are one of them. We know that there have been reports validated about security deficiencies at dozens and dozens of those.

I want to pick up on that last point that Governor Ridge made about security deficiencies, because it speaks to why I am putting this bill forward.

Some companies have taken actions and are continuing to work to implement security measures in light of the post-September 11 environments. Others, however, are not. That's one crucial reason why a Federal program is needed. We need to be able to assure our constituents that this major vulnerability is being addressed in a swift and effective manner. We also want to assure them that certain minimum standards are being met throughout the country.

We already do that to address certain infrastructure vulnerabilities. Most notably, we require nuclear power plants to meet extensive security standards as a condition of their operating licenses. I think we ought to tighten those standards, but the fact is that we have no standards at all for our chemical facilities.

Before I go into specifics, I want to outline the general organizational scheme of the bill. In my view, addressing the risk to communities from a terrorist-caused release of hazardous chemicals requires two fundamental components. The first is improving security, so that the likelihood of a successful terrorist attack is lowered. The second is reducing hazards so that the impact of a successful attack is minimized.

This requires two fundamentally different types of expertise and skills. That's why the bill involves both the EPA and the Department of Homeland Security. EPA has the chemical hazard expertise, and the Department of Homeland Security has the security expertise. EPA has a lead role in most of the bill, because it already has relationships with chemical facilities through its existing accident prevention programs.

As to the specifics of the bill, I think it is a common-sense approach to dealing with the issue. I want to note that this bill is nearly identical to the version of the bill that was reported out of the Senate Environment and Public Works Committee last July by a 19–0 vote. Two minor technical changes have been made to clarify the intent of the legislation, but it is otherwise exactly the same as the committee-reported bill that was acted on unanimously by the EPW committee last year.

The heart of the bill is section 4. This section requires EPA and the Department of Homeland Security to identify ''high priority'' chemical facilities and then require those facilities to assess vulnerabilities and hazards, and then develop and implement a plan to improve security and use safer technologies.

Section 4(a)(1) establishes the priority setting process, by which the EPA Administrator, in consultation the Secretary of the Department of Homeland Security, as well as States and local government entities, is directed to identify high priority chemical facilities, based on factors identified in section 4(a)(2). These factors include the severity of harm that could be caused by a chemical release, proximity to population centers, threats to national security or critical infrastructure, threshold quantities of substances of concern that pose a serious threat, and such other safety or security factors that the Administrator considers appropriate.

Because of the way the bill is structured, this means that EPA and the Department of Homeland Security are directed to start with the facilities that are subject to EPA's Risk Management Program requirements. This program applies to approximately 15,000 facilities in the United States that use, produce or store large quantities of hazardous chemicals. By applying the factors I mentioned, the priority setting process is meant to shorten this list of 15,000 facilities considerably. But the bill leaves it up to the Administration to determine exactly how many facilities within this universe ought to be covered by the bill.

So that's step one, setting priorities, and that has to be done within one year of enactment.

At this point, I want to mention the first of the clarifying technical changes that I have made to the bill. It was never the intent, nor I believe the effect, of the bill to include propane retailers as potentially regulated entities under this bill. But there was some confusion about the point after the bill was marked up last July. So last fall, I worked with the National Propane Gas Association on language that eliminates this confusion, and it is included

in this bill. So I again want to make clear that the same propane retailers who are not subject to the EPA Risk Management Program requirements will not be ''high priority'' facilities under this bill, and therefore will not be subject to its requirements.

In addition to identifying high priority facilities within the first year, EPA and the Department of Homeland Security must also promulgate regulations to require the high priority facilities to take the following steps: conduct a vulnerability and hazard assessment within one year after the regulations are promulgated; prepare and implement a response plan that addresses those vulnerabilities within 18 months after the regulations are promulgated.

I want to say more about the assessments and response plans, because these requirements are really the core of the amendment.

First, the amendment requires chemical facilities to work with local law enforcement and first responders, such as firefighters, in developing the assessments and plans. The second of the clarifying technical changes that I referred to in the opening part of my statement is simply to make clear the firefighters are among the first responders that the bill is referring to.

September 11 showed us how brave and important these our first responders are. Every day, they are willing to risk their lives to respond to terrorist attacks if they need to. So it makes sense that they ought to be a part of the process of developing vulnerability assessments and response plans, as this bill would require.

The same goes for employees of the high priority chemical facilities. They're on the front lines, which means two things. First, they are most at risk in case of a terrorist attack on their plants. Second, because they work in the plants every day, they will have ideas about how to secure the facilities and reduce hazards. So employees are part of the process as well.

As to the assessments and plans themselves, the requirements in the bill are fairly general. There are a variety of vulnerability assessment tools that have already been developed by groups such as Sandia laboratories and the Center for Chemical Process Safety. I would expect that EPA and DHS would take advantage of existing methodologies such as these, but the bill leaves it up to the experts to decide what types of approaches make the most sense. And that probably won't be the same for everyone, I'm not advocating a one-size-fits-all approach here. But I do want to be sure that all of the high priority chemical facilities do a credible vulnerability assessment.

The response plan requirements are also fairly general. Each facility is required to prepare prevention, preparedness and response plan that incorporates the results of the assessments. The plan must include actions and procedures, including safer design and maintenance, to eliminate or significantly lessen the potential consequences of a release.

What this means in simple terms is that each facility has to develop a plan and take steps to reduce both the likelihood of a successful attack and to the harm that would occur if an attack were successful. In other words, they have to look at traditional security measures, such as fences, alarms, and guards. But they also have to look at whether they can make the plant safer. In other words, can less hazardous chemicals be used? Can containment technology such as fans or scrubbers be improved or employed to contain chemicals that may be released? Chemical facilities ought to evaluate the full range of options, look at the tradeoffs among them, and go forward with the best mix of security and technology options.

Facilities are then required to send their assessments and plans to the EPA. EPA and DHS must review those assessments and plans, and certify compliance with the regulations. Any deficiencies identified by EPA and DHS can be remedied by issuance of an order. But the order can only be issued after a deliberate process that includes notification, compliance assistance, and an opportunity for a hearing.

The certification process is there to ensure the public that facilities are complying the law. Those certifications will be the only information from the assessments and plans that is publicly available. The bill exempts all other information produced under the bill, most importantly, the assessments and plans themselves, from disclosure under the Freedom of Information Act. I don't take FOIA exemptions lightly. I believe strongly that, in general, the public has a right to information collected by the government. But I think it's pretty obvious that in the case of the information that would be submitted to the government under this bill, the vulnerability assessments and response plans, we simply can't allow the security details in these plans to be publicly available. But I think it does make sense that people who live near a chemical plant be able to find out from EPA and the DHS whether or not that plant has complied with the law.

The bill goes even beyond FOIA exemptions to protect the assessments and plans. To ensure that the assessments and plans are properly safeguarded, the bill includes a requirement for EPA and Homeland Security to develop protocols to prevent unauthorized disclosure of those documents. And it attaches penalties to unauthorized disclosure.

That's the essence of the bill.

First, identify ''high priority'' chemical facilities.

Second, require those facilities to assess vulnerabilities and hazards, and then develop and implement a plan to improve security and implement safer technologies.

Third, EPA and the Department of Homeland Security review the assessments and plans, and they have the authority to require changes if deficiencies are identified.

Fourth, assessments and plans are protected from unauthorized disclosure through a FOIA exemption and penalties that apply to unauthorized disclosure.

The bill also includes an early compliance section that is designed to address concerns that the bill might slow ongoing voluntary security efforts. This provision enables companies to submit assessments and plans prior to promulgation of the regulations and have them judged by the standards in the Act. So companies don't have to wait for the regulations to come out to continue work or to submit plans.

In conclusion, I think this is a balanced bill that puts common-sense requirements in place to deal with a significant problem. I think the bill has moved a long way from the introduced bill. It has accommodated many of the concerns that industry raised about the bill I introduced in the 107th Congress. It reflects intensive bipartisan negotiations, and I think it's a good bill.

At the same time, I recognize that some of my colleagues have continuing concerns about the legislation. Last fall, I worked with Senators INHOFE, BREAUX, LANDRIEU and LINCOLN on these issues. I want them to know that I remain open-minded and committed to working with them, the rest of my colleagues and the Administration to resolve these issues so we can move quickly to protect Americans from the threat of attack on chemical facilities. And I want to extend the same commitment not only to the environmental and labor organizations that have supported the bill in the past, but also to the various industry groups that have worked on this bill. It's vital that we all find common ground quickly, and I stand ready to work with all interested parties.

I want to close by expressing both my sense of urgency about this issue and my optimism that we will be able to move legislation quickly. Last fall, Governor Ridge and Administrator Whitman wrote to the Washington Post expressing their support for bipartisan legislation to deal with the chemical security threat. I ask unanimous consent that that letter be printed in the RECORD.

I believe the letter was sincere, but the Administration has not yet engaged the Congress on this issue. I urge President Bush to provide leadership to ensure that his Administration works with us as the process moves forward.

I am also encouraged that Senator INHOFE has identified chemical security as a legislative priority as he assumes the Chairmanship of the Environment and Public Works committee. I congratulate him on his new post, and again express my willingness to work with him on this important issue.

With that, I yield the floor and urge my colleagues to support this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 6, 2002]

A SECURITY REQUIREMENT

The Bush administration is committed to reducing the vulnerability of America's chemical facilities to terrorist attack and is working to enact bipartisan legislation that would require such facilities to address their vulnerabilities [news story, Oct. 3].

We applaud voluntary efforts some in the industry have undertaken, but we believe that every one of the 15,000 chemical facilities nationwide that contain large quantities of hazardous chemicals must be required to take the steps the industry leaders are taking at their facilities: performing comprehensive vulnerability assessments and then acting to reduce those vulnerabilities.

Voluntary efforts alone are not sufficient to provide the level of assurance Americans deserve. We will continue to work with Congress to advance this important homeland security goal.

S. 157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Chemical Security Act of 2003''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the chemical industry is a crucial part of the critical infrastructure of the United States—

(A) in its own right; and

(B) because that industry supplies resources essential to the functioning of other critical infrastructures;

(2) the possibility of terrorist and criminal attacks on chemical sources (such as industrial facilities) poses a serious threat to public health, safety, and welfare, critical infrastructure, national security, and the environment;

(3) the possibility of theft of dangerous chemicals from chemical sources for use in terrorist attacks poses a further threat to public health, safety, and welfare, critical infrastructure, national security, and the environment; and

(4) there are significant opportunities to prevent theft from, and criminal attack on, chemical sources and reduce the harm that such acts would produce by—

(A)(i) reducing usage and storage of chemicals by changing production methods and processes; and

(ii) employing inherently safer technologies in the manufacture, transport, and use of chemicals;

(B) enhancing secondary containment and other existing mitigation measures; and

(C) improving security.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) CHEMICAL SOURCE.—The term ''chemical source'' means a stationary source (as defined in section 112(r)(2) of the Clean Air Act (42 U.S.C. 7412(r)(2))) that contains a substance of concern.

(3) COVERED SUBSTANCE OF CONCERN.—The term ''covered substance of concern'' means a substance of concern that, in combination with a chemical source and other factors, is designated as a high priority category by the Administrator under section 4(a)(1).

(4) EMPLOYEE.—The term ''employee'' means—

(A) a duly recognized collective bargaining representative at a chemical source; or

(B) in the absence of such a representative, other appropriate personnel.

(5) FIRST RESPONDER.—The term ''first responder'' includes a firefighter.

(6) HEAD OF THE OFFICE.—The term ''head of the Office'' means the Secretary of Homeland Security.

(7) SAFER DESIGN AND MAINTENANCE.—The term ''safer design and maintenance'' includes, with respect to a chemical source that is within a high priority category designated under section 4(a)(1), implementation, to the extent practicable, of the practices of—

(A) preventing or reducing the vulnerability of the chemical source to a release of a covered substance of concern through use of inherently safer technology;

(B) reducing any vulnerability of the chemical source to a release of a covered substance of concern through use of well-maintained secondary containment, control, or mitigation equipment;

(C) reducing any vulnerability of the chemical source to a release of a covered substance of concern by implementing security measures; and

(D) reducing the potential consequences of any vulnerability of the chemical source to a release of a covered substance of concern through the use of buffer zones between the chemical source and surrounding populations (including buffer zones between the chemical source and residences, schools, hospitals, senior centers, shopping centers and malls, sports and entertainment arenas, public roads and transportation routes, and other population centers).

(8) SECURITY MEASURE.—

(A) IN GENERAL.—The term ''security measure'' means an action carried out to increase the security of a chemical source.

(B) INCLUSIONS.—The term ''security measure'', with respect to a chemical source, includes—

(i) employee training and background checks;

(ii) the limitation and prevention of access to controls of the chemical source;

(iii) protection of the perimeter of the chemical source;

(iv) the installation and operation of an intrusion detection sensor; and

(v) a measure to increase computer or computer network security.

(9) SUBSTANCE OF CONCERN.—

(A) IN GENERAL.—The term ''substance of concern'' means—

(i) any regulated substance (as defined in section 112(r) of the Clean Air Act (42 U.S.C. 7412(r))); and

(ii) any substance designated by the Administrator under section 4(a).

(B) EXCLUSION.—The term ''substance of concern'' does not include liquefied petroleum gas that is used as fuel or held for sale as fuel at a retail facility as described in section 112(r)(4)(B) of the Clean Air Act (42 U.S.C. 7412(r)(4)(B)).

(10) UNAUTHORIZED RELEASE.—The term ''unauthorized release'' means—

(A) a release from a chemical source into the environment of a covered substance of concern that is caused, in whole or in part, by a criminal act;

(B) a release into the environment of a covered substance of concern that has been removed from a chemical source, in whole or in part, by a criminal act; and

(C) a release or removal from a chemical source of a covered substance of concern that is unauthorized by the owner or operator of the chemical source.

(11) USE OF INHERENTLY SAFER TECHNOLOGY.—

(A) IN GENERAL.—The term ''use of inherently safer technology'', with respect to a chemical source, means use of a technology, product, raw material, or practice that, as compared with the technologies, products, raw materials, or practices currently in use—

(i) reduces or eliminates the possibility of a release of a substance of concern from the chemical source prior to secondary containment, control, or mitigation; and

(ii) reduces or eliminates the threats to public health and the environment associated with a release or potential release of a substance of concern from the chemical source.

(B) INCLUSIONS.—The term ''use of inherently safer technology'' includes input substitution, catalyst or carrier substitution, process redesign (including reuse or recycling of a substance of concern), product reformulation, procedure simplification, and technology modification so as to—

(i) use less hazardous substances or benign substances;

(ii) use a smaller quantity of covered substances of concern;

(iii) reduce hazardous pressures or temperatures;

(iv) reduce the possibility and potential consequences of equipment failure and human error;

(v) improve inventory control and chemical use efficiency; and

(vi) reduce or eliminate storage, transportation, handling, disposal, and discharge of substances of concern.

SEC. 4. DESIGNATION OF AND REQUIREMENTS FOR HIGH PRIORITY CATEGORIES.

(a) DESIGNATION AND REGULATION OF HIGH PRIORITY CATEGORIES BY THE ADMINISTRATOR.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the head of the Office and State and local agencies responsible for planning for and responding to unauthorized releases and providing emergency health care, shall promulgate regulations to designate certain combinations of chemical sources and substances of concern as high priority categories based on the severity of the threat posed by an unauthorized release from the chemical sources.

(2) FACTORS TO BE CONSIDERED.—In designating high priority categories under paragraph (1), the Administrator, in consultation with the head of the Office, shall consider—

(A) the severity of the harm that could be caused by an unauthorized release;

(B) the proximity to population centers;

(C) the threats to national security;

(D) the threats to critical infrastructure;

(E) threshold quantities of substances of concern that pose a serious threat; and

(F) such other safety or security factors as the Administrator, in consultation with the head of the Office, determines to be appropriate.

(3) REQUIREMENTS FOR HIGH PRIORITY CATEGORIES.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the head of the Office, the United States Chemical Safety and Hazard Investigation Board, and State and local agencies described in paragraph (1), shall promulgate regulations to require each owner and each operator of a chemical source that is within a high priority category designated under paragraph (1), in consultation with local law enforcement, first responders, and employees, to—

(i) conduct an assessment of the vulnerability of the chemical source to a terrorist attack or other unauthorized release;

(ii) using appropriate hazard assessment techniques, identify hazards that may result from an unauthorized release of a covered substance of concern; and

(iii) prepare a prevention, preparedness, and response plan that incorporates the results of those vulnerability and hazard assessments.

(B) ACTIONS AND PROCEDURES.—A prevention, preparedness, and response plan required under subparagraph (A)(iii) shall include actions and procedures, including safer design and maintenance of the chemical source, to eliminate or significantly lessen the potential consequences of an unauthorized release of a covered substance of concern.

(C) THREAT INFORMATION.—To the maximum extent permitted by applicable authorities and the interests of national security, the head of the Office, in consultation with the Administrator, shall provide owners and operators of chemical sources with threat information relevant to the assessments and plans required under subsection (b).

(4) REVIEW AND REVISIONS.—Not later than 5 years after the date of promulgation of regulations under each of paragraphs (1) and (3), the Administrator, in consultation with the head of the Office, shall review the regulations and make any necessary revisions.

(5) ADDITION OF SUBSTANCES OF CONCERN.—For the purpose of designating high priority categories under paragraph (1) or any subsequent revision of the regulations promulgated under paragraph (1), the Administrator, in consultation with the head of the Office, may designate additional substances that pose a serious threat as substances of concern.

(b) CERTIFICATION.—

(1) VULNERABILITY AND HAZARD ASSESSMENTS.—Not later than 1 year after the date of promulgation of regulations under subsection (a)(3), each owner and each operator of a chemical source that is within a high priority category designated under subsection (a)(1) shall—

(A) certify to the Administrator that the chemical source has conducted assessments in accordance with the regulations; and

(B) submit to the Administrator written copies of the assessments.

(2) PREVENTION, PREPAREDNESS, AND RESPONSE PLANS.—Not later than 18 months after the date of promulgation of regulations under subsection (a)(3), the owner or operator shall—

(A) certify to the Administrator that the chemical source has completed a prevention, preparedness, and response plan that incorporates the results of the assessments and complies with the regulations; and

(B) submit to the Administrator a written copy of the plan.

(3) 5-YEAR REVIEW.—Not later than 5 years after each of the date of submission of a copy of an assessment under paragraph (1) and a plan under paragraph (2), and not less often than every 3 years thereafter, the owner or operator of the chemical source covered by the assessment or plan, in coordination with local law enforcement and first responders, shall—

(A) review the adequacy of the assessment or plan, as the case may be; and

(B)(i) certify to the Administrator that the chemical source has completed the review; and

(ii) as appropriate, submit to the Administrator any changes to the assessment or plan.

(4) PROTECTION OF INFORMATION.—

(A) DISCLOSURE EXEMPTION.—Except with respect to certifications specified in paragraphs (1) through (3) of this subsection and section 5(a), all information provided to the Administrator under this subsection, and all information derived from that information, shall be exempt from disclosure under section 552 of title 5, United States Code.

(B) DEVELOPMENT OF PROTOCOLS.—

(i) IN GENERAL.—The Administrator, in consultation with the head of the Office, shall develop such protocols as are necessary to protect the copies of the assessments and plans required to be submitted under this subsection (including the information contained in those assessments and plans) from unauthorized disclosure.

(ii) REQUIREMENTS.—The protocols developed under clause (i) shall ensure that—

(I) each copy of an assessment or plan, and all information contained in or derived from the assessment or plan, is maintained in a secure location;

(II) except as provided in subparagraph (C), only individuals designated by the Administrator may have access to the copies of the assessments and plans; and

(III) no copy of an assessment or plan or any portion of an assessment or plan, and no information contained in or derived from an assessment or plan, shall be available to any person other than an individual designated by the Administrator.

(iii) DEADLINE.—As soon as practicable, but not later than 1 year after the date of enactment of this Act, the Administrator shall complete the development of protocols under clause (i) so as to ensure that the protocols are in place before the date on which the Administrator receives any assessment or plan under this subsection.

(C) FEDERAL OFFICERS AND EMPLOYEES.—An individual referred to in subparagraph (B)(ii) who is an officer or employee of the United States may discuss with a State or local official the contents of an assessment or plan described in that subparagraph.

SEC. 5. ENFORCEMENT.

(a) REVIEW OF PLANS.—

(1) IN GENERAL.—The Administrator, in consultation with the head of the Office, shall review each assessment and plan submitted under section 4(b) to determine the compliance of the chemical source covered by the assessment or plan with regulations promulgated under paragraphs (1) and (3) of section 4(a).

(2) CERTIFICATION OF COMPLIANCE.—

(A) IN GENERAL.—The Administrator shall certify in writing each determination of the Administrator under paragraph (1).

(B) INCLUSIONS.—A certification of the Administrator shall include a checklist indicating consideration by a chemical source of the use of 4 elements of safer design and maintenance described in subparagraphs (A) through (D) of section 3(6).

(C) EARLY COMPLIANCE.—

(i) IN GENERAL.—The Administrator, in consultation with the head of the Office, shall—

(I) before the date of publication of proposed regulations under section 4(a)(3), review each assessment or plan submitted to the Administrator under section 4(b); and

(II) before the date of promulgation of final regulations under section 4(a)(3), determine whether each such assessment or plan meets the consultation, planning, and assessment requirements applicable to high priority categories under section 4(a)(3).

(ii) AFFIRMATIVE DETERMINATION.—If the Administrator, in consultation with the head of the Office, makes an affirmative determination under clause (i)(II), the Administrator shall certify compliance of an assessment or plan described in that clause without requiring any revision of the assessment or plan.

(D) SCHEDULE FOR REVIEW AND CERTIFICATION.—

(i) IN GENERAL.—The Administrator, after taking into consideration the factors described in section 4(a)(2), shall establish a schedule for the review and certification of assessments and plans submitted under section 4(b).

(ii) DEADLINE FOR COMPLETION.—Not later than 3 years after the deadlines for the submission of assessments and plans under paragraph (1) or (2), respectively, of section 4(b), the Administrator shall complete the review and certification of all assessments and plans submitted under those sections.

(b) COMPLIANCE ASSISTANCE.—

(1) DEFINITION OF DETERMINATION.—In this subsection, the term ''determination'' means a determination by the Administrator that, with respect to an assessment or plan described in section 4(b)—

(A) the assessment or plan does not comply with regulations promulgated under paragraphs (1) and (3) of section 4(a); or

(B)(i) a threat exists beyond the scope of the submitted plan; or

(ii) current implementation of the plan is insufficient to address—

(I) the results of an assessment of a source; or

(II) a threat described in clause (i).

(2) DETERMINATION BY ADMINISTRATOR.—If the Administrator, after consultation with the head of the Office, makes a determination, the Administrator shall—

(A) notify the chemical source of the determination; and

(B) provide such advice and technical assistance, in coordination with the head of the Office and the United States Chemical Safety and Hazard Investigation Board, as is appropriate—

(i) to bring the assessment or plan of a chemical source described in section 4(b) into compliance; or

(ii) to address any threat described in clause (i) or (ii) of paragraph (1)(B).

(c) COMPLIANCE ORDERS.—

(1) IN GENERAL.—If, after the date that is 30 days after the later of the date on which the Administrator first provides assistance, or a chemical source receives notice, under subsection (b)(2)(B), a chemical source has not brought an assessment or plan for which the assistance is provided into compliance with regulations promulgated under paragraphs (1) and (3) of section 4(a), or the chemical

source has not complied with an entry or information request under section 6, the Administrator may issue an order directing compliance by the chemical source.

(2) NOTICE AND OPPORTUNITY FOR HEARING.—An order under paragraph (1) may be issued only after notice and opportunity for a hearing.

(d) ABATEMENT ACTION.—

(1) IN GENERAL.—Notwithstanding a certification under section 5(a)(2), if the head of the Office, in consultation with local law enforcement officials and first responders, determines that a threat of a terrorist attack exists that is beyond the scope of a submitted prevention, preparedness, and response plan of 1 or more chemical sources, or current implementation of the plan is insufficient to address the results of an assessment of a source or a threat described in subsection (b)(1)(B)(i), the head of the Office shall notify each chemical source of the elevated threat.

(2) INSUFFICIENT RESPONSE.—If the head of the Office determines that a chemical source has not taken appropriate action in response to a notification under paragraph (1), the head of the Office shall notify the chemical source, the Administrator, and the Attorney General that actions taken by the chemical source in response to the notification are insufficient.

(3) RELIEF.—

(A) IN GENERAL.—On receipt of a notification under paragraph (2), the Administrator or the Attorney General may secure such relief as is necessary to abate a threat described in paragraph (1), including such orders as are necessary to protect public health or welfare.

(B) JURISDICTION.—The district court of the United States for the district in which a threat described in paragraph (1) occurs shall have jurisdiction to grant such relief as the Administrator or Attorney General requests under subparagraph (A).

SEC. 6. RECORDKEEPING AND ENTRY.

(a) RECORDS MAINTENANCE.—A chemical source that is required to certify to the Administrator assessments and plans under section 4 shall maintain on the premises of the chemical source a current copy of those assessments and plans.

(b) RIGHT OF ENTRY.—In carrying out this Act, the Administrator (or an authorized representative of the Administrator), on presentation of credentials—

(1) shall have a right of entry to, on, or through any premises of an owner or operator of a chemical source described in subsection (a) or any premises in which any records required to be maintained under subsection (a) are located; and

(2) may at reasonable times have access to, and may copy, any records, reports, or other information described in subsection (a).

(c) INFORMATION REQUESTS.—In carrying out this Act, the Administrator may require any chemical source to provide such information as is necessary to—

(1) enforce this Act; and

(2) promulgate or enforce regulations under this Act.

SEC. 7. PENALTIES.

(a) CIVIL PENALTIES.—Any owner or operator of a chemical source that violates, or fails to comply with, any order issued may, in an action brought in United States district court, be subject to a civil penalty of not more than $25,000 for each day in which such violation occurs or such failure to comply continues.

(b) CRIMINAL PENALTIES.—Any owner or operator of a chemical source that knowingly violates, or fails to comply with, any order issued shall—

(1) in the case of a first violation or failure to comply, be fined not less than $2,500 nor more than $25,000 per day of violation, imprisoned not more than 1 year, or both; and

(2) in the case of a subsequent violation or failure to comply, be fined not more than $50,000 per day of violation, imprisoned not more than 2 years, or both.

(c) ADMINISTRATIVE PENALTIES.—

(1) PENALTY ORDERS.—If the amount of a civil penalty determined under subsection (a) does not exceed $125,000, the penalty may be assessed in an order issued by the Administrator.

(2) NOTICE AND HEARING.—Before issuing an order described in paragraph (1), the Administrator shall provide to the person against which the penalty is to be assessed—

(A) written notice of the proposed order; and

(B) the opportunity to request, not later than 30 days after the date on which the notice is received by the person, a hearing on the proposed order.

SEC. 8. NO EFFECT ON REQUIREMENTS UNDER OTHER LAW.

Nothing in this Act affects any duty or other requirement imposed under any other Federal or State law.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Ms. SNOWE (for herself and Mr. BOND):

S. 158. A bill to amend the Internal Revenue Code of 1986 to expand the depreciation benefits available to small business, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Small Business Expensing Improvement Act of 2003 on behalf of the Nation's millions of small businesses and self-employed individuals. I am pleased to be joining with my colleague in the House, Congressman WALLY HERGER, to move this important initiative for small business toward enactment.

This legislation embodies a leading provision of the President's economic recovery package for small businesses and entrepreneurs in this country. By enabling small firms to expense more of the equipment they purchase, this bill provides a tailor-made incentive for the small business sector of our economy to invest in new technology and expand their operations.

We should never under-state the role that small businesses play in our economy. They represent 99 percent of all employers, employ 51 percent of the private-sector workforce, provide about 75 percent of the net new jobs, contribute 51 percent of the private-sector output, and represent 96 percent of all exporters of goods. In short, size is the only ''small'' aspect of small business.

The bill I introduce today recognizes the vitality of the small business and entrepreneurs in America. Regrettably, when we enacted stimulus legislation last year, we missed a tremendous opportunity to improve a provision of the tax law aimed directly at small firms, Section 179 of the Internal Revenue Code, which enables small businesses to write off the cost of new equipment, rather than depreciate it over a period of years. During the Senate's consideration of last year's stimulus bill, we approved an increase to the expensing limits by a vote of 90–2. Sadly, that provision was dropped from the final package that was sent to the President.

As the incoming Chair of the Senate Committee on Small Business and Entrepreneurship, I intend to correct that error by responding to the calls from small businesses in my State of Maine and from across the country for greater expensing of new equipment. I applaud the President for making this issue a key part of his economic recovery proposal.

By tripling the current expensing limit to $75,000, broadening the phase-out of this provision, and indexing these amounts for inflation, this bill will achieve two important objectives. First, qualifying businesses will be able to write off more of the equipment purchases today, instead of waiting five, seven or more years to recover their costs through depreciation.

That represents substantial savings both in dollars and in the time small businesses would otherwise have to spend complying with the complex depreciation rules. Moreover, new equipment will contribute to continued productivity growth in the business community, which Federal Reserve Chairman Alan Greenspan has repeatedly stressed is essential to the long-term vitality of our economy.

Second, as a result of this bill, more businesses will qualify for this benefit because the phase-out limit will be increased from the current $200,000 to $325,000 in new equipment purchases. At the same time, small business capital investment will be pumping more money into the retail-sector of the economy. Accordingly, this is a win-win for small business and the economy as a whole.

I am confident that small businesses will lead us out of the current economic problems as they have in past downturns. We have a tremendous opportunity to help small enterprises succeed by providing an incentive for reinvestment and leaving them more of their earnings to do just that. I urge my colleagues to join me in supporting this important legislation as we work with the President to enact this bill into law.

I ask unanimous consent that following my statement, the text of the bill and an explanation of its provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Expensing Improvement Act of 2003''.

SEC. 2. MODIFICATIONS TO EXPENSING UNDER SECTION 179.

(a) INCREASE OF AMOUNT WHICH MAY BE EXPENSED.—

(1) IN GENERAL.—Paragraph (1) of section 179(b) of the Internal Revenue Code of 1986 (relating to dollar limitation) is amended to read as follows:

''(1) DOLLAR LIMITATION.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $75,000.''

(2) INCREASE IN PHASEOUT THRESHOLD.—Paragraph (2) of section 179(b) of such Code is amended by striking ''$200,000'' and inserting ''$325,000''.

(3) INFLATION ADJUSTMENT OF DOLLAR AMOUNTS.—Subsection (b) of section 179 of such Code is amended by adding at the end the following new paragraph:

''(5) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2003, each dollar amount contained in paragraph (1) or (2) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount, as adjusted under the preceding sentence, is not a multiple of $1,000 ($10,000 in the case of the dollar amount contained in paragraph (2)), such amount shall be rounded to the nearest multiple of $1,000 or $10,000, as the case may be.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after December 31, 2002.

SMALL BUSINESS WORKS ACT OF 2001—DESCRIPTION OF PROVISIONS

The bill amends section 179 of the Internal Revenue Code to increase the amount of equipment purchases that small businesses may expense each year from the current $25,000 to $75,000. This change will eliminate the complexity and burdensome recordkeeping involved in depreciating such equipment and free up capital for small businesses to grow and create jobs.

The bill also increases the phase-out limitation for equipment expensing from the current $200,000 to $325,000, thereby expanding the number of small businesses that can qualify for section 179 expensing and the value of equipment that can be expensed currently. This limitation along with the annual expensing amount will be indexed for inflation under the bill beginning in 2004.

The equipment-expensing provisions will be effective for equipment placed in service in taxable years beginning after December 31, 2002.

By Mrs. BOXER (for herself and Mr. ALLEN):

S. 159. A bill to require the Federal Communications Commission to allocate additional spectrum for unlicensed use by wireless broadband devices, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today, Senator ALLEN and I are introducing the Jumpstart Broadband Act. The Act directs the FCC to set aside an additional 255 megahertz of spectrum in the 5 gigahertz band for unlicensed devices to use to deploy broadband connections. It also directs the FCC to establish rules to minimize interference in that spectrum among devices and to ensure that Department of Defense systems operating in that spectrum are not compromised.

We need this legislation to unleash the potential of new, exciting technologies that promise to deliver high-speed broadband connections wirelessly. Currently, congestion and interference from numerous devices such as cordless phones, ham radios, microwave ovens, ham radios and garage door openers is limiting the potential of these new networks. If we can tap the potential of high-speed broadband, then we can provide numerous benefits to the American people as well as create jobs in high tech industries.

I know that talking about megahertz and spectrum seems somewhat esoteric. But we strongly believe our bill will have real world implications for families, workers, and communities. Making additional spectrum available for new wireless broadband technologies will help make broadband connections more attractive to consumers by extending the reach of those connections. That means more people will sign up for wired connections, creating jobs in the turbulent telecommunications and high-tech industries. Also, as technologies thrive in this area, manufacturers will also create jobs producing and selling more devices to make the connections work.

One such technology is called wireless fidelity, or Wi-Fi for short. In the home, wireless networking can link all the digital products in your house, computers, printers, handheld organizers, DVD players, to each other and to the Internet without cables. Imagine a PC in the bedroom transfering songs to a music system in a car parked in the garage. Imagine an oven being turned on via the Internet by a worker stuck at the office, allowing him to get home to a meal that cooked while he or she commuted.

In rural areas, wireless technologies have the potential to allow communities to use signal repeaters to bring Internet connections to places where wires do not reach, or where the signal over the wire is too weak. Another possibility is that current or new technologies can be manipulated to extend the reach of the initial connection longer distances without repeaters. Our legislation will make all of those kinds connections more likely and reliable.

The benefits greater use of wireless broadband connections are numerous. For rural health clinics, for example, these new wireless connections would connect them quickly to resources at hospitals in cities hundreds of miles away. For schools anywhere, an efficient wireless connection would save them the cost of knocking down walls to wire the entire school.

Senator ALLEN and I circulated a draft of this legislation in November 2002 and the response we received from the technology and consumer electronics communities was very positive. We made some modifications to address the concerns that some in the cellular community expressed and worked hard to ensure that the new spectrum would allow a variety of new technologies to thrive with minimum rules of operation in the spectrum . Our first modification was to specify that the spectrum would be allocated in the 5 gigahertz band rather than below 6 gigahertz. The previous language was of concern to cellular companies that operate below 3 gigahertz. The second modification was to limit any new FCC rules only to rules that ensure robust and efficient use of the spectrum for broadband delivery devices.

It is our hope that this bill will provide the sparkplug necessary to help jumpstart the broadband market. I look forward to working on this bill with Senator ALLEN and the rest of our colleagues in the 108th Congress.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Jumpstart Broadband Act''.

SEC. 2. ENCOURAGEMENT OF NEW TECHNOLOGIES.

(a) UNLICENSED NATIONAL INFORMATION INFRASTRUCTURE DEVICES.—

(1) IMMEDIATE ALLOCATION OF SPECTRUM.—Within 180 days after the date of enactment of this Act, the Commission shall allocate not less than an additional 255 megahertz of contiguous spectrum in the 5 gigahertz band for unlicensed use by wireless broadband devices while ensuring that Department of Defense devices and systems are not compromised.

(2) INTERFERENCE PROTECTION.—Within 180 days after the date of enactment of this Act, the National Telecommunications and Information Administration shall, after consultation with all interested agencies and parties, including the Department of Defense, establish standards for interference protection that is reasonably required to enable incumbent Federal government agency users of spectrum allocated under paragraph (1) to continue to use that spectrum, and advise the Commission of those standards.

(3) DEVICE REQUIREMENTS.—Within 360 days after the date of enactment of this Act, the Commission shall—

(A) with respect to spectrum allocation under paragraph (1), adopt minimal technical and device rules to facilitate robust

and efficient use for wireless broadband devices; and

(B) amend its rules to require that all wireless broadband devices manufactured after the effective date of those rules that operate in the spectrum allocated under paragraph (1)—

(i) be capable of 2-way digital communications;

(ii) meet the interference protection standards established under paragraph (2).

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) BROADBAND SERVICE.—The term ''broadband service'' means high rate digital transmission service—

(A) via cable modem, digital subscriber line, wireless, satellite, or other telecommunications technology; and

(B) capable of reliably transmitting voice, data, and/or video simultaneously between and among digital devices and between these devices and the Internet, on a consistent basis, at data transfer rates no slower than those defined from time to time by the Commission.

(3) WIRELESS BROADBAND DEVICE.—The term ''wireless broadband device'' includes—

(A) U–NII devices (as defined in section 15.403(i) of title 47, Code of Federal Regulations); and

(B) other devices used to access wireless broadband services.

(b) TERMS DEFINED IN THE COMMUNICATIONS ACT OF 1934.—Except as provided in subsection (a), any term used in this Act that is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153) has the meaning given that term in that section.

Mr. ALLEN. Mr. President, today I rise to introduce and present to my colleagues the Jumpstart Broadband Act of 2003. I am happy to be the lead Republican sponsor of this legislation and I want to thank my colleague from across the aisle, Senator BOXER, for working with me on this positive important issue.

The goal of the Jumpstart Broadband Act is to create an environment that embraces innovation and encourages the adoption of next-generation wireless broadband Internet devices. Most important, our legislation will build confidence among consumers, investors and innovators in the telecommunications and technology industries to eventually make the broadband dream a reality.

Unfortunately, we are all too familiar with the recession in the telecom sector. Analysts estimate that over the last 24 months approximately 500,000 jobs have been lost. Debt loads in the telecommunications sector range from anywhere between $500 billion to $1 trillion dollars. Since 1999 approximately $2 trillion dollars in market value has been lost in the telecom sector.

We know that promises of the Internet doubling every 100 days were never realized. Fanciful expectations like these have left this country with Internet bandwidth capacities that no levels of demand can sustain. Unfortunately for investors and the industry the ''if you build it, they will come'' business model did not materialize and is the primary reason the telecom and technology sectors are in a weak economic state.

Over this past few years Congress, and specifically the Senate, have been locked in debate over the best approach to promote and encourage widespread broadband adoption. There is no doubt that consumers, businesses and government officials fully recognize the importance of broadband to our communications capabilities and the economy. Indeed, the proliferation of next-generation broadband Internet connections will reinvigorate growth in the technology and telecommunications industries and improve our lives.

Economists at the Brookings Institution estimate that widespread, high-speed broadband access would increase the national GDP by $500 billion annually by 2006. Full deployment of broadband will substantially change and significantly impact every aspect of our society. Whether in education, healthcare, commerce, entertainment or government services; broadband deployment is a key aspect to improving this nation's overall economy and competitiveness.

However, the current debate over broadband has focused only on two platforms, Digital Subscriber Line, DSL, and cable and the regulatory treatment of those services. This perspective fails to consider that alternative modes or other technologies are available that can jumpstart consumer driven investment and demand in broadband services. I think it is beneficial to shift the policy discussion away from this debate and focus on something positive Congress can do that fosters innovation, stimulates the technology and telecom sectors, and encourages the adoption of broadband services.

The Jumpstart Broadband Act seeks to create an environment where alternative modes of broadband communications can be created and deployed into homes, schools, public places and businesses by making more spectrum available for exciting, new unlicensed wireless technologies. In doing so, the legislation directs the Federal Communications Commission, FCC, to set aside an additional 255 megahertz of spectrum in the 5 gigahertz band for unlicensed broadband devices. This allocation will harmonize wireless devices in the United States with the international allocation in countries like Japan, Brazil, Canada and Europe. The 5 gigahertz band also contains favorable propagation and power levels to provide reliable wireless service. Our legislation also directs the FCC to establish minimum rules of interference protection for devices in that spectrum and to ensure that Department of Defense systems operating in that spectrum are not compromised.

Our legislation complements and encourages the exciting work being done in the area of Wireless Local Area Networks, WLANs. Also known as Wireless Fidelity or WiFi, this technology provides wireless broadband service operating in the unlicensed spectrum bank with up to 10 megabits of capacity and an always-on connection. WiFi is a technology driven platform, viewed by many as a possible answer to wire-line limitations and obstacles that exist in the current marketplace. WiFi however is only the beginning and this legislation will create an environment where cognitive radios and dynamic frequency selection of technologies can grow and innovate to offer services that are unimaginable today.

While I support a competitive telecommunications environment and have been an advocate for federal deregulation, the Jumpstart Broadband Act of 2003 moves the policy discussion away from this stagnant maginot line battle and offers an alternative invigorating approach that encourages innovation and creates confidence in the market.

Providing a way to jump start high speed broadband Internet access through the adoption of wireless broadband devices is vital to helping us keep pace with the new global economy. The benefits to Americans would include more jobs, increased productivity, improved health care delivery, and more accessible education. Our economy needs it, our technology sector needs it, and the American people will benefit from these new and innovative technologies.

I have been working together in a bipartisan fashion with Senator BOXER, and I am hopeful by also working with technologists, the Federal Communications Commission and the Department of Defense, we can move forward to create an alternative that promotes broadband adoption using advances in technology and spectrum efficiency.

By Mr. BURNS (for himself, Mr. BAUCUS, Mr. HATCH, Mr. BUNNING, Mr. KENNEDY, Mrs. CLINTON, Mr. SCHUMER, and Mr. GRAHAM of South Carolina).

S. 160. A bill to amend the Internal Revenue Code of 1986 to allow the expensing of broadband Internet access expenditures, and for other purposes; to the Committee on Finance.

Mr. BURNS. Mr. President, I come to the floor today with my colleague from Montana to introduce legislation to provide tax incentives to accelerate the deployment of ''broadband'' high-speed Internet access across the country. Broadband is an issue about which I feel very strongly, and upon which I will be very focused this year as chairman of the telecommunications subcommittee of the Commerce, Science and Transportation Committee.

Although many urban and suburban areas now have access to a broadband

connection, many rural areas still do not. And that places rural areas at a disadvantage in a number of ways in terms of economic development, educational opportunities, health care and numerous other applications. By creating a financial incentive to encourage broadband providers to extend their networks into rural and other underserved areas, we can help overcome that disadvantage.

The bill will create a temporary tax incentive for providers in the form of ''expensing,'' allowing an immediate deduction of a capital expenditure in the first year of service rather than depreciating that investment over time. In the case of ''current generation'' broadband investments in rural and underserved areas, the bill will allow 50 percent expensing of the investment, with the rest to be depreciated according to normal depreciation schedules. And where providers build out ''next generation'' broadband networks, which are typically more expensive, the bill will provide for 100 percent expensing.

This legislation generally mirrors the broadband tax credit legislation introduced by my friend from West Virginia, Senator ROCKEFELLER, in the last Congress. I want to thank the Senator from West Virginia for his leadership on this issue. The only difference in that bill and the one we are introducing today is the form of the incentive, expensing rather than tax credits.

I am proud to tell you that the first broadband tax incentive in the Nation occurred in great State of Montana. In 1999, Montana enacted a broadband tax credit, which was in effect for 2 years. In those 2 years it had very positive results. Here is a quote from one of our public utility commissioners, Bob Rowe, in one of our State newspapers, The Missoulian, in June 2001, describing the effect of the Montana broadband credit:

> The results are impressive. Dozens of projects were awarded tax credits, most of them in rural Montana, places like Circle, Crow Agency, Superior and Big Timber. Projects included DSL, cable modems, and wireless. They also included projects to provide ''redundant'' access that is critical to many technology businesses in case service goes out.

That is the kind of effect which a broadband tax incentive can have. Circle, Crow Agency, Superior and Big Timber are not large metropolitan areas. They are small communities of a few hundred people. If a broadband incentive can have that kind of effect in those places, it can have that kind of effect anywhere.

Now, what has happened to the Montana broadband credit? Like many other State tax breaks all across the Nation, it has been suspended, not repealed, but suspended, because of the current budget shortfall which the state is facing, which is exactly why we should consider a Federal broadband incentive at this time, when we are beginning the process of crafting a package of growth measures to put our economy back on a solid footing.

And I firmly believe that broadband can have a positive effect on our economy. A number of very solid studies lead me to this conclusion. A study conducted by economists at the Federal Reserve Board concluded that information technology accounted for over 60 percent of the productivity growth occurring from 1995 to 1999.

During the first half of the 1990s, the average productivity increase was only 1.5 percent per year. Then, when the Internet began to be widely used, average annual productivity jumped to 2.8 percent in the second half of the decade. That is a very significant increase, and it occurred largely from the ''network effect'' of linking our computers. Now, what broadband will do is allow us to use those linked computers for much more advanced applications, video conferencing, real-time collaboration on large computer files, telemedicine, distance learning, etc.

And, for those of us from agricultural States, we should be aware of the applications that our farmers and ranchers might use: Remote livestock sales, remote monitoring of irrigation facilities, tele-veterinary, etc. Anyone who thinks farmers don't care about technology should spend some time on today's modern farm, and they will learn that American agriculture is one of the most innovative industries in the world.

Let me give you an example. Deere and Company, the farm equipment maker, has supported legislation of this type. Others may dismiss this company as they just make tractors. However, if you were to talk to them, you would learn that the tractor of tomorrow, indeed of today, has a lot of high-tech equipment on board that, as it drives through the fields, gathers information on plant conditions and soil conditions and moisture content and so forth.

And that is incredibly valuable information to a farming operation. But to really use that information, you need a broadband connection to send it from the tractor to, say, a plant specialist a hundred miles away. Without that broadband connection, it will take a very long time to transmit the data, which makes it a lot less useful.

One economist, Robert Crandall of the Brookings Institute, has estimated that accelerated deployment of broadband will generate up to $500 billion in economic growth annually. Talk about an economic stimulus. I think we would all be delighted to have that happen, and I believe we should take steps to allow it to do so. This legislation is an important step in that direction.

And one important reason for us to encourage more broadband investment is international competitiveness. A number of other countries, like Japan and China, are now making much greater investments than the United States in optical fiber and other advanced telecommunications infrastructure. Japan is now the world's largest purchaser of fiber, much of which is going to deploy fiber-to-the-home. In 1 month last year, they wired more homes with fiber than we did in the entire year.

And although China has been playing catch up on building out their Internet backbone, they are doing so at a very fast pace and could soon overtake Japan as the world's biggest fiber market.

It is also happening in Europe. The Government of Sweden has dedicated $800 million for broadband deployment in rural areas of the country, while they have already wired much of Stockholm with fiber-to-the-home. Last year, France announced that it would invest $1.5 billion on broadband infrastructure over the next 5 years.

I believe it is extremely important that the United States not fall behind in telecom and Internet technology, and a financial incentive of the type provided by this legislation will help ensure that we do not.

Let me briefly describe the specifics of the bill. As I said earlier, it provides 50 percent expensing for investments in rural and underserved areas of ''current generation'' broadband technologies, which are defined as those delivering at least 1.0 megabits per second of information downstream to the subscriber, and at least 128 kilobits per second upstream from the subscriber.

It provides 100 percent expensing for investments in ''next generation'' broadband technologies, which are defined as those delivering at least 22 megabits per second of information downstream to the subscriber, and at least 5 megabits per second upstream from the subscriber. It is technology neutral, it makes no difference if you are using as your medium copper wire, coaxial cable, optical fiber, terrestrial wireless, satellite or something else. If you deliver the threshold speeds, you are eligible for the benefit. And it sunsets in 5 years. The intent is not to provide a permanent benefit to the telecom sector, but rather to provide incentive to build out new infrastructure within a short time period.

And so that my colleagues and the public can read the specifics themselves, I ask unanimous consent that a copy of the bill be printed in the RECORD.

Let me just conclude by saying that I believe this is important legislation, and I hope that my colleagues will join in supporting it. I look forward to working with my home State colleague, Senator BAUCUS, and also Senator ROCKEFELLER and others to ensure that we push it through the Congress

this year and send it to the President for signature.

Mr. BAUCUS. Mr. President, I am pleased to join my friend and fellow Montanan, Senator BURNS, in introducing the Broadband Expensing Act. Montana has led the way in the innovation of a tax incentive to promote broadband deployment to rural and underserved areas. And today, Senator BURNS and I are continuing to work together to provide Montana and the Nation with the tools it needs to stay on the cutting edge of communication technology.

My top goal for my State and the country is to help boost our economy and create more good paying jobs. This bill will help to do that.

The Broadband Expensing Act will allow businesses to depreciate their capital investment quicker, allowing them to deploy next generation networks at a faster pace. In short, the benefits are two-fold: businesses will benefit by receiving an incentive to roll out their network into rural areas. And customers will benefit by being able to send and receive massive amounts of data much faster than before.

The ability to communicate clearly, quickly and effectively is vital to a healthy economy. The Internet has been an incredible innovation, but its abilities are limited by an outdated infrastructure. Much of the network still relies on the same copper wire that Alexander Graham Bell used when he first designed our telephone system.

It is time to update that infrastructure to soup up the copper wire, to soup up coaxial cable, to move to optical technologies, and to develop new wireless products.

As many in the industry have told me, our communications network is slowly being upgraded all across the country—but often not in rural America. The main reason is cost. Companies are in business to make money, and if their costs are too high, they are reluctant to make the investment. But rural Americans deserve the same kind of high-speed service that urban Americans have access to.

Long ago we determined that rural Americans deserved the same basic services electricity, telephone and transportation—and we found creative ways to provide them with those services. Now it is time to ensure they have access to broadband as well.

In addition to helping us bring ''current generation'' broadband to rural and underserved areas, this bill that Senator BURNS and I have introduced will help us move to the ''next generation'' of broadband state-of-the-art systems that carry much greater amounts of data than copper wire and coaxial cable.

It is fitting that we introduce this bill today, as we are beginning discussions about an economic stimulus package. Boosting broadband service across the country is one more way to boost the economy and bring more jobs to our rural areas. Broadband will help ensure that our productivity remains high and that our citizens receive the best services modern telecommunications have to offer.

The potentials of broadband are limitless. From telemedicine to distance learning to video conferencing. In rural areas, we will find even more ways to use broadband, such as tele-veterinary services, remote monitoring of crops or on-line livestock auctions.

And I want to echo Senator BURNS concerns about international competitiveness. A recent study by the Organization for Economic Cooperation and Development found that the United States is now sixth in the world in broadband penetration. Two years ago, we were third. Last year, we were fourth. Now we are sixth, behind South Korea, Canada, Sweden, the Netherlands and Belgium.

We need to move back up the ladder. The United States invented the Internet. We invented the computer. We invented optical fiber. We invented many of the devices upon which the Internet depends. So we can't allow ourselves to fall behind in high-speed Internet service.

I also want to thank my colleague from West Virginia, Senator ROCKEFELLER, for his important work on the broadband tax credit legislation. I look forward to his reintroduction of that important bill and working together to provide Americans with broadband incentives.

Let me conclude by asking my Senate colleagues for their support of this bill that will stimulate broadband investment around the country. Every single American, urban or rural, rich or poor, young or old, deserve access to this new and exciting technology. I look forward to working with Senator BURNS and others to get this legislation enacted this year.

Mr. HATCH. Mr. President, I am pleased to rise today to join my colleagues from Montana in introducing the Broadband Expensing Act. If enacted, this legislation would bring economic growth to rural America, and it would help bring community benefits to rural and underserved areas of the Nation, including many in my home State of Utah.

I think it is striking that most Americans still rely on very outdated telecommunications infrastructure, the same copper wire we have used for decades, for their connection to one of the most important communications innovations in history, the Internet.

This is true in my home State of Utah, where the telecommunications infrastructure has not kept pace with the growing number of high-tech firms, manufacturing companies, and very sophisticated workers. Our major metropolitan areas, of course, have access to high-speed Internet services. But the connections to most homes and many businesses have not been upgraded, meaning that data signals hit a bottleneck there and slow down dramatically.

Consequently, many wonderful Internet applications, such as video conferencing, large file sharing, telemedicine, and distance learning, are ineffective or unavailable. And this is certainly true outside the metropolitan areas of Utah, in the rural communities that are found all over the State.

One way to help overcome this situation is to offer a financial incentive to encourage broadband providers to extend their networks to underserved areas of the Nation. That is what this legislation would do. It would help broadband providers reduce the cost of new infrastructure. But it is important to note that they will only receive the benefit of this incentive if they actually build new infrastructure and actually provide broadband service. No new broadband network, no tax benefit. That is eminently fair and reasonable, and it is good tax and public policy.

This is a two-tiered tax incentive. Companies that bring new ''current generation broadband'' to rural and underserved areas would be able to expense, or write-off, half of their investment immediately. Companies that bring new ''next generation broadband'' to those rural or underserved areas, or to other residential areas, would get to write off immediately 100 percent of their investment.

What is ''current generation'' broadband? It is essentially cable modem, digital subscriber line, DSL, or wireless broadband service, and is generally five to ten times faster than a dial-up connection. Current generation broadband brings photo images to a computer screen very quickly, and allows the use of simple video applications. ''Next generation'' broadband, on the other hand, is hundreds of times faster than dial-up and allows television-quality images to flow from one computer to another.

In many rural areas of the Nation, dial-up service is all that is available. Current generation broadband is available in many urban and suburban communities, but still generally unavailable in rural areas. And next-generation broadband is only in its infant stages, available to fewer than 100,000 homes in the United States.

This legislation is well crafted to meet the broadband needs of the Nation. It would help spur current generation broadband deployment in areas of the Nation still relying on dial-up, but it would not provide tax incentives to areas that already have a broadband connection. And it would help spur the deployment of next generation broadband everywhere, since that level of service is available to very few people in the country today.

I look forward to taking a leading role in helping move this bill through the Finance Committee and the Senate. I am confident that this legislation will make an important contribution to the construction of a 21st century telecommunications network that will serve the Nation well.

By Mr. HOLLINGS (for himself, Mr. INOUYE, Mr. DORGAN, and Mrs. HUTCHISON):

S. 161. A bill to amend the Communications Act of 1934 to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, I rise today to introduce the Children's Protection from Violent Programming Act. This legislation is of vital importance to our young children and their families.

The purpose of the bill is to require the Federal Communications Commission to consider whether to institute a ''Safe Harbor'' during which gratuitously violent television programming could not be televised to America's children. Today, I am joined in this effort by several of my colleagues, Senators HUTCHISON, INOUYE, and DORGAN, who are all original cosponsors of the legislation. I have sponsored similar legislation in each of the last five Congresses and this same legislation was reported out of the Senate Commerce Committee during the 106th Congress by a vote of 17 to 1. I feel compelled to reintroduce this bill again to stem the tide of violent programming that is becoming more and more prevalent in our society. Unfortunately, violence in the media begets violence by our youths and we have an obligation to address this societal problem head on. We know commercial interests will not, so we must act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Children's Protection from Violent Programming Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Broadcast television, cable television, and video programming are—

(A) uniquely pervasive presences in the lives of all American children; and

(B) readily accessible to all American children.

(3) Violent video programming influences children, as does indecent programming.

(4) There is empirical evidence that children exposed to violent video programming at a young age have a higher tendency to engage in violent and aggressive behavior later in life than those children not so exposed.

(5) There is empirical evidence that children exposed to violent video programming have a greater tendency to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

(6) There is empirical evidence that children exposed to violent video programming have an increased fear of becoming a victim of violence, resulting in increased self-protective behaviors and increased mistrust of others.

(7) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

(8) There is a compelling governmental interest in channeling programming with violent content to periods of the day when children are not likely to comprise a substantial portion of the television audience.

(9) A significant amount of violent programming that is readily accessible to minors remains unrated specifically for violence and therefore cannot be blocked solely on the basis of its violent content.

(10) Age-based ratings that do not include content rating for violence do not allow parents to block programming based solely on violent content thereby rendering ineffective any technology-based blocking mechanism designed to limit violent video programming.

(11) The most recent study of the television ratings system by the Kaiser Family Foundation concludes that 79 percent of violent programming is not specifically rated for violence.

(12) Technology-based solutions, such as the V-chip, may be helpful in protecting some children, but cannot achieve the compelling governmental interest in protecting all children from violent programming when parents are only able to block programming that has, in fact, been rated for violence.

(13) Restricting the hours when violent programming can be shown protects the interests of children whose parents are unavailable, unable to supervise their children's viewing behavior, do not have the benefit of technology-based solutions, are unable to afford the costs of technology-based solutions, or are unable to determine the content of those shows that are only subject to age-based ratings.

(14) After further study, pursuant to a rulemaking, the Federal Communications Commission may conclude that content-based ratings and blocking technology do not effectively protect children from the harm of violent video programming.

(15) If the Federal Communications Commission reaches the conclusion described in paragraph (14), the channeling of violent video programming will be the least restrictive means of limiting the exposure of children to the harmful influences of violent video programming.

SEC. 3. ASSESSMENT OF EFFECTIVENESS OF CURRENT RATING SYSTEM FOR VIOLENCE AND EFFECTIVENESS OF V-CHIP IN BLOCKING VIOLENT PROGRAMMING.

(a) REPORT.—The Federal Communications Commission shall—

(1) assess the effectiveness of measures to require television broadcasters and multichannel video programming distributors (as defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 522(13)) to rate and encode programming that could be blocked by parents using the V-chip undertaken under section 715 of the Communications Act of 1934 (47 U.S.C. 715) and under subsections (w) and (x) of section 303 of that Act (47 U.S.C. 303(w) and (x)) in accomplishing the purposes for which they were enacted; and

(2) report its findings to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Commerce of the United States House of Representatives, within 12 months after the date of enactment of this Act, and annually thereafter.

(b) ACTION.—If the Commission finds at any time, as a result of its ongoing assessment under subsection (a), that the measures referred to in subsection (a)(1) are insufficiently effective, then the Commission shall complete a rulemaking within 270 days after the date on which the Commission makes that finding to prohibit the distribution of violent video programming during the hours when children are reasonably likely to comprise a substantial portion of the audience.

(c) DEFINITIONS.—Any term used in this section that is defined in section 715 of the Communications Act of 1934 (47 U.S.C. 715), or in regulations under that section, has the same meaning as when used in that section or in those regulations.

SEC. 4. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING THAT IS NOT SPECIFICALLY RATED FOR VIOLENCE AND THEREFORE IS NOT BLOCKABLE.

Title VII of the Communications Act of 1934 (47 U.S.C. 701 et seq.) is amended by adding at the end the following:

''SEC. 715. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING NOT SPECIFICALLY BLOCKABLE BY ELECTRONIC MEANS.

''(a) UNLAWFUL DISTRIBUTION.—It shall be unlawful for any person to distribute to the public any violent video programming not blockable by electronic means specifically on the basis of its violent content during hours when children are reasonably likely to comprise a substantial portion of the audience.

''(b) RULEMAKING PROCEEDING.—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that proceeding not later than 9 months after the date of enactment of the Children's Protection from Violent Programming Act. As part of that proceeding, the Commission—

''(1) may exempt from the prohibition under subsection (a) programming (including news programs and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 551(a) of the Telecommunications Act of 1996;

''(2) shall exempt premium and pay-per-view cable programming and premium and pay-per-view direct-to-home satellite programming; and

''(3) shall define the term 'hours when children are reasonably likely to comprise a substantial portion of the audience' and the term 'violent video programming'.

''(c) ENFORCEMENT.—

''(1) FORFEITURE PENALTY.—The Commission shall impose a forfeiture penalty of not more than $25,000 on any person who violates this section or any regulation promulgated

under it for each such violation. For purposes of this paragraph, each day on which such a violation occurs is a separate violation.

''(2) LICENSE REVOCATION.—If a person repeatedly violates this section or any regulation promulgated under this section, the Commission shall, after notice and opportunity for hearing, revoke any license issued to that person under this Act.

''(3) LICENSE RENEWALS.—The Commission shall consider, among the elements in its review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section.

''(d) DEFINITIONS.—For purposes of this section—

''(1) BLOCKABLE BY ELECTRONIC MEANS.—The term 'blockable by electronic means' means blockable by the feature described in section 303(x).

''(2) DISTRIBUTE.—The term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite, but it does not include the transmission, retransmission, or receipt of any voice, data, graphics, or video telecommunications accessed through an interactive computer service as defined in section 230(f)(2) of the Communications Act of 1934 (47 U.S.C. 230(f)(2)), which is not originated or transmitted in the ordinary course of business by a television broadcast station or multichannel video programming distributor as defined in section 602(13) of that Act (47 U.S.C. 522(13)).

''(3) VIOLENT VIDEO PROGRAMMING.—The term 'violent video programming' as defined by the Commission may include matter that is excessive or gratuitous violence within the meaning of the 1992 Broadcast Standards for the Depiction of Violence in Television Programs, December 1992.''.

SEC. 5. FTC STUDY OF MARKETING STRATEGY IMPROVEMENTS.

The Federal Trade Commission shall study the marketing of violent content by the motion picture, music recording, and computer and video game industries to children, including the marketing practices improvements described by industry representatives at the hearing held by the Senate Committee on Commerce, Science, and Transportation on September 13, 2000. The Commission shall assess the extent to which these marketing practices have improved under the model of self-regulation as recommended by the Commission in its September, 2000, report, Making Violent Entertainment to Children: A Review of Self Regulation and Industry Practices in the Motion Picture, Music Recording and Electronic Game Industries. The Commission shall report the results of the study, including findings, and recommendations, if any, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce within 18 months after the date of enactment of this Act.

SEC. 6. SEPARABILITY.

If any provision of this Act, or any provision of an amendment made by this Act, or the application thereof to particular persons or circumstances, is found to be unconstitutional, the remainder of this Act or that amendment, or the application thereof to other persons or circumstances shall not be affected.

SEC. 7. EFFECTIVE DATE.

The prohibition contained in section 715 of the Communications Act of 1934 (as added by section 2 of this Act) and the regulations promulgated thereunder shall take effect 1 year after the regulations are adopted by the Commission.

By Mr. MCCAIN (for himself and Mr. LIEBERMAN):

S.J. Res. 3. A joint resolution expressing the sense of Congress with respect to human rights in Central Asia; to the Committee on Foreign Relations.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the text of the Joint Resolution expressing the sense of the Congress with respect to human rights in Central Asia, be printed in the RECORD.

There being no objection, the joint resolution ordered to be printed in the RECORD, as follows:

S.J. RES. 3

Whereas the Central Asian nations of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan provided the United States with important assistance in the war in Afghanistan, from military basing and overflight rights to the facilitation of humanitarian relief;

Whereas America's victory over the Taliban in turn provided important benefits to the Central Asian nations, removing a regime that threatened their security, and significantly weakening the Islamic Movement of Uzbekistan, a terrorist organization that had previously staged armed raids from Afghanistan into the region;

Whereas, the United States has consistently urged the nations of Central Asia to open their political systems and economies and to respect human rights, both before and since the attacks of September 11, 2001;

Whereas Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are members of the United Nations and the Organization for Security and Cooperation in Europe, both of which confer a range of human rights obligations on their members;

Whereas, according to the State Department Country Reports on Human Rights Practices, the Government of Kazakhstan harasses and monitors independent media and human rights activists, restricts freedom of association and opposition political activity, and allows security forces to commit extrajudicial executions, torture, and arbitrary detention with impunity;

Whereas, according to the Department of State, the Government of the Kyrgyz Republic engages in arbitrary arrest and detention, restricts the activities of political opposition figures, religious organizations deemed ''extremist,'' human rights activists, and nongovernmental organizations, and discriminates against ethnic minorities;

Whereas, according to the Department of State, the Government of Tajikistan remains authoritarian, curtailing freedoms of speech, assembly, and association, with security forces committing extrajudicial executions, kidnappings, disappearances, and torture;

Whereas, according to the Department of State, Turkmenistan is a Soviet-style one-party state centered around the glorification of its president, which engages in serious human rights abuses, including arbitrary arrest and detention, severe restrictions of personal privacy, repression of political opposition, and restrictions on freedom of speech and nongovernmental activity;

Whereas, according to the Department of State, the government of Uzbekistan continues to commit serious human rights abuses, including arbitrary arrest, detention and torture in custody, particularly of Muslims who practice their religion outside state controls, the severe restriction of freedom of speech, the press, religion, independent political activity and nongovernmental organizations, and detains over 7,000 people for political or religious reasons;

Whereas the United States Commission on International Religious Freedom has expressed concern about religious persecution in the region, recommending that Turkmenistan be named a Country of Particular Concern under the International Religious Freedom Act of 1998, and that Uzbekistan be placed on a special ''Watch List'';

Whereas, by continuing to suppress human rights and to deny citizens peaceful, democratic means of expressing their convictions, the nations of Central Asia risk fueling popular support for violent and extremist movements, thus undermining the goals of the war on terrorism;

Whereas President Bush has made the defense of ''human dignity, the rule of law, limits on the power of the state, respect for women and private property and free speech and equal justice and religious tolerance'' strategic goals of United States foreign policy in the Islamic world, arguing that ''a truly strong nation will permit legal avenues of dissent for all groups that pursue their aspirations without violence''; and

Whereas the Congress has expressed its desire to see deeper reform in Central Asia in past resolutions and other legislation, most recently conditioning assistance to Uzbekistan on its progress in meeting human rights and democracy commitments to the United States: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that—

(1) the governments of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan should accelerate democratic reforms and fulfill their human rights obligations including, where appropriate, by—

(A) releasing from prison all those jailed for peaceful political activism or the nonviolent expression of their political or religious beliefs;

(B) fully investigating any credible allegations of torture and prosecuting those responsible;

(C) permitting the free and unfettered functioning of independent media outlets, independent political parties, and nongovernmental organizations, whether officially registered or not;

(D) permitting the free exercise of religious beliefs and ceasing the persecution of members of religious groups and denominations not registered with the state;

(E) holding free, competitive, and fair elections; and

(F) making publicly available documentation of their revenues and punishing those engaged in official corruption;

(2) the President, the Secretary of State, and the Secretary of Defense should—

(A) continue to raise at the highest levels with the governments of the nations of Central Asia specific cases of political and religious persecution, and urge greater respect for human rights and democratic freedoms at every diplomatic opportunity;

(B) take progress in meeting the goals outlined in paragraph (1) into account when determining the level and frequency of United States diplomatic engagement with the governments of the Central Asian nations, the allocation of United States assistance, and

the nature of United States military engagement with the countries of the region;

(C) ensure that the provisions of the foreign operations appropriations Acts are fully implemented to ensure that no United States assistance benefits security forces in Central Asia implicated in violations of human rights;

(D) follow the recommendations of the United States Commission on International Religious Freedom by designating Turkmenistan a Country of Particular Concern under the International Religious Freedom Act of 1998 and by making clear that Uzbekistan risks designation if conditions there do not improve;

(E) press the Government of Turkmenistan to respect the right of imprisoned opposition leader Boris Shikmuradov to due process and a fair trial and to release democratic activists and their family members from prison, and urge the Government of Russia not to extradite to Turkmenistan members of that country's political opposition;

(F) work with the Government of Kazakhstan to create a political climate free of intimidation and harassment, including releasing political prisoners and permitting the return of political exiles, most notably Akezan Kazegeldin, and to reduce official corruption, including by urging the Government of Kazakhstan to cooperate with the ongoing Department of Justice investigation; and

(G) support through United States assistance programs those individuals, nongovernmental organizations, and media outlets in Central Asia working to build more open societies, to support the victims of human rights abuses, and to expose official corruption; and

(3) increased levels of United States assistance to the governments of the Central Asian nations made possible by their cooperation in the war in Afghanistan can be sustained only if there is substantial and continuing progress towards meeting the goals outlined in paragraph (1).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 18—MAKING MAJORITY PARTY APPOINTMENTS TO CERTAIN SENATE COMMITTEES FOR THE 108TH CONGRESS

Mr. FRIST submitted the following resolution; which was submitted and read:

S. RES. 18

Resolved, That notwithstanding the provisions of Rule XXV, the following shall constitute the majority party's membership on the following standing committees for the 108th Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY: Mr. COCHRAN (Chairman), Mr. LUGAR, Mr. MCCONNELL, Mr. ROBERTS, Mr. FITZGERALD, Mr. CHAMBLISS, Mr. COLEMAN, Mr. CRAPO, Mr. TALENT, Mrs. DOLE, and Mr. GRASSLEY.

COMMITTEE ON APPROPRIATIONS: Mr. STEVENS (Chairman), Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mrs. HUTCHISON, Mr. DEWINE, and Mr. BROWNBACK.

COMMITTEE ON ARMED SERVICES: Mr. WARNER (Chairman), Mr. MCCAIN, Mr. INHOFE, Mr. ROBERTS, Mr. ALLARD, Mr. SESSIONS, Ms. COLLINS, Mr. ENSIGN, Mr. TALENT, Mr. CHAMBLISS, Mr. GRAHAM of South Carolina, Mrs. DOLE, and Mr. CORNYN.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. SHELBY (Chairman), Mr. BENNETT, Mr. ALLARD, Mr. ENZI, Mr. HAGEL, Mr. SANTORUM, Mr. BUNNING, Mr. CRAPO, Mr. SUNUNU, Mrs. DOLE, and Mr. CHAFEE.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. MCCAIN (Chairman), Mr. STEVENS, Mr. BURNS, Mr. LOTT, Mrs. HUTCHISON, Ms. SNOWE, Mr. BROWNBACK, Mr. SMITH, Mr. FITZGERALD, Mr. ENSIGN, Mr. ALLEN, and Mr. SUNUNU.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. DOMENICI (Chairman), Ms. MURKOWSKI, Mr. TALENT, Mr. BURNS, Mr. SMITH, Mr. BUNNING, and Mr. KYL.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. INHOFE (Chairman), Mr. WARNER, Mr. BOND, Mr. VOINOVICH, Mr. CRAPO, Mr. CHAFEE, Mr. CORNYN, Ms. MURKOWSKI, Mr. THOMAS, and Mr. ALLARD.

COMMITTEE ON FINANCE: Mr. GRASSLEY (Chairman), Mr. HATCH, Mr. NICKLES, Mr. LOTT, Ms. SNOWE, Mr. KYL, Mr. THOMAS, Mr. SANTORUM, Mr. FRIST, Mr. SMITH, and Mr. BUNNING.

COMMITTEE ON FOREIGN RELATIONS: Mr. LUGAR (Chairman), Mr. HAGEL, Mr. CHAFEE, Mr. ALLEN, Mr. BROWNBACK, Mr. ENZI, Mr. VOINOVICH, Mr. ALEXANDER, Mr. COLEMAN, and Mr. SUNUNU.

COMMITTEE ON GOVERNMENTAL AFFAIRS: Ms. COLLINS (Chairman), Mr. STEVENS, Mr. VOINOVICH, Mr. COLEMAN, Mr. SPECTER, Mr. BENNETT, Mr. FITZGERALD, Mr. SUNUNU, and Mr. SHELBY.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS: Mr. GREGG (Chairman), Mr. FRIST, Mr. ENZI, Mr. ALEXANDER, Mr. BOND, Mr. DEWINE, Mr. ROBERTS, Mr. SESSIONS, Mr. ENSIGN, Mr. GRAHAM of South Carolina, and Mr. WARNER.

COMMITTEE ON THE JUDICIARY: Mr. HATCH (Chairman), Mr. GRASSLEY, Mr. SPECTER, Mr. KYL, Mr. DEWINE, Mr. SESSIONS, Mr. GRAHAM of South Carolina, Mr. CRAIG, Mr. CHAMBLISS, and Mr. CORNYN.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. LOTT (Chairman), Mr. STEVENS, Mr. MCCONNELL, Mr. COCHRAN, Mr. SANTORUM, Mr. NICKLES, Mrs. HUTCHISON, Mr. FRIST, Mr. SMITH, and Mr. CHAMBLISS.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. SNOWE (Chairman), Mr. BOND, Mr. BURNS, Mr. BENNETT, Mr. ENZI, Mr. FITZGERALD, Mr. CRAPO, Mr. ALLEN, Mr. ENSIGN, and Mr. COLEMAN.

COMMITTEE ON VETERANS' AFFAIRS: Mr. SPECTER (Chairman), Mr. CAMPBELL, Mr. CRAIG, Mrs. HUTCHISON, Mr. BUNNING, Mr. ENSIGN, Mr. GRAHAM of South Carolina, and Ms. MURKOWSKI.

SPECIAL COMMITTEE ON AGING: Mr. CRAIG (Chairman), Mr. SHELBY, Ms. COLLINS, Mr. ENZI, Mr. SMITH, Mr. TALENT, Mr. FITZGERALD, Mr. HATCH, Mrs. DOLE, Mr. STEVENS, and Mr. SANTORUM.

COMMITTEE ON THE BUDGET: Mr. NICKLES (Chairman), Mr. DOMENICI, Mr. GRASSLEY, Mr. GREGG, Mr. ALLARD, Mr. BURNS, Mr. ENZI, Mr. SESSIONS, Mr. BUNNING, Mr. CRAPO, Mr. ENSIGN, and Mr. CORNYN.

SELECT COMMITTEE ON ETHICS: Mr. VOINOVICH (Chairman), Mr. ROBERTS, and Mr. THOMAS.

COMMITTEE ON INDIAN AFFAIRS: Mr. CAMPBELL (Chairman), Mr. MCCAIN, Mr. DOMENICI, Mr. THOMAS, Mr. HATCH, Mr. INHOFE, Mr. SMITH, and Ms. MURKOWSKI.

SELECT COMMITTEE ON INTELLIGENCE: Mr. ROBERTS (Chairman), Mr. HATCH, Mr. DEWINE, Mr. BOND, Mr. LOTT, Ms. SNOWE, Mr. HAGEL, Mr. CHAMBLISS, and Mr. WARNER.

JOINT ECONOMIC COMMITTEE: Mr. BENNETT (Chairman), Mr. BROWNBACK, Mr. SESSIONS, Mr. SUNUNU, Mr. ALEXANDER, AND MS. COLLINS.

SENATE RESOLUTION 19—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD INCREASE THE MAXIMUM INDIVIDUAL FEDERAL PELL GRANT AWARD TO $9,000 BY 2010.

Mr. FEINGOLD (for himself, Ms. COLLINS, and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 19

Whereas public investment in higher education yields a return of several dollars for each dollar invested;

Whereas higher education promotes economic opportunity and recipients of bachelor's degrees earn an average 75 percent per year more than those with high school diplomas and are also half as likely to be unemployed;

Whereas access to a college education has become a hallmark of American society, and is vital to upholding our belief in equality of opportunity;

Whereas for a generation, the Federal Pell Grant has served as an established and effective means of providing access to higher education;

Whereas over the past decade, the Federal Pell Grant has decreased by 20 percent in value and is now worth only 70 percent of what a Federal Pell Grant was worth in 1975;

Whereas grant aid as a portion of student aid has fallen significantly in the past 5 years;

Whereas in the past, grant aid constituted 55 percent of total aid awarded to college students and loans constituted just over 40 percent, but now grant aid constitutes 40 percent of total aid awarded and loans constitute nearly 60 percent;

Whereas the percentage of freshman attending public and private 4-year institutions of higher education from families with income below the national medium has fallen since 1981; and

Whereas in 2001, eligible Federal Pell Grant applicants grew by 8.3 percent in comparison with the projected growth rate of 2.5 percent, representing an increase in low-income students who now have access to college and causing a shortfall in funding for the Federal Pell Grant program: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should increase the maximum individual Federal Pell Grant award to $9,000 by fiscal year 2010.

ORDERS FOR WEDNESDAY, JANUARY 15, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, January 15. I further ask that following the prayer and pledge,

the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 10:30 a.m., with the time equally divided and Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Again, the hope is that on Wednesday we will pass the committee resolutions and begin the appropriations bill. Once we are able to begin the appropriations bill, all Senators should expect busy sessions, with votes each day. We will remain in session in order to complete that measure. I thank all Members for their cooperation.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:08 p.m., adjourned until Wednesday, January 15, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 14, 2003:

DEPARTMENT OF JUSTICE

EARL CRUZ AGUIGUI, OF GUAM, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF GUAM AND CONCURRENTLY UNITED STATES MARSHAL FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS FOR THE TERM OF FOUR YEARS, VICE JOAQUIN L.G. SALAS, TERM EXPIRED.

EUGENE JAMES CORCORAN, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE DANIEL C. BYRNE, TERM EXPIRED.

ALLEN GARBER, OF MINNESOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS, VICE CHARLES LESTER ZACHARIAS, TERM EXPIRED.

DEPARTMENT OF AGRICULTURE

VERNON BERNARD PARKER, OF ARIZONA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE. (NEW POSITION)

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. GEORGE W. CASEY JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN P. ABIZAID

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS F. METZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. WILLIAM M. JACOBS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. CORNELL A. WILSON JR.

SENATE—*Wednesday, January 15, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Blessed, omniscient God, You know all about us; our strengths and weaknesses, our hopes and hurts, our dreams and disappointments. We say with the psalmist, ''I commit my way to You, O Lord, and trust in You and You shall bring it to pass. I rest in You and wait patiently for You'' (paraphrase of Psalm 37:5,7).

We confess that so often instead of waiting for You, we wait to commit our needs to You, clutching them in the icy grip of our reluctance to trust You. Help us to believe that what we commit to You will come to pass in Your way and in Your timing. We need the peace of mind and body that comes when we do Your will and leave the results to You.

Bless the Senators with a great day because they, and all of us who work with them, have decided to rest in Your presence and wait patiently for You to work out what is best in all the challenges and opportunities of this day. Only what You bring to pass will last. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with the time equally divided and Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning there will be a period of morning business, as just mentioned, until the hour of 10:30 a.m., with the time equally divided and Senators permitted to speak and to introduce bills.

Shortly, I expect to have an agreement to allow us to go forward on the committee resolutions.

Following completion of the committee resolutions, we will turn to the appropriations bill. I understand amendments will be offered to that measure, and therefore Members should expect votes throughout the day today. If the committee resolutions take a little longer than expected—although, again, I anticipate us bringing those committee resolutions to a close shortly—it is my hope to begin consideration of the appropriations bill in the interim, until we can reach a final agreement on the two committee membership resolutions.

For the remainder of the week, if the Senate makes substantial progress on the appropriations bill each day—and I should add it is going to take a lot of focus and a lot of discipline to address these appropriations bills today, tonight, tomorrow, tomorrow night, and throughout this week—it is still possible that we could finish this week. If we are able to finish our business this week, then we will proceed with the recess next week as originally planned. But, as I have said before, if these items are not completed this week, we will resume the legislative session next Tuesday and remain in session until those items are completed.

I thank all Members in advance for their cooperation. I had the opportunity to talk to the Democratic leader last night after we closed, and I think, once again, we are making substantial progress in addressing the issues before us, in terms of organization as well as the Nation's business as we address the appropriations bills.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Nevada.

Mr. REID. While the majority leader is on the floor, as a matter of housekeeping, we have a number of Senators who wish to speak for at least a half an hour. I am wondering if it would be OK with the majority leader if we gave actually 30 minutes on each side to speak as in morning business, to take us a little past the 10:30 hour. Does the majority leader see any problem with that?

Mr. FRIST. I think that would be fine.

Mr. REID. I ask unanimous consent we do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I say to the majority leader, the Democratic leader even this morning indicated that he was extremely hopeful and confident we could work something out on an organizing resolution. Senator STEVENS was here this morning. I know he wants to move forward on the appropriations, and we do, too. We hope we can complete the work the leader has outlined.

Mr. President, that is all I have for the majority leader. I thank him very much.

Senator CONRAD is here and wishes to speak for 20 minutes. I ask Senator THOMAS: Senator CONRAD wishes to speak for 20 minutes. Do you wish to speak now?

If not, I ask unanimous consent that Senator CONRAD be recognized for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

THE ORGANIZING RESOLUTION

Mr. CONRAD. Mr. President, I thank my colleague, Senator REID, and I thank all of our leaders for working together. It appears now that we are on the brink of success for an organizing resolution. I must say, however, some of the rhetoric I heard yesterday I think was unfortunate. Talk about a coup in the Senate or in the United States—that is reckless talk. That is inappropriate talk. What has occurred here is a negotiation on the delicate subject of the organization of the Senate. At a previous time in just recent years, it took 6 weeks to have that negotiation occur. Nobody asserted that there was a coup occurring in this country. That is reckless talk. It is irresponsible talk. It may be good for headlines, it may be good for getting on television, but it does not serve this body well and it does not serve our country well. I hope colleagues will be more thoughtful in their use of language in the future.

THE ECONOMY

Mr. CONRAD. Mr. President, I rise today to talk about what the President has proposed in terms of an economic stimulus package or, as he now terms it, an economic growth package, because I think it is one of the key issues facing us and our country in the days ahead. As the chairman of the Budget Committee—at least until the new organizing resolution is adopted, at which time I will be the ranking member of the Budget Committee—I think I

have a special obligation to my colleagues to review what the President has proposed and to give my take on it.

I, along with my staff, have now given a detailed review to what the President proposes, and I have concluded that the President's proposal is, No. 1, ineffective with respect to giving stimulus to the economy;

No. 2, unfair in terms of its application;

And, No. 3, irresponsible because it will add almost $1 trillion to our national debt when we are already back into serious deficits and adding to the national debt right on the eve of the retirement of the baby boom generation. I don't believe this is a growth package. Indeed, I think it will inhibit growth because I believe it will put upward pressure on interest rates, and when the economy does resume stronger growth, higher interest rates will tend to choke off that stronger growth.

I started by saying I think the President's plan is ineffective with respect to stimulus. I said that, because if one looks at the total cost of his plan, which we estimate at over $900 billion—not the $600 billion that has been advertised but over $900 billion—with associated interest costs included, and, obviously, if you spend money or you reduce taxes, the interest costs to the Federal Government go up because you are adding to the debt. We are in debt now. We are paying interest on that debt. If you add to the debt you add costs.

It is stunning to me. But only $36 billion of this $900 billion cost in the President's plan is for this year. This year is the time we have economic weakness. This year is the time our economy needs to be stimulated. Yet only about 5 percent of the President's package—in fact, less than 5 percent—is for this year. That makes no earthly sense to me. If the rationale is the economy is weak and needs a boost, why would you only use 5 percent of the cost of your package for stimulus now?

Last year on a bipartisan basis, Democrats and Republicans on the Budget Committee in both the House and the Senate agreed on a set of principles to apply to a stimulus package. We agreed it ought to be effective immediately; that most of the money should flow in the first 6 months, and that it should have very little outyear effect to avoid adding to the deficit and debt. The President's proposal stands that set of principles on its head. When the President's plan was first introduced, they said it was going to give over $100 billion of lift to the economy this year. Then they changed that and said that it would only be about $58 billion. Now we have had a chance to do a detailed analysis of the President's proposal and we find that it is not $108 billion; it is not $58 billion; the lift to the economy this year is $36 billion. The President might argue it should be a little bit more than that because of the unemployment insurance legislation we have already passed. That is $3 or $4 billion. If you want to add that, fine. That would take us to about $39 billion. It doesn't change the point at all. Less than 5 percent of the cost of the President's plan is available this year. It is ineffective in terms of stimulus.

Second, it is not fair. It is not fair in its application. It is not fair in its distribution.

This chart shows the five quintiles—arranged in income order of earners in the United States. In other words, one-fifth of American taxpayers in each of these categories. We see the top 20 percent earn more than $68,000 a year. Under the President's plan, they get 78 percent of the benefit. But look at what other folks get. It is fascinating. The bottom 60 percent get less than 8 percent of the benefit. The top 20 percent get 78 percent of the benefit. The bottom 60 percent get less than 8 percent of the benefit. It is not fair.

In fact, the unfairness of this plan becomes even clearer when you look at the other distributional effects. This shows the benefit of the plan to those people in our society who earn over $1 million a year. Under the President's plan, they would get an average tax reduction of $88,873.

These are not KENT CONRAD's numbers. This comes from the Center on Tax Policy. This is their analysis of the President's plan.

Interestingly enough, the typical taxpayer—that 20 percent of taxpayers who are right in the middle—get an average benefit of $265. The President said this is fair. It is an interesting notion of fairness. I don't think it is fair. I don't think it is close to being fair to give to those who earn over $1 million a year more than $88,000 of benefit and to those who are right in the middle of the income stream in our society $265. The President says that is fair. That raises a mighty serious question about fairness.

It is ineffective. I think it is clear. Only 5 percent of the stimulus is available this year at the time when our economy needs a lift. I think it is abundantly clear it is not fair.

But even more serious, I believe, is the reckless nature of their proposal. How is it paid for? That is a question too little asked around here. How is it paid for? Here is the reality. Every penny of this proposal is being paid for out of the Social Security trust fund. The President says it is class warfare when anybody questions the fairness of his plan. I think the President is engaging in class warfare to propose taking $900 billion out of the Social Security trust fund to pay for a tax program that is overwhelmingly skewed to the wealthiest among us. That is wrong. It cannot stand and it should not be passed.

Not only does every penny come out of the Social Security trust fund, but it is going to dramatically increase the debt of our country.

You will remember in 2001 when the President told us that under his plan the debt of the country by 2008 would only be $36 billion. He was going to have a maximum pay-down of the debt. Events have proved quite otherwise. Instead of being virtually debt free, the President's policies are exploding the debt. We are not reducing the debt. We will be increasing the debt even more if we adopt the President's plan. The debt will stand at $4.7 trillion—nearly a $900 billion increase, if the President's plan is adopted.

I think we have to consider this in light of our overall circumstances. This chart shows surpluses and deficits without using Social Security funds for other purposes—something virtually every Member of this body has pledged not to do. The President pledged not to do it. Yet, what we see is we are already on a path and are now using Social Security to pay for tax cuts and using Social Security funds to pay for the costs of government.

If we look back over an extended period—back to 1992, and look ahead to 2012—back in the 1990s we were able to make progress on stopping the use of Social Security money for other purposes. We achieved it in 2 years. We didn't use any Social Security money for other purposes for 2 years in the Clinton administration. Now you can see we have plunged back into deficit and in a very dramatic and substantial way. The deficit this year is going to be in the hundreds of billions of dollars. If Social Security were not used, we would have more than $400 billion in deficit this year and be approaching $500 billion in deficit next year.

Looking ahead, this top line of the chart shows the current circumstance we face. You can see that we face deficits without using Social Security virtually the whole rest of this decade. If the President's additional tax cut plans are adopted, we will not escape from deficits the entire rest of this decade. Instead, we will be running massive deficits each and every year all of this decade.

Now, some say: Well, Senator, we have run big deficits before. We did in the 1980s, and we were able to escape from it. That is true. The difference now—and I hope colleagues are listening, because there is a big difference now—the difference is the baby boom generation poised to retire. And this is not a matter of projection. It is not a matter of conjecture. It is a matter of fact. The baby boomers are alive. They are going to be eligible for Social Security and Medicare. They are going to begin to retire at the end of this decade, and it is going to change everything.

Mr. DURBIN. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. DURBIN. On the question of the continuing deficits and the projections, I recall the Chairman of the President's Council of Economic Advisers suggesting a war in Iraq might cost us $100 billion and then it being kind of open ended as to what it would cost us to continue to occupy that nation and keep it under control for some period of time.

When we project out the deficits which you said you can see on the horizon, based on the President's tax cut and the current state of the economy, does it anticipate that kind of emergency situation where we would be involved in a war in Iraq or we would be involved in a long-term occupation?

Mr. CONRAD. I am glad you asked the question because in these projections the full cost of a war with Iraq has not been included. This only anticipates proposals the President has already made on spending and taxes, as well as an anticipated supplemental to cover the defense buildup that is currently underway, but it does not cover the additional cost of a war. Those numbers would add to the deficit and debt I have outlined here.

I might say to my colleague, it is true the President's Chief Economic Adviser said it could cost $100 billion, perhaps as much as $200 billion. In fact, if we are engaged in a 5-year occupation, the Congressional Budget Office has told us the cost would be in the range of $250 billion. None of those numbers are in these projections.

Mr. DURBIN. One last question. I know the Senator wants to complete his presentation.

So we can be certain that the baby boomers are going to arrive in need of Social Security and Medicare. That is coming. But we have this uncertainty when it comes to war and its cost, which could dramatically increase the deficit, money taken out of the Social Security trust fund, just as the baby boom generation comes of age and expects their benefits will be paid.

Mr. CONRAD. I don't know how to say this in a way that will catch the attention of my colleagues and catch the attention of the American people: We are headed for a train wreck of enormous proportion. We are headed for a circumstance in which the head of the Congressional Budget Office said we are headed for either unsustainable debt and an unprecedented tax increase to 30 percent of gross domestic product—that would be a 50-percent tax increase from where we are now—or the elimination of the rest of Government as we know it.

That is not a Democrat speaking. That is the head of the Congressional Budget Office, who is nominated and put in place by our Republican colleagues. He is telling the truth. The Comptroller General of the United States has given us the same warning. We are headed for a cliff, as a Nation, as a country.

Let me show you what that cliff is.

This chart shows that the Social Security trust funds face a cash deficit as the baby boomers retire. But the words do not capture what is really going to happen. ''Cash deficit'' sounds pretty cold and impersonal—not a very meaningful couple of words.

But here is what is going to happen. This chart shows where we are now. The trust fund is running surpluses. But in 2017, those surpluses turn to deficits. It is this money that is being used now to pay for those tax cuts, to pay for the defense buildup. But look what is about to happen. That trust fund, in 2017, as the baby boomers retire, is going to go cash negative, and then it is going to go cash negative in a huge way. It is going to achieve negative annual cash-flows of over $1 trillion a year.

Is anybody listening? Is anybody paying attention to where we are headed? And the President says: Dig the hole deeper. More tax cuts, tax cuts that cost hundreds of billions of dollars this decade but cost trillions of dollars at the very time this is happening. At the very time the trust funds go cash negative, he is saying: Cut the revenue more—even in the face of increased spending for defense and homeland security, even in the face of an attack on this country, even in the face of the prospect of war with Iraq, even in the face of a crisis with North Korea. It is not responsible. It does not add up. It is reckless. And it should not go forward.

And it is not just the Social Security trust fund. Shown on this chart is the Medicare trust fund. It has exactly the same pattern. We are running surpluses now—smaller than the surpluses in Social Security—but look what is going to happen in 2016. We are going to see, as the baby boomers retire, the costs mount geometrically, and the annual deficits approach $1 trillion in Medicare alone.

Is anybody paying attention? Is anybody thinking about where we are headed? Is anybody thinking about what this will mean to a future Congress and a future administration?

Economic growth? Absolutely. Stimulus package? Yes. We ought to take steps to strengthen the economy now. That makes sense. But we have to be very careful about the long-term effects of what we do because we are headed for a cliff.

Let me just conclude by saying, there are other stimulus packages out there that provide much more stimulus this year—the Baucus package, the Pelosi package—in comparison to the Bush package, but have much lower costs over the 10 years.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. I thank the Chair.

I hope our colleagues will think carefully about the consequences of what we do here.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding we have about 10 minutes left in morning business on the Democrat side before the Republicans have their time.

The PRESIDING OFFICER. Nine and one-half minutes.

Mr. DURBIN. I thank the Chair. If there is no one else on the floor, I would like to claim that time.

Mr. President, before Senator CONRAD leaves, I say to the Senator, thank you for your presentation. I hope those who are following this debate will reflect for a moment on what Senator CONRAD has brought to us this morning. He is the Democratic ranking member of the Senate Budget Committee. I am very proud of the work he does, and the American people should be grateful for the time he spends analyzing these tough issues.

I know at times it must be a lonely assignment because in this revelry we have about the President's tax cut and the President's so-called stimulus package, few people are really reflecting on the overall impact of this package on our economy.

What Senator CONRAD has told us this morning is very graphic because he has pointed out the fact that the President's package is fundamentally unfair, fundamentally unfair, in that the benefits he is providing for tax benefits are benefits that are, frankly, going to the wealthiest people in this country.

The argument has been made on the Republican side of the aisle that many people working for a living today are ''not paying taxes.'' I actually heard a Pennsylvania Senator, a Republican, say: You know, a third of the workers in America don't pay taxes. Well, I wish he would have a little conversation with those workers who would be happy to remind him they pay taxes every single day for every hour they work. They are payroll taxes, taxes that come right out of their paycheck. These are people struggling to keep their families together, trying to guarantee to their kids the same quality of life we all want to see in America.

The President has forgotten them. The Republican side of the aisle appears to have forgotten them. But we don't believe they should be forgotten. These are wage earners who, if given some resources through tax breaks, would end up spending that money to invigorate this economy and to move us forward again to get us out of this recession which just won't go away.

The President's people like to say: You mean the Clinton recession? We inherited that problem.

There is no question but that the statistics show the beginning of a downturn toward the end of the Clinton administration. But who would have

guessed we would be stuck in this rut on the side of America's economy for so many months under the Bush administration? By now we should have emerged.

Two years ago, the President said: I have the perfect formula. I am going to give you an economic stimulus package that will bring the economy back.

He persuaded this body and a dozen Democratic Senators to join him and vote for a tax package which I opposed, another tax package designed to cut taxes on the wealthiest people in America. As we look back on that decision, which has added geometrically to the debt and deficit with which we are coping, you have to ask the basic questions: Did it work? Is America better today? Is our economy moving forward? The honest answer is no, it didn't work.

So the President comes back this year and says: I have a magic formula that will move this economy forward, get us out of the recession, finally start restoring jobs in America, profitability to businesses, and portfolios will increase in size.

We say to the President: What is it?

He says: More of the same. Let us give tax breaks to the wealthiest people in America, and I just guarantee you that it will help.

It doesn't stimulate the economy. As Senator CONRAD and others have pointed out, most of the benefits the President wants us to enact really won't occur for many years to come. So we are going to give tax breaks to wealthy people, implemented over a long period of time, which will not have an immediate impact on this economy. We know they will have an immediate impact on the deficit and debt of America.

How can we in good conscience say to the American people that we are going to ignore the millions in the baby boom generation who have paid into Social Security their entire working lives, who have played by the rules and followed the law in anticipation that when they reached eligibility for Social Security, it would be there to help them? We ignore them if we enact the President's so-called stimulus package because what the President does is create a deeper deficit and greater national debt by borrowing from the Social Security trust fund just as we need it for the baby boom generation.

President Bush's economic stimulus plan betrays the baby boom generation. At a time when we promised them Social Security would be strong enough to provide the benefits for the baby boomers, the President is taking hundreds of billions of dollars out of the Social Security trust fund. It not only betrays that generation, it betrays their children and grandchildren, who will be saddled with that debt for years and years to come. Is that the legacy we want to leave? Think about it.

At this moment in our history, when we are this close to engaging in a war, with 130,000 American troops positioned to invade Iraq, with consequences unpredictable at this moment, with the ultimate possibility that we will be occupying that nation, trying to stabilize it for a long period of time, the President doesn't say: America, come together, unified; be prepared to sacrifice, stand behind the men and women in uniform.

He says to us: We can have it all. We can have our deficit. We can have our recession. We can have these tax cuts for wealthy people. We can pay for a war, and we can take care of Social Security.

Who in the world is watching the store down at the White House? Who is adding up the numbers? I am afraid people are not really taking cognizance of the reality of what we face. For once can we step back when it comes to tax cuts and say: Instead of being dedicated to leaving no millionaire behind, we are not going to leave any middle-income American behind? Wouldn't that be a much better dedication for this country?

Should we not take those who have been activated in Illinois and Ohio and across the Nation in the reserves and say: What are we doing in our tax package to help these people who are giving of their lives and sacrificing for the Nation? Should we not be providing tax benefits for them as opposed to the wealthiest people in America who will stay home and follow the war in Iraq on the nightly news?

I say to the President: Simple fairness dictates and the economy requires us to put a stimulus package together that is 1 year in duration, that is fair in terms of the tax benefits so the majority of benefits go to the majority of Americans to make certain that what we do ultimately will stimulate this economy, will not drive us deeper into debt, and will not sacrifice the Social Security trust fund.

If we stick to those principles, we can have an economic stimulus plan to help America. Otherwise, we are committed to a plan the President has already demonstrated will fail. This plan will fail, and it will fail at great expense not only to the baby boom generation but to their children and grandchildren.

I know some Republicans have said they have misgivings about this plan. That is encouraging. It is time we have an honest bipartisan discussion and say to the people in the White House: You have gone too far. You have suggested something not good for America, something that is not fair, something that does not move us forward.

That is the discussion we need. That is the bipartisan conversation in which we should be engaged.

Why are we not talking about dedicating our resources and time to things American families really care about? In Illinois right now, the No. 1 business complaint and labor complaint is the cost of health insurance. The yardstick by which I will measure the President's State of the Union Address is whether or not he has the political courage to step up and address this issue. If the President doesn't address the cost of health care in America, he is ignoring a major business expense and a major worry for families across the Nation.

He can talk about dividend taxes, tax breaks of $89,000 a year for millionaires, but for goodness' sake, help the average family pay for their health insurance, be sensitive to the fact that millions of Americans have no health insurance protection. These are things real families worry about every single day. They are not concerned about whether or not Bill Gates or his father have added tax benefits. They want to know if they can protect their kids, if they can protect their family with health insurance.

These are the real issues being ignored by this White House. I sincerely hope the Senate will not ignore them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise to speak in morning business.

The PRESIDING OFFICER. The Senator has that right.

CRITICAL ISSUES

Mr. THOMAS. Mr. President, we have heard some strong views, which, of course, is appropriate for the Senate. That is what we ought to be doing. We will always have a difference of view as to how we approach the problems that confront us. What we ought to do is approach some of those problems rather than stand in disrepair here for another few days and not do anything with the issues. But we will always have a difference of view. That is what it is all about.

It is interesting that the Senator from Illinois talks about a bipartisan solution when we have no bipartisanship at all in this Chamber. There can't be a word, there has not been a word, offered about any of these proposals without criticizing the White House. You can have a different point of view, but you don't always have to criticize the person who has a different point of view than you do.

We have a unique situation. We find ourselves with a difficulty in the Middle East, the challenge of war there. We have a challenge in North Korea as well. We also have an economy that has slumped. We have to do something about that. These are quite different situations than 2 years ago. We have to do some things that are different.

With respect to the economy, we need to do something. All I hear is criticism from the other side. I don't hear

a plan. I don't hear any proposal. I don't see anything happening except just criticism.

The fact is, we need to have a plan. The President has put forth a plan. His plan deals with the issue. Should it be altered? Could there be changes? Of course, that is always the case.

The fact is, there is a plan that has three main goals: To encourage consumer spending that will continue to boost the economy; to promote investments by individuals and businesses that will lead to economic growth and job creation; and to deliver critical help to unemployed citizens, which we have already done to some extent and need to continue to do.

The difference in point of view, apparently, as my friend from the other side of the aisle said, is they want to redistribute income and pass out money. That is their plan; $300 to everyone. And they talk about just doing it for 1 year. The fact is, what we need to resolve this problem is more investment and more jobs. Mr. President, $300 doesn't solve a family's problems; $300 doesn't solve anyone's future. But a job does, and jobs require investment. The President's proposal would speed up the 2001 tax cuts to increase the pace of recovery and job creation, encourage job-creating investments in small and large businesses by ending some of the double taxation and giving other incentives to invest. These are the kinds of things that create jobs, that will help people and provide for unemployed Americans, which we have done to some extent.

They talk about not doing anything immediately. They want to give somebody $300. Under the President's proposal to speed up tax relief, 2 million taxpayers would receive an average tax cut of over $1,000 in 2003; 46 million married couples would receive an average tax cut of $1,700; 34 million families with children would receive an average benefit of $1,400; 6 million single women with children would receive an average tax cut of over $500 immediately, this year; 23 million small businesses would receive tax cuts averaging over $2,000, which would help create more jobs and continue to move in the direction we would like.

There is a chart in today's Washington Times that compares the $300 with the things the Bush bill would do, and talking about a single person who makes an income of, say, $50,000, he gets more under the Bush plan. But more importantly, when you have a married couple, they get more like $1,700 as opposed to $600 or $300 each.

So we can have a different view as to how we do this, but two or three things are important. One is we get the facts out there as to what is really going to happen. Two is we have a plan that applies more than just the distribution and redistribution of money, and the other, that would create jobs to stimulate the economy. We have seen what economies can do in terms of deficits. No one hates deficits worse than I. I am probably one of the more conservative spenders here, but I believe when you have a turndown in the economy, you have to do some things differently, particularly when they are coupled with the problems we have overseas. But a strong economy will replace that and we have seen that happen in the past. The best way to deal with the deficit is to have that strong economy and to get it moving again.

Generally, the President's growth and job package provides for a short-term boost for the economy, creates jobs, promotes sustained and long-term economic growth. Accelerating the 2004, 2006 tax rates to 2003 will provide 28 million taxpayers with an average of $1,100. We don't hear that when we talk about it.

Mr. President, again, I respect the idea that we have different views as to how to deal with problems. I think it is very important that we make sure we get the facts out and, No. 2, if you disagree with it—and there is a problem as there is here—that there be an alternative, that there be some choices, and not just full-time criticism.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

TRIBUTE TO STEVE YOUNG

Mr. DEWINE. Mr. President, at this hour in Ohio, final tributes are being paid to Steve Young. I rise this morning on the Senate floor to pay tribute to Steve Young. He is an Ohioan who dedicated his life to keeping our communities safe and free from crime. Steve was well known and a well-respected figure in the law enforcement community; he was elected by his peers to serve as the national President of the Fraternal Order of Police. He held this position until his death from cancer last week, on January 9. Steve was just 49 years old.

Steve Young grew up in Upper Sandusky, OH, and was a graduate of Upper Sandusky High School. He joined the Marion City Police Department in 1976 and spent his entire law enforcement career as an active duty officer in Marion. It was in Marion that Steve first became a member of the FOP, joining lodge 24 in Marion. Steve later went on to serve as President of this local lodge in Marion.

Leadership in the law enforcement community came naturally to Steve as his hard work and dedication earned him the respect and admiration of his peers. Steve went on to become active in the Ohio State Lodge of the FOP and served first as Vice President and then as President of the State FOP, representing Ohio's 24,000 law enforcement officers. Through the Ohio State Lodge, Steve helped to create the Ohio Labor Council. This council created a model for improved labor-management negotiations in police forces—a model that has now been adopted in at least 14 other States.

Mr. President, Members of the Senate, Steve's leadership in the Ohio law enforcement community and his expertise in labor issues earned him a national reputation. In 2001, after serving 4 years as national Vice President, Steve was unanimously elected to serve as the national President of the FOP. In this capacity, Steve represented over 300,000 law enforcement officers nationwide and worked to protect the interests of our Nation's finest. This was, I can tell you, a job that Steve loved and one he did with dignity and pride.

While Steve Young had an incredibly successful career with multiple accomplishments, I also want to take a few moments to discuss my personal connection with Steve. I had the privilege of knowing not just Steve Young the police officer, but also Steve Young the man. Steve was a dear friend for many years. He was someone in whom I had a great deal of trust, and I was fortunate to be able to call on him as a trusted advisor.

Whether it was when I was Lieutenant Governor of Ohio or as a Senator, I had the opportunity to work with Steve for many years, and I have relied on him for advice and counsel. I consulted with Steve regularly on criminal justice issues, and I must tell you that his keen insights have helped shape nearly every piece of criminal justice legislation I have introduced in the Senate, and he helped me immensely when I was Lieutenant Governor carrying out the Governor's criminal justice agenda. Steve made a lasting impression on law enforcement both in Ohio and across our Nation. From pension plans to crime-fighting technology, Steve's foresight and vision have helped bring law enforcement into the 21st century.

One of the last times I saw Steve, he was here in Washington in July for a Judiciary Committee hearing. Fortunately, I had a chance to spend a few brief moments with Steve. That meeting reminds me again of Steve's humility. He was a humble man. He had no airs about him. He was quiet and, I must say, self-effacing. He didn't put on a show or try to impress people with his position or his power within the FOP. People felt comfortable around Steve because he was comfortable around them. He liked people and they liked him back.

At the same time, though, his affable nature didn't hide the fact that Steve Young was also a very strong man, brave, courageous, fearless, and tough as nails. After all, Steve Young was a policeman—exactly the kind of policeman I would have wanted by my side when I was a county prosecutor, the kind of policeman I would have wanted

helping me if I were a victim of a crime, the kind of policeman I would have wanted protecting my children and my grandchildren and my entire family.

That was Steve Young—a model for all law enforcement. Because Steve was so humble and unassuming about his work and his position as President of the FOP, many people don't realize just how many leaders relied on him for guidance and counsel. President Bush listened to him. In fact, the President called Steve shortly before his death. I think that shows how much respect President Bush had for him and how much he appreciated Steve's work and service to our Nation.

As I read through so many of the tributes written about Steve and spoken about Steve after his death, I was especially struck by a statement given by Chuck Canterbury, the FOP's national vice president. This is what he said:

> In his 11 years as President of the Ohio State Lodge, 4 years as national vice president, and his all too brief term as national president, Steve woke up each morning and went to work for the citizens of Marion City and the rank-and-file officers in every region of the country. He was as dedicated a man, an officer, and a friend as I have ever known.

I could not agree more. This quote illustrates why Steve Young was so special to so many people. He was a humble, dedicated man who devoted his career toward working for the good of his fellow officers, for the good of Ohio, and for the good of this Nation.

Steve's commitment to our community was evident in everything he did. Criminals were caught because of him, and crimes were, in fact, prevented. He was a protector. He was a leader. He was a good, decent, hard-working man for whom I have great respect and admiration.

As I think about Steve's short but full life, I am reminded of a very familiar passage from the Bible, a passage from St. Paul's second letter to Timothy in which St. Paul said:

> The time of my departure has come. I have fought the good fight. I have finished the course. I have kept the faith.

There is no question, Mr. President, Steve Young fought the good fight. He finished the course. He kept the faith. Steve Young lived a life of great achievement, both public and private, and we will miss him deeply.

My wife Fran and I extend our heartfelt sympathy and our prayers to the entire Young family, especially his wife, Denise; their sons, Staten and Steven; his sisters, Gloria, Kay, and Deborah; and his mother, Lillian. Our thoughts are also with all the police officers in Steve's extended family.

I thank the Chair, and I yield the floor.

Mr. LEAHY. Mr. President, Steve Young was a dear friend, an exceptional leader and a tireless advocate for law enforcement officers across the Nation. There are so many who will truly miss him, and I am one of them.

With 26 years of law enforcement experience, in 2001 Steve was elected National President of the Fraternal Order of Police, FOP, the world's largest organization of sworn law enforcement officers with more than 300,000 members in over 2,000 local lodges across the United States. An active police officer, serving as a Lieutenant in the Marion City Police Department of Marion, OH and an FOP member for 26 years, Steve was an innovative leader in law enforcement issues. Before he became FOP's National President, Steve was the organization's National Vice President for 4 years and served as Ohio's State FOP President from 1988 to 1999. For the past 15 years he devoted much of his time to the Ohio State Lodge's Legislative Committee. He graduated from the 185th Session of the FBI National Academy.

I was honored to work with Steve and the Fraternal Order of Police on many issues affecting rank-and-file law enforcement officers. Most recently we worked closely together in the last Congress on the top legislative priority of the FOP, the Law Enforcement Officers Safety Act. His powerful testimony before the Senate Judiciary Committee helped enormously as we worked to move this bill forward. He told how law enforcement officers are never ''off-duty,'' and described their commitment as dedicated public servants who are trained to uphold the law and keep the peace. He observed that whenever there is a threat to the peace or to our public safety, law enforcement officers are sworn to answer that call. Steve was dedicated to this legislation because he understood the importance of having law enforcement officers across the nation armed and prepared when they answer that call, no matter where, when, or in what form it comes.

Steve Young inspired me and so many others with his enduring dedication to making our communities safer and protecting the officers who are sworn to guard and serve the American public. Law enforcement officers everywhere, and everyone who had the chance to know him or work with him, lost a great friend and champion last night. Our hearts and thoughts and prayers are with his family and friends and associates at this time of sadness over this loss and remembrance of Steve Young's life.

The PRESIDING OFFICER. The Senator from Texas.

THE PRESIDENT'S STIMULUS PACKAGE

Mrs. HUTCHISON. Mr. President, I rise today to talk about the President's bold and visionary stimulus package, one that will promote jobs and growth in our country. One would have to admit to sleeping for the last 3 years not to have seen that we have had a very unstable economy. It has spooked investors. It has spooked retirees. People do not know what they can count on to live.

The President has said: I can sit here and twiddle my thumbs or I can do something, and I can do something bold that will do the most for the most people in our country.

The President did not say: I am going to only try to help one segment of our society. He said: I am going to try to help every segment of our society. That is why he put forward a very balanced plan and one that certainly will stimulate the economy.

I wish to talk about the income tax rate deductions. The income tax rate reductions were set in the bill that we passed 2 years ago that cut taxes, probably one of the largest tax cuts in the history of America. The bill provided that over the next 10 years, people would have income tax rate reductions that would allow them to keep more of the money they earned. This applies to every person in America who works—people who pay taxes at the highest level and people who do not pay taxes at all and yet get an earned-income tax credit, even if they are in the lower brackets. We want to help every single segment of working America.

We especially want to help those at the lower end because we do not want the many people coming off welfare to think that their lifestyle and their ability to live has gone down. That is why we have the earned-income tax credit for the very lowest brackets. These are people who do not pay taxes. Their wages are too low to pay taxes, but we give them an earned-income tax credit. They get money back to help them and give them the incentive to work and to continue working and to build their working lives so they can improve their incomes. That is expanded in the tax cuts that are envisioned by the President.

In the marriage penalty, for instance, we increase the amount one can earn by $3,000 and still get the earned-income tax credit. That is part of the President's plan. That is a bill I have introduced with Senator EVAN BAYH that would allow every married couple to double their standard deduction, and we would double the 15-percent bracket.

That helps people in the 15-percent bracket stay in the 15-percent bracket even if they get married to someone who makes about the same amount of income as they do. We do not want to penalize marriage, and we bring forward the marriage penalty reduction to January 1 of this year under the President's plan.

We also increase the earned-income tax credit. That is a very helpful part of this bill. We also decrease the rates

that every taxpayer pays, from the lowest to the highest levels, because we want everyone in America who is working and paying taxes, and people who are not paying taxes because they are not in a bracket, to have more money in their pockets to spend. We believe this is good policy. I think the President has been very bold in this.

I will be carrying the marriage penalty part of this bill. I carried the bill 2 years ago when we passed the tax cuts, and I certainly intend to try to bring it forward so it takes effect this year.

Senator BAYH and many others are cosponsoring this legislation, and I hope that we can finalize this when we are talking about the President's plan.

In addition, the President has suggested that we take away all tax on dividend income. A lot of people say: That just helps the rich. Let me talk about the dividend investment income part of this tax cut.

A tax cut on investment income particularly helps the elderly and others who rely on fixed incomes. More than half of all dividends go to senior citizens. With such pressures as rising health care costs, it is certainly critical that we let them keep more of their money. These tax cuts will help a broad cross section of Americans. For example, almost half of those who receive dividends have less than $50,000 in income.

I have talked with senior citizens who are very concerned that the retirement for which they have prepared, for which they have saved is not going to be enough to allow them to cover their expenses.

Interest rates and dividends are notoriously low, and then they are taxed. That is because our Tax Code has promoted a tax that is a double tax on dividends for people who give it and people who earn it. People who have already paid taxes on their income take that money after paying taxes and try to invest it in the stock market. Companies that have already paid tax on their income before they distribute also are hampered from giving dividend income. There is no incentive for them to do it because they have to pay tax on their income before they distribute. The people who receive it are receiving money on which they have already paid taxes. So we have a double taxation to the corporation, a disincentive to the corporation to pay dividends, therefore hurting the people who have invested and who are trying to prepare for their own retirement security. This leads to two unintended consequences.

First, it encourages investors to focus on returns through stock price appreciation which are taxed at the lower capital gains rate. So people are encouraged to invest in companies that might be riskier, and in many cases are riskier, than the more stable dividend-paying companies. As anyone can see from the collapse of stock prices in the high-growth sectors over the past 2 years, the current incentives in the Tax Code may not lead to the best investment decisions for people who are trying to prepare for their own retirement security.

Second, the double taxation of dividends encourages companies to raise capital by loading up on debt rather than issuing stock because interest expense on debt can lower a company's taxes while dividend payments do not. This leads to an increase in highly leveraged companies that then become at a greater financial risk when the economy slows.

America is increasingly a nation of investors. Today, one-half of U.S. households own stock. That has increased 60 percent since 1989. This is a good thing. It is good for the people of our country to say: I am going to try to make sure I have a retirement security for myself and my family. I am going to do it myself. I am going to take advantage of the Tax Code where I can invest in IRAs—and certainly 401(k)s, if one works for a corporation—to be able to invest tax free while they are still in the earning mode and then have something that will be a bigger nest egg when they retire.

We have encouraged people to invest for their retirement security, but our Tax Code today is not helpful. It is not helping them with interest income deductions. They cannot get any help on paying taxes on their interest, and certainly they have to pay full income tax rates on their dividends from corporations.

So where do people on fixed incomes go? What do they do to try to live and not go for help to their children or to the Government? Well, they do not have many choices right now. That is why the President is trying to spur the economy to encourage corporations to give dividends rather than going to the market and borrowing money. It will make the corporations healthier. It will encourage people to invest in corporations, thereby increasing the prices of stocks, which will stabilize the stock market, which is a key indicator of the economic growth in our country. It will also allow people to make these investments and know they are going to have a better chance of getting dividends.

If a corporation can pay dividends before taxes rather than after taxes, they will have more to distribute and it will be in their best interest to distribute. It will be an encouragement. If we pass this, I am going to be the first person to stand up and call on corporations to look at paying dividends instead of sitting on pots full of money or going out and borrowing in the market. They can do their part to help the security of our country by paying dividends, and I encourage them to do it. We need to give them an incentive to do it because right now it is a disincentive, both for the corporation and for the recipient of the dividends.

I also want to bring up another point that has been raised against the President's plan, and that is that we do not do anything for States. I disagree with that. I think it is absolutely wrong. My State, like most States in this country, is looking at lower revenues this year. My State mostly relies on sales taxes. We do not have an income tax so we rely on sales taxes. Everybody who has read a newspaper in the last 5 months knows we had a very slow holiday season. Consumers did not buy as much. Our retailers are suffering from that. So when we encourage people to spend by putting more money in their pockets, that is going to help our States as well. It is going to increase State revenues. It is a key help for States.

Secondly, in other parts of our appropriations bills, we are sending money to the States. We are sending money to the States for homeland defense. We are going to fund our first responders in our States on a population basis so that it will be a fair distribution of our assets at the Federal level to try to help our States and local governments deal with protecting our citizens from domestic terrorism. We want our citizens to have a trained police force and first responder force. We want our citizens to know that our water supplies are safe, that our transportation lines are safe. So we are going to give money back to the States to help them meet the needs of our citizens for homeland defense at the local level.

We are also trying to look at giving more money to the States in Medicaid. I am cosponsoring a bill by Senator ROCKEFELLER that would increase the Medicaid payments, making sure that our public hospitals that treat our Medicaid patients are fully reimbursed so they can stay in business and so our health care system will remain a great health care system for those who cannot afford it and those who can.

We want to also encourage people to have health insurance by allowing more trade associations to give health insurance options to their members because small businesses are not able to afford health care costs. If they are able to afford them, they are suffering even more. We are hearing of more small businesses that are dropping health care coverage for their employees because of the high cost of health care. So we are going to be doing some things that would benefit the States.

The President's package is a good one. It is a bold package, and it is a package that will stimulate our economy. If people know they are going to have money in their pockets, even if it is next year or the following year, they can plan. That is the key—being able to know what the Tax Code is, so people can plan accordingly and know what their savings are going to do.

So I applaud the President. I think he has been visionary in not sitting back and saying: I cannot do anything; we are going to let the market take its course. He is watching the stock market. He is watching the jobless rate. He is concerned about it. I have talked to him. He is very concerned about people who do not have jobs. It is probably the largest concern he has right now in addition to national defense and trying to make sure we make the right decisions in national defense for the security of our country. These are the two most important issues we are facing. So the President is trying to do something about them. He is trying to stabilize the market, give people more money to spend, and encourage corporations to make the capital investments that would create more jobs.

I applaud the President. I am going to support him, and I am going to do everything I can to see that we do not have rhetoric that says this is class versus class. This is for everyone. This is for more jobs. It is for more money to spend for people who are working and who deserve to keep more of the money they earn.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. DEWINE. Mr. President, I ask unanimous consent that the time for morning business be extended until noon and the time be equally divided in the usual form with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIV/AIDS FUNDING

Mr. DEWINE. Mr. President, I rise this morning to draw my colleagues' attention once again to an issue that is plaguing our world. That issue, of course, is the tragic global HIV/AIDS endemic.

The Los Angeles Times newspaper ran a particularly heartbreaking piece this past Sunday that detailed the HIV/AIDS crisis in Africa. I will take a moment to read an excerpt from this article, as it paints a very disturbing and very accurate picture of the reality of this global HIV/AIDS crisis. This is last Sunday's Los Angeles Times:

> The mother rises from her deathbed to bury her baby boy. She slumps in a wheelchair borrowed for the occasion, and an elderly relative must help hold her head up so that she can watch the body descend into the red earth.
>
> The casket is heartbreakingly small, and though Evelyn Matule weeps for her child, her eyes are dry. Sickness and despair have stolen her tears.
>
> Alfred is the second boy Matule has lost in a year to a disease also racking her body: AIDS. A toddler's coffin is mercifully inexpensive, but the earlier death left Matule and her family so strapped that they will serve only butter sandwiches to the few guests.
>
> On one side of the boy's grave in this township outside the city of Welkom in central South Africa are fresh heaps of loam, each new grave marked with numbered aluminum tags, baby rattles and prescription bottles for remedies that didn't save the victims. A dozen open graves lie to the right. In less than a month, they will be full.

Mr. President, this is the reality of AIDS. Today, one in every nine South Africans—that's 4.7 million people—has AIDS. Last year alone, 2.4 million people in sub-Saharan Africa died from AIDS. Furthermore, over 34 million children worldwide have lost one or both parents to AIDS or related causes.

As the LA Times article points out, the City of Johannesburg is expecting to have 70,000 burials a year by 2010—that's up from 15,000 burials just five years ago.

This is having a huge economic impact on the African Continent, both in terms of a reduced agricultural capacity and also just in terms of the costs of burials and funerals. As morbid as it may sound, there is, quite literally, a shortage of undertakers and cemetery space in Africa, and it is adding to an already tragic health crisis.

As we all know, Mr. President, HIV/AIDS is a global problem, with a huge impact and devastating impact in our own Hemisphere. I have seen it in Haiti, a nation with the second highest prevalence of HIV/AIDS in the world—second only to sub-Saharan Africa. My wife, Fran, and I have traveled to Haiti nearly ten times—and we are planning another trip for next week. We have seen, first-hand, the devastation of HIV/AIDS—we've seen the children, the babies, and the families. It is a true human tragedy.

An estimated 300,000 Haitians—and that is out of a population of only 8 million—are currently living with AIDS. According to the Centers for Disease Control projections, Haiti will experience up to 44,000 new HIV/AIDS cases this year. That is at least 4,000 more than the number expected in the United States, a nation with a population nearly 35 times larger than Haiti's.

This disease is having a profoundly devastating impact on Haitian children. Already, estimates suggest that HIV/AIDS has orphaned 163,000 children in Haiti, a number expected to skyrocket to between 323,000 to 393,000 over the next 10 years. Haiti also continues to suffer from an unbelievably high HIV transmission rate from mother to child, and, of course, two-thirds of the infants born with the disease, we know, will die within the first year.

This truly is a tragedy because we know that the transmission of HIV from mother to child can be substantially reduced with proper counseling and proper medication. The reality is that millions of children are dying, and we can do something about it. We must do something about this.

I was pleased, to join my friend and colleague from Illinois, Senator DURBIN, in leading an effort to show the Senate Appropriations Committee our support for increasing funds to combat this horrible disease. In a letter to the Committee signed by fourteen fellow Senators, we have asked for the full appropriation of $236.4 million in additional FY03 funds to fight global AIDS. This would bring our nation's total 2003 AIDS spending level to $1.5 billion—that's a 50 percent increase over 2002 levels.

Furthermore, I look forward to working with Majority Leader FRIST and Senator SANTORUM in the coming months to not only increase our overall contribution to fight global AIDS, but to work to ensure that our funds are being spent in the most efficient and effective ways.

At the end of the day, I believe that all of us in this Chamber are working toward the same objective—and that is to alleviate the continued suffering caused by this epidemic.

Quite simply, we have a moral obligation to do so, and I believe we must show the leadership by tackling the problem in our backyard and around the world. I thank all of my colleagues who have come to this Chamber in the past to talk about this issue and show their support for dealing with this problem. We must continue to act. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

THE PRESIDENT'S STIMULUS PLAN

Mr. CORZINE. Mr. President, I come to the floor this morning to speak once again on last week's proposals by the President with regard to the so-called stimulus plan. I think this is one of the very most important things we need to be debating right here on the Senate floor.

As the President and most of the Members of the Senate know, we just had another announcement of unemployment last week. We are at an 8-year high, 6 percent. We lost another 100,000 jobs in December. The number of people who are going on long-term unemployment without unemployment benefits is roughly 100,000 a week. Our capacity utilization is about 74 or 75 percent, well below historic averages. There is a real problem in our economy. We do not seem to put together our actions and our words.

I have heard some of my colleagues label the President's so-called stimulative program an economic sedative package. I don't know whether it is a sedative or not, but in my view it borders on antigrowth, antijob. It certainly is anti-State.

Without any question, from most people's perspectives, it has some serious distributional issues. If you believe

rising tides lift all boats, one wonders why we are targeting all of this stimulus, a significant portion of these benefits, to a very narrow segment of America's population.

Finally, maybe the most serious issue, it is reckless if you look at it in the long-term fiscal context. We are talking about taking another almost $1 trillion out of the fiscal flows that our Federal Government will receive to fund tax cuts and fund them at a time when we are approaching a war in the Middle East, when we have serious international challenges in North Korea, we have a tremendous need to make sure that our people here at home are secure. Homeland defense we hear talked about and talked about, and then we are not necessarily providing the resources to the first responders to make it happen.

Whether it is a sedative program or not, I think it is close. I don't think it is a stimulus. I don't think it is fair. I actually think it is reckless and imprudent with regard to our long-run fiscal health.

Let me go through a few points because I gave a rather lengthy speech last week with regard to a lot of these elements, and in more depth. That is in the RECORD. But I think it is important we have a repeated focus on the need to get stimulus into our economy and get our economy growing again, and I don't think this does it.

First of all, 90-plus percent of this program gets implemented after 2003. The need in the economy is today—the people who are losing their jobs or have lost their jobs, and see the weakness in the economy. It is today. Again, 190,000 jobs were lost in the last 2 months. The President has talked about creating only 190,000 new jobs in 2003. I think that speaks to how much focus is in the near term. I think it is absolutely essential to get going.

But that is not the real issue. Well over 50 percent of this program is in the dividend exclusion. Dividend exclusion puts money into a targeted, narrow segment of the American population in serious proportions. I will get to the fairness issue in a little bit. But the most undermining element of this program is it does something very simple; it takes cash off the balance sheets of corporations. If corporations are going to invest in jobs, if they are going to sustain jobs, if they are going to invest in new plant and equipment, how do they do that? They do it with the resources they have on their balance sheet. That is cash. That is what they have to have when they go to the bank to extend their ability to invest. That is how business works. If we are going to take cash away from corporations, how are they going to invest in growing America's economy?

Sure, some of the dividends are going to go through a process that then will allow them to trickle back into the economy somehow or another. Some economic theorists say we will have more particular focus or the best rate of return investments, but the fact is, our corporations are going to have less money to be able to expend on driving our economy. That is antigrowth. It is very clear and very simple. I believe this is its major flaw, given that this is the centerpiece of this argument the President is making.

The third piece is also very clear. Our States are in fiscal distress. Everybody knows it. I am sure the Presiding Officer knows his State is suffering from fiscal strain as well as anyone else. I know he has a high unemployment rate. I am sure the Medicare rolls are growing as is the need for charity care in our hospitals. Our school systems are stretched to meet mandates that we put down, the Federal Government, whether it is special education, IDEA, or now the Leave No Child Behind Act.

The fact is, we here in Washington put requirements on our States and they are running very large deficits. They have a constitutional responsibility to not run deficits, to run balanced budgets. So what are they doing? They are raising taxes. In the State of New Jersey, we just raised our property taxes. In some areas it is a 15-percent increase, in some a 2- or 3-percent increase, but the average is 7-percent increases. That goes to the middle class. Those are the people who actually need it and, by the way, are getting virtually nothing out of this dividend exclusion.

Here we have rising property taxes or cuts in services at our State level: $950 billion is the cumulative deficits of our State governments as we approach this coming year, and that is a major league drag on our economy. We are only putting in about $650 billion from this package that the President has proposed. I say that is antigrowth.

For the reasons I have discussed, this is a bad plan with regard to whether you are stimulating the economy or whether you are doing what the White House says, trying to create a growth plan. There is no way it is going to be stimulative when we are emphasizing raising taxes at the State and local level because the Federal Government is not accepting its responsibility when we are taking all this cash off the balance sheets of corporations that would be reinvested in the economy and when we are putting so little money into this year.

For all those reasons, this is clearly either a sedative or, I think even more seriously, an antigrowth problem.

On the fairness issue, you don't have to be into class warfare to say it is going to a very narrow segment of the economy. Let me give some statistics. The 10-year benefit of this proposal the President laid down, for people who make $1 million or more, is $900,000. That is what it is over 10 years.

For people, at least in New Jersey, who sort of consider themselves in the middle class, those earning $75,000 to $100,000 in adjusted gross income, the benefit is $18,500. That is 2.5 percent of what is going to the people at the top.

If you were in the more national average of what middle class is, the $30,000 to $40,000 range, it is $3,500 over 10 years.

And if you are one of those struggling at the bottom of our income classes—you are under $20,000—this is worth $50 over 10 years because you don't get the child tax credit the President is talking about. You didn't pay taxes. It doesn't mean anything to those people who would spend the most. It is not a refundable child tax credit, marriage penalty, all those things—they don't apply here. So we are leaving out broad swaths of our national population as we deal with how you are going to distribute this.

By the way, one wonders how many of our men and women who are going to the Middle East to surround Iraq, who sit on the border of North Korea, the 37,000 American troops, are going to benefit from a dividend tax exclusion. I find it very doubtful. In fact, I am going to come back to the floor with some very precise numbers.

What we are doing is rewarding those who are already doing well. And there is nothing bitter about people doing well. There were more millionaires made in the 1990s than there were at any time in the history of the country. But what we are talking about is just simple fairness. By the way, the people who are in the middle class and struggling to make ends meet in this country are the people who will spend money and drive the economy. They fill up that excess capacity.

There is a major fairness issue that once again ties to economic growth. I think we have an antigrowth package here, and it is pretty clear by any simple analysis of who spends money and drives the economy.

Finally, you can't get away from the serious considerations of long-term undermining of our fiscal health. We are going to put ourselves into a bad position. We already have taken $5.5 trillion off projected estimates of where our budget will be 10 years out—just, by the way, at the time the baby boomers are retiring and Medicare and Social Security will be at their greatest stress points. We are running deficits that are growing and growing and growing, and they are going to continue to grow. We are making that process worse. It is not $675 billion, because you have to put the interest against what you pay. That is another $300 billion over 10 years.

I know people are going to talk about dynamic scoring. I tried to deal with this by speaking to why I think this is antigrowth. The fact is, we are not putting money in the hands of people who

will turn around and spend it, and those estimates I think are risky to make. The fact is, we are putting in place a serious undermining of the revenues of this country at a time when we are talking about going to war. It is impossible to understand, in my mind, how we can take such an imprudent step of undermining the fiscal health of this country at a moment in time when the American people expect us to be protecting them, expect us to be supporting those people who are out there defending us, to make sure they have the equipment and all the kinds of things that will make a difference.

We are talking about a tax cut that goes almost entirely to the very high income people in this country. That is not class warfare. That is just telling it like it is with respect to how we are shaping our economic policy in this country. I think it has failed. I think it will fail. I hope we can have a real debate here on the floor of the Senate about how we can get our economy going. I think it is great that the President recognizes we have a problem. He clearly believes that. He changed his whole economic team and came out with a second stimulus plan. We need to get this economy moving so that it supports our national economic health here at home. That is not being done by this program. It is a sedative program, if not worse. It is antigrowth. It is certainly a mistake, and I hope I can come up with some of these figures just thinking about how many of our military men and women are going to benefit from a tax exclusion on dividends. I think it is misplaced. I think the American people know it is misplaced.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUNNING). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MICHIGAN CASE

Mr. DASCHLE. Mr. President, I read with interest today that the administration currently is considering what to do with regard to the so-called ''Michigan case'' before the Supreme Court. This is a watershed moment for the administration. They must decide whether they are for civil rights and diversity or not. They must make a very important choice, and whether or not they make the right choice depends in large measure on what happens in this particular case. Over the last several weeks we have heard the Republican leadership talk about how this is a changed party, and how Republicans have had a change of heart. To a certain extent, we know they have had a change of face. The question is whether or not this is truly a change of heart.

I was concerned with leadership comments made over the weekend, that while additional dialog may be important, there really wouldn't be a change in policy. There would be no change in policy on affirmative action, or on a number of issues relating directly to diversity. My hope is there may be a change of heart on hate crimes. We have had that vote over and over and faced Republican filibusters. I hope at a very early date we will have an opportunity to see whether there has been a change of heart.

I can't think of a better occasion for Congress and for the Republican leadership to be clear about their change of heart, than to support, for the first time, the hate crimes legislation. There certainly was not a change of heart when it came to judicial nominations.

Once again, almost immediately following these laudatory comments made by the Bush administration and our Republican colleagues toward civil rights leaders and the civil rights movement, the administration turned around and said now we are going to renominate Judge Pickering and renominate Judge Owen for the second highest court in the land. There is no change of heart there. There is no indication of a willingness to change past practices or policies.

If President Bush chooses to oppose the University of Michigan case, he calls into question the very commitment he claims to have made with regard to expanding opportunity for African Americans and for Hispanic and Native American students. All of us will be left to draw one conclusion. All of those words about promoting educational opportunity will have been just that. They will have been words.

Today's reports indicate the debate in the White House isn't about what decision to make. It appears they have already done that. It appears they will oppose the University of Michigan's effort to boost African American, Hispanic, and Native American enrollment. It seems, instead, the question they are struggling with is how to describe that decision.

If they put the weight of John Ashcroft's Department of Justice against the University of Michigan's diversity efforts, there is only one way to describe that decision: It is a slap in the face to America's minority students and to the colleges that seek not only to educate America but to reflect America's diversity.

Today is Dr. Martin Luther King's birthday. Had an assassin's bullet not taken his life, he would be 74 years old today; he might very well still be with us. Because of hatred and intolerance, he is not. But his words still are with us.

In 1948, at Morehouse College, he discussed the purpose of a college education. He said:

> The complete education gives one not only power of concentration, but worthy objectives upon which to concentrate.

He said:

> The broad education will, therefore, transmit to one not only . . . accumulated knowledge . . . but also the accumulated experience of social living.

If the administration chooses to stand against the University of Michigan, I fear they will be encouraging a decision that would deny tens of thousands of minority students that knowledge and deny millions of American students that experience.

THE PRESIDENT'S TAX PLAN

Mr. DASCHLE. Mr. President, I also want to comment, if I have another moment, on the recklessness of this administration in considering economic policy. The extraordinary recklessness of offering a tax plan, that has yet to be unveiled but was certainly outlined by administration officials, leaves me with a great deal of concern and I think ought to be a source of anxiety for the American people.

The President has said we need stimulus. Yet the plan he has outlined has almost no stimulative value at the very time when it is required. We lost 190,000 jobs in November and December. Mr. President, 190,000 jobs were lost. There are 190,000 families unemployed. That was just in the last 2 months of last year. And 2.2 million Americans have lost their jobs since the President was sworn in.

The Wall Street Journal, the other day, noted you have to go back decades to find an economic record as serious and, in many respects, as dislocating to working families as this one. Yet the President's so-called stimulus plan provides for 190,000 jobs in the remaining 11 months of this year. That is their figure. That is what they say they will generate. For the next 11 months, they will generate the same number of jobs, under their plan, that they lost in the last 2 months of last year.

How, in Heaven's name, can anyone suggest that is a stimulus? In fact, by their own acknowledgement, over 91 percent of whatever stimulative value there is in what the President has proposed does not take place until next year and the year after that.

So, No. 1, it fails with a capital letter F with regard to its stimulus value and its stimulus potential as we look at reviving the economy at the end of January of the year 2003.

The second question is: How fair is a plan of this kind? We are told we have 226,000 millionaires. We have 92 million people who fit the income category of $50,000 a year or less. Mr. President, 92 million Americans are in that category. And 226,000 are in the millionaire category in our country today.

Yet, under the President's plan, $20 billion goes to the 226,000 people; $15 billion goes to the 92 million people. How that can be described in any way, shape, or form as fair is something I can't answer, something I hope the administration tries to answer.

Also, there is a real question of fairness when it comes to sacrifice in this country. I have heard my colleagues—I know the Senator from Illinois and others, the Senator from Nevada—talk about the fairness question this morning. I think of fairness in a different context: not only economic but in the commitment to the country.

We are asking young men and women to go to the Persian Gulf and put their lives on the line, perhaps in the next few weeks. We are asking them to sacrifice, perhaps their lives, for this country. How in the world can we ask them to sacrifice their lives and turn around and tell every millionaire in this country: You get an $89,000 tax break at the same time—at the same time—not only this year but next year and next year and the year after that?

Where is the sacrifice? Where is the fairness? How, in Heaven's name, can we possibly look at one of those young troops in the face and say, you are going to sacrifice, but don't ask those who have wealth to do so?

There is also the economic question. If we are going to give a tax break to anybody, maybe we ought to give it to those who are asked to defend this country. If anybody deserves one, they do. Their incomes are maybe $20,000 a year. We have not calculated what little, if any, tax relief they are going to get, but here they are sitting in the Persian Gulf with little or no tax benefit at the very same time these 226,000 millionaires get $89,000 a year.

Certainly the ''Leave No Millionaire Behind Act'' is an appropriate title for the President's proposal. We are not leaving one millionaire behind.

There is also the question of recklessness. What makes this all the more troubling is that we are borrowing the money. Every dollar is borrowed so that we can turn right around and give it out in the form of fat checks to fat cats. It does not make sense. It does not make sense when you recognize that this is going to have a huge fiscal effect on every State in the country.

We have a deficit in South Dakota, a deficit that is unusual for our State. There are deficits in virtually every State. We are told the accumulated State deficits are now about $90 billion. And we are told this is going to exacerbate that debt by anywhere from $5 to $10 billion more.

So from the point of view of recklessness, I cannot imagine how anything could be more reckless than borrowing almost $1 trillion, when you calculate the interest costs associated with this tax plan, robbing Social Security and Medicare, and exacerbating the problems at the State level. This is not right. This ought not be done.

I am encouraged by some of the public comments made by many of our Republican colleagues with regard to their concern about this particular package of tax proposals.

I think anyone would have a right to ask: Well, what do the Democrats support? What is our plan? Our plan is very simple. It has five components.

The first is that it has to be immediate. We believe that if you are going to stimulate the economy in 2003, you ought to have policies that stimulate the economy in 2003, not 2004, 2005, or 2006.

We think it ought to be for 1 year. Let's focus on this year. If we need another stimulus in 2004 or 2005, let's focus on it in 2004 or 2005, but let's limit what we are going to do now to this year because we know we need it now—not a year from now but now.

Third, let's target it to where we can do the most good, not only from a fairness point of view but from an economic point of view. Virtually every single economist says, if you want to make sure you get the biggest bang for the buck, put it in the hands of those who will spend it, not in the hands of those who will save it. So we want to target these resources from a fairness point of view as well as from an economic clout point of view by ensuring that those in the middle incomes, $50,000 and $60,000 a year, get the benefit.

Fourth, we ought to make this a fiscally responsible proposal. How is it fiscally responsible that we would borrow nearly $1 trillion at a time when we are already $200- to $300-billion in debt? How is that fiscally responsible?

Let's limit the fiscal exposure. Keeping it for 1 year and in targeting the benefits, that is exactly what we can do.

Then finally, let's recognize that the States are in a very serious fiscal condition today, perhaps the worst fiscal condition they have been in, we are told, in 70 years. Let's ensure that we work with the States and create the kind of fiscal partnership that is required.

So there you have it—helping the States; limiting the fiscal exposure; targeting the benefits; ensuring that we do it this year; and making sure that it is immediate. Those principles will serve us well. I urge my colleagues on a bipartisan basis to adopt them.

Mr. REID. Will the Senator yield for a question?

Mr. DASCHLE. I am happy to yield.

Mr. REID. I listened closely to the Senator's speech on civil rights. I ask the Senator if there appears to be a pattern developing from our friends on the other side of the aisle? You will recall last year there were efforts made, and I don't know if they have dropped those efforts but it was spread through all the papers in the country that they were going to change title IX. That is the ability for women to be involved in sports. We had tremendous difficulty last year and the year before trying to get up the hate crimes legislation. We were stopped from doing that.

There is no group that is hurt more than minorities with not funding education the way it should be funded. Here on the floor the last few days it has been brought out that 34 percent of African-American teenagers are without jobs. These are kids who want to work.

We passed voter reform. Who is affected more than anyone else by our not funding that? The President promised us he would fund it. It has not come yet. The minority communities throughout America are affected by that.

The minimum wage, who is affected more? Women and minorities.

And finally, judges. We know the Judiciary Committee turned down one judge they thought had a very bad civil rights record. We have him leading the pack of renominations that have come forward.

I ask the leader, does there appear to be a pattern here, with just the few things I mentioned while the Senator was speaking, I jotted those down. Does there appear to be a pattern here that this administration is not concerned about women and other minorities?

Mr. DASCHLE. I would say to the distinguished Senator from Nevada that one would conclude there is a pattern. I was hopeful, given the President's public comments last month, that maybe that pattern would be broken, that maybe their words would be supported by their actions. But everything that has happened since the President uttered those words has been contrary to those words—the renomination of Judge Pickering, the unwillingness to commit the resources on education, at least so far, the unwillingness to support hate crimes.

Now we get the public report in the papers and in the media this morning, a determination to oppose the Michigan case on matters of educational diversity.

There is, without a doubt, a pattern. That pattern stands in stark contrast to the rhetoric. Rhetoric means nothing if actions do not support it. Unfortunately, so far, the rhetoric has meant nothing.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Utah.

THE ECONOMY

Mr. BENNETT. Mr. President, I have listened with some interest to the Democratic leader outline the Democratic attitude with respect to the economy and what needs to be done. I

think a few comments in response are in order.

I detect a particular misunderstanding in all of this debate on the part of the Democratic leader and some others on his side of the aisle. It is a misunderstanding that is understandable but one that needs to be cleared up.

He talks about jobs that have been lost and jobs that will be created as if the Government creates jobs. The Government cannot create jobs. If the Government could wave its magic legislative wand and in that process create jobs and prosperity, every government would do it. Every President, Republican or Democrat, every Congress, Republican or Democrat, if it had the ability by legislation to create jobs, would do it.

The fundamental problem that gets overlooked is that prosperity does not come as a result of government action. Prosperity comes as a result of activity on the part of individuals operating in a free economy. Because our economy is arguably the freest in the world, it is also the most productive in the world, creates the greatest amount of wealth and the greatest number of jobs.

If you want to go someplace where the hand of government is considerably heavier than it is here and see the result of it, go to Europe where they do many of the things that our Democratic friends think have to be done and, in the process, hold down the entrepreneurial spirit of the economy to such an extent that the net creation of jobs in Europe over significant periods of time is zero. Statistically if you want to get a job in Europe, somebody has to retire because that job has to be vacated before you can step into it. They do not know how to create new jobs and new economic activity.

We complain about the state of the American economy and, indeed, we are in what Chairman Greenspan has appropriately called ''a soft patch.'' But we need only look at other economies around the world to see how much more trouble they are in with more regulation, more taxation, and more governmental interference in the economy than we have.

The other misunderstanding that we get in all of these arguments about fairness is that somehow the economy is static or, as the mathematicians would say, a sum zero game. A sum zero game is a game in which for one side to win a point, the other side must lose a point. So you take one point lost and one point gained and add them up, and they add up to zero.

The assumption is that if a millionaire earns a dollar, it has somehow been taken out of the pockets of the poor. If one segment of the economy prospers, it has somehow been at the expense of another segment of the economy. It is a sum zero game.

So the Democratic leader is saying: It is not fair for Americans to be called upon to go to the gulf in a war circumstance while other Americans are earning $1 million, as if there were any connection whatsoever between those two activities.

Indeed, if Americans are not prospering on the economic side, there isn't any money to pay governmental salaries on the governmental side, whether for the military, civil service, or our own staff. The only reason we can receive salaries here, either as Members of Congress or our staff, is not because Government has created these jobs; it is because hard-working Americans have created enough wealth that taxation of that wealth can produce enough money to pay our salaries. We do not contribute directly to the growth of the economy, except as we maintain policies that allow those who do contribute to move in a free-market situation. Government can stifle growth. We can see that among the Europeans and, to a greater degree, in the former Communist countries, government can stifle growth.

But government cannot create growth. Government cannot create wealth. Again, if government could create wealth, every government would do it. Historically, wealth is created by two things. No. 1, accumulated capital, and then its wise use. If you are in a situation where no one can accumulate any capital, you are not going to have any growth and you are not going to have any wealth. But if you have a circumstance where people can accumulate capital and use that capital wisely, then you are going to have growth.

The second ingredient that must be there besides accumulated capital is risk taking. There is no wealth created unless somebody takes a risk somewhere along the way. Economics is about incentives.

What is President Bush's program designed to do? It is designed to increase the incentives to create wealth. The Democratic plan would diminish the incentives to create wealth. They might end up with what they would consider ''total fairness''—in other words, everybody would be equally poverty stricken and, by definition, that is fair, but nobody would be better off.

We have to ask the fundamental question as we are dealing with economic policy: What will produce the greatest amount of growth in the American economy? What will produce the greatest amount of wealth within the American borders? That is a very different kind of question than the Democrats want to ask. That is a very different kind of circumstance than they want to address. But at the base, if there is no creation of wealth, if there is no growth in the economy, there are no tax revenues, there is no money to distribute to all of the programs we all love so much and that we want to deliver home to our constituents.

It all comes down, fundamentally, to the sound nature of the economy itself. Once again, the two absolute essentials for economic growth are, No. 1, accumulated capital and, No. 2, rewards for risk taking. Let me give you a very simple, fundamental demonstration that comes out of a program that I have supported as long as I have been in the Senate and that many people around here support but many others know nothing about it. It is called the microloan program.

This is a real-life example that illustrates what I am talking about. A woman in a Third World country was living on absolutely subsistence wages. She got paid every day at the end of the day, just barely enough to keep her alive. She could not accumulate any wealth because she was not paid enough to save anything and she could not carry her salary from day to day. She was living under absolute subsistence conditions. Under the microloan program, enough money was made available to her in the form of a loan, accumulated capital. She didn't think of it as accumulated capital, but that is what it was. Someone had accumulated enough capital that they could loan her enough money to buy two chickens, a rooster and a hen. Out of those two chickens, representing accumulated capital, she began an egg business. She took a risk and somebody else took a risk in making her the loan. She took a risk. She got ahold of some accumulated capital and she began her own business. Today, that woman employs a fairly significant number of other women, and that woman proudly says: I have sent my child to college. No member of our family has ever gone to college in the history of the family. But because of the start I got with those two chickens—representing accumulated capital—and the risk I took to start that business—the incentive was there to take the risk—now we have created enough wealth that not only is my family prospering, other people are employed, and my children have educational opportunities that no member of our family has ever had.

Now, we don't have such an example here in America because, frankly, no one in America lives at the level of poverty at which she lived. We don't have that kind of example. But the principles are still there. If you can get people to accumulate capital—that is, not spend it all—and then use it wisely to create wealth, you will have a prosperous economy with many people working, paying taxes, and producing ultimately the kind of wherewithal that we need here to fund all the programs that we all love so much.

So the arguments we are getting over the President's economic plan ignore the fundamental question: Will this program produce growth in the economy, accelerated growth in the economy, over time? If the answer is yes,

then we should do it. If the answer is no, then we should not. It is as simple as that. The arguments based on a zero sum game mentality are that it is not right for this person to prosper if this one doesn't. It is not right for this woman to have these two chickens if there is somebody else who doesn't, so let's make sure nobody gets any extra chickens. This is shortsighted and it hurts everybody. If the economy as a whole is growing, that is longheaded, and it helps everybody.

As I have said before, during the 1990s, when things were booming, Chairman Greenspan came before the Banking Committee on which I sit—and also the Joint Economic Committee, which if we can ever resolve the organizational problems here, at some future point I will chair—and Chairman Greenspan was asked two questions. The first question I asked him. I said:

> In this time of boom, Mr. Chairman, can we assume that the business cycle has been repealed and that there will never be a period of bust?

He smiled a little wryly and said:

> No, Senator, we have not repealed the business cycle, and the bust is coming.

Now, it is not coming because of government. It was not coming because we did something on the Senate floor. It came because the business cycle always comes through a series of circumstances that I will describe in another speech on the floor. But the downturn that we had at the end of the boom was virtually inevitable, and to blame anybody in government for it is, frankly, political opportunism. The polls show that most Americans understand that. They don't buy the class warfare arguments that have been raised saying it was Bush's election that caused the downturn. It was caused by the excesses of the nineties. The downturn is a correction of those, and in the long term it is a healthy kind of thing.

The second question Chairman Greenspan was asked was:

> In this time of boom, who is benefiting the most?

The Senator who asked that question, obviously, had the answer already in his mind. The answer that he was going to give was the same answer we heard on the floor from the Democratic leader—that the people benefiting the most from this boom are the people at the top because, look, statistically, at all the money they are getting. This assumes the money went directly into their pockets and just stayed there.

Chairman Greenspan surprised the Senator by giving a different answer. He said: There is no question that in this time of prosperity, in this time of boom, in this time when things are going well, the people who are benefiting the most are the people at the bottom. They can find jobs because the money is there investing in new business, the money is there investing in new opportunities, and jobs are available. They do not depend on welfare checks anymore because they can earn money for themselves.

The greatest welfare benefit we can give anybody is a job. If the economy starts to slow down, who will get hurt the most? We have seen it. The people at the bottom. Yes, we need to do unemployment insurance, and we did. Yes, we need to do things to take care of them temporarily, and we have. But ultimately the best thing we can do for them is to get the economy growing again at the kind of rates we experienced after the Reagan tax cut in the early eighties and that we experienced in the tech boom in the midnineties.

If we can get the economy growing in that direction again, the people at the bottom will benefit far more than if we take a shortsighted 1-year focus attempt to redistribute wealth. That is why the Bush proposal is a serious proposal. Should it be changed? I do not know. Should it be debated and challenged? Absolutely. Should we be prepared to make changes if, during that debate and challenge, we decide something else needs to be done? Of course. But should it be dismissed out of hand just because it is long-term in its view and replaced with a short-term, stopgap ''let's take care of this year and not worry about the future'' sort of plan?

If we were to do that, Mr. President, who would get hurt the most? And the answer, of course, is the people at the bottom.

If we were to take the principles laid out by the Democratic leader as our guiding principles in economic policy, the people at the bottom would be the ones who would suffer. The best thing we can do for them, the best thing we can do for our children, the best thing we can do for our Government is to see to it that the entire economy grows in a strong, long-term, stable fashion. That is the principle that has guided the Bush team in their proposal, and that is the principle that should guide the Congress as it debates and analyzes that proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 10 minutes this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

OFFICE OF TOTAL INFORMATION AWARENESS

Mr. WYDEN. Mr. President, as the Senate moves to the spending bill, I rise to discuss briefly an amendment I will be offering. It is an amendment I discussed with colleagues on both sides of the aisle. It is an amendment that would limit the scope of the Office of Total Information Awareness. This is a program that is now being directed by retired Admiral John Poindexter, the former National Security Adviser to former President Reagan. It is one that raises a number of important issues that have arisen in our country since the horrific events of 9/11.

Given the fact that our country is engaged in fighting a war against an enemy without boundaries, clearly we must, as a Nation, take steps that constantly strive to balance the rights of our citizens against the need to protect the national security of our Nation.

My concern is the program that has been developed by Mr. Poindexter is going forward without congressional oversight and without clear accountability and guidelines. That is why I think it is important for the Senate, as we reflect on the need to fight terrorism while balancing the need to protect the rights of our citizens, to emphasize how important it is a program such as this be subject to congressional oversight and that there be clear accountability.

On the Web site of this particular program, the Total Information Awareness Program, they cite a Latin slogan: ''Knowledge is power''—something we would all agree with:

> The total information awareness of transnational threats requires keeping track of individuals and understanding how they fit in to models. To this end, this office would seek to develop a way to integrate databases into a ''virtual centralized grand database.''

They would be in a position to look at education, travel, and medical records, and develop risk profiles for millions of Americans in the quest to examine questionable conduct and certainly suspicious activity that would generate concern for the safety of the American people.

I am of the view the Senate has a special obligation to be vigilant in this area so we do not approve actions or condone actions by this particular office that could compromise the bedrock of this Nation—our Constitution.

I sit on the Senate Intelligence Committee. I know it is a difficult job to find and maintain the proper balance between constitutional rights and the need to thoroughly track down every valid lead on terrorism, but I will tell you, Mr. President, I think it is critically important that the Senate have oversight over this program and we make sure there is not a program of what amounts to virtual bloodhounds.

We need to make sure there are guidelines and rules so that there has to be, for example, evidence there is activity that could threaten the country before additional intrusive steps are taken and, second, that there are safeguards in place at a time when it is possible, because of modern technology and new databases, to share information very quickly.

The fact is much of this information is already being shared in the private sector, and that is why so many Americans are troubled about the prospect of losing privacy. What is of concern to many about the Office of Total Information Awareness is it will take the current policies that threaten the privacy of the American people and magnify those problems, given the fact we have not been informed as to what safeguards and constitutional protections would be in place when this program goes forward.

It is time for the Senate to put some reins on this program before it grows exponentially and tips the balance with respect to privacy rights and the need to protect the national security in a fashion that is detrimental to our Nation.

Clearly, to fight terrorism, we have to have the confidence of the American people. In doing so, we are protecting their rights. My concern is the Office of Total Information Awareness, as it is constituted today, tips that balance against the procedural safeguards that are needed to protect the rights of millions of Americans while fighting terrorism.

That is why I will be offering an amendment on the spending bill to limit the scope of the office. That amendment will not prevent those in the administration who support the program to come back at a later date and show why additional threats warrant additional action.

It will ensure that as this program is developed in its early days it is done in a fashion that is sensitive, with constitutional protections and safeguards, while still ensuring that our Nation can fight terrorism.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

EXTENSION OF MORNING BUSINESS

Mr. BURNS. I ask unanimous consent that the period for morning business be extended until 1:30 p.m., with the time equally divided, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

UPCOMING AGENDA

Mr. BURNS. Mr. President, this morning we are continuing to negotiate the reorganization of the responsibilities in this Senate. Those folks who observe the Senate and the goings on on the floor probably think there is not a whole lot going on, but it is kind of like a duck. He looks pretty calm and serene on top of the water, but under the water there is a lot of paddling going on.

As we work our way through this, it is hopeful we will come up with some kind of an agreement in the near future.

That being said, this morning we announced our agenda for the upcoming session as far as the Subcommittee on Telecommunications. I will share with my colleagues how these issues will rank and their importance. Last year, we passed a ''can spam'' bill out of committee. The bill came to the floor at the tail end of the session and was up for consideration in a package with a lot of other legislation, but it did not make it. It is broadly supported by this body. There is a similar bill in the House of Representatives which has to do with spam.

Spam is the unwanted mail that one gets in e-mail. Whenever one clicks on their e-mail, they see a lot of unwanted messages that are selling everything from shoelaces to whatever. This unwanted mail continues not only to plague our system and clog it, but in rural areas, especially like my State of Montana where some Internet users actually have to pay long distance fees to their server, it becomes quite expensive. In fact, American business is reporting that the cost of spam right now is going out of sight.

Before Christmas of last year, it was thought that around 8 percent of the mail a person received in their Internet was unwanted mail or spam. By December of 2002, just before Christmas, that figure grew to 40 percent of the mail a person found in their mailbox was unwanted. Another figure that sort of astounds all of us, it was estimated the average user of the Internet receives 2,300 pieces of unwanted mail in their mailbox.

Spam messages sent increased nearly 300 percent between the years of 2001 and 2002. This tells me it is time we pass this legislation and get it to the desk of the President. Junk mail sent will outpace other e-mail by at least the middle of this year, and 80 percent of the people online now say they find spamming very annoying.

That being said, we must pass this legislation. It is the first agenda item on my priority list, and we can do it.

I also remind Members, there are a couple of important meetings coming up this month and next that have to do with the Internet. February 12 is the Internet caucus. It is probably the most active caucus we have in the Senate. I am being told now some folks want to set up demonstrating units and vendors have to be turned away. That will be held in 902 of the Hart Building on February 12, starting at 5 p.m. It will be highly attended. I think we had a larger number of people at the planning meeting the other day than was anticipated, so there is quite a lot of interest in that.

The U.S. Asian Network kickoff will be January 27. Of course, that is just prior to the President's State of the Union Message that will be on January 28.

The head of the ruling party, Mr. Hyun of South Korea, will be there. He is part of that network. This was founded about a year ago to bring together the countries in the Pacific Rim and the Far East, because we feel the free flow of communications and technologies is a key to stability in the Far East. We are in this situation now with North Korea, and we feel the free flow of information and those technologies will somewhat diffuse that if people are informed. It will also address key areas such as privacy and copyright. All of those issues are very important to the communications industry.

A new caucus that was formed last year was the E–911 caucus. E–911 is enhanced 911, which is legislation that passed 2 or 3 years ago and was signed by President Clinton. I sponsored that bill, which was probably one of the better public safety bills we passed in Congress.

When a person has an emergency and dials 911 from their home, from a wired line, the one who fields that call has an immediate trace on that call and they know exactly where the person is when they report an emergency.

In the early days—and when I say early days, let's say around 1996 or so—if someone was a cellular phone user, using wireless communications, they could dial 911 and the person at 911 who received the call really did not know where to go. A person was liable to get the 600 Cafe in Miles City, MT, and they might be in southern California. It just did not know where to take someone who called 911.

We have dealt with that issue, making 911 the national emergency number, No. 1. No. 2, we want to put in place those technologies that when a person dials 911 from their cellular phone, they have the ability to be located.

In my State of Montana, under certain emergency conditions, we lose lives because we have to deal with distances, and also we do not know where a person is located. To give an example of that, there was a man involved in an automobile accident. He was south of Missoula, MT, which is over in the western part of the State, in the Bitterroot Valley. When he dialed 911, his call came into a communications center. When they asked him where he was, he said he was south of town. The operator, we are happy to say, said: What town? He says, Missoula.

Well, he had the operator in Miles City, and those two cities are 400 miles apart.

So working with Senator CLINTON of New York, the cochair of the E–911 caucus, we will have our first meeting on February 24. Any Member wanting to join that caucus because of their interest in 911, please join us to get this technology in place because it is superb legislation that helps us in our public safety.

This year, Members can also look for the debate to start on spectrum reform: How we handle our spectrum, how we allocate it, how we regulate it. It has been a long time since we have looked at spectrum allocation and management. There has been an agreement now between the Consumer Electronics Association and the television people that will advance or accelerate the deployment of high-definition television, or digital television, in the home. It was an industry problem they had to face. They faced it. The standards are now set in the private sector. The ''plug in and play,'' as they call it, of buying a digital television, plugging into the cable, and it works, and the customer will have digital television or high-definition television immediately should bring down the cost to the consumers as more and more digital televisions are offered.

We will have spectrum returned to the Government for reallocation. How we handle that spectrum, how we manage it, will be very important. There are a couple of studies completed and one more to complete. Mark my word, this will be an issue of high debate, although it will not be a front-page issue.

Yesterday, Senator BAUCUS, my colleague from Montana, and I introduced a new broadband bill. Last year, I was privileged to work with Senator ROCKEFELLER on the Commerce Committee as he had written a bill giving tax credit to those entities wanting to build out broadband technology, even in rural areas. In that bill, we used tax credit as an incentive. This differs a bit. I appreciate the efforts of my colleague from Montana in his position on the Finance Committee. This allows 50 percent expensing on the buildout expenses the first year and then would be spread over the full years of depreciation the 50 percent balance. In other words, all investments in the buildout of broadband technology can be expensed.

I urge my colleagues to look at this piece of legislation as it moves through the Congress. It is the key of the deployment of broadband technologies to every corner of the United States and availability to all consumers.

In rural areas, we are doing things differently in two different categories. One of them is rural health. Broadband technology becomes very important. In fact, it is the cornerstone of telemedicine and how we serve our aging population in rural areas. I have 13 or 14 counties that have no doctors at all. They are being administered to by physician assistants and nurses. The ability of telemedicine to diagnose and to serve those people in rural areas becomes very important.

Also, in the area of education is distance learning. A small school located on the prairies of eastern Montana should have the same learning opportunities as young people attending schools in a more urbanized area. Also, in the inner city where tax bases have been eroded, the quality of school has slipped, those young people attending school should be afforded the same learning opportunities.

We must look at ICANN, the organization that assigns names and areas of the Internet. That has to be reformed. I heard when I was home over the holidays about wireless privacy. By 2005, it is estimated there will be over 250 million users of cellular telephones. Not only does this cause a backbreaking demand for spectrum, but it cries for privacy. Now there are scanners being developed with which people can eavesdrop on your telephone conversation from a wireless phone. That is unacceptable. It is unacceptable to the American people and to me.

Regarding online privacy, we worked closely with Senator HOLLINGS in his privacy bill which we passed out of committee. It should be passed by this body.

Last but not least, we should look at universal service and reform. Universal service is that pot of money that allows companies to put telephones and communication devices into areas where they have very high expenses. It should be known to the consumer and also to the ratepayer how this is done. We also know that the fund is going down because of collections. I support strongly universal service. Of course it needs reforming. That will be on our agenda as we move through the year.

That should bring my colleagues up on our agenda in the Commerce Committee. I am happy to say the Presiding Officer has been instrumental in moving good communications legislation in the House. We welcome him to the Senate. We also welcome him to the Commerce Committee. I hope he will take a look at the Subcommittee on Communications. His talents will be beneficial to that committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

THE STIMULUS PACKAGE

Mr. NICKLES. Mr. President, I compliment my friend and colleague from Montana for his remarks about different things we can do to help the economy, including communications. Too many times when we in this body talk about impacting the economy, we are only talking about spending and revenues. We need to have broader vision, including telecommunications, including some areas that are suffocating the economy, such as asbestos litigation, such as liability for health care providers, whether that be doctors or hospitals. Those things handicap or in some cases greatly increase costs and cost a lot of jobs.

I will make a couple of comments concerning fiscal policy. Some colleagues on the Democrat side of the aisle have alluded to it and given their information. I will throw out a few facts. I have heard repeatedly that the President's economic growth package will only benefit a few. I disagree with that. If you happen to be married, if you happen to have any kids, they benefit very substantially. As a matter of fact, the President's proposals dealing with the growth package benefit families very well. He accelerates the per-child tax credit which we passed a couple of years ago and is now $600 and makes that $1,000.

In my family, we had four kids. They are grown, so I will not benefit from it. But if a young family has four kids, that is $4,000 on which they do not have to pay taxes. That is a $4,000 tax credit. Let me rephrase that. They not only do not have to pay taxes on it, they get a tax credit. If their tax liability is $4,000, they pay no taxes, no Federal income taxes. That is pretty generous. That is pretty good. That is very profamily. And the President is trying to accelerate that. His acceleration is an additional $400 per child. With four children, that is an additional $1,600 a year in Federal income taxes that family, that couple, will not have to pay. They can use that money for their kids' education and other expenses—medical or whatever. They have that choice; they can decide how to spend it.

Also, if it happens to be a family, the President is moving basically to eliminate the marriage penalty. By doing that, he doubles the amount of the 15-percent bracket. That is a big, positive advantage for a married couple. If they have combined incomes up to about $50,000 or so, they will be in the 15-percent tax bracket instead of the 27-percent tax bracket. That is almost half. That, in value, is at least worth—it is right at $1,000.

If you couple that with the per-child tax credit, moving up to a $1,000-per-child tax credit President Bush has enacted or will have enacted—and I expect it will be successful—those are the most profamily tax changes one could imagine.

When I hear this rhetoric, ''Well, that only benefits the superwealthy,'' and so on, I don't know what they are talking about. But if people have kids and they happen to be married, they are going to be at a 15 percent tax bracket up to $50,000-some and they are going to get a tax credit of $1,000 per child. That is pretty generous. That is pretty profamily. So I just mention that.

The idea of eliminating the double taxation on dividends is a good idea and one I hope we will be able to pass. It is one about which, I notice, our colleague JOHN KERRY, on December 3, said:

> . . . and we should encourage the measurement of real value of companies by ending the double taxation of dividends.

That statement was made on December 3, 2002, just about a month ago. He happens to be right.

I want to see somebody justify the value of this. What is appropriate about a corporation—I used to run one—having to pay 35 percent corporate income tax on any profits they make and then distribute those in the form of dividends to their owners, and then their owners also have to pay 30 percent or maybe even 38 percent or maybe 27 percent on top of the corporate 35?

If you add those together, you are looking at tax rates of 65, 70—over 70 percent. So if a corporation makes $1,000 in net profit and they want to distribute that to shareholders, the Federal Government is going to get 70 percent. How does that make economic sense?

It is a real discouragement to granting dividends, to distributing the proceeds, the earnings of a corporation. It encourages just the opposite. So if you are not going to do that, what shall we do? Let's go into debt. We encourage debt. We allow companies to deduct interest. That is deductible right off the top. So the net policy of the corporation, if it wants to expand, should they borrow money or go out and have a stock offering. Time and time again they say let's go deeper into debt, and investors are taught not to invest in companies that pay dividends. Let's invest in growth companies. They are more speculative, granted, and maybe as a result you see greater inflation and a bubble in the stock market and also a greater fall.

That certainly is what happened in March of 2002. We had greatly inflated stock values and they went way up and they went way down. That is one of the reasons why our revenues to the Federal Government have declined and declined so significantly.

People continue to misstate the facts. ''We have a deficit because of President Bush's tax cut that passed in the year 2001.'' That is not true. Revenues have declined. They have declined dramatically between the year 2000 and the year 2001 and the year 2002. In the year 2000, total Federal revenues equaled $2.25 trillion—over $2 trillion. The next year they went down about 2 percent, $1.991 trillion. In the year just completed, the year 2002, the total revenues were $1.853 trillion.

For the last 2 years, revenues combined have fallen by 9 percent. That is the first time that has happened almost in history. You might say why? Was that because President Bush was elected? No. There was a recession. There is a recession. It declined. That recession started, in my opinion, in March of 2000. The stock market started crashing in March of 2000.

So with great market devaluation, very rapid, in 2000, in 2001, and in 2002, it has had significant impact. Markets have gone way up and they have gone significantly down. Hopefully now we are starting to see some increases in the markets. But that is what has caused the big reduction in revenue. There is a recession. There has also been a war. There has been the terrorist attack.

I hope my colleagues will stick to the facts and say: We had a recession, revenues went down, what are we going to do about it? I guess some are proposing we could have tax increases. I don't think that would help the situation. Now most people are agreeing let's have some stimulus type of growth package. What can we do to grow the economy? The President said let's be profamily. Let's offer a per-child tax credit, eliminate the marriage penalty. I hope we will be successful. He's also said let's accelerate the existing rate cuts that were passed in 2001.

By doing that, he says, instead of just having another point reduction, a 1 point reduction in 2004 and another 1 point reduction or 2 point reduction in 2006, let's accelerate those and make them effective this year. And he's exactly right.

I hear this rhetoric from our colleagues: That only benefits the wealthy. Just a couple of comments are in order. If you look at the tax cuts we passed in May or June of 2001, on the low income tax cuts, we made those effective retroactively. We reduced the 15 percent tax bracket to 10 percent, and we didn't do it effective on the date of passage; we did it effective retroactive to January 1 of that year. We didn't do that for the other rates. We did it for the lowest rate. So everybody got a tax cut, they got 100 percent of the tax cut on the low-income side. If you were in a tax bracket that paid 15 percent, say you were an individual who had a taxable income of up to $10,000, $14,000, you were in a 15 percent tax bracket up to $22,000, we made that rate, in many cases, for a large portion of that, 10 percent, and we made it retroactive.

If you were in that category, you got 100 percent of the rate reduction tax cut and you got it retroactive. The upper incomes we didn't make a 5 point reduction in 1 year, we didn't go from 10 to 15. Upper incomes, all the other rates—all the other rates we moved down by one point. If you were at the 28 percent tax bracket, you went to 27; if you were 33, 32; if you were at 39.6, you went to 38.6. That is a pretty marginal rate reduction, for all the rhetoric we hear about class warfare and benefiting the wealthy, if you have a 1 percent rate reduction when you are wealthy and if you are lower income you got 5. The President said: Let's accelerate the remaining cuts for 2004 and 2006, make them effective January 16 this year—and he's right. At that point the highest rate on personal income tax, Federal personal income tax, would be 35 percent.

I know we will hear that benefits Warren Buffett or whoever, but the net result is you are going to have a lot of individuals paying 35 percent. Guess what the corporate income tax rate is. It is 35 percent. Why should individuals pay more than corporations?

I might mention, for about 70 percent of the people who are in the highest income tax bracket, they are businesses, small businesses. I used to run a small business. Why in the world should they be taxed at rates higher than big corporations? That's the present Tax Code. We need to change that. The President has proposed changing that and he's exactly right. Those are the companies that are behind most of the people in the upcoming years. If you want to grow the economy, let's have a rate that at least is not higher than for corporations, for individuals, for sole proprietors, for partnerships and others. That would make good sense.

I think the President has offered us some good packages. I mentioned small business. Small business would be able to expense up to $75,000. The present law is $25,000. I think Senator BAUCUS has proposed something similar to that. That is a good proposal. That is probusiness. That is pro small business. It will allow businesses to be able to expense items over a shorter period of time and they will make more investments. That will create more jobs.

I think we ought to stick to some facts and think about how we can grow the economy. I don't think we should be near as partisan as some of the rhetoric I have heard on the floor already. Usually we let the President submit his budget and his plans, but it is being denounced almost on a daily, almost an hourly basis by some of our colleagues.

I hope we tone it down and we look at the facts and we consider various alternatives. If people have different ideas, let's consider those. We can vote on different ideas. Let's try to figure out how we can get the maximum bang for the buck in helping the economy, in growing the economy, in helping the most people. How can it be a long-term positive tax change?

So I hope the Senate will return to its great tradition. The Finance Committee has always been a bipartisan committee.

It was in 2001 when we passed the President's first tax bill. I hope and expect it will in 2003 under the chairmanship of Senator GRASSLEY. I hope our colleagues will say let's work together and let's tone down the partisan rhetoric that we have heard so stridently early in the year and work together to see if we can't do some positive things to help grow this economy and help a lot of people get jobs.

That is what the point really is—not pointing the finger and saying the recession really started in 2000. And it did. Let us try to figure out ways that we can grow the economy together—

Democrats and Republicans doing something positive for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I am pleased to see the chairman of the Budget Committee in the Chamber talking boldly and responsibly about getting this economy back on its feet and getting it moving. It is critically important that this Senate operate in the legal fashion that it was by law directed to do. I know what the chairman will do is produce a budget and a budget reconciliation process that will allow this Senate to be guided and directed not only in its expenditures but hopefully in providing for this country—and to the producer side of our country the type of incentives that the President has offered in a very bold move to get this economy moving again.

It is pleasing for me to see a President stand forth in a rather ''Reaganesque'' way and say let us grow ourselves out of this problem. Let us not dig ourselves deeper into a hole or a cave that ultimately will create a greater problem. How you do that is you create incentives for the worker and you create incentives for the investor to get out and create new jobs and to move the economy.

The President said it well when he offered his tax proposal—that he would not cave in to the rhetoric of class warfare. Yet from day 1 that is exactly what we have heard from the Pelosi-Daschle plan—a class warfare approach that really denies middle-income Americans, investor-Americans, and working Americans an opportunity to keep more of their money.

What did the Pelosi-Daschle plan really set forth? It was all a Government-related, a Government-oriented kind of plan. It talked about increasing Government expenditures for States and economic strategy that we already know has failed. If we can get this economy going, State governments are going to be much better off than they were. Over the last 5 years, State governments were running with large surpluses. In so doing, they spent more. Now they are tightening their belts. Sure. Some State governments are worse off than others.

My State of Idaho is going to have to make some very tough choices this year between tax consideration and cutting some programs, or reducing some levels of increases. It will not be easy. But one way to solve that problem is for the Federal Government to write an even bigger check to the State. There are areas where we can help—areas where there is a Federal mandate for a State response. We ought to try to help some in that instance. But, clearly, to simply write them a check does not make a good deal of sense. I see no way that it stimulates the economy or that it solves the kind of revenue problem the Senator from Oklahoma was talking about. It does nothing to help us solve a much larger problem of the kind with which the President has proposed we deal.

What I find fascinating is this class warfare argument. And in what the President has proposed, the first Bush tax cut law in 2001, says the National Tax Foundation, effectively eliminated income tax for families of four earning less than $35,000. That is simply the reality. If enacted, the new Bush tax proposal would eliminate 96 percent of the current income tax bill for families of four earning $40,000.

Those are not rich people. That is a 96-percent tax cut as a percentage of tax liability on a family of four making $40,000 a year.

What does the Daschle-Pelosi plan do? To my knowledge, it doesn't address it.

Take a $50,000 family of four. That is not a big income. My guess is probably both mom and dad are working; that is, almost both working at minimum wage. What does it do for them? It reduces their tax on taxable money by 42 percent.

That is the Bush plan we are talking about—not the Daschle-Pelosi plan. That is a significant cut in lower middle income America.

What does it do for the rich, let's say a $200,000 income a year. That is a pretty good income. You can live well at that—buy a nice home, provide for your children—not a great big home, not a multimillion-dollar home but a certain suburban-style home in which middle-income Americans enjoy living. Family of four, $200,000; tax cut, significant, $3,000, or a percentage of total liability, good, but it is only 9 percent on $200,000. It was 96 percent on $40,000—a significant difference there.

I say to my friends on the other side of the aisle before the Daschle-Pelosi tax plan rhetoric gets out in front of its headlights, they ought to look at the facts. These are the kinds of facts that any of us will find important to debate on the floor of this Senate.

I hope the Budget Committee recognizes the process and that the Finance Committee stays as close as they can to the Bush tax plan.

I think that is the kind of process that turns this economy back on, that puts people back to work, and that creates the kind of long-term economic drive that the Reagan tax plan did in the early 1980s. They said it created great deficits. Deficits were created because Congress wouldn't quit spending, and wouldn't hold its job in line and be fiscally responsible. We have that job to do here now. We are going to have to tighten our belt to slow the deficit process down. But, of course, I think at the end of the year when we tally up the proposed expenditures versus actual expenditures and when we get that 2004 budget out, the folks on the other side who are talking now about class warfare rhetoric will have proposed tens of billions dollars more in spending. Why? Because of its political popularity and not because it will have actually been spent.

Those are some of the realities we are going to have to deal with here.

I am glad our President is bold—bold in saying to the American people: I am going to ask you to save more of what you have. I am going to give you the opportunity to keep more of what you earn. I hope you will invest it. I hope you will go out into the market and I hope that you as consumers will help turn this economy back on. That is what is fundamentally important.

Lastly, as it comes to double taxation of dividends, when you double tax, you tax them at a rate of nearly 70 percent. That is a phenomenally high rate. When you look at corporate income tax versus a tax on dividends, there are few companies paying dividends today. And why are they keeping large blocks of cash? Why do corporate executives get into trouble going out and buying companies they don't know how to run or don't fit the culture of the company they are currently operating? It is because they have big buckets of cash which they are not moving through to their stockholders. One of the real important reasons they are not moving it through is the double taxation environment.

When we talk about that particular part of the Tax Code being changed, what we are also talking about is corporate reform along with tax reform. I see nothing wrong with that. I see nothing wrong with those who save and invest and our seniors in America getting a large portion of their income from dividends being strengthened by that very reality.

I think the tax package that has been presented by our President is bold, yes, but balanced. As I have shown you with some of the figures that exist today coming from the Tax Foundation, it really goes at lower middle income America. When you can say to a family of four earning $40,000 a year that we are going to reduce your taxable liability by 96 percent, friends on the other side, that is not the wealthy. That is working-class Americans. When you say to a family of four earning $50,000 a year that we are going to reduce your taxable liability by 42 percent, friends on the other side, those folks aren't rich unless you define ''rich'' much differently than the people of my State do. That is called responsibility in helping lower- to middle-income Americans keep more of their hard-earned dollars for the purpose of providing for themselves, for their families, and for the pursuit of the American dream.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from North Dakota.

Mr. DORGAN. Mr. President, are we in a period of morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE AMERICAN ECONOMIC ENGINE

Mr. DORGAN. Mr. President, there has been a generous amount of discussion this morning about the plan to put the economy back on track. I have been interested in listening to it. Some of it is interesting, some informative, some entertaining, some fiction, some right at the bull's-eye of the target. So it is interesting to try to sort it all out.

Let me give some of my perspective on it, if I might.

First, we had a colleague on the floor saying today, quite properly: The Federal Government does not create jobs. So if someone is saying somehow the Federal Government can create jobs, they are misinformed. It is not the Federal Government that creates jobs.

Well, that is true. It is the case that the Federal Government is not going to create 100,000 jobs next month. In a growing economy, jobs will be created by entrepreneurs, by people with capital, who take risks, who hire people, who rent the space, have the idea, create the product, and go market it. That is who creates the jobs. There is no question about that.

But it is also the case that the Federal Government creates the conditions under which an entrepreneur, someone with an idea, someone with the notion to build a manufacturing plant somewhere, can succeed. Because if we do not have a fiscal policy that helps create economic growth and expansion and opportunity, there will not be new opportunities for the people with the ideas on what we ought to do to expand and build.

I find it interesting that the only discussion we ever hear about on the floor of the Senate is the good deeds of those who invest the capital in this country. My hat is off to them. This country cannot work without investment. This economic engine cannot work without capitalism and risk takers. No question about that.

But understand something else. This economy does not work without the American worker either. And that element of what makes this economy work ought not to be ignored on the floor of the Senate, as it is every single time some of my colleagues come to talk about the magic ingredients that make this economic engine the wonder of the world.

There is a hero of mine who I have spoken about on the floor of the Senate once previously. A few years ago, a man named Robert Naegele sold his business in Minnesota. Mr. Naegele was President of a business that created rollerblades.

All of us know what rollerblades are these days. They are in-line skates. When many of us were little children, and we rollerskated, there were four little wheels on the bottom of four shoes and we just had a devil of a time standing up, in most cases. But in recent years, those four little wheels were replaced by in-line wheels on something called rollerblades created by the Rollerblades Company.

I happen to rollerblade. I have a pair of rollerblades, and I like to rollerblade with my son and daughter. They are a whole lot better at it than I am. I like rollerblades, so I know about rollerblades.

The man who was President of that company decided to sell that company. When he sold that company, he made millions and millions and millions of dollars because that company had been enormously successful. I want to tell you what he did.

Without telling anyone, the employees of that company, come Christmas time, began to get Christmas cards from Robert Naegele and his wife, and with each Christmas card was a check. One employee who worked there 11 years got a check for $21,000. Robert Naegele and his wife said—and they had 280 employees in that company—with a note, along with a Christmas card: I sold this company, and I made a lot of money. But I want you to understand that the company would not have been a great company, and would not possibly have grown to what it was, without your dedication and hard work. I want to give you something back for what you did for the company.

And there it was: For an employee who had been there 11 years, there was a check for $21,000. And they said: Oh, by the way, I have already prepaid the income taxes on it for you.

When I read about that in the newspaper, I called Mr. Naegele, and I said: What a wonderful thing for you to do. He said: No, it was not wonderful. It was an understanding I had that, yes, I contributed to the success of that company, but that company would not have been a company without the men and women who worked on the line and who made that company successful as well.

I tell that story only to make sure everyone in this Chamber understands this is not a one-way street, this notion of what makes an American economic engine unique and what makes it work. It is not just those who invest the capital. It is those who invest the capital, yes, but not just them. It is the labor force that is remarkable in this world. To believe that workers are expendable tools, like a pair of pliers or a screwdriver you throw away when you don't need them, is, in my judgment, to begin dismantling this economic engine of ours. There are some companies that have done that, at their risk and at their peril.

My only point is that it takes all of us to make this work. It takes good government policy. It takes entrepreneurs, risk takers and investors. It takes skilled laborers, managers and engineers. It takes all of us to make this American economy work.

I get a little tired sometimes of hearing people say: No, no. There is only one element that makes it work; that is the people at the top who make the investments. They say: So, therefore, when we talk about tax cuts, let's reward those at the top. Let's just pour it into the top, and somehow—in the classic notion of tired politics—it will trickle down and help everyone.

I had a fellow from North Dakota once who wrote to me and said: I read about all this trickle-down stuff. He said: I haven't even gotten damp yet, and I have been waiting a long time.

The fact is, this is not just trickle down or percolate up; it is thinking smart about what makes this economy work. But most of what I hear on the floor of the Senate about these issues is pretty tiring. Most of it implies there is a ship of state, and in this ship of state there is an engine room, and in the engine room there are dials and knobs, gauges and levers. And if we can just adjust them all just right, through our infinite wisdom—the wisdom of Mr. Greenspan and the Congress and the Treasury Secretary—somehow the ship of state will just move right on forward.

The fact is, those gauges, dials, knobs, and levers in the engine room of this ship have very little to do with what happens to this economy. Almost exclusively, what happens to the American economy has to do with the confidence of the American people. Do they think tomorrow is going to be better? Are they confident about the future? Because if they are, they will do things that manifest that confidence. They will build a house, buy a car, take a trip, make a purchase—the kinds of things that cause the expansion-side of the business cycle. If they are not confident, they do exactly the opposite. They defer the purchase, don't take that trip, don't buy the car, don't buy the house, and the economy contracts. This is all about confidence.

The question I have is this: What kind of confidence can the American people have in this economy if all we do on the floor of the Senate, and if all we do from the megaphone at the White House, is say: Do you know what our fiscal policy is? More and more and more tax cuts, notwithstanding deficits, because we don't care about deficits.

One year and three-quarters ago, we had a debate on the floor of this Senate. And the President said: Let's cut taxes $1.7 trillion because we have surpluses as far as the eye can see. And this is money that belongs to the people. Let them keep it.

Some of us said: Yes, let's have a tax cut, but let's be a little more conservative. What if something happens? What if the economy runs into a ditch? What if something unusual happens and these surpluses don't develop?

The President had his way. We passed the tax cut, and within a matter of months, in March 2001, the recession began. On September 11, we had a devastating terror attack which cut a hole in the belly of the economy. Then we began a war on terrorism which cost a lot of money. Then we have the Iraq problem which costs a lot of money and probably will cost a great deal more. Then we had corporate scandals, maybe unprecedented in the history of this country, that shook the confidence of the American people. The huge budget surpluses have turned into large budget deficits, and very quickly.

What is the solution to that? What is the solution to restore the confidence of the American people in their future? More tax cuts, the President says; more tax cuts, some of my colleagues say. Who will get those tax cuts? Well, the President. According to something in the Washington Post yesterday, the people have computed the President will get a $44,500 tax cut per year. What will the corporal get who is going to central Asia today? What about the private loading up on a C–5 being sent overseas? How much will they get?

The fact is, we have an economy in trouble. The solution for the trouble this economy is in is not to exacerbate the Federal budget deficit and drive it sky high.

The easiest thing in the world is to come to the floor and say: I am for tax cuts.

Let me say, before anybody else does, if you are for tax cuts, my preference would be that no one would have to bear the burden of a tax. Wouldn't that be wonderful? You can't ''out tax cut'' me. That is my preference. I support no taxes, except I believe there are certain things we ought to do for people in this country.

For kids, some young kid going into a Head Start program today has a name. It is John or Carolyn or Robert or Martha. That young little kid comes from a family in a difficult situation. So we put together a Head Start program to nurture and enrich and help that young child. Is that worth doing? You are darn right it is. It is investing in that kid. It is worth doing for that child. It saves us money. If I believe we should do that—and I do—then I say we will have to levy a tax to pay for that.

When we decide we will have to increase defense spending by $45 billion in this fiscal year, as the President recommended and as Congress agreed, I say we have to pay for that. Or should we perhaps have our children pay for it and say: Not us, we don't want to pay for it; we do want to spend it, but we don't want to pay for it?

We send qualified teachers into the classroom and say: We want you to implement a new program called Leave No Child Behind, but we don't want to pay for it. We want to impose this new program which we promised to pay for, but instead, we want tax cuts and refuse to pay for the program.

My point is, we have to make choices. My choice is that, yes, we should have a tax cut. It ought to be a short-term, 1-year stimulus to try to put the economy back on track. I don't believe we ought to at this point make the same mistake we did in the last Congress and say, let's have a $670 billion tax cut over 10 years, the bulk of which will go to people at the top of the income ladder.

When my colleague says, all of these senior citizens are really going to do well because they get all these dividends—nonsense. You know what is happening with dividends. Very few people have much in dividends except the people at the very top of the income ladder. In fact, most dividends are not double taxed. A substantial amount of retained earnings is never paid out in dividends. A substantial portion of that which is paid out in dividends to older folks goes into a 401(k) plan. There is no tax on those dividends.

It seems to me if we will do what we ought to do on fiscal policy, let's answer the question, What will give people confidence about the future? What kinds of policies can we embark upon? Not Republican or Democratic policies; I don't think either side has a lock on wisdom. What can we do that says to the American people: We are serious about a couple things: One, we are serious about paying for that which we intend to spend for health care, education, defense, homeland security, and more; we are serious about deciding who will pay for that which we are to spend; second, we are serious about policies that will stimulate the economic growth of this country, to say to people, we believe in the future and you should, too?

We want you to understand that the policies we put in place will be judged by everyone—by the stock market, the bond market, the people who are going to invest, people who run businesses on Main Street. We are not going to throw a bunch of money at it and say, we don't care about the deficit. We are going to have tax cuts, and we will do it in a 1-year economic growth plan, and we will do it in a way that makes the most sense.

If it were up to me, we would do a rebate to people who pay income taxes and payroll taxes. And, incidentally, that is one other issue. Everyone who comes to the floor and has a burr under their saddle about this issue says: The only taxes people pay are income taxes. At least that is the only tax they will talk about. That is rubbish. The fact is, a whole lot of folks pay more in payroll taxes than they do in income taxes. Everybody who has a job, from the minimum wage up, pays a payroll tax. You can't get out of it. You have to pay a payroll tax. Three-quarters of working families pay more in payroll taxes than they do in income taxes.

Whenever someone talks about tax relief, they only want to talk about taxpayers, meaning those who pay income taxes. What about talking about all taxpayers?

My belief is we ought to provide a tax rebate. I would propose $500 for individuals, $1,000 for couples. I would also propose something that stimulates the investment side, an investment tax credit targeted to capital goods and equipment. I would do this on a 1-year basis to help put the economy back on track. And then if it grows, if it creates the new jobs and produces the new revenue, we can provide additional tax cuts. But you cannot provide tax cuts with borrowed money. You cannot inspire confidence in the American people if you are saying to them: We will borrow additional money in order to provide these additional tax cuts, and we will borrow the money so that your children pay the burden of it, and we will provide the tax cuts, the bulk of which will go to the top end of the income level. That simply makes no sense.

There has been a lot of discussion about class warfare. Frankly, I don't think class warfare is something that is worth our time. I don't think it is reasonable to do it. But class warfare can be committed in several different ways.

If I say, I would like to provide a tax cut only to those Americans who earn more than $1 million a year—I don't believe this, but let me propose it hypothetically—because, frankly, it is my impression, speaking in the vernacular, that those are the people who contribute most to our country and, therefore, let's only provide tax cuts to people earning over $1 million a year, I happen to think that is a proposal that just reeks of class warfare.

So who commits class warfare? The people who come out here and say to me: You say that tax cuts should only go to people who make more than $1 million a year because you believe they are the real producers in our country. Are you nuts? They would say: Are you nuts? What about the working people out here who deserve tax cuts as well?

So when they come out and criticize that, are they committed to class warfare? Is that what it is about?

That is what is happening. Someone proposes a tax cut that is fundamentally unfair, and then, the minute you complain about it, they say: Class warfare. Shame on you.

The fact is, we have plenty of wisdom, plenty of knowledge in this Chamber from all corners to put together a sensible, thoughtful plan that would give the American people hope that we know what we are doing.

The easiest approach by far, the simplest approach by far, which is fundamentally wrong, is to stand up in every corner of the Chamber and say, the deficit be damned. It doesn't mean a thing. Our policy is singular. It is to provide more and more and more tax cuts. And then what we will do is cut domestic discretionary programs on education, health care, Head Start, kindergarten, kids, and so on. And when somebody comes to the floor and says, maybe we should just make the priorities a bit different and continue to invest in these kids who walk into Head Start centers because it is a great thing to do, then someone can come to the floor and say: Big spenders. We want to give the money back, and you want to spend it.

I had the CEO of one of the country's largest companies come to see me last week. He came to me about something completely unrelated to fiscal policy, but as he was leaving, he said: One more thing I want to mention. Mr. Senator, I don't need a tax cut. I make a great deal of money. If I get a tax cut, I don't have the foggiest idea what I would spend it on. I guess I would just save it. He said, ''You should know that I am not asking for a tax cut from you and I don't need one.'' I said, ''You will go down in the annals of history in my service in Congress as one of the few people who has ever told me you don't need a tax cut. Good for you.''

I think most Americans would love to have the burden of taxes removed from their shoulders. If there is a sensible way to do it, let's do it. But let us not decide to borrow money and saddle our children with increased debt in order to give a tax cut to that executive who told me he didn't want one and didn't need one. So what I would like to see us do is take a look at the President's plan. He wants to have a 10-year, $670 billion tax cut on the heels of a $1.7 trillion tax cut, while now staring deficits right square in the face for years and years to come. I would like us to say, look, this doesn't make sense. As one of the senior White House people was quoted in the Washington Post saying, this is a political document. What I would like to say to the President and to Mr. Rove and others is this is about people getting laid off, people going home at night saying I have lost my job, telling their family they don't have a job any longer.

How do you put the economy back on track to create new jobs? This is about restoring and creating confidence in the American people about the future. The way we will do that, in my judgment, is not to have one side or the other say it is my way or the highway. I think the way to do that is to have the thoughtful people in the Chamber sit down together and decide the principles by which we ought to embark on this journey. One, let's not blow a hole in the Federal deficit. That ought to be a principle. Two, it ought to work to try to expand the economy and create more confidence in the American people. Three, it ought to be fair. Four, it ought to be temporary. We ought not to make the mistake we made in the last Congress of laying something in law, in the process here that lasts 10 years, when we know if we were confronting the choice we confronted a year and three quarters ago, knowing we are going to have a recession, the September 11 terrorist attack, a war on terror, unprecedented corporate scandals, and a technology bubble burst—and, by the way, do you want to continue to do this, because if you do, surpluses will turn to deficits, we know the Senate would not make the same decision they made then.

Let us not make the same mistake. My feeling is let's have a tax cut to try to put the economy back on track, but let's make it temporary and get the best of the ideas that exist here. Let's do it not with a mind to what the good politics might be, but with the mind of what is the sound economic principle by which we try to jump-start this economy.

One final point. It is interesting to me that we have people trying to say, well, I don't know, Jimmy Carter is at fault, or Bill Clinton, or Calvin Coolidge, or whoever is at fault for whatever they are talking about. In fact, we have a business cycle and it has contractions and expansions. Those movements are influenced by what people perceive to be their sound or unsound fiscal policy. The plain fact is, you cannot, in my judgment, come to this town and say here is my plan and here is what it will produce, and then when it doesn't produce it, say, by the way, I had nothing to do with it. We can do better than that—Republicans and Democrats contributing the best that is available on both sides. We can, in a principled way, with temporary relief, put the economy back on track. I think ultimately by doing that, we can relieve the burden on the taxpayers' shoulders. But, unfortunately, what is being proposed these days is something that will add the burden on our children of additional taxes in the years ahead, who will be required to pay off the deficits as a result of a fiscal policy that doesn't work.

So I think we are making some progress, because for months everybody was saying the economy is doing fine, thank you. But we understand it is not. The question is, what do we do together to make this work? We will have that debate in an extended way in the months ahead. I know my colleague—I should say a word about Senator GRASSLEY, who is on the floor. He and I perhaps agree on some things and disagree on others. I must say we have worked on a lot of things together, especially in agriculture. When I say we ought to get the best everybody has in the Senate, I have great respect for Senator GRASSLEY's abilities in these areas. While we may disagree and a debate might break out, look, the American people are best served by debate. In the Washington Post one day, a fellow was talking about a dispute between Republicans and Democrats and he lamented. He said this thing has degenerated into a debate about principle. I thought, well, I sure hope so. I hope that is the case. That is why I came here. So there is room for us to have disagreements from time to time.

But let me say that, as we do, I have great respect for those who have strong feelings on the other side, and through aggressive debate we will produce something I think wholesome and healthy for the American economy and the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, is it my understanding we have about 9 minutes left on our side?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRASSLEY. I ask unanimous consent to have 3 minutes added to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. GRASSLEY. Mr. President, I have listened to a lot of debate yesterday and today on these subjects about the economy and about tax bills and things such as that. I want to address the tax bill as well. I think it is very legitimate for people to raise concerns about the deficit because I think a deficit is part of a measure of whether or not there is fiscal responsibility in Government. It is obviously not the only measure because you cannot have deficits and maybe still be fiscally irresponsible. I would like to hear from my colleagues who are concerned about deficits when they express these at times when we are talking about tax cuts. I have not seen that same concern about deficits when they want to spend more money. I think we ought to demand a certain amount of consistency from people who are worried about deficits; that they are equally concerned about them at the time we might be cutting taxes as well as when we are spending money. I bet before a week is out there will be—from the

very same people who are concerned about tax cuts being too much right now and raising the deficit—dozens of amendments offered to spend more money on the appropriation bills for 2003.

There is another thing I would like to make some comment on, because I have heard several members, particularly on the other side of the aisle, make reference to the fact that certain wealthy people have said they don't need tax cuts. Don't cut my taxes; I don't need the tax cut. I think it is very altruistic for people to say those things and probably mean them. But one of the things I hope we will consider as we are working at cutting taxes—particularly marginal tax rates—deals with the issue of whether or not you are a corporate executive of a Fortune 500-type company that says you don't need it because that individual might say he doesn't need a tax cut, as opposed to 80 percent of the benefits from the tax cuts, cutting the marginal tax rates from 39.8, 2 years ago, eventually down to 35 percent—85 percent of those benefits go to small business.

It happens that small business is a class of people that create about 80 percent of the jobs in America. A lot of small business people regularly are investing in their own business to create more jobs, to expand their business and, in the process, living throughout their lifetime relatively modestly in order to expand their business and be successful. We are talking about a jobs bill and marginal rate cuts, 80 percent of which are going to small entrepreneurs to create jobs, which ought to be something we would separate from the CEO who may make a lot more money and doesn't need a tax cut.

I want to speak generally about taxes and some reference to the tax bill of 2 years ago that the President's proposals are going to be building on, because I was chairman of the Senate Finance Committee when that bill passed. I had a good working relationship with my colleague, Senator BAUCUS, in getting that bill to the floor and to the President.

On June 7, 2001, President Bush signed tax relief legislation. For the first time in a generation, every income tax paying American received much needed tax relief. Unfortunately, in the period since Americans first started to receive their rebate checks, the effect of this legislation has been distorted. The distortion comes in the form of often-repeated bogus criticisms of the tax cut. This repetition has created what I will call three myths of the tax cut.

The first myth is that the bipartisan tax relief was a partisan Republican product. The second is that the bipartisan tax relief package is the primary source of our current budget problems. The third myth is that the tax relief favored the wealthy over low and middle income taxpayers.

Compare the first myth against the record. Often we hear the phrase Republican tax cut or partisan tax cut. In fact, the tax cut was bipartisan. Twelve Democratic Senators voted for the conference report. Senator JEFFORDS also voted for the conference report. That's over one-fourth of the Democratic Caucus.

Let's take a look at the second myth. How many time have we heard in debate or seen written in the media the charge that the bipartisan tax relief caused the current and projected deficits. Cold hard numbers tell a different story. Cold hard numbers from the Congressional Budget Office, the Office of Management and Budget, and private sector sources reveal the truth.

Here is what the numbers say. You can check it out on the CBO Web site. According to CBO, for the current fiscal year, the tax cut represents barely 8 percent of the total change in the budget since last year. For instance, for the same period, increased appropriations outranked the tax cut by $6 billion. So, spending above baseline, together with lower projected revenues, accounted for 92 percent of the change in the budget picture. Let me repeat that. Bipartisan tax relief was a minimal, 8 percent factor, in the change in the budget situation.

Over the long term, the tax cut accounts for 33 percent of the change in the budget picture.

There is a third myth about the tax relief package. According to this myth, the tax relief package was a tax cut only for the wealthiest Americans. Most often this myth comes in the form of a statistic. The statistic is that 40 percent of the benefits of the tax cut went to the top 1 percent of taypayers?

Where did the statistic come from? Did it come from the non-partisan Joint Committee on Taxation? The answer is no. The statistic cited by the media and the Democratic Leadership critics comes from a liberal think tank.

Once again, facts can be ugly things for harsh critics of the bipartisan tax relief package. According to the Joint Committee on Taxation, Congress's official non-partisan scorekeeper, the tax code is more progressive with the tax relief package. Joint Tax, concludes that the bipartisan tax relief returns to taxpayers, on a progressive basis, a small portion of the record level of Federal taxes.

Joint Tax's analysis shows that the largest reduction in tax burden went to taxpayers in the lower and middle income brackets. For instance, taxpayers with incomes between $10,000 and $20,000, will see their taxes reduced by almost 14 percent when the tax cut is fully in effect. Taypayers with over $200,000 will see their taxes reduced by barely 6 percent. This analysis shows that the third myth, like the first two, does not stand up when compared to the facts.

It is understandable that the largest tax relief package in a generation would spark continuous opposition from those that prefer record levels of Federal taxation. That is a good political debate that should play out. The terms of the debate, however, should be based on facts, not myths.

Now, I raise this point because we are about to embark on a new effort at aiding the recovery of the economy. As chairman of the Senate Finance Committee, I am open to all ideas, Republican and Democrat, aimed at boosting investment and consumer demand. The Finance Committee will begin to examine these proposals in our usual bipartisan manner. When we examine these proposals, however, we will use facts, not myths as our guide.

Now, let's look at some facts about the President's proposal. These are facts developed by the Treasury Department. These facts tell the story about who benefits from the President's proposal.

I have five examples, and then I will yield the floor.

Example No. 1: A married couple with one child making $40,000 gets a tax cut of $732. That is a tax bill of $2,235 goes down to $1,503. For that married couple with one child making $40,000, that is a 33-percent tax cut.

Example No. 2: A married couple with two children making $40,000 will get a cut of $1,133; in other words, a reduction of their $1,178 tax bill down to only $45, and that is a 96-percent tax cut.

Example No. 3: A married couple with two children making $20,000 more, $60,000, will get a tax cut of $900, a reduction, then, from $3,750 down to $2,850. That married couple with two children gets a 24-percent tax cut.

Example No. 4: A married couple with two children making $75,000 gets a tax cut of $1,122, and that is from a $5,817 present tax bill reduced to $4,695, and that is a 19-percent tax cut.

Example No. 5, the last example: A married couple, both age 65, making $40,000, of which $2,000 might be dividends and $15,000 Social Security benefits, will get a tax cut of $380—their tax bill down from $930 down to $550—or a 41-percent tax cut.

I ask everybody to stick to the facts, use the facts, let the facts speak for themselves, and I think we will have a more intellectually honest debate.

I yield the floor, and since I do not see any colleagues wanting recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, throughout the course of the day, those who have followed the debate know we have been discussing the state of the economy and what we can do in Washington—if anything—to improve it. I listened with great interest to my friend and colleague from Utah, Senator BENNETT, who came to the floor and admonished us to remember that government did not create jobs. He was very specific in saying jobs are created by business, by the capital investment, the creativity, the entrepreneurship, and risk taking of individuals. It is hard to argue with that. My own experience in business confirmed as a basic premise that the success of business and the private sector depends to a great extent on individuals.

It is naive to suggest that is all it takes in order for a businessperson to be successful. There are several things they have to turn to. One is the rule of law which, fortunately, we have for the most part in this country. Some countries do not have that. They also have to look to a basic infrastructure in a country to serve that business, whether it is the telephone communications or the Internet or highways, which of course involve government, and of course the educational training of the people in the business; that usually involves the government, as well—things that we do create a climate for business to succeed or fail.

What we are talking about now is how to improve the business climate in America: What is it we can do that will encourage entrepreneurs—businesses large and small—to expand and create employment with the production of goods and services, create the kind of economic activity that leads to economic growth and the improvement of the quality of life in America? That is what the debate comes down to.

I would not argue with Senator BENNETT's premise, but I conclude that a good government with good policies can certainly help businesses prosper. We need it at this point in time. The unemployment data we have been given by official government sources suggests we are facing unemployment levels that we have not seen for 50 years in the United States. It is hard to imagine we are at that point, but we are. The economy lost 101,000 jobs in December, 188,000 over the last 2 months; 188,000 wage earners and employees in America are unemployed. What can we do to create a business climate to put them back to work?

The President came in with his so-called stimulus or growth package. He said, by analysis, that it would create 123,000 jobs after the next year. Think about that for a second. The President's plan would create 123,000 over the next 12 months, and we have lost almost twice that number in the last 2 months. So if you say that the President's commitment to this is half-hearted or not complete, it is fair. We should be talking about what we can do, if anything, to invigorate this economy overall. Many believe the President's package falls far short of the mark.

Look at what the President has said on how much he would spend on a stimulus plan. Here are the Democratic alternatives. Senator BAUCUS, the ranking Democrat on the Senate Finance Committee, would spend $160 billion in the first year; Congresswoman PELOSI, the Democratic leader in the House of Representatives, $136 billion in the first year. Look at the President's plan: $35 billion in the first year. No wonder it does not create jobs. No wonder it does not invigorate the economy.

But stay tuned. The President's plan, after the first year, spends a massive amount of money, $674 billion, and, with interest, almost $1 trillion for the President's plan.

But it does not meet the first test. The first test is: Does it stimulate the economy? Does it get us moving again? Will it encourage businesses to expand and encourage people to invest? Will it create jobs? Will it create wealth? The honest answer is, for this downpayment of $35 billion, it is not much of a commitment. The sad part is that even though it is not much of a commitment, the overall cost of the President's plan over the 10-year period of time, $939 billion for the President's plan, comes directly out of the Social Security trust fund. So, not only does the President's plan fail to stimulate the economy, the money that is being spent, the tax breaks being given, are coming right out of the Social Security trust fund.

Remember the ''Saturday Night Live'' routine where Al Gore, during the campaign, was being chided for always talking about the lockbox and people wondering: What is this politician raving about—a lockbox? What could this mean? It was a shorthand term used on the floor of the Senate over and over again by Democrats and Republicans to suggest we were creating a lockbox for Social Security; we were never going to reach into Social Security; we were going to protect it at all costs. That debate disappeared 2 years ago. And now we have a wholesale raid on the Social Security trust fund. The lockbox has been busted open and is now being spent right and left at the very time when we know the Social Security trust fund is going to need to have extraordinary resources in order to meet its obligations.

Let me show this illustration. This is the Social Security trust fund that is going to face a cash deficit as baby boomers retire. People born immediately after World War II reach their Social Security eligibility after having paid a lifetime into Social Security and will turn to their Government for this pension protection into which they paid. We know they are coming in large numbers—the largest numbers in our history. The question is: Will we be prepared? The answer is: No, if you follow President Bush's plan.

What I am about to show gets even worse. This is an illustration of what happens to the Social Security cash deficit. This period shows a surplus of Social Security. It is because we were drawing more from payroll taxes and we were trying to create surpluses in Washington which would not raid the Social Security trust fund. For years in the Clinton administration, we had surpluses for the first time in 30 years. The surpluses meant that the Social Security trust fund was showing a surplus.

Look at what happens. In the year 2017, right as the baby boomers start arriving in huge numbers, we now see all the accumulated surpluses in Social Security trust fund, the green ink disappearing into red ink. Look at what is coming. One would say a good steward, a President who saw this, would think twice about a tax plan which would create a deeper pool of red ink in the Social Security trust fund. But, in fact, he is not. President Bush's plan, $939 billion over 10 years, as I mentioned earlier, creates even greater deficits in Social Security.

Will we meet our obligations in these years? I might not be here to attest to it, but I would guess we would. We will not break our faith with the American people. But it basically means we will be drawing money from other government spending to put it into Social Security to make up for the deficit which we are creating and aggravating today.

Would anyone consider that in terms of your own family and children? Would anyone consider it fair to enter into a debt today that your children would have to pay—a substantial debt that you know your children would have to sacrifice to pay? I don't think that is fair for a family. I don't think it is fair for America. So the President's plan not only betrays the baby boom generation which is expecting its payment and deserves it, it is entitled to it, it betrays their children and grandchildren who will have to pay off the debts created by the President's economic policies and decisions today.

Of course we know about Medicare, another plan that is critically important for seniors across America. This chart shows health insurance for senior citizens. About the same thing is happening with Medicare, as shown on this chart, as happens with Social Security. As the baby boomers arrive, taking advantage of Medicare, with escalating health care costs, less and less money

is available, creating deficits. Nothing is being done by this administration to deal with this crisis. In fact, the President's economic stimulus plan will make the crisis worse. We take the money out of Medicare, out of the Social Security trust fund, and make it more difficult to meet those obligations which we know we will face. This cannot be ignored. It is reality.

As we look at this, we find ourselves going more deeply into debt because of the plans of the President. These are projections the President's administration came up with. When we said ''the debt to be held by the public of the United States in the year 2008,'' the President told us in January of 2001 not to worry, the first round of his tax cuts would be so good for the economy, would encourage so much growth, that we would see the debt of America by the year 2008 shrink to $36 billion. I wish that were true. In fact, his administration came back 2 years later and said: Slight miscalculation. We have to recalculate the anticipated debt in 2008, and it will not be $36 billion, it will be $4.7 trillion.

So the President's first economic stimulus plan fell flat on its face. It gave tax breaks to the wealthiest people in America. It did not invigorate the economy. It created more deficits and more debt, and the President has said to us: We want to continue doing that, we want to continue moving in that direction.

That is not healthy for America. That kind of debt will have to be paid for by our children, and the Government borrowing this money will be at the expense of the capital available for businesses in the private sector.

Going back to Senator BENNETT's point, a business wanting to create a job many times needs capital to expand. A businessperson, if he or she doesn't have the money to put in the business, will borrow it. The interest rates paid will depend on the competition for that money. If the competition is fierce for limited money, interest rates go up.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DURBIN. I ask unanimous consent for 10 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. If there is competition for this money, the interest rates go up. If the Government is borrowing to cover its own debt, that means interest rates go higher so the businessperson, whether he is in Chicago or she is in Springfield or New York City, is going to pay a higher interest rate for the capital needed in order to expand the business. That is what we are doing here. We are deepening the debt of the United States of America and increasing the deficit.

If you look at why we are doing it, I think it tells another part of the story. This plan being proposed by the President for tax cuts is one that does not pass the fairness test. That is critically important. Issues have been raised during the course of the day, interesting issues about sacrifice in America. Since September 11, we have been proud of the unity of America and the spirit of sacrifice. People have said: We are coming forward to help.

I remember, in the days after September 11, how many of us went to blood banks all across the United States, believing if there was a national emergency and a need, we wanted to make sure there would be an adequate blood supply. I remember seeing that in Chicago and other places, being a participant myself. There was an actual belief that we had an obligation as citizens to do something extra for America, the belief that we should sacrifice for the good and strength of this country.

That belief is always out there in America. The right leader can tap it, and Americans will step forward time and time again. They won't disappoint you. The people will be there to stand behind their country. We are still in that time of testing. Mr. President, 130,000 military personnel in the United States are now positioned for the invasion of Iraq; 130,000 men and women, civilian and military, who are there prepared to risk and, sadly—I hope it is never necessary—maybe even give their lives in service to their country. We cannot ask a greater sacrifice of any person than what we are asking of those 130,000.

Some of them are full-time military. Others are Reservists and National Guardsmen who were called up and left their families and jobs to serve their country. The point raised on the floor today was: What does the President's plan do for these Reservists and Guardsmen and their families? What does it do for people in their income categories? The sad reality is that it does little or nothing.

Take a look at these numbers as an indication of what the President's plan would do when it comes to tax cuts for those in different income categories. If someone is earning from $21,000 to $38,000 in income—that is certainly the low end of the middle class—the President's tax cut is $265 a year. What is that, $5.50 a week under the President's tax plan. How does that change the economy? Now look at the 260,000 people in America with incomes over $1 million a year who would see an annual tax benefit of $88,873 from the President.

Does this make sense? Is this fair? We are saying to people in lower income categories: Sacrifice for the good of America and stand unified. Be prepared. We need your help. We need to be together.

Then you say to people who are better off than virtually anyone else in America: We are going to make certain that you receive the lion's share of the benefit in the President's tax cut package.

As my friend from Minnesota and others have said, this is clearly ''no millionaire left behind.'' That is the policy of the Bush administration when it comes to tax cuts.

If it worked, if it were a winning formula, I would swallow hard and say, do it again. But the President tried this 2 years ago, and it failed. It failed to invigorate the economy. That is why we are still in this drastic circumstance today. Giving more tax breaks to wealthy people, the trickle-down theory of economics, the philosophy that this administration has pushed time and time again, has failed to invigorate this economy, and the President wants more of the same.

That is not going to work. I am hoping some of my Republican colleagues who are now in the majority of both the House and the Senate understand that, too, and will prevail on the President to move beyond this whole notion that somehow taking the personal tax off corporate dividends is going to turn the American economy around and somehow giving $89,500 a year in tax breaks to the wealthiest people will invigorate this economy.

Mr. DAYTON. Will the Senator yield?

Mr. DURBIN. I am happy to yield to my colleague.

Mr. DAYTON. I thank the Senator for bringing these facts to our attention.

Regarding the last chart the Senator had, regarding the benefits for those making more than $1 million, as I recall, isn't that in addition to a tax cut that was about $45,000 per multimillionaire in 2001? So this $88,000 would be in addition to the $45,000 a year tax cut those individuals received 2 years ago?

Mr. DURBIN. My understanding is the Senator is correct. There is a minority group which the President clearly wants to speak for and stand up for. The $44,000 in tax benefits given 2 years ago the President and the administration believe were not enough; they need to give more tax breaks to people in those higher categories.

I will bet the Senator from Minnesota knows families in his State, as I do in mine, at much lower levels who could use assistance, a few extra dollars to help pay for the necessities of life and pay a few extra dollars to put in savings for their children's education. These sorts of things are the realities of life of families. I think millionaires and people who have been fortunate to be that well off can take care of themselves. I am curious as to why this administration continues to want to throw out the life preserver to people who are floating around in their yachts. I don't get it.

Mr. DAYTON. I share the view of the Senator. For someone making more

than $1 million, if they can't live on what they are making, they should not come to the rest of taxpaying Americans and ask for these handouts. Most Minnesotans don't make as much in income as these tax breaks for these people who are making these amounts. The facts speak for themselves. The facts tell the American people who gets everything out of this bill and who gets very little.

Mr. DURBIN. This is another chart, I might say to my friend from Minnesota, which tells the story as well in terms of whom it benefits.

Mr. President, 78 percent of the benefits in the President's proposal are to people in the top 20 percent of income. If you divide all the wage earners in America into five groups based on how much they make, the top 20 percent get 78 percent of the President's benefits, more than $68,000 a year. Then, when you get down to the lower 40 percent of wage earners, they are getting less than $21,000. It really tells the story. If you are going to give tax benefits to a majority of Americans, and a majority of benefits to those Americans, you really have to take a look at the distributional charts here.

First, it strikes me it is not good economics. Good economics suggest if you want to increase demand for goods and services, you give spending power to people who will spend rather than save. That is basic as principles of economics. So it is not good economics to stimulate an economy by rewarding the wealthiest people, who are more likely to save the money than spend it.

Second, it is fundamentally not fair. I think many of the people who propound the President's proposal before us really do not believe and agree with progressive income tax. They don't believe that people who are more comfortable and better off should pay more than those who are struggling. Frankly, over the last several weeks we have heard some of those arguments. I still recall a statement on the floor from the Senator from Pennsylvania, who got up and said a third of the wage earners in America pay no taxes at all. I invite him again to go out and meet with those wage earners who will show to the Senator their payroll stubs. They are paying taxes every hour of every day of every week they work, and to say they are not taxpayers I think is an indication that that Senator is out of touch with the reality of working America.

These are the things we have to deal with here. I hope in the days ahead when we deal with the economic stimulus package we will not overlook the real challenges facing America to fund education.

I voted with the President's No Child Left Behind proposal. I think there are many good things in there. But I was warned by my colleague who sat at this desk, Senator Paul Wellstone of Minnesota, who voted against it. He said when the time comes, the President will not put the money on the table for schools. Sadly, I have to say in Paul Wellstone's memory, he was right. The President has refused to fund the program for No Child Left Behind which he has created. He has established the standards and mandates on school districts across America, but has refused to fund them.

We will give the Senate a chance, I hope, in the next few days to vote for the funding.

Second, we have to do something about health care in this country. The cost of health insurance is prohibitive. The increases are so high we now have employees of companies such as General Electric going on strike because the employees cannot sustain the increased costs of health insurance. And not a word comes from this White House and this administration to address this national crisis.

A hospital administrator in Illinois came to see me last week. He said, Senator, we have a perfect storm here. Health insurance costs are beyond the reach of families and businesses. The costs of maintaining hospitals are going up, and the Government is totally unresponsive to any of these elements. He is right, sadly. The President's State of the Union Address will give him a chance to really show he is even aware of this problem. I hope he is.

In the meantime, $89,000 breaks to millionaires is hardly the kind of assistance Americans need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding that morning business has expired.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the period for morning business be extended until 2:30 with the time equally divided, with Senators allowed to speak for 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, with reference to the previously propounded unanimous consent request, I ask unanimous consent that the time be divided equally on the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS

Mr. BINGAMAN. Mr. President, I first want to offer a few comments about the very important birthday of the greatest civil rights leader of our time, Dr. Martin Luther King, and give some thoughts about the issue of civil rights and our commitment to equal opportunities for all Americans.

Obviously, we need to continue to fight to protect the rights of all Americans by supporting and ensuring full implementation of the antidiscrimination laws. But we also need to ensure that programs designed to create equal opportunity for all groups and for all individuals in our society in critical areas such as education and health care are fully implemented.

I believe an important test of our commitment to equality is an examination of the broader policy choices we make and the priorities we set as we allocate Federal dollars.

We have heard a great deal from the administration, and continue to, about their championing of minorities and the disadvantaged. But, unfortunately, there seems to me to be a pattern of shortchanging the programs and the policy initiatives that are most meaningful to those very groups, at least those groups as I visit with them in my home State.

In the context of education—which the Presiding Officer is extremely well versed in—the administration's position has embraced the Children's Defense Fund slogan, which is: We Should Leave No Child Behind.

Last Congress, on a bipartisan basis, we enacted the No Child Left Behind Act which, for the first time, demands that our educational system demonstrate progress for all children by closing existing achievement gaps. I believe the accountability provisions in that law can have a revolutionary

impact on our educational system and can bring us a great distance toward ensuring equal educational opportunities for all children.

But we need to back up these mandates and these requirements by working in partnership with State and local governments to provide the resources the schools and the teachers need to help all of our children to succeed. And I do not believe we have seen a real commitment to do that from this administration.

The pending fiscal year 2003 budget, which we are getting ready to debate, even as soon as this afternoon, underfunds the No Child Left Behind Act by $7 billion. The President included a small increase from the title I program—the program targeted to districts and schools with large numbers of disadvantaged students—but even with this increase, the program remains underfunded by $5 billion. The proposed funding level will not be sufficient to keep pace with the growth in child poverty. It will mean over 6 million poor children will be left behind.

In addition, the President's budget zero funds programs that are targeted at assisting minority groups. One of those is the dropout prevention program which we wrote into that law.

The dropout rate for Hispanic students in this country is almost three times that for non-Hispanic white students. Most recent data—1999 through 2000—shows a dropout rate among white non-Hispanic students of 10 percent; among Hispanic students, just over 27 percent. These children are being left behind. Yet despite bipartisan agreement during the negotiations on the No Child Left Behind Act to include this program, to include this initiative at the Federal level, to assist with dropout prevention efforts in our high schools and in our middle schools, the administration has proposed zero funding for the program. They propose zero funding in the 2003 fiscal year budget, which we are going to be debating later today or tomorrow; and I fear they may propose zero funding for the dropout prevention program in the new budget we see at the beginning of February.

The refusal to fund this program is an even greater problem in light of the new focus on student performance and assessment. The increased focus on assessments has led many to fear dropout rates will increase as States strive to meet their academic performance goals. There is a danger that kids who are not doing well on tests will be the ones most likely to drop out. We tried to address the issue by including a provision in the new law that requires schools to show that increased test scores do not come at the expense of increased dropout rates. But the administration's recent regulations interpreting the new law gut this protection by allowing schools to claim progress even if dropout rates for some groups increase.

If we truly intend to leave no child behind—and I do believe there was good faith in the effort to put this bill together—educational funding, particularly funding for programs such as this I have just discussed that are targeted toward the most disadvantaged children—and this includes a disproportionately large number of minorities—these programs need to be our top priority, not our lowest priority.

We also see misconceived priorities in the area of health care. The Institute of Medicine at the National Academy of Sciences said in a report they issued.

[A] large body of published research reveals that racial and ethnic minorities experience a lower quality of health services, and are less likely to receive even routine medical procedures than are white Americans.

One of the number of recommendations the report made—and has been ignored, thus far, by the administration—is the recommendation to ensure public health care payors—that means Medicaid and the Children's Health Insurance Program, specifically—that the health beneficiaries of those programs are brought to the same level in their benefits as those who get their benefits through the private sector.

In the area of providing coverage to low-income pregnant women, the administration first supported and then turned its back on a bipartisan approach to cover low-income pregnant women with access to the full array of prenatal, delivery, and postpartum care that is typical in the private sector. This bipartisan effort—Senator BOND was very involved in this, as were other Senators on both the Republican side and Democratic side—the bipartisan effort would improve the outcomes of deliveries for both pregnant women and their children, particularly among racial and ethnic minorities who are disproportionately enrolled in these public sector programs.

According to the Centers for Disease Control and Prevention, CDC, African American women have mortality rates over four times higher than that of non-Hispanic whites. American Indian/Alaska Natives, Asian/Pacific Islanders, and Hispanic women have mortality rates 67 percent, 55 percent, and 41 percent, respectively, that are higher than non-Hispanic whites.

To address this problem, we have pushed to provide States the option to provide comprehensive coverage to pregnant women, including lifesaving postpartum care through the CHIP program. The Bush administration has decided to reject that approach and, instead, proposed a regulation that does not provide comprehensive coverage such as postpartum care to pregnant women. The administration has chosen, instead, to pursue an ideological agenda with respect to women's health and abortion rather than to address this most basic health issue for women and infants.

There are other areas that show a lack of commitment to equal opportunity for Americans. For example, the administration alleges it wants to eliminate poverty through progressive welfare-to-work policies. I heard the President yesterday indicating his desire that people work 40 hours a week. I favor requiring people to work whatever is reasonable, but we have seen great resistance from the administration in our efforts to increase child care funding, which is essential for the mothers we are now requiring to go to work. We need to see that that issue is adequately addressed. And the administration needs to support our efforts to increase child care funding as part of any reauthorization of the welfare legislation.

There has been a lot of discussion in the last few days about the unfairness and inequities in the tax proposal of the administration and how that is clearly skewed to help the wealthy and not to help the average American of whatever racial or ethnic background.

In the area of pension reform, again, minorities are less likely to work for an employer that offers a retirement plan. We need to do something significant to try to expand pension coverage in this country. That is a great failing. Well over half of the private sector employees in my State do not have pension coverage, and that is an issue that needs addressing as much as anything else in the pension area.

To summarize my views, we need to provide equal access to high quality education, equal access to adequate health care, and to child care. We need to support equitable tax policies. That is what is essential if we are going to support equity and equality and really follow through on the rhetoric which we hear related to the birthday of Martin Luther King.

THE UNEMPLOYMENT COMPENSATION ACT

Mr. BINGAMAN. Mr. President, let me also speak to the Unemployment Compensation Act we passed. Last week, Congress passed important legislation to help nearly 4 million Americans whose eligibility for unemployment insurance benefits expired on the 28th of December.

Three million of these Americans are now entitled to an additional 13 weeks of extended unemployment benefits through the first half of 2003. Another 780,000 will receive the remainder of the original 13 weeks that they were entitled to under the temporary extended unemployment compensation program. This is good news. I, as most of my colleagues, I am sure, announced in my State that this was good news for unemployed workers and we needed to

thank the President and thank all who helped to get that done.

The bad news, though, is that this legislation did not help an estimated 1 million Americans who have exhausted their unemployment insurance benefits and are no longer eligible for assistance. The fundamental problem in the United States, in my State of New Mexico as well as other States, is that jobs are being lost and, unfortunately, no new net jobs are being created. The economy is not getting better. It is getting worse.

Americans are caught in a downward economic spiral economically that began 2 years ago. It shows no signs of improvement.

The problem with the legislation we passed this last week is that it simply ignored these million people who do not have jobs today and who likely will not have jobs anytime soon. These are people who have played by the rules, who, through no fault of their own, find themselves without a job. Many of them are trying to get the skills necessary to be able to take another job, but we have cut off any benefit to them.

I believe we need to help these people in a tangible way. Providing extended unemployment benefits in a time of crisis is the least we can do. Unemployment insurance offers, at most, a subsistence level of existence. No one gets rich on unemployment insurance. It seems to me we should be able to offer some financial security to our friends and neighbors when they need it most.

In my home State, I have seen this issue most directly in those who have become unemployed in my home county of Grant County where the copper mine and smelter have essentially shut down. The workers in that mine and smelter have found themselves unemployed. The unfortunate reality is that many of those people lost their jobs before March of this last year. Accordingly, they have run through the 39 weeks of unemployment compensation they could receive, and we have failed to add to that and provide any additional assistance to them.

Back in the early 1990s, we passed a series of bills over a 2-year period specifically designed to help people who had no chance of obtaining jobs until that economy improved. Most Americans during that period—this was 10 years ago, when former President Bush was in the White House—were entitled to at least 52 weeks of unemployment insurance coverage. Some Americans in high employment States were entitled to even more.

I don't understand why we are not willing to step up and do that same thing again in this current economic circumstance. In fact, the economic circumstance we find ourselves in today is at least as bad as what we faced in the early 1990s.

We could be using this as an opportunity to retool and make our country stronger economically. Instead, we are pretending the problem does not exist and pretending that these workers will somehow or other fend for themselves. The policy makes no sense to me. I don't think it is good strategy. It is not good economics.

I add my voice to that of other colleagues who spoke last week who argued that we need to do more for those who are out of work. I hope if the economy continues to suffer as it currently is, we will revisit this issue and provide these extended unemployment benefits out to 52 weeks for unemployed Americans.

Offering extended benefits to Americans who have exhausted their unemployment benefits is a step in making this country stronger. I urge that course on my colleagues.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

I ask unanimous consent to proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, reports indicate that the Bush administration intends to submit a brief in the Supreme Court opposing the University of Michigan's use of affirmative action in its admissions policy. This still sends the absolute wrong message about the administration's commitment to civil rights and equal educational opportunity for all Americans. Today is Martin Luther King's birthday, and he would be the first to condemn the shameful hypocrisy of the administration on race.

Affirmative action is critical to providing educational opportunities for qualified minority students. Much of the progress that we have made in this country in reducing the income and employment gaps between minorities and whites is the direct result of affirmative action programs that have provided minority students with access to colleges and universities.

We know that the struggle for equality is not over. Even with affirmative action, there are significant racial disparities in higher education between minority students and white students. Currently, African-Americans enroll in higher education at 85 percent the rate of white students. Latinos enroll in higher education at only 80 percent the rate of white students. As a country, we need to work to close that gap, as the administration now proposes, not widen it.

By providing educational opportunities to talented minority students, affirmative action programs help benefit all of our society. We all benefit when students are allowed to fulfill their true potential. We all benefit from lower poverty rates, and higher income and employment rates. Students benefit from the interaction and learning that takes place among students from different racial and ethnic backgrounds.

Opponents of affirmative action rely on myths that are refuted by numerous studies and even by common sense. They argue that affirmative action is unfair to qualified white students. But as the Michigan admissions programs demonstrate, affirmative action programs do not involve special quotas or set-asides for minority students. A student's racial and ethnic background is one among many factors that are considered in determining admission. In addition to a student's grades, test scores and recommendations, universities consider such factors as whether student's parents are alumni, a student's socio-economic background, their geographic background and whether they have special artistic, athletic or other talents to contribute. Given the range of factors considered in college admissions, the true unfairness would come from saying race and ethnicity are the only factors that could not be considered.

Opponents also argue that affirmative action helps unqualified students. The University of Michigan's affirmative action program admits only qualified students. The success of minorities graduating from selective schools as measured by their graduation rate, their performance in professional and graduate school, and their success in future careers and as community leaders is well documented in a recent study by William Bowen and Derek Bok in their book ''Shape of the River.'' Most of the African-American and Latino students accepted under affirmative action come from lower-income backgrounds than white students. They are more likely to have gone to segregated and poorly-funded schools, and much less likely to have parents who had attended college. Yet despite these disadvantages, their success was comparable to their white counterparts.

The administration suggests that it supports the idea of racial and ethnic diversity, but that it doesn't believe that one should use what it calls ''racial preferences'' to achieve this. This, however, is a cop-out that evades the key question posed by the Michigan case: that is, whether racial and ethnic diversity is a compelling governmental interest. Not whether it is a merely good thing, but whether, given the central importance of integrated schools to our society, it is a constitutionally compelling interest.

Moreover, any suggestion that all universities can enroll a diverse student simply by relying on race-neutral

programs, such as percentage plans is simply wrong. As a recent report by the U.S. Civil Rights Commission makes clear, percentage plans have failed to markedly affect enrollment of minorities at flagship state universities. In addition, these programs do not even purport to reach graduate or professional schools or private colleges, all of which would be affected by the Supreme Court's ruling.

In failing to support the University of Michigan's program, the Administration is undermining the central promise of the Fourteenth Amendment's equal protection clause. The equal protection clause was founded on the notion of providing equality of opportunity to all Americans, particularly those who had been disadvantaged by our country's history of discrimination. We have done tremendous work in this country to improve educational opportunities from elementary school through higher education, and to reduce racial inequities, but our work to fulfill the promise of the equal protection clause, and the core values that underlie our democracy is not done. I had hope that the administration would join those of us who seek to continue that struggle and I am tremendously disappointed in the decision they have made today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, may I inquire, are we in a period for morning business?

The PRESIDING OFFICER. Yes.

NORTH KOREA

Mr. KYL. Mr. President, I wish to speak to the issue that is very much on everybody's mind today, and that is the question of what is going to happen on the peninsula of North Korea and how do the actions of the United States, with respect to the North Korean Government's violation of international agreements, affect our ability to deal with the current situation we face in Iraq.

Let me begin by saying that there have been attempts by people in the media to compare the threats between Iraq on one hand and North Korea on the other, sometimes I think in an effort to suggest that the President has misplaced his priorities. I would like to set the record straight.

I think the administration has made it clear, and others are very clear, that there is a big threat from both Iraq and North Korea. Make no mistake about it, it serves no purpose to try to compare those threats in some theoretical way. Both have to be dealt with in their own way, and that also means in their own time.

The reason the administration began dealing with Saddam Hussein and Iraq is because that was left over business from the gulf war of 11 years ago where Saddam Hussein said—promised—that he would do certain things: That he would, for example, not have weapons of mass destruction or seek to acquire nuclear capability; that he would dismantle his missile program, and so on.

We know through our intelligence that he has failed time and again to comply with those requirements. He has even continued to shoot at our unarmed predator reconnaissance aircraft, as well as the manned aircraft we fly to do surveillance over the areas of Iraq we have been flying over, the so-called no-fly zones, ever since the end of the gulf war.

I note that is a kind of inspection. When people at the United Nations say Iraq is cooperating with the inspections, I wonder how much those pilots think this cooperation is for them when they are being shot at by the Iraqis. Some cooperation.

In any event, that is unfinished business with which we have to deal if international agreements are going to mean anything. The United Nations has resolutions. Saddam Hussein agreed to abide by them. He has not done so. The question is, At what point is the United Nations going to finally decide to enforce those resolutions? That is the point President Bush brought to the attention of the United Nations Security Council. They adopted a resolution that basically gave Saddam Hussein one last chance to show he was in compliance.

In the judgment of virtually everyone who looked at the document filed by Saddam Hussein allegedly demonstrating his compliance, it is a false and fraudulent document and shows that he is in noncompliance rather than the other way around, a result of which, sooner or later, we are going to have to deal with Saddam Hussein. That is where the President found himself prior to the evolution of the North Korean crisis.

In one respect it is timely for us to deal with Iraq because from a military standpoint, there is no question that we can deal with Iraq in a way that can minimize casualties, that does not involve a large threat that he will attack his neighbors. Fortunately, the Israelis have developed a missile defense program in the 11 years since the end of the gulf war and will probably be able to, through the Arrow missile defense system, handle any kind of Scud missile attack on them, and Saddam Hussein has not yet acquired a nuclear weapon, in our belief. As a result, he is not in a position to resist a U.S. effort to bring him into compliance with the U.N. resolution militarily in a way that we fear from a military standpoint.

On the other hand, the crisis in North Korea has now broken out, and we are faced with a question of whether military action there is possible. Of course, it is possible. We should never take military action off the table. But we know that the capability of North Korea has evolved to the point where it would be much more difficult to take military action, among other reasons, because they have long-range missiles, they have nuclear weapons, we believe, and they have a lot of weaponry just a few miles across the DMZ from Seoul, Korea, where something like 8 or 10 million people are located, including a large number of American troops. As a result, that situation has evolved beyond the point where we believe it is efficacious to use a military solution to deal with the crisis. It is a good illustration of why we should deal with those problems before they get to that point.

Fortunately, Iraq does present the situation prior to that point that enables us to take military action there. Again, that crisis evolved, diplomacy failed, and it is a crisis ripe for resolution, if Saddam Hussein does not come clean for the world community and the United States, by military action.

We are not at that point with North Korea yet. That situation arose relatively recently. We have known for some time there had been violations of the agreement that North Korea made not to produce fissile material. They finally confessed to Under Secretary Kelly back in September that they had, in fact, been developing a uranium enrichment program for nuclear weapons. They pointed out that they still had not, however, violated the agreement to keep their plutonium program frozen, but in the last few weeks—in the last week actually—they decided to unfreeze their plutonium program, as a result of which that fissile material can be produced in relatively short order for inclusion in nuclear weapons.

It is our assessment that in a matter of a very short period of time North Korea could again begin producing a number of nuclear weapons. The threat to the world, obviously, is significant because Korea is the largest proliferator of weapons of mass destruction and missiles, and if they begin selling nuclear weapons, just imagine what the consequence would be if a Saddam Hussein or Muammar Qadhafi—someone like that—would purchase nuclear weapons from a country such as North Korea.

The point is, that is another crisis with which we have to deal. I do believe it is a crisis, and I believe it is a serious threat, but, as I said, it is a different kind of threat from what we are presented in Iraq.

The obvious solution is to do what the President suggested. North Korea has to meet a goal, and the goal is to dismantle its weapons program in a verifiable way. If it does not do so, it is going to have to face consequences. The President is willing to engage in a dialog with North Korea, but there has

to be more than carrots at the end of that dialog to entice North Korea to come into compliance.

North Korea also has to understand there can be consequences it will not like if it fails to reach an agreement that is enforceable, verifiable, and one that is acceptable to the rest of the international community.

It now has removed itself from the Nuclear Non-Proliferation Treaty. This is a very dangerous step. As a result, the United States and the other countries of the world need to take action. It would be possible to do so under chapters 6 and 7 of the U.N. Charter which provide for action by the United Nations in the event of a threat to international peace and stability. We could impose a resolution similar to that which applies to Iraq today, Resolution 661, which essentially has quarantined Iraq from export and import. We could do the same with North Korea saying no more would they be able to export weapons of mass destruction to generate hard currency or, by the way, illicit drugs, since their two biggest forms of making money are selling illicit drugs and weaponry which they should not be selling to countries. That would benefit the world. We would deny hard currency to North Korea and help prevent the further proliferation of these weapons of mass destruction.

Those are actions we can take today. Senators MCCAIN, SESSIONS, BAYH, and I introduced legislation Monday that provides a range of options of which the administration can take advantage. It ranges from dealing with the refugee crisis in North Korea to preventing repatriation of funds from other countries into North Korea—again denying hard currency—increasing the broadcasts of Radio Free Asia into North Korea, ensuring we are adequately prepared to provide a deterrent to military activity in the region. But probably the key to it is the reimposition of sanctions or imposition of new sanctions, such as Resolution 661 that applies to Iraq today.

Those are all the kinds of action that North Korea should understand could come about if it does not cooperate in these discussions that the administration would like to have. It seems to us that it is important to put those kinds of points in place so that in addition to the carrots this administration has suggested exist, there are some sticks out there, too, because we have seen in the past that North Korea tends to violate the agreements it signs; it tends to negotiate from the posture of strength. If it has cards on the table, such as its nuclear weapons and the ability to proliferate these weapons around the world, then we need some cards on the table as well.

Right now I do not think the rest of the international community has many cards on the table. In effect, we need to put an ''or else'' to the end of those negotiations so when we sit down and talk to them and they are intransigent, as they usually are, there is a point our negotiators can say: Look, you either do this or else, and the ''or else'' has to have some meaning.

Dr. Kissinger made another important point, and that is the United States should not be in this alone. This is not our fight alone. South Korea, of all countries, has a stake in helping to resolve the situation, as does Japan, China, Russia, and other nations in the region.

It is important that those nations be brought into this, and I am glad to see the Chinese are willing to host some kind of a meeting and that perhaps other countries are willing now to be brought into the process of discussion so that whatever agreements are reached, it is a product of the entire group and not only the United States.

We should not put ourselves into the position of being the sole party to be blamed or for people to be looking to for enforcement of any agreement that may be entered into.

We have recently seen on the streets of South Korea our friends, the South Koreans, telling us they do not want us in their country anymore. Now that is a very bad turn of events because we have been great allies. We are great allies. We mean only to help South Korea to provide security assurances for their people.

What it does is tell Americans that if we are not wanted there, then perhaps we ought to leave. That is not the right message to be sending when stability in the region is so important to maintain. It would, of course, send the wrong signals to North Korea were we to begin pulling our troops out of South Korea. That is not the solution now. Perhaps someday it will be. If South Korea does not want the United States to remain, obviously we should not remain, but the right time to do this is after this crisis is resolved, not in the middle of the crisis.

There is a lot hanging in the balance. It seems to me when we analyze the situation in Iraq and in Korea, we have to appreciate that they are two totally different situations. There are some parallels. Both countries are part of the axis of evil. Both represent threats to the United States and other nations in the world. They both have to be dealt with, but they have to be dealt with in different ways. There is no confusion in the administration policy in this regard. There is no conflict. This is not a matter of having disparate policies. It is merely a matter of recognizing that it is a complex world and what works in one particular place may not work in another particular place.

That is why we have the two different policies, both of which I hope will involve the international community of nations. At the end of the day, the United States has to have a clear-eyed policy of its own, one that we are able to apply in a way that will help to protect our own national security. That is why I support what the administration and President Bush have been trying to accomplish in bringing the situation in Iraq to the point where we can conclude one way or the other that Saddam Hussein has complied with the international obligations he agreed to, and bring that matter to a conclusion to enforce those agreements, while at the same time preparing to resolve the situation in North Korea in a way that will not break out in some kind of military conflict but will result in a situation in which North Korea has dismantled its nuclear program, its weapons of mass destruction proliferation program, and its missile development program in an enforceable and verifiable way.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Nevada.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, morning business expired at 2:30. Senator DOMENICI is in the Chamber, as well as Senator MURRAY, and there are two Republicans on the floor. Does Senator DOMENICI wish to be recognized speak?

Mr. DOMENICI. That is what I came down for.

Mr. REID. For how long?

Mr. DOMENICI. About 7 minutes.

Mr. REID. I ask unanimous consent that morning business be extended to allow Senator DOMENICI to speak for 10 minutes and Senator MURRAY for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

THE ECONOMY

Mr. DOMENICI. Madam President, I note that we have a little time before we are hopefully going to move on to the appropriations bills. I am very hopeful that the appropriations leaders, under the leadership of our new leader and Senator DASCHLE, will come forward with an approach that will permit us to wind up the business from last year that we have not finished yet.

That brings to mind the business of the year we are in, which we should be working on but cannot because we have not finished last year's work. So that is why we are doing it now.

The President of the United States is going to speak to the American people a few nights from now, and what most Presidents do, and the Cabinet members who work for the President, is sometime before the State of the Union they start talking to the American people about the principal problems

that our Nation has and they throw out the ideas they are considering.

Consistent with that, everyone knows the American economy is, at best, a growth economy without new jobs or an American economy that has not come out of a recession. It looks as though it is the former rather than the latter, because if our method of measuring things is correct, we are growing. That is, the gross domestic product is getting a little bigger every month and in a year it will be significantly bigger.

Let us start by defining how big is the gross domestic product. The sum total of all actions that are worth anything in America, that is the gross domestic product: $10 trillion. We cannot even understand how big $10 trillion is. Later in the year, we will compare it with other countries'. I surmise it probably is big enough so that it is bigger than all of Europe's. We could probably add in China, South America, and a couple of more countries, and it is probably still bigger than that.

For about 10 years, the economy not only was growing but it was adding jobs. As that happened, it miraculously started producing substantially more revenue than we had predicted.

Nobody has come to the floor nor have I heard anybody nationally tell us why it produced so much more revenue than we anticipated. Revenue is a substitute word for taxes, tax receipts. We did not know why, but it produced billions of dollars in taxes that we did not expect. So that is why we got a balanced budget ahead of schedule; tax revenue came in about $60 billion more than we expected. So we got a balanced budget 3 years before we predicted, for which we all took credit. President Clinton took credit. Budget Committee Chairman DOMENICI took credit. Everybody took credit. I was chairman of the Budget Committee and we got four balanced budgets. Most of it came because we held expenditures down rather reasonably—not as much as we should have, but the revenues came in rather soundly on the high side.

Then what happened was the economy went through one of the smallest recessions in modern times. By that I mean, how many months did the economy stay in the red in terms of the growth in domestic product? How long was it shrinking instead of growing? If it shrinks for very long, people go out of work, companies do not sell their product. In other words, things that create wealth are not happening when it is shrinking.

So it was shrinking, but only for a short period of time, and then the measurement of the growth started going up. As a matter of fact, right now we are told that the economy is growing at about 3.5 or 4 percent. But people in this economy are not being hired, so unemployment is not going down, it is going up slightly.

For those who say how bad it is, obviously it is terrible when any American is out of work, but 6.1 or 6.2 percent unemployment is seen as high unemployment only in the last 12 or 15 years. Prior to that, 6, 6.5, 7 percent was pretty good in the American economy. We have grown to expect better of it, but certainly it is not in a state of depression. People in this economy are not being hired because something is happening internally that is different. It may be the huge drop in the stock market has something to do with it.

We cannot say that for certain. People do not want to believe that. Powerful thinkers say it really is not, but I think probably it does have something to do with it.

In addition, investment by businesses produces wealth, so they can hire more people. What do I mean? A filling station owner buys another filling station and invests $350,000, and he hires 12 full-time people. That is an increase. To get there, he had to put money in it. Money is not being invested in new actions that cause people to be employed.

What we have to do is take this giant economy, $10 trillion, and give it a kick by putting some more money into it. That will make these transactions start moving again. Anyone who comes to the Senate saying, let's have a tiny package, the President's package of $600 billion over 10 years is too much; so, what do you want? Say, $100 billion. Of that, how much goes into the economy to be spent? Well, $60 billion. And you think $60 billion will kick the economy so it will grow $10 trillion with $60 billion? The economy will not even know it happened. $60 billion is a mouse. The economy does not need a mouse giving it a kick. The economy needs an elephant and a donkey and some cars to run into it, give it a real kick. It has to have real money, not little tiny boxes of raisins.

One time someone wanted to start the economy up, some president wanted to give everyone a bit of money and it was so small that one Senator said, don't bother with it. The Internal Revenue can just get up on top of buildings and drop $50 bills and people will pick them up. Sure, they will spend them. That is the real way to stimulate the economy. Of course, we did not do that.

I am talking about how much. The President's numbers of $660 to $700 billion over 10 years is said by Senators on that side to be way too much. Way too much for what? The deficit will get too big. Would you like the economy to stay like it is, in a state of neutrality where it is not generating any revenue? If that is the case and you want to get into balance, you have to cut everything 10 or 15 percent. America last reduced its budget in a recessionary period when Hoover was president. That is now known as Hooverism. Or Hoover economics. Great man. Solid economist. Great geologist. A great idea. Except when the economy is not going, you do not cut the budget, you spend on the budget or you cut taxes.

We will be spending, do not worry, because we are in a war. But you have to put tax cuts in place so the Government puts money in the hands of people; money they would not otherwise get. If they are already going to get it, you do not give it to them because that money is already in the economy. So you give them money they are not going to otherwise get. Cut their taxes, change the marriage tax penalty so they keep more money, reduce the brackets so you are in a lower bracket and you keep more money from withholding, and if you are a businessman you do not spend so much.

I urge Senators, particularly on our side of the aisle, if they want to express their concerns about certain items in the President's tax package, so be it. But clearly we ought to keep our minds open to the size of the package needed. Republicans should not come out of this Congress on the side of being cautious about stimulating the economy. We should come out of this session saying, if people want to be cautious, let it be them. If the economy does not get better, they did it. We should forget that and go with a big package that is apt to give the economy a real kick. Nobody knows the exact numbers. Nobody knows if $600 billion, with $150 billion in the first year, is right or too much. But clearly we ought to not be so cautious that we do not do enough. If that is the case, the tax cut will be wasted, the deficit will not change, and we will need more stimulus the next year.

I say to those who want the economy not only to grow but to create jobs, keep your powder dry on the size of the stimulus.

It ought to be big, not little. It ought to get into the hands of the maximum number of people as early as possible. If there is some way to generate interest, real, genuine interest, in investing on the part of the public, do it.

For instance, perhaps people could depreciate equipment they bought. Buy a car, depreciate it in 3 years. Let consumers depreciate in one year, they might buy a car every year. That is a bottom line entry. This is in the President's package. One of them is in; accelerated depreciation.

I suggest on our side if we want to get the President's package, and if Democrats want to stimulate the economy, to produce jobs, we should work with the President and with the Budget Committee. The new Budget Chairman is DON NICKLES. I did that for 17 years and now I will try something else. But, I will help him do that, like a lot of other people.

That blueprint picture ought to end up reflecting people in the Senate who are concerned about jobs for people. So much talk about rich versus poor. If you are not for help with jobs, I don't know who you are for. If you are for a packaging that does nothing to create

new jobs, who are you for? We want to be for a package, and I hope everyone does, that creates jobs and maximizes opportunity to create activity within this gross domestic product, that will, through new motion, create investment and jobs.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. DOMENICI. I ask unanimous consent the period for morning business be extended until 3:30, with the time equally divided and Senators permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, the people of my home State of Washington are hurting in every corner of my State. Families are concerned about what the future will bring. In the last 2 years alone in my home State of Washington, we have faced an earthquake, an energy crisis, the bursting of the high tech bubble, the departure of Boeing, the loss of thousands of jobs, and now we face a State budget deficit of $2.5 billion which could easily translate into major cuts in education, health care, and infrastructure.

For much of the last 2 years, Washington State was ranked either first or second in the nation in unemployment rates. We have lost a staggering 74,000 jobs in the last 18 months. These are sobering numbers. Behind every one of these statistics is a man or a woman who is trying to support their family, keep food on the table and a roof over their head.

Throughout our country the economic picture is just as bleak. The United States has lost 2.1 million private sector jobs since January of 2001. Despite the President's mammoth $1.7 trillion tax cut last year, the economy is continuing to sputter and Americans are continuing to lose their jobs. When the President signed that tax cut he said it would ''provide an important boost at an important time for our economy.''

That was 20 months ago, May 16, 2001. What are the results? In December alone, 101,000 more Americans lost their jobs through no fault of their own. These fellow citizens are now out of work and many now are without health care. Health care is the unmentioned but painful reality of job loss for many. Since most Americans get their health insurance through their only employer, many Americans have also lost their health care coverage. In Washington State alone, 156,000 families have lost their health care in the last 2 years. That is an increase of 27.4 percent. Today, a staggering figure of Washingtonians are without health insurance. The glimmer of hope should be that we are providing good schools and learning opportunities to educate our young people for jobs in the future. Unfortunately, the President has proposed cutting funds for education at a time when these investments are now more important than ever. Everyone in my State would agree we need to get this economy back on track. We need to do it right.

Today, despite the fact that the President's last tax cut has yet to create any net new jobs, the administration is pushing another massive tax cut under the claim of stimulus.

Except this time, the Nation is back in deficit spending. According to private economists quoted in Friday's Washington Post, the U.S. could be facing deficits as high as $350 billion next year. We haven't seen deficits that high since the first Bush Administration posted a $290 billion deficit in 1992.

On top of that, we have incredible security needs at home and abroad.

We have increased needs in spending for defense, for homeland security, for border security and health care.

But this week the White House has proposed an economic plan that will blow a hole in the national debt, costing more than $6709 billion over 10 years. And the interest costs will add billions more.

I am deeply concerned that the President's plan is a disaster for the Federal budget and for our long-term responsibilities to our country to promote national security, homeland security, and economic security.

I thought the Bush plan was billed as an economic stimulus plan to get our economy moving. But when I look at this proposed plan I see it is heavily titled toward the wealthiest Americans.

While giving very little to average Americans, the plan give a $90,000 tax break to every millionaire, and these are the people least likely to need to spend an additional dollar of income and stimulate the economy.

I just don't see how the Bush plan will work. Eliminating the tax on dividends won't stimulate the economy in the short term. The total cost of the cuts is $670 billion, but less than $100 billion comes in the first year—which is when the economy needs it most.

It overwhelmingly benefits the wealthiest investors while providing little for most people in my State who are hurting. And it will do long-term fiscal damage with its $670 billion dollar price tag.

As I see it, the only thing this plan will stimulate is our deficit. It will add to the mountain of debt that we are forcing on our children to pay back later. It is a trickle-down plan that our President's father once called ''Voodoo Economics.''

I believe that if Congress is going to pass a tax cut, then it should be a plan that actually helps the economy and should do four things:

First, it should actually help the economy get moving again. I agree with Senator BAUCUS's proposals to increase the amount of money small businesses can deduct for investment in new equipment, and to enhance the bonus depreciation provision in last year's stimulus bill. This will actually help businesses create new jobs.

Second, it should address unemployment benefits. The President and his allies finally reversed themselves last week and gave in to the urgent need to provide some relief to the folks who need help the most. This will help thousands in my State to keep paying the bills until jobs are available again.

Third, it should help Washington State—and all States—deal with huge budget problems. The States do not have the luxury of deficit spending even if they are hit by what the President calls the trifecta of war, recession and national emergency.

Our States are having to deal with $70 billion in deficits by cutting funding for education, health care, transportation and other critical needs.

The people in my State need a safety net now to help get them back on their feet, and that safety net relies on states having adequate funding. We need to help the States get through this critical time.

Last, it should not blow an even larger hole in the Federal budget. Keeping our military strong, tracking down terrorists, defending our homeland, giving our young people a good education, making health care more affordable, and building infrastructure are the types of priorities that the Bush plan will crowd out.

I hope that my friends on the other side of the aisle and at the other end of Pennsylvania Avenue will listen to the hardworking Americans outside the beltway. I hope that they will work with us to get a real, responsible and effective stimulus plan to get America's economy moving again.

When my father was called upon during the Second World War, he was proud to serve his country. He earned the Purple Heart as one of the first G.I.'s to land at Okinawa.

Today we are engaged in a war on terrorism and on the brink of another. But rather than being asked to sacrifice, we are asked how much we want our taxes cut.

I visited Fort Lewis, McChord Air Force Base, and Everett Naval Station during the recent break. These young men and women are serving our country are working so hard to protect our security. Their families are being asked to sacrifice, as these men and women prepare to deploy.

It is amazing that at the very time we are asking these troops to leave their families and head overseas to respond to a foreign crisis, we are asking for a tax cut at home that puts our budget in crisis.

It is hard for me to imagine how a private first class making $16,000 a year is going to benefit from this tax cut. Yet he—or she—is prepared to make the ultimate sacrifice to protect America's national security.

America's defense needs, our homeland security needs, our education and health care needs will be jeopardized by the massive new Bush tax cut.

What America needs now is not a plan to stimulate the deficit, but a real plan to stimulate our economy and put Americans back to work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I first thank my colleague from Washington State for her eloquence, standing up for those working Americans, middle class Americans, those on the front lines who are being asked to put their lives on the line in defense of our country and our freedoms. I appreciate very much her comments and would like to associate myself with her comments today.

Ms. MURRAY. I thank the Senator.

UNIVERSITY OF MICHIGAN ADMISSION POLICY

Ms. STABENOW. Madam President, I rise to express my deep disappointment at news reports today that indicate the Bush administration will try to overturn the admissions policy at the University of Michigan, in my great State. As many people know, the Supreme Court will soon hear a case that will decide the future of racial diversity in all institutions of higher education. The University of Michigan's admissions policy so far has been upheld by the 6th Circuit Court of Appeals as constitutional. Unfortunately, those who want to dismantle all admissions programs that consider race have taken this all the way to the Supreme Court.

It is important to note this case is not about racial quotas. Let me say that again. It is important to note this case is not about racial quotas. The University of Michigan does not have racial quotas for admission. I am opposed to racial quotas and this, in fact, has been the law of the land since the Supreme Court's decision in the Bakke case in 1978.

The University of Michigan's undergraduate admissions policy simply takes into account student diversity as one of many factors that are considered for admission. Incidentally, the most important factors for admission are the applicant's grade point average and test scores. Race is one factor of diversity, but it is not the only factor. I think this oftentimes is missed in the discussion about the university's policies and what affirmative action means. There are several other factors the university considers, including if the applicant comes from a socially or economically disadvantaged background, if the applicant is a white student from a majority minority high school, if the applicant comes from an underrepresented community, such as one of Michigan's many rural communities throughout northern Michigan, southern Michigan, up in the Upper Peninsula, or if the applicant is an athlete.

I think it is important to emphasize there is a category where there are certain points that are given and you can either be given points as an athlete or points for racial diversity or points for other kinds of categories—not all of them but one. Certainly, there are a number of factors that are considered in this process to create a balanced student body for the university.

The university considers a long list of factors, including if the applicant is a child of an alumni or if he or she has written a terrific essay. So there are many factors.

All of these factors help the University of Michigan select a diverse, well-rounded student body that is not just racially diverse but economically and geographically diverse as well.

Do we not believe that students from our small towns and rural communities add a unique and valuable perspective to our academic institutions? What about our students who come from economically disadvantaged backgrounds?

I know many Michigan families in the Upper Peninsula who lost their jobs because of the iron mines closing. Don't their children deserve an equal opportunity to attend one of the State's best academic institutions, and in fact I would argue one of the best in the Nation?

I might add that my son, Todd, is also an alumni of the great University of Michigan.

This debate is much greater than the admissions policy of one university. This is about whether we are going to have equal opportunity for all Americans. This is about whether we support policies that help provide the opportunity for Americans of all backgrounds to have a chance at the American dream regardless of where they live, regardless of their ethnic background and their religious background, or whether they are male or female, whether they are an athlete or not a good athlete—a wide variety of factors that go into making those decisions. And shouldn't all young people have the opportunity?

We already have policies called veterans preferences to help our veterans. I certainly am very supportive of doing that. We have set aside programs for women-owned and minority-owned small businesses and some categories for small businesses in general. There are certainly preferences that make good sense in public policy.

Shouldn't we also give a helping hand to all young people who want to go to college to be able to create the brainpower to drive the economic engine of this country with new innovations and new opportunities to continue forward an American economy that is as strong as it can be?

President Bush's decision to try to dismantle the University of Michigan's admissions policy comes at a very tough time for our Nation's minority community. Over the past month, the Republican Party has undergone a makeover—a change in leadership. But it would be very unfortunate if it is a change in style and not of substance.

Despite the White House's recent proclamation of issues that impact our minority community, I was very disheartened to see that they immediately renominated Charles Pickering to the Fifth Circuit Court of Appeals despite his controversial record on civil rights and his defense of someone convicted of burning a cross on the lawn of an interracial family.

There has been no commitment by this administration to support hate crimes legislation or legislation to prevent racial profiling. There has not been a commitment to fully fund election reform measures to ensure that minority voters are not disenfranchised as they were in the 2000 election.

Unfortunately, this administration seems to be all talk and no action. We need to come together in a bipartisan way to act and not just to talk. On the one hand, the President talks about the importance of expanding opportunities to all Americans. And we all talk of that, and that certainly is something with which I agree, but the administration's policies do not back up this rhetoric.

There is still time for the President to file a brief in the Supreme Court case—one that supports the University of Michigan's admissions policy. I urge him to do so. Now is the time for us to come together and work together to make sure there is opportunity and access to our great institutions of higher learning in this country and that educational opportunities are available to every young person and to every American. I urge the President to reconsider the course that he appears to be taking and to join with us who understand the policy of the University of Michigan and to understand the importance of every young person having the opportunity to go to college.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Madam President, I ask unanimous consent that the time

during further quorum calls be evenly divided on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DR. MARTIN LUTHER KING'S BIRTHDAY AND CIVIL RIGHTS

Mr. REID. Madam President, when I finished law school, I went back to Las Vegas. One of the first opportunities I had to do something socially was to listen to Martin Luther King speak at the old Las Vegas Convention Center. As I look back, that was really a good choice that I made. I am so fortunate that I, over the years, have been able to hear stirring speeches by people on this floor, by the finest extemporaneous speakers I have ever heard, Henry Cisneros, and Dr. Martin Luther King.

The reason I mention that is because that is a special day in my life. This Monday we are celebrating a national holiday, the birthday of the man who I listened to in Las Vegas, Dr. Martin Luther King, Jr.

This year, in particular, with controversial remarks and votes related to issues of race having affected this body itself, it is important that we reflect on the life, legacy, and the message of Dr. King.

The Senate may not be in session next week—it may be; it may not be—it certainly will not be in session on Monday, so I would like to share some of my thoughts on this subject this afternoon.

In one of his famous, stirring speeches, Dr. King shared with us his dream for American society. I was working as a Capitol policeman here in Washington when he gave that speech. I was in law school. I can remember the buses. I had never seen so many buses. Hundreds and hundreds of buses came here. And, of course, he gave that famous speech.

Despite the suffering he individually endured and African Americans, as a group, have experienced, Dr. King articulated hope, optimism, and encouragement. He spoke of an America in which all people were united, free, and equal, and of a time when people were not discriminated against or limited because of their race or ethnicity or religion.

Today we are closer to that place and time because of his efforts, accomplishments, and sacrifices, and that of countless other African Americans. These men and women confronted enormous obstacles to make life better not only for African Americans but for all Americans.

America has made great strides in improving the status of ethnic and racial minorities. Today, African Americans are leaders in our communities, the arts, sciences, business, and world affairs. We no longer accept legal discrimination in America in any form. We no longer allow the use of poll taxes that prohibit African Americans from voting. We no longer tolerate discrimination in public accommodations such as water fountains, lunch counters, movie houses.

In addition to making political, legal, and social gains, Blacks are now enjoying unprecedented economic success. African-American unemployment and poverty levels are at record lows. There continues to be a significant rise in African-American homeownership and a dramatic increase in loans to African-American entrepreneurs.

We must be aware, though, that the slumping economy the past 2 years has threatened to undo much of the progress, and its impact is disproportionately felt by people of color. I talked about one of those issues this morning; that is, 34 percent of African-American teenagers are unemployed. They want to find jobs.

So despite all of our progress as a society expanding opportunities for all, we can do much better. We have a lot more to do and challenges we have to overcome. The population of Blacks and other minorities continues to increase and flourish in Nevada and across America. But African Americans often lack the services and resources they need to receive a quality education and, in turn, achieve a better place in our society.

Almost half a century after Brown v. Board of Education, most minority students still attend schools that are predominantly minority. On average, they are in larger classes, have older books, receive less challenging lessons, and have teachers with less training in the subject being taught.

Fortunately, Congress passed a bipartisan Leave No Child Behind education reform package, which became the law of the land last year, to correct certain inequities by making sure well-trained teachers are in every classroom, setting higher standards for all students, and providing schools with resources to meet these new standards.

To continue improving the quality of education, expanding opportunities for all Americans, our next step must be to raise the standards for safety, character, and discipline in our schools and to fulfill the promise of our education reform. To do this, we must have a budget that comes from the White House that doesn't skimp on funding for our schools. Passing a bill that says leave no child behind is good, but we are leaving many children behind if we don't provide the funding.

There are some schools, because of a lack of funds, that are going on 4-day school weeks. I don't know of a school district in America—I am sure there are some—that is not having tremendous funding problems. The fifth or sixth largest school district in America is Las Vegas, Clark County, some 250, 260,000 students. That school district has deep financial problems. Many of these problems are a result of the unfunded mandate that we passed on to the school district in Clark County and other school districts around America with Leave No Child Behind. They are required to do things, and we have not provided resources to help them.

While we have made substantial progress, Blacks still lag behind financially and are disproportionately represented among America's poor. Congress should increase the minimum wage, not only to help youths and African Americans but all of our Nation's citizens, especially single mothers, who benefit more than any other group. In addition, providing unemployment and health care benefits for those who have been hindered by the recession will help dislocated workers and their families get back on their feet and continue to improve their lives. We also need to find creative, effective ways to narrow the earnings gap between Whites and African Americans.

Making these improvements will take the dedication of all Americans. Our Nation's efforts to recover from the tragedy of September 11 remind us that by working together, we become a stronger America. We must join to continue fighting to make sure all Americans enjoy equal opportunities for justice, quality education, and economic prosperity. To say that a child has the ability to be educated is not a truism if that education does not include adequate funding.

Sadly, some pay only lipservice to the legacy of Martin Luther King, Jr. They even use his own words as a defense for opposing policies and programs that would advance his goals. In this year, 2003, it is not enough to quote Martin Luther King, Jr., or to say the right thing or avoid saying the wrong thing. Actions speak louder than words, even words as powerful as his. While we certainly remember Dr. King as an articulate speaker, it was not what he said, it was his actions that were more important—nonviolent actions of organizing, educating, motivating, demonstrating—that achieved the real results.

So if we are to truly and fully honor Dr. King and, even more, if we are truly and fully motivated to improve race relations in this great country of ours, we want America to live up to its democratic ideals. If we want all of our people to have equal opportunity, freedom, justice, prosperity, security, and

peace, we must pass civil rights legislation, fund programs that help level the playing field, and appoint judges whose records show a commitment to tolerance and fairness.

I am proud of the Democratic Party's longstanding commitment to civil rights. We have recognized that we must take additional steps, though, to advance and protect civil rights in the future for all Americans. We cannot stand on the laurels of what we have done in the past; we must move forward.

We have developed a package of civil rights legislation known as the Equal Rights and Equal Dignity for Americans Act. This comprehensive legislation includes measures to expand hate crimes protections, strengthen the enforcement of existing civil rights laws, support legal representation for indigent Americans, respond to the injustice of racial profiling, address pay inequities between men and women, protect individuals against genetic discrimination, prohibit employment discrimination based on sexual orientation, prohibit military and civilian personnel from collecting intelligence information about U.S. citizens, and fully fund election reforms passed last year.

During the most recent elections, I was troubled by what we learned took place in the last few days of the election and some we didn't learn about until after the election. Here are examples of the 2002 elections, where there were efforts made by the Republican Party and Republican candidates to harass and intimidate minority voters in an effort to reduce the number of people of color from voting.

Regarding Louisiana, this is from the New York Times, headlined ''GOP 'Engineered and Fueled' Runoff Campaign'':

[Louisiana GOP candidate Suzie Haik] Terrell, whose campaign was engineered and fueled by the White House, had the momentum going into today's runoff election. * * * the Republicans did their best to suppress the black vote so crucial to Ms. Landrieu's fortunes.

That is the article dated December 8.

MISINFORMATION FLIERS POSTED IN LOUISIANA PUBLIC HOUSING PROJECTS FALSIFIED ELECTION DATE

The Times-Picayune reported, One of the most blatant attempts to keep African-Americans from voting was an unsigned pamphlet that the Landrieu campaign said was circulated in New Orleans public housing complexes just before the runoff. The document said: ''Vote!!! Bad Weather? No problem!!! If the weather is uncomfortable on election day (Saturday December 7th) Remember you can wait and cast your ballot on Tuesday December 10th.'' Anyone who waited past Saturday, however, missed the chance to vote.

This appeared in the Times-Picayune of 12/12/02:

LOUISIANA GOP PAID FOR SIGNS TO DISCOURAGE AFRICAN AMERICANS FROM VOTING

The Louisiana Republican Party admitted to paying for signs aimed at discouraging African-Americans from voting. The signs said: ''Mary, if you don't respect us, don't expect us.'' According to the New York Times, ''The Republicans paid black youths $75 today to hold the signs aloft on street corners in black neighborhoods.''

That was the Times-Picayune and the New York Times. The Times-Picayune is dated December 12 and the New York Times is dated December 8.

Madam President, it is 3:30. Morning business is to expire. I ask unanimous consent that I be allowed to continue for another 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. If the majority comes to the floor, I will be happy to step aside.

Continuing to quote:

ARKANSAS: POLL WATCHERS ENGAGE IN AFRICAN-AMERICAN VOTER INTIMIDATION

On October 23, 2002, five Republican poll watchers, including two staff members of Senator Tim Hutchinson's office, were present at the courthouse in Pine Bluff, Arkansas—a heavily Democratic area—for the first day of early voting. They allegedly focused exclusively on African Americans, asking them for identification and taking photographs. They claimed to be ''targeting anybody who does not have an ID to prove who they say they are.'' Trey Ashcroft, chairperson of the Jefferson County Democratic Party and the Jefferson County Election Commission, said the tactics caused some frustrated black voters to not vote. They are trying to intimidate African-American voters into not voting.'' Guy Cecil, a Democrat coordinating national efforts with Arkansas campaigns, said. ''They were literally going up to them and saying, 'Before you vote, I want to see your identification.' '' Cecil said that under Arkansas law poll watchers could not confront voters. Local law enforcement officials escorted the poll watchers out, but they later returned.

2002: RNC CREATES LAWYERS' GROUP TO PROMOTE ''BALLOT SECURITY & INTEGRITY''

The newly-created Republican National Lawyer Association (RNLA) convened in San Antonio, Texas in August 2002, to ''teach Republicans from all over the U.S. about preserving and protecting the integrity of elections.'' They touted the event as a ''landmark political forum'' focusing on pre-election, election day, and post-election topics. On their Web site, they tout that ''almost 200 lawyers from over 20 states attended.'' Their efforts, ''at the request of'' the RNC and ''various'' state parties, involve ''conducting and organizing ballot integrity training across the country.'' The group is ''sending its members out to targeted districts and areas where voter fraud is a concern or has historically been a problem to make sure that ALL registered and qualified voters have an opportunity to cast a ballot and that individuals not registered or qualified should not be permitted to vote.'' The group's president, Craig Burkhardt, urges that the Republican lawyers engage in ''targeted, effective advocacy.'' The RNLA web sit lists several hundred attorneys affiliated with the Republican Party, including 84 from across the country who specialize in election law.

NEW JERSEY: GOP DRAFTS PLAN TO INTIMIDATE HISPANICS WITH CADRE OF ''LATINO LAWYERS''

At an October 28, 2002 hearing in Newark, New Jersey federal court, state Democrats alleged that the state GOP's Election Day plan to intimidate Latino voters violated a twenty year-old consent decree. In that decree, Republicans pledged they would not intimidate minority voters after a controversy involving a 1981 ''ballot security task force''. Democrats provided evidence of an email soliciting ''Latino Lawyers & Others,'' described as an ''aggressive campaign'' to ''ensure ballot fairness''. The email was allegedly sent by a staff member of Republican Senate candidate Doug Forrester. Zulima Farber, arguing for the state Democratic Party, said the email suggested a plan to suppress the New Jersey Latino vote. The GOP has countered that the Democrats' attacks are ''completely without merit'' but acknowledged they plan to post about 70 attorneys in heavily Democratic districts to ''make sure nonregistered voters are not allowed to cast ballots.'' Forrester's election lawyer, Bill Baroni, also notes that the email was not initially addressed to Latino lawyers. Another hearing has been scheduled.

TEXAS: REPUBLICAN POLL WATCHERS EJECTED FOR VOTER INTIMIDATION

The *Brownsville Herald* reports, ''Two poll watchers representing Republican U.S. Senate candidate John Cornyn have been removed from their polling places amid further accusations of voter intimidation in Hidalgo County. The decision to eject the two GOP workers, one watching early voting in McAllen and the other in Edinburg, was initially made by early voting supervisors Thursday and confirmed Friday by Teresa Navarro, Hidalgo county's elections administrator. . . . In an alleged incident at the Palmer Pavilion in McAllen, a voter reported [ejected GOP poll watcher Joseph] Hopkins to an early voting supervisor for making a 'racist remark.' The voter, who knew Hopkins, asked what he was doing there. Hopkins is said to have jokingly replied, 'I'm just a poll watcher but I do not see many Poles. I just see a lot of Mexicans.' In the other alleged incident, at an early voting station within the Elections Department Office in Edinburg, poll watcher [Laura] Mason was reported for 'repeatedly talking to and harassing' voters. An elderly Hispanic voter was said to have been reduced to tears after being 'confronted' by Mason.

NEW MEXICO: REPUBLICAN PARTY OF NEW MEXICO SENT FALSE MAILER TO VOTERS

The Republican Party of New Mexico sent mailers that incorrectly discouraged citizens from voting a straight party ticket in order to benefit GOP candidates. The mailer said, ''Notice to Voters. Do not vote using the Straight Party Button on your polling machine. This button cancels out any individual votes cast. In the past election, this button deprived many candidates of the votes they earned from people like you.'' In New Mexico voters are able to ''cast a straight party ticket and then vote for individual candidates of the other party,'' the Las Cruces Sun News reported. Denise Lamb of the Bureau of Elections said, ''its despicable that people would try to misinform voters to win an election.''

PENNSYLVANIA: GOP CONGRESSMAN ISSUED POLL WATCHER PACKET WITH WRONG INFORMATION.

According to a Lebanon Daily News Editorial, ''[Rep. George] Gekas, a Harrisburg Republican, has distributed among county officials and volunteers an 18-page manual that includes a section about 'challenging a voter.' That's right: Gekas volunteers aren't just going to challenge absentee ballots, but are going to try to block some people who

show up at the polls from casting votes. Even more worrisome is the legal advice that 'challenging a voter' offers to GOP volunteers. The Gekas pamphlet contains some legal errors that may encourage Republican volunteers to lodge false and misleading protests against voters' rights. . . . The Gekas poll-watching strategy constitutes an embarrassment for the GOP. Republicans seem determined to frighten voters rather than competed in the arena of ideas. Gekas and his allies should disavow their planned attempt to discourage people from exercising the federal franchise. They would do better to welcome voters to the polls.''

MARYLAND: MAILER CIRCULATED TO AFRICAN-AMERICANS SPREAD FALSE VOTING INFORMATION

In Baltimore, MD as unsigned flier circulated in African-American neighborhoods spread false information aimed at suppressing voter turnout. The flier read: ''Urgent Notice. Come out to vote on November 6th. Before you come to vote make sure you pay your parking tickets, motor vehicle tickets, overdue rent and most important any warrants.''

Mr. President, the Republican actions during the last election are not in keeping with the legacy of Martin Luther King.

EXTENSION OF MORNING BUSINESS

Mr. McCONNELL. Madam President, I ask unanimous consent that the period for morning business be extended until 4:30, with the time equally divided, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Is there objection? If there is no objection, it is so ordered.

Mr. REID. Mr. President, I have spoken to Senator BYRD and Senator DASCHLE, and Senator BYRD had a meeting with Senator STEVENS. I think we are at a point real quickly where the two leaders will come to the floor with Senator BYRD and Senator STEVENS and do something on the appropriations process. I would alert everybody, they should not plan any real long speeches—my friend said he has not—because I think we are going to be able to go, pretty soon, to the appropriations bill.

The PRESIDING OFFICER. The Senator from Nevada.

COMMEMORATION OF MARTIN LUTHER KING JR.'S BIRTHDAY

Mr. ENSIGN. Mr. President, ''What are you doing for others?'' It is in the spirit of this simple question that Dr. Martin Luther King, Jr., lived and died. Can you imagine if every person started each day with such a challenge? If before we thought about what clothes we would wear or what food we would eat or what meetings we had scheduled, we asked ourselves, ''What are you doing for others?''

These weren't just words to Dr. King. He walked the walk. And his walk often took place in neighborhoods where he was stoned by angry crowds, in jail cells where he was imprisoned, and in cities where he was despised. But every morning he woke up with the attitude that he was here to serve others, and he believed that everyone was capable of doing the same. He once said in a sermon that, ''Everybody can be great, because everybody can serve.'' The only requirements to serve, according to King, were ''. . . a heart full of grace, a soul generated by love . . .''.

For the 39 years that Dr. King graced this world, he led by example. And for the almost 35 years since his death, his legacy has continued to light a path to love, tolerance, reconciliation, and equality.

As well lit as he left that path, we still continue to stumble. That is why celebrating Dr. King's mission, even if just one day a year, is so necessary. We must remind ourselves how important it is for us to keep working toward a Nation that promotes opportunity for all while celebrating our unique differences.

Race relations in American have come a long way since almost 40 years ago when Dr. King penned his ''Letter from a Birmingham Jail'' after demonstrating against the segregation of restaurants. He wrote:

We have waited for more than 340 years for our constitutional and God-given rights. Perhaps it is easy for those who have never felt the stinging darts of segregation to say, ''Wait.'' But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim * * * when you take a cross-country drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile because no motel will accept you * * * when you are humiliated day in and day out by nagging signs reading ''white'' and ''colored,'' then you will understand why we find it difficult to wait.

A lot has changed since then, but in 2003, Dr. King's work is still not complete. Opportunity is not available to all, and we have not fully succeeded at respecting each other's differences.

As we honor the life of Dr. Martin Luther King, Jr., we are reminded that he lived to love others and serve others as a pastor, a champion of equality, and a leader of freedom.

He lost his life while on a mission to leave his children, and all our children, a better world. We owe it to him to continue down that path to love, tolerance, reconciliation, and equality, for only when we reach the end will his work have been completed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

A WATERSHED MOMENT FOR THE ADMINISTRATION

Mr. DASCHLE. Mr. President, I came to the floor to discuss two issues—one, the matter of civil rights and, secondly, the important matter of economic stimulus. I indicated that today was a watershed moment for this administration. They had to make a choice and, as they made that choice, they would be making history.

Well, I am now told they have made the choice. They have decided to side with those opponents of civil rights and diversity in coming down in opposition to the Michigan case. I am troubled and saddened by the news. This administration, just a month ago, indicated they were going to demonstrate their commitment to civil rights, a commitment to diversity. They were going to show by their actions their intentions and their resolve to continue to provide meaningful opportunity to minorities in this country. Once again, today, the administration has said it is as clearly by their actions as anyone can that they will continue to side with those opposed to civil rights and opposed to diversity in this country.

I don't know how the Supreme Court ultimately will decide, but I do know this: Unless we take real action, unless we show real leadership, unless we show by our actions that indeed we want to see real opportunity and meaningful respect for diversity in this country, nothing will change.

On occasion after occasion, in spite of their rhetoric, the administration has shown by their actions an insensitivity to civil rights and diversity. They showed it by renominating Judge Pickering; they have shown it by their inaction and apparent opposition to hate crimes legislation; they have shown it by cutting funding on programs that would provide meaningful opportunities, especially in education, especially in those areas where with additional investment we could help those who are disenfranchised and disadvantaged; they have shown it in their rulings in the Justice Department; they have shown it on virtually every single occasion when actions spoke louder than words. But of all of the times they have shown it, I don't know that they could have shown it

any more unequivocally than they have shown it this afternoon.

So as I said, I am troubled, disheartened, and I am still looking for evidence that this administration truly means what it says; that this administration is willing to support by actions, rather than just by its rhetoric, meaningful change in civil rights and diversity in this country today.

THE OMNIBUS APPROPRIATIONS BILL

Mr. DASCHLE. Mr. President, I note that we are about ready to move to the omnibus appropriations bill. I know Senator BYRD is on the floor and we are awaiting Senator STEVENS. I must say that we have not yet seen the bill. So it will be very difficult for us to speak to the bill or amend the bill until we have had an opportunity to see it. This is an unusual situation in that we are taking a bill that really represents 11 appropriations bills to the floor in this manner. But I, as Senator BYRD, believe it is important for us to continue to get our work done and to move this process along. So I will not object, of course, to moving to the bill.

It is my understanding that deep cuts were made in a number of areas—in fact, across the board—to accommodate investments in election reform, drought assistance, and maybe other things. But we will not know until we see it. We will certainly have amendments, as I noted this morning. We will amend the bill in ways we have expressed earlier. Senator BYRD will have amendments on homeland defense. We will have amendments on education. We will certainly have amendments relating to other shortcomings in the dramatic cuts that will be reflected in this bill.

This cut across the board is doubly troubling to us. It may mean a significant cut in funds for veterans, for kids, for transportation. Before we come to any final conclusion, obviously, we need to see the details. It is my hope that we can begin the debate, look at the legislation, and, as we become more knowledgeable about the bill itself, offer amendments.

So I expect that could begin this afternoon, and I look forward to seeing the bill just as soon as our Republican friends can share it with us.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 2

Mr. FRIST. Madam President, I ask unanimous consent the Senate now proceed to the consideration of H.J. Res. 2; further, that immediately upon the reporting of the bill Senator STEVENS be recognized in order to make his opening statement; I further ask unanimous consent that following the remarks of Senator STEVENS, Senator BYRD be recognized for an opening statement only; further, following those remarks, Senator STEVENS be recognized to offer an amendment; provided that the amendment be agreed to and be considered original text for the purpose of further amendment, with no points of order waived. I further ask unanimous consent that following any comments by Senator STEVENS, Senator BYRD be recognized in order to offer a first-degree amendment relating to homeland security; further, that when the Senate resumes consideration of the joint resolution tomorrow at 10 a.m., there be an additional 2 hours for debate, equally divided in the usual form, in relation to the pending Byrd amendment; provided further that following the use or yielding back of time, the Senate proceed to a vote in relation to the Byrd amendment with no second-degree amendments in order to the amendment prior to the vote. I would finally ask unanimous consent that following the disposition of any additional amendments and the completion of any additional debate, the resolution be read a third time and the Senate proceed to a vote on passage of the resolution, provided further that following passage, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate and that the conferees be the entire Appropriations Committee as proposed by the committee resolutions, with 15 Republicans and 14 Democratic members.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Madam President, on just a couple of housekeeping matters, I ask the majority leader, it appears we will have no morning business in the morning?

Mr. FRIST. That is correct.

Mr. REID. And it appears there will be no further rollcall votes tonight; the next vote will be tomorrow at noon.

Mr. FRIST. That is the understanding that is in the unanimous consent request.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? Without objection, it is so ordered.

MAJORITY PARTY APPOINTMENTS

Mr. FRIST. Madam President, let me also give my colleagues a very short update on progress made on the committee resolutions. As I said earlier, I think I said it last night and this morning, and I will say it once again, we are making progress. We are making progress, again, in a very cooperative, bipartisan way. I mentioned my previous conversations with the Democratic leader have set as our goal to have these committee resolutions passed as soon as possible, and everybody is working in good faith.

I am very hopeful that tonight—as they say, in 10 minutes, in 15, or in 30 minutes, but whenever final agreement is reached—I will come to the floor and I will be able to do that, and I expect to be able to do that by unanimous consent.

Again, it is confusing to people because we have the underlying committee resolutions. But by unanimous consent agreement, we are proceeding with this very important appropriations proposal and bill. I am glad we are addressing that. Again, we are making progress on that.

Mr. BYRD. Madam President, I would like to ask a question of either the manager of the bill or the majority leader.

According to the agreement, an up-or-down vote did not seem to be agreed to on the amendment.

Mr. STEVENS. No. We have agreed to have an up-or-down vote on the amendment.

Mr. BYRD. I thank the Senator.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res 2) making further continuing appropriations for the fiscal year 2003, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized.

Mr. STEVENS. Madam President, because of the circumstances, I really don't have a prepared statement. I wish to outline for the Senate how we intend to proceed. We have been working for some time trying to obtain a process by which we could proceed to act on the 11 appropriations bills for the fiscal year 2003 which were not completed by the end of the last Congress.

I commend my good friend from West Virginia and his staff for assistance in working with us to work out this procedure. These bills that will soon be included in an omnibus amendment to this continuing resolution are familiar to the Senate. We worked on them throughout the last year. And I wish to say that to the best of my knowledge the components of this bill, except for one portion, were worked on on a bipartisan basis by the staffs of the 11

subcommittees that handled these 11 bills. I can't say that there has been total agreement on the part of anybody as to what we have done, but we have proceeded to reduce the 11 bills that were involved to the amount of the President's request, which was $750.5 billion, plus an amount that is represented by a budget request for the fire items that are included in the bill of $825 million. In doing so, we come down considerably in many of these bills.

But I point out to the Senate that the Government has been operating under the CRs that have been passed since October 1. All of the agencies affected by these bills have been operating on the basis of the 2002 appropriations level—the enacted level of funds for those agencies. If we do not finish these bills now, they will continue to act under the 2002 level until obviously we do something to take us down to the end of this fiscal year.

I have taken the position that the sooner we can enact these 11 bills the better off all the agencies are, and the better off the Congress is because our job is to turn to the requirements of the law to deal with the fiscal year 2004 bills through the budget process and through the consideration of the 13 bills that we have in the Appropriations Committee through the individual subcommittees and get them done this year—God willing—according to the normal schedule and before September 30. We cannot do that if we labor over these bills intensively for a period of time.

I am pleased to say that everyone concerned has been very cooperative, and, above all, the members of the Appropriations Committee on both sides of the aisle have worked hard to get us where we are today.

The amendment that I will soon present contains not only that portion that I mentioned in terms of a series of bills but it contains the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations for fiscal year 2003. It provides budget authority for Agriculture, rural development, and the nutritional programs.

There is in this bill $670.4 million—more than the President's request—and more than $1.1 billion more than 2002.

I have a whole series of highlights on this bill. I don't want to take the time of the Senate to outline the individual ones. We will do that as we proceed on the bill. There are definitely needs for the programs for each of these items.

The second bill we have is the Commerce, State, Justice and related agencies appropriations bill. Again, this is the recommendation of the subcommittee as adjusted by the process I just outlined. It is approximately $2.5 billion above the 2002 enacted funding level.

These, of course, are a series of highlights. I may later ask to put them all in the RECORD as part of my opening statement. I want to review these outlines later. I do not make that request now.

We also have the District of Columbia appropriations bill. It makes appropriations for the District of Columbia. It is an item that is substantially higher than the President's request. It is a total of $512 million in discretionary budget authority for the District of Columbia.

We have the energy and water appropriations bill. It recommends $26.164 billion for 2003. It exceeds the President's request by $649 million, and it exceeds the 2002 level by $900 million.

We have the foreign operations bill among the 11 included in this amendment. This bill is $221 million below the President's request. It is also below the fiscal year 2002 level by $73.5 million.

The Department of the Interior bill provides $19.18 billion in total discretionary budget authority—an increase of $641 million over the enacted level of 2002. It is $36 million over the President's budget request for 2003.

The Labor-Health and Human Services bill deals with the President's request, which was $131.9 billion. This bill as recommended by my amendment will be $131.3 billion. The details will be in the items that I will put in the RECORD.

On the Department of Transportation and related agencies, we recommend $64.6 billion for 2003. This is $9.4 billion more than the President's request of $55.2 billion. I do not have a figure above the 2002 level. I will put it in the RECORD later.

We have the Treasury and general government appropriations bill. This provision is in the bill at $34.5 billion. The President's request was $34.2 billion, and the 2002 level was $32.8 billion. This is another area where it is above the President's request.

The last section is the section that deals with items that have been added to the 13 bills. One is to fund the election reform bill that was enacted in the last Congress. The maximum authorized level for that program for 12 months for fiscal 2003 was $2.35 billion. For the remainder of the bill, this amendment that I offer will fund election reform at $1.5 billion.

For drought relief, we have set a target of $3.1 billion. The provisions of the bill as presented by the Agriculture Committee and others will adjust the mandatory programs in order to provide relief for the drought that has occurred.

We also have a provision dealing with Medicare adjustments, dealing with physicians' payments and payments for rural hospitals. The total amount would be $1.6 billion. These items would be offset by a 1.6-percent across-the-board cut on the other 11 bills.

We have done our best to present to the Senate—I have, working with the members of the committee and their staffs—a bill to meet the requirements of the administration, to meet the requirements of the agencies, and to present a bill that can be taken to conference and worked out with the House in conference.

Madam President, I point out, the House has not passed any bills. The House has passed this continuing resolution, to give us a House-passed bill, to return this bill to the House for their consideration. We are hopeful that the House will enact its own version and send it to conference. As has been outlined already by the unanimous consent agreement that is in place, we will seek a conference with the House at the earliest possible time.

I urge Senators to consider the problem we face, and that is the problem of catching up with the bills we should have enacted last year. I point no fingers as to reasons we did not. The Senate Appropriations Committee, under the chairmanship of Senator BYRD, did report out all the bills. We were prepared to act, but circumstances at that time made it impossible for us to pass those bills.

Under the circumstances now, we cannot afford the process of passing separate bills, facing vetoes or veto threats, and having bills go back and forth between the Houses. If we are going to catch up and start the process of dealing with the 2004 appropriations, as is our duty in this new Congress, we must put these requests of the past, for the remainder of this fiscal year, in place. We must pass this amendment or something similar to it as soon as is possible, as soon as the Congress can agree and the President will concur with our actions.

I will say, I have discussed this at length with the Office of Management and Budget. I cannot say they approve of what we are doing, but I can say they approve of the fact that we are doing something. So that is what I am asking the Senate to do tonight, to start the process of doing something on these accumulated items that must be faced by this Congress as quickly as possible.

Madam President, I ask unanimous consent to have printed in the RECORD summaries from which I read partially.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FY 2003

The bill provides $74.2 billion in total obligational budget authority for agriculture, rural development, and nutrition programs for FY 2003. This is $670.4 million more than the President's budget request and $1.1 billion more than FY 2002.

Of this total, $17.4 billion is discretionary spending and the remainder is mandatory spending for such programs as food stamps ($26.3 billion), child nutrition ($10.6 billion), payments to the Federal Crop Insurance Corporation fund ($2.9 billion) and the Commodity Credit Corporation ($16.3 billion).

The bill continues to fund rental payments to the General Services Administration (GSA) in the United States Department of Agriculture's (USDA's) buildings and facilities account. The President's budget proposes to fund rental costs in the budgets of each USDA agency.

Over half (56%) of the FY 2003 spending in this bill ($41.9 billion) is devoted to domestic food assistance (Title IV of the bill): food stamps, child nutrition, WIC (supplemental nutrition program for women, infants, and children), commodity and other food assistance programs.

HIGHLIGHTS

HIGHLIGHTS FROM TITLE I, AGRICULTURAL PROGRAMS

The bill provides $986.9 million in appropriations for Farm Service Agency salaries and expenses, an increase of $47.9 million over the fiscal year 2002 level. This amount is supplemented by $281 million in transfers from other USDA program accounts for a total amount of $1.278 billion.

The bill provides $4.07 billion in authorized loan levels for agricultural credit programs for farmers, $175 million more than the fiscal year 2002 level.

Funding for the Food Safety and Inspection Service is $759.8 million, an increase of $44 million from last year.

Agricultural research, education, and extension activities total $2.3 billion. This includes a decrease of $18.0 million for Agricultural Research Service (ARS) buildings and facilities, an increase of $74.1 million for research activities for ARS, and a $128.2 million increase in total funding for the Cooperative State Research, Education, and Extension Service (CSREES). The ARS is provided $1.15 billion, and activities of the CSREES are funded at a level of $1.16 billion.

The Committee provides $16.3 billion in mandatory payments required to reimburse the Commodity Credit Corporation (CCC) for net realized losses.

HIGHLIGHTS OF TITLE II, CONSERVATION PROGRAMS

The bill provides a total funding level of $1.04 billion for the various conservation programs of the Department of Agriculture. This is an increase of $74.6 million from the regular appropriations for fiscal year 2002. Funding of $840 million is provided for the conservation operations account of the Natural Resources Conservation Service. This is $61 million above the fiscal year 2002 level.

HIGHLIGHTS OF TITLE III, RURAL DEVELOPMENT

Rural housing loan authorizations are $3.9 billion. This is $553.6 million less than the fiscal year 2002 level.

Funding for rural rental assistance is $730 million, an increase of $28 million from the fiscal year 2002 level.

Funding for the Rural Community Advancement Program, which includes funds for water and waste disposal loans and grants, solid waste management grants, community facility loans and grants, and rural business enterprise grants, is increased to $867.2 million. This is $60.6 million above the fiscal year 2002 level.

HIGHLIGHTS OF TITLE IV, DOMESTIC FOOD PROGRAMS

The bill provides $10.6 billion for child nutrition programs.

Funding for the Food Stamp program totals $26.29 billion. This amount includes a $2 billion reserve, $140 million for the emergency food assistance program, and $1.377 billion for nutrition assistance for Puerto Rico.

The Special Supplemental Feeding Program for Women, Infants, and Children (WIC) is funded at $4.751 billion. This is an increase of $403 million from the fiscal year 2002 level and the same as the President's budget request.

The Commodity Assistance Program is funded at $167 million.

As proposed in the President's budget, the Department of Health and Human Services will fund the elderly feeding program beginning in fiscal year 2003. Funding is no longer provided to the Department of Agriculture for this program.

HIGHLIGHTS OF TITLE V, FOREIGN ASSISTANCE PROGRAMS

Funding for salaries and expenses for the Foreign Agricultural Service is $135.4 million, $9.4 million more than the fiscal year 2002 level.

Public Law 480 programs are funded at the following program levels: Title I—$154.7 million; and Title II—$1.185 billion, $335 million more than the fiscal year 2002 level.

HIGHLIGHTS OF TITLE VI, FDA AND RELATED AGENCIES

Total direct appropriations for the Food and Drug Administration (FDA) is $1.4 billion, which is $25.4 million more than the fiscal year 2002 level.

Total funding for the Commodity Futures Trading Commission is $93.98 million, $6 million more than the fiscal year 2002 level.

BILL PROVISIONS

TITLE I—AGRICULTURAL PROGRAMS

Total Funding: Title I provides a total of $25.5 billion in mandatory and discretionary funding for various agricultural programs. Of this total, $16.3 billion is for the Commodity Credit Corporation and $2.9 billion is for the Federal Crop Insurance Corporation fund. The remainder funds the agricultural research, executive operations, agricultural marketing services, cooperative state research, extension service, animal and plant health inspection, food safety and inspection, and farm assistance programs.

Commodity Credit Corporation (CCC): Funds CCC at such sums as may be necessary, estimated in the budget to be $16.3 billion for net realized losses incurred from the commodity price and farm income support activities. This is $4 billion less than the estimated fiscal year 2002 level.

Federal Crop Insurance Corporation Fund: Recommends an appropriation of such sums as necessary, estimated to be $2.9 billion. This is $13.8 million less than the estimated fiscal year 2002 level.

Food Safety and Inspection Service (FSIS): The bill provides $759.8 million in direct appropriations, which is $44 million more than the fiscal year 2002 level.

Farm Service Agency (FSA): The bill provides $1.27 billion for Farm Service Agency Salaries and Expenses, an increase of $55 million over the fiscal year 2002 level.

Farm Credit Programs: The bill provides an estimated $4.1 billion for farm loans, $175 million more than the fiscal year 2002 level. Included in this amount is $1.147 billion for farm ownership direct and guaranteed loans and $2.817 billion for farm operating direct and guaranteed loans.

Research and Extension: Agricultural research and extension programs are increased $74.1 million from the fiscal year 2002 levels. Appropriations recommended for the Agricultural Research Service total $1.15 billion. For the Cooperative State Research, Education, and Extension Service, $1.16 billion is recommended, including $651 million for research and education activities, $453 million for extension activities, and $48 million for integrated activities.

Animal and Plant Health Inspection Service (APHIS): The Animal and Plant Health Inspection Service is funded at $748.8 million.

Agriculture Marketing and Inspection: The Agricultural Marketing Service is funded at $91.7 million and the Grain Inspection, Packers and Stockyards Administration is funded at $44.5 million.

TITLE II—CONSERVATION PROGRAMS

Conservation Programs: The bill increases funding to $1.04 billion for the Natural Resources Conservation Service, which is a $74 million increase from the fiscal year 2002 regular appropriations bill. Within the Natural Resources Conservation Service $840 million is included for conservation operations, $10.96 million for watershed surveys and planning, $105 million for watershed and flood prevention operations, $30 million for watershed rehabilitation, and $50 million for resource conservation and development.

TITLE III—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

Rural Housing and Community Development: The total funded rural housing loan authorization level is $3.93 billion, including $3.76 billion for single-family housing direct and guaranteed loans, $120 million for rental housing loans, and $35 million for housing repair loans. No funding is recommended for multi-family housing guaranteed loans.

Rural Rental Assistance: Funding for rural rental assistance is $730 million, $28 million more than the fiscal year 2002 level.

Rural Community Advancement Program (RCAP): Funding for the Rural Community Advancement Program (RCAP), which includes funds for water and waste disposal loans and grants, solid waste management grants, community facility loans and grants, and rural business enterprise grants, is increased $60.6 million from the fiscal year 2002 level to $867.2 million.

Rural Electric and Telecommunications: The bill funds a total rural electric and telecommunications loan level of $5.6 billion, $1 billion more than the fiscal year 2002 level.

Distance Learning and Telemedicine Program: A funding level of $52 million is provided for the Distance Learning and Telemedicine program for grants and loan subsidy costs, which supports a $129.5 million loan level.

TITLE IV—DOMESTIC FOOD PROGRAMS

Food Stamp Program (FSP): Funding for the Food Stamp program totals $26.29 billion. This amount includes a $2 billion reserve, $140 million for the emergency food assistance program, and $1.377 billion for nutrition assistance for Puerto Rico.

Women, Infants and Children (WIC) Feeding Program: Recommends an appropriation of $4.751 billion for WIC, which is $403 million more than the fiscal year 2002 level and the same as the budget request. This amount includes a $125 million contingency reserve and $25 million for the farmer's market nutrition program.

Child Nutrition Programs (CNP): To improve the health and well-being of the nation's children, the child nutrition programs include school breakfast and lunch programs, child and adult care food programs, summer food services, and nutrition education and training programs. In addition, the special milk program provides funding for milk service in schools, nonprofit child care centers, and camps which have no other federally assisted food programs. For these programs, the Committee provides an appropriation of $5.8 billion, plus a transfer from

section 32 of $4.7 billion, for a total program level of $10.6 billion, which is $492.9 million more than the fiscal year 2002 level.

Commodity Assistance Program (CAP): The Commodity Assistance Program is funded at $167 million.

Food Donations Programs: As proposed in the President's budget, the Department of Health and Human Services will fund the elderly feeding program beginning in fiscal year 2003. Funding is no longer provided to the Department of Agriculture for this program.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

Foreign Agricultural Service: The Committee provides $135.5 million, which is a $9.4 million increase from the fiscal year 2002 level.

Public Law 480 (Food for Peace): The bill appropriates $1.3 billion for Public Law 480 accounts, which serve as the primary means for the U.S. provision of food assistance overseas. A total program level of $1.185 billion is for grants under Title II for food aid for humanitarian relief through private voluntary organizations or through multilateral organizations like the World Food Program, an amount which is a $335 million increase from the fiscal year 2002 level. It further funds a Title I direct loan level of $154.7 million (the same as the fiscal year 2002 level) and appropriates $25.2 million for ocean freight differential costs.

TITLE VI—FDA AND RELATED AGENCIES

Food and Drug Administration (FDA): Funding for salaries and expenses of the Food and Drug Administration totals $1.632 billion. This is $135 million more than the fiscal year 2002 level, and includes an increase of $48.7 million in new budget authority from the fiscal year 2002 level (including supplemental emergency appropriations), a $61 million increase in prescription drug user fee collections, and $25.1 million in new medical device user fee collections. The FDA buildings and facilities account is funded at $11 million.

Commodity Futures Trading Commission: Appropriates $93.9 million, which is $23.3 million more than the fiscal year 2002 level. Increased funding is provided for pay comparability with other Federal financial institutions.

Farm Credit Administration: Recommends a limitation on administrative expenses of $38.4 million, which is $1.7 million above the fiscal year 2002 administrative expense limitation.

TITLE VII—GENERAL PROVISIONS

Total appropriations of $2.496 million are appropriated for Bill Emerson and Mickey Leland Hunger Fellowships through the Congressional Hunger Center.

The bill continues a provision to allow proprietary centers to participate in the Child and Adult Care Feeding Program if at least 25 percent of the children served are eligible to receive a free or reduced-price meal, at a cost of $22 million.

Limitations are established on mandatory funding for sections 2505, 6030, 6405, and 9010 of P.L. 107–171, as well as the export enhancement program.

COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL FOR FY 2003

Noteworthy:

The recommendation for the Commerce, Justice, State, the Judiciary, and related agencies appropriation bill for fiscal year 2003 is $47.1 billion. This is approximately $2.5 billion above the fiscal year 2002 funding level. The President's budget request for fiscal year 2003 was $44.0 billion.

Bill Highlights:

This bill makes appropriations for the Departments of Commerce, Justice, State, the Judiciary, and related agencies for the period of October 1, 2002 through September 30, 2003. The bill provides funding to combat terrorism, fight crime, enhance drug enforcement, address the shortcomings of the immigration process, support the judicial process, manage the commerce of the United States, improve State Department operations, and fulfill the needs of the independent agencies that fall under the Subcommittee's jurisdiction.

The following are just a few of the initiatives within this bill:

Fighting Terrorism The bill provides funding to allow State and Local first responders to purchase equipment and undergo training necessary to prevent and respond to acts of terrorism. The bill also addresses the root causes of terrorism by promoting democracy in underdeveloped regions of the world.

Protecting America's Children The bill includes funding to protect our children in their schools. This effort includes training School Resource Officers to prevent and deter acts of terrorism. Funding is also provided to enhance the security of schools attended by American children overseas.

Protecting Small Investors The bill allows the Securities and Exchange Commission to hire at least 700 new staff to pursue corporate malfeasance and financial fraud, ensure enhanced public disclosure by corporations and stock analysts, and expand its examination and inspection program.

Justice: $24.1 billion

$284.2 million for Anti-Terrorism, Joint Terrorism, and Foreign Terrorist Tracking Task Forces, $3.9 billion for the FBI, $1.5 billion for the DEA, $5.7 billion for the INS, $2.0 billion for training, equipment, exercise, and research and development programs to combat domestic terrorism, $1.4 billion for State and local law enforcement grants.

Commerce: $6.0 billion

$100.2 million for BIS, $72.2 million for economic and statistical analysis, $559.0 million for the Census Bureau, $73.5 million for NTIA, $1.2 billion for the PTO, $721.2 million for NIST, $3.3 billion for NOAA.

Judiciary: $5.0 billion

$97.7 million for the Supreme Court, including renovation of the building and grounds, $276.3 million for court security.

State: $7.2 billion

$3.6 billion for Diplomatic and Consular Program, $296.0 million for information technology initiatives, $237.9 million for educational and cultural exchange programs, $1.3 billion for embassy security and construction, $1.5 billion for U.S. obligations to international organizations and peacekeeping, $470.2 million for international broadcasting activities.

Related Agencies:

$320.4 million for the EEOC, $275.4 million for the FCC, $175.1 million for the FTC, $329.4 million for Legal Services Corporation, $656.7 million for the SEC, $788.5 million for SBA.

DISTRICT OF COLUMBIA APPROPRIATIONS BILL FOR FY 2003

Noteworthy:

FY'03 Senate Recommendation—$512 million, FY'03 President's Request—$378.8 million, FY'02 Enacted—$608 million.

Bill Highlights:

Makes appropriations for the government of the District of Columbia for the period of October 1, 2002 through September 30, 2003.

$10 million for hospital bioterrorism preparedness in the District—These funds will begin to prepare the District's hospitals for a possible attack that may include the use of biological, chemical, radiological, and nuclear weapons, as well as high yield explosives. Funds will be used for the construction of decontamination and quarantine facilities at Children's Hospital and Washington Hospital Center.

$20 million for DC charter school facilities—These funds will support a credit enhancement fund to assist charter schools in securing financing, a direct loan program for facilities, and a per-pupil facilities allocation.

$166 million for the DC Courts—Of this amount, $31.2 million will support the Family Court.

$55 million for the Anacostia Waterfront Initiative. Most of these funds will be used to begin to clean up the severely-polluted Anacostia River in order to attract development and recreation to this area.

$17 million for DC resident tuition support—These funds allow DC residents to attend State schools at the in-State tuition rate.

$15 million for Emergency planning and security costs in the District.

ENERGY & WATER APPROPRIATIONS BILL FOR FY2003

Noteworthy:

The Senate bill in total recommends $26.164 billion for FY03, The Senate bill exceeds the President's request by $649 million, The Senate bill exceeds the FY02 level by $900 million.

Bill Highlights:

Army Corps of Engineers; The Senate bill provides $4.55 billion that is, $375 million above the President's request, $61 million above the FY02 bill.

Bureau of Reclamation and related Interior accounts, The Senate bill provides $956 million, which is, $75 million above the President's request, $41 million above the current year level.

Department of Energy, The Senate bill provides $20.93 billion, which is, $31 million over the President's request, $960 million over the current year level.

MAJOR HIGHLIGHTS WITHIN THE DEPARTMENT OF ENERGY

NNSA Weapons Activities (Stockpile Stewardship), The Senate bill provides $6.1 billion, which is, $242 million over the President's request, $543 million over the current year level.

NNSA Nonproliferation activities, The Senate bill provides $1.1 billion, which is, $2 million over the President's request, $14 million below the current year level.

Environmental clean-up, The Senate bill provides $7.3 billion, which is, $141 million below the President's request, $174 million above the current year level.

Nuclear Waste Disposal (Yucca Mountain), The Senate bill provides $336 million, which is, $255 million below the President's request, $39 million below the current year level.

Renewable Energy R&D, The Senate bill provides $448 million, which is, $41 million above the President's request, $52 million above the current year level.

Nuclear Energy R&D, The Senate bill provides $324 million, which is, $75 million above the President's request, $48 million above the current year level.

Science Research, The Senate bill provides $3.33 billion in basic scientific research, which is, $50 million more than the President's request, $96 million above the current year level.

INDEPENDENT AGENCIES

The bill provides $74 million for the Appalachian Regional Commission, an increase of $8 million over the President's request and $3 million over the current year.

The bill provides $15 million for the Delta Regional Authority, an increase of $5 million over the President's request and $5 million over the current year.

The bill provides a total budget of $585 for the Nuclear Regulatory Commission, the same as the budget request and an increase of $62 million over the current year.

FOREIGN OPERATIONS APPROPRIATION BILL FOR FY 2003

Noteworthy:

The FY 2003 bill provides $16,249,314,000 in discretionary funds for Foreign Operations, Export Financing and Related Programs. This is $221,418,000 below the President's FY 2003 request of $16,470,732,000, and $73,586,000 below the FY 2002 enacted level.

Bill Highlights:

The bill includes the FY 2003 Economic Support Fund (ESF) and Foreign Military Financing (FMF) requests for the Camp David countries: $600,000,000 and $2,100,000,000, respectively, for Israel; and, $615,000,000 and $1,300,000,000, respectively, for Egypt. The bill also includes $250,000,000 in ESF and $198,000,000 in FMF assistance for Jordan, and $75,000,000 in ESF assistance for the West Bank and Gaza.

The bill provides a total of $220,000,000 for assistance for Afghanistan from all accounts, including $5,000,000 for women's development activities.

The bill provides $530,000,000 for the Assistance for Eastern Europe and Baltic States (SEED) account and $765,000,000 for the Assistance for Independent States of the former Soviet Union (FSA) account, an increase of $35,000,000 and $10,000,000, respectively, over the FY 2003 request.

The bill provides $1,790,000,000 for the Child Survival and Health Programs Fund—an increase of $356,500,000 over the FY 2002 enacted level—of which $791,500,000 is for assistance for HIV/AIDS programs, including $50,000,000 for the President's International Mother and Child HIV Prevention Initiative and $200,000,000 for a contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria.

The bill provides $650,000,000 for the Andean Counterdrug Initiative (ACI)—an increase of $25,000,000 over the FY 2002 enacted level. The bill also provides the authority to transfer $35,000,000 from the International Narcotics Control and Law Enforcement account to the ACI, resulting in an appropriation to ACI that is $46,000,000 lower than the FY 2003 request.

The bill provides $80,000,000 for International Military Training and Education Programs which equals the FY 2003 request. It also includes $4,072,000,000 for Foreign Military Financing grants, which is $35,000,000 below the FY 2003 requested level.

The bill restricts $75,000,000 for assistance for the Korean Peninsula Energy Development Organization (KEDO). The President may waive this restriction and provide up to $3,500,000 to KEDO, if he determines that it is vital to national security interests to do so, and provides a written policy justification to appropriate congressional committees.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL FOR FY 2003

Noteworthy:

The bill provides $19 billion in total discretionary budget authority. The omnibus package contains $825 million to repay amounts borrowed in FY 2002 for wildland fire suppression.

Bill Highlights:

The bill makes appropriations for the Department of the Interior (except the Bureau of Reclamation), the Forest Service, portions of the Department of Energy, the Indian Health Service, and various related agencies for the period of October 1, 2002 through September 30, 2003.

Interior: $9.43 billion

$1.86 billion for the Bureau of Land Management. The amount provided restores the $45 million cut proposed in the budget for Payments in Lieu of Taxes (PILT).

$1.21 billion for the U.S. Fish and Wildlife Service. The amount provided increases Fish and Wildlife Service operating programs by $52 million, including a $46 million increase specifically for refuge operations and maintenance.

$2.29 billion for the National Park Service, including increases of $50 million for park maintenance and $30 million for park operations ($15 million over the request). The bill provides the full increase requested ($16 million) for the Natural Resource Challenge; an effort to better document and understand the natural resources present in the park system.

$915 million for the U.S Geological Survey, an increase of $47 million over the budget request. Reinstates cuts for water programs proposed in the budget request.

$170 million for the Minerals Management Service.

$297 million for the Office of Surface Mining and Reclamation Enforcement, including an increase of $18 million to restore a portion of cuts proposed for the abandoned mine land reclamation program.

$2.27 billion for the Bureau of Indian Affairs, including $554 million for Indian education programs and $296 million for Indian education construction. Rejects administration proposed decrease for Tribal Community Colleges by adding $4 million over the budget request ($2 million over enacted level).

The Senate bill fully funds increases requested for Indian trust reform in both the Bureau of Indian Affairs and the Office of the Special Trustee.

Forest Service: $3.95 billion

$1.35 billion for Forest Service operations, an increase of $22 million. Rejects research reorganization proposed in the budget request, and funds new Pest and Pathogen fund ($14 million) to allow the Forest Service to respond to forest health concerns in an expedited manner.

Provides funding for wildland fire suppression by the Forest Service and the Bureau of Land Management at the 10 year average level ($421 FS/$160m BLM). The bill also provides $415 million for Hazardous Fuels Reduction work by the Forest Service and BLM, a level slightly above the budget request and $20 million over the FY 2002 level.

The bill also includes $825 million ($189m DOI/$636m FS) in supplemental funds to repay amounts borrowed from other accounts in FY 2002 to pay for wildland fire suppression. This amount is equal to the amount requested by the Administration, but less than the $1.25 billion in total borrowing.

Department of Energy: $1.76 billion

$626 million for Fossil Energy R&D (including $150 million for Clean Coal).

$884 million for Energy Conservation, including $225 million for the Weatherization Assistance Program and $45 million for State Energy Grants.

$80 million for the Energy Information Administration.

$179 million for the Strategic Petroleum Reserve and Northeast Home Heating Oil Reserve.

Indian Health Service: $2.82 billion

Increases funding for Indian Health Service by $62 million over enacted level.

Other Related Agencies:

$531 million for the Smithsonian Institution. The bill provides the Smithsonian with an additional $6 million to complete the National Museum of the American Indian on the Mall.

$93 million for the National Gallery of Art, including funds to restore cuts proposed in the Special Exhibitions program.

$34 million for the John F. Kennedy Center for the Performing Arts.

$116 million for the NEA and $126 million for the NEH.

LEGISLATIVE BRANCH APPROPRIATION BILL FOR FY 2003

Noteworthy:

The bill totals $2.34 billion, It is $66 million below the request level and $66 million above the FY02 enacted level. Increases are aimed primarily at security-related requirements.

Bill Highlights:

The Legislative Branch bill provides funding for the Senate and all legislative branch support agencies including the Library of Congress, the General Accounting Office, Capitol Police, and the Architect of the Capitol.

Senate: $667.6 million

Funds are provided to accommodate cost-of-living increases and security-related requirements.

Joint Items: $17 million

Includes $3.66 million for the Joint Economic Committee, $7.3 million for the Joint Committee on Taxation, $3 million for the Office of Attending Physician, and $3 million for the Capitol Guide Service

Capitol Police: $203.8 million

Provides for an increase of 269 employees, for a total of 1,839, and allows for a 9.1% payraise for officers.

Office of Compliance: $2 million
Congressional Budget Office: $32 million
Architect of the Capitol: $334 million
Library of Congress: $497 million

Provides resources to eliminate the backlog of new material which has not been cataloged, improve the financial management system, and enhance the digital futures program. Additional security-related funds are also included.

Includes $87 million for the Congressional Research Service.

Government Printing Office: $119.8 million

Includes $90 million for Congressional Printing and Binding and $29.7 million for the Superintendent of Documents program.

General Accounting Office: $451 million
Center for Foreign Leadership Development: $13 million

LABOR, HEALTH & HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL FOR FY 2003

Noteworthy:

FY03 Recommendation $131,399,000,000, FY03 President's Request $131,946,026,000, FY02 Funding Level $127,658,471,000.

Bill Highlights:

This bill makes appropriations for the Departments of Labor, Health and Human Services, Education, and related agencies for the fiscal year ending September 30, 2003.

Labor: $11,821,000,000

$10.8 billion for the Employment & Training Administration, $1.37 billion for Dislocated Worker Assistance, $900 million for Adult training, $1.5 billion for the Job Corps, $218 million for Veterans Employment & Training.

Health & Human Services: $60,750,000,000, $3.74 billion for anti-bioterrorism programs, $27.1 billion for the National Institutes of Health, $4.4 billion for the Centers for Disease Control and Prevention, $6.7 billion for Head Start, $2.03 billion for Substance Abuse Treatment, $2.026 billion for Ryan White AIDS programs including ADAP, $1.53 billion for Community Health Centers, $741 million for the Maternal & Child Health Block Grant, $1.7 billion for Low Income Home Energy Assistance, $305 million for Title VII Health Professions, $674 million for Health Professions, Total, $285 million for Children's Hospitals Graduate Medical Education, $505 million for Promoting Safe & Stable Families, $45 million for the Compassion Capital Fund, $12.5 million for Mentoring Children of Prisoners, $60 million for the Healthy Communities Innovation Initiative, $741 million for Abstinence Education.

Education: $49,418,000,000

$11.35 billion for Title I Grants to Local Education Agencies, $832.5 million for Federal TRIO Programs, $2.85 billion for Teacher Quality State Grants, $1 billion for 21st Century Community Learning Centers, $15 million for Literacy through School Libraries, $4,100 for maximum grants available through the Pell Grant program, $1 billion for Reading First, $8.5 billion for Special Education—Grants to States Part B, $200 million for Charter Schools $27.5 million for Voluntary Public School Choice.

Related Agencies

$351 million for Domestic Volunteer Service Programs, $395 million for the Corporation for Public Broadcasting (FY05), $48.7 million for the CPB digitalization program.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2003 (S. XXX)

Noteworthy:

The Committee recommendation includes $64.6 billion in total budget resources for FY 03. This amount is $9.4 billion more than the President's Request of $55.2 billion.

Bill Highlights:

S. XX makes appropriations for the Department of Transportation and related agencies for the period of October 1, 2002 through September 30, 2003. This includes funding for the U.S. Coast Guard, the Transportation Security Administration, the Federal Aviation Administration, the Federal Highway Administration, the National Highway Traffic Safety Administration, the Federal Railroad Administration, Amtrak, Federal Transit Administration, Surface Transportation Board, and the National Transportation Safety Board.

The Committee recommendation restores the $8.6 billion cut to the Highway Program and funds the program at $31.8 billion—the same level provided in FY 02.

The bill provides full funding for essential functions of the newly created Department of Homeland Security, including the U.S. Coast Guard and the Transportation Security Administration.

The committee recommendation also includes: Increased funding for highway and aviation safety programs, Full funding for the transit program and the FAA capital program, 46% increase in funding for Amtrak.

The bill rejects new user fees requested by the administration, which total $230 million. The proposed new user fees have the effect of artificially reducing the budgetary impact of the President's budget request, because they assume authorization and enactment of the new fees and include the offsetting collections in the budget, as though this money was ''cash in hand.''

OFFICE OF THE SECRETARY: $83.1 MILLION

The Committee recommendation is $15.9 million above the FY 02 enacted level.

TRANSPORTATION SECURITY ADMINISTRATION (TSA): $5.3 BILLION

As a critical agency of the newly created Department of Homeland Security, the TSA is charged with ensuring security across the U.S. transportation system, including aviation, railways, highways, pipelines, and waterways.

The Transportation Security Administration has been funded at the requested level for FY03. This bill provides $124 million for the procurement of certified explosive detection systems to screen all checked baggage and $250 million for installation of these machines at our nation's airports.

The bill also includes $100 million for grants to enhance security at our nation's ports.

U.S. COAST GUARD: $6 BILLION

The Committee recommendation includes full funding for the U.S. Coast Guard. This level of funding will allow the Coast Guard to maintain their critical functions, including search and rescue, drug enforcement, fisheries enforcement and migrant interdiction as well as integrate additional responsibilities as part of the new Department of Homeland Security.

The amount included is $206 million above the President's request and $604.3 million above the FY 02 enacted level.

The bill provides $480 million for the Integrated Deepwater System (IDS).

FEDERAL AVIATION ADMINISTRATION (FAA): $13.5 BILLION

The Committee recommendation is $249.7 million above the FY 02 enacted level. This level of funding is $219 billion more than the FY 02 enacted level.

FEDERAL HIGHWAY ADMINISTRATION (FHWA): $31.8 BILLION

This program includes Federal-aid to highways, highway research, and administration. The Committee recommendation rejects the $8.6 billion cut that would have been required under the Transportation Equity Act for the 21st Century.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA): $117.4 MILLION

The funding provided in the bill is consistent with the budget request and is $7.5 million above the FY 02 level.

NATIONAL HIGHWAY TRAFFIC ADMINISTRATION (NHTA): $440 MILLION

This program includes operations and research, and highway safety grants to states. (FY 2002 enacted—$423.3 million). The budget request $16.7 million more than President's request.

The Committee recommendation also includes: $10 million for mobilizations to apprehend drunk drivers.

FEDERAL RAILROAD ADMINISTRATION: $985.1 MILLION

The funding included in the bill is $273.8 million above the Administration's request. This level of funding includes $762.5 million for Amtrak—$241 million above the requested level.

The Committee recommendation includes: $118.3 million for railroad safety and operations, $30 million for next generation high-speed rail.

FEDERAL TRANSIT ADMINISTRATION (FTA): $7.2 BILLION

The Committee recommendation includes funding for formula grants, research, capital discretionary transit programs, ''access to jobs'' and administrative expenses. This is a substantial increase above the FY 02 level consistent with the budgetary ''firewalls'' in TEA21.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION: $43.7 MILLION

The Committee recommendation is $5.3 million above the President's budget request and $6.4 million above the FY 02 request. This funding is provided for hazardous materials transportation safety programs, research, and pipeline safety program.

The Committee recommendation also includes: $63.9 million for Pipeline safety.

OFFICE OF THE INSPECTOR GENERAL: $57.4 MILLION

The Committee recommendation is consistent with the President's budget request. Funding is provided for transportation-related audits and investigations.

SURFACE TRANSPORTATION BOARD: $19.5 MILLION

The Committee has included $19.5 million, with $1 million to be recovered by already established offsetting collections.

NATIONAL TRANSPORTATION SAFETY BOARD: $72.5 MILLION

The Committee recommendation is $3.8 million above the amount provided in FY 02 and is $2 million more than the President's budget request.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION: $13.3 BILLION

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD: $5.1 MILLION

The VA/HUD FY 2003 Appropriations Bill makes appropriations for the period of October 1, 2002 through September 31, 2003 for the Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies.

Among the key areas of primary funding in the bill are $23.9 billion for VA Medical Care, $16.9 billion for the HUD Certificate program which will provide the needed funding for the renewal of all expiring section 8 vouchers, $5 billion for the HUD Community Development Block Grant program, $1.95 billion for the HUD HOME program, $1.2 billion for HUD Homeless Assistance, $8.2 billion for EPA (including $1.425 billion for the Clean Water SRF and $875 million for the Drinking Water SRF), $3.2 billion for FEMA (including $843 million for Disaster Assistance [FEMA currently has some $2.9 billion in unobligated funds], $900 million for FIRE Act grants, and $100 million for Cerro Grande fire grants), $15.123 billion for NASA (including $1.5 billion for the International Space Station and $115 million for the initial investment in a new Orbital Space Plane), and $5.268 billion for the NSF.

TREASURY AND GENERAL GOVERNMENT APPROPRIATION BILL FOR FY 2003 (BILL NUMBER WHEN AVAILABLE)

Noteworthy:

FY03 Recommendation: $34,533,464,000, FY03 President's Request: $34,276,277,000, FY02 Funding Level: $33,817,112,000.

Bill Highlights:

Treasury: $16.128 billion; ATF: $888.4 million, Customs Service: $3.1 billion, IRS: $9.9 billion, Secret Service: $1 billion.

United States Postal Service: $29 million.

Executive Office of the President: $728.384 million; OMB: $70.752 million, Office of National Drug Control Policy: Salaries and Expenses: $26.456 million, Counter-drug Technology Assessment Center: $40 million, HIDTA: $226.35 million, Special Forfeiture Fund: $172.7 million.

Independent Agencies: $17.569 million; GSA construction: $631.663 million, GSA repairs/alterations: $997.839 million, National Archives: $270.939 million, Office of Personnel Management: $261.791 million.

Mr. STEVENS. Madam President, again, I thank my friend from West Virginia for his courtesy. I know that while I have been working on these other matters, my friend has had a very erudite statement prepared, and I am prepared to listen to it.

I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized under the previous order.

Mr. BYRD. Madam President, first, I thank my esteemed colleague and dear friend, Senator TED STEVENS, for his characteristic courtesy, and for his friendship, and for the cooperation he has shown to me over many years of working together.

I thank him for joining with me, last year, in reporting out of our committee all appropriations bills before the close of July.

I thank all of the Republican members as well as the Democratic members of my committee who voted unanimously to report those 13 bills out of the Appropriations Committee, without a single vote cast against those bills.

I am sorry that the situation has developed, as it has, when I must oppose the distinguished Senator's amendment. I always do whatever I have to do to meet my own conscience and to deal with requirements that are incumbent upon me as the chairman of the committee or as the ranking member of the committee, whichever is my role at the particular time.

I do not like to be in a position of differing with my friend from Alaska, but there are times when we do have to differ. In this case, I find myself at odds with him, but I want to say here that it is only for the purposes of advancing this bill. It certainly does not cut across our friendship, as far as I am concerned, when I have to differ with Senator STEVENS, and differ with him vigorously. He is still my friend.

I understand what he has to do, as he sees his responsibilities. And I have to do what I have to do as I see my responsibilities. Our friendship is unaffected. I want to assure him of that, as far as I am concerned.

Last July, almost 6 months ago, the Senate Appropriations Committee completed action on all 13 of our appropriations bills, each on a bipartisan unanimous vote. These bills restored essential funding for programs that the President proposed to cut.

We provided $1.1 billion more than the President requested for veterans medical care. We restored the $8.6 billion cut proposed by the President in highway funding. The President proposed only a 1 percent increase for education programs. He would have turned the No Child Left Behind bill into another unfunded mandate. Our bill provided a 6 percent increase for education, including key funding to reduce class size.

We included sufficient funding to keep Amtrak operating. We restored over $1 billion of cuts that the President proposed for State and local law enforcement programs.

We fully funded the President's proposed increases for homeland security programs, but we provided the funds through existing programs that our Nation's fire and police organizations support. We provided a significant increase for the Securities and Exchange Commission in order to investigate corporate fraud. We provided $400 million for election reform.

Now this White House believes that these increases represent wasteful and unnecessary spending. Last year this White House worked with the House Republican leadership to slow the appropriations process down. The House has not passed a regular appropriations bill in nearly 6 months.

Let me repeat that. The House of Representatives has not passed a regular appropriations bill in nearly 6 months.

The domestic agencies of the Government are now operating under the sixth—the sixth—continuing resolution, which expires on Friday, January 31.

My friend, Senator TED STEVENS—who is the very able ranking minority member of the Appropriations Committee, who will soon succeed me as chairman of the Senate Appropriations Committee, and who has already succeeded me as President pro tempore of the Senate—and I worked together to produce those 13 bi-partisan bills last summer. Each of those 13 appropriations bills was reported by the Senate Appropriations Committee with a unanimous vote—not a single vote cast against any one of the 13 appropriations bills.

After the election, however, the President indicated his determination to limit discretionary spending to the arbitrary figure of $751.3 billion. This level will necessitate cuts of $9.8 billion from 11 of the bills approved last July. After providing for modest increases for homeland security programs, the substitute that Senator STEVENS is forced to offer provides for a virtual freeze in all other domestic spending.

I oppose the $9.8 billion cut that is contained in the substitute. The needs of the American people for homeland security, for education, for transportation, for veterans, for public health, and for other programs have not gone away. The needs are still there as plain as ever.

I am not being critical of my colleague, Senator STEVENS. I am not being critical of the chairman of the House Appropriations Committee, Mr. YOUNG of Florida. However, the President has now thrown down the gauntlet and is insisting on a $9.8 billion reduction, resulting in cuts in priority programs designed for what? Designed to defend our homeland, to educate our children, to improve our transportation systems, and strengthen our law enforcement programs.

I am extremely disappointed, not with Senator STEVENS or the other members of the Senate Appropriations Committee or my friend, the chairman of the House Appropriations Committee, Mr. YOUNG, or his ranking member, Mr. OBEY, but with this administration, with this White House and its lack of vision and knowledge regarding the needs of the people of this country.

With great fanfare, the President signed numerous authorization bills this year that would increase spending demands for many of these same important programs. Last January he signed the No Child Left Behind Act with great fanfare. The President signed the No Child Left Behind Act which had passed the Senate 87 to 10 and which endorsed additional resources in important education programs for our children. Last May, the President, Mr. Bush, signed a border security bill with great fanfare, which had passed the Senate 97 to nothing, which authorized strengthening glaring and dangerous weaknesses in our border security. Last July, President Bush signed the Sarbanes-Oxley Act which had passed the Senate 89 to nothing, and which addressed shameful corporate fraud that bilks innocent people. In October, Mr. Bush signed the election reform bill with great fanfare which had passed the Senate 92 to 2 to help State governments overhaul the Nation's outdated and corruptible electoral system. In November, President Bush signed legislation which had passed the Senate 95 to nothing to improve security at our ports.

Yet in order to reduce our bills by $9.8 billion, the omnibus legislation that we will consider this week will cut education by $1.5 billion. It will cut homeland security programs by $1 billion, including cuts of $627 million for

border security, $23 million from port security and $132 million from first responder funds. It will cut Securities and Exchange Commission funding below the levels in Senator HOLLINGS' bill by $94 million.

This omnibus legislation will reduce Head Start funding by $202 million. It will reduce job training by $534 million. It will reduce low income home energy assistance by $300 million.

The new omnibus bill will cut Amtrak funding by $374 million, a level that will result, I am told, in the termination of Amtrak service.

In addition, the bill includes 1.6 percent across the board cut on all domestic programs. This represents a $435 million cut in the National Institutes of Health. It represents a $182 million cut to Education for the Disadvantaged. It represents a $372 million cut in Veterans Medical Care. On top of these cuts, every homeland security initiative in this package is reduced by 1.6 percent. This is no way to govern. We must move forward on this legislation. As much as I chafe about these mindless cuts, we cannot allow the domestic agencies of our government to continue operating on automatic pilot for the rest of the fiscal year. The people elected us to make choices about how we invest their tax dollars. There will be amendments offered in the coming days to restore some of the cuts contained in the substitute to be offered by Senator STEVENS for homeland security, for education, and for other worthy programs. I urge Members to consider these amendments carefully and to ponder the impact of the reductions in this bill.

These should not be up or down party-line votes. When the Congress passed, with broad bi-partisan votes, and President Bush signed, authorization bills for homeland security, for port security, for border security, for investigating corporate fraud, and for No Child Left Behind, we all recognized that these programs required adequate resources. We did not vote to address these critical problems with rhetoric alone. We have heard plenty of rhetoric. We collectively decided that these were real problems that needed real solutions. To solve these problems requires resources, not empty promises. I urge every Member to reflect on their support of these authorization bills as they decide how to vote on amendments that will be offered in the coming days. Let's make the rhetoric match the resolve.

While I oppose the $9.8 billion in cuts which are being required by the administration as the price to move these bills, I recognize that an even worse alternative is to fail in our duty to enact appropriation bills and allow the United States Government to operate without sufficient funding for the remainder of this fiscal year. I believe my colleague, Senator STEVENS, is of a similar frame of mind. He is doing what he sees as his duty. He is a good soldier. He has my profound empathy.

This is the U.S. Senate. We are 100 Senators who have taken an oath of office to protect and defend the Constitution of the United States. We serve with Presidents. We don't serve under any President, I have served with 11 Presidents, not under any President. The votes that we will take on this important legislation, especially those relating to the defense of our homeland and the education of our children, are not about politics. They are about doing what is right and what was promised to the people of this country.

I ask unanimous consent that a summary of the $9.8 billion of cuts contained in the substitute compared to the fiscal year 2003 bills reported last July by unanimous vote in the full Appropriations Committee, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF $9.8 BILLION OF REDUCTIONS FROM THE FY 2003 APPROPRIATIONS BILLS REPORTED IN JUNE AND JULY OF 2002

Homeland Security—Homeland security accounts are cut by nearly $1 billion (when a $465 million increase for Transportation Security is included, the net cut is $0.5 billion):

$362 million is not provided to the INS for the Entry-Exit system, which will, when funded, track the arrival and departure of non-U.S. citizens. Funding would have supported design of additional lanes and facilities at ports-of-entry; the acquisition of land to support the additional lanes; the development of the new entry/exit system, including the enhancement of the Inspection Program's information systems; and the administration of this large project. From October 1, 2001 to September 30, 2002, 439.7 million people were admitted to the United States (700,000 were not admitted), with lengthy delays.

$265 million is cut from the INS for construction of border security facilities. INS has experienced rapid growth in staffing in recent years, particularly with respect to Border Patrol agents and inspectors. For example, in FY 2002, INS received funding to hire 744 additional border patrol agents and 1,265 additional inspectors. However, INS facility and infrastructure have not kept pace with this growth. From FY 1995 through FY 2002, the backlog in needed additional and ungraded facilities has grown to over $5.2 billion. Nationwide, at the end of FY 2001, the Border Patrol had only 52 percent of the facilities and space needed to adequately support its current workforce.

$46 million is not provided for the FBI for requested aviation enhancements, including funding for additional pilots and mechanics; two Blackhawk helicopters and a surveillance aircraft; and funding for maintenance, equipment, and other items needed by the Aviation program. These aviation assets are used to respond to critical incidents, including terrorist attacks, for the hostage rescue team, and to support domestic and international operations. If additional funding is not provided, the FBI would be forced to dismantle the existing surveillance infrastructure and curtail operations in a time when additional capability is needed.

$92 million is not provided for FBI information technology enhancements.

$51 million is cut from embassy construction for projects to help protect U.S. citizens overseas.

$8 million is cut from the Customs Service container security initiative. During Senate Appropriations Committee homeland security hearings, there was extensive testimony about security vulnerability at our ports, particularly with regard to the 50,000 containers and trucks that come through our 361 ports and our border facilities each day, with only a 2 percent inspection rate. The Customs Service developed a program for increased inspections and for conducting inspections at overseas ports. Between the FY 2002 supplemental and the FY 2003 Treasury/Postal bill, the Committee included $75 million for the project. But because the President blocked the funding for this project in the supplemental and now with the $8 million cut in the substitute, the funding is down to $10 million.

In addition, the Customs Service budget is reduced by $15 million to force Customs to absorb the costs of the 4.1 percent pay raise. Customs will likely have to forgo filling 630 positions, including port inspectors, as a result of the cut.

$132 million cut from FEMA first responders. Of this amount: $66 million is cut from interoperable communications equipment for firefighters and $66 million is cut from state and local emergency operations centers. The cut to interoperable communications equipment means less money to local fire departments to purchase badly needed communications equipment—a major priority for local fire departments. The cut to emergency operations centers means less money to help state and local governments upgrade their emergency operations centers—many of which are outdated and in need of expansion and new equipment.

$465 million is added for the Transportation Security Administration (TSA). After the Committee marked up the Transportation bill last July, the President blocked Congress' effort to add $480 million for TSA. The President then requested another $546 million for the TSA. The new bill fully funds the President's revised request.

Agriculture (−$580 million)

The Export Enhancement Program, which is a program designed to combat unfair trade practices, is cut by $450 million. However, USDA has no plans to use the program in FY 2003. The House included a similar provision.

Various pay accounts are cut by $55.9 million. This reduction will force Agriculture agencies to absorb the cost of the increase in the pay raise from 2.6 percent to 4.1 percent that is included, government-wide, in the Treasury/General Government bill. This could result in a reduction in staffing of 1.048, potentially including farm services agency personnel, rural housing loan officers and food safety inspectors.

Competitive Agricultural research grants are cut by $19.8 million.

Summer Feeding program funds are cut by $24 million.

A $2 million Rural Telework pilot program is eliminated.

Commerce/Justice/State (−$2,135 million)

In addition to the $816 million of homeland security cuts from CJS programs noted above, funding for pursuing corporate fraud through the SEC is reduced by $93.8 million.

At a time when States are facing $65 billion in revenue shortfalls, funding for State and local law enforcement is being cut by $500 million. Funding for the Byrne Formula Grant Program is eliminated. The Byrne

Formula Grant Program is distributed to the States and territories based on population to provide grants to local law enforcement agencies with the goal of improving Statewide drug and violent crime strategies. Funds can be spent on equipment, systems, and programs aimed at improving intra- and interjurisdictional crime control strategies. The elimination of the Byrne formula program will deny much needed equipment and program funds to the nation's State and local law enforcement agencies at a time when they are being held responsible for acting as the front line against future domestic terrorism.

The Economic Development Administration is cut by $77 million.

Energy and Water (−$136 million)

$100 million is cut from the Corps of Engineers construction program.

The Central and Southern Florida (Everglades) restoration project is cut by $8.2 million. This is an extremely environmentally sensitive project. The Southeast Louisiana project is facing a $15 million cut from the original Senate bill. The Administration severely underbudgeted this project for FY03 and the Committee bill had restored those cuts in an attempt to expedite completion of this project. When completed, the Southeast Louisiana project will protect 30 percent of the state's population from severe flood threats. The revised bill will delay the project, forcing the local citizens to continue to endure the threat of severe flooding.

Foreign Operations (−$100 million)

The biggest cut is $75 million that was going to be given to North Korea (KEDO, the Korea Energy Development Organization) for purchasing heavy oil. Funding for the United Nations Population Fund is reduced by $15.4 million. International Financial Institutions funding is reduced by about $18 million, with some of the reduction reallocated to the Andean Counter Drug Initiative.

Interior (−$373 million)

Federal Land Acquisition program. Cuts of approximately $30 million (10% of the program) will result in thousands of acres of environmentally sensitive lands not being given federal protection.

Dept of Energy Weatherization grants. Cuts of approximately $16 million ($5 million below enacted) will result in thousands of homes not being weatherized. This results in increased energy use nationwide.

National Park Service, construction/cyclic maintenance. Cuts of approximately $37 million will result in a severe setback to the goal of eliminating the $5 billion in backlogged maintenance. This will result in hundreds of health and safety projects being deferred to FY 04.

Indian Health Service, facilities and services. Cuts of approximately $19.8 million will reduce critical health services to the American Indian population. In addition, numerous clinic and hospital renovation projects will not proceed until FY 04 at the earliest.

Fish and Wildlife Service programs. Cuts of $22 million in basic refuge and hatchery operations along with $43 million in cuts to various wildlife conservation grant programs. These cuts will significantly reduce the level of effort being put forward by state and private wildlife preservation officials.

Forest Service. Cuts of $49 million in areas such as basic forest-health research, assistance to State forestry offices, capital improvements and maintenance, and forest operations.

Labor/HHS/Education (−$3,033 million)

Education programs are cut by $1.5 billion. The substitute FY 2003 bill reduces funding for Title I Education State Grants by $500 million compared to the FY 2003 bill marked up in July, 2002. This $500 million would have allowed school districts to serve an additional 447,000 low-income children. This cut comes at a time that many State education budgets are being cut and all States are facing huge costs to implement the ''No Child Left Behind Act'' enacted just last year. The substitute FY 2003 bill eliminates the $250 million increase provided by the Committee in July for teacher quality initiatives. These funds could have been used to hire an additional 7,150 teachers to reduce class size. The substitute FY 2003 bill eliminates the $50 million of the $75 million increase provided by the Committee in July for bilingual education programs. The number of students needing such services has increased from less than one million in 1980 to more than 3.6 million in 1999.

Job training programs are cut by $534 million resulting in levels that are $182 million below the FY 2002 level. These cuts will result in 20,000 less training slots for adult workers, 1,030 less training slots for older workers, and 50,600 less training slots for youth, at a time when unemployment rate is increasing.

The substitute bill cuts funding for Head Start by $202.5 million as compared to the LHHS marked up in July. That means that more than 17,000 children, almost half of whom are infants and toddlers, will be denied the opportunity to benefit from the Head Start program. Currently, only half of eligible 3 and 4 year olds are enrolled in Head Start and less than 1 in 20 of infants and toddlers are enrolled in Early Head Start.

Low Income Home Energy Assistance is reduced from $2 billion to $1.7 billion at a time that the number of unemployed is increasing and heating prices are increasing.

Various HHS health programs, including the Centers for Disease Control, Health Professions training and programs designed to improve access to health care for low income people are reduced by $235 million.

Legislative Branch (−$51 million)

Noncontroversial reductions in the Architect of the Capitol and the Capitol Police.

Transportation (−$400 million)

The substitute bill would cut the funding for Amtrak by $374 million or 31 percent below the $1.2 billion level approved by the Committee back in July. The substitute bill would fund Amtrak at $762 million which is the same as the level included in the FY2003 Transportation Bill as reported by the House Committee. This funding level will result in the bankruptcy and termination of Amtrak.

Federal Transit Administration: The substitute bill also cuts $75 million (6 percent) from the Federal Transit Administration's ''New Starts'' program for a new funding level of $1.24 billion. The New Starts program provides capital funding for major new transit projects.

Federal Aviation Administration: Funding for the Federal Aviation Administration's (FAA) operations was reduced by $34 million ($30 million below the President's request) bringing the total funding to $7.047 billion. This account provides funding for all of FAA's operations, including the air traffic controllers and the FAA's safety inspection workforce.

Federal-aid Highways: The substitute bill deletes $200 million of contract authority.

Agency-wide Administrative Expenses: The substitute bill makes a DOT-wide reduction in administrative expenses of $57 million—$51 million more in administrative cuts than was proposed in the bill reported back in July.

Transportation Security Administration: The substitute bill would increase the funding for the Transportation Security Administration (TSA) by $465 million bringing the total funding for TSA up to the President's request of $5.146 billion. After rejecting the $5.1 billion in emergency Homeland Defense funds included in the Supplemental, including $480 million for TSA, the Administration immediately sent up a budget amendment requesting an additional $546 million for TSA. This amendment was sent up after the Committee reported the bill back in July.

Treasury/General Government (−$281 million)

In addition to the $8 million of homeland security cuts noted above, $116 million is cut from Treasury and other agency pay accounts. The bill includes a government-wide pay raise of 4.1 percent, compared to the president's request of 2.6 percent and the 3.1 percent raise that the President implemented in early January. The 4.1 percent pay raise is the same as the raise included in the bill approved last July and approved for the military in the Defense Authorization Act. Agencies funded by this bill are expected to absorb the $116 million increased cost.

The IRS is cut by $14 million (funds provided in the July supplemental).

A Postal Service payment is cut by $31 million and funded, as requested as an advance appropriation.

An OMB effort to increase investments in electronic government initiatives is cut by $40 million from $45 million to $5 million.

The Counterterrorism fund of $40 million is cut by $20 million.

GSA Courthouse and Treasury Member projects are cut by $72.8 million.

VA/HUD (−$2,584 million)

In addition to the $132 million of homeland security cuts noted above, FEMA Disaster Relief is cut by $1 billion. FEMA has sufficient funds available to meet current and future disaster needs consistent with its historical averages.

$200 million is cut from FEMA flood plain mapping. $100 million remains in the bill. FEMA's flood plain maps are old and out of date. Local planners, developers and homeowners need updated flood plain maps from FEMA. This cut will delay updating the maps.

Housing programs are cut by nearly $900 million.

National Service is cut by $110 million, reducing the number of volunteers by 10,000.

NASA is cut by $70 million.

National Science Foundation is cut by $85 million.

EPA is cut by $96 million from $8.3 billion to $8.2 billion.

VA Construction is cut by $49 million in the substitute compared to the bill reported last July.

In addition, the bill includes 1.6% across the board cut on all domestic programs. This represents a $435 million cut in the National Institutes of Health, a $182 million cut to Education for the Disadvantaged and a $372 million cut in Veterans Medical Care. On top of these cuts, every homeland security initiative in this package is reduced by 1.6%.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Alaska.

Mr. STEVENS. Mr. President, I believe under the unanimous consent request that now is the time for me to offer my amendment.

AMENDMENT NO. 1

Mr. STEVENS. Mr. President, there is an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 1.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. STEVENS. The Senator from West Virginia has an amendment to offer. I thank him for his comments. We are in substantial agreement, except in the conclusion. We both feel that the Government of the United States should not operate under a continuing resolution. What it means is that our agencies are not moving forward in 2003 at the rate actually requested by the President in 2001 for the fiscal year 2002.

Times have changed. They have changed considerably. Each of these agencies are subject to new laws that were passed both in 2001 and 2002 with regard to the programs that they administer. They cannot do those new programs without new money.

As the Senator from West Virginia said, they are currently operating on autopilot. I am an old pilot and autopilot is a wonderful thing to have, but it doesn't know how to change course unless someone turns the dials. Autopilot cannot take you off or land you. It only continues on the course that it is on. It will fly right into a mountain if you don't change the course. There is a mountain ahead of us, which is the mountain of unfulfilled commitments in the Federal Government, which both the President and Congress have made and changes that were made since the President first conceived the budget of 2002.

I do believe that the Senator is right. I would have joined him last year in proceeding as we did with the bill as reported. But it is different now. We are ready to start a new Congress. We, hopefully, will have our organization resolution soon, and we will be working toward complying with the laws that we work under—the Budget Act—and the requirement that we pass 13 appropriations bills for 2004.

We cannot get there if we pass these bills separately. As I said before, we will face the prospect of disagreement with the House and endless conferences on 11 bills, and possibilities of vetoes and motions to override, and all the time it will take. Mr. President, it will be June before we get down to the business of this Congress if we do not follow the recommendation to proceed that has been made now by me on behalf of the President and on behalf, I believe, of all the members of our committee.

We have differences on what should be in the bill, but the main thing is that we should proceed. I await the offering of the Senator's amendment. I know pretty well what is in it, and I regret that I cannot join him this year in supporting it.

Is the amendment now pending before the Senate, Mr. President?

The PRESIDING OFFICER. The amendment is pending.

Mr. STEVENS. I yield to the Senator from West Virginia.

AMENDMENT NO. 2

Mr. BYRD. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 2.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. BYRD. Mr. President, this Nation faces a turning point as we are challenged once again by the threat of attack on our shores. We know that terrorists live among us. Yet we do not know where they will strike, or when, or how they will strike. With endless warnings in mind, and with a clear realization of our many homeland security gaps, it is time that Congress invest the necessary resources in homeland security to match its rhetoric and to match the rhetoric of this administration. So I have offered an amendment that would accomplish three goals:

First, it would restore the $1 billion in reductions in homeland security initiatives made from the original committee-passed appropriations bills and for which every member of the Appropriations Committee voted—every member, 29 members of the Appropriations Committee, with 15 Democrats and 14 Republicans.

Second, it would restore much of the $2.5 billion in emergency homeland security funds that passed this Congress overwhelmingly in the summer of last year, but which was rejected by this White House.

Finally, this amendment would fund the priorities that Congress has found so necessary and that President Bush has signed into law. This amendment would fund the Airport Security Act that created the Transportation Security Administration and placed rigorous, new safety standards on the Nation's airports. This amendment would fund the border security authorization bill that passed the Senate by a vote of 97 to 0 and that President Bush signed into law last May. This amendment would fund the port security authorization bill that passed the Senate by a vote of 95 to 0 and that President Bush signed into law last November.

These dollars address our Nation's most critical needs. These funds would help to shore up our Nation's defenses and save lives at home.

The Congress has voted to create the Department of Homeland Security, but that Department is months—if not years—away. I read in the Washington Post today about the slowdown in the fulfillment of that dream, but that Department is months—if not years—away from being a strong defense against terrorist attacks. There are many details to be worked out. We cannot wait to address gaps in our Nation's defenses while this new Department is organized. Terrorists will not wait to attack. We cannot afford delay. I urge my colleagues to support this amendment.

I ask unanimous consent that a summary of the amendment be printed in the RECORD at this point so that all Senators, members of the press, and the people at large may read on tomorrow the contents of the amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Major Elements of $5 Billion Homeland Security Package

[In millions]

State and Local Assistance to Combat Terrorism	$1,406
To implement the President's smallpox vaccination plan, grants to make first responder radio equipment interoperable, emergency planning and training for terrorist attacks, and study long-term health consequences of attacks of 9/11.	
Border Security	1,008
Customs and TSA container security improvements both at the ports and as containers are shipped within the country, improved INS Entry/Exit System, improved INS border security, more INS agents to apprehend absconders, seven additional Coast Guard patrol boats, and Customs northern and southern border security improvements.	
Airport Security	720
Airport security hardening to comply with new statutory security requirements, cockpit door security improvements, and increases to fully fund Transportation Security Administration needs.	
Port Security	585
To help implement the more rigorous security requirements in the new port security law that the President signed in November.	
Nuclear Security/Energy Security	296
Secure nuclear weapons and materials nationwide and conduct vulnerability assessments for energy supply and distribution systems.	
Mass Transit Security	300
Chemical and biological sensors and other monitoring equipment for potential terrorist attacks in mass transit systems.	
Federal Law Enforcement (FBI)	212

Major Elements of $5 Billion Homeland Security Package—Continued

FBI, Secret Service, additional security for terrorism trials in Federal courts, and Law enforcement training for new TSA personnel	
Water Security	178
Improved security at Corps reservoirs and dams, vulnerability studies for urban and rural water systems.	
Cyber Security	128
Food safety, securing biohazardous materials at USDA facilities, embassy security, research to combat chemical attacks, improved security at Washington Monument and Jefferson Memorial, and DC emergency response plan.	167
	5,000

Mr. BYRD. Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I rise to support the amendment offered by the distinguished chairman, perhaps ranking member, depending on the time of the month in January of this year, of the Senate Appropriations Committee. He has led the fight in the Senate on these issues dealing with homeland security, an extremely important subject for this Senate.

I wish to talk about why his amendment is a very important choice for us to make. This is, after all, about making choices. It is not a case that there is not the money to do one thing or the other; it is a matter of making the choices of what the right things are for this country's future. Emerson once said that common sense is genius dressed in work clothes. Common sense with respect to homeland security to me is to understand that post-9/11, we are in an urgent situation to protect our country at home. We are prosecuting the war against terrorists here and abroad, and we have an urgent requirement to protect our homeland.

The head of the CIA just a couple months ago said to the Nation that we are as vulnerable today to a terrorist attack as we were on September 10, the day before that devastating terrorist attack on our Nation. The head of the CIA said: We are as vulnerable today as we were the day before that devastating attack.

If that is the case, then the question is, What more do we need to do and how soon must we do it to give a measure of assurance to the American people that we are doing everything possible to thwart those terrorists who would attack our country?

I wish to talk about a couple areas of homeland security that my colleague, Senator BYRD, has spoken about previously and spoke about again this evening, and addresses in his amendment. I wish to talk about the security of our country's ports.

I come from a State that does not have any ports. North Dakota is not surrounded by oceans, so we do not have ports. I did recently tour one of our large ports in this country. That follows on the heels of a tour I did several years previous. I was curious as to what kind of security exists in America's ports.

I know we get 5.7 million containers coming into this country every year stacked on container ships. These 5.7 million containers pull up to a dock at 2 miles an hour, then are offloaded on to 18-wheel trucks, and they motor off to the rest of the country. I also know of the 5.7 million containers that come into our country every year, 100,000 of them are inspected, 5.6 million are not.

One asks the question: We spend a lot of money and time talking about an antiballistic missile program or a missile defense system to protect against an incoming ballistic missile or a ballistic missile traveling 10 or 15,000 miles an hour. So we spend $8 billion creating a ballistic missile defense system.

How much money do we spend protecting against the threat of a ship with a container carrying a weapon of mass destruction coming to a dock at 2 miles an hour at one of America's major ports in America's major cities? The answer is we do not spend nearly enough.

I recently, with the Customs Service and others, toured one of our country's major ports. This is a port that gets a great deal of freight and commerce from Asia. I was very impressed with the men and women who worked there. I was very impressed with what they do there. I took a look at their x-ray technology in which they x-ray containers that are on an 18-wheel truck, having been taken from the deck of a ship. This technology is remarkable. What they are doing at the Customs Service is extraordinary, but they are desperately short of funds. They are incapable, in my judgment, of assuring the American people that of these 5.7 million containers reaching America's ports, they are able to inspect a sufficient number to give us a measure of confidence that terrorists will not use these containers with which to attack our country.

We might all remember the story about a fellow who was a suspected terrorist who actually put himself in one of those large containers. In that container, he included a heater, a cot, water supply, a GPS system, a computer—he had all the comforts of home locked with him in a container, shipping himself from the Middle East to Canada, presumably then to go from Canada into the United States.

If someone decides to ship a weapon of mass destruction in a container aimed at this country with only 2 percent of the containers being inspected at our docks, how confident are we that we have the homeland security and homeland protection we need and deserve at this point?

Senator BYRD includes in this amendment the resources that are necessary to add to that measure of confidence, to create more inspections, to provide more security at America's ports, and that is important.

He also in this amendment deals with the issue of border security. I do represent a State that has a long and common border with the country of Canada. Just a couple of months ago, there were concerns across our country about five men, suspected terrorists, who apparently entered the U.S. through Canada. We did not know who they were. We did not know where they entered our country. We did not know what they planned to do. But there was a national manhunt for five men from those parts of the world from which terrorists have originated who entered our country, and we were searching for these individuals. Apparently they were never found.

The point is, they were supposed to have entered our country through Canada. How would one do that? Along the border between the United States and Canada, we have a great many ports of entry where we have very little security, as a matter of fact. Prior to our Appropriations Committee adding some money in the last year and a half, at many ports of entry in North Dakota, when the ports of entry closed because they are open only a certain portion of the day, at the end of the day, at 9 o'clock or 10 o'clock at night, they put up an orange rubber cone, and that was the security to keep terrorists out of this country or to keep out those who are not supposed to enter this country.

The polite ones who enter this country illegally say they would get out of the car, remove the cone, drive into this country, and replace the orange cone. Those not so polite would shred that cone at 60 or 70 miles an hour, with nothing to stop them.

We changed some of that at ports of entry, but we have a 4,000-mile border. There is not a ghost of a chance that the Border Patrol and others who are required to provide the security on this country's northern border can possibly do all that is necessary to keep terrorists from entering our country.

Despite that, we have the Immigration Service, the Customs Service, the Border Patrol, and others doing heroic work, but they need more resources. They are short of money. And that also is included in Senator BYRD's proposal.

Last July in Congress, we on the Appropriations Committee passed by a

wide margin a supplemental appropriations bill that included $2.5 billion for homeland defense, port security, as I mentioned, the security of nuclear plants in our country, airport security, cyber security, and training for police and fire personnel, the first responders for any terrorist attack. Yet the President decided he would not use that $2.5 billion. He blocked it, and this amendment restores much of those funds.

I know earlier today we had people come to the Chamber and talk about those who want to spend money. There are those who say this is all about spending money. This is a rather small amount compared to what we did for Defense, for example, in this year.

The President asked for and we agreed to increase Defense spending nearly $45 billion in this year. We face some very significant challenges in Iraq, North Korea, terrorists. We call on young men and women in this country to put on their uniform and, in a moment's notice, be called up, put on a ship or airplane and shipped to the farthest points of the world to protect our country. We increased that spending in a very significant way.

Just a year ago—in fact, a year ago this week—I was in central Asia. I was in Afghanistan and Uzbekistan and toured those areas where our young men and women—American soldiers—were defending our liberty and freedom.

I do not think anyone will ever want to shortchange them in what we do to spend money to protect them, and I commend Senator BYRD, Senator STEVENS, and Senator INOUYE for their leadership in making certain we make that investment. But it is not only with respect to this Nation's defense that we must make investment. We also must make those investments in our homeland security. If we fail to do that, there will be a time, after some additional national tragedy as a result of a terrorist attack, when we will ask the question: Why did we not plug that hole? Why did we not add those resources? Why did we not have those additional inspections?

We can avoid all of that if we simply make wise and prudent investments in homeland security in this legislation. I prefer we not be required to spend any money on homeland security. I prefer we live in a world in which there is not a terrorist threat, in which those who have evil in their hearts, such as Saddam Hussein and others, would not exist and we would live in peace and harmony and not have to worry about protecting our homeland. But the attacks of 9/11, which killed thousands of innocent Americans, by those holed up in caves in the mountains of Afghanistan plotting the murder of innocent people tell us we can never again be sure that that kind of world will exist.

We must understand that terrorists want to do damage to this country and kill innocent Americans. As a result, we simply must have adequate homeland security and adequate protection. That is all this amendment offered by Senator BYRD does.

We will have an opportunity to discuss other issues with respect to the omnibus bill. Although I have been talking about homeland security, I fully agree with Senator STEVENS and Senator BYRD that we should handle these appropriations bills this way. It is the only way we can solve this issue of getting the eleven bills done, getting to a conference, getting them to the President, and getting them signed. So there is no disagreement about that. Senator BYRD and Senator STEVENS are absolutely correct. This is what we should do. We should do it this month and get these priorities funded. But as I say that, the question is: What priorities? What choices?

I have not yet seen the entire amendment or the entire omnibus bill that has been offered. I expect I will be able to review some of it this evening and perhaps tomorrow. But this is significant legislation. I know what part of it is. Chairing one of the subcommittees on appropriations, I know what is in that subcommittee. With Senator CAMPBELL and me working closely together, I know what is in that particular part, but the rest of it I am not aware of, and I think most Members would not be aware of the specific provisions. We need to work together in the coming days to make sure the choices we make in terms of priorities are the right choices.

I will have a lot to say on a couple of other issues, but I want to specifically say to Senator BYRD, I think this amendment makes eminent good sense. It is an important amendment, an urgent amendment, and represents one of our first priorities: Making the right investment for homeland security.

There is a part in this omnibus bill that deals with disaster legislation, drought relief, for farmers. I do not know this for sure, but my understanding is the money for that actually comes out of the agricultural spending base, which in my judgment should not happen. Second, it is only about half the size of what is needed.

By a very wide margin, we passed last year a $5.9 billion disaster relief bill for drought relief for a major part of the country's agricultural producers. That is about what we need. In my judgment, we are going to have to amend this provision.

My understanding also is that in order to get part of this money, there is an across-the-board reduction, and I believe there are certain areas where we cannot do across-the-board reductions. Having said all of that, we need to debate those amendment by amendment. This first amendment is an important amendment. As Senator BYRD said, and let me hasten to say as well because I serve on this committee, the leadership of Senator STEVENS is exemplary. I am proud to be on this committee, whether under his leadership or Senator BYRD's. Our differences in choices with respect to both the White House and those who support this amendment are not meant to be disrespectful but are an assertive difference, representing what we believe to be an urgent priority.

There is no greater priority than to make sure we have done what we can do to thwart the efforts of terrorists to attack this country, and in a number of areas we are markedly and substantially deficient in homeland security investment. We have known that for some long while. This is the time to correct it. It is not spending, it is an investment, just as it is an investment in this country when we make the kind of appropriations we need to make for defense. We have done that. Now we need to make the same judgment with respect to homeland security.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

Mr. REID. Mr. President, Senator BYRD has offered an amendment. I would like to address that amendment.

Senator BYRD has been an advocate, for many months now, of doing something to properly fund homeland security. One member of our caucus referred to it as hometown security. The Senator from Nebraska, Mr. NELSON, referred to it as hometown security, and that is really what it is. It is to make sure the cities and towns in our States have the protection that is necessary as a result of the terrible events of September 11.

The bill I am interested in is part of S. 11 from the Energy and Water Subcommittee. For the next half hour or so, I will be the chairman of that committee. That will change sometime this evening.

Senator DOMENICI and I have had a longtime relationship on this subcommittee. I have been chairman; he has been chairman; we really have worked extremely well together. He has been, from my perspective, extremely good to work with. He is an absolute expert on numbers, having been the chairman of the Budget Committee and having been so long with the Appropriations Committee. It has been a pleasure to work with him.

But Senator DOMENICI, I am sure, recognized that this bill, our bill, should have more money—more money as it relates to homeland security. During

last year's consideration of the supplemental spending bill for homeland security, when we were in the majority, we included hundreds of millions of dollars for nuclear security, funding that had been requested by the administration and by the Department of Energy but was rejected by the Office of Management and Budget. During final negotiations on that supplemental, we agreed to provide funding for these activities on a contingency basis. In essence, we provided the money but gave the President the opportunity to accept it or not. He decided not to accept it. I think that is really wrong. I am disappointed and sorry that is the case. I believe it was unreasonable that the President declined to request emergency funding for nuclear security for which his own Department of Energy was screaming. We didn't invent this. This came from his own Department of Energy.

So this evening Senator BYRD has offered it again and is making another effort to give this administration the funds they need to keep nuclear and other deadly material safe and secure in this country. As always, I am grateful to Senator BYRD for his leadership in this area.

The bill Senator DOMENICI and I have brought to the floor for many years is a big bill, approximately $24- or $25 billion, and it is all discretionary. It is the only subcommittee in which the money is discretionary, all of it. It has many important components. Tonight we are only going to talk about that part relating to nuclear security.

This amendment provides $25 million to enhance the safety and security of nuclear and other materials at the Department of Energy Office of Science Laboratories, nationwide; another $25 million for the National Nuclear Security Administration, to enhance security during the transport of nuclear weapons and materials nationwide; and $35 million for construction and renovation activities of the National Center for Combating Terrorism, again funding that the Department of Energy asked the White House to provide.

Again, we didn't dream it up, saying this would be great for New Mexico because they have a lot of things goings on there, or Nevada, or Idaho, or Mississippi, where a lot of these activities take place. The Department of Energy came forward with this recommendation. Again, the White House refused the recommendation that its own Department brought forward.

We are also requesting $90 million for increased safeguards and security needs throughout the nuclear weapons complex. Funding is provided for explosive detection equipment, protective force support, hardened perimeter barriers, and consolidation of special nuclear materials and complex-wide security improvements. A minimum of $25 million is provided for cybersecurity activities.

Just reading this off should give every person within the sound of my voice pause. Why have we been asked this by the Department of Energy? We have been asked to do this because we need safeguards throughout the nuclear weapons complex that are not now there.

Funding is provided for explosive detection equipment. We don't have that equipment. I hate to say it here on the Senate floor, but we don't. We are lacking.

Protective force support. That means we don't have enough people making sure the materials are safe, that the facilities are safe.

Hardened perimeter barriers. It seems to me, if we have been told by the Department of Energy that we should have hardened perimeter barriers, that means that what we have now is inadequate.

Consolidation of special nuclear materials, and complex-wide security improvements.

Also, $56 million is provided for the Defense Environmental Administration Restoration and Waste Management Program at the Department of Energy to enhance safeguards and security at nuclear and weapons cleanup sites at Savannah River in South Carolina, Hanford in Washington, Idaho, and in Tennessee.

Mr. President, you, as a new Senator, did not come and say: Senator DOMENICI, Senator REID, will you give us some money for Oak Ridge, in Tennessee? You didn't do that. The Department of Energy recognized there were needs at that very important facility, important for this country, and that is why Senator BYRD has stuck in this amendment before this body, $56 million, part of which would go to Oak Ridge to make sure there is enhancement of safeguards and security at nuclear weapons cleanup sites, at this facility and these facilities.

There is $14 million for the Defense Facilities Closure Projects, the program at DOE, to enhance the safeguard and security of these sites nationwide.

The amendment also provides $25 million for the National Infrastructure Simulation and Analysis Center in New Mexico and $25 million for the National Energy Laboratory to conduct critical infrastructure assessments at critical energy supply facilities nationwide.

The funds provided in the Byrd amendment for nuclear safety are critical for ensuring the safety of the American people in the post-9/11 era. I don't expect the White House to take my word for it. They should, however, listen to their own Department of Energy. I did, and the nuclear safety language in the Byrd amendment reflects what we were told, what they said was needed.

We also have some new information that has come out. We have a report that has been done, and we know there are some Nuclear Regulatory Commission employees who worry that safety training requirements for the nuclear facilities are outdated and ''leave the security of the nuclear sites . . . vulnerable to sabotage.''

Should we not go forward with this work? Yes, we should. It is extremely important that we provide this money. If there were ever an emergency need in the history of this country, it would be to take care of the nuclear facilities.

They have inadequate security guards. One security company is working at one facility and another, which has the lowest bid, at another facility. It simply is not the way to do business.

All over America we have 101 nuclear powerplants. There are workers who are questioning the safety of these facilities. A recent survey commissioned by the NRC found that a third of its employees question the agency's commitment to safety, and almost one-half say they are afraid to speak up at the NRC. Employees who are designated to protect these plants from terrorists and others are afraid to speak up for fear they will get fired or their jobs will be changed or they will be transferred.

According to the survey conducted by an outside firm, these people complained that the NRC is influenced by the nuclear industry and that its regulatory powers have atrophied. The poll was based on surveys completed by one-half of the agency's employees. The most dramatic findings came up when pollsters sorted responders by rank. Although almost 90 percent of the agency's executive-level employees answered favorably on the questions regarding the Commissions's commitment to safety, less than two-thirds of those in the midlevel ranks answered that they were afraid.

The study said those differences point to the political influence of the nuclear industry. NRC officials declined comment.

We should be very concerned about workers at the NRC who are afraid to come forward and say: We do not have proper safety standards, and we are afraid to come forward and tell our own bosses what is wrong. Why? Because they are so driven by the nuclear power industry.

It has been nearly a year since the President warned us in his last State of the Union Address how vulnerable our nuclear facilities are. But the NRC has still not taken any clear steps to secure the safety and security of our Nation's nuclear powerplants. That is not acceptable.

We know the inspector general of the NRC paints a very bleak picture of their safety and security. A few days ago, the NRC's inspector general released a survey of the employees. I have talked about that to some extent.

This amendment is a very important amendment if we are concerned—I

know everyone is concerned—about the safety and security of our nuclear-generating facilities.

Senator BYRD is to be commended for asking us to support him in making sure that we have adequate resources to protect our nuclear facilities.

I repeat what I said earlier when I talked about some of the things that the Department of Energy has said is so important. If we ignore them, and if the administration ignores them, it is simply not right.

This money enhances the safety and security of nuclear and other materials. It will enhance security during the transport of nuclear weapons and materials. There is money for construction and renovation activities of the National Center for Combating Terrorism; for increased safeguards and security needs throughout the nuclear weapons complex. Funding is provided for explosive detection equipment, protective force support, hardened perimeter barriers, consolidation of special nuclear materials, and complex-wide security improvements.

I see the Senator from Washington is on the floor. There is $56 million, as I have mentioned, for the Defense Environmental Restoration and Waste Management Program to enhance safeguards and security at nuclear and weapons cleanup sites, such as the one at Hanford in Washington. I would place it throughout our complex.

There is money for the Defense Facilities Closure Projects Program to enhance safeguards and security at these sites. This is important. If we pass the Byrd amendment for no other reason—and there are lots of other reasons to talk about—money is provided in my subcommittee of appropriations for making our nuclear weapons facilities throughout the country and our nuclear powerplants throughout our country safe and secure. They are not safe and secure now. That should be of concern for every American.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise this evening in strong support of the homeland security amendment that was offered earlier this evening by Senator BYRD. I am pleased that I had the opportunity to work closely with Senator BYRD on the details of the amendment because it impacts the security of our transportation system.

Before I start, I wish to align myself with the very thoughtful and important remarks of the Senator from North Dakota made earlier regarding the northern border. Senator DORGAN has brought some real attention to the northern border issues that are so important to my home State of Washington. This work must continue despite the President's cuts to the border security initiative that the Senate previously approved.

This amendment represents months of work on behalf of Senator BYRD and the Appropriations Committee. Senator BYRD, as chairman of the Appropriations Committee, convened a series of hearings last spring to discuss homeland security needs. We heard from numerous Cabinet Secretaries, including Secretary Powell, Secretary Rumsfeld, and Secretary Mineta. Several respective national security experts gave us very valuable testimony. We also heard from several Governors, including Governor Locke from Washington State. Mayors appeared before the Appropriations Committee as did fire chiefs, health department officials, and water and sewer authorities.

Senator BYRD and the Appropriations Committee worked very hard to identify real needs for homeland security. The Byrd homeland security amendment is in large part the result of those hearings and our continued efforts to work with the true first responders.

Homeland security is an enormous task. We all know this. It is going to be enormously expensive. We all know this. Sadly, the administration has not requested adequate funding for homeland security needs throughout our country. The President refused to spend homeland security money previously approved in a bipartisan fashion by this Congress.

The bill before us today, at the President's insistence, makes further cuts in homeland security funding.

Homeland security is about our entire country. However, I must tell you that this issue is tremendously important to Washington State. Already, thanks to an alert Customs agent, we arrested a terrorist suspect crossing into Washington State with explosive materials.

We are an international State with vulnerabilities in our ports, our rail and highway infrastructure, and our international airports.

We are a trade State with an economy that is closely linked to the world. We have significant military assets, nuclear facilities, and many popular tourist-gathering points. My State is aggressively moving forward to protect Washingtonians. We need a partner in the President and the Federal Government. Unfortunately, the underlying bill does not address all of our homeland security needs. Homeland security should not be an unfunded mandate.

As a nation, we are working hard to close the security gaps that still exist. We know the transportation systems are a frequent target of terrorist attack. In fact, when you look at the worldwide statistics, one-third of terrorist attacks that take place around the world target transportation systems, including aircraft, highways, rail systems, subways, commercial ships, and ferries.

As many have observed, our security is only as strong as our weakest link. This amendment offered by Senator BYRD will help strengthen some of our weakest links in port security, aviation, and mass transit.

Let me start with port security. We have a lot of work to do to protect our Nation's ports. As my colleagues will recall, we passed the Maritime Transportation Security Act 95 to 0. That act puts new requirements on our ports. However, effectively no funds have been provided to our Nation's port authorities to implement those new requirements, which will cost billions of dollars.

The underlying bill that we are looking at this evening, provides very little money to enhance port security. So I am really, pleased that the Byrd amendment would dramatically increase the security funds available to our ports.

I ask Senators to reflect for a moment on what a terrorist incident in our Nation's ports would mean to our Nation's economy.

Just look at what happened this past fall, when West Coast dockworkers were locked out of their jobs. It is estimated that the lockout cost our economy $1 billion a day.

A terrorist attack on our ports—or an attack carried out through our cargo container system—would undermine our Nation's confidence in the hundreds of thousands of containers that crisscross our country every single day.

And beyond the human toll—an attack on, or through, our ports would have a dramatic economic impact and could bring the flow of commerce to a dead stop.

It is not enough just to pass an authorization bill saying that we have better secured our ports. We have to actually provide the resources to make our ports more secure.

The Byrd amendment boosts—by almost half a billion dollars—the amount of grant money available to our public port authorities. I commend the Senator for his vision and leadership on this critical challenge.

Another way to secure our ports is through Operation Safe Commerce, an initiative that I started in last year's emergency supplemental appropriations bill. This TSA initiative was launched with the cooperation of the Customs Service. For the first time, it provides us a mechanism to track containers from their point of origin to their point of destination. As a result, we will have much better information about where the container came from, what is in it, and whether or not it requires either x-ray or further inspection.

With the initial funding that we provided for this initiative—and the $30 million that is included in the underlying bill—we have had to limit these grants to the three major container ports in our country. Those three ports take in roughly three-quarters of all the containers entering the United

States. With the additional funding provided under Senator BYRD's amendment, we will be able to greatly expand the number of ports that can participate in this important initiative.

Finally, as I talk about port security, I want to talk about the new demands being placed on our Coast Guard. For a long time I have been very concerned that these new homeland security requirements mean the Coast Guard isn't getting adequate resources—or paying adequate attention—to its traditional missions, such as search and rescue, fisheries enforcement, and marine environmental protection.

In order to get the Coast Guard the kind of assets it needs to conduct port security, Senator BYRD'S amendment includes sufficient funds to boost the Coast Guard's inventory of coastal patrol boats. These are the ideal platform for the Coast Guard's homeland security mission. Unfortunately the Coast Guard has not been able to buy enough of them, in part because of other major contract obligations that are outstanding.

We cannot continue to burden the Coast Guard with additional missions without providing them with the resources and the tools they need to do their job. I am pleased the Byrd amendment provides these resources.

Another weak link this amendment will address concerns mass transit. I think we should all recognize that the majority of fatalities resulting from transportation terrorist incidents have been in the area of mass transit, specifically from buses.

The challenge in securing our mass transit systems is daunting. By their very nature, transit systems are designed to be open and accessible and to accommodate many people in a very short period of time. It is a real challenge, but we have to address it.

The amendment that Senator BYRD has offered states that we are not going to shrink away from this vulnerability. It says we will better protect the millions of citizens who commute to their jobs every day. The $300 million included in this amendment will make a serious downpayment and get our Nation's transit systems focused on mechanisms that will simultaneously protect their passengers without clogging our transit systems.

I commend Senator BYRD for recognizing this vulnerability and for addressing it.

Finally, I want to talk about aviation security. I commend the Senator for including an additional $250 million for our Nation's airports.

As my colleagues know, the Aviation Transportation Security Act mandated that we check all passengers' checked baggage for explosives. Just a few weeks ago, the Transportation Security Administration met that deadline. But the truth is, there is a huge amount of construction that needs to be done to transition our Nation's airports from the interim explosive detection solutions to more permanent and efficient systems to check all bags for explosives.

From the very first day that this requirement was put into law, the Transportation Security Administration has consistently refused to request adequate funds to compensate the airports for these costs. They have consistently underestimated the true costs to implement these massive retrofits in order to leave our airports ''holding the bag'' for these costs.

The amendment offered by Senator BYRD provides an extra $200 million—over and above the $250 million included in the underlying bill—to more accurately reflect the real cost of this initiative in fiscal year 2003.

We will be paying the cost to implement the Transportation Security Act for many years to come. Our airports do not have easy access to the kind of resources that will be needed to make these very necessary investments. The airlines—which the airports depend on for rates and charges—are almost uniformly in serious financial difficulty. Many airports have already extended about as many bonds as they can currently afford to pay off. So this amendment would provide very critical support.

I am proud of the progress this amendment makes in adequately funding port security, mass transit, and aviation security. I commend Chairman BYRD for this amendment, and I urge all my colleagues to support it.

We cannot let the protection of the American people be ignored because an OMB director—a few blocks down the road—has said that discretionary spending will not exceed a certain arbitrary figure.

We have serious security needs in this country, and this amendment will help us meet them.

Mr. President, I yield the floor.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I understand we are now on the Byrd amendment to the appropriations measure before us; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I thank the Presiding Officer.

First, I thank Senator BYRD for offering this important amendment which provides much-needed funding for our homeland security.

Secondly, I thank Senator BYRD for including funding in his amendment to help States implement the President's plan for inoculating our first responders against the smallpox virus. A month ago, on December 13, President Bush announced his policy for vaccinating U.S. citizens against smallpox. He had a tough decision to make, and I support that decision.

That same day, the Government began inoculating 500,000 armed services personnel and other Government officials working overseas, people who are most likely to encounter the smallpox virus.

The second phase involves inoculating on a voluntary basis first responders and health care workers across the United States against smallpox. It is estimated that up to about 10 million Americans may fall into this category. Senator SPECTER and I have worked with the administration and Senators BYRD and STEVENS since the events of September 11 to provide sufficient funds to produce the smallpox vaccine necessary to inoculate every American against smallpox if that becomes necessary. That money has been appropriated, and I understand the production of vaccine is well underway and that sufficient vaccine will be available by the end of the year. That was a good first step.

It is one thing to produce the vaccine, but the administration of the vaccine also costs money. That financial burden will fall on our State and local public health departments. Local public health departments will absorb the costs of the needles and personnel to administer the vaccine. But then again, personnel and equipment and needles only represent a part of the cost to local health departments. That is because the smallpox vaccination is a far more resource-intensive activity than any other type of vaccination activity.

For example, costs include specialized training for the vaccinators. You cannot just have someone off the street doing the vaccinating; they have to be specially trained. And since we have not administered the smallpox vaccine for a number of years, people would have to be trained. There would also have to be prevaccination screening for individuals to make sure you don't have something else that might interfere with the vaccination. It will also include postvaccination monitoring because it is estimated that 1,000 out of every 1 million vaccinated will experience a serious adverse effect. Then you add to those costs the cost of extra security for the vaccine.

I have received estimates from those involved in public health that the cost of administering the vaccine to State and local health departments under the President's plan may be $85 a person, or $850 million to inoculate 10 million first responders and health care personnel.

The amendment before us—the Byrd amendment—includes that $850 million

appropriated to HHS for distribution to the States for this first 10 million first responders' vaccination.

When I first saw this figure of $85 a person, I thought that was pretty expensive. I remember when I was a kid and got my smallpox vaccination in school. They lined you up, and the public health nurse gave you your vaccination. I cannot believe it costs, in equivalent dollars, $85 to get that vaccination. So I think we here on the Appropriations Committee and on the Oversight Committee and those at Health and Human Services under Secretary Thompson really need to look at this and to make sure these estimates are valid estimates.

Again, I know that, as I said, there are other things we have to do, such as prescreening and training of inoculators; there has to be postvaccination monitoring and safety. There are other considerations that perhaps we didn't have maybe 50 years ago when I got my smallpox vaccination.

I do think we are going to have to be careful stewards of the public's money to make sure we are getting our money's worth and to make sure every dime is accounted.

Some may say we have already provided significant new funding to State and local health departments since the events of September 11, and that is true. Senator SPECTER and I and the Appropriations Committees have worked hard to provide those funds, and those funds were sorely needed because we had let our public health departments stagnate over the years.

The money we provided over the last couple of years was just to begin to repair the benign neglect of our public health system, to upgrade public health monitoring, to increase the lab capacity in our State labs to identify possible bioterrorism agents, to improve communications between CDC, the Centers for Disease Control and Prevention, health departments, and other health providers. That was just a few of the needed improvements that, again, had been consigned to benign neglect over the years.

I guess what I am saying is, we should not put a stop to those improvements by forcing our local public health departments to use those funds to administer the smallpox vaccine. We are making strides in this country to bring our public health resources back up to where they should be. We should not be robbing those resources to administer the smallpox vaccine.

Local health departments are concerned that the financial burden of administering the smallpox vaccine will force them to make cuts in other areas. For example, Dr. Floyd Novak, president of the New York State Association of County Health Officials and the commissioner of health of the county that includes Syracuse, said, according to an article in the New York Times:

> We have to transfer staff from other functions to do this. It just cannot be absorbed as business as usual. We need more resources.

Dr. Novak said his department would conduct 221 fewer screening tests for breast and cervical cancer and 835 fewer pediatric dental examinations, among other lost services, in the 2 months when vaccinations are to be performed. That is why the amendment we have before us is so crucial.

The Byrd amendment we are considering includes funds not only for smallpox vaccinations but also for other important homeland security needs, and it means that Dr. Novak in New York and other county health officials throughout the United States will not have to stop the important functions of breast and cervical cancer screening, pediatric dental examinations, and other functions we sorely need, in order to conduct the smallpox vaccinations.

I urge my colleagues to support this much-needed amendment. Of the $5 billion amendment that Senator BYRD has proposed, $850 million will go to make sure we have the needed resources to inoculate the 10 million estimated first responders—police, fire, emergency personnel, guardsmen, and others who will be our first responders in this country. These resources would, indeed, ensure we can do that without robbing or stopping the other needed services of our public health departments.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the distinguished Senator from West Virginia, Mr. BYRD, presented a chart showing the major elements of the $5 billion homeland security package. Eventually, this homeland security money, since it is money that people involved in that area want, we will address not only this year, in this 2003 bill, not only in the 2004 bill, but out into 2005. This Homeland Security Department has not even formed yet, as we know. There are several components in the existing Government that will be transferred into homeland security, and they have funding in this amendment I have offered.

For instance, Senator BYRD wants to add to this amendment I have offered $1.4 billion for State and local assistance to combat terrorism, but we already have spread throughout the 11 bills $2.2 billion to deal with the same concepts. We have money for first responder radio equipment. We have money for emergency planning and training.

Last year, I supported this money that Senator BYRD wants in his amendment for this bill—in a series of bills, as a matter of fact. The problem we face now is, should we continue to operate at the 2002 level until we can find an agreement with the President as to the amounts Senator BYRD wants to add to the President's request or should we move forward through the way we allocated money in the bill for the various elements of homeland security in the existing Departments? The money we put in the existing Departments will be transferred to Homeland Security as that Department is formed.

Senator BYRD wants to put up an additional $1.8 billion for border security. Again, in the period ahead we will spend money like that, but in these bills already is a total of $4.3 billion, and we are looking at a period of less than 8 months to spend that money.

I have presented the amendment that is before the Senate now because we want to find a way to work with the President to close the books on the 2003 appropriations. We cannot do that if we continue to battle with the administration and try to give them money beyond what they believe is necessary.

At the time we were looking at this last year, we thought the Homeland Security Department would have been created before September 30 of last year. We wanted to put up money so it would be there for the Homeland Security Department to be transferred to start spending in October. This money would be started to be spent in late February or March.

I am trying to make a point. Take airport security; Senator BYRD wants an additional $720 million. We have already appropriated substantial monies that are in the supplemental from last year for airport security. We have tried to fund the needs of the Transportation Security Administration. We already have an additional $374 million in these separate portions of the amendment I have offered.

I am trying to emphasize the fact that we do not need to give this Department of Homeland Security more money beyond what has been asked.

On nuclear and energy security, I do not disagree with the statements that have been made about the needs for additional money. In this amendment I have offered is $1.650 billion for that function. Senator BYRD wants to add another $296 million. I understand he is trying to fully fund the estimated needs of homeland security for the future, which is a laudable goal, but we are trying to stay within some sort of budget constraint.

As I said, let's finish the job of getting the books closed on how much the agencies have to spend in the remainder of fiscal year 2003.

On Federal law enforcement with the FBI, Senator BYRD wants to add $212 million to the $1.2 billion already in

the bill. I am urging the Senate to listen in terms of the concepts we have worked out. Stop this battle with the President over how much is needed for the agency that has not even been established yet. The various components of that agency, the Homeland Security Department, will have enough money coming into this new Department to fully fund whatever they can do by the time they get organized as a Department.

I urge the Senate to oppose the amendment offered by the Senator from West Virginia—not because he is not right at estimating the future needs of homeland security—because we believe we are right in saying, let's fund now the money that can be spent before the end of this fiscal year, be spent before September 30. I am confident we have sufficient moneys in this amendment that we have offered in the 11 separate sections which would normally be separate appropriations bills, enough money to deal with the problems of homeland security.

Beyond that, I remind the Senate the President still has some money left from the $20 billion we gave him after 9/11. If there are any defects here, he has more than $5 billion in that account and can allocate it if it is necessary to establish Homeland Security so long as it is working toward establishing the facilities and entities we need to prevent further repetition of the catastrophe of September 11.

I hope the Senate will listen. To adopt the Byrd amendment will be to prolong the conference. If it was in a bill that would go to the President, he would veto it. Then where are we? Maybe I am too pragmatic about this, but it is time to get this job done. The amendment I have offered will get the job done. There will still be some differences with the House. As a matter of fact, there will still be some differences with the administration because we have increased some items that they do not want to see increased and we have decreased some they do not want decreased. But overall, we are within the total limit and parameters of the requests of the President.

I hope tomorrow the Senate will be looking at this. There will be further debate tomorrow morning. The leader will, of course, state what the procedure will be. We expect a vote sometime around noon or soon thereafter on the Byrd amendment. I am hopeful that the Senate will work with us to try and understand my job now is to get this amendment to conference.

As I told the Senate Members, the House has not passed any of these bills. It passed some of them last year. We did not act on them. We passed some last year and they did not act on them. We are trying to restart the 2003 conference and there will be an overall conference on all 11 bills at one time if the Senate will give us the support to pass this bill and take it to conference.

There will be individual differences as far as amendments are concerned. As a matter of fact, there are some things in this amendment I personally would change, but they have been brought here by the work of the subcommittee chairmen and ranking Members of the individual areas covered by these bills. I think it is the best course to follow, to take this amendment to conference, to go to the House and say, let's get these 11 bills finished so the agencies will know for certain the money they have. Even the homeland security bill was not passed when we originally contemplated passing the appropriations to fund it.

I am confident we have done the best we can under the circumstance. Again, I do not criticize Senator BYRD. Eventually, we will spend more than $5 billion in addition to what we have in the amendment before the Senate. However, we do not need it now. I sat through all the hearings that have been mentioned, that Senator BYRD had on the needs for homeland security across the Nation. I remember going to small towns in my State when the mayor told me they needed a new fire truck. They needed a new fire truck? They have never had a fire truck. There is not anyone in the country that does not want some of this homeland security money. The question is, what is needed now to go on with the job and protect the country. I believe our amendment does it.

I send to the desk a statement prepared by the individual subcommittees that goes along with 11 components of this bill. Had we had the meetings of the separate subcommittees and reported separate bills, we would have prepared 11 reports. Instead, I am submitting for the RECORD to be printed the overview and summary of each of the components so there will be no question in the future of what is intended by the provisions of the amendment I have offered if it is enacted. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, AS FOLLOWS:

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003

JANUARY ____, 2003.—Ordered to be printed

Mr. COCHRAN, from the Committee on Appropriations, submitted the following

REPORT

[To accompany S. 0000]

The Committee on Appropriations reports the bill (S. 0000) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2003, and for other purposes, reports favorably thereon and recommends that the bill do pass.

Total obligational authority, fiscal year 2003

Amount of bill as reported to the Senate	$
Amount of 2002 appropriations acts to date	73,078,443,000
Amount of estimates, 2003	73,530,625,000
The bill as recommended to the Senate:	
Over the appropriations provided in 2002	
Over the estimates for 2003	

BREAKDOWN BY TITLE

The amounts of obligational authority for each of the six titles are shown in the following table. A detailed tabulation, showing comparisons, appears at the end of this report. Recommendations for individual appropriation items, projects and activities are carried in this report under the appropriate item headings.

	2002 [1]	2003 Committee recommendation
Title I: Agricultural programs	$29,252,688,000	$25,521,466,000
Title II: Conservation programs	1,056,139,000	1,036,864,000
Title III: Rural economic and community development programs	2,569,924,000	2,739,526,000
Title IV: Domestic food programs	37,945,627,000	41,926,581,000
Title V: Foreign assistance and related programs	1,124,518,000	1,463,645,000
Title VI: Related agencies	1,456,651,000	1,488,490,000
Title VII: General provisions	−327,104,000	24,496,000
Total, new budget (obligational) authority	73,078,443,000	74,201,068,000

[1] Includes emergency supplemental appropriations.

OVERVIEW AND SUMMARY OF THE BILL

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill provides funding for a wide array of Federal programs, mostly in the U.S. Department of Agriculture [USDA]. These programs include agricultural research, education, and extension activities; natural resources conservation programs; farm income and support programs; marketing and inspection activities; domestic food assistance programs; rural economic and community development activities, and telecommunications and electrification assistance; and various export and international activities of the USDA.

The bill also provides funding for the Food and Drug Administration [FDA] and the Commodity Futures Trading Commission [CFTC], and allows the use of collected fees

for administrative expenses of the Farm Credit Administration [FCA].

Given the budgetary constraints that the Committee faces, the bill as reported provides the proper amount of emphasis on agricultural and rural development programs and on other programs and activities funded by the bill. It is within the subcommittee's allocation for fiscal year 2003.

All accounts in the bill have been closely examined to ensure that an appropriate level of funding is provided to carry out the programs of USDA, FDA, CFTC, and FCA. Details on each of the accounts, the funding level, and the Committee's justifications behind the funding levels are included in the report.

The Committee has encouraged the consideration of grant and loan applications from various entities. The Committee expects the Department only to approve those applications judged meritorious when subjected to the established review process.

GOVERNMENT PERFORMANCE AND RESULTS ACT

Public Law 103–0962, the Government Performance and Results Act [GPRA] of 1993, requires Federal agencies to develop succinct and precise strategic plans and annual performance plans that focus on results of funding decisions made by the Congress. Rather than simply providing details of activity levels, agencies will set outcome goals based on program activities and establish performance measures for use in management and budgeting. In an era of restricted and declining resources, it is paramount that agencies focus on the difference they make in citizens' lives.

The Committee supports the concepts of this law and intends to use the agencies' plans for funding purposes. The Committee considers GPRA to be a viable way to reduce Federal spending while achieving a more efficient and effective Government and will closely monitor compliance with this law. The Committee is fully committed to the success and outcome of GPRA requirements as envisioned by the Congress, the administration, and this Committee.

ACCRUAL FUNDING OF RETIREMENT COSTS AND POST-RETIREMENT HEALTH BENEFITS

The President's Budget includes a legislative proposal under the jurisdiction of the Senate Committee on Governmental Affairs to charge to individual agencies, starting in fiscal year 2003, the fully accrued costs related to retirement benefits of Civil Service Retirement System employees and retiree health benefits for all civilian employees. The Budget also requests an additional dollar amount in each affected discretionary account to cover these accrued costs.

The authorizing committee has not acted on this legislation, therefore the Senate Appropriations Committee has reduced the dollar amounts of the President's request shown in the ''Comparative Statement of New Budget Authority Request and Amounts Recommended in the Bill,'' as well as in other tables in this report, to exclude the accrual funding proposal.

The Committee further notes that administration proposals requiring legislative action by the authorizing committees of Congress are customarily submitted in the budget as separate schedules apart from the regular appropriations requests. Should such a proposal be enacted, a budget amendment formally modifying the President's appropriation request for discretionary funding is subsequently transmitted to the Congress.

The Senate Appropriations Committee joins with the House Appropriations Committee in raising concern that this practice, which has always worked effectively for both Congress and past administrations, was not followed for the accrual funding proposal. In this case, the Office of Management and Budget (OMB) decided to include accrual amounts in the original discretionary appropriations language request. These amounts are based on legislation that has yet to be considered and approved by the appropriate committees of Congress. This led to numerous misunderstandings both inside and outside of Congress of what was the ''true'' President's budget request. The Committee believes that, in the future, OMB should follow long-established procedures with respect to discretionary spending proposals that require legislative action.

FEDERAL EMPLOYEES COMPENSATION ACT (FECA)

The President's budget includes a legislative proposal to allow the Department of Labor (DOL) to charge agencies for administrative costs related to FECA benefits paid to employees. Currently, although DOL bills agencies for FECA benefits; it does not bill agencies for the costs of administering these benefits.

The President's budget includes the administrative costs in each agency's budget, as opposed to the DOL budget, where the funds have previously been appropriated. The Committee's recommendation, however, assumes that this proposal will not be enacted into law, and excludes these administrative costs.

RENTAL PAYMENTS TO GSA

In recent years, funding for General Services Administration (GSA) rental payments has been appropriated to the USDA Agriculture Buildings and Facilities and Rental Payments account. The budget request proposes decentralizing these expenses and appropriating the proper amounts to each separate agency and activity. The Committee does not support this request, and provides funding for rental payments in the same account as previous years. The Committee expects each agency to properly manage its rental space needs to ensure the most efficient use of limited Federal resources.

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

Appropriations, 2002[1]	$2,992,000
Budget estimate, 2003[2]	36,667,000
Committee recommendation	3,412,000

[1] Excludes $80,919,000 in emergency supplemental appropriations provided by Public Law 107–117.

[2] Excludes $74,000 requested for employee pension and health benefits.

The Secretary of Agriculture, assisted by the Deputy Secretary, Under Secretaries and Assistant Secretaries, Chief Information Officer, Chief Financial Officer, and members of their immediate staffs, directs and coordinates the work of the Department. This includes developing policy, maintaining relationships with agricultural organizations and others in the development of farm programs, and maintaining liaison with the Executive Office of the President and Members of Congress on all matters pertaining to agricultural policy.

The general authority of the Secretary to supervise and control the work of the Department is contained in the Organic Act (7 U.S.C. 2201–2202). The delegation of regulatory functions to Department employees and authorization of appropriations to carry out these functions is contained in 7 U.S.C. 450c–450g.

COMMITTEE RECOMMENDATIONS

For the Office of the Secretary, the Committee recommends an appropriation of $3,412,000. This amount is $420,000 more than the 2002 appropriation and $33,255,000 less than the budget request.

This amount does not include $28,250,000, as requested in the President's budget, for security improvements, as these funds were provided in the fiscal year 2002 emergency supplemental appropriations bill. This amount also does not include an increase of $5,000,000 for Service Center Agencies streamlining, or $5,000 for FECA administrative charges, as proposed in the budget.

Environmentally preferable products.—The Secretary shall work with the General Services Administration, the Department of Defense, the Environmental Protection Agency, and other appropriate agencies to maximize the purchases of environmentally preferable products, as defined by Executive Order 13101 on Federal Acquisition, Recycling and Waste Prevention. Such products are not only useful in improving the environment, but they can, when the product contains a substantial amount of agri-based content, also open considerable markets for farmers.

The Department should actively participate in joint task forces and other multi-agency entities in this area. It should actively work to properly define standards for agri-based content of products and work towards the development of such environmentally preferable products.

Drought mitigation.—The Committee is concerned by the lack of a coherent national policy to combat drought. When drought strikes, it is a very serious disaster bringing economic and personal hardships to large sections of the nation. Current conditions in the Pacific Northwest, as one example, have resulted in water supplies for agriculture falling to within only 20 to 30 percent of normal supply. The report of the National Drought Commission, ''Preparing for Drought in the 21st Century'', recommends that Congress pass a National Drought Preparedness Act. Such an act would establish a Federal/non-Federal partnership through a National Drought Council responsible for implementing a national drought policy. The Committee expects the Secretary to carry out the recommendations of the National Drought Commission and coordinate USDA mission areas to provide a response to drought-stricken areas in as prompt and meaningful a way as possible.

Administrative convergence.—The Secretary is expected to seek the Committee's approval before implementing a merger or reduction of any administrative or information technology functions relating to the Farm Service Agency, Natural Resources Conservation Service, USDA Rural Development, or any other agency of the Department.

Lower Mississippi River Delta.—The Committee remains supportive of actions by the Department to improve economic and social conditions in the Lower Mississippi River Delta. The Committee encourages the Secretary to give consideration to utilizing locations in the Delta for Department-wide functions, such as training sessions, for USDA personnel and other activities, where practicable, in order to help bring added economic stimulus to the region. The Committee is aware that property in Helena, Arkansas, may be available through a gift to the Department for such purposes. The Committee requests the Secretary to investigate this opportunity and to provide a report to the Committee on this subject by March 1, 2003.

Federal procurement of biobased products.—The Secretary, after consultation with the Administrator, the Administrator of General Services, and Secretary of Commerce (acting through the Director of the National Institute of Standards and Technology) shall prepare and from time to time revise guidelines for the use of procuring agencies in complying with the requirements of Public Law 107–171, section 9002. The Secretary shall also work to carry out all other requirements of section 9002.

Ground and surface water conservation program.—The Committee is concerned that the Secretary may restrict access to funding under the ground and surface water conservation program authorized in the Farm Security and Rural Investment Act to producers in one region of the country. The Committee directs the Secretary to provide access to funds under this program to all eligible producers, and in determining allocations for fiscal year 2003, to give priority to eligible producers who did not benefit from fiscal year 2002 funds.

EXECUTIVE OPERATIONS

Executive operations were established as a result of the reorganization of the Department to provide a support team for USDA policy officials and selected Departmentwide services. Activities under the executive operations include the Office of the Chief Economist, the National Appeals Division, and the Office of Budget and Program Analysis.

CHIEF ECONOMIST

Appropriations, 2002	$7,704,000
Budget estimate, 2003[1]	12,117,000
Committee recommendation	12,016,000

[1] Excludes $391,000 requested for employee pension and health benefits.

The Office of the Chief Economist advises the Secretary of Agriculture on the economic implications of Department policies and programs. The Office serves as the single focal point for the Nation's economic intelligence and analysis, risk assessment, energy and new uses, and cost-benefit analysis related to domestic and international food and agriculture issues, and is responsible for coordination and review of all commodity and aggregate agricultural and food-related data used to develop outlook and situation material within the Department.

COMMITTEE RECOMMENDATIONS

For the Office of the Chief Economist, the Committee recommends $12,016,000. This amount is $4,312,000 more than the 2002 appropriation and $101,000 less than the budget request.

This amount does not include an increase of $101,000 for rental payments to GSA, as requested in the budget.

NATIONAL APPEALS DIVISION

Appropriations, 2002	$12,869,000
Budget estimate, 2003[1]	14,334,000
Committee recommendation	13,759,000

[1] Excludes $928,000 requested for employee pension and health benefits.

The National Appeals Division conducts administrative hearings and reviews of adverse program decisions made by the rural development mission area, the Farm Service Agency, the Risk Management Agency, and the Natural Resources Conservation Service.

COMMITTEE RECOMMENDATIONS

For the National Appeals Division, the Committee recommends $13,759,000. This amount is $890,000 more than the 2002 appropriation and $575,000 less than the budget request.

This amount does not include an increase of $575,000 for rental payments to GSA, as requested in the budget.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

Appropriations, 2002	$7,041,000
Budget estimate, 2003[1]	7,358,000
Committee recommendation	7,358,000

[1] Excludes $530,000 requested for employee pension and health benefits.

The Office of Budget and Program Analysis provides direction and administration of the Department's budgetary functions including development, presentation, and execution of the budget; reviews program and legislative proposals for program, budget, and related implications; analyzes program and resource issues and alternatives, and prepares summaries of pertinent data to aid the Secretary and departmental policy officials and agency program managers in the decisionmaking process; and provides departmentwide coordination for and participation in the presentation of budget-related matters to the committees of the Congress, the media, and interested public. The Office also provides departmentwide coordination of the preparation and processing of regulations and legislative programs and reports. This amount includes on increase of $269,000 for pay parity costs and benefits.

COMMITTEE RECOMMENDATIONS

For the Office of Budget and Program Analysis, the Committee recommends $7,358,000. This amount is $317,000 more than the 2002 appropriation and the same as the budget request.

OFFICE OF THE CHIEF INFORMATION OFFICER

Appropriations, 2002	$10,029,000
Budget estimate, 2003[1]	31,277,000
Committee recommendation	31,275,000

[1] Excludes $455,000 requested for employee pension and health benefits.

The Office of the Chief Information Officer was established in August 1996, pursuant to the Clinger-Cohen Act of 1996, which required the establishment of a Chief Information Officer for major Federal agencies. This office provides policy guidance, leadership, coordination, and direction to the Department's information management and information technology investment activities in support of USDA program delivery. The Office provides long-range planning guidance, implements measures to ensure that technology investments are economical and effective, coordinates interagency information resources management projects, and implements standards to promote information exchange and technical interoperability. In addition, the Office of the Chief Information Officer is responsible for certain activities financed under the Department's working capital fund (7 U.S.C. 2235). The Office also provides telecommunication and automated data processing [ADP] services to USDA agencies through the National Information Technology Center with locations in Fort Collins, CO, and Kansas City, MO. Direct ADP operational services are also provided to the Office of the General Counsel, Office of Communications, the Office of the Chief Financial Officer, and Executive Operations.

COMMITTEE RECOMMENDATIONS

The Committee recommends $31,275,000 for the Office of the Chief Information Officer. This amount is $21,246,000 more than the 2002 appropriation and $2,000 less than the budget request.

This amount does not include an increase of $2,000 for FECA administrative charges, as requested in the budget.

COMMON COMPUTING ENVIRONMENT

Appropriations, 2002	$59,369,000
Budget estimate, 2003	133,155,000
Committee recommendation	133,155,000

The Department of Agriculture Reorganization Act of 1994 requires the Secretary of Agriculture to procure and use computer systems in a manner that enhances efficiency, productivity, and client services, and that promotes computer information sharing among agencies of the Department. The Clinger-Cohen Act of 1996 requires USDA to maximize the value of information technology acquisitions to improve the efficiency and effectiveness of USDA programs. Since its beginning in 1996, the USDA Service Center Modernization initiative has been working to restructure county field offices, modernize and integrate business approaches and replace the current, aging information systems with a modern Common Computing Environment that optimizes information sharing, customer service, and staff efficiencies.

COMMITTEE RECOMMENDATIONS

The Committee recommends $133,155,000 for the Common Computing Environment. This is $73,786,000 more than the 2002 appropriation and the same as the budget request.

OFFICE OF THE CHIEF FINANCIAL OFFICER

Appropriations, 2002	$5,384,000
Budget estimate, 2003[1]	7,918,000
Committee recommendation	7,877,000

[1] Excludes $481,000 requested for employee pension and health benefits.

Under the Chief Financial Officers Act of 1990, the Chief Financial Officer is responsible for the continued direction and oversight of the Department's financial management operations and systems. The Office is also responsible for the management and operation of the National Finance Center. In addition, the Office provides budget, accounting, and fiscal services to the Office of the Secretary, departmental staff offices, Office of the Chief Information Officer, Office of Communications, and executive operations.

COMMITTEE RECOMMENDATIONS

For the Office of the Chief Financial Officer, the Committee recommends $7,877,000. This amount is $2,493,000 more than the 2002 appropriation and $41,000 less than the budget request.

This amount does not include an increase of $41,000 for FECA administrative charges, as requested in the budget.

The Committee recognizes the broad range of activities carried out by the National Finance Center (NFC), and the importance of these activities to both the Department of Agriculture and the other customers it serves. In responding to a directive of this Committee, the Secretary provided a report on the Department's plans for continuing operation of the NFC. While that report included general objectives of enhanced performance and improved effectiveness, few details were included in regard to immediate plans regarding the NFC location or infrastructure. The report concluded that while the Department had every intention of continuing those NFC activities relating to its controllership function, intermediate or long-term plans focusing on other issues would be best addressed within the context of integrated Federal initiatives rather than

by USDA unilaterally. The Committee is aware that the physical plant in which the NFC is located needs improvements, and certain cyber-security issues, such as ''mirroring'' backup systems, require immediate attention. The Committee expects the Chief Financial Officer to complete a review of NFC needs in regard to physical location and cyber security and to include in future budget requests those items necessary and proper to maintain the NFC in a safe and secure setting.

WORKING CAPITAL FUND

Appropriations, 2002	
Budget estimate, 2003	$21,000,000
Committee recommendation	

The Working Capital Fund was established in the 1944 Appropriations Act. It was created for certain central services in the Department of Agriculture, including duplicating and other visual information services, art and graphics, video services, supply, centralized accounting system, centralized automated data processing system for payroll, personnel, and related services, voucher payments services, and ADP systems. The National Finance Center's expenses are also funded through this fund.

COMMITTEE RECOMMENDATIONS

The Committee does not provide an appropriation to the Working Capital Fund, as requested in the budget. This is the same as the 2002 level and $21,000,000 less than the budget request.

The Committee is aware that approximately $21,700,000 of fiscal year 2002 unobligated balances have been transferred to the Working Capital Fund and will be available for fiscal year 2003 to meet the needs for which an appropriation was requested.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

Appropriations, 2002	
Budget Estimate, 2003	
Committee recommendation	$400,000

COMMITTEE RECOMMENDATIONS

The Committee recommends $400,000 to establish the Office of the Assistant Secretary for Civil Rights. This amount is $400,000 more than the 2002 level and the budget request.

The Committee believes that additional policy level oversight provided through this new Assistant Secretary will be beneficial in addressing these concerns and in establishing policies to improve civil rights performance at the Department.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

Appropriations, 2002	$647,000
Budget estimate, 2003[1]	780,000
Committee recommendation	780,000

[1] Excludes $17,000 requesed for employee pension and health benefits.

The Office of the Assistant Secretary for Administration directs and coordinates the work of the departmental staff in carrying out the laws enacted by the Congress relating to real and personal property management, personnel management, equal opportunity and civil rights programs, ethics, and other general administrative functions. In addition, the Office of the Assistant Secretary for Administration is responsible for certain activities financed under the Department's working capital fund (7 U.S.C. 2235).

COMMITTEE RECOMMENDATIONS

For the Office of the Assistant Secretary for Administration, the Committee recommends $780,000. This amount is $133,000 more than the 2002 level and the same as the budget request.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

Appropriations, 2002	$187,647,000
Budget estimate, 2003[1]	70,499,000
Committee recommendation	197,662,000

[1] Excludes $493,000 requested for employee pension and health benefits, and includes no funding for rental payments.

Rental payments.—Annual appropriations are made to finance the appropriated portion of the payments to the General Services Administration [GSA] for rental of space and for related services to all USDA agencies, except the Forest Service, which is funded by another appropriations bill.

The requirement that GSA charge commercial rent rates to agencies occupying GSA-controlled space was established by the Public Buildings Amendments of 1972. The methods used to establish commercial rent rates in GSA space follow commercial real estate appraisal practices. Appeal and rate review procedures are in place to assure that agencies have an opportunity to contest rates they feel are incorrect.

Building operations and maintenance.—On October 1, 1984, the General Services Administration [GSA] delegated the operations and maintenance function for the buildings in the D.C. complex to the Department. This activity provides departmental staff and support services to operate, maintain, and repair the buildings in the D.C. complex. GSA expanded the delegation to include two additional buildings on October 1, 1986. One building is the Government-owned warehouse for forms in Lanham, MD, and the other is a leased warehouse for the excess property operation located at 49 L Street SW, Washington, DC. GSA retains responsibility for major nonrecurring repairs. In fiscal year 1999, USDA began operations and maintenance of the Beltsville office facility.

Strategic space plan.—The Department's headquarters staff is presently housed in a four-building Government-owned complex in downtown Washington, DC, and in leased buildings in the Metropolitan Washington, DC, area. In 1995, USDA initiated a plan to improve the delivery of USDA programs to the American people, including streamlining the USDA organization. A high-priority goal in the Secretary's plan is to improve the operation and effectiveness of the USDA headquarters in Washington, DC. To implement this goal, a strategy for efficient reallocation of space to house the restructured headquarters agencies in modern and safe facilities has been proposed. This USDA strategic space plan will correct serious problems USDA has faced in its facility program, including the inefficiencies of operating out of scattered leased facilities and serious safety hazards which exist in the Agriculture South Building.

During fiscal year 1998, the Beltsville Office Facility was completed. This facility was constructed with funds appropriated to the Department and is located on Government-owned land in Beltsville, Maryland. In fiscal year 1999, USDA began operations at the Beltsville Office Facility.

COMMITTEE RECOMMENDATIONS

For U.S. Department of Agriculture buildings and facilities and payments for the rental of space and related services, the Committee recommends $197,662,000. This amount is $10,015,000 more than the 2002 appropriation and $127,163,000 more than the budget request. The Committee does not concur with the President's proposal to fund rental payments in the accounts of USDA agencies occupying GSA controlled space and provides $130,266,000 in this account for rental payments.

The following table reflects the Committee's specific recommendations for this account as compared to the fiscal year 2002 and budget request levels:

[In thousands of dollars]

	2002 estimate	2003 budget request	Committee recommendation
Rental Payments	130,266		130,266
Building Operations	31,438	36,522	33,419
Strategic Space Plan	25,943	33,977	33,977
Total	187,647	70,499	197,662

HAZARDOUS MATERIALS MANAGEMENT

Appropriations, 2002	$15,665,000
Budget estimate, 2003[1]	15,685,000
Committee recommendation	15,685,000

[1] Excludes $59,000 requested for employee pension and health benefits.

Under the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act, the Department has the responsibility to meet the same standards regarding the storage and disposition of hazardous materials as private businesses. The Department is required to contain, clean up, monitor, and inspect for hazardous materials in areas under the Department's jurisdiction.

COMMITTEE RECOMMENDATIONS

The Committee recommends $15,685,000 for hazardous materials management. This amount is $20,000 more than the 2002 appropriation and the same as the budget request.

DEPARTMENTAL ADMINISTRATION

Appropriations, 2002	$37,079,000
Budget estimate, 2003[1]	46,398,000
Committee recommendation	42,479,000

[1] Excludes $2,144,000 requested for employee pension and health benefits.

Departmental administration is comprised of activities that provide staff support to top policy officials and overall direction and coordination of administrative functions of the Department. These activities include departmentwide programs for human resource management, management improvement, occupational safety and health management, real and personal property management, procurement, contracting, motor vehicle and aircraft management, supply management, civil rights and equal opportunity, participation of small and disadvantaged businesses and socially disadvantaged farmers and ranchers in the Department's program activities, emergency preparedness, small and disadvantaged business utilization, and the regulatory hearing and administrative proceedings conducted by the Administrative Law Judges and Judicial Officer. Departmental Administration also provides administrative support to the Board of Contract Appeals. Established as an independent entity within the Department, the Board adjudicates contract claims by and against the Department, and is funded as a reimbursable activity.

Departmental administration is also responsible for representing USDA in the development of Governmentwide policies and

initiatives; and analyzing the impact of Governmentwide trends and developing appropriate USDA principles, policies, and standards. In addition, departmental administration engages in strategic planning and evaluates programs to ensure USDA-wide compliance with applicable laws, rules, and regulations pertaining to administrative matters for the Secretary and general officers of the Department.

COMMITTEE RECOMMENDATIONS

For Departmental Administration, the Committee recommends an appropriation of $42,479,000. This amount is $5,400,000 more than the fiscal year 2002 appropriation and $3,919,000 less than the budget request.

This amount does not include an increase of $3,898,000 for rental payments to GSA, or $21,000 for FECA administrative charges, as requested in the budget.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

Appropriations, 2002	$3,718,000
Budget estimate, 2003[1]	4,157,000
Committee recommendation	4,157,000

[1] Excludes $65,000 requested for employee pension and health benefits.

The Office of the Assistant Secretary for Congressional Relations maintains a liaison with the Congress and White House on legislative matters. It also provides for overall direction and coordination in the development and implementation of policies and procedures applicable to the Department's intra- and inter-governmental relations.

COMMITTEE RECOMMENDATIONS

For the Office of the Assistant Secretary for Congressional Relations, the Committee recommends an appropriation of $4,157,000. This amount is $439,000 more than the 2002 level and the same as the budget request.

The Committee allows these funds to be transferred to support congressional relations' activities at the agency level. Within 30 days from the enactment of this Act, the Secretary shall notify the House and Senate Committees on Appropriations on the allocation of these funds by USDA agency, along with an explanation for the agency-by-agency distribution of the funds.

OFFICE OF COMMUNICATIONS

Appropriations, 2002	$8,894,000
Budget estimate, 2003[1]	9,637,000
Committee recommendation	9,637,000

[1] Excludes $516,000 requested for employee pension and health benefits.

The Office of Communications provides direction, leadership, and coordination in the development and delivery of useful information through all media to the public on USDA programs. The Office serves as the liaison between the Department and the many associations and organizations representing America's food, fiber, and environmental interests.

COMMITTEE RECOMMENDATIONS

For the Office of Communications, the Committee recommends an appropriation of $9,637,000. This amount is $743,000 more than the 2002 appropriation and the same as the budget request.

OFFICE OF THE INSPECTOR GENERAL

Appropriations, 2002	$70,839,000
Budget estimate, 2003[1]	82,231,000
Committee recommendation	78,127,000

[1] Excludes $4,878,999 requested for employee pension and health benefits.

The Office of the Inspector General was established October 12, 1978, by the Inspector General Act of 1978. This act expanded and provided specific authorities for the activities of the Office of Inspector General which had previously been carried out under the general authorities of the Secretary of Agriculture.

The Office is administered by an inspector general who reports directly to the Secretary of Agriculture. Functions and responsibilities of this Office include direction and control of audit and investigative activities within the Department, formulation of audit and investigative policies and procedures regarding Department programs and operations, and analysis and coordination of program-related audit and investigation activities performed by other Department agencies.

The activities of this Office are designed to assure compliance with existing laws, policies, regulations, and programs of the Department's agencies, and to provide appropriate officials with the means for prompt corrective action where deviations have occurred. The scope of audit and investigative activities is large and includes administrative, program, and criminal matters. These activities are coordinated, when appropriate, with various audit and investigative agencies of the executive and legislative branches of the Government.

COMMITTEE RECOMMENDATIONS

For the Office of Inspector General, the Committee recommends an appropriation of $78,127,000. This is $7,288,000 more than the 2002 appropriation and $4,104,000 less than the budget request. This amount does not provide an increase of $4,034,000 for rental payments to GSA, or $70,000 for FECA administrative charges, as requested in the budget.

OFFICE OF THE GENERAL COUNSEL

Appropriations, 2002	$32,627,000
Budget estimate, 2003[1]	37,287,000
Committee recommendation	35,588,000

[1] Excludes $2,554,000 requested for employee pension and health benefits.

The Office of the General Counsel, originally known as the Office of the Solicitor, was established in 1910 as the law office of the Department of Agriculture and performs all of the legal work arising from the activities of the Department. The General Counsel represents the Department in administrative proceedings for the promulgation of rules and regulations having the force and effect of law and in quasi-judicial hearings held in connection with the administration of various programs and acts. The office also serves as general counsel for the Commodity Credit Corporation and the Federal Crop Insurance Corporation and reviews criminal cases arising under the programs of the Department for referral to the Department of Justice.

COMMITTEE RECOMMENDATIONS

For the Office of the General Counsel, the Committee recommends an appropriation of $35,588,000. This amount is $2,961,000 more than the 2002 appropriation and $1,699,000 less than the budget request.

This amount does not include an increase of $1,693,000 for rental payments to GSA, or $6,000 for FECA administrative charges, as requested in the budget.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND ECONOMICS

Appropriations, 2002	$573,000
Budget estimate, 2003[1]	780,000
Committee recommendation	780,000

[1] Excludes $17,000 requested for employee pension and health benefits.

The Office of the Under Secretary for Research, Education, and Economics provides direction and coordination in carrying out the laws enacted by the Congress for food and agricultural research, education, extension, and economic and statistical information. The Office has oversight and management responsibilities for the Agricultural Research Service; Cooperative State Research, Education, and Extension Service; Economic Research Service; and National Agricultural Statistics Service.

COMMITTEE RECOMMENDATIONS

For the Office of the Under Secretary for Research, Education, and Economics, the Committee recommends an appropriation of $780,000. This amount is $207,000 more than the 2002 level and the same as the budget request.

Nutrition monitoring activities are vital to shaping policies for food safety, child nutrition, food assistance, and dietary guidance. While the Committee supports the process underway to integrate the National Health and Nutrition Examination Survey (NHANES) conducted by the Department of Health and Human Services and the Continuing Survey of Food Intakes by Individuals (CSFII) conducted by USDA, it is concerned that USDA has failed to continue to conduct the CSFII in 2000 and 2001 as the integration process continues. The Committee directs USDA to conduct the CSFII to ensure that the quality of dietary data collected is not diminished, and survey methods capture statistically valid intakes of various population groups, especially at-risk groups, and has provided a $1,000,000 increase to ARS for this purpose.

ECONOMIC RESEARCH SERVICE

Appropriations, 2002	$67,200,000
Budget estimate, 2003[1]	79,243,000
Committee recommendation	65,123,000

[1] Excludes $2,789,000 requested for employee pension and health benefits

The Economic Research Service [ERS] provides economic and other social science information and analysis for public and private decisions on agriculture, natural resources, food, and rural America. The information ERS produces is for use by the general public and to help the executive and legislative branches develop, administer, and evaluate agricultural and rural policies and programs.

COMMITTEE RECOMMENDATIONS

For the Economic Research Service, the Committee recommends an appropriation of $65,123,000. This amount is $2,077,000 less than the 2002 level and $14,120,000 less than the budget request. This amount does not include an increase of $5,914,000 for rental payments to GSA, or $11,000 for FECA administrative charges, as requested in the budget.

The Committee encourages ERS to fully fund activities relating to the improvement of retail price reporting.

The Committee provides $1,000,000 for the ERS to carry out food and nutrition studies through the Small Research Grants Program. The Committee provides funding under the Food and Nutrition Service for other studies and evaluations relating to that agency's programs and that agency's responsibilities for administering the food assistance programs within USDA. The Committee directs the ERS to work fully with

the FNS to ensure that all ongoing studies and evaluations are completed to their full scope. Further, the Committee provides the Secretary with the authority to transfer up to $2,000,000 from FNS to ERS, if such a transfer is deemed necessary for ERS to complete ongoing studies, or if the Secretary determines that a particular proposed study would be more effectively carried out by ERS. The Committee expects to be notified each time that such a transfer of funds occurs, including the amount of the transfer, and a summary of the study for which the transfer was deemed necessary.

NATIONAL AGRICULTURAL STATISTICS SERVICE

Appropriations, 2002	$113,786,000
Budget estimate, 2003[1]	143,659,000
Committee recommendation	140,854,000

[1] Excludes $5,410,000 requested for employee pension and health benefits.

The National Agricultural Statistics Service [NASS] administers the Department's program of collecting and publishing current national, State, and county agricultural statistics. These statistics provide accurate and timely projections of current agricultural production and measures of the economic and environmental welfare of the agricultural sector which are essential for making effective policy, production, and marketing decisions. NASS also furnishes statistical services to other USDA and Federal agencies in support of their missions, and provides consulting, technical assistance, and training to developing countries.

The Service is also responsible for administration of the Census of Agriculture, which was transferred from the Department of Commerce to the Department of Agriculture in fiscal year 1997 to consolidate agricultural statistics programs. The Census of Agriculture is taken every 5 years and provides comprehensive data on the agricultural economy including: data on the number of farms, land use, production expenses, farm product values, value of land and buildings, farm size and characteristics of farm operators, market value of agricultural production sold, acreage of major crops, inventory of livestock and poultry, and farm irrigation practices. The 1997 Census of Agriculture was released on February 1, 1999. The next agricultural census will be conducted beginning in January 2003 for the calendar year 2002.

COMMITTEE RECOMMENDATIONS

For the National Agricultural Statistics Service, the Committee recommends an appropriation of $140,854,000. This amount is $27,068,000 more than the 2002 appropriation and $2,805,000 less than the budget request. This amount does not include an increase of $2,801,000 for rental payments to GSA, or $4,000 for FECA administrative charges, as requested in the budget.

The Committee recognizes the importance of the Census of Agriculture to collect reliable, accurate data about agriculture in the United States, providing a statistical overview of U.S. farms and ranches every 5 years. This information is critical in order to make informed decisions regarding all aspects of the agricultural sector and rural America. The Committee's recommendation includes an increase of $15,924,000 over the 2002 level for Census of Agriculture activities. The Committee understands this increase is necessary for NASS to carry out the majority of information gathering activities related to the 2002 Census of Agriculture.

The Committee also encourages NASS to conduct Monthly Hogs and Pigs Inventory reporting, and Barrow and Gilt Slaughter reporting.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

Appropriations, 2002[1]	$979,464,000
Budget estimate, 2003[2]	971,445,000
Committee recommendation	1,053,597,000

[1] Excludes $40,000,000 in emergency supplemental appropriations provided by Public Law 107–117.

[2] Excludes $42,641,000 requested for employee pension and health benefits.

The Agricultural Research Service [ARS] is responsible for conducting basic, applied, and developmental research on: soil, water, and air sciences; plant and animal productivity; commodity conversion and delivery; human nutrition; and the integration of agricultural systems. The research applies to a wide range of goals; commodities; natural resources; fields of science; and geographic, climatic, and environmental conditions.

ARS is also responsible for the Abraham Lincoln National Agricultural Library which provides agricultural information and library services through traditional library functions and modern electronic dissemination to agencies of the USDA, public and private organizations, and individuals.

As the U.S. Department of Agriculture's in-house agricultural research unit, ARS has major responsibilities for conducting and leading the national agricultural research effort. It provides initiative and leadership in five areas: research on broad regional and national problems, research to support Federal action and regulatory agencies, expertise to meet national emergencies, research support for international programs, and scientific resources to the executive branch and Congress.

The mission of ARS research is to develop new knowledge and technology which will ensure an abundance of high-quality agricultural commodities and products at reasonable prices to meet the increasing needs of an expanding economy and to provide for the continued improvement in the standard of living of all Americans. This mission focuses on the development of technical information and technical products which bear directly on the need to: (1) manage and use the Nation's soil, water, air, and climate resources, and improve the Nation's environment; (2) provide an adequate supply of agricultural products by observing practices that will maintain a sustainable and effective agriculture sector; (3) improve the nutrition and well-being of the American people; (4) improve living in rural America; and (5) strengthen the Nation's balance of payments.

COMMITTEE RECOMMENDATIONS

For salaries and expenses of the Agricultural Research Service, the Committee recommends $1,053,597,000. This is $74,133,000 more than the 2002 level and $82,152,000 more than the budget request.

This amount does not include an increase of $2,807,000 for rental payments to GSA, or $234,000 for FECA administrative charges, as requested in the budget.

The Committee recommendation includes $4,623,000 of the savings from project terminations proposed in the budget. These savings are to be redirected to those research areas for which increased funding is provided by the Committee. The Committee does not provide funding for contingencies.

For fiscal year 2003, the Committee recommends funding increases, as specified below, for new and ongoing research activities. The remaining increase in appropriations from the fiscal year 2003 level is to be applied to mandatory pay and related cost increases to prevent the further erosion of the agency's capacity to maintain a viable research program at all research locations.

The Committee expects the agency to give attention to the prompt implementation and allocation of funds provided for the purposes identified by Congress.

In complying with the Committee's directives, ARS is expected not to redirect support for programs from one State to another without prior notification to and approval by the House and Senate Committees on Appropriations in accordance with the reprogramming procedures specified in the Act. Unless otherwise directed, the Agricultural Research Service shall implement appropriations by programs, projects, commodities, and activities as specified by the Appropriations Committees. Unspecified reductions necessary to carry out the provisions of this Act are to be implemented in accordance with the definitions contained in the ''Program, project, and activity'' section of this report.

The Committee's recommendations with respect to specific areas of research are as follows:

Aerial application research.—Aerial application is a necessary crop protection tool in farming and permits large areas to be covered rapidly, thus ensuring timely and effective applications of large farming areas. The Committee provides an increase of $120,000 from the fiscal year 2002 funding level for expanded ARS aerial application research at the College Station, TX, research station.

Agricultural genomes.—The Committee recognizes the importance of plant/crop genome sequencing and the need to identify genes that influence disease resistance, reproduction and nutrition and provides an increase of $1,175,000 from the fiscal year 2002 funding level for the proposed research as follows: Beltsville, MD, $475,000; Kerrville, TX, $350,000; and St. Paul, MN, $350,000.

Agricultural genome bioinformatics.—The Committee provides an increase of $600,000 from the fiscal year 2002 level to continue work on the Bioinformatics Institute for Model Plant Species at the National Center for Genome Resources in New Mexico, as authorized in Section 227 of the Agriculture Risk Protection Act (Public Law 106–224).

Agricultural law, Drake University.—The field of agricultural law and policy is developing rapidly, with many ramifications for agricultural producers and the food and agriculture industry. Developments in food and agricultural law and policy at the State and local level, in particular, are increasingly important to future opportunities for agricultural producers and rural communities. The Committee provides an increase of $150,000 from the fiscal year 2002 level for support of a national center focusing on State and local food and agricultural law and policy. Drake University in Des Moines, Iowa, is highly qualified to serve as the location of the center. Of the funding available for this increase, $20,000 is available to the Leflar School of Law at Fayetteville, AR.

Agroforestry research.—The Committee expects the ARS to continue its support for the South Central Family Farm Research Center at Booneville, AR. The Committee expects no less than the fiscal year 2002 level of funding to continue agroforestry research in conjunction with work at the University of Missouri.

In addition, emerging research indicates that shiitake mushrooms and other similar agroforestry products contain important cancer defeating and cholesterol reducing chemicals. The Committee provides an increase of $50,000 from the fiscal year 2002

level to the ARS research station at Booneville, AR, for expanded cooperative research with the University of Missouri Agroforestry Center on plants, and in particular, shiitake mushrooms, which contain optimal amounts of these chemicals and to test models to substantiate health and nutrition claims.–

Animal vaccines.—The U.S. food animal economy continues to be threatened by infectious diseases that can devastate the cattle, swine, and poultry industries. Increased research to investigate the adverse impacts of diseases on cattle, swine, and poultry are critically needed to avoid potential economic disasters, such as the spread of food and mouth disease. The Committee provides an increase of $150,000 from the fiscal year 2002 level to expand current collaborative research between ARS and the Universities of Connecticut and Missouri to develop more effective animal vaccines.

Appalachian Fruit Research Station.—The Committee recognizes the importance of the fruit research program carried out at the Appalachian Fruit Research Station in Kearneysville, WV, and provides an increase of $350,000 from the fiscal year 2002 level for essential staffing to support the station's ongoing research to identify new alternatives for chemical control of insects, and to develop disease-resistant trees.

Appalachian pasture-based beef systems.—The Committee is aware of the benefits to be derived from the pasture-raised beef research program currently underway at the ARS Appalachian Farming Systems Research Center located in Beaver, WV. The research partnership, which includes West Virginia University, Virginia Tech, and ARS, is targeted to Appalachian cattle farmers. The Committee provides an increase of $125,000 from the fiscal year 2002 level for this research, which will ensure the economic viability of these farmers and conserve and protect the region's environment.

Aquaculture research.—The Committee acknowledges the importance of avoiding duplication in research administered by the U.S. Department of Agriculture at various locations throughout the country. In order to ensure that duplication does not occur in the field of warmwater aquaculture research, the Stuttgart research facility should not engage in channel catfish research related to production systems, nutrition, water quality, genetics, disease diagnosis, or food processing which is ongoing at the National Warmwater Aquaculture Research Center at Stoneville, MS.

The Committee notes the tremendous opportunities provided through advancements in research related to aquaculture species in terms of producer income, U.S. balance of trade, and healthy diets for Americans. In view of the variety of ARS aquaculture research locations, the Committee believes that adequate sharing of information will best facilitate the operations of all research locations and requests the ARS to provide a listing of specific research projects in the field of aquaculture to the Committees on Appropriations of the House and the Senate.

Aquaculture research.—The Committee provides an increase of $300,000 from the fiscal year 2002 funding level to the USDA/ARS National Small Grains and Potato Germplasm Research Laboratory, Aberdeen, ID, for support for an ARS cereal grain chemist/processing specialist assigned to the UI Hagerman Station to work on value-added processing of barley and oats to produce high-protein concentrates suitable for use in feeds for fish, and soluble fiber and starches for food and industrial uses.

Arid lands research.—The challenges for agricultural production and natural resource management in the desert Southwest and adjoining border regions are immense. Technologies for arid land agriculture are needed for the remediation of arid and semi-arid rangelands, sustainable agriculture production for growers of irrigated cotton and selected crops, and the restoration of disturbed lands. The Committee provides an increase of $300,000 from the fiscal year 2002 level for expanded research in rangeland resource management, irrigated farming technology, and environmental horticulture at the Jornada Experimental Range Station at Las Cruces, NM.

Arkansas Children's Nutrition Center, Little Rock, AR.—The Committee notes the importance of optimizing the nutrition and health of children from conception through adolescence. The Center is leading major research efforts to understand the relationship between chronic disease and diet, genetics, and lifestyle. The Committee provides an increase of $300,000 from the fiscal year 2002 level for expanded investigations on these issues.

Biobased products from agricultural commodities.—The Committee is aware of the expanded effort required to develop biobased products and bioenergy from agricultural commodities which will create new demand for U.S. crops. The Committee provides an increase of $1,800,000 over the fiscal year 2002 level for increased research on agricultural biomass feedstock and the production of biobased products from agricultural commodities. The research will be conducted at the following research locations: Madison, WI, $400,000; New Orleans, LA, $300,000; Wyndmoor, PA, $500,000; Peoria, IL, $300,000 and Albany, CA, $300,000.

Biological control research.—The Committee has been impressed by results of the various approaches which have been taken by the Jamie Whitten Delta States Research Center in the area of biological controls of cotton insect pests. The economic and environmental benefits of this research could eventually reduce the vulnerability of crops to major insect pests and create alternatives to traditional crop protection methods. The Committee continues funding for this project at the fiscal year 2002 level.

Biomass crop production.—The Committee provides an increase of $600,000 from the fiscal year 2002 level for increased cooperative research between ARS and South Dakota State University to further investigate the applicability of using a method of fiber extrusion to dry and process wet distiller grains from ethanol production into high value feed for cattle, as well as conversion to increased ethanol production.

Biomedical materials in plants.—Increased research is needed to carry out studies on tobacco and other plants as a medium to produce vaccines and other biomedical products for the prevention of many human and animal diseases. The Committee provides an increase of $425,000 from the fiscal year 2002 level for expanded ARS cooperative research with the Biotechnology Foundation.

Biotechnology research to improve crops and livestock.—Biotechnology research has opened the path for sequencing and mapping the genes of crops and livestock, marking genes for adding precision to breeding of improved plants and animals, and identifying gene products through proteomics technology. Other technological advancements can be achieved in the livestock industry through the development of imaging at the molecular level using light, heat, and/or fluorescing signatures. These biotechnology efforts generate huge volumes of data, which must be managed, transmitted electronically, and analyzed. The Committee provides an increase of $1,500,000 from the fiscal year 2002 level to ARS at Stoneville, MS, to support cooperative research in genomics and bioinformatics and in the use of biophotonics for the imaging of animal physiological processes at the cellular level.

Biotechnology risk assessment.—The National Academy of Sciences in a report of April, 2000, ''Genetically Modified Pest-Protected Plants,'' affirms that genetically engineered organisms are not inherently more dangerous then similar organisms derived from conventional selection and breeding. It did, however, identify areas that needed further study. The Committee provides an increase of $1,100,000 for fiscal year 2003 for research proposed in the President's budget as follows: Corvallis, OR; Ames, IA; Phoenix, AZ; $300,000 each and Wapato, WA, $200,000.

Broiler production in the Mid South.—Reduced broiler production costs are essential for the industry to increase net profit and remain competitive internationally. The Committee recognizes the importance of the cooperation between the ARS Poultry Research Unit and the Mississippi Agricultural and Forestry Experiment Station at Mississippi State. This cooperation has resulted in improved bird nutrition, control of mycoplasma disease with vaccines, and overall health, vigor, and growth of the birds through improved housing environmental controls. The Committee provides an increase of $1,000,000 from the fiscal year 2002 level to expand cooperative research on reducing ammonia levels in poultry litter, improving environmental controls, and reducing mortality in broiler flocks.

Canal Point sugarcane research.—The ARS sugarcane research laboratory at Canal Point, FL, has successfully contributed to the needs of sugarcane growers for 80 years, providing breed stock to the growers in Texas, Florida, Louisiana and Hawaii. The Committee provides an increase of $750,000 from the fiscal year 2002 funding level to improve the utilization and application of ongoing research that will enhance this sugarcane variety program.

Catfish Health.—Disease-causing bacteria, viruses, and parasites threaten the economic viability of the Nation's billion dollar catfish industry. Rapid expansion of the U.S. channel catfish industry increases the vulnerability of the industry to outbreaks of diseases and parasites. Research urgently is needed to identify disease vectors, modes of transmission, life cycles and methods for controlling catfish diseases caused by parasites, fungi, bacteria, and viruses. A thorough understanding of the impact of environmental factors on disease will lead to improved management practices for conventional catfish culture in earthen ponds. The Committee provides an increase of $550,000 from the fiscal year 2002 level for the comprehensive catfish health research program based at the Stoneville, MS, National Warmwater Aquaculture Center. This Center is strategically located in the mid-delta, proximal to the vast majority of the U.S. commercial catfish farming acreage and already has a critical mass of scientists, facilities, and instrumentation addressing the disease issue. Ongoing research in genomics and breeding can be expanded to select for fish with disease and parasite resistance, but additional scientists, including a parasitologist and virologist, are required for a comprehensive disease and parasite genetic resistance research program.

Center for Food Safety and Postharvest Technology.—The Committee is aware of the significance of the research currently underway relating to catfish and other food products at the Mississippi Center for Food Safety and Postharvest Technology and continues funding at the fiscal year 2002 level for research on shellfish safety and methods of decreasing risks to consumers.

Central Great Plains Research Station.—This is the only ARS station conducting research aimed at solving dryland production problems in Colorado, Nebraska, Kansas, and Wyoming. The Committee provides an increase of $600,000 from the fiscal year 2002 funding level to the Central Great Plains Research Station at Akron, CO, for research on extensive crop rotation strategies. Increased research will focus on biological diversity to reduce weed, disease, and insects inherent in single crop rotation and utilize a complete systems approach to quantify comparative yield benefits under various rotation schemes.

Cereal disease research.—The Committee provides an increase of $300,000 from the fiscal year 2002 level to support the core group of scientists currently performing research at the Cereal Disease Research Laboratory, St. Paul, Minnesota. The Committee directs that the current number of scientists be maintained to effectively tackle the rust and fusarium head blight (FHB) disease which caused $3,000,000,000 in losses to wheat and barley farmers over the last several years.

Children's Nutrition Research Center.—The Children's Nutrition Research Center at the Baylor College of Medicine, Houston, TX, has helped define the role of nutrition in children's health, growth, and development; contributed to nutritional guidelines used by physicians, parents, and others responsible for the care and feeding of children, and is unique in it's ability to address a broad array of children's nutritional issues. The Committee provides an increase of $600,000 from the fiscal year 2002 level for increased investigation of the nutritional needs of pregnant and nursing women, and children from conception to adolescence, at the Children's Nutrition Research Center, Houston, TX.

Chronic Wasting Disease (CWD).—In order to reduce livestock losses and to improve efficiency of production, it is important to eradicate transmissable spongiform encephalopathies (TSE) in domestic animals. Scrapie of sheep and goats, bovine spongiform encephalopathies (BSE) and chronic wasting disease (CWD) of deer and elk are classes of TSE's of ruminant animals and are fatal diseases that can affect both animals and humans. The Committee provides an increase of $1,000,000 from the fiscal year 2002 funding level to the Animal Disease Laboratory, Pullman, WA, and the National Animal Disease Laboratory, Ames, IA, for urgent research on CWD.

Coffee and cocoa.—The disease resistance and alternative crop research program for coffee and cocoa has important economic benefits and implications for foreign policy goals in South Central America and West Africa. As a globally marketable cash crop, cocoa can provide an alternative, environmentally beneficial choice for small farmers and an incentive to Andean farmers to abandon illegal crops for those that can provide stable long-term economic benefit. Cocoa is produced primarily by small farmers in the tropics of South Central America and West Africa that is also under severe disease pressure which threatens the stability of world supply of cocoa and the economies of other cocoa-producing nations. The Committee provides an increase of $900,000 from the fiscal year 2002 funding level to fully realize the research potential of coffee and cocoa as alternatives to illegal crops.–

Conservation research.—The Committee provides an increase of $250,000 from the fiscal year 2002 funding level to expand important non-irrigated dryland research conducted at the ARS Soil Conservation Laboratory, Pendleton, OR. The research is directed toward developing better management practices and techniques required for sound natural resource conservation in the Columbia River Plateau and regional resource areas for sustainable crop production.

Cotton genomics, breeding, variety development, and pest resistance.—The Committee recognizes the progress that has been made through the cooperative efforts of the ARS and the Mississippi Agricultural and Forestry Experiment Station at Stoneville, MS, in the research, development, and transfer of improved cotton germplasm to the cotton industry. This cooperative research must be accelerated to incorporate new genetic material into agronomically-acceptable varieties and to transfer reniform nematode and other pest resistance into improved cotton lines. An increase of $700,000 is provided from the fiscal year 2002 funding level to enhance the public cotton breeding program conducted by ARS at Stoneville, MS.

Corn germplasm.—Corn is a key resource in Iowa and throughout the world, providing food, industrial uses, livestock feed and export. It is important to broaden the germplasm base of corn hybrids grown by American farmers to establish genetic diversity and stability in corn production. The Committee provides an increase of $600,000 from the fiscal year 2002 level for the ARS Corn Germplasm Research Laboratory at Ames, Iowa for expanded research to increase the productivity and genetic diversity of maize grown in the United States.

Cotton ginning laboratory.—The Committee continues funding at the fiscal year 2002 level for ginning research at the Stoneville, MS, laboratory.

Cotton genetics research.—Global competition in the textile industry has caused domestic textile manufacturers to adopt more efficient cotton farm spinning technologies. These new technologies require higher fiber strength to operate resistance to nematodes and insect pests that annually inflict significant losses to the cotton industry. There is a need to broaden the genetic base of cotton germplasm with fiber properties that will meet today's more efficient yarn spinning machines, as well as cotton varieties with improved host resistance to insects and pathogens. The Committee provides an increase of $300,000 from the fiscal year 2002 level for support of a cotton geneticist position at the ARS Cotton Breeding laboratory, Florence, SC.

Crop Production and Food Processing.—The Committee provides the fiscal year 2002 level to ARS to continue collaborative research with Purdue University on a genomics project to continue in the identification and execution of critical steps in the development of pest resistance in wheat.

Dairy forage research.—The Committee recognizes the important research on dairy forage carried out by ARS at the U.S. Dairy Forage Research Center in Madison, WI. The Committee provides an increase of $1,150,000 from the fiscal year 2002 level for expanded dairy forage research at the center. Of the total increase, $150,000 is provided for increased support of the Wisconsin Integrated Cropping Systems (WICTS) program.

Delta nutrition intervention initiative.—The Lower Mississippi Delta Nutrition Intervention Research Initiative is a research consortium consisting of ARS and six universities located in Louisiana, Mississippi and Arkansas. Current appropriations have allowed the consortium to develop important research on the health and nutrition status, food security and diet intake of people who live in the Delta regions of Louisiana, Mississippi, and Arkansas. The Committee provides an increase of $1,000,000 from the fiscal year 2002 level for nutrition intervention activities that cannot be carried out within currently available funding. Increased funding will allow the consortium to initiate community involved planning, implement interventions, and initiate research to assess the effects on health and nutrition status in a number of counties in each of the three States over the next 5 years.

Emerging diseases of plants and animals.—The Committee recognizes the importance of research in support of new prevention and control strategies for emerging, reemerging and exotic diseases of plants and animals. The Committee provides an increase of $1,400,000 from the fiscal year 2002 level for exotic plant disease research at the following locations: Beltsville, MD, $300,000; Frederick, MD, $300,000; Prosser, WA, $200,000; Raleigh, NC, $350,000; and Prosser, WA, $250,000. The Committee provides an additional $3,050,000 for exotic animal disease research as follows: Marek's disease, East Lansing, MI, $500,000; Porcine Respiratory disease, Ames, IA, $250,000; Foot and Mouth disease, Greenport, NY, $500,000; Newcastle disease, Athens, GA, $300,000; BSE/TSE at Albany, CA; Ames, IA; and Pullman, WA; $500,000 each.

Fish disease research.—The development of safe and effective vaccines for prevention of disease in catfish is essential to the growth of the catfish industry. There are currently only a number of approved therapeutic compounds available for farmers to heal diseases of fish. Vaccinations, successful in other animals, appear to be the best means of preventing diseases. The Committee provides an increase of $600,000 from the fiscal year 2002 funding level to the ARS Fish Disease and Parasitic Research Laboratory at Auburn, AL, for increased research on the development of commercially approved vaccines for catfish.

Floriculture and nursery research.—Nursery and greenhouse products rank third in production in the Nation. As the public demands more plants and trees to help clean the air, prevent water runoff and soil erosion, and improve water conservation and quality, the nursery industry is playing an expanding and significant role in enhancing environmental quality. The Committee provides an increase of $750,000 from the fiscal year 2002 level for expanded ARS floriculture and nursery research aimed at reducing chemical use, improved post-harvest life of flowers and plants, disease and pest resistant flowers and plants, control of root diseases, robotics research, and control of run-off from greenhouse and nursery operations.–

Food Safety and Engineering.—The Committee provides an additional $600,000 from the fiscal year 2002 level for increased collaborative research with Purdue University in the area of food safety and engineering.

Forage-Livestock Systems.—The Committee provides an increase of $1,000,000 from the fiscal year 2002 funding level to ARS to continue a cooperative project with the University of Kentucky on tall fescue breeding and improvement efforts to develop an enhanced national forage base.

Forage and range research.—The Committee recognizes the important research being carried out by ARS at the Forage and Range Research Laboratory, Logan, UT. The research program seeks to develop and improve range and pasture plants, reinvigorate disturbed and over-used rangelands, effect revegetation following wild fires, combat invasive weeds, and provide improved forages for livestock. The Committee provides an increase of $300,000 from the fiscal year 2002 level for additional research required to develop range and pasture plant varieties.

Formosan Subterranean Termite.—The management of this termite is essential to Louisiana economic well-being. This termite has infested 32 parishes in Louisiana, with the most severe infestations occurring in the New Orleans and Lake Charles areas. This insect has caused millions of dollars worth of damage with an astonishing $300,000,000 impact in New Orleans alone. The Committee provides an increase of $300,000 from the fiscal year 2002 level to the Southern Regional Research Center at New Orleans, LA, for expanded research efforts focusing on improved termite detection systems, evaluation of wood products for protecting building materials, and enhancement of bait technology.

Fort Keogh Livestock and Range Research Laboratory.—The Committee recognizes the threat to long-term sustainability of the Northern Great Plains range livestock industry from infestations of noxious weeds such as leafy spurge and spotted knapweed. The objective of the Fort Keogh, MT, station is to develop low-input rangeland management strategies that impede or control the spread of noxious weeds into native rangelands and planted pastures. The Committee provides an increase of $600,000 for this research for the fiscal year 2002 level.

Glassy-winged sharpshooter.—The Committee continues to be concerned about the serious costs that the Glassy-winged sharpshooter (GWSS) and Pierce's disease (PD) inflict on U.S. vineyards. Citrus and nursery stock growers now have costly new shipping requirements to inspect and treat plants and crops to curb the spread of GWSS–PD. The Committee provides an increase of $750,000 from the fiscal year 2002 level to the ARS Parlier, CA, laboratory to continue its research efforts and collaborations to control and eradicate this devastating carrier and disease.

Grain sorghum.—The Committee provides an increase of $200,000 from the fiscal year 2002 funding level to the ARS Energy, Soil, and Animal Waste Resources Research Unit in Bushland, TX, to evaluate the feed value of distillers dried grain (DDG). More sorghum is being used for ethanol as farmers look to add value to locally produced crops and to provide oxygenates for gasoline and DDG for livestock feed. Research is needed to determine the relative feeding values of sorghum distillers grains so that it can be nutritionally and economically evaluated for the cattle feeding industry.

Grapefruit juice/drug interaction research.—With the consumption of grapefruit juice dramatically declining, there is a need to examine and attain more precise data on the effect of grapefruit juice on the absorption rates of certain medications. The Committee provides an increase of $300,000 from the fiscal year 2002 level to the ARS Citrus Research Laboratory at Winterhaven, FL, for research to identify and characterize the components of grapefruit juice responsible for enzyme suppression, understand the dosage affected, and determine the rate of consumption for safety and efficacy.

Grand Forks Human Nutrition Laboratory.—Research is needed to study rural health problems related to diet in the Northern Great Plains. Particular emphasis will be given to the diets of Native Americans and the rural elderly. The Committee provides $300,000 from the fiscal year 2002 level for this program to be carried out by the ARS Grand Forks Human Nutrition Center in cooperation with the University of North Dakota School of Medicine and Health Sciences.

Harbor Branch aquaculture initiative.—The Committee recognizes that continued expansion of aquaculture enterprises in the United States would increase domestic competitiveness in seafood markets, ease harvest pressures on wild fish stocks, as well as help in offsetting existing trade deficits. The Committee provides an increase of $300,000 from the fiscal year 2002 level for expanded ARS collaborative research with the Harbor Branch Oceanographic Institute and the Florida State University (FSU) on sustainable marine aquaculture systems. The objectives are to design and operate low-cost, energy efficient, zero discharge aquaculture production systems to produce warm water fish species year round; to expand use of inland agricultural land through aquaculture of salt water species that are adaptable to fresh water; and to generate new aquaculture enterprises.

Harry Dupree National Aquaculture Research Center.—Arkansas leads the Nation in raising hybrid striped bass, as well as in producing 80 percent of the Nation's baitfish and other food fishes. The Committee understands that this Center plays a significant role in meeting the needs of the U.S. aquaculture industry by conducting research aimed at improving yields, food quality, disease control, and stress tolerance. The Committee provides an increase of $300,000 from the fiscal year 2002 funding level for increased research on the genetic improvement of hybrid striped bass.

Hawaii Agriculture Research Center.—The Committee provides the fiscal year 2002 level for the Hawaii Agriculture Research Center to enhance the competitiveness of U.S. sugarcane producers and to continue to support the expansion of new crops and products, including those from agroforestry, to complement sugarcane production in Hawaii.

Hides and leather research.—The USDA's only hides and leather research is carried out at the Eastern Regional Research Center in Wyndmoor, PA. The research provides the hides and leather industry with cost-effective and environmentally safe tanning processes which will enhance U.S. producers' competitiveness in world markets. The Committee provides an increase of $100,000 from the fiscal year 2002 funding level for this research.

Horticulture research.—The Committee recognizes the importance of the cooperation between the ARS Small Fruits Research Unit and the Mississippi Agricultural and Forestry Experiment Station at Poplarville, MS. This cooperation catalyzed and now undergirds the Gulf Coast blueberry and other small fruit industries. This cooperation has expanded into the development of vegetable, melon, and ornamental industries and can revitalize small farms in the south. The Committee provides an increase of $500,000 from the fiscal year 2002 funding level to expand the cooperative research and development efforts on ornamentals, vegetables, and melons at Poplarville, MS.

In addition, Tennessee has a vibrant nursery industry and a growing floricultural and ornamental horticulture industry. The Agricultural Research Service is establishing a research laboratory at the University of Tennessee to jointly conduct and collaborate in plant pathology, entomology, horticulture, germplasm, and biotechnology research to improve rural and suburban economies, and enhance international quality. The Committee supports this ARS/UT collaborative initiative to establish the Appalachian Horticulture Research Institute at Knoxville, TN, and provides an increase of $1,000,000 for staffing at this location from the fiscal year 2003 level.

Human Nutrition Research Center on Aging (HNRCA).—The HNRCA at Tufts University is one of six USDA research centers that study the effects of human nutrition on health. The program at HNRCA requires additional resources to maintain existing scientists and staff as well as to offset inflation and spiraling energy costs. The Committee provides an increase of $625,000 to ARS from the fiscal year 2002 level to meet these resource needs.

Hyperspectral Imaging Technology for Protection of the Food Supply and Agricultural Production.—Through a cooperative agreement with the ARS, the Institute for Technology Development at the Stennis Space Center has successfully applied its hyperspectral imaging capabilities to detect fecal contamination on poultry, furthering efforts to increase the safety of the Nation's food supply. The Committee is aware that this technology could be applied to detection of crop diseases such as karnal bunt and rusts, animal diseases such as bovine spongiform encephalopathy, and mold/toxins found in food and feed. The Committee provides fiscal year 2003 funding of $700,000, which is to be redirected from the current hyperspectral poultry project, to explore hyperspectral imaging as a possible tool for finding, identifying, and quantifying diseases and infestations that have economic impact and health risks either naturally or as a terrorist act.

Integrated farming systems.—The Committee understands that Integrated Farming Systems represents the agriculture operation in its entirety, including finances, natural resources and off-farm environmental impacts. The National Soil Tilth Laboratory in Ames, IA, conducts this research with special emphasis on nutrient management. The Committee provides an additional $300,000 for this work from the fiscal year 2002 level.

IPM strategies for northern climate.—Insect pests, plant pathogens, and weed pests are serious threats to Alaska's economic viability. The Committee recognizes the importance of agricultural research to enhance productivity and profitability of Alaska's farming industry, including the preservation and management of its valuable natural resources utilizing IPM strategies. The Committee provides an increase of $700,000 from the fiscal year 2002 funding level for expanded research to develop IPM application approaches suitable to northern latitudes that support viable crop and nursery production systems and the sustainability of natural resources.

Invasive species.—The Committee understands the serious impact that invasive species have on production agriculture. Invasive species are second only to loss of habitat in causing negative impacts on environmental areas and loss of biological diversity. The Committee provides an increase of $1,800,000 from the fiscal year 2002 level for the continued development of biological control programs as follows: Beltsville, MD; Davis, CA; Wooster, OH; and Ft. Collins, CO; $300,000 each. The Committee provides $300,000 for expanded research on the Asian Longhorned

Beetle. The Committee also provides $300,000 for systematics of invasive insects and weeds at Beltsville, MD.

Johne's Disease (Bovine Paratuberculosis).—Johne's is a contagious disease that causes chronic wasting or debilitating enteritis and eventual death in cattle, sheep, goats, deer and other wild and domestic ruminants. Infected animals intermittently shed the microorganisms into milk and feces. Infection is difficult to diagnose because of the fastidious, slow growth of the microorganisms and the poor reliability of the sero-diagnostic tools. Additional research is needed to develop improved diagnostics and vaccines, and better understanding of the pathogenicity of the organism. The Committee provides an increase of $1,200,000 from the funding level available in fiscal year 2002 for expanded research to control this devastating disease affecting this Nation's beef and dairy industries.–

Karnal Bunt.—The Committee is aware of the significant threat karnal bunt poses to the U.S. wheat industry and U.S. wheat exports. To aid in development of karnal bunt resistance and control methods, the Committee provides $300,000 from the fiscal year 2002 level for research in this area. The Committee expects ARS to work with Kansas State University to establish a consortium in Manhattan, KS, that will work with other land grant universities in this research area.

Livestock genome sequencing.—The Committee provides an increase of $300,000 in fiscal year 2003 for the U.S. Meat Animal Research Center at Clay Center, NE, for expanded genomics research to identify the genes that influence disease resistance, reproduction, nutrition, and other economically important traits in livestock. This research is to be performed in collaboration with the University of Illinois.–

Malignant Catarrhal Fever (MCF) Virus.—The Committee acknowledges the importance of research for the sheep-associated virus, Malignant Catarrhal Fever (MCF), infecting small ruminants. The Committee continues the fiscal year 2002 funding level for research on the development of vaccines critical to the systematic eradication of MCF virus in small ruminants at the ARS laboratory at Pullman, WA, in cooperation with the ARS sheep, station at Dubois, ID, and Washington State University.

Michael Fields Agricultural Institute.—The Committee provides an increase of $500,000 from the fiscal year 2002 level for ARS to initiate collaborative research with the Michael Fields Agricultural Institute. This research will develop high-quality corn in Wisconsin and other Mid-Western States for increased nutritional value and adaptation to sustainable farming systems. Collaborative research will be directed at corn breeding, analysis, corn quality, on-farm research and information dissemination.

Microbial Genomics.—The Committee recognizes the importance and significance of the joint microbial genomics initiative between the ARS Animal Disease Research Unit at Pullman, WA, and the ARS Tick Research Unit at Kerrville, TX, and continues the fiscal year 2002 level of funding.

National Agricultural Library.—The Committee provides an increase of $400,000 from the fiscal year 2002 level for the National Agricultural Library for the continued development of information technology including new software, telecommunications and networking capabilities. These resources are recommended in the President's fiscal year 2003 budget.

National Cold Water Marine Aquaculture Center.—The Committee notes the importance of aquaculture research to the State of Maine, which leads the Nation in Atlantic salmon cultivation. Other important aquaculture species in Maine include shellfish and trout. Research on marine finfish is vitally important to Maine's aquaculture program. Finfish, including haddock, halibut, and cod, are primary candidates for future diversity of Maine's aquaculture industry. The Committee provides an increase of $300,000 from the fiscal year 2002 funding level for this research, which will be undertaken at the Franklin, Maine, research location.

National Corn to Ethanol Research Pilot Plant.—The National Corn to Ethanol Research Pilot Plant at Edwardsville, IL, was constructed to avail researchers and commercial producers with a state-of-the-art facility to develop more efficient production of ethanol. The plant is scheduled to begin operations in early 2003 and will operate on a time-share basis to Federal and State agencies, universities, and commercial producers. The plant has the near-term potential to improve the efficiency and decrease the cost of corn conversion for ethanol production. The Committee provides an increase of $750,000 from the fiscal year 2002 level to fund ARS research at the pilot plant. The research will utilize both wet milled and dry milled projects and will focus on processing efficiencies that can be adapted commercially in the near term.

National nutrition monitoring system.—Health and dietary information gathered from a combined U.S. Department of Agriculture/Department of Health and Human Services is critical to the Nation and plays a key role in shaping national food policies and programs including food safety, food labeling, child nutrition, food assistance and dietary guidance. The Committee provides an increase of $1,000,000 from the fiscal year 2002 level for the combined national nutrition monitoring program.—

National Peanut Research Laboratory, Dawson, GA.—The Committee concurs with the authority to purchase land for research at the National Peanut Laboratory at Dawson, GA, as provided under Section 7506, Title VII of the Farm Security and Rural Investment Act of 2002. The Dawson laboratory, which has been conducting research on this property, has entered a lease with an option to purchase this land. The Agency will utilize available funds and will not require additional appropriations to purchase this property.

National Soil Erosion Laboratory.—The Committee provides an increase of $300,000 from the fiscal year 2002 level for salaries and related research expenses for a water quality researcher stationed at the USDA–ARS National Soil Erosion Laboratory at West Lafayette, Indiana.

National sclerotinia initiative.—The Committee recognizes the importance of controlling this disease which affects sunflowers, soybeans, canola, edible beans, peas and lentils. The Committee provides an increase of $600,000 from the fiscal year 2002 level for this research initiative which is centered at the ARS research station at Fargo, ND.

Natural products.—The Committee provides an increase of $400,000 from the fiscal year 2002 level for the ARS to continue and accelerate its cooperative research with the National Center for Natural Products Research to discover and develop natural product chemicals for use in agriculture.

Northern Grains Insect Research Laboratory.—Diverse economic and environmental pressures have impacted agriculture in the Northern Plains. The Northern Grains Insect Research Laboratory in Brookings, South Dakota focuses on production agriculture problems for the Northern Plains. This laboratory is working on research that directly benefits farmers, such as new cropping systems and innovative crop rotations that minimize use of chemicals and tillage. The Committee provides an increase of $600,000 from the fiscal year 2002 level for support of two additional scientist positions required by the laboratory to assemble a team of scientists to address the diverse economic and environmental problems in the Northern Plains.

Northern Great Plains Ecosystem.—The Committee is aware of the research and outreach programs conducted by the ARS Biological Control and Soil Conservation Laboratory at Sidney, Montana. A major focus of research at the station is targeted to biocontrol of invasive and noxious weeds and enhancing the long-term sustainability of range, irrigated and dryland agriculture. Invasive weeds alter ecosystem structure and function, reduces biodiversity, displaces native plants and requires widespread use of herbicides. The Committee provides an increase of $1,000,000 from the fiscal year 2002 level to strengthen this program.

Noxious weeds in the desert southwest.—Invasive and noxious weeds are expected to infest 140 million acres in the United States by the year 2010. Rangeland and pastures will be the primary land types invaded by these species. The Committee supports the biocontrol research on invasive non-native and tree species carried out by ARS at the Jornada Experimental Range in Las Cruces and provides an increase of $300,000 from the fiscal year 2002 funding level for this research.

Ogallala Aquifer.—Surface water in the Central High Plains region is severely limited and the Ogallala Aquifer, which underlies this area, has provided water for the development of a highly significant agricultural economy. However, the Ogallala Aquifer is a finite resource. The Committee provides the Agricultural Research Service an increase of $900,000 from the fiscal year 2002 level for research into the complex nature of water availability, potential uses, and costs which will help determine future water policy in this region. This research is to be based in Texas but coordinated with other affected States, including Kansas.

Ornamental and horticulture research.—The Committee recognizes the collaborative research program between ARS and the University of Vermont (UVM). Research currently underway at UVM includes Pear thrips and the Asian Long-horned Beetle. UVM research is critical to the protection of the ornamental and horticulture industries throughout New England. The Committee provides an increase of $150,000 for Pear thrips research from the fiscal year 2002 level.

Papaya Ringspot Virus.—The Committee provides the fiscal year 2002 level to the University of Hawaii College of Tropical Agriculture and Human Resources to monitor and refine control of the papaya ringspot virus and to expand the techniques and knowledge obtained from this program to other diseases and pests; and to coordinate a program to induce nematode resistance, flowering control, and mealy bug wilt disease resistance in commercial pineapple varieties and to seek funds from the private sector to complement Federal funds. The Committee views the nematode and ringspot virus activities as supportive of a national agricultural research agency and that of Hawaii.

Phytoestrogens research.—The Committee is aware of the increased consumption of soy products and controversies surrounding the health claims from those products. Phytoestrogens, plant-derived products that can mimic or block estrogen, remain a priority issue for USDA researchers. Research studies have suggested that phytoestrogens have a range of human health benefits that can prevent certain diseases. However, extensive studies on their long-term benefits and side effects are lacking. The Committee provides an increase of $900,000 for this research from the fiscal year 2002 level. Current research is carried out at the Southern Regional Research Center in New Orleans in collaboration with other universities. The Committee directs $300,000 of these resources be used in collaboration with the University of Toledo to fingerprint and isolate novel products in stressed and unstressed soy.

Plant and animal pathogen research.—The Committee provides an increase of $500,000 from the fiscal year 2002 level for expanded plant pathogen research to be carried out at Frederick, MD. The Committee also provides $500,000 for rapid detection of poultry diseases at the ARS Poultry Disease Laboratory at Athens, GA. New technologies will enhance U.S. food security and strengthen the Nation's competitiveness in global markets.

Potato Production.—The Committee recognizes the important contributions made by the USDA–ARS research units at Prosser and Yakima, Washington, but encourages closer cooperation between the units in conducting research and solving problems in potato production.

Potato research.—The Committee is concerned that funding levels and lack of personnel resources limit ARS' ability to address some aspects of potato variety research. The Committee provides an additional $30,000 from the fiscal year 2002 level to meet research staffing needs at the Aberdeen, ID, research laboratory.

Precision agriculture research.—The Committee provides a $750,000 increase from the fiscal year 2002 level for the Mandan Northern Great Plains Research Laboratory for a precision agriculture research project and global climate change research recommended in the budget request at $135,000. The precision agriculture research should be conducted in cooperation with the Upper Midwest Aerospace Consortium and DigitalGlobe. In addition, the Committee has restored the funding provided last year for the Hettinger Extension Service Southwest Feeders Program. ARS researchers can contribute significantly to the knowledge base UMAC can transfer to producers.

Program continuations.—The Committee directs the Agricultural Research Service to continue to fund the following areas of research in fiscal year 2003 at the same funding level provided in fiscal year 2002: Conservation Research, Pendleton, OR; Dryland Production Research, Akron, CO; Improved Animal Waste Management, Florence, SC; Improved Crop Production Practices, Auburn, AL; Irrigated Cropping Systems in the Mid South, Stoneville, MS; Manure Mangement Research, Ames, IA; Mid-West/Mid-South Irrigation, Columbia, MO; National Sedimentation Lab, Yazoo/TMDL's, Oxford, MS; National Sedimentation Lab, Acoustics, Oxford, MS; National Sedimentation Lab, Yazoo Basin, Oxford, MS; National Soil Dynamics Laboratory, Auburn, AL; New England Plant, Soil, and Water Laboratory, Orono, ME; Northern Great Plains Research Laboratory, Mandan, ND; Pasture Systems and Watershed Management, University Park, PA; Soil, Plant Nutrient Research, Ft. Collins, CO; Seismic and Acoustic Technologies in Soils, Oxford, MS; Soil Tilth Research, Ames, IA; Source Water Protection Initiatives, Columbus, OH/West Lafayette, IN; Waste Management Research, Starkville, MS; Watershed Research, Colombia, MO; Western Grazinglands, Burns, OR; Aerial Application Research, College Station, TX; Alternative Crops and Value Added Products, Stoneville, MS; Appalachian Fruit Research Station, Kearneysville, WV; Appalachian Pasture Based Beef Systems, Beaver, WV; Arctic Germplasm, Palmer, AK; Bee Research, Logan, UT/Weslaco, TX; Binational Agricultural Research and Development Program (BARD); Bioinformatics Institute for Model Plant Species at the National Center for Genome Resources, Santa Fe, NM; Biomedical Materials in Plants, Beltsville, MD; Cereal Crops Research, Fargo, ND; Cereal Crops Research, Madison, WI; Citrus and Horticulture Research, Ft. Pierce, FL; Coffee and Cocoa Research, Miami, FL/Beltsville, MD; Corn Germplasm, Starkville, MS; Cotton Genomics, Breeding, and Variety Development, Stoneville, MS; Corn Resistant to Aflatoxin for the Mid-South, Starkville, MS; Crop Production and Food Processing, Peoria, IL; Ecology of Tamarix, Reno, NV; Endophyte Research, Boooneville, AR; Floriculture/Nursery Crops Research; Ft. Pierce horticultural Research Lab, Ft. Pierce, FL; Golden Nematode, Ithaca, NY; Grain Legume, Pullman, WA; Grain Research, Manhattan, KS; Grape Rootstock, Geneva, NY; Great Basin Rangelands, Boise ID/Reno, NV; Greenhouse and Hydroponics Research, Wooster, OH; Honey Bee Research, Baton Rouge, LA; Hops Research, Corvallis, OR; Improved Forage Livestock Production, Lexington, KY; Integrated Farming Systems/Dairy Forage, Madison, WI; IPM for Northern Climate Crops, Fairbanks, AK; Jornada Experimental Range, Las Cruces, NM; Late Blight Fungus, Orono, ME; Medicinal Botanical Production and Processing, Beaver, WV; Microbial Genomics, Pullman, WA/Kerrville, TX; Minor Use Pesticides (IR–4); National Germplasm Resources Program; National Sclerotinia Initiative, Fargo, ND; National Wheat and Barley Scab Initiative (Fusarium Head Blight), various locations; Northern Grain Insect Laboratory, Brookings, SD; Northwest Small Fruits Research, Corvallis, OR; Oat Virus, West Lafayette, IN; Olive Fruit Fly, Parlier, CA/Montpellier, France; Pecan Scab Research, Byron, GA; Pierce's Disease, Parlier, CA/Ft. Pierce, FL; Plant Stress and Water Conservation, Lubbock, TX; Potato Breeding, Aberdeen, ID; Potato Research Enhancement, Prosser, WA; Rangeland Resources Research, Cheyenne, WY; Rangeland Resource Management, Las Cruces, NM; Red Imported Fire Ants, Stoneville, MS; Residue Management in Sugarcane, Houma, LA; Rice Research, Stuttgart, AR; Risk Assessment for Bt. Corn, Ames, IA; Root Diseases in Wheat and Barley, Pullman, WA; Small Farms, Booneville, AR; Small Fruits Research, Poplarville, MS; Sorghum Research, Manhattan, KS/Bushland, TX/Stillwater, OK/Lubbock, TX; Southwest Pecan Research, College Station, TX; Soybean and Nitrogen Fixation, Raleigh, NC; Soybean Cyst Nematode, Stoneville, MS; Soybean Genetics, Columbia, MO; Soybean Research in the South, Stoneville, MS; Sudden Oak Disease, Ft. Detrick, MD; Sugarbeet Research, Kimberly, ID; Sugarcane Variety Research, Canal Point, FL; Sweet Potato, Stoneville, MS; Temperate Fruit Flies, Yakima, WA; Turfgrass Research, Washington, DC; U.S. Pacific Basin Agricultural Research Center, Hilo, HI; Vegetable Crops Research, Madison, WI; Virus-free Potato Germplasm, Palmer, AK; Viticulture Research, Corvallis, OR; Wheat Quality Research, Pullman, WA/Wooster, OH/Manhattan, KS/Fargo, ND; Wild Rice, St. Paul MN; Woody Genomics and Breeding for the Southeast, Poplarville, MS; Animal Vaccines, Greenport, NY; Aquaculture Initiative, Harbor Branch Oceanographic Institute, Stuttgart, AR; Aquaculture Initiative for Mid-Atlantic Highlands, Leetown, WV; Aquaculture Fisheries Center, Pine Bluff, AR; Aquaculture Systems (Rainbow Trout), Leetown, WV; Asian Bird Influenza, Athens, GA; Avian Pneumovirus, Athens, GA; Bovine Genetics, Beltsville, MD; Broiler Production in the Mid South, Starkville, MS; Catfish Genome, Auburn, AL; Catfish Health, Stoneville, MS; Dairy Forage, Madison, WI; Dairy Genetics Research, Beltsville, MD; Formosan Subterranean Termite, New Orleans, LA; Livestock and Range Research, Miles City, MT; Livestock Genome Mapping Initiative, Clay Center, NE (including the cooperative agreement carried out at Urbana-Champaign, IL); National Center for Cool and Coldwater Aquaculture, Leetown, WV; Aquaculture Systems (Freshwater Institute), Leetown, WV; Malignant Catarrhal Fever (MCF), Pullman, WA; National Warmwater Aquaculture Center, Stoneville, MS; Poult Enteritis-Mortality Syndrome (PEMS), Athens, GA; Poultry Diseases, Beltsville, MD/Athens,GA; Seafood Waste, Fairbanks, AK; Shellfish Genetics, Newport, OR; Stuttgart National Aquaculture Research Center, Stuttgart, AR; Trout Genome Mapping, Leetown, WV; Vaccines and Microbe Control for Fish Health, Auburn, AL; Aflatoxin in Cotton, Phoenix, AZ; Biomass Crop Production, Brookings, SD; Biotechnology Research and Development Corporation, Peoria, IL; Cotton Ginning Research, Las Cruces, NM; Food Safety for Listeria and E.coli; Natural Products, Oxford, MS; Barley Food Health Benefits Research, Beltsville, MD; Diet and Immune Function, Little Rock, AR; Nutritional Requirements Research, Houston, TX; Animal Welfare Information Center (NAL), Beltsville, MD; National Center for Agriculture Law (NAL); Honey Bee Research Laboratory, Tuscon, AZ; Bee Research Laboratory, Beltsville, MD; Wild Rice, St. Paul, MN; National Sedimentation Laboratory/Seismic and Acoustics Technologies in Soils, Oxford, MS; Midwest/Mid-South Irrigation, Columbia, MO; Soft Wheat Research Laboratory, Wooster, OH; Wheat Quality Research, Wooster, OH; and Minor Use Pesticides, Corvallis, OR.

Proposed closure and consolidation of laboratories and programs.—The President's budget recommends a number of location closures, consolidations and reductions of ongoing research. The Committee does not concur with proposals to close selected research laboratories and consolidate and terminate related ongoing research programs. The Committee directs the Agency to maintain these important research programs and laboratories and maintains funding which was eliminated under the President's budget. The research laboratories and ongoing base programs to be continued and restored by this Committee are as follows: the Avian Disease and Oncology Laboratory, East Lansing, MI; Water Management Research Laboratory, Brawley, CA; new England Plant, Soil, and Water Research Laboratory, Orono, ME; the Honey Bee Research Laboratories located at Beltsville, MD; Baton Rouge, LA; and Tucson, AZ; the Cereal Crops Quality Research Laboratories located at Fargo, ND; Madison, WI;

and Wooster, OH; Biotechnology Research and Development Corporation, Peoria, IL; Animal Health Consortium, Peoria, IL; and the research and laboratories impacted at the Western Regional Research Center, Albany, CA.

Regional grains genotyping research.—Current regional ARS laboratories characterize germplasm and improve resistance to rusts, blights and insect pests. Regional genotyping centers will overcome the barriers to practical use through DNA extraction and high-throughout marker screening procedures. The Committee strongly supports this regional research program and provides an increase of $300,000 from the fiscal year 2002 level for this research to be carried out at the ARS research laboratory at Raleigh, NC.

Resistance Management and Risk Assessment in Bt Cotton and Other Plant Incorporated Protectants.—Transgenic Bt cottons have provided outstanding control of insecticide-resistant tobacco budworms and suppressed other cotton caterpillar pests. However, potential evolution of resistance in caterpillar pests to the Bt protein(s) in transgenic cotton threaten the viability of the Bt plant protectant technology. The Environmental Protection Agency has imposed strategies for managing the evolution of resistance to preserve the Bt technology, but it is important to develop data to validate these strategies. The Committee provides an increase of $1,100,000 from the fiscal year 2002 level to ARS at Stoneville, MS, to coordinate a national program for devising the most effective and economically sustainable production systems for ensuring the long-term integrity of Bt crop protection and resistance management.

Seafood waste.—The disposal of seafood waste continues to be a national and international problem. Additional research is needed to determine alternative uses of discarded fish as a possible source of additional income for seafood producers. The Committee supports the existing ARS/University of Alaska collaborative research project on feedstuff that can be generated from materials usually wasted during processing of seafoods. The Committee provides an increase of $200,000 from the level of funding available in fiscal year 2002 for expanded research to address this problem.

Sedimentation issues in flood-control dam rehabilitation.—Nearly 11,000 flood control dams have been constructed by the United States Department of Agriculture nationwide in 2,000 watersheds since 1944. These watershed projects represent a $14,000,000,000 infrastructure, providing flood control, municipal water supply, recreation, and wildlife habitat enhancement. The life expectancy of these dams is projected to be 50 years. Sedimentation has reduced water-holing capacity, structural components have deteriorated, and safety regulations have become more strict. The Committee provides an increase of $500,000 from the fiscal year 2002 funding level to ARS at Oxford, MS, for assessing the efficiency of these structures in regulating floodwater, including the use of acoustics techniques, and hazards that the sediments may pose if introduced into the environment.

Shellfish genetics.—The West Coast has become the largest regional producer of oysters in the United States with an annual value of $69,000,000. Domestic production does not meet national demands. ARS has established a shellfish genetics research program that focuses on genetics, ecology and food quality. The Committee recognizes the importance of this multi-State research program and provides an additional $300,000 from the fiscal year 2002 funding level for shellfish genetics research at the Oregon State University Hatfield Marine Science Center in Newport, OR.

Silverleaf Whitefly.—The silverleaf whitefly, also known as the sweetpotato whitefly, causes millions of dollars in crop damage in several States, including Hawaii. The Committee recommends participation by all affected States in the collaborative effort to control this pest.

Small fruits research.—The Committee supports the ongoing research conducted by the Small Fruit Genetics and Pathology Research unit at Corvallis, OR. The demand for fresh and processed berries and grapes in both domestic and international markets continues to grow at a rapid rate. The Committee provides an increase of $300,000 from the fiscal year 2002 level of funding for this research which involves cooperation between industry, State and Federal research.

Soil dynamics research.—The extent of soil degradation in the South not only impairs soil and water quality but also reduces profitability and economic sustainability of farms in the region. Improving profitability of farms in the South is critical to rural economies as farm numbers continue to decline. The Committee provides an increase of $300,000 from the fiscal year 2002 funding level to the ARS Soil Dynamics Laboratory at Auburn, AL, for expanded research to develop technologies and strategies for managing soils to increase farm profitability, and preserve the soil resource for future generations.

Soil, plant, nutrient research.—The Committee understands the important contributions made by the ARS Ft. Collins Soil, Plant, Nutrient Laboratory and provides an additional $120,000 from the fiscal year 2002 funding level to support the cropping systems and nitrogen management research program carried out at this laboratory.

Sorghum research.—Sorghum is fourth on the list of economically important grains, behind corn, soybeans, and wheat. However, very little is known about the alternative uses of this major U.S. cash crop with an estimated value of over $2,100,000,000 in 1999. The Committee provides an increase of $150,000 from the fiscal year 2002 funding level for expanded research at the ARS Grain Sorghum Research Laboratory, Manhattan, KS, on the measurement of sorghum quality and the development of alternative uses of this important crop.

Sudden oak disease syndrome.—This is a fungus that has afflicted wood and nursery products in California and Oregon in the last several years. Very little is known on how the fungus is spread, which species are vulnerable, and how afflicted species can be treated. The Committee is concerned about the potential spread of the fungus to other parts of the country without the appropriate treatment and management of the disease. The Committee provides an increase of $150,000 from the fiscal year 2002 level to the ARS Ft. Detrick, MD, research laboratory for research critical in stemming the spread of this disease.

Sugarbeet research.—There are 230,000 acres of sugarbeets grown in Idaho and eastern Oregon requiring research technologies to maintain and enhance production and profitability. The Committee provides an increase of $150,000 from the fiscal year 2002 funding level to support research to reduce irrigation and energy costs essential to sugarbeet production. This research is carried out at the ARS Kimberly, ID, research station.

Sugarcane research.—The Committee is aware of the urgent need for ARS research to provide viable, cost-effective ''green cane'' harvesting methods that will provide alternatives to burning cane in the field. The Committee provides an increase of $300,000 from the fiscal year 2002 funding level for this research to be carried out at the Houma, LA, research station.

Sweet Potato Research.—Sweet potato is a high value, nutritious, alternative crop for the Mid South. Improved production practices, including timing of planting, agronomic practices, and pest control, have the potential for doubling the level of production per acre, further increasing the profitability of this small farm crop. The Committee provides an increase of $350,000 from the fiscal year 2002 funding level for ARS, Stoneville, MS, to conduct research on sweet potato production in cooperation with the Alcorn State University Demonstration Farm at Mound Bayou, MS.

Swine lagoon alternatives research.—The Committee is aware of the research carried out at the ARS Florence, SC, laboratory to treat the waste on small swine farms at a reasonable cost while meeting stringent environmental regulations. The Committee provides an increase of $600,000 for this research from the fiscal year 2002 funding level.

Tree Fruit Industry.—The Committee believes the U.S. tree fruit industry is a vital part of the economy in many regions of this country, and its economic viability is seriously threatened by an unprecedented downturn in profitability. To enhance its competitiveness, the Committee believes the industry needs additional tools to reduce its costs. The Committee recommends that USDA consult with the U.S. tree fruit industry to develop, enhance and disseminate a range of new approaches and technologies, including: fruit genomics, fruit quality, precision agriculture applications, sensor technology, and intelligent and automated orchard and fruit handling systems that will lower costs and improve fruit quality. The Committee requests that USDA develop a plan to address the tree fruit industry's needs and report its progress to the Committee no later than January 1, 2003.

Trout genome mapping.—The Committee recognizes the important tools of molecular genetics and biotechnology, and their application to solve problems facing the cool and cold water aquaculture industry, which has had a flat growth profile nationally, but is an emerging industry in the Appalachian region. The Committee provides an increase of $600,000 from the fiscal year 2002 funding level for research on cool and cold water species at the National Center for Cool and Cold Water Aquaculture, in collaboration with West Virginia University.

Tomato Spotted Wilt Virus.—The Committee is aware of the widespread losses caused by the tomato spotted wilt virus in Hawaii and encourages the agency to collaborate with a fund as appropriate University of Hawaii scientists to transfer generic resistance to tomato spotted wilt virus into University of Hawaii breeding lines for the impacted vegetable crops.

USDA–ARS New England Plant, Soil, and Water Laboratory.—The USDA–ARS New England Plant, Soil, and Water Laboratory, Orono, ME, performs a critical function that benefits not only the Maine economy, but the agriculture industry as a whole. The research performed at this laboratory—including cropping systems and management practices, efficient use of nutrients and water,

and control of pathogens, insects and weeds—benefits numerous agricultural interests, most notably the potato and livestock industries.

It is especially vital to New England potato growers that this lab continue and even increase its important research. The laboratory conducts experiments to address unique challenges that face potato growers both in the region and across the Nation. Research at the Orono facility, for example, has included tracking late blight disease, a devastating epidemic that costs potato growers approximately $3,000,000,000 annually. Of the nation-wide locations of USDA–ARS laboratories, this is the only laboratory located in New England and it should be noted that 95 percent of the potato acreage in the six New England States are in Maine where the laboratory has the benefit of being in close proximity to the grower's fields.

The Committee provides funding at no less than the fiscal year 2002 level to maintain the New England Plant, Soil, and Water Laboratory and research programs.

U.S. National Plant Germplasm System.—The Committee recognizes the need to collect, identify, characterize and incorporate plant germplasm into centralized gene banks. The value of the U.S. germplasm collections is increasingly clear with the discovery of new genomics tools that can rapidly identify scientifically and commercially useful genes. The Committee provides an increase of $2,650,000 from the fiscal year 2002 level for this program as requested in the budget for the following locations: Beltsville, MD, $300,000; Riverside, CA, Parlier, CA, Fort Collins, CO, Corvallis, OR, Davis, CA, Raleigh, NC, Madison, WI, Hilo, HI, and Mayaguez, PR, $250,000 each; and Pullman, WA, $100,000.

Pacific Basin Agricultural Research Center.—The Committee restores base funding not included in the Administration's budget request, and provides an increase of $300,000 from the fiscal year 2002 level for operating the U.S. Pacific Basin Agricultural Research Center. Of the amount restored for fiscal year 2002 and the added amount provided for fiscal year 2003, one-third is for the Center to continue the recruitment and hiring of scientists and technicians at rates consistent with construction of the Center and its mission; one-third is for the University of Hawaii Hilo to increase its capacity to complement the research of the Center; and one-third is for the University of Hawaii Manoa for improving its statewide capacity to transfer research results and to communicate industry-identified needs and issues to the research community.

U.S. Vegetable Laboratory.—The Committee is aware of the important scientific staffing requirements of the newly completed U.S. Vegetable Laboratory located at Charleston, SC. Additional scientists are necessary to conduct priority research and to maximize use of the facility. An increase of $600,000 is provided from the fiscal year 2002 level for plant virologist and pathologist positions.

Virus free fruit tree cultivars.—The Committee recognizes the need for rapid foreign and domestic exchange of varieties to sustain economic vitality of the U.S. tree fruit and nursery industries. The Committee provides an increase of $300,000 for fiscal year 2003 to implement new technologies for more rapid and dependable methods of pathogen detection and to provide secure production and maintenance of virus-free fruit tree cultivars. The collaborative research is to be carried out at the Prosser, WA research station with the Irrigated Agriculture Research and Extension Center.

Viticulture research.—With the emerging importance of the grape and wine industry in the Pacific Northwest, the Committee provides an increase of $300,000 from the fiscal year 2002 funding level for the viticulture research position at the University of Idaho Parma Research and Extension Center, for research at the Center, and for cooperative research agreements with University of Idaho researchers for viticulture research. It also provides an additional $400,000 from the fiscal year 2002 funding level to enhance viticulture research at the Northwest Center for Small Fruit Research (NWCSFR). Of this funding increase, $200,000 is to support additional research at the USDA/ARS NWCSFR, and $200,000 is to be awarded competitively for collaborative research between the University of Idaho, Washington State University and Oregon State University. In addition, the Committee supports research carried out at ARS' Prosser, Washington laboratory and provides an increase of $150,000 from the fiscal year 2002 level for collaborative work with Washington State University on winegrape plant virus research.

Waste management research.—The Committee provides an increase of $1,000,000 from the fiscal year 2002 level to the ARS to continue an expanded joint research project with Western Kentucky University to examine the use of chicken litter as a fertilizer source for fescue pasture, as a nutrient source for cattle, and other agricultural applications such as mushroom culturing.

Water quality/water use research.—Agricultural producers in the Southeast are seeking solutions to meet reduced irrigation requirements while maintaining or enhancing their net returns. The National Peanut Research Laboratory at Dawson, GA, is conducting research to find solutions to a more restrictive water supply that impacts agriculture and rural economies in Southwest, Georgia. The Committee provides an increase of $300,000 from the fiscal year 2002 level for these investigations at the Dawson laboratory.

Watershed research, Columbia, MO.—The Committee continues the fiscal year 2002 level of funding to ARS for laboratory analysis of water samples collected during implementation of, and in accordance with, the Missouri Watershed Research, Assessment, and Stewardship Project.

Western grazinglands research.—The Committee is aware of the important rangeland research program conducted at the Burns, OR, laboratory to control invasive weeds which affect the Great Basin. Research is targeted to management of rangelands, conservation, and sustainable practices. The Committee provides an increase of $750,000 from the fiscal year 2002 level for this research.

Western Wheat Quality Laboratory.—The Committee recognizes the important contributions made by the Western Wheat Quality Laboratory in Pullman, Washington. The Committee provides an additional $150,000 from the fiscal year 2002 level to enhance its ability to handle more samples, modernize equipment, and develop new predictive quality tests.

Wind erosion research.—The Committee provides funding for the Wind Erosion Unit in Manhattan, KS, at the fiscal year 2002 level. The Committee directs the ARS to avoid reprogramming or routing any of the provided funds to or through other wind erosion facilities in the ARS system during fiscal year 2003.

Wheat and barley scab initiative.—The Committee recognizes the importance of the research carried out through the ARS National Wheat and Barley Scab Initiative. Fusarium head blight is a major threat to agriculture, inflicting heavy losses to yield and quality on farms in 18 States. The Committee provides an additional $600,000 from the fiscal year 2002 level of funding for this research.

BUILDINGS AND FACILITIES

Appropriations, 2002[1]	$118,987,000
Budget estimate, 2003	16,580,000
Committee recommendation	100,955,000

[1] Excludes emergency supplemental appropriations of $73,000,000 for provided by Public Law 107–117.

The ARS ''Buildings and Facilities'' account was established for the acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or used by, the Agricultural Research Service. Routine construction or replacement items continue to be funded under the limitations contained in the regular account.

COMMITTEE RECOMMENDATIONS

For Agricultural Research Service, Buildings and Facilities, the Committee recommends an appropriation of $100,955,000. This is $18,032,000 less than the 2002 appropriation and $84,375,000 more than the budget request. The Committee's specific recommendations are indicated in the following table:

ARS BUILDINGS AND FACILITIES

[In thousands of dollars]

State and facility	Fiscal year— 2002 enacted	Fiscal year— 2003 budget estimate	Committee recommendation
Arizona: Water Conservation and Western Cotton Laboratory, Maricopa	8,400	.....	.....
California:			
Western Human Nutrition Research Center, Davis	5,000	.....	.....
Western Regional Research Center, Albany	3,800	.....	.....
District of Columbia: U.S. National Arboretum	4,600	3,000	3,000
Hawaii: U.S. Pacific Basin Agricultural Research Center, Hilo	3,000	.....	3,000
Idaho: Advanced Genetics Laboratory, Aberdeen	500	.....	4,600
Illinois:			
National Center for Agricultural Utilization Research, Peoria	6,500	.....	.....
Iowa: National Animal Disease Center, Ames	40,000	.....	20,000
Kansas: U.S. Grain Marketing and Production Research Center, Manhattan	3,000	.....	4,280
Maine: Northeast Marine Cold Water Aquaculture Research Center, Orono/Franklin	3,000	.....	9,150

ARS BUILDINGS AND FACILITIES—Continued

[In thousands of dollars]

State and facility	Fiscal year— 2002 enacted	2003 budget estimate	Committee recommendation
Maryland:			
Abraham Lincoln National Agricultural Library, Beltsville	1,800	7,400	
Beltsville Agricultural Research Center, Beltsville	3,000	4,180	7,180
Minnesota: Cereal Disease Laboratory, St. Paul	300		3,200
Mississippi:			
Southern Horticultural Laboratory, Poplarville	800		9,200
National Biological Control Laboratory, Stoneville	8,400		
Plant Propagation Facility, Oxford			2,000
New Mexico: Jornado Experimental Range Management Research Laboratory, Las Cruces	475		
New York: Plum Island Animal Disease Center, Greenport	3,762	2,000	2,000
Oklahoma: Southern Plains Range Research Station, Woodward	1,500		8,000
Pennsylvania: Eastern Regional Research Center, Wyndmoor	5,000		
South Carolina: U.S. Vegetable Laboratory, Charleston	4,500		1,400
South Dakota: Northern Grain Insects Research Laboratory, Brookings	850		8,600
Utah: Poisonous Plant Laboratory, Logan	5,600		1,495
West Virginia:			
National Center for Cool and Cold Water Aquaculture, Leetown	2,200		
Appalachian Fruit Laboratory, Kearnysville			475
Wisconsin:			
Cereal Crops Research Unit, Madison	3,000		8,400
Nutrient Management Laboratory, Marshfield			5,000
Total	118,987	16,580	100,955

The Committee provides funds for the design of the U.S. Vegetable Laboratory. Funds are provided for design and construction of the Nutrient Management Research Laboratory. The Committee provides $5,000,000 for planning, design, and construction of a nutrient management research facility to be located in Marshfield, WI. The Committee expects that these funds be used solely toward the establishment of a Federal facility at that location and not be used to replace State funding in related University of Wisconsin facility projects. Funds are also provided to complete construction of the Cereal Disease Laboratory, the Cereal Crops Laboratory, Phases III and IV of the U.S. Grain Marketing Research Laboratory, the Franklin location of the Northeast Marine Cold Water Aquaculture Research Center, the Southern Horticultural Laboratory, the Northern Grain Insects Research Laboratory, the Plant Propagation Facility, Phase I of the Southern Plains Research Center, and greenhouse facilities in conjunction with the Poisonous Plant Laboratory. The funds provided for the Beltsville Agricultural Research Center are for the construction of the poultry facility and to complete the restoration effort of the damaged and destroyed facilities as a result of the deadly tornado strike on September 24, 2001. Additional funds are provided toward modernization and construction of the U.S. Pacific Basin Agricultural Research Center, Advanced Genetics Laboratory, National Animal Disease Center, the Plum Island Animal Disease Center, the Appalachian Fruit Research Station, and the U.S. National Arboretum. Due to budgetary constraints, the Committee is unable to provide the full amount required to complete construction of all projects.

Columbia, MO.—The Committee directs the ARS to provide a report on the requirements, feasibility, and scope for construction of a new facility to accommodate space needs for personnel located at the ARS Plant Genetics Research laboratory in Columbia, MO. The report should detail building size, cost, associated facilities, scientific capacity, and other requirements required in collaboration with the University of Missouri. The report should detail existing and planned program and resource requirements for this location. The report is to be submitted to the Committee on Appropriations of the House and Senate by March 1, 2003.

Jamie Whitten Delta States Research Center.—The Jamie Whitten Delta States Research Center is strategically located in the agriculturally important Yazoo-Mississippi River Delta. Millions of acres of cotton, soybean, rice, and corn are located in this Delta area of Mississippi and millions more are in the Mississippi Floodplain of Louisiana, Arkansas, and Tennessee. The Delta leads the world in channel catfish production with approximately 100,000 acres of ponds. Approximately 200 ARS personnel are located at the Whitten Center, of which 65 are scientists conducting research to increase the efficiency of food and fiber production. The ARS Mid South Area Office is located in the Whitten Center along with the Area Information Technology Office.

The Committee is aware that the main buildings of the Whitten Center were constructed in 1968 and that present design of these facilities is obsolete and the laboratories do not efficiently accommodate modern biotechnology research. A fiscal year 1999 facility condition survey revealed the need to replace all HVAC and utility support systems and stripping of all laboratories and offices to the concrete walls and rebuilding to meet all current codes and standards for safety, fire protection, accessibility, and air quality. The Committee directs the ARS to report to the Committees on Appropriations of the House and Senate by March 1, 2003, on its plan for facilities modernization at this location, including building requirements, costs and schedule for completion of this work, and urges the Administration to request funding for this modernization project in its fiscal year 2004 budget.

National Agricultural Library.—The Committee notes that the Abraham Lincoln National Agricultural Library completed a facility condition study in 1991. The estimate to correct identified deficiencies at that time was $18,000,000. Because of escalating costs, funds required to correct these deficiencies are now estimated to be $32,000,000, a 78 percent increase over the original estimate. The Committee directs the Agency to review the costs and deficiencies identified 12 years ago; reassess those requirements; and compare current requirements and costs in light of new program technologies and needs. Detail infrastructure needs and phase requirements and options, related costs, and detail appropriated funds already committed to this project.

Pullman, WA.—The Committee is aware of the need for facilities to accommodate scientists at Pullman, WA and directs the ARS to conduct a feasibility study on the location's facility requirements including scientific capacity, size, and cost including greenhouse and other support facility space requirements. The report is to be submitted to Committee on Appropriations of the House and Senate by March 1, 2003.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

The Cooperative State Research, Education, and Extension Service was established by the Secretary of Agriculture on October 1, 1994, under the authority of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912). The Service was created by the merger of the Cooperative State Research Service and the Extension Service. The mission is to work with university partners and customers to advance research, extension, and higher education in the food and agricultural sciences and related environmental and human sciences to benefit people, communities, and the Nation.

RESEARCH AND EDUCATION ACTIVITIES

Appropriations, 2002	$542,062,000
Budget estimate, 2003[1]	552,549,000
Committee recommendation	651,411,000

[1] Excludes $1,084,000 requested for employee pension and health benefits.

The research and education programs administered by the Cooperative State Research, Education, and Extension Service [CSREES] are the U.S. Department of Agriculture's principal entree to the university system of the United States to support higher education in food and agricultural sciences and to conduct agricultural research as authorized by the Hatch Act of 1887 (7 U.S.C. 361a–361i); the Cooperative Forestry Research Act of 1962 (16 U.S.C. 582a–7); Public Law 89–106, section (2) (7 U.S.C. 450i); the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.); the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301); the Agricultural Research, Extension and Education Reform Act of 1998; and the Farm Security and Rural Investment Act of 2002. Through these authorities, the U.S. Department of Agriculture participates with State and other cooperators to encourage and assist the State institutions to conduct agricultural research and education through the State agricultural experiment stations of the 50 States, the District of Columbia, and the territories; by approved schools of forestry; by the 1890

land-grant institutions and Tuskegee University; by colleges of veterinary medicine; and by other eligible institutions.

The research and education programs participate in a nationwide system of agricultural research program planning and coordination among the State institutions, U.S. Department of Agriculture, and the agricultural industry of America.

COMMITTEE RECOMMENDATIONS

For research and education activities of the Cooperative State Research, Education, and Extension Service, the Committee recommends $651,411,000. This amount is $109,349,000 more than the 2002 appropriation and $98,862,000 more than the budget request. This does not include an increase of $51,000 for FECA administrative charges, as requested in the budget.

The following table summarizes the Committee's recommendations for research and education activities of the Cooperative State Research, Education, and Extension Service, as compared to the fiscal year 2002 and budget request levels:

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICES [CSREES]—RESEARCH AND EDUCATION ACTIVITIES

[In thousands of dollars]

	2002 appropriation	2003 budget	Committee recommendation
Payments under Hatch act	180,148	180,148	185,553
Cooperative forestry research (McIntire-Stennis)	21,884	21,884	22,541
Payments to 1890 colleges and Tuskegee University	34,604	34,604	35,643
Special research grants (Public Law 89–106):			
Advanced genetic technologies (KY)	600		750
Advanced spatial technologies (MS)	978		1,000
Aegilops cylindricum/jointed goatgrass (WA)	367		367
Agricultural diversification (HI)	128		128
Agricultural diversity—Red River Trade Corridor (MN, ND)	400		400
Agriculture science (OH)			1,000
Agriculture water usage (GA)	293		293
Agroecology (MD)	400		400
Air quality (TX)	640		750
Alliance for food protection (GA, NE)	293		299
Alternative crops (ND)			400
Alternative crops for arid lands (TX)	100		
Alternative nutrient management (VT)	186		190
Alternative salmon products (AK)	631		631
Alternative uses for tobacco (MD)	360		360
Animal disease research (WY)			500
Animal science food safety consortium (AR, IA, KS)	1,598		1,598
Apple Fire Blight (MI, NY)	489		489
Aquaculture (AR)	232		232
Aquaculture (FL)	490		
Aquaculture (LA)	322		400
Aquaculture (MS)	579		592
Aquaculture (NC)	293		293
Aquaculture (VA)	100		150
Aquaculture (ID, WA)	600		800
Aquaculture product and marketing development (WV)	733		750
Armillaria root rot (MI)	160		160
Asparagus technology and production (WA)	260		260
Babcock Institute (WI)	588		600
Beef technology transfer (MO)	294		294
Berry research (AK)			200
Biomass-based energy reserach (OK, MS)	960		1,250
Biotechnology (NC)	306		306
Biotechnology Test Production (IA)			500
Blocking anhydrous methamphetamine production (IA)	242		242
Bovine tuberculosis (MI)	318		400
Brucellosis vaccine (MT)	485		485
Carbon sequestration (CO)			250
Center for food quality (UT)			250
Center for Rural Studies (VT)	240		500
Chesapeake Bay agroecology/pfiesteria initiative (MD)	280		500
Childhood obesity & nutrition (VT)			250
Citrus canker (FL)	490		
Citrus tristeza	725		
Competitiveness of agriculture products (WA)	665		665
Cool season legume research (ID, WA)	321		321
Cotton fiber quality (GA)	400		
Cranberry/blueberry (MA)	172		172
Cranberry/blueberry disease and breeding (NJ)	216		216
Crop integration and production (SD)	200		350
Crop diversification (MO)	800		800
Crop pathogens (NC)			400
Dairy and meat goat research (TX)	63		63
Dairy farm profitability (PA)	294		500
Delta rural revitalization (MS)	201		205
Designing foods for health (TX)	690		750
Diaprepes/root weevil (FL)	400		
Drought mitigation (NE)	196		200
Ecosystems (AL)	489		
Efficient irrigation (NM, TX)	1,176		1,450
Environmental biotechnology (RI)	400		750
Environmental horticulture (FL)	400		
Environmental research (NY)	391		
Environmental risk factors/cancer (NY)	222		
Environmentally-safe products (VT)	240		250
Exotic pest diseases (CA)	1,600		1,800
Expanded wheat pasture (OK)	286		286
Farm injuries and illnesses (NC)	278		278
Feed barley for rangeland cattle (MT)	833		833
Feedstock conversion (SD)	560		560
Fish & shellfish technologies (VA)	465		465
Floriculture (HI)	400		400
Food Chain Economic Analysis (IA)			100
Food & Agriculture Policy Research Institute (IA, MO)	1,000		1,800
Food irradiation (IA)	245		245
Food Marketing Policy Center (CT)	484		484
Food processing center (NE)	42		42
Food quality (AK)	342		350
Food safety (AL)	608		1,600
Food safety (OK, ME)	400		800
Food safety (TX)			250
Food safety research consortium (NY)	800		
Food safety risk assesment (ND)	800		1,500
Food security (WA)	400		
Food Systems Research Group (WI)	490		500
Forages for advancing livestock production (KY)	367		500
Forestry (AR)	512		512
Genetic commodity promotions, research & evaluation (NY)	194		

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICES [CSREES]—RESEARCH AND EDUCATION ACTIVITIES—Continued

[In thousands of dollars]

	2002 appropriation	2003 budget	Committee recommendation
Genomics (MS)	640		800
Global change/ultraviolet radiation	1,404	2,500	2,500
Grain sorghum (KS)	104		175
Grass seed cropping systems for sustainable agriculture (ID, OR, WA)	414		414
Greenhouse nurseries (OH)			300
Hoop barns (IA)	200		225
Human nutrition (IA)	463		463
Human nutrition (LA)	800		800
Human nutrition (NY)	609		
Hydroponic tomato production (OH)	100		
Illinois/Missouri Alliance for Biotechnology	1,214		1,214
Improved dairy management practices (PA)	389		400
Improved early detection of crop disease (NC)	194		194
Improved fruit practices (MI)	239		239
Increasing shelf life of agricultural commodities (ID)	640		950
Infectious disease research (CO)	640		800
Institute for biobased products & food science (MT)			1,000
Institute for Food Science and Engineering (AR)	1,222		1,222
Integrated production systems (OK)	176		176
Intelligent quality sensor for food safety (ND)	360		360
International arid lands consortium	484		484
Iowa Biotechnology Consortium	1,530		1,530
Livestock and dairy policy (NY, TX)	558		558
Livestock genome sequencing (IL)	400		
Lowbush blueberry research (ME)	254		265
Maple research (VT)	120		300
Meadowfoam (OR)	293		293
Michigan biotechnology consortium	481		481
Midwest Advanced Food Manufacturing Alliance	452		461
Midwest agricultural products (IA)	632		632
Midwest poultry consortium	400		
Milk safety (PA)	600		750
Minor use animal drugs (IR–4)	588	588	
Molluscan shellfish (OR)	391		391
Montana sheep institute (MT)	400		675
Multi-commodity research (OR)	356		356
Multi-cropping strategies for aquaculture (HI)	124		124
National beef cattle genetic evaluation consortium (NY)	343		343
National biological impact assessment program	248	253	253
Nematode resistance genetic engineering (NM)	147		147
Nevada arid rangelands initiative (NV)	400		600
New crop opportunities (AK)	485		500
New crop opportunities (KY)	735		750
Non-food uses of agricultural products (NE)	64		64
Nursery, greenhouse and turf specialities (AL)	320		320
Organic Cropping (WA)			300
Organic waste utilization (NM)	100		100
Oyster post harvest treatment (FL)	400		
Ozone air quality (CA)	400		400
Pasture and forage research (UT)	244		250
Peach tree short life (SC)	175		225
Pest control alternatives (SC)	280		280
Phytophthora root rot (NM)	135		135
Phytoremediation Plant Research (OH)	280		
Pierce's disease (CA)	1,960		2,500
Plant, drought, and disease resistance gene cataloging (NM)	244		244
Potato research	1,568		1,568
Precision agriculture (KY)	733		750
Preharvest food safety (KS)	208		208
Preservation and processing research (OK)	221		221
Protein utilization (IA)	186		1,000
Rangeland ecosystems (NM)	320		320
Red snapper research (AL)	960		
Regional barley gene mapping project	760		760
Regionalized implications of farm programs (MO, TX)	287		287
Renewable Oil Resources from desert plants (NM)	196		196
Ruminant nutrition consortium (MT, ND, SD, WY)	400		500
Rural development centers (LA, ND)	560		177
Rural obesity (NY)			500
Rural Policies Research Institute (NE, IA, MO)	1,040		1,040
Russian wheat aphid (CO)	320		320
Satsuma mandarin orange research (AL)	800		800
Seafood and aquaculture harvesting, processing, & marketing (MS)	298		305
Seafood harvesting, processing, and marketing (AK)	1,142		1,200
Seafood safety (MA)	400		400
Seed research (AK)			350
Small fruit research (OR, WA, ID)	392		400
Soil and environmental quality (DE)	120		150
Southwest consortium for plant genetics & water resources	392		392
Soybean cyst nematode (MO)	686		686
Soybean research (IL)	800		800
STEEP III—water quality in Pacific Northwest	588		588
Sudden oak death (CA)			150
Sustainable agriculture (CA)	400		400
Sustainable agriculture (MI)	435		435
Sustainable agriculture and natural resources (PA)	123		123
Sustainable agriculture systems (NE)	59		59
Sustainable beef supply (MT)	1,000		1,000
Sustainable engineered materials from renewable resources (VA)	400		775
Sustainable pest management for dryland wheat (MT)	452		452
Sustainable swine producing & marketing (MN)			275
Synthetic gene technology (OH)	168		
Swine waste management (NC)	489		489
Technological development of renewable resources (MO)	294		
Tick borne disease prevention (RI)			150
Tillage, silviculture, waste management (LA)	400		400
Tomato wilt virus (GA)	244		
Tropical aquaculture (FL)	194		
Tropical and subtropical research/T STAR	8,000		5,781
Tri-State joint peanut research (AL)	600		600
Uniform farm management program (MN)			300
Value-added product development from agricultural resources (MT)	324		500
Value-added products (IL)	120		
Viticulture consortium (NY, CA, PA)	1,600		1,600
Water conservation (KS)	79		79

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICES [CSREES]—RESEARCH AND EDUCATION ACTIVITIES—Continued

[In thousands of dollars]

	2002 appropriation	2003 budget	Committee recommendation
Water treatment (RI)			300
Water use efficiency and water quality enhancement (GA)	480		480
Weed control (ND)	426		435
West Nile virus (IL)			750
Wetland plants (LA)	587		600
Wheat genetic research (KS)	255		255
Wheat sawfly research (MT)	505		505
Wood utilization (AK, OR, MS, MN, NC, ME, MI, ID, TN)	5,670		6,170
Wool research (TX, MT, WY)	294		294
Total, special research grants	97,010	3,341	103,834
Improved pest control:			
Emerging pests/critical issues [1]	200		
Expert IPM decision support system	177	177	177
Integrated pest management	2,725	2,725	2,725
IR–4 minor crop pest management	10,485	10,485	10,485
Pest management alternatives	1,619	1,619	1,619
Total, Improved pest control	15,206	15,006	15,006
National research initiative	120,452	240,000	204,263
Animal health and disease (sec. 1433)	5,098	5,098	5,251
Alternative crops	924		1,000
Critical Agricultural Materials Act	720		1,500
1994 Institutions research program	998	998	1,000
Institution challenge grants	4,340	5,500	4,340
Graduate fellowships grants	2,993	3,500	2,993
Multicultural scholars program	998	998	998
Hispanic education partnership grants	3,492	3,492	3,500
Capacity building grants (1890 Institutions)	9,479	9,479	11,479
Payments to the 1994 Institutions	1,549	1,549	1,700
Alaska Native-Serving & Native Hawaiian-Serving Institutions Education Grants	2,997	2,997	3,500
Secondary agriculture education	1,000	1,000	1,000
Sustainable agriculture research and education/SARE	12,500	9,230	15,000
Aquaculture centers (sec. 1475)	3,996	3,996	5,000
Federal administration:			
Agriculture-based industrial lubricants (IA)	360		400
Agriculture development in the American Pacific	552		552
Agriculture waste utilization (WV)	600		750
Agriculture water policy (GA)	600		675
Alternative fuels characterization laboratory (ND)	294		310
Animal waste management (OK)	320		320
Aquaculture (OH)	400		400
Aquaculture (PA)			450
Biotechnology (MS)	680		800
Botanical research (UT)	640		640
Center for Agricultural and Rural Development (IA)	600		600
Center for innovative food technology (OH)	765		765
Center for North American studies (TX)	200		200
Cotton research (TX)	880		880
FECA surcharge		51	
Feed efficiency (WV)	160		160
Fruit and vegetable market analysis (AZ, MO)	340		
Geographic information system	1,199		1,600
Germplasm development in forage grasses (OH)	100		
Government Paperwork Elimination Act		2,250	2,250
Livestock marketing information center (CO)	196		196
Mariculture (NC)	360		360
Mississippi Valley State University	633		1,200
National Center for Peanut Competitiveness (GA)	391		
Office of Extramural Programs	439	448	448
Pay costs and FERS	1,385	2,044	1,849
Peer panels	342	349	349
Phytoremediation plant research (OH)			280
Plant life science (MO)			200
PM–10 air quality study (WA)	426		426
Precision agriculture/Tennessee Valley Research & Extension Center (AL)	480		480
Produce pricing (AZ)	76		
Rental payments to GSA		1,837	
REE information system	2,078	2,750	2,750
Rural systems (MS)			500
Salmon quality standards (AK)	120		150
Shrimp aquaculture (AZ, HI, MA, MS, SC,TX)	4,214		4,214
Sustainable agriculture development (OH)	490		
Urban silviculture (NY)	232		
Water quality (IL)	341		
Water quality (ND)	417		450
Water pollutants (WV)	206		706
Wetland plants (WV)	160		
Total, federal administration	21,676	9,729	26,310
TOTAL, CSREES R&E	542,062	552,549	651,411

[1] Critical issue is now reflected in Integrated Activities.

Hatch Act.—The Committee acknowledges the beneficial impact Hatch Act funding has on land-grant universities. Hatch Act provides the base funds necessary for higher education and research involving agriculture. The Committee recommends a funding level of $185,553,000 for payments made under the Hatch Act.

Special research grants under Public Law 89–106.—The Committee recommends a total of $103,834,000. Specifics of individual grant allowances are included in the table above. Special items are discussed below.

The Committee is aware of the need for special research grants in order to conduct research to facilitate or expand promising breakthroughs in areas of food and agricultural sciences that are awarded on a discretionary basis. In addition to these grants, the Committee believes research should be supplemented by additional funding that is obtained on a competitive basis.

Alternative milk policies.—The Committee that directs that of funds made available to the Food and Agriculture Policy Research Institute, $250,000 shall be provided for collaborative work between the University of Missouri and the University of Wisconsin/Madison, for an analysis of dairy policy changes, including trade related matters, and assist Congress in making policy decisions. This project will be a one-stop shop for

Congressional requests for analysis of alternative dairy policies.

Aquaculture centers.—The Committee recommends $5,000,000, an increase of $1,004,000 from the fiscal year 2002 level.

The Committee is aware of and supports aquaculture research efforts at the University of Wisconsin-Milwaukee Great Lakes Wisconsin Aquatic Technology and Environmental Research Institute that is carried out in collaboration with the North Central Regional Aquaculture Center.

Technology transfer.—The Committee directs CSREES to continue to support at the fiscal year 2002 level the cotton technology transfer coordinator at Stoneville, MS.

Aquaculture (LA).—Of the amount provided for Aquaculture (LA), the Committee expects that $70,000 shall be used to initiate a multi-year program to conduct clinical epidemiologic research on diseases associated with intensive reptile disease research in Louisiana.

Aquaculture (Stoneville).—Of the $592,000 provided for this grant, the Committee recommends at least $90,000 for continued studies of the use of acoustics in aquaculture research to be conducted by the National Center for Physical Acoustics in cooperation with the Mississippi Agricultural and Forestry Experiment Station [MAFES] and the Delta Research and Extension Center in Stoneville.

Potato research.—The Committee expects the Department to ensure that funds provided to CSREES for potato research are utilized for varietal development testing. Further, these funds are to be awarded competitively after review by the potato industry working group.

Wood utilization research.—The Committee recommends $6,170,000 for wood utilization research. Of the increase provided, an additional $500,000 is made available for the Mississippi Forest and Wildlife Research Center to conduct forest inventories.

Competitive research grants.—The Committee supports the National Research Initiative Competitive Grants Program [NRI] and provides funding of $204,263,000 for the program, an increase of $83,811,000 from the fiscal year 2002 level and $35,737,000 less than the budget request.

The Committee remains determined to see that quality research and enhanced human resources development in the agricultural and related sciences be a nationwide commitment. Therefore, the Committee continues its direction that not less than 10 percent of the competitive research grant funds be used for USDA's agricultural research enhancement awards program (including USDA-EPSCoR), in accordance with 7 U.S.C. 450i.

Alternative crops.—The Committee recommends $1,000,000 for alternative crop research to continue and strengthen research efforts on canola, an increase of $76,000 from the fiscal year 2002 level.

Sustainable agriculture.—The Committee recommends $15,000,000 for sustainable agriculture, an increase of $2,500,000 from the fiscal year 2002 level.

Increased funds provided for sustainable agriculture research and education should include, but in no way be limited to, projects on organic agriculture. While organic production practices are included under the umbrella of sustainable agriculture, it is critical that funding increases be directed also to research on broader sustainable agriculture production systems and practices. The Committee also directs the Department to allocate a portion of funding increases to on-farm demonstration and producer-research projects.

Higher education.—The Committee recommends $15,331,000 for higher education. The Committee provides $2,993,000 for graduate fellowships; $4,340,000 for challenge grants; $998,000 for multicultural scholarships; $3,500,000 for grants for Hispanic education partnership grants; and $3,500,000 for Alaska native-serving and native Hawaiian-serving institutions.

The Committee notes that the Department's higher education multicultural scholars program enhances the mentoring of scholars from under-represented groups. The Committee directs the Department to ensure that Alaska Natives participate fully in this program.

Alaska Native-serving and Native Hawaiian-serving Institutions education grants.—The Committee provides $3,500,000 for non-competitive grants to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with grant funds to be awarded equally between Alaska and Hawaii to carry out the programs authorized in 7 U.S.C. 3242 (Section 759 of Public Law 106–78). The Committee directs the agency to fully comply with the use of grant funds as authorized.

Federal administration.—The Committee provides $26,310,000 for Federal administration. The Committee's specific recommendations are reflected in the table above.

Geographic information system program.—The Committee recommends $1,600,000, an increase of $401,000 from the fiscal year 2002 level, for the Geographic Information System Program. The Committee recommends the amount provided shall be made available for program activities of entities in the same areas as in 2002 on a proportional basis. In addition, it is expected that program management costs will be kept at a minimum and any remaining funds will be distributed to the sites.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

Appropriations, 2002	$7,100,000
Budget estimate, 2003	7,100,000
Committee recommendation	7,100,000

The Native American Institutions Endowment Fund authorized by Public Law 103–382 provides an endowment for the 1994 land-grant institutions (31 tribally controlled colleges). This program will enhance educational opportunity for Native Americans by building educational capacity at these institutions in the areas of student recruitment and retention, curricula development, faculty preparation, instruction delivery systems, and scientific instrumentation for teaching. Beginning with 2001, income funds are also available for facility renovation, repair, construction, and maintenance. On the termination of each fiscal year, the Secretary shall withdraw the income from the endowment fund for the fiscal year, and after making adjustments for the cost of administering the endowment fund, distribute the adjusted income as follows: 60 percent of the adjusted income from these funds shall be distributed among the 1994 land-grant institutions on a pro rata basis, the proportionate share being based on the Indian student count; and 40 percent of the adjusted income shall be distributed in equal shares to the 1994 land-grant institutions.

COMMITTEE RECOMMENDATIONS

For the Native American Institutions Endowment Fund, the Committee recommends $7,100,000. This is the same as the 2002 level and the budget request.

EXTENSION ACTIVITIES

Appropriations, 2002	$439,473,000
Budget estimate, 2003[1]	419,989,000
Committee recommendation	452,767,000

[1] Excludes $1,046,000 requested for employee pension and health benefits.

Cooperative extension work was established by the Smith-Lever Act of May 8, 1914. The Department of Agriculture is authorized to provide, through the land-grant colleges, cooperative extension work that consists of the development of practical applications of research knowledge and the giving of instruction and practical demonstrations of existing or improved practices or technologies in agriculture, uses of solar energy with respect to agriculture, home economics, related subjects, and to encourage the application of such information by demonstrations, publications, through 4–H clubs, and other means to persons not in attendance or resident at the colleges.

To fulfill the requirements of the Smith-Lever Act, State and county extension offices in each State, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Marianas, and Micronesia conduct educational programs to improve American agriculture and strengthen the Nation's families and communities.

COMMITTEE RECOMMENDATIONS

For extension activities of the Cooperative State Research, Education, and Extension Service, the Committee recommends an appropriation of $452,767,000. This amount is $13,294,000 more than the 2002 appropriation and $32,778,000 more than the budget request. This amount does not include an increase of $46,000 for FECA administrative charges, as requested in the budget.

The following table summarizes the Committee's recommendations for extension activities, as compared to the fiscal year 2002 and budget request levels:

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE (CSREES)—EXTENSION ACTIVITIES

[In thousands of dollars]

	Fiscal year 2002 enacted	Fiscal year 2003 budget	Committee recommendation
Smith Lever 3(b) and 3(c)	275,940	275,940	284,218
Smith Lever 3(d):			
Farm safety	5,250	.....	5,250
Food and nutrition education (EFNEP)	58,566	58,566	58,566
Indian reservation agents	1,996	1,996	1,996
Pest management	10,759	10,759	10,759
Rural development center	953	.....	.....

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE (CSREES)—EXTENSION ACTIVITIES—Continued

[In thousands of dollars]

	Fiscal year 2002 enacted	Fiscal year 2003 budget	Committee recommendation
Sustainable agriculture	4,750	3,792	5,000
Youth at risk	8,481	8,481	8,481
Youth farm safety education and certification	499	499	499
Renewable resources extension act	4,093	4,093	4,093
1890s colleges and Tuskegee University	31,181	31,181	32,117
1890s facilities grants	13,500	13,500	15,000
Rural health and safety education	2,622		2,622
Extension services at 1994 institutions	3,273	3,273	3,500
Subtotal	421,863	412,080	432,101
Federal administration and special grants:			
General administration and pay	5,227	7,309	7,133
Ag in the classroom	600	600	700
Agricultural & entrepreneurship education (WI)			260
Agricultural telecommunications (NY)	339		
Alabama beef connection			200
Avian conservation (PA)	320		
Beef producers improvement (AR)	193		197
Botanical garden initiative (IL)	232		
Conservation technology transfer (WI)	490		500
Dairy education (IA)	232		237
Dairy industry revitalization (WI)			375
Diabetes detection, prevention (WA)	906		924
E–Commerce (MS)			750
Efficient irrigation (NM, TX)	1,960		1,960
Extension specialist (MS)	100		175
Family farm beef industry network (OH)	1,372		
Food animal residue avoidance database/FARAD	800		800
Food preparation & marketing (AK)			300
Food product development (AK)	280		500
Health education leadership (KY)	800		1,000
Income enhancement demonstration (OH)	241		
Integrated cow/calf management (IA)	294		
Iowa vitality center (IA)	280		280
National Center for Agriculture Safety (IA)	196		198
Pilot technology transfer (OK, MS)	319		325
Pilot technology transfer (WI)	160		
Potato pest management (WI)	396		400
Range improvement (NM)	240		249
Rural development (AK)	637		750
Rural development (NM)	363		395
Rural Development (ND)			183
Rural rehabilitation (GA)	240		
Rural technologies (HI, WI)			1,000
Urban horticulture (WI)	200		875
Wood biomass as alternative farm product (NY)	193		
Subtotal, federal administration	17,610	7,909	20,666
Total, Extension activities	439,473	419,989	452,767

Ag in the Classroom.—The Committee recommends $700,000 for the Ag in the Classroom program. The Committee is aware of interest in expansion of the Illinois program in cooperation with the Illinois Farm Bureau.

Farm safety.—Of the funds recommended for farm safety, the Committee recommends a funding level of $4,050,000 for the AgrAbility project being carried out in cooperation with the National Easter Seal Society.

Pest management.—Included in the amount provided by the Committee for pest management Smith-Lever 3(d) funds is continued funding at the fiscal year 2002 level for potato late blight control, including $400,000 for early disease identification, comprehensive composting for cull disposal, and late blight research activities in Maine.

Rural health and safety.—The Committee recommends $2,622,000, the same as the fiscal year 2002 level, for rural health and safety education. Included in this amount is $2,190,000 for the ongoing rural health program in Mississippi to train health care professionals to serve in rural areas, and $432,000 for the ongoing rural health and outreach initiative in Louisiana.

Urban Horticulture.—The Committee provides $875,000 for urban horticulture activities in Wisconsin. Of this total, $600,000 is directed to the University of Wisconsin Extension, and $275,000 is directed to Growing Power of Milwaukee for community food systems.

World Food and Health Center.—The Committee is aware of an effort to establish a World Food and Health Center at the University of Illinois, Urbana-Champaign. The Center will conduct and coordinate research, technology and information transfer, and educational programs related to malnutrition, food insecurity, and food safety. The Committee encourages the Department to provide appropriate technical assistance in the development of the Center.

INTEGRATED ACTIVITIES

Appropriations, 2002	$42,853,000
Budget estimate, 2003	44,865,000
Committee recommendation	48,218,000

Section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 authorizes an integrated research, education, and extension competitive grants program. Water Quality, Food Safety, and Regional Pest Management Centers programs previously funded under Research and Education and/or Extension Activities are included under this account, as well as new programs that support integrated or multifunctional projects.

COMMITTEE RECOMMENDATIONS

For integrated activities of the Cooperative State Research, Education, and Extension Service, the Committee recommends $48,218,000. This amount is $5,365,000 more than the 2002 level and $3,353,000 more than the budget request.

The following table summarizes the Committee's recommendations for integrated activities:

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE (CSREES)—INTEGRATED ACTIVITIES

[In thousands of dollars]

	Fiscal year 2002 enacted	Fiscal year 2003 budget	Committee recommendation
Critical Issues—Plant & Animal Diseases [1]		500	500
Rural Development Centers [1]		1,513	1,513
Water Quality	12,971	12,971	12,971
Food Safety	14,967	14,967	14,967
Pesticide Impact Assessment	4,531	4,531	4,531
International Science & Education Grants		1,000	
Crops at Risk from FQPA: Implementation	1,497	1,497	1,497
FQPA Risk Mitigation Program for Major Food Crop Systems	4,889	4,889	4,889
Methyl Bromide Transition Program	2,498	2,498	3,000

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE (CSREES)—INTEGRATED ACTIVITIES—Continued

[In thousands of dollars]

	Fiscal year 2002 enacted	Fiscal year 2003 budget	Committee recommendation
Organic Transition Program	1,500	499	1,750
Agriculture Technologies	.....	.....	2,600
Total	42,853	44,865	48,218

[1] Critical Issue SRGs and Rural Development Centers SRG and Smith-Lever 3(d) programs that were previously funded under Research & Education Activities and/or Extension Activities, are now reflected in Integrated Activities.

Organic transition program.—The organic transition program shall be administered by the Cooperative State, Research, Education, and Extension Service (CSREES) in order to address all issues that are applicable to the transition process to certified organic production, including soil and crop fertility; marketing; weed, insect, and other pest management; and other issues.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

Appropriations, 2002	$3,243,000
Budget estimate, 2003	3,243,000
Committee recommendation	3,493,000

This program is authorized under section 2501 of title XXV of the Food, Agriculture, Conservation, and Trade Act of 1990. Grants are made to eligible community-based organizations with demonstrated experience in providing education on other agriculturally-related services to socially disadvantaged farmers and ranchers in their area of influence. Also eligible are the 1890 land-grant colleges, Tuskegee University, Indian tribal community colleges, and Hispanic-serving postsecondary education facilities.

COMMITTEE RECOMMENDATIONS

For outreach for socially disadvantaged farmers, the Committee recommends an appropriation of $3,493,000. This amount is $250,000 more than the 2002 level and the budget request.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

Appropriations, 2002	$654,000
Budget estimate, 2003[1]	780,000
Committee recommendation	780,000

[1] Excludes $17,000 requested for employee pension and health benefits.

The Office of the Under Secretary for Marketing and Regulatory Programs provides direction and coordination in carrying out laws enacted by the Congress with respect to the Department's marketing, grading, and standardization activities related to grain; competitive marketing practices of livestock, marketing orders, and various programs; veterinary services; and plant protection and quarantine. The Office has oversight and management responsibilities for the Animal and Plant Health Inspection Service; Agricultural Marketing Service; and Grain Inspection, Packers and Stockyards Administration.

COMMITTEE RECOMMENDATIONS

For the Office of the Under Secretary for Marketing and Regulatory Programs, the Committee recommends an appropriation of $780,000. This is $126,000 more than the 2002 level and the same as the budget request.

The Committee is aware of the nutritional and economic benefits of farmers' market programs such as the WIC and Senior Farmers' Market Nutrition Programs, currently funded through the Food and Nutrition Service. These programs improve nutrition among low-income mothers, children and senior citizens by giving them access to locally grown fresh fruits and vegetables, as well as benefit the farmers who participate. The Committee directs the Under Secretary to work with the Under Secretary for Food, Nutrition and Consumer Services to study the potential for a broad Farmers' Market Program within the Agricultural Marketing Service, which would encompass the WIC Farmers' Market Nutrition Program, the Senior Farmers' Market Nutrition Program, and the recently authorized Farmers' Market Promotion Program. The Committee requests a report on the the Department's analysis for program recommendations, including cost estimates, by March 1, 2003.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

	Appropriations	User fees[1]	Total, APHIS appropriations
Appropriations, 2002[2]	$535,677,000	$84,813,000	$620,490,000
Budget estimate, 2003[3]	767,119,000	.....	767,119,000
Committee recommendation	735,673,000	.....	735,673,000

[1] Excludes additional resources from the Federal Agriculture Improvement and Reform [FAIR] Act of 1996 direct appropriation.

[2] Excludes $105,000,000 emergency supplemental appropriations provided by Public Law 107–117.

[3] Excludes $15,108,000 requested for employee pension and health benefits.

The Secretary of Agriculture established the Animal and Plant Health Inspection Service [APHIS] on April 2, 1972, under the authority of reorganization plan No. 2 of 1953, and other authorities. The major objectives of APHIS are to protect the animal and plant resources of the Nation from diseases and pests. These objectives are carried out under the major areas of activity, as follows:

Pest and disease exclusion.—The Agency conducts inspection and quarantine activities at U.S. ports of entry to prevent the introduction of exotic animal and plant diseases and pests. The Agency also participates in inspection, survey, and control activities in foreign countries to reinforce its domestic activities.

Agricultural quarantine inspection (AQI).—The agency collects user fees to cover the cost of inspection and quarantine activities at U.S. ports of entry to prevent the introduction of exotic animal and plant diseases and pests. The Federal Agriculture Improvement and Reform [FAIR] Act of 1996 (Public Law 104–127) provides that beginning in 2003, all AQI user fee collections will become available without the need for annual appropriations, and the program will operate like a typical user fee program, with spending determined by the demand for AQI services.

Plant and animal health monitoring.—The Agency conducts programs to assess animal and plant health and to detect endemic and exotic diseases and pests.

Pest and disease management programs.—The Agency carries out programs to control and eradicate pest infestations and animal diseases that threaten the United States; reduce agricultural losses caused by predatory animals, birds, and rodents; provide technical assistance to other cooperators such as States, counties, farmer or rancher groups, and foundations; and ensure compliance with interstate movement and other disease control regulations within the jurisdiction of the Agency.

Animal care.—The Agency conducts regulatory activities that ensure the humane care and treatment of animals and horses as the Animal Welfare and Horse Protection Acts require. These activities include inspection of certain establishments that handle animals intended for research, exhibition, and as pets, and monitoring certain horse shows.

Scientific and technical services.—The Agency performs other regulatory activities, including the development of standards for the licensing and testing of veterinary biologicals to ensure their safety and effectiveness; diagnostic activities to support the control and eradication programs in other functional components; applied research to reduce economic damage from vertebrate animals; development of new pest and animal damage control methods and tools; and regulatory oversight of genetically engineered products.

COMMITTEE RECOMMENDATIONS

For salaries and expenses of the Animal and Plant Health Inspection Service, the Committee recommends total funding of $735,673,000. This is $115,183,000 more than the 2002 appropriation and $31,446,000 less than the budget request.

This amount does not include an increase of $26,709,000 for rental payments to GSA, or $277,000 for FECA administrative charges, as requested in the budget.

The following table reflects the Committee's specific recommendations for the Animal and Plant Health Inspection Service:

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

[In thousands of dollars]

	Fiscal year 2002 enacted	Fiscal year 2003 budget request	Committee recommendation
Pest and disease exclusion:			
Agricultural quarantine inspection	47,254	69,591	64,188
User fees	[1] 84,813	([2])	.....

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—Continued

[In thousands of dollars]

	Fiscal year 2002 enacted	Fiscal year 2003 budget request	Committee recommendation
Subtotal, agricultural quarantine inspection	132,067	69,591	64,188
Cattle ticks	6,232	6,498	6,354
Foot-and-mouth disease/emerging foreign animal diseases	3,839	8,010	7,989
Import/export	8,132	10,379	9,556
Trade issues resolution and management	11,367	11,605	11,527
Fruit fly exclusion and detection	36,818	62,963	64,924
Screwworm	30,557	30,795	30,679
Tropical bunt tick	415	424	422
Total, pest and disease exclusion	229,427	200,265	195,639
Plant and animal health monitoring:			
Animal health monitoring and surveillance	70,931	93,786	93,526
Animal and plant health regulatory enforcement	8,101	8,479	8,538
Emergency Management System	4,044	11,133	11,043
Pest detection	6,844	26,933	26,880
Total, plant and animal health monitoring	89,920	140,331	139,987
Pest and disease management programs:			
Aquaculture	1,130	970	1,397
Biocontrol	8,759	9,430	9,118
Boll weevil	77,355	36,860	62,000
Brucellosis eradication	9,800	8,855	10,358
Chronic wasting disease	.....	7,233	14,900
Emerging plant pests	[3] 39,515	129,483	69,415
Golden nematode	810	658	630
Grasshopper	[3] 3,615	4,219	4,369
Gypsy moth	4,559	4,838	4,677
Imported fire ant	2,868	2,232	3,000
Johne's disease	3,000	3,122	21,000
Noxious weeds	1,255	1,182	1,611
Pink bollworm	1,866	1,732	1,666
Plum pox	.....	5,551	5,551
Pseudorabies	4,151	4,379	4,286
Scrapie eradication	3,119	22,543	8,178
Tuberculosis	8,694	19,816	14,895
Wildlife services operations	49,071	67,487	67,144
Witchweed	1,520	1,583	1,530
Total, pest and disease management	221,087	332,173	305,725
Animal care:			
Animal welfare	15,167	14,580	16,408
Horse protection	415	499	493
Total, animal care	15,582	15,079	16,901
Scientific and technical services:			
Biotechnology/environmental protection	10,516	11,273	10,997
Information technology infrastructure	1,748	4,602	4,602
Plant methods development laboratories	5,118	5,607	5,373
Veterinary biologics	11,763	13,436	13,167
Veterinary diagnostics	18,278	24,336	23,921
Wildlife services methods development	12,955	15,914	15,258
Total, scientific and technical services	60,378	75,168	73,318
Contingency fund	4,096	4,103	4,103
Total, salaries and expenses	620,490	767,119	735,673
Recap (salaries and expenses):			
Appropriated	535,677	767,119	735,673
Agricultural quarantine inspection user fees	84,813	.....	.....
Total, salaries and expenses	620,490	767,119	735,673

[1] Does not include additional AQI resources provided in the Federal Agricultural Improvement and Reform (FAIR) Act of 1996 direct appropriation.
[2] Does not require a direct appropriation in fiscal year 2003 by operation of the FAIR Act of 1996.
[3] Includes a transfer of $3,615,000 from the emerging plants pest account to the grasshopper account.

The Committee is unable to provide the full increases requested in the President's budget for the Animal and Plant Health Inspection Services. However, the Committee does provide increases for a number of specific animal and plant health programs. The Committee does not concur with the President's request to amend the Agriculture Risk Protection Act to prevent the Secretary of Agriculture from transferring funds from the Commodity Credit Corporation to combat emergencies for plant pest or noxious weed infestations that the Commodity Credit Corporation funded the previous year. The Committee directs the Secretary to continue use of contingency funding from Commodity Credit Corporation monies, as in past fiscal years, to cover needs as identified in the President's budget and any additional emergencies as the Secretary determines necessary.

Pest and Disease Exclusion

AQI.—For fiscal year 2003, the Committee provides an appropriation of $64,188,000 for the AQI appropriated account. The Committee provides an increase of $3,000,000 above the budget request to conduct preclearance quarantine inspections of persons, baggage, cargo, and other articles destined for movement from the State of Hawaii to the continental United States, Guam, Puerto Rico, or the United States Virgin Islands.

The Committee urges the Department to establish protocols that allow shipment of untreated fruits and vegetables grown in Hawaii to cold-weather States during winter months while maintaining reasonable assurances that potential transshipment of such produce will not jeopardize the phytosanitary standards of warm weather States.

The Committee continues its interest in more efficient and less disruptive inspection of passengers and cargo at Hawaii airports and, from within available funds, directs APHIS to provide not less than the number of inspectors and inspection equipment required in the APHIS-Hawaii staffing plan for fiscal year 2002. The Committee also encourages the agency to aggressively identify and evaluate flexible hiring and staff deployment arrangements, such as the Senior Environmental Employment Program, to minimize overtime rates charged to agricultural shippers. The Committee further encourages APHIS to acquire and deploy commercially available, state-of-the art inspection technology and equipment for key ports of entry, such as Hawaii, to screen passenger luggage for banned agricultural products to reduce the introduction of dangerous agricultural pests and diseases in the United States.

The Committee urges APHIS to continue working closely with U.S. avocado growers to implement procedures for the importation of Mexican avocados. The Committee directs APHIS to report on the status of Mexican avocado imports, including problems in pest surveys, oversight by APHIS personnel, and the diversion of Mexican avocados to other than approved destinations. The Committee directs APHIS to include independent, third party scientists in the development of any pest risk assessment for Mexican avocados, prior to the publication of any such pest risk assessment in the Federal Register. The Committee also directs APHIS to report to Congress prior to publishing any rules expanding the approved areas or lengthening time periods for the importation of Mexican avocados.

Fruit fly exclusion and detection.—The Committee provides $64,924,000 for the fruit fly exclusion and detection program, which includes an increase of $23,258,000 to enhance international activities to prevent Medflies from moving into the United States, and an increase of $3,182,000 to enhance activities at U.S. borders.

Plant and animal health monitoring

Animal health monitoring and surveillance.—The Committee provides $93,526,000 for the Animal Health Monitoring and Surveillance account. The Committee provides continued funding of $750,000 for a cooperative agreement with the Wisconsin Animal Health Consortium for ongoing activities related to animal and animal-based product tracking and database management. The Committee also provides continued funding of $500,000 for the National Farm Animal Identification and Records Project, and an increase of $300,000 for the New Mexico Rapid Syndrome Validation Program to develop an early detection and reporting system for infectious animal diseases. The Committee encourages APHIS to work with the Wisconsin Animal Health Consortium, the National Farm Animal Identification and Records Project, and the Rapid Syndrome Validation Program to ensure that program duplication does not occur, and to develop a coordinated, comprehensive plan for future activities. The Committee requests a report on the progress on the development of this plan by April 1, 2003.

The Committee provides $100,000, an increase of $50,000 above the fiscal year 2002 level, to continue the cooperative agreement with the Murray State University, Breathitt Veterinary Center, Hopkinsville, KY, to determine the impact on animal health from common agricultural chemical usage.

The Committee provides an increase of $1,000,000 toward the placement of alkaline digesters for destroying and disposing of animal carcasses suspected of transmissible spongiform encephalopathy infection and other animal diseases. Of this amount, the Committee provides $750,000 for Auburn University College of Veterinary Medicine at the J.B. Taylor Diagnostic Laboratory in Elba, AL, and $250,000 for the Mississippi Animal Disease and Research Diagnostic Laboratory in Jackson, MS.

The Committee is concerned about the recent avian influenza outbreak that has resulted in the destruction of poultry flocks in order to contain the disease. The Committee recommends that the Department implement a program to control and eradicate this disease, with inclusion of such a program in the President's fiscal year 2004 budget request.

Animal and plant health regulatory enforcement.—The Committee provides an increase of $160,000 for the animal and plant health regulatory enforcement account for additional activities in support of increased Animal Welfare Act compliance inspections.

The Committee is very concerned about reports of illegal animal fighting activities and directs the Secretary to work with relevant agencies on the most effective and proper means for investigating and enforcing laws and regulations regarding these activities. The Committee requests that the Secretary provide a report by March 1, 2003, on actions taken to address this matter.

Emergency management systems.—The Committee provides $11,043,000 for the emergency management systems program. The Committee encourages APHIS to work with the North Carolina Department of Agriculture's Emergency Programs Division to establish a viable and effective disease surveillance and detection program for the prevention or rapid control of potential foreign animal diseases, plant pests, or similarly dangerous pathogens, toxins, and hazardous substances.

Pest detection.—The Committee provides an increase of $175,000 above the budget request for the pest detection program for a baseline survey of pinewood nematode in Alaska to comply with phytosanitary export requirements necessary to export timber.

Pest and disease management

Aquaculture.—The Committee provides $1,397,000 for the aquaculture program, an increase of $247,000 above the fiscal year 2002 level. The Committee provides an increase of $100,000 from the fiscal year 2002 level to expand telemetry and population dynamics studies to develop environmentally and economically sustainable methods to help catfish farmers manage cormorant and pelican populations. The Committee also provides an increase of $150,000 to create, manage, and operate an Invasive Aquatic Species Program with the Florida Department of Agriculture and Consumer Services.

Boll weevil.—The Committee provides $62,000,000 for fiscal year 2003 to continue the Boll Weevil Eradication Program. This funding will provide the active eradication zone areas with a 30 percent cost share and possible exceptions to address special funding requirements arising from extraordinary circumstances in some States.

Brucellosis eradication.—The Committee provides $558,000 above the fiscal year 2002 level for the bruccellosis program. This amount continues funding of $750,000 for the State of Montana to protect the State's brucellosis-free status and for the operation of the bison quarantine facility and the testing of bison that surround Yellowstone National Park.

The Committee provides $900,000, an increase of $300,000 above the fiscal year 2002 level, for the Greater Yellowstone Interagency Brucellosis Committee, and encourages the coordination of Federal, State, and private actions to eliminate brucellosis from wildlife in the Greater Yellowstone area. This amount shall be equally divided between the States of Idaho, Montana, and Wyoming.

The Committee provides an increase of $100,000 for the Arkansas Livestock and Poultry Commission Brucellosis Program.

Chronic wasting disease.—The Committee is very concerned about the escalating number of deer and elk in different regions of the U.S. testing positive for chronic wasting disease and provides $14,900,000, which is $7,667,000 above the budget request, to expand the chronic wasting disease certification and control program to include additional surveillance and disease control activities with free-ranging cervids, and to increase State testing capacity for the timely identification of the presence of this disease.

The Committee is aware of the development of a rapid prion assay that would more effectively test for BSE in meat processing facilities and for Chronic Wasting Disease in the field for evaluating wild game. The Committee directs the Department to undertake a review of this testing technology and, if warranted, to move forward with a pilot program using this technology.

Emerging plant pests.—The Committee provides an increase of $29,900,000 above the fiscal year 2002 level for emerging plant pests. Within this total, the Committee provides $9,000,000 for Pierce's disease; $8,000,000 for the Asian long-horned beetle program in Illinois and New York, of which no less than $1,500,000 shall be for activities in the area of Chicago, IL; $10,000,000 for citrus canker; and $2,000,000 for sudden oak death syndrome. The Committee expects the Secretary to make funds available from the Commodity Credit Corporation for activities related to these and other plant pests in fiscal year 2003, as necessary.

The Committee is aware that APHIS has a compensation program in place for wheat producers, grain handlers, and facilities that Karnal Bunt impacts. However, the compensation provided for handlers and facilities does not adequately represent the costs these facilities incur when they receive deliveries of Karnal Bunt-infected wheat. This inadequate compensation has led to many facilities refusing to participate in activities to prevent the spread of Karnal Bunt in the United States. Due to the serious threat that Karnal Bunt poses to U.S. wheat production and exports, the Committee expects APHIS to work with the grain handling industry to develop an adequate compensation plan, and to report back to the Committee on its recommendations and actions no later than March 1, 2003.

The Committee notes that APHIS signed a cooperative agreement with the Washington State Department of Agriculture to survey and eradicate the citrus longhorned beetle. The Committee recognizes that the citrus longhorned beetle presents a severe threat to hardwood trees and tree fruit crops, and urges APHIS to direct the resources necessary to eradicate the citrus longhorned beetle.

Grasshopper.—The Committee provides $4,369,000 for the grasshopper account, an increase of $150,000 above the budget request. Of this amount, no less than $650,000 shall be for grasshopper and Mormon cricket activities in the State of Utah: $150,000 to prepare necessary environmental documents, and $500,000 to continue control measures; and no less than $300,000 shall be for grasshopper and Mormon cricket activities in the State of Nevada, including survey, control, and eradication of crickets.

Imported fire ant.—The Committee provides $3,000,000 for the imported fire ant account, $868,000 above the budget request, to continue sharing responsibility with the States to conduct detection and nursery surveys; compliance monitoring; enforcement for quarantine of nursery stock; and production, field release, and evaluation of promising control agents. This amount includes an increase of $260,000 to the State of Tennessee for additional control activities.

Johne's disease.—The Committee provides $21,000,000 for Johne's disease, which is $17,946,000 above the budget request, to expand the agency's efforts to coordinate State certification programs for herd-testing, and

to provide additional assistance to States to develop herd management plans that comply with APHIS's national standards for certification. The Committee expects APHIS to work with the Agricultural Research Service to coordinate activities to research and develop an effective diagnostic test for Johne's disease with appropriate field validation and methods development.

Noxious weeds.—The Committee provides $1,611,000 for the noxious weeds account, which is an increase of $356,000 above the fiscal year 2002 level. This amount includes an increase of $100,000 for the Nez Perce Bio-Control Center to increase the availability and distribution of biological control organisms used in an integrated weed management system. The Committee provides an increase of $250,000 for implementation of an invasive species program to prevent the spread of cogongrass in Mississippi, and requests that the agency take necessary steps to address this invasive weed as a regional infestation problem, and provide a report on those activities by March 1, 2003.

The Committee continues its concern for the serious threat to pastures and watersheds resulting from the introduction of alien weed pests, such as gorse and miconia, into Hawaii, and directs APHIS to work with the Hawaii Department of Agriculture and the Natural Resources Conservation Service to develop an integrated approach, including environmentally safe biological controls, for eradicating these pests, and to provide funds as necessary.

Scrapie eradication.—The Committee provides $8,178,000, an increase of $5,059,000 above the fiscal year 2002 level, for the scrapie eradication program, and directs the Secretary to use funds from the CCC, as necessary, for additional eradication activities in fiscal year 2003.

Tuberculosis.—The Committee provides $14,895,000 for the tuberculosis program. Of this amount, no less than $5,000,000 shall be for activities in Michigan. The Committee is concerned about the potential threats that wildlife poses for transmitting tuberculosis to domestic livestock and directs the agency to increase technical and operational assistance to Michigan producers to prevent or reduce the transmission of tuberculosis between wildlife and cattle. The Committee also encourages the agency to continue its research for developing methods to minimize the interaction between wildlife and livestock. The Committee directs the Secretary to use funds from the CCC, as necessary, for additional surveillance and eradication activities in fiscal year 2003.

Wildlife services operations.—The Committee does not concur with the President's request to reduce funding in the wildlife services operations account to allow cooperators to assume a larger share of the costs associated with preventing and reducing wildlife damage. The Committee restores fiscal year 2002 funding to continue cooperating with States to conduct wildlife management programs such as livestock protection, migratory bird damage to crops, invasive species damage, property damage, human health and safety, and threatened and endangered species protection.

The Committee is pleased with the success of the oral rabies vaccination program and provides an increase of $6,600,000 for rabies control activities in fiscal year 2003. The Committee directs the Secretary to use funds from the CCC, as necessary, for additional control activities in fiscal year 2003. Of the amount provided, no less than $350,000 shall be for operations in Maryland.

The Committee provides an increase of $1,636,000 to fully implement the recommendations of the Aviation Safety Review Committee.

The Committee provides an increase of $6,225,000 to conduct wildlife monitoring and surveillance activities to prevent the spread of foreign animal diseases in the United States. Of this amount, $2,000,000 is for remote diagnostic and wildlife disease surveillance activities with North Dakota State University and Dickinson State University.

The Committee is concerned about the growing number of livestock that are killed or injured by preying animals, especially wolves, in the Western Great Lakes and Southwest regions of the United States. The Committee provides an increase of $1,400,000 for integrated predation management activities in Minnesota, Wisconsin, Michigan, Arizona, and New Mexico. Of this amount, no less than $1,200,000 shall be available for activities in the Western Great Lakes States.

The Committee provides continued funding of $1,300,000 for the Tri-state predator control program for livestock operators in Montana, Idaho, and Wyoming. Due to the increase in federally listed endangered species, the States' operations accounts for wildlife services have suffered financially.

The Committee provides continued funding of $625,000 for a cooperative agreement with the University of Georgia, Auburn University, and the Wildlife Services Operations in the State of Georgia to address the fluctuations in game bird and predator species resulting from recent changes in land use throughout the southeastern United States.

The Committee provides continued funding of $300,000 for the operation of the State Wildlife Services office in Hawaii to provide on-site coordination of prevention and control activities in Hawaii and the American Pacific. The Committee also continues funding of $500,000 for the Hawaii Department of Agriculture to coordinate and operate a comprehensive brown tree snake prevention and detection program for Hawaii and to initiate eradication and control of coqui frogs.

The Committee provides $750,000, an increase of $150,000 above the fiscal year 2002 funding level, for wildlife service operations with the South Dakota Department of Game, Fish, and Parks to meet the growing demands of controlling predatory, nuisance, and diseased animals.

The Committee provides $550,000, an increase of $100,000 from the fiscal year 2002 level, for the management of beavers in Mississippi. The Committee commends the agency's assistance in cooperative relationships with local and Federal partners to reduce beaver damage to cropland and forests.

The Committee provides an increase of $200,000 to support the establishment of a USDA, APHIS, Wildlife Services State Office in Pennsylvania to address escalating wildlife-related nuisance and property damage complaints in rural and urban Pennsylvania.

The Committee provided $240,000 in fiscal year 2002 for the agency to conduct an environmental impact study for cattail management and blackbird control activities. The Committee provides continued funding at the fiscal year 2002 level of $240,000 to implement control measures for minimizing blackbird damage to sunflowers in North Dakota and South Dakota. The Committee continues the fiscal year 2002 funding level of $150,000 for blackbird management efforts in Louisiana.

The Committee provides an increase of $500,000 to assist the Nevada Division of Wildlife with returning displaced wildlife back to its natural habitat. This rescue initiative shall be a cooperative effort between Federal, State, local, and private sources.

The Committee provides an increase of $300,000 for a cooperative agreement with the Eastern Idaho Sandhill Crane Lure Crop Project for integrated predator management activities to reduce sandhill crane depredations and grain crop damage in Eastern Idaho.

Animal Care

Animal welfare.—The Committee provides an increase of $800,000 from the fiscal year 2002 funding level for the Animal Care Unit for enforcement of the Animal Welfare Act.

The Committee does not assume collections from unauthorized animal welfare inspection user fees, as proposed in the President's budget.

Scientific and Technical Services

Veterinary diagnostics.—The Committee provides $23,921,000 for the veterinary diagnostics account for fiscal year 2003. The Committee notes that the Secretary is utilizing $10,000,000 from Public Law 107–117 to coordinate a comprehensive, modernized national animal health laboratory network for addressing emergent biological and chemical threats to animal agriculture and the U.S. food supply, and encourages the department to continue efforts for this activity.

Wildlife services methods development.—The Committee provides $15,258,000 for wildlife services methods development, which is $1,836,000 above the budget request. Of this amount, the Committee provides an increase of $300,000 from the fiscal year 2002 level to enhance existing research efforts at the National Wildlife Research Center field station in Starkville, MS, for resolving problems regarding bird damage to aquaculture farms in the Southeast. The Committee also provides an increase of $700,000 from the fiscal year 2002 level to expand the existing program at the Jack Berryman Institute for addressing wildlife damage management issues, including wildlife disease threats and wildlife economics, and facilitating a cooperative relationship with the Mississippi Agricultural and Forestry Experiment Station. The Committee emphasizes the importance of close collaboration between the Jack Berryman Institute and the National Wildlife Research Center. The remaining increase, beyond pay costs, is for maintenance and operations necessary to support wildlife methods development at the National Wildlife Research Center in Fort Collins, CO.

The Committee provides continued funding of $240,000 for the cooperative agreement with the Hawaii Agriculture Research Center for rodent control only in active agricultural areas.

Projects identified in Senate Report 107–41 and Conference Report 107–275 that the Committee directed to be funded for fiscal year 2002 are not funded for fiscal year 2003 unless specifically mentioned herein.

In complying with the Committee's directives, the Committee expects APHIS not to redirect support for programs and activities without prior notification to and approval by the House and Senate Committees on Appropriations in accordance with the reprogramming procedures specified in the Act. Unless otherwise directed, the Animal and Plant Health Inspection Service shall implement appropriations by programs, projects, and activities as specified by the Appropriations Committees. Unspecified reductions necessary to carry out the provisions of this Act are to be implemented in accordance with the definitions contained in the ''Program, project, and activity'' section of this report.

BUILDINGS AND FACILITIES

Appropriations, 2002[1]	$7,189,000
Budget estimate, 2003	13,189,000
Committee recommendation	13,189,000

[1] Excludes $14,081,000 in emergency supplemental appropriations provided by Public Law 107–117.

The APHIS appropriation for ''Buildings and Facilities'' funds major nonrecurring construction projects in support of specific program activities and recurring construction, alterations, preventive maintenance, and repairs of existing APHIS facilities.

The following table represents the Committee's specific recommendation for this account as compared to the fiscal year 2002 and budget request levels:

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

[In thousands of dollars]

	Fiscal year 2002 enacted	Fiscal year 2003 budget request	Committee recommendation
Basic buildings and facilities repair, alterations, and preventative maintenance	1,996	4,996	4,996
Plum Island, NY	3,193	3,193	3,193
Miami Animal Import Center, FL	2,000	5,000	5,000
Total, Buildings and Facilities	7,189	13,189	13,189

COMMITTEE RECOMMENDATIONS

For buildings and facilities of the Animal and Plant Health Inspection Service, the Committee recommends an appropriation of $13,189,000. This amount is $6,000,000 more than the 2002 level and the same as the budget request.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

Appropriations, 2002	$71,430,000
Budget estimate, 2003[1]	75,411,000
Committee recommendation	75,411,000

[1] Excludes $2,278,000 requested for employee pension and health benefits.

The Agricultural Marketing Service was established by the Secretary of Agriculture on April 2, 1972. AMS carries out programs authorized by some 31 different statutory authorities, the primary ones being the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627); the U.S. Cotton Standards Act (7 U.S.C. 51–65); the Cotton Statistics and Estimates Act (7 U.S.C. 471–476); the Tobacco Inspection Act (7 U.S.C. 511–511q); the Perishable Agricultural Commodities Act (7 U.S.C. 499a–499s); the Egg Products Inspection Act (21 U.S.C. 1031–1056); and section 32 (15 U.S.C. 713c).

Programs administered by this Agency include the market news services, payments to States for marketing activities, the Plant Variety Protection Act, the Federal administration of marketing agreements and orders, standardization, grading, classing, and shell egg surveillance services, transportation services, and market protection and promotion.

COMMITTEE RECOMMENDATIONS

For marketing services of the Agricultural Marketing Service, the Committee recommends an appropriation of $75,411,000. This amount is $3,981,000 more than the 2002 appropriation and the same as the budget request. This amount does not include an increase of $709,000 for rental payments to GSA, or $167,000 for FECA administrative charges, as requested in the budget.

The Committee provides $14,843,000 for the Pesticide Data Program, as requested in the budget. The Committee recognizes the importance of the Pesticide Data Program (PDP) to collect reliable, scientific-based pesticide residue data that benefits consumers, food processors, crop protection, pesticide producers, and farmers. The PDP is of particular importance since the passage of the Food Quality Protection Act, which requires thorough re-evaluation of agricultural pesticides and tolerances for uses on individual crops. The PDP is an effective tool to maintain the availability of critical products which allow the production of safe and affordable foods.

The Committee encourages the Department to make grants to the Kenai Peninsula Borough and Alaska regional marketing organizations to promote wild salmon.

The Committee provides $6,000,000 for costs associated with implementing the Livestock Mandatory Price Reporting Act of 1999.

The State of Alaska has developed the Alaska Grown Program to promote the sale of Alaskan products in both military and civilian markets. The Committee fully supports this program and expects the Department again to give full consideration to funding applications submitted for the Alaska Grown Program, which includes Alaska agricultural products and seafood harvested in the State. The Alaska Grown Program should coordinate with other regional marketing entities such as the Alaska Fisheries Development Foundation and the Lower Kuskokwim Economic Development Council.

The amount provided also includes $6,256,000 for the microbiological data program so that baselines may be established for the incidence, number and types of foodborne microorganisms. The Committee expects AMS to coordinate with other agencies of USDA, other public health agencies of the government, and industry to avoid duplication of effort and to ensure that the data collected can be used by all interested parties.

The Committee is aware of the unique factors that affect dairy production in Alaska. Because of these factors, only 51 percent of Alaska's dairy needs can be produced in-State. Further, because of the perishable nature of milk and the cost to ship it, alternatives to increase milk production at Alaska's existing State-owned facility, Matanuska Maid Dairy, must be sought. Therefore, the Committee expects AMS, working with other USDA agencies, to continue its assistance to the State of Alaska in addressing this unique problem.

The Committee requests a report on the treatment of organic agricultural products under Federal marketing order regulations.

The Committee is concerned with the allocation of independent voting members on the Cranberry Marketing Committee and encourages the Secretary, beginning with the 2003 nominations, to allocate independent voting members seats on the Cranberry Marketing Committee in a manner that provides for representation by District to the total Independent Cranberry crop. Districts may be combined in order to obtain this result. Allocation of Alternate Voting members should be utilized to guarantee that each District will have at a minimum an Alternate Member as a representative of the Committee.

LIMITATION ON ADMINISTRATIVE EXPENSES

Limitation, 2002	($60,596,000)
Budget limitation, 2003[1]	(61,619,000)
Committee recommendation	(61,619,000)

[1] Excludes $1,836,000 requested for employee pension and health benefits.

The Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35) initiated a system of user fees for the cost of grading and classing tobacco, cotton, naval stores, and for warehouse examination. These activities, authorized under the U.S. Cotton Standards Act, the Tobacco Inspection Act, the Naval Stores Act, the U.S. Warehouse Act, and other provisions of law are designed to facilitate commerce and to protect participants in the industry.

COMMITTEE RECOMMENDATIONS

The Committee recommends a limitation on administrative expenses of the Agricultural Marketing Service of $61,619,000. This amount is $1,023,000 more than the 2002 funding level and the same as the budget request.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY

(SECTION 32)

MARKETING AGREEMENTS AND ORDERS

Appropriations, 2002	$13,995,000
Budget estimate, 2003	[1] 14,910,000
Committee recommendation	14,910,000

[1] Excludes $575,000 requested for employee pension and health benefits.

Under section 32 of the act of August 24, 1935, (7 U.S.C. 612c), an amount equal to 30 percent of customs receipts collected during each preceding calendar year and unused balances are available for encouraging the domestic consumption and exportation of agricultural commodities. An amount equal to 30 percent of receipts collected on fishery products is transferred to the Department of Commerce. Additional transfers to the child nutrition programs of the Food and Nutrition Service have been provided in recent appropriations Acts.

The following table reflects the status of this fund for fiscal years 2001–2003:

SECTION 32 ESTIMATED TOTAL FUNDS AVAILABLE AND BALANCE CARRIED FORWARD—FISCAL YEARS 2001–2003

	Fiscal year—		
	2001 actual	2002 estimate	2003 estimate
Appropriation (30 percent of Customs Receipts)	$5,738,448,921	$6,139,942,369	$5,798,093,321
Agricultural Risk Protection Act (Public Law 106–224)	200,000,000		
Less Rescission			
Less Transfers:			
Food and Nutrition Service	−5,127,579,000	−5,172,458,000	−4,745,663,000
Commerce Department	−72,827,819	−79,126,813	−75,223,977
Total, Transfers	−5,200,406,819	−5,251,584,813	−4,820,886,977

SECTION 32 ESTIMATED TOTAL FUNDS AVAILABLE AND BALANCE CARRIED FORWARD—FISCAL YEARS 2001–2003—Continued

	Fiscal year—		
	2001 actual	2002 estimate	2003 estimate
Budget Authority	738,042,102	888,357,556	977,206,344
Unobligated Balance Available, Start of Year	241,269,708	107,824,527	131,935,093
Recoveries of Prior Year Obligations	3,254,060	0	0
Available for Obligation	982,565,870	996,182,083	1,109,141,437
Less Obligations:			
Commodity Procurement:			
Child Nutrition Purchases	400,000,000	400,000,000	[1] 15,000,000
State Option Contract		878,000	5,000,000
Removal of Defective Commodities		0	1,000,000
Fruit and Vegetable Pilot Project	0	6,000,000	0
Emergency Surplus Removal	200,234,102	260,000,000	56,800,000
Diversion Payments	11,900,000	0	0
Direct Payments	39,700,000	172,867,307	937,000,000
Lamb Grading and Certification Support	957,317	592,683	1,000,000
Specialty Crop Purchases	199,990,628	0	0
Estimated Future Purchases		0	67,698,437
Total, Commodity Procurement	852,782,047	840,337,990	1,083,498,437
Administrative Funds:			
Commodity Purchase Service	8,964,131	9,914,000	10,733,000
Marketing Agreements & Orders	12,995,165	13,995,000	14,910,000
Total, Administrative Funds	21,959,296	23,909,000	25,643,000
Total, Obligations	874,741,343	864,246,990	1,109,141,437
Unobligated Balance Available, End Of Year	107,824,527	131,935,093	0

[1] The remainder of Child Nutrition entitlement purchases will be made using unobligated balances in the Child Nutrition Programs and the Commodity Credit Corporation.

COMMITTEE RECOMMENDATIONS

The Committee recommends a transfer from section 32 funds of $14,910,000 for the formulation and administration of marketing agreements and orders. This amount is $915,000 more than the 2002 level and the same as the budget estimate.

In previous fiscal years, section 32 funds have been spent to purchase and distribute salmon for donation to schools, institutions, and other domestic feeding programs. The Committee expects the Agricultural Marketing Service [AMS] to continue to assess the existing inventories of pink salmon, salmon nuggets, and pouched salmon and determine whether or not there is a surplus and continued low prices in fiscal year 2003. The Committee also expects the AMS to assess existing inventories of surplus Alaska grown potatoes. If there is a surplus of potatoes or a surplus of salmon and continued low prices in fiscal year 2003, the Committee expects the Department to purchase surplus salmon for use in the aforementioned feeding programs or for humanitarian food aid.

PAYMENTS TO STATES AND POSSESSIONS

Appropriations, 2002	$1,347,000
Budget estimate, 2003	1,347,000
Committee recommendation	1,347,000

The Federal-State Marketing Improvement Program [FSMIP] is authorized by section 204(b) of the Agricultural Marketing Act of 1946 and is also funded from appropriations. Payments are made to State marketing agencies to: identify and test market alternative farm commodities; determine methods of providing more reliable market information, and develop better commodity grading standards. This program has made possible many types of projects, such as electronic marketing and agricultural product diversification. Current projects are focused on the improvement of marketing efficiency and effectiveness, and seeking new outlets for existing farm produced commodities. The legislation grants the U.S. Department of Agriculture authority to establish cooperative agreements with State departments of agriculture or similar State agencies to improve the efficiency of the agricultural marketing chain. The States perform the work or contract it to others, and must contribute at least one-half of the cost of the projects.

COMMITTEE RECOMMENDATIONS

For payments to States and possessions for Federal-State marketing projects and activities, the Committee provides $1,347,000. This amount is the same as the 2002 appropriation and the budget request.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2002	$33,117,000
Budget estimate, 2003[1]	41,164,000
Committee recommendation	44,475,000

[1] Excludes $1,744,000 requested for employee pension and health benefits.

The Grain Inspection, Packers and Stockyards Administration [GIPSA] was established pursuant to the Secretary's 1994 reorganization. Grain inspection and weighing programs are carried out under the U.S. Grain Standards Act and other programs under the authority of the Agricultural Marketing Act of 1946, including the inspection and grading of rice and grain-related products; conducting official weighing and grain inspection activities; and grading dry beans and peas, and processed grain products. Under the Packers and Stockyards Act, assurance of the financial integrity of the livestock, meat, and poultry markets is provided. The administration monitors competition in order to protect producers, consumers, and industry from deceptive and fraudulent practices which affect meat and poultry prices.

COMMITTEE RECOMMENDATIONS

For salaries and expenses of the Grain Inspection, Packers and Stockyards Administration, the Committee recommends an appropriation of $44,475,000. This amount is $11,358,000 more than the 2002 appropriation and $3,311,000 more than the budget request.

This amount does not include an increase of $1,418,000 for rental payments to GSA, or $41,000 for FECA administrative charges, as requested in the budget.

The Committee provides $400,000 for market contract catalog reporting activities. Additional increases are provided to enhance concentration and other anti-competitve investigative activities.

The Committee does not assume the $28,848,000 in net savings from collections from new user fees proposed in the budget.

The Committee expects the Department to continue the market catalog reporting.

The Committee provides an increase to GIPSA of $2,311,000 for fiscal year 2003 and includes funds for the agency to work with the Iowa Corn Growers Association and the Iowa Department of Agriculture to further develop a pilot process verification program. The program will establish agricultural interpretation of ISO standards, so that the principles can be used on-farm as well as train farmers to participate in quality assurance program based on ISO 9000 principles during the planning, planting, harvest, and handling of feed grains. The program could also be used to assist with the orderly handling of new biotech varieties.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Limitation, 2002	($42,463,000)
Budget limitation, 2003	(42,463,000)
Committee recommendation	(42,463,000)

The Agency provides an official grain inspection and weighing system under the U.S. Grain Standards Act [USGSA], and official inspection of rice and grain-related products under the Agricultural Marketing Act [AMA] of 1946. The USGSA was amended in 1981 to require the collection of user fees to fund the costs associated with the operation, supervision, and administration of Federal grain inspection and weighing activities.

COMMITTEE RECOMMENDATIONS

The Committee recommends a $42,463,000 limitation on inspection and weighing services expenses. This amount is the same as the 2002 level and the budget request.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

Appropriations, 2002	$476,000
Budget estimate, 2003[1]	780,000
Committee recommendation	780,000

[1] Excludes $17,000 requested for employee pension and health benefits.

The Office of the Under Secretary for Food Safety provides direction and coordination in carrying out the laws enacted by the Congress with respect to the Department's inspection of meat, poultry, and egg products. The Office has oversight and management responsibilities for the Food Safety and Inspection Service.

COMMITTEE RECOMMENDATIONS

For the Office of the Under Secretary for Food Safety, the Committee recommends an appropriation of $780,000. This amount is $304,000 more than the 2002 level and the same as the budget request.

FOOD SAFETY AND INSPECTION SERVICE

Appropriations, 2002[1]	$715,642,000
Budget estimate, 2003[2]	763,049,000
Committee recommendation	759,759,000

[1] Excludes $15,000,000 in emergency supplemental appropriations provided by Public Law 107–117.

[2] Excludes $40,549,000 requested for employee pension and health benefits.

The major objectives of the Food Safety and Inspection Service are to assure that meat and poultry products are wholesome, unadulterated, and properly labeled and packaged, as required by the Federal Meat Inspection Act and the Poultry Products Inspection Act; and to provide continuous in-plant inspection to egg processing plants under the Egg Products Inspection Act.

The Food Safety and Inspection Service was established on June 17, 1981, by Secretary's Memorandum No. 1000–1, issued pursuant to Reorganization Plan No. 2 of 1953.

The inspection program of the Food Safety and Inspection Service provides continuous in-plant inspection of all domestic plants preparing meat, poultry or egg products for sale or distribution; reviews foreign inspection systems and establishments that prepare meat or poultry products for export to the United States; and provides technical and financial assistance to States which maintain meat and poultry inspection programs.

COMMITTEE RECOMMENDATIONS

For the Food Safety and Inspection Service, the Committee recommends an appropriation of $759,759,000. This amount is $44,117,000 more than the 2002 level and $3,290,000 less than the budget request.

This amount does not include an increase of $7,256,000 for rental payments to GSA, or $1,035,000 for FECA administrative charges, as requested in the budget.

The Committee has provided an increase of $97,000 from the fiscal year 2002 funding level for activities related to the Codex Alimentarius.

The Committee provides an increase of $5,000,000 for FSIS to hire inspection personnel to work solely on enforcement of the Humane Methods of Slaughter Act (HMSA). The Committee is extremely concerned that although the HMSA requires that livestock be rendered unconscious before they are slaughtered, FSIS does not have adequate inspection personnel dedicated to checking for or reporting violations of the HMSA. The Committee recognizes that all inspectors are instructed to stop the production line as soon as an HMSA violation is observed. However, the Committee does not believe this is the most effective and efficient tool to prevent these violations. The Committee strongly believes that stronger HMSA enforcement will not only reduce animal suffering, but also decrease the chances that plant workers and inspection personnel will be injured by an animal conscious and reacting to pain. Therefore, the Committee directs that these funds be used to hire at least 50 additional inspection personnel to work solely on HMSA enforcement through full-time ante-mortem inspection, particularly unloading, handling, stunning and killing of animals at slaughter plants. The Committee further expects that the 17 District Veterinary Medical Specialist positions created in fiscal year 2001 will continue in fiscal year 2003.

The Committee is aware that FSIS uses two methods to determine whether the inspection systems of foreign countries that sell meat and poultry to the United States meet the same standards as our domestic meat inspection system. These methods include USDA audits of foreign plants and laboratories, and USDA inspection of foreign meat and poultry at the U.S. border. While all meat and poultry items which cross the border are subject to inspection, the Committee understands that less than 1 percent of all such food items are currently inspected. The Committee believes that both of these activities need to be enhanced in order to protect consumers from intentionally or unintentionally contaminated foreign meat and poultry, and supplemental funds were provided in fiscal year 2002 to enhance these activities. Accordingly, when a significant number of plants initially audited in a particular country fail to meet U.S. safety standards, the Committee expects the Department to exercise all authorities to appropriately limit imports from all plants in that country that have not been audited in the previous 12 months, as well as imports from those plants that failed initial audits until subsequent findings establish that proper inspection systems are in place.

The Committee is extremely concerned with recent reports of food safety violations and the quantity of product recalls necessary to ensure public safety and consumer confidence. As the Federal agency charged with ensuring the safety of meat and poultry in this country, the Committee fully expects FSIS to stringently enforce its safety standards, and to work with industry to diligently fulfill its responsibilities to American consumers. The Committee notes that the General Accounting Office (GAO) is preparing to release a report regarding FSIS and its inspection services, and strongly encourages FSIS to promptly and fully respond to recommendations made in that report. The Committee directs FSIS to provide a detailed report to the Committee within 60 days of the publication of the GAO report on the FSIS response, and all activities FSIS is undertaking to correct any problems identified.

The Committee directs FSIS to submit a report on the status of its regulatory effort to establish science-based performance standards for on-line antimicrobial reprocessing of pre-chill poultry carcasses, including a timeline for completion, within 60 days of enactment of this Act.

The following table represents the Committee's specific recommendations for the Food Safety and Inspection Service as compared to the fiscal year 2002 and budget request levels:

FOOD SAFETY AND INSPECTION SERVICE SALARIES AND EXPENSES

[In thousands of dollars]

	Fiscal year 2002 enacted[1]	Fiscal year 2003 budget request[2]	Committee recommendation
Federal food inspection	608,730	651,816	649,082
Import/export inspection	12,127	12,907	12,767
Laboratory services	36,548	38,829	38,440
Field automation	8,005	8,005	8,005
Grants to States	42,517	43,672	43,672
Special assistance for State programs	5,220	5,220	5,220
Codex Alimentarius	2,495	2,600	2,573
Total	715,642	763,049	759,759
Food safety inspection:			
Federal	638,513	682,624	679,502
State	47,418	49,702	49,702
International	15,344	16,251	16,110
Codex	2,495	2,600	2,573
FAIM	11,872	11,872	11,872
Total	715,642	763,049	759,759

[1] Excludes $15,000,000 in emergency supplemental appropriations provided by Public Law 107–117.

[2] Excludes $40,549,000 requested for employee pension and health benefits.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

Appropriations, 2002	$606,000
Budget estimate, 2003[1]	899,000
Committee recommendation	899,000

[1] Excludes $24,000 requested for employee pension and health benefits.

The Office of the Under Secretary for Farm and Foreign Agricultural Services provides direction and coordination in carrying out the laws enacted by the Congress with respect to the Department's international affairs (except for foreign economics development) and commodity programs. The Office

has oversight and management responsibilities for the Farm Service Agency, including the Commodity Credit Corporation, Risk Management Agency, and the Foreign Agricultural Service.

COMMITTEE RECOMMENDATIONS

For the Office of the Under Secretary for Farm and Foreign Agricultural Services, the Committee recommends an appropriation of $899,000. This amount is $293,000 more than the 2002 appropriation and the same as the budget request.

The Committee is concerned that allocation of section 416 funds for humanitarian assistance programs may disadvantage certain private voluntary organizations in regard to the amount of those funds allowable for administrative costs. In addition, the Committee continues to urge the Secretary to work with representatives of the dairy industry and appropriate non-governmental organizations to increase the amount of fortified dry milk exported under humanitarian assistance programs.

The Committee urges USAID and USDA to manage the Food Security Commodity Reserve effectively to meet international food aid commitments of the United States, including supplementing Public Law 480 title II funds to meet emergency food needs.

FARM SERVICE AGENCY

The Farm Service Agency [FSA] was established by the Department of Agriculture Reorganization Act of 1994, Public Law 103–354, enacted October 13, 1994. Originally called the Consolidated Farm Service Agency, the name was changed to the Farm Service Agency on November 8, 1995. The FSA administers the commodity price support and production adjustment programs financed by the Commodity Credit Corporation, the warehouse examination function, the Conservation Reserve Program [CRP], and several other cost-share programs; the Noninsured Crop Disaster Assistance Program [NAP]; and farm ownership and operating, and emergency disaster and other loan programs.

Agricultural market transition program.—The Federal Agriculture Improvement and Reform Act of 1996, Public Law 104–127 (1996 act), enacted April 4, 1996, mandates that the Secretary offer individuals with eligible cropland acreage the opportunity for a one-time signup in a 7-year, production flexibility contract. Depending on each contract participant's prior contract-crop acreage history and payment yield as well as total program participation, each contract participant shares a portion of a statutorily specified, annual dollar amount. In return, participants must comply with certain requirements regarding land conservation, wetland protection, planting flexibility, and agricultural use. Contract crops, for the purposes of determining eligible cropland and payments, include wheat, corn, grain sorghum, barley, oats, upland cotton, and rice. This program does not include any production adjustment requirements or related provisions, except for restrictions on the planting of fruits and vegetables.

Marketing assistance loan program, price support programs, and other loan and related programs.—The 1996 act provides for marketing assistance loans to producers of contract commodities, extra long staple [ELS] cotton, and oilseeds for the 1996 through 2002 crops. With the exception of ELS cotton, these nonrecourse loans are characterized by loan repayment rates that may be determined to be less than the principal plus accrued interest per unit of the commodity. However, with respect to cotton and rice, the Secretary must allow repayment of marketing loans at the adjusted world price. And, specifically with respect to the cotton marketing assistance loan, the program continues to provide for redemption at the lower of the loan principal plus accrued storage and interest, or the adjusted world price. The three-step competitiveness provisions are unchanged.

The 1996 act also provides for a loan program for sugar for the 1996 through 2002 crops of sugar beets and sugarcane. The Fiscal Year 2001 Agriculture Appropriations Act eliminated the recourse feature. The 1996 act provides for a milk price support program, whereby the price of milk is supported through December 31, 1999, via purchases of butter, cheese, and nonfat dry milk. The rate of support is fixed each calendar year, starting at $10.35 per hundredweight in 1996 and declining each year to $9.90 per hundredweight in 1999. The milk price support program is extended through May 31, 2002. The 1996 act and the 1938 act provide for a peanut loan and poundage quota program for the 1996 through 2002 crops of peanuts. Finally, the Agricultural Act of 1949, as amended (1949 act), and the 1938 act provide for a price support, quota, and allotment program for tobacco.

The interest rate on commodity loans secured on or after October 1, 1996, will be 1 percentage point higher than the formula which was used to calculate commodity loans secured prior to fiscal year 1997. The CCC monthly commodity loan interest rate will in effect be 1 percentage point higher than CCC's cost of money for that month.

The 1996 act amended the payment limitation provisions in the Food Security Act of 1985, as amended (1985 act), by changing the annual $50,000 payment limit per person for deficiency and diversion payments to an annual $40,000 payment limit per person for contract payments. The annual $75,000 payment limit per person applicable to combined marketing loan gains (MLG's) and loan deficiency payments (LDP's) for all commodities that was in effect for the 1991 through 1995 crop years continues through the 2002 crop year. Similarly, the three-entity rule is continued.

For combined MLG's plus LDP's received for the 1999, 2000, and 2001 crops, the payment limit was increased to $150,000 per person in separate pieces of legislation. Moreover, Congress enacted discretionary authority in 1999 for the Secretary of Agriculture to offer commodity certificate exchanges for loan repayment purposes. Indirect gains received by producers due to a certificate exchange are not subject to the MLG and LDP payment limitation.

Commodity Credit Corporation program activities.—Various price support and related programs have been authorized in numerous legislative enactments since the early 1930's. Operations under these programs are financed through the Commodity Credit Corporation. Personnel and facilities of the Farm Service Agency are utilized in the administration of the Commodity Credit Corporation, and the Administrator of the Agency is also Executive Vice President of the Corporation.

The 1996 act created new conservation programs to address high-priority environmental protection goals and authorizes CCC funding for many of the existing and new conservation programs. The Natural Resources Conservation Service administers many of the programs financed through CCC.

Foreign assistance programs and other special activities.—Various surplus disposal programs and other special activities are conducted pursuant to specific statutory authorizations and directives. These laws authorize the use of CCC funds and facilities to implement the programs. Appropriations for these programs are transferred or paid to the Corporation for its costs incurred in connection with these activities, such as Public Law 480.

Farm credit programs.—FSA reviews applications, makes and collects loans, and provides technical assistance and guidance to borrowers. Under credit reform, administrative costs associated with agricultural credit insurance fund [ACIF] loans are appropriated to the ACIF program account and transferred to FSA salaries and expenses.

Risk management.—FSA administers the noninsured Crop Disaster Assistance Program [NAP] which provides crop loss protection for growers of many crops for which crop insurance is not available.

SALARIES AND EXPENSES

[In thousands of dollars]

	Appropriations	Transfers from program accounts	Total, FSA, salaries and expenses
Appropriations, 2002	939,030	(274,357)	(1,213,387)
Budget estimate, 2003 [1]	993,620	(281,036)	(1,274,656)
Committee recommendation	986,913	(281,036)	(1,267,949)

[1] Excludes $69,092,000 requested for employee pension and health benefits.

The account ''Salaries and expenses, Farm Service Agency,'' funds the administrative expenses of program administration and other functions assigned to FSA. The funds consist of appropriations and transfers from the CCC export credit guarantees, Public Law 480 loans, and agricultural credit insurance fund program accounts, and miscellaneous advances from other sources. All administrative funds used by FSA are consolidated into one account. The consolidation provides clarity and better management and control of funds, and facilitates accounting, fiscal, and budgetary work by eliminating the necessity for making individual allocations and allotments and maintaining and recording obligations and expenditures under numerous separate accounts.

COMMITTEE RECOMMENDATIONS

For salaries and expenses of the Farm Service Agency [FSA], including funds transferred from other program accounts, the Committee recommends $1,267,949,000. This is $54,562,000 more than the 2002 level and $6,707,000 less than the budget request.

This amount does not include an increase of $16,882,000 for rental payments to GSA, or $110,000 for FECA administrative charges, as requested in the budget. The Committee includes funds to assist agency implementation of the newly enacted farm bill.

The Committee recognizes the pressures FSA has been under to downsize staff levels. However, concerns have been raised about the criteria being used for further staff reductions and the potential impact these reductions will have on farm services in all States. Until these concerns have been addressed, States in compliance with the original Espy reorganization plan should not be required to undertake further staff reductions.

The Committee is concerned that FSA should allocate more staff resources to the farm loan programs in both the field and in the St. Louis Information Technology and Finance Center. Without more farm loan staff in the field, FSA cannot adequately perform the supervised credit functions which ensure the success of the program, including but not limited to such functions as

real estate appraisals, chattel appraisals, and year-end farm analysis. The Committee directs the Department to report on the numbers of staff positions, by type and location, and to provide a detailed explanation by object class, of funds obligated from the Salaries & Expenses Account, to support the farm loan programs by April 1, 2003.

The Committee supports farmer participation in the Conservation Reserve Enhancement Program (CREP) as a means to coordinate conservation and producer objectives of natural resource stewardship. The Committee encourages the Department, acting through the Farm Service Agency, to improve outreach and technical assistance for CREP in States where enrollment and participation is not commensurate with enrollment expectations.

The Committee is concerned with the reluctancy on the part of the Agency to grant producers relief from farm program fines or penalties who unintentionally violated program rules. The Committee expects the Department to exercise the authorities granted in current law to provide appropriate relief in determining penalties in cases involving unintentional violations.

In addition, the Committee notes the difficulty of States with high land values competing for enrollment in CREP. The Committee urges the agency to evaluate the conservation benefits of CREP enrollment in all States and not give undue consideration to enrollment opportunities based on land values or rental rates.

The Committee is concerned that many county governments are given the responsibility of implementing the Conservation Reserve Enhancement Program. The Committee encourages the Farm Service Agency to work with participating States that use counties as the local administering unit to ensure counties are fairly reimbursed for the costs associated with CREP implementation.

The Committee encourages for Agency to examine the possibility to cost-sharing through existing conservation program types of cover (including plastic mulch) that would promote the successful establishment of tree shrub and other prescribed plantings used for wind erosion practices.

STATE MEDIATION GRANTS

Appropriations, 2002	$3,493,000
Budget estimate, 2003	4,000,000
Committee recommendation	4,000,000

This program is authorized under title V of the Agricultural Credit Act of 1987. Originally designed to address agricultural credit disputes, the program was expanded by the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 to include other agricultural issues such as wetland determinations, conservation compliance, rural water loan programs, grazing on National Forest System lands, and pesticides. Grants are made to States whose mediation programs have been certified by the Farm Service Agency [FSA]. Grants will be solely for operation and administration of the State's agricultural mediation program.

COMMITTEE RECOMMENDATIONS

The Committee recommends $4,000,000 for State mediation grants. This is $507,000 more than the 2002 level and the same as the budget request.

DAIRY INDEMNITY PROGRAM

Appropriations, 2002	$100,000
Budget estimate, 2003	100,000
Committee recommendation	100,000

Under the program, the Department makes indemnification payments to dairy farmers and manufacturers of dairy products who, through no fault of their own, suffer losses because they are directed to remove their milk from commercial markets due to contamination of their products by registered pesticides. The program also authorizes indemnity payments to dairy farmers for losses resulting from the removal of cows or dairy products from the market due to nuclear radiation or fallout.

COMMITTEE RECOMMENDATIONS

For the dairy indemnity program, the Committee recommends $100,000. This is the same as the 2002 level and the same as the budget request.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

The Agricultural Credit Insurance Fund Program Account is used to insure or guarantee farm ownership, farm operating, and emergency loans to individuals, as well as the following types of loans to associations: irrigation and drainage, grazing, Indian tribe land acquisition and boll weevil eradication. The insurance endorsement on each insured loan may include an agreement by the Government to purchase the loan after a specified initial period.

FSA is also authorized to provide financial assistance to borrowers by guaranteeing loans made by private lenders having a contract of guarantee from FSA as approved by the Secretary of Agriculture.

The following programs are financed through this fund:

Farm ownership loans.—Made to borrowers who cannot obtain credit elsewhere to restructure their debts, improve or purchase farms, refinance nonfarm enterprises which supplement but do not supplant farm income, or make additions to farms. Total indebtedness to FSA may not exceed $200,000 for direct loans and $759,000 for guaranteed loans. Loans are made for 40 years or less.

Farm operating loans.—Provide short-to-intermediate term production or chattel credit to farmers who cannot obtain credit elsewhere, to improve their farm and home operations, and to develop or maintain a reasonable standard of living. Total indebtedness to FSA may not exceed $200,000 for direct loans and $759,000 for guaranteed loans. The term of the loan varies from 1 to 7 years.

Emergency disaster loans.—Made available in designated areas (counties) and in contiguous counties where property damage and/or severe production losses have occurred as a direct result of a natural disaster. Areas may be declared by the President or designated for emergency loan assistance by the Secretary of Agriculture. The loan may be up to $500,000.

Credit sales of acquired property.—Property is sold out of inventory and is made to an eligible buyer by providing FSA loans.

Indian tribe land acquisition loans.—Made to any Indian tribe recognized by the Secretary of the Interior or tribal corporation established pursuant to the Indian Reorganization Act which does not have adequate uncommitted funds to acquire lands or interest in lands within the tribe's reservation or Alaskan Indian community, as determined by the Secretary of the Interior, for use of the tribe or the corporation or the members thereof.

Boll weevil eradication loans.—Made to assist foundations in financing the operations of the boll weevil eradication programs provided to farmers.

COMMITTEE RECOMMENDATIONS

The Committee recommends a total level for farm loans of $4,065,725,000. This is $175,000,000 more than the 2002 level and $263,725,000 more than the budget request.

The following table reflects the program levels for farm credit programs administered by the Farm Service Agency recommended by the Committee, as compared to the fiscal year 2002 and the budget request levels:

AGRICULTURAL CREDIT PROGRAMS—LOAN LEVELS

[In thousands of dollars]

	Fiscal year 2002 enacted	Fiscal year 2003 budget	Committee recommendation
Farm ownership:			
Direct	(146,996)	(100,000)	(146,996)
Guaranteed	(1,000,000)	(1,000,000)	(1,000,000)
Farm operating:			
Direct	(611,198)	(600,000)	(611,198)
Guaranteed unsubsidized	(1,500,000)	(1,700,000)	(1,700,000)
Guaranteed subsidized	(505,531)	(300,000)	(505,531)
Indian tribe land acquisition	(2,000)	(2,000)	(2,000)
Emergency disaster	(25,000)		
Boll weevil eradication loans	(100,000)	(100,000)	(100,000)
Total, farm loans	(3,890,725)	(3,802,000)	(4,065,725)

LOAN SUBSIDIES AND ADMINISTRATIVE EXPENSES LEVELS

[In thousands of dollars]

	Subsidies			Administrative expenses		
	Insured loan	Guaranteed loan	Total	Appropriations	Transfer to FSA	Total ACIF
Appropriations, 2002	61,927	125,700	187,627	8,000	272,595	468,222
Budget estimate, 2003	115,349	96,790	212,139	8,000	279,176	499,315
Committee recommendation	117,993	108,769	243,781	8,000	279,176	513,938

The Federal Credit Reform Act of 1990 established the program account. Appropriations to this account are used to cover the lifetime subsidy costs associated with the direct loans obligated and loan guarantees committed, as well as for administrative expenses.

COMMITTEE RECOMMENDATIONS

The following table reflects the cost of loan programs under credit reform:

[In thousands of dollars]

	2002 enacted	2003 budget	Committee recommendation
Loan subsidies:			
Farm ownership:			
Direct	3,866	11,610	17,066
Guaranteed	4,500	7,500	7,500
Farm operating:			
Direct	54,580	103,560	105,493
Guaranteed unsubsidized	52,650	53,890	53,890
Guaranteed subsidized	68,550	35,400	59,653
Indian tribe land acquisition	118	179	179
Emergency disaster	3,363		
Boll weevil eradication loans [1]			
Total, loan subsidies	187,627	212,139	243,781
ACIF expenses	280,595	287,176	287,176

[1] No cost since subsidy rate is negative.

RISK MANAGEMENT AGENCY

Appropriations, 2002	$74,752,000
Budget estimate, 2003 [1]	72,771,000
Committee recommendation	70,708,000

[1] Excludes $3,291,000 requested for employee pension and health benefits.

The Risk Management Agency performs administrative functions relative to the Federal crop insurance program that is authorized by the Federal Crop Insurance Act (7 U.S.C. 1508), as amended by the Agricultural Risk Protection Act of 2000 (ARPA), Public Law 106–224, and the Farm Security and Rural Investment Act of 2002 (2002 Act), Public Law 107–171.

ARPA authorized significant changes in the crop insurance program. This Act provides higher government subsidies for producer premiums to make coverage more affordable; expands research and development for new insurance products and under-served areas through contracts with the private sector; and tightens compliance. Functional areas of risk management are: research and development; insurance services; and compliance, whose functions include policy formulation and procedures and regulations development.

The 2002 Act maintains the basic crop insurance program largely without change. This Act also requires the continuation of the Adjusted Gross Revenue (AGR) pilot program, which provides insurance coverage for crops for which traditional crop insurance is not available. However, the 2002 Act eliminates the ARPA provision that allowed selection of continuous coverage levels, rather than coverage levels at fixed intervals.

COMMITTEE RECOMMENDATIONS

For administrative and operating expenses for the Risk Management Agency, the Committee recommends an appropriation of $70,708,000. This is $4,044,000 less than the 2002 level and $2,063,000 less than the budget request.

This amount does not include an increase of $2,045,000 for rental payments to GSA, or $18,000 for FECA administrative charges, as requested in the budget.

The Committee does not agree with the President's legislative proposal to cap the underwriting gain on crop insurance at 12.5 percent. As opposed to an arbitrary change in legislation, the Committee feels that the Administration should follow the procedures set forth in the current Standard Reinsurance Agreement. Notice of intent to cancel the current agreement should be given by December 13, 2002, and all interested parties should then be allowed to negotiate a new agreement.

The Risk Management Agency is currently developing a Cost of Production (COP) crop insurance pilot program that includes 12 crops: almonds, apricots, cotton, corn, cranberries, nectarines, onions, peaches, soybeans, sugarcane, rice, and wheat. The Committee instructs RMA to include hard, soft, and durum sub-classes of wheat when implementing the COP pilot program for wheat.

The Committee is aware of the benefits to producers of risk management programs like the Dairy Options Pilot Program. The program introduces dairy farmers to the futures and options markets and gives producers first-hand experience in buying put options contracts to ensure a minimum price for their milk. The Committee encourages the Agency to continue funding this important risk management program.

CORPORATIONS

FEDERAL CROP INSURANCE CORPORATION FUND

The Federal Crop Insurance Reform Act of 1994 was designed to replace the combination of crop insurance and ad hoc disaster payment programs with a strengthened crop insurance program.

Producers of insurable crops are eligible to receive a basic level of protection against catastrophic losses, which cover 50 percent of the normal yield at 55 percent of the expected price. The only cost to the producer is an administrative fee of $100 per crop per policy. At least catastrophic [CAT] coverage was required for producers who participate in the commodity support, farm credit, and certain other farm programs. Under the Federal Agriculture Improvement and Reform [FAIR] Act of 1996, producers are offered the option of waiving their eligibility for emergency crop loss assistance instead of obtaining CAT coverage to meet program requirements. Emergency loss assistance does not include emergency loans or payment under the Noninsured Assistance Program [NAP]. Beginning with the 1997 crop, the Secretary began phasing out delivery of CAT coverage through the FSA offices, and in 1998 designated the private insurance providers as the sole source provider of CAT coverage.

The Reform Act of 1994 also provides increased subsidies for additional buy-up coverage levels which producers may obtain from private insurance companies. The amount of subsidy is equivalent to the amount of premium established for catastrophic risk protection coverage for coverage up to 65 percent level at 100 percent price. For coverage equal to or greater than 65 percent at 100 percent of the price, the amount is equivalent to an amount equal to the premium established for 50 percent yield indemnified at 75 percent of the expected market price.

The reform legislation included the NAP program for producers of crops for which there is currently no insurance available. NAP was established to ensure that most producers of crops not yet insurable will have protection against crop catastrophes comparable to protection previously provided by ad hoc disaster assistance programs. While the NAP program was implemented under the Deputy Administrator for Risk Management, under the FAIR Act of 1996, the NAP program will remain with the Farm Service Agency and be incorporated into the Commodity Credit Corporation program activities.

The Agricultural Risk Protection Act of 2000 (ARPA) amended the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, and to improve the efficiency and integrity of the Federal crop insurance program. ARPA allows for the improvement of basic crop insurance products by implementing higher premium subsidies

to make buy-up coverage more affordable for producers; make adjustments in actual production history guarantees; and revise the administrative fees for catastrophic (CAT) coverage. More crops and commodities have become insurable through pilot programs effective with the 2001 crop year. ARPA provides for an investment for over $8.2 billion in five years to further improve Federal crop insurance.

FEDERAL CROP INSURANCE CORPORATION FUND

Appropriations, 2002[1]	$2,900,000,000
Budget estimate, 2003[1 2]	2,886,000,000
Committee recommendation[1]	2,886,000,000

[1] Current estimate. Such sums as may be necessary, to remain available until expended, are provided.

[2] Does not include a reduction of $115,154,000 to reflect the impact of proposed Section 722.

The Federal Crop Insurance Act, as amended by the Federal Crop Insurance Reform Act of 1994, authorizes the payment of expenses which may include indemnity payments, loss adjustment, delivery expenses, program-related research and development, startup costs for implementing this legislation such as studies, pilot projects, data processing improvements, public outreach, and related tasks and functions.

All program costs, except for Federal salaries and expenses, are mandatory expenditures subject to appropriation.

COMMITTEE RECOMMENDATIONS

For the Federal Crop Insurance Corporation fund, the Committee recommends an appropriation of such sums as may be necessary, estimated to be $2,886,000,000. This is $14,000,000 less than the current fiscal year 2002 estimate and the same as the budget request.

COMMODITY CREDIT CORPORATION FUND

The Commodity Credit Corporation [CCC] is a wholly owned Government corporation created in 1933 to stabilize, support, and protect farm income and prices; to help maintain balanced and adequate supplies of agricultural commodities, including products, foods, feeds, and fibers; and to help in the orderly distribution of these commodities. CCC was originally incorporated under a Delaware charter and was reincorporated June 30, 1948, as a Federal corporation within the Department of Agriculture by the Commodity Credit Corporation Charter Act, approved June 29, 1948 (15 U.S.C. 714).

The Commodity Credit Corporation engages in buying, selling, lending, and other activities with respect to agricultural commodities, their products, food, feed, and fibers. Its purposes include stabilizing, supporting, and protecting farm income and prices; maintaining the balance and adequate supplies of selected commodities; and facilitating the orderly distribution of such commodities. In addition, the Corporation makes available materials and facilities required in connection with the storage and distribution of such commodities. The Corporation also disburses funds for sharing of costs with producers for the establishment of approved conservation practices on environmentally sensitive land and subsequent rental payments for such land for the duration of Conservation Reserve Program contracts.

Corporation activities are primarily governed by the following statutes: the Commodity Credit Corporation Charter Act, as amended; the Agricultural Act of 1949, as amended (1949 Act); the Agricultural Adjustment Act of 1938, as amended (the 1938 Act); the Food Security Act of 1985, as amended (1985 Act); and the Farm Security and Rural Investment Act of 2002 (2002 Act), enacted May 13, 2002.

Under the 2002 Act, the Secretary is required to offer a program of direct and counter-cyclical payments and extend nonrecourse marketing assistance loans and loan deficiency payments for contract commodities (soybeans, wheat, corn, grain sorghum, barley, oats, upland cotton, rice, other oilseeds, and peanuts). The 2002 Act also provides for marketing loans for wool, mohair, honey, small chickpeas, lentils and dry peas. A national Dairy Market Loss Payment (DMLP) program is established by the 2002 Act, providing that producers enter into contracts extending through September 30, 2005. A milk price support program is also provided to support the price of milk via purchases of butter, cheese, and nonfat dry milk. The rate of support is $9.90 per hundredweight.

The 2002 Act directs the Secretary to operate the sugar program at no cost to the U.S. Treasury by avoiding sugar loan forfeitures in the nonrecourse loan program. The nonrecourse loan program is reauthorized through fiscal year 2007 at 18 cents per pound for raw cane sugar and 22.9 cents per pound for refined beet sugar.

In the conservation area, the 2002 Act extends and expands the conservation reserve program (CRP), the wetlands reserve program (WRP), the environmental quality incentives program (EQIP), the farmland protection program (FPP), and the wildlife habitat incentives program (WHIP). Each of these programs is funded through the CCC.

The 2002 Act also authorizes and provides CCC funding for other conservation programs, including the conservation security program and the grassland reserve program.

Management of the Corporation is vested in a board of directors, subject to the general supervision and direction of the Secretary of Agriculture, who is an ex-officio director and chairman of the board. The board consists of seven members, in addition to the Secretary, who are appointed by the President of the United States with the advice and consent of the Senate. Officers of the Corporation are designated according to their positions in the Department of Agriculture.

The activities of the Corporation are carried out mainly by the personnel and through the facilities of the Farm Service Agency [FSA] and the Farm Service Agency State and county committees. The Foreign Agricultural Service, the General Sales Manager, other agencies and offices of the Department, and commercial agents are also used to carry out certain aspects of the Corporation's activities.

The Corporation's capital stock of $100,000,000 is held by the United States. Under present law, up to $30,000,000,000 may be borrowed from the U.S. Treasury, from private lending agencies, and from others at any one time. The Corporation reserves a sufficient amount of its borrowing authority to purchase at any time all notes and other obligations evidencing loans made by such agencies and others. All bonds, notes, debentures, and similar obligations issued by the Corporation are subject to approval by the Secretary of the Treasury.

Under Public Law 87–155 (15 U.S.C. 713a–11, 713a–12), annual appropriations are authorized for each fiscal year, commencing with fiscal year 1961. These appropriations are to reimburse the Corporation for net realized losses.

REIMBURSEMENT FOR NET REALIZED LOSSES

Appropriations, 2002[1]	$20,279,000,000
Budget estimate, 2003[1]	16,285,000,000
Committee recommendation[1]	16,285,000,000

[1] Current estimate. Such sums as may be necessary are provided.

COMMITTEE RECOMMENDATIONS

For the payment to reimburse the Commodity Credit Corporation (CCC) for net realized losses, the Committee recommends an appropriation of such sums as may be necessary, estimated in fiscal year 2003 to be $16,285,000,000. This is $3,994,000,000 less than the current estimated level and the same as the budget request.

HAZARDOUS WASTE MANAGEMENT

Limitation, 2002	($5,000,000)
Budget estimate, 2003	(5,000,000)
Committee recommendation	(5,000,000)

The Commodity Credit Corporation's [CCC] hazardous waste management program is intended to ensure compliance with the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act. The CCC funds operations and maintenance costs as well as site investigation and cleanup expenses. Investigative and cleanup costs associated with the management of CCC hazardous waste are also paid from USDA's hazardous waste management appropriation.

COMMITTEE RECOMMENDATIONS

For Commodity Credit Corporation hazardous waste management, the Committee provides a limitation of $5,000,000. This amount is the same as the 2002 level and the budget request.

TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

Appropriations, 2002	$730,000
Budget estimate, 2003[1]	902,000
Committee recommendation	902,000

[1] Excludes $21,000 requested for employee pension and health benefits.

The Office of the Under Secretary for Natural Resources and Environment provides direction and coordination in carrying out the laws enacted by the Congress with respect to natural resources and the environment. The Office has oversight and management responsibilities for the Natural Resources Conservation Service and the Forest Service.

COMMITTEE RECOMMENDATIONS

For the Office of the Under Secretary for Natural Resources and Environment, the Committee recommends an appropriation of $902,000. This amount is $172,000 more than the 2002 appropriation and the same as the budget request.

NATURAL RESOURCES CONSERVATION SERVICE

The Natural Resources Conservation Service [NRCS] was established pursuant to Public Law 103–354, the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962). NRCS combines the authorities of the former Soil Conservation Service as well as five natural resource conservation cost-share programs previously administered by the Agricultural Stabilization and Conservation Service. Through the years, this Service, together with the agricultural conservation programs and over 2 million conservation district cooperatives, has been a major factor in reducing pollution. The Natural Resources Conservation Service works with conservation districts, watershed groups, and the Federal and State agencies having related responsibilities to bring about physical adjustments in land use that will conserve soil and water resources, provide for

agricultural production on a sustained basis, and reduce damage by flood and sedimentation. The Service, with its dams, debris basins, and planned watersheds, provides technical advice to the agricultural conservation programs, where the Federal Government pays about one-third of the cost, and, through these programs, has done perhaps more to minimize pollution than any other activity. These programs and water sewage systems in rural areas tend to minimize pollution in the areas of greatest damage, the rivers and harbors near our cities.

The conservation activities of the Natural Resources Conservation Service are guided by the priorities and objectives as set forth in the National Conservation Program [NCP] which was prepared in response to the provisions of the Soil and Water Resources Conservation Act of 1977 [RCA] (Public Law 95–192). The long-term objectives of the program are designed to maintain and improve the soil, water, and related resources of the Nation's nonpublic lands by: reducing excessive soil erosion, improving irrigation efficiencies, improving water management, reducing upstream flood damages, improving range condition, and improving water quality.

CONSERVATION OPERATIONS

Appropriations, 2002	$779,000,000
Budget estimate, 2003[1]	840,963,000
Committee recommendation	840,002,000

[1] Excludes $56,227,000 requested for employee pension and health benefits.

Conservation operations are authorized by Public Law 74–46 (16 U.S.C. 590a–590f). Activities include:

Conservation technical assistance.—Provides assistance to district cooperators and other land users in the planning and application of conservation treatments to control erosion and improve the quantity and quality of soil resources, improve and conserve water, enhance fish and wildlife habitat, conserve energy, improve woodland, pasture and range conditions, and reduce upstream flooding; all to protect and enhance the natural resource base.

Inventory and monitoring provides soil, water, and related resource data for land conservation, use, and development; guidance of community development; identification of prime agricultural producing areas that should be protected; environmental quality protection; and for the issuance of periodic inventory reports of resource conditions.

Resource appraisal and program development ensures that programs administered by the Secretary of Agriculture for the conservation of soil, water, and related resources shall respond to the Nation's long-term needs.

Soil surveys.—Inventories the Nation's basic soil resources and determines land capabilities and conservation treatment needs. Soil survey publications include interpretations useful to cooperators, other Federal agencies, State, and local organizations.

Snow survey and water forecasting.—Provides estimates of annual water availability from high mountain snow packs and relates to summer stream flow in the Western States and Alaska. Information is used by agriculture, industry, and cities in estimating future water supplies.

Plant materials centers.—Assembles, tests, and encourages increased use of plant species which show promise for use in the treatment of conservation problem areas.

COMMITTEE RECOMMENDATIONS

For conservation operations, the Committee recommends an appropriation of $840,002,000. This amount is $61,002,000 more than the 2002 level and $961,000 less than the budget request.

This amount does not include an increase of $18,289,000 for rental payments to GSA or $189,000 for FECA administrative charges, as requested in the budget.

For fiscal year 2003, the Committee recommends funding increases, as specified below, for new and ongoing conservation activities. Amounts provided by the Committee for specific conservation measures shall be in addition to levels otherwise made available to States.

Projects identified in Senate Report 107–41 and Conference Report 107–275 that were directed to be funded by the Committee for fiscal year 2002 are not funded for fiscal year 2003, unless specifically mentioned herein.

The Committee is aware of the severe water problems occurring in the State of Georgia, especially in the Flint River watershed in Southwest Georgia and the coastal watershed in Southeast Georgia. Surface and ground water are being severely depleted by drought and further exacerbated by salt water intrusion into coastal agriculture areas. The Committee provides $1,500,000 in fiscal year 2003 funding for the Georgia Agricultural Water Conservation Initiative.

The Committee directs the agency to maintain a national priority area pilot program under the guidelines of the Environmental Quality Incentives Program (EQIP) in the delta of the State of Mississippi.

The Committee provides $800,000 for fiscal year 2003 for a study to characterize the on-site consequences, estimate off-site impacts, and develop strategies to facilitate land use change while preserving critical natural resources. The agency is directed to work in cooperation with Clemson University in conducting this study.

The Committee provides the fiscal year 2002 level of funding to expand the cooperative efforts with the Claude E. Phillips Herbarium, Delaware.

The Committee provides the fiscal year 2002 level of funding to maintain a partnership between USDA and the National Fish and Wildlife Foundation.

The Committee provides $2,500,000 to continue work on the Great Lakes Basin Program for soil and erosion sediment control.

The Committee provides $23,500,000 for fiscal year 2003 level for the grazing lands conservation assistance program, of which no less than $250,000 shall be for grazing land conservation activities in Wisconsin.

The Committee provides the fiscal year 2002 level of funding for the National Water Management Center in Arkansas.

The Comittee provides the fiscal year 2002 level for the Chesapeake Bay Program.

The Committee continues its concern for the serious threat to pastures and watersheds resulting from the introduction of alien weed pests into Hawaii. The Committee directs the agency to work with the Hawaii Department of Agriculture and the Animal Plant and Health Inspection Service to develop an integrated approach, including environmentally-safe biological controls, for eradicating these pests.

The Committee provides $350,000 to obtain and evaluate materials and seeds of plants indigenous to regions north of 52 degrees North Latitude and equivalent vegetated regions in the Southern Hemisphere (south of 52 degrees South Latitude). The Committee directs the agency to continue working in conjunction with the Alaska Division of Agriculture in this effort.

The Committee continues funding at the fiscal year 2002 level of funding for plant material centers and continued development of warm season grasses for use in the Conservation Reserve Program (CRP) and the Wildlife Habitat Initiatives Program (WHIP).

The Committee encourages the agency to provide $300,000 to support the emerging alternative technology to reduce phosphorous loading into Lake Champlain.

The Committee provides the fiscal year 2002 level of funding to continue support of agricultural development and resource conservation on the Island of Molokai and the transition from small-scale conservation projects to those that benefit the community through sustainable economic impact.

The Committee provides the fiscal year 2002 level for the Kenai streambank restoration water project for fiscal year 2003.

The Committee recognizes the need for a special outreach effort so that USDA can serve small-scale Appalachian farmers in sustaining agriculture production while protecting natural resources. The Committee provides the fiscal year 2002 level of funding for the Appalachian Small Farmer Outreach Program. Sound economic grazing systems, marketing strategies, and uniformity of production quality will ensure the competitiveness of livestock operations and help maintain small farm enterprises. This initiative will provide livestock producers access to the needed one-on-one assistance.

The Committee provides the fiscal year 2002 level of funding for technical assistance for Franklin County Lake, MS.

The Committee continues the fiscal year 2002 level of funding for existing NRCS offices in Alaska and includes funding for new offices in Kodiak and Dillingham at a level of $250,000 each in fiscal year 2003. Also, the Committee provides funding necessary to support at least one staff position for each soil and water conservation district, a public information program, and assistance in rural Alaska.

The Committee provides the fiscal year 2002 level of funding to complete the Squirrel Branch Drainage Project, Mississippi.

The Committee continues funding for the implementation of the Delta Study at the fiscal year 2002 level. Local sponsors are to work cooperatively with the NRCS so that water conservation, water supply evaluations, and environmental planning can proceed.

The Committee directs the agency to work with soil scientists at regional land-grant universities to continue the pilot project in Washington, Sharkey and Yazoo Counties, Mississippi, to determine the proper classification and taxonomic characteristics of Sharkey soils.

The Committee provides $1,200,000 to address the erosion in the Loess Hills/Hungry Canyon area in western Iowa. The Committee is aware that the Eastern Red Cedar and other invasive species of woody plants are having a very negative effect on prairies in the Loess Hills, a unique soil important to many rare animals and plants. The Committee encourages the Department to support efforts to reduce this problem.

The Committee provides the fiscal year 2002 level of funding to conduct nitrogen soil tests and plant-available nitrogen tests, and to demonstrate poultry litter and wood composting in an effort to improve farmers' economic returns and minimize potential water quality conditions resulting from excess application of nutrients from manure and fertilizers on West Virginia's cropland.

The Committee provides an increase of $125,000 from the fiscal year 2002 funding level for the Delta Conservation Demonstration Center, Washington County, MS.

The Committee provides $200,000 for fiscal year 2003 for the Idaho One-Plan, a test of the prototype Conservation Planning Module in the field with farmers and ranchers in Canyon County, ID.

The Committee provides funding to continue the expansion of the Potomac and Ohio River Basins Soil Nutrient Project to include Jefferson, Berkeley, and Greenbrier Counties. This funding will enable the NRCS, in cooperation with West Virginia University and the Appalachian Small Farming Research Center, to identify and characterize phosphorous movement in soils to determine appropriate transportation, the holding capacity, and the management of phosphorous. This information is critical in helping Appalachian farmers deal with nutrient loading issues and in protecting the Chesapeake Bay from eutrophication and the Ohio River, Mississippi River, and Gulf of Mexico from depletion of life-sustaining oxygen.

The Committee provides the fiscal year 2002 level of funding for evaluating and increasing native plant materials in Alaska.

The Committee provides $1,000,000 for technical assistance for the Seward/Resurrection River watershed project, Alaska.

The Committee provides $800,000 for the continued development of a geographic information system (GIS)-based model in South Carolina to integrate commodity and conservation program data at the field level for watershed analysis purposes.

The Committee provides $8,707,000 for Snow Survey and Water Supply Forecasting, which includes full funding for activities related to SNOwpack TELemetry (SNOTEL).

The Committee provides $1,750,000 for the Little Wood River Irrigation District Gravity Pressure Delivery System in Idaho.

The Committee provides $400,000 for the Backyard Conservation Program as part of the National Cooperative Soil Program. This funding is to be used to provide technical assistance on grazing lands and backyard containment of water runoff in order to improve nutrient management and protect water resources in the Lake Tahoe Basin.

The Committee provides $375,000 for the Little Red River Irrigation Project in Arkansas.

Recurring floods along the Red River in recent years have resulted in tremendous loss of property and have endangered residents throughout the basin. A number of methods, such as enhanced water storage capacity, more efficient drainage, and shifts in agricultural land use, may be employed to retard the flow of flood waters and reduce downstream flooding. It is important that these improvements be pursued in a manner beneficial to agriculture and result in minimal loss of productive farm land. Accordingly, the Committee provides $1,500,000 for the Red River Basin Flood Prevention Project in North Dakota in cooperation with the Energy and Environmental Research Center.

The Committee provides $3,000,000 to provide technical assistance for the Kentucky Soil Erosion Control/Soil Survey Program.

The Committee provides an increase above the fiscal year 2002 level of $525,000 for cattle and nutrient management in stream crossings in cooperation with Mississippi conservation districts.

The Committee provides $300,000 to implement the Certified Environmental Management Systems for Agriculture (CEMSA) in cooperation with the Iowa Soybean Association. CEMSA will be designed to assist producers to voluntarily adopt certifiable conservation plans, with additional funds to be provided from non-Federal sources.

The Committee provides $300,000 for planning and design associated with the Walnut Bayou Irrigation Project, Arkansas.

The Committee directs the NRCS to develop a plan to establish a Geographic Information Systems Center of Excellence in cooperation with West Virginia University that will provide expertise to design, field, and support new applications for capturing, managing, analyzing, and delivering soil survey information in an easily accessible manner.

The Committee encourages the agency to support watershed management and demonstration projects in cooperation with the National Pork Producers Council.

The Committee provides the fiscal year 2002 level for a cooperative agreement between NRCS and Alcorn State University to analyze soil erosion and water quality by using demonstration sites.

The Committee provides an increase of $850,000 from the fiscal year 2002 level of funding for the Wildlife Habitat Management Institute (WHMI) for developing and transferring fish and wildlife technology to States and field offices. Of the funds made available for the WHMI, the Committee expects WHMI to develop a pilot program to provide technical assistance to landowners to enhance the natural habitats' of bobwhite quail.

The Committee provides $1,000,000 to assist in the conversion to sprinkler irrigation in the vicinity of Minidoka, ID, in order to reduce water quality impairments resulting from the return of water runoff to the aquifer by way of agricultural drain wells.

The Committee provides $100,000 for fiscal year 2003 to perform a feasibility study for a surface impoundment in Choctaw County, MS.

The Committee is aware of the additional demands for conservation technical assistance resulting from the New Jersey State Conservation Cost Share Program and provides an additional $900,000 for assistance in cooperation with that program.

The Committee encourages NRCS to continue assistance for conservation programs related to cranberry production in the States of Massachusetts and Wisconsin.

The Committee provides $150,000 for the Upper Petit Jean Watershed Project, Arkansas.

The Committee expects the National Resource Conservation Service (NRCS) to continue to support the work of the Southwest Strategy and its coordinated effort to help address the natural resource, cultural resource, and economic issues facing the people of New Mexico and Arizona.

The Committee encourages the Agency to examine the possibility of cost-sharing through existing conservation program types of cover (including plastic mulch) that would promote the successful establishment of tree shrub and other prescribed plantings used for wind erosion practices.

The Committee provides $900,000 to proceed with the Bayou Meto project in Arkansas.

The Committee provides $500,000 to provide expedited conservation planning of the Lake Okeechobee Watershed project in Florida. It is expected the agency will work in cooperation with the Florida Department of Agriculture and Consumer Services.

The Committee provides $400,000 to provide assistance to the Waynewood Drainage project in Illinois.

The Committee provides $50,000 to provide assistance for the Native Seed Program which has been developed in cooperation with Oregon State University and the Native Plant Society of Oregon.

The Committee provides $250,000 for fiscal year 2003 for repair of Askalmore Watershed Dam Y–17a–11, Tallahatchie County, MS.

The Committee expects the NRCS to provide $150,000 for the State of Rhode Island to address drought-related issues, including ways in which producers can minimize their risks, diversify their operations, and expand into alternative practices such as organic farming.

The Committee provides $400,000 for fiscal year 2003 for flood protection around the Humphreys County Hospital and the City of Belzoni, Humphreys County, MS.

The Committee provides $325,000 for reach at the Oregon Garden, including studying of wetland plant mateials for non-point source run-off, point-source treatment of drainage from parking lots, sewage waste treatment, carbon storage crediting, reestablishment of wetlands, and for other environmental sustainability purposes.

The Committee provides $250,000 for the Utah CAFO/AFO pilot project.

The Committee provides $150,000 to continue implementation of pilot projects designed for nutrient reducing waste treatment systems for dairy operations in Florida. The Committee provides $500,000 for fiscal year 2003 for drainage improvements in the City of Petal, MS.

The Committee provides and increase of $1,000,000 above the fiscal year 2002 level for increased technical assistance in the State of Oregon.

The Committee provides $300,000 for assistance to the Dry Creek/Neff's Grove project in the State of Utah. The Committee provides $100,000 for fiscal year 2003 for drainage improvements on Watkins Drive in the City of Jackson, MS.

The Committee provides $650,000 to assist the Lincoln Parish in the development of a stormwater and conservation management program.

The Committee encourages NRCS to provide assistance for activities in the following counties in Kentucky: Knott County for technical assistance relating to water and sewer disposal for $250,000; Boone County for conservation projects in the amount of $300,000; and Kenton County relating to flood prevention in the amount of $250,000.

The Committee provides $300,000 for fiscal year 2003 for drainage improvements in the City of Port Gibson, MS.

The Committee provides $400,000 for assistance regarding the Jefferson River Watershed in Montana.

The Committee provides $200,000 in regard to an Environmental Impact Statement for Leslie County, KY.

The Committee encourages the Secretary to promulgate rules and regulations pursuant to section 1001D of Farm Security and Rural Investment Act of 2002 on payment eligibility based on adjusted gross income in a manner that allows non-profit entities to continue to receive a payment, including through direct participation, cooperative agreements, or as providers of technical assistance in conservation programs under Title XII of the Food Security Act of 1985 or Title II of the Farm Security and Rural Investment Act of 2002.

The Committee provides $450,000 for assistance regarding the St. John the Baptist Parish Lakes Bank Retention project in Louisiana.

The Committee provides $500,000 for a study to examine the environmental benefits of using vegetative buffers along waterways. The agency is directed to work in cooperation with the University of Wisconsin-Madison.

The Committee provides $150,000 for fiscal year 2003 for drainage improvements in the City of Mount Olive, MS.

The Committee provides $500,000 to conduct a Great Lakes pilot in Michigan for conservation program decision support capability to better evaluate and implement conservation programs in the Great Lakes Watershed. The Committee provides $500,000 for fiscal year 2003 for drainage improvements in the City of Meridian, MS.

The Committee expects the NRCS to work in conjunction with the ARS Dairy Forage Laboratory in Madison, WI, regarding dairy waste management and in the development of a working arrangement regarding planned expansion of the Dairy Forage Laboratory activities at Marshfield, WI and the possible establishment of a NRCS Waste Management Institute at that location.

The Committee provides $150,000 to assist in the False River Sedimentation Reduction project in Louisiana.

The Committee provides $1,500,000 to assist in the Montana Watershed Planning project.

The Committee provides $1,000,000 to implement the Source Water Protection Program and encourages that these funds be used in the State with the greatest need.

The Committee provides $300,000 to assist in the Wyoming Soil Survey Mapping project.

The Committee provides $120,000 for the Conservation Land Internship Program in Wisconsin to help students learn about resource conservation.

The Committee provides $500,000 for a study to examine the environmental benefits of using nutrient management plans for phosphorus and related conservation practices. The agency is directed to work in cooperation with the University of Wisconsin-Madison.

The Committee provides $500,000 for fiscal year 2003 for technical assistance in North Carolina to address concerns with the application of phosphorous on agricultural lands.

The Committee provides $500,000 for assistance to the Walla Walla Watershed Alliance in Washington.

The Committee provides $800,000 to provide additional Conservation Technical Assistance funding for NRCS in Kentucky to provide grants to Kentucky Soil Conservation Districts.

The Committee encourages the Secretary to enter into a stewardship agreement with the Iowa Department of Agriculture and Land Stewardship and the Iowa Corn Growers Association to initiate a stewardship program focusing on nutrient best management practices to reduce the environmental impact of nitrogen in the State of Iowa pursuant to the authority under Partnerships and Cooperation [subsection (f) of Section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843)].

The Committee provides no less than the same level available in fiscal year 2002 to support NRCS Plant Materials Centers. The Committee provides the fiscal year 2002 level for improvements to the existing building and facilities at the Jamie Whitten Plant Materials Center.

The Committee opposes the Department's obligation of Conservation Operations (CO) appropriations to pay for technical assistance for conservation programs reauthorized by Public Law 107–171. The General Accounting Office (GAO), in a legal opinion issued October 8, 2002, found that the Conservation Operations appropriation is not available to provide technical assistance to carry out conservation programs authorized by Section 2701 of Public Law 107–171. In a further opinion issued December 13, 2002, GAO found that the United States Department of Agriculture improperly obligated funds in violation of the Antideficiency Act, 31 U.S.C. 1341(a). The Committee urges the Department to take immediate corrective action to properly report this violation, and to adjust the appropriations account accordingly by deobligating the improper amount charged to the CO appropriation and instead charging that amount to the Commodity Credit Corporation.

The Committee has included a prohibition in the CO account to prevent further misuse of these funds.

WATERSHED SURVEYS AND PLANNING

Appropriations, 2002	$10,960,000
Budget estimate, 2003	.....
Committee recommendation	10,960,000

The Watershed Protection and Flood Prevention Act, Public Law 83–566, August 4, 1954, provided for the establishment of the Small Watershed Program (16 U.S.C. 1001–1008), and section 6 of the act provided for the establishment of the River Basin Surveys and Investigation Program (16 U.S.C. 1006–1009). A separate appropriation funded the two programs until fiscal year 1996 when they were combined into a single appropriation, watershed surveys and planning.

River basin activities provide for cooperation with other Federal, State, and local agencies in making investigations and surveys of the watersheds of rivers and other waterways as a basis for the development of coordinated programs. Reports of the investigations and surveys are prepared to serve as a guide for the development of agricultural, rural, and upstream watershed aspects of water and related land resources, and as a basis for coordination of this development with downstream and other phases of water development.

Watershed planning activities provide for cooperation between the Federal Government and the States and their political subdivisions in a program of watershed planning. Watershed plans form the basis for installing works of improvement for floodwater retardation, erosion control, and reduction of sedimentation in the watersheds of rivers and streams and to further the conservation, development, utilization, and disposal of water. The work of the Department in watershed planning consists of assisting local organizations to develop their watershed work plan by making investigations and surveys in response to requests made by sponsoring local organizations. These plans describe the soil erosion, water management, and sedimentation problems in a watershed and works of improvement proposed to alleviate these problems. Plans also include estimated benefits and costs, cost-sharing and operating and maintenance arrangements, and other appropriate information necessary to justify Federal assistance for carrying out the plan.

COMMITTEE RECOMMENDATIONS

For watershed surveys and planning, the Committee recommends an appropriation of $10,960,000. This amount is the same as the 2002 appropriation and $10,960,000 more than the budget request.

WATERSHED AND FLOOD PREVENTION OPERATIONS

Appropriations, 2002	$106,590,000
Budget estimate, 2003	.....
Committee recommendation	105,000,000

The Watershed Protection and Flood Prevention Act (Public Law 566, 83d Cong.) (16 U.S.C. 1001–1005, 1007–1009) provides for cooperation between the Federal Government and the States and their political subdivisions in a program to prevent erosion, floodwater, and sediment damages in the watersheds or rivers and streams and to further the conservation, development, utilization, and disposal of water.

The Natural Resources Conservation Service has general responsibility for administration of activities, which include cooperation with local sponsors, State, and other public agencies in the installation of planned works of improvement to reduce erosion, floodwater, and sediment damage; conserve, develop, utilize, and dispose of water; plan and install works of improvement for flood prevention, including the development of recreational facilities and the improvement of fish and wildlife habitat; and loans to local organizations to help finance the local share of the cost of carrying out planned watershed and flood prevention works of improvement.

COMMITTEE RECOMMENDATIONS

For watershed and flood prevention operations, the Committee recommends an appropriation of $105,000,000. This amount is $1,590,000 less than the 2002 appropriation and $105,000,000 more than the budget request.

The Committee continues the fiscal year 2002 level of funding for the Little Sioux Watershed and Mosquito Creek Watershed projects, Iowa.

The Committee encourages the agency to provide assistance for the Seward Resurrection River Flood Mitigation Project and the Matanuska River, AK erosion control project.

The Committee encourages the agency to support the increased demands for project completions dedicated to increasing water storage capacity, improving the efficiency of delivery systems, and conserving water through flood control projects, Hawaii. In particular, the Committee recommends that the agency provide funding to complete design and construction for the following approved watershed projects: Lower Hamakua Ditch Watershed, Upcountry Maui Watershed, Lahaina Watershed, and the Wailuku-Alenaio Watershed. In addition, the Committee recommends providing sufficient staff to complete the planning and design of these projects. The Committee also urges the agency to continue to provide leadership to coordinate water use and conservation activities of agencies of government and the private sector in Hawaii.

The Committee expects the agency to provide funds for continuing work in connection with the Big Creek/Hurricane Creek, Grassy Creek, Moniteau Creek, East Locust Creek, West Fork of Big Creek, East Yellow Creek, McKenzie Creek, Hickory Creek, East Fork of Grand River, Troublesome Creek and the Upper Locust Creek projects, all located in Missouri.

The agency is encouraged to fund completion of construction of the Bayou Bourbeaux Watershed Project in Opelousas, LA.

The Committee urges the agency to complete design and initiate construction of the Upper Tygart Valley Watershed project in West Virginia. In addition, the agency is provided funds to proceed with Phase III of the Little Whitestick Creek Channel Improvements in Raleigh County, WV. Also, the agency should continue to provide assistance to carry out the Potomac Headwaters Land Treatment Watershed project in West Virginia at no less than the fiscal year 2002 level.

The Committee provides funds for NRCS to provide assistance for bank stabilization and channel improvement work in Mississippi in the Tillatoba Creek Watershed, Yalobusha County; Oaklimeter Creek Watershed; and the Skuna River Watershed.

The Committee provides funds for the completion of Phase II of the Kuhn Bayou (Point Remove) project, Arkansas.

The Committee continues to be aware of flooding in the Devils Lake basin in North Dakota, and notes that the lake has risen more than 25 feet since 1993. The Committee encourages the agency, with the cooperation of the Farm Service Agency, to assist in the locally coordinated flood response and water management activities. NRCS and FSA should continue to utilize conservation programs in providing water holding and storage areas on private land as necessary intermediate measures in watershed management.

The Committee urges NRCS to proceed with construction of Phase II of the watershed flood control project in the vicinity of Truth or Consequences, NM.

The Committee encourages the NRCS to continue assistance for watershed projects in Iowa for which funds were provided in fiscal year 2002 in addition to the following projects: Fox River, Upper Locust, Turkey Creek, Indian Creek, Mill-Picayune Creek, Hacklebarney, and A&T Longbranch.

The Committee continues funding in order to complete the Pocasset River watershed project, Rhode Island.

The Committee provides funds to provide assistance to construct grade control structures in the Piney Creek Watershed, Yazoo County, MS, and to provide assistance for construction of Town Creek Floodwater Retarding Structure #8, Lee County, MS.

The Committee provides funding for the Square Butte project in North Dakota.

WATERSHED REHABILITATION PROGRAM

Appropriations, 2002	$10,000,000
Budget estimate, 2003	
Committee recommendation	30,000,000

The Committee recommends a new watershed rehabilitation program account for technical and financial assistance to carry out rehabilitation of structural measures, in accordance with Section 14 of the Watershed Protection and Flood Prevention Act, approved August 4, 1954 (U.S.C. 1001 et seq.), as amended by Section 313 of Public Law 106–472, November 9, 2000 (16 U.S.C. 1012), and by section 2505 of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171).

COMMITTEE RECOMMENDATIONS

For the watershed rehabilitation program, the Committee recommends $30,000,000. This amount is $20,000,000 more than the fiscal year 2002 level and $30,000,000 more than the budget request.

The Committee directs that funding under this program be provided for rehabilitation of structures determined to be of high priority need in order to protect property and ensure public safety.

RESOURCE CONSERVATION AND DEVELOPMENT

Appropriations, 2002	$48,048,000
Budget estimate, 2003[1]	49,079,000
Committee recommendation	50,000,000

[1] Excludes $2,952,000 requested for employee pension and health benefits.

The Natural Resources Conservation Service has general responsibility under provisions of section 102, title I of the Food and Agriculture Act of 1962, for developing overall work plans for resource conservation and development projects in cooperation with local sponsors; to help develop local programs of land conservation and utilization; to assist local groups and individuals in carrying out such plans and programs; to conduct surveys and investigations relating to the conditions and factors affecting such work on private lands; and to make loans to project sponsors for conservation and development purposes and to individual operators for establishing soil and water conservation practices.

COMMITTEE RECOMMENDATIONS

For resource conservation and development, the Committee recommends an appropriation of $50,000,000. This amount is $1,952,000 more than the 2002 level and $921,000 more than the budget request. The full increase is intended to provide additional support for existing resource conservation and development councils and to allow for consideration of newly authorized areas in states.

The Committee is aware of applications for the establishment of new RC&D areas and encourages the Secretary to give consideration to those requests.

FORESTRY INCENTIVES PROGRAM

Appropriations, 2002	$6,811,000
Budget estimate, 2003	
Committee recommendation	

The Forestry Incentives Program is authorized by the Cooperative Forest Assistance Act of 1978 (Public Law 95–313), as amended by section 1214, title XII, of the Food, Agriculture, Conservation, and Trade Act of 1990 and the Federal Agriculture Improvement and Reform Act of 1996. Its purpose is to encourage the development, management, and protection of nonindustrial private forest lands. This program is carried out by providing technical assistance and long-term cost-sharing agreements with private landowners.

COMMITTEE RECOMMENDATIONS

The Committee does not provide funding for the Forestry Incentive Program. The authorization for this program was repealed by section 8001 of Public Law 107–171. Section 8002 of that Act established the Forest Land Enhancement Program which provides assistance to owners of non-industrial private forest lands in a manner similar to the Forestry Incentives Program. Public Law 107–171 makes available $100,000,000 from funds of the Commodity Credit Corporation during the period 2002 through 2007.

TITLE III—RURAL DEVELOPMENT PROGRAMS

The Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (Public Law 103–354) abolished the Farmers Home Administration, Rural Development Administration, and Rural Electrification Administration and replaced those agencies with the Rural Housing and Community Development Service, (currently, the Rural Housing Service), Rural Business and Cooperative Development Service (currently, the Rural Business-Cooperative Service), and Rural Utilities Service and placed them under the oversight of the Under Secretary for Rural Economic and Community Development, (currently, Rural Development). These agencies deliver a variety of programs through a network of State, district, and county offices.

In the 1930's and 1940's, these agencies were primarily involved in making small loans to farmers; however, today these agencies have a multi-billion dollar assistance program throughout all America providing loans and grants for single-family, multi-family housing, and special housing needs, a variety of community facilities, infrastructure, and business development programs.

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

Appropriations, 2002	$623,000
Budget estimate, 2003[1]	898,000
Committee recommendation	898,000

[1] Excludes $25,000 requested for employee pension and health benefits.

The Office of the Under Secretary for Rural Development provides direction and coordination in carrying out the laws enacted by the Congress with respect to the Department's rural economic and community development activities. The Office has oversight and management responsibilities for the Rural Housing Service, Rural Business-Cooperative Service, and the Rural Utilities Service.

COMMITTEE RECOMMENDATIONS

For the Office of the Under Secretary for Rural Development, the Committee recommends an appropriation of $898,000. This amount is $275,000 more than the 2002 level and the same as the budget request.

The Committee is aware the Department has previously provided funding for the National Rural Development Partnership (NRDP). The NRDP, and its associated State Rural Development Councils, provide technical support and guidance for rural development at the State and local level. The Committee encourages the Department to continue support for this important organization from within available funds.

The Committee provides the Department $1,000,000 to conduct a capital needs assessment as outlined in the GAO report, GAO–02–397. The Committee expects the Department to document the need for additional affordable housing in rural areas. The Committee also expects the Department to compare the costs associated with the Section 515 program with other Federal programs and incentives serving the same eligible rural population.

The Committee is aware of a proposal for a Rural Economic Area Partnership (REAP) Zone designation for 17 southern Illinois counties. The proposal was drafted by a coalition of regional planning and development organizations in Southern Illinois. The Committee encourages the Department to give the proposal serious review and to provide appropriate funding and technical assistance.

The Committee is aware of and supports the ongoing efforts and activities of the Farm Worker Institute for Education and Leadership Development (FIELD). The Committee encourages the Secretary to work with FIELD through ongoing outreach and technical assistance programs to enhance ongoing research, skill set and workforce development.

RURAL COMMUNITY ADVANCEMENT PROGRAM

Appropriations, 2002	$806,557,000
Budget estimate, 2003	791,499,000
Committee recommendation	867,176,000

The Rural Community Advancement Program [RCAP], authorized by the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127), consolidates funding for the following programs: direct and guaranteed water and waste disposal loans, water and waste disposal grants, emergency

community water assistance grants, solid waste management grants, direct and guaranteed community facility loans, community facility grants, direct and guaranteed business and industry loans, rural business enterprise grants, and rural business opportunity grants. This proposal is in accordance with the provisions set forth in the Federal Agriculture Improvement and Reform Act of 1996, Public Law 104–127. Consolidating funding for these 12 rural development loan and grant programs under RCAP provides greater flexibility to tailor financial assistance to applicant needs.

With the exception of the 10 percent in the ''National office reserve'' account, funding is allocated to rural development State directors for their priority setting on a State-by-State basis. State directors are authorized to transfer not more than 25 percent of the amount in the account that is allocated for the State for the fiscal year to any other account in which amounts are allocated for the State for the fiscal year, with up to 10 percent of funds allowed to be reallocated nationwide.

Community facility loans were created by the Rural Development Act of 1972 to finance a variety of rural community facilities. Loans are made to organizations, including certain Indian tribes and corporations not operated for profit and public and quasi-public agencies, to construct, enlarge, extend, or otherwise improve community facilities providing essential services to rural residents. Such facilities include those providing or supporting overall community development, such as fire and rescue services, health care, transportation, traffic control, and community, social, cultural, and recreational benefits. Loans are made for facilities which primarily serve rural residents of open country and rural towns and villages of not more than 20,000 people. Health care and fire and rescue facilities are the priorities of the program and receive the majority of available funds.

The Community Facility Grant Program authorized in the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127), is used in conjunction with the existing direct and guaranteed loan programs for the development of community facilities, such as hospitals, fire stations, and community centers. Grants are targeted to the lowest income communities. Communities that have lower population and income levels receive a higher cost-share contribution through these grants, to a maximum contribution of 75 percent of the cost of developing the facility.

The Rural Business and Industry Loans Program was created by the Rural Development Act of 1972, and finances a variety of rural industrial development loans. Loans are made for rural industrialization and rural community facilities under Rural Development Act amendments to the Consolidated Farm and Rural Development Act authorities. Business and industrial loans are made to public, private, or cooperative organizations organized for profit, to certain Indian tribes, or to individuals for the purpose of improving, developing or financing business, industry, and employment or improving the economic and environmental climate in rural areas. Such purposes include financing business and industrial acquisition, construction, enlargement, repair or modernization, financing the purchase and development of land, easements, rights-of-way, buildings, payment of startup costs, and supplying working capital. Industrial development loans may be made in any area that is not within the outer boundary of any city having a population of 50,000 or more and its immediately adjacent urbanized and urbanizing areas with a population density of more than 100 persons per square mile. Special consideration for such loans is given to rural areas and cities having a population of less than 25,000.

Rural business enterprise grants were authorized by the Rural Development Act of 1972. Grants are made to public bodies and nonprofit organizations to facilitate development of small and emerging business enterprises in rural areas, including the acquisition and development of land; the construction of buildings, plants, equipment, access streets and roads, parking areas, and utility extensions; refinancing fees; technical assistance; and startup operating costs and working capital.

Rural business opportunity grants are authorized under section 306(a)(11) of the Consolidated Farm and Rural Development Act, as amended. Grants may be made, not to exceed $1,500,000 annually, to public bodies and private nonprofit community development corporations or entities. Grants are made to identify and analyze business opportunities that will use local rural economic and human resources; to identify, train, and provide technical assistance to rural entrepreneurs and managers; to establish business support centers; to conduct economic development planning and coordination, and leadership development; and to establish centers for training, technology, and trade that will provide training to rural businesses in the utilization of interactive communications technologies.

The water and waste disposal program is authorized by sections 306, 306A, 309A, 306C, 306D, and 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq., as amended). This program makes loans for water and waste development costs. Development loans are made to associations, including corporations operating on a nonprofit basis, municipalities and similar organizations, generally designated as public or quasipublic agencies, that propose projects for the development, storage, treatment, purification, and distribution of domestic water or the collection, treatment, or disposal of waste in rural areas. Such grants may not exceed 75 percent of the development cost of the projects and can supplement other funds borrowed or furnished by applicants to pay development costs.

The solid waste grant program is authorized under section 310B(b) of the Consolidated Farm and Rural Development Act. Grants are made to public bodies and private nonprofit organizations to provide technical assistance to local and regional governments for the purpose of reducing or eliminating pollution of water resources and for improving the planning and management of solid waste disposal facilities.

COMMITTEE RECOMMENDATIONS

For the Rural Community Advancement Program [RCAP], the Committee recommends $867,176,000. This amount is $60,619,000 more than the fiscal year 2002 level and $75,677,000 more than the budget request.

The following table provides the Committee's recommendations, as compared to the fiscal year 2002 and budget request levels:

RURAL COMMUNITY ADVANCEMENT PROGRAM

[Budget authority in thousands of dollars]

	Fiscal year—		Committee recommendation
	2002 appropriation	2003 budget request	
Community:			
Community facility direct loan subsidies	13,545	15,600	15,600
Community facility grants	20,000	17,000	27,000
Economic impact initiative grants	20,000	.....	25,000
High energy costs grants	30,000	.....	30,000
Subtotal, community	83,545	32,600	97,600
Business:			
Business and industry loan subsidies:			
Direct	.....	.....	.....
Guaranteed	27,400	29,085	35,730
Rural business enterprise grants	41,000	44,000	47,032
Rural business opportunity grants	5,100	3,000	4,000
Department of Energy matching grants	3,000	.....	.....
Subtotal, business	76,500	76,085	86,762
Utilities:			
Water and waste disposal loan subsidies: Direct	60,497	92,302	92,302
Water and waste disposal grants	582,515	587,012	587,012
Solid waste management grants	3,500	3,500	3,500
Subtotal, utilities	646,512	682,814	682,814
Total, loan subsidies and grants	806,557	791,499	867,176

Rural Community Advancement Program.—The Committee provides the fiscal year 2002 level of funding for transportation technical assistance.

The Committee directs the Department to continue the Rural Economic Area Partnership [REAP] initiative.

The Committee directs that of the $24,000,000 provided for loans and grants to benefit Federally Recognized Native American Tribes, $250,000 be used to implement an American Indian and Alaska Native passenger transportation development and assistance initiative.

Community facility loans and grants.—The Committee is aware of and encourages the Department to give consideration to applications relating to community facilities for structural and other essential needs of the following: the City of Craig's Marine Industrial Park, AK; City of Park Falls, WI; Town of Sunset, LA; Dillingham Dock, AK; Cave City Agricultural Center, Barren County, KY; Rosebud Sioux Tribe Headquarters Facility, South Dakota; USC Salkehatchie Leadership Center, South Carolina; West Baton Rouge Paris Agriculture Facility, Louisiana; Fort Peck Interpretative Center, Montana; Casey County Agricultural Center, Kentucky; Union and Wallowa Counties Rail Line, Oregon; Mashantucket Pequot Tribe, Connecticut; and the Freewoods Farm, South Carolina.

Economic impact initiative grants.—The Committee includes bill language to provide $25,000,000 for the Rural Community Facilities Grant Program for areas of extreme unemployment or severe economic depression.

High energy cost grants.—The Committee includes bill language to provide $30,000,000 for the Rural Community Advancement Program for communities with extremely high energy costs which is to be administered by the Rural Utilities Service.

Business and Industry Loan Program.—The Committee encourages the Department to give consideration to applications for rural business opportunity grants (RBOG) from the following: The Menomiee Tribal Enterprises, Rural Technical Assistance Program, Iowa; Wisconsin; Missouri Regional Councils; and the Quinebaug-Shetucket Corridor, Connecticut.

Rural business enterprise grants.—The Committee is also aware of and encourages the Department to give consideration to applications for rural business enterprise grants (RBEG) from the following: Agricultural Heritage & Resources, Inc., Wisconsin; The City of Crandon Industrial Park, WI; Louisiana Biobased Technology Development and Commercialization Initiative; Cumberland Valley Milling Cooperative, Kentucky; Value-Added Pork Products, Springfield, KY; Boone-Sang Cooperative Association, Kentucky; Sustainable Woods Cooperative, Wisconsin; Walla Walla Community College, Washington; Cheyenne River Sioux Tribe Buffalo Jerky Processing Plant, South Dakota; Salem County Storage Facililty, New Jersey; Shorebank Enterprise Pacific, Washington; Forest Enterprises Technology Center, Wisconsin; Mission Valley Market, Montana; Grants to Public Broadcasting Systems Programs; Hibbins Technology Business Center, Minnesota; University of Montana Business Incubators; City of Park Hills, MO; South Dakota Public Broadcasting; Business and Technology Extension Program, Oregon; Dairy Value-Added Cheese Manufacturing, Kentucky; Vermont Maple Industry Council; Cape Fox Native Corporation, Alaska; Chesterfield County Industrial Park, South Carolina; Old North State Winegrowers Cooperative Association, North Carolina; and the Power Applications Resource Center at Montana State University-Northern.

The Committee expects the Department to ensure that the system by which applications for rural business enterprise grants are considered does not discriminate against applications which may benefit multiple States.

Water and waste disposal loans and grants.—The Committee is aware of and encourages the Department to consider applications for water and waste disposal loans and grants relating to the following projects: The Chimayo, Bloomfield, Truth or Consequences and Carnuel communities in New Mexico; Tell City Branchville Sewer Line Project, IN; Nashville, AR; Fort Belknap Reservation, MT; Neuse North Carolina Regional Water System; Abbeville County Development Board, South Carolina; South Kona, HI; La Pine County Waste System, Oregon; Connect Peculiar and Raymore Water Systems, Missouri; Lake County Wastewater, Illinois; Port Orford Drinking Water and Sewer District, Oregon; and the Belknap Heights Community Water System, New Hampshire.

The Committee also includes language in the bill to make up to $30,000,000 in water and waste disposal loans and grants available for village safe water for the development of water systems for rural communities and native villages in Alaska. In addition, the Committee is aware of and encourages the Department to consider applications to the national program from small, regional hub villages in Alaska with a populations less than 5,000 which are not able to compete for village safe water funding; $20,000,000 for water and waste systems for the colonias along the United States-Mexico border; and $18,000,000 for water and waste disposal systems for Federally Recognized Native American Tribes. In addition, the Committee makes up to $12,100,000 available for the circuit rider program of which the $1,100,000 increase from fiscal year 2002 shall be provided to those States that have the most water and waste needs including coverage of their existing systems.

The Committee encourages the Department to continue working with the city of Blaine, Washington, on water and infrastructure needs and to use existing funds to help with environmental remediation of Semiahmah.

Water and waste technical assistance training grants.—The Committee encourages the Rural Utilities Service to consider an increase in the grant request from the National Drinking Water of Clearinghouse, for which an increase in this account is provided. The Committee is aware of and encourages the Department to consider applications from the Alaska Village Safe Water Program to provide statewide training in water and waste systems operation and maintenance.

The Committee encourages the Department to consider a pilot program within available funds to offer inspector training and certification program that would include proper well construction, maintenance, sampling, treatment and ensuring the overall safety of private wells in rural areas.

Solid Waste Management Grants.—The Committee is aware of the need for landfill improvements for Point Barrow, Alaska, and urges the Department to give priority consideration for an application for a solid waste management grant.

The Committee expects the Department to consider only those applications judged meritorious when subjected to the established review process.

RURAL DEVELOPMENT SALARIES AND EXPENSES

[In thousands of dollars]

	Fiscal year—		Committee recommendation
	2002 appropriation	2003 budget request	
Appropriations	133,722	[1] 145,736	127,502
Transfer from:			
Rural Housing Insurance Fund Loan Program Account	(422,241)	(455,630)	(455,630)
Rural Electrification and Telecommunications Loans Program Account	(36,000)	(38,035)	(38,035)
Rural Telephone Bank Program Account	(3,082)	(3,082)	(3,082)
Rural Local Television Program Account	(2,000)		
Rural Development Loan Fund Program Account	(3,733)	(4,290)	(4,290)
Total, RD salaries and expenses	600,778	646,773	628,539

[1] Excludes $38,603,000 requested for employee pension and health benefits.

These funds are used to administer the loan and grant programs of the Rural Utilities Service, the Rural Housing Service, and the Rural Business-Cooperative Service, including reviewing applications, making and collecting loans and providing technical assistance and guidance to borrowers; and to assist in extending other Federal programs to people in rural areas.

Under credit reform, administrative costs associated with loan programs are appropriated to the program accounts. Appropriations to the salaries and expenses account will be for costs associated with grant programs.

COMMITTEE RECOMMENDATIONS

The Committee recommends $628,539,000 for salaries and expenses for the Rural Economic and Community Development Programs. This amount is $27,761,000 more than the fiscal year 2002 level and $18,234,000 less than the budget request.

This amount does not include an increase of $17,065,000 for rental payments to GSA or $169,000 for FECA administrative charges, as requested in the budget.

The Committee expects that none of the funds provided for Rural Development, Salaries and Expenses should be used to enter into or renew a contract for any activity that is best suited as an inherent function of Government, without prior approval from the Committees on Appropriations of the House and Senate. Such activities may include, but are not limited to, any function that affects eligibility determination, disbursement, collection or accounting for Government subsidies provided under any of the direct or guaranteed loan programs of the Rural Development mission area or the Farm Service Agency.

RURAL HOUSING SERVICE

The Rural Housing Service [RHS] was established under Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994, dated October 13, 1994.

The mission of the Service is to improve the quality of life in rural America by assisting rural residents and communities in obtaining adequate and affordable housing and access to needed community facilities. The goals and objectives of the Service are: (1) facilitate the economic revitalization of rural areas by providing direct and indirect economic benefits to individual borrowers, families, and rural communities; (2) assure that benefits are communicated to all program eligible customers with special outreach efforts to target resources to underserved, impoverished, or economically declining rural areas; (3) lower the cost of programs while retaining the benefits by redesigning more effective programs that work in partnership with State and local governments and the private sector; and (4) leverage the economic benefits through the use of low-cost credit programs, especially guaranteed loans.

COMMITTEE RECOMMENDATIONS

The Committee recommends total appropriations of $1,585,266,000 for the Rural Housing Service. This is $110,789,000 more than the 2002 level and $56,749,000 more than the budget request.

The Committee encourages the Department to continue to set-aside of funds within rural housing programs to support self-help housing, home ownership partnerships, housing preservation and State rental assistance, and other related activities that facilitate the development of housing in rural areas.

The following table presents loan and grant program levels recommended by the Committee, as compared to the fiscal year 2002 levels and the 2003 budget request:

LOAN AND GRANT LEVELS

[In thousands of dollars]

	Fiscal year—		Committee recommendation
	2002	2003 request	
Rural Housing Insurance Fund Program Account loan levels:			
Single family housing (sec. 502):			
Direct	(1,079,848)	(957,300)	(1,005,162)
Unsubsidized guaranteed	(3,137,969)	(2,750,000)	(2,750,000)
Housing repair (sec. 504)	(32,325)	(35,000)	(35,000)
Multifamily housing guarantees (sec. 538)	(99,771)	(100,000)	.....
Rental housing (sec. 515)	(114,069)	(60,000)	(120,000)
Site loans (sec. 524)	(5,091)	(5,000)	(5,000)
Credit sales of acquired property	(11,778)	(12,000)	(12,000)
Self-help housing land development fund	(5,000)	(5,011)	(5,011)
Total, RHIF	(4,485,851)	(3,924,311)	(3,932,173)
Farm Labor Program:			
Farm labor housing loan level	(28,459)	(36,000)	(36,000)
Farm labor housing grants	17,967	16,968	16,968
Total, Farm Labor Program	(46,426)	(52,968)	(52,968)
Grants and payments:			
Mutual and self-help housing	35,000	34,000	35,000
Rental assistance	701,004	712,000	730,000
Rural housing assistance grants [RHAG]	38,914	42,498	47,498
Total, rural housing grants and payments	774,918	788,498	812,498
Total, RHS loans and grants	(5,307,195)	(4,765,777)	(4,797,639)

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

This fund was established in 1965 (Public Law 89–117) pursuant to section 517 of title V of the Housing Act of 1949, as amended. This fund may be used to insure or guarantee rural housing loans for single-family homes, rental and cooperative housing, and rural housing sites. Rural housing loans are made to construct, improve, alter, repair, or replace dwellings and essential farm service buildings that are modest in size, design, and cost. Rental housing insured loans are made to individuals, corporations, associations, trusts, or partnerships to provide moderate-cost rental housing and related facilities for elderly persons in rural areas. These loans are repayable in not to exceed 30 years. Loan programs are limited to rural areas, which include towns, villages, and other places of not more than 10,000 population, which are not part of an urban area. Loans may also be made in areas with a population in excess of 10,000, but less than 20,000, if the area is not included in a standard metropolitan statistical area and has a serious lack of mortgage credit for low- and moderate-income borrowers.

An increased priority should be placed on long term rehabilitation needs within the existing multi-family housing portfolio including increased equity loan activity and financial and technical assistance support for acquisition of existing projects.

The Committee urges the Department to consider decreasing the guarantee fee in the single family unsubsidized guaranteed program consistent with other Federal housing programs including fees charged for refinancing existing loans.

LOAN SUBSIDY AND ADMINISTRATIVE EXPENSES LEVELS

The Federal Credit Reform Act of 1990 established the program account. Appropriations to this account will be used to cover the lifetime subsidy costs associated with the direct loans obligated and loan guarantees committed in 2002, as well as for administrative expenses. The following table presents the loan subsidy levels as compared to the 2002 levels and the 2003 budget request:

[In thousands of dollars]

	Fiscal year—		Committee recommendation
	2002 level	2003 request	
Loan subsidies:			
Single family (sec. 502):			
Direct	142,108	185,429	194,700
Unsubsidized guaranteed	40,166	19,800	19,800
Housing repair (sec. 504)	10,386	10,857	10,857
Multifamily housing guarantees (sec. 538)	3,921	4,500	.....
Rental housing (sec. 515)	48,274	27,978	55,956
Site loans (sec. 524)	28	55	55
Credit sales of acquired property	750	934	934
Self-help housing land development fund	254	221	221
Total, loan subsidies	245,887	249,774	282,523
Administrative expenses	422,241	455,630	455,630

RENTAL ASSISTANCE PROGRAM

Appropriations, 2002	$701,004,000
Budget estimate, 2003	712,000,000
Committee recommendation	730,000,000

The Housing and Community Development Act of 1974 established a rural rental assistance program to be administered through the rural housing loans program. The objective of the program is to reduce rents paid by low-income families living in Rural Housing Service financed rental projects and farm labor housing projects. Under this program, low-income tenants will contribute the higher of: (1) 30 percent of monthly adjusted income; (2) 10 percent of monthly income; or (3) designated housing payments from a welfare agency.

Payments from the fund are made to the project owner for the difference between the tenant's payment and the approved rental rate established for the unit.

The program is administered in tandem with Rural Housing Service section 515 rural rental and cooperative housing programs and the farm labor loan and grant programs. Priority is given to existing projects for units occupied by rent over burdened low-income families and projects experiencing financial difficulties beyond the control of the owner; any remaining authority will be used for projects receiving new construction commitments under sections 514, 515, or 516 for very low-income families with certain limitations.

COMMITTEE RECOMMENDATIONS

For rural rental assistance payments, the Committee recommends an appropriation of $730,000,000. This amount is $28,996,000 more than the 2002 level and $18,000,000 more than the budget request.

The Committee provides an increase in this account and expects the Department to provide rental assistance for new construction, servicing and debt forgiveness including offering assistance to units that are occupied by tenants that are rent overburdened and projects experiencing financial difficulties beyond the control of the owner.

MUTUAL AND SELF-HELP HOUSING GRANTS

Appropriations, 2002	$35,000,000
Budget estimate, 2003	34,000,000
Committee recommendation	35,000,000

This grant program is authorized by title V of the Housing Act of 1949. Grants are made to local organizations to promote the development of mutual or self-help programs under which groups of usually 6 to 10 families build their own homes by mutually exchanging labor. Funds may be used to pay the cost of construction supervisors who will work with families in the construction of their homes and for administrative expenses of the organizations providing the self-help assistance.

COMMITTEE RECOMMENDATIONS

The Committee recommends $35,000,000 for mutual and self-help housing grants. This is the same as the 2002 level and $1,000,000 more than the budget request.

RURAL HOUSING ASSISTANCE GRANTS

Appropriations, 2002	$38,914,000
Budget estimate, 2003	42,498,000
Committee recommendation	47,498,000

This program consolidates funding for rural housing grant programs. This consolidation of housing grant funding provides greater flexibility to tailor financial assistance to applicant needs.

Very low-income housing repair grants.—The Very Low-Income Housing Repair Grants Program is authorized under section 504 of title V of the Housing Act of 1949. The rural housing repair grant program is carried out by making grants to very low-income families to make necessary repairs to their homes in order to make such dwellings safe and sanitary, and remove hazards to the health of the occupants, their families, or the community.

These grants may be made to cover the cost of improvements or additions, such as repairing roofs, providing toilet facilities, providing a convenient and sanitary water supply, supplying screens, repairing or providing structural supports or making similar repairs, additions, or improvements, including all preliminary and installation costs in obtaining central water and sewer service. A grant can be made in combination with a section 504 very low-income housing repair loan.

No assistance can be extended to any one individual in the form of a loan, grant, or combined loans and grants in excess of $27,500, and grant assistance is limited to persons, or families headed by persons who are 62 years of age or older.

Supervisory and technical assistance grants.—Supervisory and technical assistance grants are made to public and private nonprofit organizations for packaging loan applications for housing assistance under sections 502, 504, 514/516, 515, and 533 of the Housing Act of 1949. The assistance is directed to very low-income families in underserved areas where at least 20 percent of the population is below the poverty level and at least 10 percent or more of the population resides in substandard housing. In fiscal year 1994 a Homebuyer Education Program was implemented under this authority. This program provides low-income individuals and families education and counseling on obtaining and/or maintaining occupancy of adequate housing and supervised credit assistance to become successful homeowners.

Compensation for construction defects.—Compensation for construction defects provides funds for grants to eligible section 502 borrowers to correct structural defects, or to pay claims of owners arising from such defects on a newly constructed dwelling purchased with RHS financial assistance. Claims are not paid until provisions under the builder's warranty have been fully pursued. Requests for compensation for construction defects must be made by the owner of the property within 18 months after the date financial assistance was granted.

Rural housing preservation grants.—Rural housing preservation grants (section 522) of the Housing and Urban-Rural Recovery Act of 1983 authorizes the Rural Housing Service to administer a program of home repair directed at low- and very low-income people.

The purpose of the preservation program is to improve the delivery of rehabilitation assistance by employing the expertise of housing organizations at the local level. Eligible applicants will compete on a State-by-State basis for grants funds. These funds may be administered as loans, loan write-downs, or grants to finance home repair. The program will be administered by local grantees.

The Committee is also aware of and encourages the Department to give consideration to applications for rural housing preservation grants from the following. The Campbellsville University of Kentucky Heartland Outreach.

COMMITTEE RECOMMENDATIONS

For the Rural Housing Assistance Grants Program the Committee recommends $47,498,000. This is $8,584,000 more than the 2002 level and $5,000,000 more than the budget request.

The Committee encourages the Secretary to administer the Demonstration Housing Grants for Agriculture Processing Workers through non-profits community based organizations, including cooperatives, and allow grant funding up to 75 percent total development costs for each project awarded. The Department should also require on-site tenant services in the selection criteria. The Committee provided funding for this purpose in fiscal year 2001 and requests that the Department make necessary changes in any notice for available funds from lessons learned.

The following table compares the grant program levels recommended by the Committee to the fiscal year 2002 levels and the budget request:

RURAL HOUSING ASSISTANCE GRANTS

[In thousands of dollars]

	Fiscal year—		Committee recommendation
	2002 level	2003 request	
Very low-income housing repair grants	29,934	31,500	31,500
Supervisory and technical assistance	998	998	998
Rural housing preservation grants	7,982	10,000	10,000
Demonstration housing grants for agriculture processing workers			5,000
Total	38,914	42,498	47,498

FARM LABOR PROGRAM ACCOUNT

[In thousands of dollars]

	Loan level	Subsidy level	Grants
Appropriations, 2002	(28,459)	13,464	17,967
Budget estimate, 2003	(36,000)	17,647	16,968
Committee recommendation	(36,000)	17,647	16,968

The direct farm labor housing loan program is authorized under section 514 and the rural housing for domestic farm labor housing grant program is authorized under section 516 of the Housing Act of 1949, as amended. The loans, grants, and contracts are made to public and private nonprofit organizations for low-rent housing and related facilities for domestic farm labor. Grant assistance may not exceed 90 percent of the cost of a project. Loans and grants may be used for construction of new structures, site acquisition and development, rehabilitation of existing structures, and purchase of furnishings and equipment for dwellings, dining halls, community rooms, and infirmaries.

Under credit reform, administrative costs associated with loan programs are appropriated to the program accounts. Appropriations to the salaries and expenses account will be for costs associated with grant programs.

COMMITTEE RECOMMENDATIONS

For the cost of direct farm labor housing loans and grants, the Committee recommends $34,615,000. This is $3,184,000 more than the 2002 level and the same as the budget request.

RURAL BUSINESS-COOPERATIVE SERVICE

The Rural Business-Cooperative Service [RBS] was established by Public Law 103–354, Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994, dated October 13, 1994. Its programs were previously administered by the Rural Development Administration, the Rural Electrification Administration, and the Agricultural Cooperative Service.

The mission of the Rural Business-Cooperative Service is to enhance the quality of life for all rural residents by assisting new and existing cooperatives and other businesses through partnership with rural communities. The goals and objectives are to: (1) promote a stable business environment in rural America through financial assistance, sound business planning, technical assistance, appropriate research, education, and information; (2) support environmentally sensitive economic growth that meets the needs of the entire community; and (3) assure that the Service benefits are available to all segments of the rural community, with emphasis on those most in need.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

[In thousands of dollars]

	Fiscal year—		Committee recommendation
	2002 level	2003 request	
Estimated loan level	(38,171)	(40,000)	(40,000)
Direct loan subsidy	16,494	19,304	19,304
Administrative expenses	3,733	4,290	4,290

The rural development (intermediary relending) loan program was originally authorized by the Economic Opportunity Act of 1964 (Public Law 88–452). The making of rural development loans by the Department of Agriculture was reauthorized by Public Law 99–425, the Human Services Reauthorization Act of 1986.

Loans are made to intermediary borrowers (this is, small investment groups) who in turn will reloan the funds to rural businesses, community development corporations, private nonprofit organizations, public agencies, et cetera, for the purpose of improving business, industry, community facilities, and employment opportunities and diversification of the economy in rural areas.

The Federal Credit Reform Act of 1990 established the program account. Appropriations to this account will be used to cover the lifetime subsidy costs associated with the direct loans obligated in 2003, as well as for administrative expenses.

COMMITTEE RECOMMENDATIONS

For rural development (intermediary relending) loans, the Committee recommends a total loan level of $40,000,000. This is $1,829,000 more than the 2002 loan level and the same as the budget request.

The Committee encourages the agency to consider the following for intermediary relending loans: The Menominee Tribal Enterprises, Wisconsin; Impact Seven, Inc., Wisconsin; Northern Economic Initiatives Corporation, Michigan; Southern Financial Partners, Arkansas; and the Southwestern Pennsylvania Progress Fund.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

[In thousands of dollars]

	Fiscal year—		Committee recommendation
	2002 level	2003 request	
Estimated loan level	(14,966)	(14,967)	(14,967)
Direct loan subsidy [1]	3,616	3,197	3,197

[1] Offset by a rescission from interest on the cushion of credit payments as authorized by section 313 of the Rural Electrification Act of 1936.

The rural economic development loans program was established by the Reconciliation Act of December 1987 (Public Law 100–203), which amended the Rural Electrification Act of 1936, by establishing a new section 313. This section of the Rural Electrification Act (7 U.S.C. 901) established a cushion of credits payment program and created the rural economic development subaccount. The Administrator of RUS is authorized under the act to utilize funds in this program to provide zero interest loans to electric and telecommunications borrowers for the purpose of promoting rural economic development and job creation projects, including funding for feasibility studies, startup costs, and other reasonable expenses for the purpose of fostering rural economic development.

COMMITTEE RECOMMENDATION

The Committee recommends a direct loan subsidy appropriation for rural economic development loans of $3,197,000. This amount is $419,000 less than the 2002 level and the same as the budget request. As proposed in the budget, the $3,197,000 provided is derived by transfer from interest on the cushion of credit payments.

RURAL COOPERATIVE DEVELOPMENT GRANTS

Appropriations, 2002	$7,750,000
Budget estimate, 2003	9,000,000
Committee recommendation	9,000,000

Rural cooperative development grants are authorized under section 310B(e) of the Consolidated Farm and Rural Development Act, as amended. Grants are made to fund the establishment and operation centers for rural cooperative development with their primary purpose being the improvement of economic conditions in rural areas. Grants may be made to nonprofit institutions or institutions of higher education. Grants may be used to pay up to 75 percent of the cost of the project and associated administrative costs. The applicant must contribute at least 25 percent from non-Federal sources, except 1994 institutions, which only need to provide 5 percent. Grants are competitive and are awarded based on specific selection criteria.

Cooperative research agreements are authorized by 7 U.S.C. 2204b. The funds are used for cooperative research agreements, primarily with colleges and universities, on critical operational, organizational, and structural issues facing cooperatives.

Cooperative agreements are authorized under 7 U.S.C. 2201 to any qualified State departments of agriculture, university, and other State entity to conduct research that will strengthen and enhance the operations of agricultural marketing cooperatives in rural areas.

The Appropriate Technology Transfer for Rural Areas (ATTRA) program was first authorized by the Food Security Act of 1985. The program provides information and technical assistance to agricultural producers to adopt sustainable agricultural practices that are environmentally friendly and lower production costs.

COMMITTEE RECOMMENDATIONS

The Committee recommends $9,000,000 for rural cooperative development grants. This is $1,250,000 more than the 2002 level and the same as the budget request.

The Committee is aware of and encourages the Department to consider the following applications for cooperative development grants: the Alaska Network Systems for Internet Facilities Mission Valley, Montana; Montana State University-Northern Cooperative Development Center; Mississippi Association of Cooperatives; and a rural cooperative located in Elko, Pershing, and Humboldt Counties, Nevada.

Of the funds provided, $2,500,000 is provided for the Appropriate Technology Transfer for Rural Areas program through a cooperative agreement with the National Center for Appropriate Technology.

The Committee has included language in the bill that not more than $1,500,000 shall be made available to cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers.

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

Appropriations, 2002	$14,967,000
Budget estimate, 2003	.....
Committee recommendation	14,967,000

COMMITTEE RECOMMENDATIONS

The Committee recommends $14,967,000 for Rural Empowerment Zones and Enterprise Communities Grants. This amount is the same as the 2002 level and $14,967,000 more than the budget request.

RURAL UTILITIES SERVICE

The Rural Utilities Service [RUS] was established under the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (Public Law 103–354), October 13, 1994. RUS administers the electric and telephone programs of the former Rural Electrification Administration and the water and waste programs of the former Rural Development Administration.

The mission of the RUS is to serve a leading role in improving the quality of life in rural America by administering its electric, telecommunications, and water and waste programs in a service oriented, forward looking, and financially responsible manner. All three programs have the common goal of

modernizing and revitalizing rural communities. RUS provides funding and support service for utilities serving rural areas. The public-private partnerships established by RUS and local utilities assist rural communities in modernizing local infrastructure. RUS programs are also characterized by the substantial amount of private investment which is leveraged by the public funds invested into infrastructure and technology, resulting in the creation of new sources of employment.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

The Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) provides the statutory authority for the electric and telecommunications programs.

The Federal Credit Reform Act of 1990 established the program account. An appropriation to this account will be used to cover the lifetime subsidy costs associated with the direct loans obligated and loan guarantees committed in 2003, as well as for administrative expenses.

COMMITTEE RECOMMENDATIONS

The following table reflects the Committee's recommendation for the ''Rural electrification and telecommunications loans program'' account, the loan subsidy and administrative expenses, as compared to the fiscal year 2002 and budget request levels:

[In thousands of dollars]

	Fiscal year—		Committee recommendation
	2002 level	2003 request	
Loan authorizations:			
Electric:			
Direct, 5 percent	(121,107)	(121,103)	(121,103)
Direct, Muni	(500,000)	(100,000)	(100,000)
Direct, FFB	(2,600,000)	(1,600,000)	(2,600,000)
Direct, Treasury rate	(750,000)	(700,000)	(1,150,000)
Guaranteed	(100,000)	(100,000)	(100,000)
Guaranteed, Underwriting	.....	.....	(1,000,000)
Subtotal	(4,071,107)	(2,621,103)	(5,071,103)
Telecommunications:			
Direct, 5 percent	(74,827)	(75,029)	(75,029)
Direct, Treasury rate	(300,000)	(300,000)	(300,000)
Direct, FFB	(120,000)	(120,000)	(120,000)
Subtotal	(494,827)	(495,029)	(495,029)
Total, loan authorizations	(4,565,934)	(3,116,132)	(5,566,132)
Loan Subsidies:			
Electric:			
Direct, 5 percent	3,609	6,915	6,915
Direct, Muni [1]	.....	4,030	4,030
Direct, FFB [2]	.....	.....	.....
Direct, Treasury rate [2]	.....	.....	.....
Guaranteed	80	80	80
Guaranteed, Underwriting [3]	.....	.....	.....
Subtotal	3,689	11,025	11,025
Telecommunications:			
Direct, 5 percent	1,736	1,283	1,283
Direct, Treasury rate	300	150	150
Direct, FFB [2]	.....	.....	.....
Subtotal	2,036	1,433	1,433
Total, loan subsidies	5,725	12,458	12,458
Administrative expenses	36,000	38,035	38,035
Total, Rural Electrification and Telecommunications Loans Programs Account	41,725	50,493	50,493
(Loan authorization)	(4,565,934)	(3,116,132)	(5,566,132)

[1] Negative subsidy rate for fiscal year 2002 is calculated for this program.
[2] Negative subsidy rates for fiscal years 2002 and 2003 are calculated for these programs.
[3] Negative subsidy rate for fiscal year 2003 is calculated for this program.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

[In thousands of dollars]

	Loan level	Direct loan subsidy	Administrative expenses
Appropriations, 2002	(174,615)	3,737	3,082
Budget estimate, 2003	.....	.....	3,082
Committee recommendation	(174,615)	2,410	3,082

The Rural Telephone Bank [RTB] is required by law to begin privatization (repurchase of federally owned stock) in fiscal year 1996. RTB borrowers are able to borrow at private market rates and no longer require Federal assistance.

The Rural Telephone Bank is managed by a 13-member board of directors. The Administrator of RUS serves as Governor of the Bank until conversion to private ownership, control, and operation. This will take place when 51 percent of the class A stock issued to the United States and outstanding at any time after September 30, 1996, has been fully redeemed and retired. Activities of the Bank are carried out by RUS employees and the Office of the General Counsel of the U.S. Department of Agriculture.

The Federal Credit Reform Act of 1990 established the program account. Appropriations to this account will be used to cover the lifetime subsidy costs associated with the direct loans obligated in 2003, as well as for administrative expenses.

COMMITTEE RECOMMENDATIONS

The Committee recommends $2,410,000 which supports a loan level of $174,615,000. This amount is $1,327,000 less than the 2002 level and $2,410,000 more than the budget request.

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

LOANS AND GRANTS

[In thousands of dollars]

	Fiscal year—		Committee recommendation
	2002 level	2003 request	
Distance learning and telemedicine direct loan	(300,000)	(50,000)	(50,000)
Broadband telecommunications direct loans	(80,000)	(79,535)	(79,535)
Direct loan subsidy [1]	.....	4,104	4,104
Grants	49,441	26,945	47,837
Total Budget Authority	49,441	31,049	51,941

[1] Negative subsidy rate for fiscal year 2002 is calculated for this program.

The Distance Learning and Telemedicine Program is authorized by the Food, Agriculture, Conservation and Trade Act of 1990 (104 Stat. 4017, 7 U.S.C. 950aaa et seq.), as amended by the Federal Agriculture Improvement and Reform Act of 1996. This program provides incentives to improve the quality of phone services, to provide access to advanced telecommunications services

and computer networks, and to improve rural opportunities.

This program provides the facilities and equipment to link rural education and medical facilities with more urban centers and other facilities providing rural residents access to better health care through technology and increasing educational opportunities for rural students. These funds are available for loans and grants.

COMMITTEE RECOMMENDATIONS

For the Distance Learning and Telemedicine Program, the Committee recommends $51,941,000. This amount is $2,500,000 more than the 2002 level and $20,892,000 more than the budget request.

The Committee is aware that public television stations are facing a deadline of May, 2003 to meet the Federal Communications Commission's mandate to broadcast digital television signals and understands the difficulty that many stations will incur in meeting that deadline. Of the funds provided for Distance Learning and Telemedicine, the Committee has provided $15,000,000 in grants for pubic broadcasting systems to meet this goal.

In addition, of the funds provided, $10,000,000 in grants shall be made available to support broadband transmission and local dial-up Internet services for rural areas. The Department should continue to provide financial support in addition to the Distance Learning and Telemedicine grant and loan accounts.

The Committee is aware of and encourages the Department to give consideration to the following applications for grants and loans: The Lakeshore Technical College, Wisconsin; Alaska Federal Health Care Access Network; South Dakota Community Healthcare Association's Integrated Management Information System; Kentucky Telehealth Network; Maui Community College Sky Bridge Interactive Television Network, Hawaii; Farm Resource Center, Illinois; Montana Agriculture Knowledge Network; Lane County, OR; Fresno Community Medical Centers, California; City of Jackson, TN; Troy State Alabama Technology Network; Huntington College, Alabama; and the Educational Services District 105, Washington.

The Committee encourages the Department to fund a demonstration project to build upon existing resources and to further the use of advanced telecommunications by rural communities.

TITLE IV—DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

Appropriations, 2002	$587,000
Budget estimate, 2003[1]	774,000
Committee recommendation	774,000

[1] Excludes $23,000 requested for employee pension and health benefits.

The Office of the Under Secretary for Food, Nutrition and Consumer Services provides direction and coordination in carrying out the laws enacted by the Congress with respect to the Department's food and consumer activities. The Office has oversight and management responsibilities for the Food and Nutrition Service.

COMMITTEE RECOMMENDATIONS

For the Office of the Under Secretary for Food, Nutrition and Consumer Services, the Committee recommends an appropriation of $774,000. This amount is $187,000 more than the 2002 level and the same as the budget request.

The Committee remains aware of innovative work in Wisconsin and Iowa making milk available through school vending machines as an alternative to other beverages. In 2002, the Under Secretary was directed to examine the merits of these experiments and their potential to improve child health and nutrition. Based upon that information, the Under Secretary is now directed to expand these efforts as pilot programs in these States.

The Committee is aware of the benefits of programs such as the WIC and Senior Farmers' Market Nutrition Programs, which improve nutrition among low-income mothers, children and senior citizens by giving them access to locally grown fresh fruits and vegetables. The Committee also recognizes the benefits these and all farmers' markets provide for local farmers. Therefore, the Committee directs the Under Secretary to work with the Under Secretary for Marketing and Regulatory Programs to study the potential for a broad Farmers' Market Program within the Agricultural Marketing Service, which would encompass the WIC Farmers' Market Nutrition Program, the Senior Farmers' Market Nutrition Program, and the recently authorized Farmers' Market Promotion Program. The Committee requests a report on the potential of such a program, including cost estimates, by March 1, 2003.

The Committee is alarmed at the level of obesity in this country, and the health-related problems this causes. It has been recently reported that over 300,000 Americans die each year from obesity-related causes, and the economic costs of these illnesses is significant. The FNS mission area is directed to help Americans follow the Dietary Guidelines, including guidelines urging Americans to ''aim for a healthy weight'' and ''be physically active.'' The Committee is pleased that FNS is currently planning specific program directions and activities for ''Breaking the Barriers: Practical Approaches to Improve Americans' Eating Behaviors,'' an initiative that will focus on changing Americans' eating behaviors and exercise patterns, and encourages FNS to continue these activities.

Further, the Committee is aware that the administration is developing its Healthier U.S. Initative, promoting nutritious diets, physical activity, preventative screenings, and healthy lifestyles as means to combat increasing obesity and diabetes rates, particularly among children. The Committee is encouraged by this approach, and believes that a media component, including in-school educational networks, would be an effective part of this initiative.

FOOD AND NUTRITION SERVICE

The Food and Nutrition Service represents an organizational effort to eliminate hunger and malnutrition in this country. Nutrition assistance programs provide access to a nutritionally adequate diet for families and persons with low incomes and encourage better eating patterns among the Nation's children. These programs include:

Child Nutrition Programs.—The National School Lunch and School Breakfast, Summer Food Service, and Child and Adult Care Food programs provide funding to the States, Puerto Rico, the Virgin Islands, and Guam for use in serving nutritious lunches and breakfasts to children attending schools of high school grades and under, to children of preschool age in child care centers, and to children in other institutions in order to improve the health and well-being of the Nation's children, and broaden the markets for agricultural food commodities. Through the Special Milk Program, assistance is provided to the States for making reimbursement payments to eligible schools and child care institutions which institute or expand milk service in order to increase the consumption of fluid milk by children. Funds for this program are provided by direct appropriation and transfer from section 32.

Special Supplemental Nutrition Program for Women, Infants, and Children [WIC].—This program safeguards the health of pregnant, post partum, and breast-feeding women, infants, and children up to age 5 who are at nutritional risk because of inadequate nutrition and income by providing supplemental foods. The delivery of supplemental foods may be done through health clinics, vouchers redeemable at retail food stores, or other approved methods which a cooperating State health agency may select. Funds for this program are provided by direct appropriation.

Food Stamp Program.—This program seeks to improve nutritional standards of needy persons and families. Assistance is provided to eligible households to enable them to obtain a better diet by increasing their food purchasing capability, usually by furnishing benefits in the form of electronic access to funds. The program also includes Nutrition Assistance to Puerto Rico. The Farm Security and Rural Investment Act of 2002 (Public Law 107–171) authorizes block grants for Nutrition Assistance to Puerto Rico and American Samoa, which provide broad flexibility in establishing nutrition assistance programs specifically tailored to the needs of their low-income households.

The program also includes the Food Distribution Program on Indian Reservations which provides nutritious agricultural commodities to low-income persons living on or near Indian reservations who choose not to participate in the Food Stamp Program.

The Farm Security and Rural Investment Act of 2002, Public Law 107–171, enacted May 13, 2002, provides that $140,000,000 from funds appropriated in the Food Stamp account be used to purchase commodities for The Emergency Food Assistance Program.

Commodity Assistance Program [CAP].—This program provides funding for the Commodity Supplemental Food Program [CSFP], and administrative expenses for The Emergency Food Assistance Program [TEFAP].

CSFP provides supplemental foods to infants and children up to age 6, and to pregnant, post partum, and breast-feeding women with low incomes, and who reside in approved project areas. In addition, this program operates commodity distribution projects directed at low-income elderly persons.

TEFAP provides commodities and grant funds to State agencies to assist in the cost of storage and distribution of donated commodities. The Soup Kitchen/Food Bank Program was absorbed into TEFAP under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193), by an amendment to section 201A of the Emergency Food Assistance Act.

Food Donations Programs.—Nutritious agricultural commodities are provided to residents of the Federated States of Micronesia and the Marshall Islands. Cash assistance is provided to distributing agencies to assist them in meeting administrative expenses incurred. It also provides funding for use in non-Presidentially declared disasters, and for FNS' administrative costs in connection with relief for all disasters. Funds for this program are provided by direct appropriation.

Food Program Administration.—Most salaries and Federal operating expenses of the

Food and Nutrition Service are funded from this account. Also included is the Center for Nutrition Policy and Promotion [CNPP] which oversees improvements in and revisions to the food and guidance systems, and serves as the focal point for advancing and coordinating nutrition promotion and education policy to improve the health of all Americans. As of September 30, 2001, there were 1,504 full-time permanent and 72 part-time and temporary employees in the agency. FNS's headquarters staff, which is located in Alexandria, VA, totals 555, and 1,021 FNS employees are located in the field. There are 7 regional offices employing 637 employees, and the balance of the agency is located in 4 food stamp compliance offices, 1 computer support center in Minneapolis, MN, 1 administrative review office, and 69 field offices. Funds for this program are provided by direct appropriation.

CHILD NUTRITION PROGRAMS

[In thousands of dollars]

	Appropriation	Section 32 transfers	Total
Appropriations, 2002	4,914,788	5,172,458	10,087,246
Budget estimate, 2003 [1]	5,382,179	5,193,990	10,576,169
Committee recommendation	5,834,506	4,745,663	10,580,169

[1] Excludes $553,000 requested for employee pension and health benefits.

The Child Nutrition Programs, authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966, provide Federal assistance to State agencies in the form of cash and commodities for use in preparing and serving nutritious meals to children while they are attending school, residing in service institutions, or participating in other organized activities away from home. The purpose of these programs is to help maintain the health and proper physical development of America's children. Milk is provided to children either free or at a low cost, depending on their family income level. FNS provides cash subsidies to States administering the programs and directly administers the program in the States which choose not to do so. Grants are also made for nutritional training and surveys and for State administrative expenses. Under current law, most of these payments are made on the basis of reimbursement rates established by law and applied to lunches and breakfasts actually served by the States. The reimbursement rates are adjusted annually to reflect changes in the Consumer Price Index for food away from home.

The William F. Goodling Child Nutrition Reauthorization Act of 1998, Public Law 105–336, contains a number of child nutrition provisions. These include:

Summer Food Service Program [SFSP].—Reauthorizes the program through 2003 and relaxes the site limitations for private nonprofit sponsors in SFSP.

Child and Adult Care Food Program [CACFP].—Permanently authorizes payments for snacks provided to children through age 18 in after-school programs, and provides funds for demonstration projects to expand services to homeless children and family day care homes in low-income areas. On July 1, 1999, the Homeless Child Nutrition Program and the Homeless Summer Food Service Program was transferred into the CACFP.

National School Lunch Program [NSLP].—(1) Significantly expands reimbursement for snacks for children up to age 18 in after-school care programs; (2) provides for free snacks in needy areas; and (3) requires participating schools to obtain a food safety inspection conducted by a State or local agency.

A description of Child Nutrition Programs follows:

1. *Cash payments to States.*—The programs are operated under an agreement entered into by the State agencies and the Department. Funds are made available under letters of credit to State agencies for use in reimbursing participating schools and other institutions. Sponsors apply to the State agencies, and if approved, are reimbursed on a per-meal basis in accordance with the terms of their agreements and rates prescribed by law. The reimbursement rates are adjusted annually to reflect changes in the Consumer Price Index for food away from home.

(a) School Lunch Program.—Assistance is provided to the States for the service of lunches to all school children, regardless of family income. States must match some of the Federal cash grant. In fiscal year 2003, the School Lunch Program will provide assistance for serving an estimated 4.8 billion school lunches including 2.0 billion for children from upper-income families and 2.8 billion for children from lower and low-income families. An estimated 28.4 million children are expected to participate in the program daily during the school year.

(b) Special assistance for free and reduced-price lunches.—Additional assistance is provided to the States for serving lunches free or at a reduced price to needy children. In fiscal year 2003, under current law, the program will provide assistance for about 2.8 billion lunches, of which 2.4 billion will be served free of charge and 0.4 billion at reduced price. About 17 million needy children will participate in the program on an average schoolday during the year.

(c) School Breakfast Program.—Federal reimbursement to the States is based on the number of breakfasts served free, at a reduced price, or at the general rate for those served to nonneedy children. Certain schools are designated in severe need because, in the second preceding year, they served at least 40 percent of their lunches at free or reduced prices and because the regular breakfast reimbursement is insufficient to cover cost. These schools receive higher rates of reimbursement in both the free and reduced-price categories. In fiscal year 2003, the program will serve an estimated 1.4 billion breakfasts to a daily average of 8.3 million children.

(d) State administrative expenses.—The funds may be used for State employee salaries, benefits, support services, and office equipment. Public Law 95–627 made the State administrative expenses grant equal to 1.5 percent of certain Federal payments in the second previous year. In fiscal year 2003, $133,583,000 will be allocated among the States to fund ongoing State administrative expenses and to improve the management of various nutrition programs.

(e) Summer Food Service Program.—Meals served free to children in low-income neighborhoods during the summer months are supported on a performance basis by Federal cash subsidies to State agencies. Funds are also provided for related State and local administrative expenses. During the summer of 2003, approximately 153.3 million meals will be served.

(f) Child and Adult Care Food Program.—Preschool children receive year-round food assistance in nonprofit child care centers and family and group day care homes under this program. Public Law 97–35 permits profitmaking child care centers receiving compensation under title XX of the Social Security Act to participate in the program if 25 percent of the children served are title XX participants. Certain adult day care centers are also eligible for participation in this program, providing subsidized meals to nonimpaired individuals age 60 years or older. The Child and Adult Care Food Program reimburses State agencies at varying rates for breakfasts, lunches, suppers, and meal supplements and for program-related State audit expenses. In fiscal year 2003, approximately 1.8 billion meals will be served.

2. *Commodity procurement.*—Commodities are purchased for distribution to the school lunch, child care food, and summer food service programs. The minimum commodity support rate for all school lunch and child care center lunches and suppers served is mandated by law and adjusted annually on July 1 to reflect changes in the producer price index for food used in schools and institutions. The commodities purchased with these funds are supplemented by commodities purchased with section 32 funds.

3. *Nutrition studies and education.*—The National Food Service Management Institute provides instruction for educators and school food service personnel in nutrition and food service management.

4. *Special milk.*—In fiscal year 2003, approximately 116.1 million half-pints will be served in the Special Milk Program. These include about 111.2 million half-pints served to children whose family income is above 130 percent of poverty. During fiscal year 2003, the average full cost reimbursement for milk served to needy children is expected to be 18.1 cents for each half-pint. Milk served to nonneedy children is expected to be reimbursed at 14.0 cents for each half-pint.

COMMITTEE RECOMMENDATIONS

For the child nutrition programs, the Committee recommends an appropriation of $5,834,506,000, plus transfers from section 32 of $4,745,663,000, for a total program of $10,580,169,000. This amount is $492,923,000 more than the 2002 level and $4,000,000 more than the budget request.

The Committee's recommendation provides for the following annual rates for the child nutrition programs.

TOTAL OBLIGATIONAL AUTHORITY

[In thousands of dollars]

Child nutrition programs [1]	2002 estimate	2003 budget	Committee recommendation
School Lunch Program	5,842,358	6,074,648	6,074,648
School Breakfast Program	1,574,654	1,660,870	1,660,870
State administrative expenses	126,853	133,583	133,583
Summer Food Service Program	311,897	334,686	334,686
Child and Adult Care Food Program	1,799,735	1,904,494	1,904,494
Special Milk Program	16,891	16,449	16,449
Commodity procurement, processing, and computer support	398,362	435,334	435,334

TOTAL OBLIGATIONAL AUTHORITY—Continued

[In thousands of dollars]

Child nutrition programs [1]	2002 estimate	2003 budget	Committee recommendation
Coordinated review system	4,507	5,080	5,080
Team nutrition	9,991	10,025	10,025
Food safety education	1,998	1,000	1,000
School Breakfast Grant Startup Program	500		3,300
Common Roots Program			200
Child Nutrition Archive Resource Center			500

[1] Includes studies and evaluations.

The Committee provides $10,025,000 for TEAM nutrition. Included in this amount is $4,000,000 for food service training grants to States; $1,600,000 for technical assistance materials; $800,000 for National Food Service Management Institute cooperative agreements; $400,000 for print and electronic food service resource systems; and $3,225,000 for other activities.

Of the amount provided, no more than $3,195,000 is available for studies and evaluations. Of these funds, no more than $500,000 may be transferred to the Economic Research Service if determined by the Secretary. The Committee expects to be notified each time that such a transfer of funds occurs, including the amount of the transfer, and a summary of the study for which the transfer was deemed necessary. The Committee also requests a report within 60 days of the enactment of this Act summarizing all studies and evaluations planned by FNS for fiscal year 2003.

The Committee expects FNS to utilize the National Food Service Management Institute to carry out the food safety education program.

The Committee is aware of a survey taken in Wisconsin studying the effects of the School Breakfast Program startup grants. In schools that have received a startup grant, approximately 66 percent of teachers indicated they have observed positive benefits of instituting a school breakfast program. Benefits included ''increased learning readiness,'' ''increased socialization,'' and ''improved student behavior.'' Therefore, the Committee provides $3,300,000 to continue the School Breakfast Startup Grant Program in order to help cover appropriate costs associated with the program and to expand the availability of school breakfasts for children. Of these funds, no less than $1,000,000 is to be directed to the State of Wisconsin, up to $175,000 of which shall be available for administrative costs related to program outreach and expansion. The balance of funds is to be directed to no less than five States that have had a significantly lower percentage of participation in the School Breakfast Program than the national average over the past 3 years.

The Committee provides $200,000 to Food Works of Vermont for the Common Roots program. This program integrates school gardens into the curriculum in order to encourage students to learn about and appreciate our agrarian and cultural heritage, and to provide interesting, hands-on instruction in a variety of classes including math, biology, science and social studies. The program also coordinates with other programs that are offered as a way to increase community involvement in the free summer lunch program and integrate fresh foods into the lunches served through this program.

The Committee provides $500,000, available for 2 years, to establish a Child Nutrition Archive Resource Center at the National Food Service Management Institute.

The Committee continues a general provision in the bill to expand the number of low-income children in child care centers that receive nutritious meals through the Child and Adult Care Food Program. This language eliminates the outdated requirement that eligible children receive Title 20 funds in order to receive the CACFP meal subsidy. This would allow proprietary centers to participate in CACFP if at least 25 percent of the children they serve are eligible for a free or reduced price meal.

The Committee also encourages States to conduct outreach to recruit new providers into the CACFP program through the 25 percent free or reduced price meal eligibility criteria option. The Committee recognizes the value that pooling has played in increasing participation in the CACFP program. Under current law, which provides two options of participation, States are encouraged to use this flexibility to maximize participation until the 25 percent free or reduced-price meal eligibility criteria is made permanent.

The Committee believes that while there are many beneficial programs to feed low-income children throughout the school year, such as the National School Lunch Program and the School Breakfast Program, there are significantly fewer opportunities for low-income children to receive balanced meals during the summer months. One such opportunity exists as part of the Federal Summer Food Service Program (SFSP). This program provides free, nutritious meals and snacks to help children in low-income areas receive the nutrition they need throughout the summer months. The benefits of SFSP are multiple: not only does SFSP provide children with a healthy meal, many of the approved SFSP sponsors include school districts, local government agencies, or camps that provide programming for recreational and educational opportunities that foster learning throughout the summer months while parents are working. However, SFSP is currently underutilized. According to a recent report, for every 100 children who receive a free or reduced-price lunch during the regular school year, only 21.1 children receive meals during the summer.

The Committee is aware that in 2000, a pilot program was introduced that allowed 13 states to improve their use of SFSP by simplifying cost accounting requirements for some sponsors, reducing paperwork, and allowing for a modestly higher reimbursement for meals and snacks provided under SFSP. In these pilot states, SFSP participation increased by 8.9 percent between July 2000 and July 2001. The Committee believes it would be beneficial to expand this pilot program to all 50 States and recommends that this program be considered during the Child Nutrition Act reauthorization in 2003.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN [WIC]

Appropriations, 2002 [1]	$4,348,000,000
Budget estimate, 2003	4,751,000,000
Committee recommendation	4,751,000,000

[1] Excludes $39,000,000 in emergency supplemental appropriations provided by Public Law 107–117.

The special supplemental nutrition program for women, infants, and children [WIC] is authorized by section 17 of the Child Nutrition Act of 1966. Its purpose is to safeguard the health of pregnant, breast-feeding and post partum women and infants, and children up to age 5 who are at nutritional risk because of inadequate nutrition and inadequate income. The budget estimate assumes an average monthly participation of 7.8 million participants at an average food cost of $35.86 per person per month in fiscal year 2003.

The WIC program food packages are designed to provide foods which studies have demonstrated are lacking in the diets of the WIC program target population. The authorized supplemental foods are iron-fortified breakfast cereal, fruit or vegetable juice which contains vitamin C, dry beans, peas, and peanut butter.

There are three general types of delivery systems for WIC foods: (1) retail purchase in which participants obtain supplemental foods through retail stores; (2) home delivery systems in which food is delivered to the participant's home; and (3) direct distribution systems in which participants pick up food from a distribution outlet. The food is free of charge to all participants.

The William F. Goodling Child Nutrition Reauthorization Act of 1998, Public Law 105–336, reauthorizes the program through 2003 and adds several provisions to the program. For example, the Act requires that an individual seeking certification or recertification in the program must provide documentation of family income. In addition, the Act permits State agencies to award infant formula rebate contracts to the bidder offering the lowest net wholesale price, unless the State agency demonstrates to the satisfaction of the Secretary that the weighted average retail price for different brands of formula in that State does not vary by more than 5 percent.

Public Law 105–336 also includes many provisions to improve retailer integrity and help to prevent fraud, waste and abuse in the program.

The WIC Farmers' Market Nutrition Program [FMNP] is also funded from the WIC appropriation, and in fiscal year 2002 will receive Commodity Credit Corporation funds as authorized by the Farm Security and Rural Investment Act of 2002. FMNP is designed to accomplish two major goals: (1) to improve the diets of WIC (or WIC-eligible) participants by providing them with coupons to purchase fresh, nutritious, unprepared food, such as fruits and vegetables, from farmers markets; and (2) to increase the awareness and use of farmers' markets by low-income households. Although directly related to the WIC Program, about one-half of the current FMNP operations are administered by State departments of agriculture rather than the State WIC agencies.

COMMITTEE RECOMMENDATIONS

For the Special Supplemental Food Program for Women, Infants, and Children

[WIC], the Committee recommends an appropriation of $4,751,000,000. This amount is $403,000,000 more than the 2002 appropriation and the same as the budget request.

The Committee is aware that in recent years, the WIC Program has increasingly been in need of supplemental appropriations throughout the fiscal year due to unexpected economic changes that have resulted in higher participation, higher food costs, and other increased needs. The Committee realizes the difficulty in providing the highest level of service to WIC recipients when there is uncertainty whether or not the necessary amount of funding will be available throughout the entire fiscal year, and this uncertainty could potentially result in low-income mothers and children being turned away from this extraordinarily successful and beneficial program. Therefore, the Committee provides a WIC funding reserve of $125,000,000, to become available when the Secretary deems necessary.

The Committee is aware that the WIC Farmers' Market Program provides fresh fruits and vegetables to low income mothers and children, benefiting not only WIC participants, but local farmers as well. Therefore, the Committee provides $25,000,000 for the WIC Farmers' Market Nutrition Program, and directs the Secretary to obligate these funds within 45 days.

The Committee also provides $14,000,000 for infrastructure funding, and $2,000,000 for a study of WIC vendor practices.

The Committee is concerned that the proposed rules to revise the regulations governing the WIC food packages have not yet been published. The Committee notes that the WIC food package has changed little since 1974. In the past decade, USDA has twice solicited comments, in 1994 and 1998, on a draft policy on food substitutions to accommodate food preferences and ethnic cultural eating patterns. However, the Department has not moved forward with the development of a WIC food package that responds to the needs of the culturally sensitive populations WIC serves and with comprehensive revisions in the overall food package rule to ensure consistency with the Dietary Guidelines for Americans and USDA's Food Guide Pyramid. The Committee expects the Department to immediately publish for public comment a proposed food package rule responding to these needs and to report quarterly to the Committee regarding the status of the proposal's publication and the review of comments until a final rule is published.

The Committee notes that Federal regulations set a maximum amount for infant formula to be issued to WIC participants each month at a rate of 8 lbs. of powdered formula, or 403 fluid ounces of concentrated liquid formula. Infant formula manufacturers offer powdered formula in a variety of can sizes, which they change periodically. Because the maximum amount can't be exceeded and because the powdered can size variations rarely exactly match the authorized amount, WIC clients may be provided less formula than they are authorized to receive. The Committee strongly encourages the Department to change WIC regulations to allow State WIC agencies to round up to the next whole can size of infant formula to ensure that all infants receive at least 8 lbs. or 128 ounces of powdered infant formula, or 944 reconstituted fluid ounces, at standard dilution, per month.

While the Committee continues to support and encourage State and local agency efforts to utilize WIC as an important means of participation referral to other health care services, it also continues to recognize the constraints that WIC programs are experiencing as a result of expanding health care priorities and continuing demand for core WIC program activities. The Committee wishes to clarify that while WIC plays an important role in screening and referral to other health care services, it was never the Committee's intention that WIC should perform aggressive screening, referral and assessment functions in such a manner that supplants the responsibilities of other programs, nor was it the Committee's intention that WIC State and local agencies should assume the burden of entering into and negotiating appropriate cost sharing agreements. The Committee again includes language in the bill to preserve WIC funding for WIC services authorized by law to ensure that WIC funds are not used to pay the expenses or to coordinate operations or activities other than those allowable pursuant to section 17 of the Child Nutrition Act of 1996, unless fully reimbursed by the appropriate Federal agency. Within the context of authorized activities, the Committee notes an Executive Memorandum issued by the President on December 11, 2000, on the subject of improving immunization rates for children at risk. The Committee supports the goal of the Executive Memorandum, but remains concerned that the delivery of core WIC objectives may suffer without properly shared responsibilities and resources from other agencies.

FOOD STAMP PROGRAM

[In thousands of dollars]

	Expenses [1]	Amount in reserve	Puerto Rico	TEFAP commodity purchases	Total
Appropriations, 2002	19,556,436	2,000,000	1,335,550	100,000	[2] 22,967,986
Budget estimate, 2003 [3]	22,772,692	2,000,000	1,377,000	100,000	26,249,692
Committee recommendation [4]	22,772,692	2,000,000	1,377,000	140,000	26,289,692

[1] Including studies and evaluations.
[2] Includes $24,000,000 rescission pursuant to Public Law 107–206.
[3] Excludes $281,000 requested for employee pension and health benefits.
[4] Includes an additional $40,000,000 for TEFAP Commodity Purchases provided by the Farm Security and Rural Investment Act of 2002.

The Food Stamp Program, authorized by the Food Stamp Act of 1964, attempts to alleviate hunger and malnutrition among low-income persons by increasing their food purchasing power. Eligible households receive food stamp benefits with which they can purchase food through regular retail stores. They are thus enabled to obtain a more nutritious diet than would be possible without food stamp assistance. The Farm Security and Rural Investment Act of 2002, Public Law 107–171, enacted May 13, 2002, reauthorizes the Food Stamp Program through fiscal year 2007.

The Food Stamp Program is currently in operation in all 50 States, the District of Columbia, the Virgin Islands, and Guam. Participating households receive food benefits, the value of which is determined by household size and income. The cost of the benefits is paid by the Federal Government. As required by law, the Food and Nutrition Service annually revises household stamp allotments to reflect changes in the cost of the thrifty food plan. The last revision was made on October 1, 2001.

At the authorized retail store, the recipient presents his/her card and enters a unique personal identification number into a terminal that debits the household's account for the amount of purchases. Federal funds are shifted from the Federal Reserve to the EBT processor's financial institution so that it may reimburse the grocer's account for the amount of purchases. The grocer's account at a designated bank is credited for the amount of purchases. The associated benefit cost is accounted for in the same manner as those benefit costs that result from issuance of coupons.

As of September 30, 2001, 40 EBT projects were operating Statewide in: Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin and Wyoming. EBT is also operating in part of California, Indiana, and Iowa. All other States are in some stage of planning EBT implementation. Puerto Rico has implemented an EBT system that operates island-wide. Welfare reform mandates EBT for all States by October 2002. Under this system, each recipient household is issued a plastic benefit card with a magnetic strip or computer chip to make food purchases. Neither cash nor food coupons are involved.

Nutrition Assistance to Puerto Rico.—The Farm Security and Rural Investment Act of 2002, Public Law 107–171, authorized block grants for Nutrition Assistance to Puerto Rico and American Samoa which gives the Commonwealth broad flexibility to establish a nutrition assistance program that is specifically tailored to the needs of its low-income households. However, the Commonwealth must submit its annual plan of operation to the Secretary for approval. The Farm Security and Rural Investment Act of 2002, Public Law 107–171, enacted May 13, 2002, reauthorizes appropriations through fiscal year 2007. In addition to the provision of direct benefits to the needy, a portion of the grant may be used to fund up to 50 percent of the cost of administering the program. The grant may also be used to fund projects to improve agriculture and food distribution in Puerto Rico.

The program also includes the Food Distribution Program on Indian Reservations which provides nutritious agricultural commodities to low-income persons living on or near Indian reservations who choose not to participate in the Food Stamp Program.

Effective October 1, 2001, The Farm Security and Rural Investment Act of 2002, Public

Law, 107–171, enacted May 13, 2002, provides that $140,000,000 be used to purchase commodities for the Emergency Food Assistance Program.

Administrative costs.—All direct and indirect administrative costs incurred for certification of households, issuance of food coupons, quality control, outreach, and fair hearing efforts are shared by the Federal Government and the States on a 50–50 basis. The Farm Security and Rural Investment Act of 2002, (Public Law 107–171), substantially revised the performance requirements for States under the Quality Control (QC) System. States with poor performance over 2 years will face sanctions. States that demonstrate a high degree of accuracy or substantial improvement in their degree of accuracy under the QC system will be eligible to share in a $48,000,000 ''bonus fund'' established by Congress to reward States for good performance. The new system begins in fiscal year 2003 for measuring performance, and in fiscal year 2004 the new funding begins.

State administration also includes State anti-fraud activities.—Under the provisions of the Food Stamp Act of 1977, as amended by the Mickey Leland Childhood Hunger Relief Act of 1993, States are eligible to be reimbursed for 50 percent of the costs of their food stamp fraud investigations and prosecutions.

States are required to implement an employment and training program for the purpose of assisting members of households participating in the Food Stamp Program in gaining skills, training, or experience that will increase their ability to obtain regular employment. In fiscal year 1987, the Department of Agriculture implemented a grant program to States to assist them in providing employment and training services.

COMMITTEE RECOMMENDATIONS

For the Food Stamp Program, the Committee recommends $26,289,692,000. This is $3,321,706,000 more than the 2002 appropriation level and $40,000,000 more than the budget request. Of the amount provided, $2,000,000,000 is made available as a contingency reserve. This is the same as the 2002 contingency reserve level and the budget request.

Of the amount provided, no more than $5,000,000 may be used for studies and evaluations. Of these funds, no more than $1,500,000 may be transferred to the Economic Research Service if determined by the Secretary. The Committee expects to be notified each time that such a transfer of funds occurs, including the amount of the transfer, and a summary of the study for which the transfer was deemed necessary. The Committee also requests a report within 60 days of the enactment of this Act summarizing all studies and evaluations planned by FNS for fiscal year 2003.

Included in this amount is up to $4,000,000 to purchase bison for the Food Distribution Program on Indian Reservations from Native American producers and Cooperative Organizations without competition.

The Committee is aware that there continues to be a pressing need for infrastructure development in the Food Distribution Program on Indian Reservations (FDPIR). Warehousing facilities on some reservations do not allow for the proper and efficient storage and distribution of commodities, and Indian Tribal Organization must be able to replace and upgrade equipment such as tractor trailers and fork lifts. Facilities have not always been able to keep pace with improvements in the food package, including the addition of fresh produce and more frozen foods as program options, which generates the need for cooler and freezer equipment.

Pursuant to 7 U.S.C. 2028, the Commonwealth of Puerto Rico must submit for the Secretary's approval a yearly plan that contains information regarding how food and assistance benefits under the Nutrition Assistance Program (NAP) for Puerto Rico are provided during the following fiscal year. While the Committee notes the program flexibility normally afforded to Puerto Rico, the Committee encourages the Secretary not to approve any NAP plan that does not require at least 75 percent of NAP funds to be spent on food at certain stores with point-of-sales devices.

The Committee notes the Secretary's recent waiver of Section 11(e)(6)(B) of the Food Stamp Act. The Committee believes it is important to study any potential risks it may pose to State and Federal oversight of the Food Stamp Program, as well as to families in need of food assistance. The Committee directs that no additional waivers of this provision be granted until a thorough and independent evaluation of the current waiver is complete. This evaluation should assess costs to the Federal Government; the private entity's compliance with all requirements of the Food Stamp Act, particularly program integrity and the Privacy Act; and access to benefits as measured by food stamp participation rates and service to the most disadvantaged households. The evaluation should also compare the hiring and personnel policies of the contractor with the merit systems standards of the State, and provide an analysis of the issues associated with shifting governmental responsibilities to a private contractor, including potential disruption, cost, and the State's capacity to reassume program administration. The Committee requests a report on the evaluation findings on this waiver, including the previously listed items, prior to the Secretary granting any further waivers of Section 11(e)(6)(B) of the Food Stamp Act.

The Committee urges the Secretary of Agriculture to work with States to reduce Food Stamp error rates. The Congress recently simplified the Food Stamp program and reformed the quality control system, including the methodology for calculating error rate penalties in recognition of the difficulty in administering the Food Stamp program. The Committee encourages the Department to continue to negotiate with States that were sanctioned in fiscal year 2001.

COMMODITY ASSISTANCE PROGRAM

Appropriations, 2002[1]	$152,813,000
Budget estimate, 2003	144,991,000
Committee recommendation	167,000,000

[1] Does not reflect $3,300,000 rescission of available prior year apropriations.

The Commodity Assistance Program includes funding for the Commodity Supplemental Food Program and funding to pay expenses associated with the storage and distribution of commodities through The Emergency Food Assistance Program.

The Commodity Supplemental Food Program [CSFP].—Authorized by section 4(a) of the Agricultural and Consumer Protection Act of 1973, as amended in 1981 by Public Law 97–98, this program provides supplemental food to infants and children up to age 6, and to pregnant, post partum, and breast-feeding women who have low incomes, and reside in approved project areas. In addition, the program operates commodity distribution projects directed at low-income elderly persons 60 years of age or older.

In fiscal year 2003 approximately 76,700 women, infants, and young children and 369,381 elderly are authorized to receive food packages each month. The foods are provided by the Department of Agriculture for distribution through State agencies. The authorized commodities are iron-fortified infant formula, rice cereal, canned juice, evaporated milk and/or nonfat dry milk, canned vegetables or fruits, canned meat or poultry, egg mix, dehydrated potatoes, farina, and peanut butter or dry beans. Elderly participants may receive all commodities except iron-fortified infant formula and rice cereal.

The Farm Security and Rural Investment Act of 2002 (2002 Farm Bill), reauthorizes the program through fiscal year 2007 and establishes a specific administrative funding level for each caseload slot assigned, adjusted each year for inflation.

The Emergency Food Assistance Program (TEFAP).—Authorized by the Emergency Food Assistance Act of 1983, as amended, the program provides nutrition assistance to low-income people through prepared meals served on site and through the distribution of commodities to low-income households for home consumption. The commodities are provided by USDA to State agencies for distribution through State-established networks. State agencies make the commodities available to local organizations, such as soup kitchens, food pantries, food banks, and community action agencies, for their use in providing nutrition assistance to those in need.

Funds are administered by FNS through grants to State agencies which operate commodity distribution programs. Allocation of the funds to States is based on a formula which considers the States' unemployment rate and the number of persons with income below the poverty level.

In fiscal year 2001, $329,000,000 worth of surplus commodities were distributed to assist needy individuals. Donations will continue in fiscal year 2002. Precise levels depend upon the availability of surplus commodities and requirements regarding displacement. In fiscal year 2002, $20,820,000 will be used to help State and local authorities with the storage and distribution costs of providing surplus commodities to needy individuals. Although the $20,820,000 was allocated to each State in the form of administrative funds, each State is authorized to redirect funding for the purchase of additional commodities.

The Farm Security and Rural Investment Act of 2002 reauthorizes funding to support the storage and distribution of commodities through fiscal year 2007, and increases the amount authorized to be appropriated from $50,000,000 to $60,000,000. The law permits State and local agencies to use these funds to pay costs associated with the storage and distribution of USDA commodities and commodities secured from other sources. At the request of the State, these funds can be used by USDA to purchase additional commodities. The Farm Security and Rural Investment Act of 2002 also reauthorizes funding for the purchase of TEFAP commodities and increases the amount of funds available from $100,000,000 to $140,000,000. In addition to the commodities purchased specifically for TEFAP, commodities obtained under agriculture support programs are donated to States for distribution through TEFAP.

COMMITTEE RECOMMENDATIONS

For the Commodity Assistance Program, the Committee recommends an appropriation of $167,000,000. This amount is $14,187,000 more than the 2002 funding level and $22,009,000 more than the budget request.

The Committee continues to encourage the Department to distribute Commodity Assistance Program funds equitably among the

States, based on an assessment of the needs and priorities of each State and the State's preference to receive commodity allocations through each of the programs funded under this account.

The Committee is aware that since 1997, commodities provided through TEFAP have increased by approximately 400 percent, with most of the increase coming through surplus or bonus commodities purchased by USDA. The Committee is further aware that during difficult economic times, the number of Americans in need of assistance through State and local food banks increases. The Farm Security and Rural Investment Act of 2002 provides an additional $40,000,000 for TEFAP commodities to be purchased with food stamp funds, even further increasing the need for additional administrative funding. Therefore, the Committee provides an increase of $5,000,000 for TEFAP administrative funding over the fiscal year 2002 level, for a total of $55,000,000. In addition, the Committee provides the Secretary authority to transfer up to an additional $5,000,000 from TEFAP commodities for this purpose.

The Committee is aware that a significant quantity of food products are made available by hunters and other game harvesting operations which are approved through USDA or State inspected facilities, and present an additional source of donated commodities. The Department should give consideration to this opportunity as a means to supplement and provide variety to food assistance programs, and allow the use of TEFAP administrative funds for this purpose.

The Committee provides $107,000,000 for the Commodity Supplemental Food Program. This is an increase of $4,187,000 above the fiscal year 2002 level, and $12,810,000 above the President's request. This funding level is adequate to continue funding for five States added in fiscal year 2002, and will allow CSFP to expand to Alaska, Indiana, Nevada and South Carolina. Of this amount, no less than $24,000,000 shall be available for administrative funding.

The Committee recognizes the success of the Seniors Farmers' Market Nutrition Program, which provided fresh fruits and vegetables to more than 400,000 low-income senior citizens and benefited more than 14,000 farmers in fiscal year 2001. The Committee notes that $15,000,000 in funding was provided in the Farm Security and Rural Investment Act of 2002 for this program, and provides an additional $5,000,000 for the Seniors Farmers' Market Nutrition Program for fiscal year 2003.

FOOD DONATIONS PROGRAMS

Appropriations, 2002	$150,749,000
Budget estimate, 2003[1]	1,081,000
Committee recommendation	1,081,000

[1] The fiscal year 2003 budget recommends moving commodity support for the Nutrition Service Incentive Program to the Department of Health and Human Services Administration on Aging.

Nutrition Services Incentive Program.—Commodity support for the Nutrition Service Incentive Program is authorized by titles III and VI of the Older Americans Act of 1965. The foods provided are used in preparing meals which are served in senior citizen centers and similar settings or delivered to the homebound elderly. These meals are the focal point of the nutrition projects for the elderly which have the dual objective of promoting better health and reducing the isolation of old age.

Currently, commodities or cash in lieu of commodities are distributed through State agencies to the local meal sites. Some States elect to take all of their subsidy in cash and some States choose to receive a combination of cash and commodities. The commodities made available to the Nutrition Services Incentive Program are generally the same as those provided to schools under the Child Nutrition Programs. In previous years, the State agencies that elected to receive cash in lieu of commodities were funded on a payment per meal basis. The Older Americans Act of 2000, Public Law 106–501, enacted November 13, 2000, revised the funding formula. The Act requires that each State or grantee receive a proportion of available funds equal to the proportion of meals served by that State or grantee in the preceding fiscal year. The Act reauthorizes the program through 2005.

Pacific Island assistance.—This program provides funding for assistance to the nuclear-affected islands in the form of commodities and administrative funds. It also provides funding for use in non-Presidentially declared disasters and for FNS' administrative costs in connection with relief for all disasters.

COMMITTEE RECOMMENDATIONS

For the food donations programs for selected groups, the Committee recommends $1,081,000. This amount is $149,668,000 less than the 2002 appropriation and the same as the budget request. The full amount recommended by the Committee is for the needy family program.

The Committee agrees with the Administration's request to shift funding for the Nutrition Services Incentive Program (NSIP) from the Food and Nutrition Service within USDA to the Administration on Aging within the Department of Health and Human Services (DHHS). It is the Committee's belief, however, that it is critically important for several aspects of NSIP to remain intact, as the program is shifted into DHHS. This includes the allocation of NSIP funds on the basis of the number of meals served in a State in the previous year, as opposed to the number of seniors that reside in that State. Further, NSIP funds are not currently, and should not become, subject to transfer or administrative match requirements, and States should continue to have the option of receiving benefits in the form of cash or commodities. The Committee directs the Under Secretary to work with the Assistant Secretary for Aging within DHHS to ensure this transfer of funding and responsibilities is carried out in a manner that in no way disrupts the delivery of services provided by NSIP.

FOOD PROGRAM ADMINISTRATION

Appropriations, 2002	$127,546,000
Budget estimate, 2003[1]	147,944,000
Committee recommendation	136,865,000

[1] Excludes $7,911,000 requested for employee pension and health benefits.

The Food Program Administration appropriation provides for most of the Federal operating expenses of the Food and Nutrition Service, which includes the Child Nutrition Programs; Special Milk Program; Special Supplemental Nutrition Program for Women, Infants, and Children [WIC], including the Farmers' Market Nutrition Program; Food Stamp Program; Nutrition Assistance for Puerto Rico; the Commodity Assistance Program, including the Commodity Supplemental Food Program, and the Emergency Food Assistance Program; and the Food Donations Programs, including Pacific Island Assistance.

The major objective of Food Program Administration is to efficiently and effectively carry out the nutrition assistance programs mandated by law. This is to be accomplished by the following: (1) giving clear and consistent guidance and supervision to State agencies and other cooperators; (2) assisting the States and other cooperators by providing program, managerial, financial, and other advice and expertise; (3) measuring, reviewing, and analyzing the progress being made toward achieving program objectives; and (4) carrying out regular staff support functions.

COMMITTEE RECOMMENDATIONS

For Food Program Administration, the Committee recommends an appropriation of $136,865,000. This amount is $9,319,000 more than the 2002 level and $11,079,000 less than the budget request.

Included in this amount is an increase of $4,500,000 for activities to enhance program integrity in the Food Stamp and Child Nutrition Programs. This amount does not include an increase of $11,047,000 for rental payments to GSA or $32,000 for FECA administrative charges, as requested in the budget.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

[In thousands of dollars]

	Appropriations	Transfers from loan accounts	Total
Appropriations, 2002	121,813	(4,257)	(126,070)
Budget estimate, 2003[1]	131,668	(4,257)	(135,925)
Committee recommendation	131,198	(4,257)	(135,445)

[1] Excludes $3,902,000 requested for employee pension and health benefits.

The Foreign Agricultural Service [FAS] was established March 10, 1953, by Secretary's Memorandum No. 1320, supplement 1. Public Law 83–690, approved August 28, 1954, transferred the agricultural attachés from the Department of State to the Foreign Agricultural Service.

The Agency maintains a worldwide agricultural intelligence and reporting service to provide U.S. farmers and traders with information on world agricultural production and trade that they can use to adjust to changes in world demand for U.S. agricultural products. This is accomplished through a continuous program of reporting by 63 posts located throughout the world covering some 130 countries.

The Foreign Agricultural Service analyzes agricultural information essential to the assessment of foreign supply and demand conditions in order to provide estimates of the current situation and to forecast the export potential for specific U.S. agricultural commodities. Published economic data about commodities are combined with attaché reports and subjected to analysis through advanced econometric techniques to generate these estimates.

In addition, the Service is now using advanced techniques for identifying, delineating, and assessing the impact of events which may affect the condition and expected production of foreign crops of economic importance to the United States. The crop condition activity relies heavily on computer-aided analysis of satellite, meteorological, agricultural, and related data.

The mission of FAS overseas is to represent U.S. agricultural interests, to promote export of domestic farm products, improve world trade conditions, and report on agricultural production and trade in foreign countries. FAS staff are stationed at 80 offices around the world where they provide

expertise in agricultural economics and marketing, as well as provide attaché services.

The Foreign Agricultural Service works in conjunction with market development cooperators, trade associations, State departments of agriculture and their affiliates, and U.S. sales teams to develop foreign markets for U.S. farm products. FAS sponsors overseas trade exhibits to promote U.S. agricultural products, provides information about foreign importers, and performs a wide range of market development activities.

FAS carries out several export assistance programs to counter the adverse effects of unfair trade practices by competitors on U.S. agricultural trade. The Export Enhancement Program uses CCC-owned commodities as export bonuses to provide export enhancements to U.S. producers. The Market Access Program [MAP] conducts both generic and brand-identified promotional programs in conjunction with nonprofit agricultural associations and private firms financed through reimbursable CCC payments.

These programs are supplemented by the Cooperator Program, a joint FAS-nonprofit private trade and producer association partnership program developing strategies for U.S. agriculture export expansion. Through 2001, nonprofit private trade and producer associations have generated an estimated $1,391,000,000 in contributions to more than match the $854,000,000 contributed by FAS to finance overseas market promotion activities under the Cooperator Program. In addition, GSM credit guarantee programs play an integral role in the recent progress of American agriculture in the world marketplace.

The Agricultural Trade Act of 1978 includes authority to establish up to 25 agricultural trade offices. Currently, 16 such offices are in operation at key foreign trading centers to assist U.S. exporters, trade groups, and State export marketing officials in trade promotion.

The Service initiates, directs, and coordinates the Department's formulation of trade policies and programs with the goal of maintaining and expanding world markets for U.S. agricultural products. It monitors international compliance with bilateral and multilateral trade agreements. It identifies restrictive tariff and trade practices which act as barriers to the import of U.S. agricultural commodities, then supports negotiations to remove them. It acts to counter and eliminate unfair trade practices by other countries that hinder U.S. agricultural exports to third markets.

FAS also carries out the mission of the former Office of International Cooperation and Development [OICD] to promote U.S. agriculture and to advance the agriculture of developing countries as parts of a complementary global agricultural system capable of providing ample food and fiber for all people. To accomplish this mission, FAS applies USDA policies and U.S. agricultural perspectives in its programs of international agricultural cooperation and development, and in its work with foreign countries, international organizations, U.S. universities and other institutions, agencies of the U.S. Government, and the U.S. private sector.

The General Sales Manager was established pursuant to section 5(f) of the charter of the Commodity Credit Corporation and 15 U.S.C. 714–714p. The funds allocated to the General Sales Manager are used for conducting the following programs: (1) CCC Export Credit Guarantee Program (GSM–102), including supplier credit guarantees and facilities financing guarantees, (2) Intermediate Credit Guarantee Program (GSM–103), (3) Public Law 480, (4) section 416 Overseas Donations Program, (5) Export Enhancement Program, (6) Market Access Program, and (7) programs authorized by the Commodity Credit Corporation Charter Act including barter, export sales of most CCC-owned commodities, export payments, and other programs as assigned to encourage and enhance the export of U.S. agricultural commodities.

COMMITTEE RECOMMENDATIONS

For the Foreign Agricultural Service, the Committee recommends an appropriation of $131,198,000. This is $9,385,000 more than the 2002 appropriation and $470,000 less than the budget request.

This amount does not include an increase of $454,000 for rental payments to GSA or $16,000 for FECA administrative charges, as requested in the budget.

The Committee expects the FAS to fund the Foreign Market Development Cooperator Program at no less than the fiscal year 2002 level.

The Committee provides the fiscal year 2003 budget request level of $5,000,000 for the Cochran Fellowship Program. The Committee encourages the Secretary to continue to provide additional support for the program through the Commodity Credit Corporation Emerging Markets Program.

The Committee continues to include language in a general provision in the bill, as requested in the budget, to allow up to $2,000,000 of the amount appropriated to the FAS to remain available until expended solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation.

The Committee expects the Secretary to use the fully-authorized levels of the Dairy Export Incentive Program (DEIP), consistent with GATT Uruguay commitments, in order to ensure U.S. producers have fair access to foreign markets.

The Committee is concerned that the Dairy Export Incentive Program (DEIP) loses a substantial percentage of its tonnage every year due to cancellation or nullification of DEIP awards by foreign buyers or for other reasons beyond the control of U.S. dairy producers. Because the permitted DEIP tonnage is strictly limited each year under United States commitments made to the World Trade Organization (WTO), it is vital that this lost tonnage be reallocated during the applicable export year under WTO rules so that it can be used, not wasted.

The Committee encourages the Foreign Agricultural Service to assist the Alaska Seafood Marketing Institute and the Alaska Fisheries Development Foundation in marketing Alaska salmon and other seafood to overseas markets.

To promote the export of domestic farm products and improve world agriculture trade conditions, the Foreign Agricultural Service must increase its efforts to improve the understanding among trading partners of the safety of biotechnology and the thoroughness of the U.S. regulatory oversight of biotechnology. As trading partners construct regulatory systems for biotechnology and commodity trade, FAS is frequently requested to provide experts for the purpose of educating foreign government officials on the U.S. regulatory system. If the U.S. fails to participate in such discussions, those attempting to limit the access to foreign markets by U.S. producers will be presented an opportunity to undermine confidence in the benefits and safety of the technology while reducing trade opportunities for American producers. The Committee directs FAS to allocate adequate funding to meet the needs of our trading partners so that officials from the Department of Agriculture may, when requested, educate foreign regulators on the safety of the technology and the thoroughness of the U.S. regulatory process.

In addition, the Committee continues to urge the Secretary to work with representatives of the dairy industry and appropriate non-governmental organizations to increase the amount of fortified dry milk exported under humanitarian assistance programs.

The Committee is aware of the continuing buildup of surplus non-fat dry milk acquired by the CCC through the dairy price support program. The Committee is concerned with increasing storage costs associated with this buildup and encourages the agency to utilize all existing food donation programs to reduce this growing surplus.

The Committee encourages FAS to support the Central Asia/Krasnodar, Turkey and China Initiative project for the development of biotechnological and conservation activities and to develop services modeled on the Cooperative Extension Service. The Committee also recommends FAS support for the ''Good Neighbor Partnership—Azores'' initiative by the Azores Collaborative Research and Education Group (ACREG).

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

[In thousands of dollars]

	Credit level	Loan subsidy	Administrative expenses
Appropriations, 2002	(154,664)	126,409	2,005
Budget estimate, 2003	(131,676)	98,904	2,059
Committee recommendation	(154,664)	116,171	2,059

The Federal Credit Reform Act of 1990 established the program account. Appropriations to this account will be used to cover the lifetime subsidy cost associated with direct loans obligated in 2003 and beyond, as well as for administrative expenses.

Financing sales of agricultural commodities to developing countries and private entities for dollars on credit terms, or for local currencies (including for local currencies on credit terms) for use under section 104; and for furnishing commodities to carry out the Food for Progress Act of 1985, as amended (title I).—Title I of the act authorizes financing of sales to developing countries for local currencies and for dollars on credit terms. Sales for dollars or local currency may be made to foreign governments. The legislation provides for repayment terms either in local currencies or U.S. dollars on credit terms of up to 30 years, with a grace period of up to 5 years.

Local currencies under title I sales agreements may be used in carrying out activities under section 104 of the Agricultural Trade Development and Assistance Act of 1954, as amended. Activities in the recipient country for which these local currencies may be used include developing new markets for U.S. agricultural commodities, paying U.S. obligations, and supporting agricultural development and research.

Title I appropriated funds may also be used under the Food for Progress Act of 1985 to furnish commodities on credit terms or on a grant basis to assist developing countries and countries that are emerging democracies that have a commitment to introduce and expand free enterprise elements in their agricultural economies.

COMMITTEE RECOMMENDATIONS

For Public Law 480, title I, the Committee recommends total appropriations of $118,230,000. This amount is $10,184,000 less

than the 2002 level and $17,267,000 more than the budget request. This appropriation will support a Public Law 480, title I, credit level of $154,664,000 for fiscal year 2003, the same as the 2002 level and $22,988,000 more than the budget request. The corresponding loan levels, loan subsidy amounts, and administrative expenses are reflected in the table above, as compared to the fiscal year 2002 and budget request levels.

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

Appropriations, 2002	$20,277,000
Budget estimate, 2003	28,000,000
Committee recommendation	25,159,000

Ocean freight differential costs in connection with commodity sales financed for local currencies or U.S. dollars (title I).—The Commodity Credit Corporation pays ocean freight differential costs on shipments under this title. These costs are the difference between foreign flag and U.S. flag shipping costs.

COMMITTEE RECOMMENDATIONS

For Public Law 480 ocean freight differential costs, the Committee recommends $25,159,000. This is $4,882,000 more than the fiscal year 2002 level and $2,841,000 less than the budget request.

PUBLIC LAW 480 TITLE II GRANTS

Appropriations, 2002	$850,000,000
Budget estimate, 2003	1,185,000,000
Committee recommendation	1,185,000,000

The Committee recognizes the important mission of the Public Law 480 Program to combat hunger and malnutrition; promote broad-based equitable and sustainable development; expand international trade; develop and expand export markets for U.S. agricultural commodities; and to foster and encourage the development of private enterprise and democratic participation in developing countries. The Committee strongly supports the continued efficient operation of this important program.

Commodities supplied in connection with dispositions abroad (title II) (7 U.S.C. 1721–1726).—Commodities are supplied without cost through foreign governments to combat malnutrition and to meet famine and other emergency requirements. Commodities are also supplied for nonemergencies through public and private agencies, including intergovernmental organizations. The Commodity Credit Corporation pays ocean freight on shipments under this title, and may also pay overland transportation costs to a landlocked country, as well as internal distribution costs in emergency situations. The funds appropriated for title II are made available to private voluntary organizations and cooperatives to assist these organizations in meeting administrative and related costs.

Commodities supplied in connection with dispositions abroad (title III).—Commodities are supplied without cost to least developed countries through foreign governments for direct feeding, development of emergency food reserves, or may be sold with the proceeds of such sale used by the recipient country for specific economic development purposes. The Commodity Credit Corporation may pay ocean freight on shipments under this title, and may also pay overland transportation costs to a landlocked country, as well as internal distribution costs.

COMMITTEE RECOMMENDATIONS

For Title II, the Committee recommends a program level of $1,185,000,000. This is $335,000,000 more than the fiscal year 2002 level and the same as the budget request.

The Committee strongly supports programs, including title II, that provide humanitarian food assistance throughout the world. Commodities and assistance provided through title II are one weapon in the U.S. arsenal against world hunger, and the Committee believes that a program level of $1,185,000,000 is a proper level of support in view of other subcommittee priorities for limited direct appropriations. The Committee wants to make clear that providing the President's request does not overcome a strong disagreement with policies suggested by this administration that certain other authorities, notably section 416(b) of the Agricultural Act of 1949, shall not be actively pursued toward relieving world hunger, and thereby result in a net decrease in U.S. contributions for world food aid. America is a land rich in natural resources, the richest among nations, and one to which the world's hungry look for relief from malnutrition and starvation. Over the past several years, employment of the section 416(b) authority has resulted in the channeling of substantial surplus commodities to areas of intense need. Today, the United States has on hand substantial levels of surplus commodities commonly used for humanitarian food assistance, and the Committee strongly urges the Department to use all available authorities to apply these surpluses toward levels necessary to meet targeted world needs.

The Committee is aware that the administration has recently drawn from the Bill Emerson Humanitarian Trust to supplement food assistance needs. While use of this Trust is appropriate in the event of emergency conditions for which no alternative is available, it is the Committee's belief that the Trust was never intended to serve as a substitute for other food assistance programs, such as 416(b), and is concerned that subsequent transfers of title II funds to replenish the Trust will effectively further reduce food assistance resources in fiscal year 2003. Accordingly, the Committee expects the Secretary to utilize resources of the Commodity Credit Corporation to maintain the Bill Emerson Humanitarian Trust.

At this point in history, the U.S.'s world leadership role is more important, and under more scrutiny than ever, and the Committee firmly believes that this is not the time for this country to retreat from its dominant humanitarian role and relating contributions toward world stabilization and peace.

COMMITTEE RECOMMENDATIONS

The Committee expects the administration to allocate no less than 1,875,000 metric tons of the commodities provided under Title II to non-emergency programs. Unanticipated emergency needs, such as the famine in southern Africa, should be met primarily through the section 416b program, the Bill Emerson Humanitarian Trust, or emergency appropriations.

The Committee directs the administration not to place arbitrary limits on monetization under the Public Law 480 title II program. In food-deficit, import-reliant countries, monetization stimulates the economy and allows needed commodities to be provided in the marketplace. Food aid proposals should be approved based on the merits of the program plan to promote food security and improve people's lives, not on the level of monetization.

The Committee supports the use of title II funds in fiscal year 2003 to continue the fiscal year 2002 level of funding for the orphan feeding program in Haiti.

The Committee notes the extraordinary effort made by the people of Alaska through Rotary International, the Interfaith Council, the Municipality of Anchorage, and other groups to collect and distribute food and other assistance to people living in the Russian Far East. The Committee urges the Administration to work with these entities to take advantage of their volunteer efforts in feeding people in the Russian Far East, particularly abandoned children living in orphanages and hospitals.

As proposed in the budget, the Committee provides no new funding for title III grants. Authority is provided by law (7 U.S.C. 1736f) to transfer up to 15 percent of the funds available for any fiscal year for carrying out any title of Public Law 480 to any other title of the program. This authority may be used to transfer funds to title III should a transfer be deemed appropriate.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(EXPORT CREDIT PROGRAMS, GSM–102 AND GSM–103)

[In thousands of dollars]

	Guaranteed loan levels	Guaranteed loan subsidy	Administrative expenses
Appropriations, 2002	[1] 3,926,000	[1] 265,063	4,014
Budget estimate, 2003	[1] 4,225,000	[1] 293,927	4,058

[1] No appropriation required since export credit authorizations are permanent authority.

In 1980, the Commodity Credit Corporation [CCC] instituted the Export Credit Guarantee Program (GSM–102) under its charter authority. With this program, CCC guarantees, for a fee, payments due U.S. exporters under deferred payment sales contracts (up to 36 months) for defaults due to commercial as well as noncommercial risks. The risk to CCC extends from the date of export to the end of the deferred payment period covered in the export sales contract and covers only that portion of the payments agreed to in the assurance agreement. Operation of this program is based on criteria which will assure that it is used only where it is determined that it will develop new market opportunities and maintain and expand existing world markets for U.S. agricultural commodities. The program encourages U.S. financial institutions to provide financing to those areas where the institutions would be unwilling to provide financing in the absence of the CCC guarantees. Other credit activities may also be financed under the Export Credit Guarantee programs including supplier credit guarantee, under which CCC guarantees payments due to importers under short term financing (up to 180 days) that exporters extend directly to importers for the purchase of U.S. agricultural products. CCC also provides facilities financing guarantees.

In 1986, the Intermediate Export Credit Guarantee Program (GSM–103) was implemented by CCC under its charter authority as required by the Food Security Act of 1985. The program is similar to the Export Credit Guarantee Program (GSM–102), but provides for CCC guarantees to exporters for commodities sold on credit terms in excess of 3 years, but not more than 10 years. The program also provides for adjusting the maximum amount of interest which CCC guarantees to pay under the payment guarantee and permits freight costs to be covered for breeding animals financed under the GSM–102 and GSM–103 programs.

The Federal Credit Reform Act of 1990 establishes the program account. The subsidy costs of the CCC export guarantee programs are exempt from the requirement of advance

appropriations of budget authority according to section 504(c)(2) of the Federal Credit Reform Act of 1990, Public Law 101–508. Appropriations to this account will be used for administrative expenses.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

The Food and Drug Administration (FDA) is a scientific regulatory agency whose mission is to promote and protect the public health and safety of Americans. FDA's work is a blending of science and law. The Food and Drug Administration Modernization Act of 1997 (FDAMA) reaffirmed the responsibilities of the FDA: to ensure safe and effective products reach the market to a timely way, and to monitor products for continued safety after they are in use. In addition, FDA is entrusted with two critical functions in the Nation's war on terrorism: preventing willful contamination of all regulated products, including food, and improving the availability of medications to prevent or treat injuries caused by biological, chemical or nuclear agents.

The FDA Foods program has the primary responsibility for assuring that the food supply, quality of foods, food ingredients and dietary supplements are safe, sanitary, nutritious, wholesome, and honestly labeled, and that cosmetic products are safe and properly labeled. The variety and complexity of the food supply has grown dramatically while new and more complex safety issues, such as emerging microbial pathogens, natural toxins, and technological innovations in production and processing, have developed. This program plays a major role in keeping the United States food supply among the safest in the world.

The FDA Drugs programs are comprised of three separate areas, Human Drugs, Animal Drugs and Biologics. FDA is responsible for the life cycle of the product, including premarket review and postmarket surveillance of human, animal and biological products to ensure their safety and efficacy. For Human Drugs this includes assuring that all drug products used for the prevention, diagnosis and treatment of disease are safe and effective. Additional procedures include the review of investigational new drug applications; evaluation of market applications for new and generic drugs, labeling and composition of prescription and over-the-counter drugs; monitoring the quality and safety of products manufactured in, or imported into, the United States; and, regulating the advertising and promotion of prescription drugs. The Animal Drugs and Feeds Program ensures only safe and beneficial veterinary drugs, intended for the treatment and/or prevention of diseases in animals and the improved production of food-producing animals, are approved for marketing.

The FDA Biologics program assures that blood and blood products, blood test kits, vaccines, and therapeutics are pure, potent, safe, effective, and properly labeled. The program inspects blood banks and blood processors, licenses and inspects firms collecting human source plasma, evaluates and licenses biologics manufacturing firms and products; lot releases licensed products; and monitors adverse events associated with vaccine immunization.

The FDA Devices and Radiological program ensures the safety and effectiveness of medical devices and eliminates unnecessary human exposure to manmade radiation from medical, occupational, and consumer products. In addition, the program enforces quality standards under the Mammography Quality Standards Act. Medical devices include thousands of products from thermometers and contact lenses to heart pacemakers, hearing aids, MRIs, microwave ovens, and video display terminals.

FDA's National Center for Toxicological Research in Jefferson, Arkansas, serves as a specialized resource, conducting peer-review scientific research that provides the basis for FDA to make sound science-based regulatory decisions through its premarket review and postmarket surveillance. The research is designed to define and understand the biological mechanisms of action underlying the toxicity of products and developing methods to improve assessment of human exposure, susceptibility and risk of those products regulated by FDA.

SALARIES AND EXPENSES

[In thousands of dollars]

	Appropriation	Prescription drug user fees	Medical device user fees	Mammography clinics inspection fees	Export and certification fees	Total
Appropriations, 2002	1,183,670	161,716	.....	15,590	6,181	1,367,157
Budget estimate, 2003	[1 2] 1,369,385	[3] 222,900	.....	16,112	6,378	[1 2 3] 1,614,775
Committee recommendation	1,383,505	222,900	25,125	16,112	6,378	1,654,020

[1] Excludes $62,569 requested for employee pension and health benefits.
[2] Includes proposed consolidation of Public Affairs and Legislation offices to HHS and other proposed management efficiencies.
[3] PDUFA total reflects reauthorization of the Prescription Drug User Fee Act as part of Public Law 107–180.

COMMITTEE RECOMMENDATIONS

For salaries and expenses, the Committee recommends an appropriation of $1,383,505,000. This amount is $199,835,000 more than the 2002 level and $14,120,000 more than the budget request. The Committee also recommends $222,900,000 in Prescription Drug User Fee Act user fee collections, $25,125,000 in Medical Device User Fee and Modernization Act user fee collections, $16,112,000 in Mammography Quality Standards Act fee collections, and $6,378,000 in export and certification fees, as assumed in the President's budget. These amounts are $61,184,000, $25,125,000, $522,000, and $197,000 more than the 2002 levels, respectively. The Committee includes bill language which prohibits FDA from developing, establishing, or operating any program of user fees authorized by 31 U.S.C. 9701.

The following table reflects the Committee's recommendations, as compared to the fiscal year 2002 and budget request levels:

FOOD AND DRUG ADMINISTRATION SALARIES AND EXPENSES

[In thousands of dollars]

	Fiscal year—		Committee recommendation
	2002 enacted [1]	2003 request [2 3]	
Centers and related field activities:			
Foods	309,853	412,097	412,404
Center for Food Safety and Applied Nutrition [CFSAN]	135,988	148,112	148,457
Field activities	173,865	263,985	263,947
Human drugs	245,270	277,317	277,628
Center for Drug Evaluation and Research [CDER]	155,754	176,321	177,851
Orphan product grants	13,357	14,207	13,357
Field activities	76,159	86,789	86,420
Biologics	119,949	146,849	146,267
Center for Biologics Evaluation and Research [CBER]	94,000	118,414	117,958
Field activities	25,949	28,435	28,309
Animal drugs	82,337	88,972	88,342
Center for Veterinary Medicine [CVM]	55,541	57,875	57,375
Field activities	26,796	31,097	30,967
Medical and radiological devices	178,655	190,720	197,854
Center for Devices and Radiological Health [CDRH]	130,577	137,420	144,787

FOOD AND DRUG ADMINISTRATION SALARIES AND EXPENSES—Continued

[In thousands of dollars]

	Fiscal year—		Committee recommendation
	2002 enacted [1]	2003 request [2 3]	
Field activities	48,078	53,300	53,067
National Center for Toxicological Research [NCTR]	36,903	40,688	40,509
Other activities	82,029	77,688	85,127
Office of the Commissioner	12,900	13,466	14,387
Office of Management and Systems	34,002	40,621	35,053
Office of Senior Associate Commissioner	8,088	4,040	8,254
Office of International and Constituent Relations	7,207	7,410	7,410
Office of Policy, Legislation, and Planning	7,906	5,659	8,097
Central services	11,926	6,492	11,926
Rent and related activities	29,798	36,498	36,498
Rental payments to GSA	98,876	98,876	98,876
Total, FDA salaries and expenses, new budget authority	1,183,670	1,369,385	1,383,505

[1] Reflects approved reprogramming of fiscal year 2002 funds for UFMS and other management initiatives.
[2] Excludes $62,569 requested for employee pension and health benefits.
[3] Includes proposed consolidation of public affairs and legislation offices to DHHS and other proposed management efficiencies.

The Committee recommends the following increases in budget authority requested in the budget for FDA salaries and expenses activities, as follows: $5,000,000 to enhance the identification of risks associated with the use of medical products and to reduce the occurrence of adverse events; $4,582,000 for improvements to the generic drug review program; and $152,276,000 to maintain counter terrorism activities funded in the fiscal year 2002 emergency supplemental appropriations bill relating to food safety, safe and effective medical products, and physical security, including an increase of $1,176,000, as requested in the budget. The Committee also recommends a decrease in budget authority requested in the budget of $2,578,000 associated with efficiency improvements and consolidations of administrative functions.

The Committee does not recommend a decrease of $7,317,000 in budget authority to consolidate the FDA Office of Public Affairs and the FDA Office of Legislation into the DHHS Office of the Secretary. However, the Committee does support the Secretary's efforts to streamline and coordinate the activities of DHHS agencies to ensure the ability of DHHS to provide clear, consistent messages to Congress and the American public.

The Committee also does not recommend an increase in budget authority of $5,200,000 for the DHHS Unified Financial Management System. These funds were provided through a reprogramming of fiscal year 2002 funds, and are no longer necessary as an increase in fiscal year 2003.

Rent payments.—The Committee recommends $98,876,000 for FDA rental payments to the General Services Administration [GSA], the same as the 2002 level.

Food safety.—An increase of approximately $19,059,000 from the fiscal year 2002 level is recommended by the Committee for FDA food safety activities, bringing total funding for food safety to $502,263,000.

The Committee notes that in recent years, FDA has expanded the types of activities it classifies as relating to food safety. Prior to fiscal year 2002, the Food Safety Initiative definition was limited to activities relating to the microbiological safety of foods. This definition was applied from the inception of FSI through fiscal year 2001. In fiscal year 2002, the definition was expanded to include chemical safety of foods and pesticides, premarket review activities, activities relating to Bovine Spongiform Encephalopathy, and activities related to counter-terrorism. In fiscal year 2003, FDA has further expanded the definition to include activities relating to the safety of dietary supplements.

Within the total funding available, at least $2,100,000 is for FDA activities in support of *Codex Alimentarius*.

The Committee provides $2,000,000, an increase of $503,000 over the fiscal year 2002 level, for FDA to continue its contract with New Mexico State University's Physical Science Laboratory to operate the Agricultural Products Food Safety Laboratory, and to conduct evaluation and development of rapid-screening methodologies, technologies, instrumentation, and data analysis for food safety and product surety to facilitate FDA's regulation of food safety, bioterrorism, and other initiatives.

The Committee expects the FDA to continue its support for the Waste Management Education and Research Consortium (WERC) and its work in food safety technology verification and education at no less than the fiscal year 2002 level.

With the growing threat of foodborne illness to the public health, the Committee believes that collaborative research in food safety should continue among Government, academia, and private industry. The national model for that collaboration has been the National Center for Food Safety and Technology (NCFST) in Summit-Argo, Illinois. The Committee expects the FDA to maintain sufficient funding for the National Center to continue the important work done there.

In addition, the funding provided for food safety will ensure the continuation of food contract inspections in the State of Alaska. Specifically, it will allow the FDA to renew its contract with the State of Alaska for inspections of food and seafood processors operating in Alaska. The current contract became effective on May 23, 2002. It will fund at least 300 inspections, approximately 281 seafood/HACCP inspections and 19 other food inspections, at a cost of approximately $250,776. The establishments to be inspected will be mutually agreed upon by FDA and the State of Alaska.

Seafood Safety.—Two recent General Accounting Office (GAO) reports on the safety of seafood have documented the inadequacy of the FDA efforts to address foodborne hazards in seafood, including shellfish. Both reports found FDA's seafood inspection system provides consumers with inadequate protection for seafood-related foodborne illness. The Committee urges FDA to promote the development of new food safety technologies such as irradiation, flash freezing, high-pressure processing, or others that can cost-effectively reduce the incidence of pathogens, and technologies that can ensure constant safe temperatures of seafood throughout the food chain.

The Committee supports the ongoing work of the Interstate Shellfish Sanitation Conference and its joint efforts with the FDA and the shellfish industry to formulate shellfish safety regulations through the National Shellfish Sanitation Program. The Committee recommends no less than the fiscal year 2002 level be directed through the Office of Seafood Inspection to continue these activities, and directs that $200,000 be directed to the Interstate Shellfish Sanitation Conference for the *Vibrio Vulnificus* Education Program.

The Committee is concerned that FDA has not taken effective action to address foodborne illness risks from the consumption of raw shellfish. In particular, the Committee is concerned that Interstate Shellfish Sanitation Commission's (ISSC) proposed steps to reduce the rates of death and illness due to consumption of *Vibrio vulnificus*-contaminated raw shellfish may not effectively address public health concerns.

The Committee also continues its concern with the agency's failure to bring FDA-regulated seafood into compliance with HACCP. However, the Committee is aware that special or unique circumstances may exist for particular seafood processors. While ultimate HAACP compliance is not in question, the Committee is aware of Hawaii's lengthy and culturally important history of hook-and-line fisheries, auction markets, and the high consumption of raw tuna and other pelagic fish in Hawaii, and believes the agency should take into account both the history and the industry's practical experience in approving a plan that is consistent with healthy seafood products and national standards for seafood safety.

Omega 3.—The Committee has become aware of new and continued research in Circulation (April 9, 2002), the Journal of the American Medical Association (April 10, 2002) and the New England Journal of Medicine (April 11, 2002) that indicates potential positive health benefits of Omega 3 fatty acids in the diet. In a previous report to the Committee, the FDA concluded that there was no evidence of the value of salmon, which is a source of Omega 3 fatty acids, in the diet. Taking current research into consideration, the Committee believes the FDA

should reconsider the health claim that ''Consumption of Omega 3 fatty acids in salmon can prevent and reverse heart disease'' and report back to the Committee by April 15, 2003.

Latex Allergies.—The Committee remains concerned about the increasing prevalence of latex allergies, which can, in some instances, be deadly. The Committee understands that FDA is currently studying the incidence of latex allergies related to food handling, and will report back to the Committee in August on the agency's plan to eliminate exposure to latex from food handling, if data currently being reviewed warrants such a decision. The Committee looks forward to receiving this report, and encourages FDA to take all necessary steps to eliminate unnecessary exposure to natural rubber latex.

The Committee is also aware that DHHS is currently working to ensure that health care providers and first responders are vaccinated in the event of a public health emergency. The Committee applauds this effort. Taking into consideration the NIOSH Alert in DHHS Publication No. 97–135, ''Preventing Allergic Reactions to Natural Rubber Latex in the Workplace,'' which indicates that between 8 percent and 12 percent of the exposed health care workforce is allergic to natural rubber latex, the Committee encourages the Secretary to ensure that all products utilized in these efforts are latex free.

The Committee is aware that FDA proposed regulations in 1999 to reclassify all surgeon's and patient examination gloves as Class II medical devices. The Committee is further aware that the use of some surgeon's and patient examination gloves has been associated with a number of adverse health effects, including allergic reactions, in patients and users. Therefore, the Committee encourages FDA to finalize these proposed regulations.

National Antimicrobial Resistance Monitoring Service.—The Committee supports the work of the National Antimicrobial Resistance Monitoring Service (NARMS) and its collaborative relationship between FDA, the Department of Agriculture, and the Centers for Disease Control and Prevention. The Committee expects the coordination of activities among these three areas of Government to result in the most unbiased presentation of timely, accurate data in the best interest of public health.

Orphan Products Grants.—Included in the Center for Drug Evaluation and Research is $13,357,000 for the Orphan Products Grants Program. This is the same as the fiscal year 2002 level.

Dietary Supplements.—The Committee believes that the potential for dietary supplements to have positive health benefits has been realized in many cases. However, it is essential that FDA continue its efforts to ensure their safety, and to fully enforce the prohibition of false, misleading or unsubstantiated claims regarding dietary supplements implemented in the Dietary Supplement and Health Education Act (DSHEA) of 1994. The budget request includes total funding of $5,600,000 for the CFSAN Adverse Events Reporting System (CAERS), of which approximately $1,500,000 is for dietary supplements. The Committee provides an increase of $2,000,000 for CAERS, bringing total funding to $7,600,000. These funds are to be used to ensure prompt identification of and response to adverse health events related to foods, including dietary supplements.

FDA has indicated that the ability to identify and analyze specific components in ingredients, including botanical ingredients, is an essential component of research and regulatory programs directed at ensuring the safety and effectiveness of dietary supplements. The Committee provides $2,000,000 in new budget authority for fiscal year 2003 to continue the review of botanicals in dietary supplements. This work is being carried out by FDA in collaboration with the National Center for Natural Products Research, Oxford, MS.

Biotechnology.—The Committee understands that the FDA frequently receives requests from foreign governments for FDA regulators to visit foreign countries to educate regulators on the evaluation of the safety of biotechnology. Providing information on the soundness of the U.S. regulatory process will promote the understanding of the benefits of biotechnology to human health and the environment and improve the climate for acceptance of U.S. agricultural products abroad. The Committee directs the FDA to allocate adequate funding so that agency representatives may perform this service.

Blood product safety.—The Committee remains concerned FDA has not moved forward in finalizing its proposed rule to require manufacturer tracking of blood-derived products and prompt patient notification of adverse events. The Committee urges FDA to complete implementation of this important blood product safety mechanism and requests quarterly reports on its progress.

Blood Safety and Adequacy.—The Committee is aware of several factors that have affected that Nation's blood supply, including a recently implemented FDA deferral policy which restricts eligibility of blood donors who have traveled or lived in Europe or the United Kingdom because of the theoretical risk of variant Creutzfeldt-Jakob Disease. The Committee is concerned about existing blood shortages, and the possibility of increasingly severe shortages in the future because of the elimination of blood donors, confusion about donor criteria, and the potential loss of up to 25 percent of the U.S. military donor base. The Committee understands that additional FDA donor restrictions will become effective October 31, 2002.

The Committee believes that maintaining an adequate blood supply is critical for the Nation's public health and is essential for national preparedness in the event of public health emergencies. The Committee urges that FDA and the Department of Health and Human Services to address this issue and consider the potential need for modification of donor deferral criteria or other measures if serious blood shortages continue.

Generic Drugs.—The Committee is deeply concerned about the high cost of prescription drugs, and believes that generic drugs play an important role in the reduction of these costs. Prompt approval of generic drug applications is imperative to making generic drugs available at the earliest possible date to American consumers. Latest statistics, however, indicate that it currently takes 18.4 months, on average, for a generic drug application to be reviewed by FDA. Therefore, the Committee is providing $45,282,000 for the generic drugs program, an increase of $6,082,000 over the fiscal year 2002 level, and $1,500,000 more than the budget request. The Committee expects that this increase will result in more than 75 percent of generic drug applications being reviewed within 6 months of submission.

Standards of Identity.—The Committee is aware of the ongoing debate surrounding increased importation and use of milk protein concentrate. A recent General Accounting Office investigation highlighted a dramatic increase in milk protein concentrate imports. The Committee is concerned with FDA's current lack of enforcement of standards of identity as it relates to the potential illegal use of milk protein concentrate in standardized cheese.

Office of Women's Health.—The Committee believes that it is imperative for FDA to pay sufficient attention to gender-based research, ensuring that products approved by the FDA are safe and effective for women as well as men. The Committee notes that in the budget request, the Office of Women's Health at FDA is funded at approximately $3,000,000 for program operation and oversight. The Committee encourages FDA to ensure that the Office of Women's Health is sufficiently funded to carry out its activities, and to enhance its funding if necessary.

Orange Book.—The Committee is aware of the contributions of pharmaceutical products to public health and the high cost of product development, but is extremely concerned about the high cost of prescription drugs to American consumers, and is aware that generic drugs, once they reach the marketplace, are available to consumers at a significantly lower cost than the original drug. The FDA maintains a listing of ''Approved Drug Products with Therapeutic Equivalence Evaluations,'' also known as the ''Orange Book.'' Patent information for approved drugs submitted to the FDA are listed and published in this book. FDA has indicated to the Committee that FDA intends to commence a process of providing guidance in the near future on patents which it believes should and should not be listed in the Orange Book. The Committee is supportive, and encourages the Secretary to work with the pharmaceutical and generic industries in this effort. The Committee requests a report on these activities by January 15, 2003.

Medical Device Application Review.—The Committee is aware that for the last several years, premarket approval applications for breakthrough medical technologies have taken more than a year, despite the 180-day statutory maximum for approval or denial of such applications. Specifically, it is the Committee's understanding that the average length of time for medical device premarket reviews is currently over 400 days. Moreover, the medical technology industry has doubled the investment in research and development in the last decade, and FDA has stated that device technology advances and global impact will continue to affect review performance. In addition, FDA has stated that submissions are becoming increasingly more complex, also contributing to review performance. Therefore, the Committee provides an increase of $8,000,000 from the fiscal year 2002 level for activities relating to premarket reviews of medical devices. These funds are to be used solely for premarket review activities, with the intention of decreasing review times. The Committee directs the FDA to provide a report within 90 days of the enactment of this Act on how these funds will be obligated, including the number of employees that will be hired, a description of their duties, and the effect these funds will have on premarket review times for medical devices.

Reused Medical Devices.—The Committee recognizes the important role that FDA plays in ensuring that every medical device used on a patient in the United States is both safe and effective for its intended use. Adhering to this principle, the FDA has issued new guidance for the reprocessing of single-use medical devices. The Committee is

concerned that the FDA may consider allowing a single premarket submission for reprocessing of multiple models of a certain medical devices. FDA's own research indicates that minor modifications to a device can substantially alter the device's properties with regard to sterilization and reprocessing. This was stated by FDA's own scientists at the 1999 AAMI/FDA Conference entitled ''The reuse of single-use devices.'' Therefore, the Committee urges the FDA to require a premarket submission for every model that is to be reprocessed, if an application was required for the original manufactured device.

Implanted Medical Devices.—The Committee acknowledges the FDA's final rule to improve post-market surveillance for medical devices, and strongly encourages FDA to devote the necessary resources to require registries and monitor well-designed long-term safety studies for implanted devices, including but not limited to jaw implants. As the aging U.S. population becomes more dependent on implanted devices, the Committee believes it is essential that the FDA allocate adequate resources to patient safety activities related to these devices, such as registries, post-market surveillance, and long-term phase IV trials.

Adverse Events Reporting System.—The Committee is concerned about the lack of oversight over reprocessed medical devices when they fail. The General Accounting Office reported that the incidence of failure was unknown. This may be in part due to the fact that FDA's adverse reporting system used by health professionals does not capture data on whether a defective device has been reprocessed. The MEDWATCH system includes on its mandatory reporting form a box for the identification of whether a defective device was or was not reprocessed. The voluntary reporting form, however, does not allow for such reporting. The Committee strongly encourages the agency to update the voluntary reporting form to allow for the identification of whether a defective device has been reprocessed, and if it has been reprocessed, information on how many times the device has been reused.

Tissue Safety.—The Committee remains concerned about the safety of tissue processing. FDA first initiated oversight of tissue by regulation in 1993. Since then, additional safety concerns have led FDA to publish the ''Proposed Approach to the Regulation of Cellular and Tissue-Based Products'' on February 28, 1997. Since 1997, FDA has proposed three new regulations to deal with registration of tissue processors and the listing of their products, donor suitability and good manufacturing practice. Only one of these three proposed rules, relating to registration and listing, has been finalized. The Committee is concerned that FDA still has not finalized the donor suitability and good manufacturing practices rules. The urgency of establishing new safety rules has been highlighted by the unfortunate death of one young person due to contaminated tissue. Therefore, the Committee directs the agency to finalize the tissue safety rules within 9 months of the enactment of this Act.

BUILDINGS AND FACILITIES

Appropriations, 2002	$34,281,000
Budget estimate, 2003	8,000,000
Committee recommendation	11,000,000

In addition to Washington, DC, area laboratories which are in six separate locations, FDA has 16 laboratories at other locations around the country, including regular field laboratories and specialized facilities, as well as the National Center for Toxicological Research complex. Repairs, modifications, improvements and construction to FDA headquarters and field facilities must be made to preserve the properties, ensure employee safety, meet changing program requirements, and permit the agency to keep its laboratory methods up to date.

COMMITTEE RECOMMENDATIONS

For continued repairs and improvements of FDA buildings and facilities, the Committee recommends $11,000,000. This amount is $23,281,000 less than the 2002 appropriation and $3,000,000 more than the budget request.

Included in the amount provided is $8,000,000 for repair and improvement projects, and $3,000,000 to complete renovation of the National Center for Toxicology Research.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

Appropriations, 2002	$70,700,000
Budget estimate, 2003[1]	79,884,000
Committee recommendation	93,985,000

[1] Excludes $2,916,000 requested for employee pension and health benefits.

The Commodity Futures Trading Commission [CFTC] was established as an independent agency by the Commodity Futures Trading Commission Act of 1974 (88 Stat. 1389; 7 U.S.C. 4a).

The Commission administers the Commodity Exchange Act, 7 U.S.C. section 1, et seq. The 1974 Act brought under Federal regulation futures trading in all goods, articles, services, rights, and interests; commodity options trading; and leverage trading in gold and silver bullion and coins; and otherwise strengthened the regulation of the commodity futures trading industry. It established a comprehensive regulatory structure to oversee the volatile futures trading complex.

The purpose of the Commission is to protect and further the economic utility of futures and commodity options markets by encouraging their efficiency, assuring their integrity, and protecting participants against manipulation, abusive trade practices, fraud, and deceit. The objective is to enable the markets to better serve their designated functions of providing a price discovery mechanism and providing price risk insurance. In properly serving these functions, the futures and commodity options markets contribute toward better production and financial planning, more efficient distribution and consumption, and more economical marketing.

Programs in support of the overall mission include market surveillance analysis and research; registration, audits, and contract markets; enforcement; reparations; proceedings; legal counsel; agency direction; and administrative support services. CFTC activities are carried out in Washington, DC; two regional offices located in Chicago and New York; and smaller offices in Kansas City, Los Angeles, and Minneapolis.

COMMITTEE RECOMMENDATIONS

For the Commodity Futures Trading Commission, the Committee recommends $93,985,000. The amount provided is $23,285,000 more than the 2002 appropriation and $14,101,000 more than the budget request.

The Committee is aware that the Farm Security and Rural Investment Act of 2002 exempted CFTC from the salary restrictions imposed by Title V of the United States Code. The Committee is also aware that Title V pay restrictions have historically been a significant factor in CFTC's high turnover rate, nearly triple the government average, among attorneys and economists, which are the Commission's two largest occupational series. The Committee has been informed that this high attrition rate impedes the Commission's ability to develop and sustain a cadre of legal and financial professionals necessary to detect, prosecute, and deter fraud in the expanding and complex financial markets. Therefore, the Committee is providing $15,915,000 for CFTC to provide compensation and benefits comparable to other Federal financial regulators, or other program costs, if necessary. It is the Committee's understanding that CFTC is currently developing a plan to implement pay comparability with other Federal financial regulators, and the Committee requests a full report on these activities, including their effect on the CFTC attrition rate, quarterly.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Limitation, 2002	($36,700,000)
Budget estimate, 2003[1]	(36,700,000)
Committee recommendation	(38,404,000)

[1] Excludes $1,796,000 requested for employee pension and health benefits.

The Farm Credit Administration [FCA] is the independent agency in the executive branch of the Government responsible for the examination and regulation of the banks, associations, and other institutions of the Farm Credit System.

Activities of the Farm Credit Administration include the planning and execution of examinations of Farm Credit System institutions and the preparation of examination reports. FCA also establishes standards, enforces rules and regulations, and approves certain actions of the institutions.

The administration and the institutions under its jurisdiction now operate under authorities contained in the Farm Credit Act of 1971, Public Law 92–181, effective December 10, 1971. Public Law 99–205, effective December 23, 1985, restructured FCA and gave the agency regulatory authorities and enforcement powers.

The act provides for the farmer-owned cooperative system to make sound, adequate, and constructive credit available to farmers and ranchers and their cooperatives, rural residences, and associations and other entities upon which farming operations are dependent, and to modernize existing farm credit law to meet current and future rural credit needs.

The Agricultural Credit Act of 1987 authorized the formation of the Federal Agricultural Mortgage Corporation [FAMC] to operate a secondary market for agricultural and rural housing mortgages. The Farm Credit Administration, under section 8.11 of the Farm Credit Act of 1971, as amended, is assigned the responsibility of regulating this entity and assuring its safe and sound operation.

Expenses of the Farm Credit Administration are paid by assessments collected from the Farm Credit System institutions and by assessments to the Federal Agricultural Mortgage Corporation.

COMMITTEE RECOMMENDATIONS

The Committee recommends a limitation of $38,404,000 on administrative expenses of the Farm Credit Administration [FCA]. This is $1,704,000 more than the fiscal year 2002 level and the budget request.

The Committee recommends an increase in the limitation of FCA's administrative expenses for two reasons. First, it is the Committee's understanding that pending a study scheduled to be completed this summer, the FCA may be unable to comply with a statute requiring it to provide employees with comparable compensation to other Federal financial regulatory agencies. Second, the FCA is facing the potential loss of many seasoned examiners and other employees through retirement. There is a need to hire up to an additional 13 examiners to prevent a loss that could significantly strain FCA's ability to effectively carry out its financial safety and soundness examination and enforcement functions. It is the Committee's understanding that this increase in FCA's limitation on administrative expenses will not result in an increase in the amount of the assessments on system institutions. The Committee requests a report on the outcome of studies currently underway related to this increase, including the actual limitation amount necessary, the amount of carryover funds in FCA's reserve, and the change, if any, in the amount of the assessments on system institutions.

TITLE VII—GENERAL PROVISIONS

Sections 701–731 of the general provisions are essentially the same as those included in the fiscal year 2002 and previous years' appropriations acts.

In addition, the Committee recommends the following provisions:

Section 732 to provide eligibility for rural development programs to the city of Dunkirk, NY.

Section 733 to provide assistance through the Rural Housing Assistance Grants program for agriculture processing workers in the State of Wisconsin.

Section 734 to provide eligibility for conservation projects in the State of Illinois.

Section 735 to allow up to 20 percent of competitive research funds to be used to carry out awards under the same terms and conditions as those pursuant to section 401 of the Agriculture Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

Section 736 to provide eligibility for a conservation program in the State of West Virginia.

Section 737 to allow a reimbursement to the USDA Office of General Counsel from salaries and expenses accounts of agencies for which the General Counsel will provide certain services, subject to prior approval of the Committees on Appropriations of the House and the Senate.

Section 738 to prohibit funds from being used to carry out section 14(h)(i) of the Watershed Protection and Flood Prevention Act.

Section 739 to prohibit funds from being used to carry out section Subtitle I of the Consolidated Farm and Rural Development Act.

Section 740 to prohibit funds from being used to carry out section 6405 of Public Law 107–171.

Section 741 to limit funds available to carry out section 9010 of Public Law 107–171.

Section 742 to provide eligibility for a conservation program in the State of Arkansas.

Section 743 to provide eligibility for a conservation program in the State of Alaska.

Section 744 to provide direction in the implementation of the Food for Progress program.

Section 745 to rescind unobligated balances of funds appropriated to the Cooperative State Research, Education, and Extension Service by Public Law 104–180.

Section 746 to limit the use of funds for programs under 7 U.S.C. 1736f–1.

Section 747 to provide eligibility for conservation programs in the States of Utah and Nebraska.

Section 748 to establish certain authorities regarding the Denali Commission.

Section 749 to rescind funds to carry out the Rural Clean Water program.

Section 750 to establish a program for loans and grants related to the dairy industry in the State of Alaska.

Section 751 to allow the Secretary to transfer up to $2,000,000 from the Food and Nutrition Service to the Economic Research Service for studies and evaluations on behalf of the Food and Nutrition Service.

Section 752 to complete the project regarding the John Ogonowski farm in a manner consistent with the rules and regulations of the Farmland Protection Program. Because of the strong national demand for Farmland Protection Program funds and the need to provide full access to Program funds nationally, the Committee directs the Secretary to carry out the project without providing additional funding under the Program for projects in the State of Massachusetts.

Section 753 to authorize Department of Agriculture employees to carry firearms for personal protection in remote locations that may be populated by bears and other dangerous wildlife.

Section 754 to limit funds available for the Export Enhancement Program.

Section 755 to structure the schedule of payments for the rural development guaranteed underwriting loan program.

PROGRAM, PROJECT, AND ACTIVITY

During fiscal year 2003, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) or the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119), the following information provides the definition of the term ''program, project, and activity'' for departments and agencies under the jurisdiction of the Agriculture, Rural Development, and Related Agencies Subcommittee. The term ''program, project, and activity'' shall include the most specific level of budget items identified in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003, the House and Senate Committee reports, and the conference report and accompanying joint explanatory statement of the managers of the committee of conference.

If a sequestration order is necessary, in implementing the Presidential order, departments and agencies shall apply any percentage reduction required for fiscal year 2003 pursuant to the provisions of Public Law 99–177 or Public Law 100–119 to all items specified in the explanatory notes submitted to the Committees on Appropriations of the House and Senate in support of the fiscal year 2003 budget estimates, as amended, for such departments and agencies, as modified by congressional action, and in addition:

For the Agricultural Research Service the definition shall include specific research locations as identified in the explanatory notes and lines of research specifically identified in the reports of the House and Senate Appropriations Committees.

For the Natural Resources Conservation Service the definition shall include individual flood prevention projects as identified in the explanatory notes and individual operational watershed projects as summarized in the notes.

For the Farm Service Agency the definition shall include individual, regional, State, district, and county offices.

COMPLIANCE WITH PARAGRAPH 7, RULE XVI OF THE STANDING RULES OF THE SENATE

Paragraph 7 of rule XVI requires that Committee reports accompanying general appropriations bills identify each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

The Committee recommends funding for the following program which currently lacks authorization for fiscal year 2003:

Compact of Free Association Act of 1985.

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include ''(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee.''

In compliance with this rule, the following changes in existing law proposed to be made by the bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is printed in italics; and existing law in which no change is proposed is shown in roman.

With respect to this bill, it is the opinion of the Committee that it is necessary to dispense with these requirements in order to expedite the business of the Senate.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
TITLE I—AGRICULTURAL PROGRAMS					
Production, Processing, and Marketing					
Office of the Secretary	2,992	36,667	3,412	+420	−33,255
Emergency appropriations (Public Law 107–117)	80,919			−80,919	
Total, Office of the Secretary	83,911	36,667	3,412	−80,499	−33,255
Executive Operations:					
Chief Economist	7,704	12,117	12,016	+4,312	−101
National Appeals Division	12,869	14,334	13,759	+890	−575
Office of Budget and Program Analysis	7,041	7,358	7,358	+317	
Office of the Chief Information Officer	10,029	31,277	31,275	+21,246	−2
Common computing environment	59,369	133,155	133,155	+73,786	
Office of the Chief Financial Officer	5,384	7,918	7,877	+2,493	−41
Working capital fund		21,000			−21,000
Total, Executive Operations	102,396	227,159	205,440	+103,044	−21,719
Office of the Assistant Secretary for Civil Rights			400	+400	+400
Office of the Assistant Secretary for Administration	647	780	780	+133	
Agriculture buildings and facilities and rental payments	(187,647)	(70,499)	(197,662)	(+10,015)	(+127,163)
Payments to GSA	130,266		130,266		+130,266
Building operations and maintenance	31,438	36,522	33,419	+1,981	−3,103
Repairs, renovations, and construction	25,943	33,977	33,977	+8,034	
Hazardous materials management	15,665	15,685	15,685	+20	
Departmental administration	37,079	46,398	42,479	+5,400	−3,919
Office of the Assistant Secretary for Congressional Relations	3,718	4,157	4,157	+439	
Office of Communications	8,894	9,637	9,637	+743	
Office of the Inspector General	70,839	82,231	78,127	+7,288	−4,104
Office of the General Counsel	32,627	37,287	35,588	+2,961	−1,699
Office of the Under Secretary for Research, Education and Economics	573	780	780	+207	
Economic Research Service	67,200	79,243	65,123	−2,077	−14,120
National Agricultural Statistics Service	113,786	143,659	140,854	+27,068	−2,805
Census of Agriculture	(25,350)	(41,274)	(41,274)	(+15,924)	
Agricultural Research Service:.					
Salaries and expenses	979,464	971,445	1,053,597	+74,133	+82,152
Emergency appropriations (Public Law 107–117)	40,000			−40,000	
Buildings and facilities	118,987	16,580	100,955	−18,032	+84,375
Emergency appropriations (Public Law 107–117)	73,000			−73,000	
Regular appropriations (Public Law 107–206)	25,000			−25,000	
Total, Agricultural Research Service	1,236,451	988,025	1,154,552	−81,899	+166,527
Cooperative State Research, Education, and Extension Service:.					
Research and education activities	542,062	552,549	651,411	+109,349	+98,862
Native American Institutions Endowment Fund	(7,100)	(7,100)	(7,100)		
Extension activities	439,473	419,989	452,767	+13,294	+32,778
Integrated activities	42,853	44,865	48,218	+5,365	+3,353
Outreach for socially disadvantaged farmers	3,243	3,243	3,493	+250	+250
Total, Cooperative State Research, Education, and Extension Service	1,027,631	1,020,646	1,155,889	+128,258	+135,243
Office of the Under Secretary for Marketing and Regulatory Programs	654	780	780	+126	
Animal and Plant Health Inspection Service:.					
Salaries and expenses	620,490	767,119	735,673	+115,183	−31,446
Emergency appropriations (Public Law 107–117)	105,000			−105,000	
AQI user fees	(84,813)	(275,000)		(−84,813)	(−275,000)
Animal welfare user fees (proposed)		−5,000			+5,000
Buildings and facilities	7,189	13,189	13,189	+6,000	
Emergency appropriations (Public Law 107–117)	14,081			−14,081	
Total, Animal and Plant Health Inspection Service	746,760	775,308	748,862	+2,102	−26,446
Agricultural Marketing Service:					
Marketing Services	71,430	75,411	75,411	+3,981	
Standardization user fees	(5,000)	(5,000)	(5,000)		
(Limitation on administrative expenses, from fees collected)	(60,596)	(61,619)	(61,619)	(+1,023)	
Funds for strengthening markets, income, and supply (transfer from section 32)	13,995	14,910	14,910	+915	
Payments to states and possessions	1,347	1,347	1,347		
Total, Agricultural Marketing Service	86,772	91,668	91,668	+4,896	
Grain Inspection, Packers and Stockyards Administration:					
Salaries and expenses	33,117	41,164	44,475	+11,358	+3,311
Limitation on inspection and weighing services	(42,463)	(42,463)	(42,463)		
Inspection and licensing user fees (proposed)		−29,000			+29,000
Total, Grain Inspection, Packers and Stockyards	33,117	12,164	44,475	+11,358	+32,311
Office of the Under Secretary for Food Safety	476	780	780	+304	
Food Safety and Inspection Service	715,642	763,049	759,759	+44,117	−3,290
Emergency appropriations (Public Law 107–117)	15,000			−15,000	
Lab accreditation fees [1]	(1,000)	(1,000)	(1,000)		
Total, Production, Processing, and Marketing	4,587,485	4,406,602	4,756,889	+169,404	+350,287
Farm Assistance Programs					
Office of the Under Secretary for Farm and Foreign Agricultural Services	606	899	899	+293	
Farm Service Agency:					
Salaries and expenses	939,030	993,620	986,913	+47,883	−6,707
(Transfer from export loans)	(790)	(834)	(834)	(+44)	
(Transfer from Public Law 480)	(972)	(1,026)	(1,026)	(+54)	
(Transfer from ACIF)	(272,595)	(279,176)	(279,176)	(+6,581)	
Subtotal, transfers from program accounts	(274,357)	(281,036)	(281,036)	(+6,679)	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Total, Salaries and expenses	(1,213,387)	(1,274,656)	(1,267,949)	(+54,562)	(−6,707)
Emergency conservation program		48,700			−48,700
State mediation grants	3,493	4,000	4,000	+507	
Dairy indemnity program	100	100	100		
Subtotal, Farm Service Agency	942,623	1,046,420	991,013	+48,390	−55,407
Agricultural Credit Insurance Fund Program Account:					
Loan authorizations:					
Farm ownership loans:					
Direct	(146,996)	(100,000)	(146,996)		(+46,996)
Guaranteed	(1,000,000)	(1,000,000)	(1,000,000)		
Subtotal	(1,146,996)	(1,100,000)	(1,146,996)		(+46,996)
Farm operating loans:					
Direct	(611,198)	(600,000)	(611,198)		(+11,198)
Unsubsidized guaranteed	(1,500,000)	(1,700,000)	(1,700,000)	(+200,000)	
Subsidized guaranteed	(505,531)	(300,000)	(505,531)		(+205,531)
Subtotal	(2,616,729)	(2,600,000)	(2,816,729)	(+200,000)	(+216,729)
Indian tribe land acquisition loans	(2,000)	(2,000)	(2,000)		
Emergency disaster loans	(25,000)			(−25,000)	
Boll weevil eradication loans	(100,000)	(100,000)	(100,000)		
Total, Loan authorizations	(3,890,725)	(3,802,000)	(4,065,725)	(+175,000)	(+263,725)
Loan subsidies:					
Farm ownership loans:					
Direct	3,866	11,610	17,066	+13,200	+5,456
Guaranteed	4,500	7,500	7,500	+3,000	
Subtotal	8,366	19,110	24,566	+16,200	+5,456
Farm operating loans:					
Direct	54,580	103,560	105,493	+50,913	+1,933
Unsubsidized guaranteed	52,650	53,890	53,890	+1,240	
Subsidized guaranteed	68,550	35,400	59,653	−8,897	+24,253
Subtotal	175,780	192,850	219,036	+43,256	+26,186
Indian tribe land acquisition	118	179	179	+61	
Emergency disaster loans	3,363			−3,363	
Total, Loan subsidies	187,627	212,139	243,781	+56,154	+31,642
ACIF expenses:					
Salaries and expense (transfer to FSA)	272,595	279,176	279,176	+6,581	
Administrative expenses	8,000	8,000	8,000		
Total, ACIF expenses	280,595	287,176	287,176	+6,581	
Total, Agricultural Credit Insurance Fund	468,222	499,315	530,957	+62,735	+31,642
(Loan authorization)	(3,890,725)	(3,802,000)	(4,065,725)	(+175,000)	(+263,725)
Total, Farm Service Agency	1,410,845	1,545,735	1,521,970	+111,125	−23,765
Risk Management Agency	74,752	72,771	70,708	−4,044	−2,063
Total, Farm Assistance Programs	1,486,203	1,619,405	1,593,577	+107,374	−25,828
Corporations					
Federal Crop Insurance Corporation:					
Federal crop insurance corporation fund	2,900,000	2,886,000	2,886,000	−14,000	
Commodity Credit Corporation Fund:					
Reimbursement for net realized losses	20,279,000	16,285,000	16,285,000	−3,994,000	
Hazardous waste management (limitation on administrative expenses)	(5,000)	(5,000)	(5,000)		
Total, Corporations	23,179,000	19,171,000	19,171,000	−4,008,000	
Total, title I, Agricultural Programs	29,252,688	25,197,007	25,521,466	−3,731,222	+324,459
(By transfer)	(274,357)	(281,036)	(281,036)	(+6,679)	
(Loan authorization)	(3,890,725)	(3,802,000)	(4,065,725)	(+175,000)	(+263,725)
(Limitation on administrative expenses)	(108,059)	(109,082)	(109,082)	(+1,023)	
TITLE II—CONSERVATION PROGRAMS					
Office of the Under Secretary for Natural Resources and Environment	730	902	902	+172	
Natural Resources Conservation Service:					
Conservation operations	779,000	840,963	840,002	+61,002	−961
Watershed surveys and planning	10,960		10,960		+10,960
Watershed and flood prevention operations	106,590		105,000	−1,590	+105,000
Regular appropriations (Public Law 107–206)	94,000			−94,000	
Emergency watershed protection		110,000			−110,000
Watershed rehabilitation program	10,000		30,000	+20,000	+30,000
Resource conservation and development	48,048	49,079	50,000	+1,952	+921
Forestry incentives program	6,811			−6,811	
Total, Natural Resources Conservation Service	1,055,409	1,000,042	1,035,962	−19,447	+35,920
Total, title II, Conservation Programs	1,056,139	1,000,944	1,036,864	−19,275	+35,920
TITLE III—RURAL DEVELOPMENT PROGRAMS					
Office of the Under Secretary for Rural Development	623	898	898	+275	
Rural Development:					
Rural community advancement program	806,557	791,499	867,176	+60,619	+75,677
(Transfer out)	(−24,000)		(−30,000)	(−6,000)	(−30,000)
RD expenses:					
Salaries and expenses	133,722	145,736	127,502	−6,220	−18,234

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
(Transfer from RHIF)	(422,241)	(455,630)	(455,630)	(+33,389)	
(Transfer from RDLFP)	(3,733)	(4,290)	(4,290)	(+557)	
(Transfer from RETLP)	(36,000)	(38,035)	(38,035)	(+2,035)	
(Transfer from RTB)	(3,082)	(3,082)	(3,082)		
(Transfer from TLP)	(2,000)			(−2,000)	
Subtotal, Transfers from program accounts	(467,056)	(501,037)	(501,037)	(+33,981)	
Total, RD expenses	(600,778)	(646,773)	(628,539)	(+27,761)	(−18,234)
Total, Rural Development	940,279	937,235	994,678	+54,399	+57,443
Rural Housing Service:					
Rural Housing Insurance Fund Program Account:					
Loan authorizations:					
Single family (sec. 502)	(1,079,848)	(957,300)	(1,005,162)	(−74,686)	(+47,862)
Unsubsidized guaranteed	(3,137,968)	(2,750,000)	(2,750,000)	(−387,968)	
Subtotal, Single family	(4,217,816)	(3,707,300)	(3,755,162)	(−462,654)	(+47,862)
Housing repair (sec. 504)	(32,324)	(35,000)	(35,000)	(+2,676)	
Rental housing (sec. 515)	(114,068)	(60,000)	(120,000)	(+5,932)	(+60,000)
Site loans (sec. 524)	(5,090)	(5,000)	(5,000)	(−90)	
Multi-family housing guarantees (sec. 538)	(99,770)	(100,000)		(−99,770)	(−100,000)
Multi-family housing credit sales	(1,778)	(2,000)	(2,000)	(+222)	
Single family housing credit sales	(10,000)	(10,000)	(10,000)		
Self-help housing land development fund	(5,000)	(5,011)	(5,011)	(+11)	
Total, Loan authorizations	(4,485,846)	(3,924,311)	(3,932,173)	(−553,673)	(+7,862)
			Loan subsidies:		
Single family (sec. 502)	142,108	185,429	194,700	+52,592	+9,271
Unsubsidized guaranteed	40,166	19,800	19,800	−20,366	
Subtotal, Single family	182,274	205,229	214,500	+32,226	+9,271
Housing repair (sec. 504)	10,386	10,857	10,857	+471	
Rental housing (sec. 515)	48,274	27,978	55,956	+7,682	+27,978
Site loans (sec. 524)	28	55	55	+27	
Multi-family housing guarantees (sec. 538)	3,921	4,500		−3,921	−4,500
Multi-family housing credit sales	750	934	934	+184	
Single family housing credit sales					
Self-help housing land development fund	254	221	221	−33	
Total, Loan subsidies	245,887	249,774	282,523	+36,636	+32,749
RHIF administrative expenses (transfer to RD)	422,241	455,630	455,630	+33,389	
Rental assistance program:					
(Sec. 521)	695,104	706,100	724,100	+28,996	+18,000
(Sec. 502(c)(5)(D))	5,900	5,900	5,900		
Total, Rental assistance program	701,004	712,000	730,000	+28,996	+18,000
Total, Rural Housing Insurance Fund	1,369,132	1,417,404	1,468,153	+99,021	+50,749
(Loan authorization)	(4,485,846)	(3,924,311)	(3,932,173)	(−553,673)	(+7,862)
Mutual and self-help housing grants	35,000	34,000	35,000		+1,000
Rural housing assistance grants	38,914	42,498	47,498	+8,584	+5,000
Farm labor program account	31,431	34,615	34,615	+3,184	
Subtotal, grants and payments	105,345	111,113	117,113	+11,768	+6,000
Total, Rural Housing Service	1,474,477	1,528,517	1,585,266	+110,789	+56,749
(Loan authorization)	(4,485,846)	(3,924,311)	(3,932,173)	(−553,673)	(+7,862)
Rural Business-Cooperative Service:					
Rural Development Loan Fund Program Account:					
(Loan authorization)	(38,171)	(40,000)	(40,000)	(+1,829)	
Loan subsidy	16,494	19,304	19,304	+2,810	
Administrative expenses (transfer to RD)	3,733	4,290	4,290	+557	
Total, Rural Development Loan Fund	20,227	23,594	23,594	+3,367	
Rural Economic Development Loans Program Account:					
(Loan authorization)	(14,966)	(14,967)	(14,967)	(+1)	
Direct subsidy	3,616	3,197	3,197	−419	
Rural cooperative development grants	7,750	9,000	9,000	+1,250	
Rural empowerment zones and enterprise communities grants	14,967		14,967		+14,967
Total, Rural Business-Cooperative Service	46,560	35,791	50,758	+4,198	+14,967
(Loan authorization)	(53,137)	(54,967)	(54,967)	(+1,830)	
Rural Utilities Service:					
Rural Electrification and Telecommunications Loans Program Account:					
Loan authorizations:					
Electric:					
Direct, 5 percent	(121,107)	(121,103)	(121,103)	(−4)	
Direct, Municipal rate	(500,000)	(100,000)	(100,000)	(−400,000)	
Direct, FFB	(2,600,000)	(1,600,000)	(2,600,000)		(+1,000,000)
Direct, Treasury rate	(750,000)	(700,000)	(1,150,000)	(+400,000)	(+450,000)
Guaranteed electric	(100,000)	(100,000)	(100,000)		
Guaranteed underwriting			(1,000,000)	(+1,000,000)	(+1,000,000)
Subtotal, Electric	(4,071,107)	(2,621,103)	(5,071,103)	(+999,996)	(+2,450,000)
Telecommunications:					
Direct, 5 percent	(74,827)	(75,029)	(75,029)	(+202)	
Direct, Treasury rate	(300,000)	(300,000)	(300,000)		
Direct, FFB	(120,000)	(120,000)	(120,000)		
Subtotal, Telecommunications	(494,827)	(495,029)	(495,029)	(+202)	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Total, Loan authorizations	(4,565,934)	(3,116,132)	(5,566,132)	(+1,000,198)	(+2,450,000)
Loan subsidies:					
Electric:					
Direct, 5 percent	3,609	6,915	6,915	+3,306	
Direct, Municipal rate		4,030	4,030	+4,030	
Guaranteed electric	80	80	80		
Subtotal, Electric	3,689	11,025	11,025	+7,336	
Telecommunications:					
Direct, 5 percent	1,736	1,283	1,283	−453	
Direct, Treasury rate	300	150	150	−150	
Subtotal, Telecommunications	2,036	1,433	1,433	−603	
Total, Loan subsidies	5,725	12,458	12,458	+6,733	
RETLP administrative expenses (transfer to RD)	36,000	38,035	38,035	+2,035	
Total, Rural Electrification and Telecommunications Loans Program Account	41,725	50,493	50,493	+8,768	
(Loan authorization)	(4,565,934)	(3,116,132)	(5,566,132)	(+1,000,198)	(+2,450,000)
Rural Telephone Bank Program Account:					
(Loan authorization)	(174,615)		(174,615)		(+174,615)
Direct loan subsidy	3,737		2,410	−1,327	+2,410
RTB administrative expenses (transfer to RD)	3,082	3,082	3,082		
Total, Rural Telephone Bank Program Account	6,819	3,082	5,492	−1,327	+2,410
High energy costs grants (by transfer)	(24,000)		(30,000)	(+6,000)	(+30,000)
Distance learning and telemedicine program:					
(Loan authorization)	(380,000)	(156,480)	(129,535)	(−250,465)	(−26,945)
Grants/loans subsidy costs	49,441	31,049	51,941	+2,500	+20,892
Local Television Loan Guarantee Program Account:					
(Loan authorization)	(258,065)			(−258,065)	
Direct loan subsidy	20,000			−20,000	
Regular appropriations (Public Law 107–206)	8,000			−8,000	
Rescission (Public Law 107–206)	−20,000			+20,000	
LTLP administration expenses (transfer to RD)	2,000			−2,000	
Total, Local Television Loan Program Account	10,000			−10,000	
Total, Rural Utilities Service	107,985	84,624	107,926	−59	+23,302
(Loan authorization)	(5,378,614)	(3,272,612)	(5,870,282)	(+491,668)	(+2,597,670)
Total, title III, Rural Economic and Community Development Programs	2,569,924	2,587,065	2,739,526	+169,602	+152,461
(By transfer)	(491,056)	(501,037)	(531,037)	(+39,981)	(+30,000)
(Loan authorization)	(9,917,597)	(7,251,890)	(9,857,422)	(−60,175)	(+2,605,532)
TITLE IV—DOMESTIC FOOD PROGRAMS					
Office of the Under Secretary for Food, Nutrition and Consumer Services	587	774	774	+187	
Food and Nutrition Service:					
Child nutrition programs	4,914,288	5,382,179	5,830,506	+916,218	+448,327
Transfer from section 32	5,172,458	5,193,990	4,745,663	−426,795	−448,327
Discretionary spending	500		4,000	+3,500	+4,000
Total, Child nutrition programs	10,087,246	10,576,169	10,580,169	+492,923	+4,000
Special supplemental nutrition program for women, infants, and children (WIC)	4,348,000	4,751,000	4,751,000	+403,000	
Emergency appropriations (Public Law 107–117)	39,000			−39,000	
Regular appropriations (Public Law 107–206)	75,000			−75,000	
Food stamp program:					
Expenses	19,556,436	22,772,692	22,772,692	+3,216,256	
Reserve	2,000,000	2,000,000	2,000,000		
Nutrition assistance for Puerto Rico and Samoa	1,335,550	1,377,000	1,377,000	+41,450	
The emergency food assistance program	100,000	100,000	140,000	+40,000	+40,000
Rescission (Public Law 107–206)	−24,000			+24,000	
Total, Food stamp program	22,967,986	26,249,692	26,289,692	+3,321,706	+40,000
Commodity assistance program	152,813	144,991	167,000	+14,187	+22,009
Rescission	−3,300			+3,300	
Total, Commodity assistance program	149,513	144,991	167,000	+17,487	+22,009
Food donations programs:					
Needy family program	1,081	1,081	1,081		
Elderly feeding program	149,668			−149,668	
Total, Food donations programs	150,749	1,081	1,081	−149,668	
Food program administration	127,546	147,944	136,865	+9,319	−11,079
Total, Food and Nutrition Service	37,945,040	41,870,877	41,925,807	+3,980,767	+54,930
Total, title IV, Domestic Food Programs	37,945,627	41,871,651	41,926,581	+3,980,954	+54,930
TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS					
Foreign Agricultural Service:					
Salaries and expenses, direct appropriation	121,813	131,668	131,198	+9,385	−470
(Transfer from export loans)	(3,224)	(3,224)	(3,224)		
(Transfer from Public Law 480)	(1,033)	(1,033)	(1,033)		
Total, Program level	(126,070)	(135,925)	(135,455)	(+9,385)	(−470)
Public Law 480 Program and Grant Accounts:					
Program account:					
Loan authorization, direct	(154,664)	(131,676)	(154,664)		(+22,988)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Loan subsidies	126,409	98,904	116,171	−10,238	+17,267
Ocean freight differential grants	20,277	28,000	25,159	+4,882	−2,841
Title II—Commodities for disposition abroad:					
Program level	(850,000)	(1,185,000)	(1,185,000)	(+335,000)	
Appropriation	850,000	1,185,000	1,185,000	+335,000	
Salaries and expenses:					
Foreign Agricultural Service (transfer to FAS)	1,033	1,033	1,033		
Farm Service Agency (transfer to FSA)	972	1,026	1,026	+54	
Subtotal	2,005	2,059	2,059	+54	
Total, Public Law 480:					
Program level	(850,000)	(1,185,000)	(1,185,000)	(+335,000)	
Appropriation	998,691	1,313,963	1,328,389	+329,698	+14,426
CCC Export Loans Program Account (administrative expenses):					
Salaries and expenses (Export Loans):					
General Sales Manager (transfer to FAS)	3,224	3,224	3,224		
Farm Service Agency (transfer to FSA)	790	834	834	+44	
Total, CCC Export Loans Program Account	4,014	4,058	4,058	+44	
Total, title V, Foreign Assistance and Related Programs	1,124,518	1,449,689	1,463,645	+339,127	+13,956
(By transfer)	(4,257)	(4,257)	(4,257)		
TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Food and Drug Administration					
Salaries and expenses, direct appropriation	1,183,670	1,369,385	1,383,505	+199,835	+14,120
Emergency appropriations (Public Law 107–117)	151,100			−151,100	
Prescription drug user fee act	(161,716)	(264,220)	(222,900)	(+61,184)	(−41,320)
Medical device user fee act			(25,125)	(+25,125)	(+25,125)
Subtotal	(1,496,486)	(1,633,605)	(1,631,530)	(+135,044)	(−2,075)
Mammography clinics user fee (outlay savings)	(15,590)	(16,612)	(16,112)	(+522)	(−500)
Export certification	(6,181)	(6,378)	(6,378)	(+197)	
Payments to GSA	(105,116)	(98,556)	(98,556)	(−6,560)	
Buildings and facilities	34,281	8,000	11,000	−23,281	+3,000
Total, Direct appropriations FDA	1,369,051	1,377,385	1,394,505	+25,454	+17,120
INDEPENDENT AGENCIES					
Commodity Futures Trading Commission	70,700	79,884	93,985	+23,285	+14,101
Emergency appropriations (Public Law 107–117)	16,900			−16,900	
Transaction fee (proposed)		−33,000			+33,000
Total, Commodity Futures Trading Commission	87,600	46,884	93,985	+6,385	+47,101
Farm Credit Administration (limitation on administrative expenses)	(36,700)	(36,700)	(38,404)	(+1,704)	(+1,704)
Total, title VI, Related Agencies and Food and Drug Administration	1,456,651	1,424,269	1,488,490	+31,839	+64,221
TITLE VII—GENERAL PROVISIONS					
Hunger fellowships	2,496		2,496		+2,496
National Sheep Industry Improvement Center revolving fund	1,000			−1,000	
Limit crop insurance education	−6,000			+6,000	
Mallard Pointe conservation	150			−150	
Jamestown conservation	250			−250	
Child and adult care feeding program	10,000		22,000	+12,000	+22,000
CCC Apple market loss	75,000			−75,000	
Dairy price support extension	15,000			−15,000	
Sugar beets	5,000			−5,000	
Tobacco	5,000			−5,000	
Summer Food Service program					
Youth organizations					
Telework					
Rural clean water program (rescission)					
Export enhancement program (sec. 101) (Public Law 107–206)	−445,000			+445,000	
Agriculture assistance (Public Law 107–206)	10,000			−10,000	
Total, title VII, General provisions	−327,104		24,496	+351,600	+24,496
Grand total:					
New budget (obligational) authority	73,078,443	73,530,625	74,201,068	+1,122,625	+670,443
Appropriations	(72,590,743)	(73,530,625)	(74,201,068)	(+1,610,325)	(+670,443)
Rescission	(−47,300)			(+47,300)	
Emergency appropriations	535,000			−535,000	
(By transfer)	(769,670)	(786,330)	(816,330)	(+46,660)	(+30,000)
(Loan authorization)	(13,962,986)	(11,185,566)	(14,077,811)	(+114,825)	(+2,892,245)
(Limitation on administrative expenses)	(144,759)	(145,782)	(147,486)	(+2,727)	(+1,704)
RECAPITULATION					
Title I—Agricultural programs	29,252,688	25,197,007	25,521,466	−3,731,222	+324,459
Mandatory	(23,193,095)	(19,186,010)	(19,186,010)	(−4,007,085)	
Discretionary	(6,059,593)	(6,010,997)	(6,335,456)	(+275,863)	(+324,459)
Title II—Conservation programs (discretionary)	1,056,139	1,000,944	1,036,864	−19,275	+35,920
Title III—Rural economic and community development programs (discretionary)	2,569,924	2,587,065	2,739,526	+169,602	+152,461
Title IV—Domestic food programs (discretionary)	37,945,627	41,871,651	41,926,581	+3,980,954	+54,930
Mandatory	(33,078,732)	(36,825,861)	(36,865,861)	(+3,787,129)	(+40,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Discretionary	(4,866,895)	(5,045,790)	(5,060,720)	(+193,825)	(+14,930)
Title V—Foreign assistance and related programs (discretionary)	1,124,518	1,449,689	1,463,645	+339,127	+13,956
Title VI—Related agencies and Food and Drug Administration (discretionary)	1,456,651	1,424,269	1,488,490	+31,839	+64,221
Title VII—General provisions (discretionary)	−327,104		24,496	+351,600	+24,496
Total, new budget (obligational) authority	73,078,443	73,530,625	74,201,068	+1,122,625	+670,443

[1] In addition to appropriation.

[COMMITTEE PRINT]

[NOTICE: This is a draft for use of the Committee and its staff only, in preparation for markup.]

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 2003

JANUARY ____, 2003.—Ordered to be printed

Mr. GREGG, from the Committee on Appropriations, submitted the following

REPORT

[To accompany S. 0000]

The Committee on Appropriations reports the bill (S. 0000) making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 2003, and for other purposes, reports favorably thereon and recommends that the bill do pass.

Amount in new budget (obligational) authority

Total bill as reported to Senate	$47,067,043,000
Amount of appropriations, 2002	44,601,829,000
Amount of budget estimates, 2003, as amended	44,007,407,000
The bill as reported to the Senate:	
Above the appropriations for 2002	+330,214,000
Above the estimates for 2003	+924,636,000

BACKGROUND

PURPOSE OF THE BILL

This bill makes appropriations for the functions of the Departments of Commerce, Justice, State, the Judiciary and Related Agencies for the period October 1, 2002, through September 30, 2003. Functional areas include the pay, allowances, and support of personnel, operation and maintenance, procurement of equipment and systems, and research.

The bill provides funds for responding to the threat of terrorism, fighting crime, enhancing drug enforcement, addressing the shortcomings of the immigration process, continuing the judicial process, conducting commerce within the United States, improving State Department operations, and fullfilling the needs of various independent agencies.

HEARINGS

The Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies Appropriations began hearings on the fiscal year 2003 budget request on February 26, 2002, and concluded them on March 21, 2002, after holding 7 separate sessions. The subcommittee heard testimony from representatives of the Departments of Commerce, Justice, State, the Judiciary, and various commissions.

SUMMARY OF THE BILL

The budget estimates for the departments and agencies included in the accompanying bill are contained in the budget of the United States for fiscal year 2003 submitted on January 30, 2002.

The total amount of new budget authority recommended by the Committee for fiscal year 2003 is $44,932,043,000. This amount is an increase of $330,214,000 above appropriations enacted for fiscal year 2002 for these departments and agencies. The Committee recommendation is $924,636,000 above the budget estimates. The following paragraphs highlight major themes contained in this bill:

FIGHTING TERROR AT ITS ROOTS THROUGH DEMOCRACY

The Committee has responded to the threat of terrorism by reinforcing the Nation's preparedness and response capabilities. However, this threat also requires a long term response that addresses the root causes of terrorism. The United States can begin to do this by supporting organizations that work to bring democracy to countries that suffer under authoritarian regimes. Together with our allies, we must work to ensure peaceful and stable political and economic transitions in the troubled areas of the Middle East, Africa, South and Central Asia, and other regions where terrorism has flourished over the last decade. Our ultimate goal must be greater than mere regime-change. It must be for democratic principles to win the hearts and minds of all those who have never experienced democracy. We cannot do this unless we are willing to commit resources to fostering more open political systems, more transparent and effective governments and legal systems, more engaged and responsible civil societies, and open markets. The recommendation therefore includes initial funding to establish a center in Turkey, the mission of which will be to promote mutual understanding between the Muslim nations of the world and the West. The recommendation also includes substantial increases for certain U.S.-based nonprofit organizations to augment their work in critical parts of the world, particularly the Middle East. In addition to the pioneering work of such independent organizations, the Department of State has a role to play in altering inaccurate perceptions of the United States. From direct U.S. assistance, which does not fall under this Committee's jurisdiction, to public diplomacy, which does, the Committee understands that the Department is developing a strategy to address the root causes of terrorism. The Committee looks forward to working with the State Department to engineer and execute this strategy.

PROTECTING AMERICA'S CHILDREN

The Commerce, Justice, State, and the Judiciary appropriations bill is the natural home of programs that keep our children safe. Programs such as the Safe Schools Initiative and Cops In Schools have for years enhanced the physical security of schools while creating a rapport between law enforcement officials and youths. Coupled with anti-drug, youth violence, and after-school programs, these initiatives have improved the condition of America's at-risk youth. This year, the Committee expanded the concept of protecting our children to include training School Resource Officers to prevent and deter acts of terrorism. September 11 demonstrated that terrorists are in constant search of new ways to harm the United States. We cannot ignore the disturbing reality that our schools could be targeted. The bill therefore includes a $10,000,000 ''down payment'' for schools to begin taking steps to prepare for this contingency. The threat to American children does not end at U.S. borders, however, and the Committee has begun an initiative under the State Department to enhance the security of schools attended by American children overseas.

REFORMING THE INS AND FBI

Perhaps no agencies face greater challenges in the wake of September 11 than the Federal Bureau of Investigation [FBI] and the Immigration and Naturalization Service [INS]. Both agencies awoke that dreadful day in the midst of the greatest internal crises in their respective histories. Years of mismanagement, neglect, and confusion left otherwise dedicated professionals ill-equipped and ill-prepared for the daily challenges of enforcing the Nation's criminal and immigration laws, much less deal with a security catastrophe that many liken to the attack on Pearl Harbor. ''What is to be done?'' is the question on everyone's lips and there are as many answers as there are observers. After appropriating more than $1,200,000,000 in emergency spending to the FBI and INS, it is unclear what improvements, if any, have been achieved in their domestic security posture. The Committee recommendation for the FBI and the INS provides an opportunity for both agencies to reflect, regroup, and refocus in anticipation of the fiscal year 2004 budget request.

CONTINUED UNITED NATIONS REFORM

At the insistence of the United States, the United Nations [U.N.] has undertaken significant management and budgetary reforms. But the fulfillment of Helms-Biden does not mean the United Nations can revert to its old ways. The U.N. now faces an even greater challenge: to sustain and build upon the positive reforms that have occurred over the last few years. Only by moving forward with an aggressive reform agenda—continually

updating the organization's budget practices, improving internal oversight, and containing unnecessary growth in the U.N. bureaucracy—will the U.N. be able to meet the demands of a rapidly-changing global security environment. The Commerce, Justice, State, and the Judiciary appropriations bill provides an opportunity for the American people, who pay one-quarter of the U.N.'s annual operating costs, to demand the continued improvement and reform of U.N. operations. The Committee acknowledges the importance of this task, and looks forward to working with the U.N. towards our common goals.

PROTECTING SMALL INVESTORS

From the events of September 11, 2001 to the recent major accounting scandals and subsequent demise of multiple nationally recognized corporations, the confidence of U.S. small investors in the integrity and fairness of our Nation's securities industry and markets has been shaken severely. Small investors have lost billions of dollars in their retirement accounts, college funds, and portfolios. At the same time, they have had to endure the spectacle of those corporate executives with whom they entrusted their life savings skirt their corporate responsibilities and enrich themselves at the expense of shareholders. In addition, small investors have begun to learn more about the mixed and often conflicting incentives analysts face when making stock recommendations.

In response to these challenges and the need to revive the faith of small investors, the Committee recommends an appropriation of $656,700,000 for the U.S. Securities and Exchange Commission [SEC] for fiscal year 2003. This amount will allow the SEC to hire at least 700 new staff to assist in pursuing corporate malfeasance and financial fraud, require enhanced public disclosure by corporations and stock analysts, expand its examination and inspection program, and continue working on market structure issues. This amount will also allow the SEC to develop a robust electronic document management system that will increase staff productivity while decreasing the SEC's reliance on paper documents. In addition, at this funding level the Committee expects that the SEC will begin addressing its backlog of information technology needs so that staff can begin performing more in-depth analytical reviews. The Committee believes that by providing the SEC with this funding increase, the SEC will be able to begin reinforcing and strengthening the foundation upon which the confidence of America's small investors and the entire investing public is built.

REPROGRAMMINGS, REORGANIZATIONS, AND RELOCATIONS

As in previous years, the Committee is inserting section 605 under title VI of the general provisions of the bill.

The Committee directs that both the House and Senate chairmen of the Subcommittees on the Departments of Commerce, Justice, and State, the Judiciary, and related agencies will be notified by letter at least 15 days prior to:

—Reprogramming of funds, whether permanent or temporary, in excess of $500,000 or 10 percent, whichever is less, between programs or activities. In addition, the Committee desires to be notified of reprogramming actions which are less than these amounts if such actions would have the effect of committing the agency to significant funding requirements in future years;

—Increasing funds or personnel by any means for any project or activity for which funds have been denied or restricted;

—Creating new programs, offices, agencies, or commissions, or substantially augmenting existing programs, offices, agencies, or commissions;

—Relocating offices or employees;

—Reorganizing offices, programs, or activities, including consolidations, expansions, and changes in names or designations;

—Contracting out or privatizing any functions or activities presently performed by Federal employees funded by this subcommittee;

—Initiating construction projects in excess of $500,000 not specifically approved by the Committee; and

—Adding, expanding, converting, or altering of space in any newly constructed facility for a period of one year after contract close-out of the new facility.

For the purpose of this section, a construction project includes all cost activities necessary to produce a complete and usable facility. Projects include construction, addition, expansion, conversion, or acquisition of an existing building, land, or structure. This limitation applies to the total cost of the project without regard for the fiscal year that funds designated, or used, for the project were appropriated. This includes renovation projects which substantially expand or result in a change in the type of space or facility (garage to office, storage to garage, storage to office, etc.). This includes construction involving more than one building or structure or utility system or site improvements at a location which support the provision of a complete and usable facility.

The Committee directs each department, commission, or agency to provide their current number of political appointees and the number as of January 30, 2003. These amounts should be broken out by pay level. This report should be provided to the Committees on Appropriations no later than April 10, 2003. Also the Committee shall be notified, when the number of political appointees rises above 10 percent from either of the previous 2 years or when five or more political appointees are added in a given year. The Committee should be notified 30 days before either of these situations occurs. Similar notification should be provided when the same number of personnel positions is converted from political appointments to civil service positions.

In addition, the Committee directs departments or agencies funded in the accompanying bill that are planning to conduct a reduction in force to notify the Committees by letter 30 days in advance of the date of the proposed personnel action. Also, the Committee directs that any items which are subject to interpretation will be reported.

ACCRUAL FUNDING OF RETIREMENT COSTS AND POST-RETIREMENT HEALTH BENEFITS

The President's Budget included a legislative proposal to charge to individual agencies, starting in fiscal year 2003, the fully accrued costs related to retirement benefits of Civil Service Retirement System employees and retiree health benefits for all civilian employees. The Budget also requested an additional dollar amount in each affected discretionary account to cover these accrued costs.

The Senate Appropriations Committee has reduced the dollar amounts of the President's request shown in the ''Comparative Statement of New Budget Authority Request and Amounts Recommended in the Bill'', as well as in other tables in this report, to exclude the accrual funding proposal.

The Committee further notes that administration proposals requiring legislative action by the authorizing committees of Congress are customarily submitted in the budget as separate schedules apart from the regular appropriations requests. Should such a proposal be enacted, a budget amendment formally modifying the President's appropriation request for discretionary funding is subsequently transmitted to the Congress.

The Senate Appropriations Committee joins with the House Appropriations Committee in raising concern that this practice, which has always worked effectively for both Congress and past administrations, was not followed for the accrual funding proposal. In this case, the Office of Management and Budget [OMB] decided to include accrual amounts in the original discretionary appropriations language request. These amounts are based on legislation that has yet to be considered and approved by the appropriate committees of Congress. This led to numerous misunderstandings both inside and outside of Congress of what was the ''true'' President's budget request. In the future, long-established procedures, with respect to discretionary spending proposals that require legislative action, should be followed.

Proper budgeting.—The Committee is aware that it is routine practice at the Office of Management & Budget [OMB] to non-recur capital investments and to force agencies to seek operations and maintenance, repair, and modernization funds as program increases rather than adjustments to base. The result, seen again and again by the Committee, is that new investments quickly degrade, leading to a costly and inefficient ''collapse-crisis-rebuild'' cycle for computer and communications networks, specialized equipment, vehicles, and facilities. The Committee, as the agent for the taxpayer, has made substantial capital investments in the Departments of Justice, Commerce, and State in the last 6 years. The Committee intends to protect that investment and expects the agencies to do the same. Therefore, the Committee urges OMB to properly recur capital investments in the fiscal year 2004 budget request and thereafter.

Liaison.—The Committee shares the desire of the House to channel most of its inquiries and requests for information and assistance through the budget offices or comptroller organizations, but reserves the right to call upon all organizations throughout the agencies. The Committee continues to stress the natural affinity between these offices and the Appropriations Committee, which makes such a relationship imperative.

TITLE I—DEPARTMENT OF JUSTICE

The Committee has made funding for combating terrorism and law enforcement the centerpiece of the fiscal year 2003 appropriations bill. The Committee recommends $24,059,727,000 in new budget (obligational) authority in the accompanying bill for the Department of Justice with a strong emphasis on combating terrorism and law enforcement activities for fiscal year 2003.

Modular cost budgeting and chronic shortfalls.—Built into the cost of every new Justice Department employee are funds to partially cover so-called ''modular costs'', the costs of equipment, vehicles, facilities, and training integral to an employee's ability to perform his or her duty. Yet components are, almost without exception, desperately short of equipment, vehicles, facilities, and training. The reasons for this are unclear. However, it seems apparent that the modular

cost approach has lulled components into ignoring necessary capital investments. It has also grossly inflated the cost of new employees without commensurate benefit. Built-in capital investment funds are siphoned off for purposes unknown while the Committee finds itself responsible for pulling together funds to address significant shortfalls in everything from computers to fingerprint powder. The Committee believes that the long-term health of the Department requires a new approach to budgeting. Therefore, the Justice Department is directed to drop modular cost budgeting beginning with the fiscal year 2004 request. The costing of new employees shall only include personnel salaries and benefits. Costs associated with new hires characterized broadly as ''Contractual Services and Supplies'', ''Acquisition of Assets'', and ''Items with Multiple Object Classes'' shall be budgeted directly in separate and identifiable capital investment lines in the request of each component. Justice Management Division is directed to submit a report on how this was achieved not later than February 5, 2003. The Committee recognizes that this report is required shortly before the fiscal year 2004 President's budget request is submitted to Congress. However, the intent of the Committee was made known to the Department in July of 2002.

Morale.—The Committee is aware that the Justice Department intends to cap the reimbursement per employee for professional liability insurance [PLI] at $50, a cut of up to $65, due to ''budget shortfalls''. The Committee is unaware of any shortfalls. PLI is all that may stand between a law enforcement officer and his or her family and impoverishment should the proper performance of his or her duties result in a liability claim. The Committee can think of few things more apt to demoralize line officers who confront split second decisions every day. Regardless of other considerations, the Justice Department is directed to reimburse employees for the full amount policy allows for PLI. The Assistant Attorney General for Administration is directed to issue a circular to components to that effect and to confirm by letter, with circular attached, to the Committees on Appropriations that this directive has been implemented.

Budget restructuring.—The Committee is perplexed by the administration's pursuit of budget restructuring. Justice Department components have shown such contempt for the reprogramming process that reducing the number of decision units per component to allow greater ''flexibility'' seems entirely unnecessary. There have been so many violations of section 605 of the fiscal year 2002 Commerce, Justice, State Appropriations Act that there is not room enough to enumerate them all. While the Attorney General's [AG's] December 9, 2002 memo and the Deputy Attorney General's December 10, 2002 memo regarding the reprogramming process are commendable, a means of compelling agencies to follow established procedures remains elusive. In the hopes of enforcing the AG's will, the recommendation includes a variety of mechanisms that should help promote the reprogramming process.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2002	$91,668,000
Budget estimate, 2003	114,579,000
Committee recommendation	99,696,000

The Committee recommends an appropriation of $99,696,000. The recommendation is $14,883,000 below the budget request. The Committee recommendation includes a 4.1 percent pay raise for Federal employees.

This account funds the development of policy objectives and the overall management of the Department of Justice.

Deputy Attorney General.—The Committee has concentrated terrorism resources in the hands of the Attorney General with some trepidation, knowing that day to day oversight of terrorism operations will be left to the Office of the Deputy Attorney General [ODAG]. Nine months ago, the Committee asked the ODAG for a list of its responsibilities. That list was provided just days before this report went to print. The Committee remains concerned that the expansion of the ODAG's ''chop authority'' will create a serious bottleneck at the Justice Department. If the simplest administrative tasks take the ODAG almost a year to address, the delays that will result from the ODAG's assumption of control of terrorism task forces will be significant. No more than $4,663,000 of the amount provided under this heading may be made available to the ODAG until that office demonstrates to the Committee's satisfaction that it has organized itself to properly lead the war on terrorism. Should such leadership be demonstrated, the Committee will consider a reprogramming to further bolster the ODAG's capabilities.

Office of Intelligence Policy and Review.—The unprecedented public dispute between the Foreign Intelligence Surveillance Court and the Justice Department emphasizes the need for the most robust oversight of the Foreign Intelligence Surveillance Act [FISA] warrant process. The Committee expects the Office of Intelligence Policy and Review [OIPR] to continue balancing Constitutional protections against investigative imperatives. In that capacity, the Committee expects OIPR to be directly involved at every stage of every wiretap case. The Committee recommendation provides an increase of $2,234,000 over fiscal 2002 to enhance OIPR oversight capabilities. OIPR is directed to provide quarterly briefings to the Committees on Appropriations beginning April 1, 2003 on FISA-related activities, issues, compliance with Congressional directives, perceived abuses, and needed statutory corrections.

International Law Enforcement Training Academy/Mexico.—Language regarding the establishment of an International Law Enforcement Training Academy [ILEA] in Mexico was included in Public Law 107–77. Public Law 107–77 required the Attorney General to submit a report on the feasibility of establishing an ILEA—Mexico, including a timeline, cost analysis, and implementation plan no later than May 12, 2002. While the report, submitted on September 11, 2002, included comprehensive sections on the background, objectives, program strategy, and organization and administration of ILEAs, it swiftly dismissed ILEA–Mexico as a possibility. The Committee disagrees with the Attorney General's assessment that a resort location would be better suited to host the ILEA and directs the Department to submit a report to the Committees on Appropriations no later than June 4, 2003, that includes a cost estimate and timeline, for constructing ILEA—Mexico in one of the following States: Chiapas, Durango, Oaxaca, or Yucatan.

Security Locks Initiative.—It is imperative for the Justice Department to store classified materials securely and in compliance with Federal security standard FF–L–2740A. The recommendation includes $2,000,000 to upgrade security locks to ensure the safety of such critical information.

Continuity of Operations.—The collapse of local communications networks in New York in the immediate wake of the destruction of the World Trade Center highlighted the value of a mobile situation room for maintaining continuity of operations during a crisis. Though various components have fixed situation rooms, palletized versions of deployable command posts, or both, none have vehicle-based mobile situation rooms that are both instantly deployable and remain on-line, capable of command and control, from the moment of departure to arrival and thereafter. Many crises will require that the Attorney General or other high-level Justice Department officials be on-site for the duration. A self-contained, self-sufficient, mobile command post offers significant advantages over distant or ad hoc situation rooms. The Committee is aware that the Department of Justice has completed concept definition for such a vehicle. The Committee endorses the concept, as currently defined, and recommends $4,000,000 for design, development, and procurement of a mobile situation room. The Committee expects the vehicle to be universally available to the Department of Justice component heads as needed. Crew positions should be permanently filled by specialists from the various components and ''gold'' and ''blue'' crews should train and deploy as a team. The Committee also recommends that day to day care of the vehicle when not deployed be left to the United States Marshals Service.

ANTI-TERRORISM TASK FORCES

Appropriations, 2002	.....
Budget estimate, 2003	.....
Committee recommendation	$63,700,000

The Committee recommends an appropriation of $63,700,000.

This new account funds Anti-Terrorism Task Forces [ATTFs].

Previously, funding for ATTFs was provided under the heading ''Salaries and Expenses, United States Attorneys''. ATTFs are charged with facilitating information sharing between Federal, State, and local authorities and coordinating anti-terrorism activities within each judicial district. The Committee believes that centralizing task force funding under the Attorney General [AG] will ensure proper operational control of ATTFs. The Committee expects to receive regular updates from the AG on the activities of the ATTFs.

JOINT TERRORISM TASK FORCES

Appropriations, 2002	.....
Budget estimate, 2003	.....
Committee recommendation	$158,547,000

The Committee recommends an appropriation of $158,547,000.

This new account funds Joint Terrorism Task Forces [JTTFs].

Previously, funding for JTTFs was provided under the headings ''Salaries and Expenses, United States Marshals Service'', ''Federal Bureau of Investigation, Salaries and Expenses'', and ''Immigration and Naturalization Service, Salaries and Expenses, Enforcement and Border Affairs''. JTTFs are charged with facilitating information sharing between Federal, State, and local authorities and coordinating terrorism investigations in more than 50 cities. The Committee believes that centralizing task force funding under the Attorney General [AG] will ensure proper operational control of JTTFs. The Committee expects to receive regular updates from the AG on the activities of the JTTFs.

FOREIGN TERRORIST TRACKING TASK FORCE

Appropriations, 2002	.....
Budget estimate, 2003	$49,000,000
Committee recommendation	62,000,000

The Committee recommends an appropriation of $62,000,000.

This new account funds the Foreign Terrorist Tracking Task Force [FTTTF]. The recommendation is $13,000,000 above the amount requested in a budget amendment received November 14, 2002.

Previously, funding for the FTTTF was provided under the heading ''Immigration and Naturalization Service, Salaries and Expenses, Enforcement and Border Affairs''. The FTTTF is an inter-agency data fusion operation stood up on an ad hoc basis last year. The FTTTF's advanced information technology capabilities are intended to compensate for profound shortcomings in Justice Department, particularly FBI and INS, data warehousing, mining, and analysis capabilities. These advanced networking capabilities are also intended to eliminate the barriers that had led to past communications and information sharing failures. Besides heavy Justice Department participation, Treasury, State, DOD, CIA, NSA, HHS, SSA, and OPM all have staff onboard. The FTTTF is charged with denying terrorists entry into the United States and locating, detaining, prosecuting, and deporting terrorists that have already entered the country.

Although described as a stop gap measure, it has become clear that the FTTTF is at least a semi-permanent activity. Its ultimate permanence will depend upon the degree that the FTTTF is or is not duplicating existing or planned Justice Department and Homeland Security operations, a persistent and troubling concern that has yet to be resolved.

The Committee believes that centralizing task force funding under the Attorney General [AG] will ensure proper operational control of the FTTTF. The Committee expects to receive regular updates from the AG on the activities of FTTTF.

IDENTIFICATION SYSTEMS INTEGRATION

Appropriations, 2002	.....
Budget estimate, 2003	$24,478,000
Committee recommendation	.....

The Committee does not recommend an appropriation for this new account. Instead, funding is provided in separate accounts within this title.

There are no advantages in merging funding for the Joint Automated Booking System and Automated Biometric Identification System/Integrated Automated Fingerprint Identification System integration into a single account. Historically, such mergers have hindered program progress and complicated program oversight.

JOINT AUTOMATED BOOKING SYSTEM

Appropriations, 2002	$1,000,000
Budget estimate, 2003	.....
Committee recommendation	15,973,000

The Committee recommends an appropriation of $15,973,000.

This account centrally funds development, acquisition, and deployment of the Joint Automated Booking System [JABS].

The Committee has not adopted an Administration proposal to merge funding for JABS and Automated Biometric Identification System/Integrated Automated Fingerprint Identification System integration into a single new account.

JABS incentive funds are to be distributed to the component or components making the best progress in installing and operating the system.

AUTOMATED BIOMETRIC IDENTIFICATION SYSTEM/INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM INTEGRATION

Appropriations, 2002	.....
Budget estimate, 2003	.....
Committee recommendation	$9,000,000

The Committee recommends an appropriation of $9,000,000. The recommendation is identical to the budget request and to last year's funding level, which included funding from available resources within the Department.

This new account funds integration of the Automated Biometric Identification System and the Integrated Automated Fingerprint Identification System [IDENT/IAFIS].

Previously, funding for IDENT/IAFIS integration was provided under the heading ''General Administration, Salaries and Expenses''. The Committee has not adopted an Administration proposal to merge funding for IDENT/IAFIS integration and the Joint Automated Booking System into a single account.

There are considerable cost implications with this effort. As the Inspector General noted in a December 2001 report, and the Justice Department confirmed in March 2002 briefings, procurement, and particularly operational, costs to the Immigration and Naturalization Service [INS] of an integrated IDENT/IAFIS system could approach $1,900,000,000. This does not include additional significant costs that indirectly would be incurred by the Marshals Service, U.S. Attorneys, Executive Office of Immigration Review, and Bureau of Prisons. The Committee will have difficulty meeting these cost requirements in the foreseeable future. Rather than focusing on the relatively simple matter of integrating the two systems, Justice must craft an affordable, comprehensive plan that addresses border security throughout the Department. Therefore, 25 percent of $8,000,000 provided under this heading shall be available for obligation and expenditure only after the Justice Management Division delivers to the Committees on Appropriations a cost and operational effectiveness analysis [COEA] for IDENT/IAFIS. The COEA should cover all Justice Department costs, not just those of the Border Patrol or the INS. The remaining $1,000,000 shall be for a pilot program for software for IAFIS that is capable of expedited background checks and that is capable of 10-fingerprint to 2-fingerprint comparisons.

CHIMERA

Appropriations, 2002	.....
Budget estimate, 2003	.....
Committee recommendation	$83,400,000

The Committee recommends an appropriation of $83,400,000. The recommendation is $83,400,000 above the budget request. This request is identical to a requested Homeland Security program increase under INS.

This new account funds the design, development, testing, and deployment of an interoperable computer network, ''Chimera'', for the Immigration and Naturalization Service.

INS suffers to an extreme from information technology [IT] ''stovepiping''. Over the years, INS has developed a myriad of independent systems to address specific needs or missions. These systems tend not to replace, but serve as an adjunct to, paper-driven processes. The systems have limited capability and are rarely compatible either internally or with other agencies. The significant amount of funds invested in these systems have yielded little results.

Chimera will be a common hardware/software backbone deployed INS–wide. It will serve as the searchable, shareable repository of data bases migrated from existing (''legacy'') INS systems that are incompatible with one another and with other law enforcement, State Department, and intelligence community systems. It also will serve as the foundation for student tracking and entry/exit applications.

To start, JMD shall undertake a comprehensive survey of existing INS IT systems to build a definitive baseline of current capabilities and deficiencies. The design of Chimera's architecture should build directly upon this foundation.

Prior to the release for obligation and expenditure of the funds provided under this heading or ''Atlas'' funding provided under the heading ''Immigration and Naturalization Service, Salaries and Expenses'', JMD shall brief the Committees on Appropriations on: (1) current INS IT systems capabilities and shortcomings, (2) opportunities to leverage technical solutions developed, or lessons learned, by other Federal agencies and private industry, (3) program priorities designed to maximize INS performance as quickly as possible, and (4) projected schedule, with modular and measurable milestones, and costs, by fiscal year. JMD shall also assess the value of developing and testing a prototype integrated database.

LEGAL ACTIVITIES OFFICE AUTOMATION

Appropriations, 2002	$15,765,000
Budget estimate, 2003	15,942,000
Committee recommendation	77,127,000

The Committee recommends an appropriation of $77,127,000. The recommendation is $61,185,000 above the budget request and $42,527,000 more than the total amoumt provided last year. The Committee has not adopted a recommendation to use prior year funds and has instead appropriated the entire amount sought for LAOA.

This account centrally funds acquisition, deployment, and maintenance of Legal Activities Office Automation [LAOA] systems, the largest components of which are the Justice Consolidated Network [JCN] and the Justice Consolidated Office Network [JCON].

LAOA is the computer modernization program for the legal divisions, including the Antitrust Division, the U.S. Attorneys, the U.S. Marshals Service, the U.S. Trustees, the Executive Office for Immigration Review, the Community Relations Service, and the offices funded through the ''General Administration'' and ''General Legal Activities'' accounts. The Committee has pushed hard in previous years to increase the funds for, and widen the scope of, JCN and JCON to maximize the benefits of a common computer system across components. This year, the Committee recommendation incorporates the Bureau of Prisons and Office of Justice Programs into the network.

NARROWBAND COMMUNICATIONS

Appropriations, 2002	$94,615,000
Budget estimate, 2003	149,254,000
Committee recommendation	149,254,000

The Committee recommends an appropriation of $149,254,000. The recommendation is identical to the budget request. The recommendation includes a 4.1 percent pay adjustment for Federal employees.

This account centrally funds development, acquisition, deployment, and operation and maintenance of the Justice Department's narrowband wireless communications network. By law, all Justice components operating Land Mobile Radio systems in the VHF band must convert by January 1, 2005.

A number of critical development milestones should be reached by March 2003, and the Committee expects the Wireless Management Office to keep it fully apprised of program progress.

COUNTERTERRORISM FUND

Appropriations, 2002	$4,989,000
Budget estimate, 2003	
Committee recommendation	

The Committee does not recommend an appropriation for the ''Counterterrorism fund'' account. The recommendation is identical to the request and $4,989,000 below the fiscal year 2002 appropriation. The Committee is aware that there will be carryover balances available in fiscal year 2003 in excess of $43,000,000.

The purpose of the fund is to cover the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident. It may also be used to cover the costs of providing support to counter, investigate, or prosecute domestic or international terrorism.

ADMINISTRATIVE REVIEW AND APPEALS

Appropriations, 2002	$177,147,000
Budget estimate, 2003	193,535,000
Committee recommendation	180,466,000

The Committee recommends an appropriation of $180,466,000. The recommendation is $13,069,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees.

The Executive Office for Immigration Review [EOIR] includes the Board of Immigration Appeals, immigration judges, and administrative law judges who decide through administrative hearings whether to admit or exclude aliens seeking to enter the country, and whether to deport or adjust the status of aliens whose status has been challenged. This account also funds the Office of the Pardon Attorney which receives, investigates, and considers petitions for all forms of executive clemency.

DETENTION TRUSTEE

Appropriations, 2002	$1,000,000
Budget estimate, 2003	1,388,566,000
Committee recommendation	1,385,966,000

The Committee recommends an appropriation of $1,385,966,000. The recommendation is $2,600,000 below the budget request.

The Detention Trustee oversees Federal detainees.

Last year, the Committee's recommendation for the Detention Trustee included funding for the Justice Prisoner and Alien Transportation System [JPATS] and requested that the Justice Department include in its fiscal year 2003 budget request a proposal to centralize all detention funding under the Trustee. The Committee recommendation included that direction because only with control of funding can the Detention Trustee effectively oversee and manage detention. The Committee is pleased that the budget request met the Committee's recommendation last year to the extent that it centralizes funding for the Federal Prisoner Detention Program and the Immigration and Naturalization Service's [INS] Service Processing Centers within the Department of Justice Detention Trustee.

However, while the Trustee has management responsibility for detention, and finally has been given control of funding for bed space, detention personnel still remain under the control of the various components. Without control of personnel, the Trustee will be forced to regularly contend with Presidentially-appointed officials in the Marshals Service [USMS], the INS, and the Bureau of Prisons [BoP] of this or any future Administration who may disagree with his ''guidance''. If the Trustee is to effectively manage bed space, he must control the experts that negotiate inter-governmental agreements. Therefore, not later than 45 days after enactment of this Act, the Justice Department is directed to transfer such personnel from the USMS, INS, and BoP to the Detention Trustee as may be necessary to give the Trustee full operational control of bed space management. To the degree possible, such transfers should be voluntary and involve a minimum of disruption. Should said transfers not occur by this date, the $1,870,000 provided under this heading for additional management personnel shall immediately be transferred to the Working Capital Fund.

National clearinghouse for detention space.—The Committee fully supports the notion of a one-stop shop for detention space. Such a clearinghouse may be the only way to break the current ''seller's market'' that has allowed local bed space providers to charge excessive daily rates. The Committee believes that existing Justice networks, such as Law Enforcement Online, may serve as a vehicle for the clearinghouse or that lessons learned in the FBI's Internet café program may speed development of the clearinghouse. In cooperation with the Justice Department's Chief Information Officer, the Trustee is directed to pursue any and all cost-effective means of establishing the clearinghouse as rapidly as possible. The Committee recommendation includes $5,000,000 for this effort. The Committee expects to be regularly briefed on the Trustee's progress in making the clearinghouse a reality.

Justice Prisoner and Alien Transportation System.—The Committee is disappointed by the Justice Department's failure to make the Trustee the head of the JPATS. As the Committee noted last year, endless disputes between JPATS ''customers'' are distracting managers from the complex task of operating an airline in a high security environment. As importantly, the lack of a sufficiently powerful manager leaves the program without an advocate in all-important budget debates. The result is a wide-body fleet in such a ruinous condition that only the dedication of the maintenance personnel and pilots keep these aircraft in the air. These problems leave managers little time to explore possible efficiencies in routing, scheduling, or other operational areas. The Department's proposed solution, outsourcing, fails to address the real issues affecting JPATS and is unacceptable except on a carefully limited, piecemeal basis. There should be no confusion that ultimate responsibility for the safe and secure transportation of prisoners rests solely with the Justice Department. That being so, the Trustee is directed to assume control of JPATS operations not later than May 1, 2003. The Committee will consider a reprogramming request to fund a business process re-engineering study after the Trustee has taken over JPATS and after the immediate need to replace aging wide-body aircraft has been fully addressed.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2002	$50,735,000
Budget estimate, 2003	63,937,000
Committee recommendation	54,825,000

The Committee recommends an appropriation of $54,825,000. The recommendation is $9,112,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees.

The Committee recommendation includes an increase of $3,000,000 for 3 attorneys, 10 agents, and 12 auditors or program analysts to provide effective oversight of the Department's counterterrorism program. As the Inspector General [IG] noted in his budget justification, the Department's Strategic Plan for 2001–2006 ''notes the significant management challenge facing the Department as it seeks to effectively manage its counterterrorism program and avoid potential gaps in coverage or duplicate services provided by state and local governments. In addition, the infusion of billions of dollars into the Department's efforts to combat terrorism presents its own set of challenges.'' The Committee concurs with the judgment of the IG and looks forward to regular progress reports.

U.S. PAROLE COMMISSION

SALARIES AND EXPENSES

Appropriations, 2002	$9,876,000
Budget estimate, 2003	10,862,000
Committee recommendation	10,114,000

The Committee recommends an appropriation of $10,114,000. The recommendation is $748,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees.

The Commission is an independent body within the Department of Justice which makes decisions regarding requests for parole and supervision of Federal prisoners.

LEGAL ACTIVITIES

GENERAL LEGAL ACTIVITIES

Appropriations, 2002	$561,676,000
Budget estimate, 2003	645,299,000
Committee recommendation	537,502,000

The Committee recommends an appropriation of $537,502,000. The recommendation is $107,797,000 below the budget request. The Committee recommendation includes, within available resources, a 4.1 percent pay adjustment for Federal employees.

This appropriation funds the establishment of litigation policy, conduct of litigation, and various other legal responsibilities, through the Office of the Solicitor General, the Tax Division, the Criminal Division, the Civil Division, the Environmental and Natural Resources Division, the Civil Rights Division, the Office of Legal Counsel, and Interpol.

The Committee recommendations, by division, are displayed in the following table:

Legal Divisions

Office of the Solicitor General	$7,130,000
Tax Division	72,142,000
Criminal Division	116,895,000
Civil Division	156,797,000
Environment & Natural Resources Division	70,303,000
Office of Legal Counsel	4,928,000

Legal Divisions—Continued

Civil Rights Division	91,963,000
Interpol USNCB	7,679,000
Radiation Exposure Compensation Act Administration	1,996,000
Courtroom Technology	5,200,000
Office of Dispute Resolution	319,000
Automated Litigation Support	2,150,000
Total	537,502,000

Professional standards.—The more than 10,000 Justice Department attorneys making up the class suing the Justice Department for nearly $500,000,000 in unpaid overtime recently prevailed in their suit. Thus, some of the highest paid employees in the Federal service, with an average salary of more than $104,000, will now receive benefits heretofore limited to hourly wage employees. The Committee recommendation includes provisions designed to address attorney working conditions and the manner in which the expected judgment will be paid.

Radiation Exposure Compensation Act Administrative Expenses.—The recommendation includes $1,996,000 for the administrative expenses associated with the Radiation Exposure Compensation Act [RECA], previously funded under a separate account. The Committee expects that additional resources required to process RECA will be absorbed from within other resources available to the Civil Division. This program was established to permit the payment of claims to individuals exposed to radiation as a result of atmospheric nuclear tests and uranium mining in accordance with the Radiation Exposure Compensation Act of 1990.

Courtroom technology.—To further enhance the presentation of evidence, as well as rapidly accelerate the pace of trials, the Committee recommendation provides $5,200,000 for courtroom technology to be distributed among the divisions on the basis of need.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

Appropriations, 2002	$4,028,000
Budget estimate, 2003	4,028,000
Committee recommendation	4,028,000

The Committee recommends a reimbursement of $4,028,000 for legal costs. The recommendation is identical to the fiscal year 2002 funding level and the budget request.

This account covers Justice Department expenses associated with litigating cases under the National Childhood Vaccine Injury Act of 1986.

ANTITRUST DIVISION

SALARIES AND EXPENSES

Appropriations, 2002	$130,791,000
Budget estimate, 2003	137,799,000
Committee recommendation	133,133,000

The Committee recommendation assumes a total of $133,133,000 in budget (obligational) authority. The recommendation is $4,666,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees.

The Antitrust Division investigates potential violations of Federal antitrust laws, represents the interests of the United States in cases brought under these laws, acts on antitrust cases before the Supreme Court, and reviews decisions of regulatory commissions relating to antitrust law.

U.S. ATTORNEYS

SALARIES AND EXPENSES

Appropriations, 2002	$1,403,338,000
Budget estimate, 2003	1,506,373,000
Committee recommendation	1,320,160,000

The Committee recommends an appropriation of $1,320,160,000. The recommendation is $186,213,000 below the budget request. The Committee recommendation includes, within available resources, a 4.1 percent pay adjustment for Federal employees. Some of the reduction from the request is attributable to the transfer of Anti-Terrorism Task Forces from the U.S. Attorneys to the Attorney General. The Committee is aware that the U.S. Attorneys will receive $91,993,000 in reimbursements in fiscal year 2003.

This account supports the Executive Office for U.S. Attorneys [EOUSA] and the 94 U.S. attorneys offices throughout the United States and its territories. The U.S. attorneys serve as the principal litigators for the U.S. Government for criminal and civil matters. As in the past, Committee recommendations focus the efforts of the U.S. Attorneys on those crimes where the unique resources, expertise, or jurisdiction of the Federal Government can, or must, be most effective.

Professional standards.—The more than 10,000 Justice Department attorneys making up the class that sued the Justice Department for nearly $500,000,000 in unpaid overtime recently prevailed in their case. Thus, some of the highest paid employees in the Federal service, with an average salary of more than $104,000, will now receive benefits heretofore limited to hourly wage employees. The Committee recommendation includes provisions designed to address attorney working conditions and the manner in which the expected judgment will be paid.

IT Infrastructure.—The Committee recommends a total of $8,000,000 for the third and final phase of the overall telecommunications convergence initiative to implement Internet Protocol [IP] Technology. These funds will allow the U.S. Attorneys to improve performance, reliability, capacity, efficiency and security of the U.S. Attorneys' infrastructure by securely converging data, video, and voice transport over a single IP network.

Fundamental Reform.—Last year, in an attempt to fix the U.S. Attorneys' resource allocation process, the Committee waived all previous congressional guidance to the U.S. Attorneys regarding initiatives and the designation of funds. In addition, the Committee requested that the EOUSA submit a report to the Committees on Appropriations on these proposed reforms no later than March 17, 2002. While the submitted report included a number of activities currently underway by EOUSA to determine whether the resource allocation process places attorneys where the workload demand dictates and where productive use of the resources is assured, the report provided no specific information about the implementation of actual reform. The Committee therefore requests the EOUSA to submit an updated status report on actions planned or taken for actual reform to the Committees on Appropriations not later than May 15, 2003.

Anti-Terrorism Task Forces.—Though the Committee remains somewhat perplexed by the establishment of Anti-Terrorism and Joint Terrorism Task Forces [ATTFs/JTTFs] in the same judicial districts, the Committee is willing to give the administration the benefit of the doubt for now. However, the Committee believes that only the Attorney General [AG] can properly coordinate the activities of ATTFs and JTTFs. Therefore, funding for ATTFs has been transferred from this account to a new separate account under the direct control of the AG. The AG is directed to submit to the Committees on Appropriations a master plan outlining the planned activities of ATTFs, JTTFs, and the Foreign Terrorist Tracking Task Force for fiscal year 2003 not later than March 1, 2003.

Civil Defensive Litigation.—In light of the recent waiver of congressional designations of caseloads, the Committee does not recommend including additional resources specifically for civil defensive litigation. Rather, the Committee recommends an increase in the number of authorized positions and full-time equivalent workyears for the U.S. Attorneys. With this increase, the U.S. Attorneys may allocate resources as needed to better address the significant increase and complexity of cases in civil defensive litigation over the last several years.

Courtroom technology.—The Committee recommendation provides $5,000,000 for additional personnel, equipment, and training to support courtroom technology activities.

Cyber Crime and Intellectual Property Enforcement.—The U.S. Attorneys, in cooperation with the U.S. Customs Service, shall report to the Committee not later than April 30, 2003 on the number of copyright law investigations and prosecutions undertaken in the preceding year, including those under Public Law 105–147, by type and location.

Port Security Pilot Project.—The Committee remains concerned about security at U.S. seaports. The potential for crew members, passengers, and dangerous cargo to illegally enter the country and pose a threat to the country's security remains a harsh reality. The recommendation therefore includes $20,000,000 for four pilot projects to enhance security at our Nation's ports. Each of the pilot projects shall be coordinated under an ATTF and shall include Federal, State, and local law enforcement.

Legal education.—The Committee recommendation provides $18,842,000 for legal education and distance learning at the National Advocacy Center [NAC] as requested by the Administration. If merited, the NAC may expand or include antiterrorism and cybercrime classes. Also, the Committee includes an additional $6,000,000 to acquire, upgrade, and equip space from the University of South Carolina to expand, among other things, distance learning capabilities at the NAC. NAC State and local training funds are provided under the Office of Justice Programs.

Violent crime task forces.—The Committee recommends an additional $1,000,000 within available resources to continue and expand task force activities associated with Operation Streetsweeper.

U.S. TRUSTEE SYSTEM FUND

Appropriations, 2002	$147,000,000
Budget estimate, 2003	167,510,000
Committee recommendation	150,381,000

The Committee recommends a total of $150,381,000 in budget authority. The recommendation is $17,129,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees.

The U.S. trustee system provides administrative support to expeditiously move bankruptcy cases through the bankruptcy process and ensures accountability of private trustees appointed to administer bankruptcy estates.

The Committee recommendation includes not less than $750,000 for the Bankruptcy Training Center at the National Advocacy Center, in support of the Trustees' continuing education program.

FOREIGN CLAIMS SETTLEMENT COMMISSION

Appropriations, 2002	$1,136,000
Budget estimate, 2003	1,136,000
Committee recommendation	1,136,000

The Committee recommends an appropriation of $1,136,000. The recommendation is identical to the fiscal year 2002 funding level and the budget request and fully provides for the adjudication of claims against: Germany relating to World War II; Cuba relating to the Castro regime; and Iraq relating to the U.S.S. *Stark* incident and Desert Shield/Storm.

The Foreign Claims Settlement Commission settles claims of American citizens arising from nationalization, expropriation, or other takings of their properties and interests by foreign governments.

U.S. MARSHALS SERVICE

SALARIES AND EXPENSES

Appropriations, 2002	$643,896,000
Budget estimate, 2003	700,343,000
Committee recommendation	673,146,000

The Committee recommends an appropriation of $673,146,000. The recommendation is $27,197,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees.

The U.S. Marshals Service [USMS] is responsible for the apprehension of fugitives, protection of the Federal judiciary, protection of witnesses, execution of warrants and court orders, and the custody and transportation of accused and unsentenced prisoners.

The Committee recommendations are displayed in the following table:

United States Marshals Service

[In thousands of dollars]

	Committee recommendation
Prisoner moves	30,754
JPATS	26,954
All other	3,800
Special assignments	10,015
Judicial security	4,800
High threat trials	3,400
Judicial conferences	400
All Other Judicial Protection	1,000
Investigative services	3,715
15 Most Wanted	100
Major case fugitives	300
International offices	1,415
Task forces	400
Extraditions	900
Witness security	600
All other	1,500
Demonstrations	1,000
Unforeseeable requirements	500
District operating expenses	29,507
Operations	23,407
Perimeter security (NY)	3,900
Protection details (NY)	2,000
Deputy Attorney General detail	500
Travel	2,200
Supplies	5,700
Equipment rentals	600
Equipment (fuel, ammunition, safety & technical)	2,207
Awards/overtime	1,600
Communications	2,400
Services	2,300
Guards & temporary personnel	6,100
Agency-wide support	46,798
Telecommunication & IT	20,064
Telephones	9,500
Information technology	10,564
Equipment, maintenance & miscellany	7,922
Rentals of copiers/fax	1,100
Meter mail, publishing/distribution, warehouse services	2,100
Building maintenance (moves, locks)	500
Field support:	
Safes/gun lockers	500
Hand/leg cuffs	722
Financial systems—contract support	500
Financial systems support costs	1,400
Transit subsidy	300
Medical exams/operational personnel	100
Background investigations	700
Vehicles	10,424
Permanent change of station	3,338
Training academy & training	5,050
Headquarters operating expenses	22,904
Consumables	7,806
Travel	1,368
Office supplies/uniforms	1,089
Equipment/equip. rentals	991
Fuel	50
Ammunition	20
Safety/technical equipment	160
Technical/investigatory equipment	120
Overtime	571
Awards	792
Communications	274
Contract	2,371
Special Operations Group	1,578
Electronic Surveillance Unit	7,700
Fugitive Task Forces	2,735
WIN/Commercial/Other Databases	2,766
DoD schools reimbursement	319
Rent	121,360
Headquarters security	1,600
Salaries and benefits	397,397
Protection of Judicial Process	217,121
Prisoner Transportation	10,039
Fugitive Apprehension	96,927
Electronic Surveillance Unit	[5,461]
Fugitive Task Forces	[5,524]
Special Operations Group	[1,289]
Seized Asset Management	3,559
D.C. Superior Court	21,616
Service of Process	11,122
Training Academy	2,313
ADP/Telecommunications	8,364
Management & Administration	26,336
Adjustments for prior year activity	750
Total, United States Marshals Service	661,085

The Committee expects to be consulted prior to any deviation from the above plan for fiscal year 2003. The Committee recommendations are discussed in more detail in the following paragraphs.

The Committee recommendation includes $2,766,000 (excluding a $500,000 transfer from the Justice Detainee Information System) to improve and maintain the Warrant Information Network and to continue subscriptions to various government and private networks and on-line services and $3,300,000 for Electronic Surveillance Unit recurring costs.

Special assignments.—Special assignment funding is intended for contingencies such as the Vieques and World Bank protests. Unfortunately, the Marshals persist in using this account to pay for long established missions or capital investments. The Committee has transferred what is truly base funding, including perimeter security and longstanding protective details, from this subaccount to the ''District Expenses'' subaccount. Other lines have been stripped of padding. If the Committee finds that routine items creep back into ''Special Assignments'', it is prepared to eliminate the subaccount and let the Marshals handle contingency funding the way all other law enforcement agencies do, through the reprogramming process.

Courthouse Security Personnel.—The Committee is aware that the Marshals are manipulating vacancies to recover funds to cover shortfalls in other areas. Until the Marshals hire up to authorized levels, the Committee sees little reason to fund additional personnel. The Committee directs the Marshals to provide a report to the Committees on Appropriations describing the nature and extent of chronic shortfalls in their base budget. The report should be delivered not later than February 15, 2003.

Reimbursable positions.—The Committee believes that the Marshals made a mistake by allowing themselves to be distracted by the pursuit of reimbursable positions that do nothing to improve the ability of the agency to execute its core missions. Senior criminal investigators lost to collateral duties actually weaken performance. Therefore, the 106 reimbursable Deputy U.S. Marshals [DUSMs] designated as security managers for the courts have been transferred back to the control of, and hereafter shall be funded by, the Marshals. These DUSMs should be utilized as follows: (1) not less than two and not more than five roving security teams, including physical security specialists, shall regularly survey courthouses and make recommendations regarding security, (2) such number of DUSMs as are necessary shall be distributed to the Southwest border to address the acute manpower shortage being experienced by those courts, and (3) remaining DUSMs will be distributed on a priority basis to the most undermanned courthouses. Finally, the Administrative Office of the U.S. Courts, USMS, and Federal Protective Service [FPS] shall report to the Committees on Appropriations on the strengths and weaknesses of the proposal to place FPS officers under the operational control of Marshals under certain circumstances. The report shall be delivered not later than March 1, 2003.

As part of the fiscal year 2004 budget process, the Marshals should be prepared to justify both the relationship forged with the Centers for Disease Control and retention of the seized asset mission as opposed to transfer of that mission to Justice Management Division.

Courthouse security equipment.—This account funds security equipment, furnishings, relocations, and telephone systems and cabling. The Committee recommendation provides $12,061,000 for courthouse security equipment. This equipment will outfit courthouses in the following locations:

USMS Courthouse Security Equipment

[In thousands of dollars]

	Committee recommendation
Detainee Facilities:	
Decatur, AL	45
Florence, AL	30
Gadsen, AL	40
Tuscaloosa, AL	45
Hot Springs, AR	805
Little Rock, AR	65
Fort Myers, FL	150
Key West, FL	683
Miami, FL	110
Rome, GA	110
Hammond, IN	70

	Committee recommendation
Terre Haute, IN	438
Carbondale, IL	150
Rock Island, IL	390
Springfield, MA	150
Bangor, ME	75
Flint, MI	120
Marquette, MI	150
Natchez, MS	545
Billings, MT	240
Great Falls, MT	20
Helena, MT	24
Greensboro, NC	930
Roswell, NM	50
Santa Fe, NM	120
Buffalo, NY	110
Columbus, OH	180
Dayton, OH	150
Toledo, OH	225
Lawton, OK	272
Erie, PA	500
Pittsburgh, PA	600
Anderson, SC	65
Sioux Falls, SD	385
Laredo, TX	40
Danville, VA	75
Newport News, VA	390
Seattle, WA	265
Green Bay, WI	180
Cheyenne, WY	144
Subtotal, detainee facilities	9,136
ADT Security Equipment Maintenance	1,400
Security Engineering Services	673
Safety Program	852
Total, USMS Security Equipment	12,061

The Committee expects to be consulted prior to any deviation from the above plan for fiscal year 2003.

The recommendation transfers funding for the Marshal's safety and health program from the ''Salaries and Expenses'' account to this subaccount.

Fugitive apprehensions.—Last year, the Committee directed the Marshals to establish task forces in New York City and Los Angeles dedicated full-time to the pursuit of the most dangerous fugitives on the eastern and western seaboard. The Committee notes with concern that the annualization of costs for the two task forces appears inadequate. In addition, the Committee believes that the establishment of two additional centrally-managed fugitive task forces in the heartland is essential to properly cover fugitive caseload. Therefore, the Committee recommendation includes an additional $2,268,000 to fully annualize the two existing task forces, and $5,832,000 for two new task forces, of which $3,856,000 is for the full year costs of 1811s and support staff on the task forces, $485,000 is for equipment and expenses, $335,000 is for State and local overtime and informant payments, and $1,155,000 is for permanent change of station moves. In addition, the Committee recommendation provides an increase of $5,500,000 over the fiscal year 2003 request for electronic surveillance unit [ESU] personnel, training, and equipment, including funding for surveillance vans and light aircraft, bucket trucks, a central signal collection system, secure communications equipment, various tracking systems, and night vision equipment.

International fugitives.—The Committee is aware that the Marshals Service was forced to close temporary offices in Jamaica, the Dominican Republic, and Mexico due to budget irregularities. Afterwards, the Federal Bureau of Investigation legal attache offices in, or responsible for, those countries proved unable or unwilling to pick up the fugitive apprehension mission. To avoid creating a safe haven for felons in the Caribbean, the Committee has provided $3,850,000 to establish a permanent Marshals Service presence in Jamaica, the Dominican Republic, and Mexico. The Committee expects these offices to report annually on their fugitive apprehension efforts. The Committee also directs the Marshals to report to the Committees on Appropriations on the global requirements for fugitive apprehension for the next 5 years.

Vehicles.—The Marshals Service's approach to fleet management is ''run to failure''. Though Federal guidelines call for replacing sedans after 3 years or 60,000 miles and SUVs after 4 years or 40,000 miles to avoid chronic problems with availability and excessive operations and maintenance costs, the Marshals have no fleet replacement cycle. As a result, deputies are chasing fugitives or transporting prisoners in vehicles whose unreliability pose an unnecessary risk. The Committee has scrutinized the Marshals' budget looking for low priority items that could be reduced or eliminated to free up resources for vehicle purchases. The Committee recommendation provides $10,424,000 for vehicle purchases. This shall be treated as a permanent increase to the base. None of these vehicles are to be assigned to headquarters.

Information Technology.—The Justice Department's Inspector General [IG] just released an audit report (03–03) concerning the Marshal Network [MNET] and Warrant Information Network [WIN]. The Committee expects the Marshals, overseen by the Justice Department's Chief Information Officer [CIO], to immediately implement the recommendations listed on pages iii–vi of the IG's report. The Committee expects to be briefed quarterly on progress by the CIO until all of the recommendations have been implemented. The Committee recommendation provides an increase of $10,564,000 to implement the IG's recommendations, including the hiring of additional computer personnel, for circuit costs, courthouse moves, licenses, help desk and other operations and maintenance costs, and for technology refreshment. The Committee expects information technology costs to be properly recurred in the fiscal year 2004 request as an adjustment to base.

CONSTRUCTION

Appropriations, 2002	$24,125,000
Budget estimate, 2003	15,126,000
Committee recommendation	17,378,000

The Committee recommends an appropriation of $17,378,000. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees.

This account funds construction, security, and furniture at existing courthouses.

The Committee is aware that a recently-conducted national survey of Federal courthouses revealed that 95 percent of prisoner holding and transit facilities have serious security deficiencies. Of 392 courthouses surveyed: 84 percent lack enough courtroom holding cells; 78 percent do not have secure prison elevators; 74 percent do not have enclosed sallyports; 72 percent lack enough interview rooms; 57 percent do not have adequate cellblock space; and 38 percent lack cameras, monitors, and alarms.

Years of neglect have created this deplorable situation, posing risks to the judicial family, the public, and the Marshals themselves. The Committee is intent on remedying courthouse deficiencies before a tragedy occurs. The Committee recommendations, by project, are displayed in the following table:

USMS Construction

[In thousands of dollars]

	Committee recommendation
Construction:	
Florence, AL	980
El Dorado, AR	807
Fayetteville, AR	800
El Centro, CA	600
Key West, FL	916
Ocala, FL	984
Athens, GA	750
Sioux City, IA	810
Boise, ID	50
East St. Louis, IL	175
Rock Island, IL	300
Port Huron, MI	850
Fergus Falls, MN	100
Billings, MT	920
Great Falls, MT	400
Wilmington, NC	750
Anderson, SC	823
Charlottesville, VA	750
Newport News, VA	250
Green Bay, WI	300
Beckley, WV	50
Bluefield, WV	300
Charleston, WV	125
Cheyenne, WY	410
Subtotal, construction	13,200
Planning, Design, & Relocation:	
Rome, GA	110
Carbondale, IL	350
Hammond, IN	50
Bangor, ME	100
Gulfport, MS	30
Natchez, MS	30
Durham, NC	475
Roswell, NM	250
Santa Fe, NM	500
Buffalo, NY	110
Toledo, OH	100
Lawton, OK	475
Erie, PA	320
Fort Worth, TX	135
Laredo, TX	20
Marshal, TX	110
Texarkana, TX	110
Danville, VA	75
Lynchburg, VA	30
Seattle, WA	50
Subtotal, planning, design, and relocation	3,430
Schedules & slippages	(908)
Minor repairs	375
ADT security equipment maintenance	531
Security specialist consultants/construction engineers	750
Total, USMS Construction	17,378

The Committee considers this an important step in reducing the backlog of critical security-related projects. As with courthouse security equipment, the Committee expects to be consulted prior to any deviation from the above plan for fiscal year 2003.

Construction engineering consultants.—The Committee is aware that the Marshals have been using funds allocated by Congress for consulting services on construction projects to pay the Federal salaries of 9 permanent employees hired in fiscal year 2000. Apparently, this diversion of funds was prompted

by confusion over terms and dollar amounts used by the Marshals and Congress. The Committee expects the salaries of permanent employees to be paid out of the ''Salaries and Expenses'' account and the salaries for construction consultants to be paid out of this account. The Marshals are directed to report on the proper execution of the construction engineering funds not later than 30 days after enactment of this Act.

Billings, MT.—The funds provided for construction for Billings shall only be available to renovate the Marshals Service space, including designated prisoner movement and holding areas, in the existing Federal courthouse, space previously occupied by the Bureau of Indian Affairs. No other proposals are to be considered.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM

Appropriations, 2002	.....
Budget estimate, 2003	.....
Committee recommendation	$77,694,000

The Committee recommends an appropriation of $77,694,000. The recommendation is $77,694,000 above the budget request.

This account funds prisoner air transportation operations and maintenance, aircraft procurement, and facilities.

The Justice Prisoner and Alien Transportation System's [JPATS'] per passenger pricing structure makes no provision for the capitalization of assets. The result is that large body aircraft responsible for prisoner movements will be flown until grounded for structural failure or other safety reasons. No replacements are planned. Therefore, unless Congress intervenes, the JPATS fleet will be allowed to diminish until no aircraft remain. Justice has no plan for dealing with the resulting crisis. The Committee recommendation has provided the funds necessary to avert disaster before it occurs. The funds provided will allow the Marshals to procure four modern, fuel efficient, wide body aircraft and spares to replace four first generation airliners that have reached the end of their useful service lives. The Marshals shall report to the Committees on Appropriations on its procurement strategy not later than February 28, 2003.

FEDERAL PRISONER DETENTION

Appropriations, 2002	$706,182,000
Budget estimate, 2003	.....
Committee recommendation	.....

No funds are requested or recommended under the Federal Prisoner Detention Program. The budget request met the Committee's recommendation last year by centralizing funding for detention activities within the Federal Prisoner Detention Program and the Immigration and Naturalization Service under the Department of Justice Detention Trustee. This recommendation is identical to the budget request.

FEES AND EXPENSES OF WITNESSES

Appropriations, 2002	$156,145,000
Budget estimate, 2003	156,145,000
Committee recommendation	156,145,000

The Committee recommends an appropriation of $156,145,000. The recommendation is identical to the fiscal year 2002 funding level and the budget request.

This account provides for fees and expenses of witnesses who appear on behalf of the Government in cases in which the United States is a party, including fact and expert witnesses. These funds are also used for mental competency examinations as well as witness and informant protection.

COMMUNITY RELATIONS SERVICE

Appropriations, 2002	$9,269,000
Budget estimate, 2003	9,364,000
Committee recommendation	9,474,000

The Committee recommends an appropriation of $9,474,000, which is $110,000 above the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees.

The Community Relations Service [CRS] provides assistance to communities and persons in the prevention and resolution of disagreements relating to perceived discriminatory practices.

ASSETS FORFEITURE FUND

Appropriations, 2002	$22,949,000
Budget estimate, 2003	22,949,000
Committee recommendation	22,949,000

The Committee recommends an appropriation of $22,949,000. The recommendation is identical to the fiscal year 2002 funding level and the budget request. This account provides funds to supplement existing resources to cover additional investigative expenses of the FBI, DEA, INS, and U.S. Marshals, such as awards for information, purchase of evidence, equipping of conveyances, and investigative expenses leading to seizure. Funds for these activities are provided from receipts deposited in the assets forfeiture fund resulting from the forfeiture of assets. Expenses related to the management and disposal of assets are also provided from the assets forfeiture fund by a permanent indefinite appropriation.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

Appropriations, 2002	$1,996,000
Budget estimate, 2003	1,996,000
Committee recommendation	.....

No funds are recommended under this account. Rather, full funding for the administrative expenses of the Radiation Exposure Compensation Fund is provided under the Civil Division of General Legal Activities.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

Appropriations, 2002	$338,577,000
Budget estimate, 2003	362,131,000
Committee recommendation	400,102,000

The Committee recommends an appropriation of $400,102,000. The recommendation is $37,971,000 above the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees. The increase is attributable to a transfer of DEA resources to this account. This additional $53,000,000 shall only be available to reimburse the DEA for participation in task force operations.

The Interagency Crime and Drug Enforcement Program, through its 9 regional task forces, utilizes the combined resources and expertise of its 11 member Federal agencies, in cooperation with State and local investigators and prosecutors, to target and disband major narcotics trafficking and money laundering organizations.

State and Local Overtime.—Overtime for State and local law enforcement officers who support OCDETF investigations has traditionally been funded by the Department of Justice Assets Forfeiture Fund [AFF]. This year, OCDETF has included $8,000,000 in its request for State and local overtime out of concern that declining AFF receipts will be insufficient to cover these costs. The Committee supports the role of State and local law enforcement with OCDETF, but believes the AFF remains the proper source of funding for overtime. Should funds not be available for this purpose within AFF, the Committee will entertain a reprogramming request from an alternative source of funding.

To ensure that the Immigration and Naturalization Service [INS] only seeks reimbursable funds if INS agents are actually performing task force work, the INS is directed to match at least 25 percent of each reimbursable dollar from their direct appropriation on Organized Crime and Drug Enforcement Task Force cases before they can be reimbursed from this account.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

Appropriations, 2002	$4,236,073,000
Budget estimate, 2003	4,202,587,000
Committee recommendation	3,927,587,000

The Committee recommends an appropriation of $3,927,587,000. The recommendation is $275,000,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment. The reduction is mostly attributable to the full use of large carryover balances and the transfer of joint terrorism task force resources to the Attorney General. The Committee is aware that up to $103,300,000 in uncommitted carryover will be available to apply to this account and expects that new found efficiencies (Chiaradio's ''elimination of sixth men'') will free up additional resources.

The Committee recommendation highlights the following initiatives:

Reorganization.—The Committee commends Director Mueller for focusing the FBI on its core missions: counterterrorism, counterintelligence, and cybercrime. Not in memory has a Justice Department agency identified its priorities and then moved base resources to address those priorities. The Committee was impressed by the Director's initiative and urges other agencies to follow suit.

Still, the establishment of clear goals and the shifting of personnel in response are only the first tentative steps in what must be an almost total recreation of the FBI. When intent replaces action and possibilities replace certainties in the pursuit of crime the Bureau faces a revolution without precedent.

FBI spending jumped $1,017,591,000 (32 percent) between fiscal year 2001 and fiscal year 2002, and would hold steady from last year to this if the President's request were adopted. What we got for these increases is debatable, but what is not debatable is that this level of investment cannot be sustained. We must make far better use of the assets already in hand.

The FBI must re-validate every expense in its base. How, for example, does the Hostage Rescue Team contribute to counterterrorism, counterintelligence, or cybercrime? What about Safe Street Task Forces? Or the Federal Convicted Offender Program? In time of war, the FBI must weigh programs against priorities. Those that don't measure up must be transferred to sister law enforcement agencies, reduced, or terminated. Only then will resources meet needs.

Finally, it remains a question whether a command structure totally dominated by agents can accomplish this. Are the greatest efficiency experts in America really FBI agents? The Committee believes that outside

talent may have more to offer when streamlining the bureaucracy is the goal.

Trilogy.—The Committee was informed last month that Trilogy is experiencing a cost overrun of $137,900,000, a 30 percent increase, which, when combined with an earlier overrun, translates into a more than 50 percent increase in one year in the projected total cost of the program. This is not a surprise. The attempt to make up for 20 years of neglect in 2 years of frenzied spending was destined to fail. The Committee, foreseeing this, provided a cushion of $100,000,000 in no-year funds in the counterterrorism supplemental as a ''rainy day'' fund for Trilogy. Unfortunately, over the objections of the Committee, the FBI chose to squander this reserve. Now, when the funds are needed, none are available. Nevertheless, Trilogy remains the Committee's top FBI priority. The FBI is directed to put together a reprogramming package to cover the overrun. That package should be submitted to the Committees on Appropriations not later than February 15, 2003.

Intelligence Production.—The recommendation includes an additional $7,731,000 to enhance headquarters and field office analytical capabilities to support the FBI's counterterrorism program, including 20 headquarters Intelligence Research Specialists [IRSs] and 90 field IRS positions. IRSs provide time-sensitive analyses in support of investigations, operations, and programmatic issues and strategic analyses aimed at identifying investigative priorities. Expertise in understanding current and projected terrorist threats shall be a prerequisite for these positions.

Hazardous Materials Response Capabilities.—Now more than ever, law enforcement personnel must be properly trained and equipped to encounter crime scenes where hazardous materials may be present. The Committee therefore includes an additional $9,333,000 for the FBI's Hazardous Materials Response Unit [HMRU] and an additional $3,272,000 for the Hazardous Devices School [HDS].

The HMRU provides an integrated approach to ensuring the safe and effective response to criminal acts and incidents involving hazardous materials, including specialized response teams, a national training program, interagency liaison, technical assistance to FBI field and Headquarters divisions, and the development of field response programs. The Unit trains, equips, and certifies FBI field office personnel for hazardous materials operations.

The HDS prepares public safety bomb technicians [BTs] to locate, identify, render safe, and dispose of improvised hazardous devices, including those containing explosives, incendiary materials, and materials classified as weapons of mass destruction. The program also includes training in the use of specialized equipment and protective clothing needed for the safe disposal of explosive materials. These funds will provide additional courses for BTs and provide necessary operations and maintenance funding associated with practical training villages.

Evidence Response Team Program.—The Evidence Response Team Program provides management and training for field personnel who are responsible for providing forensic and crime scene services. These personnel must respond to case investigations with the most current techniques, procedures, and equipment to ensure that critical evidence is identified and gathered for forensic analysis. The recommendation includes an additional $5,722,000 for personnel, training, field office supplies, equipment, surveying stations, underwater equipment and contractor support, physicals, canine evidence recovery, and technology assisted search team operational travel and equipment.

Intellectual Property Enforcement.—Twenty-five percent of the software produced in the United States has been copied illegally in violation of U.S. copyright laws. Other industries have similarly suffered from high rates of counterfeiting, including pharmaceuticals, automobile manufacturing, videos and music. The estimate of lost revenue to such industries exceeds $300,000,000,000 annually. The Committee provides $9,674,000 within available white collar crime resources for the vigorous pursuit of Federal copyright law violations.

Federal Convicted Offender Program.—The recommendation includes an additional $867,000 for the Federal Convicted Offender [FCO] Program. Last year, the FCO Program's authority to collect DNA samples was expanded to include additional crimes of violence and terrorism-related offenses. This funding will support 5 positions to manage and type Federal convicted offender samples, purchase equipment, and fund additional expenses related to this effort.

Polygraph Program.—In the past, the FBI only conducted polygraphs on new employees and individuals with access to certain sensitive programs or cases. The recommendation includes an additional $6,804,000 to expand the FBI's polygraph program to include periodic polygraph examinations for individuals who have broad access to the FBI's most sensitive information and for employees leaving for and returning from permanent foreign assignments.

Forensic research.—The FBI Laboratory's forensic research spending plan for fiscal year 2002 was very impressive. The Committee is aware that the FBI Laboratory still has a long list of unfunded research projects. The Committee recommendation includes an increase of $8,056,000 over last year's level to fund the highest priority forensic research proposals submitted to the Committee as part of the fiscal year 2002 spend plan. The FBI shall report back to the Committees on Appropriations on the disposition of these resources not later than April 5, 2003.

Investigative data warehousing.—Investigative data warehousing is phase II of Trilogy, the FBI's computer modernization initiative. Phase I of Trilogy will fuse into an enterprise database, the so-called Virtual Case File [VCF], a handful of key legacy databases, currently stovepiped, that are central to the day-to-day investigatory and intelligence gathering activities of the Bureau. Investigative data warehousing will migrate an additional 34 priority, highly specialized legacy databases, also currently stovepiped, into the VCF. This program is essential for the FBI to fully access its collected data. Unfortunately, progress on data warehousing is threatened by Trilogy's cost overruns and schedule delays. Should Trilogy's problems be overcome, the FBI may spend up to $50,300,000 in available prior year funds on investigative data warehousing. Knowing the magnitude of this project, the Committee looks forward to regular updates on its progress. The first briefing shall occur within 30 days of the enactment of this Act and shall address in detail the execution plan for fiscal year 2003.

Information assurance.—The Committee has been very impressed by the comprehensive approach to, and rapid development of, information assurance capabilities at the Bureau. A series of wide ranging and very comprehensible briefings provided excellent insight into the program's scope, capabilities, and goals. The Committee recommendation includes $18,435,000 to continue information assurance initiatives undertaken last year. The Committee expects that the ''one stop shopping'' information desk for security customers will be fully operational by the end of the fiscal year. The Committee recommendation also includes $29,738,000 for the Enterprise Security Operations Center [ESOC]. With the lack of information included in the FBI's budget request about the ESOC, funding was provided only as a result of a candid and thorough briefing at the unclassified level. The Committee notes the necessity of total disclosure to ensure funding for initiatives.

Collaborative capabilities.—Collaborative capabilities are phase III of Trilogy. Collaborative capabilities will open the FBI's heretofore closed, classified computer network to other Federal, State, and local law enforcement and intelligence agencies. There is concern with this effort. An open network is inherently vulnerable to attack. Fortunately, Internet cafe, a stand-alone system for web access, should provide the Bureau with time to perfect a secure, shared network. The Committee believes that extensive lab testing followed by thorough piloting is essential to the success of this initiative. The Committee looks forward to observing lab and field demonstrations at every critical milestone in the development of collaborative capabilities. Additionally, progress on collaborative capabilities is threatened by Trilogy's cost overruns and schedule delays. Should Trilogy's problems be overcome, the FBI may spend up to $11,000,000 in available prior year funds on collaborative capabilities.

Analytical tools for data mining and visualization.—The Committee is familiar with the demonstrated value of these software tools and has provided money in the past for the acquisition of earlier versions. The Committee recommendation provides $5,000,000 for analytical tools from the $30,000,000 in National Infrastructure Protection Center funds on hold. The Committee directs the Bureau to provide the Committees on Appropriations with a detailed spend plan that shall not require Congressional approval after it is submitted.

Internet cafe.—The FBI is wrestling with the risks of opening its previously closed computer network to the Web. The Committee is fully aware that no security system can fully protect its host from threats on the Internet. Still, an enormous amount of freely- or commercially-available information can be found on the Web that could prove very useful in pursuing criminal or national security investigations. As an interim measure, the Bureau has requested funds to establish stand alone access to the Web, referred to as Internet cafes. The Committee considers this a prudent step. The recommendation includes an additional $3,620,000 for Internet cafes from the $30,000,000 in National Infrastructure Protection Center funds on hold. The Bureau shall provide a report to the Committees on Appropriations on the distribution and use of Internet cafes not later than May 1, 2003.

Physical Surveillance Program.—As the FBI expands its efforts to collect intelligence about potential domestic and international terrorists groups and respond to threats against the United States and other extraordinary incidents, the need for surveillance technology and equipment grows. The recommendation includes an additional

$5,137,000 for development, deployment, and support of core technologies associated with tracking and locating fugitives, mobile surveillance, and design and fabrication capabilities from the $30,000,000 in National Infrastructure Protection Center funds on hold.

Tactical Operations.—Court ordered tactical operations only serve as an effective investigative tool if the FBI has the resources to address emerging technologies, such as advanced digital communications, command and control and computers, radio frequency communications and data links, and sophisticated encryption. The Committee therefore includes in its recommendation an additional $12,612,000 for research and development and for engineering to support ongoing and new strategic initiatives directed against new technologies posed by the high-technology industries.

Re-enginering the workforce.—The FBI request for additional analysts and technological enhancements highlights the Bureau's shift from a manpower-intensive approach to an information-intensive approach to intelligence gathering and crime fighting. However, this shift has come, thus far, without a comprehensive approach to human capital investment. The Director's stated priorities: counterterrorism [CT], counterintelligence [CI], and cybercrime [''cyber''], will require marked shifts in the skills of the Bureau workforce. A far more diversified workforce of scientists, engineers, technicians, analysts, support, and other staff, as well as agents, will be required. To maintain and enhance the proficiency of this new workforce during the current information and technology revolution, employees will need constant field exposure and continual in-service training and education to keep skills finely honed. For that reason, the Bureau must develop and maintain a manpower master plan that, at a minimum, includes an analysis of, and justification for: (1) the proper mix of agent, specialist, and support personnel in foreign and domestic field offices and headquarters at the squad, unit, section, and division levels, (2) mandatory, substantive in-service training programs of at least 40 hours per year for all personnel that include both in-house, other Federal, and private sector training and development opportunities, (3) career paths for personnel in specialized areas, especially CT, CI, cyber, and security, with an emphasis on lifetime commitment to specialization, (4) the proper balance of personnel versus capital investments to ensure that Bureau employees are properly equipped with the essential tools of their particular trade, and (5) a deployment strategy that maximizes the benefits of mentor-protege relationships and cross-pollination between highly specialized personnel. The report shall be completed not later than December 31, 2003. The Bureau shall provide a progress report to the Committees on Appropriations by July 1, 2003 and shall provide the Committees with a final copy of the plan upon completion.

Aviation.—The FBI is directed to submit a 5-year aviation master plan that includes: (1) current fleet assets by type, (2) logged flight hours by mission by aircraft/helicopter, (3) projected useful service life remaining (under what assumptions) by aircraft/helicopter, (4) utilization of current fleet assets, by mission type, for the last 5 years by year, and (5) basing, by aircraft/helicopter locations. The plan should also discuss the costs and benefits of maintaining versus replacing current fleet assets through 2008, maldeployments or other causes of underutilization of current fleet assets, if applicable, and capabilities of current fleet assets versus current and projected mission requirements. The report shall be delivered not later than March 3, 2003.

Rapid Deployment Logistics Unit.—The Rapid Deployment Logistics Unit [RDLU] was created unbeknownst to the Committee through an internal reallocation of resources. The number and composition of Rapid Deployment Teams [RDTs] were settled by the Bureau without the Committee's approval. To date, the Committee has never received a briefing on the RDLU or RDTs. That being so, the Committee expects the FBI to submit a comprehensive report on the purpose of the RDLU, the justification for the number and configuration of RDTs, the capabilities of the RDLU and RDTs, and the personnel and equipment requirements of both for the next 5 years, by year.

Joint Terrorism Task Force.—The Bureau is seeking to quadruple the amount of funding available for Joint Terrorism Task Forces [JTTFs]. The increased funding would be used for space to house JTTFs and backfill the FBI slots transferred to JTTFs. The FBI's goal is to establish a JTTF in every field office by the end of fiscal year 2003. The value of JTTFs, both in general and relative to their cost, remains open to debate as does the value of having JTTFs in more than 56 locations. Since JTTFs are now competing with Regional Terrorism Task Forces, Anti-Terrorism Task Forces and the Foreign Terrorist Tracking Task Force, not to mention the Counterterrorism Division, for resources to meet the same mission, a thorough review of the program is in order. The Bureau is directed to submit a report to the Committees on Appropriations that, at a minimum, includes a thorough discussion of JTTF caseload over the last 5 years by type (domestic/foreign), offense(s), and disposition (referred for prosecution, prosecuted, convicted, etc.) on a task force by task force basis. The report should also include an explicit discussion of threats in existing or proposed JTTF locations. The report shall be delivered not later than April 30, 2003. In the meantime, the Committee has transferred JTTF funding from this account to a new separate account under the direct control of the Attorney General to ensure proper coordination of the various terrorism task forces.

National Infrastructure Protection Center [NIPC].—A March 2001 report on computer intrusion squad training, promotion, and retention has yet to be delivered to the Committee on Appropriations. As a result, almost $30,000,000 in NIPC funding remains unavailable for obligation or expenditure. In July, the Committee directed that a reasonable plan regarding these funds to be submitted to, and approved by, the Committees on Appropriations by September 30, 2002. To date, no such plan has been delivered. Therefore, the Committee directs that $17,221,000 of the $30,000,000 in NIPC funds on hold be provided to the Special Technologies and Applications Unit [STAU] to fund phase II of a three phase research and development initiative being run by the STAU. The Committee fully expects the STAU to have occupied the 4,000 square feet of space on the 4th floor of its new location in Virginia not later than March 31, 2003.

Emergency communications.—The FBI has established a requirement for the Critical Response Unit [CRU] to respond to five crisis sites simultaneously with state-of-the-art secure communications equipment and personnel. How this requirement was arrived at is unknown. It is also unclear how the CRU's communications suite integrates with that of the Foreign and Domestic Emergency Support Teams, the Hostage Rescue Team, the Critical Incident Response Group, the Strategic Information & Operations Center, Special Weapons & Tactics Teams, and a host of other specialized units, all of which have communications suites of their own. The Committee presumes that communications gear deployed by the CRU is fully interoperable with that of all other emergency response units it is charged with supporting and that duplication of gear between units has been eliminated, but expects the FBI to formally confirm both presumptions. Also, the Bureau is directed to submit a CRU communications master plan to the Committees on Appropriations not later than March 15, 2003 that: (1) outlines in detail the criteria that must be met for the CRU to deploy, (2) justifies in detail the five simultaneous crisis sites requirement, and (3) outlines in detail the personnel and non-personnel needs of the CRU for the next 5 years by year.

Technically Trained Agents.—The Committee has been supportive of Technically Trained Agents [TTAs], though the Committee has differed with the Bureau on priorities. The Committee continues to believe that properly equipping and training TTAs is a higher priority than simply adding more bodies. As justification material accompanying the request for 50 new positions notes, one-third of TTAs are probationary. Clearly, TTAs need more seasoning. The Bureau is directed to report on its strategy for using intense supervision and continuing in-service training and education to compensate for the distinct lack of experience in its TTA force. The report shall be delivered not later than April 25, 2003.

Legal attaches.—The Committee notes that the legal attache [Legat] offices in, or responsible for, Jamaica, the Dominican Republic, and Mexico were unable or unwilling to develop plans for picking up the fugitive apprehension mission when the Marshals Service was forced to shut down operations in those countries. The Committee also notes that the apparent measure of effectiveness for Legats is the number of ''leads'' pursued, the equivalent of measuring congressional effectiveness by the number of phone calls answered. The Committee directs that the FBI provide a report detailing the stated national security or law enforcement goals underpinning the establishment of each Legat office and the specific steps being taken to reach those goals. The report shall be delivered to the Committees on Appropriations not later than June 1, 2003. No more than 75 percent of the funds provided for Legats in fiscal year 2003 shall be made available for expenditure until the aforementioned report is delivered.

Budget restructuring.—As part of the fiscal year 2004 budget request, the Committee expects the FBI to adopt a new budget structure premised on eight decision units: (1) Counterterrorism, (2) National Security, (3) Cyber-investigations, (4) Criminal Enterprises & Federal Crimes, (5) Forensic & Technical Services, (6) Field Support, (7) Training & Education, and (8) Criminal Justice Services. The Committee notes that an on-going review of classification issues has precluded the need for any decision unit totals to be rolled up in the formal budget submission or any supporting documents. The Committee congratulates the Bureau on this breakthrough.

Last year, the Committee concluded that the FBI's inability to respond swiftly to changing patterns of crime was in part attributable to an antiquated budget structure

that did little to protect the Director's strategic priorities, ease management of high risk programs, or provide the transparency necessary for effective oversight.

The new structure, all but identical to last year's proposed restructuring, will: (1) focus FBI resources on the Director's top three priorities, (2) elevate and sustain a number of longstanding Congressional priorities, (3) afford field-level managers the flexibility to use their workforce to maximum advantage in addressing local criminal investigatory priorities, (4) consolidate the funding of a number of mutually-supportive initiatives that are currently scattered across multiple decision units, and (5) eliminate the current artificial isolation of a number of cross-cutting functions and activities.

The Committee believes that the new budget structure will significantly enhance FBI performance and commends the Bureau for its support in developing this proposal.

CONSTRUCTION

Appropriations, 2002	$33,791,000
Budget estimate, 2003	1,250,000
Committee recommendation	1,250,000

The Committee recommends an appropriation of $1,250,000. The recommendation is identical to the fiscal year 2002 funding level, less non-recurring costs, and to the budget request.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2002	$1,481,783,000
Budget estimate, 2003	1,545,919,000
Committee recommendation	1,477,470,000

The Committee recommends an appropriation of $1,477,470,000. The recommendation is $68,449,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees. The reduction in this account is largely attributable to a transfer of resources described below. The Committee expects the large balance of prior year Violent Crime Reduction Trust Fund carryover to be expended not later than April 1, 2003 on vehicles, bullet proof vests, and other basic equipment essential to officers in the performance of their duties. The Committee directs the DEA to provide it with an accounting of carryover spending not later than April 2, 2003.

Enhancements.—The recommendation provides $24,683,000 for DEA's requested Homeland Security enhancements for information security and anti-terrorism security measures. None of these funds shall be obligated until a spend plan has been submitted to and approved by the Committees on Appropriations.

Information security.—The DEA is seeking funds to initiate an information security program. The FBI has just completed a thorough review of its information security needs, and has undertaken wide-ranging improvements noteworthy for their simplicity and cost effectiveness. Prior to the release of funds for the DEA's information security program, the DEA shall sign with the head of the FBI's Security Division and the Chief Information Officer of the Justice Department a memorandum of understanding [MOU] that charges the latter two signatories with providing technical assistance to DEA program managers with an emphasis on no- or low-cost government- or commercial-off-the-shelf solutions. The Committee expects to be briefed on the details of DEA's plan, the contents of the MOU, and FBI and Justice contributions to a successful rollout not later than 60 days after the signing of the MOU.

Financial Investigations.—The Committee also provides $4,121,000 for financial investigations to increase efforts to target drug organizations that finance terrorist activities. Additional personnel shall work closely with Federal, State, and local law enforcement as well as private and regulatory sectors of the financial community to identify individuals and institutions for investigation, and identify money laundering techniques employed by terrorists. Additional personnel and emphasis shall be placed in the following locations: Denver, Colorado, Wilmington, Delaware, Chicago, Illinois, New York City, New York, Charleston, South Carolina, and Dallas, Texas.

Overseas Offices.—While DEA repeatedly defends its presence overseas, very little effort has been made to monitor and evaluate the need for all of these foreign offices after they have been opened. The DEA is therefore directed to submit a report to the Committees on Appropriations that provides the productivity level, workload, and mission for each existing overseas office no later than February 28, 2003. The report shall include a review and rightsizing proposal for each of the overseas offices to ensure that the most urgent needs are being met with the limited resources available.

Integrated Drug Enforcement Assistance.—The Committee is pleased with the Administrator's new initiative for drug prevention and treatment, known as Integrated Drug Enforcement Assistance [IDEA]. IDEA is a coordinated anti-drug plan that combines law enforcement with intensive community follow-up designed to reduce drug demand. IDEA teams DEA agents with State and local law enforcement to arrest and prosecute drug traffickers within designated communities, and then forms coalitions to reduce demand through drug prevention and treatment. The recommendation provides $5,926,000 to expand IDEA. The DEA is directed to report back to the Committees on Appropriations on how it intends to use these funds not later than March 15, 2003.

Aviation assets.—Helicopters and light aircraft play an essential role in the covert surveillance, pursuit, and capture of drug traffickers. The Committee understands that the DEA's aging fleet of air assets suffers from low availability and high maintenance hours, and costs, per flight hour. The Committee recommendation provides $6,336,000 for single engine light enforcement helicopters. The DEA is directed to report back to the Committees on Appropriations on how it intends to use these funds not later than March 15, 2003.

Methamphetamine lab clean-up.—The Committee remains alarmed by the public health and safety menace posed by methamphetamine labs. The by-products of methamphetamine production: anhydrous ammonia, ether, sulfuric acid, and other toxins are volatile, corrosive, and poisonous. Often, lab operators secrete these waste products in abandoned or little-used buildings located in populous areas or dump them in rivers and streams. Danger of explosion is real and the potential for serious environmental contamination well documented. Therefore, the Committee recommendation includes $20,000,000 that shall only be available to reimburse the DEA, States and localities for the costs associated with assisting in, or undertaking, the removal and disposal of hazardous materials at clandestine methamphetamine labs.

Drug Enforcement Equipment.—The effectiveness of DEA agents is threatened by shortfalls and delays in the distribution of critical equipment. The Committee believes that agents must have state-of-the-art equipment in order to stay ahead of or merely keep pace with that of drug traffickers. The Committee recommendation therefore provides $4,733,000 for high priority equipment. The DEA is directed to report back to the Committees on Appropriations on how it intends to use these funds not later than March 1, 2003.

Northern New Mexico Anti-Drug Initiative.—The Committee acknowledges the need for a focused response to illegal drug trafficking in northern New Mexico and expects the DEA to continue to devote sufficient resources to this problem in cooperation with other Federal law enforcement agencies.

Division of labor.—The ''war on drugs'' is in the midst of the most significant restructuring in memory. The terrorist attack on America has forced many agencies to redirect manpower and resources from the drug war to homeland security and combating terrorism. This has stretched DEA resources thin. Under these circumstances, the Committee believes that every effort should be made to decapitate the leadership of drug cartels and the businesses that aid and abet drug trafficking. This calls into question the value of DEA's Mobile Enforcement Teams [METs], which target street-level dealers by swarming localities for short periods of time. While emotionally satisfying and useful for boosting arrest statistics, METs, ultimately, are taking pawns in a deadly game of chess. Kingpins, their lieutenants, and ''legitimate'' businessmen in league with drug lords are the pieces the Committee is most interested in seeing swept from the board. Therefore, the Committee has transferred MET resources in this account to the DEA line in the ''Interagency Crime and Drug Enforcement'' [ICDE] account. Joint operations funded by the ICDE account focus on the most long-term, resource-intensive, high payoff drug cases. The Committee has left in place funding for Regional Enforcement Teams, and will monitor their results to determine whether they should be retained or transferred to the ICDE account.

''Drug Diversion Control Fee'' Account.—The Committee has provided $89,021,000 for DEA's Drug Diversion Control Program. The Committee notes that the request included an additional $24,616,000 for program enhancements based on an unresolved Final Rule. The draft rule proposing a fee increase to support these enhancements has not been published yet. Moreover, the earliest new collections could begin is July 1, 2003, 2 months prior to the end of fiscal year 2003. The request clearly precipitates the ability of the DEA to collect the fees to support these program increases. Should the DEA determine that these enhancements more accurately reflect the mission of the Drug Diversion Control Program than current activities, the DEA may redirect existing resources within this account through the reprogramming process.

IMMIGRATION AND NATURALIZATION SERVICE

(INCLUDING OFFSETTING FEE COLLECTIONS)

SALARIES AND EXPENSES

Appropriations, 2002	$3,371,440,000
Budget estimate, 2003	3,241,787,000
Committee recommendation	3,076,509,000

The Committee recommends an appropriation of $3,076,509,000. The recommendation is $165,278,000 below the budget request.

The Committee recommendation includes a 4.1 percent pay increase. The reduction is attributable to the termination of a single program, discussed below, the transfer of

Chimera funding to a separate account, and the transfer of terrorism task force resources to the Attorney General. The Committee is aware that up to $51,366,000 in carryover will be available to apply to this account and expects that new found efficiencies will free up additional resources.

Managing into crisis.—Despite clear language in last year's conference report directing the INS to report shortfalls in the ''user fee account'' and instructing INS to fully cover ''base'' expenses in that account before undertaking program initiatives, the INS approached the Committee in June 2002 regarding an impending shortfall in the ''user fee account''. Congressional direction had been ignored, new spending initiated, and, predictably, crisis resulted. In earlier years, INS has allowed excessive, unbudgeted, temporary duty and overtime expenditures to eat deeply into capital investment accounts, resulting in serious shortfalls of basic equipment, vehicles, and facilities. There is only so much that can be done to nurse the INS through these self-inflicted wounds. Therefore, not later than 30 days after date of enactment of this Act, the INS shall submit to the Committees on Appropriations detailed spend plans for each appropriated and fee account under this heading. Each plan shall clearly demonstrate INS' strategy for living within its means in fiscal year 2003. The Committee will not entertain reprogrammings or supplemental requests increasing funding for any INS accounts short of the most extraordinary of circumstances.

Training.—The long-awaited report on the effectiveness of basic training for Detention Enforcement Officers [DEOs] confirms the Committee's worst fears about the inadequacy of DEO training. INS has undertaken four initiatives to better prepare DEOs for their duties: (1) a review and reclassification of the DEO position description, (2) a revision of the course curriculum development process and training methodology, (3) an increase in the scope and length of the DEO basic training program, and (4) an expansion of continuing education to include all officers in the DEO program. The Committee is anxious to learn whether these initiatives are improving DEO preparedness for an increasingly complex job. Therefore, the Committee directs the INS to provide a follow up report on the effectiveness of basic training and continuing education for DEOs. The report shall be delivered not later than March 1, 2004.

Information technology.—In a sense, the INS has the most difficult job of all in the war on terrorism. The volume of people moving across our border on a daily basis is staggering. Aliens that already have visas arriving at ports of entry benefit from a presumption of innocence, because they have been screened and passed by the U.S. Government once. Cues that inspectors might think indicate suspiciousness, such as an unwillingness to lock eyes, often have cultural roots that will muddle the results of spot interviews. How does an inspector pick out the terrorist from thousands of innocent people?

Intelligence is the key, but this is intelligence of an order we have never seen. Many of the perpetrators of terrorist attacks are from good families, have no criminal record, and give no indication of a propensity for violence until they immolate themselves and everyone near. It is not enough to target and eliminate the masterminds. We must also identify and neutralize the recruit before his or her mission is accomplished.

The current approach taken by the INS to address this problem, more bodies, more overtime, more of everything, will only hinder the most clumsy or conscience-stricken terrorists, a record borne out by whom we have picked up and whom we haven't. INS inspectors and Border Patrol agents must have real-time access to intelligence files. Not back in headquarters or at their offices, but at their posts or in their vehicles. Only then can they hope to discern targets from clutter.

Unfortunately, the tangle of stovepiped data bases that comprise the INS' current information technology [IT] capabilities will take years to untangle. The Chimera system, mentioned above, will someday provide the backbone for a universal network, but the dream will not become reality for several years. In the meantime, investments must be targeted at existing systems that will ultimately integrate into Chimera. New stand alone systems, or antiquated systems scheduled for decommissioning as Chimera comes on line, do not merit further investment. The Committee looks forward to the IT strategy that will be proposed by Justice Management Division on behalf of the INS.

Border Patrol Staff and Equipment.—Since the terrorist attacks on September 11, 2001, the security of our borders has become paramount. To ensure there are sufficient personnel to protect our borders, the Committee recommendation includes an additional $76,276,000 for 570 additional Border Patrol agents, as authorized. Along with additional personnel, the recommendation includes an additional $28,000,000 to enhance the Enforcement Case Tracking System [Enforce] database and to deploy additional biometric equipment to better document and track the investigation, identification, apprehension, detention, and/or removal of immigration law violators.

Entry-exit system.—The Committee has begun to analyze the full implications of the Enhanced Border Security and Visa Entry Reform Act of 2002, the USA PATRIOT Act of 2001, the Visa Waiver Permanent Program Act of 2000, the Immigration and Naturalization Service Data Management Improvement Act of 2000, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and the Immigration Act of 1990 regarding travel to and from the United States by Americans and foreigners. In brief, to fully implement laws currently on the books, it will be necessary for every traveler leaving or entering the United States, be they U.S. citizens or not, to be fingerprinted and to carry a machine-readable, tamper-proof travel document with at least one unique biometric identifier. Information on all travelers, including biographical information, biometrics, and entry and exit dates, will be retained within a central database, readily available to Federal, State, and local law enforcement agencies. Mandatory interviews for visa applicants will be required to provide necessary intelligence information and certain aliens will be required to register periodically. Cost estimates to properly implement the current body of law runs into the tens of billions of dollars. Based upon information provided to date, it is unclear what the proposed entry-exit system is or will become, and how it will address these expansive directives. More importantly, the case has yet to be made as to how entry-exit would stop would-be terrorists from entering the country. Therefore, no funds have been provided for this project.

Border security—On its own initiative, the Justice Department recently unveiled the National Security Entry-Exit Registration System [NSEERS]. The ignoring of reprogramming requirements aside, it is alarming to see INS establishing what appears to be a new application to a stovepiped legacy computer system. It was exactly this kind of system development, the narrow design of systems or applications to replicate paperwork transactions that were unable or only marginally able to communicate with other databases, that created the information technology disaster that confronts the INS. NSEERS should be an application of Chimera. Also, the value of NSEERS remains questionable. Billed as a terrorist dragnet, only the most feeble-minded terrorist is apt to be tripped up by the questioning of an INS inspector. Although the Department recently claimed that NSEERS had nabbed 180 people, the implication being that they were terrorists, all 180 were routine criminals. Commendable, to be sure, but an inadvertent gain rather than mission success. The Committee cannot support expanding this program until it has a far better idea of how NSEERS fits into the INS' new enterprise database and how brief interviews will reveal terrorists for whom they are.

Pay Upgrades.—Attrition rates among Border Patrol agents and INS inspectors is at an all time high. To help address this ever increasing crisis, the Committee recommendation includes an additional $37,200,000 for a Border Patrol pay increase from the GS–9 level to the GS–11 level for journeymen with 1 year of successful work experience and $20,600,000 for a pay increase for INS inspectors with 1 year of successful work experience at the GS–9 level.

Land Border Inspectors.—The recommendation includes $34,000,000 to hire, train and deploy 460 additional immigration inspectors that will enhance border security at land border ports-of-entry.

Staffing Levels.—The Committee notes that INS staffing levels at the Santa Teresa and Columbus Ports of Entry [PoEs] in New Mexico are not sufficient to meet the needs of those ports. In particular, though non-commercial traffic has significantly increased over the past year at Santa Teresa, INS staffing has not kept pace. The Committee urges the INS to give full consideration to the needs of the New Mexico PoEs when making staffing decisions.

The Committee is aware of a growing number of illegal aliens in Iowa and Illinois. The Committee directs the INS to review the INS law enforcement needs of the Quad Cities, a metropolitan area incorporating the Iowa communities of Davenport and Bettendorf, and the Illinois communities of Moline and Rock Island.

In addition, the Committee recognizes the heavy and increasing workload in the upper Shenandoah Valley, and encourages the INS to establish a sub-office with an officer-in-charge in Roanoke, Virginia.

Alternatives to Detention.—The Committee recommendation includes $7,300,000 for the Alternatives to Detention Program. This funding will allow community-based organizations to screen asylum seekers and other INS detainees for community ties, provide them with necessary services, and help to assure their appearance at court hearings.

Legal Orientation Programs.—The Committee recommends $2,800,000 for non-governmental agencies to provide ''live presentations'' to persons in INS detention prior to their first hearing before an immigration judge. These presentations will provide immigration detainees with essential information about immigration court procedures and the availability of legal remedies to assist detainees in distinguishing between meritorious cases and frivolous cases.

Information Resource Management.—The Committee recommendation includes an additional $83,400,000 for an ''interoperable law enforcement and intelligence data system'' for the INS, referred to as Chimera, within a separate account under General Administration to be managed by the Justice Management Division.

Green Cards.—The Committee is aware that resident aliens in the United States are using over 2,000,000 green cards with no expiration date. These documents do not have the secure features of the optical memory cards currently used as green cards, and thus could be subject to extensive counterfeiting and represent a major impediment to securing the nation's borders. The Committee directs the INS to submit a report not later than July 1, 2003 to the Committees on Appropriations with the number of green cards currently issued with no expiration date, the original date they were issued, as well as a proposed plan to replace these older green cards.

The recommendation also includes $6,544,000 for the Debt Management Center, $16,289,000 for the Law Enforcement Support Center, and an additional $100,000,000 to address shortfalls in vehicles and equipment.

OFFSETTING FEE COLLECTIONS

As in past years, the Committee directs the INS to allocate funding for base activities before it undertakes any program enhancements.

IMMIGRATION USER FEE

The Committee recommends a spending level of $658,295,000, the full amount requested.

To the degree that fee resources are available, the Committee includes an increase of $51,503,000 over fiscal year 2002 for 760 additional inspectors and support staff for inspections operations at airports and seaports.

INS Inspector Staffing.—The Committee recommends the INS give full consideration to the needs of the Miami International Airport and the Ed McNamara Terminal Northwest Airlines World Gateway when making airport inspector staffing decisions.

Passenger and Crew Manifests.—The Committee directs the INS to fully cooperate with and provide up to $25,000,000 as a reimbursement to the Transportation Security Administration's [TSA's] Office of Maritime and Land Security in developing and establishing a Maritime Intelligence System [MIS], as defined in Section 70113 of the Maritime Transportation Security Act of 2002 (Public Law 107–295). The MIS system shall integrate and analyze collected data on passenger and crew manifests and any other information that could be construed as potential threats against the United States.

IMMIGRATION EXAMINATIONS FEE

The Committee recommends a spending level of $1,462,803,000, the full amount requested.

To the degree that fee resources are available, the Committee recommendation includes an increase of $50,496,000 to accelerate the pace of efforts to reduce the time required to adjudicate immigration benefit applications. With this funding, the INS claims it will be able to attain a 6-month national average for the processing of all benefits applications and ensure application processing and related services are timely, consistent, fair and of high quality.

BREACHED BOND/DETENTION FUND

The Committee recommends a spending level of $171,275,000, the full amount requested.

Detention and Removals.—The Committee recommendation includes $50,069,000 for the planning and construction of additional detention bed space. This funding will address the increasing number of apprehended illegal aliens, which consistently exceeds available detention space.

CONSTRUCTION

Appropriations, 2002	$228,054,000
Budget estimate, 2003	267,138,000
Committee recommendation	267,138,000

The Committee recommends an appropriation of $267,138,000. The recommendation is identical to the budget request.

The recommendation includes $14,000,000 for building demolition, perimeter security, and dormitory and classroom construction at the Charleston Border Patrol Academy and $250,000 for the construction of an INS processing and office facility in Nome, Alaska.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

Appropriations, 2002	$3,808,600,000
Budget estimate, 2003	4,081,765,000
Committee recommendation	4,068,237,000

The Committee recommends an appropriation of $4,068,237,000, including, within available resources, a 4.1 percent pay increase. The recommendation is $13,528,000 below the budget request.

Activation of new prisons.—The Committee recommendation includes funding for activation of four new facilities which will add 4,416 beds: FCI Gilmer, West Virginia, USP Big Sandy, Kentucky, USP McCreary County, Kentucky, and USP Victorville, CA. The Committee also recommends activation funding for expansions at USP Marion, Illinois and FCI Safford, Arizona. These two expansions will add nearly 800 beds.

Female inmates.—The Committee supports the National Institute of Corrections' continuing work with correctional systems (State and Federal) to address the issue of staff sexual misconduct involving female inmates in correctional institutions through the provision of technical assistance, education and training, and other monitoring activities pursuant to the recommendations of the General Accounting Office.

BUILDINGS AND FACILITIES

Appropriations, 2002	$813,552,000
Budget estimate, 2003	395,243,000
Committee recommendation	470,221,000

The Committee recommends a total of $470,221,000 for fiscal year 2003 for the construction, modernization, maintenance, and repair of prison and detention facilities housing Federal prisoners. This amount is $74,978,000 above the budget request.

The Committee continues to strongly support the BOP's construction program, designed to provide sufficient inmate beds to manage overcrowding in facilities and maintain them in a safe and secure manner for staff, inmates and surrounding communities. The funding provided for facilities includes:

Sentenced Capacity Projects

Expansion of Existing Facilities:	
FCI Sandstone, MN (Housing Unit)	5,300,000
FCI Otisville, NY (Witness Security Unit)	11,600,000

Sentenced Capacity Projects—Continued

USP Florence, CO (Special Housing Unit)	5,600,000
Subtotal	22,500,000
New Facilities:	
Hazelton, WV (Secure Female Unit)	66,600,000
FCI Pollock, LA	116,872,000
USP Berlin, NH (With Work Camp and Protective Custody Unit)	20,000,000
FCI Mid-Atlantic Region	34,837,000
Subtotal	238,309,000
Total New Construction Program Increases	260,809,000

The Committee commends the BOP for working diligently to increase inmate housing capacity by expanding existing facilities within available funds. The Committee fully supports these cost effective efforts and expects the BOP to provide reprogramming and funding transfer requests in a timely manner to expedite these construction projects.–

FEDERAL PRISON INDUSTRIES, INC.

(LIMITATION ON ADMINISTRATIVE EXPENSES)

Appropriations, 2002	$3,429,000
Budget estimate, 2003	3,429,000
Committee recommendation	3,429,000

This Committee recommends a limitation on administrative expenses of $3,429,000 for the Federal Prison Industries, Inc. This amount is equal to the fiscal year 2002 funding level and to the amount requested.

The Committee continues to strongly support Federal Prison Industries [UNICOR] and recognizes its importance in the efficient and safe management of Federal prisons. UNICOR provides prison inmates with the opportunity to learn important work habits, participate in meaningful employment which keeps them productively occupied during work hours, and develop improved job skills which reduces recidivism. The Committee also recognizes the necessity for UNICOR to grow as the inmate population increases. Finally, UNICOR is a self-supporting revolving fund the resources of which are derived from sales of its products. In the future, the BOP is directed to submit only UNICOR's appropriations language exhibit.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

Appropriations, 2002	$437,008,000
Budget estimate, 2003	214,024,000
Committee recommendation	2,232,057,000

The Committee recommends an appropriation of $2,232,057,000. The recommendation is $2,018,033,000 above the budget request.

The funding provided for justice assistance includes funds to States for research, evaluation, statistics, information sharing, emergency assistance, missing children assistance, counterterrorism programs, and the management and administration of grants provided through the Office of Justice Programs.

Justice Assistance

	Committee recommendation
National Institute of Justice	$64,879,000
The Office of Science and Technology	(38,000,000)
The National Law Enforcement and Corrections Technology Centers	(22,000,000)

Justice Assistance—Continued

	Committee recommendation
Bureau of Justice Statistics	32,335,000
Missing children	29,000,000
Regional information sharing system	28,278,000
White Collar Crime Center	9,230,000
Office of Domestic Preparedness	2,038,000,000
Management and administration	30,335,000
Total justice assistance	2,232,057,000

National Institute of Justice [NIJ].—The Committee recommends an appropriation of $64,879,000. The recommendation is $13,422,000 below the budget request and $10,422,000 above the fiscal year 2002 level.

Office of Science and Technology.—The Committee commends the efforts of the leadership of the National Institute of Justice's [NIJ] Office of Science and Technology [OS&T]. This office has assisted local law enforcement in making significant advances in the areas of non-intrusive, concealed weapons and contraband detection, vehicle stopping, DNA testing, public safety standards development, officer protection, less-than-lethal incapacitation, public safety communications, information management, counterterrorism, crime mapping, location and tracking, secure communications, and noninvasive drug detection. In addition, the Committee commends and encourages the continuing partnership that OS&T has developed with the National Institute of Standards and Technology with the goal of developing standards and carrying out scientific and engineering research related to the public safety community.

To implement the mission of OS&T, pursuant to The Homeland Security Act of 2002 (Public Law 107–296), the Committee recommends $38,000,000 for OS&T from within the overall amount provided for NIJ. In addition, within the funds provided for the local law enforcement block grant program, $20,000,000 is for OS&T to assist local law enforcement units in identifying, selecting, developing, modernizing, and purchasing new technologies in accordance with the aforementioned Act.

The National Law Enforcement and Corrections Technology Centers.—Since 1994, the National Law Enforcement and Corrections Technology Centers [NLECTC] have served the State and local law enforcement and corrections communities by providing support, research findings, and technical expertise on issues that allow them to perform their jobs safer and more effectively. The NLECTC system consists of facilities located across the country and each facility specializes in one or more specific areas of research and development. The Committee commends the work that NIJ's Office of Science and Technology [OST], and through it the NLECTC system, has done to improve the capabilities of the law enforcement and corrections communities. To further the work of the NLECTC system, the Committee recommends $22,000,000 for the continued support of the system. Within available funds, the Committee recommends that NIJ consider funding the Center for Civil Force Protection and the Public Safety Technology Assessment Facility at Sandia National Laboratories in New Mexico. The Center provides important physical security counterterrorism assistance to Federal, State, and local law enforcement. Of the amount provided, the Committee directs that funds be distributed in the following manner to the six Regional Centers:

The National Law Enforcement and Corrections Technology Regional Centers

[In thousands of dollars]

	Amount
Northeast Regional Center	3,000
Southeast Regional Center	3,000
Rocky Mountain Regional Center	3,000
Western Regional Center	3,000
Rural Law Enforcement Technology Center	3,000
Northwest Center	3,000
Total for Regional Centers	18,000

In addition to the above activities, within the amounts provided, NIJ is to provide grants for the following projects:

—$750,000 for Lane County, Oregon's Breaking the Cycle of Juvenile Drug Abuse program to decrease juvenile crime and drug abuse through early identification and intervention;

—$1,500,000 is for the Center for Task Force Training Program;

—$750,000 to the North Carolina Attorney General's Office for Telemarketing Fraud Enforcement and Privacy Project; and

—$650,000 for the Mistral Security Non-Toxic Drug Detection and Identification Aerosol Technology.

—$350,000 for the Pennsylvania Task Force on Prison Overcrowding;

—$750,000 for Operation Ceasefire in Charleston, SC for overtime for response teams.

Bureau of Justice Statistics [BJS].—The Committee recommends an appropriation of $32,335,000. The BJS is responsible for the collection, analysis, and publication of statistical information on crime, criminal offenders, victims of crime, and the operations of the Nation's justice systems.

Office of Victims of Crime.—The Office of Victims of Crime [OVC] administers formula and discretionary grants designed to benefit victims, provide training to professionals who work with victims, develops projects to enhance victims' rights and services, and undertakes public education and awareness activities on behalf of crime victims. In fiscal year 2002, OVC was provided $68,100,000 to respond to the September 11, 2001 terrorist attacks. The Committee directs that the OVC provide a report to the Committee no later than March 15, 2003 on the status of how the emergency funds have been spent.

Missing Children Program.—The issue of child exploitation has been raised to the forefront of the national conscience due to the recent string of child pornography and missing children cases that have been highlighted in the media over the last few months. The Committee continues to strongly support the Missing and Exploited Children Program run by the Bureau of Justice Assistance. The Committee recommends $29,000,000 to continue and expand efforts to protect the nation's children, especially in the areas of locating missing children, as well as the growing wave of child sexual exploitation found on the Internet.

Within the amounts provided, the Committee has included the following:

(1) $12,500,000 to expand the Internet Crimes Against Children Task Forces [ICAC Task Force]. These task forces assist State and local law enforcement agencies in acquiring the knowledge, equipment, and personnel resources necessary to successfully prevent, interdict, and investigate cases of child exploitation on the Internet.

(2) $12,500,000 for National Center for Missing and Exploited Children [NCMEC]. The NCMEC is the clearinghouse and national resource center regarding the issue of missing and exploited children. Last year the Center accepted over 155,000 hotline calls from law enforcement, prosecutors, and citizens requesting information or services. The Center also assisted in the recovery of more than 5,000 missing, abducted, and runaway children.

In addition, the Committee created the CyberTipline under the NCMEC in fiscal year 1999. The CyberTipline provides online users an effective means of reporting Internet-related child sexual exploitation in the areas of distribution of child pornography, online enticement of children for sexual acts, and child prostitution. Within the amounts provided for the NCMEC, the Committee recommends $2,245,000 for the continuation of the Cybertipline.

(3) $3,000,000 for the Jimmy Ryce Law Enforcement Training Center for training of State and local law enforcement officials investigating missing and exploited children cases.

Regional Information Sharing System [RISS].—The Committee recommends an appropriation of $28,278,000. The RISS program provides funds to maintain six regionally-based information sharing centers which allow for information and intelligence services to be disseminated nationwide addressing major, multi-jurisdictional crimes. The Committee supports the current effort to link the RISS system with the Law Enforcement On-Line [LEO] information system, which will greatly expand access to critical law enforcement information at the Federal, State, and local level.

Management and Administration.—The Committee provides $30,335,000 for management and administration of the Bureau of Justice Assistance account. The Committee directs that the current hiring freeze that has been placed on the Office of Justice Programs [OJP] be lifted and that OJP actively fill all authorized vacant positions. Furthermore, the OJP is directed to provide quarterly reports to the Committee on the status of its hiring process.

Competitive sourcing.—The Department has reported to the Committee that ''OJP is not outsourcing OJP activities. OJP is undertaking a 'competitive sourcing' effort''. The Committee supports this effort if it can be assured that effectiveness is improved and savings are attained. However, utilizing competitive sourcing for a large percentage of the OJP workforce is not acceptable. The Department still needs a majority of personnel who are sworn to support and defend the Constitution of the United States against all enemies. The Committee directs that, before proceeding with any change, OJP shall provide a detailed plan to the Committees on Appropriations. The plan shall be approved by both Committees before the Department proceeds with ''competitive sourcing''.

The Office of Domestic Preparedness.—The Committee has long viewed State and local jurisdictions' ability to detect, prevent and respond to a terrorist attack as one of its highest priorities. State and local responders are first to arrive on the scene when a terrorist attack occurs and must be prepared to protect life and property. This function is inherently non-Federal, although Federal resources and expertise are needed to manage the crisis and provide support to State and local assets when an attack overwhelms their resources.

The recommendation demonstrates the Committee's continued support for the Office

of Domestic Preparedness [ODP]. ODP must continue its vital and successful program for assisting State and local response agencies. Continued funding to ODP is more critical now than ever, given the unprecedented threat to our national security that we currently face. Responding to an act of terrorism is manifestly different than responding to natural disasters. Grouping terrorism preparedness and response, especially as it concerns weapons of mass destruction [WMD], under an emergency management ''all hazards'' approach puts our first responders, as well as the general public, at risk. Treating both types of catastrophe response in the same manner does not account for the fundamental differences between the national security/law enforcement response to terrorism and the emergency management response to terrorism.

[In thousands of dollars]

	Committee recommendation
State Strategic Planning	60,000
Web Site Pilot	5,000
Equipment:	
Grants	1,047,000
Pine Bluff	10,000
Equipment Standards and Testing	15,000
POD Enhancements	20,000
NSSE POD	5,000
IAB	1,000
Emerging Equipment Demo/Test-bed program	15,000
T/A for State Plans	15,000
Subtotal, Equipment	1,128,000
Training:	
NDPC Training Program	190,000
CDP	[50,000]
LSU	[35,000]
NMT	[35,000]
TEEX	[35,000]
NTS	[35,000]
Dugway	10,000
Continuing and Emerging Training	125,000
Consequence Training	[5,000]
State Training Competitive Discretionary Grants	80,000
New Training Centers	60,000
Virtual Medical Campus	2,000
Dartmouth Institute for Security and Technology Studies	18,000
Oklahoma City National Memorial Institute for the Prevention of Terrorism	18,000
Subtotal, Training	503,000
Exercises:	
Grants	200,000
Top Officials [TOPOFF] Exercise Series	15,000
Federal, State and Local [FSL] Regional Exercise Series	5,000
Improved Response Program [IRP]	10,000
Interagency Exercise Fund	8,000
Cross-border Exercises	3,000
Prepositioned Equip. Program POD Exercises	3,000
Evaluation & After Action Program	5,000
Emerging Exercise Needs	3,000
Exercise Support Program	20,000
Subtotal, Exercises	272,000
Technical Assistance [TA]	50,000
Management and Administration	20,000
Total, Office of Domestic Preparedness	2,038,000

The recommendation includes $60,000,000 for State Strategic Planning. This funding will allow States to begin formalizing their planning for homeland security, a process that will be headed by the homeland security offices established by the Governors. ODP is directed to work with the States to reassess their response capabilities and to update and enhance their Three-Year Statewide Domestic Preparedness Strategies in fiscal year 2003. In updating and enhancing their Strategies, States are expected to consult with local governments on all aspects of their respective strategies and on the allocation of resources in support of those strategies. Also, of the funds provided, $5,000,000 is for ODP to continue a pilot project to develop a comprehensive, interactive web site to support the Nation's State and local first responders and disseminate to them a wide spectrum of critical information needed for domestic preparedness.

Equipment.—The recommendation includes $1,128,000,000 for the equipment grant program managed by the Office of Domestic Preparedness [ODP]. This program provides funding to enhance the capabilities of State and local jurisdictions to respond to and mitigate the consequences of terrorist attacks. The Committee urges ODP to work with the States to develop procedures that expedite the awarding of equipment grants. The Committee does not support the concept of requiring States to match equipment grants funds in order to qualify for funding under this program.

Of the funds provided for equipment, the recommendation includes $1,047,000,000 for grants to the States based on their approved Three-Year Statewide Domestic Preparedness Strategies. These funds are available to all States on a formula basis, as authorized by section 1014 of the USA PATRIOT ACT, (Public Law 107–56). Also of the funds provided for equipment, $10,000,000 is recommended to continue and expand ODP's successful mobile equipment training program at Pine Bluff Arsenal. The augmentation of this program will be required because of the significant increases in funding for equipment for first responders contained in this Act. Also of the funds provided for equipment, $15,000,000 is for the development of standards for personal protective, decontamination, detection, and communications equipment. These types of equipment are lacking in operational standards for use in a WMD incident. Also within the funds provided for equipment, $1,000,000 is for the Interagency Board [IAB] to continue its efforts to develop equipment standards. The IAB was established by the Justice Department in 1999 to advise and make recommendations to the Attorney General on matters concerning first responder equipment and standards. Also of the funds provided for equipment, $20,000,000 is for ODP's Prepositioned Equipment [POD] Program. This program has established sets of prepositioned equipment designated to be deployed immediately to the scene of a terrorist attack for use by first responders. This funding will provide for the maintenance and operational costs of the 11 equipment pods currently funded under this program. Also of the funds provided for equipment, $5,000,000 is recommended for the purchase and operation of an equipment pod that can be strategically positioned during designated National Security Special Events [NSSE]. This pod will provide specialized equipment for 150 responders to immediately replenish equipment that is lost, damaged, or destroyed during a WMD attack at a NSSE. Also of the funds provided for equipment, $15,000,000 is for the development of an Emerging Equipment Demonstration and Test-bed Program. This program is designed to rapidly deploy new and emerging technologies into the field for true operational testing. This program will help bring state-of-the-art technologies to first responders in the field. Finally, $15,000,000 is recommended for technical assistance for State plans.

Training.—The recommendation includes $503,000,000 for ODP for first responder training programs. Of the funding provided for training, $190,000,000 is for the continuation and expansion of the training currently underway at the existing Consortium training centers. Of this amount, the Center for Domestic Preparedness shall receive $50,000,000; Louisiana State University, New Mexico Institute for Mining and Technology, Texas A&M University, and Nevada Test Site, shall each receive $35,000,000.

The Three-Year Statewide Domestic Preparedness Strategies exposed a ''preparedness gap'' in this Nation. The number of individuals that must receive training before we can consider ourselves prepared for terrorism involving WMD is considerable. However, in order to provide training to greater numbers of responders, additional capacity must be built. Of the funding provided for training, $10,000,000 shall be used to continue an already-established program between Dugway Proving Ground and the National Domestic Preparedness Consortium [NDPC] to develop and deliver advanced bio-terrorism training utilizing the Dugway Proving Ground's specialized facility.

The Committee further expects that, with the funding provided, ODP will develop and implement a comprehensive and aggressive training standardization program. This should include the establishment of training standards for each of the key public safety disciplines involved in terrorism response. The Committee expects that all current and future training will adhere to these standards, once developed.

New Training Centers.—Of the funds provided, $60,000,000 shall be to establish new training centers. Decisions concerning the establishment of the new training centers shall be made by ODP in consultation with the Committees on Appropriations.

Dartmouth Institute for Information Infrastructure Protection.—Of the funds provided, $18,000,000 is recommended for the Institute for Information Infrastructure Protection [I3P], a consortium of not-for-profit and academic research institutions (including national laboratories operated by private contractors) managed and led by the Institute for Security Technology Studies at Dartmouth College. Within this amount, $15,000,000 is for grants. The I3P will collaborate with the Office of Science and Technology Policy, the President's Critical Infrastructure Protection Board, other relevant government agencies, and the private sector to develop a prioritized national research and development [R&D] agenda in cyber security and information infrastructure protection [IIP]. It will also fund research to address R&D priorities identified by the I3P

agenda and leadership, and promote collaboration and information sharing among cyber security and IIP research institutions in academia, industry, and government.

Oklahoma City National Memorial Institute for the Prevention [MIPT].—Of the funds provided, $18,000,000 is recommended for MIPT. MIPT's Best Practices/Lessons Learned Knowledge Base is an Internet repository where emergency responders can share best practices, observations, and lessons learned to improve our ability to combat terrorism on U.S. soil. It provides a forum for responders in every State, Territory, and community across the United States. This information sharing will allow trend analysis to strengthen civilian responder training programs, identify equipment shortfalls, and focus research agendas.

Exercises.—The recommendation includes $272,000,000 for ODP to assist State and local jurisdictions in planning and conducting WMD exercises to test and validate their terrorism response plans and make determinations regarding future needs. Based on its pre-September 11 review of the Statewide Strategies, ODP estimated that more than 2,500 State and local jurisdictions needed to conduct WMD exercises. Within the amount provided for exercises, $200,000,000 is for grants to meet critical combating terrorism exercise needs identified in the Three-year Statewide Domestic Preparedness Strategies. These grants will provide the resources to properly design, develop, conduct, and evaluate performance-based exercises under a State-administered multi-year exercise program.

In May, 2000, ODP ran the highly successful ''Top Officials'', or ''TOPOFF'', exercise. This was an exercise series which provided a cycle of performance-based exercises for Federal, State, and local officials and first responders. TOPOFF demonstrated coordinated national crisis and consequence management capabilities in response to a range of WMD threats. The Committee recommends $15,000,000 for the continuation of the TOPOFF series, with TOPOFF II scheduled to take place in May, 2003. TOPOFF II involves 9 major exercise activities, culminating in a full-scale national exercise.

Within the funds made available for exercises, $5,000,000 is for the Federal, State, and local [FSL] exercise program. This program integrates regional homeland security activities through a comprehensive cycle of exercises. This program's particular emphasis is on rural homeland security, multi-State emergency management assistance compacts [EMACS], and multi-jurisdictional mutual aid agreements [MAAs].

For the continuation of the Nunn-Lugar-Domenici [NLD] Domestic Preparedness Program, the Committee recommends $10,000,000 for the NLD Chemical and Biological Improved Response Program [IRP] to conduct analysis and evaluations of response improvements, including doctrine, plans, policies, procedures, protocols, equipment, and exercises to address terrorism involving chemical or biological weapons.

Federal, State, and local participation in national-level combating terrorism exercises is hampered by inadequate and uneven funding. This results in incomplete or diminished participation by State and local jurisdictions, thwarting effective analysis of combating terrorism preparedness. Of the funds made available for exercises, $8,000,000 shall be to establish an exercise fund, to be administered by ODP, to ensure full participation by key Federal, State, and local entities in national-level combating terrorism exercises. For periodic exercises required to test and evaluate pod deployment and use, the Committee recommends $3,000,000. Also, $3,000,000 is recommended for Cross Border Exercises with Mexico and Canada.

Due to the scope, pace, and complexity of the National exercise program, $5,000,000 is recommended for an evaluation program. This program will allow ODP to conduct evaluations of programs and program activities conducted in support of existing ODP training, exercise, technical assistance, and equipment programs.

For emerging exercise needs, $3,000,000 is recommended. The Committee directs ODP to conduct a comprehensive review of government and commercial exercise and simulation applications and methodologies. This will augment the capacity of State and local jurisdictions to effectively address their exercise requirements.

Also within funds made available for exercises, $20,000,000 is for specialized technical support to assist States and local jurisdictions in administering multi-year combating terrorism exercise programs. This assistance shall consist of direct technical support to States and local jurisdictions for exercise design, development, and evaluation, and the conduct of performance-based exercises.

Technical assistance.—The recommendation includes $50,000,000 for the ODP's technical assistance and planning support for the States. The Committee directs ODP to provide targeted, site-specific assistance to local jurisdictions. Of this amount, $7,000,000 is to develop a pilot program to field and evaluate strategies for assessing and reducing vulnerabilities at events involving large concentrations of people in both urban and rural environments. This program should establish generic vulnerability assessment tools for State and local government self-assessments; provide assistance for the application of such tools in support of State and local public and private entities responsible for coordinating such events; work with event coordinators, emergency managers, and first responders to expose vulnerabilities via exercises and simulations; identify, field, and evaluate emerging technologies and structural procedures to mitigate vulnerabilities; prepare and circulate a newsletter that describes and evaluates the performance of emerging technologies; and evaluate overall vulnerability assessment program impacts, and transition ''lessons learned'' in support of State and local planning activities.

Management and administration.—The Committee recommends $20,000,000 for the Office of Domestic Preparedness to manage the expansion of its domestic preparedness programs, as directed in this Act.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

Appropriations, 2002	$2,654,454,000
Budget estimate, 2003	751,878,000
Committee recommendation	1,368,415,000

The Committee recommends an appropriation of $1,368,415,000. This recommendation is $616,537,000 above the budget request. These funds provide assistance to State and local governments in their drug control and other law enforcement efforts as follows:

Office of Justice Programs—State and local law enforcement assistance

[In thousands of dollars]

	Committee recommendation
Local law enforcement block grant	400,000
Boys and Girls Clubs	[90,000]
Law Enforcement Technology	[20,000]
Cooperative agreement program	20,000
Indian assistance	48,000
Indian Country Prison Grants	[35,000]
Alcohol and Substance Abuse	[5,000]
Indian tribal courts program	[8,000]
Byrne grants:	
Discretionary	134,700
Drug courts	50,000
Juvenile accountability incentive block grant	249,450
Violence Against Women Act programs	390,565
Substance abuse treatment for state prisoners	70,000
Safe Return Program	900
Law enforcement family support programs	1,500
Senior citizens against marketing scams	2,000
Motor Vehicle Theft Prevention	1,300
Total, State and local law enforcement assistance	1,827,715

Local law enforcement block grant.—The Committee recommendation includes $400,000,000 to continue the local law enforcement block grant program which provides grants to localities to reduce crime and improve public safety. Of the amounts provided, $20,000,000 will be provided to NIJ to assist local units to identify, select, develop, modernize, and purchase new technologies for use by law enforcement. The recommendation for funding for the local law enforcement block grant continues the commitment to provide local governments with the resources and flexibility to address specific crime problems in their communities.

Boys and Girls Clubs.—Within the amounts provided for the local law enforcement block grants, the Committee recommends $90,000,000 for the Boys and Girls Clubs. The Committee commends Boys and Girls Clubs of America for its effort to reach all children who are in need of support and affirmation.

Indian Country Grants.—The recommendation provides $48,000,000 for Indian Country grants. Of this amount, $8,000,000 is to assist tribal governments in the development, enhancement, and continuing operation of tribal judicial systems by providing resources for the necessary tools to sustain safer and more peaceful communities and to implement Section 201 of title II of the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and $35,000,000 is for Indian Country Prison Construction. The Committee understands that the Comprehensive Indian Resources for Community Law Enforcement (CIRCLE) initiative is working well in three Indian communities in which it is deployed. The Committee urges the department to consider ways to expand the CIRCLE project into other communities. In addition, the Committee requests that not later than June 15, 2003, the Department submit a proposal to expand the CIRCLE project by integrating and coordinating resources from across the Federal agencies for purposes of Indian law enforcement, public safety, substance abuse, tribal justice systems, and facilities construction into a small grant program to Indian tribes and tribal consortia.

Within the amount for prison construction, the Committee directs that grants be provided for the following projects:

—$5,000,000 to the Standing Rock Sioux Tribe in South Dakota for a Juvenile Detention and Recovery Facility;

—$2,900,000 to the Yankton Sioux Tribe in South Dakota for the construction of a Juvenile Detention Facility;

—$900,000 to the Lower Brule Sioux Tribe for the construction of a detention facility.

Edward Byrne Grants to States.—The Committee recommendation provides $134,700,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, which is for discretionary grants.

Within the amount provided for BJA discretionary grants, the Committee expects the Bureau of Justice Assistance to provide:

—$12,000,000 for the continuation of Project HomeSafe for safety packets which include a gun locking device and information on how to handle and store guns safely. These safety packets are distributed by the foundation at no charge to any municipality that adopts the program. The Committee continues to expect that no funds be obligated for this purpose until at least an interim gun lock standard is adopted to ensure that the locks being distributed are not vulnerable to accidental or intentional disengagement. In addition, the Committee expects that a final gun lock standard be adopted no later than March 1, 2003.

—$4,500,000 for the motor vehicle title information system, as authorized by the Anti-car Theft Improvement Act.

—$500,000 for the Adams County, Pennsylvania Emergency Services Training Facility for program enhancements;

—$150,000 to the University of North Dakota's Agricultural Law Program to ensure that farmers, agribusiness and other rural residents are well informed and represented on agriculture related issues;

—$1,100,000 for an alcohol interdiction program designed to investigate and prosecute bootlegging crimes as part of a statewide effort to reduce fetal alcohol syndrome in Alaska;

—$210,000 to the Alaska D.A.R.E. Drug Rehabilitation Program for a statewide coordinator and for the implementation new DARE curriculum;

—$1,000,000 for the Alaska Native Justice Center for a restorative justice program;

—$1,540,000 for the City of Alexandria for costs related to the Moussaoui, Lind, and Hanssen trials;

—$1,500,000 for New York's Alfred University Rural Justice Institute to provide support services to youths and families who are victims of domestic violence;

—$1,500,000 for the An Achievable Dream in Newport News, Virginia, which provides services to ask-risk youth to help them perform better academically and socially;

—$750,000 for the Arizona Criminal Justice Commission;

—$250,000 to the Beaverton, Oregon Police Department for the Identity Theft Prevention Initiative;

—$200,000 to the Bristol, Rhode Island Police Department for the outfitting of, and support training for, a mobile command post;

—$500,000 for the Oglala Sioux Tribe in South Dakota to automate the functions of the court system, so as to enhance the capacity of the Oglala Sioux Tribe justice system to arrest, prosecute, convict, and rehabilitate offenders;

—$350,000 for the Children's Medical Assessment Center in South Carolina to extend forensic healthcare services to outlying rural areas, and to extend the tracking and medical case management programs to all law enforcement jurisdictions in the local Tri-County area;

—$150,000 to the Chattanooga Endeavors program in Tennessee to expand services and establish new public-private partnerships;

—$500,000 for the Chicago Project for Violence Prevention in Illinois;

—$750,000 to the City of Cincinnati, Ohio to improve training for police recruits and current officers;

—$1,000,000 to the City of Ocean Springs, Mississippi to equip an Emergency Management and Public Safety Facility;

—$250,000 for the City of Wellston, Missouri for a holding cell;

—$500,000 for the Community Safety Initiative in Kansas City, Missouri;

—$100,000 for the Criminal Justice Institute in Arkansas for DNA training and law enforcement;

—$750,000 to Iowa State University for the creation of a Cyber Protection Laboratory which will test and evaluate computer crime defense mechanisms;

—$2,750,000 for the D.A.R.E. program to retrain all D.A.R.E. officers nationwide and produce D.A.R.E. workbooks;

—$1,000,000 to the Alaska Department of Corrections for a web based corrections offender information system, to be implemented in cooperation with Utah, New Mexico, Colorado, and Idaho;

—$499,477 for the New Mexico Administrative Office of the Courts to establish Dependency Drug Courts in three judicial districts;

—$80,000 to the Marysville, California police department for a mobile command center;

—$2,000,000 to the South Carolina Department of Natural Resources for expanded responsibilities related to homeland security;

—$300,000 to the Metropolitan Family Services in Illinois for the Domestic Violence and Substance Abuse program;

—$600,000 for Tulane University in Louisiana for a domestic violence clinic;

—$200,000 to the Native American Community Board in Lake Andes for the continuation of the Domestic Violence shelter and Community Prevention Program;

—$300,000 to the Rhode Island Coalition Against Domestic Violence for the establishment of the Rhode Island Supreme Court's Domestic Violence Training and Monitoring Unit (DV Unit);

—$1,000,000 for the TRIAD senior fraud prevention program;

—$550,000 for the Albuquerque, NM DWI Resource Center to fund drunk driving awareness and prevention programs;

—$215,000 to Edmunds County, South Dakota for a county-wide emergency warning system;

—$4,000,000 for the Eisenhower Foundation for the Youth Safe Haven program;

—$5,750,000 to establish the Emergency Providers Access Directory [EPAD], which provide a comprehensive list of all State and local first responders so that resources can be quickly marshaled in the case of future large scale disaster.

—$50,000 for the Court Appointed Special Advocate [CASA] program in Davison, South Dakota which will provide advocates for children in the First Circuit;

—$200,000 for Franklin County, New York's Domestic Violence Intervention Program to establish a third shelter in Northern New York and to increase the program's outreach efforts;

—$500,000 to Gallatin County, Montana for the Gallatin County Re-Entry Program to provide supervision, support, and training to offenders referred by Gallatin County Courts;

—$500,000 for the Las Vegas Metropolitan Police Department's Hispanic American Resources Team [HART] to provide enhanced resources to Las Vegas' Hispanic community;

—$30,000 to the Huntington County, Pennsylvania Courthouse for security enhancements;

—$750,000 for the Sam Houston State University in Texas to establish the Institute for the Study of Violent Groups;

—$750,000 for the Iowa Elderly Fraud Prevention Initiative;

—$1,000,000 to the Iowa Department of Public Health for an intense drug treatment initiative aimed at nonviolent drug offenders serving time in Polk, Linn, and Story counties;

—$1,000,000 for Jane Doe, Inc. in Massachusetts;

—$1,500,000 to Jefferson County Alabama for an county-wide Emergency Warning System;

—$1,970,000 for the Lewis and Clark Bicentennial Bi-State Safety Project to provide safety mechanisms, medical services, and communications systems for visitors to the Lewis and Clark trail during the Bicentennial Commemoration;

—$2,000,000 for the New Hampshire Department of Safety to train safety and municipal officers in the North Country (Litteton Area Learning Center);

—$3,000,000 for the Mental Health Courts Program in accordance with the America's Law Enforcement and Mental Health Project Act;

—$300,000 for Louisiana's Metropolitan Battered Women's Program;

—$240,000 to the Minneapolis, Minnesota Police Department for its Crises Intervention Team;

—$1,000,000 to the University of Mississippi for TechLaw online training for police;

—$400,000 to continue support for an innovative and effective program which helps single head-of-household women with children reject a life of crime and drugs and build a self supporting lifestyle;

—$4,750,000 for the Executive Office of U.S. Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center;

—$400,000 for the New Hampshire Department of Safety to purchase two Remotec Andres V–A1 hazardous duty robot;

—$5,000,000 for the National Center for Justice and the Rule of Law at the University of Mississippi School of Law to sponsor research and produce judicial education seminars and training for judges and other criminal justice professionals;

—$6,000,000 to continue the effective crime prevention program (McGruff the Crime Dog) and meet the enormous demand from local law enforcement organizations regarding effective crime prevention practices;

—$3,000,000 for the National Fatherhood Institute, the National Physicians Center for Family Resources, and the Alabama Police Institute to study the causes and consequences of out-of-wedlock childbirth and its impact on criminal activity;

—$150,000 to the University of North Dakota's Native Americans into Law program to recruit and retain American Indian law students;
—$270,000 to the University of South Carolina for the National Center for Prosecution Ethics;
—$250,000 to the University of South Carolina's Children's Law Office for programs to improve the professional practice in child maltreatment and juvenile justice in South Carolina;
—$600,000 to the New Hampshire Department of Corrections for the purchase of digital radios to allow officers in the Department to communicate with other law enforcement officers around the State;
—$500,000 for program expansion at the Northeastern Illinois Public Safety Training Academy;
—$185,000 for South Dakota's Northern Hills Area court Appointed Special Advocate [CASA] Program for the expansion of the volunteer advocate network and to create an extension office to serve the Fourth Circuit;
—$5,000,000 to the New York City Police Department for safety equipment to respond to a chemical or biological incident;
—$3,000,000 for the New Hampshire State Police's and US Attorneys Office's cooperative effort to combat crime at the border, gang-related crime, and in investigating outlaw motorcycle gangs;
—$350,000 to Alaska's Partners for Downtown Progress for an innovative program for alcohol offenders, using treatment in lieu of incarceration;
—$500,000 for the Philadelphia, Pennsylvania Safe Streets Initiative;
—$500,000 for the Pittsburgh, Pennsylvania Police Bureau's Virtual Perimeter Video Surveillance system, which allows live monitoring of multiple locations by robotic cameras;
—$410,781 for the Colorado Springs, Colorado Police Department to integrate the Police Accountability and Service Standards (PASS) Model department-wide;
—$300,000 to the Rhode Island Select Commission on Race and Police-Community Relations for its Police Professionalism Initiative;
—$350,000 for Turtle Mountain Community College's 'Project Peacemaker' which seeks to increase the number of American Indians trained in either Tribal government or law;
—$8,250,000 for the South Carolina State Ports Authority [SCSPA] for the implementation of Project Seahawk. This project is designed to enhance security at and around the Port of Charleston. Funding is provided for the acquisition of communications equipment, computer software and hardware technology, and research and development needed to execute the project;
—$3,000,000 to include New Hampshire police, medical and fire services in a comprehensive public safety training and communications system;
—$105,000 for the Multnomah County, Oregon sheriff's Office to purchase portable radios to be used by the fifty-one members of its reserve unit;
—$1,000,000 for the Ridge House Treatment Facility to provide stabilization, habilitation, and re-entry skills to the Nevada criminal justice population;
—$250,000 for Riverfront District Community Policing Stations in Montgomery, Alabama;
—$500,000 to the Robinson Community Learning Center in South Bend, Indiana to support efforts at reducing the rate of local youth violence and young adult homicide;
—$100,000 to the Safe Harbor Domestic Violence Shelter in Aberdeen, South Dakota for equipment and programming;
—$2,500,000 for the Salt Lake Valley, Utah Emergency Communications Center;
—$2,000,000 for the San Joaquin Valley, California Rural Agricultural Crime Prevention Program;
—$450,000 for the City of Savannah, Georgia to expand the Savannah Impact Program [SIP];
—$2,000,000 for continued support for the expansion of Search Group, Inc. and the National Technical Assistance and Training Program to assist States, such as West Virginia, to accelerate the automation of fingerprint identification processes;
—$1,750,000 to the City of Fairfield, California for planning, equipment, and training necessary for response in the event of an emergency involving hazardous materials;
—$2,000,000 for Standing Against Global Exploitation [SAGE] to replicate and expand training materials, regional training modules, and intensive technical assistance for survivors of prostitution, sexual exploitation, violence, abuse, and trauma;
—$250,000 to the State of Wisconsin Court Interpreter's Program for statewide training programs for current and potential court interpreters;
—$1,000,000 to Stop the Violence in South Carolina for programs to reduce crime and create sustainable neighborhood development through a successful model of community involvement;
—$180,000 for the Homeless Outreach Team [HOT] in San Diego, California which assists the homeless in San Diego in being placed in the appropriate social services programs;
—$1,500,000 for the National Judicial College in Reno, Nevada to provide education and training to judges, focusing particularly on judicial proficiency, competency, skills, and productivity;
—$2,500,000 for the Tools for Tolerance Program;
—$5,000,000 for grants to implement Sections 101, 102, and 103 of Title I of the Indian Tribal Justice Technical and Legal Assistance Act of 2000;
—$508,476 for the Shonshone-Bannock Tribe at the Fort Hall Reservation in Idaho. Funds will be used for the architectural and engineering fees associated with construction of a new Justice Center;
—$400,000 to the University of New Hampshire for the violent crime against women on campus reduction program;
—$3,000,000 for the development of a security system at the Emergency Operations Center located in Virginia;
—$1,000,000 for Washington County, Oregon for its County Alcohol and Drug Free Housing project;
—$250,000 to the University of Southern Colorado for the Western Forensic Science and Law Enforcement Training Center;
—$200,000 to the Yell County, Arkansas Juvenile Detention Center for drug and alcohol detoxification, counseling, and rehabilitation program; and
—$500,000 for Montana's Yellowstone County Family Drug Court which provides services to parents and guardians whose children have been removed from the home because of abuse or neglect due to substance abuse.

Drug courts.—The Committee recommends $50,000,000 for drug courts. The Committee notes that localities can also access funding for drug courts from the Local Law Enforcement Block Grant and Juvenile Accountability Block Grant. In addition, the Committee directs OJP to provide a report to the Committee no later than December 31, 2003, on the long term sustainability of the drug courts being established under this program.

Juvenile accountability incentive block grant.—The Committee recommends $249,450,000 for the Juvenile Accountability Incentive Block Grant Program to address the growing problem of juvenile crime by encouraging accountability-based reforms at the State and local level.

Violence Against Women Act programs.—The Committee recommends $390,565,000 for grants to support the Violence Against Women Act. Grants provided under this recommendation are for the following programs:

Violence Against Women Act programs

[In thousands of dollars]

	Committee recommendation
General formula grants	184,765
National Institute of Justice	5,200
OJJDP-Safe Start Program	[10,000]
BJS Study of domestic violence case processing	1,000
Grants to encourage arrest policies	65,000
Rural domestic violence	40,000
Legal Assistance Program	40,000
Campus Violence Program	10,000
Elder Abuse, Neglect, and Exploitation	5,000
Safe Haven Program	15,000
Education and Training to Assist Disabled Female Victims	7,500
Stalker Database Expansion	3,000
Training programs	5,000
Victims of child abuse programs:	
Court appointed special advocates [CASA]	12,000
Training for judicial personnel	2,300
Grants for televised testimony	1,000
Total, VAWA programs	390,565,000

The fiscal year 2003 funding will be used to develop and implement effective arrest and prosecution policies to prevent, identify, and respond to violent crimes against women, strengthen programs addressing stalking, and provide much needed victims services. This includes specialized domestic violence court advocates who obtain protection orders. In addition, programs should be strengthened to encourage reporting of domestic violence by providing assurances that law enforcement and attorney support systems would be available. This funding is to be distributed to States to significantly enhance the availability of services, prosecutors, and law-enforcement officials to women and children who are subjected to domestic violence. The fiscal year 2002 Senate Report required the Department to submit a report detailing a plan to address violence against

women with particular emphasis on Alaska which ranks first in the Nation for domestic violence and child abuse. The report was to be completed by May 1, 2002, but has yet to be received by the Committee. The Department is directed to provide monthly updates on its progress until the report is completed as required.

Substance abuse treatment for State prisoners.—The Committee recommends $70,000,000, for the Residential Substance Abuse Treatment Program for State Prisoners [RSAT]. The RSAT Program provides financial and technical assistance to assist State and local governments in developing and implementing residential treatment programs within State and local correctional and detention facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment. Consistent with the authorizing statute, States must agree to require drug testing of individuals enrolled in the treatment program and give preference to projects that assist in the placement of program participants with community-based aftercare services, such as parole supervision, education and job training, and halfway houses. In addition, as in fiscal year 2002, up to 10 percent of the total program level maybe used for the treatment of parolees. These grants should only fund treatment for individuals up to 1 year after they are released from a State prison.

Safe Return Program.—The Committee recommends $900,000 to continue and expand training of law enforcement and other emergency response personnel to locate missing Alzheimer patients.

Law enforcement family support programs.—The Committee recommendation provides $1,500,000 for this program to assist Federal, State, and local law enforcement agencies in developing and implementing policies and programs to reduce stress and provide appropriate support services for law enforcement officers and their families.

Senior citizens against marketing scams.—The recommendation provides $2,000,000 for this program to assist law enforcement in preventing and stopping marketing scams against the elderly. The Committee requests that some program sessions be held at the National Advocacy Center. Also, the Committee directs that this effort be coordinated with the Federal Trade Commission.

Motor Vehicle Theft Prevention.—The recommendation provides $1,300,000 for grants to combat motor vehicle theft.

WEED AND SEED PROGRAM

Appropriations, 2002	$58,925,000
Budget estimate, 2003	58,925,000
Committee recommendation	58,925,000

The Committee recommends an appropriation of $58,925,000. The recommendation is identical to the budget request.

The Committee also recommends bill language, similar to that included in previous fiscal years, making funds available for grants or agreements with State agencies or to reimburse Federal agencies in order to execute the weed and seed strategy, and also allows for the use of other Department of Justice funds to support the Weed and Seed Program.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

Appropriations, 2002	$1,050,440,000
Budget estimate, 2003	1,381,034,000
Committee recommendation	1,120,228,000

The Committee recommends $1,120,228,000 for the Community Oriented Policing Services [COPS]. The recommendation is $310,406,000 below the budget request, which included $800,000,000 for the proposed Justice Assistance Grant Program that was to be transferred to OJP and that the Committee does not fund. The Committee provides funding under this account as follows:

Public Safety and Community Policing Programs

COPS Hiring Program.—The Committee recommends $330,000,000 for the COPS hiring program. Within the amounts available for officer hiring, up to $180,000,000 is available for the hiring of school resource officers. To date, the COPS Office has made over 32,700 grants to more than 12,400 of the Nation's 18,000 law enforcement agencies. Through its hiring grant programs, COPS has funded over 114,000 officers, including 4,500 School Resource Officers. The Committee does not support the Administration's proposal of eliminating the COPS hiring programs. There continues to be a need at the State and local level for additional law enforcement officers, especially in light of the fact that the nation's first responders are now recognized as the front line of defense against future terrorist attacks.

The Committee also recognizes that State and law enforcement agencies depend on technology and communications equipment to perform their jobs safely and effectively. Therefore, the Committee includes language for a new communications technology grant program under the COPS Crime-Fighting Technologies section of this report.

Protecting our children.—Terrorists have the ability to confront the United States with contingencies we have never considered. One such contingency involves our children. Therefore, the Committee provides $10,000,000 for training to assist school resource officers in preventing terrorist acts aimed at schools. The officers will be trained in non-intrusive defensive measures to reduce the vulnerability of schools to terrorist attacks and offensive measures to prevent, deter, and respond to terrorism. The Committee directs that a report be provided to the Committees on Appropriations no later than April 5, 2003, to include a spending plan for this effort.

Training and Technical Assistance.—The COPS Office has created a network of Regional Community Policing Institutes [RCPIs] that are strategically located throughout the country and make up a national network that disseminates training and technical assistance to officers and community members on a diverse array of issues, including community policing, the effective use of computers and communications technology, and police integrity. To date, more than 173,000 law enforcement personnel and community members have been trained through the RCPI network and the Community Policing Consortium. The Committee recommendation includes $21,000,000 for COPS to continue providing training and technical assistance to the law enforcement community.

Indian Country.—The Committee recommendation includes $40,000,000 to be used to improve law enforcement capabilities on Indian lands and native villages, both for hiring uniformed officers, including village public safety officers, and for the purchase of equipment and training for new and existing officers. The Committee recommends that 5 percent of the COPS funds be provided directly to tribal judicial systems to assist Tribal courts with the increased caseload associated with the increased arrests as a result of the additional funds for tribal law enforcement.

Police Corps.—The Committee recommends $15,000,000 for the Police Corps Program. The Committee understands that the Police Corps program has sufficient unobligated balances available to allow the program to maintain its activities in fiscal year 2003 at the prior year level.

Methamphetamine Enforcement and Clean-Up.—The Committee recommends $45,000,000 for State and local law enforcement programs to combat methamphetamine production and distribution, to target drug ''hot spots,'' and to remove and dispose of hazardous materials at clandestine methamphetamine labs. Since fiscal year 1998, COPS has provided $141,900,000 in funding to more than 60 State and local law enforcement agencies to hire personnel, purchase equipment, and clean-up labs, as well as obtain training in methamphetamine related interdiction tactics, investigation, and prosecution.

Within the amounts provided, the Department is expected to review, in consultation with DEA, the following proposals, provide grants if warranted, and report to the Committees on its intentions:

—$500,000 for personnel, training, and equipment under the Arizona Methamphetamine Initiative;
—$2,000,000 to the Arkansas State Police for the Arkansas Methamphetamine Law Enforcement Initiative;
—$414,977 for the Oklahoma Bureau of Narcotics and Dangerous Drug Control to properly train and equip officers for operations involving clandestine methamphetamine labs;
—$150,000 for the Criminal Justice Institute at the University of Arkansas at Little Rock to train rural law enforcement officers in the issues of safety, investigation, and evidence collection related to methamphetamine production;
—$1,000,000 for the Iowa Office of Drug Control Policy to combat the spread of methamphetamine in east central counties through intelligence gathering, enforcement, and lab clean up operations;
—$5,000,000 for Hawaii County, Hawaii to carry out enforcement, prosecution, and cleanup activities associated with the manufacture, use, and distribution of methamphetamine;
—$1,500,000 for the Indiana State Police to combat the production, distribution, and use of methamphetamine;
—$500,000 to the Iowa Office of Drug Control Policy to create a secure intelligence system;
—$400,000 for the Iowa Tanks-A-Lock project to equip anhydrous ammonia tanks with locking mechanisms that prevent theft by manufacturers of methamphetamine;
—$250,000 for the Jackson County, Mississippi Sheriff's Department to combat methamphetamine;
—$1,000,000 to the Nebraska State Patrol for a Methamphetamine Drug Use Enforcement and Research Program. Funding is provided for drug treatment, enforcement enhancements, and laboratory enhancements;
—$200,000 to Marion County, Oregon for its Meth Lab Surveillance and Eradication project, which will provide law enforcement with training, equipment, and an improved communications system;
—$5,000,000 for the continuation of the Washington State Methamphetamine Program;
—$1,750,000 for the Mississippi Bureau of Narcotics to combat methamphetamine

and to train officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$3,500,000 for the Missouri Drug Eradication Initiative, to be divided among Missouri's 29 drug task forces. This amount includes $200,000 for the Jefferson County Sheriff's Office, and $50,000 for the Phelps County Sheriff's Department I–44 Drug Interdiction Project;

—$1,500,000 for MoSmart. Funding is to assist sheriffs and rural drug task forces in combating methamphetamine production, use, and distribution by providing needed equipment, training, and lab clean up resources;

—$1,500,000 for the Sioux City, Iowa Regional Methamphetamine Training Center, to provide training to officers from eight States;

—$500,000 for the Minot State University, ND, rural methamphetamine project;

—$1,000,000 to the Central Utah Narcotics Task Force for the Sevier Region Methamphetamine Project;

—$500,000 for the Iowa Office of Drug Control Policy to combat the spread of methamphetamine in south central Iowa through intelligence gathering, enforcement, and lab clean-up operations;

—$1,000,000 to the Vermont Department of Public Safety to support the Vermont Drug Task Force;

—$1,400,000 for the Wisconsin Methamphetamine Law Enforcement Initiative; and

—$1,250,000 for Yellowstone County, Montana's Methamphetamine Initiative which will focus on increased drug enforcement and clean-up.

Bullet-proof Vests Grant Program.—The Committee recommendation includes $26,000,000 to continue this program for formula grants to States, local governments, and Indian tribes to be used for the purchase of armored vests for law enforcement officers in the jurisdiction of the grantee.

Crime-Fighting Technologies Programs

Law Enforcement Technology Program.—The Committee recommends $128,815,000 for continued development of technologies and automated systems to assist State and local law enforcement agencies in investigating, responding to and preventing crime.

Within the amount provided, the COPS office should examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

—$650,000 to the City of El Centro, California for the purchase of 800 MHZ portable and mobile radios for emergency operations;

—$3,000,000 to the City of Owensboro, Kentucky and Daviess County, Kentucky to implement an improved emergency responder and 911 operations system;

—$250,000 to the City of Flint, Michigan for upgrades to its 911 emergency response system;

—$750,000 for the Abilene, Texas Police Department to upgrade and expand the emergency response and communications network;

—$2,000,000 to the State of Alaska to build statewide shared multi-agency communications network;

—$1,500,000 for the Alaska Department of Public Safety to upgrade its communications systems;

—$100,000 for the Brooklyn, Ohio Police Department to purchase a computer aided dispatch system and mobile data terminals;

—$1,500,000 for Brown County, South Dakota to replace radio equipment, modernize the telephone infrastructure, and purchase computer-aided dispatch technology for the county's Regional Communications Center;

—$3,500,000 to the City of Jackson, Mississippi for the public safety automated technologies system;

—$375,000 for South Dakota's Cheyenne River Sioux Tribe to modernize its current court system by upgrading computer systems and acquiring court service processors;

—$200,000 to the Choctaw County, Alabama Emergency Management Agency for a Emergency Warning Notification System;

—$1,400,000 for the City of Cincinnati, Ohio to implement a record management system;

—$2,000,000 to the City of Seattle, Washington for digital video surveillance cameras;

—$2,000,000 to the City of Oceanside, California to upgrade the public safety radio system;

—$30,000 to the Charter Township of Mt. Morris, Michigan for closed circuit video camera technology;

—$8,000,000 for a grant to the Southeastern Law Enforcement Technology Center's Coastal Plain Police Communications initiative for regional law enforcement communications equipment. The State capitol of Columbia should be given due consideration in this year's implementation;

—$1,250,000 to the Columbia, Mississippi Police Department for technology;

—$8,000,000 for the Consolidated Advanced Technologies for Law Enforcement [CAT lab] Program;

—$910,000 for the City and Borough of Juneau, Alaska for equipment and technology enhancements at the Juneau Dispatch and Evidence Center;

—$300,000 for the City and Borough of Ketchikan, Alaska for an Emergency and 911 Dispatch system;

—$3,400,000 to Montgomery County, Maryland to establish an integrated criminal justice information system;

—$1,500,000 for the Rockville, Maryland Police Department to upgrade communications, records management, and emergency services systems;

—$1,000,000 to the City of Wasilla, Alaska for a regional dispatch center;

—$800,000 for the City of Jackson, Tennessee to install mobile data terminals in police vehicles;

—$1,000,000 to the City of Memphis, Tennessee to install a regional law enforcement communications system;

—$2,000,000 for Cowlitz County, Washington to replace its emergency response radio system;

—$7,100,000 for the Southwest Border Anti-Drug Information System of which $3,500,000 is to go to the State of Idaho;

—$950,000 to equip the Critical Infrastructure Protection Project [CIPP] in Virginia;

—$500,000 for Curry County, Oregon to fund upgrades and repairs needed to maintain the integrity of the communications system;

—Up to $3,000,000 for the acquisition or lease and installation of dashboard mounted cameras for State and local law enforcement on patrol. One camera may be used in each vehicle, which is used primarily for patrols. These cameras are only to be used by State and local law enforcement on patrol;

—$1,500,000 for the Delaware State Police to upgrade communications and video capabilities, purchase a real-time x-ray machine, and portable receivers;

—$250,000 to the City and County of Denver, Colorado for an intelligent emergency service dispatch system;

—$1,500,000 for the City of Des Moines, Iowa to develop a regional geographic information system that will enhance homeland defense and emergency response capabilities;

—$500,000 for the Downriver Mutual Aid Data Network for an 800 mhz digital communications system;

—$500,000 to Eau Claire County, Wisconsin's Police Communications Project for a computer aided dispatch and records management system;

—$500,000 to the Sandy City, Utah Police Department for an automated records storage and communications system to operate in conjunction with the court system;

—$4,250,000 for the Montana Public Safety Services Office to acquire enhanced 9–1–1 communications technology;

—$1,000,000 for Hamilton County, Ohio to replace and upgrade the current dispatch system;

—$2,500,000 to the Harrison County, Mississippi Sheriff's Department for the Public Safety Automated Systems project;

—$400,000 to the Indianapolis, Indiana Police Department to upgrade the existing laptop computer system to a wireless land area network;

—$850,000 to the National Center for Victims of Crime INFOLINK Program;

—$1,500,000 for Jefferson County, Alabama to upgrade the public safety radio system and improve interoperability;

—$1,000,000 to the Johnson County, Kansas Sheriff's Department for a computer-aided dispatch system;

—$200,000 for the Town of Johnston, Rhode Island to acquire mobile data computers, a video surveillance system for police headquarters, and an automated telephone system;

—$1,000,000 to the State of Kansas for the Public Safety Communications Network;

—$25,000 to Bath and Menifee Counties in Kentucky for the purchase of law enforcement equipment;

—$60,000 to the Rowan County, Kentucky Sheriff's Office and the Morehead Police Department for the purchase of radar units, mobile cameras, communications equipment, a records management system, and other investigative equipment;

—$3,000,000 for Law Enforcement On-Line [LEO] information system which provides criminal justice information to law enforcement agencies throughout the country;

—$1,000,000 to the University of Houston in Texas to acquire, test, evaluate, and expand upon existing police vehicle technology;

—$95,000 for Leake County, Mississippi for police technology and equipment;

—$3,000,000 for the Louisiana Commission on Law for a statewide Technology Coordination Project;

—$1,500,000 to the City of Madison, Wisconsin Police Department's Consolidated Communications Project for new hardware, software, data conversion, training, and project administration;

—$1,000,000 to the Maine State Police for a new voice and data communications system;

—$1,500,000 to the Metropolitan Radio Board in Minnesota for a regional, digital public safety communications system;
—$2,000,000 for the City of Milwaukee, Wisconsin's Police Department to purchase and install mobile digital radios in its squad cars, and to increase public access to data through GIS crime mapping and other technologies;
—$5,000,000 for Minnehaha County, South Dakota to upgrade its existing communications system and to link with the new State of South Dakota Radio System;
—$2,250,000 to the Missouri Police Chiefs Association for technology, equipment, and regional training;
—$250,000 to the Madisonville, Kentucky Police Department for mobile data terminals;
—$500,000 to the City of Montrose, Colorado for a records management system and related technology to interface with the public safety communications system;
—$20,000 to Moody County, South Dakota for upgrades to the emergency response communications system;
—$750,000 to the Town of Mountain Village, Colorado for a regional public safety communications system;
—$2,500,000 for the County of Bergen, New Jersey to implement a multi-agency radio communications system that will provide interoperability capability across all agencies and integrate the operations of the Bergen County government;
—$5,000,000 to the Pegasus Research Foundation, Inc., in coordination with the National Sheriff's Association, for a multistate information system that will enable local law enforcement agencies to share important criminal justice information;
—$2,500,000 for the New Castle County, Delaware Police Department for a new records management system, additional computers and software, and surveillance equipment;
—$1,200,000 to the Kenton County, Kentucky Sheriff's Office for communications system improvements;
—$400,000 to the New Hampshire Department of Public Safety to provide equipment and technology to ten small law enforcement agencies throughout New Hampshire;
—$400,000 to the Newago County Office of Administration for the acquisition of an 800 mhz digital communications system;
—$4,000,000 to the New Hampshire Police Standards and Training Facility to purchase technology and equipment for training recruits;
—$350,000 for the City of Huntsville, Alabama to upgrade computer systems in police headquarters and district stations;
—$575,000 for the Billings, Montana Police Department for vehicle enhancements, including automatic vehicle locators, in-car report writing modules, and mobile roaming technology;
—$1,050,000 for the Towns of Barre, St. Albans, and Springfield, Vermont to be divided equally, providing $350,000 for each. This funding will be used to upgrade communications capabilities and for the purchase of mobile data terminals;
—$1,000,000 for the Lubbock, Texas Police Department to purchase mobile data terminals and related software;
—$1,000,000 for Project Hoosier SAFE–T, a Statewide emergency response and telecommunications project;
—$3,250,000 for the County of Passaic, New Jersey for the purchase of a trunked radio system;
—$1,500,000 for the Oklahoma Department of Public Safety to provide comprehensive radio and data communications capabilities for all emergency response agencies units in Oklahoma;
—$400,000 for the Louisville-Jefferson County, Kentucky Public Safety Communications System to study requirements and develop a plan to implement a common interoperable voice and data communications system for public safety organizations in the metropolitan area;
—$500,000 to the City of Santa Rosa, California for radio communications and emergency response systems upgrades;
—$1,500,000 for the Borough of Fort Lee, New Jersey to improve the emergency services radio system;
—$2,000,000 to the North Carolina State Highway Patrol for the development and implementation of an interoperable Voice Trunking Network [VTN] real-time voice communication system throughout the State;
—$300,000 to REJIS for the establishment of a computer information system to serve the St. Louis Region;
—$2,000,000 for the Montana Sheriff's & Peace Officers Association for a reverse 9–1–1 system which will allow State and local officials to distribute emergency information to citizens over their phone lines using auto-dialing technologies;
—$800,000 to the Rockdale County, Georgia Sheriff's Office to purchase mobile data computers and in-car video systems;
—$1,850,000 to San Miguel County, New Mexico Emergency Services for a county wide communications system;
—$1,850,000 to Simpson County, Mississippi for a public safety automated technologies system;
—$2,500,000 for South Dakota's Sheriffs and Police Chiefs Association to acquire communications equipment, computers, and other crime-fighting technologies;
—$4,000,000 for a grant for the Southeastern Law Enforcement Technology Center to partner with SPAWAR to advance research and development into software radio technology;
—$1,500,000 to the Oklahoma Department of Public Safety for a statewide public safety communications system;
—$1,500,000 to the Kansas City, Missouri Police Department for mobile data terminals;
—$2,500,000 to Wake County, North Carolina's Department of Public Safety and Emergency Management for technology infrastructure improvements for law enforcement vehicles;
—$300,000 for the Pike County, Illinois Sheriff's Department to upgrade law enforcement technologies and modernize equipment;
—$50,000 for the City of West Point, Kentucky for the purchase of law enforcement equipment;
—$2,000,000 for the training of village public safety officers and small village police offices and acquisition of emergency response and search and rescue equipment for rural communities;
—$8,000,000 for a grant to the Statewide Communications System initiative in Virginia for regional law enforcement interoperable communications equipment;
—$250,000 to the Warren County, Mississippi Sheriff's Department for technology enhancements;
—$125,000 for the Wilkinson County, Mississippi Sheriff's Department for police technology and equipment;
—$1,500,000 for the Wilmington, Delaware Police Department to purchase surveillance cameras, metal detectors, and protective suits for responding to hazardous materials incidents; and
—$300,000 to the Wyoming Law Enforcement Academy in Douglas, Wyoming for technology upgrades.

The COPS Interoperable Communications Technology Program.—The Committee recommends $100,000,000 for the Office of Community Oriented Policing Services [COPS] Interoperable Communications Technology program, to be designed and implemented by the COPS Office, in consultation with the Office of Science and Technology [OS&T] within the National Institute of Justice, as well as the Bureau of Justice Assistance [BJA]. The Committee seeks to utilize the expertise of all three organizations so as to create a grant program that is highly responsive to the immediate needs of the State and local law enforcement community and that takes full advantages of the expertise and lessons learned from OS&T's and BJA's research and development in the field of interoperable law enforcement communications, particularly project AGILE. In addition, the Committee is aware that the Office of Domestic Preparedness and the National Institute of Standards and Technology [NIST] have significant experience in law enforcement communications, and therefore it is also recommended that COPS seek guidance from these agencies when designing and implementing this program.

This program should address the critical need of law enforcement to improve cross-jurisdictional communication and information sharing. The Committee directs the COPS Office to develop and submit to the Committee, no later than 45 days after the implementation of this Act, proposed guidelines for the program. Consistent with the COPS Office's existing grant programs, the COPS Interoperable Communications Technology program should include a 25 percent local match requirement. The Committee is aware that the Federal Emergency Management Administration [FEMA] has a similar program designed for Fire Departments and EMS, and therefore COPS should consult with FEMA to ensure that these programs are providing compatible communications equipment that will allow interoperability among all first responders in a given jurisdiction. The Committee urges that grants under these programs be used, when applicable, to purchase cost effective solutions, which allow agencies to make existing communications systems interoperable. Because of the complexities associated with these systems, the Committee provides $3,000,000, within available amounts, to be transferred to the Bureau of Justice Assistance to provide technical assistance, utilizing OS&T's expertise, to grantees regarding the implementation of the equipment.

The Committee understands and support the need for minimum standards for law enforcement communications technology. Therefore, OS&T should assist COPS in incorporating existing minimum standards into the formulation of this grant program. The Committee also provides, within available amounts, $5,000,000 to be transferred to NIST to continue the efforts of the Office of Law Enforcement Standards [OLES] regarding the development of a comprehensive suite of minimum standards for law enforcement communications.

In addition, the Committee is aware that a number of cross band repeaters have been distributed by the Federal Government to local jurisdictions throughout the United States. The Committee directs that NIJ provide an inventory no later than March 1, 2003 regarding the locations of all of these systems.

Crime Identification Technology Act.—The Committee recommends $45,000,000 to be used and distributed pursuant to the Crime Identification Technology Act of 1998, Public Law 105–251, of which $11,000,000 is to be transferred to the NIJ to develop technologies to improve school safety. Under that Act, eligible uses of the funds are (1) upgrading criminal history and criminal justice record systems; (2) improvement of criminal justice identification, including fingerprint-based systems; (3) promoting compatibility and integration of national, State, and local systems for criminal justice purposes, firearms eligibility determinations, identification of sexual offenders, identification of domestic violence offenders, and background checks for other authorized purposes; (4) capture of information for statistical and research purposes; (5) developing multi-jurisdictional, multi-agency communications systems; and (6) improvement of capabilities of forensic sciences, including DNA.

Within the overall amounts recommended, the OJP should examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

—$500,000 to the Arkansas Crime Information Center and the Arkansas Sheriff's Association for Phase II of the JailNet project;
—$2,000,000 to the Arkansas State Police for its Automated Fingerprint Identification System;
—$1,500,000 to the Ogden City, Utah Police Department for an automatic finger print identification system [AFIS];
—$800,000 for a Centralized Sex Offender Registry Program for the State of Colorado;
—$2,000,000 for CJIS WareNET to connect all State law enforcement agencies into one information database;
—$250,000 to the Ogden City, Utah Police Department for a consolidated records management system;
—$2,500,000 for the Alaska Criminal Justice Information System to integrate Federal, State, and local criminal records along with social service and other records. It expects the system design to include the capability to provide background checks on potential child care workers for child care providers and families with the permission of the job applicant. The State should consult with the National Instant Check System for technical expertise;
—$7,500,000 for the South Carolina Judicial Department to purchase equipment for the integration of the case docket system into a state-of-the-art comprehensive database to be shared between the court system and law enforcement;
—$2,000,000 to the Vermont Department of Public Safety for the Criminal Justice Integration System Project;
—$3,000,000 to the Minnesota Department of Public Safety for the integrated criminal justice information system titled CriMNet;
—$200,000 for Pennsylvania's Cross Current Corporation Criminal Justice County Integration Project;
—$1,500,000 to the Sandy City, Utah Police Department for an automated records storage and communications system to operate in conjunction with the court system;
—$100,000 to the Ogden City, Utah Police Department for a facial recognition system;
—$2,000,000 to the Great Cities Universities Coalition in Georgia for criminal justice data gathering and analysis;
—$1,250,000 to the City of Gulfport, Mississippi for the Gulfport Critical Incident Response Technologies;
—$1,000,000 to the Missouri Office of the State Court Administrator for computer upgrades and modernizations of the juvenile court system;
—$450,000 for implement a Louisiana Statewide Sex Offender Database;
—$500,000 Whatcom County, Washington's Multi-Jurisdictional Criminal Justice Data Integration Project to develop and implement an integrated county-wide communications system;
—$500,000 for the Offenders' Unified Tracking for Rehabilitation, Enforcement, Assistance, and Community Health [OUTREACH] program at the University of Pennsylvania Lee Center of Criminology;
—$2,000,000 for the Ohio Bureau of Criminal Investigation to purchase Live-Scan machines for use by Ohio law enforcement agencies;
—$4,000,000 for the South Carolina Law Enforcement Division to obtain equipment, convert existing databases and integrate systems for accurate and rapid processing of information to support identifications for criminal and civil purposes;
—$250,000 to the South Bend, Indiana Police Department for the purchase of an automated fingerprint imaging system [AFIS];
—$75,000 to the St. Louis, Missouri Police Department to enhance an existing web-based crime analysis and information sharing system;
—$1,500,000 for the Syracuse University Cross-Information Language Retrieval system to assist law enforcement in the search and analysis of foreign Internet document databases;
—$1,900,000 to upgrade automated fingerprint identification systems [AFIS] in Hawaii; and
—$1,850,000 for the University of Southern Mississippi for crime identification technology training.

Upgrade Criminal History Records (Brady Act).—Within the amounts available for crime identification technology, the Committee recommends $35,000,000, for States to upgrade criminal history records so that these records can interface with other data bases holding information on other categories of individuals who are prohibited from purchasing firearms under Federal or State statute. Additionally, the national sexual offender registry [NSOR] component of the Criminal History Records Upgrade Program has two principal objectives. The registry assists States in developing complete and accurate in-State registries. It will also assist States in sharing their registry information with the FBI system which identifies those offenders for whom special law enforcement interest has been noted.

Crime Laboratory Improvement Program.—The Committee recommends $35,000,000 for the crime laboratory improvement program.

DNA Backlog Elimination.—The Committee recommends $40,000,000 to reduce the DNA sample backlog. Within this amount, $5,000,000 is available for Paul Coverdell Forensics Sciences Improvement grants.

Within the overall amounts recommended for the Crime Laboratory Improvement and DNA Backlog Elimination Programs, the OJP should examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

—$500,000 to Allegheny County, Pennsylvania for the Allegheny County Forensics Laboratory for improvements;
—$180,000 to the Arkansas State Crime Lab for the continuation of the Arkansas Crime Lab DNA Backlog Reduction program;
—$142,900 to the Broome County, New York Government Security Division for a computer and video forensics laboratory;
—$1,500,000 to establish the Metropolitan Forensic Science Center in Albuquerque, New Mexico which will serve law enforcement agencies involved in Indian Country;
—$1,800,000 for the National Academy for Forensic Computing in Central Piedmont, North Carolina;
—$2,000,000 for the DNA Testing Center at Florida Gulf Coast University;
—$750,000 for the Commonwealth of Virginia to enhance existing State forensic laboratory capabilities for analysis and training;
—$400,000 for the Birmingham Police Department to improve and update their forensic laboratory;
—$500,000 for the Forensics Laboratory at East Stroudsburg University, Pennsylvania to assist Pennsylvania's law enforcement community by expediting the processing of the State's DNA backlog;
—$500,000 to the Indiana State Police, Laboratory Division for personnel, equipment, supplies, and contractual needs in order to meet the increased demands on the DNA Analysis Unit;
—$500,000 to the Kansas Bureau of Investigation for lab equipment and an information management system to track evidence;
—$3,000,000 for the Marshall University [MU] Forensic Science Program in West Virginia;
—$1,750,000 for the Mississippi Crime Lab;
—$750,000 for the University of Tennessee to continue the development of technology, forensic training, and research;
—$2,500,000 for the State University of New York at Albany to establish the North East Regional Forensic Institute;
—$500,000 for upgrades at the Northern Illinois Police Crime Laboratory;
—$800,000 to the Ohio Bureau of Criminal Investigation for improvements to its Forensic Science Lab;
—$900,000 to the Pikes Peak Metro Crime Lab in Colorado for renovations necessary to meet the demand for DNA analysis services;
—$2,000,000 to the South Carolina Law Enforcement Division for equipment to support a Federal and State collaboration of investigators and forensics experts to solve high technology crimes through one center;
—$3,000,000 to the South Carolina Law Enforcement Division for continued funding to support the growing State and local law enforcement needs in the only full service forensic laboratory in South Carolina;
—$970,000 to the Southeast Missouri Crime Lab for modernizations and equipment;

—$500,000 to Texas Tech University for the Southwest Institute for Forensic Sciences;
—$2,250,000 for the State of Maryland and the City of Baltimore DNA Labs to be evenly divided among each; and
—$4,000,000 for the West Virginia University [WVU] Forensic Identification Program.

Prosecution Assistance Programs

Southwest Border Prosecutions.—The Committee recommends $50,000,000 to provide assistance to State and local prosecutors located along the Southwest border, including the integration and automation of court management systems. This program will provide financial assistance to Texas, New Mexico, Arizona, and California for the State and local costs associated with the handling and processing of drug and alien cases referred from Federal arrests.

Gun Violence Reduction Program.—The Committee recommends $50,000,000 for a new program that will encourage States to increase the prosecution of gun criminals. This program encompasses a broad range of gun violence strategies, including hiring and training of local prosecutors and implementing public awareness campaigns to advertise tough sentences for gun crimes and foster community support.

Community Crime Prevention

Police Integrity Program.—The Committee recommends $17,000,000 for the Police Integrity Program. This program promotes police integrity, the appropriate use of police authority, and community policing through delivering training and technical assistance to local communities, as well as by providing grants that will help agencies create or strengthen local programs that help build trust between police and their communities.

The Offender Re-entry Program.—The Committee recommends $15,000,000 for the Offender Re-entry Program. The Department of Justice, in collaboration with the Departments of Labor, Health and Human Services, Housing and Urban Development, and Education, OJP will provide grants to communities to design, implement, enhance, and evaluate reentry programs for serious, violent offenders.

Project Sentry.—The Committee recommends $15,000,000 for Project Sentry. This program will create a new Federal and State partnership establishing safe schools task forces across the country that will prosecute and supervise juveniles who violate Federal and State firearms laws and adults who illegally furnish firearms to them. An additional $5,000,000 is provided for this initiative through the Juvenile Justice programs, for a total funding level of $20,000,000.

Safe Schools Initiative.—The Committee recommends $20,013,000 for programs aimed at preventing violence in public schools, and to support the assignment of officers to work in collaboration with schools and community-based organizations to address the threat of terrorism, crime, disorder, gangs, and drug activities.

Within the amount provided, the COPS office should examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

—$500,000 for the Alaska Community in Schools Mentoring Program;
—$1,000,000 for the Police Athletic League of New Jersey to implement a short term residential summer camp program for youth;
—$1,500,000 for the East Orange Police Athletics League to provide services and programs, including parenting classes, computer training, GED preparation, mentoring and recreational programs;
—$1,000,000 for Wisconsin's Families & Schools Together [FAST] Prevention Program to provide services to at-risk youth;
—$60,000 for Washington County, Oregon's Hillsboro Boys and Girls Club Gang Prevention Program which is a targeted outreach program to deter young people from gang involvement;
—$1,000,000 for the Safe Schools Initiative in the City of Macon, Georgia to allow public schools to expand programs that are dedicated to addressing gangs, drugs, and violence;
—$500,000 for the Juvenile Justice and Delinquency Program in Macon, Georgia. This funding will be used to improve mentoring programs that are dedicated to reducing incidences of juvenile crime, violence, and substance abuse;
—$1,500,000 to the National ''I Have A Dream'' Foundation for at-risk youth;
—$400,000 for the New Mexico Police Athletic League to continue the statewide Law enforcement and Professional Business Volunteer Technology and Mentoring program and to expand its program to assist at-risk youth to 14 additional sites;
—$3,300,000 for the University of Montana to facilitate a statewide community based curriculum development initiative that promotes responsible behavior and reduces youth violence in schools and communities;
—$100,000 for the Jefferson County, Illinois Sheriff's Office and Hamilton-Jefferson County Regional Office of Education to implement a safe schools program;
—$500,000 for New Mexico's School Security Technology and Resource Center [SSTAR] to provide public schools with physical security assessments, to test existing school security systems, and to implement tailored security plans;
—$2,295,000 for the Watch D.O.G.S. Across America in Springdale, Arkansas to enhance school safety; and
—$1,500,000 to provide community-based, cost-effective alternative programs for juveniles who are, have been or maybe subject to compulsory care, supervision or incarceration in public or private institutions in several States including South Carolina.

Management and Administration.—The Committee recommends $35,000,000 for the management and administration of the COPS Office. Within the funds provided, the Committee directs the COPS office to maintain a staffing level of no less than 215 full-time positions. The Committee shall be provided a report no later than December 31, 2002 on the efforts being made by COPS to achieve this staffing goal.

JUVENILE JUSTICE PROGRAMS

Appropriations, 2002	$305,860,000
Budget estimate, 2003	257,801,000
Committee recommendation	315,425,000

The Committee recommends an appropriation of $315,425,000. The recommendation is $57,624,000 above the budget request.

Juvenile justice and delinquency prevention.—The Committee recommendation includes a total of $298,425,000 for administrative expenses and grants to States and localities for projects in the areas of education, research, prevention, and rehabilitation including:

1. $7,112,000 for the Office of Juvenile Justice and Delinquency Prevention [OJJDP] (Part A).
2. $88,800,000 for formula grants for assistance to State and local programs (Part B).
3. $60,415,000 for discretionary grants for national programs and special emphasis programs (Part C).

Within the amounts provided for Part C discretionary grants and all of the other funds provided under Juvenile Justice programs, the Committee directs OJJDP to provide the following grants:

—$500,000 to the Saginaw Chippewa Indian Tribe of Michigan for a victims of crime program;
—$550,000 to the After School and Counseling Programs for At-Risk Native American Youth in South Dakota;
—$600,000 to Task Inc. for a demonstration project with the Circuit Court of Cook County, Illinois to serve non-violent offenders who demonstrate mental illness and/or substance abuse;
—$35,000 for the City of Fort Thomas, Kentucky to develop and implement a drug education and prevention program in the school system;
—$90,000 to Lewis County, Kentucky and the City of Vanceburg, Kentucky to develop and implement a drug education and prevention program in the school system and provide additional resources to address law enforcement problems associated with drug use;
—$500,000 to the Patriot Center in Rockford, Illinois for programs for at-risk youth;
—$750,000 to the Bethesda Home for Boys in Savannah, Georgia to assist in providing delinquency intervention counseling;
—$500,000 to the Birmingham, Alabama Education Technology [BET] Center for at-risk-youth programs;
—$3,000,000 for the Cal Ripken, Sr. Foundation for youth prevention programs aimed at leadership, teamwork, and drug prevention;
—$500,000 for the Camden City, New Jersey Housing Authority to establish a drug prevention program for children in low income housing developments;
—$840,000 for Oregon Partnership's Champions for Healthy Kids and Communities program to provide local youth and adult leadership development education and training on underage drinking and drug use;
—$60,000 to the South Coast Inter-Agency Narcotics Team, Coquille, Oregon for drug prevention;
—$600,000 to the United Way of Chittendon County, Vermont to continue the Champlain Mentoring Initiative Project;
—$700,000 to Charles Mix County, South Dakota for a full-time substance abuse counselor for local youth, and for the expansion of youth programs in Lake Andes and Wagner, South Dakota;
—$5,000,000 to I-Safe America for internet safety education for grades K–12 to prevent child predation on the internet;
—$75,000 to the Nez Perce Tribe in Lapwai, Idaho for the Child Protection Program to coordinate the services of human resource programs;
—$4,000,000 to the National Center for Missing and Exploited Children for the Child Sexual Exploitation Campaign to expand services to law enforcement in cases ofchild pornography, child molestation, and sexual exploitation;
—$400,000 to Ohio's Children Who Witness Violence Program for crisis intervention,

assessment and treatment services to children and families impacted by violence;

—$400,000 for Parents and Children Together (PACT) to provide gang prevention services, counseling and outreach, and supervised, alternative activities to youth in the Kuhio Park Terrace and Kuhio Homes housing units in Honolulu, Hawaii;

—$5,000,000 to the University of New Hampshire's Crimes Against Children Research Center;

—$400,000 for the Elizabeth Buffum Chace Family Resource Center in Warwick, Rhode Island to provide services for members of the community affected by domestic violence;

—$100,000 for the Family Ties Supervised Visitation Services in Wakefield, Rhode Island to provide domestic violence prevention and services;

—$4,500,000 to Fox Valley Technical College of Appleton, Wisconsin to increase and expand services offered to local law enforcement involved in the investigation of child abuse and neglect;

—$200,000 to From Darkness to Light in Charleston, South Carolina which seeks to prevent child abuse and obtain services for victims of child abuse by providing information about the prevalence and consequences of child sexual abuse;

—$2,500,000 to expand and replicate the Beyond Bars program;

—$1,500,000 for Girls and Boys Town, USA;

—$2,500,000 for the National Council of Juvenile and Family Court Judges to improve the juvenile and family court judicial system, specifically in handling child abuse and neglect cases;

—$900,000 for the Iowa Big Brothers Big Sisters Rural Youth Mentoring Initiative;

—$300,000 to the City of Jackson, Mississippi for a juvenile justice program;

—$2,000,000 to Western Kentucky University for the Juvenile Delinquency Project;

—$1,890,000 for the Juvenile Fire Setters program;

—$2,000,000 to the State of Alaska for a Child Abuse Investigation Program;

—$750,000 to Alaska's LOVE Social Services to establish and enhance after school programs in Fairbanks, AK for at risk youth;

—$400,000 to the Second Judicial District Juvenile Justice Center in Albuquerque, New Mexico, for a truancy prevention program to help reduce juvenile delinquency and juvenile crime;

—$600,000 for the Boys and Girls Home of Nebraska to expand programs geared towards youth who have committed minor offenses and/or have unique mental, psychological and behavioral problems;

—$500,000 for a statewide at-risk youth mentoring program in Alaska involving community based organization, schools, and non-profit entities including Boys and Girls Clubs and Big Brother-Big Sisters.

—$500,000 for Juvenile Offender Treatment and Prevention Project to provide mental health treatment and prevention services to youth and families involved with or at high risk of involvement with the Tulsa County juvenile justice system;

—$500,000 for the Kansas Big Brothers Big Sisters to expand services to all 105 counties in the State;

—$1,000,000 to the City of Los Angeles, California for the Family Violence Program;

—$100,000 for Marion County, Oregon's Life Directions Peer Mentoring Partnership which seeks to break the cycle of drug addiction, violent crime, and teenage pregnancy;

—$1,000,000 to Montana's Yellowstone Boys and Girls Ranch for the Living Independently and Fostering Empowerment (LIFE) program, which prepares emotionally troubled youth between ages 18 and 22 for independent living;

—$125,000 to Virginia's Lonesome Pine Office on Youth for the continuation of delinquency prevention and youth development programs;

—$1,000,000 to the Low County Children's Center in South Carolina for continued support for a collaborative effort among local organizations in Charleston that provide full services to children who have been abused;

—$400,000 for Pennsylvania's Martin Luther King, Jr. Center for Non-Violence to continue its Life Skills program which enables students to work alongside business and industry mentors;

—$1,500,000 to Mission St. Joseph's child protection program in North Carolina, which addresses the abuse and neglect of children in the Southern Appalachians who suffer from developmental disabilities;

—$1,400,000 for the National Child Protection Development and Training Center in Minnesota;

—$3,000,000 for the National Council of Juvenile and Family Court Judges to provide special training and education for judges assigned to juvenile and family courts nationwide;

—$600,000 to Prevent Child Abuse America for the National Family Support Roundtable;

—$2,000,000 to the National Center for Missing and Exploited Children for the NETSMARTZ Initiative to expand the program into schools, homes, and youth organization nationwide;

—$250,000 for Nevada Child Seekers to assist in locating missing children and providing resources for the families of missing children;

—$750,000 for the Afterschool Services Pilot program operated by the New Mexico State University Cooperative Extension Service to serve youth who are at home alone or are unsupervised between 2 and 6 in the afternoon;

—$60,000 for the North Shore Youth Council in Long Island, New York to provide family counseling and youth development services to underserved children in the Miller Place and Rocky Point school districts;

—$3,000,000 for Parents Anonymous, Inc., to develop partnerships with local communities to build and support strong, safe families and to help break the cycle of abuse and delinquency;

—$3,000,000 for the 'Innovative Partnerships for High Risk Youth' demonstration;

—$1,250,000 for Prairie View Prevention Services in Sioux Falls, South Dakota to establish a pilot project for the long-term treatment of juvenile methamphetamine abuse and dependence;

—$150,000 to the Crow Creek Sioux Tribe in South Dakota for Project Safe;

—$400,000 for the Rapid Response Program in Washington and Hancock Counties in the State of Maine;

—$500,000 for the Safer Learning Center in Chicago, Illinois for expansion of mentoring and peer-learning programs;

—$500,000 to Boysville of Michigan and SER Metro Detroit for the Samaritan Center;

—$4,800,000 for the South Carolina Truancy and Dropout Prevention Initiative;

—$580,000 for St. Joseph's Indian School in South Dakota for juvenile delinquency prevention programs;

—$100,000 for the St. Louis for Kids program to provide afterschool programs for at-risk elementary school students in inner city St. Louis, Missouri;

—$450,000 for the State of Pennsylvania Witness Protection Program;

—$1,000,000 for the Arkansas Boys and Girls Clubs to expand after-school programs, drug and violence prevention activities, and mentoring of at-risk children;

—$400,000 for a grant for the Milwaukee Summer Stars Program;

—$2,250,000 for the Teens, Crime and Community program;

—$60,000 to the Child Advocacy Center in Springfield, Missouri for support services;

—$2,500,000 to The Family Development Foundation in Las Vegas, Nevada for domestic violence prevention and intervention;

—$1,900,000 for law related education for continued support;

—$300,000 for the University of Southern Mississippi Juvenile Justice Prevention Partnership program;

—$300,000 to the Vermont Children's Forum to expand the teen leadership training program as well as develop strategies to combat teen delinquency and promote teen leadership development;

—$300,000 for a grant to the Vermont Coalition of Teen Centers;

—$1,000,000 for the Wisconsin Safe & Sound Program which combines aggressive enforcement, community organizing, and the establishment of ''safe places'' for children to go during non-school hours in Milwaukee's highest crime areas;

—$600,000 to Utah State University for the Youth and Families with Promise Program;

—$300,000 for the Youth Center of Wyoming Valley, Pennsylvania to provide preventative substance abuse education programs;

—$500,000 for the Vermont Department of Employment and Training to establish a statewide young offender reentry system targeted at young men aged 18–21;

—$250,000 to Jefferson County, Colorado for the Youth System Improvement Project;

—$500,000 for the Youth Violence Prevention Research Project at the University of South Alabama;

—$200,000 for the City of Aberdeen, South Dakota to establish a Youth-Adult Partnership of Aberdeen [YAPA] community youth center, which will provide structured out-of-school activities for teens; and

—$1,000,000 for Kansas YouthFriends to expand the school mentorship program.

4. $12,000,000 for the Youth Gangs (Part D) Program which provides grants to public and private nonprofit organizations to prevent and reduce the participation of at-risk youth in the activities of gangs that commit crimes.

5. $10,000,000 for discretionary grants for State challenge activities (Part E). This program authorizes the OJJDP Administrator to award grants which could increase the amount of a State's formula grant by up to 10 percent, if that State agrees to undertake all of the 10 challenge activities included in

this program. These challenge activities are designed to improve various aspects of a State's juvenile justice and delinquency prevention program.

6. $16,000,000 for the Juvenile Mentoring Program [JUMP] (Part G). This program seeks to reduce juvenile delinquency, improve academic performance, and reduce the dropout rate among at-risk youth through the use of mentors. This program has proven successful in reaching at-risk youth and has significant support at the local level. The program brings together young people in high crime areas with law enforcement officers and other responsible adults who are willing to serve as long-term mentors. The Committee encourages OJP to focus on applications submitted by community based organizations with a proven history of providing effective and efficient one-on-one services. Within the amounts provided, the Committee provides $5,000,000 for the Big Brothers/Big Sisters program to expand its capacity to serve more at-risk youth.

7. $95,000,000 for the At Risk Children's Program (Title V). Under Title V of juvenile justice programs, the At Risk Children's Program provides funding to support comprehensive delinquency prevention plans formulated at the community level. The program targets truancy and school violence; gangs, guns, and drugs; and other influences that lead juveniles to delinquency and criminality. Within the amounts provided, up to $5,000,000 may be used for the Project Sentry program.

Safe Schools Initiative [SSI].—The Committee includes $15,000,000 within the Title V grants for the Safe Schools Initiative. This effort may include training and services such as: training for teachers to recognize terrorist activities, accountability and responsibility training; violence reduction training, including dispute resolution; juvenile mentoring; training for teachers and families to recognize troubled children; and parent accountability and family strengthening education. Of the amounts provided for the School Safety Initiative, the Committee directs that $10,000,000 be transferred to the Part C discretionary grant program to fund juvenile justice prevention programs that seek to improve the lives of the nation's youth, and thereby improve children's educational environments.

Tribal Youth Program.—The Committee includes $12,500,000 within Title V grants for programs to reduce, control, and prevent crime both by and against tribal and Native youth; for interventions for court-involved tribal youth; for improvement to tribal and Native juvenile justice systems; and for prevention programs focusing on alcohol and drugs, including the Alaska Federation of Natives to develop an underage drinking prevention program in rural Alaska that includes assessment and education and focuses on the children of alcoholics. Within this amount, the Committee directs that $2,000,000 be provided for a grant to fund the Alaska Illegal Drug and Alcohol Use Initiative.

Enforcing the Underage Drinking Laws Program.—The Committee recommends $25,000,000 within Title V grants to assist States in enforcing underage drinking laws. Each State shall receive $360,000 and $6,640,000 shall be available for discretionary grants to States. The Office of Justice Programs is directed to provide a report to the Committee no later than March 1, 2003 on the accomplishments of the program to date. Within the amounts provided for underage drinking, OJP shall make an award to the Alaska Federation of Natives to develop an underage drinking prevention program in rural Alaska including assessment and education, focusing on the children of alcoholics.

Juvenile justice research, evaluation, training, and technical assistance.—The Committee recognizes that high quality research, evaluation, and statistical analysis are critical to understanding and addressing the causes of youth crime, understanding the scope of delinquency and its impact on the juvenile justice system, and identifying effective approaches to delinquency control that can be replicated at the State and local levels. The Committee recommendation allows the Office of Juvenile Justice and Delinquency Prevention Programs [OJJDP] to set aside 2 percent for training and technical assistance and 10 percent for research, evaluation, and statistics activities.

Report card.—Over many years the Committee has provided hundreds of millions of dollars for juvenile justice programs. The Committee directs the Office of Juvenile Justice and Delinquency Prevention to provide $250,000 to the American Prosecutors Research Institute to create and report on benchmarks to measure the use of individual programs and juvenile justice system performance in up to four pilot States. This funding shall be provided from the 2 percent set-aside under the Juvenile Accountability Block Grant program for technical assistance.

8. *Victims of Child Abuse Act.*—The Committee recommends $11,000,000 for the various programs authorized under the Victims of Child Abuse Act [VOCA]. Funds, provided to establish regional and local children's advocacy centers, may not be used to provide legal aid. The recommendation includes $11,000,000 to improve investigations and prosecutions (subtitle A) as follows:

—$2,500,000 to establish regional children's advocacy centers, as authorized by section 213 of VOCA;

—$5,500,000 to establish local children's advocacy centers, as authorized by section 214 of VOCA;

—$1,000,000 for the National Children's Advocacy Center in Huntsville, Alabama to develop and implement a training program; and

—$850,000 for a continuation grant to the National Network of Child Advocacy Centers for technical assistance and training, as authorized by section 214a of VOCA.

ELECTION REFORM GRANT PROGRAM

Appropriations, 2002	.....
Budget estimate, 2003	.....
Committee recommendation	$50,000,000

The Committee recommends $50,000,000 for the Office of Justice Programs to establish an election reform grant program as authorized by The Help America Vote Act of 2002 (Public Law 107–252). In the awarding of grants under this heading, priority shall be given to districts where greater than 50 percent of registered voters are Federally-recognized racial or ethnic minorities and disabled persons.

PUBLIC SAFETY OFFICERS BENEFITS

Appropriations, 2002	$37,724,000
Budget estimate, 2003	53,054,000
Committee recommendation	53,054,000

The Committee recommends an appropriation of $53,054,000. The recommendation is equal to the budget request and provides all mandatory funding for death benefits under the Public Safety Officers Benefits Program. This program provides a lump-sum death benefit payment to eligible survivors of Federal, State, and local public safety officers whose death was the direct and proximate result of a traumatic injury sustained in the line of duty. In addition, $4,000,000 is provided to pay for disability benefits to public safety officers who are permanently disabled in the line of duty. Within the available carryover balances, sufficient funding is available for the program which provides payments for education purposes to the dependents of Federal, State, and local public safety officers who are killed or permanently disabled in the line of duty. No additional funding is provided to expand the education benefits program in fiscal year 2003.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The Committee recommends the following general provisions:

Section 101 makes up to $60,000 of the funds appropriated to the Department of Justice available for reception and representation expenses.

Section 102 allows the Department of Justice to spend up to $10,000,000 for rewards for information regarding acts of terrorism against U.S. citizens or property at levels not to exceed $2,000,000 per reward and makes payments available for a judgment against the United States.

Section 103 allows the Department of Justice, subject to the Committee's reprogramming procedures, to transfer up to 5 percent between appropriations, but limits to 10 percent the amount that can be transferred into any one appropriation.

Section 104 provides technical assistance funds to improve oversight of certain grant programs.

Section 105 transfers certain collections from one fee account to another under the Immigration and Naturalization Services.

Section 106 allows Justice to collect reimbursements from manufacturers for warranty work done in-house.

Section 107 delays implementation dates for Juvenile Justice reauthorization changes.

Section 108 establishes a baseline for Justice Department capital planning and investment for education and training facilities.

Section 109 begins to dismantle modular cost budgeting.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

The Committee recommends a total of $6,068,173,000 for the U.S. Trade Representative, the International Trade Commission, and the Department of Commerce for fiscal year 2003. This amount is $429,673 above the total request.

TRADE AND INFRASTRUCTURE DEVELOPMENT

The Committee has included under this section of title II, the U.S. Office of the Trade Representative, the International Trade Commission, and the Department of Commerce agencies responsible for trade promotion and enforcement and economic infrastructure development.

RELATED AGENCIES

OFFICE OF THE U.S. TRADE REPRESENTATIVE

SALARIES AND EXPENSES

Appropriations, 2002	$30,097,000
Budget estimate, 2003	32,299,000
Committee recommendation	33,000,000

The Committee recommends an appropriation of $33,000,000 for the U.S. Trade Representative. The recommendation is $701,000

above the budget request. The recommendation includes a 4.1 percent pay adjustment for Federal employees. The budget request recommended shifting jurisdiction over the U.S. Trade Representative to the Executive Office of the President. The Committee does not concur with this recommendation.

The Office of the U.S. Trade Representative is responsible for developing and coordinating U.S. international trade, commodity, and direct investment policy, and leading negotiations with other countries on such matters. The U.S. Trade Representative's areas of responsibility include all matters within the World Trade Organization, including implementation of the Uruguay Round of multilateral trade agreements; trade, commodity, and direct investment matters dealt with by international institutions such as the Organization for Economic Cooperation and Development and the United Nations Conference on Trade Development; industrial, agricultural and services trade policy, and trade-related intellectual property protection and environmental issues.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

Appropriations, 2002	$51,440,000
Budget estimate, 2003	54,000,000
Committee recommendation	54,600,000

The Committee recommends an appropriation of $54,600,000. The recommendation is $600,000 above the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees.

The International Trade Commission [ITC] is an independent, quasi-judicial agency responsible for conducting trade-related investigations, providing Congress and the President with independent technical advice relating to U.S. international trade policy, and performing other statutory responsibilities such as quasi-judicial determinations on trade matters filed with the Commission.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

Appropriations, 2002	$345,547,000
Budget estimate, 2003	363,678,000
Committee recommendation	350,242,000

The Committee recommends an appropriation of $350,242,000. In addition, the Committee anticipates $3,000,000 in fees. The recommendation is $13,436,000 below the budget request and includes a 4.1 pay adjustment for Federal employees. The recommendation includes a $13,100,000 increase to hire 82 full-time equivalents within Market Access and Compliance, Import Administration, and the U.S. Foreign and Commercial Service for continuation of the trade compliance and monitoring initiatives.

The Committee does not recommend the Administration's estimate of $13,000,000 in fees during fiscal year 2003. Rather, as in past years, the Committee recommends $3,000,000 in fees. The Administration proposed a $10,000,000 fee increase as part of its fiscal year 2003 budget request. The ITA's plan was to commission a study during fiscal year 2002 to identify areas of cost recovery on fee collections. The Administration has not provided the Committee with findings from such a study or an explanation of the fees' source. Until such an explanation is available, the Committee will not recommend that there be an increase in fee collections.

The Committee recommendation includes $13,325,000 for Administration and Executive Direction. The Administration's proposal included a $10,375,000 increase over the fiscal year 2002 level for this line office. Under the Administration's proposal, to fund this increase, $8,700,000 would be removed from the U.S. Foreign and Commercial Service budget; $775,000 would be removed from the Import Administration budget; $350,000 would be removed from the Market Access and Compliance budget; and $550,000 would be removed from the Trade Development budget. This increase would reflect ITA's consolidation of Chief Information Officer [CIO] activities to ensure that all systems within the bureau communicate and compliment each other. The Administration maintains that this transfer would assure centralized leadership and management of ITA information technology decisions, planning, management and updating. The Committee finds the goal of streamlining CIO functions laudable and recommends that in the future, the Department of Commerce work with the Committee to promote such an effort throughout the Department. To date, however the Department has not submitted a plan as to exactly how such a consolidation would move forward. The Committee therefore does not recommend this effort and rather recommends restoration of funds to the ITA line offices. These funds may be transferred to the Administration and Executive Director account upon approval of a section 605 reprogramming by the Committee on Appropriations.

The recommended funding levels are reflected in the following table:

ITA Funding

Trade development	$68,083,000
Market access and compliance	28,197,000
Import Administration	44,006,000
U.S. and Foreign Commercial Service	199,631,000
Administration/executive direction	13,325,000
Offsetting Fee Collections	(3,000)
ITA total appropriation	350,242,000

Trade Development.—The Committee recommends an appropriation of $68,083,000. The recommendation is $10,687,000 above the budget request. The Committee recommends continued funding for the enhancement of the agency's export data base, funding for the National Textile Center at a level of $10,000,000 and the Textile/Clothing Technology Center at a level of $3,000,000.

Market Access and Compliance.—The Committee recommends an appropriation of $28,197,000. The recommendation is $7,619,000 below the budget request. Assuring that U.S. companies receive the full benefit of our trade agreements is critically important. In fiscal year 2002, the Committee approved a large increase for compliance and enforcement. The Committee directs the Office of Market Access and Compliance [MAC] to continue with their compliance effort and recommends $23,525,000 within available funds for this purpose.

The Committee recommends $1,500,000 within available funds for ITA to continue to place and maintain support for compliance officers in China, Japan, and the European Union, and other key markets so that they can detect and swiftly address compliance problems U.S. companies face in these markets.

Import Administration.—The Committee recommends an appropriation of $44,006,000. The recommendation is $7,741,000 below the budget request. The Committee recommendation includes $1,500,000 for the Import Administration to continue to place and maintain overseas enforcement officers, including monitoring compliance with the World Trade Organization and other international commitments on antidumping and subsidies.

The Committee recommendation provides $3,500,000 for the Import Administration to monitor import data and customs flows for surges in key markets and sectors, such as steel and lumber, and take immediate action when such surges are detected. Such action should include using resources to expedite unfair trade cases so U.S. companies can receive relief at the earliest possible date. In addition, Import Administration must vigorously monitor foreign subsidies so that action can be taken if the subsidies violate trade agreements.

The Committee recommends $2,500,000 to review and evaluate in-depth China and Japanese compliance with antidumping and countervailing duty commitments. China and Japan represent the majority of unfair trade actions, and the Committee believes there is an urgent need for greater attention to both Japanese and Chinese trade practices.

U.S. and Foreign Commercial Service [US&FCS].—The Committee recommends an appropriation of $199,631,000. The recommendation is $5,713,000 below the request.

The Committee supports the Commercial Service's work on the Appalachian-Turkish Trade Project, a project to promote opportunities to expand trade, encourage business interests, stimulate foreign studies, and to build a lasting and mutually meaningful relationship between the Appalachian States and the Republic of Turkey, as well as the neighboring regions, such as Greece. The Committee expects the agency to support the project.

Administration and Executive Direction.—The Committee recommends an appropriation of $13,325,000. The recommendation is $1,540,000 below the budget request. Bill language is included which prohibits certain offices from taking funds from other accounts. If additional funds are needed, a reprogramming request should be submitted to the Committee for approval.

BUREAU OF INDUSTRY AND SECURITY

Appropriations, 2002	$70,649,000
Budget estimate, 2003	100,198,000
Committee recommendation	100,198,000

The Committee recommends an appropriation of $100,198,000. The recommendation is identical to the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees.

The Bureau of Industry and Security [BIS] is the principal agency involved in the development, implementation, and enforcement of export controls for dual-use technologies and weapons of mass destruction. The Export Enforcement Division detects, prevents, investigates, and assists in the sanctioning of illegal dual-use exports. Within available funds, the Committee recommends $33,441,000 for Export Administration; $33,122,000 for Export Enforcement; and $6,879,000 for Management and Policy Coordination. Also within available funds, $26,756,000 is for Critical Infrastructure and Information Intelligence/Homeland Security, within which $20,000,000 is for a public-private partnership on critical infrastructure protection. Of the funds recommended for Export Enforcement, $5,356,000 is for BIS to enhance its export control efforts, including a new initiative under which BIS will send a limited number of export enforcement agents (attachés) overseas to conduct end-use checks. The Committee directs

that, prior to the assignment of any attachés at U.S. missions overseas, BIS provide a detailed report to the Committees on Appropriations describing where the attachés will be posted and what their specific responsibilities will be. Additionally, the report should provide details about the arrangement between BIS and the Department of State concerning accommodations for the attachés at Department of State facilities. This is to ensure that facilities to which the attachés will be assigned are adequately sized and outfitted to meet all of their requirements.

The Committee directs BIS to conduct a comprehensive study on the health, competitiveness, and the contribution of the U.S. textile and apparel industry to the U.S. economy and in particular to the U.S. armed forces. The study should include a review of whether the United States is increasing its dependency on foreign sources for critical textile-related materials; potential threats to internal security from increased foreign sourcing and dependency; whether the Berry amendment and other Buy-American restrictions are being effectively enforced by the Department of Defense. The Committee requests that the study be completed no later than July 1, 2003 and recommends $750,000 within available funds for this purpose.

The Committee recommendation fully funds the fiscal year 2003 request for authorized CIAO activities. The Committee does not recommend funding for the Technology and Evaluation Program, which exceeds CIAO's authority. Rather, the Committee recommendation includes $20,000,000 for the Bureau to develop a program under CIAO to address the private sector's inattention to the threat of terrorism against our national critical infrastructure. The Committee directs CIAO to develop under this program a public-private partnership, to consist of a team of experts that have both the technological and legal expertise to provide support to the private sector. This initiative should first target those sectors and companies that are highest in importance to U.S. national security. The Committee directs that the CIAO develop a spending plan for this initiative, to be submitted to the Committees on Appropriations for approval before any funds are expended.

ECONOMIC DEVELOPMENT ADMINISTRATION

Appropriations, 2002	$365,557,000
Budget estimate, 2003	348,000,000
Committee recommendation	288,651,000

The Committee recommends an appropriation of $288,651,000. The recommendation is $59,349,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees.

The Economic Development Administration [EDA] provides grants to local governments and nonprofit agencies for public works, planning, and other projects designed to facilitate economic development. Funding amounts for the two appropriations accounts under this heading are displayed below.

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Appropriations, 2002	$335,000,000
Budget estimate, 2003	317,235,000
Committee recommendation	257,886,000

The Committee recommends an appropriation of $257,886,000. The recommendation is $59,349,000 below the budget request.

The Committee recommendation provides funding of $172,886,000 for public works grants (title I), $24,000,000 for planning assistance, $10,500,000 for trade adjustment assistance, $40,900,000 for economic adjustment grants (title IX), and $9,100,000 for technical assistance.

The Committee is aware of several proposals for economic development or adjustment assistance and strongly urges EDA to consider applications for the following proposals within applicable procedures and guidelines and provide a grant, if warranted: (1) the Vermont Economic Development Fund; (2) infrastructure improvement at Discovery Square and Lancaster Square, PA; (3) a proposal for economic development in Albuquerque, New Mexico; (4) development of a multi-purpose dock in Seward, AK; (5) a proposal for a wireless initiative in Taylor County, KY; and (6) a proposal for technology initiatives at Mississippi Valley State University.

The Committee lauds EDA for its continued efforts to strengthen private sector business activity and development on Indian lands, and urges that it act expeditiously to develop an implementation plan for the recently enacted Native American Business Development, Trade Promotion, and Tourism Act.

The Committee expects EDA to continue its efforts to assist communities impacted by economic dislocations relating to industry downswings as well as to assist communities impacted by downturns due to environmental concerns. This includes the timber and coal industries, United States-Canadian trade-related issues, communities in New England, the mid-Atlantic, Hawaii, and Alaska impacted by fisheries regulations, and communities in the Southeast impacted by downturns due to NAFTA.

SALARIES AND EXPENSES

Appropriations, 2002	$30,557,000
Budget estimate, 2003	30,765,000
Committee recommendation	30,765,000

The Committee recommends an appropriation of $30,765,000. The recommendation is identical to the budget request.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

Appropriations, 2002	$28,381,000
Budget estimate, 2003	28,906,000
Committee recommendation	28,906,000

The Committee recommends an appropriation of $28,906,000. The recommendation is identical to the budget request. The Committee recommendation includes the fiscal year 2002 funding level and a 4.1 percent pay adjustment for Federal employees. The Committee notes that since its inception in 1969, neither the Minority Business Development Agency nor its predecessor, the Office of Minority Business Enterprise, have ever been authorized.

ECONOMIC AND INFORMATION INFRASTRUCTURE

The Committee includes under this section of the bill the Department of Commerce agencies responsible for the Nation's basic economic and technical information infrastructure, as well as the administrative functions which oversee the development of telecommunications and information policy.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

Appropriations, 2002	$62,515,000
Budget estimate, 2003	73,220,000
Committee recommendation	72,158,000

The Committee recommends an appropriation of $72,158,000. The recommendation is $1,062,000 below the budget request and includes funding to continue the necessary task of updating and improving statistical measurements of the U.S. economy and international transactions. The recommendation includes a 4.1 percent pay adjustment for Federal employees.

The Economic and Statistics Administration is responsible for the collection, tabulation, and publication of a wide variety of economic, demographic, and social statistics and provides support to the Secretary of Commerce and other Government officials in interpreting the state of the economy and developing economic policy. The Bureau of Economic Analysis [BEA] and the Under Secretary for Economic Affairs are funded in this account.

The Committee recommends $66,961,000 for BEA. The recommendation includes an increase of $4,810,000 for BEA to generate more timely economic data. The recommendation also includes an increase of $3,598,000 to upgrade BEA's statistical processing systems. The economic data produced and disseminated by BEA is important to the health of the U.S. economy. The recommendation for BEA represents an 18 percent increase over the fiscal year 2002 level.

BUREAU OF THE CENSUS

Appropriations, 2002	$490,800,000
Budget estimate, 2003	705,316,000
Committee recommendation	558,919,000

The Committee recommends an appropriation of $558,919,000. The recommendation is $146,397,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees. The Committee's recommendations for the Census Bureau accounts are described in more detail below.

SALARIES AND EXPENSES

Appropriations, 2002	$169,424,000
Budget estimate, 2003	204,996,000
Committee recommendation	173,223,000

The Committee recommends an appropriation of $173,223,000. The recommendation is $31,773,000 below the budget request. This account provides for the salaries and expenses associated with the statistical programs of the Bureau of the Census, including measurement of the Nation's economy and the demographic characteristics of the population. These programs are intended to provide a broad base of economic, demographic, and social information used for decision-making by governments, private organizations, and individuals.

The Committee has provided funding for the key programs of the Census Bureau. The Committee is particularly concerned that key reports on manufacturing, general economic and foreign trade statistics are maintained and issued on a timely basis.

The Committee recommendation includes an increase of $5,463,000 to improve estimates of the Nation's Gross Domestic Product and an increase of $5,192,000 to measure the impact of electronic business on the economy. The Committee does not recommend funding increases for trade statistics or restoration of the Survey of Income and Program Participation.

The Committee requests that the Bureau provide the Committee on Appropriations a report on the reimbursements it has received for work requested by other Federal agencies or private organizations. The report should be provided no later than May 1, 2003.

PERIODIC CENSUSES AND PROGRAMS

Appropriations, 2002	321,376,000

Budget estimate, 2003	500,320,000
Committee recommendation	385,696,000

The Committee recommends an appropriation of $385,696,000. The recommendation is $114,624,000 below the budget request. This amount, when combined with approximately $15,000,000 in carryover, will fully fund periodic censuses and programs.

This account provides for the constitutionally mandated decennial census, quinquennial censuses, and other programs which are cyclical in nature. Additionally, individual surveys are conducted for other Federal agencies on a reimbursable basis.

The Committee recommends $85,682,000 for the 2000 Census. The Committee recommends $94,995,000 for the 2010 Decennial Census. Within this amount, $42,757,000 is for Design and Planning and $52,238,000 is for Master Address File/Topologically Integrated Geographic Encoding and Referencing [MAF/TIGER].

For other programs under this account, the Committee recommends the following: $85,475,000 for economic censuses; $5,773,000 for census of governments; $6,092,000 for intercensal demographic estimates; $27,131,000 for continuous measurements; $12,658,000 for demographic survey sample design; $6,284,000 for electronic information collection; $37,811,000 for geographic support; and $23,795,000 for data processing systems.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

Appropriations, 2002	$81,273,000
Budget estimate, 2003	60,349,000
Committee recommendation	73,528,000

The Committee recommends on appropriation of $73,528,000. The Committee recommendation is $13,179,000 above the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees.

SALARIES AND EXPENSES

Appropriations, 2002	$14,054,000
Budget estimate, 2003	16,581,000
Committee recommendation	14,352,000

The Committee recommends on appropriation of $14,352,000. The recommendation is $2,229,000 below the budget request.

The Committee retains language from previous years allowing the Secretary of Commerce to charge Federal agencies for a portion of the cost of coordination of spectrum management, analysis, and operations.

PUBLIC BROADCASTING FACILITIES, PLANNING, AND CONSTRUCTION

Appropriations, 2002	$51,716,000
Budget estimate, 2003	43,556,000
Committee recommendation	43,616,000

The Committee recommends an appropriation of $43,616,000. The recommendation is $60,000 above the budget request. Public broadcasters face a significant challenge in making the transition from analog to digital broadcasting. The public broadcasters, as well as commercial broadcasters, are required to make the change from analog to digital broadcasting by 2005. This is an expensive task, and is going to be particularly challenging for public broadcasters whose networks include numerous translator stations.

These challenges are particularly great for those broadcasters who are located in, or who serve, largely rural areas. As in past years, the Committee continues to urge NTIA to place emphasis on the needs of these stations, and to support focusing resources on distance learning initiatives targeting rural areas.

TECHNOLOGY OPPORTUNITIES PROGRAM

Appropriations, 2002	$15,503,000
Budget estimate, 2003	212,000
Committee recommendation	15,560,000

The Committee recommends an appropriation of $15,560,000. The recommendation is $15,348,000 above the budget request. The Committee expects NTIA to limit eligibility for this program.

In its February 2002 annual report on Internet use, ''A Nation Online: How Americans Are Expanding Their Use of the Internet,'' the Department of Commerce reported that while Internet use among the poor and minorities has increased rapidly over the last 3 years, these groups still lag behind a majority of Americans who have access to the Internet. In its fiscal year 2003 budget request, the administration slated the Technology Opportunities Program (TOP) for elimination. According to the Department's fiscal year 2003 Budget in Brief, the reason for the elimination is that the program has fulfilled its mission. There are great numbers of people that would continue to benefit from the TOP program and the Committee recommends its full funding.

The regional information sharing system [RISS] under the Department of Justice provides funding for law enforcement entities which have traditionally obtained funding from the TOP Program. The Committee recommendation excludes law enforcement entities eligible for the RISS Program from applying for TOP funds. The Committee expects NTIA to give preference to applications from consortia and for purposes such as public safety or other uses for which there is no other funding source available.

The Committee is aware of several proposals for information infrastructure grants and strongly urges NTIA to consider applications for the following proposals within applicable procedures and guidelines and provide a grant, if warranted: (1) a broadband access initiative in Vermont; (2) a technology training initiative proposal by Morgan State University; (3) graduate education and applied research in South Dakota; and (4) a business to business electronic commerce program in Kentucky.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

Appropriations, 2002	$1,127,501,000
Budget estimate, 2003	1,304,357,000
Committee recommendation	1,205,571,000

The Committee recommends total budget resources of $1,205,571,000. The recommendation is $98,786,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees. The recommendation does not include the $207,000,000 surcharge on patent and trademark fees proposed in the President's fiscal year 2003 budget.

The Patent and Trademark Office [PTO] is charged with administering the patent and trademark laws of the United States. PTO examines patent applications, grants patent protection for qualified inventions, and disseminates technological information disclosed in patents. PTO also examines trademark applications and provides Federal registration to owners of qualified trademarks. The PTO is subject to the policy direction of the Secretary of Commerce, but the agency has independent control of its budget, expenditures, personnel, procurement and other administrative and management functions.

Patent laws administered by the PTO encourage invention, innovation and investment. The PTO plays a critical role in promoting the continued development of intellectual property in this country. For established companies, new patents improve competitiveness, increase productivity, help bring new products and services to market, and create jobs.

Preparing PTO for the Workload Associated with the 21st Century Economy.—For fiscal year 2002, the Committee directed the PTO to develop a 5-Year Strategic Plan for the PTO with three core objectives: (1) prepare the agency to handle the workload associated with the 21st century economy, (2) improve patent quality, and (3) reduce patent and trademark pendency. The Committee directed that the plan include recommendations to improve retention and productivity of the examiner workforce, target hiring increases to deal with high-growth areas, improve training, and increase productivity through E-Government and other capital improvements. The Committee directed that the plan also include benchmarks for measuring progress in achieving each of those objectives.

While the PTO has briefed the Committee on the outlines of a 5-Year Strategic Plan for the agency that is generally responsive to direction from Congress, the plan calls for some of the most sweeping changes to the patent review process in 200 years.

The Committee recommendation supports efforts to shift PTO resources to high priority areas and a more gradual increase in staffing to ensure that examiners have the expertise, tools, and training necessary to produce quality patents on a timely basis. This approach is consistent with the outline of the PTO 5-Year Strategic Plan released in June 2002.

Within the total amounts recommended, the Committee directs that PTO cover all proposed adjustments to base and implement $42,510,000 in proposed fiscal year 2003 savings resulting from implementation of the PTO 5-year Strategic Plan. In addition, the Committee recommends the following targeted funding increases: (1) $9,737,000 to hire 250 new patent examiners to help improve patent quality and reduce patent pendency; (2) $13,400,000 for an e-government initiative. Of this amount, $2,000,000 is provided to begin implementing the PTO's e-trademark initiative, and $11,400,000 is provided for the PTO's e-patent initiative; (3) $1,100,000 is to implement the PTO's information technology initiative; and (4) $4,257,000 for improved patent examiners hiring, training, and supervision.

SCIENCE AND TECHNOLOGY

The Committee includes agencies involved in technology research and development, scientific assessment and prediction of environmental phenomena, and the administrative and policy functions providing oversight for these activities.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

Appropriations, 2002	$8,238,000
Budget estimate, 2003	7,886,000
Committee recommendation	7,886,000

The Committee recommends an appropriation of $7,886,000. The recommendation is

identical to the budget request and will fully fund the current operations of the Technology Administration. The Committee recommendation includes a 4.1 pay adjustment for Federal employees.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Appropriations, 2002	$686,751,000
Budget estimate, 2003	563,110,000
Committee recommendation	720,869,000

The Committee recommends a total of $720,869,000 for the National Institute of Standards and Technology [NIST]. The recommendation is $157,759,000 above the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees.

Competitive sourcing.—The Committee is concerned about efforts within the Department of Commerce to use the implementation of the President's Management Initiative for Competitive Outsourcing (the A–76 process) at the National Institute of Standards and Technology [NIST] as a way to reduce staff by more than 50 percent regardless of the impact on NIST's missions. This initiative is designed to compete or directly convert 15 percent of those positions identified as commercial competitive. However, efforts are underway to identify roughly 75 percent of NIST's positions as commercial for purposes of this initiative. While the Committee agrees that there are certain advantages to competitive outsourcing, it is also concerned that blind implementation could severely inhibit the operations of the Institute in the future. For more than a century, the scientists, engineers, and supporting organizations of the Institute have had the mission of establishing the standards that touch nearly every aspect of life and work in America, from the doses of radiation in medical X-rays to the level of protection in bullet-resistant vests used by police officers. NIST's mission plays an ever more critical role today by supporting Homeland Security through the development of standards for mail irradiation, cyber security for Federal IT systems, and by conducting the Federal investigation of the collapse of the World Trade Center buildings. The Committee directs that before proceeding with further implementation, NIST shall provide a detailed plan to the Committees on Appropriations. The plan shall be approved by both Committees before the Department proceeds with ''competitive outsourcing'' in any manner.

A description of each NIST account and the Committee recommendation follows:

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

Appropriations, 2002	$321,111,000
Budget estimate, 2003	384,809,000
Committee recommendation	363,433,000

The Committee recommends an appropriation of $363,443,000. The recommendation is $21,376,000 below the budget request.

The Committee recommendations are displayed in the following table:

Electronics and Electrical Engineering	$53,132,000
Manufacturing Engineering	21,341,000
Chemical Science and Technology	40,313,000
Physics	37,015,000
Material Science and Engineering	64,878,000
Building and Fire Research	24,765,000
Computer Science and Applied Mathematics	55,297,000
Technology Assistance	18,467,000
National Quality Program	5,522,000
Research Support Activities	42,703,000
Total, STRS	363,433,000

Within the funds made available for Electronics and Electrical Engineering, $10,000,000 is for the development of standards and guidelines for first responders. This effort shall be administered by the Office of Law Enforcement Standards within the Electronics and Electrical Engineering Program. Within the funds made available for Chemical Science and Technology, $1,000,000 is to restore reductions in environmental measurements at the Hollings Marine Laboratory, and $2,000,000 is for measurements and standards related to In-vitro diagnostic medical devices. Within the funds made available for Physics, $2,500,000 is for nanotechnology research coordinated with the National Nanotechnology Initiative. Within the funds made available for Material Science, $5,000,000 is to enhance the operations of the NIST Center for Neutron Research and $835,000 is for instrumentation. Within the funds made available for Building and Fire Research, $4,000,000 is for the development of standards pertaining to the construction of high-rise buildings and for the continuation of NIST's investigation into the collapse of the World Trade Center towers on September 11, and $2,500,000 is for the continued funding of the Wind Research Program, a cooperative agreement between NIST and Texas Tech University. Within the funds made available for Computer Science and Applied Mathematics, $1,000,000 is to fund the Computer Security Expert Assist Teams, $2,100,000 is for the development of computer security checklists and guidelines for computer hardware and software systems, and $500,000 is provided to begin support of NIST's efforts related to the Help America Vote Act. Within the funds made available for Research Support Activities, $3,900,000 funds utility costs associated with the Advanced Measurement Laboratory, and not more than $12,100,000 is to be used for business systems, also known as the Commerce Administrative Management System [CAMS]. The Committee recommends that no funds be used for FAIR Act studies, in support of the A 76 contracting process.

INDUSTRIAL TECHNOLOGY SERVICES

Appropriations, 2002	$291,032,000
Budget estimate, 2003	119,607,000
Committee recommendation	291,976,000

The Committee recommends an appropriation of $291,976,000. The recommendation is $172,369,000 above the budget request.

Manufacturing Extension Partnership Program [MEP].—The Committee recommends an appropriation of $106,623,000 to fully fund all of the MEP centers.

Advanced Technology Program [ATP].—The Committee recommends an appropriation of $185,353,000. The recommendation is $39,198,000 above the budget request. This amount, when combined with approximately $34,000,000 in carryover, will fully fund ATP awards at current levels. Within the amounts made available, $45,000,000 shall be used for administrative costs, internal laboratory support, and for Small Business Innovation Research Program [SBIR] requirements. NIST may not apply a contracts and grants processing surcharge to the ATP program.

In fiscal year 2002, the Committees on Appropriations provided $60,700,000 for new ATP awards, yet the Department committed to issuing only $35,000,000. The Committees on Appropriations clarified Congressional intent on this matter by modifying bill language in the fiscal year 2002 Supplemental Appropriations bill. The Committee recommends similar modified bill language which obligates the Department of Commerce to spend $60,700,000 in fiscal year 2003 towards the awards.

CONSTRUCTION OF RESEARCH FACILITIES

Appropriations, 2002	$62,393,000
Budget estimate, 2003	54,212,000
Committee recommendation	65,460,000

The Committee recommends an appropriation of $65,460,000. The recommendation is $11,248,000 above the budget request and fully funds the highest priority safety, capacity, maintenance, and repair projects at NIST. Of the amounts provided, $15,000,000 is for equipping and relocation expenses related to NIST's Advanced Measurement Laboratory in Gaithersburg, MD.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

Appropriations, 2002	$3,258,848,000
Budget estimate, 2003	3,130,614,000
Committee recommendation	3,349,506,000

The Committee recommends an appropriation of $3,349,506,000 for National Oceanic and Atmospheric Administration [NOAA]. Transfers and de-obligations total $75,200,000. The recommendation is $218,892,000 above the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees. During this time of continued budgetary constraint, the Committee recommendation continues to make funding for ocean, coastal, fisheries, and atmospheric programs a high priority.

As in past years, the Committee expects NOAA and the Department to adhere to the direction given in this section of the Committee report and to observe the reprogramming procedures detailed in section 605 in the general provisions of the accompanying bill.

OPERATIONS RESEARCH, AND FACILITIES

The Committee recommends discretionary appropriations of $2,352,301,000. The recommendation is $138,219,000 above the budget request.

Sea Grant College Program.—Through its budget request, the administration slated the National Sea Grant College Program for termination under NOAA and reconstitution under the National Science Foundation [NSF]. The Committee does not support this ill-conceived notion. Instead, the Committee recommends a total appropriation of $63,410,000 for the program. Under the NSF, the program would lose its State matching requirement and it would lack authorization to continue its successful Extension Program. The Sea Grant program has a longstanding commitment to problem-oriented scientific research and education that responds to the needs of industry, government, resource managers, university scientists, and the broader public. The outreach and technology transfer services of the Sea Grant program have improved science-based fisheries management, pollution remediation, seafood safety, marine safety, and marine engineering. The Committee is concerned that NSF, with its tradition of funding basic science, will be less responsive to the research agenda successfully developed by Sea Grant.

Ocean and Coastal Observing Systems.—The Committee reaffirms its support for the establishment of an integrated interagency ocean and coastal observing system that will provide critical information to a wide variety of users of ocean and coastal information and services. Substantially better information on the current and future state of the ocean and its role in environmental change is needed. Adequate predictive capability is a prerequisite to the development of sound policies at the national and regional level, policies ranging from maritime commerce to public health, from fisheries to safety of life and property, from climate change to national security.

Broad scale discussions have been underway for almost three decades on this topic, but coordinated attention at the Federal level has begun in earnest only in recent years. In Senate Report 107–42, the Committee directed the Office of Science and Technology Policy to develop an interagency plan for the research, technology demonstration, and ultimately, the implementation of an integrated ocean observing system. The Committee notes that efforts are underway to develop such a plan, but to date, no such interagency plan has been submitted.

The Committee directs NOAA to work with its partners on the National Ocean Research Leadership Council to submit a plan to the Committee prior to the release of the President's budget for fiscal year 2004. This plan will detail an implementation strategy for the establishment of an integrated ocean and coastal observing system. This plan shall, at a minimum: (1) include an interagency governance structure; (2) define the roles and responsibilities of each agency in implementing and operating the system; (3) provide multi-year funding estimates by agency; and (4) include a process for regional coordination and technical support to ensure development of integrated regional systems with a national observing initiative.

In addition, as development of an integrated long-term Federal plan proceeds, the Committee urges NOAA to coordinate existing or planned regional coastal observing systems, particularly those for which funding has been provided or those which use Federal platforms such as buoys. The Committee directs NOAA to utilize the data management and technical expertise of the Coastal Services Center to perform this function as well as provide education and outreach to participating Federal agencies, academic institutions, State agencies, and other interests.

Ocean Health Initiative.—One area where coastal observing systems would be useful is in exploring the relationship between the oceans and human health. In 1999, a National Research Council report, *From Monsoons to Microbes: Understanding the Ocean's Role in Human Health*, focused attention on the implications of ocean phenomena for human health. The phenomena include climate change, weather events, coastal hazards, infectious diseases, and harmful algal blooms. As the nation faces increasing coastal pressures and scientists identify alarming changes in coastal systems, including changes in sentinel species such as dolphins and fish, NOAA is uniquely positioned to play a strong role in identification, prediction, and prevention of such changes. In addition, genetic and other characteristics of marine organisms can be used for medical advances and NOAA can help build a bridge between marine scientists and human health experts.

The Committee directs the Under Secretary to establish an Ocean Health Initiative to coordinate and focus agency activities on critical areas of concern and identify critical gaps in coverage. The Committee is providing $10,000,000 that shall be used for critical research and projects aimed at closing identified gaps. The Committee directs NOAA to: (1) work with the NSF and the National Institute of Environmental Health Sciences in developing a joint program that builds on and complements existing NOAA programs; (2) establish an external peer reviewed grant process; and (3) provide for the selection and funding of internationally recognized ''distinguished'' scholars to work in collaboration with NOAA researchers. NOAA will submit a spend plan for approval by the Committees on Appropriations before program funding is obligated.

Fisheries Management Reform.—The Committee continues to be gravely concerned over the need for reform of the Federal fishery management system. In June 2002, the National Academy of Public Administration [NAPA] and the National Research Council [NRC] issued the report requested by the Committee that continues and expands the review begun in the June 2000 report prepared for NOAA, *An Independent Assessment of the Resource Requirements for the National Marine Fisheries Service*. The NAPA/NRC report confirmed that the agency is in a management crisis that will require years to resolve, and stated that the National Marine Fisheries Service [NMFS] must demonstrate leadership to ensure the necessary changes are made in the fishery management structure. The Committee supports current efforts by the Agency to strengthen accountability in both the Councils and the Agency.

However, the Committee is concerned that implementation of the changes has been extremely slow, even when the funds have been provided. More aggressive action is needed, particularly in strengthening analytical capabilities and litigation preparedness. The Committee directs NOAA, no later than June 30, 2003, to report to the Committees on Appropriations on its progress in implementing the reforms identified in the NAPA/NRC report, as well as issues identified by NMFS, including how the budget request for fiscal year 2004 helps achieve these reforms.

Pacific Salmon Funding.—The Committee notes the lack of accountability and performance standards for resources distributed to restore endangered and threatened salmon through the Pacific Coastal Salmon Recovery Fund. For fiscal year 2002, the Committees on Appropriations provided the National Marine Fisheries Service $111,700,000 to be distributed among certain States and tribes for habitat restoration and salmon recovery. The Secretary of Commerce is imposed with substantial legal obligations under the Endangered Species Act because no less than twenty six runs of Pacific salmon are listed as endangered. Failure to make progress toward recovery under the Endangered Species Act poses adverse legal consequences for the agency. The Committee has no assurances from the Administration that any of these funds have contributed to the recovery of Pacific salmon. This is particularly important at a time when the Department is struggling to respond to a huge litigation caseload, which the Committee has provided substantial funds to help reduce. Furthermore, there appears to be no way to accurately estimate total annual Federal expenditures for Pacific salmon recovery, but funds provided to the various agencies are more than $500,000,000 per year.

The Committee believes that some mechanism assuring legal and fiscal accountability is required for distribution of funds to States with listed salmon species. Section 6 of the Endangered Species Act provides for such a mechanism, linking the distribution of recovery funds to assurances that the State has an adequate and active program for endangered species conservation. The Committee directs NOAA to enter into Section 6 cooperative agreements with the States and tribes that are using funds for recovery of listed species to clarify State and tribal involvement in regional and local recovery programs. In addition, the Committee directs NOAA to provide an annual report to the Committee no later than March 30 of each year on the projects funded through the Pacific Salmon Recovery Fund and their projected and actual results, particularly focusing on progress toward recovery of endangered and threatened salmon species and projected ending date for funding needs based on recovery schedules. The Committee recommends that not less than 1 percent of the amounts made available for the Pacific Coastal Salmon Recovery Fund be made available to NOAA to accomplish this task.

Enforcement of International Dolphin Agreement.—The Committee is concerned that Mexico and other non-U.S. parties to the International Dolphin Conservation Program [IDCP], of which the United States is a member, are not fully complying with the requirements of the IDCP, particularly with respect to accurate reporting of dolphin interactions and mortality. The Committee directs the Department, in conjunction with NOAA, and in consultation with key U.S. stakeholders, to evaluate and document any lack of compliance by the non-U.S. parties to the IDCP with its provisions, including through on-site visits and discussions with government officials, observers and others with first-hand knowledge of country practices, and to submit a written report describing the findings to the Committee no later than May 1, 2003. The report should include an evaluation of compliance with the onboard observer program, with a focus on national observers; reporting of dolphin interactions and mortality; operational requirements for vessels; and actions by parties to follow-up on infractions identified by the international review panel.

NOAA Operations, Research, and Facilities Fiscal Year 2003

	Committee recommendation
National Ocean Service	$406,243,000
National Marine Fisheries Service	603,052,000
Oceanic and Atmospheric Research	395,685,000
National Weather Service	682,610,000
National Environmental Satellite and Data Information Services	133,841,000
Program Support	202,870,000
Total Operations, Research, and Facilities—	2,352,301,000

NATIONAL OCEAN SERVICE

[In thousands of dollars]

	Committee recommendation
Navigation Services:	
Mapping & Charting:	
Mapping & Charting Base	36,542
Coastal Storms	1,000
Joint Hydrographic Center	4,250
Joint Hydrographic Center—Bathymetric Research	2,000
Electronic Navigation Charts	3,350
Shoreline Mapping	2,000

	Committee recommendation
Address Survey Backlog/Contracts	20,450
MS/LA Digital Coast	1,000
Vessel Lease/Time Charter	9,900
Subtotal, Mapping and Charting	80,492
Geodesy:	
Geodesy Base	21,539
National Spatial Reference System	250
Height Modernization Study—NGS Implementation	250
Height Modernization Study NC	1,000
Height Modernization Study CA	1,000
Height Modernization Study MS	1,000
Geodetic Survey—LA	1,000
S. Carolina Geodetic Survey	500
Subtotal, Geodesy	26,539
Tide & Current Data	13,709
PORTS	3,000
Coastal Storms	1,000
Upper Cook Inlet Tidal Research	500
Subtotal, Tide & Current Data	18,209
Total, Navigation Services	125,240
Ocean Resources Conservation and Assessment:	
Ocean Assessment Program [OAP]:	
Ocean Assessment Program Base	15,128
Coastal Observation Technology System	1,700
Center for Integrated Marine Technologies	2,500
Alliance for Coastal Technologies	2,500
Center for Coastal Ocean Observation and Analysis	2,500
Carolina Coastal Ocean Observing and Prediction System	2,500
Wallops Ocean Observation Project	2,000
Coastal Marine Research and Monitoring Program	2,000
Submersible Microtechnology Research	1,500
Coastal Storms	750
Beaufort	3,000
Pfiesteria Research and HAB Rapid Response	3,925
Coastal Services Center	20,000
Pacific Coastal Center	2,000
Harmful Algal Blooms	5,000
Coastal Watershed Groundwater Assessment NH	500
CREST	450
Harmful Algal Bloom Task Force SC	600
Aquatic Research Consortium MS	2,500
Coop Institute for Coastal and Estuarine Enviro Tech	6,550
Hawaii Coral Reef Initiative	1,500
National Coral Reef Institute—Florida	1,000
Coral Reef Program	14,000
National Fish and Wildlife Foundation—NFWF	1,500
JASON Education and Outreach	2,000
Subtotal, Ocean Assessment Program [OAP]	97,603
Response and Restoration:	
Response and Restoration Base	4,641
Estuarine and Coastal Assessment	2,670
Estuarine Restoration Program	1,200
Damage Assessment Program	5,200
Oil Pollution Act of 1990	1,000
Coastal Protection and Restoration Project	1,000
Spill Response and Restoration Program	2,000
Marine Debris Removal SC	175
Edisto Beach Marsh Restoration	100
Water Control Impoundments SC	700
Coastal Remediation Technology	750
Subtotal, Response and Restoration	19,436
Oceanic and Coastal Research:	
Oceanic and Coastal Research Base	6,293
Fish Forensics/Enforcement	1,300
MERHL	4,000
Murrell's Inlet Special Area	200
Gulf of Alaska Ecosystem Monitoring	750
Nowcast/Forecast Operational System	500
Pfiesteria/Toxins Research	1,000
Aquidneck Island	600
Subtotal, Ocean and Coastal Research	14,643
Coastal Ocean Science:	
Coastal Ocean Program Base	12,890
ECOHAB	4,200
Long-Term Estuary Assessment Consortium	1,200
Hypoxia	1,085
South Florida Ecosystem	1,200
Joint Hydrographic Center—Bathymetric Research	1,200
Subtotal, Coastal Ocean Science	21,775
Total, Ocean Resources Conservation & Assessment	153,457
Ocean and Coastal Management:	
Coastal Management:	
CZMA Grants	68,963
CZMA Program Administration	3,483
National Estuarine Research Reserve System	16,400
Nonpoint Pollution Implementation Grants	1,000
Marine Protected Areas	3,000
Subtotal, Coastal Management	92,846
Ocean Management:	
Marine Sanctuary Program:	
Marine Sanctuary Program Base	33,500
Northwest Straits Citizens Advisory Commission	1,200
Subtotal, Ocean Management	34,700
Total, Ocean and Coastal Management	127,546
TOTAL, NATIONAL OCEAN SERVICE—ORF	406,243

Some of the Committee recommendations displayed in the table above are described in more detail in the following paragraphs.

The Committee recommends an appropriation of $406,243,000 for the National Ocean Service [NOS].

Navigation.—The Committee recommends $4,250,000 for the Joint Hydrographic Center. In addition, the Committee recommends $3,200,000 for bathymetric surveys off the Northeast Coast of the United States and around the Aleutian Chain in accordance with the data needs identified by a Joint Hydrographic Center on the potential expansion of United States lands beyond the Exclusive Economic Zone. Within the funding recommendation for Shoreline Mapping, the Committee recommends that NOS focus on mapping the shoreline of the North Slope of Alaska.

Ocean Resources Conservation and Management.—The Committee recommends continued funding for the Coastal Observation Technology System within the NOS to provide a national framework, technical assistance, and support for sustained coastal observation systems, with particular emphasis on coordinating regional systems. The Committee recommendation includes $15,700,000 for this program.

The Committee recommends $500,000 for Nowcast/Forecast Operational Systems to coordinate research on waves, temperature, and current dynamics to forecast weather and ocean conditions affecting both wildlife and human safety.

The Committee recommendation includes $14,000,000 for the Coral Reef Program, subject to approval of a spend plan by the Committees on Appropriations. The Committee recommends $3,000,000 for the Beaufort Laboratory and encourages the lab to pursue opportunities for collaborative research with area universities. Under Response and Restoration, $750,000 is provided for Coastal Remediation Technology to develop a cooperative program with the Cooperative Institute for Coastal and Estuarine Environmental Technology to evaluate innovative environmental technologies for estuary remediation. Under funding for the Coastal Ocean Program, the Committee directs the program to work with and continue its current levels of support for the Baruch Institute's research and monitoring of small, high-salinity estuaries and to continue its current levels of support for the LUCES program. Within the funds provided for the MERHL, the Committee directs NOAA to create a scientific and professional [ST] position to act as Chief Scientist for NCCOS.

Ocean and Coastal Management.—The Committee recommendation includes full funding for Coastal Zone Management Act Administration. The Committee recommends $3,483,000 under the Administration account. The Committee recommends $33,500,000 for the National Marine Sanctuary Program [NMSP]. The Committee supports elevation of the NMSP to that of Office of National Marine Sanctuaries. Further, the Committee

recommends that this Office have authority to create Regional Offices and recommends an additional five full-time equivalents to implement this regional approach.

The Committee encourages NOAA to continue its work with the Mariner's Museum and the Navy on efforts to recover and preserve the Monitor.

NATIONAL MARINE FISHERIES SERVICE

[In thousands of dollars]

	Committee recommendation
Base:	
Direct labor	35,919
Personnel benefits	8,980
Former personnel	1,122
Travel of persons	2,245
Rent, Communications, Utilities, Miscellaneous Charges	6,735
Contractual services	22,449
Supplies and materials	4,490
Equipment	3,367
Grants, fixed charges	25,817
All other	1,122
Total, Base	112,246
Fisheries Research and Management Services:	
Science and Technology:	
AKFIN	3,200
Alaska Fisheries Development Foundation	1,000
Alaska Groundfish Monitoring	2,087
Alaska Groundfish Monitoring—Bering Sea Fishermen's Association CDQ	175
Alaska Groundfish Monitoring—Crab Research NMFS	473
Alaska Groundfish Monitoring—Gulf of Alaska Coastal Communities	250
Alaska Groundfish Monitoring—NMFS Field Fishery Monitoring	300
Alaska Groundfish Monitoring—NMFS Rockfish Research	350
Alaska Groundfish Monitoring—Winter Pollock Survey	1,000
Alaskan Groundfish Surveys	661
Alaskan Groundfish Surveys—Calibration Studies	240
American Fisheries Act Implementation	3,525
Atlantic Herring and Mackerel	200
Bering Sea Pollock Research	945
Bluefin Tuna Tagging [UNH]	850
Bluefish/Striped Bass	700
Charleston Bump Billfish Tagging	150
Chinook Salmon Research at Auke Bay	300
Computer Hardware and Software	3,492
Cooperative Research—National Cooperative Research	2,750
Cooperative Research—NE Cooperative Research	3,250
Cooperative Research—SE Cooperative Research	3,000
Cooperative Research Northeast Consortium	5,000
Driftnet Act Implementation	1,800
Driftnet Act Implementation/Pacific Rim Fisheries	150
Driftnet Act Implementation/Science Observer Russian EEZ	250
Expand Stock Assessments—Improve Data Collection	12,000
Fish Statistics—Atlantic States Marine Fisheries Commission	2,000
Fish Statistics—Economics & Social Sciences Research	4,000
Fish Statistics—National Fisheries Information System	2,575
Fish Statistics—National Standard 8	1,000
Fish Statistics	13,900
Fisheries Development Program—Hawaiian Fisheries Development	1,000
Fisheries Development Program—Product Quality and Safety/Seafood Inspection	8,685
Fisheries Oceanography	1,000
FMP Extended Jurisdiction, State of Alaska	1,500
GULFFIN Data Collection Effort	3,500
Gulf of Maine Groundfish Survey	567
Gulf of Mexico Consortium	3,000
Halibut Data Collection	450
Hawaii Seafood Safety and Inspections	800
Hawaii Stock Management Plan	750
Highly Migratory Shark Fishery Research Program	1,500
Horseshoe Crab Research	850
Information Analysis and Dissemination	21,890
JIMAR	2,500
Lobster Sampling	150
Magnuson Stevens Implementation off Alaska	4,350
MARFIN	2,500
MARFIN—NE Activities	250
MARFIN Red Snapper	750
MARMAP	850
Massachusetts Fisheries Institute	500
NAPA/NAS Management Review	1,050
Steller Sea Lion/Pollock Research North Pacific Council and Management	2,000
New England Stock Depletion	1,000
NMFS Facililties Maintenance	4,000
Observers—Fishery Observers	2,000
Observers/Training—Atlantic Coast Observers	3,350
Observers/Training—East Coast Observers	350
Observers/Training—Hawaii Longline Observer Program	4,000
Observers/Training—N. Pacific Marine Resources Observers	1,875
Observers/Training—N. Pacific Observer Program	800
Observers/Training—West Coast Observers	3,730
PACFIN Catch Effort Data	3,000
Pacific Highly Migratory Species Research	750
Recreational Fishery Harvest Monitoring RECFIN	3,450
Recreational Fishery Harvest Monitoring RECFIN—SC	500
Red Snapper Monitoring and Research	7,500
Reduce Fishing Impacts on EFH	500
SEAMAP	1,400
Shrimp Pathogens South Carolina	450
South Carolina Taxonomic Center	500
West Coast Groundfish	5,220
Subtotal, Science and Technology	176,340
Conservation and Management:	
Alaska Near Shore Fisheries State of Alaska	1,000
American Fisheries Act	2,174
American Fisheries Act—N. Pacific Council	499
American Fisheries Act—National Standards 4 and 8 State of Alaska	499
Anadromous Fish Commission—North Pacific	750
Anadromous Grants	2,100
Bering Sea Crab State of Alaska	1,000
Gulf of Alaska Coastal Communities Coalition	375
Columbia River Facilities	3,365
Columbia River Hatcheries—Monitor, Evaluation and Reform	1,700
Columbia River Hatcheries and Facilities	11,457
Cooper River Corridor Management	125
Driftnet Act Implementation/State Participation—AK/WA	200
Fisheries Management Programs	27,182
Halibut/Sablefish	1,200
Hawaiian Community Development	500
Interjurisdictional Fisheries Grants	2,590
International Fisheries Commission State of Alaska	400
Interstate Fish Commissions—3 Commissions	750
Interstate Fish Commissions—Atlantic Cooperative Management	7,500
Magnuson Stevens Implementation off Alaska	2,050
Management of George's Bank	478
National Environmental Policy Act	5,000
Pacific Salmon Treaty	5,612
Pacific Salmon Treaty—Chinook Salmon Agreement	1,844
Refine EFH Designations	1,000
Regional Councils	15,000
SCORE	3,000
South Carolina Seafood Marketing	500
South Carolina Shrimper Assistance	1,500
Yukon River Chinook Salmon State of Alaska	1,000
Yukon River Chinook Salmon—Yukon River Drainage Fisheries Association	499
Subtotal, Conservation and Management	102,849
Total, Fisheries Research and Management Services	279,189
Protected Resources Research and Management Services:	
Science and Technology:	
Antarctic Research	1,650
Atlantic Salmon Research	710
Bottlenose Dolphin Research	1,000
Columbia River Endangered Species Studies	299

	Committee recommendation
Dolphin Encirclement	3,300
Dolphin/Yellowfin Tuna Research	250
Endangered Species Act—Atlantic Salmon	1,717
Endangered Species Act—Marine Mammals, Sea Turtles & Other Species	3,500
Endangered Species Act—Other Species	2,700
Endangered Species Act—Pacific Salmon Recovery	17,450
Endangered Species Act—Right Whale Activities	3,500
Endangered Species Act—Sea Turtles	5,250
Hawaiian Monk Seals	825
Hawaiian Sea Turtles	6,300
Marine Mammal Protection	7,120
Marine Mammal Protection—Ice Seals	250
Marine Mammal Protection—State of Alaska Harbor Seal Research	900
Marine Mammal Strandings	4,000
Rancho Nuevo Sea Turtles	350
Recovery of Endangered Large Whales	1,000
Steller Sea Lion Recovery Plan—Alaska Fisheries Foundation	1,000
Steller Sea Lion Recovery Plan—Alaska Sea Life Center	5,000
Steller Sea Lion Recovery Plan	5,000
Steller Sea Lion Recovery Plan—N. Pacific Universities MM Consortium	2,500
Steller Sea Lion Recovery Plan—Univ of AK Gulf Apex Predator	1,000
Steller Sea Lions—Endangered Species Act	850
Subtotal, Science and Technology	77,421
Conservation and Management Services:	
Atlantic Salmon Recovery Plan	450
Chinook Salmon Management	150
Cook Inlet Beluga	200
Endangered Species Act—Atlantic Salmon	500
Endangered Species Act—Pacific Salmon Recovery	20,500
Endangered Species Act—Right Whale Activities	3,500
Marine Mammal Strandings—Alaska SeaLife Center	1,000
Marine Mammal Strandings—Charleston Health and Risk Assessment	800
Native Marine Mammals—Alaska Eskimo Whaling Commission	500
Native Marine Mammals—Alaska Harbour Seals	150
Native Marine Mammals—Aleut Pacific Marine Resources Observers	125
Native Marine Mammals—Beluga Whale Committee	225
Native Marine Mammals—Bristol Bay Native Association	50
Protected Species Management—California Sea Lions	750
Protected Species Management—NFWF Species Management	1,000
Protected Species Management—State of Maine Salmon Recovery	1,500
Southeastern Sea Turtles	300
State of Maine Recovery Plan	150
Steller Sea Lion Recovery Plan—State of Alaska	2,000
Subtotal, Conservation and Management Services	33,850
Total, Protected Resources Research and Management Services	111,271
Habitat Conservation Research and Management Services:	
Bay Watersheds Education and Training Program	3,500
Oxford	2,900
Blue Crab Advanced Research Consortium	2,500
Charleston Bump	450
Chesapeake Bay Multi-Species Management	500
Chesapeake Bay Oyster Restoration	2,000
Chesapeake Bay Studies	3,500
Center for Marine Education and Research MS	2,500
Community-based Restoration Grants	13,050
Connecticut River Partnership	300
Coral Reef	11,000
Habitat Conservation	5,151
Kenai Peninsula Fish Habitat Restoration	1,000
Magnuson Stevens Implementation off Alaska	850
Marsh Restoration—NH	1,000
Mobile Bay Oyster Recovery	1,000
South Carolina Oyster Recovery	1,000
Oyster Chesapeake Bay Project—VA	1,000
Total, Habitat Conservation Research and Management Services	53,201
Enforcement and Surveillance Services:	
Driftnet Act Implementation	1,375
Enforcement and Surveillance	20,420
Enforcement and Surveillance—Cooperative Agreements w/States	5,500
Enforcement and Surveillance—Vessel Monitoring System	4,500
Subtotal, Enforcement	31,795
Partnerships in Enforcement:	
Enforcement and Surveillance—Cooperative Agreements w/States	15,000
SC DNR Research Vessel	350
Subtotal, Partnerships in Enforcement	15,350
Total, Enforcement and Surveillance Services	47,145
TOTAL, NATIONAL MARINE FISHERIES SERVICE—ORF	603,052

The Committee recommends an appropriation of $603,052,000 for the National Marine Fisheries Service [NMFS]. Some of the Committee recommendations displayed in the table above are described in more detail in the following paragraphs.

White paper.—Late this summer, NMFS released a white paper entitled, ''Fiscal Year 2003 Senate Appropriations Committee Mark Impacts—NOAA Fisheries''. Suspiciously, the paper alleged that a host of Congressional priorities might be eliminated were Senate levels enacted into law, even though NMFS was receiving hundreds of millions of dollars in funding. Efforts by the Committee to clarify just what NMFS would do with the money allotted to it by the Senate proved unsuccessful. Therefore, NMFS is directed to fully fund and execute every initiative cited in the aforementioned white paper as well as every initiative listed in the table above and described in the narrative below. No other activities shall be undertaken or continued. NMFS is directed to submit a spending plan to the Committees on Appropriations accounting for every dollar to be spent. The spending plan shall be delivered not later than April 15, 2003, and the Committee cautions NMFS and NOAA not to be late as is often the case.

Base funding.—The Committee has worked closely with NMFS to differentiate between fixed and variable costs, leading to the first accurate accounting of so-called base funding. The Committee commends those who participated in this endeavor. Transfers of funds between subaccounts within the base account, or into or out of the base account, shall be subject to reprogramming requirements regardless of dollar amount.

Fisheries Litigation Issues.—The Committee recommendation includes $5,000,000 for the NMFS to address National Environmental Policy Act [NEPA] issues. To date, $42,000,000 has been appropriated to NOAA to maintain an up-to-date litigation docket and conduct periodic analyses of its litigation record and pending caseload. In the past, the Committee has also directed NMFS to improve its administrative record keeping by employing standardized methods uniformly throughout the regional fisheries management councils, fisheries management regions, and fisheries science centers. The Committee directed that such an administrative record should contain all required analyses, so that officials involved in the process could assure themselves by inspection that the record supported their proposed actions prior to their approval.

To date, NMFS has ignored this direction. Furthermore, NMFS has provided no justification of how it has spent the funds that have been appropriated for these purposes. The Committee recommends $5,000,000 to establish an Office of National Environmental Policy Act Compliance. This Office will be coordinated by a Senior Executive Service level employee who will report directly to the Undersecretary of Commerce for Oceans and Atmosphere. Under the direction of this National Coordinator, each fisheries management regional office or fisheries management council will house a regional NEPA Coordinator. At a minimum, NOAA will employ 50 individuals by September 30, 2003 to work on its NEPA issues. None of the funds recommended for this effort will be made available for regional council support without prior Committee approval. NMFS shall submit for approval to the Committees on Appropriations a spend plan on this action before April 20, 2003.

The Committee is pleased with the work conducted by National Academy of Public Administration [NAPA] and the National Research Council [NRC] on its report, *An Independent Assessment of the Resource Requirements for the National Marine Fisheries Service.*

The Committee recommends that NAPA continue to review NMFS management systems and recommends $750,000 for it to do so. The Committee also recommends $300,000 for the NRC Ocean Studies Board to focus on issues at the interface between research and management such as adequacy of equipment, and staff training. The Committee looks forward to hearing from the NAPA and the NRC on their progress.

The Committee recommendation includes $7,000,000 for North Atlantic right whale research, management activities, and Atlantic coastal States' implemention of cooperative Federal-State right whale recovery plans, such as those concluded under section 6 of the Endangered Species Act [ESA], to be distributed in the manner described in the following table:

NORTHERN RIGHT WHALE PRESERVATION

Reduce ship strikes	$1,430,000
Whale detection technologies	[400,000]
Passive acoustic	[160,000]
Active acoustic	[95,000]
Measuring whale response to approaching vessels	[145,000]
Reduce entanglement	1,105,000
Gear modification	[355,000]
Center for Coastal Studies	[300,000]
New England Aquarium	[300,000]
Southeast disentanglement teams	[100,000]
Biology	1,205,000
Recovery coordination	110,000
Other	400,000
State programs	1,750,000
Northeast Consortium	1,000,000

Within the amounts provided, the Committee expects NMFS to expedite right whale recovery in consultation with the Implementation Team and the Take Reduction Team. The NMFS is expected to support priority management, enforcement, and ship strike prevention activities, including expedited development and deployment of innovative fishing gear and whale tracking technologies, improved stranding response and procedures, a whale-sighting advisory system, and a mandatory ship-reporting system. No more than 20 percent of funds provided to NMFS may be used for salaries of existing personnel.

Fisheries Research and Management.—The Committee recommends $3,450,000 for the recreational fishing information network [RECFIN] program, and expects that the Pacific, Atlantic, and Gulf States shall each receive one-third of these funds with funding for inshore recreational species assessment and tagging efforts in South Carolina. In addition,the Committee expects that $500,000 will be used to continue the effort to enhance the annual collection and analysis of economic data on marine recreational fishing. The Committee recommends that the $750,000 for the Interstate Fish Commissions be equally divided among the three commissions. As in prior fiscal years, funds appropriated for the Hawaii Fisheries Development and Hawaii Stock Management Plan programs shall be administered by the Oceanic Institute. The Committee recommends that NMFS double its effort with regard to California Cooperative Fisheries Investigation cruises. Of the amounts recommended for the Stellar Sea Lion Recovery Plan, $1,000,000 is for Alaska Fisheries Foundation to study innovative methods to deter whale predation of sea lions. In addition, the Committee expects NOAA to continue its research initiative on Pacific decadal oscillation, predator-prey relationships with particular emphasis on killer whale predation on sea lion pups, and to explore other factors in the marine environment that may be contributing to the decline of Stellar sea lions and other marine mammal populations.

Of the amounts recommended for SCORE, $1,000,000 is provided for New Hampshire, $1,000,000 is provided for South Carolina, and $1,000,000 is provided for the Mote Marine Laboratory.

Protected Resources Research and Management.—Of the amounts provided for Native Marine Mammals, $100,000 is to enable the Alaska Eskimo Whaling Commission to participate in International Whaling Commission meetings.

Habitat Conservation.—The Committee recommendation includes $3,500,000 for Chesapeake Bay Studies, of which $500,000 is for sea grass restoration. In addition, the Committee recommends that NOAA continue a micro-grant program allowing local governments and non-profit organizations to perform fisheries and shellfish restoration on the Chesapeake Bay. The Committee recommendation includes $1,500,000 for seven full-time equivalents for the Oxford Laboratory to support the NOAA Chesapeake Bay Office's fisheries, habitat restoration, and ecosystem research needs. The Committee provides a total of $3,500,000 for the Bay Watersheds Education and Training Program to be administered by the NOAA Chesapeake Bay Office. Of this amount, $2,000,000 is to continue the program in the Chesapeake Bay Watershed and $1,500,000 is for pilots in three locations.

Enforcement and Surveillance.—The Committee recommendation provides $350,000 for a fisheries research vessel for the South Carolina Department of Natural Resources. The Committee recommends continued support at last year's level for marine forensics and southeast fisheries' law enforcement, and the Committee expects continued cooperative laboratory activities between NMFS and State and local governments and the academic community. The Committee recommends that the three interstate marine fisheries commissions may be eligible to receive a portion of the Cooperative Enforcement Program funds for use in providing law enforcement coordination among the States and NMFS. Of the amounts provided for Enforcement and Surveillance-Cooperative Agreements with States, the Committee recommends $3,500,000 for the South Carolina Department of Natural Resources.

OCEANIC AND ATMOSPHERIC RESEARCH

[In thousands of dollars]

	Committee recommendation
Climate Research:	
Laboratories & Joint Institutes:	
Aeronomy Laboratory (Colorado)	8,111
Atlantic Oceanographic and Meteorological Laboratory (Florida)	5,691
Air Resources Laboratory (CO,ID,NC,NV,TN)	3,447
Climate Diagnostic Center (Colorado)	2,555
Climate Monitoring and Diagnostic Laboratory (Colorado)	5,952
Environmental Technology Laboratory (Colorado)	243
Forecast Systems Laboratory (Colorado)	156
Geophysical Fluid Dynamics Laboratory (New Jersey)	14,229
Pacific Marine Environmental Laboratory (Washington)	8,523
Space Environmental Center (Colorado)	236
Subtotal, Laboratories & Joint Institutions	49,143
Climate & Global Change Program:	
Base	68,608
Aerosols-Climate Interaction	2,000
Variability Beyond ENSO	1,000
Climate Forcing Agents	1,000
Accelerating Climate Models—IRI	2,100
Subtotal, Climate & Global Change Program	74,708
Climate Observations & Services:	
Climate Reference Network	3,000
Climate Data & Info and CLASS in PAC	1,000
Baseline Operations	2,500
Regional Assessments, Education and Outreach	1,750
Climate Change Assessments	650
Weather-Climate Connection	900
Carbon Cycle	2,300
Ocean Observations/Ocean Systems	3,500
ARGO-Related Costs	7,950
Climate Modeling Center [GFDL]	4,000
Global Climate Atmospheric Observing System	3,000
Subtotal, Climate Observations & Services	30,550
Climate Partnership Programs:	
Central CA Ozone Study	500
East Tennessee Ozone Study	300
International Pacific Research Center (U of HI)	2,000
Arctic Research Initiative [SEARCH]	2,000
Subtotal, Climate Partnership Programs	4,800
Total, Climate Research	159,201
Weather & Air Quality Research:	
Laboratories & Joint Institutes:	
Aeronomy Laboratory (Colorado)	2,054
Atlantic Oceanographic and Meteorological Laboratory (Florida)	3,921
Air Resources Laboratory (CO,ID,NC,NV,TN)	2,077
Climate Monitoring and Diagnostic Laboratory (Colorado)	166
Environmental Technology Laboratory (Colorado)	6,864
Forecast Systems Laboratory (Colorado)	10,646
Geophysical Fluid Dynamics Laboratory (New Jersey)	3,077
National Severe Storms Laboratory (Oklahoma)	7,552
Pacific Marine Environmental Laboratory (Washington)	264

	Committee recommendation
Space Environmental Center (Colorado)	7,242
Subtotal, Laboratories & Joint Institutes	43,863
U.S. Weather Research Program:	
Base	2,750
Targeted Wind Sensing	2,000
Subtotal, U.S. Weather Research Program	4,750
Weather & Air Partnership Programs:	
Tornado Severe Storm Research	1,000
New England Air Quality Study	1,750
AIRMAP	5,000
STORM	1,000
Subtotal, Weather & Air Partnership Programs	8,750
Total, Weather & Air Quality Research	57,363
Ocean, Coastal, and Great Lakes Research:	
Laboratories & Joint Institutes:	
Atlantic Oceanographic and Meteorological Laboratory (Florida)	3,219
Environmental Technology Laboratory (Colorado)	445
Great Lakes Environmental Research Laboratory (Michigan)	8,232
Pacific Marine Environmental Laboratory (Washington)	7,389
Subtotal, Laboratories & Joint Institutes	19,285
National Sea Grant College Program:	
Base	57,410
Aquatic Nuisance Species/Zebra Mussel Research	3,000
Gulf of Mexico Oyster Initiative	1,000
Oyster Disease Research	2,000
Subtotal, National Sea Grant College Program	63,410
National Undersea Research Program [NURP]:	
Base	13,770
National Institute for Undersea Science and Technology	5,000
Aquarius II	12,000
Subtotal, National Undersea Research Program [NURP]	30,770
Ocean Exploration	20,000
Ocean & Coastal Partnership Programs:	
Arctic Research	2,000
Cooperative Institute for Arctic Research	350
Institute for Science Technology and Public Policy	1,000
Gulf of Maine Council	250
Lake Champlain Research Consortium	300
NISA/Ballast Water Demonstrations	2,250
NISA/Prevent & Control Invasive Species	800
NISA Alaska	1,500
NOAA Marine Aquaculture Program	2,606
Ocean Health Initiative	10,000
Cooperative Institute for New England Mariculture and Fisheries	3,000
Aquaculture Education Program—Cedar Point, MS	2,000
Pacific Tropical Ornamental Fish	500
Tsunami Hazard Mitigation	6,300
Subtotal, Ocean & Coastal Partnership Programs	32,856
Total, Ocean, Coastal, and Great Lakes Research	166,321
High Performance Information Technology	12,800
TOTAL NOAA RESEARCH—ORF	395,685

The Committee recommends an appropriation of $395,685,000 for Oceanic and Atmospheric Research [OAR]. Some of the Committee recommendations displayed in the table above are described in more detail in the following paragraphs.

Base funding.—The Committee has worked closely with OAR to differentiate between fixed and variable costs, leading to the first accurate accounting of so-called base funding. The Committee commends those who participated in this endeavor. The amounts recommended under OAR ''Laboratories and Joint Institutes'', ''Climate and Global Change-Base Program'', and ''U.S. Weather Research Program-Base'', are subject to the following funding guidelines: 32 percent is for direct labor; 8 percent is for personnel benefits; 1 percent is for former personnel; 2 percent is for travel of persons; 6 percent is for rent and utilities; 20 percent is for contractual services; 4 percent is for supplies and materials; 3 percent is for equipment; 23 percent is for grants and fixed charges; and 1 percent is for miscellaneous expenses. Transfers of funds between these guidelines, or into or out of the base accounts, shall be subject to reprogramming requirements regardless of dollar amount.

Climate Change Research Initiative.—The Committee does not recommend $18,000,000 as requested, for the Climate Change Research Initiative. The Committee has, for many years, supported robust funding for the Climate and Global Change Program and activities under Climate Observations and Services. The Committee is concerned that the administration's proposed increases for Climate Change Research are not provided under the Global Change Research Program, but under a separate Climate Change Research Initiative not related to the research program being conducted pursuant to the coordinated Federal process established in the Global Change Research Act of 1990. The Committee supports increased funding for global climate change but the funding should be provided to NOAA for research priorities established under the U.S. Global Climate Research Program decision making structure. The Committee has provided $159,201,000 for climate research. This funding level does not include funds appropriated for climate research elsewhere within NOAA's budget.

Of the amounts provided for Tsunami Hazard Mitigation, $1,000,000 is for the Tsunami Warning and Environmental Observing in Alaska.

Ocean Exploration.—The Committee recommendation includes $20,000,000 for Ocean Exploration, an increase of $6,000,000 over the fiscal year 2002 level. Of this amount, the Committee recommends $1,000,000 for the Center for Marine Cultural Resources. These amounts will be administered by NOAA to establish a Cooperative Institute of Marine Cultural Resources, in collaboration with the University of Rhode Island and NOAA's Ocean Exploration program.

NISA.—The Committee recommends $2,250,000 for National Invasive Species Act/Ballast Water Demonstrations. The amount recommended is for the Chesapeake Bay and Great Lakes ballast water demonstrations to be allocated according to the fiscal year 2002 level. Of the amounts provided, $250,000 is for the Center for Innovative Technologies to continue activities begun in fiscal year 2002.

NISA Alaska.—The Committee recommends $1,750,000 to address the proliferation of exotic species such as Atlantic salmon in the marine environment in the North Pacific. Of this amount, $750,000 is for the Pacific States Marine Fisheries Commission to prevent the escapement of Atlantic salmon from Alaska streams and to address other invasive species issues including mitten crab, and green crab.

Ocean, Coastal, and Great Lakes Research.—Within the amount provided for the Great Lakes Environmental Research Lab, the Committee recommends that NOAA support research programs on aquatic invasive species mitigation and reduction in the Lake Champlain Basin. Of the amounts recommended for the National Sea Grant College Program, no less than $3,000,000 shall be for hiring of additional personnel, at the State program level, to act as liaisons between NOAA, Sea Grant Institutions, and the commercial and recreational fishing industries. The Committee recommends $13,770,000 for the National Undersea Research Program [NURP]. Of the amount provided, $6,885,000 is for research conducted through the east coast NURP centers and $6,885,000 is for the west coast NURP centers, including the Hawaiian and Pacific Center and the West Coast and Polar Regions Center. The Committee expects level funding will be available for Aquarius, ALVIN, and program administration.

The Committee recommends $12,000,000 for the next generation undersea laboratory/habitat. The Committee directs the Administrator of NOAA, working with NURP, the Office of Ocean Exploration, the Director of the National Marine Sanctuaries in Key Largo, Florida as well as the University of North Carolina Wilmington to design and build a new relocatable undersea laboratory/habitat. This new, modern laboratory/habitat supported by the Committee's recommendation will significantly improve the Nation's ability to conduct valuable research and promote understanding and education of our oceans and its resources. Before deployment, an operational plan shall be put in place to identify locations only within the waters of the United States where this laboratory will be used to address our most important marine challenges in priority order. This plan shall be submitted to the Committees on Appropriations for approval. This new platform shall be deployed first in the Florida Keys National Marine Sanctuary, in an area such as the Tortugas reserve.

The Committee recommendation includes $2,000,000 for Arctic Research. Of this

amount, $350,000 is for the Cooperative Institute for Arctic Research.

NATIONAL WEATHER SERVICE

[In thousands of dollars]

	Committee recommendation
Operations and Research:	
Local Warnings and Forecasts:	
Base	483,178
Air Quality Forecasting Pilot Program	3,000
Alaska Data Buoys	1,700
Southern California Data Buoys	600
Aviation Forecast	35,596
Edmunds County Warning System	215
High Resolution Temperature Forecasting	3,000
Mt. Washington Observatory	500
New England Weather Technology Initiative	500
NC Flood Plain Mapping Pilot	2,000
Sustain Cooperative Observer Network	1,890
Subtotal, Local Warnings and Forecasts	532,179
Advanced Hydrological Prediction Services	4,500
WFO Maintenance	5,000
Weather Radio Transmitters:	
Weather Radio Transmitters Base	2,320
NOAA Weather Radio Transmitters—WY	400
North Dakota Ag Weather Network	340
Subtotal, Weather Radio Transmitters	3,060
Central Forecast Guidance	43,525
Total, Operations and Research	588,264
Systems Operation & Maintenance:	
NEXRAD	39,996
ASOS	7,650
AWIPS	36,500
Weather & Climate Supercomputing Backup	7,200
NWSTG Backup	3,000
Total, Systems Operation & Maintenance	94,346
TOTAL NATIONAL WEATHER SERVICE—ORF	682,610

The Committee recommends an appropriation of $682,610,000 for the National Weather Service [NWS] for operations, acquisitions, and research. Various Committee recommendations displayed in the table above are described in more detail in the following paragraphs.

Local Warnings and Forecasts.—The ''1995 Secretary's Report to Congress on Adequacy of NEXRAD Coverage and Degradation of Weather Services'' requested further studies of several sites, including Williston, ND and Erie, PA. The Committee provided funds to begin mitigation in fiscal year 1999 at these sites. The Committee has provided $4,790,000 to continue current operations at these sites. In addition, the Committee directs the NWS to make appropriate arrangements to maintain a local presence for the maintenance of the NOAA weather radio antenna in Erie, PA and develop a strategy to adequately address the prediction of lake-effect snow in the area.

The Committee recommendation includes $3,000,000 to complete analysis of the air quality pilot program, finalize a concept of operations, and begin procurement of the information technology infrastructure necessary to support operational air quality forecasts by the end of fiscal year 2004. In addition, $3,000,000 is provided to complete the operational implementation of the temperature forecasting pilot in New England. The Committee recommendation provides for the modernization of a total of 200 meteorological observing stations and for the operational use of high resolution forecasts models at 8 sites in fiscal year 2003.

Flash floods.—The Committee directs NOAA to commission the National Academy of Sciences to conduct a study to assess the availability, performance, and capability of the NWS NEXRAD located on Sulphur Mountain in Ventura County, California to detect heavy precipitation and aid forecasters at the Los Angeles Weather Forecast Office in providing flash flood warnings and forecasts, and on the basis of that study, to provide the Under Secretary of Commerce for Oceans and Atmosphere with a report on the performance of that mission by the NWS. The report also should include any recommendations for improving the accuracy and timeliness of flash flood warnings in and around western Los Angeles and Ventura Counties, California.

NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND INFORMATION SERVICE

[In thousands of dollars]

	Committee recommendation
Environmental Satellite Observing Systems:	
Satellite Command and Control	32,461
Satellite Facilities Security	300
Product Processing and Distribution	18,150
Subtotal, Environmental Satellite Observing Systems	50,911
Product Development, Readiness & Application:	
Base	18,768
Coral Reef Monitoring	750
Joint Center/Accelerate Use of Satellites	750
Global Wind Demonstration	4,000
Subtotal, Product Development, Readiness & Application	24,268
Total, Environmental Satellite Observing Systems	75,179
NOAA's Data Centers & Information Services:	
Archive, Access & Assessment:	
Base	32,000
Archive, Access & Assessment/Climate Database Modernization	6,214
Subtotal, Archive, Access & Assessment	38,214
Coastal Data Development	4,513
Regional Climate Centers	3,600
Environmental Data Systems Modernization	12,335
Total, NOAA's Data Centers & Information Services	58,662
TOTAL NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE—ORF	133,841

The Committee recommends an appropriation of $133,841,000 for the National Environmental Satellite, Data, and Information Service [NESDIS].

The Committee directs NESDIS to maintain current staffing levels at the Gilmore Creek Tracking Station in fiscal year 2003. NESDIS will provide a report to the Committees on Appropriations by March 1, 2003 on how it plans to implement the new National Polar Orbiting Environmental Satellite System and its plans for the Gilmore Creek Tracking Station including staffing projections.

PROGRAM SUPPORT

[In thousands of dollars]

	Committee recommendation
Corporate Services:	
Under Secretary and Associate Offices Base	27,000
Policy Formulation and Direction Base	35,000
Federal Employee Pay Adjustment	12,507
Educational Partnership Program/Minority Serving Institutions	14,000
National Ocean Science Education Program	1,000
Total, Corporate Services	89,507
Facilities:	
Maintenance, Repairs and Safety	4,000
Boulder Facilities Operations	4,500
National Aquarium Infrastructure Repairs	1,000
Environmental Compliance	2,000
Pribilof Islands Cleanup	6,000
Total, Facilities	17,500
Marine Operations & Maintenance:	
Marine Services:	
Marine Services Base (Data Acquisition)	64,000
AGATE PASS (Coastal YTT) Operations	350
FAIRWEATHER Operations	4,100
Subtotal, Marine Services (including base)	68,450
Fleet Planning and Maintenance:	
Fleet Planning and Maintenance	11,213
AGATE PASS (Coastal YTT) Maintenance	250

	Committee recommendation
FAIRWEATHER Maintenance	450
Subtotal, Fleet Planning and Maintenance	11,913
Total, Marine Operations and Maintenance	80,363
Aviation Operations: Aircraft Services	15,500
Total, Aircraft Services	15,500
Total, Marine and Aviation Operations	95,863
GRAND TOTAL PROGRAM SUPPORT—ORF	202,870

The Committee recommends an appropriation of $202,870,000 for the NOAA program support functions.

Corporate Services.—The Committee recommends $14,000,000 to provide funding to historically black colleges and universities to train scientists. The Committee recommends that this program be extended to Native Hawaiian Serving Institutions and Alaskan Native Serving Institutions as defined in the Higher Education Act.

Facilities.—The Committee supports improvements to the infrastructure of the National Aquarium and recommends $1,000,000 for needed repairs. The Committee expects the Department of Commerce to draft a 20-year working plan for the National Aquarium to be provided to the Committee on Appropriations no later than July 1, 2003.

PROCUREMENT, ACQUISITION, AND CONSTRUCTION

[In thousands of dollars]

	Committee recommendation
NOS:	
Coastal and Estuarine Land Conservation Program [CELP]:	
Base	12,900
Seacoast, NH	2,000
Los Cerritos Wetlands, CA	2,000
Laughlin Cove, WA	300
Maury Island, WA	1,800
Rocky Point, RI	1,900
Satilla River, GA	2,000
Harbor Herons, NY	2,000
Deer Island, MS	2,200
North Bass Island, OH	2,000
East Sandusky Bay, OH	2,000
Mill River, CT	2,000
Farm River, CT	300
Morro Bay Dunes, CA	2,000
Wetlands Harbor, LA	1,600
Hawaii Coastal Lands	3,000
Coastal Bays, MD	2,000
Chesapeake, Eastern Shore, MD	2,000
Nanjemoy, MD	2,000
Deer Lagoon, WA	600
City of Two Harbors, MN	400
Long Island, NY	1,000
Bonneau Ferry, SC	10,000
Cooper River, West Branch, SC	2,000
Subtotal, Coastal and Estuarine Land Conservation Program	60,000
Estuarine Land Acquistion & Construction:	
NERRS Base	10,012
ACE Basin	4,500
Great Bay Partnership	6,000
Grand Bay, MS	6,000
Morris Island	4,000
Subtotal, NERRS Acquisition/Construction	30,512
Marine Sanctuaries Construction:	
Base	10,000
Subtotal, Marine Sanctuary Construction	10,000
Other NOS Facilities:	
Kasitsna Bay Laboratory	1,400
Beaufort Lab	500
Subtotal, Other NOS Facilities	1,900
Total NOS—PAC	102,412
NMFS:	
Honolulu Lab	15,000
Kodiak Pier	2,000
Ketchikan Facilities	3,000
Pascagoula Laboratory	2,000
Phase III—Galveston Laboratory Renovation—NMFS	2,000
Total, NMFS—PAC	24,000
OAR:	
Systems Acquisition:	
Comprehensive Large Array Data Stewardship System	3,600
Research Supercomputing	6,519
Subtotal, OAR Systems Acquisition	10,119
Construction:	
Barrow Planning and Design	1,000
Norman Consolidation Project	6,000
Subtotal, OAR Construction	7,000
Total, OAR—PAC	17,119
NWS:	
Systems Acquisition:	
ASOS	5,125
AWIPS	16,264
NEXRAD	8,260
Radiosonde Network Replacement	6,500
Weather and Climate Supercomputing	20,000
Subtotal, NWS Systems Acquisition	56,149
Construction: WFO Construction	10,630
Subtotal, NWS Construction	10,630
Total, NWS—PAC	66,779
NESDIS:	
Systems Acquisition:	
Geostationary Systems	227,398
Polar Orbiting Systems	359,538
EOS & Advanced Polar Data Processing, Distribution & Archiving Systems	3,000
CIP Single Point of Failure	2,800
Coastal Remote Sensing	3,000
Subtotal, NESDIS Systems Acquisition	595,736
Construction:	
Satellite CDA Facility	4,000
Suitland Facility	8,890
Subtotal, NESDIS Construction	12,890
Total, NESDIS—PAC	608,626
Program Support:	
CAMS	10,000
G–IV Instrumentation Upgrades	8,400
Fleet Replacement:	
Small Waterplane Area Twin Hull Vessel	9,000
Fisheries Research Vessel Replacement	50,874
Hydrographic Equipment Upgrades	6,200
Subtotal, OMAO Fleet Replacement	66,074
Total, Program Support—PAC	84,474
GRAND TOTAL PAC	903,410

The Committee recommendation provides $903,410,000 for Procurement, Acquisition, and Construction. The recommendation is $92,023,000 above the request.

Some of the Committee recommendations displayed in the table above are described in more detail in the following paragraphs.

National Ocean Service.—The Committee recommends $60,000,000 for the coastal and estuarine land conservation program. This program provides funds for matching grants to States, communities, and groups engaged in land conservation efforts that benefit coastal and estuarine areas. These funds will be used expressly to acquire lands or interests in lands that include significant conservation, recreation, ecological, historical or aesthetic values to further the goals of a federally approved Coastal Zone Management Program or a National Estuarine Research Reserve.

The Committee recommends $500,000 for repairs and facilities improvements at the Beaufort Laboratory. In recognition of the dilapidated conditions at the laboratory due to decades of neglect, the Committee encourages the lab to develop a 10-year facilities plan for Pivers Island.

Program Support.—The Committee recommendation provides $9,000,000 for a Small Waterplane Area Twin Hull vessel to be homeported in New Castle, NH.

OTHER

[In thousands of dollars]

	Committee recommendation
OPERATIONS, RESEARCH, FACILITIES [ORF]:	
Direct Obligations	2,424,301
De-Obligations	(17,000)
Transfers: Coastal Zone Management Fund	3,000
TOTAL, DISCRETIONARY ORF BUDGET AUTHORITY	2,404,301
Transfers: Promote & Develop American Fisheries	(55,000)
Subtotal, ORF Transfers	(55,000)
TOTAL, ORF APPROPRIATION	2,349,301
PROCUREMENT, ACQUISITION, CONSTRUCTION [PAC]:	
Direct Obligations	906,610

	Committee recommendation
De-Obligations	(3,200)
TOTAL, PAC APPROPRIATION	903,410
OTHER DISCRETIONARY APPROPRIATIONS:	
Fisherman's Contingency Fund	954
Foreign Fishing Observer Fund	191
Fisheries Financing Program	(3,000)
Coastal Zone Management Fund	(3,000)
Pacific Coastal Salmon Fund	98,650
TOTAL, OTHER DISCRETIONARY APPROPRIATIONS	93,795
NOAA Grand Total Discretionary Appropriations	3,368,599

PACIFIC COASTAL SALMON RECOVERY FUND

Appropriations, 2002	$157,419,000
Budget estimate, 2003	110,000,000
Committee recommendation	98,650,000

The Committee recommends $98,650,000 for Pacific Coastal Salmon conservation. Of this amount, $78,650,000 is for the Pacific Coastal Salmon Recovery Fund. Within the funding for the Pacific Coastal Salmon Recovery Fund, the Committee recommends $23,750,000 for the State of Washington, $20,650,000 for the State of Alaska, $11,000,000 for the State of Oregon, $11,000,000 for the State of California, $8,950,000 for the Pacific Coastal Tribes, and $3,300,000 for the Columbia River Tribes. Of the funds provided for the State of Alaska, $5,000,000 is for the Arctic Yukon-Kushokwim Sustainable Salmon initiative, $1,000,000 is for construction of salmon mitigation passes, $1,000,000 is for the Cook Inlet Fishing Community Assistance Program, $500,000 is for the Yukon River Drainage Association, $500,000 is for Fort Richardson fisheries, $500,000 is for Elmendorf AFB hatcheries, $500,000 is for Fort Wainwright fisheries, $450,000 is for universal quality standards, $450,000 is for competitive analysis of global salmon, $250,000 is to restore the king salmon runs in Coffman Cove, $250,000 is to enable the State of Alaska to participate in discussions regarding the Columbia River hydrosystem management, and $100,000 is for United Fishermen of Alaska's subsistence program. Of the amounts provided for the State of Washington, $5,000,000 is for the Washington State Department of Natural Resources and other State and Federal agencies for purposes of implementing the State of Washington's Forest and Fish Report. The funding shall be spent in accordance with the terms and conditions of the Forest and Fish Report and consistent with the requirements of the Endangered Species Act and Clean Water Act. Of the amount provided to the State of Oregon, $1,100,000 is for conservation mass marking at the Columbia River Hatcheries.

FISHERMEN'S CONTINGENCY FUND

Appropriations, 2002	$952,000
Budget estimate, 2003	954,000
Committee recommendation	954,000

The Committee recommends an appropriation of $954,000 for the fishermen's contingency fund.

The fishermen's contingency fund provides compensation to U.S. fishermen for damage or loss of fishing gear and any resulting loss because of natural or man-made obstructions related to oil and gas exploration, development, and production on the Outer Continental Shelf. The Secretary of Commerce is authorized to establish an area account within the fund for any area within the Outer Continental Shelf. A holder of a lease, permit, easement, or right-of-way in such area is required to pay a fee into the appropriate area account in the fund. Each area account, if depleted, will be replenished by assessment. The authorization stipulates that amounts available in each area account can be disbursed only to the extent provided by appropriations acts. Since receipts collected may not be sufficient for this appropriation, the Committee has included language which provides that the sums necessary to eliminate the insufficiency may be derived from the general fund of the Treasury.

FOREIGN FISHING OBSERVER FUND

Appropriations, 2002	$191,000
Budget estimate, 2003	191,000
Committee recommendation	191,000

The Committee recommends an appropriation of $191,000 for the foreign fishing observer fund.

Fees paid into the fund are collected from owners and operators of certain foreign fishing vessels that fish within the U.S. fishery conservation zone. The fund supports salaries of U.S. observers and program support personnel, other administrative costs, and the cost of data management and analysis.

FISHERIES FINANCE PROGRAM ACCOUNT

Appropriations, 2002	$287,000
Budget estimate, 2003	
Committee recommendation	

The Committee notes that an appropriation is not necessary for the fisheries finance program account. Of the loan authority provided through bill language, $5,000,000 is for entry level and small vessel individual fishery quota [IFQ] obligation guarantees in the halibut and sablefish fisheries off Alaska pursuant to section 1104A(a)(7) of the Merchant Marine Act of 1936. These funds are provided for IFQ loans in accordance with section 303(d)(4) of the Magnuson-Stevens Act and section 108(g) of the Sustainable Fisheries Act.

DEPARTMENT MANAGEMENT

SALARIES AND EXPENSES

Appropriations, 2002	$37,652,000
Budget estimate, 2003	48,254,000
Committee recommendation	41,494,000

The Committee recommends an appropriation of $41,494,000 for Departmental Management. The recommendation is $6,760,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees.

OFFICE OF THE INSPECTOR GENERAL

Appropriations, 2002	$20,176,000
Budget estimate, 2003	22,670,000
Committee recommendation	20,635,000

The Committee recommends an appropriation of $20,635,000 for the Commerce Department's Office of the Inspector General. The recommendation is $2,035,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

Section 201 makes Commerce Department funds available for advanced payments only upon certification of officials designated by the Secretary that such payments are considered to be in the public interest.

Section 202 makes appropriations for salaries and expenses available for the hire of passenger motor vehicles, and for services, uniforms, and allowances as authorized by law.

Section 203 prohibits any funds from being used to support hurricane reconnaissance aircraft and activities that are under the control of the U.S. Air Force or the U.S. Air Force Reserve.

Section 204 provides the authority to transfer funds between Department of Commerce accounts. The language provides that no account may be decreased by more than 5 percent or increased by more than 10 percent. The language also makes the transfers subject to the Committee's standard reprogramming procedures.

Section 205 allows the Secretary to award contracts for certain mapping and charting activities in accordance with the Federal Property and Administrative Services Act.

Section 206 permits the Department of Commerce franchise fund to retain a percentage of earnings from services provided for capital investments.

Section 207 provides funding for 4 grants and a cooperative agreement.

Section 208 clarifies allowable applications of a grant program.

Section 209 further clarifies allowable applications of a grant program.

Section 210 promotes foreign tourism to the United States.

Section 211 salvages an inter-island shipping capability.

TITLE III—THE JUDICIARY

The funds provided in title III of the accompanying bill are for the operation and maintenance of the U.S. courts and include the salaries of judges, magistrates, supporting personnel, and other expenses of the Federal judiciary.

The Committee recommends a total appropriation of $4,951,051,000 for the judiciary. The recommendation is $290,559,000 below the budget request. The Committee is aware that a total of $331,462,000 in fees, reimbursables, and carryover is available in various accounts across this title to supplement direct appropriations.

Steady growth in costs associated with Defender Services, court security, GSA rental payments, and pay and benefits at a time of declining resources continues to put serious pressure on the judiciary budget. The Committee urges the judiciary to make every effort to contain ''mandatory'' costs.

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

Appropriations, 2002	$39,988,000
Budget estimate, 2003	46,324,000
Committee recommendation	44,399,000

The Committee recommends an appropriation of $44,399,000 for the Justices, their supporting personnel, and the costs of operating the Supreme Court, excluding the care of the building and grounds. The recommendation is $1,925,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment and certain mandatory increases for judicial officers.

Adjustments to Base.—The Supreme Court included as adjustments to base an elevated pay increase, as compared to the 2.6 percent pay increase proposed in the budget for all other Federal employees, as well as police pay parity and overtime. The Committee does not agree with the Court's practice of

displaying significant program increases as adjustments to base. Accordingly, in developing future budget requests, the Committee directs the Court to include any non-mandatory increases, including cost of living increases above that proposed in the budget for Federal employees, as program increases.

CARE OF THE BUILDING AND GROUNDS

Appropriations, 2002	$67,530,000
Budget estimate, 2003	53,626,000
Committee recommendation	53,304,000

The Committee recommends an appropriation of $53,304,000 for personnel and other services relating to the Supreme Court building and grounds, which is supervised by the Architect of the Capitol. The recommendation is $322,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees.

Adjustments to Base.—The Court included a number of non-mandatory increases as adjustments to base, including: an elevated pay increase, as compared to the 2.6 percent pay increase proposed in the budget for all other Federal employees; increases in the cost of training; and exterior painting and caulking. As previously stated, the Committee does not agree with the Court's practice of displaying significant program increases as adjustments to base and directs the Court to include any non-mandatory increases as program increases in all future budget requests.

Security.—The Committee believes insufficient attention is being paid to the security of the Supreme Court. The Architect of the Capitol's Office [AOC] is being overwhelmed by the construction of the Capitol Visitors Center, a mammoth undertaking. The AOC does not have the resources to manage well both the Visitors Center and the Court's renovation. The Committee believes that the Justices would be better served if management of the Court's upgrade were turned over to the Administrative Office of the U.S. Courts [AO]. The AOC is directed to transfer all project management responsibilities and functions associated with the Court's rehabilitation to the AO not later than March 15, 2003. The Committee expects the AO to continue to utilize AOC expertise as necessary and appropriate in a cooperative, mutually beneficial manner. The Committee directs the AO to deliver to the Committees on Appropriations a meaningful schedule and cost estimate for the renovation project based upon updated design plans not later than June 6, 2003.

U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

Appropriations, 2002	$19,287,000
Budget estimate, 2003	21,893,000
Committee recommendation	20,136,000

The Committee recommends an appropriation of $20,136,000. The recommendation is $1,757,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment and certain mandatory increases for judicial officers.

U.S. COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

Appropriations, 2002	$13,064,000
Budget estimate, 2003	13,777,000
Committee recommendation	13,529,000

The Committee recommends an appropriation of $13,529,000. The recommendation is $248,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment and certain mandatory increases for judicial officers.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

Appropriations, 2002	$3,599,259,000
Budget estimate, 2003	4,014,107,000
Committee recommendation	.....

The Committee does not recommend any funding for this account. Instead, the recommendation establishes a more sophisticated budget structure for Federal court operations, described below, to better identify and highlight court priorities.

COURT OF APPEALS, DISTRICT, MAGISTRATE, AND BANKRUPTCY COURT JUDGES AND STAFF

SALARIES AND EXPENSES

Appropriations, 2002	.....
Budget estimate, 2003	.....
Committee recommendation	$718,736,000

The Committee recommends an appropriation of $718,736,000.

This new account funds the salaries of judges and judges' immediate staff.

COURT SUPPORT

SALARIES AND EXPENSES

Appropriations, 2002	.....
Budget estimate, 2003	.....
Committee recommendation	$1,051,661,000

The Committee recommends an appropriation of $1,051,661,000.

This new account funds the salaries of court staff, including circuit executives, clerks' office personnel, attorneys, court reporters and interpreters, librarians, Administrative Office of the United States Courts personnel, and other specialized staff, as well as other expenses associated with core court operations. This account also funds administrative costs associated with implementation of the National Childhood Vaccine Injury Act.

Pay.—A little noticed provision in the Homeland Security bill puts the pay of the Director of the Administrative Office of the U.S. Courts and Circuit Executives on par with that of the Vice President and the Chief Justice of the Supreme Court. This legislation was enacted while judges were pleading for a modest cost of living adjustment [COLA]. At $192,600 per year, these functionaries will make more than Supreme Court Justices ($184,400), Circuit judges ($159,100), and District judges ($150,000). The cost implications of this unexpected pay increase are not yet known, and the Committee is concerned that it may have been placed in the position of having to choose between providing judges COLAs and senior staff pay raises.

COURT SERVICES

SALARIES AND EXPENSES

Appropriations, 2002	.....
Budget estimate, 2003	.....
Committee recommendation	$1,394,039,000

The Committee recommends an appropriation of $1,394,039,000.

This new account funds court services, including supplies, equipment, and the rental payment to the General Services Administration.

PROBATION AND PRETRIAL SERVICES

SALARIES AND EXPENSES

Appropriations, 2002	.....
Budget estimate, 2003	.....
Committee recommendation	$717,214,000

The Committee recommends an appropriation of $717,214,000.

This new account funds probation and pretrial services, including mental health and drug dependency programs.

DEFENDER SERVICES

Appropriations, 2002	$500,671,000
Budget estimate, 2003	588,741,000
Committee recommendation	531,792,000

The Committee recommends an appropriation of $531,792,000. The recommendation is $56,949,000 below the budget request.

The Committee recommendation includes a 4.1 percent pay adjustment and other enhancements, including increases in the number of representations by the Federal Defender Organization and Criminal Justice Act [CJA] Panel Attorneys. The Committee continues to support the $90 hourly rate for CJA panel attorneys.

This account funds the operations of the Federal public defender and community defender organizations and the compensation, reimbursement, and expenses of attorneys appointed to represent persons under the CJA, as amended.

Criminal Justice Act Panel Attorney Rates.—In fiscal year 2002, the Committee provided a significant increase in CJA panel attorney hourly rates from $75 to $90 in-court and from $55 to $90 out-of-court. This large increase was funded and approved by Congress because the hourly rates authorized in 1986 had not kept pace with inflation and many Federal judges were reporting difficulty in finding qualified counsel willing to accept CJA appointments at rates that were one-third to one-half the rates charged in private practice.

This year, the request included an additional increase in the CJA hourly rate to $113, a 25 percent increase over the recently approved increased rate of $90 for fiscal year 2002. The Committee believes this request is premature since the current hourly rate of $90 was only implemented in May, 2002, and it is too soon to determine whether the new $90 rate will address the problem of obtaining adequate counsel.

The Committee does not agree with the judiciary practice of displaying significant increases in CJA panel attorney hourly rates as an adjustment to base. Accordingly, in developing future budget requests, the Committee directs the judiciary to include any increase in CJA panel attorney hourly rates, above the cost of living increase proposed in the budget for Federal employees, as a program increase.

FEES OF JURORS AND COMMISSIONERS

Appropriations, 2002	$48,131,000
Budget estimate, 2003	57,826,000
Committee recommendation	54,636,000

The Committee recommends an appropriation of $54,636,000. The recommendation reflects the judiciary's reestimate of fiscal year 2003 requirements.

This account provides for the fees and allowances of grand and petit jurors and for the compensation of land commissioners and jury commissioners.

COURT SECURITY

Appropriations, 2002	$220,677,000
Budget estimate, 2003	298,235,000
Committee recommendation	276,342,000

The Committee recommends an appropriation of $276,342,000. The recommendation is $21,893,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment and various requested program increases. The decrease from the request is largely due to a redistribution of security responsibilities discussed below. The amount provided includes the funds necessary for personnel from Judicial Security Division/Judicial Security Systems to conduct a courthouse security survey.

Security accountability.—The Committee believes that the current model for courthouse security has failed. The awkward arrangement of providing court security funds to the Judiciary but insisting that those funds be transferred to, and managed by, the U.S. Marshals Service [USMS] has done little to improve performance or accountability, but has promoted a poisonous atmosphere of mutual hostility and distrust between the Administrative Office of U.S. Courts [AO], the USMS, and the Federal Protective Service [FPS]. The Committee believes that a few simple actions can clarify lines of command and improve resource utilization. First, the Committee recommendation makes the AO solely responsible for directing activities funded under this account. In effect, control of Court Security Officers [CSOs], their equipment, and their space will revert to the AO. Beyond coordination at the operational (courthouse) level, the USMS shall have no input into the number, training, deployment, or equipping of CSOs. Conversely, the 106 reimbursable Deputy U.S. Marshals [DUSMs] designated as security managers shall be funded by the Marshals and redistributed as follows: (1) not less than two and not more than five roving security teams, including physical security specialists, shall regularly survey courthouses and make recommendations regarding security, (2) such number of DUSMs as are necessary shall be distributed to the Southwest border to address the acute manpower shortage being experienced by those courts, and (3) remaining DUSMs will be distributed on a priority basis to the most undermanned courthouses. Finally, the AO, USMS, and FPS shall report to the Committees on Appropriations on the strengths and weaknesses of the proposal to place FPS officers under the operational control of Marshals under certain circumstances. The report shall be delivered not later than March 1, 2003.

Growth in the Court Security Program.—The Committee notes the substantial growth in funding experienced in the Court Security Program. In the past 5 years, the program has nearly doubled—increasing from $167,000,000 in fiscal year 1998 to a total appropriation of almost $300,000,000 in fiscal year 2002. In light of this growth, the Committee wants to ensure that these resources are being efficiently managed and spent for the purposes for which they have been appropriated. Therefore, the Committee requires the submission of a court security program spending plan, in accordance with Section 605 of this Act, prior to the obligation of no more than 25 percent of the funds appropriated herein.

Court Security Officers Revised Medical Standards.—In January 2001, the USMS began implementing new CSO medical examination procedures and revised medical standards based on the results of a requirements study of CSO duties conducted by the Public Health Service's Office of Federal Law Enforcement Medical Programs. To ensure that CSOs are as physically fit as necessary to perform their security functions and respond in emergency situations, the Committee fully supports the implementation of these new medical procedures and standards.

ADMINISTRATIVE OFFICE OF THE U.S. COURTS

SALARIES AND EXPENSES

Appropriations, 2002	$64,543,000
Budget estimate, 2003	66,912,000
Committee recommendation	

The Committee does not recommend any funding for this account. As part of the restructuring of the budget of the Federal judiciary, described above, this account has been folded into the new ''Court Support'' account.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

Appropriations, 2002	$19,735,000
Budget estimate, 2003	21,885,000
Committee recommendation	20,156,000

The Committee recommends an appropriation of $20,156,000. The recommendation is $1,729,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment.

The Federal Judicial Center improves the management of Federal judicial dockets and court administration through education for judges and staff and research, evaluation, and planning assistance for the courts and the judicial conference.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

Appropriations, 2002	$37,000,000
Budget estimate, 2003	35,300,000
Committee recommendation	35,300,000

The Committee recommends an appropriation of $35,300,000 for payments to the Judicial Officers' Retirement Fund and the Claims Court Judges Retirement Fund. The recommendation is identical to the budget request.

These funds cover the estimated annuity payments to be made to retired bankruptcy judges and magistrate judges, claims court judges, and spouses and dependent children of deceased judicial officers.

U.S. SENTENCING COMMISSION

SALARIES AND EXPENSES

Appropriations, 2002	$11,575,000
Budget estimate, 2003	13,200,000
Committee recommendation	11,835,000

The Committee recommends an appropriation of $11,835,000. The recommendation is $1,365,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment.

The purpose of the Commission is to establish, review, and revise sentencing guidelines, policies, and practices for the Federal criminal justice system. The Commission is also required to monitor the operation of the guidelines and to identify and report necessary changes to the Congress.

GENERAL PROVISIONS—THE JUDICIARY

The Committee recommends the following general provisions for the judiciary, all of which were included in previous appropriations acts.

Section 301 allows the Judiciary to expend funds for employment of experts and consultant services.

Section 302 allows the Judiciary, subject to the Committee's reprogramming procedures, to transfer up to 5 percent between appropriations, but limits to 10 percent the amount that can be transferred into any one appropriation.

Section 303 limits official reception and representation expenses incurred by the Judicial Conference of the United States to no more than $45,000.

Section 304 provides a pay raise for Justices and judges.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

The Committee recommends an appropriation of $7,210,936,000. The recommendation is $420,939,000 below the budget request. Security, technology, and infrastructure accounts have received the maximum funding deemed prudent.

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

Appropriations, 2002	$3,630,012,000
Budget estimate, 2003	3,937,179,000
Committee recommendation	3,621,182,000

The Committee recommends an appropriation of $3,621,182,000. The recommendation is $315,997,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees.

This appropriation account provides for the formulation and execution of U.S. foreign policy, including the conduct of diplomatic and consular relations with foreign countries, diplomatic relations with international organizations, and related activities. This account primarily funds the overseas programs and operations of the Department of State.

Within the amount provided, the Committee recommendation includes $175,000 to support the United States' membership in the Arctic Council and $40,000 for the Bering Straits Commission. The former includes funds for representation expenses and travel for U.S. delegates.

The Committee recommendations, by bureau or operation, are displayed in the following table:

DIPLOMATIC & CONSULAR PROGRAMS

[Dollars in thousands]

	Positions	Committee recommendation
Overseas Bureaus:		
African Affairs	1,241	$214,372
Near Eastern Affairs	950	141,398
South Asian Affairs	745	62,952
East Asian & Pacific Affairs	1,517	226,301
European Affairs	2,713	496,656
Western Hemispheric Affairs	2,197	235,936
International Organization Affairs	355	46,805
International Conferences		4,813
FSN Separation Liability Trust Fund		7,677
Subtotal		1,436,910
Functional Bureaus:		
Consular Affairs	249	46,146
Economic & Business Affairs	202	23,353
Intelligence & Research	305	39,711
International Information Programs	283	33,065
Oceans/Int'l Environmental/Scientific Affs	157	20,822
Political-Military Affairs	182	25,808
Non-Proliferation	177	23,612
Arms Control	106	22,258
Verification & Compliance	76	13,629
Diplomatic Security	893	224,911
Information Resource Management	529	161,489
Democracy, Human Rights, & Labor	97	11,165
Population, Refugees, & Migration		477
Legislative Affairs	69	7,151
Legal Advisor	233	35,201
Bureau of Public Affairs	209	26,773
Counterterrorism Research & Development		1,800
Office of International Criminal Justice	10	1,039
Trafficking in Persons	14	3,515

DIPLOMATIC & CONSULAR PROGRAMS—Continued

[Dollars in thousands]

	Positions	Committee recommendation
Subtotal		721,925
Management and Administration:		
Management Programs	1,840	421,799
Continuing Overseas Language Training		[10,000]
Administrative Programs	1,398	421,260
Diplomatic Telecommunications Service		[47,657]
Federal Employee Pay Adjustment		40,202
Subtotal		883,261
Worldwide Security Upgrades:		
Guards—Worldwide Protection		142,046
Physical Security Equipment		18,912
Domestic Equipment		[3,500]
Physical Security Technical Support		68,932
Armored Vehicles		10,536
Personnel/Training		119,780
Radio Replacements		7,413
Information/Systems Security		51,825
Chemical/Biological Program		9,857
Perimeter Security Enhancements		74,000
Center for Antiterrorism Training		52,000
Frontline Security Readiness		22,197
Federal Employee Pay Adjustment		1,588
Subtotal		579,086
Total		3,621,182

Some of the Committee recommendations displayed in the table are described in more detail in the following paragraphs.

New post openings.—The Committee is aware that regional bureaus have discovered a clever way to influence the process by which Congress must consider and approve any request by the Department of State to open a new post. The Committee is aware of an instance in which a post, with the support of its parent bureau, arranged for temporary and long term office space and housing, hired local nationals onto the staff, and began conducting relations with the local and national government before the request was even transmitted to Congress. By establishing this foothold presence, the embassy and the bureau make it all but impossible for State and the Committee to deny the request, even if it makes good policy sense to do so. While posts should have input into decisions about expanding the U.S. presence, they should not drive the process. Decisions about post openings must be based on both overall foreign policy objectives and resource limitations of the Department. All future requests to establish new U.S. posts must hereafter be accompanied by a full accounting of an embassy's expenditures in the region in question, including costs associated with local hires, operational expenses, Temporary Duty Assignment [TDY] personnel, and travel. Additionally, each regional bureau must, on an annual basis, submit to the Committee a comprehensive accounting of the cost of any Department activities that take place outside of a geographic radius of 200 miles of an existing post. These reports should be compiled and delivered to the Committee at the time of the Department's yearly budget submission.

Diplomatic Security.—Explosive growth in personnel at the Bureau of Diplomatic Security [DS] has created an imbalance between seasoned and unseasoned agents that can only be solved with time. The total number of DS agents now stands at 1,150, with just under half of these agents having been hired in fiscal years 2001 and 2002. The best training available does not compare to experience. The Committee therefore directs that DS utilize at least one-quarter of the funding provided to it under Frontline Security Readiness for the training of new agents.

Additionally, the Committee remains concerned about the Department's decisions relating to the placement of DS agents. This is a time of heightened threat to our overseas posts, as demonstrated by recent attacks against U.S. diplomatic and military installations around the world. Given this security environment, the Committee is alarmed by DS' continued stubbornness on the issue of placement of DS agents overseas. There are currently 530 DS agents stationed in the United States, not including agents in training. There are 490 DS agents posted abroad. DS is responsible for the protection of only 100 domestic locations, whereas it is responsible for 260 locations overseas. It is therefore illogical to station 52 percent of trained DS agents in the United States versus overseas. The Committee directs that, by January 1, 2004, no fewer than 844 out of a projected 1,284 DS agents be stationed overseas at the Department's most critical posts. Of the funds provided under Frontline Security Readiness, $16,697,000 is for the hiring of 100 new DS agents and $5,500,000 is for training.

Diplomatic Readiness Initiative.—The Committee supports the Department's Diplomatic Readiness Initiative [DRI], under which the Department plans to hire 399 new foreign service officers [FSOs] in fiscal year 2003. This will bring the total number of FSOs hired to 799 out of a projected 1,158 total new positions. The initiative will allow the Department to meet its full diplomatic human resources requirements and to reform its recruitment and hiring processes. The Department is directed to utilize funding available under Diplomatic and Consular Programs for DRI, with the expectation that the balance shall be provided in a forthcoming supplemental.

Worldwide security upgrades.—The Committee recommendation includes $579,086,000 for worldwide security upgrades, of which $504,889,000 is for ongoing security activities and $52,000,000 is for the Center for Anti-Terrorism Security Training. Full funding is provided for procedural and technical security enhancements as well as for training, operational support, and infrastructure. Of the funding provided for guards-worldwide protection, $5,000,000 is for uniformed protection officers to provide additional perimeter patrol, and continuous delivery vehicle inspections for an additional 19 high-risk posts. None of the funds provided for security may be obligated until a complete and thorough accounting of prior year security funds has been submitted to the Committee.

Security enhancements.—At this time of heightened threat to American posts abroad, the benefits of the security enhancement funds the Committee has provided to the Department since the Dar and Nairobi bombings in 1998 are being realized. The most recent indicator of improved physical security at U.S. posts overseas came on June 14, 2002, when a suicide bomber detonated a 500-pound fertilizer bomb outside the U.S. Consulate General in Karachi. The physical damage to the building was minimized due to recent security upgrades to the embassy compound. The Consulate's perimeter wall had recently been reinforced, and barriers installed between the wall and the street prevented the vehicle from reaching the building. Shatter resistant window film also significantly mitigated damage from the blast. An earlier reconfiguration of interior office space, undertaken to provide additional blast separation, also proved helpful. Continual security upgrades to existing properties are as important as the Department's Capital Security Construction program. Accordingly, the Committee recommendation includes $26,086,000 above the request, a 19 percent increase over the fiscal year 2002 funding level, for worldwide security upgrades.

Host country relations.—The Committee recommendation includes $2,000,000 out of available funds to continue the Ambassador's Fund for Cultural Preservation. U.S. Ambassadors serving in less developed countries may submit competitive proposals for awards for one-time or recurring projects. Awards will be based on the importance of the site, the country's need, and the potential of the award to make a meaningful contribution to the preservation of the site, object, or form of expression. The Department is directed to submit an annual report to the Committees on Appropriations on winning projects.

Public diplomacy.—Within the funds made available for Diplomatic and Consular Programs, $200,000,000 is recommended for public diplomacy activities. In fiscal year 2002, $310,359,000 was provided for public diplomacy initiatives, $30,100,000 above the requested level. The Committee has still not received the Department's plan for how its public diplomacy programs will support the war on terror. The Committee acknowledges the critical role that public diplomacy plays both in addressing the root causes of terrorism and in U.S. foreign relations generally. However, the Committee cannot make informed decisions about funding levels for public diplomacy without this plan. The Committee would consider a request for additional public diplomacy funding in a fiscal year 2003 supplemental, contingent upon the submission and approval of the Public Diplomacy Plan.

International Center for Muslim-Western Dialogue.—The Committee recommendation includes $5,000,000 out of available funds for the restoration of the original U.S. consular facility in Istanbul, Turkey. The Committee directs that the facility be used as an International Center for Muslim-Western Dialogue, henceforward referred to as ''the Center'', the mission of which is to promote Democracy. The Committee directs the Secretary to collaborate with existing non-profit organizations that focus on Western-Muslim relations such as the Asia Foundation, the National Endowment for Democracy [NED], and other U.S.-based centers for Islamic studies in developing a plan for the creation and administration of the Center. The Committee encourages the non-profit organizations involved in the planning of the Center to play a continuing role both in the administration of the Center and in the execution of its programs. The Department is directed to submit this plan to the Committees on Appropriations no later than May 15, 2003.

Bureau of Consular Affairs.—The Bureau of Consular Affairs is tasked with providing support to U.S. citizens abroad, facilitating travel to and from and immigration to the United States, and serving as the first firewall of our national border security framework. Because of these responsibilities, the Bureau of Consular Affairs has more daily interaction with the public, both United States and foreign, than any other branch of the State Department. The Committee is aware that the overwhelming majority of Consular Affairs personnel respond to inquiries, requests, and crises in a professional and courteous manner. However, the Committee also is aware of number of complaints by Americans and foreign nationals about discourteous treatment at certain U.S. posts overseas. The Committee recommendation

includes $500,000, to be transferred to the Office of the Inspector General of the Department of State, with which it shall undertake a thorough review of the quality of service Consular Affairs provides to both the U.S. and non-U.S. public it is intended to serve. This review should consider the nature and quantity of the complaints received, to the extent that such information is available. It should also include an analysis of those policies and procedures currently in place within the Bureau of Consular Affairs that may cause the Bureau's service to be less than optimal, and recommendations for how consular services can be improved. The Inspector General's report should be submitted to the Committees on Appropriations no later than September 31, 2003.

The Committee is committed to building a first-rate consular service. However, no agency or program can achieve excellence unless its deficiencies are identified through regular, independent assessments. It is hoped, therefore, that Consular Affairs will view this Inspector General report as an opportunity to identify and address its weaknesses in the area of customer service, and not as an attempt to derogate the work performed by dedicated consular officers worldwide.

Consular workspace improvement initiative.—The Department's consular mission is critical to our national security. Consular workspace must be adequately sized and outfitted in order to ensure that the processing of visas and visa applicants takes place in an organized and efficient manner. To ensure this, and to improve the overall working environment for Consular Affairs Officers, the Committee directs the Office of Overseas Buildings Operations [OBO] to undertake a 3-year Consular Workspace Improvement Initiative. The Committee is aware that, traditionally, OBO considers posts' facilities requirements in a holistic manner, and does not single out specific bureaus for workspace improvements. However, the Committee is also aware of the direct link between the quality of consular workspace and the efficiency and accuracy of consular work. There is a pressing need for additional consular windows and interview space, enlarged reception and waiting areas, office space, and document storage space. The Initiative should identify posts for consular workspace rehabilitation where errors in visa issuance present the greatest threat to our national security, as determined by OBO in consultation with the Bureau of Consular Affairs. The Committee expects construction to begin on priority projects no later than 60 days after the enactment of this Act. The Committee directs that $10,000,000 within the funds made available under Diplomatic and Consular Programs be used for this initiative.

Language training.—Several reports have identified a serious shortage within the Federal Government of personnel who possess the language skills required for their positions. This challenge appears particularly acute at the Department of State where language skills are, in so many instances, directly linked to the execution of the Core Missions. Reliable aggregate data on the language capabilities of Foreign Service Officers [FSOs] is, however, not generally available or, when available, is seriously flawed. The Department has indicated that the primary factor contributing to its inability to meet its language staffing and proficiency goals is an overall staffing shortfall of more than 1,100 people, as identified in the Department's Diplomatic Hiring Report. This report precipitated the Diplomatic Readiness Initiative, a program under which 1,158 new Foreign Service Officers will be hired over a 3-year period. However, the Diplomatic Readiness Initiative does little to address the specific problem of language proficiency at the Department. Funds available for salaries should be leveraged to provide pay incentives to FSOs who gain expertise in hard-to-learn languages, to provide an attractive career path for linguists, to enhance the retention of FSOs with desired language skills, and to provide ample training opportunities to FSOs willing to learn a difficult language mid-career. Funds provided for workforce retention should also be utilized to recruit native speakers of difficult and hard to fill languages, drawing upon the vast human resources afforded by a demographically diverse United States. Language proficiency must be a criterion in the selection of FSOs. If our diplomats truly are our ''first line of defense'' against foreign threats, then their ability to converse fluently in the languages of the countries to which they are posted is critical to national security. The Committee therefore directs that not less than 20 percent of the FSOs hired during fiscal year 2003 possess language skills of at least level 3 (General Professional) or greater on the foreign language proficiency scale. Further, the Committee directs that not less than 2 percent of the foreign service officers hired during fiscal year 2003 possess a proficiency level of 2 (Limited Working) or greater in one or more of the following difficult languages: Mandarin Chinese, Arabic, Japanese, Korean, and Cantonese Chinese. Finally, the Committee directs the Department to develop a proposal, to be submitted to the Committees on Appropriations by September 31, 2003 for approval, for a pay incentive package exclusively for current and future Foreign Service Officers who have achieved level 4 (Advanced Professional) proficiency or greater in at least one of the aforementioned difficult languages.

Continuing language education.—Language skills ensure that dependents of Department of State personnel are not overwhelmed by isolation and alienation, resulting in lowered post morale. Within available funds, the Committee recommendation directs that $10,000,000 shall be available only for continuing language education programs for both employees and dependents at posts worldwide. Language classes should also be open to non-State Department (Federal) employees on a space-available, reimbursable basis.

Office of Foreign Missions.—The Committee directs that the Office of Foreign Missions [OFM] be moved out of Bureau of Diplomatic Security [DS] and placed under the Deputy Secretary of State for Management and Resources [M]. The Committee is aware that OFM has linkage to law enforcement issues, however, the Office is more appropriately situated under M. OFM and DS should continue to coordinate closely after the transfer.

International conservation of sea turtles.—The Committee remains concerned with the increasing threat to sea turtles, particularly those listed under the Convention on International Trade on Endangered Species of Wild Fauna and Flora [CITES], from incidental capture by foreign fishing fleets, particularly in the longline fishery. The Department has ignored the Committee's direction for the past 2 years. Specifically, the Department ignored direction stating that the Secretary should, on an expedited basis, negotiate strong, enforceable management, reporting, and data collection measures (including economic measures) focused on reducing incidental capture of sea turtles in commercial fisheries under regional management agreements for living marine resources. These agreements include the Inter-American Sea Turtle Conservation Treaty, the Inter-American Tropical Tuna Convention, the International Convention for the Conservation of Atlantic Tunas, and the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Multilateral High Level Conference). The Committee is concerned that no international agreements specifically addressing turtle by-catch from longline fishing have been negotiated, and the Department has negotiated only voluntary initiatives rather than binding agreements to this end.

Therefore, the Committee directs the Secretary, in cooperation with the Secretary of Commerce, to use all appropriate means available to broaden the participation of other nations in the Convention on the Conservation and Management of Highly Migratory Species in the Western and Central Pacific Ocean. Of the funding provided for the Bureau of Oceans and International Environmental and Scientific Affairs, $4,000,000 shall be available only for negotiating, in consultation with the Department of Commerce, a binding agreement providing for annual reductions in sea turtle mortality in the longline fisheries of the Western and Central Pacific, that shall, by 2008, result in at least a 30 percent reduction in takes, and thereafter result in such fisheries meeting sea turtle take levels comparable to those achieved by the U.S. longline fleet.

Rule of law.—The Committee recognizes that there is a need for a continuing global dialogue about the rule of law and its importance for the stability and viability of all nations. Within the amounts provided under Diplomatic and Consular Programs, $1,800,000 is for the Rule of Law Forum for foreign government and non-government officials to be hosted by the Dedman School of Law.

Globalization.—Globalization is a process through which different cultures have an increasing impact on each other as a result of trade, immigration, and the exchange of ideas and information. Advances in communications and economic interdependence have accelerated the rate of globalization dramatically in recent decades. Because of globalization's demonstrated impact on the cultures of the world, and because of the impact globalization is certain to have in the future, there is a great need to study this phenomenon. Within available funding, $2,500,000 is therefore recommended for the continuation of the Globalization Research Network [GRN]. This is a research consortium comprised of George Washington University, the University of South Florida, the University of California at Los Angeles, and the University of Hawaii [UH]. One of the GRN's core missions is to enhance the public's understanding of globalization. The consortium conducts interdisciplinary, international studies of pressing problems faced by humanity. The consortium also investigates causes, arguments, and alternatives to present trends relating to globalization.

International trade.—Every year, the State Department attempts to pursue international trade activities that fall under the jurisdiction of the Commerce Department's International Trade Administration, and in particular under the jurisdiction of the United States and Foreign Commercial Service. The State Department's efforts to expand its jurisdiction in this area counters

the intent of the Committee, which notes the expansive and intractable foreign policy issues already confronting the Department. No funding is recommended for this initiative.

Secure Card Technology.—The Committee is aware that the U.S. Embassy in Mexico City began issuing secure laser visa border crossing cards to Mexican visitors in May, 2002. The Committee directs the Department, in consultation with the Immigration and Naturalization service, to report no later than May 5, 2003 on the success of this secure visa issuance program in Mexico City. The report should provide recommendations to the Committee regarding the expansion of this visa issuance process to all visa types and the potential for application of the secure card technology at U.S. foreign missions.

Fingerprint services.—The Committee directs U.S. embassies and consulates with fingerprinting capabilities to fingerprint aliens seeking first-time flight training in aircraft weighing 12,500 pounds or more and transmit those fingerprints to the Department of Justice and other relevant agencies for the purposes of checking fingerprints against appropriate terrorist watch-lists.

International Child Abductions.—The Committee remains concerned about the adequacy of the Department's efforts to counter the serious problem of international child abductions. Within 90 days of enactment of this Act, the Department is directed to submit a report to the Committees on Appropriations which includes the following information: the country and location and number of all known U.S. citizens under the age of 18 who have been abducted by a parent or relative as the result of a custody dispute and who are being held abroad in contravention of U.S. laws or judicial orders; a summary of actions taken by the Department of State to secure the repatriation of abducted American children; and a list of diplomatic measures, including treaties and agreements, that can be used to facilitate the repatriation of abducted American children.

The Committee directs the Department to complete and release the State Department's report on compliance with the Hague Convention on the International Aspects of Child Abduction (''the Hague''). The Hague Convention, which the United States and many of our Allies have signed, is in place to facilitate the return of internationally abducted children to their countries of ''habitual residence'' for custody determination. The Committee recognizes the importance of compliance with the Hague and requests this report be sent to the Committee on Appropriations no later than February 1, 2003.

CAPITAL INVESTMENT FUND

Appropriations, 2002	$203,000,000
Budget estimate, 2003	177,000,000
Committee recommendation	210,000,000

The Committee recommends $210,000,000. The recommendation is $33,000,000 above the budget request. The account provides resources for investments in new information and communications systems. The Committee recommendations, by initiative, are displayed in the following table:

Capital investment fund

[In thousands of dollars]

Technology Infrastructure:	
Modernization of world-wide IT infrastructure	164,790
OpenNet Plus	[36,500]
Classified Connectivity Program	[94,235]
Secure Voice Program	[3,960]
Post High Frequency Communications	[5,057]
Public Key Infrastructure	[7,345]
Other IT Infrastructure	[17,693]
Integrated Messaging	9,802
Centrally Managed Infrastructure	35,408
Total, Capital Investment Fund	210,000

The following table displays further information technology initiatives funded through Expedited Passport Fees within the Information Resource Management (IRM) Central Fund:

Other Information Technology Initiatives

[In thousands of dollars]

Applications and Software Development:	
Ready Access to International Affairs and Information	7,835
Leveraging IT	48,278
Integrated Logistics Management System [ILMS]	[18,878]
Regional Financial Management System [RFMS]	[6,597]
Integrated Personnel Management System [IPMS]	[11,166]
Other Applications and Software Development	[11,637]
Subtotal, Applications and Software Development	56,113
Foreign Affairs Systems Integration [FASI]	22,102
Project Management and Training	7,785
Total, Other Information Technology Initiatives	86,000
Total, IRM Central Fund	296,000

Some of the Committee recommendations displayed in the table above are described in more detail in the following paragraphs.

Information Technology.—The Committee commends the Department for its commitment to overhauling its Information Technology [IT] infrastructure. Having received ample funding in fiscal year 2002 for its IT priorities, the Department is meeting the Committee's requirement to execute certain priority programs more quickly than originally planned. Two major initiatives, the deployment of OpenNet Plus and the overhaul of the Department's classified network, are on-schedule and on-budget, with OpenNet Plus scheduled for completion in April, 2003, and the Classified Connectivity Program scheduled for completion in early fiscal year 2004. Providing the Department with state-of-the-art communications, data, and knowledge management systems is, once again, one of the Committee's top priorities for the Department. Full funding is therefore provided for the IRM Central Fund, per the above chart. The Committee expects the Department's next major IT initiative, replacement of the cable system with a modern, integrated messaging system, to proceed as expeditiously as have its other global-scale projects.

Enterprise architecture.—The Committee has invested hundreds of millions of dollars to overhaul the State Department's IT infrastructure, which had been allowed to grow outmoded and obsolete, with a state-of-the-art IT infrastructure. The Committee remains concerned, however, that the next time the Department faces slowed budget growth or even budget cutbacks, it will choose to hire more analysts and open more posts at the expense of the necessary annual investments in infrastructure. The Committee therefore directs that the Chief Information Officer of the Department develop an annex to the existing IT Strategic Plan which outlines in detail the Department's 5-year strategy for maintaining and upgrading its existing IT infrastructure. This strategy will help ensure that the significant investments the Committee has made in the last 2 years are not lost, and that the Department's current IT infrastructure is leveraged both to capitalize on these prior investments and to meet the needs of the Department. The Department is directed to submit this annex to the Committees on Appropriations no later than July 1, 2003.

IT human capital.—The success of OpenNet Plus and the Classified Connectivity Program is due to the Department's establishment of a permanent, professional IT planning staff within the Bureau of Information Resource Management. This staff has been tasked with developing an enterprise architecture to address all of the Department's current and future technology needs. It is crucial that the Department's IT personnel be drawn from among the best in their fields. The Committee therefore directs the Bureau of Human resources, in consultation with the Chief Information Officer of the Department, to report to the Committees on Appropriations on how the Department plans to meet its short and long-term human capital needs in the area of information technology. The report should address such issues as pay incentives, specialized recruitment strategies, and preventing attrition to the private sector.

Centralized management.—The Committee supports the trend at the Department towards the central management of information. The Committee is aware that, at a time of increased threat to our overseas posts, the ability to store and manage information, particularly classified information, domestically can greatly enhance the security of that information. The cost of centrally managing information is higher due to the cost of acquiring bandwidth. However, the benefits of a more robust security construct far outweigh the additional cost. One technology that appears particularly promising is the high-assurance virtual wide area network [WAN]. This technology would allow the Department to minimize the information stored at post and permit computer terminals to be ''sanitized'' of sensitive information when not in use. Of the funds made available under the IRM Central Fund for Centrally Managed Infrastructure, $10,000,000 shall be for a pilot project to develop a high-assurance virtual WAN architecture and prototype in support of Department of State activities. The Committee expects the Bureau of Information Resource Management to collaborate closely with the Bureau of Diplomatic Security and with other relevant agencies on this pilot project. This will ensure that any technologies employed by the Department to centrally manage its information meet all of the security requirements set forth by DS and by other relevant agencies. The Committee directs the Department to present a preliminary plan for this project within 60 days of enactment of this Act.

IT Common Platform.—The events of September 11, 2001, have caused Federal agencies

and departments to reexamine the way they communicate, particularly on matters relating to national security. Inadequate communication and coordination among the foreign affairs agencies, including the Department of State, increases our vulnerability to terrorism. Since September 11, agencies have taken steps to close the loopholes that existed with respect to information-sharing. However, the key to better communication and coordination among these agencies does not necessarily lie in their ability to interface, but rather in the individual department cultures that compel them to do so. Foreign affairs agencies have the capability to share unclassified and classified information, but they are not intrinsically inclined to do so. What is required to change these cultures is a dynamic, user-friendly portal through which these agencies can, on a daily basis, share information and collaborate their efforts. The Committee supports the continued development of the Foreign Affairs System Integration [FASI] project, sometimes referred to as the Collaboration Zone, which is currently in the pilot phase. The Department should henceforth provide a written, bimonthly status report on the progress of this initiative to the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2002	$29,000,000
Budget estimate, 2003	29,264,000
Committee recommendation	30,844,000

The Committee recommends an appropriation of $30,844,000. The recommendation is $1,580,000 above the budget request. The Committee recommendation includes the 4.1 percent pay adjustment for Federal employees. The Committee does not support the Office of Inspector General's [OIG] efforts to reinstate the requirement that all posts be inspected every 5 years. The Committee notes that, if reinstated, this policy would lead to a decrease in the quantity and quality of reporting on posts of importance to U.S. national interests.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

Appropriations, 2002	$237,000,000
Budget estimate, 2003	245,306,000
Committee recommendation	237,881,000

The Committee recommends an appropriation of $237,881,000. The recommendation is $7,425,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees.

The Committee recognizes that international education and exchange programs are critical components of U.S. national security and foreign policy. In light of the tragic events of September 11, 2001 this type of engagement with the world is more important than ever. International educational and exchange programs enable the United States to augment the foreign language and foreign area expertise of each successive generation of rising leaders, prepare U.S. students to function effectively in a global environment through study abroad, and promote international understanding through professional, scholarly, and citizen exchanges. The Committee recommendations for the Educational and Cultural Exchanges Account are displayed, by program, in the following table:

Educational and Cultural Exchanges

[In thousands of dollars]

	Committee recommendation
Academic Programs:	
Fulbright Program:	
Students, Scholars, Teachers	116,495
Hubert H. Humphrey Fellowship Program	6,222
Regional Scholars Program	2,049
Subtotal	124,766
Other Academic Programs:	
Educational Advising & Student Services	3,500
English Language Programs	3,000
Edmund S. Muskie Fellowship Program	559
North-South Center	1,200
South Pacific Exchange	500
Subtotal	8,759
Other Special Academic Programs: American Overseas Research Centers	2,465
Subtotal, Academic Programs	135,990
Professional & Cultural Programs:	
International Visitors Program	50,186
Citizen Exchange Program	16,572
Subtotal	66,758
Other Professional & Cultural Programs:	
Mike Mansfield Fellowships Programs	2,200
Irish Institute	500
Atlantic Corridor USA	500
George Mitchell Fellowship Program	500
Institute for Representative Government	540
National Forensics League for High School Debates	1,000
PSC U.S.-Pakistan Educator Development Program	1,000
Subtotal	6,240
Subtotal, Professional & Cultural	72,998
Exchanges Support:	
Employee Compensation & Benefits	25,071
Program Direction & Administration	3,051
Federal Employee Pay Parity	771
Subtotal	28,893
Total, Educational and Cultural Exchanges	237,881

Some of the Committee recommendations displayed in the table above are described in more detail in the following paragraphs.

Of the funds made available for the Council of American Overseas Research Centers, $33,000 is for a grant for research to develop a diamond fingerprinting technology that will facilitate the monitoring of the international trade in conflict diamonds.

REPRESENTATION ALLOWANCES

Appropriations, 2002	$6,485,000
Budget estimate, 2003	9,000,000
Committee recommendation	6,485,000

The Committee recommends an appropriation of $6,485,000. The recommendation is $2,515,000 below the budget request.

Representation allowances provide partial reimbursement to Foreign Service officers for expenditures incurred in their official capacities abroad in establishing and maintaining relations with officials of foreign governments and appropriate members of local communities.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

Appropriations, 2002	$9,400,000
Budget estimate, 2003	11,000,000
Committee recommendation	9,400,000

The Committee recommends an appropriation of $9,400,000. The recommendation is $1,600,000 below the budget request.

This account reimburses local governments and communities for the extraordinary costs incurred in providing protection for international organizations, foreign missions and officials, and foreign dignitaries under certain circumstances.

The Committee directs that local jurisdictions that incur such costs submit a certified billing for such costs in accordance with program regulations. The Committee also recommends that in those circumstances where a local jurisdiction will realize a financial benefit from a visit from a foreign dignitary through increased tax revenues, that such circumstances should be taken into account by the Department in assessing the need for reimbursement under this program. The Committee expects the Department to treat such submissions diligently and provide reimbursement to local jurisdictions on a timely basis if claims are fully justified.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

Appropriations, 2002	$1,273,960,000
Budget estimate, 2003	1,305,000,000
Committee recommendation	1,255,700,000

The Committee recommends an appropriation of $1,255,700,000. The recommendation is $49,350,000 below the budget request.

This account allows the Department to manage U.S. Government real property in over 200 countries worth an estimated $12,500,000,000 and to maintain almost 14,000 residential, office, and functional properties, not only for the Department of State, but for all U.S. employees overseas.

The Committee recommendations by project or program are displayed in the following table:

Embassy security, construction, and maintenance

[In thousands of dollars]

	Committee recommendation
Worldwide Security Upgrades:	
Capital Projects	488,450
Astana, Kazakhstan New Office Building [NOB]	[78,400]
Athens, Greece New Office Annex Building	[37,600]
Bamako, Mali NOB	[69,900]
Beijing, China NOB	[178,800]
Bridgetown, Barbados Fitout	[31,900]
Frankfurt, Germany Design and Fitout	[42,900]
Moscow, Russia Annex Design Construction	[4,300]
Panama City, Panama Design	[22,950]
Tirana, Albania Design/Build	[21,700]
Other Site Acquisitions and Planning	93,800

	Committee recommendation
Compound Security	150,450
Subtotal, Worldwide Security Upgrades	732,700
Additional Security Enhancements for U.S.-Affiliated Locales:	
Overseas Schools Attended by American Children	21,000
Post Housing	20,000
Other Security Enhancements	3,000
Subtotal, Enhancements for U.S.-Affiliated Locales	44,000
Operations:	
Planning and Development	6,200
Real Estate and Property Management	6,000
Project Execution	91,000
Operations and Maintenance	336,300
Facility Management	[58,000]
Facilities Rehabilitation and Support System Replacement	[40,000]
Moscow, Russia Spoede Fitout	[2,000]
Jakarta, Indonesia Chancery and GSO Rehabilitation	[1,736]
Fire Protection	[8,500]
Leaseholds	[115,000]
Buyout of Uneconomic Leases	[35,000]
Maintenance and Repair of Buildings	[68,400]
Post Communications	[8,000]
Safety, Health, and Environmental Management	[3,400]
Information Management and Support	20,000
Main State/Domestic Renovations	13,000
Subtotal, Operations	472,500
Headquarters:	
Salaries and Training	6,500
Subtotal, Headquarters	6,500
Embassy Security, Construction, and Maintenance Total	1,255,700

Some of the Committee recommendations displayed in the table above are described in more detail in the following paragraphs.

Vulnerability.—The 1998 embassy bombings in Kenya and Tanzania significantly changed the way we approach the security of our facilities abroad. The June 14, 2002, attack on a church in Islamabad, Pakistan, which U.S. citizens were widely known to attend, brought into focus a new kind of threat against our interests abroad, specifically, threats against so-called ''soft targets''. The Committee directs the State Department to formulate a strategy for addressing, both in the long term and in the short term, threats to locales that are either frequented by Americans or symbolic of the United States. The Committee is particularly concerned about the safety of American schools abroad, as well as international schools attended by American children. The recommendation therefore includes $44,000,000 for the Department to provide both temporary and long term security enhancements for locations that are affiliated with the United States by virtue of the activities and individuals they accommodate. Of this amount, $21,000,000 is for security enhancements at schools attended by American children overseas. The Committee expects to be consulted by the Department prior to the release of these funds. The Committee is aware that providing funds for security enhancements for overseas schools deviates from Department policy. It is the Committee's expectation that this and all other Department policies pertaining to soft targets will be reexamined in the aforementioned strategy.

Buyout of uneconomic leases.—High lease costs deplete Department resources. The Committee supports efforts by the Department to selectively acquire properties in cities with volatile rental markets, thus generating significant out-year savings. The Committee recommendation provides $35,000,000 for opportunity purchases.

Marine Security Guard housing.—Marine Security Guards are essential to the Department's ability to carry out its mission overseas. In fiscal year 2002, the Department completed the final phase of a multi-year effort, undertaken at the insistence of the Committee, to address the long-neglected capital needs of many Marine Security Guard [MSG] housing facilities worldwide. The Committee supports the Department's new policy of incorporating MSG housing costs into the initial cost estimates, and thus the budget requests, for overseas construction or rehabilitation projects. The Committee notes that MSG housing costs for fiscal year 2003 are embedded within the capital projects account and will therefore not constitute a separate line item in the above chart.

The Department is directed, under the terms and conditions that follow, to submit for the Committee's review and approval within 60 days after enactment of this Act only those projects or subaccounts funded under this account, whether from direct appropriations or proceeds of sales, that deviate from the above chart. Any deviation shall include project-level detail and shall be treated as a reprogramming under section 605 of this Act in the case of an addition greater than $500,000, or as a notification in the case of a deletion, a project cost overrun exceeding 25 percent, or a project schedule delay exceeding 6 months. Notification requirements also extend to the ''rebaselining'' of a given project's cost estimate, schedule, or scope of work. By focusing the financial plan only on deviations, the Committee expects the Department to move projects toward contract obligation promptly after funds are appropriated. Immediate access to funds for the projects that are unchanged from the above chart allows the Department to negotiate contracts and obligate funds more efficiently over the entire fiscal year.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

Appropriations, 2002	$6,500,000
Budget estimate, 2003	15,000,000
Committee recommendation	6,500,000

The Committee recommends an appropriation of $6,500,000. The recommendation is $8,500,000 below the budget request.

This account provides resources for the Department of State to meet emergency requirements while conducting foreign affairs. The Committee recommendation provides funds for: (1) travel and subsistence expenses for relocation of Americans, U.S. Government employees, and their families from troubled areas to the United States and/or safe-haven posts; (2) allowances granted to State Department employees and their dependents evacuated to the United States for the convenience of the Government; (3) payment of rewards for information concerning terrorists and war criminals; and (4) representation expenses for senior Administration officials.

REPATRIATION LOANS PROGRAM ACCOUNT

Appropriations, 2002	$1,219,000
Budget estimate, 2003	1,219,000
Committee recommendation	1,219,000

The Committee recommends an appropriation of $1,219,000. The recommendation is identical to the budget request.

This account provides emergency loans to assist destitute Americans abroad who have no other source of funds to return to the United States.

In the past, less than 20 percent of repatriation loans have ever been repaid. The Committee strongly endorses efforts by consular services to limit assistance only to victims of unforeseen circumstances or travelers whose mental instability presents a risk to themselves or others.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

Appropriations, 2002	$17,044,000
Budget estimate, 2003	18,817,000
Committee recommendation	17,044,000

The Committee recommends an appropriation of $17,044,000. The recommendation is $1,773,000 below the budget request.

The Taiwan Relations Act requires that programs concerning Taiwan be carried out by the American Institute in Taiwan [AIT]. The Institute administers programs in the areas of economic and commercial services, cultural affairs, travel services, and logistics. The Department of State contracts with the AIT to carry out these activities.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

Appropriations, 2002	$135,629,000
Budget estimate, 2003	138,200,000
Committee recommendation	138,200,000

The Committee recommends an appropriation of $138,200,000. The recommendation is identical to the budget request.

This appropriation is authorized by the Foreign Service Act of 1980 which provides for an appropriation to the fund in 30 equal annual installments of the amount required for the unfunded liability created by new benefits, new groups of beneficiaries, or increased salaries on which benefits are computed.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

Appropriations, 2002	$850,000,000
Budget estimate, 2003	891,378,000
Committee recommendation	866,000,000

The Committee recommends an appropriation of $866,000,000. The recommendation is $25,378,000 below the budget request.

This account funds payment of the obligations of U.S. membership in international organizations as authorized by treaties or specific acts of Congress.

The Committee recommendations, by organization, are displayed in the following table:

Contributions to international organizations

[In thousands of dollars]

	Committee recommendation
United Nations and affiliated agencies:	
Food and Agriculture Organization	72,741
International Atomic Energy Agency	52,230
International Civil Aviation Organization	12,011
International Labor Organization	50,333
International Maritime Organization	1,209
International Telecommunications Union	5,800
United Nations—Regular	279,327
United Nations—War Crimes Tribunals	7,629
Universal Postal Union	1,295
World Health Organization	93,616
World Intellectual Property Organization	823
World Meteorological Organization	8,332
Subtotal	585,346
Inter-American organizations:	
Inter-American Institute for Cooperation on Agriculture	16,560
Organization of American States	54,196
Pan American Health Organization	55,340
Pan American Institute of Geography and History	324
Subtotal	126,420
Regional organizations:	
Asia-Pacific Economic Cooperation	601
Colombo Plan Council for Technical Cooperation	15
North Atlantic Assembly	563
North Atlantic Treaty Organization	45,310
Organization for Economic Cooperation and Development	41,611
South Pacific Commission	1,080
Subtotal	89,180
Other international organizations:	
Customs Cooperation Council	2,703
Hague Conference on Private International Law	102
International Agency for Research on Cancer	1,649
International Bureau/Permanent Court of Arbitration	18
International Bureau/Publication of Customs Tariffs	84
International Bureau of Weights and Measures	764
International Copper Study Group	54
International Cotton Advisory Committee	226
International Center for the Study of Preservation & Restoration of Cultural Property	748
International Hydrographic Organization	77
International Institute/Unification of Private Law	95
International Lead & Zinc Study Group	54
International Office of Epizootics	90
International Organization of Legal Metrology	89
International Rubber Study Group	120
International Seed Testing Association	7
International Tropical Timber Organization	159
International Union/Conservation of Nature and Natural Resources	247
International Grains Council	429
International Union/Protection of New Varieties of Plants	161
Organization for the Prevention of Chemical Weapons	13,769
World Trade Organization/General Agreement on Tariffs and Trade	12,826
Subtotal	34,471
Potential Exchange Rate Losses	30,583
Total, International Organizations	866,000

The Committee recommendation includes several adjustments to this account based on policy decisions. The Committee also is aware that exchange rate margins are moving in a direction that is disadvantageous to the U.S. dollar. The Committee recommendation includes $14,583,000 to provide for any potential exchange rate losses. Should use of the funds be necessary, the Committee expects to be notified on an agency by agency basis.

Synchronization.—The Committee notes that in the early 1980's, the Office of Management and Budget devised a plan to pay U.S. dues to international organizations in the last quarter of the year in which they were due. This practice allowed the United States to pay its annual dues to the United Nations [U.N.], its affiliate agencies, and other international organizations in each subsequent fiscal year's budget, resulting in significantly reduced outlays for one fiscal year. What was intended as a budget gimmick to realize a one-time savings, however, has become standard practice. The subsequent nonsynchronization of budgets has resulted in U.S. dues frequently being paid more than a year late, which has further aggravated U.S. relations with the international community. The United States has demanded that U.N. adopt sound, fiscally responsible budgetary practices. However, the United States' own late payment of its U.N. dues forces the United Nations to engage in unsound budgeting practices.

The Committee directs the Secretary of State to develop a plan, to be presented to and approved by the Committees on Appropriations, for the graduated synchronization of the United States' and the United Nations' budget cycles. The Committee directs that the Secretary of State's plan take a graduated approach to synchronization to allow the Department to designate budget authority and provide outlays necessary to synchronize the U.S. payment over a maximum of 5 years. The Committee expects this plan to include projected budget requests for the Contributions to International Organizations account for each of the fiscal years in which synchronization shall take place.

U.N. headquarters renovation project.—The Committee is aware that the United Nations' [U.N.] planned renovation of its New York City headquarters complex is projected to cost between $1,688,000,000 and $1,771,000,000. The Committee would not support any move by the U.N. to float a sovereign bond to fund this project. The Committee urges that an alternative plan be devised in lieu of borrowing commercially through a bond issue. Additionally, the Committee is aware that the U.N. is considering a plan under which it would occupy a building constructed by the U.N. Development Corporation [UNDC] during the construction phase of the project on a lease-purchase arrangement. Under this plan, U.N. personnel currently working in commercial office space throughout New York City would be consolidated into the new building once the renovation of the original U.N. building was complete. The U.N. complex would therefore double in size, to include a second building as large in size as the original U.N. building. This plan therefore describes a capital expansion, in addition to the planned renovation, and the Committee directs the Department of State to represent it as such.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

Appropriations, 2002	$844,139,000
Budget estimate, 2003	725,981,000
Committee recommendation	673,710,000

The Committee recommends an appropriation of $673,710,000. The recommendation is $52,271,000 below the budget request.

The Committee is aware of the availability of $38,515,000 in fiscal year 2002 funding under this account. This amount, when combined with the fiscal year 2003 Committee recommendation, fully funds the U.S. contribution to international peacekeeping at the adjusted assessment rate.

This account funds U.S. payments for contributions for international peacekeeping activities. The Committee recommendations by mission are displayed in the following table:

Contributions for International Peacekeeping Activities

[In thousands of dollars]

U.N. Disengagement Observer Force [UNDOF]	8,365
U.N. Interim Force in Lebanon [UNIFIL]	33,520
U.N. Iraq/Kuwait Observer Mission [UNIKOM]	4,479
U.N. Mission for the Referendum in Western Sahara [MINURSO]	11,792
U.N. Mission in Kosovo [UNMIK]	96,534
U.N. Peacekeeping Force in Cyprus [UNFICYP]	5,219
U.N. Observer Mission in Georgia [UNOMIG]	6,516
War Crimes Tribunal—YUGOSLAVIA	7,000
War Crimes Tribunal—RWANDA	6,000
U.N. Mission in Sierra Leone [UNAMSIL]	145,803
U.N. Transitional Administration in East Timor [UNTAET]	58,177
U.N. Operation in the Democratic Republic of the Congo [MONUC]	273,226
U.N. Mission in Ethiopia and Eritrea [UNMEE]	55,594
Subtotal	712,225

The Committee expects to be consulted prior to any deviation from the above plan for fiscal year 2003.

Democratic Republic of Congo.—The Committee recommendation provides the full authorized amount for the United Nations Organization Mission in the Democratic Republic of the Congo [MONUC]. Prior to the release of these funds, the Department of State

must certify to the Committees on Appropriations that the following conditions have been met. First, firm benchmarks for what constitutes a successful mission must be determined, articulated, and followed. Second, the security of The Democratic Republic of the Congo's [DROC] neighbors must be factored in to all of MONUC's strategic and contingency planning, and must be heavily considered in the negotiation of a final political settlement. Third, the United Nations must construct an arrangement for the withdrawal of foreign forces from the DROC that, to the greatest degree possible, does not destabilize DROC's neighbors. Fourth, contingency plans must be developed and implemented for the safe withdrawal of peacekeepers in the event of a resumption of hostilities.

Sierra Leone.—The Committee is encouraged by the May, 2002 national elections in Sierra Leone, which were conducted in a credible and peaceful manner. The elections underscored that the people of Sierra Leone do not wish the Revolutionary United Front, a rebel group notorious for its use of forced amputations to terrorize local populations, to have a role in the future governance of their country. As previously inaccessible areas of Sierra Leone become accessible due to the completion of disarmament, demobilization, and reintegration [DDR], it is expected that more evidence of atrocities committed during the conflict will come to light. The Committee strongly supports the work of the Special Court for Sierra Leone, the purpose of which is to prosecute those who bear the greatest responsibility for serious violations of international humanitarian law, crimes against humanity, and some Sierra Leonean criminal laws, perpetrated during the course of the conflict in Sierra Leone since 1996. The Committee notes that the Special Court will face the momentous challenge of prosecuting a disproportionately high number of crimes involving sexual violence and crimes against children. The Committee directs the Department of State to consider ways it can support, and encourage international and private organizations to undertake, new efforts to prevent, respond to, and document sexual violence in African countries, including Sierra Leone, Guinea, Liberia, Ivory Coast, and the Democratic Republic of Congo.

Three important goals remain for the U.N. Peacekeeping Mission to Sierra Leone [UNAMSIL]: the extension of state authority, the reintegration of ex-combatants, and full restoration of the government's control over diamond mining. It is imperative that the international community and the U.N. safeguard the progress made in Sierra Leone by remaining engaged until all of the objectives are met. The recommendation therefore provides the full authorized amount for UNAMSIL. The Committee supports the adjustments to the current strength, composition, and deployment of UNAMSIL troops based on recent changes and anticipated further changes in the security situation in Sierra Leone.

East Timor.—Despite progress towards a peaceful, constructive relationship between the two nations, East Timor is not yet ready to stand entirely on its own, as evidenced by recent rioting in the capital city of Dili. The fledgling nation is still in the beginning stages of establishing a criminal justice system, basic social services, and professional police and defense forces. The Committee therefore supports the continued presence of the U.N. Transitional Administration in East Timor [UNTAET] at the levels required by the U.N. Secretary General.

Peacekeeping reports.—The Committee recently received notification that the Department would discontinue the practice of transmitting U.N. Security Council reports on peacekeeping to the Committee. These reports are a crucial source of information on U.N. peacekeeping missions because they are not influenced by State Department opinions. The Department is directed to resume transmission of these reports to the Committees on Appropriations.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

SALARIES AND EXPENSES

Appropriations, 2002	$24,705,000
Budget estimate, 2003	27,404,000
Committee recommendation	25,155,000

The Committee recommends an appropriation of $25,155,000. The recommendation is $2,249,000 below the budget request. The Committee recommendation includes the fiscal year 2002 funding level, and a 4.1 percent pay adjustment for Federal employees.

The Committee recommendations are displayed in the following table:

International Boundary & Water Commission Salaries and Expenses

[In thousands of dollars]

Administration	5,375
Engineering	2,131
Operations and maintenance	17,199
Federal Employee Pay Adjustment	450

CONSTRUCTION

Appropriations, 2002	$5,450,000
Budget estimate, 2003	9,401,000
Committee recommendation	5,488,000

The Committee recommends an appropriation of $5,488,000. The recommendation is $3,913,000 below the budget request.

The Committee recommendations, by project, are displayed in the following table:

International Boundary & Water Commission Construction

[In thousands of dollars]

	Committee recommendation
Boundary-wide construction:	
Facilities renovation construction	656
Heavy equipment replacement	500
Land mobile radio systems replacement	594
Hydrological data collection system rehabilitation	500
Subtotal, boundary-wide construction	2,250
Rio Grande construction:	
Rio Grande American Canal extension	250
Rio Grande canalization continuation	800
Rio Grande flood control system rehabilitation	1,150
Safety of dams rehabilitation	1,000
Subtotal, Rio Grande construction	3,200
Federal Employee Pay Adjustment	38
Total	5,488

The Committee expects to be consulted prior to any deviation from the above plan for fiscal year 2003.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

Appropriations, 2002	$9,911,000
Budget estimate, 2003	10,682,000
Committee recommendation	10,023,000

The Committee recommends an appropriation of $10,023,000. The recommendation is $659,000 below the budget request.

This account funds the U.S. share of expenses of the International Boundary Commission [IBC], the International Joint Commission [IJC], and the Border Environment Cooperation Commission [BECC].

The Committee recommendations, by commission, are displayed in the following table:

American Sections, International Commissions

[In thousands of dollars]

	Committee recommendation
International Boundary Commission:	
Commission operations	514
Maine-Quebec project	118
Washington-British Columbia	234
Montana-Alberta, British Columbia	143
Subtotal, IBC	1,009
International Joint Commission [IJC]:	
United States Section	6,440
U.S. Geological Survey	534
Subtotal, IJC	6,974
Border Environment Cooperation Commission:	
Studies & investigations/solid waste projects	320
All other operations	1,720
Subtotal, BECC	2,040
Total, American sections	10,023

The Committee expects to be consulted prior to any deviation from the above plan for fiscal year 2003.

INTERNATIONAL FISHERIES COMMISSIONS

Appropriations, 2002	$20,480,000
Budget estimate, 2003	19,780,000
Committee recommendation	20,480,000

The Committee recommends an appropriation of $20,480,000. The recommendation is $700,000 above the budget request.

This account funds the U.S. share of the expenses of international fisheries commissions; participation in the International Council for the Exploration of the Sea; participation in the North Pacific Marine Sciences Organization; travel expenses of the U.S. commissioners and their advisors; and salaries of non-Government employees of the Pacific Salmon Commission for days actually worked as commissioners and panel members and alternates.

The Committee recommendations, by commission, organization, or council, are displayed in the following table:

International Fisheries Commissions

[In thousands of dollars]

	Committee recommendation
Inter-American Tropical Tuna Commission	1,950
Great Lakes Fishery Commission	13,248
Pacific Salmon Commission	2,193
International Pacific Halibut Commission	2,100

	Committee recommendation
International Whaling Commission	90
North Pacific Anadromous Fish Commission	99
Int'l Commission/Conservation of Atlantic Tunas	121
Northwest Atlantic Fisheries Organization	146
Commission for the Conservation of Antarctic Marine Living Resources	70
North Atlantic Salmon Conservation Organization	27
Int'l Council for the Exploration of the Seas	120
North Pacific Marine Science Organization	66
Inter-American Sea Turtle Convention Commission	150
Expenses of the U.S. Commissioners	100
Total	20,480

The Committee expects to be consulted prior to any deviation from the above plan for fiscal year 2003.

Of the amount provided for the Great Lakes Fishery Commission [GLFC], not less than $300,000 shall be used to treat Lake Champlain with lampricide and lampricide alternative. The GLFC is directed to give priority to States that have provided matching grants when distributing lampricide funds.

OTHER

PAYMENT TO THE ASIA FOUNDATION

Appropriations, 2002	$9,250,000
Budget estimate, 2003	9,444,000
Committee recommendation	10,250,000

The Committee recommends an appropriation of $10,250,000. The recommendation is $806,000 above the budget request.

The Asia Foundation plays a complementary role in advancing U.S. foreign policy interests in Asia and the Pacific through grants, services, and exchange programs. The Committee supports the Foundation's efforts to reestablish its program and presence in Afghanistan, which was in existence from 1954 until the Soviet invasion in 1979. The Committee encourages the Foundation to use its expertise in developing programs to encourage women's political participation in Central Asia, and specifically Afghanistan.

Within the funds provided, $1,000,000 is to support the Asia Foundation's work in Nepal aimed at strengthening the performance of district courts and building dispute resolution mechanisms in the local communities. A comprehensive research study carried out last year confirmed that there are severe weaknesses in the Nepalese court system. The additional funding will allow the Asia Foundation to expand its current training to include judges, prosecutors, and court personnel throughout Nepal. Also, the additional funding will allow the Asia Foundation to provide the technical support, training, awareness programs, and assistance in building local capacity necessary to have effective dispute resolution mechanisms at the local level.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

Appropriations, 2002	$500,000
Budget estimate, 2003	500,000
Committee recommendation	500,000

The Committee recommends an appropriation of $500,000 for interest and earnings in the Eisenhower Exchange Fellowship Program Trust Fund, authorized by the Eisenhower Exchange Fellowship Act of 1990 (Public Law 101–454). The recommendation is identical to the budget request.

The Eisenhower Exchange Fellowship Act of 1990 authorized a permanent endowment for the Eisenhower Exchange Fellowship Program. The act established the Eisenhower Exchange Fellowship Program Trust Fund in the U.S. Treasury for these purposes. A total of $7,500,000 has been provided to establish a permanent endowment for the program, from which interest and earnings in the fund are appropriated to Eisenhower Exchange Fellowships, Inc.

ISRAELI-ARAB SCHOLARSHIP PROGRAM

Appropriations, 2002	$375,000
Budget estimate, 2003	375,000
Committee recommendation	375,000

The Committee recommends an appropriation of interest and earnings for the Israeli-Arab Scholarship Endowment Fund estimated to be $375,000. The recommendation is identical to the budget request.

A permanent endowment of $4,978,500 was established in fiscal year 1992 with funds made available under section 556(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, as amended. The income from the endowment is to be used for a program of scholarships for Israeli-Arabs to attend institutions of higher education in the United States.

EAST-WEST CENTER

Appropriations, 2002	$14,000,000
Budget estimate, 2003	14,280,000
Committee recommendation	18,000,000

The Committee recommends an appropriation of $18,000,000. The recommendation is $3,720,000 above the request.

Of the funding provided, the Committee recommends $2,500,000 for renovation of existing East-West Center facilities which are more than 40 years old. The funding provided will be used to upgrade the facilities to make them compliant with current safety standards and to improve telecommunications services.

NATIONAL ENDOWMENT FOR DEMOCRACY

Appropriations, 2002	$33,500,000
Budget estimate, 2003	36,000,000
Committee recommendation	46,500,000

The Committee recommends an appropriation of $46,500,000. The recommendation is $10,500,000 above the budget request.

The National Endowment for Democracy [NED] is a private, non-profit organization created in 1983 to strengthen democratic institutions around the world. NED's mission is to support peaceful and stable transitions to more open political and economic systems characterized by effective governance and legal systems, engaged and responsible civil societies, and open markets. Although NED was first created to help the United States win the cold war, its mission of promoting democracy is still relevant today particularly in the new war against terrorism.

This Committee recommendation responds to the immediate threat of terrorism by taking steps to provide for the security of the U.S. homeland. However, the threat of terrorism also requires a long-term response which addresses the root causes of terrorism. This can be accomplished by helping to establish democracies throughout the Middle East, Africa, South and Central Asia, and other regions where terrorism has flourished over the last decade. Building democracies helps sever the link between terror and tyranny which, unfortunately, have become commonplace in these regions.

NED has already established a network of Muslim organizations and professionals in these regions that work to promote democracy from within the Islamic tradition. The Committee believes that NED's existing networks in these regions can be used to further the broader objectives of the war against terror. The recommendation therefore includes funding above the requested level for NED to expand its work with political leaders, legislators, and political parties in Muslim countries, and to capitalize on new opportunities to expand outreach and develop and promote contacts.

The Committee recommendation includes $7,000,000 above current funding levels for programs that support the development of effective ties with modernist Muslim groups, programs that are developing pro-democracy networks, independent journalists, and women's business organizations.

The Muslim world consists of more than 1 billion people and stretches some 10,000 miles from Morocco to Indonesia. Only by establishing democracies in those countries in the Middle East, Africa, South and Central Asia, and other regions that support terrorists can we permanently stop terrorism. It is here that terrorist recruits have been found among the disadvantaged. Muslim countries face four challenges. The first is to end repression, permit freedom of expression, and introduce genuine political parties. The second is to modernize their economies, with the goal of reducing poverty and inequality so that young people can have hope and opportunity. The third is to control corruption and establish the genuine rule of law. And the fourth is to end the political abuse of religion and reconcile Islam with modern concepts of citizenship and individual rights. The Committee therefore recommends increases for NED programs in Muslim-populated countries, as reflected in the following table:

[In thousands of dollars]

	Committee recommendation
Africa	6,341
Asia	7,182
Middle East	8,605
Central Asia/Afghanistan	2,000
Central and Eastern Europe	2,180
Newly Independent States	5,540
Latin American/Caribbean	5,737
Multiregional	3,280
Democratic Activities	1,272
Administration	4,363
Total	46,500

The Committee expects that these funding increases will be distributed throughout NED's four core institutes in the same manner as NED's core budget.

Africa.—The Committee recognizes that funding constraints have limited the success of NED in the Democratic Republic of the Congo, Sierra Leone, Sudan, and Nigeria. Therefore, $1,000,000 above current funding levels is provided for NED to increase its support for independent women's cultural and human rights organizations in these countries.

Asia.—Of the funding provided for Asia, the Committee recommendation includes $1,500,000 above the request for enhanced programs in The Peoples Republic of China, including Tibet, Burma, and North Korea.

Middle East.—Of the funding provided for NED programs in the Middle East, the Committee recommendation includes an increase of $1,000,000 above current funding levels to expand a women's rights and democracy training program for Lebanon's Shiite female educators, students, and mothers.

Afghanistan.—The Committee recommends $2,000,000 for NED to establish a program for women's rights in Afghanistan.

None of the funds provided under this heading shall be obligated until a detailed spend plan has been submitted to and approved by the Committees on Appropriations, in keeping with section 605 of this Act.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

Appropriations, 2002	$437,434,000
Budget estimate, 2003	467,898,000
Committee recommendation	431,456,000

The Committee recommends an appropriation of $431,456,000. The recommendation is $36,442,000 below the request. The recommendation includes a 4.1 percent pay adjustment for Federal employees. This account funds the operating and engineering costs of Voice of America [VOA], Radio Free Europe/Radio Liberty [RFE/RL], Radio Free Asia [RFA], Worldnet Television, and the Broadcasting Board of Governors [BBG].

Of the funds made available under this heading, not more than $17,757,000 shall be used for Agency Direction. No funding is recommended for the Office of General Counsel.

Shifting requirements.—The Committee commends Radio Free Europe/Radio Liberty [RFE/RL] for developing programming in Avar, Chechen, and Circassian and for expanding broadcasting to the Northern Causasus. The Committee recognizes the continuing importance of reaching the isolated minorities of the Northern Caucasus in their native languages. The Chechen crisis is ongoing and there is still a great need in this region for objective, uncensored information. Within the funding provided for RFE/RL, not less than $2,400,000 shall be for the North Caucasus Unit.

The Committee recommendation includes $1,157,000 for Radio Free Asia to continue daily Uyghur broadcasts. Radio Free Asia's Uyghur broadcasts are proving successful in northwest China in spite of top level officials efforts to erect a steel wall against ''hostile radio stations from abroad''.

Africa Broadcasting.—The problem of AIDS in Africa is ubiquitous. Radio broadcasting is an underutilized tool in the fight against the African AIDS epidemic. Its accessibility to even the most impoverished communities make it an ideal way to transmit information about the disease. Radio broadcasts could be a major component of sustained prevention efforts undertaken by the governments of many African countries, humanitarian organizations, and U.S. assistance programs. The recommendation includes $11,000,000 for Voice of America's Africa Division for broadcasting to Africa. The Committee directs VOA to incorporate AIDS education into its regular programming. VOA is directed to report to the Committee on its progress no later than 90 days after enactment of this Act.

Of the funds made available for Voice of America, $8,579,000 is for the Middle East Radio Network.

Security of RFE/RL headquarters.—The Committee is aware that RFE/RL and the government of the Czech Republic have jointly developed a preliminary plan to relocate RFE/RL headquarters from St. Wenceslas Square in Prague, the Czech Republic, to a new and safer location. The Committee expects to be consulted on all decisions concerning a future capital project, particularly decisions that concern security. RFE/RL is directed to report to the Committee on all aspects of the relocation currently being considered. The report should explain whether it would be desirable, from both a security and from an economic perspective, to move RFE/RL headquarters to a location outside of the Czech Republic. The BBG is directed to consider Turkey as a possible host nation for the new RFE/RL headquarters.

Security of worldwide broadcasting facilities.—In the post-September 11 environment, the broadcasting services no longer have the luxury of ignoring the security of their personnel and facilities. The Broadcasting Board of Governors is therefore directed to develop, in consultation with the Department of State and other relevant U.S. agencies, a 5-year capital worldwide security plan. The plan shall be transmitted to the Committees on Appropriations no later than July 1, 2003.

Within the funding made available for Radio Free Asia, not less than $2,898,000 is for the Korea Service.

BROADCASTING TO CUBA

Appropriations, 2002	$24,872,000
Budget estimate, 2003	25,362,000
Committee recommendation	24,996,000

The Committee recommends an appropriation of $24,996,000. The recommendation is $366,000 below the budget request. The recommendation includes a 4.1 percent pay raise for Federal employees. This account funds the operating and engineering costs of Radio and Television Marti.

BROADCASTING CAPITAL IMPROVEMENTS

Appropriations, 2002	$25,900,000
Budget estimate, 2003	13,740,000
Committee recommendation	13,740,000

The Committee recommends an appropriation of $13,740,000. The recommendation is identical to the budget request.

This account funds necessary maintenance, improvements, replacements, and repairs of broadcasting sites; satellite and terrestrial program feeds; and engineering support activities, broadcast facility leases, and land rentals.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

The Committee recommends the following general provisions:

Section 401 permits funds appropriated in this Act for the Department of State to be available for allowances and differentials, services, and hire of passenger transportation.

Section 402 permits up to 5 percent of any appropriation made available in the bill for the Department of State and the U.S. Information Agency to be transferred between their respective appropriations. The language also provides that no appropriation shall be decreased by more than 5 percent or increased by more than 10 percent by any such transfer. In addition, the language provides that any transfer pursuant to this subsection shall be treated as a reprogramming of funds under section 605 of the accompanying bill and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Section 403 prohibits the use of Department of State funds to support the Palestinian Broadcasting Corp.

Section 404 requires that a consulate or diplomatic facility in Jerusalem be under the supervision of the U.S. Ambassador to Israel.

Section 405 requires government publications to list Jerusalem as the capital of Israel.

Section 406 allows Israel to be recorded as the place of birth on registrations of birth, certifications of nationality, and passport applications for U.S. citizens born in Jerusalem.

Section 407 requires that property currently being occupied by the Department of State be transferred to the Department of State.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

Appropriations, 2002	$224,732,000
Budget estimate, 2003	207,120,000
Committee recommendation	225,600,000

The Committee recommends a total appropriation of $225,600,000, which is $18,480,000 above the budget request. The Committee recommendation includes a 4.1 percent pay adjustment for Federal employees.

The Maritime Administration [MarAd] in the Department of Transportation is responsible for administering several programs for the maritime industry relating to U.S. foreign and domestic commerce and for national defense purposes.

The Committee's recommendations for specific accounts are described below.

MARITIME SECURITY PROGRAM

Appropriations, 2002	$98,700,000
Budget estimate, 2003	98,700,000
Committee recommendation	98,700,000

The Committee recommends an appropriation of $98,700,000. The recommendation is identical to the budget request.

The Maritime Security program maintains a U.S.-flag merchant fleet crewed by U.S. citizens who serve both the commercial and national security needs of the United States. The Committee's recommendation fully funds the 47 ships authorized to participate in this program.

OPERATIONS AND TRAINING

Appropriations, 2002	$89,054,000
Budget estimate, 2003	93,133,000
Committee recommendation	89,904,000

The Committee recommends an appropriation of $89,904,000. The recommendation is $3,229,000 below the budget request.

This account funds operations of MarAd, the U.S. Merchant Marine Academy, and provides grants to State maritime academies.

The recommendation includes $49,890,000 for the U.S. Merchant Marine Academy and $7,563,000 for the State maritime schools. Within the amounts provided for the U.S. Merchant Marine Academy, $13,000,000 is included to reduce the maintenance and repair backlog at the Academy, and to begin to make needed capital improvements. Within the amounts for State maritime schools, $1,200,000 is for student incentive payments, $1,200,000 is for direct scholarship payments, and $5,163,000 is for schoolship maintenance and repair. The Committee notes that MarAd anticipates using $2,000,000 in Ready Reserve funds to support the schoolship maintenance and repair program.

MARITIME GUARANTEED LOAN PROGRAM

Appropriations, 2002	$36,978,000

Budget estimate, 2003	4,126,000
Committee recommendation	36,996,000

The Committee recommends an appropriation of $36,996,000. The recommendation includes $4,144,000 for administrative expenses. The recommendation is $32,870,000 above the budget request.

The Maritime Guaranteed Loan Program (title XI) provides subsidies for guaranteed loans for purchasers of vessels built in U.S. shipyards and includes the guarantee for facilities or equipment pertaining to marine operations related to any of those vessels.

The Committee is concerned that the Administration did not request a title XI subsidy for fiscal year 2003. Projects currently under consideration, and many future maritime projects would be in jeopardy under this proposal. The recommended subsidy amount, when combined with $10,000,000 in anticipated carryover balances, should provide sufficient funding to cover expected outyear requirements.

SHIP DISPOSAL PROGRAM

Appropriations, 2002	
Budget estimate, 2003	$11,161,000
Committee recommendation	

The Committee does not recommend an appropriation within this title for the Ship Disposal Program. The recommendation is $11,161,000 below the budget request.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

Appropriations, 2002	$489,000
Budget estimate, 2003	499,000
Committee recommendation	659,000

The Committee recommends an appropriation of $659,000. This amount is $160,000 above the budget request and includes a 4.1 pay adjustment. The recommendation will allow the Commission to fund its administrative expenses through appropriated funds while relying on privately donated funds for the actual purchase and restoration of property.

The purpose of the Commission is to encourage the preservation of cemeteries, monuments, and historic buildings associated with the foreign heritage of the American people.

Revolutionary War heroes.—The Committee supports the Commission's preliminary survey (phase I) of sites abroad associated with the lives and deeds of foreign-born heroes of the American Revolution. The Commission has identified at least 31 Revolutionary period heroes that are, or should be, commemorated abroad that qualify for site assessment (phase II). Phase II will involve: (1) collection of first hand information at foreign commemorative sites, (2) formulation of recommendations regarding necessary repairs to, or expansion of, existing monuments, rewriting of commemorative inscriptions, and placement of new commemorative markers or monuments, and (3) dissemination of information on commemorative sites to American citizens and foreign governments and organizations. The Committee recommendation includes $160,000 to conduct phase II. The Committee looks forward to receiving a report on the completion of phase II at the earliest convenience of the Commission.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

Appropriations, 2002	$9,096,000
Budget estimate, 2003	9,096,000
Committee recommendation	9,096,000

The Committee recommends an appropriation of $9,096,000 for the salaries and expenses of the Commission on Civil Rights. The recommendation is identical to the budget request. The Committee recommendation includes a 4.1 percent pay adjustment to the degree resources are available.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Appropriations, 2002	$3,000,000
Budget estimate, 2003	3,000,000
Committee recommendation	3,000,000

The Committee recommends an appropriation of $3,000,000. The recommendation is identical to the budget request. The Committee recommendation includes a 4.1 percent pay adjustment to the degree resources are available.

COMMISSION ON OCEAN POLICY

Appropriations, 2002	$3,000,000
Budget estimate, 2003	
Committee recommendation	3,000,000

The Committee recommends an appropriation of $3,000,000 for the Commission on Ocean Policy. The recommendation is $3,000,000 above the budget request. The Committee recommendation includes a 4.1 percent pay adjustment to the degree resources are available. Legislation directing the President to establish a Commission on Ocean Policy, as the successor to the objective, science-based 1966 Stratton Commission passed during the 106th Congress. To date $7,500,000 has been appropriated for the Commission.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

Appropriations, 2002	$1,499,000
Budget estimate, 2003	1,607,000
Committee recommendation	1,550,000

The Committee recommends an appropriation of $1,550,000. The recommendation is $57,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment to the degree resources are available.

The Commission was established in 1976 to ensure compliance with the final act of the Conference on Security and Cooperation in Europe with particular regard to provisions dealing with humanitarian affairs.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

Appropriations, 2002	$1,000,000
Budget estimate, 2003	1,700,000
Committee recommendation	1,000,000

The Committee recommends an appropriation of $1,000,000. The recommendation is $700,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment to the degree resources are available.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

Appropriations, 2002	$310,406,000
Budget estimate, 2003	320,436,000
Committee recommendation	320,436,000

The Committee recommends an appropriation of $320,436,000. The recommendation is identical to the budget request. The Committee recommendation includes a 4.1 percent pay adjustment to the degree resources are available.

The Committee recommendation includes $33,000,000 to fund fair employment practices agencies. This should permit the EEOC to increase the contract rate for cases closed to $500. In order to ensure the EEOC understands the importance the Committee places on the work of State and local fair employment practices agencies, bill language is included to direct the agency to increase funding for the charge rate paid to these agencies.

The Committee expects the agency to use its anticipated fiscal year 2002 carryover funds and the remainder not used for the above purposes to modernize its computer systems.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

Appropriations, 2002	$245,071,000
Budget estimate, 2003	268,327,000
Committee recommendation	275,400,000

The Committee recommends a total of $275,400,000 for the salaries and expenses of the Federal Communications Commission [FCC], of which the entire amount is to be derived from collection of existing fees. The recommendation is $7,073,000 above the budget request. The Committee recommendation includes the fiscal year 2002 funding level and a 4.1 percent pay adjustment. The Committee supports an increase for the FCC's Technology requirements and initiatives to improve the agency's program performance. This funding will provide for continued support and critical improvements for existing systems, and will ensure compliance with government-wide standards pertaining to system security, accessibility and financial management. The funding will impact on all five key FCC activities, which includes licensing, competition, enforcement, consumer information, and spectrum management.

The FCC is an independent agency charged with regulating interstate and foreign communications, including radio, television, wire, wireless, cable, and satellite. The FCC's primary mission is to promote competition, innovation, and deregulation in the communications industry.

Broadcast television standards.—The Committee is concerned about the declining standards of broadcast television and the impact this decline is having on America's children. An analysis of all prime-time programming has found that overall sexual content, foul language and violence have tripled over the past decade. In December 1999, the FCC issued a notice of inquiry regarding the public interest obligations of broadcasters during and after the transition to digital transmission. The Committee directs the FCC to continue to report to Congress on the issues associated with resurrecting a broadcast industry code of conduct for content of programming that, if adhered to by the broadcast industry, would protect against the further erosion of broadcasting standards.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

Appropriations, 2002	$16,458,000
Budget estimate, 2003	17,440,000
Committee recommendation	16,795,000

The Committee recommends an appropriation of $16,795,000. The recommendation is $645,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment.

The Federal Maritime Commission is an independent regulatory agency charged with administering several laws relating to the waterborne domestic and foreign offshore commerce of the United States.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

Appropriations, 2002	$155,982,000
Budget estimate, 2003	187,599,000
Committee recommendation	175,148,000

The Committee recommends an appropriation of $175,148,000. The recommendation is $12,451,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment.

The Federal Trade Commission [FTC] administers a variety of Federal antitrust and consumer protection laws. Activities in the antitrust area include detection and elimination of illegal collusion, anticompetitive mergers, unlawful single-firm conduct, and injurious vertical agreements. The FTC regulates advertising practices, service industry practices, marketing practices, and credit practices as it addresses fraud and other consumer concerns.

The Committee recommendation for fiscal year 2003 provides funding for a total of 1,074 full time equivalents. The recommendation provides requested increases to pay non-personnel services, and space costs, and does not provide for increased costs of the Consumer Response Center. The recommended program level will be partially offset by fees assessed on Hart-Scott-Rodino Act premerger notification filings as authorized by section 605 of Public Law 101–162.

Child Protection.—The FTC released a report 2 years ago that was very critical of the entertainment industry and their persistent and calculated marketing of violent games, movies, and music to children. In response to this report the entertainment industry has promised to place tougher regulations on itself and voluntarily comply with the report's recommendations. The Committee believes that the FTC should continue and expand its efforts in this area and directs the Commission to continue to engage in consumer research and workshops, underage shopper-retail compliance surveys, and marketing data collection.

Internet.—The FTC is charged with monitoring compliance with the Children's Online Privacy Protection Act. The Committee's recommendation ensures the agency is adequately prepared to meet the challenges of increased fraud on the Internet and the agency's recognition that Internet fraud is an international phenomenon since the Internet has no borders.

Do-Not-Call Initiative.—The Committee recommends an additional $16,000,000 for the Federal Trade Commission and authority to collect offsetting fees for the Commission's Do-Not-Call initiative under its Telemarketing Sales Rule. The Do-Not-Call initiative will establish a national database of telephone numbers of consumers who choose not to receive telephone solicitations from telemarketers. The Committee understands that the Commission plans to adopt, prior to enactment of this legislation, the Do-Not-Call initiative as an amendment to its Telemarketing Sales Rule. The Committee further understands that the Commission has developed a spending plan for the Do-Not-Call initiative. The Committee recognizes that these additional funds and fee collection authority are needed to implement the Do-Not-Call initiative, which has received broad support from, and will provide significant benefits to, consumers throughout the United States.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

Appropriations, 2002	$329,300,000
Budget estimate, 2003	329,300,000
Committee recommendation	329,397,000

The Committee recommends an appropriation of $329,397,000. The recommendation is $97,000 above the budget request and includes funds for a 4.1 pay adjustment. The Committee recommendation includes $310,097,000 for basic field programs, to be used for competitively awarded grants and contracts, $13,300,000 for management and administration, $3,400,000 is for client self-help and information technology, and $2,600,000 for the Office of the Inspector General.

ADMINISTRATIVE PROVISIONS

The Committee recommendation continues the administrative provisions contained in the fiscal year 1998 appropriations act (Public Law 105–119) regarding operation of this program to provide basic legal services to poor individuals and the restrictions on the use of Legal Services Corporation [LSC] funds.

Grantees must agree not to engage in litigation and related activities with respect to a variety of matters including (1) redistricting; (2) class action suits; (3) representation of illegal aliens; (4) political activities; (5) collection of attorney fees; (6) abortion; (7) prisoner litigation; (8) welfare reform; (9) representation of charged drug dealers during eviction proceedings; and (10) solicitation of clients. The exception to the restrictions in a case where there is imminent threat of physical harm to the client or prospective client remains in place.

The manner in which LSC grantees are audited through contracts with certified public accountants for financial and compliance audits are continued along with the provisions on recompetition and debarment.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

Appropriations, 2002	$1,957,000
Budget estimate, 2003	1,856,000
Committee recommendation	2,050,000

The recommendation provides $2,050,000 for the Marine Mammal Commission in fiscal year 2003. The recommendation is $194,000 above the budget request and includes a 4.1 percent pay adjustment.

The Committee has long been aware that noise pollution in the world's oceans has a deleterious effect on the health and safety of marine mammals. The Committee recommendation includes $4,000,000 to be transferred from the Small Business Administration to the Marine Mammal Commission to conduct original research or to fund grants designed to determine the actual near-, medium-, and long-term effects of low, medium, and high frequency sounds on the health and safety of marine mammals, focusing on the most endangered species first. The amount provided is also intended to fund an international conference, or series of conferences, to share findings, survey acoustic ''threats'' to marine mammals, and develop means of reducing those threats while maintaining the oceans as the global highway of international commerce.

NATIONAL VETERANS' BUSINESS DEVELOPMENT CORPORATION

Appropriations, 2002	$4,000,000
Budget estimate, 2003	2,000,000
Committee recommendation	2,000,000

The Committee recommends an appropriation of $2,000,000. The recommendation is identical to the budget request. The Committee recommendation includes funds for a 4.1 pay adjustment.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

Appropriations, 2002	$489,505,000
Budget estimate, 2003	566,900,000
Committee recommendation	656,700,000

The Committee recommendation provides total budget (obligational) authority of $656,700,000. This amount is $89,800,000 above the budget request.

The strength of the American economy is dependent upon investors' confidence in the financial disclosures and statements released by publicly traded companies. The public must receive full and transparent information regarding the financial status of publicly traded companies so that limited dollars are efficiently invested, for the good of the private investor, and the American economy. Recent accounting scandals related to Enron and Worldcom have shaken the public's faith in this country's financial markets. The Securities and Exchange Commission [SEC], an independent agency, was created to administer many of the Nation's laws regulating the areas of securities and finance, and to act on behalf of the public to prevent fraud and misrepresentation in securities transactions.

The recommendation supports the continuation of pay parity for the SEC's staff, adds additional staff, and provides the funds necessary to improve the agency's monitoring systems. The Committee expects the SEC to provide quarterly reports to the Committee on the status of the implementation of these funds and the measures it is taking to restore the public's confidence in the financial markets.

The Commission is required, pursuant to the ''Investor and Capital Markets Fee Relief Act'', to make annual adjustments to the rates for fees paid under Section 6(b) of the Securities Act of 1933 and Sections 13(e), 14(g), and 31 of the Securities Exchange Act of 1934. Effective October 1, 2002, or 5 days after the date on which the Commission receives its fiscal 2003 regular appropriation, whichever date comes later, the Section 6(b) fee rate applicable to the registration of securities, the Section 13(e) fee rate applicable to the repurchase of securities, and the Section 14(g) fee rates applicable to proxy solicitations and statements in corporate control transactions will be reduced to $80.90 per million from the current rate of $92.00 per million. In addition, effective October 1, 2002, or 30 days after the date on which the Commission receives its fiscal 2003 regular appropriation, whichever date comes later, the Section 31 fee rate applicable to securities transactions on the exchanges and Nasdaq will be reduced to $25.20 per million from the current rate of $30.10 per million. These fees are available to offset all funds recommended by the Committee for the SEC.

The Committee recommendation includes sufficient funding to permit the Commission to continue implementation of the pay parity program authorized in the ''Investor and Capital Markets Fee Relief Act'', which was enacted in January 2002. In March, the Committee approved the reprogramming of $24,800,000 in available balances to permit the Commission to implement this program to

bring the salaries for SEC employees in line with those of other Federal financial regulatory agencies. The Committee believes that the Commission's ability to retain and adequately support staff up to its authorized staffing level is critical to the success of its role in restoring confidence in U.S. financial markets.

The Committee recommends that the Commission continue to emphasize the investigation and prosecution of financial fraud and reporting cases. In the first quarter of calendar year 2002 the SEC enforcement staff opened 64 cases investigating financial fraud and reporting, compared to 31 cases opened in the same period last year. The Committee commends the SEC for its heightened enforcement efforts and recent initiatives to protect investors through strengthened corporate disclosure, accounting, and reporting requirements.

The Committee understands the Commission plans on receiving 700 new staff and that the majority of these new staff would be allocated to the Divisions of Enforcement and Corporation Finance and the agency's inspection and examination program. The Committee requires a spending plan be provided and approved before funds for this effort are obligated or expended.

The inability of Commission staff to conduct data-intensive analyses and examinations has hampered the Commission's investigative and enforcement efforts. In particular, the Commission has continued to struggle with the massive inflows of paper documents received in the course of its investigations. For this reason, the Committee recommendation specifically includes a $47,200,000 increase for information technology. This funding increase will allow for the development of a pilot document management system and the deployment of substantially more robust analytical tools for SEC examination staff. This increase also will allow the Commission to undertake a requirements analysis to determine how best to improve its corporate disclosure review activities so that investors are provided with enhanced protections and assurances of the validity of corporate financial disclosures.

The Committee's recommendation includes funds for the one-time advancement of not more than $10,000,000 to the new Professional Company Accounting Oversight Board for start-up costs associated with its first fiscal year. In the event that start-up costs exceed $10,000,000, the Commission shall request a reprogramming from the Committee that fully describes the additional amounts required. The Committee requires a spending plan be provided and approved before these funds are obligated or expended.

The recommendation provides $6,000,000 to cover the costs of additional immediate security measures now required at the Commission's new headquarters building as a result of the September 11 attack and continuing threats to Federal facilities. The Committee recommends bill language, similar to that included in previous appropriations acts, which: (1) allows for the rental of space; (2) makes up to $3,000 available for official reception and representation expenses; (3) makes up to $10,000 available for a permanent secretariat for the International Organization of Securities Commissions; and (4) makes up to $100,000 available for governmental and regulatory officials.

Exercise of options.—The Committee is concerned that corporate insiders are enriching themselves at the expense of the corporations for which they work and the stockholders by exercising stock options immediately prior to companies' financial collapse. In fact, exercising stock options may actually contribute to the bankruptcy of teetering corporations. Therefore, the SEC is directed to provide the Committees on Appropriations with a report listing every corporate officer or director whose exercise of options under section 12 of the Securities and Exchange Act exceeds $100,000 during each 30 day reporting period. The report shall be delivered monthly beginning 30 days after date of enactment of this Act.

SMALL BUSINESS ADMINISTRATION

Appropriations, 2002	$888,514,000
Budget estimate, 2003	783,048,000
Committee recommendation	788,537,000

The Committee recommends an appropriation of $788,537,000. The recommendation is $5,489,000 above the budget request. The Committee recommendation includes a 4.1 percent pay increase for Federal employees. The total funding is distributed among the five SBA appropriation accounts as described below.

SALARIES AND EXPENSES

Appropriations, 2002	$308,476,000
Budget estimate, 2003	352,968,000
Committee recommendation	364,357,000

The Committee recommends a direct appropriation of $364,357,000 for the salaries and expenses of the Small Business Administration. The recommendation is $11,389,000 above the budget request. The Committee does not recommend funding for gainsharing, workforce restructuring, program evaluations, and an E-Government initiative.

NON-CREDIT BUSINESS ASSISTANCE PROGRAMS

The Committee recommends an appropriation of $149,775,000 for SBA's non-credit business assistance programs. The Committee recommends the following amounts for these programs:

Small Business Development Centers	$88,000,000
USEAC Program	3,100,000
Drug-free Workplace Grants	3,000,000
Regulatory Fairness Boards	500,000
SCORE	5,000,000
BICs	475,000
Women's Business Centers	12,000,000
Business LINC	2,000,000
Women's Council	750,000
7(j) Technical Assistance	3,600,000
Native American Economic Development Initiative	1,000,000
Advocacy Research/Database	1,100,000
Microloan Technical Assistance	17,500,000
Veteran's Business Development Assistance	750,000
PRO-Net	500,000
SBIR Technical Assistance	500,000
Federal and State Technology Partnership Program	3,000,000
HubZone Progam	2,000,000
PRIME Technical Assistance	5,000,000

The Committee believes the Small Business Development Centers [SBDCs] provide useful services to small businesses nationwide. Federal funding of SBDC's constitutes the seed funding for the program, which is leveraged one or two times by State, local, and private funds.

The Committee recommendation provides funding of $17,500,000 for the Microloan Technical Assistance Program and $5,000,000 for the PRIME technical assistance program. The Committee believes the PRIME program has great promise for providing assistance to the entrepreneurs who have no access to capital and has a training component for assisting these small businesses which is missing in some of the other SBA assistance programs.

The Committee recommends $500,000 for Small Business Innovation Research [SBIR] technical assistance and $3,000,000 for the Federal and State Technology Partnership Program [FAST]. The FAST program encourages organizations in States to assist in the development of small high-technology businesses. The Committee believes that increasing the overall participation in the SBIR program by high-technology small businesses will ultimately lead to an overall increase in the quality of SBIR proposals and completed projects.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2002	$11,464,000
Budget estimate, 2003	14,500,000
Committee recommendation	11,600,000

The Committee recommends an appropriation of $11,600,000 for the Office of Inspector General of the Small Business Administration. The recommendation is $2,900,000 below the budget request. The Committee expects the office to report on its progress in reviewing and auditing the agency's financial management systems. The bill contains language making $500,000 available to the Inspector General's office from funds made available to the disaster loan program for its activities.

BUSINESS LOANS PROGRAM ACCOUNT

Appropriations, 2002	$283,860,000
Budget estimate, 2003	218,086,000
Committee recommendation	218,086,000

The Committee recommends an appropriation of $218,086,000 for the business loans program account. The recommendation is identical to the budget request. Of the amount provided, $129,000,000 is for administrative expenses related to this account. The administrative expenses may be transferred to and merged with SBA salaries and expenses to cover the common overhead expenses associated with the business loan programs.

The Committee recommendation includes an appropriation of $85,360,000 to support a $4,850,000,000 7(a) loan program. This assumes a subsidy rate of 1.76 percent. The small business community is dependent on the SBA 7(a) program to obtain long-term financing at a competitive interest rate. Each year, 40,000 or more small business concerns, who cannot obtain comparable credit elsewhere, turn to the 7(a) program for critical financing. Furthermore, the Committee believes the SBA should achieve a goal of a zero subsidy rate for the 7(a) loan program. However, the same result can be achieved by a comprehensive review of subsidy cost estimates for the 7(a) program. Previous reports from the GAO indicate that subsidy costs have been inflated. OMB estimates of the subsidy cost of the 7(a) program consistently show execution rates are inflated. This could lead to the overcharging of small business owners. The Committee believes that the 7(a) program is already operating near a zero subsidy rate and that the budget request should contain a one-time accurate accounting change to reflect that reality. The Committee recommends that this one-time accounting change be reflected in future budget requests. The recommendation includes $3,726,000 in subsidy budget authority for the Microloan program, which will support a program level of approximately $26,553,000 in fiscal year 2003, assuming a subsidy rate of 13.05 percent.

DISASTER LOANS PROGRAM ACCOUNT

Appropriations, 2002	$284,714,000
Budget estimate, 2003	197,494,000
Committee recommendation	194,494,000

The Committee recommends an appropriation of $194,494,000 for the disaster loan program. The recommendation does not include $3,000,000 for gainsharing. The recommendation is $3,000,000 below the budget request. Of the amount provided, $76,140,000 is for direct loan subsidies. This amount, combined with carryover and recoveries of $35,000,000 will provide for a program level of $795,000,000. The remaining $118,354,000 is made available for administrative expenses for the program, and can be merged with the agency's salaries and expenses account.

ADMINISTRATIVE PROVISIONS

The Committee wishes to underscore the reprogramming requirements outlined in section 605. This recommendation includes an administrative provision in the bill language, as in last year's bill, providing the authority to transfer funds between the Small Business Administration's appropriations accounts. The language provides that no account may be decreased by more than 5 percent or increased by more than 10 percent. The language also makes the transfers subject to the Committee's standard reprogramming procedures under section 605. In addition, a reprogramming notification is required in any proposed organization, whether or not funding transfers will be associated with the proposed reorganization.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

Appropriations, 2002	$3,000,000
Budget estimate, 2003	13,550,000
Committee recommendation	3,100,000

The Committee recommends an appropriation of $3,100,000. The recommendation is $10,450,000 below the budget request. The Committee recommendation includes a 4.1 percent pay adjustment.

The Institute was created in 1984 to further the development and adoption of improved judicial administration in State courts.

UNITED STATES-CANADA ALASKA RAIL COMMISSION

SALARIES AND EXPENSES

Appropriations, 2002	$2,000,000
Budget estimate, 2003	.....
Committee recommendation	.....

The Committee does not recommend funding for the United States-Canada Alaska Rail Commission. The recommendation is identical to the budget request.

TITLE VI—GENERAL PROVISIONS

The Committee recommends the following general provisions for the departments and agencies funded in the accompanying bill.

Section 601 prohibits any appropriation act from being used for publicity or propaganda purposes not authorized by law.

Section 602 prohibits any appropriation contained in the act from remaining available for obligation beyond the current year unless expressly so provided.

Section 603 provides that the expenditure for any appropriation contained in the act for any consulting service through procurement contracts shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection except where otherwise provided under existing law or under existing Executive order issued pursuant to existing law.

Section 604 limits the availability of funds for a memorandum of agreement.

Section 605 stipulates Committee policy concerning the reprogramming of funds. Section 605(a) prohibits the reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates offices or employees; (5) reorganizes offices, programs, or activities; (6) contracts out or privatizes any function or activity presently performed by Federal employees—unless the Appropriations Committees of the House and Senate are notified 15 days in advance.

Section 605(b) prohibits a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings due to a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress unless the Appropriations Committees of the House and Senate are notified 15 days in advance.

Section 606 prohibits construction, repair, overhaul, conversion, or modernization of NOAA ships outside of the United States.

Section 607 ties grant eligibility to retired law enforcement disability benefits.

Section 608 limits the availability of funds for tobacco promotion.

Section 609 prohibits funds from being used to issue a visa to any alien involved in extrajudicial and political killings in Haiti and establishes working conditions for plaintiffs in a recently settled Federal lawsuit.

Section 610 prohibits a user fee from being charged for background checks conducted pursuant to the Brady Handgun Control Act of 1993 and prohibits implementation of a background check system that does not require and result in the immediate destruction of certain information.

Section 611 delays obligation of some receipts deposited into the Crime Victim Fund.

Section 612 ties visa issuance to cooperation on so-called ''non-returnables''.

Section 613 limits the placement of maximum or high security prisoners to appropriately secure facilities.

Section 614 restricts Federal prisoner access to certain amenities.

Section 615 makes appropriations for the Small Business Administration.

Section 616 clarifies section 626 of Public Law 107–77 that allows a cause of action for the Iranian hostages.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

The Committee recommends a rescission of $36,230,000 from the unobligated balances available in the ''Working Capital Fund''.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

The Committee recommends a rescission of $50,874,000 from the unobligated balances available in the ''Asset Forfeiture Fund''.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(RESCISSION)

The Committee recommends a rescission of $120,000,000 from the unobligated balances available in the ''United States Patent and Trademark Office, Salaries and Expenses'' account.

COMPLIANCE WITH PARAGRAPH 7, RULE XVI OF THE STANDING RULES OF THE SENATE

Rule XVI, paragraph 7 requires that every report on a general appropriation bill filed by the Committee must identify items of appropriation not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

The following appropriations have not been authorized either in whole or in part and fall under this rule:

Title II—Department of Commerce and related agencies: Office of the U.S. Trade Representative, salaries and expenses; International Trade Commission, salaries and expenses; Export Administration, operations and administration; International Trade Administration, operations and administration; economic development assistance programs; Patent and Trademark Office; National Institute of Standards and Technology, scientific and technical research and services; NIST industrial technology services; NIST construction of research facilities; National Oceanic and Atmospheric Administration operations, research, and facilities; NOAA construction; and Minority Business Development Agency.

Title V—Related agencies: Department of Transportation; Maritime Administration, operations and training; Commission on Civil Rights; Federal Communications Commission (except offsetting fee collections); Legal Services Corporation; and Securities and Exchange Commission.

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE STANDING RULES OF THE SENATE

Paragraph 12 of the rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include ''(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee.''

In compliance with this rule, the following changes in existing law proposed to be made by this bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is printed in italic; and existing law in which no change is proposed is shown in roman.

With respect to this bill, it is the opinion of the Committee that it is necessary to dispense with these requirements in order to expedite the business of the Senate.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2003 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2004

[In thousands of dollars]

Item	2003 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2003 appropriation	Budget estimate
TITLE I—DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	91,668	114,579	99,696	+8,028	−14,883
Emergency appropriations (Public Law 107–206)	5,750			−5,750	
Identification systems integration		24,478			−24,478
USA Patriot Act activities (emergency)	5,000			−5,000	
Anti-terrorism task forces			63,700	+63,700	+63,700
Joint terrorism task forces			158,547	+158,547	+158,547
Foreign terrorist tracking task force			62,000	+62,000	+62,000
Joint automated booking system	1,000		15,973	+14,973	+15,973
Automated Biometric Identification System-Integrated Identification system integration			9,000	+9,000	+9,000
Chimera			83,400	+83,400	+83,400
Legal activities office automation	15,765	15,942	77,127	+61,362	+61,185
Narrowband communications	94,615	149,254	149,254	+54,639	
Deputy Attorney General for Combating Terrorism	1,000			−1,000	
Counterterrorism fund	4,989			−4,989	
Administrative review and appeals:					
Direct appropriation	173,647	193,535	180,466	+6,819	−13,069
Emergency appropriations (Public Law 107–117)	3,500			−3,500	
Subtotal	177,147	193,535	180,466	+3,319	−13,069
Detention trustee	1,000	1,388,566	1,385,966	+1,384,966	−2,600
Office of Inspector General	50,735	63,937	54,825	+4,090	−9,112
Total, General administration	448,669	1,950,291	2,339,954	+1,891,285	+389,663
United States Parole Commission					
Salaries and expenses	9,876	10,862	10,114	+238	−748
Legal Activities					
General legal activities:					
Direct appropriation	549,176	645,299	537,502	−11,674	−107,797
Emergency appropriations (Public Law 107–117)	12,500			−12,500	
Subtotal	561,676	645,299	537,502	−24,174	−107,797
Vaccine injury compensation trust fund (permanent)	4,028	4,028	4,028		
Antitrust Division	130,791	137,799	133,133	+2,342	−4,666
Offsetting fee collections—current year	−130,791	−137,799	−133,133	−2,342	+4,666
Direct appropriation					
United States Attorneys:					
Direct appropriation	1,353,968	1,506,373	1,320,160	−33,808	−186,213
Emergency appropriations (Public Law 107–117)	56,370			−56,370	
Rescission (Public Law 107–206)	−7,000			+7,000	
Subtotal	1,403,338	1,506,373	1,320,160	−83,178	−186,213
United States Trustee System Fund	147,000	167,510	150,381	+3,381	−17,129
Offsetting fee collections	−140,000	−161,510	−144,381	−4,381	+17,129
Interest on U.S. securities	−7,000	−6,000	−6,000	+1,000	
Direct appropriation					
Foreign Claims Settlement Commission	1,136	1,136	1,136		
United States Marshals Service:					
Salaries and expenses (non-CSE)	619,429	691,343	661,085	+41,656	−30,258
Emergency appropriations (Public Law 107–117)	10,200			−10,200	
Courthouse security equipment	14,267		12,061	−2,206	+12,061
Construction	15,000	15,126	17,378	+2,378	+2,252
Emergency appropriations (Public Law 107–117)	9,125			−9,125	
Justice Prisoner and Alien Transportation system			77,694	+77,694	+77,694
Total, United States Marshals Service	668,021	706,469	768,218	+100,197	+61,749
Federal prisoner detention	706,182			−706,182	
Rescission (Public Law 107–206)	−30,000			+30,000	
Fees and expenses of witnesses	156,145	156,145	156,145		
Community Relations Service	9,269	9,364	9,474	+205	+110
Assets forfeiture fund	22,949	22,949	22,949		
Rescission (Public Law 107–206)	−5,000			+5,000	
Total, Legal activities	3,497,744	3,051,763	2,819,612	−678,132	−232,151
Radiation Exposure Compensation					
Administrative expenses	1,996	1,996		−1,996	−1,996
Interagency Law Enforcement					
Interagency crime and drug enforcement	338,577	362,131	400,102	+61,525	+37,971
Federal Bureau of Investigation					
Salaries and expenses	3,031,830	3,729,838	3,452,287	+420,457	−277,551
Emergency appropriations (Public Law 107–117)	745,000			−745,000	
Emergency appropriations (Public Law 107–206)	10,000			−10,000	
Counterintelligence and national security	459,243	521,749	475,300	+16,057	−46,449
Direct appropriation	4,246,073	4,251,587	3,927,587	−318,486	−324,000
Construction	33,791	1,250	1,250	−32,541	
Total, Federal Bureau of Investigation	4,279,864	4,252,837	3,928,837	−351,027	−324,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2003 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2004—Continued

[In thousands of dollars]

Item	2003 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2003 appropriation	Budget estimate
Drug Enforcement Administration					
Salaries and expenses	1,567,804	1,659,564	1,566,491	−1,313	−93,073
Diversion control fund	−86,021	−113,645	−89,021	−3,000	+24,624
Total, Drug Enforcement Administration	1,481,783	1,545,919	1,477,470	−4,313	−68,449
Immigration and Naturalization Service					
Salaries and expenses	3,371,440	3,241,787	3,076,509	−294,931	−165,278
Emergency appropriations (Public Law 107–117)	449,800			−449,800	
Emergency appropriations (Public Law 107–206)	35,000			−35,000	
Enforcement and border affairs	(2,739,695)	(3,153,183)		(−2,739,695)	(−3,153,183)
Citizenship and benefits, immigration support and program direction	(631,745)	(88,604)		(−631,745)	(−88,604)
Fee accounts:					
Immigration user fee	(591,866)	(658,295)	(658,295)	(+66,429)	
Land border inspection fund	(4,490)	(2,700)	(2,700)	(−1,790)	
Immigration examinations fund	(1,376,871)	(1,462,803)	(1,462,803)	(+85,932)	
Breached bond fund	(120,763)	(171,275)	(171,275)	(+50,512)	
Immigration enforcement fines	(22,664)	(6,000)	(6,000)	(−16,664)	
H–1b Visa fees	(26,272)	(10,000)	(10,000)	(−16,272)	
Subtotal, Fee accounts	2,142,926	2,311,073	2,311,073	+168,147	
Construction	128,454		267,138	+138,684	+267,138
Emergency appropriations (Public Law 107–117)	99,600			−99,600	
Support and administration		785,598			−785,598
Total, Immigration and Naturalization Service	(6,227,220)	(6,338,458)	(5,654,720)	(−572,500)	(−683,738)
Appropriations	(3,499,894)	(4,027,385)	(3,343,647)	(−156,247)	(−683,738)
Emergency appropriations	(584,400)			(−584,400)	
(Fee accounts)	(2,142,926)	(2,311,073)	(2,311,073)	(+168,147)	
Federal Prison System					
Salaries and expenses	3,808,600	4,081,765	4,068,237	+259,637	−13,528
Prior year carryover					
Direct appropriation	3,808,600	4,081,765	4,068,237	+259,637	−13,528
Buildings and facilities	813,552	395,243	470,221	−343,331	+74,978
Rescission (Public Law 107–206)	−5,000			+5,000	
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,429	3,429	3,429		
Total, Federal Prison System	4,620,581	4,480,437	4,541,887	−78,694	+61,450
Office of Justice Programs					
Justice assistance	437,008	214,024	2,232,057	+1,795,049	+2,018,033
(By transfer)	(6,632)	(6,632)	(6,632)		
Emergency appropriations (Public Law 107–117)	400,000			−400,000	
Rescission (Public Law 107–206)	−600			+600	
Total, Office of Justice Programs	836,408	214,024	2,232,057	+1,395,649	+2,018,033
State and local law enforcement assistance:					
Local law enforcement block grant	400,000		400,000		+400,000
Boys and Girls clubs (earmark)	(70,000)		(90,000)	(+20,000)	(+90,000)
Grants, contracts, and other assistance (earmark)	(19,956)		(20,000)	(+44)	(+20,000)
Indian assistance	48,162	12,971	48,000	−162	+35,029
Tribal prison construction	(35,191)		(35,000)	(−191)	(+35,000)
Indian tribal courts program	(7,982)	(7,982)	(8,000)	(+18)	(+18)
Indian grants	(4,989)	(4,989)	(5,000)	(+11)	(+11)
State criminal alien assistance program	565,000			−565,000	
Cooperative agreement program	20,000		20,000		+20,000
Byrne grants (formula)	500,000			−500,000	
Byrne grants (discretionary)	94,489		134,700	+40,211	+134,700
Juvenile crime block grant	249,450	215,000	249,450		+34,450
Drug courts	50,000	52,000	50,000		−2,000
Violence Against Women grants	390,565	390,165	390,565		+400
State prison drug treatment	70,000	77,000	70,000		−7,000
Other crime control programs	5,688	4,742	5,700	+12	+958
Assistance for victims of trafficking	10,000			−10,000	
Emergency appropriations (Public Law 107–117)	251,100			−251,100	
Total, State and local law enforcement	2,654,454	751,878	1,368,415	−1,286,039	+616,537
Weed and seed program fund	58,925	58,925	58,925		
Community oriented policing services:					
Public safety and community policing grants	496,014	126,106	492,000	−4,014	+365,894
Hiring	(330,000)			(−330,000)	
Methamphetamine	(70,473)	(20,000)	(50,000)	(−20,473)	(+30,000)
Management administration	32,812	25,685	35,000	+2,188	+9,315
Crime fighting technologies	351,632	282,500	426,215	+74,583	+143,715
Safe schools initiative	(17,000)	(17,000)	(17,000)		
Upgrade criminal history records	(35,000)	(60,000)	(35,000)		(−25,000)
DNA identification/crime lab	(75,000)	(75,000)	(80,000)	(+5,000)	(+5,000)
COPS technology	(154,345)	(50,000)	(158,815)	(+4,470)	(+108,815)
COPS Interoperability			(100,000)	(+100,000)	(+100,000)
Community prosecutors	99,780	99,780	100,000	+220	+220
Crime prevention	70,202	46,963	67,013	−3,189	+20,050
Justice assistance grants program		800,000			−800,000
Total, Community oriented policing services	1,050,440	1,381,034	1,120,228	+69,788	−260,806
Juvenile justice programs	305,860	257,801	315,425	+9,565	+57,624
(Transfer out)	(−6,632)	(−6,632)	(−6,632)		
Election reform grants		400,000	50,000	+50,000	−350,000
Public safety officers benefits program:					
Death benefits	33,224	49,054	49,054	+15,830	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2003 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2004—Continued

[In thousands of dollars]

Item	2003 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2003 appropriation	Budget estimate
Disability benefits	4,500	4,000	4,000	−500	
Total, Public safety officers benefits program	37,724	53,054	53,054	+15,330	
Total, Office of Justice Programs	4,943,811	3,116,716	5,198,104	+254,293	+2,081,388
Total, title I, Department of Justice	23,707,195	22,800,337	24,059,727	+352,532	+1,259,390
(Transfer out)	(−6,632)	(−6,632)	(−6,632)		
(By transfer)	(6,632)	(6,632)	(6,632)		
TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
Office of the United States Trade Representative					
Salaries and expenses	30,097	32,299	33,000	+2,903	+701
International Trade Commission					
Salaries and expenses	51,440	54,000	54,600	+3,160	+600
Total, Related agencies	81,537	86,299	87,600	+6,063	+1,301
DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	347,547	376,678	353,242	+5,695	−23,436
Emergency appropriations (Public Law 107–117)	1,000			−1,000	
Offsetting fee collections	−3,000	−13,000	−3,000		+10,000
Direct appropriation	345,547	363,678	350,242	+4,695	−13,436
Bureau of Industry and Security					
Operations and administration	61,643	100,198	100,198	+38,555	
Emergency appropriations (Public Law 107–117)	1,756			−1,756	
CWC enforcement	7,250			−7,250	
Total, Export Administration	70,649	100,198	100,198	+29,549	
Economic Development Administration					
Economic development assistance programs	335,000	317,235	257,886	−77,114	−59,349
Salaries and expenses	30,557	30,765	30,765	+208	
Total, Economic Development Administration	365,557	348,000	288,651	−76,906	−59,349
Minority Business Development Agency					
Minority business development	28,381	28,906	28,906	+525	
Total, Trade and Infrastructure Development	891,671	927,081	855,597	−36,074	−71,484
ECONOMIC AND INFORMATION INFRASTRUCTURE					
Economic and Statistical Analysis					
Salaries and expenses	62,515	73,220	72,158	+9,643	−1,062
Bureau of the Census					
Salaries and expenses	169,424	204,996	173,223	+3,799	−31,773
Periodic censuses and programs	321,376	500,320	385,696	+64,320	−114,624
Rescission (Public Law 107–206)	−11,300			+11,300	
Total, Bureau of the Census	479,500	705,316	558,919	+79,419	−146,397
National Telecommunications and Information Administration					
Salaries and expenses	14,054	16,581	14,352	+298	−2,229
Public telecommunications facilities: planning and construction	43,466	43,556	43,616	+150	+60
Emergency appropriations (Public Law 107–206)	8,250			−8,250	
Information infrastructure grants	15,503	212	15,560	+57	+15,348
Total, National Telecommunications and Information Administration	81,273	60,349	73,528	−7,745	+13,179
United States Patent and Trademark Office					
Current year fee funding	843,701	1,204,357	1,038,800	+195,099	−165,557
Emergency appropriations (Public Law 107–117)	1,500			−1,500	
Prior year carryover	282,300	100,000	166,771	−115,529	+66,771
Total, Patent and Trademark Office	1,127,501	1,304,357	1,205,571	+78,070	−98,786
Offsetting fee collections	−843,701	−1,204,357	−1,038,800	−195,099	+165,557
Total, Economic and Information Infrastructure	907,088	938,885	871,376	−35,712	−67,509
SCIENCE AND TECHNOLOGY					
Technology Administration					
Under Secretary for Technology/Office of Technology Policy					
Salaries and expenses	8,238	7,886	7,886	−352	
National Institute of Standards and Technology					
Scientific and technical research and services	321,111	384,809	363,433	+42,322	−21,376
Emergency appropriations (Public Law 107–117)	5,000			−5,000	
Emergency appropriations (Public Law 107–206)	4,000			−4,000	
Industrial technology services	291,022	119,607	291,976	+954	+172,369
Construction of research facilities	62,393	54,212	65,460	+3,067	+11,248
Emergency appropriations (Public Law 107–117)	1,225			−1,225	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2003 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2004—Continued

[In thousands of dollars]

Item	2003 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2003 appropriation	Budget estimate
Working capital fund		4,482	281	+281	−4,201
Total, National Institute of Standards and Technology	684,751	563,110	721,150	+36,399	+158,040
National Oceanic and Atmospheric Administration					
Operations, research, and facilities	2,027,424	1,991,722	2,349,301	+321,877	+357,579
Emergency appropriations (Public Law 107–117)	2,750			−2,750	
Regular appropriations (Public Law 107–206)	2,000			−2,000	
Rescission (Public Law 107–206)	−8,100			+8,100	
Conservation	223,273	219,360		−223,273	−219,360
(By transfer from Promote and Develop Fund)	(68,000)	(75,000)	(55,000)	(−13,000)	(−20,000)
(By transfer from Coastal zone management)	3,000	3,000	3,000		
Total, Operations, research, and facilities	2,250,347	2,214,082	2,352,301	+101,954	+138,219
Procurement, acquisition and construction	778,065	791,375	903,410	+125,345	+112,035
Conservation	58,487	20,012		−58,487	−20,012
Total, Procurement, acquisition and construction	836,552	811,387	903,410	+66,858	+92,023
Pacific coastal salmon recovery			98,650	+98,650	+98,650
Conservation	157,419	110,000		−157,419	−110,000
Coastal zone management fund	−3,000	−3,000	−3,000		
Fishermen's contingency fund	952	954	954	+2	
Foreign fishing observer fund	191	191	191		
Fisheries finance program account	287	−3,000	−3,000	−3,287	
Negative subsidy (Public Law 107–206)	−3,000			+3,000	
Environmental improvement and restoration fund	10,000			−10,000	
Total, National Oceanic and Atmospheric Administration	3,249,748	3,130,614	3,349,506	+99,758	+218,892
Total, Science and Technology	3,942,737	3,701,610	4,078,542	+135,805	+376,932
Appropriations	(3,498,683)	(3,352,238)	(4,078,542)	(+579,859)	(+726,304)
Conservation	(439,179)	(349,372)		(−439,179)	(−349,372)
Emergency appropriations	(12,975)			(−12,975)	
Departmental Management					
Salaries and expenses	37,652	48,254	41,494	+3,842	−6,760
Emergency appropriations (Public Law 107–117)	4,776			−4,776	
Emergency appropriations (Public Law 107–206)	400			−400	
Office of Inspector General	20,176	22,670	20,635	+459	−2,035
Total, Departmental management	63,004	70,924	62,129	−875	−8,795
Sec. 210 Tourism promotion			50,000	+50,000	+50,000
Total, Department of Commerce	5,722,963	5,552,201	5,830,044	+107,081	+277,843
Total, title II, Department of Commerce and related agencies	5,804,500	5,638,500	5,917,644	+113,144	+279,144
Appropriations	(5,354,064)	(5,289,128)	(5,917,644)	(+563,580)	(+628,516)
Conservation	(439,179)	(349,372)		(−439,179)	(−349,372)
Emergency appropriations	(30,657)			(−30,657)	
(By transfer)	(68,000)	(75,000)	(55,000)	(−13,000)	(−20,000)
TITLE III—THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices	1,808	1,872	1,872	+64	
Other salaries and expenses	38,180	44,452	42,527	+4,347	−1,925
Total, Salaries and expenses	39,988	46,324	44,399	+4,411	−1,925
Care of the building and grounds	37,530	53,626	53,304	+15,774	−322
Emergency appropriations (Public Law 107–117)	30,000			−30,000	
Emergency appropriations (Public Law 107–206)	10,000			−10,000	
Total, Supreme Court of the United States	117,518	99,950	97,703	−19,815	−2,247
United States Court of Appeals for the Federal Circuit					
Salaries and expenses:					
Salaries of judges	2,079	2,225	2,225	+146	
Other salaries and expenses	17,208	19,668	17,911	+703	−1,757
Total, Salaries and expenses	19,287	21,893	20,136	+849	−1,757
United States Court of International Trade					
Salaries and expenses:					
Salaries of judges	1,633	1,678	1,678	+45	
Other salaries and expenses	11,431	12,099	11,851	+420	−248
Total, Salaries and expenses	13,064	13,777	13,529	+465	−248
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges	250,434	263,854		−250,434	−263,854
Other salaries and expenses	3,340,682	3,750,253		−3,340,682	−3,750,253
Emergency appropriations (Public Law 107–117)	5,000			−5,000	
Emergency appropriations (Public Law 107–206)	3,143			−3,143	
Direct appropriation	3,599,259	4,014,107		−3,599,259	−4,014,107
Courts of Appeals, District, Magistrate, and Bankruptcy Court Judges and Staff					
Salaries and expenses:					
Salaries of judges and bankruptcy judges			263,854	+263,854	+263,854
Other salaries and expenses			454,882	+454,882	+454,882

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2003 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2004—Continued

[In thousands of dollars]

Item	2003 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2003 appropriation	Budget estimate
Total, Salaries and expenses			718,736	+718,736	+718,736
Court Support					
Salaries and expenses			1,048,877	+1,048,877	+1,048,877
Vaccine Injury Compensation Trust Fund	2,692	2,784	2,784	+92	
Total, Court Support	2,692	2,784	1,051,661	+1,048,969	+1,048,877
Court Services					
Salaries and expenses			1,394,039	+1,394,039	+1,394,039
Probation and Pretrial Services					
Salaries and expenses			717,214	+717,214	+717,214
Defender services	500,671	588,741	531,792	+31,121	−56,949
Fees of jurors and commissioners	48,131	57,826	54,636	+6,505	−3,190
Court security	220,677	298,235	276,342	+55,665	−21,893
Emergency appropriations (Public Law 107–117)	57,521			−57,521	
Total, Courts of Appeals, District Courts, and Other Judicial Services	4,428,951	4,961,693	4,744,420	+315,469	−217,273
Administrative Office of the United States Courts					
Salaries and expenses	61,664	66,912		−61,664	−66,912
Emergency appropriations (Public Law 107–117)	2,879			−2,879	
Federal Judicial Center					
Salaries and expenses	19,735	21,885	20,156	+421	−1,729
Judicial Retirement Funds					
Payment to Judiciary Trust Funds	37,000	35,300	35,300	−1,700	
United States Sentencing Commission					
Salaries and expenses	11,575	13,200	11,835	+260	−1,365
General Provisions					
Judges pay raise (sec. 304)	8,625	7,000	7,972	−653	+972
Total, title III, the Judiciary	4,720,298	5,241,610	4,951,051	+230,753	−290,559
TITLE IV—DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs	3,142,277	3,384,179	3,042,096	−100,181	−342,083
Emergency appropriations (Public Law 107–206)	47,450			−47,450	
(Transfer out)	(−4,000)	(−4,000)	(−4,000)		
Worldwide security upgrade	487,735	553,000	579,086	+91,351	+26,086
Total, Diplomatic and consular programs	3,677,462	3,937,179	3,621,182	−56,280	−315,997
Capital investment fund	203,000	177,000	210,000	+7,000	+33,000
Office of Inspector General	29,000	29,264	30,844	+1,844	+1,580
Educational and cultural exchange programs	237,000	245,306	237,881	+881	−7,425
Emergency appropriations (Public Law 107–206)	10,000			−10,000	
Representation allowances	6,485	9,000	6,485		−2,515
Protection of foreign missions and officials	9,400	11,000	9,400		−1,600
Embassy security, construction and maintenance	458,000	550,000	523,000	+65,000	−27,000
Worldwide security upgrade	815,960	755,000	732,700	−83,260	−22,300
Emergency appropriations (Public Law 107–206)	200,516			−200,516	
Emergencies in the diplomatic and consular service	6,500	15,000	6,500		−8,500
(By transfer)	(4,000)	(4,000)	(4,000)		
(Transfer out)	(−1,000)	(−1,000)	(−1,000)		
Repatriation Loans Program Account:					
Direct loans subsidy	612	612	612		
Administrative expenses	607	607	607		
(By transfer)	(1,000)	(1,000)	(1,000)		
Total, Repatriation loans program account	1,219	1,219	1,219		
Payment to the American Institute in Taiwan	17,044	18,817	17,044		−1,773
Payment to the Foreign Service Retirement and Disability Fund	135,629	138,200	138,200	+2,571	
Total, Administration of Foreign Affairs	5,807,215	5,886,985	5,534,455	−272,760	−352,530
International Organizations and Conferences					
Contributions to international organizations, current year assessment	850,000	891,378	866,000	+16,000	−25,378
Emergency appropriations (Public Law 107–206)	7,000			−7,000	
Contributions for international peacekeeping activities, current year	844,139	725,981	673,710	−170,429	−52,271
Emergency appropriations (Public Law 107–206)	23,034			−23,034	
Total, International Organizations and Conferences	1,724,173	1,617,359	1,539,710	−184,463	−77,649
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	24,705	27,404	25,155	+450	−2,249
Construction	5,450	9,401	5,488	+38	−3,913
American sections, international commissions	9,911	10,682	10,023	+112	−659
International fisheries commissions	20,480	19,780	20,480		+700
Total, International commissions	60,546	67,267	61,146	+600	−6,121
Other					
Payment to the Asia Foundation	9,250	9,444	10,250	+1,000	+806
Eisenhower Exchange Fellowship program trust fund	500	500	500		
Israeli Arab scholarship program	375	375	375		
East-West Center	14,000	14,280	18,000	+4,000	+3,720
National Endowment for Democracy	33,500	36,000	46,500	+13,000	+10,500

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2003 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2004—Continued

[In thousands of dollars]

Item	2003 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2003 appropriation	Budget estimate
Total, Department of State	7,649,559	7,632,210	7,210,936	−438,623	−421,274
RELATED AGENCY					
Broadcasting Board of Governors					
International Broadcasting Operations	428,234	467,898	431,456	+3,222	−36,442
Emergency appropriations (Public Law 107–117)	9,200			−9,200	
Emergency appropriations (Public Law 107–206)	7,400			−7,400	
Broadcasting to Cuba	24,872	25,362	24,996	+124	−366
Broadcasting capital improvements	25,900	13,740	13,740	−12,160	
Emergency appropriations (Public Law 107–117)	10,000			−10,000	
Emergency appropriations (Public Law 107–206)	7,700			−7,700	
Total, Broadcasting Board of Governors	513,306	507,000	470,192	−43,114	−36,808
Total, title IV, Department of State	8,162,865	8,139,210	7,681,128	−481,737	−458,082
(Transfer out)	(−5,000)	(−5,000)	(−5,000)		
(By transfer)	(5,000)	(5,000)	(5,000)		
TITLE V—RELATED AGENCIES and MISCELLANEOUS ACCOUNT					
DEPARTMENT OF TRANSPORTATION					
Maritime Administration					
Maritime security program	98,700	98,700	98,700		
Operations and training	89,054	93,133	89,904	+850	−3,229
Ship disposal		11,161			−11,161
Maritime Guaranteed Loan (Title XI) Program Account:					
Guaranteed loans subsidy	33,000		32,852	−148	+32,852
Administrative expenses	3,978	4,126	4,144	+166	+18
Total, Maritime guaranteed loan program account	36,978	4,126	36,996	+18	+32,870
Total, Maritime Administration	224,732	207,120	225,600	+868	+18,480
Commission for the Preservation of America's Heritage Abroad					
Salaries and expenses	489	499	659	+170	+160
Commission on Civil Rights					
Salaries and expenses	9,096	9,096	9,096		
Commission on International Religious Freedom					
Salaries and expenses	3,000	3,000	3,000		
Commission on Ocean Policy					
Salaries and expenses	3,000		3,000		+3,000
Commission on Security and Cooperation in Europe					
Salaries and expenses	1,499	1,607	1,550	+51	−57
Congressional-Executive Commission on the People's Republic of China					
Salaries and expenses	1,000	1,700	1,000		−700
Equal Employment Opportunity Commission					
Salaries and expenses	310,406	320,436	320,436	+10,030	
Emergency appropriations (Public Law 107–117)	1,301			−1,301	
Federal Communications Commission					
Salaries and expenses	245,071	268,327	275,400	+30,329	+7,073
Offsetting fee collections—current year	−218,757	−248,194	−275,400	−56,643	−27,206
Direct appropriation	26,314	20,133		−26,314	−20,133
Federal Maritime Commission					
Salaries and expenses	16,458	17,440	16,795	+337	−645
Federal Trade Commission					
Salaries and expenses	155,982	187,599	175,148	+19,166	−12,451
Offsetting fee collections—current year	−155,982	−150,000	−166,000	−10,018	−16,000
Offsetting fee collections, telephone database		−3,000			+3,000
Direct appropriation		34,599	9,148	+9,148	−25,451
Legal Services Corporation					
Payment to the Legal Services Corporation	329,300	329,300	329,397	+97	+97
Marine Mammal Commission					
Salaries and expenses	1,957	1,856	2,050	+93	+194
National Veterans Business Development Corporation					
Salaries and expenses	4,000	2,000	2,000	−2,000	
Pacific Charter Commission					
Salaries and expenses	1,500			−1,500	
Securities and Exchange Commission					
Current year fees	109,500	279,900	656,700	+547,200	+376,800
Emergency appropriations (Public Law 107–117)	20,705			−20,705	
Regular appropriations (Public Law 107–206)	30,900			−30,900	
2000 fees	328,400	287,000		−328,400	−287,000
Direct appropriation	489,505	566,900	656,700	+167,195	+89,800

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2003 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2004—Continued

[In thousands of dollars]

Item	2003 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2003 appropriation	Budget estimate
Small Business Administration					
Salaries and expenses	308,476	352,968	364,357	+55,881	+11,389
Office of Inspector General	11,464	14,500	11,600	+136	−2,900
Business Loans Program Account:					
Direct loans subsidy	1,860	3,726	3,726	+1,866	
Guaranteed loans subsidy	78,000	85,360	85,360	+7,360	
Administrative expenses	129,000	129,000	129,000		
Emergency appropriations (Public Law 107–117)	75,000			−75,000	
Total, Business loans program account	283,860	218,086	218,086	−65,774	
Disaster Loans Program Account:					
Direct loans subsidy	87,360	76,140	76,140	−11,220	
Administrative expenses	122,354	118,354	118,354	−4,000	
Gainsharing		3,000			−3,000
Emergency appropriations (Public Law 107–117)	75,000			−75,000	
Total, Disaster loans program account	284,714	197,494	194,494	−90,220	−3,000
Total, Small Business Administration	888,514	783,048	788,537	−99,977	+5,489
State Justice Institute					
Salaries and expenses [1]	3,000	13,550	3,100	+100	−10,450
United States—Canada Alaska Rail Commission					
Salaries and expenses	2,000			−2,000	
Total, title V, Related agencies	2,317,071	2,312,284	2,372,068	+54,997	+59,784
TITLE VII—RESCISSIONS					
DEPARTMENT OF JUSTICE					
General Administration					
Working Capital fund (rescission)			−36,230	−36,230	−36,230
Legal Activities					
Assets forfeiture fund (rescission)	−40,000		−50,874	−10,874	−50,874
DEPARTMENT OF COMMERCE					
United States Patent and Trademark Office					
Salaries and expenses (rescission)			−120,000	−120,000	−120,000
Departmental Management					
Emergency oil and gas guaranteed loan program account (rescission)	−5,200	−920		+5,200	+920
Emergency steel guaranteed loan program account (rescission)		−96,000			+96,000
RELATED AGENCIES					
DEPARTMENT OF TRANSPORTATION					
Maritime Administration					
Rescission (Public Law 107–206)	−5,000			+5,000	
Ship construction (rescission)	−4,400			+4,400	
Securities and Exchange Commission					
Salaries and expenses (rescission)	−50,000			+50,000	
Small Business Administration					
Business Loans Program Account:					
Guaranteed loans subsidy (rescission)	−5,500			+5,500	
Total, title VII, Rescissions	−110,100	−96,920	−207,104	−97,004	−110,184
Grand total:.					
New budget (obligational) authority	44,601,829	44,035,021	44,774,514	+172,685	+739,493
Appropriations	(41,613,299)	(43,782,569)	(44,981,618)	(+3,368,319)	(+1,199,049)
Conservation	(439,179)	(349,372)		(−439,179)	(−349,372)
Emergency appropriations	(2,726,451)			(−2,726,451)	
Rescissions	(−177,100)	(−96,920)	(−207,104)	(−30,004)	(−110,184)
(Transfer out)	(−11,632)	(−11,632)	(−11,632)		
(By transfer)	(79,632)	(86,632)	(66,632)	(−13,000)	(−20,000)

[1] The President's budget proposed nothing for State Justice Institute.

[COMMITTEE PRINT]

[NOTICE: This is a draft for use of the Committee and its staff only, in preparation for markup.]

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2003

JANUARY ____, 2003.—Ordered to be printed

Mr. DEWINE, from the Committee on Appropriations, submitted the following

REPORT

[To accompany S. 0000]

The Committee on Appropriations reports the bill (S. 0000) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2003, and for other purposes, reports favorably thereon and recommends that the bill do pass.

SUMMARY OF BILL

The following discussion of the bill includes general information on initiatives and concerns of the Committee and an analysis of the total resources estimated to be available to the District of Columbia in the coming fiscal year. The Committee considered requests from the President for Federal

funds totaling $378,752,000 in budget authority for the District of Columbia appropriation. This amount was contained in the Budget of the U.S. Government—2003, transmitted to the Congress on February 4, 2002. The President requested: $154,707,000 for the D.C. Court Services and Offender Supervision Agency; $159,045,000 for the D.C. Courts operations and capital improvements; $32,000,000 for Defender Services in the District of Columbia Courts; $17,000,000 for payment for D.C. resident tuition support; $15,000,000 for security costs related to the presence of the Federal Government; and $1,000,000 for transportation systems management. In addition, the Committee received requests from the District of Columbia and related agencies for $319,695,000 in Federal funds in excess of the President's request. The Committee recommendation totals $512,000,000 in Federal funds appropriated as follows: (1) $17,000,000 for a program of District of Columbia resident tuition support; (2) $10,000,000 for hospital bioterrorism preparedness; (3) $166,193,000 for the District of Columbia Courts; (4) $34,000,000 for Defender Services in the District of Columbia Courts; (5) $154,707,000 for the Court Services and Offender Supervision Agency for the District of Columbia; (6) $15,000,000 for security costs related to the presence of the Federal Government in the District of Columbia; (7) $1,000,000 for transportation systems management; (8) $15,000,000 for security, economic development, education and health projects; (9) $55,000,000 for support of the Anacostia Waterfront Initiative; (10) $20,000,000 for expansion of charter schools; (11) $4,000,000 for expansion of a family literacy program; (12) $7,000,000 for payments to the Children's National Medical Center and St. Colleta's of Greater Washington expansion; and (13) $13,100,000 for capital infrastructure development. The Senate bill includes a recommendation of $7,419,886,780 for the local budget. The Committee recommends an appropriation of $512,000,000 in Federal funds for the operations itemized below.

COMPARATIVE SUMMARY OF BILL

	Fiscal year 2002 enacted [1]	Fiscal year 2003 request	Committee recommendation	Committee recommendation compared with (+ or −)	
				Fiscal year 2002 enacted	Fiscal year 2003 request
FEDERAL FUNDS					
Federal payment for resident tuition support	17,000,000	17,000,000	17,000,000		
Federal Payment for Emergency Planning and Security Costs in the District of Columbia	16,058,000	15,000,000	15,000,000	(1,058,000)	
Federal payment for hospital bioterrorism preparedness			10,000,000	10,000,000	10,000,000
Federal payment to the Chief Financial Officer of the District of Columbia	8,300,000		15,000,000	6,700,000	15,000,000
Federal payment to the District of Columbia Courts	112,180,000	159,045,000	166,193,000	54,013,000	7,148,000
Court of Appeals	8,003,000	8,352,000	8,551,000	548,000	199,000
Superior Court	66,091,000	80,140,000	81,265,000	15,174,000	1,125,000
Guardian ad Litem Program			1,500,000	1,500,000	1,500,000
Court System	31,594,000	38,902,000	39,676,000	8,082,000	774,000
Capital Improvements	6,492,000	31,651,000	35,201,000	28,709,000	3,550,000
Defender Services in the District of Columbia Courts	34,311,000	32,000,000	34,000,000	(311,000)	2,000,000
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia	147,300,000	154,707,000	154,707,000	7,407,000	
Community Supervision	94,112,000	95,682,000	95,682,000	1,570,000	
Public Defender Service	20,829,000	23,070,000	23,070,000	2,241,000	
Pretrial Services Agency	32,359,000	35,955,000	35,955,000	3,596,000	
Federal payment for Family Court Act	24,016,000			(24,016,000)	
Federal Payment for the Children's National Medical Center	5,500,000		5,000,000	(500,000)	5,000,000
Federal Payment to St. Coletta of Greater Washington Expansion Project	2,000,000		2,000,000		2,000,000
Federal Payment to the Department of Transportation		1,000,000	1,000,000	1,000,000	
Federal Payment for Anacostia Waterfront Initiative			55,000,000	55,000,000	55,000,000
Federal Payment to D.C. for Capital Infrastructure Develmt			13,100,000	13,100,000	13,100,000
Federal Payment to D.C. for Family Literacy			4,000,000	4,000,000	4,000,000
Federal Payment for D.C. Charter School Facilities			20,000,000	20,000,000	20,000,000
Federal payment to the District of Columbia:					
Corrections Trustee Operations	30,200,000			(30,200,000)	
Federal Payment to the Court Appointed Special Advocates of D.C	250,000			(250,000)	
Federal payment to the Thurgood Marshall Academy Charter School	1,000,000			(1,000,000)	
Federal payment to the District of Columbia Public Schools	2,500,000			(2,500,000)	
Federal Payment to The George Washington University Center for Excellence in Municipal Management	250,000			(250,000)	
Federal payment for District of Columbia and Federal Law Enforcement Mobile Wireless Interoperability Project	1,400,000			(1,400,000)	
Federal Payment to Faith and Politics Institute	50,000			(50,000)	
Federal contribution for enforcement of law banning possession of tobacco products by minors, Sec. 151	100,000			(100,000)	
Federal Payment to the Capitol City Career Development and Job Training Partnership	500,000			(500,000)	
Federal Payment to Capitol Education Fund	500,000			(500,000)	
Federal Payment to Metropolitan Kappa Youth Development Foundation, Inc	450,000			(450,000)	
Federal payment to the Fire and Emergency Medical Services Department	500,000			(500,000)	
Federal Payment to the Chief Medical Examiner	585,000			(585,000)	
Federal Payment to the Youth Life Foundation	250,000			(250,000)	
Federal Payment to Food and Friends	2,000,000			(2,000,000)	
Federal Payment to the City Administrator	300,000			(300,000)	
Federal Payment to Southeastern University	500,000			(500,000)	
Federal Emergency Supplemental (P.L. 107–117)	200,000,000				
Total, Federal Funds	608,000,000	378,752,000	512,000,000	(96,000,000)	133,248,000
Federal Employee Retirement Costs		7,218,000			
Total, Federal Funds including Retirements Costs		385,970,000			
DISTRICT OF COLUMBIA FUNDS					
Operating Expenses—General Fund:					
District of Columbia Financial Responsibility and Management Assistance Authority				(3,140,000)	
Governmental Direction and Support	322,714,000	280,136,000	295,136,000	94,215,000	15,000,000
Economic Development and Regulation	231,895,000	258,539,000	258,539,000	51,216,000	
Public Safety and Justice	637,993,000	639,892,000	639,892,000	(131,525,000)	
Public Education System	1,152,014,000	1,200,201,000	1,220,201,000	208,283,000	20,000,000
Human Support Services	1,816,470,000	2,496,297,000	2,500,297,000	936,643,000	4,000,000
Public Works	314,093,000	324,828,000	324,828,000	46,455,000	
Workforce Investments	42,896,000	54,186,000	54,186,000	13,686,000	
Reserve	120,000,000	70,000,000	70,000,000	(80,000,000)	
Repayment of Loans and Interest	247,902,000	267,451,000	267,451,000	24,213,000	
Repayment of General Fund Recovery Debt	39,300,000	39,300,000	39,300,000		
Payment of Interest on Short-Term Borrowing	500,000	1,000,000	1,000,000	(140,000)	
Wilson Building	8,859,000	4,194,000	4,194,000	(11,315,000)	
Non-Departmental Agency	5,799,000	5,799,000	5,799,000	5,799,000	
Certificates of Participation		7,950,000	7,950,000		
Settlements and Judgements		22,822,000	22,822,000	22,822,000	
Tobacco Settlement Trust Fund Transfer Payment	33,254,000	10,000,000	10,000,000	(51,406,000)	
Emergency Planning and Security Costs	16,058,000	15,000,000	15,000,000	15,000,000	
Pay-As-You-Go Capital		16,750,000	16,750,000	16,750,000	
Capital Infrastructure Development			13,100,000	13,100,000	15,100,000
Receivership Programs	416,460,000			(389,528,000)	
Reserve Relief	30,000,000				
Presidential Inauguration				(5,961,000)	
Total, operating expenses, general fund	5,436,207,000	5,714,345,000	5,768,445,000	5,766,445,000	52,100,000
Enterprise Fund:					
Water and Sewer Authority	244,978,000	253,743,000	253,743,000	8,765,000	

COMPARATIVE SUMMARY OF BILL—Continued

	Fiscal year 2002 enacted [1]	Fiscal year 2003 request	Committee recommendation	Committee recommendation compared with (+ or −)	
				Fiscal year 2002 enacted	Fiscal year 2003 request
Washington Aqueduct	46,510,000	57,847,000	57,847,000	11,337,000	
Stormwater Permit Compliance Enterprise Fund	3,100,000	3,100,000	3,100,000		
Lottery and Charitable Games Enterprise Fund	229,688,000	232,881,000	232,881,000	3,193,000	
Sport and Entertainment Commission	9,627,000	15,510,000	20,510,000	10,883,000	5,000,000
D.C. Retirement Board	13,388,000	13,388,000	13,388,000		
Washington Convention Center	57,278,000	78,700,000	78,700,000	21,422,000	
National Capital Revitalization Corporation	2,673,000	6,745,000	6,745,000	4,072,000	
Public Benefit Corporation (D.C. General)					
Correctional Industries Fund					
Housing Finance Agency	4,711,000			(4,711,000)	
Total, enterprise funds	611,953,000	661,914,000	666,914,000	54,961,000	5,000,000
Total, operating expenses	5,923,997,000	6,376,259,000	6,433,359,000	509,362,000	57,100,000
Capital Outlay:					
General funds	1,074,604,000	639,069,780	666,368,000	(408,237,000)	27,298,000
Water and sewer funds	152,114,000	292,458,000	342,458,000	190,344,000	50,000,000
Total, capital outlay	1,226,718,000	931,527,780	981,527,780	(245,190,220)	50,000,000
Total, District of Columbia	7,306,616,000	7,307,787,780	7,447,185,000	135,569,000	134,398,000

[1] Includes amounts in Public Law 107–20, dated July 24, 2001.
[2] Includes $400,000 in Public Law 106–554, 114 Stat. 2763A–187 and $18,000,000 from Sec. 403, 114 Stat. 2763A–188.
[3] $250,000 transferred to Chief Financial Officer in Public Law 107–20.

ACCRUAL FUNDING OF RETIREMENT COSTS AND POST-RETIREMENT HEALTH BENEFITS

The President's Budget included a legislative proposal under the jurisdiction of the Senate Committee on Governmental Affairs to charge to individual agencies, starting in fiscal year 2003, the fully accrued costs related to retirement benefits of Civil Service Retirement System employees and retiree health benefits for all civilian employees. The Budget also requested an additional dollar amount in each affected discretionary account to cover these accrued costs.

The authorizing committee has not acted on this legislation, therefore the Senate Appropriations Committee has reduced the dollar amounts of the President's request shown in the ''Comparative Statement of New Budget Authority Request and Amounts Recommended in the Bill'', as well as in other tables in this report, to exclude the accrual funding proposal.

GENERAL STATEMENT

The Committee highly values the priorities of the Mayor and the Council of the District of Columbia, and this bill reflects those priorities. In testimony before the Subcommittee, the Mayor conveyed his priorities for the city; the first among them is investing in high quality education. The city's budget increases funding for District Public Schools and Charter Schools to renovate school buildings, and creates initiatives to recruit and train highly talented principals and teachers. A second major priority of the Mayor is to enhance clean and safe neighborhoods through environmental remediation and economic development. The Committee supports the city's investments in public safety, cleanup of the Anacostia River, and health care to the city's most vulnerable citizens. Thirdly, the Committee commends the Mayor and Council for continuing to make a priority the financial responsibility and strength of the city. The Committee shares the city's priorities in education, the environment, and fiscal strength and joins with the District of Columbia in a partnership for progress. The Committee encourages the District to build upon the dramatic reform created under the Control Board.

The Committee has a three-part responsibility to the Government and the citizens of the District of Columbia and all United States citizens.

The first is to carry out the responsibilities transferred to Federal authority through the 1997 District of Columbia Revitalization Act. Public safety and social services are critical functions of government in any city. In the capital city, the Federal Government shares in the responsibility to the citizens of the District, the employees of the Government seated here in the capital, and a more broad responsibility to all people who visit the capital, to provide services that ensure a safe city for all. These agencies play a key role in promoting public safety and justice in the District. That responsibility entails oversight of three quasi-Federal agencies that provide services to the District: the Superior Court and the Court of Appeals of the District of Columbia, the Court Services and Offender Supervision Agency, and the Defender Services Agency.

The second main responsibility the Congress has to the District is to act as partner with the city in maintaining the financial stability and strong management of the city created by the federally-conceived Control Board, enacted in the 1995 Financial Responsibility and Management Assistance Act. In 2001, the District fulfilled the benchmarks set forth in the Financial Responsibility and Management Assistance Act to end a control period and return to home rule: all obligations arising from the Authority's issuance of bonds, notes, or other obligations have been discharged; all borrowing by the District from the United States Treasury has been repaid; the District government has adequate access to short- and long-term credit markets at reasonable rates to meet its borrowing needs; and the District has achieved balanced or surplus budgets for four consecutive fiscal years.

The Congress has a responsibility to engage with the city in transitioning back to local control the financial and budgetary oversight and management responsibility functions that the Control Board provided. Part of that transition was addressed in Public Law 106–522, the fiscal year 2001 District of Columbia Appropriations Act. The responsibility for financial management duties, established by the Control Board Act of 1995 and vested in the Control Board, were transferred to the Office of the Chief Financial Officer. These duties include administering all debt and cash management of the District government, preparing financial reports and the District's annual budget. The Committee is determined to ensure that the requirements set forth in the Control Board Act continue to be adhered to in non-Control years. Additionally, the Committee is specifically concerned that the entity identified to ensure fiscal responsibility in the District, the Chief Financial Officer, also has the appropriate and sufficient tools to carry out that responsibility. To that and, the Committee supported language in the fiscal year 2002 Emergency Supplemental to clarify that the Office of the Chief Financial Officer maintains independence.

The third responsibility that the Congress has to the District of Columbia is to carry out the Constitutional mandate to approve the local budget of the District.

In addition to approving the local budget and Federal funds for the three quasi-Federal public safety and justice agencies, the Committee supports a partnership with the District of Columbia to support infrastructure development in select initiatives. The Committee recommendation supports three specific goals in the District: a cleaner environment, more school choice, and better public safety.

To address the first goal, the Committee is including $55,000,000 for the Anacostia Waterfront Initiative, which will prevent further deterioration of the river, begin the process of restoring the river to health, rebuild water and sewer infrastructure, and invest in waterfront development. To address the second goal, the Committee is including $20,000,000 for school choice to support Charter School facility loans and enhance the ability of charter schools to provide improved educational opportunities in the District. To address the third goal, the Committee is including $39,100,000 for public safety, to invest in the infrastructure necessary to support modern emergency response capacity. Most notably, the Committee has included $10,000,000 to begin to prepare the District's hospitals for a possible attack that may include the use of biological, chemical, radiological, and nuclear weapons, as well as high yield explosives. In such a circumstance, decontamination and quarantine become critical components of any response plan. Patients must be decontaminated before they can be treated, otherwise their contamination could potentially shut down entire facilities. Of the funds provided, the Committee recommendation includes $5,000,000 for Children's National Medical

Center, and $5,000,000 for Washington Hospital Center.

The Committee has also included funding for education, public safety, the environment and economic development in the District.

DISTRICT OF COLUMBIA FINANCIAL CONDITION

In the past year, the District of Columbia has enjoyed some notable successes, including the fifth consecutive ''unqualified'' (or clean) opinion from the city's independent auditors, with the fiscal year 2001 Comprehensive Annual Financial Report (CAFR) completed ahead of time and with a balanced budget. Overall, the city ended fiscal year 2001 with a surplus of $77,600,000 and a positive fund balance of $562,200,000. In fiscal year 1996, there was a negative fund balance of $518,000,000, reflecting a turnaround of over a billion dollars. This result is another milestone for the financial turnaround that began in fiscal year 1997. It is a fitting beginning for the District's return to Home Rule on October 1, 2001, with the end of the Financial Responsibility and Management Assistance Authority (or Control Board). The Committee recognizes that the Control Board initiated critical reforms that provided a framework for the District's current financial stability. However, the Committee notes several areas where the national economic slowdown and reduced revenues have impacted the District's financial stability, particularly in agencies still struggling to improve financial management and accountability.

Use of Reserve Funds

The Committee notes that the District has expended all but $3,000,000 of the budgeted reserve fund in fiscal year 2002. The Committee commends the District for fully funding the emergency and contingency reserves, ahead of the congressionally mandated schedule, totaling $275,000,000 in local funds to ensure their availability for potential rainy day requirements. The District was not immune to the overall economic slow-down in fiscal year 2002, and the Committee is pleased that the District was able to utilize reserves to address spending pressures. However, the Committee is concerned that spending from the reserve funds should not replace accurate revenue estimating and budgeting for each agency. District agencies should not depend on the reserves to address spending pressures. Reductions in spending must occur to maintain long-term economic security.

PUBLIC EDUCATION

As with every city and state in America, the stability of the economic future of the District depends, in great part, on its ability to provide a quality education to its children. Congress recently enacted one of the most sweeping education reforms since 1965. The Committee urges the Superintendent of the District Public Schools to begin to implement programs that are consistent with the goals espoused by the reform: accountability for results, increased investments that get to the classrooms, smaller classes, increased local control, increasing numbers of qualified teachers, improved early childhood education, and research-based literacy programs. Several of these concepts are reflected in both the Mayor's budget and the Superintendent's Plan for Reform. The Committee recommendation includes significant investments in charter school development to support this important model in the District. The Committee intends that the projects funded under this bill will supplement, not supplant, the efforts of the District to improve performance in their schools. In addition, the Committee joins in the District's concern about the increasing need for highly qualified teachers and commends the Superintendent for continuing efforts in this regard.

Special Education

On October 2, 2001, the President appointed a Special Commission to recommend reforms to improve America's special education system and move it from a culture of compliance to a culture of accountability for results. After almost a year of study and public hearings, the Commission reported that while IDEA has gone a long way toward bringing children with disabilities out of the shadows and into our classrooms, there is room for improvement. Specifically, the Commission found that 80 percent of those identified with ''specific learning disabilities'' are labeled this way simply because they were never properly taught to read. What's more, they found that minority—particularly low-income—children are over represented in special education categories.

The findings of the President's Special Commission provide a solid foundation on which to build real reform. Armed with the information gained from the public hearings, Members of Congress can use the upcoming reauthorization to make America's education system—special education or otherwise—into a system that aspires to excellence. District of Columbia public schools (DCPS) certainly stand to benefit from the reforms suggested by the findings of this report. The Committee hopes that DCPS will take advantage of the information gained, as well as the upcoming reauthorization process to ensure that the special education system in the District is first on the list of model programs.

In 1999, a District Court assigned a special master to monitor the District's performance in providing for its special education students. Soon after Federal intervention, the District of Columbia's Special Council Committee on Special Education conducted a study of the District's delivery of special education services. Among the recommendations contained in an unreleased draft report by the Special Council were the following: that DCPS strengthen the commitment to provide adequate and qualified staff in the delivery of special education services; that DCPS improve the management of transportation costs and the dependability of transportation services; and that DCPS improve the process to assess and place students with special needs.

The Committee continues to be concerned that a consensus strategy to address the problems in the delivery of special education services, particularly assessment and transportation services, has not been developed.

The District of Columbia operating budget for fiscal year 2003 includes a new initiative to reallocate $27,000,000 of debt service savings during fiscal year 2003 and fiscal year 2004 to the Special Education and Medicaid Reform Fund. The Committee is encouraged that these funds are available to the District of Columbia Public Schools once the Superintendent submits a savings plan to the Mayor equaling $27,000,000 over the next 5 years. The Committee supports this approach and is pleased to see that the savings plan must be approved by the Special Education Taskforce and certified by the Chief Financial Officer to ensure that true savings will be achieved. The Committee supports the effort of the Mayor and Council to reform public education through achievement and savings. The Committee encourages the Mayor and the Special Education Taskforce to solicit outside reviews of the savings plan from best practices experts in other jurisdictions.

The Committee applauds the Mayor and Council for their commitment to reform by requiring a multi-year financial plan and performance goals for Special Education for fiscal years 2003 through 2006. The Committee encourages the Mayor and Council to tie funding for Special Education reform to the performance goals agreed upon by the locally elected leaders.

Infrastructure Development

The Mayor of the District of Columbia requested $237,650,000 in Federal funding to invest in critical infrastructure and supplement a few select city services. The requested funding would support nineteen different projects, of which ten projects are ongoing and supported by local funds in the District of Columbia operating budget. The other nine projects are new initiatives in which the Mayor sees a Federal role (i.e., a traditional Federal relationship or a so-called ''state-level'' cost).

The Committee recommends $92,100,000 above the President's request for investments in infrastructure in the District of Columbia, including charter school facility loans, creation of an interoperable communications system, and revitalization of the Anacostia Waterfront. The Committee recommendation is $112,550,000 less than the Mayor of the District of Columbia request.

FEDERAL FUNDS

A total of $2,531,331,000 in Federal funds are estimated to be available to the District government, the D.C. Courts, the D.C. Court Services and Offender Supervision Agency, and other District of Columbia entities. A total of $512,000,000 of Federal funds is included in this bill. A total of $2,019,331,000 in Federal funds will be received by the District government from the various Federal grant programs. In addition, Federal reimbursements are received from such programs as Medicaid and Medicare.

The following table summarizes the various Federal funds estimated to be available to the District government during fiscal year 2003:

Federal Funds

Item	
Federal payment for resident tuition support	$17,000,000
Federal Payment for Emergency Planning and Security Costs in the District of Columbia	15,000,000
Federal payment for hospital bioterrorism preparedness in the District of Columbia	10,000,000
Federal Payment to the Chief Financial Officer of the District of Columbia	15,000,000
Federal payment to the District of Columbia Courts	166,193,000
Defender Services in the District of Columbia Courts	34,000,000
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia	154,707,000
Federal Payment to Children's National Medical Center	5,000,000
Federal Payment to St. Coletta School	2,000,000

Federal Funds—Continued

Item	
Federal Payment to the Department of Public Works Divison of Transportation	1,000,000
Federal Payment for Anacostia Waterfront Initiative	55,000,000
Federal Payment to D.C. for Capital Infrastructure Development	13,100,000
Federal Payment to D.C. for Family Literacy	4,000,000
Federal Payment to D.C. Charter School Facilities	20,000,000
Total, Federal funds in bill	512,000,000
Federal Grants	2,019,331,000
Total, Federal funds	2,531,331,000

FEDERAL PAYMENT FOR DISTRICT OF COLUMBIA RESIDENT TUITION SUPPORT

The Committee recommends $17,000,000 in Federal funds for the District of Columbia Tuition Assistance Program. Initial funding of $17,000,000 for this program was included in the Fiscal Year 2000 Appropriations Act. On November 12, 1999, Public Law 106–98, the District of Columbia College Access Act of 1999, was signed into law. The Act established the Tuition Assistance Program, a scholarship fund under the direction of the Mayor of the District of Columbia, in consultation with the Secretary of Education.

Under the Act, scholarships are awarded to District residents for undergraduate education within 3 years of graduation or getting a graduate equivalent degree [GED]. The applicant must be a District resident for 12 consecutive months before the academic year of the award. Scholarships pay the difference between in-State and out-of-State tuition, with a cap of $10,000 per student per school year, at public universities. Scholarships may also be used for tuition at private colleges in the metropolitan area and at private Historically Black Colleges and Universities anywhere in Maryland or Virginia, with a cap of $2,500 per student per year. In addition, the District of Columbia College Access Improvement Act of 2001 (Public Law 107–157) expanded the Tuition Assistance Program to individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school and to individuals who attend private, historically black colleges and universities nationwide.

In addition to expanding the number of students served by the D.C. Tuition Assistance grant program, the Committee urges the Mayor and the City Council to look for ways to further develop public/private partnerships, such as the existing one with the D.C. College Access Program, as such partnerships can dramatically increase access to college.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

The Revitalization Act requires that, commencing in fiscal year 1998, the Federal Government finance the D.C. courts, including the operations of the D.C. Court of Appeals, Superior Court, and the court system. Beginning with the fiscal year 1999 appropriations act, the Federal Government also provided funds for capital improvements. By law, the annual budget includes estimates of the expenditures for the operations of the courts prepared by the Joint Committee on Judicial Administration and the President's recommendation for funding the courts' operations.

The President's recommended level for fiscal year 2003 is $159,045,000, which includes $127,394,000 for the courts operations; $31,651,000, to remain available until September 30, 2004, for capital improvements for District courthouse facilities.

D.C. Courts Budget Request

The D.C. Court system submitted a budget request totaling $181,416,000 in Federal funds for fiscal year 2003. The operations request of $131,064,000 exceeds the President's proposed operations budget by $3,670,000 and would be used for superior court staffing, equipment and program requests. The capital request of $50,352,000 exceeds the President's proposed capital budget by $18,701,000, of which $12,100,000 would be used for the restoration and renovation of the Old Courthouse as the new D.C. Court of Appeals, $16,068,000 for creation of Family Court space within the existing courthouse facilities and the balance for ongoing capital projects.

Committee Recommendation for Operations

The President's budget proposal recommends $127,394,000 for the courts' operations. The Courts requested $131,064,000 for operations, which includes $13,596,000 for the Family Court of the Superior Court. The Committee recommends $130,992,000 for the courts' operations, of which $15,096,000 is to support reform of the Family Court through the hiring of additional judges, magistrates, clerks and the necessary support staff. The Committee has also included a new Guardian ad litem program to improve the processing of child abuse and neglect cases in the District of Columbia Superior Court.

Committee Recommendation for Capital Budget

The President's budget proposal recommends $31,651,000, to remain available until September 30, 2004, for capital improvements for District courthouse facilities. The Courts requested $50,352,000 for infrastructure. The Committee recommends $35,201,000 for capital improvements to District courthouse facilities.

Family Court

The President's request supports the entire Family Court budget for fiscal year 2003 and is included in the normal operations and capital accounts for the Courts. The Court's budget includes $13,596,000 for operating costs of the Family Court, reflecting a $6,782,000 increase over fiscal year 2002 to implement the necessary increases in staffing. The President's request supports $16,068,000 for Capital improvements to be used for continued creation of a family-friendly court (including the continued installation and operation of the Family Court module of the Integrated Justice Information System). This amount is approximately the same as was dedicated to Family Court capital improvements in fiscal year 2002 ($16,673,000). The Committee notes that the funding provided to the Family Court in fiscal year 2002 was not available to the Courts until June 24, 2002, as required by specific language in the fiscal year 2002 District of Columbia Appropriations Act (Public Law 107–96 115; Stat. 929). The Committee supports the President's recommendation for the Family Court and adds $1,500,000 for a Guardian ad litem Program, described below. The total Committee recommendation for the Family Court is $31,164,000 in fiscal year 2003.

Guardian ad Litem Program

The Committee recommends an increase of $1,500,000 above the President's request to establish the Guardian ad Litem Program, to be administered by the District of Columbia Superior Court, to provide guardians ad litem to abused and neglected children. The Program will develop the capacity to improve the quality, training and recruitment of guardians ad litem to abused and neglected children. In establishing the program, the Courts shall enter into a contract with a non-profit organization to improve the quality of guardian ad litem representation to abused and neglected children. The Courts shall use the funds provided to establish the infrastructure to support a permanent guardian ad litem program operating in close coordination with the D.C. Courts. The Courts may use these funds in support of the necessary recruitment and training programs, supervision, technology and facilities to support the establishment of the program. In addition, the Committee encourages the Courts and the non-profit organization to examine the program's ability to represent foster parents and relative caregivers in child welfare cases.

The Committee is concerned that the Family Court of the Superior Court of the District of Columbia is facing a shortage of lawyers qualified to represent children in abuse and neglect cases. The Committee also believes that the court needs to improve the quality of representation and ensure that a capable and qualified group of lawyers continue to embark on careers representing children in abuse and neglect cases.

The current procedure involves paying individual practitioners on an hourly basis to represent children. This system has several shortcomings, including a lack of supervision and accountability, lack of prestige, and lack of professional support and training for attorneys.

As the Superior Court implements the new Family Court, works to improve compliance with the Adoptions and Safe Families Act, and sets attorney practice standards in compliance with the Family Court Act of 2001, it is imperative that these problems be addressed quickly.

The Committee understands that the Superior Court is interested in implementing a mixed system of representation—one in which an organization provides representation to a significant percentage of children and individual practitioners represent the remaining children. An organization that can provide supervision and training to its own staff attorneys and that can provide training and technical assistance to individual practitioners will raise the standard of practice in the Family Court.

The Committee understands that the cost of providing the organizational support to a mixed system of representation involves more than simply hiring lawyers to represent children. In order for the court to achieve the necessary accountability, high quality of representation and assistance in supporting and recruiting sole practitioners, the court needs to invest in the infrastructure that will allow for long-lasting change. Therefore, the Committee has included additional appropriations to ensure that the organization builds the capacity to represent children in future years.

Administration of Justice in Courtroom Operations

The Court has requested $3,670,000 above the President's request to enhance courtwide support staff, training and support. The Committee recommends an increase of $2,098,000 and 28 FTE above the President's request to improve the efficiency of the operations of the Court. The D.C. Courts staffing

level per courtroom is considerably lower than best practice standards, which affects the fair and expeditious adjudication of cases. The Committee has received testimony that the lack of support staff slows case processing and the accessibility of information to District residents. Investments made in the fiscal year 2001 District of Columbia Appropriations Act to provide pay parity among the D.C. Courts' non-judicial employees and the Federal non-judicial employees has resulted in a significant reduction in turnover, from 10.92 percent to 5.52 percent annually.

The Committee recommendation builds upon this investment. In addition, the Court has undertaken several new responsibilities without additional resources. In particular, the Committee recommendation supports the efforts of the Domestic Violence Unit to improve services; the expansion of the juvenile probation monitoring program; effective maintenance of facilities; and improved financial management. The Committee recommends the following allocation of the increase of $2,098,000 above the President's budget:

The Committee recommends an increase of $840,000 and 12 FTE for courtroom operations and support of the Domestic Violence Unit, Criminal Division, and Appeals Court. In particular, the increases for the Domestic Violence Unit will operate the Multi-Door Dispute Resolution Program and coordinate the calendars for judges, attorneys, and social workers to maintain the One Judge-One Family model.

The Committee recommends an increase of $321,000 and 6 FTE above the President's request to improve financial management in the Court System and to oversee the management of timely voucher payments to Defender Services court-appointed attorneys. This function, previously managed by the Public Defender Service, was taken over by the Courts in 2002 to centralize the payment of court-appointed attorneys.

The Committee recommends an increase of $382,000 and 6 FTE above the President's request for the Court System to improve the management of courthouse facilities. This increase supports a project director for the Old Courthouse restoration, a general project manager for all facilities improvements, and four engineer/mechanics to improve maintenance of the Courts.

The Committee recommends an increase of $154,000 and 2 FTE above the President's request to expand court wide technology and ensure adequate support staff for information technology.

The Committee recommends an increase of $401,000 and 2 FTE above the President's request for the Social Services Division of the Superior Court to continue a successful grant-started Probation Monitoring program to monitor high-risk juveniles on probation. In addition, this increase will provide for two initiatives to improve the operation and standing of the court: accreditation with the American Psychological Association; and technical assistance for evaluation of Juvenile Probation Program.

Committee Recommendation for Capital Improvements

The Committee recommends an increase of $3,550,000 above the President's budget to enhance capital improvements.

Old Courthouse Rehabilitation

Restoration of the Old Courthouse at 451 Indiana Avenue is an 8-year, approximately $60,000,000 project that began in 1998. The project will enable the Courts to readapt this historic structure to house the District of Columbia Court of Appeals, thereby alleviating the critical space shortage for the Superior Court in the Moultrie Courthouse, while protecting the integrity of this historic structure. The Old Courthouse, which was constructed from 1820 to 1849, is listed on the National Register of Historic Places. It has also been designated an Official Project of Save America's Treasures, a partnership between the White House Millennium Council and the National Trust for Historic Preservation dedicated to celebration and preservation of the nation's threatened cultural treasures.

In addition, the National Law Enforcement Memorial has been granted legislative authority to construct a museum on a portion of the site. The Courts are working with the Memorial to coordinate construction plans.

The Committee provided funds in fiscal year 2002 to help prevent further deterioration of the structure; permit removal of asbestos and other hazardous materials; finance historical significance and other studies; and fund the first stage of detailed design work and project management costs.

The Committee has included funds to continue to support the restoration and readaptive use of the Old Courthouse. The restoration of the Old Courthouse is integral to the expansion of the Family Court, as services will move from the Moultrie Building to the Old Courthouse as space becomes available.

This investment will improve efficiencies by co-locating the offices that support the Court of Appeals and by providing some 37,000 sq. ft. of critically needed space for Superior Court functions in the existing Moultrie Courthouse. Built in 1978 for 44 trial judges. The courthouse now houses 59 trial judges and 15 hearing commissioners in the Superior Court, 9 judges in the D.C. Court of Appeals, additional Senior Judges in both Courts, and additional administrative support staff. Clearly, the main courthouse is filled beyond capacity. In addition, the Committee recommends a net increase of 18 new staff to strengthen the Family Court and improve case processing. It is necessary for the Courts to begin the process this year of creating a dedicated Family Court space in or near the District court facilities, as required in the Family Court Reform Act of 2001. The Committee directs the Courts to report to the Congress on the expenditure of this year's appropriation for Family Court reforms and capital investments by June 1, 2003. In this report, the Committee seeks an analysis of the expenditure of funding to meet the requirements of the D.C. Family Court Reform Act of 2001.

Integrated Justice Information System

The Committee recommends $4,220,000 for the Courts to continue implementation of the Integrated Justice Information System, which is $1,500,000 above the President's request. The Committee is encouraged by the progress the Courts have made in developing a detailed plan for integrating the 18 different computer systems necessary to track offender information and swiftly adjudicate cases. The Committee directs the Courts to coordinate information systems with entities in the District of Columbia, especially the D.C. Child and Family Services Agency and the Metropolitan Police Department. The Committee is encouraged that the General Accounting Office's evaluation of the IJIS Plan determined IJIS would be effective in increasing the quality and efficiency of court operations, once implemented. The Committee intends to continue closely monitoring the implementation of IJIS, as it is critical to efficient case processing, and ensuring fair, swift, and accessible justice.

Transfer Authority

The Committee authorizes the Courts to transfer up to $1,000,000 between entities within the Federal Payment to the District of Columbia Courts account. This flexibility will be especially important in implementing Family Court reforms.

Reporting requirements

The courts are directed to submit monthly reports, through the General Services Administration, to the Senate and House Committees on Appropriations, within 15 calendar days after the end of each month, on the status of obligations by object class and a monthly personnel summary by position, full-time equivalent positions (FTE's), and program/function. The obligation report should show, at a minimum, the original operating plan, current operating plan, obligations year to date, percent obligated, planned obligations year to date, percentage deviation from plan year to date, projected total obligations end of year, and projected surplus/deficit.

In addition, the obligation report shall: (1) under the Court System Spending Plan, include a breakdown of expenditures for the Counsel for Child Abuse and Neglect Program and the program of representation of indigents in criminal cases under the Criminal Justice Act; (2) include a monthly breakdown of expenditures for the District of Columbia courts' capital improvements; and (3) where year-to-date obligations exceed or fall below the plan estimates by 1 percent or more, include an explanation of why a category is over- or under-budgeted.

D.C. courts capital expenditures

The Committee requests OMB to report to the Committee during fiscal year 2003 on any capital improvements to the District's courthouse facilities. The report shall: (1) identify the facility undergoing improvement; (2) include a complete description of the project to be undertaken; (3) itemize each improvement, renovation, or service and its cost; (4) include the contracting date, contracting party, and a timeline for the completion of each contracted improvement, renovation, or service; and (5) identify any design studies for which funding is sought.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

The Committee recommends $34,000,000 for attorney programs for indigent defendants, child abuse and guardianship cases administered by the District of Columbia Courts. The President's request of $32,000,000 maintains the current rates for attorneys and investigators.

The D.C. Court request of $45,014,000 consists of: (1) $31,355,000 for the Criminal Justice Act [CJA] program; (2) $12,661,000 for the Counsel for Child Abuse and Neglect [CCAN] program; and (3) $988,000 for the Guardianship program.

The Office of Defender Services request includes an additional $13,014,000 in Federal funds, not requested by the President, for an increase in the hourly rate paid to attorneys and investigators in the CJA and CCAN Programs from $65 per hour to $90 per hour. The Committee requests that the District of Columbia courts provide quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on obligations from and remaining unobligated balances of the Defender Services account.

Defender Services Rate Increase

The Committee recommends an increase of $2,000,000 above the President's request to increase the hourly rate of Defender Services attorneys from $65 per hour to $75 per hour. Court-appointed attorneys provide constitutionally mandated assistance of legal counsel to the District's indigent defendants. Promoting equity in the quality of legal services provided to District of Columbia residents, regardless of economic status, is vitally important to the fair administration of justice. It is particularly challenging to the D.C. Courts in light of the considerably higher hourly rates paid in the nearby Federal court ($90 per hour). The Federal hourly rate is currently 39 percent higher for attorneys. Therefore, the Committee recommends an increase to $75 per hour in fiscal year 2003. The recommended increase would allow the D.C. Courts to provide a more attractive rate for both attorneys and investigators, especially needed considering local economic conditions.

Court-appointed attorneys in the Counsel for Child Abuse and Neglect [CCAN] serve in family proceedings in which child abuse or neglect is alleged, or where the termination of the parent-child relationship is under consideration and the parent, guardian, or custodian of the child is indigent. The assistance of these attorneys is essential to the Courts' effort to ensure that vulnerable children are well represented in Court and that they are placed in stable, permanent homes expeditiously. The proposed rated increase would help attract qualified attorneys to the program and support reform of the Family Court.

D.C. Courts Administrative Provisions

The Committee recommends an Administrative Provision to increase the hourly rate paid to court-appointed attorneys representing indigent defendants in the District of Columbia from $65 per hour to $75 per hour. In addition, the Committee recommends an increase from $75 per hour to $90 per hour on October 1, 2003, to match the rate currently paid to Federal attorneys.

The Committee recommends a provision to allow employees of the District of Columbia Courts to enroll in the Federal long-term care insurance program, consistent with other Federal benefits provided to D.C. Courts employees. Long term care insurance is available to other quasi-Federal agencies and to other District agencies under Federal oversight pursuant to the National Capital Revitalization and Self-Government Improvement Act of 1997, the Court Services and Offender Supervision Agency.

The Committee recommends a modification to the administration of outreach activities under the District's Crime Victims Compensation Fund. The Committee recommends that funds designated for outreach activities shall be deposited into the Crime Victims Assistance Fund, rather than be paid to the Mayor. This provision will allow the District of Columbia to immediately begin implementing programs designated for victims outreach.

The Committee recommends that fines collected by the Superior Court of the District of Columbia in Driving Under the Influence (''DUI'') and Driving While Impaired (''DWI'') cases be transferred to the District of Columbia Office of the Corporation Counsel to enhance the prosecution of these cases. The Superior Court of the District of Columbia will continue to collect fines in criminal cases under the District's traffic alcohol laws and be deposited into the Crime Victims Compensation Fund. The Committee does not recommend making this provision retroactive, as requested by the District, but does support increasing the District's capacity to prosecute ''DUI'' and ''DWI'' cases effectively.

Drunken driving offenses accounted for over 30 percent of the approximately 12,000 criminal cases the General Crimes Section papered in fiscal year 2001. This represents a staggering caseload for each of the eight attorneys who prosecute. Additionally, with the implementation of the Community Court Project, the attorneys in the General Crimes Section have been given more work than ever before. Meeting these additional demands, while maintaining prosecutorial intensity in drunken driving cases, necessitates the transfer of funds.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

The Revitalization Act established the Court Services and Offender Supervision Agency [CSOSA] for the District of Columbia to assume the functions of the District's pretrial services, adult probation, parole, and adult offender supervision functions. CSOSA was certified as an independent Executive Branch agency on August 4, 2000, ending a 3-year period of trusteeship.

The Revitalization Act relieved the District of Columbia of ''state-level'' financial responsibilities and restructured a number of criminal justice functions, including pretrial services, parole, and adult probation. Following passage of the Revitalization Act, under the direction of a Trustee appointed by the U.S. Attorney General, three separate and disparately functioning entities of the District of Columbia government were reorganized into one Federal agency. CSOSA assumed its probation function from the D.C. Superior Court and its parole function from the D.C. Board of Parole. The Revitalization Act transferred the parole supervision functions to CSOSA and the parole decision-making functions to the U.S. Parole Commission (USPC). On August 5, 1998, the parole determination function was transferred to the USPC, and on August 4, 2000, the USPC assumed responsibility for parole revocation and modification with respect to felons. The CSOSA appropriation is comprised of three components: The Community Supervision Program (CSP), the District of Columbia Pretrial Services Agency (PSA), and the Public Defender Service (PDS) for the District of Columbia. PDS is a federally funded independent D.C. agency responsible for the defense of indigent individuals and receives funding by transfer from the CSOSA appropriation. The CSP is responsible for supervision of offenders (either on probation or parole), and the PSA is responsible for supervising pretrial defendants.

The Committee recommends $154,707,000 for fiscal year 2003 for CSOSA. The Committee does not recommend the amount associated with Federal employee retirement costs, $7,218,000.

The funding provided will enable CSOSA to enhance its community-based and sanctions-based supervision strategy and support the fair administration of justice by providing the courts and the U.S. Parole Commission with timely, accurate and complete information required in their decision-making process. The Committee recommendation also includes transfers to the D.C. Pretrial Services Agency for the D.C. Public Defender Service.

The mission of CSOSA for the District of Columbia is to increase public safety, prevent crime, reduce recidivism, and support the fair administration of justice in close collaboration with the community.

The Community Supervision Program's operations focus on using proven best practices to improve offender supervision and reduce recidivism. Caseloads have been reduced and officers relocated to community field offices to facilitate close supervision. Every offender is assessed to determine both risk to public safety and need for treatment and other interventions. Conditions of release are enforced through drug testing, home and work monitoring visits, and other means. A system of graduated sanctions is being put in place to meet every violation with a swift and appropriate response. There is some evidence that these initiatives are beginning to work. For example, parolee re-arrests sustained a 67 percent drop from May 1998 through the end of 2000.

The Committee notes with concern that the 1997 District of Columbia Revitalization Act shifted the responsibility for D.C. parolees to the United States Parole Commission (USPC). Subsequently, the 1998 Phase-Out Act terminates the USPC by November of 2002. Additionally, the Committee notes that the government of the District of Columbia has proposed several modifications to the current structure of criminal justice functions performed by Federal agencies as a result of the 1997 District of Columbia Revitalization Act. The Committee requests that the District of Columbia, the Court Services and Offender Supervision Agency, and the United States Parole Commission submit a plan, to the President and Committees on Appropriations of the Senate and the House of Representatives no later than March 1, 2003, for the continuation of the parole determination, parole revocation, and parole modification functions with respect to District of Columbia resident adult sentenced felons, currently performed by the United States Parole Commission, by the appropriate, authorized, Federal entity. The intent of the Revitalization Act was to relieve the District of the responsibility of parole decision-making functions and vested parole supervision functions in the Court Services and Offender Supervision Agency. The continuation of these responsibilities is imperative to effective criminal justice in the District of Columbia. The USPC currently faces a backlog to process cases efficiently with only 15 case examiners to supervise 9,000 D.C. inmates and over 4,000 Federal inmates. The USPC and CSOSA estimate that the current population of 3,300 active D.C. parolees will grow to 3,800 next year, and continue to expand, with no corresponding expansion of Agency supervision or halfway house bed space.

The fiscal year 2002 appropriation provided $147,300,000, including $34,773,000 in program increases, for CSOSA. Resources were provided to build agency infrastructure, establish and improve mission critical programs, enhance drug testing and sanctions-based treatment, improve supervision of pre-trial defendants and post conviction offenders, expand intermediate sanctions and offender reentry programs, to continue planning and design proposals for a residential sanctions center, and to make improvements in information technology.

Based on the results the Agency has achieved to date and the anticipated outcomes expected in the future, the Committee is recommending an increase of $7,407,000 over the fiscal year 2002 appropriation for the purpose of funding non-policy adjustments to base, improving supervision, drug testing, intervention and treatment, including funds for defender services program enhancements. The Committee recommends the following program changes:

Supervision.—$7,070,000 and 102 positions to establish a new field office east of the Anacostia River, to continue to reduce general supervision case loads from 64 to 50, and to establish new diagnostic teams.

Drug Testing.—$2,238,000 and 22 positions to enhance drug lab capacity and to establish drug testing collection capabilities at the community supervision program's new field offices.

Treatment and Support Services.—$848,000 and 16 positions to provide additional sanction-based substance abuse treatment.

Learning Lab and Support.—$464,000 and 8 positions for learning labs to provide literacy training and job placement assistance and for relocation of staff from Building B of the D.C. Courts.

Sanctions.—$13,015,000 for a re-entry and sanctions center so that swift and appropriate sanctions can be imposed on individuals under supervision at the first sign of relapse, and to improve offender re-entry programs;

D.C. Pretrial Services Agency.—$1,733,000 and 6 positions to reduce supervision caseload ratios for high-risk felony defendants, to complete enhancement of automated case management systems, and to provide sanctions-based substance abuse treatment for an additional 400 defendants; and

Public Defender Service.—$874,000 and 6 positions to provide effective legal and rehabilitative transition services through the community re-entry program.

The Committee strongly encourages the Director of the Court Services and Offender Supervision Agency to immediately begin renovation of the Re-entry and Sanctions Center (RSC). The Center provides residential drug treatment and re-entry counseling to the highest risk offenders returning to the District. The Committee provided $13,015,000 in fiscal year 2002 for renovation of the RSC.

The Committee understands that planning efforts with the government of the District of Columbia have been underway since 2001. However, the treatment and successful transition of offenders and defendants is a principal concern. It is estimated that 1,900 offenders and defendants require residential treatment services annually and do not receive those services because of limited resources. A fully operational RSC will greatly prevent rearrest of offenders and improve the safety of the greater community. The Director of the CSOSA shall provide a status report to the Committee on Appropriations on the renovation of the Center and improvement of services no later than September 1, 2003.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SECURITY COSTS RELATED TO THE PRESENCE OF THE FEDERAL GOVERNMENT

The Committee is aware that the District police, fire, and emergency personnel have had to provide security for a number of events due to the fact that the District of Columbia is the seat of the Federal Government and headquarters of many international organizations. Recently, the need for D.C. to provide security has increased, thereby increasing over-time costs for personnel and pulling police from neighborhood patrols. The President has supported reimbursing the District for these costs. The Committee recommends $15,000,000 to support this fund, while ensuring accountability from the city on how the funds are expended.

The Committee is pleased that the District and the Washington Metropolitan Area Transit Authority (WMATA) have agreed upon a plan for ensuring interoperable communications in and around Metro Rail tunnels. The Committee encourages the District and WMATA to sign the Memorandum of Agreement and implement the radio interface system expeditiously.

The Committee is concerned that security measures taken by Federal law enforcement agencies in the District of Columbia since September 11, 2001 are unattractive and contribute to a sense that the Nation's Capital is an armed fortress. Certainly, security is a matter of the highest importance as Washington, D.C. remains a prime target for future attacks. Security does not have to be unsightly. The National Capital Planning Commission (NCPC) Interagency Task Force issued a report in October, 2001 entitled ''Designing for Security in the Nation's Capital'' which sets forth recommendations for developing coordinated urban security design that will maintain the city's safety without detracting from its historic beauty. The Committee directs the Office of Management and Budget, in consultation with the United States Park Police, the National Park Service, the Secret Service, the Federal Bureau of Investigation, the United States Protective Service, the Department of State, and the General Services Administration to review the NCPC study and submit a report to the Committees on Appropriations in the Senate and the House, no later than February 5, 2003, on their plans to improve the appearance of security in accordance with the recommendations of the NCPC report.

FEDERAL PAYMENT FOR HOSPITAL BIOTERRORISM PREPAREDNESS IN THE DISTRICT OF COLUMBIA

The Committee has included $10,000,000 to begin to prepare the District's hospitals for a possible attack that may include the use of biological, chemical, radiological, and nuclear weapons, as well as high yield explosives. In such a circumstance, decontamination and quarantine become critical components of any response plan. Patients must be decontaminated before they can be treated, otherwise their contamination could potentially shut down entire facilities.

Of the funds provided, the Committee recommendation includes $5,000,000 for Children's National Medical Center and $5,000,000 for Washington Hospital Center. The Committee recognizes that, as the only children's hospital in this region, Children's National Medical Center would likely be the place that children would be treated in the event of a terrorist attack. Similarly, the Committee understands that Washington Hospital Center is the largest hospital by a factor of three in the District of Columbia and that it played a central role in responding to the effects of the September 11 attack on the Pentagon. Having the city's largest trauma center and its only burn center, Washington Hospital Center would undoubtedly play a critical role in treating the city's residents and tourists in the event of an attack.

If the District of Columbia were attacked by weapons of mass destruction or a biological agent, decontamination of patients would occur prior to transport to the emergency department at Children's Hospital and Washington Hospital Center to avoid endangering other patients and medical personnel. To accomplish this, both Children's Hospital and Washington Hospital Center plan to construct buildings adjacent to their emergency departments which would have separate air handling and filtration systems.

In addition to containment facilities, the Committee is providing funds for quarantine units which will need to function independently of the hospitals. To enter the unit, patients and staff would need to be decontaminated and fitted with protective equipment. Space would be designed to allow for this essential process. In a self-contained unit, air filter and negative pressure systems are utilized to limit the possibility of contagen, while supporting patients. These units could be sealed off, protecting other patients from infection, and would require sufficient supplies for potentially prolonged periods, which is characteristic of these diseases.

FEDERAL PAYMENT TO THE CHILDREN'S NATIONAL MEDICAL CENTER

The Committee recommends a Federal payment of $5,000,000 to the Children's National Medical Center for capital improvements.

FEDERAL PAYMENT TO ST. COLLETA OF GREATER WASHINGTON

The Committee recommends a Federal payment of $2,000,000 for St. Colleta of Greater Washington for costs associated with establishing a school for mentally retarded and multiple-handicapped adolescents and adults in the District of Columbia.

FEDERAL PAYMENT TO THE DEPARTMENT OF TRANSPORTATION IN THE DISTRICT OF COLUMBIA

The Committee recommends $1,000,000 included in the President's budget, to be used to implement Transportation Systems Management initiatives recommended by the National Capital Planning Commission (NCPC). The District of Columbia and NCPC requested $16,000,000 to implement transportation solutions, to alleviate pressure caused by the closure of Pennsylvania Avenue.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Chief Financial Officer of the District of Columbia, $15,000,000 for education, security, economic development, and health initiatives in the District of Columbia.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR CHARTER SCHOOL FACILITIES

The Committee recommends an increase of $20,000,000 for the Charter School Credit Enhancement Fund to facilitate the purchase, construction and/or renovation of facilities for public charter schools in the District of Columbia. These funds would add to Federal seed money ($5,000,000) provided in 1996. The Mayor requested $5,000,000, however the Committee is committed to providing a significant investment in school choice in the District. D.C. public schools are consistently not providing adequate services to students, particularly in Special Education. The Mayor requested $9,000,000 to construct Special Education facilities in the District to alleviate some of the need for children with special needs to go to schools outside of the city. The Committee is supportive of providing alternative educational opportunities for to children with special needs. The Committee recommends that at least three of the loans provided to charter schools contribute to schools that educate children with special needs.

The District of Columbia has over 40 charter schools, the most of any public school system in the country. The Committee commends the work that these schools are doing in providing real choice to District school children and their families. Many charter schools, however, are beginning to outgrow their current facilities and need more space. Some new charter schools have not been able to open because of their inability to identify and acquire suitable and affordable facilities. This situation is made more difficult by the

high cost of real estate in the District of Columbia. Charter schools face an additional challenge in that many have not been operating long enough to establish a sufficient credit history to qualify for commercial bank loans. To address this problem, the Committee recommends enhancing three charter school initiatives in the District of Columbia. The cornerstone of the commitment of school choice in the District is the Committee's recommendation of $20,000,000 for critical investments in the development of charter schools. The Committee recommendation includes $5,000,000 for the Credit Enhancement Fund for Public Charter Schools to assist schools in securing financing for facilities improvements and $10,000,000 to establish a Direct Loan Program for Public Charter Schools. In addition, the Committee recommendation includes $4,000,000 to supplement the Public Charter School per pupil facility allocation in fiscal year 2003. These funds will be used to set a floor of $1,500 per pupil for facilities. Finally, the Committee recommendation provides $1,000,000 for the District to establish an Office of Charter School Financing to administer the programs described above.

In addition to investments in financing and loans to charter schools for the purchase or renovation of facilities, as well as the cost of equipment, the Committee recommends two initiatives to greatly increase the administration and effectiveness of local funds provided to public charter schools.

The Committee recommendation of $4,000,000 to supplement the funding available to Public Charter Schools in the District of Columbia in fiscal year 2003, is to be used to establish a floor of no less than $1,500 per pupil for Charter Schools. The Committee is greatly concerned by the continued decline in the rate of per pupil allotments given to charter schools to assist them with facility maintenance and repair. The Committee recognizes that charter schools' ability to secure the private financing necessary to sustain their daily operations are extremely dependent on their ability to demonstrate a stable income and dependable sources of ongoing revenue. The Committee encourages the Mayor and Council of the District of Columbia to establish a permanent minimum rate of allotment to charter schools of $1,500.

The Committee recommendation of $1,000,000 to be used by the District to establish an Office of Charter School Financing will increase the efficiency of the administration of charter school funds. Currently, the District of Columbia does not designate one office to meet the specific needs of charter schools seeking financing. The Committee recommends that a new Office of Charter School Financing should provide expert evaluation of charter schools' applications for financing, as well as technical assistance to applicants.

Charter schools may repay the loans with the facilities allotment they receive as part of their per-pupil allocation. To ensure that these funds are invested in successful charter schools, the Committee directs that a charter school submit an application demonstrating concrete achievements of the school's educational mission and goals.

ADMINISTRATIVE PROVISIONS

Report to Congress

The Committee recommends various administrative provisions to improve the administration of charter schools; oversight of funding provided to promote adoption; and require more strict accountability of special education expenditures.

The Committee requires that the Comptroller General submit a study no later than April 1, 2003 detailing the national efforts to establish adequate charter school facilities and include recommendations for establishing a charter school incubator in the District of Columbia. A charter school incubator would house a small number of charter schools for up to 4 years of the school's first years in operation. The incubator would provide the schools with stable facilities for their students while giving school leaders the opportunity to identify and acquire permanent facilities. During their tenure in the incubator, charter school leaders would receive technical assistance on real estate development, equity development, fundraising, and guidance on effective school management.

The Committee recommends that GAO consult with the General Services Administration and other experts with relevant knowledge of the District of Columbia in the following areas: real estate development, charter school management, equity development and management, banking, municipal finance, and education. These experts shall include the Mayor, members of the Council, the Chief Financial Officer, the Superintendent of the District of Columbia Public Schools, the President of the District of Columbia Board of Education, the District of Columbia Public Charter School Board, and the District of Columbia Charter School Consortium. The report should identify and examine any issues relating to charter school incubators including, but not limited to: the availability of surplus District, Federal, or private buildings that may be suitable for incubators; options for private development through existing tax incentives, special bonding authority, and other programs to encourage private development of public education facilities; financing strategies for ongoing incubator operations; incubator administration; facility design; legal issues; technical assistance needs of charter school officials in real estate development and fundraising; selection process for charter schools to participate in the incubator; and any other issues the GAO identifies. Once the GAO has completed its study and issued its report, the Mayor of the District of Columbia and the Chairman of the Council of the District of Columbia shall develop, in consultation with the Chief Financial Officer of the District of Columbia, the Superintendent of the District of Columbia Public Schools, the President of the District of Columbia Board of Education, the District of Columbia Public Charter School Board, and the District of Columbia Charter School Consortium, as well as representatives of parents, advocacy groups and the private sector, a plan for establishing an incubator for charter schools in the District of Columbia. The Committee requests that this plan be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 6 months from the time the GAO report is received by the Government of the District of Columbia.

Surplus Buildings

The Committee recommends that the Mayor of the District of Columbia and the Chairman of the Council of the District of Columbia, in consultation with the General Services Administration, shall conduct an assessment of all buildings currently held in surplus and those that might be made available within 1 year of the date of enactment of this Act. The Committee requires that, within 180 days of enactment, the Mayor submit a report to Congress on the findings of the assessment along with a plan for occupying at least 50 percent of the space available at the time such report is submitted. The Committee encourages the District of Columbia to provide surplus space to charter schools, consistent with the preferences as outlined in the D.C. School Reform Act.

Closure of Low Performing Schools

The Committee is concerned that several poor performing charter schools have not been closed by the District government. The Committee strongly supports charter schools, especially because of the strict accountability required of them. It is imperative that the District government close charter schools that are not meeting the education needs of students, either through mismanagement or a lack of resources. The Committee understands the need for charter school closures and encourages such action when necessary and appropriate. However, the Mayor shall ensure that the closure process allows for detained notice of failures and opportunity to contest or remedy such failures. Therefore, the Committee requires that the Mayor of the District of Columbia and the Chairman of the Council of the District of Columbia report to the Committees on Appropriations of the Senate and the House of Representatives no later than August 26, 2002 on the status of charter school closure. The Committee is seeking a detailed report on the actions taken by the District of Columbia Board of Education, the District of Columbia Public Charter School Board and the District government to close poor performing charter schools in the District of Columbia. The Committee is particularly concerned by the delays in closure if the local government and oversight boards have determined certain charter schools must be closed.

Incentives to Promote the Adoption of Children

The Committee is concerned that funds provided in 1999 to the District of Columbia government to promote the adoption of children have yet to be expended. The Committee supported the extension of the availability of funds in 2000 and the expansion of the purpose for which the funds may be used in 2001. However, the funds have still not met their original intent, to increase adoption of children in the foster care system in the District of Columbia.

Therefore, the Committee recommends that the Mayor implement and fulfill the following performance measures to ensure that the intended services have begun with the ultimate goal of markedly improving the lives of the over 9,800 children served by the Child and Family Services Agency. Within 9 months of the date of enactment of this Act the Mayor must have established the following measures: (1) the Chief Financial Officer of the District of Columbia shall certify that not less than 50 percent of the funds provided for attorney fees and home studies have been expended; (2) the Mayor shall establish an outreach program to inform adoptive families and children without parents about the scholarship fund established with these funds; (3) the Mayor shall establish the location, necessary personnel and mission of the adoptive family resource center in the District of Columbia; (4) the Mayor shall identify not less than 25 percent of the eligible children in the District of Columbia foster care system with special needs and obligate not less than 25 percent of the funds provided in Public Law 106–113 (113 Stat. 1501) for adoption incentives and support for children with special needs; (5) the Mayor and District of Columbia Child and Family Services Agency shall increase the number of

waiting children listed in their adoption photo-listing by 75 percent. In addition, the Committee requires that quarterly reports on the expenditure of these funds and reporting on the performance of the District in implementing the required measures is submitted to the Committees on Appropriations of the Senate and the House of Representatives.

Special Education Accountability

The Committee is concerned that a lack of oversight and regulation in the District of Columbia has resulted in a corruption of the process by which children are assessed for special education needs, referred for services to meet those educational needs, and represented in legal cases brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (IDEA). The Committee is concerned that individuals providing representation to children and their parents are referring clients to an affiliated diagnostic testing service and affiliated special education school, further degrading the special education services provide to children in the District of Columbia.

The Committee recommends that the Chief Financial Officer of the District of Columbia require disclosure by attorneys in IDEA cases of any financial, corporate, legal, board memberships, or other relationships with special education diagnostic services, schools, or other special education service providers before paying any attorneys fees. The Chief Financial Officer may also require attorneys in special education cases to certify that all services billed in special education were rendered. The Committee further recommends that the Chief Financial Officer will prepare and submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the certifications and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA. The Committee's intent is that these reports would encompass all services for which attorneys receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia. The Committee recommends that the Inspector General of the District of Columbia conduct audits of the certification to ensure attorney compliance. The Committee highly recommends that the Council of the District of Columbia, in cooperation with the Mayor of the District of Columbia and the District of Columbia School Board, develop legislation to address conflicts of interest in special education cases.

FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT INITIATIVE IN THE DISTRICT OF COLUMBIA

The Committee recommends $55,000,000 to implement the Anacostia Waterfront Initiative. Of this amount, the Committee recommends $5,000,000 to be used for development of parks and recreation facilities at Kenilworth Park on the Anacostia River. The President requested no funds for this activity. The Committee is dedicated to partnering with the District to develop local and Federal lands for sports and recreation in all areas of the city. The Committee intends that funds provided under this heading will establish a long-term commitment to the creation of clean, safe parks in every neighborhood. The Committee encourages the District to promote public/private investments that will contribute to parks of this kind.

In addition, the Committee recommends $50,000,000, to be matched 100 percent with local funds, for the Water and Sewer Authority to implement the Combined Sewer Overflow Program. The Authority will begin system upgrades and design work on a new system to address combined sewer overflows (CSOs). The combined sewer system, serving 33 percent of the District, was constructed in 1890 by the Federal Government. The District has developed a Long Term Control Plan (LTCP) to deal with overflows of sanitary waste and storm-water into the surrounding rivers that occur during heavy rains. The overflows occur approximately 60–75 times per year.

The Committee believes that funds provided in fiscal year 2003 for the Combined Sewer Overflow Program represent a long-term commitment by the Federal Government to rebuild this infrastructure. The Committee expects that D.C. rate payers will bear half of the cost of this project. Twenty-four percent of the total cost can be attributed to EPA requirements of the District; however, EPA will only contribute approximately 13 percent of the cost to address these requirements. The Federal Government represents 17 percent of the usage. The plan totals $1,200,000,000 over 15–20 years.

The Committee recommends this significant investment because of the Federal Government's role in building the original system and its responsibility to maintain the infrastructure that the government uses. This partnership with the District is the cornerstone of the Anacostia Waterfront Initiative. The Congress has made similar commitments to other areas, such as Boston, San Diego, and the United States-Mexico border. The scale and cost of this project exemplifies how critical infrastructure, starved over the years, is now nearly non-functional.

FEDERAL PAYMENT FOR CAPITAL INFRASTRUCTURE DEVELOPMENT

The Committee recommends $13,100,000 to invest in capital infrastructure development. Of this amount, $10,000,000 is for the creation of an interoperable Unified Communications Center to serve as the central communications and command center for all D.C. first responders. The President requested no funds. The fiscal year 2002 Department of Defense and Emergency Supplemental Appropriations Act (Public Law 107–117; 115 Stat. 2303) provided $9,000,000 to the District for a portion of the technology to support this center. This project is already up and running and any additional funds will be implemented quickly and effectively to expand technology, train staff, and renovate facilities.

In addition, the Committee recommends $100,000 for restoration of Eastern Market. The District requested $150,000 for restoration of Eastern Market. The District is undertaking a major renovation and restoration of the historic Eastern Market near the Capitol Hill neighborhood. This renovation would contribute to the economic development of the Pennsylvania Avenue SE corridor and restore an historic building.

The Committee recommends $3,000,000 in fiscal year 2003 for the design and construction of a state-of-the art forensic laboratory in the District of Columbia. The President requested no funds for this purpose. The Committee understands that this laboratory will consolidate functions that are critical to the investigation of crimes in the city, while reducing the District's reliance on Federal entities. Currently, local law enforcement personnel often rely on the facilities of the Federal Bureau of Investigation (FBI), Drug Enforcement Agency (DEA), and the Bureau of Alcohol, Tobacco, and Firearms (ATF) when investigating crimes. Aside from diverting space and resources from Federal investigators, this reliance on Federal facilities results in an increased risk of contamination, poor communications, and possible degradation of evidence.

The Committee also understands that the District's own forensics facilities are antiquated and do not meet national standards. Ultimately, poor space and equipment impairs the quality of evidence gathered by investigators and has been one factor in the District's inability to prosecute many violent crimes. The Committee expects that the city will bolster this Federal contribution with additional local funds so that this project will be on a pace for completion by fiscal year 2005.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR FAMILY LITERACY

The Committee recommends $4,000,000 to expand the Family Literacy Program in public schools in the District of Columbia. The Family Literacy program will address the needs of literacy-challenged parents while endowing their children with an appreciation for literacy and strengthening familial ties. The program will be targeted at the District's so-called T–9 public schools, identified in the District's initiative to transform low-performing schools.

FEDERAL GRANTS

The District of Columbia participates as a State, county, and city in the various Federal grant programs. At the time the fiscal year 2002 budget was submitted, the District estimated that it would receive a total of $2,019,330,000 in Federal grants during the coming fiscal year.

The following table shows the amount of Federal grants the District expects to receive and the office or agency that expects to receive them:

Summary of Federal grants assistance to the District of Columbia

Agency	*2003 estimate*
Governmental Direction and Support:	
Office of the Mayor	$849,000
Office of the City Administrator	18,142,000
Office of the Corporation Counsel	15,366,000
Office of the Inspector General	1,265,000
Office of the Chief Financial Officer	932,000
Total, Governmental Direction and Support	36,554,000
Economic Development and Regulation:	
Office of Planning	556,000
Department of Housing and Community Development	42,168,000
Department of Employment Services	54,947,000
Public Service Commission	125,000
Total, Economic Development and Regulation	97,796,000
Public Safety and Justice:	
Metropolitan Police Department	9,605,000
National Guard	506,000

Summary of Federal grants assistance to the District of Columbia—Continued

Agency	*2003 estimate*
Emergency Management Agency	1,218,000
Total, Public Safety and Justice	11,329,000
Public Education System:	
Public Schools	147,800,000
State Education Office	26,917,000
University of the District of Columbia	12,668,000
Public Library	610,000
Commission on the Arts and Humanities	475,000
Total, Public Education System	188,470,000
Human Support Services:	
Department of Human Services	231,567,000
Child and Family Services	81,804,000
Department of Mental Health	67,100,000
Department of Health	982,542,000
Office on Aging	5,760,000
Office of Human Rights	106,000

Summary of Federal grants assistance to the District of Columbia—Continued

Agency	*2003 estimate*
D. C. Energy Office	4,801,000
Total, Human Support Services	1,373,680,000
Public Works: Department of Transportation	4,669,000
Total, Federal grants, operating expenses	1,712,498,000
Capital Outlay, grants	306,833,000
Grand Total, federal grants	2,019,331,000

SUMMARY OF ESTIMATES AND RECOMMENDATIONS FOR DISTRICT OF COLUMBIA FUNDS

DISTRICT OF COLUMBIA FUNDS

A total of $7,307,787,000 was requested in the budget from the District of Columbia for fiscal year 2003 which was received by the Congress on July 12, 2002 and printed as House Document No. 107–242.

Based on recommendations in the bill, a total of $7,442,185,000 will be available to the District government during the next fiscal year. Included in this figure are appropriations from local funds, Federal grants, and private and other funds. In addition, $156,121,000 from intra-District funds are available. The financing of the appropriations from District funds is from Federal payments and revenues from various local taxes, fees, charges and other collections received by the District government.

BALANCED BUDGET RECOMMENDED

The Committee is recommending a balanced budget in accordance with the District government's request. It is estimated that sufficient resources will be available from current revenue authority to finance operating expenses.

PERSONNEL

The Committee recommends a total of 32,799 continuing full-time equivalent positions to be financed from District of Columbia funds, Federal grants, private and other, and intra-District funds during fiscal year 2003 consisting of 32,685 positions under the general operating expenses and 114 from the enterprise funds.

A summary of the total resources by appropriation title follows:

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

GOVERNMENTAL DIRECTION AND SUPPORT

The Committee recommends a total of $295,136,000 and 2,655 full-time equivalent positions for the various departments, agencies and activities funded through this appropriation. A comparative summary by agency follows:

GOVERNMENTAL DIRECTION AND SUPPORT

Agency/activity	Fiscal year 2002 approved	Fiscal year 2003 request	Intra-District	Fiscal year 2003 request less intra-District	Committee recommendation	Intra-District	Committee recommendation less intra-District	Bill compared with— Fiscal year 2002 approved	Bill compared with— Fiscal year 2003 request
Council of the District of Columbia	$13,232,000	$13,604,000		$13,604,000	$13,604,000		$13,604,000	$372,000	
District of Columbia Auditor	1,299,000	1,596,000		1,596,000	1,596,000		1,596,000	297,000	
Advisory Neighborhood Commissions	808,000	894,000		894,000	894,000		894,000	86,000	
Office of the Mayor	8,294,000	8,350,000	($506,000)	7,844,000	8,350,000	($506,000)	7,844,000	56,000	
Office of the Secretary	2,516,000	2,609,000		2,609,000	2,609,000		2,609,000	93,000	
City-Wide Call Center	1,898,000	2,238,000		2,238,000	2,238,000		2,238,000	340,000	
Office of the City Administrator	28,275,000	30,147,000	(421,000)	29,726,000	30,147,000	(421,000)	29,726,000	1,872,000	
Office of Personnel	17,138,000	13,143,000	(1,681,000)	11,462,000	13,143,000	(1,681,000)	11,462,000	(3,995,000)	
Human Resources Development Fund	3,766,000	3,553,000		3,553,000	3,553,000		3,553,000	(213,000)	
Office of Finance and Resource Development	2,373,000	2,285,000	(380,000)	1,905,000	2,285,000	(380,000)	1,905,000	(88,000)	
Office of Contracting and Procurement	13,066,000	13,748,000	(245,000)	13,503,000	13,748,000	(245,000)	13,503,000	682,000	
Office of the Chief Technology Officer	15,441,000	17,622,000	(2,539,000)	15,083,000	17,622,000	(2,539,000)	15,083,000	2,181,000	
Office of Property Management	33,821,000	49,119,000	(36,496,000)	12,623,000	49,119,000	(36,496,000)	12,623,000	15,298,000	
Contract Appeals Board	746,000	746,000		746,000	746,000		746,000		
Board of Elections and Ethics	3,503,000	3,585,000		3,585,000	3,585,000		3,585,000	82,000	
Office of Campaign Finance	1,388,000	1,360,000		1,360,000	1,360,000		1,360,000	(28,000)	
Public Employee Relations Board	686,000	649,000		649,000	649,000		649,000	(37,000)	
Office of Employee Appeals	1,540,000	1,625,000		1,625,000	1,625,000		1,625,000	85,000	
Metropolitan Washington Council of Governments	367,000	397,000		397,000	397,000		397,000	30,000	
Office of the Corporation Counsel	52,505,000	54,462,000	(2,065,000)	52,397,000	54,462,000	(2,065,000)	52,397,000	1,957,000	
Settlements and Judgments	23,450,000							(23,450,000)	
Office of the Inspector General	12,476,000	12,089,000		12,089,000	12,089,000		12,089,000	(387,000)	
Office of the Chief Financial Officer	84,126,000	95,726,000	(5,078,000)	90,648,000	110,726,000	(5,078,000)	105,648,000	26,600,000	$15,000,000
Total, Governmental Direction and Support	322,714,000	329,547,000	(49,411,000)	280,136,000	344,547,000	(49,411,000)	295,136,000	21,833,000	15,000,000

COUNCIL OF THE DISTRICT OF COLUMBIA

The Committee recommends $13,604,000 and 163 full-time equivalent positions from local funds for the elected legislative branch of the District government.

The Council of the District of Columbia is the elected legislative branch of the District government. Its mission is to enact laws, approve the operating budget and financial plan, establish and oversee the programs and operations of government agencies, and set policy for the government.

OFFICE OF THE DISTRICT OF COLUMBIA AUDITOR

The Committee recommends $1,596,000 and 17 full-time equivalent positions from local funds for the operation of the Office of the District of Columbia Auditor.

The Office of the District of Columbia Auditor conducts thorough audits of the accounts and operations of the District government, with the goal of promoting economy, efficiency, and accountability.

ADVISORY NEIGHBORHOOD COMMISSIONS

A total of $894,000 and 2 full-time equivalent positions from local funds are included for the Advisory Neighborhood Commissions.

The mission of the Advisory Neighborhood Commissions is to serve as a liaison between the District government and the community.

OFFICE OF THE MAYOR

The Committee recommends $7,844,000 and 77 full-time equivalent positions (including $6,995,000 and 73 full-time equivalent positions from local funds and $849,000 and 4 full-time equivalent positions from Federal funds) for the Office of the Mayor for fiscal year 2003.

The Office of the Mayor serves the needs of the public setting priorities, providing management direction and support to agencies, and restoring one government, good government, and self-government to the District of Columbia.

OFFICE OF THE SECRETARY

A total of $2,609,000 and 27 full-time equivalent positions (including $2,516,000 and 25 full-time equivalent positions from local funds and $93,000 and 2 full-time equivalent positions from other funds) are included in the bill for the operation of the Office of the Secretary.

The mission of the Office of the Secretary of the District of Columbia is to serve as the sole custodian of the Seal of the District of Columbia and to authenticate its proper use in accordance with the law.

CITY-WIDE CALL CENTER

The Committee recommends $2,238,000 and 38 full-time equivalent positions from local funds for the City-Wide Call Center.

The City-Wide Call Center serves as the District government's primary point of entry for citizens and customers attempting to access non-emergency services and information. The Call Center connects callers to

agencies and individuals, and enters and tracks service requests.

OFFICE OF THE CITY ADMINISTRATOR

The bill includes $29,726,000 and 114 full-time equivalent positions (including $11,584,000 and 98 full-time equivalent positions from local funds and $18,142,000 and 16 full-time equivalent positions from Federal funds) for the Office of the City Administrator for fiscal year 2003.

The Office of the City Administrator provides District agencies with direction and support to improve government operations and enhance service delivery.

OFFICE OF PERSONNEL

The Committee recommends $11,462,000 and 124 full-time equivalent positions (including $10,652,000 and 113 full-time equivalent positions from local funds and $812,000 and 11 full-time equivalent positions from other funds) for the Office of Personnel for fiscal year 2003.

The Office of Personnel provides comprehensive human resource management services that strengthen individual and organizational performance and enables the government to attract, develop and retain a highly qualified, diverse workforce.

HUMAN RESOURCES DEVELOPMENT FUND

A total of $3,553,000 and 10 full-time equivalent positions from local funds are recommended for the Human Resources Development fund for fiscal year 2003.

The mission of the Human Resources Development Fund is to improve the performance of the employees of the District of Columbia by creating learning and development programs that enhance productivity and improve the quality and delivery of services for our citizens.

OFFICE OF FINANCE AND RESOURCE MANAGEMENT

The bill includes $1,905,000 and 25 full-time equivalent positions from local funds for the Office of Finance and Resource Management for fiscal year 2003.

The Office of Finance and Resource Management provides financial services and management for client agencies, collect intra-District funds from District agencies to provide a central payments system District-wide for all fixed costs, and provides all financial management services to agencies receiving capital funding.

OFFICE OF CONTRACTING AND PROCUREMENT

The Committee recommends $13,503,000 and 166 full-time equivalent positions from local funds for the Office of Contracting and Procurement for fiscal year 2003.

The Office of Contracting and Procurement provides every city agency with procurement service to effectively perform the functions of government in a customer-focused, timely, and cost-effective manner.

OFFICE OF THE CHIEF TECHNOLOGY OFFICER

A total of $15,083,000 and 90 full-time equivalent positions (including $15,069,000, 90 full-time equivalent positions from local funds, $14,000 from other funds and $0 from Federal funds) is recommended for the Office of the Chief Technology Officer for fiscal year 2003.

The mission of the Office of the Chief Technology Officer is to articulate the manner in which the government leverages its investments in information technology to attain the government's goal of being an efficient and effective service provider.

OFFICE OF PROPERTY MANAGEMENT

The Committee recommends $12,623,000 and 62 full-time equivalent positions (including $10,929,000 and 57 full-time equivalent positions from local funds and $1,694,000 and 5 full-time equivalent positions from other funds) for the Office of Property Management for fiscal year 2003.

The mission of the Office of Property Management is to meet the needs of our clients by providing a building and work environment of the highest quality and services that meet industry best standards of excellence.

CONTRACT APPEALS BOARD

The total budget request of $746,000 and 6 full-time equivalent positions from local funds is included in the bill for the Contract Appeals Board for fiscal year 2003.

The Contract Appeals Board provides an impartial expeditious, inexpensive, and knowledgeable forum for redressing and resolving contractual disputes between the District and the contracting communities.

BOARD OF ELECTIONS AND ETHICS

The Committee recommends $3,585,000 and 50 full-time equivalent positions from local funds for the Board of Elections and Ethics for fiscal year 2003.

The mission of the Board of Elections and Ethics is to administer and enforce the election law of the District of Columbia by providing voter registration, qualifying candidates and measures for ballot access, and conducting elections in the District of Columbia.

OFFICE OF CAMPAIGN FINANCE

The total budget request of $1,260,000 and 15 full-time equivalent positions from local funds is included in the bill for the Office of Campaign Finance for fiscal year 2003.

The Office of Campaign Finance ensures public trust in the integrity of the election process and government services by regulating the financial disclosure process and conduct of political campaigns and candidates, lobbyists, public officials, and political committees, pursuant to the D.C. Campaign Finance Reform and Conflict of Interest Act, the D.C. Merit Personnel, and the Federal Ethics Reform Act.

PUBLIC EMPLOYEE RELATIONS BOARD

The Committee recommends $649,000 and 4 full-time equivalent positions from local funds for the Public Employee Relations Board for fiscal year 2003.

The Public Employee Relations Board provides for the impartial resolution of labor-management disputes in the District government pursuant to the District of Columbia Comprehensive Merit Personnel Act of 1978.

OFFICE OF EMPLOYEE APPEALS

The bill includes $1,625,000 and 16 full-time equivalent positions from local funds for the Office of Employee Appeals for fiscal year 2003.

The Office of Employee Appeals renders legally sufficient, impartial, timely decisions on appeals in which District government employees have challenged decisions regarding adverse actions, reductions in force, performance evaluations, and classifications of positions.

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

The budget request of $397,000 from local funds is included in the bill as the District's share of the Council of Government's budget for fiscal year 2003.

The mission of the Metropolitan Washington Council of Governments is to enhance quality of life in the Washington metropolitan region and to strengthen the region's competitive advantage in the global economy by providing a forum for consensus building and policy making; implementing intergovernmental policies, plans, and programs; and supporting the region as an expert information resource.

OFFICE OF THE CORPORATION COUNSEL

The Committee recommends $52,397,000 and 531 full-time equivalent positions (including $31,189,000 and 394 full-time equivalent positions from local funds, $15,366,000 and 121 full-time equivalent positions from Federal funds and $5,842,000 and 16 full-time equivalent positions from other funds) for the Office of the Corporation Counsel for fiscal year 2003.

The Office of the Corporation Counsel achieves the best outcome for its clients by (1) prosecuting crimes fairly and aggressively, (2) defending or initiating actions, (3) providing expert advice and counsel, and (4) executing commercial-style transactions on behalf of the government of the District of Columbia.

OFFICE OF THE INSPECTOR GENERAL

The Committee recommends $12,089,000 and 108 full-time equivalent positions (including $10,824,000 and 92 full-time equivalent positions from local funds and $1,265,000 and 16 full-time equivalent positions from Federal funds) for the Office of the Inspector General for fiscal year 2003.

The mission of the Office of the Inspector General is to independently conduct and supervise audits, investigations, and inspections relating to the programs and operations of District government departments and agencies.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Committee recommends $90,648,000 and 968 full-time equivalent positions (including $79,823,000 and 919 full-time equivalent positions from local funds, $932,000 and 3 full-time equivalent positions from Federal funds, and $9,893,000 and 46 full-time equivalent positions from other funds) for the Office of the Chief Financial Officer for fiscal year 2003. The Committee recommends $15,000,000 for the Office of the Chief Financial Officer to make payments for various economic development, health, security and education projects in the District.

The Office of the Chief Financial Officer administers the financial management operations of the District of Columbia to assure fiscal stability and integrity, supports public services, and provides financial information to policy makers necessary for making informed decisions while minimizing the cost to the government.

ECONOMIC DEVELOPMENT AND REGULATION

The Committee recommends a total of $258,539,000 and 1,517 full-time equivalent positions for fiscal year 2003 for the department and agencies funded through this appropriation.

ECONOMIC DEVELOPMENT AND REGULATION

Agency/activity	Fiscal year 2002 approved	Fiscal year 2003 request	Intra-District	Fiscal year 2003 request less intra-District	Committee recommendation	Intra-District	Committee recommendation less intra-District	Bill compared with—	
								Fiscal year 2002 approved	Fiscal year 2003 request
Business Services and Economic Development	$32,840,000	$31,065,000		$31,065,000	$31,065,000		$31,065,000	($1,775,000)	
Office of Planning		7,966,000		7,966,000	7,966,000		7,966,000		
Office of Local Business Development		1,093,000		1,093,000	1,093,000		1,093,000		
Office of Motion Pictures and Television		574,000		574,000	574,000		574,000		
Office of Zoning	2,378,000	2,527,000		2,527,000	2,527,000		2,527,000	149,000	
Department of Housing and Community Development	57,890,000	65,032,000		65,032,000	65,032,000		65,032,000	7,142,000	
Department of Employment Services	80,477,000	97,584,000	($7,809,000)	89,775,000	97,584,000	($7,809,000)	89,775,000	17,107,000	
Board of Appeals and Review	242,000	277,000		277,000	277,000		277,000	35,000	
Board of Real Property Assessment and Appeals	298,000	347,000		347,000	347,000		347,000	49,000	
Department of Consumer and Regulatory Affairs	29,105,000	31,017,000	(500,000)	30,517,000	31,017,000	(500,000)	30,517,000	1,912,000	
Alcoholic Beverage Regulation Administration	2,607,000	3,016,000		3,016,000	3,016,000		3,016,000	409,000	
Office of Banking and Financial Institutions	2,694,000	2,637,000		2,637,000	2,637,000		2,637,000	(57,000)	
Public Service Commission	6,402,000	6,796,000		6,796,000	6,796,000		6,796,000	394,000	
Office of People's Counsel	3,884,000	3,978,000		3,978,000	3,978,000	3,978,000	94,000		
Department of Insurance and Securities Regulation	9,377,000	9,766,000		9,766,000	9,766,000		9,766,000	389,000	
Office of Cable Television and Telecommunications	3,701,000	3,701,000	(528,000)	3,173,000	3,701,000	(528,000)	3,173,000		
Total, Economic Development and Regulation	231,895,000	267,376,000	(8,837,000)	258,539,000	267,376,000	(8,837,000)	258,539,000	25,848,000	

OFFICE OF THE DEPUTY MAYOR OF PLANNING

The Committee recommends $31,065,000 and 23 full-time equivalent positions (including $5,149,000 and 16 full-time equivalent positions from local funds, and $25,916,000 and 7 full-time equivalent positions from other funds) for the Office of the Deputy Mayor of Planning for fiscal year 2003.

OFFICE OF PLANNING

The Committee recommends $7,966,000 and 69 full-time equivalent positions (including $7,410,000 and 66 full-time equivalent positions from local funds, and $556,000 and 3 full-time equivalent positions from Federal funds) for the Office of Planning for fiscal year 2003.

OFFICE OF LOCAL BUSINESS DEVELOPMENT

The Committee recommends $1,093,000 and 10 full-time equivalent positions from local funds for the Office of Local Business Development for fiscal year 2003.

OFFICE OF MOTION PICTURES AND TELEVISION

The Committee recommends $574,000 and 5 full-time equivalent positions from local funds for the Office of Motion Pictures and Television for fiscal year 2003.

OFFICE OF ZONING

The Committee recommends $2,527,000 and 17 full-time equivalent positions from local funds for the Office of Zoning for fiscal year 2003.

The Office of Zoning provides administrative, professional, and technical assistance to the Zoning Commission and the Board of Zoning Adjustment in the maintenance and regulation of zoning in the District of Columbia.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

The bill includes $65,032,000 and 137 full-time equivalent positions (including $7,002,000 and 12 full-time equivalent positions from local funds, $42,168,000 and 125 full-time equivalent positions from Federal funds, and $15,862,000 from other funds) for the Department of Housing and Community Development for fiscal year 2003.

The Department of Housing and Community Development facilitates the production and preservation of housing, and community and economic development opportunities in partnership with for-profit and nonprofit organizations by leveraging Department dollars with other financing resources in order to create and maintain stable neighborhoods and retain and expand the District's tax base.

DEPARTMENT OF EMPLOYMENT SERVICES

The Committee recommends $89,775,000 and 564 full-time equivalent positions (including $12,913,000 and 42 full-time equivalent positions from local funds, $54,947,000 and 365 full-time equivalent positions from Federal funds, and $21,915,000 and 157 full-time equivalent positions from other funds) for the Department of Employment Services for fiscal year 2003.

The Department of Employment Services serves as the primary vehicle for the District of Columbia to develop a world-class work force and work environment that supports a sound, stable economic foundation for families, individuals, and the general community.

BOARD OF APPEALS AND REVIEW

The Committee recommends $277,000 and 3 full-time equivalent positions from local funds for the Board of Appeals and Review for fiscal year 2003.

The Board of Appeals and Review hears citizen complaints about adverse decisions on license revocations and civil infractions from the Department of Consumer and Regulatory Affairs; litter control violations from the Department of Public Works; certificates of need, program reimbursements, and providers agreements from the Department of Public Health; and denials of security guard and private detective agency licenses from the Metropolitan Police Department.

BOARD OF REAL PROPERTY ASSESSMENTS AND APPEALS

The Committee recommends $347,000 and 3 full-time equivalent positions from local funds for the Board of Real Property Assessments and Appeals for fiscal year 2003.

The Board of Real Property Assessments and Appeals ensures that properties in the District of Columbia are assessed at 100 percent of their estimated market value and equal to properties similar in size and utility that share the same tax burden.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

The Committee recommends $30,517,000 and 397 full-time equivalent positions (including $27,061,000 and 364 full-time equivalent positions from local funds and $3,456,000 and 33 full-time equivalent positions from other funds) for the Department of Consumer and Regulatory Affairs for fiscal year 2003.

The Department of Consumer and Regulatory Affairs protects the health, safety, and welfare of District residents through the regulatory and compliance process of business activities, occupational and professional services, land and building use, and rental housing condominium conversion.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

The bill includes $3,016,000 and 36 full-time equivalent positions for the Alcoholic Beverage Regulation Administration from other funds for fiscal year 2003.

The Alcoholic Beverage Regulation Administration issues beverage alcohol licenses to qualified applicants; educates beverage alcohol establishments to prevent the sale of beverage alcohol to minors; and investigates license violations, adjudicates contested cases, and enforces compliance with the District's beverage alcohol laws.

OFFICE OF BANKING AND FINANCIAL INSTITUTIONS

The Committee recommends $2,637,000 and 27 full-time equivalent positions (including $200,000 from local funds and $2,437,000 and 27 full-time equivalent positions from other funds) for the Office of Banking and Financial Institutions for fiscal year 2003.

The Office of Banking and Financial Institutions promotes a climate in which financial institutions will organize to do business in the District of Columbia and contribute to the economic development of the District through the increased availability of capital and credit, and expands advantageous financial services to the public in a nondiscriminatory manner.

PUBLIC SERVICE COMMISSION

The Committee recommends $6,796,000 and 70 full-time equivalent positions (including $0 and 0 full-time equivalent position from Federal funds and $125,000 and 2 full-time equivalent positions from other funds) for the Public Service Commission for fiscal year 2003.

The Public Service Commission serves the public and the District's interest by ensuring that natural gas, electricity, and telecommunications services are safe, reliable, and affordable for residential, business, and government customers of the District of Columbia.

OFFICE OF PEOPLE'S COUNSEL

The Committee recommends $3,978,000 and 33 full-time equivalent positions from other funds for the Office of People's Counsel for fiscal year 2003.

The Office of the People's Counsel seeks to advocate for utility consumers of natural gas, electricity, and telephone services in the District of Columbia before District and Federal decision-making bodies.

DEPARTMENT OF INSURANCE AND SECURITIES REGULATION

The bill includes $9,766,000 and 103 full-time equivalent positions from other funds for the Department of Insurance and Securities Regulation for fiscal year 2003.

The Department of Insurance and Securities Regulation provides regulatory supervision of the insurance and securities businesses for the protection of the people of the District of Columbia.

OFFICE OF CABLE TELEVISION AND TELECOMMUNICATIONS

The Committee recommends $3,173,000 and 20 full-time equivalent positions from other funds for the Office of Cable Television and Telecommunications for fiscal year 2003.

The Office of Cable Television and Telecommunications regulates cable television services to District citizens, provides citizen access to government hearings and programming that addresses community issues, and coordinates the city's telecommunications policy.

PUBLIC SAFETY AND JUSTICE

The Committee recommends a total of $639,892,000 and 7,634 full-time equivalent positions for fiscal year 2003 for the public safety activities funded through this appropriation.

PUBLIC SAFETY AND JUSTICE

Agency/activity	Fiscal year 2002 approved	Fiscal year 2003 request	Intra-District	Fiscal year 2003 request less intra-District	Committee recommendation	Intra-District	Committee recommendation less intra-District	Bill compared with— Fiscal year 2002 approved	Bill compared with— Fiscal year 2003 request
Metropolitan Police Department	$316,108,000	$322,995,000	($3,973,000)	$319,022,000	$322,995,000	($3,973,000)	$319,022,000	$6,887,000	
Fire and Emergency Medical Services	119,830,000	129,751,000		129,751,000	129,751,000		129,751,000	9,921,000	
Police and Fire Retirement System	74,600,000	68,900,000		68,900,000	68,900,000		68,900,000	(5,700,000)	
Office of the Corporation Counsel									
Settlements and Judgments									
Department of Corrections	111,532,000	105,914,000	(576,000)	105,338,000	105,914,000	(576,000)	105,338,000	(5,618,000)	
National Guard	2,823,000	2,896,000		2,896,000	2,896,000		2,896,000	73,000	
Emergency Management Agency	3,964,000	4,318,000		4,318,000	4,318,000		4,318,000	354,000	
Commission on Judicial Disabilities and Tenure	172,000	190,000		190,000	190,000		190,000	18,000	
Judicial Nomination Commission	91,000	110,000		110,000	110,000		110,000	19,000	
Office of Citizen Complaint Review	1,424,000	1,481,000		1,481,000	1,481,000		1,481,000	57,000	
Advisory Commission on Sentencing	637,000	633,000		633,000	633,000		633,000	(4,000)	
Office of the Chief Medical Examiner	6,812,000	6,544,000		6,544,000	6,544,000		6,544,000	(268,000)	
Office of Administrative Hearings		300,000		300,000	300,000		300,000	300,000	
Corrections Information Council		240,000		240,000	240,000		240,000	240,000	
Criminal Justice Coordinating Council		169,000		169,000	169,000		169,000	169,000	
Total, Public Safety and Justice	637,993,000	644,441,000	(4,549,000)	639,892,000	644,441,000	(4,549,000)	639,892,000	6,448,000	

METROPOLITAN POLICE DEPARTMENT

The Committee recommends $319,022,000 and 4,594 full-time equivalent positions (including $301,964,000 and 4,367 full-time equivalent positions from local funds, $9,605 and 202 full-time equivalent positions from Federal funds, and $7,453,000 and 25 full-time equivalent positions from other funds) for the Metropolitan Police Department for fiscal year 2003.

The Metropolitan Police Department seeks to prevent crime and the fear of crime, and to work with others to build safe and healthy neighborhoods throughout the District of Columbia.

FIRE AND EMERGENCY MEDICAL SERVICES

The Committee recommends $29,751,000 and 2,006 full-time equivalent positions from local funds for the Fire and Emergency Medical Services for fiscal year 2003.

The mission of the Fire and Emergency Medical Services Department is to improve the quality of life for those who live, work, visit, and conduct business in the District of Columbia by preventing and extinguishing fires and providing emergency medical, ambulance, and technical rescue.

POLICE AND FIRE RETIREMENT SYSTEM

The bill includes $68,900,000 from local funds for the Police and Fire Retirement System for fiscal year 2003.

The Police and Fire Retirement System provides annuity payments and other retirement and disability benefits for the District Metropolitan Police and Fire Department retirees and survivors.

DEPARTMENT OF CORRECTIONS

The Committee recommends $105,338,000 and 842 full-time equivalent positions (including $104,388,000 and 842 full-time equivalent positions from local funds and $950,000 and 0 full-time equivalent positions from other funds) for the Department of Corrections for fiscal year 2003.

The mission of the Department of Corrections is to ensure public safety and uphold the public's trust by providing for the safe and secure confinement of pretrial detainees and sentenced inmates. The agency is completing the transition from a State/county prison system to primarily a city/county jail system in accordance with the National Capital Revitalization Act.

NATIONAL GUARD

The Committee recommends $2,896,000 and 43 full-time equivalent positions (including $2,390,000 and 30 full-time equivalent positions from local funds and $506,000 and 13 full-time equivalent positions from Federal funds) for the National Guard for fiscal year 2003.

The mission of the District of Columbia National Guard is to protect life, property, and the interests of the District of Columbia during civil emergencies and to serve as an integral component of the Nation's military forces, when activated.

EMERGENCY MANAGEMENT SERVICES

The Committee recommends $4,318,000 and 39 full-time equivalent positions (including $3,100,000 and 26 full-time equivalent positions from local funds and $1,218,000 and 13 full-time equivalent positions from Federal funds for the Emergency Management Services for fiscal year 2003.

The mission of the District of Columbia Emergency Management Services Agency is to reduce the loss of life and property and protect citizens and institutions from all hazards by administering a comprehensive community-based emergency management program.

COMMISSION ON JUDICIAL DISABILITIES AND TENURE

The Committee recommends $190,000 and 2 full-time equivalent positions from local funds for the Commission on Judicial Disabilities and Tenure for fiscal year 2003.

The Commission on Judicial Disabilities and Tenure provides for the preservation of an independent and fair judiciary by making determinations concerning the discipline, involuntary retirement, and reappointment of judges for the District of Columbia Superior Court and the District of Columbia Court of Appeals.

JUDICIAL NOMINATION COMMISSION

The Committee recommends $110,000 and 1 full-time equivalent position from local funds for the Judicial Nomination Commission for fiscal year 2003.

The Judicial Nomination Commission screens, selects, and recommends nominees to the President of the United States to fill judicial vacancies in the District of Columbia Superior Court and the Court of Appeals.

OFFICE OF CIVILIAN COMPLAINT REVIEW

The Committee recommends $1,481,000 and 19 full-time equivalent positions from local funds for the Office of Citizens Complaint Review for fiscal year 2003.

The Office of Citizens Complaint Review provides the public with an independent and impartial forum for the review and resolution of complaints against officers of the Metropolitan Police Department and Special Police officers employed by the District of Columbia government.

ADVISORY COMMISSION ON SENTENCING

The Committee recommends $633,000 and 6 full-time equivalent positions from local funds for the Advisory Commission on Sentencing for fiscal year 2003.

The Advisory Commission on Sentencing advises the District of Columbia Council on issues relating to sentences imposed for felonies committed within the District.

OFFICE OF THE CHIEF MEDICAL EXAMINER

The Committee recommends $6,544,000 and 76 full-time equivalent positions (including $6,432,000 and 74 full-time equivalent positions from local funds and $112,000 and 2 full-time equivalent positions from other funds) for the Office of the Chief Medical Examiner for fiscal year 2003.

The mission of the Office of the Chief Medical Examiner is to investigate and certify all deaths in the District of Columbia that occur by any means of violence (injury), and those that occur unexpectedly, without medical attention, in custody, or which pose a threat to the public health.

OFFICE OF ADMINISTRATIVE HEARINGS

The Committee recommends $300,000 and 2 full-time equivalent positions from local funds for the Office of Administrative Hearings for fiscal year 2003.

CORRECTIONS INFORMATION COUNCIL

The Committee recommends $240,000 and 2 full-time equivalent positions from local funds for the Corrections Information Council for fiscal year 2003.

CRIMINAL JUSTICE COORDINATING COUNCIL

The Committee recommends $169,000 and 2 full-time equivalent positions from local funds for the Criminal Justice Coordinating Council for fiscal year 2003.

PUBLIC EDUCATION SYSTEM

A total of $1,220,201,000 and 11,900 full-time equivalent positions is recommended for the

operation of the activities included within this appropriation title.

PUBLIC EDUCATION SYSTEM

Agency/activity	Fiscal year 2002 approved	Fiscal year 2003 request	Intra-District	Fiscal year 2003 request less intra-District	Committee recommendation	Intra-District	Committee recommendation less intra-District	Bill compared with— Fiscal year 2002 approved	Bill compared with— Fiscal year 2003 request
Public Schools	$847,074,000	$938,422,000	($35,265,000)	$903,157,000	$938,422,000	($35,265,000)	$903,157,000	$91,348,000	
Teachers' Retirement System									
State Education Office	47,850,000	50,171,000	(484,000)	49,687,000	50,171,000	(484,000)	49,687,000	2,321,000	
D.C. Resident Tuition System									
District of Columbia Charter Schools	142,257,000	132,865,000		132,865,000	132,865,000		132,865,000	(9,392,000)	
University of the District of Columbia	85,341,000	93,296,000	(9,306,000)	83,990,000	93,296,000	(9,306,000)	83,990,000	7,955,000	
Public Library	27,256,000	28,430,000	(280,000)	28,150,000	28,430,000	(280,000)	28,150,000	1,174,000	
Commission on the Arts and Humanities	2,236,000	2,390,000	(38,000)	2,352,000	2,390,000	(38,000)	2,352,000	154,000	
Public Charter School Revolving Loan Fund					20,000,000		20,000,000	20,000,000	$20,000,000
Total, Public Education System	1,152,014,000	1,245,574,000	(45,373,000)	1,200,201,000	1,265,574,000	(45,373,000)	1,220,201,000	113,560,000	20,000,000

PUBLIC SCHOOLS

The Committee recommends $903,157,000 and 10,466 full-time equivalent positions (including $743,715,000 and 9,821 full-time equivalent positions from local funds, $147,800,000 and 506 full-time equivalent positions from Federal funds and $11,642,000 and 119 full-time equivalent positions from other funds) for the public school system for fiscal year 2003

The District of Columbia Public Schools seeks to make dramatic improvements in the achievement of all students today in preparation for their world tomorrow.

STATE EDUCATION OFFICE

The Committee recommends $49,687,000 and 43 full-time equivalent positions (including $22,594,000 and 33 full-time equivalent positions from local funds, $26,917,000 and 10 full-time equivalent positions from Federal funds and $176,000 and 0 full-time equivalent positions from other funds) for the State Education Office for fiscal year 2003.

The District of Columbia State Education Office seeks to enhance the administrative efficiency of State-level education functions and ensure the equitable distribution of educational resources.

DISTRICT OF COLUMBIA CHARTER SCHOOLS

The bill includes $132,865,000 from local funds for the District of Columbia Charter Schools for fiscal year 2003.

The District of Columbia Charter Schools provide an alternative free education for students who reside in the District of Columbia.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

The Committee recommends $83,990,000 and 972 full-time equivalent positions (including $52,272,000 and 541 full-time equivalent positions from local funds, $12,688,000 and 171 full-time equivalent positions from Federal funds, and $19,050,000 and 260 full-time equivalent positions from other funds) for the University of the District of Columbia for fiscal year 2003.

The University of the District of Columbia is an urban land grant institution of higher education with an open admissions policy.

PUBLIC LIBRARY

The Committee recommends $28,150,000 and 430 full-time equivalent positions (including $27,003,000 and 421 full-time equivalent positions from local funds, $610,000 and 9 full-time equivalent positions from Federal funds, and $537,000 and 0 full-time equivalent positions from other funds) for the Public Library for fiscal year 2003.

The District of Columbia Public Library provides environments that invite reading, learning, and community discussion; trained staff and technology to help in finding, evaluating, and using information; and opportunities for children, teenagers, adults, and senior citizens to learn to read and use information resources for personal growth and development.

COMMISSION ON THE ARTS AND HUMANITIES

The bill includes $2,352,000 and 9 full-time equivalent positions (including $1,757,000 and 2 full-time equivalent positions from local funds, $475,000 and 7 full-time equivalent positions from Federal funds and $120,000 from other funds) for the Commission on the Arts and Humanities for fiscal year 2003.

The Commission on the Arts and Humanities was created to enrich the quality of life for the residents of the District of Columbia through the arts and humanities.

CHARTER SCHOOL FACILITIES

The Committee recommends a Federal Payment of $20,000,000 to the District of Columbia for expansion of charter school facilities in the District of Columbia and the reorganization of the ''New Charter School Fund''.

HUMAN SUPPORT SERVICES

A total of $2,500,297,000 and 7,378 full-time equivalent positions is recommended for the departments and agencies funded through this appropriation title.

HUMAN SUPPORT SERVICES

Agency/activity	Fiscal year 2002 approved	Fiscal year 2003 request	Intra-District	Fiscal year 2003 request less intra-District	Committee recommendation	Intra-District	Committee recommendation less intra-District	Bill compared with— Fiscal year 2002 approved	Bill compared with— Fiscal year 2003 request
Department of Human Services	$419,314,000	$448,015,000	($6,608,000)	$441,407,000	$448,015,000	($6,608,000)	$441,407,000	$28,701,000	
Child and Family Services Agency		211,912,000	(9,778,000)	202,134,000	211,912,000	(9,778,000)	202,134,000	211,912,000	
Department of Mental Health		227,663,000		227,663,000	227,663,000		227,663,000	227,663,000	
Department of Health	1,295,196,000	1,474,909,000	(6,774,000)	1,468,135,000	1,474,909,000	(6,774,000)	1,468,135,000	179,713,000	
Department of Parks and Recreation	35,615,000	42,770,000	(7,157,000)	35,613,000	42,770,000	(7,157,000)	35,613,000	7,155,000	
Office on Aging	19,915,000	20,787,000	(280,000)	20,507,000	20,787,000	(280,000)	20,507,000	872,000	
Public Benefit Corporation Subsidy									
PBC Transition									
Unemployment Compensation Fund	8,200,000	6,199,000		6,199,000	6,199,000		6,199,000	(2,001,000)	
Disability Compensation Fund	28,086,000	27,959,000		27,959,000	27,959,000		27,959,000	(127,000)	
Office of Human Rights	1,651,000	2,179,000		2,179,000	2,179,000		2,179,000	528,000	
Office on Latino Affairs	2,879,000	4,069,000	(813,000)	3,256,000	4,069,000	(813,000)	3,256,000	1,190,000	
D.C. Energy Office	5,177,000	6,017,000	(92,000)	5,925,000	6,017,000	(92,000)	5,925,000	840,000	
Children and Youth Investment Fund		5,000,000		5,000,000	5,000,000		5,000,000	5,000,000	
Brownfield Remediation									
Section 103 Payment									
Office on Asian and Pacific Affairs	207,000	213,000		213,000	213,000		213,000	6,000	
Office of Veterans Affairs	230,000	240,000		240,000	240,000		240,000	10,000	
Medicaid Reserve		49,867,000		49,867,000	49,867,000		49,867,000	49,867,000	
Family Literacy Program					4,000,000		4,000,000	4,000,000	$4,000,000
Total, Human Support Services	1,816,470,000	2,527,799,000	(31,502,000)	2,496,297,000	2,531,799,000	(31,502,000)	2,500,297,000	715,329,000	4,000,000

DEPARTMENT OF HUMAN SERVICES

The Committee recommends $441,407,000 and 2,051 full-time equivalent positions (including $208,054,000 and 969 full-time equivalent positions from local funds, $231,567,000 and 1,082 full-time equivalent positions from Federal funds and $1,786,000 from other funds) for the Department of Human Services for fiscal year 2003.

The Department of Human Services provides comprehensive quality human services and develops social service policies and programs to foster the rehabilitation and self-sufficiency of District residents.

DEPARTMENT OF HEALTH

An appropriation of $1,468,135,000 and 1,396 full-time equivalent positions (including $457,419,000 and 472 full-time equivalent positions from local funds, $982,542,000 and 822 full-time equivalent positions from Federal

funds, and $28,174,000 and 102 full-time equivalent positions from other funds) are recommended for the Department of Health for fiscal year 2003.

The mission of the Department of Health is to assure equitable access to comprehensive high quality public health services to all District of Columbia residents and visitors and undertake activities that will support the highest quality of life achievable for District residents and visitors.

CHILD AND FAMILY SERVICES AGENCY

The Committee recommends $202,134,000 and 920 full-time equivalent positions (including $119,680,000 and 610 full-time equivalent positions from local funds, and $81,804,000 and 310 full-time equivalent positions from Federal funds) for the Child and Family Services Agency for fiscal year 2003.

The mission of the Child and Family Services Agency is to protect and promote the health and well-being of the children of the District of Columbia through public and private partnerships focused on strengthening and preserving families with services that ensure cultural competence, accountability and professional integrity.

DEPARTMENT OF MENTAL HEALTH

The Committee recommends $227,663,000 and 2,161 full-time equivalent positions (including $141,234,000 and 1,501 full-time equivalent positions from local funds, and $67,100,000 and 638 full-time equivalent positions from Federal funds, and $19,329,000 and 22 full-time equivalent positions from other funds) for the Department of Mental Health for fiscal year 2003.

The Department of Mental Health seeks to provide mental health services to children, youth, adults and their families and develop and retain a highly qualified workforce and to facilitate organizational effectiveness.

DEPARTMENT OF PARKS AND RECREATION

The Committee recommends $35,613,000 and 741 full-time equivalent positions (including $33,257,000 and 658 full-time equivalent positions from local funds, $0 from Federal funds, and $2,356,000 and 83 full-time equivalent positions from other funds) for the Department of Parks and Recreation for fiscal year 2003.

The Department of Parks and Recreation seeks to enhance the physical, mental, and social well-being of our children, youth, families, and individuals by providing quality, customer-focused leisure and recreation services in environmentally protected parks and safe, attractive facilities.

OFFICE ON AGING

The Committee recommends $20,507,000 and 23 full-time equivalent positions (including $14,747,000 and 14 full-time equivalent positions from local funds, $5,760,000 and 9 full-time equivalent positions from Federal funds) for the Office on Aging for fiscal year 2003.

The Office on Aging advocates, plans, implements, and monitors programs in health, education, employment, and social services to promote longevity, independence, dignity, and choice for the District's senior citizens.

UNEMPLOYMENT COMPENSATION FUND

A total of $6,199,000 from local funds is recommended for the Unemployment Compensation Fund for fiscal year 2003.

The Unemployment Compensation Fund seeks to provide unemployment compensation benefits to former District government employees during periods of unemployment that are a result of separation through no fault of their own.

DISABILITY COMPENSATION FUND

A total of $27,959,000 from local funds is recommended for the Disability Compensation Fund for fiscal year 2003.

The Disability Compensation Fund aims to proactively integrate managed care principles with rehabilitation expertise in order to safely return employees to work, as soon as possible, reduce costs, and manage issues created by employees' work related injuries and/or illnesses.

OFFICE OF HUMAN RIGHTS

The Committee recommends $2,179,000 and 35 full-time equivalent positions (including $2,073,000 and 35 full-time equivalent positions from local funds and $106,000 from Federal funds) for the Office of Human Rights for fiscal year 2003.

The mission of the Office of Human Rights is to mediate, investigate, conciliate, prosecute, and address illegal discriminatory practices in employment, housing and commercial space, public accommodations, and educational institutions.

OFFICE ON LATINO AFFAIRS

The Committee recommends $3,256,000 and 12 full-time equivalent positions from local funds for the Office on Latino Affairs for fiscal year 2003.

The Office on Latino Affairs ensures that a full range of health, education, employment, and social services are available to the Latino community in the District of Columbia.

ENERGY OFFICE

The bill includes $5,925,000 and 33 full-time equivalent positions (including $432,000 and 3 full-time equivalent positions from local funds, $4,801,000 and 21 full-time equivalent positions from Federal funds and $692,000 and 9 full-time equivalent positions from other funds) for the Energy Office for fiscal year 2003.

The mission of the Energy Office is to help improve the District's quality of life and economic competitiveness by making the District of Columbia energy efficient. The Energy Office also helps low-income residents by providing energy assistance and conservation services.

OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS

The Committee recommends $213,000 and 3 full-time equivalent positions from local funds for the Office on Asian and Pacific Islander Affairs for fiscal year 2002. The Office of Asian and Pacific Islander Affairs seeks to ensure that a full range of health, education, employment and social services are available to the Asian and Pacific Island community in the District of Columbia.

OFFICE OF VETERANS' AFFAIRS

A total of $240,000 and 3 full-time equivalent positions from local funds is recommended for the Office of Veterans' Affairs for fiscal year 2003.

The Office of Veterans' Affairs seeks to advocate for veterans and their dependents in obtaining their rights, privileges and benefits; provides mandatory counsel and assistance to veterans and their dependents in acquiring Veterans Administration benefits and privileges.

CHILDREN YOUTH INVESTMENT FUND

The Committee recommends $5,000,000 and 0 full-time equivalent positions from local funds for the Children Youth Investment Fund for fiscal year 2003.

MEDICAID RESERVE

The Committee recommends $49,867,000 and 0 full-time equivalent positions from local funds for the Children Youth Investment Fund for fiscal year 2003.

FAMILY LITERACY PROGRAM

The Committee recommends $4,000,000 from Federal funds, appropriated earlier in this Act, to the District of Columbia for the Family Literacy Program to address the needs of literacy-challenged parents while endowing their children with an appreciation for literacy and strengthening familial ties.

PUBLIC WORKS

A total of $324,828,000 and 1,601 full-time equivalent positions is recommended for fiscal year 2002 for activities funded through this appropriation.

PUBLIC WORKS

Agency/activity	Fiscal year 2002 approved	Fiscal year 2003 request	Intra-District	Fiscal year 2003 request less intra-District	Committee recommendation	Intra-District	Committee recommendation less intra-District	Bill compared with—	
								Fiscal year 2002 approved	Fiscal year 2003 request
Department of Public Works		$107,777,000	($16,248,000)	$91,529,000	$107,777,000	($16,248,000)	$91,529,000	$107,777,000	
Department of Transportation	$127,266,000	34,687,000	(201,000)	34,486,000	34,687,000	(201,000)	34,486,000	(92,579,000)	
Department of Motor Vehicles	33,580,000	39,558,000		39,558,000	39,558,000		39,558,000	5,978,000	
D.C. Taxicab Commission	1,442,000	1,534,000		1,534,000	1,534,000		1,534,000	92,000	
Washington Metropolitan Area Transit Commission	83,000	90,000		90,000	90,000		90,000	7,000	
Washington Metropolitan Area Transit Authority (Metro)	148,622,000	154,531,000		154,531,000	154,531,000		154,531,000	5,909,000	
School Transit Subsidy	3,100,000	3,100,000		3,100,000	3,100,000		3,100,000		
Total, Public Works	314,093,000	341,277,000	(16,449,000)	324,828,000	341,277,000	(16,449,000)	324,828,000	27,184,000	

DEPARTMENT OF PUBLIC WORKS

The Committee recommends the appropriation of $91,529,000 and 1,099 full-time equivalent positions (including $89,287,000 and 1,059 full-time equivalent positions from local funds, $0 and 0 full-time equivalent positions from Federal funds, and $2,242,000 and 40 full-time equivalent positions from other funds) for the Department of Public Works for fiscal year 2003.

The Department of Public Works seeks to help improve the quality of life in the District of Columbia and enhance the District's ability to compete for residents, business, tourism and trade.

DEPARTMENT OF TRANSPORTATION

The Committee recommends $34,486,000 and 130 full-time equivalent positions (including $29,157,000 and 123 full-time equivalent positions from local funds, and $4,669,000 and 0

full-time equivalent positions from Federal funds, and $660,000 and 7 full-time equivalent positions from other funds) for the Department of Transportation for fiscal year 2003.

DEPARTMENT OF MOTOR VEHICLES

The bill includes $39,558,000 and 353 full-time equivalent positions (including $32,852 and 256 full-time equivalent positions from local funds and $6,706 and 97 full-time equivalent positions from other funds) for the Department of Motor Vehicles for fiscal year 2003.

The Department of Motor Vehicles develops, administers, and enforces the vehicular laws of the District of Columbia and promotes a safe, environmentally clean, and economically vibrant community.

D.C. TAXICAB COMMISSION

The Committee recommends $1,534,000 and 19 full-time equivalent positions (including $817,000 and 16 full-time equivalent positions from local funds and $717,000 and 3 full-time equivalent positions from other funds) for the D.C. Taxicab Commission for fiscal year 2003. The D.C. Taxicab Commission ensures that the public receives safe and reliable taxicab and other transportation services.

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

The Committee recommends $90,000 from local funds for the Washington Metropolitan Area Transit Commission for fiscal year 2003.

The Washington Metropolitan Area Transit Commission helps to assure that the public is provided passenger transportation services by licensing fit and financially responsible, privately owned, for-hire carriers to serve the region.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

The Committee recommends $154,531,000 from local funds for the Washington Metropolitan Area Transit Authority for fiscal year 2003.

The Washington Metropolitan Area Transit Authority ensures safe, convenient, and cost-effective transit service within the District of Columbia and throughout the Washington metropolitan region.

SCHOOL TRANSIT SUBSIDY

The Committee recommends $3,100,000 from local funds for the School Transit Subsidy for fiscal year 2003.

The School Transit Subsidy ensures the safe passage of school children by subsidizing Metrobus and Metrorail ridership for eligible D.C. students.

RECEIVERSHIP PROGRAMS

There are no agencies in receivership in the District of Columbia in fiscal year 2003.

RECEIVERSHIP PROGRAMS

Agency/activity	Fiscal year 2002 approved	Fiscal year 2003 request	Intra-District	Fiscal year 2003 request less intra-District	Committee recommendation	Intra-District	Committee recommendation less intra-District	Bill compared with—	
								Fiscal year 2002 approved	Fiscal year 2003 request
Child and Family Services Agency	$188,891,000							($188,891,000)	
Incentives for Adoption of Children									
Department of Mental Health	227,569,000							(227,569,000)	
Corrections Medical Receiver									
Total, Receivership Programs	416,460,000							(416,460,000)	

FINANCING AND OTHER USES

The Committee recommends a total of $529,552,000 from local funds for the following appropriation titles.

FINANCING AND OTHER USES

Agency/activity	Fiscal year 2002 approved	Fiscal year 2003 request	Intra-District	Fiscal year 2003 request less intra-District	Committee recommendation	Intra-District	Committee recommendation less intra-District	Bill compared with—	
								Fiscal year 2002 approved	Fiscal year 2003 request
Reserve	$120,000,000	$70,000,000		$70,000,000	$70,000,000		$70,000,000	($50,000,000)	
Reserve Relief	30,000,000							(30,000,000)	
DC Financial Authority									
Repayment of Loans and Interest	247,902,000	267,451,000		267,451,000	267,451,000		267,451,000	19,549,000	
Repayment of General Fund Recovery Debt	39,300,000	39,300,000		39,300,000	39,300,000		39,300,000		
Payment of Interest on Short-Term Borrowing	500,000	1,000,000		1,000,000	1,000,000		1,000,000	500,000	
Presidential Inauguration									
Certificates of Participation		7,950,000		7,950,000	7,950,000		7,950,000	7,950,000	
Settlements and Judgements		22,822,000		22,822,000	22,822,000		22,822,000	22,822,000	
Wilson Building	8,859,000	4,194,000		4,194,000	4,194,000		4,194,000	(4,665,000)	
Workforce Investments	42,896,000	54,186,000		54,186,000	54,186,000		54,186,000	11,290,000	
Tobacco Settlement Trust Fund Transfer Payment—Emergency Reserve Fund Transfer	33,254,000	10,000,000		10,000,000	10,000,000		10,000,000	(23,254,000)	
Non-Department Agency	5,799,000	5,799,000		5,799,000	5,799,000		5,799,000		
Emergency Preparedness	16,058,000	15,000,000		15,000,000	15,000,000		15,000,000	(1,058,000)	
Pay-As-You-Go Capital		16750000		16,750,000	16750000		16,750,000	16,750,000	
Capital Infrastructure Development					15,100,000		15,100,000	15,100,000	$15,100,000
Total, Financing and Other Uses	544,568,000	514,452,000		514,452,000	529,552,000		529,552,000	(15,016,000)	15,100,000

WORKFORCE INVESTMENTS

The Committee recommends $54,186,000 from local funds for fiscal year 2003. The workforce investments include the estimated fiscal impact of compensation increases for fiscal year 2001 and fiscal year 2002 for all District employees, union and nonunion.

RESERVE

The Committee recommends $70,000,000 from local funds for replacement of funds expended, if any, during fiscal year 2001 from the Budgeted Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8.

REPAYMENT OF LOANS AND INTEREST

The bill includes $267,451,000 from local funds for debt service costs on long-term general obligation bonds, which are associated with the District's borrowings to finance capital project expenditures of general fund agencies.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

The Committee recommends $39,300,000 from local funds for Repayment of General Fund Recovery Debt for fiscal year 2003. The Repayment of General Fund Recovery Debt represents debt service associated with financing the District's $331,589,000 accumulated general fund deficit, as of end of fiscal year 1990.

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

The Committee recommends $1,000,000 from local funds for the payment of interest and costs associated with borrowings to meet short-term seasonal cash needs.

WILSON BUILDING

The bill includes $4,194,000 from local funds for rent and security at the John A. Wilson Building.

CERTIFICATES OF PARTICIPATION

The Committee recommends $7,950,000 from local funds to be used for principal and interest payments on the District's Certificates of Participation, issued to finance the ground lease underlying the building located at One Judiciary Square.

SETTLEMENTS AND JUDGMENTS

The Committee recommends $22,822,000 from local funds to be used for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

TOBACCO SETTLEMENT TRUST FUND TRANSFER PAYMENT

The Committee recommends $50,867,000 for the Tobacco Settlement Trust Fund established pursuant to section 2302 of the Tobacco Settlement Trust Fund Establishment Act of 1999 (D.C. Official Code, sec. 7–1811.01) and the Tobacco Settlement Financing Act

of 2000, effective October 19, 2000 (D.C. Law 13–172; D.C. Official Code, sec. 7–1831.03 et seq.). The Committee recommends that no more than $27,000,000 is authorized to be transferred to the Public Education System and that no more than $23,867,000 is authorized to be transferred to Human Support Services.

EMERGENCY PREPAREDNESS

The Committee recommends $15,000,000 from Federal funds appropriated earlier in this Act under the heading ''Federal Payment for Emergency Preparedness and Security Costs in the District of Columbia,'' to reimburse the District of Columbia for the costs of public safety expenses related to security events in the District of Columbia. The further Committee recommends that the Chief Financial Officer of the District of Columbia shall provide a report, within 15 days of expenditure, to the President and to the Committees on Appropriations of the Senate and the House of Representatives, detailing any expenditure of these funds for public safety purposes.

PAY-AS-YOU-GO CAPITAL

The Committee recommends $16,750,000 for Pay-As-You-Go Capital funds in lieu of capital financing, to be transferred to the Capital Fund, subject to the ''Criteria for Spending Pay-as-You-Go Funding Amendment Act of 2002, approved by the Council of the District of Columbia on 1st reading, May 7, 2002 (Title 34 of Bill 14–609).

CAPITAL INFRASTRUCTURE DEVELOPMENT

The Committee recommends $13,100,000 from Federal funds, appropriated earlier in this Act, to the District of Columbia for improvement of city-wide capital infrastructure. The Committee recommends the following allocation of these funds: $10,000,000 for construction of the Unified Communications Center; $100,000 for capital improvements of Eastern Market; and $3,000,000 for a state-of-the-art forensics laboratory.

EMERGENCY AND CONTINGENCY RESERVE FUNDS

The Committee recommends that the Mayor deposit from local funds the proceeds required pursuant to Section 159(a) of Public Law 106–522 and Section 404(c) of Public Law 106–554 in the Emergency and Contingency Reserve Funds in fiscal year 2003 consistent with the requirements established in Section 450A(b) of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code. sec. 1–204.50a(b)).

NON-DEPARTMENTAL

The Committee recommends $5,799,000 from local funds for the non-departmental agency for fiscal year 2003. The non-departmental agency is a financial entity designed to account for costs that cannot be allocated to specific agencies during the development of the proposed budget.

ADMINISTRATIVE PROVISIONS

The Committee recommends various administrative provisions requested by the District of Columbia, as follows:

The Committee recommends a modification to the administration of the New Charter School Fund in the District of Columbia. The New Charter School fund was established in Public Law 106–100, the fiscal year 1998 District of Columbia Appropriations Act, as a fund for new public charter schools, comprised of unexpended and unobligated amounts appropriated from local funds for public charter schools. The purpose of the New Charter School Fund is to assist existing or new charter schools meet start-up or operating costs. The modifications recommended by the Committee will cap the fund at $10,000,000, transfer $5,000,000 to the Charter School Credit Enhancement Fund, and rename the fund the ''Charter School Fund''. In addition, the purpose for these funds shall be to supplement the operating costs of charter schools whose total audited enrollment exceeds the student enrollment in which the annual appropriation is based in that fiscal year.

The Committee recommends a modification to the administration of the New Charter School Fund in the District of Columbia. The New Charter School Fund was established in Public Law 106–100, the fiscal year 1998 District of Columbia Appropriations Act, as a fund for new public charter schools, comprised of unexpended and unobligated amounts appropriated from local funds for public charter schools. The purpose of the New Charter School Fund is to assist existing or new charter schools meet start-up or operating costs. The modifications recommended by the Committee will cap the fund at $10,000,000, transfer $5,000,000 to the Charter School Credit Enhancement Fund, and rename the fund the ''Charter School Fund''. In addition, the purpose for these funds shall be to supplement the operating costs of charter schools whose total audited enrollment exceeds the student enrollment in which the annual appropriation is based in that fiscal year.

ENTERPRISE FUNDS

The Committee recommends a total of $669,914,000 from other funds for the activities funded through these appropriation titles.

ENTERPRISE FUNDS

Agency/activity	Fiscal year 2002 approved	Fiscal year 2003 request	Intra-District	Fiscal year 2003 request less intra-District	Committee recommendation	Intra-District	Committee recommendation less intra-District	Bill compared with— Fiscal year 2002 approved	Bill compared with— Fiscal year 2003 request
Water and Sewer Authority	$244,978,000	$253,743,000		$253,743,000	$253,743,000		$253,743,000	$8,765,000	
Washington Aqueduct	46,510,000	57,847,000		57,847,000	57,847,000		57,847,000	11,337,000	
Stormwater Permit Compliance	3,100,000	3,100,000		3,100,000	3,100,000		3,100,000		
Lottery and Charitable Games Control Board	229,688,000	232,881,000		232,881,000	232,881,000		232,881,000	3,193,000	
Sports and Entertainment Commission	9,627,000	15,510,000		15,510,000	20,510,000		20,510,000	10,883,000	$5,000,000
Public Benefit Corporation (D.C. General)									
Retirement Board	13,388,000	13,388,000		13,388,000	13,388,000		13,388,000		
Correctional Industries									
Washington Convention Center	57,278,000	78,700,000		78,700,000	78,700,000		78,700,000	21,422,000	
Housing Finance Agency	4,711,000							(4,711,000)	
National Capital Revitalization Corporation	2,673,000	6,745,000		6,745,000	6,745,000		6,745,000	4,072,000	
Total, Enterprise Funds	611,953,000	661,914,000		661,914,000	669,914,000		669,914,000	57,961,000	8,000,000

WATER AND SEWER AUTHORITY

The Committee recommends $253,743,000 from other funds for fiscal year 2003 for the Water and Sewer Authority.

The Water and Sewer Authority delivers reliable potable water and wastewater collection services to the residents of the District of Columbia, and wastewater treatment services that are essential for public health and safety for the District.

FEDERAL PAYMENT FOR ANACOSTIA WATERFRONT INITIATIVE IN THE DISTRICT OF COLUMBIA

The Committee recommends $50,000,000 from Federal funds, appropriated earlier in this Act as under the heading ''Federal Payment for Anacostia Waterfront Initiative in the District of Columbia'', to be for the District of Columbia Water and Sewer Authority for the Combined Sewer Overflow Long-Term Control Plan, to be used for system design and upgrades. The District of Columbia Water and Sewer Authority will provide a 100 percent match for the fiscal year 2003 Federal contribution.

WASHINGTON AQUEDUCT

The bill includes $57,847,000 from other funds for the Washington Aqueduct for fiscal year 2003.

The Washington Aqueduct collects, purifies, and pumps an adequate supply of potable water to the District of Columbia, Arlington County, and the City of Falls Church, Virginia.

STORMWATER PERMIT COMPLIANCE

The Committee recommends $3,100,000 from other funds for Stormwater Permit Compliance for fiscal year 2003.

The Stormwater Permit Compliance is responsible for ensuring compliance with EPA requirements under the District's storm water permit issued in April 2000.

LOTTERY AND CHARITABLE GAMES BOARD

The Committee recommends $232,881,000 and 100 full-time equivalent positions from other funds for the Lottery and Charitable Games Board for fiscal year 2003.

The Lottery and Charitable Games Board generates revenues for the general fund and regulates charitable games in order to support programs and services for the residents of the District of Columbia.

SPORTS AND ENTERTAINMENT COMMISSION

The Committee recommends $20,510,000 from other funds for the Sports and Entertainment Commission for fiscal year 2003.

The Sports and Entertainment Commission improves the quality of life and enhances economic development in the District by operating RFK Stadium, managing the non-military functions of the D.C. National Guard Armory, promoting the District as venue for sports and entertainment activities, and supporting youth recreational activities. The Committee recommends $5,000,000 from Federal funds, appropriated earlier in this Act as under the heading ''Federal Payment for Anacostia Waterfront Initiative in the District of Columbia'', to be used for environmental and infrastructure

costs related to the ongoing development of parks and recreation on the Anacostia River.

DISTRICT OF COLUMBIA RETIREMENT BOARD

The Committee recommends $13,388,000 and 14 full-time equivalent positions from other funds for the District of Columbia Retirement Board for fiscal year 2003.

The mission of the District of Columbia Retirement Board is to invest, control, and manage the assets of the D.C. Teachers' Retirement System and the D.C. Police Officers' and Fire Fighters' Retirement System.

WASHINGTON CONVENTION CENTER

The Committee recommends $78,700,000 from other funds for the Washington Convention Center for fiscal year 2003.

The Washington Convention Center plans to expand the revenue base of the District by promoting and hosting large national and international conventions and trade shows that bring hundreds of thousands of out-of-town delegates, exhibitors, and businesses to Washington, D.C.; and to provide expanded employment and business opportunities for residents of the District.

NATIONAL CAPITAL REVITALIZATION CORPORATION

The Committee recommends $6,745,000 from other funds for the National Capital Revitalization Corporation for fiscal year 2003.

The mission of the National Capital Revitalization Corporation is to spur economic development throughout the District of Columbia primarily in neighborhoods of need.

CAPITAL OUTLAY

The Committee recommends a net increase of $981,527,780 for fiscal years 2002–2007 of which, $639,069,780 is for general capital projects in the District of Columbia and $342,458,000 is for the Water and Sewer Authority.

	Fiscal year 2002–2007 estimate	Committee recommendation for fiscal year 2002–2007
Office of Property Management:		
D.C. Armory	−$5,000,000	−$5,000,000
Georgia Avenue Revitalization	800,000	800,000
D.C. Warehouse—Electrical Upgrade	960,000	960,000
D.C. Warehouse—Fire Suppression	480,000	480,000
Asbestos Abatement @ Var District Bldgs	−525,000	−525,000
Condition Assessment of District Owned B	−159,080	−159,080
Renov. Old Juvenile Ct Bldg	−3,700,000	−3,700,000
Renovate Old Juvenile Court Building	−300,103	−300,103
Recorder of Deeds—Complete Modernization	160,000	160,000
Renovate Tivoli Theater	600,000	600,000
DMV Facility	−1,100,000	−1,100,000
Government Centers St Elizabeth Hospital	−506,000	−506,000
Improve Property Mgt System (ITS)	−4,897,000	−4,897,000
Park Road Police Substation	−500,000	−500,000
Government Centers—New DOES/DHS facility	11,500,000	11,500,000
Government Centers—Ancostia Gateway (FEMS)	2,500,000	2,500,000
Total, Office of Property Management	312,817	312,817
Office of the Chief Financial Officer:		
Facility Consolidation—Site Acquisition	18,000,000	18,000,000
CAPPS	−7,408,000	−7,408,000
Fin. Con. Sys. Imp.—Budget System Module	6,365,000	6,365,000
DW (ARTI/OAO) Implementation—Infrastructure Improvements	7,350,000	7,350,000
Total, Office of the Chief Financial Officer	24,307,000	24,307,000
Office of Planning: Public Planning Funds—Initial Project Development Funds	3,650,000	3,650,000
Office of Zoning: Former Council Chambers Build-Out	350,000	350,000
Commission on the Arts:		
Public Arts Fund—Downtown Initiatives	165,000	165,000
Public Arts Fund—Mt. Vernon Sq	276,691	276,691
Public Arts Fund—East of the River Projects	151,000	151,000
Public Arts Fund—Avalon Theater	50,000	50,000
Public Arts Fund—Takoma Theater	50,000	50,000
Total, Commission on the Arts	692,691	692,691
Office of Aging:		
Ward 1 Senior Wellness Center	−1,000,000	−1,000,000
Ward 2 Senior Wellness Center	−1,000,000	−1,000,000
Total, Office of Aging	−2,000,000	−2,000,000
District of Columbia Public Library:		
Asbestos Abatement, Various Branch Libraries	−601,723	−601,723
Rehabilitation of Elevators, Various Branches	−1,500,000	−1,500,000
Martin Luther King Memorial Library	−2,500,000	−2,500,000
Total, District of Columbia Public Library	−4,601,723	−4,601,723
Department of Housing and Community Development:		
Ft Lincoln Utility	−2,500,000	−2,500,000
Affordable Housing	−1,500,000	−1,500,000
Affordable Housing	−7,676,000	−7,676,000
Affordable Housing—Lincoln Theater	100,000	100,000
Neigh. Revitalization—Columbia Heights	−3,000,000	−3,000,000
Total, Department of Housing and Community Development	−14,576,000	−14,576,000
Metropolitan Police Department:		
Information Technology Initiative	−1,762,624	−1,762,624
Gen Imprv Rehab Initiative MPD	−2,398,158	−2,398,158
Property Streamlining—Fleet Facility	−2,980,000	−2,980,000
Property Streamlining—Sod Facility	−4,000,000	−4,000,000
Total, Metropolitan Police Department	−11,140,782	−11,140,782
Fire and Emergency Medical Services:		
Underground Fuel Storage Tank Removal	−57,707	−57,707
Communications Systems Upgrade & Replacement	4,000,000	4,000,000
Engine 25—Complete Renovation/Modernization	1,741,883	1,741,883
Engine 28—Complete Renovation/Modernization	1,518,145	1,518,145
Communications—Electrical Systems	−1,475,000	−1,475,000
Communications—Structural Work	−525,000	−525,000
Total, Fire and Emergency Medical Services	5,202,321	5,202,321
Department of Corrections:		
General Renovation of Cell Doors & Motors	−3,000,000	−3,000,000

	Fiscal year 2002–2007 estimate	Committee recommendation for fiscal year 2002–2007
General Renovation Upgrade Central Security Comd Ct	−400,000	−400,000
Renovations at CDF—Emergency Power System Upgrades	947,000	947,000
Renovations at CDF—Staff and Visitors Entrance Reconfiguration	1,000,000	1,000,000
Renovations at CDF—Elevator Replacement	1,184,000	1,184,000
Total, Department of Corrections	−269,000	−269,000
District of Columbia Courts:		
Central Recording System	−1,098,763	−1,098,763
Central Recording System	−185,499	−185,499
Central Recording System	−2,333,000	−2,333,000
General Improvements Varios D.C. Court Building	−649,744	−649,744
Rehabilitation of Building 25 DCGH Camp	−2,337,000	−2,337,000
Total, District of Columbia Courts	−6,604,006	−6,604,006
Office of the Chief Medical Examiner	−68,500,000	−68,500,000
District of Columbia Public Schools:		
Bell Lincoln High	7,800,000	7,800,000
McKinley Technical High	6,302,000	6,302,000
Patterson Elementary	9,270,000	9,270,000
Kelly Miller Middle	14,494,000	14,494,000
Maint. Improvements—Emergency Projects	784,000	784,000
Total, District of Columbia Public Schools	38,650,000	38,650,000
University of the District of Columbia:		
Vocational Education Skills Training Ctr	800,000	800,000
UDC Van Ness II—U08 Phase D	−223,349	−223,349
Renovate Academic Laboratory	−3,922,233	−3,922,233
Architectural Barrier Removal Various Location UD	−409,226	−409,226
Roof Replacement/Water Damage Repair UDC Garage	−51,418	−51,418
Elevator And Control System Replacement	−1,000,000	−1,000,000
Renovate Water Heating System UDC	−945,092	−945,092
Physical Plant Chiller/Heating Sys UDC	−400,000	−400,000
Total, University of the District of Columbia	−6,151,318	−6,151,318
Department of Parks and Recreation:		
Riggs/Lasalle Recreation Center	4,803,000	4,803,000
Lamond Recreation Center	4,432,000	4,432,000
Roper/Deanwood Recreation Center	5,400,000	5,400,000
Hillcrest Recreation Center	2,558,000	2,558,000
General Improvement Playcourt/Ballfields	−43,003	−43,003
Chevy Chase Recreation Rehabilitation	−69,508	−69,508
Southeast Tennis & Learning Center	−5,057	−5,057
Expansion of Hillcrest Center	−1,000,000	−1,000,000
Ft Stanton	−2,300,000	−2,300,000
Joe Cole Recreation Center	−1,324,150	−1,324,150
Anacostia Recreation Center	−1,297,840	−1,297,840
Districtwide Property Improvements	−1,200,000	−1,200,000
Pool Replacements	−2,000,000	−2,000,000
Infrastructure Improvements	−600,000	−600,000
General Improvements	−120,000	−120,000
Renovation of Ball Fields and Lighting	−2,000,000	−2,000,000
Park Lighting	−5,800,000	−5,800,000
Watkins Recreation Center	−299,340	−299,340
Total, Department of Parks and Recreation	−865,898	−865,898
Department of Health:		
Gayle School—Child Advocacy Center Modernization	7,298,000	7,298,000
Elevator Renovation	−400,000	−400,000
Facility Renovat Step-Down Telemetry UN	−13,000	−13,000
Facility Renovation Telemetry	−300,000	−300,000
Electrical Modernization	−300,000	−300,000
New Facility Construction Anacostia	−1,198,000	−1,198,000
Mechanical Renovations	−312,000	−312,000
Roof Replacement	−750,000	−750,000
Boiler Plant Renovations	−1,500,000	−1,500,000
Tax System	−1,800,000	−1,800,000
Public Health Improvement	−10,000,000	−10,000,000
Renovate DC Morgue	−154,789	−154,789
Renovate Detoxication Clinic at D.C. General	−3,010,741	−3,010,741
JB Johnson Facility—Modernization/Renovations	2,600,000	2,600,000
Information Technology Initiative—HIPAA Consortium	25,000,000	25,000,000
Total, Department of Health	15,159,470	15,159,470
Department of Human Services:		
General Renovate Unit 6, Oak Hill Youth Center	−13,227,451	−13,227,451
Bundy School Upgrade—Ceiling	500,000	500,000
Bundy School Upgrade—Life Safety Code	500,000	500,000
Bundy School Upgrade—ADA Compliance	500,000	500,000
CCNV—Plumbing Fixtures	900,000	900,000
Crummell School	3,300,000	3,300,000
Randall School	2,230,000	2,230,000
Information Technolgy—Replc of Automated Determination Sys (ACEDS)	5,515,000	5,515,000
Information Technology—Client eligibility Determination Sys(ACEDS)	1,062,000	1,062,000
Total, Department of Human Services	1,279,549	1,279,549
Department of Transportation:		
Fiscal year 2002 Streetlight Maintenance and Replacement	−700,000	−700,000
Fiscal year 2002 Public Safety Traffic Signal Improvements	−650,000	−650,000
Fiscal year 2003 Streetlight Series Circuit Conversion	8,000,000	8,000,000
Fiscal year 2003 Citywide Streetlight Upgrade	3,850,000	3,850,000
Fiscal year 2003 Streetlight & Traffic Pole Painting	5,900,000	5,900,000
Fiscal year 2003 Streetlight Replacement Contract	3,310,775	3,310,775
Fiscal year 2003 Streetlight Maintenance	18,200,000	18,200,000
Fiscal year 2002 1st. CW Sidewalk/Curb & Alley Improvements	−500,000	−500,000
Fiscal year 2002 2nd. CW Sidewalk/Curb & Alley Improvements	−500,000	−500,000
Fiscal year 2002 3rd. CW Sidewalk/Curb & Alley Improvements	−500,000	−500,000
Fiscal year 2002 4th. CW Sidewalk/Curb & Alley Improvements	−500,000	−500,000
Fiscal year 2003 New/Repair Curbs, Sidewalks & Alleys	6,000,000	6,000,000

	Fiscal year 2002–2007 estimate	Committee recommendation for fiscal year 2002–2007
Fiscal year 2003 New/Repair Curbs, Sidewalks & Alleys	6,000,000	6,000,000
Fiscal year 2003 New/Repair Curbs, Sidewalks & Alleys	6,000,000	6,000,000
Fiscal year 2003 New/Repair Curbs, Sidewalks & Alleys	6,000,000	6,000,000
Fiscal year 2003 Rehabilitation Scoping & Development	1,200,000	1,200,000
Fiscal year 2003 2nd. Historic Alley Rehabilitation	5,500,000	5,500,000
Fiscal year 2003 3rd. Historic Alley Rehabilitation	5,500,000	5,500,000
Fiscal year 2002 Pavement Markings & Traffic Calming	−300,000	−300,000
Fiscal year 2002 CW Slurry Seal & Pavement Res. (In-Hse)	−300,000	−300,000
Fiscal year 2002 Street Repair Equipment & Technology	−500,000	−500,000
Pavement Marking & Traffic Calming	6,000,000	6,000,000
Street Maintenance Equipment/Technology	10,000,000	10,000,000
Fiscal year 2003 1st. Tree Trimming	3,750,000	3,750,000
Fiscal year 2003 2nd. Tree Trimming	3,750,000	3,750,000
Fiscal year 2003 3rd. Tree Trimming	3,750,000	3,750,000
Fiscal year 2003 4th. Tree Trimming	3,750,000	3,750,000
Fiscal year 2003 1st. Dead & Hazardous Tree Removal	2,205,330	2,205,330
Fiscal year 2003 2nd. Dead & Hazardous Tree Removal	2,205,330	2,205,330
Fiscal year 2003 Elm Injection with Alamo	275,000	275,000
Fiscal year 2003 1st. Tree Planting	4,000,000	4,000,000
Fiscal year 2003 2nd. Tree Planting	2,520,000	2,520,000
Fiscal year 2003 3rd. Tree Planting	2,520,000	2,520,000
Fiscal year 2002 Advanced Design, Contract Dev. & Closeout	−750,000	−750,000
Advances Design & Project Development	6,000,000	6,000,000
Roadway Reconstruction	−825,954	−825,954
Roadway Reconstruction	−2,240,000	−2,240,000
Fort Lincoln Streetscape	−3,000,000	−3,000,000
Mt Pleasant Retaining Wall	−5,000	−5,000
Economic Development Initiatives	−800,000	−800,000
Roadway Reconstruction	1,546,250	1,546,250
Roadway Improvements Hope VI	7,231,250	7,231,250
M SE Streetscape Improvements	3,047,500	3,047,500
Local Parking Studies	2,110,000	2,110,000
Make a Diff. Walk Commemorative Pavers CBD	841,250	841,250
Local Street Traffic Studies	2,910,000	2,910,000
Marshall Heights Streetscape Improvements	3,110,000	3,110,000
Neighborhood Streetscape Improvements	12,733,462	12,733,462
Neighborhood Streetscape Initiatives	−3,021,040	−3,021,040
Neighborhood Streetscape	−3,459,040	−3,459,040
Local Reconstruction, Resurfacing & Upgrading	4,225,457	4,225,457
Local Reconstruction, Resurfacing & Upgrading	1,916,207	1,916,207
Local Reconstruction, Resurfacing & Upgrading	2,833,246	2,833,246
Local Pavement Restoration	3,398,131	3,398,131
Local Reconstruction, Resurfacing & Upgrading	4,326,480	4,326,480
Local Reconstruction, Resurfacing & Upgrading	4,456,900	4,456,900
Local Reconstruction, Resurfacing & Upgrading	3,895,010	3,895,010
Local Pavement Restoration	3,638,934	3,638,934
Local Reconstruction, Resurfacing & Upgrading	1,777,303	1,777,303
Local Reconstruction, Resurfacing & Upgrading	4,351,249	4,351,249
Local Pavement Restoration	6,192,411	6,192,411
Local Reconstruction, Resurfacing & Upgrading	2,208,903	2,208,903
Local Reconstruction, Resurfacing & Upgrading	3,026,475	3,026,475
Local Pavement Restoration	2,576,048	2,576,048
Local Pavement Restoration	5,602,653	5,602,653
Local Pavement Restoration	7,858,724	7,858,724
Fiscal year 2003 Street Light System Upgrade	1,800,000	1,800,000
Fiscal year 2003 Street Light System Upgrade	1,899,000	1,899,000
Fiscal year 2003 Street Light System Upgrade	12,000,000	12,000,000
Fiscal year 2003 Street Light Series Circuit Conversion	1,200,000	1,200,000
Fiscal year 2003 Street Light Series Circuit Conversion	1,266,000	1,266,000
Fiscal year 2003 Street Light Series Circuit Conversion	8,000,000	8,000,000
Public Space Enhancements—Vest Pocket Park Improvements	427,500	427,500
Public Space Enhancements—Vest Pocket Park Improvements	306,000	306,000
Public Space Enhancements—Vest Pocket Park Improvements	1,760,000	1,760,000
Traffic Congestion Mitigation—Citywide	4,110,000	4,110,000
Fiscal year 2003 Professional Capacity Building Strategy	426,250	426,250
Disadvantaged Business Enterprise Program	540,000	540,000
Traffic Safety Studies	14,550,000	14,550,000
Traffic Calming Measures	355,000	355,000
Traffic Calming Measures	155,000	155,000
Traffic Calming Measures	2,530,000	2,530,000
Fire Station Safety Project	755,000	755,000
Fire Station Safety Project	77,500	77,500
Fire Station Safety Project	3,850,000	3,850,000
Continuous Shoulder Rumble Strips Interstate Frwy Sys	155,000	155,000
Continuous Shoulder Rumble Strips Interstate Frwy Sys	155,000	155,000
Continuous Shoulder Rumble Strips Interstate Frwy Sys	660,000	660,000
Roadway Safety Training Certification	1,395,000	1,395,000
Update D.C. Work Zone Control Manual	291,250	291,250
Key Bridge Over Potomac River (Bridge No. 7)	866,250	866,250
Key Bridge Over Potomac River (Bridge No. 7)	930,000	930,000
Key Bridge Over Potomac River (Bridge No. 7)	4,400,000	4,400,000
Repainting of Chain Bridge Over Potomac River (Bridge No.1)	116,250	116,250
Repainting of Chain Bridge Over Potomac River (Bridge No.1)	775,000	775,000
Repainting of Chain Bridge Over Potomac River (Bridge No.1)	3,850,000	3,850,000
Demolition of Abandoned RR Br Ov Kenil Av @ PEPCO Plant	905,000	905,000
Demolition of Abandoned RR Br Ov Kenil Av @ PEPCO Plant	930,000	930,000
Demo. of Abandoned RR Br Ov Kenil Av @ Pepco Plt (Bridge No. 506)	4,400,000	4,400,000
Kenilworth Avenue, N.E., Lane Place to DC/MD Line	1,132,500	1,132,500
Kenilworth Avenue, N.E., Lane Place to DC/MD Line	2,232,000	2,232,000
Kenilworth Avenue, N.E., Lane Place to DC/MD Line	10,560,000	10,560,000
Fiscal year 2003 Corridor Tree Improvement Plan	31,000	31,000
Fiscal year 2003 Corridor Tree Improvement Plan	31,000	31,000
Fiscal year 2003 Corridor Tree Improvement Plan	110,000	110,000
Fiscal year 2003 Corridor Tree Improvement Plan	31,000	31,000
Fiscal year 2003 Corridor Tree Improvement Plan	31,000	31,000
Fiscal year 2003 Corridor Tree Improvement Plan	110,000	110,000
Fiscal year 2003 Corridor Tree Improvement Plan	31,000	31,000
Fiscal year 2003 Corridor Tree Improvement Plan	31,000	31,000
Fiscal year 2003 Corridor Tree Improvement Plan	110,000	110,000
Fiscal year 2003 Corridor Tree Improvement Plan	31,000	31,000
Fiscal year 2003 Corridor Tree Improvement Plan	31,000	31,000
Fiscal year 2003 Corridor Tree Improvement Plan	110,000	110,000
Fiscal year 2003 Hot Thermoplastic Pavement Marking Contr	31,000	31,000
Fiscal year 2003 Hot Thermoplastic Pavement Marking Contr	62,000	62,000
Fiscal year 2003 Hot Thermoplastic Pavement Marking Contr	440,000	440,000
Fiscal year 2003 Corridor Signing	77,500	77,500
Fiscal year 2003 Corridor Signing	300,000	300,000

	Fiscal year 2002–2007 estimate	Committee recommendation for fiscal year 2002–2007
Integrated Traffic Management System (ITMS) NHS	4,082,500	4,082,500
Integrated Traffic Management System (ITMS) NHS	23,000,000	23,000,000
Integrated Traffic Management System (ITMS) STP	14,200,000	14,200,000
Integrated Traffic Management System (ITMS) STP	80,000,000	80,000,000
Traffic Signal Maintenance Contract (STP)	4,166,131	4,166,131
Traffic Signal Maintenance Contract (STP)	23,471,160	23,471,160
Traffic Signal Maintenance Contract (NHS)	1,041,535	1,041,535
Traffic Signal Maintenance Contract (NHS)	5,867,790	5,867,790
Recon of 4th Street, S.W. bet. Eye & M Sts (Waterside Mall)	1,055,000	1,055,000
Recon of 4th Street, S.W. bet. Eye & M Sts (Waterside Mall)	573,750	573,750
Recon of 4th Street, S.W. bet. Eye & M Sts (Waterside Mall)	3,300,000	3,300,000
Fiscal year 2003 Wheelchair/Bicycle Ramps Wards 1 and 2	31,000	31,000
Fiscal year 2003 Wheelchair/Bicycle Ramps Wards 1 and 2	31,000	31,000
Fiscal year 2003 Wheelchair/Bicycle Ramps Wards 1 and 2	110,000	110,000
Fiscal year 2003 Wheelchair/Bicycle Ramps Wards 3 and 4	31,000	31,000
Fiscal year 2003 Wheelchair/Bicycle Ramps Wards 3 and 4	31,000	31,000
Fiscal year 2003 Wheelchair/Bicycle Ramps Wards 3 and 4	110,000	110,000
Fiscal year 2003 Wheelchair/Bicycle Ramps Wards 5 and 6	31,000	31,000
Fiscal year 2003 Wheelchair/Bicycle Ramps Wards 5 and 6	31,000	31,000
Fiscal year 2003 Wheelchair/Bicycle Ramps Wards 5 and 6	110,000	110,000
Fiscal year 2003 Wheelchair/Bicycle Ramps Wards 7 and 8	31,000	31,000
Fiscal year 2003 Wheelchair/Bicycle Ramps Wards 7 and 8	31,000	31,000
Fiscal year 2003 Wheelchair/Bicycle Ramps Wards 7 and 8	110,000	110,000
Bicycle Racks on Metrobus	700,000	700,000
Fiscal year 2004 Integrated Rideshare	392,997	392,997
Fiscal year 2004 Telecommute Project	310,261	310,261
Fiscal year 2004 Commuter Operations Center	1,145,012	1,145,012
Fiscal year 2004 Employer Outreach	722,126	722,126
Fiscal year 2004 Guaranteed Ride Home	1,239,937	1,239,937
Mass Marketing Campaign	471,000	471,000
Mt. Vernon Triangle Streetscape Improvements	855,000	855,000
Mt. Vernon Triangle Streetscape Improvements	573,750	573,750
Mt. Vernon Triangle Streetscape Improvements	3,300,000	3,300,000
H Street, N.E., Streetscape Improvements	775,000	775,000
H Street, N.E. Streetscape Improvements	765,000	765,000
H Street, N.E. Streetscape Improvements	4,400,000	4,400,000
Fiscal year 2003 State Planning and Research Program	15,269,613	15,269,613
Fiscal year 2003 Research Development and Technology	4,750,000	4,750,000
Fiscal year 2004 and Outyears Metropolitan Planning	8,888,067	8,888,067
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading Wd 1	541,432	541,432
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading Wd 1	755,004	755,004
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading Wd 1	4,145,023	4,145,023
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading Wd 2 East	524,276	524,276
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading Wd 2 East	731,080	731,080
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading Wd 2 East	4,013,764	4,013,764
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading Wd 2 West	518,256	518,256
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading Wd 2 West	702,687	702,687
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading Wd 2 West	3,967,691	3,967,691
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading Wds 1&2	258,205	258,205
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading Wds 1&2	360,056	360,056
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading Wds 1&2	1,976,778	1,976,778
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd. Wds 1 &2 NHS	50,596	50,596
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd. Wds 1 &2 NHS	70,557	70,557
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd. Wds 1 &2 NHS	387,363	387,363
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading -Wd 3 East	376,438	376,438
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading -Wd 3 East	524,730	524,730
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading -Wd 3 East	2,881,956	2,881,956
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading -Wd 3 West	273,456	273,456
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading -Wd 3 West	381,323	381,323
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading -Wd 3 West	2,093,538	2,093,538
Fiscal year 2003 FA Reconst/Resurf/Upgrading -Wd 3 West NHS	106,294	106,294
Fiscal year 2003 FA Reconst/Resurf/Upgrading -Wd 3 West NHS	148,223	148,223
Fiscal year 2003 FA Reconst/Resurf/Upgrading -Wd 3 West NHS	813,771	813,771
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd.-Ward 4	298,548	298,548
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd.-Ward 4	416,312	416,312
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd.-Ward 4	2,852,631	2,852,631
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd.-Wd 4 NHS	150,610	150,610
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd.-Wd 4 NHS	210,019	210,019
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd.-Wd 4 NHS	1,153,038	1,153,038
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd.-Wds 3&4	102,924	102,924
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd.-Wds 3&4	343,524	343,524
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd.-Wds 3&4	787,967	787,967
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd.-Wds 3&4 NHS	14,263	14,263
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd.-Wds 3&4 NHS	19,889	19,889
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd.-Wds 3&4 NHS	109,192	109,192
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd.-Wd 5 NHS	135,266	135,266
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd.-Wd 5 NHS	188,686	188,686
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd.-Wd 5 NHS	1,035,574	1,035,574
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd.-Wd 5	663,384	663,384
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd.-Wd 5	925,048	925,048
Fiscal year 2003 FA Reconst/Resurfacing/Upgrd.-Wd 5	5,078,703	5,078,703
Fiscal year 2003 Reconstr/Resurf/Upgd/Boundary Sts NHS Wd 6	290,842	290,842
Fiscal year 2003 Reconstr/Resurf/Upgd/Boundary Sts NHS Wd 6	378,023	378,023
Fiscal year 2003 Reconstr/Resurf/Upgd/Boundary Sts NHS Wd 6	2,226,631	2,226,631
Fiscal year 2003 Reconstr/Resurf/Upgd/Boundary Sts Wd 6	416,304	416,304
Fiscal year 2003 Reconstr/Resurf/Upgd/Boundary Sts Wd 6	580,508	580,508
Fiscal year 2003 Reconstr/Resurf/Upgd/Boundary Sts Wd 6	3,187,107	3,187,107
Fiscal year 2003 Pavement Restoration Wards 5 & 6 NHS	10,044	10,044
Fiscal year 2003 Pavement Restoration Wards 5 & 6 NHS	9,532	9,532
Fiscal year 2003 Pavement Restoration Wards 5 & 6 NHS	52,340	52,340
Fiscal year 2003 FA Pavement Restoration/Boundary Wds 5 and 6	165,654	165,654
Fiscal year 2003 FA Pavement Restoration/Boundary Wds 5 and 6	136,267	136,267
Fiscal year 2003 FA Pavement Restoration/Boundary Wds 5 and 6	748,114	748,114
Fiscal year 2003 FA Pavement Restoration Ward 7 NHS	45,066	45,066
Fiscal year 2003 FA Pavement Restoration Ward 7 NHS	42,775	42,775
Fiscal year 2003 FA Pavement Restoration Ward 7 NHS	234,827	234,827
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading Ward 7	62,667	62,667
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading Ward 7	87,359	87,359
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading Ward 7	479,615	479,615
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading NHS Wd 7	17,808	17,808
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading NHS Wd 7	24,806	24,806
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading NHS Wd 7	136,177	136,177
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading Wd 8	208,088	208,088
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading Wd 8	290,171	290,171
Fiscal year 2003 FA Reconst/Resurfacing/Upgrading Wd 8	1,593,095	1,593,095
Fiscal year 2003 FA Pavem't Restoration Boundary Wards 7 & 8	280,250	280,250
Fiscal year 2003 FA Pavem't Restoration Boundary Wards 7 & 8	265,978	265,978

	Fiscal year 2002–2007 estimate	Committee recommendation for fiscal year 2002–2007
Fiscal year 2003 FA Pavem't Restoration Boundary Wards 7 & 8	1,460,354	1,460,354
Fiscal year 2003 Scoping and Development STP	310,000	310,000
Fiscal year 2003 Scoping and Development NHS	775,000	775,000
Bike Station Feasibility Study	93,000	93,000
Klingle Road Bicycle Facility	225,341	225,341
Klingle Road Bicycle Facility	248,749	248,749
Klingle Road Bicycle Facility	1,430,715	1,430,715
Total, Department of Transportation	558,413,155	558,413,155
Washington Metropolitan Transit Authority:		
Metrobus—Replacement	16,400,000	16,400,000
Metrobus—System Access/Capacity Program (SAP)	53,100,000	53,100,000
Metrorail Rehabilitation	39,600,000	39,600,000
Total, Washington Metropolitan Transit Authority	109,100,000	109,100,000
Department of Public Works:		
Rehab of Ft Totten Transfer Station	−4,090,000	−4,090,000
Benning Road Solid Waste Transfer	−1,460,036	−1,460,036
SWMA Roof Rehabilitation, 900 NJ Ave SE	−65,282	−65,282
Total, Department of Public Works	−5,615,318	−5,615,318
Department of Motor Vehicles:		
Motor Vehicle Information System, Municipal	−373,962	−373,962
Motor Vehicle Information System—Destiny Implementation	3,150,000	3,150,000
Total, Department of Motor Vehicles	32,776,038	2,776,038
District of Columbia School of Law:.		
DC School of Law—LS2 Phase B	−1,525	−1,525
DC School of Law—LS2 Phase C	−335,305	−335,305
DC School of Law—LS2 Phase D	−187,520	−187,520
Total, District of Columbia School of Law	−524,350	−524,350
Office of Contracts and Procurement:		
Material Management System	−140,000	−140,000
Material Management System	−30,561	−30,561
PMIS Enhancement	−95,999	−95,999
IT Initiative	−85,095	−85,095
Total, Office of Contracts and Procurement	−351,655	−351,655
Department of Mental Health Services:		
Roof Replacement	600,000	600,000
New S.E.H. Inpatient Center	−1,650,000	−1,650,000
Total, Department of Mental Health Services	−1,050,000	−1,050,000
Office of the Chief Technology Officer:		
Unified Communication Center	−31,873,211	−31,873,211
Citywide Enterprise Resource Planning (ERP)	33,300,000	33,300,000
Total, Office of the Chief Technology Officer	1,426,789	1,426,789
Total, General Fund	639,069,780	639,069,780
Water and Sewer Enterprise Fund:		
Blue Plains Wastewater Treatment	213,669,000	213,669,000
Sewer Collection System	24,539,000	24,539,000
Combined Sewer System	6,561,000	56,561,000
Stormwater	5,635,000	5,635,000
Water System	34,054,000	34,054,000
Washington Aqueduct	.....	.....
Capital Equipment	8,000,000	8,000,000
Total, Water and Sewer Enterprise Fund	292,458,000	342,458,000
Grand Total, Capital Outlay	931,528,000	981,528,000

GENERAL PROVISIONS

The Committee has carefully reviewed the 41 general provisions that were included in the fiscal year 2002 District of Columbia Appropriations Act and has reduced the number of provisions included in last year's act to 34. The Committee recommendation deletes 7 general provisions because they made a permanent change to law or were a one-time provision.

The Committee has modified Sec. 125 to allow the District to use locally-generated revenues to support programs that provide individuals with sterile needles and syringes. This is consistent with a provision approved by the Senate and included in the fiscal year 2002 Senate bill. The Committee has included language that maintains a complete prohibition on the use of Federal funds for this purpose.

The Committee has modified Sec. 111 to strike paragraphs (b) through (e), regarding the personnel requirements of the Office of the Chief Technology Officer and the Office of the Chief Financial Officer, because it made a permanent provision of law.

The Committee has deleted Sec. 130 regarding enforcement of tobacco prohibitions, consistent with the President's fiscal year 2003 budget request.

The Committee has deleted Sec. 133 regarding the reserve requirements because it made a permanent provision of law. The District Government requested that the date of deposit of funds into the Emergency and Contingency Reserve Funds be changed from October 1 to February 15. The Committee understands that the District of Columbia Appropriations bill is not often enacted before December each year. This delay prevents the District from taking any action to fulfill the requirements of the reserve fund until February. The Committee does not recommend this modification to the reserve fund requirements.

The Committee would like to clarify that the District of Columbia is not required to make deposits into the budgeted reserve fund, pursuant to Section 202(j) of Public Law 104–8 after the deposits made in fiscal year 2003. Instead, the Committee recommends that the District establish a cumulative cash reserve of $50,000,000 in fiscal years 2004 and 2005, as mandated in the District of Columbia Appropriations Act of 2002, Public Law 107–96 (115 Stat. 956). The District of Columbia must replenish only the amount necessary to maintain the required balance in the following fiscal year. The cumulative cash reserve would be maintained in addition to cash reserve requirements under section 450A of the District of Columbia Home Rule Act, Public Law 93–198, as amended. The District of Columbia may expend funds from the reserves consistent with the conditions associated with such reserve funds.

The Committee has deleted Sec. 134 regarding Integrated Product Teams because it was a one-time provision requested by the District of Columbia government.

The Committee has included a provision (Sec. 135) to limit the amount paid to an attorney who brings a suit against the District of Columbia Public Schools under the Individuals with Disabilities Education Act. The provision caps attorneys' fees at $3,000 per action.

The Committee has deleted Sec. 136 regarding the salary of the Council Chair because it made a permanent provision of law.

The Committee has deleted Sec. 138 regarding the legislative review period of Council legislation regarding the closing of 2nd and N Street, NE because it made a permanent provision of law.

The Committee has deleted Sec. 140 regarding the prior year's attorney's fees because it made a permanent provision of law.

The Committee has deleted Sec. 141 regarding a General Accounting Office report because it made a permanent provision of law.

COMPLIANCE WITH PARAGRAPH 7, RULE XVI, OF THE STANDING RULES OF THE SENATE

Paragraph 7 of rule XVI requires that Committee reports on general appropriations bills identify each Committee amendment to the House bill ''which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.''

Items providing funding for fiscal year 2003 which lack authorization are as follows:

Federal Payment for Emergency Planning and Security Costs in the District of Columbia	$15,000,000
Federal Payment for Hospital Bioterrorism Preparedness	10,000,000
Federal Payment to the Department of Transportation	1,000,000
Federal Payment to the Chief Financial Officer of the District of Columbia	15,000,000
Federal Payment to Children's National Medical Center	5,000,000
Federal Payment to St. Coletta School	2,000,000
Federal Payment for Anacostia Waterfront Initiative	55,000,000
Federal Payment to D.C. Charter School Facilities	20,000,000
Federal Payment to D.C. for Capital Infrastructure Development	13,100,000
Federal Payment to D.C. for Family Literacy	4,000,000
Total, Federal funds which lack authorization	140,100,000

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include ''(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee.''

With respect to this bill, it is the opinion of the Committee that it is necessary to dispense with these requirements in order to expedite the business of the Senate.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
TITLE I					
FEDERAL FUNDS					
Federal payment for Resident Tuition Support	17,000	17,000	17,000		
Federal payment for Emergency Planning and Security Costs in the District of Columbia	16,058	15,000	15,000	−1,058	
Federal payment for Hospital Bioterrorism Preparedness in the District of Columbia			10,000	+10,000	+10,000
Federal payment to the District of Columbia Courts	112,180	159,045	166,193	+54,013	+7,148
Defender Services in District of Columbia Courts	34,311	32,000	34,000	−311	+2,000
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia	147,300	154,707	154,707	+7,407	
Federal payment to the Children's National Medical Center	5,500		5,000	−500	+5,000
St. Coletta of Greater Washington Expansion Project	2,000		2,000		+2,000
Transportation Management System		1,000	1,000	+1,000	
Federal Payment for Anacostia Waterfront Initiative			55,000	+55,000	+55,000
Federal payment to the District of Columbia for Capital Infrastructure Development			13,100	+13,100	+13,100
Federal payment to the District of Columbia for Family Literacy			4,000	+4,000	+4,000
Federal payment to the Chief Financial Officer of the District of Columbia	8,300		15,000	+6,700	+15,000
Federal payment to the District Of Columbia Public Schools	2,500			−2,500	
Federal payment to the Capitol City Career Development and Job Training Partnership	500			−500	
Federal payment to the Capitol Education Fund	500			−500	
Federal payment to the Metropolitan Kappa Youth Development Foundation, Inc	450			−450	
Federal payment to the Fire and Emergency Medical Services Department	500			−500	
Federal payment to the Chief Medical Examiner	585			−585	
Equipment, supplies and vehicles (emergency supplemental)	1,780			−1,780	
Federal payment to the Youth Life Foundation	250			−250	
Pharmaceuticals for responders (emergency supplemental)	2,100			−2,100	
Federal payment to Food and Friends	2,000			−2,000	
Federal payment to the City Administrator	300			−300	
Response and communications capability (emergency supplemental)	14,960			−14,960	
Federal payment to Southeastern University	500			−500	
Search, rescue and other emergency equipment and support (emergency supplemental)	8,850			−8,850	
Hospital containment facilities for the Department of Health (emergency supplemental)	8,000			−8,000	
Emergency traffic management (emergency supplemental)	20,700			−20,700	
Training and planning (emergency supplemental)	9,949			−9,949	
Fed payment to the Office of the Chief Tech Officer Emergency supplemental	45,494			−45,494	
Federal payments for District of Columbia and Federal Law Enforcement Mobile Wireless Interoperability Project	1,400			−1,400	
Increased facility security (emergency supplemental)	25,536			−25,536	
Federal payment to the Washington Metropolitan Transit Authority (emergency supplemental)	39,100			−39,100	
Federal payment to the District of Columbia Corrections Trustee Operations	30,200			−30,200	
Federal payment to the Metropolitan Washington Council Governments (emergency supplemental)	5,000			−5,000	
Federal payment for Family Court Act	24,016			−24,016	
Federal payment to the District of Columbia Water.					
Federal payment to Faith and Politics Institute	50			−50	
Federal payment to the Thurgood Marshall Academy Charter School	1,000			−1,000	
Federal payment to the George Washington University Center for Excellence in Municipal Management	250			−250	
Court Appointed Special Advocates	250			−250	
Protective clothing and breathing apparatus (emergency supplemental)	7,144			−7,144	
Specialized hazardous materials equipment (emergency supplemental)	1,032			−1,032	
Chemical and biological weapons preparedness (emergency supplemental)	10,355			−10,355	
Federal Contribution for Enforcement of Law Banning Possession of Tobacco Products by Minors (sec. 130)	100			−100	
Federal payment for District of Columbia Charter School facilities			20,000	+20,000	+20,000
Total, Federal funds to the District of Columbia	608,000	378,752	512,000	−96,000	+133,248
DISTRICT OF COLUMBIA FUNDS					
Operating Expenses					
Governmental direction and support	(286,138)	(280,136)	(295,136)	(+8,998)	(+15,000)
Economic development and regulation	(230,878)	(258,539)	(258,539)	(+27,661)	
Public safety and justice	(633,853)	(639,892)	(639,892)	(+6,039)	
Public education system	(1,108,665)	(1,200,201)	(1,220,201)	(+111,536)	(+20,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Human support services	(1,803,923)	(2,496,297)	(2,500,297)	(+696,374)	(+4,000)
Public works	(300,151)	(324,828)	(324,828)	(+24,677)	
Workforce Investments	(42,896)	(54,186)	(54,186)	(+11,290)	
Reserve	(120,000)	(70,000)	(70,000)	(−50,000)	
Repayment of Loans and Interest	(247,902)	(267,451)	(267,451)	(+19,549)	
Repayment of General Fund Recovery Debt	(39,300)	(39,300)	(39,300)		
Payment of Interest on Short-Term Borrowing	(500)	(1,000)	(1,000)	(+500)	
Wilson Building	(8,859)	(4,194)	(4,194)	(−4,665)	
Non-Departmental Agency	(5,799)	(5,799)	(5,799)		
Certificates of Participation		(7,950)	(7,950)	(+7,950)	
Settlements and Judgments		(22,822)	(22,822)	(+22,822)	
Tobacco Settlement Trust Fund Transfer	(33,254)	(10,000)	(10,000)	(−23,254)	
Emergency Planning and Security Costs	(16,058)	(15,000)	(15,000)	(−1,058)	
Pay-As-You-Go Capital		(16,750)	(16,750)	(+16,750)	
Capital Infrastructure development			(13,100)	(+13,100)	(+13,100)
Receivership Programs	(403,868)			(−403,868)	
Reserve Relief	(30,000)			(−30,000)	
Total, operating expenses, general fund	(5,312,044)	(5,714,345)	(5,766,445)	(+454,401)	(+52,100)
Enterprise and Other Funds					
Water and Sewer Authority	(244,978)	(253,743)	(253,743)	(+8,765)	
Washington Aqueduct	(46,510)	(57,847)	(57,847)	(+11,337)	
Stormwater Permit Compliance enterprise fund	(3,100)	(3,100)	(3,100)		
Lottery and Charitable Games enterprise fund	(229,688)	(232,881)	(232,881)	(+3,193)	
Sports and Entertainment Commission	(9,627)	(15,510)	(20,510)	(+10,883)	(+5,000)
District of Columbia Retirement Board	(13,388)	(13,388)	(13,388)		
Washington Convention Center enterprise fund	(57,278)	(78,700)	(78,700)	(+21,422)	
Housing Finance Agency	(4,711)			(−4,711)	
National Capital Revitalization Corporation	(2,673)	(6,745)	(6,745)	(+4,072)	
Total, Enterprise Funds	(611,953)	(661,914)	(666,914)	(+54,961)	(+5,000)
Total, operating expenses	(5,923,997)	(6,376,259)	(6,433,359)	(+509,362)	(+57,100)
Capital Outlay					
General fund [1]	(1,074,605)	(639,070)	(666,368)	(−408,237)	(+27,298)
Water and Sewer Fund	(152,114)	(292,458)	(342,458)	(+190,344)	(+50,000)
Total, Capital Outlay	(1,226,719)	(931,528)	(1,008,826)	(−217,893)	(+77,298)
Emergency supplemental	(155,900)			(−155,900)	
Total, District of Columbia funds	(7,306,616)	(7,307,787)	(7,442,185)	(+135,569)	(+134,398)
Grand total:					
Federal Funds to the District of Columbia	608,000	378,752	512,000	−96,000	+133,248
District of Columbia funds	(7,306,616)	(7,307,787)	(7,442,185)	(+135,569)	(+134,398)

[1] Rounded.

[COMMITTEE PRINT]

[NOTICE: This is a draft for use of the Committee and its staff only, in preparation for markup.]

ENERGY AND WATER DEVELOPMENT APPROPRIATION BILL, 2003

JANUARY ____, 2003.—Ordered to be printed

Mr. DOMENICI, from the Committee on Appropriations, submitted the following

REPORT

[To accompany S. 0000]

The Committee on Appropriations reports the bill (S. 0000) making appropriations for energy and water development for the fiscal year ending September 30, 2003, and for other purposes, favorably thereon and recommends that the bill do pass.

Amount in new budget (obligational) authority, fiscal year 2003

Budget estimates considered by Senate	$25,876,981,000
Amount of bill as reported to the Senate	26,163,515,000
The bill as reported to the Senate—	
Above the budget estimate, 2003	286,534,000
Over enacted bill, 2002	858,156,000

PURPOSE

The purpose of this bill is to provide appropriations for the fiscal year 2003 beginning October 1, 2002, and ending September 30, 2003, for energy and water development, and for other related purposes. It supplies funds for water resources development programs and related activities of the Department of the Army, Civil Functions—U.S. Army Corps of Engineers' Civil Works Program in title I; for the Department of the Interior's Bureau of Reclamation in title II; for the Department of Energy's energy research activities (except for fossil fuel programs and certain conservation and regulatory functions), including environmental restoration and waste management, and atomic energy defense activities of the National Nuclear Security Administration in title III; and for related independent agencies and commissions, including the Appalachian Regional Commission, Delta Regional Authority, Denali Commission, and the Nuclear Regulatory Commission in title IV.

SUMMARY OF ESTIMATES AND RECOMMENDATIONS

The fiscal year 2003 budget estimates for the bill total $25,876,981,000 in new budget (obligational) authority. The recommendation of the Committee totals $26,163,515,000. This is $286,534,000 above the budget estimates and $858,156,000 over the enacted appropriation for the current fiscal year.

The bill, as recommended, is in compliance with the subcommittee allocation agreed to by the Committee and entered into the Congressional Record on June 28, 2002.

BILL HIGHLIGHTS

ATOMIC ENERGY DEFENSE ACTIVITIES

The amount recommended in the bill includes $15,739,217,000 for atomic energy defense activities. Major programs and activities include:

Weapons activities	$6,108,959,000
Defense nuclear nonproliferation	1,115,630,000
Naval reactors	706,790,000
Other defense activities	537,664,000
Defense waste management and environmental restoration	5,370,532,000
Defense facilities closure projects	1,125,314,000
Defense environmental privatization	158,399,000

ENERGY SUPPLY

The bill recommended by the Committee provides a total of $815,306,000 for energy research programs including:

Renewable energy resources	$448,062,000
Nuclear energy	323,608,000

NONDEFENSE ENVIRONMENTAL MANAGEMENT

An appropriation of $176,000,000 is recommended for nondefense environmental management activities of the Department of Energy.

SCIENCE

The Committee recommendation also provides a net appropriation of $3,329,456,000 for

general science and research activities in life sciences, high energy physics, and nuclear physics. Major programs are:

High energy physics research	$729,980,000
Nuclear physics	387,370,000
Basic energy sciences	1,044,600,000
Biological and environmental R&D	531,215,000
Fusion energy sciences	259,310,000

REGULATORY AND OTHER INDEPENDENT AGENCIES

Also recommended in the bill is $909,584,000 for various regulatory and independent agencies of the Federal Government. Major programs include:

Appalachian Regional Commission	$74,400,000
Delta Regional Authority	15,000,000
Denali Commission	50,000,000
Federal Energy Regulatory Commission	192,000,000
Nuclear Regulatory Commission	578,184,000

WATER RESOURCES DEVELOPMENT

Corps of Engineers:	
General Investigations	$148,304,000
Construction, General	1,636,602,000
Flood Control, Mississippi River and Tributaries	346,437,000
Operation and Maintenance, General	1,956,182,000
Regulatory Program	144,252,000
Formerly Utilized Sites Remedial Action Program	140,298,000
General Expenses	155,651,000
Central Utah Project Completion Account	36,228,000
Bureau of Reclamation:	
Water and Related resources	919,921,000
Central Valley Project Restoration Fund	48,904,000
Policy and Administration	54,870,000

The Committee has recommended appropriations totaling approximately $5,540,330,000 for Federal water resource development programs. This includes projects and related activities of the U.S. Army Corps of Engineers—Civil and the Bureau of Reclamation of the Department of the Interior. The Federal water resource development program provides lasting benefits to the Nation in the area of flood control, municipal and industrial water supply, irrigation of agricultural lands, water conservation, commercial navigation, hydroelectric power, recreation, and fish and wildlife enhancement.

Water is our Nation's most precious and valuable resource. It is evident that water supply in the near future will be as important, if not more so, than energy. There is only so much water available. Water cannot be manufactured. Our Nation cannot survive without water, and economic prosperity cannot occur without a plentiful supply.

While many areas of the country suffer from severe shortages of water, others suffer from the other extreme—an excess of water which threatens both rural and urban areas with floods. Because water is a national asset, and because the availability and control of water affect and benefit all States and jurisdictions, the Federal Government has historically assumed much of the responsibility for financing of water resource development.

The existing national water resource infrastructure in America is an impressive system of dams, locks, harbors, canals, irrigation systems, reservoirs, and recreation sites with a central purpose—to serve the public's needs.

Our waterways and harbors are an essential part of our national transportation system—providing clean, efficient, and economical transportation of fuels for energy generation and agricultural production, and making possible residential and industrial development to provide homes and jobs for the American people.

Reservoir projects provide hydroelectric power production and downstream flood protection, make available recreational opportunities for thousands of urban residents, enhance fish and wildlife habitat, and provide our communities and industries with abundant and clean water supplies which are essential not only to life itself, but also to help maintain a high standard of living for the American people.

SUBCOMMITTEE HEARINGS

The Subcommittee on Energy and Water Development of the Committee on Appropriations held four sessions in connection with the fiscal year 2003 appropriation bill. Witnesses included officials and representatives of the Federal agencies under the subcommittee's jurisdiction.

Although it is the policy of the subcommittee to receive oral and written testimony from representatives of all of the major Department and Agencies within its jurisdiction, the Army Corps of Engineers provided written testimony only. The administration fired Mike Parker, the Assistant Secretary of the Army for Civil Works, early in the week in which the Army Corps of Engineers hearing was scheduled to take place. Given the confusion and controversy surrounding Mr. Parker's dismissal, the subcommittee elected to accept written testimony in lieu of an oral statement from a lower level appointee in an acting capacity.

In addition, the subcommittee received numerous statements and letters from Members of the U.S. Senate and House of Representatives, Governors, State and local officials and representatives, and hundreds of private citizens of all walks of life throughout the United States. Information, both for and against many items, was presented to the subcommittee. The recommendations for fiscal year 2003 therefore, have been developed after careful consideration of available data.

VOTES IN THE COMMITTEE

By a vote of 00 to 00 the Committee on _____, recommended that the bill, as amended, be reported to the Senate.

ACCRUAL FUNDING OF RETIREMENT COSTS AND POST-RETIREMENT HEALTH BENEFITS

The President's Budget included a legislative proposal under the jurisdiction of the Senate Committee on Governmental Affairs to charge to individual agencies, starting in fiscal year 2003, the fully accrued costs related to retirement benefits of Civil Service Retirement System employees and retiree health benefits for all civilian employees. The Budget also requested an additional dollar amount in each affected discretionary account to cover these accrued costs.

The authorizing committee has not acted on this legislation, therefore the Senate Appropriations Committee has reduced the dollar amounts of the President's request shown in the "Comparative Statement of New Budget Authority Request and Amounts Recommended in the Bill", as well as in other tables in this report, to exclude the accrual funding proposal.

The Committee further notes that administration proposals requiring legislative action by the authorizing committees of Congress are customarily submitted in the budget as separate schedules apart from the regular appropriations requests. Should such a proposal be enacted, a budget amendment formally modifying the President's appropriation request for discretionary funding is subsequently transmitted to the Congress.

The Senate Appropriations Committee joins with the House Appropriations Committee in raising concern that this practice, which has always worked effectively for both Congress and past administrations, was not followed for the accrual funding proposal. In this case, the Office of Management and Budget (OMB) decided to include accrual amounts in the original discretionary appropriations language request. These amounts are based on legislation that has yet to be considered and approved by the appropriate committees of Congress. This led to numerous misunderstandings both inside and outside of Congress of what was the "true" President's budget request. The Committee believes that, in the future, OMB should follow long-established procedures with respect to discretionary spending proposals that require legislative action.

TITLE I—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INTRODUCTION

The Committee remains concerned about the level of the budget requests for the water resources programs of the U.S. Army Corps of Engineers. The budget request for fiscal year 2003 is about $600,000,000 less than the amount appropriated to the Corps in fiscal year 2002. The budget request is extraordinarily unbalanced. Four projects account for 30 percent of the proposed Construction, General budget with the remainder of the projects severely underfunded. The proposed General Investigations budget, which provides funding for studies of water resources needs, is decimated. Only studies in their final year were adequately funded, the remainder were severely underfunded. The proposed Operations and Maintenance budget appears to show an increase, however, when accounting for inflation and a proposed funding transfer that is unlikely to be enacted, the final total is less than the amount appropriated in fiscal year 2002. The budget proposed for the Mississippi River and Tributaries project, is equally inadequate.

If the proposed budget request were enacted, the Corps would be forced to terminate on-going construction contracts costing the government some $200,000,000 in termination fees.

As has been the practice for the last several years, the budget proposal contained no new discretionary study or construction "starts". The budget proposal stated that this was done in order to only fund the backlog of on-going work (estimated at $21,000,000,000 in the budget proposal) and that within 10 years, this backlog would be reduced to zero. Followed to conclusion, that would mean that within 10 years the Corps would only be an operation and maintenance agency to oversee past constructed work. Since there are no other nationwide agencies that address water resource problems and needs, one can only assume that all water resource problems will be solved in the next 10 years or that the Federal Government intends to no longer fund water resource development.

The Committee does not share the views in the budget proposal and remains concerned about the huge and increasing backlog of infrastructure development, maintenance, and repair over which the Corps has jurisdiction. The proposed budget causes the backlog of unconstructed projects to increase from $40,000,000,000 to $44,000,000,000 and ignores an accelerating critical maintenance backlog which increases from $702,000,000 to $884,000,000. This maintenance backlog will soon become entirely unmanageable under the weight of an aging and crumbling inventory. Proposing no new study or discretionary construction starts, underfunding on-going projects, and providing minimal O&M funding for completed projects leads the Committee to believe that the budget preparation may have been influenced by very narrow interest groups as opposed to providing for a robust national water resources development program. The situation that the proposed budget poses to the Nation's economy and quality of life leave the Committee no option but to step forward in support of these vital projects.

The Committee recommendation for the Corps of Engineers totals $4,547,953,000. This is $374,999,000 above the budget request for fiscal year 2003, and is $109,143,000 above the appropriation for the current year.

BUILDING AND SITE SECURITY

Given the events of September 11, 2001, there is an evident need for improving the security of the Nation's infrastructure. The Committee is aware of the increased costs all Federal agencies are beginning to realize. Therefore, the Committee encourages the Corps of Engineers to utilize technology that is presently available in both the private and public sector as it evaluates its future infrastructure security needs.

CENTERS OF EXCELLENCE

The Committee is concerned that Corps of Engineers technical and planning capabilities have diminished over the past decade. This diminished capability has been evident in recent controversial studies such as the Upper Mississippi River and Illinois Waterway System Navigation Study and the Delaware River Deepening Study. The Committee urges the Corps of Engineers to review ways in which it can improve its capability, to include concentrating its technical and planning expertise in regional centers. The Corps should report back to this Committee within 1 year on its findings.

BUDGET CONSTRAINTS

The budget allocation for non-Defense discretionary programs contained in the Energy and Water Development bill for fiscal year 2003 are constrained below what is necessary for a robust, balanced national water resources program. Faced with these budget realities, the Committee has had to make tough decisions and choices in the development of the Corps of Engineers' budget request for fiscal year 2003. However, while the budget resources for non-Defense discretionary programs have remained flat or have declined in real terms, the number of requests of the Committee continue to increase. This year the Committee received more than 1,200 requests for funding for water projects within the Corps' Civil Works program. Many supported the funding level in the budget request, but a majority of the requests made of the Committee sought increases over the budgeted amounts or items not contained in the President's budget for fiscal year 2003.

BASIS OF COMMITTEE RECOMMENDATION

In development of the fiscal year 2003 funding recommendation for the Corps of Engineers, the Committee is not able to include any new construction starts, and has recommended only a limited number of new study starts in an effort to restore balance to the water resource program of the Corps, and to address high priority requests made to the Committee. The limited resources available have been focused on on-going projects where the Corps has contractual commitments. While the Committee has not been able to fund all projects at the optimum level, it has endeavored to provide sufficient funding on each project to mitigate delays and increased costs, to the greatest extent possible, across the entire Corps' Civil Works program. Finally, the Committee received numerous requests to include project authorizations in the energy and water development appropriations bill. In an effort to support and honor congressional authorizing committees jurisdiction, the Committee has not included new project authorizations

GENERAL INVESTIGATIONS

Appropriations, 2002	$154,350,000
Budget estimate, 2003	102,483,000
Committee recommendation	148,304,000

This appropriation funds studies to determine the need, engineering feasibility, economic justification, and the environmental and social suitability of solutions to water and related land resource problems; and for preconstruction engineering and design work, data collection, and interagency coordination and research activities.

The budget request and the recommended Committee allowance are shown on the following table:

CORPS OF ENGINEERS—GENERAL INVESTIGATIONS

[In thousands of dollars]

Project title	Budget estimate		Committee recommendation	
	Investigations	Planning	Investigations	Planning
ALABAMA				
ALABAMA RIVER BELOW CLAIBORNE LOCK AND DAM, AL	300		300	
BALDWIN COUNTY SHORE PROTECTION, AL	100		100	
BALDWIN COUNTY WATERSHEDS, AL	100		100	
BAYOU LA BATRE, AL	50		50	
BREWTON AND EAST BREWTON, AL	150		150	
CAHABA RIVER WATERSHED, AL	50		50	
DOG RIVER, AL	150		150	
TUSCALOOSA COUNTY, AL	50		50	
VILLAGE CREEK, JEFFERSON COUNTY (BIRMINGHAM WATERSHED), AL	250		250	
ALASKA				
AKUTAN HARBOR, AK		200		350
ALASKA REGIONAL PORTS, AK			200	
ANCHOR POINT HARBOR, AK	50		100	
ANCHORAGE HARBOR DEEPENING, AK	50		150	
ANIAK HARBOR, AK	50		100	
BARROW COASTAL STORM DAMAGE REDUCTION, AK	200		500	
CHENA RIVER WATERSHED, AK	50		100	
COFFMAN COVE, AK			100	
DELONG MOUNTAIN HARBOR, AK	150		500	
EKLUTNA WATERSHED, AK			100	
FALSE PASS HARBOR, AK		25		25
FIRE ISLAND CAUSEWAY, AK			100	
HAINES HARBOR, AK		115		400–
HOMER HARBOR, AK			200	
KAKTOVIK BEACH EROSION, AK			100	
KENAI RIVER BLUFF EROSION STUDY, AK			185	
KETCHIKAN HARBOR, AK	50		50	
KNIK BRIDGE CROSSING, AK			100	
KOTZEBUE SMALL BOAT HARBOR, AK	50		200	
LITTLE DIOMEDE HARBOR, AK	115		200	
MATANUSKA EROSION STUDY, AK			100	
MCGRATH BANK STABLIZATION, AK			100	
MEKORYUK HARBOR, AK	50		100	
PORT LIONS HARBOR, AK	50		100	
QUINHAGAK HARBOR, AK			200	
SAINT GEORGE NAVIGATION IMPROVEMENTS, AK	75		500	
SAND POINT HARBOR, AK		50		50
SHIP CREEK WATERSHED, AK	50		50	
SITKA HARBOR, AK	50		100	
SKAGWAY HARBOR MODIFICATION, AK	45		45	
SKAGWAY RIVER FLOOD CONTROL, AK	50		50	
UNALAKLEET HARBOR, AK	50		50	

CORPS OF ENGINEERS—GENERAL INVESTIGATIONS—Continued

[In thousands of dollars]

Project title	Budget estimate		Committee recommendation	
	Investigations	Planning	Investigations	Planning
UNALASKA HARBOR, AK	144		400	
VALDEZ HARBOR EXPANSION, AK		150		250
WHITTIER BREAKWATER, AK	50		100	
AMERICA SOMOA				
TUTUILA HARBOR, AS	100		100	
ARIZONA				
AGUA FRIA RIVER, AZ	100		100	
NAVAJO NATION, AZ, NM AND UT	100		500	
PIMA COUNTY, AZ	200		500	
RILLITO RIVER, PIMA COUNTY, AZ	150		150	
RIO DE FLAG, FLAGSTAFF, AZ		150		880
RIO SALADO OESTE, SALT RIVER, AZ	150		150	
SANTA CRUZ RIVER, GRANT RD TO FT LOWELL RD, AZ	50		50	
SANTA CRUZ RIVER, PASEO DE LAS IGLESIAS, AZ	200		575	
TRES RIOS, AZ		350		1,500
TUCSON DRAINAGE AREA, AZ		100		200
VA SHLY-AY AKIMEL SALT RIVER RESTORATION PROJECT, AZ	200		400	
ARKANSAS				
ARKANSAS RIVER LEVEES, AR		50		150
ARKANSAS RIVER NAVIGATION STUDY, AR AND OK	910		1,500	
HOT SPRINGS CREEK STUDY, AR			100	
MAY BRANCH, FORT SMITH, AR		100		100
NORTH LITTLE ROCK, DARK HOLLOW, AR		200		200
PINE MOUNTAIN LAKE, AR		150		350
RED RIVER NAVIGATION, SW ARKANSAS, AR AND LA			583	
SOUTHWEST ARK, LITTLE RIVER BASIN, AR			200	
WHITE RIVER BASIN COMPREHENSIVE, AR AND MO	400		800	
WHITE RIVER MINIMUM FLOWS, AR	150		300	
CALIFORNIA				
ALISO CREEK MAINSTEM, CA	250		250	
AMERICAN RIVER WATERSHED, CA		1,275		2,600
ARANA GULCH WATERSHED, CA	50		50	
ARROYO SECO WATERSHED RESTORATION, CA	100		100	
BALLONA CREEK ECOSYSTEM RESTORATION, CA	100		150	
BOLINAS LAGOON ECOSYSTEM RESTORATION, CA		200		400
CALIFORNIA COSTAL SEDIMONT MASTER PLAN, CA			100	
CITY OF SANTA CLARITA, CA	100		100	
COAST OF CALIFORNIA, SOUTH COAST REGION, LA COUNTY, CA			400	
COYOTE DAM, CA	50		150	
FOLSOM DAM, CA			100	
GRAYSON AND MURDERER'S CREEKS, CA	200		200	
HUNTINGTON HARBOR DREDGING, CA			100	
LAGUNA DE SANTA ROSA, CA	200		200	
LAKE ELSINORE ENVIRONMENTAL RESTORATION, CA	100		100	
LLAGAS CREEK, CA		225		225
LOS ANGELES COUNTY, CA	150		300	
LOWER CACHE CREEK, YOLO COUNTY, WOODLAND AND VICINITY, CA		200		200
LOWER MISSION CREEK, CA		200		600
MALIBU CREEK WATERSHED, CA	200		200	
MARIN COUNTY SHORELINE, SAN CLEMENTE CREEK, CA	25		25	
MARINA DEL REY AND BALLONA CREEK, CA	170		250	
MATILIJA DAM, CA	150		150	
MIDDLE CREEK, CA		50		50
MORRO BAY ESTUARY, CA	200		200	
MUGU LAGOON, CA	100		100	
N CA STREAMS, DRY CREEK, MIDDLETOWN, CA	200		200	
N CA STREAMS, LOWER SACRAMENTO RVR RIPARIAN REVEGETATION, CA	100		100	
NAPA RIVER, SALT MARSH RESTORATION, CA	100		1,000	
NAPA VALLEY WATERSHED MANAGEMENT, CA	150		150	
NEWPORT BAY (LA–3 SITE DESIGNATION), CA			350	
NEWPORT BAY HARBOR, CA		100		100
NEWPORT BAY/SAN DIEGO CREEK WATERSHED, CA	200		200	
OCEAN BEACH, CA	50		50	
ORANGE COUNTY, SANTA ANA RIVER BASIN, CA	200		200	
ORANGE COUNTY SAMP, CA			200	
PAJARO RIVER AT WATSONVILLE, CA		275		400
PAJARO RIVER BASIN STUDY, CA	100		100	
PINE FLAT DAM, FISH AND WILDLIFE HABITAT RESTORATION, CA		200		200
PORT OF STOCKTON, CA	100			
POSO CREEK, CA	100		100	
PRADO BASIN ENVIRONMENTAL RESTORATION, CA	50		50	
RIVERSIDE COUNTY SAMP, CA			1,000	
ROCK CREEK AND KEEFER SLOUGH, CA		25		25
RUSSIAN RIVER ECOSYSTEM RESTORATION, CA	200		200	
SACRAMENTO—SAN JOAQUIN DELTA, CA	100		100	
SACRAMENTO AND SAN JOAQUIN COMPREHENSIVE BASIN STUDY, CA	2,973		3,173	
SAN BERNARDINO COUNTY, CA	50		50	
SAN CLEMENTE SHORELINE, CA	100		398	
SAN DIEGO COUNTY SAMP, CA			500	
SAN DIEGO COUNTY SHORELINE, CA			500	
SAN FRANCISCO BAY, CA	225		225	
SAN JACINTO RIVER, CA	100		100	
SAN JOAQUIN RB, W STANISLAUS, DEL PUERTO AND SALADO CREEK, CA	100		200	
SAN JOAQUIN RB, WEST STANISLAUS COUNTY, ORESTIMBA CREEK, CA		100		100
SAN JOAQUIN RIVER BASIN, ARROYO PASAJERO, CA	100		100	
SAN JOAQUIN RIVER BASIN, CONSUMNES AND MOKELUMNE RIVERS, CA	100		100	
SAN JOAQUIN RIVER BASIN, FRAZIER CREEK, CA	100		100	
SAN JOAQUIN RIVER BASIN, STOCKTON METROPOLITAN AREA, CA	100		100	
SAN JOAQUIN RIVER BASIN, TUOLUMNE RIVER, CA	100		100	
SAN JUAN CREEK, SOUTH ORANGE COUNTY, CA	100		100	
SAN PABLO BAY WATERSHED, CA	240		240	
SANTA ANA RIVER AND TRIBUTARIES, BIG BEAR LAKE, CA	100		100	
SANTA CLARA RIVER, CITY OF SANTA CLARITA, CA	100		100	
SANTA CRUZ PORT, CA	50		50	
SANTA ROSA CREEK WATERSHED, CA	260		260	
SANTA YNEZ RIVER, CA	50		50	

CORPS OF ENGINEERS—GENERAL INVESTIGATIONS—Continued

[In thousands of dollars]

Project title	Budget estimate		Committee recommendation	
	Investigations	Planning	Investigations	Planning
SOLANA BEACH, CA			500	
SONOMA CREEK AND TRIBUTARIES, CA	150		150	
STRONG AND CHICKEN RANCH SLOUGHS, CA	100		100	
SUTTER COUNTY, CA	677		677	
TAHOE BASIN, CA AND NV	690		1,500	
TIJUANA RIVER VALLEY, CA	200		200	
UPPER PENITENCIA CREEK, CA	559		559	
UPPER SANTA ANA RIVER WATERSHED, CA	150		150	
VENTURA AND SANTA BARBARA COUNTY SHORELINE, CA	100		100	
VENTURA HARBOR SAND BYPASS, CA	150		150	
WESTMINSTER, COYOTE AND CARBON CANYON CREEK WATERSHEDS, CA	50		50	
WESTMINSTER, EAST GARDEN GROVE, CA	200		200	
WHITE RIVER AND DEER CREEK, CA	100		100	
WILDCAT AND SAN PABLO CREEKS, CA	50		50	
YUBA RIVER BASIN, CA		250		250
COLORADO				
ADAMS COUNTY, CO			100	
ARAPAHOE COUNTY, CO			100	
CACHE-LA POUDRE, CO			100	
CHATFIELD, CHERRY CREEK AND BEAR CREEK RESERVOIRS, CO	200		200	
FOUNTAIN CREEK AND TRIBUTARIES, CO	330		330	
ZUNI AND SUN VALLEY REACHES, SOUTH PLATTE RIVER, CO		200		
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS				
ROTA HARBOR MODIFICATIONS, CNMI	25		25	
TINIAN HARBOR MODIFICATIONS, CNMI	50		50	
DELAWARE				
DELAWARE COAST, CAPE HENLOPEN TO FENWICK ISLAND, DE		100		314
FLORIDA				
HILLSBOROUGH RIVER, FL	280		280	
LAKE WORTH INLET, PALM BEACH COUNTY, FL	126		126	
PORT EVERGLADES HARBOR, FL		100		100
ST JOHNS COUNTY BEACHES, FL			100	
ST PETERSBURG HARBOR, FL		100		100
WITHLACOOCHEE RIVER, FL	271		271	
GEORGIA				
ALLATOONA LAKE, GA	186		186	
ARABIA MOUNTAIN, GA	50		100	
AUGUSTA, GA	230		230	
DEEP AND CAMP CREEKS WATERSHED STUDY, GA			100	
INDIAN, SUGAR, ENTRENCHMENT AND FEDERAL PRISON CREEKS, GA	100		100	
LONG ISLAND, MARSH AND JOHNS CREEKS, GA	150		150	
METRO ATLANTA WATERSHED, GA	50		50	
NEW SAVANNAH BLUFF LOCK AND DAM, GA AND SC		50		176
SAVANNAH HARBOR ESTUARY RESTORATION STUDY, GA AND SC	100		100	
SAVANNAH HARBOR EXPANSION, GAAND SC		428		428
SAVANNAH HARBOR SEDIMENT CONTROL WORKS, GA AND SC	50		50	
SAVANNAH RIVER BASIN COMPREHENSIVE, GA AND SC	120		120	
UTOY, SANDY AND PROCTOR CREEKS, GA	150		150	
HAWAII				
ALA WAI CANAL, OAHU, HI	135		135	
BARBERS POINT HARBOR MODIFICATION, OAHU, HI		50		50
KAHUKU, HI	100		100	
KAWAIHAE DEEP DRAFT HARBOR MODIFICATIONS, HAWAII, HI	142		142	
KIHEI AREA EROSION, HI	50		100	
NAWILIWILI HARBOR MODIFICATION, KAUAI, HI	50		300	
WAIKIKI EROSION CONTROL, HI		48		250
WAILUPE STREAM FLOOD CONTROL STUDY, OAHU, HI		50		50
IDAHO				
BOISE RIVER, BOISE, ID	50		50	
LITTLE WOOD RIVER, GOODING, ID	145			145
ILLINOIS				
ALEXANDER AND PULASKI COUNTIES, IL	147		147	
DES PLAINES RIVER, IL (PHASE II)	335		500	
ILLINOIS RIVER BASIN RESTORATION, IL	1,051		1,500	
ILLINOIS RIVER ECOSYSTEM RESTORATION, IL	365		600	
PEORIA RIVERFRONT DEVELOPMENT, IL		237		237
ROCK RIVER, IL AND WI	182		182	
UPPER MISS AND ILLINOIS NAV STUDY, IL, IA, MN, MO AND WI	1,000		3,685	
UPPER MISS RVR COMPREHENSIVE PLAN, IL, IA, MO, MN AND WI	1,814		1,814	
UPPER MISS RVR SYS FLOW FREQUENCY STUDY, IL, IA, MN, M	463		463	
WAUKEGAN HARBOR, IL		200		200
WOOD RIVER LEVEE, IL		130		130
INDIANA				
COLUMBUS WATERFRONT DEVELOPMENT PROJECT, IN			100	
INDIANA HARBOR, IN	248		500	
JOHN T MYERS LOCKS AND DAM, IN AND KY		1,346		2,100
VINCENNES WATERFRONT DEVELOPMENT PROJECT, IN			100	
IOWA				
DAVENPORT, IA		61		125
DES MOINES AND RACCOON RIVERS, IA	51		400	
FORT DODGE, IA	87		100	
LOWER DES MOINES, IA AND MO	89		150	
KANSAS				
GRAND (NEOSHO) RIVER BASIN STUDY, KS AND OK			100	
MANHATTAN, KS			100	
TOPEKA, KS	125		125	
TURKEY CREEK BASIN, KS AND MO		250		434

CORPS OF ENGINEERS—GENERAL INVESTIGATIONS—Continued

[In thousands of dollars]

Project title	Budget estimate		Committee recommendation	
	Investigations	Planning	Investigations	Planning
UPPER TURKEY CREEK, KS	125		125	
WALNUT AND WHITEWATER RIVER WATERSHEDS, KS	110		110	
KENTUCKY				
COVINGTON WATERFRONT DEVELOPMENT PROJECT, KY			200	
GREENUP LOCKS AND DAM, OHIO RIVER, KY AND OH		1,302		2,100
METROPOLITAN LOUISVILLE, JEFFERSON COUNTY, KY	225		225	
METROPOLITAN LOUISVILLE, MILL CREEK BASIN, KY	187		187	
METROPOLITAN LOUISVILLE, SOUTHWEST, KY	140		250	
OHIO RIVER MAIN STEM SYSTEMS STUDY, KY, IL, IN, PA, WV	3,000		3,000	
LOUISIANA				
AMITE RIVER AND TRIBUTARIES ECOSYSTEM RESTORATION, LA	150		300	
AMITE RIVER AND TRIBUTARIES, BAYOU MANCHAC, LA	100		100	
ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, LA	100		240	
BARATARIA BASIN BARRIER SHORELINE RESTORATION, LA		100		100
BARATARIA BASIN MARSH CREATION AND RESTORATION, LA		100		100
BAYOU SORREL LOCK, LA		110		200
CALCASIEU LOCK, LA	150		200	
CALCASIEU RIVER BASIN, LA	150		200	
CALCASIEU RIVER PASS SHIP CHANNEL ENLARGEMENT, LA			100	
GIWW ECOSYSTEM RESTORATION, LA	100		100	
HURRICANE PROTECTION, LA	125		125	
JEFFERSON PARISH, LA		25		25
LAFAYETTE PARISH, LA		125		125
LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LA	585		585	
ORLEANS PARISH, LA		25		25
OUACHITA AND BLACK RIVERS, LA AND AR	37		37	
PLAQUEMINES PARISH URBAN FLOOD CONTROL, LA	100		200	
PORT OF IBERIA, LA	185		185	
ST BERNARD PARISH URBAN FLOOD CONTROL, LA	150		150	
ST CHARLES PARISH URBAN FLOOD CONTROL, LA	100		200	
ST. JOHN THE BAPTIST PARISH, LA	100		200	
WEST SHORE, LAKE PONTCHARTRAIN, LA		100	200	
MARYLAND				
ANACOSTIA RIVER, PG COUNTY LEVEE, MD AND DC	248		248	
BALTIMORE METRO, GWYNNS FALLS, MD		50		250
CHESAPEAKE BAY SHORELINE EROSION, MD, VA AND DE	350		350	
EASTERN SHORE, MD	350		1,070	
LOWER POTOMAC ESTUARY WATERSHED, ST MARY'S, MD	100		100	
MIDDLE POTOMAC RIVER BASIN, MD	350		350	
SMITH ISLAND ENVIRONMENTAL RESTORATION, MD		249		249
MASSACHUSETTS				
BLACKSTONE RIVER WATERSHED RESTORATION, MA AND RI	140		140	
BOSTON HARBOR (45-FOOT CHANNEL), MA	362		362	
COASTAL MASSACHUSETTS ECOSYSTEM RESTORATION, MA	80		80	
MUDDY RIVER, BROOKLINE AND BOSTON, MA		322		322
SOMERSET AND SEARSBURG DAMS, DEERFIELD RIVER, MA AND VT	62		62	
MICHIGAN				
DETROIT RIVER ENVIRONMENTAL DREDGING, MI			100	
DETROIT RIVER MASTER PLAN, MI			100	
DETROIT RIVER SEAWALLS, MI			100	
GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION, MI			174	
GREAT LAKES NAV SYST STUDY, MI, IL, IN, MN, NY, OH, PA	375		750	
JOHN GLENN GREAT LAKES STRATEGIC PLAN, MI			100	
LANSING, MI			100	
ROUGE RIVER ENVIRONMENTAL DREDGING, MI			100	
MUSKEGON LAKE ENVIRONMENTAL DREDGING, MI			100	
ST CLAIR RIVER AND LAKE ST CLAIR, MI			124	
WHITE LAKE ENVIRONMENTAL DREDGING, MI			100	
MINNESOTA				
MINNESOTA DAM SAFETY, MN	222		222	
RED RIVER OF THE NORTH BASIN, MN, ND, SD AND MANITOBA, CANADA	1,078		2,078	
UPPER MISS RIVER WATERSHED MGMT, LAKE ITASCA TO L/D 2	400		400	
MISSISSIPPI				
PEARL RIVER WATERSHED, MS	363		500	
MISSOURI				
CHESTERFIELD, MO		385		715
KANSAS CITYS, MO AND KS	400		750	
MISSOURI RIVER LEVEE SYSTEM, UNITS L455 AND R460–471, MO AND KS	100		331	
RIVER DES PERES, MO		130		185
SPRINGFIELD, MO	140		440	
ST. LOUIS AREA MISSISSIPPI RIVERFRONT, MO AND IL	185		185	
ST. LOUIS HARBOR, MO AND IL		73		73
ST. LOUIS FLOOD PROTECTION, MO		150		150
SWOPE PARK INDUSTRIAL AREA, KANSAS CITY, MO		100		350
WEARS CREEK, JEFFERSON CITY, MO	57		57	
MONTANA				
YELLOWSTONE RIVER CORRIDOR, MT	300		300	
NEBRASKA				
LOWER PLATTE RIVER AND TRIBUTARIES, NE	139		139	
SAND CREEK WATERSHED, WAHOO, NE		130		130
WESTERN SARPY AND CLEAR CREEK, NE		180		180
NEVADA				
LAS VEGAS WASH, NORTH LAS VEGAS, NV	100		500	
LOWER LAS VEGAS WASH WETLANDS, NV	100		400	
TRUCKEE MEADOWS, NV		650		1,000
WALKER RIVER BASIN, NV	25		25	

CORPS OF ENGINEERS—GENERAL INVESTIGATIONS—Continued

[In thousands of dollars]

Project title	Budget estimate		Committee recommendation	
	Investigations	Planning	Investigations	Planning
NEW HAMPSHIRE				
CONNECTICUT RIVER ECOSYSTEM RESTORATION, NH AND VT	25		25	
MERRIMACK RIVER BASIN, NH	350		500	
PORTSMOUTH HARBOR AND PISCATAQUA RIVER, UPPER TURNING BASIN, NH AND ME			100	
NEW JERSEY				
BARNEGAT BAY, NJ				100
DELAWARE RIVER BASIN COMPREHENSIVE, NJ, NY, DE AND PA	100		325	
GREAT EGG INLET TO TOWNSEND INLET, NJ		300		300
HUDSON—RARITAN ESTUARY, HACKENSACK MEADOWLANDS ECOSYSTEM RESTORATION, NJ			100	
HUDSON—RARITAN ESTUARY, LOWER PASSAIC RIVER, NJ	206		206	
LOWER PASSAIC RIVER, NJ	30		30	
MANASQUAN INLET TO BARNEGAT INLET, NJ		200		200
NEW JERSEY SHORE PROTECTION, HEREFORD TO CAPE MAY INLET, NJ	100		100	
NEW JERSEY SHORELINE ALTERNATIVE LONG-TERM NOURISHMENT, NJ	100		100	
PASSAIC RIVER, HARRISON, NJ		270		270
PECKMAN RIVER AND TRIBUTARIES, NJ	50		50	
RAHWAY RIVER BASIN, NJ	100		100	
RARITAN BAY AND SANDY HOOK BAY, HIGHLANDS, NJ	100		100	
RARITAN BAY AND SANDY HOOK BAY, KEYPORT, NJ	100		100	
RARITAN BAY AND SANDY HOOK BAY, LEONARDO, NJ	200		200	
RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NJ		100		100
RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NJ		100		100
SHREWSBURY RIVER AND TRIBUTARIES, NJ	100		100	
SOUTH RIVER, RARITAN RIVER BASIN, NJ		100		100
STONY BROOK, MILLSTONE RIVER BASIN, NJ	100		100	
UPPER PASSAIC RIVER AND TRIBUTARIES, NJ		30		30
UPPER ROCKAWAY RIVER, NJ	300		300	
WOODBRIDGE RIVER BASIN, NJ	100		100	
NEW MEXICO				
EAST MESA, LAS CRUCES, NM			100	
ESPANOLA VALLEY, RIO GRANDE AND TRIBUTARIES, NM	50		50	
MIDDLE RIO GRANDE BOSQUE, NM	100		400	
RIO GRANDE BASIN, NM, CO AND TX	300		300	
SANTA FE, NM	205		205	
SW VALLEY FLOOD DAMAGE REDUCTION STUDY, ALBUQUERQUE, NM		250		450
NEW YORK				
AUSABLE RIVER BASIN, ESSEX AND CLINTON COUNTIES, NY	50		50	
BOQUET RIVER AND TRIBUTARIES, ESSEX COUNTY, NY	50		50	
BRONX RIVER BASIN, NY	30		30	
BUFFALO RIVER ENVIRONMENTAL DREDGING, NY			100	
FLUSHING BAY AND CREEK, NY	258		258	
FREEPORT CREEK, VILLAGE OF FREEPORT, NY	100		100	
HUDSON—RARITAN ESTUARY, GOWANUS CANAL, NY AND NJ	360		360	
HUDSON—RARITAN ESTUARY, NY AND NJ	676		676	
HUDSON RIVER HABITAT RESTORATION, NY		50		50
JAMAICA BAY, MARINE PARK AND PLUMB BEACH, ARVERNE, NY	50		50	
JAMAICA BAY, MARINE PARK AND PLUMB BEACH, NY	200		200	
LAKE MONTAUK HARBOR, NY	30		30	
LINDENHURST, NY	50		50	
NEW YORK HARBOR ANCHORAGE AREAS, NY	364		364	
NORTH SHORE OF LONG ISLAND, ASHAROKEN, NY	200		200	
NORTH SHORE OF LONG ISLAND, BAYVILLE, NY	250		250	
ONONDAGA LAKE COUNTY WATERSHED MANAGEMENT STUDY, NY			100	
ONONDAGA LAKE, NY	300		300	
SAW MILL RIVER AND TRIBUTARIES, NY	50		50	
SOUTH SHORE OF LONG ISLAND, NY	50		50	
SOUTH SHORE OF STATEN ISLAND, NY	200		200	
UPPER DELAWARE RIVER WATERSHED, NY	146		146	
UPPER SUSQUEHANNA RIVER BASIN ENVIRON RESTORATION, NY	161		161	
NORTH CAROLINA				
BOGUE BANKS, NC	300		450	
CURRITUCK SOUND, NC	200		300	
DARE COUNTY BEACHES, HATTERAS AND ORACOKE ISLANDS, NC	150		300	
NEUSE RIVER BASIN, NC	100		100	
SURF CITY AND NORTH TOPSAIL BEACH, NC	173		200	
OHIO				
ASHTABULA RIVER ENVIRONMENTAL DREDGING, OH		160		600
BELPRE, OH				400
BUTLER COUNTY, OH	243		243	
DUCK CREEK WATERSHED, OH			100	
OHIO RIVERFRONT STUDY, CINCINNATI, OH			400	
COLUMBUS METROPOLITAN AREA, OH	100		100	
HOCKING RIVER BASIN ENV RESTORATION, MONDAY CREEK, OH	205		205	
HOCKING RIVER BASIN ENV RESTORATION, SUNDAY CREEK, OH	225		225	
MAHONING RIVER ENVIRONMENTAL DREDGING, OH AND PA	40		1,000	
MUSKINGUM BASIN SYSTEM STUDY, OH	225		225	
POLK RUN CREEK, OH			100	
OKLAHOMA				
MIAMI AND VICINITY, OK	380		380	
MOUNTAIN FORK WATERSHEAD STUDY, OK			100	
OOLOGAH LAKE WATERSHED, OK AND KS	310		450	
RED RIVER WATERWAY, OK, TX AND AR	50		50	
SOUTHEAST OKLAHOMA WATER RESOURCE STUDY, OK	100		100	
SPAVINAW CREEK, OK			100	
WASHITA RIVER BASIN, OK			100	
WISTER LAKE WATERSHED, OK	50		200	
OREGON				
AMAZON CREEK, OR	100		100	
LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR AND WA	300		300	
TILLAMOOK BAY AND ESTUARY ECOSYSTEM RESTORATION, OR	266		266	
WALLA WALLA RIVER WATERSHED, OR AND WA	390		800	

CORPS OF ENGINEERS—GENERAL INVESTIGATIONS—Continued

[In thousands of dollars]

Project title	Budget estimate		Committee recommendation	
	Investigations	Planning	Investigations	Planning
WILLAMETTE RIVER BASIN REVIEW, OR	100		100	
WILLAMETTE RIVER ENVIRONMENTAL DREDGING, OR	249		249	
WILLAMETTE RIVER FLOODPLAIN RESTORATION, OR	150		150	
PENNSYLVANIA				
BLOOMSBURG, PA	204		204	
CHRISTINA RIVER WATERSHED, PA, DE AND MD	100		300	
SCHUYLKILL RIVER, WISSAHICKON, PA	100		500	
SCHUYLKILL RIVER BASIN ESTAURINE, PA			250	
UPPER OHIO RIVER NAVIGATION SYSTEM STUDY, PA			1,200	
PUERTO RICO				
RIO NIGUA AT SALINAS, PR		147		147
RHODE ISLAND				
QUONSET DAVISVILLE PORT, RI	25			
RHODE ISLAND ECOSYSTEM RESTORATION, RI	25		25	
SOUTH CAROLINA				
ATLANTIC INTRACOASTAL WATERWAY, SC	475		625	
BROAD RIVER BASIN, SC	103		250	
CHARLESTON HARBOR, SC	135		135	
PAWLEYS ISLAND, SC		100		100
REEDY RIVER, SC	50		50	
SANTEE DELTA ENVIRONMENTAL RESTORATION, SC	50		50	
WACCAMAW RIVER, SC	25		25	
SOUTH DAKOTA				
JAMES RIVER, SD			1,000	
NIOBRARA RIVER AND MISSOURI RIVER, SD	100		100	
WATERTOWN, SD			750	
TENNESSEE				
CHICKAMAUGA LOCK, TENNESSEE RIVER,TN		252		4,000
DAVIDSON COUNTY, TN	240		240	
FRENCH BROAD WATERSHED, TN	205		264	
LICK BRANCH WATERSHED, TN			100	
WASHINGTON DEE CEE BASIN, TN			100	
TEXAS				
BOIS D'ARC CREEK, BONHAM, TX	100		100	
BUFFALO BAYOU AND TRIBUTARIES, WHITE OAK BAYOU, TX	160		160	
CEDAR BAYOU, TX		310		510
COLONIAS-LWR RIO GRANDE BASIN ALONG TX AND MEXICO BORDER, TX		100		300
CORPUS CHRISTI SHIP CHANNEL, TX	410		410	
FREEPORT HARBOR, TX	200		500	
FREEPORT HURRICANE PROTECTION LEVEE, TX	100		300	
GIWW MODIFICATIONS, TX	225		225	
GIWW, BRAZOS RIVER TO PORT O'CONNOR, TX	225		225	
GIWW, HIGH ISLAND TO BRAZOS RIVER, TX		275		275
GIWW, MATAGORDA BAY, TX		480		480
GIWW, PORT O'CONNOR TO CORPUS CHRISTI BAY, TX	228		228	
GREENS BAYOU, HOUSTON, TX		150		150
GUADALUPE AND SAN ANTONIO RIVER BASINS, TX	300		1,050	
HARRIS GULLY, HOUSTON, TX			100	
LOWER COLORADO RIVER BASIN, TX	600		2,200	
MATAGORDA SHIP CHANNEL (PORT LAVACA), TX			650	
MIDDLE BRAZOS RIVER, TX	50		50	
MUSTANG BAYOU, BRAZORIA COUNTY, TX	137		137	
NORTH BOSQUE RIVER, TX		50		50
NORTHWEST EL PASO, TX	228		228	
NUECES RIVER AND TRIBUTARIES, TX	87		87	
RAYMONDVILLE DRAIN, TX		250		250
RESACAS AT BROWNSVILLE, TX	200		200	
SABINE-NECHES WATERWAY, TX	400		400	
SABINE PASS TO GALVESTON BAY, TX	250		250	
SOUTH MAIN CHANNEL, TX		200		200
SPARKS ARROYO COLONIA, EL PASO COUNTY, TX	137		137	
SULPHUR RIVER ENVIRONMENTAL RESTORATION, TX	50		50	
TEXAS CITY CHANNEL (50-FOOT PROJECT), TX		200		1,000
UPPER TRINITY RIVER BASIN, TX	433		1,800	
UTAH				
PARK CITY WATER SUPPLY PROJECT, UT			500	
PROVO AND VICINITY, UT	25		25	
VIRGINIA				
AIWW, BRIDGES AT DEEP CREEK, VA		275		275
CLINCH RIVER WATER PROJECT, VA			100	
ELIZABETH RIVER, HAMPTON ROADS, VA		471		471
FOURMILE RUN, VA	37		37	
JAMES RIVER CHANNEL, VA		109		109
JOHN H KERR DAM AND RESERVOIR, VA AND NC (SECTION 216)	300		400	
LOWER RAPPAHANNOCK RIVER BASIN, VA	157		157	
LYNNHAVEN RIVER BASIN, VA	37		237	
NORFOLK HARBOR AND CHANNELS, CRANEY ISLAND, VA	350		350	
POWELL RIVER WATERSHED, VA	100		100	
WASHINGTON				
BELLINGHAM BAY, WA	50		50	
CENTRALIA, WA		500		1,000
CHEHALIS RIVER BASIN, WA	250		250	
COMMENCEMENT BAY AND HYLEBOS WATERWAY, PIERCE COUNTY, WA	200		500	
DUWAMISH AND GREEN RIVER BASIN, WA		265		265
ELLIOT BAY SEAWALL, WA			100	
LAKE WASHINGTON SHIP CANAL, WA	450		450	
PUGET SOUND CONFINED DISPOSAL SITES, WA	50		50	
PUGET SOUND NEARSHORE MARINE HABITAT RESTORATION, WA	250		900	

CORPS OF ENGINEERS—GENERAL INVESTIGATIONS—Continued

[In thousands of dollars]

Project title	Budget estimate		Committee recommendation	
	Investigations	Planning	Investigations	Planning
SKAGIT RIVER, WA	450		900	
STILLAGUAMISH RIVER BASIN, WA		100		100
WHITE RIVER FLOOD CONTROL AND ECOSYSTEM RESTORATION, W	200		200	
WEST VIRGINIA				
ISLAND CREEK AT LOGAN, WV		697		697
LITTLE KANAWHA RIVER, WV			100	
NEW RIVER BASIN, WV, NC AND VA	235		235	
WISCONSIN				
BARABOO RIVER, WI	350		350	
FOX RIVER, WI	40		40	
FOX RIVER ENVIRONMENTAL DREDGING, WI			200	
WYOMING				
JACKSON HOLE RESTORATION, WY		108		108
MISCELLANEOUS				
COASTAL FIELD DATA COLLECTION	2,500		4,500	
ENVIRONMENTAL DATA STUDIES	100		100	
FLOOD DAMAGE DATA	300		300	
FLOOD PLAIN MANAGEMENT SERVICES	7,500		9,000	
GREAT LAKES REMEDIAL ACTION PROGRAM (SECTION 401)			2,000	
HYDROLOGIC STUDIES	400		400	
INTERNATIONAL WATER STUDIES	400		400	
NATIONAL SHORELINE	500		500	
OTHER COORDINATION PROGRAMS	4,850		5,250	
PLANNING ASSISTANCE TO STATES	6,000		6,500	
PRECIPITATION STUDIES (NATIONAL WEATHER SERVICE)	300		300	
REMOTE SENSING/GEOGRAPHIC INFORMATION SYSTEM SUPPORT	200		200	
RESEARCH AND DEVELOPMENT	22,000		25,000	
SCIENTIFIC AND TECHNICAL INFORMATION CENTERS	100		100	
STREAM GAGING (U.S. GEOLOGICAL SURVEY)	500		500	
TRANSPORTATION SYSTEMS	500		500	
TRI-SERVICE CADD/GIS TECHNOLOGY CENTER	450		450	
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	−21,430		−41,263	
ADJUSTMENT FOR ACTUAL RETIREMENT ACCRUALS	−517			
TOTAL, GENERAL INVESTIGATIONS	83,488	18,995	114,394	33,910

Knik Bridge Crossing, AK.—The Committee has included $100,000 to initiate feasibility.

Hot Springs, AR.—The Committee has provided $100,000 for a reconnaissance study to identify and evaluate alternatives for flood damage prevention.

Red River Navigation, Southwest Arkansas, AR and LA.—The Committee recommendation includes $583,000 to complete the cost-shared navigation study. The Committee understands that navigation in the Shreveport, LA, to Index, AR reach is an extension of the existing J. Bennett Johnston Waterway, and as such, urges the Corps to perform an additional analysis using the same discount rate and local cost-sharing requirements as required for the existing waterway. This analysis should be displayed as a part of all study and project documents.

Southwest Arkansas Study, Little River Basin, AR.—The Committee has provided $200,000 to initiate and complete an expanded reconnaissance study to address flooding, environmental restoration, water quality and other water resource needs in the Red River and Little Red River basins.

Rio de Flag, Flagstaff, AZ.—The Committee recommendation includes $880,000 for preconstruction engineering and design phase for Rio de Flag, Flagstaff, AZ.

American River Watershed, CA.—The Committee has provided $2,600,000 for continuing analyses on the American River Watershed Long-Term Study, which recommends authorization of the so-called Folsom Dam Mini-Raise. In the Water Resources Development Act of 1999, Congress directed the Corps of Engineers to study a potential increase in flood storage at the Folsom reservoir. The Corps has completed its review and has concluded that raising the existing dam by 7 feet would provide substantially increased flood control benefits, and is technically feasible, economically justified and environmentally preferable, to other flood control options for the Sacramento region. The Congress has methodically authorized and funded improvements in the Sacramento region to reduce flooding and these efforts should continue without further delay. The Mini-Raise is widely supported by virtually all of the congressional delegation as well as State and local officials and the environmental community. However, the project continues to have narrow but persistent opposition. The Committee believes it is time to provide Sacramento with much needed and deserved flood protection. It is the Committee's understanding that the Chief's report for this project is currently under review. The longer the review drags on, the longer tens of thousands of citizens in the Sacramento, California, region will remain in jeopardy from catastrophic flooding. The Committee directs that this review be expedited such that the project will be eligible for authorization in 2002. The Committee also strongly urges the congressional authorizing committees to authorize the Folsom Mini-Raise in the next Water Resources Development Act.

Coast of California, South Coast Region, Los Angeles County, CA.—The Committee has provided $400,000 to continue data collection and surveys.

Huntington Harbor Dredging, CA.—The Committee recommendation includes $100,000 for a reconnaissance study for ecosystem restoration of Huntington Harbor, CA.

Napa River Salt Marsh Restoration, CA.—The Committee recommendation includes $1,000,000 to complete the feasibility study and to initiate preconstruction engineering and design activities for Napa River Salt Marsh Restoration, CA.

Sacramento and San Joaquin Comprehensive Basin Study, CA.—The Committee recommendation includes $3,173,000 to complete the feasibility study and to initiate preconstruction engineering and design.

Tahoe Basin, CA & NV.—The Committee has included $1,500,000 to continue the comprehensive watershed study of the Lake Tahoe Basin Watershed.

Adams County, CO.—The Committee recommendation includes $100,000 for a reconnaissance study for ecosystem restoration study for Adams County, CO.

New Savannah Bluff Lock and Dam, GA & SC.—The Committee has provided $176,000 to continue the preconstruction engineering and design phase of the New Savannah Bluff Lock and Dam, GA & SC.

Savannah Harbor Estuary Restoration Study, GA.—The Committee recommendation includes $100,000 for a reconnaissance study for ecosystem restoration study for the Savannah Harbor Estuary Restoration Study, GA.

Waikiki Erosion Control, HI.—The Committee has provided $250,000 to continue preconstruction engineering and design for the Waikiki Erosion Control, HI, project.

Upper Mississippi & Illinois Navigation Study, IL, IA, MN, MO, & WI.—The Committee recommendation includes $3,685,000 to continue the system feasibility phase of this study to ensure timely completion in fiscal year 2004. The Committee understands that the Corps has submitted an Interim Report in compliance with direction in the fiscal year 2003 Senate Energy and Water Development bill.

Columbus Waterfront Development Project, Columbus, IN.—The Committee has provided $100,000 to initiate and complete a reconnaissance study of the Columbus, IN waterfront area.

Vincennes Waterfront Development Project, Vincennes, IN.—The Committee has provided $100,000 to initiate and complete a reconnaissance study of the Vincennes, IN waterfront area.

Covington Waterfront Development Project, Covington, KY.—The Committee has provided

$200,000 to initiate and complete a reconnaissance study of the Covington, KY waterfront area.

Muddy River, Brookline and Boston, MA.—The Committee recommendation includes $322,000 to complete the preconstruction engineering and design phase of the flood damage reduction and ecosystem restoration for the Muddy River in Boston and Brookline, MA.

Detroit River Environmental Dredging, MI.—The Committee has provided $100,000 to initiate the feasibility study of dredging and disposal requirements of contaminated sediments in the Detroit River.

Detroit River Master Plan, Detroit, MI.—The Committee has provided $100,000 to continue the Detroit River Master Plan study.

Detroit River Seawalls, Detroit, MI.—The Committee recommendation includes $100,000 for continued studies of the Detroit River Seawalls.

Rouge River Environmental Dredging, MI.—The Committee has provided $100,000 for a reconnaissance study on remediation of contaminated sediments in the Rouge River.

Red River of the North Basin, MN, ND, SD, & Manitoba, Canada.—The Committee recommendation includes $2,078,000 to continue feasibility studies and incorporate the Fargo Southside, ND, project formerly being studied under the Continuing Authorities Program.

The Committee is aware that several stakeholder groups in the Red River Basin are coordinating water resource management efforts across State and international borders by forming the Red River Basin Commission (RRBC). The Committee recognizes this Commission, which includes local, provincial, State, and Federal interests, as a non-profit entity registered in the States of Minnesota, North Dakota, South Dakota, and the Canadian Province of Manitoba.

Missouri River Levee System, Units L455 & R 460–471, MO & KS.—The Committee has provided $331,000 to complete the feasibility study.

Portsmouth Harbor & Piscataqua River, Upper Turning Basin, NH & ME.—The Committee recommendation includes $100,000 for a reconnaissance study of navigation improvements at Portsmouth Harbor.

Hudson-Raritan Estuary — Hackensack Meadowlands Ecosystem Restoration, NJ.—The Committee has provided $100,000 to initiate the feasibility study.

Onondaga Lake County Watershed Management Study, NY.—The Committee recommendation includes $100,000 to initiate comprehensive watershed studies for the Onondaga County Watershed.

Duck Creek Watershed, OH.—The Committee recommendation includes $100,000 to initiate and complete a reconnaissance study and negotiate a feasibility cost sharing agreement.

Ohio Riverfront Study, Cincinnati, OH.—The Committee has provided $400,000 to initiate a feasibility study.

James River, SD.—The Committee recommendation provides $1,000,000 to complete reconnaissance studies and to initiate feasibility studies for flood damage reduction in the James River basin.

Watertown, SD.—The Committee recommendation provides $750,000 for initiation of a general reevaluation report for a flood protection project at Watertown, SD.

Guadalupe and San Antonio River Basins, TX.—The Committee has provided $1,050,000 to continue basinwide environmental restoration studies and for basin hydrologic studies to update flood plain mapping in Goliad, Karnes, and Wilson Counties.

Harris Gully, Houston, TX.—The Committee has provided $100,000 for studies to determine the feasibility of alternative measures relating to flood damage reduction, ecosystem restoration, and other allied purposes for Harris Gully, Houston, TX.

Matagorda Ship Channel (Port Lavaca), TX.—The Committee has provided $650,000 for studies of navigation improvements of the Matagorda Ship Channel.

Duwamish and Green River Basin, WA.—The Committee recommendation includes $265,000 to complete the preconstruction engineering and design phase for ecosystem restoration of the Duwamish and Green River Basin.

Coastal Field Data Collection.—Within the funds provided, the Committee has provided $1,000,000 for the Southern California Beach Processes Study and $1,000,000 for Hurricane Evaluation Studies in the State of Hawaii and U.S. Territories.

Flood Plain Management Services.—Within the amount provided for the Flood Plain Management Services Program, the Committee urges the Corps to develop information and decision-support tools for hurricane preparedness in the State of Hawaii and U.S. Territories and to conduct a flood plain management study for Dexter, MO, and a flood plain management study for Cumberland County, TN.

Other Coordination Programs.—Within the funds provided, the Committee recommendation includes $500,000 for activities related to the Environmental Improvement Program for the Lake Tahoe Basin, CA & NV, $200,000 for the American Heritage Rivers Program, $500,000 for international waters studies, and $600,000 for the Tri-Service CADD/GIS Technology Center.

Planning Assistance to States.—The Committee has provided $6,500,000 for the Planning Assistance to States Program. Within the funds provided, the Committee urges the Corps of Engineers to assist in the development of a watershed management assessment plan for Lamar County, AL, initiate studies for Cross Lake, LA, and a drought watershed management plan for Big Hole, MT.

Research and Development.—Within the funds provided for the Corps of Engineers R&D Program, $2,000,000 is provided for innovative technology demonstrations for urban flooding and channel restoration. These demonstrations shall be conducted in close coordination and cooperation with the Urban Water Research Program of the Desert Research Institute of Nevada. $500,000 is provided to conduct investigations, assessment, and demonstrations on large-scale submerged aquatic vegetation restoration techniques and technologies. Appropriate demonstration activities should be considered within the Chesapeake Bay, MD.

The Committee is aware that WRDA 1999, Sec. 503 authorized the test and demonstration of innovative technologies for environmentally sound management of contaminated sediments. The Committee encourages the Corps of Engineers to continue its work in this matter in cooperation with the University of New Hampshire.

CONSTRUCTION, GENERAL

Appropriations, 2002	$1,715,951,000
Budget estimate, 2003	1,415,612,000
Committee recommendation	1,636,602,000

This appropriation includes funds for construction, major rehabilitation and related activities for water resources development projects having navigation, flood control, water supply, hydroelectric, environmental restoration, and other attendant benefits to the Nation. The construction and major rehabilitation projects for inland and costal waterways will derive one-half of the funding from the Inland Waterway Trust Fund. Funds to be derived from the Harbor Maintenance Trust Fund will be applied to cover the Federal share of the Dredged Material Disposal Facilities Program.

The appropriation provides funds for the Continuing Authorities Program (projects which do not require specific authorizing legislation), which includes projects for flood control (Section 205), emergency streambank and shoreline protection (Section 14), beach erosion control (Section 103), mitigation of shore damages (Section 111), navigation projects (Section 107), snagging and clearing (Section 208), aquatic ecosystem restoration (Section 206), beneficial uses of dredged material (Section 204), and project modifications for improvement of the environment (Section 1135).

The budget request and the approved Committee allowance are shown on the following table:

CORPS OF ENGINEERS—CONSTRUCTION, GENERAL

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
ALABAMA		
MOBILE HARBOR, AL	200	1,000
WALTER F GEORGE POWERHOUSE AND DAM, AL AND GA (MAJOR REH	16,473	16,473
WALTER F GEORGE POWERPLANT, AL AND GA (MAJOR REHAB)	2,852	2,852
ALASKA		
BETHEL EMERGENCY BANK STABILIZATION, AK		3,000
BUCKLAND ENVIRONMENTAL INFRASTRUCTURE, AK		2,000
CHIGNIK HARBOR, AK	3,120	3,120
DILLINGHAM BANK STABILIZATION, AK		4,000
GALENA, AK		3,000
KAKE, AK		2,000
NOME HARBOR IMPROVEMENTS, AK	4,500	4,500
ST PAUL HARBOR, AK	5,880	5,880
SEWARD HARBOR, AK		3,500
WRANGELL HARBOR, AK	5,000	5,000

CORPS OF ENGINEERS—CONSTRUCTION, GENERAL—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
ARIZONA		
RIO SALADO, PHOENIX AND TEMPE REACHES, AZ	14,300	17,000
ARKANSAS		
FOURCHE BAYOU BASIN, AR		500
MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR	3,360	3,360
MONTGOMERY POINT LOCK AND DAM, AR	20,000	24,000
RED RIVER BELOW DENISON DAM, AR, LA, TX, AND OK		2,500
RED RIVER EMERGENCY BANK PROTECTION, AR, LA, TX, AND OK		4,000
CALIFORNIA		
AMERICAN RIVER WATERSHED (FOLSOM DAM MODIFICATIONS), CA	4,900	4,900
AMERICAN RIVER WATERSHED, CA	22,280	22,280
CORTE MADERA CREEK, CA	100	100
GUADALUPE RIVER, CA	5,000	9,000
HAMILTON AIRFIELD WETLANDS RESTORATION, CA	3,900	5,000
HARBOR/SOUTH BAY WATER RECYCLING, CA		7,000
IMPERIAL BEACH, SILVER STRAND SHORELINE, CA	200	600
KAWEAH RIVER, CA	10,151	11,000
LOS ANGELES HARBOR, MAIN CHANNEL DEEPENING, CA		10,300
LOWER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA	1,680	1,680
MARYSVILLE/YUBA CITY LEVEE RECONSTRUCTION, CA	5,900	5,900
MERCED COUNTY STREAMS, CA	500	500
MID-VALLEY AREA LEVEE RECONSTRUCTION, CA	5,172	5,172
NAPA RIVER, CA	5,000	8,000
OAKLAND HARBOR (50 FOOT PROJECT), CA	5,000	5,000
PETALUMA RIVER, CA	4,000	2,200
SACRAMENTO RIVER BANK PROTECTION PROJECT, CA	2,600	2,600
SACRAMENTO RIVER DEEPWATER SHIP CHANNEL, CA	250	400
SACRAMENTO RIVER, GLENN-COLUSA IRRIGATION DISTRICT, CA	806	806
SAN FRANCISCO BAY TO STOCKTON, CA		1,150
SAN LORENZO RIVER, CA	2,751	2,751
SAN RAMON VALLEY RECYCLED WATER PROJECT, CA		500
SANTA ANA RIVER MAINSTEM, CA	29,700	32,000
SANTA BARBARA HARBOR, CA	100	100
SOUTH SACRAMENTO COUNTY STREAMS, CA	2,000	7,000
STOCKTON METROPOLITIAN FLOOD CONTROL REIMBURSEMENT, CA	1,000	
SUCCESS DAM, TULE RIVER, CA (DAM SAFETY)	1,000	1,000
SURFSIDE-SUNSET-NEWPORT BEACH, CA	4,300	4,300
TULE RIVER, CA		1,500
UPPER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA	3,510	3,510
DELAWARE		
DELAWARE BAY COASTLINE, ROOSEVELT INLET TO LEWES BEACH, DE	500	1,200
DELAWARE COAST PROTECTION, DE	294	294
DELAWARE COAST, REHOBOTH BEACH TO DEWEY BEACH, DE	1,000	2,000
FLORIDA		
BREVARD COUNTY, FL		1,500
CANAVERAL HARBOR, FL	3,600	3,600
CENTRAL AND SOUTHERN FLORIDA, FL	108,202	90,000
DADE COUNTY, FL		2,000
EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FL	19,526	19,526
JACKSONVILLE HARBOR, FL	4,028	3,528
JIM WOODRUFF LOCK AND DAM POWERHOUSE, FL AND GA (MAJOR R	1,742	1,742
KISSIMMEE RIVER, FL	23,727	23,727
MIAMI HARBOR CHANNEL, FL	13,100	4,000
PALM BEACH COUNTY (REIMBURSEMENT), FL		1,500
PANAMA CITY HARBOR, FL	1,645	1,645
ST JOHNS COUNTY, FL		300
GEORGIA		
BRUNSWICK HARBOR, GA	11,116	6,000
BUFORD POWERHOUSE, GA (MAJOR REHAB)	3,374	3,374
HARTWELL LAKE POWERHOUSE, GA AND SC (MAJOR REHAB)	2,493	2,493
LOWER SAVANNAH RIVER BASIN, GA AND SC	250	250
OATES CREEK, RICHMOND COUNTY, GA (DEF CORR)	850	850
RICHARD B RUSSELL DAM AND LAKE, GA AND SC	1,000	1,000
THURMOND LAKE POWERHOUSE, GA AND SC (MAJOR REHAB)	3,500	3,500
HAWAII		
HAWAII WATER MANAGEMENT, HI		2,000
IAO STREAM FLOOD CONTROL, MAUI, HI (DEF CORR)	419	419
KAUMALAPAU HARBOR, HI		2,000
KIKIAOLA SMALL BOAT HARBOR, KAUAI, HI	4,303	4,303
MAALAEA HARBOR, MAUI, HI	2,262	2,262
ILLINOIS		
CHAIN OF ROCKS CANAL, MISSISSIPPI RIVER, IL (DEF CORR)	2,037	2,037
CHICAGO SHORELINE, IL	19,000	21,000
COOK COUNTY, IL		400
DES PLAINES RIVER, IL		2,500
EAST ST LOUIS, IL	800	800
LOCK AND DAM 24, MISSISSIPPI RIVER, IL AND MO (MAJOR REH	10,000	10,000
LOVES PARK, IL	2,973	2,973
MCCOOK AND THORNTON RESERVOIRS, IL	10,000	12,000
MELVIN PRICE LOCK AND DAM, IL AND MO	1,200	1,200
NUTWOOD LEVEE, IL		200
OLMSTED LOCKS AND DAM, OHIO RIVER, IL AND KY	77,000	65,000
UPPER MISS RVR SYSTEM ENV MGMT PROGRAM, IL, IA, MN, MO	12,200	15,000
INDIANA		
CITY OF INDIANAPOLIS, IN (ENVIRONMENTAL INFRASTRUCTURE)		500
INDIANA HARBOR (CONFINED DISPOSAL FACILITY), IN	6,800	6,800
INDIANAPOLIS, WHITE RIVER (NORTH), IN	2,000	2,000
LITTLE CALUMET RIVER, IN	3,562	3,562
MISSISSINEWA LAKE, IN (MAJOR REHAB)	7,094	7,094
OHIO RIVER GREENWAY PUBLIC ACCESS, IN	732	732
IOWA		
DES MOINES RECREATIONAL RIVER AND GREENBELT, IA		1,400

CORPS OF ENGINEERS—CONSTRUCTION, GENERAL—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
LOCK AND DAM 11, MISSISSIPPI RIVER, IA (MAJOR REHAB)	1,366	2,250
LOCK AND DAM 12, MISSISSIPPI RIVER, IA (MAJOR REHAB)	5,404	5,404
MISSOURI RIVER FISH AND WILDLIFE MITIGATION, IA, NE, K	17,500	18,600
MISSOURI RIVER LEVEE SYSTEM, IA, NE, KS AND MO	6,978	10,000
PERRY CREEK, IA	4,000	4,500
KANSAS		
ARKANSAS CITY, KS	3,000	3,000
KENTUCKY		
DEWEY LAKE, KY (DAM SAFETY)	600	600
KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KY	27,400	31,000
MCALPINE LOCKS AND DAM, OHIO RIVER, KY AND IN	6,192	16,000
METROPOLITAN LOUISVILLE, BEARGRASS CREEK, KY	3,838	3,838
METROPOLITAN LOUISVILLE, POND CREEK, KY	2,000	2,000
LOUISIANA		
ASCENSION PARISH (ENVIRONMENTAL INFRASTRUCTURE), LA		300
COMITE RIVER, LA	3,000	3,000
EAST BATON ROUGE PARISH, LA (ENVIRONMENTAL INFRASTRUCTURE)		300
GRAND ISLE AND VICINITY, LA		213
INNER HARBOR NAVIGATION CANAL LOCK, LA	9,000	15,000
J BENNETT JOHNSTON WATERWAY, LA	11,016	17,000
LAKE PONTCHARTRAIN AND VICINITY, LA (HURRICANE PROTECT	4,900	7,000
LAROSE TO GOLDEN MEADOW, LA (HURRICANE PROTECTION)	410	410
LIVINGSTON PARISH (ENVIRONMENTAL INFRASTRUCTURE), LA		300
MISSISSIPPI RIVER GULF OUTLET, LA		500
MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, LA	200	200
NEW ORLEANS TO VENICE, LA (HURRICANE PROTECTION)	900	1,500
OUACHITA RIVER LEVEES, LA		1,500
SOUTHEAST LOUISIANA, LA	20,083	40,000
WEST BANK AND VICINITY, NEW ORLEANS, LA	5,000	10,000
MARYLAND		
ASSATEAGUE ISLAND, MD	6,900	6,900
ATLANTIC COAST OF MARYLAND, MD	200	200
BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MD AND VA	10,590	10,590
CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION, MD, PA, AND VA		2,000
CHESAPEAKE BAY OYSTER RECOVERY, MD AND VA	2,000	3,000
CUMBERLAND, MD		5,000
POPLAR ISLAND, MD	10,600	10,600
MASSACHUSETTS		
CAPE COD CANAL RAILROAD BRIDGE, MA (MAJOR REHAB)	8,500	8,500
WEST HILL DAM, MA (MAJOR REHAB)	2,800	2,800
MICHIGAN		
GENESEE COUNTY (ENVIRONMENTAL INFRASTRUCTURE), MI		200
NEGAUNEE, MI		575
SAULT STE MARIE REPLACEMENT LOCK, MI		2,000
TWELVE TOWNS DRAIN RETENTION FACILITY, MI		300
MINNESOTA		
BRECKENRIDGE, MN		2,000
CROOKSTON, MN	3,202	3,202
LOCK AND DAM 3, MISSISSIPPI RIVER, MN (MAJOR REHAB)	3,000	3,000
MILLE LACS REGIONAL WASTEWATER, MN		1,000
MISSISSIPPI		
DESOTO COUNTY, MS		4,000
GULFPORT HARBOR, MS		800
MISSISSIPPI ENVIRONMENTAL INFRASTRUCTURE (SECTION 592), MS		12,000
PASCAGOULA HARBOR, MS	2,476	5,834
MISSOURI		
BLUE RIVER BASIN, KANSAS CITY, MO	200	200
BLUE RIVER CHANNEL, KANSAS CITY, MO	6,676	13,000
BOIS BRULE DRAINAGE AND LEVEE DISTRICT, MO		200
MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MO	600	4,000
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	1,700	3,500
STE GENEVIEVE, MO	300	300
TABLE ROCK LAKE, MO AND AR (DAM SAFETY)	10,000	12,000
MONTANA		
FORT PECK FISH HATCHERY, MT		8,000
RURAL MONTANA, MT		3,500
NEBRASKA		
ANTELOPE CREEK, NE		2,000
MISSOURI NATIONAL RECREATIONAL RIVER, NE AND SD	750	750
WOOD RIVER, GRAND ISLAND, NE	3,536	3,536
NEVADA		
RURAL NEVADA, NV		13,000
TROPICANA AND FLAMINGO WASHES, NV	33,900	45,000
NEW JERSEY		
BRIGANTINE INLET TO GREAT EGG INLET (ABSECON ISLAND), NJ	500	500
CAPE MAY INLET TO LOWER TOWNSHIP, NJ	82	82
DELAWARE RIVER MAIN CHANNEL, NJ, PA AND DE	12,000	2,000
GREAT EGG HARBOR INLET AND PECK BEACH, NJ	460	460
LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NJ	2,000	500
PASSAIC RIVER PRESERVATION OF NATURAL STORAGE AREAS, NJ	3,000	3,000
PASSAIC RIVER STREAMBANK RESTORATION, NJ		1,000
RAMAPO AND MAHWAH RIVERS, MAHWAH, NJ AND SUFFERN, NY	500	500
RAMAPO RIVER AT OAKLAND, NJ	5,241	5,241
RARITAN BAY AND SANDY HOOK BAY, NJ	1,000	500
RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ	5,000	5,000
SANDY HOOK TO BARNEGAT INLET, NJ	4,434	4,434
TOWNSENDS INLET TO CAPE MAY INLET, NJ	7,000	7,000

CORPS OF ENGINEERS—CONSTRUCTION, GENERAL—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
NEW MEXICO		
ACEQUIAS IRRIGATION SYSTEM, NM	1,500	5,200
ALAMOGORDO, NM	5,400	5,400
CENTRAL NEW MEXICO, NM		8,000
MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELEN, NM	800	800
RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE, NM	800	800
NEW YORK		
ATLANTIC COAST OF NYC, ROCKAWAY INLET TO NORTON POINT, NY	450	450
EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY, NY	1,000	1,000
FIRE ISLAND INLET TO JONES INLET, NY	500	500
FIRE ISLAND INLET TO MONTAUK POINT, NY	2,750	2,750
NEW YORK AND NEW JERSEY HARBOR, NY AND NJ	120,000	100,000
NORTH CAROLINA		
BRUNSWICK COUNTY BEACHES, NC	700	700
STANLY COUNTY WASTEWATER, NC		1,000
WEST ONSLOW BEACH AND NEW RIVER INLET, NC	1,200	1,200
WILMINGTON HARBOR, NC	24,650	38,000
NORTH DAKOTA		
BUFORD-TRENTON IRRIGATION DISTRICT LAND ACQUISITION, ND	1,000	2,500
DEVILS LAKE, ND		5,000
GARRISON DAM AND POWER PLANT, ND (MAJOR REHAB)	6,500	6,500
GRAFTON, PARK RIVER, ND		1,000
GRAND FORKS, ND—EAST GRAND FORKS, MN	30,000	40,000
HOMME LAKE, ND (DAM SAFETY)	2,272	2,272
SHEYENNE RIVER, ND	2,417	2,417
OHIO		
HOLES CREEK, WEST CARROLLTON, OH		3,900
METROPOLITAN REGION OF CINCINNATI, DUCK CREEK, OH	3,270	5,000
MILL CREEK, OH	1,100	6,500
WEST COLUMBUS, OH	2,000	3,000
OKLAHOMA		
SKIATOOK LAKE, OK (DAM SAFETY)	3,000	3,000
TENKILLER FERRY LAKE, OK (DAM SAFETY)	4,600	4,600
OREGON		
BONNEVILLE POWERHOUSE PHASE II, OR AND WA (MAJOR REHAB)	8,913	8,913
COLUMBIA RIVER CHANNEL IMPROVEMENTS, OR AND WA		5,000
COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR AND WA	5,800	5,800
ELK CREEK LAKE, OR	1,000	1,000
LOWER COLUMBIA RIVER BASIN BANK PROTECTION, OR AND WA	100	100
LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR AND WA	2,000	
WILLAMETTE RIVER TEMPERATURE CONTROL, OR	6,000	8,000
PENNSYLVANIA		
LACKAWANNA RIVER, OLYPHANT, PA	1,161	1,161
LOCKS AND DAMS 2, 3 AND 4, MONONGAHELA RIVER, PA	36,017	43,000
PRESQUE ISLE PENINSULA, PA (PERMANENT)	580	1,080
SAW MILL RUN, PITTSBURGH, PA	4,103	4,103
SCHUYLKILL RIVER PARK, PA		1,000
WYOMING VALLEY, PA (LEVEE RAISING)	9,439	9,439
PUERTO RICO		
ARECIBO RIVER, PR	5,000	5,000
PORTUGUES AND BUCANA RIVERS, PR	5,500	5,500
RIO DE LA PLATA, PR	500	500
RIO GRANDE DE MANATI, PR	4,981	4,981
RIO PUERTO NUEVO, PR	8,778	8,778
SAN JUAN HARBOR, PR	1,457	1,457
SOUTH CAROLINA		
CHARLESTON HARBOR (DEEPENING AND WIDENING), SC	4,539	6,500
HARTWELL LK, CLEMSON UPPER AND LOWER DIVERSION, SC (DAM S)	5,791	5,791
MYRTLE BEACH STORM DAMAGE REDUCTION, SC		400
SOUTH DAKOTA		
BIG SIOUX RIVER, SIOUX FALLS, SD	3,964	3,964
CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX, SD	1,700	9,500
MISSOURI RIVER RESTORATION, SD	750	750
PIERRE, SD	1,426	6,000
TENNESSEE		
BLACK FOX, OAKLANDS AND MURFREE SPRINGS WETLANDS, TN		3,591
TEXAS		
BOSQUE AND LEON RIVERS, TX		1,000
BRAYS BAYOU, HOUSTON, TX	3,798	3,798
CLEAR CREEK, TX	1,200	3,591
DALLAS FLOODWAY EXTENSION, TX		9,744
EL PASO, TX	1,000	1,000
HOUSTON-GALVESTON NAVIGATION CHANNELS, TX	19,487	40,000
JOHNSON CREEK, UPPER TRINITY BASIN, ARLINGTON, TX	3,636	3,636
NECHES RIVER AND TRIBUTARIES SALTWATER BARRIER, TX	7,000	7,000
NORTH PADRE ISLAND, PACKERY CHANNEL, TX		5,000
RED RIVER BASIN CHLORIDE CONTROL, TX		2,000
SAN ANTONIO CHANNEL IMPROVEMENT, TX	3,219	3,219
SIMS BAYOU, HOUSTON, TX	9,000	9,000
UTAH		
UPPER JORDAN RIVER, UT	500	500
VERMONT		
VERMONT DAMS REMEDIATION, VT		500
VIRGINIA		
AIWW BRIDGE AT GREAT BRIDGE, VA	3,401	3,401

CORPS OF ENGINEERS—CONSTRUCTION, GENERAL—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
EMBREY DAM, VA		2,500
JOHN H KERR DAM AND RESERVOIR, VA AND NC (MAJOR REHAB)	6,600	6,600
LYNCHBURG (COMBINED SEWER OVERFLOW), VA		500
NORFOLK HARBOR AND CHANNELS (DEEPENING), VA	477	477
RICHMOND (COMBINED SEWER OVERFLOW), VA		500
ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA	850	850
SANDBRIDGE BEACH, VA		1,400
VIRGINIA BEACH, VA (HURRICANE PROTECTION)	120	120
WASHINGTON		
COLUMBIA RIVER FISH MITIGATION, WA, OR AND ID	98,000	85,500
GRAYS HARBOR, WA	50	100
HOWARD HANSON DAM ECOSYSTEM RESTORATION, WA	5,776	7,500
LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION, WA, OR	4,600	4,600
MT ST HELENS SEDIMENT CONTROL, WA	281	281
MUD MOUNTAIN DAM, WA (DAM SAFETY)	1,200	2,500
SHOALWATER BAY SHORELINE EROSION, WA		1,000
THE DALLES POWERHOUSE (UNITS 1–14), WA AND OR (MAJOR REH)	3,000	3,000
WEST VIRGINIA		
BLUESTONE LAKE, WV (DAM SAFETY)	8,500	13,100
LEVISA AND TUG FORKS OF THE BIG SANDY RIVER AND UPPER CUMBERLAND RIVER, WV AND VA	10,400	16,900
LONDON LOCKS AND DAM, KANAWHA RIVER, WV (MAJOR REHAB)	11,934	11,934
LOWER MUD RIVER, WV		750
MARMET LOCK, KANAWHA RIVER, WV	10,978	58,500
ROBERT C BYRD LOCKS AND DAM, OHIO RIVER, WV AND OH	1,500	1,500
WINFIELD LOCKS AND DAM, KANAWHA RIVER, WV	200	200
WISCONSIN		
LAFARGE LAKE, WI	4,361	4,361
FOX RIVER LOCKS, WI		5,000
MISCELLANEOUS		
AQUATIC ECOSYSTEM RESTORATION (SECTION 206)	10,000	20,000
AQUATIC PLANT CONTROL PROGRAM	3,000	5,000
BENEFICIAL USES OF DREDGED MATERIAL (SECTION 204)	1,500	1,500
DAM SAFETY AND SEEPAGE/STABILITY CORRECTION PROGRAM	5,000	10,000
DREDGED MATERIAL DISPOSAL FACILITIES PROGRAM	9,000	9,000
EMERGENCY STREAMBANK AND SHORELINE PROTECTION (SEC 14)	7,000	9,000
EMPLOYEES' COMPENSATION	20,000	20,000
FLOOD CONTROL PROJECTS (SECTION 205)	30,000	45,000
INLAND WATERWAYS USERS BOARD—BOARD EXPENSE	45	45
INLAND WATERWAYS USERS BOARD—CORPS EXPENSE	185	185
NAVIGATION MITIGATION PROJECT (SECTION 111)	500	2,000
NAVIGATION PROJECTS (SECTION 107)	7,000	9,100
PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONMENT	16,000	23,000
SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION	8,000	8,000
SHORELINE PROTECTION PROJECTS (SECTION 103)	5,000	5,000
SNAGGING AND CLEARING PROJECT (SECTION 208)	1,000	1,000
TRIBAL PARTNERSHIP PROGRAM		2,000
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	−103,454	−281,351
ADJUSTMENT FOR ACTUAL RETIREMENT ACCRUALS	−2,388	
TOTAL, CONSTRUCTION GENERAL	1,415,612	1,636,602

Bethel Emergency Bank Stabilization, Bethel, AK.—The Committee is aware that extenuating circumstances and the dire situation with regard to the Bethel Emergency Bank Stabilization project. Therefore, the Committee urges the Corps of Engineers to take all steps necessary to address the rapidly deteriorating seawall in order to prevent its imminent collapse.

Kake, AK.—The Committee has provided an additional $2,000,000 to previously appropriated amounts for the Kake, AK, project.

Montgomery Point Lock and Dam, AR.—The Committee recommendation includes $24,000,000. The Committee understands that this is far less than the Corps capability for this important navigation project that contributes to the Nation's economic security, but in a constrained budget environment, is an increase over the budget amount.

Red River Below Denison Dam, AR, LA, OK & TX.—The Committee recommendation includes $2,500,000 to continue the levee rehabilitation and bank stabilization project in Arkansas.

Red River Emergency Bank Protection, AR, LA, OK & TX.—The Committee recommendation includes $4,000,000 to continue the project.

Harbor/South Bay Water Recycling, CA.—The Committee recommendation includes $7,000,000 to continue construction of the project.

Los Angeles Harbor Main Channel Deepening, CA.—The Committee has provided $10,300,000 to continue construction of the channel deepening project.

Petaluma River, CA.—The Committee recommendation includes $2,200,000 for this project.

San Francisco Bay to Stockton, CA.—The Committee recommendation includes $1,150,000 for continuation of the General Reevaluation Reports on the Avon Turning Basin and for the minimal deepening of the San Francisco Bay to the Port of Stockton.

South Sacramento County Streams, CA.—The Committee recommendation includes $7,000,000.

Central and Southern Florida, FL.—The Committee recommendation includes $90,000,000 to continue Everglades Restoration projects. This is a $18,202,000 reduction from the budget request. This should in no way be considered any diminution of interest or support for these vitally important ecosystem restoration projects by the Committee. Rather, this cut is due to recent questions raised concerning implementation of the restoration project. The Committee is concerned that the project may be too heavily weighted in favor of commercial development of water supplies rather than the restoration of historic water flow characteristics and water quality needed to save the Everglades. The Committee believes that the Corps should respond to these concerns and provide written notification to the Committee that addresses these concerns.

Hawaii Water Management, HI.—The Committee recommendation includes $2,000,000 for continued construction of the Hawaii Water Management Project.

Kaumalapau Harbor, HI.—The Committee has provided $2,000,000 for continued construction of the harbor project.

Missouri River Fish and Wildlife Mitigation, IA, NE, KS, and MO.—The Committee recommendation includes $1,100,000 above the budget amount for habitat acquisition. Additional funding should be focused on acquisition of lands at the confluence of the Missouri and Mississippi Rivers near St. Louis, MO.

Des Plaines River, IL (Phase I).—The Committee recommendation includes $2,500,000 to continue construction of the project.

Olmsted Locks and Dam, Ohio River, IL & KY.—The Committee recommendation includes $65,000,000 to continue construction of the replacement navigation structure. This is a $12,000,000 reduction from the budget request, but should in no way be considered any diminution of interest in this critically important portion of the Nation's inland waterway system by the Committee. Rather it reflects the extraordinarily unbalanced nature of the budget request and the Committee's attempt to restore some balance to this account. None of the funds provided for the Olmsted Locks and Dam Project are to be used to reimburse the Claims and Judgement Fund.

McAlpine Lock and Dam, IN & KY.—The Committee recommendation includes $16,000,000. The Committee understands that

this is considerably less than the Corps capability for this important navigation project that contributes to the Nation's economic security, but in a constrained budget environment, it is an increase over the budget request.

Kentucky Lock and Dam, Tennessee River, KY.—The Committee recommendation includes $31,000,000. The Committee understands that this is considerably less than the Corps capability for this important navigation project that contributes to the Nation's economic security, but in a constrained budget environment, it is an increase over the budget request.

Inner Harbor Navigation Canal Lock, LA.—The Committee recommendation includes $15,000,000. The Committee understands that this is considerably less than the Corps capability for this important navigation project, but in a constrained budget environment, it is an increase over the budget request.

J. Bennett Johnston Waterway, LA.—The Committee recommendation includes $17,000,000 to continue construction of necessary navigation channel refinements, land purchases and development for mitigation of project impacts, and construction of project recreation and appurtenant features.

Ouachita River Levees, LA.—The Committee recommendation includes $1,500,000 to continue construction of the project.

Southeast Louisiana, LA.—The Committee recommendation includes $40,000,000. While this is a significant increase over the budget request, it is still far below the amount needed to fund the project at an optimum level.

Chesapeake Bay Environmental Restoration and Protection, MD, PA, and VA.—The Committee recommendation includes $2,000,000 for continuation of the Taylor's Island Marsh Creation Project, and the Baltimore Harbor Middle Branch Wetland Creation Project.

Cumberland, MD.—The Committee has provided $5,000,000 to continue this flood control project.

Sault Ste. Marie (Replacement Lock), MI.—The Committee recommendation includes $2,000,000 to continue construction of the replacement lock.

Breckenridge, MN.—$2,000,000 is included to continue construction of this vital flood control project.

Mississippi Environmental Infrastructure (Section 592), MS.—The Committee recommendation includes $12,000,000. Within the funds provided the Corps should continue ongoing work at Pearlington, Hancock County, MS; Jefferson County, MS; Picayune, Pearl River County, MS; Gulfport, Harrison County, MS and is directed to give priority for initiation of assistance to Helena, Jackson County, MS; City of Macon, MS; and City of Tupelo, MS.

Fort Peck Fish Hatchery, MT.—The Committee recommendation includes $8,000,000 for continuation of construction.

Rural Montana, MT.—The Committee recommendation includes $3,500,000 to continue the Rural Montana Project. Within the funds provided, the Corps should give consideration to Grant Creek, Missoula County, and the cities of Belgrade, Helena, and Conrad.

Stanly County Wastewater, NC.—The Committee has provided $1,000,000 for continued construction of this project.

Wilmington Harbor, NC.—The Committee recommendation includes $38,000,000. The Committee understands that this is considerably less than the Corps capability for this important harbor project that contributes to the Nation's economic security, but in a constrained budget environment, it is an increase over the budget request.

Devils Lake, ND.—The Committee recommendation includes $5,000,000 for construction of the Devils Lake outlet subject to certain conditions. The Committee also recognizes that the Corps has authority to use up to an additional $10,000,000 of previously appropriated funds for construction if the conditions mandated by Congress are met.

Grafton, Park River, ND.—The Committee recommendation has included $1,000,000 to continue construction of this flood control project.

Grand Forks, ND.—East Grand Forks, MN.—The Committee recommendation includes $40,000,000. While this is an increase over the budget request, it is still far below the amount needed to fund the project at an optimum level.

Antelope Creek, NE.—The Committee recommendation includes $2,000,000 to continue construction of the project.

Delaware Main Channel, NJ, PA, & DE.—The Committee recommendation includes $2,000,000 for construction of this project. However, the Committee has serious concerns about the project due to concerns raised in the General Accounting Office's review of the project's economic analysis. It is the Committee's understanding that the Corps is currently conducting an entirely new economic analysis to address the concerns that were raised in the GAO report and that this analysis will be subject to two independent peer reviews. The Committee believes this is a prudent action, however, until the project is shown to be technically sound, environmentally sustainable, and economically viable, the Committee directs that none of the funds provided should be used to award construction contracts. Further, the Secretary is required to provide written notification to the Committee that these requirements have been met before funds can be used for this purpose.

Rural Nevada, NV.—The Committee recommendation includes $13,000,000 to continue the Rural Nevada project. Within the funds provided, the Corps is directed to give consideration to projects at Boulder City, Lyon County (Carson River Regional Water System), Gerlach, Incline Village, Round Hill, Mesquite, Moapa, Spanish Springs, Battle Mountain, Virgin Valley, Lawton-Verdi, and Esmeralda County.

Tropicana and Flamingo Washes, NV.—The Committee has provided $45,000,000 to continue construction of the project. The Committee recommendation includes $5,000,000 for reimbursement of work performed by the project non-Federal sponsor in accordance with Section 211 of the Water Resources Development Act of 1996.

Holes Creek, West Carrollton, OH.—The Committee recommendation has included $3,900,000 to continue construction of the project.

Columbia River Channel Improvements, OR & WA.—The Committee recommendation includes $5,000,000 for continuation of the project.

Lower Columbia River Ecosystem Restoration, OR & WA.—In keeping with the Committee's decision to not initiate any construction ''new starts'' in the fiscal year 2003 Committee recommendation, no funding has been provided.

Locks and Dams 2, 3 and 4, Monongahela River, PA.—The Committee recommendation includes $43,000,000. The Committee understands that this is considerably less than the Corps capability for this important navigation project that contributes to the Nation's economic security, but in a constrained budget environment, it is an increase over the budget request.

Presque Isle Peninsula, PA.—The Committee has provided $1,080,000 for the beach nourishment project at Presque Isle for both annual periodic nourishment and for construction of modifications to the North Pier to facilitate the stockpiling of sand.

Charleston Harbor (Deepening/Widening), SC.—The Committee recommendation includes $6,500,000 for continued construction of the project.

Myrtle Beach, SC.—The Committee has provided $400,000 for dune restoration work at Surfside Beach/Garden City authorized as a part of the Myrtle Beach Project but not constructed at the time of sand placement due to funding constraints.

Cheyenne River Sioux Tribe, Lower Brule Sioux, SD.—The Committee notes that Title VI of the Water Resources Development Act of 1999, as amended, authorizes funding to pay administrative expenses, implementation of terrestrial wildlife plans, activities associated with land transferred or to be transferred, and annual expenses for operating recreational areas. Within the funds provided, the Committee directs that not more than $1,000,000 shall be provided for administrative expenses, and that the Corps is to distribute remaining funds as directed by Title VI to the State of South Dakota, the Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe.

Dallas Floodway Extension, TX.—The Committee has provided $9,744,000 to continue the overall project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers Report dated December 7, 1999.

North Padre Island, Packery Channel, TX.—The Committee is aware that design and environmental studies have been completed and construction initiated to ensure the project meets provisions of Section 556 of WRDA 99. To that end, the Committee has provided $5,000,000 to continue construction of the project.

Red River Basin Chloride Control, TX.—The Committee has provided $2,000,000 to complete the reevaluation effort, initiate plans and specifications, and continue monitoring for the Wichita River Basin portion of the project. Further, the Committee urges budgeting for this critical project that improves Red River water quality.

Sandbridge Beach, VA.—The Committee recommendation includes $1,400,000 to continue the project.

Columbia River Fish Mitigation, WA, OR, and ID.—The Committee recommendation includes $85,500,000 to continue efforts associated with Columbia River Fish Mitigation. This is an $12,500,000 reduction from the budget request, but should in no way be considered any diminution of interest or support for these vitally important mitigation projects by the Committee. Rather it reflects the fiscal constraints with which the Committee is faced with.

Within the funds provided, the Committee recommendation includes $300,000 for a reconnaissance level investigation of Columbia River flood control operations to determine what changes, if any, would benefit endangered species, particularly salmon. Evaluation beyond the reconnaissance phase is subject to agency review and congressional notification.

Mud Mountain Dam, WA.—The Committee has provided $2,500,000 to continue work on dam safety measures and the fish passage facility.

Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, WV, KY, & VA.—

The Committee has provided $16,900,000 for continuation of the project. Within the funds provided, the Committee recommendation includes $500,000 for Buchanan County, VA; $500,000 for Dickenson County, VA; and $10,400,000 for Grundy, VA. Further, the Committee recommendation includes $800,000 for Kermit, Lower Mingo County, WV; $3,800,000 for McDowell County, WV; $700,000 for Upper Mingo County, WV; and $200,000 for Wayne County, WV.

Aquatic Plant Control Program.—The Committee has provided $5,000,000 for the Aquatic Plant Control Program, the Nation's only Federally authorized research program for technology that focuses on the management of non-indigenous aquatic species. The Committee is aware of the growing problem of invasive plant infestation around the country and supports the Corps' and industries efforts to develop new management and control technologies. The Committee believes that success in management of these invasive species is dependent upon the research and development activities of this program. In an effort to maximize limited funding for eradication and harvesting, the Committee strongly recommends that these efforts be undertaken only where a local sponsor agrees to provide 50 percent of the cost of the work. Within the funds provided, $300,000 is for a cost shared effort with the State of South Carolina and $400,000 is for a cost shared effort with the State of Vermont.

Dam Safety and Seepage/Stability Correction Program.—The Committee recommendation includes $10,000,000 for the program. Within the funds provided, $5,000,000 is provided for the Corps to continue work on Waterbury Dam in Vermont.

Idaho Dam Safety, ID.—The Committee encourages the Corps to provide assistance, within the authorities available to it, to the State of Idaho as it evaluates the need for maintenance of these deteriorating structures as well as the need for increased security.

Ability to pay.—Section 103(m) of the Water Resources Development Act of 1986, as amended, requires that all project cooperation agreements for flood damage reduction projects, to which non-Federal cost sharing applies, will be subject to the ability of non-Federal sponsors to pay their shares. Congress included this section in the landmark 1986 Act to ensure that as many communities as possible would qualify for Federal flood damage reduction projects, based more on needs and less on financial capabilities. The Secretary published eligibility criteria in 33 CFR 241, which requires a non-Federal sponsor to meet an ability-to-pay test. However, the Committee believes that the Secretary's test is too restrictive and operates to exclude most communities from qualifying for relief under the ability-to-pay provision. For example, 33 CFR 241.4(f) specifies that the test should be structured so that reductions in the level of cost-sharing will be granted in ''only a limited number of cases of severe economic hardship,'' and should depend not only on the economic circumstances within a project area, but also on the conditions of the state in which the project area is located. While within the letter of the law, the Secretary's policies do not appear to be keeping the spirit of the law. The Secretary is directed to report to the Appropriations Committees within 90 days of enactment of this Act on a proposal intended to be published in the Federal Register to revise 33 CFR 241 eligibility criteria to allow a more reasonable and balanced application of the ability-to pay provision.

CONTINUING AUTHORITIES PROGRAM

The continuing project authorities listed below, allow the Corps great flexibility to respond to various, limited-scope, water resource problems facing communities throughout the Nation. This program has proven to be remarkably successful in providing a quick response to serious local problems. These problems range from flood control and navigation to bank stabilization and environmental restoration. The Committee has provided funds in excess of the budget request for virtually all of these accounts. As a general rule, once a project has received funds for the initial phases of any of these authorities, the project will continue to be funded as long as it proves to be environmentally sound, technically feasible, and economically justified, as applicable. With this in mind, the Committee has chosen to limit explicit direction of these project authorities.

The Committee is aware that there are funding requirements for ongoing, continuing authorities projects that may not be accommodated within the funds provided for each program. It is not the Committee's intent that ongoing projects be terminated. If additional funds are needed to keep ongoing work in any program on schedule, the Committee urges the Corps to reprogram the necessary funds.

Aquatic Ecosystem Restoration (Section 206).—The Committee has provided $20,000,000 for the Section 206 Program. Within the amount provided, the recommendation includes:

$250,000 for the Arroyo Mocho, Ecosystem Restoration, CA, for the preliminary restoration plan; $185,000 for the Sweetwater Ecosystem Restoration, CA, for the preliminary restoration plan; $100,000 for a preliminary restoration plan and planning and design analysis for the St. Joseph River, South Bend, IN; $400,000 for the Chariton River/Rathbun Lake Watershed, IA, to continue feasibility study and initiate plans and specifications; $114,000 for the Duck Creek-Fairmont Park Wetland Restoration, IA for planning and design analysis; $250,000 for developing the plans and specifications for the Squaw Creek, IL, Ecosystem Restoration project; $285,000 to complete feasibility studies for the Lake Killarney, LA, restoration; $150,000 to complete the feasibility study for the Mill Creek, Littleton Pond, MA, restoration; $161,000 for plans and specifications and construction of the Belle Isle Piers, MI restoration; $100,000 for feasibility studies for controlling Eurasian watermilfoil in Clearwater Lake, MI; $250,000 to conduct a feasibility study of alternatives to control Eurasian watermilfoil in Houghton Lake, MI; $40,000 for the Little Sugar Creek, NC, restoration; $200,000 to prepare a preliminary restoration plan for the West Cary Stream Restoration, NC; $100,000 for the preliminary restoration plan and planning and design analysis for the Mason's Point Dike, NJ; $380,000 for Bottomless Lakes, NM; $233,000 for Jemez River, NM; $1,600,000 to initiate planning, design, and implementation of various restoration projects for Tillamook Bay, OR; $50,000 for the preliminary restoration plan for Roaring Branch, VT; $240,000 to complete plans and specifications and to initiate construction for the Lake Poygan, WI restoration; $140,000 to complete feasibility studies and initiate plans and specifications for the Menomonee River Watershed, WI; and $100,000 to initiate the planning and design analysis for the Trinity Creek, Mequon, WI, restoration.

Navigation Projects (Section 107).—The Committee has provided $9,100,000 for the Section 107 Program. Within the amount provided, the recommendation includes:

$40,000 to complete the detailed project report for the Oyster Point Marina, CA, project; $300,000 to complete the feasibility study for the Short Cut Canal project in Terrebonne Parish, LA; $125,000 to complete feasibility studies for the Rouge River, MI, navigation project; $100,000 to complete the feasibility study for the Tri State Commerce Park navigation Project in Iuka, MS; and $100,000 to initiate studies for the navigation project at Charlestown Breachway and Ninigret Pond, RI.

Tatilik Harbor, AK.—Given concerns over the safety and security of port and maritime harbors in the wake of terrorist attacks on the United States, the Committee recognizes the importance of ensuring there is an adequate response in the case of a major oil spill near the Valdez terminal facility in Valdez, Alaska. The Committee also recognizes that nearly 20 percent of the domestic oil supply of the United States flows via tanker from Valdez terminal to the Lower 48 States, and that a terrorist attack on the facility, or a natural or man-made disaster around the terminal could temporarily suspend the flow of Alaska oil to the Lower 48 market. Further the Committee acknowledges that Tatitlik, Alaska is strategically located and designated as the primary alternate response site to stage an oil spill clean up effort if the port of Valdez is inaccessible. To this end, the Committee authorizes and directs the Corps of Engineers to take whatever steps necessary with existing funds authorized and appropriated under section 107 to begin and finalize construction of a small boat harbor at Tatitlik, Alaska.

Navigation Mitigation Projects (Section 111).—The Committee has provided $2,000,000 for the Section 111 Program. Within the amount provided, the recommendation includes:

$1,220,000 to initiate construction of the Saco River and Camp Ellis Beach, ME project to mitigate shoreline damages caused by the Federal navigation project.

Project Modifications for Improvement of the Environment (Section 1135).—The Committee has provided $23,000,000 for the Section 1135 Program. Within the amount provided, the recommendation includes:

$130,000 for feasibility studies for restoration of Ditch 28, Mississippi County, AR; $25,000 for feasibility studies for modifications to Big Creek Spilllway, IA; $90,000 to complete the planning design analysis for the Honey Creek Wetlands project in IA; $25,000 for the Trail Creek, IN, for the planning and design analysis for a sea lamprey barrier; $30,000 for the Black Mallard Creek, MI, for the planning and design analysis for a sea lamprey barrier; $100,000 to complete the feasibility studies for the project at Hennepin Marsh, MI; $70,000 for the planning and design analysis for a sea lamprey barrier at Rapid River, Delta County, MI; $451,000 to complete the analysis and for construction of the Lemay Wetlands Restoration, MO; $740,000 to complete feasibility studies and plans and specifications for the Pine Mountain Creek, (Cohansey River), NJ; project; $150,000 to complete feasibility studies of the Middle Harbor Restoration at East Harbor State Park, Marblehead, OH; $150,000 to continue a feasibility study for the Sheldon's Marsh, OH project; $450,000 for construction of the Boyd's Marsh restoration project in Portsmouth, RI; and $1,351,000 for construction of Phase I of Drakes Creek, Hendersonville, TN project and initiation of Phase II.

Emergency Streambank & Shoreline Protection Projects (Section 14).—The Committee has

provided $9,000,000 for the Section 14 Program. Within the amount provided, the recommendation includes:

$185,000 for construction of the Baker Canal, East Baton Rouge, LA project; $100,000 for the planning and design analysis for the Bell Isle South Shore, Detroit, MI project; $800,000 for completion of design and construction of the Detroit River Shoreline, Detroit, MI, project; $500,000 to initiate construction on the St. Cloud, MN project; $687,000 for I–40 Rio Puerco, NM; $167,000 Paseo del Norte, NM; $415,000 for Unnamed Arroyo, NM; and $600,000 for construction of the Cincinnati Waterworks, Hamilton County, OH project.

Flood Control Projects (Section 205).—The Committee has provided $45,000,000 for the Section 205 Program. Within the amount provided, the recommendation includes:

$100,000 for feasibility studies of flooding problems at Grubbs, AR; $200,000 for feasibility studies of flood protection measures for the Santa Venetia Flood Control Zone 7, CA; $4,500,000 to continue construction of the project for Van Bibber Creek at Arvada, CO; $100,000 to complete feasibility studies and initiate plans and specifications for Mosquito Creek at Council Bluffs, IA; $100,000 to initiate feasibility studies of flooding problems along the Cedar River in Waverly, IA; $1,000,000 to investigate flooding problems along Bayou Choupique in the vicinity of the Chitimacha Reservation in St. Mary Parish, LA; $1,000,000 to complete plans and specifications and initiate construction for the Braithwaite Park, Plaquemines Parish, LA, project; $300,000 to complete plans and specifications and initiate construction for the Dawson, MN, project; $100,000 to continue feasibility studies of flooding problems at Jordan, MN; $100,000 to initiate feasibility studies for Tchula Lake in Tchula, MS; $2,000,000 for continued construction of the Wahpeton, ND, flood control project. The Committee is aware of the close hydraulic connection between this project and the Breckenridge, MN, project and encourages the Corps to coordinate these projects closely; $1,600,000 for Little Puerco Wash, Gallup, NM; $300,000 to initiate studies for the Spanish Springs Valley, NV flood prevention project; $3,000,000 to complete plans and specifications for the nonstructural flood damage reduction project for Little Duck Creek, Cincinnati and Fairfax, OH; $100,000 for plans and specifications for the Beaver Creek, Bristol TN and VA, project; and $100,000 for feasibility studies for a flood damage reduction project along Richland Creek, Nashville, TN.

Beneficial Uses of Dredged Material (Section 204).—The Committee has provided $1,500,000 for the Section 204 Program. Within the amount provided, the recommendation includes $25,000 to initiate the feasibility phase for the Blackhawk Bottoms, Des Moines County, IA, project.

Shoreline Protection Projects (Section 103).—The Committee has provided $5,000,000 for the Section 103 Program. Within the amount provided, the recommendation includes $100,000 to complete feasibility and initiate plans and specifications for the Luna Pier, MI, project and $250,000 to continue design and plans and specifications for the Chesapeake Bay Shoreline, Hampton, VA, project.

Tribal Partnership Program.—The Committee acknowledges the serious impacts of coastal erosion and flooding due to continued climate change and other factors in the following communities in Alaska: Bethel, Dillingham, Shishmaref, Kakatovik, Kivalina, Unalakleet, and Newtok. The Committee directs the Corps to perform an analysis of the costs associated with continued erosion of these communities, potential costs associated with moving the affected communities to new locations (including EIS work on only the collocation of villages with existing communities), and to identify the expected time line for a complete failure of the useable land associated with each community. An additional $2,000,000 above the President's request has been provided for this work, of which $1,000,000 is for Shishmaref, AK.

Due to rapid erosion occurring at Shishmaref, AK, the Committee directs the Corps to expedite all necessary environmental studies to document the impacts of this severe and continuing erosion.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

Appropriations, 2002	$345,992,000
Budget estimate, 2003	280,671,000
Committee recommendation	346,437,000

This appropriation funds planning, construction, and operation and maintenance activities associated with water resource projects located in the lower Mississippi River Valley from Cape Girardeau, Missouri to the Gulf of Mexico.

The budget request and the approved Committee allowance are shown on the following table:

CORPS OF ENGINEERS—FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
GENERAL INVESTIGATIONS		
ALEXANDRIA TO THE GULF, LA	420	420
BAYOU METO BASIN, AR		1,633
SOUTHEAST ARKANSAS, AR		900
DONALDSONVILLE TO THE GULF, LA	780	780
SPRING BAYOU, LA	505	505
COLDWATER RIVER BASIN BELOW ARKABUTLA LAKE, MS	180	180
GERMANTOWN, TN	345	345
MEMPHIS METRO AREA, TN AND MS	25	
MILLINGTON AND VICINITY, TN	150	150
MORGANZA TO THE GULF, LA	2,880	2,880
WOLF RIVER, MEMPHIS, TN	123	123
COLLECTION AND STUDY OF BASIC DATA	600	600
SUBTOTAL, GENERAL INVESTIGATIONS	6,008	8,516
CONSTRUCTION		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO AND TN	36,690	36,690
FRANCIS BLAND FLOODWAY DITCH (EIGHT MILE CREEK), AR	750	750
HELENA AND VICINITY, AR	660	660
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO AND TN	42,360	49,885
ST FRANCIS BASIN, AR AND MO	1,970	4,200
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	7,010	7,010
ATCHAFALAYA BASIN, LA	18,873	19,173
LOUISIANA STATE PENITENTIARY LEVEE, LA	2,449	2,449
MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, LA AND MS	25	25
MISSISSIPPI DELTA REGION, LA	3,500	3,500
HORN LAKE CREEK AND TRIBUTARIES (INCL COW PEN CREEK), MS	300	300
YAZOO BASIN	(10,550)	(52,500)
BACKWATER PUMPING PLANT, MS	250	15,000
BIG SUNFLOWER RIVER, MS	200	1,200
MISSISSIPPI DELTA HEADWATERS PROJECT		21,000
MAIN STEM, MS	25	25
REFORMULATION UNIT, MS	25	25
TRIBUTARIES, MS	200	200
UPPER YAZOO PROJECTS, MS	9,850	15,050
ST JOHNS BAYOU AND NEW MADRID FLOODWAY, MO	100	1,000
NONCONNAH CREEK, TN AND MS	605	1,605
WEST TENNESSEE TRIBUTARIES, TN	100	100
SUBTOTAL, CONSTRUCTION	125,942	179,847
MAINTENANCE		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO AND TN	66,465	66,465
HELENA HARBOR, PHILLIPS COUNTY, AR	490	490
INSPECTION OF COMPLETED WORKS, AR	441	441
LOWER ARKANSAS RIVER, NORTH BANK, AR	105	105
LOWER ARKANSAS RIVER, SOUTH BANK, AR	135	135
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO AND TN	7,185	8,130

CORPS OF ENGINEERS—FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
ST FRANCIS RIVER AND TRIBUTARIES, AR AND MO	10,580	11,180
TENSAS BASIN, BOEUF AND TENSAS RIVERS, AR AND LA	2,463	3,713
WHITE RIVER BACKWATER, AR	1,250	1,250
INSPECTION OF COMPLETED WORKS, IL	50	50
INSPECTION OF COMPLETED WORKS, KY	35	35
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	2,095	2,095
ATCHAFALAYA BASIN, LA	12,512	14,320
BATON ROUGE HARBOR, DEVIL SWAMP, LA	210	210
BAYOU COCODRIE AND TRIBUTARIES, LA	75	75
BONNET CARRE, LA	3,105	3,105
INSPECTION OF COMPLETED WORKS, LA	510	510
LOWER RED RIVER, SOUTH BANK LEVEES, LA	125	2,375
MISSISSIPPI DELTA REGION, LA	860	860
OLD RIVER, LA	11,520	11,520
TENSAS BASIN, RED RIVER BACKWATER, LA	3,145	3,145
GREENVILLE HARBOR, MS	340	340
INSPECTION OF COMPLETED WORKS, MS	286	286
VICKSBURG HARBOR, MS	330	330
YAZOO BASIN	(26,910)	(37,470)
ARKABUTLA LAKE, MS	5,380	8,380
BIG SUNFLOWER RIVER, MS	115	3,115
ENID LAKE, MS	4,920	5,660
GREENWOOD, MS	825	825
GRENADA LAKE, MS	5,700	6,120
MAIN STEM, MS	1,265	1,265
SARDIS LAKE, MS	5,905	8,905
TRIBUTARIES, MS	1,265	1,265
WILL M WHITTINGTON AUX CHAN, MS	450	450
YAZOO BACKWATER AREA, MS	280	680
YAZOO CITY, MS	805	805
INSPECTION OF COMPLETED WORKS, MO	167	167
WAPPAPELLO LAKE, MO	6,730	6,730
INSPECTION OF COMPLETED WORKS, TN	96	96
MEMPHIS HARBOR, MCKELLAR LAKE, TN	1,750	1,750
FACILITY PROTECTION	1,000	1,000
MAPPING	1,170	1,170
SUBTOTAL, MAINTENANCE	162,135	179,548
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	−13,085	−21,474
ADJUSTMENT FOR ACTUAL RETIREMENT ACCRUALS	−329	
TOTAL, FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES	280,671	346,437

The Committee believes that it is essential to provide adequate resources and funding to the Mississippi River and Tributaries program in order to protect the large investment in flood control facilities. Although much progress has been made, considerable work remains to be done for the protection and economic development of the rich national resources in the Valley. The Committee expects the additional funds to be used to advance ongoing studies, initiate new studies, and advance important construction and maintenance work. In conjunction with efforts to optimize use of the additional funding provided, the Committee expects the Corps to make the necessary adjustments in lower priority activities and non-critical work in order to maximize the public benefit within the Mississippi River and Tributaries program.

General investigations

Bayou Meto Basin, AR.—The Committee has included $1,633,000 to complete preconstruction engineering and design.

Construction

Channel Improvement, AR, IL, KY, LA, MS, MO, & TN.—The Committee recommendation includes $36,690,000 for continuation of construction of various bank stabilization and river training measures to ensure an efficient flood control channel as well as to provide a safe and reliable navigation alignment.

Mississippi River Levees, AR, IL, KY, LA, MS, MO, and TN.—The Committee has provided $49,885,000 for continued construction of the various elements of the Mississippi River Levee Project. Within the funds provided, $500,000 is provided to continue engineering and design of the Lower Mississippi River Museum and Interpretive Site.

Yazoo Basin, Mississippi Delta Headwaters Project, MS.—The Committee recommendation includes $21,000,000 to continue construction of the Mississippi Delta Headwaters Project, a joint effort of the Corps of Engineers and the Natural Resources Conservation Service. The Committee expects the Corps to continue design work, acquire real estate, monitor results for all watersheds, and initiate continuing contracts as required for completion of the total program.

Yazoo Basin, Yazoo Backwater Pumping Plant, MS.—The Committee recommendation includes $15,000,000 to complete design, continue real estate activities and to initiate the pump supply contract.

Maintenance

Mississippi River Levees, AR, IL, KY, LA, MS, MO, and TN.—The Committee recommendation includes $8,130,000 and includes $945,000 to provide gravel surfacing to selected locations on levee roads in Mississippi.

St. Francis River and Tributaries, AR & MO.—An additional $600,000 has been provided above the budget request for maintenance items in Missouri.

Atchafalaya Basin, LA.—An additional $1,808,000 has been provided above the budget request for dewatering and major lock repairs to Berwick Lock.

Lower Red River, South Bank Levees, LA.—The Committee recommendation includes $2,375,000 for completion of the Bayou Rapides Pumping Plant and to continue routine operation and maintenance activities of the project.

Yazoo Basin, (Bogue Phalia), Big Sunflower River, MS.—The Committee has provided $3,000,000 above the budget request to continue channel maintenance items.

OPERATION AND MAINTENANCE, GENERAL

Appropriations, 2002	$1,874,803,000
Budget estimate, 2003	1,913,760,000
Committee recommendation	1,956,182,000

The budget request and the approved Committee allowance are shown on the following table:

CORPS OF ENGINEERS—OPERATION AND MAINTENANCE, GENERAL

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
ALABAMA		
ALABAMA-COOSA COMPREHENSIVE WATER STUDY, AL	500	500
ALABAMA-COOSA RIVER, AL	2,974	3,174
BAYOU LA BATRE, AL	2,000	2,000
BLACK WARRIOR AND TOMBIGBEE RIVERS, AL	24,201	25,951
GULF INTRACOASTAL WATERWAY, AL	4,963	4,963
INSPECTION OF COMPLETED WORKS, AL	100	100
MILLERS FERRY LOCK AND DAM, WILLIAM "BILL" DANNELLY LA	7,094	7,644
MOBILE HARBOR, AL	18,610	22,500

CORPS OF ENGINEERS—OPERATION AND MAINTENANCE, GENERAL—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
PERIDO PASS CHANNEL, AL		1,200
PROJECT CONDITION SURVEYS, AL	350	350
ROBERT F HENRY LOCK AND DAM, AL	5,558	5,858
SCHEDULING RESERVOIR OPERATIONS, AL	100	100
TENNESSEE-TOMBIGBEE WATERWAY, AL AND MS	23,083	26,800
WALTER F GEORGE LOCK AND DAM, AL AND GA	6,912	6,912
ALASKA		
ANCHORAGE HARBOR, AK	3,616	4,200
CHENA RIVER LAKES, AK	2,889	2,889
COOK INLET NAVIGATION CHANNEL, AK		1,000
DILLINGHAM HARBOR, AK	459	684
HOMER HARBOR, AK	363	488
INSPECTION OF COMPLETED WORKS, AK	40	40
KETCHIKAN HARBOR, BAR POINT, AK	500	500
ST HERMAN (KODIAK) HARBOR, AK		750
NAKNEK RIVER, AK	215	215
NINILCHIK HARBOR, AK	232	232
NOME HARBOR, AK	410	410
PROJECT CONDITION SURVEYS, AK	543	543
ST PAUL HARBOR, AK	75	75
ARIZONA		
ALAMO LAKE, AZ	1,282	1,282
INSPECTION OF COMPLETED WORKS, AZ	79	79
PAINTED ROCK DAM, AZ	1,269	1,269
SCHEDULING RESERVOIR OPERATIONS, AZ	32	32
WHITLOW RANCH DAM, AZ	168	168
ARKANSAS		
BEAVER LAKE, AR	5,064	5,064
BLAKELY MT DAM, LAKE OUACHITA, AR	9,444	9,444
BLUE MOUNTAIN LAKE, AR	1,162	1,162
BULL SHOALS LAKE, AR	5,675	5,675
DARDANELLE LOCK AND DAM, AR	5,699	5,699
DEGRAY LAKE, AR	4,620	4,620
DEQUEEN LAKE, AR	931	931
DIERKS LAKE, AR	959	959
GILLHAM LAKE, AR	861	861
GREERS FERRY LAKE, AR	5,445	5,445
HELENA HARBOR, PHILLIPS COUNTY, AR	23	340
INSPECTION OF COMPLETED WORKS, AR	147	147
MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR	23,925	25,925
MILLWOOD LAKE, AR	1,257	1,257
NARROWS DAM, LAKE GREESON, AR	7,440	7,440
NIMROD LAKE, AR	1,409	1,409
NORFORK LAKE, AR	4,368	4,368
OSCEOLA HARBOR, AR	21	610
OUACHITA/BLACK NAVIGATION PROJECT, AR AND LA	6,491	8,325
OZARK-JETA TAYLOR LOCK AND DAM, AR	4,152	4,152
PROJECT CONDITION SURVEYS, AR	6	6
WHITE RIVER, AR	195	2,200
YELLOW BEND PORT, AR	10	147
CALIFORNIA		
BLACK BUTTE LAKE, CA	2,034	2,034
BODEGA BAY, CA	1,750	1,750
BUCHANAN DAM, H V EASTMAN LAKE, CA	1,796	1,796
CHANNEL ISLANDS HARBOR, CA	3,622	3,622
COYOTE VALLEY DAM, LAKE MENDOCINO, CA	3,334	3,334
DRY CREEK (WARM SPRINGS) LAKE AND CHANNEL, CA	4,338	4,338
FARMINGTON DAM, CA	308	308
HIDDEN DAM, HENSLEY LAKE, CA	1,751	1,751
HUMBOLDT HARBOR AND BAY, CA	3,426	4,926
INSPECTION OF COMPLETED WORKS, CA	1,130	1,130
ISABELLA LAKE, CA	1,227	1,227
LOS ANGELES-LONG BEACH HARBOR MODEL, CA	170	170
LOS ANGELES-LONG BEACH HARBORS, CA	320	320
LOS ANGELES COUNTY DRAINAGE AREA, CA	4,424	7,584
MARINA DEL REY, CA	60	60
MERCED COUNTY STREAMS, CA	313	313
MOJAVE RIVER DAM, CA	259	259
MORRO BAY HARBOR, CA	1,280	1,280
MOSS LANDING HARBOR, CA		1,125
NEW HOGAN LAKE, CA	2,006	2,006
NEW MELONES LAKE, DOWNSTREAM CHANNEL, CA	1,651	1,651
NEWPORT BAY HARBOR, CA	120	120
OAKLAND HARBOR, CA	11,204	11,204
OCEANSIDE HARBOR, CA	1,240	1,240
PETALUMA RIVER, CA		1,000
PINE FLAT LAKE, CA	2,500	2,500
PORT HUENEME, CA	60	60
PROJECT CONDITION SURVEYS, CA	1,148	1,148
RICHMOND HARBOR, CA	4,381	4,381
SACRAMENTO RIVER (30 FOOT PROJECT), CA	2,189	2,189
SACRAMENTO RIVER AND TRIBUTARIES (DEBRIS CONTROL), CA	1,271	1,271
SACRAMENTO RIVER SHALLOW DRAFT CHANNEL, CA	145	145
SAN DIEGO HARBOR, CA	150	150
SAN DIEGO RIVER AND MISSION BAY, CA	60	60
SAN FRANCISCO BAY, DELTA MODEL STRUCTURE, CA	1,181	1,181
SAN FRANCISCO HARBOR AND BAY (DRIFT REMOVAL), CA	2,072	2,072
SAN FRANCISCO HARBOR, CA	1,920	1,920
SAN JOAQUIN RIVER, CA	2,122	2,872
SANTA ANA RIVER BASIN, CA	3,395	3,395
SANTA BARBARA HARBOR, CA	1,800	1,800
SCHEDULING RESERVOIR OPERATIONS, CA	1,415	1,415
SUCCESS LAKE, CA	1,992	1,992
SUISUN BAY CHANNEL, CA	2,815	4,000
TERMINUS DAM, LAKE KAWEAH, CA	1,770	1,770
VENTURA HARBOR, CA	2,590	3,890
YUBA RIVER, CA	63	63
COLORADO		
BEAR CREEK LAKE, CO	315	315

CORPS OF ENGINEERS—OPERATION AND MAINTENANCE, GENERAL—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
CHATFIELD LAKE, CO	1,225	1,725
CHERRY CREEK LAKE, CO	894	1,394
INSPECTION OF COMPLETED WORKS, CO	136	136
JOHN MARTIN RESERVOIR, CO	2,148	2,148
SCHEDULING RESERVOIR OPERATIONS, CO	242	242
TRINIDAD LAKE, CO	1,309	1,809
CONNECTICUT		
BLACK ROCK LAKE, CT	364	364
COLEBROOK RIVER LAKE, CT	506	506
HANCOCK BROOK LAKE, CT	284	284
HOP BROOK LAKE, CT	906	906
INSPECTION OF COMPLETED WORKS, CT	35	35
MANSFIELD HOLLOW LAKE, CT	447	447
NEW HAVEN HARBOR, CT	4,546	4,546
NORTHFIELD BROOK LAKE, CT	337	337
NORWALK HARBOR, CT		200
PROJECT CONDITION SURVEYS, CT	1,185	1,185
STAMFORD HURRICANE BARRIER, CT	349	349
THOMASTON DAM, CT	565	565
TREATMENT OF MATERIAL FROM LONG ISLAND SOUND, CT		250
WEST THOMPSON LAKE, CT	506	506
DELAWARE		
INTRACOASTAL WATERWAY, DELAWARE R TO CHESAPEAKE BAY, DE AND MD	12,853	12,853
INTRACOASTAL WATERWAY, REHOBOTH BAY TO DELAWARE BAY, DE AND MD	45	45
MISPILLION RIVER, DE	275	275
MURDERKILL RIVER, DE	310	310
PROJECT CONDITION SURVEYS, DE	50	50
WILMINGTON HARBOR, DE	4,966	4,966
DISTRICT OF COLUMBIA		
INSPECTION OF COMPLETED WORKS, DC	7	7
POTOMAC AND ANACOSTIA RIVERS (DRIFT REMOVAL), DC	1,110	1,110
PROJECT CONDITION SURVEYS, DC	33	33
WASHINGTON HARBOR, DC	50	50
FLORIDA		
CANAVERAL HARBOR, FL	3,960	3,960
CENTRAL AND SOUTHERN FLORIDA, FL	9,347	9,347
FERNANDINA HARBOR, FL	3,030	3,030
INSPECTION OF COMPLETED WORKS, FL	200	200
INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FL	322	2,500
JACKSONVILLE HARBOR, FL	4,040	4,040
JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL AND GA	6,050	6,050
MANATEE HARBOR, FL	2,780	2,780
MIAMI HARBOR, FL	1,508	1,508
MIAMI RIVER, FL	5,550	5,550
OKEECHOBEE WATERWAY, FL	2,695	2,695
PALM BEACH HARBOR, FL	2,018	2,018
PANAMA CITY HARBOR, FL	1,000	1,000
PORT EVERGLADES HARBOR, FL	2,350	2,350
PORT ST JOE HARBOR, FL	1,000	1,000
PROJECT CONDITION SURVEYS, FL	780	780
REMOVAL OF AQUATIC GROWTH, FL	3,911	3,911
TAMPA HARBOR, FL	8,559	8,559
GEORGIA		
ALLATOONA LAKE, GA	6,456	6,456
APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL & FL	1,444	4,709
ATLANTIC INTRACOASTAL WATERWAY, GA	178	2,500
BRUNSWICK HARBOR, GA	3,993	3,993
BUFORD DAM AND LAKE SIDNEY LANIER, GA	8,060	8,060
CARTERS DAM AND LAKE, GA	9,958	9,958
HARTWELL LAKE, GA AND SC	12,896	12,896
INSPECTION OF COMPLETED WORKS, GA	41	41
J STROM THURMOND LAKE, GA AND SC	13,553	13,553
RICHARD B RUSSELL DAM AND LAKE, GA AND SC	7,548	7,548
SAVANNAH HARBOR, GA	12,540	12,540
SAVANNAH RIVER BELOW AUGUSTA, GA	134	134
WEST POINT DAM AND LAKE, GA AND AL	5,587	5,587
HAWAII		
BARBERS POINT HARBOR, HI	354	354
INSPECTION OF COMPLETED WORKS, HI	275	275
PROJECT CONDITION SURVEYS, HI	544	544
IDAHO		
ALBENI FALLS DAM, ID	1,677	1,677
DWORSHAK DAM AND RESERVOIR, ID	3,951	3,951
INSPECTION OF COMPLETED WORKS, ID	81	81
LUCKY PEAK LAKE, ID	1,488	1,488
SCHEDULING RESERVOIR OPERATIONS, ID	371	371
ILLINOIS		
CALUMET HARBOR AND RIVER, IL AND IN	3,190	3,190
CARLYLE LAKE, IL	4,856	4,856
CHICAGO HARBOR, IL	2,616	2,616
CHICAGO RIVER, IL	362	362
FARM CREEK RESERVOIRS, IL	204	204
ILLINOIS WATERWAY (MVR PORTION), IL AND IN	25,154	25,154
ILLINOIS WATERWAY (MVS PORTION), IL AND IN	1,683	1,683
INSPECTION OF COMPLETED WORKS, IL	428	428
KASKASKIA RIVER NAVIGATION, IL	1,386	1,386
LAKE MICHIGAN DIVERSION, IL	1,037	1,037
LAKE SHELBYVILLE, IL	5,073	5,073
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVR PORTION)	41,820	42,320
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVS PORTION)	15,443	15,443
PROJECT CONDITION SURVEYS, IL	30	30
REND LAKE, IL	4,520	4,520
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IL	111	111
WAUKEGAN HARBOR, IL	1,270	1,270

CORPS OF ENGINEERS—OPERATION AND MAINTENANCE, GENERAL—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
INDIANA		
BROOKVILLE LAKE, IN	732	732
BURNS WATERWAY HARBOR, IN	3,427	3,427
BURNS WATERWAY SMALL BOAT HARBOR, IN	1,606	1,606
CAGLES MILL LAKE, IN	634	634
CECIL M HARDEN LAKE, IN	704	704
INDIANA HARBOR, IN	64	64
INSPECTION OF COMPLETED WORKS, IN	168	168
J EDWARD ROUSH LAKE, IN	1,108	1,108
MICHIGAN CITY HARBOR, IN	1,132	1,132
MISSISSINEWA LAKE, IN	853	853
MONROE LAKE, IN	759	759
PATOKA LAKE, IN	727	727
PROJECT CONDITION SURVEYS, IN	55	55
SALAMONIE LAKE, IN	649	649
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IN	130	130
IOWA		
CORALVILLE LAKE, IA	3,097	3,097
INSPECTION OF COMPLETED WORKS, IA	78	78
MISSOURI RIVER-KENSLERS BEND, NE TO SIOUX CITY, IA	147	147
MISSOURI RIVER-RULO TO MOUTH, IA, NE, KS AND MO	5,613	6,113
MISSOURI RIVER-SIOUX CITY TO RULO, IA AND NE	3,075	3,075
RATHBUN LAKE, IA	2,189	2,189
RED ROCK DAM AND LAKE RED ROCK, IA	3,609	4,409
SAYLORVILLE LAKE, IA	4,088	4,088
KANSAS		
CLINTON LAKE, KS	1,934	2,300
COUNCIL GROVE LAKE, KS	1,491	1,991
EL DORADO LAKE, KS	460	460
ELK CITY LAKE, KS	552	552
FALL RIVER LAKE, KS	1,204	1,204
HILLSDALE LAKE, KS	752	752
INSPECTION OF COMPLETED WORKS, KS	48	48
JOHN REDMOND DAM AND RESERVOIR, KS	1,144	1,144
KANOPOLIS LAKE, KS	1,521	1,521
MARION LAKE, KS	1,621	1,621
MELVERN LAKE, KS	2,034	2,034
MILFORD LAKE, KS	1,997	1,997
PEARSON-SKUBITZ BIG HILL LAKE, KS	1,052	1,052
PERRY LAKE, KS	2,111	2,111
POMONA LAKE, KS	1,897	1,897
SCHEDULING RESERVOIR OPERATIONS, KS	194	194
TORONTO LAKE, KS	424	424
TUTTLE CREEK LAKE, KS	2,106	2,106
WILSON LAKE, KS	1,846	1,846
KENTUCKY		
BARKLEY DAM AND LAKE BARKLEY, KY AND TN	8,171	8,171
BARREN RIVER LAKE, KY	2,074	2,074
BIG SANDY HARBOR, KY	35	1,135
BUCKHORN LAKE, KY	1,703	1,703
CARR CREEK LAKE, KY	1,343	1,343
CAVE RUN LAKE, KY	833	833
DEWEY LAKE, KY	1,555	1,555
ELVIS STAHR (HICKMAN) HARBOR, KY	19	19
FISHTRAP LAKE, KY	1,927	1,927
GRAYSON LAKE, KY	1,259	1,259
GREEN AND BARREN RIVERS, KY	1,081	1,081
GREEN RIVER LAKE, KY	1,769	1,769
INSPECTION OF COMPLETED WORKS, KY	181	181
KENTUCKY RIVER, KY	400	400
LAUREL RIVER LAKE, KY	1,542	1,542
LICKING RIVER OPEN CHANNEL WORK, KY	28	28
MARTINS FORK LAKE, KY	623	623
MIDDLESBORO CUMBERLAND RIVER BASIN, KY	52	52
NOLIN LAKE, KY	1,992	1,992
OHIO RIVER LOCKS AND DAMS, KY, IL, IN AND OH	30,969	30,969
OHIO RIVER OPEN CHANNEL WORK, KY, IL, IN AND OH	5,577	5,577
PAINTSVILLE LAKE, KY	982	982
PROJECT CONDITION SURVEYS, KY	6	6
ROUGH RIVER LAKE, KY	2,120	2,120
TAYLORSVILLE LAKE, KY	913	913
WOLF CREEK DAM, LAKE CUMBERLAND, KY	7,162	8,362
YATESVILLE LAKE, KY	1,156	1,156
LOUISIANA		
ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, LA	14,681	15,681
BARATARIA BAY WATERWAY, LA		2,000
BAYOU BODCAU RESERVOIR, LA	794	794
BAYOU LACOMBE, LA		315
BAYOU LAFOURCHE AND LAFOURCHE JUMP WATERWAY, LA	1,085	1,085
BAYOU PIERRE, LA	40	40
BAYOU SEGNETTE, LA		740
BAYOU TECHE, LA		2,000
CADDO LAKE, LA	166	166
CALCASIEU RIVER AND PASS, LA	15,852	15,852
FRESHWATER BAYOU, LA	1,443	1,443
GULF INTRACOASTAL WATERWAY, LA	19,129	19,500
HOUMA NAVIGATION CANAL, LA	3,223	3,223
INSPECTION OF COMPLETED WORKS, LA	772	772
J BENNETT JOHNSTON WATERWAY, LA	7,297	12,224
LAKE PROVIDENCE HARBOR, LA	20	441
MADISON PARISH PORT, LA	5	105
MERMENTAU RIVER, LA	1,280	1,280
MISSISSIPPI RIVER OUTLETS AT VENICE, LA	80	80
MISSISSIPPI RIVER, BATON ROUGE TO THE GULF OF MEXICO, LA	57,482	57,482
MISSISSIPPI RIVER, GULF OUTLET, LA	13,061	13,061
PROJECT CONDITION SURVEYS, LA	80	80
REMOVAL OF AQUATIC GROWTH, LA	2,000	2,000
WALLACE LAKE, LA	180	180
WATERWAY FROM EMPIRE TO THE GULF, LA		280

CORPS OF ENGINEERS—OPERATION AND MAINTENANCE, GENERAL—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
MAINE		
BELFAST HARBOR, ME	1,305	1,505
CAMDEN HARBOR MAINTENANCE DREDGING, ME		470
INSPECTION OF COMPLETED WORKS, ME	16	16
NARRAGUAGUS RIVER, MILBRIDGE, ME		50
PROJECT CONDITION SURVEYS, ME	1,720	1,720
ROCKLAND HARBOR, ME	1,110	1,110
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ME	17	17
MARYLAND		
BALTIMORE HARBOR (DRIFT REMOVAL), MD	500	500
BALTIMORE HARBOR, MD (PREVENTION OF OBSTRUCTIVE DEPOSITS)	663	663
BALTIMORE HARBOR AND CHANNELS (50 FOOT), MD	18,444	18,444
CUMBERLAND, MD AND RIDGELEY, WV	168	168
FISHING CREEK, MD		492
HONGA RIVER AND TAR BAY, MD	930	1,330
INSPECTION OF COMPLETED WORKS, MD	34	34
JENNINGS RANDOLPH LAKE, MD AND WV	1,653	1,653
OCEAN CITY HARBOR AND INLET AND SINEPUXENT BAY, MD	1,627	1,627
POCOMOKE RIVER, MD	619	619
PROJECT CONDITION SURVEYS, MD	323	323
SCHEDULING RESERVOIR OPERATIONS, MD	91	91
TOLCHESTER CHANNEL, MD	180	180
TWICH COVE AND BIG THOROFARE RIVER, MD		950
WICOMICO RIVER, MD	604	2,000
MASSACHUSETTS		
AUNT LYDIA'S COVE, CHATHAM, MA	418	418
BARRE FALLS DAM, MA	533	533
BIRCH HILL DAM, MA	498	498
BUFFUMVILLE LAKE, MA	431	431
CAPE COD CANAL, MA	7,659	7,659
CHARLES RIVER NATURAL VALLEY STORAGE AREA, MA	260	260
CONANT BROOK LAKE, MA	174	174
CUTTYHUNK HARBOR, MA	174	174
EAST BRIMFIELD LAKE, MA	313	313
GREEN HARBOR, MA	418	418
HODGES VILLAGE DAM, MA	416	416
INSPECTION OF COMPLETED WORKS, MA	112	112
KNIGHTVILLE DAM, MA	483	483
LITTLEVILLE LAKE, MA	441	441
NEW BEDFORD FAIRHAVEN AND ACUSHNET HURRICANE BARRIER, MA	322	322
PLYMOUTH HARBOR, MA	1,000	1,000
PROJECT CONDITION SURVEYS, MA	1,197	1,197
SCITUATE HARBOR, MA	2,950	2,950
TULLY LAKE, MA	486	486
WEST HILL DAM, MA	657	657
WESTVILLE LAKE, MA	406	406
MICHIGAN		
ALPENA HARBOR, MI	222	222
ARCADIA HARBOR, MI	107	107
BAY PORT HARBOR, MI	299	299
BLACK RIVER HARBOR, MI	12	12
BLACK RIVER, PORT HURON, MI	14	500
CHANNELS IN LAKE ST CLAIR, MI	128	128
CHARLEVOIX HARBOR, MI	124	124
CHEBOYGAN HARBOR, MI	12	12
CLINTON RIVER, MI	10	10
DETROIT RIVER, MI	3,192	3,192
FRANKFORT HARBOR, MI	177	177
GRAND HAVEN HARBOR, MI	1,250	1,250
GRAND TRAVERSE BAY HARBOR, MI	227	227
HOLLAND HARBOR, MI	505	505
INLAND ROUTE, MI	33	33
INSPECTION OF COMPLETED WORKS, MI	154	154
KEWEENAW WATERWAY, MI	450	450
LAC LA BELLE, MI	102	102
LELAND HARBOR, MI	174	174
LEXINGTON HARBOR, MI	704	704
LITTLE LAKE HARBOR, MI	462	462
LUDINGTON HARBOR, MI	95	95
MANISTEE HARBOR, MI	247	247
MANISTIQUE HARBOR, MI	50	50
MARQUETTE HARBOR, MI	193	193
MENOMINEE HARBOR, MI AND WI	281	281
MONROE HARBOR, MI	792	792
MUSKEGON HARBOR, MI	387	387
NEW BUFFALO HARBOR, MI	156	156
ONTONAGON HARBOR, MI	1,745	1,745
PENTWATER HARBOR, MI	25	25
PORT SANILAC HARBOR, MI	501	501
PORTAGE LAKE HARBOR, MI	21	21
PROJECT CONDITION SURVEYS, MI	234	234
ROUGE RIVER, MI	933	933
SAGINAW RIVER, MI	2,351	2,351
SAUGATUCK HARBOR, MI	2,803	2,803
SEBEWAING RIVER (ICE JAM REMOVAL), MI	12	12
SOUTH HAVEN HARBOR, MI	54	54
ST CLAIR RIVER, MI	694	694
ST JOSEPH HARBOR, MI	996	996
ST MARYS RIVER, MI	18,181	18,181
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MI	2,507	2,507
WHITE LAKE HARBOR, MI	67	67
MINNESOTA		
BIGSTONE LAKE WHETSTONE RIVER, MN AND SD	274	274
DULUTH-SUPERIOR HARBOR, MN AND WI	4,506	4,506
INSPECTION OF COMPLETED WORKS, MN	207	207
LAC QUI PARLE LAKES, MINNESOTA RIVER, MN	1,031	1,031
MINNESOTA RIVER, MN	130	130
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVP PORTION), MN	45,405	45,405
ORWELL LAKE, MN	481	481

CORPS OF ENGINEERS—OPERATION AND MAINTENANCE, GENERAL—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
PROJECT CONDITION SURVEYS, MN	72	72
RED LAKE RESERVOIR, MN	126	126
RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER, MN	4,513	4,513
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MN	306	306
TWO HARBORS, MN	167	167
MISSISSIPPI		
BILOXI HARBOR, MS		1,500
CLAIBORNE COUNTY PORT, MS	8	113
EAST FORK, TOMBIGBEE RIVER, MS	170	170
GULFPORT HARBOR, MS	2,002	3,402
INSPECTION OF COMPLETED WORKS, MS	7	7
MOUTH OF YAZOO RIVER, MS	25	106
OKATIBBEE LAKE, MS	1,618	1,618
PASCAGOULA HARBOR, MS	3,401	5,001
PEARL RIVER, MS AND LA	288	288
PROJECT CONDITION SURVEYS, MS	5	5
ROSEDALE HARBOR, MS	15	613
WOLF AND JORDAN RIVERS		1,500
YAZOO RIVER, MS	15	105
MISSOURI		
CARUTHERSVILLE HARBOR, MO	21	240
CLARENCE CANNON DAM AND MARK TWAIN LAKE, MO	5,959	5,959
CLEARWATER LAKE, MO	1,860	1,860
HARRY S TRUMAN DAM AND RESERVOIR, MO	10,253	10,253
INSPECTION OF COMPLETED WORKS, MO	1,043	1,043
LITTLE BLUE RIVER LAKES, MO	935	935
LONG BRANCH LAKE, MO	980	980
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	13,878	19,378
NEW MADRID HARBOR, MO	16	290
POMME DE TERRE LAKE, MO	2,168	2,168
PROJECT CONDITION SURVEYS, MO	6	6
SCHEDULING RESERVOIR OPERATIONS, MO	296	296
SOUTHEAST MISSOURI PORT, MO		400
SMITHVILLE LAKE, MO	1,070	1,070
STOCKTON LAKE, MO	4,268	4,268
TABLE ROCK LAKE, MO	6,261	6,261
UNION LAKE, MO	10	10
MONTANA		
FT PECK DAM AND LAKE, MT	7,354	7,354
INSPECTION OF COMPLETED WORKS, MT	40	40
LIBBY DAM, LAKE KOOCANUSA, MT	1,505	1,505
SCHEDULING RESERVOIR OPERATIONS, MT	100	100
NEBRASKA		
GAVINS POINT DAM, LEWIS AND CLARK LAKE, NE AND SD	7,199	7,199
HARLAN COUNTY LAKE, NE	2,025	2,025
INSPECTION OF COMPLETED WORKS, NE	78	78
MISSOURI R MASTER WTR CONTROL MANUAL, NE, IA, KS, MO	500	500
MISSOURI RIVER BASIN COLLABORATIVE WATER PLANNING, NE (NWO)	45	45
PAPILLION CREEK AND TRIBUTARIES LAKES, NE	669	669
SALT CREEK AND TRIBUTARIES, NE	925	925
NEVADA		
INSPECTION OF COMPLETED WORKS, NV	39	39
MARTIS CREEK LAKE, NV AND CA	556	556
PINE AND MATHEWS CANYONS LAKES, NV	194	194
NEW HAMPSHIRE		
BLACKWATER DAM, NH	454	454
COCHECO RIVER, NH	50	500
EDWARD MACDOWELL LAKE, NH	490	490
FRANKLIN FALLS DAM, NH	496	496
HOPKINTON-EVERETT LAKES, NH	1,074	1,074
INSPECTION OF COMPLETED WORKS, NH	11	11
LITTLE HARBOR, NH	200	200
OTTER BROOK LAKE, NH	577	577
PROJECT CONDITION SURVEYS, NH	273	273
SURRY MOUNTAIN LAKE, NH	575	575
NEW JERSEY		
BARNEGAT INLET, NJ	1,750	1,750
COLD SPRING INLET, NJ	425	425
DELAWARE RIVER AT CAMDEN, NJ	20	20
DELAWARE RIVER, PHILADELPHIA TO THE SEA, NJ, PA AND DE	19,245	19,745
DELAWARE RIVER, PHILADELPHIA, PA TO TRENTON, NJ	3,470	3,470
INSPECTION OF COMPLETED WORKS, NJ	65	65
NEW JERSEY INTRACOASTAL WATERWAY, NJ	2,586	2,586
NEWARK BAY, HACKENSACK AND PASSAIC RIVERS, NJ	75	75
PASSAIC RIVER FLOOD WARNING SYSTEMS, NJ	425	425
PROJECT CONDITION SURVEYS, NJ	782	782
RARITAN RIVER, NJ	80	80
SHARK RIVER, NJ	590	590
NEW MEXICO		
ABIQUIU DAM, NM	1,949	3,449
COCHITI LAKE, NM	2,124	2,124
CONCHAS LAKE, NM	2,032	2,032
GALISTEO DAM, NM	510	510
INSPECTION OF COMPLETED WORKS, NM	175	175
JEMEZ CANYON DAM, NM	497	1,000
SANTA ROSA DAM AND LAKE, NM	1,400	1,400
SCHEDULING RESERVOIR OPERATIONS, NM	112	112
TWO RIVERS DAM, NM	369	369
UPPER RIO GRANDE WATER OPERATIONS MODEL, NM	55	2,050
NEW YORK		
ALMOND LAKE, NY	457	457
ARKPORT DAM, NY	246	246
BLACK ROCK CHANNEL AND TONAWANDA HARBOR, NY	1,041	1,041

CORPS OF ENGINEERS—OPERATION AND MAINTENANCE, GENERAL—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
BUFFALO HARBOR, NY	643	643
BUTTERMILK CHANNEL, NY	300	300
CAPE VINCENT HARBOR, NY	11	11
CATTARAUGUS CREEK HARBOR, NY	50	50
DUNKIRK HARBOR, NY	480	480
EAST RIVER, NY	80	80
EAST ROCKAWAY INLET, NY	2,100	2,100
EAST SIDNEY LAKE, NY	501	501
FIRE ISLAND INLET TO JONES INLET, NY	175	175
FLUSHING BAY AND CREEK, NY	80	80
GLEN COVE CREEK, NY	80	80
GREAT SOUTH BAY, NY	80	80
HUDSON RIVER CHANNEL, NY	80	80
HUDSON RIVER, NY (MAINT)	2,245	2,245
HUDSON RIVER, NY (O&C)	3,170	3,170
INSPECTION OF COMPLETED WORKS, NY	639	639
IRONDEQUOIT BAY HARBOR, NY	10	10
JAMAICA BAY, NY	1,420	1,420
JONES INLET, NY	100	100
LAKE MONTAUK HARBOR, NY	80	80
LONG ISLAND INTRACOASTAL WATERWAY, NY	1,284	1,284
MATTITUCK HARBOR, NY	80	80
MORICHES INLET, NY	600	600
MT MORRIS LAKE, NY	2,040	2,040
NEW YORK AND NEW JERSEY CHANNELS, NY	3,835	3,835
NEW YORK HARBOR (DRIFT REMOVAL), NY AND NJ	5,300	5,300
NEW YORK HARBOR, NY (PREVENTION OF OBSTRUCTIVE DEPOSITS)	750	750
NEW YORK HARBOR, NY	3,720	3,720
OAK ORCHARD HARBOR, NY	15	15
OLCOTT HARBOR, NY	10	10
PLATTSBURGH HARBOR, NY	590	590
PROJECT CONDITION SURVEYS, NY	2,595	2,595
ROCHESTER HARBOR, NY	35	35
SAG HARBOR, NY	2,500	2,500
SHINNECOCK INLET, NY	1,346	1,346
SOUTHERN NEW YORK FLOOD CONTROL PROJECTS, NY	760	760
STURGEON POINT HARBOR, NY	20	20
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, NY	595	595
WHITNEY POINT LAKE, NY	705	705
WILSON HARBOR, NY	20	20
NORTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, NC	806	4,000
B EVERETT JORDAN DAM AND LAKE, NC	1,829	1,829
BEAUFORT HARBOR, NC	400	400
BOGUE INLET AND CHANNEL, NC	867	867
CAPE FEAR RIVER ABOVE WILMINGTON, NC	587	587
CAROLINA BEACH INLET, NC	1,060	1,060
FALLS LAKE, NC	2,281	2,281
INSPECTION OF COMPLETED WORKS, NC	32	32
LOCKWOODS FOLLY RIVER, NC	455	455
MANTEO (SHALLOWBAG) BAY, NC	4,732	4,732
MASONBORO INLET AND CONNECTING CHANNELS, NC	45	45
MOREHEAD CITY HARBOR, NC	5,100	5,400
NEW RIVER INLET, NC	815	815
NEW TOPSAIL INLET AND CONNECTING CHANNELS, NC	640	640
PAMLICO AND TAR RIVERS, NC	139	139
PROJECT CONDITION SURVEYS, NC	73	73
ROANOKE RIVER, NC	100	100
W KERR SCOTT DAM AND RESERVOIR, NC	3,480	3,480
WILMINGTON HARBOR, NC	8,213	8,213
NORTH DAKOTA		
BOWMAN-HALEY LAKE, ND	177	177
GARRISON DAM, LAKE SAKAKAWEA, ND	11,939	12,239
HOMME LAKE, ND	281	281
INSPECTION OF COMPLETED WORKS, ND	15	15
LAKE ASHTABULA AND BALDHILL DAM, ND	1,354	1,354
PIPESTEM LAKE, ND	395	395
SCHEDULING RESERVOIR OPERATIONS, ND	68	68
SOURIS RIVER, ND	370	370
OHIO		
ALUM CREEK LAKE, OH	775	775
ASHTABULA HARBOR, OH	1,915	1,915
BERLIN LAKE, OH	1,857	1,857
CAESAR CREEK LAKE, OH	1,234	1,234
CLARENCE J BROWN DAM, OH	773	773
CLEVELAND HARBOR, OH	3,520	3,520
CONNEAUT HARBOR, OH	585	585
DEER CREEK LAKE, OH	711	711
DELAWARE LAKE, OH	932	932
DILLON LAKE, OH	576	576
FAIRPORT HARBOR, OH	1,090	1,090
HURON HARBOR, OH	860	860
INSPECTION OF COMPLETED WORKS, OH	233	233
LORAIN HARBOR, OH	3,400	3,400
MASSILLON LOCAL PROTECTION PROJECT, OH	25	25
MICHAEL J KIRWAN DAM AND RESERVOIR, OH	789	789
MOSQUITO CREEK LAKE, OH	1,036	1,036
MUSKINGUM RIVER LAKES, OH	6,133	6,133
NORTH BRANCH KOKOSING RIVER LAKE, OH	319	319
PAINT CREEK LAKE, OH	778	778
PORT CLINTON HARBOR, OH	1,275	1,275
PORTSMOUTH HARBOR, OH	150	150
PROJECT CONDITION SURVEYS, OH	90	90
ROCKY RIVER, OH	30	30
ROSEVILLE LOCAL PROTECTION PROJECT, OH	30	30
SANDUSKY HARBOR, OH	1,010	1,010
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OH	175	175
TOLEDO HARBOR, OH	3,525	3,525
TOM JENKINS DAM, OH	240	240
TOUSSAINT RIVER, OH	520	520
VERMILION HARBOR, OH	205	205

CORPS OF ENGINEERS—OPERATION AND MAINTENANCE, GENERAL—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
WEST FORK OF MILL CREEK LAKE, OH	461	461
WEST HARBOR, OH	30	30
WILLIAM H HARSHA LAKE, OH	992	992
OKLAHOMA		
ARCADIA LAKE, OK	451	451
BIRCH LAKE, OK	602	602
BROKEN BOW LAKE, OK	1,627	1,627
CANDY LAKE, OK	19	399
CANTON LAKE, OK	1,620	1,620
COPAN LAKE, OK	821	1,521
EUFAULA LAKE, OK	5,546	5,546
FORT GIBSON LAKE, OK	4,352	4,352
FORT SUPPLY LAKE, OK	924	924
GREAT SALT PLAINS LAKE, OK	209	209
HEYBURN LAKE, OK	600	600
HUGO LAKE, OK	1,732	1,732
HULAH LAKE, OK	426	1,076
INSPECTION OF COMPLETED WORKS, OK	94	94
KAW LAKE, OK	1,931	1,931
KEYSTONE LAKE, OK	4,647	4,647
MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, OK	3,923	3,923
OOLOGAH LAKE, OK	2,360	2,360
OPTIMA LAKE, OK	59	59
PENSACOLA RESERVOIR, LAKE OF THE CHEROKEES, OK	34	34
PINE CREEK LAKE, OK	1,187	1,187
ROBERT S KERR LOCK AND DAM AND RESERVOIRS, OK	4,648	4,648
SARDIS LAKE, OK	912	912
SCHEDULING RESERVOIR OPERATIONS, OK	389	389
SKIATOOK LAKE, OK	1,488	1,488
TENKILLER FERRY LAKE, OK	3,690	3,690
WAURIKA LAKE, OK	1,498	1,498
WEBBERS FALLS LOCK AND DAM, OK	4,178	4,178
WISTER LAKE, OK	580	580
OREGON		
APPLEGATE LAKE, OR	729	729
BLUE RIVER LAKE, OR	220	220
BONNEVILLE LOCK AND DAM, OR AND WA	5,043	5,443
CHETCO RIVER, OR		390
COLUMBIA AND LWR WILLAMETTE R BLW VANCOUVER, WA AND PORTLA	14,770	17,770
COLUMBIA RIVER AT THE MOUTH, OR AND WA	6,632	10,702
COLUMBIA RIVER BETWEEN VANCOUVER, WA AND THE DALLES, O	526	526
COOS BAY, OR	5,494	5,494
COQUILLE RIVER, OR		330
COTTAGE GROVE LAKE, OR	842	842
COUGAR LAKE, OR	732	732
DEPOT BAY, OR		3,200
DETROIT LAKE, OR	588	588
DORENA LAKE, OR	635	635
FALL CREEK LAKE, OR	419	419
FERN RIDGE LAKE, OR	989	989
GREEN PETER-FOSTER LAKES, OR	1,122	1,122
HILLS CREEK LAKE, OR	401	401
INSPECTION OF COMPLETED WORKS, OR	172	172
JOHN DAY LOCK AND DAM, OR AND WA	3,416	5,000
LOOKOUT POINT LAKE, OR	1,613	1,613
LOST CREEK LAKE, OR	3,028	3,028
MCNARY LOCK AND DAM, OR AND WA	4,626	4,626
PORT ORFORD, OR	606	606
PROJECT CONDITION SURVEYS, OR	200	200
ROGUE RIVER AT GOLD BEACH, OR		450
SCHEDULING RESERVOIR OPERATIONS, OR	71	71
SIUSLAW RIVER, OR	466	466
SKIPANON CHANNEL, OR	5	325
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OR	134	134
TILLAMOOK BAY AND BAR, OR	15	315
UMPQUA RIVER, OR	963	963
WILLAMETTE RIVER AT WILLAMETTE FALLS, OR	344	344
WILLAMETTE RIVER BANK PROTECTION, OR	67	67
WILLOW CREEK LAKE, OR	714	714
YAQUINA BAY AND HARBOR, OR		1,450
YAQUINA RIVER, DEPOT SLOUGH, OR		100
PENNSYLVANIA		
ALLEGHENY RIVER, PA	4,070	4,070
ALVIN R BUSH DAM, PA	630	630
AYLESWORTH CREEK LAKE, PA	270	270
BELTZVILLE LAKE, PA	1,171	1,171
BLUE MARSH LAKE, PA	2,513	2,513
CONEMAUGH RIVER LAKE, PA	898	898
COWANESQUE LAKE, PA	1,915	1,915
CROOKED CREEK LAKE, PA	1,746	1,746
CURWENSVILLE LAKE, PA	722	722
EAST BRANCH CLARION RIVER LAKE, PA	1,318	1,318
ERIE HARBOR, PA	60	60
FOSTER JOSEPH SAYERS DAM, PA	775	775
FRANCIS E WALTER DAM, PA	782	4,282
GENERAL EDGAR JADWIN DAM AND RESERVOIR, PA	341	341
INSPECTION OF COMPLETED WORKS, PA	170	170
JOHNSTOWN, PA	1,243	1,243
KINZUA DAM AND ALLEGHENY RESERVOIR, PA	1,231	1,231
LOYALHANNA LAKE, PA	957	957
MAHONING CREEK LAKE, PA	848	848
MONONGAHELA RIVER, PA	14,357	14,357
OHIO RIVER LOCKS AND DAMS, PA, OH AND WV	18,589	18,589
OHIO RIVER OPEN CHANNEL WORK, PA, OH AND WV	488	488
PROJECT CONDITION SURVEYS, PA	18	18
PROMPTON LAKE, PA	506	506
PUNXSUTAWNEY, PA	13	13
RAYSTOWN LAKE, PA	3,941	3,941
SCHEDULING RESERVOIR OPERATIONS, PA	60	60
SCHUYLKILL RIVER, PA	50	50
SHENANGO RIVER LAKE, PA	2,734	2,734

CORPS OF ENGINEERS—OPERATION AND MAINTENANCE, GENERAL—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
STILLWATER LAKE, PA	392	392
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, PA	72	72
TIOGA-HAMMOND LAKES, PA	2,542	2,542
TIONESTA LAKE, PA	2,032	2,032
UNION CITY LAKE, PA	245	245
WOODCOCK CREEK LAKE, PA	761	761
YORK INDIAN ROCK DAM, PA	543	543
YOUGHIOGHENY RIVER LAKE, PA AND MD	1,895	1,895
RHODE ISLAND		
BLOCK ISLAND HARBOR OF REFUGE, RI	502	502
POINT JUDITH POND AND HARBOR OF REFUGE, RI		120
INSPECTION OF COMPLETED WORKS, RI	6	6
PROJECT CONDITION SURVEYS, RI	2,330	2,330
PROVIDENCE RIVER AND HARBOR, RI	8,220	20,000
SOUTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, SC	264	3,598
CHARLESTON HARBOR, SC	10,516	10,516
COOPER RIVER, CHARLESTON HARBOR, SC	3,140	7,050
FOLLY RIVER, SC		257
GEORGETOWN HARBOR, SC	3,073	4,373
INSPECTION OF COMPLETED WORKS, SC	26	26
PORT ROYAL HARBOR, SC		2,222
PROJECT CONDITION SURVEYS, SC	69	69
SHIPYARD RIVER, SC	816	816
TOWN CREEK, SC		396
SOUTH DAKOTA		
BIG BEND DAM, LAKE SHARPE, SD	9,137	9,137
CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX, SD		5,000
COLD BROOK LAKE, SD	211	211
COTTONWOOD SPRINGS LAKE, SD	184	184
FORT RANDALL DAM, LAKE FRANCIS CASE, SD	9,016	9,016
INSPECTION OF COMPLETED WORKS, SD	24	24
LAKE TRAVERSE, SD AND MN	504	504
MISSOURI R BETWEEN FORT PECK DAM AND GAVINS PT, SD, MT	500	500
OAHE DAM, LAKE OAHE, SD AND ND	12,885	12,885
SCHEDULING RESERVOIR OPERATIONS, SD	69	69
TENNESSEE		
CENTER HILL LAKE, TN	6,031	6,031
CHEATHAM LOCK AND DAM, TN	6,257	6,257
CHICKAMAUGA LOCK, TN	1,025	1,025
CORDELL HULL DAM AND RESERVOIR, TN	6,407	6,407
DALE HOLLOW LAKE, TN	5,720	5,720
INSPECTION OF COMPLETED WORKS, TN	129	129
J PERCY PRIEST DAM AND RESERVOIR, TN	2,954	2,954
OLD HICKORY LOCK AND DAM, TN	6,598	6,598
PROJECT CONDITION SURVEYS, TN	6	6
TENNESSEE RIVER, TN	15,794	15,794
WOLF RIVER HARBOR, TN	19	440
TEXAS		
AQUILLA LAKE, TX	743	743
ARKANSAS-RED RIVER BASINS CHLORIDE CONTROL—AREA VI	1,373	1,373
BARBOUR TERMINAL CHANNEL, TX	606	606
BARDWELL LAKE, TX	1,574	1,574
BAYPORT SHIP CHANNEL, TX	2,389	2,389
BELTON LAKE, TX	2,707	2,707
BENBROOK LAKE, TX	2,011	2,011
BRAZOS ISLAND HARBOR, TX	2,143	2,143
BUFFALO BAYOU AND TRIBUTARIES, TX	3,126	3,126
CANYON LAKE, TX	2,498	2,498
CORPUS CHRISTI SHIP CHANNEL, TX	5,669	5,669
DENISON DAM, LAKE TEXOMA, TX	6,132	6,732
ESTELLINE SPRINGS EXPERIMENTAL PROJECT, TX	5	5
FERRELLS BRIDGE DAM, LAKE O' THE PINES, TX	2,682	2,682
FREEPORT HARBOR, TX	7,298	7,298
GALVESTON HARBOR AND CHANNEL, TX	4,887	4,887
GRANGER DAM AND LAKE, TX	1,612	1,612
GRAPEVINE LAKE, TX	2,602	2,602
GULF INTRACOASTAL WATERWAY, TX	20,829	20,829
HORDS CREEK LAKE, TX	1,250	1,250
HOUSTON SHIP CHANNEL, TX	8,254	13,300
INSPECTION OF COMPLETED WORKS, TX	498	498
JIM CHAPMAN LAKE, TX	1,248	1,248
JOE POOL LAKE, TX	823	823
LAKE KEMP, TX	150	150
LAVON LAKE, TX	2,609	2,609
LEWISVILLE DAM, TX	3,134	3,134
MATAGORDA SHIP CHANNEL, TX	1,748	1,748
MOUTH OF THE COLORADO RIVER, TX	2,604	2,604
NAVARRO MILLS LAKE, TX	1,676	1,676
NORTH SAN GABRIEL DAM AND LAKE GEORGETOWN, TX	1,835	1,835
O C FISHER DAM AND LAKE, TX	872	872
PAT MAYSE LAKE, TX	1,116	1,116
PROCTOR LAKE, TX	1,623	1,623
PROJECT CONDITION SURVEYS, TX	50	50
RAY ROBERTS LAKE, TX	862	862
SABINE-NECHES WATERWAY, TX	14,986	14,986
SAM RAYBURN DAM AND RESERVOIR, TX	4,559	4,559
SCHEDULING RESERVOIR OPERATIONS, TX	255	255
SOMERVILLE LAKE, TX	2,683	2,683
STILLHOUSE HOLLOW DAM, TX	1,805	1,805
TEXAS WATER ALLOCATION ASSESSMENT, TX	300	500
TOWN BLUFF DAM, B A STEINHAGEN LAKE, TX	2,135	2,135
WACO LAKE, TX	2,270	2,270
WALLISVILLE LAKE, TX	999	999
WHITNEY LAKE, TX	5,205	5,205
WRIGHT PATMAN DAM AND LAKE, TX	2,742	2,742
UTAH		
INSPECTION OF COMPLETED WORKS, UT	81	81

CORPS OF ENGINEERS—OPERATION AND MAINTENANCE, GENERAL—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
SCHEDULING RESERVOIR OPERATIONS, UT	364	364
VERMONT		
BALL MOUNTAIN LAKE, VT	705	780
BURLINGTON HARBOR BREAKWATER, VT	2,150	800
INSPECTION OF COMPLETED WORKS, VT	26	26
NARROWS OF LAKE CHAMPLAIN, VT AND NY	95	95
NORTH HARTLAND LAKE, VT	576	576
NORTH SPRINGFIELD LAKE, VT	647	722
TOWNSHEND LAKE, VT	687	762
UNION VILLAGE DAM, VT	538	613
VIRGINIA		
ATLANTIC INTRACOASTAL WATERWAY—ACC, VA	2,035	2,035
ATLANTIC INTRACOASTAL WATERWAY—DSC, VA	1,159	1,159
CHINCOTEAGUE HARBOR OF REFUGE, VA	155	155
CHINCOTEAGUE INLET, VA	1,124	1,124
DAVIS CREEK, VA	350	350
DEEP CREEK, NEWPORT NEW, VA		1,300
GATHRIGHT DAM AND LAKE MOOMAW, VA	1,612	1,612
HAMPTON RDS, NORFOLK AND NEWPORT NEWS HBR (DRIFT REMOVAL	1,200	1,200
HORN HARBOR, VA	270	270
INSPECTION OF COMPLETED WORKS, VA	111	111
JAMES RIVER CHANNEL, VA	3,801	4,800
JOHN H KERR LAKE, VA AND NC	9,890	9,890
JOHN W FLANNAGAN DAM AND RESERVOIR, VA	1,334	1,334
LYNNHAVEN INLET, VA	225	225
NORFOLK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS), VA	200	200
NORFOLK HARBOR, VA	8,679	8,679
NORTH FORK OF POUND RIVER LAKE, VA	297	297
PHILPOTT LAKE, VA	4,377	4,377
PROJECT CONDITION SURVEYS, VA	749	749
QUINBY CREEK, VA	400	400
RUDEE INLET, VA	1,030	1,030
WATERWAY ON THE COAST OF VIRGINIA, VA	1,150	1,150
WHITINGS CREEK, MIDDLESEX CO, VA	350	350
WASHINGTON		
CHIEF JOSEPH DAM, WA	853	853
COLUMBIA RIVER AT BAKER BAY, WA		764
EVERETT HARBOR AND SNOHOMISH RIVER, WA	1,355	1,355
GRAYS HARBOR AND CHEHALIS RIVER, WA	8,781	12,281
HOWARD HANSON DAM, WA	1,777	1,777
ICE HARBOR LOCK AND DAM, WA	5,065	5,065
INSPECTION OF COMPLETED WORKS, WA	257	257
LAKE WASHINGTON SHIP CANAL, WA	7,479	7,479
LITTLE GOOSE LOCK AND DAM, WA	1,268	1,268
LOWER GRANITE LOCK AND DAM, WA	5,244	5,244
LOWER MONUMENTAL LOCK AND DAM, WA	3,291	3,291
MILL CREEK LAKE, WA	947	947
MT ST HELENS SEDIMENT CONTROL, WA	321	321
MUD MOUNTAIN DAM, WA	2,075	2,075
NEAH BAY, WA		750
PROJECT CONDITION SURVEYS, WA	253	253
PUGET SOUND AND TRIBUTARY WATERS, WA	999	999
QUILLAYUTE RIVER, WA	975	975
SCHEDULING RESERVOIR OPERATIONS, WA	439	439
SEATTLE HARBOR, WA	640	640
STILLAGUAMISH RIVER, WA	247	247
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WA	60	60
TACOMA, PUYALLUP RIVER, WA	127	127
THE DALLES LOCK AND DAM, WA AND OR	2,264	2,514
WILLAPA RIVER AND HARBOR, WA	492	492
WEST VIRGINIA		
BEECH FORK LAKE, WV	1,167	1,167
BLUESTONE LAKE, WV	1,149	1,149
BURNSVILLE LAKE, WV	1,555	1,555
EAST LYNN LAKE, WV	1,832	1,832
ELK RIVER HARBOR, WV	440	440
ELKINS, WV	16	16
INSPECTION OF COMPLETED WORKS, WV	131	131
KANAWHA RIVER LOCKS AND DAMS, WV	7,544	13,394
OHIO RIVER LOCKS AND DAMS, WV, KY AND OH	18,991	18,991
OHIO RIVER OPEN CHANNEL WORK, WV, KY AND OH	3,260	3,260
R D BAILEY LAKE, WV	1,431	1,431
STONEWALL JACKSON LAKE, WV	905	905
SUMMERSVILLE LAKE, WV	1,603	1,603
SUTTON LAKE, WV	1,777	1,777
TYGART LAKE, WV	5,546	5,546
WISCONSIN		
ASHLAND HARBOR, WI	180	180
EAU GALLE RIVER LAKE, WI	820	820
FOX RIVER, WI	1,372	1,372
GREEN BAY HARBOR, WI	1,924	2,424
INSPECTION OF COMPLETED WORKS, WI	31	31
KENOSHA HARBOR, WI	1,315	1,315
KEWAUNEE HARBOR, WI	75	75
MANITOWOC HARBOR, WI	278	278
MILWAUKEE HARBOR, WI	789	789
OCONTO HARBOR, WI	13	13
PORT WASHINGTON HARBOR, WI	261	261
PORT WING HARBOR, WI	6	6
PROJECT CONDITION SURVEYS, WI	56	56
SAXON HARBOR, WI	45	45
SHEBOYGAN HARBOR, WI	1,603	1,603
STURGEON BAY HARBOR AND LAKE MICHIGAN SHIP CANAL, WI	1,578	1,578
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WI	498	498
TWO RIVERS HARBOR, WI	471	471
WYOMING		
JACKSON HOLE LEVEES, WY	1,233	1,233

CORPS OF ENGINEERS—OPERATION AND MAINTENANCE, GENERAL—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
SCHEDULING RESERVOIR OPERATIONS, WY	101	101
MISCELLANEOUS		
AQUATIC NUISANCE CONTROL RESEARCH	725	725
AUTOMATED BUDGET SYSTEM (WINABS)	285	285
COASTAL INLET RESEARCH PROGRAM	2,750	2,750
CULTURAL RESOURCES (NAGPRA/CURATION)	1,545	1,545
DREDGE WHEELER READY RESERVE	8,000	8,000
DREDGING DATA AND LOCK PERFORMANCE MONITORING SYSTEM	1,180	1,180
DREDGING OPERATIONS AND ENVIRONMENTAL RESEARCH (DOER)	6,755	6,755
DREDGING OPERATIONS TECHNICAL SUPPORT (DOTS) PROGRAM	1,545	1,545
EARTHQUAKE HAZARDS PROGRAM FOR BUILDINGS AND LIFELINES	300	300
FACILITY PROTECTION	64,000	35,000
GREAT LAKES SEDIMENT TRANSPORT MODELS	1,000	1,000
HARBOR MAINTENANCE FEE DATA COLLECTION	675	675
INLAND WATERWAY NAVIGATION PROJECTS	4,120	4,120
MONITORING OF COASTAL NAVIGATION PROJECTS	1,750	1,750
NATIONAL DAM SAFETY PROGRAM	45	45
NATIONAL DAM SECURITY PROGRAM	30	30
NATIONAL EMERGENCY PREPAREDNESS PROGRAMS (NEPP)	4,120	4,120
NATIONAL LEWIS AND CLARK COMMEMORATION COORDINATOR	310	310
PERFORMANCE BASED BUDGETING SUPPORT PROGRAM	815	815
PROTECTING, CLEARING AND STRAIGHTENING CHANNELS(SEC 3	50	50
RECREATION MANAGEMENT SUPPORT PROGRAM (RMSP)	1,545	1,545
REGIONAL SEDIMENT MANAGEMENT DEMONSTRATION PROGRAM	1,545	1,545
RELIABILITY MODELS PROGRAM FOR MAJOR REHABILITATION	675	675
REMOVAL OF SUNKEN VESSELS	500	500
WATER OPERATIONS TECHNICAL SUPPORT (WOTS) PROGRAM	725	725
WATERBORNE COMMERCE STATISTICS	4,745	4,745
HYDROPOWER MAINTENANCE		−49,000
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	−19,091	−50,213
ADJUSTMENT FOR ACTUAL RETIREMENT ACCRUALS	−240	
TOTAL, OPERATION AND MAINTENANCE	1,912,310	1,956,182

The Committee continues to believe that it is essential to provide adequate resources and attention to operation and maintenance requirements in order to protect the large Federal investment. Yet, current and projected budgetary constraints require the Committee to limit the amount of work that can be accomplished in the fiscal year. In order to cope with the current situation, the Corps has had to defer or delay scheduled maintenance activities.

Maintenance backlogs continue to grow, with much of the backlog being essential maintenance dredging needed to keep the Nation's ports, harbors, and waterways open and able to efficiently handle important national and international trade activities. Yet, the Committee is aware that out-year budget planning guidance for the Corps of Engineers projects that the current appropriations for their critical operation and maintenance activities will continue to decline for the foreseeable future. If additional resources are not made available, the Committee will be forced to cut back on services, and begin to terminate and close many projects and activities.

The Committee is aware of the Corps' efforts to stretch the limited resources to cover all of its projects and to effect savings through a variety of means. With an increasing number of projects entering the inventory, and budgetary constraints increasing, it is clear that the Corps will have to find innovative ways of accomplishing required maintenance work, while reducing operational and other costs. Adjustments in lower-priority programs and noncritical work should optimize limited resources while maximizing the public benefit.

The budget request has proposed that no navigation project with less than one billion ton-miles of cargo be eligible for maintenance dredging. The Committee believes that this is in direct conflict with the way projects are analyzed. Project analysis is based upon Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (1983), the Corps of Engineers Planning Guidance Notebook (2000), and other polices and procedures. For navigation studies, the analysis centers on transportation savings to the Nation considering the ultimate origins and destinations of commodities to be moved. Operation and maintenance costs are considered as a part of this analysis and are figured into the benefit to cost ratio utilized to make the investment decision. By applying an arbitrary ton-mile figure to determine O&M funding decisions, the budget request has essentially obviated the need for any of the previous studies undertaken to determine the investment decision.

The Committee is concerned about the annual proposals for reductions of maintenance funding for ''low use waterways and ports''. These tributary waterways naturally do not enjoy the same level of relative efficiencies as mainstem waterways. The Mississippi and Ohio Rivers handle tremendous volumes of traffic over long distances and so generate impressive ton-mile statistics. Tributaries, by nature, provide generally short, smaller channels with lower traffic densities. Consequently, ''ton-mile'' statistics for tributary waterways are dwarfed by statistics for the mainstem waterways. It is important to recognize that the commerce on the tributaries is usually only a small part of the total journey between producer and consumer. When these statistics are compared on a system basis, nearly all of these waterways appear to ''pay their way'' and are performing as the economic analysis indicated when they were originally authorized.

Uncertainties in maintenance funding for lower use projects, seriously impact their abilities to compete and become higher use facilities. Without funding to provide a stable channel and authorized depths and widths, industries and shippers are reluctant to make the necessary investments in using these projects. The Committee believes that proposed elimination of maintenance funding for authorized projects is not only a serious disservice to the public, but is demonstrates a profound lack of respect for the congressional oversight committees that have jurisdiction for authorization and deauthorization of such projects.

The Committee is not in favor of funding projects that are no longer economically viable or environmentally sustainable however, we believe that they should be proposed for deauthorization through the proper congressional oversight committees. Therefore, the Committee has restored funding to most of the low use waterways and port projects not included in the budget request and encourages the administration to budget accordingly.

Alabama Coosa River, AL.—The Committee has provided $200,000 above the budgeted amount for implementation of a systemwide geographic information system for the Alabama-Coosa River.

Tennessee-Tombigbee Waterway, AL & MS.—The Committee recommendation includes $26,800,000. Within the funds provided, $2,000,000 is provided for to maintain mitigation on State managed lands and $1,717,000 is provided to accomplish additional dredging of navigation channels.

McClellan-Kerr Arkansas River Navigation System, AR.—The Committee has provided $2,000,000 above the budget request to perform advance maintenance dredging to assure the authorized depth of 9 feet is maintained.

Ouachita/Black Navigation Project, AR & LA.—The Committee recommendation includes $8,325,000. Funds provided above the budget request are for yearly maintenance dredging, and backlog maintenance.

White River, AR.—The Committee has provided $2,200,000 for routine operation and maintenance activities and for minimum expected dredging and snagging requirements.

Humboldt Harbor and Bay, CA.—The Committee has provided an additional $1,500,000 to the administration's budget request of $3,426,000 for Humboldt Bay, California, for advanced maintenance dredging to remove the source of shoaling that has impeded navigational safety in the entry channel to the harbor. The shoaling has caused loss of life, property, oil spills and interruptions in the flow of commerce to and from Humboldt Bay.

Los Angeles County Drainage Area, CA.—Within the funds provided, $3,160,000 is for the Hansen Dam unit of the project. The Committee urges the Corps to work with the

Santa Monica Mountains Conservancy, or its local designee, concerning development and management of the natural areas within the Hansen Dam Recreation Area.

Ventura Harbor, CA.—The Committee recommendation includes an additional $1,300,000 for the repair of the weir at Ventura Harbor.

Cherry Creek, Chatfield, and Trinidad Lakes, CO.—An appropriations request of $1,500,000 over the budget for these three lakes has been provided. Frequent inundation of recreation areas are causing health and safety concerns requiring repair or replacement of the facilities. A total of $1,500,000 above the budget request has been provided for these three lakes. This action in no way is intended to alter the Corps of Engineers' lease and property accountability policies. It is the Committee's understanding that the State of Colorado has agreed to cost share this project on a 50–50 basis. It is also the understanding of the Committee that the Secretary is not to assume, nor share in the future cost of the operation and maintenance of these recreation facilities.

Treatment of Dredged Material from Long Island Sound, NY.—$250,000 is provided to initiate a demonstration program for the use of innovative technologies for the treatment of dredged materials from Long Island Sound.

Intracoastal Waterway, Delaware River to Chesapeake Bay, DE & MD.—The Committee recommendation is $12,853,000. Funds are provided for routine operation and maintenance activities and for immediate reimbursement to the State of Delaware for normal operation and maintenance costs incurred by the State for the SR–1 Bridge, from station 58+00 to station 293+00, between October 1, 2002 and September 30, 2003. The reimbursable costs include electric lighting and associated late fees, power sweeping, drainage cleaning, snow removal, surface deicing, and periodic bridge inspections. The Corps shall initiate necessary repairs to the SR–1 bridge once repair recommendations from the bridge inspections are received.

Intracoastal Waterway, Jacksonville to Miami, FL.—The Committee has provided $2,500,000 for maintenance activities along the Atlantic Intracoastal Waterway.

Apalachicola, Chattahoochee and Flint Rivers, GA, FL, & AL.—The Committee recommendation includes $4,709,000 which includes annual dredging of the river channel, annual operations and maintenance of the George W. Andrews Lock, spot dredging of shoals continue and routine operations and maintenance of the project. With funds previously provided, the Committee expects the Corps to continue restoration efforts in the Corley Slough reach.

Missouri River—Rulo to the Mouth, IA, NE, KS, & MO.—The Committee recommendation includes $500,000 above the budget request to continue implementation of actions related to the U.S. Fish and Wildlife Service biological opinion.

Red Rock Dam and Lake Red Rock, IA.—The Committee has provided $800,000 above the budget request to complete repairs to the SE Des Moines Remedial Works Levee.

Mississippi River between Missouri River and Minneapolis, IL, IA, MN, MO, & WI.—The Committee has provided $500,000 above the budget request for ongoing major maintenance items and initiation of major maintenance activities at Lock and Dam 11.

Clinton Lake, KS.—An additional $366,000 has been provided above the budget request for Lewis and Clark Commemoration events.

Big Sandy Harbor, KY.—$1,135,000 has been provided by the Committee for annual dredging requirements.

Wolf Creek Dam, Lake Cumberland, KY.—The Committee recommendation includes $1,200,000 above the budget request for the Corps to make safety and other necessary improvements to the boat ramps at Old Fall Creek, Tate Access, Camp Attrahunt and Ramsey Point.

J. Bennett Johnston Waterway, LA.—The Committee recommendation includes $12,224,000. Within the funds provided, $1,000,000 is provided for bank stabilization repairs, $408,000 is provided for dredging entrances to oxbow lakes, with the remainder provided for routine operation and maintenance activities, annual dredging requirements, and backlog maintenance items.

Narraguagus River, Milbridge, ME.—The Committee has provided $50,000 for the Corps to complete necessary environmental documentation and plans and specifications for restoring the project to authorized widths and depths.

Black River, Port Huron, MI.—The Committee recommendation includes $500,000 to complete plans and specifications and initiate maintenance dredging of the project.

Morehead City Harbor, NC.—$300,000 has been provided above the budget request to complete the Section 933 study concerning placement of maintenance material on the beaches of Bogue Banks.

Garrison Dam, Lake Sakakawea, ND.—The Committee has provided $300,000 above the budget request for mosquito control and continued improvements to low water lake accessibility.

Cocheco River, NH.—$500,000 has been provided for needed maintenance dredging of the authorized project.

Upper Rio Grande Water Operations Model, NM.—The Committee recommendation includes $2,050,000 for the daily water operations model for the Upper Rio Grande Basin.

Cochiti Partnering Initiative, Cochiti Pueblo, NM.—The Committee is aware of the joint efforts made by both the Corps of Engineers and the Cochiti pueblo in an attempt to resolve residual differences regarding the construction of the Cochiti dam and encourages both sides to continue to build further on this relationship.

Delaware River, Philadelphia to the Sea, NJ, PA, & DE.—The Committee has provided $500,000 above the budget request to continue restoration work at Pea Patch Island.

Copan Lake, OK.—The Committee is aware of the need to complete a study of the need to determine the feasibility of reallocating available storage at Copan Lake, OK to meet the future water supply needs for the city of Bartlesville, OK. Therefore the Committee has provided $1,521,000 for routine operations and maintenance and the reallocation study.

Bonneville Lock and Dam, OR & WA.—The Committee has provided $400,000 above the budget request for continue actions to implement the Federal Columbia River Power System Biological Opinion.

Columbia River at the Mouth, OR & WA.—The Committee recommendation includes $10,702,000. Funds provided are for routine operations and maintenance, increased dredging costs, jetty evaluation, studies of alternate dredged material disposal and a dredged material disposal demonstration project at Benson Beach.

John Day Lock and Dam, OR & WA.—The Committee has provided $1,584,000 above the budget request for significant safety repairs to the navigation lock, to continue the major rehabilitation evaluation report to address significant foundation problems, and to continue actions to implement the Federal Columbia River Power System Biological Opinion.

Francis E. Walter Dam, PA.—The Committee has provided $3,500,000 above the budget request to complete the relocation of the frequently inundated access road.

Point Judith Pond and Harbor of Refuge, RI.—The Committee recommendation includes $120,000 to survey the breakwaters and determine if repairs are warranted.

Providence River and Harbor, RI.—The Committee recommendation includes $20,000,000 to initiate dredging of the authorized project.

Cooper River, Charleston Harbor, SC.—The Committee has provided $7,050,000 for the Cooper River, Charleston Harbor, SC project. Within the funds provided, $3,750,000 is provided to make a lump sum payment to the South Carolina Department of Natural Resources to perform all future operation of the fish lift at St. Stephen, South Carolina.

Cheyenne River Sioux Tribe, Lower Brule Sioux, SD.—The Committee notes that Title VI of the Water Resources Development Act of 1999, as amended, requires that funding to inventory and stabilize cultural and historic sites along the Missouri River in South Dakota, and to carry out the terrestrial wildlife habitat programs, shall be provided from the Operation and Maintenance account. The Committee has provided $5,000,000 to protect cultural resource sites and provide funding to the State and Tribes for approved restoration and stewardship plans and in compliance with the requirements of Title VI, directs the Corps to contract with or reimburse the State of South Dakota and affected Tribes to carry out these duties.

Texas Water Allocation Assessment, TX.—The Committee recommendation includes $500,000 for the Texas Water Allocation Assessment for the Corps to work with the Texas regional planning groups in the evaluation of technologies and the exploration of water supply opportunities in the State including (where appropriate) water reuse, aquifer storage and recovery, and development of new multi-purpose facilities.

Burlington Harbor Breakwater, VT.—The Committee recommendation includes $800,000 to complete repairs to the south breakwater.

Connecticut River Basin Master Plans, VT.—The Committee recommendation includes $300,000 to complete master plans for Ball Mountain, North Springfield, Townshend, and Union Village Reservoirs in Vermont.

Grays Harbor and Chehalis River, WA.—The Committee recommendation includes $12,281,000 for routine operation and maintenance, to complete the North Jetty rehabilitation contract, to continue entrance channel study, for maintenance of the South Jetty.

Facility Protection.—The Committee has provided $35,000,000. The Committee has been informed that this is the average annual cost for guards at critical facilities.

REGULATORY PROGRAM

Appropriations, 2002	$127,000,000
Budget estimate, 2003	144,252,000
Committee recommendation	144,252,000

An appropriation of $144,252,000 is recommended for the regulatory program of the Corps of Engineers.

This appropriation provides for salaries and costs incurred administering regulation of activities affecting U.S. waters, including wetlands, in accordance with the Rivers and Harbors Act of 1899, the Clean Water Act of 1977, and the Marine Protection, Research and Sanctuaries Act of 1972.

The appropriation helps maintain program performance, protects important aquatic resources, and supports partnerships with States and local communities through watershed planning efforts.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

Appropriations, 2002	$140,000,000
Budget estimate, 2003	140,298,000
Committee recommendation	140,298,000

The Committee recommends an appropriation of $140,298,000 to continue activities related to the Formerly Utilized Sites Remedial Action Program (FUSRAP) in fiscal year 2003.

The responsibility for the cleanup of contaminated sites under the Formerly Utilized Sites Remedial Action Program was transferred to the Army Corps of Engineers in the Fiscal Year 1998 Energy and Water Development Appropriations Act, Public Law 105–62.

FUSRAP is not specifically defined by statute. The program was established in 1974 under the broad authority of the Atomic Energy Act and, until fiscal year 1998, funds for the cleanup of contaminated defense sites had been appropriated to the Department of Energy through existing appropriation accounts. In appropriating FUSRAP funds to the Corps of Engineers, the Committee intended to transfer only the responsibility for administration and execution of cleanup activities at eligible sites where remediation had not been completed. It did not intend to transfer ownership of and accountability for real property interests that remain with the Department of Energy.

The Corps of Engineers has extensive experience in the cleanup of hazardous, toxic, and radioactive wastes through its work for the Department of Defense and other Federal agencies. The Committee always intended for the Corps' expertise be used in the same manner for the cleanup of contaminated sites under FUSRAP. The Committee expects the Corps to continue programming and budgeting for FUSRAP as part of the Corps of Engineers—Civil program.

The Committee notes that portions of the Iowa Army Ammunition Plant in Middleton, Iowa, have recently been deemed eligible for inclusion into the FUSRAP program. The Committee encourages the Corps to reprogram available FUSRAP funds to initiate work on this site as soon as practicable and to budget for this site in future budget submissions.

GENERAL EXPENSES

Appropriations, 2002	$153,000,000
Budget estimate, 2003	155,651,000
Committee recommendation	155,651,000

This appropriation finances the expenses of the Office, Chief of Engineers, the Division Offices, and certain research and statistical functions of the Corps of Engineers.

Executive direction and management.—The Office of the Chief of Engineers and eight division offices supervise work in 38 district offices.

Humphreys Engineer Center Support Activity.—This support center provides administrative services (such as personnel, logistics, informatino management, and finance and accounting) for the Office of the Chief of Engineers and other separate field operating activities.

Institute for Water Resources.—This institute performs studies and analyses amd develops planning techniques for the management and development of the Nation's water resources.

United States Army Corps of Engineers Finance Center.—This center provides centralizes support for all Corps finance and accounting sites.

The Committee has included statutory language for the past several years prohibiting any funds from being used to fund an Office of Congressional Affairs within the executive office of the Chief of Engineers. The Committee believes that an Office of Congressional Affairs for the Civil Works Program would hamper the efficient and effective coordination of issues with the Committee staff and Members of Congress. The Committee believes that the technical knowledge and managerial expertise needed for the Corps headquarters to effectively address Civil Works authorization, appropriation, and Headquarters policy matters resides in the Civil Works organization. Therefore the Committee strongly recommends that the office of Congressional Affairs not be a part of the process by which information on Civil Works projects, programs, and activities is provided to Congress.

The Committee reminds the Corps that the General Expenses Account is to be used exclusively for executive oversight and management of the Civil Works Program.

In 1998, The Chief of Engineers issued a Command Directive transferring the oversight and management of the General Expenses account, as well as the manpower associated with this function, from the Civil Works Directorate to the Resource Management Office. General Expense funds are appropriated solely for the executive management and oversight of the Civil Works Program under the direction of the Director of Civil Works. This Committee continues to be concerned about the priority setting and decision making process being employed by the Corps for the usage of General Expense funds. A number of the general expense funded items seem to be only remotely associated with the direct management and oversight of the Civil Works Program. Accordingly, the Committee is establishing some guidelines by which non-labor discretionary general expense dollars appropriated are to be allocated within the Corps of Engineers.

These guidelines include: any allocation of discretionary, non-labor General Expense dollars exceeding $100,000 for a specific activity in any one fiscal year, needs to obtain prior approval of the Senate Appropriations Committee before obligating funds. Within 60 days of enactment of this Act, the Corps of Engineers is directed to submit to the Committee, for approval, a written procedure for setting priorities and allocating General Expense dollars assuring that General Expense dollars will be managed consistent with this direction.

The Committee has further determined that the allocation of General Expense funds will be provided through the following line items and funds can only be moved between these line items with the concurrence of the Committee: labor, travel, congressionally mandated studies, improving the technical capability of the Corps of Engineers, implementing the Project Management Business Process, and updating and maintaining current regulations and procedures for implementing Civil Works projects.

The Committee recommends an appropriation of $155,651,000.

FLOOD CONTROL AND COASTAL EMERGENCIES

Appropriations, 2002	
Recissions	−$25,000,000
Budget estimate, 2003	20,227,000
Committee recommendation	20,227,000

This account provides funds for preparedness activities for natural and other disasters, response, and emergency flood fighting and rescue operations, hurricane response, and emergency shore protection work. It also provides for emergency supplies of clean water where the source has been contaminated or where adequate supplies of water are needed for consumption.

The Committee is aware of the successful testing of the Rapid Deployment Flood Wall at the Engineering Research and Development Center in Vicksburg, Mississippi. This technology has proven to be promising in the effort to fight floods, cost-effective, quick to deploy and successful in protecting property from flood damage, damages which total millions each year.

The Committee is aware that the Corps of Engineers intends to revise 33 CFR 203.82 and implement cost-sharing conditions for emergency response and recovery activities funded by the Flood Control and Coastal Emergencies (FCCE) account. Public Law 8499 provides the Secretary of the Army, acting through the Chief of Engineers, with broad discretionary authority to respond to disasters, preserve human life, and protect critical infrastructure. Appropriations to the FCCE account allow the Corps to provide assistance to distressed areas before, during and after natural disasters—events that usually require rapid response and extract heavy tolls on community resources. Under such urgent and extreme circumstances, Federal cost-sharing should not impose delay and unreasonable financial burdens on state and local governments trying to rebuild their communities. The Committee expects the Secretary to administer the FCCE program in accordance with the terms and conditions of Public Law 84–99 in a fair, reasonable and balanced manner, and to inform the Appropriations Committees of any specific cost sharing required in law for the FCCE program and to modify 33 CFR 203.82 accordingly. Further, the Appropriations Committees shall be informed of any Corps of Engineers proposal intended to be published in the Federal Register.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

Language included under Section 101 restates language contained in the Energy and Water Development Appropriations Act, 2000, Public Law 106–60 which places a limit on credits and reimbursements allowable per project and annually.

The bill includes language in Section 102 which directs that none of the funds made available in fiscal year 2002 may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland.

SEC. 103. The Committee has included language to make changes to Sec. 595(h)(1) of Public Law 106–53.

SEC. 104. The Committee has included language concerning private sector contracting percentages.

SEC. 105. The Committee has included language making technical corrections to the St. Paul Harbor, Alaska project.

SEC. 106. The Committee has included language making technical corrections to the Abiquiu Dam Emergency gate project.

SEC. 107. The Committee has included language concerning relocations credit for the Tropicana Flamingo project.

SEC. 108. The Committee has included language concerning rehabilitation of the dredge McFARLAND. The Committee believes that a determination for how the

dredge is to be utilized following this rehabilitation should be deferred until after the GAO report requested in Public Law 107–66 has been received and has undergone a thorough review by the appropriate Committees.

SEC. 109. The Committee has included a new provision regarding the AIWW bridge replacement.

SEC. 110. The Committee has included a provision regarding the Corps Civil Works missions.

SEC. 111. The Committee has included a new provision regarding the American and Sacramento Rivers, CA project.

SEC. 112. The Committee has included a new provision regarding the Terminus Dam, CA project.

TITLE II—DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

Appropriations, 2002	$36,228,000
Budget estimate, 2003	36,228,000
Committee recommendation	36,228,000

The Committee recommendation for fiscal year 2003 to carry out the provisions of the Central Utah Project Completion Act totals $36,228,000. An appropriation of $23,643,000 has been provided for Central Utah project construction; $11,259,000 for fish, wildlife, and recreation, mitigation and conservation. The Committee recommendation provides $1,326,000 for program administration and oversight.

The Central Utah Project Completion Act (titles II–VI of Public Law 102–575) provides for the completion of the central Utah project by the Central Utah Water Conservancy District. The Act also authorizes the appropriation of funds for fish, wildlife, recreation, mitigation, and conservation; establishes an account in the Treasury for the deposit of these funds and of other contributions for mitigation and conservation activities; and establishes a Utah Reclamation Mitigation and Conservation Commission to administer funds in that account. The Act further assigns responsibilities for carrying out the Act to the Secretary of the Interior and prohibits delegation of those responsibilities to the Bureau of Reclamation.

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

Appropriations, 2002	$762,531,000
Budget estimate, 2003	726,147,000
Committee recommendation	816,147,000

An appropriation of $816,147,000 is recommended by the Committee for general investigations of the Bureau of Reclamation. The water and related resources account supports the development, management, and restoration of water and related natural resources in the 17 Western States. The account includes funds for operating and maintaining existing facilities to obtain the greatest overall level of benefits, to protect public safety, and to conduct studies on ways to improve the use of water and related natural resources. Work will be done in partnership and cooperation with non-Federal entities and other Federal agencies.

The Committee is aware the Bureau has undertaken an investigation into the extent to which Alkali Silica Reactivity (ASR) effects projects within the Bureau's domain. The Committee commends the Bureau for this initiative. The Committee requests that information from the investigations be provided to the relevant Senate and House authorizing and appropriating subcommittees within 6 months of enactment of this Act, along with recommendations for a course of action to prevent and mitigate ASR in the future.

The amounts recommended by the Committee are shown on the following table along with the budget request.

BUREAU OF RECLAMATION—WATER AND RELATED RESOURCES

[In thousands of dollars]

Project title	Budget estimate		Committee recommendation	
	Resources management	Facilities OM&R	Resources management	Facilities OM&R
ARIZONA				
AK CHIN WATER RIGHTS SETTLEMENT ACT PROJECT		6,200		6,200
CENTRAL ARIZONA PROJECT, COLORADO RIVER BASIN	34,709	74	34,709	74
COLORADO RIVER BASIN SALINITY CONTROL PROJECT, TITLE I	731	10,240	731	10,240
COLORADO RIVER FRONT WORK AND LEVEE SYSTEM	3,450		4,450	
FORT MCDOWELL SETTLEMENT ACT	500		500	
NORTHERN ARIZONA INVESTIGATIONS PROGRAM	422		422	
PHOENIX METROPOLITAN WATER REUSE PROJECT	250		250	
SALT RIVER PROJECT	39		39	
SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT PROJ- ECT	4,825		4,825	
SOUTH/CENTRAL ARIZONA INVESTIGATIONS PROGRAM	797		797	
TRES RIOS WETLANDS DEMONSTRATION	200		500	
TUCSON AREA WATER RECLAMATION AND REUSE STUDY	100		100	
YUMA AREA PROJECTS	1,658	19,107	1,658	19,107
CALIFORNIA				
CACHUMA AREA PROJECTS	778	557	778	557
CALIFORNIA INVESTIGATIONS PROGRAM	417		417	
CALLEGUAS MUNICIPAL WATER DISTRICT RECYCLING PLANT	1,000		1,000	
CENTRAL VALLEY PROJECT:				
AMERICAN RIVER DIVISION	2,043	9,658	2,043	9,658
AUBURN-FOLSOM SOUTH UNIT	7,707	44	7,707	44
DELTA DIVISION	11,095	5,323	20,845	5,323
EAST SIDE DIVISION	1,230	3,855	1,230	3,855
FRIANT DIVISION	2,276	3,024	4,026	3,024
MISCELLANEOUS PROJECT PROGRAMS	12,726	1,027	27,726	1,027
REPLACEMENTS, ADDITIONS, AND EXTRAORDINARY MAINT		16,000		16,000
SACRAMENTO RIVER DIVISION	4,921	1,780	5,821	1,780
SAN FELIPE DIVISION	519		519	
SAN JOAQUIN DIVISION	249		249	
SHASTA DIVISION	1,543	8,042	4,543	8,042
TRINITY RIVER DIVISION	7,727	5,572	7,727	5,572
WATER AND POWER OPERATIONS	1,791	7,614	1,791	7,614
WEST SAN JOAQUIN DIVISION, SAN LUIS UNIT	5,989	6,018	5,989	6,018
YIELD FEASIBILITY INVESTIGATION	1,000		1,000	
LAKE TAHOE REGIONAL WETLANDS DEVELOPMENT	200		3,000	
LONG BEACH AREA WATER RECLAMATION AND REUSE PROJ- ECT	1,500		1,800	
LONG BEACH DESALINATION RESEARCH AND DEVELOPMENT PROJECT			1,000	
MISSION BASIN BRACKISH GROUNDWATER DESALTING DEMO			300	
NORTH SAN DIEGO COUNTY AREA WATER RECYCLING PROJ- ECT	1,800		2,500	
ORANGE COUNTY REGIONAL WATER RECLAMATION PROJECT, PHAS	1,800		1,800	
ORLAND PROJECT	39	430	39	430
SALTON SEA RESEARCH PROJECT	1,000		1,000	
SAN DIEGO AREA WATER RECLAMATION PROGRAM	6,000		6,000	
SAN GABRIEL BASIN PROJECT	1,800		1,800	
SAN JOSE WATER RECLAMATION AND REUSE PROGRAM	2,000		2,000	
SOLANO PROJECT	1,248	1,513	1,248	1,513
SOUTHERN CALIFORNIA INVESTIGATIONS PROGRAM	842		842	
COLORADO				
ANIMAS-LA PLATA PROJECT, CRSP SECTION 5 AND 8	33,000		35,000	
COLLBRAN PROJECT	122	1,212	122	1,212
COLORADO INVESTIGATIONS PROGRAM	75		75	
COLORADO-BIG THOMPSON PROJECT	12	10,265	12	10,265
COLORADO-BIG THOMPSON PROJECT—HORSETOOTH DAM		31,100		31,100
FRUITGROWERS DAM PROJECT	41	118	41	118
FRYINGPAN-ARKANSAS PROJECT		6,785		6,985
GRAND VALLEY UNIT, CRBSCP, TITLE II	224	612	224	612

BUREAU OF RECLAMATION—WATER AND RELATED RESOURCES—Continued

[In thousands of dollars]

Project title	Budget estimate		Committee recommendation	
	Resources management	Facilities OM&R	Resources management	Facilities OM&R
LEADVILLE/ARKANSAS RIVER RECOVERY PROJECT	582	1,552	582	1,552
MANCOS PROJECT	28	50	28	50
PARADOX VALLEY UNIT, CRBSCP, TITLE II	50	1,968	50	1,968
PINE RIVER PROJECT	58	65	58	65
SAN LUIS VALLEY PROJECT	399	4,066	399	4,066
UNCOMPAHGRE PROJECT	143	113	143	113
IDAHO				
BOISE AREA PROJECTS	2,714	3,192	2,714	3,192
COLUMBIA AND SNAKE RIVER SALMON RECOVERY PROJECT	15,000		15,500	
DRAIN WATER MANAGEMENT STUDY, BOISE PROJECT	100		100	
IDAHO INVESTIGATIONS PROGRAM	578		578	
MINIDOKA AREA PROJECTS	3,282	2,194	3,282	2,194
MINIDOKA NORTHSIDE DRAIN WATER MANAGEMENT PROGRAM	200		200	
KANSAS				
KANSAS INVESTIGATIONS PROGRAM	235		235	
WICHITA PROJECT		285		285
MONTANA				
FORT PECK DRY PRAIRIE RURAL WATER SYSTEM			7,000	
HUNGRY HORSE PROJECT		300		300
MILK RIVER PROJECT	320	826	320	826
MONTANA INVESTIGATIONS	475		475	
ROCKY BOYS INDIAN WATER RIGHTS SETTLEMENT	4,600		4,600	
NEBRASKA				
MIRAGE FLATS PROJECT		78		78
NEBRASKA INVESTIGATIONS PROGRAM	71		71	
NEVADA				
HALFWAY WASH PROJECT STUDY			390	
LAHONTAN BASIN PROJECT	6,215	2,339	6,215	2,339
LAKE MEAD/LAS VEGAS WASH PROGRAM	1,000		2,000	
SOUTHERN NEVADA WATER RECYCLING PROJECT			3,000	
NEW MEXICO				
ALBUQUERQUE METRO AREA WATER AND RECLAMATION REUSE			400	
CARLSBAD PROJECT	1,644	1,126	1,644	1,126
CONCHAS PROJECT STUDY			100	
EASTERN NEW MEXICO WATER SUPPLY			250	
MIDDLE RIO GRANDE PROJECT	7,200	8,263	19,200	18,763
NAVAJO GALLUP WATER SUPPLY PROJECT	300		300	
NAVAJO NATION INVESTIGATIONS PROGRAM	300		300	
PECOS RIVER BASIN WATER SALVAGE PROJECT		27		500
RIO GRANDE PROJECT	1,054	2,953	1,054	2,953
SAN JUAN RIVER BASIN INVESTIGATIONS PROGRAM	243		243	
SOUTHERN NEW MEXICO/WEST TEXAS INVESTIGATIONS PROGRAM	196		196	
TUCUMCARI PROJECT	19		19	
UPPER RIO GRANDE BASIN INVESTIGATIONS PROGRAM	165		165	
NORTH DAKOTA				
DAKOTAS INVESTIGATIONS PROGRAM	239		239	
DAKOTAS TRIBES INVESTIGATIONS PROGRAM	400		400	
GARRISON DIVERSION UNIT	20,662	4,577	24,000	4,577
OKLAHOMA				
ARBUCKLE PROJECT		193		193
MCGEE CREEK PROJECT		452		452
MOUNTAIN PARK PROJECT		306		306
NORMAN PROJECT	225	208	225	208
OKLAHOMA INVESTIGATIONS PROGRAM	207		507	
WASHITA BASIN PROJECT		742		742
W.C. AUSTIN PROJECT		293		293
OREGON				
CROOKED RIVER PROJECT	301	546	301	546
DESCHUTES ECOSYSTEM RESTORATION PROJECT	500		750	
DESCHUTES PROJECT	382	152	382	152
DESCHUTES PROJECT-WICKUP DAM		12,300		12,300
DESCHUTES PROJECT, TUMALO, BEND FEED CANAL			1,300	
EASTERN OREGON PROJECTS	308	275	308	275
GRANDE RONDE WATER OPTIMIZATION STUDY	150		150	
KLAMATH PROJECT	13,644	623	19,377	623
OREGON INVESTIGATIONS PROGRAM	333		333	
ROUGE RIVER BASIN PROJECT, SAVAGE RAPIDS PUMPING PLANT			250	
ROGUE RIVER BASIN PROJECT, TALENT DIVISION	454	169	454	169
TUALATIN PROJECT	238	125	238	125
TUALATIN VALLEY WATER SUPPLY FEASIBILITY STUDY	25		25	
UMATILLA BASIN PROJECT, PHASE III STUDY	50		300	
UMATILLA PROJECT	408	2,363	408	2,363
WILLOW LAKE NATURAL TREATMENT SYSTEM			650	
SOUTH DAKOTA				
LEWIS AND CLARK RURAL WATER SYSTEM	2,000		7,000	
MID-DAKOTA RURAL WATER PROJECT	10,000	40	17,860	40
MNI WICONI PROJECT	23,292	8,228	30,772	8,228
PERKINS COUNTY RURAL WATER SALVAGE PROJECT			4,300	
RAPID VALLEY PROJECT, DEERFIELD DAM		27		27
TEXAS				
BALMORHEA PROJECT		71		71
CANADIAN RIVER PROJECT		109		109
LEON CREEK QUARRY/MITCHELL LAKE WATER REUSE PRO- JECTA			500	
LOWER RIO GRANDE VALLEY WATER RESOURCE CONSERVA- TION			500	
NUECES RIVER		392		392
SAN ANGELO PROJECT		307		307

BUREAU OF RECLAMATION—WATER AND RELATED RESOURCES—Continued

[In thousands of dollars]

Project title	Budget estimate		Committee recommendation	
	Resources management	Facilities OM&R	Resources management	Facilities OM&R
TEXAS INVESTIGATIONS PROGRAM	217		217	
UTAH				
HYRUM PROJECT	120	24	120	24
MOON LAKE PROJECT	43	53	43	53
NAVAJO SANDSTONE AQUIFER RECHARGE STUDY	100		100	
NEWTON PROJECT	52	21	52	21
NORTHERN UTAH INVESTIGATIONS PROGRAM	301		301	
OGDEN RIVER PROJECT	350	44	350	44
PROVO RIVER PROJECT	677	493	677	493
SCOFIELD PROJECT	97	27	97	27
SOUTHERN UTAH INVESTIGATIONS PROGRAM	279		279	
STRAWBERRY VALLEY PROJECT	107	7	107	7
WEBER BASIN PROJECT	1,455	399	1,455	399
WEBER RIVER PROJECT	52	71	52	71
WASHINGTON				
COLUMBIA BASIN PROJECT	4,485	6,346	4,885	6,346
SALMON CREEK WATERSHED RESTORATION, WA			250	
WASHINGTON INVESTIGATIONS PROGRAM	518		518	
YAKIMA PROJECT	598	6,156	598	6,156
YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT	11,900		15,775	
WYOMING				
KENDRICK PROJECT	4	2,568	4	2,568
NORTH PLATTE PROJECT	10	1,324	10	1,324
SHOSHONE PROJECT	10	1,232	10	1,232
WYOMING INVESTIGATIONS PROGRAM	37		37	
VARIOUS				
COLORADO RIVER BASIN SALINITY CONTROL, TITLE II: PROGRAM AND COLORADO RIVER WATER QUALITY IMPROVEMENT	10,087		10,087	
COLORADO RIVER STORAGE PROJECT, SECTION 5	7,178	2,302	7,178	2,302
COLORADO RIVER STORAGE PROJECT, SECTION 8, R&F&WL	3,970	22	3,970	22
COLORADO RIVER WATER QUALITY IMPROVEMENT PROGRAM	150		150	
DAM SAFETY PROGRAM:				
DEPARTMENT DAM SAFETY PROGRAM		1,275		1,275
INITIATE SOD CORRECTIVE ACTION		21,910		21,910
SAFETY EVALUATION OF EXISTING DAMS		14,315		14,315
SAFETY OF DAMS CORRECTIVE ACTION STUDIES		50		50
DEPARTMENTAL IRRIGATION DRAINAGE PROGRAM	2,600		3,350	
DROUGHT EMERGENCY ASSISTANCE	899		5,399	
EFFICIENCY INCENTIVES PROGRAM	3,087		3,087	
EMERGENCY PLANNING AND DISASTER RESPONSE PROGRAM		334		334
ENDANGERED SPECIES RECOVERY IMPLEMENTATION	12,747		12,747	
ENVIRONMENTAL PROGRAM ADMINISTRATION	1,706		1,706	
ENVIRONMENTAL AND INTERAGENCY COORDINATION ACTIVIT- IES	1,890		1,890	
EXAMINATION OF EXISTING STRUCTURES		5,597		5,597
FEDERAL BUILDING SEISMIC SAFETY PROGRAM		1,390		1,390
GENERAL PLANNING STUDIES	2,195		2,195	
LAND RESOURCES MANAGEMENT PROGRAM	9,689		9,689	
LOWER COLORADO RIVER INVESTIGATIONS PROGRAM	275		275	
LOWER COLORADO RIVER OPERATIONS PROGRAM	12,421		12,421	
MISCELLANEOUS FLOOD CONTROL OPERATIONS		594		594
NATIONAL FISH AND WILDLIFE FOUNDATION	850		850	
NATIVE AMERICAN AFFAIRS PROGRAM	8,500		8,500	
NEGOTIATION AND ADMINISTRATION OF WATER MARKETING	1,185		1,185	
OPERATION AND MAINTENANCE PROGRAM MANAGEMENT	420	921	420	921
PICK-SLOAN MISSOURI BASIN—OTHER PROJECTS	2,828	30,759	2,828	30,759
POWER PROGRAM SERVICES	969	244	969	244
PUBLIC ACCESS AND SAFETY PROGRAM	420		420	
RECLAMATION LAW ADMINISTRATION	4,469		4,469	
RECLAMATION RECREATION MANAGEMENT—TITLE XXVIII	2,800		2,800	
RECREATION & FISH AND WILDLIFE PROGRAM ADMINISTRA- TION	2,292		2,292	
SCIENCE AND TECHNOLOGY:				
ADVANCED WATER TREATMENT DESALINATION PROGRAM	1,310		1,310	
APPLIED SCIENCE /TECHNOLOGY AND DEVELOPMENT	3,490		3,490	
DESALINATION RESEARCH AND DEVELOPMENT PROGRAM	100		4,000	
HYDROELECTRIC INFRASTRUCTURE PROTECTION/ENHANCEMEN	900		900	
TECHNOLOGY ADVANCEMENT	350		350	
WATERSHED/RIVER SYSTEMS MANAGEMENT PROGRAM	1,000		1,000	
SITE SECURITY		28,440		28,440
SOIL AND MOISTURE CONSERVATION	326		326	
TECHNICAL ASSISTANCE TO STATES	1,942		1,942	
TITLE XVI, WATER RECLAMATION AND REUSE PROGRAM	1,500		3,500	
UNITED STATES/MEXICO BORDER ISSUES—TECHNICAL SUP- PORT	67		67	
WATER MANAGEMENT AND CONSERVATION PROGRAM	6,581		7,081	
WETLANDS DEVELOPMENT	3,117		3,117	
UNDISTRIBUTED REDUCTION BASED ON ANTICIPATED DELAYS	−37,942		−76,441	
TOTAL, WATER AND RELATED RESOURCES	381,164	344,983	459,991	356,156
LOAN PROGRAM				
CALIFORNIA				
CASTROVILLE IRRIGATION WATER SUPPLY PROJECT	1,239		1,239	
SALINAS VALLEY WATER RECLAMATION	401		401	
SAN SEVAINE CREEK WATER PROJECT	5,575		5,575	
VARIOUS				
LOAN ADMINISTRATION	280		280	
TOTAL, LOAN PROGRAM	7,495		7,495	

Colorado River Front Work and Levee System, AZ.—The Committee has provided an additional $1,000,000 for the Bureau of Reclamation to continue design and Environmental compliance activities for water management

reservoirs to be constructed along the All American Canal.

Fryingpan-Arkansas Project, CO.—The Committee has provided an additional $200,000 for the reevaluation report.

Central Valley Project, CA.—The Committee recommendation provides an additional $30,000,000 for this project for activities in support of the California Bay-Delta Restoration. These activities are more fully described under the heading for the California Bay-Delta Restoration.

CVP, Sacramento River Division, CA.—The Committee has provided $400,000 above the budget request to continue the Colusa Basin Integrated Resource Management Plan.

Lake Tahoe Regional Wetlands Development, CA.—The Committee has provided $3,000,000 to continue the environmental restoration projects in the vicinity of Lake Tahoe, California and Nevada.

The Bureau of Reclamation is authorized hereafter to negotiate and enter into financial assistance agreements with public and private agencies, organizations, and institutions for activities under the Lake Tahoe Regional Wetlands Development Program. Costs associated with such activities will be non-reimbursable.

Animas La-Plata Project, CO and NM.—The bill contains $35,000,000 for the Animas La-Plata, Colorado Project. The Committee recognizes that with constrained resources it will be difficult to maintain the schedule established by the Colorado Ute Settlement Act Amendments of 2000.

Arrowrock Dam, ID.—The Committee expects continued and full compliance by the Bureau with Section 206 of Public Law 107–066, with regard to the Valve Rehabilitation Project at the Arrowrock Dam on the Arrowrock Division of the Boise Project in Idaho, for the full period of recovery of expenses prescribed in that Section.

Columbia and Snake River Salmon Recovery Project, ID, OR, and WA.—The Committee has provided $500,000 above the budget request for continued fishery habitat improvements in the John Day River Subbasin Project, OR.

Lucky Peak, ID.—The Committee is aware of the Bureau collecting from water users for NEPA compliance work associated with the Lucky Peak water service contract renewals. The Committee believes that, with respect to these water service contracts, the Bureau of Reclamation should incur these costs as part of its regular activities and shall report to the Committee within 180 days within enactment of this bill on how it intends to address this situation.

Halfway Wash, NV.—The Committee recommendation has provided $390,000 to studies of Halfway Wash in Mesquite, County, NV.

Conchas Project Study, NM.—The Committee has included $100,000 to conduct a yield and seepage study.

Middle Rio Grande Project, NM.—The Committee is aware of the pending biological opinion in effect on the Rio Grande. When combined with the drought conditions facing New Mexico, and municipalities, farmers and the silvery minnow all competing for the same scarce resource, water, a delicate balance must be maintained. The recommendation includes funding for the following activities: $5,100,000 for modifications to river habitat; $2,180,000 for silvery minnow population management; $1,100,000 for monitoring of stream effects on the silvery minnow; $130,000 to combat non-native species endangering the silvery minnow; $650,000 for Bureau of Reclamation's repayment obligations under the agreement; $950,000 for water quality studies and improvements; and $2,500,000 for the Bureau of Reclamation's purchase of water. In addition, the Committee directs the Bureau of Reclamation to consult with the Fish and Wildlife Service on silvery minnow monitoring and habitat efforts. Finally, the Committee has included statutory language which requires the Bureau to submit a report on the status and results of fiscal year 2002 funding and, to submit to the Committee for approval, a detailed spending plan for fiscal year 2003 within 60 days of enactment.

Middle Rio Grande Levees, NM.—The Committee is very concerned about the state of disrepair of the Middle Rio Grande levees due to the lack of sufficient and regular maintenance within the river bed, including both the levees and the low-flow channel. The Committee has included an additional $10,000,000 to address this problem and expects the Bureau to expedite its work in order to begin the repair of the project in order to address the life and safety issues. Additionally, the Committee expects that the Bureau will take all steps necessary to maintain the project in a responsible manner such that additional levees will not be at risk. Finally the Commissioner is directed to submit an annual report to the Senate Appropriations Committee on the status of the levee repairs.

Pecos River Basin Water Supply Salvage Project, NM.—The Committee is aware that the Bureau of Reclamation carries out the Pecos River Basin Water Supply Salvage project in collaboration with the State of New Mexico. The Committee directs the Bureau of Reclamation, within funds appropriated for the Facility Maintenance and Rehabilitation, not to provide less than $500,000 for this eradication effort.

Garrison Diversion Unit, ND.—The Committee recommendation includes $24,000,000. While this is an increase over the budget request, it is still far below the amount needed to fund the project at an optimum level.

Bandon Cranberry Water Control District, OR.—The Committee is aware that over the last several years, the Bureau of Reclamation has been working with the Bandon Cranberry Water Control District on several proposals for water storage capacity and reservoir upgrades. The Committee encourages the Bureau of Reclamation to continue its work in an effort to determine the Federal interest in these projects and the needs of the water district.

Klamath Project, OR.—The Committee recommendation includes $19,377,000. The additional funds are for continued construction of the A-Canal fish screen.

Mni Wiconi Project, SD.—The Committee has provided $30,772,000 for the Mni Wiconi Project. While this is an increase over the budget request, it is still far below the amount needed to fund the project at an optimal level.

Columbia Basin Project, WA.—The Committee recommendation includes $400,000 above the president's request for design documents, plans and specifications for stream habitat restoration along Icicle Creek, WA.

Salmon Creek Watershed Restoration Feasibility Study, WA.—The Committee has provided $250,000 for feasibility studies to improve fisheries habitat in the Salmon Creek Watershed.

Departmental Irrigation Drainage Program.—The Committee has provided $750,000 above the budget request for the Uncompahgre Valley Water Users Association Selenium Remediation Demonstration Project.

Drought Emergency Assistance.—The Committee has provided $5,399,000. Within the funds provided, $3,500,000 is for a regional weather damage modification program and $1,000,000 is for assistance to the State of Montana, now in its fourth year of drought.

The Committee is concerned about the impact of the current drought on farmers, municipalities, and other water users. Unfortunately, being that this issue was unanticipated, the President's budget did not contain any significant funds to address drought. Therefore, the Committee expects that the Bureau will utilize its drought emergency assistance program which enables the Bureau to construct temporary facilities and provide assistance in the form of contingency planning for communities in an effort to minimize the impacts of drought.

From the funds appropriated for drought emergency assistance, the Committee urges the Bureau to provide full and fair consideration of the request for drought assistance from the State of Hawaii and fund, if meritorious.

Science and Technology, Desalination Research and Development Program.—The Committee recommendation includes $4,000,000 for desalination research and development of which, $3,000,000 is provided for desalination laboratory research, pilot, and demonstration projects to continue efforts for an additional 2 years as originally established by Public Law 104–298, Water Desalination Act of 1996. The Committee recommends that funding shall be subject to the guidelines identified in Section 7 of the Water Desalination Act of 1996. To that end, the Committee wishes to ensure that the Bureau of Reclamation continue as the lead Federal entity responsible for identifying the most cost effective and technologically efficient means by which usable water can be produced from saline or water otherwise impaired or contaminated. As such, the Committee directs that the Secretary of the Interior to collaborate on research activities managed or conducted by the National Laboratories.

The Committee has included $3,000,000 for the continuation of the collaborative process with regard to the Bureau of Reclamation and Sandia National Lab on desalination. It is the Committee's intent that these funds will not be obligated until the progress plan is submitted for approval by the Senate Committee on Appropriations. It is the understanding of the Committee that the design review of the project is approximately 90 percent complete. With the funds provided, the Bureau of Reclamation, shall implement the technology progress plan developed in conjunction with Sandia National Laboratories during fiscal year 2002. The Committee recognizes that effective desalination cost reduction is the key to wider use of desalination for improving the quality of life in water-scarce regions. Within the funds provided, the Commissioner is also directed to assess the potential use of advanced water treatment technologies as a resource to create net new water supplies and to evaluate project benefits, economic values and environmental effects. Further, the Commissioner should identify resource needs that can be met through these technologies and interparty transfers and to identify obstacles to be overcome (physical, financial, institutional, and regulatory). The assessment should include an assessment of life cycle cost effectiveness and validate new technology and practices.

Title XVI Water Reclamation and Reuse Program.—The Committee recognizes the progress the WateReuse Foundation program has accomplished in providing important research into the science and technological aspects of water reclamation and public

health. The Committee is further aware that the Foundation has continued to meet its cost share is requirement as directed. Accordingly, the Committee provides that within funds provided, the Bureau of Reclamation is to provide $2,000,000 to support the WateReuse Foundation in its research activities. A high priority of this research shall be related to aquifer storage and recovery.

Within funds provided for the Title XVI Program, the Bureau is directed to undertake feasibility studies of the potential for water reclamation and reuse in North Las Vegas, NV in cooperation with the Southern Nevada Water Authority.

Water Management and Conservation Program.—The Committee has provided $500,000 above the President's budget for urban water conservation programs within the service area of the Metropolitan Water District of Southern California.

Nonreimbursability of Security Funding.—Funds made available in Public Law 107–117 for Water and Related Resources to respond to the September 11, 2001 terrorist attacks on the United States and sums appropriated under this heading for increased site security/counter-terrorism activity shall be nonreimbursible.

BUDGET LIMITATIONS AND REDUCTIONS

Constrained spending limits have made it difficult for the Committee to formulate a balanced Energy and Water Development appropriations bill for fiscal year 2003. In order to adhere to the subcommittee's allocations, address the critical ongoing activities, correct program imbalances contained in the President's fiscal year 2003 budget, and respond to the numerous requests of the Members, the Committee finds it necessary to recommend numerous adjustments to funding levels proposed in the budget. Finally, the Committee regrets that many worthwhile projects could not be recommended for funding because of the lack of authorization and the shortfall in resources.

The Committee received numerous requests to include project authorizations in the Energy and Water Development appropriations bill. However, in an effort to support and honor the congressional authorizing committees' jurisdiction, the Committee has not included new project authorizations.

CENTRAL VALLEY PROJECT RESTORATION FUND

Appropriations, 2002	$55,039,000
Budget estimate, 2003	48,904,000
Committee recommendation	48,904,000

The Committee recommends an appropriation of $48,904,000, the same as the budget request for the Central Valley Project Restoration Fund.

The Central Valley Project Restoration Fund was authorized in the Central Valley Project Improvement Act, title 34 of Public Law 102–575. This fund was established to provide funding from project beneficiaries for habitat restoration, improvement and acquisition, and other fish and wildlife restoration activities in the Central Valley project area of California. Revenues are derived from payments by project beneficiaries and from donations. Payments from project beneficiaries include several required by the Act (Friant Division surcharges, higher charges on water transferred to non-CVP users, and tiered water prices) and, to the extent required in appropriations acts, additional annual mitigation and restoration payments.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2002	.....
Budget estimate, 2003	$15,000,000
Committee recommendation	.....

This account funds activities that are consistent with the CALFED Bay-Delta Program, a collaborative effort involving 18 State and Federal Agencies and representatives of California's urban, agricultural, and environmental communities. The goals of the program are to improve fish and wildlife habitat, water supply reliability, and water quality in the San Francisco Bay-San Joaquin River Delta, the principle hub of California's water distribution system.

The CALFED Program was established in May 1995, for the purpose of developing a comprehensive, long-term solution to the complex and inter-related problems in the San Francisco Bay-Delta area of California. The program's focus is on the health of the ecosystem and improving water management. In addition, this program addresses the issues of uncertain water supplies, aging levees, and threatened water quality.

The Committee is aware that legislation has been introduced in the House and Senate to reauthorize the comprehensive program. Absent this legislation, the Committee has recommended no funding under the California Bay-Delta Ecosystem Restoration Project. In order to support the efforts of the State of California to provide a safe, clean water supply and improve the environment, the Committee has provided funds for previously authorized studies under the Central Valley Project. These studies will support and further the goals of the overall CALFED Program until such time as the California Bay-Delta Ecosystem Restoration Project is reauthorized.

The Committee has provided an additional $30,000,000 over the budget request for the Central Valley Project. Additional funds to support the goals of CALFED are provided as follows:

CENTRAL VALLEY PROJECT

ENVIRONMENTAL WATER ACCOUNT

Miscellaneous Project Programs.—$15,000,000 to acquire water and ground water storage.

PLANNING AND MANAGEMENT ACTIVITIES

Delta Division Oversight.—$2,500,000 to continue coordination, administration, planning, performance tracking and science activities in coordination with CALFED Program Implementation Plan.

STORAGE

Delta Division.—$250,000 to continue evaluations of the Delta Wetlands project and other in-delta storage proposals. $2,000,000 for Reclamation to continue participating in planning activities associated with enlarging Los Vaqueros reservoir.

Friant Division.—$1,750,000 to continue developing a plan of study for a feasibility level investigation for storage in the Upper San Joaquin Watershed.

Sacramento River Division.—$500,000 to continue planning activities as agreed to in the Sites MOU.

Shasta Division.—$3,000,000 to continue evaluating the potential impacts of the proposed Shasta raise.

CONVEYANCE

Delta Division.—$5,000,000 to construct the Tracy Test Fish Facility.

POLICY AND ADMINISTRATION

Appropriations, 2002	$52,968,000
Budget estimate, 2003	54,870,000
Committee recommendation	54,870,000

The Committee recommendation for general administrative expenses is $54,870,000. This is the same as the budget request.

The policy and administrative expenses program provides for the executive direction and management of all reclamation activities, as performed by the Commissioner's offices in Washington, DC, Denver, CO, and five regional offices. The Denver office and regional offices charge individual projects or activities for direct beneficial services and related administrative and technical costs. These charges are covered under other appropriations.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

Section 201 of the bill includes language that States requirements for purchase or lease of water from the Middle Rio Grande or Carlsbad Projects, New Mexico.

Section 202 of the bill includes language concerning Drought Emergency Assistance.

Section 203 of the bill includes language concerning natural desert terminal lakes.

Section 204 of the bill includes language concerning private sector contracting percentages.

Section 205 of the bill includes language directing the Bureau to undertake studies for the North Central Montana Rural Water Supply project using prior appropriated funds.

Section 206 of the bill includes language to make changes to Section 8 of Public Law 104–298.

Section 207 of the bill includes language regarding the San Luis Unit and the Kesterson Reservoir in California.

TITLE III—DEPARTMENT OF ENERGY

Title III provides for the Department of Energy's defense and nondefense functions, the power marketing administrations, and the Federal Energy Regulatory Commission.

CONTRACTOR TRAVEL

The Committee believes that earlier statutory restrictions on contractor travel established new appreciation by contractors for propriety and cost effectiveness in their travel expenditures. For fiscal year 2003, no statutory travel restrictions are included. Nevertheless, the Committee directs the Department to maintain contractor travel summaries adequate for periodic reviews of programmatic relevance and costs of contractor travel.

ENERGY SUPPLY

Appropriations, 2002	$666,726,000
Budget estimate, 2003	693,934,000
Committee recommendation	815,306,000

RENEWABLE ENERGY RESOURCES

Appropriations, 2002	$396,000,000
Budget estimate, 2003	407,000,000
Committee recommendation	448,062,000

The Committee recommendation provides $448,062,000, for renewable energy resources.

The recommendation for Renewable Energy Resources reflects the Committee's strong belief that only a balanced portfolio of production and distribution technologies and strategies will fulfill our Nation's long-term needs and goals for both energy and the environment. For that reason, the Committee recommendation includes substantial investments in renewable energy resources above the Administration's request.

The Committee has modified the request for low emission energy technologies, including hydro, renewable, and nuclear, with the view toward post 2010 application of new technologies. As a result, with few exceptions, the Committee recommends basic research that will provide significant improvements over existing technologies.

Each year the Energy and Water Development Appropriations Conference Report contains a handful of ''Congressionally-directed activities'' (to use the Department's description). To date, the Renewable Energy Resources Office has funded fifteen of these Congressionally-mandated activities for fiscal year 2002. This is an unacceptable rate at this point in the fiscal year. These activities are not optional and are to be given the same priority as the rest of the fiscal year spending program. The Committee fully expects the Department to address this situation before the Conference Committee completes action on the final Energy and Water funding bill.

Although the Renewable Energy Resources Office is currently undergoing a reorganization, it is not yet complete. It is both unwise and impractical to appropriate funds to accounts that may or may not exist at the start of the fiscal year. For that reason, the Committee recommendation appropriates funds generally in accordance with the Administration's fiscal year 2003 budget request. If the reorganization is complete when the Conference Committee convenes, the Committee will consider re-aligning the accounts.

Solar energy.—The Committee recommendation for solar energy programs is $95,000,000. This account is broken up into three sub-accounts, each of which is described below.

Solar building technology research.—The Committee recommends $12,000,000 to fund solar building technology development, including enhanced support to the zero energy building program.

Photovoltaic energy systems.—The Committee recommends $77,000,000 for photovoltaic energy systems. The Committee recommendation includes $3,000,000 for continuation of the Million Solar Roofs program at current year levels and $2,500,000 for the Southeast and Southwest photovoltaic experiments stations. Additionally, the Committee recommends $3,000,000 for the Navajo electrification project.

Concentrating solar power.—The Committee recommends $6,000,000 for concentrating solar power. The Department is directed to begin implementation of a program to deploy 1000 MW of new solar capacity supplying the Southwestern United States by the year 2006.

Biomass/biofuels—energy systems.—The Committee recommendation includes $100,000,000 for biomass/biofuels energy systems. The final Energy and Water Development Conference Report for fiscal year 2002 combined the power systems and transportation subaccounts to increase the programmatic flexibility available to the Department. Thus far, the Committee is encouraged with the results of this consolidation and has maintained the new program structure.

Not less than $27,000,000 shall be used for a competitive solicitation for Biomass Integrated Biorefinery Process Development which shall be funded from within the totals available under the biomass/biofuels energy account.

The Department has indicated a desire to end direct support to the Regional Biomass Energy Program (RBEP). The Committee believes that the RBEP has been a successful partnership with the five distinct regions it has served. The Committee recommendation includes $5,000,000 and directs the Department to work with regional governors' organizations to make RBEP even more successful. The Committee recommendation also includes $2,500,000 for the Consortium for Plant Biotechnology Research, a successful consortium of 34 universities and 33 agribusinesses and trade associations.

Wind.—The Committee recommendation includes $50,000,000 for wind. The Committee expects the Department to utilize the additional funds to accelerate development and deployment of low wind speed turbines. The Wind Powering America initiative is to be continued at last year's funding level. The Committee continues to recognize the need for a set-aside for small wind programs.

Renewable energy production incentive.—The Committee recommendation includes $5,000,000 for the renewable energy production incentive.

Renewable program support.—The Committee recommendation includes $6,059,000 for technical analysis and assistance within renewable program support. The Committee recommendation includes $4,000,000 to continue the collaboration and integration of multi-program activities by the National Renewable Energy Laboratory (NREL) to develop renewable energy resources and address the electric power needs of the Southwestern United States. NREL will provide expertise through a virtual laboratory or site office in Nevada that enables partnerships among universities, researchers, technology developers, and those interested in deployment.

Departmental Energy Management.—The Committee recommendation includes $3,000,000 for departmental energy management.

International renewable programs.—The Committee strongly supports the U.S. international joint implementation program funded in this account and recommends $6,500,000 for that purpose. The Committee supports efforts to increase international market opportunities for the export and deployment of advanced clean energy technologies—end-use efficiency, fossil, renewable, and nuclear energy technologies. The Committee is pleased that the Administration has decided to expand its international renewable energy activities.

National Renewable Energy Laboratory.—The Committee recommendation includes $6,800,000, for capital equipment and general plant projects at the National Renewable Energy Laboratory. Of this amount, $1,000,000 is provided to reduce the maintenance backlog and $800,000 is for construction.

Geothermal.—The Committee recommends $37,000,000 for geothermal technology development, including continued funding (at current year levels) for GeoPowering the West. The Committee is concerned that the Department appears to be cutting funds for these important research efforts prematurely. The decision to cut funds for geothermal technology development flies in the face of the recommendations of the President's Committee of Advisors on Science and Technology (PCAST) made in 1997. The PCAST report recommends an escalation of funding over a short period of time to $50,000,000–$60,000,000. The Committee has provided a substantial increase and expects the Department to use the additional funds, in part, to foster university research and public private partnerships.

Hydrogen research.—The Committee strongly supports research and development of hydrogen technology and recognizes it to be a highly promising and cost effective energy carrier. The Committee recommends $45,000,000.

The Committee continues to encourage demonstration of a dedicated fleet of vehicles, including buses, powered by hydrogen.

Industrial consumption of hydrogen, especially by the petro-chemical and fertilizer communities is large and growing. The rate of petro-chemical hydrogen consumption necessary for gasoline-powered vehicles will accelerate as global reserves of sweet crude oil diminish. The dominant resource for hydrogen production today is natural gas whose reformation into hydrogen and carbon dioxide contributes significantly to atmospheric greenhouse gases. Moreover, natural gas reserves are insufficient to service simultaneously domestic heating and electricity requirements, industrial hydrogen consumption, and future demands by hydrogen powered vehicles and other fuel cell applications that would accompany the future ''Hydrogen Economy.'' Accordingly, the Committee supports investment in exploration of feasible concepts for renewable production of hydrogen with no greenhouse gas emissions and no other waste products by adding $2,000,000 for an engineering study and evaluation of solar-powered thermo-chemical production of hydrogen from water.

Hydropower.—The Committee recommends $7,489,000 for hydropower.

Renewable Indian energy resources.—The Committee recommendation includes $9,307,000 for Indian renewable energy resource development. The Committee expects these funds to be administered as competitively awarded grants to federally-recognized tribes throughout the United States. Within available funds, the Committee recommendation includes $1,000,000 for the Council of Renewable Energy Resource Tribes (CERT) to provide technical expertise and training of Native Americans in renewable energy resource development and electric generation facilities management.

Electric energy systems and storage.—The Committee recommendation includes $75,000,000 for electric energy systems and storage.

This program provides funding for transmission reliability, energy storage systems and high temperature superconductivity research and development.

The Committee strongly supports the activities of the high temperature superconductor development program, which will revolutionize the way electric power is generated, transmitted and ultimately used by the consumer, and therefore urges the Department of Energy to submit as part of future budgets an independent funding request for HTS research and development, as it does for programs such as wind, solar and geothermal power.

The Committee recommendation includes $50,000,000 for high temperature superconductor research and development and $25,000,000 for distributed energy systems. The Committee recommendation includes the budget request of $9,000,000 for the effort jointly led by Oak Ridge National Laboratory and Los Alamos National Laboratory to develop high-performance, low-cost, second-generation, high-temperature superconducting wire.

Renewable program direction.—The Committee recommendation includes $16,907,000 for program direction within this account.

Use of prior year balances.—The recommendation includes the use of $15,000,000 of prior year funds to be carried over from fiscal year 2002 to offset the fiscal year 2003 funding requirements. The Department may not cut congressionally directed activities to implement this offset.

NUCLEAR ENERGY PROGRAMS

Appropriations, 2002	$226,773,000
Budget estimate, 2003	249,798,000

Committee recommendation 324,108,000

The Committee recommendation provides $324,108,000 for nuclear energy.

Nuclear energy presently contributes about 21 percent of our nation's electrical power and emits no atmospheric pollutants, although disposal of spent fuel remains a major technical and social challenge. While the Committee supports continued nuclear power research and development activities as part of a balanced approach to meeting our Nation's energy needs, industry and the Department are strongly encouraged to focus their research efforts on a broader array of disposal options, including reprocessing, transmutation, and dry cask storage, all of which reduce or eliminate the need for a geologic repository. The Committee recommendation includes enhanced funding for the advanced accelerator applications program as described below.

University reactor fuel assistance and support.—The Committee recommends $19,500,000 for university reactor fuel assistance and support. University nuclear engineering programs and university research reactors represent a fundamental and key capability in supporting our national policy goals in health care, materials science and energy technology.

The Committee strongly supports both the University Reactor Fuel Assistance and Support program's efforts to provide fellowships, scholarships, and grants to students enrolled in science and engineering programs at U.S. universities, as well as efforts to provide fuel assistance and reactor upgrade funding for university-owned research reactors.

The Committee notes the progress of the Department in carrying out congressional direction to establish and support regional university reactor consortia. Although progress is visible, the Committee remains concerned about the ability of the Nation to respond to the growing demand for trained experts in nuclear science and technology in the face of financial and other challenges affecting engineering programs and research reactor facilities at American universities. The Committee recommendation includes an increase of $3,000,000 over the request to fund additional consortia and strongly encourages the Department to request sufficient funding in future years to fund all meritorious proposals.

Nuclear energy plant optimization.—The Committee recommends a total of $5,000,000, an increase of $5,000,000 over the budget request. The Department is encouraged to continue this cost-shared research and development program to improve the reliability, availability, and productivity of existing nuclear power plants.

Nuclear Energy Research Initiative.—The Committee recommends a total of $29,000,000, an increase of $4,000,000 over the budget request. The Department's budget request would not allow for any new NERI projects in the coming year. The proposed increase is necessary to continue to grow the scope of the technology and the people for a growing nuclear industry.

Nuclear Energy Technologies.—The Committee recommends a total of $48,500,000. The Committee directs the Department to prepare a report by March 31, 2003, regarding how it intends to carry out the results of the Generation IV Roadmap.

To further the introduction of advanced reactors, especially those that are not conventional, it is important to establish a process by which research/demonstration reactors can be built and tested in a manner that will allow a regulatory process to focus on the safety of the technologies for which there is not a large regulatory history. Therefore, $1,000,000 is provided for a joint DOE and NRC development of a licensing process employing ''risk information'' that would be technology neutral for future licensing of advanced reactors that would lead to eventual certification.

The Committee supports the Department's efforts to establish the fuels resource and infrastructure ultimately essential to the realization of the President's vision for the future ''Hydrogen Economy.'' Accordingly, the Committee provides an additional $3,000,000 for the purpose of accelerating the engineering evaluation of an integrated sulfur/iodine thermo-chemical water-splitting cycle for coupling with a high temperature nuclear reactor power source. Of the additional $3,000,000, the Committee directs that $1,000,000 be provided to the Research Foundation of the University of Nevada, Las Vegas for the purpose of establishing a public-private partnership to develop and evaluate innovative high temperature heat exchangers.

The Committee remains interested in the potential use and application of small modular reactors with attractive characteristics for remote communities that otherwise must rely on shipments of relatively expensive and environmentally undesirable fuels for their electric power. To be acceptable, such a reactor would have to be inherently safe, be relatively cost effective, contain intrinsic design features which would deter sabotage or diversion, require infrequent refuelings, and be primarily factory constructed and deliverable to remote sites. The Committee recommendation includes $3,000,000 to begin design work for a plant to demonstrate the viability of such small modular reactors.

Radiological facilities management.—The Committee recommendation includes $92,699,000, $9,600,000 above the request, for radiological facilities management.

The Committee funding recommendation includes $600,000 in additional funding for, the Cyclotron Isotope Research Center. Within available funds the Department is also directed to provide $7,000,000 for hot cell upgrades/establishment of the Bethel Valley Hot Cell Complex; and $5,000,000 for Pu238 production and Np237 storage. Construction projects are funded at the level of the administration's request.

Production of Medical Isotopes.—The Committee commends the Department for issuing a request for proposal to dispose of U233 in building 3019 at the Oak Ridge Reservation and to process that material to produce medical isotopes. The Committee's long support of this effort is a matter of record, and the Committee again emphasizes the importance of this project for the treatment of cancer. Initial human trials utilizing thorium-229, which can be derived from the uranium-233 stored in Building 3019, have yielded tremendously encouraging results which indicate this radio-isotope may be able to effectively treat leukemia and other cancers. The Committee also recognizes that an essential part of this project is the disposition of the U233 at the Oak Ridge Reservation. The Committee, cognizant that 1,800 people in the United States die every month of leukemia, is frustrated that the Department is now 2 years behind schedule on this project and has proposed a schedule that includes unusually long pauses between phases (such as the proposed 6 months between completion of phase I and initiation of phase II). The Committee recommendation makes available $5,000,000 for this project in fiscal year 2003. The Department is directed to fully fund the disposition of U233 and the processing of the material to produce medical isotopes in future years and proceed with this project as swiftly as possible.

Fast flux test facility.—The Committee has provided the budget request of $36,100,000 for the FFTF. The Committee expects the Department to move forward quickly on the permanent deactivation of this facility.

Advanced fuel cycles program.—The Committee recommendation includes $77,870,000 for the Advanced Fuel Cycle Program of which $18,000,000 is allocated to EBR–II Spent Fuel Treatment.

This program subsumes the Advanced Accelerator Applications program and its activities and will focus on the development of advanced fuel cycles, including recycling or reprocessing of spent fuel, and transmutation technologies. The Committee intends the Department to use national laboratory, university and industrial expertise to perform research in advanced nuclear materials recycle technologies, proliferation-resistant nuclear fuels, and transmutation systems, including both reactor- and accelerator-based approaches. The program goals shall include enabling better utilization of uranium resources and minimizing the amount and toxicity of final waste products. The program shall begin pre-conceptual design of an advanced recycling facility for performing research on scalable recycling technologies that are proliferation resistant, economical, and minimize environmental impact. The program shall use international collaborations to provide cost effective use of research funding and expand both university collaborations and domestic industry participation.

The University of Nevada Las Vegas shall continue research activities in the area of transmutation science and testing of spallation target technology established under the Advanced Accelerator Applications program. Funding of $4,500,000 is provided for these efforts. The program shall undertake evaluation and may initiate design and development of a fuels and materials testing station using the LANSCE accelerator facility.

Finally, the program shall be coordinated with other programs such as Generation IV and Nuclear Power 2010, but shall maintain separate program and financial management. Within the increased funding levels, the Department is directed to continue the Advanced Accelerator Applications program, including funding for the UNLV program at current year levels and the Idaho Accelerator program at $3,500,000. Additionally, the Department is directed to restore the nuclear energy program funding to current year levels at Argonne National Lab and ANL-West.

Left unchecked, the administration's budget cut would dismantle the last remaining nuclear development team in the United States. Such an action is completely inconsistent with the Administration's Nuclear Power 2010 goals. The Committee is pleased that the Department has agreed that the Nuclear Energy Program is an appropriate home for this robust research and development effort.

University Consortium for Transmutation Research.—As discussed above, the right mix of treatment and transmutation technologies must be found to reduce the amount of highly-toxic spent nuclear fuel and waste slated to be buried in a geologic repository, and to avoid the need for more repositories. High-energy accelerators could be central to a future strategy to transmute spent nuclear fuel into less toxic, shorter-lived materials.

Innovative transmutation technologies promise to be the most cost-effective and proliferation-resistant means of reducing nuclear waste toxicity. Accelerator-based research on transmutation of radioactive waste would also supply facilities for medical diagnostics and therapy and become a national source of large-scale isotope production for radio-pharmaceuticals.

The Department of Energy is urged to establish a consortium of U.S. universities to develop accelerator-based technologies for transmutation of radioactive waste. The consortium should include, at a minimum, the University of Nevada-Las Vegas, University of New Mexico, New Mexico State University, Washington State University, Idaho State University, the University of Texas, Texas A&M University, and the University of California at Santa Barbara, Berkeley and Davis.

Program direction.—The Committee recommendation includes $23,439,000 for program direction, the amount of the request.

ENVIRONMENT, SAFETY, AND HEALTH

Appropriations, 2002	$30,500,000
Budget estimate, 2003	29,211,000
Committee recommendation	19,211,000

The Committee recommendation includes $19,211,000 for non-defense environment, safety, and health which includes $13,871,000 for program direction.

ENERGY SUPPORT ACTIVITIES

Appropriations, 2002	$7,770,000
Budget estimate, 2003	7,925,000
Committee recommendation	6,925,000

Technical information management.—The Committee recommendation for the technical information management program is $1,400,000.

Program direction.—The Committee recommendation for program direction is $5,525,000.

ENERGY SUPPLY INFRASTRUCTURE

Appropriations, 2002	
Budget estimate, 2003	
Committee recommendation	$17,000,000

The Committee recommendation provides $17,000,000 for energy supply infrastructure.

The Energy Supply Infrastructure program provides assistance, technical support, and project funding to specific energy projects. The Committee recommendation includes $5,000,000 for the Upper Lynn Canal power supply project, $5,000,000 to the Swan Lake-Lake Tyee segment of the Southeastern Alaska Intertie System, and $2,000,000 to the Tok to Chistochina transmission project. All funds made available in this and prior year appropriations acts for the Swan Lake-Lake Tyee segment of the Southeastern Alaska Intertie System may be expended prior to the full Federal project share being appropriated.

The Committee recommendation also includes $1,000,000 for the Unalaska grid renovation powerhouse upgrade which shall be utilized from $1,000,000 previously made available for the Pyramid Creek project in fiscal year 1999. The Department is directed to terminate the Reynolds Creek hydro project and utilize all available funds appropriated to date for that project on the Swan Lake-Lake Tyee intertie

The Committee recommendation also includes $5,000,000 for the National Center on Energy Management and Building Technologies.

ENVIRONMENTAL MANAGEMENT

(NONDEFENSE)

Appropriations, 2002	$236,372,000
Budget estimate, 2003	166,000,000
Committee recommendation	176,000,000

The Committee recommendation provides $176,000,000 for non-defense environmental management.

The non-defense Environmental Management program is responsible for managing and addressing the environmental legacy resulting from nuclear energy and civilian energy research programs, primarily the Office of Science within the Department of Energy. Research and development activities of DOE and predecessor agencies generated waste and other contaminants which pose unique problems, including unprecedented volumes of contaminated soils, water and facilities. The funding requested and provided here supports the Department's goal of cleaning up as many of its contaminated sites as possible by 2006 in a safe and cost-effective manner.

Site Closure.—The Committee directs the Department to continue to monitor the groundwater at the Weldon Springs, Missouri, site and to immediately utilize whatever funds may be necessary to completely remediate the site if the results from the ongoing monitoring or other studies indicate additional treatment is required.

Site completion.—The Committee recommendation provides $67,272,000 for site completion. The Committee recommendation includes an additional $15,000,000 for the Brookhaven National Laboratory; and $1,000,000 in additional funding for the Lawrence Berkeley National Laboratory.

Post 2006 completion.—The Committee recommendation provides $123,887,000. The Committee recommendation includes an additional $3,134,000 for the Department to prepare a scientifically sound remediation plan for the Atlas site in Moab, Utah. The Committee expects the Department to undertake an objective evaluation of costs, benefits, and risks associated with remediation alternatives of the site, including removal and stabilization in place or variations on these two options. The Committee recommendation also includes an additional $3,000,000 for the Energy Technology Engineering Center in California.

West Valley.—The Committee recommendation includes an additional $5,000,000 for the West Valley Demonstration project. The Committee is concerned that the Department and State of New York have not yet entered into an agreement regarding the scope of the clean-up at the site.

Excess Facilities.—The Committee recommendation provides $1,841,000 for the transfer of excess facilities at the Brookhaven National Laboratory, Los Alamos National Laboratory, and Oak Ridge from other DOE organizations.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

Appropriations, 2002	$418,425,000
Budget estimate, 2003	382,154,000
Committee recommendation	471,154,000

Uranium Enrichment Decontamination and Decommissioning.—The Committee recommendation provides $334,523,000 for the Uranium Enrichment Decontamination and Decommissioning Fund.

The Committee provides a total of $134,048,000, an increase of an additional $34,000,000 for clean-up at the Paducah Gaseous Diffusion Plant to ensure compliance with applicable State and Federal obligations. The Committee directs the Department to fund the Kentucky Consortium for Energy and Environment from within available funds.

The Committee recommendation also includes $65,000,000 in additional funding for the East Tennessee Technology Park.

Other Uranium Activities.—The Committee recommends $136,631,000. The Committee recommendation includes $10,000,000 in support of preliminary environmental planning, siting studies, and related activities for the Depleted Uranium Hexafluoride (DUF–6) projects at that gaseous diffusion plants at Paducah, Kentucky, and Portsmouth, Ohio, consistent with the direction (ignored for many years by the Department but reiterated legislatively by Congress this year) of Section 1 of Public Law 105–204 (112 Stat. 681) as amended.

The Committee recommendation includes uranium program activity funding of $16,381,000 for East Tennessee Technology Park, $19,737,000 for the Paducah Gaseous Diffusion Plant, and $89,714,000 for the Portsmouth Gaseous Diffusion Plant.

NUCLEAR WASTE DISPOSAL FUND

Appropriations, 2002	$95,000,000
Budget estimate, 2003	209,702,000
Committee recommendation	56,000,000

The Committee recommendation includes $336,000,000 for nuclear waste disposal. Of that amount, $56,000,000 is derived from the nuclear waste fund, and $280,000,000 shall be available from the ''Defense nuclear waste disposal'' account.

The Committee has provided $6,000,000 for the State of Nevada and $2,500,000 for affected units of local government in accordance with the statutory restrictions contained in the Nuclear Waste Policy Act.

The Committee directs that $2,500,000 from within the amount provided to Defense Nuclear Waste Disposal for Yucca Mountain Site Characterization be provided to the Research Foundation of the University of Nevada, Las Vegas for the purpose of continuing and expanding its efforts in groundwater characterization and research into the transport and fate of radionuclides in the vicinity of the proposed Yucca Mountain repository.

SCIENCE

Appropriations, 2002	$3,233,100,000
Budget estimate, 2003	3,279,456,000
Committee recommendation	3,329,456,000

Investment in the physical sciences and engineering plays a critical role in enabling U.S. technological innovation and global economic leadership. It is essential to the development of our energy resources and utilization as well as our defense, environment, communications and information technologies, health and much more. Over the past 50 years, half of U.S. economic growth has come from prior investment in science and technological innovation. Life expectancy has grown from 55 years in 1900 to nearly 80 years today.

The Department of Energy is the leading source of Federal investment for R&D facilities and fundamental research in the physical sciences. Yet investment in the Department's R&D has declined in constant dollars from $11,200,000,000 in 1980 to $7,700,000,000 in 2001. As a percentage of GDP, total Federal investment in the physical sciences and engineering has been cut roughly in half since 1970.

Shrinking investment in the physical sciences and engineering poses serious risks to DOE's ability to perform its mission. It also threatens the Nation's science and technology enterprise. DOE faces a shortage of nearly 40 percent in its technical workforce over the next 5 years. To meet its needs, DOE must compete with industry for a shrinking pool of skilled workers, many of whose leaders also report serious shortages of scientists and engineers.

American educational institutions are failing to attract sufficient numbers of U.S. students, especially women and minorities, into undergraduate and graduate programs in the physical sciences and engineering. For these skills we now are more heavily dependent on foreign nations than ever before. The H1–B visa has become a main element of U.S. technology policy.

As fewer foreign students choose to pursue their education in the United States, and too few U.S. students enter these fields, our vulnerability grows. NSF reports that between 1996 and 1999, the number of Ph.D.s in science and engineering awarded to foreign students declined by 15 percent. Only 5 percent of U.S. students now earn bachelors degrees in natural science or engineering. Since 1986, the total number of bachelors degrees in engineering is down 15 percent. Between 1994 and 2000, the number of Ph.D.s awarded in physics in the United States declined by 22 percent.

These trends must be reversed. Many DOE user facilities do not operate at their designed capacity. As a result, opportunities and momentum are lost as researchers and students encounter barriers to the pursuit of inquiry of national importance, including promising research opportunities at the boundaries of the life sciences, physical sciences, engineering, and computer sciences. Future U.S. global leadership and technological leadership will rely upon today's investment in research in all the sciences and engineering.

The Committee strongly supports and encourages increased investment in the research and education initiatives of the DOE Office of Science.

HIGH ENERGY PHYSICS

Appropriations, 2002	$716,100,000
Budget estimate, 2003	724,990,000
Committee recommendation	729,980,000

The Committee recommendation includes $729,980,000 for high energy physics. The Committee has included an additional $5,000,000 for operations and activities of the program. The Committee recognizes that the High Energy Physics Advisory Panel has recommended that the Next Linear Collider (NLC) should proceed into design and construction.

NUCLEAR PHYSICS

Appropriations, 2002	$360,510,000
Budget estimate, 2003	382,370,000
Committee recommendation	387,370,000

The Committee recommends $387,370,000 for nuclear physics. The Committee recommends that the additional funds be used to enhance operation of the Relativistic Heavy Ion Collider (RHIC) at Brookhaven National Laboratory and the Continuous Electron Beam Accelerator Facility at the Thomas Jefferson National Accelerator Facility in Virginia.

BIOLOGICAL AND ENVIRONMENTAL RESEARCH

Appropriations, 2002	$527,405,000
Budget estimate, 2003	504,215,000
Committee recommendation	531,215,000

The Committee recommendation includes $531,215,000 for biological and environmental research. The recommendation includes an additional $10,000,000 above the requested level for the Genomes to Life program and $25,000,000 in total funding for the low dose effects program. The recommendation also continues the free air carbon dioxide experiments at the current year level and $3,000,000 in additional funding for the EMSL computer.

The Committee strongly encourages the Department to budget for additional resources for the Genomes to Life Program in fiscal year 2004. This program shows tremendous potential and deserves enhanced support.

Environmental Remediation.—The Committee recommendation includes an additional amount of $6,000,000 for a program to evaluate improved technologies for removal of arsenic from municipal water supplies, with a focus on minimization of operating costs and reducing energy requirements. This program shall include peer-reviewed research projects as well as cost-shared demonstration projects conducted with municipal water systems. Demonstration programs shall focus on technologies applicable in the arid Southwestern United States. The program shall be administered through contracts with the American Water Works Association Research Foundation, which shall utilize capabilities of WERC, A Consortium for Environmental Education and Technology Development, for evaluations of cost effectiveness of alternative treatment methodologies.

BASIC ENERGY SCIENCES

Appropriations, 2002	$1,003,705,000
Budget estimate, 2003	1,019,600,000
Committee recommendation	1,044,600,000

The Committee recommendation includes $1,044,600,000. For purposes of reprogramming in fiscal year 2003, the Department may allocate funding among all operating accounts within basic energy sciences upon written notice to the appropriate Congressional Committees.

The Committee recommendation includes $12,000,000 for the Department's Experimental Program to Stimulate Competitive Research and $4,500,000 in additional funding to complete preliminary engineering and design (PED) and move to construction at the Center for Integrated Nanotechnology. Within available funds, the Committee recommendation includes full funding for the operation of the National Synchrotron Light Source, the Spallation Neutron Source, and the Nanoscale Science Centers Initiative, including $24,000,000 for design and construction of the Center for Nanophase Materials Sciences and Oak Ridge National Laboratory. Construction projects are all funded at the level of the administration's request.

The Committee is pleased with the progress of the Department's Nanoscience Initiative. The Committee understands the Department has recently announced its intention to fund a Nanocenter at Brookhaven National Laboratory. The Committee has included $1,000,000 to begin preliminary engineering and design in fiscal year 2003 for the Nanocenter at Brookhaven (Project 02–SC–2). The Committee strongly supports the nanoscale science research centers.

Additionally, the Committee recommends that the additional funds be used to support the following important activities: facility operations user support; completion of the Nanoscience Research Center project engineering and design; and additional work in computational sciences in materials and chemistry.

ADVANCED SCIENTIFIC COMPUTING RESEARCH

The Committee recommendation provides $169,625,000 for advanced scientific computing research.

SCIENCE LABORATORIES INFRASTRUCTURE

The Committee recommends $42,735,000, the amount of the request, for science energy laboratories infrastructure. The program supports infrastructure activities at the five national labs under the direction of the Office of Science.

FUSION ENERGY SCIENCES

Appropriations, 2002	$248,495,000
Budget estimate, 2003	257,310,000
Committee recommendation	259,310,000

The Committee recommendation for fusion energy sciences is $259,310,000, an amount that is $2,000,000 above the budget request. The Committee is aware of significantly increased neutron yields from compressed fuel elements heated by an extremely short pulse, high power laser beam. Such advances promise significant acceleration of the schedule for achieving ignition of compressed fusion pellets. Accordingly, the Committee adds $2,000,000 to Fusion Energy Sciences for the purpose of evaluating this so-called ''fast ignition'' concept. The Department is directed to report back to the Committee no later than August 1, 2003 with the results of this evaluation along with any recommendations the Department would make regarding the schedule and milestones of the High Energy Density Physics Program.

SAFEGUARDS AND SECURITY

The Committee recommendation provides $48,127,000 for safeguards and security.

SCIENCE PROGRAM DIRECTION

The Committee recommendation provides $134,837,000 for science program direction.

DEPARTMENTAL ADMINISTRATION

(GROSS)

Appropriations, 2002	$210,853,000
Budget estimate, 2003	299,220,000
Committee recommendation	235,000,000

(MISCELLANEOUS REVENUES)

Appropriations, 2002	$137,810,000
Budget estimate, 2003	137,524,000
Committee recommendation	137,524,000

The Department recommends $235,000,000 for departmental administration, a net appropriation of $97,476,000.

The Committee has been underwhelmed by the timeliness and level of detail in the Department's responses to the Committee's requests for the additional budget information required to evaluate the administration's requests to Congress. The Department needs to focus on providing timely, detailed, and transparent budget information to Congress when making requests for appropriations.

International affairs.—The Committee strongly urges the Department of Energy, the Department of Commerce, U.S. AID, and other Federal agencies associated with the Clean Energy Technology Exports Program to finalize and implement the strategic plan and establish the advisory board. The strategic plan is a critical component of a broad range of international and domestic policy interests, including those promoting economic development, energy, trade, employment, environmental, and climate change policies.

INSPECTOR GENERAL

Appropriations, 2002	$32,430,000
Budget estimate, 2003	37,671,000
Committee recommendation	37,671,000

The Committee has provided $37,671,000 for the Office of the Inspector General.

RECOMMENDATION SUMMARY

Details of the Committee's recommendations are included in the table at the end of this title.

ATOMIC ENERGY DEFENSE ACTIVITIES

Atomic energy defense activities of the Department of Energy are provided for in two categories—the National Nuclear Security Administration and Other Defense Related Activities. Appropriation accounts under the National Nuclear Security Administration (NNSA) are weapons activities, defense nuclear non-proliferation, naval reactors, and the Office of the Administrator. Other defense related activities include appropriation accounts for defense environmental restoration and waste management, defense facilities closure projects, defense environmental management privatization, other defense activities, and defense nuclear waste disposal.

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

Appropriations, 2002	$5,429,238,000
Budget estimate, 2003	5,867,000,000
Committee recommendation	6,108,959,000

Weapons activities provide for the continuing assurance of safety, reliability, and security of the nuclear weapons in our enduring nuclear weapons stockpile while adhering to the spirit of the Comprehensive Test Ban Treaty. Necessary ingredients for success in this important mission include: a highly skilled and motivated workforce; advanced experimental and computational facilities and equipment; adequately capitalized and maintained physical plants and supporting infrastructure; and an exceptionally focused and dedicated management.

DIRECTED STOCKPILE WORK

An appropriation of $1,234,467,000 is recommended for the directed stockpile work of the NNSA.

Directed stockpile work encompasses all activities that directly support specific weapons in the nuclear stockpile as directed by the Nuclear Weapons Stockpile Plan. These activities include current maintenance and day-to-day care of the stockpile as well as planned refurbishments as outlined by the stockpile life extension program (SLEP). This category also includes research, development and certification activities in direct support of each weapon system, and long-term future-oriented research and development to solve either current or projected stockpile problems.

Stockpile research and development.—The Committee recommends $467,149,000, the same as the budget request. Stockpile R&D provides for assessment, certification, surveillance and maintenance research and development for systems comprising our enduring nuclear weapons stockpile. The additional $118,149,000 above the current year is meant to support acceleration in stockpile life extension research and development activities for the W80 and W76 systems, necessary additional sub-critical experiments at the Nevada Test Site for pit certification, and a vigorous program in advanced concepts research and development.

Stockpile maintenance.—The Committee recommends $401,157,000 to provide for stockpile maintenance and production and exchange of limited life components in the enduring stockpile, as well as major refurbishment activities to extend the stockpile life of the W87, W76, W80, and B61 weapons systems.

Stockpile evaluation.—The Committee recommends $197,184,000 to support new material laboratory tests, new material flight tests, stockpile laboratory tests, stockpile flight tests, quality evaluations, special testing, and surveillance of weapons systems to support assessment of the safety and reliability of the nuclear weapons stockpile, all of which contributes to the Annual Certification to the President.

Dismantlement/disposal.—The Committee recommends $24,378,000. The program includes all activities associated with weapon retirement and disassembly. The slight decrease below current year reflects reduced activity involving the W–56 at Y–12 and contractor efficiencies at Pantex.

Production Support.—The Committee recommends $137,706,000.

CAMPAIGNS

An appropriation of $2,148,210,000 is recommended for the campaigns of the NNSA, an increase of $80,376,000 over the budget request.

The stockpile stewardship campaigns program establishes and applies a number of highly focused and integrated scientific and technical capabilities to maintain indefinitely the safety, security, and reliability of the Nation's nuclear weapons stockpile without nuclear testing. The present structure of the campaigns program reflects the current investment in developing advanced facilities and capabilities while simultaneously applying existing and developing capabilities to important stewardship tasks.

Primary certification.—The Committee recommends $47,159,000 to support sub-critical experiments and other activities necessary to support the required delivery date for a certified pit.

Dynamic materials properties.—The Committee recommends $90,594,000. The Committee commends the administration for its investment in the future through university grants, partnerships and cooperative agreements. Using $5,000,000 of the available funds, the Administration is directed to make full use of existing and developing capabilities for materials properties studies, including the subcritical experiments at the U1a facility, Joint Actinide Shock Physics Experimental Research facility and the Atlas facility at the Nevada Test Site, and the High Pressure Collaborative Access Team facility at the synchrotron light source at Argonne National Laboratory. The Committee understands that this materials work is essential to predicting the safety and reliability of nuclear weapons in the absence of nuclear weapons testing.

The Committee recommendation includes $8,110,000 for University Partnerships, a reduction of $5,000,000 from the request.

Advanced radiography.—The Committee recommends $82,925,000, an increase of $30,000,000 over the request. The recommendation includes $25,000,000 to continue research, development, and conceptual design activities for an advanced hydrodynamics test facility, including further development and evaluation of proton radiography. It is the intent of the Committee to continue this important effort even though any decision on whether to proceed to construction is still several years away. The additional $5,000,000 is provided to fund other experiments that might be conducted in the Contained Firing Facility, the U1a tunnel complex, or other appropriate experimental facilities. The Committee also directs the Department to fully support the DHART facility, proton radiography, and radiation flow diagnostics.

Secondary certification and nuclear systems margins.—The Committee recommends $47,790,000 for radiation source development, radiation, case dynamics studies radiation transport and the effects of aging, and refurbishment on secondary performance. From the funds available, the administration is encouraged to continue, and expand as appropriate, its investments in high energy density physics research through university grants, partnerships and cooperative agreements.

Enhanced surety.—The Committee recommends $32,000,000, an amount comparable to current year, to develop and demonstrate advanced initiation concepts and enhanced use denial concepts, and to enhance efforts to establish high precision, micro system technologies for enhanced surety of future weapon systems.

Weapons systems engineering certification.—The Committee recommends $27,007,000 to accelerate the acquisition of experimental data necessary to validate new models and simulation tools being developed in the Advanced Simulation and Computing Campaign.

Nuclear survivability.—The Committee recommends $23,394,000 to develop and validate tools to simulate nuclear environments for survivability assessments and certification; restore the capability to provide nuclear-hardened microelectronics and microsystem components for the enduring stockpile; and accelerate the qualification and certification of the neutron generator and the arming, fusing and firing system for the refurbished W76.

ICF ignition and high yield.—The Committee recommends $487,293,000.

The Committee recommendation includes $214,045,000 for National Ignition Facility construction, Project 96–D–111, and $273,248,000 is for the ICF ignition and high yield program.

The National Ignition Facility (NIF) was originally justified as a way of attracting, training, and evaluating the next generation of nuclear weapons scientists, who would then help maintain the capabilities of our existing nuclear stockpile. The Department of Energy has long maintained that achieving ignition with this multibillion dollar facility was a top priority for the Stockpile Stewardship and Management Program, because the scientific and engineering challenges of achieving ignition with the NIF could be used to induce first-rate scientists to contribute to the nuclear weapons program. It was the ignition objective that determined the original size, performance criteria, and cost of the multibillion dollar NIF construction project, and the ignition objective that has justified continued support by this Committee in spite of large cost overruns and long delays.

The Committee is therefore disturbed to see that the NNSA has now changed the title of its campaign from ''Inertial Confinement Fusion Ignition and High Yield'' to ''High Energy Density Physics'', in other words, from a focus on achieving the specific goal of ignition to a generalized physics research program. Ignition is now only one of several objectives for the NIF.

The Committee is likewise concerned that the NNSA will downgrade the NIF Project's long-standing ''Functional Requirements and Primary Criteria'' into a set of ''eventual goals'' and adopt new reduced performance criteria for acceptance testing of the

NIF beams that are significantly below what is required to support ignition experiments.

The possibility of these various changes leaves the Committee with the overall impression that NNSA is not committed to the NIF Project and might down scope the project to the point where laser performance that is needed to evaluate ignition targets would never be realized. And that would raise the question of the appropriate size for the NIF, and its future funding level. This is an alarming prospect, given NIF's estimated project cost of more than $3,500,000,000, and the greater amounts that will eventually be required to operate and maintain the facility for various experiments.

At this late stage in the construction project, the Committee has every right to expect that the confidence in achieving the ignition objective should be increasing, not decreasing. The apparent retreat from ignition signified in this budget request raises anew the question of the appropriate size and role of the NIF Project within the overall Stewardship Program, and its future level of funding.

The Committee rejects this reprioritization and down-scoping. Ignition is now and will remain the primary objective for the National Ignition Facility. The Committee fully expects the NIF to meet its original ''Functional Requirements and Primary Criteria'' and to perform at the levels required for ignition and directs the NNSA to maintain the original scope of the project. Additionally, the Committee rejects the proposed name change and expects the fiscal year 2004 request to revert to Inertial Confinement Fusion and High Yield.

The Committee is disappointed that the administration, while apparently committed to the construction of the multi-billion dollar National Ignition Facility (NIF), has not requested funds that are essential to the achievement of the ignition goal. Accordingly, the Committee adds $15,000,000 to the administration's request for the NIF Director to support the development of cryogenic targets and essential NIF diagnostics. The Committee, recognizing the ''national'' character of NIF, encourages the participation of appropriate entities of the national technical community in these activities.

Petawatt lasers.—Short pulse, petawatt class lasers will significantly increase the capabilities of the administration's high energy density facilities such as the Z-pinch pulsed power facility at Sandia National Laboratories, the Trident Laser at Los Alamos National Laboratory, the Omega Laser at the Laboratory for Laser Energetics of the University of Rochester, and the National Ignition Facility at the Lawrence Livermore National Laboratory.

The Committee recommendation includes an additional $13,000,000 to realize the benefits of such laser technology. Within this amount, $5,000,000 is provided to modify the beamlet laser at Sandia National Laboratories; $3,000,000 is provided to continue petawatt laser development at Lawrence Livermore National Laboratory; $2,000,000 is provided for technical community activities in developing critical short-pulse, high power laser technology, such as damage resistant gratings; and $3,000,000 is provided for petawatt laser development at the Laboratory for Laser Energetics (LLE) at the University of Rochester. This funding will allow the LLE to continue operations of the OMEGA laser at full capacity. The Department should provide a report before May 31, 2003, addressing the need for a new high energy OMEGA–EP (extended performance). The Committee is concerned that the existing facility will be unable to meet national science-based stockpile stewardship requirements in light of the current oversubscription of OMEGA.

The Committee also includes an additional $4,500,000 for university grants and other support. Within this amount, $2,000,000 is provided for short pulse, high power laser development at the University of Texas; and $2,500,000 is provided to continue short pulse, high power laser development and research at the University of Nevada, Reno.

Advanced simulation and computing.—The Committee recommends $704,335,000, an amount that is $20,527,000 below the budget request.

The Committee notes the intriguing development of the Japanese vector-based Earth Simulator Computer which is now several times faster than any current ASCI computer and 33 percent faster than the NNSA's newest platform, the Q machine. The NNSA has put forth a credible case for their decision to abandon custom-designed chips and vector architecture for the much cheaper commodity chip-based, massively parallel, scalar systems which are the foundation of ASCI.

However, the Committee is not convinced that the NNSA is aggressively pursuing alternative hardware architectures or software solutions that will result in better interconnection and more efficient use of the NNSA's substantial computer investment. The Committee requires more evidence that the current ASCI approach is the most cost-effective and efficient way of achieving the desired capability and capacity when needed.

While the Committee recognizes the central importance of the ASCI program to the success of stockpile stewardship, the Committee remains unconvinced that the NNSA's platform acquisition strategy is driven by identified requirements, rather than a well intentioned, but insufficiently justified, desire to aggressively acquire larger and faster computing assets on an accelerated time-scale. The NNSA procurements represent a very small percentage of the U.S. supercomputing market, and the Committee is not convinced that the NNSA's acquisition strategy is taking full advantage of the steady fall in the price per teraflop that characterizes this market.

The NNSA is directed to commission two related studies, the first to be performed in collaboration with the Department's Office of Science and the second focused solely on issues relevant to the stockpile stewardship program. These studies should address issues of alternative computer architectures and the requirements that drive them.

The first study, to address alternative architectures, should be a joint venture with the Office of Science to commission the National Academy of Science (NAS) to study the appropriate computer architectures necessary to meet the needs of the stewardship program, the broad scientific community, and other elements of the national security community, including, particularly, the National Security Agency.

The second study, to be performed by an independent study group, should identify the distinct requirements of the stockpile stewardship program and its relation to the ASCI acquisition strategy. The report of this study should clearly describe the linkage between the development of software applications and the acquisition of hardware capability and capacity, with consideration of the needs of the stockpile life extension programs and the underlying weapons science programs. Finally, this second report should include an evaluation of the cost trade-offs between the dates on which specific computing resources are required and reduced future costs for computational power. The Committee expects the NNSA to fully support these studies, including the provision of expedited clearances to participants as necessary.

The reports are due to the appropriate congressional committees on August 1, 2003.

The Committee recommends the following amounts for ASCI construction projects:

Project 01–D–101 Distributed information systems laboratory, SNL, Livermore, CA.—The Committee recommends $13,305,000.

Project 00–D–103 Terascale simulation facility, LLNL, Livermore, CA.—The Committee recommends $35,030,000.

Project 00–D–107 Joint computational engineering laboratory, SNL, Albuquerque, NM.—The Committee recommends $7,000,000.

Pit manufacturing and certification.—The Committee recommendation includes a total of $246,000,000 for the Pit Manufacturing and Certification Campaign, an increase of $51,516,000 over the budget request. This amount includes $242,000,000 to support the manufacturing and certification of a W88 pit as the September, 2001, project baseline indicated. The recommendation also includes the requested amount of $2,000,000 for pit manufacturing capability and $2,000,000 for the modern pit facility.

The Committee remains greatly concerned about the NNSA's refusal to request funds consistent with its own project plan submitted less than 1 year ago. Although the Committee acknowledges the NNSA is reporting substantial progress in the effort, the NNSA has not revised its September, 2001, project baseline to reflect a lower and presumably more accurate cost projection.

Instead, the Committee has been forced to reduce other items in the budget request to fully fund a program both the Congress and the NNSA have identified as one of the most important tests of the success of the Stockpile Stewardship and Management program. The Committee directs the NNSA to revise as appropriate the pit production and certification plan and submit the report to the relevant congressional committees by March 31, 2003, and annually thereafter.

Stockpile readiness campaign.—The Committee recommends $61,027,000 for the stockpile readiness campaign. This program, initiated in fiscal year 2001, enables the Y–12 National Security Complex to replace or restore production capability and to modernize aging facilities. At present, the critical manufacturing capabilities required for weapons refurbishments at Y–12 do not exist. The Committee agrees that ''stockpile readiness campaign'' is a more appropriate and indicative program title than ''secondary readiness campaign''.

High explosives manufacturing and weapons assembly/disassembly readiness.—The Committee recommends $12,093,000 to establish production-scale high explosives manufacturing and qualification; to deploy and validate technologies and facilities for production re-qualification; and, to demonstrate and validate Enterprise Integration and Collaborative Manufacturing.

Non-nuclear readiness.—The Committee recommends $22,398,000 to deploy commercial products and processes for components supporting the B61, W80, and W76 stockpile life extension programs; to modify existing tritium loading and cleaning facilities to support stockpile life extension programs; and, to support neutron target loading and detonator production.

Tritium readiness.—The Committee recommendation includes $112,899,000 for the tritium readiness campaign, including the budget request of $70,165,000 for construction and $42,734,000 for operations, a reduction of $13,400,000 from the request. The NNSA has acknowledged that the Tritium Extraction Facility construction project has experienced serious cost-overruns and schedule delays. The NNSA has proposed initiating the use of commercial reactors for the irradiation of tritium producing rods in fiscal years 2004 and 2005. This schedule would have required the delivery of fuel in the fourth quarter of fiscal year 2003. However, the delays in the construction of the Tritium Extraction Facility and the resulting delays in start of facility operations will necessitate a delay in the commercial light water reactor tritium production program. As such the Committee recommends a reduction of $13,400,000 from the budget request.

Cooperative agreements.—The Committee recognizes that cooperative agreements with universities are important resources for developing essential technical data for stockpile stewardship. Additionally, such long-term relationships with universities allow considerable opportunity for promoting advanced studies and recruiting the future workforce in technical areas that are critical to the continuing stewardship enterprise. The Committee understands that the NNSA has established a new office to be responsible for administering university partnerships, cooperative agreements and/or other long-term university relationships. The Committee remains supportive of this activity and directs the administration to honor existing cooperative agreements as this new office implements its responsibilities.

READINESS IN TECHNICAL BASE AND FACILITIES

An appropriation of $1,849,812,000 is recommended for readiness in technical base and facilities. Readiness in technical base and facilities encompasses efforts to provide for the physical infrastructure and operational readiness required to conduct the directed stockpile work and campaign activities at the laboratories, the test site and the production plants.

Operations of facilities.—The Committee recommends $1,026,000,000 to maintain warm standby readiness for all RTBF facilities with some allowance for inflation. Within available funds, $6,000,000 is provided for full single shift operations of Sandia National Laboratories' Z-pinch pulsed power facility, and $56,725,000 is provided for continuing operations of the Device Assembly Facility, the Joint Actinide Shock Physics Experimental Research facility, operations associated with the Atlas relocation project, U1a operations, general plant projects and other NTS support facilities.

For continued facility upgrades, refurbishments, operations and maintenance costs associated with and for the National Center for Combating Terrorism, an additional $27,000,000 is provided.

The Committee recommendation also includes an additional $10,000,000 for facility operations at Pantex and an additional $10,000,000 for operation of facilities at Y–12.

Technology transfer and industrial partnerships.—The Committee recognizes that partnerships with industry may enable the weapons complex to accomplish its mission more efficiently. Such partnership can provide access to new technologies, processes, and expertise that improve NNSA's mission capabilities. One of the most successful technology transfer and commercialization efforts in the Department of Energy has occurred with the not-for-profit Technology Ventures Corporation around Sandia National Laboratories, resulting in over 30 start-up ventures and thousands of jobs created. The Committee has included an additional $3,000,000 and directs the NNSA to use this successful public/private partnership at the other interested NNSA laboratories and the Nevada Test Site.

Program readiness.—The Committee recommends $218,000,000, an increase of $9,911,000 above the budget request, to enhance readiness and maintain materials processing and component manufacturing readiness.

Within available funds, $64,201,000 is provided for test site readiness including archiving, resumption planning, activities required for enhanced test readiness planning including test scenarios and cost/benefit trade offs. Funds are also provided for Testing Drillback Borehole management, as well as experimental and direct stockpile activities included in DSW and campaigns which contribute to the test readiness posture.

Special projects.—The Committee recommendation includes $50,500,000 for special projects. Within available funds, $600,000 is provided as the Federal contribution to the Oral History of the Nevada Test Site; $6,900,000 is provided for the New Mexico Education Enrichment Foundation; $2,500,000 is provided for the National Museum of Nuclear Science and History relocation project; $500,000 for the design, fabrication, and installation of exhibits at the Atomic Testing History Institute; and $1,000,000 is provided for the UNLV Research Foundation, which is integrating the Nevada community reuse organization during fiscal year 2003, for operations in support of stockpile stewardship and homeland security activities at the Nevada Test Site. The Los Alamos County Schools Program is funded at the level of the President's request.

As a result of the events of September 11, 2001, which have placed increased demands, and a heightened availability requirement on the aircraft required for Aerial Measurements, Sensing and Monitoring, the Committee is concerned that assets deployed at NNSA facilities at Nellis Air Force Base and Andrews Air Force Base may not be safely deployed due to dated avionics. In order to assure the safety and reliability of these assets under all conditions, the Committee recommends $4,000,000 to update aircraft navigational and other related avionics.

The Committee encourages the Administration to support a joint Air Force/NNSA research and development program in physical security systems and technologies at the Sandia National Laboratory.

The National Laboratories have long served as test beds for the development and deployment of advanced technologies. The Committee is impressed with laboratory work designed to protect critical U.S. transportation infrastructure and encourages the Department to continue research and deployment in this area. Within available funds, the Department is directed to conduct a field installation of the truck stopping device developed at Lawrence Livermore National Laboratory and to build a prototype of a portable, remotely controlled, truck stopping device for positive control of trucks in critical areas. The Committee further directs the Department to continue research regarding suspension bridges and new techniques for scanning shipping containers.

Material recycle and recovery.—The Committee recommends $98,816,000, the amount of the budget request.

Nuclear weapons incident response.—The Committee recommends $96,000,000, to enhance the state of response readiness at various locations, particularly in light of the events of September 11, 2001. The Committee is very pleased with the performance of DOE's Emergency Response assets in the aftermath of September 11, 2001. These emergency response teams have done remarkable work with relatively meager resources. The Department is encouraged to maintain these programs in a robust posture and provides $5,000,000 in additional funding for this purpose.

Construction projects.—The Committee recommends an appropriation of $328,182,000, for construction projects under Readiness in Technical Base and Facilities.

The following list details changes in appropriations for construction projects under Readiness in Technical Base and Facilities:

Project 01–D–108 Microsystems and engineering science applications, SNL.—The Committee recommends $123,000,000, an increase of $48,100,000 above the budget request.

Project 03–D–102 LANL administration building (SM–43) replacement project, LANL.—The Committee recommendation includes $16,000,000, an increase of $16,000,000 above the Administration's request.

01–D–103 PED, Various locations, TA–18 relocation at LANL.—As a result of the NNSA's announced preferred option that this equipment and material be transferred to the Device Assembly Facility, the Committee recommends the NNSA suspend planning related to relocation of the facility at Los Alamos and instead utilize previously appropriated funds to support planning consistent with the eventual Record of Decision. The Committee recommends no funding.

FACILITIES AND INFRASTRUCTURE

The Committee recommends $242,512,000, to support re-capitalization of existing operational facilities to halt their deterioration and restore the robust and enduring mission readiness that relies on them.

SECURE TRANSPORTATION ASSET

The Committee recommends $152,989,000. Of the amount appropriated, $100,863,000 is provided for operations and equipment, and $52,126,000 is provided for program direction.

SAFEGUARDS AND SECURITY

The Committee recommends an appropriation of $509,954,000. The Committee recommendation includes $8,900,000 for construction of the nuclear material safeguard and security upgrade project at Los Alamos.

The Committee directs the NNSA to continue to improve its ability to build an integrated multi-year budgeting process and eliminate the separate line-item treatment of the security budget in a manner consistent with April 2002 Report of the Commission on Science and Security, (''Hamre Commission'').

DEFENSE NUCLEAR NONPROLIFERATION

Appropriations, 2002	$803,586,000
Budget estimate, 2003	1,113,630,000
Committee recommendation	1,115,630,000

The Committee recommendation provides $1,115,630,000 for defense nuclear nonproliferation.

The fiscal year 2002 Energy and Water Development Appropriations Act provided $861,419,000 for nuclear nonproliferation activities. Since that time, Congress has appropriated an additional $326,000,000 for defense nuclear nonproliferation in supplemental appropriations bills. Unfortunately, a substantial portion of the total appropriated funding for fiscal year 2002 remains unspent and unobligated.

These programs are of critical interest to this Committee and to Congress as a whole. However, the Committee is concerned that the rate of expenditure for nonproliferation programs lags substantially behind that of the rest of the National Nuclear Security Administration. Carry-over rates of 40 percent are not uncommon. Although the Committee recognizes the difficulty in implementing nonproliferation activities in Russia, the Committee strongly urges the Department to improve on this level of performance. However, the Committee does not expect the Department to carry out these programs with any less rigorous oversight in ensuring efficient and cost-effective implementation. The securing and safeguarding of fissile nuclear material abroad is a critical component of our Nation's terrorism prevention effort.

Defense Nuclear Nonproliferation activities of the NNSA are directed to reducing the serious global danger of the proliferation of weapons of mass destruction (WMD). The NNSA utilizes the highly specialized scientific, technical, analytical, and operational capabilities of the NNSA and its national laboratories, as well as other Department of Energy laboratories to implement its nonproliferation programs. Its mission is to prevent the spread of WMD materials, technology and expertise; detect the proliferation of WMD worldwide; reverse the proliferation of nuclear weapons capabilities; dispose of surplus materials in accordance with terms set forth in agreements between the United States and Russia; and store surplus fissile materials in a safe and secure manner pending disposition. The Committee continues to strongly support these important national security programs.

Nonproliferation and verification research and development.—The Committee recommends $293,407,000.

The recommended level continues the important remote sensing and verification technology research, development and deployment, and continues to invest in the development of essential technologies for responding to the growing threat of chemical and biological terrorism.

The Nonproliferation and Verification, Research and Development program is essential for stable long-term research and the development of unique science and technology competencies needed for the increasing demands of arms control, nonproliferation, domestic nuclear safeguards and security, energy security, and emergency management.

Within available funds, the Committee has provided $15,000,000 to support on-going activities at the Remote Sensing Test and Evaluation Center including sensor test bed development, support for field testing, and deployment of sensors, applied technology activities, the HAZMAT Spill Center, the RSL, and the STL. Within available funds, the Committee recommendation also includes $500,000 for the Remote Sensing Test and Evaluation Center to conduct a site-wide survey of the Iowa Army Ammunition Plant (IAAP) in Middletown, Iowa, for radiological contamination. This study shall be done in conjunction with the Army Corps of Engineers and the State of Iowa. The Committee recommends $2,500,000 in support of the 3-year research effort by the Caucasus Seismic Information Network. The Committee recommendation includes $5,250,000 for the Incorporated Research Institutions for Seismology PASSCAL Instrument Center.

The Committee recommendation includes an additional $10,000,000 in support of the nuclear and radiological national security program. The NNSA is directed to provide for the sustained development of advanced technologies needed to counter nuclear terrorism threats and should focus on improving capabilities through research and development in threat assessment and prediction, basic nuclear understanding, sensors and detection systems, consequence mitigation, forensics and attribution and render-safe technologies.

Nonproliferation and International Security.—The Committee recommends $92,668,000 for Nonproliferation and International Security.

The Department's Nonproliferation and International Security program supports the U.S. arms control and nonproliferation policies, and provides leadership and representation within the Department in the international arms control and nonproliferation community. The goal is to reduce the threat of nuclear proliferation by integrating the Department's assets and efforts, including those of the national laboratories and contractors, to provide technical support to the U.S. Government's foreign policy and national security objectives. The Committee recommendation includes $8,100,000 for continuing the efforts for disposition of spent nuclear fuel in Kazakhstan.

The Committee commends the NNSA for engaging the wider U.S. scientific community in contributions to the treaty monitoring program. The Committee will not continue direction that the NNSA complete a specific portion of the treaty monitoring program, but strongly encourages the laboratories to continue to incorporate more industry and academic involvement and to establish metrics that will allow the Committee to track progress in this effort.

Russian Transition Initiatives.—The Committee recommends $39,334,000 for Russian Transition Initiatives. The recommendation is meant to continue important activities that counter ''brain drain'' to potential proliferant states and terrorist organizations from the nuclear weapons complex laboratories and production plants of the former Soviet Union. The request includes $16,748,000 for the Nuclear Cities Initiative (NCI), and $22,586,000 for Initiatives for Proliferation Prevention (IPP).

International materials protection, control, and accounting.—The recommendation provides $233,077,000 for international material protection, control, and accounting (MPC&A) activities. The Committee continues to consider these activities extremely important to reducing the threat created by the breakup of the former Soviet Union.

The increased funding from fiscal year 2002 supplemental appropriations and the fiscal year 2003 recommendation will allow for additional material consolidation and control work, an expanded program of MPC&A at several Russian Navy sites, and expanded MPC&A efforts within defense-related and important civilian and regulatory sites in Russia. In addition, the Committee supports the NNSA pursuing opportunities to work with the Russian Strategic Rocket Forces in securing additional weapons sites. The Committee continues to believe that these activities are critical elements of the United States nonproliferation efforts.

The Committee recommendation includes $14,000,000 to develop and implement efforts with the Russian Federation for blending or otherwise securing highly enriched uranium so that the concentration of U–235 is below 20 percent or otherwise secured consistent with appropriate international standards. These efforts may include the purchase of highly enriched uranium from the Russian Federation and transporting it to the United States.

The Committee recommendation includes $5,000,000 for the NNSA's radiological dispersion devices (RDD) program for the protection, control and accounting of RDD materials in countries other than Russia and the newly independent states.

Second Line of Defense.—From within available funds, an additional $15,000,000 is provided for expanded activities within NNSA's Second Line of Defense (SLD) program. This program is responsible for improving border and transportation security against the illicit movement of material used in weapons of mass destruction (WMD). The Committee supports expanded program work in major transit/transportation hubs and ports in countries other than Russia and the Newly Independent States.

HEU (Highly Enriched Uranium) Transparency Implementation.—The Committee recommendation includes $17,229,000, the amount of the budget request for the HEU Transparency Implementation program of the Department of Energy. This program is responsible for ensuring that the non-proliferation aspects of the February 1993 agreement between the United States and the Russian Federation are met. This Agreement covers the purchase over 20 years of low enriched uranium LEU derived from at least 500 metric tons of HEU removed from dismantled Russian nuclear weapons. Under the Agreement, conversion of the HEU components into LEU is performed in Russian facilities. The purpose of this program is to put into place those measures agreed to by both sides, that permit the United States to have confidence that the Russian side is abiding by the Agreement.

International nuclear safety.—The Committee recommends $14,576,000 to implement permanent improvements in Russian nuclear safety culture as well as improvements in the regulatory framework for Soviet-design reactor operations in nine former Soviet Union countries.

Elimination of weapons-grade plutonium production.—The Committee recommendation includes $49,339,000 for the elimination of weapons-grade plutonium production program. The Committee supports the administration's request to transfer the Elimination of Weapons-Grade Plutonium program (EWGPP) from the Department of Defense to the NNSA. However, the Committee is concerned with the inherent complexity, delays, and the concomitant problems of cost increases and schedule, when working in the Russian weapons complex's closed cities.

Fissile materials disposition.—The Committee recommends $448,000,000, to maintain operations, in the United States and in Russia, according to the plan under the budget request.

Excess weapons-grade plutonium in Russia is a clear and present danger to the security of the United States because of the possibility that it will fall into the hands of non-Russian entities or provide Russia with the ability to rebuild its nuclear arsenal at a rate the United States may be unable to equal. For that reason, the Committee considers the Department's material disposition program of comparable importance to weapons activities; both are integral components of our national effort to reduce any threat posed to the United States and to deter the threat that remains.

The Committee recommendation includes $194,000,000 for U.S. surplus materials disposition, the same as the budget request.

The Committee urges the Department to continue the thorium-based fuel cycle program currently being conducted by the Russian Research Initiative in conjunction with their U.S. industrial partners.

Construction.—

Project 99–D–141 Pit Disassembly & Conversion Facility.—The Committee recommends $33,000,000, the same as the budget request.

Project 99–D–143 Mixed Oxide (MOX) Fuel Fabrication Facility.—The Committee recommends $93,000,000, the same as the budget request.

Project 01–D–407 Highly Enriched Uranium (HEU) Blend Down Project.—The Committee recommends $30,000,000, the same as the budget request.

NAVAL REACTORS

Appropriations, 2002	$688,045,000
Budget estimate, 2003	706,790,000
Committee recommendation	706,790,000

The Naval Reactors Program within the NNSA provides for the design, development, testing, and evaluation of improved naval nuclear propulsion plants and reactor cores having long fuel life, high reliability, improved performances, and simplified operating and maintenance requirements. The nuclear propulsion plants and cores cover a wide range of configurations and power ratings suitable for installation in naval combat vessels varying in size from small submarines to large surface ships. The Committee recommendation is $706,790,000, the amount of the budget request.

OFFICE OF THE ADMINISTRATOR

Appropriations, 2002	$312,596,000
Budget estimate, 2003	335,929,000
Committee recommendation	335,929,000

The Committee has included $335,929,000 for the expenses of the Office of the Administrator of the National Nuclear Security Administration (NNSA).

The NNSA is taking the long-overdue steps necessary to re-engineer the entire nuclear weapons complex to reflect new national security realities. In the field, the Operations Offices are being converted to Service Centers and the 8 Site Offices are being given greater authority over the contractors. The NNSA has announced its first major Headquarters re-engineering to consolidate management and oversight.

When fully implemented, the layers of Federal headquarters management will be reduced. The Committee recognizes that there will be increased costs for permanent change of stations associated with the re-deployment of existing staff. The Committee expects the NNSA to aggressively pursue these efforts without negatively impacting critical national security missions.

The National Nuclear Security Administration Act and subsequent Appropriations Acts have included requirements or direction to develop and implement a planning, programming, and budgeting system. The Committee directs the Department conduct an independent assessment of the NNSA's PPBS process and structure, including its comparability to that of the Department of Defense. The review should also determine whether the NNSA's PPBS is capable of being used as the central decision making process for resource allocation decisions and the extent to which it has been incorporated by NNSA M&O contractors.

RECOMMENDATION SUMMARIES

Details of the Committee's recommendations are included in the table at the end of this title.

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

Appropriations, 2002	$5,234,576,000
Budget estimate, 2003	4,544,133,000
Committee recommendation	5,370,532,000

The Committee recommends an appropriation of $5,370,532,000 for Defense Environmental Restoration and Waste Management programs for fiscal year 2003. This is $826,399,000 over the budget request.

The Department's Environmental Management program is responsible for identifying and reducing health and safety risks, and managing waste at sites where the Department carried out defense nuclear energy or weapons research and production activities which resulted in radioactive, hazardous, and mixed waste contamination. The Environmental Management program goals are to eliminate and manage the urgent risk in the system; emphasize health and safety for workers and the public; establish a system that increases managerial and financial control; and establish a stronger partnership between DOE and its stakeholders. The ''Defense environmental restoration and waste management'' appropriation is organized into two program accounts, site/project completion and post-2006 completion to reflect the emphasis on project completion and site closures.

ENVIRONMENTAL MANAGEMENT CLEAN-UP REFORM

The Department's top-to-bottom review of the Environmental Management program concluded that cleaning up the legacy of the Cold War is costing billions more than it should and will take many years longer than anticipated to complete. The Department's position, correct in the view of the Committee, is that the status quo is unacceptable. The Department, during the last year, has embarked on a mission to quickly and markedly improve the program's performance in achieving clean-up and closure, and ensure that the primary goal is reducing risk to workers, the public, and the environment.

In the fiscal year 2003 budget submittal, the Department recommended the creation of a $1,100,000,000 clean-up reform account in an attempt to lure sites and States into renegotiating binding agreements to accelerate clean-ups throughout the DOE complex. This pot of money was created largely by cutting fiscal year 2003 funding levels at nearly every DOE clean-up site. The Department wanted the $1,100,000,000 to be completely unallocated by Congress as an incentive to bring States and sites to the bargaining table quickly rather than risk not receiving any of the funding. The Department has entered into negotiations with the vast majority of the sites in the complex and has completed final performance management plans in most cases.

The Committee recommendation does not include a separate clean-up reform account. The Committee is unwilling to provide a completely unallocated $1,100,000,000 to the Department. Rather, the Committee has sought to fairly distribute the resources based on the announced agreements or, where there has not been an announced agreement, on a reasonably informed expectation. In almost all cases, the sites have been provided substantially more than what they received in the current fiscal year. To the extent the Committee has provided funds for acceleration or reform of cleanup beyond the current year level for any affected site or laboratory, the Committee directs that the Department should not release the additional amounts to the sites or laboratories until the Department has entered into a final revised cleanup agreement and a final performance management plan.

In conclusion, the Committee reiterates its support for the Department's efforts to expedite the clean-up of the legacy of the Cold War in an efficient and effective manner. To the extent that the clean-up reform initiative has improved the legally binding agreements between the Department and the States, the Committee is pleased. However, once these agreements are in place, the Committee expects the annual budget submission from this and future administrations to fully fund the Federal portion of each of these agreements.

The Committee expects the Department to continue to seek every opportunity to bring about more efficiencies and tough business-like approaches to program execution. The Department should continue the critical review concerning the need and requirement for each individual support service contract, and duplicative and overlapping organizational arrangements and functions.

SITE AND PROJECT COMPLETION

An appropriation of $981,350,000 is recommended for site and project completion activities, including $973,106,000 for operation and maintenance, and $8,244,000 for construction.

This account will provide funding for projects that will be completed by fiscal year 2006 at sites or facilities where a DOE mission (for example, environmental management, nuclear weapons stockpile stewardship, or scientific research) will continue beyond 2006. These activities are focused on completing projects by 2006 and distinguishes these projects from the long-term projects or activities at the sites, such as high level waste vitrification or the Department's other enduring missions. The largest amount of funding requested is for activities at the Hanford, WA, Savannah River, SC, and Idaho sites. A significant amount of work is expected to be completed at these sites by 2006, although environmental management and other stewardship activities will continue beyond 2006.

For construction, the Committee recommendation includes all requested projects.

The Committee recommendation includes additional funding above the level of the administration's request for the following activities: $40,000,000 to accelerate cleanup at Savannah River Site in South Carolina; $5,000,000 for cleanup activities at Idaho National Engineering and Environmental Laboratory in Idaho; $141,000,000 for accelerated cleanup at the Hanford site in Washington; $8,000,000 to accelerate cleanup activities at Sandia National Lab in New Mexico; and $5,000,000 for accelerated cleanup at the Pantex site in Texas.

The Committee provides $1,000,000 to the State of Oregon to cover costs of its cleanup effort, including emergency drills, planning activities, technical review of DOE's waste management and cleanup plans, participation in the Hanford Advisory Board meetings and other meetings at Hanford.

The Committee recommendation includes an additional $1,500,000 for the Savannah River Ecology Laboratory and recommends that the Department continue its relationship with the University of South Carolina's Center for Water Resources at current year levels.

The Committee understands the Department is prepared to transfer up to 2,000 acres

for the use of Pueblo of San Ildefonso and approximately 100 acres to the County of Los Alamos. The Committee recommendation includes an additional $4,000,000 to cover appropriate expenditures necessary to expedite conveyance of the land consistent with the direction of section 632 of Public Law 105–119.

POST-2006 COMPLETION

The Committee recommendation for Post-2006 completion activities is $3,353,098,000, which includes $2,211,240,000 in operating expenses for Post-2006 completion, $455,256,000 in operating expenses for the Office of River Protection, and $671,732,000 for ORP construction.

The Post-2006 completion request supports projects that are projected to continue well beyond 2006. As cleanup is completed, it will be necessary for environmental management to maintain a presence at most sites to monitor, maintain, and provide information on the continued residual contamination. These activities are required to ensure the reduction in risk to human health is maintained.

Post-2006 construction.—The Committee recommends the amount of the administration's request.

Post-2006 operation and maintenance.—The Committee recommendation includes additional funding above the level of the administration's request for the following activities: $229,000,000 for vitrification plant work at the Office of River Protection in Washington; $176,000,000 to accelerate cleanup and nuclear materials stabilization at Savannah River Site in South Carolina; $105,000,000 for cleanup activities at Idaho National Engineering and Environmental Laboratory in Idaho; $63,000,000 for accelerated cleanup of the River Corridor and tank waste management at the Hanford site in Washington; $54,000,000 to accelerate remediation, waste management, and nuclear materials stewardship activities at Los Alamos National Lab in New Mexico; $40,000,000 for accelerated cleanup at the Oak Ridge National Lab and Oak Ridge Reservation in Tennessee; $33,000,000 for accelerated cleanup at the Nevada Test Site in Nevada; $22,000,000 for accelerated cleanup at the Lawrence Livermore National Lab; and $2,000,000 for the University of Alaska to address environmental contamination and the health effects of residual radiation in the food chain.

The Department is expected to continue making PILT payments to counties that have the Hanford reservation within their boundaries and at last year's level.

Within available funds, the Committee also directs the Department to fund the Hazardous Waste Worker Training Program and the HAMMER programs at levels consistent with fiscal year 2001 levels.

The Department is directed to pay its Title V air permitting fees at the INEEL consistent with prior year levels.

Last year the Committee encouraged the Department to utilize alternative dispute resolution to resolve the Pit 9 issue currently in Federal court. The Committee is aware the district court has ordered the parties to enter into mediation. The Committee commends that initiative and encourages the pursuit of the action to avert continued costly and protracted litigation. The Committee expects the Department to participate directly in that mediation, not through the M&O contractor. If mediation is not successful, the Committee expects the Department to initiate and participate in arbitration to resolve this dispute.

Carlsbad Field Office.—The recommendation includes an additional $14,000,000 for Carlsbad to accelerate shipping and disposing of transuranic waste around the complex; an additional $5,000,000 to continue the U.S. Mexico Border Health Commission/Materials Corridor Partnership Initiative. The recommendation also includes an additional $3,500,000 which shall be made available to the Carlsbad community for educational support, infrastructure improvements, and related initiatives to address the impacts of accelerated operations.

In order to provide more timely information in a useable format to citizens, researchers, stakeholders, and regulators, the Committee directs the Department to consolidate at Carlsbad, all record archives relevant to the operations of WIPP and the TRU waste in the repository.

SCIENCE AND TECHNOLOGY

The Committee recommendation includes $77,000,000 for science and technology, $15,000,000 below the administration's request. The Committee notes that the administration's request is a cut of nearly $164,000,000 from the current year.

The Science and Technology program provides new or improved technologies and research results that reduce risks to workers, the public and the environment; reduce cleanup costs; and/or provide solutions to environmental problems that currently have no solutions. New and improved technologies have the potential to reduce environmental restoration and cleanup costs by an estimated several billion dollars.

The Committee is aware of the Department's plan to ''re-focus'' the Science and Technology program and to discontinue all focus area activities, all technology applications activities, as well as other university and industry programs under this account. This recommendation is a result of the Department of Energy's recent Top-to-Bottom Review of the Environmental Management program.

The Committee disagrees with this decision and is skeptical that a robust Science and Technology program can be maintained given the $164,000,000 cut. Long-term investment in research and development is the single most important thing the Department can do to ensure that clean-ups are completed quickly and efficiently. The solutions to many of the technical problems facing clean-up sites throughout the DOE complex have not yet been invented. Sharp cuts to science and technology are not the answer and the Committee hopes the Department will reconsider for fiscal year 2004.

Within available funds, the Committee provides $7,000,000 for the Western Environmental Technology Office; $3,150,000 to conduct advanced conceptual design of the Subsurface Geosciences Laboratory; $6,000,000 for the Subsurface Science Research Institute (operated by the Inland Northwest Research Alliance and INEEL); $5,000,000 for the National Spent Nuclear Fuel program; $6,000,000 for the Diagnostic Instrumentation and Analysis Laboratory; $3,000,000 to continue micro-sensing technology development and prototype development and prototype deployment for the Underground Test Area; and $4,350,000 for the University Research Programs in Robotics.

An additional $5,000,000 is provided to establish the Critical Infrastructure Testbed at INEEL to implement the recommendations of the Energy Infrastructure Assurance Task Force.

Within available funds, the Committee provides additional funding of $7,500,000 to INEEL for the research and development of technologies to address environmental challenges.

The Committee urges the Department to continue its previous commitment to seek alternative cost-effective technologies from outside the Department in cleaning up legacy waste. The Committee is aware that the international agreement with AEA Technology has been successful in accomplishing this vital task and urges the Department to expand use of this Agreement.

The Committee recommendation includes $3,000,000 for basic science experiments requiring the specialized underground environment of the Waste Isolation Pilot Plant, including continuation of evaluation of the mass of the neutrino through study of double beta decay of xenon-136 as initiated in fiscal year 2002. The Committee recommends close coordination between the Office of Science and the Assistant Secretary for Environmental Management to assure that basic science studies at WIPP do not interfere with the TRU waste responsibilities of WIPP. The Committee also notes with concern that funds provided to initiate this work in fiscal year 2002 were not released by the Department until well into that fiscal year, seriously jeopardizing progress. Therefore, the Committee directs that funds be promptly released in fiscal year 2003.

The Committee agrees with DOE's testimony that proven innovative technology should be deployed in clean-up operations as quickly as possible. As in previous years, the Committee continues to support proving out the advanced vitrification technology, which holds the potential to significantly lower clean-up costs and future appropriation requirements. The advanced vitrification system also represents technology and innovation which have been invented, developed, and produced in the United States and should be a national security priority for government-funded nuclear waste management programs.

Therefore, the Committee directs the Department, from within available funds, to develop the vitrification-in-the-final-disposal-container AVS system in accordance with the work plan.

Finally, the Department is directed to renew its cooperative agreement with the University of Nevada-Las Vegas through its Research Foundation.

EXCESS FACILITIES

The Committee recommendation for excess facilities is $1,300,000, which is the same as the budget request. These funds are provided to manage the transfer for the final disposition of excess contaminated physical facilities leading to significant risk and cost reductions. In fiscal year 2003, these funds are to be used for the transfer of excess facilities at the Pantex Plant, Savannah River Site, and the Y–12 Plant from other DOE organizations.

MULTI-SITE

The Committee recommendation includes $479,871,000 for multi-site activities.

This program account supports management and oversight for various crosscutting Environmental Management and Department initiatives, including the program's contribution to the Uranium Enrichment Decontamination and Decommissioning Fund.

Within available funds, the Committee provides $14,000,000 for the National Energy Technology Laboratory to support the implementation of an integrated program for closing small DOE clean-up sites and to serve as the DOE field service center for the long-term stewardship of former DOE sites in the eastern United States. The Committee further directs that no action shall be taken

to diminish the fiscal year 2002 Environmental Management employee levels at NETL in any was as the Laboratory's workload transitions from the Science and Technology program.

The Department shall continue its support of WERC, the Consortium for Environmental Education and Technology Development, at current year levels consistent with its contractual obligations and shall extend the Tribal Colleges Initiative grant, involving Crownpoint Institute of Technology, Diné College, Southwestern Indian Polytechnic Institute, to develop high-quality environmental programs at tribal colleges.

Within available funds, the Committee provides additional funding of $7,500,000 to INEEL for the research and development of technologies to address environmental challenges.

SAFEGUARDS AND SECURITY

The Committee recommendation for safeguards and security is $228,260,000, the same as the budget request.

PROGRAM DIRECTION

The Committee recommendation for program direction totals $324,000,000, a reduction of $20,000,000 from the budget request.

Program direction provides the overall direction and administrative support for the environmental management programs of the Department of Energy.

FUNDING ADJUSTMENTS

The Committee recommendation for Defense Environmental Restoration and Waste Management includes a funding adjustment of $70,000,000 for use of prior year balances and anticipated schedule slippage. The budget request proposed a $34,000,000 use of prior year balances. Due to the difficulty the Department has had in some cases reaching final performance management plans, the limitations of the continuing resolution, and the resulting delay in the ability of the Department to initiate all planned acceleration and reform activities, the Committee recommendation includes an additional reduction for anticipated schedule slippage of $36,000,000.

The Committee recommendation includes the $4,347,000 security charge for reimbursable work included in the budget request.

DEFENSE FACILITY CLOSURE PROJECTS

Appropriations, 2002	$1,092,878,000
Budget estimate, 2003	1,091,314,000
Committee recommendation	1,125,314,000

The Committee recommends an appropriation of $1,125,314,000 for the site closure program, an increase of $34,000,000 over the request.

The ''Site closure'' account includes funding for sites where the Environmental Management program has established a goal of completing the cleanup mission by the end of fiscal year 2006. After the cleanup mission is complete at a site, no further DOE mission is envisioned, except for limited long-term surveillance and maintenance. This account provides funding to cleanup the Rocky Flats, Fernald, Mound, Ashtabula, and Columbus sites.

The Committee recommendation includes additional funding above the administration's request to maintain the 2006 closure goal at the following sites in Ohio: $25,000,000 for Fernald; $4,000,000 for the Mound site; $5,000,000 for the Columbus Environmental Management project.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

Appropriations, 2002	$153,537,000
Budget estimate, 2003	158,399,000
Committee recommendation	158,339,000

An appropriation of $158,339,000 is recommended for the environmental management privatization initiative.

RECOMMENDATION SUMMARIES

Details of the Committee's recommendations are included in the table at the end of this title.

OTHER DEFENSE ACTIVITIES

Appropriations, 2002	$544,044,000
Budget estimate, 2003	468,664,000
Committee recommendation	537,664,000

ENERGY SECURITY AND ASSURANCE

The Committee recommendation for Energy Security and Assurance is $56,686,000. This program supports the national security of the United States by working to protect the Nation against severe energy supply disruptions by working with the private sector and the National Infrastructure Simulation and Analysis Center (NISAC) to provide technical response support during an emergency. The Committee recommendation includes $5,000,000 for a pilot project in Washington, DC, to be carried out in conjunction with the local power provider and the Washington Metropolitan Council of Governments, to protect and harden electricity infrastructure in the Nation's Capital, an area uniquely susceptible to terrorist attack.

The Committee recommendation includes a total of $30,000,000 in support of the National Infrastructure Simulation and Analysis Center. This funding will enable the continuation of work authorized in the U.S.A. Patriot Act to develop sophisticated models and simulation capabilities for critical infrastructures. The additional resources are to be available for additional operations, construction of general plant projects and acquisition of equipment to support the Center.

The Committee recommendation also includes $16,000,000 for the National Energy Technology Laboratory to assist the Office of Energy Assurance in support of research and development to monitor and protect the physical assets of the U.S. energy infrastructure, including power plants, pipelines, transmissions lines, gaseous and liquid fuel storage, depots, processing plants, and refineries.

The Committee strongly urges the Department, when conducting critical infrastructure assessments, to use entities with a proven global information technology infrastructure, and with experience in cyber-security and energy information management.

INTELLIGENCE

The Committee recommendation totals $41,246,000 for intelligence.

The Office of Intelligence provides information and technical analysis on international arms proliferation, foreign nuclear programs, and other energy-related matters to policymakers in the NNSA, the Department and other U.S. Government agencies. The focus of the Department's intelligence analysis and reporting is on emerging proliferant nations, nuclear technology transfers, foreign nuclear materials production, and proliferation implications of the breakup of the former Soviet Union.

SECURITY

The Committee recommendation for security and emergency operations is $185,515,000.

Nuclear Safeguards.—The Committee recommendation provides $91,102,000 for nuclear safeguards.

Security Investigations.—The Committee recommendation provides $45,870,000, the amount of the budget request.

Program Direction.—The Committee recommendation provides $48,543,000 for program direction.

Coordination with local communities.—The Committee recognizes the unique emergency response role carried out by local governments adjacent to Departmental facilities and directs the Department to use available resources to improve local government emergency response capabilities through better communications and stronger coordination of training and response activities.

INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE

The Committee recommendation provides $22,430,000 for independent oversight and performance assurance, the amount of the budget request.

The Independent Oversight and Performance Assurance program provides independent evaluation and oversight of safeguards, security, emergency management and cyber security for the Department at the Secretary's direction.

COUNTERINTELLIGENCE

An appropriation of $45,955,000, the amount of the request, is provided for the counterintelligence activities of the Department of Energy.

The Counterintelligence program has the mission of enhancing the protection of sensitive technologies, information, and expertise against foreign intelligence, industrial intelligence, and terrorist attempts to acquire nuclear weapons information or advanced technologies from the National Laboratories.

ENVIRONMENT, SAFETY AND HEALTH

The Committee recommendation provided $114,041,000 for Environmental, Safety and Health activities including $17,149,000 for program direction. The mission of the Office of Environmental, Safety and Health is to protect the health and safety of Department of Energy workers, the public, and the environment and is to be the Department's independent advocate for safety, health and the environment.

The Committee recommendation includes $5,000,000 to continue the DOE worker records digitization project through the Research Foundation at the University of Nevada-Las Vegas.

The Committee continues to be concerned that the Department has failed to recognize the importance of automating records management processes and continues to encumber extraordinary costs by employing labor intensive procedures in support of these requirements. Though the Committee recommended a Department-wide standardization of processes to ensure data preservation and access, the Committee is not aware of a comprehensive coordinated effort being undertaken within the Department. The Committee is also aware that even within the Environmental Safety & Health organization, parallel activities were undertaken to digitize worker records while another part of the organization sought the digitization of similar worker records to support the Employee Compensation Initiative. To the extent that there is a desire to digitize records in support of the ECI, the Committee strongly encourages the Department to utilize the existing program at UNLV.

The Committee is concerned that the Department is waivering in its commitment to medical screening and health studies of current and former workers. Many of these medical screenings are required by law. The

Committee expects the Department to expend $60,000,000, a slight increase above the current year rather than the $7,000,000 cut proposed by the Administration, on health studies.

The Committee recommends $5,200,000, an increase of $4,150,000 above the request, for medical monitoring at the gaseous diffusion plants at Paducah, Kentucky, Portsmouth, Ohio, and Oak Ridge, Tennessee. This will fully fund, as required by law, the worker screening program for both current and former workers. The Committee strongly supports and requires the continued use of helical low-dose CAT scanning for early lung cancer detection in workers with elevated risks of lung cancer. Such tests may detect lung cancers at an early stage even when they are not visible with conventional x-rays. The program in place at the gaseous diffusion plants is successfully identifying early lung cancers at a stage when they are treatable and can be expected to dramatically increase survival rates. The recommendation also includes $1,000,000 for health studies at the Iowa Army Ammunition Plant.

The Committee directs the Department to initiate a beryllium screening and outreach program for those workers employed at vendors in the Worcester, Massachusetts, area who supplied beryllium to the Atomic Energy Commission for use in the nuclear weapons program. The DOE is directed to expedite the screening program by using one of the DOE's existing former worker medical screening program providers. The Committee recommends $250,000 for this program.

Energy Employees Compensation Initiative.—The Committee recommendation includes $16,000,000, the amount of the request, for the Energy Employees Compensation Initiative. Title 36 of the National Defense Authorization Act of 2001 (Public Law 106–398) established the Energy Employees Occupational Illness Compensation program to provide benefits to DOE contractor workers made ill as a result of exposures from nuclear weapons production. The Department is responsible for establishing procedures to assist workers in filing compensation claims.

The Committee understands that a proposed final rule implementing Part D of the Energy Employees Occupational Illness Compensation program is currently under review within the Administration. Any final rule implementing Part D should prohibit contractor challenges, specify that a majority determination of the Physicians' Panel is sufficient, and rely on the independent judgment of a physicians' panel with respect to the burden of proof and medical causation.

WORKER AND COMMUNITY TRANSITION

The Committee has provided an appropriation of $25,683,000 for these activities for fiscal year 2003. This is the same as the budget request.

The Worker and Community Transition budget provides funding for activities associated with enhanced benefits beyond those required by contract, existing company policy or collective bargaining agreements at defense nuclear facilities. The goals of the program are to mitigate the impacts on workers and communities from contractor work force restructuring, and to assist community planning for all site conversions, while managing the transition to the reduced work force that will better meet ongoing mission requirements through the application of best business practices.

NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT

The Committee recommendation includes $50,587,000 for National Security Programs Administrative support. This fund pays for departmental services that are provided in support of the National Nuclear Security Administration.

OFFICE OF HEARINGS AND APPEALS

An appropriation of $2,933,000 is recommended for the Office of Hearings and Appeals. The Office of Hearings and Appeals conducts all of the Department's adjudicative process and provides various administrative remedies as may be required. The goal is to promote successful and uninterrupted DOE operations through the deliberate, expeditious, and equitable resolution of all claims of adverse impact emanating from the operations of the Department.

DEFENSE NUCLEAR WASTE DISPOSAL

Appropriations, 2002	$280,000,000
Budget estimate, 2003	315,000,000
Committee recommendation	280,000,000

The Committee recommends $280,000,000 for defense nuclear waste disposal.

RECOMMENDATION SUMMARIES

Details of the Committee's recommendations are included in the table at the end of this title.

POWER MARKETING ADMINISTRATIONS

Public Law 95–91 transferred to the Department of Energy the power marketing functions under section 5 of the Flood Control Act of 1944 and all other functions of the Department of the Interior with respect to the Bonneville Power Administration, Southeastern Power Administration, Southwestern Power Administration, and the power marketing functions of the Bureau of Reclamation, now included in the Western Area Power Administration.

All Power Marketing Administrations except Bonneville are funded annually with appropriations, and related receipts are deposited in the Treasury. Bonneville operations are self-financed under authority of Public Law 93–454, the Federal Columbia River Transmission System Act of 1974, which authorizes Bonneville to use its revenues to finance operating costs, maintenance and capital construction, and sell bonds to the Treasury if necessary to finance any remaining capital program requirements.

Purchase power and wheeling.—The Committee is recommending the elimination of the phase out by the end of fiscal year 2004 of the use of receipts by the Southeastern Power Administration, the Southwestern Power Administration, and the Western Area Power Administration for purchase power and wheeling.

This approach was originally proposed in the Administration's fiscal year 2001 budget request and endorsed in the Energy and Water Development Appropriations Act, Fiscal Year 2002 (Public Law 106–377). In recognition of the Western energy crisis during the previous year, the Committee did not adhere to the Public Law 106–377 limitations on purchase power and wheeling in fiscal year 2002, with the largest increase being for the Western Area Power Administration. The budget request for fiscal year 2003 proposed resuming the phase-out of purchase power and wheeling along the schedule contained in Public Law 106–377. However, the Committee finds that there is no compelling reason to continue the phase out of purchase power and wheeling, particularly since this activity is budget neutral.

The Committee recommendation for fiscal year 2003 maintains purchase power and wheeling activities at the fiscal year 2002 level. The Committee will continue to establish ceilings on the use of receipts for purchase power and wheeling, and also establish the amount of offsetting collections.

BONNEVILLE POWER ADMINISTRATION FUND

The Bonneville Power Administration (BPA) is the Federal electric power marketing agency in the Pacific Northwest, a 300,000-square-mile service area that encompasses Oregon, Washington, Idaho, western Montana, and small portions of adjacent Western States in the Columbia River drainage basin. Bonneville markets hydroelectric power from 31 Corps of Engineers and Bureau of Reclamation projects, as well as thermal energy from non-Federal generating facilities in the region. Bonneville also markets and exchanges surplus electric power interregionally over the Pacific Northwest-Pacific Southwest Intertie with California, and in Canada over inter-connections with utilities in British Columbia.

Bonneville constructs, operates, and maintains the Nation's largest high-voltage transmission system, consisting of over 15,000 circuit-miles of transmission line and 324 substations with an installed capacity of 21,500 megawatts. BPA is the largest power wholesaler in the northwest and provides about 46 percent of the region's electric energy supply and about three-fourths of the region's electric power transmission capacity.

Public Law 93–454, the Federal Columbia River Transmission System Act of 1974, placed Bonneville on a self-financed basis. With the passage in 1980 of Public Law 96–501, the Pacific Northwest Electric Power Planning and Conservation Act, Bonneville's responsibilities were expanded to include meeting the net firm load growth of the region, investing in cost-effective, regionwide energy conservation, and acquiring generating resources to meet these requirements.

Borrowing Authority.—Bonneville Power Administration presently has available $3,750,000,000 in permanent borrowing authority, authorized by the Transmission System Act (Public Law 93–454). For fiscal year 2003, the Committee recommendation includes an estimate of use of $630,800,000 of authorized borrowing authority, the same as the budget request and $256,300,000 more than fiscal year 2002. This borrowing authority is available for capital investments in power systems (including fish and wildlife measures), transmission systems, and capital equipment. Bonneville forecasts that it will fully utilize its remaining borrowing authority during fiscal year 2004.

The Administration has submitted a legislative proposal to increase the current Bonneville borrowing authority by $700,000,000, for a new total borrowing authority of $4,450,000,000. The Committee recommendation does not include this additional borrowing authority at this time because the matter is presently committed to the House-Senate conference on energy legislation.

Limitation on direct loans.—The Committee recommends that no new direct loans be made in fiscal year 2003.

Budget revisions and notification.—The Committee expects Bonneville to adhere to the borrowing authority estimates recommended by the Congress and promptly inform the Committee of any exceptional circumstances which would necessitate the need for Bonneville to obligate borrowing authority in excess of such amounts.

The Committee recommendation includes $34,463,000 for purchase power and wheeling activities, the same as the current year and consistent with the terms described above.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

Appropriations, 2002	$4,891,000
Budget estimate, 2003	4,534,000
Committee recommendation	4,534,000

The Southeastern Power Administration markets hydroelectric power produced at Corps of Engineers projects in 11 Southeastern States. There are 23 projects now in operation with an installed capacity of 3,092 megawatts. Southeastern does not own or operate any transmission facilities and carries out its marketing program by utilizing the existing transmission systems of the power utilities in the area. This is accomplished through transmission arrangements between Southeastern and each of the area utilities with transmission lines connected to the projects. The utility agrees to deliver specified amounts of Federal power to customers of the Government, and Southeastern agrees to compensate the utility for the wheeling service performed.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

Appropriations, 2002	$28,038,000
Budget estimate, 2003	27,378,000
Committee recommendation	27,378,000

The Southwestern Power Administration is the marketing agent for the power generated at Corps of Engineers' hydroelectric plants in the six-State area of Kansas, Oklahoma, Texas, Missouri, Arkansas, and Louisiana with a total installed capacity of 2,158 megawatts. It operates and maintains some 1,380 miles of transmission lines, 24 generating projects, and 24 substations, and sells its power at wholesale primarily to publicly and cooperatively owned electric distribution utilities.

The Committee recommendation includes $2,200,000 for purchase power and wheeling activities, the same as the current year and consistent with the terms described above.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE WESTERN AREA POWER ADMINISTRATION

Appropriations, 2002	$171,938,000
Budget estimate, 2003	162,758,000
Committee recommendation	168,858,000

The Western Area Power Administration is responsible for marketing electric power generated by the Bureau of Reclamation, the Corps of Engineers, and the International Boundary and Water Commission which operate hydropower generating plants in 15 Central and Western States encompassing a 1.3-million-square-mile geographic area. Western is also responsible for the operation and maintenance of almost 17,000 miles of high-voltage transmission lines with 258 substations. Western distributes power generated by 55 plants with a maximum operating capacity of 10,576 megawatts.

Western, through its power marketing program, must secure revenues sufficient to meet the annual costs of operation and maintenance of the generating and transmission facilities, purchased power, wheeling, and other expenses, in order to repay all of the power investment with interest, and to repay that portion of the Government's irrigation and other nonpower investments which are beyond the water users' repayment capability. Under the Colorado River Basin Power Marketing Fund, which encompasses the Colorado River Basin, Fort Peck, and Colorado River storage facilities, all operation and maintenance and power marketing expenses are financed from revenues.

Of the total resources available to the Western Power Administration, $6,100,000 shall be transferred to the Utah Reclamation Mitigation and Conservation Commission.

The Committee recommendation includes $186,124,000 for purchase power and wheeling activities, the same as the current year and consistent with the terms described above.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

Creation of the Falcon and Amistad Operating and Maintenance Fund was directed by the Foreign Relations Authorization Act, fiscal years 1994–95. This legislation also directed that the fund be administered by the Administrator of the Western Area Power Administration for use by the Commissioner of the United States Section of the International Boundary and Water Commission to defray operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams in Texas.

The Committee recommendation is $2,734,000, the same as the budget request.

RECOMMENDATION SUMMARIES

Details of the Committee's recommendations are included in the table at the end of this title.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

Appropriations, 2002	$184,155,000
Budget estimate, 2003	192,000,000
Committee recommendation	192,000,000

SALARIES AND EXPENSES—REVENUES APPLIED

Appropriations, 2002	$184,155,000
Budget estimate, 2003	192,000,000
Committee recommendation	192,000,000

The Committee recommendation provides $192,000,000, the amount of the budget request, for the Federal Energy Regulatory Commission (FERC). Revenues are established at a rate equal to the amount provided for program activities, resulting in a net appropriation of zero.

The Federal Energy Regulatory Commission regulates key interstate aspects of the electric power, natural gas, oil pipeline, and hydroelectric industries.

COMMITTEE RECOMMENDATION

The Committee's detailed funding recommendation for programs in Title III, Department of Energy, are contained in the following table.

DEPARTMENT OF ENERGY

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
ENERGY SUPPLY		
RENEWABLE ENERGY RESOURCES		
Renewable energy technologies:		
Biomass/biofuels energy systems	86,005	100,000
Geothermal technology development	26,500	37,000
Hydrogen research	39,881	45,000
Hydropower	7,489	7,489
Solar energy	87,625	95,000
Wind energy systems	44,000	50,000
Total, Renewable energy technologies	291,500	334,489
Electric energy systems and storage	70,447	75,000
Renewable support and implementation:		
Departmental energy management	3,000	3,000
International renewable energy program	6,500	6,500
Renewable energy production incentive program	4,000	5,000
Renewable Indian energy resources	8,307	9,307
Renewable program support	2,059	6,059
Total, Renewable support and implementation	23,866	29,866
National renewable energy laboratory	4,200	6,000
Construction: 02–E–001 Project engineering and design, NREL Golden, CO	800	800
Total, National renewable energy laboratory	5,000	6,800
Program direction	16,187	16,907
Subtotal, Renewable Energy Resources	407,000	463,062
Use of prior year balances	.....	−15,000
TOTAL, RENEWABLE ENERGY RESOURCES	407,000	448,062
NUCLEAR ENERGY		
Advanced radioisotope power system	.....	.....

DEPARTMENT OF ENERGY—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
Isotopes:		
Isotope support and production		
Construction		
99–E–201 Isotope production facility (LANL)		
Subtotal, Isotope support and production		
Offsetting collections		
Total, Isotopes		
University reactor fuel assistance and support	17,500	19,500
Research and development:		
Nuclear energy plant optimization		5,000
Nuclear energy research initiative	25,000	29,000
Nuclear energy technologies	46,500	48,500
Total, Research and development	71,500	82,500
Fast flux test facility (FFTF)	36,100	36,100
Radiological facilities management:		
Radiological facilities	78,977	88,638
ANL–West operations		
Test reactor area landlord		
Subtotal	78,977	88,638
Construction:		
99–E–2–1 Isotope production facility (LANL)	1,721	1,721
99–E–200 Test reactor area electrical utility upgrade, Idaho National Engineering Lab, ID	1,840	1,840
95–E–201 Test reactor area fire and life safety improvements, Idaho National Engineering Lab, ID	500	500
Subtotal, Construction	4,061	4,061
Total, Radiological facilities management	83,038	92,699
Nuclear facilities management:		
EBR–II shutdown		
Disposition of spent fuel and legacy materials		
Disposition technology activities		
Total, Nuclear facilities management		
Advanced fuel cycle	18,221	77,870
Program direction	23,439	23,439
Subtotal, Nuclear Energy	249,798	332,108
Use of prior year balances		−8,000
TOTAL, NUCLEAR ENERGY	249,798	324,108
ENVIRONMENT, SAFETY AND HEALTH		
Office of Environment, Safety and Health (non-defense)	10,340	5,340
Program direction	18,871	13,871
TOTAL, ENVIRONMENT, SAFETY AND HEALTH	29,211	19,211
ENERGY SUPPORT ACTIVITIES		
Technical information management program	1,400	1,400
Program direction	6,525	5,525
TOTAL, ENERGY SUPPORT ACTIVITIES	7,925	6,925
ENERGY SUPPLY INFRASTRUCTURE		
Energy Supply Infrastructure		17,000
TOTAL, ENERGY SUPPLY INFRASTRUCTURE		17,000
Subtotal, Energy supply	693,934	815,306
General reduction		
TOTAL, ENERGY SUPPLY	693,934	815,306
NON-DEFENSE ENVIRONMENTAL MANAGEMENT		
Site closure		
Site/project completion	51,272	67,272
Post 2006 completion	112,887	123,887
Fast flux test facility (FFTF)		
Long-term stewardship		
Excess facilities	1,841	1,841
Subtotal, Non-Defense Environmental Management	166,000	193,000
Use of prior year balances		−17,000
TOTAL, NON-DEFENSE ENVIRONMENTAL MANAGEMENT	166,000	176,000
URANIUM FACILITIES MAINTENANCE AND REMEDIATION		
Uranium Enrichment Decontamination and Decommissioning Fund:		
Decontamination and decommissioning	234,523	333,523
Uranium/thorium reimbursement	1,000	1,000
Total, Uranium enrichment D&D fund	235,523	334,523
Other Uranium Activities:		
Maintenance and pre-existing liabilities	146,631	136,631
02–U–101 Depleted uranium hexafluoride conversion project, Paducah, KY and Portsmouth, OH		
96–U–201 DUF6 cylinder storage yard, Paducah, KY		
Total, Other uranium activities	146,631	136,631

DEPARTMENT OF ENERGY—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
Use of prior year balances		
TOTAL, URANIUM FACILITIES MAINTENANCE AND REMEDIATION	382,154	471,154
SCIENCE		
High Energy Physics:		
Research & Technology	258,545	263,555
Facility operations	446,352	446,332
Construction: 98–G–304 Neutrinos at the main injector, Fermilab	20,093	20,093
Total, High energy physics	724,990	729,980
Nuclear physics	382,370	387,370
Biological and environmental research	504,215	531,215
Construction: 01–E–300 Laboratory for Comparative and Functional Genomics, ORNL		
Total, Biological and environmental research	504,215	531,215
Basic energy sciences:		
Research:		
Materials sciences and engineering research	547,883	553,383
Chemical sciences, geosciences and energy biosciences	220,146	234,146
Engineering and geosciences		
Energy biosciences		
Subtotal, Research	768,029	787,529
Construction:		
03–SC–002 Project engineering & design (PED) SLAC.	6,000	6,000
03–R–312 Center for nanophase materials sciences, ORNL	24,000	24,000
03–R–313 Center for Integrated Nenotechnology		4,500
02–SC–002 Project engineering and design (VL)	11,000	12,000
99–E–334 Spallation neutron source (ORNL)	210,571	210,571
Subtotal, Construction	251,571	257,071
Total, Basic energy sciences	1,019,600	1,044,600
Advanced scientific computing research	169,625	169,625
Energy research analyses	1,020	1,020
Science laboratories infrastructure:		
Infrastructure support	1,020	1,020
Oak Ridge landlord	5,079	5,079
Excess facilities disposal	5,055	5,055
Construction:		
03–SC–001 Science laboratories infrastructure project engineering and design (PED), various loc.	3,355	3,355
MEL–001 Multiprogram energy laboratory infrastructure projects, various locations	28,226	28,226
02–SC–001 Multiprogram energy laboratories, project engineering design, various locations		
Subtotal, Construction	31,581	31,581
Total, Science laboratories infrastructure	42,735	42,735
Fusion energy sciences program	257,310	259,310
Safeguards and security	48,127	48,127
Science workforce development		
Science program direction:		
Field offices	70,163	65,000
Headquarters	58,224	64,377
Science education	5,460	5,460
Technical information management program		
Energy research analyses		
Total, Science program direction	133,847	134,837
Subtotal, Science	3,283,839	3,348,819
General reduction		−14,980
Less security charge for reimbursable work	−4,383	−4,383
TOTAL, SCIENCE	3,279,456	3,329,456
NUCLEAR WASTE DISPOSAL		
Repository program	146,713	
Program direction	62,989	56,000
TOTAL, NUCLEAR WASTE DISPOSAL	209,702	56,000
DEPARTMENTAL ADMINISTRATION		
Administrative operations:		
Salaries and expenses:		
Office of the Secretary	4,645	4,645
Board of contract appeals	743	743
Chief information officer	30,862	28,862
Congressional and intergovernmental affairs	4,953	4,953
Economic impact and diversity	5,121	5,121
General counsel	22,813	21,813
International affairs		
Office of Management, Budget and Evaluation	106,536	94,536
Policy office		
Policy and international affairs	16,840	14,840
Public affairs	4,531	4,531
Subtotal, Salaries and expenses	197,044	180,044
Program support:		
Minority economic impact	1,400	1,400
Policy analysis and system studies	800	800
Energy security and assurance	2,000	2,000
Environmental policy studies	1,200	1,200
Engineering and construction management reviews		
Cybersecurity and secure communications	32,027	32,027
Corporate management information program	20,420	8,420
Subtotal, Program support	57,847	45,847

DEPARTMENT OF ENERGY—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
Total, Administrative operations	254,891	225,891
Cost of work for others	69,916	69,916
Subtotal, Departmental Administration	324,807	295,807
Use of prior year balances and other adjustments		−10,000
Funding from other defense activities	−25,587	−50,587
Total, Departmental administration (gross)	299,220	235,000
Miscellaneous revenues	−137,524	−137,524
TOTAL, DEPARTMENTAL ADMINISTRATION (net)	161,696	97,696
OFFICE OF INSPECTOR GENERAL		
Office of Inspector General	37,671	37,671
TOTAL, OFFICE OF INSPECTOR GENERAL	37,671	37,671
ATOMIC ENERGY DEFENSE ACTIVITIES		
NATIONAL NUCLEAR SECURITY ADMINISTRATION		
WEAPONS ACTIVITIES		
Directed stockpile work:		
Stockpile research and development	467,149	467,149
Stockpile maintenance	401,157	401,157
Stockpile evaluation	197,184	197,184
Dismantlement/disposal	24,378	24,378
Production support	137,706	137,706
Field engineering, training and manuals	6,893	6,893
Total, Directed stockpile work	1,234,467	1,234,467
Campaigns:		
Science campaigns:		
Primary certification	47,159	47,159
Dynamic materials properties	87,594	90,594
Advanced radiography	52,925	82,925
Secondary certification and nuclear systems margins	47,790	47,790
Subtotal, Science campaigns	235,468	268,468
Engineering campaigns:		
Enhanced surety	37,713	32,000
Weapons system engineering certification	27,007	27,007
Nuclear survivability	23,394	23,394
Enhanced surveillance	77,155	77,155
Advanced design and production technologies	74,141	74,141
Subtotal, Engineering campaigns	239,410	233,697
Inertial confinement fusion ignition and high yield.	237,748	273,248
Construction: 96–D–111 National ignition facility, LLNL	214,045	214,045
Subtotal, ILF Ignition	451,793	487,293
Advanced simulation and computing	669,527	649,000
Construction:		
01–D–101 Distributed information systems laboratory, SNL, Livermore, CA	13,305	13,305
00–D–103, Terascale simulation facility, LLNL, Livermore, CA	35,030	35,030
00–D–105 Strategic computing complex, LANL, Los Alamos, NM		
00–D–107 Joint computational engineering laboratory, SNL, Albuquerque, NM	7,000	7,000
Subtotal, Construction	55,335	55,335
Subtotal, Advanced simulation and computing	724,862	704,335
Pit manufacturing and certification	194,484	246,000
Readiness campaigns:		
Stockpile readiness	61,027	61,027
High explosives manufacturing and weapons assembly/disassembly readiness	12,093	12,093
Non-nuclear readiness	22,398	22,398
Materials readiness		
Tritium readiness	56,134	42,734
Construction: 98–D–125 Tritium extraction facility, SR	70,165	70,165
Subtotal, Tritium readiness	126,299	112,899
Subtotal, Readiness campaigns	221,817	208,417
Total, Campaigns	2,067,834	2,148,210
Readiness in technical base and facilities:		
Operations of facilities	949,920	1,026,000
Program readiness	208,089	218,000
Special projects	37,744	50,500
Material recycle and recovery	98,816	98,816
Containers	17,721	17,721
Storage	14,593	14,593
Nuclear weapons incident response	91,000	96,000
Subtotal, Readiness in technical base and fac	1,417,883	1,521,630
Construction:		
03–D–101 Sandia underground reactor facility SURF, SNL, Albuquerque, NM	2,000	2,000
03–D–102 LANL Administration Building (LANL)		16,000
03–D–103 Project engineering and design various locations	15,539	15,539
03–D–121 Gas transfer capacity expansion, Kansas City Plant, Kansas City, MO	4,000	4,000
03–D–122 Prototype purification facility, Y–12 plant, Oak Ridge, TN	20,800	20,800
03–D–123 Special nuclear materials requalification, Pantex plant, Amarillo, TX	3,000	3,000
02–D–103 Project engineering and design, various locations	27,245	27,245
02–D–105 Engineering technology complex upgrade, LLNL	10,000	10,000
02–D–107 Electrical power systems safety communications and bus upgrades, NV	7,500	7,500
01–D–103 Project engineering and design (PE&D), various locations	6,164	

DEPARTMENT OF ENERGY—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
01–D–107 Atlas relocation, Nevada test site	4,123	4,123
01–D–108 Microsystems and engineering sciences applications complex (MESA), SNL	75,000	123,000
01–D–124 HEU materials facility, Y–12 plant, Oak Ridge, TN	25,000	25,000
01–D–126 Weapons Evaluation Test Laboratory Pantex Plant, Amarillo, TX	8,650	8,650
01–D–800 Sensitive compartmented information facility, LLNL	9,611	9,611
99–D–103 Isotope sciences facilities, LLNL, Livermore, CA	4,011	4,011
99–D–104 Protection of real property (roof reconstruction—Phase II), LLNL, Livermore, CA	5,915	5,915
99–D–106 Model validation & system certification center, SNL, Albuquerque, NM	.....	.....
99–D–108 Renovate existing roadways, Nevada Test Site, NV	.....	.....
99–D–125 Replace boilers and controls, Kansas City plant, Kansas City, MO	.....	.....
99–D–127 Stockpile management restructuring initiative, Kansas City plant, Kansas City, MO	29,900	29,900
99–D–128 Stockpile management restructuring initiative, Pantex consolidation, Amarillo, TX	407	407
98–D–123 Stockpile management restructuring initiative, Tritium factory modernization and consolidation, Savannah River, SC	10,481	10,481
98–D–124 Stockpile management restructuring initiative, Y–12 consolidation, Oak Ridge, TN	.....	.....
97–D–123 Structural upgrades, Kansas City plant, Kansas City, MO	.....	.....
96–D–102 Stockpile stewardship facilities revitalization (Phase VI), various locations	1,000	1,000
Subtotal, Construction	270,346	328,182
Total, Readiness in technical base and facilities	1,688,229	1,849,812
Facilities and infrastructure recapitalization program	242,512	242,512
Secure transportation asset:		
Operations and equipment	100,863	100,863
Program direction	52,126	52,126
Total, Secure transportation asset	152,989	152,989
Safeguards and security	501,054	501,054
Construction: 99–D–132 SMRI nuclear material safeguards and security upgrade project (LANL), Los Alamos, NM	8,900	8,900
Total, Safeguards and security	509,954	509,954
Subtotal, Weapons activities	5,895,985	6,137,944
Use of prior year balances	.....	.....
General reduction	.....	.....
Less security charge for reimbursable work	−28,985	−28,985
Subtotal, Weapons activities	5,867,000	6,108,959
Emergency appropriations (Public Law 107–117)	.....	.....
TOTAL, WEAPONS ACTIVITIES	5,867,000	6,108,959
DEFENSE NUCLEAR NONPROLIFERATION	5,055,873	.....
Nonproliferation and verification, R&D	283,407	293,407
Construction:		
00–D–192 Nonproliferation and international security center (NISC), LAN	.....	.....
Total, Nonproliferation and verification, R&D	283,407	293,407
Nonproliferation and international security	92,668	92,668
Nonproliferation programs with Russia:		
International materials protection, control, and cooperation	233,077	233,077
Russian transition initiative	39,334	39,334
HEU transparency implementation	17,229	17,229
International nuclear safety	14,576	14,576
Elimination of weapons-grade plutonium production program	49,339	49,339
Fissile materials disposition:		
U.S. surplus materials disposition	194,000	194,000
Russian surplus materials disposition	98,000	98,000
Construction:		
01–D–407 Highly enriched uranium (HEU) blend down, Savannah River, SC	30,000	30,000
99–D–141 Pit disassembly and conversion facility Savannah River, SC	33,000	33,000
99–D–143 Mixed oxide fuel fabrication facility, Savannah River, SC	93,000	93,000
Subtotal, Construction	156,000	156,000
Subtotal, Fissile materials disposition	448,000	448,000
Total, Nonproliferation programs with Russia	801,555	801,555
Program direction	.....	.....
Subtotal, Defense nuclear nonproliferation	1,177,630	1,187,630
Use of prior year balances	−64,000	−72,000
Emergency appropriations (Public Law 107–117)	.....	.....
TOTAL, DEFENSE NUCLEAR NONPROLIFERATION	1,113,630	1,115,630
NAVAL REACTORS		
Naval reactors development	671,290	671,290
Construction:		
03–D–201 Cleanroom technology facility, Bettis atomic power lab, West Mifflin, PA	7,200	7,200
01–D–200 Major office replacement building, Schenectady, NY	2,100	2,100
90–N–102 Expended core facility dry cell project, Naval Reactors Facility, ID	2,000	2,000
Subtotal, Construction	11,300	11,300
Total, Naval reactors development	682,590	682,590
Program direction	24,200	24,200
TOTAL, NAVAL REACTORS	706,790	706,790
OFFICE OF THE ADMINISTRATOR		
Office of the Administrator	335,929	335,929
TOTAL, OFFICE OF THE ADMINISTRATOR	335,929	335,929
TOTAL, NATIONAL NUCLEAR SECURITY ADMINISTRATION	8,023,349	8,267,308
DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MGMT.		
Site/project completion:		
Operation and maintenance	779,706	973,106

DEPARTMENT OF ENERGY—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
Construction:		
02–D–402 Intec cathodic protection system expansion project, INEEL, Idaho Falls, ID	1,119	1,119
02–D–420 Plutonium packaging and stabilization, Savannah River	2,000	2,000
01–D–414 Preliminary project, engineering and design (PE&D), various locations	5,125	5,125
99–D–402 Tank farm support services, F&H area, Savannah River site, Aiken, SC		
99–D–404 Health physics instrumentation laboratory (INEL), ID		
98–D–453 Plutonium stabilization and handling system for PFP, Richland, WA		
96–D–471 CFC HVAC/chiller retrofit, Savannah River site, Aiken, SC		
86–D–103 Decontamination and waste treatment facility (LLNL), Livermore, CA		
Subtotal, Construction	8,244	8,244
Total, Site/project completion	787,950	981,350
Post 2006 completion:		
Operation and maintenance	1,702,241	2,211,240
Construction: 93–D–187 High-level waste removal from filled waste tanks, Savannah River, SC	14,870	14,870
Office of River Protection: Operation and maintenance	226,256	455,256
Construction:		
03–D–403 Immobilized high-level waste interim storage facility, Richland, WA	6,363	6,363
01–D–416 Hanford waste treatment plant, Richland, WA	619,000	619,000
97–D–402 Tank farm restoration and safe operations, Richland, WA	25,424	25,424
94–D–407 Initial tank retrieval systems, Richland, WA	20,945	20,945
Subtotal, Construction	671,732	671,732
Subtotal, Office of River Protection	897,988	1,126,988
Total, Post 2006 completion	2,615,099	3,353,098
Uranium enrichment D&D fund contribution		
Science and technology	92,000	77,000
Excess facilities	1,300	1,300
Multi-site activities	479,871	479,871
Safeguards and security	228,260	228,260
Program direction	344,000	324,000
Subtotal, Defense environmental management	4,548,480	5,444,879
Use of prior year balances and anticipated schedule slippage		−70,000
General reduction		
Less security charge for reimbursable work	−4,347	−4,347
Emergency appropriations (Public Law 107–117)		
TOTAL, DEFENSE ENVIRON. RESTORATION AND WASTE MGMT	4,544,133	5,370,532
ENVIRONMENTAL MANAGEMENT CLEANUP REFORM		
Environmental management cleanup reform	800,000	
DEFENSE FACILITIES CLOSURE PROJECTS		
Site closure	1,054,153	1,088,153
Safeguards and security	37,161	37,161
TOTAL, DEFENSE FACILITIES CLOSURE PROJECTS	1,091,314	1,125,314
DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION		
Privatization initiatives, various locations	158,399	158,399
TOTAL, DEFENSE ENVIRONMENTAL MGMT. PRIVATIZATION	158,399	158,399
TOTAL, DEFENSE ENVIRONMENTAL MANAGEMENT	6,593,846	6,690,245
OTHER DEFENSE ACTIVITIES		
Other national security programs:		
Energy security and assurance:		
Energy security	23,411	52,411
Program direction	4,275	4,275
Subtotal, Energy security and assurance	27,686	56,686
Office of Security:		
Nuclear safeguards and security	91,102	91,102
Security investigations	45,870	45,870
Corporate management information program		
Cyber security and secure communications		
Program direction	48,543	48,543
Subtotal, Office of Security	185,515	185,515
Intelligence	41,246	41,246
Counterintelligence	45,955	45,955
Independent oversight and performance assurance	22,430	22,430
Advanced accelerator applications		
Environment, safety and health (Defense)	81,892	96,892
Program direction—EH	17,149	17,149
Subtotal, Environment, safety & health (Defense)	99,041	114,041
Worker and community transition	22,965	22,965
Program direction—WT	2,718	2,718
Subtotal, Worker and community transition	25,683	25,683
National Security programs administrative support	25,587	50,587
Office of hearings and appeals	2,933	2,933
Subtotal, Other defense activities	476,076	545,076
Use of prior year balances	−6,700	−6,700
Less security charge for reimbursable work	−712	−712
Emergency appropriations (Public Law 107–117)		
TOTAL, OTHER DEFENSE ACTIVITIES	468,664	537,664

DEPARTMENT OF ENERGY—Continued

[In thousands of dollars]

Project title	Budget estimate	Committee recommendation
DEFENSE NUCLEAR WASTE DISPOSAL		
Defense nuclear waste disposal	315,000	280,000
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	15,400,859	15,775,217
POWER MARKETING ADMINISTRATIONS		
SOUTHEASTERN POWER ADMINISTRATION		
Operation and maintenance:		
Purchase power and wheeling	20,000	34,463
Program direction	4,606	4,606
Subtotal, Operation and maintenance	24,606	39,069
Offsetting collections		−8,000
Offsetting collections (Public Law 106–377)	−20,000	−26,463
Use of prior year balances	−72	−72
TOTAL, SOUTHEASTERN POWER ADMINISTRATION	4,534	4,534
SOUTHWESTERN POWER ADMINISTRATION		
Operation and maintenance:		
Operating expenses	3,814	3,814
Purchase power and wheeling	288	2,200
Program direction	17,933	17,933
Construction	6,031	6,031
Subtotal, Operation and maintenance	28,066	29,978
Offsetting collections		−1,912
Offsetting collections (Public Law 106–377)	−288	−288
Use of prior year balances	−400	−400
TOTAL, SOUTHWESTERN POWER ADMINISTRATION	27,378	27,378
WESTERN AREA POWER ADMINISTRATION		
Operation and maintenance:		
Construction and rehabilitation	17,784	17,784
System operation and maintenance	37,796	37,796
Purchase power and wheeling	30,000	186,124
Program direction	108,378	108,378
Utah mitigation and conservation		6,100
Subtotal, Operation and maintenance	193,958	356,182
Offsetting collections		−152,624
Offsetting collections (Public Law 106–377)	−30,000	−33,500
Use of prior year balances	−1,200	−1,200
TOTAL, WESTERN AREA POWER ADMINISTRATION	162,758	168,858
FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND		
Operation and maintenance	2,734	2,734
TOTAL, POWER MARKETING ADMINISTRATIONS	197,404	203,504
FEDERAL ENERGY REGULATORY COMMISSION		
Federal energy regulatory commission	192,000	192,000
FERC revenues	−192,000	−192,000
GRAND TOTAL, DEPARTMENT OF ENERGY	20,528,876	20,961,784

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

The following list of general provisions are recommended by the Committee. The recommendation includes several provisions which have been included in previous Energy and Water Development Appropriations Acts and new provisions as follows:

Language under section 301 prohibits the use of funds to award, amend or modify a contract in a manner that deviates from the Federal Acquisition Regulations unless on a case-by-case basis, a waiver is granted by the Secretary of Energy. Similar language was contained in last year's Energy and Water Development Act, Public Law 107–66.

Language is included under section 302 which prohibits the use of funds in this Act to develop or implement a workforce restructuring plan or enhanced severance payments and other benefits for Federal employees of the Department of Energy under section 3161 of the National Defense Authorization Act of Fiscal Year 1993, Public Law 484. A similar provision was contained in the Energy and Water Development Act, 2002, Public Law 107–66.

Language is included under section 303 which prohibits the use of funds for severance payments under the worker and community transition program.

Language is included under section 304 which prohibits the use of funds in this Act to initiate requests for proposals or expression of interest for new programs which have not yet been presented to Congress in the annual budget submission, and which have not yet been approved and funded by Congress. A similar provision was contained in the Energy and Water Development Act, 2002, Public Law 107–66.

Language is included under section 305 which permits the transfer and merger of unexpended balances of prior appropriations with appropriation accounts established in this bill. A similar provision was contained in the Energy and Water Development Act, 2002, Public Law 107–66.

Language is included under section 306 which provides that none of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or generated after such date. A similar provision was contained in the Energy and Water Development Act, 2002, Public Law 107–66.

Language is included under section 307 which provides that the Administrator of the National Nuclear Security Administration may authorize 2 percent of the amount allocated to a nuclear weapons production plant for the production plant to engage in research, development, and demonstration activities with respect to the Engineering and manufacturing capabilities of the plant in order to maintain and enhance such capabilities at the plant. A similar provision was contained in the Energy and Water Development Act, 2002, Public Law 107–66.

Language is included under section 308 which provides that the Administrator of the National Nuclear Security Administration may authorize 2 percent of the amount allocated for national security operations at the Nevada Test Site for investment in innovative research, development, and demonstration activities with respect to the development, test, and evaluation capabilities necessary for operations and readiness of the Nevada Test Site.

Language is included under section 309 which provides that funds appropriated in Public Law 107–066 for the Kachemak Bay submarine cable project may be available to reimburse the local sponsor for the Federal share of the project costs assumed by the local sponsor prior to final passage of that Act.

Language is included under section 310 which provides for the stay and reinstatement of Federal Energy Regulatory Commission license no. 11393.

Language is included under section 311 which limits the availability of environmental management cleanup reform funding for sites or laboratories except where the Department has entered into a final revised clean-up agreement and a final performance management plan for that site or laboratory.

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

Appropriations, 2002	$71,290,000
Budget estimate, 2003	66,290,000
Committee recommendation	74,400,000

The Appalachian Regional Commission (ARC) is a regional economic development agency established in 1965. It is composed of the Governors of the 13 Appalachian States and a Federal cochairman who is appointed by the President.

The Committee recommendation for the Appalachian Regional Commission totals $74,400,000, $8,000,000 more than the request.

The Committee recommendation includes $8,000,000 for the newly authorized telecommunications program within the ARC. This program will broaden the availability of advanced telecommunications services throughout Appalachia.

Consistent with the administration's budget request, the Committee recommendation does not include funding for ARC highways. Funding for ARC development highways is provided through the Highway Trust Fund in fiscal years 1999 through 2004 consistent with provision contained in the Intermodal Surface Transportation Efficiency Act.

The Committee recognizes the importance of trade and investment opportunities to the Appalachian region, and is encouraged by a preliminary trade report determining that Appalachian firms might find significant trade and investment opportunities, particularly in the energy, high technology, and transportation sectors, in the Republic of Turkey and the surrounding region. In this regard, the Committee supports the Appalachian-Turkish Trade Project (ATTP), a project to promote opportunities to expand trade, encourage business interests, stimulate foreign studies, and to build a lasting and mutually meaningful relationship between the Appalachian States and the Republic of Turkey, as well as the neighboring regions, such as Greece. The Committee commends the ARC for its leadership role in helping to implement the mission of the ATTP. The Committee expects the ARC to continue to be a prominent ATTP sponsor.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

Appropriations, 2002	$18,500,000
Budget estimate, 2003	19,000,000
Committee recommendation	19,000,000

An appropriation of $19,000,000, the amount of the request, is recommended for fiscal year 2003. This is the same as the budget request.

The Defense Nuclear Facilities Safety Board was created by the Fiscal Year 1989 National Defense Authorization Act. The Board, composed of five members appointed by the President, provides advice and recommendations to the Secretary of Energy regarding public health and safety issues at the Department's defense nuclear facilities. The Board is also responsible for investigating any event or practice at a defense nuclear facility which has or may adversely affect public health and safety. The Board is responsible for reviewing and evaluating the content and implementation of the standards relating to the design, construction, operation, and decommissioning of defense nuclear facilities of the Department of Energy.

DELTA REGIONAL AUTHORITY

Appropriations, 2002	$10,000,000
Budget estimate, 2003	10,000,000
Committee recommendation	15,000,000

The Delta Regional Authority (DRA), authorized by Public Law 106–554, was established to assist an eight-state, 236-county region of demonstrated distress in obtaining transportation and basic public infrastructure, skills training, and opportunities for economic development essential to strong local economies.

The Committee recommends an appropriation of $15,000,000 for the Delta Regional Authority. The recommended appropriations will be used to carry out the activities of Authority during fiscal year 2003.

DENALI COMMISSION

Appropriations, 2002	$38,000,000
Budget estimate, 2003	29,939,000
Committee recommendation	50,000,000

The Denali Commission is a regional economic development agency established in 1998 for the intended purpose of delivering basic utilities, including affordable power, and other essential infrastructure to the nation's most geographically isolated communities. The Committee is encouraged by the progress of the Denali Commission in assisting distressed communities throughout Alaska, and urges continued work among local and State agencies, non-profit organizations and other participants in meeting the most pressing infrastructure needs.

The Committee recommendation includes $50,000,000 for the Denali Commission.

From within those funds, $5,000,000 shall be made available for basic infrastructure and facilities for those communities without running water including Red Devil and Kaktovik; $10,000,000 for community facilities that can serve multiple purposes in villages such as Anaktuvuk Pass, Atqasuk, Brevig Mission, Elim, Gambell, Koyuk, Savoonga, St. Michael, Stebbins, Teller, Unalakleet, and Barrow. None of the funds may be used for clean-up of leaking fuel tanks.

The Committee recommendation also includes funding for the Pt. MacKenzie gas line extension, Nome power upgrades, Fire Island power upgrade, North Slope grid upgrade, Calista power generation, and the Parks Highway electric line extension. The Committee recommendation includes up to $1,000,000 to study the rural development opportunities, costs and logistics of shipping and marketing new domestic water supplies outside of Alaska.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

GROSS APPROPRIATION

Appropriations, 2002	$516,900,000
Budget estimate, 2003	578,184,000
Committee recommendation	578,184,000

REVENUES

Appropriations, 2002	$473,520,000
Budget estimate, 2003	492,545,000
Committee recommendation	520,087,000

NET APPROPRIATION

Appropriations, 2002	$79,380,000
Budget estimate, 2003	85,639,000
Committee recommendation	58,097,000

The Committee recommendation includes $578,174,000, the same amount as the request, for the Commission.

Nuclear energy received a strong endorsement in the National Energy Policy of May 2001 and serious industry interest has emerged in building a new generation of nuclear power plants in the United States to meet the Nation's electricity demands. Three nuclear utilities have announced intentions to submit early site permit applications to the Nuclear Regulatory Commission (NRC). Others are also expected to submit early site permit applications over the next few years. Industry has proposed a new risk-informed regulatory framework to license the next generation of plants. The framework would build on the successful structure of the revised reactor oversight process and be reactor design neutral. NRC should evaluate the merits of this approach and establish the new framework through rulemaking.

Because the NRC needs to ensure that its regulatory infrastructure can be responsive to these new applications, some of which may involve new technologies not previously licensed by the NRC, the Committee provided $10,000,000 in additional budget authority to the NRC for fiscal year 2002 so that it can adequately prepare for and respond to these new reactor initiatives without jeopardizing the safety of operating facilities and without impeding ongoing initiatives on license renewals, power uprates, and moving toward a more risk-informed regulatory environment. While the Committee expects the NRC to continue to support these important national initiatives in fiscal year 2003, funds for maintaining these programs should be realized through implementing internal efficiencies in the NRC.

Recognizing the impact of September 11 on NRC's safeguards mission, an additional $36,000,000 was added to the NRC budget authority for fiscal year 2002. The Committee recognizes that these funds were used to strengthen the NRC's ability to respond to terrorist threats and to assess and enhance security requirements at nuclear facilities. The Committee understands that work is well underway with orders issued to all operating and decommissioned commercial nuclear energy plants. Looking to fiscal year 2003, the focus of security will begin to shift from strengthening security regulations and the response capability of the NRC to the implementation of required enhancements by the licensee. The Committee expects that the funds for oversight of these licensee programs should be realized through implementing internal efficiencies in the NRC.

The Committee recommendation for the NRC is $578,184,000. This amount is offset by estimated revenues of $520,087,000 resulting in a net appropriation of $58,097,000.

Fee Recovery.—Pursuant to the agreement reached in fiscal year 2001, the NRC is required to recover 94 percent of its budget authority, less the appropriation from the Nuclear Waste Fund, by assessing license and annual fees.

Reports.—The Committee directs the Commission to continue to provide monthly reports on the status of its licensing and other regulatory activities. In addition, continued congressional oversight is necessary to ensure the NRC streamlines its business processes to improve regulatory efficiency while reducing unnecessary burden on licensees. NRC should report to the Congress by March 31, 2003, on efficiencies gained through implementation of the reactor oversight process. NRC should report to the Congress by June 30, 2003, on regulatory efficiencies that would be gained by consolidating or eliminating regional offices.

OFFICE OF INSPECTOR GENERAL

GROSS APPROPRIATION

Appropriations, 2002	$6,180,000
Budget estimate, 2003	6,800,000
Committee recommendation	6,800,000

REVENUES

Appropriations, 2002	$5,933,000
Budget estimate, 2003	6,392,000
Committee recommendation	6,392,000

This appropriation provides for the Office of Inspector General of the Nuclear Regulatory Commission. The Committee recommends an appropriation of $6,800,000 for fiscal year 2003.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Appropriations, 2002	$3,100,000
Budget estimate, 2003	3,102,000
Committee recommendation	3,200,000

The Committee recommends an appropriation of $3,200,000 for the Nuclear Waste Technical Review Board. The Nuclear Waste Policy Amendments Act of 1987 directed the Board to evaluate the technical and scientific validity of the activities of the Department of Energy's nuclear waste disposal program. The Board must report its findings not less than two times a year to the Congress and the Secretary of Energy.

TITLE V—GENERAL PROVISIONS

The following list of general provisions are recommended by the Committee. The recommendation includes several provisions which have been included in previous Energy and Water Development Appropriations Acts:

Language is included under section 501 which provides that none of the funds appropriated in this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of Title 18, United States Code. A similar provision was contained in the Energy and Water Development Act, 2000, Public Law 106–60.

Language is included under section 502 which requires that American-made equipment and goods be purchased to the greatest extent practicable. A similar provision was contained in the Energy and Water Development Act, 2000, Public Law 106–60.

Language is included under section 503 which extends the existing authority for the Denali Commission.

COMPLIANCE WITH PARAGRAPH 7, RULE XVI, OF THE STANDING RULES OF THE SENATE

Paragraph 7 of rule XVI requires that Committee reports on general appropriations bills identify each Committee amendment to the House bill ''which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.''

The recommended appropriations in title III, Department of Energy, generally are subject to annual authorization. However, the Congress has not enacted an annual Department of Energy authorization bill for several years, with the exception of the programs funded within the atomic energy defense activities which are authorized in annual defense authorization acts. The authorization for the atomic energy defense activities, contained in the National Defense Authorization Act of Fiscal Year 2003, is currently being considered by the Senate.

Also, contained in title III, Department of Energy, in connection with the appropriation under the heading ''Nuclear Waste Disposal Fund,'' the recommended item of appropriation is brought to the attention of the Senate.

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI, OF THE STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include ''(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee.''

In compliance with this rule, changes in existing law proposed to be made by the bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is printed in italic; and existing law in which no change is proposed is shown in roman.

With respect to this bill, it is the opinion of the Committee that it is necessary to dispense with these requirements in order to expedite the business of the Senate.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 Pappropriation	Budget estimate
TITLE I—DEPARTMENT OF DEFENSE—CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers—Civil					
General investigations	154,350	102,483	148,304	−6,046	+45,821
Construction, general	1,715,951	1,415,612	1,636,602	−79,349	+220,990
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	345,992	280,671	346,437	+445	+65,766
Operation and maintenance, general	1,874,803	1,913,760	1,956,182	+81,379	+42,422
Emergency appropriations (Public Law 107–117)	139,000			−139,000	
Regular appropriations (Public Law 107–206)	32,000			−32,000	
Regulatory program	127,000	144,252	144,252	+17,252	
FUSRAP	140,000	140,298	140,298	+298	
Flood control and coastal emergencies		20,227	20,227	+20,227	
Rescission	−25,000			+25,000	
General expenses	153,000	155,651	155,651	+2,651	
Total, title I, Department of Defense—Civil	4,657,096	4,172,954	4,547,953	−109,143	+374,999
TITLE II—DEPARTMENT OF THE INTERIOR					
Central Utah Project Completion Account					
Central Utah project construction	24,169	23,643	23,643	−526	
Fish, wildlife, and recreation mitigation and conservation	10,749	11,259	11,259	+510	
Subtotal	34,918	34,902	34,902	−16	
Program oversight and administration	1,310	1,326	1,326	+16	
Total, Central Utah project completion account	36,228	36,228	36,228		
Bureau of Reclamation					
Water and related resources	762,531	726,147	816,147	+53,616	+90,000
Emergency appropriations (Public Law 107–117)	30,259			−30,259	
Regular appropriations (Public Law 107–206)	7,000			−7,000	
Loan program	7,495			−7,495	
(Limitation on direct loans)	(26,000)			(−26,000)	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 Pappropriation	Budget estimate
Central Valley project restoration fund	55,039	48,904	48,904	−6,135	
California Bay-Delta restoration		15,000			−15,000
Policy and administration	52,968	54,870	54,870	+1,902	
Total, Bureau of Reclamation	915,292	844,921	919,921	+4,629	+75,000
Total, title II, Department of the Interior	951,520	881,149	956,149	+4,629	+75,000
TITLE III—DEPARTMENT OF ENERGY					
Energy supply	666,726	693,934	815,306	+148,580	+121,372
Non-defense environmental management	236,372	166,000	176,000	−60,372	+10,000
Uranium facilities maintenance and remediation	418,425	382,154	471,154	+52,729	+89,000
Science	3,233,100	3,279,456	3,329,456	+96,356	+50,000
Nuclear Waste Disposal	95,000	275,802	56,000	−39,000	−219,802
Departmental administration	210,853	299,220	235,000	+24,147	−64,220
Miscellaneous revenues	−137,810	−137,524	−137,524	+286	
Net appropriation	73,043	161,696	97,476	+24,433	−64,220
Office of the Inspector General	32,430	37,671	37,671	+5,241	
Environmental restoration and waste management:					
Defense function	(6,473,651)	(6,893,846)	(6,654,245)	(+180,594)	(−239,601)
Non-defense function	(654,797)	(548,154)	(647,154)	(−7,643)	(+99,000)
Total	(7,128,448)	(7,442,000)	(7,301,399)	(+172,951)	(−140,601)
Atomic Energy Defense Activities					
National Nuclear Security Administration:					
Weapons activities	5,429,238	5,867,000	6,108,959	+679,721	+241,959
Emergency appropriations (Public Law 107–117)	131,000			−131,000	
Emergency appropriations (Public Law 107–206)	19,400			−19,400	
Rescission (Public Law 107–206)	−14,460			+14,460	
Defense nuclear nonproliferation	803,586	1,113,630	1,115,630	+312,044	+2,000
Emergency appropriations (Public Law 107–117)	226,000			−226,000	
Regular appropriations (Public Law 107–206)	100,000			−100,000	
Naval reactors	688,045	706,790	706,790	+18,745	
Office of the Administrator	312,596	335,929	335,929	+23,333	
Subtotal, National Nuclear Security Administration	7,695,405	8,023,349	8,267,308	+571,903	+243,959
Defense environmental restoration and waste management	5,234,576	4,544,133	5,370,532	+135,956	+826,399
Emergency appropriations (Public Law 107–117)	8,200			−8,200	
Rescission (Public Law 107–206)	−15,540			+15,540	
Defense environmental management cleanup reform		1,100,000			−1,100,000
Defense facilities closure projects	1,092,878	1,091,314	1,125,314	+32,436	+34,000
Defense environmental management privatization	153,537	158,399	158,399	+4,862	
Subtotal, Defense environmental management	6,473,651	6,893,846	6,654,245	+180,594	−239,601
Other defense activities	544,044	468,664	537,664	−6,380	+69,000
Emergency appropriations (Public Law 107–117)	3,500			−3,500	
Emergency appropriations (Public Law 107–206)	7,000			−7,000	
Defense nuclear waste disposal	280,000	315,000	280,000		−35,000
Total, Atomic Energy Defense Activities	15,003,600	15,700,859	15,739,217	+735,617	+38,358
Power Marketing Administrations					
Operation and maintenance, Southeastern Power Administration	4,891	4,534	4,534	−357	
Operation and maintenance, Southwestern Power Administration	28,038	27,378	27,378	−660	
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	171,938	162,758	168,858	−3,080	+6,100
Falcon and Amistad operating and maintenance fund	2,663	2,734	2,734	+71	
Total, Power Marketing Administrations	207,530	197,404	203,504	−4,026	+6,100
Federal Energy Regulatory Commission					
Salaries and expenses	184,155	192,000	192,000	+7,845	
Revenues applied	−184,155	−192,000	−192,000	−7,845	
Total, title III, Department of Energy	19,966,226	20,894,976	20,925,784	+959,558	+30,808
TITLE IV—INDEPENDENT AGENCIES					
Appalachian Regional Commission	71,290	66,290	74,400	+3,110	+8,110
Defense Nuclear Facilities Safety Board	18,500	19,000	19,000	+500	
Delta Regional Authority	10,000	10,000	15,000	+5,000	+5,000
Denali Commission	38,000	29,939	50,000	+12,000	+20,061
Nuclear Regulatory Commission:					
Salaries and expenses	516,900	578,184	578,184	+61,284	
Emergency appropriations (Public Law 107–117)	36,000			−36,000	
Revenues	−473,520	−492,545	−520,087	−46,567	−27,542
Subtotal	79,380	85,639	58,097	−21,283	−27,542
Office of Inspector General	6,180	6,800	6,800	+620	
Revenues	−5,933	−6,392	−6,392	−459	
Subtotal	247	408	408	+161	
Total, Nuclear Regulatory Commission	79,627	86,047	58,505	−21,122	−27,542
Nuclear Waste Technical Review Board	3,100	3,102	3,200	+100	+98
Total, title IV, Independent agencies	220,517	214,378	220,105	−412	+5,727
Grand total:					
New budget (obligational) authority	25,795,359	26,163,457	26,649,991	+854,632	+486,534
Appropriations	(25,250,000)	(26,163,457)	(26,649,991)	(+1,399,991)	(+486,534)
Emergency appropriations	(600,359)			(−600,359)	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 Pappropriation	Budget estimate
Rescissions	(−55,000)			(+55,000)	

[COMMITTEE PRINT]

[NOTICE: This is a draft for use of the Committee and its staff only, in preparation for markup.]

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATION BILL, 2003

JANUARY ____, 2003.—Ordered to be printed

Mr. MCCONNELL, from the Committee on Appropriations, submitted the following

REPORT

[To accompany S. 0000]

The Committee on Appropriations reports the bill (S. 0000) making appropriations for Foreign Operations and related programs for the fiscal year ending September 30, 2003, and for other purposes, reports favorably thereon and recommends that the bill do pass.

Amounts in new budget authority

Fiscal year 2002 appropriations	$16,367,780,000
Fiscal year 2003 budget estimate	16,515,932,000
Amount of bill as reported to Senate	16,294,514,000
Bill as recommended to Senate compared to:	
2002 appropriations	−73,266,000
Budget estimate	−221,418,000

SUMMARY TABLE: AMOUNTS IN NEW BUDGET AUTHORITY

Item	Budget request	Committee recommendation	Committee recommendation compared with budget estimate increase (+) or decrease (−)
Export Assistance	$399,281,000	$399,281,000	
Bilateral Economic Assistance	10,050,704,000	10,079,111,000	+$28,407,000
Military Assistance	4,295,450,000	4,272,025,000	−23,425,000
Multilateral Assistance	1,747,497,000	1,544,097,000	−203,400,000

INTRODUCTION

In fiscal year 2002, the Committee appropriated $16,367,780,000 for foreign operations and related programs, including supplemental appropriations. This year, the Committee has provided $16,294,514,000, of which $16,249,314,000 is for discretionary spending and $45,200,000 is for mandatory spending.

ACCRUAL FUNDING OF RETIREMENT COSTS AND POST-RETIREMENT HEALTH BENEFITS

The President's Budget included a legislative proposal under the jurisdiction of the Senate Committee on Governmental Affairs to charge to individual agencies, starting in fiscal year 2003, the fully accrued costs related to retirement benefits of Civil Service Retirement System employees and retiree health benefits for all civilian employees. The Budget also requested an additional dollar amount in each affected discretionary account to cover these accrued costs.

The authorizing committee has not acted on this legislation, therefore the Senate Appropriations Committee has reduced the dollar amounts of the President's request shown in the ''Comparative Statement of New Budget Authority Request and Amounts Recommended in the Bill'', as well as in other tables in this report, to exclude the accrual funding proposal.

The Committee further notes that administration proposals requiring legislative action by the authorizing committees of Congress are customarily submitted in the budget as separate schedules apart from the regular appropriations requests. Should such a proposal be enacted, a budget amendment formally modifying the President's appropriation request for discretionary funding is subsequently transmitted to the Congress.

The Senate Appropriations Committee joins with the House Appropriations Committee in raising concern that this practice, which has always worked effectively for both Congress and past administrations, was not followed for the accrual funding proposal. In this case, the Office of Management and Budget (OMB) decided to include accrual amounts in the original discretionary appropriations language request. These amounts are based on legislation that has yet to be considered and approved by the appropriate committees of Congress. This led to numerous misunderstandings both inside and outside of Congress of what was the ''true'' President's budget request. The Committee believes that, in the future, OMB should follow long-established procedures with respect to discretionary spending proposals that require legislative action.

TITLE I

EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

Appropriations, 2002	$727,323,000
Budget estimate, 2003	541,400,000
Committee recommendation	541,400,000

ADMINISTRATIVE EXPENSES

Appropriations, 2002	$63,000,000
Budget estimate, 2003	68,300,000
Committee recommendation	68,300,000

The Committee provides $541,400,000 for a subsidy appropriation for the Export-Import Bank. This is the same as the request and $185,923,000 below the fiscal year 2002 level. Because of a reassessment of international lending risk, the fiscal year 2003 appropriation will allow the Export-Import Bank to support approximately an additional $1,000,000,000 in exports over the fiscal year 2002 level. The Committee provides $68,300,000 for administrative expenses, which is equal to the request and $5,300,000 above the fiscal year 2002 level.

The Committee directs the Export-Import Bank, no later than 120 days after enactment of this Act, to report to the Committee on Appropriations the number of employees for which it utilizes the authority provided in this Act that permits the Bank to nothwithstand subsection (b) of section 117 of the Export Enhancement Act of 1992. This report is to include the positions, job descriptions, and salaries, including consulting fees, of the individuals for which this authority is exercised. The Committee has extended dual use authority for the Export-Import Bank through September 30, 2003.

OVERSEAS PRIVATE INVESTMENT CORPORATION

SUBSIDY APPROPRIATION

DIRECT LOANS

Appropriations, 2002	
Budget estimate, 2003	$24,000,000
Committee recommendation	24,000,000

The Committee provides a subsidy appropriation for the Overseas Private Investment Corporation (OPIC) for direct and guaranteed loan credit programs of $24,000,000, which is equal to the budget request. In fiscal year 2002, no money was provided for a subsidy appropriation, as $24,000,000 in carryover was available for use.

ADMINISTRATIVE EXPENSES

Appropriations, 2002	$38,608,000
Budget estimate, 2003	39,885,000
Committee recommendation	39,885,000

The Committee includes $39,885,000 for administrative expenses. This level is equal to the administration's budget request.

TRADE AND DEVELOPMENT AGENCY

Appropriations, 2002	$50,024,000
Budget estimate, 2003	44,696,000
Committee recommendation	44,696,000

The Committee provides $44,696,000 for the Trade and Development Agency (TDA). This amount is $5,328,000 below the fiscal year 2002 level and equal to the request.

TITLE II

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Appropriations, 2002	$3,626,880,000
Budget estimate, 2003	3,932,924,000
Committee recommendation	4,222,424,000

The amounts listed in the above table for fiscal year 2002 appropriations, the fiscal year 2003 budget estimate and the Committee recommendation, include funds appropriated or requested under child survival and health programs, development assistance, USAID operating expenses, USAID Inspector General operating expenses, mandatory retirement expenses, international disaster assistance, transition initiatives and credit programs.

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

Appropriations, 2002	$1,433,500,000
Budget estimate, 2003	
Committee recommendation	1,790,000,000

The Committee provides $1,790,000,000 for the Child Survival and Health Programs Fund of which $350,000,000 is for child survival and maternal health. These funds are available for programs and activities to reduce child mortality and morbidity, combat infectious diseases including HIV/AIDS, and address a wide range of other public health problems around the world. The Committee reiterates its strong support for a comprehensive approach to global health, with an emphasis on building local capacity in developing countries to conduct effective surveillance and deliver basic health services.

After several years of discussions, the Committee believed that the administration would request, and Congress would appropriate, funds managed by USAID in two separate accounts, Child Survival and Health Programs Fund and Development Assistance. While recognizing that there are some shortcomings with this approach, the Committee has continued to appropriate funds in both accounts in order to maintain more effective oversight and accounting of funds.

HIV/AIDS

It is widely recognized that the HIV/AIDS pandemic poses the gravest threat to global health. For reasons expressed in prior reports, the Committee believes that the response of the international community to this crisis has been woefully inadequate.

For fiscal year 2003, the Committee provides a total of $791,500,000 for programs to combat HIV/AIDS. Of this amount, $741,500,000 is from the Child Survival and Health Programs Fund and $50,000,000 is from the Economic Support Fund (ESF), Assistance for Eastern Europe and the Baltic States (SEED), and Assistance for the Independent States of the Former Soviet Union (FSU) accounts. Of the amount provided under the Child Survival and Health Programs Fund, $200,000,000 is for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria.

The Committee notes the administration's September 3, 2002 request for an additional $100,000,000 for the International Mother and Child HIV Prevention Initiative, and provides $100,000,000 for this purpose. The Committee looks forward to working with the administration during the 2004 budget cycle to ensure that this program receives the proper attention it deserves.

The Committee believes that the first priority for HIV/AIDS funds should be to support HIV/AIDS prevention programs, to reduce the number of new infections and save lives. However, the Committee believes that USAID needs to devote significantly more resources to treatment programs (including programs to facilitate access by infected persons to anti-retroviral drugs) which have also been shown to be important in preventing the spread of HIV. The Committee is aware of the concern that some HIV/AIDS affected countries, especially those in sub-Saharan Africa, lack the capacity to effectively use additional funds for the prevention and treatment of HIV/AIDS. The Committee believes that where local capacity is lacking, USAID should urgently target resources to build that capacity.

The Committee believes strongly that the magnitude of the HIV/AIDS crisis requires that USAID pursue all available options and authorities to ensure the most cost-effective utilization of available resources to produce the greatest possible impact in stemming the pandemic.

Media Training.—The Committee believes that more education about the causes, effects, and treatment of HIV/AIDS is needed in many areas, especially sub-Saharan Africa and southeast Asia. One promising way to increase knowledge about the disease is through a program started in fiscal year 2002 to promote accurate and unbiased media reporting on the prevention of HIV/AIDS and the care of people suffering from the disease. The Committee recommends that these efforts be expanded and that USAID make available at least $2,000,000 in fiscal year 2003.

UNAIDS.—The Committee supports the work of UNAIDS, which plays a key coordination role in the global effort to design national AIDS plans, expand access to HIV drugs, set standards for vaccine trials, and collect data that is critical in combating the HIV/AIDS pandemic.

Microbicides.—The Committee provides not less than $18,000,000 to support the development of microbicides as a means of combating HIV/AIDS. The Committee recognizes the urgent public health need to develop new HIV prevention options and the emerging scientific opportunities in the field. The Committee supports USAID's research in this area and urges the Office of HIV/AIDS, in conjunction with other USAID offices and appropriate Federal agencies, to fully implement USAID's comprehensive strategy to support the development and use of microbicides.

Safe Blood.—The Committee encourages USAID to support the efforts of Safe Blood for Africa, which assists African nations through training and technical assistance, to develop systems to ensure that blood supplies are screened for HIV/AIDS and other communicable diseases.

Lott Carey International.—The Committee recognizes Lott Carey International's (LCI) work to establish programs to help mitigate the devastation caused by HIV/AIDS in Africa and the Carribean, including education, building health care infrastructure, and caring for orphans, widows, and other family members affected by HIV/AIDS. The Committee urges USAID to seriously consider supporting proposals from LCI.

Enhanced Testing.—The Committee believes that USAID should support wider use of new methods of testing for HIV/AIDS that improve the accuracy and timeliness of the results.

Mother to Child Transmission.—The Committee continues to strongly support additional assistance for programs to prevent HIV/AIDS transmission from mother-to-child.

Nurse Training.—The Committee continues to support training for nurses to cope with the HIV/AIDS crisis in sub-Saharan Africa. Because of the acute shortage of African doctors, nurses are often the first and only contact that people have with the health care system.

OTHER INFECTIOUS DISEASES

The Committee provides $185,000,000 for programs to combat other infectious diseases, to strengthen disease surveillance, and to reduce anti-microbial resistance in developing countries. This is the 6th year of a congressional initiative begun in fiscal year 1998, which has resulted in additional appropriations of over $400,000,000 for these activities.

Tuberculosis.—The Committee recommends not less than $75,000,000 to combat tuberculosis (TB), including at least $65,000,000 from the Child Survival and Health Programs Fund and at least $10,000,000 from the ESF, SEED, and FSU accounts. The Committee expects funds for TB from the ESF, SEED, and FSU accounts to be obligated and disbursed rapidly. The Committee supports DOTS TB programs and other multilateral efforts, including the Global Fund to Combat TB.

Malaria.—The Committee recommends not less than $75,000,000 from the Child Survival and Health Programs Fund for programs to combat malaria, a debilitating disease that afflicts an estimated 500 million people each year, of whom one million die, mostly African children. The Committee is aware of Medicines for Malaria Venture, a public-private partnership to develop new anti-malaria drugs, which are urgently needed. The Committee recommends that USAID provide direct support to this initiative. The Committee also supports the Centers for Disease Control program of malaria research centers, which are an important part of international efforts to combat malaria. The Committee also recommends that USAID allocate approximately 10 percent of its funding for malaria programs to vaccine research and development, including for the Malaria Vaccine Initiative.

UNITED NATIONS CHILDREN'S FUND (UNICEF)

The Committee supports efforts to reach the child survival goals set by the World Summit for Children. In order to implement these goals, the Committee provides $120,000,000 from under the Child Survival and Health Programs Fund for a contribution to UNICEF. This does not preclude USAID from providing additional funding for specific UNICEF projects as may be appropriate.

IMMUNIZATIONS

The Committee is aware that at least 3 million children die each year because they do not receive life-saving immunizations. Last year, Congress provided funding for The Vaccine Fund, which supports the international, public and private partnership recommendations of the Global Alliance for Vaccines and Immunization. The Committee strongly supports continued funding for this program and recommends up to $60,000,000 for The Vaccine Fund in fiscal year 2003.

IODINE DEFICIENCY DISORDERS

The Committee is aware that iodine deficiency disorder (IDD) is the leading preventable cause of mental retardation in children.

Problems associated with IDD are particularly of concern in Africa, south Asia, the former Soviet republics and southeast Europe. Private funding raised by Kiwanis International and implemented by UNICEF is helping to prevent the mental retardation of millions of children each year. In order to help meet the IDD goals, the Committee recommends that USAID provide a total of at least $2,250,000 from the Child Survival and Health Programs Fund, and $1,000,000 from the FSU and SEED accounts for the Kiwanis/UNICEF IDD partnership program.

VITAMIN A AND OTHER MICRONUTRIENTS

The Committee supports increased funding for the vitamin A deficiency program. Vitamin A is a low cost solution to easily preventable diseases and blindness. Like last year, the Committee recommends at least $30,000,000 for the overall USAID micronutrient program, of which at least $20,000,000 should be for programs related to vitamin A deficiency.

POLIO ERADICATION

The Committee again recommends $30,000,000 for the multilateral effort to eradicate polio, an extraordinary public-private effort which is in its final years of completion.

BLIND CHILDREN

The Committee recognizes the work being done by Helen Keller Worldwide, the International Eye Foundation, and other organizations to assist blind children in developing countries with simple and inexpensive methods of prevention and treatment. The Committee recommends that $1,500,000 be made available for such programs in fiscal year 2003.

DISPLACED CHILDREN AND ORPHANS FUND

The Committee recommends $12,000,000 for the Displaced Children and Orphans Fund, which is in addition to other funding for HIV/AIDS orphans. The Committee has again provided authority to use up to $32,500 in program funds for displaced and orphaned children and victims of war, to enable the USAID office responsible for the design and management of these programs to monitor and oversee their implementation. USAID is also encouraged to use other operating expense funds, as necessary, to further the effectiveness of the oversight of these programs.

FAMILY PLANNING/REPRODUCTIVE HEALTH

The Committee provides a total of $425,000,000 for family planning/reproductive health programs, of which $368,500,000 is made available under the Child Survival and Health Programs Fund.

The Committee is aware that unchecked population growth is a major cause of environmental degradation, and expects USAID to develop performance goals and indicators which promote cross-sectoral collaboration on community-based, population-health-environment programs, and to consult with the Committee regarding these goals and indicators.

The Committee supports organizations such as the Population Media Center, which promotes the use of mass media to educate people in developing countries about the personal benefits of family planning, encourage the use of effective measures to prevent transmission of HIV, and adopt other health measures.

MATERNAL HEALTH

The Committee is aware that pregnancy-related deaths exceed 600,000 annually, most of which are preventable. The Committee believes that far more should be done to address this urgent need, and recommends $75,000,000 for maternal health activities and that additional funding be made available specifically to reduce pregnancy-related deaths.

HEALTH CARE INFRASTRUCTURE

The Committee recognizes the work of the Jeffrey Modell Foundation, which has established programs aimed at combating primary immunodeficiencies. The Committee recommends that USAID support the Jeffrey Modell Foundation's efforts in Central and Latin America.

The Committee also notes the public health work of Esperanca in impoverished communities in Latin America and encourages ongoing support for these activities.

PROGRAMS FOR PEOPLE WITH DISABILITIES

The Committee strongly supports efforts to address the needs of people suffering from physical and mental disabilities in developing countries. The Committee regards this as a health issue as well as a social and economic development issue.

The Committee endorses efforts in developing countries to produce wheelchairs and artificial limbs for the disabled, who are often unable to become productive members of society due to discrimination and a lack of mobility. The Committee supports the innovative wheelchair design, seating and use approaches of Motivation, which has worked to build the capacity of local partners in many needed countries.

The Committee also strongly supports Special Olympics, which has programs in several countries for children with mental disabilities who are often locked away in filthy facilities where they receive little or no care. The Committee recognizes that these programs can significantly improve the health and hygiene of these children, as well as enhance their self esteem and strengthen their families and communities. The Committee recommends that USAID, as part of a comprehensive strategy to improve the lives of disabled children in developing countries, provide $3,000,000 to Special Olympics for the expansion of its overseas programs.

The Committee recognizes the work of Mobility International/USA and believes that USAID and the State Department should seriously consider providing $300,000 to expand Mobility International/USA's professional exchange and other overseas programs. The Committee believes the State Department, USAID, and other U.S. Government entities should undertake additional efforts to promote equal opportunity for people with disabilities. The Committee continues to support efforts to help those in developing countries who have been disabled by a variety of causes.

The Committee strongly supports The Wheelchair Foundation, which provides assistance for needy children and adults in developing countries who have lost limbs or are otherwise disabled. The Committee is encouraged by the administration's public/private campaign for volunteer and assistance efforts, and has provided $10,000,000 in Economic Support Fund assistance for the Foundation, to be made available on a matching dollar for dollar basis.

The Committee supports the efforts of the Polus Center in Nicaragua to develop a mobility and social access project for individuals who have lost limbs from acts of war, landmines or diseases.

LEAD-FREE CERAMICS

The Committee is aware of an initiative by Aid To Artisans, an organization that provides technical and marketing assistance to artisans in developing countries, to promote the use of lead-free pottery glazes in Mexico. The use of lead glazes poses serious health risks for people in many countries, and also inhibits the marketability of ceramic products. The Committee believes that this initiative has the potential to improve the health and welfare of millions of people in Mexico and elsewhere, and urges USAID to support it.

DEVELOPMENT ASSISTANCE

Appropriations, 2002	$1,178,000,000
Budget estimate, 2003	2,839,500,000
Committee recommendation	1,365,500,000

The Development Assistance account consists of a wide range of poverty-reduction and long-term development activities including democracy and the rule of law, free market development, agriculture and rural development, urban programs, environment and energy, basic education, and micro-credit.

GLOBAL DEVELOPMENT ALLIANCE

The Committee supports, in principle, USAID's Global Development Alliance (GDA), to promote public-private partnerships in international development. However, the Committee has yet to receive sufficient information on this initiative, and has therefore provided that funds for the GDA Secretariat in fiscal year 2003 are subject to the regular notification procedures of the Committees on Appropriations.

The Committee encourages USAID to consider using GDA funds to build and support schools and other educational institutions in developing countries. These projects should be focused on designing and promoting tolerant, secular education curricula in countries where the needs for basic education and increased understanding of democratic values are most acute.

WOMEN IN DEVELOPMENT

The Committee recommends $15,000,000 in fiscal year 2003 for USAID's Office of Women in Development (WID). In addition to providing adequate funding, the Committee expects the Administrator of USAID to strengthen the WID Office. The Office continues to play a key role in integrating gender perspectives into USAID's programs and policies, and providing technical support, research and implementation of initiatives focused on women's economic status and legal rights, and girls' education.

The Committee strongly supports the mission of Women's Campaign International (WCI), which works to enhance the status of women through media, leadership, business, organizational, and public-service training in developing countries. The Committee recommends at least $600,000 for WCI in fiscal year 2003.

CHILDREN'S BASIC EDUCATION

Educating children in developing countries is fundamental to long term development. The Committee believes that USAID should significantly broaden its support for these activities, and provides $200,000,000 for children's basic education in fiscal year 2003. The Committee expects USAID to emphasize programs that expand access and quality of education for girls, enhance community and parental participation in schools, improve teacher training, and build local management capacity. USAID should ensure that it has sufficient education specialists to manage this increased emphasis on basic education.

The Committee supports the work of Schools, a private voluntary initiative to

build primary schools at low cost in developing countries.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

The Committee continues to recognize the important contributions made to U.S. foreign policy by institutions funded by the American Schools and Hospitals Abroad (ASHA) program, and provides that not less than $19,000,000 should be made available to support these institutions in fiscal year 2003. The Committee, once again, expects USAID to allocate sufficient sums to administer the ASHA program from funds provided for Operating Expenses, so it will not be necessary to expend any program funds for administrative purposes.

Although the Committee understands that ASHA funds are available for a variety of purposes, such as construction and equipment, libraries, computer technology, curriculum and staff support, and related expenses, the Committee reaffirms its intention that this assistance is not to be presumed to offer permanent budget support to ASHA recipients. The Committee strongly encourages ASHA to give priority to organizations which demonstrate a commitment to private fundraising to match government support.

By increasing ASHA funding above the fiscal year 2002 level, the Committee intends to ensure that support is provided to institutions that are effective demonstration centers of American educational and medical practices. The Committee continues to be impressed with the contributions to United States interests made by several institutions and believes that they warrant further support, including Lebanese American University, International College; The Johns Hopkins University's Centers in Nanjing, China and Bologna, Italy; the Center for American Studies at Fudan University, Shanghai; the Hadassah Medical Organization; the American University of Beirut; the American University of Cairo; and the Feinberg Graduate School of the Weizmann Institute of Science.

VICTIMS OF TORTURE

The Committee recommends that USAID provide up to $10,000,000 in fiscal year 2003 for programs and activities to assist victims of torture, including for centers for victims of torture that provide services consistent with the goals of the Torture Victims Relief Reauthorization Act of 1999.

PATRICK LEAHY WAR VICTIMS FUND

The Committee continues to strongly support the Leahy War Victims Fund, which, since 1989, has provided essential orthopedic and related medical, surgical, and rehabilitation assistance for civilians who are disabled as a direct or indirect result of civil strife or armed conflict. In addition to enabling amputees and other people with disabilities to regain mobility, the Committee supports USAID's efforts to increase their accessibility to mainstream educational, recreational and economic opportunities. The Committee expects USAID to provide $12,000,000 for this program in fiscal year 2003.

The Committee is concerned with Afghans civilians who have suffered serious injuries as a result of the military operations, and recommends that the Fund, or other assistance in the Act that is available for Afghanistan, be used to provide rehabilitation and related assistance to these people.

The Committee continues to encourage the Fund to increase its support for initiatives in conflict-affected countries that will lead to appropriate disability laws and policies, and improvements in and the expansion of appropriate services and programs that are needed by people with conflict-related, physical disabilities.

The Committee again expresses its appreciation to the USAID employees who manage this program, and who have earned the respect of disability experts around the world.

SPORTS PROGRAMS

The Committee is aware of the intrinsic value of sports in enhancing child health and development and building communities. Olympic Aid is an athlete-driven, non-profit organization using sport and recreation to achieve these goals with programs in Afghanistan, Nepal, the Democratic Republic of Timor-Leste, and several African countries. The Committee encourages USAID and the State Department to provide up to $2,000,000 to support Olympic Aid's programs.

COOPERATIVE ASSOCIATION FOR STATES FOR SCHOLARSHIPS

The Committee supports the work of the Cooperative Association for States for Scholarships and expects USAID to continue funding this program.

URBAN DEVELOPMENT

The Committee is aware that urban populations in developing countries are growing at a tremendous rate, and is concerned that, despite this trend and the immense social and economic problems it poses, funding for USAID urban programs and associated technical staff have been declining. The Committee strongly recommends that additional funds be provided to USAID's Urban Programs Office to enhance these increasingly important programs.

The Committee strongly supports the work of the Institute for Liberty and Democracy (ILD), which has successfully implemented a number of economic growth and poverty reduction programs in developing countries. The Committee endorses the House report language on the ILD and looks forward to recommending a final funding level in the statement of managers accompanying the conference report that exceeds the level recommended in the House report.

DEVELOPMENT AWARENESS

The Committee endorses Operation Day's Work/USA, which enables interested students to study selected countries and raise funds for basic development activities. The Committee expects USAID to continue to provide funding to expand this program.

COMMERCIAL DEVELOPMENT PROGRAMS

The Committee strongly supports microcredit programs for very poor people and funding for other micro-credit activities, and recommends USAID provide at least $175,000,000 for these and other micro-credit activities. The Committee supports the development of poverty measurements, and recommends that at least half of these resources be targeted to the world's poorest people. The Committee also encourages USAID to begin a micro-credit program in Afghanistan as soon as practicable. The Committee recognizes the positive impact that microcredit programs have on the lives of women around the world.

The Committee continues to strongly support the volunteer activities of the International Executive Service Corps (IESC), and believes that USAID has underutilized the IESC's capacity to promote economic growth by assisting small and medium sized companies. The Committee believes that aggressive use of volunteer organizations such as IESC produces positive results in development programs abroad, and shares the administration's support for greater volunteerism in America. The Committee expects USAID to significantly increase funding to IESC.

The Committee recognizes the important role that U.S. credit unions and cooperatives can play in overseas programs. The Committee recommends $8,000,000 for the Office of Private Voluntary Cooperation for cooperative development organizations, in order to enhance their technical capacities and build business alliances for overseas activities with U.S. cooperatives.

The Committee is aware of the efforts of the World Council of Credit Unions to further develop credit union systems in South Africa and Mexico in order to promote free-market principles and increase the ability of poor people to access credit and other banking services. The Committee recommends up to $2,000,000 for this initiative.

The Committee provides $1,000,000 for the U.S. Telecommunications Training Institute (USTTI). USTTI is a nonprofit joint venture between the public and private sectors dedicated to providing tuition free communications and broadcast training to professionals from around the world.

AGRICULTURE DEVELOPMENT PROGRAMS

The Committee supports USAID's renewed emphasis on agriculture, as it has long believed that agricultural development is critical to combating poverty. The Committee has provided that $35,000,000 should be made available for plant biotechnology programs, with an emphasis on research projects to improve food security and nutrition in Africa and Asia. The Committee continues to believe that dairy development is an important component of U.S. foreign assistance programs and recommends that USAID increase funding above the current level.

The Committee notes that USAID is in the process of drafting an agricultural strategy paper, which the Committee expects will improve its internal planning mechanisms. The Committee recognizes that the Board for International Food and Agricultural Development (BIFAD) is an important part of this process. The Committee expects that vacant Board positions will be expeditiously filled and that USAID will provide BIFAD with sufficient resources to enable the Board to function next year.

COFFEE PRICE CRISIS

The Committee endorses the language on the coffee crisis in House Report 107–663. The Committee also notes that, during the 107th Congress, the Senate and House of Representatives passed resolutions, S. Res. 368 and H. Res. 604, calling on the administration to develop a coordinated, global solution to the coffee crisis. The Committee expects the State Department, USAID, and other appropriate agencies to brief the Committee on their progress on this issue no later than 60 days after enactment of this Act.

INTERNATIONAL FERTILIZER DEVELOPMENT CENTER

The Committee continues to support the work of the International Fertilizer Development Center (IFDC) and provides that not less than $2,300,000 should be made available for its core grant. The Committee also recommends an additional $1,700,000 to support the research and development activities of IFDC.

COLLABORATIVE RESEARCH SUPPORT PROGRAMS

The Committee continues its strong support for the Collaborative Research Support Programs (CRSPs). Recognizing the important research and training functions of these programs, the Committee expects that funding above the fiscal year 2002 level of

$22,383,138 will be provided for the CRSPs, and that the CRSPs be seriously considered for funding for a broad range of development-related activities.

PROTECTION OF THE ENVIRONMENT

The Committee has a long history of supporting programs, through USAID, the Department of State, and the U.S. directors to the multilateral development banks, to protect the global environment. Despite increasing amounts of resources and greater appreciation within these agencies and organizations for the importance of addressing environmental concerns, as well as many successes on the ground, the overall trend is disheartening, as from forests to oceans, the global environment is facing unprecedented threats.

The Committee believes that USAID should be at the forefront of efforts in this area, and is, therefore, extremely concerned by policy, personnel, programmatic and funding changes which could weaken USAID's expertise and role in environmental protection. The Committee is aware that environmental conservation, natural resource management, and sustainable agriculture practices are often inter-related. Indeed, in many instances, one cannot occur without the other. However, effective environmental conservation can also require establishing protected areas, as has been done with USAID support in Gabon and other countries where there are pristine forests rich in biodiversity or other areas of unique environmental significance. The Committee directs USAID to consult closely with the Committee on future plans concerning its environment programs.

Energy.—The Committee has established a fund to address a wide range of energy conservation, energy efficiency, and clean energy programs. The Committee does not believe these programs have received sufficient support at a time when the environment is under siege in many developing countries due to, among other causes, unchecked population growth, extensive resource extraction, and the burning of fossil fuels in antiquated power plants and other manufacturing processes. The Committee provides $185,000,000 for this fund, to support programs and activities which promote energy conservation, clean energy, energy efficiency, and renewable energy technologies. The Committee also expects these funds to be used to assist developing countries to measure, monitor, report, verify, and reduce greenhouse gases and related activities. Like last year, the Committee has required the President to submit a report detailing U.S. Government support for climate change programs, efforts to promote the transfer and deployment of clean energy and energy efficiency technologies, and other information.

The Committee supports the efforts of Dakota Gasification to develop a reliable, renewable energy technology, with applications in developing nations, that would combine coal gasification with wind power. The Committee recommends that USAID give serious consideration to this project.

Office of Energy.—The Committee is concerned that USAID proposes to cut more than half of the budget for the Office of Energy and Information Technology. This office has served a crucial function by providing developing countries with expertise and other assistance on energy efficiency measures that can reduce costs, protect the environment, and improve the quality of life. The Committee provides $13,000,000 for the Office in fiscal year 2003.

Biodiversity.—The Committee has also established a fund to protect biodiversity and tropical forests, including activities to deter illegal logging. The Committee supports USAID's efforts in this area, but believes they fall far short of what is urgently needed to stem the onslaught of destructive practices which threaten the world's remaining tropical forests and other areas of unique biodiversity, particularly in central Africa, southeast Asia, and the Amazon basin. The Committee provides $150,000,000 in Development Assistance funds for these programs, including initiatives to enhance biodiversity in marine environments.

The Committee commends USAID for its expanded Central Africa Regional Program for the Environment (CARPE) initiative, and provides $15,000,000 to support it in fiscal year 2003.

East Asian Pacific Environmental Initiative.—The Committee supports the East Asian Pacific Environmental Initiative (EAPEI), a program jointly managed by the State Department and USAID. The Committee is troubled that funds were not requested for EAPEI, and expects the administration to provide no less than the fiscal year 2002 level of $3,500,000 for this program.

PARKS IN PERIL

The Committee continues to strongly support the Parks in Peril program, which matches USAID funds with private contributions to support conservation of imperiled ecosystems in Latin America and the Caribbean.

BIRDS OF PREY

Although best known for its efforts to recover the Peregrine Falcon, The Peregrine Fund continues to build a record of conserving birds of prey worldwide. A significant undertaking in the pursuit of preservation is the establishment of The Peregrine Fund's Neotropical Raptor Center in Panama. From this location, The Peregrine Fund would conduct all of its work in the neo-tropics. Like last year, the Committee recommends $500,000 to support this goal, which the Committee understands will be matched by private contributions.

MOUNTAIN GORILLAS

The Committee remains concerned with the survival of mountain gorillas which inhabit the high altitude jungles of Rwanda, Uganda, and the Democratic Republic of the Congo. Like last year, the Committee expects that $1,500,000 will be provided to support groups that protect these animals, such as the Dian Fossey Gorilla Fund International and other nongovernmental organizations whose mission it is to deter poaching and protect the mountain gorilla's habitat.

ORANGUTANS

The Committee remains concerned with the destruction of orangutan habitat in Indonesia, and expects USAID to provide at least $2,500,000 for continued support through nongovernmental organizations, including the Orangutan Foundation and others, for activities to save the orangutan from extinction. The Committee expects these funds to be used to protect orangutan habitat in both Borneo and Sumatra, including, if appropriate, to support law enforcement activities, and requests to be consulted prior to the obligation of these funds.

WATER CONSERVATION

The Committee notes the small amount of funding requested for programs to provide access to reliable sources of drinking water. Water scarcity, and the serious health and environmental problems that occur from it, are reaching crisis proportions in many countries, and the Committee believes the international community should be doing more to address it. For many people in developing countries, a disproportionate amount of time each day is devoted to searching for a shrinking supply of clean water to meet basic needs, severely inhibiting efforts to promote individual and community development. The Committee is concerned that, when inquiries were made to USAID about funding levels for prior and current fiscal years for clean water programs, only fiscal year 2000 figures were available. The Committee provides $100,000,000 for drinking water supply projects, and $450,000,000 for all water projects in fiscal year 2003. The Committee also directs USAID to submit a report to the Committee no later than 120 days after enactment of the Act, on funding and implementation of its water projects.

The Committee strongly supports the Clean Water for the Americas Partnership, which is a public-private partnership that would help establish projects aimed at providing clean drinking water and protecting the environment. The Committee strongly recommends that USAID fund this Partnership.

The Committee continues to support the efforts of International Project WET, which has been involved for nearly two decades in international water resources management. The Committee recommends that USAID support International Project WET's efforts to expand its research, development, and implementation capabilities.

The Committee supports the Middle East Desalination Research Center (MEDRC), which has been integral to efforts to find long-term solutions to regional water problems. The Committee notes that the United States was one of the founding donors of the MEDRC and recommends that the Administration consider providing up to $2,500,000 to MEDRC.

UNIVERSITY PROGRAMS

The Committee has, once again, received a large number of requests to fund specific activities at or through American institutions of higher education. The Committee strongly supports activities that advance international development and U.S. foreign policy goals. The Committee has reviewed the concepts proposed for funding, and recommends that USAID and/or the Department of State (as appropriate for the proposed project) actively consider proposals submitted by the following organizations.

Unless a proposal demonstrates a unique, innovative, or proprietary capability, or demonstrates special considerations that justify limited or non-competitive treatment, the Committee expects that competitive procedures will be applied with regard to the proposals on the list that follows. The Committee also expects USAID to give priority to proposals that have technical merit, realistic budgets, and achievable objectives.

No later than 60 days after the submission of the report required by section 653(a) of the Foreign Assistance Act, USAID should submit a report to the Committee on the status of each activity identified below. Such a report should include: (1) the status of the funding proposal by the organization associated with each activity; (2) the degree to which the proposal is consistent with and would advance international development and U.S. foreign policy goals for the country or region in which the activity would take place; (3) the degree to which matching or other funds would be provided by the organization to complement the Federal contribution; (4) to the extent known at the time, any decision by USAID or the Department of

State on funding the activity, including the funding level; and (5) any other relevant information deemed important by USAID or the Department of State. The Committee also expects to receive a second report on the status of these proposals no later than July 1, 2003.

In last year's report, the Committee noted that USAID had not been responsive to a number of proposals put forward by universities and directed USAID to improve its performance in this regard. The Committee is disappointed with USAID's slow pace in responding to the Committee's latest directives for handling university requests. For example, it took months for USAID to publish a brochure detailing basic information that could be helpful to universities interested in submitting proposals. In addition, USAID's initial efforts to set up a communications system, from which information on university projects could be easily accessed, were woefully inadequate. If USAID is not more responsive to Committee directives concerning university proposals, the Committee will have to consider modifying its approach.

With the foregoing in mind, the Committee recommends the following proposals for USAID's active consideration:

Africa-America Institute.—A program by the African Technology for Education and Workforce Development Initiative (AFTECH) to establish a distance learning program between U.S. universities and African universities.

Alliance of Louisiana Universities.—A proposal of the Louisiana/Honduras Alliance, composed of five Louisiana Universities (University of New Orleans, Louisiana State University Agricultural Center, Loyola University, Tulane University, and Southeastern Louisiana University) and entities in Honduras, to develop a plan to deliver long-term capacity-building assistance in Honduras.

Ave Maria College of the Americas.—A proposal to create a scholarship program targeted at women and rural students.

Brandeis University.—A proposal run by the Heller School for Social Policy to train and educate students from the developing world in health policy management and a range of other topics.

Chicago State University.—A joint proposal with Obafemi Awolowo University in Nigeria to establish and strengthen occupational therapy, nursing, and community health education programs.

Columbia University.—A proposal, to be managed by the International Research Institute for Climate Prediction, for drought monitoring, health care, food security, and climate change activities.

Connecticut State University System.—A proposal to work with Mico and Sam Sharpe Colleges to enhance teacher education programs in the Carribean region.

Dartmouth College.—A joint proposal by a consortium of public and private organizations to enhance information technology development in Lithuania.

Delaware Technical and Community College.—A proposal to develop an environmental training center in Bulgaria.

EARTH University.—A proposal to support EARTH University, an institution partnered with 23 universities in the United States, to further develop its Center for Sustainability and Biodiversity in Costa Rica, which is working on enhancing sustainable agriculture, developing medicines using tropical plants, and preserving natural resources in Central America.

Eastern Michigan University.—A proposal to establish a center for Middle East Studies and Research.

Emory University.—A proposal implemented by the Atlanta-Tbilisi partnership and executed in conjunction with several other Georgia universities to further develop health care infrastructure in the Republic of Georgia.

Historically Black Colleges.—A proposal to support the efforts of these institutions to develop a virtual university consortium and establish an Institute for Emerging Democracies.

Johns Hopkins University.—A proposal in conjunction with University of Alabama at Birmingham and the Gorgas Memorial Institute to improve tuberculosis control.

Kansas State University.—A proposal for the Cereal Genome Initiative to use genomics technologies to develop grain production.

La Roche College.—A proposal to expand programs to educate young people from conflict, post-conflict, and developing regions of the world.

Louisiana State University.—A proposal to develop a commercial law program with several Latin American countries.

Louisiana State University A&M College.—A proposal to provide independent media training to local governmental officials from developing countries.

Louisiana State University A&M College.—A proposal to develop mariculture and aquiculture resources with the University of Namibia.

Montana State University, Billings.—A proposal to expand programs in international business in order to enable MSU–Billings to offer additional courses in accounting and e-commerce in foreign countries.

Montana State University, Billings.—A proposal to develop an online Master of Health Administration Degree Program with October 6 University in Egypt.

Morehouse School of Medicine.—A proposal to establish an interchange of medical knowledge and technical capability to improve health care infrastructure in Africa.

San Diego State University.—A proposal to help implement a cooperative program to address water scarcity and climate change in south Asia.

San Diego State University.—A proposal to work in collaboration with the Peres Center for Peace to promote sustainable and efficient use of alternative water resources in agricultural development in the Middle East.

St. Thomas University.—A proposal to further develop the African democracy network in order to work on issues involving democracy, human rights, and gender.

South Dakota State University.—A proposal to enhance research and education with Russian and Central Asian governments and non-governmental organizations on agricultural development.

Suffolk University.—A proposal to enhance course offerings at its Senegal campus.

University of Alabama at Birmingham.—A proposal in conjunction with Johns Hopkins University and the Gorgas Memorial Institute to improve tuberculosis control.

University of Alaska.—A program with Alaska Pacific University and the North Slope Borough and the Northwest Arctic Borough to provide training and technical assistance to strengthen Chukotka's economy, develop market driven systems and improve social conditions, particularly for indigenous people in the region.

University of Arkansas Medical School.—A collaborative effort with the Volgograd City Health Department, Volgograd Medical Academy, and other public-private partners in the community to enhance various health care delivery systems in the region.

University of Georgia.—A proposal to establish a training program for legal professionals, journalists, and government officials from developing countries.

University of Idaho.—A proposal to help restore the food production and food distribution system in Afghanistan.

University of Iowa.—A proposal to continue basic education initiatives in East Timor.

University of Kentucky.—A program relating to the development of crop insurance in Romania.

University of Kentucky.—A proposal for coal mine safety programs in the former Soviet Union.

University of Louisville.—A project to conduct training on drinking water system management, financing, laboratory analytical methods, preventive and system maintenance, and the development of public support for water systems in the Republic of Georgia.

University of Louisville.—A collaborative program with the University of Alabama-Birmingham, the Medical University of South Carolina, and Clemson University for research on plant materials in the rain forests of Dominica.

University of Louisville.—A proposal for the continued funding of a program in partnership with Rand Afrikaans University to work with impoverished communities in South Africa on economic reform.

University of Massachusetts, Boston.—A proposal to conduct further research on international conflict.

University of Miami.—A proposal for the Cuba Transition Project.

University of Mississippi.—A project by the National Center for Physical Acoustics to help improve mine detection technologies.

University of Mississippi.—A project by the Center for Marine Resources and Biotechnology to perform environmental research, biowaste treatment, and a hydrographic survey of coastal zones in Central America.

University of Missouri, Columbia.—A proposal to build capacity for sustainable community development training and application in Afghanistan.

University of Missouri, Columbia.—A proposal to develop South African indigenous plants as value-added crops and therapeutics for diseases.

University of Nebraska.—A proposal by the Medical Center's Office of International Health Care Services to combat a range of infectious diseases.

University of Nebraska, Omaha.—A proposal to further expand efforts to provide basic education in Afghanistan.

University of Notre Dame.—A proposal by the Kroc Institute for International Peace Studies to promote institution building in Muslim societies.

University of Northern Iowa.—A proposal for University of Northern Iowa's Orava Project to enhance democracy-building in Central and Eastern Europe through educational reform.

University of Northern Iowa.—A proposal concerning the Global Health Corps program, which trains university students to conduct community health programs in under-served areas in developing countries.

University of Northern Iowa.—A proposal for the Russo-American Institute to deepen cultural understanding and promote professional collaboration through exchange programs with Moscow International University and other Russian universities.

University of South Alabama.—A proposal to enhance the Birth Defects Monitoring Program in the Rivine and Volyn oblasts in the Ukraine, which will allow the program to begin monitoring environmentally linked birth defects.

Western Kentucky University.—A proposal for the continued funding of an international journalist training program.

Western Kentucky University.—A project to develop and promote safe coal use practices and karst water resources in China.

COUNTRY ISSUES

AFGHANISTAN

The Committee notes the many positive changes in Afghanistan in the past year: the brutal Taliban regime has been toppled; a Loya Jirga was convened which selected a government to serve until elections in June 2004; and international relief efforts have started to have a noticeable impact in some portions of the country.

The Committee, however, also recognizes that enormous social, economic, and political challenges remain. These include a lack of security, food scarcity, insufficient assistance for refugees and internally displaced persons, and reconstruction after decades of conflict. The Committee is extremely concerned that, if more is not done by the United States and the international community to address these issues, Afghanistan will be increasingly at risk of relapsing into civil strife.

The Committee is supportive of increased assistance for Afghanistan, and notes the enactment of the Afghanistan Freedom Support Act which authorizes a total of $1,700,000,000 for assistance for Afghanistan over the next 4 years. While a formal budget request for Afghanistan was not submitted for fiscal year 2003, the Committee has been informally advised that the administration plans to allocate $98,000,000 for that transitional country. The Committee believes that additional funds are necessary and provides $220,000,000 for Afghanistan in this Act. This is short of the fiscal year funding levels authorized in the Afghanistan Freedom Support Act, but the Committee is unable to make additional contributions without making deep cuts in other important international assistance programs. The Committee encourages the administration to submit a supplemental request for Afghanistan, including to support training and equipment for the Afghan National Army.

The Committee continues to be troubled by the security situation throughout Afghanistan as the lack of security continues to create severe impediments to relief and reconstruction efforts and has resulted, at various times, in the scaling back or cessation of critical humanitarian and development operations around the country. A more detailed discussion of this issue is under the ''Peacekeeping Operations'' heading in this report. The Committee is also aware of the concerns raised by some parts of the administration and nongovernmental organizations regarding reports of military personnel engaging in humanitarian activities while outfitted in civilian clothing. The Committee supports a solution to this issue which is acceptable to all parties involved.

The Committee supports the deployment of ''Provincial Reconstruction Teams'' and believes that they have the potential to improve the security situation for NGOs, USAID, and others working on reconstruction projects in the more remote parts of Afghanistan. The Committee recommends continued close coordination between all parties involved.

The Committee notes that while conditions for some women in Afghanistan have improved from what existed under Taliban rule, serious obstacles, including illiteracy, joblessness, violence specifically targeting women, lack of access to health care, and the lack of clearly defined legal rights, continue to hinder the progress of Afghan women. The Committee recognizes the difficulties inherent in implementing assistance programs in Afghanistan, but is nonetheless concerned about the slow pace and relatively small amount of assistance devoted specifically to improving the lives and opportunities of Afghan women. The Committee is concerned with reports of harsh restrictions imposed on women and girls in western Afghanistan.

The Committee believes that the Afghan Ministry of Women's Affairs is uniquely positioned to become the primary center of capacity to carry out women-focused development in Afghanistan, and commends USAID for the support it has given to the Ministry thus far. The Committee provides $5,000,000 to enable the Ministry to establish multi-service women's centers throughout Afghanistan, and to initiate programs to improve girl's and women's education and health, protect their legal rights, and expand their economic opportunities.

The Committee also supports the United Nations Fund for Women's reconstruction activities in Afghanistan.

The Committee recognizes the vast energy needs in Afghanistan and believes that the private sector in the United States, through organizations such as the International Energy Advisory Group, is well positioned to complement USAID's efforts in this area.

BURMA

The Committee commends Burmese democracy leader Daw Aung San Suu Kyi and the National League for Democracy (NLD) for their unwavering commitment and dedication to democracy and human rights in Burma. The Committee remains gravely concerned with the abuses inflicted upon the people of Burma by the repressive State Peace and Development Council (SPDC), including the systematic rape and killing of ethnic minorities, the imprisonment and torture of political opponents, forced and child labor, and the widespread use of child soldiers. The Committee, like the NLD, is deeply concerned about the welfare of the people of Burma, and has continued its support of humanitarian and democracy efforts.

The Committee supports $1,000,000 for HIV/AIDS programs and activities in Burma, and suggests an additional $500,000 be made available in commodities from the United States Agency for International Development's HIV/AIDS Commodity Promotion Fund. The Committee directs that all HIV/AIDS programs in Burma be carried out in consultation with the leadership of the National League for Democracy, and that no assistance be provided to the State Peace and Development Council. Given the SPDC's mismanagement of Burma's resources, including the investment of hundreds of millions of dollars in arms purchases and nuclear technology from Russia and China, the Committee suggests the State Department consider a matching requirement from the SPDC for funds provided to Burma to combat a rampant HIV/AIDS infection rate.

The Committee counsels the State Department to be measured in its response to the SPDC's ongoing campaign to improve its image abroad, and believes that the SPDC should be judged not by what it says, but rather by how it evidences movement toward political dialogue and transition to democracy. The Committee believes that narcotics manufacturing and trafficking in Burma poses a clear and present danger to the region, particularly Thailand, Europe, and the United States.

CAMBODIA

The Committee regrets that the Government of Cambodia failed to hold legitimate local elections in February 2002, adequately investigate and prosecute human rights abuses, or fully implement reforms necessary for the country's economic, political, legal, and social development. Moreover, the Government of Cambodia continues to abuse the constitutional rights and dignity of its citizens, and the lack of the rule of law stifles economic development and perpetuates human suffering, as demonstrated by Cambodia's low ranking in the United Nations Development Program's 2001 Human Development Report.

As the Committee believes that the Cambodian leadership should be held accountable for its poor governance and human rights record, restrictions on assistance to the Government of Cambodia have been continued and strengthened. The Committee suggests that international financial institutions, particularly the World Bank and the Asian Development Bank, conduct independent audits of their loans and grants to that country, including contributions to the Government of Cambodia's Social Fund.

The Committee believes that the 2003 parliamentary elections provide the people of Cambodia with an opportunity to elect new leadership committed to the rule of law, and encourages the State Department to take a vocal and active role in ensuring a level political playing field and holding accountable those who commit election-related violence and chicanery. The Committee is concerned that absent political change, Cambodia will continue to be a haven for criminal undesirables, including international terrorists.

The Committee remains concerned about illegal logging in Cambodia, and encourages USAID to support programs in community forest management, which can contribute to forest preservation as well as promote democratic development at the local level.

The Committee commends the work of the Documentation Center of Cambodia, and expects that at least $275,000 will be provided to the Center in fiscal year 2002, with funds from USAID and the State Department's Bureau for Democracy, Human Rights and Labor. The Committee recommends that at least this amount be provided for the Center in fiscal year 2003, including, if warranted, to purchase a suitable motor vehicle to facilitate the Center's investigative work throughout rural Cambodia.

The Committee provides $3,750,000 as an initial U.S. contribution for an endowment to sustain the Vietnam Veterans of America Foundation's rehabilitation program in Cambodia. This program, which produces artificial limbs, braces and wheelchairs and provides rehabilitation services, has received USAID funding for many years and is widely regarded to be of superior quality and effectiveness. The program is implemented by trained Cambodian staff, and currently meets the rehabilitations needs of the majority of Cambodians suffering from physical disabilities, many of whom are victims of landmines. It also supports income generating activities for the disabled. The Committee supports USAID's plans to gradually phase out its funding for this successful program, if an endowment is established that ensures its long-term sustainability. The

U.S. Government funds provided to the VVAF for the endowment are to be matched by one-half with contributions from private sources.

CHINA

The Committee provides $25,000,000 for programs to support democracy, human rights and the rule of law in China, Hong Kong, Taiwan, and Tibet, of which not less than $15,000,000 shall be made available for programs in China to be administered by the Bureau of Democracy, Human Rights and Labor at the State Department. These funds are in addition to such sums provided to the Bureau in the President's fiscal year 2003 request. The Committee expects that of the remaining funds, up to $3,000,000 will be provided to the National Endowment for Democracy, and the balance will be provided to nongovernmental and academic organizations to support programs relating to China, Tibet, and Hong Kong. The Committee strongly endorses activities targeted toward freedom of expression in the media and on the internet, the rule of law, labor reform, and grassroots elections in China.

CYPRUS

The Committee provides $15,000,000 from the ESF account for Cyprus to be used for scholarships, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus. The Committee intends that these resources be made available to maximize leverage to improve prospects for a peaceful settlement in Cyprus.

The Committee notes the work of the Cyprus Institute of Neurology and Genetics, which is a bicommunal program aimed at providing specialized services in neurology, genetics, and molecular medicine. The Committee is particularly pleased with the progress that the Institute has made to enhance efforts on biomedical research, stroke prevention, gene therapy and brain development research on Cyprus.

GUATEMALA

The Committee continues to be concerned with the unsolved murders of American citizens in Guatemala, including Larry Lee, Steven Michael Gartman, Juan Antonio Zimeri, David James Erf, Robert Orville Edeleman, Sister Barbara Ann Ford, Carlos Humberto Melgar, and Suzanne Spalding Hendricks. The Committee again requests the State Department to make every effort to obtain the cooperation of Guatemalan law enforcement authorities in bringing to justice the perpetrators of these crimes.

INDONESIA

The Committee expresses its condolences to the victims and the families of those killed and injured in the October 12, 2002 terrorist attack in Bali. While the Committee commends the progress to date in the investigation, it remains gravely concerned with the presence of indigenous and foreign terrorist elements in Indonesia. The Committee believes Indonesia to be a frontline state in efforts to combat international terrorism.

As the Committee recognizes the devastating economic and social impact of the attack on the residents of Bali, it recommends that not less than $5,000,000 be provided for reconstruction and recovery efforts. The Committee expects the Government of Indonesia to continue to aggressively pursue terrorists throughout the archipelago, and supports the recommendation of the International Crisis Group for a reopening of investigations into earlier bombing attacks in Indonesia.

With parliamentary and presidential elections scheduled for 2004, Indonesia is at an important crossroads in its democratic development. While recognizing that the process of reform is a long-term endeavor, the Committee notes that the pace of reform in many sectors has not kept pace with expectations and cautions that the continued failure of leadership at all levels may have adverse political, economic, and social impacts. In the face of these challenges, the Committee provides not less than $150,000,000 for assistance for Indonesia, and expects significant assistance be provided to democracy and governance programs in support of the upcoming polls.

The Committee sees no evidence that the Government of Indonesia is serious about developing or implementing military reforms. The Indonesian military's (TNI) decentralized, territorial structure and dependence upon revenue from off-line sources perpetuates corruption, gross human rights violations, and association with extremist and criminal groups and individuals. The Committee is outraged by TNI's alleged complicity in the murder of Americans in Papua on August 31, 2002 and demands that justice be served for these crimes.

Given the clear and present danger that terrorist groups pose to Indonesia and the region, the Committee has not included restrictions on IMET to the Indonesian military. The Committee understands the limitations of this program as a means of reforming the Indonesian military, and makes clear its view that the provision of IMET is in the national security interests of the United States. Any other interpretation—including the perception of IMET as endorsement of TNI—is wholly incorrect.

The Committee has maintained restrictions on FMF assistance and licenses of lethal defense articles to Indonesia in this Act, until the President certifies that the Indonesian Minister of Defense is suspending and the Indonesian Government is prosecuting and punishing human rights violators within the Indonesian Armed Forces. Unfortunately, the ongoing special trials of lower ranking officers for abuses in East Timor suffer from serious deficiencies, and the Indonesian military has sought to intimidate judges and prosecutors.

The Committee is hopeful the recent ceasefire agreement in Aceh will hold, and expects that not less than $10,000,000 shall be made available to support programs and activities in Aceh.

LAOS

The Committee strongly supports the administration's request of $2,000,000 from Development Assistance and the Child Survival and Health Programs Fund for activities to meet basic human needs in Laos. The Committee continues to be concerned by the repressive policies of the Government of Laos.

LEBANON

The Committee believes that economic development in Lebanon should be a priority for U.S. foreign policy in the Middle East, and provides $35,000,000 in ESF assistance for Lebanon. However, none of these funds may be made available for assistance for the central Government of Lebanon.

The Committee supports the work of American educational institutions in Lebanon and encourages USAID and the State Department make available a portion of these funds for scholarships and direct support of these institutions.

The Committee is deeply disappointed that past efforts to secure the return of American children abducted to Lebanon have been unsuccessful. The Committee is aware of cases in which the Lebanese Government has failed to enforce the orders of the Lebanese civil courts. These unresolved cases will continue to be an obstacle to closer relations between the United States and Lebanese governments. The Committee calls on the Lebanese Government to ensure that the rule of law is upheld.

MONGOLIA

The Committee supports the administration's $12,000,000 request for assistance for Mongolia for fiscal year 2003. While the Mongolian people are to be commended for their continued commitment to democracy and human rights, The Committee is disturbed by recent actions by the Government of Mongolia that seek to stifle popular dissent. The Committee will continue to watch events in Mongolia closely to determine if any backsliding in the democratic process is taking place.

NICARAGUA

The Committee recognizes the important work of the Fabretto Children's Foundation, which provides essential opportunities for children in Nicaragua to escape poverty. The Committee recommends that USAID provide up to $1,500,000 to support four Fabretto programs in Nicaragua.

The Committee also supports efforts to improve mass transportation systems in Nicaragua and other Central American countries, where cities are overwhelmed with migrants from rural areas seeking employment.

NIGERIA

The Committee is aware that a Judicial Commission of Inquiry is currently investigating the causes of inter-communal conflict in Benue, Nassarawa, Taraba, and Plateau states. However, the Committee is also aware that the commission has no prosecutorial powers, and therefore its work does not represent an effective measure to bring to justice individuals responsible for gross violations of human rights.

NORTH KOREA

The Committee is extremely disturbed by recent events in North Korea that underscore that failed state's threat to international security and stability through its production and proliferation of weapons of mass destruction. The Committee commends the administration for exposing the fallacy of North Korea's commitment to international obligations.

The Committee remains deeply concerned with the abuses inflicted upon the people of North Korea by the repressive Stalinist regime, and notes that extrajudicial killings, torture, starvation and a failed economy have caused thousands of North Koreans to seek refuge in the People's Republic of China. The Committee recommends the State Department and USAID provide $10,000,000 to safeguard the human rights and dignity of North Korean refugees and asylum seekers, whether through the establishment of camps, contributions to organizations, or other means. The Committee is deeply troubled by the horrific fate that awaits those who are forcibly repatriated to North Korea.

SIERRA LEONE

The Committee notes the progress that Sierra Leone is making toward restoring peace and democratic rule. The Committee particularly commends the efforts of the British Government and the United Nations to end the armed conflict, demobilize combatants, hold free and fair elections, and repatriate refugees.

The Committee recognizes that the Government of Sierra Leone faces enormous challenges to rebuild the country, and provides $9,000,000 in ESF assistance, in addition to funds from ''Development Assistance'' and funds budgeted for the ''Countries in Transition'' program, for these purposes. The Committee expects that assistance provided above the budget request for Sierra Leone will not result in cuts to programs for other African countries.

The Committee strongly supports the efforts of the Special Court for Sierra Leone and the Truth and Reconciliation Committee (TRC) to hold accountable those individuals involved in atrocities committed during the conflict. The Committee is also encouraged that the Court is undertaking broader efforts to restore the rule of law and outreach activities to accelerate and strengthen the reconciliation process. The Committee is disappointed that in fiscal year 2002 the State Department ignored Committee directives in Senate Report 107–58 and House Report 107–345 to accelerate U.S. financial assistance to the Court. Moreover, the State Department did not offer any justification for this decision. The Committee has also been informed that, while the Court is making substantial progress on a limited budget, additional funds are needed to meet pressing security, transportation, and other needs. Therefore, the Committee has provided $10,000,000 in Economic Support Fund assistance for a contribution to the Special Court. The Committee again strongly urges the Special Court to pursue those most responsible for these heinous acts, even if they are not currently living in Sierra Leone.

THAILAND

The Committee recognizes and appreciates Thailand's efforts to combat international terrorism and encourages continued vigilance by the Thai government and military, particularly in the southern part of the country. The Committee fully supports the administration's IMET and FMF requests for Thailand.

The Committee is fully aware of the challenges posed to Thailand by its repressive neighbor, Burma, and remains concerned with the plight of all people who flee to Thailand. The Committee notes the many reports detailing the State Peace and Development Council's (SPDC) systematic and egregious abuses inflicted on the people of Burma and recommends that the State Department work closely with other democratic nations, and the appropriate U.N. agencies, to investigate these reports in order to better understand the extent of these abuses and to formulate and coordinate appropriate policy responses.

TIBET

The Committee recommends $3,000,000 in ESF assistance for programs that provide training and education to Tibetans in democracy and human rights, preserve cultural traditions, and promote economic development and environmental conservation in Tibetan autonomous areas, including the area designated as the ''Tibetan Autonomous Region'' where such activities are underway. The Committee is aware of the valuable assistance the Bridge Fund has provided to promote Tibetan-owned and operated businesses and educational, cultural, and natural resource conservation projects in Tibet.

INTERNATIONAL DISASTER ASSISTANCE

Appropriations, 2002	$235,500,000
Emergency supplemental	90,000,000
Budget estimate, 2003	285,500,000
Committee recommendation	290,000,000

With the large number of humanitarian emergencies around the world, the Committee believes that, even with supplemental funds, the administration's fiscal year 2003 request falls short of meeting these emergency needs, especially in Afghanistan. Therefore, the Committee has provided $290,000,000 for ''International Disaster Assistance'' programs, of which $60,000,000 is for Afghanistan.

The Committee believes that the Modular Command Post System (MCPS), a mobile communications, command and control facility, can be of value in responding to international disasters around the world. The Committee urges USAID and the State Department to consider using the MCPS in complex relief operations.

TRANSITION INITIATIVES

Appropriations, 2002	$50,000,000
Budget estimate, 2003	55,000,000
Committee recommendation	55,000,000

The Committee commends the work of USAID's Office of Transition Initiatives (OTI), which is on the ground in countries around the world providing essential assistance to bridge the gap between emergency relief and long-term development.

DEVELOPMENT CREDIT AUTHORITY

OPERATING EXPENSES

Appropriations, 2002	$7,500,000
Budget estimate, 2003	7,591,000
Committee recommendation	7,591,000

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

Appropriations, 2002	$44,880,000
Budget estimate, 2003	45,200,000
Committee recommendation	45,200,000

The Foreign Service retirement and disability fund is a mandatory expense of USAID.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Appropriations, 2002	$549,000,000
Emergency supplemental	7,000,000
Budget estimate, 2003	572,087,000
Committee recommendation	571,087,000

The Committee provides $571,087,000 for operating expenses of the United States Agency for International Development. The Committee remains concerned about USAID's deficient financial, procurement, and personnel management systems, and recognizes that solving these problems will be costly. At the same time, the Committee believes that USAID's greatest resource is its staff, many of whom have developed extraordinary expertise in their areas of responsibility. The Committee is concerned that USAID has lost some of its most experienced professionals over the years due to misguided management decisions, and it does not want to see those mistakes repeated.

CAPITAL INVESTMENT FUND

Appropriations, 2002	.....
Budget estimate, 2003	$95,000,000
Committee recommendation	65,000,000

The Committee has earmarked funds to upgrade USAID's information technology systems, which is long overdue and necessary to the effective management of USAID's mission-based operations. However, the Committee continues to be concerned with the lack of coordination between USAID and the State Department's Office of Overseas Buildings Operations, regarding construction of new USAID facilities. The Committee is concerned about the potential cost of these building projects and expects to be consulted regarding plans for future construction.

The Committee is concerned about the acute shortage of USAID personnel in Afghanistan. USAID's reconstruction program in Afghanistan is a national security priority for the United States, and an estimated 40 additional personnel are urgently needed to effectively administer this program. While a new USAID building may be constructed at some point, no decision has been made. Therefore, the Committee provides up to $10,000,000 for temporary, secure facilities for an appropriate number of USAID personnel in Kabul, located at a suitable site.

COMMITTEE BILLS AND REPORTS

The Committee is concerned that some employees of the State Department and USAID do not read the portions of the Act and accompanying Committee reports which deal with their respective areas of responsibility. The effect is that these employees do not always accurately and fully implement the laws, policies, programs and activities contained in these documents. The Committee expects that the Secretary of State and the Administrator of the United States Agency for International Development will ensure that each employee under their authority receives a copy of the Act and the relevant reports, and will direct each employee to read the relevant portions of these documents. The Committee intends that these documents may be provided or accessed via the Internet.

OPERATING EXPENSES OF THE OFFICE OF THE INSPECTOR GENERAL

Appropriations, 2002	$31,500,000
Budget estimate, 2003	33,046,000
Committee recommendation	33,046,000

The Committee provides $33,046,000 for operating expenses of the Office of the Inspector General.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

Appropriations, 2002	$2,199,000,000
Emergency supplemental	465,000,000
Budget estimate, 2003	2,490,000,000
Committee recommendation	2,260,000,000

MIDDLE EAST COUNTRIES

In 1998, the United States reached agreements with the Governments of Israel and Egypt to reduce the levels of ESF assistance for these countries over a 10-year schedule. In accordance with this schedule, the Committee provides $600,000,000 for Israel and $615,000,000 for Egypt for fiscal year 2003. The Committee provides $250,000,000 for assistance for Jordan, which reflects the amount requested by the administration. The Committee provides $75,000,000 for assistance to the Palestinian people in the West Bank and Gaza, and notes that restrictions on the use of funds provided under the Act remain unchanged from prior years.

The Committee remains concerned with the situation in the Middle East, and, in particular, with the welfare of the Israeli and Palestinian people. The Committee encourages continued efforts by all parties to achieve lasting peace in the region.

The Committee is disappointed that this will be the last year of funding for the U.S.-Israel Cooperative Development Program and hopes that USAID will continue to utilize the expertise, including that of Israel's Center for International Cooperation (MASHAV), accumulated by this program.

The Committee believes that continued political, legal, and economic reform programs should continue in the West Bank and Gaza. The Committee recognizes that calls for reform already exist within Palestinian civil society, and supports the provision of assistance to those groups and associations, including from the United States, advocating greater transparency, accountability, and political pluralism. The Committee notes that rule of law programs would enhance these reforms and encourages the administration to support technical assistance programs in the West Bank and Gaza, if practicable.

The Committee recognizes that Egypt is a vital and strategic ally of the United States and plays an important role in the Middle East peace process. However, the Committee remains concerned with challenges to the rule of law, human rights, and democracy in Egypt. The Committee commends the State Department for undertaking a review of assistance programs for Egypt.

The Committee notes with appreciation Jordan's constructive role in the peace process and efforts to implement economic reforms.

CONFLICT RESOLUTION

The Committee has provided $5,000,000 in Economic Support Fund assistance for conflict resolution programs and activities that promote understanding, reconciliation and problem solving in the Middle East. The Committee believes that the following organizations are among those deserving of support—

—The Arava Institute for Environmental Studies, which manages programs that bring college age Arabs and Israelis together to promote better relations and solve common environmental problems;

—Seeds of Peace, a widely respected organization which promotes understanding between teenagers in the Middle East, Cyprus, and the Balkans; and

—Jerusalem International YMCA, which brings together Christian, Jewish and Muslim youth in a positive environment that promotes peace, respect and understanding.

The Committee also recommends an additional $2,000,000 in Development Assistance, SEED, and ESF funds, to support other conflict resolution programs and activities. The Committee believes that the following organizations are among those deserving of support—

—International Crisis Group, whose analysts in the field identify potentially explosive problems, produce objective assessments, and prescribe policy responses to prevent or reduce the level of violence resulting from complex crises; and

—Foundation for Security and Sustainability, a public institute chartered to further understanding about resource scarcity and environmental problems and provide opportunities to avert and better prepare for potential crises.

CHILD SOLDIERS

The Committee recognizes the serious problems associated with child soldiers around the world, as they are used as combatants, camp laborers, sex slaves, and runners, under horrendous conditions. To help address this issue, the Committee recommends $5,000,000 for programs for war-affected youth in such countries as Afghanistan, Angola, Colombia, Sierra Leone, Sri Lanka, and the Democratic Republic of the Congo.

TERRORISM IN SOUTHEAST ASIA

The Committee is concerned with the ability of terrorists and other extremists to gain footholds in Muslim communities throughout Southeast Asia, particularly in Indonesia and the Philippines. The Committee believes that community development programs, including those focusing on health and education, and economic development, deter the ability of terrorists to gain a foothold in these communities, and may dissuade Muslim students from seeking educational opportunities in radical institutions both at home and abroad.

The Committee requests the State Department to submit a report within 60 days after the enactment of this Act detailing its strategy to implement educational programs in Indonesia that can help mitigate the influence of extremist boarding schools. In addition, the Committee recommends that not less $5,000,000 be made available in this Act to bolster and support ongoing programs in the southern Philippines that seek to undermine the social, economic, and political environments in which extremism may take root.

WAR CRIMES TRIBUNALS

The Committee continues to strongly support the war crimes tribunals in Yugoslavia, Rwanda, and Sierra Leone. The Committee expects the administration to ensure that the tribunals have sufficient budgets, staff, and equipment, and provides $30,000,000 in drawdown authority for war crimes tribunals established or authorized by the U.N. Security Council with U.S. support, including the tribunal in Sierra Leone. The Committee also urges the administration, where appropriate, to support commissions or judicial bodies that complement the activities of these tribunals. The Committee notes that drawdowns made under this section are unrelated to the establishment of an international criminal court.

TRANSPARENCY AND ACCOUNTABILITY

The Committee is concerned that the governments of many countries that receive assistance from the United States do not accurately report revenues from the extraction of natural resources such as oil, natural gas, mining and timber, and from other sources such as tax receipts. In some countries such as Angola, billions of dollars in oil revenues have reportedly been stolen by corrupt officials, while the United States and other donors have expended similar amounts to provide food and medical care to the impoverished Angolan people.

The Committee believes that public disclosure of this information, which is common practice in developed countries, is basic to good governance, and that governments that receive assistance from the United States should adopt similar disclosure practices. Absent such disclosure, United States tax dollars may in effect be offsetting the ill-gotten gains of corrupt foreign officials. Therefore, the Committee has included a provision which requires the Secretary of State to submit a detailed report on the public disclosure of revenues by governments which receive assistance from the United States. The Committee will consider this report in its deliberations on the administration's fiscal year 2004 budget request.

IRAQ OPPOSITION

The Committee supports activities targeted toward bringing about a transition to democracy in Iraq, and commends, in particular, the ''Future of Iraq'' program. The Committee is pleased that the administration is working with Iraqi nationals from civil society, ex-military officers, international experts, and representatives from a multitude of NGOs to establish political pluralism and the rule of law in a post-Saddam Iraq. The Committee supports the State Department Inspector General's efforts to bring increased transparency and accountability to this program.

In addition to other Iraqi opposition programs, the Committee recognizes efforts to improve educational programs at the Universities of Sulaimani, Dohuk, and Irbil, to continue development efforts in parts of Northern Iraq that are not under the control of Saddam Hussein's government. The Committee recommends that the administration consider providing funding to these universities in order to support a range of initiatives, including expanding the availability of information technologies, learning materials, and university-sponsored literacy programs.

DEMOCRACY, TRANSPARENCY, AND THE RULE OF LAW IN MUSLIM COUNTRIES

The Committee provides $20,000,000 for programs and activities which foster democracy, human rights, civic education, women's development, press freedoms, and the rule of law in countries with a significant Muslim population. The Committee has also provided the authority for the funding of programs and activities to support the advancement of democracy and human rights in Iran. Of these funds, the Committee provides $10,000,000 for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor. The Committee also provides $3,000,000 for professional training for journalists.

FREE AND INDEPENDENT MEDIA

The Committee strongly supports programs to promote free, independent and professional media in developing nations. The Committee expects USAID and the State Department to fund new, and bolster ongoing, media programs and activities in predominately Muslim countries, including Afghanistan, Pakistan, Egypt and Indonesia. The Committee expects that funding will be used primarily to support programs that provide skills development and promote a deeper understanding of the United States. The Committee believes that free, independent and professional media will provide objective news and credible information throughout the Muslim world, which may help to counterbalance political and religious extremism and terrorism.

CONFLICT DIAMONDS

The Committee strongly supports the efforts of the administration, non-governmental organizations, and the diamond industry to establish the Kimberly Process Implementation Scheme (KPIS), an international regime aimed at stopping the trade in ''conflict diamonds'' which has been used to finance brutal conflicts in Africa and international terrorist organizations. The Committee notes that KPIS will come into effect in early 2003, and is aware that African nations will need assistance to help set up their certification processes and enforcement mechanisms. The Committee has been informed that a major diamond producing nation has already asked the administration for assistance to implement KPIS and expects that there could be similar requests for other nations. The Committee has, therefore, provided $3,500,000 for these purposes.

In addition, to help combat the numerous, well-documented problems associated with the trade in conflict diamonds that have plagued Sierra Leone and other parts of Africa, the Committee has included language,

similar to last year, concerning conflict diamonds.

The Committee also directs the Secretary of State, no later than 120 days after enactment of the Act, to submit a report that identifies: (1) countries that have exported rough or polished diamonds to the United States that are implementing effective measures to curtail the trade in conflict diamonds (and include a description of such measures); (2) countries that have failed to implement effective measures to curtail the trade in conflict diamonds; and (3) a description of additional U.S. financial, technical, or other measures which could help countries implement effective measures to curtail the trade in conflict diamonds, including technological means for determining the origin of diamonds and tracking the trade in diamonds.

PARTNERSHIP TO ELIMINATE SWEATSHOPS

The Committee supports the Partnership to Eliminate Sweatshops, which facilitates cooperation among corporations, consumers, non-governmental organizations, universities, organized labor, and others to address unacceptable working conditions around the world through a variety of approaches. The Committee recommends that $5,000,000 be made available for this program.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

Appropriations, 2002	$621,000,000
Budget estimate, 2003	495,000,000
Committee recommendation	530,000,000

The Committee provides $530,000,000 for Eastern Europe and the Baltic States, which is $35,000,000 above the administration's fiscal year 2003 request but $91,000,000 below the fiscal year 2002 level. While the Committee supports and encourages the graduation of countries from receiving U.S. foreign assistance, several countries in this region, which are vital to U.S. interests, continue to require substantial support to further implement critically needed democratic reforms and to promote economic development. The Committee expects that of the additional funds provided, Bosnia-Herzegovina, Serbia, Macedonia, and Kosovo will receive assistance above the fiscal year 2003 requested levels. The Committee also notes the progress that the Baltic States have made in implementing reforms and strengthening the rule of law, and recommends that $5,000,000 be provided to the Baltic States.

INTERNATIONAL LEGAL AND ECONOMIC INITIATIVES

The Committee notes the efforts by the American Bar Association (ABA) to strengthen democracy through programs that promote the rule of law in Central and Eastern Europe. The Committee recommends that USAID support these ABA–CEELI projects, especially in Belarus, Bosnia, and Kosovo. The Committee also notes the work of the International Real Property Foundation in the region.

The Committee notes the work of the Center for Economic Research and Graduate Education Institute, which promotes economic growth and reform in Central and Eastern Europe.

KOSOVO

The Committee continues to support reconstruction, reform, and reconciliation efforts in Kosovo, and expects that not less than $100,000,000 should be made available for assistance for Kosovo under the heading ''Assistance for Eastern Europe and the Baltic States''. The Committee has also provided $2,000,000 to support the National Albanian American Council's training program for Kosovar women.

SERBIA

The Committee recommends up to $115,000,000 for assistance for Serbia for fiscal year 2003. The Committee remains committed to assisting reformers in the Republic of Serbia as they continue to recover from the devastation of the Milosevic era. The Committee is pleased that Kosovo-Albanian political prisoners have finally been released, and that selected persons indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY) have surrendered and/or been transferred to The Hague. The Committee strongly encourages further economic, political, and legal reforms, and intends to closely follow the development of a free and independent media.

The Committee notes, however, that while Milosevic has been out of office since October 5, 2000, many of his unfortunate legacies continue, including an unreformed State security apparatus and military, a politicized judiciary, and political and financial support to hardliners in Bosnia's Republika Srpska and northern Kosovo. The Committee provides $750,000 for programs to promote reconciliation between ethnic groups throughout the region, and expects that USAID will adequately fund programs that educate the people of Serbia on past crimes committed by the Milosevic regime.

While the Committee notes some progress in Serbia's cooperation with the ICTY, such as the issuance of arrest warrants for indictees, the Committee is very concerned that a predictable, consistent record of cooperation has not yet been established. Federal Yugoslav officials continue to flaunt the authority of the ICTY. The pace of surrenders and transfers of indictees, the continuing freedom of several notorious indictees, and highly circumscribed access to documents and witnesses, suggests that conditioning U.S. assistance is still, regrettably, necessary. It is unacceptable that, according to reliable reports, General Ratko Mladic, who is among those most responsible for the brutality that terrorized the people of the former Yugoslavia during much of the 1990s, continues to live freely in Serbia. Other credible reports indicate that Radovan Karadzic, the former Bosnian Serb leader responsible for the slaughter of thousands of Bosnian Muslims and Croats, regularly travels to Montenegro. The Committee has therefore continued, with modifications, the March 31 certification requirement contained in last year's Act.

The Committee remains concerned with reports of linkages between Yugoslav defense companies and Iraq. The Committee recognizes and appreciates the cooperation of government authorities in investigating this matter, and expects the State Department to continue to press for a full accounting of these linkages and to keep the Committee informed of its progress.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

Appropriations, 2002	$784,000,000
Emergency supplemental ..	110,000,000
Budget estimate, 2003	755,000,000
Committee recommendation	765,000,000

The Committee provides $765,000,000 for Assistance for the Independent States of the Former Soviet Union, which is $19,000,000 below the fiscal year 2002 level but $10,000,000 above the administration's fiscal year 2003 request.

RUSSIAN FAR EAST

The Committee was pleased to learn that the State Department and USAID provided $20,617,000 for assistance for Russian Far East programs, which was above the amount earmarked in fiscal year 2002. The Committee has again earmarked these funds and encourages the administration to continue funding at the fiscal year 2002 level.

PUBLIC HEALTH PROGRAMS

The Committee is aware of the Primary Health Care Initiative of the World Council of Hellenes, which was instituted in the former Soviet republics to provide desperately needed basic health care. This program, which is alleviating suffering of people through thousands of visits each month, also enhances U.S. relations with these countries. The Committee recommends at least $2,000,000 for this program in fiscal year 2003.

The Committee continues to follow the work of the Eurasian Medical Education Program of the American College of Physicians, to enhance the medical capabilities of Russian physicians in the treatment of tuberculosis, cardiovascular disease, and diabetes. This exchange program has been carried out in four regions of the Russian Federation, and volunteer American physicians have shared experience and knowledge with their Russian colleagues to the benefit of the Russian medical profession and the Russian people. The Committee, once again, expresses its support for this program and requests to be consulted regarding future funding for it.

ORPHANS

The Committee continues to support USAID's Russian orphans strategy, which focuses on programs to reduce the number of children entering state orphanages and works with orphanage officials to meet the immediate medical and basic needs of these children. The Committee applauds the work of Holt International Children's Services, Kidsave International, and Mercy Corps International.

The Committee expects USAID to work with non-profit groups, especially those with contacts in the Russian Far East, including Rotary International, the Anchorage Interfaith Council, and the Municipality of Anchorage. The Committee recommends $4,000,000 for this program in fiscal year 2003.

EDUCATIONAL EXCHANGES

The Committee recommends up to $5,000,000 for the Russian, Eurasian, and East European Research and Training Program (Title VIII).

The Committee continues to support the East Central European Scholarship Program, with its emphasis on providing training for participants from the countries of southeast Europe.

The Committee supports continued funding for exchanges with secondary school educators, particularly the Partners in Education and Teaching Excellence Awards programs and the Secondary School Excellence program. The Committee encourages the administration to consider supporting these programs.

The Committee also recognizes the efforts by the American Councils for International Education and the Institute for Experimental Learning to begin a program to bring individuals from Central Asia to participate in internships. The Committee recommends that USAID and the State Department consider supporting proposals from these organizations.

LEGAL EDUCATION

The Committee strongly supports distance learning legal education programs that have

been initiated in central and eastern Europe. The Committee recommends that USAID expand these programs and urges the Agency to seriously consider undertaking similar efforts in Central Asia.

The Committee also supports continued funding for the Russian American Rule of Law Consortium, an outgrowth of the successful Vermont/Karelia Rule of Law Project, which promotes the development of the rule of law in the Russian Federation. The Consortium manages a growing number of partnerships between the legal communities in other U.S. states and Russian regions.

VIOLENCE AGAINST WOMEN

The Committee, once again, commends USAID, the State Department, and the Justice Department for its programs to reduce domestic violence in Russia. As in prior years, the Committee believes the administration should continue to consult closely with and provide direct support to the Russian Association of Crisis Centers for Women to further strengthen local capacity to respond to this endemic problem. Emphasis should be given to strengthening police and prosecutorial capacity in this area. In addition, American grant recipients, including police trainers, should have expertise in domestic violence issues, and Russian NGOs should be consulted in the design, evaluation, and monitoring of these programs. The Committee recommends funding for these activities at not less than the current level, and requests the State Department to submit a report by July 1, 2003, summarizing the actions taken, results to date, and future plans for this initiative.

ARMENIA

The Committee provides $90,000,000 under the heading ''Assistance for the Independent States of the Former Soviet Union'' and $3,000,000 under the heading ''Foreign Military Financing'' for assistance for Armenia. The Committee recommends that a portion of the FMF assistance provided for Armenia be used to enhance communications capabilities. The Committee recommends $750,000 for Armenia under the heading ''International Military Education and Training.''

The Committee encourages the efforts of the administration, the Minsk Group, and all parties to the Nagorno-Karabakh conflict to continue negotiations toward a peaceful resolution of the dispute. The Committee supports a mutually acceptable negotiated solution, and continues to endorse confidence-building measures among all parties to the conflict, which may include such activities as joint commissions relating to water resources, refugee resettlement, landmine clearance, and joint activities relating to parliamentary, journalist, and rule of law training. The Committee encourages Turkey to reconsider establishing a rail link between Kars, Turkey and Gyumri, Armenia. The Committee believes that such action would make a positive contribution to America's efforts to prevent and respond to international terrorism and the economic development of both Turkey and Armenia. The Committee encourages the State Department and USAID to consider utilizing the American University of Armenia as a learning center for students from the region.

The Committee is aware of the proposed CANDEL project for Armenia. As the scope of the project far exceeds that of more traditional assistance programs, the Committee recommends that the project's sponsors, the State Department, and relevant Armenian officials continue discussions on the economic viability of CANDEL, including, in particular, issues relating to its sustainability absent assistance from the United States. Given scarce resources within the FSU account, the Committee recommends that continued funding for the project's study be made available from assistance provided for Armenia in this Act.

UKRAINE

The Committee remains concerned with reports of Ukraine's covert transfer of the Kolchuga radar system to Iraq. The Committee encourages the State Department and other Federal authorities to continue to determine if this transfer took place, and calls for greater cooperation by Ukrainian authorities in this endeavor.

While the Committee believes that the independence and sovereignty of Ukraine is of crucial strategic importance to the United States and stability in Europe, the Committee condemns President Leonid Kuchma's increasingly autocratic rule. The Committee notes that under the leadership of President Kuchma, Ukrainian opposition activists have been intimidated and harassed, and journalists murdered. In addition, the Committee remains concerned with an investment climate that is less than favorable to foreign businesses, particularly the lack of transparent and fair resolution of business disputes.

The Committee believes that substantial assistance should be provided to support reformers pressing for much needed political, legal, and economic reforms. The Committee endorses increased funding for U.S. nongovernmental organizations seeking to strengthen democracy and the rule of law in Ukraine.

The Committee provides that not less than $30,000,000 shall be made available for nuclear reactor safety initiatives, which are in the national security interests of the United States. The Committee also provides that not less than $3,000,000 shall be made available for coal mine safety programs and activities in Ukraine. The Committee recommends that $1,000,000 be made available for the study of the environmental causes of birth defects in Rivine and Volyn oblasts. The Committee also recognizes the growing physical security and environmental threats associated with unexploded ordnance and excess weapons stockpiles in Ukraine, and suggests that the State Department evaluate environmentally-safe, commercially available disposal technologies for demining activities, the clearance of unexploded ordnance, and the destruction of excess weapon stockpiles.

The Committee supports efforts to improve nuclear safety in Ukraine and recognizes the important work of the International Nuclear Safety Program, including the Computer Information Systems component of this program.

GEORGIA

The Committee provides $87,000,000 for assistance for Georgia, and commends Georgia for its support for U.S. efforts to prevent and respond to international terrorism. The Committee continues to support the enhancement of Georgia's border control capabilities, and appreciates the timely and effective response of Georgian authorities to the unauthorized deployment of Russian troops in the Kodori gorge region last year. As in the past, the Committee remains concerned with the high incidence of corruption in Georgia and the limited progress by Russia in closing military bases in Georgia.

The Committee recommends not less than $3,000,000 for a small business development project relating to private sector technology start-ups for Georgia.

NAGORONO-KARABAKH

The Committee continues to be concerned about the plight of the victims of the Nagorno-Karabakh conflict, and expects that the remainder of the $20,000,000 in humanitarian assistance, initially provided in fiscal year 1998, will be promptly disbursed. The Committee expects that should these funds be obligated and expended before the end of fiscal year 2003, up to $5,000,000 should be made available to address ongoing humanitarian needs in Nagorno-Karabakh.

INDEPENDENT AGENCIES

PEACE CORPS

Appropriations, 2002	$275,000,000
Budget estimate, 2003	317,228,000
Committee recommendation	285,000,000

The Committee strongly supports the Peace Corps' mission and is receptive to the President's proposal to increase the number of volunteers in the field over the next 5 years. The Committee is concerned, however, that the quality, effectiveness, and security of volunteers may be compromised if this expansion is not carefully planned. The Committee requests more information about the significant decline of volunteers in the field to 5,648 during fiscal year 2002, and is concerned that the Peace Corps may be overly-ambitious in budgeting for 8,200 volunteers in the field by the end of fiscal year 2003.

The Committee recommends $285,000,000 for the Peace Corps, which is a $10,000,000 increase over last year's level. The Committee is confident that ample resources are being made available to support a prudent expansion of the number of volunteers, as the fiscal year 2000 budget of $275,000,000 supported a program of nearly 6,000 volunteers. The Committee looks forward to receiving a comprehensive analysis of how the Peace Corps intends to expand its programs over the next 5 years while maintaining the quality and integrity of its mission.

The Committee is pleased that the Peace Corps has initiated a program in the Democratic Republic of Timor-Leste (formally East Timor) and supports efforts to place additional volunteers there in fiscal year 2003.

AFRICAN DEVELOPMENT FOUNDATION

Appropriations, 2002	$16,542,000
Budget estimate, 2003	16,689,000
Committee recommendation	17,689,000

The Committee provides $17,689,000 for the African Development Foundation (ADF). The Committee commends the work of the ADF, which provides critical, small-scale support for projects which benefit some of sub-Saharan Africa's most impoverished communities.

INTER-AMERICAN FOUNDATION

Appropriations, 2002	$13,106,950
Budget estimate, 2003	14,185,000
Committee recommendation	16,385,000

The Committee provides $16,385,000 for the Inter-American Foundation (IAF), which is $3,278,000 above the fiscal year 2002 level. The Committee commends the progress the IAF has made in addressing past management deficiencies.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT

Appropriations, 2002	$217,000,000
Emergency supplemental ..	114,000,000

Budget estimate, 2003	196,713,000
Committee recommendation	196,713,000

The Committee provides $196,713,000 for International Narcotics and Law Enforcement (INL), which is equal to the administration's request. The Committee is perplexed by the administration's decision to cut funding for INL programs in anti-corruption, financial crimes, border controls, and other law enforcement efforts, at a time when the need for these activities is increasingly apparent.

TRAFFICKING IN PERSONS

The Committee provides $20,000,000 in INL funds for programs and activities to counter trafficking in persons. The Committee remains strongly committed to assisting women and children who are the most innocent victims of this gross human rights violation, which also contributes to the spread of HIV/AIDS. The Committee believes that these funds should be used to combat all three components of anti-trafficking: addressing the root causes of trafficking, protecting and providing services for victims, and prosecuting traffickers. The Committee believes that the issue of human trafficking is sufficiently well-understood that these funds should not be used for additional studies or conferences to assess needs, but rather directed largely to NGOs to implement programs to prevent trafficking, assist victims, and prosecute traffickers.

INTERNATIONAL LAW ENFORCEMENT ACADEMIES

The Committee continues to support the work that the International Law Enforcement Academies (ILEA) provide to the international community. The Committee is pleased that the administration doubled funding for these programs from fiscal year 2001 to 2002, but notes that the administration's request for the ILEA programs has remained constant for fiscal year 2003 even though it is considering opening an additional center in Latin America. The Committee is aware of ongoing discussions on the location of this center, and recommends that the administration consider Southern Mexico as an appropriate site for the establishment of a regional center. The Committee urges the administration to provide adequate resources for each of these centers and to complete a new facility for the Roswell Center as soon as possible. The Committee strongly endorses the participation of the Democratic Republic of Timor-Leste in regional ILEA programs and activities.

MARITIME INTERDICTION

The Committee continues to believe that both the Bahamas and Costa Rica play important roles in combating the flow of illegal narcotics, especially through maritime interdiction. The Committee directs the State Department to submit a report, no later than 120 days after the date of enactment of the Act, on the procurement needs of the governments of the Bahamas and Costa Rica to implement an effective counternarcotics strategy. This report is to examine these needs, including an assessment of the procurement of high speed boats, within the context of the projected budget for counternarcotics programs in fiscal year 2004.

ANDEAN COUNTERDRUG INITIATIVE

Appropriations, 2002	$625,000,000
Budget estimate, 2003	731,000,000
Committee recommendation	650,000,000

The Committee provides $650,000,000 for the Andean Counterdrug Initiative (ACI), and the authority for the transfer of up to an additional $35,000,000 from the ''International Narcotics Control and Law Enforcement'' account for the ACI. In addition, the Committee provides up to $88,000,000 from the Foreign Military Financing Program account for equipment and training for the Colombian Armed Forces for pipeline security in Arauca department.

The Committee notes that the expectations of ''Plan Colombia'' remain high, particularly with respect to international donor contributions, coca and poppy eradication, and alternative development activities. The Committee is aware that efforts to eradicate coca and poppy cultivation are hampered by Colombia's ongoing civil war, and recognizes the nexus between those involved in the narcotics trade and in guerrilla warfare against the Colombian people. The Committee provides the authority, requested by the administration, to support Colombia's unified campaign against narcotics trafficking and paramilitary and guerrilla terrorist organizations.

The Committee appreciates the determination of President Uribe to improve Colombia's security situation and his commitment to eradicate illicit drug cultivation. The Committee notes that since taking office earlier this year, President Uribe has devoted more resources to the military than previous administrations, imposed a tax upon the wealthiest Colombians in an effort to raise $800,000,000, and submitted a budget for 2003 that boosts security spending for the police. The Committee cautions that with these welcomed increases—which evidences the Colombian Government's renewed will to tackle its most pressing challenges—must come greater vigilance to protect and defend the human rights and dignity of the Colombian people.

The Committee has again included conditions tying the obligation of funds to progress on human rights, and on the aerial spraying of herbicide. The Committee has also retained its limits imposed in fiscal year 2001 on the number of U.S. military on duty, and U.S. civilian personnel employed, in Colombia.

As the Committee believes that viable alternative sources of income for coca and poppy farmers are essential for the sustainable eradication of illicit crops, it provides $225,000,000 for USAID alternative development programs and activities.

The Committee condemns the abuses of human rights by all parties to the conflict, particularly paramilitaries and the FARC who are responsible for the large majority of atrocities against civilians. The Committee expects the Colombian Government to hold accountable government and military officials who violate human rights, and to ensure that all government agencies and organizations are fully committed to prosecuting those who violate the law.

As the Committee believes that a special unit of the Colombian Armed Forces should be dedicated to the apprehension of the leaders of paramilitary organizations, it has included authority and funding from the ''International Narcotics Control and Law Enforcement'' and ''Foreign Military Financing Program'' accounts to train and equip such a unit.

The Committee is aware of an initiative in Colombia, the Colombia Military Project, which promotes dialogue and analysis among civilians and retired military officers about the conflict and the implications of peace processes for the Armed Forces. Topics include a cease fire, decommissioning of weapons, demobilization, and the reinsertion into civil society of ex-combatants. Given that any successful peace process requires the active support of the Armed Forces, the Committee believes that the State Department should seriously consider providing financial support to the Colombia Military Project.

The Committee is increasingly concerned that developments in Colombia may lead to a significant spill-over of refugees, insurgents, and narcotics traffickers into the territory of Colombia's neighbors, and expects the administration's allocation of resources for the Andean Counterdrug Initiative to reflect these volatile conditions.

The Committee is aware of Colombia's extraordinary national parks and reserves, which encompass some of the world's most biologically diverse tropical forests. These areas, which are among Colombia's greatest natural resource and a potential source of income from eco-tourism, are increasingly threatened by coca farmers and illegal loggers. The Committee provides $3,500,000 for training, equipment and other assistance to protect these parks and reserves.

The Committee is concerned that PLANTE has not followed through on its pledge to provide some $700,000 in fiscal year 2002 funds to the Colombian National Park Service to support coca eradication activities in communities located adjacent to several national parks. The Committee is aware that $150,000 was provided for planning purposes. The Committee believes that this program is important to the economic development of the communities involved and to the protection of these threatened natural areas, and expects the additional funds to be provided expeditiously.

MIGRATION AND REFUGEE ASSISTANCE

Appropriations, 2002	$705,000,000
Budget estimate, 2003	704,565,000
Committee recommendation	787,000,000

In fiscal year 2002, the Committee reduced the amount provided for Migration and Refugee Assistance (MRA) because an additional $100,000,000 had been provided in supplemental funding. At that time, the Committee clearly stated that this reduction was not to be interpreted as a lack of support for the MRA account or to be used as a baseline when formulating the fiscal year 2003 request. Thus, the Committee is disappointed with the amount that the administration requested for this account.

The Committee recognizes that, even with supplemental funding, the crisis in Afghanistan has severely strained the MRA budget. In addition, a number of other urgent humanitarian crises around the world, including those in Africa, southeast Asia, the North Caucasus, and Colombia, have left millions of people at risk of starvation, exposure, and disease. Therefore, the Committee provides $787,000,000 for the Migration and Refugee Assistance account.

RESETTLEMENT IN ISRAEL

The Committee provides $60,000,000 for the resettlement of migrants from the former Soviet Union, Eastern Europe, and other areas to Israel. This is equal to the amount appropriated in fiscal year 2002. The Committee notes that while Israel has accepted more than 1 million refugees since 1989, over the past year there has been a modest decline in the number of refugees from the former Soviet Union resettling in Israel. Should this decline continue, the Committee anticipates that funding for this program will be decreased in fiscal year 2004.

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

The Committee strongly supports the work of the United Nations High Commissioner for Refugees (UNHCR), which provides assistance to millions of refugees and internally displaced persons. The Committee is deeply concerned by the large budget shortfall that currently confronts UNHCR, and while the Committee commends UNHCR for making a number of necessary spending reductions, it is alarmed that this shortfall is beginning to adversely impact field operations in a number of regions.

The Committee has, therefore, increased funding for the Migration and Refugee Assistance account with the expectation that the United States will increase its contribution to UNHCR should the need arise. However, the Committee notes that U.S. contributions now exceed 25 percent of the total UNHCR budget and that other international donors are not contributing sufficient amounts or following through on outstanding pledges. The Committee urges UNHCR to use the U.S. contribution to leverage additional support from other nations.

The Committee continues to be concerned by allegations that refugees in Africa were sexually abused by employees of UNHCR and nongovernmental organizations in the field. While the Committee recognizes that the United Nations has initiated an investigation and implemented measures to prevent a recurrence, including hiring protection staff, the Committee urges the United Nations to ensure that its investigation is thorough and completed in a timely manner, and that those responsible for these acts are punished. The Committee also urges appropriate nongovernmental organizations to take similar action.

THE UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

The Committee recognizes the important contribution of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), to provide basic humanitarian services to approximately 3.8 million refugees in the region. The Committee is concerned, however, with reports that some individuals involved in international terrorism have come from refugee camps administered by UNRWA. The Committee urges UNRWA to cooperate with efforts to prevent and respond to acts of international terrorism.

TIBETAN REFUGEES

Like last year, the Committee supports continued funding to assist Tibetan refugees and recommends $2,000,000 for this purpose. The Committee, again, requests that the State Department coordinate with USAID in determining responsibility for long term assistance for Tibetan refugees.

REFUGEES AND INTERNALLY DISPLACED PERSONS IN AFRICA

The Committee notes the dire situation of the more than 4 million refugees and IDPs throughout Africa living in deplorable conditions. The Committee urges the administration to work with international organizations, including the World Food Program and UNHCR, as well as other governments to provide additional assistance to the region in fiscal year 2003.

EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

Appropriations, 2002	$15,000,000
Budget estimate, 2003	15,000,000
Committee recommendation	32,000,000

The Committee notes that the Emergency Refugee and Migration Assistance (ERMA) fund has been drawn down several times over the past year. The Committee is concerned that, despite some supplemental funding, the ERMA account has been reduced to substantially lower than anticipated levels. The Committee provides $32,000,000 for ERMA, which is $17,000,000 more than the amount requested.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED PROGRAMS

Appropriations, 2002	$313,500,000
Emergency supplemental ..	83,000,000
Budget estimate, 2003	372,400,000
Committee recommendation	306,400,000

The Committee provides $306,400,000 for the Nonproliferation, Anti-terrorism, Demining, and Related Programs account. The Committee continues its strong support for these programs which are critical to efforts by the United States to combat the proliferation of weapons of mass destruction, prevent and respond to international terrorism, and help improve border security.

COMPREHENSIVE TEST BAN TREATY PREPARATORY COMMISSION

The Committee provides $17,300,000 for a contribution to the Comprehensive Test Ban Treaty Preparatory Commission. These funds help leverage donations from other nations for the International Monitoring System, which is designed to collect data from seismic, hydroacoustic, infrasound, and radionuclide stations around the world, enhancing U.S. capabilities for detecting and monitoring nuclear tests.

INTERNATIONAL ATOMIC ENERGY AGENCY

The Committee is concerned that the request for a contribution to the International Atomic Energy Agency (IAEA) is insufficient, as the IAEA is facing increasing demands on its budget to execute a range of programs that are critical to U.S. security interests. The Committee provides $4,400,000 above the amount requested for the IAEA.

KOREAN PENNINSULA ENERGY DEVELOPMENT ORGANIZATION

As North Korea both violated and withdrew from the Agreed Framework, the administration informally informed the Committee that it was rescinding the $75,000,000 request for the Korean Peninsula Energy Development Organization (KEDO).

The Committee, therefore, has restricted funding for KEDO in this Act. The President may waive this restriction and provide up to $3,500,000 to KEDO for administrative expenses only if he determines, and provides a written policy justification to the appropriate congressional committees, that it is vital to national security interests to do so.

HUMANITARIAN DEMINING

The Committee supports the State Department's Humanitarian Demining Program to clear landmines and other unexploded ordnance that continue to endanger people in over 60 countries. The Committee provides $57,000,000 for these activities. Of this amount, up to $10,000,000 may be made available for the Slovenia Trust Fund, on a dollar-for-dollar matching basis.

The Committee notes that the State Department has developed about 30 public-private partnerships with nongovernmental organizations, foundations, and private companies, in support of mine action activities. To maximize the effectiveness of these public-private partnerships, the State Department needs the ability to enter into grants and cooperative agreements. The grant process would allow the Government and the private sector grantee to enter into a partnership to achieve shared objectives such as training demining personnel and mine-detecting dogs; developing training materials and mine risk education materials that teach children and adults how to recognize, report and avoid landmines; and research and development into new technologies to increase the effectiveness and speed of detecting and removing landmines. To the maximum extent feasible, grants and cooperative agreements should be used to support mine action activities of nongovernmental organizations. The State Department is to implement this authority in compliance with all statutory and regulatory guidelines governing grants and cooperative agreements.

The Committee notes that several country recipients of demining funds from the NADR account also receive large amounts of assistance from the ESF, SEED, or FSU accounts. The Committee is concerned about pressures on the NADR budget which contains a limited amount of humanitarian demining funds, and believes that demining programs in these countries should be funded jointly from both NADR and these other accounts.

SMALL ARMS AND LIGHT WEAPONS

The Committee is aware that small arms and light weapons, including mortars, rocket propelled grenades, and heavy machine guns, have been used by international terrorist organizations, contributed to human rights violations, fueled conflicts, and impeded development efforts. The Committee provides $4,000,000 in fiscal year 2003 for the Small Arms Destruction Initiative, which provides assistance to countries that have requested help in eliminating stockpiles of these weapons. This is $1,000,000 above the fiscal year 2002 level.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL TRAINING

Appropriations, 2002	$6,500,000
Budget estimate, 2003	10,000,000
Committee recommendation	10,500,000

The Committee strongly supports the Department of the Treasury's International Affairs Technical Assistance program and provides $10,500,000 for fiscal year 2003. This amount is $500,000 above the budget request and the fiscal year 2002 level. The Committee appreciates the responsiveness of the Treasury Department to Committee requests for information concerning its international affairs programs.

TITLE III

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

Appropriations, 2002	$70,000,000
Budget estimate, 2003	80,000,000
Committee recommendation	80,000,000

The Committee continues its strong support for the International Military Education and Training (IMET) program and provides $80,000,000 for this account. The Committee believes that, by capitalizing on the worldwide respect for the U.S. Armed Forces, the IMET program offers a unique opportunity to establish important contacts with foreign militaries and promote American values.

The Committee recognizes that absent a political commitment on the part of foreign

governments to support reforms within their militaries—including those promoting greater accountability and civilian oversight—IMET's impact may be limited. The Committee believes that in those countries where military reform is not a priority, but where IMET programs are conducted in the security interests of the United States, the administration should make clear that the provision of IMET is not a broad or general endorsement of a foreign government's or military's actions.

The Committee directs the State Department, in conjunction with the Department of Defense, to provide a report not later than 120 days after enactment of the Act, containing the number of civilians from nongovernmental organizations that participated in the IMET program during fiscal year 2002. The report should also include the professional backgrounds of these individuals, their nationality, and the type of IMET program in which they participated.

The Committee is aware that previously enacted legislation, including the Security Assistance Act of 2000 (Public Law 106–280), authorized assistance levels above the administration's fiscal year 2003 request for IMET assistance for Greece and Turkey and encouraged joint training of Greek and Turkish officers to the maximum extent practicable. The Committee continues to be supportive of these initiatives, which could help strengthen ties between two important NATO allies, and encourages the administration to fund these programs at the highest appropriate level.

FOREIGN MILITARY FINANCING

GRANT PROGRAM LEVEL

Appropriations, 2002	$3,650,000,000
Emergency supplemental ..	357,000,000
Budget estimate, 2003	4,107,200,000
Committee recommendation	4,072,000,000

The Committee provides $4,072,000,000 in Foreign Military Financing grant programs for fiscal year 2003. This is $422,000,000 above the fiscal year 2002 allocation, and $35,200,000 below the administration's request.

MIDDLE EAST COUNTRIES

The Committee provides the administration's request of $2,100,000,000 in FMF for Israel and $1,300,000,000 for Egypt. The Committee also provides the request level of $198,000,000 for Jordan.

TURKEY

The Committee supports military assistance for Turkey without the 10-to-7 ratio of assistance to Greece, because these funds will be used only to support Turkey's command of the International Security Assistance Force in Afghanistan and for its military role, in cooperation with the United States and Greece, in Operation Enduring Freedom and other efforts against international terrorism.

THE PHILIPPINES

Recognizing the efforts and determination of the Philippines to combat terrorism, the Committee provided increased Foreign Military Financing program funds for the archipelago in the supplemental appropriations bill. The Committee notes with appreciation the cooperation between the United States and the Philippines to counter terrorism, and again recommends increased Foreign Military Financing assistance above the administration's request of $20,000,000.

BALTIC STATES

The Committee continues to endorse the measures that Lithuania, Latvia, and Estonia have taken to bring their militaries in line with Western standards. The Committee strongly supports full funding of the administration's request for IMET and FMF for the Baltic States.

TUNISIA

The Committee supports the administration's request of $5,000,000 in FMF and $1,500,000 in IMET assistance for Tunisia.

FOREIGN MILITARY TRAINING REPORT

The Committee commends the administration's efforts to improve the transparency and accessibility of the fiscal year 2001–2002 Foreign Military Training Report. The Committee expects next year's report to be similar in content and in the amount of information that is classified, including information on training activities by civilian contractors funded by the U.S. Government. The Committee expects to be consulted on the format and contents of the report, if the administration anticipates making significant changes in its format or content.

PATROL BOATS

The Committee recommends $5,000,000 for the Government of Malta to purchase additional coastal patrol boats. The Committee also urges the Administration to seriously consider a request from the Government of El Salvador to purchase additional high-speed, aluminum patrol boats.

NON-LETHAL EQUIPMENT

The Committee is concerned that, too often, foreign soldiers and law enforcement officials, because they lack the proper training and equipment, have failed to deal effectively with civil unrest and rioting, resulting in unnecessary bloodshed. The Committee believes that the administration, in consultation with the Committees on Appropriations, should consider providing up to $7,000,000 from the ''Foreign Military Financing Program'' and ''International Narcotics Control and Law Enforcement'' accounts to help governments train and equip units with non-lethal weapons. This assistance should be provided only after thorough vetting of participants and consistent with existing laws on human rights.

LIMITATION ON ASSISTANCE

The Committee reaffirms its language under this heading in its fiscal year 2002 report (pages 57–58 of Report 107–58). The Committee requests to be consulted by the Bureau for Democracy, Human Rights and Labor on steps taken to establish and maintain a centralized, electronic database of credible evidence of violations by foreign security force units. In addition, in order to implement the law effectively, the Committee expects American embassy officials to take affirmative steps to consult regularly with local security and intelligence agencies, human rights groups, and other reliable sources of information about gross violations of human rights, and to record any relevant information in the embassy database. When credible evidence exists, American embassy officials should contact the local security and justice agencies to ensure that they are aware of the law and the need to bring those responsible to justice.

PEACEKEEPING OPERATIONS

Appropriations, 2002	$135,000,000
Budget estimate, 2003	108,250,000
Committee recommendation	120,250,000

The Committee remains concerned with the security situation in Afghanistan, and recommends that the administration continue its discussions with international donors on how best to secure a stable environment.

While the changing mission of U.S. troops in Afghanistan will enhance stability in parts of the country, the Committee notes that the primary justification that the administration has used to oppose expanding the mandate of the International Security Assistance Force (ISAF) is its commitment to train the Afghan National Army (ANA). The Committee shares the belief that training the ANA is the only viable way to improve security over the long term, and is pleased by the recent announcement by the Government of Afghanistan that an army of 70,000 will eventually be fielded. However, it is the Committee's understanding that a battle-ready ANA is at least 2 years away, and the Committee strongly urges the administration to consider a wide range of options to deal with the immediate security needs in Afghanistan.

The Committee remains concerned with the funding levels budgeted for training the ANA. The Committee understands that the situation in Afghanistan remains fluid and dynamic, and, therefore, recommends that $7,000,000 from the ''Peacekeeping Operations'' account be made available to support efforts to establish an effective Afghan National Army.

The Committee is concerned that the administration's request proposes cuts in important peacekeeping missions in Africa. The Committee recommends that $10,000,000 of the funds provided above the request should be used to restore some of these reductions.

TITLE IV

MULTILATERAL ECONOMIC ASSISTANCE

—

INTERNATIONAL FINANCIAL INSTITUTIONS

SUMMARY

Appropriations, 2002	$1,174,796,000
Budget estimate, 2003	1,437,097,000
Committee recommendation	1,329,097,000

The Committee recommends the total amount of paid-in capital funding shown above to provide for contributions to the International Development Association, Multilateral Investment Guarantee Agency, the Global Environment Facility (GEF), the Inter-American Development Bank's Inter-American Investment Corporation and Multilateral Investment Fund, the Asian Development Fund, the African Development Bank and Fund, the European Bank for Reconstruction and Development, and the International Fund for Agriculture Development.

World Bank.—The Committee continues to follow the World Bank's efforts to reform its internal grievance procedures. Despite some progress, it remains apparent that as long as the Bank and the other international financial institutions are immune from the court process, they need to do more to ensure that complaints are independently investigated and adjudicated in accordance with due process, and that managers are punished for misconduct, especially retaliation. The Committee is particularly concerned with the professionalism of the Bank's legal department, and questions its ability to carry out its responsibilities fairly and effectively. Among other things, the Bank's lawyers have expended resources prolonging cases that should have been resolved quickly, or defended management when it would have been in the interests of the institution to represent the complainants, who often cannot afford lawyers of their own.

World Commission on Dams.—The Committee is concerned with the World Bank's failure to formally adopt the guidelines recommended by the World Commission on Dams (WCD), whose report, ''Dams and Development,'' addresses a complex, controversial subject in a balanced way, including proposing comprehensive, practical and innovative guidelines for future action. The Committee again urges the Bank to continue to engage with the full range of interested parties in the implementation of the WCD's report, and to integrate these guidelines to the fullest extent practicable into the Bank's relevant operational policies and directives, including those relating to resettlement, environmental assessment, and water and energy policies.

International Monetary Fund.—The Committee remains concerned that the IMF has not implemented many of the recommendations of its 1994 Working Group on the Status of Women, especially those aimed at increasing the number of women in managerial positions. Last year, the Committee urged the IMF to obtain an updated regression analysis to determine what further steps are needed to correct persistent gender disparities in hiring and promotion. Regrettably, the IMF has failed to do so.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

INTERNATIONAL DEVELOPMENT ASSOCIATION

Appropriations, 2002	$792,400,000
Budget estimate, 2003	874,338,333
Committee recommendation	837,338,333

GLOBAL ENVIRONMENT FACILITY

Appropriations, 2002	$100,500,000
Budget estimate, 2003	177,813,533
Committee recommendation	177,813,533

MULTILATERAL INVESTMENT GUARANTEE AGENCY

Appropriations, 2002	$5,000,000
Budget estimate, 2003	3,631,000
Committee recommendation	1,631,000

The Committee remains concerned about the Bujagli dam proposal and expects to be consulted concerning the U.S. position prior to a vote on this project.

INTER-AMERICAN DEVELOPMENT BANK

INTER-AMERICAN INVESTMENT CORPORATION

Appropriations, 2002	$18,000,000
Budget estimate, 2003	30,352,000
Committee recommendation	18,351,667

MULTILATERAL INVESTMENT FUND

Appropriations, 2002	
Budget estimate, 2003	$29,590,667
Committee recommendation	29,590,667

ASIAN DEVELOPMENT BANK

ASIAN DEVELOPMENT FUND

Appropriations, 2002	$98,017,000
Budget estimate, 2003	147,386,133
Committee recommendation	100,386,133

AFRICAN DEVELOPMENT BANK

Appropriations, 2002	$5,100,000
Budget estimate, 2003	5,104,473
Committee recommendation	5,104,473

AFRICAN DEVELOPMENT FUND

Appropriations, 2002	$100,000,000
Budget estimate, 2003	118,073,333
Committee recommendation	108,073,333

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

Appropriations, 2002	$35,779,000
Budget estimate, 2003	35,804,955
Committee recommendation	35,804,955

The Committee notes that Article 1 of the Agreement Establishing the European Bank for Reconstruction and Development (EBRD) states that the Bank's purpose is to foster transition toward market economies in countries that are committed to and applying the principles of multiparty democracy and pluralism. The Committee, therefore, is troubled by the EBRD's decision to hold its annual meeting next year in Tashkent, Uzbekistan, and expects the Treasury Department and the EBRD to use this opportunity to urge the Government of Uzbekistan to meet its commitments under the ''Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America'', by ensuring respect for human rights and freedoms, building a multiparty democracy, and implementing judicial and legal reforms.

INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

Appropriations, 2002	$20,000,000
Budget estimate, 2003	15,003,667
Committee recommendation	15,003,667

The Committee recommends $15,003,667 for a contribution to the International Fund for Agricultural Development (IFAD) and expects the United States to continue its strong support of IFAD during negotiations for the 6th replenishment of IFAD.

The Committee is supportive of the IFAD's new rural finance policy, and encourages IFAD to coordinate more effectively with cooperative development organizations in the United States to build sustainable, member-owned cooperatives and credit unions.

The Committee also supports IFAD's continuing participation in the enhanced Heavily-Indebted Poor Countries (HIPC) initiative. The Committee recommends that the administration explore ways to ensure that IFAD's continued participation in the enhanced HIPC initiative will not detract from its capacity to manage its development programs.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Appropriations, 2002	$208,500,000
Budget estimate, 2003	310,400,000
Committee recommendation	215,000,000

The Committee provides $215,000,000 for the ''International Organizations and Programs'' account. This amount does not include funding for the Korean Peninsula Energy Development Organization and the International Atomic Energy Agency.–

UNITED NATIONS FUND FOR VICTIMS OF TORTURE

The Committee continues to support the United Nations Fund for Victims of Torture and recommends a U.S. contribution of $5,000,000 in fiscal year 2003. The Committee is aware that this Fund supports nearly 100 treatment programs and projects for victims of torture in over 50 countries. The Committee urges the State Department to seek additional contributions from other governments for the Fund.

INTERNATIONAL EFFORTS TO COMBAT THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS

The Committee directs the Secretary of State, no later than 120 days after the date of enactment of the Act, to transmit a report describing the activities undertaken, and the progress made, by the Department of State or other agencies and entities of the U.S. Government in implementing the goals of the Program of Action of the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

UNITED NATIONS POPULATION FUND

Last year, the President requested $25,000,000 for the U.N. Population Fund (UNFPA), based on a February 2001 determination by the State Department that the UNFPA's program in the People's Republic of China was not in violation of the ''Kemp-Kasten Amendment'' which prohibits United States funds to any organization or program which ''supports or participates in the management of a program of coercive abortions or involuntary sterilization.''

After lengthy negotiations and a series of comprises, the House and Senate approved up to $34,000,000 for UNFPA. The Statement of the Managers accompanying the fiscal year 2002 Foreign Operations Conference Report made clear that the Congress intended to provide $34,000,000 for UNFPA. Congress also continued the prohibition on the use of United States funds in China.

Allegations that UNFPA was in violation of Kemp-Kasten prompted the administration to withhold disbursement of the fiscal year 2002 funds for UNFPA and to dispatch a 3-member investigative team to China in April. The Committee commends the administration for its efforts to investigate these allegations, and deplores the coercive aspects of China's family planning program which are violations of human rights.

As the administration is in the process of working with UNFPA and the Chinese Government in an attempt to resolve this matter, the Committee has provided that funds appropriated in this Act, and in Public Law 107–115 that were available for the UNFPA, shall be made available to the UNFPA if the Secretary of State determines that UNFPA no longer participates in the management of a program of coercive abortion or involuntary sterilization.

The Committee has continued its prohibition on the use of funds made available to UNFPA in the People's Republic of China.

UNITED NATIONS ENVIRONMENT PROGRAM

The Committee has provided $12,025,000 for a United States contribution to the United Nations Environment Program, which plays a key role in addressing a wide range of environmental problems, including ozone depletion, the unsafe use of toxic chemicals, and land-based and marine pollution. The Committee recognizes that UNEP's activities are complimentary to U.S. interests in protecting the global environment, and believes the United States should more strongly support UNEP.

WORLD FOOD PROGRAM

Traditionally, the Committee has provided funds for costs associated with the delivery and management of U.S. food donations to the World Food Program in the Foreign Operations, Export Financing, and Related Programs Appropriations Act. In its fiscal year 2003 budget, the administration requested funds for this purpose in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act. The Committee prefers to continue its past practice, and provides $6,000,000 for the World Food Program.

The Committee is extremely concerned with the food security crisis in sub-Saharan

Africa, where a combination of adverse climate conditions, mismanagement of grain reserves, and questionable government policies, particularly in Zimbabwe, have put approximately 38 million people at risk. The Committee has provided additional funds in the ''International Disaster Assistance'' and ''Migration and Refugee Assistance'' accounts to help address this crisis and urges the administration to increase food aid to the region. The Committee urges the administration to request supplemental funding for this purpose.

UNITED NATIONS UNIVERSITY

The Committee is aware that U.N. University contributes, through research and capacity building, to international efforts to address pressing global issues such as food security, environmental degradation, and governance. Rather than a degree-granting institution, U.N. University is an important resource for the United Nations, promoting bridges between the United Nations and the international academic community. The Committee encourages the administration to consider resuming support for U.N. University.

TITLE V

GENERAL PROVISIONS

SEC. 501. Obligations during last month of availability.
SEC. 502. Private and Voluntary Organizations.
SEC. 503. Limitation on Residence Expenses.
SEC. 504. Limitation on Expenses.
SEC. 505. Limitation on Representational Allowances.
SEC. 506. Prohibition on Financing Nuclear Goods.
SEC. 507. Prohibition Against Direct Funding for Certain Countries.
SEC. 508. Military Coups.
SEC. 509. Transfers Between Accounts.
SEC. 510. Deobligation/Reobligation Authority.
SEC. 511. Availability of Funds.
SEC. 512. Limitation on Assistance to Countries in Default.
SEC. 513. Commerce and Trade.
SEC. 514. Surplus Commodities.
SEC. 515. Notification Requirements.
SEC. 516. Limitation on Availability of Funds for International Organizations and Programs.
SEC. 517. Independent States of the Former Soviet Union.
SEC. 518. Export Financing Transfer Authorities.
SEC. 519. Special Notification Requirements.
SEC. 520. Definition of Program, Project, and Activity.
SEC. 521. Child Survival and Health Activities.
SEC. 522. Notification on Excess Defense Equipment.
SEC. 523. Authorization Requirement.
SEC. 524. Democracy Programs.
SEC. 525. Prohibition on Bilateral Assistance to Terrorist Countries.
SEC. 526. Prohibition on Assistance to Foreign Governments That Export Lethal Military Equipment to Countries Supporting International Terrorism.
SEC. 527. Debt-For-Development.
SEC. 528. Separate Accounts.
SEC. 529. Compensation for United States Executive Directors to International Financial Institutions.
SEC. 530. Compliance With United Nations Sanctions Against Iraq.
SEC. 531. Authorities for the Peace Corps, Inter-American Foundation and African Development Foundation.
SEC. 532. Impact on Jobs in the United States.
SEC. 533. Special Authorities.
SEC. 534. Arab League Boycott of Israel.
SEC. 535. Administration of Justice Activities.
SEC. 536. Eligibility For Assistance.
SEC. 537. Earmarks.
SEC. 538. Ceilings and Earmarks.
SEC. 539. Prohibition on Publicity or Propaganda.
SEC. 540. Prohibition of Payments to United Nations Members.
SEC. 541. Nongovernmental Organization—Documentation.
SEC. 542. Withholding of Assistance for Parking Fines Owed By Foreign Countries.
SEC. 543. Limitation on Assistance for the PLO for the West Bank and Gaza.
SEC. 544. War Crimes Tribunal Drawdown.
SEC. 545. Landmines.
SEC. 546. Restrictions Concerning The Palestinian Authority.
SEC. 547. Prohibition of Payment of Certain Expenses.
SEC. 548. Palestinian Statehood.
SEC. 549. Tibet.
SEC. 550. Haiti Coast Guard.
SEC. 551. Limitation on Assistance to the Palestinian Authority.
SEC. 552. Limitation on Assistance to Security Forces.
SEC. 553. Protection of Tropical Forests and Biodiversity.
SEC. 554. Energy Conservation, Energy Efficiency and Clean Energy Programs.
SEC. 555. Afghanistan.
SEC. 556. Zimbabwe.
SEC 557. Nigeria.
SEC. 558. Burma.
SEC. 559. Enterprise Fund Restrictions.
SEC. 560. Cambodia.
SEC. 561. Foreign Military Training Report.
SEC. 562. Korean Peninsula Energy Development Organization.
SEC. 563. Colombia.
SEC. 564. Illegal Armed Groups.
SEC. 565. Prohibition on Assistance to the Palestinian Broadcasting Corporation.
SEC. 566. Iraq.
SEC. 567. West bank and Gaza Program.
SEC. 568. Indonesia.
SEC. 569. Restrictions on Assistance to Governments Destabilizing Sierra Leone.
SEC. 570. Voluntary Separation Incentives.
SEC. 571. Central Asia.
SEC. 572. American Churchwomen in El Salvador.
SEC. 573. Commercial Leasing of Defense Articles.
SEC. 574. War Criminals.
SEC. 575. User Fees.
SEC. 576. Funding For Serbia.
SEC. 577. Community Based Police Assistance.
SEC. 578. Excess Defense Articles for Central and Southern European and Certain Other Countries.
SEC. 579. Overseas Private Investment Corporation and Export-Import Bank Restrictions.
SEC. 580. Cooperation With Cuba on Counter-Narcotics Matters.
SEC. 581. Prohibition on Funding for Abortions and Involuntary Sterilization.
SEC. 582. Tropical Forest Conservation.
SEC. 583. Regional Democracy Programs for East Asia and the Pacific.

COMPLIANCE WITH PARAGRAPH 7, RULE XVI OF THE STANDING RULES OF THE SENATE

Rule XVI, paragraph 7 requires that every report on a general appropriation bill filed by the Committee must identify each recommended amendment, with particularity, which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

Items providing funding for fiscal year 2003 which lack authorization are as follows:

Child Survival and Health Programs Fund	$1,780,000,000
Development Assistance	1,350,000,000
International Disaster Assistance	255,500,000
USAID Operating Expenses	571,087,000
USAID Operating Expenses, Office of Inspector General	33,046,000
USAID Capital Investment Fund	65,000,000
Economic Support Fund	2,250,000,000
Assistance for Eastern Europe and the Baltics	555,000,000
Assistance for the Independent States of the Former Soviet Union	765,000,000
African Development Foundation	17,689,000
Inter-American Foundation	16,385,000
International Narcotics Control and Law Enforcement	196,713,000
Migration and Refugee Assistance	782,000,000
Emergency Migration and Refugee Assistance.	32,000,000
Nonproliferation, Anti-Terrorism, Demining and Related Assistance	376,400,000
Treasury Technical Assistance	10,500,000
Debt Restructuring	40,000,000
International Military Education and Training	80,000,000
Foreign Military Financing Program	4,067,000,000
Peacekeeping Operations	125,250,000
International Organizations and Programs	230,461,000
International Development Association	837,338,000
Asian Development Fund	127,386,000
African Development Fund	108,073,000

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee report on a bill or joint resolution repealing or amending any statute or part of any statute include ''(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee.''

In compliance with this rule, the following changes in existing law proposed to be made by the bill are shown as follows: existing law to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman.

With respect to this bill, it is the opinion of the Committee that it is necessary to dispense with these requirements in order to expedite the business of the Senate.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
TITLE I—EXPORT AND INVESTMENT ASSISTANCE					
EXPORT-IMPORT BANK OF THE UNITED STATES					
Subsidy appropriation	727,323	541,400	541,400	−185,923	
Administrative expenses	63,000	68,300	68,300	+5,300	
Negative subsidy	−11,000	−13,000	−13,000	−2,000	
Rescission (Public Law 107–206)	−50,000			+50,000	
Total, Export-Import Bank of the United States	729,323	596,700	596,700	−132,623	
OVERSEAS PRIVATE INVESTMENT CORPORATION					
Noncredit account:					
Administrative expenses	38,608	39,885	39,885	+1,277	
Insurance fees and other offsetting collections	−290,000	−306,000	−306,000	−16,000	
Subsidy appropriation		24,000	24,000	+24,000	
Total, Overseas Private Investment Corporation	−251,392	−242,115	−242,115	+9,277	
FUNDS APPROPRIATED TO THE PRESIDENT					
Trade and development agency	50,024	44,696	44,696	−5,328	
Total, title I, Export and investment assistance	527,955	399,281	399,281	−128,674	
TITLE II—BILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
United States Agency for International Development					
Child survival and health programs fund	1,433,500		1,790,000	+356,500	+1,790,000
UNICEF	(120,000)		(120,000)		(+120,000)
(Transfer out)					
Development assistance	1,178,000	2,839,500	1,365,500	+187,500	−1,474,000
(Transfer out)	(−18,500)			(+18,500)	
International disaster assistance	235,500	285,500	290,000	+54,500	+4,500
Emergency supplemental	50,000			−50,000	
Emergency appropriations (Public Law 107–206)	40,000			−40,000	
Transition Initiatives	50,000	55,000	55,000	+5,000	
Development Credit Program:					
(By transfer)	(18,500)			(−18,500)	
(Guaranteed loan authorization)	(267,500)			(−267,500)	
Administrative expenses	7,500	7,591	7,591	+91	
Subtotal, development assistance	2,994,500	3,187,591	3,508,091	+513,591	+320,500
Payment to the Foreign Service Retirement and Disability Fund	44,880	45,200	45,200	+320	
Operating expenses of the U.S. Agency for International Development	549,000	572,087	571,087	+22,087	−1,000
Emergency appropriations (Public Law 107–206)	7,000			−7,000	
(By transfer)	(3,500)			(−3,500)	
Capital Investment Fund		95,000	65,000	+65,000	−30,000
Operating expenses of the U.S. Agency for International Development Office of Inspector General	31,500	33,046	33,046	+1,546	
Total, U.S. Agency for International Development	3,626,880	3,932,924	4,222,424	+595,544	+289,500
Other Bilateral Economic Assistance					
Economic support fund:					
Camp David countries	1,375,000	1,415,000	1,215,000	−160,000	−200,000
Other	824,000	1,075,000	1,045,000	+221,000	−30,000
(Transfer out)	(−3,500)			(+3,500)	
Emergency appropriations (Public Law 107–206)	465,000			−465,000	
Subtotal, Economic support fund	2,664,000	2,490,000	2,260,000	−404,000	−230,000
International Fund for Ireland	25,000			−25,000	
Assistance for Eastern Europe and the Baltic States	621,000	495,000	530,000	−91,000	+35,000
Assistance for the Independent States of the former Soviet Union	784,000	755,000	765,000	−19,000	+10,000
Emergency appropriations (Public Law 107–206)	110,000			−110,000	
Total, Other Bilateral Economic Assistance	4,204,000	3,740,000	3,555,000	−649,000	−185,000
INDEPENDENT AGENCIES					
Inter-American Foundation					
Appropriation	13,107	14,185	16,385	+3,278	+2,200
African Development Foundation					
Appropriation	16,542	16,689	17,689	+1,147	+1,000
Peace Corps					
Appropriation	275,000	317,228	285,000	+10,000	−32,228
Department of State					
International narcotics control and law enforcement	217,000	196,713	196,713	−20,287	
Emergency appropriations (Public Law 107–206)	114,000			−114,000	
(By transfer)					
Andean Counterdrug Initiative	625,000	731,000	650,000	+25,000	−81,000
(By transfer)			(88,000)	(+88,000)	(+88,000)
Migration and refugee assistance	705,000	704,565	787,000	+82,000	+82,435
United States Emergency Refugee and Migration Assistance Fund	15,000	15,000	32,000	+17,000	+17,000
Nonproliferation, anti-terrorism, demining and related programs	313,500	372,400	306,400	−7,100	−66,000
Emergency supplemental					
Emergency appropriations (Public Law 107–206)	83,000			−83,000	
(By transfer)					
Subtotal, Department of State	2,072,500	2,019,678	1,972,113	−100,387	−47,565
Department of the Treasury					
International Affairs Technical Assistance	6,500	10,000	10,500	+4,000	+500

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Debt restructuring	229,000			−229,000	
Subtotal, Department of the Treasury	235,500	10,000	10,500	−225,000	+500
Total, title II, Bilateral economic assistance	10,443,529	10,050,704	10,079,111	−364,418	+28,407
Appropriations	(9,574,529)	(10,050,704)	(10,079,111)	(+504,582)	(+28,407)
Emergency appropriations	(869,000)			(−869,000)	
(By transfer)	(22,000)		(88,000)	(+66,000)	(+88,000)
(Transfer out)	(−22,000)			(+22,000)	
TITLE III—MILITARY ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
International Military Education and Training	70,000	80,000	80,000	+10,000	
Foreign Military Financing Program:					
Grants:					
Camp David countries	3,340,000	3,400,000	3,400,000	+60,000	
Other	310,000	707,200	672,000	+362,000	−35,200
Subtotal, grants	3,650,000	4,107,200	4,072,000	+422,000	−35,200
(Limitation on administrative expenses)	(35,000)	(37,000)	(38,000)	(+3,000)	(+1,000)
Emergency appropriations (Public Law 107–206)	357,000			−357,000	
(Transfer out)					
Associated outlays:					
Israel					
Egypt					
Other					
(Transfer out)			(−88,000)	(−88,000)	(−88,000)
Total, Foreign Military Financing	4,007,000	4,107,200	4,072,000	+65,000	−35,200
Peacekeeping operations	135,000	108,250	120,025	−14,975	+11,775
Emergency appropriations (Public Law 107–206)	20,000			−20,000	
Total, title III, Military assistance	4,232,000	4,295,450	4,272,025	+40,025	−23,425
Appropriations	(3,855,000)	(4,295,450)	(4,272,025)	(+417,025)	(−23,425)
Emergency appropriations	(377,000)			(−377,000)	
(Limitation on administrative expenses)	(35,000)	(37,000)	(38,000)	(+3,000)	(+1,000)
TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
International Financial Institutions					
World Bank Group					
Contribution to the International Bank for Reconstruction and Development:					
Global Environment Facility	100,500	177,813	177,813	+77,313	
Contribution to the International Development Association	792,400	874,338	837,338	+44,938	−37,000
Contribution to Multilateral Investment Guarantee Agency	5,000	3,631	1,631	−3,369	−2,000
(Limitation on callable capital subscriptions)	(25,000)	(14,825)	(14,825)	(−10,175)	
Total, World Bank Group	897,900	1,055,782	1,016,782	+118,882	−39,000
Contribution to the Inter-American Development Bank:					
Contribution to the Inter-American Investment Corporation	18,000	30,352	18,352	+352	−12,000
Contribution to the Enterprise for the Americas Multilateral Investment Fund		29,591	29,591	+29,591	
Total, Inter-American Development Bank	18,000	59,943	47,943	+29,943	−12,000
Contribution to the Asian Development Bank:					
Contribution to the Asian Development Fund	98,017	147,386	100,386	+2,369	−47,000
Contribution to the African Development Bank:					
Paid-in capital	5,100	5,104	5,104	+4	
(Limitation on callable capital subscriptions)	(79,992)	(79,603)	(79,603)	(−389)	
Contribution to the African Development Fund	100,000	118,073	108,073	+8,073	−10,000
Total, African Development Bank	105,100	123,177	113,177	+8,077	−10,000
Contribution to the European Bank for Reconstruction and Development:					
Paid-in capital	35,779	35,805	35,805	+26	
(Limitation on callable capital subscriptions)	(123,238)	(123,328)	(123,328)	(+90)	
Contribution to the International Fund for Agricultural Development	20,000	15,004	15,004	−4,996	
Total, International Financial Institutions	1,174,796	1,437,097	1,329,097	+154,301	−108,000
International Organizations and Programs					
Appropriation	208,500	310,400	215,000	+6,500	−95,400
Total, title IV, Multilateral economic assistance	1,383,296	1,747,497	1,544,097	+160,801	−203,400
(Limitation on callable capital subscript)	(228,230)	(217,756)	(217,756)	(−10,474)	
Grand total	16,586,780	16,492,932	16,294,514	−292,266	−198,418
Appropriations	(15,390,780)	(16,492,932)	(16,294,514)	(+903,734)	(−198,418)
Rescissions	(−50,000)			(+50,000)	
Emergency appropriations	(1,246,000)			(−1,246,000)	
(By transfer)	(22,000)		(88,000)	(+66,000)	(+88,000)
(Transfer out)	(−22,000)		(−88,000)	(−66,000)	(−88,000)
(Limitation on administrative expenses)	(35,000)	(37,000)	(38,000)	(+3,000)	(+1,000)
(Limitation on callable capital subscript)	(228,230)	(217,756)	(217,756)	(−10,474)	

[COMMITTEE PRINT]

[NOTICE: This is a draft for use of the Committee and its staff only, in preparation for markup.]

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2003

JANUARY ____, 2003.—Ordered to be printed

Mr. BURNS, from the Committee on Appropriations, submitted the following

REPORT

[To accompany S. 0000]

The Committee on Appropriations reports the bill (S. 0000) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes, reports favorably thereon and recommends that the bill do pass.

Amounts in new budget (obligational) authority, fiscal year 2003

Total of bill as reported to Senate	$18,973,625,000
Estimates considered by Senate	18,938,078,000
Above the budget estimate, 2003	35,547,000
Below appropriations, 2002 (including emergencies)	184,145,000

SUMMARY OF BILL

For this bill, estimates totaling $18,938,916,000 in new obligational authority were considered by the Committee for the programs and activities of the agencies and bureaus of the Department of the Interior, except the Bureau of Reclamation, and the following related agencies:

Department of Agriculture:
Forest Service.
Department of Energy:
Clean coal technology.
Fossil energy research and development.
Naval petroleum and oil shale reserves.
Elk Hills School lands fund.
Energy conservation.
Economic regulation.
Strategic petroleum reserve.
SPR petroleum account.
Energy Information Administration.
Department of Health and Human Services:
Indian Health Service.
Office of Navajo and Hopi Indian Relocation.
Institute of American Indian and Alaska Native Culture and Arts Development.
Smithsonian Institution.
National Gallery of Art.
John F. Kennedy Center for the Performing Arts.
Woodrow Wilson International Center for Scholars.
National Foundation on the Arts and Humanities:
National Endowment for the Arts.
National Endowment for the Humanities.
Challenge America Arts Funds.
Commission of Fine Arts.
Advisory Council on Historic Preservation.
National Capital Planning Commission.
United States Holocaust Memorial Museum.
Presidio Trust.

REVENUE GENERATED BY AGENCIES IN BILL

Oil and gas leasing and other mineral leasing activities, recreation and user fees, the timber and range programs, and oil production from the naval petroleum reserves are estimated to generate income to the Government of $6,148,958,000 in fiscal year 2003. These estimated receipts, for agencies under the subcommittee's jurisdiction, are tabulated below:

Item	Fiscal year— 2001	2002	2003
Department of the Interior	$10,865,661,000	$6,609,623,000	$5,719,689,000
Forest Service	424,019,000	420,972,000	422,036,000
Naval petroleum reserves	7,836,000	7,187,000	7,233,000
Total receipts	11,297,516,000	7,037,782,000	6,148,958,000

MAJOR CHANGES RECOMMENDED IN THE BILL

The Committee has developed revisions to the budget estimate for the 2003 fiscal year.

A comparative summary of funding in the bill by agency is shown by agency or principal program in the following table:

[In thousands of dollars]

	Committee recommendation	Committee recommendation compared with budget estimate
Title I—Department of the Interior:		
Bureau of Land Management	1,861,458	+36,036
U.S. Fish and Wildlife Service	1,213,108	−70,256
National Park Service	2,286,305	−69,256
United States Geological Survey	914,617	+47,279
Minerals Management Service	170,427	+100
Office of Surface Mining Reclamation and Enforcement	297,112	+17,710
Bureau of Indian Affairs	2,267,329	+21,525
Departmental Offices	420,126	−3,409
Total, Title I—Department of the Interior	9,430,482	−20,271
Title II—Related agencies:		
Forest Service	3,949,824	+1,113
Department of Energy	1,764,243	+47,002
Indian Health Service	2,821,271	+5,703
Office of Navajo and Hopi Indian Relocation	14,491	
Institute of American Indian and Alaska Native Culture and Arts Develop- ment	5,130	
Smithsonian Institution	530,960	+3,000
National Gallery of Art	93,449	−1,000
John F. Kennedy Center for the Performing Arts	33,910	
Woodrow Wilson International Center for Scholars	8,488	
National Endowment for the Arts	116,489	+17,000
National Endowment for the Humanities	125,754	
Institute of Museum and Library Services		
Challenge America Arts Fund		−17,000
Commission of Fine Arts	1,224	
National Capital Arts and Cultural Affairs	7,000	
Advisory Council on Historic Preservation	3,667	
National Capital Planning Commission	7,253	
U.S. Holocaust Memorial Museum	38,663	
Presidio Trust	21,327	
Total, Title II—Related Agencies	9,543,143	+55,818
Grand total, fiscal year 2003	18,973,625	+35,547

CONSERVATION SPENDING CATEGORY

Title VIII of the Interior and Related Agencies Appropriations Act, 2001, created a separate conservation spending category within the Budget Act. Given the expiration of the Budget Act and the absence of formal spending allocations pursuant to a budget resolution, the Committee has not included references to the conservation spending category in this bill. The total funding provided

for conservation category programs, however, meets the aggregate total projected for fiscal year 2003.

ACCRUAL FUNDING OF RETIREMENT COSTS AND POST-RETIREMENT HEALTH BENEFITS

The President's Budget included a legislative proposal under the jurisdiction of the Senate Committee on Governmental Affairs to charge to individual agencies, starting in fiscal year 2003, the fully accrued costs related to retirement benefits of Civil Service Retirement System employees and retiree health benefits for all civilian employees. The Budget also requested an additional dollar amount in each affected discretionary account to cover these accrued costs.

The authorizing committee has not acted on this legislation, therefore the Senate Appropriations Committee has reduced the dollar amounts of the President's request shown in the ''Comparative Statement of New Budget Authority Request and Amounts Recommended in the Bill'', as well as in other tables in this report, to exclude the accrual funding proposal.

The Committee further notes that administration proposals requiring legislative action by the authorizing committees of Congress are customarily submitted in the budget as separate schedules apart from the regular appropriations requests. Should such a proposal be enacted, a budget amendment formally modifying the President's appropriation request for discretionary funding is subsequently transmitted to the Congress.

The Senate Appropriations Committee joins with the House Appropriations Committee in raising concern that this practice, which has always worked effectively for both Congress and past administrations, was not followed for the accrual funding proposal. In this case, the Office of Management and Budget (OMB) decided to include accrual amounts in the original discretionary appropriations language request. These amounts are based on legislation that has yet to be considered and approved by the appropriate committees of Congress. This led to numerous misunderstandings both inside and outside of Congress of what was the ''true'' President's budget request. The Committee believes that, in the future, OMB should follow long-established procedures with respect to discretionary spending proposals that require legislative action.

TITLE I—DEPARTMENT OF THE INTERIOR

LAND AND WATER RESOURCES

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LAND AND RESOURCES

Appropriations, 2002	$775,632,000
Budget estimate, 2003	812,990,000
Committee recommendation	816,062,000

The Committee recommends an appropriation of $816,062,000, an increase for $3,072,000 above the budget estimate. The funding amounts described below are at the activity level. Additional details on funding for subactivities within the various appropriations accounts for the Bureau are set out in a table in the back of the report. A comparison of the Committee recommendations with the budget estimate is as follows:

	Budget estimate	Committee recommendation	Change
Land resources	$177,557,000	$179,857,000	+$2,300,000
Wildlife and fisheries management	33,755,000	33,755,000	
Threatened and endangered species	21,288,000	21,288,000	
Recreation management	62,696,000	64,096,000	+1,400,000
Energy and minerals	104,841,000	105,591,000	+750,000
Alaska minerals	2,228,000	4,000,000	+1,772,000
Realty and ownership management	85,250,000	89,850,000	+4,600,000
Resource protection and maintenance	76,227,000	76,977,000	+750,000
Transportation and facilities maintenance	77,958,000	79,458,000	+1,500,000
Land and resources information systems	19,341,000	19,341,000	
Mining law administration:			
Administration	32,696,000	32,696,000	
Offsetting fees	−32,696,000	−32,696,000	
Work force and organizational support	132,876,000	132,876,000	
Challenge cost share	18,973,000	8,973,000	−10,000,000
Total, management of lands and resources	812,990,000	816,062,000	+3,072,000

Land resources.—The Committee recommends $179,857,000 for land resources, which is an increase of $2,300,000 above the request. Increases above the request include $300,000 for the Rio Puerco watershed project in New Mexico for a total of $700,000; $1,000,000 to continue work at the National Center for Ecologically-Based Noxious Weed Management at Montana State University, including work on treatments of burned over areas to prevent the spread of noxious weeds; $1,000,000 for the Idaho Department of Agriculture to provide coordination, facilitation, administrative support, and cost-shared weed control project funding to Cooperative Weed Management Areas.

The Committee notes that the funding provided for land resources fully supports the budget request for noxious weed management. The projects funded above are over and above the request and should provide additional capability to the Bureau in its efforts to manage the serious problem of invasive weed control across all ownerships.

The Committee is concerned that the Bureau retain its current level of support for the National Conservation Training Center, and directs that $500,000 shall be used for this purpose and made available to NCTC within 60 days of enactment.

Wildlife and fisheries management.—The Committee recommends $33,755,000 for wildlife and fisheries management, which is equal to the request.

Threatened and endangered species.—The Committee recommends $21,288,000 for threatened and endangered species management, which is equal to the request.

Recreation management.—The Committee recommends $64,096,000 for recreation management, which is an increase of $1,400,000 above the request. Increases above the request are $1,000,000 to continue the Undaunted Stewardship program and $400,000 for operations at the Colorado Canyons National Conservation Area. To the extent that Bureau needs to allocate the additional funds provided for the NCA throughout the Management of Lands and Resources appropriation in order to accomplish the program of work at Colorado Canyons it may do so upon notification and consultation with the Committee.

Energy and minerals management including Alaska minerals.—The Committee has provided $105,591,000 for energy and minerals management, which is an increase of $750,000 above the request. The increase above the request is for the permitting, including supporting analysis, of geothermal energy applications and the processing of wind-energy rights-of-way in Nevada.

The Committee has provided an additional $4,000,000 for the Alaska minerals program, which is an increase of $1,772,000 above the request. The additional funding is for the minerals at risk program, which will complete this project.

Realty and ownership management.—The Committee recommends $89,850,000 for realty and ownership management, which is an increase of $4,600,000 above the request. Increases above the request are $2,000,000 for the Alaska Conveyance program, $1,850,000 for the cadastral survey program, and $750,000 for additional personnel to perform realty work in the State of Nevada.

The Committee is concerned about the failure of the Bureau to process applications under the Native Allotment Act of 1906 in a timely manner. Some applications have been pending nearly a century while all applications have been pending for over 30 years. The Committee has provided $2,000,000 in additional funding for the Alaska conveyance program, and directs that of the total amount provided for the program at least $15,000,000 shall be for cadastral surveys. The Committee expects the Bureau to develop a plan to complete work on all allotment applications and all land selections under the Alaska Statehood Act of 1959 by 2009, 50 years after its enactment and nearly 40 years after the deadline for applying for Native allotments.

Within the funds provided by the Committee for the cadastral survey program, an additional $350,000 is for the State of Utah Automated Geographic Reference Center to continue work on a centralized GIS database of wilderness inventories, and $1,500,000 to continue work on a public lands survey and ownership database for the State of Alaska.

Resource protection and maintenance.—The Committee recommends $76,977,000 for resource protection and maintenance, which is $750,000 above the request. The increase above the request is for the digitization and cataloging of the extensive collection of five combined Department of the Interior resource libraries in Alaska.

Transportation and facilities maintenance.—The Committee recommends $79,458,000 for transportation and facilities maintenance, which is $1,500,000 above the request. Increases above the request are $500,000 to continue maintenance work on the Iditarod National Historic Trail, and $1,000,000 for the capping of oil wells in the National Petroleum Reserve to prevent leakage and oil spills into the environment.

Land and information systems.—The Committee recommends $19,341,000 for land and

information systems, which is equal to the request.

Mining law administration.—The Committee recommends $32,696,000 for mining law administration, which is equal to the request.

Workforce organization and support.—The Committee recommends $132,876,000 for workforce organization and support, which is equal to the request.

Challenge cost share.—The Committee has provided $8,973,000 for the challenge cost share program, which is equal to the enacted level. The Committee has not provided funds for the Cooperative Conservation Initiative, but has funded the challenge cost share program at current levels which performs similar activities.

General.—It has come to the Committee's attention that the Department has made little progress responding to direction included in last year's Conference Report urging the Department and its bureaus to begin utilizing battery pulse technology in vehicles and other equipment. The experience of the United States military has illustrated impressive cost savings and environmental benefits following the aggressive application of this technology to extend the service life of batteries. The Department is directed to evaluate the application of this technology within its bureaus and report back to the Committee within 90 days of enactment of this Act on the feasibility and benefits of the use of pulse technology for batteries.

The Committee notes that the Bureau of Land Management's Preferred Alternative in the Final SEIS for the reclamation of the Zortman Landusky Mine near the Fort Belknap Reservation in Montana proposes additional funding of $33.5 million over the amount bonded for reclamation, including $11 million to ensure the water treatment facilities proposed in the alternative can be operated in perpetuity. The Committee believes that protecting water quality in the region should be a top priority for the BLM budget requests for fiscal years 2004 and 2005.

WILDLAND FIRE MANAGEMENT

Appropriations, 2002	$678,421,000
Budget estimate, 2003	653,754,000
Committee recommendation	654,254,000

The Committee recommends a total appropriation of $654,254,000 for wildland fire management activities, which is $500,000 above the request.

The Committee recommendation includes $277,213,000 for fire preparedness, which is equal to the request and $3,594,000 below the enacted level.

The Committee also recommends a total of $160,351,000 for fire suppression activities, which is equal to the request.

The Committee's recommendation includes $216,690,000 for Other Fire Operations, which is $500,000 above the request. Within the amount provided, $186,690,000 is for hazardous fuels reduction, $20,000,000 is for burned area rehabilitation, and $10,000,000 is for rural fire assistance. The increase above the request is for the National Center for Landscape Fire Analysis at the University of Montana, for a total of $1,500,000 for the Bureau's share of this cooperative project.

The Committee notes that it has more than fully funded the request for hazardous fuels reduction of $186,190,000 within the amounts provided. The Committee believes that reduction of fuel loads in areas adjacent to communities in the wildland-urban interface is critical for protecting the public and that these areas should be a primary focus of the Department. Accordingly, the Committee directs the Department of the Interior to allocate the funding level proposed in the budget request of $111,255,000 on projects in the wildland-urban interface. If for any reason the Department is unable to attain the proposed levels, it shall promptly notify the Committee explaining why the Department was unable to expend such sums. The Committee recognizes the serious problem of deteriorating forest health as an underlying cause of wildland fire. A comprehensive approach to improving degraded forests and reducing the threat of wildfire includes forest restoration treatment. The Committee understands that the Ecological Restoration Institute in Flagstaff, Arizona provides research, application, development, and assistance to communities needed to implement landscape level treatments and improve forest health.

CENTRAL HAZARDOUS MATERIALS FUND

Appropriations, 2002	$9,978,000
Budget estimate, 2003	9,978,000
Committee recommendation	9,978,000

The Committee recommends an appropriation of $9,978,000 for the central hazardous materials fund, which is equal to the request.

CONSTRUCTION

Appropriations, 2002	$13,076,000
Budget estimate, 2003	10,976,000
Committee recommendation	12,976,000

The Committee recommends $12,976,000 for construction, which is an increase of $2,000,000 above the request. The increase above the request is for construction of the California Trail Interpretive Center in Elko County, Nevada.

PAYMENTS IN LIEU OF TAXES

Appropriations, 2002	$210,000,000
Budget estimate, 2003	165,000,000
Committee recommendation	210,000,000

The Committee recommends $210,000,000 for Payments in Lieu of Taxes. The amount provided is an increase of $45,000,000 above the budget request.

LAND ACQUISITION

Appropriations, 2002	$49,920,000
Budget estimate, 2003	44,686,000
Committee recommendation	30,150,000

The Committee recommends an appropriation of $30,150,000 for land acquisition, a decrease of $14,536,000 below the budget estimate.

The following table shows the Committee's recommendations:

Area and State	*Committee Recommendation*
Beaver Creek National WSR/White Mountains NRA (AK)	$750,000
Cosumnes River Watershed (CA)	2,500,000
Golden Bair Ranch (CO)	1,500,000
Kasha-Katuwe Tent Rocks National Monument (NM)	1,500,000
King Range National Conservation Area (CA)	2,000,000
Lewis and Clark National Historic Trail (ID)	1,000,000
Lewis and Clark National Historic Trail (MT)	1,000,000
Moses Coulee (WA)	2,000,000
Otay Mountain Wilderness (CA)	2,000,000
Rio Grande National WSR (NM)	4,500,000
Sandy River (OR)	2,500,000
Santa Rosa and San Jacinto Mountains NM (CA)	2,000,000
Squaw Leap Management Area (CA) (San Joaquin River)	900,000
Steens Cooperative Management and Protection Area (OR)	2,000,000
Use of carryover/anticipated slippage	−3,000,000
Subtotal, Acquisitions	23,150,000
Emergency/Inholding/Relocation	2,500,000
Land Exchange Equalization Payments	500,000
Acquisition Management	4,000,000
Total, BLM Land Acquisition	30,150,000

From unobligated funds previously appropriated for the Spring Gulch, WY project, the Bureau is directed to provide $4,000,000 for the West Slope (Devil's Canyon Ranch), WY project and $584,000 for the Continental Divide National Scenic Trail, WY.

The Committee has consistently supported the West Eugene Wetlands acquisition program over the years, and is aware that the Federal portion of the acquisition program is nearing completion. In order to properly conclude the project, however, certain issues regarding the status of lands in the project area must be resolved. Should these issues be resolved in a manner that warrants additional Federal acquisition support, the Committee will consider providing funding to complete the project.

OREGON AND CALIFORNIA GRANT LANDS

Appropriations, 2002	$105,165,000
Budget estimate, 2003	105,633,000
Committee recommendation	105,633,000

The Committee recommends an appropriation of $105,633,000, which is equal to the budget request.

FOREST ECOSYSTEMS HEALTH AND RECOVERY (REVOLVING FUND, SPECIAL ACCOUNT)

The Committee has retained bill language clarifying that the Federal share of salvage receipts to be deposited into this account shall be those funds remaining after payments to counties.

RANGE IMPROVEMENTS

Appropriations, 2002	$10,000,000
Budget estimate, 2003	10,000,000
Committee recommendation	10,000,000

The Committee recommends an appropriation of $10,000,000 for range improvements, the same as the budget estimate and the fiscal year 2002 enacted level.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

Appropriations, 2002	$8,000,000
Budget estimate, 2003	7,900,000
Committee recommendation	7,900,000

The Committee recommends an appropriation of $7,900,000, the same as the budget estimate and $100,000 below the fiscal year 2002 enacted level.

MISCELLANEOUS TRUST FUNDS

Appropriations, 2002	$12,405,000
Budget estimate, 2003	12,405,000
Committee recommendation	12,405,000

The Committee recommends an appropriation of $12,405,000, the same as the budget estimate and the fiscal year 2002 enacted level.

FISH AND WILDLIFE AND PARKS

U.S. FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

Appropriations, 2002	$850,597,000

Budget estimate, 2003 ..... 903,604,000 Committee recommendation 902,697,000

	Budget estimate	Committee recommendation	Change
Ecological Services	$211,147,000	$226,659,000	+$15,512,000
Refuges and Wildlife	456,717,000	442,692,000	−14,025,000
Fisheries	94,763,000	104,734,000	+9,971,000
General Administration	140,977,000	128,612,000	−12,365,000
Total, Resource Management	903,604,000	902,697,000	−907,000

The Committee recommends $902,697,000 for resource management, $907,000 below the budget estimate. The detail table at the back of the report displays the distribution of funds among the Service's activities. Changes to the budget estimate are detailed below.

Ecological Services.—The Committee recommends $226,659,000 for ecological services, an increase of $15,512,000 above the budget estimate. For the ecological services activity, the Committee recommends an increase of $5,716,000 for the endangered species subactivity. Within that increase, the Committee recommends $1,300,000 for candidate conservation, of which $150,000 is for the conservation of the burbot population in the Kootenai River, $400,000 is for continued funding of the Idaho Sage Grouse Management Plan through the Idaho Office of Species Conservation, $750,000 is for sea otter research in Alaska, and $50,000 is made available to the Idaho State Department of Agriculture to study the influence of herbivory on Slickspot Peppergrass within general program activities. The Committee recommends an increase of $200,000 in consultation programs for the Central Valley and Southern California Habitat Conservation Plan. For recovery, the Committee recommends a net increase of $4,212,000, of which $1,500,000 is for Atlantic salmon recovery activities administered by the National Fish and Wildlife Foundation, $500,000 is for the U.S. Fish and Wildlife Service to undertake Atlantic Salmon recovery efforts in Maine, $1,000,000 is for eider recovery work undertaken by the Alaska Sealife Center, $50,000 is for freshwater mussel recovery to be performed in conjunction with White Sulphur Springs NFH, $600,000 is for recovery of the Lahontan cutthroat trout, and $1,160,000 is for the wolf recovery program in the State of Idaho. Of the funds provided for wolf monitoring, $600,000 is for the Nez Perce Tribe, $100,000 is for the Snake River Basin Fish and Wildlife Service Office, and $460,000 is for the Office of Species Conservation. These funds are provided in lieu of funds the Service proposed for wolf monitoring in the request. The Peregrine Fund should be funded at $400,000 in fiscal year 2003. The funds provided also include the $750,000 requested to continue the Virgin River Resource Recovery and Management Plan.

The Committee is aware of efforts to prevent the Salt Creek Tiger beetle from being listed as an endangered species. The Committee encourages the Service to support these endeavors.

The Committee recommends $84,423,000 for habitat conservation, an increase of $9,800,000 over the budget request. Changes recommended for habitat conservation programs include an increase of $9,600,000 for the Partners for Fish and Wildlife Program, of which $200,000 is for bald eagle restoration performed in cooperation with the Vermont Natural Heritage Partners program, $500,000 is for the Big Hole Watershed Committee, $600,000 is for Columbia River Estuary Research, $1,000,000 is for the Hawaii Endangered Species Act Community Conservation Plan, $1,450,000 is for the Nevada Biodiversity Research and Conservation Project, $250,000 is for the Thunder Basin Grasslands Initiative, $500,000 is for the Montana Water Center for the Wild Fish Habitat Initiative, and $1,400,000 is for Washington State regional salmon enhancement. Also within the $9,600,000 increase provided for the Partners program, $2,700,000 is provided for invasive species control efforts in the State of Hawaii, Blackwater National Wildlife Refuge, and Willapa Bay. An additional $400,000 is also provided through refuge operations to eradicate spartina at Willapa NWR. The Committee encourages the Service to address the growing problem of invasive species in its fiscal year 2004 budget request. In project planning, the Committee recommends an increase of $200,000 for the Middle Rio Grande (Bosque) Research program. The Committee also recommends an increase of $1,000,000 for the Cook Inlet Aquaculture Association through coastal programs. The Committee recommends the budget request for environmental contaminants.

The Committee is concerned by reports that participation of the Fish and Wildlife Service in the Chesapeake Bay Program has diminished over the past decade. The Committee expects the Service to develop and submit to the Committee by April 1, 2003, an action plan to increase support for meeting the living resource, habitat restoration and education goals of the Chesapeake Bay Program.

Refuges and wildlife.—The Committee recommends $442,692,000 for refuges and wildlife, a decrease of $14,025,000 below the budget estimate.

The Committee has recommended an increase of $46,517,000 for the national wildlife refuge system in recognition of the upcoming refuge system centennial.

The Committee recognizes the agreement reached by the Fish and Wildlife Service, the State of California, and a private landowner for the purchase of salt ponds in the San Francisco Bay area for inclusion in the Don Edwards National Wildlife Refuge. The Committee urges the Fish and Wildlife Service to allocate resources to provide for maintenance and operations associated with the refuge's increased size.

A total of $998,000, the budget estimate, is recommended to continue the Salton Sea recovery program, contingent on matching funds from the State of California. The Committee does not object to including this program in the regular operations account in fiscal year 2004 and beyond.

In migratory bird management, the Committee recommends an increase of $575,000 for continued seabird bycatch reduction. Due to funding constraints, the Committee was unable to provide an increase above the request for the North American Waterfowl Management Plans. The Committee agrees to the following distribution of funds for joint ventures:

Joint venture	Fiscal year 2002	Recommended fiscal year 2003	Target level fiscal year 2004
Atlantic Coast	$506,000	$531,000	$800,000
Lower Mississippi	576,000	605,000	750,000
Upper Mississippi	363,000	382,000	650,000
Prairie Pothole	1,248,000	1,310,000	1,400,000
Gulf Coast	448,000	470,000	700,000
Playa Lakes	369,000	387,000	700,000
Rainwater Basin	278,000	292,000	400,000
Intermountain West	469,000	492,000	1,000,000
Central Valley	417,000	438,000	550,000
Pacific Coast	378,000	397,000	700,000
San Francisco Bay	269,000	282,000	370,000
Sonoran	278,000	292,000	400,000
Arctic Goose	210,000	221,000	370,000
Black Duck	188,000	197,000	370,000
Sea Duck	340,000	357,000	550,000
General Program Activities	662,000	695,000	750,000
Administration	.....	69,000	.....
Total	6,999,000	7,417,000	10,460,000

The Committee provides the budget request for law enforcement.

The Director of the U.S. Fish and Wildlife Service shall, within 180 days of the enactment of this Act, report to the Committee on Appropriations on the current availability of recreational air access to the Charles M. Russell National Wildlife Refuge, the history of such access over the life of the refuge, and alternatives for the enhancement of such access in a manner consistent with refuge purposes. Such report shall specifically address

the possibility of providing access to the Slippery Ann and Sand Creek airstrip, as well as other alternatives. The Director shall consult with the Montana Pilots Association and other interested stakeholders in preparing the report.

Fisheries.—The Committee recommends $104,734,000 for fisheries, $9,971,000 more than the budget request.

For hatchery operations and maintenance, the Committee recommends $52,952,000, which includes an increase of $2,000,000 for hatchery operations and an increase of $1,000,000 for hatchery maintenance. The Committee notes that, while it has restored the cut to hatchery general operations, the Service should pursue cost recovery opportunities outlined in the plan for achieving the proposed budget reduction. Any savings realized from these measures should be used to address the many unmet needs of the hatchery system. Within the funds provided for hatcheries, the Committee expects the Service to address the needs at the Pittsford National Fish Hatchery and the Ouray National Fish Hatchery.

The Committee encourages the Service to articulate a coherent long-term plan for the hatchery system in the fiscal year 2004 budget, incorporating the numerous reviews completed over the past several years, including the Sport Fishing and Boating Partnership Council report.

The Committee recommends $51,782,000 for fish and wildlife management, an increase of $6,971,000 over the request. The Committee has provided the budget request for anadromous fish management, $5,771,000 above the request for fish and wildlife assistance, and $1,200,000 above the request for marine mammals. Within the increase provided for fish and wildlife assistance, $400,000 is provided for fish passage improvements along railroads in Alaska, $118,000 is for fish surveys in West Virginia to be performed in conjunction with White Sulphur Springs NFH, $500,000 is for the Great Lakes fish and wildlife restoration program, $850,000 is for continued wildlife enhancement in Starkville, Mississippi, $500,000 is for the wildlife health center in Montana, and $3,403,000 is for Yukon River Treaty implementation (for a total of $4,000,000 devoted to Yukon River Treaty implementation). Within the fish and wildlife assistance program, $2,246,000 is provided for continuation of activities begun in fiscal year 1997 to combat whirling disease and related fish health issues. Within the amount provided, $950,000 is for the National Partnership on the Management of Wild and Native Coldwater Fisheries (of which $250,000 is for resistant trout research in coordination with the Whirling Disease Foundation), and $1,296,000 is provided to continue the National Wild Fish Health Survey, expand whirling disease investigations, and recruit and train health professionals. In marine mammals, $1,200,000 is provided above the request for continued marine mammal protection in Alaska.

General Administration.—The Committee recommends $128,612,000 for general administration, a decrease of $12,365,000 below the budget request. Within the funds provided, the Committee recommends an increase of $35,000 above the request for the National Fish and Wildlife Foundation as well as an increase of $50,000 for training needs at the National Conservation Training Center (NCTC) and a $550,000 increase for maintenance at NCTC. The Committee directs the Service to evaluate the NCTC maintenance budget as to whether it sufficiently meets Federal Facilities Council standards for routine maintenance and repair of a facility of its size and scope. Within funds available for NCTC, up to $5,000 is recommended to help defray the costs for civic and community groups using the facility provided community use does not conflict with that of service and other departmental groups.

The Committee is also concerned that training courses offered at NCTC have decreased by more than 20 percent at a time when studies point to the need for additional training and the service is completing construction of a new lodge that will only increase the demand for additional offerings.

The Committee has not funded the Cooperative Conservation Initiative. While the Committee recognizes the value of cooperative partnerships in conservation, it cannot justify the establishment of another grant program when so many existing needs are not met.

Administrative Provisions.—The Committee has included language regarding the Great Salt Pond.

CONSTRUCTION

Appropriations, 2002	$55,543,000
Budget estimate, 2003	35,402,000
Committee recommendation	42,882,000

The Committee recommends $42,882,000 for construction, an increase of $7,480,000 above the budget estimate.

The Committee agrees to the following distribution of funds:

Unit	Project	Committee recommendation
Black-Footed Ferret Wildlife Research Center, CO	New Endangered Species Facility—Phase IV [cc]	$3,240,000
Bozeman Fish Technology Center, MT	Seismic Safety Rehabilitation of Three Buildings—Phase I [p/d]	150,000
Bozeman Fish Technology Center, MT	Construction of Laboratory/Administration Building—Phase IV [c]	500,000
Caddo Lake NWR, TX	Caddo Lake Ramsar Wetland Science Center	200,000
Cape Romain NWR, SC	Restoration of Dominick House	150,000
Cat Island NWR, LA	Environmental Education Center Construction [p/d]	330,000
Canaan Valley NWR, WV	Road Maintenance	650,000
Clark R. Bavin NFW Forensics Lab, OR	Forensics Laboratory Expansion—Phase III [c]	6,235,000
Craig Brook NFH, ME	Wastewater Compliance—Phase I [p]	200,000
Garrison Dam NFH, ND	Heat Pump Water System Maintenance [c]	200,000
Jackson NFH, WY	Seismic Safety Rehabilitation—Phase II [d]	80,000
Jordan River NFH, MI	Replace Great Lakes Fish Stocking Vessel, M/V Togue—Phase II [d]	800,000
Kealia Pond, HI	Mitigation and restoration [c]	1,000,000
Klamath Basin NWR Complex, CA	Water Supply and Management—Phase IV	1,000,000
Kodiak NWR, AK	Visitor Center Construction	3,000,000
Mammoth Springs NFH, AR	Renovation of Environmental Education Center [p,d,cc]	1,400,000
Missisquoi NWR, VT	Visitor Center completion [c]	1,500,000
Ohio River Islands, WV	Visitor Center Utilizing standard design—Phase I [d/ic]	1,100,000
Orangeburg NFH, SC	Orangeburg Substation Dam—Phase II [cc]	4,144,000
Quilcene NFH, WA	Seismic Safety Rehabilitation of the Hatchery Building—Phase I [d]	45,000
Sevilleta NWR, NM	Laboratory design	1,250,000
Silvio O. Conte NFWR (Nulhegan Division), VT	Refuge Headquarters/Visitor Center [p,d]	300,000
Servicewide	Bridge Safety Inspections	560,000
Servicewide	Dam Safety Programs and Inspections	705,000
Sonny Bono Salton Sea NWR, CA	Seismic Safety Rehabilitation of Shop Buildings—Phase II [cc]	200,000
Waccamaw NWR, SC	Visitor Center Construction	2,600,000
White Sulphur Springs NFH, WV	Maintenance	625,000
World Birding Center, TX	Construction	500,000
Subtotal, Line Item Construction		32,664,000
Servicewide	Nationwide Engineering Services	5,468,000
Servicewide	Cost Allocation Methodology	3,000,000
Servicewide	Seismic Safety Program	200,000
Servicewide	Environmental Compliance Management	1,400,000
Servicewide	Waste Prevention and Recycling	150,000
Subtotal, Nationwide Engineering Services		10,218,000
Total, Construction		42,882,000

The Alaska region is directed to evaluate whether additional public use cabins are needed in the Kenai National Wildlife Refuge given the huge increase in visitation it is experiencing. This evaluation should make recommendations on the need for public use cabins and identify alternatives for funding including the use of concessionaires.

Bill language.—The Committee has provided the authority for the Service to contract for the full scope of constructing a visitor center at Kodiak NWR in hopes this will save the Service money in the long term.

LAND ACQUISITION

Appropriations, 2002	$99,135,000
Budget estimate, 2003	70,384,000
Committee recommendation	81,555,000

The Committee recommends $81,555,000, $11,171,000 above the budget request for FWS land acquisition.

The following table shows the Committee's recommendations:

Area and State	Committee Recommendation
Baca Ranch (CO)	$4,000,000
Back Bay NWR (VA)	2,000,000
Balcones Canyonlands NWR (TX)	2,200,000
Bandon Marsh NWR (OR)	140,000
Big Muddy NFWR (MO)	2,000,000
Cache River NWR (AR)	2,000,000
Cahaba NWR (AL)	3,000,000
Cape May NWR (NJ)	1,100,000
Cat Island NWR (LA)	2,500,000
Centennial Valley NWR (MT)	500,000
Chickasaw NWR (TN)	500,000
Clarks River NWR (KY)	2,000,000
Cypress Creek NWR (IL)	250,000
Dakota Tallgrass Prairie WMA (ND/SD)	1,000,000
Fairfield Marsh WPA (WI)	2,000,000
Great Bay NWR (NH)	300,000
Great Meadows NWR (MA)	1,600,000
Great River NWR (MO)	2,000,000
J.N. Ding Darling NWR (FL)	1,000,000
James Campbell NWR (HI)	2,000,000
Laguna Atascosa NWR (TX)	750,000
Lower Hatchie NWR (TN)	500,000
Lower Rio Grande Valley NWR (TX)	500,000
National Key Deer Refuge (FL)	1,500,000
Neal Smith NWR (IA)	1,000,000
North Dakota WMA (ND)	1,500,000
Northern Tallgrass Prairie NWR (MN/IA)	1,000,000
Ottawa NWR (OH)	1,000,000
Parker River NWR (MA)	500,000
Patoka River NWR (IN)	250,000
Prime Hook NWR (DE)	1,350,000
Rachel Carson NWR (ME)	3,000,000
Rappahannock River Valley NWR (VA)	180,000
Red River NWR (LA)	5,060,000
Rhode Island Refuge Complex (RI)	3,400,000
Sacramento NWR (CA)	1,100,000
San Diego NWR (CA)	2,000,000
Silvio O. Conte NFWR (VT/NH/MA/CT)	1,100,000
St. Marks NWR (FL)	2,000,000
Tetlin NWR (AK)	425,000
Togiak NWR (AK)	3,300,000
Upper Mississippi River NFWR (MN/WI/IA/IL)	250,000
Waccamaw NWR (SC)	3,000,000
Wallkill River NWR (NJ/NY)	2,300,000
Western Montana Project (MT)	750,000
Willapa NWR (WA)	750,000
Use of carryover/anticipated slippage	−7,000,000
Subtotal, Acquisitions	63,555,000
Acquisition Management	10,000,000
CAM	2,500,000
Exchanges	1,000,000
Inholdings	2,500,000
Emergencies & Hardships	2,000,000
Total, FWS Land Acquisition	81,555,000

The Committee recognizes the Service's efforts to reform acquisition management and has provided $10,000,000 for this activity, which reflects the actual acquisition management costs for the division of realty.

Within funds available for land acquisition, the Service should provide for survey and related costs at Canaan Valley National Wildlife Refuge associated with the recent land purchase.

The funds provided for the Rhode Island Refuge Complex should be spent at Ninigret NWR, John H. Chafee NWR, and Sachuest NWR.

LANDOWNER INCENTIVE PROGRAM

Appropriations, 2002	$40,000,000
Budget estimate, 2003	50,000,000
Committee recommendation	600,000

The Committee has provided $600,000 for the landowner incentive program primarily to cover residual expenses incurred in the distribution of fiscal year 2002 funds. A portion of these funds may be used to study the program's effectiveness and to determine the most appropriate funding level in the context of the other conservation grant programs available through the Service. The Service should produce a comprehensive comparison of its grant programs in the fiscal year 2004 budget justification so the Committee can better understand the differences between the existing programs and their individual purposes.

The landowner incentive program was established in fiscal year 2002 to provide competitive matching grants to States, territories, and tribes for assistance to landowners in protecting imperiled species and funded with a $40,000,000 appropriation. Unfortunately the Service did not publish the Federal Register notice for this program until June 7, 2002, more than 8 months after enactment of the fiscal year 2002 appropriation bill. This significant delay is unacceptable to the Committee. While the Committee appreciates the Service's attempt to involve States and other stakeholders in the development of the program, this consultation should have occurred prior to the program's proposal. The Committee cannot justify providing additional funds for grants in fiscal year 2003, when the fiscal year 2002 grants process was initiated at such a late date, and obligation may not occur during this fiscal year.

STEWARDSHIP GRANTS

Appropriations, 2002	$10,000,000
Budget estimate, 2003	10,000,000
Committee recommendation	200,000

The Committee recommends $200,000 for stewardship grants, which are competitive awards made directly to individuals and groups involved in endangered species recovery efforts on private lands. Similar to the Landowner Incentive Program, the Committee cannot provide a large appropriation for an untested program only recently announced in the Federal Register on June 7, 2002. Since no grants have been made, the Committee cannot determine the effectiveness of this conservation measure and, therefore, has only provided a nominal sum for remaining costs incurred in the fiscal year 2002 cycle and evaluation of the program.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

Appropriations, 2002	$96,235,000
Budget estimate, 2003	91,000,000
Committee recommendation	81,000,000

The Committee recommends $81,000,000 for the cooperative endangered species fund, of which $2,600,000 is for administration and $51,471,000 is for habitat conservation plan land acquisition. The Committee has not derived this program from the land and water conservation fund, as proposed in the budget request.

NATIONAL WILDLIFE REFUGE FUND

Appropriations, 2002	$14,414,000
Budget estimate, 2003	14,414,000
Committee recommendation	14,414,000

The Committee recommends $14,414,000 for the national wildlife refuge fund, the same as the budget request.

NORTH AMERICAN WETLANDS CONSERVATION FUND

Appropriations, 2002	$43,500,000
Budget estimate, 2003	43,560,000
Committee recommendation	38,560,000

The Committee recommends $38,560,000 for the North American wetlands conservation fund, a reduction of $5,000,000 below the budget request.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

Appropriations, 2002	$3,000,000
Budget estimate, 2003	
Committee recommendation	2,000,000

The Committee recommends $2,000,000 for neotropical migratory bird conservation, instead of transferring $1,000,000 for neotropical bird conservation to the multinational species fund as proposed in the request. As in fiscal year 2002, the Committee expects the Service's Division of Bird Habitat Conservation to administer this program. The Division of Bird Habitat Conservation should solicit significant input from the international program staff, utilizing their expertise.

MULTINATIONAL SPECIES CONSERVATION FUND

Appropriations, 2002	$4,000,000
Budget estimate, 2003	5,000,000
Committee recommendation	4,200,000

The Committee recommends an appropriation of $4,200,000 for the multinational species conservation fund, an increase of $200,000 above the budget estimate. The increase is provided for rhinoceros and tiger conservation.

STATE AND TRIBAL WILDLIFE GRANTS

Appropriations, 2002	$60,000,000
Budget estimate, 2003	60,000,000
Committee recommendation	45,000,000

The Committee recommends $45,000,000 for State and tribal wildlife grants. Of the amount provided, $3,000,000 is provided for tribal grants. The Committee believes there are opportunities to develop synergies between the State and Tribal Wildlife Grants program and the State Assistance program funded through the National Park Service. The Committee has addressed this issue in the National Park Service, Land Acquisition and State Assistance section of the report.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Appropriations, 2002	$1,487,075,000
Budget estimate, 2003	1,584,565,000
Committee recommendation	1,571,065,000

The Committee recommends $1,571,065,000 for operation of the national park system, an increase of $83,990,000 above the fiscal year 2002 enacted level. Increases above the current enacted level include $16,466,000 in fixed costs, and an overall increase of $15,000,000 in basic park operations. The Committee is aware of the unmet needs in many our nation's parks and has included the additional funds in an effort to address those needs.

The following table shows the amounts recommended by the Committee as compared with the budget request:

	Budget estimate	Committee recommendation	Change
Park management:			
Resource stewardship	$334,923,000	$340,227,000	+$5,304,000
Visitor services	309,681,000	314,128,000	+4,447,000
Maintenance	531,428,000	528,823,000	−2,605,000
Park support	300,297,000	279,651,000	−20,646,000
External administrative costs	108,236,000	108,236,000	
Total, Operation of the National Park System	1,584,565,000	1,571,065,000	−13,500,000

Resource Stewardship.—The Committee recommends $340,227,000 for resource stewardship, an increase of $21,915,000 above the fiscal year 2002 enacted level, and $5,304,000 above the budget request. Within the amount provided, $600,000 is for additional funding for the Vanishing Treasures program, and $500,000 is to be made available to the Klondike Goldrush National Park for the acquisition of the Rapuzzi historic gold rush collection.

Within the amounts provided, the Committee expects the Service to continue the lake trout control program at Yellowstone National Park.

Visitor Services.—The Committee recommends $314,128,000 for visitor services, an increase of $17,037,000 over the fiscal year 2002 enacted level, and $4,447,000 above the budget request. The increase over the request is for park operations.

Facility Operations and Maintenance.—The Committee recommends $528,823,000 in facility operations and maintenance, an increase of $47,622,000 above the fiscal year 2002 enacted level, and $2,605,000 below the budget request. The amount provided includes increases of $20,000,000 over the current year level for cyclic maintenance and $7,640,000 for condition assessments; and an increase over the request of $4,395,000 for park operations. In addition, the Committee expects the National Park Service to meet its responsibilities under the Assateague Island Restoration Project, and to make the required funds available in fiscal year 2003 to match the contribution by the Army Corps of Engineers. Finally, the Committee expects the Service to continue its current level of support for the New River Gorge Parkway Authority for technical advice and maintenance activities on the parkway.

Park Support.—The Committee recommends $279,651,000 for park support, an increase of $4,626,000 above the fiscal year 2002 level, and a decrease of $20,646,000 below the budget request. Increases above the request include $854,000 in park operations, and $500,000 for the Volunteer in the Parks program. The decrease of $22,000,000 in cooperative programs reflects the decision of the Committee to utilize all available resources in support of an overall increase in basic park operations as opposed to the more limited scope contained in the budget request. The amount provided continues the Lewis and Clark challenge cost share at the request level. Within the amounts provided, $750,000 is to be used for an independent and comprehensive management, operational, performance and financial review of Yellowstone National Park.

External administrative costs.—The Committee recommends $108,236,000 for external administrative costs, an increase of $2,888,000 above the fiscal year 2002 enacted level, and fully commensurate with the budget request.

General.—The Going to the Sun Road provides close to 2 million visitors annually with an unparalleled opportunity to experience the wonders of Glacier National Park. Age and neglect have taken a toll, however, and the threat of catastrophic road failure looms if steps are not taken to reconstruct significant portions of the historic road. The Committee is aware that the National Park Service has drafted an Environmental Impact Statement that assesses road reconstruction options, and directs the Service to devote the resources necessary to complete the EIS in a timely fashion so that reconstruction work can begin promptly. In developing the Record of Decision, the Service should be mindful of the input provided by the Going to the Sun Road Advisory Committee.

Whichever alternative is selected in the Record of Decision, significant additional resources will be required to rehabilitate the road consistent with the Park's General Management Plan. The Committee strongly urges the Administration to anticipate these needs in developing its proposal for the reauthorization of the transportation bill. The Committee further urges the Service to pursue aggressive completion of road rehabilitation work for which planning has already been done, and which will need to be performed regardless of the alternative selected in the Record of Decision. The Committee understands that there is at least $11,000,000 of such work ready for execution in fiscal year 2003. The Committee has included a general provision in this title authorizing the use of certain unobligated carryover funds to accomplish rehabilitation work.

While the long term reconstruction of the Going to the Sun Road has been the recent focus of park planners, the Committee remains concerned about the ongoing operation of the Road itself. In addition to being the principle route used by visitors to experience the Park, the Road is vitally important to the health of the communities in and around the Park that serve those visitors. In that regard, the opening of the Road each spring is a much anticipated event in these communities. The Committee is concerned that the Park may not be placing adequate emphasis on opening the road in a timely manner each year. While snow conditions and plow crew safety must remain primary considerations in determining the road's opening date, the Committee recommends that the Service undertake a review to determine if options exist to facilitate an earlier opening date and to maximize the window during which the road is open. The Committee understands, while new snow removal equipment has been acquired in recent years, the current policy may be antiquated and does not fully utilize current technological and safety advances used by organizations working in similar, extreme environments. This review should be performed in cooperation with local entities, and should result in a written policy that articulates the Park's road-clearing strategy and offers alternatives for enhancing road-clearing performance. Options explored should include contracting portions of the work to expand the work week or seeking aid from other entities with snow removal duties. The results of this review should be provided to the Committee by March 15, 2003.

Within the funds provided for ONPS, the Committee expects the National Park Service to continue to provide at least $500,000, the current level of support, to the National Conservation Training Center.

In the year 2003, the centennial of the Wright brothers' first flight, national and international attention will focus on the two national parks that tell the story of the Wright brothers. The Dayton Aviation Heritage Park, which was first created in 1992, honors the contributions of the Wright brothers. The only Wright brothers' bicycle shop that remains on its original site, the Wright brothers' print shop, the 1905 Wright flyer, and the Huffman Prairie Flying Field are all located at this park. The Committee recognizes the importance of the centennial of flight celebration and has fully funded the budget request for operating funds at the Dayton Aviation Heritage National Historic Park and the Wright Brothers National Memorial.

Not less often than annually, the Director of the National Park Service shall report to the Committee on the status of the Colorado River Management Plan.

UNITED STATES PARK POLICE

Appropriations, 2002	$90,555,000
Budget estimate, 2003	78,431,000
Committee recommendation	78,431,000

The Committee recommends $78,431,000 for the United States Park Police, a decrease of $12,124,000 below the fiscal year 2002 enacted level, and fully commensurate with the budget request. The decrease below the enacted level is attributable to one-time security costs provided as a result of the September 11, 2001, terrorist attacks.

NATIONAL RECREATION AND PRESERVATION

Appropriations, 2002	$66,159,000
Budget estimate, 2003	46,824,000
Committee recommendation	62,978,000

The Committee recommends $62,978,000 for national recreation and preservation, a decrease of $3,181,000 below the fiscal year 2002 enacted level, and an increase of $16,154,000 above the budget request. A comparison of the Committee recommendation to the budget request follows:

	Budget estimate	Committee recommendation	Change
Recreation programs	$552,000	$552,000	
Natural programs	10,948,000	11,198,000	+$250,000
Cultural programs	19,748,000	19,748,000	
International park affairs	1,719,000	1,719,000	
Environmental and compliance review	400,000	400,000	

	Budget estimate	Committee recommendation	Change
Grant administration	1,585,000	1,585,000	
Heritage Partnership Programs	7,735,000	13,384,000	+5,649,000
Statutory or Contractual Aid	4,137,000	14,392,000	+10,255,000

Recreation Programs.—The Committee recommends $552,000 for recreation programs, which is fully commensurate with the budget request.

Natural Programs.—The Committee recommends $11,198,000 for natural programs, an increase of $268,000 above the fiscal year 2002 enacted level, and $250,000 above the budget request. The increase above the request is provided for the Northern Forest Canoe trail. Within the Rivers and Trails Conservation Program, careful consideration should be given to applications for assistance for the Ohio River Trail in Cincinnati, Ohio; the Fanno Creek Greenway Trail in Washington County, Oregon; and the Tuscaloosa Nature Preserve and Hiking Trail.

Cultural Programs.—The Committee recommends $19,748,000 for cultural programs, a decrease of $1,021,000 from the fiscal year 2002 enacted level, but fully commensurate with the budget request. Within available funds, the Service is directed to provide $100,000 to the National Park Service's Southeastern Archeological Center to conduct a cultural study of the national importance and cultural significance of the Congaree Creek site. In addition, the Service is directed to provide $170,000 for restoration of the area around Ft. Piute in the Mojave National Preserve.

Environmental and Compliance Review.—The Committee recommends $400,000 for environmental and compliance review, the amount requested by the Service.

Grants Administration.—The Committee recommends $1,585,000 for grants administration, the amount request by the Service.

International Park Affairs.—The Committee recommends $1,719,000 for international park affairs, the amount request by the Service.

Heritage Partnership Programs.—The Committee recommends $13,384,000 for heritage partnership programs, an increase of $175,000 above the fiscal year 2002 enacted level, and $5,649,000 above the budget request. The Committee recommends the following distribution of funds:

Project	*Amount*
America's Agricultural Heritage Partnership–	$800,000
Augusta Canal National Heritage Area–	600,000
Automobile National Heritage Area–	500,000
Cache La Poudre River Corridor–	50,000
Cane River National Heritage Area–	995,000
Delaware and Lehigh National Heritage Corridor–	850,000
Erie Canalway	210,000
Essex National Heritage Area–	1,000,000
Hudson River Valley National Heritage Area–	600,000
Illinois and Michigan Canal National Heritage Corridor–	400,000
John H. Chafee Blackstone River Valley National Heritage Corridor–	800,000
Lackawanna Heritage Area	750,000
National Coal Heritage Area–	210,000
Ohio and Erie Canal National Heritage Corridor–	700,000
Quinebaug and Shetucket Rivers Valley National Heritage Corridor–	1,000,000
Rivers of Steel National Heritage Area–	1,000,000
Schuylkill National Heritage Center	400,000
Shenandoah Valley Battlefields National Historic District–	500,000
South Carolina National Heritage Corridor–	1,000,000
Tennessee Civil War Heritage Area	210,000
Wheeling National Heritage Area	480,000
Yuma Crossing National Heritage Area	210,000
Administrative support	119,000
Total	13,384,000

Statutory or Contractual Aid.—The Committee recommends $14,392,000 for statutory or contractual aid, a decrease of $2,613,000 below the fiscal year 2002 enacted level, and an increase of $10,255,000 above the budget request. The Committee recommends the following distribution of funds:

	Budget estimate	Committee recommendation
Aleutian World War II Nat'l Historic Area		$400,000
Brown Foundation (***Brown*** v. ***Board of Ed***)	$101,000	401,000
Chesapeake Bay Gateways & Water Trails	798,000	3,000,000
Dayton Aviation Heritage Commission	47,000	500,000
Ice Age National Scientific Reserve	806,000	806,000
Illinois & Michigan Canal Passage		500,000
Jamestown 2007		400,000
Johnstown Area Heritage Association	49,000	49,000
Lamprey Wild & Scenic River	200,000	1,000,000
Louisiana Creole Heritage Center		250,000
Louisiana Purchase Comm. of Arkansas		350,000
Martin Luther King, Jr. Center	528,000	528,000
National Constitution Center		500,000
Native Hawaiian Culture & Arts Program	740,000	740,000
New Orleans Jazz Commission	66,000	66,000
Office of Arctic Studies		1,500,000
Penn Center National Landmark		1,000,000
Roosevelt Campobello Int'l Park Commission	802,000	802,000
Sewall-Belmont House		500,000
Sleeping Rainbow Ranch, Capitol Reef NP		700,000
Vancover NHR		400,000
Total	4,137,000	14,392,000

The amount provided for the Dayton Aviation Heritage Commission includes $150,000 for interpretive exhibits.

URBAN PARKS AND RECREATION FUND

Appropriations, 2002	$30,000,000
Budget estimate, 2003	300,000
Committee recommendation	10,000,000

The Committee recommends $10,000,000 for the urban parks and recreation fund, a decrease of $20,000,000 below the fiscal year 2002 enacted level, and an increase of $9,700,000 above the budget request.

HISTORIC PRESERVATION FUND

Appropriations, 2002	$74,500,000
Budget estimate, 2003	67,000,000
Committee recommendation	67,000,000

The Committee recommends $67,000,000 for the historic preservation fund, a decrease of $7,500,000 below the fiscal year 2002 enacted level. The amount provided includes $34,000,000 in Grants in Aid to States, $3,000,000 in Grants in Aid to Tribes, $30,000,000 for the Save America's Treasures program.

CONSTRUCTION

Appropriations, 2002	$387,668,000
Budget estimate, 2003	322,384,000
Committee recommendation	322,826,000

The Committee recommends $322,826,000 for construction, a decrease of $64,842,000 below the fiscal year 2002 enacted level, and an increase of $442,000 above the budget request. The decrease below the enacted level is attributable, in large part, to one-time security costs provided as a result of the September 11, 2001, terrorist attacks. The Committee recommends the following distribution of funds:

National Park Service Construction

Project	*Committee recommendation*
Acadia NP, ME (rehab bridges)	$3,351,000
Acadia NP, ME (upgrade utilities/camp)	5,171,000
Adams NP, MA (p/d visitor center)	541,000
American, Saipan (upgrade water system)	858,000
Apostle Islands NL, WI (upgrade utility system)	1,030,000
Arches NP, UT (replace visitor center)	5,600,000
Bent's Old Fort NHS, CO (new space/restrooms)	1,325,000

National Park Service Construction—Continued

Project	Committee recommendation
Big Bend NP, TX (rehab/expand water system)	246,000
Big Bend NP,TX (install sprinkler system)	673,000
Big Cypress NP, FL (rehab off-road trails)	2,000,000
Blue Ridge Prkwy, NC (rehab Mt. Pisgah utilities)	1,624,000
Channel Islands NP, CA (animal protection devices)	2,116,000
Chickasaw NRA, OK (construct visitor center)	2,665,000
Colonial NP, VA (protect Jamestown collections)	4,221,000
Congaree Swamp NM, SC (new maint facility)	650,000
Craters of the Moon NM, ID (upgrade visitor center)	1,283,000
Cumberland Gap NHP, KY (rehab wilderness road)	5,583,000
Death Valley NP, CA (replace maint facility)	2,007,000
Death Valley NP, CA (replace roof)	550,000
Denali NP&P, AK (complete visitor center)	3,171,000
Denali NP&P, AK (p/d for south Denali visitor facilities)	750,000
Eleanor Roosevelt NHS, NY (restoration)	400,000
Everglades NP, FL (Pine Island water)	4,594,000
Everglades NP, FL (modified water)	13,295,000
Fort Larned NHS, KS (rehab quarters)	30,000
Fort Osage NHL, MO (education center)	500,000
Fredericksburg NMP, VA (stabilize ruins)	2,250,000
Ft. McHenry, MD (p/d visitor center)	200,000
G Washington Memorial Prkwy, VA (Arlington house)	616,000
G. Washington Carver NM, MO (improvements)	1,000,000
Gateway NRA, NY (Jamaica Bay)	3,299,000
General Grant N Mem, NY (rehab tomb)	1,840,000
Gettysburg NMP, PA (p/d for Wills house)	938,000
Glacier NP, MT (Many Glacier Hotel)	1,500,000
Golden Gate NRA, CA (repair balconies at Alcatraz)	1,210,000
Golden Gate NRA, CA (renovate Cliff House)	1,914,000
Grand Portage NM, MN (heritage center)	400,000
Great Basin NP, NV (complete visitor center)	2,700,000
Great Sand Dunes NM & Pres, CO (renovate visitor center)	4,424,000
Harpers Ferry NP, WV (renovate bldgs)	1,413,000
Hispanic Cultural Center, NM (complete)	1,000,000
Horace Albright TC (rehab training center)	7,151,000
Independence NHP, PA (site rehab)	4,923,000
Indiana Dunes NL, IN (remove hazardous struc)	2,389,000
Japanese Amer Hist—Presidio, CA (design)	600,000
John H. Chafee Blackstone River Valley NHC, RI (restoration)	1,000,000
Joshua Tree NP, CA (repair campgrounds)	70,000
Keweenaw NHP, MI (rehab bldg)	395,000
Lincoln Library & Museum, IL (construction)	5,000,000

National Park Service Construction—Continued

Project	Committee recommendation
Mammoth Cave NP, KY (mitigate water pollution)	555,000
Manassas NB, VA (stabilize structures)	1,493,000
Morris Thompson Visitor Center, AK	3,000,000
Mount Rainier NP, WA (Paradise Guide House)	244,000
Mount Rainier NP, WA (seasonal emp dorms)	4,400,000
Natchez Trace Parkway, TN (access road)	350,000
National Cave & Karst Inst, NM (const vc)	782,000
National Museum Amer Revolution, PA	500,000
National Underground RR Freedom, OH (ed center)	6,088,000
NCP, DC (Lincoln Memorial)	5,192,000
NCP, DC (sec at Lincoln Memorial)	6,183,000
New Bedford Whaling NHP, MA (rehab Corson bldg)	500,000
New River Gorge NSR, WV (infrastructure improvements)	868,000
Olympic NP, WA (Elwha)	14,381,000
Oregon Caves NP, OR (replace hq bldg)	1,044,000
Organ Pipe NM, AZ (fencing)	7,000,000
Pacific Coast Immigration Station, CA (study)	200,000
Pea Ridge NMP, AR (rehab exhibits)	109,000
Pea Ridge NMP, AR (replace cannon carriages)	230,000
Petrified Forest NP, AZ (Painted Desert Inn)	3,004,000
Rocky Mountain NP, CO (Hidden Valley)	2,335,000
SF Maritime NHP, CA (C.A. Thayer)	5,010,000
Tallgrass Prairie N Pres, KS (fire suppression system)	2,891,000
Thomas Stone NHS, MD (staff offices)	895,000
U.S.S. *Arizona* Memorial, HI (restrooms)	1,157,000
Ulysses S. Grant NHS, MO (restoration)	1,994,000
Vicksburg NMP, MS (security upgrades)	300,000
Virginia City NHL, MT (restoration)	2,500,000
Washita Battlefield NHS, OK (visitor center const)	3,500,000
White House, DC (structure/utility repair)	9,582,000
Wind Cave NP, SD (prevent runoff)	2,172,000
Wright Brothers N Mem, NC (upgrade)	1,000,000
Yellowstone NP, WY (fire protection at Old Faithful)	757,000
Yellowstone NP, WY (rehab hq bldg)	6,396,000
Subtotal	207,078,000
Emergency and Unscheduled Projects	3,500,000
Housing Replacement	12,500,000
Dam Safety	2,700,000
Equipment Replacement	32,460,000
Construction Planning (10 percent), pre-design and Supplementary Services	25,400,000
Construction Program Management and Operations	24,792,000
General Management Planning	14,396,000
TOTAL, NPS Construction	322,826,000

The Committee has not recommended appropriations for several projects included in the budget request for which funds could not be obligated in fiscal year 2003. The Committee expects the Service to resubmit these projects in the fiscal year 2004 budget request.

Funds provided for the Pacific Coast Immigration Station and the Japanese American History project at the Presidio are for completion of ongoing planning and feasibility studies. All funding for actual construction (estimated at $7,200,000) will need to be raised through partnerships with the private and non-profit sectors.

Funding has been provided for further design of the Grand Portage Heritage Center at the Grand Portage National Monument. The Committee is aware that initial planning and design has been completed. Nevertheless, the Committee urges the National Park Service to rethink the size and scope of the Grand Portage project and work to downsize the effort.

Within the amounts provided for equipment replacement, not to exceed $750,000 is to be provided to the Isle Royale National Park for the acquisition of replacement boats.

Within the increases provided for general management planning, the Service is directed to allocate $490,000 for the continuation of the GMP at the Harpers Ferry National Historical Park. The Service should also initiate special resource studies of the Baranof Museum and the historic sites in Beaufort, South Carolina if these studies are authorized.

The Committee has provided additional funds for construction of the Morris Thompson Visitor and Native Cultural Center, but is concerned that the scope of the project has not yet been fully defined. The funds provided for construction should not be released until the Service and the non-Federal cooperators have briefed the Committee regarding project scope and plans to comply with the requirements of H. Rept. 107–234.

Funding provided for the New Bedford Whaling NHP is for planning activities associated with the interior and exterior rehabilitation of the Corson Building, which the Committee understands is to be donated to the Service for use as an education and community outreach center. Future funding for the project will be contingent upon the Service's ability to complete the donation process.

The Committee expects funding for the New River Gorge NSR to be used for visitor access improvements ($275,000), building stabilization and demolition ($200,000), boundary surveys ($217,000), and emergency radio equipment ($176,000).

The Committee recommends $5,600,000 for the Arches National Park visitor center. In combination with remaining balances from this project in the planning account, these funds will be sufficient to complete the proposed facility.

The Committee concurs with the following modifications to project scopes from the presentation included in the fiscal year 2003 budget justification: Bent's Old Fort (visitor restrooms have already been constructed, but final siting of the proposed structures necessitates higher than anticipated utility hook-up costs); Gateway National Recreation Area (project will not replace facility but will reuse the shell of the existing building and provide viewing opportunities in an alternative way); and Fredericksburg/Spotsylvania National Historical Park (stabilize 14 historic ruins dispersed throughout the

park rather than 9 historic ruins in one location).

The Committee recommends $2,700,000 for the visitor center at Great Basin National Park, with the understanding that this completes the project and that funding for the exhibits, estimated at $1,100,000, will come from non-Federal sources.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

Appropriations, 2002	−$30,000,000
Budget estimate, 2003	−30,000,000
Committee recommendation	−30,000,000

The Committee recommends a rescission of $30,000,000 in annual contract authority provided by 16 U.S.C. 460*l*–10a. This authority has not been used in recent years and there are no plans to use it in fiscal year 2002.

LAND ACQUISITION AND STATE ASSISTANCE

Appropriations, 2002	$274,117,000
Budget estimate, 2003	286,057,000
Committee recommendation	204,005,000

The Committee recommends $204,005,000 for land acquisition and State assistance, a reduction of $82,052,000 below the budget request.

The following table shows the Committee recommendation:

Area and State	*Committee Recommendation*
Big Thicket National Preserve (TX)	$5,800,000
Black Canyon NP (CO)	300,000
Chickamaugua & Chattanooga NMP (TN)	1,030,000
Ebey's Landing National Historical Reserve (WA)	1,100,000
Fredericksburg & Spotsylvania County Battlefields NMP (VA)	1,100,000
Gauley River NRA (WV)	1,750,000
Great Sand Dunes NM & Preserve (CO)	6,500,000
Gulf Islands NS (MS)	10,600,000
Hawaii Volcanoes NP (HI)	10,000,000
Ice Age National Scenic Trail (WI) (Interpretive Center at Cross Plains)	200,000
Keweenaw NHP (MI)	600,000
Little Rock Central HS NHS (AR)	130,000
Mississippi National River and Recreation Area (MN)	607,000
Missouri National Recreational River (SD)	1,000,000
Mojave NP (CA)	2,000,000
Piscataway Park (MD)	500,000
Richmond Battlefield Park (VA)	2,000,000
Sleeping Bear Dunes National Lakeshore (MI)	2,000,000
Timucuan Ecological Preserve (FL)	3,000,000
Valley Forge NHP (PA)	2,000,000
Virgin Islands NP (USVI)	1,500,000
Western Arctic National Parklands (AK)	1,200,000
Grant to the State of Florida (FL) (Everglades Restoration)	19,500,000
Use of carryover/anticipated slippage	−5,000,000
Subtotal, Acquisitions	68,417,000
Acquisition Management	12,588,000
Emergencies/Hardships	4,000,000
Inholdings/Exchanges	4,000,000
Total, NPS Federal Land Acquisition	89,005,000
Stateside Grants	111,000,000
State Assistance Grant Administration	4,000,000
Subtotal, NPS State Land Acquisition	115,000,000
Total, NPS Land Acquisition and State Assistance	204,005,000

The amount provided for the acquisition of Cat Island at the Gulf Island National Seashore is based on the latest information available to the Committee regarding the acreage and value of lands to be acquired. The Committee is aware that discussions are ongoing among the National Park Service, the landowner and third party interests, and that the amount required to complete phase two of this acquisition may change. The Service should keep the Committee informed of the status of these discussions.

The Committee is aware that legislation has been enacted to authorize the acquisition of Pemberton's Headquarters for inclusion in Vicksburg National Military Park. The Committee directs the Service to complete the acquisition using acquisition balances available at the Park, together with additional carryover balances if necessary.

The Committee has provided $200,000 to purchase the interpretive center at Cross Plains along the Ice Age Scenic Trail. The Committee understands that this amount combined with the current unobligated balance is sufficient to complete the purchase.

The Committee authorizes the purchase of land from willing sellers under the Inholding program of the National Park Service (Units of the System authorized before fiscal year 1960) without referring the offers to the Committee for approval unless the acquisition is more than the approved appraisal and said appraised value is greater than $500,000.

In addition to the amount provided for State Assistance, the Committee has provided significant funding for State and Tribal Wildlife Grants through the U.S. Fish and Wildlife Service. The Committee believes that these two programs can be mutually beneficial, as grants supported by the State Assistance program may be beneficial to non-game wildlife and grants supported by the State and Tribal Wildlife Grants program may have associated recreation benefits. The Committee urges the Department to work with States, tribes and other relevant stakeholders to explore opportunities to develop synergies between these two programs.

ENERGY AND MINERALS

U.S. GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

Appropriations, 2002	$914,002,000
Budget estimate, 2003	867,338,000
Committee recommendation	914,617,000

The Committee recommends an appropriation of $914,617,000 for the United States Geological Survey (USGS) for fiscal year 2003. This amount is $615,000 above the fiscal year 2002 enacted level and $47,279,000 above the budget estimate. The detail table at the back of the report displays the Committee's proposed distribution of funds among the Survey's activities.

The Committee is dismayed that the budget estimate for the USGS once again recommends large reductions to valuable ongoing programs. Proposals such as the elimination of the Toxic Substances Hydrology program, a significant reduction to the National Water-Quality Assessment program (NAWQA), and the elimination of Federal funding for the Water Resources Research Institutes are but a few of the recommendations included in the budget estimate. The Committee does not agree to the termination or substantial weakening of programs for which there is strong support from a broad constituency, and a demonstrated value through the significant amount of non-Federal funds that are leveraged through most USGS programs. In the Committee's view, it will remain difficult to find the resources to support new directions for the Survey as long as the annual need to restore large amounts to base programs continues. As budget planning gets underway for fiscal year 2004, the Committee urges those involved in the process to bear in mind the expressed public support across the United States for the Survey's programs.

National Mapping Program.—The Committee recommends $131,077,000 for the National Mapping Program, a decrease of $200,000 from the current year enacted level and $1,783,000 above the budget estimate. Funds are restored in the amount of $809,000 for the urban dynamics program. An amount of $1,000,000 is provided for the Alaska mapping activities, of which $500,000 is designated for the North Slope project described in the budget. An additional $500,000 is provided for an Alaska Mapping Initiative that will be undertaken in other areas of the State.

Geologic hazards, resources and processes.—The Committee recommends $234,903,000 for the geologic hazards, resources and processes activity. This amount is an increase of $2,093,000 above the fiscal year 2002 enacted level and $10,247,000 above the budget estimate. The Committee recommendation includes a transfer of $4,000,000 from the National Park Service to support a Critical Ecosystems Initiative in the Everglades. Decreases from the budget request include $1,200,000 for oil and gas assessments and $500,000 for geothermal assessments. The Committee does not agree with many of the program reductions assumed in the budget request and has restored the following: $4,987,000 for the National Cooperative Geologic Mapping program; $500,000 to continue coastal erosion studies in North Carolina; $500,000 to continue land subsidence studies in southeastern Louisiana; $1,300,000 for regional aggregate materials projects; $1,500,000 to complete the Alaska Minerals-at-Risk project; $474,000 for geological surveys of the Yukon Flats; and $1,000,000 for the purchase and installation of volcano monitoring equipment at Shemya, AK. In agreement with the budget request, the following programs are continued within base funds: $1,250,000 for South Carolina/Georgia Coastal Erosion and Coastal Monitoring Studies, of which $250,000 is intended for the South Carolina coastal erosion monitoring program; $3,000,000 for operations of the Alaska Volcano Observatory; and $250,000 for the cooperative program at the University of Hawaii-Hilo. Within the coastal program, over $4,000,000 is dedicated specifically to research efforts in the Gulf of Mexico.

Water resources investigations.—The Committee recommends $206,626,000 for water resources investigations. This amount is $3,800,000 above the current year enacted level and $28,798,000 above the budget estimate. The Committee does not concur with the proposed reductions and has restored programmatic funds as follows: $4,796,000 for the NAWQA program; $12,919,000 for the

Toxic Substances Hydrology program, which was proposed for elimination in its current form; $2,096,000 for streamgaging activities; $5,500,000 for the Water Resources Research Institutes program, which was proposed for elimination; $200,000 for a study of extremophilic life in the Berkeley Pit Lake; $299,000 for toxic materials studies at Lake Champlain, making the total available for this project $485,000; $450,000 for monitoring water resources in Hawaii; and $195,000 for the Noyes Slough study. A decrease from the budget request of $1,000,000 has been assumed for the proposed United States-Mexico border environmental health initiative. Other increases to the budget estimate include: $220,000 for a cladophora bloom algae study in coastal Maui; $500,000 for the Community Rivers Coalition watershed protection project; and $500,000 for the Rathdrum Prairie/Spokane Valley aquifer study. The Committee understands that a State or local match for the Federal contributions will be provided for both the Alaska and Idaho/Washington projects. Within the funds restored for the Toxic Substances Hydrology program, $500,000 is continued for the Gulf Hypoxia project. The Committee continues the direction that allows for up to $1,000,000 to be expended for the Survey's participation in the work of the Long-Term Estuary Assessment Group.

Biological Resources.—The Committee recommends $166,927,000 for Biological Resources. This amount is $538,000 above the fiscal year 2002 enacted level and $6,446,000 above the budget estimate. The Committee does not agree with many of the reductions proposed in the budget estimate and has restored the following: $750,000 to continue a mining study on the Mark Twain National Forest in cooperation with the Water Resources activity and the Forest Service; $180,000 for Yukon River Chum Salmon research; and $400,000 to continue molecular biology studies at the Leetown Science Center. An amount of $500,000 is included for a Pallid Sturgeon study; this study is funded currently at $300,000, but was proposed for elimination. An amount of $100,000 is included for continuation of the Diamondback Terrapin study, currently funded at $250,000 and also proposed for elimination in the budget request. Other increases above the budget request include: $1,000,000 for the National Biological Information Infrastructure (NBII); $1,000,000 for a DNA bear sampling study in Montana; $300,000 for a multidisciplinary water resources study to be conducted at the Leetown Science Center; and $1,000,000 for additional work at Lake Tahoe, which will include $500,000 for a decision support system, and $500,000 to initiate the process for a place-based study. Within the funds provided for the DNA bear sampling study, USGS may hire temporary FTEs as necessary to support the project. The Committee notes the interest that has been expressed in establishing additional State cooperative research units and, therefore, directs the Survey to develop a priority system for expanding the current program. The Committee supports the NBII but encourages the USGS to more broadly distribute the funding throughout the system and to place greater emphasis on scientific data for the management of public lands.

Science Support.—The Committee recommends $85,734,000 for science support activities. This amount is $521,000 below the current year enacted level and $370,000 below the budget request. Changes to the budget request include decreases of $1,625,000 for accessible data transfer work and $1,000,000 for the Enterprise GIS proposal.

Facilities.—The Committee recommends $89,350,000 for facilities costs. This amount is $95,000 below the current year enacted level and $375,000 above the budget request. The proposed increase to the budget estimate is provided to the Leetown Science Center for planning and design of much needed additional space at the facility.

General.—The Committee has concurred with proposed budget increases for fixed costs and reductions to travel costs throughout USGS activities. Other streamlining savings proposed in the budget request have not been assumed because no additional information was provided to assure the Committee that savings would not be gained by reducing programmatic activities.

The Committee urges the Survey, in conjunction with other agencies of the Department, to work with Alaska educators in developing a science initiative that could involve school children in the Earth and life sciences programs of the Department of the Interior.

The Committee is deeply concerned by the ongoing spread of Chronic Wasting Disease (CWD) among wildlife populations around the country, and is especially troubled by the possibility of cross-species transmission of CWD. The Committee is aware of the Interagency Plan for Assisting States, Federal Agencies, and Tribes in Managing Chronic Wasting Disease in Wild and Captive Cervids, and believes it is appropriate for USGS to expand its collaborative work with outside research institutions to conduct prion research focusing on chronic wasting disease treatments for impacted wildlife populations.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

Appropriations, 2002	$150,667,000
Budget estimate, 2003	164,222,000
Committee recommendation	164,322,000

The Committee recommends an appropriation of $164,322,000 for royalty and offshore minerals management, an increase of $100,000 above the budget request. A comparison of the budget estimates and the Committee recommendations are shown in the following table. The funding amounts set out below are at the activity level. Additional details on funding for sub-activities within the various appropriations accounts for the Service are set out in a table in the back of this report.

	Budget estimate	Committee recommendation	Change
Outer Continental Shelf lands	$137,543,000	$137,643,000	+$100,000
Royalty management	83,284,000	83,284,000	
General administration	43,625,000	43,625,000	
Use of receipts	−100,230,000	−100,230,000	
Total, royalty and offshore minerals management	164,222,000	164,322,000	+100,000

Within the funds for the leasing and environmental program in the Outer Continental Shelf lands activity, the Committee has provided $150,000 for the Alaska Eskimo Whaling Commission to ensure that proposed OCS sales in Alaska properly consider the impacts of offshore drilling on whale migration patterns and whaling activities.

The Committee has provided an increase of $1,600,000 above the budget request for the resource evaluation program in the Outer Continental Shelf lands activity. The increase is comprised of $800,000 for the Center for Marine Resources and Environmental Technology to support exploration and sustainable development of seabed minerals and $800,000 for the Marine Mineral Technology Center in Alaska to conduct assessments on potential gold reserves off the coast of Nome.

Within the funds provided for the regulatory program in the Outer Continental Shelf lands activity, $1,400,000 shall be for the Offshore Technology Research Center to perform research for MMS through the cooperative agreement dated June 18, 1999.

Within the funds provided for the information management program in the Outer Continental Shelf lands activity, the Committee has reduced the request for the agency's e-government initiative by $2,000,000.

The Committee has continued bill language that was included in the fiscal year 2002 appropriations act under general provisions, Department of the Interior to prohibit the use of funds for Outer Continental Shelf leasing and development in certain areas.

The Committee understands that the process of projecting offsetting receipts 1 to 2 years into the future is an uncertain business. Recognizing this, the Committee has again given the Minerals Management Service the authority to utilize receipts accruing from rental rates in effect prior to August 5, 1993 to augment primary sources of receipts should this be necessary to reach the operating levels intended by the Committee.

OIL SPILL RESEARCH

Appropriations, 2002	$6,105,000
Budget estimate, 2003	6,105,000
Committee recommendation	6,105,000

The Committee recommends an appropriation of $6,105,000 for oil spill research, which is equal to the request.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

Appropriations, 2002	$103,075,000
Budget estimate, 2003	105,367,000
Committee recommendation	105,367,000

The Committee recommends an appropriation of $105,367,000 for regulation and technology, which is equal to the budget estimate. A comparison of the budget estimate and the Committee recommendation is as follows:

	Budget estimate	Committee recommendation	Change
Environmental restoration	$162,000	$162,000	
Environmental protection	79,159,000	79,159,000	
Technology development and transfer	12,593,000	12,593,000	
Financial management	485,000	485,000	
Executive direction	12,693,000	12,693,000	
Subtotal, regulation and technology	105,092,000	105,092,000	
Civil penalties	275,000	275,000	
Total, regulation and technology	105,367,000	105,367,000	

ABANDONED MINE RECLAMATION FUND

(Definite, Trust Fund)

Appropriations, 2002 ..... $203,455,000
Budget estimate, 2003 174,035,000
Committee recommendation 191,745,000

The Committee recommends $191,745,000 for the abandoned mine reclamation fund, which is an increase above the budget estimate of $17,710,000. A comparison of the Committee recommendation and the budget estimate is as follows:

	Budget estimate	Committee recommendation	Change
Environmental restoration	$156,987,000	$174,697,000	+$17,710,000
Technology development and transfer	4,164,000	4,164,000	
Financial management	6,179,000	6,179,000	
Executive direction	6,705,000	6,705,000	
Total	174,305,000	191,745,000	+17,710,000

The Committee has included $10,000,000 for the Appalachian clean streams initiative to address acid mine drainage problems.

The Committee remains concerned about the $6,800,000,000 backlog of high priority mine reclamation work that must be completed throughout the Nation. Accordingly, the Committee has restored $17,710,000 of the reduction the administration proposed for the abandoned mine reclamation program within the environmental restoration activity. The increase is comprised of $17,500,000 for State grants and $210,000 for Federal high priority reclamation projects.

Bill language.—As in prior years, the bill includes language related to the conduct of the abandoned mine land program. The Committee has included language that maintains the Federal emergency reclamation program and limits expenditures in any one State to 25 percent of the total appropriated for Federal and State-run emergency programs. Language also is included in the bill to permit States to use prior-year carryover funds from the emergency program without being subject to the 25-percent statutory limitation per State. The Committee also has recommended language in the bill which would fund minimum program State grants at $1,500,000 per State as well as language which provides $10,000,000 to be used for projects in the Appalachian clean streams initiative.

The Committee also has included language specific to the State of Maryland authorizing the State to set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, subject to specific provisions identified in the bill language.

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Appropriations, 2002 ..... $1,799,809,000
Budget estimate, 2003 1,837,110,000
Committee recommendation 1,855,635,000

The Committee recommends $1,855,635,000 for the operation of Indian programs, an increase of $55,826,000 above the fiscal year 2002 enacted level, and $18,525,000 above the budget estimate. Increases include internal transfers and fixed costs in the amount of $13,381,000. In addition, the Committee has included the full amount requested for the Bureau's trust and trust reform programs; restored cuts made in vital education programs, including the Tribally Controlled Community Colleges; and increased law enforcement funding in the area of border security. The following table provides a comparison of the budget estimate and Committee recommendations in the major programmatic areas:

	Budget estimate	Committee recommendation	Change
TRIBAL BUDGET SYSTEM			
Tribal Priority Allocations	$775,534,000	$775,534,000	
Other Recurring Programs	596,192,000	595,642,000	−$550,000
Non-Recurring Programs	67,510,000	72,360,000	+4,850,000
Total, Tribal Budget System	1,439,236,000	1,443,536,000	+4,300,000
BIA OPERATIONS			
Central Office Operations	72,490,000	72,490,000	
Regional Office Operations	64,223,000	64,223,000	
Special Programs and Pooled Overhead	261,161,000	275,386,000	+14,225,000
Total, BIA Operations	397,874,000	412,099,000	+14,225,000
Total, Operation of Indian Programs	1,837,110,000	1,855,635,000	+18,525,000

Additional details on the funding for the Bureau's Activities are provided in a table in the back of this report.

Tribal priority allocation.—The Committee recommends $775,534,000 for tribal priority allocations (TPA), an increase of $23,378,000 above the fiscal year 2002 enacted level and fully commensurate with the budget estimate. The increase above the enacted level includes $6,637,000 in internal transfers and fixed costs.

Other recurring programs.—The Committee recommends $595,642,000 for other recurring programs, an increase of $8,674,000 above the fiscal year 2002 enacted level, and $550,000 below the budget estimate. The amount provided includes $5,993,000 in internal transfers and fixed costs. Increases above the budget estimate include $4,000,000 for operating grants for Tribally Controlled Community Colleges, $550,000 for the western Washington shellfish program (Boldt decision), $3,100,000 for the Timber-Fish-Wildlife project, $300,000 for the Great Lakes Area Resource Management (Circle of Flight) program, and $3,400,000 for the following Tribal Management/Development programs: the Alaska Sea Otter Commission ($100,000), the Wetlands/Waterfowl Management program ($600,000), the Upper Columbia United Tribes ($320,000), the Bering Sea Fishermen's Association ($800,000), the Lake Roosevelt Management program ($630,000), the bison program ($600,000), and the Chugach Regional Resources Commission ($350,000). Decreases below the budget estimate are $11,900,000 for the proposed school privatization which includes $5,000,000 from ISEP (Program Adjustments), $2,000,000 from student transportation, $1,900,000 from facilities operations and maintenance, and $3,000,000 from administrative cost grants.

Non-recurring programs.—The Committee recommends $72,360,000 for non-recurring programs, a decrease of $438,000 below the fiscal year 2002 enacted level, and an increase of $4,850,000 above the budget estimate. The amount provided includes a decrease of $554,000 in internal transfers and fixed costs. Increases above the budget estimate include

$2,000,000 for the Rocky Mountain Technology Foundation's distance learning project, $1,000,000 for the rural Alaska fire program, $1,500,000 for the Cheyenne River Sioux Tribe's prairie management plan, and $350,000 for legal services provided by the Alaska Legal Services program.

Central office operations.—The Committee recommends $72,490,000 for central office operations, an increase of $14,384,000 above the fiscal year 2002 enacted level, and fully commensurate with the budget estimate. The amount provided includes $230,000 in internal transfers and fixed costs. Major programmatic increases above the enacted level include $5,700,000 for trust services, and $5,500,000 for information resources technology.

Regional office operations.—The Committee recommends $64,223,000 for regional office operations, an increase of $1,544,000 above the fiscal year 2002 enacted level, and fully commensurate with the budget estimate. The amount provided includes $44,000 in internal transfers and fixed costs.

Special programs/pooled overhead.—The Committee recommends $275,386,000 for special programs/pooled overhead, an increase of $8,284,000 above the fiscal year 2002 enacted level, and $14,225,000 above the budget estimate. The amount provided includes $1,031,000 in internal transfers and fixed costs. Increases above the budget estimate included the following: In education, $200,000 for the pre-law preparatory course conducted by the Law Institute for American Indians; in public safety and justice, $3,000,000 for additional detention center services, and $2,175,000 for additional costs associated with existing law enforcement responsibilities along the Canadian and Mexican borders; in community development, $3,000,000 for the United Tribes Technical College, $350,000 for the United Sioux Tribes Development Corporation, $1,500,000 for the Crownpoint Institute of Technology, $1,500,000 for the Western Heritage Center's tribal history and distance learning project, $500,000 for the American Indian and Alaska Native child abuse/child welfare study, $1,000,000 for the Alaska Native Aviation Training program, and $1,000,000 for continuation of work on the Yuut Elitnauviat People's Learning Center. Funding for the aviation training program and the Learning Center is contingent upon compliance with the reporting requirements mandated in House Report 107–234 and Senate Report 107–36, respectively. Funding is provided to the Bureau to formulate and pilot an American Indian and Alaska Native child abuse/child welfare program which addresses the adverse effects of child abuse on American Indians and Alaska Natives. In developing the program, the Bureau is instructed to consult with tribes and social service agencies to identify communities willing to participate in the development of and execution of a pilot project aimed at reducing child abuse and addressing the effects of child abuse. The Committee is aware of interest expressed by the Oglala Sioux Tribe and the Alaska Children's Alliance. The Committee recommends that the Bureau strongly consider utilizing partnerships with these entities, other tribal organizations, State social services and/or non-profit agencies for execution of the program.

General.—The Committee directs the Bureau of Indian Affairs to establish a Tribal Service Area for the Samish Indian Nation consistent with the tribe's existing Tribal Service Area for services provided by the Indian Health Service. When the service area is completed, the Samish Indian Nation shall be included in the Bureau's budget for services and programs offered to Samish tribal members, in addition to the tribe's existing funding for ''Other Aid to Tribal Government.'' The Committee directs the Secretary to report to the Congress within 60 days of enactment of this Act on the status of the actions taken in regard to the Samish Indian Nation.

Fractionated ownership of trust assets continues to be one of the primary hurdles to implementing effective trust management within BIA. Consolidating these fractionated interests is one of the most effective means of ameliorating a problem that grows worse every year. The Indian Land Consolidation Pilot has been successful on those few reservations where it has been implemented. No additional funds were requested for fiscal year 2003 because of past years' unexpended balances being carried over. Not later than September 30, 2003, the Department should report to the Congress on the obstacles that are preventing the full implementation of not only the pilot but the implementation of the Indian Land Consolidation Act Amendments of 2000.

CONSTRUCTION

Appropriations, 2002	$357,132,000
Budget estimate, 2003	345,252,000
Committee recommendation	348,252,000

The Committee recommends $348,252,000 for construction, a decrease of $8,880,000 from the fiscal year 2002 enacted level, and an increase of $3,000,000 from the budget estimate. The following table provides a comparison of the budget estimate with the Committee recommendations:

	Budget estimate	Committee recommendation	Change
Education	$292,717,000	$295,717,000	+$3,000,000
Public safety and justice	5,046,000	5,046,000	
Resources management	39,173,000	39,173,000	
General administration	2,182,000	2,182,000	
Construction management	6,134,000	6,134,000	
Total, Construction	345,252,000	348,252,000	+3,000,000

The Committee's recommendation for education construction includes $125,223,000 for replacement school construction. This amount will address the needs of the next six schools on the Bureau's priority list. Those schools are: Santa Fe Indian School, Kayenta Boarding School, Tiospa Zina Tribal School, Wide Ruins Boarding School, Low Mountain Boarding School, and St. Francis Indian School. In addition, the Committee has recommended $3,000,000 for the tribal school construction demonstration program established in fiscal year 2001.

INDIAN LAND AND WATER CLAIMS SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

Appropriations, 2002	$60,949,000
Budget estimate, 2003	57,949,000
Committee recommendation	57,949,000

The Committee recommends $57,949,000 for Indian land and water claims settlements and miscellaneous payments to Indians. Funding is provided as follows:

	Budget estimate	Committee recommendation	Change
White Earth Land Settlement Act (Admin)	$625,000	$625,000	
Hoopa-Yurok settlement fund	250,000	250,000	
Pyramid Lake water rights settlement	142,000	142,000	
Ute Indian water rights settlement	24,728,000	24,728,000	
Rocky Boy's	5,068,000	5,068,000	
Shivwits Band Settlement	16,000,000	16,000,000	
Santo Domingo Pueblo Settlement	3,136,000	3,136,000	
Colorado Ute Settlement	8,000,000	8,000,000	
Total	57,949,000	57,949,000	

The Committee understands that the funding provided for the Santa Domingo Pueblo settlement is in the second year of a 3-year obligation. The Committee also understands that, following the provision of funds in fiscal year 2003, the Bureau's remaining obligation is approximately $10,000,000. As such, the Committee expects the Bureau to include this final installment in its fiscal year 2004 budget.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

Appropriations, 2002	$4,986,000
Budget estimate, 2003	5,493,000
Committee recommendation	5,493,000

The Committee recommends $5,493,000 for the Indian guaranteed loan program, an increase of $507,000 over the fiscal year 2002 enacted level and commensurate with the budget request.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

Appropriations, 2002	$78,950,000
Budget estimate, 2003	70,217,000
Committee recommendation	75,217,000

The Committee recommends an appropriation of $75,217,000, which is $5,000,000 above

the budget request. The amounts recommended by the Committee compared to the budget estimate are shown in the following table:

	Budget estimate	Committee recommendation	Change
Territorial assistance:			
Office of Insular Affairs	$5,295,000	$5,295,000	
Technical assistance	7,461,000	12,461,000	+$5,000,000
Maintenance assistance fund	2,300,000	2,300,000	
Brown tree snake	2,350,000	2,350,000	
Insular management controls	1,491,000	1,491,000	
Coral reef initiative	500	500	
Subtotal, territorial assistance	19,397,000	24,397,000	+5,000,000
American Samoa: Operations grants	23,100,000	23,100,000	
Northern Mariana Islands: Covenant grants	27,720,000	27,720,000	
Total, assistance to territories	70,217,000	75,217,000	+5,000,000

Territorial assistance.—The Committee recommends $24,397,000 for territorial assistance, which is $5,000,000 above the request.

The increase above the request is for Impact of Compact aid to the State of Hawaii and Healthcare Association of Hawaii.

American Samoa operations grants/American Samoa construction.—The Committee recommends $23,100,000 for operations grants to American Samoa, which is equal to the request.

CNMI/Covenant grants.—The Committee recommends $27,720,000 for covenant grants. Included in this amount is $11,000,0000 for CNMI construction, $4,580,000 for impact aid to Guam, $840,000 for impact aid to CNMI, $10,140,000 for American Samoa, and $1,160,000 for the CNMI immigration, labor, and law enforcement initiative. The Committee understands that the statutory matching requirement for CNMI construction funds will expire during fiscal year 2003 so that $5,580,000 of these funds will be available without any match from the CNMI. Given the economic difficulties facing the Commonwealth, the Committee has chosen not to reinstitute the matching requirement at this time.

The Committee is aware of the serious challenges facing the Virgin Islands in complying with certain environmental standards. Accordingly, the committee directs the Secretary of the Interior, acting through the Deputy Assistant Secretary for Insular Affairs, to develop, in consultation with the Government of the Virgin Islands and other relevant Federal agencies, a Federal-local financing plan to accomplish the environmental infrastructure improvements required by Federal law. Such plan shall be submitted to the authorizing committees of jurisdiction and to the committees on appropriations of the Congress no later than June 15, 2003.

COMPACT OF FREE ASSOCIATION

Appropriations, 2002	$23,245,000
Budget estimate, 2003	20,745,000
Committee recommendation	20,925,000

The Committee recommends $20,925,000 for compact of free association, which is $180,000 above the request. A comparison of the Committee recommendation to the budget estimate follows:

	Budget estimate	Committee recommendation	Change
Compact of free association—Federal services	$7,354,000	$7,354,000	
Mandatory payments—Program grant assistance	12,000,000	12,000,000	
Enewetak support	1,391,000	1,571,000	+$180,000
Total, compact of free association	20,745,000	20,925,000	+180,000

Federal services assistance.—The Committee recommends $7,354,000 for Federal services assistance, equal to the budget request.

Program grant assistance.—The Committee recommends $12,000,000 for program grant assistance, equal to the budget request.

Enewetak support.—The Committee recommends $1,571,000 for Enewetak support, which is $180,000 above the request. The additional funds shall be used for repairs to the shipping vessel which provides food to Enewetak as part of the Enewetak Food and Agriculture Program.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

Appropriations, 2002	$69,946,000
Budget estimate, 2003	78,596,000
Committee recommendation	72,427,000

The Committee recommends $72,427,000 for departmental management, an increase of $2,481,000 above the fiscal year 2002 enacted level of $69,946,000, and a decrease of $6,169,000 from the budget estimate. The amount provided includes $2,176,000 in fixed costs. A comparison of the Committee recommendations and the budget estimate follows:

	Budget estimate	Committee recommendation	Change
Departmental direction	$13,405,000	$13,405,000	
Management and coordination	26,455,000	26,455,000	
Hearings and appeals	8,198,000	8,198,000	
Central services	26,429,000	23,528,000	−$2,901,000
Bureau of Mines workers compensation/unemployment	4,109,000	841,000	−3,268,000
Total	78,596,000	72,427,000	−6,169,000

Pursuant to the Cardiac Arrest Survival Act of 2000, the Department of Health and Human Services and the General Services Administration have released guidelines for agencies wishing to implement automated external defibrillator (AED) programs. The Department of the Interior is in the process of ordering additional AED units, and has already installed more than 450 AEDs at various locations. The Committee feels that a comprehensive review of the Department's AED program is appropriate at this time. The Department should submit a report to the Committee that describes the number of AEDs currently in place or on order for DOI facilities, their geographic distribution, their distribution among DOI bureaus, current maintenance and training costs, and the Department's long term plans for AED placement, service and training. This report should be submitted by March 1, 2003.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

Appropriations, 2002	$45,000,000
Budget estimate, 2003	47,773,000
Committee recommendation	47,773,000

The Committee recommends an appropriation of $47,773,000 for salaries and expenses of the Office of the Solicitor, an increase of $2,773,000 over the fiscal year 2002 enacted level. Within the funds provided, the Solicitor's Office shall hire one full time attorney to work exclusively with the Indian Arts and Crafts Board in enforcement of the Indian Arts and Crafts Act. The office shall report to the Committee upon the hiring of this attorney.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

Appropriations, 2002	$34,302,000
Budget estimate, 2003	36,659,000
Committee recommendation	36,239,000

The Committee recommends an appropriation of $36,239,000 for the Office of Inspector General.

The amount provided includes the program changes proposed in the budget request and $861,000 for fixed costs, an amount consistent with that provided for other departmental bureaus.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

Appropriations, 2002	$99,224,000
Budget estimate, 2003	151,027,000
Committee recommendation	151,027,000

The Committee recommends an appropriation of $151,027,000 for the Office of the Special Trustee for American Indians, which is the same level as the budget request and $51,803,000 above the fiscal year 2002 enacted level. The Committee continues to recognize the dire need for the Federal Government to improve Indian trust management and continues to support the Bureau's efforts in this regard.

INDIAN LAND CONSOLIDATION PROJECT

Appropriations, 2002	$10,980,000
Budget estimate, 2003	7,980,000
Committee recommendation	10,980,000

The Committee recommends $10,980,000 for Indian land consolidation, which is the same as the fiscal year 2002 enacted level and $3,000,000 above the budget request. The increase reflects the Committee's decision to consolidate the proposed Federal priority land acquisitions and exchanges program with the Indian land consolidation program.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

Appropriations, 2002	$5,497,000
Budget estimate, 2003	5,538,000
Committee recommendation	5,538,000

The Committee recommends an appropriation of $5,538,000 for natural resource damage assessments, which is the same as the request.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

The Committee has included in ''General Provisions, Department of the Interior'' various legislative provisions affecting the Department of the Interior. Several of these provisions have been carried in previous years and others are proposed new this year. The provisions are:

SEC. 101. Provides Secretarial authority to transfer program funds for expenditures in cases of emergency when all other emergency funds are exhausted.

SEC. 102. Provides for expenditure or transfer of funds by the Secretary in the event of actual or potential emergencies including forest fires, range fires, earthquakes, floods, volcanic eruptions, storms, oilspills, grasshopper and Mormon cricket outbreaks, and surface mine reclamation emergencies.

SEC. 103. Provides for use of appropriated funds for operation of garages, shops, warehouses, and similar facilities.

SEC. 104. Provides for use of appropriated funds for contracts, rental cars and aircraft, certain library memberships, and certain telephone expenses.

SEC. 105. Provides for use of appropriated funds to purchase uniforms or to provide a uniform allowance.

SEC. 106. Provides that contracts issued for services and rentals with appropriated funds be in effect for a period not to exceed 12 months.

SECS. 107–110. Prohibits the use of funds provided in the act for certain offshore leasing and related activities pursuant to the revised 5-year plan for Outer Continental Shelf oil and gas leasing.

SEC. 111. Provides that advance payments under the Indian Self-Determination and Education Assistance Act may be (1) invested only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or (2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Provides for the transfer of unobligated balances from the Bureau of Indian Affairs or the Office of the Special Trustee for American Indians for expenditure or transfer for Indian trust management activities.

SEC. 113. Allows the hiring of administrative law judges to address the Indian probate backlog.

SEC. 114. Permits the redistribution of tribal priority allocation and tribal base funds to alleviate funding inequities.

SEC. 115. Continues a provision requiring the allocation of Bureau of Indian Affairs postsecondary schools funds consistent with unmet needs.

SEC. 116. Provides for the protection of lands of the Huron Cemetery for religious and cultural uses and as a burial ground.

SEC. 117. Continues a provision that land and other reimbursement the Secretary may receive in the conveyance of the Twin Cities Research Center may be used for the benefit of the National Wildlife Refuge System in Minnesota and for activities authorized by Public Law 104–134.

SEC. 118. Authorizes the National Park Service to enter into a cooperative agreement with the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 119. Allows the Bureau of Land Management to retain revenues derived from the sale of surplus seedlings.

SEC. 120. Continues a cost-shared tribal school construction program. This item is discussed in more detail under the Bureau of Indian Affairs construction account.

SEC. 121. Permits the sale of improvements and equipment at the White River Oil Shale Mine in Utah, and the retention and use of those funds by the Bureau of Land Management and the General Services Administration.

SEC. 122. Authorizes the Secretary of the Interior to use helicopters or motor vehicles to capture and transport horses and burros at the Sheldon and Hart National Wildlife Refuges.

SEC. 123. Prohibits use of funds to approve the transfer of lands on South Fox Island, Michigan, until Congress has authorized such transfer.

SEC. 124. Provides certain contract authority regarding transportation at Zion National Park in Utah and Rocky Mountain National Park in Colorado.

SEC. 125. Removes outdated grant restriction on a heritage education park in Fairbanks, Alaska to allow for rehabilitation of the park.

SEC. 126. Prohibits the use of funds to issue a Record of Decision or to take any action to issue a right-of-way grant for a pipeline or associated facilities related to the Cadiz groundwater storage and dry-year supply program.

SEC. 127. Authorizes use of previously appropriated funds to plan the John Adams Presidential Memorial.

SEC. 128. Provides that funds appropriated and remaining available in the Construction (Trust Fund) account of the National Park Service at the completion of all authorized projects shall be available for the rehabilitation and improvement of Going-to-the-Sun Road in Glacier National Park.

SEC. 129. Directs the National Park Service to make interim payments as part of the Glacier Bay compensation program. The Committee notes that the Park Service has been developing this program for more than three years, and most fishermen, fishing-dependent businesses, and local communities have still not received compensation.

SEC. 130. Extends certain authorities applicable to the Department of Interior's National Business Center.

SEC. 131. Clarifies the effect of section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 regarding certain lands in the State of Kansas.

SEC. 132. Makes technical correction to Public Law 99–548 regarding the conveyance of land to the city of Mesquite, Nevada.

SEC. 133. Authorizes transfer of funds to meet operational needs at Midway Atoll National Wildlife refuge.

SEC. 134. Amends Public Law 107–331, which authorizes appropriations for the construction of the Native American Cultural Center and Museum.

SEC. 135. Modifies authorities applicable to the Department of the Interior franchise fund.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

The Committee notes the Administration's proposal to eliminate funding for prior year Congressional earmarks in favor of its own priorities. The Committee does not accept the Administration's action to present a budget that does not continue these worthwhile and significant projects, and expects the agency to continue funding those programs to a level that will assure projects are completed and objectives accomplished. Except as otherwise noted in this report, the agency is directed to continue funding of the congressional priorities noted in prior years where work remains to be accomplished or where such priorities require several years to accomplish.

FOREST AND RANGELAND RESEARCH

Appropriations, 2002	$241,304,000
Budget estimate, 2003	242,798,000
Committee recommendation	247,804,000

The Committee recommends an appropriation of $247,804,000, which is an increase of $5,006,000 above the budget request, $6,500,000 above the enacted level.

The administration proposed redirections of $35,900,000 of ongoing research in order to fund a number of its new initiatives. The Committee does not concur with this proposal which would have led to the closure of a number of critical research facilities and required the termination or reassignment of 275 employees. Over the past 15 years the research program has lost approximately half of its research scientists and the Committee cannot concur with a proposal to further erode the base research program. Accordingly, funding for activities in the research program shall not be reduced from the enacted level, including funding levels for all prior year congressional projects that were

proposed for elimination in fiscal year 2003 such as $2,000,000 for the Northeastern States Research Cooperative, and $1,130,000 for the research laboratory in Sitka, Alaska.

Increases above the enacted level are $5,000,000 for the Forest Inventory and Analysis program in order to further the goal of reducing cycle times for completing inventory work and to expand the program to additional States, $1,000,000 for the global climate change initiative as proposed in the budget request, and $500,000 to improve research and technology development capacity for the Northeastern Research Station at Morgantown, WV to reduce the impacts to eastern forests from invasive pathogens, parasites, and insects. Within the increase for the Forest Inventory and Analysis program, $500,000 shall be provided to support programs at the Mississippi Institute for Forest Inventory. The Committee believes the Institute offers a unique opportunity to interpret, expand, and process Forest Inventory and Analysis data in a manner making data more readily available and useful to non-Federal entities. Within the funds provided for research $500,000 shall be granted to the Joe Skeen Institute for Rangeland Restoration to perform research work on significant rangeland restoration initiatives.

STATE AND PRIVATE FORESTRY

Appropriations, 2002	$291,221,000
Budget estimate, 2003	277,363,000
Committee recommendation	297,472,000

The Committee recommends an appropriation of $297,472,000, an increase of $6,251,000 above the enacted level, and $20,109,000 above the request.

The following table provides a comparison of the budget estimate with the Committee recommendations. Additional details on funding for activities below the budget line item level are provided in a table in the back of this report.

	Budget estimate	Committee recommendation	Change
Forest health management	$81,380,000	$83,412,000	+$2,032,000
Cooperative fire protection	30,393,000	30,893,000	+500,000
Cooperative forestry	160,554,000	177,667,000	+17,113,000
International forestry	5,036,000	5,500,000	+464,000
Total, State and private forestry	277,363,000	297,472,000	+20,109,000

Forest Health Management.—The Committee recommends $83,412,000 for forest health management, which is $15,108,000 above the enacted level. The Committee has provided $44,374,000, an increase of $1,070,000 above the enacted level, for Federal lands forest health management which is for fixed cost increases.

The Committee continues support of the cooperative effort between the State of Vermont and the University of Vermont for the Vermont forest monitoring cooperative, and has provided $300,000 for this effort.

The Committee has provided $14,000,000 to support the administration's new proposed fund to rapidly respond to invasive species problems. This is $2,032,000 more than the request. The Committee has included bill language that assures these funds are available for the full spectrum of invasive species including pests, pathogens, and plants. Within the funds provided is $5,000,000 for research and control of Sudden Oak Death, including $2,500,000 for control and containment activities and $2,500,000 for research. The Committee expects the Forest Service to focus these activities in States which have had Sudden Oak Death outbreaks such as California, Arkansas, and Mississippi or in States where the risk of outbreaks is high due to the high concentration of oak species.

The Committee is disappointed that the Forest Service has not fulfilled its stewardship responsibility of controlling leafy spurge on its land, particularly in the Dakota Grasslands. Within the funds provided, the Committee encourages the Forest Service to make controlling leafy spurge a priority. The Committee has included $300,000 for the Dakota Prairie Grasslands Unit to control leafy spurge on the National Grasslands. The Committee urges the Forest Service to spend these additional funds on management activities on the ground.

Cooperative Fire Protection.—The Committee recommends $30,893,000 for cooperative fire protection, which is $530,000 above the enacted level. The Committee has provided $25,853,000 for State fire assistance and $5,040,000 for volunteer fire assistance. Additional funding for these programs is also included under the Wildland Fire Management heading.

Within the funds provided for State fire assistance, $500,000 shall be provided to the Cook Inlet Tribal Council in the form of an advance direct lump sum payment to perform work in areas infested by the spruce bark beetle which has caused severe fire danger on the Kenai Peninsula.

Cooperative Forestry.—The Committee recommends $177,667,000 for cooperative forestry, which is $9,624,000 below the enacted level.

The Committee has provided $32,221,000 for the forest stewardship program which is $950,000 below the enacted level. Within the funds provided, $1,000,000 is for the Chesapeake Bay program to support forestry efforts in the Chesapeake Bay watershed, and $300,000 above the normal allocation for Utah is to support forestry education for private landowners with timber resources on their lands.

The Committee has provided $74,000,000 for the forest legacy program which is $9,000,000 above the enacted level. The distribution of these funds is set out in the table below.

Project Name	*Senate*
Coon Gulf, phase 2, AL	$2,000,000
Perdido River, AL	2,000,000
East Sacramento Oak Woodlands, phase 1, CA	2,600,000
Spruce Mountain Ranch, CO	1,875,000
Stone House Brook Project, CT	1,100,000
Green Horizons, phase 2, CT	2,000,000
Sheffield, GA	100,000
McCandless Ranch, HI	1,300,000
Yellow River Forest Project, IA	700,000
Coon Creek Woods, IL	95,000
Kyte River, IL	305,000
Mt. Tea Ridge, IN	1,600,000
Eagleville Pines, MA	835,000
Karner Brook Ridge, MA	525,000
Pintail, MD	150,000
Deer Creek, MD	150,000
Leavitt Plantation, ME	600,000
West Branch, phase 2, ME	2,900,000
North Duluth, phase 1&2, MN	400,000
Schiemann, MT	600,000
Thompson Fisher, phase 4, MT	4,000,000
Blue Ridge Parkway Buffer, phase 2, NC	1,500,000
RPM project, NC	3,000,000
Connecticut Lakes Headwaters, NH	8,000,000
Lake Gerard, NJ	3,000,000
Arcadia Lake, NJ	330,000
Lagunas Bonitas, NM	2,000,000
East Branch Fish Creek, phase 2, NY	1,500,000
Pochuk Mountain, NY	1,300,000
Weetamoe Woods, phase 2, RI	250,000
DuVal Trail Corridor, RI	200,000
Coastal Forest Ecosystem Restoration Initiative, phase 3, SC	5,000,000
Anderson—Tully, TN	2,500,000
Castle Rock, phase 2, UT	2,000,000
Chalk Creek (Blonquist), UT	1,600,000
Romine project, VA	600,000
Buffalo River Crossing, VA	200,000
Sandy Point, VA	575,000
Mendon Brook, VT	200,000
Bull & Sable, VT	2,600,000
Skykomish River Landscape, phase 2, WA	920,000
Yakama River, WA	1,000,000
Tomahawk Northwoods, phase 3, WI	4,000,000
Baraboo Hills, WI	1,000,000
New State start-up, AK	500,000
New State start-up, ID	500,000
Forest Service program administration and AON Planning	3,890,000
Total	74,000,000

The Committee has provided $37,750,000 for the urban and community forestry program which is $1,750,000 above the enacted level. Increases above the enacted level are $250,000 for the Chicago Green Streets program, $400,000 for a total of $750,000 for the Cook County Forest Preserve to conduct environmental and technical work associated with the Preserve's forestry programs in Illinois, $300,000 for tree planting work in cooperation with the city of Milwaukee, Wisconsin, and $800,000 to establish the Urban Watershed Forest Research and Demonstration Project Cooperative to help support existing applied research, technology transfer, and urban natural resources stewardship in Baltimore, Maryland. The Committee directs that $350,000 of the amount for the Cooperative be provided to the Northeastern Research Station for work associated with the Baltimore Ecosystem Study and the remainder of the funds be provided to the Parks and People Foundation of Baltimore.

The Committee notes that the administration proposed to eliminate the Economic Action Program for fiscal year 2003. However, the Committee believes that the EAP programs are crucial to assisting rural timber-dependent communities, many of which have acute economic problems. Accordingly, the Committee recommends $28,700,000 for the Economic Action Programs (EAP), which is $28,700,000 above the request and $5,980,000 below the enacted level. The allocation of funds for EAP is set out in the table below:

Economic Recovery Program	$6,730,000
Rural Development Program	4,400,000

Forest Products Conservation & Recycling Program	1,300,000
Wood in Transportation Program	1,920,000
Special Projects:	
Four Corners Sustainable Forestry, NM	1,000,000
Kake Land Exchange, AK	2,000,000
KY mine reforestation	1,000,000
Mountain Studies Institute, CO	500,000
Envir. Sci. & Public Policy Research, ID	500,000
Rural Technology Transfer Initiative, WA	900,000
Fuels-in-schools biomass program, MT	750,000
Wood Education & Resource Center, WV	2,700,000
Lake Tahoe erosion control grants, CA	3,000,000
Little Sandy River, fish passage improvements, OR	2,000,000
Subtotal special projects	14,350,000
Total Economic Action Programs	28,700,000

The Committee notes that the administration also proposed eliminating the Pacific Northwest Assistance program for fiscal year 2003. While the Committee has not provided a separate budget line for the Pacific Northwest Assistance programs as in prior years, it has added an additional $3,045,000 above the enacted level for the economic recovery program component of EAP. The Committee expects that the agency will allocate these funds with special consideration for projects in the Pacific Northwest.

The Committee directs that no less than $2,500,000 of the funds provided for Rural Development Through Forestry shall be allocated to the Northeast-Midwest program.

The Committee has included bill language to facilitate the transfer of the $2,000,000 provided within Economic Action Programs to Kake Tribal Corporation in order to implement the Kake Tribal Corporation Land Transfer Act.

International Forestry.—The Committee recommends $5,500,000 for the international forestry program which is $237,000 above the enacted level. The Committee encourages continued focus of the program on efforts to protect the habitat of migratory birds and on invasive species control.

NATIONAL FOREST SYSTEM

Appropriations, 2002	$1,331,439,000
Budget estimate, 2003	1,366,475,000
Committee recommendation	1,352,999,000

The Committee recommends an appropriation of $1,352,999,000, an increase of $21,560,000 above the enacted level, and a decrease of $13,476,000 compared to the request.

The distribution of the Committee's recommendations are as follows:

	Budget estimate	Committee recommendation	Change
Land management planning	$72,195,000	$72,195,000	
Inventory and monitoring	176,306,000	176,306,000	
Recreation, heritage and wilderness	252,444,000	252,444,000	
Wildlife and fish habitat management	133,506,000	133,506,000	
Grazing management	35,850,000	35,850,000	
Forest products	264,753,000	263,753,000	−$1,000,000
Vegetation and watershed management	190,644,000	190,644,000	
Minerals and geology management	53,635,000	53,635,000	
Landownership Management	91,016,000	91,016,000	
Law enforcement operations	80,142,000	80,500,000	+358,000
Valles Caldera National Preserve	984,000	3,150,000	+2,166,000
Expedited consultations	15,000,000		−15,000,000
Total, National Forest System	1,366,475,000	1,352,999,000	−13,476,000

Land Management Planning.—The Committee recommends $248,501,000 for land management planning activities, including inventorying and monitoring, which is $4,827,000 above the enacted level. The Committee has provided $72,195,000 for land management planning, for national forest and grassland planning activities and $176,306,000 for inventorying and monitoring. The increases above the enacted level are $4,827,000 for fixed costs. Within the funds provided, a total of $600,000 is to support adaptive management activities at Lake Tahoe.

Recreation, heritage, and wilderness.—The Committee recommends $252,444,000 for recreation, heritage, and wilderness programs, which is an increase of $6,944,000 above the enacted level. Increases above the enacted level are $6,444,000 for fixed costs, and $500,000 to prepare an Environmental Impact Statement to identify ways to mitigate the impacts of helicopter charter flights in the Tongass National Forest on the community of Juneau, Alaska. Within the funds provided for recreation, $450,000 shall be allocated to the Arthur Carhart Wilderness Training Center, in Missoula, Montana.

Wildlife and fish habitat management.—The Committee recommends $133,506,000 for wildlife and fisheries habitat management, which is an increase of $1,659,000 above the enacted level. The increase is for fixed costs. Within the funds provided, $250,000 shall be allocated to efforts to protect and improve river, stream banks and habitat areas of the Batten Kill river.

Grazing management.—The Committee recommends $35,850,000 for grazing management, an increase of $1,075,000 above the enacted level. The increase is for fixed costs.

Forest products.—The Committee recommends $263,753,000 for forest products, a decrease of $2,587,000 below the enacted level, and $1,000,000 below the budget request. The Committee has retained bill language included in prior years which allows the funds provided for timber pipeline supply above the normal regional allocation on the Tongass National Forest to be allocated between the Capital Improvement and Maintenance and the National Forest System appropriation. The amount provided this purpose is $4,000,000.

The Committee expects the Forest Service to continue preparing and submitting its quarterly reports on the timber sales program. The Committee recommends that the agency identify the volumes that are offered, sold, and harvested categorized as net merchantable sawtimber in its quarterly reports.

Vegetation and watershed management.—The Committee recommends $190,644,000 for vegetation and watershed management, which is an increase of $531,000 above the enacted level. Increases above the enacted level are for fixed costs. Within the funds provided, $305,000 is for pine restoration work on the Mark Twain National Forest, $300,000 is for the Wasatch Canyon Water Quality Initiative, $135,000 is for a hydrology study on the Monongahela National Forest, and $1,000,000 for a total of $4,550,000 is for wetland and riparian restoration, urban lot management, and other activities at Lake Tahoe.

Minerals and geology management.—The Committee recommends $53,635,000 which is $4,679,000 above the enacted level. The increase is for fixed costs.

Land ownership management.—The Committee recommends $91,016,000 for land ownership management, which is $2,582,000 above the enacted level. The increase is for fixed costs.

Law enforcement operations.—The Committee recommends $80,500,000 for law enforcement operations, which is $1,500,000 above the enacted level. Within the funds provided, a total of $950,000 is for counterdrug operations on the Daniel Boone National Forest.

Valles Caldera.—The Committee has provided $3,150,000 for the Valles Caldera Trust for management activities at the Baca Ranch, New Mexico. This is equal to the enacted level.

Expedited consultations.—The Committee has not established a new budget line item in the amount of $15,000,000 as proposed by the administration for expedited Endangered Species Act consultations. The agency received $11,000,000 for such consultations in fiscal year 2001 under the wildland fire management appropriation and was unable to spend more than $1,000,000 of these funds. If the agency demonstrates the ability to efficiently utilize funds for consultation purposes in the future, the Committee would reconsider such a request. While the Committee has not established a new budget line item with additional consultations, it has given the agency the authority to transfer up to $15,000,000 within the existing budget structure for this purpose in the administrative provisions section.

Quincy Library Group.—The Committee recommends $26,000,000 for the Quincy Library Group project, which is equal to the enacted level and the request. Funding for this project is included in both the national forest system and wildland fire management appropriation accounts.

Land Between the Lakes NRA.—The Committee has included funding in various accounts such that not less than $8,400,000 shall be used by the Forest Service for management of the Land Between the Lakes NRA.

Lake Tahoe.—The Committee notes that it has provided a total of $22,000,000 for activities in the Lake Tahoe Basin. This is an increase of $980,000 above the enacted level and $15,150,000 above the budget request. Within the National Forest System appropriation

these amounts are allocated as follows, $600,000 within inventorying and monitoring to support adaptive management work, $150,000 within recreation, heritage, and wilderness management, $50,000 within wildlife and fisheries management, $4,550,000 within vegetation and watershed management, and $350,000 for landownership management. To the extent that a change in the program of work is necessitated by a change in priorities in the field the distribution of these funds may be revised upon notification and consultation with the Committee.

The Committee has also provided $3,000,000 within the State and Private Forestry appropriation, $3,000,000 in the Capital Improvement and Maintenance appropriation, $3,000,000 within the Wildland Fire Management Appropriation, $350,000 from the Roads and Trails fund, and approximately $6,950,000 within the Land Acquisition appropriation for activities at Lake Tahoe.

WILDLAND FIRE MANAGEMENT

Appropriations, 2002	$1,560,349,000
Budget estimate, 2003	1,369,138,000
Committee recommendation	1,349,291,000

The Committee recommends a total appropriation of $1,349,291,000 for wildland fire management activities, which is $19,847,000 below the budget request.

The Committee recommendation includes full funding of the request for wildland fire preparedness in the amount of $600,703,000. The Committee has also provided a total of $420,699,000 for wildland fire suppression which is equal to the request.

The Committee has provided a total of $327,889,000 for other fire operations which is $19,847,000 below the budget request. Within this amount, the Committee has fully funded the hazardous fuels reduction request of $228,109,000. Of the funds provided for hazardous fuels, a total of $3,000,000 shall be allocated for fuels reduction work at Lake Tahoe, including work on urban lots, and $1,500,000 shall be allocated to the Santa Fe National Forest for the implementation of the Santa Fe Watershed Thinning Project.

The Committee continues to believe that reduction of fuel loads on national forests and in areas adjacent to communities in the wildland-urban interface is critical for protecting the environment and the safety of the public. The Committee also believes that the agency should focus on treating acres in the urban interface where lives and property are most at risk. Accordingly, the agency is directed to spend 70 percent of its hazardous fuels funds on treating acres in the wildland urban interface as proposed in the agency's budget request. If for any reason the Forest Service is unable to attain these levels, it shall promptly notify the Committee explaining why the agency was unable to expend such sums.

The remaining funds within the other fire operations appropriations account are allocated as follows, $3,624,000 for rehabilitation and restoration as proposed in the request; $21,427,000 for research and development; $8,000,000 for the joint fire science program as proposed in the request; $46,555,000 for the State fire assistance program; $8,240,000 for volunteer fire assistance as proposed in the request; and $11,934,000 for forest health activities as proposed in the request.

Within the funds provided for research and development, $1,700,000 shall be allocated to the National Center for Landscape Fire Analysis at the University of Montana for the Forest Service share of this cooperative project. Of these funds, $200,000 shall be used for the FRAMES project in conjunction with the University of Idaho.

Within the amounts provided for State fire assistance, $6,000,000 is for the Municipality of Anchorage and the Matanuska Susitna Borough in the form of an advance direct lump sum payment to perform work in areas affected by the spruce bark beetle which has created a severe fire risk to large areas of Southcentral Alaska.

CAPITAL IMPROVEMENT AND MAINTENANCE

Appropriations, 2002	$546,188,000
Budget estimate, 2003	552,088,000
Committee recommendation	543,656,000

The Committee recommends $543,656,000 for capital improvement and maintenance, which is $2,532,000 below the enacted level.

The Committee agrees to the following distribution of funds:

	Budget estimate	Committee recommendation	Change
Facilities	$200,500,000	$168,652,000	−$29,848,000
Roads	231,893,000	235,566,000	+3,673,000
Trails	68,829,000	69,572,000	+743,000
Infrastructure improvement	50,866,000	69,866,000	+19,000,000
Total, capital improvement and maintenance	552,088,000	543,656,000	−8,432,000

Facilities.—The Committee recommends $168,652,000 for facilities maintenance and capital improvement, which is a decrease of $16,795,000 below the enacted level. The funding allocations are set out below.

Facilities Maintenance/Capital Improvement	$153,413,000
Franklin County Lake, MS	2,400,000
Mystic Ranger District Station, SD	1,500,000
Old Stoney feasibility study, WY	300,000
Green Mountain NF, Supervisor's Office	1,000,000
Camp Ouachita, Ouachita NF, AR	1,500,000
Washita Battlefield, OK	500,000
Backcountry Hut repairs, AK	500,000
Log Transfer Facilities, Tongass NF, AK	1,000,000
Forestry Science Bldg repairs, Princeton WV	315,000
Monongahela facilities improvements, WV	1,340,000
Hardwood Technology Ctr., Purdue Univ., IN	3,100,000
Durability Test Facility, FPL, WI	500,000
Chugach NF, visitor center, AK	1,000,000
Lewis & Clark Ctr., MT	284,000
Total	168,652,000

The funds provided for construction of backcountry huts in Alaska shall be used to contract with the Alaska Mountain and Wilderness Huts Association at Snow River to perform the work.

The Committee has included bill language authorizing the Forest Service to transfer previously appropriated funds in addition to the $3,100,000 provided for fiscal year 2003, to Purdue University for construction of the Hardwood Tree Improvement and Regeneration Center.

Within the funds provided for facilities capital improvement and maintenance, $1,000,000 is for the Institute of Pacific Island Forestry, HI.

The Committee recommends that the agency continue to lease the administrative buildings in Newcastle, Wyoming until a permanent facility is established to provide continued operations within the community of Newcastle.

The Committee has been informed that the Forest Service has utilized funds appropriated in fiscal year 2001 for the Seward multi-agency administrative facility for other purposes without seeking authority from the Committee. The Committee directs the Forest Service to replace the funds appropriated for the Seward facility by using funds from general administrative functions and to expedite this project. The Committee notes that the funds for the Chugach NF visitor center in Cordova shall be the final amount provided by the Forest Service. In addition, the agency shall be given a share of the space in this facility proportional to the agency's share of the construction cost.

Roads.—The Committee recommends $235,566,000 for road maintenance and capital improvement, which is an increase of $3,673,000 above the budget request, and $5,900,000 above the enacted level. The funding allocations are set out below.

Road Maintenance/Capital Improvement	$229,666,000
Highland Scenic Highway, Williams River Improvements, WV	1,300,000
Road Improvements, Tongass NF, AK	4,000,000
Avalanche Control, Chugach NF, AK	600,000
Total	236,566,000

The Committee has included $4,000,000 for construction and reconstruction of roads on the Tongass National Forest. Within the funds provided, $3,000,000 shall be allocated for retrofitting and road decommissioning in the Lake Tahoe Basin.

Trails.—The Committee recommends $69,572,000 for trail maintenance and capital improvement, which is $503,000 below the enacted level, and $743,000 above the request. The funding allocations are set out below.

Trail Maintence/Improvement	$68,712,000
San Sophia Station, CO	500,000
Pinhoti Trail, AL	360,000
Total	69,572,000

Infrastructure improvement.—The Committee recommends $69,866,000 for infrastructure improvements which is $19,000,000 above the request.

The Committee has not provided the $10,000,000 for office collocations with the Bureau of Land Management as proposed in the budget request. Before providing these funds, the Committee believes a more prudent course is for the Forest Service to analyze

the number of sites where such collocations would be beneficial and provide the Committee with a report indicating the locations of these sites and the funds necessary to accomplish this objective.

LAND ACQUISITION

Appropriations, 2002	$149,742,000
Budget estimate, 2003	130,510,000
Committee recommendation	148,263,000

The Committee recommends $148,263,000 for land acquisition, $17,753,000 above the budget request.

The Committee recommends the following distribution of funds:

Project	Forest	Committee recommendation
Arkansas Rivers and Streams (incl. Stumpy Point and Lake Winona)	Ozark-St. Francis NF (AR)	$3,000,000
Big Sur Ecosystem	Los Padres NF (CA)	3,000,000
Black Hills Critical inholdings	Black Hills NF (SD)	3,700,000
Bonneville Shoreline Trail	Wasatch-Cache NF (UT)	2,265,000
Bridger-Teton	Bridger-Teton NF (WY)	4,584,000
Broad River Corridor	Sumter NF (SC)	5,000,000
Chattooga W&SR/Chattooga River	Chattahoochee NF/Nantahala NF (SC/GA/NC)	2,000,000
Clinch Ranch District and New Castle Ranger District	Jefferson NF (VA)	2,600,000
Columbia River Gorge NSA	CRGNSA (OR/WA)	10,000,000
Critically Sensitive Lands	Lake Tahoe Basin (CA/NV)	6,700,000
Daniel Boone Assorted Inholdings	Daniel Boone NF (KY)	2,500,000
Florida National Scenic Trail	Multiple (FL)	500,000
Francis Marion	Francis Marion NF (SC)	4,000,000
Gascon Point (Sawyer)	Santa Fe NF (NM)	5,500,000
Georgia Mountains	Chattahoochee NF (GA)	3,200,000
Greater Yellowstone Area	Multiple (MT)	9,300,000
Green Mountain Recreation & Water Enhancement	Green Mountain NF (VT)	1,750,000
High Uintas	Wasatch-Cache NF (UT)	4,250,000
Hoosier Unique Areas	Hoosier NF (IN)	2,500,000
I–90 Corridor/Plum Creek & Cascade Conservation Partnership	Mt. Baker-Snoqualmie NF (WA)	6,000,000
La Madera	Cibola NF (NM)	3,800,000
Lake Labish Restoration Project	Willamette NF (OR)	500,000
Minnesota Wilderness/Water/Wildlife	Chippewa NF/Superior NF (MN)	1,650,000
Mount Sentinel	Lolo NF (MT)	800,000
Northwest Wild & Scenic Rivers (incl. Illinois WSR and Skagit)	Multiple (OR/WA)	2,500,000
Ozarks Mountain Streams and Rivers	Mark Twain NF (MO)	2,000,000
Pacific Crest Trail	Multiple (CA/OR/WA)	3,000,000
Pacific Northwest Streams (incl. Salmon Streams of the Siuslaw and Arrowleaf)	Multiple (OR/WA)	4,000,000
Red Mountain	Uncompahgre NF/San Juan NF (CO)	5,000,000
Sedona/Red Rocks (incl. Thomas Point & Woo Ranch)	Coconino NF (AZ)	2,500,000
Ottawa NF	Ottawa NF (MI)	6,000,000
SPI, North Fork American River	Tahoe NF (CA)	2,000,000
Swan Valley	Flathead NF (MT)	8,000,000
Talladega	Talladega NF (AL)	700,000
Tennessee Mountains	Cherokee NF (TN)	4,400,000
Thunder Mountain	Payette NF (ID)	2,000,000
Watershed, RY Timber	Beaverhead-Deerlodge NF (MT)	5,700,000
White Mountain	White Mountain NF (NH)	500,000
White Sulphur Springs/John Lee Hollow	Monongahela NF (WV)	4,100,000
Critical Inholdings/Wilderness Protection	Multiple	3,000,000
Use of carryover/anticipated slippage		−14,000,000
Subtotal, Line Item Acquisitions		130,499,000
Acquisition Management (incl. Cash Equalization)		17,764,000
Total, FS Land Acquisition		148,263,000

Consistent with the budget request, the Committee has provided a substantial increase for acquisition management. The Committee expects that the additional amounts provided will be sufficient to execute the acquisition program in an efficient manner, and that the Forest Service will ensure that acquisition management funds are being spent appropriately and that project dollars are not being used for acquisition management or otherwise misallocated.

The Committee understands negotiations are ongoing between the Forest Service and outside parties to purchase Snow Country byways in the Ottawa NF. Should an agreement satisfactory to all parties be reached, the funds designated for the Ottawa NF in this report should be used for those lands.

ACQUISITION OF LANDS FOR NATIONAL FORESTS, SPECIAL ACTS

Appropriations, 2002	$1,069,000
Budget estimate, 2003	1,069,000
Committee recommendation	1,069,000

The Committee recommends an appropriation of $1,069,000 which is equal to the fiscal year 2002 enacted level. These funds are derived from receipts at certain forests.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

Appropriations, 2002	$234,000
Budget estimate, 2003	234,000
Committee recommendation	234,000

The Committee recommends an appropriation of $234,000, which is equal to the fiscal year 2002 enacted level. This amount is derived from funds deposited by State, county, and municipal governments or public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a).

RANGE BETTERMENT FUND

(Special Fund, Indefinite)

Appropriations, 2002	$3,290,000
Budget estimate, 2003	3,402,000
Committee recommendation	3,402,000

The Committee recommends an appropriation of $3,402,000, which is equal to the request. This amount is for range rehabilitation, protection, and improvement, and is derived from fees received for livestock grazing on National Forests pursuant to section 401(b)(1) of Public Law 94–579, as amended.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

Appropriations, 2002	$92,000
Budget estimate, 2003	92,000
Committee recommendation	92,000

The Committee recommends an appropriation of $92,000, the same as the budget estimate and the fiscal year 2002 enacted level. This amount is derived from the fund established under 16 U.S.C 1643(b).

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES SUBSISTENCE MANAGEMENT, FOREST SERVICE

Appropriations, 2002	$5,488,000
Budget estimate, 2003	5,542,000
Committee recommendation	5,542,000

The Committee recommends $5,542,000 for subsistence management of forest lands in the State of Alaska, which is the same as the budget request.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

The Committee has continued many of the same administrative provisions as provided in prior years.

Language is included which authorizes the Forest Service to provide funds to the National Forest Foundation to match up to $2,250,000 in private contributions on a 1-for-1 basis for projects on National Forest System lands or related to Forest Service programs. The Committee has authorized up to $400,000 of Federal funds provided, may be used for administrative expenses of the Foundation.

Language is included which provides funds for the National Fish and Wildlife Foundation in the amount of $2,650,000 on a 1-for-1 matching basis with private contributions for projects on or benefiting National Forest System lands.

Language is included which allows the Forest Service to transfer appropriated funds to the Bureau of Land Management from the National Forest System account for work related to the management of wild horses and burros. The amount of funds transferred with this authority should be displayed in subsequent budget justifications.

Language is included which permits the Secretary of Agriculture to sell excess buildings and other facilities on the Green Mountain National Forest and to retain the revenues for maintenance and rehabilitation activities on the forest.

Language is included allowing up to $15,000,000 to be transferred to the Secretary of Commerce or the Secretary of the Interior for Endangered Species Act consultations.

The Committee notes the expected increases in indirect costs for the Forest Service despite the administration's emphasis on streamlining agency operations and reducing such costs. While the Committee is skeptical that such costs can be reduced by 50 percent, as proposed by the administration, it is imperative that substantial reductions occur in order to increase the availability of funds for on-the-ground work. Although the Committee has eliminated prescriptive bill language regarding management of indirect costs, the Committee directs the Forest Service to continue to display agency indirect costs in future budget justifications, continue its use of standard definitions for such costs, and report to the Committee any changes in such definitions. Further, the Committee directs that indirect expenses charged to the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds shall be limited to no more than 20 percent of total obligations.

DEPARTMENT OF ENERGY

BUDGET DOCUMENTATION

The Committee continues to be deeply concerned with the quality and content of the Department's budget justification and related documents. The information presented to Congress—information on which it must base critical funding decisions—is often incomplete, frequently uninformative, and generally lacking in clarity and specificity. Proposed changes in activities from one fiscal year to another are regularly left unexplained. Indeed, the Department's budget documents are replete with examples where funding levels have been proposed for change, including the outright termination of ongoing activities, yet no justification or explanation is offered. Particularly troublesome are the proposed changes in statutory language which are presented to Congress without explanation.

Unfortunately, these concerns are not new, nor is this the first time the Committee has advised the Department of this ongoing problem. Consequently, the Committee directs the Department to evaluate its current budget formulation and request process, and, within 90 days of enactment of this Act, present the Committee with a plan for addressing this problem. At a minimum, the Committee expects future budget justifications to include a full explanation of any funding change of $50,000 or more within a specific activity, and fiscal year crosswalks detailing, at the activity level, any project initiations or terminations. In addition, the Department is directed to fully explain in future justifications proposed changes to statutory language, including a detailed description of the need for such changes and the history of any statutes and regulations affected. This directive was included on page 85 of Senate Report 106–312, but has been utterly ignored by the Department and the Office of Management and Budget despite the fact that such explanations are required by OMB itself.

CLEAN COAL TECHNOLOGY

(DEFERRAL)

The Committee recommends a deferral of $70,000,000 in previously appropriated funding for the Clean Coal Technology program. The Committee understands that the projects for which this funding will be used are progressing, but at a somewhat slower pace than originally anticipated.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Appropriations, 2002	$622,490,000
Budget estimate, 2003	529,305,000
Committee recommendation	625,665,000

The Committee recommends $625,665,000 for fossil energy research and development, an increase of $3,175,000 over the equivalent enacted level in fiscal year 2002. More than $77,700,000 in programmatic increases above the budget request were necessitated by the Department's proposed early termination of valuable research projects, many of which, in the opinion of the Committee, are central to our Nation's energy security. In addition, the Committee has not agreed to the use of $14,000,000 in previously appropriated funds. The amounts recommend by the Committee as compared to the budget estimate are shown below.

	Budget estimate	Committee recommendation	Change
Clean coal power initiative (new budget auth.)	$110,000,000	$150,000,000	+$40,000
(By transfer)	40,000,000		−40,000,000
Total	150,000,000	150,000,000	
Coal and Power Systems:			
Central Systems	84,950,000	95,250,000	+10,300,000
Distributed Generation Systems—Fuel Cells	49,500,000	64,525,000	+15,025,000
Sequestration R&D	54,000,000	41,965,000	−12,035,000
Fuels	5,000,000	27,300,000	+22,300,000
Advanced Research	31,650,000	34,150,000	+2,500,000
Subtotal, Coal and Power Systems	225,100,000	263,190,000	+38,090,000
Gas	22,590,000	46,320,000	+23,730,000
Petroleum—Oil Technology	35,400,000	44,300,000	+8,900,000
Cooperative R&D	6,000,000	8,340,000	+2,340,000
Fossil energy environmental restoration	9,715,000	9,715,000	
Import/export authorization	2,500,000	3,000,000	+500,000
Headquarters program direction	15,820,000	18,900,000	+3,080,000
Energy Technology Center program direction	54,880,000	69,900,000	+15,020,000
General plant projects	2,000,000	6,000,000	+4,000,000
Advanced Metallurgical Processes: Advanced metallurgical processes	5,300,000	6,000,000	+700,000
Total, Fossil Energy Research and Development	529,305,000	625,665,000	+82,360,000

Clean Coal Power Initiative.—The Committee recommends $150,000,000 in new budget authority for the clean coal power initiative in keeping with the President's stated commitment to provide $2,000,000,000 over 10 years for clean coal technologies. The Committee does not agree to the Department's proposal to use $40,000,000 in previously appropriated clean coal funds.

The Committee is aware of promising results from a pilot test of electro-catalytic oxidation (ECO) multi-pollutant control technology for fossil fuel-fired power plants previously supported by Congress. The Department of Energy has supported mercury removal testing as part of this pilot and the Ohio Coal Development Office is supporting a 50 megawatt (MW) demonstration of this technology. Full scale (several hundred MW) demonstration of this type of multi-pollutant technology would be an appropriate use of Clean Coal Technology funds.

Fuels and Power Systems.—The Committee recommends $263,190,000 for fuels and power systems, an increase of $16,689,000 over the fiscal year 2002 enacted level and $38,090,000 over the budget request. In Central Systems, increases above the budget request total $10,300,000, of which $1,000,000 is to support an evaluation program of elemental mercury emissions reduction from North Dakota lignite-fired power plants, $4,000,000 is for IGGC including continued support of the ion transport membrane (ITM) oxygen project, $2,300,000 is for advanced combustion systems, and $3,000,000 is for turbines. In Distributed Generation, increases above the request total $15,025,000, of which $1,000,000 is for advanced research (continuation of the electrochemical engineering program at MSU), $2,000,000 is for Vision 21 hybrids, $11,500,000 is for innovative systems concepts (for the SECA program), and $525,000 is for novel generation (ramgen). Within the amount provided for Fuel Cell Systems, $3,000,000 is to continue work on the Molten Carbonate Hybrid project started in fiscal year 2002. In Sequestration Research and Development, there is a decrease below the budget request of $12,035,000. In Fuels, increases above the budget request total $22,300,000, of which $15,000,000 is for transportation fuels and chemicals (of which $7,000,000 is for ultra clean fuels), $4,000,000 is for solid fuels and feedstocks (of which $1,000,000 is for CPCPC and $3,000,000 is for CAST), and $3,300,000 is for advanced fuels research (of which $2,000,000 is for the C–1 chemistry program and $1,300,000 is for the carbon products program). And, in Advanced Research, increases above the budget request total $2,500,000, of which $1,000,000 is for coal utilization science (continuation of the Arctic Energy Office), $1,000,000 is for materials, and $2,000,000 is for technology crosscut (for continuation of the supercomputing program). Decreases below the budget request total $1,500,000, of which $1,000,000 is from University Coal Research and $500,000 is from HBCU Research Activities.

The Committee is aware of the ongoing work between NETL, Western Kentucky University, and other institutions to initiate a Consortium to Study Coal Combustion. The Department is encouraged to use a portion of

the $2,300,000 increase in Advanced Combustion Systems to begin development of this Consortium.

Within the increase provided for Transportation Fuels and Chemicals, the Department should continue ongoing projects including the clean diesel fuels program in cooperation with the University of Alaska, small footprint plant conversion technology and the ITM syngas project.

Natural Gas Technologies.—The Committee recommends $46,320,000 for natural gas technologies, an increase of $1,120,000 over the fiscal year 2002 enacted level, and $23,730,000 over the budget request. In Exploration and Production, increases above the budget request total $7,000,000, of which $3,000,000 is for the Deep Trek program, $1,000,000 is for continuation of the lab/industry partnerships, and $3,000,000 is for the Arctic Energy Office (of which $2,000,000 is directed toward research on the Alaska gas pipeline). In Gas Hydrates, increases above the budget request total $5,000,000. In Infrastructure, increases above the request total $9,050,000, of which $2,000,000 is for storage technology and $7,000,000 is for infrastructure technology. In Emerging Processing Technology, increases above the budget total $2,680,000 (for the final phase of the coal mine methane demonstration program).

Oil Technologies.—The Committee recommends $44,300,000 for oil technologies, a decrease of $11,699,000 from the fiscal year 2002 enacted level and an increase of $8,900,000 from the budget request. In Exploration and Production, increases above the budget request total $9,000,000, of which $500,000 is for advanced drilling, $1,500,000 is for advanced diagnostics, $2,000,000 is for the lab/industry partnerships, $2,000,000 is for reservoir efficiency, $1,500,000 is for PRIME, and $1,500,000 is for the Arctic Energy Office of which $500,000 is to continue oxygen transport ceramic membrane research. In Reservoir Life Extension, Reservoir Life Extension includes an overall reduction of $500,000 from the budget request level, including a decrease of $1,500,000 from Technology Transfer and an increase of $1,000,000 for PUMP. And, in Effective Environmental Protection, increases above the budget request total $400,000 for the risk assessment program split equally between the RBDMS Base Program and the coalbed methane interface for MT and Alaska.

Cooperative Research and Development.—The Committee recommends $8,340,000 for cooperative research and development, an increase of $100,000 over the fiscal year 2002 enacted level, and $2,340,000 above the budget request.

Environmental Restoration.—The Committee recommends $9,715,000 for environmental restoration, and increase of $215,000 above the fiscal year 2002 enacted level and fully commensurate with the budget request.

Program Direction and Management Support.—The Committee recommends $88,800,000 for program direction and management support, an increase of $2,800,000 above the fiscal year 2002 enacted level, and $18,100,000 above the budget request. The sizable increase above the budget request is attributable to the fact that the Committee has not followed the Department's practice of counting previously appropriated program direction funding. Of the funds provided, $18,900,000 is for headquarters program direction and $69,900,000 is for field program direction.

Plant and Capital Equipment.—The Committee recommends $6,000,000 for plant and capital equipment, a decrease of $7,450,000 from the fiscal year 2002 enacted level, and an increase of $4,000,000 above the budget request. Of the funds made available, $2,000,000 is for general plant projects (including the Albany Research Center) and $4,000,000 is for the second installment of the infrastructure improvement program at the National Energy Technology Laboratory. The Committee is hopeful that the Department will heed its direction of last year and include the NETL funding as part of the base in future years.

Advanced Metallurgical Processes.—The Committee recommends $6,000,000 for advanced metallurgical processes, an increase of $800,000 from the fiscal year 2002 enacted level, and $700,000 above the budget request.

NAVAL PETROLEUM AND OIL SHALE RESERVES

Appropriations, 2002	$17,371,000
Budget estimate, 2003	20,831,000
Committee recommendation	20,831,000

The Committee recommends $20,831,000 for the Naval Petroleum and Oil Shale Reserves, the same as the budget request.

ELK HILLS SCHOOL LANDS FUND

Appropriations, 2002	$36,000,000
Budget estimate, 2003	36,000,000
Committee recommendation (advance appropriation)	36,000,000

The Committee recommends $36,000,000 for the Elk Hills school lands fund, the same as the budget request and the fiscal year 2002 level. These funds will become available on October 1, 2003.

ENERGY CONSERVATION

Appropriations, 2002	$912,805,000
Budget estimate, 2003	901,651,000
Committee recommendation	884,293,000

The amounts recommended by the Committee compared with the budget estimates by activity are shown in the following table:

	Budget estimate	Committee recommendation	Change
Building Technology, State and Community Sector	$408,791,000	$366,993,000	−$41,798,000
Federal Energy Management Program	27,880,000	26,880,000	−1,000,000
Industry Sector	138,359,000	140,859,000	+2,500,000
Power Technologies	63,904,000	65,154,000	+1,250,000
Transportation	222,664,000	244,354,000	+21,690,000
Policy and management	40,053,000	40,053,000	
Total, Energy Conservation	901,651,000	884,293,000	−17,358,000

The detail table at the back of the report displays the distribution of funds among the activities in energy conservation. Changes to the budget request are detailed below.

Building, Technology, State and Community Sector.—In buildings, research, and standards, increases include $5,000,000 in equipment, materials, and tools, of which $4,000,000 is for the Next Generation of Lighting Initiative and $1,000,000 is for window technologies, and $1,000,000 for lighting and appliance standards. Decreases include $700,000 for technical and program management support.

In building technology assistance, there is an increase of $6,202,000 for the State energy program, a decrease of $52,100,000 for weatherization assistance and a decrease of $1,000,000 for Energy Star.

Federal Energy Management Program.—The Committee recommends a reduction of $1,000,000 from the budget request for the Federal Energy Management Program.

Industry Sector.—For industry sector research, the Committee recommends a net increase of $2,500,000 above the request for industries of the future (crosscutting). Within the increase above the request, $1,000,000 is provided for industrial materials of the future, $1,500,000 is provided for the inventions and innovations program, and $2,000,000 is provided to fund a regional bio-based products consortia. The Committee encourages this organization to work toward becoming self-sustaining. In industries of the future (crosscutting), there are decreases of $1,000,000 for industrial assessment centers and $1,000,000 for technical and program management support. The Committee encourages the mining vision to emphasize research that reduces the cost of mineral production and to document best practices.

Power Technologies.—For power technologies, increases include $1,000,000 for gas turbines and $250,000 for fuel flexibility to be dedicated to oil heat research. Within available funds, the Department should consider funding for the National Accounts Energy Alliance.

Transportation Sector.—For transportation sector research, there is an increase of $21,690,000. The Committee recommends a $8,000,000 net increase for vehicle technologies research and development, including $2,000,000 for combustion and aftertreatment research and development, $1,000,000 for light truck engines, $5,000,000 for heavy truck engines, $1,000,000 for gasoline boosting technology research, $1,500,000 for off-highway engine research and development, including research on locomotive engines, agricultural, and other off-highway equipment, and $1,000,000 for advanced battery development. The Committee recommends decreases of $3,000,000 for fuel cell research and development (including $1,400,000 for systems, $1,000,000 for stack subsystems components, and $600,000 for fuel processor storage), and $500,000 for vehicle systems optimization. Within the funds provided, the Northwest Alliance for Transportation Technologies (NATT) should be expanded to support the continued development of essential power systems advanced emissions technologies for Light and Heavy Duty vehicles.

Other transportation program increases include an increase of $4,690,000 for fuels utilization research and development. Within this increase, $990,000 is for alternative fuels for automobiles and light trucks, $1,000,000 is for medium trucks, and $1,000,000 is for heavy trucks. Also within this increase is $1,700,000 for fueling infrastructure. The Committee expects the Department to consider the natural gas CNG Cylinder Safety Inspection and Certification Training program within that increase.

The Committee recommends a $8,000,000 increase for materials technologies, including

$2,000,000 for automotive propulsion materials, $5,000,000 for automotive lightweight materials, and $1,000,000 for heavy vehicle strength reduction materials to support continued funding of on-going research on Metal Matrix Composites.

In technology deployment, the Committee recommends a $2,000,000 increase for the Clean Cities program and decreases of $500,000 for testing and evaluation and $500,000 for replacement fuels. The Committee is aware of work being done by the National Ethanol Vehicle Coalition to increase E–85 fueling capacity, and urges the Department to give careful consideration to proposals that may be submitted to further this goal.

General.—By means of this report, the Committee approves the reorganizational reprogramming submitted by the Office of Energy Efficiency and Renewable Energy. The Committee still questions certain aspects of this proposal, particularly the board of directors and it expects that its concerns will be addressed when the new organization is in place.

As is mentioned earlier in this report, the Committee directs the Office of Energy Efficiency and Renewable Energy to revise and restructure the budget justification document submitted to this subcommittee for fiscal year 2004. The fiscal year 2004 budget justification should include a detailed crosswalk table from the old budget structure and organization to the new budget structure and organization, as well as provide adequate explanations of programmatic changes. The Office should not use the current format that repeats the same program explanation each year. Instead, EERE should detail and justify any changes made to the enacted level.

ECONOMIC REGULATION

Appropriations, 2002	$1,996,000
Budget estimate, 2003	1,487,000
Committee recommendation	1,487,000

The Committee recommends $1,487,000 for economic regulation, equal to the budget request.

STRATEGIC PETROLEUM RESERVE

Appropriations, 2002	$179,009,000
Budget estimate, 2003	168,856,000
Committee recommendation	172,856,000

The Committee recommends $172,856,000 for the Strategic Petroleum Reserve, a decrease of $6,153,000 from the fiscal year 2002 enacted level, and an increase of $4,000,000 from the budget request. Of the amount provided, the Committee recommends $158,856,000 for storage facilities development and operations, an increase of $4,000,000 over the budget request. These funds are to be used for the electricity and operational requirements directly associated with injecting oil into the Reserve's caverns. The increase is offset by reducing the SPR Petroleum Account by a corresponding amount. This change will preserve consistency in accounting, and allow comparability of costs over time. The Committee's recommendation also includes $14,000,000 for management. Finally, funding for the Northeast Home Heating Oil Reserve has been retained in a separate account.

SPR PETROLEUM ACCOUNT

Appropriations, 2002	
Budget estimate, 2003	$11,000,000
Committee recommendation	7,000,000

The Committee recommends $7,000,000 for the SPR Petroleum Account, a decrease of $4,000,000 below the budget request. This decrease is fully explained in the recommendations for the Strategic Petroleum Reserve.

NORTHEAST HOME HEATING OIL RESERVE

Appropriations, 2002	$8,000,000
Budget estimate, 2003	8,000,000
Committee recommendation	6,000,000

The Committee recommends $6,000,000 for the Northeast Home Heating Oil Reserve, a decrease of $2,000,000 from the fiscal year 2002 enacted level and the budget request. The reduction is to be offset by the use of carryover balances.

ENERGY INFORMATION ADMINISTRATION

Appropriations, 2002	$78,499,000
Budget estimate, 2003	80,111,000
Committee recommendation	80,111,000

The Committee recommends $80,111,000 for the Energy Information Administration, which is the same as the budget estimate.

The Committee is concerned about the quality, consistency, and timeliness of the data published by EIA on coal production and consumption as well as the electric utility sector. EIA is directed to resolve and correct the problems surrounding this data.

The Committee is also aware that the EIA forecasts for nuclear energy in the ''Annual Energy Outlook'' have required significant revision over the past several years. EIA should review its nuclear energy models to assess whether the information presented is accurate, reliable, and based on sound economic assumptions.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Appropriations, 2002	$2,389,614,000
Budget estimate, 2003	2,452,997,000
Committee recommendation	2,455,881,000

The Committee recommends an appropriation of $2,455,881,000 for Health Services. This amount is $66,267,000 above the current year enacted level and $2,884,000 above the budget estimate. Increases above the budget estimate include: $230,000 for the Ketchikan Native Corporation to correct a reconciliation error that would have resulted in an unintended decrease to the base funds available for the operation of a clinic in Ketchikan; and $95,000 for the Recruitment and Retention of American Indians into Nursing (RAIN) program at the University of North Dakota. This national program has proven to be highly successful in recruiting and graduating American Indians with degrees in nursing. A decrease of $500,000 has been taken from the proposed $1,500,000 increase for the epidemiological centers. Within Indian health professions, the Committee has continued base funding of $250,000 for the University of Montana and $250,000 for the University of North Dakota to continue their InPsych programs, and $750,000 for the University of North Dakota to continue its INMED program. Within urban health services, an amount of $1,000,000 is retained in base funding for the dental program run by First Nations Community Health Sources in cooperation with the Southwest Indian Polytechnic Institute. An amount of $4,000,000 remains in the base for the Telehealth Initiative in Alaska. An amount of $4,150,000 for additional recruitment efforts proposed in the budget estimate has not been included in the Committee's recommendations because it is unclear why many of the proposed activities could not be accomplished within existing funds.

The Committee has restored an amount of $9,709,000 in proposed administrative reductions or transfers within the Services account. The Committee does not agree to the proposed reductions of $4,435,000 from tribal operations and $4,436,000 from direct operations for managerial reforms. The budget estimate indicates that these reductions are to be taken from administrative positions and costs associated with travel, training, copying, and similar activities. In the time period from 1993–2001, the FTE levels at IHS headquarters were reduced by 60 percent. Regional program staffing levels were reduced by 58 percent. Given these statistics, as well as the vast need for improved services, the Committee cannot support these proposals. Further, the Committee does not agree to the proposed transfer of $838,000 for consolidation of the Legislative Affairs Office at IHS with that of the U.S. Department of Health and Human Services (DHHS). The complexity and variety of issues that surround the provision of health services to Native Americans and Alaska Natives demand an unusual degree of expertise and experience. It is the Committee's view that Native American health issues merit greater emphasis and attention than would be gained in a consolidation at the Department's headquarters level. As in past years, language has been included in the bill under Administrative Provisions requiring that any changes to the appropriation structure of the Indian Health Service be approved in advance by the House and Senate Appropriations Committees. This language would pertain to any consolidation plans the Department of Health and Human Services may wish to implement that would redirect funds appropriated to the IHS for specific functions.

The Committee does not agree to the budget proposal that would require the Indian Health Service to absorb $11,899,000 in retirement annuity payments for Commissioned Corps Officers and, therefore, has included language in the bill continuing the current system of non-reimbursable contributions by the U.S. Department of Health and Human Services to the Retirement Pay and Medical Benefits for Commissioned Officers account. Given the enormous needs in every area of health services for Native Americans, the Committee cannot support a proposal that would use already insufficient program dollars to cover the unfunded increase.

Bill language has also been included regarding base funds of $15,000,000 that are directed to the Alaska Federation of Natives for alcohol control, prevention, and treatment. The bill language would designate $100,000 of the overall amount for an independent third party (1) to conduct an evaluation of the program, including each grantee and contractor, which will include by region the number of clients, including recidivism rates, and the impact on overall alcoholism and crime rates, and (2) to make recommendations for improvement, provided that no more than 5 percent may be used by any entity receiving funding for administrative overhead including indirect costs.

The Committee expects the Service to continue the diabetes prevention and research activities centered at the National Diabetes Prevention Center in Gallup, New Mexico, and jointly funded by the Centers for Disease Control.

Within 45 days of receiving a request to expand the contract health service area of the Mississippi Band of Choctaw Indians to cover members in the western Tennessee counties

of Lauderdale, Shelby and Tipton, the Director of the Indian Health Service shall rule on such request. If the request is not approved, the Director shall report to the Committee within 30 days of his ruling the specific reasons for the denial. Prior to accepting the request for expansion of the service area, the Service shall consult with the tribe regarding the documentation and information required by the Service in order to process the request.

INDIAN HEALTH FACILITIES

Appropriations, 2002	$369,487,000
Budget estimate, 2003	362,571,000
Committee recommendation	365,390,000

The Committee has provided an appropriation of $365,390,000 for Indian health facilities. This amount is $4,097,000 below the enacted level and $2,819,000 above the budget request. The detail table at the back of the report displays the proposed distribution of funds among the Service's facilities programs.

Within health care facilities construction, the Committee recommends the following distribution:

Health care facilities construction	Budget estimate	Committee recommendation
Hospitals:		
Fort Defiance, AZ	$20,400,000	$16,400,000
Winnebago, NE	8,241,000	8,241,000
Outpatient Facilities:		
Pinon, AZ	13,900,000	16,000,000
Red Mesa, AZ	7,653,000	7,653,000
Pawnee, OK	10,639,000	12,633,000
St. Paul, AK	11,167,000	5,584,000
Metlakatla, AK		308,000
Sisseton, SD		3,000,000
Staff quarters: Bethel		5,000,000

As indicated above, an amount of $308,000 for the health clinic at Metlakatla, AK, is recommended by the Committee with the understanding that an additional $5,000,000 will be dedicated to the construction project from available carryover funds.

The Committee has included bill language that would prohibit the use of Indian Health Service appropriated funds for sanitation facilities construction associated with new homes funded with grants by housing programs of the Department of Housing and Urban Development (DHUD). These DHUD housing grant programs for new homes are able to fund the sanitation facilities necessary for the homes.

The Committee strongly encourages the Indian Health Service, from its Sanitation Facilities Construction program, to continue to fund at the highest level possible within the current IHS priority list, construction of a new drinking water system for the Shoshone-Bannock Tribes of the Fort Hall Reservation in Idaho.

Last year, the Committee instructed the Indian Health Service to continue its review of the facilities priority system with the goal of better reflecting the full range of need for facilities in Indian country. Since that time, the Committee understands that a work group assembled by the facilities appropriations tribal advisory board has completed a draft report for the board's consideration. That report is available to the public through the Service's web site. Once the board has had the opportunity to consider the group's recommendations, a final report will be issued for consideration by the tribes and the Service. Upon issuance of the final report, the Committee expects that future budget requests will better reflect the range of needs identified by the report.

The Committee is concerned about reports that the small ambulatory grant program lacks representation from tribes in the eastern region of the United States. While recognizing that this is a competitive program, the Committee encourages the Service to consider geographic distribution as one of the criteria for selection in applications that are otherwise similarly evaluated.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Appropriations, 2002	$15,148,000
Budget estimate, 2003	14,491,000
Committee recommendation	14,491,000

The Committee recommends an appropriation of $14,491,000 which is $657,000 below the fiscal year 2002 level and is the same as the budget estimate.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENTS TO THE INSTITUTE

Appropriations, 2002	$4,490,000
Budget estimate, 2003	5,130,000
Committee recommendation	5,130,000

The Committee recommends an appropriation of $5,130,000, which is the same as the budget estimate.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

Appropriations, 2002	$420,960,000
Budget estimate, 2003	434,660,000
Committee recommendation	436,660,000

The Committee recommends an appropriation of $436,660,000 for salaries and expenses of the Smithsonian Institution. This amount is $2,000,000 above the budget estimate. The detail table at the back of the report displays the proposed allocation of funds among the Institution's programs. The increase to the budget estimate is provided to the National Museum of American History for its 9/11 initiative.

The Smithsonian's Inspector General found that for fiscal years 1998 through 2000, the Board of Regents approved $699,000,000 in trust fund expenditures while the Institution spent $1,070,000,000. This discrepancy was due to the lack of coherent and comprehensive budget proposals for the Institution's trust funded activities. The Committee is pleased that the Institution has developed a plan to address this issue, and urges its timely implementation. The Committee also urges the Institution to implement such interim measures as are necessary to mitigate the risks associated with incomplete trust budget proposals.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

Appropriations, 2002	$67,900,000
Budget estimate, 2003	81,300,000
Committee recommendation	78,300,000

The Committee recommends an appropriation of $78,300,000 for the repair and restoration of facilities. This amount is $3,000,000 below the budget request and an increase of $10,400,000 above the fiscal year 2002 enacted level. The Committee has included bill language proposed in the budget justification that would allow for funds from this appropriation to be used for salaries of personnel assigned to facilities projects. The bill also includes language providing for the issuance of a single procurement contract for the repair and renovation of the Patent Office Building. Within funds provided, the Smithsonian should address the need for a Mall entrance to the National Museum of Natural History that meets the American with Disabilities Act regulations.

The Committee requested the National Academy of Public Administration to examine the needs for restoration and renovation of Smithsonian facilities, and a report was received by the Committee in July, 2001 which recommends $1,500,000,000 in repairs and renovations to ensure the safety and security of the collections, facilities, employees and visitors at the Smithsonian's 400 buildings. The Committee is providing $78,300,000 for the repair and restoration of facilities as a beginning to the $1,500,000,000 that is needed over the next 10 years.

CONSTRUCTION

Appropriations, 2002	$30,000,000
Budget estimate, 2003	12,000,000
Committee recommendation	16,000,000

The Committee recommends an appropriation of $16,000,000 for construction of Smithsonian facilities. This amount exceeds the budget estimate by $4,000,000 and is designated in full for ongoing construction of the National Museum of the American Indian. Based on the most recent information provided to the Committee, these additional funds are necessary to meet the Museum's remaining contractual obligations.

The Committee has included language proposed in the budget justification that would allow the use of construction funds for salaries of personnel required for construction projects.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

Appropriations, 2002	$71,115,000
Budget estimate, 2003	78,219,000
Committee recommendation	77,219,000

The Committee recommends an appropriation of $77,219,000 for salaries and expenses at the National Gallery of Art. This amount is $6,104,000 above the enacted level and $1,000,000 below the budget estimate. The Committee does not concur with the proposal to fund the special exhibitions program at $807,000 and has provided an additional $2,199,000 in order to maintain the current operating level of $3,026,000. An increase of $952,000 above the enacted level has been included for preventive maintenance and facilities repairs. Given the overall budget constraints faced by the Committee, as well as the priority placed on restoring special exhibitions funds, it was not possible to meet the budget estimate for those activities in full. The detail table at the back of the report displays the distribution of funds among and Gallery's activities and, with the exceptions noted above, is in agreement with the budget request.

REPAIR, RESTORATION, AND RENOVATION OF BUILDINGS

Appropriations, 2002	$14,220,000
Budget estimate, 2003	16,230,000
Committee recommendation	16,230,000

The Committee recommends an appropriation of $16,230,000 for the repair, restoration, and renovation of buildings. This amount meets the budget estimate, and provides funding to continue Master Facilities Plan projects, as well as ongoing renovation and repair work. The Committee expects that any proposal by the Gallery to apply these

funds in a manner that is not readily apparent from the fiscal year 2003 budget presentation will be brought to the Committee's attention before action is taken.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

Appropriations, 2002	$19,310,000
Budget estimate, 2003	16,310,000
Committee recommendation	16,310,000

The Committee recommends an appropriation of $16,310,000 to meet the budget estimate for the operations and maintenance of the John F. Kennedy Center for the Performing Arts.

CONSTRUCTION

Appropriations, 2002	$19,000,000
Budget estimate, 2003	17,600,000
Committee recommendation	17,600,000

The Committee recommends an appropriation of $17,600,000 to meet the budget request for major construction and renovation projects of the Kennedy Center.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

Appropriations, 2002	$7,796,000
Budget estimate, 2003	8,488,000
Committee recommendation	8,488,000

The Committee recommends an appropriation of $8,488,000 for the Woodrow Wilson International Center for Scholars, an amount that meets the budget request. The detail table at the back of the report displays the proposed distribution of funding for the center's activities in the coming fiscal year.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

Appropriations, 2002	$98,234,000
Budget estimate, 2003	99,489,000
Committee recommendation	[1] 116,489,000

[1] Includes funds previously appropriated separately through the Challenge America fund account.

The Committee recommends an appropriation of $116,489,000 for the National Endowment for the Arts. This total includes an amount of $99,489,000 for grants and administration, and $17,000,000 for the Challenge America Fund, which has been folded into the NEA account to more accurately reflect overall program levels. Both sums are in agreement with the budget estimate.

Language in title III of the bill retains provisions from prior years regarding priority for rural and underserved communities; priority for grants that encourage public knowledge, education, understanding, and appreciation of the arts; restrictions regarding individual grants, subgranting, and seasonal support; a 15-percent cap on the total amount of grant funds directed to any one State; designation of a category for grants of national significance; and authority to solicit and invest funds.

The detail table at the back of the report displays the proposed distribution among the endowment's activities.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

Appropriations, 2002	$108,382,000
Budget estimate, 2003	109,632,000
Committee recommendation	109,632,000

The Committee recommends an appropriation of $109,632,000 for grants and administration of the National Endowment for the Humanities, an amount that meets the budget estimate. The detail table at the back of the report displays the distribution of funds among the agency's various activities.

As in prior years, the Committee has included bill language providing the Endowment with the authority to solicit and invest funds.

MATCHING GRANTS

Appropriations, 2002	$16,122,000
Budget estimate, 2003	16,122,000
Committee recommendation	16,122,000

The Committee recommends an appropriation of $16,122,000 for matching grants. This amount meets the budget request and provides $10,436,000 for Challenge grants and $5,686,000 is for Treasury funds.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

Appropriations, 2002	$1,224,000
Budget estimate, 2003	1,224,000
Committee recommendation	1,224,000

The Committee recommends an appropriation of $1,224,000 for the Commission of Fine Arts, an amount that meets the fiscal year 2003 budget estimate. The Committee expects that the Commission of Fine Arts will continue to serve as the administering agency for the National Capital Arts and Cultural Affairs Program. It had been proposed in the budget estimate to transfer this program to the D.C. Commission on the Arts and Humanities.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

Appropriations, 2002	$7,000,000
Budget estimate, 2003	7,000,000
Committee recommendation	7,000,000

The Committee recommends an appropriation of $7,000,000 for the National Capital Arts and Cultural Affairs Program. The Committee does not agree with the proposal to administer these funds through the D.C. Commission on the Arts and Humanities and, therefore, expects the Commission of Fine Arts to continue managing the program in the same manner as it has in the past.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Appropriations, 2002	$3,400,000
Budget estimate, 2003	3,667,000
Committee recommendation	3,667,000

The Committee recommends $3,667,000, the same as the budget request.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

Appropriations, 2002	$8,011,000
Budget estimate, 2003	7,253,000
Committee recommendation	7,253,000

The Committee recommends an appropriation of $7,253,000 for the National Capital Planning Commission, which meets the budget estimate.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

Appropriations, 2002	$36,028,000
Budget estimate, 2003	38,663,000
Committee recommendation	38,663,000

The Committee recommends an appropriation of $38,663,000 for the Holocaust Memorial Museum. This amount meets the fiscal year 2003 budget estimate, which includes funds for fixed cost increases and additional maintenance needs.

PRESIDIO TRUST

PRESIDIO TRUST FUND

Appropriations, 2002	$23,125,000
Budget estimate, 2003	21,327,000
Committee recommendation	21,327,000

The Committee recommends $21,327,000 for the Presidio Trust, a decrease of $1,798,000 from the fiscal year 2002 enacted level and fully commensurate with the budget request.

TITLE III—GENERAL PROVISIONS

The Committee has recommended inclusion of several general provisions in the bill including the following:

SEC. 301. Provides that contracts which provide consulting services be a matter of public record and available for public review, except where otherwise provided by law.

SEC. 302. Provides that appropriations available in the bill shall not be used to produce literature or otherwise promote public support of a legislative proposal on which legislative action is not complete.

SEC. 303. Provides that appropriations made available in this bill will not remain available beyond the current fiscal year unless otherwise provided.

SEC. 304. Provides that appropriations made available in this bill cannot be used to provide a cook, chauffeur, or other personal servants.

SEC. 305. Provides for restrictions on departmental assessments unless approved by the Committees on Appropriations.

SEC. 306. Limits the actions of the Forest Service and the Bureau of Land Management with regard to the sale of giant sequoia trees to a manner consistent with such sales as were conducted in fiscal year 2000.

SEC. 307. Prohibits the National Park Service from implementing a concession contract which permits or requires the removal of the underground lunchroom at Carlsbad Caverns National Park.

SEC. 308. Retains mining patent moratorium carried in previous years.

SEC. 309. Provides that funds appropriated to the Bureau of Indian Affairs and the Indian Health Service for contract support costs for fiscal years 1994 through 2001 are the total amounts available except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

SEC. 310. Includes language allowing competition for watershed restoration projects through the ''Jobs in the Woods'' component of the President's forest plan for the Pacific Northwest or for the ''Jobs in the Woods'' program for Alaska to be limited to individuals and entities in historically timber-dependent areas covered by the plan.

SEC. 311. Includes language defining the grantmaking capabilities and responsibilities of the National Endowment of the Arts. Grants to individuals may be made only for literature fellowships, national heritage fellowships, or American jazz masters fellowships. The Chairperson of the Endowment will establish procedures to ensure that grants made, except those to a State or local arts agency, will not be used to make a further grant to any other organization or individual to conduct activity independent of the

direct grant recipient. Grants for seasonal support may not be awarded unless the application is specific to the contents of the season.

SEC. 312. Includes language allowing the National Endowment for the Arts and the National Endowment for the Humanities to raise funds and receive gifts, to deposit such in an interest-bearing account for the appropriate Endowment, and to use such to further the functions of the respective Endowments in accordance with the specified intent of the donors.

SEC. 313. Provides language for awarding financial assistance to underserved populations under the National Foundation on the Arts and the Humanities Act of 1965. With funds appropriated to carry out section 5 of the act, the chairman will establish a category of national significance grants. With the exception of this grant category, the chairman will not make grants exceeding 15 percent, in the aggregate, of such funds to any single State.

SEC. 314. Prohibits the use of appropriations to fund any activities associated with the issuance of the 5-year program under the Forest and Rangeland Renewable Resources Planning Act. Strategic planning activities carried out for that act should now be completed as part of the agency's compliance with the Government Performance and Results Act, Public Law 103–62.

SEC. 315. Prohibits the use of funds to support Government-wide administrative functions unless they are justified in the budget process and approved by the House and Senate Appropriations Committees.

SEC. 316. Prohibits the use of funds for GSA telecommunication centers.

SEC. 317. Prohibits the use of funds to make improvements to Pennsylvania Avenue in front of the White House without Committee approval.

SEC. 318. Provides additional authority to use the roads and trails funds for priority forest health related management. The Committee recognizes that there is a serious backlog in important road, trail and bridge work throughout the national forest system just as there is a serious backlog in needed management related to forest health.

SEC. 319. Addresses timber sales involving Alaska western red cedar. This language slightly modifies a provision carried in the fiscal year 2002 bill, which deals with export of certain western red cedar timber from Alaska. Mills which process western red cedar in the Pacific Northwest have an insufficient supply of western red cedar, and the national forest in southeast Alaska sometimes has a surplus. This provision continues a program by which Alaska's surplus western red cedar is made available preferentially to U.S. domestic mills outside Alaska, prior to export abroad.

SEC. 320. Provides that the Forest Service may not inappropriately use the Recreation Fee Demonstration program to supplant existing recreation concessions on the national forests.

SEC. 321. Continues a provision providing that the Secretary of Agriculture shall not be considered in violation of certain provisions of the Forest and Rangeland Renewable Resources Planning Act solely because more than 15 years have passed without revision of a forest plan, provided that the Secretary is working in good faith to complete the plan revision within available funds.

SEC. 322. Prohibits oil, natural gas and mining related activities within current national monument boundaries.

SEC. 323. Authorizes the Forest Service to expand the number of stewardship and end results contracts. These projects are in addition to the projects authorized in Public Law 106–291.

SEC. 324. Makes employees of foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies eligible to qualify for General Service Administration contract airfares beginning in fiscal year 2004.

SEC. 325. Provides the Secretary of Agriculture and the Secretary of the Interior the authority to enter into reciprocal agreements with foreign nations concerning the personal liability of firefighters.

SEC. 326. Modifies administration-proposed provision addressing expiring grazing permits on BLM land to include permits on Forest Service lands. This section allows existing permit holders whose permits will or have expired due to agency delays to continue grazing activities until the Secretary of Agriculture or the Secretary of the Interior completes an environmental review of these permits.

SEC. 327. Allows the Secretary of Agriculture and the Secretary of the Interior to consider local contractors when awarding contracts for certain activities on public lands.

SEC. 328. Increases the cap on administrative costs for the North Pacific Research Board established in the Interior and Related Agencies Appropriations Act, 1998.

SEC. 329. Limits the review of certain aspects of the Tongass Land Management Plan.

LIMITATIONS AND LEGISLATIVE PROVISIONS

COMPLIANCE WITH PARAGRAPH 7, RULE XVI OF THE STANDING RULES OF THE SENATE

Rule XVI, paragraph 7 requires that every report on a general appropriation bill filed by the Committee must identify each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

Those items are as follows:

—Sums provided to the Bureau of Land Management to inventory, manage, and improve rangelands for domestic livestock grazing pursuant to Public Law 95–514, the Public Rangeland Improvement Act of 1978.
—$212,456,000 for the endangered species program, U.S. Fish and Wildlife Service.
—$4,000,000 for the Yukon River Restoration and Enhancement Fund, U.S. Fish and Wildlife Service, pursuant to the Fisheries Act of 1995.
—Sums provided to the Fish and Wildlife Service for the conservation and protection of marine mammals pursuant to Public Law 103–238, the Marine Mammal Protection Act Amendments of 1994.
—$2,250,000 for start-up and matching funds for projects of the National Forest Foundation, U.S. Forest Service.
—Sums provided to the Department of Energy for the integration of fuel cells with hydrogen production systems pursuant to the Hydrogen Future Act of 1996.
—Sums provided to the Department of Energy for various programs authorized in Public Law 102–486, Energy Policy Act of 1992.
—$1,487,000 for economic regulation and the Energy Information Administration, Department of Energy, pursuant to the Omnibus Budget Reconciliation Act of 1981.
—$14,491,000 for the Office of Navajo and Hopi Relocation.
—$116,489,000 for the National Endowment for the Arts.
—$125,754,000 for the National Endowment for the Humanities.
—$6,088,000 for the National Underground Railroad Freedom Center.
—$50,000 for the Cache La Poudre River Corridor Commission.

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include ''(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee.''

In compliance with this rule, the following changes in existing law proposed to be made by the bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is printed in italic; and existing law in which no change is proposed is shown in roman.

With respect to this bill, it is the opinion of the Committee that it is necessary to dispense with these requirements in order to expedite the business of the Senate.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
TITLE I—DEPARTMENT OF THE INTERIOR					
BUREAU OF LAND MANAGEMENT					
Management of Lands and Resources					
Land Resources:					
Soil, water and air management	34,469	34,683	34,983	+514	+300
Range management	70,697	69,754	71,754	+1,057	+2,000
Forestry management	7,629	7,235	7,235	−394	.....
Riparian management	22,806	21,786	21,786	−1,020	.....
Cultural resources management	14,181	14,382	14,382	+201	.....
Wild horse and burro management	29,665	29,717	29,717	+52	.....
Subtotal, Land Resources	179,447	177,557	179,857	+410	+2,300
Wildlife and Fisheries:					
Wildlife management	25,318	22,086	22,086	−3,232	.....
Fisheries management	12,110	11,669	11,669	−441	.....
Subtotal, Wildlife and Fisheries	37,428	33,755	33,755	−3,673	.....
Threatened and endangered species	21,618	21,288	21,288	−330	.....
Recreation Management:					
Wilderness management	17,232	17,093	17,093	−139	.....
Recreation resources management	45,762	44,603	46,003	+241	+1,400
Recreation operations (fees)	1,295	1,000	1,000	−295	.....
Subtotal, Recreation Management	64,289	62,696	64,096	−193	+1,400
Energy and Minerals:					
Oil and gas	76,609	84,936	84,936	+8,327	.....
Coal management	8,828	9,588	9,588	+760	.....
Other mineral resources	10,096	10,317	11,067	+971	+750
Subtotal, Energy and Minerals	95,533	104,841	105,591	+10,058	+750
Alaska minerals	4,000	2,228	4,000	.....	+1,772
Realty and Ownership Management:					
Alaska conveyance	36,338	35,067	37,067	+729	+2,000
Cadastral survey	14,546	14,022	15,872	+1,326	+1,850
Land and realty management	33,813	36,161	36,911	+3,098	+750
Subtotal, Realty and Ownership Management	84,697	85,250	89,850	+5,153	+4,600
Resource Protection and Maintenance:					
Resource management planning	33,035	47,301	48,051	+15,016	+750
Resource protection and law enforcement	11,947	12,112	12,112	+165	.....
Hazardous materials management	16,709	16,814	16,814	+105	.....
Subtotal, Resource Protection and Maintenance	61,691	76,227	76,977	+15,286	+750
Transportation and Facilities Maintenance:					
Operations	6,640	6,428	6,428	−212	.....
Annual maintenance	30,310	30,613	31,113	+803	+500
Deferred maintenance	12,917	11,889	12,889	−28	+1,000
Infrastructure improvement	.....	.....	29,028	+29,028	+29,028
Conservation (infrastructure improvement)	28,000	29,028	.....	−28,000	−29,028
Subtotal, Transportation/Facilities Maintenance	77,867	77,958	79,458	+1,591	+1,500
Land and resources information systems	19,756	19,341	19,341	−415	.....
Mining Law Administration:					
Administration	32,298	32,696	32,696	+398	.....
Offsetting fees	−32,298	−32,696	−32,696	−398	.....
Subtotal, Mining Law Administration	.....	.....	.....	.....	.....
Workforce and Organizational:					
Support Information systems operations	16,395	16,449	16,449	+54	.....
Administrative support	49,266	50,111	50,111	+845	.....
Bureauwide fixed costs	63,645	66,316	66,316	+2,671	.....
Subtotal, Workforce and Organizational Support	129,306	132,876	132,876	+3,570	.....
Challenge cost share	.....	8,973	8,973	+8,973	.....
Conservation	.....	10,000	.....	.....	−10,000
Adjustment for conservation spending	−1,000	−1,000	.....	+1,000	+1,000
Conservation (Youth Conservation Corps)	1,000	1,000	.....	−1,000	−1,000
Total, Management of Lands and Resources	775,632	812,990	816,062	+40,430	+3,072
Appropriations	(746,632)	(772,962)	(816,062)	(+69,430)	(+43,100)
Conservation	(29,000)	(40,028)	.....	(−29,000)	(−40,028)
Wildland Fire Management					
Preparedness	280,807	277,213	277,213	−3,594	.....
Fire suppression operations	127,424	160,351	160,351	+32,927	.....
Other operations	216,190	216,190	216,690	+500	+500
Emergency suppression	34,000	.....	.....	−34,000	.....
Emergency other operations	20,000	.....	.....	−20,000	.....
Total, Wildland Fire Management	678,421	653,754	654,254	−24,167	+500
Central Hazardous Materials Fund					
Bureau of Land Management	9,978	9,978	9,978	.....	.....
Construction					
Construction	13,076	10,976	12,976	−100	+2,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Payments in Lieu of Taxes					
Payments to local governments	160,000	150,000	210,000	+50,000	+60,000
Conservation	50,000	15,000		−50,000	−15,000
Total, Payments in Lieu of Taxes	210,000	165,000	210,000		+45,000
Land Acquisition					
Land Acquisition:					
Acquisitions			23,150	+23,150	+23,150
Conservation	43,420	38,686		−43,420	−38,686
Emergencies and hardships			2,500	+2,500	+2,500
Conservation	1,000	1,500		−1,000	−1,500
Acquisition management			4,000	+4,000	+4,000
Conservation	5,000	4,000		−5,000	−4,000
Land exchange equalization payment			500	+500	+500
Conservation	500	500		−500	−500
Total, Land Acquisition	49,920	44,686	30,150	−19,770	−14,536
Oregon and California Grant Lands					
Western Oregon resources management	85,949	86,355	86,355	+406	
Western Oregon information and resource data systems	2,195	2,206	2,206	+11	
Western Oregon transportation and facilities maintenance	10,919	10,958	10,958	+39	
Western Oregon construction and acquisition	294	299	299	+5	
Jobs in the woods	5,808	5,815	5,815	+7	
Total, Oregon and California Grant Lands	105,165	105,633	105,633	+468	
Range Improvements					
Improvements to public lands	7,873	7,873	7,873		
Farm Tenant Act lands	1,527	1,527	1,527		
Administrative expenses	600	600	600		
Total, Range Improvements	10,000	10,000	10,000		
Service Charges, Deposits, and Forfeitures					
Rights-of-way processing	1,115	1,115	1,115		
Adopt-a-horse program	1,225	1,225	1,225		
Repair of damaged lands	3,666	3,666	3,666		
Cost recoverable realty cases	515	515	515		
Timber purchaser expenses	50	50	50		
Copy fees	1,429	1,329	1,329	−100	
Subtotal (gross)	8,000	7,900	7,900	−100	
Offsetting fees		−7,900	−7,900	−7,900	
Total, Service Charges, Deposits and Forfeitures	8,000			−8,000	
Miscellaneous Trust Funds					
Current appropriations	12,405	12,405	12,405		
TOTAL, BUREAU OF LAND MANAGEMENT	1,872,597	1,825,422	1,861,458	−11,139	+36,036
Appropriations	(1,689,677)	(1,725,708)	(1,861,458)	(+171,781)	(+135,750)
Conservation	(128,920)	(99,714)		(−128,920)	(−99,714)
Contingent emergency appropriations	(54,000)			(−54,000)	
UNITED STATES FISH AND WILDLIFE SERVICE					
Resource Management					
Ecological Services:					
Endangered species:					
Candidate conservation	7,620	8,682	9,982	+2,362	+1,300
Listing	9,000	9,077	9,077	+77	
Consultation	45,501	47,770	47,970	+2,469	+200
Recovery	63,617	60,215	64,427	+810	+4,212
Subtotal, Endangered species	125,738	125,744	131,456	+5,718	+5,712
Habitat conservation	83,409	74,623	84,423	+1,014	+9,800
Environmental contaminants	10,579	10,780	10,780	+201	
Subtotal, Ecological Services	219,726	211,147	226,659	+6,933	+15,512
Refuges and Wildlife:					
Refuge operations and maintenance	293,964	316,475	360,881	+66,917	+44,406
Conservation (cooperative conservation initiative)		5,000			−5,000
Conservation (infrastructure improvement)	23,000	52,006		−23,000	−52,006
Conservation (Youth Conservation Corps)	2,000	2,000		−2,000	−2,000
Salton Sea recovery	993	998	998	+5	
Migratory bird management	28,616	28,310	28,885	+269	+575
Law enforcement operations	48,411	49,928	51,928	+3,517	+2,000
Conservation (infrastructure improvement)	2,000	2,000		−2,000	−2,000
Subtotal, Refuges and Wildlife	398,984	456,717	442,692	+43,708	−14,025
Fisheries:					
Hatchery operations and maintenance	51,362	45,952	52,952	+1,590	+7,000
Conservation (infrastructure improvement)	4,000	4,000		−4,000	−4,000
Fish and wildlife management	48,547	44,811	51,782	+3,235	+6,971
Subtotal, Fisheries	103,909	94,763	104,734	+825	+9,971
General Administration:					
Central office administration	15,530	14,569	14,569	−961	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Regional office administration	24,792	24,217	24,217	−575	
Servicewide administrative support	53,295	57,762	57,762	+4,467	
National Fish and Wildlife Foundation	7,705	7,670	7,705		+35
National Conservation Training Center	15,526	15,592	16,192	+666	+600
International affairs	8,130	8,167	8,167	+37	
Conservation (cooperative conservation initiative)		13,000			−13,000
Cost allocation methodology	3,000			−3,000	
Subtotal, General Administration	127,978	140,977	128,612	+634	−12,365
Total, Resource Management	850,597	903,604	902,697	+52,100	−907
Appropriations	(819,597)	(825,598)	(902,697)	(+83,100)	(+77,099)
Conservation	(31,000)	(78,006)		(−31,000)	(−78,006)
Construction					
Construction and rehabilitation:					
Line item construction		25,184	32,664	−10,387	+7,480
Nationwide engineering services	12,492	10,218	10,218	−2,274	
Total, Construction	55,543	35,402	42,882	−12,661	+7,480
Land Acquisition					
Fish and Wildlife Service:					
Acquisitions—Federal refuge lands			63,555	+63,555	+63,555
Conservation	80,135	53,884		−80,135	−53,884
Inholdings			2,500	+2,500	+2,500
Conservation	1,500	2,500		−1,500	−2,500
Emergencies and hardships			2,000	+2,000	+2,000
Conservation	1,500	2,000		−1,500	−2,000
Exchanges			1,000	+1,000	+1,000
Conservation	1,000	1,000		−1,000	−1,000
Acquisition management			10,000	+10,000	+10,000
Conservation	15,000	8,500		−15,000	−8,500
Cost allocation methodology			2,500	+2,500	+2,500
Conservation		2,500			−2,500
Total, Land Acquisition	99,135	70,384	81,555	−17,580	+11,171
Landowner Incentive Program					
Grants to States			600	+600	+600
Conservation	40,000	50,000		−40,000	−50,000
Private Stewardship Grants Program					
Stewardship grants			200	+200	+200
Conservation	10,000	10,000		−10,000	−10,000
Cooperative Endangered Species Conservation Fund					
Grants to States			26,929	+26,929	+26,929
Conservation	31,929	31,929		−31,929	−31,929
HCP land acquisition			51,471	+51,471	+51,471
Conservation	61,306	56,471		−61,306	−56,471
Administration			2,600	+2,600	+2,600
Conservation	3,000	2,600		−3,000	−2,600
Total, Cooperative Endangered Species Fund	96,235	91,000	81,000	−15,235	−10,000
National Wildlife Refuge Fund					
Payments in lieu of taxes	14,414	14,414	14,414		
North American Wetlands Conservation Fund					
Wetlands conservation			36,818	+36,818	+36,818
Conservation	41,760	41,818		−41,760	−41,818
Administration			1,742	+1,742	+1,742
Conservation	1,740	1,742		−1,740	−1,742
Total, North American Wetlands Conservation Fund	43,500	43,560	38,560	−4,940	−5,000
Neotropical Migratory Birds Conservation Fund					
Migratory bird grants	3,000		2,000	−1,000	+2,000
Multinational Species Conservation Fund					
African elephant conservation	1,000	1,000	1,000		
Rhinoceros and tiger conservation	1,000	1,000	1,200	+200	+200
Asian elephant conservation	1,000	1,000	1,000		
Great ape conservation	1,000	1,000	1,000		
Neotropical migratory bird conservation		1,000			−1,000
Total, Multinational Species Conservation Fund	4,000	5,000	4,200	+200	−800
State and Tribal Wildlife Grants					
State wildlife grants			45,000	+45,000	+45,000
Conservation	85,000	60,000		−85,000	−60,000
Rescission	−25,000			+25,000	
Total, State and Tribal Wildlife Grants	60,000	60,000	45,000	−15,000	−15,000
TOTAL, U.S. FISH AND WILDLIFE SERVICE	1,276,424	1,283,364	1,213,108	−63,316	−70,256
Appropriations	(896,554)	(880,414)	(1,213,108)	(+316,554)	(+332,694)
Conservation	(404,870)	(402,950)		(−404,870)	(−402,950)
Rescission	(−25,000)			(+25,000)	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
NATIONAL PARK SERVICE					
Operation of the National Park System					
Park Management:					
Resource stewardship	318,312	334,923	340,227	+21,915	+5,304
Visitor services	297,091	309,681	314,128	+17,037	+4,447
Maintenance	479,201	529,428	528,823	+49,622	−605
Conservation (Youth Conservation Corps)	2,000	2,000		−2,000	−2,000
Park support	275,025	278,297	279,651	+4,626	+1,354
Conservation (cooperative conservation initiative)		22,000			−22,000
Subtotal, Park Management	1,371,629	1,476,329	1,462,829	+91,200	−13,500
External administrative costs	105,348	108,236	108,236	+2,888	
Emergency supplemental (Public Law 107–117)	10,098			−10,098	
Total, Operation of the National Park System	1,487,075	1,584,565	1,571,065	+83,990	−13,500
Appropriations	(1,474,977)	(1,560,565)	(1,571,065)	(+96,088)	(+10,500)
Conservation	(2,000)	(24,000)		(−2,000)	(−24,000)
Emergency appropriations	(10,098)			(−10,098)	
United States Park Police					
Park Police	65,260	78,431	78,431	+13,171	
Emergency appropriations (Public Law 107–117)	25,295			−25,295	
Total, United States Park Police	90,555	78,431	78,431	−12,124	
National Recreation and Preservation					
Recreation programs	549	552	552	+3	
Natural programs	10,930	10,948	11,198	+268	+250
Cultural programs	20,769	19,748	19,748	−1,021	
International park affairs	1,718	1,719	1,719	+1	
Environmental and compliance review	397	400	400	+3	
Grant administration	1,582	1,585	1,585	+3	
Heritage Partnership Programs Commissions and grants	13,092	7,616	13,265	+173	+5,649
Administrative support	117	119	119	+2	
Subtotal, Heritage Partnership Programs	13,209	7,735	13,384	+175	+5,649
Statutory or Contractual Aid:					
Aleutian World War II Historic Area:			400	+400	+400
Anchorage Museum	2,500			−2,500	
Barnanoff Museum / Erskin House	250			−250	
Bishop Museum's Falls of Clyde	300			−300	
Brown Foundation	101	101	401	+300	+300
Chesapeake Bay Gateway	1,200	798	3,000	+1,800	+2,202
Dayton Aviation Heritage Commission	299	47	500	+201	+453
Denver Natural History and Science Museum	750			−750	
Ice Age National Scientific Reserve	806	806	806		
Illinois and Michagan Canal Passage			500	+500	+500
Independence Mine, AK	1,500			−1,500	
Jamestown 2007	200		400	+200	+400
Johnstown Area Heritage Association	49	49	49		
Lake Roosevelt Forum	50			−50	
Lamprey River	500	200	1,000	+500	+800
Louisiana Creole Heritage Center			250	+250	+250
Louisiana Purchase Comm of Arkansas			350	+350	+350
Mandan On-a-Slant Village	750			−750	
Martin Luther King, Jr. Center	528	528	528		
Morris Thompson Cultural and Visitor Center	750			−750	
National Constitution Center, PA	500		500		+500
Native Hawaiian culture and arts program	740	740	740		
New Orleans Jazz Commission	66	66	66		
Office of Arctic Studies			1,500	+1,500	+1,500
Penn Center National landmark, SC	1,000		1,000		+1,000
Roosevelt Campobello International Park Commission	766	802	802	+36	
Sewall-Belmont House	500		500		+500
Sleeping Rainbow Ranch, Capitol Reef NP			700	+700	+700
St. Charles Interpretive Center	500			−500	
Vancouver National Historic reserve	400		400		+400
Vulcan State Park	2,000			−2,000	
Subtotal, Statutory or Contractual Aid	17,005	4,137	14,392	−2,613	+10,255
Total, National Recreation and Preservation	66,159	46,824	62,978	−3,181	+16,154
Urban Park and Recreation Fund					
Urban park grants			10,000	+10,000	+10,000
Conservation	30,000	300		−30,000	−300
Historic Preservation Fund					
State historic preservation offices			34,000	+34,000	+34,000
Conservation	39,000	34,000		−39,000	−34,000
Tribal grants			3,000	+3,000	+3,000
Conservation	3,000	3,000		−3,000	−3,000
Grants for millennium initiative			30,000	+30,000	+30,000
Conservation	30,000	30,000		−30,000	−30,000
National trust (endowment)	2,500			−2,500	
Total, Historic Preservation Fund	74,500	67,000	67,000	−7,500	
Construction					
Emergency and unscheduled	3,500	3,500	3,500		
Housing	12,500	12,500	12,500		
Equipment replacement	17,960	31,960	32,460	+14,500	+500

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Planning, construction	25,400	25,400	25,400		
General management plans	11,240	13,896	14,396	+3,156	+500
Line item construction and maintenance	208,488	122,934	207,078	−1,410	+84,144
Conservation (infrastructure improvement)	66,851	82,202		−66,851	−82,202
Construction program management	17,405	27,292	24,792	+7,387	−2,500
Dam safety	2,700	2,700	2,700		
Emergency appropriations (Public Law 107–117)	21,624			−21,624	
Total, Construction	387,668	322,384	322,826	−64,842	+442
Appropriations	(299,193)	(240,182)	(322,826)	(+23,633)	(+82,644)
Conservation	(66,851)	(82,202)		(−66,851)	(−82,202)
Emergency appropriations	(21,624)			(−21,624)	
Land and Water Conservation Fund					
(Rescission of contract authority)	−30,000	−30,000	−30,000		
Land Acquisition and State Assistance					
Assistance to States:					
State conservation grants			111,000	+111,000	+111,000
Conservation	140,000	194,600		−140,000	−194,600
Administrative expenses			4,000	+4,000	+4,000
Conservation	4,000	5,400		−4,000	−5,400
Total, Assistance to States	144,000	200,000	115,000	−29,000	−85,000
National Park Service:					
Acquisitions			68,417	+68,417	+68,417
Conservation	110,117	65,469		−110,117	−65,469
Emergencies and hardships			4,000	+4,000	+4,000
Conservation	4,000	4,000		−4,000	−4,000
Acquisition management			12,588	+12,588	+12,588
Conservation	12,000	12,588		−12,000	−12,588
Inholdings			4,000	+4,000	+4,000
Conservation	4,000	4,000		−4,000	−4,000
Total, National Park Service	130,117	86,057	89,005	−41,112	+2,948
Total, Land Acquisition and State Assistance	274,117	286,057	204,005	−70,112	−82,052
TOTAL, NATIONAL PARK SERVICE	2,380,074	2,355,561	2,286,305	−93,769	−69,256
Appropriations	(1,905,589)	(1,926,002)	(2,316,305)	(+410,716)	(+390,303)
Conservation	(447,468)	(459,559)		(−447,468)	(−459,559)
Rescission	(−30,000)	(−30,000)	(−30,000)		
Emergency appropriations	(57,017)			(−57,017)	
UNITED STATES GEOLOGICAL SURVEY					
Surveys, Investigations, and Research					
Mapping, Remote Sensing, and Geographic Investigations:					
Cooperative topographic mapping	81,067	80,940	81,651	+584	+711
Land remote sensing	35,849	32,828	32,945	−2,904	+117
Geographic analysis and monitoring	16,361	15,526	16,481	+120	+955
Subtotal, National Mapping Program	133,277	129,294	131,077	−2,200	+1,783
Geologic Hazards, Resource and Processes:					
Geologic hazards assessments	75,004	73,971	75,481	+477	+1,510
Geologic landscape and coastal assessments	77,973	73,217	79,699	+1,726	+6,482
Geologic resource assessments	79,833	77,468	79,723	−110	+2,255
Subtotal, Geologic Hazards, Resource and Processes	232,810	224,656	234,903	+2,093	+10,247
Water Resources Investigations:					
Hydrologic monitoring, assessments and research:					
Ground water resources program	5,421	6,422	5,945	+524	−477
National water quality assessment	63,096	57,321	62,631	−465	+5,310
Toxic substances hydrology	13,919		13,525	−394	+13,525
Hydrologic research and development	13,876	13,680	13,987	+111	+307
National streamflow information program	14,310	12,214	14,310		+2,096
Hydrologic networks and analysis	24,886	23,852	25,752	+866	+1,900
Subtotal, Hydrologic monitoring, assessments and research	135,508	113,489	136,150	+642	+22,661
Federal-State program	64,318	64,339	64,974	+656	+635
Water resources research institutes	6,000		5,502	−498	+5,502
Subtotal, Water Resources Investigations	205,826	177,828	206,626	+800	+28,798
Biological Research:					
Biological research and monitoring	133,502	127,619	132,816	−686	+5,197
Biological information management and delivery	18,917	18,893	20,036	+1,119	+1,143
Cooperative research units	13,970	13,969	14,075	+105	+106
Subtotal, Biological Research	166,389	160,481	166,927	+538	+6,446
Science support	86,255	86,104	85,734	−521	−370
Facilities	89,445	88,975	89,350	−95	+375
Adjustment for conservation spending	−25,000	−13,578		+25,000	+13,578
Conservation	25,000	13,578		−25,000	−13,578
TOTAL, UNITED STATES GEOLOGICAL SURVEY	914,002	867,338	914,617	+615	+47,279
Appropriations	(889,002)	(853,760)	(914,617)	(+25,615)	(+60,857)
Conservation	(25,000)	(13,578)		(−25,000)	(−13,578)
MINERALS MANAGEMENT SERVICE					
Royalty and Offshore Minerals Management					
OCS Lands:					
Leasing and environmental program	38,573	37,633	37,633	−940	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Resource evaluation	24,989	25,348	26,948	+1,959	+1,600
Regulatory program	49,572	50,512	51,012	+1,440	+500
Information management program	14,894	24,050	22,050	+7,156	−2,000
Subtotal, OCS Lands	128,028	137,543	137,643	+9,615	+100
Royalty Management:					
Compliance and asset management	48,106	48,724	48,724	+618	
Revenue and operations	35,223	34,545	34,545	−678	
Indian allottee refunds	15	15	15		
Subtotal, Royalty Management	83,344	83,284	83,284	−60	
General Administration:					
Executive direction	2,003	2,030	2,030	+27	
Policy and management improvement	4,036	4,095	4,095	+59	
Administrative operations	15,970	16,638	16,638	+668	
General support services	20,016	20,862	20,862	+846	
Subtotal, General Administration	42,025	43,625	43,625	+1,600	
Subtotal (gross)	253,397	264,452	264,552	+11,155	+100
Use of receipts	−102,730	−100,230	−100,230	+2,500	
Total, Royalty and Offshore Minerals Management	150,667	164,222	164,322	+13,655	+100
Oil Spill Research					
Oil spill research	6,105	6,105	6,105		
TOTAL, MINERALS MANAGEMENT SERVICE	156,772	170,327	170,427	+13,655	+100
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT					
Regulation and Technology					
Environmental restoration	160	162	162	+2	
Environmental protection	77,741	79,159	79,159	+1,418	
Technology development and transfer	12,151	12,593	12,593	+442	
Financial management	477	485	485	+8	
Executive direction	12,271	12,693	12,693	+422	
Subtotal, Regulation and Technology	102,800	105,092	105,092	+2,292	
Civil penalties	275	275	275		
Total, Regulation and Technology	103,075	105,367	105,367	+2,292	
Abandoned Mine Reclamation Fund					
Environmental restoration	186,697	156,987	174,697	−12,000	+17,710
Technology development and transfer	4,136	4,164	4,164	+28	
Financial management	6,070	6,179	6,179	+109	
Executive direction	6,552	6,705	6,705	+153	
Total, Abandoned Mine Reclamation Fund	203,455	174,035	191,745	−11,710	+17,710
TOTAL, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT	306,530	279,402	297,112	−9,418	+17,710
BUREAU OF INDIAN AFFAIRS					
Operation of Indian Programs					
Tribal Budget System					
Tribal Priority Allocations:					
Tribal government	378,956	388,949	388,949	+9,993	
Human services	151,199	148,951	148,951	−2,248	
Education	50,037	50,165	50,165	+128	
Public safety and justice	1,417	1,382	1,382	−35	
Community development	39,784	40,726	40,726	+942	
Resources management	56,743	61,517	61,517	+4,774	
Trust services	49,205	58,383	58,383	+9,178	
General administration	24,815	25,461	25,461	+646	
Subtotal, Tribal Priority Allocations	752,156	775,534	775,534	+23,378	
Other Recurring Programs:					
Education:					
School operations:					
Forward-funded	436,427	452,984	442,985	+6,558	−9,999
Other school operations	67,588	69,832	67,931	+343	−1,901
Subtotal, School operations	504,015	522,816	510,916	+6,901	−11,900
Continuing education	41,118	39,118	43,118	+2,000	+4,000
Subtotal, Education	545,133	561,934	554,034	+8,901	−7,900
Resources management	41,835	34,258	41,608	−227	+7,350
Subtotal, Other Recurring Programs	586,968	596,192	595,642	+8,674	−550
Non-Recurring Programs:					
Community development	3,175		3,000	−175	+3,000
Resources management	32,611	30,215	31,715	−896	+1,500
Trust services	37,012	37,295	37,645	+633	+350
Subtotal, Non-Recurring Programs	72,798	67,510	72,360	−438	+4,850
Total, Tribal Budget System	1,411,922	1,439,236	1,443,536	+31,614	+4,300

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
BIA Operations					
Central Office Operations:					
Tribal government	2,649	2,654	2,654	+5	
Human services	909	907	907	−2	
Community development	886	875	875	−11	
Resources management	3,476	3,488	3,488	+12	
Trust services	3,129	8,823	8,823	+5,694	
General administration:					
Education program management	2,435	2,409	2,409	−26	
Other general administration	44,622	53,334	53,334	+8,712	
Subtotal, General administration	47,057	55,743	55,743	+8,686	
Subtotal, Central Office Operations	58,106	72,490	72,490	+14,384	
Regional Office Operations:					
Tribal government	1,324	1,336	1,336	+12	
Human services	3,067	3,162	3,162	+95	
Community development	847	853	853	+6	
Resources management	4,365	5,449	5,449	+1,084	
Trust services	23,669	24,383	24,383	+714	
General administration	29,407	29,040	29,040	−367	
Subtotal, Regional Office Operations	62,679	64,223	64,223	+1,544	
Special Programs and Pooled Overhead:					
Education	16,039	16,273	16,473	+434	+200
Public safety and justice	160,652	161,368	166,543	+5,891	+5,175
Community development	8,623	1,061	9,911	+1,288	+8,850
Resources management	1,311	1,307	1,307	−4	
General administration	80,477	81,152	81,152	+675	
Subtotal, Special Programs and Pooled Overhead	267,102	261,161	275,386	+8,284	+14,225
Total, BIA Operations	387,887	397,874	412,099	+24,212	+14,225
Total, Operation of Indian Programs	1,799,809	1,837,110	1,855,635	+55,826	+18,525
BIA SPLITS					
Natural resources	(140,341)	(136,234)	(145,084)	(+4,743)	(+8,850)
Forward-funding	(436,427)	(452,984)	(442,985)	(+6,558)	(−9,999)
Education	(177,217)	(177,797)	(180,096)	(+2,879)	(+2,299)
Community development	(1,045,824)	(1,070,095)	(1,087,470)	(+41,646)	(+17,375)
Total, BIA splits	(1,799,809)	(1,837,110)	(1,855,635)	(+55,826)	(+18,525)
Construction					
Education	292,503	292,717	295,717	+3,214	+3,000
Public safety and justice	5,541	5,046	5,046	−495	
Resources management	50,645	39,173	39,173	−11,472	
General administration	2,179	2,182	2,182	+3	
Construction management	6,264	6,134	6,134	−130	
Total, Construction	357,132	345,252	348,252	−8,880	+3,000
Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians					
White Earth Land Settlement Act (Admin)	625	625	625		
Hoopa-Yurok settlement fund	250	250	250		
Pyramid Lake water rights settlement	142	142	142		
Ute Indian water rights settlement	24,728	24,728	24,728		
Rocky Boy's	7,950	5,068	5,068	−2,882	
Great Lakes fishing settlement	6,254			−6,254	
Shivwits Band Settlement	5,000	16,000	16,000	+11,000	
Santo Domingo Pueblo Settlement	2,000	3,136	3,136	+1,136	
Colorado Ute Settlement	8,000	8,000	8,000		
Torres-Martinez Settlement	6,000			−6,000	
Total, Miscellaneous Payments to Indians	60,949	57,949	57,949	−3,000	
Indian Guaranteed Loan Program Account					
Indian guaranteed loan program account	4,986	5,493	5,493	+507	
TOTAL, BUREAU OF INDIAN AFFAIRS	2,222,876	2,245,804	2,267,329	+44,453	+21,525
DEPARTMENTAL OFFICES					
Insular Affairs					
Assistance to Territories					
Territorial Assistance:					
Office of Insular Affairs	4,528	5,295	5,295	+767	
Technical assistance	16,961	7,461	12,461	−4,500	+5,000
Maintenance assistance fund	2,300	2,300	2,300		
Brown tree snake	2,350	2,350	2,350		
Insular management controls	1,491	1,491	1,491		
Coral reef initiative	500	500	500		
Subtotal, Territorial Assistance	28,130	19,397	24,397	−3,733	+5,000
American Samoa: Operations grants	23,100	23,100	23,100		
Northern Marianas: Covenant grants	27,720	27,720	27,720		
Total, Assistance to Territories	78,950	70,217	75,217	−3,733	+5,000
Compact of Free Association					
Compact of Free Association—Federal services	7,354	7,354	7,354		

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Mandatory payments—program grant assistance	14,500	12,000	12,000	−2,500	
Enewetak support	1,391	1,391	1,571	+180	+180
Total, Compact of Free Association	23,245	20,745	20,925	−2,320	+180
Total, Insular Affairs	102,195	90,962	96,142	−6,053	+5,180
Departmental Management					
Departmental direction	12,964	13,405	13,405	+441	
Management and coordination	24,905	26,455	26,455	+1,550	
Hearings and appeals	8,559	8,198	8,198	−361	
Central services	20,425	26,429	23,528	+3,103	−2,901
Bureau of Mines workers compensation/unemployment	888	4,109	841	−47	−3,268
Emergency appropriations (Public Law 107–117)	2,205			−2,205	
Total, Departmental Management	69,946	78,596	72,427	+2,481	−6,169
Office of the Solicitor					
Legal services	37,276	38,432	38,432	+1,156	
General administration	7,724	9,341	9,341	+1,617	
Total, Office of the Solicitor	45,000	47,773	47,773	+2,773	
Office of Inspector General					
Audit	18,680	19,782	19,580	+900	−202
Investigations	6,763	7,266	7,213	+450	−53
Program integrity	1,457	1,496	1,488	+31	−8
Policy and management	7,402	8,115	7,958	+556	−157
Total, Office of Inspector General	34,302	36,659	36,239	+1,937	−420
Office of Special Trustee for American Indians					
Federal Trust Programs					
Program operations, support, and improvements	96,728	148,246	148,246	+51,518	
Executive direction	2,496	2,781	2,781	+285	
Total, Federal Trust programs	99,224	151,027	151,027	+51,803	
Indian Land Consolidation Program					
Indian land consolidation	10,980	7,980	10,980		+3,000
Indian land consolidation (conservation)					
Total, Office of Special Trustee for American Indians	110,204	159,007	162,007	+51,803	+3,000
National Indian Gaming Commission					
Salaries and expenses		2,000			−2,000
Natural Resource Damage Assessment Fund					
Damage assessments	4,165	3,927	3,927	−238	
Program management	1,332	1,361	1,361	+29	
Restoration support		250	250	+250	
Total, Natural Resource Damage Assessment Fund	5,497	5,538	5,538	+41	
Federal Priority Land Acquisitions and Exchanges					
Federal priority land acquisitions and exchanges		3,000			−3,000
TOTAL, DEPARTMENTAL OFFICES	367,144	423,535	420,126	+52,982	−3,409
TOTAL, TITLE I, DEPARTMENT OF THE INTERIOR	9,496,419	9,450,753	9,430,482	−65,937	−20,271
Appropriations	(8,431,939)	(8,501,952)	(9,460,482)	(+1,028,543)	(+958,530)
Conservation	(1,006,258)	(978,801)		(−1,006,258)	(−978,801)
Emergency appropriations	(59,222)			(−59,222)	
Contingent emergency appropriations	(54,000)			(−54,000)	
Rescission	(−55,000)	(−30,000)	(−30,000)	(+25,000)	
TITLE II—RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
FOREST SERVICE					
Forest and Rangeland Research					
Forest and rangeland research	241,304	242,798	247,804	+6,500	006
State and Private Forestry					
Forest Health Management:					
Federal lands forest health management	43,304	44,374	44,374	+1,070	
Cooperative lands forest health management	25,000	25,038	25,038	+38	
Emerging pest and pathogens fund		11,968	14,000	+14,000	+2,032
Subtotal, Forest Health Management	68,304	81,380	83,412	+15,108	+2,032
Cooperative Fire Assistance:					
State fire assistance	25,310	25,353	25,853	+543	+500
Volunteer fire assistance	5,053	5,040	5,040	−13	
Subtotal, Cooperative Fire Assistance	30,363	30,393	30,893	+530	+500
Cooperative Forestry:					
Forest stewardship	33,171		32,221	−950	+32,221
Conservation		49,526			−49,526

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Stewardship incentives	3,000			−3,000	
Forest Legacy			74,000	+74,000	+74,000
Forest legacy program (conservation)	65,000	69,797		−65,000	−69,797
Urban and Community Forestry			37,750	+37,750	+37,750
Urban and community forestry (conservation)	36,000	36,235		−36,000	−36,235
Economic action programs	35,680		28,700	−6,980	+28,700
Pacific Northwest assistance programs	9,425			−9,425	
Forest resource information and analysis	5,015	4,996	4,996	−19	
Subtotal, Cooperative Forestry	187,291	160,554	177,667	−9,624	+17,113
International forestry	5,263	5,036	5,500	+237	+464
Total, State and Private Forestry	291,221	277,363	297,472	+6,251	+20,109
Appropriations	(190,221)	(121,805)	(297,472)	(+107,251)	(+175,667)
Conservation	(101,000)	(155,558)		(−101,000)	(−155,558)
National Forest System					
Land management planning	70,358	72,195	72,195	+1,837	
Inventory and monitoring	173,316	176,306	176,306	+2,990	
Recreation, heritage and wilderness	245,500	252,444	252,444	+6,944	
Wildlife and fish habitat management	131,847	133,506	133,506	+1,659	
Grazing management	34,775	35,850	35,850	+1,075	
Forest products	266,340	264,753	263,753	−2,587	−1,000
Vegetation and watershed management	190,113	190,644	190,644	+531	
Minerals and geology management	48,956	53,635	53,635	+4,679	
Landownership management	88,434	91,016	91,016	+2,582	
Law enforcement operations	79,000	80,142	80,500	+1,500	+358
Valles Caldera National Preserve	2,800	984	3,150	+350	+2,166
Expedited consultations		15,000			−15,000
Total, National Forest System	1,331,439	1,366,475	1,352,999	+21,560	−13,476
Wildland Fire Management					
Preparedness	622,618	600,703	600,703	−21,915	
Fire suppression operations	255,321	420,699	420,699	+165,378	
Other operations	336,410	347,736	327,889	−8,521	−19,847
Suppression (contingent emergency operations)	266,000			−266,000	
Other operations (contingent emergency appropriations)	80,000			−80,000	
Total, Wildland Fire Management	1,560,349	1,369,138	1,349,291	−211,058	−19,847
Capital Improvement and Maintenance					
Facilities	185,447	200,500	168,652	−16,795	−31,848
Roads	229,666	231,893	235,566	+5,900	+3,673
Trails	70,075	68,829	69,572	−503	+743
Infrastructure improvement			69,866	+69,866	+69,866
Infrastructure improvement (conservation)	61,000	50,866		−61,000	−50,866
Total, Capital Improvement and Maintenance	546,188	552,088	543,656	−2,532	−8,432
Appropriations	(485,188)	(501,222)	(543,656)	(+58,468)	(+42,434)
Conservation	(61,000)	(50,866)		(−61,000)	(−50,866)
Land Acquisition					
Forest Service:					
Acquisitions			130,499	+130,499	+130,499
Conservation	132,242	112,746		−132,242	−112,746
Acquisition management			17,764	+17,764	+17,764
Conservation	13,000	17,764		−13,000	−17,764
Cash equalization	1,500			−1,500	
Forest inholdings	2,000			−2,000	
Wilderness inholdings	1,000			−1,000	
Total, Land Acquisition	149,742	130,510	148,263	−1,479	+17,753
Acquisition of lands for national forests, special acts	1,069	1,069	1,069		
Acquisition of lands to complete land exchanges	234	234	234		
Range betterment fund	3,290	3,402	3,402	+112	
Gifts, donations and bequests for forest and rangeland research	92	92	92		
Management of national forest lands for subsistence uses	5,488	5,542	5,542	+54	
Reduction for conservation funding	−2,000	−2,000		+2,000	+2,000
Conservation (Youth Conservation Corps)	2,000	2,000		−2,000	−2,000
TOTAL, FOREST SERVICE	4,130,416	3,948,711	3,949,824	−180,592	+1,113
Appropriations	(3,470,674)	(3,609,777)	(3,949,824)	(+479,150)	(+340,047)
Contingent emergency appropriations	(346,000)			(−346,000)	
Conservation	(313,742)	(338,934)		(−313,742)	(−338,934)
DEPARTMENT OF ENERGY					
Clean Coal Technology					
Deferral	−40,000		−70,000	−30,000	−70,000
(Transfer to Fossil Energy)	(−33,700)	(−40,000)		(+33,700)	(+40,000)
Fossil Energy Research and Development					
Clean coal power initiative	116,300	110,000	150,000	+33,700	+40,000
(By transfer from Clean Coal Technology)	(33,700)	(40,000)		(−33,700)	(−40,000)
Total, Program level	(150,000)	(150,000)	(150,000)		
Fuels and Power Systems:					
Central Systems:					
Innovations for existing plants	23,500	21,200	22,200	−1,300	+1,000
Advanced Systems:					
Integrated gasification combined cycle	43,000	40,650	44,650	+1,650	+4,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Pressurized fluidized bed systems	11,000	9,100	11,400	+400	+2,300
Turbines	18,500	14,000	17,000	−1,500	+3,000
Subtotal, Advanced Systems	72,500	63,750	73,050	+550	+9,300
Subtotal, Central Systems	96,000	84,950	95,250	−750	+10,300
Distributed Generation Systems—Fuel Cells:					
Advanced research	4,000	3,000	4,000		+1,000
Systems development	13,500	10,000	10,000	−3,500	
Vision 21-hybrids	13,500	11,500	13,500		+2,000
Innovative concepts	27,124	22,500	34,000	+6,876	+11,500
Novel generation		2,500	3,025	+3,025	+525
Subtotal, Distributed Generation Systems—Fuel Cells	58,124	49,500	64,525	+6,401	+15,025
Sequestration R&D: Greenhouse gas control	32,177	54,000	41,965	+9,788	−12,035
Fuels:					
Transportation fuels and chemicals	24,000	5,000	20,000	−4,000	+15,000
Solid fuels and feedstocks	5,000		4,000	−1,000	+4,000
Advanced fuels research	3,200		3,300	+100	+3,300
Subtotal, Fuels	32,200	5,000	27,300	−4,900	+22,300
Advanced Research:					
Coal utilization science	6,250	8,000	9,000	+2,750	+1,000
Materials	7,000	9,000	10,000	+3,000	+1,000
Technology crosscut	10,750	9,150	11,150	+400	+2,000
University coal research	3,000	4,000	3,000		−1,000
HBCUs, education and training	1,000	1,500	1,000		−500
Subtotal, Advanced Research	28,000	31,650	34,150	+6,150	+2,500
Subtotal, Fuels and Power Systems	246,501	225,100	263,190	+16,689	+38,090
Gas:					
Natural Gas Technologies:					
Exploration and production	20,500	15,450	22,450	+1,950	+7,000
Gas hydrates	9,800	4,500	9,500	−300	+5,000
Infrastructure	10,050		9,050	−1,000	+9,050
Emerging processing technology applications	2,250		2,680	+430	+2,680
Effective environmental protection	2,600	2,640	2,640	+40	
Subtotal, Gas	45,200	22,590	46,320	+1,120	+23,730
Petroleum—Oil Technology:					
Exploration and production supporting research	32,350	16,400	25,400	−6,950	+9,000
Reservoir life extension/management	12,949	9,500	9,000	−3,949	−500
Effective environmental protection	10,700	9,500	9,900	−800	+400
Subtotal, Petroleum—Oil Technology	55,999	35,400	44,300	−11,699	+8,900
Cooperative R&D	8,240	6,000	8,340	+100	+2,340
Fossil energy environmental restoration	9,500	9,715	9,715	+215	
Import/export authorization	2,400	2,500	3,000	+600	+500
Headquarters program direction	18,700	15,820	18,900	+200	+3,080
Energy Technology Center program direction	67,300	54,880	69,900	+2,600	+15,020
General plant projects	13,450	2,000	6,000	−7,450	+4,000
Advanced metallurgical processes	5,200	5,300	6,000	+800	+700
Use of prior year balances	−6,000	−14,000		+6,000	+14,000
Total, Fossil Energy Research and Development	582,790	475,305	625,665	+42,875	+150,360
Alternative Fuels Production					
Transfer to Treasury	−2,000			+2,000	
Naval Petroleum and Oil Shale Reserves					
Oil Reserves:					
Naval petroleum reserves Nos. 1 and 2	5,144	5,626	5,626	+482	
Naval petroleum reserve No. 3	7,235	7,250	7,250	+15	
Program direction (headquarters)	9,992	7,955	7,955	−2,037	
Use of prior year funds	−5,000			+5,000	
Total, Naval Petroleum and Oil Shale Reserves	17,371	20,831	20,831	+3,460	
Elk Hills School Lands Fund					
Elk Hills school lands fund		36,000			−36,000
Advance appropriations, Fiscal Year 2003	36,000		36,000		+36,000
Total, Elk Hills School Lands Fund	36,000	36,000	36,000		
Energy Conservation					
Building Technology, State and Community Sector:					
Building research and standards:					
Technology roadmaps and competitive R&D	6,857	2,357	2,357	−4,500	
Residential buildings integration	12,478	13,478	13,478	+1,000	
Commercial buildings integration	4,510	5,010	5,010	+500	
Equipment, materials and tools	38,547	31,718	37,018	−1,529	+5,300
Subtotal, Building research and standards	62,392	52,563	57,863	−4,529	+5,300
Building Technology Assistance:					
Weatherization assistance	230,000	277,100	225,000	−5,000	−52,100
State energy program	45,000	38,798	45,000		+6,202
Community partnerships	18,788	20,037	20,037	+1,249	
Energy star program	3,000	6,200	5,000	+2,000	−1,200
Subtotal, Building technology assistance	296,788	342,135	295,037	−1,751	−47,098

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Cooperative programs with States	2,000			−2,000	
Energy efficiency science initiative	4,000			−4,000	
Management and planning	15,090	14,093	14,093	−997	
Subtotal, Building Technology, State and Community Sector	380,270	408,791	366,993	−13,277	−41,798
Federal Energy Management Program:					
Program activities	18,900	23,425	22,425	+3,525	−1,000
Program direction	4,400	4,455	4,455	+55	
Subtotal, Federal Energy Management Program	23,300	27,880	26,880	+3,580	−1,000
Industry Sector:					
Industries of the future (specific)	72,624	71,615	71,615	−1,009	
Industries of the future (crosscutting)	60,900	57,109	59,609	−1,291	+2,500
Cooperative programs with States	2,000	2,000	2,000		
Energy efficiency science initiative	4,000			−4,000	
Management and planning	9,400	7,635	7,635	−1,765	
Subtotal, Industry Sector	148,924	138,359	140,859	−8,065	+2,500
Power Technologies:					
Distributed generation technologies development	61,896	62,284	63,534	+1,638	+1,250
Management and planning	1,950	1,620	1,620	−330	
Subtotal, Power Technologies	63,846	63,904	65,154	+1,308	+1,250
Transportation:					
Vehicle technology R&D	155,122	149,280	157,280	+2,158	+8,000
Fuels utilization R&D	25,908	18,483	23,173	−2,735	+4,690
Materials technologies	40,293	29,800	37,800	−2,493	+8,000
Technology deployment	15,160	15,000	16,000	+840	+1,000
Cooperative programs with States	2,000			−2,000	
Energy efficiency science initiative	4,000			−4,000	
Management and planning	10,232	10,101	10,101	−131	
Subtotal, Transportation	252,715	222,664	244,354	−8,361	+21,690
Policy and management	43,750	40,053	40,053	−3,697	
Total, Energy Conservation	912,805	901,651	884,293	−28,512	−17,358
Economic Regulation					
Office of Hearings and Appeals	1,996	1,487	1,487	−509	
Strategic Petroleum Reserve					
Storage facilities development and operations	154,009	154,856	158,856	+4,847	+4,000
Home heating oil reserve	8,000			−8,000	
Management	17,000	14,000	14,000	−3,000	
Total, Strategic Petroleum Reserve	179,009	168,856	172,856	−6,153	+4,000
SPR Petroleum Account					
Oil acquisition		11,000	7,000	+7,000	−4,000
Northeast Home Heating Oil Reserve					
Northeast home heating oil reserve		8,000	6,000	+6,000	−2,000
Energy Information Administration					
National Energy Information System	78,499	80,611	80,611	+2,112	
Use of prior year balances		−500	−500	−500	
Total, Energy Information Administration	78,499	80,111	80,111	+1,612	
TOTAL, DEPARTMENT OF ENERGY	1,766,470	1,703,241	1,764,243	−2,227	+61,002
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
INDIAN HEALTH SERVICE					
Indian Health Services					
Clinical Services:					
IHS and tribal health delivery:					
Hospital and health clinic programs	1,153,711	1,188,540	1,192,705	+38,994	+4,165
Dental health program	95,305	100,085	100,085	+4,780	
Mental health program	47,142	50,626	50,626	+3,484	
Alcohol and substance abuse program	135,005	137,744	137,744	+2,739	
Contract care	460,776	468,130	468,130	+7,354	
Subtotal, Clinical Services	1,891,939	1,945,125	1,949,290	+57,351	+4,165
Preventive Health:					
Public health nursing	37,781	39,875	39,875	+2,094	
Health education	10,628	11,063	11,063	+435	
Community health representatives program	49,789	50,774	50,774	+985	
Immunization (Alaska)	1,526	1,556	1,556	+30	
Subtotal, Preventive Health	99,724	103,268	103,268	+3,544	
Urban health projects	30,947	31,528	31,528	+581	
Indian health professions	31,165	35,373	31,318	+153	−4,055
Tribal management	2,406	2,406	2,406		
Direct operations	55,323	54,474	57,248	+1,925	+2,774
Self-governance	9,876	10,089	10,089	+213	
Contract support costs	268,234	270,734	270,734	+2,500	
Medicare/Medicaid Reimbursements: Hospital and clinic accreditation (Est. collecting)	(499,985)	(449,985)	(449,985)	(−50,000)	
Total, Indian Health Services	2,389,614	2,452,997	2,455,881	+66,267	+2,884

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Indian Health Facilities					
Maintenance and improvement	46,331	47,331	47,331	+1,000	
Sanitation facilities	93,827	93,983	93,827		−156
Construction facilities	86,260	72,000	74,819	−11,441	+2,819
Facilities and environmental health support	126,775	132,963	133,119	+6,344	+156
Equipment	16,294	16,294	16,294		
Total, Indian Health Facilities	369,487	362,571	365,390	−4,097	+2,819
TOTAL, INDIAN HEALTH SERVICE	2,759,101	2,815,568	2,821,271	+62,170	+5,703
OTHER RELATED AGENCIES					
OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION					
Salaries and expenses	15,148	14,491	14,491	−657	
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT					
Payment to the Institute	4,490	5,130	5,130	+640	
SMITHSONIAN INSTITUTION					
Salaries and Expenses					
Museum and Research Institutes:					
Anacostia Museum and Center for African American History and Culture	1,932	1,981	1,981	+49	
Archives of American Art	1,738	1,802	1,802	+64	
Arthur M. Sackler Gallery/Freer Gallery of Art	6,098	6,168	6,168	+70	
Center for Folklife and Cultural Heritage	1,850	1,911	1,911	+61	
Cooper-Hewitt, National Design Museum	2,942	3,050	3,050	+108	
Hirshhorn Museum and Sculpture Garden	4,771	4,724	4,724	−47	
National Air and Space Museum	16,599	20,402	20,402	+3,803	
National Museum of African Art	4,334	4,464	4,464	+130	
National Museum of American Art	8,265	8,327	8,327	+62	
National Museum of American History	20,800	21,604	23,604	+2,804	+2,000
National Museum of the American Indian	27,899	33,616	33,616	+5,717	
National Museum of Natural History	43,404	44,982	44,982	+1,578	
National Portrait Gallery	5,626	5,550	5,550	−76	
National Zoological Park	22,027	24,275	24,275	+2,248	
Astrophysical Observatory	20,546	21,121	21,121	+575	
Center for Materials Research and Education	3,357	3,460	3,460	+103	
Environmental Research Center	3,391	3,510	3,510	+119	
Tropical Research Institute	10,581	11,029	11,029	+448	
Subtoal, Museums and Research Institutes	206,160	221,976	223,976	+17,816	+2,000
Program Support and Outreach:					
Outreach	8,193	8,383	8,383	+190	
Communications	1,617	1,356	1,356	−261	
Institution-wide programs	5,506	6,006	6,006	+500	
Office of Exhibits Central	2,494	2,588	2,588	+94	
Major scientific instrumentation	6,229	5,000	5,000	−1,229	
Museum Support Center	3,074	2,469	2,469	−605	
Smithsonian Institution Archives	1,611	1,674	1,674	+63	
Smithsonian Institution Libraries	7,437	8,488	8,488	+1,051	
Subtotal, Program Support and Outreach	36,161	35,964	35,964	−197	
Administration	43,376	53,976	53,976	+10,600	
Facilities Services:					
Office of Protection Services	37,383	58,674	58,674	+21,291	
Office of Physical Plant	76,173	90,965	90,965	+14,792	
Subtotal, Facilities Services	113,556	149,639	149,639	+36,083	
Emergency appropriations (Public Law 107–117)	21,707			−21,707	
Offsetting reduction		−12,795	−12,795	−12,795	
Rescission of prior year unobligated funds		−14,100	−14,100	−14,100	
Total, Salaries and Expenses	420,960	434,660	436,660	+15,700	+2,000
Repair, Restoration and Alteration of Facilities					
Base program	67,900	81,300	78,300	+10,400	−3,000
Construction					
Museum support center		2,000			−2,000
National Museum of the American Indian	30,000	10,000	16,000	−14,000	+6,000
Total, Construction	30,000	12,000	16,000	−14,000	+4,000
TOTAL, SMITHSONIAN INSTITUTION	518,860	527,960	530,960	+12,100	+3,000
NATIONAL GALLERY OF ART					
Salaries and Expenses					
Care and utilization of art collections	26,019	25,721	27,920	+1,901	+2,199
Operation and maintenance of buildings and grounds	14,908	19,907	16,708	+1,800	−3,199
Protection of buildings, grounds and contents	14,837	17,845	17,845	+3,008	
General administration	13,203	14,746	14,746	+1,543	
Emergency appropriations (Public Law 107–117)	2,148			−2,148	
Total, Salaries and Expenses	71,115	78,219	77,219	+6,104	−1,000
Repair, Restoration and Renovation of Buildings					
Base program	14,220	16,230	16,230	+2,010	
TOTAL, NATIONAL GALLERY OF ART	85,335	94,449	93,449	+8,114	−1,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS					
Operations and maintenance	15,000	16,310	16,310	+1,310	
Emergency appropriations (Public Law 107–117)	4,310			−4,310	
Construction	19,000	17,600	17,600	−1,400	
TOTAL, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS	38,310	33,910	33,910	−4,400	
WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS					
Salaries and Expenses					
Fellowship program	1,218	1,259	1,259	+41	
Scholar support	615	659	659	+44	
Public service	2,164	2,261	2,261	+97	
General administration	1,656	1,968	1,968	+312	
Smithsonian fee	208	208	208		
Conference planning	1,770	1,968	1,968	+198	
Space	165	165	165		
TOTAL, WOODROW WILSON CENTER	7,796	8,488	8,488	+692	
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES					
National Endowment for the Arts					
Grants and Administration					
Grants:					
Direct grants	47,827	47,271	46,862	−965	−409
Challenge America grants			17,000	+17,000	+17,000
State partnerships:					
State and regional	25,118	24,802	25,118		+316
Underserved set-aside	6,805	6,712	6,805		+93
Subtotal, State partnerships	31,923	31,514	31,923		+409
Subtotal, Grants	79,750	78,785	95,785	+16,035	+17,000
Program support	1,154	1,304	1,304	+150	
Administration	17,330	19,400	19,400	+2,070	
Total, Arts	98,234	99,489	116,489	+18,255	+17,000
National Endowment for the Humanities					
Grants and Administration					
Grants:					
Federal/State partnership	31,829	31,829	31,829		
Preservation and access	18,905	18,905	18,905		
Public programs	13,114	13,114	13,114		
Research programs	13,063	13,063	13,063		
Education programs	12,624	12,624	12,624		
Program development	397	397	397		
Subtotal, Grants	89,932	89,932	89,932		
Administrative Areas: Administration	18,450	19,700	19,700	+1,250	
Total, Grants and Administration	108,382	109,632	109,632	+1,250	
Matching Grants					
Treasury funds	4,000	5,686	5,686	+1,686	
Challenge grants	10,436	10,436	10,436		
Regional humanities centers	1,686			−1,686	
Total, Matching Grants	16,122	16,122	16,122		
Total, Humanities	124,504	125,754	125,754	+1,250	
Challenge America grants	17,000	17,000		−17,000	−17,000
TOTAL, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES	266,637	242,243	242,243	−24,394	
COMMISSION OF FINE ARTS					
Salaries and expenses	1,224	1,224	1,224		
NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS					
Grants	7,000	7,000	7,000		
ADVISORY COUNCIL ON HISTORIC PRESERVATION					
Salaries and expenses	3,400	3,667	3,667	+267	
NATIONAL CAPITAL PLANNING COMMISSION					
Salaries and expenses	7,253	7,253	7,253		
Emergency appropriations (Public Law 107–117)	758			−758	
Total, National Capital Planning Commission	8,011	7,253	7,253	−758	
UNITED STATES HOLOCAUST MEMORIAL MUSEUM					
Holocaust Memorial Museum	36,028	38,663	38,663	+2,635	
PRESIDIO TRUST					
Operations	23,125	21,327	21,327	−1,798	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Total, Presidio Trust	23,125	21,327	21,327	−1,798	
TOTAL, TITLE II, RELATED AGENCIES	9,671,351	9,473,325	9,543,143	−128,208	+69,818
Appropriations	(8,986,686)	(9,148,491)	(9,591,243)	(+604,557)	(+442,752)
Conservation	(313,742)	(338,934)		(−313,742)	(−338,934)
Advance appropriations	(36,000)		(36,000)		(+36,000)
Emergency appropriations	(28,923)			(−28,923)	
Contingent emergency appropriations	(346,000)			(−346,000)	
Rescission		(−14,100)	(−14,100)	(−14,100)	
Deferrals	(−40,000)		(−70,000)	(−30,000)	(−70,000)
TOTAL, TITLE IV, WILDLAND FIRE MANAGEMENT			825,000	+825,000	+825,000
TITLE I—DEPARTMENT OF THE INTERIOR					
Bureau of Land Management	1,872,597	1,825,422	1,861,458	−11,139	+36,036
U.S. Fish and Wildlife Service	1,276,424	1,283,364	1,213,108	−63,316	−70,256
National Park Service	2,380,074	2,355,561	2,286,305	−93,769	−69,256
United States Geological Survey	914,002	867,338	914,617	+615	+47,279
Minerals Management Service	156,772	170,327	170,427	+13,655	+100
Office of Surface Mining Reclamation and Enforcement	306,530	279,402	297,112	−9,418	+17,710
Bureau of Indian Affairs	2,222,876	2,245,804	2,267,329	+44,453	+21,525
Departmental Offices	367,144	423,535	420,126	+52,982	−3,409
Total, Title I—Department of the Interior	9,496,419	9,450,753	9,430,482	−65,937	−20,271
TITLE II—RELATED AGENCIES					
Forest Service	4,130,416	3,948,711	3,949,824	−180,592	+1,113
Department of Energy:	(1,766,470)	(1,703,241)	(1,764,243)	(−2,227)	(+61,002)
Clean Coal Technology	−40,000		−70,000	−30,000	−70,000
Fossil Energy Research and Development	582,790	475,305	625,665	+42,875	+150,360
Alternative Fuels Production	−2,000			+2,000	
Naval Petroleum and Oil Shale Reserves	17,371	20,831	20,831	+3,460	
Elk Hills School Lands Fund	36,000	36,000	36,000		
Energy Conservation	912,805	901,651	884,293	−28,512	−17,358
Economic Regulation	1,996	1,487	1,487	−509	
Strategic Petroleum Reserve	179,009	168,856	172,856	−6,153	+4,000
SPR Petroleum Account		11,000	7,000	+7,000	−4,000
Northeast home heating oil reserve		8,000	6,000	+6,000	−2,000
Energy Information Administration	78,499	80,111	80,111	+1,612	
Indian Health Service	2,759,101	2,815,568	2,821,271	+62,170	+5,703
Office of Navajo and Hopi Indian Relocation	15,148	14,491	14,491	−657	
Institute of American Indian and Alaska Native Culture and Arts Development	4,490	5,130	5,130	+640	
Smithsonian Institution	518,860	527,960	530,960	+12,100	+3,000
National Gallery of Art	85,335	94,449	93,449	+8,114	−1,000
John F. Kennedy Center for the Performing Arts	38,310	33,910	33,910	−4,400	
Woodrow Wilson International Center for Scholars	7,796	8,488	8,488	+692	
National Endowment for the Arts	98,234	99,489	116,489	+18,255	+17,000
National Endowment for the Humanities	124,504	125,754	125,754	+1,250	
Institute of Museum and Library Services	26,899			−26,899	
Challenge America Arts Fund	17,000	17,000		−17,000	−17,000
Commission of Fine Arts	1,224	1,224	1,224		
National Capital Arts and Cultural Affairs	7,000	7,000	7,000		
Advisory Council on Historic Preservation	3,400	3,667	3,667	+267	
National Capital Planning Commission	8,011	7,253	7,253	−758	
United States Holocaust Memorial Museum	36,028	38,663	38,663	+2,635	
Presidio Trust	23,125	21,327	21,327	−1,798	
Total, Title II—Related Agencies	9,671,351	9,473,325	9,543,143	−128,208	+69,818
GRAND TOTAL	19,167,770	18,924,078	18,973,625	−194,145	+49,547
Appropriations	(17,847,770)	(17,606,343)	(18,973,625)	(+1,125,855)	(+1,367,282)
Conservation	(1,320,000)	(1,317,735)		(−1,320,000)	(−1,317,735)

[COMMITTEE PRINT]

[NOTICE: This is a draft for use of the Committee and its staff only, in preparation for markup.]

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 2003

JANUARY ____, 2003.—Ordered to be printed

Mr. SPECTER, from the Committee on Appropriations, submitted the following

REPORT

[To accompany S. 0000]

The Committee on Appropriations reports the bill (S. 0000) making appropriations for Departments of Labor, Health and Human Services, and Education and related agencies for the fiscal year ending September 30, 2003, and for other purposes, reports favorably thereon and recommends that the bill do pass.

Amount of budget authority

Total bill as reported to Senate	$430,133,003,000
Amount of adjusted appropriations, 2002	412,247,133,000
Budget estimates, 2003	425,777,165,000
The bill as reported to the Senate:	
Over the adjusted appropriations for 2002	+17,885,870,000
Over the budget estimates for 2003	+4,355,838,000

SUMMARY OF BUDGET ESTIMATES AND COMMITTEE RECOMMENDATIONS

For fiscal year 2003, the Committee recommends total budget authority of $430,133,003,000 for the Departments of Labor, Health and Human Services, and Education, and Related Agencies. Of this amount, $131,399,000,000 is current year discretionary funding.

OVERVIEW AND BILL HIGHLIGHTS

The Labor, HHS, and Education and Related Agencies bill constitutes the largest of the non-defense Federal appropriations bills being considered by Congress this year. It is the product of extensive deliberations, driven by the realization that no task before Congress is more important than safeguarding and improving the health and well-being of all Americans. This bill is made up of over 300 programs, spanning three Federal Departments and numerous related agencies. But the bill is more than its component parts. Virtually every element of this bill reflects the traditional ideal of democracy: that every citizen deserves the right to a basic education and job skills training; protection from illness and want; and an equal opportunity to reach one's highest potential.

This bill at the same time provides a safety net of social protections for the needy while stimulating advances in human achievement and the life sciences. At its

core, this bill embodies those defining principles by which any free society must be guided: compassion for the less fortunate; respect for family and loved ones; acceptance of personal responsibility for one's actions; character development; and the avoidance of destructive behavior.

HIGHLIGHTS OF THE BILL

Physical Activity and Nutrition.—The Committee recommendation includes a total of $940,467,000 for programs to increase physical activity, improve nutrition, and reduce obesity and overweight.

Job Training.—The Committee recommendation includes $5,120,084,000 for job training programs, an increase of $144,321,000 over the budget request.

Worker protection.—The Committee bill includes $1,239,500,000 to ensure the health and safety of workers, including $462,314,000 for the Occupational Safety and Health Administration and $271,841,000 for the Mine Safety and Health Administration. The recommendation is an increase of $61,000,000 over the 2002 level.

Child Labor.—The Committee bill includes $148,015,000 for activities designed to end abusive child labor. This is $93,441,000 above the budget request.

Persons With Disabilities.—To promote independent living in home and community based settings, the Committee has included $6,960,162,000 for services to persons with disabilities. This includes $27,000,000 for programs authorized under the Assistive Technology Act. In addition, the recommendation includes $47,015,000 for the Office of Disability Policy at the Department of Labor, and $40,000,000 for Real Choice Systems Change Grants through the Center for Medicaid and Medicare Services.–

National Institutes of Health.—A total of $27,167,926,000 is recommended to fund biomedical research at the 27 Institutes and Centers that comprise the NIH. This represents an increase of $3,712,083,000 over the fiscal year 2002 level and is the same as the budget request. This appropriation completes the historic 5-year effort to double the funding for the NIH.

Minority health, education and training initiative.—The Committee bill includes $2,116,187,000, an increase of $144,258,000 over the 2002 appropriation for an initiative to provide greater support for minority health, education and training programs.

AIDS.—The Committee bill includes $5,677,026,000 for AIDS research, prevention, and services. This includes $2,051,295,000 for Ryan White programs, an increase of $140,570,000 over the fiscal year 2002 level, and $860,293,000 for AIDS prevention programs at the Centers for Disease Control and Prevention.

Bioterrorism initiative.—The Committee bill includes $3,741,080,000 to fund efforts to address bioterrorism threats.

Health Centers.—The recommendation includes $1,533,570,000 for health centers, an increase of $75,706,000 over the budget request and $190,000,000 over the fiscal 2002 level.

Centers for Disease Control.—The Committee bill provides $745,600,000 within the Centers for Disease Control and Prevention to combat chronic disease and promote health. The amount recommended is $55,370,000 over the budget request.

Substance abuse.—The Committee bill provides $2,278,379,000 for substance abuse prevention and treatment programs. This is an increase of $63,985,000 over the 2002 enacted level. The recommendation restores proposed reductions to substance abuse prevention programs and supports an increase of $60,000,000 for the substance abuse prevention and treatment block grant.

Head Start.—The Committee recommendation includes $6,667,533,000 for the Head Start Program. This represents an increase of $129,893,000 over the 2002 level and is the same as the request.

Low-income home energy assistance state grants.—The Committee recommends $1,700,000,000 for heating and cooling assistance for low-income individuals and families, $300,000,000 more than the request and the same as the 2002 level.

Education for the Disadvantaged.—The Committee has provided $13,178,400,000 in grants to enhance educational opportunities for disadvantaged children. This includes an increase of $1,000,000,000 over the fiscal year 2002 amount for grants to local education agencies, bringing the total to $11,350,000,000.

Teacher Quality.—The Committee recommends $2,850,000,000 for State grants to improve teacher quality. This is the same as both the fiscal year 2002 appropriation and the budget request.

English Language Acquisition.—The Committee recommends $690,000,000 for bilingual education, an increase of $25,000,000 over the administration request and the fiscal year 2002 level.

Student financial aid.—The Committee recommends $13,151,500,000 for student financial assistance, an increase of $866,000,000 over last year and $384,000,000 more than the President's budget. The amount provided for the Pell Grant Program will allow the maximum grant to be raised to $4,100, an increase of $100 over the 2002 amount and the budget request.

Higher education initiatives.—The Committee bill provides $2,047,640,000 for initiatives to provide greater opportunities for higher education, including $832,500,000 for Federal TRIO programs.

Education for individuals with disabilities.—The Committee bill provides $9,691,424,000 to help ensure that all children have access to a free and appropriate education, and that all infants and toddlers with disabilities have access to early intervention services. This represents an increase of $1,018,620,000 over the 2002 level. Included in this appropriation is an increase of $1,000,000,000 over last year's level for grants to States.

Rehabilitation services.—The bill recommends $2,959,838,000 for rehabilitation services, an increase of $14,025,000 above the amount provided in 2002. These funds are essential for families with disabilities seeking employment. The Committee restored funding for several important programs proposed for elimination, such as Supported Employment State Grants, Projects with Industry, Recreational programs and programs for migrant and seasonal farmworkers.

Services for older Americans.—For programs serving older Americans, the Committee recommendation totals $3,034,636,000, an increase of $128,080,000 over the fiscal year 2002. This recommendation includes $212,547,000 for senior volunteer programs, $440,200,000 for community service employment for older Americans, $359,000,000 for supportive services and centers, $150,000,000 for family caregiver support programs and $721,670,000 for senior nutrition programs. For the medical research activities of the National Institute on Aging, the Committee recommends $1,000,099,000. The Committee recommendation includes $12,500,000 for the Medicare insurance counseling program.

PHYSICAL ACTIVITY AND NUTRITION INITIATIVE

Obesity has become our Nation's fastest rising public health threat. All available data show that the number of Americans who are obese or overweight have reached epidemic proportions. An estimated 120 million people—61 percent of American adults—are either overweight or obese. This puts them at increased risk for chronic and life-threatening diseases such as heart disease, stroke, cancer and diabetes. Chronic diseases account for 7 out of every 10 U.S. deaths, and more than 60 percent of medical care expenditures.

Between 1980 and 1999 the number of obese American adults nearly doubled from approximately 15 percent to 27 percent. An estimated 300,000 premature deaths a year are associated with obesity and overweight, an amount second only to tobacco-related deaths. The total direct and indirect costs attributed to overweight and obesity amounted to $117,000,000,000 in 2000. The problem is not limited to adults. Alarmingly, an increasing number of overweight youth in this country are at risk for chronic health problems or disabilities later in life. About 13 percent of children and 14 percent of adolescents are obese. The increase in obesity and overweight among American youth over the past two decades has been dramatic, more than tripling in the past two decades. According to a recent study, hospital costs for diseases related to childhood obesity have increased threefold in the past 20 years. A recent study confirms that Americans are becoming obese at younger ages: approximately 27 percent of U.S. adults are obese by the time they reach their mid–30s, about twice the rate in the early 1960s.

This dramatic upsurge in obesity has been associated with a nationwide increase in diabetes. The prevalence of type 2 diabetes, the most common form of the disease, has tripled in the last 30 years. At least 80 percent of patients with type 2 diabetes are overweight or obese. Type 2 diabetes was commonly known in the past as ''adult onset'' diabetes. However, research is showing a dramatic escalation in the number of children diagnosed with type 2 diabetes. Whereas fewer than 4 percent of childhood diabetes cases in 1990 were type 2, that number has risen to approximately 20 percent.

Problems with obesity and diabetes also disproportionately affect minority communities. Thirty percent of African Americans are obese, compared to 21 percent of whites. Black women were nearly twice as likely as white women to be obese, and one quarter of Hispanic women are obese. According to the CDC, African American are considered to have the highest rates of both obesity and diabetes among all races and ethnic groups. Among all groups, however, Native Americans have some of the highest prevalence rates of overweight. Among the highest rates reported are for American Indians in Arizona at 80 percent for women and 67 percent for men.

The good news is that many of the chronic diseases linked to obesity are preventable. Recent studies provide strong evidence that prevention efforts focusing on diet, exercise and other lifestyle changes can result in substantially reduced risk among high-risk groups. Last August a major clinical trial reported that Americans at high risk for type 2 diabetes can dramatically reduce their risk of getting the disease with improvements to their diet and exercise. In addition, exercise and nutrition can have health benefits for individuals of all ages and at all levels of fitness.

The Committee strongly believes a commitment to improving physical activity and nutrition is imperative if we are to reduce

chronic disease, premature deaths and related health care costs. For this reason, the Committee has included a total of $940,467,000 for programs designed to increase physical activity, healthy lifestyles and nutrition. This is an increase of $60,219,000 over last year's level.

Recognizing the myriad physical activity promotion programs being undertaken by different Federal agencies, the Committee urges agencies receiving funds for this purpose under this bill to take special measures to coordinate their activities. In particular, the CDC's Division of Nutrition and Physical Activity (DNPA) should develop mechanisms such as interagency committees to coordinate with the Department of Education in administering such as programs as the Carol M. White Physical Education for Progress in order to leverage resources at the local level. The Committee notes the recent establishment of a Memorandum of Understanding between the CDC, the Department of Interior and the Department of Agriculture in the area of promoting physical activity as a valuable model.

Nutrition and Physical Activity

The Committee commends the substantial efforts that CDC is directing to stem the obesity epidemic across all life stages. CDC is coordinating national, State, and school-based programs to research and implement health promotion and public health education strategies and interventions to increase physical activity levels and good nutrition at all ages, to provide important health information, and to monitor health and healthy behaviors in the population. CDC currently funds 12 States to promote physical activity and good nutrition to prevent and control obesity. The Committee recommends $40,000,000 for primary prevention activities related to Nutrition, Physical Activity, and Obesity at CDC, an increase of $12,495,000 over fiscal year 2002.

The Committee recognizes the potential to respond to this national problem through broad, population-based primary prevention strategies. The Committee encourages CDC to build on the successful CDC Guide to Community Preventive Services and the Guidelines for Comprehensive Programs to Promote Healthy Eating and Physical Activity, and to collect and disseminate information, evaluations, and planning guides that document a range of specific State and local policy and environmental interventions that provide practical, replicable approaches to improving nutrition and physical activity.– The Committee recognizes coordination at the local level is critical, especially among community health and school-based efforts to promote physical activity and nutrition. The Committee recommends that the CDC urge its grantees to establish a position of statewide physical activity coordinator to oversee a comprehensive physical activity and nutrition program, in order to ensure resources are utilized to their optimum potential and to avoid duplicative efforts. This position could be funded through DNPA grants or elsewhere and could be located in the State Health Department, Governor's Council on Physical Fitness and Sports, or in the State Education Department.

Healthy Communities

The Committee provides $20,000,000 to HRSA for the Healthy Communities Innovation Initiative, a new pilot program designed to prevent three of the most rapidly increasing chronic conditions in this country: diabetes, asthma, and obesity. The Committee is pleased that the Secretary has championed this program, which will develop coalitions between private and public organizations working in the areas of prevention, medical, social, educational, business, religious, and civic services. This program will encourage the development of innovative efforts in five communities to enhance access to services, encourage positive behavioral changes, and improve community health. The Committee further encourages the Secretary to stress the importance of weight reduction as a tool in preventing heart disease.

School Health

Obesity rates were significantly reduced among girls in grades 6–8 who participated in a school-based intervention program. The Committee applauds CDC for establishing effective coordinated school health programs in 20 States and 2 local education agencies. The Committee urges CDC to expand its coordinated school health program. The Committee has provided $58,235,000 for coordinated school health to address risk behaviors such as tobacco use, unhealthy diets, and physical inactivity at CDC. The Committee urges CDC and the Department of Education to coordinate activities relating to nutrition and physical activity which will help to reduce obesity and prevent heart disease.

Head Start

The Committee commends the Department for its focus on prevention as a key to improving the overall health and well-being of our Nation. The Committee also recognizes the importance of good nutrition and physical activity among young children for developing a fertile atmosphere for cognitive development and school readiness. According to the Nutrition Cognition National Advisory Committee at Tufts University in Massachusetts, children without an adequate diet may have trouble concentrating in school, participating in play, bonding with peers, and performing at their potential. Therefore, the Committee urges the Head Start Bureau to review the scope of good nutrition and physical activities which are presently being undertaken in response to the Head Start Performance Standards, as well as the current knowledge base on good nutrition and physical activities for young children. Further, the Committee urges the Head Start Bureau to review the activities presently being undertaken by local programs to promote healthy bodies as a prerequisite for strong minds and to identify best practices currently employed by local programs. As a follow up, the Committee encourages the Head Start Bureau, in collaboration with the National Head Start Association, to devise a plan for implementing a locally-determined but coordinated effort to achieve the goals of a stronger, more vibrant and effective nutritional and physical activity component within Head Start programs. The Committee expects that the Head Start Bureau will enter into a cooperative agreement with the National Head Start Association to carry out these activities.

Physical Education

Despite the well-publicized benefits of exercise, more than 60 percent of American adults do not get enough physical activity to provide health benefits. This trend is not limited to adults: more than a third of young people in grades 9–12 do not regularly engage in physical activity. Nearly one-half of American youths aged 12–21 years are not vigorously active on a regular basis. Physical education (PE) classes are important for ensuring that young people have a minimal, regular amount of physical activity and for establishing physical activity patterns that may be carried into adulthood. Yet the Committee notes that daily enrollment in physical education classes dropped from 42 percent to 25 percent among high school students between 1991 and 1995. In order to help reverse this trend, the Committee recommendation includes $70,000,000 for the Carol M. White Physical Education for Progress program. This is an increase of $20,000,000 over the fiscal year 2002 level and $70,000,000 over the request. This program provides grants to local educational agencies and community-based organization to initiate, expand and improve physical education program for students in kindergarten through 12th grade. The PEP program will help curb this Nation's increasing obesity problem, which will in turn reduce the risk of developing heart disease later in life.

National Youth Fitness Survey

The Committee believes a national instrument to assess fitness levels of young people is needed to plan, execute and evaluate a comprehensive effort to address obesity and overweight. CDC conducted the National Children and Youth Fitness Survey (NCYFS) twice during the mid–1980's, funded under Departmental authority, but this survey was discontinued. The Committee believes NCYFS should be re-established. The NCYFS should include the same measures of fitness used previously, in order to allow for comparisons with past data, and should incorporate new measures, in order to reflect new understandings of appropriate fitness assessment. In addition, in developing a new NC fiscal years, consideration should be given to establishing measures relating the provision of physical activity programs (physical education, recess, and after-school) and academic performance. The Committee envisions NCYFS to be done on regular 5-year intervals in the future.

PREVENTING AND REVERSING HEART DISEASE INITIATIVE

Nearly 62 million Americans, young and old, live with the effects of cardiovascular disease. The Nation's number one killer, cardiovascular disease costs society an estimated $330,000,000,000 annually in medical costs and lost productivity. Challenges to combating this disease include persistent geographic, racial, and ethnic disparities, the increased prevalence of sedentary lifestyles, obesity rates, and deficiencies in the use of proven and effective treatments for those already afflicted with cardiovascular disease.

On May 16, 2002, the Subcommittee on Labor, Health and Human Services and Education convened a hearing to more closely examine the factors contributing to cardiovascular disease, and to explore possible approaches to prevent, control, and reverse its effects. Testimony heard from a variety of top medical experts reflected a common theme: All agreed that stress management, in conjunction with diet modification, exercise, and pharmacological and/or surgical intervention, can significantly improve the quality of life for those confronted with cardiovascular disease. Witnesses confirmed that cardiovascular disease usually begins several years before symptoms appear. Due to the body's compensation mechanisms many individuals function normally for years in an asymptomatic state, unaware that the disease is taking hold. Once symptoms become apparent, a disproportionate amount of medical resources are devoted to dealing with those symptomatic events, rather than taking preventive measures at a much earlier stage. Integrating technology, behavioral and metabolic medicine, and lifestyle modifications at an early age would

shift that focus from reactive medicine to preventive medicine. For example, relatively simple lifestyle modifications, including exercise, nutrition plans and learning a relaxation response to stress, such as yoga techniques, have led to successful outcomes for individuals who are otherwise at risk. Individuals who have adopted these changes have experienced positive results, including weight loss, lower blood pressure and cholesterol levels, improved clinical symptoms and reduction in psychological distress. For many years the National Heart, Lung and Blood Institute has supported a vigorous program of research on the behavioral and psychological impact of cardiovascular disease. Data obtained by NHLBI confirmed that mental stress could cause myocardial ischemia or reduced blood flow.

Current evidence suggests that all individuals at risk for cardiovascular disease can benefit from stress reduction, but that general health and well-being are greatly improved if the first steps are taken during childhood. Among children, in fact, stress management programs have been shown to improve self-esteem, grade-point average and work habits while reducing violent behavior. To that end, the educational system in this country should be encouraged to incorporate stress management programs into school curriculum.

To address the prevention and reversing heart disease initiative, the Committee has included $419,300,000 in addition to the amounts provided as part of the physical activity and nutrition initiative.

Obesity and nutrition programs work hand in hand in preventing and reducing heart disease. The Committee encourages the Departments of Health and Human Services and Education to coordinate the above programs and activities to address both initiatives.

Fund for Innovative Education

As part of the preventing and reversing heart disease initiative, the Committee has included $1,000,000 to design programs to teach school children and teachers coping skills to help ease both the short- and long-term effects of stress. The Committee directs the Department to implement this initiative as soon as possible. Programs such as these have been scientifically proven to improve students' self-esteem, self-efficacy, control, grade point average, work habits, memory and cooperation.

National Institute of Heart, Lung and Blood

The Committee encourages the NHLBI, in conjunction with Walter Reed Medical Center, to conduct a controlled, prospective, randomized trial to compare the outcomes of utilizing a demanding vegetarian diet versus a more liberal diet that would also utilize lipid-lowering drugs, as well as the impact of relaxation response-based stress management programs. Such a trial could take place over a long period of time to allow a long-term assessment of outcomes.

Centers for Medicare and Medicaid Service

The Committee commends the Centers for Medicare and Medicaid Service (CMS) for their work on a lifestyle modification study comparing the efficacy and costs of two cardiac approaches to reversing heart disease.

Centers for Disease Control

The Committee has provided $10,000,000 to increase CDC's cardiovascular programs as part of the Committee's initiative to prevent and reverse heart disease. The Committee urges the CDC to initiate research to examine strategies to prevent and reverse heart disease, including mind/body approaches to stress management, yoga, diet modifications, and exercise programs.

Minorities continue to be underrepresented in the health professions. To address disparities in the health care workforce, as well as the shortages in underserved communities, the Committee has included $305,564,000 for health professions programs, including $125,330,000 for centers of excellence, health careers opportunity programs, faculty loan repayment and scholarships for disadvantaged students. Also included is $25,051,000 for nursing workforce diversity.

To improve the health of racial and ethnic populations through the development of effective health policies and programs to eliminate disparities in health, the Committee has provided $283,258,000 including $186,929,000 for the National Center on Minority Health and Health disparities and $46,329,000 for minority health improvements. Also included, to address areas hardest hit by the HIV–AIDS epidemic, is $50,000,000 specifically targeted for minority AIDS programs.

For Indian education programs to help increase student achievement through early childhood, preschool, elementary and secondary education and vocational programs, the Committee has included $129,368,000. Programs for migrant and Native American education and training are funded at $579,101,000.

To aid institutions with a significant percentage of financially needy students, the Committee has provided an increase of $36,788,000 over the fiscal year 2002 appropriation for a total of $475,413,000. Included in this amount is $82,000,000 for strengthening institutions, $93,000,000 for Hispanic-serving institutions, $215,415,000 for historically black colleges and universities, $53,764,000 for strengthening historically black graduate institutions, and Native Alaskan and Native Hawaiian institutions are funded at $8,234,000.

To assist States, colleges, middle and high schools serving high percentages of low income students and improve postsecondary education opportunities for low-income individuals and first-generation college students, the Committee has included $1,127,500,000 for the GEAR UP and TRIO programs. To assist Howard University with academic programs and the administration of the University hospital, the Committee recommends $239,474,000. And to provide minority and low-income college students with information, preparation and financial assistance needed to gain access to complete law school, $5,000,000 has been provided for the Thurgood Marshall legal educational opportunity program.

The increases provided for the above mentioned programs, along with funding for the National Institutes of Health, the Centers for Disease Control and Prevention, and the No child Left Behind Act, will go a long way towards eliminating health and education disparities.

SAFE MOTHERHOOD INITIATIVE

Over the last decade, the Committee has expressed its strong support for closing the gap in research on diseases and conditions specific to women and of including women and minorities in clinical research where they had previously been ignored. The Committee recognizes that much progress has been made to improve research and the quality of care for women. Yet over the past year, the Committee has grown increasingly concerned about the lack of progress that has been made in reducing the rates of maternal mortality and morbidity in the United States. The Committee notes that there has been no decline in pregnancy-related deaths or morbidity in 20 years. Although the Department of Health and Human Services set goals to reduce pregnancy-related deaths and illness set forth in Healthy People 2000 and again in Healthy People 2010, it has failed to do so.

Today, the United States ranks 20th out of 49 developed countries in maternal mortality related deaths. About 1,000 women a year—two to three every day—die from pregnancy-related causes. African American women are four times more likely to die from pregnancy-related illness or conditions; and women over the age of 35 are two to three times more likely to experience a pregnancy-related death compared to women aged 20–25. The rate of pre-term labor and delivery remains virtually unchanged as well.

Pregnancy-related illness affect an even wider number of women: in the United States one out of three pregnant women experience a major medical complication at some point during their pregnancy. And women who are high-risk, who have a chronic condition face even more difficult pregnancies, deliveries, and risk to their long-term health.

Despite the need for accurate information on prescription drug use by pregnant women, only 1 percent of FDA approved drugs have been shown in controlled studies to show no risk to pregnant women and their babies. And 80 percent of FDA approved drugs lack adequate scientific evidence about use in pregnancy. That means that pregnant women are left with little or no knowledge about the safety of medications, prescribed or over-the-counter, and their impact on the fetus.

The Committee believes it is time to live up to the commitments articulated in Healthy People 2000 and 2010 to reduce maternal mortality and morbidity and ensure a safe and healthy pregnancy for all women. In fact, a recent National Summit on Safe Motherhood held by the CDC, and cosponsored by a range of agencies and organizations, laid the cornerstones of a strategy to improve our Nation's commitments to healthy pregnancies, healthy mothers, and healthy infants. The Committee calls on the Secretary to put key elements of such a safe motherhood initiative in place and has developed this Safe Motherhood initiative to help achieve these goals, including:

Improving the Safety of Medications for Pregnant Women

The Committee is very concerned about the lack of scientific data and studies on the safety and dosing of drugs for women who are pregnant. While drug testing in women raises important ethical considerations, the Committee believes that the NIH and FDA can develop appropriate protocols and mechanisms to improve the quality of information available to women and their health care providers about the safety and proper dosing of drugs and biologics taken during pregnancy. The Committee urges NIH to work with the FDA to improve the quality of information on drugs and biological products for women who are pregnant and lactating through grants, contract or other appropriate mechanisms to aid in promptly completing studies to determine the safety and dosing for marketed drugs and biologics that were not approved or licensed based on studies in pregnant women. The Director shall be prepared to report to the Committee at its annual review before the Committee on the progress and activities.

Improving National Data and Information related to Maternal Morbidity and Mortality

The Committee provides the CDC $5,000,000 to establish a demonstration program to improve data collection about pregnancy-related complications and maternal mortality. CDC shall award grants to at least four States for the development of surveillance systems that use standard definitions of maternal morbidity and mortality that have been developed by the CDC in collaboration with the grant recipients. The quality of data and information about maternal morbidity and mortality is poor and unreliable. States do not use standard definitions of maternal morbidity or mortality. When States do collect data, it is impossible to compare their data, know precisely what is happening within the State, or to identify emerging trends across States.

CDC Safe Motherhood Activities

The committee commends CDC for its groundbreaking National Summit of Safe Motherhood and commends the agency for its work on its Safe Motherhood Initiative. The Summit succeeded in expanding our understanding of Safe Motherhood as a critical woman's health issue and identified the troubling lack of research and data on pregnancy-related issues. The Committee has provided an increase of $2,000,000 to CDC to further its work identified at the Summit and to continue to carry out their existing Safe Motherhood activities.

Research to Reduce Poor Pregnancy Outcomes—and Racial and Ethnic Disparities

The Committee provides CDC $2,000,000 to provide individual grants to community-based organizations, public and private research institutions and universities to conduct prevention and health promotion research to focus specifically on improving maternal outcomes in maternal morbidity and mortality, eliminating racial disparities in maternal morbidity and mortality, such as developing better health care models, population-based studies, prevention strategies, culturally sensitive and appropriate health care practice models, improved outreach and efforts and funding for minority organizations to provide technical assistance and outreach in minority communities. The research should take into consideration the role of stress, violence, discrimination, nutrition, obesity, and access to quality health care and health literacy.

Substance abuse treatment

According to the National Institute of Drug Abuse, more than 5 percent of the 4,000,000 women who gave birth in the United States in 1992 used illegal drugs while pregnant, according to the first and only nationally representative survey of drug use among pregnant women. That is an estimated 221,000 women gave birth that year while using illicit drugs during their pregnancy. The Committee notes that when a pregnant woman abuses drugs or alcohol, both she and her unborn child may suffer harm. In addition, substance abuse often creates or is accompanied by an array of social problems for the abuser and those around her, including violence, child abuse and neglect, and family dysfunction. Therefore, the Committee has provided SAMHSA with $3,000,000 for residential treatment programs for pregnant women which provide comprehensive treatment service strategies, including outreach, intake and assessment, provision of comprehensive services, and follow-up for women and their children in order to reduce the harm caused to mothers and their children.

EDUCATION INITIATIVE

The No Child Left Behind Act, approved overwhelmingly by Congress in December 2001 and signed into law in January 2002, mandates the Nation's most sweeping education reforms in decades. It signals a new relationship between the Federal Government and public schools, one that is based on high expectations for every student—and strict accountability for success or failure. More than ever before, Federal dollars will be tied to academic achievement; States, districts, and schools must improve student performance, or face the consequences.

Most importantly, the law presumes that all children—regardless of race, ethnicity, disability, or proficiency in English—can succeed academically. That is a powerful notion, and it holds great potential to raise student performance across the Nation.

But that potential may not be maded if these high expectations aren't backed up with enough resources to make them attainable. While States and local communities provide more than 90 percent of funding for elementary and secondary education and our education system primarily is a State and local responsibility, the Federal Government does have a supporting role. That's why this education funding bill makes targeted investments in programs that support State and local education reform efforts. Hiring qualified teachers takes more than lofty goals and good intentions; it also takes money. So does replacing old textbooks, buying computers, implementing successful curricula, and numerous other measures that are critical to creating an environment where children can learn. Educators and parents need to believe their schools have enough money to give them a fighting chance to meet the new mandates. Without that trust, public opinion will quickly turn against the No Child Left Behind Act's reforms, and the high expectations that are the cornerstone of the law will be relaxed or ignored. That would be a tragic result for the millions of today's students who are receiving an inadequate education. For those reasons, the Committee has responded by adding more than $1,700,000,000 for education over last year's historic increase in Federal funding. Almost $800,000,000 of that amount is designated for programs authorized by the No Child Left Behind Act.

Title I grants to LEAs

One of the Committee's top educational priorities was to increase funding for Title I Grants to LEAs. Schools receiving Title I aid are at the greatest risk of failing to meet the academic standards mandated in the new law; they're also the schools upon which the most accountability measures have been placed. Therefore, the Committee has provided for this account a record-high $11,350,000,000, an increase of $1,000,000,000 over last year. The Committee allocated all of this increase through the two funding formulas that are the most targeted to the poorest schools.

Teacher quality programs

Another priority for the Committee in addressing the mandates of the No Child Left Behind Act was to increase funding for teacher quality programs, which can be used for a variety of measures, including teacher recruitment and retention, professional development, the reform of teacher certification requirements, and class-size reduction. The No Child Left Behind Act mandates that all teachers must be ''highly qualified'' by the end of the 2005–06 school year; in the near term, all Title I teachers hired after September 2002 must also meet that definition. Therefore, the Committee has provided more than $3,350,000,000 for programs where funds may be used for specific activities in support of teacher quality.

English language acquisition

The No Child Left Behind Act establishes several new accountability measures that specifically address limited-English-proficient (LEP) students. States will be required to set annual yearly progress goals for the achievement of all children as well as specific groups of children, including LEP students. In addition, each State will be required to develop annual measurable objectives for LEP students; these objectives must track student progress in learning English and district progress in making adequate yearly progress for LEP students. The Committee recognizes that LEP students will face many unique challenges in trying to meet these goals; therefore, it has provided $690,000,000 for English language acquisition State grants. While the increase in the overall program is $25,000,000, States will receive an increase of $75,000,000 over last year because less money is needed to support categorical programs that were consolidated under the No Child Left Behind Act.

Other key education programs

The Committee also directed additional funding to several other programs that will help States, districts, and schools meet the new education mandates. Among them:

—The Committee has provided a $100,000,000 increase, as requested by the administration, for the Reading First program, for a total of $1,000,000,000. This program provides State grants to improve reading instruction in grades K–3.

—The Committee has provided $175,000,000, an increase of $12,500,000 over last year, for rural education programs.

—The Committee has provided $13,000,000, an increase of $3,000,000 over last year, for dropout prevention grants.

—The Committee has provided $15,000,000, an increase of $5,000,000, for school leadership programs to help districts recruit and train principals.

—The Committee has provided $37,584,000, an increase of $2,584,000 over last year, for voluntary public school choice programs; such programs help enable parents of students in failing public schools to send their children to better public schools.

REPROGRAMMING AND INITIATION OF NEW PROGRAMS

Reprogramming is the utilization of funds for purposes other than those contemplated at the time of appropriation enactment. Reprogramming actions do not represent requests for additional funds from the Congress, rather, the reapplication of resources already available.

The Committee has a particular interest in approving reprogrammings which, although they may not change either the total amount available in an account or any of the purposes for which the appropriation is legally available, represent a significant departure from budget plans presented to the Committee in an agency's budget justification.

Consequently, the Committee directs that the Departments and agencies funded through this bill make a written request to the chairman of the Committee prior to reprogramming of funds in excess of 10 percent, or $500,000, whichever is less, between programs, activities, or elements unless an alternate amount for the agency in question is

specified elsewhere in this report. The Committee desires to have the requests for reprogramming actions which involve less than the above-mentioned amounts if such actions would have the effect of changing an agency's funding requirements in future years, if programs or projects specifically cited in the Committee's reports are affected or if the action can be considered to be the initiation of a new program.

The Committee directs that it be notified regarding reorganization of offices, programs, or activities prior to the planned implementation of such reorganizations.

The Committee further directs that each agency under its jurisdiction submit to the Committee statements on the effect of this appropriation act within 60 days of final enactment of this Act.

TRANSFER AUTHORITY

The Committee has included bill language permitting transfers up to 1 percent between discretionary appropriations accounts, as long as no such appropriation is increased by more than 3 percent by such transfer; however, the Appropriations Committees of both Houses of Congress must be notified at least 15 days in advance of any transfer. Similar bill language was carried in last year's bill for all three Departments.

Prior Committee notification is also required for actions requiring the use of general transfer authority unless otherwise provided for in this Act. Such transfers specifically include taps, or other assessments made between agencies, or between offices within agencies. Funds have been appropriated for each office funded by this Committee; it is not the intention of this Committee to augment those funding levels through the use of special assessments. This directive does not apply to working capital funds or other fee-for-service activities.

ACCRUAL FUNDING OF RETIREMENT COSTS AND POST-RETIREMENT HEALTH BENEFITS

The President's Budget included a legislative proposal under the jurisdiction of the Senate Committee on Governmental Affairs to charge to individual agencies, starting in fiscal year 2003, the fully accrued costs related to retirement benefits of Civil Service Retirement System employees and retiree health benefits for all civilian employees. The Budget also requested an additional dollar amount in each affected discretionary account to cover these accrued costs.

The authorizing committee has not acted on this legislation, therefore the Senate Appropriations Committee has reduced the dollar amounts of the President's request shown in the ''Comparative Statement of New Budget Authority Request and Amounts Recommended in the Bill'', as well as in other tables in this report, to exclude the accrual funding proposal.

The Committee further notes that administration proposals requiring legislative action by the authorizing committees of Congress are customarily submitted in the budget as separate schedules apart from the regular appropriations requests. Should such a proposal be enacted, a budget amendment formally modifying the President's appropriation request for discretionary funding is subsequently transmitted to the Congress.

The Senate Appropriations Committee joins with the House Appropriations Committee in raising concern that this practice, which has always worked effectively for both Congress and past administrations, was not followed for the accrual funding proposal. In this case, the Office of Management and Budget (OMB) decided to include accrual amounts in the original discretionary appropriations language request. These amounts are based on legislation that has yet to be considered and approved by the appropriate committees of Congress. This led to numerous misunderstandings both inside and outside of Congress of what was the ''true'' President's budget request. The Committee believes that, in the future, OMB should follow long-established procedures with respect to discretionary spending proposals that require legislative action.

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

Appropriations, 2002	$5,484,834,000
Budget estimate, 2003	4,975,763,000
Committee recommendation	5,120,084,000

The Committee recommends $5,120,084,000 for this account in 2003 which provides funding authorized primarily by the Workforce Investment Act [WIA]. This is $364,750,000 less than the 2002 level, and $144,321,000 above the administration request.

Training and employment services is comprised of programs designed to enhance the employment and earnings of economically disadvantaged and dislocated workers, operated through a decentralized system of skill training and related services. This appropriation is generally forward-funded on a July-to-June cycle. Funds provided for fiscal year 2003 will support the program from July 1, 2003, through June 30, 2004.

Beginning with the fiscal year 2000 appropriation, budget constraints required that a portion of this account's funding be advance appropriated, with obligations for a portion of Adult and Dislocated Worker Employment and Training Activities and Job Corps delayed until the following fiscal year. This practice will continue in this year's appropriation.

Fiscal year 2000 was the first full year of operations under the new Workforce Investment Act, beginning July 1, 2000 through June 30, 2001. The new legislation is significantly enhancing employment and training services, consolidating, coordinating, and improving programs utilizing a local level one-stop delivery system. In concurring with the President's budget request for the youth, adult, and dislocated worker block grants, the administration expects that current participant levels will be maintained, due to the reported availability of large amounts of unspent funds carried over from prior years. However, the committee is aware that there is controversy over the accuracy of financial reporting under the Workforce Investment Act, and notes that the General Accounting Office has made several recommendations to the Labor Department for improvements. Therefore, the Committee intends to carefully monitor this situation, recognizing the vital role of the workforce system at a time of economic slowdown.

Adult employment and training activities.—For Adult Employment and Training Activities, the Committee recommends $900,000,000. This is $50,000,000 less than the 2002 comparable level and the same as the budget request. This program is authorized by the Workforce Investment Act and is formula-funded to States and further distributed to local workforce investment boards. Services for adults will be provided through the One-Stop system and most customers receiving training will use their individual training accounts to determine which programs and providers fit their needs. The Act authorizes core services, which will be available to all adults with no eligibility requirements, and intensive services, for unemployed individuals who are not able to find jobs through core services alone.

Dislocated worker employment and training activities.—For Dislocated Worker Employment and Training Activities, the Committee recommends $1,383,040,000, the same as the budget request. This is an increase of $11,540,000 over the 2002 comparable level. Of this amount, $1,106,432,000 is designated for State formula grants. This program, authorized by WIA, is a State-operated effort which provides core services, intensive services, training, and supportive services to help permanently separated workers return to productive, unsubsidized employment. In addition, States use these funds for rapid response assistance to help workers affected by mass layoffs and plant closures. The recommendation includes $276,608,000 available to the Secretary for activities specified in WIA, primarily to respond to mass layoffs, plant and/or military base closings, and natural disasters across the country, which cannot be otherwise anticipated, as well as technical assistance and training and demonstration projects.

The Committee bill continues language authorizing the use of funds under the dislocated workers program for projects that provide assistance to new entrants in the workforce and incumbent workers.

The Committee recommendation includes, as it has in past years, funding for dislocated worker projects aimed at assisting the long-term unemployed.

The Committee encourages efforts to make certain that dislocated workers in low pay, entry-level jobs can qualify for help under the Dislocated Worker Program and get a fair share of the funding.

The Committee is aware of the substantial worker dislocation brought on by the closure of sugarcane plantations and the rapidly increasing demand for food safety training at all levels of food production. To meet these needs, the Committee reiterates its recommendation in last year's report to provide on-farm and off-farm food safety training for dislocated sugarcane workers employed in the agricultural and food sector. Due to economic reasons and family dysfunction, elderly caregivers care for thousands of preschool Hawaiian and part-Hawaiian children with little or no preparation. The Committee urges the Department to expand funding to programs which work to train and assist these caregivers and the children they serve. The Committee was pleased to learn from the Secretary that the administration has established an interagency effort to address our Nation's nursing shortage. The shortage is especially critical in rural America and within various ethnic minority populations, such as native Hawaiians. The Department is accordingly strongly urged to work with nursing programs serving such populations, and in particular, to ensure that summer employment opportunities exist for nursing students.

Youth activities.—For Youth Activities, the Committee recommends $1,000,965,000, the same as the budget request. Youth Activities, authorized by WIA, consolidates the Summer Youth Employment and Training Program under JTPA Title IIB, and Youth Training Grants under JTPA Title IIC. In addition to consolidating programs, WIA also requires Youth Activities to be connected to the One-Stop system as one way to link youth to all available community resources. The purpose of Youth Activities is to provide

eligible youth with assistance in achieving academic and employment success through improving educational and skill competencies and providing connections to employers. Other activities include providing mentoring opportunities, opportunities for training, supportive services, summer employment opportunities that are directly linked to academic and occupational learning, incentives for recognition and achievement, and activities related to leadership development, citizenship, and community service.

Youth opportunity grants.—For Youth Opportunity Grants, the Committee recommends $44,500,000, the same as the budget request. Combined with funds from prior years, it is expected that this amount will be sufficient to continue funding the 36 existing Youth Opportunity Grants that meet performance goals. These grants are aimed at increasing the long-term employment of youth who live in empowerment zones, enterprise communities, and other high-poverty areas. Surveys conducted by the Department of Labor have found employment rates for out-of-school youth as low as 24 percent in selected high-poverty neighborhoods. Youth Opportunity Grants will attempt to dramatically increase these employment rates, and thus improve all aspects of life for persons living in these communities.

Job Corps.—For Job Corps, the Committee recommends $1,518,550,000. This is $13,610,000 less than the budget request, but $59,798,000 more than the 2002 comparable level. The Committee applauds Job Corps for establishing partnerships with national employers, and encourages Job Corps to continue to work with both large employers and small businesses to ensure that student training meets current labor market needs. Job Corps should continue its efforts to upgrade its vocational offerings and curricula to reflect industry standards and skill shortages. Job Corps, authorized by WIA, is a nationwide network of residential facilities chartered by Federal law to provide a comprehensive and intensive array of training, job placement and support services to at-risk young adults. The mission of Job Corps is to attract eligible young adults, teach them the skills they need to become employable and independent, and place them in meaningful jobs or further education. Participation in the program is voluntary and is open to economically disadvantaged young people in the 16–24 age range who are unemployed and out of school. Most Job Corps students come from disruptive or debilitating environments, and it is important that they be relocated to residential facilities where they can benefit from the highly structured and carefully integrated services provided by the Job Corps program. A limited number of opportunities are also available for non-residential participation.

The Committee encourages Job Corps to strengthen working relationships with work force development entities, including employers, that will enhance services to students and increase students' career opportunities. The Department is encouraged to continue its efforts to meet industry standards in its occupational offerings through a multi-year process to review, upgrade, and modernize its vocational curricula, equipment, and programs in order to create career opportunities for students in appropriate growth industries. The Committee also continues to encourage the Department of Labor's Employment and Training Administration to encourage Job Corps centers to coordinate with community-based organizations, such as substance abuse treatment centers, in innovative ways.

The Committee supports the goal of the Workforce Investment Act of 1998 to integrate our Nation's many diverse job training programs, and its approach of retraining the national character of the Job Corps program within the new framework. The Committee encourages the Department to continue its work to develop national partnerships with major regional and national employers to increase employment opportunities for Job Corps graduates. The Department should also continue to establish connections between Job Corps and State workforce development programs, and between Job Corps and other national and community partners, to provide the most efficient, cost-effective services possible.

Responsible Reintegration for Young Offenders.—The Committee recommends $55,000,000 for Responsible Reintegration for Young Offenders, the same as the fiscal year 2002 level, to address youth offender issues. This large scale WIA Pilot and Demonstration initiative will link offenders under age 35 with essential services that can help make the difference in their choices in the future, such as education, training, job placement, drug counseling, drug demand reduction activities, and mentoring, in order to reintegrate them into the mainstream economy. Through local competitive grants, this program would establish partnerships between the criminal justice system and local workforce investment systems, complementing a similar program in the Department of Justice (DOJ). To maximize the impact of these initiatives, the DOL and DOJ funds will be targeted to the same communities and populations. An estimated 10,400 youth will be served, and it is expected that 65 percent of program graduates will get jobs, re-enroll in high school, or be enrolled in post-secondary education or training.

Native Americans.—For Native Americans, the Committee recommends $57,000,000. This is the same as the 2002 comparable level. This program, authorized by WIA, is designed to improve the economic well-being of Native Americans (Indians, Eskimos, Aleuts, and Native Hawaiians) through the provision of training, work experience, and other employment-related services and opportunities that are intended to aid the participants to secure permanent, unsubsidized jobs.

Migrant and seasonal farmworkers.—For Migrant and Seasonal Farmworkers, the Committee recommends $80,770,000. This is the same as the 2002 comparable level. This program, authorized by WIA, is designed to serve members of economically disadvantaged families whose principal livelihood is derived from migratory and other forms of seasonal farmwork, or fishing, or logging activities. Enrollees and their families are provided with employment training and related services intended to prepare them for stable, year-round employment within and outside of the agriculture industry.

There are at least 3 million hard-working migrant and seasonal farmworkers in America whose annual incomes are below $10,000. At a time when most State budgets are shrinking and many of the basic services provided by State and local governments are being cut back, the Committee recognizes the importance of sustaining a national commitment, dating from 1964, to help alleviate the chronic seasonal unemployment and under-employment that traps many farmworker families in a cycle of poverty across generations and that deprives many farmworker children of educational opportunities and real prospects for better jobs at higher wages. The Committee also recognizes that many State and local government officials will be reluctant to fund this training and related assistance for this vulnerable portion of our Nation's workforce who migrate through many States every year, even though the work they perform is essential to the economic well-being of our Nation's farmers, growers, and small businesses.

The Committee recommendation of $80,770,000 for activities authorized under Section 167 of the Workforce Investment Act is reflected in two separate line items on the table accompanying the Committee Report: ''Migrant and Seasonal Farmworkers'' and ''National Activities/Other.'' Under the Migrant and Seasonal Farmworkers line item, the Committee recommends $79,751,000. The Committee recommendation includes bill language directing that $4,786,000 of this amount be used for migrant and seasonal farmworker housing grants. The recommendation also provides that the remaining amount be used for State service area grants, including funding grantees in those States impacted by formula reductions at no less than 85 percent of the comparable 1998 levels for such States. Within the National Activities/Other line item, the Committee recommendation includes $1,019,000 to be used for Section 167 training, technical assistance and related activities, including funds for migrant rest center activities. The Committee urges the Department to continue valuable technical assistance services provided by the Association of Farmworker Opportunity Programs. Finally, the Committee wishes to again advise the Department regarding the requirements of the Workforce Investment Act in selecting an eligible entity to receive a State service area grant under Section 167. Such an entity must have already demonstrated a capacity to administer effectively a diversified program of workforce training and related assistance for eligible migrant and seasonal farmworkers.

The Committee believes that the Association of Farmworkers Opportunity Programs provide valuable technical assistance and training to grantees and has distinguished itself as a tremendous resource. Its Children in the Fields Campaign provides information, education, and technical assistance related to child labor in agriculture. The Association also provides other assistance related to employment and training (including pesticide and other worker safety training for children and adults). The Department is encouraged to continue the services that the Association provides these areas.

The Committee requests the Department undertake a study and submit a report to the Congress by July 1, 2003 with recommendations for eliminating the double standard embodied currently in the Fair Labor Standards Act (FLSA) and corresponding regulations whereby child farmworkers as young as 10 years of age can work in large-scale, corporate agriculture in the United States at younger ages, for longer hours, and under more hazardous conditions than minors age 16 and over working in non-agricultural jobs.

National programs.—This activity includes WIA-authorized programs in support of the workforce system including technical assistance and incentive grants, evaluations, pilots, demonstrations and research, and the Women in Apprenticeship Program.

Technical Assistance/Incentive Grants.—The Committee recommends $15,000,000 for the provision of technical assistance, staff development, and replication of programs of demonstrated effectiveness; as well as incentive

grants to each State that exceeds State adjusted levels of performance for WIA State programs.

Pilots, Demonstrations, and Research.—The Committee recommends $55,161,000, which is $74,988,000 less than the fiscal year 2002 level, for grants or contracts to conduct research, pilots or demonstrations that improve techniques or demonstrate the effectiveness of programs. Within this amount, the Committee expects the Department of Labor to conduct a comprehensive study on the composition (including past and present numbers, as well as future projections) of the U.S. textile and apparel industry labor force, including the availability of training and textile-related engineering and manufacturing programs. The study should include a significant review of the impact of lay-offs on the industry, the workers, the local communities, and the States and regions involved. The Committee expects the Department of Labor to coordinate with the Department of Commerce in designing the preparation of this report. The Committee requests that the study be completed no later than September 1, 2003.

The Committee is deeply concerned about the ability of the 28 million Americans who are deaf or hard-of-hearing to be informed of critical news and information in the post-9/11/01 environment. The Committee is aware that court reporting schools may not be able to meet the ''unfunded mandate'' set by the Telecommunications Act of 1996 to provide closed captioning of 100 percent of broadcast programming by January 2006. These compelling concerns justify continued Federal support to those schools to increase their capacity to attract and train more real time writers and to work closely with the broadcasting industry to significantly increase the amount of programming that is closed captioned.

The Committee is concerned with the lack of information provided to the Committee regarding the performance and operation of the Workforce Investment Act (WIA). Further, the Committee is concerned that States and local workforce investment areas lack the technology to comply with the basic performance reporting and operational requirements of the WIA. This includes client case management, program performance and fiscal reporting and basic job match. The Committee recognizes that the private sector has developed and successfully implemented such technology on a limited basis on behalf of State and local workforce areas. However, the infrastructure cost restraints of the WIA have impeded widespread implementation. Therefore, the Committee recommends the Secretary provide States and local workforce investment areas funding to partner with the private sector to pilot such technology and determine its benefit to the WIA system.

Evaluation.—The Committee recommends $9,098,000 to provide for the continuing evaluation of programs conducted under WIA, as well as of federally-funded employment-related activities under other provisions of law.

Women in Apprenticeship.—The Committee recommends $1,000,000 to continue the current level of the Women in Apprenticeship and Nontraditional Occupations program. This activity provides technical assistance to employers and unions to assist them in training, placing, and retraining women in nontraditional jobs and occupations.

National Skills Standards Advisory Board.—The Committee concurs with the administration's request not to provide additional funding for the Board, the authorization for which has expired. Fiscal year 2002 funding for the Board was $3,500,000, to remain available until expended.

The Committee acknowledges the ongoing dialogue between the National Skill Standards Board (NSSB) and the Department of Labor concerning the future mission funding, and governance of the NSSB. If a plan satisfactory to the Labor Department can be developed, the Committee would entertain a request to provide funds through reprogramming.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Appropriations, 2002	$445,100,000
Budget estimate, 2003	440,200,000
Committee recommendation	440,200,000

The Committee recommends $440,200,000, the same as the budget request for community service employment for older Americans. This program, authorized by title V of the Older Americans Act, provides part-time employment in community service activities for unemployed, low-income persons aged 55 and over. It is forward-funded from July to June, and the 2003 appropriation will support the program from July 1, 2003, through June 30, 2004. The Committee believes that within the title V community service employment for older Americans, special attention should be paid to providing community service jobs for older Americans with poor employment prospects, including individuals with a long-term detachment from the labor force, older displaced homemakers, aged minorities, limited English-speaking persons, and legal immigrants.

The program provides a direct, efficient, and quick means to assist economically disadvantaged older workers because it has a proven effective network—currently operated jointly by 10 national sponsors and the States—in every State and in practically every county. Administrative costs for the program are low, and the vast majority of the money goes directly to low-income seniors as wages and fringe benefits.

The program provides a wide range of vital community services that would not otherwise be available, particularly in low-income areas and in minority neighborhoods. Senior enrollees provide necessary and valuable services at Head Start centers, schools, hospitals, libraries, elderly nutrition sites, senior center, and elsewhere in the community. These services would not be available without the program.

A large proportion of senior enrollees use their work experience and training to obtain employment in the private sector. This not only increases our Nation's tax base, but it also enables more low-income seniors to participate in the program.

The Committee is aware that the administration portion of the cost per authorized position in the Title V program has not been adjusted since 1981. The Committee therefore directs the Department to conduct, in consultation with national and State Title V grantees, an analysis to determine the appropriate cost per authorized position and to report back its finding and recommendations no later than July 1, 2003.

Finally, the Committee reiterates the concern expressed in last year's report regarding balancing the community service and employment and training goals of this important program. The Committee again expresses its concern that any significant increase in job placement goals must be accompanied by assurances from the Department to the Committee that sufficient skills training resources under the Workforce Investment Act will be available to national and State Title V grantees to help meet such increased placement goals. The Committee has not yet received such assurances.

The Committee is aware that, prior to enactment of the Workforce Investment Act (WIA), the Federal job-training program targeted funds specifically to older workers. Currently, WIA funds are not targeted for training older workers, at a time when the number of older workers is increasing significantly. To remain competitive in the labor market, older workers must acquire or update their job skills. While WIA is designed to meet the needs of all workers, the Committee is concerned that the One-Stop Career Centers, funded under WIA, may not be adequately meeting the training and education needs of older workers. The Committee therefore requests that the Department report within 180 days the measures it can undertake to ensure training and related services, appropriated under WIA, are available to older workers.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

Appropriations, 2002	$415,650,000
Budget estimate, 2003	13,000,000
Committee recommendation	972,200,000

The Committee recommends $972,200,000, an increase of $556,550,000 over the fiscal year 2002 level. This is the amount estimated to pay for increased training and income support expenses under the expanded trade adjustment assistance program included in the Trade Act of 2002, enacted last August. These are entitlement funds. The Committee encourages the Labor Department to utilize the reprogramming process, if it is necessary to utilize discretionary funds for administrative or other expenses for newly authorized programs under the Trade Act that cannot be paid from this account.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Appropriations, 2002	$3,779,501,000
Budget estimate, 2003	3,686,543,000
Committee recommendation	3,618,903,000

The Committee recommends $3,618,903,000 for this account. This is $67,640,000 below the budget request and $160,598,000 below the 2002 comparable level. Included in the total availability is $3,475,451,000 authorized to be drawn from the ''Employment Security Administration'' account of the unemployment trust fund, and $143,452,000 to be provided from the general fund of the Treasury.

The funds in this account are used to provide administrative grants and assistance to State agencies which administer Federal and State unemployment compensation laws and operate the public employment service.

For unemployment insurance (UI) services, the bill provides $2,651,488,000. This includes $2,641,488,000 for State Operations, which is $76,200,000 less than the President's request and $136,498,000 less than the fiscal year 2002 level. The Committee has deleted the request for $76,200,000 related to proposed legislation for temporary extended benefits, since this cost was previously enacted as part of Public Law 107–147. The Committee expects the Department to manage these resources to ensure equitable funding to States to handle total workload. The Committee recommendation includes $10,000,000 for UI national activities, the same as the fiscal year 2002 level and the President's request, which

is directed to activities that benefit the State/Federal unemployment insurance program. The bill provides for a contingency reserve amount should the unemployment workload exceed an average weekly insured claims volume of 4,526,000. This contingency amount would fund the administrative costs of unemployment insurance workload over the level of 4,526,000 insured unemployed per week at a rate of $28,600,000 per 100,000 insured unemployed, with a pro rata amount granted for amounts of less than 100,000 insured unemployed.

For the Employment Service grants to States, the Committee recommends $796,735,000 which includes $23,452,000 in general funds together with an authorization to spend $773,283,000 from the ''Employment Security Administration'' account of the unemployment trust fund. These funds are available for the program year of July 1, 2003, through June 30, 2004.

The recommendation includes $50,680,000 for national activities, an increase of $21,560,000 over the budget request. This recommendation restores the $20,560,000 reduction proposed in direct funding of the foreign labor certification program, rejecting the proposal to finance a portion of this program by a direct transfer from H–1B fees. The recommendation also adds $1,000,000 over the request to restore the proposed cut in the work opportunity tax credit program.

The recommendation also includes $100,000,000 for One-Stop Career Centers, a reduction of $13,000,000 below the request. This Committee recommendation includes funding for America's Labor Market Information System, including core employment statistics, universal access for customers, improving efficiency in labor market transactions, and measuring and displaying WIA performance information.

The recommendation includes $20,000,000 for the Work Incentives Grants program, the same as last year's level and the President's request, to help persons with disabilities find and retain jobs through the One-Stop Career Center system mandated by the Workforce Investment Act. Funding will support systems building grants intended to ensure that One-Stop systems integrate and coordinate mainstream employment and training programs with essential employment-related services for persons with disabilities.

The Committee agrees that the work opportunity tax credit [WOTC], and the welfare-to-work tax credit provide important resources to create new jobs, particularly for those Americans who would otherwise be dependent on welfare. Therefore, the Committee recommendation includes $21,000,000 for the administration of these initiatives, an increase of $1,000,000 over the budget request, restoring the increased amount previously enacted.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

Appropriations, 2002	$464,000,000
Budget estimate, 2003	463,000,000
Committee recommendation	463,000,000

The Committee recommends $463,000,000, a decrease of $1,000,000 below the 2002 comparable level, for this account. The appropriation is available to provide advances to several accounts for purposes authorized under various Federal and State unemployment compensation laws and the black lung disability trust fund, whenever balances in such accounts prove insufficient. The bill anticipates that fiscal year 2003 advances will be made to the black lung disability trust fund. The requested amount is required to provide for loan interest payments on Black Lung Trust Fund borrowed amounts.

The separate appropriations provided by the Committee for all other accounts eligible to borrow from this account in fiscal year 2003 are expected to be sufficient. Should the need arise, due to unanticipated changes in the economic situation, laws, or for other legitimate reasons, advances will be made to the needy accounts to the extent funds are available. Funds advanced to the black lung disability trust fund are now repayable with interest to the general fund of the Treasury.

PROGRAM ADMINISTRATION

Appropriations, 2002	$161,276,000
Budget estimate, 2003	172,061,000
Committee recommendation	177,642,000

The Committee recommendation includes $121,032,000 in general funds for this account, as well as authority to expend $56,610,000 from the ''Employment Security Administration'' account of the unemployment trust fund, for a total of $177,642,000. This is $16,366,000 greater than the 2002 comparable level.

The Committee recommendation concurs with the $5,500,000 requested increase to provide staff and contract resources for performance management and accountability functions. The recommendation restores proposed reductions in apprenticeship, Job Corps, and other youth services administrative activities. The recommendation also adds $6,000,000 to restore funding which the budget had assumed would come from enactment of authorizing legislation redirection H–1B fees for Federal administration expenses.

General funds in this account provide the Federal staff to administer employment and training programs under the Workforce Investment Act, the Older Americans Act, the Trade Act of 1974, and the National Apprenticeship Act. Trust funds provide for the Federal administration of employment security functions under title III of the Social Security Act and the Immigration and Nationality Act, as amended. Federal staff costs related to the Wagner-Peyser Act in this account are split 97 percent to 3 percent between unemployment trust funds and general revenue, respectively.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2002	$110,932,000
Budget estimate, 2003	117,044,000
Committee recommendation	117,044,000

The Committee recommendation provides $117,044,000 for this account, which is $6,112,000 above the 2002 comparable level, and the same as the budget request. This includes program increases to enhance the Voluntary Fiduciary Compliance Program and the ERISA filing and acceptance system.

The Pension and Welfare Benefits Administration [PWBA] is responsible for the enforcement of title I of the Employee Retirement Income Security Act of 1974 [ERISA] in both civil and criminal areas. PWBA is also responsible for enforcement of sections 8477 and 8478 of the Federal Employees' Retirement Security Act of 1986 [FERSA]. PWBA provides funding for the enforcement and compliance; policy, regulation, and public services; and program oversight activities.

PENSION BENEFIT GUARANTY CORPORATION

The Corporation's estimate for fiscal year 2003 includes benefit payments of $1,325,000,000, multiemployer financial assistance of $10,000,000, administrative expenses limitation of $13,050,000, and services related to terminations expenses of $179,844,000.

The Pension Benefit Guaranty Corporation is a wholly owned Government corporation established by the Employee Retirement Income Security Act of 1974. The law places it within the Department of Labor and makes the Secretary of Labor the Chair of its Board of Directors. The Corporation receives its income primarily from insurance premiums collected from covered pension plans, collections of employer liabilities imposed by the act, and investment earnings. It is also authorized to borrow up to $100,000,000 from the Treasury. The primary purpose of the Corporation is to guarantee the payment of pension plan benefits to participants if covered plans fail or go out of existence.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2002	$370,236,000
Budget estimate, 2003	294,315,000
Committee recommendation	385,457,000

The Committee recommendation includes $385,457,000 for this account. This is $15,221,000 above the 2002 comparable level and $91,142,000 above the budget request. The bill contains authority to expend $2,029,000 from the special fund established by the Longshore and Harbor Workers' Compensation Act; the remainder are general funds. In addition, an amount of $31,987,000 is available by transfer from the black lung disability trust fund. This is the same as the request and $610,000 above the 2002 comparable level.

This recommendation provides sufficient funding to offset the impact of inflation, preventing the reduction in full-time equivalent staffing assumed in the budget request. It rejects the administration's proposed legislation that would have established a surcharge on the amount billed to Federal agencies for workers' compensation benefits to finance Labor Department administrative expenses of $86,442,000. It restores proposed program reductions, including the equal pay initiative and includes recommended program increases.

The President's budget included a legislative proposal under the jurisdiction of the Senate Committee on Health, Education, Labor, and Pensions to charge individual agencies, starting in fiscal year 2003, the administrative cost of the Federal Employees' Compensation Act (FECA) program. Currently Federal agencies are budgeted for and billed each year for monetary and medical benefits that have been paid to their employees under FECA, while the program's discretionary administrative costs are financed in the Department of Labor (DOL). The authorizing committee has not acted on this legislation, therefore the Senate Appropriations Committee will continue to fund this administrative cost through this account.

The Employment Standards Administration is involved in the administration of numerous laws, including the Fair Labor Standards Act, the Immigration and Nationality Act, the Migrant and Seasonal Agricultural Workers' Protection Act, the Davis-Bacon Act, the Family and Medical Leave Act, the Federal Employees' Compensation Act [FECA], the Longshore and Harbor Workers' Compensation Act, and the Federal Mine Safety and Health Act (black lung).

The Committee supports expansion of the equal pay initiative, which helps business improve the way they pay their employees, and assists in education about the importance of equal pay.

SPECIAL BENEFITS

Appropriations, 2002	$121,000,000
Budget estimate, 2003	163,000,000
Committee recommendation	163,000,000

The Committee recommends continuation of appropriation language to provide authority to require disclosure of Social Security account numbers by individuals filing claims under the Federal Employees' Compensation Act or the Longshore and Harbor Workers' Compensation Act and its extensions.

The recommendation includes $163,000,000, the same as the budget request and an increase of $42,000,000 above the 2002 comparable level. This appropriation primarily provides benefits under the Federal Employees' Compensation Act [FECA]. The payments are prescribed by law.

The total amount to be available in fiscal year 2003 is $3,326,393,000, an increase of $108,000,000 above the 2002 comparable level.

The Committee recommends continuation of appropriation language that provides authority to use the FECA fund to reimburse a new employer for a portion of the salary of a newly reemployed injured Federal worker. The FECA funds will be used to reimburse new employers during the first 3 years of employment not to exceed 75 percent of salary in the worker's first year, declining thereafter. Costs will be charged to the FECA fund.

The Committee again includes appropriation language that retains the drawdown date of August 15. The drawdown authority enables the agency to meet any immediate shortage of funds without requesting supplemental appropriations. The August 15 drawdown date allows maximum flexibility for continuation of benefit payments without interruption.

The Committee recommends continuation of appropriation language to provide authority to deposit into the special benefits account of the employees' compensation fund those funds that the Postal Service, the Tennessee Valley Authority, and other entities are required to pay to cover their fair share of the costs of administering the claims filed by their employees under FECA. The Committee concurs with requested bill language to allow use fair share collections to fund capital investment projects and specific initiatives to strengthen compensation fund control and oversight.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

Appropriations, 2002	$135,665,000
Budget estimate, 2003	104,867,000
Committee recommendation	104,867,000

The Committee recommends $104,867,000 for this account in 2003. This is the same as the President's request and $30,798,000 below 2002.

The mission of the Energy Employees Occupational Illness Compensation Program is to deliver benefits to eligible employees and former employees of the Department of Energy, its contractors and subcontractors or to certain survivors of such individuals, as provided in the Energy Employees Occupational Illness Compensation Program Act. The mission also includes delivering benefits to certain beneficiaries of the Radiation Exposure Compensation Act. Benefit costs of $758,000,000 are anticipated in fiscal year 2003.

The Energy Employees Occupational Illness Compensation Program provides benefits authorized by the Energy Employees Occupational Illness Compensation Program Act. The program went into effect on July 31, 2001. The Department of Labor's Office of Workers' Compensation Programs within the Employment Standards Administration is responsible for adjudicating and administering claims filed by employees or former employees (or their survivors) under the Act.

BLACK LUNG DISABILITY TRUST FUND

Appropriations, 2002 (Definite)	$1,036,115,000
Budget estimate, 2003:	
(Definite)	55,629,000
(Indefinite)	979,371,000
Committee recommendation:	
(Definite)	55,629,000
(Indefinite)	979,371,000

The Committee recommends $1,035,000,000 for this account in 2003, of which $55,629,000 is definite budget authority and $979,371,000 is indefinite budget authority. In total, this is a decrease of $934,000 below the 2002 comparable level and the same as the administration request. This represents a change in the appropriation language beginning in fiscal year 2002 for the Black Lung Disability Trust Fund. This change will eliminate the need for drawdowns from the subsequent year appropriation in order to meet current year compensation, interest, and other benefit payments. The appropriation language will continue to provide definite budget authority for the payment of administrative expenses for the operation and administration of the Trust Fund.

The total amount available for fiscal year 2003 will provide $360,371,000 for benefit payments, and $55,629,000 for administrative expenses for the Department of Labor. Also included is $619,000,000 for interest payments on advances. In fiscal year 2002, comparable obligations for benefit payments are estimated to be $388,283,000 while administrative expenses are $54,651,000. In fiscal year 2002, the interest payments on advances is estimated to be $593,000,000.

The trust fund pays all black lung compensation/medical and survivor benefit expenses when no responsible mine operation can be assigned liability for such benefits, or when coal mine employment ceased prior to 1970, as well as all administrative costs which are incurred in administering the benefits program and operating the trust fund.

It is estimated that 49,000 people will be receiving black lung benefits financed from the trust fund by the end of the fiscal year 2003. This compares with an estimated 53,250 receiving benefits in fiscal year 2002.

The basic financing for the trust fund comes from a coal excise tax for underground and surface-mined coal. Additional funds come from reimbursement payments from mine operators for benefit payments made by the trust fund before the mine operator is found liable, and advances. The advances to the fund assure availability of necessary funds when liabilities may exceed other income. The Omnibus Budget Reconciliation Act of 1987 continues the current tax structure until 2014.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2002	$443,498,000
Budget estimate, 2003	437,019,000
Committee recommendation	462,314,000

The Committee recommendation includes $462,314,000 for this account. This is an increase of $25,295,000 over the budget request and an increase of $18,816,000 above the 2002 comparable level. This agency is responsible for enforcing the Occupational Safety and Health Act of 1970 in the Nation's workplaces.

This recommendation provides sufficient funding to offset the impact of inflation, preventing the reduction in full-time equivalent staffing assumed in the budget request.

In addition, the Committee has included language to allow OSHA to retain up to $750,000 per fiscal year of training institute course tuition fees to be utilized for occupational safety and health training and education grants in the private sector.

Within the amount for Safety and Health Standards, bill language specifies that $2,000,000 of the increased funding is only available to provide for the reissuance of a rule relating to ergonomics. It is the Committee's expectation that these funds expedite activities leading to reissuance of such a rule within the timeframe and according to the parameters specified in S. 2184.

The Committee is concerned that OSHA has halted action on or delayed many important regulatory initiatives on major workplace hazards, including chemical safety regulations to prevent reactive chemical explosions which have killed 108 workers over the past two decades, the extension of confined space entry requirements to the construction industry where 87 workers were killed in confined space incidents during the 1990s, and regulations to limit exposure to cancer causing chemicals perchoroetlylene, hexavalent chromium and metalworking fluids. At the same time, the administration has proposed to reduce funding for its standards activities. The Committee believes that the development and issuance of safety and health standards is one of the core responsibilities of OSHA, and has provided funding in the bill to maintain OSHA's current level of activity for safety and health standards, not including funds for the development of a new ergonomics standard.

The Committee retains language carried in last year's bill effectively exempting farms employing 10 or fewer people from the provisions of the act except those farms having a temporary labor camp. The Committee also retains language exempting small firms in industry classifications having a lost workday injury rate less than the national average from general schedule safety inspections. These provisions have been in the bill for many years.

The Committee believes that OSHA's worker safety and health training and education programs, including the grant program that supports such training, are a critical part of a comprehensive approach to worker protection. The Committee is concerned that OSHA cut funding to help establish ongoing worker safety and health training programs and has provided $7,175,000 in additional funds to restore the Susan Harwood training grant program to $11,175,000. Bill language specifies that no less than $3,200,000 shall be used to maintain the existing institutional competency building training grants, provided that grantees demonstrate satisfactory performance.

The Committee has provided funding to maintain the State consultation grant program and expects that this program will continue to be targeted to provide compliance assistance to small businesses.

The Committee is very pleased with OSHA's efforts in placing high priority on the voluntary protection programs (VPP) and other voluntary cooperative programs. The agency's work in expanding participation in the programs, and promoting prompt review and processing of applications is particularly noteworthy. The Committee expects OSHA to continue to place high priority on the VPP. Cooperative voluntary

programs, especially the VPP, are an important part of OSHA's ability to assure worker safety and health and should be administered in conjunction with an effective strong enforcement program.

The Committee also intends that the Office of Regulatory Analysis continue to be funded as close as possible to its present level.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2002	$253,932,000
Budget estimate, 2003	254,323,000
Committee recommendation	271,841,000

The Committee recommendation includes $271,841,000 for this account. This is $17,909,000 more than the 2002 comparable level, and $17,518,000 more than the budget request.

This recommendation provides sufficient funding to offset the impact of inflation, preventing the reduction in full-time equivalent staffing assumed in the budget request. It further includes funding to continue the Miner's Choice X-ray Program.

The Committee recommendation includes $10,000,000 for digitizing mine maps and to develop technologies to detect mine voids, in an effort to improve the ability of mining officials to verify the location of abandoned mines. This recommendation is in response to initiatives for improving mine safety arising from a special hearing held October 21, 2002, in Johnstown, Pennsylvania, on the mine disaster at Quecreek. This initiative, to supplement State funding, is intended to make sure that all existing mine maps are available to the relevant agencies and the maps are centrally warehoused and digitized in order to ensure their preservation.

The Committee recommendation also increases the bill language amount for mine rescue and recovery activities from ''up to $1,000,000'' to ''up to $2,000,000'', while retaining the provision allowing the Secretary of Labor to use any funds available to the Department to provide for the costs of mine rescue and survival operations in the event of a major disaster.

This agency insures the safety and health of the Nation's miners by conducting inspections and special investigations of mine operations, promulgating mandatory safety and health standards, cooperating with the States in developing effective State programs, and improving training in conjunction with States and the mining industry.

In addition, bill language is included to allow the National Mine Health and Safety Academy to collect not to exceed $750,000 for room, board, tuition, and the sale of training materials to be available for mine safety and health education and training activities. Bill language also allows MSHA to retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities.

The Committee is aware that in October 2001 the National Academy of Sciences (NAS) released a report on recommendations to improve the safety of coal waste impoundments. The Committee notes that the NAS report includes recommendations on actions that could be taken, primarily by the Mine Safety and Health Administration (MSHA) and the Office of Surface Mining (OSM) to improve the design process for coal slurry impoundments; to improve mapping of mines and the characterization of sites of existing and future impoundments; to improve the assessment of mitigation of risks associated with impoundments; and to assess alternative options for these impoundments. In recognizing the public safety and environmental threats that these impoundment failures pose, the Committee directs MSHA and OSM to provide the Committee with a study, no later than March 15, 2003, on specific actions the respective agencies are taking to implement the recommendations contained in the October 2001 NAS report, and on specific actions taken to address failures and potential failures which have occurred since October 11, 2000.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Appropriations, 2002	$475,431,000
Budget estimate, 2003	498,164,000
Committee recommendation	490,454,000

The Committee includes $494,454,000 for this account, $7,710,000 less than the budget request and $15,023,000 more than the 2002 comparable level. This includes $72,029,000 from the ''Employment Security Administration'' account of the unemployment trust fund, and $418,425,000 in Federal funds. This funding level will cover the agency's built-in increases.

The Bureau of Labor Statistics is the principal fact finding agency in the Federal Government in the broad field of labor economics.

In addition, the Committee has included bill language making $2,570,000 of the BLS allowance for Occupational Employment Statistics available for the period July 1, 2003 through September 30, 2003; this converts this activity to current year funding, at its annual level of $10,280,000, instead of funding on a program year basis.

OFFICE OF DISABILITY POLICY

Appropriations, 2002	$38,056,000
Budget estimate, 2003	47,015,000
Committee recommendation	47,015,000

The Committee recommends $47,015,000 for this account in 2003. This is the same as the President's request and $8,959,000 above 2002.

Congress created the Office of Disability Employment Policy (ODEP) in the Department of Labor's fiscal year 2001 appropriation. Programs and staff of the former President's Committee on Employment of People with Disabilities (PCEPD) have been integrated into this new office.

The ODEP mission, under the leadership of an Assistant Secretary, is to bring a heightened and permanent long-term focus to the goal of increasing employment of persons with disabilities. This will be achieved through policy analysis, technical assistance, and development of best practices, as well as outreach, education, constituent services, and promoting ODEP's mission among employers.

The increase includes: an expansion of One-Stop accessability grants, to support the process of implementing the ''ticket to work'' through One-Stop Career Centers; expanding the provision of grants aimed at developing and implementing innovative programs for moving youth with disabilities from school to work; and funding an Olmstead grant program to assist persons with significant disabilities in making the transition from institutional settings to the community and employment.

The Committee urges the Department to establish a special, structured, fall and spring semester internship program to augment existing programs supporting undergraduate students with disabilities in their efforts to pursue careers in public service. The program would be carried out under a partnership between the Secretary, the Congress and the Judiciary, groups representing citizens with disabilities and colleges and universities that would provide opportunities for their students to participate in this innovative program for undergraduate students with disabilities.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

Appropriations, 2002	$385,601,000
Budget estimate, 2003	317,934,000
Committee recommendation	396,623,000

The Committee recommendation includes $396,623,000 for this account, which is $78,689,000 more than the budget request and $11,022,000 more than the 2002 comparable level. In addition, an amount of $22,952,000 is available by transfer from the black lung disability trust fund, which is the same as the budget request.

The primary goal of the Department of Labor is to protect and promote the interests of American workers. The departmental management appropriation finances staff responsible for formulating and overseeing the implementation of departmental policy and management activities in support of that goal. In addition, this appropriation includes a variety of operating programs and activities that are not involved in departmental management functions, but for which other salaries and expenses appropriations are not suitable.

The Committee recommendation reflects major Committee priorities, including international labor affairs, and pension participant advocacy.

The Committee recommendation includes $26,468,000 for Executive Direction, the same as the budget request.

The Committee recommends $10,973,000 for the Women's Bureau, an increase of $2,604,000 over the budget request and $808,000 above the fiscal year 2002 level. The Committee urges the Women's Bureau to provide increased support for effective programs such as ''Women Work!'', to provide technical assistance and training on programming for women in transition, as well as Pay Equity initiatives.

Bill language specifies that not less than $3,000,000 is provided to establish an Office of Pension Participant Advocacy within the Office of the Secretary at the Department of Labor. The Committee believes that protecting and promoting the rights of workers in retirement plans is central to the mission of the Department of Labor. The Committee is concerned by the lack of protection for participants in private retirement plans that have been highlighted by recent financial failures. The Committee believes that it is necessary for there to be an office within the Federal Government to advise both Congress and the Administration on necessary changes in policies to correct problems that affect participants. In addition, there is a need to coordinate public and private efforts to assist participants and provide them with meaningful information. Although several Federal agencies have oversight of pension plans—the PBGC insures terminated defined benefit plans and the PWBA has traditionally focused on protecting the integrity of pension funds—none have traditionally sought to protect the retirement security interests of American workers. For this reason, the Committee has chosen to include funds for the express purpose of creating an office within this agency to identify needed changes in pension policies, and gaps in data on pension plans and their participants.

The Committee recommends $148,015,000 for the Bureau of International Labor Affairs, the same level of funding as provided in fiscal year 2002.

Of this amount, the Committee's recommendation includes $82,000,000 to sustain important U.S. commitments to restore hope and to improve the lives of more than 250 million defenseless child laborers at work in today's global economy. The United States was the third nation, to ratify ILO Convention #182 for the Elimination of the Worst Forms of Child Labor, just months after its unprecedented unanimous adoption in 1999. Having done so, the Committee recognizes an on-going obligation to provide supplementary resources to assist developing countries especially to remove children from the worst forms of child labor. $45,000,000 of that sub-total shall constitute the U.S. contribution to sustain and to extend to more countries in waiting the successful efforts of the ILO's International Program for the Elimination of Child Labor (IPEC). The remaining $37,000,000 is for bilateral assistance to expand upon the program initiated by the Department in fiscal year 2001 to help ensure access to basic education for the growing number of children removed from the worst forms of child labor in impoverished nations where abusive and exploitative child labor is most acute; however, the Secretary may transfer $14,000,000 of this sub-total to USAID's ''Basic Education and Policy Support Initiative'' for complementary projects. The Committee notes that the United States was a strong and active supporter of the Dakar Declaration of 2000, including the commitment therein to help achieve universal access to basic education for all of the world's children by 2015. Accordingly, the Committee views this program to be a vital component for fulfilling this on-going commitment and firmly believes that affording access to basic education is also the single most effective means to curb the worst forms of child labor, wherever they exist. In programming these funds, the Committee directs the Department to consult with our country's labor attaches and labor reporting officers abroad, to coordinate and work more closely with USAID and IPEC officials, and to also make use of non-governmental organizations and trade unions, when appropriate, to promptly and economically steer these funds to where they benefit the most child laborers who are at the greatest risk.

The Committee recognizes that combating abusive child labor and promoting greater respect for other internationally-recognized worker rights and core labor standards are crucial to spreading the benefits of trade and investment more broadly within as well as among all trading nations. Accordingly, the Committee further recommends $20,000,000 for multilateral technical assistance, and $17,000,000 for bilateral assistance to enable developing countries in particular to strengthen governmental capacity to enforce national labor laws and protect internationally-recognized worker rights, to implement core labor standards, and to develop policies to assist workers who are adversely affected by shifts in trade and investment flows, structural adjustments, and macroeconomic changes within national economies and the global economy respectively.

The Committee also deems it very important that ILAB deepen and improve its permanent capacity to compile and report to the Congress annually on the extent to which each foreign country that has trade and investment agreements with the United States enforces internationally-recognized worker rights as required under multiple U.S. laws and promotes core labor standards as embodied in the ILO Declaration on Fundamental Principles and Rights at Work as adopted and reaffirmed in 1998. The Committee expects $5,000,000 to be spent for this purpose. The Committee recognizes that it may be necessary to build ILAB capacity over a period of 2 years and, for the Department to tap private sector expertise from knowledgeable employer, trade union, and non-governmental organizations with their own presence or in-country partners on the ground in foreign countries.

Finally, the Committee requests that ILAB undertake and complete a study and report to the Congress by September 30, 2003 on government-wide implementation of Executive Order No. 13126 prohibiting the acquisition and procurement of any products mined, produced, or manufactured with any forced or indentured child labor and compliance with this order by all civilian and military agencies. In prior studies and reports to the Congress, the Department has identified and presented evidence of the use of forced or indentured child labor in the production of at least 45 products in at least 25 foreign countries and those findings have been further corroborated by the U.S. State Department in its annual human rights reports to the Congress. Nevertheless, the Department, in coordination with the General Services Administration, only included 11 products in two foreign countries when the final list of tainted products was published in the Federal Register for the first time on January 18, 2001. This study should explain in detail why so few products and countries have been included on the current list of procurement prohibitions, given that the Labor Department, State Department, and Customs Service within the Treasury Department have identified collectively a much larger list of goods produced in many more foreign countries they have reason to believe were mined, produced, or manufactured using forced or indentured child labor. It should also include recommendations to improve government-wide compliance with Executive Order No. 13126, to include services within its scope where there is reason to believe there is forced or indentured child labor involved, and to award Federal procurement preferences to reward companies and industries that do not do business with any foreign or domestic producers who use forced, indentured, or abusive child labor.

The Committee concurs with the request to provide $10,000,000 for HIV/AIDS workplace education. The Committee expects the Department to work through the ILO to most effectively program the appropriated funds. The Committee previously directed that ILAB work through the ILO to effectively program funds provided in fiscal year 2002 to global workplace-based education and prevention programs. In fiscal year 2003, the Committee recommendation includes $10,000,000 solely for the purpose of providing the ILO with assistance to conduct global workplace-based HIV–AIDS education and prevention programs. For other ILAB programs, including 125 FTE for Federal Administration, the Committee recommends $14,282,000.

Acknowledging the need to upgrade the information technology capability in the Department of Labor, the Committee provides $55,000,000 for the information technology fund, and $5,884,000 for management cross cut activities. The total provided includes support for cross-cutting investments such as common office automation suite implementation, architecture requirements, and web services as well as human resource management.

The Committee retains bill language intended to ensure that decisions on appeals of Longshore and Harborworker Compensation Act claims are reached in a timely manner.

VETERANS EMPLOYMENT AND TRAINING

Appropriations, 2002	$212,624,000
Budget estimate, 2003	210,337,000
Committee recommendation	218,087,000

The Committee recommendation includes $218,087,000 for this account, including $26,550,000 in general revenue funding and $191,537,000 to be expended from the ''Employment Security Administration'' account of the unemployment trust fund. This is $7,750,000 more than the budget request and $5,463,000 above the 2002 comparable level.

For State grants the bill provides $83,615,000 for the Disabled Veterans Outreach Program and $79,253,000 for the Local Veterans Employment Representative Program. These amounts are each $2,000,000 above the budget request and the fiscal year 2002 enacted level.

For Federal administration, the Committee recommends $28,669,000, an increase of $2,000,000 over the budget request and $713,000 more than the fiscal year 2002 level. The Committee supports the concept of the Transition Assistance Program administered jointly with the Department of Defense which assists soon-to-be-discharged service members in transitioning into the civilian work force and includes funding to maintain an effective program. The Committee recommendation includes $2,000,000, the same as the fiscal 2002 level, for the National Veterans Training Institute [NVTI]. This Institute provides training to the Federal and State staff involved in the direct delivery of employment and training related services to veterans.

The Committee recommendation includes $19,000,000 for the Homeless Veterans Program, an increase of $1,500,000 over the budget request. Also included is $7,550,000 for the Veterans Workforce Investment Program, an increase of $250,000 above the budget request and the same as the fiscal year 2002 level.

The recommendation also authorizes the Department of Labor to permit the Veterans' Employment and Training Service [VETS] to also fund activities in support of the VETS' Federal Contractor Program [FTP] from funds currently made available to States for veterans' employment activities. It does not authorize transfer of any activities to the Department of Veterans Affairs, as proposed in the budget request.

OFFICE OF THE INSPECTOR GENERAL

Appropriations, 2002	$56,860,000
Budget estimate, 2003	62,256,000
Committee recommendation	62,256,000

The bill includes $62,256,000 for this account, the same as the budget request and $5,396,000 above the 2002 comparable level. This funding will cover the agency's built-in increases, as well as program increases. The bill includes $56,659,000 in general funds and authority to transfer $5,597,000 from the ''Employment Security Administration'' account of the unemployment trust fund. In addition, an amount of $334,000 is available by transfer from the black lung disability trust fund.

The Office of the Inspector General [OIG] was created by law to protect the integrity of departmental programs as well as the welfare of beneficiaries served by those programs. Through a comprehensive program of

audits, investigations, inspections, and program evaluations, the OIG attempts to reduce the incidence of fraud, waste, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness.

GENERAL PROVISIONS

General provision bill language is included to:

Prohibit the use of Job Corps funding for compensation of an individual at a rate in excess of Executive Level II (sec. 101).

Permit transfers of up to 1 percent between appropriations (sec. 102).

Prohibit funding for the procurement of goods and services utilizing forced or indentured child labor in industries and host countries already identified by the Labor Department (sec. 103 in accordance with Executive Order 13126).

Authorize funds to be appropriated for job training for workers involved in construction projects funded through the Denali Commission (sec. 104).

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

Appropriations, 2002	$6,080,551,000
Budget estimate, 2003	5,365,404,000
Committee recommendation	6,115,654,000

The Committee provides an appropriation of $6,115,654,000 for health resources and services. This is $750,250,000 more than the administration request and $35,103,000 more than fiscal year 2002.

Health Resources and Services Administration [HRSA] activities support programs to provide health care services for mothers and infants; the underserved, elderly, homeless; migrant farm workers; and disadvantaged minorities. This appropriation supports cooperative programs in community health, AIDS care, health provider training, and health care delivery systems and facilities.

HEALTH CENTERS

The Committee provides $1,533,570,000 for the health centers, which is $190,000,000 more than fiscal year 2002 level and $75,706,000 above the administration request for this group of programs, which include community health centers, migrant health centers, health care for the homeless, and public housing health service grants.

In fiscal year 2003, community, migrant, public housing and homeless Health Centers will provide primary health care services to more than 12,000,000 people. Health Centers serve indigent urban and underserved rural clients, including many uninsured patients. From 1999 to 2001, the number of uninsured seeking care at Health Centers increased by 500,000 for a total of 4.2 million or about 40 percent of the patient population in 2001. In addition, millions of poor, minority, or isolated people, who have some health insurance coverage, continue to encounter serious difficulties in getting access to health care due to income or distance barriers. For many of these Americans, Health Centers are the only source of primary and preventive health care. Located in more than 3,500 rural and urban medically-underserved communities around the Nation, Health Centers have proven to be a cost-effective and efficient source of care for the underserved. By providing access to basic health services, Health Centers annually save the health care system billions of dollars in reduced use of costly emergency room, specialty, and hospital inpatient care.

The Committee does not set aside any additional appropriations for loan guarantee authority under Section 330(d) or Part A of Title XVI of the Public Health Service Act. The Committee intends that the $14,000,000 of subsidy authority appropriated in fiscal year 1997 and fiscal year 1998, making $160,000,000 available for loan guarantees, continue to be available for guarantees of both loan principal and interest in accordance with the original allocations.

The Committee limits the amount available for payment of claims under the Federal Tort Claims Act to $50,000,000, which is $25,000,000 more than the administration request and $35,000,000 more than the amount provided for last year. The Committee recognizes the tremendous value of this program for health centers and as new health centers become covered, and past claims are settled, payments have risen accordingly.

Community health centers

Community health centers provide comprehensive, case-managed primary health care services to medically indigent and underserved populations in rural and urban areas. Of the clients served by community health centers, about 44 percent are children and 67 percent have incomes below the poverty line.

The Committee is pleased with the process HRSA has used to fund new start applications and also the expeditious manner in which the first round of funding was allocated. Adequate funding is provided to ensure that at least 30 new starts, 60 new sites, and 80 project expansions occur in 2003. However, the Committee expects HRSA to give priority to areas of the country that currently have few health centers and significant numbers of underserved populations not currently served by health centers, especially minority communities and rural and frontier areas.

Although the Committee continues to support the expansion of the health centers program to double the number of patients served, the Committee is concerned that current funding methodologies may not recognize the increased cost of providing services for current patients at existing health centers. The Committee expects HRSA to use a portion of the increased funding provided to increase support for existing health centers based on performance-related criteria separate from the funding of new service site and service expansion applications.

The Committee is concerned that Federal community health center funds are often not available to small, remote communities in Alaska, Hawaii and other similar States because the population base is too small. Many of these communities have no health service providers and are forced to travel long distances by boat or plane even in emergency situations. The Committee is aware that efforts are now underway to double community health center funding to address the growing number of uninsured persons in this country, but, without new approaches to providing health services, many will not benefit from the proposed increases in funding. The Committee applauds the agency for its initiatives such as the ''Alaska Frontier Health Plan,'' and encourages the agency to continue and expand its efforts with this program.

The Committee is concerned by the small percentage of Illinois' medically-underserved population that presently have access to community or migrant health center services. The Committee expects HRSA to take steps to address this services deficit in fiscal year 2003.

School-based health centers

This program provides grants for comprehensive primary and preventive health care services and health education to at-risk and medically underserved children and youth. Grants are awarded to public or private, nonprofit, community-based health care providers. Through agreements with a local school or school system, the health care entity provides the services in the school building or on school grounds.

Migrant health program

The program helps provide culturally sensitive comprehensive primary care services to migrant and seasonal farm workers and their families. Over 80 percent of the centers also receive funds from the community health centers program.

Health care for the homeless

The program provides project grants for the delivery of primary health care services, substance abuse services, and mental health services to homeless adults and children. About one-half of the projects are administered by community health centers. The other one-half are administered by nonprofit coalitions, inner-city hospitals, and local public health departments.

Public housing health service grants

The program awards grants to community-based organizations to provide case-managed ambulatory primary health and social services in clinics at or in proximity to public housing. More than 60 percent of the programs are operated by community health centers.

Native Hawaiian health care

The Committee again includes the legal citation in the bill for the Native Hawaiian Health Care Program. The Committee has included sufficient funding so that health care activities funded under the Native Hawaiian Health Care Program can be supported under the broader community health centers line. The Committee expects that not less than $9,000,000 be provided for these activities in fiscal year 2003.

The purpose of this activity is to improve the health status of native Hawaiians by making primary care, health promotion, and disease prevention services available through the support of Native Hawaiian health systems. Services provided include health screening, nutrition programs, and contracting for basic primary care services. This activity also supports a health professions scholarship program for native Hawaiians.

Other Native Hawaiian and Pacific Islander health issues

The Committee remains committed to the concept of a demonstration project for American Samoans in Hawaii at the Waimanalo Health Center that will integrate social services, include traditional health, prevention and disease management, and address the disparities in health status among native Hawaiians and other minority populations.

In addition, as emphasized last year, the Committee strongly supports the establishment of a Center of Excellence for Indigenous Health and Healing at the University of Hawaii and other schools that serve native peoples including American Indians, Alaska Natives and Pacific Islanders. The incorporation of traditional medicine and healing practices into the training of medical, nursing, social work, psychology, pharmacy and public health students will not only advance these disciplines but also enhance the health care services delivered to these populations.

The Committee believes that community health centers are a critical source of care for the underserved, particularly in remote rural areas in States such as Alaska and Hawaii. To facilitate the development of such centers in these and other States with low-income persons living in extremely remote areas, the Committee recommends that HRSA examine its regulations and applications procedures to ensure they are not unduly burdensome but are appropriately flexible to meet the needs of these communities. New health centers in remote communities are needed.

Again, the Committee observes that the State of Hawaii and Pacific Basin Region are experiencing an acute shortage of doctorally prepared pharmacists, and there is no school of pharmacy in the State. Unique to Hawaii is the fact that much of its population comes from the Pacific basin region and use health interventions that are unique to that part of the world. Therefore, the Committee again urges HRSA to develop a pharmacy program at the University of Hawaii/Hilo that includes in its curriculum a strong clinical focus on Pacific basin region culture and traditional interventions.

The Committee recognizes the important service done by the Molokai Health System on that remote island. This is an exemplary facility. Its environment provides opportunities to research outcomes of new interventions, evaluate culturally relevant health education, train providers on caring for ethnic populations and integrate non-Western health treatments. The leadership of Molokai has also encouraged the collaboration among diverse health professionals and the use of technological advances such as telehealth and telemedicine and video consultations. Given this history of success in meeting the needs of its unique community, the Committee strongly recommends that Molokai General Hospital be designated as a Center of Excellence on the provision of health care in rural areas.

National Health Service Corps: Field placements

The Committee provides $46,498,000 for field placement activities, which is $8,000 less than the fiscal year 2002 level and the same as the administration request. The funds provided for this program are used to support the activities of National Health Service Corps obligors and volunteers in the field, including travel and transportation costs of assignees, training and education, recruitment of volunteers, and retention activities. Salary costs of most new assignees are paid by the employing entity.

National Health Service Corps: Recruitment

The Committee provides $142,918,000 for recruitment activities, which is $43,929,000 more than the fiscal year 2002 level and the same as the administration request. This program provides major benefits to students (full-cost scholarships or sizable loan repayment) in exchange for an agreement to serve as a primary care provider in a high priority federally designated health professional shortage area. The Committee reiterates its intention that funds support multi-year, rather than single-year, commitments.

The Committee applauds the President for building on the Committee's Rural Health Initiative from the previous fiscal year by proposing a needed increase for this program. The Committee is again increasing funding for field placements and recruitment to address growing concerns about primary care provider shortages in rural and underserved areas. The Committee strongly supports these programs because of their success in recruiting, training, and retaining well-trained providers in these areas. The Committee is aware that providers who train in rural and underserved areas are more likely to elect to practice in those areas.

HEALTH PROFESSIONS

The Committee provides $305,564,000 for health professions programs under Title VII of the Public Health Services Act, which is $10,343,000 more than the fiscal year 2002 level and $294,564,000 more than the administration request for these programs.

The Committee urges the administration to create a partnership between the HRSA and the Arthritis Foundation for the purpose of conducting a national study on the status of pediatric rheumatology in the United States. As provided in the Children's Health Act of 2000, this study will asses this crisis and identify strategies for addressing the significant shortage of pediatric services for children with arthritis. The Secretary shall report the findings of the study to the Committee no later than August 1, 2003.

The Committee remains concerned about the widening gap between the size of the Nation's aging baby boom population and the number of pulmonary/critical care physicians. Given the current funding trends for graduate medical education, we can expect a severe shortage of these specialists by 2007. The Committee therefore urges the Administrator to consult with the American College of Chest Physicians and the members of the Critical Care Workforce Partnership to develop a comprehensive action plan to address this pending crisis.

The following clusters and their associated programs are included in this consolidated account:

A. Training for diversity

Centers of excellence

This program was established to fund institutions that train a significant portion of the Nation's minority health professionals. Funds are used for the recruitment and retention of students, faculty training, and the development of plans to achieve institutional improvements. The institutions that are designated as centers of excellence are private institutions whose mission is to train disadvantaged minority students for service in underserved areas. Located in poor communities and usually with little State funding, they serve the health care needs of their patients often without remuneration. The Committee is pleased that the agency has refocused the minority centers of excellence program on providing support to historically minority health professions institutions.

The Committee is pleased that HRSA has re-focused the Minority Centers of Excellence program on providing support to historically minority health professions institutions.

Health careers opportunity program

This program provides funds to medical and other health professions schools for recruitment of disadvantaged students and pre-professional school preparations. The Committee is pleased that HRSA has given priority consideration for grants to minority health professions institutions, and recommends that grant review committees have proportionate representation from these institutions.

The Committee is pleased that HRSA has given priority consideration for H–COP grants to minority health professions institutions, and recommends that grant review committees have proportionate representation from these institutions. The Committee continues to encourage the H–COP program to consider applications that are responsive to allied health professions which are experiencing shortages and high vacancy rates.

Faculty loan repayment

This program provides for the repayment of education loans for individuals from disadvantaged backgrounds who are health professions students or graduates, and who have agreed to serve for not less than 2 years as a faculty member of a health professions school.

Scholarships for disadvantaged students

This program provides grants to health professions schools for student scholarships to individuals who are from disadvantaged backgrounds and are enrolled as full-time students in such schools. The Committee continues to intend that all health professions disciplines made eligible by statute be able to participate in the scholarships program.

B. Training in primary care medicine and dentistry

Family medicine training

Family medicine activities support grants for graduate training in family medicine, grants for pre-doctoral training in family medicine, grants for faculty development in family medicine, and grants for the establishment of departments of family medicine. The Committee reiterates its support for this program and recognizes its importance in increasing the number of primary care physicians in underserved areas.

General internal medicine and pediatrics training

This program provides funds to public and private nonprofit hospitals and schools of medicine and osteopathic medicine to support residencies in internal medicine and pediatrics. Grants may also include support for faculty.

Physician assistants

This program supports planning, development, and operation of physician assistant training programs.

General dentistry and pediatric dental residencies

This program assists dental schools and postgraduate dental training institutions to meet the costs of planning, developing, and operating residency training and advanced education programs in general practice of dentistry and funds innovative models for postdoctoral general dentistry and pediatric dentistry.

The Committee recognizes the need to increase the number of dentists in rural and underserved areas, and particularly increase the number of pediatric dentists in those areas. Rural States are disproportionately underserved by pediatric dentists.

The Committee recognizes that these programs play a critical role in meeting the oral health care needs of Americans; especially those who require specialized or complex care and represent vulnerable populations in underserved areas. Additionally, the Committee realizes that several States have fewer than 10 pediatric dentists. This clearly is not enough to address American children's needs.

C. Interdisciplinary, community-based linkages

Area health education centers

This program links university health science centers with community health service delivery systems to provide training sites for students, faculty, and practitioners. The program supports three types of projects:

Core grants to plan and implement programs; special initiative funding for schools that have previously received Area Health Education Centers (AHEC) grants; and model programs to extend AHEC programs with 50 percent Federal funding.

Health education and training centers

These centers provide training to improve the supply, distribution, and quality of personnel providing health services in the State of Florida or along the border between the United States and Mexico and in other urban and rural areas with populations with serious unmet health care needs.

Allied health and other disciplines

These programs seek to improve access, diversity, and distribution of allied health practitioners to areas of need. The program improves access to comprehensive and culturally competent health care services for underserved populations.

The Committee recognizes the need to continue the Graduate Psychology Education Program within the Bureau of Health Professions. The Committee understands that this is the only federally funded psychology-training program, and for this reason, considers its continuation a high priority. The Committee urges the administration to establish of a graduate training program in Geropsychology (GTG) to train health service psychologists to work with older Americans, especially in rural communities and other underserved people.

The Committee continues to encourage HRSA to give priority consideration to those projects for schools training allied health professionals experiencing shortages, such as medical technologists and cytotechnologists.

Geriatric education centers and training

The Committee expects this program to continue to support grants to health professions schools to establish geriatric education centers and to support geriatric training projects. These centers and geriatric training programs play a vital role in enhancing the skill-base of health care professionals to care for our Nation's growing elderly population. The Committee is concerned about the shortage of trained geriatricians and urges the agency to give priority to building the work force necessary to care for the Nation's elderly.

Quentin N. Burdick program for rural health interdisciplinary training

This program addresses shortages of health professionals in rural areas through interdisciplinary training projects that prepare students from various disciplines to practice together, and offers clinical training experiences in rural health and mental health care settings to expose students to rural practice. The Committee continues to be concerned about the lack of providers in rural areas and expects funding to continue at least at the fiscal year 2003 level.

The Committee supports addressing the issue of how the delivery of chiropractic health care can be enhanced in rural areas, and how more women and minorities can be recruited as chiropractic health care practitioners in rural areas. The Committee also expects the Bureau to expand its support for telecommunications and telehealth initiatives for providing distance education and training for nurses and allied health professionals serving rural areas.

Podiatric primary care training

This program provides grants to hospitals and schools of podiatric medicine for residency training in primary care. In addition to providing grants to hospitals and schools of podiatric medicine for residency training in primary care, the program also permits HRSA to study and explore ways to more effectively administer postdoctoral training in an ever changing health care environment.

Chiropractic demonstration grants

The program provides grants to colleges and universities of chiropractic to carry out demonstration projects in which chiropractors and physicians collaborate to identify and provide effective treatment of spinal and lower back conditions. The Committee continues to strongly support the chiropractic research and demonstration grant program, originally authorized under Section 782 of Public Law 102–408, and funded by the Committee in previous years. The Committee recommends that the chiropractic-medical school demonstration grant program be continued.

The Committee believes that demonstration projects that address treatment for spinal and lower-back conditions, as authorized under Section 755(b)(3) of Public Law 105–392, may include training initiatives as well as research collaborations between physicians, chiropractors and chiropractic colleges. Therefore, the Committee directs HRSA to provide funding for such training components of chiropractic demonstration grant proposals in fiscal year 2003 and beyond.

D. Workforce information and analysis

Health professions data and analysis

This program supports the collection and analysis of data on the labor supply in various health professions and on future work force configurations.

Research on certain health professions issues

This program supports research on the extent to which debt has a detrimental effect on students entering primary care specialties; the effects of federally funded education programs for minorities attending and completing health professions schools; and the effectiveness of State investigations in protecting the health of the public.

E. Public health workforce development

With the continued need for public health training throughout the country, the Committee believes these programs serve an important role in maintaining the country's public health infrastructure.

Public health, preventive medicine and dental public health programs

This program supports awards to schools of medicine, osteopathic medicine, public health, and dentistry for support of residency training programs in preventive medicine and dental public health; and for financial assistance to trainees enrolled in such programs.

Health administration programs

This program provides grants to public or nonprofit private educational entities, including schools of social work, but not schools of public health, to expand and improve graduate programs in health administration, hospital administration, and health policy analysis and planning; and assists educational institutions to prepare students for employment with public or nonprofit private agencies.

F. Children's hospital graduate medical education program

The Committee provides $285,000,000 for the Children's Hospital Graduate Medical Education (GME) program. This is $33,000 more than the fiscal year 2002 level and $85,000,000 more than the administration request.

The program provides support for health professions training in children's teaching hospitals that have a separate Medicare provider number (''free-standing'' children's hospitals). Children's hospitals are statutorily defined under Medicare as those whose inpatients are predominantly under the age of 18. The funds in this program are intended to make the level of Federal Graduate Medical Education support more consistent with other teaching hospitals, including children's hospitals, which share provider numbers with other teaching hospitals. Payments are determined by formula, based on a national per-resident amount. Payments support training of resident physicians as defined by Medicare in both ambulatory and inpatient settings.

The Committee believes Federal support for GME for children's hospitals is a sound investment in children's health. Congress has enacted expansions in children's health coverage and increased support for health programs devoted to children and biomedical research. Equitable funding for children's hospitals GME is needed to sustain the pediatric workforce, including an adequate supply of future pediatric researchers, and our pediatric research enterprise.

The Committee further recognizes that an inequity exists for GME funding for children's teaching hospitals because Medicare is the largest single payer of GME, and free-standing children's hospitals treat few Medicare patients. These funds provide essential, equitable support for the teaching contributions of these institutions.

G. Nursing education programs

The Committee provides $83,502,000 for Nursing Education Programs under Title VIII of the Public Health Services Act which is $1,000,000 more than the fiscal year 2002 level and the same as the administration request.

The Committee recognizes the current nursing shortage is creating a health care crisis in hospitals and skilled nursing facilities. The lack of young people in nursing has resulted in a steady and dramatic increase in the average age of U.S. nurses. Today, the average age of a working RN is 43 years old. According to recent surveys, one in five nurses plans to retire by 2006, exacerbating the shortage.

Another factor contributing to the nursing shortage is the availability of nursing faculty. They, like nurses in healthcare delivery, are aging. Thus, for some schools, even if they could recruit more students, they may not have faculty to teach them. The Committee believes that this is an area that requires critical attention.

One reason for this shortage is the inability of nursing schools to educate more nursing students, which is in turn largely the result of a lack of qualified nursing faculty. Since the average age of nurse educators today is 55, this shortage of educators will continue to accelerate. The Committee is further aware of the success of the Troops-to-Teachers program at the Departments of Defense and Education in placing qualified military veterans into teaching positions in America's public schools through an expedited certification process. The Committee therefore encourages HRSA to establish a pilot program similar to the Troops-to-Teachers program to encourage qualified, active duty military nurses to become nurse educators in certified nursing school programs. The program should include career and placement assistance, transitional stipends for those who commit to teach in nursing schools, and cooperation with nursing schools to expedite the transition from the military to civilian teaching.

Advanced education nursing

The Committee provides $47,596,000 for Advanced Education Nursing programs, which is $12,445,000 more than the fiscal year 2002 level and $13,445,000 more than the administration request. This program funds nursing schools to prepare nurses at the master's degree or higher level for teaching, administration, or service in other professional nursing specialties.

Basic nurse education and practice

The Committee provides $10,855,000 for Basic Nurse Education and Practice programs, which is $5,434,000 less than the fiscal year 2002 level and the administration request. Authorized by Public Law 105–392, the goal of this program is to improve the quality of nursing practice. Activities under this program will initiate new projects that will change the educational mix of the basic nursing workforce and empower the workforce to meet the demands of the current health care system.

Nursing workforce diversity

The Committee provides $25,051,000 for Nursing Workforce Diversity programs, which is $18,879,000 more than the fiscal year 2002 level and the administration request. The goal of this program is to improve the diversity of the nursing workforce through increased educational opportunities for individuals from disadvantaged backgrounds. The Committee urges the Division of Nursing to develop and increase cultural competence in nursing and to increase the number of underrepresented racial and ethnic minorities in all areas of nursing education and practice to enhance nursing's ability to provide quality health care services to the increasingly diverse community it serves.

OTHER HRSA PROGRAMS

Hansen's disease services

The Committee has included $18,142,000 for the Hansen's Disease Program which is $303,000 more than fiscal year 2002 and the same as the administration request. This program offers Hansen's Disease treatment in Baton Rouge at the Center, at other contract supported locations in Baton Rouge, and in grant supported outpatient regional clinics. These programs provide treatment to about 3,000 of the 6,000 Hansen's disease sufferers in the United States.

With the exception of about 40 long-term residents who continue to reside at Carville, the program has completed the move to leased space in Baton Rouge. Other former long term residents have been offered and elected to receive a living allowance from the program and now live independently. The former Federal property at Carville has been transferred to the State of Louisiana.

Over the next few years a long term facility will be developed in the Baton Rouge area and offered to the current long term residents remaining at the Carville location as an alternative to remaining at the historic facility.

The program also conducts research focusing on the global elimination of Hansen's Disease in laboratory facilities at Louisiana State University in Baton Rouge. Research activities are directed toward the development of new anti-leprosy drugs and short-term more effective regimens; manufacture and distribution of lepromin skin tests reagents through the World Health Organization; identification of host resistant mechanisms for potential use in vaccines development; and application of state-of-the-art biotechnology to develop simple lab techniques for case detection and diagnosis of preclinical disease.

The Committee was surprised to learn of the extent to which there has been an increase in the number of individuals afflicted with Hansen's Disease in Hawaii due to its geographical location and the influx of immigrants from the Pacific Basin region. Funds have been provided to assist the State in its screening efforts, which of necessity, must be targeted towards the unique immigration cultures.

Healthy communities innovation initiative

The Committee has included $20,000,000 for the Healthy Communities Innovation Initiative. This new program is funded at the administration's request.

The Healthy Communities Innovation Initiative is a new interdisciplinary services demonstration program which will concentrate on the prevention of three of the most rapidly increasing diseases in the United States; diabetes, asthma, and obesity. The purpose of this initiative is to encourage the development of innovative efforts within 5 communities in defined geographical areas, to enhance access to services, and change health outcomes.

Maternal and child health block grant

The Committee provides $741,531,000 for the maternal and child health [MCH] block grant. This is $10,000,000 more than fiscal year 2002 and the administration request.

The Maternal and Child Health Block Grant program provides a flexible source of funding that allows States to target their most urgent maternal and child health needs through development of community-based networks of preventive and primary care that coordinate and integrate public and private sector resources and programs for pregnant women, mothers, infants, children, and adolescents. The program supports a broad range of activities including prenatal care, well child services and immunizations, reducing infant mortality, preventing injury and violence, expanding access to oral health care, addressing racial and ethnic disparities and providing comprehensive care for children, adolescents, and families through clinics, home visits and school-based health programs.

The MCH block grant funds are provided to States to support health care for mothers and children. According to statute, 12.75 percent of funds over $600,000,000 are used for community-integrated service systems [CISS] programs. Of the remaining funds, 15 percent is used for special projects of regional or national significance [SPRANS] while 85 percent is distributed on the same percentage split as the basic block grant formula.

The Committee provides $5,000,000 more for SPRANS activities than would otherwise be the case under the statutory formula for oral health demonstration programs and activities in the States. The Committee expects that the programs will include grants to reduce the incidence of early childhood caries and baby bottle tooth decay, community water fluoridation, school-linked dental sealant programs, and to implement State identified objectives for improving oral health.

The Committee is aware of the joint activities between CMS and HRSA to improve access to medical and dental care for mothers and children in underserved populations. CMS and the Maternal and Child Health program at HRSA have worked together to assist States to reduce barriers to care for Medicaid and SCHIP populations for maternal and child health care including oral health care. The Committee urges these agencies to continue their partnership and expand support for State oral health systems grants and innovative demonstration projects for the prevention and early intervention of dental diseases in young children, State dental access summit meetings, and the National Maternal and Child Oral Health Resource Center. The Committee recognizes that such agency collaborations are instrumental for providing coordinated services that do not duplicate limited resources.

It is the Committee's understanding that MCH has committed to retaining SPRANS funding for three thalassemia centers that provide comprehensive services to patients and families through fiscal year 2003. The Committee believes that these are critical programs and commends MCH for its support for them. The Committee further urges MCH to work closely with these three centers and with the Cooley's Anemia Foundation to assure that these centers continue to have a stable source of support that will allow them to function at or above current levels of service.

The Committee commends HRSA's Maternal and Child Health Bureau for its support of the Sudden Infant Death Syndrome Program Support Center, and encourages the Bureau to continue its efforts in this important area of service. The Committee is pleased that the SIDS and Other Infant Death Support Center is collaborating with the NIH to address the disproportionately high incidence of SIDS among African Americans.

The Committee recognizes that numerous and challenging problems confront our adolescent populations and that every effort should be made to encourage initiatives that promote the health and well being of whose who represent our future. In particular, we commend the Waimanalo Health Center in Hawaii and encourage all efforts to expand its programs for adolescents.

The Committee recognizes that every year over 4 million infants are born and screened to detect conditions that threaten their life and long-term health. Newborn screening is a public health activity used for early identification of infants affected by certain genetic, metabolic, hormonal, and/or functional conditions for which there may be an effective treatment or intervention. If left untreated, these disorders can cause death, disability, mental retardation, and other serious illnesses. Parents are often unaware that while nearly all babies born in the United States undergo newborn screening, the number and quality of these tests vary from State to State. The Committee supports efforts, including those authorized by the Children's Health Act of 2000, to eliminate the disparities that exist between the types of screening provided in the States. Ultimately, eliminating these disparities can be the difference between children suffering irreversible injury or death versus children receiving successful diagnosis and treatment.

Healthy start initiative

The Committee provides $98,989,000 for the healthy start infant mortality initiative. This is the same as the fiscal year 2002 and the administration request.

The healthy start initiative was developed to respond to persistently high rates of infant mortality in this Nation. The initiative was expanded in fiscal year 1994 by a special projects program, which supported an additional seven urban and rural communities to implement infant mortality reduction strategies and interventions. The Children's Health Act of 2000 fully authorized this initiative as an independent program.

Universal newborn hearing screening and early intervention

The Committee provides $10,000,000 for universal newborn hearing screening and early intervention activities, which is $1,000 above the fiscal year 2002 level and $10,000,000 more than the administration request. The Committee rejects the administration proposal to consolidate this program into the Maternal and Child Health Block Grant program.

The Committee continues to strongly support the initiative it began 2 years ago to provide grants to States to establish universal newborn hearing screening and early intervention programs. This initiative has been quite successful and the response from States has been substantial. The Committee is aware that HRSA received many more high quality applications for this program than it was able to fund. Numerous studies have demonstrated that newborn hearing screening followed by early intervention services can greatly improve health and educational outcomes for children.

Currently, 44 States and 3 territories have received competitive grants for the purpose of implementing statewide early hearing detection intervention (EHDI) programs. Since these grants have only been operational for between 6 months to 2 years, the Committee believes that a dedicated source of funding is critical at this time to ensure that State EHDI programs become fully operational and that screening programs are properly linked with diagnosis, early intervention, and the child's routine medical care (medical home).

The Committee is concerned that only 67 percent of babies are now screened for hearing loss before 1 month of age. Of the babies screened, only 56 percent who needed diagnostic evaluations actually receive them by 3 months of age. Moreover, only 53 percent of those diagnosed with hearing loss are enrolled in early intervention programs by 6 months of age.

The Committee has provided an increase to expand funding to States, increase the availability of qualified pediatric audiologists, educate health care providers and families about the importance of and procedures for EHDI, continue and expand the National Technical Assistance System which works with States to develop their programs, evaluate the impact of statewide EHDI programs, increase the capacity of States to screen children for progressive and late-onset hearing losses, as well as chronic middle ear infections, and to link identified children with medical, audiological, otolaryngological and early intervention services. To minimize the loss to follow-up, the Committee urges HRSA to ensure that all infants identified through the screening process are linked to a medical home.

The Committee expects HRSA to coordinate projects funded with this appropriation with projects related to early hearing detection and intervention by the National Center on Birth Defects and Developmental Disabilities, the National Institute on Deafness and Other Communication Disorders, the National Institute on Disability and Rehabilitation Research, and the Office of Special Education and Rehabilitative Services.

Organ procurement and transplantation

The Committee provides $24,990,000 for organ transplant activities. This is $5,000,000 more than fiscal year 2002 and the same as the administration request.

These funds support a scientific registry of organ transplant recipients and the National Organ Procurement and Transplantation Network to match donors and potential recipients of organs. A portion of the appropriated funds may be used for education of the public and health professionals about organ donations and transplants, and to support agency staff providing clearinghouse and technical assistance functions. The Committee encourages the agency to establish linkages with State and Federal transportation officials to improve coordination of donation following vehicular accidents, through the establishment of donor registries.

The Committee urges HRSA to implement policies to encourage the retrieval of pancreata so that additional transplants can be conducted.

The Committee considers increasing the supply of organs, available from voluntary donations to be a top public health priority and expects that funds be committed to those activities having the greatest demonstrable impact on donation rate.

National bone marrow donor program

The Committee provides $22,034,000 for the national bone marrow donor program. This is $37,000 more than fiscal year 2002 and the same as the administration request. The National Bone Marrow Donor Registry is a network, operated under contract, that helps patients suffering from leukemia or other blood diseases find matching volunteer unrelated bone marrow donors for transplants. The program also conducts research on the effectiveness of unrelated marrow transplants and related treatments.

Rural health outreach grants

The Committee provides $51,472,000 for health outreach grants. This amount is $645,000 less than the fiscal year 2002 level and $13,620,000 more than the administration request. This program supports projects that demonstrate new and innovative models of outreach in rural areas such as integration and coordination of health services.

The Committee is aware that the population of the Mississippi Delta suffers from the worst health status in the United States. This predominately African-American population suffers from disproportionately high rates of heart disease, cancer, diabetes, sexually transmitted diseases, and other infectious and chronic diseases. The Committee recognizes the variety of factors including socioeconomic, heredity, educational and environmental conditions that result in this abnormally high incidence of disease and poor health status. As a result of this combination of factors, the Committee also understands the need for a sustained multi-faceted approach that includes research, education, and infrastructure, as well as surveillance, prevention and treatment strategies to combat this health crisis. Therefore, the Committee recommends the continued funding of these activities as already initiated and undertaken by the coordinated efforts of the Mississippi Delta Health Initiative. The Delta Health Initiative is a partnership between The University of Mississippi Medical Center, Delta State University, Mississippi Valley State University and the Mississippi Department of Health as well as Delta region health officials, agencies and providers.

The Committee is deeply concerned about the increased incidence of prescription drug abuse in pockets of the country, particularly rural and frontier communities. Using existing authority under the Public Health Act, HRSA is urged to establish a program to raise awareness and promote comprehensive, community-focused, research-based approaches to reversing this trend, principally among our youth. Education and awareness on this critical issue will hopefully reduce the incidence of non-medical use of prescribed drugs and allow those patients who truly need these medicines to continue to have access to them.

The Committee understands that many primary care clinics in isolated, remote locations are providing extended stay services and are not staffed or receiving appropriate compensation to provide this service. The Committee encourages the agency to undertake a demonstration project to evaluate the effectiveness of a new type of provider, the ''Extended Stay Primary Care Center,'' to provide expanded services in remote and isolated primary care clinics to meet the needs of seriously ill or injured patients who cannot be transferred quickly to acute care referral centers, and patients who require monitoring and observation for a limited time.

Rural health research

The Committee provides $16,808,000 for the Rural Health Policy Development Program. This is $2,000,000 more than the fiscal year 2002 level and $10,808,000 more than the administration request. The funds provide support for the Office as the focal point for the Department's efforts to improve the delivery of health services to rural communities and populations. Funds are used for rural health research centers, the National Advisory Committee on Rural Health, and a reference and information service.

State offices of rural health

The Committee provides $10,000,000 for the State Offices of Rural Health. This is $2,001,000 above the fiscal year 2002 level and $6,000,000 more than the administration request. The State Office of Rural Health program helps the States strengthen rural heath care delivery systems. For the second consecutive year, Committee is significantly increasing funding for the offices of rural health to allow States to better coordinate care and improve support and outreach in rural areas. The Committee believes that increased funds for this purpose are critical to improving access and quality health care services throughout rural communities.

Telehealth

The Committee provides $39,192,000 for telehealth activities. This is $2,000,000 above the fiscal year 2002 level and $33,583,000 more the administration request.

The telehealth program promotes the use of technologies to improve access to health services and distance education for health professionals. The Committee recognizes the tremendous potential that telehealth has for improving the delivery of quality health care to rural underserved areas and for providing distance education to health care professionals. The Committee supports HRSA's numerous rural telehealth initiatives and encourages the agency to work in partnership with medical librarians and other health information specialists in the development and implementation of its telehealth projects.

Native and rural Alaskan health care

The Committee provides $30,000,000 for the Denali Commission, which is $10,000,000 more than the fiscal year 2002 level and $30,000,000 more than the administration request. These funds support construction and renovation of health clinics, hospitals and social service facilities in rural Alaska as authorized by Public Law 106–113. Provision of this funding will help remote communities in Alaska develop critically needed health and social service infrastructure for which no other funding sources are available so that health and social services may be provided to Alaskans in remote rural communities as they

are in other communities throughout the country.

The Committee expects the Denali Commission to allocate funds to a mix of rural hospital, clinic, long-term care and social service facilities, rather than focusing exclusively on clinic funding.

Critical care programs

The Committee has grouped the following ongoing and proposed activities: emergency medical services for children, the traumatic brain injury program, trauma care/emergency medical services, and poison control centers.

Emergency medical services for children

The Committee provides $20,000,000 for emergency medical services for children. This is $1,009,000 more than the fiscal year 2002 level and $1,007,000 more than the administration request. The program supports demonstration grants for the delivery of emergency medical services to acutely ill and seriously injured children.

The Committee urges HRSA to consider EMSC a high priority, and supports the efforts and purpose of the EMSC program to continue to work with States to improve the training and availability of emergency medical services personnel who effectively treat children. The Committee also urges the Department to focus on the development of prevention and treatment programs and education of emergency personnel in remote and rural areas throughout the country.

Poison control centers

The Committee provides $24,000,000 for poison control center activities, which is $2,792,000 more than fiscal year 2002. The funds provided support activities authorized in the Poison Control Center Enforcement and Enhancement Act as well as the development and assessment of uniform patient management guidelines.

Traumatic brain injury program

The Committee provides $9,000,000 for the traumatic brain injury program, which is $1,501,000 more than the fiscal year 2002 level and the administration request. The program supports implementation and planning grants to States for coordination and improvement of services to individuals and families with traumatic brain injuries as well as protection and advocacy. Such services can include: pre-hospital care, emergency department care, hospital care, rehabilitation, transitional services, education, employment, and long-term support. The Committee includes $3,000,000 for protection and advocacy services, as authorized under section 1305 of Public Law 106–310.

Black lung clinics

The Committee provides $6,000,000 for black lung clinics. This is the same level as the fiscal year 2002 level and the administration request. This program funds clinics which treat respiratory and pulmonary diseases of active and retired coal miners. These clinics reduce the incidence of high-cost inpatient treatment for these conditions.

Trauma care

The Committee provides $5,000,000 for trauma/emergency medical services. This is $1,500,000 more than the fiscal year 2002 level and $5,000,000 more than the administration request. The Committee rejects the administration proposal to consolidate this program into the Maternal and Child Health Block Grant program. This program is intended to improve the Nation's overall emergency medical systems, which are constantly activated to respond to a wide range of natural and man-made disasters, such as: earthquakes; mass violence; riots; school shootings; motor vehicle crashes; and terrorist attacks.

Nurse loan repayment for shortage area service

The Committee provides $15,000,000 for nurse loan payment for shortage area services. This is $4,761,000 more than fiscal year 2002 and the same as the administration request.

This program offers student loan repayment to nurses in exchange for an agreement to serve not less than 2 years in an Indian health service health center, native Hawaiian health center, public hospital, community or migrant health center, or rural health clinic. The Committee commends the administration for supporting and building on the commitment made in the Rural Health Initiative last year for this critical program. The Committee again intends that the majority of the increased funding be provided to increase the supply of qualified health care professionals in rural areas.

Payment to Hawaii, Hansen's disease treatment

The Committee provides $2,045,000 for Hansen's disease services. This is the same as fiscal year 2002 and the administration request.

Within the amount provided for Hansen's disease services, the Committee urges funding for the fiscal year 2003 payment to the State of Hawaii for the medical care and treatment in its hospital and clinic facilities of persons with Hansen's disease at a per diem rate not greater than the comparable per diem operating cost per patient at Gillis W. Long National Hansen's Disease Center. This amount is the same as the administration request and the 2002 level.

ACQUIRED IMMUNE DEFICIENCY SYNDROME

Ryan White AIDS programs

The Committee provides $2,051,295,000 for Ryan White AIDS programs. The recommendation includes $25,000,000 in transfers available under section 241 of the Public Health Service Act. The recommendation is $140,708,000 more than fiscal year 2002 and $140,570,000 more than the administration request.

Recent advances in diagnosis, treatment, and medical management of HIV disease has resulted in dramatic improvements in individual health, lower death rates and transmission of HIV from mother to infant. The Committee recognizes, however, that not all HIV infected persons have benefited from these medical advances and expects that the Ryan White CARE Act programs provide social and other support services with the specific intent of obtaining and maintaining HIV-infected individuals in comprehensive clinical care.

The Department is encouraged to identify obstacles confronting people with HIV/AIDS in receiving medical care funded through the Ryan White programs and to develop strategies to address these problems in light of the changing medical needs of a patient population that is living longer with current therapies.

The Committee recognizes the recent advances in the treatment and medical care of persons with HIV disease and the need for early access to these interventions and services. Furthermore, the Committee understands that disparities exist in accessing and maintaining the benefits of these recent advances among communities highly impacted by HIV and AIDS.

Emergency assistance—title I

The Committee provides $630,000,000 for emergency assistance grants to eligible metropolitan areas disproportionately affected by the HIV/AIDS epidemic. This amount is $10,486,000 above the fiscal year 2002 and the administration request. These funds are provided to metropolitan areas meeting certain criteria. One-half of the funds are awarded by formula and one-half are awarded through supplemental competitive grants.

The Committee encourages the Secretary, when awarding supplemental title I funds, to give priority as appropriate to EMA's whose applications increase services to women, adolescents, and children with AIDS/HIV infection.

Comprehensive care programs—title II

The Committee provides $1,095,000,000 for HIV health care and support services. This amount is $117,627,000 above the fiscal year 2002 level and the administration request. These funds are awarded to States to support HIV service delivery consortia, the provision of home and community-based care services for individuals with HIV disease, continuation of health insurance coverage for low-income persons with HIV disease and support for State AIDS drug assistance programs [ADAP].

The Committee continues to be encouraged by the progress of anti-retroviral therapy in reducing the mortality rates associated with HIV infection and in enhancing the quality of life of patients on medication. The Committee has approved bill language for $739,000,000 for AIDS medications, which is $100,000,000 more than the fiscal year 2002 level and the administration request.

The Committee further urges HRSA to encourage States to utilize Federal ADAP funding in the most cost-effective manner to maximize access to HIV drug therapies and to eliminate cost-shifting from Medicaid to the State ADAP programs. States with ADAP funding should be allowed the flexibility to purchase and maintain insurance policies for eligible clients including covering any costs associated with these policies, or continue to pay premiums on existing insurance policies that provide a full range of HIV treatments and access to comprehensive primary care services, as determined by a State. Funds should not be committed to purchase insurance deemed inadequate by a State in its provision of primary care or in its ability to secure adequate access to HIV treatments.

Early intervention program—title III–B

The Committee provides $200,000,000 for early intervention grants. This is $6,083,000 more than the fiscal year 2002 level and $5,945,000 more than the administration request. These funds are awarded competitively to primary health care providers to enhance health care services available to people at risk of HIV and AIDS. Funds are used for comprehensive primary care, including counseling, testing, diagnostic, and therapeutic services.

The Committee encourages HRSA to fairly allocate the increase for title III–B between existing grantees and new providers. By providing additional funds to current grantees, the Committee intends to strengthen the HIV care infrastructure already established in title III–B clinics. The Committee also supports expansion of the number of communities receiving assistance from this title.

Priority should be placed on funding existing and new projects in rural, medically underserved areas, and secondary cities outside of major metropolitan areas in order to build clinical capacity for the delivery of HIV care among clinicians serving high-risk populations, minorities, and those who are unable

to access clinical HIV care for economic reasons. In building capacity, the goal is to develop knowledgeable clinicians to improve access to quality HIV treatment based upon the evolving HIV treatment guidelines of DHHS.

Women, infants, children, and youth—title IV

The Committee provides $75,000,000 for title IV pediatric AIDS, which is $4,010,000 above the fiscal year 2002 level and the administration request. Funds are awarded to community health centers, family planning agencies, comprehensive hemophilia diagnostic and treatment centers, federally qualified health centers under section 1905(1)(2)(B) of the Social Security Act, county and municipal health departments and other nonprofit community-based programs that provide comprehensive primary health care services to populations with or at risk for HIV disease.

The Committee intends that at least 90 percent of total title IV funding be provided to grantees. With the exception of funds provided through the CBC/Minority HIV/AIDS initiative, the Committee expects the funding increase will be primarily used to support maintenance and expansion of existing care services, including the rising costs of providing comprehensive care and the implementation of quality management programs. The Committee intends that HRSA use a significant portion of the remaining funds to expand comprehensive services for youth. The Committee is pleased by current efforts to facilitate ongoing communication with and among grantees on the administration of the title IV program and expects the agency to expand these efforts. The Committee expects the agency to work with grantees to develop effective title IV-specific site visit methodologies.

Some 5 percent of the funds appropriated under this section may be used to provide peer-based technical assistance. Within this amount, sufficient funds are available to maintain and expand work being done to create a national consumer and provider education center on the use of various strategies and planning in the care of children, youth, women and families infected with or affected by HIV and AIDS.

AIDS dental services –

The Committee provides $16,000,000 for AIDS dental services, which is $2,502,000 more than the fiscal year 2002 level and the administration request. This program provides grants to dental schools, dental hygiene schools, and postdoctoral dental education programs to assist with the cost of providing unreimbursed oral health care to patients with HIV disease.

The Committee recognizes the importance of oral health care providers in the diagnosis of HIV and in treating the painful and debilitating oral manifestations of this disease. The Committee supports this program as it improves access to oral health services for low-income and uninsured people living with HIV and AIDS by providing partial reimbursement to dental education institutions for delivering care. The Committee recognizes that these dental services are vital because they are often the only services available to AIDS patients since many State Medicaid programs do not cover adult dental services.

AIDS education and training centers

The Committee provides $35,295,000 for the AIDS education and training centers [AETC's], which is the same as the fiscal year 2002 level and the administration request. AIDS education and training centers train health care practitioners, faculty, and students who care for AIDS patients outside of the traditional health professions education venues, and support curriculum development on diagnosis and treatment of HIV infection for health professions schools and training organizations. The targeted education efforts by AETC's are needed to ensure the cost-effective use of the significant expenditures in Ryan White programs and the AIDS drugs assistance program. The agency is urged to fully utilize the AETC's to ensure the quality of medical care and to ensure, as much as possible, that no individual with HIV receives suboptimal therapy due to the lack of health care provider information.

Family planning

The Committee provides $285,000,000 for the title X family planning program. This is $19,945,000 more than the fiscal year 2002 level and $19,725,000 more than the administration request. Title X grants support primary health care services at more than 4,500 clinics nationwide. About 85 percent of family planning clients are women at or below 150 percent of poverty level. Title X of the Public Health Service Act, which established the family planning program, authorizes the provision of a broad range of acceptable and effective family planning methods and preventive health services. This includes FDA-approved methods of contraception.

The Committee has increased funding for clinics receiving Title X funds to address increasing financial pressures in their effort to provide high-quality, subsidized family planning services and preventive health care to (4.4 million each year, many of whom are uninsured) low-income and uninsured women. These pressures include rising medical costs of newer and longer lasting contraceptive methods, pharmaceuticals, and screening and diagnostic technologies (as well as a rising uninsured population). The Committee recognizes that due to these financial pressures, it will be difficult for Title X clinics to serve the current number of patients without a significant funding increase. The Committee also recognizes that the increased availability of new contraceptive methods and screening technologies will improve women's health and result in a decrease in unintended pregnancies nationwide.

The Committee remains concerned that programs receiving Title X funds ought to have access to these resources as quickly as possible. The Committee, therefore, again instructs the Department to distribute to the regional offices all of the funds available for family planning services no later than 60 days following enactment of this bill.

The Committee intends that at least 90 percent of funds appropriated for Title X activities be for clinical services authorized under section 1001 of the Act. All such funds for section 1001 activities are to be provided to the regional offices to be awarded to grantees to provide family planning methods and services as specified by the Title X statute. The Committee further expects the Office of Family Planning to spend any remaining year-end funds in section 1001 activities.

Community Based Abstinence Education Program

The Committee provides $40,000,000 for this program, which provides support for the development and implementation of abstinence education programs for adolescents, ages 12 through 18. This is the same as the fiscal year 2002 level and $32,979,000 less than the President's request. These funds, together with the $50,000,000 in mandatory funds provided through the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, will make $90,000,000 available for abstinence education. These programs are unique in that their entire focus is to educate young people and create an environment within communities that support teen decisions to postpone sexual activity until marriage. The Committee intends that the Secretary fund grantees who are currently receiving section 510 funds, but whose project periods were scheduled to expire at the end of fiscal year 2002.

Health care facilities

The Committee has provided no funding for health care facilities, which is $311,942,000 below the 2002 level and the same as the administration request. Funds are made available to public and private entities for construction and renovation of health care and other facilities. The reduction below last year's level is due to the funding of one-time projects.

Buildings and facilities

The Committee provides $250,000 for buildings and facilities, which is the same as fiscal year 2002 level and the administration request.

Rural hospital flexibility grants

The Committee provides $45,000,000 for rural hospital flexibility grants, which is $5,000,000 more than the fiscal year 2002 level and $20,000,000 more than the administration request.

This program administers the Rural Health Flexibility Program previously administered by the Health Care Finance Administration. Under this program, eligible rural hospitals may convert themselves into limited service facilities termed Critical Care Hospitals. Such entities are then eligible to receive cost-based payments from Medicare. The grant component of the program assists States with the development and implementation of State rural health plans, conversion assistance, and associated activities.

Of the amount provided, the Committee includes $20,000,000 to continue the Small Rural Hospital Improvement Grant Program, as authorized by Section 1820(g)(3) of the Social Security Act and Public Law 107–116 and outlined in House Report 107–342.

Rural access to emergency devices

The Committee provides $12,500,000 for rural access to emergency devices, which is the same as the fiscal year 2002 level and $10,500,000 more than the administration request. This program, which is to be administered through the Rural Health Outreach Office, provides grants to expand placement of automatic external defibrillators (AEDs) in rural areas and to ensure that first responders and emergency medical personnel are appropriately trained.

Radiogenic diseases

The Committee provides $2,000,000 for the Radiation Exposure Compensation Act, which is $2,000,000 less than the fiscal year 2002 level and the administration request. This program provides grants for the education, prevention, and early detection of ragiogenic cancers and diseases resulting from exposure to uranium during its mining and milling at nuclear test sites.

National practitioner data bank

The Committee provides $19,500,000 for the national practitioner data bank, which is $2,900,000 more than the fiscal year 2002 level

and the same as the administration request. The Committee and the administration assume that full funding will be provided entirely through the collection of user fees and will cover the full cost of operating the data bank. Traditional bill language is included to ensure that user fees are collected to cover all costs of processing requests and providing such information to data bank users.

Health care integrity and protection data bank

The Committee provides $5,600,000 for the health care integrity and protection data bank, which is $500,000 more than the fiscal year 2002 level and the same as the administration request. The Committee and the administration assume that full funding will be provided entirely through the collection of user fees and will cover the full cost of operating the data bank. The data bank is intended to collect, maintain, and report on certain actions taken against health care providers, suppliers, and practitioners.

Healthcare access for the uninsured/Community access program

The Committee provides no funding for this activity. In fiscal year 2002, $120,027,000 was provided. The administration requested no funds for this purpose. This program is designed to increase the capacity and effectiveness of community health care institutions and providers who serve patients, regardless of their ability to pay.

Program management

The Committee provides $143,354,000 for program management activities for fiscal year 2003. This is $5,783,000 less than the fiscal year 2002 level and $348,000 less than the administration request.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

The Committee has not included funding for the Medical Facilities and Guarantee and Loan Fund. This fund was established in 1972 under the Medical Facilities Construction Program in order to make funds available for construction of medical facilities. The fund is established in the Treasury without fiscal year limitation to pay interest subsidies, make payments of principal and interest in the event of default on a guaranteed loan, and repurchase, if necessary loans sold and guaranteed. There are sufficient carryover funds from prior years' appropriations to pay defaults and interest subsidy payments; therefore, no appropriation is required to cover these payments.

HEALTH EDUCATION ASSISTANCE LOANS

The Committee provides no additional guarantee authority for new HEAL loans in fiscal year 2003, which is the same as the President's request.

The Committee provides $7,000,000 to liquidate obligations from loans guaranteed before 1992, which is the same as the administration request and $3,000,000 less than the 2002 appropriation.

For administration of the HEAL Program including the Office of Default Reduction, the Committee provides $3,914,000, which is $123,000 above the 2002 appropriation and the same as the administration request.

The HEAL Program insures loans to students in the health professions and helps to ensure graduate student access to health professions education, especially among minority, disadvantaged students, and those from behavioral and mental health fields. The Budget Enforcement Act of 1990, changed the accounting of the HEAL Program. One account is used to pay obligations arising from loans guaranteed prior to 1992. A second account was created to pay obligations and collect premiums on loans guaranteed in 1992 and after. Administration of the HEAL Program is separate from administration of other HRSA programs.

VACCINE INJURY COMPENSATION TRUST FUND

Appropriations, 2002	$84,696,000
Budget estimate, 2003	88,909,000
Committee recommendation	88,909,000

The Committee provides that $88,909,000 be released from the vaccine injury compensation trust fund in fiscal year 2003, of which $2,991,000 is for administrative costs. The total amount is $4,213,000 more than fiscal year 2002 and the same as the administration request.

The National Vaccine Injury Compensation Program provides compensation for individuals with vaccine-associated injuries or deaths. Funds are awarded to reimburse medical expenses, lost earnings, pain and suffering, legal expenses, and a death benefit. The vaccine injury compensation trust fund is funded by excise taxes on certain childhood vaccines.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

Appropriations, 2002	$4,303,256,000
Budget estimate, 2003	3,874,444,000
Committee recommendation	4,387,249,000

The Committee provides $4,387,249,000 for the Centers for Disease Control and Prevention (CDC), which is $83,993,000 above the fiscal year 2002 level and $512,805,000 above the budget request. The Committee recommendation includes $84,500,000 in transfers available under section 241 of the Public Health Service Act.

The activities of the CDC focus on several major priorities: provide core public health functions; respond to urgent health threats; monitor the Nation's health using sound scientific methods; build the Nation's health infrastructure to insure our national security against bioterrorist threats; promote women's health; and provide leadership in the implementation of nationwide prevention strategies to encourage responsible behavior and adoption of lifestyles that are conducive to good health.

The anthrax attacks of late last year set off an avalanche of false alarms that produced thousands of samples for testing. Each of these samples had to be handled as if contaminated with the deadly Bacillus anthracis bacterium. The Committee is aware of the sacrifices made to ensure the accurate processing and testing of thousands of samples for anthrax. The Committee commends the CDC, especially the National Center for Infectious Diseases, National Institute for Occupational Safety and Health, and National Center for Environmental Health, for their efforts during this time of uncertainty.

BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES, DISABILITY AND HEALTH

The Committee recommends $97,691,000 for birth defects, developmental disabilities, disability and health which is $7,781,000 above the fiscal year 2002 level and $8,368,000 above the administration request.

Birth defects are the leading cause of infant death in the United States. More than 150,000 infants are born with birth defects each year in the United States. The Child Health Act of 2000 created CDC's National Center on Birth Defects and Developmental Disabilities. The Committee recognizes CDC as the Nation's leader in assisting States in monitoring for birth defects and developmental disabilities and improving the health and wellness of people living with a disability. The birth defects and developmental disabilities monitoring programs collect, analyze, and make available data on the incidence and causes of birth defects and developmental disabilities.

Autism.—Within the total provided, $1,368,000 above the budget request is to expand autism surveillance activities. The Committee is concerned about the lack of information available on the prevalence, cause or effective treatment of autism. Basic data collection and verification is integral to better understanding the incidence of autism, the factors that may be associated with a higher rate of incidence, and effective treatment.

Childhood birth defects and developmental disorders.—The Committee recognizes the importance of helping children suffering from birth defects and developmental disorders. These include cleft lip, cleft palate, missing limbs and other facial deformities from hemanjiomas, hemifacial and microsomia to microtia, aural atresia, and craniosynostosis. The Committee, therefore, urges the National Center on Birth Defects and Developmental Disabilities to conduct research on the incidence of birth defects including abnormalities of structure, function, or body metabolism, the cost of appropriate medical treatment, availability of insurance coverage, and insurance coverage policies. The Committee urges the Center to work with the National Foundation for Facial Reconstruction and the American Society of Plastic Surgeons to develop an information clearinghouse for parents and physicians regarding appropriate medical treatment.–

Disabilities Prevention Programs.—The Committee continues to strongly support the CDC disabilities prevention program which provides support to States and academic centers to reduce the incidence and severity of disabilities, especially developmental and secondary disabilities. Individuals living with disabilities and their families need information on medical, physical, and emotional needs, and resources and support to reintegrate socially and economically into society. The Committee is pleased by the partnerships between the CDC and the disability-related information and support centers in the areas of limb loss, paralysis and AD/HD and has included sufficient funding to allow CDC to continue these successful programs and partnerships at, at least, their current funding levels and with existing partners.

In particular, the Committee commends CDC for its work with the Christopher Reeve Paralysis Foundation to establish an information and support center and to reduce secondary disabilities among people with paralysis.

The Committee encourages the continued support of activities aimed at improving knowledge about the usefulness and effectiveness of health promotion programs for persons with disabilities.

Duchenne muscular dystrophy.—The Committee has included $4,000,000 to expand the epidemiological program in Duchenne and Becker muscular dystrophy. The Center is expected to gather and analyze extensive data on these diseases, including a comparison of treatment approaches. –

Fetal Alcohol Syndrome.—Within the total provided, $1,000,000 above the budget request is to expand activities related to Fetal Alcohol Syndrome (FAS).

The Committee supports CDC's efforts to reduce the rates of Fetal Alcohol Syndrome (FAS) through surveillance and prevention programs. FAS, the country's leading known cause of mental retardation and birth defects, devastates the lives of as many as 12,000 newborn children and their families each year, and is completely preventable. This increase will allow CDC to expand surveillance activities to document the magnitude of the problem and to develop and implement prevention strategies.

Folic acid education campaign to prevent birth defects.—Each year, an estimated 2,500 babies are born with neural tube defects (NTDs), birth defects of the brain and spinal cord, including anencephaly and spina bifida. CDC estimates that up to 70 percent of NTDs could be prevented if all women of childbearing age consume 400 micrograms of folic acid daily, beginning before pregnancy. The Committee commends CDC for its leadership in this area.

Newborn Screening.—Title XXVI of the Children's Health Act of 2000 provides that the Secretary shall award grants to improve or expand the ability of State and local public health agencies to provide screening to newborns and children having or at risk for heritable disorders. The Committee supports further research and demonstration projects for the translation of new scientific knowledge into applied public health screening programs. The Committee urges CDC to coordinate with HRSA in translating the results of these efforts, particularly in the areas of Fragile X Syndrome and Cystic Fibrosis, into guidance for public health programs, including State newborn screening programs.

The Committee commends CDC for its early hearing detection and intervention (EHDI) program for newborns, infants and young children with hearing loss. Thirty States have received cooperative agreement grants over the last 2 years (15 States in fiscal year 2000 and another 15 States in fiscal year 2001) to assist in developing strong surveillance and tracking systems. These grants ensure that infants referred from newborn hearing screening programs receive appropriate and timely diagnostic and early intervention services. The Committee is concerned that of babies who were screened, only 56 percent who needed diagnostic evaluations actually received them by 3 months of age. Moreover, only 53 percent of those diagnosed with hearing loss were enrolled in early intervention programs by 6 months of age. The Committee believes that increased funding is required to ensure that States develop appropriate surveillance and tracking systems to provide timely and appropriate diagnostic and intervention services to infants and toddlers.

The Committee encourages the National Center on Birth Defects and Developmental Disabilities to provide clarification and guidance to States regarding how EHDI surveillance, tracking, and data management programs are affected by the Health Insurance Portability and Accountability Act and the Family Education Rights and Privacy Act

To avoid duplication and interference, the Committee expects CDC to coordinate projects funded with this appropriation with EHDI projects conducted by the Health Resources Services Administration, the National Institute on Deafness and Other Communication Disorders, the National Institute on Disability and Rehabilitation Research, and the Office of Special Education and Rehabilitative Services.

Regional centers for birth defects research and prevention.—The Committee encourages CDC to increase support for research activities conducted by the eight regional Centers for Birth Defects Research and Prevention. These centers located in Arkansas, California, Georgia, Iowa, Massachusetts, New Jersey, New York, and Texas, conduct epidemiological research on the prevention of birth defects. For over 5 years, the Centers have identified cases and obtained data for inclusion in the National Birth Defect Prevention Study, the largest case-control study of birth defects ever conducted. Now, the centers can begin to use this data for studies that will lead to understanding the biological mechanisms of the nearly 80 percent of birth defects whose causes are unknown. An increase will allow these centers to expand and intensify the study of genetic and environmental causes of birth defects.

Special Olympics Healthy Athletes Initiative.—The Committee continues to be concerned about the unmet health needs among persons with mental retardation. In March of 2001, this Committee held a field hearing in Anchorage Alaska, during the World Winter Special Olympics Games. At that hearing, numerous witnesses, including persons with mental retardation, expressed their frustration in securing needed health services and the severe consequences of not being able to obtain such services in a timely and appropriate way. Persons with mental retardation have more health challenges and poorer access to health care than the rest of the population. As a result, their lives are unnecessarily shortened and the quality of their lives is severely compromised.

To address the unmet health needs among its athletes, Special Olympics created the Healthy Athletes Program, which provides Special Olympics athletes access to an array of health assessment, education, preventive health services and supplies, and referral for follow-up care where needed. These services are provided to athletes without cost in conjunction with competitions at local, State, national, and international levels. Last year, this Committee established a Special Olympics Healthy Athletes Initiative at CDC to support these efforts. Sufficient funds have been included this year to increase funding for that activity.

Spina Bifida.—The Committee recognizes that Spina Bifida is the leading permanently disabling birth defect in the United States. While Spina Bifida and related neural tube defects are highly preventable through proper nutrition, including appropriate folic acid consumption, and its secondary effects can be mitigated through appropriate and proactive medical care and management, such efforts have not been adequately supported or coordinated to result in significant reductions in these costly conditions. In an effort to improve the quality-of-life for individuals affected by Spina Bifida and reduce and prevent the occurrence of and suffering from this birth defect, the Committee has provided $2,000,000 to support the establishment of a National Spina Bifida Program. This program should be established in coordination with a leading national voluntary health agency which exists to promote the prevention of spina bifida and to enhance the lives of all affected. Such a national program will lead the nation's efforts in addressing issues associated with this devastating birth defect.

State cooperative agreements for birth defects surveillance.—The Committee encourages CDC to increase support to States to develop, implement, and/or expand community-based birth defects tracking systems, programs to prevent birth defects, and activities to improve access to health services for children with birth defects. CDC is now assisting twenty-eight States with cooperative agreements.

Chronic Disease Prevention and Health Promotion

The Committee recommends $745,600,000 for chronic disease prevention and health promotion, which is $1,622,000 below the fiscal year 2002 level and $55,370,000 above the administration's request.

The unprecedented commitment to biomedical research in recent years represents a critical investment in the future health of our nation. The Committee recognizes, however, that the benefits of basic research alone cannot be fully realized unless results of this important work are effectively translated into public health interventions to address costly and prevalent conditions such as chronic diseases.

Chronic diseases have had a profound human and economic toll on our nation. Nearly 125 million Americans today are living with some form of chronic condition, including cancer, cardiovascular disease, diabetes, arthritis and various neurological conditions such as epilepsy. These and other chronic diseases now account for nearly 70 percent of all health care costs, as well as 70 percent of all deaths annually. By the year 2020, the affected population is expected to reach 157 million Americans and represent $1,000,000,000,000 in health care expenditures, equivalent to over 80 percent of all anticipated health care expenditures. Less than $1.25 per person, however, is directed towards public health interventions focused on preventing the debilitating effects traditionally associated with chronic conditions. A few modifiable risk factors bring suffering and early death to millions of Americans. Three such factors—tobacco use, poor nutrition, and lack of physical activity are major contributors to our Nation's leading causes of death.

The Committee believes that the Federal investment in chronic disease prevention remains inadequate. Recognizing the need to establish chronic disease prevention as a national priority, the Committee therefore provides an increase of $55,193,000 over fiscal year 2002 levels to begin to more appropriately address this national crisis.

Within the total provided, the following funding levels are for the specific program activities: heart disease and stroke, $47,218,000; cancer prevention and control, $290,526,000; arthritis, $14,803,000; health promotion, $24,790,000; diabetes, $64,500,000; tobacco, $100,623,000; nutrition, physical activity and obesity, $40,000,000; school health, $58,235,000; safe motherhood, $57,565,000; oral health, $10,791,000; prevention centers, $27,945,000; epilepsy, $7,527,000; and iron overload, $477,000.

Arthritis.—The Committee notes that Congress established the CDC arthritis program in 1999 following the development of the National Arthritis Action Plan (NAAP). The CDC activities form the backbone of a multipronged response to the Nation's leading cause of disability. Prior to this initiative, there was no coordinated public health strategy to prevent and appropriately treat the over 100 forms of this painful, debilitating disease. Grants to States are a core component of the CDC arthritis program. These partnerships promote the development of a State-based network of local activities to confront the burden of arthritis. This approach also encourages the formation of broadly-based coalitions with health care providers, community-based organizations,

and other stakeholders to coordinate and leverage their resources. The Arthritis Foundation chapters across the country have led this external effort.

Behavioral Risk Factor Surveillance System.—The Committee has provided $7,000,000 for the Behavioral Risk Factor Surveillance System (BRFSS). The Committee notes that gathering, analyzing, and distributing data on behavioral risk factors is key to addressing a host of health problems, especially chronic diseases. The BRFSS program collects behavior-related data so that scarce resources can be directed efficiently to address chronic diseases, such as heart disease, cancer, diabetes, obesity, and vascular diseases such as stroke. The Committee believes the increase in BRFSS funding should be used to increase infrastructure at the State and CDC levels; improve the rates of response of survey questions; increase the timeliness of data; improve CDC's web site to make data more accessible for analysis; and create State demonstration projects to examine and assess innovative methods in chronic disease health tracking.

Cancer Prevention and Control.—The previous 5 years have seen a major increase in the nation's investment in medical research at the NIH, resulting in significant breakthroughs for cancer and other serious diseases. Testimony at the Committee's cancer hearing, in June, repeatedly referred to the vital importance of prevention and public education programs and the need to translate the increased research funding into programs that reach people who are affected by cancer. Specifically, there was discussion of the need for increased application research funding in the nation's cancer program, primarily housed at the CDC. The need to reach the public, particularly medically underserved populations, with the message of prevention and early detection of cancer cannot be overstated. The seven CDC programs—Comprehensive Cancer Control Initiative; National Cancer Registries Program; Colorectal Cancer Screening, Education and Outreach; Prostate Cancer Awareness Campaign; National Breast and Cervical Cancer Early Detection Program; Ovarian Cancer Program; Skin Cancer Program—included in the CDC's cancer line item have proven to be highly effective, but are only a starting point if we are to reduce the mortality from cancer. The Committee is strongly supportive of the CDC cancer programs focused on awareness, education and early detection and has included a significant increase for these programs.

The significant growth of cancer prevention and control programs within State health agencies has resulted in the recognition that improved coordination of cancer control activities is essential to maximizing resources and achieving desired cancer prevention and control outcomes. The Committee commends CDC for its work with health agencies to enhance the number and quality of cancer-related programs that are available to the U.S. population and to develop an integrated and coordinated approach to reduce the cancer burden through prevention, early detection, treatment, and rehabilitation. In fiscal year 2002, CDC funded 19 States and one Indian Health Board to develop comprehensive cancer control programs which help build the foundation for a nationwide, comprehensive cancer control program. Comprehensive cancer programs integrate the full range of cancer prevention activities including research, evaluation, health education and communication, program development, public policy development, surveillance, and clinical services.

The Committee includes the President's request for increased funding for the Breast and Cervical Screening program. CDC's National Breast and Cervical Cancer Early Detection Program has provided more than 3 million potentially life-saving screening tests for women. Despite its success in screening these women, the program is still only able to screen 15–20 percent of the eligible population due to the difficulties in finding these hard to reach women. Therefore, the Committee recommends that 50 percent of funds be used for actual provision of screening and clinical services and the remaining 50 percent of funds be used by States for outreach, effective management, public and professional education, and quality assurance to ensure enhancement of infrastructure development activities that will provide screening and diagnostic services to eligible women. The Committee's recommendation will enable more women to receive these vital screening services.

Colorectal cancer is the third most commonly diagnosed cancer for both men and women in the United States, and the second leading cause of cancer related deaths. In 2001, approximately 148,000 new cases were diagnosed and 56,000 people died from the disease. When colorectal cancer is detected and treated early, survival is greatly enhanced. However, despite the availability of proven screening tests, only 37 percent of colorectal cancers are diagnosed while the disease is still in a localized stage.

The Committee is very pleased with the leadership of CDC's National Colorectal Cancer Roundtable in promoting the availability and advisability of screening to both health care providers and the general public. The Committee encourages CDC to continue to expand its partnerships with State health departments, professional and patient organizations, and private industry to combat this devastating disease.

As pancreatic cancer is the country's fifth leading cause of cancer death, and 99 percent of people diagnosed with pancreatic cancer die within 6 months, the Committee urges the CDC to convene a series of meetings of CDC and other agency officials, leading advocacy organizations who provide information and education, and other key stakeholders, to define the public health role of educating medical professionals and the public about the risk factors, symptoms, treatment options and palliative care methods related to pancreatic cancer. These findings should be presented in a report due to the Committee no later than 30 days prior to the fiscal year 2004 Appropriations hearings. The report should include a budget and timeframe for implementing the recommendations derived from these meetings.

The Committee applauds the partnership between CDC and the Lance Armstrong Foundation to address the needs of the over 9 million Americans living with, through and beyond cancer by expanding the Agency's State-based comprehensive cancer program to include issues of survivorship, including late term effects and quality of life.

Given the shortages and high vacancy rates of qualified health personnel who work in laboratories to prepare and analyze tissue and cell samples, the Committee urges CDC's Breast and Cervical Cancer Screening Program to develop a partnership with HRSA's Allied Health Special Projects Program to support programs at schools which contribute to solving the shortages.

Chronic Fatigue Syndrome (CFS).—The Committee is pleased that CDC has branched into new and important areas of CFS research and medical education in the first 3 years of the 4-year period in which $12,900,000 is being restored to the CFS program at CDC. Since approximately half the funds remain, the Committee instructs CDC to extend the payback period by 1 year, through fiscal year 2004. The Committee further expects that CDC will provide sufficient funding, including funds allocated through the payback program, to accelerate its CFS research plan to identify the causes, risk factors, diagnostic markers, natural history and economic impact of CFS; to create a CFS patient registry; and to educate health care providers about the detection, diagnosis and management of CFS.

Cooley's Anemia and Thalassemia.—In fiscal year 2002, the Committee supplied funding for CDC to create a thalassemia-based blood safety and surveillance program, modeled after the universal data collection program used for hemophilia. It is the Committee's intention that this program be continued in fiscal year 2003. In addition, the Committee believes that the program will benefit from expanded interaction between CDC and the Cooley's Anemia Foundation, particularly with regard to educating patients, families, health providers and the public about blood safety.

Diabetes.—There is a diabetes epidemic in our nation. Today, approximately 16 million Americans have diabetes, including 5.9 million who do not know they have the disease. Diagnosed diabetes rose 49 percent nationally between 1990 and 2000. Type 2 diabetes, once considered an adult disease, is now found in children. Recently released results from the largest-ever clinical study on diabetes prevention confirmed that diabetes can be prevented in high-risk adults. The NIH-led and CDC-supported Diabetes Prevention Program (DPP) demonstrated that sustained lifestyle change, including modest weight loss and physical activity, resulted in prevention of diabetes in those diagnosed as ''pre-diabetic''. An additional 16 million Americans are ''pre-diabetic''. The Committee encourages CDC to work with State Diabetes Control Programs to establish pilot projects to test strategies that will become effective public health interventions to prevent or significantly delay the onset of diabetes in high-risk individuals and develop systems to identify and monitor the number of people who are at highest risk for developing diabetes.

The high incidence of diabetes among Native Hawaiian populations persists, and the Committee is pleased with CDC's efforts to target this population, in particular to assist the leadership of Native Hawaiian and Pacific Basin Islander communities. It is important to incorporate traditional healing concepts and to develop partnerships with community centers, and the Committee encourages CDC to build on its historical efforts in this regard. –Diabetes is also one of the most serious health challenges facing American Indians and Alaska Natives today. Some American Indian Tribes have the highest rates of diabetes in the world. Approximately half of American Indian adults have diabetes. On average, American Indians and Alaska Natives are 2.8 times as likely to have diagnosed diabetes as non-Hispanic whites of similar age.

Available data often underestimates the true prevalence of diabetes in American Indians. The Navajo Health and Nutrition Survey, published in 1997, showed that 22.9 percent of Navajo adults age 20 and older had diabetes. Fourteen percent had a history of diabetes, but another 7 percent were found to

have undiagnosed diabetes during the survey.

In all 12 Indian Health Service Areas, diabetes is reported as one of the top ten major health problems. 15.1 percent of American Indians and Alaska Natives receiving care from IHS have diabetes. Until recently, type 2 diabetes was rarely diagnosed in children and adolescents. An alarming recent development is the occurrence of type 2 diabetes, once called ''adult-onset'' diabetes, with much greater frequency among children, especially minority children including Native American youth.

The Committee expects CDC to place continued priority on the prevention of diabetes among American Indians and Alaska Natives.

Epilepsy.—The Committee recognizes epilepsy, a chronic neurological condition, as a significant public health concern affecting over 2.3 million persons in the United States including 300,000 American seniors over the age of 65. For a long time epilepsy has been seen as a condition that affects young people, often starting in early childhood; sometimes lasting throughout life. The U.S. population is aging and stroke, cardiovascular disease, brain tumors and Alzheimer's disease are all causes of epilepsy in the elderly. Further, the Committee acknowledges that CDC has worked diligently over the last couple of years to promote better public education and treatment of people with epilepsy. Therefore, the Committee has provided increased funding for the CDC to enhance its epilepsy efforts in partnership with a national non-profit that works on behalf of children and adults affected by seizures through research, education, advocacy and service, and should include activities addressing the relationship between older adults and epilepsy; maximizing public and provider health education programs in the schools, the public sector and in States; and supporting prevention research on stigma and self-esteem.

Glaucoma and other Vision Disorders.—Age-related threats to sight, including age-related macular degeneration, glaucoma, cataracts and diabetes retinopathy are expected to nearly double by the year 2030 with the aging of the baby-boomer generation. Recognizing this emerging public health threat, the Committee is aware of the demonstrated success of vision screening programs in preventing blindness and vision impairments among many of the more than 30 million adults that suffer from eye-related disorders.

The Committee is encouraged by the CDC's exploration of strategies to implement a national initiative to combat the effects of eye-related disorders, especially glaucoma. The Committee has included funds for CDC to establish vision screening and education programs in partnership with national voluntary health agencies and for CDC to develop a national surveillance system to monitor trends over time and assess the economic costs of vision loss especially related to glaucoma. In addition, the Committee concurs with the President's request that $2,800,000 should be used to continue or expand a model project that is testing and evaluating the efficacy of glaucoma screening using mobile units.

Heart Disease and Stroke.—The Committee recommendation includes a $10,000,000 increase for the CDC cardiovascular programs as part of the Committee's initiative to prevent and reveres heart disease. The Committee urges the CDC to initiate research to examine strategies to prevent and reverse heart disease, including mind/body approaches to stress management, yoga, diet modifications and exercise programs.The Committee is aware that many States still need a State-based cardiovascular disease prevention and control program, but in the past funding has not been made available. In fiscal year 2001, only 28 States received CDC funding to design and/or implement State-specific programs to prevent and control heart disease, stroke and other cardiovascular diseases even though cardiovascular diseases remain the No. 1 killer of men and women across all racial and ethnic groups in the United States. The Committee strongly believes that since cardiovascular diseases remain the No. 1 killer in every State, each State should receive funding for a Cardiovascular Health State Program and, therefore, has increased funding for the Cardiovascular Health State Program, allowing CDC to increase the number of States supported by this program and to initiate research to examine the causes of the regional disparity of cardiovascular diseases.

The Committee recommends an increase of $1,000,000 to expand the WISEWOMAN program. WISEWOMAN provides additional preventive services to low-income uninsured women screened in CDC's National Breast and Cervical Cancer Early Detection Program. CDC uses this established system to screen women for other chronic disease risk factors, to respond to women with risk factors (e.g. high blood pressure, high cholesterol) by providing dietary and physical activity counseling and programs. Since WISEWOMAN's inception approximately 10,000 low-income and uninsured women have been screened for high blood pressure and cholesterol. In fiscal year 2002 CDC will fund 12 WISEWOMAN programs.

Stroke remains America's No. 3 killer, a major cause of permanent disability and a key contributor to late-life dementia. This year about 600,000 Americans will suffer a stroke and nearly 170,000 will die. The drug tPA is the only FDA-approved emergency treatment for clot-based stroke. Yet, less than 5 percent of those eligible for tPA receive it. Established by Congress during the fiscal year 2001 appropriations process, the Paul Coverdell National Acute Stroke Registry is designed to track and improve the delivery of care to patients with acute stroke. In fiscal year 2002, the CDC supported activities to develop and test prototypes for this registry in 8 sites. The Committee urges CDC to continue to work with the National Institute of Neurological Disorders and Stroke, and the National Heart, Lung, and Blood Institute at the National Institutes of Health, the Brain Attack Coalition, and other pertinent professional organizations, including hospitals, universities, State and local health departments, and other appropriate partners experienced in the treatment of stroke to further implement this registry.

Hemophilia.—The Committee expects CDC to continue working closely with the National Hemophilia Foundation in strengthening its disease management, prevention, outreach, and blood safety surveillance programs to meet the needs of persons with hemophilia, other bleeding and clotting disorders, and, particularly, women with bleeding disorders. The Committee requests a report by March, 2003 on CDCs efforts to establish a genetic data bank for persons with hemophilia and the resources required and steps to be taken to expeditiously genotype the hemophilia community.

Juvenile Diabetes.—The Committee is aware that a surveillance system to track childhood diabetes has been initiated that is proving beneficial to research for the treatment and cure of the disease. The Committee encourages CDC to extend and expand the childhood diabetes surveillance system to track all American children suffering from the disease.

Kidney disease.—The Committee recognizes that kidney disease is the ninth leading cause of death in the United States, costing the Medicare program $12,000,000,000 annually. Recent epidemiologic research indicates that more than 20 million Americans have signs of kidney disease and that an additional 20 million individuals in this country are at increased risk of kidney disease. Moreover, most of these individuals are unaware of this danger to their health. The Committee believes there is a need for public health programs to identify and educate those who are threatened by kidney disease and thereby reduce morbidity and improve outcomes. Therefore, the Committee encourages CDC to develop a national kidney disease action plan and a public health strategy to combat kidney disease in this country.

Micronutrients.—Deficiencies of micronutrients such as iron, iodine, and vitamin A, affect nearly one-third of the world's population, and result in reduced mental and physical development of children, poor pregnancy outcomes, diminished work capacity of adults, and increased morbidity and premature mortality among populations. Effective and inexpensive interventions such as dietary diversification, food fortification and supplementation have eliminated most micronutrient deficiencies in developed countries.

The Committee has provided sufficient funding for CDC to continue its efforts to eliminate micronutrient malnutrition. The focus of these efforts is to support a number of national and international efforts to assess mirconutrient status of populations and to monitor and strengthen implementation of interventions as well as to assess the impact of the interventions over time. CDC has extensive expertise in epidemiology, monitoring and assessment, and laboratory science. These efforts reflect the unique contribution that CDC can make to eliminate micronutrient deficiencies.

Nutrition, Physical Activity and Obesity.—Obesity is epidemic in the United States. Between 1980 and 1994, the prevalence of obesity in the United States has increased by 100 percent in children and adolescents. More than 20 percent of the adult population is 30 pounds or more overweight and 10 to 15 percent of children and adolescents are overweight. The cost of diseases associated with obesity is almost $100,000,000,000 per year. Risk factors associated with obesity—physical inactivity and unhealthy eating—account for at least 300,000 preventable deaths each year and increase the risk for many chronic diseases like diabetes, heart disease and cancer. The Committee is aware that the CDC's own statistics show that native Americans, including native Alaskans and native Hawaiians suffer higher rates of obesity than other Americans.

The Committee commends the substantial, comprehensive efforts that CDC is directing to stem the obesity epidemic across all life stages. CDC is coordinating national, State and school-based programs to research and implement interventions to increase physical activity levels and good nutrition at all ages, to provide important health information, and to monitor health and healthy behaviors in the population. CDC currently funds 12 States to promote physical activity and good nutrition to prevent and control

obesity. As part of its physical activity, nutrition and obesity prevention initiative, the Committee has included a significant increase for Nutrition, Physical Activity, and Obesity at CDC.

Oral Health.—The Committee recognizes that to effectively reduce disparities in oral disease will require improvements at the State and local levels. The Committee is pleased that almost half of the States applied for grant funding from the Division of Oral Health to target prevention programs and resources to those at greatest risk. The Committee expects the Division to advance efforts to reduce the disparities and health burden from oral cancers that are closely linked to chronic diseases like diabetes and heart disease.

Prevention Centers.—The prevention centers form a nationwide network of academic institutions that conduct applied research designed to develop and test innovative strategies for health promotion and disease prevention. The primary goals of the program are to identify risk factors, to identify barriers and facilitators to behavior change to demonstrate the effectiveness of prevention interventions, to increase collaboration among agencies and community partners, and to train public health professionals in creative ways for preventing chronic diseases and other health problems. The Committee has included sufficient funds to expand the number of prevention centers funded by CDC.

The Committee continues to support within the prevention center program a Tobacco Prevention Research Network to increase the knowledge base on the most effective strategies for preventing and reducing youth tobacco use, as well as on the social, physiological and cultural reasons for tobacco use among children.

The Committee encourages the continued support of center activities aimed at improving knowledge about the usefulness and effectiveness of health promotion programs for persons with disabilities.

The Committee recognizes the urgency to discover novel compounds to combat bioengineered (weapons-grade) bioterrorist threats. Many of these threats require antibiotics and antiviral agents with activity against drug resistant strains of these bioengineered bioterrorist weapons.

Primary Immunodeficiencies Diseases.—In fiscal year 2002, the Committee appropriated funding for a national physician education and public awareness program related to primary immunodeficiency diseases. It is the Committee's intent that this program be continued in fiscal year 2003 and that CDC continue to work closely with the Jeffrey Modell Foundation to implement and continue the Foundation's plan for public awareness and physician education. The Committee is also pleased that CDC has recognized that these diseases constitute a major public health issue and intends to pursue appropriate public health interventions to address it with other available resources.

Prostatitis.—Prostatitis affects 10 percent of the male population. It may be the trigger for both prostate enlargement and prostate cancer. Prostatitis may act as a reservoir for bacterial resistance and for the spread of chronic disease in women and men by various pathogens. The Committee encourages CDC to continue to investigate the etiology of prostatitis, begin disease surveillance, increase public awareness, and determine treatment and prevention.

Safe Motherhood.—The Committee has increased funding for the Safe Motherhood program as part of its Safe Motherhood initiative. The purpose of this program is to improve the chances that a woman will have a safe and healthy pregnancy and delivery. Of the 4 million women who give birth in the United States each year, over one-third have a pregnancy-related complication before, during, or after delivery. These complications may cause long-term health problems or even death. Unfortunately, the causes and treatments of pregnancy-related complications are largely unknown and understudied. If fact, the United States ranks only 20th in maternal mortality rates out of 49 developed countries. Every day, two to three women die from pregnancy related complications. And despite the fact that maternal mortality was targeted in 1987 as part of Healthy People 2000, the maternal mortality rate in this country has not decreased in 20 years.

School Health.—The Committee notes that obesity rates were cut in half among girls in grades 6–8 who participated in a school-based intervention program. The Committee applauds CDC for establishing effective coordinated school health programs in 20 States and two local education agencies. As part of its physical activity, nutrition and obesity prevention initiative, the Committee has included sufficient funds for CDC to expand its coordinated school health program to address risk behaviors such as tobacco use, unhealthy diets, and physical inactivity.

The Committee further recognizes the effectiveness of school health programs as demonstrated by the significant reductions in sexual risk behaviors among the nation's high school students over the past decade. However, the Committee is concerned that CDC's funding for the school health HIV program has not increased in 10 years. To compensate, some of the additional funding provided over last year's level is directed to the school health HIV program and the Committee urges CDC to use the funds to expand is prevention efforts aimed at youth.

Sudden Infant Death Syndrome.—The Committee notes the work of CDC, the National Institute of Child Health and Human Development and HRSA in developing model guidelines for death scene protocol for Sudden Infant Death Syndrome. The Committee encourages CDC to implement projects to demonstrate the effectiveness of the death scene protocol in a variety of locales (urban, suburban, and rural) throughout the Nation. The Committee expects CDC to be prepared to report on progress on this initiative during the fiscal year 2004 budget hearings.

Tobacco Use.—Tobacco use is the single most preventable cause of death and disease in our society. It causes more than 400,000 deaths in the United States each year, and costs the nation $50,000,000,000 in medical expenses alone. Children are especially hard hit by tobacco. Ninety percent of adult smokers begin their habit as children. These funds are intended to expand the capacity of all State and local health departments, education agencies, and national organizations to build comprehensive tobacco control programs and to develop and begin implementation of a national public education campaign to reduce access to and the appeal of tobacco products among young people.

Environmental Health

The Committee recommends $189,489,000 for environmental health activities which is $36,058,000 above the fiscal year 2002 level and $37,334,000 above the administration request.

Within the total provided, the following funding levels are for specific funding activities: $36,826,000 is for the environmental health laboratory; $71,002,000 is for environmental health activities; $38,887,000 is for the asthma program; and $42,774,000 is for the childhood lead poisoning program.

Many of the public health successes that were achieved in the 20th century can be traced to innovations in environmental health practices. However, emerging pathogens and environmental toxins continue to pose risks to our health and significant challenges to public health. The task of protecting people's health from hazards in their environment requires a broad set of tools. First among these tools are surveillance and data collection to determine which substances in the environment are getting into people and to what degree. It also must be determined whether or not these substances are harmful to humans, and at what level of exposure. Many scientists estimate that about two-thirds of all cancers result from environmental exposure, but much better data are needed to improve this estimate and determine which exposures cause cancer and other diseases.

The Committee is aware of concerns raised within and outside Alaska about the safety of Alaskan wild foods. The Committee encourages CDC to give careful consideration to a State of Alaska program to monitor the safety of Alaskan wild foods, including field studies of the effects of environmental chemical contaminants and naturally occurring metals in Alaskan wild foods, measurement of PCB levels in remote arctic communities, documentation of mercury levels in ancient humans, documentation of incidence of childhood asthma, and development of public health recommendations on Alaskan wild food consumption by subsistence users and others.

Asthma.—CDC's asthma activities focus on three areas: tracking the disease to improve the Nation's ability to determine asthma prevalence, severity, and management; assuring that interventions are based on science; and working to address this problem through partnerships including providing technical assistance to non-governmental organizations to carry out diverse community-based childhood asthma control programs.

The Committee is pleased with the work that the CDC has done to address the increasing prevalence of asthma. However, the increase in asthma among children remains alarming. The Committee urges CDC to expand its outreach aimed at increasing public awareness of asthma control and prevention strategies, particularly among at-risk populations in underserved communities. To further facilitate this effort, CDC is urged to partner with voluntary health organizations, such as the American Lung Association's Asthma Clinical Research Centers, to support program activity consistent with CDC's efforts to fund community-based interventions that apply effective approaches demonstrated in research projects within the scientific and public health community.

Childhood Lead Poisoning Prevention.—Since its inception in fiscal year 1990, the CDC program has expanded to approximately 40 project areas that encompass States, local areas, and numerous communities and screens an estimated 1.75 million children annually. The program has developed its first Geographic Information System (GIS) website using U.S. Census data on income, race, and old housing to help State and local health departments identify high-risk geographic areas. The availability of such information will result in more efficient, targeted screening.

The Committee is concerned the current approach to lead poisoning prevention cannot achieve the national goal of ending

this disease by 2010. The Committee has provided an increase above the budget request to support more concerted, prevention-oriented strategies. The Committee encourages CDC to target its grants to communities at high risk, promote wide adoption of lead-safe work practices, emphasize correction of identified lead hazards, make clearance dust testing routine, and support community-based efforts to assess and address health hazards in high-risk housing.

Childhood Leukemia.—The Committee appreciates the CDC's continuing work on the cancer cluster investigation in Fallon, Nevada, and understands that preliminary results of that investigation are due within the next few months. The Committee strongly encourages the CDC to continue to devote resources to this investigation.

Environmental Health Laboratory.—The CDC environmental health laboratory performs assessments for State investigations of diseases (such as cancer and birth defects) and investigations of chemical exposures, such as dioxin, pesticides, mercury and cadmium. CDC is also working with States to improve public health laboratories that assess State level biomonitoring needs. CDC works closely with academic institutions, other Federal agencies, and other partners to measure human exposure to toxic substances and the adverse effects of that exposure.

The Committee recognizes CDC for its commendable work in analyzing toxic exposures throughout the United States. The Committee further recognizes that CDC's environmental laboratory is unprecedented in the world for measuring toxic exposures to humans and further commends CDC for publishing the National Report on Human Exposure to Environmental Chemicals, which provides information about the U.S. population's exposure to 27 toxic substances, including heavy metals and certain pesticides.

The Committee supports the CDC biomonitoring program and study of environmental toxins and their relationship to chronic diseases, such as asthma, many birth defects, and cancer to increase our understanding of the cause of many chronic diseases and conditions and to facilitate the development of effective prevention strategies.

Health Tracking Network.—The Committee has included $32,000,000 for the Health Tracking Network. In fiscal year 2001, the Committee first requested that CDC develop a plan for a coordinated Nationwide Health Tracking Network. In fiscal year 2002, the Committee provided $17,500,000 to develop pilot programs in States as a first step in the development of the Network. The fiscal year 2003 funds will enable CDC to establish tracking networks in up to 15 additional States and create a Center of Excellence in public health at an appropriate research university. The Committee strongly urges CDC to assure that as States develop these systems they build on existing efforts where appropriate, including terrorism preparedness and other ongoing State tracking and monitoring initiatives. The Committee urges that all of the relevant centers, institutes, and offices within the CDC be included in the development, testing, and implementation of this nationwide project.

The Committee further urges CDC to make every effort to support systems that are flexible in their data content, platform independent, and scalable to the entire Nation. The Committee understands that this is a long term project, and requests CDC to submit a vision statement for a Nationwide Health Tracking Network as well as a plan for achieving this vision.

Rural Health.—The Committee is greatly concerned about the health status of the residents of rural communities. The Committee commends CDC for its efforts last year to conduct an assessment of rural health problems. Sufficient funds have been provided to continue this important effort.

Epidemic Services and Response

The Committee recommends $78,001,000 for epidemic services and response which is $2,138,000 below the fiscal year 2002 level and the same as the administration's request.

CDC's epidemic services and response program provides resources and scientific expertise for operating and evaluating surveillance systems; developing and refining research methods and strategies to the benefit of public health practice; training public health professionals who are prepared to respond to public health emergencies, outbreaks and other assistance requests; and communicating with multi-faceted audiences accurate public health information and effective messages. The scientific basis of this program is applied epidemiology, in concert with other components of sound public health practice. Findings from these disciplines enable States, health organizations, foreign ministries of health, and others in the health field to make sound decisions and create effective policy. Information derived from epidemiologic data and scientific reasoning provide public health programs with an objective rationale to set priorities, apply interventions and policies, and evaluate public health programs. Within the epidemic services and response program, CDC carries out a variety of applied research and development activities. Areas of research include: social determinants of health; aberration detection; burden of disease; injury, and death; prevention effectiveness; and health care quality. The Committee recognizes that CDC maintains a keen appreciation for the fact that local outbreaks of illness can develop rapidly into epidemics, that previously unidentified health problems can appear at any time, that contaminated food or defective products may appear in the community without warning, and that the threat of bioterrorism is present in many areas of the world. When CDC participates in an investigation, all of the resources of the agency are at the disposal of the affected area, including its state-of-the-art laboratories.

Health Statistics

The Committee recommends $125,899,000 which is $780,000 below fiscal year 2002 and the same as the administration request.

CDC's statistics give us context and perspective on which we can base important public health decisions. By aggregating the experience of individuals, we gain a collective understanding of our health, our collective experience with the health care system, and our problems and public health challenges. NCHS data are used to create a basis for comparisons between population groups or geographic areas, as well as an understanding of how trends in health change and develop over time.

HIV, STD, and TB Prevention

The Committee recommends $1,168,532,000 for HIV, STD, and TB Prevention, which is $33,532,000 above the fiscal year 2002 level and $33,532,000 above the administration request. Of the amount provided, $860,293,000 is for HIV/AIDS programs, of which $168,763,000 is for global HIV/AIDS programs; $170,450,000 is for the STD program; and $137,789,000 if for the Tuberculosis program.

Recognizing the intersection among these diseases, and the need for a focal point for leadership and accountability, CDC combines HIV, STD, and TB activities to provide leadership in preventing and controlling human immunodeficiency virus infection, other sexually transmitted diseases (STDs), and tuberculosis. CDC works in collaboration with partners at community, State, national, and international levels, applying well-integrated, multi-disciplinary programs of research, surveillance, technical assistance and evaluation. These diseases are not vaccine preventable and must be controlled and prevented through identifying, diagnosing, and treating infected persons; through provision of confidential, culturally competent counseling to identify and reach those who have been exposed to infection and who may not know it; and through individual and population level health promotion to reduce high risk behaviors.

HIV/AIDS Prevention.—CDC's HIV/AIDS prevention programs are working in every State and territory to prevent new infections, link people who are already infected to medical care and translate scientific research findings into practical prevention programs available to every person at risk. CDC will continue to adapt these prevention programs to meet new and different needs.

According to the CDC, between 4 million and 5 million people in the United States are at continued behavioral risk for HIV infection. The Committee recognizes that this is a low estimate due to under-reporting by participants and the lack of inclusion of schools, prisons, and the military. Communities must be better equipped with local data to identify and direct resources to those most at risk. They must have an array of effective interventions available and the capacity to implement and evaluate them at the local level. They must also be able not only to address barriers and deter risky behavior but also to encourage health promotion behavior through a variety of individual and group interventions, community-level supports, and structural level changes. Because those at risk for or living with HIV infection are often also at risk for other health problems, HIV prevention must be integrated with other services such as STD and TB screening and treatment, reproductive health services, mental health services, and drug use prevention and treatment.

The Committee recognizes the role of State and local health departments in providing comprehensive HIV prevention programs targeted locally to address the prevention needs of individual communities and in conducting surveillance activities designed to monitor the course of the epidemic.

The Committee recognizes that CDC is currently developing a new program announcement to guide State and local HIV prevention efforts beginning in January 2004. The Committee encourages CDC to work with State and local health departments to streamline the application process and reduce the administrative burden on health departments.

HIV prevention community planning is an important component of the comprehensive HIV prevention programs administered by State and local health departments nationwide. With nearly 10 years of experience with community planning, the Committee urges the CDC to revise Federal guidance to be less prescriptive and to encourage greater flexibility for jurisdictions to implement models of community planning appropriate for their jurisdictions including multi-year planning and joint care and prevention planning.

Global HIV/AIDS.—CDC works with governments in 25 countries in Africa, Asia and

Latin America and the Caribbean focusing on primary prevention of HIV/AIDS; care and treatment of tuberculosis and other opportunistic infections, palliative care and appropriate use of antiretroviral medications; and infrastructure and capacity development. The Committee recognizes that it is not feasible for CDC to establish programs in every country in need. The increase should support rapid response teams and regional programs to address the needs of countries that are not part of CDC's Global AIDS Program and to foster regional approaches to HIV/AIDS prevention, care and treatment.

The Committee commends CDC for recognizing the urgent public health need to develop new HIV prevention options by increasing the funds available for microbicide research and development. The Committee urges CDC to continue to expand funding and staff for microbicide research and development within funds provided for global AIDS. These funds could support clinical trials of microbicides as set forth in CDC's HIV Prevention Strategic Plan and its topical microbicide 5-year research agenda.

Sexually transmitted diseases.—CDC's strategy for STD prevention is to provide national and international leadership through research, surveillance, policy development, and assistance to States, territories and local health departments in the delivery of services to prevent and control the transmission of STDs and their complications. The Committee recognizes that this year, more than 15 million Americans will contract a STD. National surveillance of syphillis, chlamydia, and gonorrhea is supported, and sentinel surveillance strategies are being developed for new viral STDs, specifically, human papillomavirus. Prevention research is conducted to improve methods and delivery of prevention services and to develop and refine interventions.

The Committee has recommended increased funding for this program to address priorities of CDC's sexually transmitted disease program including infertility prevention and syphilis elimination. Funds would support expansion of chlamydia screening to reach more underserved women and enhanced rapid response and community partnerships to eliminate syphilis

Turberculosis (TB).—The Committee recommendation includes increased funding for CDC's Tuberculosis program to begin to implement the recommendations of the recent Institute of Medicine Report entitled, ''Ending Neglect: The Elimination of Tuberculosis in the United States'' which was a call to triple research funding for TB to prevent and control the disease; to advance efforts to maintain control of TB in the United States by identifying and curing active TB; to speed the decline of TB through target testing and treatment of latent infection; and to advance global research and control efforts. As the report recommends, CDC should partner with private foundations on research, including the development of vaccines, diagnostic tests, and new drugs and to test the applicability of new tools, to achieve the recommendations.

The Committee commends CDC for its continued efforts to control TB in the United States, as demonstrated by the 8 years of declining numbers of TB cases in this country. However, TB is the leading infectious disease killer in the world with more than 2 billion people—or one-third of the world's population—infected with Mycobacterium tuberculosis, the causative agent of TB. In the next two decades, there are predicted to be 249 million new active cases and 70 million resulting deaths from TB. Worldwide, TB is the leading killer of people who are HIV-infected, accounting for one-third of AIDS deaths. While rates of TB in the United States have been on a steady decline, this global crisis will continue to directly impact this country until global control efforts are more effective. Soon, more than half of all cases of TB in the United States will be among foreign-born individuals. The Committee urges CDC to consider working with the Immigration and Naturalization Service to develop novel TB screening strategies for individuals emigrating from high TB incidence countries.

Immunization

The Committee recommends $652,895,000 for the program authorized under section 317 of the Public Health Service Act which is $25,294,000 above the fiscal year 2002 level and above the administration request. The Committee recommendation includes $14,000,000 in transfers available under section 241 of the Public Health Service Act.

The Omnibus Reconciliation Act [OBRA] of 1993 established a new vaccine purchase and distribution system that provides, free of charge, all pediatric vaccines recommended for routine use by the Advisory Committee on Immunization Practices to all Medicaid-eligible children, uninsured children, underinsured, and native Americans through program-registered providers.

Despite great success in lowering disease levels and raising immunization coverage rates, much remains to be done to ensure the protection of children and adults worldwide. Approximately 1 million 2-year-old children in the United States have not received one or more of the more established, recommended vaccines. New vaccines, although greatly beneficial to public health, complicate an already complex immunization schedule and make it increasingly difficult to ensure complete immunization. One of our Nation's greatest challenges is extending our success in childhood immunization to the adult population. The burden due to the occurrence of vaccine-preventable diseases in adults in the United States is staggering. As many as 50,000 U.S. adults die of influenza, pneumococcal infections and hepatitis B. CDC is addressing these obstacles to the greatest extent possible and continues to provide leadership to reduce disability and death resulting from diseases that can be prevented through vaccination.

The Committee has increased funding for the Section 317 immunization program. It has been brought to the Committee's attention that costs of delivering vaccines to children in remote frontier areas are substantially higher than in other areas of the country because these communities are often only accessible via aircraft. The Committee encourages CDC to provide infrastructure support needed to deliver these vaccines at the community level, including development of a statewide immunization registry to ensure that all children in remote rural areas are immunized. The Committee notes that failure to immunize children in such areas results in deaths each year from exposure to open sewage lagoons and contaminated water.

Global Immunization Activities.—The Committee includes $148,788,000 for global immunization activities which include $106,400,000 for polio vaccine, surveillance, and program operations for the highly successful, yet unfinished polio eradication efforts; and $42,388,000 for the purchase of measles vaccine for measles mortality reduction and regional measles elimination initiatives and to expand epidemiologic, laboratory, and programmatic/operational support to WHO and its member countries.

While the United States has greatly reduced its burden of vaccine preventable diseases through childhood immunization, its children remain at risk due to widespread occurrence of these diseases in other countries. CDC supports a broad range of programmatic and research efforts to reduce the global burden of these diseases. A record low of 480 polio cases occurred worldwide in 2001, a decrease of more than 99.8 percent since 1988 when the polio eradication initiative was launched. Endemic measles cases have been eliminated from all but two countries in the Americas; however, measles remains the largest single-cause of child vaccine preventable deaths globally, with approximately 800,000 measles-related deaths still occurring each year (450,000 in Africa). Each year, diseases that could be prevented with available vaccines kill 3 million children worldwide. Vaccines that are now in late stages of development could prevent almost 2 million additional deaths. CDC Measles activities should build on global disease control and surveillance infrastructure developed for polio eradication.

Infectious Disease Control

The Committee recommends $334,471,000 for infectious disease control, which is $9,975,000 below the fiscal year 2002 level and the same as the administration request.

These activities focus on: national surveillance of infectious disease; applied research to develop new or improved diagnoses; prevention and control strategies; working with State and local departments and private health care providers to transfer application of infectious disease prevention technologies; and strengthening the capability to respond to outbreaks of new or reemerging disease.

Infectious diseases are a leading cause of death worldwide, accounting for one-quarter to one-third of the estimated 54 million deaths in 1998. Disease outbreaks endanger U.S. citizens at home and abroad, threaten U.S. Armed Forces overseas, and exacerbate social and political instability. Outbreaks can interfere with the global marketplace, affecting tourism, trade, and foreign investment. CDC's strategies to combat infectious diseases invest in and build upon both the public health system that was established over a century ago to increase the preparedness to address the emergence of dangerous new threats.

The Committee is aware that in 1995, in partnership with Federal, State, and local agencies, universities, private industry, foreign governments, the World Health Organization (WHO), and many non-governmental organizations, CDC launched the first phase of a nationwide program to revitalize national capacity to protect the public from infectious disease threats. The second phase of CDC's effort, ''Preventing Emerging Infectious Diseases: A Strategy for the 21st Century'', published in 1998, continues these partnerships to build domestic and global capacity for recognizing and responding to infectious diseases.

Anti-microbial resistance.—The Committee is concerned over the development of resistance in microbes to current antimicrobial therapies. Bacterial resistance to common antimicrobial agents has become one of the most serious emerging infectious disease threats facing communities and the health care system in the United States. Resistance to drug therapies leaves entire populations vulnerable to both simple infections and

complex bioterrorism, as almost all microbes have become resistant to any commercially available product. To combat this national health threat, the Committee recognizes a need to discover and develop new pharmaceutical products to combat these drug resistant microbes. In recognition of the growing problem, the CDC's goal is to develop and evaluate new antimicrobial drugs. With the CDC's mission and expertise in world-wide surveillance, it is uniquely positioned to facilitate the global bio-prospecting and development of new pharmacologically active compounds in untapped ocean and land environments to combat the growing threat posed by drug resistant microbes.

Recognizing that a greater effort is needed to confront this problem, the Committee encourages CDC to provide sufficient funds to begin to address several critical areas. These include (1) development and evaluation of compounds with antimicrobial activity against multidrug resistant strains of Staphylococcus aureus, enterococcus, gram-negative hospital acquired pathogens, and vancomycin-tolerant pneumococcus; (2) development of demonstration projects to combat antimicrobial resistance in the hospital and community, particularly in rural settings; (3) development of Centers of Excellence in Health Care Epidemiology, and (4) enhancement of capacity at the CDC to support these and other activities related to control of antimicrobial resistance.

Antimicrobial Resistance Epicenter Program.—The Committee applauds CDC on its support for the Prevention Epicenter Program and recommends that CDC significantly expand and enhance this program to address patient safety issues.

Food Safety.—CDC established PulseNet in 45 State health departments. PulseNet is a national network of public health laboratories that performs DNA ''fingerprinting'' on bacteria that may be foodborne. The PulseNet network has revolutionized foodborne disease surveillance by allowing near real-time comparison of these ''fingerprint'' patterns through an electronic database at CDC. Matching patterns can indicate possible nationwide outbreaks and provide an early warning for public health investigation and intervention. The Committee is pleased that CDC has developed and implemented a state-of-the-art diagnostic and communications system to improve parasitic disease diagnoses in the United States. This system, known as DPDx, uses Internet communication to rapidly exchange diagnostic images of parasites digitally captured from microscopic slides. Using DPDx, public health laboratories can obtain diagnostic assistance in real time, allowing for rapid identification of possible outbreaks.

Global Malaria Initiative.—The Committee continues to recognize the tremendous impact of malaria in the developing world, and notes malaria's increasing resistance to antimalarial drugs designed to counter its pervasive effects. New drugs must be developed, and the Committee urges the CDC to continue its efforts to lead in new compound discovery.

Hepatitis C.—The Committee is pleased with the initial steps taken to implement the National Hepatitis C Prevention Strategy including the appointment of Hepatitis C coordinators in all 50 States plus the establishment of 15 large metropolitan area demonstrations. The Committee notes, however, based on the CDC report Implementation Plan for the National Hepatitis C Prevention Strategy that significant deficiencies exist in mounting a full national response to hepatitis C. The Committee recommends that CDC conduct a National Hepatitis Coordinators Conference to train coordinators to help States integrate hepatitis prevention in State public health programs. The Committee requests a report by June, 2003 which documents the treatment and pharmaceutical needs of individuals served by the large metropolitan demonstrations and the necessary funding mechanisms needed to meet these needs.

The Committee urges CDC to work with voluntary health organizations and professional societies to promote liver wellness and prevention of hepatitis. CDC is urged to review options for a National Hepatitis Roundtable, similar to CDC's Colorectal Cancer Roundtable.

Pandemic Influenza.—Pandemic influenza is a particularly virulent strain of influenza that arises spontaneously and periodically. Examples include the outbreak of Spanish flu in 1918, that killed 500,000 people, and outbreaks in 1957 (Asian flu) and 1968 (Hong Kong flu). The Committee has included funds for pandemic influenza activities. These funds will allow CDC to strengthen global and domestic surveillance capabilities in order to increase the likelihood of early detection of an influenza pandemic and the effective tracking of its spread.

Patient Safety.—The Committee recommends increased funding for patient safety activities. The Committee urges CDC to expand the National Health Care Safety Network, a national electronic medical error/adverse events monitoring system. This system will encompass a representative sample of hospitals in the United States, managed care organizations, long-term care facilities, and other healthcare venues linked to health departments and CDC. The funds can also be used to enhance capacity for detection and response to medical errors and other adverse healthcare events at State and local levels through active monitoring, improved epidemiologic/root cause investigation, and on-site intervention to promote patient safety and improve patient outcomes.

West Nile virus.—The Committee is aware of CDC's effort to complete a national plan for West Nile virus response in the United States. That includes developing a computerized national surveillance system for West Nile virus and provides funds to 53 health departments to build national capacity to develop and implement effective surveillance, prevention, and control of West Nile virus in the United States.

Injury Prevention and Control

The Committee recommends $149,385,000 for injury prevention and control, which is $62,000 below the 2002 level and $4,621,000 above the administration request.

CDC is the lead Federal agency for injury prevention and control. Programs are designed to prevent premature death and disability and reduce human suffering and medical costs caused by: fires and burns; poisoning; drowning; violence; lack of bicycle helmet use; lack of seatbelt and proper baby seat use; and other injuries. The national injury control program at CDC encompasses nonoccupational injury and applied research in acute care and rehabilitation of the injured. Funds are utilized for both intramural and extramural research as well as assisting State and local health agencies in implementing injury prevention programs. The Committee recognizes the vital role CDC serves as a focal point for all Federal injury control activities.

The Committee's recommended increase over the amount proposed in the President's Budget for Injury Prevention and Control which will enable CDC to continue the widespread adoption of programs, policies, and practices that are successful in reducing injuries and deaths, as well as minimizing the adverse outcomes from injury. These funds will allow current activities in fiscal year 2002 to continue, including programs to support trauma information and education, activities in childhood injury and violence prevention and research and State programs to prevent injury and violence.

In addition, sufficient funds have been included to continue support for all existing Injury Control Research Centers.

Traumatic Brain Injury.—The Committee has provided an increase in the TBI Prevention Program to enable the program to implement its new authorities enacted in 2000 regarding TBI surveillance and registry, establish a One-Call information Center, and expand awareness programs with an emphasis on minority populations. This increase will assist in filling significant gaps in information available at State and Federal levels regarding the incidence and prevalence of TBI, the resources available to victims of TBI, and the nature of specific factors involving TBI in young children and in institutionalized individuals.

National Violent Death Reporting System.—In fiscal year 2002, Congress called on CDC to begin implementation of a plan for a system for timely, complete, objective and accurate information about violent deaths and injuries to inform and evaluate policy and program efforts. The Committee is pleased with the progress and has included $3,000,000 to extend implementation of this model plan for the establishment of a national violent death reporting system (NVDRS) from 20 to 22 States. NVDRS will enable States to understand more about the violence problem in their States. The Committee urges CDC to continue to work with private health and education agencies as well as State agencies in the development and implementation of an injury reporting system.

Occupational Safety and Health

The Committee recommends $274,899,000 for occupational safety and health programs, which is $1,181,000 below the fiscal year 2002 level and $27,581,000 above the administration budget. The Committee recommendation includes $41,900,000 in transfers available under section 241 of the Public Health Service Act.

The CDC's National Institute for Occupational Safety and Health (NIOSH), is the only Federal agency responsible for conducting research and making recommendations for the prevention of work-related illness and injury. The NIOSH mission spans the spectrum of activities necessary for the prevention of work-related illness, injury, disability, and death by gathering information, conducting scientific biomedical research (both applied and basic), and translating the knowledge gained into products and services that impact workers in settings from corporate offices to constructions sites to coal mines.

The Committee recommends $88,760,000 for CDC's National Occupational Research Agenda (NORA). This is the same funding level as fiscal year 2002 and restores the $25,581,000 cut proposed by the Administration. NORA is a critical scientific research program that protects employees and employers from the high personal and financial costs of work site health and safety losses. Industries such as agriculture, construction, health care, and mining benefit from the scientific research supported by NORA. The program's

research agenda focuses on prevention of disease and injury resulting from infectious diseases, cancer, asthma, hearing loss, musculoskeletal disorders, traumatic injuries, and allergic reactions, among others. In fiscal year 2002, NORA supported more than $40,000,000 in extramural research conducted by universities and other research institutions. The Committee continues to strongly support NORA and encourages expansion of its research program to cover additional causes of work place health and safety problems.

Construction Safety and Health.—The Committee once again is very pleased with the progress that NIOSH has made in its program directed at occupational illnesses and injuries in the building and construction industry. According to the Bureau of Labor Statistics, the rate of serious illnesses and injuries in construction has dropped 32 percent from 1992 to 1997. The Committee is also pleased by NIOSH's new focus on active intervention to prevent occupational injury and illness in the construction industry, and the National Occupational Research Agenda (NORA) for establishing research priorities. However, the Committee is concerned with the continued high fatality rate in the industry, and has included funds to continue the program at no less than current levels.

Education and Research Centers.—The Committee commends the work of the 15 university-based Education and Research Centers (ERC's) and the smaller single discipline Training Project Grants (TPG's). These regional centers are integral to the Nation's efforts to improve the health and safety of working men and women, and important to the future efforts of NIOSH to implement the National Occupational Research Agenda (NORA). Recognizing the important role Education ERCs play in preventive health research and the training of occupational safety and health professionals, and includes an increase of $2,000,000 for ERCs.

Farm Health and Safety.—The Committee has included funding to continue the farm health and safety initiative. This important initiative, begun in fiscal year 1990, has a primary focus of reducing the incidence of fatal and nonfatal injuries and occupational diseases among the millions of agricultural workers and their families in the United States. The Committee is particularly pleased with the research being undertaken by the Agricultural Research Centers.

Preventive Health and Health Services Block Grant

The Committee recommends $134,966,000 for the preventive health and health services block grant, which is $1,000 below the 2002 level and the same as the administration's request.

The Preventive Health and Health Services Block Grant provides States with funds for services to reduce preventable morbidity and mortality to improve the quality of life. The Block Grant is the primary source of funding to States for health education and risk reduction activities; cholesterol, hypertension, and cancer screening; and programs to prevent sex offenses. The strategy of the Block Grant is to provide States with flexibility to tailor prevention and health promotion programs to their health priority needs. Block Grant funding enables States to provide money for developing new programs; fund essential services that would otherwise go unfunded; and address urgent, rapidly developing health hazards such as disease outbreaks or environmental disasters.

Public Health Improvement

The Committee recommends $115,672,000 for public health improvement, which is $32,528,000 below the fiscal year 2002 level and $1,147,000 below the administration request. The Committee recommendation includes $28,600,000 in transfers available under section 241 of the Public Health Service Act.

Our national public health system is the first line of defense against preventable disease, disability and bioterrorism. Virtually every health problem in our communities—infectious disease outbreaks, chemical hazards, chronic diseases, and injuries—is first recognized by local public health professionals, who must work in concert with State and national officials to control these threats, prevent spread, and save lives. Despite steady increases and shifts in the U.S. population there has been a decline in the number of public health workers per capita in the past decade. Schools of Public Health and Preventive Medicine report that the majority of graduates do not seek employment in public health agencies. Only an estimated 44 percent of the Nation's current 448,000 public health practitioners have had formal training in public health. One-half of all public health nurses—the largest profession in public health—lack a baccalaureate nursing degree. The majority of public and private laboratory scientists lack access to continuing education and training essential to using the cascade of new, high-technology laboratory tests accurately and safely.

Minority Health Disparities.—This program is intended to help racial and ethnic minority communities mobilize and organize their resources to support effective and sustainable programs that will contribute to the elimination of health disparities in the following six target health areas: infant mortality, breast and cervical cancer screening and management, cardiovascular disease, diabetes, HIV infection and AIDS, and child and adult immunizations. REACH 2010 is a two-phased, 5-year demonstration project. Phase I is a 12-month planning phase to support planning and development of demonstration programs. Phase II is a 4-year implementation and evaluation phase. The Committee is pleased with CDC's commitment to the REACH 2010 Program. The planning (Phase I) communities currently are establishing infrastructure to support community-level data collection, establishing collaborative partnerships, establishing linkages with other State and local agencies, and working with Federal agencies and other partners to identify promising prevention strategies that have the greatest potential for reducing the health disparities in the target populations.

National Electronic Disease Surveillance System.—Accurate, timely health information is a critical component of all effective prevention and control efforts. Yet, only 55 percent of local health departments have high-speed, continuous Internet access for finding the most recent health guidelines and recommendations. Only 56 percent can successfully receive broadcast health alerts. Only 50 percent have access to community health information critical for setting priorities, taking effective actions, and tracking improvements in health status. The Committee is pleased with CDC's work to integrate disease detection and monitoring to ensure rapid reporting and follow-up.

Prevention Research.—The Committee recommends $17,021,000 for the extramural prevention research program. This reverses the virtual elimination of the program proposed in the President's request. The prevention research program translates biomedical research into practical public health actions by sponsoring peer-reviewed research conducted by academics who are linked with State and local health agencies to develop improved interventions. The anthrax attacks of last fall demonstrated dramatically the gaps in our Nation's knowledge of how best to address industrial exposure, risk factors, treatment, effective control measures, and environmental cleanup. These and many other urgent questions regarding infectious and chemical agents, mass trauma, and radiological exposures need to be answered through additional prevention research. The Committee supports this program strongly and encourages CDC to expand the program's research into additional areas of public health concern. There are many areas of research that can pay dividends in both improved health and reduced health care costs. The Committee expects some of these funds to be used to support research on ways to prevent disease and disability in rural areas and to better utilize nurses and allied health professionals in prevention and health promotion efforts.

As more and more Americans use alternative and complementary therapies to maintain and improve their health, there is a growing need for better consumer information about these therapies. The Committee expects CDC to expand their effort in this area. Practice-based assessments and the identification and study of promising and heavily used complementary and alternative therapies and practices should be undertaken and results published. The Committee expects CDC to collaborate with the National Center for Complementary and Alternative Medicine to assure that its efforts are coordinated with efforts by this Center.

The Committee is aware of research regarding saliva as a cost-effective, noninvasive diagnostic tool for early detection of breast cancer and encourages CDC to consider a ''Saliva as a Diagnostic Tool'' research initiative.

Buildings and Facilities

The Committee recommendation includes $270,000,000 for the planning, design, and construction of new facilities as well as the repair and renovation of existing CDC facilities. This is $20,000,000 above the fiscal year 2002 level and $270,000,000 above the administration request.

The Committee recommendation includes $250,000,000 for continuation of CDC's building program for its Atlanta facilities and $20,000,000 to begin construction and purchase equipment for CDC's infectious disease laboratory in Fort Collins, Colorado. The Committee has long supported the rapid implementation of CDC's Buildings and Facilities Master Plan and is pleased with the progress made to date for the agency's Atlanta, Georgia facilities. The Committee notes that continuing to implement the Master Plan as quickly as possible is essential for the public health security of our Nation, particularly after the World Trade Center and anthrax terrorist attacks of last year. Like some of its remaining Atlanta, Georgia facilities, CDC's Fort Collins laboratory is antiquated, it poses a health and safety threat to employees, and it is inadequate for the job of responding to bioterrorist attacks and other public health threats. The facility suffers from severe overcrowding, significant infrastructure failings including fragile cooling, heating and air handling systems, lack of adequate fire alarms or intercom systems, lack of functional sprinkler systems, and a sinking foundation. The Committee urges replacement of the existing Fort Collins laboratory as quickly as possible. while others are in great need of complete renovation.

The Committee has provided bill language to allow CDC to enter into a single contract or related contracts for the full scope of development and construction of facilities and instructs CDC to utilize this authority when constructing the Fort Collins facility.

Office of the Director

The Committee recommends $49,749,000 for the Office of the Director, which is $1,671,000 below the fiscal year 2002 level and $4,870,000 above the administration request.

The Office of the Director (OD) manages and directs programs of the CDC. OD provides leadership, advises on policy matters, and develops and evaluates progress of goals and objectives related to disease prevention and control. OD provides direction and coordination to the epidemiologic activities of CDC and coordinates CDC's response to health emergencies. In addition, OD coordinates and manages programs on global health activities, minority health, and women's health relating to disease prevention and control.

Communications.—The Committee was concerned during last year's anthrax crisis that there was the perception that CDC was conveying incomplete messages, mixed messages, or no messages at all to the American people. Clear information is critical to public health and is central to the mission of the CDC. Within funds available, the Committee recommendation includes up to $10,000,000 to analyze CDC's communication mechanisms in an effort to guarantee a fast, accurate, and targeted flow of information not only during crisis but also in day-to-day operations. CDC should report to the Committee within 6 months of the enactment of this legislation as to the specific plan of action for this effort.

Energy Employees Occupational Illness Compensation Program.—The Committee commends CDC, and in particular, NIOSH for its efforts under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). The Committee is aware that the Department of Labor and NIOSH have already received a large number of cancer claims and expect more under this program. Most cancer claims will require dose reconstruction in order to determine probability of causation. The Committee is concerned that NIOSH may not have adequate staff to handle this workload and urges the Director of CDC to closely monitor the situation so that claims can be promptly evaluated.

The Committee expects CDC to report to the Committee prior to next year's budget hearing on how it intends to address this backlog issue.

Field Staff.—The Committee has included bill language to exempt employees of the Centers for Disease Control and Prevention or the Public Health Service, detailed as field assignees for purposes related to homeland security, from full-time equivalent [FTE] employment limitations, administrative ceilings, or targets. The effect of the bill language is to furnish States, municipalities, and other organizations with a sufficient number of field assignees to implement important public health programs related to homeland security.

Inflammatory Bowel Disease.—It is estimated that up to 1 million people in the United States suffer from Crohn's disease or ulcerative colitis, collectively known as inflammatory bowel disease (IBD). The Committee has encouraged the CDC to work in partnership with the IBD community to establish a national IBD epidemiology program to further our understanding of these diseases. The Committee understands that the CDC has recently entered into a partnership with Crohn's and Colitis Foundation of America to initiate this important program. Now that this project has been established through an investment by the patient community, the Committee strongly encourages the CDC to provide significant funding for this program in fiscal year 2003. Moreover, the Committee requests that the Director of the CDC provide a report to the Committee no later than 6 months after the enactment of this legislation detailing the progress that has been made in advancing this initiative.

NATIONAL INSTITUTES OF HEALTH

With this year's appropriation, the Committee marks a historic event: Funding for one of our great national treasures, the National Institutes of Health, has been doubled in just 5 years.

Through past investments in the NIH, countless lives have been saved; new vaccines, cures, diagnostics, and treatments have been developed; and a thriving biomedical research industry has been created. That extraordinary record of achievement inspired the Committee in 1998 to embark upon the ambitious goal of doubling the Nation's investment in biomedical research.

This goal could not have been achieved without widespread support from scientists, who made a compelling case that the additional funds could be put to good use, and from the American people, millions of whom look to the NIH as their best hope for medical cures and treatments. They, more than anyone else, have reason to celebrate the completion of the doubling effort.

By steadfastly keeping NIH funding on track to achieve this goal, the Committee has enabled the NIH to support far more promising research than it was ever able to before, and to advance into new areas of science, even as the doubling project was underway. For example:

—The NIH now funds nearly 10,000 more research grants than it did before the doubling began. That's 10,000 more ideas that could lead to vaccines, cures, and treatments, as well as fundamental scientific breakthroughs that could open up new opportunities for improving human health;

—The NIH now funds 40 percent more research centers than it did in 1998. Such centers can provide the catalyst for researchers of many backgrounds—not just physicians, but mathematicians, computer scientists, physicists, social scientists, and chemists—to come together to solve fundamental science problems or develop novel cures. In the process, the doubling effort has helped change the way research is conducted.

—The NIH can now support the training of over 1,500 more scientists each year than it could in 1998. This investment will help ensure there are enough trained professionals ready to turn today's research advances into tomorrow's treatments, diagnostics, vaccines, and cures.

—NIH funding for clinical trials has doubled from $1,400,000,000 in 1998 to $2,800,000,000 today. This increase has enabled NIH-funded scientists to get basic research results into medical practice that much faster, and the Nation to benefit more quickly from its investments in biomedical research.

The Committee understands that the impact of the doubling effort will continue to be felt for many decades. But several advances during the past 5 years offer a sense of the benefits the Nation will reap in the future from today's investments. They include: the mapping of the human genome, which is revolutionizing biology and opening up entire new fields of research; the FDA approval of Gleevec, the first drug that directly turns off the signal of a protein known to cause a cancer; and rapid advances in embryonic and adult stem cell biology, areas of discovery that could lead to revolutionary treatments and cures.

While the NIH continues to invest in basic research, it is also helping the Nation respond to new threats to the homeland—specifically, to the threat of bioterrorism. NIH-funded scientists helped analyze the genetic code of the anthrax strains used in last fall's anthrax attacks, in an effort to catch the perpetrators, even as other NIH-supported researchers helped advance our knowledge about how to design new vaccines and cures for bioterrorist agents. The NIH is now initiating an important bioterrirosm research initiative to develop countermeasures to neutralize bioterrorist threats from microorganisms such as smallpox, anthrax, tularemia, and plague.

As the Committee marks the conclusion of the doubling effort, it notes that the job of investing in biomedical research is far from over. Heart disease, drug abuse, mental disorders, cancer, diabetes, Parkinson's, Alzheimer's, and other debilitating diseases and conditions continue to affect millions of Americans on a daily basis. The Nation must sustain the momentum of these investments, so future generations can continue to benefit from the improvements in human health that flow from the NIH.

The Committee recommends $27,167,926,000 for the NIH. This amount is $3,742,183,000 above the fiscal year 2002 appropriation and the same as the budget request. For each Institute and Center below, figures for the fiscal year 2002 appropriation and the budget request have been adjusted to reflect transfers to the NIBIB.

NATIONAL CANCER INSTITUTE

Appropriations, 2002	$4,128,351,000
Budget estimate, 2003	4,642,394,000
Committee recommendation	4,642,394,000

The Committee recommends an appropriation of $4,642,394,000 for the National Cancer Institute [NCI]. This is equal to the budget request and $514,043,000 more than the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—The NCI conducts and supports basic and applied cancer research in prevention, early detection, diagnosis, treatment, and rehabilitation. The Institute provides training support for research scientists, clinicians, and educators, and maintains a national network of cancer centers, clinical cooperative groups, community clinical oncology programs, cancer prevention and control initiatives, and outreach programs to rapidly translate basic research findings into clinical practice.

The Committee continues to regard scientific investigation into the cause, cure, prevention, and treatment of cancer as one of the Nation's top priorities. Research offers the only hope for putting a stop to a disease that wastes precious human resources and contributes to spiraling health care costs.

Anti-cancer drugs.—The Committee is aware that the NCI is collaborating on the development of synthetic small molecule drugs that target both novel and known targets in cell cycle regulation. The Committee

understands that these compounds leave normal, non-cancer cells unharmed while inducing cell-suicide in cancer cells. The Committee encourages the NCI to continue to fund this unique research effort.

Behavioral research.—The NCI is encouraged to continue its recent emphasis on the interactions of genetic, environmental, and lifestyle factors that affect cancer risk and the prevention, detection, and treatment of cancer. The Committee is particularly supportive of work on risk determination and better communication of that risk to the public and public health infrastructures. The NCI is uniquely positioned to develop and expand large collaborative human population studies that can help build the science base. The NCI is also encouraged to expand research efforts to define the biological, behavioral, and social bases of tobacco use and addiction, and to refine treatment options for specific groups (e.g. pregnant women or young smokers).

Blood cancers.—The Committee urges the NCI to continue to implement the research priorities for leukemia, lymphoma, and multiple myeloma included in the May 2001 Progress Review Group Report.

Bone metastases.—The Committee understands that bone metastases are common in a number of human cancers and contribute heavily to morbidity, most prominently in prostate cancer, breast cancer and multiple myeloma. Recognizing this, the NCI is encouraged to promote research to understand the underpinnings of tumor metastasis to the bone. The Institute is also encouraged to focus on understanding the interaction between tumor cells and a multitude of cells in the bone microenvironment, as well as the role of extra cellular matrix and a multitude of growth factors, cytokines and other proteins on tumor survival and growth in the bone microenvironment.

Brain Tumor Progress Review Group.—The Committee is concerned that the NCI and NINDS have not proceeded with implementation of the Brain Tumor Progress Review Group's recommendations on advancing brain tumor research. The Committee strongly urges the NCI and NINDS to finalize their plan for implementing the recommendations and to provide additional funding for the NCI-NINDS Neuro-Oncology Program to ensure that the Federal research agency is a leader in brain tumor research. The two Institutes should also seek to expand their collaborative brain tumor research ventures, including interactive meetings involving scientists of different disciplines and interdisciplinary grant applications in brain tumor biology and etiology. The Committee requests that the NCI and NINDS report on their collaborative brain tumor research initiatives by December 31, 2003.

Cancer and minorities.—The Committee remains concerned that cancer rates for Native Hawaiians and other Native American Pacific Islanders are disproportionately high. The Committee encourages the NCI to expand its research in this area.

Cancer screening technologies.—The Committee recognizes the importance of novel technologies such as plasma K–RAS DNA in the NCI's efforts to develop non-invasive cancer screening technologies for clinical use.

Cancer survivorship.—With the advances that have resulted from the ongoing commitment and investment in biomedical research, and the resultant advances in cancer treatment, cancer for many has become a chronic illness. Currently, there are over 9 million cancer survivors in the Nation, and this number is expected to grow dramatically. More must be done to improve the understanding of the growing cancer survivorship population, including determinations of physiological and psychological late effects, prevalence of secondary cancers, as well as further development of effective survivorship interventions. The Committee supports an aggressive expansion of the NCI Office of Cancer Survivorship activities, to include the convening of a consensus conference on cancer survivorship. The Committee requests the Director of NCI to submit a report, by April 1, 2003, outlining the activities the NCI is undertaking to enhance cancer survivorship research and to expand the Office on Cancer Survivorship.

Chronic lymphocytic leukemia.—The Committee strongly encourages the NCI to increase the level of research aimed at determining the underlying cause and optimum therapies for CLL, the most common form of adult leukemia in the United States. The Committee is encouraged by the NCI's willingness to consider a supplementary application for research funding for the CLL Research Consortium. The Committee further urges the NCI to expand funding for the Consortium to speed up the progress in finding significant scientific breakthroughs.

Chronic myeloproliferative disorders.—Polycythemia vera, idiopathic myelofibrosis and essential thrombocytosis are malignant diseases of the bone marrow that are underserved with respect to research funding, considering the number of people they strike. These disorders are chronic and can transform into acute leukemia. They offer great research promise with respect to insights into the behavior of blood cells, since the cells that they affect appear normal but behave abnormally. The major obstacle to research into the causes and the treatment of these disorders has been the lack of Federal funds designated for this purpose. The Committee strongly believes that the NCI should expand research into these disorders, and it expects the NCI to report to Congress by April 1, 2003, about existing efforts, as well as planned future efforts, to better understand these disorders.

Complementary and alternative cancer therapies.—The Committee expects the NCI to expand its work and its collaborative efforts with NCCAM to support research on promising complementary and alternative cancer therapies as well as on their integration with traditional therapies. Thousands of Americans are turning to these therapies, and consumers will benefit from a rigorous scientific review of them.

DES.—The Committee continues to strongly support increased efforts to study and educate the public and health professionals about the impact of exposure to the synthetic hormone diethylstilbestrol (DES). The Committee expects the NCI to continue its support of research in this area. In addition, the Committee urges the NCI to continue its agreement with the CDC to implement a national education program for consumers and health professionals. The Committee expects the NCI and these other agencies to continue to consult with organizations representing individuals impacted by DES as they carry out DES research and education efforts.

Gynecologic cancers.—The Committee is concerned about the patterns of care for gynecological cancers, and it urges the NCI to expand CanCORS to gynecologic cancers. While the Committee commends the NCI for funding four ovarian cancer SPOREs and the one gynecologic cancer SPORE, it believes research into other gynecologic cancers needs to be enhanced. The Committee urges the NCI to continue funding ovarian cancer SPORES and to consider creating SPORES specifically for cervical and endometrial cancers.

Imaging systems technologies.—The Committee is encouraged by progress made by the NCI following its August 1999 conference on biomedical imaging, and it urges the NCI to continue to take a leadership role with the Centers for Medicare and Medicaid Services (CMS) and the Food and Drug Administration to avoid duplicative reviews of new imaging technologies which may prevent their benefits from reaching patients on a timely basis. The Committee is aware of the great potential for improved patient care and disease management represented by molecular imaging technologies, especially positron emission tomography (PET) through its ability to image the biology of many kinds of cancer and other diseases. The Committee continues to support the NCI's increased emphasis on examining the molecular basis of disease through imaging technologies such as PET and MicroPET. The Committee continues to encourage the large-scale testing of women for breast cancer and of men for prostate cancer to demonstrate and quantify the increased diagnostic and staging capabilities of PET relative to conventional diagnostic and staging technologies including mammography.

Kidney and bladder cancers.—The Committee is concerned that funding for kidney and bladder cancer has not kept pace with that of other cancers. The Committee understands that the NCI has worked with the scientific community to develop an agenda for research into these cancers. The Committee encourages the NCI to implement this agenda for other urologic cancers in the coming fiscal year.

Liver cancer.—The Committee encourages the NCI to work closely with the NIDDK to investigate prevention, diagnosis and therapy for hepatocellular carcinoma and other cancers of the liver.

Neurofibromatosis (NF).—Neurofibromatosis research has significant potential for cancer patients since NF genes have been implicated in the signaling process that determines cell growth and cell differentiation. The Committee commends NCI for recognizing NF's connection to many of the most common forms of human cancers and commencing phase II clinical trials of NF1 patients with plexiform neurofibromas. The Committee encourages the NCI to strengthen its NF research portfolio in such areas as further development of animal models, natural history studies, therapeutic experimentation and clinical trials.

Pancreatic cancer.—The Committee is very concerned that funding increases for pancreatic cancer research have not risen at a rate commensurate with the severity of this disease or the increases afforded the NCI for the past 5 years. Pancreatic cancer is the Nation's fifth-leading cause of cancer death, and 99 percent of people diagnosed with pancreatic cancer die within 6 months. Therefore, the Committee strongly urges the NCI to: (1) fully implement the recommendations outlined in the Progress Review Group on pancreatic cancer during fiscal year 2003; (2) consider funding five pancreatic cancer SPOREs by fiscal year 2004; and (3) develop a plan to create a critical mass of pancreatic cancer researchers and grants over the next 3 years. The Committee asks the NIH to address these recommendations in a report to Congress by March 30, 2003.

The Committee also urges the NCI to explore new methods for identifying genetic and environmental factors and gene-environment interactions that contribute to pancreatic cancer, and to develop and implement methods for rapid case ascertainment, which may include immediate electronic reporting from pathology, radiology, and laboratory departments.

The Committee further notes the promise of utilizing proteomic analysis of blood samples to diagnose pancreatic cancer at its earliest stages. Proteomic analysis, which involves the identification of specific protein patterns in blood or other specimens that match known malignant patterns, is quicker than identifying separate proteins and the genes that create the proteins. This analysis was recently employed for the detection of ovarian neoplasms and is presently under study for the early detection of invasive prostate cancer. The Committee encourages the NCI to rapidly identify predictive proteomic patterns relevant to pancreatic cancer.

Primary immunodeficiencies (PI).—Research has shown that patients suffering from primary immunodeficiencies have a 100–200 times greater risk of developing cancer than persons not suffering from PI. This has been a particular problem in minority communities, where PI is often underdiagnosed. The Committee urges the NCI to fund an aggressive research agenda that will target methods of identifying undiagnosed patients and appropriate treatments as a means of preventing cancer. In addition, the Committee continues to urge NCI to play a meaningful role in the national physician education and public awareness campaign of the Jeffrey Modell Foundation.

Prostate cancer.—Incidences of prostate cancer have been on the rise in recent decades. Evidence is growing that in addition to genetic disposition, numerous other factors—including lifestyle, nutritional imbalances, chronic infections, and hormonal, psychological and environmental components—play a role in the development of prostate cancer. The Committee strongly urges the NIH to renew its commitment to prostate cancer research, with a special emphasis on accelerating new avenues for basic research, drug development, and clinical research.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

Appropriations, 2002	$2,560,197,000
Budget estimate, 2003	2,776,411,000
Committee recommendation	2,820,011,000

The Committee recommendation includes $2,820,011,000 for the National Heart, Lung, and Blood Institute [NHLBI]. This is $43,600,000 more than the budget request and $259,814,000 more than the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—The National Heart, Lung, and Blood Institute provides leadership for a national research program in diseases of the heart, blood vessels, lungs and blood, in transfusion medicine, and in sleep disorders through support of innovative basic, clinical, population-based, and health education research.

Advanced imaging technology for heart disease and stroke.—The Committee is aware that heart perfusion PET scans using Rubidium-82 are considered the ''gold standard'' for determining the extent of muscle damage to the heart following a heart attack. The Committee encourages the NHLBI to expand its research efforts into the role of biological imaging and PET in delivering more accurate information to determine appropriate treatment for heart disease patients.

Behavioral research on positive health.—The Committee notes that the NHLBI has sponsored important research demonstrating the power of social connectedness to help speed recovery after heart attacks. The Committee is interested in research that helps reveal the pathways through which positive experiences and emotions may enhance health or protect against illness. The Committee encourages the NHLBI to continue its work in this area and to expand where possible any initiatives to increase basic behavioral research on the etiology of disease resistance. The Institute is also encouraged to examine initiatives that may be ready for field-testing in community populations.

Blood disorders.—The Committee commends the NHLBI for its actions to establish a Transfusion Medicine/Hemostasis Clinical Research Network and for the enhancements being made to the existing network of sickle cell centers.

Cardiovascular diseases.—The Committee continues to regard research into the causes, cure, prevention and treatment of heart attack, stroke and other cardiovascular diseases as one of the Nation's top priorities. Cardiovascular diseases remain the leading cause of death in the United States and a major cause of disability. The Committee is concerned that funding in constant dollars for NHLBI's extramural Heart Program has not kept pace with increases for the NIH at a time when promising breakthroughs are on the horizon. The Committee continues to believe that an intensive research program on heart attack, stroke and other cardiovascular diseases should be a top priority of the NHLBI and of the NIH. The Committee urges the Institute to place the highest priority on cardiovascular research and has included sufficient funds to allow the Institute to support existing heart and stroke-related research and to invest in promising research initiatives in this area.–

Cardiovascular diseases in women.—The Committee is aware that cardiovascular diseases remain a major cause of disability and the leading cause of death of American women. The clinical course of cardiovascular disease is different in men than in women, and current diagnostic capabilities are less accurate in women than in men. The Committee urges the NHLBI to expand cardiovascular disease research in women, including studies to develop safe, efficient and cost effective diagnostic approaches for women. In addition, the Committee encourages the NHLBI to create more informational and educational programs for women patients and health care providers on heart disease and stroke risk factors, as authorized under Public Law 105–340, the Women's Health Research and Prevention Amendments of 1998.

Chronic obstructive pulmonary disease (COPD).—The Committee encourages the Institute to further research COPD and to expand research on the pediatric origins of COPD, the effects of environment on COPD, and the identification of biomarkers that might predict complications of COPD, including lung cancer.

Cooley's anemia.—The Committee remains strongly supportive of the Institute's creation of the Thalassemia Clinical Research Network, which is composed of North America's leading research entities on thalassemia, the medical term for Cooley's anemia.

Diamond-Blackfan Anemia.—The Committee is pleased that NHLBI has conducted a workshop to evaluate the current state of the science for the rare bone marrow deficiency disorder, Diamond Blackfan Anemia (DBA). The Committee understands that based on the findings of the workshop, NHLBI is developing a comprehensive research strategy to investigate its genetic predispositions to cancer, advanced treatment options, and gene therapy. NHLBI should submit a report to the Committee on the findings of the workshop and the subsequent research strategy. The Committee also urges NHLBI to consider ways to enhance the Diamond Blackfan Anemia National Registry so that it may better facilitate research in this field.

Disease networks.—The Committee is pleased with the NHLBI's efforts to create disease networks in the areas of asthma, sarcoidosis, and ARDS. The Committee encourages the NHLBI to expand disease networks and to expand the network concept to include the creation of tissue banks for acquisition and distribution of tissue for asthma, COPD, and interstitial lung disease.

Heart disease and kidney disease.—There is a well-established and significant link between heart disease, hypertension, and kidney disease. The Committee encourages the NHLBI to increase its collaboration with the NIDDK to develop cooperative research initiatives in this area, and it urges the NHLBI to consider sponsoring a workshop on hypertension as it relates to heart and kidney disease.

Hemophilia.—The Committee commends the NHLBI for its role in addressing hemophilia and for the Institute's strong support of hemophilia gene therapy research. The Committee notes the NHLBI program for women with bleeding disorders, and it encourages the NHLBI to convene a consensus conference to determine next steps for research. The Committee recognizes the Institute's efforts to address the shortage of trained hematology specialists through the establishment of a clinical research network, and it urges the NHLBI to expand support for strategies to ensure this critical issue is addressed.

Lung repair.—Respiratory failure is often a result of irreversible lung injury. This may occur acutely in conditions such as the acute respiratory distress syndrome (ARDS) or chronically with disorders such as COPD or pulmonary fibrosis. The Committee encourages the NHLBI to promote the use of stem cells in animal models to study lung repair and organogenesis as a novel method to reverse respiratory failure.

Marfan syndrome.—The Committee commends the NHLBI for its past and ongoing support of research on aortic aneurysms, which are pathologically related to Marfan syndrome. In particular, the Committee commends the Institute for providing funding support for the request for applications that was initiated by NIAMS for heritable disorders of connective tissue, which include Marfan syndrome. Marfan syndrome is a life-threatening genetic disorder that affects several organ systems and may result in rupture of the aorta without the proper intervention.

Minority cardiovascular health research.—The Committee remains concerned that cardiovascular diseases disproportionately affect minorities. For example, compared with whites, blacks have a 1.3 times greater rate of nonfatal stroke, a 1.8 times greater rate of fatal stroke, and a 1.5 times greater rate of heart disease death. The Committee encourages the NHLBI to support new partnerships between research-intensive medical centers and health care systems that serve minority populations. Such partnerships would facilitate the study of complex biological, behavioral, and societal factors that contribute to

health disparities in cardiovascular disease; promote research within the health care systems to improve minority health and reduce health disparities; and provide training of investigators to study cardiovascular diseases in minorities. An important aspect of the programs would be the development of community involvement in the research and outreach strategies for patient recruitment and retention and emphasis on prompt and effective communication of research findings to health care practitioners.

Minority health and lung disease.—The Committee is aware that lung diseases disproportionately affect many minority groups. The Committee encourages the NHLBI to work with other Institutes and Centers to develop an epidemiologic approach to determine the disproportionate impact of airway disease on minority populations.

Myeloproliferative disorders and myelodysplasia.—The Committee urges the NHLBI to work with the NCI to develop new research initiatives into the causes and targeted therapies of myeloproliferative disorders and myelodysplastic syndromes. These disorders are characterized by an overgrowth of often abnormal cells in the bone marrow which may lead to leukemia.

National Asthma Education and Prevention Program (NAEPP).—The Committee commends the NAEPP, which is administered by the NHLBI, for its leadership in helping to educate physicians, asthma patients, their families, and the general public regarding asthma and its management. The Committee encourages the NAEPP to enhance the role that its advisory committee plays in helping to coordinate asthma education throughout the United States. In addition, the Children's Health Act of 2000 legislation included provisions for the NAEPP to develop, in conjunction with other Federal agencies and voluntary and professional health organizations, a Federal plan to respond to asthma. This plan will include the roles and responsibilities of several Federal agencies in combatting asthma. The Committee encourages the NHLBI to move forward quickly on this effort.

Obesity-associated cardiovascular diseases.—Obesity is a major risk factor for heart disease, stroke, and other cardiovascular diseases. An estimated 61 percent of American adults are overweight or obese, and excessive weight in children and adolescents is of increasing concern. The Committee encourages the NHLBI to support basic and clinical studies to explain how excessive body weight contributes to the development of cardiovascular diseases such as hardening of the arteries, enlarged hearts, heart failure and irregular heart beats. Major areas needing further research and clarification include the role of fatty tissue in inflammation, the effects of obesity on the growth of the heart, blood vessel, respiratory, hormone and metabolic systems; and the complex interactions between being overweight and conditions such as chronic sleep loss, high blood pressure and diabetes.

Pediatric asthma.—The Committee recognizes that little is known about the optimal treatment for asthma in infants and young children. The Committee encourages NHLBI to use the research amassed through the Pediatric Asthma Clinical Research Network to provide clearer choices for childhood asthma therapy, to encourage the development and dissemination of new therapies, and to identify optimum asthma management strategies for children.

Pulmonary hypertension.—Pulmonary hypertension (PH) is a rare, progressive and fatal disease that predominantly affects women. It causes deadly deterioration of the heart and lungs and is a secondary condition in many other serious disorders such as scleroderma and lupus. The Committee commends the NHLBI's efforts to promote PH-related research, and it encourages the Institute to increase funding for basic research, gene therapy, and clinical trials of promising pharmaceuticals.

Scleroderma.—The Committee encourages the NHLBI to undertake research initiatives on the cause of and treatment options for scleroderma, a chronic and progressive disease that predominantly strikes young women. Scleroderma can result in complications that include pulmonary fibrosis, pulmonary hypertension, myocardial fibrosis, cardiac arrhythmias, pericarditis, and Raynaud's phenomenon.

Sleep medicine.—The Committee commends the Institute and its National Center for Sleep Disorders Research for the progress being made to advance research into the relationship between obstructive sleep apnea and obesity, hypertension, cardiovascular diseases, and mortality. The Committee encourages the Institute to accelerate these efforts and to consider conducting multi-site clinical studies that will assess effective treatments for patients with sleep apnea and identify the functions of sleep for health, aging, and prevention of disease.

Temporomandibular joint disorders (TMJ).—The Committee applauds the NHLBI for taking the initiative to investigate research opportunities related to the cardiovascular and sleep-related consequences of temporomandibular disorders, and it encourages the Institute to act upon the recommendations that ensued from an NHLBI workshop related to these issues.

Tuberculosis and AIDS interaction.—The Committee supports the important research on the interaction of tuberculosis and AIDS conducted by the NHLBI AIDS research program, and it encourages NHLBI to strengthen its research in this important area.

Vascular disease and Alzheimer's.—There is a growing body of evidence that cerebrovascular disease may be a key mechanism in triggering the manifestation of Alzheimer's disease. Autopsy data reveal that individuals whose brains showed the plaques and tangles that are the hallmark of Alzheimer's disease were much more likely to develop dementia if they had also suffered a series of small strokes. Data from longitudinal studies also suggest that high cholesterol and hypertension may be significant risk factors in Alzheimer's disease. The implications of these discoveries are enormous, particularly for racial and ethnic groups that are disproportionately affected by vascular disease. Preliminary studies indicate that cholesterol-lowering drugs and anti-hypertensive medications may also protect against cognitive impairment and Alzheimer's disease. The Committee urges the NHLBI to pursue this line of research and to work collaboratively with the NIA.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

Appropriations, 2002	$343,149,000
Budget estimate, 2003	372,167,000
Committee recommendation	374,067,000

The Committee recommendation includes $374,067,000 for the National Institute of Dental and Craniofacial Research [NIDCR]. This is $1,900,000 more than the budget request and $30,918,000 more than the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—The NIDCR supports research and research training to improve the oral health of the American people. The Institute emphasizes ways to prevent disease in high-risk groups, including the elderly, minority populations, and individuals with medical conditions and medications that compromise oral health. The research agenda includes studies of craniofacial genes and birth defects; bone and joint diseases; AIDS, other infections, and immunity; oral cancer; chronic pain; epidemiology; biomaterials; and diagnostic systems.

Dental complications of Paget's disease.—The Committee encourages NIDCR to support research on bone surrounding teeth, oral and dental complications of Paget's disease, new animal models of dentinogenesis imperfecta, orthodontic manipulation in people with osteogenesis imperfecta and biomarkers related to saliva. The Committee also encourages NIDCR to continue its research on fibrous dysplasia.

Temporomandibular joint disorders (TMJ).—The Committee is aware that the Institute intends to broaden its scientific base for TMJ research beyond studies on the psychological and behavioral factors in the etiology or chronicity of TMJ diseases and disorders that have long dominated the research portfolio. The Committee urges investment in studies of normal and abnormal structural and functional features of the joint and related structures, using the tools of cell and molecular biology as well as advanced imaging techniques. The Committee asks that the NIDCR and other Institutes follow up with research initiatives resulting from the spring 2002 TMJ Association's meeting on joint and muscle dysfunction of the TMJ.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

Appropriations, 2002	$1,466,380,000
Budget estimate, 2003	1,604,647,000
Committee recommendation	1,637,347,000

The Committee recommends an appropriation of $1,637,347,000 for the National Institute of Diabetes and Digestive and Kidney Diseases [NIDDK]. This is $32,700,000 more than the administration's request and $170,967,000 more than the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—The NIDDK provides leadership for a national program in three major disease categories: diabetes, endocrinology, and metabolic diseases; digestive diseases and nutrition; and kidney, urologic, and hematologic diseases. The NIDDK plans, conducts, fosters, and supports a coordinated program of fundamental and clinical research and demonstration projects relating to the causes, prevention, diagnosis, and treatment of diseases within these categories. The Institute also supports efforts to transfer the knowledge gained from its research program to health professionals, patients, and the general public.

Behavioral research.—The Committee encourages the NIDDK to continue a research emphasis on the links between depression and diabetes. Diabetics who have co-occurring depressive symptoms have less success managing their illnesses. Depression has been linked to poorer adherence to medical and behavioral regimens and lower rates of exercise. The Committee also notes that a recent NIDDK clinical trial on diabetes, the

Diabetes Prevention Program, demonstrated that diet and exercise could be more successful than medication in preventing the development of diabetes in groups that faced a high risk of diabetes. The NIDDK is strongly encouraged to build on its investment in behavioral research, particularly in areas that would add to the science base on the maintenance of positive behavior change.

Bladder disease research.—Bladder diseases have a significant negative impact on the U.S. population. The Committee urges the Institute to increase funds for the urology program and other areas critical to bladder disease.

Children and adolescent urological diseases.—While research urologic diseases has led to advances in the care and management of some urologic diseases affecting adults, these diseases persist as a major cause of illness among the most vulnerable population, children and adolescents. The NIDDK should develop and implement an interagency plan for pediatric urologic disease research. The Committee requests the NIDDK to submit a status report prior to the fiscal year 2004 appropriations hearings that outlines the steps it is taking to address the specific research needs of children and adolescents suffering from urologic diseases and conditions.

Chronic prostatitis.—The Committee requests that the NIDDK increase funding for the Chronic Prostatitis Collaborative Research Network. The Institute is also encouraged to stimulate new and diverse research in chronic prostatitis by convening a scientific and clinical workshop to be held in fiscal year 2003 which will disseminate the findings of the CPCRN and develop a strategic research plan.

Cooley's anemia.—The Committee commends the outstanding work being done at the NIDDK on such issues as iron chelation, non-invasive iron measurement, fetal hemoglobin and other topics that are critical to the health and well-being of Cooley's anemia patients. The development of a less burdensome method of iron chelation, in particular, is a critical priority as these patients currently must infuse themselves with a drug pumped into their bodies up to 12 hours per night. Research directed at reducing this burden is urgently needed.

Diabetes in Native Hawaiians.—The Committee encourages the NIDDK to investigate the incidence of diabetes in Native American, Hawaiian, and Alaskan populations, as well as the Mississippi Band of the Choctaw Indians and the Eastern Band of the Cherokee Indians.

Digestive diseases.—Diseases of the digestive system, such as colorectal cancer, inflammatory bowel disease, irritable bowel syndrome, hemochromatosis, celiac disease, and hepatitis, affect more than one-half of all Americans at some time in their lives. The Committee commends the NIDDK on the success of its Digestive Disease Centers program in addressing a wide range of disorders that result in tremendous human suffering and economic cost. The Committee encourages the Institute to expand this program.

Gastroparesis.—Millions of Americans suffer from gastroparesis, a condition caused by the failure of the stomach to empty because of decreased motility. One of the most common complications of diabetes, gastroparesis also affects individuals with lupus, scleroderma, and is a complication in the treatment of Parkinson's and asthma. In up to 40 percent of cases, the cause of gastroparesis is unknown. While researchers are exploring methods to diagnose this disorder, effective treatments remain elusive. The Committee strongly encourages NIDDK to place special emphasis on developing and testing more effective, innovative diagnostic tests and novel treatments, and on training health care providers about this gastric neuromuscular disorder.

Glomerular injury research.—The Committee is pleased with the NIDDK's glomerular injury research initiatives, including a clinical trial for patients with focal segmental glomerulosclerosis. Further, the Committee continues to encourage the NIDDK to consider initiating a scientific conference on glomerular injury research, and to explore support for gathering prevalence data on glomerular injury.

Hematology.—The Committee is aware of the high-quality hematology research in iron metabolism, gene regulation, and stem cell plasticity currently funded by the Institute, and it encourages the NIDDK to plan the next steps in setting priorities for future research in these and other areas that significantly impact a broad array of blood disorders.

Hepatitis C.—The Committee remains concerned about the disproportionate impact of hepatitis C among minorities. The Committee encourages the NIDDK to expand research on better treatment options for minorities, and to partner with the CDC and voluntary health organizations to facilitate a prevention and education campaign targeted at high-risk populations.

Inflammatory bowel disease.—The Committee has been encouraged in recent years by discoveries related to Crohn's disease and ulcerative colitis, collectively known as inflammatory bowel disease (IBD). These extremely complex disorders represent the major cause of morbidity from intestinal illness. The Committee commends NIDDK for its strong leadership in this area and encourages the Institute to expand research focused on: (1) the cellular, molecular and genetic structure of IBD, (2) identification of the genes that determine susceptibility or resistance to IBD in various patient subgroups, and (3) translation of basic research findings into patient clinical trails as outlined in the research agenda developed by the scientific community entitled, ''Challenges in Inflammatory Bowel Disease.'' In addition, the Committee encourages NIDDK to continue to strengthen its partnership with the IBD community and expand its Digestive Disease Centers program. The Committee requests that the Institute provide a report on the progress made throughout the NIH in all of these areas by October 1, 2003.

Interstitial cystitis.—The Committee is very concerned by the direction of interstitial cystitis (IC) research at the NIDDK in the last two budget cycles. Despite strong congressional interest in expanding such research, the NIDDK did not invest in new IC-specific research grants during fiscal year 2002 and has thus far not committed to doing so in fiscal year 2003. The Committee urges the NIDDK to reverse this trend and aggressively support research that will enhance the basic science knowledge of IC through IC-specific research.

The Committee is pleased that NIDDK has pledged continued support and expansion of the IC Clinical Trials Group. The Committee is aware that the group is making good progress on the evaluation of BCG for the treatment of IC. Ancillary studies, including urinary marker studies, are being done concurrently, and will help provide an understanding of the differences between responders and non-responders. The Committee feels strongly that funding for ancillary studies should be included in the recompetition of the RFA for the ICCTG clinical centers. This will ensure peer review, and at the same time, avoid possible significant delays in funding of the ancillary studies should they be offered through a different mechanism.

The Committee is also pleased that the NIDDK completed a draft of the recommendations put forth by the Bladder Research Review Group and had planned to issue its final report in 2002. The Committee urges that the strategic plan's recommendations regarding IC be implemented and fully funded as soon as possible. The Committee requests a full update on this and all IC-related research activities as part of the NIDDK's written testimony for the fiscal year 2004 Senate appropriations hearing.

Irritable bowel syndrome.—The Committee remains concerned about the increasing frequency of irritable bowel syndrome (IBS), and it encourages NIDDK to partner with other Institutes and Centers to enhance research on this disorder, including studies on its prevalence.

Islet cell transplantation.—The Committee is pleased with NIH-supported research involving the transplantation of insulin-producing islet cells into individuals with juvenile diabetes. The Committee encourages the NIDDK to work closely with the NIAID on initiatives to create and maintain immune tolerance to transplanted islet cells. In addition, the Committee encourages the NIDDK to vigorously pursue all avenues of research that could lead to alternative supplies of insulin-producing cells, including stem cell technology.

Juvenile diabetes.—The Committee urges the NIDDK to continue development of a vaccine to prevent juvenile diabetes, and to collaborate with other Institutes on this project. In addition, the Committee commends the NIDDK for its efforts to determine the genetic origins of juvenile diabetes, including the development of a Type 1 Diabetes Genetics Consortium, which will collect and share valuable DNA information from juvenile diabetes patients from studies around the world. The Committee encourages the NIDDK to continue and expand this effort to determine the genetics of the complications of diabetes, such as retinopathy, kidney disease and neuropathy. The Committee also remains concerned about reports of a shortage of pediatric endocrinologists, and it urges the NIDDK to enhance efforts to address this serious problem.

Kidney disease and end-stage renal disease.—Diabetes is the leading cause of kidney failure and end-stage renal disease. The Committee urges the NIDDK to expand research into early prevention and therapeutic intervention of kidney disease to prevent end-stage renal failure. The Committee also encourages the NIDDK to consider launching a permanent kidney disease clinical research mechanism. Finally, the Institute is urged to address an anticipated workplace shortage in nephrology by launching new training initiatives and workshops to foster interest in the field.

Kidney disease clinical research.—The Committee previously noted the current inherent problems in conducting kidney disease research due to the lack of a permanent infrastructure, such as a clinical trials cooperative group. The Committee commends the NIDDK for its leadership in moving forward in this area, by holding an initial workshop to develop strategies that will strengthen kidney research and enhance researchers' abilities to translate research findings to the bedside, facilitate clinical trials, and recruit

patients for studies. The Committee urges the NIDDK to continue with these efforts, and to make the necessary funds available in this fiscal year to launch a permanent kidney disease clinical research mechanism.

Live-donor liver transplantations.—More than 1,300 people died over the past year because of the lack of a donor liver, and there were almost 18,750 individuals on the list waiting for liver transplantations. In view of this continuing shortage of organ donors, the Committee is pleased that an award has been made for the establishment of six clinical centers and a data coordinating center to focus research on the need to improve the outcome of both donors and recipients involved in such transplants.

Mucopolysaccharidosis (MPS).—The Committee is pleased with the efforts made by the NIDDK to enhance research efforts in the area of MPS, both to achieve a greater understanding of these disorders and to pursue the development of effective therapies. The Committee encourages the NIDDK to continue its strong investment in MPS-related research, including bone and joint involvement and pathophysiology of brain damage as they relate to MPS disorders. The NIDDK is further encouraged to build on collaborative efforts with the NINDS, NICHD and appropriate Institutes and Centers involved in this research.

Non-alcoholic Steatohepatitis.—The Committee is pleased that the Institute has provided funding for six clinical centers and one data coordinating center to focus additional research on non-alcoholic steatohepatitis (NASH), which is the second most common cause of liver disease after hepatitis C. In view of the fact that NASH is increasing rapidly in children, the Institute is encouraged to collaborate with the NICHD to expand this award to include a more significant focus on children.

Osteoporosis.—The Committee encourages the NIDDK to collaborate with the NIAMS to conduct large-scale trials to determine the most effective and least costly way to combine treatments for osteoporosis, both to prevent bone breakdown and build new bone. The Committee also urges the NIDDK to consider co-funding grants with NCCAM and the Office of Dietary Supplements regarding the nutritional and hormonal influences of calcium on bones, as well as the bioavailability of various calcium supplements.

Pediatric kidney disease.—Although significant strides have been made in understanding kidney disease in adults, much less is known about its complications in children, including obstacles to full growth potential and neurocognitive development. For this reason, the Committee is disappointed that children were not included in a prospective cohort study of chronic renal insufficiency, particularly in light of recent initiatives calling for greater participation of children in studies of this nature. Given the long-term implications when children reach adulthood, the Committee strongly urges the NIDDK to undertake research into the history and treatment of (1) cardiovascular problems in children suffering from chronic kidney disease, giving careful consideration to the role of hypertension, lipid abnormalities, obesity, cardiovascular calcification and cardiac arrhythmia, and (2) neurocognitive and developmental deficits including learning disabilities, with related issues of chronic neurological, intellectual and emotional impairment; poor linear growth; and abnormal bone formation.

Pediatric liver disease.—The Committee is pleased that the NIDDK has taken steps to increase research on biliary atresia, the most common cause of liver transplantation in children. The Committee notes that metabolic causes of liver disease and non-alcoholic steatohepatitis (NASH) are also significant causes of liver disease in children. Therefore, it urges additional research focused on these diseases and other forms of pediatric liver disease.

Polycystic kidney disease (PKD).—The Committee is pleased that the NIDDK has implemented most of the PKD Strategic Plan as established in early fiscal year 1999, and that has sponsored another PKD Strategic Planning Meeting to chart the next 3- to 5-year course for this promising field of study. Likewise, the Committee is encouraged to know that the NIDDK will launch the PKD Interventional Trials Network this year and will partner with the private sector to increase the quality of this project. The Committee is pleased to note that both the ARPKD gene discovery (for infantile PKD) and the Intracellular Calcium Channel breakthrough for ADPKD in February 2002 were discovered by NIH-funded scientists. The Committee strongly urges NIDDK to take advantage of this unprecedented PKD research momentum and accelerate its research efforts toward creating effective clinical interventions for the 600,000 Americans afflicted with PKD.

Training grants.—The Committee is very concerned that so few investigators have focused their careers on diseases of the pancreas and pancreatic cancer. The Committee urges the NIDDK to increase the number of training grants, fellowship and career development programs, and seed grants that are specifically aimed at increasing the number of researchers, including young investigators, to pancreatic diseases.

Urinary incontinence.—Urinary incontinence afflicts approximately 13 million adults in the United States, 85 percent of whom are women. The Committee urges the NIDDK to enhance its support of urinary incontinence research following the recommendations of the Bladder Research Progress Review Group. In addition, the Committee encourages the NIDDK to increase the number of clinical sites in the Urinary Incontinence Treatment Network Initiative.

Urological diseases.—Urological diseases have a significant impact on men, women and children in this country and represent a major public health issue that will increase as the population ages. The Committee has previously expressed its concern over the adequacy of the urology basic science research effort. The Committee therefore strongly encourages the NIDDK to make the investments in urology research needed to achieve significant improvement in the ability of physicians to diagnose and treat these diseases and to relieve the human suffering they cause.

Urologist shortage.—The Committee is aware of the shortage of urologists entering research careers. It encourages the NIDDK to initiate career development awards appropriate for urologists and other surgeons, taking into account the specific requirements for training and experience that urology residency and fellowship training programs must meet. The NIDDK should consider modifying the current research time requirements and develop alternative career pathways suitable for urologic fellowship training programs.

Urology Interagency Coordinating Committee.—Several Federal agencies, including the Department of Defense and the Veterans Administration, have a role in urology research. In order to strengthen trans-institutional research, the Committee encourages the NIDDK to provide funds to the Urology Interagency Coordinating Committee to foster such research.

Urology research centers.—The Committee is impressed with the results produced by the O'Brien urology research centers, which bring together a critical mass of scientists who focus on a particular aspect of urologic disease. The Committee urges the NIDDK to increase the number and funding of these centers and ensure that there is focus on pediatric urology; prostate growth and disease; female urology, including incontinence, infection, interstitial cystitis, and bladder function and development; and tissue engineering and genetics. These centers should also be able to develop exploratory projects and provide support for resident and fellow research opportunities.

Women's urological health.—The Committee is concerned with the lack of progress at NIDDK in developing a women's urological health initiative. The conference held 4 years ago identified important research issues and needs, but there has been little subsequent action. The Committee strongly urges the Institute to implement the conference recommendations in the coming fiscal year and address the management problems that caused this delay in action.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

Appropriations, 2002	$1,312,780,000
Budget estimate, 2003	1,424,405,000
Committee recommendation	1,466,005,000

The Committee recommends an appropriation of $1,466,005,000 for the National Institute of Neurological Disorders and Stroke [NINDS]. This is $41,600,000 more than the budget request and $153,225,000 more than the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—The NINDS conducts and supports a broad range of research and research training on the normal function of the brain, spinal cord, and peripheral nerves, and on neurological and neuromuscular disorders. Neurological research includes epidemiology studies to identify risk factors for disease; laboratory studies to examine the structure and function of nerve cells; and brain imaging studies to understand how the brain is affected by disease and how it operates to carry out tasks such as learning and memory. New approaches for the diagnosis, treatment, and prevention of brain disorders are evaluated in studies with patients and those at risk for brain disorders.

Alzheimer's disease.—The NINDS continues to play an integral role in widening the scientific base of knowledge about Alzheimer's disease. For example, scientists have developed an antisense molecule that, when introduced intravenously, reversed learning and memory deficits in mice with an Alzheimer's-like disease. The Committee believes that the potential of antisense therapy for Alzheimer's and related disorders is promising. The Committee urges the NINDS to continue to assign a high priority to its Alzheimer's research portfolio. In addition, the Committee urges the NINDS, in collaboration with the NIA and NIMH, to expand its research into early diagnosis of Alzheimer's using PET imaging of the brain.

Ataxia telangiectasia (A–T).—A–T is a genetic disease that attacks in early childhood.

It progressively affects coordination and severely compromises the immune system. Children with A–T are highly likely to develop cancer, and rarely live beyond their teens. The Committee encourages the NINDS to work with the NCI and other appropriate Institutes to support research aimed at understanding the underlying causes of A–T with the goal of translating this basic research into treatments for the disease.

Batten disease.—The Committee is disappointed with the pace of research regarding Batten disease. The Committee strongly urges the Institute to increase funding for such research by actively soliciting grant applications for Batten disease and taking aggressive steps to assure that a vigorous research program is established.

Brain tumors.—The Committee encourages the NINDS to continue working with the NCI to carry out the recommendations of the recently issued Report of the Brain Tumor Progress Review Group.

Duchenne muscular dystrophy.—The Committee commends NIH for initiating the muscular dystrophy cooperative research centers. These centers will support interdisciplinary teams of accomplished investigators undertaking basic and clinical research to improve treatment options for patients with Duchenne and Becker muscular dystrophy. The Committee expects NINDS to work cooperatively with NIAMS and NICHD to expand the research undertaken by the centers program.

Dystonia.—The Committee continues to support the expansion of research and treatment developments regarding the neurological movement disorder dystonia, which is the third most common movement disorder after tremor and Parkinson's disease. The Committee encourages the NINDS to support additional research on both focal and generalized dystonia, and it commends the Institute for its study of the DYT1 gene and encourages expansion in this research area. Furthermore, the Institute is encouraged to support epidemiological studies on dystonia and to increase public and professional awareness of this disorder.

Epilepsy.—Epilepsy remains a major, unsolved public health problem affecting the lives of over 2.5 million Americans and their families. The Committee applauds the development of benchmarks for epilepsy research resulting from the ''Curing Epilepsy: Focus on the Future'' conference held in March 2000, and it encourages the NINDS to expand research into the prevention, treatment, and eventual cure of epilepsy. In addition, the Committee urges the NINDS to address critical research issues related to the impact of seizures on young children, women, the elderly and those with intractable or uncontrolled epilepsy. The Committee commends the Institute on the anti-epileptic drug development program that has led to the discovery of many important anti-epileptic medications, and it encourages the Institute to further develop this program with specific research plans and goals.

Fragile X.—Fraglie X is a single-gene neurological disease resulting in mental disorders, cognitive impairment and seizures. The Committee urges the NINDS to enhance its research activities on Fragile X and to include Fragile X patients in its studies of related disorders. The Committee also urges the NINDS to coordinate these efforts with other Institutes working on related activities, including the NIMH and the NICHD.

Mucoploysaccharidosis (MPS).—The Committee commends the NINDS for sponsoring a scientific conference focusing on central nervous system issues and the barriers to and development of effective therapies for MPS disordersm, and urges the NINDS to solicit investigator proposals resulting from the findings of the conference. The Committee also encourages the NINDS, in collaboration with the NIDDK and the NICHD, to support current MPS research and use all available mechanisms to further stimulate and enhance efforts to better understand and treat MPS disorders.

Neurofibromatosis.—Neurofibromatosis (NF) is a genetic disorder of the nervous system that causes tumors to grow along nerves anywhere on or in the body. The Committee is aware that recent advances in research have linked NF to cancer, brain tumors, learning disabilities and heart disease, and it urges the NINDS to expand its NF basic and clinical research portfolio.

Spinal muscular atrophy.—Spinal muscular atrophy (SMA) is the most common genetic killer of infants and the most prevalent genetic motor neuron disease. While there is currently no cure for the disease, the research outlook is promising. Researchers have already identified the genes involved in SMA as well as compounds that may lead to potential treatments. The Committee understands that the severity of the disease, its relatively high incidence, and the possibility of imminent treatments have led the NINDS to explore the idea of using SMA as a model for a new approach to funding translational research. The Committee strongly endorses that plan, and it urges the NINDS to devote sufficient resources to such an effort to maximize chances of success, and evaluate whether a similar approach would work for other diseases.

In addition, the Committee strongly urges the Institute to increase funding for SMA research by aggressively soliciting grant applications, and it encourages the Institute to consider establishing centers of excellence for basic and applied research in SMA. Lastly, the Institute is encouraged to support epidemiological studies on SMA and to increase public and professional awareness of the disease.

Stroke.—The Committee continues to regard research into the causes, cure, prevention, treatment and rehabilitation of stroke as one of the Nation's top priorities. The Committee commends the NINDS for convening a Stroke Progress Review Group, consisting of researchers, clinicians, pertinent organizations and advocacy groups. This Group crafted a report that will serve as a blueprint for a long-range strategic plan on stroke research.

The Committee is concerned that funding for stroke research over the years may not have kept pace with the scientific opportunities and the number of Americans afflicted with stroke. The Committee encourages the NINDS to dedicate more resources to stroke research and to expand its stroke education program. The Committee also encourages the NINDS to expand its research efforts into the utility of PET scans of the brains of stroke victims to determine whether brain tissue damage from stroke may be reversible.

Temporomandibular joint disorders (TMJ).—The Committee commends the Institute for its initiative in conducting a workshop on Neurobiology of Craniofacial/Deep Tissue Persistent Pain, designed to attract neuroscience investigators to explore these little-understood areas of acute and chronic pain. The Committee expects a report on initiatives and research growing out of the workshop and urges, in addition, that research be conducted in collaboration with the NHLBI and other pertinent institutes on other aspects of sensory-motor dysfunction associated with TMJ diseases and disorders, including autonomic nervous system involvement, dysphagia, alterations in proprioception, and a range of speech, breathing, and sleep problems.

Traumatic brain injury (TBI).—There are at least 1.5 million people who sustain a traumatic brain injury (TBI) annually, and at least 5.3 million people who live with a disability as a result of TBI. The Committee urges the NINDS to expand bench science research on the mechanisms of this disorder and to begin translational research into clinical settings.

Tuberous sclerosis.—Tuberous sclerosis complex (TSC) is a genetic disorder that attacks several different organ systems, causing tumor growth in the brain, heart, kidney, lungs and skin. TSC often manifests itself through seizures, chronic kidney disease, autism and sometimes mental retardation. The Committee looks forward to receiving the TSC research plan currently being developed by NINDS and private patient foundations, and encourages the Institute to enhance its research efforts in this field through all available mechanisms, including the development of a comprehensive patient registry, epidemiological studies and the development of animal models and cell lines. The Committee looks forward to receiving a progress report prior to the fiscal year 2004 hearings.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Appropriations, 2002	$2,534,539,000
Budget estimate, 2003	3,990,473,000
Committee recommendation	3,727,473,000

The Committee recommends an appropriation of $3,727,473,000 for the National Institute of Allergy and Infectious Diseases [NIAID]. This is $263,000,000 less than the budget request and $1,192,934,000 more than the fiscal year 2002 appropriation. Included in these funds is $100,000,000 to be transferred to the Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

The Committee recommendation includes bill language that allows the NIAID to spend up to $150,000,000 on extramural facilities construction.

Mission.—The NIAID is the lead NIH Institute charged with developing vaccines and supporting research on allergies, acquired immunodeficiency syndrome (AIDS), sexually transmitted diseases, turberculosis, tropical diseases, and other infectious diseases—including those likely to be used as agents of bioterrorism. To accomplish this mission, the NIAID supports and conducts basic and clinical research and research training programs in infectious diseases, whether they are naturally occurring or the result of a bioterrorist attack, and in diseases caused by, or associated with, disorders of the immune system.

Advanced vaccine/device combination.—The Committee is aware of new vaccine/device delivery systems that could increase vaccine efficacy, use far less vaccine, and require fewer doses. The U.S. Army Medical Research Institute of Infectious Diseases (USAMRIID) is currently conducting research and development on vaccine/device combinations to improve the performance of vaccines against weaponized organisms, including anthrax, plague, and staphylococcus

enterotoxin B. The Committee encourages NIAID to work with USAMRIID on this effort.

Asthma, allergic diseases, and drug allergy.—The Committee encourages the NIAID to continue its efforts on asthma and expand its research into the area of drug allergy. Penicillin allergy alone causes 400 deaths each year in this country. The Committee encourages the NIAID, in collaboration with other Institutes as appropriate, to implement a program that will begin to address this need.

Asthma research and management.—The Committee is very pleased with the NIAID's leadership regarding asthma research and management. The Committee recognizes the role the Institute has played in the Inner City Asthma Study and the importance of this effort concerning morbidity and mortality among underserved populations, particularly children. The Committee encourages the NIAID to continue to improve its focus and effort on asthma management, especially as it relates to children. The Committee also encourages the NIAID to collaborate more aggressively with voluntary health organizations to support asthma prevention, treatment, and research activities. Additionally, recent studies suggest that a variety of viral and bacterial agents, including agents used for immunization, may play a role in the development of asthma. The Committee encourages the Institute to expand research into the role that infections and vaccines may play in the development of asthma.

Eye diseases.—The Committee encourages the Institute to collaborate with the NEI on research involving eye-related viruses and infectious diseases.

Food allergy.—An estimated 7 million individuals suffer from food allergies in the United States, with up to 6 percent of all children under the age of 3 experiencing these potentially life-threatening allergies. The Committee urges the NIAID to implement a program to stimulate more research in this area.

Hemophilia.—The Committee supports the NIAID's efforts to ensure access for persons with hemophilia to clinical trials for improving treatment of HIV and complications of hemophilia, including hepatitis C (HCV). The Committee, in particular, is encouraged by the NIAID's leadership in supporting research related to liver disease progression and response to HCV treatment among HIV/HCV co-infected persons with hemophilia, and it urges the Institute to continue its efforts in this area.

Hepatitis C.—The Committee encourages the NIAID to support the virology and immunology portions of the NIDDK's HALT–C clinical trial. The HALT–C trial is a multicenter, randomized, controlled study designed to determine if using interferon over several years will suppress the hepatitis C virus, prevent progression to cirrhosis, prevent liver cancer, and reduce the need for liver transplantation. In addition, the Committee understands that limited clinical trials in Europe have partially validated the premise that the most effective way to eliminate the hepatitis C virus is to initiate an aggressive treatment at the inception of the virus. The Institute is encouraged to collaborate with the NIDDK and the Centers for Disease Control and Prevention to establish and validate treatment guidelines for use with individuals with acute hepatitis C at its inception.

Inflammatory bowel disease.—The Committee continues to note with interest a scientific research agenda for Crohn's disease and ulcerative colitis (collectively known as inflammatory bowel disease) entitled ''Challenges in Inflammatory Bowel Disease (IBD).'' This report identifies strong linkages between the functions of the immune system and IBD. The Committee encourages the Institute to expand its research partnerships with the IBD community in fiscal year 2003 and expand research focused on (1) the immunology of IBD and (2) the interaction of genetics and environmental factors in the development of the disease.

Juvenile diabetes.—The Committee is aware that the Immune Tolerance Network is investigating methods to create and maintain tolerance to transplanted insulin-producing islet cells in recipients with juvenile diabetes. The Committee understands that the goal of this investigation is to eliminate the need for patients to undergo long-term immunosuppressive therapy after transplantation. The Committee encourages the NIAID to continue and expand this area of research, including developing additional protocols focused on islet cell transplantation into individuals with juvenile diabetes.

Primary immune deficiency diseases.—The Committee is concerned that the primary immune deficiency community would be at significant risk for contracting smallpox if the Nation were to initiate a large-scale smallpox vaccination campaign. Therefore, the Committee encourages the NIAID to give priority consideration under its accelerated bioterrorism research program to a study of the potential benefits of immune globulin intravenous (IGIV) in the fight against smallpox. The Committee also understands that the NIAID intends to establish a cooperative consortium of investigators to address clinical and pre-clinical research questions on PI, including the molecular and cellular characterization of patients with novel phenotypes, and the development of new models, novel diagnostics, and new treatment approaches, such as gene therapy. The Committee urges the NIAID to move ahead aggressively with this initiative. In addition, the Committee would like to see the NIAID's current research project that is testing a new screening method for underserved populations replicated in other urban centers. Finally, the Committee continues to support greater involvement by the NIAID in the Jeffrey Modell Foundation's national campaign for physician education and public awareness of these diseases.

Temporomandibular joint disorders (TMJ).—The Committee urges NIAID to incorporate the autoimmune and inflammatory processes involved in temporomandibular diseases and disorders into its research portfolio. The collection of tissue samples from TMJ patients and people without TMJ disease has been suggested as part of a patient registry, to determine whether inflammatory mediators, growth factors, cytokines and other cell and molecular factors affecting immunity may differ between people with and without TMJ disease.

Transplantation.—The Committee is aware of the wide gap between the supply of and demand for transplanted organs. The Institute is encouraged to expand research on organ transplantation, including the development of artificial organs, hepatocyte transplantation, xenotransplantation, live-donor liver transplantation, split liver transplantation, and other research focuses as appropriate.

Tuberculosis.—Tuberculosis continues to account for more deaths worldwide than any other infectious disease and for over a quarter of all preventable adult deaths. The Committee commends the NIAID for its aggressive program of tuberculosis research, and it encourages a greater emphasis on the development of a vaccine, as noted by the NIAID's ''Blueprint for Tuberculosis Vaccine Development.''

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

Appropriations, 2002	$1,700,139,000
Budget estimate, 2003	1,854,984,000
Committee recommendation	1,853,584,000

The Committee recommendation includes $1,853,584,000 for the National Institute of General Medical Sciences [NIGMS]. This is $1,400,000 less than the budget request and $153,445,000 more than the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—NIGMS supports research and research training in the basic biomedical sciences. Institute grantees, working in such fields as cell biology, biophysics, genetics, developmental biology, pharmacology, physiology, biological chemistry, bioinformatics, and computational biology, study normal biological processes to better understand what goes wrong when disease occurs. In this way, NIGMS supplies the new knowledge, theories, and technologies that can then be applied to the disease-targeted studies supported by other NIH components. NIGMS-supported basic research advances also regularly find applications in the biotechnology and pharmaceutical industries. The Institute's training programs help provide the scientists needed by industry and academia to maintain United States leadership in biomedical science.

Behavioral science research and training.—As the NIH Institute most concerned with basic research, the NIGMS has provided leadership in basic research on physiological and biological structures and functions that may play roles in numerous health conditions. The Committee encourages the NIGMS to develop collaborations with other Institutes, such as the NCI and NIMH, and the Office of Behavioral and Social Sciences Research to fund basic research to integrate physiological knowledge of predisease pathways with behavioral studies.

Medical Scientist Training Program (MSTP).—The Committee understands that translating the human genome into cures and therapies is the next great challenge for modern medicine. To meet that challenge, a new generation of scientists must be trained. The MSTP is a highly competitive program that trains physicians for careers in biomedical research by supporting them as they earn both M.D. and Ph.D. degrees. The Committee strongly urges the NIGMS to provide additional funds to increase the number of promising physicians it trains through this program.

Minority scientist training programs.—The Committee commends the NIGMS for its training programs that have a special focus on increasing the number of minority scientists, such as the Minority Access to Research Careers (MARC) and Minority Biomedical Research Support (MBRS) programs.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Appropriations, 2002	$1,113,087,000
Budget estimate, 2003	1,213,817,000
Committee recommendation	1,213,817,000

The Committee recommends an appropriation of $1,213,817,000 for the National Institute of Child Health and Human Development [NICHD]. This is equal to the budget

request and $100,730,000 more than the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—The NICHD is that component of the NIH which is responsible for conducting and supporting research on maternal and child health, the population sciences, and medical rehabilitation. Research encompassed by these areas targets infant mortality; genetic diseases, including birth defects; mental retardation; gynecological health and contraceptive development and evaluation; pediatric, maternal, and adolescent AIDS; developmental biology; vaccine development; demographic and behavioral research; and restoration or enhancement of function in individuals experiencing physical disability due to injury, disease, or birth defect.

Autism.—The Committee commends the NICHD for maintaining funding levels for the NIH centers of excellence in autism, and it urges the Institute to continue to do so. In addition, the Committee urges the NICHD to find ways to expand the pool of autism researchers.

Demographic research.—The Committee is pleased with the development of a long-range plan for demographic research supported by the NICHD, and the continued active collaboration with other Federal offices and agencies in carrying out its mission. Contributions of the NICHD program to increasing knowledge of fatherhood, marriage, immigration, and the implications of increasing racial and ethnic diversity are of high importance. The Committee encourages the NICHD to continue focusing attention on family and community factors in examining the health and development of poor children. The Committee further encourages the Institute to continue its attention to data and training needs for policy-relevant demographic research.

Duchenne muscular dystrophy.—The Committee commends NICHD's participation in the initiation of the muscular dystrophy cooperative research centers and expects NICHD to work cooperatively with NIAMS and NINDS to expand the research undertaken by the centers program.

Environmental effects on child health and development.—The Committee applauds the NICHD on its efforts to work collaboratively with the Environmental Protection Agency and the Centers for Disease Control and Prevention on developing the Longitudinal Cohort Study on Environmental Effects on Child Health and Development, which is now called the National Children's Study. This study aims to quantify the effects of environmental exposures plus the biological and social factors on child health and development. The Committee is pleased that the NICHD is undertaking a strategic planning process that strongly emphasizes a collaborative process between the biomedical and behavioral sciences and reaffirms its commitment to this entire effort.

Fragile X.—Fragile X, the most common inherited cause of mental retardation, results from the failure of a single gene to produce a specific protein. Researchers at the NICHD have made great strides in understanding the mechanism by which this genetic defect causes mental retardation, seizures, aggressive outbursts and severe anxiety. Fragile X has the potential to be a powerful research model for other forms of X-linked mental retardation, as well as neuropsychiatric disorders, including autism, schizophrenia, mood disorders, and pervasive developmental disorder. The Committee is gratified that the NICHD has enhanced its research efforts on Fragile X internally, in cooperation with other Institutes, and by partnering with the FRAXA Research Foundation in the issuance and funding of a Request for Applications to research scientists. The Committee notes that the Children's Health Act of 2000 calls for the establishment of at least three Fragile X research centers. The Committee is pleased that the NICHD has issued a Request for Applications to implement this in fiscal year 2003. The Committee strongly urges the NICHD to allocate sufficient funds for expediting, expanding, and enhancing the work of these centers.

Infertility and contraceptive research.—The Committee continues to place a high priority on research to combat infertility and speed the development of improved contraceptives. The NICHD is urged to continue aggressive activities in this area, including individual research grants and those of the infertility and contraceptive research centers.

Juvenile diabetes.—The Committee encourages the NICHD to expand research using newborn screening tests, specifically to determine the causes of juvenile diabetes and to develop methods to prevent the disease. In addition, the Committee is aware of efforts to develop a vaccine to prevent juvenile diabetes and is encouraged by the early promise of this research. The Committee urges the NICHD to collaborate with the NIDDK in this important research initiative and with the CDC on the creation of a national surveillance system to track individuals with juvenile diabetes.

Maternal-fetal medicine.—The Committee is pleased with the progress of the Maternal Fetal Medicine Units (MFMU) Network. The Committee urges the NICHD to continue and expand its support of the Network to enable researchers to continue to collect data and more efficiently study complicated pregnancies with a focus on pre-term birth and maternal complications. In addition, the Committee urges the NICHD to increase research in the area of pregnancy-related complications, with a special emphasis on issues related to minority health disparities.

Osteogenesis imperfecta.—The Committee encourages the Institute to increase its research on osteogenesis imperfecta, especially genetic therapies, animal models, drug treatment, and rehabilitation.

Pediatric kidney disease.—Kidney disease remains a persistent and little-understood problem among infants, children, and adolescents. The NICHD is strongly urged to undertake research to identify factors responsible for poor linear growth, abnormal bone formation and cognitive deficits in children; epidemiological studies designed to quantify the magnitude of the problem and identify which kidney diseases present the highest risk; and initiatives aimed at maximizing the academic potential of children with kidney disease.

Pediatric liver disease.—The Committee urges the Institute to pursue opportunities to participate with the NIDDK and other Institutes on pediatric liver disease research, particularly in the areas of biliary atresia and non-alcoholic steatohepatitis.

Primary immunodeficiencies (PI).—The Committee continues to be impressed by the comprehensive commitment that the NICHD has shown in addressing PI, particularly with regard to the Institute's partnership with the Jeffrey Modell Foundation, the NCI, the NIAID, and the CDC on a national physician education and public awareness campaign. The Committee encourages the NICHD to continue and expand its involvement in this campaign.

Skeletal growth.—The committee encourages the NICHD to support research in abnormal and normal skeletal growth and development, including rickets and chronic under-nutrition, use of oral contraceptives and anabolic steroids, lactation, and pregnancy.

Specialized centers for research.—The Committee commends the NICHD for its innovative program of specialized centers for research in reproductive medicine at minority institutions.

Sudden Infant Death Syndrome.—The Committee is pleased with NICHD's continued efforts to extend the reach of its successful ''Back to Sleep'' campaign to underserved populations and daycare providers. The Committee also commends NICHD's attempts to further its progress in SIDS research by initiating a third SIDS 5-year research plan.

Traumatic brain injury (TBI).—The Committee commends the NICHD and the National Center for Medical Rehabilitation Research for their efforts in establishing a TBI clinical trials network to investigate the efficacy of rehabilitation services for TBI victims. The Committee supports further research by the Center to investigate methods of improving decision-making functions and related cognitive skills of TBI victims.

Urogynecology program.—The Committee is encouraged by the NICHD's accomplishments to date in establishing a research portfolio on pelvic floor disorders and urinary incontinence. The Committee encourages the Institute to fund grant applications for tissue structure, epidemiological studies, urinary incontinence, and clinical trials intervention programs. The Committee also encourages the NICHD to include the effects of pregnancy on a woman's chance for later urogynecologic problems in the future ''National Children's Study.''

Vulvodynia.—Research indicates that millions of American women suffer from vulvodynia, a painful and often debilitating disorder of the female reproductive system. Despite its prevalence, very little attention has been paid to the disorder by health professionals or researchers. Since fiscal year 1998, the Committee has called on the NICHD to support research on the prevalence, causes, and treatment of vulvodynia. While some initial steps have been taken, the Committee continues to be very concerned with the lack of research progress made in this important area and the lack of priority placed on it by the NICHD. The Committee expects the Institute to provide a significant increase in funding for research on vulvodynia.

NATIONAL EYE INSTITUTE

Appropriations, 2002	$581,191,000
Budget estimate, 2003	629,990,000
Committee recommendation	634,290,000

The Committee recommends an appropriation of $634,290,000 for the National Eye Institute [NEI]. This is $4,300,000 more than the budget request and $53,099,000 more than the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—The NEI is the Nation's Federal resource for the conduct and support of laboratory and clinical research, research training, and other programs with respect to blinding eye diseases, visual disorders, mechanisms of visual function, preservation of sight, and the special health problems and

needs of individuals who are visually impaired or blind. In addition, the NEI is responsible for the dissemination of information, specifically public and professional education programs aimed at the prevention of blindness.

The Committee is pleased that vision impairment is a priority area in the national Healthy People 2010 initiative. The Institute is urged to develop the data on the extent of the problem of eye disease, especially among the aging population, and the economic consequences of eye disease so progress in these areas can be measured.

Age-related macular degeneration.—Age-related macular degeneration (AMD) is the most common form of irreversible blindness for persons over the age of 65. More than 1.6 million Americans over age 50 suffer from AMD, and this number is expected to triple by the year 2020. NEI-supported research has demonstrated that early detection and treatment can slow the onset of this sight-threatening disease, thereby maintaining the independence and quality of life of the elderly. Therefore, the Committee encourages the NEI, through the National Eye Health Education Program (NEHEP), to launch an education and outreach program relating to AMD to increase public awareness about the need for early detection and diagnosis, recognition of symptoms, and treatments for the disease. The Committee likewise encourages the NEI to expand its intramural research efforts on this disease.

Bioengineering.—The Committee commends the NEI for its longstanding support for new technologies specifically aimed at improving the understanding of ocular and visual systems. The Committee encourages the NEI to continue its research in these critical areas and to expand its research in tissue bioengineering related to artificial corneas, adult stem cell research aimed at replacing or regenerating cornea tissue, and other applications of innovative technologies that will enhance or restore vision.

Diabetic eye diseases.—The Committee is pleased with the NEI's initiative to develop and evaluate more rapidly new treatments for macular edema through a new multicenter clinical trials network. The Committee is aware that diabetic retinopathy is the leading cause of new cases of blindness in this country. Diabetic macular edema, secondary to diabetic retinopathy, is a major cause of vision loss due to the leakage of fluids and other materials from damaged blood vessels. The Committee encourages the NEI to continue to implement the recommendations of the Diabetes Research Working Group related to diabetic eye disease.

Health disparities.—NEI-supported researchers have found that the prevalence of non-insulin-dependent diabetes mellitus (NIDDM) is two to three times higher in Hispanics than in non-Hispanic whites. The Committee is pleased with the NEI's progress in implementing its Spanish language education program ''Ojo con su visión,'' and it encourages the NEI to continue its targeted health education activities and messages to increase awareness of diabetes and its complications in the Hispanic population.

National Eye Health Education Program.—The National Eye Health Education Program (NEHEP) is coordinated by the NEI in partnership with over 60 national organizations that conduct eye health education programs. The Committee commends the NEI for its development of the Low Vision Education Program to increase awareness of low vision and its impact on the quality of life, particularly among African-American and Hispanic populations that are at increased risk of vision loss from sight-threatening diseases. The Committee is particularly pleased with ''The Eye Site,'' an award-winning traveling exhibit directed toward people with low vision, their families and friends, and health care and service professionals.

Neurodegenerative eye diseases.—The Committee is pleased to learn of the significant advances made in research on neurodegeneration across a range of eye diseases, including retinitis pigmentosa, ocular albinism, macular degeneration, and glaucoma. In light of these developments, the Committee urges the NEI to increase its support and conduct of research on these neurodegenerative eye diseases, including support for genomic and proteomic resources and for collaborative multidisciplinary research.

Sjögren's syndrome.—The Committee commends the NEI for supporting grants in dry eye and Sjögren's-related research and encourages continued investigation into improved therapeutics for dry eye. An important initial step in dry eye research and Sjögren's is obtaining epidemiology data, and the Committee encourages the NEI to pursue this research.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Appropriations, 2002	$566,118,000
Budget estimate, 2003	614,258,000
Committee recommendation	617,258,000

The Committee recommends an appropriation of $617,258,000 for the National Institute of Environmental Health Sciences [NIEHS]. This is $3,000,000 more than the budget request and $51,140,000 more than the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—The mission of the NIEHS is to define how environmental exposures affect health; how individuals differ in their susceptibility to these effects; and how these susceptibilities change with time. This knowledge, coupled with prevention and communication programs, can lead to a reduction in environmentally associated diseases and dysfunctions.

Environmental Health Sciences Centers.—The Committee continues to strongly support the Environmental Health Sciences Centers program and believes that a fully funded centers program is critical to carrying out the expanding mission of the NIEHS. The Committee strongly urges the Institute to maintain the centers' current funding levels.

Hormone-disrupting chemicals.—The Committee encourages the NIEHS to enhance research on the health effects of exposure to hormone-disrupting chemicals. The committee also encourages the NIEHS to collaborate with the Centers for Disease Control and Prevention, the United States Geological Survey, the Environmental Protection Agency, and other appropriate agencies in this effort. This collaboration will contribute to a better understanding of how hormone-disrupting chemicals lead to the development of reproductive, nervous, and immune system disorders, and cancer, particularly as a consequence of pre-natal exposures.

Volcanic emissions.—The Committee continues to be concerned about the public health aspects of volcanic emissions in Hawaii. Such emissions present significant acute and long-term health problems, and the Committee urges the development of a multidisciplinary approach to this problem.

NATIONAL INSTITUTE ON AGING

Appropriations, 2002	$893,130,000
Budget estimate, 2003	968,699,000
Committee recommendation	1,000,099,000

The Committee recommendation includes $1,000,099,000 for the National Institute on Aging [NIA]. This is $31,400,000 more than the budget request and $106,969,000 more than the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—The NIA conducts biomedical, behavioral, and social research related to the aging process to prevent disease and other problems of the aged, and to maintain the health and independence of older Americans. Research in aging over the last two decades demonstrates that aging should not be equated with inevitable decline and disease.

Age-related bone diseases.—The committee encourages the NIA to coordinate research with NIAMS into age-related changes in bone and the skeleton, including osteoporosis, osteogenesis imperfecta, and Paget's disease.

Alzheimer's disease.—An estimated 4 million Americans now suffer from Alzheimer's disease, a degenerative brain disorder that robs its victims of the ability to care for themselves; places enormous physical, emotional and financial burdens on family caregivers; and each year drains $100,000,000,000 from our economy. Left unchecked, an estimated 14 million individuals will be stricken over the next few decades, while the annual cost of caring for Alzheimer's victims will soar to $375,000,000,000. The Committee 3 years ago challenged the NIH and the scientific community to launch a full-scale assault on Alzheimer's disease that focuses on preventing or delaying its onset. The NIA responded by embarking on a multi-Institute prevention initiative that encompassed basic, epidemiological, behavioral and clinical research. As a result of these efforts, science is now at the point where effective treatment and prevention of the disabling effects of Alzheimer's are within reach. In light of the dramatic strides that have already been made in understanding Alzheimer's disease, scientists believe that an investment of $1,000,000,000 as soon as possible will produce the answers necessary to conquer Alzheimer's. The Committee urges the NIA to expand its investment in Alzheimer's disease research, focusing especially on its pathology, the identification of risk factors, more effective treatments, and large-scale clinical trials. In addition, advances in genetics and imaging now make it possible to study Alzheimer's in ways that were never before possible. The Committee encourages the NIA to apply this new knowledge to ongoing longitudinal studies.

The Committee also urges the NIA to focus on early detection of Alzheimer's disease so that clinical interventions to slow or stop the progression of the disease may be undertaken. The Committee notes that positron emission tomography (PET) may identify Alzheimer's disease at an early stage and encourages the NIA, in collaboration with the NINDS and the NIMH, to expand its research efforts into early diagnosis of Alzheimer's using PET and other brain imaging methods.

Behavioral research.—The Committee recognizes the NIA's efforts to spur research on aging and cognitive function, and it urges the Institute to focus on the many difficult questions involved in long-term maintenance of positive behavior change. The Committee applauds efforts in the Behavioral and Social

Research branch to encourage multidisciplinary and interdisciplinary behavioral economics research that may address questions of savings and resource allocation in the pre- and post-retirement populations.

Cardiovascular aging research.—Cardiovascular diseases remain America's leading causes of death of older men and women and a significant cause of disability. The Committee urges the NIA to make cardiovascular research a priority.

Claude D. Pepper Older American Independence Centers.—The Committee continues to strongly support these successful centers, which focus on developing innovative and cost effective ways to enhance the independence of older Americans. The centers also play the critical role of developing top level experts in geriatrics. The Committee strongly urges the NIA to make all possible efforts to expand these centers to include a school of nursing.

Demographic and economic research.—The Committee commends the NIA for its demography and economic research. It is impressed by the importance of the findings from the Health and Retirement Study and the National Long Term Care Survey regarding the continuing decline in physical and cognitive disability. The Committee urges the NIA to expand funding for these studies and to explore the economic and social impact of the decline for families and society. The Committee also encourages the NIA to assess the role of health as a factor in premature retirement.

Older Americans with mental illness.—The Committee is concerned about the growing population of older Americans who suffer from mental illness. This is often an underserved population, particularly in rural areas. The Committee encourages the NIA to target funds to study and identify vulnerable older adults who are at risk for such mental illnesses as depression, anxiety, and psychoses. Because advanced practice psychiatric nurses work in a variety of settings, the Committee believes they may be in a unique position to be a critical component of research related to the assessment and treatment of older adults with these disorders.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

Appropriations, 2002	$448,699,000
Budget estimate, 2003	486,624,000
Committee recommendation	489,324,000

The Committee recommends an appropriation of $489,324,000 for the National Institute of Arthritis and Musculoskeletal and Skin Diseases [NIAMS]. This is $2,700,000 more than the budget request and $40,625,000 more than the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—NIAMS conducts and supports basic and clinical research and research training, and the dissemination of health information on the more than 100 forms of arthritis; osteoporosis and other bone diseases; muscle biology and muscle diseases; orthopedic disorders, such as back pain and sports injuries; and numerous skin diseases. The research agenda of NIAMS addresses many devastating and debilitating diseases that afflict millions of Americans. These diseases of the joints, muscles, bones, connective tissues, and skin, in the aggregate, will affect nearly every American at some point in their lives, causing tremendous human suffering and costing the Nation billions of dollars in both health care and lost productivity. The research activities of this Institute serve the concerns of many different special populations, including women, minorities, children, and the elderly.

Duchenne muscular dystrophy.—The Committee commends NIH for initiating the muscular dystrophy cooperative research centers. These centers will support interdisciplinary teams of accomplished investigators undertaking basic and clinical research to improve treatment options for patients with Duchenne and Becker muscular dystrophy. The Committee expects NIAMS to work cooperatively with NINDS and NICHD to expand the research undertaken by the centers program.

Gender differences in musculoskeletal biology.—Recent scientific advances have begun to make it possible to understand underlying gender-dependent differences that contribute to differences in disease incidence and severity between males and females. Osteoarthritis, rheumatoid arthritis, and osteoporosis are expressed to a greater extent in females. The Committee encourages NIAMS to work to identify the extent of these gender differences in musculoskeletal disorders and develop a plan for addressing the questions that require further research.

Marfan syndrome.—Marfan syndrome is a life-threatening genetic disorder affecting several organ systems including musculoskeletal, cardiovascular and ophthalmologic systems. To further boost research in this area, the Committee encourages NIAMS to consider all available mechanisms of funding for research on Marfan syndrome. The Committee commends NIAMS for taking the lead role in the vital support of research on heritable disorders of connective tissue, which include Marfan syndrome. The Committee is pleased to note that NIAMS has issued a Request for Applications for heritable disorders of connective tissue.

Metabolic bone diseases.—The Committee urges NIAMS to enhance its research into all metabolic bone diseases, to support research that applies new developments in genomics and proteomics to osteoporosis and related bone diseases, and to conduct large-scale clinical trials to determine whether agents that prevent bone loss reduce fracture risk in women with low bone mass.

Osteogenesis imperfecta.—The Committee encourages the Institute to pursue new osteogenesis imperfecta (OI) research opportunities arising out of the 2002 scientific workshop on OI, including life-threatening respiratory and cardiovascular problems related to osteogenesis imperfecta.

Scleroderma.—The Committee is encouraged by the NIAMS's growing interest in scleroderma, a chronic and progressive disease that predominantly strikes young women. More research is critically needed to identify the genetic risk factors for scleroderma and to develop safe and effective treatments. The Committee encourages the NIAMS to collaborate with other Institutes, including the NHLBI, NIDDK, and NIDCR, to generate more comprehensive research opportunities for scleroderma.

Skeletal repair.—The Committee encourages NIAMS to explore the stimulation of skeletal repair by biophysical agents including mechanical strain, ultrasound, and electrical energy. This research would be valuable to interdisciplinary interests including trauma, aging, rehabilitation and exercise physiology, and tissue engineering.

Temporomandibular joint disorders (TMJ).—The Institute is urged to initiate research on the unique features of the temporomandibular joint as well as explore to what extent temporomandibular diseases and disorders share common pathogenic mechanisms with osteoarthritis in other joints and musculoskeletal pain. The recommendations from the recent TMJ Association meeting on joint and muscle dysfunction of the TMJ, which NIAMS co-sponsored, can serve as guidance for the NIAMS TMJ research agenda.

Tissue reengineering.—There is growing interest in the possibility that tissue engineering will provide a biological solution to the critical clinical need for organs and tissues. The Committee encourages NIAMS to consider holding a workshop to help educate clinicians, who can apply the advances to patients, about this new field.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

Appropriations, 2002	$341,965,000
Budget estimate, 2003	370,805,000
Committee recommendation	372,805,000

The Committee recommends an appropriation of $372,805,000 for the National Institute on Deafness and Other Communication Disorders [NIDCD]. This is $2,000,000 more than the budget request and $30,840,000 more than the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—The NIDCD funds and conducts research and research training in the normal and disordered processes of human communication, specifically in the areas of hearing, balance, smell, taste, voice, speech, and language. The Institute addresses the special biomedical and behavioral problems of people who have communication impairments or disorders; contributes to health promotion and disease prevention; and supports efforts to create devices that substitute for lost and impaired sensory and communication functions.

Dysphonia.—The Committee continues to be pleased with the NIDCD's expanding intramural research program with respect to dysphonia. The Committee encourages the NIDCD to explore possibilities for a more active extramural research effort on dysphonia, and collaboration with other NIH Institutes on this important disorder.

Early detection and intervention.—The Committee supports expanded research on the early detection, diagnosis, and intervention of infants with deafness and other communication disorders, as well as on new intervention strategies to prevent otitis media and other childhood causes of hearing loss.

Genetic deafness.—The Committee encourages the NIDCD to conduct research into the genetic basis for normal and disordered communication, especially auditory system proteomics, and into interventions that prevent or treat genetic deafness.

Hair cell regeneration.—The Committee urges NIDCD to give a high priority to new and important directions for inner ear hair cell regeneration.

Hearing devices.—The Committee encourages the NIDCD to expand research that would improve the benefits of cochlear prostheses and improve remediation of less-than-profound hearing loss through hearing aids and/or new prostheses and drug-delivery systems.

Language acquisition.—The Committee encourages the NIDCD to explore the biological bases and genetics of language, as well as infant speech perception and language acquisition. It also encourages the Institute to develop clinical applications such as genetic screening for all communication disorders.

Noise-induced hearing loss.—The Committee continues to be concerned by the number of Americans who suffer from noise-induced hearing loss. The NIDCD's Wise Ears! campaign has the potential to make significant inroads towards educating Americans of all ages, and the Committee strongly supports its expansion.

Presbycusis.—Presbycusis, the gradual loss of hearing from aging, will become more common as the Nation's population grows older. The Committee encourages research on the central and peripheral mechanisms leading to presbycustic hearing loss and on strategies that would prevent hearing loss in our senior population.

Preventing hearing loss.—The Committee supports expanded research on prosthetic and pharmacological therapies for hearing loss from noise stress, ototoxic drugs and other traumas.

Tinnitus.—The Committee encourages the Institute to expand its research into mechanisms underlying peripheral and central tinnitus.

NATIONAL INSTITUTE OF NURSING RESEARCH

Appropriations, 2002	$120,428,000
Budget estimate, 2003	130,438,000
Committee recommendation	131,438,000

The Committee recommends an appropriation of $131,438,000 for the National Institute of Nursing Research [NINR]. This is $1,000,000 more than the budget request and $11,010,000 more than the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—The National Institute of Nursing Research [NINR] supports clinical and basic research on biological and behavioral aspects of critical national health problems. The Institute's programs have established a scientific basis for research that seeks to reduce the burden of acute and chronic illness and disability for individuals of all ages; improve the quality of life by preventing and delaying the onset of disease or slowing its progression; and establishing better approaches to promoting health and preventing disease. The NINR supports programs essential to improving clinical environments by testing interventions which influence patient health outcomes and reduce costs and demands for care.

Adolescent research intervention.—Adolescents are prone to risky behaviors that endanger their present and future health, such as smoking, eating unhealthy foods, excessive drinking of alcohol, and physical inactivity. The Committee supports the NINR's research interventions that address multiple risks across adolescent populations and settings, such as school, work, and the community, to reduce youthful risk-taking and its consequences.

Alzheimer's disease.—The Committee is pleased that the NINR plans to expand research on long-term care recipients' health care needs and interventions. Working in collaboration with the NIA and other Institutes, the NINR is playing a critical role in improving care for individuals with Alzheimer's disease through research aimed at maintaining functional mobility and preventing complications from co-occurring illnesses, excess disability, and premature decline.

Collaboration with NIMH.—The Committee acknowledges the long-term mentorship program established by NINR in collaboration with the National Institute of Mental Health to prepare mental health nurses with the skill sets required for competitive research proposals to the NIH. The Committee recommends continued collaboration with NIMH to generate initiatives.

Health disparities.—The Committee commends the NINR for its active role in research to abolish health disparities and urges continued emphasis, particularly in light of findings that the health care of minorities, even those who are insured, is lower in quality. The NINR's efforts to build community partnerships for research on key health issues that are identified by the minority community members themselves are an important step in the right direction.

Family caregivers.—The Committee commends the NINR for its research to assist the Nation's estimated 24 million to 27 million family caregivers, who provide an average of 18 hours of unpaid care a week to their ill relatives. The Committee is encouraged by findings showing that nursing interventions can improve caregiver skill levels, morale, and quality of life, and it supports enhanced research in this area. The Committee is also pleased that the NINR is expanding caregiver research directed at professional caregivers who serve those residing in nursing homes and in assisted living facilities.

Juvenile diabetes.—The Committee is aware of reports of adolescents with juvenile diabetes engaging in behavior that will accelerate damaging complications, such as neglecting to take insulin for purposes of weight loss. The Committee encourages the NINR to increase its attention to adolescents with juvenile diabetes, specifically regarding consequences of the disease's psychological impact. In addition, the Committee is aware of the important role that Ph.D. nurses play in research to find cures for diseases such as juvenile diabetes. The Committee encourages the Institute to expand measures to increase the numbers of Ph.D. nurses.

Nursing shortage.—The Committee is very concerned about the shortage of nurses. The NINR's efforts to build nursing research capacity are essential to ensure a sufficient supply of well-prepared investigators to address the health needs of tomorrow. The Committee encourages the NINR to implement programs that bring students into the research stream at a younger age and to diversify research and training opportunities in reaching out to minorities.

Palliative care.—The Committee commends the NINR for its efforts to advance the science of end-of-life/palliative care, and it encourages continued emphasis and expansion.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

Appropriations, 2002	$384,071,000
Budget estimate, 2003	416,773,000
Committee recommendation	418,773,000

The Committee recommends an appropriation of $418,773,000 for the National Institute on Alcohol Abuse and Alcoholism [NIAAA]. This is $2,000,000 more than the budget request and $34,702,000 more than the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—The NIAAA conducts biomedical and behavioral research for improving prevention and treatment and reducing or eliminating the associated health, economic, and social consequences of alcohol abuse and alcoholism. NIAAA provides leadership in the country's effort to combat these problems by developing new knowledge that will decrease the incidence and prevalence of alcohol abuse and alcoholism and associated morbidity and mortality. NIAAA addresses these questions through an integrated program of biomedical, behavioral, and epidemiologic research on alcoholism, alcohol abuse, and related problems. This broad-based program includes various areas of special emphasis such as medications development, fetal alcohol syndrome, genetics, neuroscience and moderate drinking.

Alcohol treatment services.—Given the rapid growth of managed behavioral health care, the Committee is concerned that more needs to be known about how alcohol treatment services are delivered under managed care arrangements and the specific characteristics of behavioral health components of health insurance plans and managed care organizations. The Committee continues its support of the NIAAA Advisory Council's comprehensive plan for health services, particularly its recommendation to prioritize research to understand the effects of managed care on treatment services. The Committee acknowledges the NIAAA's progress in implementing this recommendation, and it encourages the Institute to consider supporting additional research in this area.

Alcoholic liver disease.—Alcoholic liver disease remains a major cause of morbidity and mortality in the United States. The Committee notes that recent research suggests that free radicals are a principal vehicle through which alcohol damages the liver, and that antioxidants look increasingly promising as a potential treatment. The Committee encourages the Institute to expand its research on alcoholic liver disease, particularly regarding the interaction between hepatitis C and alcohol in liver disease.

Brain mapping and organ imaging in alcoholism.—The Committee notes the rapid progress made through advanced imaging technology in mapping the brain pathways that are involved in alcohol addiction and alcohol-related brain damage. The Committee urges the Institute to expand research on brain mapping in alcoholics. Where possible, the Institute should collaborate with the NIBIB and other NIH Insitutes and agencies on the development of advanced instrumentation to further the understanding of alcohol dependence and alcohol-related medical disorders.

College drinking.—The Committee applauds the NIAAA Task Force Report on College Drinking—''A Call To Action: Changing the Culture of Drinking at U.S. Colleges''—especially its goal of providing university and college presidents, policymakers, and researchers with information and recommendations on the effectiveness of current interventions and encouraging them to embrace rigorous research-based solutions. The Committee is pleased that the NIAAA website Collegedrinkingprevention.gov has over 2 million hits and has received over 15 awards since it appeared in April, reflecting the concern and interest in this national public health problem. The Committee believes the Task Force's proposed research-based recommendations should be implemented in as many colleges and universities as soon as possible.

Health disparities.—Evidence suggests that alcohol affects genders and subpopulations differently, and that some groups suffer more adverse effects than others. The Committee encourages the Institute to work collaboratively with the NCMHD to study the role of gender, ethnicity, socioeconomic status, and other variables in determining the effects of alcohol use and abuse.

Identification of molecular targets of alcohol in the brain.—The Committee notes the success of NIAAA-funded investigators in identifying molecular targets of alcohol in the brain. The characterization of these targets may lead to the discovery of compounds that block specific effects of alcohol. The Committee is pleased to learn that this strategy has led to the prevention of alcohol-related birth defects in mice, and it encourages the Institute to stimulate additional research on the molecular basis for the actions of alcohol.

Longitudinal studies.—The Committee encourages the Institute to undertake longitudinal studies that recruit subjects in early adolescence to examine gene-environment interactions impacting alcohol abuse and alcoholism during the course of an individual's life. The Institute is encouraged to partner with other institutes, agencies and organizations deemed appropriate, including the NICHD and SAMHSA.

Medications development for alcoholism treatment.—The Committee is aware of advances in the understanding of how genetics and environment influence the response to alcohol. The Committee urges the Institute to encourage studies on the influence of psychological and social factors on the success of treatment, and develop new medications for the treatment of alcoholism and alcohol-related disorders.

Multidisciplinary research on fetal alcohol syndrome.—The Committee recognizes that fetal alcohol syndrome is among the most common preventable cause of mental impairment. The Committee supports the Institute's efforts to understand the biological mechanisms through which alcohol causes damage to the developing fetus. The Committee also urges the Institute to aggressively pursue research that will lead to effective strategies for the prevention and treatment of fetal alcohol syndrome.

Native Alaskans.—The Committee is aware of serious problems with alcohol and substance abuse among Native Alaskans and of the need for translating research into clinical applications for this population. The Committee urges the NIAAA to sponsor a Research to Practice Forum to focus on bridging the gap between researchers and practitioners and translating scientific research into clinical applications, and to support the implementation of any recommendations developed at the forum.

Prevention of alcohol abuse in adolescents.—The Committee is very concerned about the increasing number of alcohol-related deaths on college campuses and increasing alcohol use among elementary and secondary school-aged children. The Committee urges the Institute to pursue collaborations with other Institutes, such as the NICHD and NIMH, to study the causes of alcohol abuse among this age group and to devise strategies for effective prevention and intervention.

NATIONAL INSTITUTE ON DRUG ABUSE

Appropriations, 2002	$887,733,000
Budget estimate, 2003	964,613,000
Committee recommendation	968,013,000

The Committee recommends an appropriation of $968,013,000 for the National Institute on Drug Abuse [NIDA]. This is $3,400,000 more than the budget request and $80,280,000 more than the fiscal year 2002 appropriation. The comparable numbers for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—Created in 1974, NIDA supports about 85 percent of the world's biomedical research in the area of drug abuse and addiction. The Committee commends NIDA for demonstrating through research that drug use is a preventable behavior and that addiction is a treatable disease. NIDA's basic research plays a fundamental role in furthering knowledge about the ways in which drugs act on the brain to produce dependence, and contributes to understanding how the brain works. In addition, NIDA research identifies the most effective pharmacological and behavioral drug abuse treatments. NIDA conducts research on the nature and extent of drug abuse in the United States and monitors drug abuse trends nationwide to provide information for planning both prevention and treatment services. An important component of NIDA's mission is also to study the outcomes, effectiveness, and cost benefits of drug abuse services delivered in a variety of settings and to assure dissemination of information with respect to prevention of drug abuse and treatment of drug abusers.

Collaboration with SAMHSA and other agencies.—The Committee encourages NIDA to continue to collaborate with SAMHSA and other agencies to bridge the existing gap between research and practice. The Committee is pleased that NIDA plans to support CSAT's Addiction Technology Transfer Centers. The Committee believes that this collaborative effort will have a significant impact on how communities receive and develop the skills, systems, and necessary support to implement new research findings.

Community-friendly behavioral therapies.—Research-based behavioral treatments are often criticized as too lengthy, costly, complex, or difficult for treatment providers to integrate with more traditional methods of care. The Committee applauds NIDA's efforts to remedy this situation by developing and bringing behavioral therapies to community treatment centers. NIDA is urged to encourage researchers to make behavioral treatments more ''community friendly,'' while still maintaining their effectiveness. The Committee is pleased that NIDA has expanded the scope of its research beyond testing new treatments to include studies on financing and organizational adaptation and change. The Committee encourages NIDA to continue testing new treatments in clinical trials and supporting research on how to move effective treatments into health care systems.

Hepatitis C treatment.—The Committee notes the high incidence of hepatitis C among the U.S. population that uses drugs. Research into the efficacy of treating such individuals for hepatitis C concurrently with drug dependency protocols such as methadone is highly recommended.

Information dissemination.—The Committee urges NIDA to use both the existing National Drug Abuse Treatment Clinical Trials Network infrastructure and the new prevention infrastructures that are currently being established as part of NIDA's new Prevention Research Initiative to ensure that findings are put into practice in communities across the country.

Methamphetamine.—The Committee continues to be concerned about methamphetamine abuse across the Nation, especially in the Midwest. The Committee again urges NIDA to expand its research on improved methods of prevention and treatment of methamphetamine abuse.

Nicotine.—The Committee applauds NIDA's efforts to support a comprehensive research portfolio that has indisputably demonstrated the addictive nature of nicotine. The Committee encourages NIDA to work independently and, where possible, collaborate with other Institutes and organizations to identify and develop targets for new treatments. The Committee recognizes that treating addiction to nicotine remains among the most cost-effective approaches to reducing cancer risk.

Prevention research.—The Committee is pleased that NIDA has launched a multi-component National Prevention Research Initiative that will involve partners at the State and local levels. The Committee urges NIDA to expand this initiative to test the effectiveness of new and existing science-based prevention approaches in different communities, while also studying how best to adapt the programs for local needs.

Stress and substance abuse.—Stress plays a major role in the initiation and continuation of drug use, and in relapse to addiction. The Committee encourages the NIDA to increase its research portfolio on this topic as well as on post-traumatic stress disorder and substance abuse.

Translating basic research.—NIDA's strong basic research foundation has provided great insight into the addiction process and has helped identify molecular targets for the development of medications as well as new behavioral treatment strategies as well. The Committee urges NIDA to use translational research to continue to rapidly bring knowledge from the lab into clinical practice.

NATIONAL INSTITUTE OF MENTAL HEALTH

Appropriations, 2002	$1,238,093,000
Budget estimate, 2003	1,343,088,000
Committee recommendation	1,350,788,000

The Committee recommends an appropriation of $1,350,788,000 for the National Institute of Mental Health [NIMH]. This is $7,700,000 more than the budget request and $112,695,000 more than the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—The research programs of the Institute lead the Federal effort to identify the causes of—and the most effective treatments for—mental illnesses, which, according to a report recently issued by the Surgeon General of the United States, afflict more than one in five American adults. One result of the Federal research investment has been a growing awareness that undiagnosed and untreated mental illness, in all its forms and with all of its consequences, is as damaging as physical illness to the Nation's well-being.

Alzheimer's disease.—The NIMH continues to play an important part in efforts to develop effective treatment strategies for Alzheimer's disease. Already underway is a large-scale, multi-site study to identify the best medication treatment strategies for the behavioral problems that co-occur in Alzheimer's. In addition, the NIMH's newly formed Aging Workgroup has undertaken an exhaustive review of its current aging-related research portfolio, with a view toward enhancing coordination and collaboration with other NIH institutes. The Committee is pleased with the steps the NIMH has already taken, and it encourages the Institute to continue its efforts to reduce the psychiatric burden of Alzheimer's disease, including research into the relationship between Alzheimer's and depression.

Autism.—The Committee notes that, that under the leadership of the NIMH, the NIH has quickly carried out the provisions of the Children's Health Act with respect to establishing autism centers of excellence and the

Interagency Autism Coordinating Committee. The Committee is also encouraged by grants from the NIMH to investigate treatment options, including pharmaceutical research targeting the unique needs of the autism community in both children and adults. The Committee urges the NIMH to continue to fund behavioral and clinical research as well as other promising areas of research related to autism spectrum disorders.

Borderline personality disorder (BPD).—The Committee understands that failure to recognize and adequately treat BPD can have devastating consequences such as substance abuse, domestic violence, and even suicide. The Committee urges the NIMH to expand its research on this disease.

Elderly mental health.—The Committee is concerned that despite substantial funding increases for the NIMH in recent years, the Institute's sponsorship of extramural research on the mental health of the elderly has not kept pace with its funding of research for other populations. Therefore, the Committee urges the NIMH to expand research in this area through all available mechanisms.

Fragile X.—Fragile X causes cognitive impairment, mental disorders such as obsessive-compulsive disorder, and extreme anxiety. The Committee urges the NIMH to conduct research on the neurobiological basis of Fragile X, characterize the mental health symptoms of Fragile X, and investigate effective treatments and promising new psychopharmacologic interventions that target those symptoms. The Committee also urges the NIMH to include Fragile X in its studies of related neuropsychiatric disorders and to work with other Institutes such as the NICHD and the NINDS to develop cooperative research support mechanisms in this area.

Frontier mental health needs.—The Committee commends the NIMH on its outreach efforts to determine the differences in mental health needs which may exist in remote frontier communities. The Committee encourages the NIMH to expand its research efforts into these communities, which are often ignored in research projects but which continue to suffer from high incidences of mental health problems.

Health disparities.—The Committee is encouraged by the NIMH's efforts to determine the causes for the disproportionate impact of mental disorders on racial and ethnic minority groups and to investigate methods of addressing and alleviating health disparities based on race and ethnicity. The Committee urges the NIMH to act on its strategic goals to achieve a more ethnic and racially diverse pool of mental health investigators through minority-focused training and career development mechanisms; to ensure inclusion of minority groups in clinical trials funded by the NIMH; to obtain an accurate measurement of the extent of mental health disparities across communities of color; and to use basic behavioral science to determine cultural differences in stress, coping and resilience.

Major Depression and Bipolar Disorder.—More than 20 million children and adults in the Nation are affected by major depression or bipolar disorder, and depression has been shown to be a leading cause of disability worldwide. Depression and bipolar disorders are also prominently associated with suicide. The Committee is aware that the NIMH has developed ''Breaking Ground, Breaking Through: The Strategic Plan for Mood Disorders Research'' in consultation with nationally recognized scientific experts, members of the National Advisory Mental Health Council, and representatives of consumer groups. This plan summarizes the current state of the science on major depression and bipolar disorder across the life span, provides a vision of achievable scientific goals, and recommends research priorities. It also addresses the causes, diagnosis, and improvement of interventions at the level of individual patients and service systems, as well as prevention. The Committee encourages the NIMH to continue its efforts to understand, treat, and prevent these illnesses.

Native Hawaiians.—The Committee remains concerned that Native Hawaiians and other Native American Pacific Islanders continue to suffer disproportionately from mental health problems. The NIMH is encouraged to continue its efforts to address this area.

Portfolio balance.—The Committee commends the NIMH for a balanced approach to research that includes basic neuroscience, behavioral science, health services research and clinical research. The Committee applauds, for example, the NIMH's leadership in working quickly to address urgent public health problems. NIMH research has shown that, for some individuals, exposure to violent or traumatic events can result in very significant mental health repercussions. Recent school violence and the events of September 11, 2001, have proven that this information is crucial and directly applicable. The Committee supports the NIMH's determination to speed the translation of research results into practical societal benefits, including improved mental health services for those who need them.

Translating behavioral and social sciences research.—The Committee supports translational research in the behavioral and social sciences to address how basic behavioral processes inform the diagnosis, treatment, and delivery of services for patients, particularly for young people, with mental disorders. To further the translation of research knowledge into practice, the Committee encourages ongoing collaboration between the NIMH and the Substance Abuse and Mental Health Services Administration to reduce the current lag time between the discovery of an effective treatment or intervention and its availability at the community level. The Committee also promotes the establishment of translational behavioral research as a priority funding area for the NIMH.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

Appropriations, 2002	$429,312,000
Budget estimate, 2003	465,137,000
Committee recommendation	468,037,000

The Committee recommendation includes $468,037,000 for the National Human Genome Research Institute [NHGRI]. This is $2,900,000 more than the budget request and $38,725,000 more than the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—The NHGRI coordinates extramural and intramural research as well as research training for the NIH component of the Human Genome Project, an effort to determine the location and sequence of the estimated 30,000 to 40,000 genes which constitute the human genome. The Division of Extramural Research supports research on genetic sequences of both human and non-human genomes, DNA sequencing technology development, database management and analysis, and studies of the ethical, legal, and social implications of human genome research. The Division of Intramural Research focuses on applying the tools and technologies of the Human Genome Project to understanding the genetic basis of disease and developing DNA-based diagnostics and gene-based therapies. Since its establishment, the intramural program has developed a strong research program in collaboration with several other NIH Institutes to study and better understand rare and complex genetic diseases such as diabetes, heart disease, breast cancer, colon cancer, and melanoma.

The Committee notes that during fiscal year 2003, the field of genetics will observe a major anniversary, and the National Human Genome Research Institute (NHGRI) will reach an unprecedented accomplishment. Fifty years ago, in April of 1953, Drs. James D. Watson and Francis Crick reported the discovery of the double helix structure of DNA, a landmark achievement in the annals of scientific research. In 2003 the Human Genome Project expects to complete the final DNA sequence of the human genome, in time for the 50th anniversary of the Watson-Crick paper. The Committee commends the NHGRI for completing the Human Genome Project both years ahead of schedule and under budget. While we have now entered the era in which science begins to unravel the great mystery of the human genome in order to understand the function of each of our genes, completely understanding that mystery will clearly take many more years of discovery.

The Committee is pleased that even as it completes the sequence of the human genome, the NHGRI is planning for the future of genomic science and of the institute. The Committee encourages consultation with outside experts in such fields as genetics, genomics, medicine, biotechnology, the law, social policy and ethics as a way to prepare for the future. The development of a specific and bold new research plan for the NHGRI will certainly ensure continued scientific advances and greatly assist the Congress as it sets funding priorities in the coming years.

Behavioral research.—Recent research has revealed that different genes can be turned on or turned off at different points in a person's life. Understanding what events or behaviors influence gene expression is an important frontier of scientific knowledge. The Committee encourages the NHGRI to develop collaborations with other Institutes and the Office of Behavioral and Social Sciences Research to support integrative research aimed at understanding the role of environmentally induced gene expression in the course of disease and in the promotion of health.

Epilepsy.—The Committee encourages the Institute to continue to intensify its efforts to identify epilepsy genes for the more than 40 different types of epilepsy, and to assist the NINDS in the search for a genetic fingerprint diagnostic test aimed at improving drug therapy for epilepsy. The Committee further encourages the Institute to coordinate efforts with the NINDS to create a national consortium to identify new epilepsy susceptibility genes through a large-scale genotype: phenotype screen. The Committee urges the Institute to continue to make epilepsy research a priority and to coordinate research efforts with other Institutes through the Interagency Epilepsy Coordinating Committee.

Haplotype map.—The Committee supports the development of a ''haplotype map'' of the human genome, if possible through a public-private partnership. This comprehensive resource for human biomedical research will capture the complete catalogue of the common genome ancestral segments (''haplotype

blocks'') observed in human populations. This map will provide a new tool for scientists to scan the entire genome and identify more rapidly and effectively those genetic variations associated with disease risk and drug response in the human population. That, in turn, will help researchers develop an understanding of the complex biological processes that give rise to disease and assist scientists in discovering preventive measures, treatments and cures for these illnesses. The haplotype map and similar tools will help genomic science bridge the gap from basic science to applications for human health.

Non-human genomes.—The Committee endorses the rigorous scientific process that the NHGRI has developed for selection of non-human genomes to sequence using NHGRI-supported sequencing capacity. This peer review process, whereby investigator- or community-initiated proposals are submitted for consideration by the NHGRI, ensures that organisms for genomic sequencing will be selected on the basis of specific, well-defined scientific goals, taking advantage of the rigor, robustness and fairness provided by scientific discussion and peer evaluation.

The Committee is pleased that the NHGRI has indicated its interest in sequencing the cow and chicken genomes. The Committee encourages the Institute's efforts to expand genome sequencing to other mammalian and avian genomes, and to ensure that sequence information of these species is made publicly available to all without restriction.

Privacy.—The Committee remains concerned about the proper use of genetic information and encourages the NHGRI's ongoing efforts, though its ELSI program, to examine the privacy and fair use of genetic information. Other important issues related to human genetics research and its consequences should also be studied, including: the appropriate use of genetic tests; the protection of human subjects who participate in genetic research; the development of policies to guide research into genetic variation; and complex social issues, such as how genetics informs concepts of race and ethnicity.

Type 1 Diabetes Genetics Consortium.—The Committee is aware of the development of a Type 1 Diabetes Genetics Consortium, which will collect and share valuable DNA information from juvenile diabetes patients from studies around the world. The Committee encourages the NHGRI to collaborate with the NIDDK in efforts to determine the genetic origins of juvenile diabetes by directing resources towards this important initiative.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

Appropriations, 2002	$261,951,000
Budget estimate, 2003	271,200,000
Committee recommendation	283,100,000

The Committee recommends an appropriation of $283,100,000 for the National Institute of Biomedical Imaging and Bioengineering [NIBIB]. This is $11,900,000 more than the budget request and $21,149,000 more than the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—The NIBIB improves health by promoting fundamental discoveries, design and development, and translation and assessment of technological capabilities in biomedical imaging and bioengineering, enabled by relevant areas of information science, physics, chemistry, mathematics, materials science, and computer sciences. The Institute plans, conducts, fosters, and supports an integrated and coordinated program of research and research training that can be applied to a broad spectrum of biological processes, disorders and diseases and across organ systems. The Institute coordinates with the biomedical imaging and bioengineering programs of other agencies and NIH Institutes to support imaging and engineering research with potential medical applications and facilitates the transfer of such technologies to medical applications.

The Committee recognizes the contribution bioengineering brings to medicine. Bioengineering improves the quality of life through its contribution to advances in science and technology related to health. The Committee understands that this newly created Institute must have adequate resources to begin its important task of supporting high-quality research.

Juvenile diabetes.—The Committee is aware that imaging and bioengineering technologies could have widespread applications for the treatment and prevention of diseases and conditions such as juvenile diabetes. The Committee encourages the NIBIB to collaborate with the NIDDK on the development and application of imaging technologies to evaluate and track the progress of biologic events non-invasively, specifically the investigation and monitoring of beta cell destruction during the onset of juvenile diabetes and indications of graft rejection following the transplantation of whole organs, tissue, or cells. The Committee also encourages the Institute to collaborate with the NIDDK to develop non-invasive metabolic sensor technologies for the monitoring of glucose and metabolism in individuals with juvenile diabetes.

Molecular imaging technologies.—The Committee encourages the Institute to provide increased funding for molecular imaging technologies such as positron emission tomography (PET) and microPET to take advantage of the capacities of molecular imaging to detect disease process at the molecular level and to monitor the effectiveness of targeted gene therapies now under development. The Committee also encourages the Institute to develop its research agenda in close collaboration with other, disease-specific Institutes at NIH, so that new imaging technologies are closely tied to the research projects being supported by the NIH.

Temporomandibular joint disorders (TMJ).—The Committee is mindful of the dismal history of failures in the case of plastic and other materials used in implants to replace parts of the temporomandibular joint. The Committee urges the Institute to make studies of the TM joint and related structures a high priority.

NATIONAL CENTER FOR RESEARCH RESOURCES

Appropriations, 2002	$986,505,000
Budget estimate, 2003	1,065,272,000
Committee recommendation	1,161,272,000

The Committee recommends an appropriation of $1,161,272,000 for the National Center for Research Resources [NCRR]. This is $96,000,000 more than the budget request and $174,767,000 more than the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—The NCRR develops and supports critical research technologies and shared resources that underpin research to maintain and improve the health of our Nation. The NCRR programs develop a variety of research resources; provide biomaterial and resources for complex biotechnologies, clinical research, and specialized primate research; develop research capacity in minority institutions; and enhance the science education of pre-college students and the general public.

Extramural construction.—The Committee has included bill language identifying $125,000,000 for extramural biomedical facility renovation and construction. This is an increase of $15,000,000 over the fiscal year 2002 appropriation and $48,000,000 over the budget request. These funds are to be awarded competitively, consistent with the requirements of section 481A of the Public Health Service Act, which allocates 25 percent of the total funding to institutions of emerging excellence.

Federal loan guarantee program.—The Committee understands that the Administration has been considering a program that would guarantee loans for construction of research facilities at institutions conducting NIH-supported biomedical research. The Committee is very interested in a Federal loan guarantee program, which has the potential to address the huge requirement for new and upgraded research facilities that has been generated by the doubling of the NIH budget. The Committee requests a report, to be submitted by June 1, 2003, describing how such a program would work, the potential benefits and costs both to the Federal Government and to the institution, and how a loan guarantee program would be integrated with the current grant program.

General Clinical Research Centers.—In fiscal year 2002, the NCRR supported more than 80 General Clinical Research Centers (GCRCs) to provide people across the country with local access to clinical research programs focused on a wide range of diseases and disorders. GCRCs are also directly involved in translating basic science discoveries to improvements in patient care. For fiscal year 2003, the Committee has provided $312,000,000, an increase of $40,000,000 over the fiscal year 2002 level, for the GCRC program as authorized by Section 481C of the Public Health Service Act. The Committee intends that this increase should be used to provide the resources necessary to upgrade GCRC facilities with the sophisticated technologies needed to apply the mapping of the human genome to the study of human disease and respond to the threat of bioterrorism; expand clinical research training efforts, including the recently announced Mentored Clinical Research Scholar Program Award; expand staffing as recently mandated by NCRR to assure patient safety and maximum compliance with new regulatory requirements; and support local GCRC pilot projects as approved by the NCRR Advisory Council.

Health disparities research.—The Committee commends the NCRR for its proposal to establish comprehensive centers for health disparities research and looks forward to learning more about this important new initiative.

IDeA grants.—The Committee has provided $220,000,000 for the Institutional Development Award (IDeA) Program authorized by section 402(g) of the Public Health Service Act. This is a $60,000,000 increase over fiscal year 2002. Within the total provided, $90,000,000 is for the Biomedical Research Infrastructure Network (BRIN) initiative and $130,000,000 is for the Centers of Biomedical Research Excellence (COBRE) initiative.

The Committee strongly supports the IDeA program, and urges the NCRR to further expand these initiatives. The Committee understands that the NCRR intends to review

and evaluate the BRIN mechanism this year, and awaits the results of this critical evaluation. The focus of IDeA should continue to be improving the necessary infrastructure at research institutions within the IDeA States, so that they may develop a critical mass of competitive biomedical researchers that will enhance our nation's overall biological research capacity.

Institutional animal resources.—The Committee commends the NCRR for its support of recent efforts to upgrade animal research facilities at minority health professions schools including the recent competitive supplement to Research Centers in Minority Institutions (RCMI) for developing and improving institutional animal resources. The Committee encourages the NCRR to continue to work in partnership with the National Center on Minority Health and Health Disparities to support this initiative.

Islet cell research.—The Committee encourages NCRR to facilitate islet cell research by creating additional sites, isolating insulin-producing cells for both distribution to researchers as well as for transplantation, and improving methods to store and transport insulin-producing cells.

National Primate Research Centers.—The Committee values the critical role played by the eight National Primate Research Centers (NPRCs). These centers conduct specialized basic and applied biomedical research and offer essential and valuable services to other researchers across the United States. The Committee urges the NCRR to engage with the NPRCs in an assessment process to identify NPRC and NPRC-user needs, and to provide the Committee with a summary of the findings.

Plant-based medicinal products.—The Committee remains interested in efforts to develop plant-based medicinal products, and it encourages the NCRR to collaborate with plant scientists, particularly in rural America, in developing novel useful products.

Positron emission tomography.—The Committee continues to urge the NCRR to support research resource centers for the development and refinement of positron emission tomography (PET) as a unique imaging technology to diagnose and stage diseases of the brain, including Alzheimer's disease.

Research Centers in Minority Institutions.—The Committee continues to recognize the critical role played by minority institutions at both the graduate and undergraduate level in addressing the health research and training needs of minority populations. These programs help facilitate the preparation of a new generation of scientists at these institutions. The Committee urges the NCRR to continue to support the Research Centers in Minority Institutions program.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE [CCAM]

Appropriations, 2002	$104,592,000
Budget estimate, 2003	113,249,000
Committee recommendation	114,149,000

The Committee has included $114,149,000 for the National Center for Complementary and Alternative Medicine, an increase of $900,000 above the budget request and $9,557,000 over the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

The Committee strongly supports the work of the National Center for Complementary and Alternative Medicine. The Center is charged with ensuring that complementary and alternative therapies be rigorously reviewed to provide consumers with reliable information.

The Committee expects that funding for existing and new Centers supported by NCCAM will be maintained and directs the Center to undertake field investigations and a program for the collection and evaluation of outcome data on promising alternative therapies. The Committee expects NCCAM to expand its support of CDC's field investigations program and of AHRQ literature reviews and data-analysis efforts. The Committee also expects the Center to allocate sufficient funds to develop and disseminate a comprehensive set of fact sheets on CAM therapies to inform the public and health professionals of the state of scientific knowledge about these therapies.

The Committee has included sufficient funds for NCCAM to increase support for the chiropractic research center.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

Appropriations, 2002	$157,742,000
Budget estimate, 2003	186,929,000
Committee recommendation	186,929,000

The Committee has included $186,929,000 for the National Center on Minority Health and Health Disparities, the same as the budget request and $29,187,000 over the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—The NCMHD advises the NIH Director and Institute and Center (IC) directors on the development of NIH-wide policy issues related to minority health disparities research, research on other health disparities, and related research training. Among other activities, the NCMHD develops, in consultation with the NIH Director, IC directors, and the advisory council, a comprehensive strategic plan that identifies and establishes objectives, priorities, budgets, and policy statements governing the conduct and support of all NIH minority health disparities research, research on other health disparities, and related research training activities. It also administers funds for the support of minority health disparities research and other health disparities research, by awarding grants and leveraging the programs of the ICs.

The Committee is encouraged by the opportunities that exist for the NCMHD to help further advances in improving the health of minorities and eliminating health disparities through the expanded conduct and support of research, research training, community outreach, and accelerated dissemination of research findings in cancer, heart disease, asthma, stroke, sickle cell disease, obesity, diabetes, substance abuse, mental health, infant mortality, HIV/AIDS, and chronic pulmonary diseases. Considerable opportunities are at hand for improving clinical outcomes in the short- and long-term. The NCMHD is encouraged to capitalize on opportunities provided by recent advances in biomedical, clinical and behavioral research by strengthening its focus on efforts to unravel the genomic analysis of diseases that disproportionately affect minorities including the ethical, legal and social implications of this research; applying advanced knowledge from prevention, behavioral, translational, clinical and basic research to developing and implementing effective innovative approaches that address obesity and diabetes across communities of color; ensuring the integration of advances in health care, practice, and self-management in clinicians' guides and health care delivery; applying knowledge that has been learned with respect to stress and diet response mechanisms, and environmental risk factors for cancer, heart disease, asthma and stroke; applying advances stemming from unraveling the physiology and genetics of diabetes; furthering implementation of recommendations stemming from the various IOM studies on improving minority health; developing innovative strategies for improving the health status and health outcomes of minority adolescents, young adults and elderly; furthering the understanding of the dietary link in arthritic diseases; strengthening and expanding the involvement and participation of minority organizations including minority community-based organizations in research, outreach, awareness and prevention activities.

Glomerular injury.—The Committee understands that glomerular injury, a group of diseases which effect the filtering mechanisms of the kidney, are more prevalent among African Americans than the general population. The Committee urges the NCMHD to explore collaboration with the NIDDK to conduct and support research activities related to glomerular injury.

Lung diseases.—The Committee is concerned with the disproportionate impact of lung diseases affecting minorities. The Committee encourages the Center to partner with other agencies to develop an epidemiologic approach to determine the disproportionate impact of airway disease on minority populations.

Strategic plan.—The Committee commends the NCMHD for its leadership in addressing the longstanding problem of health status disparities in minority populations. The Committee looks forward to reviewing the strategic plan for health disparities research currently being developed by the NCMHD. The Committee continues to encourage the NCMHD to implement its successful research endowment program as an ongoing initiative, and to establish the centers of excellence program. Finally, the Committee encourages the Director of the NCMHD to coordinate with the NIH Director and the NCRR in support of extramural facility construction and the development of other research infrastructure at minority health professions schools.

JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES

Appropriations, 2002	$56,918,000
Budget estimate, 2003	63,380,000
Committee recommendation	60,880,000

The Committee recommends an appropriation of $60,880,000 for the Fogarty International Center [FIC]. This is $2,500,000 less than the budget request and $3,962,000 more than the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—Adapting research advances in biomedicine to populations at home and abroad requires a continuing commitment to basic science as well as rigorous clinical and applied (epidemiological) studies. Examples are vaccines, anti-infective agents, drugs, and more efficient diagnostic tools, combinations of interventions, and health policies to reduce the risk of disease and its associated human, social and economic consequences. These challenges will benefit from a more coordinated and multi-disciplinary approach to global health needs. It is the mission of the FIC to address these challenges by forging collaborations with a range of domestic

and global partners in international research and training to pursue three core objectives: first, to accelerate the pace of discovery and its application by special projects enabling scientists worldwide to share conceptual insights, analytic methods, data sets, patient cohorts, or special environments; second, to engage and assist young as well as more established U.S. investigators to address scientific challenges related to global health; and third, to help develop a cadre of highly capable young foreign investigators positioned to cooperate with U.S. scientists in areas of the world that, due to geography, genetics, or disease burdens, provide unique opportunities to understand disease pathogenesis, anticipate disease trends, or develop interventions of relevance and priority for both the United States and the collaborating country.

Chronic obstructive pulmonary disease.—The Committee notes that chronic obstructive pulmonary disease (COPD) is the fourth-leading cause of death worldwide, and it encourages the FIC to expand its COPD research and training activities.

Tuberculosis.—The Committee recognizes the growing value of international research and surveillance programs with respect to infectious diseases such as tuberculosis (TB). The Committee is pleased by the Center's research collaboration with international organizations and governments on multi-drug-resistant TB, and it encourages the Center to continue these important studies. The Committee is aware that the FIC offers TB supplemental training grants to recipients of AIDS International Training and Research Program (AITRP) or International Training and Research Program in Emerging Infectious Diseases (ERID) grants. The Committee encourages the FIC to develop a specific, freestanding TB training program.

NATIONAL LIBRARY OF MEDICINE

Appropriations, 2002	$277,273,000
Budget estimate, 2003	310,299,000
Committee recommendation	310,299,000

The Committee recommends an appropriation of $310,299,000 for the National Library of Medicine [NLM]. This is equal to the budget request and $33,026,000 more than the fiscal year 2002 appropriation. Included is $4,000,000 for improvement of information systems. The recommendation includes $8,200,000 in transfers available under section 241 of the Public Health Service Act. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—The National Library of Medicine is the Federal institution that for more than 150 years has collected, organized, preserved, and disseminated the world's output of biomedical literature in all forms. As a result of this activity NLM is the world's largest library of the health sciences, its holdings numbering more than 5 million items. The NLM has pioneered innovative methods to disseminate bibliographic information. Basic to the mission of the NLM is a wide-ranging research program to improve how medical information is communicated. This responsibility is aided by a grants program and by specialized services in toxicology, environmental health, and biotechnology.

Home medical consultations.—The Committee continues to support demonstration projects to test the use of state-of-the-art telemedicine technology for home medical consultations. This innovative approach holds great promise for improving the care and lowering health care costs for homebound individuals who require frequent monitoring.

Internet connection grant program.—The Committee continues to be concerned about limitations on access to health information in rural and other medically underserved areas. It supports the NLM's efforts to address this issue through the Library's Internet Connection Grant program, which partners with regional libraries to provide hardware, set-up, training and access to the Internet at locations in medically underserved areas.

Minority health professions.—The Committee encourages the NLM to strengthen information technology infrastructure at minority health professions schools that focus their research activities on health disparities and the education of health professionals who serve in medically underserved communities.

New facility.—Many of the most serious diseases have a molecular basis. The NLM's National Center for Biotechnology Information is an integral player in this research process, for it organizes and analyzes the vast volume of genomic information uncovered in the last decade. The Congress believes that if this Center is to make its maximum contribution to our fight against disease, it must very soon have expanded facilities to meet the growing demands being placed on it. The Committee provided funds necessary for the design of such facilities, and it desires that such design, when completed, be rapidly moved into the construction phase. The Committee, therefore, requests a report from the NIH by April 1, 2003, that delineates the features of this new facility, its size and its expected cost, based upon a fast-track schedule.

Outreach.—The Committee continues to note the success of the NLM's MEDLINE and MEDLINEplus databases. The Committee encourages NLM to continue its outreach activities aimed at educating health care professionals and the general public about the Library's products and services, in coordination with medical librarians and other health information specialists.

Public mandate.—The NLM has legislatively mandated outreach activities to publicize its information services to health professionals and the public. Because the Library has developed an extensive set of authoritative and easily accessible (electronic and print) health information services for the public, the Committee encourages the NLM to continue these efforts and also to target specifically certain underserved parts of the U.S. population, particularly ethnic minorities, the elderly, non-English-speaking individuals, and Americans living in rural areas.

PubMed Central.—The Committee commends the NLM for its continued management and development of PubMed Central, an electronic online repository for life science articles.

Senior citizen outreach.—The Committee continues to support the NLM's efforts to provide senior citizens with expanded access to NLM's databases, through such means as including Internet access at senior centers and congregate meal sites.

OFFICE OF THE DIRECTOR

Appropriations, 2002	$235,400,000
Budget estimate, 2003	255,074,000
Committee recommendation	257,974,000

The Committee recommends an appropriation of $257,974,000 for the Office of the Director [OD]. This is $2,900,000 more than the budget request and $22,574,000 more than the fiscal year 2002 appropriation. The comparable amounts for the budget estimate include funds to be transferred from the Office of AIDS Research.

Mission.—The Office of the Director provides leadership and direction to the NIH research community, and coordinates and directs initiatives which crosscut the NIH. The Office of the Director is responsible for the development and management of intramural and extramural research and research training policy, the review of program quality and effectiveness, the coordination of selected NIH-wide program activities, and the administration of centralized support activities essential to operation of the NIH.

The Committee directs the Director of NIH to make a written request to the chairman of the Committee prior to any reprogramming of $1,000,000 or more, between programs, projects, activities, institutes, divisions and centers. The Committee desires to have the requests for reprogramming actions which involve less than the above-mentioned amounts if such actions would have the effect of changing funding requirements in future years, if programs or projects specifically cited in the Committee's reports are affected, or if the action can be considered to be the initiation of a new program.

Alpha-1 antitrypsin deficiency.—Alpha-1 antitrypsin deficiency, a genetic disorder often misdiagnosed as asthma or chronic obstructive pulmonary disease (COPD), is a major cause of lung transplants in adults and liver transplants in children. The Committee encourages the NIH to enhance its clinical research portfolio for alpha-1 and to consider conducting a state-of-the-science conference on the disorder. The NIH is also encouraged to raise public awareness about alpha-1 and provide appropriate information to health professionals.

Autoimmune diseases.—The Committee awaits the imminent release of the NIH's Autoimmune Diseases Research Plan, which was requested in the Children's Health Act of 2000. More than 80 autoimmune diseases affect up to 22 million Americans, mostly women. The Committee believes that the planned research has the potential to generate improved prevention measures, diagnostic tools, and treatment regimens, resulting in reduced treatment costs and a significant alleviation of human suffering.

Chronic fatigue syndrome.—The Committee is pleased that the NIH released its long-awaited CFS program announcement in December 2001, and it hopes that this initiative will reverse 7 years of declining CFS funding at NIH. To foster response to this program announcement, the Committee urges the NIH to put a priority on efforts to understand the cause and progression of CFS, identify diagnostic markers, and better understand pediatric CFS.

Clinical research.—Research supported by the National Institutes of Health has produced a wealth of knowledge about the fundamentals of human health and disease. But the accumulation of fundamental knowledge for its own sake is of little value unless it finds its way into hospitals and physicians, where it can be put to use in promoting good health or diagnosing, preventing and treating disease. Whether the dividends from basic research are fully realized will depend on the extent to which the clinical research enterprise is encouraged and nurtured, including health services and epidemiological studies. To that end, the Committee encourages the NIH Director to re-institute the advisory panel on clinical research and to consider creating an office of clinical research

to oversee and coordinate activities across the NIH. In addition, the Committee strongly urges the NIH to accelerate its ongoing clinical research training program. The Committee requests a report by April 1, 2003, outlining the status of clinical research activities currently underway as well as plans for the future.

Clinical research loan repayment.—In 2000, the Congress authorized a loan repayment program for clinical researchers as part of the Clinical Research Enhancement Act. The Committee is pleased that the NIH initiated the program last year, but was concerned that NIH established an initial policy that excluded clinical investigators who did not have NIH funding. The Committee understands that NIH plans to change this policy in the second year of the program, and it urges the NIH to include as eligible applicants students and trainees enrolled in peer-reviewed clinical research training programs supported by the NIH or private sources. The Committee requests data on the number of applications submitted as well as the number and size of awards made as of April 1, 2003. The Committee also requests demographic information on the applicants and recipients of the awards, including the status of their career development.

Deafness research.—The Committee encourages the NIH to fund multi-institute projects to expand basic research regarding the causes of deafness.

Department of Defense transfers.—The Committee has not approved the transfer of $49,000,000 requested in the budget to fund Department of Defense medical free electronic laser research, HIV clinical trial research and radiation exposure research. The Committee recommends that funding for defense-related science and technology initiatives should be handled by the Defense Department.

Distribution of resources.—Following the Institute of Medicine (IOM) study of the organization of the NIH, the Committee encourages NIH to contract with IOM to study the distribution of research resources across the agency's Institutes and Centers. An objective analysis may help inform the committee on the wisest distribution of new funds as they become available.

Down syndrome.—Down syndrome is the most common genetic cause of mental retardation in humans. About 1 in 800 babies born live in the United States has Down syndrome. People with Down syndrome also have an increased risk of developing Alzheimer's disease, autism, and many neurological and psychiatric disorders. Recent research holds the promise that future clinical interventions could substantially improve cognition, language ability, and behavior for persons with Down syndrome. In addition, research into the connection between Down syndrome and Alzheimer's disease may lead to a better understanding as to the causes of Alzheimer's disease. The Director is urged to coordinate with NICHD, NIA, NINDS and NIMH, to place a high priority on researching the causes and treatment of Down syndrome and to allocate sufficient funds for expanding Down syndrome research into enhancing cognitive development and developing methods to ameliorate early cognitive decline and the onset of Alzheimer's disease.

Epilepsy.—The Committee recognizes that while the NINDS is the primary Institute for addressing epilepsy, several other Institutes are also involved in related research. As 75 percent of epilepsy cases begin in childhood, the NICHD has an important role to play in studying this disease. So, too, does the NHGRI, which is urged to assist the NINDS in the search for a genetic fingerprint diagnostic test aimed at improving drug therapy for epilepsy. The NIMH is encouraged to explore a potential link between epilepsy and mood disorders, both of which are often treated with anti-convulsant medications. Finally, the NIA is encouraged to examine epilepsy in patients over age 65. The Committee urges the Director to continue an Interagency Epilepsy Coordinating Committee that includes agency scientists and industry and patient representatives. It requests the Director to provide a report to Congress by April 1, 2003, on the progress made in the coordination of research efforts in epilepsy among these Institutes, and on the progress made to implement the NINDS research benchmarks resulting from the March 2000 conference ''Curing Epilepsy: Focus on the Future.''

Fibromyalgia.—Fibromyalgia is a chronic disorder characterized by widespread musculoskeletal pain, fatigue, multiple tender points, and other debilitating symptoms. Because the symptoms manifest themselves most notably in the muscles, NIH research in fibromyalgia has been concentrated in the NIAMS. While the Committee commends the NIAMS for its interest in this condition, research increasingly indicates that fibromyalgia is not primarily a disease of the muscles, but rather a condition caused by malfunctions in the brain and central nervous system. Therefore, the Committee strongly urges the NIAMS and the NINDS to work together in addressing the challenge of fibromyalgia, and to expand their research into this disorder. In addition, the Committee notes that there are no FDA-approved drugs for fibromyalgia. While the NIAMS Strategic Plan for 2000–2004 specifically cites the need for NIAMS-supported investigators to test the efficacy of new drugs and biologicals for arthritis and related diseases, the Institute has announced no plans to include fibromyalgia in that effort. The Committee urges the NIAMS to do so.

Graduate Training in Clinical Investigation Awards.—The Committee understands that the translation of basic research to general medical practice is slowed by a shortage of well-trained clinical investigators. The Committee is concerned that the NIH has not moved forward with implementation of the Graduate Training in Clinical Investigation Awards authorized by the Clinical Research Enhancement Act, which was intended to address this shortage. While the Committee is pleased that the NIH has initiated the Clinical Research Curriculum Awards to improve the quality of training in clinical research, a shortcoming of this program is the absence of support for tuition and stipends for the individual students. The Committee believes that the Graduate Training in Clinical Investigation Awards may be necessary to replenish the supply of well-trained clinical investigators.

Human tissue supply.—The Committee continues to be interested in matching the increased needs of researchers who rely upon human tissues and organs to study human diseases and to search for cures. The Committee is aware that one of the leaders in this competitive field, the National Disease Research Interchange [NDRI], is uniquely positioned to serve NIH grantees, as well as the intramural and university-based researchers who are finding it increasingly difficult to obtain this valuable and effective alternative research resource. More than 500 peer-reviewed research advances made by NDRI-dependent researchers have been published during the past 4 years contributing to the research community's fund of knowledge. The Committee is encouraged by NDRI's role in these research advances and applauds the Director's expanded support for NDRI by bringing NEI, NIDDK, NIAID, NIAMS, and the Office of Rare Diseases into the multi-institute initiative. While this is promising, more needs to be done to match the demand for the use of human tissue in research. The Committee, therefore, expects the Director to advise the Director of NCRR to consider substantially increasing its core support for NDRI, and to continue to encourage the Institute Directors to identify and implement program-specific initiatives that might utilize the NDRI. The NIH should submit a written progress report to the Committee no later than April 1, 2003 outlining its plan and action steps to accomplish these goals in fiscal year 2003.

Laboratory Animals.—The Committee is concerned about allegations that several institutions receiving NIH funding may not be in full compliance with the Public Health Service policy on humane Care and Use of Laboratory Animals. The Committee encourages NIH to determine the extent and scope of any such allegations and notify the Committee of its findings.

Lymphatic diseases and lymphedema.—The Committee commends the NIH for co-sponsoring The Lymphatic Continuum conference in May 2002 and for establishing a trans-NIH coordinating committee to focus on the lymphatic system, with particular emphasis on lymphedema and related lymphatic disorders. Since basic and translational research for lymphatic research and diseases of the lymphatic system crosses most Institutes and Centers, broad committee representation is strongly encouraged. Research and medical care for lymphatic diseases has long been neglected; therefore, the Committee strongly urges the NIH to stimulate and support intramural and extramural programs for basic and translational research relating to lymphatic diseases, including but not limited to: insufficiency of lymphatic circulatory function (to include all forms of lymphedema, both primary and secondary); lymphatic vascular valvular insufficiencies; complex congenital vascular proliferative diseases of the lymphatic vasculature, including but not limited to, so-called lymphangioma, cystic hygroma, lymphangiosarcoma, lymphangioleiomyomatosis; and developmental disorders of the lymphatic system, including but not limited to lymphangiectasia, chylous reflux and complex vascular malformations, such as Klippel-Trenauny Syndrome.

The Committee requests the Director to provide a report by April 1, 2003, outlining both short- and long-term plans to stimulate and support basic and translational research for lymphatic diseases. Furthermore, the Committee urges the NIH to examine whether experts on lymphatic research are adequately represented on CSR peer review panels and relevant Institute study sections.

Microbicides.—There is an urgent need to expand the range of preventive interventions for HIV transmission. Microbicides, which are antimicrobial products that can be applied topically for the prevention of sexually transmitted diseases, may offer one of the most promising approaches to preventing HIV. The Committee commends the NIH for increasing the funds available for microbicide research and development, and it supports additional increases in funding for this area through OAR, NIAID, NICHD, NIMH, NIDA, and ORWH. The Committee remains concerned, however, that microbicide

research at the NIH is currently conducted with no single line of administrative accountability or specific funding coordination. The Committee also notes that the Centers for Disease Control and the U.S. Agency for International Development have recently expanded their microbicide portfolios, which means that without overall Federal coordination, costly inefficiencies may result. Therefore, the Committee urges the NIH both to continue implementation of its strategic plan for microbicide research and development, and to accelerate and strengthen efforts to coordinate research among Institutes and with other Federal agencies. The Committee requests a report by March 31, 2003, on the status of its microbicide program, including research efforts, funding, and implementation of the strategic plan.

Minority health professions infrastructure.—The Committee continues to be pleased with the NIH Director's implementation of various programs focused on developing research infrastructure at minority health professions institutions, including Research Centers at Minority Institutions, Extramural Biomedical Research Facilities, and the National Center for Minority Health and Health Disparities. Because there are a number of new competitive mechanisms for the NIH to work with these research institutions, the Committee recommends that the NIH Director work closely with the Director of the National Center on Minority Health and Health Disparities to coordinate these various mechanisms.

National Institutes of Health/Department of Energy Medical Technology Partnership.—The Committee expects the NIH to continue to collaborate with the Department of Energy (DOE) to evaluate the technologies developed within the nuclear weapons program and other DOE programs in terms of their potential to enhance health sciences, with the goal of achieving clinical applications and improved national health care.

Neurofibromatosis (NF).—The Committee has included specific report language on NF under the NCI and NINDS, but it recognizes that NF research involves many other Institutes and Centers as well, including the NHLBI, NEI, NIDCD, NICHD, and NIAMS. The Committee urges the Director to identify new research opportunities regarding NF that cuts across all these Institutes and Centers.

Office of Behavioral and Social Sciences Research.—The Committee encourages the OBSSR to foster the NIH's behavioral research portfolio by planning and sponsoring interdisciplinary initiatives that further the public health missions of multiple Institutes and Centers. In particular, the OBSSR's efforts to encourage research on new methodologies in the behavioral and social sciences are appreciated. The Office is urged to follow up on its conferences on sociocultural research and health disparities by developing initiatives with the National Center for Minority Health and Health Disparities and the NIH Institutes and Centers. The Committee encourages the OBSSR to push forward on planned initiatives to increase scientific understanding of the elements of education and the workplace that most affect health, and to follow up on its successful program of grants on behavior change by focusing on the challenge of maintaining behavior change.

Office of Dietary Supplements.—The use of dietary supplements has increased significantly among Americans who want to improve their health and prevent disease, and there is a great need for additional research to better inform consumers of the benefits of these supplements. The Committee expects the ODS to allocate sufficient funds to continue an initiative—begun at the Committee's urging in last year's bill—to speed up ongoing collaborative efforts to develop, validate, and disseminate analytical methods and reference materials for the most commonly used botanicals and other dietary supplements.

The Committee is pleased that the ODS has followed through on its recommendation to begin a major research initiative on the safety and efficacy of products containing ephedra, and it urges the Office to assure that the work is reviewed in an unbiased manner before it is finalized. The results of this research should be evaluated by the FDA to assure that any regulatory action taken on products containing ephedrine alkaloids is based on sound science.

The Committee is also pleased that the ODS has begun an evidence-based review of the research concerning the health benefits of omega-3 fatty acids. Given the significant human and financial costs associated with heart disease, the Committee expects the Office to provide sufficient funds to promptly complete this initial review and provide recommendations for further major clinical trials.

Office of Research on Women's Health.—The Office of Research on Women's Health (ORWH) works in collaboration with the Institutes and Centers (ICs) of the NIH to promote and foster efforts to address gaps in knowledge related to women's health through the enhancement and expansion of funded research and the initiation of new investigative studies. The ORWH is responsible for ensuring the inclusion of women in clinical research funded by the NIH, including the development and implementation of a computerized tracking system and the implementation of guidelines on such inclusion. The Office is also involved in promoting programs to increase the number of women in biomedical science careers, and in developing women's health and sex and gender factors in biology as a focus of medical/scientific research.

The Committee recognizes the critical role played by the specialized centers of research on sex and gender factors affecting women's health, and it encourages the Office to continue programmatic initiatives to further this work. The Committee also continues to support the Building Interdisciplinary Research Careers in Women's Health programs.

Parkinson's disease.—The Committee is aware that the Parkinson's Disease Research Agenda developed by the NIH in 2000 included professional judgment funding projections that totaled an additional $1,000,000,000 over 5 years. It is the clear intent of the Committee that the NIH, which has received substantial funding increases in recent years, come as close as possible to fulfilling that Agenda while maintaining the standards of peer review.

The Committee was extremely disappointed, therefore, to learn that during fiscal years 2001 and 2002—the first 2 years of the Parkinson's Disease Research Agenda—NIH funding increases for Parkinson's failed to keep pace with funding increases for NIH overall. In addition, the NIH's projected Parkinson's budget for fiscal year 2003 falls $138,200,000 short of the $353,300,000 professional judgment budget estimate cited by the Agenda for that year. As a consequence, the NIH would fall even further behind on implementing the Agenda, and this highly promising field of research would not move ahead as speedily as the Congress intended.

The Committee strongly urges the NIH to devote additional resources to Parkinson's research using all available mechanisms, including RFAs and further support of NIEHS initiatives.

The Committee expects the NIH to report to Congress by April 1, 2003, on the steps it is taking to fulfill the Parkinson's Disease Research Agenda.

Pediatric drug studies.—The Committee is aware that many generic drugs have not been studied for use in pediatric patients. Therefore, the Committee encourages the NIH to take actions necessary to fully implement the new section 409I of the Public Health Service Act to study the safety and efficacy of off-patent/off-exclusivity drugs in pediatric patients. The Committee requests a report by February 1, 2004, which includes information on the number of pediatric drug studies supported; the estimated cost of each study undertaken; the nature and type of studies undertaken; the number of label changes that occurred due to the studies completed; the patent status of the drugs studied; and the number of drugs remaining on the priority list established through section 409I of the Best Pharmaceuticals for Children Act.

Pediatric research initiative.—The Committee is pleased that the Office of the Director is implementing its Pediatric Research Initiative, as authorized by the Child Health Act of 2000. The Committee strongly supports the intent of the initiative, to provide additional funds to encourage the growth of support for pediatric research across Institutes and to stimulate new and promising areas of pediatric research.

Pediatric research loan repayment.—The Children's Health Act of 2000 established the Pediatric Research Loan Repayment Program to ensure the future supply of researchers dedicated to the care and research needs of children. The Committee is pleased with the expeditious initial implementation of this program, and it urges the NIH to expand it, particularly in the areas of Duchenne muscular dystrophy and Fragile X. The Committee requests that the Director prepare a report by April 1, 2003, detailing the progress of this program.

Physical inactivity.—Physical inactivity, as a contributing factor to disease, represents the third leading cause of death in the United States and is a major contributor to obesity, the second leading cause of death. The Committee encourages the NIH to conduct public outreach efforts with the goal of encouraging researchers to bring their research expertise and skills to bear on this field.

Postpartum depression.—Each year, over 400,000 women suffer from postpartum mood changes, with ''baby blues'' afflicting up to 80 percent of new mothers; postpartum mood and anxiety disorders impairing around 10–20 percent of new mothers; and postpartum psychosis striking 1 in 1,000 new mothers. However, little systematic research has been done to uncover the underlying causes and to develop effective treatments. Therefore, the Committee encourages the Institutes to expand, intensify and coordinate research on postpartum depression and psychosis. In addition, the Committee encourages the NIH to convene a national research conference to develop a national research plan for postpartum depression and psychosis.

Racial and ethnic disparities.—The Committee was disturbed by the conclusions of the Institute of Medicine's March 2002 report

titled ''Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care.'' The Committee strongly urges the NIH to take all steps necessary to reduce and eventually eliminate racial and ethnic health disparities. On a related matter, the Committee is pleased with the leadership that NIH has shown, through its Projecto Ciencia initiative, to provide state-of-the-art health material to Hispanic consumers and information to Hispanic health professionals on NIH research opportunities. The NIH is encouraged to increase funding for this initiative with expanded emphasis on outreach to Hispanic consumers, Hispanic participation in clinical trials, and NIH training and research opportunities, especially as principal investigators.

Scleroderma.—The Committee has included specific report language on scleroderma under NIAMS and the NHLBI, but it recognizes that scleroderma research involves many other Institutes and Centers as well. The NIDDK is encouraged to support such research because of scleroderma's links to gastrointestinal involvement and renal crisis; the NIDCR, because scleroderma may be associated with a number of potential dental and craniofacial complications; and the Office of Research on Women's Health, because scleroderma mainly strikes young women.

Sjögren's syndrome.—Sjögren's syndrome is one of the most prevalent autoimmune diseases, yet little is known about the cause or effective treatments. The Committee is pleased by the research that the NIDCR has conducted on Sjögren's, but recognizes that because this disease may affect all organs, it falls within the mission of many Institutes. For this reason, the Committee urges the NIH Autoimmune Diseases Coordinating Committee, as it implements the NIH Autoimmune Diseases Research Plan, to emphasize increased research on Sjögren's syndrome across the Institutes. In particular, the Committee encourages the NIAMS and NIAID to expand their research on musculoskeletal and immunological manifestations of the disease. The Committee also notes that Sjögren's syndrome is an excellent model for lymphoproliferation and transformation to malignancies; therefore, the NCI is encouraged to explore the increased progression in Sjögren's from a benign autoimmune process to malignancy.

Social work research.—The Committee commends the NIMH, NIDA, NCI, and the Office of Behavioral and Social Science Research for their recognition of social work research's important contribution to our Nation's health. The Committee urges the NIH to develop a social work research plan that outlines research priorities, as well as a research agenda, across NIH Institutes and Centers to be reported to the Committee by April 1, 2003.

Stem cell research.—The Committee is encouraged by the promise of both adult and embryonic stem cell research to improve the lives of individuals suffering from devastating diseases and conditions. However, the Committee also recognizes that basic stem cell research must be accomplished before therapies can be produced. In last year's report, the Committee encouraged NIH to move forward expeditiously to implement the President's policy concerning support of scientifically meritorious stem cell research. The Committee also commended NIH for moving quickly to negotiate material transfer agreements with holders of existing embryonic cell lines. However, since then, the Committee has learned that very few stem cell lines are being shared with researchers. The Committee is also concerned that few grant applications have been funded in this area. The Committee requests that the Department of Health and Human Services send the subcommittee a report explaining how it plans to encourage more grant applications and what specific steps it plans to take to make more stem cell lines available.

The Committee also commends NIH for the development of the online human embryonic stem cell registry and encourages NIH to expand the registry to make it more useful to researchers by providing additional documentation regarding the stem cell lines, such as conditions of derivation, characteristics of the cell lines (i.e. cell-surface markers present or absent, growth conditions, and requirements for maintenance in long-term culture), and publications that reference the cell lines. Furthermore, the Committee encourages NIH to seriously consider developing a stem cell repository.

In addition, the Committee is aware of the exciting new developments in the field of umbilical cord stem cells. But more research needs to be undertaken to explore these issues, including the possible use of these cells to treat cancers, genetic diseases, muscular dystrophy, neurological disorders, and diabetes. The Committee urges the NCI, NHLBI, NIAMS, NIDDK, and the NINDS to actively pursue research in these areas in a manner consistent with the NIH tradition of strong peer reviewed science.

Stroke in women.—As the second-leading cause of death among women worldwide, stroke in women is a major health problem. The Committee believes that special attention should be focused on better understanding the gender differences in stroke and cerebrovascular disease, as well as in the medical care of stroke patients. Some aspects of the disease unique to women include strokes related to pregnancy and the use of oral contraceptives; stroke in younger women therefore should not be underestimated. Stroke is additionally a leading cause of serious disability among women and may contribute to late-life cognitive decline. The Committee supports the funding of new and continuing NIH studies that investigate the impact of postmenopausal hormone replacement therapy on stroke risk. The Committee urges the NIH to increase research in stroke among women of all ages, with a focus on stroke prevention, acute stroke management, post-stroke recovery, long-term outcomes, and quality of life.

In addition, the Committee supports the NIH's initiatives toward advancing the organization of stroke care and the identification of stroke treatment and research centers that would provide rapid, early, continuous 24-hour treatment to stroke victims, including the use of the clot-buster t-PA when appropriate. The Committee believes that designated areas in medical facilities equipped with the resources and personnel for treating stroke would also promote the early evaluation of innovative stroke treatments.

Temporomandibular joint disorders (TMJ).—The Committee recognizes that the problems associated with temporomandibular diseases and disorders involve many Institutes and Centers, including the NIDCR, NIAMS, NIAID, and NIBIB. The Committee calls on the Office of the Director to coordinate cross-cutting research by the various Institutes and Centers and provide a report directly to the Committee by April 1, 2003, on TMJ initiatives begun in fiscal year 2002 or scheduled to begin in fiscal year 2003. The Committee commends the Office of Research on Women's Health for its consistent support of workshops and other activities to further TMJ research, in recognition that women in the child-bearing years appear to be more susceptible than men to TMJ problems. The Office is urged to continue its support of TMJ initiatives.

Training award stipends.—The Committee concurs with the policy adopted by the NIH in March 2001 which provides for 10 percent increases in research training award stipends until appropriate stipend levels are achieved. The Committee strongly encourages the NIH to apply this policy to the fiscal year 2003 appropriation, just as it did with the training stipends funded by the fiscal year 2002 appropriation.

BUILDINGS AND FACILITIES

Appropriations, 2002	$296,000,000
Budget estimate, 2003	632,800,000
Committee recommendation	607,800,000

The Committee recommends an appropriation of $607,800,000 for buildings and facilities [B&F]. The amount recommended is $25,000,000 below the budget request and $311,800,000 more than the fiscal year 2002 appropriation.

Mission.—The buildings and facilities appropriation provides for the NIH construction programs including design, construction, and repair and improvement of the clinical and laboratory buildings and supporting facilities necessary to the mission of the NIH. This program maintains physical plants at Bethesda, Poolesville, Baltimore, and Frederick, MD; Research Triangle Park, NC; Hamilton, MT; Perrine, FL; New Iberia, LA; and Sabana Seca, PR.

Neuroscience Research Center and Clinical Research Center.—The Committee recommendation provides sufficient amounts for the NIH to continue support for high-priority construction projects previously approved and endorsed by the Congress. The Congress provided full-scope contract authority in the fiscal year 2002 appropriation for both phases of the John Edward Porter Neuroscience Research Center; that authority is continued for fiscal year 2003. The Committee expects the NIH to keep to the original schedule for completing this project. However, the Committee is extremely concerned about the cost of completing the Mark O. Hatfield Clinical Research Center. The Committee understands that small cost overruns are expected in most large construction projects. However, in this situation, $144,500,000 in unanticipated costs is totally unacceptable. Therefore, the Committee directs the NIH, prior to requesting any further construction dollars, to do a thorough investigation of why the cost overrun occurred, and what steps the NIH intends to take to ensure that future projects are better managed.

The Committee has included full-scope bill language within this appropriation to give flexibility to the NIH to address the cost overrun situation. The Committee has taken this action to ensure that the new clinical center will be completed as soon as possible because of the critical role the center will play in the advancement of medical science. The Committee directs the NIH to report within 30 days of the enactment of this bill on how it will use the full-scope authority to maintain progress on these two projects. This report should also identify how other projects, if any, have been affected to maintain this progress.

OFFICE OF AIDS RESEARCH

Appropriations, 2002	.....
Budget estimate, 2003	.....

Committee recommendation	

The Committee recommendation does not include a direct appropriation for the Office of AIDS Research [OAR]. Instead, funding for AIDS research is included within the appropriation for each Institute, Center, and Division of the NIH. The recommendation also includes a general provision which directs that the funding for AIDS research, as determined by the Director of the National Institutes of Health and the OAR, be allocated directly to the OAR for distribution to the Institutes consistent with the AIDS research plan. The recommendation also includes a general provision permitting the Director of the NIH and the OAR to shift up to 3 percent of AIDS research funding among Institutes and Centers throughout the year if needs change or unanticipated opportunities arise. These modifications to the budget recommendation are consistent with the manner in which funding for AIDS research was provided in fiscal year 2001. The Committee requests that the Director report on the fiscal year 2001 allocation plans for AIDS research within 60 days of enactment and provide notification to the Committee in the event the Directors exercise the 3 percent transfer authority.

The NIH Office of AIDS Research [OAR] coordinates the scientific, budgetary, legislative, and policy elements of the NIH AIDS research program. Congress provided new authorities to the OAR to fulfill these responsibilities in the NIH Revitalization Act Amendments of 1993. The law mandates the OAR to develop an annual comprehensive plan and budget for all NIH AIDS research and to prepare a Presidential bypass budget.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

Appropriations, 2002	$3,137,690,000
Budget estimate, 2003	3,193,086,000
Committee recommendation	3,203,917,000

The Committee recommends $3,203,917,000 for the Substance Abuse and Mental Health Services Administration [SAMHSA] for fiscal year 2003, an increase of $66,227,000 more than the comparable fiscal year 2002 level and $10,831,000 more than the administration request. The recommendation includes $74,200,000 in transfers available under section 241 of the Public Health Service Act. SAMHSA is responsible for supporting mental health programs and alcohol and other drug abuse prevention and treatment services throughout the country, primarily through categorical grants and block grants to States.

The Committee has provided funding for programs of regional and national significance under each of the three SAMHSA centers: mental health services, substance abuse treatment and substance abuse prevention. Separate funding is available for the children's mental health services program, projects for assistance in transition from homelessness, the protection and advocacy program, data collection activities undertaken by the Office of Applied Studies and the two block grant programs: the community mental health services block grant and the substance abuse prevention and treatment block grant.

The Committee commends SAMHSA for proposing additional funding to address the treatment gap, but is concerned that these resources are based on reductions in substance abuse prevention activities as well as best practice programs authorized under CMHS, CSAP and CSAT. The Committee notes that the Public Health Service Act authorizes SAMHSA to: ''conduct programs, and assure the coordination of such programs with activities of the National Institutes of Health and the Agency for Healthcare Research and Quality, as appropriate, to evaluate the process, outcomes and community impact of treatment and prevention services and systems of care in order to identify the manner in which such services can most effectively be provided.'' The Committee believes that it is important for SAMHSA to continue to have sufficient resources to fund best practices service research activities that support the development of the most effective prevention and treatment programs to address substance abuse and mental health issues.

The Committee strongly supports SAMHSA's Federal leadership role to improve the quality and availability of empirically based prevention and treatment services in the areas of mental health and substance abuse. To further the translation of research knowledge into practice, the Committee encourages ongoing collaboration between SAMHSA and the National Institutes of Health (specifically with the National Institute of Mental Health, the National Institute of Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism.) The Committee believes concerted efforts should be undertaken to reduce the current 15- to 20-year lag between the discovery of an effective treatment or intervention and its availability at the community level.

The Committee remains concerned by the disproportionate presence of substance abuse in rural and native communities, particularly for American Indian, Alaska Native and Native Hawaiian communities. The Committee reiterates its belief that funds for prevention and treatment programs should be targeted to those persons and communities most in need of service. Therefore, the Committee has provided sufficient funds within CSAP and CSAT to continue supporting projects that increase knowledge about effective ways to deliver services to rural and native communities. The Committee believes that Community Health Centers should be utilized in this effort.

CENTER FOR MENTAL HEALTH SERVICES

Appropriations, 2002	$831,904,000
Budget estimate, 2003	822,116,000
Committee recommendation	838,116,000

The Committee recommends $838,116,000 for mental health services, $6,212,000 more than last year's level and $16,000,000 more than the budget request. Included in this amount is funding for programs of regional and national significance, the mental health performance partnership block grant to the States, children's mental health services, projects for assistance in transition from homelessness, and protection and advocacy services for individuals with mental illnesses.

The Committee believes that CMHS should promote the model of permanent supportive housing for people who have been homeless for long periods of time. The Committee directs CMHS to work with providers and States to collect information on the amount of block grant funding being used by States for treatment in permanent supportive housing for people who have been homeless for long periods of time. This information should be included in future budget submissions beginning with fiscal year 2005. The Committee also encourages CMHS to monitor the extent to which homeless people assisted with PATH funds enter permanent housing. The Committee intends that funding for PATH help meet the goal of ending chronic homelessness.

Programs of regional and national significance

The Committee recommends $226,067,000 for programs of regional and national significance, $3,851,000 less than the fiscal year 2002 amount and $13,000,000 more than the administration's request. Programs of regional and national significance address priority mental health needs through developing and applying best practices, offering training and technical assistance, providing targeted capacity expansion grants, and changing the delivery system through family, client-oriented and consumer-run activities.

The Committee continues to support funding for mental health counselors for school-age children, as part of an effort to reduce the incidence of youth violence. The Committee intends that $95,000,000 be used for counseling services for school-age youth. Among other things, the Committee believes that mental health counseling for troubled youth can help prevent violent acts, and therefore is providing continued funding to help schools in that effort. It is again expected that SAMHSA will collaborate with the Departments of Education and Justice to continue a coordinated approach.

The Committee notes that suicide continues to claim almost 30,000 lives each year, making it one of the top 15 causes of death in the United States. For 15- to 24-year-olds and children ages 10–14, suicide is the third leading cause of death. The Committee continues to support State and local efforts to reduce the occurrence of this premature and unfortunate loss of life. The Committee has included $3,000,000 to continue supporting the National Suicide Prevention Resource Center. This important initiative supports technical assistance in developing, implementing and evaluating effective suicide prevention programs. The Resource Center serves as a training and field support and acts as a clearinghouse for all pertinent best practices information regarding suicide prevention, and it promotes evaluation of suicide prevention programs to ensure that effective techniques, strategies, and recommended best practices are made available to users. The Committee also continues support for the Suicide Prevention Hotline program.

The Committee appreciates CMHS's commitment to improving the quality, effectiveness and availability of therapeutic services delivered to traumatized children and adolescents; furthering the understanding of the individual, familial, and community impact of child and adolescent traumatic stress and the methods used to prevent its consequences; and reducing the frequency and consequences of traumatic events on children and adolescents. The Committee recommendation includes $30,000,000 to continue and build on the National Child Traumatic Stress Initiative. Of the amount provided, $10,000,000 is available in the Public Health and Social Services Emergency Fund.

The Committee remains concerned about the ongoing problems of post-traumatic stress disorder present in the refugee immigrant population in Hawaii. Because these immigrants represent diverse cultures and often have limited mastery of English, the Committee urges vigorous attention to the mental health problems of these future citizens.

The Committee recommendation includes funding for the Safe Schools/Healthy Students Program, which supports the Departments of Health and Human Services, Justice, and Education, working together to develop empirically supported programs to prevent youth violence and to intervene with families, schools, and communities where violence has already occurred. The Committee urges the use of community health centers as part of this effort. The Committee is disappointed by the lack of comprehensive evaluation information from wave one grantees under the Safe Schools/Healthy Students Program. The Committee urges CMHS to accelerate their national evaluation of this important program.

The Surgeon General's report, ''Mental Health: Culture, Race, Ethnicity,'' clearly identifies the existence of racial and ethnic disparities in the mental health system. A major recommendation in the Surgeon General's earlier report ''Report on Mental Health'' is to increase funding for training minority mental health professionals. Although minorities currently represent 30 percent of our Nation's population and are projected to account for 40 percent in 2025, only 7.2 percent of doctorates awarded in psychology since 1978 have been to people of color. The Committee recognizes the urgency of training additional minority mental health professionals, to include Native Hawaiians, and encourages SAMHSA to provide additional resources to the Minority Fellowship Program.

The Committee continues to recognize the importance of consumer/peer-run programs that help people with mental illnesses live successfully in the community. These low-cost services have an impressive record of assisting people with mental disorders to decrease their dependence on expensive social services and avoid psychiatric hospitalization. Having proved effective, they have been replicated in numerous communities with State and local funding. The Center for Mental Health Services has funded five consumer and consumer-supporter national technical assistance centers that provide training and information to help these groups grow. The Committee has included $2,000,000 above the budget request to continue the current level of funding for the consumer and consumer-supporter national technical assistance centers. The Committee directs CMHS to support grants to fund five such national technical assistance centers for a period of no less than 5 years.

The Committee is concerned about the prevalence of pregnancy related mental health conditions suffered by women today. The Committee is concerned specifically about the high prevalence of postpartum depression and psychosis suffered by pregnant women today in the United States. Each year, over 400,000 women suffer from postpartum mood changes, with ''baby blues'' afflicting up to 80 percent of new mothers; postpartum mood and anxiety disorders impairing around 10–20 percent of new mothers; and postpartum psychosis striking 1 in 1,000 new mothers. Therefore, the Committee recommends that resources be expended for the treatment of women and their families suffering from such pregnancy-related mental health conditions.

The Committee recommendation includes $5,000,000 to continue the elderly treatment and outreach program. Demographic projections show that by the year 2010, there will be approximately 40 million Americans over the age of 65. The Committee notes that more than one in five will experience mental disorders. This grant program will help local communities establish the infrastructure necessary to better serve the mental health needs of older adults.

The Committee supports $5,000,000 for the jail diversion grant program, an increase of $1,000,000 over last year. The Committee recognizes that up to 1 million individuals with mental illnesses will either spend time in jail or prison during the current year. This is a most unfortunate statistic, when individuals could be more appropriately treated in a community health setting. Therefore, the Committee urges SAMHSA to work with the Department of Justice, the law enforcement community, the court system and other appropriate agencies and associations to ensure that funding is utilized to divert inappropriate incarcerations and link individuals with mental illnesses with the support they need to avoid future contact with the criminal justice system.

The Committee recommendation includes $1,000,000 to continue support for new awards under the community action grant program. This program helps communities implement evidence-based exemplary practices that serve adults with serious mental illness and children and adolescents with serious emotional disorders. The Committee notes that this program has met or exceeded performance measures in fiscal year 2000 and fiscal year 2001.

Mental health performance partnership block grant

The Committee recommends $433,000,000 for the mental health performance partnership block grant, the same amount as the fiscal year 2002 appropriation and the budget request. States use these funds to support the development and implementation of innovative community-based services and maintain continuity of community programs. Funds are allocated to States and territories by formula.

The Children's Health Act of 2000 made several changes to the authority for the mental health block grant, including the development of a performance partnership framework in which States are granted program flexibility for achieving a common set of performance measures. The Committee expects SAMHSA to provide detailed information in its fiscal year 2004 congressional justification about the transition to the performance partnership grant framework and funding requested to support this transition.

The Committee recognizes the vital importance of services supported by mental health block grant funds. From fiscal year 1999 to 2002, the Committee has increased the appropriation by 50 percent to help move care for adults with serious mental illness and children with serious emotional disturbance from inpatient care settings to treatment and supports available in the community. Unfortunately, due to tight budget constraints this year, the Committee must concur with the President's budget request for the mental health block grant.

Children's mental health services

The Committee recommends $96,694,000 for the children's mental health services program, an increase of $63,000 more than the comparable fiscal year 2002 level and the same as the administration's request. This program provides grants and technical assistance to support community-based services for children and adolescents with serious emotional, behavioral or mental disorders. Grantees must provide matching funds, and services must involve the educational, juvenile justice, and health systems.

The Committee notes the positive findings that program evaluations have generated to date. For example, cross-agency treatment planning has increased from 40 percent in 1997 to more than 62 percent in 2001, which illustrates the extent to which this program helps local program providers—from education and juvenile justice to child welfare—collaborate to support access to quality mental health treatment and services. Further, GPRA outcome measures indicate that targets were exceeded or met for sustained improvements in clinical outcomes, stability of living arrangements and decreases in contacts with law enforcement. The Committee expects that SAMHSA will disseminate widely information about the ways in which local communities can develop comprehensive systems of care that meet the needs of children with serious emotional disorders and their families, as well as support technical assistance for grantees to continue to improve local collaboration.

Projects for assistance in transition from homelessness [PATH]

The Committee recommends $46,855,000 for the PATH Program, an increase of $7,000,000 more than the fiscal year 2002 amount and the same amount as the administration's request.

PATH is a critical program which provides outreach, mental health, and case management services and other community support services to individuals with serious mental illness who are homeless or at risk of becoming homeless. The PATH Program makes a significant difference in the lives of homeless persons with mental illnesses. PATH services eliminate the revolving door of episodic inpatient and outpatient hospital care. Multidisciplinary teams address client needs within a continuum of services, providing needed stabilization so that mental illnesses and co-occurring substance abuse and medical issues can be addressed. Assistance is provided to enhance access to housing, rehabilitation and training, and other needed supports, assisting homeless people in returning to secure and stable lives.

The Committee is aware that approximately 600,000 Americans are homeless on any given night. Of that number, an estimated one-third have serious mental illnesses, and more than one-half also have an alcohol and/or drug problem. A recent evaluation of the PATH program found that increasing outreach activities was an effective means of linking homeless persons to the services they need, which helps to stabilize their living situations and secure the additional support they need to live a healthy and self-sufficient life. Therefore, the Committee intends to continue supporting this important and effective program.

Protection and advocacy

The Committee recommends $35,500,000 for the protection and advocacy program, an increase of $3,000,000 over the fiscal year 2002 amount and the administration's request. This program helps ensure that the rights of mentally ill individuals are protected while they are patients in treatment facilities, or while they are living in the community, including their own homes. Funds are allocated to States according to a formula based on population and relative per capita income.

The Committee has provided additional resources to support the efforts of the protection and advocacy system. Additional funding has enabled State P&A programs to increase the number of clients served, the amount of public awareness and education

conducted and the number of training activities delivered. The Committee notes that the P&A programs have exceeded their GPRA performance targets in all of these areas. The Committee recognizes that additional investments are needed to support State P&A programs as they seek to meet their growing responsibilities. State P&A programs continue to support the needs of individuals with mental illness through advocacy and investigation related to incidents involving restraints and seclusion in care or treatment facilities and employment, housing and other supports provided in the community.

CENTER FOR SUBSTANCE ABUSE TREATMENT

Appropriations, 2002	$2,016,383,000
Budget estimate, 2003	2,142,994,000
Committee recommendation	2,095,000,000

The Committee recommends $2,095,000,000 for substance abuse treatment programs, an increase of $78,617,000 over last year's funding and $47,994,000 less than the budget request. The recommendation includes $62,200,000 in transfers available under section 241 of the Public Health Service Act. This amount funds substance abuse treatment programs of regional and national significance and the substance abuse prevention and treatment block grant to the States.

The Committee remains concerned about the treatment gap that continues to exist for those Americans in need of substance abuse treatment services. The Committee commends SAMHSA for proposing additional funding to address the treatment gap, but is concerned that these new resources are the result of reductions in substance abuse prevention activities as well as best practice programs authorized under CMHS, CSAP and CSAT. The latest estimates indicate that millions of Americans with serious substance abuse treatment go untreated each year, adding billions in monetary costs to our society and immeasurable emotional pain and suffering for millions of families. Studies have shown that substance abuse treatment is effective at reducing primary drug use by nearly 50 percent, criminal activity by 80 percent and alcohol- and drug-related medical visits by 50 percent while increasing individual financial self-sufficiency. Further, the Committee is aware that research has shown that addiction treatment is as effective as the treatment for other chronic medical conditions. The Committee commends CSAT for initiating its National Treatment Plan Initiative (NTP), and believes that additional resources need to be devoted to the NTP and to reducing, and eventually eliminating, the treatment gap.

The Committee believes that CSAT should promote permanent supportive housing as a highly effective model for ending chronic homelessness. The Committee directs CSAT to collect information about the amount of block grant funds devoted to treatment for people who have been homeless for long periods of time and have moved into permanent supportive housing. This information should be included in future budget submissions beginning with fiscal year 2005.

The Committee requests that CSAT provide it with a report of fiscal year 2003 funding available for treatment services for Native Americans.

Programs of regional and national significance

The Committee recommends $310,000,000 for programs of regional and national significance [PRNS]. This amount is $18,617,000 above the fiscal year 2002 amount and $47,994,000 less than the budget request.

Programs of regional and national significance include three primary activities: best practice programs are used to develop more information on how best to serve those most in need; training and technical assistance supports dissemination of information through knowledge development; and targeted capacity expansion programs enable the agency to respond to service needs in local communities.

The Committee supports CSAT's proposed expansion of clinically based treatment and related services for adult, juvenile and family drug courts and individuals returning from the community who are on probation, parole, or unsupervised release. The Committee is aware of the rapid increases in the use of drug courts throughout the country as an alternative to the traditional court system. These courts make substance abuse treatment available, when appropriate, as an alternative to incarceration, and are considered a cost-effective approach to helping drug users regain control of their lives.

The Committee continues its strong support of the grants for homeless individuals program, a collaboration between CSAT and CMHS addressing the substance abuse and mental health treatment needs of homeless individuals. The Committee notes that as many as half of homeless adults have histories of alcohol abuse or dependence, one-third have histories of drug abuse and one-quarter have lifetime histories of serious mental illness. The Committee encourages these Centers to devote as much additional funding as possible for new awards.

Programs of regional and national significance include critical support for substance abuse treatment services for the Nation's homeless population. The homeless have unique needs and life circumstances that have received inadequate attention in terms of substance abuse treatment. Therefore, the Committee continues to advocate coordinated and seamless service delivery for the homeless that includes mental health, primary care, and other social services that will support positive treatment outcomes. The Committee recommendation includes additional resources to continue to make progress in this area.

The Committee understands that methamphetamine abuse continues to be a major problem in many areas of the country, in particular the South and the Midwest. The State of Iowa is experiencing a particularly high incidence of methamphetamine abuse, as well as other emerging drug issues. The Committee recommendation includes sufficient funding to support prevention and treatment demonstration projects in Iowa and other parts of the Midwest and South. School-based prevention demonstration projects would teach the dangers of methamphetamine abuse and addiction as well as other emerging drug issues, using methods that are effective and evidence-based and include initiatives that give students the responsibility to create their own anti-drug abuse education programs for their schools. Treatment demonstrations would carry out planning, establishing, or administering evidence-based treatment programs that are designed to assist individuals to quit their use of methamphetamine or other emerging drugs and remain drug-free.

The Committee encourages CSAT to continue to focus new resources on targeting specific treatment approaches for adolescents. The Committee is aware of the lack of available treatment programs specifically designed to address the needs of adolescents. The Committee believes that adolescents would respond more favorably to treatment services offered in such a manner.

The Committee remains concerned about the incidence of drug addiction among pregnant women and has provided funding within the Committee recommendation for the Residential Treatment Program for Pregnant and Postpartum Women (PPW), authorized under section 508 of the Public Health Service Act. Within the funds appropriated for CSAT, $3,000,000 shall be used for the PPW program. The Committee is particularly concerned about the increased incidence of methamphetamine use and urges the Secretary to fund a certain number of PPW programs in areas of high methamphetamine use.

Substance abuse prevention and treatment block grant

The Committee recommends $1,785,000,000 for the substance abuse prevention and treatment block grant, $60,000,000 more than the fiscal year 2002 level and the same amount as the administration's request. The recommendation includes $62,200,000 in transfers available under section 241 of the Public Health Service Act.

The block grant provides funds to States to support alcohol and drug abuse prevention, treatment, and rehabilitation services. Funds are allocated to the States according to formula. State plans must be submitted and approved annually.

The Committee recommendation includes an additional $60,000,000 for the block grant to reduce the treatment gap.

The Children's Health Act of 2000 made several changes to the authority for the substance abuse prevention and treatment block grant, including the development of a performance partnership framework in which States are granted program flexibility for achieving a common set of performance measures. The Committee expects SAMHSA to provide detailed information in its fiscal year 2004 congressional justification about the transition to the performance partnership grant framework and proposed funding that will support this transition.

CENTER FOR SUBSTANCE ABUSE PREVENTION

Appropriations, 2002	$198,011,000
Budget estimate, 2003	152,815,000
Committee recommendation	183,379,000

The Committee recommends $183,379,000 for programs to prevent substance abuse, a decrease of $14,632,000 less than last year's level and $30,564,000 more than the budget request. This amount funds substance abuse prevention programs of regional and national significance.

The Committee is very concerned about the administration's request to significantly reduce funding for prevention activities. The Committee notes that prevention is a key partner in the effort to reduce the treatment gap. The Committee is aware that the National Drug Control Strategy has established 2-year goals of reducing current use by 10 percent for 12- to 17-year-olds and individuals 18 years and older. States and communities will be challenged to develop the capacity to deliver effective substance abuse prevention programs without additional resources, especially given the demographic surge in youth aged 15–20 expected during the current decade. The Committee recognizes that this cohort exhibits the highest rates of substance abuse initiation. If current rates hold steady during the current decade, this cohort of individuals would cause a significant increase in the treatment gap.

The Committee is aware that CSAP's science-based model programs show that prevention investments have the potential to

reduce substance abuse rates by 25 percent. Further, delaying the age of first use can slow the progression of abuse, dependency and the need for treatment. The Committee also notes that prevention programs reduce the risk factors that are associated with later use and increase the protective factors that help individuals avoid use, thus producing a downward pressure on the treatment gap over the long term.

The Committee also recognizes that prevention programs are cost-effective. The Office of National Drug Control Policy has shown a direct correlation between increases in drug prevention investments and decreases in the prevalence of drug use. Prevention programs show cost-benefit ratios in the range of 8:1 to 15:1 for reduced costs in crime, school and work absenteeism, as well as reduced need for and costs of substance abuse treatment. Therefore, the Committee has provided $30,564,000 over the budget request to continue investments in the Nation's substance use prevention infrastructure including the following programs: Starting Early, Starting Smart, Community-Initiated Prevention Intervention, FAS/FAE, Ecstasy and National Clearinghouse for Alcohol and Drug Information.

Programs of regional and national significance

The Committee has provided $183,379,000 for programs of regional and national significance [PRNS], $14,632,000 less than the fiscal year 2002 amount and $30,564,000 more than the administration's request. The Center for Substance Abuse Prevention is the sole Federal organization with responsibility for improving accessibility and quality of substance abuse prevention services. Through the programs of regional and national significance activity, CSAP supports: development of new practice knowledge on substance abuse prevention; identification of proven effective models; dissemination of science-based intervention information; State and community capacity-building for implementation of proven effective substance abuse prevention programs; and programs addressing new needs in the prevention system.

The Committee notes the alarming increase in use and availability of ecstasy and other club drugs among our Nation's youth. For 2 consecutive years, ecstasy use reported by 10th and 12th grade students has increased. According to SAMHSA's Drug Abuse Warning Network, ecstasy-related emergency room admissions in the United States increased significantly from 253 in 1994 to 4,511 in 2000. The Committee urges SAMHSA to pay close attention to this and other emerging drug use issues and has included $5,000,000 to continue and expand on the program funded last year.

The Committee is aware of the need to strengthen fetal alcohol syndrome (FAS) prevention efforts and improve service delivery by ensuring that professionals in key fields are knowledgeable about FAS and related birth defects, particularly in high-prevalence regions. The Committee has therefore included sufficient funding to support training on FAS and related birth defects for professionals and students in health care, education, social work, foster care, criminal justice, and other relevant fields.

The Committee notes the insufficient number of effective fetal alcohol syndrome and fetal alcohol effects (FAS/FAE) programs in communities affected by this problem. The Committee has provided sufficient funding to expand efforts to identify, disseminate and implement effective FAS/FAE prevention and treatment programs.

The Committee is troubled by the recent findings of the NIAAA Task Force on College Drinking. The study reveals that drinking by college students age 18–24 contributes to an estimated 1,400 student deaths, 500,000 injuries, and 70,000 cases of sexual assault or date rape each year. It also estimates that more than one-fourth of college students that age have driven in the past year while under the influence of alcohol. The Committee commends CSAP for funding programs designed to prevent alcohol problems among college students. The Committee encourages CSAP to continue to enhance its work in this area and to disseminate information about scientifically based prevention programs that can be utilized in appropriate settings. The Committee notes that two related programs were added this year to the National Registry of Effective Prevention Programs.

The Committee is aware that alcohol abuse, though common on many campuses, does not run rampant among all college and university students, and also notes that one of the challenges to reducing alcohol abuse among this population is the perceived norm that everyone is doing it. Previous studies have shown that most students drink moderately or abstain. The Committee recognizes that the proportion of nondrinkers on college campuses increased from 15 to 19 percent between 1993 and 1999.

The Committee strongly supports the information dissemination activities of the National Clearinghouse for Alcohol and Drug Information (NCADI). Last year, the NCADI website received more than 86 million hits; its radio messages reached almost 52 million listeners; and it provided critical support to individuals in the prevention and treatment field. The Committee understands that NCADI exceeded its GPRA performance targets for both the number of information requests received, as well as the level of customer satisfaction achieved. Therefore, the Committee continues to support NCADI at no less than last year's level of funding, so it can continue to serve as a one-stop source for comprehensive, customer-oriented information regarding substance use prevention, intervention and treatment.

PROGRAM MANAGEMENT

The Committee recommends $86,467,000 for program management activities of the agency, $4,925,000 less than the fiscal year 2002 level and $11,306,000 more than the President's request. The recommendation includes $12,000,000 in transfers available under section 241 of the Public Health Service Act.

The program management activity includes resources for coordinating, directing, and managing the agency's programs. Program management funds support salaries, benefits, space, supplies, equipment, travel, and departmental overhead required to plan, supervise, and administer SAMHSA's programs.

Last year, the Committee provided $9,000,000 requested in the SAMHSA budget for data collection initiatives. These additional resources were requested and provided to make much-needed improvements in the Drug Abuse Warning Network (DAWN) and the Drug and Alcohol Services Information System (DASIS.) The Committee notes that the DAWN captures information from hospital emergency departments as a means of tracking current trends in illicit and licit drug abuse. The DASIS is the only source of national data on services available for substance abuse treatment and the characteristics of individuals admitted for treatment. The Committee is disappointed that funds required to sustain these improvements were eliminated from the SAMHSA budget.

The Committee notes that only 36 percent of targets for fiscal year 2001 had reported data upon release of the Final Fiscal Year 2003 GPRA Annual Performance Plan and fiscal year 2001 Annual Performance Report. The Committee expects that SAMHSA will continue to improve the quality and timeliness of data required for compliance with GPRA.

The Committee has recommended additional resources for the program management account above the budget request, to continue support for critical investments in data collection activities, to support technical assistance to States as the block grants are transitioned to performance partnerships and to restore excessive reductions proposed in staff and associated expenses.

The Committee also recommends $955,000 for Federally owned facilities at St. Elizabeths Hospital. The budget request did not include funds for this purpose. The funds will pay for day-to-day protection and maintenance, environmental remediation, historic and archaeological studies, and cemetery clock tower maintenance. These activities are necessary to prepare the facilities for transfer to the General Services Administration as excess property.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

Appropriations, 2002	$298,745,000
Budget estimate, 2003	250,000,000
Committee recommendation	308,645,000

The Committee recommends $308,645,000 for the Agency for Healthcare Research and Quality [AHRQ]. This is $58,645,000 more than the administration request and $9,900,000 more than the fiscal year 2002 level. The administration proposed to fund AHRQ through transfers available under section 241 of the Public Health Service Act. The Committee did not approve this request.

The Agency for Healthcare Research and Quality was established in 1990 to promote improvements in clinical practice and patient outcomes, promote improvements in the financing, organization, and delivery of health care services, and increase access to quality care. AHRQ is the Federal agency charged to produce and disseminate scientific and policy-relevant information about the cost, quality, access, and medical effectiveness of health care. AHRQ provides policymakers, health care professionals, and the public with the information necessary to improve cost effectiveness and appropriateness of health care and to reduce the costs of health care.

HEALTH COSTS, QUALITY, AND OUTCOMES

The Committee provides $252,645,000 for research on health costs, quality and outcomes [HCQO], which is $58,645,000 more than the administration request and $5,000,000 above the fiscal year 2002 level. HCQO research activity is focused upon improving clinical practice, improving the health care system's capacity to deliver quality care, and tracking progress toward health goals through monitoring and evaluation.

The Committee is disappointed that the administration's request for AHRQ reflected a cut of 16 percent, or almost $49,000,000. This proposed cut would prevent the agency from issuing any new grants or contracts, and would require current, non-patient safety grants to be cut in half. AHRQ's research provides crucial information to policymakers regarding key health issues, such as how to improve the quality of care, reduce costs, eliminate health disparities, and translate the medical discoveries made at

the National Institutes of Health into improved health care services for all Americans. Examples of research supported by the Agency include studies showing that patients who take beta blockers prior to bypass surgery have improved survival rates, that newer antidepressants are equally as effective as older medication in the treatment of depression, and that African-American Medicare beneficiaries are far less likely than white beneficiaries to receive flu shots. The Committee believes that the health systems research sponsored by AHRQ is an important complement to the biomedical research performed at NIH, and is committed to ensuring that sufficient funding exists for this type of research.

The Committee is also concerned that the administration has proposed transferring $10,000,000 from AHRQ to the Department of Commerce for the Current Population Survey. While the Committee supports improvements to the CPS, it is displeased that the administration has chosen to fund this activity from an agency with such a small budget. The Committee does not approve the administration's proposal to shift funds to the Department of Commerce, and directs that none of AHRQ's funds be used or transferred for this purpose.

The Committee notes that, as a result of funds it provided 3 years ago, the Agency has funded valuable research relating to bioterrorism. The Committee is aware that AHRQ has sponsored a web site to help primary care physicians learn how to diagnose and treat bioterrorist agents such as smallpox and anthrax. AHRQ also funded a ''real time'' early warning system for infectious disease outbreaks developed at Carnegie Mellon University, which was highlighted by President Bush in February. The Committee believes that this research is an integral part of efforts to ensure that our health care system is prepared for a bioterrorism attack. For this reason the Committee has provided AHRQ with an additional $5,000,000 for bioterrorism research within the Public Health and Social Services Emergency Fund.

The Committee continues to be very concerned about the enormous personal and economic cost of medical errors. More people die annually from medical errors than from automobile accidents, breast cancer, or AIDS. During the past 2 years the Committee has provided funding for initiating research into the causes of medical errors in the hope of dramatically improving the safety of health care services in this country. For fiscal year 2003, the Committee directs AHRQ to devote $60,000,000 of the total amount provided for HCQO to determining ways to reduce medical errors. This represents an increase of $5,000,000 over the amount provided last year. The Committee understands that these funds will be used to provide challenge grants to health facilities to implement local safety interventions, and to develop a program to train patient safety experts.

Childhood birth defects and developmental disorders.—The Committee recognizes the importance of helping children suffering from birth defects and developmental disorders. These include cleft lip, cleft palate, missing limbs and other facial deformities from hemanjiomas, hemifacial and microsomia to microtia, aural atresia, and craniosynostosis. The Committee, therefore, urges the Agency to identify surgical procedures and treatment protocols for congenital deformities that would clearly differentiate reconstructive surgery from cosmetic surgery. Also, the Committee urges the Agency to commission one of its Centers for Evidence-based Practice to conduct research for the development of standards for the treatment of congenital deformities.

Health disparities.—The Committee encourages the Agency to carefully evaluate the analysis, findings, and recommendations of the March 2002 Institute of Medicine report regarding the disparities of medical care delivery to minorities. In particular, the Agency should pursue creative ways to address this serious finding and improve health care delivery for African-Americans, those of Hispanic and Asian origin, Native-Americans, Alaskans and Hawaiians.

Mental Illness and Older Americans.—The Committee is seriously concerned about the prevalence of undiagnosed and untreated mental illness among older Americans. Affective disorders, including depression, anxiety, dementia, and substance abuse and dependence, are often misdiagnosed or not recognized by primary and specialty care physicians in their elderly patients. While effective treatments for these conditions are available, there is an urgent need to translate advancements from biomedical and behavioral research to clinical practice. The Committee urges AHRQ to support evidence-based research projects focused on the diagnosis and treatment of mental illnesses in the geriatric population, and to disseminate evidence-based reports to physicians and other health care professionals.

MEDICAL EXPENDITURES PANEL SURVEYS

The Committee provides $53,300,000 for health insurance and medical expenditures panel surveys [MEPS], which is the same as the administration request and $4,800,000 above the fiscal year 2002 level. MEPS is intended to obtain timely national estimates of health care use and expenditures, private and public health insurance coverage, and the availability, costs and scope of private health insurance benefits. It also develops cost and savings estimates of proposed changes in policy and identifies impact of policy changes on payers, providers, and patients.

Program support

The Committee recommends $2,700,000 for program support. This amount is the same as the administration request and is $100,000 more than the fiscal year 2002 level. This activity supports the overall management of the Agency.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

Appropriations, 2002	$107,119,398,000
Budget estimate, 2003	112,090,218,000
Committee recommendation	112,090,218,000

The Committee recommends $112,090,218,000 for Grants to States for Medicaid. This amount is $4,970,820,000 more than the fiscal year 2002 appropriation and the same as the administration's request. This amount excludes $46,601,937,000 in fiscal year 2002 advance appropriations for fiscal year 2003. In addition, $51,861,386,000 is provided for the first quarter of fiscal year 2004, as requested by the administration.

The Medicaid program provides medical care for eligible low-income individuals and families. It is administered by each of the 50 States, the District of Columbia, Puerto Rico, and the territories. Federal funds for medical assistance are made available to the States according to a formula, which determines the appropriate Federal matching rate for State program costs. This matching rate is based upon the State's average per capita income relative to the national average, and shall be no less than 50 percent and no more than 83 percent.

PAYMENTS TO HEALTH CARE TRUST FUNDS

Appropriations, 2002	$81,979,200,000
Budget estimate, 2003	81,462,700,000
Committee recommendation	81,462,700,000

The Committee recommends $81,462,700,000 for Federal payments to health care trust funds. This amount is the same as the administration's request and is a decrease of $516,500,000 from the fiscal year 2002 appropriation.

This entitlement account includes the general fund subsidy to the Supplementary Medical Insurance Trust Fund (Medicare Part B), plus other reimbursements to the Hospital Insurance Trust Fund (Medicare Part A), for benefits and related administrative costs that have not been financed by payroll taxes or premium contributions.

The Committee has provided $80,905,000,000 for the Federal payment to the Supplementary Medical Insurance Trust Fund. This payment provides matching funds for premiums paid by Medicare Part B enrollees. This amount is the same as the administration's request and $427,000,000 less than the fiscal year 2002 amount.

The recommendation also includes $225,000,000 for hospital insurance for the uninsured. This amount is the same as the administration's request and is $67,000,000 less than the 2002 amount.

The Committee also recommends $168,000,000 for Federal uninsured benefit payment. This payment reimburses the Hospital Insurance Trust Fund for the cost of benefits provided to Federal annuitants who are eligible for Medicare. This amount is the same as the administration's request and is $18,000,000 more than the fiscal year 2002 appropriation.

The Committee recommendation includes $164,700,000 to be transferred to the Hospital Insurance Trust Fund as the general fund share of CMS's program management administrative expenses.

PROGRAM MANAGEMENT

Appropriations, 2002	$2,437,083,000
Budget estimate, 2003	2,507,914,000
Committee recommendation	2,559,664,000

The Committee recommends $2,559,664,000 for CMS program management. This is $51,750,000 more than the administration's request and $122,581,000 more than the fiscal year 2002 enacted level.

Research, demonstrations, and evaluations

The Committee recommends $68,400,000 for research, demonstration, and evaluation activities. This amount is $48,801,000 less than the amount provided in fiscal year 2002 and $40,000,000 more than the administration request.

CMS research and demonstration activities facilitate informed, rational Medicare and Medicaid policy choices and decision making. These studies and evaluations include projects to measure the impact of Medicare and Medicaid policy analysis and decision making, to measure the impact of Medicare and Medicaid on health care costs, to measure patient outcomes in a variety of treatment settings, and to develop alternative strategies for reimbursement, coverage, and program management.

The Committee has included $40,000,000 for Real Choice Systems Change Grants to States to fund initiatives that establish specific actions steps and timetables to achieve

enduring system improvements and to provide long term services and supports, including community-based attendant care, to eligible individuals in the most integrated setting appropriate. Grant applications should be developed jointly by the State and Consumer Task Force. The Task Force should be composed of individuals with disabilities, consumers of long-term care services and supports, and those who advocate on behalf of such individuals. Grant funded activities should focus on the following areas of need as determined by the States and the Task Force: community-integrated personal assistance services, building quality infrastructures for community-based long term care systems, enabling integrated long term support services to follow the individual across settings in a manner that permits as much participant direction as possible, developing innovative methods to address direct service worker shortages such as affordable health coverage and providing respite for caregivers of adults or children. These Real Choice Systems Change grants funds shall remain available until expended. To assure the sufficient time to promote enduring systems change, grantees will be allowed to utilize the funds over a 3-year period.

The recommended funding level for the research and demonstration program will provide for continuation of current activities. Priority areas for CMS research include access to high-quality health care, health service delivery systems, and provider payment systems. The Committee encourages CMS to consider a demonstration project to extend and expand islet cell transplantation clinical trials.

Medicare operations

The Committee recommends $1,680,084,000 for Medicare operations (formerly known as Medicare contractors), which is $5,000,000 more than the budget request and $146,084,000 more than the fiscal year 2002 appropriation. In addition, $720,000,000 is available for the Medicare Integrity Program within the mandatory budget as part of the health insurance reform legislation.

The Medicare operations line item covers a broad range of activities including claims processing and program safeguard activities performed by Medicare contractors. These contractors also provide information, guidance, and technical support to both providers and beneficiaries. In addition, this line item includes a variety of projects that extend beyond the traditional fee-for-service arena.

The Committee recommends no less than $12,500,000 to support grants for State Health Insurance Counseling and Assistance programs (SHIPs). SHIPS provide information, counseling and decision support to people with Medicare.

Medicare contractors partner with the Federal Government to administer the Medicare fee-for-service program. Contractors pay claims, provide beneficiary and provider customer service and education, and combat Medicare waste, fraud and abuse. The Committee believes that it is critical for Medicare contractors to be adequately funded. It is for this reason that the Committee has continued to increase Medicare contractor funding over the years. However, the Committee is concerned that the funding appropriated for Medicare contractor activities is not being appropriately distributed by CMS to its Medicare contractors. The Committee expects CMS to manage these resources so that Medicare contractors have the funding needed to handle total workloads, which are steadily increasing. The Committee also expects funding to be provided to Medicare contractors in a timely manner. Further, the Committee strongly recommends CMS eliminate the 5 percent cap on transferring funds among functions so that contractors have greater flexibility to manage their resources in a manner that best matches programmatic needs. The Committee expects CMS to include, within its fiscal year 2004 congressional justification, a report on how fiscal year 2003 resources were allocated to Medicare contractors.

State survey and certification

Survey and certification activities ensure that institutions and agencies providing care to Medicare and Medicaid beneficiaries meet Federal health, safety, and program standards. On-site surveys are conducted by State survey agencies, with a pool of Federal surveyors performing random monitoring surveys.

The Committee recommends $254,397,000 for Medicare State survey and certification activities, an increase of $6,750,000 over the budget request and the same as the fiscal year 2002 level. The Committee understands that this level of effort will be supplemented by support contracts funded by the Quality Improvement Organization (formerly the Peer Review Organization) activity; this will bring the program level for survey and certification activities to $271,297,000 for fiscal year 2003, a real increase of $16,900,000 over the fiscal year 2002 level.

Federal administration

The Committee recommends $556,783,000 for Federal administration costs, the same as the administration's request. The Committee recommendation is $25,298,000 more than the fiscal year 2002 level.

This funding level will support 4,476 full-time equivalent positions, a decrease of 93 from the fiscal year 2002 adjusted level. Most of the increase is for fixed expenses of personnel compensation and benefits.

The Committee has been very pleased with the efforts of CMS under its demonstration authority to address the extraordinary adverse health status of Native Hawaiians in Waimanalo, Hawaii. The Committee urges an additional focus upon American Samoan residents in that geographical area utilizing the expertise of the Waimanalo Health Center and its Mauli Ola program.

The Committee continues to support and invest in the enhanced quality of care for seniors. The Committee strongly urges the Secretary of Health and Human Services to implement the MedPAC's recommendation to assess contemporary models for pharmacists' services to ensure that seniors have access to this important patient care. The Committee urges the Secretary to consult with various national organizations representing pharmacists and pharmacies and to report back to Congress within this fiscal year.

The Committee remains extremely concerned over CMS' continuing failure to articulate clear guidelines and to set expeditious timetables for consideration of new technologies, procedures and products for Medicare coverage. A particularly troubling example is CMS' lengthy delays and failure to articulate clear standards regarding Medicare coverage of positron emission tomography (PET). The effect of these delays in instituting Medicare coverage is to continue to deny the benefits to these technologies and procedures to Medicare patients. The Committee also remains concerned that CMS appears to be requiring some new technologies to repeat clinical trials and testing that have already gained FDA approval. The Committee is also concerned that CMS appears to be requiring substantially different levels of evidence to approve various new products for Medicare coverage. For example, very little documentation is required for approval of magnetic resonance angiography (MRA), while voluminous amounts of data are required to make a coverage decision on PET. The Committee remains concerned that the 120-person Medicare Coverage Advisory Committee may be further delaying coverage decisions and creating unnecessary costs for the Medicare program. These include the commissioning of studies that are not based on sound, established scientific principles. Because of the possible duplication of efforts among HHS agencies and related unnecessary costs to the Medicare program and the Department, the Committee again asks that the Secretary take a leadership role in resolving this matter expeditiously.

The Committee is aware of the joint activities of CMS and HRSA to improve access to medical and dental care for mothers and children in underserved populations. CMS and the Maternal and Child Health program at HRSA, have worked together to assist States to reduce barriers to care for Medicaid and SCHIP populations for maternal and child health care including oral health care. The Committee urges these agencies to continue their partnership and expand support for State oral health systems grants and innovative demonstration projects for the prevention and early intervention of dental diseases in young children, State dental access summit meetings, and the National Maternal and Child Oral Health Resource Center. The Committee recognizes that such agency collaborations are instrumental for providing coordinated services that do not duplicate limited resources.

The Committee is concerned that CMS has not updated its state guidance document on dental care for Medicaid-eligible children in over 20 years. The Committee is aware that CMS has commissioned and received an update of The Early and Periodic Screening, Diagnostic and Treatment (EPSDT) guide from the American Academy of Pediatric Dentistry. This document is vital to ensuring that the states correctly implement EPSDT dental requirements and provide full coverage for all eligible children. Furthermore, the guidance will help states improve access to dental care by providing a better understanding of the dental workforce and financing system. The Committee strongly urges CMS to release a revised state guidance manual on dental care under the Medicaid/EPSDT program before February 28, 2003.

The Committee expects the Secretary to issue ''L'' Codes based on fair and reasonable reimbursement levels to cover Total Body Orthotic Management for Non-Ambulatory severely disabled nursing home residents. Such treatment will be a medically prescribed device consisting of custom fitted individual braces with adjustable joints designed to improve function, retard progression of musculoskeletal deformity, or to restrict, eliminate or assist in the functioning of lower and upper extremities, pelvic, spinal, and cervical regions of the body. Such device will consist of individually adjustable braces that are attached to a frame which is an integral component of the device, and for which the individual braces cannot function or be used apart from the frame. This responds to a long-standing Committee concern about an unintended consequence of HCFA Ruling 96–1. While designed to crack down on fraud and abuse in the DME market

on Part B Medicare reimbursement, this ruling also denied a highly specialized whole body orthotic treatment that dramatically improves the medical condition and quality of life for some severely disabled Medicare beneficiaries under full time care in nursing facilities. The Committee notes the May 2002, congressionally authorized GAO report entitled ''Orthotics Ruling Has Implications for Beneficiary Access and Federal and State Costs'' that identifies a substantial nursing home population that has been denied this care as a result of 96–1, but recommends that a restoration of such care be accompanied by appropriate controls, consistent with those established for existing ''L'' codes, that protect the integrity of the Medicare Program. The committee recognizes the need for these controls, but at the same time notes that beneficiaries have been without this treatment for over 5 years and urges CMS to expeditiously re-establish reimbursement measures for these services.

The Committee directs the Secretary of Health and Human Services to review the Medicare Geographic Classification Review Board's criteria for reclassification determinations with respect to making payments to hospitals. The Committee requests the review to include a detailed analysis of disparities among hospital's reimbursement rates for hospitals in metropolitan statistical areas that border on areas that have a higher wage indices; the difficulty hospitals face in losing skilled medical personnel to neighboring areas with urban classifications and higher wage and salary structures; geographic and environmental impediments to traditional community routes; the base costs on which the wage index is applied; and the affect lower wage indices have on the quality of care. The Committee directs the Secretary to report to the Committee no later than February 28, 2003.

The Committee requests that the Secretary conduct a comprehensive study of current literature and best practices to determine the cost-effectiveness and impact on medical outcomes of behavioral-based weight loss services in conjunction with the nutritional therapy benefit. The Committee directs the study to include assessment of group-based weight loss management services and the proper qualifications of individuals to conduct such programs, including those trained to provide such programs that have completed clinical trials and have demonstrated their efficacy through publications in peer-reviewed scientific journals, to produce and maintain weight loss.

The Committee understands that concerns have been raised about Medicare reimbursement rules for certain anemia drugs under the Outpatient Prospective Payment program. The Committee therefore directs the Administrator of the Centers for Medicare and Medicaid Services to conduct a study examining claims data from hospitals and physicians to determine comparable dosage of biologicals used for the treatment of anemia in cancer patients. This study shall be completed and submitted to the Secretary of the Department of Health and Human Services and the Committee on Appropriations no later than April 1, 2003.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

Appropriations, 2002	$2,536,313,000
Budget estimate, 2003	2,416,800,000
Committee recommendation	2,475,800,000

The Committee recommends that $2,475,800,000 be made available in fiscal year 2003 for payments to States for child support enforcement and family support programs. The Committee recommendation provides the full amount requested under current law. The budget request includes savings of $59,000,000 based on proposed legislation.

These payments support the States' efforts to promote the self-sufficiency and economic security of low-income families. These funds also support efforts to locate noncustodial parents, determine paternity when necessary, and establish and enforce orders of support. The appropriation, when combined with the $1,100,000,000 in advance funding provided in last year's bill and an estimated $461,000,000 from offsetting collections, supports a program level of $4,036,800,000.

The Committee also has provided $1,100,000,000 in advance funding for the first quarter of fiscal year 2004 for the child support enforcement program, the same as the budget request.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

Appropriations, 2002	$2,000,000,000
Budget estimate, 2003	1,700,000,000
Committee recommendation	1,700,000,000

The Committee recommendation for LIHEAP is $1,700,000,000. LIHEAP is made up of two components: the State grant program and the contingency fund. The recommended amount for the State grant program is $300,000,000 more than the administration request and the same amount as last year. However, due to tight budget constraints and the current availability of $300,000,000 in the contingency fund, the Committee does not recommend any additional funds for this purpose. The administration requested $300,000,000.

LIHEAP grants are awarded to States, territories, Indian tribes and tribal organizations to assist low-income households in meeting the costs of home energy. States receive great flexibility in how they provide assistance, including direct payments to individuals and vendors and direct provision of fuel.

The Committee recommendation includes $1,700,000,000 for the State grant program, the same amount as last year's funding level and $300,000,000 more than the amount requested by the administration. These resources are distributed by formula to States, territories, Indian tribes and tribal organizations defined by statute, based in part on each State's share of home energy expenditures by low-income households nationwide.

The Committee recommendation does not include $300,000,000 in additional resources for the contingency fund as requested by the administration. The contingency fund may be used to provide assistance to one or more States adversely affected by extreme heat or cold, significant price increases or other causes of energy-related emergencies. The Committee notes that $300,000,000 in no-year funding is available currently in the contingency fund. The Committee is committed to ensuring that sufficient resources are available in the fund, to provide additional assistance to households with energy burdens not met by the regular program and meet the objectives of the authorizing statute. The Committee intends to monitor the availability of resources in the contingency fund and will consider future action, as needed, in subsequent appropriations bills.

The Committee is disappointed by the unwillingness of the administration to release any or all of the $300,000,000 in contingency funding currently available. The Committee notes that in the Statement of the Managers accompanying the Supplemental Appropriations Act, 2001 (Public Law 107–20) the conferees encouraged the administration to release contingency funds provided by this Act due to the pressing additional energy assistance needs of millions of eligible families. The Committee again notes that the authorizing statute states that the contingency fund was authorized to meet the additional home energy assistance needs of one or more States arising from a natural disaster or other emergency, as defined in section 2603(1)(A–G), which includes six other factors not related to weather or natural disasters.

The Committee is aware of data that has been reported over the past 4 months that show the definition of emergency has been met in many States. The Committee directs the Department to provide a report within 60 days after the enactment of this bill identifying the sources of data used for considering release of contingency funds for each of the parts of the emergency definition.

The Committee encourages the Department to work with appropriate agencies and associations to make sure data is available to administer this program, and in particular, make decisions about release of contingency funding.

The Committee intends that up to $27,500,000 of the amount recommended for LIHEAP for fiscal year 2003 be used for the leveraging incentive fund. The fund will provide a percentage match to States for private or non-Federal public resources allocated to low-income home energy benefits.

REFUGEE AND ENTRANT ASSISTANCE

Appropriations, 2002	$460,195,000
Budget estimate, 2003	452,724,000
Committee recommendation	442,724,000

The Committee recommends $442,724,000 for refugee and entrant assistance, $17,471,000 less than the fiscal year 2002 level and $10,000,000 less than the budget request.

Based on an estimated refugee admission ceiling of 75,000, this appropriation, together with prior-year funds available for fiscal year 2003 expenses, will enable States to continue to provide at least 8 months of cash and medical assistance to eligible refugees and entrants, a variety of social and educational services, as well as foster care for refugee and entrant unaccompanied minors.

The Committee is committed to ensuring that the American public is safe and not exposed to potential security risks. However, the Committee also is concerned about the additional hardships imposed on individuals fleeing their homes from civil strife, persecution, and torture as they await additional security procedures in potentially dangerous temporary locations and refugee camps. As a result of these delays, almost 40,000 refugees under the admissions ceiling for fiscal year 2002 were not allowed to resettle in the United States. These unused slots resulted in fewer transitional, medical and support services provided than estimated under the fiscal year 2002 appropriation, so some savings exist in these programs. Given the tremendous budgetary pressure on the Committee this year, the Committee recommends a small reduction of $10,000,000 in these programs for fiscal year 2003. The Committee recommendation will not affect the ability of programs to meet fully the demand for services under the fiscal year 2003 admissions ceiling, as sufficient carryover funds are available to offset the proposed reduction. The Committee intends to closely monitor the situation to ensure that sufficient funding is available to meet the critical needs of

individuals fleeing persecution throughout the world.

The Refugee and Entrant Assistance Program is designed to assist States in their efforts to assimilate refugees, asylees, Cuban and Haitian entrants, and adults and minors who are trafficking victims, into American society as quickly and effectively as possible. The program funds State-administered transitional and medical assistance, the voluntary agency matching grant program, programs for victims of trafficking and torture, employment and social services, targeted assistance, and preventive health.

In order to carry out the refugee and entrant assistance program, the Committee recommends $221,291,000 for transitional and medical assistance, including State administration and the voluntary agency program; $10,000,000 for victims of trafficking; $147,121,000 for social services; $4,835,000 for preventive health; and $49,477,000 for targeted assistance.

Section 412(a)(7) of title IV of the Immigration and Nationality Act authorizes the use of funds appropriated under this account to be used to carry out monitoring, evaluation, and data collection activities to determine the effectiveness of funded programs and to monitor the performance of States and other grantees.

The Committee recommends $10,000,000 to treat and assist victims of torture. These funds may also be used to provide training to healthcare providers to enable them to treat the physical and psychological effects of torture. The Committee acknowledges that well-established treatment centers, such as the Center for Victims of Torture, have developed the knowledge base that has fostered growth of treatment facilities around the country and strengthened treatment services generally. This positive trend may continue if leading centers are able to expand their staffs to create more trainers and improve evaluation and research needed to guide and develop new programs.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

Appropriations, 2002	$2,099,976,000
Budget estimate, 2003	2,099,994,000
Committee recommendation	2,099,994,000

The Committee recommendation provides $2,099,994,000 for the child care and development block grant, $18,000 more than last year and the same as the budget request.

The child care and development block grant supports grants to States to provide low-income families with financial assistance for child care; for improving the quality and availability of child care; and for establishing or expanding child development programs. The funds are used to both expand the services provided to individuals who need child care in order to work or attend job training or education and allow States to continue funding the activities previously provided under the consolidated programs.

The Committee is aware that the authorization for the child care and development block grant program expired on September 30, 2002. The block grant was last reauthorized in 1996 as part of the Personal Responsibility and Work Opportunity Reconciliation Act. The Act established the child care and development fund, which consists of mandatory funding provided under the Social Security Act and discretionary funding supported by annual appropriations under the child care and development block grant program.

The Committee believes that significant increases in mandatory funding for child care should be supported by the reauthorization of the Welfare Reform law to pay for additional work requirements and to respond to the needs of low income, working poor families. The Welfare Reform law established policies that have resulted in a significant increase in the working Americans. Work requirements have decreased the welfare casesload by 1.8 million families from 1996–1999, many of whom are not earning a living wage and are in need of assistance. The share of families working or participating in work-related activities while receiving TANF also grew significantly; by fiscal year 1999, nearly 900,000 TANF parents were employed or engaged in work activities. Also, there has been a large increase in labor force participation by low income single parents, which includes many families not previously connected to the labor force; between 1996 and 1999, the number of employed single mothers grew from 1.8 million to 2.7 million.

The Committee recommendation continues specific earmarks in appropriations language, also included in the budget request, that provide targeted resources to specific policy priorities including $19,120,000 for the purposes of supporting resource and referral programs and before and afterschool services. This represents the Federal commitment to the activities previously funded under the dependent care block grant. The Committee expects that these funds will not supplant current funding dedicated to resource and referral and school age activities provided by the child care and development block grant. The Committee strongly encourages States to address the matters of before and afterschool care and the establishment of resource and referral programs with the funds provided in this program.

The Committee recommendation includes an additional $272,672,000 for child care quality activities, and sets aside $100,000,000 specifically for an infant care quality initiative. These funds are recommended in addition to the 4 percent quality earmark established in the authorizing legislation. The Committee has provided these additional quality funds because of the considerable research that demonstrates the importance of serving children in high quality child care settings which include nurturing providers who are educated in child development and adequately compensated. While considerable progress has been made, the Committee believes States should continue to invest in education and training linked to compensation of the child care workforce in order to improve the overall quality of child care.

The Committee recommendation also provides $10,000,000 for child care research, demonstration and evaluation activities.

The Committee recommendation for resource and referral activities also includes $1,000,000 to continue support for the National Association of Child Care Resource and Referral Agencies' information service, Child Care Aware, the national toll-free information hotline which links families to local child care services and programs. Funds also were requested in the budget request for this purpose.

SOCIAL SERVICES BLOCK GRANT

Appropriations, 2002	$1,700,000,000
Budget estimate, 2003	1,700,000,000
Committee recommendation	1,700,000,000

The Committee recommends an appropriation of $1,700,000,000 for the social services block grant. The recommendation is the same amount as the budget request and 2002 enacted level.

The Committee has included bill language that allows States to transfer up to 10 percent of their annual allocations under the Temporary Assistance for Needy Families to the Social Services Block Grant program. Under the budget request, States would be limited to transfers of up to 4.25 percent for fiscal year 2003. The Committee recognizes that the block grant is a vital source of support for many vulnerable children and families, the elderly and single adults and continues to support this important State flexibility.

CHILDREN AND FAMILIES SERVICES PROGRAMS

Appropriations, 2002	$8,428,574,000
Budget estimate, 2003	8,593,364,000
Committee recommendation	8,654,884,000

The Committee recommends a funding level of of $8,654,884,000 for children and families services programs. The recommendation includes $6,000,000 in transfers available under section 241 of the Public Health Service Act. The recommendation is $226,310,000 more than the comparable fiscal year 2002 funding level and $61,520,000 more than the budget request.

This appropriation provides funding for programs for children, youth, and families, the developmentally disabled, and Native Americans, as well as Federal administrative costs.

Head Start

Head Start provides comprehensive development services for low-income children and families, emphasizing cognitive and language development, socioemotional development, physical and mental health, and parent involvement to enable each child to develop and function at his or her highest potential. At least 10 percent of enrollment opportunities in each State are made available to children with disabilities.

The Committee recommends $6,667,533,000 for the Head Start Program, an increase of $129,893,000 more than the comparable fiscal year 2002 level and the same as the budget request. The Committee recommendations includes $1,400,000,000 in advance funding that will become available on October 1, 2003.

The Committee is aware that the Department's recently-released 7-year national evaluation of the Federal Early Head Start program found that 3-year-old children completing the program performed better in cognitive and language development than children not participating in the program. Further, the study found that children completing Early Head Start achieved gains on standardized tests of cognitive and language development, may need fewer special learning interventions later on, and performed better on critical social-emotional tasks, such as relating to their parents, paying attention and behaving appropriately. The study also found that Early Head Start parents were more likely to read to their children, be emotionally supportive, help with language development and show positive parenting behavior. Early Head Start parents also participated more in education and employment-related activities. These findings justify the Committee's efforts to increase funding for the Early Head Start program, to ensure that more eligible children participate in this important and effective program.

The Committee is impressed by the most recent Family and Child Experience Survey (FACES) data released last month. The Committee notes that the findings reveal that as they had in 1997–1998, Head Start children showed significant gains in vocabulary skills in 2000–2001 against national norms; Head Start children showed modestly larger gains

in letter recognition skills in 2000–2001 than they had in 1997–1998; Head Start graduates showed gains in social skills, including improvements in interaction and complex play and Head Start classroom quality remained in the ''Good'' range in the Early Childhood Education Rating Scale and Assessment Profiles in 2000, as they were in 1997. These findings support the significant investments that the Committee has supported for the Head Start program.

However, the Committee is concerned that the congressionally-mandated National Impact Study of Head Start has not been completed and encourages the ACF to move forward and complete this important study. The National Impact Study was mandated by Congress to be completed by 2003.

The Committee understands the serious need for additional and expanded Head Start facilities among native American populations and in rural areas. The Committee believes that the Department could help serve these needy communities by providing minor construction funding, as authorized, in remote native American communities.

The Committee is aware of the unique circumstances rural areas face in designing Early Head Start programs to meet the needs of families. Rural areas experience higher costs per child, either due to the higher cost of transporting infants and children to Early Head Start Centers, or because of higher rents due to the lack of adequate and licensable facilities in rural areas. In selecting new grantees under this program, the Committee believes the Department should give consideration to applicants serving rural areas that meet or exceed all performance criteria even though they may propose a higher cost per child due to these factors.

The Committee is aware that, in fiscal year 2002, approximately $40,000,000 in quality improvement Head Start funding was available to improve staff salaries and support professional development. This commitment of funding has helped increase both teacher compensation and retention rates among Head Start staff. The Committee expects the Department to continue to focus quality improvement efforts on improving Head Start teacher compensation such that teacher salaries more equitably reflect educational level and experience.

The Committee strongly supports the effort to strengthen the qualifications of Head Start teachers. At least 50 percent of teachers in center-based Head Start programs must have an associate, baccalaureate, or advanced degree in early childhood education or a degree in a related field, with experience in teaching preschool children, by September 30, 2003. The Committee expects the Department to focus staff development efforts on increasing the educational level of Head Start teachers in order to meet this goal.

The Head Start Act contemplates services to low-income children and their families. The law does not, however, prescribe age requirements for Head Start participation, short of limiting enrollment to children ''who have not yet reached the age of compulsory school attendance.'' Despite this fact, Head Start has traditionally served children in their years immediately prior to their entering into kindergarten. With States and localities increasing their investments in preschool services, local Head Start programs have been presented with not only an opportunity, but a need to serve infants and toddlers in their years proven to be the most formative in recently publicized brain research developmental studies.

Accordingly, the Committee encourages the Department of Health and Human Services to support efforts by local Head Start programs to use grant funds to deliver quality services to the infant and toddler population where a community assessment evidences a need for such services and the local program has the capacity to meet that need. The Committee supports this expansion in response to changing local community needs, separate and apart from the new grant process under the Early Head Start program created as part of the 1994 Head Start reauthorization. When combined with the new grant authority for Early Head Start which flows from increased appropriations annually, expansion of existing preschool programs to serve infants and toddlers is particularly responsive to research emphasizing the developmental needs of our youngest children—needs which can be ably addressed through the Head Start model of comprehensive services.

The Committee commends the Department for its focus on prevention as a key to improving the overall health and well-being of our Nation. The Committee also recognizes the importance of good nutrition and physical activity among young children for developing a fertile atmosphere for cognitive development and school readiness. According to the Nutrition Cognition National Advisory Committee at Tufts University in Massachusetts, children without an adequate diet may have trouble concentrating in school, participating in play, bonding with peers, and performing at their potential.

Therefore, the Committee urges the Head Start Bureau to review the scope of good nutrition and physical activities which are presently being undertaken in response to the Head Start Performance Standards, as well as the current knowledge base on good nutrition and physical activities for young children. Further, the Committee urges the Head Start Bureau to review the activities presently being undertaken by local programs to promote healthy bodies as a prerequisite for strong minds and to identify best practices currently employed by local programs. As a follow up, the Committee encourages the Head Start Bureau, in collaboration with the National Head Start Association, to devise a plan for implementing a locally-determined but coordinated effort to achieve the goals of a stronger, more vibrant and effective nutritional and physical activity component within Head Start programs. The Committee expects that the Head Start Bureau will enter into a cooperative agreement with the National Head Start Association to carry out these activities.

The Senate is currently considering the reauthorization of the Personal Responsibility and Work Opportunities Act, in order to assist individuals to secure gainful employment and help families to gain self-sufficiency in the new economy. As a result of the 1996 enactment of welfare reform, families previously eligible for Head Start services based on their low-income status have found themselves marginally exceeding those income limitations and, therefore, losing access to Head Start services for their children. The Committee recognizes that Head Start does not serve all income-eligible children and their families in the country. Nonetheless, while eligibility for other programs is sensitive to regional disparities in income, Head Start eligibility is not. It is clear that an inner-city family's expenses with respect to food, housing and medical needs are different from those of a rural family, while a rural family's transportation needs, for one, may well outpace similar needs for their urban neighbors. Eligibility requirements should reflect this difference. Current law gives the Secretary of Health and Human Services authority to permit the enrollment of a ''reasonable number'' of over-income families in Head Start. In a welfare-reformed era, families may find their income marginally exceeding national poverty guidelines, while their need for quality early childhood programming is even more pronounced. The Committee encourages the Secretary to permit local programs to best address local community needs in these changing times, but encourages flexibility which does not deny services to the neediest of the needy. The Committee encourages the Secretary to exercise his authority, as appropriate, to permit the enrollment of over-income children and their families in up to 25 percent of program placements, so long as services are not denied to income-eligible children and families as a result of this flexibility.

The Committee is aware that the Department's ''Descriptive Study of Seasonal Farmworker Families'' published in September 2001 revealed that just 19 percent of eligible children of migrant and seasonal farmworkers are served by Migrant Head Start programs. The study also concluded ''that Migrant Head Start agencies greatly improve the lives of migrant and seasonal farmworker families, and in doing so, help to strengthen local agricultural economies.'' The Committee urges the Head Start Bureau to provide an increase in funding for Migrant Head Start programs proportionate to the overall increase in the Head Start appropriation.

The Committee is aware of efforts currently being undertaken to improve pre-literacy skills in Head Start children and lauds the administration for its commitment to this effort. However, the Committee cautions against anything that would detract from the comprehensive nature of the program in delivering early childhood development and family services. While school readiness is front and center in the goals of Head Start, the elements necessary to achieve that readiness range from adequate nutrition and health screening to social and emotional development and family building as well as the cognitive growth of young children.

The Committee encourages the Department to ensure that in securing pre-literacy training and technical assistance for Head Start grantees, every reasonable effort is made to use competitive procedures in securing private sector service providers to assist in completing the Head Start mission.

The Committee is aware that the goal of the Head Start program is to ensure the social competence and school readiness of children upon completion of the program. The Committee expects the Department to continue to promote learning and brain development to accelerate and improve the cognitive development of Head Start children. The Committee expects the Department to monitor Head Start programs to ensure that a majority of children participating in Head Start programs meet the minimum educational performance measures and standards upon completion of the program as outlined in the Head Start Act, as amended in 1998.

The TCU/Head Start partnership has made a lasting investment in our Indian communities by creating associate degree programs in Early Childhood Development and related fields. New graduates of these programs can help meet the Congressional mandate that 50

percent of all program teachers earn an Associate Degree in Early Childhood Development or a related discipline by 2003. One clear impediment to the on-going success of this partnership program is the decrease in discretionary funding being targeted for the TCU/Head Start partnership. The Committee urges the Head Start Bureau to direct sufficient funding to allow current grantees to extend their programs for two additional years and to ensure that this vital program can continue and be expanded to serve all tribal college communities.

Consolidated runaway and homeless youth program

The Committee recommends $93,000,000 for this program, an increase of $4,898,000 more than the fiscal year 2002 level and $4,867,000 more than the administration request. The Committee recommends $41,800,000 for transitional living programs and $51,200,000 for basic centers.

This program addresses the crisis needs of runaway and homeless youth and their families through support to local and State governments and private agencies. Basic centers and transitional living programs help address the needs of some of the estimated 300,000 homeless youth, many of whom are running away from unsafe or unhealthy living environments. These programs have been proven effective at supporting positive youth development, securing stable and safe living arrangements and providing the skills required to engage in positive relationships with caring adults and contribute to society. The Committee looks forward to the release of performance outcome data available through the new management information system.

The Runaway and Homeless Youth Act requires that not less than 90 percent of the funds be allocated to States for the purpose of establishing and operating community-based runaway and homeless youth centers, as authorized under Parts A and B of the Act. Funds are distributed on the basis of the State youth population under 18 years of age in proportion to the national total. The remaining 10 percent funds networking and research and demonstration activities including the National Toll-Free Communications Center.

Grants are used to develop or strengthen community-based programs which assist homeless youth in making a smooth transition to productive adulthood and social self-sufficiency; and to provide technical assistance to transitional living programs for the acquisition and maintenance of resources and services.

The basic centers program, authorized under Part A of the Act, supports grants to community-based public and private agencies for the provision of outreach, crisis intervention, temporary shelter, counseling, family unification and aftercare services to runaway and homeless youth and their families.

The transitional grant program (TLP) provides grants to local public and private organizations to address shelter and service needs of homeless youth, ages 16–21. The program's goals are to have youth safe at home or in appropriate alternative settings and to help them develop into independent, contributing members of society.

A homeless youth accepted into the program is eligible to receive shelter and services continuously for up to 540 days. The services include counseling; life skills training, such as money management and housekeeping; interpersonal skill building, such as decision-making and priority setting; educational advancement; job preparation attainment; and mental and physical health care.

The administration has proposed $10,000,000 for a separate maternity group home program. The Committee is aware of the need for and shares the administration's interest in funding residential services for young mothers and their children who are unable to live with their own families because of abuse, neglect, or other circumstances. The Committee notes that pregnant and parenting youth are currently eligible for and served through the TLP. The Committee commends the administration for placing special emphasis on pregnant and parenting youth in its fiscal year 2002 runaway and homeless youth program announcement. The Committee also compliments the administration for its special efforts to make the maternity group home community aware of the fiscal year 2002 program announcement.

The Committee also recognizes the need for and value of expanding transitional living opportunities for all homeless youth. Therefore, the Committee seeks to preserve the flexibility afforded in current law to respond to the needs of the young people who are most at-risk and in greatest need of transitional living opportunities in their communities by providing additional resources to the existing portfolio of consolidated runaway and homeless youth act programs.

It is the Committee's expectation that current and future TLP grantees will continue to provide transitional living opportunities and supports to pregnant and parenting homeless youth, as is their current practice. To further ensure that pregnant and parenting homeless youth are able to access transitional living opportunities and supports in their communities, the Committee encourages the Secretary, acting through the network of Federally-funded runaway and homeless youth training and technical assistance providers, to offer guidance to grantees and others on the programmatic modifications required to address the unique needs of pregnant and parenting youth and on the various sources of funding available for residential services to this population.

Maternity group homes

The Committee recommendation does not include $10,000,000 requested in the budget for the maternity group homes program. The Committee has deferred action on this program pending the enactment of authorizing language. Under this proposed program, the ACF would provide targeted funding for community-based, adult-supervised group homes for young mothers and their children. These homes would provide safe, stable, nurturing environments for mothers who cannot live safely with their own families and assist them in moving forward with their lives by providing support so they can finish school, acquire job skills, and learn to be good parents.

The Committee provided a $19,000,000 increase in funding last year under the transitional living program to strengthen our Nation's support system for all youth in need of stable, safe living accommodations and services. The Committee expects the Family and Youth Services Bureau to continue to provide the technical assistance needed to enable TLP grantees and their community partners to address the unique needs of young mothers and their children, as well as helping interested entities in identifying sources of funding currently available to provide residential services to this population.

Child abuse prevention programs

The Committee recommends $48,364,000 for child abuse and neglect prevention and treatment activities. The recommendation includes $22,013,000 for State grants, the same as last year and the budget request. The recommendation also includes $26,351,000 for discretionary activities, an increase of $201,000 more than last year and the same as the budget request. These programs seek to improve and increase activities at all levels of government which identify, prevent, and treat child abuse and neglect through State grants, technical assistance, research, demonstration, and service improvement.

Abandoned infants assistance

The Committee recommendation includes $12,205,000 for abandoned infants assistance, an increase of $3,000 more than 2002 level and the same amount as the budget request. This program provides financial support to public and private entities to develop, implement, and operate demonstration projects that will prevent the abandonment of infants and young children. Grants provide additional services such as identifying and addressing the needs of abandoned infants, especially those who are drug exposed or HIV positive; providing respite care for families and care givers; and assisting abandoned infants and children to reside with their natural families or in foster care.

Child welfare services

The Committee recommends an appropriation of $291,986,000 for child welfare services, the same as the fiscal year 2002 level and the administration request. This program helps State public welfare agencies improve their child welfare services with the goal of keeping families together. State services include: preventive intervention, so that, if possible, children will not have to be removed from their homes; reunification so that children can return home and development of alternative placements like foster care or adoption if children cannot remain at home. These services are provided without regard to income.

Child welfare training

The Committee recommends $7,498,000, an increase of $3,000 over the comparable fiscal year 2002 level and the same amount as the administration request. Under section 426, title IV–B of the Social Security Act, discretionary grants are awarded to public and private nonprofit institutions of higher learning to develop and improve education/training programs and resources for child welfare service providers. These grants upgrade the skills and qualifications of child welfare workers.

Adoption opportunities

The Committee recommends $27,405,000 for adoption opportunities, an increase of $20,000 more than the fiscal year 2002 level and the same amount as the administration request. This program eliminates barriers to adoption and helps find permanent homes for children who would benefit by adoption, particularly children with special needs. The Committee notes the progress that has been made in increasing adoptions of children within 2 years of their placement in the public foster care system, as well as the increase in family reunification within 1 year of placement.

Adoption incentives

The Committee recommends $43,000,000 for adoption incentives, the same amount as the comparable fiscal year 2002 appropriation and the budget request. The purpose of this program is to provide incentive funds to States to encourage an increase in the number of adoptions of children from the public foster care system. These funds are used to pay States bonuses for increasing their number of adoptions. The appropriation allows

incentive payments to be made for adoptions completed in fiscal years 2001 and 2002.

Adoption awareness

The Committee recommendation includes $12,906,000 for the adoption awareness program, the same amount as the fiscal year 2002 level and the administration request. This program was authorized in the Children's Health Act of 2000. The program consists of two activities: the Infant Adoption Awareness Training Program and the Special Needs Awareness Campaign. The Infant Adoption Awareness Training Program provides grants to support adoption organizations in the training of designated health staff in eligible health centers that provide health services to pregnant women to inform them about adoption and make referrals on request on an equal basis with all other course of action. Within the Committee recommendation, $9,906,000 is available for this purpose.

The Special Needs Adoption Campaign supports grants to carry out a national campaign to inform the public about the adoption of children with special needs. The Committee recommendation includes $3,000,000 to continue this important activity.

Compassion capital fund

The Committee recommendation includes $45,000,000 for the compassion capital fund, $15,000,000 more than last year and $55,000,000 less than the budget request. Funds available will support grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations.

The Committee expects funds made available through this program to supplement and not supplant private resources and encourages the Secretary to require private resources to match grant funding provided to public/private partnerships.

Social services research

The Committee recommends $6,000,000 for social services and income maintenance research, the same amount the administration request for discretionary funding. The Committee has funded the discretionary portion of this program through transfers available under section 241 of the Public Health Service Act. Mandatory funding also is available for this purpose in the Welfare Reform legislation and the administration budget request assures $25,158,000 is available from this source. Last year, $31,158,000 was available for this program. These funds support cutting-edge research and evaluation projects in areas of critical national interest. Research includes determining services that are more cost-effective and alternative ways to increase the economic independence of American families.

The Committee 4 years ago encouraged ACF to work with the State information technology consortium in an effort to help States with the difficult task of streamlining service delivery, while also meeting TANF record-keeping and reporting requirements. The Committee is pleased to learn that this effort is progressing and that States and ACF are now able to share systems information on TANF, child support enforcement, child welfare and child care activities. The Committee understands that plans are now underway to put in place web-based technology that permits communications and interface within States, across State borders, and between ACF and States. Accordingly, the Committee urges ACF to expand its efforts with the State information technology consortium in fiscal year 2003. Similarly, The Committee is pleased to note that child support collections on behalf of families continue to grow. When combined with other income, child support collections passed through to TANF families can provide the boost needed to help a family attain self-sufficiency. To aid in this objective, the Committee urges CSE to implement the next phase of an effort launched last year in conjunction with the State information technology consortium. The Committee remains convinced that States are in a position to best determine how to remove current barriers to child support collections and to improve the flow of information between agencies and the court system.

Community-based resource centers

The Committee recommends $33,417,000 for community-based resource centers, an increase of $1,000 more than the fiscal year 2002 level and the same amount as the administration request. These resources support two purposes: assisting each State in developing, operating, expanding and enhancing a network of community-based, prevention-focused, family resource and support programs and supporting activities that foster an understanding, appreciation, and knowledge of diverse populations in order to be effective in preventing and treating child abuse and neglect.

Developmental disabilities programs

The Committee recommends $147,434,000 for developmental disabilities programs, an increase of $6,914,000 more than the comparable fiscal year 2002 amount and $6,900,000 more than the budget request. The Administration on Developmental Disabilities supports community-based delivery of services which promote the rights of persons of all ages with developmental disabilities. Developmental disability is defined as severe, chronic disability attributed to mental or physical impairments manifested before age 22, which causes substantial limitations in major life activities.

State councils

For State councils, the Committee recommends $72,200,000. The State Councils on Developmental Disabilities program assists each State in promoting the development of a comprehensive, statewide, consumer and family-centered system which provides a coordinated array of culturally-competent services, and other assistance for individuals with development disabilities. State councils undertake a range of activities including demonstration of new approaches, program and policy analysis, interagency collaboration and coordination, outreach and training.

Protection and advocacy grants

For protection and advocacy grants, the Committee recommends $37,000,000. This formula grant program provides funds to States to establish protection and advocacy systems to protect the legal and human rights of persons with developmental disabilities who are receiving treatment, services, or rehabilitation within the State.

Projects of national significance

The Committee recommends $12,734,000 for projects of national significance to assist persons with developmental disabilities. This program funds grants and contracts providing nationwide impact by developing new technologies and applying and demonstrating innovative methods to support the independence, productivity, and integration into the community of persons with developmental disabilities.

The Committee recognizes the potential benefits that assistive technology can have for individuals with developmental disabilities.

Within the Committee recommendation, $4,000,000 is available to expand activities of the Family Support Program. The increase over the budget request for programs of national significance has been provided for this purpose.

University-affiliated programs

For university-affiliated programs, the Committee recommends $25,500,000. This program provides operational and administrative support for a national network of university-affiliated programs and satellite centers. Grants are made annually to university-affiliated programs and satellite centers for interdisciplinary training, exemplary services, technical assistance, and information dissemination activities.

Native American programs

The Committee recommends $45,912,000 for Native American programs, the same amount as the 2002 level and $716,000 more than the budget request. The Administration for Native Americans [ANA] assists Indian tribes and native American organizations in planning and implementing long-term strategies for social and economic development through the funding of direct grants for individual projects, training and technical assistance, and research and demonstration programs.

The Committee continues its significant interest in the revitalization of native languages through education. The Committee encourages ANA to allocate additional resources to support the Native American Languages program and urges the ANA to make schools a part of this effort, consistent with the policy expressed in the Native American Languages Act.

Community services

The Committee recommends an appropriation of $740,477,000 for the community services programs. This is $1,692,000 more than the fiscal year 2002 level and $100,152,000 higher than the administration request.

Within the funds provided, the Committee recommends $649,987,000 for the community services block grant [CSBG]. These funds are used to make formula grants to States and Indian tribes to provide a wide range of services and activities to alleviate causes of poverty in communities and to assist low-income individuals in becoming self-sufficient.

The Committee rejects the administration's recommendation to cut the Community Services Block Grant funding. Although a restrictive Committee allocation prevented CSBG funding from being substantially increased this year, the Committee continues to recognize the importance of CSBG and the Community Action Agencies it funds in helping meet the extraordinary challenges facing low-income communities.

The Nation's Community Action Agency network relies on CSBG funding to help initiate and administer programs designed to alleviate poverty. The universal characteristic of these CSBG-funded programs is that they provide people with the resources and the tools to become self-sufficient. The Committee understands that the Department of Health and Human Services, and its Office of Community Services in particular, could better use this network in developing future policy initiatives. The Committee notes that in a number of States, including Iowa and Pennsylvania, CAA-initiated family development and self-sufficiency programs are a integral component of welfare reform efforts. The administration is encouraged to look for further nationwide linkages between those

individuals seeking to leave the welfare system and become self-sufficient and the many family development and self-sufficiency strategies operated by Community Action Agencies.

In addition, the Committee believes that the Office of Community Services should be more agressive in ensuring proper oversight of some State CSBG State expenditure of CSBG allocations that are intended to fund local eligible activities. The Committee expects the Office of Community Services to better evaluate and enforce each State's expenditure of CSBG funds. The Committee is also concerned that some State audits of the previous years' expenditures of CSBG funds are not adequately reviewed and acted upon.

The Committee expects the Office of Community Services to release funding to the States in the most timely manner. The Committee also expects the States to makes funds available promptly. The Committee is aware that the Office of Community Services and some States have been extraordinarily delinquent in providing funds to local eligible entities.

In addition, the Committee again expects the Office of Community Services to inform the State CSBG grantees of any policy changes affecting carryover CSBG funds within a reasonable time after the beginning of the Federal fiscal year.

Several discretionary programs are funded from this account. Funding for these programs is recommended at the following levels for fiscal year 2003: community economic development, $33,000,000; individual development accounts, $24,990,000; rural community facilities, $7,500,000; national youth sports, $17,000,000; and community food and nutrition, $8,000,000.

Community economic development grants are made to private, nonprofit community development corporations, which in turn provide technical and financial assistance to business and economic development projects that target job and business opportunities for low income citizens. The Committee has included bill language clarifying that Federal funds made available through this program may be used for financing for construction and rehabilitation and loans or investments in private business enterprises owned by Community Development Corporations. Of the total provided, the Committee has included $5,500,000 for the Job Creation Demonstration authorized under the Family Support Act to target community development activities to create jobs for people on public assistance. As in the past, the Committee expects that a priority for grants under this program go to experienced community development corporations.

The Committee continues to support the Job Creation Demonstration program, authorized by the Family Support Act. This demonstration program provides grants on a competitive basis to non-profit organizations to create new employment and business opportunities for TANF recipients and other low income individuals. Funding also supports technical and financial assistance for private employers that will result in the creation of full-time permanent jobs for eligible individuals. The Committee recognizes that continued funding of the Job Creation Demonstration program would provide opportunities for more low-income individuals.

Most of the drinking water and waste water systems in the country that are not in compliance with Federal standards are in communities of 3,000 or fewer. Rural Community Assistance Programs [RCAPs] use funds available from the Rural Community Facilities Program to assist a number of communities in gaining access to adequate community facilities, gaining financing for new or improved water and waste water systems and in complying with Federal standards.

The Committee has included bill language allocating funding to the Office of Community Services for Rural Community Facilities Technical Assistance as authorized under section 680(3)(B) of the Community Services Block Grant Act. In providing this funding, the Committee directs that it be used solely for the purpose of improving water and waste water facilities in poor, rural communities. As in the past these funds should be allocated to regional, rural community assistance programs.

The Committee is concerned that many small and very small community water and wastewater treatment systems might be most vulnerable to terrorist attack, yet least prepared to deal with the issue. The Committee urges OCS to support a RCAP Small Community Infrastructure Safety and Security Training and Technical Assistance project, which will provide State, regional and national infrastructure safety and security training workshops and on-site technical assistance targeted to small and very small community water and wastewater treatment systems. The goal of the project is to improve the capacity of small systems to better prepare for emergencies, develop emergency preparedness training manuals for small water systems, identify appropriate technologies to secure such systems, and provide technical assistance to small communities struggling to deal with these issues.

Family violence prevention and services

The Committee recommends $149,000,000 for family violence prevention and services programs, an increase of $7,385,000 over the fiscal year 2002 appropriation and the budget request.

For the runaway youth prevention program, the Committee recommends $16,000,000, which is $1,001,000 more than the fiscal year 2002 appropriation and the administration request. This is a discretionary grant program open to private nonprofit agencies for the provision of services to runaway, homeless, and street youth. Funds may be used for street-based outreach and education, including treatment, counseling, provision of information, and referrals for these youths, many of whom have been subjected to or are at risk of being subjected to sexual abuse. The goal of this program is to help young people leave the streets.

For the national domestic violence hotline, the Committee recommends $3,000,000, which is $843,000 more than the fiscal year 2002 comparable level and the administration request. This is a cooperative agreement which funds the operation of a national, toll-free, 24-hours-a-day telephone hotline to provide information and assistance to victims of domestic violence. The Committee has recommended additional funding for the hotline because of the 19 percent growth in call volume that occurred last year and the associated increased in the caller abandonment rate of the hotline. The Committee is aware that employees of the parent agency even voluntarily reduced their pay to stay within budget constraints, rather than reduce hotline staff and service to those in need.

The Committee recommends $130,000,000 for the grants for battered women's shelters program, $5,541,000 above the fiscal year 2002 program level and the administration request. This is a formula grant program to support community-based projects which operate shelters and provide related assistance for victims of domestic violence and their dependents. Emphasis is given to projects which provide counseling, advocacy, and self-help services to victims and their children.

Early learning opportunities program

The Committee recommendation includes $38,000,000 for the early learning opportunities program, an increase of $13,003,000 more than the comparable fiscal year 2002 funding level. The administration proposed eliminating this program. This program supports grants to local community councils comprised of representatives from agencies involved in early learning programs, parent organizations and key community leaders. Funds are used to increase the capacity of local organizations to facilitate development of cognitive skills, language comprehension and learning readiness; enhance childhood literacy; improve the quality of early learning programs through professional development and training; and remove barriers to early learning programs.

Faith-based center

The Committee recommendation includes $1,500,000 to continue staff support for the operation of the Department's Center for Faith-Based and Community Initiatives, the same as the fiscal year 2002 level and the budget request.

Promotion of responsible fatherhood and healthy marriage

The Committee recommendation does not include $20,000,000 included in the budget request for a new program designed to promote responsible fatherhood and responsible marriage. Legislation has not been enacted that would create this new program. The purpose of this proposed program was to spur State and community level approaches to assist fathers to be more actively and productively involved in the lives of their children.

Mentoring children of prisoners

The Committee recommendation includes $12,500,000 for this new program. The administration requested $25,000,000. The mentoring children of prisoners program was authorized last year under section 439 of the Social Security Act. The purpose of this program is to help children while their parents are imprisoned, which includes activities that keep children connected to a parent in prison in order to increase the chances that the family will come together successfully when the parent is released. As a group, children of prisoners are less likely than their peers to succeed in school and more likely to engaged delinquent behavior.

Independent Living Training Vouchers

The Committee recommendation includes $60,000,000 for the new independent living program, the same as the budget request. These funds will support vouchers of up to $5,000 for college tuition or vocational training for individuals who age out of the foster care system, so they can be better prepared to live independently and contribute productively to society. Studies have shown that 25,000 youth leave foster care each year at age 18 and just 50 percent will have graduated high school, 52 percent will be unemployed and 25 percent will be homeless for one or more nights.

Program administration

The Committee recommends $171,747,000 for program administration, $45,000 less than the comparable fiscal year 2002 level and $1,000,000 above the administration request.

The Committee urges ACF to continue to make progress in improving its Annual Performance Plan and Annual Performance Report. The Committee notes that many programs proposed for funding do not have solid data for baselines or performance outcome measures. This lack of objective data makes more difficult the Committee's decisions regarding the allocation of limited resources. The Committee believes that the agency should work with program grantees and relevant associations to identify the most objective ways in which to evaluate the effectiveness of ACF programs and establish a timeline for producing meaningful data by which programs can be assessed.

The Committee continues its interest in the Department's Child and Family Services reviews. These reviews are an effective method for monitoring the progress States are making in assuring the safety, health and permanency for children in child welfare and foster care as required in the Adoption and Safe Families Act. The Committee encourages the Department to make available sufficient resources to ensure full implementation of the new collaborative monitoring system. The Committee understands that the remaining States will be reviewed during fiscal year 2003. The Committee requests that ACF prepare a report on compliance and other implementation issues identified during these reviews and provide it to the Committee not later than 90 days after the last review.

In establishing its Technical Assistance Centers for Children and Families initiative, the Committee urges the Administration to give consideration to establishing a Pacific Basin focus given the unique needs, geographical isolation, cultural complexities, and Federal responsibilities for the residents of that region.

PROMOTING SAFE AND STABLE FAMILIES

Appropriations, 2002	$375,000,000
Budget estimate, 2003	505,000,000
Committee recommendation	505,000,000

The Committee recommends $505,000,000 for fiscal year 2003, an increase of $130,000,000 more than the fiscal year 2002 amount and the same as the budget request. Funding available provides grants to States in support of: (1) family preservation services; (2) time-limited family reunification services (3) community-based family support services and (4) adoption promotion and support services. The Committee notes that most of the Federal funding related to child welfare is provided for the removal and placement of children outside of their own homes. Funds available through the Promoting Safe and Stable Families program are focused on supporting those activities that can prevent family crises from emerging that might require the temporary or permanent removal of a child from his or her own home.

The Promoting Safe and Stable Families program is comprised of $305,000,000 in capped entitlement funds authorized by the Social Security Act and $200,000,000 in discretionary appropriations.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

Appropriations, 2002	$4,885,600,000
Budget estimate, 2003	4,855,000,000
Committee recommendation	4,855,000,000

The Committee recommends $4,855,000,000 for this account, which is $30,600,000 less than the 2002 comparable level and the same as the budget request. In addition, the Committee recommendation concurs with the administration's request of $1,745,600,000 for an advance appropriation for the first quarter of fiscal year 2004. The Committee also has included bill language, proposed in the budget, that will improve program operations and the flow of funds to States. The Foster Care Program provides Federal reimbursement to States for: maintenance payments to families and institutions caring for eligible foster children, matched at the Federal medical assistance percentage [FMAP] rate for each State; and administration and training costs to pay for the efficient administration of the Foster Care Program, and for training of foster care workers and parents.

The Adoption Assistance Program provides funds to States for maintenance costs and the nonrecurring costs of adoption for children with special needs. The goal of this program is to facilitate the placement of hard-to-place children in permanent adoptive homes, and thus prevent long, inappropriate stays in foster care. As in the Foster Care Program, State administrative and training costs are reimbursed under this program.

The Independent Living Program provides services to foster children under 18 and foster youth ages 18–21 to help them make the transition to independent living by engaging in a variety of services including educational assistance, life skills training, health services and room and board. States are awarded grants from the annual appropriation proportionate to their share of the number of children in foster care, subject to a matching requirement.

ADMINISTRATION ON AGING

Appropriations, 2002	$1,349,447,000
Budget estimate, 2003	1,341,344,000
Committee recommendation	1,369,290,000

The Committee recommends an appropriation of $1,369,290,000 for aging programs, $19,843,000 more than the fiscal year 2002 comparable funding level and $27,946,000 more than the budget request.

Supportive services and senior centers

The Committee recommends an appropriation of $359,000,000 for supportive services and senior centers, $2,006,000 more than the comparable fiscal year 2002 level and $2,000,000 more than the administration request. This State formula grant program funds a wide range of social services for the elderly, including multipurpose senior centers, adult day care and ombudsman activities. State agencies on aging award funds to designated area agencies on aging who in turn make awards to local services providers. All individuals age 60 and over are eligible for services, although, by law, priority is given to serving those who are in the greatest economic and social need, with particular attention to low-income minority older individuals and those residing in rural areas. Under the basic law, States have the option to transfer up to 30 percent of funds appropriated between the senior centers program and the nutrition programs, which allows the State to determine where the resources are most needed.

Preventive health services

The Committee recommends $22,562,000 for preventive health services, an increase of $1,439,000 more than the comparable fiscal year 2002 amount and $1,000,000 more than the budget request. Funds appropriated for this activity are part of the comprehensive and coordinated service systems targeted to those elderly most in need. Preventive health services include nutritional counseling and education, exercise programs, health screening and assessments, and prevention of depression.

Within the appropriation for this program, the Committee recommends that $6,000,000 be provided to expand medication management, screening and education activities to prevent incorrect medication and adverse drug reactions among the elderly. These activities will help older adults learn more about managing medications safely and help reduce unnecessary hospitalizations and illnesses. The Committee notes that individuals aged 65 years and older take the greatest number and quantity of medications, which increases the health risks associated with adverse drug interactions and misuse. Studies have found that up to 28 percent of hospitalizations of older people are due to noncompliance with drug therapy and adverse events. These additional funds will help reduce the incidence of adverse effects of drug interaction and misuse.

Protection of vulnerable older Americans

The Committee recommends $19,681,000 for grants to States for protection of vulnerable older Americans. Within the Committee recommendation, $14,449,000 is for the ombudsman services program and $5,232,000 is for the prevention of elder abuse program. The amount recommended for the ombudsman services program is $2,000,000 more than the fiscal year 2002 level and the administration request. The amount recommended for the elder abuse prevention program is the same as the fiscal year 2002 level and budget request. Both programs provide formula grants to States to prevent the abuse, neglect, and exploitation of older individuals. The ombudsman program focuses on the needs of residents of nursing homes and board and care facilities, while elder abuse prevention targets its message to the elderly community at large.

The Committee recognizes the importance of the Long-Term Care Ombudsman Program in assisting residents of nursing homes and board and care facilities resolve abuse and neglect complaints. The Committee is aware of the Institute of Medicine's 1995 study which recommended a ratio of 1 ombudsman for every 2,000 nursing home beds to meet the needs of long-term care residents, as well as the DHHS Office of Inspector General's 1999 report recommending additional funding for the program. Therefore, the Committee has provided an increase of $2,000,000 for the Long-Term Ombudsman Program, which will allow the program to hire additional ombudsman staff, expand public information and education campaigns, and upgrade technology.

The Committee supports continued and additional funding for the long-term care ombudsman resource center and its training and clearinghouse functions, which provide information, technical assistance, programmatic, and other support for State and regional long-term care ombudsmen.

National family caregiver support program

The Committee recommends $150,000,000 for the national family caregiver support program, an increase of $14,000,000 more than the comparable fiscal year 2002 level and the budget request. Funds appropriated for this activity established a multifaceted support system in each State for family caregivers. All States are expected to implement the following five components into their program: individualized referral information services; assistance to caregivers in locating services from a variety of private and voluntary agencies; caregiver counseling, training and

peer support; respite care provided in the home, an adult day care center or other residential setting located in an assisted living facility; and limited supplemental services that fill remaining service gaps.

The Committee continues to make investment in our Nation's family caregiver support system, in recognition of the critical role and essential care that millions of informal and family caregivers provide. Research has shown that half of all caregivers of older persons are 65 years of age or older, many of whom are themselves in fair to poor health. Further, one-third of caregivers are employed full-time and have to take unpaid leave or rearrange their work schedules to care for a loved one. The family caregiver support program provides respite care, caregiving training and counseling and other support services that support the efforts of the caregiver.

Native American Caregiver Support Program

The Committee recommendation includes $6,500,000 to carry out the Native American Caregiver Support Program, an increase of $1,000,000 more than last year and the budget request. The program will assist Tribes in providing multifaceted systems of support services for family caregivers and for grandparents or older individuals who are relative caregivers. In fiscal year 2002, funds were used to provide both discretionary and formula grants to support the goals of this program.

Congregate and home-delivered nutrition services

For congregate nutrition services, the Committee recommends an appropriation of $390,000,000, the same amount as the comparable fiscal year 2002 level and the budget request. For home-delivered meals, the Committee recommends $182,000,000, an increase of $5,500,000 more than the comparable fiscal year 2002 funding level and $3,500,000 more than the administration request. These programs address the nutritional need of older individuals. Projects funded must make home-delivered and congregate meals available at least once a day, 5 days a week, and each meal must meet one-third of the minimum daily dietary requirements. While States receive separate allotments of funds for congregate and home-delivered nutrition services and support services, they are permitted to transfer up to 40 percent of funds between these programs.

The Committee celebrates the 30th anniversary of the Older Americans Act Nutrition Program. Over the past 30 years, the program has supported almost 6 billion meals for older Americans. A national evaluation of the nutrition program found that it successfully reaches older individuals who are older, poorer, more likely to live in rural areas, more functionally impaired and at higher nutritional risk than the population generally. Individuals who were served realized higher nutrient intake, decreased food insecurity, increased social interaction and an improved quality of life. The Committee also recognizes the significant role that the program plays beyond the provision of meals. Nutrition screening, education and counseling services are critical to maintaining good health and independence for older adults.

Nutrition Services Incentives Program

The Committee recommendation includes $149,670,000 for the nutrition services incentives program, the same as the comparable fiscal year 2002 funding level and the budget request.

The Committee agrees with the administration's request to shift funding for the Nutrition Services Incentive Program (NSIP) from the Food and Nutrition Service within USDA to the Administration on Aging within the Department of Health and Human Services (DHHS). It is the Committee's belief, however, that it is critically important for several aspects of NSIP to remain intact, as the program is shifted into DHHS. This includes the allocation of NSIP funds on the basis of the number of meals served in a State in the previous year, as opposed to the number of seniors that reside in that State. Further, NSIP funds are not currently, and should not become, subject to transfer, expenditure for administrative costs, or match requirements, and States should continue to have the option of receiving benefits in the form of cash or commodities. The Committee directs the Under Secretary of the Food and Nutrition Service to work with the Assistant Secretary for Aging within DHHS to ensure this transfer of funding and responsibilities is carried out in a manner that in no way disrupts the delivery of services provided by NSIP. The Committee has maintained access to commodities within USDA because the agency has both the infrastructure and the expertise to conduct this activity that is not available in AoA and HHS.

Aging grants to Indian tribes and native Hawaiian organizations

The Committee recommends $27,675,000 for grants to native Americans, $1,946,000 more than the comparable fiscal year 2002 amount and the administration request. Under this program awards are made to tribal and Alaskan Native organizations and to public or nonprofit private organizations serving native Hawaiians which represent at least 50 percent Indians or Alaskan Natives 60 years of age or older to provide a broad range of supportive services and assure that nutrition services and information and assistance are available.

Training, research and discretionary projects

The Committee recommends $27,837,000 for training, research, and discretionary projects, $10,436,000 less than the fiscal year 2002 comparable level and the same as the budget request. These funds support activities designed to expand public understanding of aging and the aging process, apply social research and analysis to improve access to and delivery of services for older individuals, test innovative ideas and programs to serve older individuals, and provide technical assistance to agencies that administer the Older Americans Act.

The Committee has provided support at last year's level to continue the pilot project to test the best ways of using the skills of retired nurses, doctors, accountants and other professionals to train other seniors and to serve as expert resources to detect and stop Medicare fraud, waste and abuse. The Committee expects that these funds will be used to make grants and that administrative costs will be minimized. In addition, the Committee expects that an improved system will be developed and implemented in coordination with CMS and the OIG to track cases referred by this initiative.

The Committee is aware that the Centers for Disease Control and Prevention (CDC) reported that more than 10,000 seniors died in 1999 from fall-related injuries. CDC estimates that the direct costs to Medicare and Medicaid for falls-related care will exceed $32,000,000,000 in 2020. Given the unnecessary and premature loss of life and public expense associated with elder falls, the Committee encourages the Administration on Aging to oversee and support a national education campaign to reduce the risk of elder falls and prevent repeat falls. The campaign should be directed to elders, their families, and health care providers.

The Committee continues to support funding at no less than last year's level for national programs scheduled to be refunded in fiscal year 2003 that address a variety of issues, including elder abuse, native American issues and legal services.

Aging network support activities

The Committee recommends $2,379,000 for aging network support activities, the same as the comparable fiscal year 2002 amount and the budget request. The Committee recommendation includes $1,199,000 for Eldercare Locator. The Committee recommendation provides $1,180,000 for the pension information and counseling projects, the same as the comparable fiscal year 2002 level.

The Eldercare Locator, a toll-free, nationwide directory assistance service for older Americans and their caregivers, is operated by the National Association of Area Agencies on Aging. Since 1991, the service has linked more than 700,000 callers to an extensive network of resources for aging Americans and their caregivers. The Committee provided an increase of almost $340,000 to support expansion to the Internet of this information and referral service.

Pension counseling projects provide information, advice, and assistance to workers and retirees about pension plans, benefits, and how to pursue claims when pension problems arise. The information dissemination and outreach activities of the pension counseling projects have reached nearly 50,000 individuals. In addition, individualized counseling to more than 7,000 individuals has helped recoup more than $30,000,000 on behalf of older individuals.

Alzheimer's Disease Demonstration Grants to States

As a result of the aging of the baby boom generation, the number of individuals affected by Alzheimer's disease will double in the next 20 years. The Committee recommends a funding level of $14,000,000, an increase of $2,504,000 more than the comparable fiscal year 2002 level and $2,500,000 more than the administration's request, for Alzheimer's disease demonstration grants to States.

Currently, an estimated 70 percent of individuals with Alzheimer's disease live at home, where families provide the preponderance of care. For these families, caregiving comes at enormous physical, emotional and financial sacrifice. The Alzheimer's disease demonstration grant program currently provides matching grants to 32 States to stimulate and better coordinate services for families coping with Alzheimer's. With a relatively small amount of Federal support to provide the stimulus, States have found innovative ways to adapt existing health, long-term care, and community services to reach previously underserved populations, particularly minorities and those living in rural communities. Given the program's proven record of success, the Committee recommends an increase of $1,504,000 more than the comparable 2002 appropriation to expand the program to additional States. Given the enormous demands on Alzheimer's family caregivers, the Committee has included $1,000,000 to support an Alzheimer's family contact center for round-the-clock help to Alzheimer's families in crisis.

Program administration

The Committee recommends $17,986,000 to support Federal staff that administer the

programs in the Administration on Aging, $116,000 less than the comparable 2002 level and the same amount as the budget request. These funds provide administrative and management support for programs administered by the agency.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

Appropriations, 2002	$347,052,000
Budget estimate, 2003	384,395,000
Committee recommendation	374,386,000

The Committee recommends $374,386,000 for general departmental management [GDM]. This is $10,009,000 below the administration request and $27,334,000 above the fiscal year 2002 level. The Committee does not agree to the proposed consolidation of Public Affairs and Legislative Affairs functions in the Office of the Secretary. For this reason the Committee's recommendation does not include the $27,793,000 requested to transfer staff from the operating divisions to the Office of the Secretary. In addition, the Committee has denied the fiscal year 2003 bill language request, proposed in the budget, to transfer funds from accounts of the National Institutes of Health and the Agency for Healthcare Research and Quality within the Department for the purpose of consolidating all of HHS legislative and public affairs activities within the Office of the Secretary. The Committee has taken this action because of the concern that information necessary to make timely decisions by the Congress and requests for information by the public may be delayed by this consolidation.

The Committee recommendation includes $21,552,000 in appropriated funds which in previous years were provided through program evaluation funds. On a comparable basis, the Committee's recommendation reflects a decrease of $3,768,000 below the administration request. The Committee recommendation includes the transfer of $5,851,000 from Medicare trust funds, which is the same as the administration request and the fiscal year 2002 level.

The Committee directs that specific information requests from the chairman and ranking member of the Subcommittee on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committee on Appropriations in a prompt professional manner and within the time frame specified in the request. The Committee further directs that scientific information requested by the Committees on Appropriations and prepared by Government researchers and scientists be transmitted to the Committee on Appropriations, uncensored and without delay.

This appropriation supports those activities that are associated with the Secretary's role as policy officer and general manager of the Department. It supports certain health activities performed by the Office of Public Health and Science, including the Office of the Surgeon General. GDM funds also support the Department's centralized services carried out by several Office of the Secretary staff divisions, including personnel management, administrative and management services, information resources management, intergovernmental relations, legal services, planning and evaluation, finance and accounting, and external affairs.

The Office of the Surgeon General, in addition to its other responsibilities, provides leadership and management oversight for the PHS Commissioned Corps, including the involvement of the Corps in departmental emergency preparedness and response activities.

The Committee has provided $4,000,000 to support the activities of the United States-Mexico Border Health Commission as authorized by Public Law 103–400. The Commission is authorized to assess and resolve current and potential health problems that affect the general population of the United States-Mexico border area.

Chronic Fatigue.—The Committee is disappointed that the establishment of the Department's Chronic Fatigue Syndrome advisory committee, announced in January 2001, has been delayed and that the advisory committee's predecessor, the Chronic Fatigue Syndrome Coordinating Committee has not met since January 2001. These delays have jeopardized momentum and important partnerships between the member agencies and the CFS community. It is this Committee's expectation that the new advisory committee will not diminish the full partnership of involved agencies or the collaborative relationships among Federal agencies, scientists, and CFS advocates that have developed over recent years through the CFS Coordinating Committee. The Committee anticipates that the new advisory committee will further advance the efforts of the Department and the public health service agencies to address the scientific questions about CFS and the social service needs of persons with CFS.

Complementary and Alternative Medicine Policy.—The Committee is pleased with the strong work and final report of the White House Commission on Complementary and Alternative Medicine Policy. The Committee expects the Secretary to provide sufficient funds to establish an interagency coordinating unit to assist with the implementation of the Commission's recommendations and expects to receive a briefing on the Department's progress in this area by March 30, 2003.

Data Collection.—The Committee urges the Secretary to strengthen the Department's collection and reporting of data on health care enrollment, access and utilization by patients' race, ethnicity, primary language and socioeconomic status by all agencies engaged in, or receiving Federal funds for health-related activities. It is expected that all Federal, State, and other entities receiving Federal funds shall collect and report disaggregated data; that racial and ethnic data shall be reported by federally-defined categories, and by subpopulation groups. Measures of racial and ethnic disparities should be used in performance measurement and in monitoring the progress of federally-funded activities for the elimination of health disparities. As the Nation's leading health enterprise, the Department is expected to play a leadership role in assuring the collection and reporting of racial, ethnic and primary health-related data through written policy and sustained action and resources. The Secretary is urged to designate a central authority within the Department to oversee its policies in this area, as well as dissemination, implementation and compliance activities.

The Secretary must ensure that Federal datasets meet at least the minimum standards set by the Office of Management and Budget in 1997 and subsequent standards for maintaining, collecting, and presenting Federal data on race and ethnicity. Also, the Committee reminds the Secretary of OMB's requirement that the standards be adopted as soon as possible, but not later than January 1, 2003, for use in household surveys, administrative forms and records, and other data collections purposes.

Homelessness.—The Committee supports the administration's goal of ending chronic homelessness. The Committee encourages the various agencies within the Department to re-examine their program delivery mechanisms to ensure that resources, both targeted and mainstream, are reaching people who have been homeless for long periods of time.

The Committee also supports efforts to address chronic homelessness more effectively through better coordination of housing and support services at both the national policy and local service delivery levels. The Committee encourages the Department to seek opportunities to partner with the Department of Housing and Urban Development in providing service enriched supportive housing. The development of permanent supportive housing, that is, housing coupled with mental health, substance abuse and primary care supportive services, has been shown to be a highly effective model for addressing the needs of the chronically homeless. The Committee encourages Departmental program offices, including the Community Health Centers Program in HRSA, and the Centers for Mental Health Services, Substance Abuse Treatment, and Substance Abuse Prevention in SAMHSA to work with their grantees to identify opportunities for collaborating with local housing providers to develop permanent supportive housing.

The Committee urges the Department to study whether additional policies and protocols may be needed to ensure that persons being discharged from systems of care including mental health and substance abuse treatment programs and foster care have housing options to prevent such discharge from immediately resulting in homelessness.

Racial and Ethnic Disparities.—The Committee is deeply concerned about the results of a study released in March 2002 from the Institute of Medicine: *Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care*. The Committee is committed to ensuring the overall improved health of the American people, and strongly urges the Secretary to take the steps necessary to implement the study's recommendations, which offer significant guidelines and opportunities for eliminating health disparities and improving health. Specifically, all institutes and agencies are strongly encouraged to increase the representation of racial and ethnic minorities among health professionals, advance equity of care through the use of evidence-based guidelines, and promote the concept of multi-disciplinary treatment teams and community health workers who can help patients navigate through the health care system. The Committee expects the Secretary to report on the progress of this action during next year's appropriations hearings, and to include a progress update in the Department's Budget Justification.

Tick-Borne Disease.—The Committee urges the Secretary to consult with the biomedical community, community-based clinicians, voluntary organizations, patients and appropriate governmental agency officials to ensure coordination and communication regarding tick-borne diseases. These consultations may provide knowledge and support to the Secretary on matters of program oversight, performance, and priority setting for agencies that impact tick borne diseases.

Adolescent family life

The Committee has provided $31,124,000 for the Adolescent Family Life Program [AFL]. This is $2,198,000 more than the fiscal year

2002 appropriation and same as the administration request.

AFL is the only Federal program focused directly on the issue of adolescent sexuality, pregnancy, and parenting. Through demonstration grants and contracts, AFL focuses on a comprehensive range of health, educational, and social services needed to improve the health of adolescents, including the complex issues of early adolescent sexuality, pregnancy, and parenting.

Within the total provided, the Committee continues the prevention projects begun in fiscal year 1998, as well as new prevention projects. The Committee again expects the Department to fund new prevention projects which enable smaller communities to begin the organization and implementation of coalitions to implement abstinence-based education programs. The Committee again expects the Department, when announcing grant competitions, to provide a reasonable length of time for applicants to complete application packages, provide extensive technical assistance to applicants, with special assistance given to new applicants, and revise the terminology and instructions in grant applications to assure that the information being requested is as clear as possible.

Physical fitness and sports

The Committee recommends $1,223,000 for the Federal staff which supports the President's Council on Physical Fitness and Sports. This is the same as the budget request and $86,000 more than the fiscal year 2002 appropriation.

The President's Council on Physical Fitness and Sports serves as a catalyst for promoting increased physical activity/fitness and sports participation for Americans of all ages and abilities, in accordance with Executive Order 13265, as amended. The programs sponsored by PCPFS are supported largely through private sector partnerships.

The Committee has provided additional resources in this bill for a physical activity and nutrition initiative. The President's Council is urged to take a look at the Committee's recommendations and offer suggestions regarding how to coordinate between programs receiving funds for this purpose and how to build upon this initiative next year.

Minority health

The Committee recommends $46,329,000 for the Office of Minority Health. This is the same as the budget request and $3,228,000 less than the fiscal year 2002 appropriation.

The Office of Minority Health [OMH] focuses on strategies designed to decrease the disparities and to improve the health status of racial and ethnic minority populations in the United States. OMH establishes goals, and coordinates all departmental activity related to improving health outcomes for disadvantaged and minority individuals. OMH supports several demonstration projects, including the Minority Community Health Coalition, the Bilingual/Bicultural Service, the Center for Linguistic and Cultural Competency in Health Care, and the Family and Community Violence Prevention Program.

The Committee continues to recognize the need to recruit and train more minorities in the health professions. The Committee encourages the Office of Minority Health to support established programs that have a proven record of increasing the number of under-represented minorities entering the health professions.

Health Disparities.—The Committee commends the Secretary for designating the elimination of health disparities as a major priority for the Department, and is encouraged that the agencies within the Department are moving forward in this area as they develop, implement, and evaluate strategic plans for eliminating health disparities. The Committee expects the Office of Minority Health, along with the National Center for Minority Health and Health Disparities at the National Institutes of Health, to coordinate and monitor the implementation of the Department's elimination of health disparities strategic plans. The Committee expects the Secretary to report to Congress on the progress and implementation of the strategic plans during next year's appropriations hearings, and to include a progress update in the Department's Budget Justification.

National Minority Male Health Project.—The Committee continues to support this effort and urges the Office of Minority Health to fund a consortium of historically black colleges and universities (HBCUs) to plan for the implementation of this project. The Committee understands that Bowie State University, Lincoln University, Morehouse College, Morgan State University, and Wilberforce will all be part of the initial group of demonstration institutions. The Committee urges that OMH dedicate adequate funds to expand this effort to include at least five additional HBCUs as demonstration institutions.

Provider education.—The Committee encourages the Secretary to provide funding for HIPAA provider education geared specifically to home care and hospice providers. These funds should be used to assist providers in complying with HIPAA privacy and administrative simplification requirements.

Office on Women's Health

The Committee recommends $28,795,000 for the Office on Women's Health. This is the same as the administration request and $2,034,000 more than the fiscal year 2002 appropriation.

The PHS Office on Women's Health [OWH] develops, stimulates, and coordinates women's health research, health care services, and public and health professional education and training across HHS agencies. It advances important crosscutting initiatives and develops public-private partnerships, providing leadership and policy direction, and initiating and synthesizing program activities to redress the disparities in women's health.

The Committee remains strongly supportive of the work done by the Office on Women's Health in the Office of the Secretary. In addition to its own work advancing women's health, it provides critical coordinating services with offices located in NIH, CDC, HRSA, FDA, SAMHSA, AHRQ, and CMS. In totality, these offices assure that issues related to research, treatment, services, training, and education efforts by HHS reflect the distinct needs of women. The Secretary should notify the Committee in advance of any changes planned for the status, location, or reporting structure of this office or any of the offices enumerated above.

Office of Emergency Preparedness

The Committee has provided $15,247,000, which is the same as the budget request and $1,076,000 more than last year, for activities to counter the adverse health and medical consequences from major terrorist events. Within this amount, sufficient funds are provided for the Office of Emergency Preparedness to staff and administer this program, as well as the other OEP activities specified in the administration's request.

The Department has lead responsibility for health, medical, and health-related support under the Federal response plan to catastrophic disasters. On behalf of the Department, the Office of Emergency Preparedness assesses the potential health and medical consequences of a terrorist incident and to formulate necessary responses. The funds provided would support activities to build local, State, and Federal capacity to respond to terrorist acts with public health implications. Such activities would include assisting local emergency managers through the MMST system to build an enhanced capability to detect and identify biologic and chemical agents.

HIV/AIDS in minority communities

To address high-priority HIV prevention and treatment needs of minority communities heavily impacted by HIV/AIDS, the Committee recommends $50,000,000. These funds are available to key operating divisions of the Department with capability and expertise in HIV/AIDS services to assist minority communities with education, community linkages, and technical assistance.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2002	$35,727,000
Budget estimate, 2003	39,747,000
Committee recommendation	39,747,000

The Committee recommends an appropriation of $39,747,000 for the Office of Inspector General. This is the same as the administration request and $4,020,000 higher than the fiscal year 2002 level. In addition to discretionary funds, the Health Insurance Portability and Accountability Act of 1996 provides $160,000,000 in mandatory funds for the Office of the Inspector General in fiscal year 2003; the total funds provided to the Office by this bill and the authorizing bill would be $199,747,000 in fiscal year 2003.

The Office of Inspector General conducts audits, investigations, inspections, and evaluations of the operating divisions within the Department of Health and Human Services. The OIG functions with the goal of reducing the incidence of waste, abuse, and fraud. It also pursues examples of mismanagement toward the goal of promoting economy and efficiency throughout the Department.

The Committee commends the Office of Inspector General for their continued good work to reduce waste, fraud and abuse in Department programs. The Committee expects efforts to reduce Medicare mispayments will be continued and expanded. The Committee also wants to assure that seniors calling into the toll-free telephone line to report Medicare mispayments get a prompt and complete response.

OFFICE FOR CIVIL RIGHTS

Appropriations, 2002	$31,955,000
Budget estimate, 2003	33,642,000
Committee recommendation	33,642,000

The Committee recommends $33,642,000 for the Office for Civil Rights. This is the same as the administration request and $1,687,000 more than the fiscal year 2002 level.

This recommendation includes the transfer of $3,314,000 from the Medicare trust funds, which is the same as the administration request and the fiscal year 2002 level.

The Office for Civil Rights is responsible for enforcing civil rights-related statutes in health care and human services programs. To enforce these statutes, OCR investigates complaints of discrimination, conducts program reviews to correct discriminatory practices, and implements programs to generate

voluntary compliance among providers and constituency groups of health and human services.

POLICY RESEARCH

Appropriations, 2002	$2,500,000
Budget estimate, 2003	2,499,000
Committee recommendation	2,499,000

The Committee recommends $2,499,000 for policy research, which is the same as the administration request and $1,000 less than the fiscal year 2002 amount. The Committee also provides $18,000,000 in program evaluation funds, which will yield a program level of $20,499,000 in fiscal year 2003.

Funds appropriated under this title provide resources for research programs that examine broad issues which cut across agency and subject lines, as well as new policy approaches outside the context of existing programs. This research can be categorized into three major areas: health policy, human services policy, and disability, aging and long-term care policy.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

Appropriations, 2002	$262,075,000
Budget estimate, 2003	251,039,000
Committee recommendation	251,039,000

The Committee provides an estimated $251,039,000 for retirement pay and medical benefits for commissioned officers of the U.S. Public Health Service. This is the same as the administration request and is $11,036,000 below the estimated payments for fiscal year 2002.

This account provides for: retirement payments to U.S. Public Health Service officers who are retired for age, disability, or length of service; payments to survivors of deceased officers; medical care to active duty and retired members and dependents and beneficiaries; and for payments to the Social Security Administration for military service credits.

The Committee notes that, according to the budget request, the various agencies and operating divisions across the Department are expected to absorb $27,702,000 in retirement medical cost payments for Commissioned Corps Officers. Medical cost payments have traditionally been funded by this account. While the Committee understands that the transfer of responsibility is mandated in the Department of Defense Reauthorization Act of fiscal year 2002, the Committee is disturbed that the corresponding funds were not transferred to the operating divisions to cover these costs. Therefore, the Committee has included bill language mandating that the Retirement Pay and Medical Benefits for Commissioned Officers account continue to cover these costs in fiscal year 2003 as it has done in the past. The Committee expects that any future proposals by the administration for the operating divisions to pay these costs will include the funding required to do so.

HEALTH FACILITIES CONSTRUCTION AND MANAGEMENT FUND

Appropriations, 2002	
Budget estimate, 2003	$184,000,000
Committee recommendation	

The Committee recommendation does not include funding for this account. The administration proposed consolidating into this account the management of buildings and construction across the Department. Instead the Committee has included $270,000,000 for buildings and facilities in the CDC appropriation and $20,000,000 for CDC security in the PHSSEF appropriation.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

Appropriations, 2002	$2,707,263,000
Budget estimate, 2003	2,295,184,000
Committee recommendation	2,255,980,000

The Committee recommends $2,255,980,000 for the Public Health and Social Services Emergency Fund. This is $39,204,000 below the administration request and $451,283,000 below the fiscal year 2002 level. The Committee has provided funding for Poison Control and Emergency Medical Services for Children in HRSA instead of in this account as proposed by the administration. The Committee has fully funded the administration request when these amounts are included.

The Committee provides $940,000,000 to CDC for upgrading State and local capacity. This amount maintains funding at the level provided last year. The Committee has included $40,000,000 for the Health Alert Network. The Health Alert Network was established to provide ongoing communications, technology, information systems support and education and training to local public health agencies. The Committee recognizes the important role that HAN played during and after the events of September 11. The Committee is also aware that the broad public health infrastructure required is the same for bioterrorism preparedness as for other public health threats. The Committee also recognizes that ongoing support for communications, technology and information systems is necessary to ensure that broad-based public health capacity is improved and maintained. Given the investment made in the development of HAN, the Committee expects that CDC will move forward with the next logical phase of the network, which is to provide workforce training and education, support for organizational capacity building in local public health agencies and the creation of knowledge management systems required by public health practitioners.

The Committee directs CDC and the Department to assure that State HAN grantees spend no less than 85 percent of these funds at the local level for local public health improvement. Further, CDC and the Department are directed to ensure that any funds provided for training, communications and technology for bioterrorism be coordinated and used in collaboration with HAN where appropriate.

Of the total amount, the Committee recommends $158,700,000 for upgrading CDC capacity, which is an increase of $21,995,000 over the fiscal year 2002 level. The Committee recommends an additional $5,000,000 to CDC for public health preparedness centers in order to provide public health preparedness training to contiguous States. The Committee has also provided the following amounts for CDC: $300,000,000 for the National Pharmaceutical Stockpile, $100,000,0000 for the smallpox vaccine, $18,040,000 for evaluation and research of the anthrax vaccine, and $20,000,000 for security at CDC's facilities in Atlanta, including information technology security.

The Committee notes that these funds provided to CDC can be used to give assistance to States who want to use technology which allows for more rapid administration of vaccines on a massive scale in case of bioterrorism attack.

The Committee's recommendation includes $152,240,000 for the Office of the Secretary, an increase of $35,396,000 over fiscal year 2002. The Committee has provided $2,000,000 within this amount to the Office of Public Health and Science for activities related to the transformation and modernization of the Public Health Service (PHS) Commissioned Corps. Such a transformation will entail the following: (1) establishment of an integrated command and control structure, to provide the Secretary with the capacity to field proportional responses to emergencies while simultaneously strengthening the nation's public health infrastructure; and (2) modernization of the Corps to ensure that it is rapidly deployable and adaptable, capable of responding effectively to emergencies of varying intensities, able to integrate resources from various partner agencies into a unified response system, and directed via an integrated management and administration structure in the Department. These funds will allow an increase in recruitment for Corps health professionals, expand and enhance the Commissioned Corps Readiness Force, provide medical readiness education and training to Corps personnel, and establish a PHS Auxiliary system to provide locally-grouped professionals who can be deployed along with Corps teams.

The Committee also provides $547,000,000 to HRSA for bioterrorism activities. Of this amount, $492,000,000 is for hospital preparedness and infrastructure improvements related to bioterrorism. This is an increase of $357,000,000 over last year's level. The Committee provides $55,000,000 for curriculum development and training on the detection and treatment of diseases caused by bioterrorism. The Committee recommendation also includes $10,000,000 for SAMHSA and $5,000,000 for bioterrorism research at AHRQ.

The Committee directs the Secretary to use the $10,000,000 for SAMHSA to supplement the $20,000,000 available for the National Child Traumatic Stress Initiative within Programs of Regional and National Significance under the Center for Mental Health Services. With a total program level of $30,000,000 ($10,000,000 more than last year, excluding $10,000,000 in grants supported by Public Law 107–38), the Committee expects that SAMHSA will be able to increase the number of children and families served through the direct services provided by this program. In addition, the additional funding will promote improvements in treatment, training opportunities and public information efforts.

In addition to the funds provided in the PHSSEF, the Committee has provided $1,485,100,000 to NIH for bioterrorism-related activities. The aggregate amount provided in this bill for bioterrorism is $3,741,080,000.

The Committee notes that a bioterrorism event will occur at the local level and will require local capacity, preparedness and initial response. For this reason it was the intent of Congress that a significant amount of the funding provided in the Emergency Supplemental Act of 2002 (Public Law 107–117) be used to improve local public health capacity and meet the needs determined by local public health agencies. The Committee believes it is essential that local public health agencies are full partners in developing State plans and that a significant level of funding be made available to build local capacity and meet the needs as determined by local public health officials.

Therefore, the Committee directs the Department to report on steps it is taking to ensure that: (1) substantial funding reaches local public health agencies, and such funds are used to build local public health capacity

in ways with which local public health officials concur; and (2) local public health agencies are fully participating partners in developing State preparedness plans. The Department is directed to report to the Committee on the amounts of fiscal year 2002 funding that each State has spent or plans to spend to directly benefit or improve local public health capacity, and the amount each State has directly granted to local public health agencies. The Committee expects this report to be submitted 90 days after the enactment of this bill.

GENERAL PROVISIONS, DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Committee recommendation includes language placing a $50,000 ceiling on official representation expenses, which is $13,000 more than existing law (sec. 201).

The Committee recommendation includes language carried in fiscal year 2002 which limits the assignment of certain public health personnel (sec. 202).

The Committee recommendation retains language regarding set-asides in the authorizing statute of the National Institutes of Health (sec. 203).

The Committee recommendation retains a provision carried in fiscal year 2002 to limit the use of grant funds to pay individuals no more than an annual rate of Executive Level I (sec. 204).

The Committee recommendation retains language carried in fiscal year 2002 restricting the Secretary's use of taps for program evaluation activities unless he submits a report to the Appropriations Committees on the proposed use of funds (sec. 205).

The Committee recommendation includes language authorizing the transfer of up to 1.25 percent of Public Health Service funds for evaluation activities (sec. 206).

The Committee recommendation retains language restricting transfers of appropriated funds among accounts and requiring 15 day notification to both the House and Senate Appropriations Committees (sec. 207).

The Committee recommendation retains language carried in fiscal year 2002 permitting the transfer of up to 3 percent of AIDS funds among Institutes and Centers by the Director of NIH and the Director of the Office of AIDS Research at NIH (sec. 208).

The Committee recommendation retains language which requires that the use of AIDS research funds be determined jointly by the Director of the National Institutes of Health and the Director of the Office of AIDS Research and that those funds be allocated directly to the Office of AIDS Research for distribution to the Institutes and Centers consistent with the AIDS research plan (sec. 209).

The Committee recommendation retains language carried in fiscal year 2002 regarding requirements for family planning applicants (sec. 210).

The Committee recommendation retains language which restricts the use of funds to carry out the Medicare+Choice Program if the Secretary denies participation to an otherwise eligible entity (sec. 211).

The Committee recommendation retains language which States that no provider services under Title X of the PHS Act may be exempt from State laws regarding child abuse (sec. 212).

The Committee recommendation retains language carried in fiscal year 2002 extending the refugee status of persecuted religious groups (sec. 213).

The Committee recommendation retains language which prohibits the Secretary from withholding substance abuse treatment funds (sec. 214).

The Committee recommendation retains language carried in fiscal year 2002 which facilitates the expenditure of funds for international AIDS activities (sec. 215).

The Committee recommendation includes a new provision allowing the Division of Federal Occupational Health to use personal services contracting to employ professional, administrative, and occupational health professionals (sec. 216).

The Committee recommendation includes bill language which permits transfer of the Nutrition Services Incentives Program from USDA to AOA (sec. 217).

The Committee recommendation includes bill language that allows the NIH to expand the number of Morris K. Udall Parkinson's Disease Centers (sec. 218).

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

Appropriations, 2002	$12,346,900,000
Budget estimate, 2003	13,385,400,000
Committee recommendation	13,178,400,000

The Committee recommends an appropriation of $13,178,400,000 for education for the disadvantaged. This amount is $831,500,000 more than the fiscal year 2002 appropriation and $207,000,000 below the budget request.

The programs in the Education for the Disadvantaged account help ensure that poor and low-achieving children are not left behind in the Nation's effort to raise the academic performance of all children and youth. That goal is more pressing than ever since the passage of the No Child Left Behind Act, which incorporates numerous accountability measures into Title I programs, especially part A grants to local educational agencies—the largest Federal elementary and secondary education program.

In particular, the new law strengthens Title I accountability by requiring States to implement statewide accountability systems covering all public schools and students. These systems must be based on challenging State standards in reading and mathematics, annual statewide progress objectives ensuring that all groups of students reach proficiency in reading and math within 12 years, and annual testing for all students in grades 3–8. State progress objectives and assessment results must be broken out by poverty, race and ethnicity, disability, and limited English proficiency. States, school districts, and schools must report annually on their progress toward statewide proficiency goals. Districts and schools that fail to make adequate yearly progress (AYP) toward these goals will, over time, be subject to increasingly rigorous improvement, corrective action, and restructuring measures aimed at getting them back on course to meet State standards. Students attending schools that fail to meet annual State AYP objectives for 2 consecutive years will be permitted to transfer to a better public school or, if the school continues to fail to meet AYP for 3 years or more, to use Title I funds to obtain educational services from a public- or private-sector provider selected by their parents.

Grants to local educational agencies

Title I Grants to Local Educational Agencies (LEAs) provide supplemental education funding, especially in high-poverty areas, for local programs that provide extra academic support to help raise the achievement of eligible students or, in the case of schoolwide programs, help all students in high-poverty schools to meet challenging State academic standards. The program serves more than 15 million students in nearly all school districts and more than half of all public schools—including two-thirds of the Nation's elementary schools.

Title I schools help students reach challenging State standards through one of two models: ''targeted assistance'' that supplements the regular education program of individual children deemed most in need of special assistance, or a ''schoolwide'' approach that allows schools to use Title I funds—in combination with other Federal, State, and local funds—to improve the overall instructional program for all children in a school.

More than any other Federal program, Title I grants to LEAs are critical to the success of the No Child Left Behind Act. The Committee recommends $11,350,000,000 for this program, an increase of $1,000,000,000 over the 2002 appropriation and the same as the budget request.

The grants are distributed through four formulas: basic, concentration, targeted, and education finance incentive grant (EFIG).

For Title I basic grants, including the amount transferred to the Census Bureau for poverty updates, the Committee recommends an appropriation of $7,172,971,000, the same as the fiscal year 2002 appropriation and the budget request. Basic grants are awarded to school districts with at least 10 poor children who make up more than 2 percent of enrollment.

For concentration grants, the Committee recommends an appropriation of $1,365,031,000, the same as the fiscal year 2002 appropriation and the budget request. Funds under this program are distributed according to the basic grants formula, except that they go only to LEAs where the number of poor children exceeds 6,500 or 15 percent of the total school-aged population.

Last year, for the first time, Congress appropriated Title I funds through the EFIG and targeted formulas. This year, the Committee recommends allocating all of the increase through those two formulas.

The EFIG formula delivers a larger share of Title I funds to high-poverty school districts—those with child poverty rates in excess of 30 percent—than any other Title I formula, followed closely by the targeted grants formula. In addition, the EFIG formula uses State-level ''equity'' and ''effort'' factors to make allocations to States that are intended to encourage States to spend more on education and to improve the equity of State funding systems. Once State allocations are determined, suballocations to the LEA level are based on a modified version of the targeted grants formula, described below.

The Committee recommends an appropriation of $1,405,999,000 for education finance incentive grants. This amount is $612,500,000 more than the fiscal year 2002 appropriation and the budget request.

The targeted grants formula weights child counts to make higher payments to school districts with high numbers or percentages of poor students. For these grants, the Committee recommends an appropriation of $1,405,999,000, which is $387,500,000 more than the fiscal year 2002 appropriation and $612,500,000 below the budget request.

William F. Goodling Even Start Family Literacy Program

For the Even Start program, the Committee recommends $200,000,000, which is $50,000,000 below the fiscal year 2002 appropriation and the same as the budget request.

The Even Start program provides grants for family literacy programs that serve disadvantaged families with children under 8 years of age and adults eligible for services

under the Adult Education and Family Literacy Act. Programs combine early childhood education, adult literacy, and parenting education.

States receive funds on the basis of their proportion of Title I LEA grant allocations and make competitive 4-year grants to partnerships of local educational agencies and community-based organizations. Grant funds must be equitably distributed among urban and rural areas. The local share of program costs must increase from 10 percent in the first year to 40 percent in the 4th year, 50 percent in years 5 through 8, and 65 percent after 8 years.

Reading First State Grants

The Committee recommends $1,000,000,000, the same as the budget request and $100,000,000 more than the fiscal year 2002 appropriation, for the Reading First State Grants program.

Reading First is a comprehensive effort to provide States and LEAs with funds to implement comprehensive reading instruction for children in grades K–3. The purpose of the program is to help ensure that every child can read by third grade. LEAs and schools that receive funds under this program should use the money to provide professional development in reading instruction for teachers and administrators, adopt and use reading diagnostics for students in grades K–3 to determine where they need help, implement reading curricula that are based on scientific research, and provide reading interventions for children who are not reading at grade level.

Early Reading First

The Committee recommends $75,000,000, the same as the budget request and the fiscal year 2002 appropriation, for Early Reading First. Early Reading First complements Reading First State Grants by providing competitive grants to school districts and nonprofit groups to support activities in existing preschool programs that are designed to enhance the verbal skills, phonological awareness, letter knowledge, pre-reading skills, and early language development of children ages 3 through 5. Funds are to be targeted to communities with high numbers of low-income families.

Improving Literacy Through School Libraries

The Committee recommends $15,000,000 for the Improving Literacy Through School Libraries program. This amount is $2,500,000 more than the budget request and the fiscal year 2002 appropriation.

This program provides funds for urgently needed, up-to-date school library books and training for school library media specialists in order to support the scientifically based reading programs authorized by the Reading First initiative. LEAs with a child-poverty rate of at least 20 percent are eligible for the competitive awards. Funds may be used to acquire school library media resources, including books and advanced technology; facilitate resource-sharing networks among schools and school libraries; provide professional development for school library media specialists; and provide students with access to school libraries during non-school hours.

Migrant

For the State agency migrant program, the Committee recommends $400,000,000, which is $4,000,000 more than the budget request and the fiscal year 2002 appropriation.

The Title I migrant program authorizes grants to State educational agencies for programs to meet the special educational needs of the children of migrant agricultural workers and fishermen. Funds are allocated to the States through a statutory formula based on each State's average per-pupil expenditure for education and counts of migratory children ages 3 through 21 residing within the States. Only migratory children who have moved within the last 3 years are generally eligible to be counted and served by the program.

This appropriation also supports activities to improve interstate and intrastate coordination of migrant education programs.

Neglected and delinquent

The Committee recommends $50,000,000 for the Title I neglected and delinquent program. This amount is $2,000,000 more than the budget request and the fiscal year 2002 appropriation.

This program provides financial assistance to State educational agencies for education services to neglected and delinquent children and youth in State-run institutions and for juveniles in adult correctional institutions.

Funds are allocated to individual States through a formula based on the number of children in State-operated institutions and per-pupil education expenditures for the State.

States are authorized to set aside up to 10 percent of their neglected and delinquent funds to help students in State-operated institutions make the transition into locally operated programs. Transition activities are designed to address the high failure and dropout rate of institutionalized students and may include alternative classes, counseling and supervisory services, or educational activities in State-supported group homes.

Evaluation

The Committee bill includes $8,900,000, the same as the budget request and the fiscal year 2002 appropriation, for Title I evaluation activities. Evaluation funds are used to support large-scale national surveys that examine how the Title I program is contributing to student performance.

Comprehensive school reform

The Committee recommends no funds for this program. The budget included $235,000,000 for this program, the same amount provided in fiscal year 2002.

This program provides schools with funding to develop or adopt, and implement, comprehensive school reforms that will enable children in participating schools to meet State standards. The Department allocates funds to States based on their relative shares of the previous year's Title I basic grants funds.

Dropout prevention

The Committee recommends $13,000,000 to help schools implement effective school dropout prevention and re-entry programs. This amount is $3,000,000 more than the fiscal year 2002 appropriation. The administration requested no funds for this purpose.

Close Up Fellowships

For Close Up Fellowships, formerly called Ellender Fellowships, the Committee bill includes $1,500,000, the same as the fiscal year 2002 appropriation. The administration proposed eliminating this program, which is administered by the Close Up Foundation of Washington, D.C. The program provides fellowships to students from low-income families and their teachers to enable them to attend 1 week in Washington attending seminars and meeting with representatives of the three branches of the Federal Government.

Advanced Placement

The Committee recommends $25,000,000 for Advanced Placement. This amount is $3,000,000 more than the budget request and the fiscal year 2002 appropriation. The first priority of the program is to subsidize test fees for low-income students who are enrolled in an Advanced Placement class and plan to take an Advanced Placement test. The balance of the funds are allocated for Advanced Placement Incentive Program grants, which are used to expand access for low-income individuals to Advanced Placement programs. Eligible activities include teacher training and participation in online Advanced Placement courses, among other related purposes.

High school equivalency program

The Committee bill includes $24,000,000 for the high school equivalency program (HEP). This amount is $1,000,000 more than the budget request and the fiscal year 2002 appropriation.

This program provides 5-year grants to institutions of higher education and other nonprofit organizations to recruit migrant students ages 16 and over and provide the academic and support services needed to help them obtain a high school equivalency certificate and subsequently gain employment, win admission to a postsecondary institution or a job-training program, or join the military. Projects provide counseling, health services, stipends, and placement assistance. HEP serves about 8,000 migrants.

College Assistance Migrant Program

For the College Assistance Migrant Program (CAMP), the Committee recommends $16,000,000, which is $1,000,000 more than the budget request and the fiscal year 2002 appropriation.

Funds provide 5-year grants to institutions of higher education and nonprofit organizations for projects that provide tutoring, counseling, and financial assistance to migrant students during their first year of postsecondary education. Projects also may use up to 10 percent of their grants for follow-up services after students have completed their first year of college, including assistance in obtaining student financial aid.

IMPACT AID

Appropriations, 2002	$1,143,500,000
Budget estimate, 2003	1,140,500,000
Committee recommendation	1,176,500,000

The Committee recommends an appropriation of $1,176,500,000 for impact aid for the Department of Education. This amount is $36,000,000 more than the budget request and $33,000,000 more than the fiscal year 2002 appropriation.

Impact aid provides financial assistance to school districts for the costs of educating children when enrollments and the availability of revenues from local sources have been adversely affected by the presence of Federal activities. Children who reside on Federal or Indian lands generally constitute a financial burden on local school systems because these lands do not generate property taxes—a major revenue source for elementary and secondary education in most communities. In addition, realignments of U.S. military forces at bases across the country often lead to influxes of children into school districts without producing the new revenues required to maintain an appropriate level of education.

Basic support payments.—The Committee recommends $1,012,500,000 for basic support payments. This amount is $30,000,000 more than the budget request and the fiscal year 2002 appropriation. Under statutory formula, payments are made on behalf of all categories of federally connected children.

Payments for children with disabilities.—Under this program, additional payments are made for certain federally connected children eligible for services under the Individuals with Disabilities Education Act. The Committee bill includes $52,000,000 for this purpose. This amount is $2,000,000 more than the fiscal year 2002 level and the budget request.

Facilities maintenance.—This activity provides funding for maintaining certain school facilities owned by the Department of Education. The Committee recommends $8,000,000, the same as the budget request and the fiscal year 2002 level, for this purpose.

Construction.—Payments are made to eligible LEAs to be used for construction and renovation of school facilities, or for debt service related to the construction of school facilities. The Committee recommends $47,000,000 for this program. This amount is $2,000,000 more than the budget request and $1,000,000 below the fiscal year 2002 appropriation.

Payments for Federal property.—These payments compensate local educational agencies in part for revenue lost due to the removal of Federal property from local tax rolls. Payments are made to LEAs that have a loss of tax base of at least 10 percent of assessed value due to the acquisition since 1938 of real property by the U.S. Government. The Committee recommends $57,000,000 for this activity. This amount is $2,000,000 more than the budget request and the fiscal year 2002 appropriation.

SCHOOL IMPROVEMENT PROGRAMS

Appropriations, 2002	$7,837,473,000
Budget estimate, 2003	6,784,484,000
Committee recommendation	7,788,329,000

The Committee recommends an appropriation of $7,788,329,000 for school improvement programs. This is $1,003,845,000 more than the budget request and $49,144,000 less than the fiscal year 2002 appropriation.

State grants for improving teacher quality

The No Child Left Behind Act requires States to ensure that all teachers teaching in core academic subjects are ''highly qualified'' by the end of the 2005–2006 school year. The Committee recommends $2,850,000,000, the same as the budget request and the fiscal year 2002 appropriation.

States and LEAs may use the funds for a range of activities related to the certification, recruitment, professional development and support of teachers. Activities may include reforming teacher certification and licensure requirements, addressing alternative routes to State certification of teachers, recruiting teachers and principals, and implementing teacher mentoring systems, teacher testing, merit pay and merit-based performance systems.

These funds may also be used by districts to hire teachers to reduce class sizes. The Committee recognizes that smaller classes, particularly in the early grades, can have a positive impact on students by improving classroom discipline, providing students with more individualized attention, and allowing parents and teachers to work more closely together. Funds within the teacher quality State grants program may be used to continue this commitment to our Nation's students, parents and teachers, without taking away from other efforts to invest in professional development.

Improving teacher quality: National activities

The Committee recommends $40,000,000 for professional development national activities. This amount is $5,000,000 more than the fiscal year 2002 appropriation and $25,000,000 more than the budget request. Within those funds, $15,000,000 is included for professional development activities for early childhood educators and caregivers in high-poverty communities. This amount is the same as the fiscal year 2002 appropriation and the budget request. In addition, $10,000,000, the same as the fiscal year 2002 appropriation, is included for the National Board for Professional Teaching Standards. The administration requested no funds for this purpose. Finally, the Committee recognizes the critical role that principals play in creating an environment that fosters good teaching and high academic achievement. Therefore, the Committee recommends $15,000,000 for the school leadership program, which provides competitive grants to assist high-need LEAs to recruit and train principals and assistant principals through activities such as professional development and training programs. This amount is $5,000,000 more than the fiscal year 2002 appropriation; the administration requested no funds for this purpose.

Mathematics and science partnerships

For mathematics and science partnerships, the Committee recommends $25,000,000, which is $12,500,000 more than the fiscal year 2002 appropriation and the budget request. These funds will be used to improve the performance of students in the areas of math and science by bringing math and science teachers in elementary and secondary schools together with scientists, mathematicians, and engineers to increase the teachers' subject-matter knowledge and improve their teaching skills. The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the entities to pay the Federal share of the costs of developing or redesigning more rigorous mathematics and science curricula that are aligned with State and local standards; creating opportunities for enhanced professional development that improves the subject-matter knowledge of math and science teachers; recruiting math and science majors; and improving and expanding training of math and science teachers, including the effective integration of technology into curricula and instruction.

Troops-to-Teachers

This program supports the Defense Department's Troops to Teachers program, which helps prepare retiring military personnel to teach in high-poverty school districts. The Secretary of Education transfers program funds to the Department of Defense for the Defense Activity for Non-Traditional Education Support to provide assistance, including stipends of up to $5,000, to eligible members of the armed forces so that they can obtain teacher certification or licensing. In addition, the program helps these individuals find employment in a school. The Committee recommends $20,000,000, the same as the budget request, for this program. This amount is $2,000,000 more than the fiscal year 2002 appropriation.

Transition to teaching

This program provides grants to help support efforts to recruit, train, and place nontraditional teaching candidates into teaching positions and to support them during their first years in the classroom. In particular, this program is intended to attract mid-career professionals and recent college graduates. Program participants are placed in high-need schools in high-need LEAs. The Committee recommends $35,000,000, a decrease of $4,400,000 below the budget request and the same as the fiscal year 2002 appropriation.

Innovative education program strategies State grants

The Committee recommends $385,000,000 for innovative education program strategies State grants. This amount is the same as the fiscal year 2002 appropriation and the budget request.

The innovative education program provides support to States and LEAs in developing education reform initiatives that will improve the performance of students, schools and teachers.

Educational technology state grants

The Committee recommends $700,500,000 for educational technology State grants. This amount is the same as the budget request and the fiscal year 2002 appropriation.

This program supports efforts to integrate technology into curricula to improve student learning. Funds flow by formula to States and may be used for the purchase of hardware and software, teacher training on integrating technology into the curriculum, and efforts to use technology to use technology to improve communication with parents, among other related purposes. An LEA must use at least 25 percent of its formula allocation for professional development in the integration of technology into the curricula unless it can demonstrate that it already provides such professional development.

Ready to Learn Television

The Committee recommends an appropriation of $24,000,000 for the Ready to Learn Television program. This amount is $2,000,000 more than the budget request and the fiscal year 2002 appropriation.

Ready to Learn Television supports the development and distribution of educational television programming designed to improve the readiness of preschool children to enter kindergarten and elementary school. The program also supports the development, production, and dissemination of educational materials designed to help parents, children, and caregivers obtain the maximum advantage from educational programming.

Preparing Tomorrow's Teachers to Use Technology

The Committee recommends $62,500,000, which is the same as the fiscal year 2002 appropriation, for the Preparing Tomorrow's Teachers to Use Technology (PT3) program. The administration requested no funds for this purpose.

The Committee strongly believes that this program should be preserved. Teacher preparation is critical to ensuring that the Nation's substantial investment in education technology is used effectively. Too often, however, it is mistakenly assumed that just because prospective teachers may know how to use technology in their daily lives, they automatically understand how to integrate it into curricula. Without a program designated specifically to promote high-quality teacher preparation in technology, the Committee fears that States are unlikely to devote adequate funds for this purpose from larger block programs that they rely on to address a myriad of other pressing needs, from recruiting teachers and reducing class sizes to buying new hardware and upgrading distance learning capabilities.

Funds are used to assist consortia of private and public entities to prepare prospective teachers to use technology effectively in the classroom. Consortia consist of at least one institution of higher education, one State or local educational agency, and one

other entity. Of the amount appropriated, the Committee urges the Department to allocate all funds that are not used for continuation costs for the purpose of issuing a new, multi-year grant competition.

21st Century Community Learning Centers

The Committee recommends an appropriation of $1,000,000,000 for the 21st Century Community Learning Centers program. This amount is the same as the budget request and the fiscal year 2002 appropriation.

This program enables communities to establish or expand community learning centers that provide activities offering significant extended learning opportunities, such as before- and after-school programs, for students and related services to their families. Centers must target their services on students who attend schools that are eligible to operate a schoolwide program under Title I of the Elementary and Secondary Education Act or serve high percentages of students from low-income families.

Safe and drug-free schools and communities

The Committee recommends a total of $644,250,000 for activities to promote safe and drug-free schools and communities. This amount is $10,000,000 less than the fiscal year 2002 appropriation and the same as the budget request.

State grant program.—The Committee bill provides $482,017,000 for the safe and drug-free schools and communities State grant program. This amount is $10,000,000 more than the fiscal year 2002 appropriation and the budget request.

National programs.—The Committee has included $162,233,000 for the national programs portion of the safe and drug-free schools program. This amount is $20,000,000 less than the fiscal year 2002 appropriation and $10,000,000 less than the budget request. The Committee intends that $5,000,000 shall be used for Project SERV (School Emergency Response to Violence), which provides education-related services to LEAs in which the learning environment has been disrupted due to a violent or traumatic crisis. The budget request included $10,000,000 for Project SERV. However, the Committee will monitor the availability of funding and consider action in subsequent appropriations bills. The funds provided for Project SERV are available until expended.

The Committee is aware of the increasing problem of alcohol and drug abuse on college campuses. Therefore, it has included $850,000 to continue the National Recognition Awards program under the same guidelines outlined by Section 120(f) of Public Law 105–244. This program identifies and provides models of alcohol and drug abuse prevention and education programs in higher education. The Committee is disappointed that the Department did not fund this program last year, as requested in Senate report language. The Committee strongly urges the Department to resume funding in fiscal year 2003.

Modifications made to the Safe and Drug Free Schools Program in Section 4114(a)(1) of the No Child Left Behind Act may have created dramatic changes in funding for some LEAs. The Committee understands that no data have been compiled to show the nationwide breakdown of these funding changes at the LEA level. Therefore, the Committee requests that the Department gather this information and report back to Congress no later than May 1, 2004, with its findings.

Magnet schools assistance

For the magnet schools assistance program, the Committee bill provides $110,000,000, the same as the budget request and the fiscal year 2002 appropriation.

This program supports grants to local educational agencies to establish and operate magnet schools that are part of a court-ordered or federally approved voluntary desegregation plan. Magnet schools are designed to attract substantial numbers of students from different social, economic, ethnic, and racial backgrounds. Grantees may use funds for teacher salaries, purchase of computers, and other educational materials and equipment.

Charter schools

The Committee recommends $200,000,000 for the support of charter schools. This amount is the same as the budget request and the fiscal year 2002 appropriation.

This program supports the planning, development, and initial implementation of charter schools, which are public schools that receive exemption from many statutory and regulatory requirements in exchange for promising to meet agreed-upon accountability measures. State educational agencies that have the authority under State law to approve charter schools are eligible to compete for grants. If an eligible SEA does not participate, charter schools from the State may apply directly to the Secretary.

Credit enhancement for charter school facilities

The Committee recommends no funding for this new program. The budget request included $100,000,000 for this purpose.

Voluntary public school choice

The Committee recommends $27,584,000, which is $2,584,000 above the budget request and the fiscal year 2002 appropriation, for efforts to establish or expand State- or district-wide public school choice programs, especially for parents whose children attend low-performing public schools.

Choice demonstration fund

The Committee recommends no funding for this new program. The budget request included $50,000,000 for this purpose.

State assessments and enhanced assessment instruments

A key accountability measure in the No Child Left Behind Act requires annual State assessments in reading and mathematics for all students in grades 3–8 beginning in the 2005–2006 school year. The new assessments will be used to determine whether States, LEAs, and schools are making adequate yearly progress toward the goal of helping all students attain proficiency within 12 years of the 2001–2002 school year.

This program has two components. The first provides formula grants to States to pay the cost of developing standards and assessments required by the new law. The statute includes funding ''trigger amounts'' for fiscal years 2002–2007; States may defer the new assessments if the appropriation falls below the trigger level. The trigger was $370,000,000 for fiscal year 2002 and rises to $380,000,000 in fiscal year 2003. Under the second component, appropriations in excess of the trigger level are used for the Grants for Enhanced Assessment Instruments program. This competitive grant program supports efforts by States to improve the quality and fairness of their assessment systems.

Congress appropriated a total of $387,000,000 for the two programs in fiscal year 2002—$370,000,000 for State assessments and $17,000,000 for enhanced assessment instruments. The administration has requested the same total for fiscal year 2003, with $380,000,000 dedicated to State assessments and $7,000,000 to enhanced assessment instruments. The Committee recommends an appropriation of $387,000,000, same as the budget request and the fiscal year 2002 appropriation.

Education for homeless children and youth

For carrying out education activities authorized by Title VII, subtitle B of the Stewart B. McKinney Homeless Assistance Act, the Committee recommends $54,000,000, which is $4,000,000 more than the budget request and the fiscal year 2002 appropriation.

This program provides assistance to each State to support an office of the coordinator of education for homeless children and youth, to develop and implement State plans for educating homeless children, and to make subgrants to LEAs to support the education of those children. Grants are made to States based on the total that each State receives in Title I grants to LEAs.

Training and advisory services

For training and advisory services authorized by Title IV of the Civil Rights Act, the Committee recommends $7,334,000, the same as the budget request and the fiscal year 2002 appropriation.

The funds provided will continue operation of the 10 regional equity assistance centers (EACs). Each EAC provides services to school districts upon request. Activities include disseminating information on successful practices and legal requirements related to nondiscrimination on the basis of race, color, sex, or national origin in education programs.

Education for Native Hawaiians

For programs for the education of Native Hawaiians, the Committee bill includes $32,500,000, which is $14,200,000 more than the budget request and $2,000,000 more than the fiscal year 2002 appropriation. The Committee urges the Department to continue its eight programmatic funding level allocations of last year and, further, to provide $2,000,000 for early childhood education. The Committee remains supportive of the funding for construction/co-location activities within those public schools heavily impacted by a high proportion of Native Hawaiian students.

The Committee includes bill language making a minor change in the Native Hawaiian section of the No Child Left Behind Act to reflect a provision included by the Senate in its version of the legislation.

Prisoner education.—Native Hawaiians continue to represent a major, if not the largest, ethnic group in the State's prison system. The Committee recognizes the importance of reintegrating Native Hawaiian youth into school settings or onto a career path and job placement through comprehensive, culturally sensitive individual and family counseling; educational skills training; and employment training/job placement. Over the past several years, efforts in this area have shown significant progress. Efforts should target Native Hawaiian youth in districts with high percentages of school dropouts and youth offenders.

Alaska Native educational equity

The Committee recommends $32,500,000 for the Alaska Native educational equity assistance program. This amount is $18,300,000 more than the budget request and $8,500,000 more than the fiscal year 2002 appropriation.

These funds address the severe educational handicaps of Alaska Native schoolchildren. Funds are used for the development of supplemental educational programs to benefit Alaska Natives.

The Committee has included bill language making minor corrections in the Alaska Native section of Public Law 107–110.

Rural education

The Committee recommends $175,000,000, an increase of $12,500,000 over the fiscal year 2002 appropriation, for rural education programs. The administration requested no funds for this purpose.

The Committee strongly supports the continued use of Federal funding specifically for rural education. Rural schools face difficult challenges in meeting the mandates in the No Child Left Behind Act, particularly in the areas of attracting highly qualified teachers and adapting to new assessment requirements and reporting expectations. The rural education programs that were funded for the first time last year are intended to help level the playing field for small and high-poverty rural school systems that typically receive less Federal formula funding than their urban and suburban counterparts, and are frequently unable to compete for competitive grants. In addition to providing more total funding for such districts, the program also allows the districts to combine funds from four categorical programs and use the money to address their highest priorities, such as recruiting teachers, purchasing technology, or upgrading curricula.

Rural education funding should be equally divided between the Small, Rural Schools Achievement Program, which provides funds to LEAs that serve a small number of students, and the Low-Income and Rural Schools Program, which provides funds to LEAs that serve concentrations of poor students, regardless of the number of students served.

Mentoring

The Committee recommends $17,500,000 to support mentoring programs and activities for children who are at risk of failing academically, dropping out of school, or getting involved in criminal or delinquent activities, or who lack strong positive role models. This amount is the same as the fiscal year 2002 appropriation; the administration requested no funds for this program.

Fund for the Improvement of Education

The Committee recommends an appropriation of $735,661,000 for the Fund for the Improvement of Education (FIE). This amount is $97,228,000 below the fiscal year 2002 appropriation and $651,661,000 more than the budget request.

Programs of national significance: Within the amount recommended, the Committee includes $380,416,000 for programs of national significance. This amount is $3,539,000 below the fiscal year 2002 appropriation and $345,416,000 more than the budget request. The recommendation includes no funds for comprehensive school reform demonstrations. The administration requested no funds for this purpose.

Also within programs of national significance, the Committee has included $1,000,000—as part of its preventing and reversing heart disease initiative—for programs to teach school children and teachers coping skills to help ease the short- and long-term effects of stress. Programs such as these have been scientifically proven to improve students' self-esteem, self-efficacy, control, grade point average, work habits, memory and cooperation.

Character education: The Committee recommends $25,000,000 to provide support for the design and implementation of character education programs. This amount is the same as the budget request and the fiscal year 2002 appropriation.

Reading Is Fundamental/Inexpensive book distribution: The Committee recommends $27,000,000 to award a contract to Reading Is Fundamental, Inc. (RIF) to provide reading-motivation activities. This amount is $3,000,000 more than the budget request and the fiscal year 2002 appropriation. RIF, a private nonprofit organization, encourages reading both inside and outside school by allowing youngsters to select books to keep at home. Federal funds provide up to 75 percent of the costs of books.

Smaller learning communities: The Committee recommends no funding for this purpose, as did the administration. In fiscal year 2002 $142,189,000 was provided for this activity.

The administration recommended eliminating the 11 programs below. The Committee has rejected that recommendation.

Elementary school counseling: The Committee includes $32,500,000 to establish or expand counseling programs in elementary schools. This amount is the same as the fiscal year 2002 appropriation.

Javits gifted and talented education: The Committee has included $11,250,000 for the Javits Gifted and Talented Students Education Program. This amount is the same as the fiscal year 2002 appropriation. This program authorizes awards to State and local education agencies, institutions of higher education, and other public and private agencies for research, demonstration, and training activities designed to enhance the capability of elementary and secondary schools to meet the special educational needs of gifted and talented students.

Star Schools: The Committee recommends $27,520,000 for the Star Schools program. This amount is the same as the fiscal year 2002 appropriation. The Star Schools program is designed to improve instruction in math, science, foreign languages, and other subjects such as vocational education, to underserved populations by means of telecommunications technologies.

Ready to Teach: The Committee recommends $17,000,000 for two Ready to Teach programs. This amount is $5,000,000 more than the fiscal year 2002 appropriation. The Committee includes $12,000,000 for Teacherline and one or more other nonprofit entities, for the purpose of developing national telecommunications-based programs to improve teaching in core curricular areas, and $5,000,000 for digital educational programming grants, which allow local public television stations, in partnership with State and local educational agencies, institutions of higher education, nonprofit groups, and businesses to develop digital instructional materials for classroom use.

Foreign language assistance: The Committee recommends $18,500,000, which is $4,500,000 more than the fiscal year 2002 appropriation, for competitive grants to increase the quality and quantity of foreign language instruction. The Committee intends that none of the Foreign Language Assistance program funds should be used for the Foreign Language Incentive program.

Carol M. White Physical Education for Progress: The Committee recommends $70,000,000 to help LEAs and community-based organizations initiate, expand and improve physical education programs for students in grades K–12. This amount is $20,000,000 more than the fiscal year 2002 appropriation.

Community technology centers: The Committee recommends $32,475,000, the same amount as the fiscal year 2002 appropriation, for community technology centers. Community technology centers provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training. They can provide, among other things, preschool and after-school programs, adult education and literacy, and workforce development and training.

Exchanges with historic whaling and trading partners: The Committee recommends $10,000,000 to provide educational, cultural, apprenticeship, and exchange programs for Alaska Natives, Native Hawaiians and their historical whaling and trading partners in Massachusetts. This amount is $5,000,000 more than the fiscal year 2002 appropriation.

Arts in education: The Committee has included $36,000,000 for arts in education. This amount is $6,000,000 more than the fiscal year 2002 appropriation. Within the total, $6,000,000 is for the John F. Kennedy Center for the Performing Arts; $7,000,000 is for VSA arts; $10,000,000 is for the competitive art education model grant program for the development and model projects that effectively strengthen and integrate the arts and cultural partnerships into the core curriculum; $7,000,000 is for grants for professional development for music, dance, drama and visual arts educators to be administered by the U.S. Department of Education; $2,000,000 is for national evaluation and dissemination of information regarding funded model programs and professional development projects; $1,000,000 is for media literacy projects focused on violence prevention; and $3,000,000 is for cultural partnerships for at-risk youth. When awarding grants for professional development of music educators, the Department is urged to put a priority on preparing and retaining teachers in underserved rural and urban areas, including music teachers who enter the profession through alternative certification.

Parental assistance: The Committee recommends $45,000,000 for Parental Information and Resource Centers, which provide training, information, and support to parents, State and local education agencies, and other organizations that carry out parent education and family involvement programs. This amount is $5,000,000 above the fiscal year 2002 appropriation.

Women's educational equity: The Committee includes $3,000,000, the same as the fiscal year 2002 appropriation, for the women's educational equity program. This program supports projects that assist in the local implementation of gender equity policies and practices.

Community service for expelled or suspended students

The Committee recommends $50,000,000, the same as the fiscal year 2002 appropriation, for formula grants to States to carry out programs under which students who are expelled or suspended from school are required to perform community service. The administration requested no funds for this purpose.

Alcohol abuse reduction

The Committee recommends $25,000,000, the same as the fiscal year 2002 appropriation, for grants to LEAs to develop and implement programs to reduce underage drinking in secondary schools. The administration requested no funds for this purpose. The Committee directs the Department and the Substance Abuse and Mental Health Services Administration (SAMHSA) in the Department of Health and Human Services to work together on this effort.

Teaching of traditional American history

The Committee recommends $100,000,000, the same as the fiscal year 2002 appropriation, for the instruction of American history

in elementary and secondary education. This amount is $50,000,000 more than the budget request. Grants are limited to activities that are related to American history, and cannot be used for social studies coursework. Grant awards are designed to augment the quality of American history instruction and to provide professional development activities and teacher education in the area of American history. The Committee directs the Department to continue its current policy of awarding 3-year grants.

Civic education

The Committee recommends $30,000,000, which is $3,000,000 more than the fiscal year 2002 appropriation, for grants to improve the quality of civics and government education, to foster civic competence and responsibility, and to improve the quality of civic and economic education through exchange programs with emerging democracies. The administration requested no funds for this purpose.

Program funds support the Cooperative Education Exchange and We the People programs. The Committee recommends $12,000,000, which is $1,200,000 more than the fiscal year 2002 appropriation, for the Cooperative Education Exchange program, formerly called the International Education Exchange program.

Of these funds, the Committee has included $4,500,000 for the Center for Civic Education and $4,500,000 for the National Council on Economic Education. The remaining $3,000,000 should be used for a competitive grant program for civics and government education, and for economic education.

The Committee recommends $18,000,000, which is $1,800,000 more than the fiscal year 2002 appropriation, for the nonprofit Center for Civic Education to support the We the People program. We the People has two components: the Citizen and the Constitution, which provides teacher training and curriculum materials for upper elementary, middle, and high school students; and Project Citizen, a program for middle school that focuses on the role of State and local governments in the American Federal system. Within the amount recommended for the We the People program, the Committee intends that $3,000,000 be used to continue the comprehensive program to improve public knowledge, understanding, and support of American democratic institutions. The Committee also intends that $1,500,000 be used to continue the school violence prevention demonstration program.

National Writing Project

The Committee recommends $18,000,000, which is $4,000,000 more than the fiscal year 2002 appropriation, for the National Writing Project. The administration recommended eliminating this program.

These funds are awarded to the National Writing Project, a nonprofit organization that supports and promotes K–16 teacher training programs in the effective teaching of writing.

INDIAN EDUCATION

Appropriations, 2002	$120,368,000
Budget estimate, 2003	122,368,000
Committee recommendation	122,368,000

The Committee recommends $122,368,000, the same as the budget request, for Indian education programs. This amount is $2,000,000 more than the fiscal year 2002 appropriation.

Grants to local education agencies

For grants to local education agencies, the Committee recommends $97,133,000, the same as the budget request and the fiscal year 2002 appropriation. These funds provide financial support to reform elementary and secondary school programs that serve Indian students, including preschool children. Funds are awarded on a formula basis to local educational agencies and schools supported and operated by the Bureau of Indian Affairs.

Special programs for Indian children

The Committee recommends $20,000,000 for special programs for Indian children. This amount is the same as the budget request and the fiscal year 2002 appropriation. Funds are used for demonstration grants to improve Indian student achievement through early childhood and preschool education programs, and for professional development grants for training Indians who are preparing to begin careers in teaching and school administration.

National activities

The Committee recommends $5,235,000, the same as the budget request, for national activities. This amount is $2,000,000 more than the fiscal year 2002 appropriation. The increased funds will be used to expand efforts to improve research, evaluation, and data collection on the status and effectiveness of Indian education programs.

ENGLISH LANGUAGE ACQUISITION

Appropriations, 2002	$665,000,000
Budget estimate, 2003	665,000,000
Committee recommendation	690,000,000

The Committee recommends an appropriation of $690,000,000 for English language acquisition, an increase of $25,000,000 more than the budget request and the fiscal year 2002 appropriation. The Department makes formula grants to States based on each State's share of the Nation's limited-English-proficient and recent immigrant student population. The program is designed to increase the capacity of States and school districts to address the needs of these students.

SPECIAL EDUCATION

Appropriations, 2002	$8,672,804,000
Budget estimate, 2003	9,687,804,000
Committee recommendation	9,691,424,000

The Committee strongly supports legislative measures that would fulfill the Federal Government's responsibility for paying its share of special education costs, as described in the Individuals with Disabilities Education Act (IDEA). The Committee notes that the Senate Budget Committee included in its budget resolution a measure to pay for increases in special education grants to States using mandatory funding, rather than discretionary funding.

In the meantime, the Committee recommends $9,691,424,000 for special education programs authorized by the IDEA. This amount is $1,018,620,000 more than the fiscal year 2002 appropriation and $3,620,000 more than the budget request.

Grants to states

The Committee recommends $8,528,533,000 for special education grants to States, as authorized under part B of the IDEA. The amount recommended is $1,000,000,000 more than the fiscal year 2002 appropriation and the same as the budget request. This program provides formula grants to assist States in meeting the costs of providing special education and related services for children with disabilities.

The Committee's recommended funding level represents approximately 18 percent of the average per-pupil expenditure, compared with 17 percent under the fiscal year 2002 appropriation.

Preschool grants

The Committee recommends $390,000,000 for preschool grants. This amount is the same as the fiscal year 2002 appropriation and the budget request. The preschool grants program provides formula grants to States to make available special education and related services for children with disabilities aged 3 through 5.

Grants for infants and families

The Committee bill provides $437,000,000, the same as the budget request, for grants for the infants and families program under part C of the IDEA. This amount is $20,000,000 more than the fiscal year 2002 appropriation. This program provides formula grants to States to implement statewide systems of coordinated, comprehensive, multidisciplinary interagency programs to make available early intervention services to all children with disabilities, ages 2 and under, and their families.

State improvement

For State improvement grants, the bill provides $51,700,000, the same as the fiscal year 2002 appropriation and the budget request. This program provides competitive grants to State educational agencies to assist them, in partnership with parents, teachers, institutions of higher education, interest groups, and others, to improve results for children with disabilities by reforming and improving their educational systems.

Research and innovation

The Committee has included $70,000,000, which is $8,380,000 below the budget request and the fiscal year 2002 appropriation, for research and innovation. This program supports competitive awards to produce and advance the use of knowledge to improve services and results for children with disabilities.

The Committee's recommendation does not include any funding for the research agenda of the President's Commission on Excellence in Special Education. The Committee believes that funding for that purpose should be considered following the IDEA reauthorization, along with measures to fully fund the part B State grants program.

Technical assistance and dissemination

The Committee recommends $53,481,000, the same as the fiscal year 2002 level and the budget request, for technical assistance and dissemination. Awards support institutes, regional resource centers, clearinghouses, and other efforts to build State and local capacity to make systemic changes and improve results for children with disabilities.

Personnel preparation

The Committee recommends $95,000,000 for the personnel preparation program. This amount is $5,000,000 more than the fiscal year 2002 appropriation and the budget request. Funds support competitive awards to help address State-identified needs for qualified personnel to work with children with disabilities, and to ensure that these personnel have the skills and knowledge they need to serve these children.

The Committee is particularly concerned about the shortage of qualified special education teachers and higher education faculty. Therefore, it has provided sufficient resources in this account to ensure an increase in funding for leadership personnel over the fiscal year 2002 level. The Committee also urges the Department to use a portion of the

increased appropriation for the preparation of personnel who serve children with low-incidence disabilities, particularly those with sensory disabilities such as low vision, blindness, and deafness.

Parent information centers

The Committee bill provides $28,000,000 for parent information centers. This amount is $2,000,000 more than the fiscal year 2002 appropriation and the budget request. This program makes awards to parent organizations to support parent training and information centers, including community parent resource centers. These centers provide training and information to meet the needs of parents of children with disabilities living in the areas served by the centers, particularly underserved parents, and parents of children who may be inappropriately identified.

Technology and media services

The Committee recommends $37,710,000 for technology and media services. This amount is $5,000,000 more than the budget request and the same as the fiscal year 2002 appropriation. This program makes competitive awards to support the development, demonstration, and use of technology, and educational media activities of value to children with disabilities.

The Committee recommendation includes $9,500,000 for Recording for the Blind and Dyslexic, Inc. This is the same amount as the fiscal year 2002 level and $3,500,000 more than the budget request. These funds support the continued production and circulation of recorded textbooks, increased outreach activities to print-disabled students and their teachers, and accelerated use of digital technology.

The Committee also recommends $1,500,000 for the Readline Program. The amount recommended is the same as the fiscal year 2002 appropriation for this activity. The administration proposed eliminating this program.

This activity is authorized by section 687(b)(2)(G) of the Individuals with Disabilities Education Act, as amended. The Committee recognizes the progress of the Readline Program, which is developing a wide range of media resources to disseminate research conducted by the National Institutes of Health, as well as other research concerning effective teaching strategies, early diagnosis of, and intervention for, young children with reading disabilities. These resources include an extensive Web site, videos, and programming for television and radio broadcast. The Committee includes funding for the continued development and distribution of media resources to reach the parents and teachers of children with reading disabilities.

REHABILITATION SERVICES AND DISABILITY RESEARCH

Appropriations, 2002	$2,945,813,000
Budget estimate, 2003	3,001,840,000
Committee recommendation	2,959,838,000

The Committee recommends $2,959,838,000 for rehabilitation services and disability research, $14,025,000 more than the comparable fiscal year 2002 funding level and $42,002,000 less than the administration request.

Vocational rehabilitation State grants

The Committee provides $2,533,492,000 for vocational rehabilitation grants to States, which is $52,109,000 more than the comparable fiscal year 2002 funding level. The Committee recommendation provides the full amount authorized by the authorizing statute. The budget request proposed to eliminate several categorical programs, redirected $62,573,000 in funding to the State grant program and provided an additional increase of $20,260,000. The Committee rejected this approach and believes changes of this nature should be considered during reauthorization.

Basic State grant funds assist States in providing a range of services to help persons with physical and mental disabilities prepare for and engage in meaningful employment. Authorizing legislation requires States to give priority to persons with significant disabilities. Funds are allotted to States based on a formula that takes into account population and per capita income. States must provide a 21.3 percent match of Federal funds, except the State's share is 50 percent for the cost of construction of a facility for community rehabilitation program purposes.

The Rehabilitation Act requires that no less than 1 percent and not more than 1.5 percent of the appropriation in fiscal year 2003 for vocational rehabilitation State grants be set aside for grants for Indians. Service grants are awarded to Indian tribes on a competitive basis to help tribes develop the capacity to provide vocational rehabilitation services to American Indians with disabilities living on or near reservations.

Vocational Rehabilitation Incentive Grants

The Committee recommendation does not include $30,000,000 proposed in the budget request for the new Vocational Rehabilitation Incentive Grants program. This proposed program is not authorized. Under this new program, grants would be awarded to State VR agencies based on their performance in helping individuals with disabilities obtain competitive jobs.

Client assistance

The Committee bill recommends $12,397,000 for the client assistance program, an increase of $500,000 more than the fiscal year 2002 appropriation and the administration request.

The client assistance program funds State formula grants to assist vocational rehabilitation clients or client applicants in understanding the benefits available to them and in their relationships with service providers. Funds are distributed to States according to a population-based formula, except that increases in minimum grants are guaranteed to each of the 50 States, the District of Columbia, and Puerto Rico, and guaranteed to each of the outlying areas, by a percentage not to exceed the percentage increase in the appropriation. States must operate client assistance programs in order to receive vocational rehabilitation State grant funds.

Training

The Committee provides $42,629,000 for training rehabilitation personnel, an increase of $3,000,000 more than the fiscal year 2002 appropriation and same as the administration request.

The purpose of this program is to ensure that skilled personnel are available to serve the rehabilitation needs of individuals with disabilities. It supports training, traineeships, and related activities designed to increase the numbers of qualified personnel providing rehabilitation services. The program awards grants and contracts to States and public or nonprofit agencies and organizations, including institutions of higher education, to pay all or part of the cost of conducting training programs. Long-term, in-service, short-term, experimental and innovative, and continuing education programs are funded, as well as special training programs and programs to train interpreters for persons who are deaf, hard of hearing and deaf-blind.

The Committee is concerned over the reduction in funding for rehabilitation long-term training programs, and in particular those that require orthotic and prosthetic care, and urges RSA to fund no fewer than four university O+P programs at $250,000 each.

Demonstration and training programs

The Committee bill includes $21,238,000 for demonstration and training programs for persons with disabilities, the same amount as the comparable fiscal year 2002 appropriation and $3,746,000 more than the administration request. This program awards grants to States and nonprofit agencies and organizations to develop innovative methods and comprehensive services to help individuals with disabilities achieve satisfactory vocational outcomes. Demonstration programs support projects for individuals with a wide array of disabilities. Within the Committee recommendation, $1,000,000 is for activities designed to establish an applied research agenda, improve the quality of applied orthotic and prosthetic research and help meet the increasing demand for provider services. The Committee expects the Department to award these funds through a grant competition.

Migrant and seasonal farmworkers

The Committee recommends $2,350,000 for migrant and seasonal farmworkers, the same as the fiscal year 2002 appropriation. The Department proposed eliminating funding for this program.

This program provide grants limited to 90 percent of the costs of the projects providing comprehensive rehabilitation services to migrant and seasonal farm workers with disabilities and their families. Projects also develop innovative methods for reaching and serving this population. The program emphasizes outreach, specialized bilingual rehabilitation counseling, and coordination of vocational rehabilitation services with services from other sources.

Recreational programs

The Committee provides $2,596,000 for recreational programs, the same amount as the fiscal year 2002 appropriation. The budget request did not include funding for this program.

Recreational programs help finance activities such as sports, music, dancing, handicrafts, and art to aid in the employment, mobility, and socialization of individuals with disabilities. Grants are awarded to States, public agencies, and nonprofit private organizations, including institutions of higher education. Grants are awarded for a 3-year period with the Federal share at 100 percent for the first year, 75 percent for the second year, and 50 percent for the third year. Programs must maintain the same level of services over the 3-year period.

The Committee notes that the primary purpose of this program is to initiate recreational and related activities for individuals with disabilities. These programs are designed to aid individuals with disabilities in employment, mobility, independence and community integration. The Committee notes that almost three out of four programs whose last year of Federal funding ended in fiscal years 1998 through 2000 are still in operation and continue to meet the recreational needs of individuals with disabilities. These results show that this limited investment is having a national impact, as each new grant supports seed money for recreational programs throughout the United States.

Protection and advocacy of individual rights

The Committee recommends $17,500,000 for protection and advocacy of individual rights, an increase of $2,300,000 more than the fiscal year 2002 appropriation and the budget request.

This program provides grants to agencies to protect and advocate for the legal and human rights of persons with disabilities who are not eligible for protection and advocacy services available through the Developmental Disabilities Assistance and Bill of Rights Act or the Protection and Advocacy for Individuals with Mental Illness Act.

The Committee notes that a recent evaluation of the PAIR program found that more than 98 percent of cases closed by a sample of PAIR programs were resolved through counseling, negotiation/mediation and supervised referrals. The evaluation also found that many of the programs had considerable difficulties attempting to serve the significant number of persons eligible for the program. Therefore, the Committee has recommended additional resources to continue to expand the availability of PAIR services to eligible individuals.

Projects with industry

The Committee bill includes $22,071,000 for projects with industry, the same as the 2002 appropriation. The administration proposed eliminating funding for this program.

The projects with industry [PWI] program promotes greater participation of business and industry in the rehabilitation process. PWI provides training and experience in realistic work settings to prepare individuals with disabilities for employment in the competitive job market. Postemployment support services are also provided. The program makes grants to a variety of agencies and organizations, including corporations, community rehabilitation programs, labor and trade associations, and foundations.

The Committee notes that according to the Department's 2001 Annual Performance Report, the Projects with Industry program has exceeded performance measures in all three areas by which the program is measured. More than 3 out of 5 PWI clients were placed in competitive employment in 2001; Projects With Industry projects will report that participants placed in competitive employment increase earnings by an average of at least $236 per week; and 67.2 percent of previously unemployed persons were placed in competitive employment. These significant achievements warrant continued funding, especially in light of the new Ticket to Work program and the role that PWI projects can play in assisting Social Security disability beneficiaries and SSI recipients in securing employment and exiting the disability roles.

Supported employment State grants

The Committee's bill includes $38,152,000 for the supported employment State grant program, the same as the 2002 appropriation. The administration proposed eliminating funding for this program.

This program assists persons who may have been considered too severely disabled to benefit from vocational rehabilitation services by providing the ongoing support needed to obtain competitive employment. Short-term vocational rehabilitation services are augmented with extended services provided by State and local organizations. Federal funds are distributed on the basis of population.

Independent living State grants

The Committee recommends $22,296,000 for independent living State grants, which is the same as the amount appropriated in 2002 and the budget request.

The independent living State formula grants program provides funding to improve independent living services, support the operation of centers for independent living, conduct studies and analysis, and provide training and outreach.

Independent living centers

For independent living centers, the Committee recommends $69,500,000, an increase of $7,000,000 over the 2002 appropriation and the same amount as the budget request.

These funds support consumer-controlled, cross-disability, nonresidential, community-based centers that are designed and operated within local communities by individuals with disabilities. These centers provide an array of independent living services.

Independent living services for older blind individuals

The Committee provides $28,000,000 for independent living services to older blind individuals, an increase of $3,000,000 more than the 2002 appropriation and the administration request.

States participating in the program must match every $9 of Federal funds with not less than $1 in non-Federal resources. Assistance is provided to persons aged 55 or older to adjust to their blindness, continue living independently and avoid societal costs associated with dependent care. Services may include the provision of eyeglasses and other visual aids, mobility training, braille instruction and other communication services, community integration, and information and referral. These services help older individuals age with dignity, continue to live independently and avoid significant societal costs associated with dependent care. The services most commonly provided by this program are daily living skills training, counseling, the provision of low-vision devices community integration, information and referral, communication devices, and low-vision screening.

The Committee notes that there are 5,000,000 Americans in this country age 55 and older who are experiencing vision loss and that the number of Americans in this category is expected to double in the next 30 years. The Committee recognizes the very important and cost-effective work carried out through this program. By allowing older individuals to remain in their homes and communities, substantial savings are achieved. The Committee is informed that the yearly savings to society for just 10 percent of the clients now receiving independent living services is $56,000,000.

Program improvement activities

For program improvement activities, the Committee provides $900,000, the same amount as the 2002 appropriation and the budget request. In fiscal year 2003, funds for these activities will continue to support technical assistance efforts to improve the efficiency and effectiveness of the vocational rehabilitation program and improve accountability efforts. The funds provided are sufficient to support ongoing program improvement activities and to support ongoing dissemination and performance measurement activities.

Evaluation

The Committee recommends $1,000,000 for evaluation activities, the same as the 2002 appropriation and the administration request.

These funds support evaluations of the impact and effectiveness of programs authorized by the Rehabilitation Act. The Department awards competitive contracts for studies to be conducted by persons not directly involved with the administration of Rehabilitation Act programs.

Helen Keller National Center

The Committee bill includes $8,717,000 for the Helen Keller National Center for Deaf-Blind Youth and Adults, the same as the 2002 appropriation and the budget request.

The Helen Keller National Center consists of a national headquarters in Sands Point, NY, with a residential training and rehabilitation facility where deaf-blind persons receive intensive specialized services; a network of 10 regional field offices which provide referral and counseling assistance to deaf-blind persons; and an affiliate network of 48 agencies. At the recommended level, the center would serve approximately 102 persons with deaf-blindness at its headquarters facility and provide field services to approximately 1,850 individuals and families.

National Institute on Disability and Rehabilitation Research

The Committee recommends $110,000,000 for the National Institute on Disability and Rehabilitation Research [NIDRR], the same as the amount appropriated in fiscal year 2002 and the budget request.

NIDRR develops and implements a comprehensive and coordinated approach to the conduct of research, demonstration projects, and related activities that enable persons with disabilities to better function at work and in the community, including the training of persons who provide rehabilitation services or who conduct rehabilitation research. The Institute awards competitive grants to support research in Federally designated priority areas, including rehabilitation research and training centers, rehabilitation engineering research centers, research and demonstration projects, and dissemination and utilization projects. NIDRR also supports field-initiated research projects, research training, and fellowships.

The Committee urges the NIDRR to focus on activities to enhance access to assistive technology for people with disabilities, including technology-based activities, such as technology transfer.

The Committee strongly encourages NIDDR to give priority in awarding grants to establish new rehabilitation and research engineering centers which will aid in the implementation of the Executive Order related to the Supreme Court Decision in *L.C.* v. *Olmstead*.

The Committee encourages NIDRR to provide increased funding for the Interagency Committee on Disability Research (ICDR) and notes that the primary purpose of the ICDR is to promote cooperation across various government agencies in the development and execution of disability and rehabilitation and research activities. The Committee strongly encourages the ICDR to enter into cooperative agreements with other ICDR members to identify Federally funded technological and scientific research that could be applied to promote the independence of people with disabilities and the elderly. The same Federal agencies shall work in partnership with the private sector to develop a plan to bring the applied technologies to the private marketplace. The Committee commends ICDR for expansion of its website/database for the coordination of research by various agencies.

The Committee strongly urges NIDRR to use resources appropriated for the Assistive Technology Development Fund to develop new assistive technology, bring technology that has already been developed to market

and expand the availability of existing assistive technology to people with disabilities. The Committee believes that priority for grants should be given to the development of technology that has a limited number of users, or orphan technology. In addition, a portion of these funds should be used to further the development of assistive technology for children and students and reach the goals of projects that were previously funded through the small business innovation research activity of OSER's technology and media services program.

Assistive technology

The Committee bill provides $27,000,000 for assistive technology, a reduction of $33,884,000 from the fiscal year 2002 appropriation and $3,884,000 less than the budget request.

The Assistive Technology Program is designed to improve occupational and educational opportunities and the quality of life for people of all ages with disabilities through increased access to assistive technology services and devices. It provides grants to States to develop comprehensive, consumer-responsive statewide programs that increase access to, and the availability of, assistive technology devices and services. The National Institute on Disability and Rehabilitation Research administers the program.

The Committee recommendation includes $27,000,000 for activities authorized under title I of the Assistive Technology Act (AT Act). The Committee has included bill language which allows all State projects funded currently under title I of the AT Act to receive not less than the amount they received in fiscal year 2002. The bill language also provides minimum grants of $100,000 for State protection and advocacy systems, $30,000 for systems in the outlying areas. In fiscal year 2003, the AT Act would require 23 States to lose Federal financial support provided by title I, at a time when States are operating in a new policy landscape that includes the Olmstead decision, final section 508 standards and the Ticket to Work and Work Incentives Improvement Act.

The Committee recommendation does not include additional resources for title III programs, due to tight budget constraints and $36,552,000 in funding available currently for title III programs. In fiscal year 2000, the Committee provided $4,028,000 in first year funding. Last year, the Committee provided $36,552,000, and allowed these funds to be available for 2 years. These funds have yet to be expended. The Committee will review the program funding level in the fiscal year 2004 budget and ensure that sufficient resources are available to continue this important program. Loan programs offer individuals with disabilities attractive options that significantly enhance their ability to purchase assistive technology devices and services.

Access to telework fund

As requested by the administration, the Committee does not recommend additional resources for the access to telework fund. The Committee provided $20,000,000 for this new program last year, and notes that the grant competition has not been announced as of yet. Funding provided last year is available to the Department for 2 years. The Committee will review the funding needed in fiscal year 2004 to maintain and expand this program.

The access to telework fund is designed to increase employment opportunities for individuals with disabilities by providing greater access to computers and other equipment individuals need if they decide to work from home. The fund would provide matching funds to States to enable them to provide loans for individuals with disabilities to purchase computers and other equipment so that they can telework from home.

The Committee encourages the Department of Education to design the access to telework loan program in a manner which creates the maximum incentives for people with disabilities to participate. The Committee recognizes that the decision to attempt to work involves a high level of risk for a person with a disability, including the potential loss of health care coverage and income subsidies, and that the design of the program should take this fact into account (including the possibility of loan forgiveness should the person's attempt to work fail). Finally, the Committee encourages the Department to allow States flexibility in implementation of the program to encourage participation, including the use of any non-Federal resources to meet the match requirement.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

Appropriations, 2002	$14,000,000
Budget estimate, 2003	14,000,000
Committee recommendation	15,500,000

The Committee recommends $15,500,000 for the American Printing House for the Blind [APH], $1,500,000 more than the 2002 appropriation and the budget request.

This appropriation helps support the American Printing House for the Blind, which provides educational materials to students who are legally blind and enrolled in programs below the college level. The Federal subsidy provides almost 51 percent of APH's total sales income. Materials are distributed free of charge to schools and States through per capita allotments based on the total number of students who are blind. Materials provided include textbooks and other educational aids in braille, large type, and recorded form and microcomputer applications.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

Appropriations, 2002	$55,376,000
Budget estimate, 2003	52,014,000
Committee recommendation	54,600,000

The Committee recommends an appropriation of $54,600,000 for the National Technical Institute for the Deaf [NTID], a decrease of $776,000 from the fiscal year 2002 appropriation and $2,586,000 above the budget request.

The Institute, located on the campus of the Rochester Institute of Technology, was created by Congress in 1965 to provide a residential facility for postsecondary technical training and education for persons who are deaf. NTID also provides support services for students who are deaf, trains professionals in the field of deafness, and conducts applied research. Within the amount provided, $1,600,000 is for construction. At the discretion of the Institute, funds may be used for the Endowment Grant program.

GALLAUDET UNIVERSITY

Appropriations, 2002	$96,938,000
Budget estimate, 2003	94,446,000
Committee recommendation	98,438,000

The Committee recommends $98,438,000 for Gallaudet University, an increase of $1,500,000 above the amount appropriated in 2002 and $3,992,000 more than the budget request.

Gallaudet University is a private, nonprofit institution offering undergraduate, and continuing education programs for students who are deaf, as well as graduate programs in fields related to deafness for students who are hearing-impaired and who are deaf. The university conducts basic and applied research related to hearing impairments and provides public service programs for the deaf community.

The Model Secondary School for the Deaf serves as a laboratory for educational experimentation and development, disseminates models of instruction for students who are deaf, and prepares adolescents who are deaf for postsecondary academic or vocational education. The Kendall Demonstration Elementary School develops and provides instruction for children from infancy through age 15.

The Committee recommendation includes funding to enable Gallaudet University to maintain and enhance its technological base, continue investments in faculty and staff, continue to enhance developmental and honors programs and support improvements in physical facilities, including campus security. Funds also are available, at the discretion of the University, for the Endowment Grant program.

VOCATIONAL AND ADULT EDUCATION

Appropriations, 2002	$1,934,060,000
Budget estimate, 2003	1,897,560,000
Committee recommendation	1,938,060,000

The Committee recommendation includes a total of $1,938,060,000 for vocational and adult education, consisting of $1,322,000,000 for vocational education and $591,060,000 for adult education, and $25,000,000 for State grants for incarcerated youth offenders.

VOCATIONAL EDUCATION

The Committee recommendation of $1,322,000,000 for vocational education is $1,000,000 more than the fiscal year 2002 amount and $15,500,000 more than the administration's request.

Basic grants.—The Committee has included $1,180,000,000 for basic grants, the same as the fiscal year 2002 appropriation and the administration request.

Funds provided under the State grant program assist States, localities, and outlying areas to expand and improve their programs of vocational education and provide equal access to vocational education for populations with special needs. Persons assisted range from secondary students in prevocational courses through adults who need retraining to adapt to changing technological and labor market conditions. Funds are distributed according to a formula based on State population and State per capita income.

Under the Indian and Hawaiian natives programs, competitive grants are awarded to federally recognized Indian tribes or tribal organizations and to organizations primarily serving and representing Hawaiian natives for services that are in addition to services such groups are eligible to receive under other provisions of the Perkins Act.

Tech-prep education.—The Committee recommends $108,000,000 for tech-prep programs. This is the same as the 2002 appropriation and the administration request. This program is designed to link academic and vocational learning and to provide a structured link between secondary schools and postsecondary education institutions. Funds are distributed to the States through the same formula as the basic State grant program. States then make planning and demonstration grants to consortia of local educational

agencies and postsecondary institutions to develop and operate model 4-year programs that begin in high school and provide students with the mathematical, science, communication, and technological skills needed to earn a 2-year associate degree or 2-year certificate in a given occupational field.

Tribally controlled postsecondary vocational institutions.—The Committee has provided $7,000,000 on a current-funded basis for tribally controlled postsecondary vocational institutions, an increase of $500,000 over the fiscal year 2002 level and the budget request. This program provides grants for the operation and improvement of two tribally controlled postsecondary vocational institutions to ensure continued and expanding opportunities for Indian students: United Tribes Technical College in Bismarck, North Dakota, and Crownpoint Institute of Technology in Crownpoint, New Mexico.

National programs, research.—The Committee recommends $12,000,000 for national research programs and other national activities, the same amount as the 2002 appropriation and the administration request. The National Research Center for Career and Technical Education and the National Dissemination Center for Career and Technical Education are the only federally funded centers charged with the responsibility to conduct research and provide technical assistance to vocational educators. The results of the applied research done by these Centers inform technical assistance to reform and improve vocational education instruction in schools and colleges. Resources made available through this program also are used to support a variety of activities to identify and promote effective research-based programs and practice in vocational education.

Vocational training tied to real economic opportunities and rooted in endangered traditional crafts is a significant need in rural Hawaiian and part-Hawaiian communities. The Committee urges the Department to fund programs that support the development of mentoring programs pairing secondary students with individuals who have succeeded in commercially developing traditional Hawaiian arts and crafts. These mentoring programs can provide young Hawaiian and Part-Hawaiian students with training in important crafts while also teaching them how to successfully turn these skills into economic gain.

Tech-prep education demonstration program.—The Committee recommendation includes $5,000,000 for this program, the same amount as provided in fiscal year 2002. The administration did not request funding for this program. Under this demonstration authority, the Secretary awards grants competitively to consortia that involve a business as a member, locate a secondary school on the site of a community college, and seek voluntary participation of secondary school students enrolled such a high school. The purpose of the demonstration program is to support development of the ''middle college'' model of high school, which promotes higher student achievement and postsecondary enrollment. Funds may be used for curriculum, professional development, equipment, and other start-up and operational costs.

Occupational and employment information program.—The amount of $10,000,000 has been provided to continue activities authorized by section 118 of the Carl Perkins Act, $500,000 more than last year. The administration proposed the elimination of this program. The Act requires that at least 85 percent of the amount be provided directly to State entities to develop and deliver occupational and career information to students, job seekers, employers, education, employment and training programs.

ADULT EDUCATION

The Committee has included $591,060,000 for adult education, the same amount as the 2002 appropriation and the administration request.

Adult education State programs.—For adult education State programs, the Committee recommends $575,000,000, the same amount as the fiscal year 2002 appropriation and the administration request. These funds are used by States for programs to enable economically disadvantaged adults to acquire basic literacy skills, to enable those who so desire to complete a secondary education, and to make available to adults the means to become more employable, productive, and responsible citizens.

The Committee recommendation continues the English literacy and civics education State grants set aside within the Adult Education State grant appropriation. Within the total, $70,000,000 is available to help States or localities affected significantly by immigration and large limited-English populations to implement programs that help immigrants acquire English literacy skills, gain knowledge about the rights and responsibilities of citizenship and develop skills that will enable them to navigate key institutions of American life. The amount recommended is the same as the fiscal year 2002 level and the budget request.

National activities.—The Committee has included $9,500,000, the same as the 2002 appropriation and the administration request. The Department supports applied research, development, dissemination, evaluation and program improvement activities to assist States in their efforts to improve the quality of adult education programs.

National Institute for Literacy.—The Committee recommends $6,560,000 for the National Institute for Literacy, authorized under section 242 of the Adult Education and Family Literacy Act, the same amount as available currently and the budget request. The Institute provides leadership and coordination for national literacy efforts by conducting research and demonstrations on literacy, providing technical assistance through a State capacity building grant program, establishing and maintaining a national center for adult literacy and learning disabilities, and awarding fellowships to outstanding individuals in the field to conduct research activities under the auspices of the Institute.

The Committee recognizes and supports the unique mandate of the National Institute for Literacy to serve as a national resource for adult education and literacy programs. The Committee is aware that the President has nominated 10 new advisory board members to oversee the work of the Institute. The Committee urges this new advisory board to assist the Institute in maintaining its unique focus on adult literacy through its programs, such as the Bridges to Practice initiative that informs and trains adult educators on proper assessments and interventions for low literate adults who have learning disabilities, and the Equipped for the Future initiative that works to improve the quality and results of adult learning programs by focusing instruction and assessment on the skills and knowledge adults need to accomplish their goals as citizens, parents, and workers.

STATE GRANTS FOR INCARCERATED YOUTH OFFENDERS

The Committee has included $25,000,000 for a program authorized by part D of title VIII of the Higher Education Act, an increase of $3,000,000 more than the amount appropriated in fiscal year 2002. The Department proposed eliminating this program. This program provides grants to State correctional education agencies to assist and encourage incarcerated youth to acquire functional literacy, life and job skills, through the pursuit of a postsecondary education certificate or an associate of arts or bachelor's degree. Grants also assist correction agencies in providing employment counseling and other related services that start during incarceration and continue through prerelease and while on parole. Each student is eligible for a grant of not more than $1,500 annually for tuition, books, and essential materials, and not more than $300 annually for related services such as career development, substance abuse counseling, parenting skills training, and health education. In order to participate in a program, a student must be no more than 25 years of age and be eligible to be released from prison within 5 years. Youth offender grants are for a period not to exceed 5 years, 1 year of which may be devoted to study in remedial or graduate education.

The Committee notes the positive findings from a recent evaluation of programs funded in three States. The Three State Recidivism Study found that re-arrest, reconviction, and re-incarceration rates were significantly lower for the prison population who had participated in correctional education than for non-participants. The study found the re-arrest rate of correctional education participants was 48 percent, compared to 57 percent for the non-participants; re-conviction rate was 27 percent for correctional educational participants, compared to 35 percent for non-participants; and re-incarceration rate was 21 percent, compared to 31 percent for non-participants. This important program not only helps make the Nation's streets safer for all Americans, but it saves public money as fewer contacts are made with the more expensive criminal justice system and former prisoners become employed, contributing members of society.

Within the appropriation for State grants for incarcerated youth offenders, the Committee includes $5,000,000 to continue the prisoner literacy initiative. The Committee notes that the extremely high rates of illiteracy or marginal reading skills among inmates is a national problem and therefore encourages the development of a uniform model to evaluate literacy programs across the country.

STUDENT FINANCIAL ASSISTANCE

Appropriations, 2002	$12,285,500,000
Budget estimate, 2003	12,767,500,000
Committee recommendation	13,151,500,000

The Committee recommends an appropriation of $13,151,500,000 for student financial assistance, an increase of $866,000,000 more than the comparable fiscal year 2002 appropriation and $384,000,000 more than the administration request. This comparison excludes $1,000,000,000 made available by Public Law 107–206 to address a shortfall in the Pell grant program.

Federal Pell Grant Program

For Pell grant awards in the 2003–2004 academic year, the Committee recommends $11,180,000,000. The Committee recommendation is $317,000,000 more than requested by the administration.

Pell grants provide need-based financial assistance that helps low-and middle-income undergraduate students and their families pay the costs of postsecondary education and

vocational training. Awards are determined according to a statutory need analysis formula that takes into account a student's family income and assets, household size, and the number of family members, excluding parents, attending postsecondary institutions. Pell grants are considered the foundation of Federal postsecondary student aid.

The amount recommended is sufficient to raise the maximum Pell grant to $4,100, the highest level in the program's history and an increase of $100 over the maximum grant for the 2002–2003 academic year. The Pell grant maximum award supported by the Committee recommendation is at least $100 more than that requested by the administration.

The Committee has made significant gains in supporting increases in funding for the Pell Grant Program. Since fiscal year 2000, the maximum Pell grant has been increased from $3,300 to the current recommendation of $4,100, an increase of almost 25 percent in 3 years. With the Committee recommendation for this year, program funding will have increased by 50 percent over this period. Also, the number of students receiving Pell grant awards will have increased by more than 500,000 over the past 3 years. While the Committee would have liked to increase the maximum grant by a larger amount, budget constraints would not accommodate investments greater than the Committee recommendation.

The Committee has not included bill language requested by the administration that would allow the Secretary to establish the Pell grant maximum award after enactment of the appropriations bill.

Federal supplemental educational opportunity grants

The Committee recommends $725,000,000 for Federal supplemental educational opportunity grants [SEOG], the same amount as the 2002 appropriation level and the budget request.

This program provides funds to postsecondary institutions for need-based grants to undergraduate students. Institutions must contribute 25 percent of SEOG awards, which are subject to a maximum grant level of $4,000. School financial aid officers have flexibility to determine student awards, though they must give priority to Pell grant recipients.

Federal work-study programs

The Committee bill provides $1,011,000,000 for the Federal Work-Study Program, the same as the 2002 level and the administration request. This program provides grants to more than 3,300 institutions to help an estimated 1 million undergraduate, graduate, and professional students meet the costs of postsecondary education through part-time employment. Work-study jobs must pay at least the Federal minimum wage and institutions must provide at least 25 percent of student earnings. Institutions also must use at least 7 percent of their grants for community-service jobs.

The Committee strongly supports continued funding for the work colleges program authorized in section 448 of the Higher Education Act of 1965. These funds help support comprehensive work-service learning programs at seven work colleges, and cooperative efforts among the work colleges to expose other institutions of higher education to the work college concept. Of the amount recommended by the Committee, $4,000,000 is available for this program.

Federal Perkins loans

The Committee bill includes $100,000,000 for Federal Perkins loans capital contributions, which is the same as the 2002 appropriation and the budget request. The amount recommended, when combined with institutional revolving funds, would maintain the 2003 loan volume at the current estimated level of $1,200,000,000. At this funding level more than 700,000 loans would be made.

The Federal Perkins Loan Program supports student loan revolving funds built up with capital contributions to about 2,000 participating institutions. Institutions use these revolving funds, which also include Federal capital contributions (FCC), institutional contributions equal to one-third of the FCC, and student repayments, to provide low-interest (5 percent) loans that help financially needy students pay the costs of postsecondary education. The Committee has included the amount necessary to maintain the current loan volume level.

The Committee bill also includes $67,500,000 for loan cancellations, the same amount as the 2002 level and amount requested by the administration. These funds reimburse institutional revolving funds on behalf of borrowers whose loans are cancelled in exchange for statutorily specified types of public or military service, such as teaching in a qualified low-income school, working in a Head Start Program, serving in the Peace Corps or VISTA, or nurses and medical technicians providing health care services.

Leveraging educational assistance partnership program

For the leveraging educational assistance partnership [LEAP] program, the Committee includes $67,000,000, the same amount as the 2002 appropriation. The administration proposed eliminating this program.

The leveraging educational assistance partnership program provides a Federal match to States as an incentive for providing need-based grant and work-study assistance to eligible postsecondary students. When the appropriation exceeds $30,000,000, amounts above this threshold must be matched by States on a 2:1 basis. Federally supported grants and job earnings are limited to $5,000 per award year for full-time students.

The Committee recognizes the important role that the LEAP program plays in maintaining a Federal-State partnership for ensuring that postsecondary education is available to all academically-qualified Americans. The Committee notes that a recent Advisory Committee on Student Financial Aid report recommended that Federal policy should encourage a far more substantial State and institutional commitment to need-based grant aid. The Committee notes that this important program leverages almost $1,000,000,000 in State spending for need-based student grant programs. Therefore, it is the Committee's intent to continue this important program.

Loan forgiveness for child care providers

The Committee recommends $1,000,000 for this demonstration program, the same as the fiscal year 2002 appropriation and the budget request. Under this demonstration program, Stafford and Unsubsidized Stafford Loan borrowers under the Federal Family Education Loan Program and the William D. Ford Direct Loan program who have earned a degree in early childhood education and work for 2 full years as a child care provider in a low-income community may have a portion of their loan obligation forgiven.

The Committee encourages the Department to prepare the required final evaluation report of this important program as soon as possible. The Committee looks forward to receiving this report, so further actions and investments can be made that support improvements in the education level and compensation of the early childcare profession.

HIGHER EDUCATION

Appropriations, 2002	$2,031,048,000
Budget estimate, 2003	1,883,053,000
Committee recommendation	2,047,640,000

The Committee recommends an appropriation of $2,047,640,000 for higher education programs, $16,592,000 more than the fiscal year 2002 amount and $164,587,000 more than the budget request.

Aid for institutional development

The Committee recommends $475,413,000 for aid for institutional development authorized by titles III and V of the Higher Education Act, $36,788,000 above the 2002 appropriation and $20,999,000 more than the budget request.

The Committee encourages the Department to provide technical assistance and conduct research on issues germane to predominately and Historically Black Colleges and Universities (HBCUs) and other institutions of higher education that have large minority student populations, including disseminating best practices information on the most efficient and cost-effective uses of title III funding, reducing student loan default rates, increasing graduation rates, and grant writing training.

Strengthening institutions.—The Committee bill includes $82,000,000 for the part A strengthening institutions program, an increase of $8,375,000 over the fiscal year 2002 level and $5,725,000 more than the budget request. The part A program supports competitive, 1-year planning and 5-year development grants for institutions with a significant percentage of financially needy students and low educational and general expenditures per student in comparison with similar institutions. Applicants may use part A funds to develop faculty, strengthen academic programs, improve institutional management, and expand student services. Institutions awarded funding under this program are not eligible to receive grants under other sections of part A or part B.

Hispanic-serving institutions [HSI].—The Committee recommends $93,000,000 for institutions at which Hispanic students make up at least 25 percent of enrollment, $7,000,000 more than the fiscal year 2002 level and $3,904,000 more than the administration request. Institutions applying for title V funds must meet the regular part A requirements and show that at least one-half of their Hispanic students are low-income college students. Funds may be used for acquisition, rental or lease of scientific or laboratory equipment, renovation of instructional facilities, development of faculty, support for academic programs, institutional management, and purchase of educational materials. Title V recipients are not eligible for other awards provided under title III, parts A and B.

Strengthening historically black colleges and universities.—The Committee provides $215,415,000 for part B grants, $9,415,000 more than the fiscal year 2002 level and $2,000,000 more than the administration request. The part B strengthening historically black colleges and universities [HBCU] program makes formula grants to HBCUs that may be used to purchase equipment, construct and renovate facilities, develop faculty, support academic programs, strengthen institutional management, enhance fundraising activities, provide tutoring and counseling services to

students, and conduct outreach to elementary and secondary school students. The minimum allotment is $500,000 for each eligible institution. Part B recipients are not eligible for awards under part A.

Strengthening historically black graduate institutions.—The Committee bill includes $53,764,000 for the part B, section 326 program, $4,764,000 more than the fiscal year 2002 level and $3,000,000 more than the administration request. The section 326 program provides 5-year grants to strengthen historically black graduate institutions [HBGIs]. The Higher Education Amendments of 1998 increased the number of recipients to 18 named institutions, but reserved the first $26,600,000 appropriated each year to the 16 institutions included in the previous authorization. Grants may be used for any part B purpose and to establish an endowment.

Strengthening Alaska Native and Native Hawaiian-serving institutions

The Committee recommends $8,234,000 for this program, an increase of $1,734,000 over the fiscal year 2002 appropriation and $1,500,000 more than budget request. The purpose of this program is to improve and expand the capacity of institutions serving Alaska Native and Native Hawaiian students. Funds may be used to plan, develop, and implement activities that encourage: faculty and curriculum development, better fund and administrative management, renovation and improvement of instructional facilities, student services, and the purchase of library books and other educational materials.

Strengthening tribally controlled colleges and universities

The Committee recommends $23,000,000 for strengthening tribal colleges and universities (TCUs), an increase of $5,500,000 over the fiscal year 2002 level and $4,870,000 more than the budget request. Still in their early stages, TCUs rely on a portion of these funds to address developmental needs, including faculty development, curriculum and student services. In addition, the Committee in fiscal year 2001 helped launch a competitive grant program to assist institutions in addressing long overdue and high-priority infrastructure and facilities requirements. The funds provided shall be used to support continuation of existing basic grants and new planning or implementation grant awards. The remaining funds shall be available for grants for renovation and construction of facilities to help address urgently needed facilities repair and expansion.

International education and foreign language studies

The bill includes a total of $101,500,000 for international education programs, an increase of $3,000,000 over the fiscal year 2002 level and $1,000,000 less than the budget request.

Domestic programs.—The Committee recommends $87,000,000 for domestic program activities related to international education and foreign language studies, including international business education, under title VI of the HEA, an increase of $1,800,000 above the fiscal year 2002 appropriation and $1,000,000 less than the administration request. Domestic programs include national resource centers, undergraduate international studies and foreign language programs, international research and studies projects, international business education projects and centers, American overseas research centers, language resource centers, foreign language and area studies fellowships, and technological innovation and cooperation for foreign information access.

Overseas programs.—The bill includes $13,000,000 for overseas programs authorized under the Mutual Educational and Cultural Exchange Act of 1961, popularly known as the Fulbright-Hays Act. The recommendation is an increase of $1,200,000 more than the fiscal year 2002 level and the same as the budget request. Under these overseas programs, grants are provided for group and faculty research projects abroad, doctoral dissertation research abroad, and special bilateral projects. Unlike other programs authorized by the Fulbright-Hays Act and administered by the Department of State, these Department of Education programs focus on training American instructors and students in order to improve foreign language and area studies education in the United States.

Institute for International Public Policy.—The Committee bill recommends $1,500,000 for the Institute for International Public Policy. This is the same amount as the fiscal year 2002 level and the budget request. This program is designed to increase the number of minority individuals in foreign service and related careers by providing a grant to a consortium of institutions for undergraduate and graduate level foreign language and international studies. An institutional match of 50 percent is required.

Fund for the improvement of postsecondary education

The Committee recommends $126,926,000 for the Fund for the Improvement of Postsecondary Education [FIPSE], which is $53,996,000 less than the 2002 appropriation and $87,788,000 more than the administration request. FIPSE stimulates improvements in education beyond high school by supporting exemplary, locally developed projects that have potential for addressing problems and recommending improvements in postsecondary education. The fund is administered by an independent board that provides small, competitive grants and contracts to a variety of postsecondary institutions and agencies, including 2- and 4-year colleges and universities, State education agencies, community-based organizations, and other non-profit institutions and organizations concerned with education beyond high school.

The Committee recommendation includes $25,810,000, the full amount requested for the comprehensive program. The Committee rejects the budget request to consolidate the Demonstration Projects to Ensure Quality Higher Education for Students with Disabilities program within the FIPSE program.

Minority science and engineering improvement

The Committee recommends $9,500,000 for the Minority Science and Engineering Improvement program [MSEIP], $1,000,000 more than the fiscal year 2002 level and the administration request. This program provides discretionary grants to institutions with minority enrollments greater than 50 percent to purchase equipment, develop curricula, and support advanced faculty training. Grants are intended to improve science and engineering education programs and increase the number of minority students in the fields of science, mathematics, and engineering.

Interest subsidy grants

The Committee recommends $3,000,000 for interest subsidy grants, $2,000,000 less than the fiscal year 2002 level and the same as the administration request. This appropriation is required to meet the Federal commitment to pay interest subsidies on 73 loans made in past years for constructing, renovating, and equipping postsecondary academic facilities. No new interest subsidy commitments have been entered into since 1973 but subsidy payments on existing loans are expected to continue until the year 2013.

Federal TRIO programs

The Committee bill includes $832,500,000 for Federal TRIO programs, an increase of $30,000,000 above the fiscal year 2002 appropriation and the administration request.

TRIO programs provide a variety of services to improve postsecondary education opportunities for low-income individuals and first-generation college students: Upward Bound offers disadvantaged high school students academic services to develop the skills and motivation needed to continue their education; Student Support Services provides remedial instruction, counseling, summer programs and grant aid to disadvantaged college students to help them complete their postsecondary education; Talent Search identifies and counsels individuals between ages 11 and 27 regarding opportunities for completing high school and enrolling in postsecondary education; Educational Opportunity Centers provide information and counseling on available financial and academic assistance to low-income adults who are first-generation college students; and the Ronald E. McNair Postbaccalaureate Achievement Program supports research internships, seminars, tutoring, and other activities to encourage disadvantaged college students to enroll in graduate programs.

The Committee urges the Department to use a funding allocation strategy in making awards under TRIO that balances the need to fund a larger number of grantees with the need for projects to improve the quality of student services and expand to serve all eligible students. The Committee notes that, at the budget request level, $5,365,000 has not been allocated to any particular TRIO program.

Gaining early awareness and readiness for undergraduate programs [GEAR UP]

The Committee recommends $295,000,000, an increase of $10,000,000 over the amount provided in fiscal year 2002 and the budget request. Under this program funds are used by States and partnerships of colleges, middle and high schools, and community organizations to assist middle and high schools serving a high percentage of low-income students. Services provided help students prepare for and pursue a postsecondary education.

Byrd honors scholarships

The Committee recommends $41,001,000 for the Byrd honors scholarship program, the same amount as the fiscal year 2002 appropriation and the budget request.

The Byrd honors scholarship program is designed to promote student excellence and achievement and to recognize exceptionally able students who show promise of continued excellence. Funds are allocated to State education agencies based on each State's school-aged population. The State education agencies select the recipients of the scholarships in consultation with school administrators, teachers, counselors, and parents. The funds provided will support a new cohort of first-year students in 2003, and continue support for the 2000, 2001, and 2002 cohorts of students in their fourth, third and second years of study, respectively. The amount recommended will provide scholarships of $1,500 to 27,334 students.

Javits fellowships

The Committee recommends $10,000,000 for the Javits Fellowships program, the same as the fiscal year 2002 amount and the budget request.

The Javits Fellowships program provides fellowships of up to 4 years to students of superior ability who are pursuing doctoral degrees in the arts, humanities, and social sciences at any institution of their choice. Each fellowship consists of a student stipend to cover living costs, and an institutional payment to cover each fellow's tuition and other expenses. Funds provided in the fiscal year 2003 appropriation support fellowships for the 2004–2005 academic year.

Graduate assistance in areas of national need [GAANN]

The Committee recommends $31,000,000 for graduate assistance in areas of national need, the same as the fiscal year 2002 level and the budget request. This program awards competitive grants to graduate academic departments and programs for fellowship support in areas of national need as determined by the Secretary. In fiscal year 2001, the Secretary designated the following areas of national need: biology, chemistry, computer and information sciences, engineering, geological and related sciences, mathematics and physics. Recipients must demonstrate financial need and academic excellence, and seek the highest degree in their fields.

Teacher quality enhancement grants

The Committee recommends $90,000,000 for the teacher quality enhancement grants program, the same amount as the fiscal year 2002 level and the budget request. The program was established to support statewide initiatives that best meet their specific teacher preparation and recruitment needs. Further, the Act provides and designates funding for the program in three focus areas: 45 percent of resources support a State grant program, 45 percent of funds are used for a partnership program, and 10 percent are designated for a recruitment grant program.

Under the State grant program, funds may be used for a variety of State-level reforms, including more rigorous teacher certification and licensure requirements; provision of high-quality alternative routes to certification; development of systems to reward high-performing teachers and principals; and development of efforts to reduce the shortage of qualified teachers in high-poverty areas.

Teacher training partnership grants, which are awarded to local partnerships comprised of at least one school of arts and science, one school or program of education, a local education agency, and a K–12 school, may be used for a variety of activities designed to improve teacher preparation and performance, including efforts to provide increased academic study in a proposed teaching specialty area; to prepare teachers to use technology effectively in the classroom; to provide preservice clinical experiences; and to integrate reliable research-based teaching methods into the curriculum. Partnerships may work with other entities, with those involving businesses receiving priority consideration. Partnerships are eligible to receive a one-time-only grant to encourage reform and improvement at the local level.

The recruitment grant program supports efforts to reduce shortages of qualified teachers in high-need school districts as well as provide assistance for high-quality teacher preparation and induction programs to meet the specific educational needs of the local area.

Child care access means parents in schools

The Committee recommends an appropriation of $16,300,000 for the Child Care Access Means Parents in School (CAMPUS) program, $8,700,000 less than the 2002 appropriation and $1,300,000 more than the budget request. The Committee takes this action because of the $8,700,000 lapsed in fiscal year 2001 and the additional funds that lapsed in fiscal year 2002. This program was established in the Higher Education Amendments of 1998 to support the efforts of a growing number of non-traditional students who are struggling to complete their college degrees at the same time that they take care of their children. Discretionary grants of up to 4 years are made to institutions of higher education to support or establish a campus-based childcare program primarily serving the needs of low-income students enrolled at the institution.

The Committee expects the Department to continue to publicize the availability of these funds, provide appropriate technical assistance and offer pre-application workshops to ensure that eligible entities are able to access funding made available through this program.

Demonstration projects to ensure quality higher education for students with disabilities

The Committee recommends $7,000,000 for this program, the same amount appropriated in fiscal year 2002. The Department proposed eliminating funding for this program. This program's purpose is to ensure that students with disabilities receive a high-quality postsecondary education. Grants are made to support model demonstration projects that provide technical assistance and professional development activities for faculty and administrators in institutions of higher education.

Underground railroad program

The Committee recommendation includes $2,500,000 for the Underground Railroad program, an increase of $500,000 over the fiscal year 2002 amount. The administration did not request any resources for this program. The program was newly authorized by the Higher Education Amendments of 1998 and was funded for the first time in fiscal year 1999. Grants are provided to research, display, interpret, and collect artifacts relating to the history of the underground railroad. Educational organizations receiving funds must demonstrate substantial private support through a public-private partnership, create an endowment fund that provides for ongoing operation of the facility, and establish a network of satellite centers throughout the United States to share information and teach people about the significance of the underground railroad in American history.

GPRA/Higher Education Act Program Evaluation

The Committee recommends $1,000,000 for the Government Performance and Results Act data collection and for the Higher Education Act Program Evaluation program, the same amount as the fiscal year 2002 appropriation and the budget request. The administration requested these funds to comply with the Government Performance and Results Act, which requires the collection of data and evaluation of Higher Education programs and the performance of recipients of Higher Education funds.

Thurgood Marshall legal educational opportunity program

The Committee recommends $5,000,000 for this program, $1,000,000 more than the fiscal year 2002 appropriation. The Department did not request funding for this program. Resources will be used to provide minority, low-income or disadvantaged college students with the information, preparation, and financial assistance needed to gain access to and complete law school study.

B.J. Stupak Olympic scholarships

The Committee recommendation does not include funding for this program, the same as the budget request. The $1,000,000 appropriated for fiscal year 2002 will be used to provide financial assistance to athletes who are training at the United States Olympic Education Center or one of the United States Olympic Training Centers and who are pursuing a postsecondary education at an institution of higher education.

HOWARD UNIVERSITY

Appropriations, 2002	$237,474,000
Budget estimate, 2003	237,474,000
Committee recommendation	239,974,000

The Committee recommends an appropriation of $239,974,000 for Howard University, which is $2,500,000 more than the fiscal year 2002 appropriation and the budget request. Howard University is located in the District of Columbia and offers undergraduate, graduate, and professional degrees through 12 schools and colleges. The university also administers the Howard University Hospital, which provides both inpatient and outpatient care, as well as training in the health professions. Federal funds from this account support about 53 percent of the university's projected educational and general expenditures, excluding the hospital. The Committee agrees with the administration and recommends, within the funds provided, $3,600,000 for the endowment program.

Howard University Hospital.—Within the funds provided, the Committee recommends $30,374,000 for the Howard University Hospital, the same as the fiscal year 2002 level and the budget request. The hospital serves as a major acute and ambulatory care center for the District of Columbia and functions as a major teaching facility attached to the university. The Federal appropriation provides partial funding for the hospital's operations.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

Appropriations, 2002	$762,000
Budget estimate, 2003	762,000
Committee recommendation	762,000

Federal administration.—The Committee bill includes $762,000 for Federal administration of the CHAFL program, the same as the 2002 level and the administration request.

These funds will be used to reimburse the Department for expenses incurred in managing the existing CHAFL loan portfolio during fiscal year 2003. These expenses include salaries and benefits, travel, printing, contracts (including contracted loan servicing activities), and other expenses directly related to the administration of the CHAFL Program.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM

Appropriations, 2002	$208,000
Budget estimate, 2003	208,000
Committee recommendation	208,000

Federal administration.—The Committee recommends $208,000 for Federal administration of the Historically Black College and University [HBCU] Capital Financing Program, the same as the fiscal year 2002 level and the administration request.

The HBCU Capital Financing Program makes capital available to HBCUs for construction, renovation, and repair of academic

facilities by providing a Federal guarantee for private sector construction bonds. Construction loans will be made from the proceeds of the sale of the bonds.

INSTITUTE OF EDUCATION SCIENCE

Appropriations, 2002	$443,870,000
Budget estimate, 2003	432,887,000
Committee recommendation	397,387,000

The bill includes $397,387,000 for educational research, statistics, and assessment programs. This amount is $46,483,000 below the fiscal year 2002 appropriation and $35,500,000 less than the budget request. This account supports education research, data collection and analysis activities, and the assessment of student progress.

Research, development and dissemination

The Committee recommends $89,500,000 for educational research, development and national dissemination activities. This amount is $32,317,000 below the fiscal year 2002 appropriation and $85,500,000 less than the budget request. Funds are available for obligationfor 2 fiscal years. These funds support research, development, and dissemination activities that are aimed at expanding fundamental knowledge of education and promoting the use of research and development findings in the design of efforts to improve education.

Regional educational laboratories

The Committee recommends $67,500,000, the same amount as the budget request and the fiscal 2002 appropriation, for regional educational laboratories. Funding supports a network of 10 laboratories that are responsible for promoting the use of broad-based systemic strategies to improve student achievement.

Statistics

The Committee recommends $87,000,000 for data-gathering and statistical-analysis activities of the National Center for Education Statistics (NCES). This amount is $2,000,000 more than the fiscal year 2002 appropriation and $8,000,000 less than the budget request.

The NCES collects, analyzes, and reports statistics on education in the United States. Activities are carried out directly and through grants and contracts. The Center collects data on educational institutions at all levels, longitudinal data on student progress, and data relevant to public policy. The NCES also provides technical assistance to State and local education agencies and postsecondary institutions.

Assessment

The Committee recommends $95,387,000, the same as the budget request, for assessment. This amount is $16,166,000 less than the fiscal year 2002 appropriation.

These funds provide support for the National Assessment of Educational Progress (NAEP), a congressionally mandated assessment created to measure the educational achievement of American students. The primary goal of NAEP is to determine and report the status and trends over time in educational achievement, subject by subject. Beginning in 2002, the Department will pay for State participation in biennial reading and mathematics assessments in grades 4 and 8.

Within the funds appropriated, the Committee recommends $4,562,000 for the National Assessment Governing Board (NAGB), which is responsible for formulating policy for NAEP. The amount is the same as the budget request and $509,000 more than the fiscal year 2002 appropriation.

Multi-year grants and contracts

The Committee recommends $58,000,000 to continue multi-year grants and contracts to comprehensive regional assistance centers, Eisenhower regional mathematics and science consortia, and regional technology in education consortia (R*TECs). This amount is the same as the fiscal year 2002 appropriation. The administration requested no funds for this purpose.

Within the funds appropriated, the Committee recommends: $28,000,000 for the comprehensive regional assistance centers program, which funds 15 university-based or nonprofit centers that offer technical assistance to States, school districts, and schools on a variety of topics; $15,000,000 for Eisenhower regional mathematics and science consortia, which disseminate exemplary mathematics and science education instruction materials and provide technical assistance for the implementation of teaching methods and assessment tools; $5,000,000 for the Eisenhower Math and Science Clearinghouse; and $10,000,000 for R*TECs, which are regional centers that help States, local educational agencies, teachers, school library and media personnel, administrators, and other education entities successfully integrate technologies into K–12 classrooms, library media centers, and other educational settings, including adult literacy centers.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

Appropriations, 2002	$364,761,000
Budget estimate, 2003	411,795,000
Committee recommendation	412,093,000

The Committee recommends $412,093,000 for program administration, $47,332,000 more than the comparable fiscal year 2002 funding level and $298,000 more than the budget request.

Funds support personnel compensation and benefits, travel, rent, communications, utilities, printing, equipment and supplies, automated data processing, and other services required to award, administer, and monitor approximately 170 Federal education programs. Support for program evaluation and studies and advisory councils is also provided under this activity.

The Committee is concerned about the delay applicants are experiencing in receiving awards under grant programs. The Committee is aware of grant competitions that have taken more than 1 year from the announcement of the competition to the official notification of awards. The Committee understands that the events of September 11th and late enactment of the bill caused some delay in the process. However, it is the Committee's strong belief that every action should be taken to reduce the time it takes for applicants to learn whether their program has been renewed or whether they have been funded for the first time, while still maintaining a strong peer and grant review framework. The Committee requests that the Department provide a report within 60 days of enactment of this bill on the steps that it can take to reduce the delay in administering grant competitions.

The Committee has included $750,000 to provide to all Title IV institutions, that are eligible for funding under the higher education, a handbook providing detailed instructions on compliance with section 485(f) of the Higher Education Act of 1965. The Committee expects that these handbooks will be distributed no later than August 1, 2003.

The Committee has provided the authority for the Department to lease from non-Federal sources one additional passenger motor vehicle as requested in the budget.

The Committee has included $12,795,000, requested by the administration, to support costs associated with the renovation and modernization of the Mary E. Switzer building. These funds are available until expended. The Committee expects the Department to include a detailed explanation and justification of the funding required to complete this project in its fiscal year 2004 budget justification.

OFFICE FOR CIVIL RIGHTS

Appropriations, 2002	$79,934,000
Budget estimate, 2003	86,276,000
Committee recommendation	86,276,000

The Committee bill includes $86,276,000 for the Office for Civil Rights [OCR], $6,342,000 more than the comparable fiscal year 2002 appropriation and the same as the budget request.

The Office for Civil Rights is responsible for the enforcement of laws that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in all programs and institutions funded by the Department of Education. To carry out this responsibility, OCR investigates and resolves discrimination complaints, monitors desegregation and equal educational opportunity plans, reviews possible discriminatory practices by recipients of Federal education funds, and provides technical assistance to recipients of funds to help them meet civil rights requirements.

OFFICE OF THE INSPECTOR GENERAL

Appropriations, 2002	$38,720,000
Budget estimate, 2003	41,000,000
Committee recommendation	41,000,000

The Committee recommends $41,000,000 for the Office of the Inspector General, $2,280,000 more than the fiscal year 2002 appropriation and the same as the budget request.

The Office of the Inspector General has the authority to investigate all departmental programs and administrative activities, including those under contract or grant, to prevent and detect fraud and abuse, and to ensure the quality and integrity of those programs. The Office investigates alleged misuse of Federal funds, and conducts audits to determine compliance with laws and regulations, efficiency of operations, and effectiveness in achieving program goals.

STUDENT AID ADMINISTRATION

Appropriations, 2002	$107,484,000
Budget estimate, 2003	105,388,000
Committee recommendation	105,388,000

The Committee recommends $105,388,000 in discretionary resources for the new Student Aid Administration account. The Committee recommendation is $2,096,000 less than the comparable fiscal year 2002 funding level and the same as the request.

Fiscal year 2002 funding for activities funded in this new account was provided by the the FFEL Federal Administration account and program administration account.

Funds appropriated for the Student Aid Administration account, in addition to mandatory funding available through Section 458 of the Higher Education Act, will support the Department's student aid management expenses. The Office of Student Financial Assistance and Office of Postsecondary Education have primary responsibility for administering Federal student financial assistance programs.

The Committee rejects the Administration's legislative proposal to fund this new account solely through annual appropriations.

GENERAL PROVISIONS

The Committee bill contains language which has been included in the bill since 1974, prohibiting the use of funds for the transportation of students or teachers in order to overcome racial imbalance (sec. 301).

The Committee bill contains language included in the bill since 1977, prohibiting the transportation of students other than to the school nearest to the student's home (sec. 302).

The Committee bill contains language which has been included in the bill since 1980, prohibiting the use of funds to prevent the implementation of programs of voluntary prayer and meditation in public schools (sec. 303).

The Committee bill includes a provision giving the Secretary of Education authority to transfer up to 1 percent of any discretionary funds between appropriations (sec. 304).

The Committee bill includes a provision mandating the certain funds for reading activities not be used to supplant non-Federal funds (sec. 305).

The Committee bill includes a provision regarding allocation of Title I funds in New York City (sec. 306).

The Committee bill includes language making minor corrections in the Alaska native section of Public Law 107–110 (sec. 307).

The Committee includes language making a minor correction in the Native Hawaiian section of Public Law 107–110 (sec. 308).

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME BOARD

Appropriations, 2002	$71,440,000
Budget estimate, 2003	67,340,000
Committee recommendation	67,340,000

The Committee recommends authority to expend $67,340,000 from the Armed Forces Home Trust Fund to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport. This amount is equal to the budget request.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS

Appropriations, 2002	$328,895,000
Budget estimate, 2003	396,063,000
Committee recommendation	351,063,000

The Committee recommends an appropriation of $351,063,000 for the domestic volunteer service programs of the Corporation for National and Community Service. The Committee recommendation is $22,168,000 above the fiscal year 2002 comparable level, and $45,000,000 less than the budget request.

VISTA

The Committee bill provides $94,287,000 for the Volunteers in Service to America (VISTA) Program, $9,000,000 above the fiscal year 2002 level and equal to the budget request.

VISTA is a 36-year-old program which provides capacity building for small community-based organizations. VISTA volunteers raise resources for local projects, recruit and organize volunteers, and establish and expand local community-based programs in housing, employment, health, and economic development activities.

Special Volunteer Programs

The Committee recommends $10,000,000 for the Special Volunteer Programs, double the fiscal year 2002 level and $45,000,000 below the budget request.

These funds will be used to carry out Part C of Title I of the Domestic Volunteer Service Act of 1973, which authorizes grants to volunteer organizations to encourage and enable persons from all age groups to perform volunteer service in agencies, institutions and situations of need. Grants are awarded to organizations that strengthen and support volunteer efforts, with a particular emphasis on anti-poverty efforts.

The Committee commends the CNS for its stated goal of recruiting new Senior Corps volunteers and strongly supports this effort. The Committee is aware that one of the most important factors in the decision to continue volunteering is the quality of the first volunteer experience and the ongoing presence of the volunteer organization. For this reason, the Committee urges the Corporation to coordinate this newly funded program with the Senior Corps direct service programs. No funds have been included for the proposed Parent Drug Corps.

National Senior Volunteer Corps

The Committee bill provides $212,547,000 for the National Senior Volunteer Corps programs, equal to the fiscal year 2002 level and the budget request.

The Committee recognizes the valuable contributions of seniors participating in the Foster Grandparent (FGP), Retired and Senior Volunteer (RSVP) and Senior Companion Programs (SCP). In accordance with the Domestic Volunteer Service Act (DVSA), the Committee intends that at least one-third of each program's increase over the fiscal year 2001 level shall be used to fund Program of National Significance (PNS) expansion grants to allow existing FGP, RSVP and SCP programs to expand the number of volunteers serving in areas of critical need as identified by Congress in the DVSA. Within the appropriation, sufficient funding has been included to provide adequate resources for administrative cost increases realized by all current grantees in each DVSA program. Remaining funds should be used to begin new FGP, RSVP and SCP programs in geographic areas currently underserved. The Committee expects these projects to be awarded via a nationwide competition among potential community-based sponsors.

The Committee is concerned that 1,474 service years under the Senior Corps programs went unfilled in fiscal year 2001. These unfilled slots resulted in over $5,000,000 of unexpended funds. Since the early 1990's, the Corporation has maintained a 15 percent allowance for health care costs above the income guidelines. Over the same period of time, health care costs have risen exponentially. Data from the Centers for Medicare and Medicaid Services (CMS) indicates that seniors under 125 percent of poverty (those eligible for Senior Corps) spend an average of 35 percent of their out-of-pocket income on prescription drugs alone—more than twice the Corporations' allowance for all healthcare costs. In addition, seniors just above the Senior Corps eligibility, between 135 percent and 150 percent of poverty, spend an average of 30 percent of their income on prescription drugs. The Committee urges the Corporation to examine the potential for a more appropriate health care allowance that would allow the Senior Corps to tap into these potential volunteers and engage more of the President's projected new volunteers into sustained volunteer opportunities.

The Committee has included $400,000 for senior demonstration programs, equal to the fiscal year 2002 appropriation and the budget request.

Foster Grandparent Program

The Committee recommends $106,700,000 for the Foster Grandparent Program, equal to the fiscal year 2002 appropriations level and the budget request.

This program provides volunteer opportunities to seniors age 60 and over who serve at-risk youth. This program involves seniors in their communities and provides a host of services to children.

Senior Companion Program

For the Senior Companion Program, the Committee bill includes $46,563,000, an increase of $2,168,000 over the fiscal year 2002 appropriations level and equal to the budget request.

This program enables senior citizens to provide personal assistance and companionship to adults with physical, mental, or emotional difficulties. Senior companions provide vital in-home services to elderly Americans who would otherwise have to enter nursing homes. The volunteers also provide respite care to relieve care givers.

Retired and Senior Volunteer Program

The Committee bill provides $58,884,000 for the Retired and Senior Volunteer Program (RSVP), $4,000,000 above the fiscal year 2002 level and equal to the budget request.

This program involves persons age 55 and over in volunteer opportunities in their communities.

Program support

The Committee bill includes $34,229,000 for program support, $2,000,000 above the fiscal year 2002 appropriation and equal to the budget request.

CORPORATION FOR PUBLIC BROADCASTING

Appropriations, 2003	$365,000,000
Appropriations, 2004	380,000,000
Budget estimate, 2005	395,000,000
Committee recommendation	395,000,000

The Committee recommends an appropriation of $395,000,000 for the Corporation for Public Broadcasting (CPB), an advance appropriation for fiscal year 2005. This amount is $15,000,000 more than the fiscal year 2004 appropriation and equal to the budget request.

In addition, the Committee recommends $48,744,000 for the conversion to digital broadcasting. The recommendation is $23,744,000 above last year's appropriation and the administration request.

The Committee notes that since the passage of the 1996 Telecommunications Act, only 87 of the Nation's 356 public television stations have converted to digital. The remaining 269 stations are facing a May 2003 deadline by which to complete conversion or risk losing their licenses. To date, Federal funding for this conversion totals $158,000,000 out of the total estimated cost of $1,700,000,000. Stations have raised over $750,000,000 from State and private sources and are generally expected to cover more than half of the costs of conversion. The Committee is concerned that the Administration's request is not sufficient to meet the Federal mandate and to cover the Federal share of conversion.

FEDERAL MEDIATION AND CONCILIATION SERVICE

Appropriations, 2002	$39,982,000
Budget estimate, 2003	40,718,000
Committee recommendation	40,718,000

The Committee recommends an appropriation of $40,718,000 for the Federal Mediation and Conciliation Service (FMCS), $736,000 above the fiscal year 2002 appropriation and equal to the budget request.

The FMCS was established by Congress in 1947 to provide mediation, conciliation, and arbitration services to labor and management. FMCS is authorized to provide dispute resolution consultation and training to all Federal agencies.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Appropriations, 2002	$6,939,000
Budget estimate, 2003	7,127,000
Committee recommendation	7,127,000

The Committee recommends an appropriation of $7,127,000 for the Federal Mine Safety and Health Review Commission, an increase of $188,000 over the fiscal year 2002 appropriation and the same as the budget request.

The Federal Mine Safety and Health Review Commission provides administrative trial and appellate review of legal disputes under the Federal Mine Safety and Health Act of 1977. The five-member Commission provides administrative appellate review of the Commission's administrative law judge decisions.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

INSTITUTE OF MUSEUM AND LIBRARY SERVICE

Appropriations, 2002	$224,501,000
Budget estimate, 2003	210,000,000
Committee recommendation	203,000,000

The Committee recommends an appropriation of $203,000,000 for the Institute of Museum and Library Services. This is $21,501,000 less than the 2002 level and $7,000,000 less than the administration request.

Office of Museum Services Operations Grants

The Committee recommends $15,932,000 for operations grants. These funds support grants to museums for building increased public access, expanding educational services, reaching families and children, and using technology more effectively in support of these goals. In addition, non-competitive grants are awarded for technical assistance in four types of assessments: Institutional, Collections Management, Public Dimension, and governance.

Museum Conservation Programs

The Committee recommends $3,630,000 for Conservation programs. These funds support grants to allow museums to survey collections, perform training, research, treatment and environmental improvements. In addition, grantees may receive additional funds to develop an education component that relates to their conservation project. In addition, non-competitive grants are awarded for technical assistance in conservation efforts.

Museum National Leadership Projects

The Committee recommends $5,700,000 for National Leadership projects. The National Leadership Grants encourage innovation in meeting community needs, widespread and creative use of new technologies, greater public access to museum collections, and an extended impact of Federal dollars through collaborative projects.

Office of Museum Services Administration

The Committee recommends $3,463,000 for program administration, the same as the budget request. Funds support personnel compensation and benefits, travel, rent, communications, utilities, printing, equipment and supplies, automated data processing, and other services.

Office of Library Services State Grants

The Committee recommends $154,494,000 for State grants. Funds are provided to States by formula to carry out 5-year State plans. These plans must set goals and priorities for the State consistent with the purpose of the act, describe activities to meet the goals and priorities and describe the methods by which progress toward the goals and priorities and the success of activities will be evaluated. States may apportion their funds between two activities, technology and targeted services. For technology, States may use funds for electronic linkages among libraries, linkages to educational, social and information services, accessing information through electronic networks, or link different types of libraries or share resources among libraries. For targeted services, States may direct library and information services to persons having difficulty using a library, underserved urban and rural communities, and children from low income families. Within the total recommended, $3,075,000 has been provided for library services to Native Americans and Native Hawaiians.

Library National leadership projects

The Committee recommends $14,081,000 for national leadership projects. These funds support activities of national significance to enhance the quality of library services nationwide and to provide coordination between libraries and museums. Activities are carried out through grants and contracts awarded on a competitive basis to libraries, agencies, institutions of higher education and museums. Priority is given to projects that focus on education and training of library personnel, research and development for the improvement of libraries, preservation, digitization of library materials, partnerships between libraries and museums and other activities that enhance the quality of library services nationwide.

The Committee commends the administration for proposing an Initiative to Recruit and Educate Librarians and has included $3,000,000 for this purpose. The nation is facing an impending retirement wave of librarians. The Bureau of Labor Statistics reports that 57 percent of current librarians are 45 and older and 50 percent of librarians are expected to leave the profession in the next 10 years. In addition, current librarians are being asked to take on expanded duties as information technology advances and our society experiences an ever-increasing need for the dissemination of public safety and public health data.

Office of Library Services Administration

The Committee recommends $5,700,000 for program administration, the same as the budget request. Funds support personnel compensation and benefits, travel, rent, communications, utilities, printing, equipment and supplies, automated data processing, and other services.

MEDICARE PAYMENT ADVISORY COMMISSION

Appropriations, 2002	$8,250,000
Budget estimate, 2003	8,250,000
Committee recommendation	8,250,000

The Committee recommends an appropriation of $8,250,000 for the Medicare Payment Advisory Commission, equal to the fiscal year 2002 appropriation and the budget request.

The Medicare Payment Advisory Commission (MedPAC) was established by Congress as part of the Balanced Budget Act of 1997 (Public Law 105–33). Congress merged the Physician Payment Review Commission with the Prospective Payment Assessment Commission to create MedPAC.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Appropriations, 2002	$1,000,000–
Budget estimate, 2003	.....
Committee recommendation	1,000,000

The Committee recommends an appropriation of $1,000,000 for the National Commission on Libraries and Information Science, the same as the fiscal year 2002 appropriation and $1,000,000 more than the budget request.

The Commission determines the need for, and makes recommendations on, library and information services, and advises the President and Congress on the development and implementation of national policy in library and information sciences.

NATIONAL COUNCIL ON DISABILITY

Appropriations, 2002	$2,830,000
Budget estimate, 2003	2,830,000
Committee recommendation	2,830,000

The Committee recommends an appropriation of $2,830,000 for the National Council on Disability, equal to the fiscal year 2002 appropriation and the budget request.

The Council is mandated to make recommendations to the President, the Congress, the Rehabilitation Services Administration, and the National Institute on Disability and Rehabilitation Research, on the public issues of concern to individuals with disabilities. The Council gathers information on the implementation, effectiveness, and impact of the Americans With Disabilities Act and looks at emerging policy issues as they affect persons with disabilities and their ability to enter or reenter the Nation's work force and to live independently.

NATIONAL LABOR RELATIONS BOARD

Appropriations, 2002	$226,618,000
Budget estimate, 2003	233,223,000
Committee recommendation	238,223,000

The Committee recommends an appropriation of $238,223,000 for the National Labor Relations Board (NLRB), $11,605,000 more than the fiscal year 2002 comparable level and $5,000,000 more than the budget request.

The NLRB is a law enforcement agency which adjudicates disputes under the National Labor Relations Act.

The Committee is disappointed to note that the progress made by the NLRB reducing the backlog of unfair labor practice cases has been stymied by an increase in case intakes. The backlog at the end of fiscal year 2001 was approximately 970 cases and grew to 2,010 cases by the end of fiscal year 2002. The Committee is concerned about the impact this backlog has on workplace conditions. To that end, the Committee has included additional funds to continue the effort to reduce backlogged cases.

NATIONAL MEDIATION BOARD

Appropriations, 2002	$10,635,000
Budget estimate, 2003	11,203,000
Committee recommendation	11,203,000

The Committee recommends an appropriation of $11,203,000 for the National Mediation Board, $568,000 more than the fiscal year 2002 appropriation and the same as the budget request.

The National Mediation Board protects interstate commerce as it mediates labor-

management relations in the railroad and airline industries under the Railway Labor Act. The Board mediates collective bargaining disputes, determines the choice of employee bargaining representatives through elections, and administers arbitration of employee grievances.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Appropriations, 2002	$8,964,000
Budget estimate, 2003	9,577,000
Committee recommendation	9,577,000

The Committee recommends an appropriation of $9,577,000 for the Occupational Safety and Health Review Commission, $613,000 above the fiscal year 2002 appropriation and the same as the budget request.

The Commission serves as a court to justly and expeditiously resolve disputes between the Occupational Safety and Health Administration (OSHA) and employers charged with violations of health and safety standards enforced by OSHA.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

Appropriations, 2002	$137,000,000
Budget estimate, 2003	124,000,000
Committee recommendation	124,000,000

The Committee has provided a total of $124,000,000 for dual benefits, including $8,000,000 in income tax receipts on dual benefits as authorized by law. The Committee recommendation is $13,000,000 less than the fiscal year 2002 level and the same as the budget request.

This appropriation provides for vested dual benefit payments authorized by the Railroad Retirement Act of 1974, as amended by the Omnibus Reconciliation Act of 1981. This separate account, established for the payment of dual benefits, is funded by general fund appropriations and income tax receipts of vested dual benefits.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNT

Appropriations, 2002	$150,000
Budget estimate, 2003	150,000
Committee recommendation	150,000

The Committee recommends $150,000 for interest earned on unnegotiated checks. This is the same as the fiscal year 2002 appropriation and budget request.

LIMITATION ON ADMINISTRATION

Appropriations, 2002	$97,700,000
Budget estimate, 2003	97,720,000
Committee recommendation	97,720,000

The Committee recommends an appropriation of $97,720,000 for the administration of railroad retirement/survivor benefit programs. This amount is $20,000 more than the fiscal year 2002 comparable level, and the same as the budget request.

The Board administers comprehensive retirement-survivor and unemployment-sickness insurance benefit programs for the Nation's railroad workers and their families. This account limits the amount of funds in the railroad retirement and railroad unemployment insurance trust funds which may be used by the Board for administrative expenses.

The Committee is concerned by the administration's lack of a consistent policy on the payment of commercial rent by trust fund agencies. The Committee requests that the Office of Management and Budget clarify its policy in the fiscal year 2004 budget. In the meantime, the Committee has included language to prohibit funds from the railroad retirement trust fund from being spent on any charges over and above the actual cost of administering the trust fund, including commercial rental rates.

LIMITATION ON THE OFFICE OF THE INSPECTOR GENERAL

Appropriations, 2002	$6,261,000
Budget estimate, 2003	6,300,000
Committee recommendation	6,300,000

The Committee recommends $6,300,000 for the Office of the Inspector General, $39,000 above the 2002 appropriation and the same as the budget request.

The Committee has included bill language to allow the Office of the Inspector General to use funds to conduct audits, investigations, and reviews of the Medicare program. The Committee finds that as long as the RRB has the authority to negotiate and administer the separate Medicare contract, the RRB Inspector General should not be prohibited from using funds to review, audit, or investigate the RRB's separate Medicare contract.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

Appropriations, 2002	$434,400,000
Budget estimate, 2003	20,400,000
Committee recommendation	20,400,000

The Committee recommends an appropriation of $20,400,000 for payments to Social Security trust funds, the same as the administration request. This amount reimburses the old age and survivors and disability insurance trust funds for special payments to certain uninsured persons, costs incurred administering pension reform activities, and the value of the interest for benefit checks issued but not negotiated. This appropriation restores the trust funds to the same financial position they would have been in had they not borne these costs, properly charged to the general funds.

The decrease in appropriation is a result of the inclusion of $414,000,000 in last year's appropriation for the quinquennial adjustment to reimburse the OASI trust funds for the costs of granting noncontributory wage credits for military service.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

Appropriations, 2002	$332,840,000
Budget estimate, 2003	300,177,000
Committee recommendation	300,177,000

The Committee recommends an appropriation of $300,177,000 for special benefits for disabled coal miners. This is in addition to the $108,000,000 appropriated last year as an advance for the first quarter of fiscal year 2003. The recommendation is the same as the administration request. These funds are used to provide monthly benefits to coal miners disabled by black lung disease and to their widows and certain other dependents, as well as to pay related administrative costs.

The Social Security Administration holds primary responsibility for claims filed before July 1973, with the Department of Labor responsible for claims filed after that. By law, increases in black lung benefit payments are tied directly to Federal pay increases. The year-to-year decrease in this account reflects a declining beneficiary population.

The Committee recommends an advance appropriation of $97,000,000 for the first quarter of fiscal year 2004, the same as the administration request. These funds will ensure uninterrupted benefit payments to coal miners, their widows, and dependents.

SUPPLEMENTAL SECURITY INCOME

Appropriations, 2002	$21,577,412,000
Budget estimate, 2003	24,017,392,000
Committee recommendation	24,025,392,000

The Committee recommends an appropriation of $24,025,392,000 for supplemental security income. This is in addition to the $10,790,000,000 appropriated last year as an advance for the first quarter of fiscal year 2003 and includes funds for continuing disability reviews. The recommendation is $2,447,980,000 more than the fiscal year 2002 level and $8,000,000 more than the administration's request. The Committee also recommends an advance appropriation of $11,080,000,000 for the first quarter of fiscal year 2004 to ensure uninterrupted benefits payments.

These funds are used to pay benefits under the SSI Program, which was established to ensure a Federal minimum monthly benefit for aged, blind, and disabled individuals, enabling them to meet basic needs. It is estimated that approximately 6.5 million persons will receive SSI benefits each month during fiscal year 2003. In many cases, SSI benefits supplement income from other sources, including Social Security benefits. The funds are also used to reimburse the Social Security trust funds for the administrative costs for the program with a final settlement by the end of the subsequent fiscal year as required by law, to reimburse vocational rehabilitation agencies for costs incurred in successfully rehabilitating SSI recipients and for research and demonstration projects.

The Committee is concerned about backlogs in the amount of time that many applicants for Social Security disability benefits must wait before they finally receive disability benefits to which they are entitled. In fiscal year 2002, the Committee provided funding to reduce this backlog, as well as the funding to address a special caseload of beneficiaries who have received Supplemental Security Income disability benefits, but are entitled to Social Security disability benefits as well. In May 2002, the Social Security Administration discovered that this special caseload was more extensive than originally believed, potentially including more than 500,000 individuals. The Committee understands that the Commissioner is in the process of undertaking a thorough review of this issue to determine the number of affected individuals and the cost of processing this caseload. These complex cases must be re-examined by specially trained SSA staff so that these SSI beneficiaries can receive Social Security disability benefits to which they are entitled, some from as far back as the 1970's. The Committee is also concerned that re-examining these cases and calculating past due benefits will lengthen the already-unacceptable waiting periods facing disabled Americans. The Committee directs the SSA Commissioner to submit a report to the Committee within 30 days of the enactment of this bill detailing the amount of funds necessary to complete the training of staff and processing of this special caseload, as well as a plan for eliminating the backlog of disability applications and appeals and the amount of funding necessary to execute that plan.

Beneficiary services

The Committee recommendation includes $45,728,000 for beneficiary services, which is

the same as the administration request and $8,316,000 more than the fiscal year 2002 level. This appropriation added to an estimated $39,300,000 in carryover funding will bring the fiscal year 2003 program funding level to approximately $85,000,000. This amount is available for payments to Employment Networks for successful outcomes or milestone payments under the Ticket to Work program and for reimbursement of State vocational rehabilitation agencies and alternate public or private providers.

Research and demonstration projects

The Committee recommendation includes $38,000,000 for research and demonstration projects conducted under sections 1110 and 1115 of the Social Security Act. This is $1,000,000 more than the fiscal year 2002 level and $8,000,000 more than the administration request.

This amount will support SSA's efforts to strengthen its policy evaluation capability and focus on research of: program issues, the impact of demographic changes on future workloads and effective return-to-work strategies for disabled beneficiaries.

The Committee commends the Administration on their stated goal of preventing and ending homelessness for people with disabilities, within 10 years. The Committee believes that increasing the Social Security Administration's outreach and application assistance to homeless people as well as others who are economically disadvantaged is an important part of this effort. The Committee is aware that SSA operated an effective outreach program in the early 1990's, where grants were awarded to local non-profits to provide SSI outreach and application assistance. In light of the ongoing need for SSI outreach and application assistance, the Committee has included an additional $8,000,000 to provide and to administer a competitive demonstration grants demonstration program, targeted toward providing outreach and application assistance to homeless persons and other underserved populations.

Administration

The Committee recommendation includes $2,824,000,000 for payment to the Social Security trust funds for the SSI Program's share of SSA's base administrative expenses. This is $197,000,000 above the fiscal year 2002 level and equal to the administration request.

LIMITATION ON ADMINISTRATIVE EXPENSES

Appropriations, 2002	$7,575,500,000
Budget estimate, 2003	7,936,000,000
Committee recommendation	7,936,000,000

The Committee recommends a program funding level of $7,936,000,000 for the limitation on administrative expenses, which is equal to the administration request and $360,500,000 higher than the fiscal year 2002 level.

This account provides resources from the Social Security trust funds to administer the Social Security retirement and survivors and disability insurance programs, and certain Social Security health insurance functions. As authorized by law, it also provides resources from the trust funds for certain nontrust fund administrative costs, which are reimbursed from the general funds. These include administration of the supplemental security income program for the aged, blind and disabled; work associated with the Pension Reform Act of 1984; and the portion of the annual wage reporting work done by the Social Security Administration for the benefit of the Internal Revenue Service. The dollars provided also support automated data processing activities and fund the State disability determination services which make initial and continuing disability determinations on behalf of the Social Security Administration. Additionally, the limitation provides funding for computer support, and other administrative costs.

The limitation includes $7,825,000,000 for routine operating expenses of the agency, which is equal to the amount requested by the President and $782,500,000 over the 2002 comparable amount. These funds, as well as those derived from an increase in the user fees which are discussed below, cover the mandatory costs of maintaining equipment and facilities, as well as staffing.

The Committee commends SSA for monitoring and assessing the impact of Social Security Ruling (SSR) 99–2p regarding Chronic Fatigue Syndrome. The Committee is pleased that SSA officials have continued to educate adjudicators at all levels of the SSA process about the April 1999 Chronic Fatigue Syndrome ruling (99–2p). The Committee encourages SSA to continue these educational efforts, as many SSA employees remain unfamiliar with or misinformed about CFS and the functional limitations it imposes. Finally, the Committee encourages SSA to continue examining obstacles to benefits for persons with CFS. The Committee also encourages SSA to examine the impact of the ruling on CFS patients' access to benefits, and to keep medical information updated throughout all levels of the application and review process.

Social Security Advisory Board

The Committee has included $1,800,000 within the limitation on administrative expenses account for the Social Security Advisory Board for fiscal year 2003, the same level as the administration request and the same as the fiscal year 2002 level.

User fees

In addition to other amounts provided, the Committee recommends $111,000,000 for administrative activities funded from user fees that were authorized in fiscal year 1998. This is equal to the administration's request and an increase of $11,000,000 over the fiscal year 2002 level.

OFFICE OF THE INSPECTOR GENERAL

Appropriations, 2002	$75,000,000
Budget estimate, 2003	83,000,000
Committee recommendation	83,000,000

The Committee recommends $83,000,000 for activities for the Office of the Inspector General, $8,000,000 more than fiscal year 2002 and equal to the administration request. This includes a general fund appropriation of $21,000,000 together with an obligation limitation of $62,000,000 from the Federal old-age and survivors insurance trust fund and the Federal disability insurance trust fund.

U.S. INSTITUTE OF PEACE

Appropriations, 2002	$15,104,000
Budget estimate, 2003	16,200,000
Committee recommendation	16,200,000

The Committee recommends an appropriation of $16,200,000 for the U.S. Institute of Peace, $1,096,000 more than the fiscal year 2002 appropriation and equal to the budget request.

The Institute was established by the U.S. Institute of Peace Act (Public Law 98–525) in 1984. The Institute is an independent, nonprofit, national organization whose primary mission is to promote, through scholarship and education, international peace, and the resolution of conflicts without recourse to violence.

TITLE V—GENERAL PROVISIONS

The Committee recommendation retains provisions which: authorize transfers of unexpended balances (sec. 501); limit funding to 1 year availability unless otherwise specified (sec. 502); limit lobbying and related activities (sec. 503); limit official representation expenses (amended) (sec. 504); prohibit funding of any program to carry out distribution of sterile needles for the hypodermic injection of any illegal drug unless the Secretary of HHS determines such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs (sec. 505); state the sense of Congress about purchase of American-made equipment and products (sec. 506); clarify Federal funding as a component of State and local grant funds (sec. 507); limit use of funds for abortion (sec. 508 and sec. 509); restrict human embryo research (sec. 510); limit the use of funds for promotion of legalization of controlled substances included last year (sec. 511); limits use of funds to enter into or review contracts with entities subject to the requirement in section 4212(d) of title 38, United States Code, if the report required by that section has not been submitted (sec. 512); and prohibits the use of funds to promulgate regulations regarding the individual health identifier (sec. 513).

The Committee recommendation includes a new provision regarding the Institute of Peace (sec. 514).

The Committee recommendation includes an across-the-board administrative cost reduction (sec. 515).

COMPLIANCE WITH PARAGRAPH 7, RULE XVI, OF THE STANDING RULES OF THE SENATE

Paragraph 7 of rule XVI requires that Committee report on general appropriations bills identify each Committee amendment to the House bill ''which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.''

The following items are identified pursuant to this requirement:

Nursing Loan Repayment, $————; Title VII of the Public Health Services Act, $305,564,000; Title VIII of the Public Health Services Act, $88,002,000; Universal Newborn Hearing Screening, $10,000,000; Trauma Care, $5,000,000; Abstinence Education, $40,000,000; Organ Transplantation, $24,990,000; Rural Hospital Flex Grants, $45,000,000; Denali Commission, $30,000,000; Family Planning, $285,000,000; State Offices of Rural Health, $10,000,000; Health statistics, $125,899,000; Birth defects and developmental disabilities, $97,691,000; Adolescent Family Life, $31,124,000; Office of Minority Health, $46,329,000; Office of Disease Prevention and Health Promotion, $7,589,000; Child Care and Development Block Grant, $2,099,994,000; Child Abuse Prevention and Treatment Act, $109,186,000; Abandoned Infants Assistance Act, $12,205,000; Native American Programs, $45,912,000; Refugee and Entrant Assistance Programs, $432,724,000; Alzheimer's Disease Demonstration Grants to States, $14,000,000; Volunteers in Service to America, $94,287,000; Special Volunteer Programs, $10,000,000; National Senior Volunteer Corps, $212,547,000; Institute of Museum and Library Services, $203,000,000; United States Institute of Peace, $16,200,000;

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee reports on a bill or a joint resolution repealing or amending any statute include ''(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee.''

In compliance with this rule, the following changes in existing law proposed to be made by the bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is printed in italic; and existing law in which no change is proposed is shown in roman.

With respect to this bill, it is the opinion of the Committee that it is necessary to dispense with these requirements in order to expedite the business of the Senate.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003

[In thousands of dollars]

Item	2002 comparable	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 comparable	Budget estimate
TITLE I—DEPARTMENT OF LABOR					
EMPLOYMENT AND TRAINING ADMINISTRATION					
TRAINING AND EMPLOYMENT SERVICES					
Grants to States:					
Adult Training, current year	238,000	188,000	188,000	−50,000	
Advance from prior year	(712,000)	(712,000)	(712,000)		
Fiscal year 2004	712,000	712,000	712,000		
Adult Training	950,000	900,000	900,000	−50,000	
Youth Training	1,127,965	1,000,965	1,000,965	−127,000	
Dislocated Worker Assistance	281,200	258,432	258,432	−22,768	
Advance from prior year	(848,000)	(848,000)	(848,000)		
Fiscal year 2004	848,000	848,000	848,000		
Dislocated Worker Assistance	1,129,200	1,106,432	1,106,432	−22,768	
Federally Administered Programs:					
Dislocated Worker Assistance	30,300	64,608	64,608	+34,308	
Advance from prior year	(212,000)	(212,000)	(212,000)		
Fiscal year 2004	212,000	212,000	212,000		
Dislocated Worker Assistance	242,300	276,608	276,608	+34,308	
Total, Dislocated Workers	1,371,500	1,383,040	1,383,040	+11,540	
Native Americans	57,000	55,000	57,000		+2,000
Migrant and Seasonal Farmworkers	79,751		79,751		+79,751
Job Corps:					
Operations:	737,377	813,610	800,000	+62,623	−13,610
Advance from prior year	(591,000)	(591,000)	(591,000)		
Fiscal year 2004	591,000	591,000	591,000		
Construction and Renovation	30,375	27,550	27,550	−2,825	
Advance from prior year	(100,000)	(100,000)	(100,000)		
Fiscal year 2004	100,000	100,000	100,000		
Subtotal, Job Corps, program level	1,458,752	1,532,160	1,518,550	+59,798	−13,610
National activities:					
Pilots, Demonstrations and Research	130,149	35,000	55,161	−74,988	+20,161
Responsible Reintegrat'n of Youthful Offenders	55,000		55,000		+55,000
Evaluation	9,098	9,098	9,098		
Youth Opportunity Grants	225,100	44,500	44,500	−180,600	
Other	16,019	15,000	16,019		+1,019
Subtotal, National activities	435,366	103,598	179,778	−255,588	+76,180
Subtotal, Federal activities	2,273,169	1,967,366	2,111,687	−161,482	+144,321
Total, Workforce Investment Act	5,480,334	4,974,763	5,119,084	−361,250	+144,321
Women in Apprenticeship	1,000	1,000	1,000		
Skill Standards	3,500			−3,500	
Subtotal, National activities, TES	439,866	104,598	180,778	−259,088	+76,180
Subtotal, Training and Employment Services	5,484,834	4,975,763	5,120,084	−364,750	+144,321
Current Year	(3,021,834)	(2,512,763)	(2,657,084)	(−364,750)	(+144,321)
Fiscal year 2004	(2,463,000)	(2,463,000)	(2,463,000)		
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	445,100	440,200	440,200	−4,900	
WORKERS COMPENSATION PROGRAMS	175,000			−175,000	
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES					
Trade Adjustment	349,500	13,000	972,200	+622,700	+959,200
NAFTA Activities	66,150			−66,150	
Total	415,650	13,000	972,200	+556,550	+959,200
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS					
Unemployment Compensation:					
State Operations [1]	2,777,986	2,717,688	2,641,488	−136,498	−76,200
National Activities	10,000	10,000	10,000		
Emergency Response Funds	4,100			−4,100	
Subtotal, Unemployment Compensation	2,792,086	2,727,688	2,651,488	−140,598	−76,200
Employment Service:					
Allotments to States:					
Federal Funds	23,452	23,452	23,452		
Trust Funds	773,283	773,283	773,283		

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 comparable	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 comparable	Budget estimate
Subtotal	796,735	796,735	796,735		
ES National Activities	50,680	29,120	50,680		+21,560
Subtotal, Employment Service	847,415	825,855	847,415		+21,560
Federal Funds	23,452	23,452	23,452		
Trust Funds	823,963	802,403	823,963		+21,560
One Stop Career Centers/Labor Market Information	120,000	113,000	100,000	−20,000	−13,000
Work Incentives Grants	20,000	20,000	20,000		
Total, State Unemployment	3,779,501	3,686,543	3,618,903	−160,598	−67,640
Federal Funds	167,552	156,452	143,452	−24,100	−13,000
Trust Funds	3,611,949	3,530,091	3,475,451	−136,498	−54,640
ADVANCES TO THE UI AND OTHER TRUST FUNDS [1]	464,000	463,000	463,000	−1,000	
PROGRAM ADMINISTRATION					
Adult Employment and Training	34,076	42,620	39,090	+5,014	−3,530
Trust Funds	2,887	2,973	2,973	+86	
Youth Employment and Training	37,603	38,947	40,858	+3,255	+1,911
Employment Security	5,867	6,051	6,051	+184	
Trust Funds	44,216	45,586	51,586	+7,370	+6,000
Apprenticeship Services	21,406	20,836	22,036	+630	+1,200
Executive Direction	7,914	8,286	8,286	+372	
Trust Funds	1,404	2,051	2,051	+647	
Welfare to Work	5,903	4,711	4,711	−1,192	
Subtotal, Program Administration	161,276	172,061	177,642	+16,366	+5,581
Federal Funds	112,769	121,451	121,032	+8,263	−419
Trust Funds	48,507	50,610	56,610	+8,103	+6,000
Total, Employment and Training Administration	10,925,361	9,750,567	10,792,029	−133,332	+1,041,462
Federal Funds	7,264,905	6,169,866	7,259,968	−4,937	+1,090,102
Current Year	(4,801,905)	(3,706,866)	(4,796,968)	(−4,937)	(+1,090,102)
Fiscal year 2004	(2,463,000)	(2,463,000)	(2,463,000)		
Trust Funds	3,660,456	3,580,701	3,532,061	−128,395	−48,640
PENSION AND WELFARE BENEFITS ADMINISTRATION					
Enforcement and Compliance	85,502	92,125	92,125	+6,623	
Policy, Regulation and Public Service	19,694	20,575	20,575	+881	
Program Oversight	5,736	4,344	4,344	−1,392	
Total, PWBA	110,932	117,044	117,044	+6,112	
PENSION BENEFIT GUARANTY CORPORATION					
Program Administration subject to limitation (TF)	11,567	13,050	13,050	+1,483	
Termination services not subject to limitation (NA)	(178,924)	(179,844)	(179,844)	(+920)	
Total, PBGC (Program level)	(190,491)	(192,894)	(192,894)	(+2,403)	
EMPLOYMENT STANDARDS ADMINISTRATION					
SALARIES AND EXPENSES					
Enforcement of Wage and Hour Standards	155,580	155,387	157,387	+1,807	+2,000
Office of Labor-Management Standards	30,622	34,503	34,503	+3,881	
Federal Contractor EEO Standards Enforcement	77,678	77,544	79,544	+1,866	+2,000
Federal Programs for Workers' Compensation	91,327	96,975	97,675	+6,348	+700
FECA Fees		−86,442			+86,442
Trust Funds	1,975	2,029	2,029	+54	
Program Direction and Support	13,054	14,319	14,319	+1,265	
Total, ESA salaries and expenses	370,236	294,315	385,457	+15,221	+91,142
Federal Funds	368,261	292,286	383,428	+15,167	+91,142
Trust Funds	1,975	2,029	2,029	+54	
SPECIAL BENEFITS					
Federal employees compensation benefits	118,000	160,000	160,000	+42,000	
Longshore and harbor workers' benefits	3,000	3,000	3,000		
Total, Special Benefits	121,000	163,000	163,000	+42,000	
ENERGY EMPLOYEES OCCUPATIONAL ILLNESS					
COMPENSATION FUND					
Program Benefits	(769,000)	(758,000)	(758,000)	(−11,000)	
Administrative Expenses	135,665	104,867	104,867	−30,798	
BLACK LUNG DISABILITY TRUST FUND					
Benefit payments and interest on advances	981,283	979,371	979,371	−1,912	
Employment Standards Adm. S&E	31,377	31,987	31,987	+610	
Departmental Management S&E	22,590	22,952	22,952	+362	
Departmental Management, Inspector General	328	334	334	+6	
Subtotal, Black Lung Disablty	1,035,578	1,034,644	1,034,644	−934	
Treasury Administrative Costs	356	356	356		
Total, Black Lung Disability Trust Fund	1,035,934	1,035,000	1,035,000	−934	
Total, Employment Standards Administration	1,662,835	1,597,182	1,688,324	+25,489	+91,142
Federal Funds	1,660,860	1,595,153	1,686,295	+25,435	+91,142
Trust Funds	1,975	2,029	2,029	+54	
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Safety and Health Standards	15,567	14,237	18,000	+2,433	+3,763

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 comparable	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 comparable	Budget estimate
Federal Enforcement	161,998	161,080	166,998	+5,000	+5,918
State Programs	89,747	89,747	92,531	+2,784	+2,784
Technical Support	19,612	20,234	20,234	+622	
Compliance Assistance:.					
Federal Assistance	59,104	60,248	63,195	+4,091	+2,947
State Consultation Grants	51,021	52,521	54,582	+3,561	+2,061
Training Grants	11,175	4,000	11,175		+7,175
Subtotal, Compliance Assistance	121,300	116,769	128,952	+7,652	+12,183
Safety and Health Statistics	26,257	25,739	26,386	+129	+647
Executive Direction and Administration	9,017	9,213	9,213	+196	
Total, OSHA	443,498	437,019	462,314	+18,816	+25,295
MINE SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Coal Enforcement	117,049	112,337	119,655	+2,606	+7,318
Metal/Non-Metal Enforcement	61,099	63,910	63,910	+2,811	
Standards Development	2,357	2,328	2,428	+71	+100
Assessments	4,807	4,836	4,936	+129	+100
Educational Policy and Development	27,984	27,914	27,914	−70	
Technical Support	28,085	28,675	28,675	+590	
Program Administration	12,551	14,323	14,323	+1,772	
Mine Mapping			10,000	+10,000	+10,000
Total, Mine Safety and Health Administration	253,932	254,323	271,841	+17,909	+17,518
BUREAU OF LABOR STATISTICS					
SALARIES AND EXPENSES					
Employment and Unemployment Statistics	146,889	151,004	143,294	−3,595	−7,710
Labor Market Information (Trust Funds)	69,132	72,029	72,029	+2,897	
Prices and Cost of Living	148,494	160,716	160,716	+12,222	
Compensation and Working Conditions	74,221	76,422	76,422	+2,201	
Productivity and Technology	9,605	9,925	9,925	+320	
Executive Direction and Staff Services	27,090	28,068	28,068	+978	
Total, Bureau of Labor Statistics	475,431	498,164	490,454	+15,023	−7,710
Federal Funds	406,299	426,135	418,425	+12,126	−7,710
Trust Funds	69,132	72,029	72,029	+2,897	
OFFICE OF DISABILITY EMPLOYMENT POLICY					
Office of Disability Employment Policy	35,416	47,015	47,015	+11,599	
Task Force on Employment of Adults with Disabilities	2,640			−2,640	
Total, Office of Disability Employment Policy	38,056	47,015	47,015	+8,959	
DEPARTMENTAL MANAGEMENT					
SALARIES AND EXPENSES					
Executive Direction	27,054	26,468	29,468	+2,414	+3,000
Departmental IT Crosscut	50,000	74,000	55,000	+5,000	−19,000
Departmental Management Crosscut	884	7,000	5,884	+5,000	−1,116
Legal Services	77,104	77,680	77,680	+576	
Trust Funds	310	310	310		
International Labor Affairs	148,015	54,574	148,015		+93,441
Administration and Management	35,553	30,191	30,191	−5,362	
Adjudication	24,632	25,472	25,232	+600	−240
Women's Bureau	10,165	8,369	10,973	+808	+2,604
Civil Rights Activities	5,635	5,969	5,969	+334	
Chief Financial Officer	6,249	7,901	7,901	+1,652	
Total, Salaries and expenses	385,601	317,934	396,623	+11,022	+78,689
Federal Funds	385,291	317,624	396,313	+11,022	+78,689
Trust Funds	310	310	310		
VETERANS EMPLOYMENT AND TRAINING					
State Administration:					
Disabled Veterans Outreach Program	81,615	81,615	83,615	+2,000	+2,000
Local Veterans Employment Program	77,253	77,253	79,253	+2,000	+2,000
Subtotal, State Administration	158,868	158,868	162,868	+4,000	+4,000
Federal Administration	27,956	26,669	28,669	+713	+2,000
Homeless Veterans Program	18,250	17,500	19,000	+750	+1,500
Veterans Workforce Investment Programs	7,550	7,300	7,550		+250
Total, Veterans Employment and Training	212,624	210,337	218,087	+5,463	+7,750
Federal Funds	25,800	24,800	26,550	+750	+1,750
Trust Funds	186,824	185,537	191,537	+4,713	+6,000
OFFICE OF THE INSPECTOR GENERAL					
Program Activities	51,909	56,659	56,659	+4,750	
Trust Funds	4,951	5,597	5,597	+646	
Total, Office of the Inspector General	56,860	62,256	62,256	+5,396	
Federal funds	51,909	56,659	56,659	+4,750	
Trust funds	4,951	5,597	5,597	+646	
Total, Departmental Management	655,085	590,527	676,966	+21,881	+86,439
Federal Funds	463,000	399,083	479,522	+16,522	+80,439
Trust Funds	192,085	191,444	197,444	+5,359	+6,000
Total, Labor Department	14,576,697	13,304,891	14,559,037	−17,660	+1,254,146
Federal Funds	10,641,482	9,445,638	10,742,424	+100,942	+1,296,786
Current Year	(8,178,482)	(6,982,638)	(8,279,424)	(+100,942)	(+1,296,786)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 comparable	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 comparable	Budget estimate
Fiscal year 2004	(2,463,000)	(2,463,000)	(2,463,000)		
Trust Funds	3,935,215	3,859,253	3,816,613	−118,602	−42,640
TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES					
HEALTH RESOURCES AND SERVICES ADMINISTRATION					
HEALTH RESOURCES AND SERVICES					
Community health centers	1,343,570	1,457,864	1,533,570	+190,000	+75,706
National Health Service Corps:					
Field placements	46,506	46,498	46,498	−8	
Recruitment	98,989	142,918	142,918	+43,929	
Subtotal, National Health Service Corps	145,495	189,416	189,416	+43,921	
Health Professions					
Consolidated Title VII Health Professions					
Training for Diversity:					
Centers of excellence	32,633		36,000	+3,367	+36,000
Health careers opportunity program	34,791		38,000	+3,209	+38,000
Faculty loan repayment	1,330		1,330		+1,330
Scholarships for disadvantaged students	46,233	10,000	50,000	+3,767	+40,000
Subtotal, Training for Diversity	114,987	10,000	125,330	+10,343	+115,330
Training in Primary Care Medicine and Dentistry	93,037		93,037		+93,037
Interdisciplinary Community-Based Linkages:					
Area health education centers	33,358		33,358		+33,358
Health education and training centers	4,402		4,402		+4,402
Allied health and other disciplines	9,499		9,499		+9,499
Geriatric programs	20,408		20,408		+20,408
Quentin N. Burdick program for rural training	6,999		6,999		+6,999
Subtotal, Interdisciplinary Comm. Linkages	74,666		74,666		+74,666
Health Professions Workforce Info and Analysis	824	1,000	824		−176
Public Health Workforce Development:					
Public health, preventive med. and dental pgms	10,477		10,477		+10,477
Health administration programs	1,230		1,230		+1,230
Subtotal, Public Health Workforce Development	11,707		11,707		+11,707
Subtotal, Title VII Health Professions	295,221	11,000	305,564	+10,343	+294,564
Children's Hospitals Graduate Medical Educ	284,967	200,000	285,000	+33	+85,000
Advanced Education Nursing	60,041	61,041	47,596	−12,445	−13,445
Basic nurse education and practice	16,289	16,289	10,855	−5,434	−5,434
Nursing workforce diversity	6,172	6,172	25,051	+18,879	+18,879
Subtotal, Health Professions	662,690	294,502	674,066	+11,376	+379,564
Other HRSA Programs:					
Hansen's Disease Services	17,839	18,142	18,142	+303	
Healthy Communities Innovation Initiative		20,000	20,000	+20,000	
Maternal and Child Health Block Grant	731,531	731,531	741,531	+10,000	+10,000
Abstinence Education:					
Advance from prior year	(30,000)			(−30,000)	
Current Year	10,000	72,979	40,000	+30,000	−32,979
Healthy Start	98,989	98,989	98,989		
Universal Newborn Hearing	9,999		10,000	+1	+10,000
Organ Transplantation	19,990	24,990	24,990	+5,000	
Bone Marrow Program	21,997	22,034	22,034	+37	
Rural outreach grants	52,117	37,852	51,472	−645	+13,620
Rural Health Research	14,808	6,000	16,808	+2,000	+10,808
Telehealth	37,192	5,609	39,192	+2,000	+33,583
State offices of rural health	7,999	4,000	10,000	+2,001	+6,000
Denali Commission	20,000		30,000	+10,000	+30,000
Critical Care Programs:					
Emergency medical services for children [2]	18,991		20,000	+1,009	+20,000
Poison control [2]	21,208		24,000	+2,792	+24,000
Traumatic Brain Injury	7,499	7,499	9,000	+1,501	+1,501
Subtotal, Critical Care Programs	47,698	7,499	53,000	+5,302	+45,501
Black lung clinics	6,000	6,000	6,000		
Trauma Care	3,500		5,000	+1,500	+5,000
Nursing loan repayment for shortage area service	10,239	15,000	15,000	+4,761	
Payment to Hawaii, treatment of Hansen's	2,045	2,045	2,045		
Other HRSA programs—Current Year	1,111,943	1,072,670	1,204,203	+92,260	+131,533
Ryan White AIDS Programs:					
Emergency Assistance	619,514	619,514	630,000	+10,486	+10,486
Comprehensive Care Programs	977,373	977,373	1,095,000	+117,627	+117,627
AIDS Drug Assistance Program (ADAP) (NA)	(639,000)	(639,000)	(739,000)	(+100,000)	(+100,000)
Early Intervention Program	193,917	194,055	200,000	+6,083	+5,945
Pediatric HIV/AIDS	70,990	70,990	75,000	+4,010	+4,010
AIDS Dental Services	13,498	13,498	16,000	+2,502	+2,502
Education and Training Centers	35,295	35,295	35,295		
Special projects of National Significance			−25,000	−25,000	−25,000
Subtotal, Ryan White AIDS programs	1,910,587	1,910,725	2,026,295	+115,708	+115,570
Evaluation Tap Funding (NA)			(25,000)	(+25,000)	(+25,000)
Subtotal, Ryan White program level	1,910,587	1,910,725	2,051,295	+140,708	+140,570
Family Planning	265,055	265,275	285,000	+19,945	+19,725
Health Care and Other Facilities	315,297			−315,297	
Buildings and Facilities	250	250	250		

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 comparable	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 comparable	Budget estimate
Rural Hospital Flexibility Grants	40,000	25,000	45,000	+5,000	+20,000
Rural Access to Emergency Devices	12,500	2,000	12,500		+10,500
Radiation Exposure Compensation Act	4,000	4,000	2,000	−2,000	−2,000
National Practitioner Data Bank	16,600	19,500	19,500	+2,900	
User Fees	−16,600	−19,500	−19,500	−2,900	
Health Care Integrity and Protection Data Bank	5,100	5,600	5,600	+500	
User Fees	−5,100	−5,600	−5,600	−500	
Community Access Program	120,027			−120,027	
Program Management	149,137	143,702	143,354	−5,783	−348
Total, Health resources and services	6,080,551	5,365,404	6,115,654	+35,103	+750,250
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM:					
Liquidating account	(10,000)	(7,000)	(7,000)	(−3,000)	
Program management	3,791	3,914	3,914	+123	
Total, HEAL	3,791	3,914	3,914	+123	
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:					
Post-Fiscal year 88 claims	81,704	85,918	85,918	+4,214	
HRSA administration	2,992	2,991	2,991	−1	
Total, Vaccine Injury Compensation Trust Fund	84,696	88,909	88,909	+4,213	
Total, Health Resources and Services Admin	6,169,038	5,458,227	6,208,477	+39,439	+750,250
CENTERS FOR DISEASE CONTROL					
Birth Defects/Developmental Disabilities/Disability and Health	89,910	89,323	97,691	+7,781	+8,368
Chronic Disease Prevention and Health Promotion	747,222	690,230	745,600	−1,622	+55,370
Environmental Health	153,431	152,155	189,489	+36,058	+37,334
Epidemic Services and Response	80,139	78,001	78,001	−2,138	
Health Statistics	103,393	78,917	125,899	+22,506	+46,982
Evaluation Tap Funding	(23,286)	(46,982)		(−23,286)	(−46,982)
HIV/AIDS, STD and TB Prevention	1,135,000	1,135,000	1,168,532	+33,532	+33,532
Immunization	627,601	627,601	638,895	+11,294	+11,294
Evaluation tap funding			(14,000)	(+14,000)	(+14,000)
Program level	627,601	627,601	652,895	+25,294	+25,294
Infectious Disease Control	344,446	334,471	334,471	−9,975	
Injury Prevention and Control	149,447	144,764	149,385	−62	+4,621
Occupational Safety and Health [3]	276,080	247,318	232,999	−43,081	−14,319
Evaluation tap funding			(41,900)	(+41,900)	(+41,900)
Program level	276,080	247,318	274,899	−1,181	+27,581
Preventive Health and Health Services Block Grant	134,967	134,966	134,966	−1	
Public Health Improvement	148,200	116,819	87,072	−61,128	−29,747
Evaluation tap funding			(28,600)	(+28,600)	(+28,600)
Program level	148,200	116,819	115,672	−32,528	−1,147
Buildings and Facilities	250,000		270,000	+20,000	+270,000
Office of the Director	51,420	44,879	49,749	−1,671	+4,870
Emergency Response and Recovery	12,000			−12,000	
ATSDR [4]	(78,235)	(77,388)	(77,388)	(−847)	
Total, Disease Control	4,303,256	3,874,444	4,302,749	−507	+428,305
Program level	4,303,256	3,874,444	4,387,249	+83,993	+512,805
NATIONAL INSTITUTES OF HEALTH					
National Cancer Institute	4,128,351	4,642,394	4,642,394	+514,043	
National Heart, Lung, and Blood Institute	2,560,197	2,776,411	2,820,011	+259,814	+43,600
National Institute of Dental and Craniofacial Research	343,149	372,167	374,067	+30,918	+1,900
National Institute of Diabetes and Digestive and Kidney Diseases	1,466,380	1,604,647	1,637,347	+170,967	+32,700
National Institute of Neurological Disorders and Stroke	1,312,780	1,424,405	1,466,005	+153,225	+41,600
National Institute of Allergy and Infectious Diseases	2,509,539	3,890,473	3,627,473	+1,117,934	−263,000
Global HIV/AIDS Fund Transfer	25,000	100,000	100,000	+75,000	
Subtotal	2,534,539	3,990,473	3,727,473	+1,192,934	−263,000
National Institute of General Medical Sciences	1,700,139	1,854,984	1,853,584	+153,445	−1,400
National Institute of Child Health and Human Development	1,113,087	1,213,817	1,213,817	+100,730	
National Eye Institute	581,191	629,990	634,290	+53,099	+4,300
National Institute of Environmental Health Sciences	566,118	614,258	617,258	+51,140	+3,000
NIEHS/Superfund (NA) [5]	(76,074)	(76,074)	(76,074)		
National Institute on Aging	893,130	968,699	1,000,099	+106,969	+31,400
National Institute of Arthritis and Musculoskeletal and Skin Diseases	448,699	486,624	489,324	+40,625	+2,700
National Institute on Deafness and Other Communication Disorders	341,965	370,805	372,805	+30,840	+2,000
National Institute of Nursing Research	120,428	130,438	131,438	+11,010	+1,000
National Institute on Alcohol Abuse and Alcoholism	384,071	416,773	418,773	+34,702	+2,000
National Institute on Drug Abuse	887,733	964,613	968,013	+80,280	+3,400
National Institute of Mental Health	1,238,093	1,343,088	1,350,788	+112,695	+7,700
National Human Genome Research Institute	429,312	465,137	468,037	+38,725	+2,900
National Institute of Biomedical Imaging and Bioengineering	261,951	271,200	283,100	+21,149	+11,900
National Center for Research Resources	986,505	1,065,272	1,161,272	+174,767	+96,000
National Center for Complementary and Alternative Medicine	104,592	113,249	114,149	+9,557	+900
National Center on Minority Health and Health Disparities	157,742	186,929	186,929	+29,187	
John E. Fogarty International Center	56,918	63,380	60,880	+3,962	−2,500
National Library of Medicine	277,273	310,299	302,099	+24,826	−8,200
Evaluation tap funding			(8,200)	(+8,200)	(+8,200)
Program level	277,273	310,299	310,299	+33,026	
Office of the Director	235,400	255,074	257,974	+22,574	+2,900
Buildings and Facilities	221,000	632,800	607,800	+386,800	−25,000
Global HIV/AIDS Fund Transfer	75,000			−75,000	
Subtotal, Buildings and Facilities	296,000	632,800	607,800	+311,800	−25,000
Total, N.I.H. appropriations	23,425,743	27,167,926	27,159,726	+3,733,983	−8,200
Global HIV/AIDS Fund Transfer	−100,000	−100,000	−100,000		
Total, N.I.H., Program Level	(23,325,743)	(27,067,926)	(27,067,926)	(+3,742,183)	
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES					
Mental Health:					
Programs of Regional and National Significance	229,918	213,067	226,067	−3,851	+13,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 comparable	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 comparable	Budget estimate
Mental Health Performance Partnership	433,000	433,000	433,000	.....	.....
Children's Mental Health	96,631	96,694	96,694	+63	.....
Grants to States for the Homeless (PATH)	39,855	46,855	46,855	+7,000	.....
Protection and Advocacy	32,500	32,500	35,500	+3,000	+3,000
Subtotal, Mental Health	831,904	822,116	838,116	+6,212	+16,000
Substance Abuse Treatment:					
Programs of Regional and National Significance	291,383	357,994	310,000	+18,617	−47,994
Substance Abuse Performance Partnership	1,725,000	1,785,000	1,722,800	−2,200	−62,200
Evaluation tap funding	.....	.....	(62,200)	(+62,200)	(+62,200)
Program level	2,016,383	2,142,994	2,095,000	+78,617	−47,994
Subtotal, Substance Abuse Treatment	2,016,383	2,142,994	2,032,800	+16,417	−110,194
Substance Abuse Prevention:					
Programs of Regional and National Significance	198,011	152,815	183,379	−14,632	+30,564
Program Management and Buildings and Facilities	91,392	75,161	74,467	−16,925	−694
Evaluation tap funding	.....	.....	(12,000)	(+12,000)	(+12,000)
Program level	91,392	75,161	86,467	−4,925	+11,306
St. Elizabeth's	.....	.....	955	+955	+955
Total, Substance Abuse and Mental Health	3,137,690	3,193,086	3,129,717	−7,973	−63,369
Total, Program level	(3,137,690)	(3,193,086)	(3,203,917)	(+66,227)	(+10,831)
AGENCY FOR HEALTHCARE RESEARCH AND QUALITY					
Research on Health Costs, Quality, and Outcomes:					
Federal Funds	.....	.....	252,645	+252,645	+252,645
Evaluation Tap funding (NA)	(247,645)	(194,000)	.....	(−247,645)	(−194,000)
Health Coverage Data Improvement (CPS)	.....	(10,000)	.....	.....	(−10,000)
Portion for reducing medical errors (non-add)	(55,000)	(60,000)	(60,000)	(+5,000)	.....
Subtotal including Evaluation Tap funds	.....	.....	(252,645)	(+252,645)	(+252,645)
Health insurance and expenditure surveys:					
Federal Funds	.....	.....	53,300	+53,300	+53,300
Evaluation Tap funding (NA)	(48,500)	(53,300)	.....	(−48,500)	(−53,300)
Program Support	2,600	.....	2,700	+100	+2,700
Evaluation Tap funding (NA)	.....	(2,700)	.....	.....	(−2,700)
Federal Funds	2,600	.....	308,645	+306,045	+308,645
Evaluation Tap funding (NA)	(296,145)	(250,000)	.....	(−296,145)	(−250,000)
Total, AHRQ	(298,745)	(250,000)	(308,645)	(+9,900)	(+58,645)
Total, Public Health Service	37,038,327	39,693,683	41,109,314	+4,070,987	+1,415,631
CENTER FOR MEDICARE AND MEDICAID SERVICES					
GRANTS TO STATES FOR MEDICAID					
Medicaid current law benefits	134,308,100	148,726,168	148,726,168	+14,418,068	.....
State and local administration	8,293,316	9,142,049	9,142,049	+848,733	.....
Vaccines for Children	795,533	823,938	823,938	+28,405	.....
Subtotal, Medicaid program level	143,396,949	158,692,155	158,692,155	+15,295,206	.....
Less Medicare Transfer (Public Law 105-33)	−70,000	.....	.....	+70,000	.....
Less funds advanced in prior year	−36,207,551	−46,601,937	−46,601,937	−10,394,386	.....
Total, request	107,119,398	112,090,218	112,090,218	+4,970,820	.....
New advance, 1st quarter	46,601,937	51,861,386	51,861,386	+5,259,449	.....
PAYMENTS TO HEALTH CARE TRUST FUNDS					
Supplemental medical insurance	81,332,000	80,905,000	80,905,000	−427,000	.....
Hospital insurance for the uninsured	292,000	225,000	225,000	−67,000	.....
Federal uninsured payment	150,000	168,000	168,000	+18,000	.....
Program management	205,200	164,700	164,700	−40,500	.....
Total, Payments to Trust Funds, current law	81,979,200	81,462,700	81,462,700	−516,500	.....
PROGRAM MANAGEMENT					
Research, Demonstration, and Evaluation:					
Regular Program	117,201	28,400	68,400	−48,801	+40,000
Medicare Operations	1,482,000	1,675,084	1,680,084	+198,084	+5,000
H.R. 3103 funding (NA)	(700,000)	(720,000)	(720,000)	(+20,000)	.....
Medicare Plus Choice	52,000	.....	.....	−52,000	.....
Subtotal, Medicare Operations limit'n on new BA	1,534,000	1,675,084	1,680,084	+146,084	+5,000
Subtotal, Operations program level	(2,234,000)	(2,395,084)	(2,400,084)	(+166,084)	(+5,000)
State Survey and Certification	254,397	247,647	254,397	.....	+6,750
Federal Administration:					
Federal Administration	533,603	556,783	556,783	+23,180	.....
User Fees	−2,118	.....	.....	+2,118	.....
Subtotal, Federal Administration	531,485	556,783	556,783	+25,298	.....
Total, Program management	2,437,083	2,507,914	2,559,664	+122,581	+51,750
Total, Program management, program level	(3,137,083)	(3,227,914)	(3,279,664)	(+142,581)	(+51,750)
Total, Center for Medicare and Medicaid Services	238,137,618	247,922,218	247,973,968	+9,836,350	+51,750
Federal funds	235,700,535	245,414,304	245,414,304	+9,713,769	.....
Current year	(189,098,598)	(193,552,918)	(193,552,918)	(+4,454,320)	.....
New advance, 1st quarter, Fiscal year 2004	(46,601,937)	(51,861,386)	(51,861,386)	(+5,259,449)	.....
Trust Funds	2,437,083	2,507,914	2,559,664	+122,581	+51,750
ADMINISTRATION FOR CHILDREN AND FAMILIES					
FAMILY SUPPORT PAYMENTS TO STATES					
Prior year AFDC and related payments	50,000	.....	.....	−50,000	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 comparable	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 comparable	Budget estimate
Payments to territories	23,000	23,000	23,000		
Repatriation	1,000	1,000	1,000		
Subtotal, Other payments	74,000	24,000	24,000	−50,000	
Child Support Enforcement:					
State and local administration	3,452,313	3,482,800	3,541,800	+89,487	+59,000
Federal incentive payments	450,000	461,000	461,000	+11,000	
Hold Harmless payments	10,000			−10,000	
Access and visitation	10,000	10,000	10,000		
Subtotal, Child Support Enforcement	3,922,313	3,953,800	4,012,800	+90,487	+59,000
Total, Payments, Fiscal year 2003 program level	3,996,313	3,977,800	4,036,800	+40,487	+59,000
Less funds advanced in previous years	−1,000,000	−1,100,000	−1,100,000	−100,000	
Total, payments, current request	2,996,313	2,877,800	2,936,800	−59,513	+59,000
New advance, 1st quarter, Fiscal year 2004	1,100,000	1,100,000	1,100,000		
LOW INCOME HOME ENERGY ASSISTANCE					
Current Year	1,700,000	1,400,000	1,700,000		+300,000
Non-emergency funding		300,000			−300,000
Emergency allocation	300,000			−300,000	
REFUGEE AND ENTRANT ASSISTANCE					
Transitional and Medical Services	227,283	227,291	221,291	−5,992	−6,000
Victims of Trafficking	10,000	10,000	10,000		
Social Services	158,600	151,121	147,121	−11,479	−4,000
Preventive Health	4,835	4,835	4,835		
Targeted Assistance	49,477	49,477	49,477		
Victims of Torture	10,000	10,000	10,000		
Total, Refugee and entrant assistance	460,195	452,724	442,724	−17,471	−10,000
CHILD CARE AND DEVELOPMENT BLOCK GRANT	2,099,976	2,099,994	2,099,994	+18	
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	1,700,000	1,700,000	1,700,000		
CHILDREN AND FAMILIES SERVICES PROGRAMS					
Programs for Children, Youth, and Families:					
Head Start, current funded	5,137,640	5,267,533	5,267,533	+129,893	
Advance from prior year	(1,400,000)	(1,400,000)	(1,400,000)		
Fiscal year 2004	1,400,000	1,400,000	1,400,000		
Subtotal, Head Start, program level	6,537,640	6,667,533	6,667,533	+129,893	
Consolidated Runaway, Homeless Youth Prog	88,102	88,133	93,000	+4,898	+4,867
Maternity Group Homes		10,000			−10,000
Child Abuse State Grants	22,013	22,013	22,013		
Child Abuse Discretionary Activities	26,150	26,351	26,351	+201	
Abandoned Infants Assistance	12,202	12,205	12,205	+3	
Child Welfare Services	291,986	291,986	291,986		
Child Welfare Training	7,495	7,498	7,498	+3	
Adoption Opportunities	27,385	27,405	27,405	+20	
Adoption Incentive	20,000	43,000	43,000	+23,000	
Adoption Incentive (no cap adjustment)	23,000			−23,000	
Adoption Awareness	12,906	12,906	12,906		
Compassion Capital Fund	30,000	100,000	45,000	+15,000	−55,000
Social Services and Income Maintenance Research	31,158	6,000		−31,158	−6,000
Evaluation tap funding			(6,000)	(+6,000)	(+6,000)
Program level	31,158	6,000	6,000	−25,158	
Community Based Resource Centers	33,416	33,417	33,417	+1	
Developmental Disabilities Program:					
State Councils	69,800	69,800	72,200	+2,400	+2,400
Protection and Advocacy	35,000	35,000	37,000	+2,000	+2,000
Developmental Disabilities Special Projects	11,720	11,734	12,734	+1,014	+1,000
Developmental Disabilities University Affiliated	24,000	24,000	25,500	+1,500	+1,500
Subtotal, Developmental disabilities	140,520	140,534	147,434	+6,914	+6,900
Native American Programs	45,912	45,196	45,912		+716
Community Services:					
Grants to States for Community Services	649,987	570,000	649,987		79,987
Community Initiative Program:					
Economic Development	32,509	32,517	33,000	+491	+483
Individual Development Account Initiative	24,976	24,990	24,990	+14	
Rural Community Facilities	7,000	6,161	7,500	+500	+1,339
Subtotal, Community Initiative Program	64,485	63,668	65,490	+1,005	+1,822
National Youth Sports	17,000		17,000		+17,000
Community Food and Nutrition	7,313	6,657	8,000	+687	+1,343
Subtotal, Community Services	738,785	640,325	740,477	+1,692	+100,152
Runaway Youth Prevention	14,999	14,999	16,000	+1,001	+1,001
Domestic Violence Hotline	2,157	2,157	3,000	+843	+843
Battered Women's Shelters	124,459	124,459	130,000	+5,541	+5,541
Early Learning Fund	24,997		38,000	+13,003	+38,000
Faith-Based Center	1,500	1,500	1,500		
Promotion of Responsible Fatherhood and Healthy Marriage		20,000			−20,000
Mentoring Children of Prisoners		25,000	12,500	+12,500	−12,500
Independent Living Training Vouchers		60,000	60,000	+60,000	
Program Direction	171,792	170,747	171,747	−45	+1,000
Total, Children and Families Services Programs	8,428,574	8,593,364	8,648,884	+220,310	+55,520
Current Year	(7,028,574)	(7,193,364)	(7,248,884)	(+220,310)	(+55,520)
Fiscal year 2004	(1,400,000)	(1,400,000)	(1,400,000)		

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 comparable	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 comparable	Budget estimate
Rescission of permanent appropriations	−21,000			+21,000	
PROMOTING SAFE AND STABLE FAMILIES	305,000	305,000	305,000		
Discretionary Funds	70,000	200,000	200,000	+130,000	
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION					
Foster Care	5,055,500	4,884,500	4,884,500	−171,000	
Adoption Assistance	1,426,000	1,584,500	1,584,500	+158,500	
Independent living	140,000	140,000	140,000		
Total, Program level, Payments to States	6,621,500	6,609,000	6,609,000	−12,500	
Less Advances from Prior Year	−1,735,900	−1,754,000	−1,754,000	−18,100	
Total, payments, current request	4,885,600	4,855,000	4,855,000	−30,600	
New Advance, 1st quarter	1,754,000	1,745,600	1,745,600	−8,400	
Total, Administration for Children and Families	25,778,658	25,629,482	25,734,002	−44,656	+104,520
Current year	(21,524,658)	(21,383,882)	(21,488,402)	(−36,256)	(+104,520)
Fiscal year 2004	(4,254,000)	(4,245,600)	(4,245,600)	(−8,400)	
ADMINISTRATION ON AGING					
Grants to States:					
Supportive Services and Centers	356,994	357,000	359,000	+2,006	+2,000
Preventive Health	21,123	21,562	22,562	+1,439	+1,000
Title VII	17,681	17,681	19,681	+2,000	+2,000
Family Caregivers	136,000	136,000	150,000	+14,000	+14,000
Native American Caregivers Support	5,500	5,500	6,500	+1,000	+1,000
Subtotal, Caregivers	141,500	141,500	156,500	+15,000	+15,000
Nutrition:					
Congregate Meals	390,000	390,000	390,000		
Home Delivered Meals	176,500	178,500	182,000	+5,500	+3,500
Nutrition Services Incentive program	149,670	149,670	149,670		
Grants to Indians	25,729	25,729	27,675	+1,946	+1,946
Aging Research, Training and Special Projects	38,273	27,837	27,837	−10,436	
Aging Network Support Activities	2,379	2,379	2,379		
Alzheimer's Initiative	11,496	11,500	14,000	+2,504	+2,500
Program Administration	18,102	17,986	17,986	−116	
Total, Administration on Aging	1,349,447	1,341,344	1,369,290	+19,843	+27,946
OFFICE OF THE SECRETARY					
GENERAL DEPARTMENTAL MANAGEMENT:					
Federal Funds	140,178	177,272	168,263	+28,085	−9,009
NAS study	499			−499	
Trust Funds	5,851	5,851	5,851		
1 percent Evaluation funds (ASPE) (NA)	(21,552)	(21,552)		(−21,552)	(−21,552)
Subtotal	(168,080)	(204,675)	(174,114)	(+6,034)	(−30,561)
Adolescent Family Life (Title XX)	28,926	31,124	31,124	+2,198	
Physical Fitness and Sports	1,137	1,223	1,223	+86	
Minority health	49,557	46,329	46,329	−3,228	
Office of women's health	26,761	28,795	28,795	+2,034	
U.S. Surgeon General violence initiative	1,000	1,000		−1,000	−1,000
Office of Emergency Preparedness	14,171	15,247	15,247	+1,076	
Office of Human Research Protection	7,021	7,554	7,554	+533	
Minority HIV/AIDS	49,991	50,000	50,000	+9	
IT Security and Innovation Fund	21,960	20,000	20,000	−1,960	
Total, General Departmental Management	347,052	384,395	374,386	+27,334	−10,009
Federal Funds	341,201	378,544	368,535	+27,334	−10,009
Trust Funds	5,851	5,851	5,851		
OFFICE OF THE INSPECTOR GENERAL:					
Federal Funds	35,727	39,747	39,747	+4,020	
HIPAA funding (NA)	(150,000)	(160,000)	(160,000)	(+10,000)	
Total, Inspector General program level	(185,727)	(199,747)	(199,747)	(+14,020)	
OFFICE FOR CIVIL RIGHTS:					
Federal Funds	28,641	30,328	30,328	+1,687	
Trust Funds	3,314	3,314	3,314		
Total, Office for Civil Rights	31,955	33,642	33,642	+1,687	
POLICY RESEARCH	2,500	2,499	2,499	−1	
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED:					
Retirement payments	207,887	222,058	222,058	+14,171	
Survivors benefits	12,115	12,904	12,904	+789	
Dependents' medical care	40,780	14,668	14,668	−26,112	
Military services credits	1,293	1,409	1,409	+116	
Total, Retirement pay and medical benefits	262,075	251,039	251,039	−11,036	
HEALTH FACILITIES CONSTRUCTION AND MANAGEMENT FUND		184,000			−184,000
PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND					
Public Health/Social Service Emergency (Public Law 107–38)	2,464,314			−2,464,314	
Public Health/Social Service Fund [6]	242,949	2,295,184	2,255,980	+2,013,031	−39,204
Total, Office of the Secretary	3,386,572	3,190,506	2,957,293	−429,279	−233,213
Federal Funds	3,377,407	3,181,341	2,948,128	−429,279	−233,213
Trust Funds	9,165	9,165	9,165		
Total, Department of Health and Human Services	305,690,622	317,777,233	319,143,867	+13,453,245	+1,366,634
Federal Funds	303,244,374	315,260,154	316,575,038	+13,330,664	+1,314,884

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 comparable	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 comparable	Budget estimate
Current year	(252,388,437)	(259,153,168)	(260,468,052)	(+8,079,615)	(+1,314,884)
Fiscal year 2004	(50,855,937)	(56,106,986)	(56,106,986)	(+5,251,049)	
Trust Funds	2,446,248	2,517,079	2,568,829	+122,581	+51,750
TITLE III—DEPARTMENT OF EDUCATION					
EDUCATION FOR THE DISADVANTAGED					
Grants to Local Education Agencies (LEAs):					
Basic Grants:					
Advance from prior year	(5,394,300)	(4,011,272)	(4,011,272)	(−1,383,028)	
Forward funded	3,158,199	4,158,199	2,914,199	−244,000	−1,244,000
Current funded	3,500	3,500	3,500		
Subtotal, Basic grants current year approp	3,161,699	4,161,699	2,917,699	−244,000	−1,244,000
Subtotal, Basic grants total funds available	(8,555,999)	(8,172,971)	(6,928,971)	(−1,627,028)	(−1,244,000)
Basic Grants Fiscal year 2004 Advance	4,011,272	3,011,272	4,255,272	+244,000	+1,244,000
Subtotal, Basic grants, program level	7,172,971	7,172,971	7,172,971		
Concentration Grants:					
Advance from prior year	(1,364,000)	(1,365,031)	(1,365,031)	(+1,031)	
Fiscal year 2004 advance	1,365,031	1,365,031	1,365,031		
Subtotal, Concentration Grants program level	1,365,031	1,365,031	1,365,031		
Targeted Grants:					
Advance from prior year		(1,018,499)	(1,018,499)	(+1,018,499)	
Fiscal year 2004 advance	1,018,499	2,018,499	1,405,999	+387,500	−612,500
Subtotal, Targeted Grants program level	1,018,499	2,018,499	1,405,999	+387,500	−612,500
Education Finance Incentive Grants:					
Advance from prior year		(793,499)	(793,499)	(+793,499)	
Fiscal year 2004 advance	793,499	793,499	1,405,999	+612,500	+612,500
Subtotal, Education Finance Incentive Grants	793,499	793,499	1,405,999	+612,500	+612,500
Subtotal, Grants to LEAs (program level)	10,350,000	11,350,000	11,350,000	+1,000,000	
Even Start	250,000	200,000	200,000	−50,000	
Reading First:					
State Grants (forward funded)	690,000	790,000	790,000	+100,000	
State Grants (current funded)	15,000	15,000	15,000		
Advance from prior year		(195,000)	(195,000)	(+195,000)	
Fiscal year 2004 advance	195,000	195,000	195,000		
Subtotal, Reading First, program level	900,000	1,000,000	1,000,000	+100,000	
Early Reading First	75,000	75,000	75,000		
Literacy through School Libraries	12,500	12,500	15,000	+2,500	+2,500
State agency programs:					
Migrant	396,000	396,000	400,000	+4,000	+4,000
Neglected and Delinquent/High Risk Youth	48,000	48,000	50,000	+2,000	+2,000
Evaluation	8,900	8,900	8,900		
Comprehensive School Reform Demonstration	235,000	235,000		−235,000	−235,000
Dropout Prevention Programs	10,000		13,000	+3,000	+13,000
Ellender Fellowships/Close Up	1,500		1,500		+1,500
Advanced Placement Fees	22,000	22,000	25,000	+3,000	+3,000
Migrant Education:					
High School Equivalency Program	23,000	23,000	24,000	+1,000	+1,000
College Assistance Migrant Program	15,000	15,000	16,000	+1,000	+1,000
Subtotal, Migrant Education	38,000	38,000	40,000	+2,000	+2,000
Total, Education for the disadvantaged	12,346,900	13,385,400	13,178,400	+831,500	−207,000
Current Year	(4,963,599)	(6,002,099)	(4,551,099)	(−412,500)	(−1,451,000)
Fiscal year 2004	(7,383,301)	(7,383,301)	(8,627,301)	(+1,244,000)	(+1,244,000)
Subtotal, forward funded	(4,777,199)	(5,827,199)	(4,354,199)	(−423,000)	(−1,473,000)
IMPACT AID					
Basic Support Payments	982,500	982,500	1,012,500	+30,000	+30,000
Payments for Children with Disabilities	50,000	50,000	52,000	+2,000	+2,000
Facilities Maintenance (Sec. 8008)	8,000	8,000	8,000		
Construction (Sec. 8007)	48,000	45,000	47,000	−1,000	+2,000
Payments for Federal Property (Sec. 8002)	55,000	55,000	57,000	+2,000	+2,000
Total, Impact aid	1,143,500	1,140,500	1,176,500	+33,000	+36,000
SCHOOL IMPROVEMENT PROGRAMS					
State Grants for Improving Teacher Quality	1,700,000	1,700,000	1,700,000		
Advance from prior year	(1,150,000)	(1,150,000)	(1,150,000)		
Fiscal year 2004 advance	1,150,000	1,150,000	1,150,000		
State Grants for Improving Teacher Quality, program level	2,850,000	2,850,000	2,850,000		
National Acitivities:					
School Leadership	10,000		15,000	+5,000	+15,000
Advanced Credentialing	10,000		10,000		+10,000
Early Childhood Educator Professional Development	15,000	15,000	15,000		
Subtotal, National Activities	35,000	15,000	40,000	+5,000	+25,000
Mathematics and Science Partnerships	12,500	12,500	25,000	+12,500	+12,500
Troops-to-Teachers	18,000	20,000	20,000	+2,000	
Transition to Teaching	35,000	39,400	35,000		−4,400
State Grants for Innovative Education (Education Block Grant)	100,000	100,000	100,000		
Advance from prior year	(285,000)	(285,000)	(285,000)		

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 comparable	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 comparable	Budget estimate
Fiscal year 2004	285,000	285,000	285,000		
Education Block Grant, program level	385,000	385,000	385,000		
Educational Technology:					
Educational Technology State Grants	700,500	700,500	700,500		
Ready to Learn	22,000	22,000	24,000	+2,000	+2,000
Preparing Tomorrow's Teachers to Use Technology	62,500		62,500		+62,500
Subtotal, Educational Technology	785,000	722,500	787,000	+2,000	+64,500
21st Century Community Learning Centers	1,000,000	1,000,000	1,000,000		
Safe and Drug Free Schools:					
State Grants, current funded	142,017	142,017	152,017	+10,000	+10,000
Advance from prior year	(330,000)	(330,000)	(330,000)		
Fiscal year 2004	330,000	330,000	330,000		
State Grants, program level	472,017	472,017	482,017	+10,000	+10,000
National Programs	182,233	172,233	162,233	−20,000	−10,000
Subtotal, Safe and Drug Free Schools	654,250	644,250	644,250	−10,000	
Magnet Schools Assistance	110,000	110,000	110,000		
Charter Schools Grants	200,000	200,000	200,000		
Credit Enhancement for Charter School Facilities		100,000			−100,000
Voluntary Public School Choice	25,000	25,000	27,584	+2,584	+2,584
Choice Demonstration Fund		50,000			−50,000
State Assessments/Enhanced Assessment Instruments	387,000	387,000	387,000		
Education for Homeless Children and Youth	50,000	50,000	54,000	+4,000	+4,000
Training and Advisory Services (Civil Rights)	7,334	7,334	7,334		
Education for Native Hawaiians	30,500	18,300	32,500	+2,000	+14,200
Alaska Native Education Equity	24,000	14,200	32,500	+8,500	+18,300
Rural Education	162,500		175,000	+12,500	+175,000
Mentoring Programs	17,500		17,500		+17,500
Fund for the Improvement of Education (FIE):					
Programs of National Signifiance, Current funded	308,955	35,000	380,416	+71,461	+345,416
Programs of National Signifiance, Forward funded	75,000			−75,000	
Subtotal, Programs of National Significance	383,955	35,000	380,416	−3,539	+345,416
Character Education	25,000	25,000	25,000		
Reading is Fundamental/Inexpensive Book Dist	24,000	24,000	27,000	+3,000	+3,000
School Counseling	32,500		32,500		+32,500
Smaller Learning Communitites.					
Current funded	7,109			−7,109	
Forward funded	135,080			−135,080	
Subtotal, Smaller Learning Communtities	142,189			−142,189	
Javits Gifted and Talented	11,250		11,250		+11,250
Star Schools	27,520		27,520		+27,520
Ready to Teach	12,000		17,000	+5,000	+17,000
Foreign Language Assistance	14,000		18,500	+4,500	+18,500
Carol M. White Physical Education for Progress	50,000		70,000	+20,000	+70,000
Community Technology Centers	32,475		32,475		+32,475
Exchanges with Historic Whaling&Trading Partners	5,000		10,000	+5,000	+10,000
Arts in Education	30,000		36,000	+6,000	+36,000
Parental Assistance Information Centers	40,000		45,000	+5,000	+45,000
Women's Education Equity	3,000		3,000		+3,000
Subtotal, Fund for the Improvement of Education	832,889	84,000	735,661	−97,228	+651,661
Community Service for Expelled or Susp'd Students	50,000		50,000		+50,000
Alcohol Abuse Reduction	25,000		25,000		+25,000
Teaching of Traditional American History	100,000	50,000	100,000		+50,000
Civic Education					
Cooperative Education Exchanges	10,800		12,000	+1,200	+12,000
We the People	16,200		18,000	+1,800	+18,000
National Writing Project	14,000		18,000	+4,000	+18,000
Total, School improvement programs	7,837,473	6,784,484	7,788,329	−49,144	+1,003,845
Current Year	(6,072,473)	(5,019,484)	(6,023,329)	(−49,144)	(+1,003,845)
Fiscal year 2004	(1,765,000)	(1,765,000)	(1,765,000)		
Subtotal, forward funded	(2,801,597)	(2,379,017)	(2,618,017)	(−183,580)	(+239,000)
Reading Excellence Act:					
Advance from prior year	(195,000)			(−195,000)	
INDIAN EDUCATION					
Grants to Local Educational Agencies	97,133	97,133	97,133		
Federal Programs:					
Special Programs for Indian Children	20,000	20,000	20,000		
National Activities	3,235	5,235	5,235	+2,000	
Subtotal	23,235	25,235	25,235	+2,000	
Total, Indian Education	120,368	122,368	122,368	+2,000	
ENGLISH LANGUAGE ACQUISITION					
Current funded	250,000	196,000	196,000	−54,000	
Forward funded	415,000	469,000	494,000	+79,000	+25,000
Total, English Language Acquisition	665,000	665,000	690,000	+25,000	+25,000
SPECIAL EDUCATION					
State grants:					
Grants to States Part B advance funded	5,072,000	5,072,000	6,072,000	+1,000,000	+1,000,000
Part B advance from prior year	(5,072,000)	(5,072,000)	(5,072,000)		
Grants to States Part B current year	2,456,533	3,456,533	2,456,533		−1,000,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 comparable	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 comparable	Budget estimate
Grants to States, program level	7,528,533	8,528,533	8,528,533	+1,000,000	
Preschool Grants	390,000	390,000	390,000		
Grants for Infants and Families	417,000	437,000	437,000	+20,000	
Subtotal, State grants, program level	8,335,533	9,355,533	9,355,533	+1,020,000	
IDEA National Acitivities (current funded):					
State Program Improvement Grants	51,700	51,700	51,700		
Research and Innovation	78,380	78,380	70,000	−8,380	−8,380
Technical Assistance and Dissemination	53,481	53,481	53,481		
Personnel Preparation	90,000	90,000	95,000	+5,000	+5,000
Parent Information Centers	26,000	26,000	28,000	+2,000	+2,000
Technology and Media Services	37,710	32,710	37,710		+5,000
Subtotal, IDEA special programs	337,271	332,271	335,891	−1,380	+3,620
Total, Special education	8,672,804	9,687,804	9,691,424	+1,018,620	+3,620
Current Year	(3,600,804)	(4,615,804)	(3,619,424)	(+18,620)	(−996,380)
Fiscal year 2004	(5,072,000)	(5,072,000)	(6,072,000)	(+1,000,000)	(+1,000,000)
Subtotal, Forward funded	(3,315,233)	(4,335,233)	(3,335,233)	(+20,000)	(−1,000,000)
REHABILITATION SERVICES AND DISABILITY RESEARCH					
Vocational Rehabilitation State Grants	2,481,383	2,533,492	2,533,492	+52,109	
Discretionary Supplement to Voc. Rehab. State Grants		82,833			−82,833
Vocational Rehabilitation Incentive Grants		30,000			−30,000
Client Assistance State grants	11,897	11,897	12,397	+500	+500
Training	39,629	42,629	42,629	+3,000	
Demonstration and training programs	21,238	17,492	21,238		+3,746
Migrant and seasonal farmworkers	2,350		2,350		+2,350
Recreational programs	2,596		2,596		+2,596
Protection and advocacy of individual rights (PAIR)	15,200	15,200	17,500	+2,300	+2,300
Projects with industry	22,071		22,071		+22,071
Supported employment State grants	38,152		38,152		+38,152
Independent living:					
State grants	22,296	22,296	22,296		
Centers	62,500	69,500	69,500	+7,000	
Services for older blind individuals	25,000	25,000	28,000	+3,000	+3,000
Subtotal, Independent living	109,796	116,796	119,796	+10,000	+3,000
Program Improvement	900	900	900		
Evaluation	1,000	1,000	1,000		
Helen Keller National Center for Deaf/Blind	8,717	8,717	8,717		
National Inst. Disability and Rehab Research (NIDRR)	110,000	110,000	110,000		
Assistive Technology	60,884	30,884	27,000	−33,884	−3,884
Access to Telework Fund	20,000			−20,000	
Subtotal, discretionary programs	464,430	468,348	426,346	−38,084	−42,002
Total, Rehabilitation services	2,945,813	3,001,840	2,959,838	+14,025	−42,002
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES					
AMERICAN PRINTING HOUSE FOR THE BLIND	14,000	14,000	15,500	+1,500	+1,500
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF:					
Operations	50,000	49,414	53,000	+3,000	+3,586
Endowment		1,000			−1,000
Construction	5,376	1,600	1,600	−3,776	
Total	55,376	52,014	54,600	−776	+2,586
GALLAUDET UNIVERSITY:					
Operations	96,938	93,446	98,438	+1,500	+4,992
Endowment		1,000			−1,000
Total	96,938	94,446	98,438	+1,500	+3,992
Total, Special Institutions for Persons with Disabilities	166,314	160,460	168,538	+2,224	+8,078
VOCATIONAL AND ADULT EDUCATION					
Vocational Education:					
Basic State Grants, current funded	389,000	389,000	389,000		
Advance from prior year	(791,000)	(791,000)	(791,000)		
Fiscal year 2004	791,000	791,000	791,000		
Basic State Grants, program level	1,180,000	1,180,000	1,180,000		
Tech-Prep Education State Grants	108,000	108,000	108,000		
Tribally Controlled Postsec Vocational and Tech Inst	6,500	6,500	7,000	+500	+500
National Programs	12,000	12,000	12,000		
Tech-Prep Education Demonstration	5,000		5,000		+5,000
Occupational and Employment Information Program	9,500		10,000	+500	+10,000
Subtotal, Vocational Education	1,321,000	1,306,500	1,322,000	+1,000	+15,500
Adult education:					
State Grants, current funded	575,000	575,000	575,000		
National Programs:					
National Leadership Activities	9,500	9,500	9,500		
National Institute for Literacy	6,560	6,560	6,560		
Subtotal, National programs	16,060	16,060	16,060		
Subtotal, Adult education	591,060	591,060	591,060		
State Grants for Incarcerated Youth Offenders	22,000		25,000	+3,000	+25,000
Total, Vocational and adult education	1,934,060	1,897,560	1,938,060	+4,000	+40,500

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 comparable	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 comparable	Budget estimate
Current Year	(1,143,060)	(1,106,560)	(1,147,060)	(+4,000)	(+40,500)
Fiscal year 2004	(791,000)	(791,000)	(791,000)		
Subtotal, forward funded	(1,136,560)	(1,100,060)	(1,140,060)	(+3,500)	(+40,000)
STUDENT FINANCIAL ASSISTANCE					
Pell Grants—maximum grant (NA)	(4,000)	(4,000)	(4,100)	(+100)	(+100)
Pell Grants—Regular Program	10,314,000	10,863,000	11,180,000	+866,000	+317,000
Pell Grants Shortfall—Supplemental	1,000,000			−1,000,000	
Federal Supplemental Educational Opportunity Grants	725,000	725,000	725,000		
Federal Work Study	1,011,000	1,011,000	1,011,000		
Federal Perkins loans:					
Capital Contributions	100,000	100,000	100,000		
Loan Cancellations	67,500	67,500	67,500		
Subtotal, Federal Perkins loans	167,500	167,500	167,500		
LEAP program	67,000		67,000		+67,000
Loan Forgiveness for Child Care	1,000	1,000	1,000		
Total, Student Financial Assistance	13,285,500	12,767,500	13,151,500	−134,000	+384,000
HIGHER EDUCATION					
Aid for institutional development:					
Strengthening Institutions	73,625	76,275	82,000	+8,375	+5,725
Hispanic Serving Institutions	86,000	89,096	93,000	+7,000	+3,904
Strengthening Historically Black Colleges (HBCUs)	206,000	213,415	215,415	+9,415	+2,000
Strengthening historically black graduate insts	49,000	50,764	53,764	+4,764	+3,000
Strengthening Alaska/Native Hawaiian-Serving Inst	6,500	6,734	8,234	+1,734	+1,500
Strengthening Tribal Colleges	17,500	18,130	23,000	+5,500	+4,870
Subtotal, Aid for Institutional development	438,625	454,414	475,413	+36,788	+20,999
International education and foreign language:					
Domestic Programs	85,200	88,000	87,000	+1,800	−1,000
Overseas Programs	11,800	13,000	13,000	+1,200	
Institute for International Public Policy	1,500	1,500	1,500		
Subtotal, International Ed and Foreign Lang	98,500	102,500	101,500	+3,000	−1,000
Fund for the Imporvement of Postsec. Ed. (FIPSE)	180,922	39,138	126,926	−53,996	+87,788
Minority Science and Engineering Improvement	8,500	8,500	9,500	+1,000	+1,000
Interest Subsidy Grants	5,000	3,000	3,000	−2,000	
Federal TRIO Programs	802,500	802,500	832,500	+30,000	+30,000
GEAR UP	285,000	285,000	295,000	+10,000	+10,000
Byrd Honors Scholarships	41,001	41,001	41,001		
Javits Fellowships	10,000	10,000	10,000		
Graduate Assistance in Areas of National Need	31,000	31,000	31,000		
Teacher Quality Enhancement Grants	90,000	90,000	90,000		
Child Care Access Means Parents in School	25,000	15,000	16,300	−8,700	+1,300
Demonstration in Disabilities / Higher Education	7,000		7,000		+7,000
Underground Railroad Program	2,000		2,500	+500	+2,500
GPRA data/HEA program evaluation	1,000	1,000	1,000		
Thurgood Marshall Scholarships	4,000		5,000	+1,000	+5,000
B.J. Stupak Olympic Scholarships	1,000			−1,000	
Total, Higher education	2,031,048	1,883,053	2,047,640	+16,592	+164,587
HOWARD UNIVERSITY					
Academic Program	203,500	203,500	206,000	+2,500	+2,500
Endowment Program	3,600	3,600	3,600		
Howard University Hospital	30,374	30,374	30,374		
Total, Howard University	237,474	237,474	239,974	+2,500	+2,500
College Housing and Academic Facilities Loans Program: (CHAFL) 762	762	762			
HBCU Capital Financing Program: Federal Administration	208	208	208		
INSTITUTE OF EDUCATION SCIENCE					
Research and statistics:					
Research	121,817	175,000	89,500	−32,317	−85,500
Regional Educational Laboratories	67,500	67,500	67,500		
Statistics	85,000	95,000	87,000	+2,000	−8,000
Assessment:					
National Assessment	107,500	90,825	90,825	−16,675	
National Assessment Governing Board	4,053	4,562	4,562	+509	
Subtotal, Assessment	111,553	95,387	95,387	−16,166	
Subtotal, Research and statistics	385,870	432,887	339,387	−46,483	−93,500
Multi-year Grants and Contracts	58,000		58,000		+58,000
Total, IES	443,870	432,887	397,387	−46,483	−35,500
DEPARTMENTAL MANAGEMENT					
PROGRAM ADMINISTRATION	364,761	411,795	412,093	+47,332	+298
OFFICE FOR CIVIL RIGHTS	79,934	86,276	86,276	+6,342	
OFFICE OF THE INSPECTOR GENERAL	38,720	41,000	41,000	+2,280	
Total, Departmental management	483,415	539,071	539,369	+55,954	+298
STUDENT AID ADMINISTRATION					
Administrative Costs	107,484	932,000	105,388	−2,096	−826,612
Federal Direct Student Loan Reclassification (Leg pro)		−797,000			+797,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 comparable	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 comparable	Budget estimate
Total, Department of Education	52,421,993	52,841,371	54,195,685	+1,773,692	+1,354,314
Current Year	(37,410,692)	(37,830,070)	(36,940,384)	(−470,308)	(−889,686)
Fiscal year 2004	(15,011,301)	(15,011,301)	(17,255,301)	(+2,244,000)	(+2,244,000)
TITLE IV—RELATED AGENCIES					
ARMED FORCES RETIREMENT HOME					
Operations and Maintenance	61,628	61,628	61,628		
Capital Program	9,812	5,712	5,712	−4,100	
Total, AFRH	71,440	67,340	67,340	−4,100	
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE [7]					
Volunteers in Service to America (VISTA)	85,287	94,287	94,287	+9,000	
Special Volunteer Programs	5,000	55,000	10,000	+5,000	−45,000
National Senior Volunteer Corps:					
Foster Grandparents Program	106,700	106,700	106,700		
Senior Companion Program	44,395	46,563	46,563	+2,168	
Retired Senior Volunteer Program	54,884	58,884	58,884	+4,000	
Senior Demonstration Program	400	400	400		
Subtotal, Senior Volunteers	206,379	212,547	212,547	+6,168	
Program Administration	32,229	34,229	34,229	+2,000	
Total, Domestic Volunteer Service Programs	328,895	396,063	351,063	+22,168	−45,000
CORPORATION FOR PUBLIC BROADCASTING:					
Fiscal year 2005 (current request) with fiscal year 2004 comparable	380,000		395,000	+15,000	+395,000
Fiscal year 2004 advance with fiscal year 2003 comparable (NA)	(365,000)	(380,000)	(380,000)	(+15,000)	
Fiscal year 2003 advance with fiscal year 2002 comparable (NA)	(350,000)	(365,000)	(365,000)	(+15,000)	
Digitalization program [8]	25,000	25,000	48,744	+23,744	+23,744
Subtotal, Fiscal year 2003 appropriation	25,000	25,000	48,744	+23,744	+23,744
FEDERAL MEDIATION AND CONCILIATION SERVICE	D40,718	40,718	+736		
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION	6,939	7,127	7,127	+188	
INSTITUTE OF MUSEUM AND LIBRARY SERVICES [9]	224,501	210,000	203,000	−21,501	−7,000
MEDICARE PAYMENT ADVISORY COMMISSION	8,250	8,250	8,250		
NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE	1,000		1,000		+1,000
NATIONAL COUNCIL ON DISABILITY	2,830	2,830	2,830		
NATIONAL EDUCATION GOALS PANEL	400			−400	
NATIONAL LABOR RELATIONS BOARD	226,618	233,223	238,223	+11,605	+5,000
NATIONAL MEDIATION BOARD	10,635	11,203	11,203	+568	
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION	8,964	9,577	9,577	+613	
RAILROAD RETIREMENT BOARD					
Dual Benefits Payments Account	146,000	132,000	132,000	−14,000	
Less Income Tax Receipts on Dual Benefits	−9,000	−8,000	−8,000	+1,000	
Subtotal, Dual Benefits	137,000	124,000	124,000	−13,000	
Federal Payment to the RR Retirement Account	150	150	150		
Limitation on administration	97,700	97,720	97,720	+20	
Inspector General	6,261	6,300	6,300	+39	
SOCIAL SECURITY ADMINISTRATION					
Payments to Social Security Trust Funds	434,400	20,400	20,400	−414,000	
SPECIAL BENEFITS FOR DISABLED COAL MINERS					
Benefit payments	440,931	402,089	402,089	−38,842	
Administration	5,909	6,088	6,088	+179	
Subtotal, Black Lung, Fiscal year 2004 program level	446,840	408,177	408,177	−38,663	
Less funds advanced in prior year	−114,000	−108,000	−108,000	+6,000	
Total, Black Lung, current request, Fiscal year 2004	332,840	300,177	300,177	−32,663	
New advances, 1st quarter Fiscal year 2004	108,000	97,000	97,000	−11,000	
SUPPLEMENTAL SECURITY INCOME					
Federal benefit payments	29,046,000	31,795,664	31,795,664	+2,749,664	
Beneficiary services	37,412	45,728	45,728	+8,316	
Research and demonstration	37,000	30,000	38,000	+1,000	+8,000
Administration	2,627,000	2,825,000	2,825,000	+198,000	
Subtotal, SSI program level	31,747,412	34,696,392	34,704,392	+2,956,980	+8,000
Less funds advanced in prior year	−10,470,000	−10,790,000	−10,790,000	−320,000	
Subtotal, regular SSI current year	21,277,412	23,906,392	23,914,392	+2,636,980	+8,000
Additional CDR funding [1]	200,000			−200,000	
User Fee Activities	100,000	111,000	111,000	+11,000	
Total, SSI, current request	21,577,412	24,017,392	24,025,392	+2,447,980	+8,000
New advance, 1st quarter, fiscal year 2004	10,790,000	11,080,000	11,080,000	+290,000	
LIMITATION ON ADMINISTRATIVE EXPENSES					
OASDI Trust Funds	3,219,700	3,775,200	3,775,200	+555,500	
HI/SMI Trust Funds	1,194,000	1,223,000	1,223,000	+29,000	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 comparable	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 comparable	Budget estimate
Social Security Advisory Board	1,800	1,800	1,800		
SSI	2,627,000	2,825,000	2,825,000	+198,000	
Subtotal, regular LAE	7,042,500	7,825,000	7,825,000	+782,500	
User Fee Activities (SSI)	100,000	111,000	111,000	+11,000	
TOTAL, REGULAR LAE	7,142,500	7,936,000	7,936,000	+793,500	
Additional CDR funding:[1]					
OASDI	233,000			−233,000	
SSI	200,000			−200,000	
Subtotal, CDR funding	433,000			−433,000	
TOTAL, LAE	7,575,500	7,936,000	7,936,000	+360,500	
OFFICE OF INSPECTOR GENERAL					
Federal Funds	19,000	21,000	21,000	+2,000	
Trust Funds	56,000	62,000	62,000	+6,000	
Total, Office of the Inspector General	75,000	83,000	83,000	+8,000	
Adjustment: Trust fund transfers from general revenues	−2,927,000	−2,936,000	−2,936,000	−9,000	
Total, Social Security Administration	37,966,152	40,597,969	40,605,969	+2,639,817	+8,000
Federal funds	33,261,652	35,535,969	35,543,969	+2,282,317	+8,000
Current year	(22,363,652)	(24,358,969)	(24,366,969)	(+2,003,317)	(+8,000)
New advances, 1st quarter	(10,898,000)	(11,177,000)	(11,177,000)	(+279,000)	
Trust funds	4,704,500	5,062,000	5,062,000	+357,500	
UNITED STATES INSTITUTE OF PEACE	15,104	16,200	16,200	+1,096	
Total, Title IV, Related Agencies	39,557,821	41,853,670	42,234,414	+2,676,593	+380,744
Federal Funds	34,741,110	36,679,400	37,060,144	+2,319,034	+380,744
Current Year	(23,463,110)	(25,502,400)	(25,488,144)	(+2,025,034)	(−14,256)
Fiscal year 2004	(10,898,000)	(11,177,000)	(11,177,000)	(+279,000)	
Fiscal year 2005	(380,000)		(395,000)	(+15,000)	(+395,000)
Trust Funds	4,816,711	5,174,270	5,174,270	+357,559	
SUMMARY					
Federal Funds	401,048,959	414,226,563	418,573,291	+17,524,332	+4,346,728
Current year	(321,440,721)	(329,468,276)	(331,176,004)	(+9,735,283)	(+1,707,728)
2004 advance	(79,228,238)	(84,758,287)	(87,002,287)	(+7,774,049)	(+2,244,000)
2005 advance	(380,000)		(395,000)	(+15,000)	(+395,000)
Trust Funds	11,198,174	11,550,602	11,559,712	+361,538	+9,110
Grand Total	412,247,133	425,777,165	430,133,003	+17,885,870	+4,355,838

[1] Two year availability.
[2] Requested in the Public Health and Human Services Emergency Fund.
[3] Includes Mine Safety and Health.
[4] Funded in VA/HUD Bill.
[5] Superfund dollars are appropriated in the VA/HUD Bill.
[6] Funding transferred from Office of the Secretary and CDC to the PHSSEF.
[7] Appropriations for Americorps are provided in the VA-HUD bill.
[8] Current Funded.
[9] Fiscal year 2002 and fiscal year 2003 includes both Interior and LHHS portions.

[COMMITTEE PRINT]

[NOTICE: This is a draft for use of the Committee and its staff only, in preparation for markup.]

LEGISLATIVE BRANCH APPROPRIATIONS, 2003

JANUARY ____, 2003.—Ordered to be printed

Mr. BENNETT, from the Committee on Appropriations, submitted the following

REPORT

[To accompany S. 0000]

The Committee on Appropriations reports the bill (S. 0000) making appropriations for the legislative branch for the fiscal year ending September 30, 2003, and for other purposes, reports favorably thereon and recommends that the bill do pass.

Amount of new budget (obligational) authority[1]

Amount of bill as reported to Senate	$2,342,634,000
Amount of 2003 budget estimate	2,408,616,000
Legislative branch appropriations, 2002	2,276,910,000
Amount of bill below budget estimate, 2003	−65,982,000

Amount of new budget (obligational) authority[1]*—Continued*

Amount of bill above legislative branch appropriations, 2002	+65,724,000

[1] Excludes House items.

GENERAL STATEMENT AND SUMMARY

The Committee recommends new budget (obligational authority) of $2,342,634,000 for the legislative branch, for fiscal year 2003. This total is $65,982,000 below the budget request and $65,724,000 above the fiscal year 2002 level. The bill excludes House items pursuant to the normal protocol.

Highlights of the bill include $203,775,000 for the U.S. Capitol Police, an increase of $30,485,000 over the fiscal year 2002 level, to enhance the security of the U.S. Capitol complex; $335,185,000 for the Architect of the Capitol to maintain, improve, and construct buildings and facilities of the Congress; and $499,253,000 for the Library of Congress. Increases over the fiscal year 2002 level are aimed principally at security upgrades.

The Committee expects all agencies to notify the Committee of any significant departures from budget plans presented to the Committee in any agency's budget justifications. In particular, agencies funded through this bill are required to notify the Committee prior to each reprogramming of funds in excess of the lesser of 10 percent or $500,000 between programs, projects or activities, or in excess of $500,000 between object classifications (except for shifts within the pay categories, object class 11, 12, and 13 or as further specified in each agency's respective section). This includes cumulative reprogrammings that together total at least $500,000 from or to a particular program, activity, or object classification. The Committee desires to be notified of reprogramming actions which involve less than the above-mentioned amounts if such actions would have the effect of changing an agency's funding requirements in future years or if programs or projects specifically cited in the Committee's reports are affected.

The Committee also expects all agencies to submit operating plans for the Committee's approval within 30 days of the bill's enactment.

LEGISLATIVE BRANCH AGENCIES' BUDGET AND FINANCIAL INFORMATION

The Committee's review of the legislative branch agencies' budget submissions, including the presentation of Full Time Equivalent

(FTE) estimates; operating plans; and related materials identified a number of differences in the approaches and methodologies used by each agency. The Committee believes that there should be greater consistency and transparency in the assumptions, techniques, and methods used by legislative branch agencies in preparing and presenting their budget, financial reports and other FTE and financial management information for the Committee. Also, the presentation of budget estimates broken out by Title I and Title II will no longer be necessary in the fiscal year 2004 budget submission. Therefore, the Committee directs the Legislative Branch Financial Managers Council (LBFMC) in consultation with financial management officials in the legislative branch agencies, to propose guidelines on the form and content for preparing agency budget, FTE, and financial information in a more consistent, transparent, and useful manner. The proposed guidelines should be based on prevailing best practices and should better integrate budget formulation and execution, financial reporting, and performance management information. At a minimum, the LBFMC should develop and recommend guidelines on the form and content for the (1) annual budget submission without distinction by Title, (2) consistent presentation of FTE estimates, (3) budget markup material, and (4) annual operating plan. The Committee directs the agencies to focus greater attention, management, and review to the allocation, costing, and monitoring of on-board positions in order to better utilize FTE ceilings. The Committee expect to see improvements in the execution of FTE ceilings during fiscal year 2003, and better formulation of payroll cost in fiscal year 2004 budget requests.

TITLE I—LEGISLATIVE BRANCH APPROPRIATIONS

SENATE

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

The Committee has included $150,000 for a payment to the heirs of the late Senator Paul David Wellstone.

EXPENSE ALLOWANCES

Appropriations, 2002	$62,000
Budget estimate, 2003	62,000
Committee recommendation	120,000

The Committee recommends an appropriation of $120,000 for the expense allowances of the Vice President, the President pro tempore of the Senate, the majority and minority leaders, the majority and minority whips, the chairmen of the majority and minority conference committees, and the chairmen of the majority and minority policy committees. The expense allowances have not been increased in some time. In most cases, the proposed increase is substantially less than the increase in the cost of living since the establishment of the allowance. The recommended allowances are as follows:

For the expense allowance of the Vice President, the Committee recommends an amount of $20,000. An allowance of $10,000 was first provided by Public Law 81–71, effective January 20, 1949.

For the expense allowance of the President pro tempore, the Committee recommends an amount of $20,000. An allowance of $10,000 was first provided by the Second Supplemental Appropriations Act, 1978 (Public Law 95–355), effective October 1, 1977.

For the expense allowance of the majority and minority leaders, the Committee recommends $20,000 for each leader, for a total of $40,000. An allowance of $10,000 was first provided by Public Law 84–242, effective July 1, 1955.

For the expense allowance of the majority and minority whips, the Committee recommends $10,000 for each whip, for a total of $20,000. An allowance of $10,000 was first provided by the Supplemental Appropriations Act, 1977, Public Law 95–26, effective April 1, 1977.

For the expense allowance for the chairmen of the majority and minority conference committees, the Committee recommends $5,000 for each chairman, for a total of $10,000. An allowance was first provided in the Supplemental Appropriations Act for Fiscal Year 1985, Public Law 99–88, effective August 15, 1985.

For the expense allowance for the chairmen of the majority and minority policy committees, the Committee recommends $5,000 for each chairman, for a total of $10,000.

Expenditures from all the foregoing allowances are made upon certification from the individuals for whom the allowances are authorized, and are reported semiannually in the report of the Secretary of the Senate.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

Appropriations, 2002	$30,000
Budget estimate, 2003	30,000
Committee recommendation	30,000

The Committee recommends an appropriation of $30,000 for representation allowances for the majority and minority leaders.

This allowance was established in the Supplemental Appropriations Act for fiscal year 1985 (Public Law 99–88). The funds were authorized to be used by the majority and minority leaders solely for the discharge of their appropriate responsibilities in connection with official visits to the United States by members of foreign legislative bodies and representatives of foreign governments and intergovernmental agencies. The recommended amount is to be divided equally between the two leaders.

Expenditures from this allowance are made upon certification of the leaders and are reported in the semiannual report of the Secretary of the Senate.

SALARIES, OFFICERS AND EMPLOYEES

Appropriations, 2002	$104,039,000
Budget estimate, 2003	119,671,000
Committee recommendation	116,891,000

The Committee recommends an appropriation of $116,891,000 for the subaccounts funded under the overall account for the salaries of officers and employees of the Senate.

It should be noted that except for a handful of positions in the Offices of the Secretary and the Sergeant at Arms that are required by statute, specific staffing levels are not stipulated either by the budget request or by the Committee's recommendation. Rather, lump-sum allowances are provided to fund staffing levels each office finds necessary and appropriate for the performance of its duties. Estimated staffing levels for offices funded under this appropriation for fiscal year 2003 are 1,339 positions.

SALARIES, OFFICERS AND EMPLOYEES

[Estimated staffing levels—fiscal years 2002 and 2003]

	2003 request	2002
Office of the Vice President	45	45
Office of the President pro tempore	11	11
Office of the majority and minority leaders	47	47
Offices of the majority and minority whips	16	16
Conference committees	48	48
Offices of the secretaries of the conference of the majority and the conference of the minority	12	12
Policy committees	57	55
Office of the Chaplain	4	4
Office of the Secretary	252	252
Office of the Sergeant at Arms and Doorkeeper	829	779
Offices of the secretaries for the majority and minority	18	18
Totals	1,339	1,287

Any change from the allocation of funds in the subaccounts within this appropriation is subject to the approval of the Committee.

The total amount appropriated is allocated to the various offices of the Senate as displayed under the headings for the offices that follow.

OFFICE OF THE VICE PRESIDENT

Appropriations, 2002	$1,867,000
Budget estimate, 2003	1,949,000
Committee recommendation	1,949,000

The Committee recommends an appropriation of $1,949,000 to fund the salaries of the administrative and clerical staff of the Office of the Vice President in connection with his duties as the President of the Senate.

OFFICE OF THE PRESIDENT PRO TEMPORE

Appropriations, 2002	$473,000
Budget estimate, 2003	518,000
Committee recommendation	518,000

The Committee recommends an appropriation of $518,000 for the Office of the President pro tempore.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

Appropriations, 2002	$2,868,000
Budget estimate, 2003	3,094,000
Committee recommendation	3,094,000

The Committee recommends an appropriation of $3,094,000 for the offices of the majority and minority leaders.

The administrative and clerical staffs funded by this appropriation were authorized under the provisions of Public Law 91–145, effective November 1, 1969. The amount recommended is to be equally divided, providing $1,547,000 for each office.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

Appropriations, 2002	$1,912,000
Budget estimate, 2003	2,042,000
Committee recommendation	2,042,000

The Committee recommends an appropriation of $2,042,000 for the offices of the majority and minority whips. It is to be equally divided, providing $1,021,000 for each office.

The authority for the administrative and clerical staff funded by this appropriation was created by Public Law 84–242, effective July 1, 1955.

COMMITTEE ON APPROPRIATIONS

Appropriations, 2002	$10,825,000
Budget estimate, 2003	11,266,000
Committee recommendation	11,266,000

For the salaries of the Committee on Appropriations, the Committee recommends an appropriation of $11,266,000, an increase of $441,000 over the enacted level.

CONFERENCE COMMITTEES

Appropriations, 2002	$2,500,000
Budget estimate, 2003	2,610,000
Committee recommendation	2,610,000

For the administrative and clerical staffs of the majority and minority conference committees, the Committee recommends an appropriation of $2,610,000. The appropriation provides $1,305,000 in salaries for the staff of each conference committee.

The chairman of each conference committee may transfer to or from amounts provided for salaries of each conference to the account for conference committee expenses within the ''Miscellaneous items'' appropriation.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

Appropriations, 2002	$618,000
Budget estimate, 2003	648,000
Committee recommendation	648,000

The Committee recommends an appropriation of $648,000 for the majority and minority conference secretaries.

These offices were created by section 6 of Senate Resolution 17, agreed to January 10, 1977, and two positions in each office were first funded in the Supplemental Appropriations Act, 1977 (Public Law 95–26).

Section 102 of the Supplemental Appropriations Act, 1979 (Public Law 96–38), abolished the specific positions and established a lump-sum allowance for the employment of staff, effective October 1, 1979. The amount recommended is to be divided equally between the majority secretary and the minority secretary.

POLICY COMMITTEES

Appropriations, 2002	$2,550,000
Budget estimate, 2003	2,724,000
Committee recommendation	2,724,000

For the salaries of the administrative and clerical staffs of the majority and minority policy committees, the Committee recommends an appropriation of $2,724,000, or $1,362,000 for each committee.

The chairman of each policy Committee may transfer to or from amounts provided for salaries of each policy Committee to the account for policy Committee expenses within the ''Miscellaneous items'' appropriation.

OFFICE OF THE CHAPLAIN

Appropriations, 2002	$301,000
Budget estimate, 2003	315,000
Committee recommendation	315,000

For the Office of the Chaplain, the Committee recommends an appropriation of $315,000. The amount recommended would provide the salaries for the Chaplain of the Senate and support staff to assist the Chaplain with his pastoral duties. The Fiscal Year 1988 Legislative Branch Appropriations Act, Public Law 100–202, established the rate of pay for the Chaplain at Executive Level IV, currently $130,000.

OFFICE OF THE SECRETARY

Appropriations, 2002	$15,424,000
Budget estimate, 2003	17,079,000
Committee recommendation	17,079,000

The Committee recommends $17,079,000 for salaries of the Office of the Secretary. Fiscal year 2003 staffing levels are estimated at 252 positions.

This appropriation provides funds for four statutory positions (Secretary of the Senate, Assistant Secretary of the Senate, Financial Clerk of the Senate, and Parliamentarian of the Senate) and lump-sum allowances for the employment and adjustment of salaries of personnel in the Office of the Secretary of the Senate, as authorized by Public Law 97–51, effective October 1, 1981 (2 U.S.C. 61a–11).

The following departmental guidelines for fiscal year 2003 have been submitted by the Secretary to the Committee. The departmental budgets grouped in the apportionment schedule under executive offices include: the Executive Office of the Secretary of the Senate, Page school, Senate Security and Information Systems. The departmental budgets grouped in the apportionment schedule under administrative services include: captioning services, conservation and preservation, curator, disbursing office, gift shop, historical office, human resources, interparliamentary services, library, printing and document services, public records, and the stationery room. The departmental budgets grouped in the apportionment schedule under legislative and legal services include: the bill clerk, chief counsel for employment, daily digest, enrolling clerk, journal clerk, legislative clerk, Official Reporters of Debate, and Parliamentarian.

The Committee is aware that the Secretary of the Senate intends to implement a pilot program within available funds, to install real time closed captioning of Senate Committee hearings for deaf and hard of hearing individuals. The current lack of these services inhibits the opportunity for all Senate staff and constituents to participate fully in Committee proceedings. The Committee supports these efforts and encourages implementation of this pilot program as soon as possible.

OFFICE OF THE SECRETARY OF THE SENATE

[Estimated staffing levels—fiscal years 2002 and 2003]

	2003 request	2002	Difference
Executive offices	40	40	.....
Administrative services	157	167	−10
Legislative and legal services	55	45	+10
Totals	252	252	.....

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

Appropriations, 2002	$39,082,000
Budget estimate, 2003	45,941,000
Committee recommendation	43,161,000

This appropriation provides funds for the salaries of three statutory positions (Sergeant at Arms and Doorkeeper, Deputy Sergeant at Arms and Doorkeeper, and Administrative Assistant to the Sergeant at Arms and Doorkeeper) and lump-sum allowances for employment and adjustments of salaries of personnel in the Office of the Sergeant at Arms and Doorkeeper of the Senate, as authorized by Public Law 97–51, effective October 1, 1981 (2 U.S.C. 61f–7).

The Committee recommends a total of $43,161,000 for fiscal year 2003. This is an increase of $4,079,000 over the fiscal year 2002 level. The amount recommended reflects the increased costs of the equipment, services, and support required to ensure the security of the physical, information, and communication assets of the U.S. Senate. Specifically, the increase over the enacted level is attributable to funding a cost-of-living adjustment, merit funding, and additional positions, most of which are directed at enhancing security for the Senate community. The reduction from the original budget request reflects the Sergeant at Arms' efforts to develop a more cost-efficient method of processing mail and packages and deferred hiring of new staff.

The offices and personnel covered by this appropriation are shown in the following table.

STAFFING—OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

	2002 level	2003 Committee recommendation
Operations division:		
Capitol Division	$11,719,000	$13,123,000
Positions	284	306
Central operations	$7,855,000	$8,146,000
Positions	181	183
Technology Development Services	$7,599,000	$9,031,000
Positions	108	128
IT Support Services	$4,987,000	$5,506,000
Positions	93	98
Office Support Division	$1,693,000	$1,871,000
Positions	28	28
Staff Offices Division	$4,819,000	$5,036,000
Positions	80	81
SMI Project	$410,000	$448,000
Positions	5	5
Total	$39,082,000	$43,161,000
Positions	779	829

The Committee has no objection to the Sergeant at Arms moving staff positions between divisions without a formal reprogramming request but expects to be notified of such changes.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

Appropriations, 2002	$1,350,000
Budget estimate, 2003	1,410,000
Committee recommendation	1,410,000

The Committee recommends an appropriation of $1,410,000 for the offices of the secretaries for the majority and minority. The appropriation is to be equally divided, providing $705,000 for each office.

AGENCY CONTRIBUTIONS

Appropriations, 2002	$25,219,000
Budget estimate, 2003	30,075,000
Committee recommendation	30,075,000

The Committee recommends an appropriation of $30,075,000 for agency contributions for employees paid under the appropriation, ''Salaries, officers and employees,'' and employees paid under the appropriation ''Expenses of the United States Senate Caucus on International Narcotics Control'' and employees paid under the appropriation ''Joint Economic Committee.''

Agency contributions include the Senate's contributions as an employer to the civil service retirement system, the Federal Employees' Retirement System, the thrift savings plan, Federal employee group life insurance, Federal employee health insurance programs, and FICA. The Senate is required by law to make these payments, and the total required is dependent upon the number of Senate employees, their compensation levels, the benefit programs in which they are enrolled, and the extent of the benefits elected.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

Appropriations, 2002	$4,306,000
Budget estimate, 2003	4,581,000
Committee recommendation	4,581,000

For the Office of the Legislative Counsel of the Senate, the Committee recommends an appropriation of $4,581,000. The fiscal year 2003 staffing level is estimated to be 35 positions. The amount provided pays for the salaries, expenses, and agency contributions of the office.

OFFICE OF SENATE LEGAL COUNSEL

Appropriations, 2002	$1,109,000
Budget estimate, 2003	1,176,000
Committee recommendation	1,176,000

The Office of Senate Legal Counsel was established pursuant to section 701 of Public Law 95–521. The Committee recommends an appropriation of $1,176,000 for the Office. The amount provided pays for the salaries, expenses, and agency contributions of the Office.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

Appropriations, 2002	$12,000
Budget estimate, 2003	12,000
Committee recommendation	12,000

Section 119 of Public Law 97–51 authorized an expense allowance for the Secretary of the Senate, the Sergeant at Arms and Doorkeeper of the Senate, the Secretary for the Majority, and the Secretary for the Minority. Since fiscal year 1983, the amount has been provided through a direct appropriation. The Committee recommends an appropriation of $12,000, providing an allowance of $3,000 for each office.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

Appropriations, 2002	$107,264,000
Budget estimate, 2003	[1] 109,450,000
Committee recommendation	109,450,000

[1] Reflects budget amendment $2,067,000.

The Committee recommends an appropriation of $109,450,000 for inquiries and investigations by all Senate standing, special, and select committees, consistent with S. Res. 54, authorizing expenditures by the Committees of the Senate for fiscal year 2003.

This appropriation funds the liquidation of obligations incurred by committees under the authorization provided in Committee funding resolutions.

U.S. SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

Appropriations, 2002	$520,000
Budget estimate, 2003	520,000
Committee recommendation	520,000

The Committee recommends $520,000 for the expenses of the U.S. Senate Caucus on International Narcotics Control. Established in 1985 by ''The Foreign Relations Authorization Act'', the Caucus was created to monitor and promote international compliance with narcotics control treaties and monitor and encourage U.S. Government and private programs seeking to expand international cooperation against drug abuse. The Caucus is composed of seven Senators and five members from the public sector with a chairman from the majority party and a co-chairman from the minority party. It was the intent of the original conferees that the caucus operate in the manner of the Helsinki Commission.

SECRETARY OF THE SENATE

Appropriations, 2002	[1] $8,821,000
Budget estimate, 2003	7,077,000
Committee recommendation	7,077,000

[1] Includes $250,000 in fiscal year 2002 supplemental appropriations.

The Committee recommends an appropriation of $7,077,000 for expenses of the Office of the Secretary. The Committee has included $5,000,000 for a multi-year program to upgrade and expand the Financial Management Information System. These funds are made available until September 30, 2007.

The table printed below sets forth the apportionment of funds under this appropriation, followed by a brief description of the line items. Any deviation of more than 10 percent cumulatively from the stated levels for each item will require the customary prior approval of the Committee.

EXPENSES—OFFICE OF THE SECRETARY

Item	Amount available fiscal year 2002, Public Law 107–68	Budget estimate fiscal year 2003	Difference
Executive office	$452,700	$397,800	−$54,900
Administrative services	849,185	1,422,900	+573,715
Legislative and legal services	269,115	256,300	−12,815
Special projects	7,000,000	5,000,000	−2,000,000
Emergency Response Fund	250,000	.....	−250,000
Totals	8,821,000	7,077,000	−1,744,000

Typical expenditures of the Secretary of the Senate include:

Consultants.—Funding is provided for not to exceed two individual consultants as authorized by section 110 of Public Law 95–94, August 5, 1977, which amends section 101 of Public Law 95–26, May 4, 1977. Consultants employed under this authority shall not be paid in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate.

Legal reference volumes and dictionaries.—Funding is provided to furnish U.S. Senators with volumes of the U.S. Code Annotated or U.S. Code service, pocket parts and supplements, as authorized by Public Law 92–51, July 9, 1971.

The Disbursing Office is responsible for providing the U.S. Code Annotated or the U.S. Code Service to Senators when they assume office and upon receipt of a written request of a Senator. In addition, dictionary and dictionary stands are also furnished to Senators from funds provided for in this account.

Contractual legal and administrative services and miscellaneous expenses.—Funding is provided for various contractual, administrative, and miscellaneous expenses incurred by the Office of the Secretary. The Office of the Secretary of the Senate has contractual authority under Public Law 92–342, for the Federal Election Campaign Act and has utilized this authority to employ professional legal services in the past. In addition, the Office of the Secretary has incurred various types of legal and other expenses which have been authorized by the Senate. Administrative services and miscellaneous expenses are housekeeping expenses of the Office of the Secretary.

Travel and registration fees.—Funding is provided for travel expenses and registration fees incurred by the Secretary of the Senate and the employees of the Office of the Secretary. This line item excludes funding for travel expenses for the Federal Election Campaign Act under the Office of Public Records, which is provided separately under the authority of Public Law 93–342.

The authority for the travel portion of this account was provided for by section 101 of Public Law 94–59, July 25, 1975. The current limitation for travel expenses was increased to $10,000 (Section 102 of Public Law 97–12, June 5, 1981). Section 1 of Public Law 98–367, July 17, 1984, removed the not-to-exceed limitation on travel expenses for the Secretary of the Senate, during any fiscal year.

Orientation and training.—Funding is provided for expenses incurred by the Secretary of the Senate to conduct orientation seminars or similar meetings for Senators, Senate officials, or members of staffs of Senators or Senate officials, not to exceed $10,000 each fiscal year, under the authority of 2 U.S.C. 69a.

The Office of the Sergeant at Arms and Doorkeeper of the Senate is also authorized under these provisions to conduct seminars or similar meetings in the same manner and to the same extent as the Office of the Secretary of the Senate.

Newspapers.—Funding is provided to furnish newspapers and magazines for official purposes to the Marble Room, leadership offices, Republican and Democratic Cloakrooms, Senate officers, and certain other offices.

Senate service awards.—Funding is provided for the issuance of service pins or emblems as authorized by Senate Resolution 21, September 10, 1965. Senate Resolution 21 authorizes the Secretary of the Senate, under the direction of the Committee on Rules and Administration and in accordance with regulation promulgated by the Committee, to procure such pins or emblems and award them to Members, officers, and employees of the Senate who are entitled.

Postage.—This account also provides funding for postage for the Office of the Secretary of the Senate for special delivery, registered mail, and additional postage not covered under the frank.

Education of Senate pages.—Funding is provided for the education of Senate pages. Senate Resolution 184, July 29, 1983, authorized the Secretary of the Senate to enter into a contract, agreement, or other arrangement with the board of education of the District of Columbia, or to provide such educational services and items in such other manner as he may deem appropriate. Public Law 98–125, October 13, 1983, amended Public Law 98–51, July 14, 1983, striking out the heading and paragraph ''Education of Pages'' under the heading ''Joint Items'', and redesignated the funds provided in Public Law 98–51 for the education of pages between the House of Representatives and the Senate. Each House is to provide for the education of its own pages.

Stationery.—Funding is provided for stationery supplies for the Office of the Secretary of the Senate. The funds provided have been allocated to the various departments of the Office of the Secretary.

Senate Commission on Art.—Funding is provided for the Senate Commission on Art, authorized by Public Law 100–696, November 18, 1988, to acquire any work of art, historical object, documents or material relating to historical matters, or exhibits for placement or exhibition within the Senate wing of the Capitol, any Senate office building, or in rooms, spaces, or corridors thereof, and to publish a Senate historical objects inventory and calendar of exhibits on display within the Senate wing of the Capitol and Senate office buildings.

The Senate Commission on Art was formerly the Commission on Arts and Antiquities, which was authorized by Senate Resolution 382, October 1, 1968, as amended by Senate Resolution 95, April 1, 1977, and Senate Resolution 400, March 23, 1988.

Representation expenses.—Funding is provided (not to exceed $50,000) to the Secretary of the Senate to coordinate and carry out responsibilities in connection with foreign parliamentary groups or other foreign officials

visiting the United States. Authorized by section 2 of Public Law 101–163, November 21, 1989.

Office of Conservation and Preservation.—Funding is provided for the Office of Conservation and Preservation to develop and coordinate programs directly related to the conservation and protection of Senate records and materials for which the Secretary of the Senate has statutory authority.

Book preservation.—Funding is provided for the Office of Conservation and Preservation to use outside sources for the preservation and protection of the Senate book collection, including historically valuable documents under the care of the Secretary of the Senate.

Office of Public Records.—Funding is provided for expenses of the Office of Public Records. This office has evolved through various pieces of legislation and various responsibilities authorized by the Federal Election Campaign Act, as amended, the Ethics in Government Act, as amended, and the Lobbying Disclosure Act, as amended. Public Law 92–342, July 10, 1972, authorizes the Secretary of the Senate to procure technical support services, consultants, use of detailed employees and travel expenses in carrying out his duties under the Federal Election Campaign Act of 1971. The Office of Public Records is mentioned for the first time in Public Law 93–145, November 1, 1973, which authorizes the Secretary of the Senate to appoint and fix the compensation of a superintendent and other position for the Office of Public Records. In addition, under the authority of Public Law 95–521, October 26, 1978 (Ethics in Government Act) reports filed under section 101 shall be available for public inspection and a copy of the report shall be provided to any person upon request. Any person requesting a copy of a report may be require to pay a reasonable fee to cover the cost of reproduction. Any moneys received by the Secretary shall be deposited into the Office of Public Records Revolving Fund under the authority of Public Law 101–163, November 21, 1989. The office also performs functions under the Senate Select Committee on Ethics, such as registration of mass mailings; and under the Lobbying Disclosure Act.

Disbursing Office.—Funding is provided for expenses incurred in the operation of the disbursing office. Typical expenses for this office include online access charges for Department of Treasury systems, notary bonds, seals and supplies, necessary supplies in conjunction with the various machinery maintained in the office, which are not available in the stationery room, and necessary insurance policies required for the protection of the disbursing officer of the Senate for moneys assigned to his accountability.

Office of Captioning Services.—Funding is provided for the closed captioning of the televised Senate floor proceedings for the hearing impaired. Closed captioning was first authorized under the authority of Public Law 101–163, November 21, 1989.

Senate Chief Counsel for Employment.—Funding is provided for the Office of the Senate Chief Counsel for Employment. This office is a nonpartisan office formed in May 1993 at the direction of the joint leadership and is charged with providing legal advice and representation of Senate offices in all areas of employment law.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Appropriations, 2002	$95,904,000
Budget estimate, 2003	117,133,000
Committee recommendation	114,423,000

The Committee recommends the appropriation of $114,423,000 for expenses of the Sergeant at Arms. The increase of $18,519,000 over the enacted level is attributable in large part to security-related needs such as new mail and package handling costs and the new Office of Security and Emergency Preparedness.

The Sergeant at Arms budget structure reflects six major divisions: Capitol Division, Central Operations Division, Technology Development Services Division, IT Support Services Division, Office Support Division, and the Staff Offices Division. The Capitol Division centralizes all functions related to the maintenance and administration of the Senate wing of the U.S. Capitol Building, and provides mailing, photographic studio, and recording studio services. The Central Operations Division provides printing, mailing and parking services to the Senate. The Technology Development Services Division supports enterprise information technology systems, applications development, Internet/Intranet services, information security, and network engineering. The IT Support Services Division provides desktop computer support, mail system acquisition, maintenance and support, telecommunications, and Web and technology assessment support. The Office Support Division includes desktop computer acquisition and customer support. The Staff Offices Division includes Financial Management, Human Resources, and the Joint Office of Education and Training.

The following table compares the component categories within this account for fiscal years 2002 and 2003.

EXPENSES—OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

[In thousands of dollars]

	2002 level	2003 Committee recommendation
Capitol Division	13,455	10,410
Central Operations Division	2,443	3,965
Technology Development Services Division	17,565	22,330
IT Support Services Division	34,754	42,701
Office Support Division	24,688	28,686
Staff Offices Division	1,222	1,589
SMI Project	1,777	4,742
Total	95,904	114,423

The Committee requests that the Sergeant at Arms provide to the Committee a spending plan prior to the beginning of fiscal year 2003. Any deviation of more than 10 percent cumulatively from the level for each item in the spending plan will require the customary approval of the Committee.

MISCELLANEOUS ITEMS

Appropriations, 2002	$14,274,000
Budget estimate, 2003	[1] 19,409,000
Committee recommendation	18,513,000

[1] Reflects pending budget estimate of $1,000,000.

The Committee recommends an appropriation of $18,513,000 for miscellaneous items.

Any deviation of more than 10 percent cumulatively from the stated levels for each item will require the customary prior approval of the Committee.

The following table sets forth the apportionment of funds under this appropriation:

FISCAL YEAR 2003 BUDGET—MISCELLANEOUS ITEMS APPORTIONMENT SCHEDULE

ITEM	AMOUNT AUTHORIZED FISCAL YEAR 2002 PUBLIC LAW 107–68	COMMITTEE RECOMMENDATION FISCAL YEAR 2003	DIFFERENCE
Resolution and reorganization reserve	$2,450,000	$2,500,000	+$50,000
Unallocated	1,000,000	7,000,500	+6,000,500
Reserve for contingencies (miscellaneous items)	600,000	600,000	
Employees' compensation fund reimbursement (worker's compensation)	715,000	744,000	+29,000
Mailing of Town Meeting Notices (Public Law 107–68, dated Nov. 12, 2001)	3,000,000	500,000	−2,500,000
Jacob K. Javits Fellowship Program (S. Res. 193, dated Sept. 30, 1999, as amended) (expires Sept. 30, 2004)	250,000	350,000	+100,000
John Heinz Fellowship Program (S. Res. 356, dated Oct. 7, 1992, S. Res. 238, dated July 1, 1994, and S. Res. 180 dated Sept. 30, 1999 (expires Sept. 30, 2004))	71,000	71,000	
Reception of foreign dignitaries (S. Res. 247, dated Feb. 7, 1962, as amended by S. Res. 370, dated Oct. 10, 2000)	30,000	30,000	
Foreign travel—Members and employees (S. Res. 179, dated May 25, 1977)	125,000	125,000	
Federal employees compensation account (Public Law 96–499, dated Dec. 5, 1980 (Unemployment Compensation))	1,750,000	1,750,000	
Conferences for the Majority and Minority (Public Laws: 97–51, dated Jan. 3, 1983, 101–250, dated Nov. 5, 1990, and 107–68, dated Nov. 12, 2001)	200,000	200,000	
Policy Committees for the Majority and Minority (Public Law 104–53, dated Nov. 19, 1995)	144,000	150,000	+6,000
Postage	6,000	[1] 6,000	
Stationery	13,000	[2] 16,500	+3,500
Consultants—including agency contributions (2 USC 61h–6 as amended)	2,000,000	2,500,000	+500,000
National Security Working Group (S. Res. 75, March 25, 1999 (expires Dec. 31, 2002))	700,000	700,000	
Committee on Appropriations (Public Law 105–275, dated Oct. 21, 1998)	950,000	950,000	
Senate Child Care Center:			
Agency Contribution costs authorized by Public Laws 102–90, dated Aug. 14, 1991 and 103–50, dated July 2, 1993	250,000	300,000	+50,000
Training classes, conferences, and travel expenses as authorized by Public Law 104–197, dated Sept. 16, 1996	20,000	20,000	
Total	14,274,000	18,513,000	+4,239,000

[1] Postage apportionment (fiscal year 2003):

President of the Senate	$2,700
Secretary for the Majority	1,100
Secretary for the Minority	1,100
Chaplain	1,100
Total	6,000

[2] Stationery apportionment (fiscal year 2003):

President of the Senate	$8,000
Conference of the Majority	300
Conference of the Minority	300
Chaplain	700
Senate Chamber	7,200
Total	16,500

Resolution and reorganization reserve.—This line item is used to cover the costs of Senate resolutions and public laws that authorize expenditures from the contingent fund of the Senate that do not have specific appropriations for such purpose.

Reserve for contingencies.—This is a Committee on Rules and Administration line item which includes payment for gratuities for family members of deceased Senate employees; damage to automobiles in the Senate parking lots; contractual, legal, and administrative services; and miscellaneous expenses.

Employees' compensation fund reimbursements (worker's compensation).—Reimbursements made to the U.S. Department of Labor for total benefits and other payments made on behalf of Senate employees from the employees' compensation fund.

Reception of foreign dignitaries.—The Committee on Foreign Relations is authorized to expend not to exceed $30,000 each fiscal year to receive foreign dignitaries under the authority of Senate Resolution 247, agreed to February 7, 1962, as amended.

Jacob K. Javits Fellowship Program.—This fellowship program was first authorized by S. Res. 425, agreed to June 23, 1988, for a 5-year period ending June 22, 1993, and reauthorized by S. Res. 193 through September 30, 2004. The authorized funding level of $350,000 each fiscal year provides for up to 10 fellows each fiscal year. The appointing authority is the Secretary of the Senate.

John Heinz Fellowship Program.—This fellowship program was first authorized by S. Res. 356 and extended by S. Res. 238, and S. Res. 180. It is authorized through September 30, 2004 and provides for up to 2 fellows each calendar year. The appointing authority is the Secretary of the Senate.

Foreign travel—Members and employees.—Senate Resolution 179, agreed to May 25, 1977, authorized payment from the contingent fund of the Senate, of the domestic portion of transportation costs and travel expenses incurred by Members and employees of the Senate when engaged in authorized foreign travel.

Federal employees' compensation account (unemployment compensation).—This line item provides for expenses incurred for the Senate to reimburse the Federal employees' compensation account, pursuant to Public Law 96–499, approved December 5, 1980, for unemployment compensation payments made to Senate employees.

Conferences for the majority and minority.—The amount recommended provides for the expenses of the majority and minority conference committees.

Policy committees for the majority and minority.—The amount recommended provides for the expenses of the majority and minority policy committees.

Postage.—Provides for postage allowances for the President of the Senate, Secretary of the Majority, Secretary of the Minority, and Senate Chaplain.

Stationery.—Provides funds for stationery and office supplies for the President of the Senate, conference committees of the Senate, Office of the Chaplain, and the Senate Chamber.

Consultants—including agency contributions.—Provides authority for the appointment and payment of consultants to the majority and minority leaders, president pro tempore, president pro tempore emeritus, and the legislative counsel. The following summarizes the current authority and limitations:

Majority leader: Eight consultants at not to exceed the daily rate for maximum standing committee rate. All of the consultants may be appointed at an annual rate of compensation not to exceed the maximum annual rate for a standing committee.

Minority leader: Eight consultants at not to exceed the daily rate for maximum standing committee rate. All of the consultants may be appointed at an annual rate of compensation not to exceed the maximum annual rate for a standing committee.

Legislative counsel (subject to President Pro Tempore approval): Two consultants at not to exceed the daily rate for maximum standing committee rate. All of the consultants may be appointed at an annual rate of compensation not to exceed the maximum annual rate for a standing committee.

President Pro Tempore: Two consultants at not to exceed the daily rate for maximum standing committee rate. The consultants may be appointed at an annual rate of compensation not to exceed the maximum annual rate for a standing committee.

President Pro Tempore Emeritus: One consultant at not to exceed the daily rate for maximum standing committee rate. The consultants may be appointed at an annual rate of compensation not to exceed the maximum annual rate for a standing committee.

Senate National Security Working Group.—Provides funding for the Senate National Security Working Group, under the authority of Senate Resolution 75, agreed to March 25, 1999. The Senate National Security Working Group was formerly the Senate Arms Control Observer Group.

Committee on Appropriations.—Pursuant to Public Law 105–275 provides funding for administrative expenses for the Committee on Appropriations.

Senate Employees' Child Care Center—agency contributions.—Provides for the payment of agency contribution costs as authorized by Public Law 102–90, approved August 14, 1991, and Public Law 103–50, approved July 2, 1993, for employees of the Senate Employees Child Care Center.

Senate Employees' Child Care Center—training classes and conference costs.—Provides for the reimbursement of any individual employed by the Senate Employees' Child Care Center for the cost of training classes and conferences in connection with the provision of child care services and for travel, transportation, and subsistence expenses incurred in connection with the training classes and conferences, as authorized by Public Law 104–197, approved September 16, 1996.

Student Loan Repayment Program.—The Committee notes that in fiscal year 2003 the Senate will be entering the second year of a pilot of the student loan repayment program and will evaluate its future as part of the fiscal year 2004 budget cycle.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

Appropriations, 2002	$270,494,000
Budget estimate, 2003	303,879,000
Committee recommendation	294,545,000

The Committee recommends an appropriation for fiscal year 2003 of $294,545,000 for the Senators' Official Personnel and Office Expense Account.

This account funds salaries and benefits of Senators' staffs as well as the office expense allowance for Senators' offices. These funds were formerly carried under several accounts including: ''Administrative, clerical and legislative assistance to Senators;'' ''Agency contributions,'' under the heading ''Salaries, officers and employees;'' and ''Official office expense allowances.'' Those separate appropriations were merged into this single account in Public Law 100–137.

The Senators' official personnel and office expense allowance [SOPOEA] is comprised of three components. Two of these are for salaries of personnel in Senators' offices. The allowance for administrative and clerical assistance is based on the population of States, beginning with States with a population of fewer than 5 million people to States with a population of 28 million or more. The table illustrates the allowances per population category and the States which fall into those categories.

The second component of the salaries allowance is for legislative assistance to Senators, as authorized by Public Law 95–94. This allowance provides funding for three positions in each Senator's office at an annual rate of $145,459 for a total of $436,377 per office, or $43,637,700 for all 100 Senators.

The third component of the SOPOEA is for office expenses. Each Senator's office is allocated an amount for office expenses, as displayed in the following table, including the Committee on Rules and Administration's reallocations of the official mail. In addition, an amount of $200,000 is provided to cover additional expenses that may be incurred in the event of the death or resignation of a Senator, and to provide for transitional expenses during election years subject to regulations set by the Committee on Rules and Administration with respect to official mail.

It should be noted that the amounts provided for the various components of the SOPOEA are entirely fungible. Amounts provided for salaries may be used for expenses, and vice versa, subject to regulations set by the Committee on Rules and Administration with respect to official mail. It should also be noted that the figures in the following table are preliminary, and that official notification of member budgets is issued by the Financial Clerk of the Senate after final passage of this bill.

The following table illustrates the several components of the SOPOEA.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ALLOWANCE—FISCAL YEAR 2003

State	Admin. & cler. assist. allowance 10/1/2002	Legislative assist. allowance 10/1/2002	O.O.E.A. allowance 10/1/2002	Total allowance 10/1/2002
Alabama	$1,568,333	$436,377	$184,725	$2,189,435
Alaska	1,568,333	436,377	253,398	2,258,108
Arizona	1,623,297	436,377	202,086	2,261,760
Arkansas	1,568,333	436,377	169,662	2,174,372
California	2,669,720	436,377	468,377	3,574,474
Colorado	1,568,333	436,377	190,990	2,195,700
Connecticut	1,568,333	436,377	161,586	2,166,296
Delaware	1,568,333	436,377	128,525	2,133,235
Florida	2,227,928	436,377	309,366	2,973,671
Georgia	1,788,197	436,377	217,935	2,442,509
Hawaii	1,568,333	436,377	280,511	2,285,221
Idaho	1,568,333	436,377	165,280	2,169,990
Illinois	2,008,061	436,377	267,158	2,711,596
Indiana	1,678,265	436,377	196,938	2,311,580
Iowa	1,568,333	436,377	172,052	2,176,762
Kansas	1,568,333	436,377	169,620	2,174,330
Kentucky	1,568,333	436,377	178,878	2,183,588
Louisiana	1,568,333	436,377	187,300	2,192,010
Maine	1,568,333	436,377	148,923	2,153,633
Maryland	1,623,297	436,377	172,709	2,232,383
Massachusetts	1,678,265	436,377	196,800	2,311,442
Michigan	1,843,161	436,377	237,130	2,516,668
Minnesota	1,568,333	436,377	189,323	2,194,033
Mississippi	1,568,333	436,377	170,417	2,175,127
Missouri	1,623,297	436,377	199,253	2,258,927
Montana	1,568,333	436,377	162,918	2,167,628
Nebraska	1,568,333	436,377	161,413	2,166,123
Nevada	1,568,333	436,377	174,344	2,179,054
New Hampshire	1,568,333	436,377	143,596	2,148,306
New Jersey	1,788,197	436,377	207,679	2,432,253
New Mexico	1,568,333	436,377	167,556	2,172,266
New York	2,353,224	436,377	323,996	3,113,597
North Carolina	1,788,197	436,377	217,694	2,442,268
North Dakota	1,568,333	436,377	150,614	2,155,324
Ohio	1,953,096	436,377	258,199	2,647,672
Oklahoma	1,568,333	436,377	181,862	2,186,572
Oregon	1,568,333	436,377	190,883	2,195,593
Pennsylvania	2,008,061	436,377	265,654	2,710,092
Rhode Island	1,568,333	436,377	139,314	2,144,024
South Carolina	1,568,333	436,377	174,653	2,179,363
South Dakota	1,568,333	436,377	152,480	2,157,190
Tennessee	1,623,297	436,377	195,614	2,255,288
Texas	2,423,558	436,377	361,087	3,221,022
Utah	1,568,333	436,377	170,610	2,175,320
Vermont	1,568,333	436,377	137,310	2,142,020
Virginia	1,733,230	436,377	196,082	2,365,689
Washington	1,623,297	436,377	215,816	2,275,490
West Virginia	1,568,333	436,377	149,269	2,153,979
Wisconsin	1,623,297	436,377	193,061	2,252,735
Wyoming	1,568,333	436,377	153,825	2,158,535
Total	84,730,932 × 2	21,818,850 × 2	10,064,471 × 2	116,614,253 × 2
Grand Total	169,461,864	43,637,700	20,128,942	233,228,506

According to the most recent employment data compiled by the Secretary of the Senate, as of April 30, 2002, there were 4,121 individuals employed in Senators' offices throughout the United States and covered by this appropriation.

U.S. Senators' staff as of September 30, 1993–2001 and April 30, 2002

Year	*Number of Staff*
1993	4,262
1994	4,142
1995	4,112
1996	3,959
1997	4,044
1998	4,022
1999	4,039
2000	4,072
2001	3,964
2002	4,121

In addition to providing funds for compensation of employees within Senators' offices, this appropriation also provides for agency contributions for those employees; that is, the Senate's share, as an employer, of the various employee benefit programs for which Senate employees are eligible. These payments are mandatory, and fluctuate according to the programs in which employees are enrolled, the level of compensation, and the degree of participation. Budget requests for this account prepared by the Financial Clerk must be based on both experience and evaluation of trends. The fiscal year 2003 request for this account anticipates $68,739,000 in agency contribution costs.

The amount recommended by the Committee for the SOPOEA is less than would be required to cover all obligations that could be incurred under the authorized allowances for all Senators. The Committee is able to recommend an appropriation of a lesser amount than potentially necessary because Senators typically do not obligate funds up to the absolute ceiling of their respective allowances. In fact, a number of offices spend less than their total allowances. Evidence of this can be found in the semiannual report of the Secretary of the Senate. At the direction of this Committee in the Fiscal Year 1996 Legislative Branch Appropriations Act, the Secretary's report now includes summary information on each Senator's authorized allowance, expenditures made, and the balance, if any.

In the alternative, the Committee could recommend an appropriation to fund fully the sum total of all the authorized allowances. For fiscal year 2003, that would mean an appropriation of $303,879,000, $9,334,000 more than that recommended.

The Committee expects that all offices are complying with long-standing rules regarding the Senate employees transit subsidy.

SENATE OFFICIAL MAIL COSTS

Appropriations, 2002	$300,000
Budget estimate, 2003	300,000
Committee recommendation	300,000

For the official mail costs of the Senate, the Committee recommends an appropriation of $300,000, which is the same as the budget request.

ADMINISTRATIVE PROVISIONS

SEC. 1. This provision amends the authorization for expense allowances for leadership offices.

SEC. 2. This provision amends the authorization for the stationery allowance for the office of the president of the Senate.

SEC. 3. This provision increases by $50,000 the allowance for administrative and clerical assistance.

SEC. 4. This provision authorizes the Majority Policy Committee, Minority Policy Committee, Conference of the Majority, and Conference of the Minority to use the services of personnel of government departments or agencies, with the prior approval of such department or agency and the Committee on Rules and Administration.

SEC. 5. This provision authorizes a public safety exception to the Government inscriptions requirement on mobile Senate offices.

SEC. 6. This provision authorizes multiyear contracting authority for the Secretary of the Senate and Sergeant at Arms, subject to the approval of the Rules Committee.

SEC. 7. This provision relates to consultant positions for leadership offices.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

Appropriations, 2002	$3,424,000
Budget estimate, 2003	3,658,000
Committee recommendation	3,658,000

The Committee recommends an appropriation of $3,658,000 for the Joint Economic Committee. This is an increase of $234,000 over the enacted level needed for cost-of-living increases and one additional position.

JOINT COMMITTEE ON TAXATION

Appropriations, 2002	$6,733,000
Budget estimate, 2003	7,323,000
Committee recommendation	7,323,000

The Committee recommends an appropriation of $7,323,000 for salaries and expenses of the Joint Committee on Taxation. This is an increase of $590,000 over the enacted level primarily to accommodate cost-of-living increases.

OFFICE OF THE ATTENDING PHYSICIAN

Appropriations, 2002	$1,865,000
Budget estimate, 2003	1,947,000
Committee recommendation	3,000,000

The Committee recommends an appropriation of $3,000,000 for the Office of the Attending Physician. The Office was first established by House Resolution 253, adopted December 5, 1928. The increase of $1,053,000 over the request level will provide for an additional medical officer/physician, and will accommodate higher equipment costs. It will also provide for an increase in the allowances for the attending physician and medical officers, the first adjustment in the allowances since 1988. The bill provides authority of $300,000 to remain available until expended.

CAPITOL GUIDE AND SPECIAL SERVICES OFFICE

Appropriations, 2002	[1] $2,862,000
Budget estimate, 2003	3,035,000
Committee recommendation	3,035,000

[1] Includes $350,000 in emergency response funds (Public Law 107–117).

The Committee recommends an appropriation of $3,035,000 for the Capitol Guide and Special Services Office. This provides for 70 FTEs, as currently authorized.

STATEMENTS OF APPROPRIATIONS

Appropriations, 2002	$30,000
Budget estimate, 2003	30,000
Committee recommendation	30,000

The Committee recommends $30,000 for the preparation of detailed statements of appropriations as required by law. This account is used as payment for the preparation of the volumes, ''Statements on Appropriations,'' for the second session of the 107th Congress. These volumes show annual appropriations made, indefinite appropriations, and contracts authorized, along with a chronological history of regular appropriations bills. The volumes are compiled jointly by the Senate and House Committees on Appropriations pursuant to a directive in the Legislative Appropriations Act of June 7, 1924.

CAPITOL POLICE

	Recommended
Salaries	$175,675,000
Expenses	28,100,000
Total, Capitol Police	203,775,000

The Committee recommends $203,775,000, an increase of $30,485,000 above the enacted level, for the U.S. Capitol Police. Significant increases are provided to increase the size of the force, increase pay, improve training, and fund new programs aimed at recruitment and retention.

GAO reporting requirement.—The Fiscal Year 2001 Legislative Branch Appropriations Act required GAO to participate in the selection of a Chief Administrative Officer (CAO) for the USCP and monitor the implementation of management improvements in budgeting, financial management, information technology, and human resources. The law required GAO to provide quarterly reports to the Chief of the Capitol Police, Capitol Police Board, and congressional appropriations and oversight committees having jurisdiction over the Capitol Police, through September 30, 2002 on USCP's implementation efforts. Much progress has been made by the CAO to improve overall administrative operations of the Capitol Police. However, there are still some significant deficiencies, including the need for the USCP to update its strategic plan to reflect post-September 11, 2001 changes, and implement an effective administrative management strategy in the agency, particularly with respect to its human resources. Therefore, the Committee direct GAO to continue monitoring the human resource management function of the Capitol Police and provide semi-annual reports to the Capitol Police entities and Committees on Appropriations on progress being made by the USCP toward developing and implementing an effective human resource management strategy. These reports should continue through fiscal year 2004.

Review of salary, benefits, and working conditions.—The Committee urge the Capitol Police Board to conduct a review of Capitol Police salary, benefits, and working conditions and recommend any modifications which the board considers likely to improve the ability of the U.S. Capitol Police to recruit and retain officers. The review should incorporate an examination of retirement benefits offered to members of the Capitol Police force, including a comparison to the Sky Marshals from the Transportation Security Agency, Federal Bureau of Investigation agents, the National Park Police officers, members of the uniformed division of the Secret service, and other Federal law enforcement officers. The Committee has been informed that the various Federal law enforcement agencies all receive comparable retirement benefits. It is the intent of this Committee that the Capitol Police should continue to receive retirement benefits on terms at least as generous as those of other Federal law enforcement agencies.

SALARIES

Appropriations, 2002	$113,044,000
Budget estimate, 2003	184,526,000
Committee recommendation	175,675,000

The Committee recommends an appropriation of $175,675,000 for the salaries of the U.S. Capitol Police (USCP). The increase of $62,631,000 is needed primarily to increase staffing by 269 FTEs over the fiscal year 2002 approved level, for a total of 1,839 FTEs. Funding is included for cost of living pay increases, comparability pay increases to enhance competitiveness with other law enforcement agencies, and recruitment and retention incentives including the student loan repayment program. The pay raise is expected to total 9.1 percent. The reduction below the request reflects revised projections of pay costs associated with extraordinarily high attrition in fiscal year 2002.

The amount provided covers salaries, benefits, and overtime costs. Capitol Police personnel are also eligible for hazardous duty pay and comparability pay similar to locality pay adjustments granted other Federal law enforcement personnel in the Washington, DC, area.

The Committee has added new authority for the USCP to police the Botanic Garden, with an estimated staffing requirement of 29 FTE. The priority for postings remains coverage of 2 officers per door.

GENERAL EXPENSES

Appropriations, 2002	[1] $44,146,000
Budget estimate, 2003	28,100,000
Committee recommendation	28,100,000

[1] Includes $31,000,000 in emergency response fund transfer (Public Law 107–38).

The Committee recommends the budget request of $28,100,000 for general expenses of the Capitol Police. The amount recommended is needed primarily to support the significant increase in staffing as well as an increase in training. The difference from the request reflects re-estimates of cost projections and emerging needs. Expenses include office supplies and equipment, laundry and dry-cleaning, communications, motor vehicles, uniforms and equipment, investigations, training, and miscellaneous items.

ADMINISTRATIVE PROVISIONS

SEC. 1001. The Committee has included a routine provision which allows for funds to be transferred between the ''Salaries'' and ''General expenses'' accounts.

SEC. 1002. This provision authorizes the USCP to procure severable services in 1 fiscal year that carry into the next year. Executive Branch agencies received this authority under the Federal Acquisition Streamlining Act.

SEC. 1003. This provision authorizes the disposition of surplus or obsolete property of the Capitol Police.

SEC. 1004. This provision makes technical corrections to current law regarding USCP recruitment and relocation bonuses.

SEC. 1005. This provision authorizes USCP to recruit individuals without regard to age.

SEC. 1006. This provision makes technical corrections to Public Law 107–117 relative to retention allowances.

SEC. 1007. This provision relates to education assistance for employees of the Capitol Police.

SEC. 1008. In order to enhance recruitment efforts of the Capitol Police, the Committee has included a provision that allows the Capitol Police to appoint employees at a rate of pay at or above step one of the pay grade in which the employee is appointed.

SEC. 1009. This provision authorizes overtime compensation for officers and members at the rank of lieutenant or higher.

SEC. 1010. This provision authorizes training programs for employees of the Capitol Police.

SEC. 1011. This provision authorizes the Chief of the Capitol Police to provide, under certain circumstances, additional compensation for employees with specialty assignments and proficiencies.

SEC. 1012. The Committee has included a provision, effective as of September 11, 2001, that establishes the limits on premium pay on an annual rather than pay period basis during emergency periods.

SEC. 1013. *Merger of Capitol Police with Library of Congress Police.* Over a period of many years, three Legislative Branch police forces evolved on Capitol Hill: the U.S. Capitol Police, Library of Congress, and Government Printing Office. In fiscal year 2001, the Committee directed the General Accounting Office to undertake a review to determine the desirability and feasibility of consolidating these police forces into a single force under the control of the U.S. Capitol Police.

After reviewing and fully considering the results of GAO's thorough analysis, the Committee has determined that there are significant benefits to be realized by combining the Library of Congress police force with the U.S. Capitol Police. A merger of this nature under a single, unified chain of command would enhance the overall security of Capitol Hill by facilitating better communication and coordination of police activities; providing centralized intelligence gathering, dissemination, and threat assessments; developing consistent responses to emergency situations or threats; allowing for flexibility in staffing officers; and providing additional training and equipment for all officers.

Given these benefits and the need for increased security on Capitol Hill following the September 11th and anthrax incidents of last year, the Committee is proposing legislation that would make effective a merger of the Library of Congress police force into the U.S. Capitol Police within 3 years. Many issues will need to be considered and addressed, such as benefits, pay, retirement, qualification requirements, security systems, and training, to effect this merger. The Committee believes that the Chief of Police will need a period of up to 3 years to develop and implement a plan to address these and other issues to merge the two police forces.

The Committee encourages USCP to plan to establish a separate Library Division of the USCP to address the specific security needs of the Library.

SEC. 1014. The Committee has included an administrative provision clarifying the authority of the USCP to police the Botanic Garden.

SEC. 1015. In the event of an emergency as determined by the Capitol Police Board or a concurrent resolution of Congress, authority is provided to the Chief of Police to appoint, as special officers, other Governmental law enforcement and, where appropriate, military personnel.

SEC. 1016. This section provides necessary authorities for the Chief of the Capitol Police to be the disbursing officer for the Capitol Police.

SEC. 1017. Requires promulgation of certain regulations within 60 days after enactment of this Act.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

Appropriations, 2002	$2,059,000
Budget estimate, 2003	2,224,000
Committee recommendation	2,059,000

The Committee recommends an appropriation of $2,059,000 for the salaries and expenses of the Office of Compliance, as authorized by section 305 of Public Law 104–1, the Congressional Accountability Act of 1996.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

Appropriations, 2002	$30,780,000
Budget estimate, 2003	32,390,000
Committee recommendation	32,094,000

The Committee recommends an appropriation of $32,094,000 for the Congressional Budget Office. The amount recommended represents an increase of $1,321,000 over the enacted level to cover all mandatory and price level increases.

ADMINISTRATIVE PROVISIONS

SEC. 1101. This provision provides CBO authority that executive branch agencies have to establish an educational program to enhance the abilities and effectiveness of CBO employees through study or work experiences.

SEC. 1102. This provision reinstates an exemption from an obsolete procurement statute which effectively prohibits modern acquisition methods.

ARCHITECT OF THE CAPITOL

The Committee has recommended a funding level of $334,474,000 and an FTE level of 1,466 for all activities of the Architect of the Capitol. Excluded are House items which are traditionally left for consideration by that body.

The requested authorized level of full-time equivalent positions of 1,477 has been reduced to 1,466, including 29 new FTEs. The annualization of the new positions in the fiscal year 2004 base will bring the total FTE authorization to 1,475. It is also noted that the FTE authorized level included under each appropriation accommodates temporary staff hired by the Construction Management Division for project related work.

The Architect of the Capitol is directed to observe closely limitations on full-time equivalent (FTE) positions. It is noted, however, that funding was provided for various projects with no commensurate increase in the FTE ceiling. Accordingly, the Committee provides relief from the FTE ceilings for delivery of those projects under the condition that the Committees on Appropraitions are notified prior to the increase in the FTE ceiling.

The following table shows the request and the Committee recommendation:

Appropriation	Fiscal year		
	2002 appropriation	2003 request [1]	2003 recommendation
General administration	$51,371,000	$63,951,000	$59,343,000
Capitol building	15,194,000	46,789,000	32,094,000
Capitol Grounds	6,009,000	7,711,000	8,356,000
Senate office buildings	42,126,000	55,103,000	64,871,000
Capitol Power Plant	52,583,000	143,603,000	102,286,000
Library buildings and grounds, structural and mechanical care	21,753,000	40,284,000	37,521,000
Capitol Police buildings and grounds	.....	.....	23,900,000
Emergency response funds (Public Law 107–38)	106,304,000	.....	.....
Botanic Garden	5,646,000	5,661,000	6,103,000
Capitol visitor center	70,000,000	.....	.....
Congressional Cemetery	1,250,000	.....	.....
Total	372,236,000	363,102,000	334,474,000

[1] Reflects pending budget amendments totaling $13,704,000.

FTEAC.—The Committee is pleased with the establishment of the Full-Time Equivalent Advisory Committee (FTEAC) in the Architect's office. The FTEAC is intended to provide a forum for the prioritization and alignment of positions within each appropriation and across the agency. The Architect is requested to keep the Committee advised on the progress of the FTEAC.

Working Reserves.—The Committee encourages the Architect to make better use of available working reserves. Therefore, the Architect is directed to establish accounts within each no-year and each multi-year appropriation under the Architect of the Capitol for the purpose of receipt of reallotments of unobligated funds from completed projects. The funds will be used for contingency purposes as deemed necessary by the Architect with the approvals of the Committees on Appropriations of the House of Representatives and the Senate. Completion of each project should be certified by the project manager before transferring funds into the contingency account.

Window Replacement.—The Committee recommends an incremental approach for the window replacement project for blast and bullet resistance for which the Architect of the Capitol proposed $11,400,000 in design dollars across four appropriations. The Committee recommends an amount of $1,200,000 to develop prototypes before proceeding with this very costly project. In view of heightened security concerns and the need to maintain the Capitol's historical appearance, if approved this project will address security requirements and incorporate historical aesthetics.

Condition Assessments/Master Plan.—The Committee has provided an amount of $500,000 in the Capitol buildings appropriation and an amount of $1,100,000 in the Senate office buildings appropriation for condition assessments of the Capitol complex. The assessment will be conducted in tandem with the development of a master plan for the Capitol complex, and will include the collection of relevant information regarding buildings, inspection and equipment testing of properties and assets, analysis and identification of deficiencies, identification of solutions and costs, a forecast of future renewal requirements, and the development of long-range comprehensive financial plans.

The Committee has established a new funding line, ''Study, Design, and Condition Assessment,'' within several appropriations to improve response time and flexibility in conducting studies, surveys, assessments, and designs. The Architect of the Capitol is to notify the Committees on Appropriations 21 days prior to moving forward with these projects.

GENERAL ADMINISTRATION

Appropriations, 2002	$51,371,000
Budget estimate, 2003	63,951,000
Committee recommendation	59,343,000

The Committee recommends an appropriation of $59,343,000 for general administration. The amount provided includes $55,275,000 for the operating budget and $4,068,000 for the capital budget, and will accommodate an

FTE level of approximately 362 with additional positions targeted to project management and facilities support. Annualization of the additional FTEs in fiscal year 2004 will increase the FTE level to 367. A total of $6,450,000 is made available until September 30, 2007. The Committee has deleted the travel limitations, but directs the Architect to submit a semi-annual report on travel to the Committees.

The General Administration appropriation was established in fiscal year 2002 for the purpose of consolidating into a single appropriation the funding for salaries and related benefits of the Architect, officers, administrative and support staff, including engineering and architecture employees. Previously, the funding for these items was included in several jurisdictional appropriations under the Architect. This account also provides for administrative items such as agency-wide contractual services; surveys and studies; information technology; and electronics and safety engineering operations.

The following table displays the budget detail.

Item	Amount requested	Committee recommendation
FISCAL YEAR 2003 OPERATING BUDGET		
Personal Services	$36,898,000	$35,615,000
Rent, Communications, Utilities & Travel	3,599,000	1,279,000
Other Services	16,782,000	17,977,000
Supplies	254,000	254,000
Equipment	150,000	150,000
Subtotal, Operating Budget	57,683,000	55,275,000
FISCAL YEAR 2003 CAPITAL BUDGET		
Implementation of Safety Programs	450,000	450,000
Security Project Support for AOC	125,000	125,000
Financial Management System (FMS)	1,627,000	1,627,000
Implementation of AOCNET	500,000	500,000
Computer-Aided Facility Management (CAFM)	1,366,000	1,366,000
Study, Master Schematic Plan for Fort Meade	200,000	
Study, Conduct Energy Survey of Capitol Complex	2,000,000	
Subtotal, Capital Budget	6,268,000	4,068,000
Total, General Administration	63,951,000	59,343,000

Personnel Support System.—The Committee supports and has provided an amount of $1,041,000 for a new personnel system within the total increase of $2,781,000 for information resources. This funding is intended for the Architect to automate its processes and procedures related to recruitment, position classification, and workforce management. However, based on problems encountered by the Library of Congress in implementing a similar system, the Committee recommends the Architect closely monitor the implementation to ensure problems and delays are minimized, and keep the Committee apprised of its progress.

Financial Management.—The Committee notes the significant accomplishments made by the Architect in the successful implementation of its new financial management system. The AOC financial management organization warrants confidence towards continued progress and the preparation of auditable financial statements at the end of fiscal year 2003. Funding in the amount of $350,000 is being provided to build the policies and procedures to ensure the internal control mechanisms are in place to support this effort as well as improved budget documentation.

Worker Safety.—The Committee continues to place a high priority on improving worker safety within the Architect of the Capitol operations. While significant improvements have been made in the last year to reduce the worker injury rate, there is more to be done. The Committee expects AOC to be developing and integrating a management process, the benefit of which is that safety becomes an integral operating discipline and overall workplace safety injuries are reduced. The Architect is directed to continue its efforts using outside expertise where necessary to provide management assistance, training, audits, and assistance in safety program implementation. The AOC will keep the Committee informed of the progress of this program.

Recycling.—The Committee is encouraged by progress in the AOC's recycling program. The Committee directs the Architect to implement and expand the recommendations of the best practices review and develop a pilot project to address electronic equipment waste recycling (not to exceed $500,000). The Committee expects the Architect to provide quarterly reports on the recycling program, including the pilot electronic waste initiative.

Golden Dollar ''Sacagawea Coin''.—The Committee supports the circulation of the Golden Dollar (Sacagawea) coin. However, the Committee notes with disappointment that several gift shops and restaurant facilities in the U.S. Capitol still do not distribute the coin nearly 2 years after its introduction. The Committee urges the Architect of the Capitol and the Secretary of the Senate to require the use of the coin in the cash drawers of restaurant facilities and gift ships in the U.S. Capitol complex.

CAPITOL BUILDING

Appropriations, 2002	[1] $15,194,000
Budget estimate, 2003	46,789,000
Committee recommendation	32,094,000

[1] Does not reflect $106,304,000 by transfer in emergency response funds (Public Law 107–38).

The Committee recommends an appropriation of $32,094,000 for necessary expenses for the maintenance, care and operation of the Capitol. Of this, $19,065,000 is available until September 30, 2007. The amount provided includes $10,886,000 for the operating budget and $21,208,000 for the capital budget. The recommendation is $14,695,000 below the request owing to the deletion of Capitol Police items from this account and the creation of a new account for USCP items. The FTE authorized level is 171, including any temporary construction staff assigned to Capitol projects. The ceiling includes 4 new full-time equivalent positions that will be annualized to 5 in the fiscal year 2004 base to increase the authorized level to 172 FTEs.

The Committee's recommendation includes $12,000,000 for the upgrade of the air conditioning system for the East Front of the Capitol, which was completed approximately 40 years ago. The amount provided is $2,400,000 more than the original request owing to a revised estimate based on 100 percent design of the project. The recommendation includes $2,000,000 for replacing the high voltage switch gear and cables that accelerates out-year plans in order to link this effort to construction contracts with the Capitol Visitor Center.

The following table displays the budget detail.

Item	Amount requested	Committee recommendation
FISCAL YEAR 2003 OPERATING BUDGET		
Personal Services	$7,796,000	$8,021,000
Other Services	2,216,000	2,216,000
Supplies	483,000	483,000
Equipment	166,000	166,000
Subtotal, Operating Budget	10,661,000	10,886,000
FISCAL YEAR 2003 CAPITAL BUDGET		
ADA Requirements	75,000	75,000
Replacement of Minton Tile	385,000	200,000
Roofing Repair, Around House & Senate Chambers	160,000	160,000
Elevator/Escalator Modernization Program, CB	500,000	500,000
Door Refinishing/Restoration	289,000	289,000

Item	Amount requested	Committee recommendation
Chandelier Restoration and Crystal/Globe Replacement	319,000	319,000
Conservation of Wall Paintings	300,000	300,000
Design, Provide Emergency Electrical Service, CB	125,000	
Off-Site Delivery/Screening Center, USCP	22,000,000	
Design, Replace Windows, Capitol	600,000	
Design, Renovate Outside Air Intake Tunnels	400,000	
Replace High Voltage SWGR & Cables, Capitol	1,000,000	2,000,000
Upgrade Air Conditioning—East Front, Capitol	9,600,000	12,000,000
Study, Historic Structure Report	75,000	
Study, Design and Condition Assessment		5,065,000
Computer, Telecom, & Electrical Support	300,000	300,000
Subtotal, Capital Budget	36,128,000	21,208,000
Total, Capitol Buildings	46,789,000	32,094,000

CAPITOL GROUNDS

Appropriations, 2002	$6,009,000
Budget estimate, 2003	7,711,000
Committee recommendation	8,356,000

The Committee recommends an appropriation of $8,356,000 for Capitol Grounds for the care and improvements of the grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant. The recommendation includes $6,041,000 in operating funds and $2,315,000 for the capital budget, of which $1,780,000 is to remain available until September 30, 2007.

The amount recommended is $2,347,000 above the fiscal year 2002 enacted level and $645,000 above the budget request. The FTE authorized level will remain at 69, including any temporary construction staff assigned to projects.

The recommendation adjusts the operating budget to reflect past obligation trends and grounds requirements which resulted in reductions to exterior pointing and caulking, miscellaneous improvements, and performances on the Capitol grounds, while providing additional funds for general annual repairs, training, and bulk waste disposal. The Committee is not recommending the requested amount of $60,000 for sidewalk replacement given the ongoing construction across the Capitol complex.

The following table displays the budget detail.

Item	Amount requested	Committee recommendation
FISCAL YEAR 2003 OPERATING BUDGET		
Personal Services	$4,260,000	$4,253,000
Other Services	1,218,000	1,200,000
Supplies	528,000	528,000
Equipment	60,000	60,000
Subtotal, Operating Budget	6,066,000	6,041,000
FISCAL YEAR 2003 CAPITAL BUDGET		
Replace Truck	80,000	80,000
Wayfinding and ADA-Compliant Signage, CG	425,000	430,000
Sidewalk Replacement	60,000	
Maintenance of Outdoor Sculpture: Garfield and Peace	20,000	25,000
Design, Replace, Automate and Expand Irrigation System	80,000	
Design, Street and Sidewalk Infrastructure Improvements	250,000	
Study, Design and Condition Assessment		580,000
Power Requirements	730,000	1,200,000
Subtotal, Capital Budget	1,645,000	2,315,000
Total, Capitol Grounds	7,711,000	8,356,000

SENATE OFFICE BUILDINGS

Appropriations, 2002	$42,126,000
Budget estimate, 2003	55,103,000
Committee recommendation	64,871,000

The Committee recommends an appropriation of $64,871,000 for maintenance of the Senate office buildings. The appropriation includes $43,163,000 for the operating budget and $21,708,000 for the capital budget, of which $21,600,000 shall remain available until September 30, 2007.

The recommendation is $22,745,000 above the enacted level for fiscal year 2002 and $9,768,000 above the budget request, primarily due to the replenishment of fiscal year 2002 reprogrammed funds for higher priority and immediate requirements. The FTE authorized level is 555 FTEs, including any temporary construction staff assigned to Senate projects. The recommendation includes 4 new full-time equivalent positions that will be annualized to 5 in the fiscal year 2004 base to increase the ceiling to 556 FTEs.

The Committee, after reviewing the financial statements of the Senate restaurants, recommends a funding level of $1,095,000 which is above the requested amount to meet financial obligations. Additionally, the Committee has added $30,000 to support the combined waste recycling program.

The following table displays the budget detail.

Item	Amount requested	Committee recommendation
FISCAL YEAR 2003 OPERATING BUDGET		
Personal Services	$26,754,000	$26,542,000
Rent, Communications, Utilities & Travel	7,781,000	7,781,000
Other Services	5,065,000	5,645,000
Supplies	1,300,000	1,300,000
Equipment	1,895,000	1,895,000
Subtotal, Operating Budget	42,795,000	43,163,000
FISCAL YEAR 2003 CAPITAL BUDGET		
Upgrade Emergency Lighting, RSOB	50,000	
Kitchen Exhaust and Kitchen Redesign, Webster Hall	108,000	108,000
Replace Windows, SOB	5,300,000	
Renovate Restrooms (ADA), HSOB and DSOB	1,600,000	2,100,000
Bus Ducts & Switchgear Replacement, HSOB	1,950,000	1,950,000
Repair Waterproofing Under RSOB South Steps	1,800,000	1,800,000
Mechanical Renovations, DSOB		940,000
Study, Design and Condition Assessment		1,750,000
Minor Construction		10,000,000
Modernize Elevators, HSOB	1,500,000	3,060,000
Subtotal, Capital Budget	12,308,000	21,708,000

Item	Amount requested	Committee recommendation
Total, Senate Office Buildings	55,103,000	64,871,000

CAPITOL POWER PLANT

Appropriations, 2002	$52,583,000
Budget estimate, 2003	143,603,000
Committee recommendation	102,286,000

The Committee recommends an appropriation of $102,286,000 for the operations of the Capitol Power Plant. This is supplemented by $4,400,000 in reimbursements. Of the amount provided, $61,739,000 shall remain available until September 30, 2007. The recommendation includes $39,967,000 for the operating budget and $62,319,000 for the capital budget.

The FTE authorized level will remain at 94, including any temporary construction staff assigned to projects.

The Power Plant provides heat, light, power, and air-conditioning for the Capitol, Senate and House office buildings, and the Library of Congress buildings; heat, light, and power for the Botanic Garden and the Senate and House Garages; light for the Capitol Grounds' street, park, and floodlighting system; steam heat for the Government Printing Office and Washington City Post Office, also known as Postal Square; and steam heat and air-conditioning for the Union Station complex, Folger Shakespeare Library, the Thurgood Marshall Federal Judiciary Building, and the U.S. Supreme Court Building on a reimbursable basis.

The recommended budget would increase by $49,703,000 over the enacted level primarily owing to three major capital projects. The amount recommended includes $41,000,000 for the expansion of the west refrigeration plant which is critically needed due to the aging equipment in the east refrigeration plant which will be de-commissioned when the west refrigeration plant is expanded, and the need for additional capacity. Without this project, the Capitol complex would be facing a critical shortfall in chilled water capacity and the plant would not have the ability to serve the campus with reliable chilled water. Also, the east refrigeration plant uses R–12 refrigerant, an ozone depleting substance which will be banned from use in the near future. The recommended funding is for the construction of the extension and installation of three chillers with supporting auxiliaries. These funds are made available until September 30, 2007.

In addition, the capital budget includes $10,289,000 for the repair of the South Capitol Street steam line which has deteriorated and must be rebuilt to provide a safe, reliable tunnel for steam; and $8,500,000 for the repair of the Constitution Avenue tunnel in order to correct life safety deficiencies. These funds are also made available until September 30, 2007.

Within the operating budget, approximately 90 percent of the recommended amount is for the purchase of electricity from the local private utility, payment to the government of the District of Columbia for the provision of water and sewer services, and the procurement of boiler fuel, as displayed in the following table.

Fiscal year 2003 estimated utility costs

Purchase of electrical energy	$23,350,000
Purchase of natural gas	4,500,000
Purchase of steam	434,000
Purchase of chilled water	380,000
Purchase of coal	2,550,000
Purchase of oil	1,707,000
Water and sewer payments	3,200,000
Total	36,121,000

The balance of this appropriation supports a work force to operate and maintain the Power Plant.

The following table displays the budget detail.

Item	Amount requested	Committee recommendation
FISCAL YEAR 2003 OPERATING BUDGET		
Personal Services	$6,076,000	$6,057,000
Rent, Communications, Utilities & Travel	31,866,000	31,866,000
Other Services	1,444,000	1,488,000
Supplies	5,037,000	4,956,000
Reimbursement	(4,400,000)	(4,400,000)
Subtotal, Operating Budget	40,023,000	39,967,000
FISCAL YEAR 2003 CAPITAL BUDGET		
Implement Emergency Shoring & Repairs to Tunnels	100,000	100,000
West Refrigeration Plant Expansion	81,800,000	41,000,000
Install Dual, Low NOx Burners, Boilers 6 & 7	400,000	400,000
Update CAD Drawings for CPP	80,000	80,000
Design, Fire Alarm/Protection System Upgrades, Boiler Plant CPP	150,000	.....
Design, Egress Improvements, CPP	150,000	.....
Repair South Capitol Street Steam Line	11,000,000	10,289,000
Repair Constitution Avenue Tunnel	8,500,000	8,500,000
Central Steam/Chilled Water Metering Upgrades, Capitol Complex	100,000	.....
Study, Design and Condition Assessment	.....	450,000
Procure Emergency Generator	1,300,000	1,500,000
Subtotal, Capital Budget	103,580,000	62,319,000
Total, Capitol Power Plant	143,603,000	102,997,000

LIBRARY BUILDINGS AND GROUNDS

Appropriations, 2002	$21,753,000
Budget estimate, 2003	40,284,000
Committee recommendation	37,521,000

The Committee recommends an appropriation of $37,521,000 for the care and maintenance of the Library buildings and grounds by the Architect of the Capitol, of which $5,500,000 shall remain available until expended and $18,614,000 shall remain available until September 30, 2007. The recommendation includes $11,754,000 for the operating budget and $25,767,000 for the capital budget, including $5,500,000 for the Audio-Visual Conservation Center, the final installation of funding for this project.

The following table displays the budget detail.

Item	Amount requested	Committee recommendation
FISCAL YEAR 2003 OPERATING BUDGET		
Personal Services	$8,965,000	$9,012,000
Other Services	1,882,000	1,874,000
Supplies	614,000	614,000
Equipment	191,000	189,000
Land and Structures	65,000	65,000
Subtotal, Operating Budget	11,717,000	11,754,000
FISCAL YEAR 2003 CAPITAL BUDGET		
Replace Partition Supports, JMMB	$300,000	$300,000
Replace Compact Stack Safety, JMMB	300,000	300,000
Repair Life Safety Deficiencies	1,000,000	1,000,000
ADA Requirements, LB&G	100,000	100,000
Replace Sidewalks, TJB & JAB	100,000	100,000

Item	Amount requested	Committee recommendation
Restore Decorative Painting, TJB & JAB	100,000	100,000
Audio Visual Conservation Center, Culpeper, VA	5,500,000	5,500,000
LOC Room & Partition Modifications	500,000	500,000
Preservations Environmental Monitoring	100,000	100,000
Additional Sprinklers, JMMB	1,383,000	1,383,000
Secondary Containment for Fuel Oil Tanks, JMMB	200,000	.....
Upgrade Emergency Generators, JAB & TJB	300,000	300,000
Design, Replace Windows, LOC	1,600,000	.....
Repair Roof Under East Parking Lot, TJB	2,180,000	2,180,000
Survey of Library Buildings & Equipment	1,000,000	.....
Study, Copyright Deposit Facility, Fort Meade	100,000	.....
Study, Design and Condition Assessment	2,405,000	2,905,000
Modernize 4 Elevators	980,000	980,000
Design & Construct Book Storage Module #2, Fort Meade	9,566,000	9,566,000
NW Curtain, HVAC	453,000	453,000
Design, Mod. to Ground Floor West Main Pavilion, TJB Visitor Center	400,000	.....
Subtotal, Capital Budget	[1] 28,567,000	25,767,000
Total, Library Buildings and Grounds	40,284,000	37,521,000

[1] Includes pending Budget Amendment totaling $13,404,000.

The recommendation is $15,768,000 above the enacted amount for fiscal year 2002 and $2,763,000 below the budget request, including the pending budget amendment. The FTE ceiling is 153, including any temporary construction staff assigned to projects. The ceiling includes 3 new full-time equivalent positions that will be annualized to 4 in the fiscal year 2004 base and will increase the ceiling to 154 FTEs.

The Committee's recommendation provides significant increases in the funding for capital projects at the Library of Congress to include additional sprinklers for the Madison Building, roof repairs for the east parking lot, Jefferson Building elevator modernization, air conditioning for the NW curtain, a study and design for a copyright deposit facility, and the design of book storage modules #3 and #4 at Fort Meade. The amount provided also includes $9,566,000 for the design and construction of book storage Module #2 at Fort Meade. The Committee expects this high-priority project will be completed as expeditiously as possible. Given the significant increase, the Architect needs to continue to expand on services that can be provided by other Government agencies.

CAPITOL POLICE BUILDINGS AND GROUNDS

Appropriations, 2002	.....
Budget estimate, 2003	.....
Committee recommendation	$23,900,000

The Committee has created a new appropriation account for Capitol Police Buildings and Grounds. The amount recommended, $23,900,000, includes $22,000,000 for an off-site delivery facility for the USCP; $1,500,000 in design funding for a tactical training facility; and $400,000 for lease of a vehicle maintenance facility.

The Committee considers a new off-site delivery facility to be a high priority need, and the Committee fully expects the study to be completed in early fiscal year 2003.

USCP master plan.—The Committee is disappointed about the slow progress of the AOC and USCP in developing a comprehensive master plan for the Capitol Police. The Committee recognizes that the Capitol Police have additional space requirements owing to significant deficiencies in existing space, new training requirements, a growing force, and an enhanced security posture. While requirements and an operational scenario have been identified, the AOC and USCP have failed to provide a comprehensive plan to address these needs. The Committee directs AOC and USCP to provide the comprehensive plan including identification of specific properties which will best meet the needs within 15 days of enactment of this Act. The plan should also include a delineation of priorities, cost estimates, and a full explanation of the recommendations.

BOTANIC GARDEN

Appropriations, 2002	$5,646,000
Budget estimate, 2003	5,661,000
Committee recommendation	6,103,000

The Committee recommends $6,103,000 for salaries and expenses of the Botanic Garden. This includes $4,646,000 in the operating budget and $1,457,000 in the capital budget, of which $120,000 is to remain available until September 30, 2007.

The recommendation is $457,000 above the fiscal year 2002 enacted level and $442,000 above the budget request, including the pending budget amendment. The FTE authorized level is 55, including any temporary construction staff assigned to projects. The recommendation includes 4 new full-time equivalent positions that will be annualized to 5 in the fiscal year 2004 base to increase the ceiling to 56 FTEs.

The Committee is pleased with the enthusiastic response by the public to the Botanic Garden and the newly established outreach program. The Committee is providing $300,000 as requested in a pending budget amendment to expand partnership and educational opportunities such as with the Missouri Botanical Garden.

The Committee recognizes that the garden is in the early stages of the new operation and further resources are required. In this respect the recommendation provides additional funds for general annual repairs including improved locks, shade curtain repair, and vestibule modifications; as well as increased custodial and mowing services. The Committee's recommendation supports the capital improvements for interpretive illustrations in the conservatory garden court, and exhibits, banners and audio tours for the west gallery of the Conservatory.

Item	Amount requested	Committee recommendation
FISCAL YEAR 2003 OPERATING BUDGET		
Personal Services	$3,386,000	$3,488,000
Rent, Communications, Utilities & Travel	22,000	22,000
Other Services	545,000	713,000
Supplies	383,000	383,000
Equipment	40,000	40,000
Subtotal, Operating Budget	4,376,000	4,646,000
FISCAL YEAR 2003 CAPITAL BUDGET		
Vehicle Replacement, BG	43,000	43,000
West Gallery Fabric, Audio Tour And Banners	545,000	652,000
Fire Alarm System Upgrades for ADA, DC Village	25,000	25,000
Shade Curtain Replacement	22,000	22,000
Roof Replacement, BG Production Facility	150,000	.....
CAFM Data Capture—USBG	50,000	50,000
Partnerships	300,000	300,000
Study, Design and Condition Assessment	.....	120,000
Interpretative Illustrations Conservatory Garden Court	150,000	225,000
Book on History of Botanic Garden	.....	20,000
Subtotal, Capital Budget	1,285,000	1,457,000
Total, Botanic Garden	5,661,000	6,103,000

ADMINISTRATIVE PROVISIONS

SEC. 1201. This provision was carried last year and permanently increases the limitation on small purchases and contracts under simplified acquisition procedures.

SEC. 1202. *Streamlined Acquisitioning*. This section provides authority to the Architect of the Capitol to enter into multiyear contracts to the same extent as executive agencies.

SEC. 1203–1206. *AOC Restructuring*. The Architect of the Capitol (AOC) faces many complex challenges that have been exacerbated by the events of September 11, 2001 and the Anthrax incidents on Capitol Hill. The Committee commends the Architect and the dedicated employees of the AOC for their tireless, professional services during these times of crisis. The Architect and his employees responded to the fullest in meeting the uncertainties and challenges facing Capitol Hill and deserve the recognition, gratitude, and commendation of the Congress, staff and the many American citizens they serve. In this context and growing out of the many challenges currently facing the AOC, the Committee has noted a need to strengthen AOC's management capabilities to address effectively its principal focus areas, including improving the agency's strategic direction and business programs, processes, and systems; attracting, developing, and retaining a diverse and capable workforce; improving overall facilities management of the national treasures under its jurisdiction; and improving project management capabilities to address an ever growing number of critical capital projects.

To this end, the Committee has included language which establishes a Deputy Architect position, who would also act as the Chief Operating Officer and would be responsible for long-term strategic planning as well as developing annual performance plans covering each of the general goals and objectives in the strategic plan. This individual should have skills in strategic planning, performance management, strategic human capital management, worker safety, customer satisfaction, and service quality. This individual would also be responsible for proposing organizational changes (including new positions) needed to carry out the Office of the Architect of the Capitol's mission and strategic and annual performance goals.

The AOC is directed to consult with and seek advice from the Comptroller General or his designee in the selection of the Deputy Architect. The Deputy Architect is directed to seek consultation and advice from the Comptroller General in performing the responsibilities under this section.

The bill also requires the Architect and Deputy Architect to enter into an annual performance agreement that sets forth measurable individual goals linked to the organizational goals in the AOC's annual performance plan for the Deputy Architect in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis and a copy of the agreement shall be provided to the relevant Committees of the House and Senate. In addition, the Deputy Architect is to submit to the Architect and the relevant Committees in the House and Senate an annual performance report. This report shall contain an evaluation of the extent to which the AOC met the goals and objectives identified in the annual performance plan for the preceding year and an explanation of the results achieved during the preceding year relative to the established goals. This report shall also include the evaluation rating of the performance of the Deputy Architect including the amounts of bonus compensation awarded to the Deputy.

SEC. 1207. This section clarifies a provision carried in section 4 of the Legislative Branch Appropriations Act of 2001.

SEC. 1208. The bill includes a provision that updates the 1922 description of the division of labor between the Architect of the Capitol and the Librarian of Congress with respect to Library buildings and grounds, and, to provide flexibility in accomplishing necessary work, authorizes the agencies to reallocate facilities projects between themselves and to transfer project funding (appropriations, gift and/or trust funds). The Committee directs the Architect and the Librarian to enter into a memorandum of understanding that sets forth their mutual understanding of the scope of work that may be transferred between them, the conditions under which work and funds will be transferred, and the process for managing such projects. The memorandum shall be established by March 31, 2003, and shall include a process for expediting relocation of floor-to-ceiling partitions in Library buildings and related painting and electrical work.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

Appropriations, 2002:[1]	
Salaries and expenses	$336,307,000
Authority to spend receipts	−6,850,000
Net, salaries and expenses	329,457,000
Budget estimate, 2003:	
Salaries and expenses	357,121,000
Authority to spend receipts	−6,850,000
Net, salaries and expenses	350,271,000
Committee recommendation:	
Salaries and expenses	358,474,000
Authority to spend receipts	−6,850,000
Net, salaries and expenses	351,624,000

[1] Includes $29,615,000 by transfer from emergency response fund (Public Law 107–38).

The Committee recommends an appropriation of $358,474,000 for salaries and expenses of the Library of Congress and approves authority to spend receipts of $6,850,000 in fiscal year 2003. This is $1,353,000 above the request and $22,167,000 above the enacted level.

The Committee recommends:

—an additional $4,000,000 for the last year of the Joining Hands Across America program;

—the transfer of $6,836,000 for furniture and furnishings, owing to the discontinuation of that account so there may be a more accurate accounting of program costs;

—a reduction of $3,918,000 from personnel costs, reflecting a more accurate projection of the cost of new positions;

—a reduction of $1,174,000 to reflect revised CSRS contribution cost projections;

—an additional $882,000 for the Integrated Library System project;

—an additional $1,000,000 for the central financial management system;

—$500,000 for activities related to the Louisiana Purchase Bicentennial celebration;

—an additional $200,000 for the Lewis and Clark Bicentennial exhibition. These funds will go to Southern Illinois University to develop a permanent commemoration of the Lewis and Clark expedition and its time in Illinois, including an exhibit to be located in Cairo, Illinois and digitization of documents and records relating to the expedition. Funds will be transferred upon Library of Congress approval of a project description submitted by the University;

—an additional $527,000 for police pay raises; and

—$2,500,000 for new shelving at the Culpeper storage facility.

The Committee has not included $5,000,000 for the purchase of library materials.

The Committee fully supports the Veterans History project ($476,000) and has included funding for outreach with the States. The bill includes language providing $989,000 to support the Lewis and Clark Bicentennial exhibition.

Mail costs.—The Committee is concerned with the cost of new mail and package handling protocols which have resulted from the bioterrorism events last fall. While the Committee fully supports all means necessary to ensure the safety of mail and packages, the Committee directs the Library to continue to seek the most cost-effective means of doing so.

Retail operations.—The Committee continues to be interested in the concept of generating revenue for certain needs of the Library through retail ventures. According to the General Accounting Office, the Library needs to develop fundamental policies, procedures and plans for developing its retail operations. The Committee directs the Library to develop a plan to achieve its goal of generating profits from its retail activities, including a determination of the range of products that potentially could be sold, whether such retail activities would sell products at no profit or even at a loss for purposes of promoting certain Library events or activities, and if greater emphasis should be placed on the most profitable products or expanding product lines and markets. The Library, as part of this effort, needs to prepare basic business plans for its current and future retail operations, develop accounting procedures to collect and analyze cost and profitability information for the retail activities, and conduct marketing studies to identify markets and products to help achieve its retail goals. The Committee expects to receive a report on these activities prior to hearings on the fiscal year 2004 budget request.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

Appropriations, 2002:	
Salaries and expenses	$40,896,000
Authority to spend receipts	−27,864,000
Net, salaries and expenses	13,032,000
Budget estimate, 2003:	
Salaries and expenses	44,321,000
Authority to spend receipts	−29,527,000
Net, salaries and expenses	14,794,000
Committee recommendation:	
Salaries and expenses	39,226,000
Authority to spend receipts	29,512,000
Net, salaries and expenses	9,714,000

The Committee recommends the direct appropriation of $9,714,000 for the Copyright Office and approves authority to spend receipts of $29,512,000 in fiscal year 2003, for a total of $39,226,000. The Committee's recommendation reflects the transfer of $742,000 from the furniture and furnishings account, which has been discontinued, and a reduction of $187,000 to reflect the CSRS agency rate reduction.

The Copyright Office received an additional $7,500,000 from the Fiscal Year 2002 Supplemental (Public Law 107–206) to offset the loss of copyright registration receipts during fiscal year 2002. The fiscal year 2003 recommendation reflects a reduction in net appropriations of $5,650,000 because the full funding was not required.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

Appropriations, 2002	$81,454,000
Budget estimate, 2003	87,646,000
Committee recommendation	86,952,000

The Committee recommends an appropriation of $86,952,000 for the Congressional Research Service. The amount recommended is an increase of $5,498,000 over the fiscal year 2002 level. Approximately $4,362,000 of this increase is needed for mandatory cost-of-living and other pay and inflation-related increases. An additional $711,000 is for new personnel in the areas of terrorism and homeland security, and aging issues. A total of $425,000 is associated with the transfer from the furniture and furnishings account, which has been discontinued in an effort to better account for program costs throughout the Library. The decrease of $694,000 below the request reflects a more accurate projection of salary costs associated with new personnel.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

Appropriations, 2002	$49,788,000
Budget estimate, 2003	51,020,000
Committee recommendation	50,963,000

The Committee recommends an appropriation of $50,963,000 for salaries and expenses for Books for the Blind and Physically Handicapped. This is an increase of $1,175,000 over the fiscal year 2002 level needed to accommodate mandatory pay and price level increases. The change from the budget request reflects the amended CSRS agency contribution.

This appropriation supports a National Reading Program for blind and physically handicapped citizens. Books and magazines in braille and various recorded formats are produced by the National Library Services for the Blind and Physically Handicapped for distribution through a network of State and locally supported libraries. At present, 57 regional libraries in 49 States, the District of Columbia, the Virgin Islands, Puerto Rico, and Guam house and circulate books and magazines to eligible readers. Seventy-nine subregional libraries in 17 States assist at the local public library level; 53 libraries and 4 cooperating agencies distribute sound reproducers. Two multistate centers, under contract to the National Library Service, store and distribute books and other materials in their geographical regions. The Librarian has estimated a readership of 750,000 individuals in fiscal year 2002.

The Committee has included bill language making available $1,000,000 for the National Federation of the Blind NEWSLINE service to help defray the telecommunications costs associated with the dissemination of audio information (including newspapers) to eligible individuals when such information is distributed from a multi-state center with centralized reader registration and serving a minimum of 20 States. This is a one-time appropriation for this item.

ADMINISTRATIVE PROVISIONS

SECS. 1301–1302. The Committee has included two routine administrative provisions carried in prior years.

SEC. 1303. The Committee has included an administrative provision extending by 2 years the time by which funds must be matched by outside sources for the National Digital Information Infrastructure and Preservation Program.

SEC. 1304. This provision makes technical corrections to Public Law 106–173 regarding the Abraham Lincoln Bicentennial Commission.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

Appropriations, 2002	$81,000,000
Budget estimate, 2003	90,143,000
Committee recommendation	90,143,000

The Committee recommends an appropriation of $90,143,000. The increase of $9,143,000 over the enacted level is attributable to covering the fiscal year 2001 shortfall in this account ($5,875,000) as well as mandatory pay and price level increases.

The following table compares the component categories within this account for fiscal year 2002. The Committee has not recommended separate amounts for each activity in order to give the GPO the flexibility to meet changing requirements.

CONGRESSIONAL PRINTING AND BINDING

	Appropriations 2002	Requested 2003	Recommended 2003
Congressional Record Program	$20,147,000	$20,373,000	
Miscellaneous publications	4,340,000	4,515,000	
Miscellaneous printing and binding	16,388,000	16,760,000	
Details to Congress	2,193,000	2,295,000	
Document envelopes and document franks	1,240,000	1,040,000	
Business and committee calendars	2,697,000	2,275,000	
Bills, resolutions, and amendments	8,800,000	7,387,000	
Committee reports	3,362,000	3,440,000	
Documents	2,394,000	2,520,000	
Hearings	17,871,000	21,266,000	
Committee prints	1,568,000	2,397,000	
Funding for 2001 orders		5,875,000	
Total	81,000,000	90,143,000	$90,143,000

GAO Review.—The Committee recognizes GPO is entering a new era and is at the forefront of needing to confront several major challenges. The longstanding structure of centralized printing and dissemination within the Federal Government is facing several challenges. The administration and executive branch departments and agencies recently have challenged the basic statutory premise of GPO doing all printing for the Federal Government. In addition, technology advances during the past decade have significantly changed the state of printing and information dissemination—changes that need to be considered as the future of printing and publishing within the Federal Government is contemplated. Decisions about these and other issues over the next few years will have a significant effect on the costs of printing and public access to Federal Government publications, which is a basic right of every American citizen which must be maintained.

The Committee believes that a comprehensive and critical assessment of printing, publishing, copying, and disseminating information within the Federal Government is needed. Such an assessment would provide the Congress and new Public Printer with useful information that will be needed to formulate a long-term strategic plan for the GPO and to develop effective, efficient, and economical means for printing and disseminating Federal Government information.

Therefore, the Committee directs the General Accounting Office (GAO) to conduct a comprehensive review and assessment of the Government Printing Office. GAO shall report its findings and recommendations no later than December 1, 2003, so that the Committee may consider GAO's findings and recommendations in deliberating the fiscal year 2005 appropriations for the legislative branch.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

Appropriations, 2002[1]	$33,639,000
Budget estimate, 2003	32,302,000
Committee recommendation	29,661,000

[1] Includes $4,000,000 by transfer from emergency response fund (Public Law 107–38).

The Committee recommends an appropriation of $29,661,000, a decrease of $2,641,000 below the request level. This provides for mandatory pay and price level increases.

This appropriation provides for salaries and expenses associated with the distribution of Government documents to depository and international exchange libraries, the cataloging and indexing of Government publications, and the distribution of publications authorized by law at the request of Members of Congress and other Government agencies.

REVOLVING FUND

The Committee bill continues the limitations on reception and representation expenses and costs of attendance at meetings. Funds for replacement of the air-conditioning system and lighting improvements were included in the pending fiscal year 2001 supplemental.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

Appropriations, 2002	[1] $429,444,000
Budget estimate, 2003	454,802,000
Committee recommendation	451,134,000

[1] Reflects $7,600,000 by transfer from emergency response fund (Public Law 107–117).

The Committee recommends funding of $451,134,000 for salaries and expenses of the General Accounting Office. Additionally, $3,000,000 is authorized in offsetting collections derived from rent receipts and reimbursements for conducting financial audits of Government corporations, for a total of $454,134,000, which will support an FTE level of 3,269 FTEs. The amount recommended, together with collections will cover mandatory pay and price level increases, and reflects the revised CSRS contribution cost projections.

Technology Assessment.—In fiscal year 2002, the Congress authorized the General Accounting Office (GAO) to conduct a pilot technology assessment program and to report on the results of the pilot program and the desirability of maintaining a technology assessment capability in the legislative branch. An independent evaluation of the pilot program found that the pilot program has provided some useful information for the

Congress on a high-priority technology-related concern. In order to maintain this technology assessment capability within the legislative branch the Committee recommends $1,000,000 to permit GAO to conduct a minimum of three additional studies in fiscal year 2003.

PAYMENT TO THE FOREIGN LEADERSHIP DEVELOPMENT CENTER TRUST FUND

Appropriations, 2002	$8,000,000
Budget estimate, 2003	10,000,000
Committee recommendation	13,000,000

The Committee recommends $13,000,000 as a payment to the Foreign Leadership Development Center Trust Fund for the Center for Foreign Leadership Development. The Center for Russian Leadership Development was established on December 21, 2000 (Public Law 106–554) as a legislative branch entity. This bill includes legislation (section 1401) changing the name and expanding the mission of the Russian Leadership Program to include Newly Independent States of the former Soviet Union including the Baltic States. The mission of the Center is to enable emerging political leaders of Russia and Newly Independent States at all levels of government to gain significant, first-hand exposure to the American free market economic system and the operation of American democratic institutions through visits to comparable governments and communities in the United States. Up to 70 percent of the appropriation may be available for the Russian component of the program.

TITLE II—GENERAL PROVISIONS

Included are several routine general provisions carried annually in the bill (secs. 301–309), as follows:

Section 201 bans the use of appropriated funds for service and maintenance of private vehicles, except under such regulations as may be promulgated by the House Administration Committee and the Senate Rules and Administration Committee, respectively.

Section 202 limits the availability for obligation of appropriation to the fiscal year for which it is expressly provided in the bill accompanying this report.

Section 203 provides that any pay rate and title designation for a staff position created in this Act, and not specifically established by the Legislative Pay Act of 1929, is to be made permanent law by this Act. Further, any pay rate and title change for a position provided for in the 1929 Act is to be made permanent law by this act and any changes in the official expenses of Members, officers, and committees, and in the clerk hire of the House and Senate are to be made permanent law by this Act.

Section 204 bans the use of funds for contracts unless such contracts are matters of public record and are available for public inspection.

Section 205 appropriates such sums as may be necessary for the payment of settlements and awards pursuant to Public Law 104–1.

Section 206 authorizes legislative branch entities participating in the Legislative Branch Financial Managers Council [LBFMC] to finance the costs of the LBFMC.

Section 207 extends for 1 year the availability of funds for the Senate art collection.

Section 208 authorizes the Architect of the Capitol to maintain the landscape features in an area not otherwise under its jurisdiction.

SEC. 209. U.S.-China Economic and Security Review Commission. A general provision has been included providing $1,800,000 for this commission.

The U.S.-China Commission was authorized by Public Law 106–398 and established in October in 2000 to monitor, investigate and report to Congress on the national security implications of the bilateral economic relationship with the Peoples Republic of China.

SEC. 210. A general provision has been included providing $300,000 for the John C. Stennis Center for Public Service Development. The Committee continues to support the excellent work done by the Stennis Center in the promotion of public service, and through programs that promote an understanding of the Federal Government. Since its establishment by Congress in 1988, the Stennis Center has attracted young people in careers in public service, provided training for leaders in or likely to be in public service, and offered development opportunities for senior Congressional staff. Due to a recent ruling by the Department of Treasury, the fund established for the Center's operation must now be invested in securities that provide a lower rate of return. Because of this action, the Center's operating budget will be substantially reduced. To help in this funding transition and to maintain current programs, the Committee has provided $300,000 to assist the Center in addressing this unanticipated budget shortfall.

SEC. 211. This provision allows funding of $250,000 for title II of the Congressional Award Act.

COMPLIANCE WITH PARAGRAPH 7, RULE XVI, OF THE STANDING RULES OF THE SENATE

Paragraph 7 of rule XVI requires that Committee reports on general appropriations bills identify, with particularity, each Committee amendment to the House bill ''which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.''

The Committee has recommended no such funding.

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI, OF THE STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include ''(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee.''

In compliance with this rule, the following changes in existing law proposed to be made by the bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is printed in italic; and existing law in which no change is proposed is shown in roman.

With respect to this bill, it is the opinion of the Committee that it is necessary to dispense with these requirements in order to expedite the business of the Senate.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
TITLE I					
SENATE					
Expense Allowances and Representation					
Expense allowances:					
Vice President	10	10	20	+10	+10
President Pro Tempore of the Senate	10	10	20	+10	+10
Majority Leader of the Senate	10	10	20	+10	+10
Minority Leader of the Senate	10	10	20	+10	+10
Majority Whip of the Senate	5	5	10	+5	+5
Minority Whip of the Senate	5	5	10	+5	+5
Chairman of the Majority Conference Committee	3	3	5	+2	+2
Chairman of the Minority Conference Committee	3	3	5	+2	+2
Chairman of the Majority Policy Committee	3	3	5	+2	+2
Chairman of the Minority Policy Committee	3	3	5	+2	+2
Subtotal, expense allowances	62	62	120	+58	+58
Representation allowances for the Majority and Minority Leaders	30	30	30		
Total, Expense allowances and representation	92	92	150	+58	+58
Salaries, Officers and Employees					
Office of the Vice President	1,867	1,949	1,949	+82	
Office of the President Pro Tempore	473	518	518	+45	
Offices of the Majority and Minority Leaders	2,868	3,094	3,094	+226	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Offices of the Majority and Minority Whips	1,912	2,042	2,042	+130	
Committee on Appropriations	10,825	11,266	11,266	+441	
Conference committees	2,500	2,610	2,610	+110	
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	618	648	648	+30	
Policy Committees	2,550	2,724	2,724	+174	
Office of the Chaplain	301	315	315	+14	
Office of the Secretary	15,424	17,079	17,079	+1,655	
Office of the Sergeant at Arms and Doorkeeper	39,082	45,941	43,161	+4,079	−2,780
Offices of the Secretaries for the Majority and Minority	1,350	1,410	1,410	+60	
Agency contributions and related expenses	24,269	30,075	30,075	+5,806	
Outlays					
Total, salaries, officers and employees	104,039	119,671	116,891	+12,852	−2,780
Office of the Legislative Counsel of the Senate					
Salaries and expenses	4,306	4,581	4,581	+275	
Office of Senate Legal Counsel					
Salaries and expenses	1,109	1,176	1,176	+67	
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate: Expenses allowances	12	12	12		
Contingent Expenses of the Senate					
Inquiries and investigations	107,264	109,450	109,450	+2,186	
Expenses of United States Senate Caucus on International Narcotics Control	520	520	520		
Secretary of the Senate	8,571	7,077	7,077	−1,494	
Sergeant at Arms and Doorkeeper of the Senate	95,904	117,133	114,423	+18,519	−2,710
Emergency supplemental	34,500			−34,500	
Miscellaneous items	14,274	19,409	18,513	+4,239	−896
Senators' Official Personnel and Office Expense Account	270,494	303,879	294,545	+24,051	−9,334
Total, Contingent Expenses of the Senate	531,527	557,468	544,528	+13,001	−12,940
Official Mail Costs					
Expenses	300	300	300		
Total, contingent expenses of the Senate	531,827	557,768	544,828	+13,001	−12,940
Total, Senate	641,385	683,300	667,638	+26,253	−15,662
JOINT ITEMS					
Joint Economic Committee	3,424	3,658	3,658	+234	
Joint Committee on Taxation	6,733	7,323	7,323	+590	
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances	1,865	1,947	3,000	+1,135	+1,053
Capitol Guide Service and Special Services Office	2,512	3,035	3,035	+523	
By Transfer—Legislative Branch Emergency Response Fund (Public Law 107–117)	350			−350	
Total, Capitol Guide Service and SpecialServices Office	2,862	3,035	3,035	+173	
Statements of Appropriations	30	30	30		
Total, Joint items	14,914	15,993	17,046	+2,132	+1,053
Capitol Police					
Salaries:					
Sergeant at Arms of the House of Representatives	55,239			−55,239	
Sergeant at Arms and Doorkeeper of the Senate	57,805			−57,805	
Capitol Police		184,526	175,675	+175,675	−8,851
Subtotal, salaries	113,044	184,526	175,675	+62,631	−8,851
General expenses	13,146	28,100	28,100	+14,954	
By Transfer—Legislative Branch Emergency Response Fund (Public Law 107–117)	31,000			−31,000	
2002 Supplemental (Public Law 107–206)	16,100			−16,100	
Subtotal, General expenses	44,146	28,100	28,100	−16,046	
Total, Capitol Police	173,290	212,626	203,775	+30,485	−8,851
OFFICE OF COMPLIANCE					
Salaries and expenses	2,059	2,224	2,059		−165
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	30,780	32,390	32,101	+1,321	−289
ARCHITECT OF THE CAPITOL					
Capitol Buildings and Grounds					
General administration	51,371	63,951	59,343	+7,972	−4,608
Capitol building	15,194	46,789	32,094	+16,900	−14,695
By Transfer—Legislative Branch Emergency Response Fund (Public Law 107–117)	106,304			−106,304	
Capitol grounds	6,009	7,711	8,356	+2,347	+645
Senate office buildings	42,126	55,103	64,871	+22,745	+9,768
Capitol Power Plant	56,983	148,003	106,686	+49,703	−41,317
Offsetting collections	−4,400	−4,400	−4,400		
Net subtotal, Capitol Power Plant	52,583	143,603	102,286	+49,703	−41,317
Library Buildings and Grounds	21,753	40,284	37,521	+15,768	−2,763
Capitol Police Buildings and grounds			23,900	+23,900	+23,900
Botanic Garden, salaries and expenses	5,646	5,661	6,103	+457	+442
Total, Architect of the Capitol	300,986	363,102	334,474	+33,488	−28,628

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
UNITED STATES CAPITOL HISTORICAL SOCIETY					
Grant—By Transfer—Legislative Branch Emergency Response Fund (Public Law 107–117)	1,000			−1,000	
LIBRARY OF CONGRESS					
Salaries and expenses	306,692	357,121	358,474	+51,782	+1,353
Authority to spend receipts	−6,850	−6,850	−6,850		
By Transfer—Legislative Branch Emergency Response Fund (Public Law 107–117)	29,615			−29,615	
Subtotal, Salaries and expenses	329,457	350,271	351,624	+22,167	+1,353
Copyright Office					
Copyright Office, salaries and expenses	40,896	44,321	39,226	−1,670	−5,095
Authority to spend receipts	−27,864	−29,527	−29,512	−1,648	+15
Subtotal, Copyright Office	13,032	14,794	9,714	−3,318	−5,080
2002 Supplemental (Public Law 107–206)	7,500			−7,500	
Congressional Research Service, salaries and expenses	81,454	87,646	86,952	+5,498	−694
Books for the blind and physically handicapped, salaries and expenses	49,788	51,020	50,963	+1,175	−57
Furniture and furnishings	7,932	8,003		−7,932	−8,003
Total, Library of Congress	489,163	511,734	499,253	+10,090	−12,481
ARCHITECT OF THE CAPITOL					
Capitol Visitors Center					
Capitol Visitors Center	70,000			−70,000	
Congressional Cemetery					
Congressional Cemetery	1,250			−1,250	
Total, Architect of the Capitol	71,250			−71,250	
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	81,000	90,143	90,143	+9,143	
Office of Superintendent of Documents, salaries and expenses	29,639	32,302	29,661	+22	−2,641
Government Printing Office Revolving Fund					
By Transfer—Legislative Branch Emergency Response Fund (Public Law 107–117)	4,000			−4,000	
Total, Government Printing Office	114,639	122,445	119,804	+5,165	−2,641
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	424,345	457,802	454,134	+29,789	−3,668
Offsetting collections	−2,501	−3,000	−3,000	−499	
By Transfer—Legislative Branch Emergency Response Fund (Public Law 107–117)	7,600			−7,600	
Total, General Accounting Office	429,444	454,802	451,134	+21,690	−3,668
CENTER FOR FOREIGN LEADERSHIP DEVELOPMENT					
Payment to the Foreign Leadership Development Center Trust Fund	8,000	10,000	13,000	+5,000	+3,000
Total, title I	2,276,910	2,408,616	2,340,284	+63,374	−68,332
TITLE II					
GENERAL PROVISIONS					
United States-China Trade Review Commission			1,800	+1,800	+1,800
Stennis Center for Public Service			300	+300	+300
Congressional Arts Awards			250	+250	+250
Total, title II, General Provisions			2,350	+2,350	+2,350
Grand total	2,276,910	2,408,616	2,342,634	+65,724	−65,982
TITLE I					
Senate	641,385	683,300	667,638	+26,253	−15,662
Joint Items	14,914	15,993	17,046	+2,132	+1,053
Capitol Police Board	173,290	212,626	203,775	+30,485	−8,851
Office of Compliance	2,059	2,224	2,059		−165
Congressional Budget Office	30,780	32,390	32,101	+1,321	−289
Architect of the Capitol	300,986	363,102	334,474	+33,488	−28,628
Library of Congress	489,163	511,734	499,253	+10,090	−12,481
United States Historical Society Grant	1,000			−1,000	
Architect of the Capitol	71,250			−71,250	
Government Printing Office	114,639	122,445	119,804	+5,165	−2,641
General Accounting Office	429,444	454,802	451,134	+21,690	−3,668
Center for Foreign Leadership Development	8,000	10,000	13,000	+5,000	+3,000
Total, title I	2,276,910	2,408,616	2,340,284	+63,374	−68,332
TITLE II—GENERAL PROVISIONS					
United States-China Trade Review Commission			1,800	+1,800	+1,800
Stennis Center for Public Service			300	+300	+300
Congressional Arts Awards			250	+250	+250
Total, title II, General Provisions			2,350	+2,350	+2,350
Grand total	2,276,910	2,408,616	2,342,634	+65,724	−65,982

[COMMITTEE PRINT]

[NOTICE: This is a draft for use of the Committee and its staff only, in preparation for markup.]

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 2003

JANUARY ____, 2003.—Ordered to be printed

Mr. SHELBY, from the Committee on Appropriations, submitted the following

REPORT

[To accompany S. 0000]

The Committee on Appropriations reports the bill (S. 0000) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes, reports favorably thereon and recommends that the bill do pass.

Amounts of new budget (obligational) authority for fiscal year 2003

Amount of bill as reported to Senate	$22,202,638,000
Amount of budget estimates, 2003	20,799,680,000
Fiscal year 2002 enacted	18,900,670,000

TOTAL OBLIGATIONAL AUTHORITY PROVIDED—GENERAL FUNDS AND TRUST FUNDS

In addition to the appropriation of $22,202,638,000 in new budget authority for fiscal year 2003, large amounts of contract authority are provided by law, the obligation limits for which are contained in the annual appropriations bill. The principal items in this category are the trust funded programs for Federal-aid highways, for mass transit, and for airport development grants. For fiscal year 2003, estimated obligation limitations and exempt obligations total $42,478,231,000.

PROGRAM, PROJECT, AND ACTIVITY

During fiscal year 2003, for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended, with respect to appropriations contained in the accompanying bill, the terms ''program, project, and activity'' shall mean any item for which a dollar amount is contained in appropriations acts (including joint resolutions providing continuing appropriations) or accompanying reports of the House and Senate Committees on Appropriations, or accompanying conference reports and joint explanatory statements of the committee of conference. This definition shall apply to all programs for which new budget (obligational) authority is provided, as well as to discretionary grants and discretionary grant allocations made through either bill or report language. In addition, the percentage reductions made pursuant to a sequestration order to funds appropriated for facilities and equipment, Federal Aviation Administration, and for acquisition, construction, and improvements, Coast Guard, shall be applied equally to each budget item that is listed under said accounts in the budget justifications submitted to the House and Senate Committees on Appropriations as modified by subsequent appropriations acts and accompanying committee reports, conference reports, or joint explanatory statements of the committee of conference.

ACCRUAL FUNDING OF RETIREMENT COSTS AND POST-RETIREMENT HEALTH BENEFITS

The President's Budget included a legislative proposal under the jurisdiction of the Senate Committee on Governmental Affairs to charge to individual agencies, starting in fiscal year 2003, the fully accrued costs related to retirement benefits of Civil Service Retirement System employees and retiree health benefits for all civilian employees. The Budget also requested an additional dollar amount in each affected discretionary account to cover these accrued costs.

The authorizing committee has not acted on this legislation, therefore the Senate Appropriations Committee has reduced the dollar amounts of the President's request shown in the ''Comparative Statement of New Budget Authority Request and Amounts Recommended in the Bill'', as well as in other tables in this report, to exclude the accrual funding proposal.

The Committee further notes that administration proposals requiring legislative action by the authorizing committees of Congress are customarily submitted in the budget as separate schedules apart from the regular appropriations requests. Should such a proposal be enacted, a budget amendment formally modifying the President's appropriation request for discretionary funding is subsequently transmitted to the Congress.

The Senate Appropriations Committee joins with the House Appropriations Committee in raising concern that this practice, which has always worked effectively for both Congress and past administrations, was not followed for the accrual funding proposal. In this case, the Office of Management and Budget (OMB) decided to include accrual amounts in the original discretionary appropriations language request. These amounts are based on legislation that has yet to be considered and approved by the appropriate committees of Congress. This led to numerous misunderstandings both inside and outside of Congress of what was the ''true'' President's budget request. The Committee believes that, in the future, OMB should follow long-established procedures with respect to discretionary spending proposals that require legislative action.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

Appropriations, 2002[1]	$67,778,000
Budget estimate, 2003[2]	92,460,000
Committee recommendation	83,069,000

[1] Does not reflect reduction of $488,000 pursuant to section 349 of Public Law 107–87 or reduction of $162,000 pursuant to section 1106 of Public Law 107–117.

[2] Excludes $3,640,000 for CSRS/FEHB accruals, of which $149,000 is OST share of TASC accruals.

Section 3 of the Department of Transportation Act of October 15, 1966 (Public Law 89–670) provides for establishment of the Office of the Secretary of Transportation [OST]. The Office of the Secretary is composed of the Secretary and the Deputy Secretary immediate offices, the Office of the General Counsel, and five assistant secretarial offices for transportation policy, aviation and international affairs, budget and programs, governmental affairs, and administration. These secretarial offices have policy development and central supervisory and coordinating functions related to the overall planning and direction of the Department of Transportation, including staff assistance and general management supervision of the counterpart offices in the operating administrations of the Department.

The Committee recommends a total of $83,069,000 for the Office of the Secretary of Transportation including $60,000 for reception and representation expenses.

The following table summarizes the Committee's recommendation in comparison to the budget estimate:

(In thousands of dollars)

	Fiscal year—		Committee recommendation
	2002 enacted[1]	2003 estimate[2]	
Immediate Office of the Secretary and Deputy Secretary		4,411	
Immediate Office of the Secretary	1,929		2,201
Immediate Office of the Deputy Secretary	619		799
Office of the Executive Secretariat	1,204		1,390
Board of Contract Appeals	507	611	611
Office of Small and Disadvantaged Business Utilization	1,240	1,304	1,304
Office of Intelligence and Security	1,321		
Office of the Chief Information Officer	5,991	15,987	11,487
Office of the Assistant Secretary for Governmental Affairs	2,282	2,453	2,282
Office of the General Counsel	13,275	15,657	15,507
Office of the Under Secretary for Transportation Policy		12,453	11,123
Office of the Assistant Secretary for Aviation and International Affairs	7,421		
Office of the Assistant Secretary for Transportation Policy	3,058		
Office of the Assistant Secretary for Budget and Programs	7,668	8,375	8,375
Office of the Assistant Secretary for Administration	18,890	29,285	26,070
Assistant to the Secretary and Director of Public Affairs	1,723	1,926	1,920
Total	67,128	92,460	83,069

[1] Reflects reduction of $650,000 pursuant to section 349 of Public Law 107–87 and section 1106 of Public Law 107–117..

[2] Excludes $3,640,000 for CSRS/FEHB accruals.

IMMEDIATE OFFICE OF THE SECRETARY

The Committee recommends $2,201,000 for fiscal year 2003 for the Immediate Office of the Secretary. The Immediate Office of the Secretary has the primary responsibility to provide overall planning, direction, and control of the Department.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

The Committee has recommended a total of $799,000 for the Immediate Office of the Deputy Secretary which has the primary responsibility of assisting the Secretary in the overall planning and direction of the Department. The amount provided is $180,000 more than the comparable fiscal year 2002 appropriated level.

OFFICE OF THE GENERAL COUNSEL

The Committee recommends $15,507,000 for fiscal year 2003 for the Office of the General Counsel. The Office of the General Counsel provides legal services to the Office of the Secretary including the conduct of aviation regulatory proceedings and aviation consumer activities and coordinates and reviews the legal work in the chief counsels' offices of the operating administrations. The General Counsel is the chief legal officer of the Department of Transportation and the final authority within the Department on all legal questions. The Committee approves the agency's request for an increase of $553,000 to be used for the Department's ''Accessibility for All America'' initiative. These resources will assist the Department in carrying out the requirements in the Air Carrier Access Act of 1986 (ACAA) and Section 707 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR–21).

OFFICE OF THE UNDER SECRETARY FOR POLICY

The position of the Under Secretary of Transportation for Policy in the Department was established by section 215 of the Maritime Transportation Security Act of 2002 and consolidated the Offices of Policy, Aviation and International Affairs, and Intermodalism. The Under Secretary for Policy is the chief policy officer of the Department and is responsible to the Secretary for the analysis, development, and review of policies and plans for domestic and international transportation. The Office administers the economic regulatory functions regarding the airline industry and is responsible for international aviation programs, the essential air service program, airline fitness licensing, acquisitions, international route awards, computerized reservation systems, and special investigations such as airline delays.

For fiscal year 2003, the Committee recommendation includes $11,123,000 for the Office of the Under Secretary for Policy, but does not concur with the request to fund the Office of Intermodalism in the Office of the Secretary accounts. As in past years, the Committee recommends funding for that office to be provided within the Federal Highway Administration's limitation on administrative expenses. Within the funds provided for the Under Secretary for Policy, the Committee provides the following allocation:

Aviation and International Affairs	$7,923,000
Transportation Policy	3,200,000
Intermodalism	(1,261,000)

Tier Matching Based on Fiscal Capability.—At present, Federal grant programs administered by the Federal Highway Administration, Federal Aviation Administration, and Federal Transit Administration require an identical match of all communities without regard to their financial circumstances. Some have asserted that this policy places a disproportionate burden on lower-income jurisdictions and prevents these jurisdictions from fully participating in the very programs necessary to improve conditions. The Committee takes no position on this assertion. However, for the purpose of information gathering, the Committee separately requests the FHWA, FAA, and FTA to each provide reports, covering the programs within each administration, to the Committee by March 15, 2003 which address this contention. Should the agencies believe that contention has merit, they may as part of these reports, propose a tiered matching system for non-Federal contributions based upon the fiscal capability of the grantee and which does not increase, over the existing grant programs, each program's cumulative financial burden on each administration.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

The Committee recommends a total of $8,375,000 for the Office of the Assistant Secretary for Budget and Programs. The amount provided is the same as the budget request and is $647,000 more than the comparable fiscal year 2002 appropriated level. The Assistant Secretary for Budget and Programs is the principal staff advisor to the Secretary on the development, review, presentation, and execution of the Department's budget resource requirements, and on the evaluation and oversight of the Department's programs. The primary responsibilities of this office are to ensure the effective preparation and presentation of sound and adequate budget estimates for the Department, to ensure the consistency of the Department's budget execution with the action and advice of the Congress and the Office of Management and Budget, to evaluate the program proposals for consistency with the Secretary's stated objectives, and to advise the Secretary of program and legislative changes necessary to improve program effectiveness.

The Committee directs the Office of the Secretary to report monthly on the status of all outstanding reports and reporting requirements, including how delinquent congressionally mandated or requested reports are and an estimated date for delivery. The Committee expects that the Department will constitute this responsibility in the Office of the Assistant Secretary for Budget and Programs.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

The Committee recommends $2,282,000 for the Office of the Assistant Secretary for Governmental Affairs which advises the Secretary on all congressional and intergovernmental activities and on all departmental legislative initiatives and other relationships with Members of Congress. The amount provided is the same as the comparable fiscal year 2002 appropriated level. The Assistant Secretary promotes effective communication with other Federal agencies and regional Department officials, and with State and local governments and national organizations for development of departmental programs; and ensures that consumer preferences, awareness, and needs are brought into the decision-making process.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

The Committee recommends $26,070,000 for the Office of the Assistant Secretary for Administration which includes the Office of the Secretary portion of rent. The Assistant Secretary for Administration is responsible for establishing policies and procedures, setting guidelines, working with the Operating Administrations to improve the effectiveness and efficiency of the Department in human resource management, security and administrative management, real and personal property management, and acquisition and grants management. The amount provided above the comparable fiscal year 2002 appropriated level is intended to compensate for some or all of the following requested adjustments:

Increased security investigations	+$40,000
Protection services for the Secretary	+150,000
HQ building security barriers	+300,000

The Committee has deferred consideration of the requests for secure video conferencing equipment until the issues surrounding the transition of certain DOT agencies to the new Department of Homeland Security are resolved. The Committee has not provided funding for a security survey for the new headquarters building since funding is not provided for the new headquarters building.

OFFICE OF PUBLIC AFFAIRS

The Committee recommends $1,920,000 for the Office of Public Affairs which is the principal advisor to the Secretary and other senior departmental officials and news media on public affairs questions. The Office issues news releases, articles, fact sheets, briefing materials, publications, and audiovisual materials. It also provides information to the Secretary on opinions and reactions of the public and news media on transportation programs and issues. The amount provided is $197,000 more than the comparable fiscal year 2002 appropriated level.

EXECUTIVE SECRETARIAT

The Committee recommends an appropriation of $1,390,000 for the expenses of the Executive Secretariat. The Executive Secretariat assists the Secretary and Deputy Secretary in carrying out their management functions and responsibilities by controlling and coordinating internal and external written materials. The amount provided is a 15 percent increase above the comparable fiscal year 2002 appropriated level.

BOARD OF CONTRACT APPEALS

The primary responsibility of the Board of Contract Appeals is to provide an independent forum for the trial and adjudication of all claims by, or against, a contractor relating to a contract of any element of the Department, as mandated by the Contract Disputes Act of 1978, 41 U.S.C. 601. The Committee has provided $611,000 for the Board of Contract Appeals Board. The amount provided is the same as the amount requested.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

The Office of Small and Disadvantaged Business Utilization has primary responsibility for providing policy direction for small and disadvantaged business participation in the Department's procurement and grant programs, and effective execution of the functions and duties under sections 8 and 15 of the Small Business Act, as amended. The Committee recommends $1,304,000, the full amount requested.

OFFICE OF THE CHIEF INFORMATION OFFICER

The Committee recommends $11,487,000 for the Office of the Chief Information Officer which serves as the principal adviser to the Secretary on matters involving information resources and information systems management. The amount provided is $5,346,000 more

than the comparable fiscal year 2002 appropriated level. The Committee believes that the additional funds are sufficient to address the Department's most critical information technology security initiatives.

OFFICE OF CIVIL RIGHTS

Appropriations, 2002[1]	$8,500,000
Budget estimate, 2003[2]	8,700,000
Committee recommendation	8,700,000

[1] Does not reflect reduction of $60,000 pursuant to section 349 of Public Law 107–87 or reduction of $70,000 pursuant to section 1106 of Public Law 107–117..

[2] Excludes $470,000 for CSRS/FEHB accruals.

The Office of Civil Rights is responsible for advising the Secretary on civil rights and equal employment opportunity matters, formulating civil rights policies and procedures for the operating administrations, investigating claims that small businesses were denied certification or improperly certified as disadvantaged business enterprises, and overseeing the Department's conduct of its civil rights responsibilities and making final determinations on civil rights complaints. In addition, the Civil Rights Office is responsible for enforcing laws and regulations which prohibit discrimination in federally operated and federally assisted transportation programs. The Committee has provided a funding level of $8,700,000 for the Office of Civil Rights, the full amount requested.

NEW HEADQUARTERS BUILDING

Appropriations, 2002	
Budget estimate, 2003	$25,000,000
Committee recommendation	

The administration requested $25,000,000 for the new Department of Transportation headquarters project to consolidate all of the department's headquarters operating administration functions (except FAA and the United States Coast Guard), from various locations into a state-of-the-art efficient leased buildings within the central employment area of the District of Columbia.

The Committee believes that providing funding for this building is premature at this time, given the uncertainty surrounding the transition of certain DOT functions to the newly established Department of Homeland Security and the extraordinary investments that the Transportation Security Administration has already made in the existing DOT building.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

Appropriations, 2002[1]	$11,993,000
Budget estimate, 2003[2]	10,700,000
Committee recommendation	21,000,000

[1] Does not reflect reduction of $87,000 pursuant to section 349 of Public Law 107–87 or reduction of $313,000 pursuant to section 1106 of Public Law 107–117.

[2] Excludes $135,000 for CSRS/FEHB accruals.

The Office of the Secretary performs those research activities and studies which can more effectively or appropriately be conducted at the departmental level. This research effort supports the planning, research and development activities needed to assist the Secretary in the formulation of national transportation policies. The program is carried out primarily through contracts with other Federal agencies, educational institutions, nonprofit research organizations, and private firms. The Committee recommends $21,000,000 for transportation planning, research, and development, $9,007,000 more than the fiscal year 2002 enacted level and $10,300,000 more than the President's budget request.

Project Name	*Amount*
Bypass Mail System Computer Software & Hardware Upgrades, AK	$500,000
Circumpolar Infrastructure Task Force, Arctic Council & Northern Forum, AK	500,000
Delaware Memorial Bridge Collision Avoidance Project, DE	1,000,000
DOT's Privacy Practies Third Party Evaluation	1,000,000
Northeast Advanced Vehicle Consortium Fuel Cell, CT	2,000,000
Office for Infrastructure Transp. & Logistics, AL	1,000,000
Strategic Freight Transportation Analysis, WA	1,500,000
UAB Fuel Cell/Hybrid Electric Research Program, AL	1,000,000
WestStart's Vehicular Flywheel Project, WA	1,500,000

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Limitation, 2002[1 2]	$125,323,000
Budget estimate, 2003[3]	131,779,000
Committee recommendation	131,779,000

[1] Does not reflect reduction of $5,000,000 pursuant to section 349 of Public Law 107–87 or reduction of $4,300,000 pursuant to section 1106 of Public Law 107–117.

[2] Does not reflect $12,100,000 additional obligation limitation pursuant to H.R. 4775.

[3] Proposed without limitations. Includes DOT only.

The Transportation Administrative Service Center [TASC] provides a business operation fund for DOT to provide a wide range of administrative services to the Department and other customers. Services are financed through customer reimbursements. During the budget formulation phase TASC provides customers with estimates based on historical usage, adjusted for new or changed requirements. TASC is also responsive to newly emerging customer requirements that may be identified as the program is executed. Customer estimates are updated mid-year during the execution phase to provide customers with more current information. TASC services are delivered to customers through an organizational structure of individual business practices providing related services or products. This arrangement allows TASC to achieve economies of scale, resulting in savings for TASC customers. TASC customers also benefit from expertise developed in service areas that are used in the Federal sector, such as transit benefit distribution and technology acquisition. TASC operates under a full cost recovery concept, which incorporates distribution of overhead and indirect cost. TASC services include:

—Functions formerly in DOT's working capital fund [WCF];
—Office of the Secretary [OST] personnel, procurement and information technology support operations;
—Systems development staff;
—Operations of the consolidated departmental dockets facilities; and
—Certain departmental services and administrative operations, such as human resources management programs, transit fare subsidy payments, and employee wellness including substance awareness and testing.

SMALL COMMUNITY AIR SERVICE DEVELOPMENT PILOT PROGRAM

Appropriations, 2002	$20,000,000
Budget estimate, 2003	
Committee recommendation	20,000,000

The Committee bill includes $20,000,000, within funds provided for FAA's airport improvement program, for the Small Community Air Service Development Pilot Program authorized by section 203 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. The program is designed to improve air service to underutilized airports in small and rural communities. The total number of communities or groups of communities that can participate in the program is limited to no more than 4 from any one State and no more than 40 overall. The program gives priority to communities that have high air fares, will contribute a local share of the cost, will establish a public-private partnership to facilitate airline service, and where assistance will provide benefits to a broad segment of the traveling public.

ESSENTIAL AIR SERVICE AND RURAL AIRPORT IMPROVEMENT FUND

	Approriations	Mandatory[3]	AIP transfer	Total
Appropriations, 2002[1]	[2] $13,000,000	$50,000,000		$63,000,000
Budget estimate, 2003		30,000,000	$43,000,000	113,000,000
Committee recommendation	65,000,000	50,000,000		115,000,000

[1] Does not include $50,000,000 from payments to Air Carriers (A&ATF) provided in the Emergency Supplemental Act, 2002, Public Law 107–117.

[2] Payments to Air Carriers (Airport and Airway Trust Fund).

[3] From overflight fees.

The Essential Air Service [EAS] and Rural Airport Improvement Program provides funds directly to commuter/regional airlines to provide air service to small communities that otherwise would not receive air service and for rural airport improvement as provided by the 1996 Federal Aviation Reauthorization Act.

The Federal Aviation Reauthorization Act of 1996 authorizes user fees for flights that fly over, but do not land in, the United States. The first $50,000,000 of each year's fees were to go directly to carry out the Essential Air Service Program and, to the extent not used for essential air service, to improve rural airport safety. If $50,000,000 in fees is not available, than the funds must be made available from appropriations otherwise made available to the FAA Administrator.

For fiscal year 2003, the Administration has proposed to transfer $83,000,000 from the grants-in-aid for airports program (AIP) for the costs of the EAS program. The Committee has rejected this request as it would strip almost the entire amount of increased funds available in fiscal year 2003 for investments in airport capacity and safety and security projects. The Administration is also proposing bill language to allow the Secretary to take whatever actions are necessary to keep the 2003 program within the proposed $113,000,000. The budget also proposed capping the per passenger subsidy at $275 for points greater than 210 miles, with the exception of service to communities in Alaska. The Committee does not concur with either proposal and has instead provided adequate sums to provide service to all current and likely eligible points. The Committee notes that there is anticipated to be an estimated $13,000,000 in carryover funds brought forward from fiscal year 2002 to fiscal year 2003. Together with these resources, program funding under the Committee recommendation should equal $128,000,000 in fiscal year 2003.

The following table reflects the points currently receiving service and the annual rates as of February 1, 2002 in the continental United States and Hawaii.

EAS SUBSIDY RATES AS OF FEBRUARY 1, 2002

States/communities	Average daily enplanements at EAS point (year ending September 30, 2001)	Annual subsidy rates (February 1, 2002)	Subsidy per passenger	Total passengers (year ending September 30, 2001)
ALABAMA: Muscle Shoals	22.5	$1,073,257	$76.05	14,113
ARIZONA:				
Kingman	5.1	541,502	170.87	3,169
Page	(1)	1,251,977		
Prescott	14.0	541,502	61.80	8762
Show Low	(1)	410,080		
ARKANSAS:				
El Dorado/Camden	4.1	825,569	317.89	2,597
Harrison	8.6	1,125,591	208.06	5,410
Hot Springs	8.4	1,125,591	214.77	5,241
Jonesboro	7.7	825,569	170.85	4,832
CALIFORNIA:				
Crescent City	43.5	314,865	11.57	27,205
Merced	13.3	949,458	113.99	8,329
COLORADO:				
Alamosa	14.7	925,045	100.29	9,224
Cortez	28.8	403,311	22.35	18,044
Pueblo	8.8	527,185	95.83	5,501
HAWAII:				
Hana	12.2	574,500	75.36	7,623
Kamuela	6.0	424,559	112.62	3,770
Kalaupapa	5.2	272,807	83.45	3,269
ILLINOIS: Marion/Herrin	36.1	794,031	35.11	22,618
IOWA: Burlington	39.2	929,082	37.85	24,547
KANSAS:				
Dodge City	13.5	564,422	66.86	8,442
Garden City	32.2	897,960	44.58	20,141
Great Bend	3.9	216,074	87.98	2,456
Hays	24.8	1,152,945	74.18	15,543
LIberal/Guymon	10.5	1,083,289	165.14	6,560
Topeka	6.2	621,872	161.07	3,861
KENTUCKY: Owensboro	21.5	888,863	66.03	13,461
MAINE:				
Augusta/Waterville	13.7	634,145	73.76	8,597
Bar Harbor	40.8	634,145	24.82	25,545
Presque Isle	59.6	1,082,408	29.03	37,284
Rockland	23.4	634,145	43.38	14,620
MICHIGAN:				
Iron/Ashland	6.5	544,269	134.49	4,047
Iron Mountain/Kingsford	28.6	473,599	26.41	17,933
Manistee	4.4	542,168	197.15	2,750
MISSOURI:				
Cape Girardeau	22.3	430,925	30.87	13,958
Fort Leonard Wood	27.1	573,725	33.79	16,979
Kirksville	6.3	732,363	186.59	3,925
MONTANA:				
Glasgow	7.0	707,462	160.60	4,405
Glendive	3.1	707,462	367.13	1,927
Havre	3.7	707,462	308.13	2,296
Lewistown	2.8	707,462	398.35	1,776
Miles City	3.9	707,462	291.38	2,428
Sidney	8.6	707,462	131.89	5,364
Wolf Point	5.8	707,462	193.35	3,659
NEBRASKA:				
Alliance	2.8	785,175	449.96	1,745
Chadron	5.1	785,175	244.83	3,207
Kearney	25.0	839,487	53.71	15,629
McCook	7.6	1,325,289	279.48	4,742
Norfolk	4.8	531,735	175.78	3,025
North Platte	24.1	106,006	7.04	15,056
NEVADA: Ely	/1	976,533		
NEW MEXICO:				
Alamogordo/Holloman	6.2	923,789	238.40	3,875
Clovis	8.8	1,118,197	202.28	5,528
Gallup	3.2	691,080	347.10	1,991
Silver City/Hurley/Deming	8.3	935,667	179.69	5,207
NEW YORK:				
Massena	9.0	371,835	65.87	5,645
Ogdensburg	7.6	371,835	77.72	4,784
Saranac Lake	9.1	631,353	111.06	5,685
Utica	3.7	1,133,415	495.59	2,287
Watertown	10.7	371,835	55.33	6,720
NORTH DAKOTA:				
Devils Lake	8.5	793,867	149.17	5,322
Dickinson	12.6	590,153	74.86	7,883
Jamestown	9.4	793,867	134.30	5,911
OKLAHOMA:				
Enid	12.1	972,122	128.15	7,586
Ponca City	11.7	972,122	132.23	7,352
PENNSYLVANIA: Oil City/Franklin	15.2	510,261	53.49	9,540
PUERTO RICO: Ponce	19.8	337,551	27.28	12,372
SOUTH DAKOTA:				
Brookings	3.4	849,386	397.09	2,139
Huron	5.8	394,585	109.58	3,601
TENNESSEE: Jackson	25.3	1,151,993	72.68	15,850
TEXAS: Brownwood	6.8	865,886	202.88	4,268
UTAH:				
Cedar City	30.3	679,450	35.80	18,978

EAS SUBSIDY RATES AS OF FEBRUARY 1, 2002—Continued

States/communities	Average daily enplanements at EAS point (year ending September 30, 2001)	Annual subsidy rates (February 1, 2002)	Subsidy per passenger	Total passengers (year ending September 30, 2001)
Moab	/1	971,444		
Vernal	([1])	1,102,967		
VERMONT: Rutland	9.8	634,145	102.98	6,158
WASHINGTON: Ephrata/Moses Lake	32.7	479,859	23.48	20,439
WEST VIRGINIA:				
Beckley	9.0	857,530	152.07	5,639
Princeton/Bluefield	7.5	857,530	181.64	4,721
WISCONSIN: Oshkosh	8.7	460,392	84.86	5,425
WYOMING:				
Laramie	33.8	297,633	14.07	21,149
Rock Springs	31.3	465,023	23.72	19,605
Worland	9.5	353,345	59.73	5,916

[1] Less than full year data.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

Appropriations, 2002	$900,000
Budget estimate, 2003	900,000
Committee recommendation	900,000

Office of Small and Disadvantaged Business Utilization [OSDBU]/Minority Business Resource Center [MBRC].—The OSDBU/MBRC provides assistance in obtaining short-term working capital and bonding for disadvantaged, minority, and women-owned businesses [DBE/MBE/WBE's]. In fiscal year 2001, the short-term lending program was converted from a direct loan program to a guaranteed loan program. In fiscal year 2003, the program will continue to focus on providing working capital to DBE/MBE/WBE's for transportation-related projects in order to strengthen their competitive and productive capabilities.

Since fiscal year 1993, the short-term lending program has been a separate line item appropriation, which segregated such activities in response to changes made by the Federal Credit Reform Act of 1990. The limitation on guaranteed loans under the Minority Business Resource Center is at the administration's requested level of $18,367,000.

Of the funds appropriated, $500,000 covers the subsidy costs; and, $400,000 is for administrative expenses to carry out the Guaranteed Loan Program.

MINORITY BUSINESS OUTREACH

Appropriations, 2002	$3,000,000
Budget estimate, 2003	3,000,000
Committee recommendation	3,000,000

This appropriation provides contractual support to assist small, women-owned, Native American, and other disadvantaged business firms in securing contracts and subcontracts arising out of projects that involve Federal spending. It also provides support to historically black and Hispanic colleges. Separate funding is requested by the administration since this program provides grants and contract assistance that serves DOT-wide goals and not just OST purposes.

GENERAL PROVISIONS

Rebates, refunds, and incentive payments.—The Department receives funds from various Government programs at different time intervals (that is, weekly, monthly, quarterly). For example, under the General Services Administration's Travel Management Center [TMC] Program, rebate checks received from the travel contractor are distributed monthly to each element of the Department in proportion to net domestic airline sales arranged by the contractor. Past expenditures have to be analyzed to determine the proper sources to refund which can be a time-consuming process. The staff time and cost associated with the precise accounting for each such refund is prohibitive. To alleviate the need to specifically identify the source for each repayment the Committee has included language (sec. 326), as requested, that allows a fair and sensible allocation of the rebates and miscellaneous other funds.

CHANGES IN FISCAL YEAR 2002 DEPARTMENT OF TRANSPORTATION APPROPRIATIONS

(In thousands of dollars)

Account	Public Law 107–87 DOT Appropriations Act						Public Law 107–117 Emergency Supp.		Net appropriation and obligation limitation
	Appropriations and obligations limitation	Sec. 349 TASC reduction	Sec. 318 recession	Sec. 329 Amtrak Reform Council	Sec. 330 Misc. hwy GF projects	Sec. 350 Border Crossing	Sec. 1106 TASC reduction	Chapter 11	
Office of the Secretary:									
Salaries and expenses	67,778	−488				−162			67,128
Transportation planning, research, and development	11,993	−87					−313		11,593
Minority business resources center	900								900
Minority business outreach	3,000								3,000
Office of civil rights	8,500	−60					−70		8,370
Essential air service/payments to air carriers	13,000							[50,000]	63,000
Essential air service (transfer of fees from FAA)	[50,000]								[50,000]
Subtotal	105,171	−635					−545	50,000	153,991
Transportation Security Administration:									
Transportation Security Administration [1]								94,800	94,800
Transportation Security Administration (fees)	[1,250,000]								[1,250,000]
U.S. Coast Guard:									
Operating Expenses	3,382,000	−791					−680	209,150	3,589,679
Acquisition, construction, and improvements	636,354	−158					−136		636,060
Environmental compliance and restoration	16,927	−5					−4		16,918
Alteration of bridges	15,466								15,466
Retired pay	876,346								876,346
Reserve training	83,194	−22					−19		83,153
Research, development, test, and evaluation	20,222	−3					−3		20,216
Subtotal	5,030,509	−979					−842	209,150	5,237,838
Federal Aviation Administration:									
Operations	6,886,000	−1,516					−1,304	200,000	7,083,180
Facilities and equipment	2,914,000							108,500	3,022,500
Facilities and equipment, rescission of py BA	−15,000								−15,000
Research, engineering, and development	195,000							50,000	245,000
Grants-in-aid for airports (obligation limitation)	3,300,000								3,300,000
Grants-in-aid for airports (rescission of contra)	−301,720								−301,720
Grants-in-aid for airports (TF appropriations)								175,000	175,000
Subtotal	12,978,280	−1,516					−1,304	533,500	13,508,960
Federal Highway Administration:									
Limitation on administrative expenses	[311,000]	[−452]					[−389]		[310,159]
Federal-aid highways (obligation limitation) [2]	31,799,104								31,799,104
Emergency relief (CA)	[100,000]								[100,000]

CHANGES IN FISCAL YEAR 2002 DEPARTMENT OF TRANSPORTATION APPROPRIATIONS—Continued

(In thousands of dollars)

Account	Public Law 107–87 DOT Appropriations Act						Public Law 107–117 Emergency Supp.		Net appropriation and obligation limitation
	Appropriations and obligations limitation	Sec. 349 TASC reduction	Sec. 318 recession	Sec. 329 Amtrak Reform Council	Sec. 330 Misc. hwy GF projects	Sec. 350 Border Crossing	Sec. 1106 TASC reduction	Chapter 11	
Emergency relief (TF approp)								75,000	75,000
Exempt obligations	965,308								965,308
Appalachian Development Highway System	200,000								200,000
State infrastructure banks, rescission of py BA	−5,750								−5,750
Miscellaneous appropriations (GF)					144,000			4,300	148,300
Miscellaneous highway projects (TF)								100,000	100,000
Value Pricing and TIFIA, rescission of CA	−52,973								−52,973
Subtotal	32,905,689	[−452]			144,000		[−389]	179,300	33,228,989
Federal Motor Carrier Safety Administration:									
National motor carrier safety program (obligation)	205,896								205,896
Motor carrier safety (limitation on administration)	110,000	−85					−73		109,842
Border Enforcement (TF)						25,866			25,866
Limitation on admin. expenses, rescission of CA	−6,665								−6,665
Subtotal	309,231	−85				25,866	−73		334,939
National Highway Traffic Safety Administration:									
Operations and Research, General Fund	127,780	−536					−461		126,783
Operations and Research, Trust Fund (obligation)	72,000								72,000
National driver registration	2,000								2,000
Highway safety grants	223,000								223,000
Subtotal	424,780	−536					−461		423,783
Federal Railroad Administration:									
Safety and operations	110,857	−175					−150	6,000	116,532
Research and development	29,000								29,000
Next generation high speed rail	32,300								32,300
Alaska railroad rehabilitation	20,000								20,000
Grants to Nat'l RR Passenger Corp	521,476							100,000	621,476
Pennsylania Station redevelopment	20,000								20,000
Amtrak reform council				225					225
Subtotal	733,633	−175		225			−150	106,000	839,533
Federal Transit Administration:									
Administrative expenses (approps and oblig limit)	67,000	[−208]					[−179]		67,000
Formula grants (approps and oblig limitation)[3]	3,542,000							23,500	3,565,500
Univ. transporation research (approps and oblig)	6,000								6,000
Transit planning and research (approps and oblig)	116,000								116,000
Capital investment grants (approps and oblig lim)	2,891,000							100,000	2,991,000
Capital investment grants (Trust Fund approps)									
Job access (approps and oblig limitation)	125,000								125,000
Subtotal	6,747,000	[−208]					[−179]	123,500	6,870,500
Saint Lawrence Seaway Development Corp:									
Operations and maintenance	13,345	−11					−10		13,324
Research and Special Programs Administration:									
Research and special programs	37,279	−113					−97	2,500	39,569
Pipeline safety	58,250	−74					−64		58,112
Emergency preparedness grants	14,300								14,300
Subtotal	109,829	−187					−161	2,500	111,981
Bureau of Transportation Statistics[4]	[31,000]	[−103]					[−89]		[30,808]
Office of the Inspector General: Salaries and expenses[5]	50,614	−108					−93	1,300	51,713
Surface Transportation Board:									
Salaries and expenses	18,457	−5					−4		18,448
Salaries and expenses (fees)	[950]								[950]
Total, Department of Transportation (excluding Maritime Administration)	59,426,538	−4,237		225	144,000	25,866	−3,643	1,300,050	60,888,799

[1] Does not include reallocation of Public Law 107−38 funds of $760 million from FEMA to TSA.
[2] Net of transfer of RABA to FMCSA.
[3] Reflects $50 million BA transfer from formula grants to capital discretionary.
[4] BTS funding included within Federal-aid highways.
[5] Does not include $5.5 million reimbursable from FHWA and FTA.

TRANSPORTATION SECURITY ADMINISTRATION

SUMMARY OF FISCAL YEAR 2003 PROGRAM

	Appropriation	Offsetting Collections
Appropriations, 2002[1 2]	$1,250,000,000	$1,250,000,000
Budget estimate, 2003	5,346,000,000	2,347,000,000
Committee recommendation	5,346,000,000	2,347,000,000

[1] Does not include: (1) an additional $780,000,000 in supplemental funding provided to FAA for, among other things, security within the aircraft, explosives detection systems, and designated pilot and demonstration projects; (2) $298,000,000 in appropriated funding provided to FAA for functions now performed by TSA, including the transfer of the Civil Aviation Security organization, research and development, and explosives detection systems; and, (3) $93,000,000 provided for port security grants.

[2] Does not $2.85,000,000,000 in fiscal year 2002 to support TSA operations.

The Transportation Security Administration (TSA) was established on November 19, 2001, with the enactment of the Aviation and Transportation Security Act (Act) into law. The Act created TSA within the Department of Transportation and identified a series of objectives and authorities under which TSA would improve security across all modes of transportation for the American public. As called for in the Act, TSA is charged with ensuring security across the U.S. transportation system. TSA's mission is to protect the Nation's transportation systems by safeguarding the freedom of movement of people and commerce. TSA will be responsible for providing security to the Nation's transportation systems including aviation, railways, highways, pipelines, and waterways. The Act for the first time made overall aviation security a direct Federal responsibility.

The Committee recommends $5,346,000,000 for the activities of the Transportation Security Administration for fiscal year 2003. The amount provided is the same as the budget request.

Challenges for the Transportation Security Administration (TSA).—The deadlines imposed by the Aviation and Transportation Security Act posed an extraordinarily challenge for any Federal agency to meet, even one that has been up and running for several decades. That said, the Committee has not been satisfied with the agency's performance to date, especially in the manner in which the agency has communicated with the Committee and

the general public. Budget materials provided by the agency to the Committee have been substantially revised several times and have lacked the level of specificity and clarity that is necessary for the Committee to conduct proper oversight and allocate taxpayer funds. Even more importantly, the agency's posture with its public stakeholders has been characterized by arrogance and disregard of the public's views. This is particularly troubling given the fact that the agency's core mission is to reassure the public as to the safety of the Nation's transportation system. The Committee hopes and expects that the recent change in leadership at the agency will signal a new day in the way the agency interacts with the Committee and the general public.

Programs, Projects and Activities (PPAs).—As discussed above, the Committee has struggled to ascertain the TSA's spending plans based on the budget documentation submitted by the agency. The statement of managers accompanying the Supplemental Appropriations Act for Fiscal Year 2002 noted that, at present, there are no clearly defined Programs, Projects, and Activities (PPA's) established for the TSA's budget. The Committee anxiously awaits the TSA's submission of proposed PPA's so that the Committee can better understand and review the agency's spending priorities. Until the agency and the Committee agree on defined PPA's for the TSA budget, the Committee cannot articulate its funding recommendation in the context of adjustments to the President's Budget. As such, the following table displays the minimum amounts provided by the Committee for the following activities.

Modification of Airports to Install Checked Baggage Explosive Detection Systems Including Trace Detection Systems	$250,000,000
Procurement of Explosive Detection Systems and Trace Detection Systems	[1] 124,000,000
Intercity Bus Security Initiative	15,000,000
Operation Safe Commerce	30,000,000
Security Research	25,000,000
Grants to Port Authorities for Security Enhancements	100,000,000

[1] Includes transfer of $55,000,000 from FAA facilities and equipment.

Modification of Airports to Install EDS and ETD Systems.—In reviewing the TSA's belated budget justification, the Committee was dismayed to learn that no additional funds have been budgeted for fiscal year 2003 for airport modifications necessary to install Explosive Detection Systems (EDS) and Explosive Trace Detection (ETD) systems. To comply with the ATSA December 31st deadline, the TSA has installed massive amounts of explosive detection equipment in the Nation's airports to screen all checked baggage for explosives. By the agency's own admission, however, many of the measures that were necessary to install and operate this equipment on such a short timeline presents a considerable inconvenience to airline passengers, air carriers, airport managers and airport-based venders. In many instances, for the lack of time and money to install explosive detection systems as part of the airport's central baggage processing system, explosive detection equipment was installed in terminal space currently used by airline passengers. In other instances, the TSA has adopted the use of canine teams, bag match, and other detection methods on a temporary basis until certified explosive detection machines can be installed and manned.

The Committee is not prepared to allow this less-than-satisfactory situation to persist for a number of years while the agency pursues the development of next-generation explosive detection technologies. As such the Committee has provided $250,000,000 for fiscal year 2003 for the purpose of improving upon the interim deployment plans that were necessary to comply with the December 31 deadline. The Committee expects these funds to be used to retrofit those airports that will face the greatest difficulty in minimizing the inconvenience of air passengers in complying with the December 31 deadline.

Credentialing and screening of aviation workers.—The statement of managers accompanying the second Supplemental Appropriations Act for fiscal year 2002 expressed a number of concerns regarding TSA's planned deployment of its transportation worker identity card (TWIC) initiative. The Committee of Conference to that bill went on to prohibit the TSA from obligating any funds for this initiative until the agency reports to the House and Senate Committees on Appropriations on the concerns cited in the statement of managers and the agency receives written reprogramming approval from both Committees. In developing his reprogramming request, the Committee expects the Under Secretary to be particularly attentive to the immediate need for improved credentialing to allow for the expeditious and seamless movement of airline and airport employees. The fact that airline and airport workers have already undergone background investigations should facilitate this effort. The Committee expects the Under Secretary to promptly develop a credentialing system that is accepted throughout the airport network and is supported by a centralized database so that access limitations can be communicated promptly throughout the system. With regard to security screening, it is imperative that TSA develop a new screening process for airline and airport employees. This process should be conducted at separate portals from the screening of passengers and should be tailored to the minimal security risk posed by aviation employees. The TSA's current screening methods for aviation employees diverts limited security resources away from the real risks to the air transportation system and needlessly creates delays for workers providing time-critical aviation services on behalf of the traveling public. The Committee believes that TSA would benefit from the appointment of a taskforce to assist in the development of this new credentialing and screening system. Such a taskforce should include representatives from airlines, airports, and aviation labor. The Committee will carefully review the Under Secretary's reprogramming requests to determine the extent of his responsiveness to the Committee's stated concerns and directives in this area.

Intercity Bus Security.—The Committee has provided an additional $15,000,000 for the TSA's continued efforts in the area of improving security in the intercity bus industry. These funds will better insure the security of millions of passengers that use the nation's intercity bus network.

Motor Carrier Security Program.—The Committee recommendation includes $20,000,000 for grants for an industry-wide trucking security program. The level of funding is consistent with the request that was included in the President's fiscal year 2003 budget amendments.

Operation Safe Commerce.—The Committee has provided $30,000,000 for the continued deployment of Operation Safe Commerce. These funds shall be subject to the same terms and conditions as articulated in the Committee report accompanying the fiscal year 2002 Supplemental Appropriations Bill. The amount provided is $2,000,000 more than the amount provided for fiscal year 2002.

Security Research.—TSA will conduct research and development activities in an effort to improve current security technology. This research will be targeted toward methodologies of detecting potential chemical, biological or similar threats and devices that could be released on an aircraft or within an airport.

Pilot projects.—The Committee has provided funding in previous appropriations acts for the TSA to conduct pilot projects to demonstrate and evaluate promising security technologies and concepts. Pilot projects provide useful data and practical experience regarding the effect of innovative approaches and technology in improving aviation security. As the newest large hub airport, Denver International Airport (DIA) is well-suited as a location for testing new security systems, and the Committee encourages the Under Secretary to consider DIA as a candidate for conducting pilot projects, including tests of new explosive detection equipment.

Security Research Centers.—The FAA has established strong collaborative research efforts with universities and private industry, and this beneficial arrangement has helped advanced a variety of aviation interests. The Committee believes that the Under Secretary could achieve similar benefits in the area of transportation security by establishing similar alliances. Therefore, the Committee encourages the Under Secretary, as the TSA continues to refine its research and development program, to utilize expertise at the following institutions: Center for Industrial Competitiveness at the University of Massachusetts-Lowell; National Institute for Advanced Transportation Technology at the University of Idaho; State University System of Florida's Consortium for Intermodal Transportation Safety and Security; Aviation Institute at the University of Nebraska at Omaha; and, the Center of Excellence for Aviation Security.

Automated Surveillance System.—The Committee encourages the Under Secretary to develop airport checkpoint security and process management initiative at the Wichita Mid-Continent Airport that links video technology with advanced software for real-time identification of security risks and can alert appropriate security personnel.

Remote baggage screening.—The Committee encourages the Under Secretary to develop a pilot project at Anchorage International Airport that will evaluate the potential of a rapid baggage movement system to screen checked luggage for explosives at an off-site facility.

Grants to Port Authorities for Security Enhancements.—The Committee has provided $100,000,000 for port security grants in fiscal year 2003. These grants will be competitively awarded by the Under Secretary for the purpose of assessing and improving security at the Nation's seaports. While a total of $218,000,000 was made available for this activity between the first and second Supplemental Appropriations Acts for 2002, the Department of Transportation's solicitation for applications demonstrated an initial demand for these grants of almost $700,000,000. Funds provided in fiscal year 2003 will help meet this demand.

Integrated Port Security Pilot Projects.—The Committee is supportive of a series of integrated port security pilot projects that involve information sharing between the busiest container and cruise ship ports in the southeastern United States. In distributing funds under the port security grant program for fiscal year 2002 and fiscal year 2003, the Committee encourages the Under Secretary to positively consider applications for such an integrated set of pilot projects. Elements of these pilot projects might include the improvement of surveillance systems, the use of smart cards and biometric technology, vehicular traffic control, cargo inspection, improved communications infrastructure and information systems infrastructure, as well as passenger and baggage screening for cruise ship passengers.

Fitness for Duty Requirements.—The Committee is concerned that the Under Secretary has not as yet implemented the new requirement imposed by the Aviation and Transportation Security Act that airport security screeners demonstrate daily their fitness-for-duty without impairment due to fatigue, medications, drug use or alcohol. The Committee strongly recommends that the Under Secretary make expedited use of currently available fitness-for-duty technology to assess daily the alertness of airport security and provides $250,000 specifically to implement a 1-year pilot project at the Seattle-Tacoma International Airport.

Air Marshall air-ground communications.—Funding was provided in fiscal year 2002 for procurement of air-ground communications systems for Federal air marshals. The Committee expects the Under Secretary to proceed expeditiously with this procurement and begin installation of such systems on major commercial passenger aircraft as soon as possible.

U.S. COAST GUARD

SUMMARY OF FISCAL YEAR 2002 PROGRAM

The U.S. Coast Guard, as it is known today, was established on January 28, 1915, through the merger of the Revenue Cutter Service and the Lifesaving Service. In 1939, the U.S. Lighthouse Service was transferred to the Coast Guard, followed by the Bureau of Marine Inspection and Navigation in 1942. The Coast Guard has as its primary responsibilities the enforcement of all applicable Federal laws on the high seas and waters subject to the jurisdiction of the United States; promotion of safety of life and property at sea; assistance to navigation; protection of the marine environment; and maintenance of a state of readiness to function as a specialized service in the Navy in time of war (14 U.S.C. 1, 2).

The Committee recommends a total program level of $6,118,978,000 for the activities of the Coast Guard in fiscal year 2003. This represents an increase of $1,088,469,000 above the fiscal year 2002 enacted level. The following table summarizes the Committee's recommendations:

[In thousands of dollars]

Program	Fiscal year—		Committee recommendation
	2002 enacted [1 3]	2003 estimate [5]	
Operating expenses [2]	$3,780,150	$4,153,456	$4,318,456
Acquisition, construction, and improvements [4]	702,354	725,000	752,000
Environmental compliance and restoration	16,927	17,000	17,000
Alteration of bridges	15,466	.....	14,000
Retired pay	876,346	889,000	889,000
Reserve training	83,194	86,522	86,522
Research, development, test, and evaluation	20,222	22,000	22,000
Total	5,494,659	5,892,978	6,118,978

[1] Excludes reduction of $1,471,000 pursuant to Public Law 107–87 and 107–117.
[2] Includes funding for national security activities of the Coast Guard scored against budget function 050 (defense discretionary) as follows: fiscal year 2002 enacted amount includes $440,000,000 in defense discretionary funding; fiscal year 2003 estimate includes $340,000,000 and fiscal year 2003 Committee recommendation includes $340,000,000.
[3] Excludes $209,150,000 in Emergency Supplemental Appropriations pursuant to Public Law 107–117.
[4] Excludes $66,000,000 in supplemental appropriations pursuant to Public Law 107–206.
[5] Excludes $22,284,000 in civilian and $293,858,000 in military accruals. Excludes $165,000,000 in new user fee revenue.

	General	Trust	New user fee revenue	Total
Appropriations, 2002 [1 2 5]	$3,357,055,000	$24,945,000	.....	$3,382,000,000
Budget estimate, 2003 [3]	4,129,126,000	25,000,000	$165,000,000	4,318,456,000
Committee recommendation [4]	4,293,456,000	25,000,000	.....	4,318,456,000

[1] Includes $440,000,000 for national security activities scored against budget function 050 (defense).
[2] Excludes reduction of $1,471,000 rescission pursuant to Public Laws 107–87 and 107–117.
[3] Includes $340,000,000 for national security activities scored against budget function 050 (defense).
[4] Includes $340,000,000 for national security activities including drug interdiction scored against budget function 050 (defense).
[5] Excludes $209,150,000 in Emergency Supplemental Appropriations pursuant to Public Law 107–117.

OPERATING EXPENSES

The ''Operating expenses'' appropriation provides funds for the operation and maintenance of multipurpose vessels, aircraft, and shore units strategically located along the coasts and inland waterways of the United States and in selected areas overseas.

The program activities of this appropriation fall into the following categories:

Search and rescue.—One of its earliest and most traditional missions, the Coast Guard maintains a nationwide system of boats, aircraft, cutters, and rescue coordination centers on 24-hour alert.

Aids to navigation.—To help mariners determine their location and avoid accidents, the Coast Guard maintains a network of manned and unmanned aids to navigation along our coasts and on our inland waterways, and operates radio stations in the United States and abroad to serve the needs of the armed services and marine and air commerce.

Marine safety.—The Coast Guard insures compliance with Federal statutes and regulations designed to improve safety in the merchant marine industry and operates a recreational boating safety program.

Marine environmental protection.—The primary objectives of this program are to minimize the dangers of marine pollution and to assure the safety of U.S. ports and waterways.

Enforcement of laws and treaties.—The Coast Guard is the principal maritime enforcement agency with regard to Federal laws on the navigable waters of the United States and the high seas, including fisheries, drug smuggling, illegal immigration, and hijacking of vessels.

Ice operations.—In the Arctic and Antarctic, Coast Guard icebreakers escort supply ships, support research activities and Department of Defense operations, survey uncharted waters, and collect scientific data. The Coast Guard also assists commercial vessels through ice-covered waters.

Defense readiness.—During peacetime the Coast Guard maintains an effective state of military preparedness to operate as a service in the Navy in time of war or national emergency at the direction of the President. As such the Coast Guard has primary responsibility for the security of ports, waterways, and navigable waters up to 200 miles offshore.

COMMITTEE RECOMMENDATION

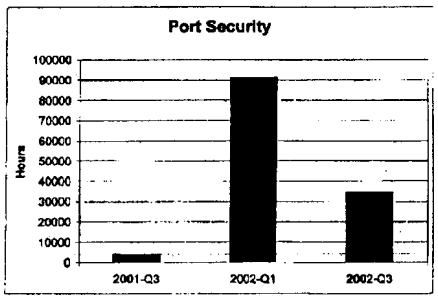
The Committee recommendation for Coast Guard operating expenses is $4,318,456,000, including $25,000,000 from the oil spill liability trust fund and $340,000,000 from function 050 for the Coast Guard's defense-related activities including drug interdiction.

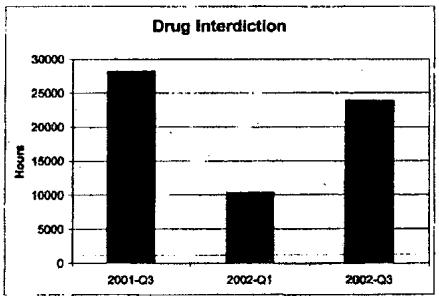
Mission Emphasis.—The Coast Guard responded to the terrorist attacks of last September in an unprecedented and dramatic manner. In doing so, they refocused nearly all of their personnel and redirected most of their cutters, boats and aircraft on domestic maritime security. While the Coast Guard has on a number of occasions been required to rapidly shift its mission emphasis, the extent of the shift to domestic security that followed the events of September 11th was certainly unprecedented in the history of the Coast Guard. The Committee believes that the Coast Guard acted with extraordinary professionalism and heroism during this period of rapid transformation. At the same time, the Committee has concerns regarding the Coast Guard's ability to once again achieve mission balance and adequately address its other critical missions—missions including Search and Rescue, Drug and Migrant Interdiction, the maintenance of Aids to Navigation and ensuring the safety and integrity of our domestic fishing grounds.

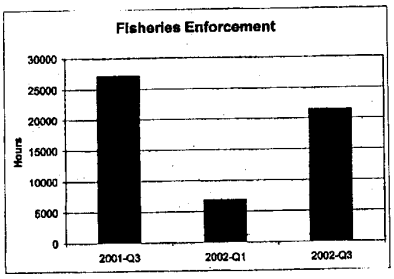
As part of the Committee's annual hearing regarding the Coast Guard's budget request, the DOT Inspector General reported that the service deployed 59 percent of its resources

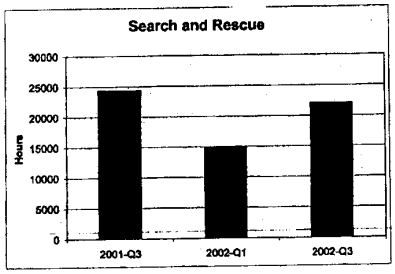
on port safety and security missions immediately following September 11th. Those resources included the Coast Guard's core Search and Rescue vessels, some of which were repositioned far away from their optimal location for conducting their Search and Rescue mission. Indeed, the IG noted that the Coast Guard's small boat stations experienced a 50 percent increase in operating hours as they sought to perform all of their new port security responsibilities at the same time they were seeking to maintain an effective Search and Rescue program.

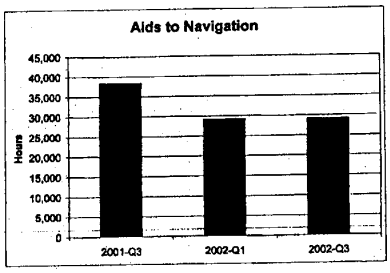
The information provided below illustrates exactly how the Coast Guard directed its mission emphasis over the last year. It depicts an overall increase in operating hours in the first quarter of fiscal year 2002 reflecting the rapid response to the terrorist attacks. That surge began to level off in the third quarter of fiscal year 2002 as the Coast Guard sought to return to a more balanced level of effort across its missions. A review of the data for the third quarter of fiscal year 2002—the most recent quarter for which data is available—reveals that many of the missions that suffered the greatest diminution of effort following September 11th have not yet returned to their baseline level. Indeed, the Committee is greatly concerned that the agencies new emphasis on security, as articulated in its fiscal year 2003 budget request, means that the Coast Guard has no intention of restoring missions like drug interdiction and fisheries enforcement to their pre-September 11th levels.

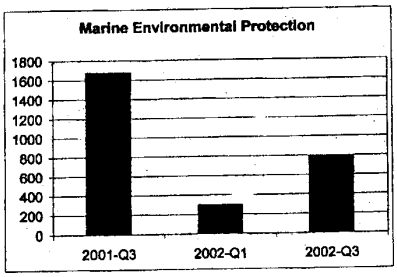












The Committee does not question the need for a more robust homeland security focus on the part of the Coast Guard. Even so, the Committee is disappointed that, at a time when the Administration is requesting an historic and well deserved funding increase for the Coast Guard, almost the entire increase is devoted to expanded homeland defense efforts. Indeed, the documentation accompanying this budget request confirms the agency's intention to continue to de-emphasize its non-homeland defense missions while its budget grows. The Committee does not agree that, at a time when the Coast Guard's operating budget is growing by double-digit percentages, the taxpayer should be content with a diminished effort in the areas of marine safety, marine environmental protection, drug interdiction and fisheries enforcement.

In order to address this concern, the Committee is granting the Commandant the flexibility to redress this imbalance. The Committee fully funds the $21,724,000 sought for Maritime Search and Rescue improvements—budget category IV F—and disallows funding for budget category IV G since this item is not consistent with the Coast Guard's Ports and Waterways Safety Systems (PAWSS) strategy. With the more than $450,000,000 in additional funding provided in this appropriation to operate new facilities and commence or enhance new initiatives, the Committee expects the Commandant to launch his highest priority initiatives for homeland defense while leaving himself sufficient resources to return his non-homeland security missions to their pre-September 11th levels.

The Committee directs the Commandant to submit a detailed report as to how he will achieve this objective as part of his budget submission for fiscal year 2004. This report should include a detailed revised distribution of fiscal year 2003 resources in comparison to the line items initially requested in the fiscal year 2003 budget request. In order to monitor the Commandant's progress toward this goal, the Committee directs the Commandant to submit quarterly reports to the Committee detailing the resource hours achieved by mission. This report should also include district-by-district data for aircraft, cutter, and boat hours by mission area. The report should also compare this data to the comparable data for the eight quarters that preceded September 11, 2001. These reports will be submitted using the same deadlines and restrictions pertaining to the agency's Quarterly Acquisition Reports.

The Committee recognizes that the integrity of the Coast Guard's mission hour data has been compromised in the past due to inconsistencies in unit's reporting practices in the field. The Committee commends the Commandant's efforts to date to improve the accuracy of this data and requests that the DOT Inspector General periodically monitor the reporting of this data as well as the accuracy of the quarterly mission hour reports to be submitted to the Committee.

Flag Officer Billets.—The Committee has provided sufficient funds for the retention of 37 flag billets in fiscal year 2003, which is 3 more than the number requested in the Coast Guard's budget request and which reflects the actual number of flag officers. The Committee notes that the number of flag officer billets has grown steadily in the last few years even though the Coast Guard has consistently had the lowest ratio of officers to flag officers and enlisted personnel to flag officers of any of the military services. The Committee recognizes that an even higher level of flag officer billets may be authorized. However, the Committee is concerned that the budget justifications submitted to the Committee have not accurately reflected the number of flag officers requested for the budget year. Specifically, the budget justification for fiscal year 2000 identified an expectation for one additional flag billet in the budget year. With the arrival of the 2001 budget request, the Committee discovered that the service added two additional flag billets in fiscal year 2000. Similarly, the 2002 budget request did not identify any growth in the number of flag officers for that year. With the arrival of the budget request for 2003, the Committee discovered that the service had indeed added another flag officer in 2002. The Committee expects the Coast Guard to address the imbalance inherent to the flag officer-to-billet ratio and to ensure that the budget justification for fiscal year 2004 reflects an accurate, appropriate, and sustainable level.

Navigational Assistance Services Fees.—For the second consecutive year, the Administration had proposed the initiation of new Navigational Assistance Service fees. The effect of this proposal is to lower the actual appropriation requirement for Coast Guard operating expenses in fiscal year 2003 by $165,000,000 by requiring the users of Coast Guard services to cover those costs. The Committee has, again, rejected this approach and provided sufficient appropriations to cover all of the Coast Guard's needs.

Marine Fire and Safety Association.—The Committee remains supportive of efforts by the Marine Fire and Safety Association (MFSA) to provide specialized firefighting training and maintain an oil spill response contingency plan for the Columbia River. The Committee encourages the Secretary to provide funding for MFSA consistent with the authorization and directs the Secretary to provide $312,000 to continue efforts by the nonprofit organization comprised of numerous fire departments on both sides of the Columbia River. The funding will be utilized to provide specialized communications, firefighting training and equipment, and to implement the oil spill response contingency plan for the Columbia River.

Great Lakes Pilotage.—The Committee is informed that the Great Lakes ports collectively petitioned the Coast Guard in July 2001 to publish for public comment a proposed plan to streamline and modernize the pilotage system on the Great Lakes. The Committee is concerned that the Coast Guard has not acted on this petition. The Committee urges the Coast Guard to seek public comment on this issue.

AMSEA.—The Committee recommends $350,000 to be available only to continue this marine safety training program that trains fishermen and children in cold water safety techniques.

Oil spill prevention, 13th District.—Within the amount provided, the Committee has provided $1,600,000 for enhanced oil spill prevention activities in the waters of Washington State. These additional funds shall be under the sole control of the Captain of the Port-Puget Sound and will be in addition to any and all funds that would normally be allocated for marine environmental protection activities to that unit under the President's budget request. The Captain of the Port-Puget Sound is the Federal official solely responsible for preventing the accidental release of oil from tankers entering the Straits

of Juan de Fuca and Puget Sound. As such, the Committee expects the Captain of the Port to use his professional judgment in allocating these funds to measures that he believes will best protect these waters. Such measures could include a cost sharing arrangement with the State of Washington for the hiring of a rescue tug at Neah Bay. However, these funds could be allocated to alternative measures if, in the view of the Captain of the Port, such alternative measures will provide a superior level of protection. The Committee expects the Commandant to forward to the Committee a spend plan for these funds once the Captain of the Port has decided on the appropriate approach to enhancing environmental protection in his area of operation.

Station Indian River Inlet Staffing.—The Committee is aware that a staffing shortage may exist at Coast Guard Station Indian River Inlet following the addition of new security requirements. The station, which is currently staffed by nine personnel, acts as the gateway to the ports of Wilmington, Delaware and Philadelphia, Pennsylvania. The men and women at this station maintain a safe and secure waterway for vessels traveling to these ports. They also provide waterside security for the Salem Nuclear Power Plant, bridges over navigational waters, oil refineries and tourist attractions along the Delaware River, Delaware Bay and Delaware's Atlantic Coast. As such, the Commandant is directed to evaluate the staffing levels at this station to determine if additional staffing is necessary.

Coastwise Endorsements.—More than 5 years after Congress enacted section 113(d) of the Coast Guard Authorization Act of 1996 (now codified at 46 U.S.C. 12106(e)), the Agency has yet to promulgate regulations implementing the provision. The Committee is concerned that the resulting lack of Federal direction could allow control over U.S. coastwise vessels by foreign companies who may use tax and other advantages to compete unfairly with U.S. companies in domestic commerce. The Congressional intent in 1996, which has not changed in enacting section 113(d), was to provide U.S.-based coastwise vessel operators with broadened sources of investment capital. At no time did Congress intend that section 113(d) be interpreted as a means of undermining the integrity of the Jones Act and related Maritime Cabotage laws. Until the rule implementing subsection 12106(e) is published in final form, the Committee expects the Coast Guard to ensure that any application approved under this provision is fully consistent with the intent of Congress as stated in the 1996 Conference Report.

Datum marker buoys (DMBs).—The Committee allowance includes not less than $1,000,000 for the continued procurement of Datum Marker Buoys.

Maritime Electro-Optical Infrared (EO/IR) Handheld and Fixed Sensors.—Within the funds provided, the Committee provides $5,000,000 for Maritime Electro-Optical Sensors. Of this amount, $3,000,000 shall be derived from budget category IV G and $2,000,000 from the additional funds provided. These sensors are on cutters, patrol boats, as well as for Marine Safety Offices and Marine Safety and Security Teams. They will assist in both the maritime safety and security mission goals by enabling Coast Guard personnel to conduct maritime operations safely and effectively at night and in adverse weather conditions.

Coast Guard Yard.—The Committee recognizes the Coast Guard Yard at Curtis Bay, Maryland is a critical component of the Coast Guard's core logistics capability that directly supports fleet readiness. The Committee further recognizes that the yard has been a vital part of the Coast Guard's readiness infrastructure for more than 100 years and believes that sufficient industrial work should be assigned to the Yard on a competitive basis to maintain this capability.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

	General	Trust	Total
Appropriations, 2002 [1]	$616,354,000	$20,000,000	$636,354,000
Budget estimate, 2003 [2]	705,000,000	20,000,000	725,000,000
Committee recommendation	732,000,000	20,000,000	752,000,000

[1] Excludes reduction of $294,000 pursuant to Public Law 107–87 and 107–117.
[2] Excludes $1,266,000 in civilian and $9,580,000 in military accurals.

This appropriation provides for the major acquisition, construction, and improvement of vessels, aircraft, shore units, and aids to navigation operated and maintained by the Coast Guard. Currently, the Coast Guard has in operation approximately 250 cutters, ranging in size from 65-foot tugs to a 420-foot polar icebreaker, more than 2,000 boats, and an inventory of more than 200 helicopters and fixed-wing aircraft. The Coast Guard also operates approximately 600 stations, support and supply centers, communications facilities, and other shore units. The Coast Guard maintains over 48,000 navigational aids—buoys, fixed aids, lighthouses, and radio navigational stations.

COMMITTEE RECOMMENDATION

The recommended bill provides $752,000,000 for acquisition, construction, and improvements, including $20,000,000 from the oil spill liability trust fund. This represents an increase of $115,646,000 (18 percent) above last year's enacted level and is the same as the budget request.

The following table summarizes the Committee's programmatic recommendations:

	Fiscal year 2002 enacted [1 2]	Fiscal year 2003 estimate	Committee recommendation
Vessels	$89,640,000	$13,600,000	$25,600,000
Integrated Deepwater Systems Program	320,190,000	500,000,000	480,000,000
Aircraft	9,500,000		
Other equipment	79,293,000	117,700,000	132,700,000
Shore facilities and aids to navigation	73,100,000	28,700,000	48,700,000
Personnel and related support	64,631,000	65,000,000	65,000,000
Total	636,354,000	725,000,000	752,000,000

[1] Excludes reduction of $294,000 rescission pursuant to Public Laws 107–87 and 108–117.
[2] Excludes $328,000,000 in supplemental emergency appropriations.

The following table compares the fiscal year 2002 enacted level, the fiscal year 2003 estimate, and the recommended level by program, project, and activity.

Program name	Fiscal year 2002 enacted	Fiscal year 2003 estimate	Committee recommendation
Vessels:			
Survey and design—cutters and boats	$500,000	$400,000	$400,000
Seagoing buoytenders (WLB) replacement	68,000,000	4,000,000	4,000,000
Polar class reliability improvement (RIP)	4,490,000	2,200,000	2,200,000
41 foot utility boat replacement	12,000,000	4,000,000	4,000,000
85 foot fast patrol craft	4,650,000		
87 foot coastal patrol boats			12,000,000
Alex Haley conversion		3,000,000	3,000,000
Subtotal vessels	89,640,000	13,600,000	25,600,000
Integrated Deepwater Systems program (IDS):			
Aircraft	35,700,000	138,200,000	135,200,000
Surface ships	36,700,000	215,700,000	212,700,000
C4ISR	106,500,000		
Logistics	71,200,000	71,600,000	66,600,000
Other contracts	39,800,000	43,500,000	36,500,000
Government Program Management	30,300,000	31,000,000	29,000,000
Subtotal IDS	320,200,000	500,000,000	480,000,000
Aircraft:			
Aviation parts and support	9,000,000		
C130J system provisioning and training analyses	500,000		
Subtotal aircraft	9,500,000		
Other Equipment:			
Ports and Waterways Safety Systems (PAWSS)	6,000,000	5,000,000	5,000,000
Marine information for safety & law enforcement	7,450,000		

Program name	Fiscal year 2002 enacted	Fiscal year 2003 estimate	Committee recommendation
National distress system modernization	42,000,000	90,000,000	90,000,000
Defense message system implementation	1,500,000	2,100,000	2,100,000
Commercial satellite communication	1,500,000		
Global maritime distress and safety system	2,200,000	2,200,000	2,200,000
Search and rescue capabilities	1,320,000		
Thirteenth district microwave modernization	800,000	3,000,000	3,000,000
Hawaii Rainbow communications system	3,100,000	3,000,000	3,000,000
High frequency recapitalizaion & modernization	2,000,000	2,000,000	2,000,000
Prince William Sound Microwave wide-area		1,000,000	1,000,000
Security surveillance and protection			15,000,000
Command center readiness/infrastructure	727,000		
P–250 pump replacement	2,046,000		
Configuration management—phase II	3,000,000		
Self-contained breathing apparatus	1,000,000		
Maritime electro-optical sensors	4,000,000		
Ice detecting radar—Cordova, AK	650,000		
Maritime domain awareness information		9,400,000	9,400,000
Subtotal other equipment	79,293,000	117,700,000	132,700,000
Shore Facilities & aids to navigation:			
Survey and design—shore projects	4,000,000	2,500,000	2,500,000
Minor AC&I shore construction projects	4,000,000	4,900,000	4,900,000
Housing	13,500,000	7,000,000	7,000,000
Waterways ATON projects	5,500,000	4,900,000	4,900,000
Rebuild Station Port Huron, MI	3,100,000		
Consolidate warehouse—CG Yard, MD	12,600,000		
Construct new station—Brunswick, GA	3,600,000		
Replace utilities, ISC building Number 8—Boston, MA	1,600,000		
Construct engineering bldg, ISC Honolulu, HI	7,200,000		
Consolidate Kodiak aviation support—Kodiak, AK	5,700,000	4,000,000	4,000,000
Reconstruct north wall, Escanaba Municipal dock	300,000		
Rebuild ISC Seattle Pier 36—Phase I	10,000,000		16,000,000
CG Marine safety & rescue station, Chicago, IL	2,000,000		
Vessel pier facility, Cordova, AK			4,000,000
Station Manistee, MI construction		5,400,000	5,400,000
Subtotal shore facilities	73,100,000	28,700,000	48,700,000
Personnel and Related Support:			
Direct personnel costs	63,931,000	64,500,000	64,500,000
Core acquisition costs	700,000	500,000	500,000
Subtotal personnel and related support	64,631,000	65,000,000	65,000,000
Total appropriation	636,354,000	725,000,000	752,000,000

VESSELS

Response Boat Small.—The Committee notes that the Coast Guard is procuring a new standard small boat to provide the lower range capability of its shore-based response system. These Response Boats will be procured under an indefinite delivery, indefinite quantity (IDIQ) contract for a period of seven years, with an initial purchase quantity of 100 boats and a maximum quantity of 700. The Committee notes with concern, however, that the Coast Guard in the FRP has specified a specific design technology for the outboard motors that will power the Response Boat Small fleet.

It has been reported to the Committee that the decision on the specified engine technology may have been based on an out-of-date survey. The Committee, however, is more concerned that a Coast Guard FRP would still limit competition by mandating a specific engine technology rather than use a performance-based specification to maximize competition while ensuring all basic requirements are met this far into the era of procurement reform.

Accordingly, prior to exercising any options beyond the purchase of the first 100 boats, the Coast Guard may modify the contract to be either a pure performance-based specification or to specifically allow both direct injection and four-stroke engines to be considered by boat manufacturers as long as they meet the requisite performance and environmental criteria and such a change is merited based on the results of the most recent internal Coast Guard study.

Coastal Patrol Boats.—The Committee believes that Coastal Patrol Boats are an essential part of the Coast Guard's homeland defense in our ports, waterways, and territorial waters. The Committee is aware that the Coast Guard has identified the need for additional Coast Patrol Boats. In order to address one of the Coast Guard's most pressing capital needs and to prevent a fiscal year 2003 production line gap, the Committee has provided $12,000,000 for on-going procurement efforts.

INTEGRATED DEEPWATER SYSTEMS PROGRAM

The Committee has provided $480,000,000 for the Integrated Deepwater Systems (IDS) program, which is $159,800,000 or 50 percent more than the fiscal year 2002 enacted level and $20,000,000 less the budget request.

NATIONAL DISTRESS AND RESPONSE SYSTEM MODERNIZATION PROGRAM

The Committee recommends $90,000,000 requested for the modernization of the National Distress and Response System (NDRS), which is effectively the maritime 911 system for mariners in distress.

OTHER EQUIPMENT

The Committee provided $132,700,000 for Other Equipment which is the same as the budget request.

Improved security surveillance and protection.—The Committee recommends $15,000,000 only for the Coast Guard to develop and acquire equipment that will improve security surveillance and perimeter protection capabilities in the Nation's ports, waterways, and coastal zones. The Committee believes that this program has the promise not only of improving the Coast Guard's ability to respond to terrorist threats but also of minimizing the possibility that Coast Guard assets and personnel will be diverted from traditional missions to homeland security missions. The Committee further directs that these funds shall be executed as an integral component of its modernization effort to meet emerging maritime threats.

SHORE FACILITIES AND AIDS TO NAVIGATION

Minor AC&I Shore Construction Projects.—The Committee recommends $4,900,000 for Minor AC&I shore constructions projects, which is the same as the budget request. Within the funds provided, $400,000 is provided for construction of engineering building at U.S. Coast Guard Station Portsmouth Harbor in New Castle, New Hampshire.

Rebuild ISC Seattle Pier 36—Phase I.—The Committee recommendation includes an additional $16,000,000 for costs associated with repairing and rebuilding the Coast Guard's Integrated Support Center at Pier 36 in Seattle. Now that a decision has been made not to move the Integrated Support Center to an alternative site, the Committee believes it is time to move out rapidly to replace the aging infrastructure at pier 36 and give the Coast Guard personnel that work there a safe and appropriate working environment. The Committee directs the Commandant to submit an anticipated spend plan and construction schedule for this initiative prior to conference committee action on this bill.

BILL LANGUAGE

Capital investment plan.—The bill maintains the requirement for the Coast Guard to submit a 5-year capital investment plan with initial submission of the President's budget request. This requirement was first established in fiscal year 2001.

Disposal of real property.—The bill maintains the provision enacted in fiscal year 2001 crediting to this appropriation proceeds from the sale or lease of the Coast Guard's surplus real property and providing that such receipts are available for obligation only for the national distress and response system modernization program.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

Appropriations, 2002[1]	$16,927,000
Budget estimate, 2003[2]	17,000,000

Committee recommendation	17,000,000

[1] Excludes reduction of $9,000 pursuant to Public Laws 107–87 and 107–117.

[2] Excludes $218,000 in civilian and $68,000 in military accruals.

The Environmental Compliance and Restoration account provides funds to address environmental problems at former and current Coast Guard units as required by applicable Federal, State, and local environmental laws and regulations. Planned expenditures for these funds include major upgrades to petroleum and regulated-substance storage tanks, restoration of contaminated ground water and soils, remediation efforts at hazardous substance disposal sites, and initial site surveys and actions necessary to bring Coast Guard shore facilities and vessels into compliance with environmental laws and regulations.

The recommended bill provides $17,000,000 for environmental compliance and restoration. The recommendation is the same as the budget request.

ALTERATION OF BRIDGES

(HIGHWAY TRUST FUND)

Appropriations, 2002	$15,466,000
Budget estimate, 2003	
Committee recommendation	14,000,000

The ''Alteration of bridges'' appropriation provides funds for the Coast Guard's share of the cost of altering or removing bridges obstructive to navigation. Under the provisions of the Truman-Hobbs Act of June 21, 1940, as amended (33 U.S.C. 511 et seq.), the Coast Guard, as the Federal Government's agent, is required to share with owners the cost of altering railroad and publicly owned highway bridges which obstruct the free movement of navigation on navigable waters of the United States in accordance with the formula established in 33 U.S.C. 516. Alteration of obstructive highway bridges is eligible for funding from the Federal-Aid Highways program.

The Committee has provided an appropriation from the highway trust fund of $14,000,000 for the alteration of bridges, which is the same as the budget request.

The Committee recommendation is to be distributed as follows:

Bridge and Location	*Committee recommendation*
Chelsea Street Bridge Project, Boston, MA	$2,000,000.00
EJ&E Railroad Bridge, Morris, IL	1,000,000.00
Fourteen Mile CSX Railroad Bridge, Mobile, AL	5,000,000.00
John F. Limehouse Bridge, Charleston, SC	1,500,000.00
Florida Avenue Bridge, New Orleans, LA	4,500,000.00
Total	14,000,000.00

EJ&E Bridge.—The Committee is concerned about the alteration of the EJ&E railroad bridge near Morris, Illinois. To date, the Committee has provided more than $6,500,000 for this important bridge project in fiscal years 2000, 2001, and 2002. It is the Committee's understanding that design and engineering work has been completed. The Committee provides $1,000,000 for this bridge project and directs the Coast Guard to initiate construction on this project.

RETIRED PAY

Appropriations, 2002 (mandatory)	$876,346,000
Budget estimate, 2003 (mandatory)	
Committee recommendation (mandatory)	889,000,000

The ''Retired pay'' appropriation provides for retired pay of military personnel of the Coast Guard and Coast Guard Reserve, members of the former Lighthouse Service, and for annuities payable to beneficiaries of retired military personnel under the retired serviceman's family protection plan (10 U.S.C. 1431–1446) and survivor benefit plan (10 U.S.C. 1447–1455), payments for career status bonuses under the National Defense Authorization Act for Fiscal Year 2000, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act.

COAST GUARD MILITARY RETIREMENT FUND

Appropriations, 2002 (mandatory)	
Budget estimate, 2003 (mandatory)	$889,000,000
Committee recommendation (mandatory)	

The Administration proposed legislation in October 2001, to accrue fully the retirement costs of Coast Guard military personnel (as well as the Public Health Service and National Oceanic and Atmospheric administration Commissioned Corps). The account will make payments to current retirees, receive the accrual payments from Coast Guard accounts for current active duty members, and receive a payment for unfunded liabilities of Coast Guard personnel.

The program also provides for retired pay of military personnel of the Coast Guard Reserve, members of the former Lighthouse Service, and for annuities payable to the beneficiaries of retired military personnel under the retired Serviceman's family protection plan (10 U.S.C. 1431–46) and the survivor benefit plans (10 U.S.C. 1447–55); payments for career status bonuses under the National Defense Authorization Act; and payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C., ch. 55).

As discussed earlier in this report, the Committee has not appropriated funds based on the administration's proposed legislation as no action has been taken to enact this proposal by the Committee of jurisdiction.

RESERVE TRAINING

Appropriations, 2002[1]	$83,194,000
Budget estimate, 2003[2]	86,522,000
Committee recommendation	86,522,000

[1] Excludes reduction of $41,000 pursuant Public Laws 107–87 and 107–117.

[2] Excludes $303,000 civilian and $26,000,000 military accruals.

Under the provisions of 14 U.S.C. 145, the Secretary of Transportation is required to adequately support the development and training of a Reserve force to ensure that the Coast Guard will be sufficiently organized, manned, and equipped to fully perform its wartime missions. The purpose of the Reserve training program is to provide trained units and qualified persons for active duty in the Coast Guard in time of war or national emergency, or at such other times as the national security requires. Coast Guard reservists must also train for mobilization assignments that are unique to the Coast Guard in times of war, such as port security operations associated with the Coast Guard's Maritime Defense Zone [MDZ] mission, and deployable port security units associated with the international Defense Operations mission.

The recommended bill includes $86,522,000 for reserve training, which is the budget request.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

	General	Trust	Total
Appropriations, 2002[1]	$16,730,000	$3,492,000	$20,222,000
Budget estimate, 2003[2]	18,500,000	3,500,000	22,000,000
Committee recommendation	18,500,000	3,500,000	22,000,000

[1] Excludes reduction of $6,000 pursuant to Public Laws 107–87 and 107–117.

[2] Excludes $328,000 and $778,000 military accurals.

The Coast Guard's Research and Development Program seeks to improve the tools and techniques with which Coast Guard carries out its varied operational missions and to increase the knowledge base upon which it depends to fulfill its regulatory responsibilities.

The recommended bill provides a funding level of $22,000,000 for research and development projects, which is with the budget request. Of this amount $3,500,000 is to be derived from the oil spill liability trust fund. This recommendation is consistent with the budget request.

Engineered Wood Composites Technology.—The Committee is aware of engineered wood composites technology developed by the University of Maine. Engineered Wood Composites are designed to reduce maintenance cost and extend the useful life of waterfront structures. A total of $3,000,000 is provided within the funds made available to support the continued development, demonstration and evaluation of engineered wood composites at Coast Guard facilities including the U.S. Coast Guard Stations in Jonesport and Southwest Harbor ME.

Spectral Imaging Technology.—Within the funds provided, $2,500,000 is included for a pilot project to test automatic Search and Rescue Spectral Imaging technology for Coast Guard C–130 at Kalaeloa, Hawaii.

Shipboard Fire Safety.—Within the funds provided, the Committee recommendation includes $250,000 to accelerate research related to the life safety hazards inherent in high-density vessel occupancy at the U.S. Coast Guard Fire Safety and Test Detachment in Mobile, AL in coordination with the University of South Alabama.

Maritime Domain Awareness Information.—The Committee is aware of the need to improve maritime domain awareness and encourages the Coast Guard to investigate designing and installing a Maritime Domain Awareness Surveillance System demonstration project in an effort to improve port security.

Meteorological and Marine Observation Systems.—Within the funds provided, $250,000 is included for a prototype observation system in the Lower Chesapeake Bay. The Committee believes that such a system will improve short-and long-term predictions of phenomenon facilitating safe and efficient maritime operations.

BOAT SAFETY

(AQUATIC RESOURCES TRUST FUND)

Appropriations, 2002 (mandatory)	$64,000,000
Budget estimate, 2003 (mandatory)	64,000,000
Committee recommendation (mandatory)	64,000,000

This account provides financial assistance for a coordinated National Recreational Boating Safety Program for the several States. Title 46, United States Code, section 13106, establishes a ''Boat safety'' account from which the Secretary may allocate and distribute matching funds to assist in the development, administration, and financing of

qualifying State programs. The ''Boat safety'' account consists of amounts transferred from the highway trust fund which are derived from the motorboat fuel tax (18.4 cents per gallon).

The Transportation Efficiency Act for the 21st Century provides $64,000,000 of mandatory funding from the ''Aquatic Resources Trust fund'' annually for this program. Of this amount, $59,000,000 is provided for grants to States and $5,000,000 for Coast Guard administration. The President's budget requests no discretionary appropriations for fiscal year 2003.

GENERAL PROVISIONS

Vessel traffic safety fairway, Santa Barbara/San Francisco.—The bill retains a general provision (sec. 312) that would prohibit funds to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than 5 miles wide between the Santa Barbara traffic separation scheme and the San Francisco traffic separation scheme. On April 27, 1989, the Department published a notice of proposed rulemaking that would narrow the originally proposed 5-mile-wide fairway to two 1-mile-wide fairways separated by a 2-mile-wide area where off-shore oil rigs could be built if Lease Sale 119 goes forward. Under this revised proposal, vessels would be routed in close proximity to oil rigs because the 2-mile-wide non-fairway corridor could contain drilling rigs at the edge of the fairways. The Committee is concerned that this rule, if implemented, could increase the threat of offshore oil accidents off the California coast. Accordingly, the bill continues the language prohibiting the implementation of this regulation.

Quarterly acquisition reports.—The bill retains a general provision (sec. 341) requiring that the Coast Guard submit a quarterly report regarding the status of major acquisition programs.

FEDERAL AVIATION ADMINISTRATION

SUMMARY OF FISCAL YEAR 2003 PROGRAM

The Federal Aviation Administration traces its origins to the Air Commerce Act of 1926, but more recently to the Federal Aviation Act of 1958 which established the independent Federal Aviation Agency from functions which had resided in the Airways Modernization Board, the Civil Aeronautics Administration, and parts of the Civil Aeronautics Board. FAA became an administration of the Department of Transportation on April 1, 1967, pursuant to the Department of Transportation Act (October 15, 1966).

The total recommended program level for the FAA for fiscal year 2003 amounts to $13,552,225,000, which is $219,658,000 more than the fiscal year 2002 enacted level. The following table summarizes the Committee's recommendations:

[In thousands of dollars]

Program	Fiscal year— 2002 enacted [1]	Fiscal year— 2003 budget estimate	Committee recommendation
Operations	6,893,567	7,077,203	7,047,203
General fund appropriation	1,112,481	3,277,925	3,247,925
Trust fund appropriation	5,773,519	3,799,278	3,799,278
Aviation user fees	7,567	.....	.....
Facilities and equipment	2,914,000	2,981,022	2,981,022
Research, engineering, and development	195,000	124,000	124,000
Grants-in-Aid for Airports	3,300,000	3,400,000	3,400,000
Total available budget resources	13,302,567	13,582,225	13,552,225

[1] Does not reflect rescissions and reductions pursuant to Public Law 107–87 and 107–117, nor supplemental appropriations pursuant to Public Law 107–117.
[2] Excludes CSRS/FEHB accurals.

OPERATIONS

Appropriations, 2002[1]	$6,886,000,000
Budget estimate, 2003	7,077,203,000
Committee recommendation	7,047,203,000

[1] Does not reflect TASC reductions of $2,820,000 pursuant to Public Law 107–87 and Public Law 107–117, nor supplemental appropriations of $200,000,000 pursuant to Public Law 107–117 or $7,567,000 in aviation user fees.
[2] Excludes CSRS/FEHB accruals.

FAA's ''Operations'' appropriation provides funds for the operation, maintenance, communications, and logistic support of the air traffic control and navigation systems and activities. It also covers the administration and management of the regulatory, commercial space, medical, engineering, and development programs.

The bill includes $3,799,278,000 for the operations activities of the Federal Aviation Administration from the airport and airway trust fund. The balance of the operations appropriation will come from the general fund.

As in past years, FAA is directed to report immediately to the Committees on Appropriations in the event resources are insufficient to operate a safe and effective air traffic control system.

The following table summarizes the Committee's recommendation in comparison to the budget estimate:

[In thousands of dollars]

	2002 program level [1]	2003 budget estimate [2]	Committee recommendations
Air traffic services	5,446,872	5,697,537	5,662,037
Aviation regulation and certification	767,649	833,967	839,467
Civil aviation security	149,605	.....	.....
Research and acquisitions	195,559	207,600	207,600
Commercial space transportation	12,416	12,325	12,325
Regional coordination	85,735	82,192	82,192
Human resources	69,282	80,260	80,260
Financial services	50,178	48,782	48,782
Staff offices	108,704	84,890	84,890
Information Services	.....	29,650	29,650
Total	6,886,000	7,077,203	7,047,203

[1] Does not reflect TASC reductions of $2,820,000 pursuant to Public Law 107–87 and Public Law 107–117, nor supplemental appropriations of $200,000,000 pursuant to Public Law 107–117.
[2] Excludes CSRS/FEHB accruals.

Contract tower program.—The Committee continues to support the contract tower program and the cost-sharing program as a cost-effective way to enhance air traffic safety at smaller airports. The Committee's recommendation includes $78,000,000 to fund the existing contract tower program, the remaining eligible non-Federal towers not currently operated by the FAA, and other non-towered airports eligible for the program. In addition to these resources, the Committee has provided $6,000,000 for the contract tower cost-sharing program.

Medallion Program.—The Committee recommendation includes $1,500,000 to continue support for this Government and industry cooperative program to improve rural air safety in Alaska. The Medallion program has been overwhelmed with applications, and this funding will allow an expansion of the program beyond its original operating plan.

Alien Species Action Plan (ASAP).—The Committee provides $3,000,000 out of available funds to continue the implementation of the Alien Species Action Plan which was adopted by the FAA as part of its August 26, 1998 Record of Decision approving certain improvements at Kahului Airport on the Island of Maui. These funds will be used to complete capital projects that were started in fiscal year 2002 and continue the operational requirements imposed by the ASAP.

National airspace redesign.—Of the funds provided for the activity, $8,500,000 shall be for the NY/NJ Airspace Redesign effort and shall not be reprogrammed by the FAA for other activities, including airspace redesign activities outside the NY/NJ metro area. As the FAA moves forward with its redesign program in the New York/New Jersey and Philadelphia area, the Committee encourages the FAA, where appropriate, to consider air noise impacts as part of the redesign effort.

Spaceport licensing procedures.—The Committee is aware that the State of Oklahoma has a variety of locations that are ideal for orbital launches due to low population density and existing infrastructure. As such, the State of Oklahoma has been working to develop a spaceport. The Committee strongly encourages the FAA Administrator to provide the necessary technical assistance and financial resources to assist with the licensing procedures for this potential spaceport.

Non-precision GPS approaches.—The Committee recommendation includes $5,000,000 to

continue with the work associated with increasing the number of non-precision GPS instrument approaches developed and published for airports that are not Part 139 certificated. Of these funds, $1,500,000 is only for the Office of Regulation and Certification (AVR) to develop advisory materials and policy guidelines for the general aviation community.

Inspector technical training.—In March, 2002, the FAA released the results of a study which evaluated the commercial airplane certification process. One of the major findings of the study is that the FAA, airlines and aircraft manufacturers have not adequately communicated important safety information within and among their organizations. The study also concluded that proper training and adequate hands-on experience are essential to ensure that safety inspectors identify potential safety hazards. The Committee has provided $4,000,000 more than the President's request to provide additional technical training for FAA's aviation safety inspectors as the agency moves forward with the implementation of its Operational Evolution Plan (OEP). Specifically, the additional funding will provide necessary training for inspectors in order to properly certify pilots and aircraft in the Reduced Vertical Separation Minimums. The Committee also encourages the FAA to develop a plan to improve the coordination and communication process between the FAA's flight standards and aircraft certification offices.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Appropriations, 2002[1]	$2,914,000,000
Budget estimate, 2003	2,981,022,000
Committee recommendation	2,981,022,000

[1] Does not reflect $108,500,000 of supplemental appropriations pursuant to Public Law 107–117 or rescission of $15,000,000 of unobligated balances pursuant to Public Law 107–87.

[2] Excludes CSRS/FEHB accruals.

Under the ''Facilities and equipment'' appropriation, safety, capacity and efficiency of the Federal airway system are improved by the procurement and installation of new equipment and the construction and modernization of facilities to keep pace with aeronautical activity and in accordance with the Federal Aviation Administration's comprehensive capital investment plan [CIP], formerly called the national airspace system [NAS] plan.

The Federal Aviation Administration's most recent estimate is that it will spend approximately $41,901,000,000 on the Air Traffic Control Modernization effort from 1981 through 2004.

The bill includes an appropriation of $2,981,022,000 for the facilities and equipment of the Federal Aviation Administration. The Committee's recommended distributions of the funds for each of the major accounts are as follows:

FACILITIES AND EQUIPMENT

Program name	Fiscal year 2002 enacted	Fiscal year 2003 estimate	Committee recommendation
Activity 1, Improve Aviation Safety:			
Reduce Commercial Aviation Fatalities:			
Terminal Business Unit	$160,355,000	$141,000,000	$161,300,000
Aviation Weather Services Improvements	22,520,000	23,440,000	23,440,000
Low Level Windshear Alert System (LLWAS)—Upgrade	1,533,000	1,600,000	1,600,000
Aviation Safety Analysis System (ASAS)	22,100,000	21,700,000	21,700,000
Integrated Flight Quality Assurance	2,000,000	500,000	500,000
Safety Performance Analysis System (SPAS)	2,100,000	2,100,000	2,100,000
Performance Enhancement Systems (PENS)	2,500,000	2,600,000	2,600,000
Aviation Weather Services Improvements (CWIS)	5,000,000	.....	.....
Reduce General Aviation Fatalities: Safe Flight 21	39,300,000	29,800,000	32,800,000
Other Aviation Safety Programs:			
Advanced Technology Development and Prototyping	55,991,000	41,100,000	41,600,000
Aircraft Related Equipment Program	7,500,000	16,000,000	16,000,000
National Aviation Safety Data Analysis Center (NASDAC)	1,800,000	2,000,000	2,000,000
Explosive Detection Technology	97,500,000	121,500,000	55,000,000
Aircraft Fleet Modernization	1,500,000	.....	.....
Volcano Monitoring	2,000,000	.....	3,000,000
Total, Activity 1	423,699,000	403,340,000	363,640,000
Activity 2, Improve the Efficiency of the Air Traffic Control System:			
Increase the Number of Flights Handled by Airports:			
Terminal Business Unit	490,518,059	551,035,496	534,601,496
Aeronautical Data Link (ADL) Applications	38,113,200	33,200,000	29,700,000
Free Flight Phase 2	69,900,000	106,200,000	96,200,000
Air Traffic Management (ATM)	49,300,000	13,000,000	13,000,000
Free Flight Phase 1	122,570,000	39,900,000	39,900,000
Automated Surface Observing System (ASOS)	13,280,000	12,100,000	12,100,000
Improve Routing Efficiency for Flights En Route:			
Next Generation VHF Air/Ground Communications System (NEXCOM)	34,950,000	71,100,000	71,100,000
En Route Automation Program	46,200,000	71,050,000	75,250,000
Weather and Radar Processor (WARP)	24,171,000	13,600,000	13,600,000
Long Range Radar Sustainment	.....	.....	7,500,000
Improve Overall NAS Efficiency:			
Air Traffic Operations Management System (ATOMS)	1,000,000	1,100,000	1,100,000
NAS Management Automation Program (NASMAP)	1,100,000	1,900,000	1,900,000
Total, Activity 2	891,102,259	914,185,496	895,951,496
Activity 3, Increase Capacity of the NAS:			
Increase Capability of En Route Systems to Handle Flights:			
Navigation and Landing Aids	272,589,200	249,800,000	295,735,000
Oceanic Automation System	88,100,000	87,400,000	76,349,000
Gulf of Mexico Offshore Program	6,900,000	2,300,000	2,300,000
Voice Switching and Control System (VSCS)	16,000,000	14,000,000	14,000,000
Transponder Landing System	6,000,000	.....	12,000,000
Total, Activity 3	389,589,200	353,500,000	400,384,000
Activity 4, Improve Reliability of the NAS:			
Replace Terminal Equipment to Prevent Decreased Performance:			
Guam CERAP—Relocate	6,400,000	5,000,000	5,000,000
Terminal Voice Switch Replacement (TVSR)/Enhanced Terminal Voice Switch	20,000,000	6,200,000	17,200,000
Airport Cable Loop Systems—Sustained Support	4,000,000	4,000,000	5,500,000
Replace En Route Equipment to Prevent Decreased Performance:			
En Route Automation Program	155,863,000	142,800,000	147,500,000
ARTCC Building Improvements/Plant Improvements	44,000,000	40,200,000	40,200,000
Air Traffic Management (ATM)	24,500,000	24,500,000	24,500,000
Replace Supporting Systems that Impact Overall NAS Performance:			
Critical Telecommunications Support	1,900,000	1,000,000	1,000,000
FAA Telecommunications Infrastructure (FTI)	39,000,000	46,600,000	46,600,000
Air/Ground Communications Infrastructure	30,700,000	22,800,000	22,800,000
Voice Recorder Replacement Program (VRRP)	6,000,000	3,300,000	3,300,000
NAS Infrastructure Management System (NIMS)	16,000,000	29,100,000	29,100,000
Flight Service Station (FSS) Modernization	4,700,000	5,700,000	5,700,000
FSAS Operational and Supportability Implementation System (OASIS)	33,943,000	19,710,000	19,710,000
Weather Message Switching Center Replacement (WMSCR)	2,500,000	2,000,000	2,000,000
Flight Service Station Switch Modernization	10,000,000	13,200,000	13,200,000
Alaskan NAS Interfacility Communications System (ANICS)	4,000,000	2,900,000	4,000,000
Electrical Power Systems—Sustain/Support	54,200,000	50,700,000	50,700,000
NAS Recovery Communications (RCOM)	4,800,000	9,400,000	9,400,000
Aeronautical Center Infrastructure Modernization	12,000,000	11,700,000	11,700,000
Frequency and Spectrum Engineering	3,000,000	2,600,000	2,600,000

FACILITIES AND EQUIPMENT—Continued

Program name	Fiscal year 2002 enacted	Fiscal year 2003 estimate	Committee recommendation
Total, Activity 4	453,006,000	443,410,000	461,710,000
Activity 5, Improve the Efficiency of Mission Support:			
Increase Efficiency of Investment Management:			
NAS Improvement of System Support Laboratory	2,300,000	2,700,000	2,700,000
Technical Center Facilities	10,250,000	12,000,000	12,000,000
William J. Hughes Technical Center Infrastructure Sustainment	2,900,000	3,000,000	3,000,000
En Route Communications and Control Facilities Improvements	1,540,280	1,057,953	1,307,953
DOD/FAA Facilities Transfer	2,800,000	1,200,000	3,200,000
Terminal Communications—Improve	936,700	1,249,299	1,249,299
Flight Service Facilities Improvement	1,202,100	1,223,235	1,223,235
Navigation and Landing Aids—Improve	2,525,361	5,034,017	5,034,017
FAA Buildings and Equipment	11,700,000	11,000,000	11,000,000
Air Navigational Aids and ATC Facilities (Local Projects)	2,000,000	2,100,000	2,100,000
Computer Aided Engineering and Graphics (CAEG) Modernization	2,600,000	2,800,000	2,800,000
Information Technology Integration	1,500,000	1,600,000	1,600,000
Operational Data Management System (ODMS)	3,000,000	10,300,000	10,300,000
Logistics Support Systems and Facilities (LSSF)	5,000,000	9,300,000	5,000,000
Test Equipment—Maintenance Support for Replacement	900,000	1,700,000	1,700,000
Facility Security Risk Management	22,400,000	37,300,000	37,300,000
Information Security	13,600,000	13,291,000	13,291,000
Distance Learning	1,300,000	1,300,000	1,300,000
National Airspace System (NAS) Training Facilities	.....	2,300,000	2,300,000
System Engineering and Development Support	26,300,000	25,800,000	25,800,000
Program Support Leases	35,500,000	38,400,000	38,400,000
Logistics Support Services (LSS)	7,200,000	7,500,000	7,500,000
Mike Monroney Aeronautical Center—Leases	14,600,000	14,600,000	14,600,000
In-Plant NAS Contract Support Services	2,800,000	2,900,000	2,900,000
Transition Engineering Support	38,300,000	39,000,000	37,000,000
FAA Corporate Systems Architecture	1,000,000	1,000,000	1,000,000
Technical Support Services Contract (TSSC)	45,800,000	46,700,000	44,700,000
Resource Tracking Program (RTP)	4,000,000	3,700,000	2,500,000
Center for Advanced Aviation System Development	81,543,000	81,364,000	81,364,000
Operational Evolution Plan (OEP)	1,000,000	1,000,000	1,000,000
Minimize Environmental Impact of Aviation Facilities:			
NAS Facilities OSHA and Environmental Standards Compliance	28,400,000	32,600,000	32,600,000
Fuel Storage Tank Replacement and Monitoring	9,300,000	8,500,000	8,500,000
Hazardous Materials Management	21,700,000	20,500,000	20,500,000
Total, Activity 5	404,897,441	444,019,504	436,769,504
Activity 6, Personnel Compensation, Benefits and Travel:			
Personnel and Related Expenses	377,100,000	422,567,000	422,567,000
Account-wide adjustment	−25,393,900	.....	.....
Total, All Activities	2,914,000,000	2,981,022,000	2,981,022,000

IMPROVE AVIATION SAFETY

Safety and Security Activities.—The Committee recommends $6,000,000 for additional aviation safety and security activities within FAA's terminal business unit in activity one. Within the funds provided, the Committee provides $500,000 for specialized training to fight and prevent aircraft fires at the Rocky Mountain Emergency Services Training Center; $500,000 for aviation security systems upgrades at Daniel Webster College; and, $5,000,000 to an aviation security and science center at Embry-Riddle Aeronautical University.

Advanced Technology Development and Prototyping.—The Committee provides $41,600,000 for the advanced development and prototyping program which is $500,000 more than the President's budget request. The Committee is aware of a potentially cost effective technology called the Runway Obstruction Warning System (ROWS). The Committee has included $500,000 to further test and develop this technology at the Gulfport-Biloxi Airport. Also included within the funds provided is $2,000,000 for the airfield improvement program authorized under section 905 of Public Law 106–181. The recommended funding level includes $5,500,000 to continue the wind profiling and weather research activities at Juneau, Alaska.

Explosives Detection Technology.—The administration's budget for FAA ''Facilities and Equipment'' includes $124,000,000 for Explosives Detection Technology of which $2,500,000 is for personnel and support costs. Funds for Explosive Detection Technology were provided in fiscal year 2002 under both the Department of Transportation and Department of Defense Appropriations bills. Requested funds for fiscal year 2003 will be used for the deployment of FAA certified Explosive Detection Systems as well as Threat Image Projection Systems, Explosive Trace Detection Devices and Computer-Based Training Platforms. Though this funding has been requested within the FAA budget, the administration's budget request assumes that these funds will be transferred to the Transportation Security Administration. The Committee has fully funded the request for explosive detection technology by providing $55,000,000 under ''Facilities and Equipment'' to transfer to the Transportation Security Administration (TSA) and providing the balance of $69,000,000 directly to TSA. The Committee anticipates future requests for explosive detection technology and believes that management of this acquisition program and future funding requests should be tranferred to the TSA which assumed responsibility for providing, installing, and operating bomb screening devices at the nation's airports under the Aviation and Transportation Security Act.

Safe Flight 21.—The Committee recommends $32,800,000 for Safe Flight 21, which is $3,000,000 more than the budget request. The Committee is encouraged by the success of the Capstone initiative and has provided additional funding to accelerate deployment of the Capstone infrastructure in Southeastern Alaska. The Committee continues to believe that Safe Flight 21 technologies show promise of reducing runway incursions. As the program proceeds, attention should be given to how this program could promote safer ground traffic at airports and how ADS–B and other technologies could be used to address the runway incursion problem.

Volcano Monitor.—The Committee recommendation provides $3,000,000 to extend the aviation safety benefits of the seismic monitoring network to remote areas.

Airport Surface Detection Equipment (ASDE–X).—The Committee provides $104,600,000 for the Airport Surface Detection Equipment (ASDE–X) program. The amount provided is $14,300,000 more than the administration's request. The ASDE–X program will improve runway safety and prevent runway incursion accidents by improving airport controller situational awareness. This is achieved by providing visual representation of the traffic situation on the airport surface to the controller in the form of aircraft position information, flight call signs, and by alerting controllers through aural and visual alarms that a potential accident may occur. The amount provided above the administration's request will fund the development of new multi-lateration capability for deployment at the following high volume ASDE–3 sites: Memphis, Tennessee; Louisville, Kentucky; St. Louis, Missouri; Dallas, Texas; Chicago, Illinois; Los Angeles, California; and Atlanta, Georgia.

IMPROVE THE EFFICIENCY OF THE AIR TRAFFIC CONTROL SYSTEM

New York Integrated Control Complex.—The Committee recommendation includes $5,000,000 to plan and develop a facility needed to integrate the New York Air Traffic Control Center and TRACON, which are currently located 20 miles apart in outdated facilities. This integration is critical because the New York-New Jersey airspace, the most congested in the United States, is currently inefficiently managed due to the fact that controllers in separate locations must communicate by telephone under extremely trying circumstances. As a result, the controllers must be extremely cautious when moving planes in and out of the airspace. The result is often costly and exorbitant delays, which in turn generate potential safety vulnerabilities.

Aeronautical Information and Flight Planning Enhancements (AIFPE).—Within the En

Route Automation Program, the Committee has provided an additional $4,200,000 for Aeronautical Information and Flight Planning Enhancements. This additional funding will provide for new development of hand-off capability between Canada, the United States and Mexico. At present, this procedure is currently done manually. The Committee believes that automating this process will enhance both the safety and efficiency of controlled aircraft within North America.

Automated surface observing system.—The Committee's recommendation includes $12,100,000 for the automated surface observing system program as requested in the President's budget. Within the funds provided, the Committee includes $500,000 to implement an automated weather sensor system at the Driggs-Reed Memorial Airport in Idaho Falls, ID.

Long Range Radar Sustainment (LRRS).—The Committee has provided $7,500,000 for Long Range Radar Sustainment. The amount provided is the same as that provided in the recently enacted Supplemental Appropriations bill of fiscal year 2002. Together these funds will provide for a $15,000,000 sustainment program for the ARSR–4 radar systems located on the perimeter of the United States. While these radars were scheduled to be decommissioned prior to the events of September 11th, it is now apparent both to the FAA and Department of Defense that these aging radars must remain in operation.

Free flight phase two.—The Committee recommendation includes $96,200,000 for Free Flight Phase II activities. The recommendation is $26,300,000 more than the fiscal year 2002 enacted level and $10,000,000 less than the budget estimate. Within the available funds, the Committee has provided full funding for the User Request Evaluation Tool (URET).

Aeronautical Data Link (ADL) Applications.—The Committee has reduced the budget request for Aeronautical Data Link Applications to $29,700,000 which is $3,500,000 lower than the budget request. The Aeronautical Data Link program is designed to provide data link applications between ground and airborne automation systems. This program is designed to reduce voice congestion as well as grant pilots direct access to weather and air traffic control information while reducing voice communication errors. Recently FAA officials have encountered technical software development challenges in certifying the en route controller/pilot data link (CPDLC) system. As such, the FAA has postponed the deployment of the CPDLC system by roughly 2 years. The funds reduced from the budget request include $2,000,000 from the CPDLC Build II project; $500,000 from the Flight Information Service Data Link program; and, $1,000,000 from the CPDLC Decision Support System Services.

Airport surveillance radar (ASR–11).—The Committee has provided $90,000,000 for the Airport Surveillance Radar (ASR–11) program. The amount provided is $33,400,000 less than the budget request. The new ASR–11 radar is expected to provide digital radar data necessary to interface with new automation systems, such as the Standard Terminal Automation Replacement System (STARS). The FAA expects to procure this radar as part of a larger contract vehicle managed by the United States Air Force. Due to concerns over delivery delays and the performance of this radar, the FAA ordered that the ASR–11 vendor provide its final system for the development, test, and evaluation phase at the end of calendar year 2001. That date was then slipped until March of 2002. The FAA and the Air Force have been conducting such testing individually. It appears that certain problems with the radar's performance may persist, including the appearance of false targets on the radar screen in numbers that exceed the agency's specification. The FAA, like the Air Force, is now bringing the radar into operational testing to determine whether these and other problems can be resolved in the operational environment. The Committee will monitor the progress of this program carefully. Given the testing delays already encountered and the uncertainty that surrounds the next round of testing, the Committee has reduced funding for the program below the requested level.

Radar at Gallatin Airport.—The Committee is concerned about potential safety risks associated with the lack of radar coverage at Gallatin Airport, Montana, an airport whose enplanements and operations are growing. The Committee directs the administrator to conduct a site survey for the installation of the appropriate radar at the airport.

Precision runway monitor (PRM).—The Committee has provided a total of $18,000,000 for the procurement of three precision runway monitors (PRMs). This rapid update special purpose radar system enables aircraft to approach the airport in dual arrival streams with shorter separation distances and in deteriorating weather conditions. The vendor of this technology has offered to extend the existing price of PRM units, making it possible for the FAA to achieve substantial savings for the taxpayer through a three-unit purchase. The Committee expects the FAA to initiate a procurement of three systems, with the expectation that systems will be installed at Hartsfield International Airport, Detroit Metropolitan-Wayne County Airport, and one other site to be determined. Within the amount provided, sufficient funds are made available for the installation of a PRM already under contract at Cleveland Hopkins International Airport. The Committee believes that this installation will better ensure that the full capacity benefits of new runway 6L/24R will be realized.

Terminal Air Traffic Control Facilities—Replace.—The Committee recommendation provides $103,566,000 for this program. The recommendation provides funding for the following projects:

Fiscal Year 2003 Terminal Air Traffic

Pago Pago, American Samoa	$175,000
Baltimore, MD	2,088,581
Chantilly, VA	600,000
Deer Valley, AZ	803,196
Memphis, TN	1,147,000
Portland, OR (TRACON)	5,500,000
Dallas, TX (Addison)	5,700,000
Reno, NV	8,349,000
Fort Wayne, IN	3,539,000
Newport News, VA	6,400,000
La Guardia, NY	9,460,000
St. Louis, MO (TRACON)	1,500,000
Corpus Christi, TX	700,000
Beaumont, TX	1,000,000
Seattle, WA (ATCT)	550,000
Salina, KS	500,000
Newark, NJ	3,000,000
Pt. Columbus, OH	2,100,000
Grand Canyon, AZ	255,898
Savannah, GA	919,190
Newburgh, NY	2,065,000
Richmond, VA	550,000
Vero Beach, FL	878,775
Everett, WA	925,000
Roanoke, VA	550,000
Merrimack, NH (BCT)	4,700,000
Seattle, WA (TRACON)	4,782,701
Phoenix, AZ	14,107,919
Manchester, NH	943,609
Wilkes Barre, PA	2,000,000
Topeka, KS	1,690,131
Billings, MT	2,120,000
Missoula, MT	2,000,000
Provo, UT	666,000
Albuquerque, NM	1,800,000
Columbus, MS	1,500,000
Las Vegas, NV	3,000,000
Columbia, SC	1,000,000
Reno, NV (TRACON)	4,000,000
Total	103,566,000

Oakland Tower Replacement.—The Committee has reduced the request for Terminal Air Traffic Control Facilities Replacement by $19,000,000. This reduction is attributable to the deletion of funding for the replacement of the air traffic control tower at Oakland, California. Based on the FAA's newly updated contracting schedule, the agency will not be able to contract for this tower within fiscal year 2003.

Static Transfer Switches.—The Committee commends the FAA for procuring and installing static transfer switches at en route facilities. The switches enable air traffic control centers to switch to back-up power systems quickly in order to prevent computers from ''crashing.'' The Committee encourages the FAA to proceed expeditiously with this effort.

Notams Graphics.—The Committee directs the FAA to expand the use of graphics to not only flight service stations but also to provide pilots with advisory graphics of information contained in the NOTAMs including temporary flight restrictions. It is important that graphics on Special Use Airspace also be made available, and the Committee believes that advisory graphics can be conveyed through the Direct User Access Terminal System and other sources, including the internet.

INCREASE CAPACITY OF THE NAS

Navigation and landing aids.—The Committee provides a total of $307,735,000 to modernize the FAA's navigation and landing aids systems which is $57,935,000 more than the President's budget request. Within the funds provided, the Committee includes $1,500,000 for navigation aids and equipment at the Nikolski Airport; $4,000,000 for navigation and landing improvements at the Cincinnati Northern Kentucky International Airport; $4,000,000 for navigation and landing improvements for Lambert-St. Louis International Airport; and, $800,000 for remote transmitter receivers at Las Vegas-McCarran International Airport.

Wide Area Augmentation System (WAAS).—The Committee continues to be concerned about the diminishing return on investment expected from the deployment of the Wide Area Augmentation System as well as the accuracy of the FAA's budget for this program during consideration of the fiscal year 2002 Appropriations bill. The administrator submitted a special request for funding to obtain a third geo-stationary satellite to support the WAAS signal. The Committee funded this special request but the FAA has now informed the Committee that the initiative, as so many others within the WAAS program, will be delayed. The FAA has now decided to execute a competitive contract for this satellite communications service. This has resulted in a diminished requirement for funds in fiscal year 2003. As a result, the Committee has lowered funding for the WAAS program to $98,900,000, a reduction of $11,600,000 from the budget request.

Loran-C Upgrade/Modernization.—Within the funds provided for navigation and landing aids, the Committee includes $21,000,000 for Loran-C upgrades and modernizations.

Instrument Landing System (ILS)—Establish/upgrade.—The Committee recommendation provides $36,180,000 and directs the increase above the budget request to be distributed as follows:

Mena Intermountain Municipal Airport, AR	$580,000.00
Winder-Barrow Airport, GA	4,000,000.00
Olive Branch Airport, MS	600,000.00
Reno/Tahoe International Airport, NV	1,500,000.00
Pangborn Memorial Airport, WA	1,500,000.00
Wasilla Airport, AK	1,000,000.00
Stuttgart Municipal Airport, AR	2,000,000.00
Talladega Municipal Airport, AL	1,500,000.00

Transponder Landing System (TLS).—The Committee recommendation provides $12,000,000, an increase of $6,000,000 over the fiscal year 2002 appropriated level to acquire and site TLS units. The Committee directs the FAA to conduct surveys and cost benefit analysis for TLS deployments with the appropriated funding at the following locations:

Driggs-Reed Memorial and Sandpoint, ID	$4,000,000
William H. Morse Airport, Bennington, VT	2,000,000
Elko and Minden-Tahoe Airports, NV	4,000,000
La Grand/Union County Airport, OR	2,000,000

In addition, the Committee recognizes that most of these sites are repeated from previous legislation and directs the FAA to use previous appropriations expeditiously to install these and previously named sites. The Committee further expects the FAA to expeditiously install and commission all previously named sites that are found to be suitable for installation once type acceptance has been reinstated.

Approach Lighting System Improvement (ALSIP).—The Committee recommendation provides $29,755,000 for the procurement and deployment of runway lighting system to facilitate improved and precision landing capabilities at various airports. The Committee directs funding to be allocated to the airports listed below as follows:

Auburn-Opelika R.G. Pitts Airport, AL (MALSR)	$1,500,000
Reno-Stead Airport, NV (MALSR)	2,400,000
Baton Rouge Municipal Airport, LA (MALSR)	750,000
Cleveland Hopkins Int'l, Runway 24L (MALSR)	400,000
Alaska statewide rural airport lighting	11,000,000
North Little Rock Municipal, AR (MALSR)	450,000

In addition, the Committee provides $6,000,000 to reduce the backlog of MALSR systems that are awaiting installation and $4,000,000 to procure additional systems. The Committee recommends that the FAA continue to procure the latest equipment that has been approved for use in the National Aerospace System (NAS).

Advanced technology and oceanic procedures.—The Committee has been supportive of the need to improve the capability of air traffic services over the Atlantic and Pacific Oceans and has been concerned about delays and difficulties the FAA has experienced in the past with the Advanced Technologies and Oceanic Procedures (ATOP) procurement. Although considered a non-developmental acquisition, it was determined after the contract was awarded in June, 2001, that the amount of essential software to be developed and tested was severely underestimated. Due to the additional complexity, delays in software development continue to plague the procurement, and the factory-level acceptance testing which was scheduled to be completed in September, 2002, has yet to begin. The Committee urges the FAA to aggressively manage this procurement and deletes $11,051,000 in anticipation of the cascading effect software development problems will have on the delivery of the first system.

IMPROVE RELIABILITY OF THE NAS

Airport cable loop systems.—The Committee recommendation provides $5,500,000 to continue FAA's efforts to upgrade and replace deteriorated cable of the surveillance and landing communications systems within the National Airspace System. Within the request provided is $1,500,000 for a fiber optic loop around Las Vegas-McCarran International Airport.

Flight service station switch modernization.—The Committee has included $13,200,000 for the flight service station switch modernization program as requested in the budget request. This modernization program will replace 65 voice switching systems at Automated Flight Service Stations and provide eight small tower voice switches for the non-automated Flight Service Stations in the Alaskan region. The Committee believes it would be prudent for the FAA to deploy the switches consistent with its OASIS implementation plan. At the same time, the Committee cautions FAA not to use this direction as a reason to delay the implementation of the OASIS system.

Terminal Voice Switch Replacement (TVSR)/Enhanced Terminal Voice Switch (ETVS).—The Committee provides $17,200,000 for the Terminal Voice Switch Replacement (TVSR) program. This modernization program is designed to replace 421 electro-mechanical and non-supportable electronic voice pitching systems. The amount provide over the budget request will be used for the following activities: $3,000,000 will be used for additional conferencing capability to improve interagency coordination during periods of security vulnerabilities which was identified by the FAA after the events of September 11th, 2001; and, $8,000,000 will be used to increase substantially the number of ETVS/RDVS units procured in 2003.

Alaska NAS Interfacility Comm System (ANICS).—The Committee recommendation includes $4,000,000. This is $1,100,000 more than the requested level of funding and is the same level appropriated in fiscal year 2002. With this amount, sufficient funding has been provided to begin installation at a second Phase II site this year.

Initial Academy Training System (IANTS).—Within the En Route Automation Program, the Committee has provided $16,900,000 over and above the budget request for the Initial Academy Training System program (IATS). These additional funds will provide a standardized Display System Replacement (DSR) training platform at the FAA Academy located in Oklahoma City, OK. At present, newly hired air traffic controllers train at the academy on outdated M–1 consoles and do not receive any training on the standardized Display System Replacement platform until they arrive at an Air Route Traffic Control Center (ARTCC). These additional funds will be critical to the training of what is expected to be an increased number of new recruits to replace controllers entering retirement.

En Route Automation Program.—The Committee has reduced the funding requested for the En Route Automation Program by $12,200,000. This reduction is attributable to a level of unobligated balances that continue to mount in the En Route Communications Gateway program. Over a 3 year period between fiscal year 2000 and 2002, the Committee has appropriated $104,700,000 for the Eunomia/ECG Program. The FAA has rescoped this program, which is designed to replace the Peripheral Adapter Module Replacement Item (PAMRI) equipment, to meet other critical needs as determined by the FAA's Air Traffic Services office. Due to the delays associated with the rescoping of the ECG program, it is anticipated that the program will have an unobligated balance of $12,200,000 entering fiscal year 2003. The Committee has adjusted the fiscal year 2003 budget request to account for this unobligated balance.

FAA Telecommunications Infrastructure (FTI).—The Committee has provided $46,600,000 for FAA's Telecommunications Infrastructure (FTI). The amount provided is the same as the budget request. The FTI Program is intended to improve telecommunications services within the FAA's NAS and non-NAS infrastructures. The current incumbent provider of these services is WorldCom. Given the recent financial troubles besetting this company, the Committee is concerned with the company's ability to continue to provide critical telecommunications services for the nation's air traffic control infrastructure. While the FAA has now awarded the new FTI contract to another vendor, WorldCom recently signed a 5-year bridge contract to provide for a transition period between WorldCom and the new provider. The Committee is concerned about WorldCom's ability to perform all elements of the 5-year bridge contract. As such, the Committee directs that the administrator develop a contingency plan for the continuation of telecommunications services in the event that WorldCom is incapable of fulfilling its contract obligations. The Committee expects the administrator to coordinate with the Office of the Inspector General in the development of this contingency plan.

Air/Ground Communications Infrastructure.—Within the funds provided for air/ground communications infrastructure, the Committee has included $3,000,000 to develop and test a prototype capability to transmit critical flight data from aircraft to ground station using currently installed data management and communications equipment.

IMPROVE THE EFFICIENCY OF MISSION SUPPORT

DOD/FAA facilities transfer.—The Committee recommends $3,200,000, including $2,000,000 for the Lawton/Fort Sill Regional Airport ARAC (Airport Radar Approach Control).

En route communications and control facilities improvements.—The Committee provides $1,307,953 for en route communications and control facilities improvements, which is $250,000 more than the President's budget. Within the amount provided, the Committee includes $250,000 for a remote communications outlet at Keokuk, IA Airport.

Asset Support Chain Management (ASCM).—The Committee has provided $5,000,000 for the Logistics Support Systems and Facilities activity. This program will provide a single

integrated planning, inventory, and asset management solution to improve the FAA's performance, financial, and logistics information systems. The amount provided is $4,300,000 less than the budget request. This reduction is attributable to the slippage in a number of programmed elements.

Transition Engineering Support.—The Committee has provided $37,000,000 for Transition Engineering Support. This program supports the NAS Implementation Support Contract (NISC). The amount provided is $2,000,000 less than the budget request and the Committee believes that this slight reduction can be easily accommodated without any significant impact on the agency's overall NAS modernization effort.

Technical Services Support Contract (TSSC).—The Committee has provided $44,700,000 for the Technical Services Support Contract. The amount provided is $2,000,000 less than the level in the budget request. This adjustment is attributable to savings adjusted by the FAA resulting from the transition from a new TSSC contract the reduction is expected to have no impact on system performance.

Resource Tracking Program (RTP).—The Committee has provided a total of $2,500,000 for the Resource Tracking Program. This amount is $1,200,000 less than the budget request. This reduction will result in the deferral of software maintenance upgrades. However, this deferral should in no way undermine the FAA's ability to improve the integrity of its internal budgeting processes.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Appropriations, 2002[1]	$195,000,000
Budget estimate, 2003[2]	124,000,000
Committee recommendation	124,000,000

[1] Does not reflect $50,000,000 of supplemental appropriations pursuant to Public Law 107–117.

[2] Excludes CSRS/FEHB accruals.

This appropriation finances research, engineering, and development programs to improve the national air traffic control system by increasing its safety, security, productivity, and capacity. The programs are designed to meet the expected air traffic demands of the future and to promote flight safety. The major objectives are to keep the current system operating safely and efficiently; to protect the environment; and to modernize the system through improvements in facilities, equipment, techniques, and procedures in order to insure that the system will safely and efficiently handle the volume of aircraft traffic expected to materialize in the future.

COMMITTEE RECOMMENDATION

The Committee recommendation includes $124,000,000, for the FAA's research, engineering, and development activities.

A table showing the fiscal year 2002 enacted level, the fiscal year 2003 budget estimate, and the Committee recommendation follows:

RESEARCH, ENGINEERING AND DEVELOPMENT

Program Name	Fiscal year 2002 enacted	Fiscal year 2003 estimate	Committee recommendation
Improve Aviation Safety:			
Reduce Commercial Aviation Facilities:			
Fire Research and Safety	$5,242,000	$6,429,000	$6,429,000
Propulsion and Fuel Systems	5,998,000	3,998,000	4,998,000
Advanced Materials/Structural Safety	1,338,000	1,374,000	1,374,000
Flight Safety/Atmospheric Hazards Research	4,494,000	3,101,000	4,101,000
Aging Aircraft	25,600,000	20,974,000	20,974,000
Aircraft Catastrophic Failure Prevention Research	2,794,000	1,920,000	1,920,000
Flightdeck/Maint/Sysy Integration Human Factors	8,003,000	8,411,000	8,411,000
Reduce General Aviation Fatalities:			
Propulsion and Fuel Systems	2,570,000	1,713,000	1,713,000
Advanced Materials/Structural Safety	1,636,000	1,679,000	1,679,000
Flight Safety/Atmospheric Hazards Research	1,926,000	1,329,000	1,329,000
Aging Aircraft	6,400,000	5,243,000	5,243,000
Flightdeck/Maint/Sysy Integration Human Factors	1,903,000	2,000,000	2,000,000
Aviation System Safety:			
Aviation Safety Risk Analysis	5,784,000	6,926,000	6,926,000
ATC/AF Human Factors	8,500,000	10,317,000	10,317,000
Aeromedical Research	6,121,000	6,603,000	6,603,000
Weather Research	13,877,000	19,406,000	19,406,000
Improve Efficiency of Air Traffic Control System: Weather Research Efficiency	9,791,000	9,099,000	12,099,000
Reduce Environmental Impacts of Aviation: Environment and Energy	22,081,000	7,698,000	2,698,000
Improve Efficiency of Mission:			
System Planning and Resource Management	1,200,000	1,459,000	1,459,000
Technical Laboratory Facilities	12,250,000	6,455,000	6,455,000
Strategic Partnership	400,000	610,000	610,000
System Security Technology:			
Explosives and Weapons Detection	32,624,000	.....	.....
Airport Security Technology Integration	2,084,000	.....	.....
Aviation Security Human Factors	5,163,000	.....	.....
Aircraft Hardening	4,640,000	.....	.....
Information System Security	2,581,000	.....	.....
Accountwide adjustment: CSRS/FEHB accruals	.....	−2,744,000	−2,744,000
Total Appropriation	195,000,000	124,000,000	124,000,000

IMPROVE AVIATION SAFETY

Propulsion and fuel systems.—The Committee recommendation provides a total of $6,711,000 for propulsion and fuel systems research to reduce commercial and general aviation fatalities. Within the funds provided, the Committee includes $1,000,000 to continue the activities of the specialty metals processing consortium and $1,000,000 for additional research into the performance and combustion characteristics of aviation grade ethanol fuels.

Flight safety/atmospheric hazards research.—The Committee recommendation includes a total of $5,430,000, including $3,000,000 for flight safety/atmospheric hazards research to continue the development of in-flight simulator training for civilian and commercial pilots at the Roswell Industrial Center.

Aging aircraft.—The Committee recommendation includes a total of $26,217,000 for the aging aircraft program to reduce commercial and general aviation fatalities. The Committee has provided resources to continue the collaborative efforts between the FAA and several public and private organizations including the Center for Aviation Systems Reliability (CASR), the Airworthiness Assurance Center of Excellence (AACE) and the Engine Titanium Consortium (ETC). Within the appropriation, the recommendation includes $3,500,000 for the Center for Aviation Systems Reliability (CASR); $4,000,000 for the Airworthiness Assurance Center of Excellence (AACE); $3,000,000 for the Engine Titanium Consortium (ETC); $3,000,000 for the Aging Aircraft Nondestructive Inspection Validation Center (AANC); and, $2,500,000 for the Center for Aviation Research and Aerospace Technology (CARAT).

Anomalous flight monitor.—Within the funds provided, the Committee includes $3,000,000 to develop a pilot project at Seattle-Tacoma International Airport to create a system that integrates and leverages the capabilities of mobile software objects to monitor and understand current air traffic operations and to sense the ''state'' of an aircraft for anomalous flight conditions.

Weather research safety.—The Committee recommendation provides $19,406,000 to continue the FAA's weather research program that is focused on system safety. Within the funds provided for weather research, the Committee recommendation includes $5,000,000 to continue research to identify wake turbulence by utilizing pulsed laser Doppler radar technology.

IMPROVE THE EFFICIENCY OF AIR TRAFFIC CONTROL SYSTEM

Weather research efficiency.—The Committee includes $12,099,000 for weather research to improve the efficiency of the air traffic control system. Within the funds provided, the Committee includes $5,000,000 for wake turbulence research to expedite the development of new standards and procedures.

REDUCE ENVIRONMENTAL IMPACT OF AVIATION

Environment and energy research.—The Committee provides $2,698,000 for environment and energy research, a reduction of $5,000,000 due to budget constraints.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

Appropriations, 2002[1]	$1,800,000,000
Budget estimate, 2003	3,100,000,000

Committee recommendation	3,100,000,000

[1] Does not reflect $175,000,000 of direct supplemental appropriations pursuant to Public Law 107–117.

Chapter 471 of title 49, U.S.C. authorizes a program of grants to fund airport planning and development and noise compatibility planning and projects for public use airports in all States and territories.

The Committee recommends $3,100,000,000 in liquidating cash for grants-in-aid for airports. This is consistent with the Committee's obligation limitation on airport programs for fiscal year 2002 and for the payment of previous years' obligations.

COMMITTEE RECOMMENDATION

Obligation limitation, 2002	$3,300,000,000
Budget estimate, 2003	3,400,000,000
Committee recommendation	3,400,000,000

The total program level recommended for fiscal year 2003 for grants-in-aid to airports is $3,400,000,000 and is intended to be sufficient to continue the important tasks of enhancing airport and airway safety, ensuring that airport standards can be met, maintaining existing airport capacity, and developing additional capacity. The amount provided includes $81,049,000 for administration and airport technology research. Also, the Administration proposes that the grants-in-aid funds be used to make up for shortfalls in overflight fee collections to fund the essential air service program.

The Committee notes that a sizable alternative source of funding is available to airports in the form of passenger facility charges [PFC's]. The first PFC charge began for airlines tickets issued on June 1, 1992. DOT data shows that as of May 1, 2002, 330 airports have been approved for collection of PFC's in the amount of $34,000,000,000. During calendar year 2001 airports collected $1,590,000,000 in PFC charges, and $1,940,000,000 is estimated to be collected in calendar year 2002. Of the airports collecting PFC's, approximately one-fifth collected about 90 percent of the total, and all of these are either large or medium hub airports. Prior to the authorized increase in PFC charges, the DOT estimated that these airports will collect more than $1,610,000,000 in calendar year 2001, depending on the number of applications received and approved and assuming current statutory authority. The first collections at the new $4.50 PFC level began on April 1, 2001 at 31 airports. Eventually, the funding to airports from the 50 percent nominal increase in authorized passenger facility charges will result in dramatically increased resources for airport improvements, expansions, and enhancements.

LIMITATION ON OBLIGATIONS

The bill includes a limitation on obligations of $3,400,000,000 for fiscal year 2003. This is the same as the President's budget request and $100,000,000 over the fiscal year 2002 enacted level.

A table showing the distribution of these funds compared to the fiscal year 2002 levels and the President's budget request follows:

	Fiscal year 2003 (Est.)
AIR–21 Appropriations Limitation	$3,400,000,000
Airports Operations	−64,620,000
Research & Development	−16,429,000
Small Community Program	−20,000,000
Available for AIP Grants	3,298,951,000
Primary Airports	1,028,358,014
Cargo (3.0 percent)	98,968,530
Alaska Supplemental	21,345,114
States (20.0 percent):	
Non-Primary Entitlement	341,887,082
State Apportionment by Formula	317,903,118
Subtotal	659,790,200
Carryover Entitlement	300,000,000
Subtotal Entitlements	2,108,461,858
Small Airport Fund:	
Non Hub Airports	183,303,989
Non Commercial Service	91,651,994
Small Hub	45,825,997
Subtotal Small Airport Fund	320,781,980
Subtotal Non Discretionary	2,429,243,838
Noise (34 percent of Disc)	295,700,436
Reliever (0.66 percent of Disc)	5,740,067
MAP (4 percent of Disc)	34,788,286
Subtotal Disc Set-asides	336,228,789
C/S/S/N	400,108,780
Remaining Discretionary	133,369,593
Subtotal Other Discretionary	533,478,373
Subtotal Discretionary	$869,707,162
GRAND TOTAL	3,298,951,000

AIRPORT DISCRETIONARY GRANTS

Within the overall obligation limitation in this bill, over $869,000,000 is available for discretionary grants to airports. The Committee has carefully considered a broad array of discretionary grant requests that can be expected in fiscal year 2003. Specifically, the Committee expects the FAA to give priority consideration to applications for the projects listed below in the categories of the AIP for which they are eligible. If funds in the remaining discretionary category are used for any projects in fiscal year 2003 that are not listed below, the Committee expects that they will be for projects for which FAA has issued letters of intent (including letters of intent the Committee recommends below that the FAA subsequently issues), or for projects that will produce significant aviation safety improvements or significant improvements in systemwide capacity or otherwise have a very high benefit/cost ratio.

Within the program levels recommended, the Committee directs that priority be given to applications involving the further development of the following airports:

Subaccount	Project Name
Abilene Airport, TX	Various Improvements
Akutan Airport, AK	Various Improvements
Allen Army Airbase, AK	Various Improvements & Maintenance
Anchorage Int'l Airport, AK	Various Improvements
Andalusia Opp, AL	Runway/Taxiway Overlay
Andrews-Murphy Airport, NC	Various Improvements
Ankeny Regional Airport, IA	Hangar, Taxiway, Apron
Artesia Municipal Airport, NM	Various Improvements
Atka Airport, AK	Various Improvements
Atmore Municipal Airport, AL	Improvements in Safety Zones
Austin Straubel Field, WI	Various Improvements
Autauga County Airport, AL	Overlay, Widen Existing Runway
Baltimore-Washington Int'l Airport, MD	Various Improvements
Barbour County Regional, WV	Various Improvements
Barkley Regional Airport, KY	Runway Extension, Various Improvements
Barter Island Dew Airport (Kaktovik), AK	Various Improvements
Bartlesville Municipal Airport, OK	Runway, Safety Area
Batesville Regional Airport, AR	Various Improvements
Baxter County Regional Airport, AR	Runway
Benedum Airport, WV	Various Improvements
Bert Mooney Airport, MT	Various Improvements
Billings Airport, MT	Terminal & Security
Birmingham International Airport, AL	Various Improvements
Bismark Municipal Airport, ND	Terminal Replacement
Blackwell Field Airport, AL	Land Acquisition for Runway Extension
Bob Wiley Field Airport, SD	Various Improvements
Bowling Green/Warren Regional, KY	Facility
Bowman Field Airport, KY	Various Improvements
Braxton County Airport, WV	Various Improvements
Bremerton Airport, WA	Various Improvements
Bruce Campbell Field Airport, MS	Land Acq., Taxiway
Buffalo Int'l Airport, NY	Runway,Taxiway Ext./Rehab.
Burlington-Alamance Airport, NC	Various Improvements
Bush Field Airport, GA	New Terminal, Access & Parking
Carl P. Savage Airport, GA	Runway Extension & Widening
Cartersville/Bartow Airport, GA	Various Improvements
Central Illinois Regional.Bloomington-Normal, IL	Airport Improvement Projects

Subaccount	Project Name
Central Nebraska Regional Airport, NE	Taxiway & Runway
Central Wisconsin Airport, WI	Runway, Taxiway
Centre Municipal Airport, AL	Land Acquisition & Runway Ext.
Chan Gurney Airport, SD	Runway Lighting System
Charlottsville-Albermarle Airport, VA	Various Improvements
Cherokee County Airport, GA	Runway Ext., Taxiway & Hangar
Cherry Capital Airport, MI	Terminal Construction
Cheyene Airport, WY	Runway Safety Area & Taxiway
Cheyenne Airport, CO	Runway Safety & Taxiway
Cheyenne Eagle Butte, SD	Reservation Hangar
Chippewa County Int'l Airport, MI	Passenger Terminal
Cincinnati Northern Kentucky Regional, KY	Feasibility Study
Clarion County Airport, PA	Runway Expansion
Clark County Airport, IN	Lengthen Runway
Cleveland-Hopkins Int'l Airport, OH	Noise Mitigation
Clinton Airport, IA	Runway, Taxiway Paving
Concord Regional Airport,NC	Runway Ext., Land Acquisition
Connellsville Airport, PA	Runway Extension
Council Bluffs Airport, IA	Land Acquisition, Runway
Craig Field Airport, AL	Runway Improvements
Cumberland Regional Airport, MD	Various Improvements
Dane County Regional Airport, WI	Runway Construction
Davenport Municipal Airport, IA	New Terminal Building
Davis City Airport, WV	Various Improvements
Denton Municipal Airport, TX	Improvements
Denver International Airport, CO	Runway
Detroit Metro Wayne County Airport, MI	Terminal, Runway Rehabilitation
Dona Ana County Airport, NM	Runway and Taxiway
Drake Field, AR	Various Improvements
Eagle County Airport, CO	Radar Improvements
Eastern Iowa Regional Airport, IA	Taxiway, Aprons
Eastern West Virginia, WV	Various Improvements
Easterwood Airport, TX	Various Improvements
Elkins-Randolph Field, WV	Various Improvements
Emmett County Regional Airport, MI	Passenger Terminal
Erie International, PA	Runway Extension
Fairfield County Airport, SC	Runway Extension
Fairfield Municipal Airport, IA	Runway & Taxiway
Fairhope Municipal Airport, AL	New Runway
Fairmont Municipal Airport, WV	Various Improvements
False Pass Airport, AK	Various Improvements
Fayette Airport, WV	Various Improvements
Ford Airport, MI	Runway Reconstruction
Freeport Albertus Airport, IL	Airport Improvement Projects
Fort Lauderdale Airport, FL	Automated People Mover Study
General Mitchell International Airport , WI	Taxiway Extension
Georgetown Air Services Airport, DE	Security Improvements
Glacier Park Int'l Airport, MT	Infrastructure Projects
Glynco Jetport, GA	Terminal, Renovation
Golden Triangle Regional Airport, MS	Various Improvement
Grand Forks Int'l Airport, ND	Runway & Parallel Taxiway
Grant County Airport, WV	Various Improvements
Great Falls International Airport, MT	Category III Upgrades
Greater Rochester Int'l Airport, NY	Various Improvements
Greater Rockford Airport, IL	Airport Improvement Projects
Greenbriar Valley Airport, WV	Various Improvements
Gulfport-Biloxi Airport, MS	Terminal Expansion & Security
Harrell Field Airport, AR	Various Improvements
Harrisburg International Airport, PA	Multimodal Terminal
Headland Municipal Airport, AL	Land Acquisition, Runway, & Taxiway
Helena Regional Airport, MT	Facility Modernization
Henry E. Rohlsen Airport, St. Croix	Runway Extension
Herrell Field Airport, AR	Repair Facility Camden
Highmore Municipal Airport, SD	Runway
Holly Springs-Marshall County Airport, MS	Runway Extension
Houston Municipal Airport, MS	Improvements
Houston Municipal Airport, TX	AIP Priority Language
Huntsville International Airport, AL	Air Cargo Apron Expansion and Related Improvements
Indiana City-Jimmy Stewart Airport, PA	Runway Extension
Jackson County Airport, WV	Various Improvements
Jackson Int'l Airport, MS	Terminal Renovations
Jackson Municipal Airport, AL	Improvement Project
Johnstown-Cambria County Airport, PA	Distribution Center
Jonesboro Municipal Airport, AR	Runway Expansion & terminal
Joplin Regional Airport, MO	Terminal Improvements
Juneau Harbor Int'l Airport, AK	Various Improvements
Kansas City Downtown Airport, MO	Runway & Terminal Improvements
Kee Field Airport, WV	Various Improvements
Kennett Memorial Airport, MO	Runway Improvements
Ketchikan Int'l Airport, AK	Various Improvements
Key Field Airport, MS	New Terminal Building
Kodiak Airport, AK	Various Improvements
LaCrosse Municipal Airport, WI	Parallel Taxiway
Lafayette Airport, LA	Runway, Taxiway
Lambert Airport, MO	Parks & Runway Project
Lawrence County Airport, PA	Various Improvements
Lehigh Valley International Airport, PA	Lighting
Lewis County Airport, MO	Hangar Projects
Lewis University Airport, IL	Runway & Hangar
Livingston County Airport, MI	Runway Construction
Logan County Airport, WV	Various Improvements
Louisville Int'l Airport, KY	Integrated Advanced Technology, Noise
Madison Airport, MS	Land Acquisition, Taxiway
Madison County Airport, AL	Various Improvements
Manistee County Blacker Airport, MI	Terminal Building
Marion-Crittenden County Airport, KY	Expansion
Marks Airport, MS	Runway Extension
Marlinton City Airport, WV	Various Improvements
Marshall City Airport,WV	Various Improvements
Mason City Airport, IA	Runway
Mason County Airport, WV	Various Improvements
McAlester Airport, OK	Runway & Various Improvements
McComb-Pike County Airport, MS	Various Improvements
McKinney Municipal Airport, TX	Taxiway
Memorial Field Airport, AR	Terminal Hangars
Mercer City Airport, WV	Various Improvements
Meridian Key Field Airport, MS	Construction
Miami International Airport, FL	Apron Construction Project
Mingo County Airport, WV	Various Improvements
Minneapolis-St. Paul Int'l Airport, MN	De-icing/holding pad

Subaccount	Project Name
Missoula Int'l Airport, MT	Master Plan, Runway, Land
Monroe Municipal Airport, NC	Security Improvements
Monroe Regional Airport, LA	Terminal
Montgomery Regional (Dannelly Field) Airport, AL	Terminal Improvements
Morganton-Lenoir Airport, NC	Terminal & Parking
Morgantown Muni-walter, WV	Various Improvements
Nashville Int'l Airport, TN	Security Enhancement
New Castle County Airport, DE	Digital Video Recording System
New Orleans Airport, LA	Various Improvements
Newport News-Williamsburg Int'l, VA	Baggage Claim Facility
Newton Airport, IA	Taxiway
Niagara Falls Int'l Airport, NY	Hangar Demolition
Northwest Arkansas Regional, AR	Airport Expansion
Oakland Pontiac County Airport, MI	Noise Mitigation Program
Ogden Hinckley Airport, UT	Runway Extension
Orlando Int'l Airport, FL	Wildlife Attractants Project
Orlando Sanford International Airport, FL	Runway
Ottumwa Industrial Airport, IA	Taxiway
Palmer Municipal Airport, AK	Various Improvements
Petersburg Airport, AK	Runway Apron & Various Improvements
Philadelphia International Airport, PA	Capital Improvements
Philadelphia Municipal Airport, MS	Airfield Expansion
Pierre Regional Airport, SD	Runway & Lighting System
Pilot Point, AK	Airport Expansion
Pittsburgh International Airport, PA	Runway & Security
Port Columbus Int'l Airport, OH	Airport Improvements
Port Heiden Airport, AK	Airport Expansion
Princeton/Caldwell County Airport, KY	Runway Extension
Pryor Field Regional, AL	Various Improvements
Quad City Airport/Moline, IL	Airport Improvement Projects
Raleigh City Memorial, WV	Various Improvements
Ralph Wein Memorial Airport (Kotzebue) AK	Various Improvements
Ralph Wien Memorial, AK	Passenger Terminal, Road Relocation
Reagan National Airport, VA	Various Improvements
Reno Stead Airport, NV	Runway and Taxiway
Reno/Tahoe Int'l Airport, NV	Taxiway, Runway
Richard B. Russel Airport, GA	Runway Extension & Security
Ripley County Airport, MS	Runway Extension
Roberts Field Airport, OR	Terminal, Expansion
Rock County Airport,WI	Runway
Rockingham-Hamlet County Airport, NC	Expansion
Romeo State Airport, MI	Runway Improvements
Roswell Airport, NM	Maintenance Facility Expansion
Russellville Municipal Airport, AL	Runway Extension
Rutland State Airport, VT	Public Taxiway
Ryan Field Baton Rouge Airport, LA	Various Improvements, Language
Saline County, AR	Relocation
Shreveport Regional Airport, LA	Runway, Noise, Cargo
Southcenteral, AK	Float Plane Facility
Spencer City Airport, WV	Various Improvements
Spokane Int'l Airport, WA	Taxiway
Springfield Capital Airport, IL	Airport Improvement Projects
Springfield/Branson Mid-field, MO	Terminal Project
St. George, UT	Replacement Airport Land Acquisition
St. Louis Lambert, MO	Expansion & Noise Mitigation
St. Paul & St. George, Pribilof Island, AK	Runway Improvements
Stanly County Airport, NC	Various Improvements
Statesville Airport, NC	Various Improvements
Stennis Int'l Airport, MS	Expansion
Stockton Metro Airport,CA	Upgrades
Summersville Airport, WV	Various Improvements
The Eastern Iowa Airport, IA	Taxiway, Apron
Toledo Express Airport, OH	Remediation & Land Development
Tom B David Field Airport, GA	Security & Infrastructure
Tri-State/Walker-Long Field, WV	Various Improvements
Troy Municipal Airport, AL	Land Acquisition, Runway, Parallel Taxiway
Tulsa International Airport, OK	Security Improvements
Tunica County Airport, MS	Construct Main Aircraft Parking Apron
Unalaska Airport, AK	Various Improvements
Upshur County Regional Airport, WV	Various Improvements
Vermillion Airport, IL	Various Improvements
Walnut Ridge Regional Airport, AR	Runway Extension
Washington Memorial Airport, MO	Runway Project
Waynesboro Municipal Airport, MS	Extension and Runway Widening
Weedon Field Airport, AL	Construct Parallel Taxiway
Welch Municipal Airport, WV	Various Improvements
Wendell H. Ford Airport, KY	Various Improvements
Wheeling-Ohio Airport, WV	Various Improvements
Wilmington International, NC	Various Improvements
Winfield City Airport, WV	Various Improvements
Winona-Montgomery County Airport, MS	Various Improvements
Wood City/Gill Robb Wilson Field, WV	Various Improvements
Yeager Airport, WV	Various Improvements

LETTERS OF INTENT

Congress authorized FAA to use letters of intent [LOI's] to fund multiyear airport improvement projects that will significantly enhance systemwide airport capacity. FAA is also to consider a project's benefits and costs in determining whether to approve it for AIP funding. FAA adopted a policy of committing to LOI's no more than about 50 percent of forecasted discretionary funds allocated for capacity, safety, security, and noise projects. The Committee viewed this policy as reasonable because it gave FAA the flexibility to fund other worthy projects that do not fall under a LOI. Both FAA and airport authorities have found letters of intent helpful in planning and funding airport development.

ADMINISTRATION

The bill provides that, within the overall obligation limitation, $81,049,000 is available for administration of the airports program by the FAA and airport technology research.

The Committee recommendation includes $16,429,000 for Airport Technology Research. The program is included in AIP for fiscal year 2003 as the research directly supports improvements in airport safety, capacity, and efficiency. The research is directed at mitigation of wildlife strike hazards to aircraft, improvement of airport rescue and firefighting, improvement of airport lighting and marking, reduction in runway incursions, and improvement in airport pavement and design. It also includes funding for the 18 FTE in the Airport Technology Branch at the William J. Hughes Technical Center and continued operation of the pavement test facility at the Technical Center.

GENERAL PROVISIONS

Second career training program.—The Committee has included bill language which was included in the President's budget request which prohibits the use of appropriated funds for the second career training program. This prohibition has been carried in annual appropriations acts for many years.

Sunday premium pay.—The bill retains a provision, first included in the fiscal year 1995 appropriations bill, which prohibits FAA from paying Sunday premium pay, except in those cases where the individual actually worked on a Sunday. This provision is identical to that which was in effect for fiscal

years 1995–2002. It was requested by the administration for fiscal year 2003.

Manned auxiliary flight service stations.—The Committee has retained bill language which was requested by the administration to prohibit the use of funds for operating a manned auxiliary flight service station in the contiguous United States. There is no funding provided in the ''Operations'' account for such stations in fiscal year 2003.

Facilitating Environmental Reviews to Increase Airport Capacity.—The bill authorizes the Federal Aviation Administration (sec. 338) to use funds from airport sponsors, including the airport's ''Grants-in-Aid for Airports'' entitlement funds, for the hiring of additional staff or for obtaining services of consultants for the purpose of facilitating environmental activities related to airport projects that add critical airport capacity to the national air transportation system.

FAA and TSA Facilities on Airport Property.—The bill includes a provision (sec. 335) that prohibits funds in this Act to be used to adopt guidelines or regulations requiring airport sponsors to provide the Federal Aviation Administration or the Transportation Security Administration ''without cost'' buildings, maintenance, or space for FAA services. The prohibition does not apply to negotiations between FAA and airport sponsors concerning ''below market'' rates for such services or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities. The prohibition also does not apply to the TSA's use of space for security checkpoints.

FEDERAL HIGHWAY ADMINISTRATION

SUMMARY OF FISCAL YEAR 2003 PROGRAM

The principal mission of the Federal Highway Administration is to, in partnership with State and local governments, foster the development of a safe, efficient, and effective highway and intermodal system nationwide including access to and within National Forests, National Parks, Indian Lands and other public lands.

Under the Committee recommendations, a total program level of $32,892,767,000 would be provided for the activities of the Federal Highway Administration in fiscal year 2003. The following table summarizes the fiscal year 2002 program levels, the fiscal year 2003 program request and the Committee's recommendations:

[In thousands of dollars]

Program	Fiscal year— 2002 program level	Fiscal year— 2003 budget estimate	Committee recommendation
Federal-aid highways limitation [1]	31,799,104	23,204,787	31,800,000
Limitation on administrative expenses [1]	(311,000)	(317,732)	(317,732)
Exempt Federal-aid obligations	965,308	892,767	892,767
Appalachian Development Highway System	200,000	.....	200,000
Total	32,964,412	24,097,554	32,892,767

[1] Does not reflect TASC reduction of $841,000 in section 349 of Public Law 107–87 as amended by sec. 1106, Public Law 107–117.

LIMITATION ON ADMINISTRATIVE EXPENSES

Appropriations, 2002 [1]	$311,000,000
Budget estimate, 2003 [2]	317,732,000
Committee recommendation [2]	317,732,000

[1] Does not reflect TASC reduction of $841,000 in section 349 of Public Law 107–87 as amended by sec. 1106, Public Law 107–117.

[2] Funding for motor carrier administration expenses is included as a separate limitation in the Federal Motor Carrier Safety Administration.

The limitation on administrative expenses controls spending for virtually all the salaries and expenses of the Federal Highway Administration. The Transportation Equity Act for the 21st Century changed the funding source for the highway research accounts from the administrative takedown of the Federal-Aid Highway Program to individual contract authority provisions. The Committee recommends a limitation of $317,732,000. Within the funds provided, the Committee includes $1,261,000 for the Office of Intermodalism.

The following table reflects the fiscal year 2002 level, the 2003 level requested by the administration, and the Committee's recommendation:

[In thousands of dollars]

Program	Fiscal year— 2002 level	Fiscal year— 2003 budget estimate	Committee recommendation
Administrative expenses:			
Salaries and benefits	222,936	231,857	231,857
Travel	9,473	9,473	9,473
Transportation	465	465	465
GSA rent	20,621	24,646	24,646
Communications, rent, and utilities	9,607	9,607	9,607
Printing	1,412	1,412	1,412
TASC	7,025	6,184	6,184
Supplies	2,000	2,000	2,000
Equipment	4,536	4,536	4,536
Other (including Office of Intermodalism)	32,925	27,552	27,552
Total	[1] 311,000	317,732	317,732

[1] Does not reflect TASC reduction of $841,000 in section 349 of Public Law 107–87 as amended by section 1106, Public Law 107–117.

The Committee recommends the following items be funded under section 104(a)(1)(A): $106,967,000 for the border enforcement program within the Federal Motor Carrier Safety Administration. Within that amount, $47,000,000 shall be available for the construction of border inspection facilities along the U.S./Mexico border. The administration's budget proposed that this $47,000,000 expenditure be funded as a statutory earmark within the National Corridor Planning and Development Program.

Child passenger protection education grants.—The Committee recommendation includes $7,500,000 to continue providing grants, as authorized under section 2003(b) of TEA21, that train safety professionals on all aspects of proper child restraint use and educate the public on the installation, selection, and placement of child safety seats.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Limitation, 2002 [1]	$31,799,104,000
Budget estimate, 2003	23,204,787,000
Committee recommendation	31,800,000,000

[1] Does not reflect 0.22 percent reduction in section 1403 of Public Law 106–554.

The accompanying bill includes language limiting fiscal year 2003 Federal-aid highways obligations to $31,800,000,000 an increase of $896,000 over the fiscal year 2002 enacted level and $8,595,213,000 over the budget request.

The following table shows the distribution of highway funds apportioned to the States under four scenarios: the fiscal year 2002 enacted level, the President's budget, the level authorized in TEA21 without any negative adjustment associated with the Revenue Aligned Budget Authority Program, and the Committee recommendation.

FEDERAL HIGHWAY ADMINISTRATION ESTIMATED FISCAL YEAR 2003 DISTRIBUTION OF OBLIGATION LIMITATION

States	Actual fiscal year 2002 distribution [1]	Fiscal year 2003 estimate (includes negative RABA) [1]	Fiscal year 2003 TEA21 (No RABA) [1]	Fiscal year 2003 Committee recommendation [1]
Alabama	$561,362,701	$415,438,659	$497,809,309	$567,869,060
Alaska	314,793,656	243,992,539	282,049,558	313,768,347

FEDERAL HIGHWAY ADMINISTRATION ESTIMATED FISCAL YEAR 2003 DISTRIBUTION OF OBLIGATION LIMITATION—Continued

States	Actual fiscal year 2002 distribution [1]	Fiscal year 2003 estimate (includes negative RABA) [1]	Fiscal year 2003 TEA21 (No RABA) [1]	Fiscal year 2003 Committee recommendation [1]
Arizona	486,222,525	360,625,443	428,178,058	478,661,057
Arkansas	362,646,673	271,870,783	325,162,357	371,441,005
California	2,516,921,592	1,873,897,524	2,251,986,391	2,680,029,943
Colorado	353,162,510	262,226,522	315,313,485	368,466,026
Connecticut	408,915,843	309,661,533	366,787,459	415,502,470
Delaware	119,922,108	89,903,183	107,786,314	123,206,642
Dist. of Col	110,272,767	80,228,034	97,670,902	112,945,593
Florida	1,288,949,611	962,397,636	1,138,108,292	1,334,666,973
Georgia	988,683,758	736,644,102	874,372,963	995,203,340
Hawaii	142,269,483	105,377,242	126,117,171	144,088,890
Idaho	211,274,214	158,107,857	188,164,413	214,046,391
Illinois	933,052,868	687,635,445	828,349,186	952,148,248
Indiana	637,416,428	480,626,303	571,752,610	650,490,398
Iowa	329,539,179	244,147,409	295,194,209	339,521,596
Kansas	324,853,609	237,945,876	288,082,372	331,223,637
Kentucky	483,773,648	357,260,223	428,654,998	497,841,866
Louisiana	433,572,935	326,043,519	391,892,073	454,098,837
Maine	147,086,603	108,424,690	130,260,610	149,362,482
Maryland	444,585,693	334,786,649	402,215,120	466,181,774
Massachusetts	514,199,794	382,618,573	460,170,290	530,161,004
Michigan	894,928,134	664,400,228	792,891,230	876,106,351
Minnesota	408,442,237	304,948,964	367,024,766	422,274,333
Mississippi	355,303,061	264,919,392	317,912,106	348,105,687
Missouri	646,921,711	481,643,989	579,580,765	664,998,661
Montana	266,186,472	202,334,294	239,147,070	270,616,228
Nebraska	215,987,903	157,601,762	190,753,358	219,515,887
Nevada	197,993,516	147,568,451	175,748,970	200,382,228
New Hampshire	140,214,707	105,843,997	126,691,084	145,005,638
New Jersey	724,629,766	534,247,633	643,336,952	758,886,345
New Mexico	268,590,255	201,195,690	240,387,850	274,350,991
New York	1,401,040,155	1,050,848,025	1,260,822,015	1,441,245,722
North Carolina	773,663,974	576,896,840	686,915,153	793,097,613
North Dakota	179,364,219	133,140,857	159,945,661	183,248,856
Ohio	961,276,478	715,885,800	858,861,756	973,391,935
Oklahoma	428,332,860	313,870,027	379,144,803	440,166,401
Oregon	337,795,085	252,007,794	303,669,209	347,798,226
Pennsylvania	1,391,590,528	1,031,424,560	1,241,077,672	1,422,313,254
Rhode Island	164,111,783	121,859,206	145,918,370	167,259,925
South Carolina	461,159,042	345,741,214	411,340,455	469,006,236
South Dakota	199,167,503	148,832,688	178,370,728	203,967,247
Tennessee	622,352,003	470,475,704	564,021,658	633,775,449
Texas	2,146,241,884	1,593,917,206	1,895,420,532	2,212,128,509
Utah	216,502,048	159,143,771	192,107,692	220,961,112
Vermont	124,154,439	92,915,343	111,740,964	128,540,498
Virginia	709,623,612	537,180,528	640,818,719	714,910,358
Washington	493,764,590	363,330,177	438,456,193	503,641,269
West Virginia	308,053,178	231,628,118	278,412,016	319,158,153
Wisconsin	545,543,085	405,758,783	482,676,315	548,560,941
Wyoming	188,996,676	141,882,461	170,844,171	196,628,021
Subtotal	27,885,409,102	20,781,303,246	24,870,116,373	28,590,967,653
Allocation Programs [2]	3,913,694,898	2,423,483,754	2,783,883,627	3,209,032,347
Total	31,799,104,000	23,204,787,000	27,654,000,000	31,800,000,000

[1] Includes Special Limitation for Minimum Guarantee, Appalachia and High Priority Projects and excludes Exempt Minimum Guarantee and Emergency Relief.
[2] Includes territories.

FEDERAL-AID HIGHWAYS PROGRAMS

The roads and bridges that make up our nation's highway infrastructure are built, operated, and maintained through the joint efforts of Federal, State, and local governments. States have much flexibility to use Federal-aid highway funds to best meet their individual needs and priorities, with FHWA's assistance and oversight.

The Transportation Equity Act for the 21st Century (TEA21), the highway, highway safety, and transit authorization through fiscal year 2003 makes funds available in the following major categories:

National highway system.—The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 authorized the National Highway System (NHS), which was subsequently established as a 163,000-mile road system by the National Highway System Designation Act of 1995. This system serves major population centers, intermodal transportation facilities, international border crossings, and major destinations. It is comprised of all interstate routes, selected urban and principal rural arterials, defense highways, and major highway connectors carrying up to 76 percent of commercial truck traffic and 44 percent of all vehicle traffic. A State may transfer up to half of its NHS funds to the Surface Transportation program (STP) and all NHS funds with the concurrence of the Secretary of Transportation. The Federal share of the NHS is an 80 percent match and funds remain available for 4 fiscal years.

Interstate maintenance.—The 46,567-mile Dwight D. Eisenhower National System of Interstate and Defense Highways retains a separate identity within the NHS. This program finances projects to rehabilitate, restore, resurface and reconstruct the Interstate system. Reconstruction of bridges, interchanges, and over-crossings along existing interstate routes is also an eligible activity if it does not add capacity other than high occupancy vehicle (HOV) and auxiliary lanes.

All remaining Federal funding to complete the initial construction of the interstate system has been provided through previous highway legislation. The TEA21 provides flexibility to States in fully utilizing remaining unobligated balances of prior Interstate Construction authorizations. States with no remaining work to complete the Interstate System may transfer any surplus Interstate Construction funds to their Interstate Maintenance program. States with remaining completion work on Interstate gaps or open-to-traffic segments may relinquish Interstate Construction fund eligibility for the work and transfer the Federal share of the cost to their Interstate Maintenance program.

Funds provided for the Interstate maintenance discretionary program in fiscal year 2003 shall be available for the following activities in the corresponding amounts:

Project	*Amount*
I–15 Reconstruction, 10800 South to 600 North, UT	$6,000,000
I–182/SR–240 Interchange Reconstruction, WA	3,000,000
I–195 Relocation Project, RI	3,000,000
I–25 Broadway & Alameda Interchange Rebuilding, CO	5,000,000
I–29 Madison Street Interchange, Sioux Falls, SD	4,000,000
I–295 Via Duct to I–76, NJ	2,000,000
I–30/I–35 Dallas, Construction of Bridges for Trinity River, TX	6,000,000
I–90, Exit 32 Interchange at Sturgis, SD	4,000,000
I–35/Turkey Creek, Reconstruction Project, KS	3,000,000
I–40 Crosstown Realignment, OK	6,000,000
I–40 Paseo del Volcan Interchange, Albuquerque, NM	2,000,000
I–44 & US 65 Interchange, MO	2,000,000
I–55 Church Rd. to TN State Line, DeSoto County, MS	10,000,000
I–55/US–49 Flyover Near Jackson, MS	6,000,000
I–65/70 Market Square Redesign/Replace ramp, IN	5,000,000
I–75 Improvements South West Florida, FL	2,000,000
I–75/I–475 Systems Interchange Upgrade at North Cove, OH	1,100,000
I–90 Joint Port of Entry Project, WY	2,500,000
Marquette Interchange Reconstruction, WI	8,000,000

Project	Amount
Port of Garfield Road & Bridge Road, WA	500,000
Route 80 Paterson Interchange, NJ	400,000
Sunnyside, South First St. Reconstruction, WA	1,500,000
SW First-NW Lake Road Project, WA	3,000,000
Union Gap, Valley Mall Blvd., WA	1,500,000
US–12, Burbank to Walla Walla, WA	2,500,000
US–63/I–70 Interchange Improvements, MO	10,000,000

Surface transportation program.—The surface transportation program (STP) is a very flexible program that may be used by the states and localities for any roads (including NHS) that are not functionally classified as local or rural minor collectors. These roads are collectively referred to as Federal-aid highways. Bridge projects paid with STP funds are not restricted to Federal-aid highways but may be on any public road. Transit capital projects are also eligible under this program. The total funding for the STP may be augmented by the transfer of funds from other programs and by minimum guarantee funds under TEA21 which may be used as if they were STP funds. Once distributed to the states, STP funds must be used according to the following percentages: 10 percent for safety construction; 10 percent for transportation enhancement; 50 percent divided among areas of over 200,000 population and remaining areas of the State; and, 30 percent for any area of the state. Areas of 5,000 population or less are guaranteed an amount based on previous funding, and 15 percent of the amounts reserved for these areas may be spent on rural minor collectors. The Federal share for the STP program is 80 percent with a 4-year availability period.

Bridge replacement and rehabilitation program.—This program is continued by the TEA21 to provide assistance for bridges on public roads, including a discretionary set-aside for high cost bridges and for the seismic retrofit of bridges. Fifty percent of a state's bridge funds may be transferred to the NHS or the STP, but the amount of any such transfer is deducted from the national bridge needs used in the program's apportionment formula for the following year.

At least 15 percent, but not more than 35 percent, of a State's apportioned bridge funds must be spent on bridges not on the Federal-aid system.

Funds provided for the bridge discretionary program in fiscal year 2003 shall be available for the following activities in the corresponding amounts:

Project	Amount
Bull Slough Bridge Repair, AL	$1,000,000
Canvas Bridge, Nicholas County, WV	6,000,000
Covered Bridges, including $2,000,000 for Vermont	8,000,000
Depot Street Bridge restoration, Beacon Falls, CT	1,000,000
Historic Woodrow Wilson Bridge, Flowood, MS	1,000,000
Hot Metal Bridge, PA	500,000
Hwy-19 Bridge Replacement, Hermann, MO	5,000,000
I–195 Washington Bridge Replacement, RI	7,000,000
Indian River Inlet Bridge Repairs in Sussex, DE	5,000,000
Lexington Bridge, Cowlitz-Wahkiakum, WA	7,500,000
Market Street Bridge Replacement, Lycoming County, PA	3,500,000
Missouri River Two State Bridge Project, NE	2,000,000
Monroe St. Bridge Rehabilitation, Spokane, WA	2,500,000
Pearl Harbor Memorial Bridge Reconstruction, New Haven, CT	6,000,000
Pomeroy-Mason Bridge, Mason County, WV	6,000,000
Red Cliff Arch Bridge Restoration/US24, CO	6,000,000
Waldo-Hancock Bridge Rehabilitation, ME	5,000,000
Russell St. Viaduct Replacement (MD295), Baltimore, MD	6,000,000
Sauvie Island Bridge, Replacement Project, OR	3,000,000
Tate's Bluff, Arkansas Replacement Bridge, AR	1,500,000
Two Medicine River Bridge, MT	4,000,000
US231 Southbound Tennessee River Bridge Replacement, AL	8,000,000
Wacker Drive Reconstruction, Chicago, IL	4,500,000

National Historic Covered Bridge Preservation Program.—The Committee recommendation provides $8,000,000 for the covered bridge program within the funds made available for the discretionary bridge program. Within this amount, $2,000,000 shall be made available for covered bridges in the State of Vermont.

Congestion mitigation and air quality improvement program.—This program provides funds to States to improve air quality in non-attainment and maintenance areas. A wide range of transportation activities are eligible, as long as DOT, after consultation with EPA, determines they are likely to help meet national ambient air quality standards. TEA21 provides greater flexibility to engage public-private partnerships, and expands and clarifies eligibilities to include programs to reduce extreme cold starts, maintenance areas, and particulate matter (PM–10) non-attainment and maintenance areas. If a State has no non-attainment or maintenance areas, the funds may be used as if they were STP funds.

On-road and off-road demonstration projects may be appropriate candidates for funding under the CMAQ program. Both sectors are critical for satisfying the purposes of the CMAQ program, including regional emissions and verifying new mobile source control techniques.

Federal lands highways.—This program provides authorizations through three major categories—Indian reservation roads, parkways and park roads, and public lands highways (which incorporates the previous forest highways category)—as well as a new category for Federally-owned public roads providing access to or within the National Wildlife Refuge System. TEA21 also establishes a new program for improving deficient bridges on Indian reservation roads.

The Committee directs that the funds allocated for this program in this bill and in permanent law are to be derived from the FHWA's public lands discretionary program, and not from funds allocated to the National Park Service's regions. Funds provided for the Federal lands program in fiscal year 2003 shall be available for the following activities:

Project	Amount
Arches National Park Main Entrance Relocation, UT	$1,250,000
BIA Route 13/Route 1 Project, Makah, WA	5,400,000
Blackstone River Valley Bikeway, RI	2,000,000
Cattle Point Road, San Juan County, WA	350,000
Chilatchee Creek Park Access Road Improvements, AL	475,000
Colonial Historic Park—Jamestown 400th Anniversary Transportation Improvements, VA	2,170,000
Council Grove Lake Embankment Roadway, KS	1,500,000
Downeast Heritage Center, Parking & Access, ME	200,000
Fort Drum Road Improvements, NY	770,000
Freemont County Project, WY	1,100,000
Frog Level Road, Neshoba County, MS	1,000,000
Gateway Trail, Grand Canyon National Park, AZ	1,380,000
Glacier National Park, Going-to-the-Sun Road, MT	5,000,000
Hawaii Statewide Improvements	5,000,000
Highway 93 Expansion Project, MT	1,400,000
Homochitto National Forest Access Rd, Lincoln, MS	2,000,000
Hoonah Road (FM), AK	1,400,000
Hoover Dam Bypass New Bridge downstream of Dam, NV	6,750,000
Hoover Dam Bridge Bypass, AZ	7,000,000
Hwy 2 Highline EIS Project, MT	1,000,000
I–215 Widening, NV	3,500,000
Iditarod Historic National Trail Project, AK	500,000
Kenai River Trail, AK	500,000
KS–115 and KS–911 Interchange, KY	1,000,000
Lewis and Clark, Gates of the Mountains Road Project, MT	600,000
Marsh-Billings-Rockefeller Park Pedestrian Walkway, VT	380,000
Metlakatla/Walden Point Road, AK	2,000,000
Naknek Lake Camp Road, AK	3,400,000
Rocks-Back Country Byway, Stage 2, ID	2,000,000
Shotgun Cove Road, AK	2,000,000
Southeast Alaska Seatrails, AK	750,000
Spirit Lake Tribe Shared Use Path, Fort Totten, ND	520,000
SR–149 Resurfacing, Rio Grande National Forest, CO	2,000,000
SR–164 Muckleshoots, WA	420,000
US 95 Widening Laughlin Cut-off to Railroad Pass, NV	10,000,000
USMC Heritage Center Access, VA	2,000,000
Yakama Signal Peak Road, WA	4,150,000

Broughton Bridge improvements.—A total of $1,850,000 was provided to make improvements to Broughton Bridge, Kansas in Public Laws 106–346 and 107–87. The balance shall be available to make improvements to the access road to the bridge, including pavement overlay and related shoulder work.

Minimum guarantee.—Under TEA21, after the computation of funds for major Federal-aid programs, additional funds are distributed to ensure that each State receives an additional amount based on equity considerations. This minimum guarantee provision ensures that each State will have a return of 90.5 percent on its share of contributions to the highway account of the Highway Trust Fund. To achieve the minimum guarantee each fiscal year, $2,800,000,000 nationally is available to the States as though they are STP funds (except that requirements related to set-asides for transportation enhancements, safety, and sub-State allocations do not apply), and any remaining amounts are distributed among core highway programs.

Value pricing program.—As the fiscal year 2003 applications for the value pricing program are being reviewed, the Committee encourages FHWA to support the data collection phase of the pay-as-you-drive variable pricing research program in Atlanta, GA.

Emergency relief.—This program provides for the repair and reconstruction of Federal-aid highways and Federally-owned roads which have suffered serious damage as the result of natural disasters or catastrophic failures. TEA21 restates the program eligibility specifying that emergency relief (ER) funds can be used only for emergency repairs to restore essential highway traffic, to minimize the extent of damage resulting from a natural disaster or catastrophic failure, or to protect the remaining facility and make permanent repairs. If ER funds are exhausted, the Secretary of Transportation may borrow funds from other highway programs.

High priority projects.—TEA21 includes 1,850 high priority projects specified by the Congress. Funding for these projects totals $9,359,850,000 over the 6 year period with a specified percentage of the project funds made available each year. Unlike demonstration projects in the past, the funds for TEA21 high priority projects are subject to the Federal-aid obligation limitation, but the obligation limitation associated with the projects does not expire.

Transportation Infrastructure Finance and Innovation Act (TIFIA).—Programs authorized under the Transportation Infrastructure Finance and Innovation Act (TIFIA) provide credit assistance on flexible terms directly to public-private sponsors of major surface transportation projects to assist them in gaining access to the capital markets. The Committee believes that TIFIA is an important part of the Federal Government's overall infrastructure investment effort—one that is likely to grow in importance and size in the future. Unfortunately, demand for resources under the program has not kept pace with the contract authority available under TEA21. As such, the program is expected to carry an unspent balance of over $100,000,000 into fiscal year 2003. The Committee believes that the carryover balances will adequately cover the likely demand for projects in 2003. As such, the Committee has used the program's contract authority to augment funding for the Transportation and Community and System Preservation Pilot Program (TCSP), the National Corridor Planning and Development Program, and the Coordinated Border Infrastructure and Safety Program. Demand for resources under these programs will far outstrip current authorizations in 2003.

National corridor planning and border infrastructure programs.—TEA21 created a national corridor planning and development program that identifies funds for planning, design, and construction of highway corridors of national significance, economic growth, and international or interregional trade. Allocations may be made to corridors identified in section 1105(c) of ISTEA and to other corridors using considerations outlined in legislation. The coordinated border infrastructure program is established to improve the safe movement of people and goods at or across the U.S./Mexico and U.S/Canada borders.

Funds provided for the National Corrider and Border Infrastructure Program shall be available for the following activities:

Project	*Amount*
Appalachian North-South Corridor Planning Study, MD	$1,000,000
Billings Bypass Development, MT	4,000,000
Charlotte/Mecklenburg County N/S Transitway, Inc.	2,000,000
Coalfields Expressway, McDowell County, WV	9,000,000
Continental—1 Hwy Trade Corridor, PA	1,000,000
Cottondale-Holt Highway, AL	10,000,000
Everett Development 41st Street Interchange, WA	1,000,000
Fall River—Route 79 Improvements, MA	1,000,000
FAST Corridor Project, WA	10,000,000
Ft. Wainwright Alternative Access & Chena River Crossing, AK	2,000,000
Hoover Dam Bridge Bypass, AZ	2,000,000
Hwy 412, Widening, Paragould, Hwy 141, AR	7,000,000
Hwy-28 Expansion, Vernon Parish, LA	4,500,000
I–5, SR 542 Widening Sunset Drive Orleans to Britton Rd., WA	2,000,000
I–5 Trade Corridor, OR	4,000,000
I–10/LA1 Interchange Bypass, West Baton Rouge Parish, LA	750,000
I–15 widening project, North Las Vegas, NV	1,000,000
I–20 Garrett Road, Monroe, LA	750,000
I–35–E Widening, Dallas and Ellis Counties, TX	5,000,000
I–49 Northern Extension, LA	3,470,000
I–49 Southern Extension, LA	3,470,000
I–69 Anderson to Flagship Park Center, IN	2,000,000
I–69 Construction, TX	5,000,000
I–74 Bridge Project, IA	4,000,000
I–80 Colfax Narrows Project, CA	1,000,000
I–85 Extension from Montgomery to I–20/59, AL	1,000,000
Japonski Island Road, AK	1,000,000
Kenai Peninsula Borough Road Improvements, AK	1,000,000
King Coal Highway, Mercer County, WV	9,000,000
KY61 Greensburg to Columbia, KY	8,000,000
LA 1 Embankment Stabilization Improvements, LA	3,470,000
LA 11 St. Tammamy Parish, LA	400,000
LA 37-U.S. 190 Central Thruway Connector	3,470,000
LA 820, Lincoln Parish, LA	750,000
East-West Highway, ME	3,000,000
Mill Plain Boulevard at I–205, WA	3,500,000
Missisquoi Bay Bridge Reconstruction, VT	3,000,000
New Route 905, Otay Mesa to I–5/I–85m, CA	5,000,000
North Country Trans. Study, Plattsburgh/Watertown, NY	2,000,000
Olathe 127th Street Overpass, KS	2,000,000
Arkansas-Tennessee River Crossing Projects	1,000,000
Panama City Beach, Florida West Bay Bridge Project, FL	2,000,000
Peach St. Corridor Improvement Project, PA	2,600,000
Pearl River Bridge Connector, I–55 to SR 475, Jackson, MS	8,000,000
Polk County Highway 22 Project, OR	2,000,000
Route 24/140 Interchange, MA	1,500,000
Rt-12 Corridor Improvement Project, NY	5,000,000
Rt-403 Relocation, East Greenwich/North Kingstown, RI	2,000,000
SR–130 Right of Way Willamson, Guadalupe, Travis and Caldwell, TX	10,000,000
SR–332 Reconstruction at I–69, Delaware County, IN	1,800,000
Snake River Crossing, Twin Falls, ID	1,000,000
Sunland Park Dr. Border Rd. Extension, NM	5,000,000
Tuscaloosa Eastern Bypass, AL	12,000,000
US–5 Improvements from Derby to Barton, VT	2,000,000
US–23 Buford Hwy Pedestrian Safety Project, GA	1,000,000
US–26 Widening SB-Heartland Expressway, NE	3,000,000
US–35/Route 34 to I–64, Putnam County, WV	4,000,000
US–51 to MS–43 Connector Road, Canton, MS	1,200,000
US–60 widening in Butler County, MO	8,000,000
US–85/C–470 Santa Fe Interchange, CO	6,000,000
US–95, milepost 536 stage 2 construction, Boundary County, ID	1,400,000
US–95, Worley to Mica, Stage 2, ID	7,000,000
US–287 Corridor Development, OK	3,100,000
US–287, Wiley Junction Improvements, CO	4,000,000
US–395, North Spokane Corridor, WA	5,000,000
US–412, AR	8,000,000
US 17/521 Improvements, Georgetown, SC	2,500,000
WV Route 10, Logan County, WV	8,000,000
Western Hamilton County Corridor Study, OH	2,000,000
Yakima Grade Separation, WA	3,500,000

Middle East-West Highway.—Of the funds provided for Middle East-West Highway, ME, not less than $1,000,000 shall be used to study a potential East-West corridor in Maine and other Northeastern States.

Ferry boats and ferry terminal facilities.—Section 1207 of TEA21 reauthorized funding for the construction of ferry boats and ferry terminal facilities.

Funds provided for the Ferry boats and ferry terminal facilities program under the Committee recommendation shall be available for the following activities in the corresponding amounts:

Project	*Amount*
Beale Street Landing/Docking Facility, Memphis, TN	$500,000
Coffman Cove/Wrangell/Petersburg Ferries & Ferry Facility, AK	1,200,000
Corpus Christi Ferry Terminal, TX	500,000
Dock Construction for Hickman/Fulton County, Riverport, KY	1,000,000
Ferry Boat Replacement for Rockland and Vinalhaven, ME	2,250,000
Fire Island Ferry Terminal, Saltaire, NY	500,000
Friday Harbor Ferry Terminal Preservation, WA	2,000,000
Kitsap Transit, Sidney Landing Terminal, WA	2,000,000
Middle Bass Ferry Dock Improvements, phase II, OH	750,000
Mobile Waterfront Terminal, AL	2,000,000
North Carolina Shipyard, Manns Harbor, NC	300,000
San Francisco Bay Area Water Transit Authority Ferry Project, CA	2,500,000
Ship Island Terminal, Gulfport, MS	500,000
Stamford Ferry Terminal, CT	1,000,000
Vallejo Baylink Ferry, Terminal and Facilities, CA	1,000,000
TEA21 Setaside	20,000,000

National scenic byways program.—This program provides funding for roads that are designated by the Secretary of Transportation as All American Roads (AAR) or National Scenic Byways (NSB). These roads have outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities. The Committee recommendation provides $26,500,000 for this program in fiscal year 2002.

Transportation and community and system preservation pilot program.—TEA21 created a new transportation and community and system preservation program that provides grants to States and local governments for planning, developing, and implementing strategies to integrate transportation and community and system preservation plans and projects. These grants may be used to improve the efficiency of the transportation system, reduce transportation externalities and the need for future infrastructure investment, and improve transportation efficiency and access consistent with community character. Funds provided for this program for fiscal year 2003 shall be available for the following activities:

Project	*Amount*
Aberdeen Downtown Revitalization, WA	$100,000
Alexandria, Third St. Downtown Reconnect Project, LA	350,000
Amsterdam Revitalization Waterfront, NY	500,000
Antelope Valley Overpass, Lincoln, NE	1,000,000
Atchinson Riverfront Access Parkway Project, KS	1,000,000
Bagley Road Pedestrian Project, Berea, OH	1,300,000
Bellingham Central Avenue Pedestrian Corridor, WA	250,000
Billings Railroad Separation Study, MT	100,000
Boston Long Island Pier ADA Compliance, MA	200,000
Camp Gorsuch Road & Related Improvements, AK	500,000
Charles Town Gateway Revitalization Project, WV	300,000
Charleston Renaissance Gateway Project, WV	950,000
Concord 20/20 Vision initiative, NH	500,000
Dover Lincoln Park Center Project, DE	400,000
Eugene Federal Courthouse Area Concept Development, OR	750,000
Fairbanks Street Improvements & Bike Path, AK	300,000
Boston Medical Center Pedestrian and Public Access Improvements, MA	200,000
Flandreau Santee Sioux Trail, Bicycle and Walking Path, SD	200,000
Fort Campbell Improvements, KY	750,000
Frink Park Pier Project, Clayton, NY	250,000
Girdwood Road Culvery Improvement, AK	600,000
Greater Yuma Port Authority, AZ	500,000
Gulf of Maine Research Laboratory, Park/Ped., ME	200,000
Hamilton Twp Pedestrian Overpass, NJ	250,000
Highway-79 Corridor Greenway Project, AL	500,000
Historic Fort Mitchell, AL	1,000,000
I–40 and Avenue ''F'', City Ramp Project, OK	500,000
I–40/Paseo del Volcan Interchange, Albuquerque NM	750,000
I–55/Main St. Intersection, MO	100,000
Kansas City East/West Connector, MO	500,000
Lewis and Clark Bicentennial Interpretive Trail, Mobridge SD	250,000
Lewis and Clark Shared Use Path, ND	675,000
Lithonia Streetscape Project, GA	1,000,000
Living Wall project, Farmington Hills, MI	400,000
MD–404 Shore Highway Phase II, MD	1,000,000
Museum Campus Trolleys, Chicago, IL	500,000
Nashville Rolling Mill Hills, TN	500,000
Newberg-Dundee Transportation Improvement Project, OR	775,000
Northside Drive Corridor Project, Clinton, MS	1,000,000
Odessa Transportation Plan, DE	100,000
Ohio River Trail—Salem to Downtown, Cincinnati, OH	350,000
Oklahoma Transportation Center Improvements, OK	500,000
Old Route 66, Streetscape Phase I, Moriarity, NM	400,000
Orange County Congestion Program, CA	1,000,000
Owensboro Waterfront Development Project, KY	750,000
Port of Anchorage road improvements, AK	600,000
Paintsville Lake Access Road, KY	500,000
Pennyrile Parkway Improvements, KY	750,000
Portsmouth Piscaraqu Riverwalk, NH	500,000
Providence Road Trail Project, Virginia Beach, VA	400,000
Ruffner Mountain Nature Center, AL	500,000
Selma Riverfront Project, AL	500,000
Shoreline Interurban Trail Construction Project, WA	400,000
South Bend Studebaker Corridor, Industrial Park, IN	500,000
Springfield Downtown Redevelopment Project, VT	1,500,000
SR202/I–70 Interchange improvement, OH	750,000
Thea Foss Waterway Environmental Protection and Transportation Impact Study, WA	500,000
Tulsa Trail System, Broken Arrow, OK	1,250,000
Ulster County Visitor Center, NY	1,000,000
Union City, NJ Traffic Signalization Project, NJ	1,000,000
US–50 Reconstruction, Dodge City, KS	1,000,000
Vanderbilt Children's Hospital, TN	250,000
Virginia Corridor Greenway Pilot Project, Modesto, CA	400,000
Wakulla County Florida, US–319 Expansion, FL	250,000
Watertown Community Trail Extension, SD	100,000
Yorktown Waterfront Revitalization & Streetscape, VA	1,000,000
10th Street South Project, St. Cloud, MN	750,000
19th Ave. North Extension/Reconstruction, Clinton, IA	1,500,000
19th St./Rimrock Way Ped. Improvements, Redmond, OR	100,000

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

Appropriations, 2002	$200,000,000
Budget estimate, 2003[1]	
Committee recommendation	200,000,000

[1] The budget estimate requests funding under the Federal-Aid Highway obligation limitation.

The Committee recommendation includes $200,000,000 for the Appalachian Development Highway System (ADHS). The amount provided is the same as the fiscal year 2002 comparable level. Funding for this initiative is authorized under section 1069(y) of Public Law 102–240—the Intermodal Surface Transportation Efficiency Act. The ADHS program provides funds for the construction of the Appalachian corridor highways in the 13 States that comprise the Appalachian region. These highways, in many instances, are intended to replace some of the most deficient and dangerous segments of rural roadway in America.

LIMITATION ON TRANSPORTATION RESEARCH

Limitation, 2002[1]	$447,500,000
Budget estimate, 2003[1]	462,500,000
Committee recommendation	462,500,000

[1] Resources available in fiscal year 2002 and requested in fiscal year 2003 are assumed within the Federal aid highway obligation limitation in the budget request for fiscal year 2003.

The limitation controls spending for the transportation research and technology programs of the FHWA. This limitation includes the intelligent transportation systems, surface transportation research, technology deployment, training and education, and university transportation research. The Committee recommendation provides an obligation limitation for transportation research of $462,500,000.

Surface transportation research	$103,000,000
Technology deployment program	50,000,000
Training and education	20,000,000
Bureau of Transportation Statistics	31,000,000
ITS standards, research, operational tests, and development	110,000,000
ITS deployment	122,000,000
University transportation research	26,500,000
Subtotal	462,500,000

Highway research and development.—The Committee appreciates the improvement in the justification accompanying the budget request and notes the presentation of the surface research estimate separate from the presentation of the technology deployment funding estimate.

Environment, planning, and real estate	$16,774,000
Research and technology program support	8,545,000
International research	500,000
Structures	13,085,000
Safety	12,490,000
Highway operations	13,101,000
Asset management	3,290,000
Pavements research	15,200,000
Policy research	8,510,000
Long Term Pavement Project (LTPP)	10,000,000
Advanced Research	750,000
R&T strategic planning/performance measures	755,000

Environment, planning, and real estate.—The Committee recommendation includes $16,774,000 for environment, planning, and real estate research, which is $4,221,000 more than the budget estimate. Within the funds provided for this research activity, the Committee has provided $800,000 to continue dust and persistent particulate abatement research in Kotzebue, Alaska.

Research and technology program support.—The Committee recommends $8,545,000, an increase of $1,462,000 from the budget request and $410,000 more than the fiscal year 2002 enacted level. Within the funds available for research and technology, the Committee has provided $750,000 for the Center on Coastal Transportation Research at the University of South Alabama.

International research.—The Committee recommendation includes $500,000 for international research. This is the same amount provided in fiscal year 2002 and is consistent with the amount authorized under TEA21.

Structures.—The Committee has provided $13,085,000 for structures research, an increase of $4,067,000 from the budget request. This research effort allows FHWA reduce deficiencies on National Highway System bridges and should facilitate continued progress on high performance materials and engineering applications to design, repair, retrofit, inspect, and rehabilitate bridges. The Committee directs the FHWA to continue its collaborative research effort with West Virginia University's Construct Facilities Center regarding research into composite structure and related engineering research. Within the funds for this research activity, the Committee has provided $500,000 for a demonstration project to evaluate the use of battery-powered cathodic protection to extend the life of concrete bridges that are located in extreme cold weather conditions. The Committee recommendation also includes $500,000 to support non-destructive structural evaluation technology at the New Mexico State University's Bridge Research Center.

Safety.—The Committee recommendation provides $12,490,000 for safety research, an increase of $2,973,000 above the budget estimate. These funds will allow FHWA to continue to accelerate the substantial progress being made on technologies or strategies to reduce run-off-road crashes, improve nighttime driving, reduce the frequency of crashes at intersections, improve pedestrian safety, and develop, test, and refine the Interactive Highway Safety Design Model. Within the funds provided, the Committee included $1,500,000 to conduct research into heavy vehicle safety, and vulnerability assessments regarding security and safety in all modes of transportation at a not-for-profit, technology-oriented entity in the Pacific Northwest with demonstrated research capabilities to address issues of braking, vehicle electrification and human factors.

Highway operations.—The Committee recommendation provides $13,101,000 for research activities regarding highway operations, which is $3,309,000 more than the budget request. Within these funds, the Committee has included $1,200,000 to analyze existing conditions and make recommendations that will enhance the freight mobility transportation system in Washington State.

Asset management.—The Committee recommends $3,290,000 for asset management research activities, an increase of $631,000 from the budget estimate.

Policy.—The Committee recommendation includes $8,510,000, an increase of $180,000 from the fiscal year 2002 enacted level and an increase of $1,263,000 above the budget estimate.

Pavements research.—The Committee recommends $15,200,000 for highway pavement research, including work on asphalt, Portland cement pavement research, polymer additives, and recycled materials. This is $4,799,000 more than the budget estimate and $1,447,000 more than the fiscal year 2002 enacted level. Within the funds provided, the Committee has included $1,000,000 to the Center for Portland Cement Concrete Pavement Technology at Iowa State University; $1,000,000 to continue evaluation of GSB–88 emulsified binder treatment application; $1,250,000 for the National Center for Asphalt Technology (NCAT) and $1,000,000 to continue research related to silica fume high performance concrete.

Advanced research.—The Committee recommendation deletes $203,000 from the budget request and provides $750,000. The Committee notes the many of the proposed areas of research and technology investigation duplicate efforts in other research activities and in the ITS research program.

R&T strategic planning and performance measures.—The Committee has provided $755,000 for research and technology strategic planning and performance measures, an increase of $27,000 from the budget request. The Committee anticipates that this level of funding will be sufficient to support planned strategic planning activities, research outreach, and development and refinement of performance measures, as required by the Government Performance and Results Act (GPRA).

Other.—The Committee supports the FHWA effort with AASHTO, TRB, among others in advancing a national R&T agenda in the areas of safety, infrastructure renewal, operations and mobility, planning and environment, and policy analysis and systems monitoring. The Committee recognizes the benefits of improved communication and coordination between key partners and stakeholders, and awaits completion of the synthesis report on the partnership initiative.

ITS Standards, Research, Operational Tests, Development, and Deployment.—The Committee recommends that the $232,000,000 authorized in TEA21 for ITS research and associated activities in fiscal year 2002 be allocated in the following manner:

Research and Development	$50,701,000
Operational Tests	10,782,000
Evaluation/Program Policy Assessment	6,739,000
Architecture and Standards	18,868,000
Program Support	11,455,000
Integration	11,455,000
ITS Deployment Incentive Program	122,000,000

Specified ITS deployment projects.—It is the intent of the Committee that the following projects contribute to the integration and interoperability for intelligent transportation systems in metropolitan and rural areas as provided under section 5208 of TEA21 and promote deployment of the commercial vehicle intelligent transportation system infrastructure as provided under section 5209 of TEA21. Funding for deployment activities are to be available as follows:

Project	*Amount*
Advance Traveler Info. System & Smart Card System, OH	$2,500,000
Alaska Statewide: Smart Emergency Medical Access System	3,000,000
Boston Traffic Monitoring & Security System, MA	2,000,000
Bozeman Pass Wildlife Channelization Study, MT	500,000
Cargo Mate Logistics and Intermodal Management System, NY	2,000,000
Cary, Computerized Traffic Signal System, NC	1,000,000
CCTA Burlington Multimodal Transit Center, VT	1,000,000
Center for Injury Sciences at UAB, Crash Notification, AL	2,000,000
Central Florida Regional Trans. Authority, Orange/Seminole ITS, FL	2,000,000
Chattanooga (CARTA) ITS, TN	1,500,000
Sierra Madre Intermodal Trans. Center, Los Angeles, CA	2,500,000
CVISN, NM	1,125,000
Flint Mass Transportation Authority ITS program, MI	1,000,000
Intelligent Transportation Center, Atlanta, GA	500,000
GMU, ITS Research, VA	2,000,000
Great Lakes ITS program, MI	3,000,000
Harrison County Sheriff's Department, ITS, MS	1,000,000
Hoosier SAFE–T, IN	2,000,000
Huntsville, AL	2,000,000
I–80 Dynamic Message Signs, Southern WY	4,000,000
Idaho Statewide CVISN	2,250,000
Illinois Statewide	4,500,000
Iowa Statewide ITS	1,400,000
Kansas City Scout, Advanced Traffic Management System, KS	1,500,000
Kansas City SmartPort	1,000,000
Kent, Intracity Transit Project, WA	1,500,000
Lynnwood ITS, WA	2,000,000
Maine Statewide, Rural Advanced Traveler Info. System, ME	2,000,000
Maryland Statewide ITS	2,000,000
Missouri Statewide Rural ITS, MO	2,000,000
NDSU Advanced Traffic Analysis Center, ND	1,000,000
Nebraska statewide ITS	5,000,000
New Bedford ITS Port Information Center, MA	1,000,000
Oklahoma Statewide ITS	7,000,000
Pennsylvania Turnpike Commission, PA	5,000,000
Program of Projects, WA	5,500,000
Providence Transportation Information Center, ITS, RI	2,000,000
Sacramento Area Council of Governments, ITS, CA	1,000,000
Shreveport ITS Project, LA	1,000,000
SCDOT Statewide ITS	5,000,000
SR–68/Riverside Dr. ITS, Espanola, NM	475,000
Surface Transportation Institute, Univ. of North Dakota, ND	1,500,000
T–REX Southeast Corridor Multi-Modal Project, CO	9,000,000
Tucson ER–LINK ITS project, AZ	1,250,000
Univ. of Nebraska Lincoln, SMART Transportation, NE	2,000,000
University of Kentucky Transportation Center, KY	2,000,000
Utah Commuter Link, Davis and Utah Counties, UT	1,000,000
Vermont Statewide Rural Advanced Traveler System, VT	1,500,000
Vermont Variable Message Signs, VT	1,000,000
Washington, DC Metro ITS	4,000,000
Northern Virginia ITS, VA	4,000,000
Wisconsin State Patrol Mobile Data Communications Network	2,000,000

Illinois ITS.—The Committee provides $4,500,000 to the Illinois Department of Transportation (IDOT) for Intelligent Transportation Systems grants. The Committee expects IDOT to fund the following projects: $750,000 to Lake County for traffic corridor communications systems; $450,000 to DuPage County for traffic signal coordination; $850,000 for an I–55/Lake Springfield Fixed Anti-Icing System; $800,000 to the Village of Bourbonnais for congestion relief projects; and $150,000 for the city of Marion's traffic control project. The Committee further provides $1,500,000 to the city of Chicago for Intelligent Transportation Systems grants, including the Cicero Avenue Traveler Information project and the Traffic Management Center.

NATIONWIDE DIFFERENTIAL GLOBAL POSITIONING SYSTEM

Appropriations, 2002[1]	$6,000,000

Budget estimate, 2003[2]	6,000,000
Committee recommendation[2]	(6,000,000)

[1] Funding derived from limitation on administrative expenses.
[2] Funding for NDGPS provided within FAA ''facilities and equipment'' account.

NDGPS.—The Committee recommendation includes $6,000,000 for continued investment in the Nationwide NPGPS Network. The funding is provided within the FAA's facilities and equipment account.

BUREAU OF TRANSPORTATION STATISTICS

(LIMITATION ON OBLIGATIONS)

Appropriations, 2002	$31,000,000
Budget estimate, 2003[1]	31,000,000
Committee recommendation	31,000,000

[1] Excludes $675,000 for CSRS/FEHP accruals.

The Bureau of Transportation Statistics (BTS) was established in section 6006 of the Intermodal Surface Transportation Efficiency Act [ISTEA], to compile, analyze, and make accessible information on the Nation's transportation systems, collect information on intermodal transportation, and enhance the quality and effectiveness of the statistical programs of the Department of Transportation.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Appropriations, 2002	$30,000,000,000
Budget estimate, 2003	29,000,000,000
Committee recommendation	32,000,000,000

The Committee recommends a liquidating cash appropriation of $32,000,000,000.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SUMMARY OF FISCAL YEAR 2003 PROGRAM

In December 1999, the Congress passed the Motor Carrier Safety Improvement Act (Public Law 106–159), which established the Federal Motor Carrier Safety Administration (FMCSA) within the Department of Transportation. Prior to this legislation, motor carrier safety responsibilities were housed within the Federal Highway Administration.

The preeminent mission of the FMCSA is to improve the safety of commercial vehicle operations on the nation's highways. A primary goal of the agency is to reduce the number of accidents and fatalities due to truck accidents. FMCSA resources and activities contribute to safety in commercial vehicle operations through enforcement, safety regulation, technological innovation, improvements in information systems, training, and improvements to commercial driver's license testing, record keeping, and sanctions. To achieve these goals, the FMCSA works with Federal, State, and local enforcement agencies, the motor carrier industry, and highway safety organizations.

MOTOR CARRIER SAFETY

(HIGHWAY TRUST FUND)

The Motor Carrier Safety program provides for the salaries, operating expenses, research funding for the FMCSA. The Motor Carrier Safety Improvement Act of 1999 (MCSIA) amended Section 104(a)(1) of title 23 to provide one-third of 1 percent of the administrative takedown to be made available to administer motor carrier safety programs and motor carrier research. The administration's budget requests a takedown of 45/100 of 1 percent for these purposes.

LIMITATION ON ADMINISTRATIVE EXPENSE

Appropriations, 2002[1]	$110,000,000
Budget estimate, 2003 (limitation)	117,464,000
Committee recommendation	117,464,000

[1] Does not reflect reduction of $158,000 pursuant to Public Law 107–87, as amended by Public Law 107–117.

The Committee recommendation provides a total of $117,464,000 for operating expenses and research funding for the FMCSA consistent with the budget request. Of the funds provided, $110,464,000 is for operating expenses and $7,000,000 is for research and technology initiatives. The recommendation provides the following adjustments to the budget request:

Share the Road Safely	−$100,000
Safety is Good Business Program	−250,000
R&T Information Dissemination	−150,000
Hazardous Materials Safety and Security	+500,000

Domestic motor carrier safety.—While FMCSA has moved expeditiously to implement the United States-Mexico cross-border trucking safety provisions, the Committee remains concerned about the lack of progress that has been made in commercial motor vehicle safety in recent years. Despite the fact that there has been a nearly 50 percent increase in funding for motor carrier safety activities since the FMCSA was created in 1999, there has been only a 3.5 percent decrease in the number of fatalities involving large truck crashes. In fact, more than one out of ten people killed in motor vehicle incidents are involved in a crash with a large truck even though large trucks represent a very small percentage of total registered vehicles. Given this record, it calls into question whether the FMCSA will achieve its 1999 goal of reducing truck deaths and injuries by 50 percent by 2009.

The Committee reminds FMCSA that the agency's safety oversight efforts for domestic truck traffic should be equal to, if not greater than, those for cross-border traffic. The fact that it takes FMCSA an average of 4 years to complete a rulemaking and that many rules have not been published by their statutory deadlines is evidence that the agency has a long way to go in pursuing its safety mission. Furthermore, in the aftermath of the events of September 11th, the Committee urges FMCSA to be particularly attentive to the security risks associated with the commercial driver's license program and the transportation of hazardous materials as discussed in greater detail in this report.

Commercial drivers license oversight.—Federal regulations require individuals to carry a commercial driver's license (CDL) when operating a commercial motor vehicle weighing in excess of 26,001 pounds, when hauling hazardous materials or when transporting at least 16 passengers. Over the last decade, the number of CDL holders has doubled to over 10.5 million today and it is estimated that nearly 470,000 new CDLs are issued each year. Since truck travel volume is expected to increase roughly 20 percent over the next decade, it is critically important that FMCSA put adequate safety measures in place to effectively monitor the commercial motor vehicle industry and commercial motor vehicle drivers. The fiscal year 2002 Supplemental Appropriations bill included $17,300,000 for FMCSA to boost CDL fraud detection and prevention efforts as well as to conduct background check reviews of CDL drivers who hold or seek hazardous materials endorsements. These additional funds will assist FMCSA in its efforts to address the deficiencies in the CDL licensing and testing program that were outlined in the Inspector General's May, 2002 report. The Committee notes that the FMCSA concurred with nearly all of the IG's recommendations. Given the expected growth in the number of CDL holders, it is essential that FMCSA conduct timely compliance reviews of State CDL programs. The Committee believes it is essential that State and third party CDL examiners be monitored regularly to ensure that any deficiencies in the program can be eliminated. As such the Committee encourages FMCSA to adopt a standard that includes such monitoring activities as may be necessary to comport with the IG's recommendation.

Hazardous materials transportation.—Every day in the United States, there are over 800,000 shipments of hazardous materials ranging from flammable materials and explosives to poisons and corrosives. The Committee commends FMCSA for completing over 38,000 security sensitivity visits of hazardous materials transportation and other at-risk providers earlier this year. These visits have served to increase the level of awareness of hazardous materials carriers to terrorist threats and to identify potential security vulnerabilities for corrective or law enforcement action. However, the Committee firmly believes that FMCSA must continue to aggressively monitor the safety and security vulnerabilities in the transportation of hazardous materials since 90 percent of hazardous material shipments occur by truck. The Committee urges FMCSA to vigorously enforce compliance with Federal hazardous materials regulations and to encourage States to appropriately utilize the motor carrier safety assistance program for hazardous materials training and enforcement. With regard to hazardous materials safety and security research, the Committee provides $758,000 which is $500,000 more than the budget request. The additional funds above the budget request shall be used to expand and expedite the completion of FMCSA's hazardous materials security risk assessments.

''Safety is Good Business'' Program.—The Committee has deleted the funding for this initiative in the motor carrier research program. The Committee believes that the ''Safety is Good Business'' program should be funded out of FMCSA's high priority initiatives program within the motor carrier safety assistance program.

Crash causation study.—The Committee recommends $5,000,000 for the continuation of FMCSA's comprehensive crash causation study. The Committee appreciates the complexity of this study which now involves over 100 Federal, state and contractor support personnel. Over 450 crashes have been investigated, but many of these have not been completely coded. The Committee understands that the FMCSA sought out a Transportation Research Board committee to review the first set of large truck crash causation cases and to make recommendations on what coding changes may be necessary. The Committee reiterates its message from last year that it is imperative that the results of this study should be made available as soon as possible. The study's results will assist FMCSA in setting safety priorities as well as serve as useful tools for Congressional oversight and legislative activities. The Committee directs FMCSA and NHTSA to submit a letter report to the House and Senate Committees on Appropriations by March 15, 2003

indicating the study's progress; the Department's response to and status of TRB's recommendations; and, a time schedule for the release of its initial results.

Share the road safely.—The Committee provides a total of $600,000 for the ''Share the Road Safely'' program which is designed to educate the motoring public on how to share the road safely with large trucks and buses. As required by the Transportation Equity Act for the 21st Century, $500,000 of the funds provided for this program are transferred from NHTSA's highway safety program account. While this program is administered by the FMCSA, the Committee believes that NHTSA should have input into the program's development since NHTSA is the agency with primary responsibility for the behavioral programs geared toward passenger car drivers. The Committee urges FMCSA to coordinate the agency's ''share the road'' efforts with NHTSA.

Young driver pilot program.—In February, 2001, the FMCSA requested comments on a proposal that the agency had received to initiate a pilot program which would waive Federal regulations to allow individuals between the ages of 18 and 21 to work in truck driver jobs in interstate commerce. Current Federal safety regulations require that commercial motor vehicle drivers be at least 21 years of age. The Committee is aware that FMCSA has received comments from state transportation officials and private citizens opposing this proposal due to safety concerns. Given the fact that young drivers are overrepresented in motor vehicle crashes, the Committee is not convinced of the merits of this proposal. Prior to the approval of such a pilot program, the Committee directs the FMCSA Administrator to conduct a thorough analysis of the safety ramifications and whether there's a genuine shortage of truck drivers to warrant such a waiver of the Federal safety regulations.

Driver record improvements.—Section 204 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA) requires States to query the National Driver Register (NDR) and the Commercial Driver's License Information System prior to issuing or renewing a motor vehicle operator's license. The Committee notes that the rule implementing this provision has yet to be promulgated and would remind FMCSA and NHTSA that each agency shares an equal responsibility for fulfilling the MCSIA requirement. However, progress on this rule has been stalled because each agency believes that the other has the lead on the rule's development. The Committee directs the Secretary to assign either FMCSA or NHTSA as the lead agency in the rule's development and urges both agencies to move forward expeditiously on this rule as other driver record improvements, such as the one-driver, one-record pointer system, are further developed. In that regard, the Committee directs NHTSA and FMCSA to conduct an analysis of the costs associated with the development of a one-driver, one-record pointer system and the strategic steps necessary for its implementation and submit that analysis to the House and Senate Committees on Appropriations by June 1, 2003.

Driver research.—Within the funds provided for FMCSA's research and technology program, the Committee provides $700,000 for the Transportation Research Institute at the George Washington University VA Campus for advanced research on driver error related to fatigue, inattentiveness and sleep deprivation through the use of sophisticated in-vehicle monitoring and assistance systems related to vehicle performance. In addition, the Committee has included $250,000 to initiate a separate multidisciplinary driver research program that evaluates cognitive sensory, environmental, mechanical, and large-scale epidemiologic aspects of driver behavior in order to identify measures that show promise of improving safety and reduce the likelihood of serious injury.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

	(Liquidation of contract authorization)	(Limitation on obligations)
Appropriations, 2002	$205,896,000	$205,896,000
Budget estimate, 2003	190,000,000	190,000,000
Committee recommendation	190,000,000	190,000,000

The FMCSA's National Motor Carrier Safety Program (NMCSP) was authorized by TEA21 and amended by the Motor Carrier Safety Improvement Act of 1999. This program consists of two major areas: the motor carrier safety assistance program (MCSAP) and the information systems and strategic safety initiatives (ISSSI). MCSAP provides grants and project funding to States to develop and implement national programs for the uniform enforcement of Federal and State rules and regulations concerning motor safety. The major objective of this program is to reduce the number and severity of accidents involving commercial motor vehicles. Grants are made to qualified States for the development of programs to enforce the Federal motor carrier safety and hazardous materials regulations and the Commercial Motor Vehicle Safety Act of 1986. The basic program is targeted at roadside vehicle safety inspections of both interstate and intrastate commercial motor vehicle traffic. ISSSI provides funds to develop and enhance data-related motor carrier programs.

The Committee recommends $190,000,000 in liquidating cash for this program consistent with the authorized contract activity level.

LIMITATION ON OBLIGATIONS

The Committee recommends a $190,000,000 limitation on obligations for motor carrier safety grants. This is the level authorized under the Motor Carrier Safety Improvement Act of 1999, which amended TEA21.

Truck driver training program.—Within the funds provided for FMCSA's high priority initiative program, the Committee provides $700,000 for the development of a concrete skid pad at Lewis-Clark State College North Lewiston Training Facility. The project would enable the creation of controlled ''adverse'' weather situations, including ice and rain, as well as faulty braking systems, tire blow-outs, and anti-skid equipment failure, as part of the Commercial Drivers License Training program, which provides safety training for bus and commercial motor vehicle drivers.

Highway watch program.—Within the funds provided for FMCSA's high priority initiative program, the Committee provides $1,000,000 for the continuation of the Highway Watch program. The Highway Watch program trains professional truck drivers to recognize and report a variety of incidents on the Nation's highways. As the program is expanded to reach an increasing number of truck drivers, the Committee urges that a security component be included in the training to help truck drivers better identify potential security threats.

Operation Respond.—Within the funds provided for FMCSA's high priority initiatives, the Committee includes $1,000,000 to design, build, and demonstrate the benefits of a seamless hazardous materials incident detection, management, and response system, including the expansion of the Operation Respond network of emergency responders and by linking this network with tracking and automatic crash notification technologies. The Committee urges that, working with the private sector, these funds be used to establish a national first responder emergency services network and to accelerate deployment of Operation Respond software.

BORDER ENFORCEMENT PROGRAM

(HIGHWAY TRUST FUND)

Appropriations, 2002	$25,866,000
Budget estimate, 2003	59,967,000
Committee recommendation	[1] 59,967,000

[1] Funded under FHWA administrative takedown.

The North American Free Trade Agreement (NAFTA), enacted in 1993, anticipated the initiation of cross-border trucking shipments between the United States and Mexico by December, 1995. The previous Administration made a specific decision not to allow Mexico-domiciled motor carriers to transport cross-border shipments beyond a limited commercial zone into the United States due to concerns over the safety of the Mexican trucking fleet. In February, 2001, an Arbitral Panel issued a finding that the United States was out of compliance with NAFTA and could not bar all Mexican applicants from entering the United States. However, the Panel clearly stipulated that NAFTA did not restrict the ability of the United States to implement measures to ensure Mexican trucking companies and Mexican truck drivers meet U.S. safety standards.

Last year, the Committee dedicated a significant amount of time and effort to the safety concerns associated with the initiation of cross-border trucking shipments between the United States and Mexico when the Administration announced its intention to open the border by January, 2002. The fiscal year 2002 Transportation Appropriations Act included a general provision which required a number of actions by the Secretary of Transportation, the Federal Motor Carrier Safety Administration (FMCSA) and the Inspector General (IG) prior to the opening of the United States-Mexico border to commercial vehicle traffic beyond the commercial zone. A key provision was the requirement that the Inspector General conduct a comprehensive review of border operations to verify whether safety requirements are in place. The Inspector General's report of June 25, 2002 states that the FMCSA has made measured progress toward meeting the Act's requirements to hire and train inspectors; establish inspection facilities; and develop safety processes and procedures for Mexican long-haul carriers.

However, the IG's report indicates that there are remaining issues of concern. Two areas that need additional attention are law enforcement authority's access to databases and the ability of States to prosecute Mexican trucks operating in violation of U.S. law. Specifically, the IG's report states that Mexico's commercial driver's license (CDL) and vehicle registration databases are sufficiently accurate and integrated into databases. However, 6 of the 25 United States-Mexico border crossings do not have adequate access to these databases to verify licenses, registration, operating authority or insurance. Additionally, the Transportation Act required the IG to verify that measures are in place to enable U.S. law enforcement authorities to ensure the effective enforcement and monitoring of Mexican motor carriers according to U.S. law. The IG's report

points out only two States—Arizona and California—have enacted legislation authorizing their enforcement personnel to take action when they encounter a vehicle operating without authority. This means that 48 States lack any law to put out-of-service or penalize large trucks that are caught operating without Federal operating authority. The Committee commends the Agency for promulgating a rule that includes operating authority violations among the safety criteria for placing vehicles out of service until States enact their own statutes.

Finally, Section 350 of the fiscal year 2002 Transportation Appropriations Act requires that, prior to the opening of the United States-Mexico border to commercial vehicle traffic, the Secretary of Transportation must certify in writing in a manner addressing the IG's findings and verify that opening the border does not pose an unacceptable safety risk to the American public. The Committee intends to continue to closely monitor the implementation of the United States-Mexico cross-border trucking provisions to ensure that safety is not compromised. The Committee has included a general provision continuing the cross-border safety provisions included in the 2002 Transportation Appropriations Act.

The Committee recommends $41,967,000 for Federal border enforcement staffing and operations and $18,000,000 for State operations grants to the southern border States.

Additional border enforcement funding is provided in this bill including $8,250,000 for State operations grants under the National Motor Carrier Safety Program, and $47,000,000 for inspection station construction under the Federal Highway Administrator's administrative takedown.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SUMMARY OF FISCAL YEAR 2003 PROGRAM

The National Highway Traffic Safety Administration (NHTSA) was established as a separate organizational entity in the Department of Transportation in March 1970. It succeeded the National Highway Safety Bureau, which previously had administered traffic and highway safety functions as an organizational unit of the Federal Highway Administration.

The agency's current programs are authorized in four major laws: (1) the National Traffic and Motor Vehicle Safety Act, (chapter 301 of title 49, U.S.C.); (2) the Highway Safety Act, (chapter 4 of title 23, U.S.C.); (3) the Motor Vehicle Information and Cost Savings (MVICSA) Act, (Part C of subtitle VI of title 49, U.S.C.); and (4) the Transportation Equity Act for the 21st Century (TEA21).

The first law provides for the establishment and enforcement of safety standards for vehicles and associated equipment and the conduct of supporting research, including the acquisition of required testing facilities and the operation of the national driver register (NDR). Discrete authorizations were subsequently established for the NDR under the National Driver Register Act of 1982.

The second law provides for coordinated national highway safety programs (section 402) to be carried out by the States and for highway safety research, development, and demonstration programs (section 403). The Anti-Drug Abuse Act of 1988 (Public Law 100–690) authorized a new drunk driving prevention program (section 410) to make grants to States to implement and enforce drunk driving prevention programs.

The third law (MVICSA) provides for the establishment of low-speed collision bumper standards, consumer information activities, diagnostic inspection demonstration projects, automobile content labeling, and odometer regulations. An amendment to this law established the Secretary's responsibility, which was delegated to NHTSA, for the administration of mandatory automotive fuel economy standards. A 1992 amendment to the MVICSA established automobile content labeling requirements.

The fourth law (TEA21) reauthorizes the full range of NHTSA programs and enacts a number of new initiatives. These include: safety incentives to prevent operation of motor vehicles by intoxicated persons (section 163 of title 23 U.S.C.); seat belt incentive grants (section 157 of title 23 U.S.C.); occupant protection incentive grants (section 405); and highway safety data improvement incentive grant program (section 411). TEA21 also reauthorized highway safety research, development and demonstration programs (section 403) to include research measures that may deter drugged driving, educate the motoring public on how to share the road safely with commercial motor vehicles, and provide vehicle pursuit training for police. Finally, TEA21 adopts a number of new motor vehicle safety and information provisions, including rulemaking directions for improving air bag crash protection systems, lobbying restrictions, exemptions from the odometer requirements for classes or categories of vehicles the Secretary deems appropriate, and adjustments to the automobile domestic content labeling requirements.

In 2000, the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act amended the National Traffic and Motor Vehicle Safety Act in numerous respects and enacted many new initiatives. These consist of a number of new motor vehicle safety and information provisions, including a requirement that manufacturers give NHTSA notice of safety recalls or safety campaigns in foreign countries involving motor vehicles or items of motor vehicle equipment that are identical or substantially similar to vehicles or equipment in the United States; higher civil penalties for violations of the law; a criminal penalty for violations of the law's reporting requirements; and a number of rulemaking directions that include developing a dynamic rollover test for light duty vehicles, updating tire safety and labeling standards, improving the safety of child restraints, and establishing a child restraint safety rating consumer information program.

The following table summarizes the Committee recommendations:

Program	Fiscal year 2002 enacted	Fiscal year 2003 estimate	Committee recommendation
Operations and research	$200,264,000	$200,444,508	$215,000,000
National driver register (HTF)	(2,000,000)	(2,000,000)	(2,000,000)
Highway traffic safety grants (firewall)	223,000,000	225,000,000	225,000,000
Total	423,264,000	425,444,508	440,000,000

OPERATIONS AND RESEARCH

(INCLUDING HIGHWAY TRUST FUND)

	General Fund	Trust Fund	Total
Appropriations, 2002	$126,264,000	$74,000,000	$200,264,000
Budget estimate, 2003 [1]	126,444,508	74,000,000	200,444,508
Committee recommendation	141,000,000	74,000,000	215,000,000

[1] Excludes 4,437,000 for CSRS/FEHB accruals.

For fiscal year 2003, the Transportation Equity Act for the 21st Century (TEA21), as amended, authorizes $72,000,000 of contract authority from the highway trust fund to finance operations and research activities eligible under title 23 U.S.C. 403. This funding is included within the firewall guarantee for highway spending. The act also includes an authorization, subject to appropriations, from the highway trust fund of $2,000,000 to maintain the National Driver Register. In addition, the administration is requesting $130,881,000 for activities related to sections 30104 and 32102 of title 49. This funding is derived from the general fund and is subject to appropriations.

The accompanying bill provides appropriations totaling $215,000,000 to be distributed as follows:

Program	*Committee recommendation*
Salaries and benefits	$63,328,000
Travel	1,324,000
Operating expenses	22,834,000
Contract Programs:	
Safety performance	10,393,000
Safety assurance	15,760,000
Highway safety	52,458,000
Research and analysis	59,396,000
General administration	657,000
Grant administration reimbursement	−11,150,000
Total	215,000,000

OPERATING EXPENSES

Workforce planning and development.—NHTSA established this program in fiscal year 2001 in an effort to encourage college students to enter into the fields of engineering, research, science and technology, vehicle safety and injury. The Committee recognizes the agency's desire to build a base of employees for future employment but would note that the challenges of attrition in the transportation workforce are not unique to NHTSA. The Committee believes that this type of workforce planning should be done throughout the entire Department of Transportation through the coordination of the office of the Assistant Secretary for Administration. The Committee includes $300,000 within the NHTSA budget for a more measured initiative in this area.

Contract execution delays.—The Committee is aware that there continue to be excessive delays in the timely execution of NHTSA contracts. All too frequently, contract recipients have had to wait for several months before Federal funds are granted. The Committee expects greater attention to this area and insists that once a contract has been awarded that it should be executed in a timely fashion. The Committee directs the NHTSA Administrator to conduct a thorough review of the agency's contracting procedures and to take appropriate steps to eliminate any unnecessary delays.

SAFETY PERFORMANCE STANDARDS

Passenger vehicle tire traction.—The Transportation Recall Enhancement, Accountability, and Documentation Act of 2000 (TREAD) mandated the Secretary to strengthen the Federal standards governing tire safety performance. NHTSA issued a proposed rulemaking on March 5, 2002, to revise and update its tire safety standards. The proposed rule addresses tire safety from the vantage point of reducing the chances of tire failure principally by increasing tire resistance to heat and high speed operation. Although NHTSA has a consumer information program, the Uniform Tire Quality Grading System, which assigns traction ratings to tires marketed in the United States, there is no Federal standard requiring acceptable levels of tire adhesion or traction, especially for passenger vehicles operating on wet road surfaces. As NHTSA prepares its final rule on tire safety performance, the Committee encourages NHTSA to consider including standards for tire performance on wet road surfaces. Absent such inclusion, the Committee directs NHTSA to send a letter to the House and Senate Committees on Appropriations explaining why wet road tire performance standards were not included.

SAFETY ASSURANCE

Defect information system.—NHTSA's Office of Defect Investigation is in the process of replacing its current defect database with a new information system. When fully operational, this new system, which is being developed by the Volpe National Transportation Systems Center, will store consumer complaints as well as the early warning data as required by the TREAD Act. The Inspector General issued a report earlier this year which raised concerns about whether this new information system can be successfully implemented on-time and within the estimated $5,000,000 budget. The Committee believes that NHTSA should be attentive to the concerns raised by the IG and directs NHTSA to provide a letter to the House and Senate Committees on Appropriations which details the current schedule and cost estimate for this system.

Early Warning Reporting System.—The Committee directs the Administrator to submit a report to the House and Senate Committees on Appropriations detailing the methods the Agency will adopt to ensure that all tires imported and sold in the United States comply with the Early Warning Reporting System as outlined in NHTSA's final regulations.

HIGHWAY SAFETY PROGRAMS

The Committee recommends the following adjustments to the budget request:

Occupant protection: Outreach initiatives to increase belt use	+$3,500,000
Emergency medical services	+1,000,000
Impaired driving:	
Judicial/prosecutorial initiative	+1,500,000
Repeat offender tracking model	+3,000,000
Target population outreach	+1,500,000
Motorcycle safety	+300,000
Drugs, driving and youth	+295,000
Highway safety research	+200,000

National occupant protection program.—The stated objectives of NHTSA's occupant protection program are to increase seat belt use and decrease the number of child occupant fatalities. Over the last several years, NHTSA has set aggressive goals for achieving seat belt use across the nation since each percentage point increase in seat belt use saves approximately 226 lives and prevents over 3,700 injuries each year. NHTSA's seat belt goal in 2001 was 86 percent and while seat belt use reached an all-time high of 73 percent, the agency still fell far short of its national goal. The Committee is disappointed that NHTSA's seat belt goal dropped from 87 percent in 2002 to 78 percent in 2003 and that the agency's fiscal year 2003 budget cut its core safety program dedicated to national occupant protection by 14 percent. The Committee strongly believes that NHTSA must continue to be vigilant and creative in its efforts to increase national seat belt use particularly for those targeted groups that are high-risk and often difficult to reach. The Committee recommends $14,683,000 for NHTSA's occupant protection efforts which is $3,500,000 more than the President's budget request. The Committee directs that these additional funds be used to continue the outreach activities toward minority populations, teens and rural populations. To further supplement NHTSA's overall seat belt efforts, the Committee has included bill language to continue the public service message program that was started in fiscal year 2002. A more detailed discussion of this program is included in the NHTSA bill language section of this report.

Impaired driving.—The Committee is very concerned about the lack of progress that is being made to reduce the number of alcohol-related motor vehicle fatalities. In 2000, there were 16,653 alcohol-related fatalities which was 5.4 percent more than 1999 and represented the largest percentage increase on record. These alcohol-related crashes also cause an estimated 300,000 injuries and cost society over $45,000,000,000 every year. Unfortunately, the preliminary estimates for 2001 indicate there was virtually no reduction in the number of alcohol-related fatalities. At the Committee's hearing on highway safety on February 27, 2002, witnesses testified that the progress in meeting national goals to reduce alcohol-impaired driving has stalled in recent years. Again, as in the case of NHTSA's occupant protection program, the fiscal year 2003 budget reduced NHTSA's impaired driving core program by 22 percent at a time when alcohol-related fatalities are increasing. The Committee recommends $15,576,000 for NHTSA's impaired driving program which is $6,000,000 more than the President's budget request.

Judicial and prosecutorial awareness.—Within the funds provided for NHTSA's impaired driving program, the Committee provides $1,500,000 to improve prosecutorial and judicial actions to combat alcohol-impaired driving. A review of past NHTSA expenditures to combat impaired driving revealed that the agency has dedicated only a small portion of Section 403 funds to support the role of prosecutors and judges in dealing with impaired drivers. The Committee directs the Secretary of Transportation, in cooperation with the Attorney General, to conduct a detailed analysis designed to strengthen Federal policies and laws intended to combat alcohol-impaired driving and document the results and recommendations. This report should identify best strategies for reducing obstacles to obtaining convictions of alcohol-impaired driving and strategies to help prosecutors and judges apply sanctions in a consistent manner. The report should also emphasize strategies to reduce plea bargaining, diversion or deferral programs, and other means used by offenders to avoid any permanent record of an alcohol-related offense. In particular, the analysis should provide guidance for improving judicial and prosecutorial training, outreach, and adherence to state standards of conduct. The Committee directs NHTSA to submit this report to the Senate and House Committees on Appropriations by October 1, 2003.

Tracking repeat offenders.—The Committee includes $3,000,000 within NHTSA's impaired driving program to expedite the development and expand the testing of the model ''Driver History Information Records System for Impaired Driving.'' This tracking system is designed to assist States and local communities to exchange timely information about prior impaired driving offenses and to transmit conviction and license suspension notices among law enforcement officials, the courts and driver licensing agencies.

Impaired driving and targeted populations.—The Committee is concerned that there continues to be certain segments of the population that are over represented in alcohol-related motor vehicle crashes. For example, male drivers between the ages of 21 and 34 represent the highest percentage of alcohol-related fatalities. The Committee strongly believes that NHTSA must continue to vigorously pursue strategies to reduce impaired driving among the age groups and ethnic populations that represent the highest risk. Within the funds provided for NHTSA's impaired driving program, the Committee includes $1,500,000 to increase the outreach efforts with these targeted populations.

Highway safety research.—The Committee includes $7,298,000 for NHTSA's highway safety research program, an increase of $200,000 above the President's budget request. Within the funds provided, the Committee includes $200,000 to initiate research on advanced alcohol ignition interlock systems. A key component of this research is the development of advanced technologies for use in the steering wheel that could detect blood alcohol levels.

Drugs, driving and youth.—The Committee recommendation includes $1,437,000 for NHTSA's drugs, driving and youth program efforts, an increase of $295,000 over the President's budget. The Committee is concerned about the data which indicates that alcohol and drug use is increasing among teenagers. Since this youth population is expected to increase nearly 5 percent by the year 2005, the Committee believes it is particularly important for NHTSA to boost its impaired driving youth prevention and education activities. The Committee is aware of programs such as the ''Protecting You, Protecting Me'' curriculum which is designed to educate children in grades 1 through 5 about the dangers of riding in a car with an impaired driver and underage alcohol consumption. The Committee directs NHTSA to utilize these additional funds to develop a similar type of program directed toward teenage drivers.

Emergency medical services.—The Committee recommends $3,189,000 for emergency medical services, which is $1,000,000 more than the President's budget request. Within the funds provided, the Committee includes $1,000,000 to continue training EMS personnel in delivering pre-hospital care to patients with traumatic brain injuries. Since this program's inception in 1998, it is estimated that nearly 31 states will have received the training and educational material and over 1,600 in-state instructors will have received training. The Committee urges NHTSA to continue this national rollout with the Brain Trauma Foundation and its Centers of Excellence. Just as it is important

for EMS personnel to receive proper training to care for the critically injured, it is equally important that first responders have the tools necessary to locate the injured as quickly as possible. There have been a number of highly publicized cases of crash victims who were stranded for extended periods of time because their vehicles were not easily located. Advanced location technology associated with wireless E 9–1–1 can assist law enforcement and EMS personnel in reaching victims quickly. The Committee notes that NHTSA's fiscal year 2003 budget includes plans to develop a national clearinghouse and best practices document for State implementation of wireless E 9–1–1. As these implementation tools are developed, the Committee encourages NHTSA to consult with a broad range of EMS providers, law enforcement officials, wireless technology providers and the appropriate Federal and State agencies.

Motorcycle safety.—The Committee provides $945,000 for NHTSA's motorcycle safety efforts which represents a $300,000 increase over the President's budget. The Committee is concerned about the upward trend in the number of motorcycle fatalities. From 1999 to 2000, motorcycle fatalities rose by 15 percent and the preliminary estimates for 2001 indicate that fatalities rose by another 7.2 percent over 2000. Since new unit sales of on-highway motorcycles have increased in recent years, rider training programs have not been able to keep pace. In December 2000, NHTSA assembled a technical working group comprised of law enforcement, health care, insurance and motorcycle organizations to assist in the development of the National Agenda for Motorcycle Safety. The Committee has provided increased funding to further assist in the implementation of the Agenda's urgent and essential recommendations. In particular, the Committee urges NHTSA to coordinate with the motorcycle community to focus these additional resources toward strategies which will enhance rider crash avoidance skills and improve motorcycle conspicuity.

RESEARCH AND ANALYSIS

National Automotive Sampling System.—The Committee provides $11,570,000 for the National Automotive Sampling System (NASS), an increase of $1,000,000 over the President's budget request. The NASS General Estimates System data assists in assessing the trend and magnitude of the crash situation in this country, and the NASS Crashworthiness Data System provides more in-depth and descriptive data which allows NHTSA to quantify the relationships between the occupants and vehicles in the real-world crash environment. The Committee directs NHTSA to utilize the additional funds to expand the NASS database with a particular focus on child safety seat and tire-related data.

Biomechanical research.—The Committee provides a total of $14,954,000 for biomechanics research which is $1,000,000 more than the President's budget request. The Committee's recommendation includes necessary resources for the continued research of the Crash Injury Research and Engineering Network program. In addition, within the funds provided, the Committee includes $2,000,000 to continue research related to traumatic brain and spinal cord injuries caused by motor vehicle, motorcycle, and bicycle accidents at the Southern Consortium for Injury Biomechanics.

Tire safety research.—The Committee recommendation includes $375,000 in NHTSA's pneumatic tire research program for the Mercer Engineering Research Center to initiate research on the relationships between tire age, condition driven, load and pressure and the effects on tire safety.

Built-in child restraints.—Section 13(h) of the TREAD Act required NHTSA to conduct a study on the use and effectiveness of automobile booster seats for children. To date, NHTSA has yet to release this study which had a statutory deadline of November 1st, 2001. The pending study is expected to compare the safety benefits of existing booster systems to the safety provided to children who are using lap and shoulder belts alone. The Committee urges NHTSA to issue the results of the booster seat study without delay, however, the Committee believes that a review of integrated or built-in child restraints is also warranted. The Committee provides $1,000,000 within NHTSA's safety systems research program to conduct an evaluation of integrated or built-in child safety systems. The evaluation should include the safety and correctness of fit for the child; the availability of testing data on the system and vehicle in which it will be used; compatibility with different makes and models; cost-effectiveness in mass production for consumers; ease of use and relative availability to children riding in motor vehicles; and benefits of built-in seats to increasing compliance with State child occupant restraint laws. The Committee directs NHTSA to submit the results of this supplementary study to the House and Senate Committees on Appropriations by October 1, 2003.

Heavy vehicle research.—Within the funds provided for heavy vehicle research, the Committee includes $1,000,000 for the National Transportation Research Center in Tennessee to continue to conduct broad-based laboratory-to-roadside research into heavy vehicle safety issues.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

The National Driver Register (NDRS) is a central repository of information on individuals whose licenses to operate a motor vehicle have been revoked, suspended, canceled, or denied. The NDR also contains information on persons who have been convicted of serious traffic-related violations such as driving while impaired by alcohol or other drugs. State driver licensing officials query the NDR when individuals apply for a license, for the purpose of determining whether driving privileges have been withdrawn by other States. Other organizations such as the Federal Aviation Administration and the Federal Railroad Administration also use NDR license data in hiring and certification decisions in overall U.S. transportation operations.

The bill includes $2,000,000 for the NDR from the highway trust fund.

In addition, the Committee reminds NHTSA that the direction given to the Federal Motor Carrier Safety Administration regarding the implementation of Section 204 of the Motor Carrier Safety Improvement Act and the development of a one-driver, one-record pointer system is equally applicable to NHTSA. The Committee expects both agencies to work together on these initiatives without further delay.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Appropriations, 2002	$223,000,000
Budget estimate, 2003	225,000,000
Committee recommendation	225,000,000

For fiscal year 2003 the Transportation Equity Act for the 21st Century authorized the following State grant programs: Highway Safety Program, the Alcohol-Impaired Driving Countermeasures Incentive Grant Program and the Occupant Protection Incentive Grant Program. Under the Highway Safety Program, grant allocations are determined on the basis of a statutory formula established under 20 U.S.C. 402. Individual States use this funding in national priority areas established by Congress which have the greatest potential for achieving safety improvements and reducing traffic crashes, fatalities, and injuries. Also, the national occupant protection survey shall be funded from within this amount. The Alcohol-Impaired Driving Countermeasures Incentive Grant Program encourages States to enact stiffer laws and implement stronger programs to detect and remove impaired drivers from the roads. The occupant protection program encourages States to promote and strengthen occupant protection initiatives. The State Highway Safety Data Grants Program encourages States to improve their collection and dissemination of important highway safety data.

The Committee recommends an appropriation for liquidation of contract authorization of $225,000,000 for the payment of obligations incurred in carrying out provisions of these grant programs.

The Committee has included a provision prohibiting the use of section 402 funds for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures.

LIMITATION ON OBLIGATIONS

The bill includes language limiting the obligations to be incurred under the various highway traffic safety grants programs. Separate obligation limitations are included in the bill with the following funding allocations:

	Fiscal year 2002 enacted	Fiscal year 2003 estimate	Committee recommendation
Highway safety programs	$160,000,000	$165,000,000	$165,000,000
Alcohol-impaired driving countermeasures grants	38,000,000	40,000,000	40,000,000
Occupant protection incentive grants	15,000,000	20,000,000	20,000,000
State highway safety data grants	10,000,000		
Total	223,000,000	225,000,000	225,000,000

BILL LANGUAGE

Public safety messages.—The bill contains a provision (sec. 340) extending the authority for States to use traffic safety grant funds under Section 402 to produce and place highway safety public service messages in television, radio, cinema, print media and on the Internet. This year, the Committee continues a provision that was included in the fiscal year 2002 bill which designated safety belt use innovative grant funds to be used for public safety messages and evaluation to support the Operation ABC (America Buckles up Children) Mobilizations that are conducted each year in May and November. Most of these funds were used to support State high-visibility ''Click It or Ticket'' enforcement programs in May 2002. The preliminary results from the May 2002 initiative show continued success in achieving measurable increases in seat belt use. The average percentage increase in seat belt use for those States utilizing paid advertising in the May mobilization initiative was 7.6 percent.

The Committee believes that this program must be continued and expanded in order to achieve its full potential in saving lives and reducing injuries. Just as high visibility enforcement programs have proven to be effective in increasing seat belt use, research has also concluded that sobriety checkpoints are highly effective in reducing alcohol-related traffic fatalities and injuries. NHTSA's own survey has indicated that 4 out of 5 Americans support increased enforcement and tougher laws to protect themselves and their families from impaired drivers. The Committee has included bill language providing $20,000,000 from seat belt and impaired driving grant programs to be used as directed by the NHTSA Administrator for broadcast advertising to support national law enforcement mobilizations aimed at increasing seat belt use and controlling impaired driving. It is the Committee's intent that these funds support at least two national mobilizations during the year, and that NHTSA work on these initiatives with the States and nonprofit safety organizations that have been active in conducting recent mobilizations. Further, the Committee expects NHTSA to work with the States to ensure that they have adequate resources for impaired driving enforcement activities as part of the mobilizations.

FEDERAL RAILROAD ADMINISTRATION

SUMMARY OF FISCAL YEAR 2003 PROGRAM

The Federal Railroad Administration (FRA) became an operating administration within the Department of Transportation on April 1, 1967. It incorporated the Bureau of Railroad Safety from the Interstate Commerce Commission, the Office of High Speed Ground Transportation from the Department of Commerce, and the Alaska Railroad from the Department of the Interior. The Federal Railroad Administration is responsible for planning, developing, and administering programs to achieve safe operating and mechanical practices in the railroad industry. Grants to the National Railroad Passenger Corporation (Amtrak) and other financial assistance programs to rehabilitate and improve the railroad industry's physical infrastructure are also administered by the Federal Railroad Administration.

The Committee recommends $1,049,065,000 for the activities of the Federal Railroad Administration for fiscal year 2003. This is $337,800,000 more than the budget request.

The following table summarizes the Committee recommendations:

Program	Fiscal year— 2002 enacted	Fiscal year— 2003 budget estimate	Committee recommendation
Safety and operations [1 2 3]	$110,857,000	$73,264,000	$118,264,000
New user fee revenue for safety and operations	.....	45,000,000	.....
Railroad research and development	29,000,000	14,325,000	29,325,000
New user fee revenue for railroad research and development	.....	14,000,000	.....
Next generation high-speed rail	32,300,000	23,200,000	30,000,000
Alaska railroad rehabilitation [4]	20,000,000	.....	25,000,000
Grants to National Railroad Passenger Corporation [5]	521,476,000	521,476,000	826,476,000
Pennsylvania Station Redevelopment Project	20,000,000	20,000,000	20,000,000
Amtrak Reform Council	(225,000)	.....	.....
Total budgetary resources	733,633,000	711,265,000	1,049,065,000

[1] Does not include reductions of $175,000 pursuant to section 349 of Public Law 107–87 and $150,000 pursuant to section 1106 of Public Law 107–117 for fiscal year 2002.
[2] Does not include supplemental funding of $6,000,000 pursuant to Public Law 107–117 for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States.
[3] Fiscal year 2003 budget estimate excludes $4,625,000 in CSRS retirement and FEHB accruals.
[4] Fiscal year 2002 excludes $10,200,000 transferred from USAF.
[5] Excludes $100,000,000 from Public Law 107–117 and $205,000,000 from the 2002 Supplemental Appropriations Act for further recovery from and response to terrorist attacks on the United States.

SAFETY AND OPERATIONS

Appropriations, 2002 [1 2]	$110,857,000
Budget estimate, 2003	73,264,000
Committee recommendation	118,264,000

[1] Does not reflect reduction of $175,000 pursuant to section 349 of Public Law 107–87 and $150,000 pursuant to section 1106 of Public Law 107–117.

[2] Does not include supplemental funding of $6,000,000 pursuant to Public Law 107–117 for emergency expenses to respond to the September 11, 2001, terrorist attack on the U.S.

The Safety and Operations account provides support for FRA rail safety activities and all other administrative and operating activities related to staff and programs.

Inspector workforce.—The Committee has approved the President's request for 10 additional full time equivalent (FTE) staff years and 20 additional positions which will bring FRA's inspector workforce to a total of 444 FTEs. The Committee includes $1,393,000 to fund 6 additional track inspector FTEs and 4 additional operating practice inspector FTEs. Given the recent increases in track-caused accidents and derailments as well as human-factor caused accidents, the Committee urges FRA to move rapidly to fill these positions.

Highway-railroad grade crossing safety.—The Committee notes that the Department has either completed or made substantial progress on most of the actions specified in its strategic action plan to improve safety at highway-railroad grade crossings. In view of the need to continue progress in this area, the Committee directs the Secretary of Transportation to submit with the fiscal year 2004 budget request a new action plan outlining specific efforts to be pursued by FRA, FHWA, FMCSA, NHTSA and the ITS Joint Program Office to improve safety at both public and private crossings.

Positive train control.—The Committee agrees with the National Transportation Safety Board that the current pace of development and implementation of collision avoidance technologies is inadequate. No plan for industry-wide integration has been developed. Progress has been particularly slow along rail lines that primarily serve freight carriers, and even those lines with significant passenger traffic remain largely unprotected today—some 12 years after positive train control was first placed on the Safety Board's ''Most Wanted'' list. The Committee directs FRA to submit an updated economic analysis of the costs and benefits of PTC and related systems that takes into account advances in technology, and systems savings to carriers and shippers as well as other cost savings that might be realized by prioritized deployment of these systems, especially along lines that might mix freight and passenger trains. That analysis should be submitted as a letter report to both the House and Senate Committees on Appropriations by October 1, 2003.

Safety assurance and compliance program (SACP).—In 1997, FRA began the implementation of the Safety Assurance and Compliance Program (SACP) which is a systems-based approach to safety inspection and is designed to help maximize FRA's safety inspection efforts. With over 220,000 miles of railroad operated by the nation's Class I, regional and local freight railroads, the Committee believes it is imperative that FRA continue to utilize SACP as well as traditional methods of inspection. The Committee directs FRA to provide a status report by April 1, 2003 to the House and Senate Committees on Appropriations which summarizes FRA's SACP activities in fiscal year 2002 along with the agency's safety audit plans for fiscal year 2003.

SAFETY AND OPERATIONS USER FEES

Appropriations, 2002	.....
Budget estimate, 2003	($45,000,000)
Committee recommendation	.....

User fees.—The Committee denies the Administration's legislative proposal to impose safety user fees on FRA safety and operations services.

RAILROAD RESEARCH AND DEVELOPMENT

Appropriations, 2002	$29,000,000
Budget estimate, 2003	14,325,000
Committee recommendation	29,325,000

The Federal Railroad Administration's Railroad Research and Development Program provides for research in the development of safety and performance standards for high-speed rail and the evaluation of their role in the Nation's transportation infrastructure. The Committee recommends an appropriation of $29,325,000 for railroad research and development, $15,000,000 more than the administration's requested level.

COMMITTEE RECOMMENDATION

The Committee recommends the following funding levels for the Railroad research and development programs:

Railroad System Issues	$3,225,000
Human Factors	3,478,000
Rolling Stock and Components	2,487,000
Track and Structures	5,225,000
Track and Train Interaction	3,350,000
Train Control	1,250,000
Grade Crossings	1,435,000
Hazardous Materials Transportation	1,000,000
Train Occupant Protection	6,450,000
R&D Facilities and Test Equipment	1,425,000

Track and Structures.—The Committee provides $5,225,000 for FRA's track and structures research efforts. Within the funds provided, the Committee includes $1,000,000 to continue the development of the Integrated Railway Remote Information Service (InteRRIS) which is public-private demonstration program which utilizes defect detectors across North America. InteRRIS is an internet-based system designed to aggregate, interrogate and store data from these field-deployed detector systems. These additional funds will provide enhancements to FRA's National Rail Corridor Car Performance Database to make it web accessible and generate new queries to support any analysis of the data for improving safety and predictive maintenance. The Committee also includes $2,000,000 for Marshall University and the University of Nebraska for safety research programs in rail equipment, human factors, track, and rail safety related issues.

Freight congestion study.—The Committee is aware of continued railroad-freight congestion issues in the Chicago, Illinois region. It can take 2 days or more to move freight through the region, oftentimes at train speeds averaging between 6.8 and 12 m.p.h. Blocked crossings also contribute to this congestion. More than 37,500 rail freight cars move through the region daily across nearly 2,000 at-grade railroad crossings and to 26 intermodal yards. The Committee directs the Federal Railroad Administrator to work with the Chicago Transportation Coordination Office and communities in the Chicago region, including the city of Chicago, to compile and publish a periodic measure of the impact of rail operations in the area. This shall also include the status of improvement projects undertaken by the railroads to relieve congestion. This information should translate operational reports to reflect community impacts of blocked crossings and idling locomotives/trains. These reports shall be submitted on a quarterly basis. The administrator should also expand the number of monitored crossings in the Chicago region to measure the full extent of block railroad crossings, including using event recorders and/or remote monitors to collect data indicating the exact times grade crossing gates are closed and the length of time they remain closed. The administrator should report to the House and Senate Committees on Appropriations the status of these efforts no later than 120 days after enactment.

RAILROAD RESEARCH AND DEVELOPMENT USER FEES

Appropriations, 2002	.....
Budget estimate, 2003	($14,000,000)
Committee recommendation	.....

User fees.—The Committee denies the Administration's legislative proposal to impose user fees on FRA's railroad research and development activities.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

Section 502 of Public Law 94–210, as amended authorizes obligation guarantees for meeting the long-term capital needs of private railroads. Railroads utilize this funding mechanism to finance major new facilities and rehabilitation or consolidation of current facilities. No appropriations or new loan guarantee commitments are proposed in fiscal year 2003.

The Rail Rehabilitation and Improvement Financing Program, as established in section 7203 of the Transportation Equity Act for the 21st Century [TEA21], will enable the Secretary of Transportation to provide loans and loan guarantees to State and local governments, Government-sponsored authorities and corporations, railroads and joint ventures to acquire, improve, or rehabilitate intermodal or rail equipment or facilities, including track, bridges, yards, and shops.

NEXT GENERATION HIGH-SPEED RAIL

Appropriations, 2002	$32,200,000
Budget estimate, 2003	23,200,000
Committee recommendation	30,000,000

The Committee has provided $30,000,000 in general fund appropriations for the High-Speed Ground Transportation [HSGT] Program, $6,800,000 more than the President's budget request.

The Committee first provided funding for the Next Generation High-Speed Rail [NGHSR] Program in fiscal year 1995. The program funds high-speed rail research, development, and technology demonstration programs to foster high-speed passenger service on rail corridors throughout the country.

The Committee recommends the following funding levels for the Next Generation High-Speed Rail Programs:

High-speed train control systems	$5,000,000
High-speed non-electric locomotives	5,300,000
Grade crossing hazard mitigation/Low-cost innovative technologies	3,900,000
Track and structures technology	1,200,000
Corridor planning	9,100,000
Magnetic levitation	5,500,000

High-speed train control systems.—The Committee has provided a total of $5,000,000 for the North American Joint PTC project.

Grade crossing hazard mitigation/low-cost innovative technologies.—The Committee recommends $3,900,000 for grade crossing hazard mitigation and low-cost innovative technology initiatives.

Within the funds provided, the Committee includes the following allocations:

North Carolina Sealed Corridor Initiative	$700,000
Illinois Rail-Grade crossing safety program	800,000
State of Vermont hazard elimination	500,000

Corridor planning.—The Committee includes $9,100,000 for passenger rail corridor planning. Within the funds provided, the Committee includes the following allocations:

Southeast High Speed Rail Corridor, NC	$1,000,000
California high-speed rail	2,000,000
Florida high-speed rail	3,850,000
Gulf Coast high-speed rail corridor	800,000
Seattle-Everett corridor study	750,000
Las Vegas-Los Angeles high-speed study	200,000
Northern New England corridor, VT	500,000

Seattle-Everett, Washington Rail Corridor Study.—The Committee provides $750,000 to conduct a corridor planning study of track capacity and utilization by freight, commuter and intercity rail services in the Seattle-Everett portion of the Pacific Northwest High Speed Rail Corridor and the environmental challenges that would accompany expansion of that track capacity.

Las Vegas-Los Angeles study.—The Committee provides $200,000 to conduct a rail capacity and ridership analysis for high-speed rail service between Las Vegas and Los Angeles. The study will assess existing capacity along the route; identify potential improvements to increase capacity and reduce trip times; conduct preliminary engineering and assess station requirements.

Magnetic levitation transportation.—A total of $5,500,000 has been provided for magnetic levitation activities to be distributed as follows:

Washington-Baltimore, MD: Environmental studies	$500,000
Nevada-California: Environmental impact studies, design and engineering	2,000,000
Greensburg-Pittsburgh, PA: Planning, engineering and design	2,000,000
Southern California Maglev environmental study and planning	1,000,000

Rail-highway crossing hazard eliminations.—Section 1103 of the Transportation Equity Act for the 21st Century (TEA21) provides $5,250,000 for the elimination of rail-highway crossing hazards. Of these set-aside funds, the following allocations are made:

Gulf Coast high-speed rail corridor	$2,000,000
Chicago Hub high-speed rail corridor between Milwaukee and La Crosse, WI	500,000
Pacific Northwest high-speed rail corridor	1,500,000

ALASKA RAILROAD REHABILITATION

Appropriations, 2002[1]	$20,000,000
Budget estimate, 2003	.....
Committee recommendation	25,000,000

[1] Excludes $10,200,000 transferred from USAF pursuant to section 8062 of Public Law 107–117.

The Committee has included a total of $25,000,000 for rail safety and infrastructure improvements benefiting passenger operations of the Alaska railroad. This railroad extends 498 miles from Seward through Anchorage, the largest city in Alaska, to the city of Fairbanks, and east to the town of North Pole and Eielson Air Force Base. It carries both passengers and freight, and provides a critical transportation link for passengers and cargo traveling through difficult terrain and harsh climatic conditions.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

Appropriations, 2002[1]	$521,476,000
Budget estimate, 2003	521,476,000

Committee recommendation 826,476,000

[1] Excludes supplemental funding of $100,000,000 pursuant to Public Law 107–117 and $205,000,000 pursuant to the Supplemental Appropriations Act for Fiscal Year 2002.

COMMITTEE RECOMMENDATION

For fiscal year 2003, the administration has requested an appropriation of $521,476,000. Separately, Amtrak's Board of Directors has submitted a budget request for $1,200,000,000 for fiscal year 2003, an increase of $305,000,000 or 58 percent more than the fiscal year 2003 budget request.

Transparency in Amtrak's Budget Process.—The Secretary and other members of the administration have stated repeatedly that greater transparency is needed in Amtrak's budgeting process. The Committee wholeheartedly agrees and commends the Secretary for his successful efforts in requiring Amtrak to provide all relevant participants in the debate with accurate and timely financial documentation. Similarly, the Committee commends Amtrak's new leadership for its willingness to provide such transparency in the development of the railroad's spending plans.

AMTRAK REFORM COUNCIL

Appropriations, 2002[1] $225,000

Budget estimate, 2003 ....

Committee recommendation ....

[1] The Council is an independent entity. Its funding is presented within the FRA for display purposes only.

The Committee has not provided funding for the Amtrak Reform Council as the Council has now issued its final report and completed its work.

PENNSYLVANIA STATION REDEVELOPMENT PROJECT

Appropriations, 2002 ..... $20,000,000

Budget estimate, 2003 20,000,000

Committee recommendation 20,000,000

In 2000, an advance appropriation of $20,000,000 was provided for each fiscal year 2001, 2002, and 2003. These funds support the redevelopment of the Pennsylvania Station in New York City, including the renovation of the James A. Farley Post Office building as a train station and commercial center, and basic upgrades to Pennsylvania Station.

FEDERAL TRANSIT ADMINISTRATION

SUMMARY OF FISCAL YEAR 2003 PROGRAM

The Federal Transit Administration was established as a component of the Department of Transportation by Reorganization Plan No. 2 of 1968, effective July 1, 1968, which transferred most of the functions and programs under the Federal Transit Act of 1964, as amended (78 Stat. 302; 49 U.S.C. 1601 et seq.), from the Department of Housing and Urban Development. The missions of the Federal Transit Administration are: to assist in the development of improved mass transportation facilities, equipment, techniques, and methods; to encourage the planning and establishment of urban and rural transportation services needed for economical and desirable development; to provide mobility for transit dependents in both metropolitan and rural areas; to maximize productivity of transportation systems; and to provide assistance to State and local governments and their instrumentalities in financing such services and systems.

The current authorization for the programs funded by the Federal Transit Administration is contained in the Transportation Equity Act for the 21st Century.

Under the Committee recommendation, a total program level of $7,226,000,000 would be provided for the programs of the Federal Transit Administration for fiscal year 2003, which is the obligation limitation authorized under the mass transit category in TEA21. This funding is comprised of $1,445,000,000 in direct appropriations of general funds and $5,781,000,000 in limitations on contract authority.

The following table summarizes the Committee's recommendations compared to fiscal year 2002 and the administration's request:

[In thousands of dollars]

Program	2002 enacted	2003 estimate[1]	Committee recommendation
Administrative expenses	67,000	73,000	73,000
Formula grants[2 3]	3,542,000	3,839,000	3,839,000
University transportation research	6,000	6,000	6,000
Transit planning and research	116,000	122,000	122,000
Capital investment grants[3 4]	2,891,000	3,036,000	3,036,000
Job access and reverse commute grants	125,000	150,000	150,000
Total	6,747,000	7,226,000	7,226,000

[1] Excludes $3,586,000 in CSRS/FEHB accruals.
[2] Excludes $23,500,000 in Emergency supplemental funding provided pursuant to Public Law 107–117.
[3] Fiscal year 2002 reflects transfer of $50,000,000 from Formula grants to Capital investment grants.
[4] Excludes $100,000,000 in Emergency supplemental funding provided pursuant to Public Law 107–117.

ADMINISTRATIVE EXPENSES

	General fund	Trust fund	Total
Appropriations, 2002	$13,400,000	$53,600,000	$67,000,000
Budget estimate, 2003[1]	14,600,000	58,400,000	73,000,000
Committee recommendation	14,600,000	58,400,000	73,000,000

[1] Excludes $3,586,000 in CSRS/FEHB accruals.

The Committee recommends a total of $73,000,000 in budget resources funds for administrative expenses.

FORMULA GRANTS

	General fund	Trust fund	Total
Appropriations, 2002[1 2]	$668,400,000	$2,873,600,000	$3,542,000,000
Budget estimate, 2003	767,800,000	3,071,200,000	3,839,000,000
Committee recommendation	767,800,000	3,071,200,000	3,839,000,000

[1] Reflects $50,000,000 transferred to capital investment grants pursuant to Public Law 107–87 and excludes $23,500,000 in Emergency Supplemental funding provided pursuant to Public Law 107–117.
[2] Fiscal year 2002 does not reflect FHWA flex funding transferred to FTA.

Formula grants to States and local agencies funded under this heading fall into four categories: urbanized area formula grants (U.S.C. sec. 5307); clean fuels formula grants (U.S.C. sec. 5308); formula grants and loans for special needs of elderly individuals and individuals with disabilities (U.S.C. sec. 5310); and formula grants for non-urbanized areas (U.S.C. sec. 5311). In addition, setasides of formula funds are directed to: a grant program for intercity bus operators to finance Americans with Disabilities Act [ADA] accessibility costs; and the Alaska Railroad for improvements to its passenger operations.

Within the total funding level of $3,839,000,000 for fiscal year 2003, the statutory distribution of these formula grants is allocated among these categories as follows:

Urbanized areas (sec. 5307) $3,445,939,606

Clean fuels (sec. 5308) 50,000,000

Elderly and disabled (sec. 5310) 90,652,801

Nonurbanized areas (sec. 5311) 240,607,643

Over-the-Road Bus Program 6,950,000

Alaska railroad 4,849,950

Section 3007 of TEA21 amends U.S.C. 5307, urbanized formula grants, by striking the authorization to utilize these funds for operating costs, but includes a specific provision allowing the Secretary to make operating grants to urbanized areas with a population of less than 200,000. Generally, urbanized formula grants may be used to fund capital projects, and to finance planning and improvement costs of equipment, facilities, and associated capital maintenance used in mass transportation. All urbanized areas greater than 200,000 in population are statutorily required to use 1 percent of their annual formula grants on enhancements, which include landscaping, public art, bicycle storage, and connections to parks.

Clean fuels program.—The Transportation Equity Act for the 21st Century requires that $50,000,000 be set-aside from funds made available under the formula grants program to fund the clean fuels program. The clean fuels program is supplemented by an additional set-aside from the major capital investment's bus program and provides grants for the purchase or lease of clean fuel buses for eligible recipients in areas that are not in compliance with air quality attainment standards. The Committee has included bill language transferring the clean fuel formula set-aside funds to the capital investment grants account. The Committee has identified designated recipients of these funds within the projects listed under the bus program of the capital investment grants account.

The following table displays the State-by-State distribution of the formula program funds within each of the program categories:

FEDERAL TRANSIT ADMINISTRATION, FISCAL YEAR 2003 GUARANTEED LEVEL APPORTIONMENT FOR FORMULA PROGRAMS (BY STATE)

State	Section 5307 urbanized area	Section 5311 nonurbanized area	Section 5310 elderly and persons with disabilities	Total formula programs
Alabama	$14,927,927	$6,693,617	$1,582,925	$23,204,469
Alaska	[1] 8,546,214	932,932	240,303	9,719,449
American Samoa	.....	153,033	60,088	213,121
Arizona	44,214,267	3,265,400	1,652,847	49,132,514
Arkansas	8,076,720	4,841,871	1,029,871	13,948,462
California	583,841,997	10,475,294	9,488,919	603,806,210
Colorado	46,448,166	2,907,313	1,160,010	50,515,489
Connecticut	46,629,133	1,488,013	1,128,644	49,245,790
Delaware	6,342,133	674,647	352,994	7,369,774
District of Columbia	66,802,132	.....	309,042	67,111,174
Florida	158,320,783	6,710,664	6,064,881	171,096,328
Georgia	63,237,705	8,484,475	2,295,637	74,017,817
Guam	1,359,878	60,272	157,227	1,577,377
Hawaii	26,885,021	1,003,351	476,147	28,364,519
Idaho	5,731,779	1,843,482	455,768	8,031,029
Illinois	220,316,888	7,163,547	3,526,256	231,006,691
Indiana	36,011,838	7,130,780	1,871,517	45,014,135
Iowa	12,875,848	4,838,882	980,862	18,695,592
Kansas	9,613,682	3,954,869	882,653	14,451,204
Kentucky	19,550,450	6,611,124	1,461,839	27,623,413
Louisiana	31,467,926	5,164,303	1,455,553	38,087,782
Maine	3,062,068	2,566,899	533,084	6,162,051
Maryland	69,014,462	2,800,694	1,545,478	73,360,634
Massachusetts	127,232,927	1,907,117	2,041,414	131,181,458
Michigan	68,303,580	8,975,050	2,938,848	80,217,478
Minnesota	42,155,128	5,897,179	1,366,007	49,418,314
Mississippi	5,276,443	5,782,322	1,032,720	12,091,485
Missouri	36,804,592	6,690,078	1,788,808	45,283,478
Montana	2,581,607	1,784,329	384,485	4,750,421
N. Mariana Islands	676,035	20,103	60,998	757,136
Nebraska	8,374,720	2,420,469	596,510	11,391,699
Nevada	24,300,864	859,972	721,940	25,882,776
New Hampshire	4,650,337	1,826,955	457,852	6,935,144
New Jersey	216,873,343	1,764,450	2,587,773	221,225,566
New Mexico	9,107,633	2,555,496	655,206	12,318,335
New York	548,839,731	9,273,805	6,091,120	564,204,656
North Carolina	37,223,366	11,455,078	2,563,722	51,242,166
North Dakota	3,056,087	1,098,920	310,725	4,465,732
Ohio	91,723,614	10,796,386	3,431,195	105,951,195
Oklahoma	13,978,521	5,254,198	1,208,398	20,441,117
Oregon	36,021,230	3,860,548	1,122,512	41,004,290
Pennsylvania	155,123,266	10,871,771	4,044,433	170,039,470
Puerto Rico	44,710,018	886,606	1,399,708	46,996,332
Rhode Island	8,295,427	321,072	463,004	9,079,503
South Carolina	14,169,630	5,711,432	1,383,261	21,264,323
South Dakota	2,348,155	1,496,539	339,305	4,183,999
Tennessee	28,761,361	7,277,715	1,914,830	37,953,906
Texas	194,268,566	16,176,384	5,644,548	216,089,498
Utah	27,314,937	1,295,746	592,321	29,203,004
Vermont	1,043,904	1,344,823	294,426	2,683,153
Virgin Islands	.....	290,119	150,772	440,891
Virginia	54,257,001	6,317,842	2,017,699	62,592,542
Washington	95,180,075	4,247,980	1,720,930	101,148,985
West Virginia	4,929,603	3,461,591	784,330	9,175,524
Wisconsin	41,295,126	6,734,456	1,574,405	49,603,987
Wyoming	1,381,764	982,612	256,054	2,620,430
Subtotal	3,433,535,608	239,404,605	90,652,801	3,763,593,014
Oversight	17,253,948	1,203,038	.....	18,456,986
Total	3,450,789,556	240,607,643	90,652,801	3,782,050,000
Clean Fuels	.....	.....	.....	50,000,000
Over-the-Road Bus Accessibility	.....	.....	.....	6,950,000
Grand Total	.....	.....	.....	3,839,000,000

[1] Includes $4,849,950 for the Alaska Railroad improvements to passenger operations.

Over-the-road buses.—The Committee has included $6,950,000 in fiscal year 2003 for the over-the-road accessibility program. These funds are intended to assist over-the-road bus operators in complying with the Americans with Disabilities Act accessibility requirements.

UNIVERSITY TRANSPORTATION RESEARCH

	General fund	Trust fund	Total
Appropriations, 2002	$1,200,000	$4,800,000	$6,000,000
Budget estimate, 2003	1,200,000	4,800,000	6,000,000
Committee recommendation	1,200,000	4,800,000	6,000,000

Section 5505 of TEA21 provides authorization for the university transportation research program. The purpose of the university transportation research program is to become a national resource and focal point for the support and conduct of research and training concerning the transportation of passengers and property. Funds provided under the FTA university transportation research program are transferred to and managed by the Research and Special Programs Administration (RSPA), combined with a transfer from the Federal Highway Administration of $26,500,000. The transit university transportation research program funds are statutorily available only to the following universities: University of Minnesota and Northwestern University. Funding is also statutorily available for awards based on competitive applications of approved universities.

The Committee action provides $6,000,000 for the university transportation research program, the same level as provided in fiscal year 2002.

TRANSIT PLANNING AND RESEARCH

	General fund	Trust fund	Total
Appropriations, 2002 [1]	$23,000,000	$93,000,000	$116,000,000
Budget estimate, 2003	24,200,000	97,800,000	122,000,000
Committee recommendation	24,200,000	97,800,000	122,000,000

[1] Does not reflect FHWA flex funding transferred to FTA.

The Committee action provides $122,000,000 for transit planning and research. The bill contains language specifying that $60,385,600 shall be available for the metropolitan planning program; $5,250,000 for the rural transit assistance program; $31,500,000 for the national planning and research program; $12,614,400 for the State planning and research program; $8,250,000 for transit cooperative research; and $4,000,000 for the National Transit Institute at Rutgers University.

The following table summarizes the Committee recommendation:

	Fiscal year—		Committee recommendation
	2002 program level [1]	2003 budget estimate	
Metropolitan planning	$55,422,400	$60,385,600	$60,385,600
Rural transit assistance program	5,250,000	5,250,000	5,250,000
State planning and research program	11,577,600	12,614,400	12,614,400
Transit cooperative research program	8,250,000	8,250,000	8,250,000
National Transit Institute	4,000,000	4,000,000	4,000,000
National planning and research program	31,500,000	31,500,000	31,500,000
Total	116,000,000	122,000,000	122,000,000

[1] Fiscal year 2002 does not reflect FHWA flex funding transferred to FTA.

NATIONAL PLANNING AND RESEARCH PROGRAM

The Committee recommendation includes transit planning and research grants from the national program for:

Project	*Amount*
Auburn University Campus Transit System, AL	$375,000
Center for Composites Manufacturing, AL	1,000,000
Detroit Airport Rail Project, MI	200,000
Detroit Area Regional Transportation Authority Studies, MI	750,000
Electric Transit Vehicle Institute, TN	500,000
I–93 Corridor Transit Investment Study, NH	1,000,000
National Bio-terrorism Civilian Medical Response Center, PA	1,000,000
National Deployment of the ITN America, ME	500,000
NDSU Transit Center for Small Urban Areas, ND	400,000
Rich Passage Passenger Ferry Project, WA	1,000,000
Rockford-Belvidere, Transit Feasibility Study, IL	250,000
Transit Usage, Home Interview Survey Study, UT	500,000
Washington State Ferries Wireless Connection Project, WA	1,000,000
WVU Exhaust Emissions Testing, WV	1,400,000
Zinc-air Zero emissions bus, NV	1,500,000
Project ACTION	3,000,000

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Appropriations, 2002	($5,398,000,000)
Budget estimate, 2003	(5,781,000,000)
Committee recommendation	5,781,000,000

For fiscal year 2003, the Committee has provided $5,781,000,000 in liquidating cash for the trust fund share of transit expenses associated with the following programs: administrative expenses, formula grants, university transportation research, transit planning and research, job access and reverse commute grants, and capital investment grants. This level of funds is equal to the total budget authority from the highway trust fund inside the transit firewall as outlined in the transportation discretionary spending guarantee subtitle of the Transportation Equity Act for the 21st Century.

CAPITAL INVESTMENT GRANTS

	General funds	Trust funds	Total
Appropriations, 2002[1]	$618,200,000	$2,272,800,000	$2,891,000,000
Budget estimate, 2003	607,200,000	2,428,800,000	3,036,000,000
Committee recommendation	607,200,000	2,428,800,000	3,036,000,000

[1] Includes $50,000,000 transferred from formula grants pursuant to Public Law 107–87 and excludes $100,000,000 in Emergency supplemental funding provided pursuant to Public Law 107–117.

Section 5309 of 49 U.S.C. authorizes discretionary grants or loans to States and local public bodies and agencies thereof to be used in financing mass transportation investments. Investments may include construction of new fixed guideway systems and extensions to existing guideway systems; major bus fleet expansions and bus facility construction; and fixed guideway expenditures for existing systems.

The Committee action provides a level of $3,036,000,000. Within this total, $2,428,800,000 is from the ''Mass transit'' account of the highway trust fund, and no more than $607,200,000 shall be appropriated from general funds. The following table summarizes the Committee recommendations:

	2002 program level	Fiscal year 2003 budget estimate	Committee recommendation
Bus and bus facilities	$618,200,000	$607,200,000	$607,200,000
Fixed guideway modernization	1,136,400,000	1,214,400,000	1,214,400,000
New systems and new extensions	1,136,400,000	1,214,400,000	1,214,400,000
Total	2,891,000,000	3,036,000,000	3,036,000,000

Limited extensions of discretionary funds.—There have been occasions when the Committee has extended the availability of capital investment funds. These extensions are granted on a case by case basis and, in nearly all instances, are due to circumstances that were unforeseen by the project's sponsor. The availability of these particular funds are intended for one additional year, absent further congressional direction. The Committee directs the FTA not to reallocate funds provided in fiscal year 1999 and fiscal year 2000 for the following projects:

—Santa Fe/El Dorado, New Mexico rail link project
—Albuquerque, New Mexico light rail project
—Tuscaloosa, Alabama intermodal center
—Kenosha-Racine-Milwaukee, Wisconsin rail extension project
—Northern New Mexico park and ride facilities and State of New Mexico, Buses and Bus-Related Facilities
—Birmingham, Alabama transit corridor project
—Harrisburg, Pennsylvania-Capital Area Transit/Corridor One commuter rail project
—Charleston, South Carolina monobeam corridor project
—King County, Washington park and ride expansion
—Sequim, Washington—Clallam Transit multimodal center
—Birmingham-Jefferson County, Alabama buses
—Port MacKenzie/Upper Cook Inlet Intermodal Facility
—Roaring Fork Transportation Authority, CO
—Dothan Wiregrass, Alabama vehicles and transit facility
—Jefferson/Montevallo, Alabama pedestrian walkway
—Montgomery, Alabama Union Station intermodal center
—Pritchard, Alabama bus transfer center
—West Virginia statewide intermodal facility and buses.

Bill language.—The bill contains a general provision (sec. 322) reprogramming funds provided in previous fiscal years for the following project:

—Wilmington, Delaware downtown transit connector (fiscal year 2000 and fiscal year 2001)—to be made available for Wilmington, Delaware commuter rail improvements.
—Missoula Ravalli Transportation Management Administration buses (fiscal year 2001)—to be made available for Missoula Ravalli Transportation Management Administration buses and bus facilities.

BUS AND BUS FACILITIES

The Committee recommendation for bus and bus facilities funding is $657,200,000. These funds may be used to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities. Funds for bus and bus facilities shall be distributed as follows:

Project	*Amount*
AC Transit Buses and Bus Facilities, CA	$1,000,000
Adams Transit Authority Buses and Bus Facilities, PA	400,000
Ajo to Phoenix Bus Service, AZ	200,000
Alabama A&M University bus & bus facilities, AL	500,000
Alabama State Docks Intermodal Facility, AL	10,000,000
Alabama Statewide Bus Facilities and Ancillary Equipment, AL	3,000,000
Alabama Statewide Replacement of Senior Center Vans, AL	4,500,000
Albuquerque, NM bus and bus facilities	300,000
Allegheny Port Authority Buses, PA	1,000,000
Allentown Intermodal Transportation Center, PA	3,000,000
Altoona Metro Transit buses, PA	500,000
Anchorage Int'l Airport Intermodal Facility, AK	2,000,000
Anchorage Transfer Facility, AK	3,000,000
Ann Arbor Transportation Authority Bus & Bus Facilities, MI	3,000,000
Area Transportation Authority Buses, North Central PA	3,000,000
Area VII Agency on Aging Bus and Bus Facility, MT	1,000,000
Arkansas Statewide, AR	10,000,000
Attleboro Intermodal Facility, MA	750,000
Aurora Avenue Bus Rapid Transit, WA	2,000,000
Austin Bus Projects, TX	8,000,000
Bay Area Transportation Authority Buses, Traverse City, MI	1,000,000
Beaumont buses, TX	300,000
Beaver County Transit Authority, Buses, PA	500,000
Bergen County Intermodal Park-n-Ride & Facilities, NJ	1,750,000
Berks Area Reading Transportation Buses and Bus Facilities, PA	1,000,000
Bi-State Development Agency Bus Replacement, MO	3,000,000
Blue Water Area Transit bus facility, Port Huron, MI	2,000,000
Bridgeport High Speed Ferry Terminal Project, CT	2,000,000
Brockton Intermodal Transportation Center, MA	1,500,000
Brookhaven Multi-Modal Transportation Center, MS	2,000,000
Broward County Buses and Bus Facility, FL	2,000,000
Brownsville buses, TX	300,000
BRT Systems, Appurtenances & Facilities, HI	11,000,000
Buffalo Auditorium Intermodal Center, NY	5,000,000

Project	Amount
Burien transit center, transit oriented development, WA	2,000,000
Bus Rapid Transit Project, Las Vegas Blvd., NV	5,000,000
Capital Area Transit buses, PA	500,000
Capital Area Transportation Authority (CATA), Lansing, MI	3,000,000
Cedar Falls, Multimodal Facility, IA	1,100,000
Cherry Street Multimodal Facility, IN	1,300,000
Chittenden County Transit Authority Bus and Facility, VT	4,000,000
Cincinnati Government Square Transit Transfer Center, OH	6,400,000
Coffman-Cove Inner-island Ferry/Bus Terminal, AK	2,000,000
Colorado Statewide, CO	9,000,000
Connecticut State-wide Buses, CT	2,500,000
C–Tran, Vancouver Mall transit center, WA	2,700,000
Delaware Statewide Buses	3,250,000
East Central Florida Transit Coalition, Bus and Facilities, FL	11,000,000
East Palo Alto Buses, CA	400,000
Easton Intermodal Terminal, PA	2,000,000
Edmonds Crossing multimodal project, WA	4,000,000
El Paso Bus Projects, TX	4,000,000
Espanola ADA van & Compressed Gas Equipment, NM	75,000
Fairbanks Intermodal Facility, AK	250,000
Fairbanks Rail/Bus Transfer Facility, AK	2,000,000
Ferguson van replacement, MO	45,000
Flint Mass Transportation Authority bus and bus facilities, MI	3,750,000
Fort Smith Bus, AR	1,500,000
Fresno Buses, CA	600,000
Fort Worth buses, TX	500,000
Galveston Buses, TX	2,000,000
Gardena Municipal Bus Lines, CA	350,000
Georgia Statewide, Bus Replacement Program	1,500,000
Gloucester Co Sr. Buses, NJ	350,000
Greater Minnesota Transit Authority Bus & Bus Facilities, MN	9,500,000
Greater Triskett Bus Garage Rehabilitation, OH	3,000,000
GRTA Express Bus & Facility, GA	8,000,000
Hampton Roads Transit Facility Replacement, VA	4,000,000
Hartford Downtown Circulator, CT	2,800,000
Hartford-New Britain Busway Project, CT	12,500,000
Hattiesburg Intermodal Facility, MS	3,500,000
Hawaii Statewide Bus and Bus Facilities, HI	6,000,000
Hazelwood van expansion, MO	80,000
Henderson County Facility, KY	2,000,000
Hershey Intermodal Transportation Center, PA	2,000,000
Hoover & Vestavia Hills Diesel Hybrid Electric Buses, AL	1,000,000
Houston buses, MO	100,000
Huntsville Int'l Airport Intermodal Center Phase III, AL	3,000,000
Idaho Transit Coalition Bus and Bus Facilities	2,500,000
Illinois Statewide, IL	10,000,000
Indiana Statewide	2,000,000
Indianapolis Downtown Transit Center, IN	4,500,000
Intermodal/Inland Port Terminal, SC	5,000,000
Iowa City Intermodal Transit Facility, IA	8,000,000
Iowa Statewide	6,500,000
Jackson Transportation Authority Bus Facility, MI	500,000
Jamaica Intermodal Facilities, NY	3,000,000
Jefferson City Transit bus and van, MO	2,000,000
Johnson County Transit Programs, KS	500,000
Kalamazoo Transportation Center, MI	2,900,000
Kansas City KCATA Buses, MO	3,750,000
Kansas Statewide	3,000,000
Knoxville Electric Transit Intermodal Center, TN	3,400,000
LSU Health Sciences Center, Shreveport Intermodal Facility, LA	2,000,000
Lane Transit District Bus Facility, OR	6,000,000
Las Vegas Downtown Transportation Center, NV	4,500,000
Las Vegas Transit Access Project, NV	500,000
Livermore Valley Center Project, CA	300,000
Lorain Renovation Train Depot in a Multi-modal Hub, OH	2,400,000
Los Angeles MTA Bus and Bus Facility, CA	5,000,000
Los Angeles to Pasadena Construction Authority Bus Program, CA	3,000,000
Louisiana Statewide	13,000,000
Lowell-Gallagher Intermodal Facility, MA	1,000,000
Lubbock buses, TX	500,000
Macon Union Station Intermodal Center Rehabilitation, GA	2,000,000
Marquette County Transit Authority bus and bus facilities, MI	2,750,000
MARTA Bus Replacement & clean fuel buses & facilities, GA	10,000,000
Maryland Statewide	13,000,000
Maui County buses, HI	1,500,000
Memphis Airport Intermodal Facility Improvements, TN	3,000,000
Metro Area Transit—Intermodal Facility, NE	2,000,000
Metro Area Transit,South Omaha/Stockyard Center, NE	1,500,000
Metro Transit Bus & Bus facilities, Twin Cities, MN	7,000,000
Miami-Dade County, Buses Acquisition, FL	3,000,000
Michigan Statewide, Buses & Bus Facilities	4,000,000
Missouri Statewide Bus and Bus Facility Projects	5,500,000
Mobile Health Service Buses, NYC, NY	750,000
Modesto Bus Maintenance Facility, CA	500,000
Montclair State Univ.Campus & Community Bus System, NJ	1,500,000
Monterey-Salinas Transit (MST) Bus and Bus Facilities, CA	500,000
Montgomery County FDA Transit Center, MD	375,000
Montpelier Multimodal Center, VT	3,000,000
Mount Vernon multi-modal facility, WA	1,160,000
Mountain Line Buses, Missoula, MT	1,000,000
Municipal Transit Operators Coalition, Long Beach, CA	1,750,000
Nebraska Statewide	2,000,000
New Hampshire Statewide Bus Acq., NH	3,000,000
New York CNG Urban Buses, NY	4,000,000
Newport Trolley Project, RI	500,000
Niagara Falls International Train Station, NY	1,500,000
Niagara Frontier Transportation Authority Buses, Facilities, NY	2,500,000
Normal Multi-modal Facility, IL	1,750,000
North Carolina Statewide	8,000,000
North Dakota Statewide	2,900,000
Norwich Hollyhock Station ITC Project, CT	2,000,000
OATS Bus and Bus Facilities, MO	3,000,000
Oceangateway Development Project, ME	1,500,000
Ohio Statewide Bus and Bus Facilities	8,000,000
Oklahoma statewide buses and bus facilities	12,000,000
OSU Multimodal Transportation Facility, OK	4,500,000
Palo Alto Bus Facility, CA	400,000
Penn Station Platform Extension, NJ	2,000,000
Pierce County bus and bus facilities, WA	3,000,000
Port Angeles, International Gateway project, WA	1,500,000
Port MacKenzie Intermodal Facility, AK	2,000,000
Port of Anchorage Intermodal Facility, AK	1,000,000
Potomac & Rappahannock PRTC, Buses, VA	2,000,000
Premium Commuter Service Pilot Program, RI	1,250,000
Pullman Multi-modal Center, PA	1,000,000
Reno and Sparks Downtown Facilities, NV	6,200,000
Rhode Island Statewide	7,000,000
Richmond Multi-modal Facility, VA	4,000,000
Rio Rancho, Buses and Bus Facilities, NM	250,000
Rochester Genesee Transportation Authority's Buses, NY	1,500,000
Rosebud Sioux Tribe Bus Facility, SD	206,500
Rural Transit Buses & Facilities, NV	2,000,000
Sacramento Regional Transit District Bus Facility, CA	1,250,000
Saginaw Transit Authority Regional Service buses, MI	500,000

Project	Amount
Salem Area Mass Transit Bus and Bus Facility, OR	2,000,000
San Antonio, Transit Bus System Modernization, TX	3,000,000
San Francisco Muni, Bus and Bus Facilities, CA	5,000,000
Santa Barbara Bus and Bus Facilities, CA	750,000
Santa Clara Valley Transportation Authority Buses, CA	2,000,000
Santa Fe bus and bus facility, NM	1,000,000
Section 5327 Oversight Activities	5,493,500
SEPTA Intermodal Facility, Bucks County, PA	2,000,000
SEPTA Norristown Intermodal Facility, PA	4,000,000
Seward Buses & Bus Facility, AK	200,000
Ship Creek Pedestrian & Intermodal Facility, AK	1,000,000
Sierra Madre CNG Fueling Station, CA	200,000
Small Bus System Program of Projects, WA	2,140,000
SMART bus and bus facilities, Oakland County MI	1,000,000
Snohomish County Community Transit park and ride, WA	3,500,000
Sound Transit regional transit hubs, WA	5,000,000
South Bend TRANSPO Buses, IN	1,500,000
South Carolina Statewide	14,000,000
Southeast Missouri Trans. Services Bus & Bus Facilities, MO	500,000
Spokane bus and bus facilities, WA	3,000,000
Springfield Transportation Department Buses, MO	2,000,000
Springfield Union Station, MA	8,000,000
St. Charles buses and equipment, MO	245,000
St. Johnsbury Transit Center Rehabilitation, VT	250,000
St. Joseph Buses, MO	2,000,000
START Bus Service, AZ	300,000
Stoddard County van, MO	30,000
Tennessee Statewide Buses and Bus Facility, TN	9,500,000
Thompkins Consolidated Area Transit Bus & bus facility, NY	1,000,000
Topeka Transit Buses, KS	1,500,000
Transit Authority of N. Kentucky Buses and bus facility, KY	1,000,000
Trenton Station Intermodal Project, NJ	12,000,000
Tri-Met Buses, Portland, OR	3,000,000
Troy State University Bus Shuttle Program, AL	1,500,000
TTA Transit Authority Bus and Van Purchase, WV	1,800,000
Tucson Downtown Intermodal Center, AZ	3,000,000
UNI Intermodal Facility, IA	1,250,000
Union Station Restoration, NY	1,250,000
Union Station/Molton Street Multimodal Facility, AL	5,000,000
University of North Alabama Transit Projects, AL	2,000,000
University of Rhode Island Student Transportation Services, RI	1,250,000
UTA and Park City Transit Buses, UT	5,000,000
Utah Statewide regional intermodal transportation centers, UT	1,000,000
Valley Metro/RPTA, Buses & Bus Facilities, Phoenix, AZ	8,000,000
Wabash Landing Transit Bus and Bus Facility, IN	1,000,000
Wasilla Intermodal Facility, AK	900,000
Wesbrook Parking Garage/Intermodal Facility, ME	1,000,000
West Coast Florida Bus Coalition, Buses & Bus Facilities, FL	8,000,000
West Lafayette Articulated Buses, IN	2,000,000
West Virginia Statewide	4,000,000
Westchester County Bee-Line Buses, NY	1,500,000
Wilkes-Barre Intermodal Facility, PA	1,000,000
Wisconsin Statewide	12,500,000
WMATA Clean Fleet Bus Program, VA	3,000,000
Wyandotte Co. Buses, KS	500,000
Wyoming Bus & Bus Facilities, WY	2,500,000
York County Transit Authority, Buses, PA	1,500,000

Illinois Statewide Buses.—The Committee provide $10,000,000 to the Illinois Department of Transportation (IDOT) for Section 5309 Bus and Bus Facilities grants. The Committee expects IDOT to provide at least $5,000,000 for Downstate Illinois replacement buses in Bloomington-Normal, Peoria, Macomb, Madison County, Rock Island, Rosiclare, Kankakee, Quincy, Rockford, and Springfield. Further, the Committee expects IDOT to provide appropriate funds for bus facilities in Champaign-Urbana (University of Illinois Park and Ride/Daycare Center), Galesburg, Rockford, and Springfield.

Washington Statewide Small Transit Systems, Buses and Bus Facilities.—The Committee provides $2,140,000 to the Washington State Department of Transportation (WSDOT) for Section 5309 Bus and Bus Facilities grants. The Committee expects WSDOT to fund the following projects: (1) $432,000 to Grant Transit Authority; (2) $144,000 to Grays Harbor Transportation; (3) $288,000 to Island Transit; (4) $96,000 to Pacific Transit; and, (5) $1,180,000 to Pullman Transit.

FIXED GUIDEWAY MODERNIZATION

The Committee recommends a total of $1,214,400,000 for the modernization of existing rail transit systems. Under TEA21 all of the funds are distributed by formula. The following table itemizes the fiscal year 2002 rail modernization allocations by State:

Estimated fiscal year 2003 section 5309 fixed guideway modernization

State	Fiscal year 2003 budget
Alaska	$2,423,937
Arizona	1,845,317
California	139,151,518
Colorado	2,261,031
Connecticut	40,546,804
District of Columbia	57,562,724
Florida	19,685,468
Georgia	27,042,153
Hawaii	1,304,537
Illinois	131,151,605
Indiana	8,972,016
Louisiana	2,972,818
Maryland	29,372,229
Massachusetts	75,767,529
Michigan	575,906
Minnesota	5,896,427
Missouri	5,008,671
New Jersey	104,313,737
New York	368,542,791
Ohio	18,427,652
Oregon	4,930,300
Pennsylvania	100,301,564
Puerto Rico	2,722,582
Rhode Island	98,373
Tennessee	406,222
Texas	9,197,893
Virginia	18,194,293
Washington	22,695,789
Wisconsin	884,114
Total	1,202,256,000
One percent oversight	12,144,000
Total appropriation	1,214,400,000

NEW STARTS

The bill provides $1,239,400,000 for New Starts. These funds are available for major investment studies, preliminary engineering, right-of-way acquisition, project management, oversight, and construction for new systems and extensions. Under section 3009(g) of TEA21, there is an 8-percent statutory cap on the amount made available for activities other than final design and construction—that is, alternatives analysis, environmental impact statements, preliminary engineering, major investment studies, and other predesign and preconstruction activities.

COMMITTEE RECOMMENDATION

The bill allocates the funds provided for New Starts as follows:

Project	Amount
Alaska-Hawaii Setaside	$10,296,000
Allegheny Port Authority, Stage II Light Rail Transit, PA	26,250,000
Altamont Commuter Express San Jose to Stockton, CA	1,000,000
Anderson County, South Carolina Transit System, SC	5,000,000
Baltimore Central Light Rail Double Track Project, MD	24,250,000
BART, SFO Extension, CA	100,000,000
Birmingham Transit Corridor Study/PE, AL	3,000,000
Boston, North Shore Corridor Project, MA	500,000
Boston, MA, South Boston Piers Transitway	681,000
Bridgeport Intermodal Corridor Project, CT	5,000,000
Burlington-Middlebury Commuter Rail, VT	2,000,000
Canal Streetcar, New Orleans, LA	30,000,000
Charlotte South Corridor Light Rail Project, NC	8,000,000
Chicago, Douglas Blue Line Project, IL	55,000,000
Chicago, METRA, Expansion Project, IL	52,000,000
Chicago, Ravenswood Brown Line Expansion Project, IL	2,000,000
DART, Suburban Areas Extension, Dallas, TX	60,000,000
Dulles Link Project, VA	18,000,000
East Side Access Project, NY	12,000,000

Project	Amount
Euclid Corridor Transportation Project, Cleveland, OH	6,000,000
Houston Advanced Metro Transit Plan	20,000,000
Hudson-Bergen, Hoboken to Tonnelle Ave., NJ (MOS2)	50,000,000
Hudson-Bergen, Jersey City, Bayonne & Hoboken, NJ (MOS1)	19,200,000
Interstate MAX Light Rail Transit Extension Project, Portland, OR	70,000,000
Johnson County Commuter Rail, KS	400,000
Little Rock River Rail, AR	2,000,000
Los Angeles, North Hollywood Extension, CA	40,490,000
Lowell, MA to Nashua, NH Commuter Rail Ext. Project, NH	500,000
MARC Expansion Project, MD	12,000,000
MARTA North Line Extension Project Completion, GA	16,110,000
MATA Medical Rail Extension, Memphis, TN	15,610,000
Medical Center Light Rail Extension, UT	10,000,000
Metro Link Commuter Rail, St. Clair Extension Project, IL	3,370,000
Metro North Rolling Stock, CT	6,000,000
Nashville Light Rail, TN	3,500,000
Newark-Elizabeth Rail Link, 15 Station Light Rail Line, NJ	60,000,000
North Shore Connector Project, Pittsburgh, PA	7,025,000
North/South TRAX Light Rail Transit Line, UT	720,000
Oceanside-Escondido Light Rail Project, CA	12,200,000
Ogden to Provo Commuter Rail Corridor, UT	6,000,000
Pawtucket Layover Facility, RI	4,500,000
Port McKenzie Ferry, AK	5,000,000
Raleigh, Triangle Transit Project, NC	11,000,000
Resort Corridor Project, Las Vegas, NV	9,000,000
Salt Lake City University TRAX Light Rail Transit Line, UT	68,760,000
San Diego Mission Valley East Line Project, CA	65,000,000
San Juan-Tren Urbano	30,038,000
Santa Fe/El Dorado Rail Link, NM	1,000,000
Scranton to New York City Passenger Rail Service, PA	3,000,000
SEPTA Schuylkill Valley Metro Project, PA	15,000,000
Sounder Commuter Rail, WA	30,000,000
Stamford Urban Transitway, Phase 2 Project, CT	12,000,000
T-REX Southeast Light Rail Corridor, CO	70,000,000
Tri-Rail, Double Track Improvement, FL	18,500,000
Twin Cities Hiawatha & Northstar Projects, MN	48,000,000
Vermont Transportation Authority Rolling Stock, VT	1,000,000
Virginia Railway Express VRE, Project, VA	4,000,000
Wilmington Train Station improvements, DE	3,000,000
Wilsonville to Beaverton Commuter Rail Project, OR	4,500,000
WMATA Addison Rd, Largo Extension, MD	60,000,000

Anderson County, South Carolina Transit System.—The Anderson County trolley system would prove an integral part of the commuter population in Anderson County. It would move people, many of which are low income, from their homes to jobs by using the rail system. This would create a more efficient and environmentally conscious answer to the overburdened system currently in place. The project is currently in alternatives analysis. The Committee has recommended $5,000,000 in New Starts funding for this project in fiscal year 2003.

Atlanta, Georgia, north line extension project.—The Metropolitan Atlanta Rapid Transit Authority (MARTA) has completed construction of a 2.3-mile, 2-station extension of the North Line from the Dunwoody station to North Springs. This extension initiated Revenue Operations on December 16, 2001. This extension serves the rapidly-growing area north of Atlanta, which includes Perimeter Center and north Fulton County, and connects this area with the rest of the region by providing better transit service for both commuters and inner-city residents traveling to expanding job opportunities. On December 20, 1994, FTA issued an FFGA committing a total of $305,010,000 in New Starts funding to this project. In the Conference Report to the fiscal year 2000 appropriations act, FTA was instructed to amend the FFGA for this project to incorporate a change in scope as authorized under section 3030(d)(2) of TEA21. Accordingly, on March 2, 2000, FTA amended the FFGA to include 28 additional railcars, a multilevel parking facility in lieu of a surface parking lot, and enhancements to customer security and amenity measures at the Sandy Springs and North Springs stations. The total cost of the amended project is $463,180,000, with $370,540,000 from the section 5309 New Starts program. Of the $65,530,000 increase in Federal funding, $10,670,000 was applied from unexpended prior-year funds identified from cost savings on the Dunwoody section of the North Line extension. Including these prior-year funds, a total of $354,500,000 has been appropriated for this project through fiscal year 2002. This leaves $16,100,000 remaining in the amended FFGA for this project. The Committee has recommended $16,100,000 in New Starts funding for this project in fiscal year 2003.

Baltimore/Central LRT Double-Tracking.—The Maryland Mass Transit Administration is constructing 9.4 miles of track to upgrade designated areas of the Baltimore Central Corridor Light Rail Line that are currently single track. The Central Corridor is 29-miles long and operates between Hunt Valley in the north to Cromwell/Glen Burnie in the south, serving Baltimore City and Baltimore and Anne Arundel Counties, with extensions providing direct service to the Amtrak Penn Station and the Baltimore-Washington International Airport. This project double-tracks eight sections of the Central Corridor between Timonium and Cromwell Station/Glen Burnie, for a total of 9.4-miles. Although no new stations are required, the addition of a second track will require construction of second station platforms at four stations. Other elements included in the project are bridge and crossing improvements, a bi-directional signal system with traffic signal preemption on Howard Street, and catenary and other equipment and systems. The double tracking will be constructed almost entirely in existing right-of-way. In July 2001, FTA and MTA entered into a FFGA in the amount of $120,000,000 in 5309 New Starts funds. The total estimated cost of the project is $153,700,000 (escalated dollars). A total of $21,490,000 has been appropriated through fiscal year 2002. The Committee has recommended $24,250,000 in New Starts funding for this project in fiscal year 2003.

Birmingham, Alabama, transit corridor project.—The Birmingham Metropolitan Planning Organization (MPO) completed a Regional Transit Feasibility Analysis as part of the Strategic Regional Multi-modal Mobility Plan (Plan) in November 1999. The overall Plan includes a congestion management system element and a feasibility determination for regional transportation and transit improvements for the Birmingham Metropolitan Planning Area of Jefferson and Shelby Counties. In the Phase I regional transportation and investment planning process, the transportation alternatives that were identified included highway improvements, high-occupancy vehicle (HOV) lanes, improved fixed-route transit service, circulator and feeder bus service, express bus service operating from park-and-ride lots on HOV lanes and light rail transit. The conclusions from the Phase I effort included, among other findings, the need to address long-term dedicated public transit funding and land development policies. The Birmingham MPO, representing local municipal and county governments, in cooperation with the Birmingham-Jefferson County Transit Authority, is conducting Phase II. Phase II will identify the locally preferred alternative in each corridor in accordance with FTA's regulations for Major Capital Investment Projects. Phase II is scheduled for completion in fiscal year 2002. Through fiscal year 2002, Congress has appropriated $10,860,000 in section 5309 New Starts funds for this effort and it has been authorized in TEA21. The Committee has recommended $3,000,000 in New Starts funding for this project in fiscal year 2003.

Burlington, Vermont, Burlington to Middlebury rail line project.—The Vermont Agency of Transportation and Vermont Rail Division are working to slowly rehabilitate the rail system along the western side of the State to provide faster and more efficient service to a greater amount of people in Vermont. Given the overwhelming success of the Champlain Flyer commuter rail line from Burlington to Charlotte, Vermont. This new rail line would extend service to Middlebury as well as add more daily travelers on the rail system. The Committee has recommended $2,000,000 in New Starts funding for this project in fiscal year 2003.

Central Link Light Rail, Puget Sound, Washington.—The Committee strongly supports a comprehensive transit solution for the Puget Sound, Washington corridor. It is currently the second most congested area in the Nation. FTA entered into a $500,000,000 Full Funding Grant Agreement (FFGA) with Sound Transit in January 2001 for the former MOS–1. Since that time, the project has faced increased scrutiny and oversight by Congress and the Department of Transportation Inspector General related to concerns about cost increases and schedule delays. This thorough examination of the project is justified.

The Committee has been encouraged by progress made in recent months. The agency

has new leadership and a new management team. New management has executed an agency-wide re-organization and instituted rigorous new budget and project controls. Based on a re-examination of the entire project, the Sound Transit Board identified a 13.9-mile, 11-station initial segment in September 2001. In November 2001, the Board formally adopted the initial segment as the new minimum operable segment. The Initial Segment, runs between the north end of the Downtown Seattle transit Tunnel south to the intersection of South 154th Street and State Route 518.

The Committee understands that Sound Transit will request a FFGA for the same $500,000,000 granted in 2001, but will seek to apply it to the revised alignment. Through fiscal year 2003, Congress has appropriated $90,970,000 for the project.

Charlotte, North Carolina, south corridor light rail transit project.—The Charlotte Area Transit System (CATS), in cooperation with the City of Charlotte, is proposing to design and construct an 11.2-mile light rail transit line extending from Uptown Charlotte to the Town on Pineville, North Carolina, near the South Carolina border. The proposed project is currently planned to operate within portions of existing Norfolk-Southern (NS) railroad rights-of-way (ROW), including sharing ROW with the city's existing downtown trolley system. The south corridor is an area generally paralleling I–77 along NS railroad ROW in the City of Charlotte and Mecklenburg County. A 3.7-mile portion of the proposed system—between Uptown and Scaleybark Road—would operate on abandoned NS ROW owned by the City of Charlotte. The remainder of the planned system (7.3 miles) would operate on separate tracks generally paralleling NS ROW. The proposed project also includes construction of 16 stations, purchase of up to 15 light rail vehicles and the construction of a light rail vehicle maintenance and storage facility. Seven proposed stations from I–485 north to Scaleybark Road will include park-and-ride lots and serve as transfer points for local and express bus service. Total capital costs for the south corridor project are estimated at $348,200,000. The Federal share is estimated to be $174,000,100. Through fiscal year 2002, Congress has appropriated $19,780,000 in section 5309 New Starts funds for this effort. It has also been authorized under TEA21. The Committee has recommended $8,000,000 in New Starts funding for this project in fiscal year 2003.

Chicago, Illinois, Douglas Branch reconstruction project.—The Chicago Transit Authority (CTA) has implemented a complete reconstruction of the approximately 6.6-mile length of the existing Douglas Branch heavy rail line. The line extends from just west of downtown Chicago to its terminus at Cermak Avenue. The Douglas Branch was built in the late 19th and early 20th centuries. Due to its age, the line has become seriously deteriorated resulting in high maintenance and operating costs and declining service. The Douglas Branch currently carries approximately 27,000 average weekday boardings utilizing 11 stations. In the year 2020, CTA expects that the project would serve 6,000 daily new riders. It serves one of the most economically distressed areas in Chicago; low income households make up 30 percent of the total number of households within walking distance of the stations. The line has been in operation for over 100 years, and serves neighborhoods that originally developed along the system. The corridor contains an estimated 54,000 jobs and 115,000 residents within one-half mile of the stations, and serves the University of Illinois at Chicago (25,000 students) and a large, dense central business district with an estimated 339,000 jobs. Population and employment densities are high, averaging 9,100 jobs and nearly 20,000 people per square mile. After ''looping'' through the central business district, the Blue Line also extends to O'Hare International Airport and the Medical Center Complex. The total capital cost of the Douglas Branch reconstruction project is estimated at $482,500,000. The Douglas Branch is authorized for final design and construction by section 3030(a)(106) of TEA21. FTA and CTA entered into an FFGA in January 2001 committing $320,100,000 in Section 5309 New Starts funds to this project. A total of $52,200,000 has been appropriated through fiscal year 2002. This leaves $267,900,000 needed to fulfill the FFGA. The Committee has recommended $55,000,000 in New Starts funding for this project in fiscal year 2003.

Chicago, Illinois, Metra North Central, Southwest Corridor Commuter Rails, and Union Pacific West line extension project.—Metra, the commuter rail division of the Regional Transportation Authority (RTA) of northeastern Illinois, will construct 16.3 miles of a second mainline track, including a 2.3-mile stretch of third track, along the existing 55-mile North Central Service (NCS) commuter rail line to accommodate increased service and operating speeds. The project also includes the construction of five new stations, parking facilities and the purchase of two diesel locomotives. The North Central Corridor extends from downtown Chicago to Antioch on the Illinois-Wisconsin border, traversing suburban Cook and Lake counties. Metra estimates that 8,400 average weekday boardings will occur on the NCS line in the year 2020. The total capital cost of the North Centeral project is estimated at $225,520,000, of which Metra is expected to seek $135,320,000 in section 5309 New Starts funding. The North Central Corridor extends from downtown Chicago to Antioch on the Illinois-Wisconsin border, and traverses suburban Lake County. It includes the two most significant hubs of employment in the six-county northeastern Illinois region, the Chicago CBD and the area surrounding O'Hare International Airport. Metra estimates that this project will serve an average of 8,400 average weekday boardings by 2020, with 8,000 daily new riders. This project has been rated ''medium'' for both project justification and finance, earning an overall rating of ''recommended.'' FTA approved entry into the final design stage of development in October 2000. Section 3030(a)(10) of TEA21 authorizes the North Central project for final design and construction. The North Central Full Funding Grant Agreement was signed on November 5, 2001. Through fiscal year 2002, a total of $51,260,000 was provided for the Metra North Central project. Metra, the commuter rail division of the RTA of Northeast Illinois (NE IL), will construct an additional 12 miles of trackage within an existing 33-mile corridor connecting Union Station in downtown Chicago to 179th Street in Orland Park, Illinois. The Southwest Corridor (SWC) commuter rail project would extend commuter rail service from Orland Park southwest to Manhattan, Illinois. The project also includes the construction of 3.3 miles of a second mainline, three additional stations, parking facilities and multiple improvements to tracks, signals, stations, and other facilities. Section 3030(a)(12) of TEA21 authorized the ''Southwest extension''. The total cost of the Southwest Corridor commuter rail project is estimated at $198,176,649. Through fiscal year 2002, $38,500,000 was provided for the Southwest Corridor project. Metra and FTA entered into a FFGA in November 2001 committing $103,020,000 in section 5309 New Starts funds to the project. Metra, the commuter rail division of the RTA of NE IL, is implementing an 8.5-mile extension to the existing 35-mile Union Pacific West Line (UPW). The project would extend the line approximately 8.5 miles west from Geneva to Elburn, Illinois. The project also includes multiple improvements to track and signals, construction of two new stations, parking facilities, the purchase of two diesel locomotives and the construction of a new overnight train storage yard. Section 3030(a)(13) of TEA21 authorizes this project as the Chicago ''west line extension''. The total capital costs of the Union Pacific West Line Extension is estimated at $134,603,334 (escalated dollars) in Federal New Starts funding. Through fiscal year 2002, a total of $34,840,000 has been appropriated for the UPW project. The Committee has recommended a combined amount of $52,000,000 in New Starts funding for these three projects in fiscal year 2003.

Chicago, Illinois, Ravenswood reconstruction project.—The Chicago Transit Authority is proposing to reconstruct existing platforms and expand stations along the Ravenswood (Brown) Line to accommodate eight-car trains, increasing the overall capacity of the line. The Ravenswood Line extends 9.3 miles from the north side of Chicago to the ''Loop elevated'' in downtown Chicago and includes 19 stations. The majority of the Brown line is operated on an elevated structure except one portion near the north end of the line, which operates at grade. The Brown line was built between 1900 and 1907. CTA anticipates approximately 68,000 average weekday boardings, including 12,300 daily new riders, in the year 2020 on the Ravenswood Line. The proposed project would expand stations and platforms and straighten curves to allow CTA to operate longer trains, which would increase the capacity of the line. Section 3030(a)(11) of TEA21 authorized the project. In November 1997, CTA included the Ravenswood line expansion project in the region's financially constrained long-range transportation plan. The environmental review process for the Ravenswood Line Expansion Project was completed in July 2002. A Finding of No Significant Impact was determined. An evaluation is now being done to determine whether the project is eligible to enter into Final Design. Total capital costs are currently estimated at $476,000,000 (escalated dollars), including a requested $245,500,000 in section 5309 New Starts funds. Through fiscal year 2002, Congress has appropriated $7,890,000 in section 5309 New Starts funds to the project. The Committee has recommended $2,000,000 in New Starts funding for this project in fiscal year 2003.

Cleveland, Ohio, Euclid Corridor Transportation Project (ECTP).—The Greater Cleveland Regional Transit Authority (GCRTA) is proposing to implement a 9.8-mile transit corridor incorporating exclusive bus rapid transit lanes and related capital improvements on Euclid Avenue from Public Square in downtown Cleveland east to University Circle. The proposed project is known as the Euclid Corridor Transportation Project (ECTP). The ECTP incorporates a series of transit improvements including an exclusive center median busway along Euclid Avenue from Public Square to University Circle area into the city of East Cleveland, terminating

at the Stokes/Windermere rapid transit station. GCRTA proposes to operate 60-foot articulated electric trolley buses (ETB) with both left and right-hand side doors for access and egress of patrons on the corridor. The ETBs will have access to the entire length of the proposed corridor. However, conventional buses will not be able to access Euclid Avenue in the central business district. GCRTA estimates that 29,500 average weekday boardings, including 2,400 daily new riders, will use the ECTP in the year 2025. Section 3035 of ISTEA authorized FTA to enter into a multiyear grant agreement for development of the Dual Hub Corridor. In November 1995, the GCRTA Board of Trustees selected the ETCP as the locally preferred alternative (LPA), which included a busway and the rehabilitation and relocation of several existing rapid rail stations. In December 1995, the Northeast Ohio areawide coordinating agency (local metropolitan planning organization) adopted a resolution supporting the ECTP. In mid–1999, GCRTA reconfigured the scope of the ECTP to incorporate only the construction of a busway along Euclid Avenue. The rapid rail elements have been eliminated from the ECTP proposal for section 5309 New Starts funding. The environmental review process was completed in September 2001. A Finding of No Significant Impact was determined. FTA approved the ECTP into final design. Total capital costs for the ECTP are estimated at $228,600,000 (escalated dollars), of which Cleveland is expected to seek $135,000,000 in section 5309 New Starts funding for the project. Through fiscal year 2002, Congress has appropriated $19,390,000 in section 5309 New Starts funds for the Euclid corridor transportation project. Of this amount, Congress reprogrammed $4,720,000 to other projects. The Committee has recommended $6,000,000 in New Starts funding for this project in fiscal year 2003.

Dallas, Texas, North Central LRT extension project.—Dallas Area Rapid Transit (DART) is constructing a 12.5-mile, 9-station extension of its light rail system from the Park Lane Station north to the City of Plano. DART estimates that approximately 17,000 riders will use this extension by 2020, of which 6,800 will be new riders. The total cost of this project is estimated at $517,200,000. DART began contracting for construction and purchasing vehicles and necessary right-of-way in May 1998, and expects to open the North Central extension for revenue service in December 2003. The North Central extension is authorized for final design and construction under section 3030(a)(20) of TEA21. FTA issued an FFGA for this project on October 6, 1999, which will provide a total of $333,000,000 in section 5309 New Starts funding. Through fiscal year 2002, a total of $230,910,000 has been provided to this project. The Committee has recommended $60,000,000 in New Starts funding for this project in fiscal year 2003.

Ft. Lauderdale, Florida, Tri-Rail Commuter Rail Upgrade.—The Tri-County Commuter Rail Authority (Tri-Rail) is proposing a number of system improvements to the 71.7-mile regional transportation system it operates between Palm Beach, Broward and Dade Counties in South Florida. This area has a population of over 4 million, nearly one-third of the total population of Florida. The planned improvements include construction of a second mainline track, rehabilitation of the signal system, station and parking improvements, acquisition of new rolling stock, improvements to the Hialeah Maintenance Yard facility, and construction of a new, northern layover facility. The proposed double-tracking will improve service by a factor of three, permitting 20-minute intervals between trains during peak commuter hours instead of the current 1-hour headways. Tri-Rail estimates that these improvements will serve 42,100 average daily boardings by 2015, including 10,200 daily new riders. On May 16, 2000, FTA issued an FFGA for Segment 5 of the Double Track Corridor Improvement Program, which includes construction of 44.3 miles of the second mainline track and upgrades to the existing grade crossing system along the entire 71.7-mile South Florida Rail Corridor. It is expected to open for revenue service on March 21, 2005. The first four segments, upgrading the Hialeah Maintenance Yard and replacing the New River Bridge, while part of the overall Double Track Corridor Improvement Program, are not included in the scope of this project. Total capital costs for the Segment 5 project are estimated at $327,000,000. The FFGA for the Double Track Corridor Improvement Program Segment 5 Project will provide a total of $110,500,000 in section 5309 New Starts funding. Through fiscal year 2002, Congress has appropriated $52,400,000 for this project. This project has been authorized in TEA21. The Committee has recommended $18,500,000 in New Starts funding for this project in fiscal year 2003.

Houston, Texas, Metro advanced transit plan project.—The Advanced Transit Program (ATP) is Houston METRO's plan for advanced high capacity transit in its 1,285 square mile service area. The first component to begin operation will be the locally funded 7.5-mile METRO Rail light rail project from downtown to Reliant Park. The next projects will flow from ongoing implementation of the METRO Mobility 2025. Adopted by the Board of Directors in May 2001, this is METRO's long-range transit plan for the region. The next steps in the ATP will be studies in the corridors designated for consideration of advanced high capacity transit. The four highest priority corridors will be subject to detailed alternatives analysis studies, defining mode and general alignment of the proposed advanced high capacity transit improvements. As a result of those studies, preferred alternatives for each corridor will be adopted and moved forward to implementation. By 2025, the ATP will have introduced advanced high capacity into many of the region's major travel corridors. The specific mode will be tailored to meet individual corridor travel needs while maintaining system connectivity. This project has been authorized in TEA21. The Committee has recommended $20,000,000 in New Starts funding for this project in fiscal year 2003.

Johnson County, Kansas, commuter rail project engineering and design.—Johnson County, Kansas is proposing to implement a 5 station, 23-mile Commuter Rail line extending from downtown Kansas City, Missouri, southwest to Olathe, Kansas, in Johnson County. The proposed commuter rail project would parallel Interstate 35, the major highway connecting Kansas City with Olathe, and would share existing Burlington Northern and Santa Fe (BNSF) railroad track (except for the line's northern-most mile segment, which would require either new track or existing Kansas City Terminal Railway trackage). Park and ride facilities are being planned for each proposed station. The commuter rail line will terminate in Kansas City at its historic Union Station. Ridership estimates for the I–35 commuter rail project range from 1,400 to 3,800 trips per day. These estimates will be refined during subsequent phases of project development. TEA21 section 5309(e)(8)(A) applies to this project. Through fiscal year 2002, Congress has appropriated $4,450,000 for this project. The Committee has recommended $400,000 in New Starts funding for this project in fiscal year 2003.

Largo, Maryland, Metrorail, extension project.—The Washington Metropolitan Area Transit Authority (WMATA) is constructing a 3.1-mile heavy rail extension of the Metrorail blue line. The Largo Metrorail Extension will be from the existing Addison Road Station to Largo town center, located just beyond the Capital beltway in Prince George's County, Maryland. The project follows an alignment that has been preserved as a rail transit corridor in the Prince Georges's County master plan. The 3.1-mile alignment will contain at-, above-, and below-grade segments. Two new stations will be provided at Summerfield and at the Largo town center station. The stations will provide 500 and 2,200 park-and-ride spaces and 11 bus bays each. A number of local bus routes will connect to the two new stations; shuttle bus service is proposed between both stations and the FedEx Field, a major sports complex with entertainment and retail uses. Maryland Transit Administration (MTA) will manage the project through preliminary engineering, with WMATA undertaking final design and construction. The project is anticipated to open for service by December 2004, with a total capital cost estimated at $433,900,000. In December 2000, FTA entered into an FFGA with WMATA that commits a total of $260,300,000 in section 5309 New Starts funds to this project. Through fiscal year 2002, Congress has appropriated $67,530,000 to this project. This project has been authorized in TEA21. The Committee has recommended $60,000,000 in New Starts funding for this project in fiscal year 2003.

Las Vegas/Resort Corridor.—The Las Vegas Regional Transportation Commission (RTC) is in the process of conducting preliminary engineering on the proposed 3.1-mile Resort Corridor Automated Guideway Transit (elevated monorail) project. The monorail will serve the Las Vegas central business district and the northern part of the resort corridor along the Las Vegas ''strip'' from Freemont Avenue to Sahara Avenue. The Resort Corridor represents the region's largest primary employment center, as about 50 percent of the regional jobs (206,000) are located in this corridor. There are an estimated 69,300 jobs and 21,800 residents within a one-half mile from the proposed monorail boarding points. The RTC estimates the proposed system will carry approximately 58,500 weekday boardings, including 19,880 daily new riders in 2020. Based in the 1990 census data, there are an estimated 1,690 low-income households within a one-half mile radius of the proposed six stations. Revenue operations are scheduled to begin in January 2004. This project represents an extension to a 4-mile fully automated monorail that is currently under construction by the Las Vegas Monorail Company (LVMC). The estimated capital cost for the 3.1-mile Resort Corridor monorail project is estimated to be $440,000,000, of which the RTC is seeking $130,000,000, or 30 percent, in New Starts funding. Through fiscal year 2002, Congress has appropriated $13,880,000 for this project. The Committee is recommending $9,000,000 in New Starts funding for this project in fiscal year 2003.

Little Rock, Arkansas, river rail project.—The Central Arkansas Transit Authority (CATA) is planning the implementation of a vintage

streetcar circulator system on existing right-of-way connecting the Alltel Arena, the River Market, and the Convention Center in downtown Little Rock to the communities of North Little Rock and Pulaski County. CATA proposes that service be provided by seven replica streetcars operating on a single track powered by overhead catenary. The proposed system includes a 2.1-mile alignment, purchase of vehicles, and construction of a maintenance facility. Ridership projections estimate 1,000 to 1,200 average weekday boardings with an additional 1,000 to 1,800 riders on special event days. A future 0.4-mile extension to the William Jefferson Clinton Presidential Library site has been proposed. Revenue service is planned to begin in December 2002. This project is addressed in the TEA21 section 5309(e)(8)(A). The Committee has appropriated $7,930,000 in New Starts funding for this project through fiscal year 2002 and has recommended $2,000,000 in New Starts funding for this project in fiscal year 2003.

Long Island Rail Road, New York, East Side access project.—The New York Metropolitan Transit Authority (MTA) is currently in final design on a proposed direct access for Long Island Rail Road (LIRR) passengers to a new passenger concourse in Grand Central Terminal (GCT) in east Midtown Manhattan. The proposed 4-mile, 2 station, commuter rail extension under the East River, using an existing rail tunnel, is anticipated to alleviate LIRR tunnel capacity constraints and enable the overall growth of the Nation's largest commuter rail system. The project would provide access to the eastern part of midtown Manhattan for users of the LIRR who now must get to east midtown by subway or walking from Penn Station. By allowing some LIRR passengers to use GCT, the project would also free up capacity at Penn Station for New Jersey Transit and Amtrak trains. The LIRR ESA project would serve one of the strongest transit markets in the country. By the year 2020, MTA/LIRR projects that the LIRR ESA project will serve approximately 167,000 average weekday boardings including 15,400 daily new riders. Based on 1990 census data, MTA/LIRR estimates that there are approximately 4,443 low-income households within a one-half mile radius of proposed station areas. MTA/LIRR estimates that the LIRR ESA project would yield 7.4 million hours of travel-time savings. MTA estimates that the LIRR ESA would serve approximately 698,200 jobs that are located within a one-half mile radius of the proposed station areas. The project is scheduled for completion by December 2012 at a projected cost of $4,350,000,000. MTA is proposing a request for $2,170,000,000 in New Starts funding. In fiscal year 2002, Congress appropriated $14,600,000 in section 5309 New Starts funds for the continued development of the LIRR ESA project. The Committee has recommended $12,000,000 in New Starts funding for this project in fiscal year 2003.

Los Angeles, California, North Hollywood extension project.—The Los Angeles Metro Rail Red Line rapid-rail system is being planned, programmed and constructed in phases, through a series of ''Minimum Operable Segments'' (MOSs). The first of these segments (MOS 1), a 4.4-mile, 5-station segment, opened for revenue service in January 1993. A 2.1-mile, 3-station segment of MOS 2 opened along Wilshire Boulevard in July 1996; an additional 4.6-mile, 5-station segment of MOS 2 opened in June 1999, and the Federal funding commitment has been fulfilled. On May 14, 1993, an FFGA was issued to the Los Angeles County Metropolitan Transportation Authority (LACMTA) for the third construction phase, MOS 3. MOS 3 was defined under ISTEA (section 3034) to include three segments: the North Hollywood segment, a 6.3-mile, 3-station subway extension of the Hollywood branch of MOS 2 to North Hollywood through the Santa Monica mountains; the Mid-City segment, a 2.3-mile, 2-station western extension of the Wilshire Boulevard branch; and an undefined segment of the Eastside project, to the east from the existing Red Line terminus at Union Station. LACMTA later defined this eastern segment as a 3.7-mile, 4-station extension under the Los Angeles River to First and Leona in East Los Angeles. On December 28, 1994, the FFGA for MOS 3 was amended to include this definition of the eastern segment, bringing the total commitment of Federal New Starts funds for MOS 3 to $1,416,490,000. In January 1997, FTA requested that LACMTA submit a recovery plan to demonstrate its ability to complete MOS 2 and MOS 3, while maintaining and operating the existing bus system. On January 14, 1998, the LACMTA Board of Directors voted to suspend and demobilize construction on all rail projects other than MOS 2 and the MOS 3 North Hollywood Extension. The MTA submitted a recovery plan to FTA on May 15, 1998, which was approved by FTA on July 2, 1998. In 1998, LACMTA undertook a Regional Transportation Alternatives Analysis (RTAA) to analyze and evaluate feasible alternatives for the Eastside and Mid-City corridors. The RTAA addressed system investment priorities, allocation of resources to operate existing transit services at a reliable standard, assessment and management of financial risk, countywide bus service expansion, and a process for finalizing corridor investments. On November 9, 1998, the LACMTA Board reviewed the RTAA and directed staff to reprogram resources previously allocated to the Eastside and Mid-City Extensions to the implementation of RTAA recommendations, including the LACMTA Accelerated Bus Procurement Plan. LACMTA continued to study transit investment options for the Eastside and Mid-City corridors. In October 2000, FTA approved entry into preliminary engineering for a 5.9-mile, 8-station light rail line in the Eastside Corridor between downtown Los Angeles and East Los Angeles. The Mid-City corridor is still undergoing alternatives analysis. FTA will consider the prior Federal commitment under the MOS 3 FFGA as an ''other factor'' for rating and evaluation purposes for these projects, as long as the identified projects otherwise meet the requirements of the New Starts program. On June 9, 1997, FTA and LACMTA negotiated a revised FFGA covering the North Hollywood segment (Phase 1-A) of MOS 3, which opened in June 2000. The total capital cost of the North Hollywood project is estimated at $1,310,820,000 of which the revised FFGA commits $681,040,000 in section 5309 New Starts funds. Through fiscal year 2002, a total of $640,550,000 has been appropriated for the North Hollywood segment of MOS 3. This project has been authorized in TEA21. The Committee has recommended $40,490,000 in New Starts funding for this project in fiscal year 2003.

Maryland, MARC commuter rail improvement projects.—The Maryland Mass Transit Administration is proposing three projects for the Maryland Commuter Rail (MARC) system serving the Baltimore, MD and Washington, DC metropolitan areas. These projects are (1) Mid-Day Storage Facility, (2) Penn-Camden Connection, and (3) Silver Spring Intermodal Transit Center. The proposed Mid-Day Storage Facility would be used for daytime equipment layover, minor repair, daily servicing and inspections of commuter rail train sets within the Amtrak Yard at Washington, DC's Union Station. Platforms that are currently used to store these trains at Union Station will no longer be available following the introduction of high-speed Amtrak service, and the new facility will avoid the operating cost of sending trains back to Baltimore for mid-day storage. MTA will lease the 5-acre site owned by Amtrak. Estimated capital costs for the Mid-Day Storage Facility project totals $26,600,000. The Penn-Camden Connection is a 6-mile connection between the MARC Camden Line and MARC Penn Line/Amtrak Northeast Corridor in southwest Baltimore. The connection of these two commuter rail lines is designed to achieve many benefits: the opportunity to remove trains from the congested Camden line for reverse peak movements; access to the planned MARC Maintenance Facility to be located along the connection; and, increased operating flexibility on both commuter rail lines, allowing redirection of MARC service during periods of CSX freight operations. Estimated capital costs for the Penn-Camden Connection project totals $33,300,000. The proposed Silver Spring Intermodal Transit Center, located in suburban Washington, DC, will construct an intermodal transit facility that relocates the Silver Spring MARC Station to the Silver Spring Metrorail station. The transit center would allow convenient passenger transfers between several modes of travel, including commuter rail, heavy rail, commuter and local bus service, taxi, bicycle, auto, and walking. The center will also accommodate the proposed Georgetown Branch Trolley to operate between Silver Spring and Bethesda. Located in the Silver Spring, MD central business district, a major transit hub for lower Montgomery County, the intermodal transit center will more efficiently meet existing and future transit needs of this area. Estimated capital costs for the Silver Spring Intermodal Transit Center project totals $33,300,000. Section 3030(g)(2) of TEA21 authorizes these projects as part of the Frederick extension, and will permit service improvements necessary to take full advantage of that extension. The proposed share of Federal funding from the section 5309 New Starts program is less than $25,000,000 for each of the individual improvements, which renders them exempt from evaluation. The Committee has recommended $12,000,000 in New Starts funding for this project in fiscal year 2003.

Memphis, Tennessee Medical Center Extension project.—The Memphis Area Transit Authority (MATA), in cooperation with the City of Memphis, is proposing to build a 2-mile light rail extension to the Main Street Trolley/Riverfront Loop village rail system. The extension would expand service from the central business district (CBD) east to the Medical Center area. The line would operate on city streets in mixed traffic and would connect with the Main Street Trolley, sharing a lane with automobile traffic on Madison Avenue between Main Street and Cleveland Street. Six new stations would be located along the route. The line will be designed to accommodate light rail vehicles, but vintage rail cars would be used until a proposed regional LRT line is implemented and a fleet of modern LRT vehicles is acquired. The total capital cost of this project is estimated at $74,580,000. This project would be the last segment of the downtown rail circulation system as well as the first segment

of a regional light rail line. This project is included in the City of Memphis' Capital Improvement Program, the Memphis MPO Transportation Improvement Program, and the State Transportation Improvement Program. A Major Investment Study/Environmental Assessment was completed in May 1997, fulfilling the statutory requirement for an alternatives analysis. FTA approved this project for entry into final design in May 2000. The Memphis Corridor was authorized for final design and construction by section 3030(a)(43) of TEA21. On December 12, 2000 FTA issued an FFGA committing a total of $59,670,000 in section 5309 new start funds to the Medical Center Extension. A total of $35,310,000 has been appropriated for this project through fiscal year 2002. The Committee has recommended $15,610,000 in New Starts funding for this project in fiscal year 2003.

Twin Cities/Hiawatha Corridor LRT and Northstar Corridor Projects.—Metro Transit and the Metropolitan Council of Minneapolis (the local metropolitan planning organization), in cooperation with the Minnesota Department of Transportation (MnDOT), Hennepin County, and the Metropolitan Airports Commission (MAC), are constructing an 11.6-mile, 17-station light rail line linking downtown Minneapolis, the Minneapolis-St. Paul International Airport, and the Mall of America in Bloomington. The line would operate along the corridor following Hiawatha Avenue and Trunk Highway 55. The line begins in the central business district and travels south on the existing transit mall along 5th Street, follows the former Soo Line Railroad from the Metrodome to Franklin Avenue, and then runs parallel with Hiawatha Avenue towards the airport. The line will tunnel under the runways and taxiways for 1.8 miles, with 1 station, emerge on the west side of the airport, and continue south to the vicinity of the Mall of America in Bloomington. The project is expected to serve 24,800 average weekday boardings by the year 2020; 19,300 average weekday boardings are projected in the opening year. Revenue service is scheduled to commence in December 2004. The total capital cost of the Hiawatha Corridor LRT is estimated at $675,400,000. Section 3030(a)(91) of TEA21 authorizes the ''Twin Cities—Transitway Corridors'' for final design and construction. In January 2001, FTA issued an FFGA that commits a total of $334,300,000 in section 5309 New Starts funds to the Hiawatha Corridor LRT. Of this amount, $168,350,000 has been provided through fiscal year 2002. The Minnesota Department of Transportation (MNDOT) is currently undertaking preliminary engineering on a proposal to design and construct an 82-mile commuter rail line within the Northstar Corridor that extends from downtown Minneapolis northwest to Rice, Minnesota. The Northstar Corridor project also includes the construction of a 1,750-foot light rail transit extension of the Hiawatha Corridor LRT project currently under construction. The proposed commuter rail project would serve one of the fast growing regions of the State. Ridership on the proposed commuter rail line is expected to be 10,800 average weekday boardings, including 5,400 daily new riders. Based on 1990 census data, the MNDOT estimates that there are approximately 1,100 low-income households within a one-half mile radius of the proposed 11 stations. In the forecast year 2020, MNDOT estimates that the proposed commuter rail would yield approximately 0.4 million hours of travel-time savings. In addition, The proposed project would serve approximately 35,700 jobs located within a one-half mile radius of the proposed station areas, encompassing the Minneapolis, St. Cloud and Rice central business districts. During the Spring 2002 legislative session, the Minnesota State legislature was not able to reach a consensus on the provision of the State's share of the project's total estimated capital cost. The State was to provide approximately $120,000,000. Total capital costs for this project are estimated to be $294,000,000 including $147,000,000 in requested section 5309 New Starts funding. Congress provided $9,900,000 to this project in fiscal year 2002. This project has been authorized in TEA21. The Committee has recommended $48,000,000 in New Starts funding for the Hiawatha Corridor LRT and the Northstar Corridor Projects in fiscal year 2003.

Nashua, New Hampshire-Lowell, Massachusetts, commuter rail project.—The New Hampshire Department of Transportation is planning on constructing an 11-mile commuter rail extension project. The rail line would connect Lowell, Massachusetts and Nashua, New Hampshire. The project includes the rehabilitation of track and appurtenances, construction of new track where necessary, as well as construction of a park-and-ride lot with a boarding platform. The new service extension will provide an alternative to a highly congested highway corridor. This project received funding through the TEA21 authorization as well as through other appropriations. Through fiscal year 2002, the Committee has appropriated $5,930,000 in section 5309 New Starts funding. The Committee has recommended $500,000 in New Starts funding for this project in fiscal year 2003.

Nashville, Tennessee, regional commuter rail project.—Nashville's Regional Transportation Authority, the Metropolitan Planning Organization, and the Metropolitan Transit Authority have completed the preliminary engineering and environmental studies. The project is currently in final design. This project has been authorized in TEA21. Through fiscal year 2002, $11,870,000 has been appropriated for this project. The Committee has recommended $3,500,000 in New Starts funding for this project in fiscal year 2003.

New Jersey/Hudson-Bergen light rail transit project (MOS–1).—The New Jersey Transit Corporation (NJ Transit) is constructing a 9.6-mile, Minimum Operable Segment (MOS) of an eventual 20.1-mile at-grade Hudson-Bergen Light Rail Transit System (HBLRTS) that will extend from the Vince Lombardi park-and-ride lot in Bergen County to West Fifth Street in Bayonne in Hudson County, New Jersey. HBLRTS MOS–1 will connect the Hoboken Terminal to 34th Street in Bayonne and West Side Avenue in Jersey City. The core of the completed system will serve the high-density commercial centers in Jersey City and Hoboken, and provide connections with NJ Transit commuter rail service, PATH trains to Newark and Manhattan, and the Port Imperial ferry from Weehauken to Manhattan. This minimum operable segment (MOS) is being constructed under a turnkey contract to design, build, operate, and maintain the system, which was awarded in October 1996. Total costs are expected to be $992,140,000 for MOS–1; construction began in December 1996. In August 1996, FTA and NJ TRANSIT executed a FFGA, committing $604,090,000 in section 5309 New Starts funding for HBLRTS MOS–1. NJ TRANSIT is currently providing initial revenue service on HBLRTS MOS–1 from Pavonia-Newport to West Side Avenue and East 34th Street. Construction on HBLRTS MOS–1 is approximately 85 percent complete. Full revenue service is scheduled to commence in September 2002. Through fiscal year 2002, a total of $584,890,000 has been appropriated for this project. This project has been authorized in TEA21. The Committee has recommended $19,200,000 in New Starts funding for this project in fiscal year 2003.

New Jersey/Hudson-Bergen light rail transit project (MOS–2).—The second Minimum Operable Segment (MOS–2) of the NJ Transit Hudson-Bergen LRT system is a 5.1-mile, 7-station segment running north from Hoboken Terminal to the Tonnelle Avenue park-and-ride lot in North Bergen, and south to 22nd Street in Bayonne. The Hudson-Bergen MOS–2 line will serve an area with one of the highest residential densities in the region, and the downtown Jersey City area contains the largest concentration of office development in Hudson County. By providing connections to ferry and commuter rail service, the line will also serve the Manhattan central business district. MOS–2 is scheduled for completion in 2005 and is anticipated to carry 34,900 average weekday boardings in 2010. Total costs for MOS–2 are estimated at $1,215,400,000. FTA issued an FFGA for this project on October 31, 2000, committing a total of $500,000,000 in section 5309 New Starts funds. The MOS–2 project does not require funding from the section 5309 New Starts program until fiscal year 2003; the issuance of the FFGA at this point provided NJ Transit with the authority to borrow funds to begin construction while the MOS–1 is being completed, under the same turnkey contract. This permits the entire Hudson-Bergen project to be constructed at a lower cost by avoiding the significant costs associated with stopping and then restarting a major construction project. No prior year funding has been appropriated for MOS–2 from the section 5309 New Starts program. This project has been authorized in TEA21. The Committee has recommended $50,000,000 in New Starts funding for this project in fiscal year 2003.

Newark, New Jersey—Newark Rail Link (MOS–1) Project.—The New Jersey Transit Corporation (NJ Transit) is constructing a 1-mile, 5-station initial Minimum Operable Segment (MOS–1) of a proposed 8.8-mile, 16-station light rail transit (LRT) system between Newark and downtown Elizabeth, New Jersey. MOS–1) will function as an extension of the existing 4.3-mile Newark City Subway light rail line, running from Board Street in Newark to Newark's Penn Station. In August 2000, FTA and NJ TRANSIT executed a FFGA committing $141,950,000 in section 5309 New Starts funds. NJ transit is preparing a Supplemental Draft Environmental Impact Statement (SDEIS) to analyze the effects of an alignment modification on the segment contained within the City of Elizabeth (NERL MOS–3) to support extensive commercial and retail development that has been initiated since the completion of the original 1997 DEIS for the full 8.8-mile NERL project. The total cost of the MOS–1 segment is estimated at $207,700,000 (escalated dollars). Section 3030(a)(57) of TEA21 authorized the New Jersey Urban Core Project, which consists of eight separate elements including the Newark-Elizabeth Rail Link, for final design and construction. On August 2, 2000 FTA issued an FFGA committing a total of $141,950,000 in section 5309 New Starts funds to the Newark Rail Link MOS 1 project. Congress has appropriated a total of $59,390,000 for this project. The Committee has recommended $60,000,000 in New Starts funding for this project in fiscal year 2003.

New Orleans, Louisiana, Canal Streetcar project.—The New Orleans Regional Transit

Authority (RTA) is developing a 5.5-mile streetcar project in the downtown area, along the median of Canal Street. The Canal Streetcar spine will extend from the Canal Ferry at the Mississippi River in the central business district, through the Mid-City neighborhood to Carrollton Avenue, where one branch will continue on Canal Street to the Cemeteries and another will follow Carrollton Avenue to City Park/Beauregard Circle. The corridor is located in an existing, built-up area that was originally developed in the streetcar era. Much of the corridor lies within the central business district and historic areas. The central business district includes a high-density mix of office, retail, hotels and leisure attractions. The total capital cost of this project is estimated at $161,300,000, of which RTA is seeking $129,050,000 (80 percent) in section 5309 New Starts funding as recommended by FTA. Final design is essentially complete, contracts for vehicle assembly have been awarded, and construction contracts are pending award. FTA awaits completion of the congressional review of the proposed FFGA. Section 3030(a)(51) of TEA21 authorizes the New Orleans Canal Streetcar Project for final design and construction. Through fiscal year 2002, Congress has appropriated a total of $70,030,000 for this project. The Committee has recommended $30,000,000 in New Starts funding for this project in fiscal year 2003.

Pawtucket, Rhode Island, commuter rail and maintenance facility project.—The existing Massachusetts Bay Transit Authority layover/storage yard at East Junction, located in the heavily residential area in Attleboro, needs to be relocated to a 9-acre parcel located in the northwest quadrant of Interstate 95 and Smithfield Avenue in Pawtucket. A six-track yard with light servicing capabilities will be constructed initially. The yard will be designed to accommodate eight tracks and an electrified maintenance facility in the future. The Federal share of the project is $14,700,000 (50 percent), consisting of $10,000,000 in section 5309 New Starts funding and $4,700,000 in Fixed Guideway Modernization funding, the rest of the project is being funded through the Rhode Island Department of Transportation (RIDOT) and the Massachusetts Bay Transit Authority. Through fiscal year 2002, Congress has appropriated $5,450,000 in section 5309 in the FTA New Start funds. The Committee has recommended $4,500,000 in New Starts funding for this project in fiscal year 2003.

Philadelphia, Pennsylvania, Schuylkill Valley Metro Project.—The Southeastern Pennsylvania Transportation Authority (SEPTA) and the Berks Area Reading Transportation Authority (BARTA) propose to develop the Schuylkill Valley Metro Rail project. The proposed project extends approximately 74 miles from Philadelphia to Reading and parallels the following major congested roadways: Schuylkill Expressway (Interstate 76), US 422 Expressway and US Route 202. The corridor includes the smaller cities of Norristown, Pottstown and Phoenixville. The corridor also includes suburban centers of King of Prussia and Great Valley, as well as regional activity centers and attractions including Center City Philadelphia, Art Museum, Philadelphia Zoo, King of Prussia Malls, Valley Forge National Park and Reading outlets. The corridor encompasses three transit authorities: SEPTA, BARTA and Pottstown Urban Transit (PUT) and two metropolitan planning regions: Delaware Valley and Berks County. Commuter rail service currently operates in the eastern portion of the corridor with rail freight service operations in the western portion of the corridor. SEPTA and BARTA have selected a locally preferred alternative (LPA) that would employ rail vehicles suitable for operation on mixed-use (passenger or freight) track, capable of one-man operation and with 15 and 30-minute headways in the peak and off peak, respectively. Total capital cost for the project is estimated at $1,831,700,000. The DEIS was published in December 2001. FTA approved entry into preliminary engineering in January 2002. Through fiscal year 2002, Congress has provided $25,720,000 in section 5309 New Starts funds for the proposed project. The Committee has recommended $15,000,000 in New Starts funding for this project in fiscal year 2003.

Pittsburgh, Pennsylvania, North Shore Connector light rail transit project.—The Port Authority of Allegheny County (PAAC) proposes to construct a 1.6-mile light rail transit system extension connecting the Golden Triangle and the North Shore wholly within downtown Pittsburgh. The project would extend the existing LRT service from the Gateway center LRT station and the Convention Center. The North Shore Connector LRT project involves the construction of four new stations and modifications of the Gateway Center and Steel Plaza stations, and the acquisition of 10 new light rail vehicles. FTA approval to initiate preliminary engineering was granted in January 2001. Project capital costs are estimated at $389,900,000 (escalated); revenue service start-up is planned in 2006. Through fiscal year 2002, Congress has appropriated $23,670,000 in section 5309 New Starts funds for this effort. The Committee has recommended $7,025,000 in New Starts funding for this project in fiscal year 2003.

Pittsburgh, Pennsylvania Stage II LRT Reconstruction project.—The Port Authority of Allegheny County (''Port Authority'') is reconstructing Pittsburgh's old 25-mile trolley lines to modern light rail standards. The reconstruction is taking place in two stages. The Stage I Light Rail Transit (LRT) project, undertaken in the 1980s, included reconstruction of the first segment and construction of Pittsburgh's first subway. Ground was broken on the Stage I LRT project in December 1980, and the reconstruction of this segment was completed in 1987. The Stage II LRT project includes reconstruction of the remaining 12 miles of the system, which consists of the Overbrook, Library and Drake trolley lines, to modern LRT standards. Single-track segments will be double-tracked, the Overbook and Drake lines (which are currently closed) will be reopened, and 28 new light rail vehicles are being purchased. In order to prioritize program needs against financing requirements, Port Authority reconfigured its rail improvement program in 1999. As a result, the Stage II LRT project will itself be undertaken in segments. The revised Stage II LRT Priority Program includes reconstruction of 10.7 miles on both the Overbrook Line and a portion of the Library Line, construction of 2,400 park-and-ride spaces, and the purchase of 28 light rail vehicles. The total capital cost of the Stage II Priority Program is estimated at $386,460,000. The remaining portions of the original Stage II LRT project will be undertaken as local funding becomes available. Section 3030(a)(98) authorizes the ''Pittsburgh—Stage II Light Rail'' project for final design and construction. In January 2001, FTA issued an FFGA for this project that would commit a total of $100,200,000 in section 5309 New Starts funding. Through fiscal year 2002, a total of $41,530,000 has been appropriated in New Starts funds for this project, and an additional $96,500,000 has been appropriated in section 5309 Fixed Guideway Modernization funds. The Committee has recommended $26,250,000 in New Starts funding for this project in fiscal year 2003.

Portland, Oregon Interstate MAX LRT Extension project.—The Tri-County Metropolitan Transit District of Oregon (Tri-Met) is constructing a 5.8-mile, 10-station extension of the Metropolitan Area Express (''MAX'') light rail system, which will connect Portland's central business district with the regional Exposition Center in north Portland. Riders will be able to transfer between the Interstate MAX extension and the existing 33-mile East/West MAX line at the Rose Quarter station. This line will complement regional land use plans by connecting established residential, commercial, entertainment and other major activity centers, and will provide a key transportation link in the region's welfare-to-work programs. The total cost of the Interstate MAX project is estimated at $350,000,000. Tri-Met estimates that the Interstate MAX extension will serve 18,100 average weekday boardings and 8,400 daily new riders by 2020. On September 20, 2000, FTA and Tri-Met entered into an FFGA that commits a total of $257,500,000 in section 5309 New Starts funds to the Interstate MAX project. This does not include funding appropriated in prior years that were allocated to Portland Metro for the 12-mile South-North light rail line originally proposed for this corridor. Through fiscal year 2002, the Committee appropriated $76,750,000 in section 5309 New Starts funds for the Interstate MAX light rail extension. This figure includes $70,000,000 in prior years' section 5309 New Starts funds that are not included in the FFGA commitment. The Committee has recommended $70,000,000 in New Starts funding for this project in fiscal year 2003.

Puget Sound, Washington, Sounder Commuter Rail project.—Sound Transit, the Central Puget Sound Regional Transit Authority, is implementing commuter rail service along the 82-mile existing rail corridor between Lakewood and Everett, Washington. When the Sound Move enabling legislation is fully implemented, Sounder will serve 13 stations along the corridor, connecting commuters with local and regional bus service, the Washington State ferry system, Amtrak, the Central Link light rail system, and Tacoma Link. Currently, Sounder commuter rail is providing weekday service during peak hours at seven stations between downtown Tacoma and Seattle. Once in full operation, 18 trains will serve the Lakewood-Tacoma-Seattle Sounder segment, and 12 trains will serve the Everett-Seattle segment. By 2020, Sounder is estimated to carry 18,800 daily riders. To date, $79,320,000 has been appropriated for the 82-mile corridor. The Committee has recommended $30,000,000 in New Starts funding for this project in fiscal year 2003.

Raleigh, North Carolina, triangle transit project.—The Phase I Regional Rail project is the first proposed segment of a three-phased regional transit plan for linking the three counties—Wake, Durham, and Orange—in the Triangle Region of North Carolina. In Phase I, the Triangle Transit Authority (TTA) intends to initiate regional rail service from Durham to downtown Raleigh and from downtown Raleigh to North Raleigh. TTA proposes to use Diesel Multiple Unit (DMU) rail vehicles to serve the 16 stations proposed for the Phase I of the project. TTA has proposed that the Phase I Regional Rail Project will use the existing North Carolina Railroad and CSX rail corridors to connect

Duke University, downtown Durham, Research Triangle Park, RDU Airport, Morrisville, Cary, North Carolina State University, downtown Raleigh, and North Raleigh. The proposed project is estimated to serve 31,700 average weekday boardings by the year 2025. The most recent capital cost estimate for Phase I is $754,700,000 (escalated dollars). The cost estimate includes final design, acquisition of right-of-way (ROW) and rail vehicles, station construction, park and ride lots, and construction of storage and maintenance facilities. The corridor proposed to be used by TTA for the project is shared among a number of railroads; thus, TTA is considering a number of track realignments to accommodate proposed inter-city and high-speed rail improvements. This project has been authorized in TEA21. Through fiscal year 2002, $50,550,000 has been appropriated for this project. The Committee has recommended $11,000,000 in New Starts funding for this project in fiscal year 2003.

St. Louis, Missouri, Metrolink St. Clair Extension project.—The Bi-State Development Agency (Bi-State) is developing a 26-mile extension of the Metrolink light rail line from downtown East St. Louis, Illinois to the Mid-America Airport in St. Clair County. A 17.4-mile Minimum Operable Segment (MOS), extending from the current Metrolink terminal in downtown East St. Louis to Belleville Area College (now known as Southwest Illinois College), began revenue service in May 2001. This segment consists of 8 stations, 7 park-and-ride lots, 20 new light rail vehicles, and a new maintenance facility in East St. Louis. The route makes extensive use of abandoned railroad rights-of-way. Right-of-way and real estate acquisition is proceeding as scheduled, and revenue service is scheduled to begin in 2001. The total capital cost of the St. Clair MOS is estimated at $339,200,000. On October 17, 1996, FTA and Bi-State entered into an FFGA that commits a total of $243,930,000 in section 5309 New Starts funding to complete the 17.4-mile MOS to Southwest Illinois College, and provides for extending the system to Mid-America Airport should funding become available at a later date. The funding committed to the MOS does not include $8,490,000 in Federal New Starts funding provided prior to fiscal year 1996, which brings total Federal funding for this project to $252,410,000 under the New Starts program. Through fiscal year 2002, a total of $240,560,000 has been appropriated for this project. The Committee has recommended $3,370,000 in New Starts funding for this project in fiscal year 2003.

Salt Lake City, Utah, CBD to University LRT project.—The Utah Transit Authority (UTA) is implementing a 2.5-mile, 4-station light rail line in eastern Salt Lake City, from the downtown area to Rice-Eccles Stadium on the University of Utah campus. The line would connect with the existing North/South line at Main Street and travel east along 400 South and 500 South to the stadium. Light rail vehicles would operate on city streets and property owned by Salt Lake City, the Utah Department of Transportation, and the University. The line is intended to significantly improve access to jobs, educational opportunities, health care, and housing throughout the 400 South corridor. The CBD to University line is scaled back from the originally proposed 10.9-mile West/East line from the airport to the university. Total capital costs are estimated at $118,500,000. FTA issued an FFGA for the CBD to University LRT project on August 17, 2000, committing a total of $84,600,000 in section 5309 New Starts funds. This does not include $4,960,000 appropriated for the project in prior years, but not included in the FFGA scope. Through fiscal year 2002, $20,800,000 in section 5309 New Starts funds has been appropriated for this project. The Committee has recommended $68,760,000 in New Starts funding for this project in fiscal year 2003.

Salt Lake City, Utah, North-South LRT.—The Utah Transit Authority (UTA) has completed construction of a 15-mile light rail transit (LRT) line from downtown Salt Lake City to the southern suburbs. The line opened for regular weekday service on December 6, 1999. The system operates on city streets downtown for 2 miles and then follows a lightly-used railroad alignment owned by UTA to the suburban community of Sandy for 13 miles. This project is one component of the Interstate 15 corridor improvement initiative, which includes reconstruction of a parallel segment of Interstate 15. Though original ridership projections for the South LRT system estimated daily ridership at 14,000 daily passengers in 2000 and 23,000 passengers by 2010, current ridership averages 19,000 weekday passengers. Total capital costs for this project were $312,490,000. For the 2002 Winter Olympic and Paralympic Games, this project connected major hotels and local residential areas with the Olympic venues for figure skating, medal rounds for ice hockey, and the International Broadcast Center, and connects with bus service to venues for speed skating, curling, and the Nordic alpine events. On August 2, 1995, FTA issued an FFGA for this project that committed a total of $237,390,000 in Federal New Starts funding. This does not include $6,600,000 in prior year funds that were provided before the FFGA was issued, which brings the total amount of section 5309 New Starts funding to $243,990,000. A total of $236,678,000 has been appropriated through fiscal year 2002. The Committee has recommended $720,000 in New Starts funding for this project in fiscal year 2003.

Salt Lake City, Utah, University Medical Center LRT extension project.—The Utah Transit Authority (UTA) provides light rail service on two lines: the has completed construction of a 15-mile North-South light rail transit (LRT) line from Sandy City to downtown Salt Lake City to the southern suburbs. The line opened for regular weekday service on December 6, 1999. The system operates on city streets downtown (2 miles) and then follows a lightly used railroad alignment owned by UTA to the suburban community of Sandy (13 miles). The University light rail line operates on a 2.5-mile alignment from downtown Salt Lake City to Rice-Eccles stadium located at the western edge of the University of Utah campus. The University Medical Center and associated facilities constitute one of Utah's largest traffic generation points. Significant ridership will be served by this project, which will add 3 stations and 1.5 miles of track to the existing UTA LRT system, extending from Rice-Eccles stadium to the University Medical Center. Revenue operation date is projected for December 2004. FTA and UTA signed an FFGA in May 2002 for $53,600,000 in section 5309 New Starts funds. The Committee has recommended $10,000,000 in New Starts funding for this project in fiscal year 2003.

Salt Lake City, Utah, Salt Lake City-Ogden-Provo Commuter Rail project.—The Wasatch Front Regional Council (WFRC) and the Moutainlands Association of Governments (MAG), the two metropolitan planning organizations that oversee transportation planning for more than 85 percent of the State of Utah's population, along with the Utah Transit Authority and the Utah Department of Transportation, have completed an Inter-Regional Corridor Alternatives Analysis study to evaluate transportation improvements in a 120-mile corridor from Brigham City to Payson. The corridor encompasses the Ogden, Salt Lake City and Provo/Orem urbanized areas. The study evaluates highway and transit alternatives in the corridor. WFRC and MAG completed a Long-Range Transit Analysis in 1998, identifying commuter rail as an effective means of serving the transportation demands in the corridor between Brigham City and Payson. A commuter rail line, with 12 stations, has been identified and evaluated and subsequently included in the region's Long Range Transportation Plan. Discussions are underway with the Union-Pacific Railroad concerning the acquisition of railroad right-of-way to implement commuter rail, light rail or other transportation improvements. Total capital costs are estimated at $587,000,000, with $272,000,000 for Ogden to Salt Lake City and $315,000,000 for Salt Lake City to Provo. Through fiscal year 2002, Congress has appropriated $3,900,000 in section 5309 New Starts funds for this effort. The Committee has recommended $6,000,000 in New Starts funding for this project in fiscal year 2003.

San Diego, California, Oceanside-Escondido Rail Corridor project.—The North County Transit District (NCTD) in northern San Diego County, California is planning to convert an existing 22-mile freight railroad corridor between Oceanside and Escondido into a rail transit line. The line would run east from the City of Oceanside through the cities of Vista and San Marcos and unincorporated portions of San Diego County, to the City of Escondido, using diesel multiple unit (DMU) rail vehicles. The alignment also includes 1.7 miles of new right-of-way to serve the campus of California State University San Marcos (CSUSM). The line is located along the State Route 78 corridor, the principal east-west corridor in the county. The complete 23.7-mile system will serve 15 stations, 4 of which would be located at existing transit centers. Passenger rail service would have exclusive use of the rail line during predefined hours of operation. An Environmental Impact Report (EIR) for the Oceanside-Escondido project was certified in 1990, and a separate EIR for the CSUSM alignment was certified in 1991. A major investment study was not required under the procedures in effect at the time, based on concurrence from FTA, FHWA, the San Diego Association of Governments, Caltrans, the City of San Marcos, and NCTD. Advance planning was completed in December 1995, and the Environmental Assessment/Supplemental Environmental Impact Report was completed in early 1997. FTA approved NCTD's request to enter final design in February 2000. The total capital cost for this project is estimated at $332,300,000, of which NCTD is seeking $152,100,000 in section 5309 New Starts funds. Ridership is estimated at 15,100 average weekday boardings in 2015, of which 8,600 would be daily new riders. Revenue operations are scheduled to begin in January 2004. This project will help to alleviate the heavy congestion of northern San Diego County along the Route 78 corridor. The project will serve large intermodal transit centers in both Oceanside and Escondido, and the corridor between contains a dispersed mix of commercial, industrial, and single-and multiple-family residential developments. This project is rated ''medium-high'' for both finance and justification,

earning an overall rating of ''highly recommended.'' Section 3030(a)(77) of TEA21 authorized this project for final design and construction. Through fiscal year 2002, Congress has appropriated $24,280,000 in section 5309 New Starts funds for this project. FTA anticipates that NCTD will be ready for an FFGA for this project by fall fiscal year 2003. The Committee has recommended $12,200,000 in New Starts funding for this project in fiscal year 2003.

San Diego, California, Mission Valley East LRT Extension project.—The Metropolitan Transit Development Board (MTDB) is constructing a 5.9-mile, 4-station light rail extension of its existing Blue Line, from east of Interstate 15 to the City of La Mesa, where it will connect to the existing Orange Line near Baltimore Drive. The Mission Valley East line will serve four new and two existing stations, and would include elevated, at-grade, and tunnel portions. The project includes two park and ride lots and a new access road between Waring Road and the Grantville Station. The corridor runs parallel to Interstate 8 in eastern San Diego and La Mesa, and is characterized by a mix of low- to moderate-density industrial, residential, and commercial uses as well as by several major activity centers such as San Diego State University, the Grossmont regional shopping center, Kaiser Hospital, the Alvarado Medical Center, and the Grantville employment area. Over 24,000 jobs and nearly 10,000 residences are located within walking distance of the proposed stations, and existing zoning is generally supportive of transit. Total capital costs are estimated at $431,000,000. On June 22, 2000, FTA issued an FFGA committing a total of $329,960,000 in section 5309 New Starts funding to this project. Through fiscal year 2002, Congress has appropriated $112,720,000 for this project. The Committee has recommended $65,000,000 in New Starts funding for this project in fiscal year 2003.

San Francisco, California, BART Extension to SFO Airport project.—Bay Area Rapid Transit (BART) in San Francisco and the San Mateo County Transit District (SamTrans) are constructing an 8.7-mile, 4-station extension of the BART rapid transit system to serve San Francisco International Airport (SFO). The project consists of a 7.5-mile mainline extension from the existing BART station at Colma, through Colma, south San Francisco, and San Bruno, terminating at the Millbrae Avenue BART/CalTrain Station. An additional 1.2-mile spur from the main line north of Millbrae will take BART trains directly into the airport, to a station adjoining the new International Terminal. The San Francisco International Airport is a major partner in this project. All structures and facilities to be constructed on airport property and installation of related equipment are being funded, designed and constructed for BART by the airport. This project is also part of the FTA Turnkey Demonstration Program to determine if the design/build approach will reduce implementation time and cost. On July 24, 1997, the first contract was awarded for site preparation and utility relocation associated with this project. Bids for the main contract for construction of the line, trackwork and related systems were opened on November 25, 1997. On June 30, 1997, FTA entered into an FFGA for the BART SFO extension, committing a total of $750,000,000 in Federal New Starts funds to the project; total capital costs at that time were estimated at $1,054,000,000. The total cost has since increased to an estimated $1,510,200,000; a surge in local construction activity has resulted in higher than estimated costs for construction of this project. Per the terms of the FFGA, any cost increases are the responsibility of the local project sponsors. Thus, the original Federal commitment is unchanged at $750,000,000. Through fiscal year 2002, a total of $317,370,000 has been appropriated for this project. This project has been authorized in TEA21. The Committee has recommended $100,000,000 in New Starts funding for this project in fiscal year 2003.

San Juan/Tren Urbano.—The Puerto Rico Department of Transportation and Public Works (DTPW) is constructing a 10.7-mile, 16-station rapid rail line between Bayamon Centro and the Sagrado Corazon area of Santurce in the San Juan metropolitan area. The system consists of a double-track line operating over at-grade and elevated rights-of-way with a short below-grade segment, and a maintenance facility. When complete, this system is expected to carry 113,300 riders per day by 2010. This project has been selected as one of FTA's turnkey demonstration projects, which incorporates contracts to design, build, operate, and maintain the system. During 1996 and 1997, seven contracts were awarded under the turnkey procurement. The total capital cost of this project is now estimated at $1,653,600,000. On March 13, 1996, FTA entered into an FFGA committing $307,410,000 in section 5309 New Starts funds to this project, out of a total project cost of $1,250,000,000. This did not include $4,960,000 in Federal New Starts funding provided prior to fiscal year 1996, which brings total Federal New Starts funding for this project to $312,370,000. This FFGA was amended in July 1999 to include 2 additional stations and 10 additional railcars. This amendment included $141,000,000 in section 5307 funds and $259,900,000 in flexible funding; no additional section 5309 New Starts funds were committed. A total of $193,560,000 in section 5309 funds has been allocated to the Tren Urbano project through fiscal year 2002. The Committee has recommended $30,038,000 in New Starts funding for this project in fiscal year 2003.

Scranton, Pennsylvania, rail service to New York City.—Morris, Sussex, and Warren Counties, all located in New Jersey, in cooperation with the New Jersey TRANSIT Corporation (NJ TRANSIT) conducted a Major Investment Study/Environmental Assessment (MIS/EA) to examine the feasibility of re-instituting rail service on the Lackawanna Cut-off Corridor between Scranton, Pennsylvania and Hoboken, New Jersey. In addition, in 1998, a planning study was undertaken by Lackawanna County, Pennsylvania to preliminarily define the State's portion of the project. Commuter rail was selected as the locally preferred alternative. The potential rail service would connect to the NJ TRANSIT Boonton Line at Port Morris in Roxbury, New Jersey. Trains would operate to Hoboken and connect to Midtown Direct trains traveling to New York's Penn Station. The proposed project would include track and signal improvements, new stations, parking facilities, train storage yard, and rail equipment acquisition. Information on mobility improvements, environmental benefits, cost effectiveness, operating efficiencies, transit-supportive land use and other factors are being developed. Through fiscal year 2002, Congress has appropriated $990,000 in section 5309 New Starts funds for this effort. These funds will be used for conceptual design and completion of the EA. The Committee has recommended $3,000,000 in New Starts funding for this project in fiscal year 2003.

Seattle, Sound Transit Central Link Light Rail.—The Committee takes note of the significant progress made by the Federal Transit Administration and Sound Transit in addressing the concerns about light rail developments in the Puget Sound region raised by the Department of Transportation Inspector General's Interim Report of April, 2001. Since that time, the FTA and regional leaders have worked to make necessary improvements in the project plans and in oversight of the project. Sound Transit's Board of Directors in November, 2001 adopted a new initial segment for Central Link light rail. This 14-mile line will run south from downtown Seattle to just north of Sea-Tac Airport. Sound Transit has implemented management improvements which have improved its cost estimation and financial management capabilities. The FTA has stepped-up its oversight of the project as well. The Committee encourages the ongoing efforts of Sound Transit and the FTA and looks forward to continuing to work with the FTA and Sound Transit in addressing the Puget Sound region's significant transit needs.

Stamford, Connecticut, urban transitway project.—The City of Stamford, in coordination with the Connecticut Department of Transportation (ConnDOT), and the Southwestern Regional Planning Agency, is proposing to design and construct a 1-mile Urban Transitway. This will consist of a bus lane, shared with high occupancy vehicles, that will provide a direct link from Interstate 95 to the Stamford Intermodal Transportation Center (SITC). The Urban Transitway project will include changes to the bus routes serving the SITC, improved pedestrian access, and the implementation of intelligent transportation systems (ITS). The SITC serves as a major transfer point for local bus and employer shuttle service and provides access to existing Amtrak and Metro-North rail service in the Northeast corridor. Currently, Metro-North operates 190 daily trains that stop at the SITC and approximately 2,500 riders use the service in the peak hours to commute from Stamford to New York City, while 1,500 riders travel inbound to employment opportunities in Stamford. To accommodate additional commuter capacity at the SITC, the City is expanding rail platform capacity and constructing a 1,200-space parking facility. This project has been authorized in TEA21 under section 5309(e)(8)(A). Through fiscal year 2002, Congress has appropriated $14,850,000 for this project. The Committee has recommended $12,000,000 in New Starts funding for this project in fiscal year 2003.

Stockton, California, Altamont Commuter Rail project.—The San Joaquin Regional Rail Commission (SJRRC), the Alameda Congestion Management Agency, and the Santa Clara Valley Transportation Authority have implemented a commuter rail system along an existing Union-Pacific Railroad right-of-way between the three counties. A Joint Powers Board comprised of members from each of the three agencies was also created to operate the proposed Altamont Commuter Express. The SJRRC would be the managing agency for the initial 36-month term of an agreement executed between the three agencies. In addition to identifying potential sources for capital and operating funds, the member agencies will define the methods for allocating future costs and the shares of future capital improvement contributions from the member agencies. Through fiscal year 2002, Congress has appropriated $6,910,000 in section 5309 New Starts funds for this effort. The Committee has recommended

$1,000,000 in New Starts funding for this project in fiscal year 2003.

Wilmington, Delaware, Wilmington Train Station.—The Delaware Department of Transportation is proposing several improvements to the Wilmington train station which serves approximately 5,000 passengers daily in the Nation's busiest rail corridor. The proposed improvements would allow convenient passenger transfers between several modes of travel, including commuter rail passenger rail, commuter and local bus service, taxi, bicycle, auto and pedestrian. The planned improvements include platform modernization, concourse improvements, construction of a station entrance and platform ramp, and rehabilitation to elevators, escalators and restrooms. Through fiscal year 2002 a total of $3,470,000 has been provided to this project. The Committee has recommended $3,000,000 in New Starts funding for this project in fiscal year 2003.

JOB ACCESS AND REVERSE COMMUTE GRANTS

	General fund	Trust fund	Total
Appropriations, 2002	$25,000,000	$100,000,000	$125,000,000
Budget estimate, 2003	30,000,000	120,000,000	150,000,000
Committee recommendation	30,000,000	120,000,000	150,000,000

The Committee recommends $150,000,000 for the Job Access and Reverse Commute Grants program, the level guaranteed under the TEA21 transit category firewall. The Committee has included bill language transferring $25,000,000 to the ''Capital investment grants'' account. This level of funding is the same as the fiscal year 2002 appropriated level. This program is meant to help welfare reform efforts succeed by providing enhanced transportation services for low-income individuals, including former welfare recipients, traveling to jobs or training centers.

The program makes competitive grants to qualifying metropolitan planning organizations, local governmental authorities, agencies, and nonprofit organizations. Grants may not be used for planning or coordination activities.

The Committee recommends the following allocations of job access and reverse commute grant program funds in fiscal year 2003:

Project	*Amount*
AC Transit—CalWORKS Recipient Job Center, CA	$750,000
Alabama Jefferson County, JARC, AL	4,000,000
Alaska Mobility Coalititon, AK	500,000
Allegheny Port Authority JARC, PA	3,000,000
Austin Capital Metros Access to JARC, TX	3,000,000
Brockton Area Transit Authority, MA	225,000
Capital District Transportation Authority, Albany, NY	550,000
Central Ohio, Mobility Management, COTA, OH	600,000
Chatham JARC Program, GA	550,000
Chautauqua Area Rural Transportation System, NY	100,000
Chemung County Transit, NY	150,000
Columbia, Expanded Service to Rural Welfare Recipients, NY	100,000
Connecticut, JARC, CT	3,000,000
Corpus Christi JARC Program, TX	750,000
Delaware Welfare to Work Initiative	750,000
El Paso, JARC Program, TX	500,000
Flint Job Access Program, MI	750,000
Fort Wayne's Hanna Creighton Transit Center, IN	1,500,000
Franklin County Expansion of Hour Service, NY	150,000
Grand Rapids Reverse Commute Program, MI	675,000
Greater Cleveland Regional Transit Authority JARC, OH	1,000,000
Hornell, Trans. Alternatives for Special Needs, NY	100,000
Illinois, Ways To Work	550,000
IndyGo Multi-use Downtown Transit Center, IN	550,000
Iowa Statewide JARC	2,000,000
Jackson-Josephine County JARC Project, OR	325,000
Jacksonville Trans. Authority, Choice Ride Program, FL	750,000
Kenai Peninsula, Transit Planning, AK	500,000
KW, Paratransit Vehicle Replacement, KS	60,000
LA County, UTRANS, CA	1,000,000
Lafayette Ways to Work Program, LA	200,000
Lancaster-Littleton Transit Project, NH	100,000
Low-Income LIFT Program, SF MTC, CA	2,000,000
LYNX, Central Florida Regional Transportation Authority, FL	400,000
Macon-Bibb County Reverse Commute Program, GA	550,000
Maricopa County Worklinks Project, AZ	500,000
Maryland Statewide JARC, (Montgomery County—$600,000)	4,000,000
MASCOT Matanuska-Susitna Valley, AK	200,000
Metrolink Corridor Access to Jobs, MO	3,000,000
Missouri Statewide JARC Grants, MO	2,800,000
New Jersey JARC Program	4,000,000
Northwest Ohio Commuter LINK, Toledo, OH	250,000
Oklahoma Statewide Access to Jobs Program	4,000,000
Oregon Ways to Work Loan Program	500,000
Portland Metropolitan Region JARC Program, OR	1,500,000
Rhode Island Deployment of Flexible Services	1,500,000
Rhode Island Statewide JARC	2,000,000
Ride Share Program—MTA, CA	750,000
Rochester-Genesseee Regional Transportation Authority, NY	400,000
SACOG, Sacramento Region JARC Projects, CA	1,500,000
San Antonio, Access to Jobs Program, TX	925,000
Santa Clara Valley, Guaranteed Ride Home Program, CA	350,000
SEPTA JARC, PA	3,500,000
Service for Ithaca, NY	150,000
Southern California Regional Rail Authority Metroline Double Tracking Project	2,000,000
Anchorage People Mover, AK	200,000
STEP–UP Job Access Project, Dayton, OH	250,000
Valley Metro/RPTA Job Access Program, AZ	1,200,000
Wake County Transportation Services (WCTS) Expansion, NC	550,000
Ways to Work, Missouri	450,000
Ways to Work, Yakima, WA	500,000
West Virginia Statewide, JARC, WV	1,000,000
Wisconsin Statewide JARC	4,000,000
WMATA JARC, VA	1,750,000
WorkFirst transportation initiative, WA	3,500,000
Wyandotte Co. JARC, KS	1,750,000

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation (the Corporation) is a wholly owned Government corporation established by the Saint Lawrence Seaway Act of May 13, 1954. The Corporation is responsible for the operation, maintenance, and development of the United States portion of the Saint Lawrence Seaway between Montreal and Lake Erie. The Corporation's major priorities include: safety, reliability, trade development, and management accountability.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

Appropriations, 2002[1]	$13,345,000
Budget estimate, 2003[2]	14,086,000
Committee recommendation	13,345,000

[1] Does not reflect reduction of $11,000 pursuant to section 349 of Public Law 107–87 or reduction of $10,000 pursuant to section 1106 of Public Law 107–117.

[2] Excludes $702,000 CSRS/FEHB accruals.

Appropriations from the Harbor Maintenance Trust Fund and revenues from nonfederal sources finances the operation and maintenance of the Seaway for which the corporation is responsible.

COMMITTEE RECOMMENDATION

The Committee recommendation includes $13,345,000 to fund the operations and maintenance of the Corporation. The Committee recommendation provides sufficient funding for the Corporation's highest capital priorities and the projects recommended by the U.S. Army Corps of Engineers after its survey and evaluation of the Corporation's lock and maintenance practices. Based on independent security assessments, the Corporation plans to implement additional security measures for the Saint Lawrence Seaway in 2003. The Corporation anticipates $820,000 in new and revised security measures.

The Committee notes the efforts made by the Saint Lawrence Seaway Development Corporation to enhance the security of Seaway infrastructure and maintain an open, yet secure waterway. Following the events of September 11, 2001, the SLSDC developed new security protocols that enhanced the security of the locks and other critical infrastructure along the Seaway. Additionally, in coordination with their Canadian counterparts, the SLSDC conducted a vulnerability assessment and developed a new Risk Assessment Inspection for certain high risk foreign-flag vessels that met the needs of the United States but was conducted while the vessel was in Canadian waters. The Committee applauds these efforts and directs the SLSDC to transmit this information to the

Transportation Security Administration and provide a report to both the House and Senate Appropriations Committees on the status of these initiatives and any further recommendations that the TSA may have to ensure consistent security initiatives are present to protect and secure the nation's borders and waterways. Any such recommendations should be appropriately noted in the subsequent fiscal year 2004 budget request.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

The Research and Special Programs Administration [RSPA] was established by the Secretary of Transportation's organizational changes dated July 20, 1977, and serves as a research, analytical, and technical development arm of the Department for multimodal research and development, as well as special programs. Particular emphasis is given to pipeline transportation and the transportation of hazardous cargo by all modes. In 2003, resources are requested for the management and execution of the Offices of Hazardous Materials Safety, Emergency Transportation, Pipeline Safety, and program and administrative support. Funds are also requested for the emergency preparedness grants program. RSPA's two reimbursable programs—Transportation Safety Institute [TSI] and the Volpe National Transportation Systems Center [VNTSC]—support research safety and security programs for all modes of transportation.

RESEARCH AND SPECIAL PROGRAMS

Appropriations, 2002[1 2]	$37,279,000
Budget estimate, 2003[3 4]	38,391,000
Committee recommendation	43,725,000

[1] Does not reflect rescissions of $113,000 pursuant to Public Law 107–87 and $97,000 pursuant to Public Law 107–117.

[2] Does not reflect emergency supplemental funding of $2,500,000 pursuant to Public Law 107–117.

[3] Does not include $5,987,000 in proposed new user fees.

[4] Excludes CSRS/FEHB accruals of $1,316,000.

The Committee has provided a total of $43,725,000 for the ''Research and special programs'' account, which is the same as the budget request.

The following table summarizes the Committee recommendations:

	Fiscal year 2002 enacted [1]	Fiscal year 2003 estimate	Committee recommendation
Hazardous materials safety	$21,217,000	$23,079,000	$23,079,000
New hazardous materials user fees	.....	$5,987,000	.....
(FTE)	(132)	(136)	(136)
Emergency transportation	$1,897,000	$2,058,000	$2,058,000
(FTE)	(9)	(10)	(10)
Research and technology	$2,784,000	$2,854,000	$2,854,000
(FTE)	(9)	(9)	(9)
Program and administrative support	$11,381,000	$16,387,000	$15,734,000
(FTE)	(50)	(60)	(59)
Total, research and special programs	$37,279,000	$38,391,000	$43,725,000

[1] Does not reflect rescissions of $113,000 pursuant to Public Law 107–87 and $97,000 pursuant to Public Law 107–117.
[2] Does not reflect emergency supplemental funding of $2,500,000 pursuant to Public Law 107–117.

HAZARDOUS MATERIALS SAFETY

The Office of Hazardous Materials Safety [OHMS] administers a nationwide program of safety regulations to fulfill the Secretary's duty to protect the Nation from the risks to life, health, and property that are inherent in the transportation of hazardous materials by water, air, highway, and railroad. OHMS plans, implements, and manages the hazardous materials transportation program consisting of information systems, research and analysis, inspection and enforcement, rulemaking support, training and information dissemination, and emergency procedures.

The Committee recommends $23,079,000 for hazardous materials safety, which is the same as the budget request.

Hazardous Materials Registration Fee Increase.—The Committee does not support the requested bill language to increase the Hazardous Materials Registration Fee that would result in an estimated additional collection of $6,000,000 in fiscal year 2003. The intended purpose of this increase is to finance part of the Hazardous Materials Safety Program. The Committee has denied the use of industry assessed fees to fund the Hazardous Materials Safety Program in the past and again denies this request.

EMERGENCY TRANSPORTATION

Emergency transportation (ET) programs provide support to the Secretary of Transportation for his statutory and administrative responsibilities in the area of transportation civil emergency preparedness and response. This program develops and coordinates the Department's policies, plans, and programs, in headquarters and the field to provide for emergency preparedness.

ET is responsible for implementing the Transportation Department's National Security Program initiatives, including an assessment of the transportation implications of the changing global threat. The Office also coordinates civil emergency preparedness and response for transportation services during national and regional emergencies, across the entire continuum of crises, including natural catastrophes such as earthquakes, hurricanes and tornados, and international and domestic terrorism. The Office of Emergency Transportation develops crisis management plans to mitigate disasters and implements these plans nationally and regionally in an emergency.

The Committee recommends $2,058,000 for emergency transportation, which is the same as the budget request.

RESEARCH AND TECHNOLOGY

The Committee recommends $2,854,000 for the Office of Research and Technology, which is the same as the budget request. The funds provided will help the Department coordinate and strengthen its responsibilities under TEA21, and will help support the R&T organizational excellence strategy specified in the Department's strategic plan, allow RSPA to support the intergovernmental transportation research coordination responsibilities of the National Science and Technology Council, and support a limited intermodal research program.

The Committee supports the request for R&D planning. These funds are used to conduct a diversity of activities of fundamental importance to the Department and to help coordinate transportation-related research throughout the Government. For example, these funds are used to support technology transfer and in particular to ensure that R&T advances made in the international arena are made available to various modes within the Department. In addition, these funds are used to support research and education planning that applies to all of the modes. Most importantly, one of the key purposes of these funds is to eliminate any duplication of research within the DOT.

PROGRAM AND ADMINISTRATIVE SUPPORT

The program support function provides legal, financial, management, and administrative support to the operating offices within RSPA. These support activities include executive direction (Office of the Administrator), program and policy support, civil rights and special programs, legal services and support, and management and administration.

The Committee has provided $15,734,000 for program and administrative support, which is consistent with the budget request.

RESEARCH AND SPECIAL PROGRAMS

Business Modernization.—Public Law 107–87 directed RSPA to develop an Information Technology Strategic Plan outlining improvements in information technology and business modernization. In advance of this plan, the administration requested $3,616,000 for IT infrastructure improvements and identified RSPA's need to remedy its weak IT infrastructure as its number one priority for fiscal year 2003. The Committee supports the need to overhaul RSPA's Information Management Program but remains exceedingly concerned by RSPA's inability to develop a true Information Technology Strategic Plan that identifies what RSPA's information needs are, identifies who needs access to the information, and identifies the resulting system infrastructure requirements.

The Strategic Plan, dated February 1, 2002, does none of these things. It does, however, call for an additional $3,500,000 dollars for further IT consulting expenses. The plan also identifies $9,100,000 that will be necessary for software development and hardware acquisition. The Committee disagrees that this level of funding is necessary for either the consulting costs or the IT infrastructure development. As such, the Committee directs that no additional funds shall be expended for consulting costs for this initiative and directs RSPA to proceed with the hiring of their IT personnel. The Committee approves the request for 10 positions and 7 FTEs for information technology support. It is essential that RSPA hire the appropriate technical expertise to allow them to develop a true Strategic Information Technology Plan in house. The Committee approves the request for $3,600,000 but directs RSPA to provide a Strategic Information Technology Plan, of no more than 15 pages, to both the House and Senate Committees on Appropriations by August 15, 2003. The Strategic Plan shall be submitted prior to any IT expenditure beyond the hiring of Information Technology Specialists. Within this Strategic

Plan RSPA should identify their infrastructure spending plan and address information security.

New Full Time Equivalent Positions Request.—Within the Administration's Personnel Compensation and Benefits request, 17 positions and 12 FTE's are requested. Of those personnel requested, one position and one FTE is for an emergency transportation military liaison position. This position is currently filled with a military fellow provided by the Department of Defense. While the Committee believes that a military liaison is beneficial to the Office of Emergency Transportation, funding should continue to be provided by the Department of Defense.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OILSPILL LIABILITY TRUST FUND)

	Pipeline safety fund	Trust fund	Total
Appropriations, 2002 [1]	$50,386,000	$7,864,000	$58,250,000
Budget estimate, 2003 [2]	56,385,000	7,472,000	63,857,000
Committee recommendation	56,385,000	7,472,000	63,857,000

[1] Does not reflect rescissions of $74,000 pursuant to Public Law 107–87 and $64,000 pursuant to Public Law 107–117.
[2] Excludes CSRS/FEHB accruals of $653,000.

The Research and Special Programs Administration is responsible for the Department's Pipeline Safety Program. Funding for the Office of Pipeline Safety is made available from two primary sources: the pipeline safety fund, comprised of user fees assessed on interstate pipeline operators; and the oil spill liability trust fund, a revolving fund comprised of an environmental tax on petroleum and oil spill damage recovery payments. The Pipeline Safety Program promotes the safe, reliable, and environmentally sound transportation of natural gas and hazardous liquids by pipeline. This national program regulates the design, construction, operation, maintenance, and emergency response procedures pertaining to gas and hazardous liquids pipeline systems and liquefied natural gas facilities. Also included is research and development to support the Pipeline Safety Program and grants-in-aid to State agencies that conduct a qualified pipeline safety program and to others who operate one-call programs.

The Committee's recommendation for the Federal pipeline safety program generally supports, and is consistent with, the key provisions of the Senate-passed version of the pipeline safety reauthorization bill. The Committee recommends $63,857,000 for the Department's Pipeline Safety Program, which is consistent with the budget estimate. The bill specifies that, of the total appropriation, $56,385,000 shall be from the pipeline safety fund and $7,472,000 shall be from the oil spill liability trust fund.

Enforcement of Consensus Guidelines.—The Office of Pipeline Safety, the pipeline industry and various Federal agencies are working to finalize consensus guidelines and regulatory standards on the different security measures that should be taken by critical pipeline facilities. The Committee maintains that it is essential that OPS has sufficient legal authorities to ensure compliance with either these guidelines or standards. To that end, the Department's General Counsel shall submit a report to the House and Senate Committees on Appropriations before August 15, 2003, specifying the legal authorities that OPS will use to bring either enforcement actions or issue facility orders against any operator of a critical pipeline facility that fails to comply with the OPS-endorsed guidelines or consensus standards relevant to pipeline security at different threat levels. The Counsel will also assess the need for regulatory action in this area.

National Pipeline Safety and Operations Research Consortium.—Within the funds provided for research and development, the Committee encourages the administrator to support the creation of a National Pipeline Safety and Operations Research Consortium to increase the operational efficiency and system safety of pipeline transportation for both liquid and gas commodities. The Center will apply emerging technologies to the pipeline industry to benefit both carriers and pipeline customers to increase the physical safety and integrity and productivity of the nation's pipeline network.

Research and development.—The Committee recommends $3,970,000 for pipeline safety research, which is consistent with the amount requested. Within the funds provided, $600,000 shall be used for airborne environmental laser mapping technology research and engineering to support improved leak detection, analysis, and response by Federal, State, and industry pipeline safety officials.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

Appropriations, 2002	$200,000
Budget estimate, 2003	200,000
Committee recommendation	200,000

The hazardous materials transportation law (title 49 U.S.C. 5101 et seq.) requires RSPA to: (1) develop and implement a reimbursable emergency preparedness grants program; (2) monitor public sector emergency response training and planning and provide technical assistance to States, territories, and Indian tribes; and (3) develop and update periodically a national training curriculum for emergency responders. These activities are financed by receipts received from the hazardous materials shipper and carrier registration fees, which are placed in the emergency preparedness fund. The hazardous materials transportation law provides permanent authorization for the emergency preparedness fund for planning and training grants, monitoring and technical assistance, and for administrative expenses. An appropriation of $200,000 also from the emergency preparedness fund, provides for the training curriculum for emergency responders.

LIMITATION ON OBLIGATIONS

Bill language is included that limits the obligation of emergency preparedness training grants to $14,300,000 in fiscal year 2003.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

Appropriations, 2002 [1] [2]	$50,614,000
Budget estimate, 2003 [2] [3]	57,421,000
Committee recommendation	57,421,000

[1] Does not reflect reductions of $108,000 pursuant to section 349 of Public Law 107–87 and $93,000 pursuant to section 1106 of Public Law 107–117. Does not reflect emergency supplemental funding of $1,300,000 pursuant to Public Law 107–117.
[2] Does not include reimbursements of $3,524,000 from FHWA, $2,000,000 from FTA, $2,000,000 from FAA; and $100,000 from NTSB.
[3] Excludes CSRS/FEHB accruals of $2,532,000.

The Inspector General Act of 1978 established the Office of Inspector General [OIG] as an independent and objective organization, with a mission to: (1) conduct and supervise audits and investigations relating to the programs and operations of the Department; (2) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of programs and operations; (3) prevent and detect fraud, waste, and abuse; and (4) keep the Secretary and Congress currently informed regarding problems and deficiencies.

OIG is divided into two major functional units: the Office of Assistant Inspector General for Auditing and the Office of Assistant Inspector General for Investigations. The assistant inspectors general for auditing and investigations are supported by headquarters and regional staff.

The Committee recommends $57,421,000.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

	Appropriation	Crediting offsetting collections
Appropriations, 2002 [1]	$18,457,000	$950,000
Budget estimate, 2003 [2]	19,459,000	1,000,000
Committee recommendation	19,459,000	1,000,000

[1] Does not reflect reductions of $5,000 pursuant to section 349 of Public Law 107–87 and $4,000 pursuant to section 1106 of Public Law 107–117.
[2] Excludes $1,192,300 in CSRS retirement and FEHB accruals.

The Surface Transportation Board was created on January 1, 1996, by Public Law 104–88, the Interstate Commerce Commission Termination Act of 1995 (ICCTA) . Consistent with the continued trend toward less regulation of the surface transportation industry, the ICCTA abolished the ICC, eliminated certain functions that had previously been implemented by the ICC, transferred core rail and certain other functions to the Board, and transferred motor licensing and certain other motor functions to DOT and are now being administered by FMCSA. The Board is specifically responsible for the regulation of the rail and pipeline industries and certain nonlicensing regulation of motor carriers and water carriers. Moreover, the Board, through its exemption authority, is able to promote deregulation administratively on a case-by-case basis. Rail reforms made by the Staggers Rail Act of 1980 also have been continued.

The Committee has provided $19,459,000 for activities of the Board. Included in the recommended amount is an estimated $1,000,000 in fees to be collected, which will offset the appropriated funding. The Board is authorized to credit the fees collected to the appropriated amount as offsetting collections reducing the general funds appropriation on a dollar-for-dollar basis as the fees are received and collected.

The Committee's recommendation will fund a total of 145 full-time staff equivalent (FTE) positions, if the Board collects the full $1,000,000 in user fees. Between now and September 30, 2003, 46 percent of the Board's employees will be eligible for voluntary retirement. The Committee encourages the Board to move expeditiously in filling vacancies as retirements occur in order to ensure that the oversight functions of the Board are not compromised.

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

Appropriations, 2002 [1]	$5,015,000
Budget estimate, 2003	5,194,000
Committee recommendation	5,194,000

[1] Does not include reduction of $146,000 pursuant to section 301 of Public Law 106–113.

The Committee recommends $5,194,000 for the operations of the Architectural and Transportation Barriers Compliance Board,

the funding level requested by the administration.

The Architectural and Transportation Barriers Compliance Board (the Access Board) is the lead Federal Agency promoting accessibility for all handicapped persons. The Access Board was reauthorized in the Rehabilitation Act Amendments of 1992, Public Law 102–569. Under this authorization, the Access Board's functions are to ensure compliance with the Architectural Barriers Act of 1968, and to develop guidelines for and technical assistance to individuals and entities with rights or duties under titles II and III of the Americans with Disabilities Act. The Access Board establishes minimum accessibility guidelines and requirements for public accommodations and commercial facilities, transit facilities and vehicles, State and local government facilities, children's environments, and recreational facilities. The Access Board also provides technical assistance to Government agencies, public and private organizations, individuals, and businesses on the removal of accessibility barriers.

The Committee's recommendation provides adequate funding to support 32.8 FTE, 2 FTE more than the fiscal year 2000 staffing level, consistent with the Board's budget request.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

Appropriations, 2002	$68,650,000
Budget estimate, 2003	70,480,000
Committee recommendation	72,500,000

The Independent Safety Board Act of 1974 established the National Transportation Safety Board [NTSB] as an independent Federal agency to promote transportation safety by conducting independent accident investigations. In addition, the act authorizes the Board to make safety recommendations, conduct safety studies, and oversee safety activities of other Government agencies involved in transportation. The Board also reviews appeals of adverse actions by the Department of Transportation with respect to airmen and seamen certificates and licenses.

The Board has no regulatory authority over the transportation industry. Thus, its effectiveness depends on its reputation for impartial and accurate accident reports, realistic and feasible safety recommendations, and on public confidence in its commitment to improving transportation safety.

COMMITTEE RECOMMENDATION

The bill includes $72,500,000 for the National Transportation Safety Board. The Committee recommendation is $3,850,000 above the amount provided in fiscal year 2002 and $2,020,000 more than the budget request. The Committee notes that the National Transportation Safety Board Amendments Act of 2000 (Public Law 106–424) requires the Board, among other things, to provide the payment of true overtime for investigators and to implement the financial management control initiatives that were recommended by a private sector audit firm last year. The Committee's recommendation includes additional funding to annualize 25 new positions; provide true overtime payment costs; to provide 24 additional FTE's; and, to implement financial management programs. This is 13 more FTE's than requested by the administration for the enhancement of investigative staff.

TITLE III—GENERAL PROVISIONS

The Committee concurs with the general provisions that apply to the Department of Transportation and related agencies as proposed in the budget, with some changes, deletions, and additions. These are noted below:

SEC. 304. Modifies a requested provision to prohibit the use of funds for the salaries and expenses to no more than 100 political and presidential appointees to the Department of Transportation.

SEC. 316. Modifies a provision regarding the funding of administrative expenses for the Federal Motor Carrier Safety Administration and the Federal Highway Administration.

SEC. 318. Modifies a provision regarding funds made available to Alaska or Hawaii for ferry boats, ferry terminals and ferry passenger service.

SEC. 320. Includes a provision exempting a general aviation airport with more than 300,000 annual operations from having to accept scheduled passenger service provided that airport meets specific conditions.

SEC. 322. Includes a provision permitting funds from Public Law 106–69 and Public Law 106–346 for the Wilmington, Delaware downtown corridor project to be available for the Wilmington, Delaware commuter rail improvements.

SEC. 324. Includes a provision transferring the operation and maintenance of the localizer instrument landing system at the Walnut Ridge Regional Airport, Arkansas to the Federal Aviation Administration.

SEC. 325. Includes a provision transferring the operation and maintenance of the air traffic control tower at Williams Gateway Airport, Arizona to the Federal Aviation Administration.

SEC. 327. Includes a provision regarding a highway in Alaska.

SEC. 329. Includes a provision which modifies section 1211(i) of Public Law 105–178 to define the Alameda Corridor East and Southwest Passage, California high priority corridor.

SEC. 330. Provides $169,600,000, including funds provided elsewhere in the bill, to the Secretary of Transportation to make grants for surface transportation projects. The Committee's recommendation represents a $21,600,000 increase over the amount that was appropriated in fiscal year 2002. Funds provided for this program for fiscal year 2003 shall be available for the following activities:

Project	*Amount*
Aberdeen, SD to Geneseo, ND Rail Repair Project	$650,000
Adrian's Landing Urban Development Roadway Realignment Project, Hartford, CT	5,000,000
Arkwright Connector, Spartanburg, SC	1,200,000
Aroostook County North-South Highways, ME	5,000,000
Baseline Road, Isabella, Nottawa, Deerfield, Union, MI	1,000,000
Bowling Green Riverfront Project, KY	4,000,000
Bremerton, Ferry Exit Tunnel, WA	2,000,000
Broomsfield Wadsworth Interchange, CO	4,000,000
Caraway Road Overpass Project, Jonesboro, AR	3,000,000
City of Madison Railroad Relocation Project, MS	100,000
Council Bluffs US 6 Study/Preliminary Design, IA	2,000,000
David L. Lawrence Convention Center, Riverfront Park, Pittsburgh, PA	1,400,000
Dubuque Southwest Arterial, IA	3,000,000
East Chicago, Railroad Ave. Grade Crossing Separation, IN	2,500,000
Elkhart Underpass, IN	4,000,000
Farrington Highway, HI	1,000,000
General Mitchell International Airport Passenger Rail Station, WI	5,000,000
Granite Street Bridge Project, NH	8,000,000
Harlingen Railroad Relocation Project	1,000,000
I–15 Layton Interchange Project, UT	3,000,000
I–44 Yale Avenue to Arkansas River, OK	1,000,000
I–405 Corridor Tukwila to Lynnwood, WA	2,500,000
Isleta Boulevard Project, Bernalillo, NM	3,000,000
John Wright Drive, Huntsville, AL	6,600,000
Juneau Heliport, AK	2,000,000
Lenexa Prairie Star Expressway, KS	3,000,000
Matanuska-Susitna Borough road improvements, AK	4,500,000
Main Ave. Bridge & Pedestrian/Bicycle Amenities, Fargo, ND	3,000,000
Martin Luther King, Jr. Parkway, Des Moines, IA	5,000,000
Memphis Airport, Plough Boulevard Access Road Project, TN	5,000,000
Missouri River Trail, ND	2,000,000
Montpelier Downtown Redevelopment Project, VT	2,000,000
New Luke Road Trade Corridor Access Project, TX	1,000,000
Northern Forum, AK	500,000
Old Dominion University Maglev Project, Norfolk, VA	2,000,000
Olympic Discovery Trail, WA	1,000,000
Pierre Rail Bypass, SD	5,000,000
Portland, Safety Enhancement, ME	1,000,000
Route 14 Truck Bypass Project, Huron, SD	2,350,000
Saddle Road improvements, HI	4,000,000
Seward loading facility	9,600,000
South & East Beltway System Construction, NE	5,000,000
Southwestern Minnesota Regional Railroad Rehabilitation Project (MVRRA), MN	2,000,000
SR 67/605 in Saucier, MS	4,900,000
SR 104/Hood Canal Bridge East Half Replacement, WA	2,000,000
SR 99/Alaskan Way Viaduct & Seattle Seawall Replacement, WA	2,500,000
St. Louis Major Arterial Road Improvement/Renovation, MO	1,000,000
Tucson Railroad Grade Crossing Project, AZ	1,500,000
Tuscaloosa Downtown Revitalization Project	5,000,000
Umatilla Intermodal Facility, OR	3,800,000
US 14 Expansion and Improvements, MN	2,000,000
US 81 & Highway 30 Arterial Improvements, Columbus, NE	2,500,000

Project	*Amount*
US 93, Westside Kalispell Bypass Project, MT	2,500,000
WSU Composite Applications for Ferries, WA	1,000,000
WV Route 9, Jefferson and Berkeley Counties, WV	10,000,000
Waipol Road, HI	1,000,000

SEC. 331. Includes a provision directing the Secretary of Transportation to approve the use of national highway system and surface transportation funds for construction of noise barriers in Georgia.

SEC. 332. Modifies a provision from the fiscal year 2000 appropriations act which prohibits the use of funds in this Act unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award is made under section 1221 of Public Law 107–178 as amended, and before any award totaling $500,000 or more is announced by the Department or its modal administrations. The administration proposed deleting this provision.

SEC. 333. Includes a provision rescinding $77,100,000 of funds provided in section 101(a)(2) of Public Law 107–42.

SEC. 334. Includes a provision requiring a National Academy of Sciences study regarding the shipment of spent nuclear fuel from research nuclear reactors.

SEC. 336. Includes a provision which would reimburse the city of Escanaba, Michigan for the costs incurred for repairing a municipal dock that is utilized by the United States Coast Guard.

SEC. 337. Includes a provision to consider the city of Norman, Oklahoma to be part of the Oklahoma City Transportation Management Area for fiscal year 2003.

SEC. 339. Includes a provision allowing grants for the construction of an air traffic control tower at Double Eagle II Airport, New Mexico.

SEC. 340. Modifies a provision from a previous appropriations act permitting Section 402 funds to be used to produce and place highway safety messages on paid media outlets and designating certain Section 157 and Section 410 funds for paid media to support national law enforcement mobilizations on seat belt use and impaired driving.

SEC. 341. Modifies a provision from the fiscal year 2002 appropriations act regarding Coast Guard Yard in Curtis Bay, Maryland and other Coast Guard specialized facilities. The administration proposed deleting this provision.

SEC. 342. Retains a provision prohibiting funds for the Office of the Secretary of Transportation to be reprogrammed without Congressional notification. The administration proposed deleting this provision.

SEC. 343. Includes a provision regarding Federal share for certain highway funds.

SEC. 344. Includes a provision regarding the Hoover Dam Bypass Bridge.

SEC. 346. Retains a provision allowing discretionary bridge funding to be used for historic covered bridges. The administration proposed deleting this provision.

SEC. 347. Modifies a provision requiring quarterly reports on major Coast Guard acquisition and mission hour emphasis. The administration proposed deleting this provision.

SEC. 348. Includes a provision amending Section 1503 and Section 1101(a)(9) of Public Law 105–178.

SEC. 349. Includes a provision which the administration had requested be deleted that reduces the funds provided for the Transportation Administrative Service Center.

SEC. 350. Extends a provision from the fiscal year 2002 appropriations act regarding the safety of cross-border trucking between the United States and Mexico. The administration proposed deleting this provision.

SEC. 351. Includes a provision granting discretionary authority to the Secretary of Transportation to waive certain requirements included in a conveyance for an airport.

SEC. 352. Includes a provision which expands the exemption from Federal axle weight restrictions presently applicable only to public transit buses to all over-the-road buses.

SEC. 353. Includes a provision regarding funds for the construction of roads and bridges in Lake Charles, Louisiana.

SEC. 354. Includes a provision modifying Section 342 of the Department of Transportation and Related Agencies Appropriations Act, 2002.

SEC. 355. Includes a provision modifying Section 343 of the Department of Transportation and Related Agencies Appropriations Act, 2002.

SEC. 356. Includes a provision providing $3,500,000 to enable the Secretary to maintain operations of the Midway Island airfield.

COMPLIANCE WITH PARAGRAPH 7, RULE XVI OF THE STANDING RULES OF THE SENATE

Paragraph 7 of rule XVI requires that Committee reports accompanying general appropriations bills identify each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

Federal Aviation Administration
Office of Commercial Space Transportation
Research, Engineering, and Development

Federal Highway Administration
Child Passenger Protection Education Grants

Federal Railroad Administration
Safety and Operations

National Railroad Passenger Corporation (AMTRAK)

National Transportation Safety Board

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include ''(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee.''

In compliance with this rule, the following changes in existing law proposed to be made by the bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is printed in italic; and existing law in which no change is proposed is shown in roman.

With respect to this bill, it is the opinion of the Committee that it is necessary to dispense with these requirements in order to expedite the business of the Senate.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
TITLE I—DEPARTMENT OF TRANSPORTATION					
Office of the Secretary					
Salaries and expenses	67,778	92,460	83,069	+15,291	−9,391
Immediate Office of the Secretary	(1,929)		(2,201)	(+272)	(+2,201)
Immediate Office of the Deputy Secretary	(619)		(799)	(+180)	(+799)
Immediate Office of the Secretary and Deputy Secretary		(4,410)			(−4,410)
Office of the General Counsel	(13,355)	(15,657)	(15,507)	(+2,152)	(−150)
Office of the Assistant Secretary for Policy	(3,058)			(−3,058)	
Office of the Assistant Secretary for Aviation and International Affairs	(7,421)			(−7,421)	
Office of the Under Secretary for Transportation Policy		(12,452)	(11,123)	(+11,123)	(−1,329)
Office of the Assistant Secretary for Budget and Programs	(7,728)	(8,375)	(8,375)	(+647)	
Office of the Assistant Secretary for Governmental Affairs	(2,282)	(2,453)	(2,282)		(−171)
Office of the Assistant Secretary for Administration	(19,250)	(29,285)	(26,070)	(+6,820)	(−3,215)
Office of Public Affairs	(1,723)	(1,926)	(1,920)	(+197)	(−6)
Executive Secretariat	(1,204)		(1,390)	(+186)	(+1,390)
Board of Contract Appeals	(507)	(611)	(611)	(+104)	
Office of Small and Disadvantaged Business Utilization	(1,240)	(1,304)	(1,304)	(+64)	
Office of Intelligence and Security	(1,321)			(−1,321)	
Office of the Chief Information Officer	(6,141)	(15,987)	(11,487)	(+5,346)	(−4,500)
Subtotal	(67,778)	(92,460)	(83,069)	(+15,291)	(−9,391)
Office of Civil Rights	8,500	8,700	8,700	+200	
Transportation Security Administration	1,250,000			−1,250,000	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Offsetting collections	−1,250,000			+1,250,000	
Transportation planning, research, and development	11,993	10,700	21,000	+9,007	+10,300
Transportation Administrative Service Center	(125,323)		(131,779)	(+6,456)	(+131,779)
2002 Supplemental (Public Law 107–206)	(2,800)			(−2,800)	
Subtotal, TASC	(128,123)		(131,779)	(+3,656)	(+131,779)
Minority business resource center program	900	900	900		
(Limitation on guaranteed loans)	(18,367)	(18,367)	(18,367)		
Minority business outreach	3,000	3,000	3,000		
New headquarters building		25,000			−25,000
Payments to air carriers (Airport and Airway Trust Fund)	13,000		65,000	+52,000	+65,000
Emergency supplemental (Public Law 107–117)	50,000			−50,000	
Total, Office of the Secretary	1,405,171	140,760	181,669	−1,223,502	+40,909
Offsetting collections	−1,250,000			+1,250,000	
Net total	155,171	140,760	181,669	+26,498	+40,909
Transportation Security Administration					
Salaries and expenses		5,346,000	5,346,000	+5,346,000	
Facilities and equipment (reimbursement)		−124,000	−55,000	−55,000	+69,000
Offsetting collections		−2,650,000	−2,650,000	−2,650,000	
Emergency supplemental (Public Law 107–117)	94,800			−94,800	
2002 Supplemental (Public Law 107–206) (emergency)	3,370,000			−3,370,000	
Total, Transportation Security Administration	3,464,800	2,572,000	2,641,000	−823,800	+69,000
Coast Guard					
Operating expenses	2,942,000	3,978,456	3,978,456	+1,036,456	
Defense function	440,000	340,000	340,000	−100,000	
Offset for new user fees		−165,000			+165,000
Emergency supplemental (Public Law 107–117)	209,150			−209,150	
2002 Supplemental (Public Law 107–206) (emergency)	189,000			−189,000	
Subtotal, OE	3,780,150	4,153,456	4,318,456	+538,306	+165,000
Acquisition, construction, and improvements	636,354	725,000	752,000	+115,646	+27,000
2002 Supplemental (Public Law 107–206) (emergency)	66,000			−66,000	
Vessels	(115,740)	(13,600)	(25,600)	(−90,140)	(+12,000)
Aircraft	(9,500)			(−9,500)	
Other equipment	(107,022)	(117,700)	(132,700)	(+25,678)	(+15,000)
Shore facilities and aids to navigation facilities	(85,271)	(28,700)	(48,700)	(−36,571)	(+20,000)
Personnel and related support	(64,631)	(65,000)	(65,000)	(+369)	
Integrated Deepwater Systems	(320,190)	(500,000)	(480,000)	(+159,810)	(−20,000)
Subtotal, A C and I	(702,354)	(725,000)	(752,000)	(+49,646)	(+27,000)
Environmental compliance and restoration	16,927	17,000	17,000	+73	
Alteration of bridges	15,466		14,000	−1,466	+14,000
Retired pay	876,346	889,000	889,000	+12,654	
Reserve training	83,194	86,522	86,522	+3,328	
Research, development, test, and evaluation	20,222	22,000	22,000	+1,778	
Total, Coast Guard	5,494,659	6,057,978	6,098,978	+604,319	+41,000
Offset for new user fees		−165,000			+165,000
Net total, CG	5,494,659	5,892,978	6,098,978	+604,319	+206,000
Federal Aviation Administration					
Operations	6,886,000	7,077,203	7,047,203	+161,203	−30,000
Air traffic services	(5,452,871)		(5,662,037)	(+209,166)	(+5,662,037)
Aviation regulation and certification	(768,769)		(839,467)	(+70,698)	(+839,467)
Civil aviation security	(150,154)			(−150,154)	
Research and acquisition	(195,799)		(207,600)	(+11,801)	(+207,600)
Commercial space transportation	(12,456)		(12,325)	(−131)	(+12,325)
Financial services	(50,284)		(48,782)	(−1,502)	(+48,782)
Human resources	(69,516)		(80,260)	(+10,744)	(+80,260)
Regional coordination	(85,943)		(82,192)	(−3,751)	(+82,192)
Staff offices	(109,208)		(84,890)	(−24,318)	(+84,890)
Information services			(29,650)	(+29,650)	(+29,650)
Undistributed	(−9,000)			(+9,000)	
Subtotal, Operations	(6,886,000)		(7,047,203)	(+161,203)	(+7,047,203)
Emergency supplemental (Public Law 107–117)	200,000			−200,000	
2002 Supplemental (Public Law 107–206):					
(Transfer authority)	(33,000)			(−33,000)	
Subtotal, Operations (incl supplemental)	7,119,000		7,047,203	−71,797	+7,047,203
Facilities and equipment (Airport and Airway Trust Fund)	2,914,000	2,981,022	2,981,022	+67,022	
Rescission (Airport and Airway Trust Fund)	−15,000			+15,000	
Emergency supplemental (Public Law 107–117)	108,500			−108,500	
Subtotal, F&E (incl supplemental)	3,007,500	2,981,022	2,981,022	−26,478	
Research, engineering, and development (Airport and Airway Trust Fund)	195,000	124,000	124,000	−71,000	
Emergency supplemental (Public Law 107–117)	50,000			−50,000	
Subtotal, RE&D	245,000	124,000	124,000	−121,000	
Grants-in-aid for airports (Airport and Airway Trust Fund):					
(Liquidation of contract authorization)	(1,800,000)	(3,100,000)	(3,100,000)	(+1,300,000)	
(Limitation on obligations)	(3,300,000)	(3,400,000)	(3,400,000)	(+100,000)	
(Small community air service pilot program)	(20,000)		(20,000)		(+20,000)
Rescission of contract authority	−301,720			+301,720	
Emergency supplemental (Public Law 107–117)	175,000			−175,000	
Subtotal, Grants-in-aid	(3,173,280)	(3,400,000)	(3,400,000)	(+226,720)	
Aviation insurance revolving fund					

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Small community air service development					
Total, Federal Aviation Administration	10,528,500	10,182,225	10,152,225	−376,275	−30,000
(Limitations on obligations)	(3,300,000)	(3,400,000)	(3,400,000)	(+100,000)	
Total budgetary resources	(13,828,500)	(13,582,225)	(13,552,225)	(−276,275)	(−30,000)
Rescissions	−15,000			+15,000	
Rescissions of contract authority	−301,720			+301,720	
Net total, FAA	(13,511,780)	(13,582,225)	(13,552,225)	(+40,445)	(−30,000)
Federal Highway Administration					
Limitation on administrative expenses	(311,000)	(317,732)	(317,732)	(+6,732)	
(Border enforcement program)			(106,967)	(+106,967)	(+106,967)
Federal-aid highways (Highway Trust Fund):					
(Limitation on obligations)	(27,280,000)	(27,573,787)	(31,800,000)	(+4,520,000)	(+4,226,213)
Revenue aligned budget authority (RABA)	(4,543,000)	(−4,369,000)		(−4,543,000)	(+4,369,000)
RABA transfer to FMCSA	(−23,896)			(+23,896)	
Subtotal, limitation on obligations	(31,799,104)	(23,204,787)	(31,800,000)	(+896)	(+8,595,213)
(Exempt obligations)	(965,308)	(892,767)	(892,767)	(−72,541)	
(Liquidation of contract authorization)	(30,000,000)	(29,000,000)	(32,000,000)	(+2,000,000)	(+3,000,000)
2002 Supplemental (Public Law 107–206) (Rescission of contract authority)	−320,000			+320,000	
Appalachian development highway system	200,000		200,000		+200,000
State infrastructure banks (rescission)	−5,750			+5,750	
Value pricing project (rescission) (Highway Trust Fund) (sec. 318)	−9,231			+9,231	
TIFIA (rescission) (Highway Trust Fund) (sec. 318)	−43,742			+43,742	
Miscellaneous appropriations (Highway Trust Fund) (emergency supplemental) (Public Law 107–117)	100,000			−100,000	
Emergency relief program (emergency sup) (Public Law 107–117)	75,000			−75,000	
2002 Supplemental (Public Law 107–206) (emergency)	167,000			−167,000	
Total, Federal Highway Administration	542,000		200,000	−342,000	+200,000
(Limitations on obligations)	(31,799,104)	(23,204,787)	(31,800,000)	(+896)	(+8,595,213)
(Exempt obligations)	(965,308)	(892,767)	(892,767)	(−72,541)	
Total budgetary resources	(33,306,412)	(24,097,554)	(32,892,767)	(−413,645)	(+8,795,213)
Rescissions	−58,723			+58,723	
Rescissions of contract authority	−320,000			+320,000	
Net total, FHWA	(32,927,689)	(24,097,554)	(32,892,767)	(−34,922)	(+8,795,213)
Federal Motor Carrier Safety Administration					
Motor carrier safety (limitation on administrative expenses) (limitation on obligations)	(110,000)	(117,464)	(117,464)	(+7,464)	
Rescission	−6,665			+6,665	
National motor carrier safety program (Highway Trust Fund):					
(Liquidation of contract authorization)	(205,896)	(190,000)	(190,000)	(−15,896)	
(Limitation on obligations)	(182,000)	(190,000)	(190,000)	(+8,000)	
RABA transfer from FHWA:					
Border-State grants	(18,000)			(−18,000)	
State commercial driver's license	(5,896)			(−5,896)	
Subtotal, RABA	(23,896)			(−23,896)	
Subtotal, limitation on obligations	(205,896)	(190,000)	(190,000)	(−15,896)	
Border enforcement program (Highway Trust Fund)	25,866	59,967		−25,866	−59,967
2002 Supplemental (Public Law 107–206) (emergency)	19,300			−19,300	
Total, Federal Motor Carrier Safety Admin	45,166	59,967		−45,166	−59,967
(Limitations on obligations)	(315,896)	(307,464)	(307,464)	(−8,432)	
Total budgetary resources	(361,062)	(367,431)	(307,464)	(−53,598)	(−59,967)
Rescissions	−6,665			+6,665	
Net total, FMCSA	(354,397)	(367,431)	(307,464)	(−46,933)	(−59,967)
National Highway Traffic Safety Administration					
Operations and research	127,780	126,445	141,000	+13,220	+14,555
Operations and research (Highway trust fund):					
(Liquidation of contract authorization)	(72,000)	(72,000)	(72,000)		
(Limitation on obligations)	(72,000)	(72,000)	(72,000)		
Rescission of contract authority	−1,516			+1,516	
National Driver Register (Highway trust fund)	2,000	2,000	2,000		
Subtotal, Operations and research	(200,264)	(200,445)	(215,000)	(+14,736)	(+14,555)
Highway traffic safety grants (Highway Trust Fund):					
(Liquidation of contract authorization)	(223,000)	(225,000)	(225,000)	(+2,000)	
(Limitation on obligations):					
Highway safety programs (Sec. 402)	(160,000)	(165,000)	(165,000)	(+5,000)	
Occupant protection incentive grants (Sec. 405)	(15,000)	(20,000)	(20,000)	(+5,000)	
Alcohol-impaired driving countermeasures grants (Sec. 410)	(38,000)	(40,000)	(40,000)	(+2,000)	
State highway safety data grants (Sec. 411)	(10,000)			(−10,000)	
Subtotal, limitation on obligations	(223,000)	(225,000)	(225,000)	(+2,000)	
Total, National Highway Traffic Safety Admin	129,780	128,445	143,000	+13,220	+14,555
(Limitations on obligations)	(295,000)	(297,000)	(297,000)	(+2,000)	
Total budgetary resources	(424,780)	(425,445)	(440,000)	(+15,220)	(+14,555)
Rescissions of contract authority	−1,516			+1,516	
Net total, NHTSA	(423,264)	(425,445)	(440,000)	(+16,736)	(+14,555)
Federal Railroad Administration					
Safety and operations	110,857	118,264	118,264	+7,407	
Offset for new user fees		−45,000			+45,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Emergency supplemental (Public Law 107–117)	6,000			−6,000	
Railroad research and development	29,000	28,325	29,325	+325	+1,000
Offset for new user fees		−14,000			+14,000
Pennsylvania Station Redevelopment project (advance appropriations, Fiscal Year 2001, Fiscal Year 2002, Fiscal Year 2003) [1]	20,000	20,000	20,000		
Next generation high-speed rail	32,300	23,200	30,000	−2,300	+6,800
Alaska Railroad rehabilitation	20,000		25,000	+5,000	+25,000
Grants to the National Railroad Passenger Corporation	521,476	521,476	826,476	+305,000	+305,000
Emergency supplemental (Public Law 107–117)	100,000			−100,000	
2002 Supplemental (Public Law 107–206) (emergency)	205,000			−205,000	
Subtotal, Amtrak	826,476	521,476	826,476		+305,000
Total, Federal Railroad Administration	1,044,633	711,265	1,049,065	+4,432	+337,800
Offset for new user fees		−59,000			+59,000
Net total, FRA	1,044,633	652,265	1,049,065	+4,432	+396,800
Federal Transit Administration					
Administrative expenses	13,400	14,600	14,600	+1,200	
Administrative expenses (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(53,600)	(58,400)	(58,400)	(+4,800)	
Subtotal, Administrative expenses	(67,000)	(73,000)	(73,000)	(+6,000)	
Formula grants	718,400	767,800	767,800	+49,400	
Emergency supplemental (Public Law 107–117)	23,500			−23,500	
Formula grants (Highway Trust Fund) (limitation on obligations)	(2,873,600)	(3,071,200)	(3,071,200)	(+197,600)	
Subtotal, Formula grants	(3,615,500)	(3,839,000)	(3,839,000)	(+223,500)	
University transportation research	1,200	1,200	1,200		
University transportation research (Highway Trust Fund, Mass Transit Act) (limitation on obligations)	(4,800)	(4,800)	(4,800)		
Subtotal, University transportation research	(6,000)	(6,000)	(6,000)		
Transit planning and research	23,000	24,200	24,200	+1,200	
Transit planning and research (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(93,000)	(97,800)	(97,800)	(+4,800)	
Subtotal, Transit planning and research	(116,000)	(122,000)	(122,000)	(+6,000)	
Rural transportation assistance	(5,250)	(5,250)	(5,250)		
National Transit Institute	(4,000)	(4,000)	(4,000)		
Transit cooperative research	(8,250)	(8,250)	(8,250)		
Metropolitan planning	(55,422)	(60,386)	(60,386)	(+4,964)	
State planning	(11,578)	(12,614)	(12,614)	(+1,036)	
National planning and research	(31,500)	(31,500)	(31,500)		
Subtotal, Transit planning and research	(116,000)	(122,000)	(122,000)	(+6,000)	
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(5,397,800)	(5,781,000)	(5,781,000)	(+383,200)	
Capital investment grants	568,200	607,200	607,200	+39,000	
Capital investment grants (General purpose)					
Emergency supplemental (Public Law 107–117)	100,000			−100,000	
2002 Supplemental (Public Law 107–206) (emergency)	1,800,000			−1,800,000	
Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(2,272,800)	(2,428,800)	(2,428,800)	(+156,000)	
Subtotal, Capital investment grants	(4,741,000)	(3,036,000)	(3,036,000)	(−1,705,000)	
Fixed guideway modernization	(1,136,400)	(1,214,400)	(1,214,400)	(+78,000)	
Buses and bus-related facilities	(568,200)	(607,200)	(607,200)	(+39,000)	
New starts	(1,136,400)	(1,214,400)	(1,214,400)	(+78,000)	
Subtotal	(2,841,000)	(3,036,000)	(3,036,000)	(+195,000)	
Job access and reverse commute grants	25,000	30,000	30,000	+5,000	
(Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(100,000)	(120,000)	(120,000)	(+20,000)	
Subtotal, Job access and reverse commute grants	(125,000)	(150,000)	(150,000)	(+25,000)	
Total, Federal Transit Administration	3,272,700	1,445,000	1,445,000	−1,827,700	
(Limitations on obligations)	(5,397,800)	(5,781,000)	(5,781,000)	(+383,200)	
Total budgetary resources, FTA	(8,670,500)	(7,226,000)	(7,226,000)	(−1,444,500)	
Saint Lawrence Seaway Development Corporation					
Operations and maintenance (Harbor Maintenance Trust Fund)	13,345	14,086	13,345		−741
Research and Special Programs Administration					
Research and special programs:					
Hazardous materials safety	21,217	23,079	23,079	+1,862	
Offset for new user fees		−6,000			+6,000
Emergency transportation	1,897	2,058	2,058	+161	
Research and technology	2,784	2,854	2,854	+70	
Program and administrative support	11,381	16,387	15,734	+4,353	−653
Subtotal, Research and special programs	37,279	38,378	43,725	+6,446	+5,347
Emergency supp (emergency trans) (Public Law 107–117)	2,500			−2,500	
Pipeline safety:					
Pipeline Safety Fund	50,386	56,385	56,385	+5,999	
Oil Spill Liability Trust Fund	7,864	7,472	7,472	−392	
Subtotal, Pipeline safety program (incl reserve)	58,250	63,857	63,857	+5,607	
Emergency preparedness grants:					
Emergency preparedness fund	200	200	200		
Limitation on emergency preparedness fund	(14,300)	(14,300)	(14,300)		
Total, Research and Special Programs Admin	98,229	108,435	107,782	+9,553	−653
Offset for new user fees		−6,000			+6,000
Net total	98,229	102,435	107,782	+9,553	+5,347

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Office of Inspector General					
Salaries and expenses	50,614	57,421	57,421	+6,807	
Emergency supplemental (Public Law 107–117)	1,300			−1,300	
Total, Office of Inspector General	51,914	57,421	57,421	+5,507	
Surface Transportation Board					
Salaries and expenses	18,457	19,459	19,459	+1,002	
Offsetting collections	−950	−1,000	−1,000	−50	
Total, Surface Transportation Board	17,507	18,459	18,459	+952	
Bureau of Transportation Statistics					
Office of airline information (Airport and Airway Trust Fund)		3,965			−3,965
General Provisions					
Amtrak Reform Council (Sec. 329)	225			−225	
Aviation operations sustainment—Midway Island			3,500	+3,500	+3,500
Surface transpo projects (Sec. 1106)	148,300		81,000	−67,300	+81,000
Excess stabilization resources (rescission)			−77,100	−77,100	−77,100
Total, General provisions	148,525		17,000	−131,525	+17,000
Net total, title I, Department of Transportation	24,303,305	21,270,006	22,124,944	−2,178,361	+854,938
Appropriations	(17,894,879)	(21,270,006)	(22,202,044)	(+4,307,165)	(+932,038)
Emergency	(7,112,050)			(−7,112,050)	
Offsets for new user fees	(−1,250,000)	(−230,000)		(+1,250,000)	(+230,000)
Rescissions	(−80,388)		(−77,100)	(+3,288)	(−77,100)
Rescission of contract authority	(−623,236)			(+623,236)	
(Transfer authority)	(33,000)			(−33,000)	
(Limitations on obligations)	(41,107,800)	(32,990,251)	(41,585,464)	(+477,664)	(+8,595,213)
(Exempt obligations)	(965,308)	(892,767)	(892,767)	(−72,541)	
Net total budgetary resources	(66,376,413)	(55,153,024)	(64,603,175)	(−1,773,238)	(+9,450,151)
TITLE II—RELATED AGENCIES					
Architectural and Transportation Barriers Compliance Board					
Salaries and expenses	5,015	5,194	5,194	+179	
National Transportation Safety Board					
Salaries and expenses	68,000	70,480	72,500	+4,500	+2,020
Emergency supplemental (Public Law 107–117)	650			−650	
Total, National Transportation Safety Board	68,650	70,480	72,500	+3,850	+2,020
Total, title II, Related Agencies	73,665	75,674	77,694	+4,029	+2,020
Grand total	24,376,970	21,345,680	22,202,638	−2,174,332	+856,958
Appropriations	(17,967,894)	(21,345,680)	(22,279,738)	(+4,311,844)	(+934,058)
Emergency	(7,112,700)			(−7,112,700)	
Offset for new user fees	(−1,250,000)	(−230,000)		(+1,250,000)	(+230,000)
Rescissions	(−80,388)		(−77,100)	(+3,288)	(−77,100)
Rescission of contract authority	(−623,236)			(+623,236)	
(Transfer authority)	(33,000)			(−33,000)	
(Limitation on obligations)	(41,107,800)	(32,990,251)	(41,585,464)	(+477,664)	(+8,595,213)
(Exempt obligations)	(965,308)	(892,767)	(892,767)	(−72,541)	
Net total budgetary resources	(66,450,078)	(55,228,698)	(64,680,869)	(−1,769,209)	(+9,452,171)

[COMMITTEE PRINT]

[NOTICE: This is a draft for use of the Committee and its staff only, in preparation for markup.]

TREASURY AND GENERAL GOVERNMENT APPROPRIATION BILL, 2003

JANUARY ____, 2003.—Ordered to be printed

Mr. CAMPBELL, from the Committee on Appropriations, submitted the following

REPORT

[To accompany S. 0000]

The Committee on Appropriations reports the bill (S. 0000) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 2003, and for other purposes, reports favorably thereon and recommends that the bill do pass.

Amount of bill as reported to the Senate	$34,533,464,000
Amount of estimate	34,276,277,000
The bill as reported to the Senate:	
Above the appropriations provided in 2002	716,352,000
Above the estimates for 2003	257,187,000

GENERAL STATEMENT AND SUMMARY OF THE BILL

The accompanying bill contains recommendations for new budget (obligational) authority for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 2003.

The Committee considered budget estimates for fiscal year 2003 in the aggregate amount of $34,276,277,000. Compared to that amount, the accompanying bill recommends new budget authority totaling $34,533,464,000.

REPROGRAMMING REQUIREMENTS

The Committee is concerned about the number of reprogramming requests submitted by agencies for congressional review. Agencies are again reminded that only those requests which meet the reprogramming criteria listed below will be considered, that reprogramming should be reserved for critical circumstances, and that reprogramming proposals will not be considered, except in extraordinary circumstances, if received 45 or fewer days prior to the end of the fiscal year.

The reprogramming guidelines to be used to determine whether or not a reprogramming shall be submitted to the Committee for prior approval are as follows:

1. Except under extraordinary and emergency situations, the Committees on Appropriations will not consider requests for a reprogramming or a transfer of funds, or use of unobligated balances, which are submitted after the close of the third quarter of the fiscal year, June 30;

2. Clearly stated and detailed documentation presenting justification for the reprogramming, transfer, or use of unobligated balances shall accompany each request;

3. For agencies, departments, or offices receiving appropriations in excess of $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of $500,000 or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;

4. For agencies, departments, or offices receiving appropriations less than $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of $50,000, or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;

5. For any action where the cumulative effect of below threshold reprogramming actions, or past reprogramming and/or transfer actions added to the request, would exceed the dollar threshold mentioned above, a reprogramming shall be submitted;

6. For any action which would result in a major change to the program or item which is different than that presented to and approved by either of the Committees, or the Congress, a reprogramming shall be submitted;

7. For any action where funds earmarked by either of the Committees for a specific activity are proposed to be used for a different activity, a reprogramming shall be submitted; and,

8. For any action where funds earmarked by either of the Committees for a specific activity are in excess of the project or activity requirement, and are proposed to be used for a different activity, a reprogramming shall be submitted.

Additionally, each request shall include a declaration that, as of the date of the request, none of the funds included in the request have been obligated, and none will be obligated, until the Committees on Appropriations have approved the request.

ACCRUAL FUNDING OF RETIREMENT COSTS AND POST-RETIREMENT HEALTH BENEFITS

The President's Budget included a legislative proposal under the jurisdiction of the Senate Committee on Governmental Affairs to charge to individual agencies, starting in fiscal year 2003, the fully accrued costs related to retirement benefits of Civil Service Retirement System employees and retiree health benefits for all civilian employees. The Budget also requested an additional dollar amount in each affected discretionary account to cover these accrued costs.

The authorizing committee has not acted on this legislation, therefore the Senate Appropriations Committee has reduced the dollar amounts of the President's request shown in the ''Comparative Statement of New Budget Authority Request and Amounts Recommended in the Bill'', as well as in other tables in this report, to exclude the accrual funding proposal.

The Committee further notes that administration proposals requiring legislative action by the authorizing committees of Congress are customarily submitted in the budget as separate schedules apart from the regular appropriations requests. Should such a proposal be enacted, a budget amendment formally modifying the President's appropriation request for discretionary funding is subsequently transmitted to the Congress.

The Senate Appropriations Committee joins with the House Appropriations Committee in raising concern that this practice, which has always worked effectively for both Congress and past administrations, was not followed for the accrual funding proposal. In this case, the Office of Management and Budget (OMB) decided to include accrual amounts in the original discretionary appropriations language request. These amounts are based on legislation that has yet to be considered and approved by the appropriate committees of Congress. This led to numerous misunderstandings both inside and outside of Congress of what was the ''true'' President's budget request. The Committee believes that, in the future, OMB should follow long-established procedures with respect to discretionary spending proposals that require legislative action.

AGENCY FEES FOR FECA ADMINISTRATION

The President's budget included a legislative proposal under the jurisdiction of the Senate Committee on Health, Education, Labor, and Pensions to charge individual agencies, starting in fiscal year 2003, the administrative cost of the Federal Employees' Compensation Act (FECA) program. Currently Federal agencies are budgeted for and billed each year for monetary and medical benefits that have been paid to their employees under FECA, while the program's discretionary administrative costs are financed in the Department of Labor (DOL).

The authorizing committee has not acted on this legislation; therefore, the Senate Appropriations Committee will continue to fund this administrative cost through the Department of Labor, Employment Standards Administration Salaries and Expenses Account.

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

Appropriations, 2002	$177,142,000
Budget estimate, 2003	191,914,000
Committee recommendation	191,887,000

The Committee recommends an appropriation of $191,887,000 for salaries and expenses for departmental offices of the Department of the Treasury.

The Departmental Offices function in the Department of the Treasury is to provide basic support to the Secretary of the Treasury, who is the chief operating executive of the Department. The Secretary of the Treasury maintains the primary role in formulating and managing the domestic and international tax and financial policies of the Federal Government. The Secretary's responsibilities funded by the Salaries and Expenses appropriation include: recommending and implementing United States domestic and international economic and tax policy; fiscal policy; governing the fiscal operations of the Government; maintaining foreign assets control; managing the public debt; overseeing major law enforcement functions carried out by the Department of the Treasury; managing development financial policy; representing the United States on international monetary, trade and investment issues; overseeing Department of the Treasury's overseas operations; and directing the administrative operations of the Department of the Treasury.

In support of the Secretary, the Salaries and Expenses appropriation provides resources for policy formulation and implementation in the areas of domestic and international financial, investment, tax, economic, trade and financial operations and general fiscal policy. This appropriation also provides resources for administrative support to the Secretary and policy components, and coordination of Departmental administrative policies in financial and personnel management, procurement operations, and automated information systems and telecommunications.

Economic Policies and Programs.—The function of the Economic Policies and Programs Activity is to advise the Secretary and Deputy Secretary in economic areas such as: (1) monitors macro-and micro-economic developments and assists in determining appropriate economic policies; collects and analyzes data pertaining to international portfolio investment and foreign exchange positions; develops an overall appraisal of the current state of, and outlook for the economy; provides written and oral briefing materials for the Secretary, other officials, and outsiders; participates in interagency groups working on economic matters to develop and maintain a coordinated and consistent government-wide economic program; and (2) the formulation and execution of U.S. international economic and financial policies regarding a wide range of international development and analysis functions involving: trade and investment, energy policy, monetary affairs, development financing, and general economic research into international financial issues. The Office of International Affairs works closely with other Federal agencies and international financial institutions, and coordinates international financial and macro-economic policy with the National Economic Council (Annual Economic Summit), the National Security Council, the Council of Economic Advisors, the Office of Management and Budget (foreign country risk review), the United States Trade Representative (financial services, investment, etc.), and all components of the Executive Office of the President. Under Presidential Executive Order, the Office of International Affairs participates with the Department of State in the collection and analysis of economic information on foreign countries. In the areas of international monetary and foreign exchange policy, the Office of International Affairs shares responsibility with the Federal Reserve (principally, the Board of Governors, but also the Federal Reserve Bank of New York) in working closely with the International Monetary Fund. In the area of international development, the Office of International Affairs formulates resource needs, notably U.S. contributions, policies and programs for various Multilateral Development Banks. With the Export-Import Bank, the Office of International Affairs has responsibility for export credit finance. This activity includes the Office of the Assistant Secretary (Economic Policy), the immediate offices of the Under Secretary (International Affairs), the Assistant Secretary (International Affairs) and the Office of International Affairs.

Financial Policies and Programs.—The function of the Financial Policies and Programs Activity is to advise the Secretary and Deputy Secretary in areas of domestic finance, banking, fiscal policy and operations, and other related financial matters, including development of policies and guidance in the areas of financial institutions, Federal debt finance, financial regulation, and capital markets. Specifically, this activity ensures that the management of the Federal Government's cash minimizes risk and strikes a balance between cash needs and short-term investments. This activity provides decision

makers and stakeholders with: (1) timely, concise and thorough policies, guidance and analysis in the areas of: financial institutions, financial regulation, the equitable and efficient delivery of financial services, the availability of credit, financial crimes, Federal debt finance, capital markets, the privatization of government assets, and any other issues related to domestic finance and financial services; and (2) recommendations regarding the development and implementation of tax policies and programs; official estimates of all Government receipts for the President's Budget, fiscal policy decisions, and cash management decisions; policy criteria reflected in regulations and rulings to implement the Internal Revenue Code; negotiation of tax treaties for the United States; and provides economic and legal policy analysis for domestic and international tax policy decisions. This activity includes the immediate office of the Under Secretary (Domestic Finance), the Assistant Secretary (Financial Institutions), the Assistant Secretary (Financial Markets), the Fiscal Assistant Secretary, and the Deputy Assistant Secretary for Community Development Policy and the Assistant Secretary (Tax Policy).

Enforcement Policies and Programs.—The function of the Enforcement Policies and Programs activity is to provide policy development, guidance and coordination to Treasury's law enforcement entities to combat money laundering and other financial crime, interdict illegal drugs, reduce violent crime, protect our nation's leaders, and provide quality training for enforcement personnel. Responsibilities include: (1) providing Departmental oversight and supervision of U.S. Customs Service, U.S. Secret Service, Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco, and Firearms, and Executive Office of Asset Forfeiture; and (2) negotiating international agreements on behalf of the Secretary to engage in joint law enforcement operations for the exchange of financial information and records. The Office of Enforcement administers economic sanctions against selective foreign countries, international narcotics traffickers and international terrorists in furtherance of U.S. foreign policy and national security goals. This activity includes the immediate offices of the Under Secretary for Enforcement and the Assistant Secretary (Enforcement), including the Office of Foreign Assets Control.

Treasury-wide Management Policies and Programs.—The Treasury-wide Management Policies and Programs Activity provides policy advice on matters involving the internal management of the Department and its bureaus; coinage and currency production and security; the sale and retention of savings bonds; financial management, information systems, security, property management, human resources, procurement and contracting, strategic planning; and customer service. This activity is responsible for implementing the functions of the Chief Financial Officer (CFO), the Government Performance Results Act (GPRA), and the Information Technology Management Reform Act which includes efficient and effective use of the Treasury's resources. This activity includes the Office of the Assistant Secretary (Management) and Chief Financial Officer and the Treasurer of the United States.

Treasury-wide Financial Statement Audit.—This activity has responsibility for contracting and funding all financial statement audit work that will be done by the Office of the Inspector General (OIG). The OIG would streamline the process, provide costs savings and accountability for getting these audits done, and ensure timeliness and consistency of financial statement audits in the Department. The audits would include those of the Customs Service, the Financial Management Service, the Bureau of Public Debt, the Federal Financing Board, the Bureau of Alcohol, Tobacco, and Firearms, the Community Development Financial Institutions, and the Departmental Offices.

TREASURY FRANCHISE FUND

The Committee recognizes the success of Treasury's efforts to improve the quality and lower the cost of financial and administrative services. Accordingly, the need to have continuity in service delivery to current customers and to continuously improve operations and achieve further efficiencies in administrative support functions requires a permanent footing. Therefore, the Committee has included a new provision to permanently extend the Treasury Franchise Fund.

COUNTERFEIT CURRENCY TECHNOLOGY

The Committee notes that the war on terrorism and the war on drugs have demonstrated the importance of tracking the flows of currency. The Department of the Treasury has several offices that track, target, and block the financial transactions and assets of terrorists, narcotics traffickers, foreign countries, and others that pose a threat to our national security and economy, as well as offices that work with domestic and foreign financial markets. The Department of the Treasury, working in conjunction with the Department of State, the Department of Justice, and other agencies has been able to identify terrorist groups that may be funding possible actions against the United States at home and abroad.

The Committee understands that funds have been authorized to investigate the use of new technologies to detect and track counterfeit currency which might be used against U.S. interests at home and abroad. The Committee is aware of various technologies under development which could aid in this investigative effort. In order to best serve these critical missions, the Committee directs the Department of the Treasury to test the utility of using new technologies to help identify the size of the universe of counterfeit currency and better understand the circulation patterns of currency and report back to the Committee within 120 days of enactment of this Act on the results of its investigation of these technologies and recommendations regarding their potential use in the war on terrorism and drugs. Should the results of these tests indicate that there are benefits to the Government from these technologies, the Committee would consider a reprogramming request which might be submitted by the Department.

CHICAGO POLICE DEPARTMENT CLEAR PROGRAM

The Committee is aware of an innovative program, created by the Chicago Police Department, designed to partner with the Department of the Treasury to implement improved information sharing between criminal justice agencies at the local, state, and Federal level—Citizen/Law Enforcement Analysis and Reporting (CLEAR). In addition to violent crimes, the CLEAR program will address financial and drug crimes, as well as other law enforcement functions under the jurisdiction of the Department and its related agencies. The Committee directs the Department to work with the Chicago Police Department to further develop and implement this important program and has included $150,000, from within existing funds, for this project.

OFFICE OF FOREIGN ASSETS CONTROL

The Committee provides that the Office of Foreign Assets Control (OFAC) be funded at no less than $21,206,000. The Committee is encouraged by the level of funding detail offered by Treasury in its budget justifications for its Enforcement programs, and regards this as an assurance that OFAC's direct costs will be properly covered as shown, and that administrative overhead resources are fairly allocated. The Committee requests that similar explanatory tables be provided in future justifications.

The Committee understands that license applications submitted to agencies at other departments, such as the Department of Commerce, are resolved in a reasonable period of time. The Committee believes that all license applications pertaining to travel-related transactions submitted to OFAC should be resolved expeditiously, but in no case no later than 90 calendar days after receipt of the completed license application.

The Committee has included a new general provision directing OFAC, whenever it decides to deny a license application pertaining to travel-related transactions, to notify the applicant of the denial in writing. The notification shall include:

—(1) The statutory and regulatory basis for the denial;

—(2) To the extent consistent with the national security of the United States, the specific considerations that led to the decision to deny the license application;

—(3) The name, phone number and e-mail address of the OFAC representative in a position to discuss the issues with the applicant.

DISCRIMINATORY BEER TAX

In June of 2002, the Government of Puerto Rico enacted huge increases in the excise tax on beer but exempted one local beer producer. Those increases make the tax on beer imported onto the Island from the mainland or abroad one of the highest alcohol excise taxes in the world. This excise tax has placed undue and unfair burdens on the Island's consumers and on U.S. beer producers. It is costing jobs on the mainland in factories and in supplier industries, including U.S. agriculture.

In order to remove this unfair barrier to trade and encourage a more equitable tax structure in Puerto Rico, the Committee has included a new Treasury general provision, Section 128, to freeze the return to Puerto Rico of the entire $300,000,000 rum rebate under section 7652 of the Internal Revenue Code of 1986. Once the Secretary of the Treasury determines that the discriminatory tax system has been abolished, the rum rebate will be retroactively reinstated.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAM

Appropriations, 2002	$68,828,000
Budget estimate, 2003	68,828,000
Committee recommendation	68,828,000

The Committee has provided a total of $68,828,000. The 1997 Treasury and General Government Appropriations Act established this account which is authorized to be used by or on behalf of Treasury bureaus, at the Secretary's discretion, to modernize business processes and increase efficiency through technology investments, as well as other activities that involve more than one Treasury bureau or Treasury's interface with other governmental agencies.

The Committee has been made aware of the inadequate funding requested by the Department of the Treasury for the projects

under this program for the past couple of years. The Committee is also aware of the importance of the timelines for completion of these projects. The Committee urges the Department to provide the necessary funding in fiscal year 2004 to avoid delays and potential cost overruns for these projects.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

Appropriations, 2002	$35,424,000
Budget estimate, 2003	35,428,000
Committee recommendation	35,424,000

The Committee recommends an appropriation of $35,424,000 for salaries and expenses of the Office of the Inspector General (OIG). The Committee supports the creation of an official representational account and provides $2,500 out of existing funds for that purpose.

The OIG conducts and supervises audits, evaluations, and investigations designed to: (1) promote economy, efficiency, and effectiveness and prevent fraud, waste and abuse in Departmental programs and operations; and (2) keep the Secretary and the Congress fully and currently informed of problems and deficiencies in the administration of Departmental programs and operations. The audit function provides program audit, contract audit and financial statement audit services. Contract audits provide professional advice to agency contracting officials on accounting and financial matters relative to negotiation, award, administration, repricing, and settlement of contracts. Program audits review and audit all facets of agency operations. Financial statement audits assess whether financial statements fairly present the agency's financial condition and results of operations, the adequacy of accounting controls, and compliance with laws and regulations. These audits contribute significantly to improved financial management by helping Treasury managers identify improvements needed in their accounting and internal control systems. The evaluations function reviews program performance and issues critical to the mission of the Department, including assessing the Department's implementation of the Government Performance and Results Act (GPRA). The investigative function provides for the detection and investigation of improper and illegal activities involving programs, personnel, and operations. This appropriation also provides for the oversight of internal investigations made by the Office of Internal Affairs and Inspection in the Bureau of Alcohol, Tobacco and Firearms, the Customs Service, and the Secret Service.

The Inspectors General Auditor Training Institute provides the necessary facilities, equipment, and support services for conducting auditor training for the Federal Government Inspector General community. The Office of the Inspector General is the parent organization for this entity, although program and financing data is reported under the Treasury Franchise fund (effective in 1999).

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

Appropriations, 2002	$125,778,000
Budget estimate, 2003	123,962,000
Committee recommendation	123,962,000

The Committee recommends an appropriation of $123,962,000.

The Treasury Inspector General for Tax Administration (TIGTA) conducts audits, investigations, and evaluations to assess the operations and programs of the Internal Revenue Service (IRS) and Related Entities, the IRS Oversight Board and the Office of Chief Counsel to (1) promote the economic, efficient and effective administration of the nation's tax laws and to detect and deter fraud and abuse in IRS programs and operations; and (2) recommend actions to resolve fraud and other serious problems, abuses, and deficiencies in these programs and operations, and keep the Secretary and the Congress fully and currently informed of these issues and the progress made in resolving them. TIGTA reviews existing and proposed legislation and regulations relating to the programs and operations of the IRS and Related Entities and makes recommendations concerning the impact of such legislation and regulations on the economy and efficiency in the administration of programs and operations of the IRS and Related Entities. The audit function provides program audit, contract audit and financial statement audit services. Program audits review and audit all facets of IRS and Related Entities. Contract audits provide professional advice to IRS contracting officials on accounting and financial matters relative to negotiation, award, administration, repricing, and settlement of contracts. The evaluations function reviews program performance and issues critical to the mission of the IRS. The investigative function provides for the detection and investigation of improper and illegal activities involving IRS programs and operations and protects the IRS and Related Entities against external attempts to corrupt or threaten their employees.

The Treasury Inspector General for Tax Administration was established by the IRS Restructuring and Reform Act of 1998 (Public Law 105–206). Funding was first appropriated for this account in the fiscal year 2000 Treasury and General Government Appropriations Act (Public Law 106–58).

AIR TRANSPORTATION STABILIZATION PROGRAM

Appropriations, 2002	
Budget estimate, 2003	$6,041,000
Committee recommendation	6,041,000

The Air Transportation Stabilization Board was authorized in the Air Transportation Safety and Stabilization Act to issue $10 billion of Federal Credit instruments to air carriers. The purpose is ''to compensate air carriers for losses incurred by the air carriers as a result of the terrorist attacks on the United States that occurred on September 11, 2001,'' providing among other criteria, that ''such agreement is a necessary part of maintaining a safe, efficient, and viable commercial aviation system in the United States.''

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

Appropriations, 2002	$28,932,000
Budget estimate, 2003	32,932,000
Committee recommendation	30,932,000

The Committee recommends an appropriation of $30,932,000 for the repair and restoration of the Treasury Building and Annex. This appropriation funds repairs and selected improvements to maintain the Main Treasury and Annex buildings. This recommendation is $2,000,000 above the fiscal year 2002 level.

EXPANDED ACCESS TO FINANCIAL SERVICES

Appropriations, 2002	$2,000,000
Budget estimate, 2003	2,000,000
Committee recommendation	2,000,000

The Committee has provided $2,000,000 for Expanded Access to Financial Services. The account continues funding to develop and implement a program to expand access to financial services to low- and moderate-income individuals who do not currently utilize bank accounts or other financial service opportunities. The Department of Treasury will develop and assist in funding private sector provision of low-cost electronic accounts and access to ATMs as a way of encouraging greater efficiency and access to the financial service system; conduct research on the financial services needs of low- and moderate-income persons; and assist in funding financial education for low- and moderate-income individuals.

The Committee recommends that funds be obligated to continue the two projects initiated in fiscal year 2001. The Committee also urges the Department to work with, and consider an application for a project under this account from, the Passaic County (New Jersey) Legal Aid Society.

COUNTERTERRORISM FUND

Appropriations, 2002	$40,000,000
Budget estimate, 2003	40,000,000
Committee recommendation	20,000,000

The Committee has provided $20,000,000 for the Counterterrorism Fund. These funds are provided for responding to unforseen emergencies not budgeted for in the regular process. These funds are to be made available upon the advance approval of the Committees on Appropriations.

The Counterterrorism Fund is designed to cover unanticipated costs associated with: (1) providing support to counter, investigate, or prosecute domestic or international terrorism, including payment of rewards in connection with these activities; and (2) re-establishing the operational capability of an office, facility or other property damaged or destroyed as a result of any domestic or international terrorist incident. Treasury bureaus have important counterterrorism responsibilities including: protecting the President; designing and implementing security at National Special Security Events; investigating arson, explosives and firearms incidents; conducting financial investigations relating to terrorism; preventing weapons of mass destruction from entering our country; and implementing sanctions against terrorist organizations. Funds would be reimbursed to Treasury bureaus of departmental offices to compensate for costs incurred in areas such as travel, transportation, rentals and communications, print and graphics, other services, supplies, equipment, and unvouchered funds.

FINANCIAL CRIMES ENFORCEMENT NETWORK

Appropriations, 2002	$47,537,000
Budget estimate, 2003	50,517,000
Committee recommendation	50,517,000

The Committee recommends an appropriation of $50,517,000 for the Financial Crimes Enforcement Network (FinCEN).

FinCEN, created in 1990 and elevated to bureau status in 2001, supports law enforcement investigations to prevent and detect money laundering and other financial crimes. FinCEN's network links law enforcement, financial, and regulatory communities into a single information-sharing network. Using Bank Secrecy Act (BSA) information reported by banks and other financial institutions, FinCEN serves as the nation's central clearinghouse for broad-based financial intelligence and information sharing on money

laundering. This information helps illuminate the financial trail for investigators to follow as they track criminals and their assets.

Investigative Analysis, Regulatory, and International Activities.—Through investigative analysis efforts, FinCEN provides support for the investigation and prosecution of law enforcement cases at the Federal, State, local and international levels, using financial data collected under the BSA, as well as other commercial and law enforcement information. FinCEN serves as a catalyst for research, analysis, and dissemination of information on money laundering methods and trends through joint case analysis with law enforcement, integration of all source information and the application of state-of-the-art data processing techniques. In the regulatory area, FinCEN establishes policies to administer the BSA effectively while balancing the associated burden imposed on the regulated financial institutions. Internationally, FinCEN maintains in-depth, country-specific expertise concerning money laundering and other financial crimes around the world to assist decision makers in developing and promoting U.S. government anti-money laundering policies. FinCEN also uses this expertise to promote the development of Financial Intelligence Units (FIUs) in other countries, and to facilitate investigative exchanges with them.

Money Services Business (MSB) Regulatory Program.—This program supports new requirements to strengthen anti-money laundering controls within the money services business industry. The term 'MSB' is used to define over 200,000 entities that act as money transmitters, issuers, redeemers and sellers of money orders and travelers checks, check cashers and currency exchanges. This largely unregulated industry is required to register with the Department of the Treasury by June 30, 2002. The Department of the Treasury has also issued a final regulation that, for the first time, extends suspicious activity reporting requirements to money transmitter, travelers check, and money order segments of the industry in 2002. In order to properly implement these regulations, FinCEN has undertaken a major public outreach project that is designed to identify and educate members of the money service business industry concerning the requirements of these new regulations.

USA Patriot Act.—FinCEN is responsible for implementing 23 of the 44 provisions contained in Title III of the USA Patriot Act, which provides new authorities and opportunities to support law enforcement investigative efforts and foster interagency cooperation against domestic and international financial crime. FinCEN also has a key role in many of the working groups established by the Department of the Treasury to address the other provisions. These responsibilities include developing regulatory programs to meet many of the provisions, establishing a highly secure network for electronic filing of Bank Secrecy Act reports, strengthening cooperation between financial institutions and the law enforcement communities, and enhancing strategic analysis in areas such as alternate remittances systems.

TREASURY FORFEITURE FUND

The Treasury forfeiture fund was established on October 1, 1993, in Public Law 102–393. It is available to pay or reimburse certain costs and expenses related to seizures and forfeitures that occur pursuant to the Treasury Department's law enforcement activities. It has two accounts, one which is funded through permanent indefinite authority and the other which is funded through a direct annual appropriation. The direct appropriation represents the annual congressional limitation on the use of the proceeds from seized and forfeited assets. Forfeited cash and the proceeds of forfeited monetary instruments are deposited into the fund. Proceeds from the sale of other seized and forfeited assets are also deposited into the fund.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

Appropriations, 2002	$128,680,000
Budget estimate, 2003	122,393,000
Committee recommendation	126,660,000

The Committee recommends an appropriation of $126,660,000 for salaries and expenses of the Federal Law Enforcement Training Center (FLETC).

FLETC provides the necessary facilities, equipment, and support services for conducting recruit, advanced, specialized, and refresher training for Federal law enforcement personnel. FLETC personnel conduct the instructional programs for the basic recruit and some of the advanced training. This appropriation is for operating expenses of FLETC, for research in law enforcement training methods, and curriculum content. In addition, FLETC has a reimbursable program to accommodate the training requirements of various Federal agencies. As funds are available, law enforcement training is provided to certain State, local, and foreign law enforcement personnel on a space-available basis.

The Committee has included funding to ensure that FLETC can meet the demands of agencies for training their personnel as they continue to hire additional personnel.

The Committee has again included a general provision (section 615) to permit FLETC to acquire the temporary use of additional training facilities without seeking the advance approval otherwise required by that section.

OFF-CAMPUS TRAINING

The Committee continues to support the FLETC mission to provide basic technical assistance to State and local law enforcement agencies. Therefore, the Committee provides funding for the travel expenses of non-Federal personnel to attend course development meetings and training. In addition, the Committee continues to authorize FLETC to obtain temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities. In making these decisions, the Committee believes every consideration should be given to providing training in the most cost effective manner.

RURAL LAW ENFORCEMENT EDUCATION

The Committee recognizes the successful collaboration between the National Center for State and Local Training at FLETC and the Minot State University (MSU) Rural Crime and Justice Center to expand the Small Town and Rural Law Enforcement training series in the Northern Plains States and for related rural law enforcement research. The validated success of this collaboration at a regional level leads the Committee to conclude that the project should be expanded and conducted on a nationwide basis. Empirical research findings from the Northern Plains project have indicated that evaluation of rural law enforcement training results in higher quality and more relevant training practices, significantly changing how rural law enforcement officers perform their official duties. The Committee recognizes that it is not unusual to have only one law enforcement officer in a rural area, which underscores the significance of the training and evaluation, and the need to expand the program nationwide. In addition to funding included in the base, the Committee has provided $1,500,000 to the national center and $1,500,000 for MSU to expand on the current program and conduct the research and evaluative component of this national initiative.

LAW ENFORCEMENT VEHICLE PURSUIT TRAINING

The Committee recognizes the importance of evaluating the effectiveness of the vehicle pursuit training program that FLETC has conducted nationwide with law enforcement executives. To conduct this assessment, the Committee has included an additional $500,000 to FLETC for the Minot State University Rural Crime and Justice Center to provide a comprehensive evaluation/assessment of the effectiveness of the training and to provide recommendations for curriculum revision, training delivery methods, and program policy modifications.

FEDERAL AIR MARSHAL TRAINING

The Committee commends the men and women of the Federal Law Enforcement Training Center for their outstanding service to the nation, the law enforcement community and the traveling public. Immediately following the tragic terrorist attacks of September 11, 2001, FLETC and the Federal Aviation Administration (FAA) collaborated to meet the challenge of training large numbers of Federal Air Marshals to protect the United States aviation industry on an expedited basis.

Only weeks after the attacks, FLETC in Artesia, New Mexico, and Glynco, Georgia, began training large numbers of newly hired law enforcement officers for deployment as air marshals. FLETC augmented its excellent facilities in Artesia for this new training, which included operational commercial aircraft fuselages to provide realistic training environments. Through FLETC, the United States rapidly marshaled critical resources from across government to meet the urgent need for airline security. The Committee applauds this exceptional effort by FLETC and the Federal Air Marshals.

ALERRT

The Committee recognizes the successful work done by the Advanced Law Enforcement Rapid Response Training Center (ALERRT) at Southwest Texas State University to expand small town and rural law enforcement training in the Southern Plains States and for related rural law enforcement research. The validated success of the collaboration with local agencies for law enforcement training has provided results in higher quality and more relevant training practices, significantly changing how rural law enforcement officers perform their official duties. The Committee recognizes that it is not unusual to have only one law enforcement officer in a rural area, which underscores the significance of the training and evaluation. The Committee encourages the Federal Law Enforcement Training Center to work with Southwest Texas State University (SWT) and provides $750,000 for this relationship to be developed and to expand the SWT ALERRT program.

TARLETON STATE UNIVERSITY

The Committee recognizes the successful work done by Tarleton State University for Small Town and Rural Law Enforcement

training in the Southern Plains. The validated success of this program's collaboration with local agencies for law enforcement training have provided results in higher quality and more relevant training practices, significantly changing how rural law enforcement officers perform their official duties. The Committee provides $100,000 for FLETC to work with Tarleton State University to continue to expand and develop these initiatives.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

Appropriations, 2002	$41,934,000
Budget estimate, 2003	23,329,000
Committee recommendation	32,029,000

The Committee recommends an appropriation of $32,029,000 for acquisition, construction, improvements, equipment, furnishings and related costs for expansion and maintenance of facilities of the Federal Law Enforcement Training Center (FLETC).

The Committee was disappointed that the fiscal year 2003 budget request did not include additional funding for needed construction at the FLETC facilities in Glynco, Georgia and Artesia, New Mexico. While the Committee understands that the Master Plan is undergoing review, Federal law enforcement training needs have significantly increased since September 11, 2001. With new requirements placed upon FLETC to train Federal air marshals and additional law enforcement personnel necessary for homeland security, the budget falls well short of meeting immediate needs to support these efforts. The Committee therefore believes that it is incumbent upon the Department of the Treasury and the Federal Law Enforcement Training Center to move expeditiously to determine the long-range needs of both campus locations and to take all necessary steps to find the funding to begin addressing these needs. To that end, the Committee has provided $4,200,000 for a new classroom and $4,500,000 for an indoor firearms training range at the Artesia, New Mexico campus.

INTERAGENCY LAW ENFORCEMENT

Appropriations, 2002	$107,576,000
Budget estimate, 2003	107,576,000
Committee recommendation	107,576,000

The Committee recommends an appropriation of $107,576,000 for interagency law enforcement.

In a 1982 counterdrug effort, the Department of Justice (DOJ) developed the Interagency Crime and Drug Enforcement Task Force (ICDE) program to bring together and integrate the efforts of all levels of law enforcement in the fight against drugs. The ICDE program designated nine domestic regions that deploy the investigative expertise from 10 Federal agencies, and State and local law enforcement agencies to dismantle and disrupt major drug trafficking and money laundering organizations and place offenders in jail. Treasury agencies provide specific value-added investigative expertise to these major cases. The U.S. Customs Service provides specific expertise in international smuggling and interdiction; the Bureau of Alcohol, Tobacco and Firearms (ATF) provides expertise on firearms and explosives violence; and the Internal Revenue Service (Criminal Investigative Division) provides expertise on money laundering and tax evasion. Since 1998, the Treasury portion of the ICDE program has been administered by Treasury's Departmental Offices. Treasury's participating bureaus, ATF, Customs, and IRS, are reimbursed from this appropriation. Treasury has assigned two special agents to oversee ICDE policy and budget for the three Treasury bureaus. Funding for Treasury components is primarily utilized for full-time equivalent employees; however, a portion of funding is used for operating expenses incurred during the investigative phase of the case.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

Appropriations, 2002	$212,850,000
Budget estimate, 2003	220,712,000
Committee recommendation	220,664,000

The Committee recommends an appropriation of $220,664,000 for salaries and expenses for the Financial Management Service (FMS) in fiscal year 2003.

Payments.—FMS implements payment policy and procedures for the Federal Government, issues and distributes payments, promotes the use of electronics in the payment process, and assists agencies in converting payments from paper checks to electronic funds transfer (EFT). The control and financial integrity of the Federal payments and collections process includes reconciliation, accounting, and claims activities. The claims activity settles claims against the United States resulting from Government checks which have been forged, lost, stolen, or destroyed, and collects monies from those parties liable for fraudulent or otherwise improper negotiation of Government checks.

Collections.—FMS implements collections policy, regulations, standards, and procedures for the Federal Government, facilitates collections, promotes the use of electronics in the collections process, and assists agencies in converting collections from paper to electronic media.

Debt Collection.—FMS provides debt collection operational services to client agencies which includes collection of delinquent accounts, offset of Federal payments against debts owed the Government, post-judgment enforcement, consolidation of information reported to credit bureaus, reporting for discharged debts or vendor payments, and disposition of foreclosed property.

Government-wide Accounting and Reporting.—FMS also provides financial accounting, reporting, and financing services to the Federal Government and the Government's agents who participate in the payments and collections process by generating a series of daily, monthly, quarterly and annual Government-wide reports. FMS also works directly with agencies to help reconcile reporting differences.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

Appropriations, 2002	$854,747,000
Budget estimate, 2003	883,775,000
Committee recommendation	$888,430,000

The Committee recommends an appropriation of $888,430,000 for salaries and expenses of the Bureau of Alcohol, Tobacco and Firearms (ATF), an increase of $4,655,000 above the President's request, which includes $5,000,000 for an explosives enforcement initiative.

The ATF has three major strategic goals: (1) effectively contribute to a safer America by reducing the future number and cost of violent crimes; (2) maintain a sound revenue management and regulatory system that continues reducing payer burden, improving service, collecting revenue due, and preventing illegal diversion; and (3) protect the public and prevent consumer deception in ATF's regulated commodities. To achieve these goals, ATF enforces the Federal laws and regulations relating to alcohol, tobacco, firearms, explosives, and arson by working directly and in cooperation with others.

FEDERAL ALCOHOL ADMINISTRATION ACT

The Committee recognizes alcoholic beverages as among the most socially sensitive commodities marketed in the United States. In this connection, marketing, labeling, and advertising of alcoholic beverages must be accomplished in an environment which fosters fair and healthy competition while protecting the interests of the American consumer. The Committee expects that there be no diminution of regulatory and oversight functions in fiscal year 2003.

ARMED CAREER CRIMINAL APPREHENSION PROGRAM

The Armed Career Criminal Act, signed into law in 1984 and expanded by the Anti-Drug Abuse Act of 1986, provides mandatory sentences for certain violent repeat offenders who carry firearms. The Bureau, given its jurisdiction over firearms laws, has a unique opportunity to effect the apprehension of violent offenders. The success to date of the Bureau's Repeat Offender Program has surpassed initial expectations regarding apprehension, prosecution, and conviction of career criminals. The Committee notes that 74 percent of the defendants apprehended under this program have had direct involvement in illegal narcotics trafficking.

STAFFING LEVELS IN SMALLER STATES AND RURAL STATES

Over the past several years the number of ATF agents in the smaller States and rural areas have steadily declined, in favor of placing agent resources in larger States with large metropolitan centers. These staffing trends have not always reflected the needs of these areas. The Committee credits the Department for recognizing the need for placing special agents in under-represented rural areas and small and medium-sized States. The Committee urges that ATF follow through on pledges to maintain and increase staffing in under-represented rural, small, and medium-sized States.

GREAT PROGRAM

The Committee provides $13,000,000 for grants to local law enforcement organizations for the Gang Resistance Education and Training (GREAT) Program. The GREAT program continues to be enthusiastically endorsed by communities in Colorado, North Dakota, and Alaska. The Committee directs ATF to consider providing GREAT funding to the qualified law enforcement and prevention organizations in these areas.

SAFETY AND SECURITY STANDARDS

The Committee is concerned about the apparent lack of safety and security standards for federally licensed firearms dealers. Guns stolen from licensed gun dealers pose an increasingly significant public safety threat. It is clear that the industry and ATF need to work together to address these problems. Therefore, the Committee directs ATF to make identifying and addressing security recommendations for Federal firearms licensees a priority at the next firearms industry discussion group that convenes.

ACTIVITY ON INDIAN RESERVATIONS

The Committee appreciates ATF's efforts to address the growing problem of gang-related activities on and near Indian reservations. In conjunction with programs and activities provided by the Boys and Girls Clubs

of America, ATF has made in-roads in Native communities to reduce gang-related activities by training, seminars, and after-school activities aimed at reducing the number of Native children that are likely participants in gang behavior. The Committee recommends that ATF continue to coordinate the efforts of the Bureau of Indian Affairs (BIA), the Boys and Girls Clubs of America, and private organizations such as the National Native American Law Enforcement Association to expand these activities and develop an inter-agency and inter-disciplinary approach to gang-related activities.

YOUTH CRIME GUN INTERDICTION INITIATIVE

The Committee commends ATF's efforts to reduce firearms violence by investigating illegal trafficking to the youth of this country. The Youth Crime Gun Interdiction Initiative (YCGII) began as a pilot program in 17 cities in 1996 and is currently operating in 50 sites.

The partnership between ATF and local law enforcement agencies in these communities is invaluable to the mutual effort to reduce gun-related crime. The tracing information provided by ATF not only allows local jurisdictions to target scarce resources to investigations likely to achieve results but also gives ATF the raw data to be able to investigate and prosecute the illegal source of these crime guns. The Committee continues to believe that there are significant disruptions in these illegal firearms markets directly due to investigative leads arising from this regional initiative.

EXPLOSIVES ENFORCEMENT GROUPS

The Committee is concerned about the illegal use of explosives and its relation to our homeland security. The Committee is dedicated to protecting and supporting our first responders, the American public, and American institutions from the threat of terrorist violence and the illegal and criminal use of explosives. There are approximately 6 billion pounds of explosives produced in the United States every year. Because of the extremely high and unacceptable risk to public safety from criminal or terrorist theft and misuse of these explosives, the Committee believes that more comprehensive enforcement and regulatory efforts are essential to public safety. Therefore, the Committee has included an additional $5,000,000 for an explosives enforcement initiative. This funding shall be used to increase the number of agents and inspectors dedicated to enforcing existing Federal explosives laws and regulations. The additional personnel would comprise explosives groups to be located strategically nationwide. These groups shall conduct undercover and surveillance operations into the misuse and trafficking in explosive materials; investigating all bombings of Federal interest throughout the United States; and thoroughly investigating all explosives-related thefts and losses. The Committee directs ATF to provide a detailed spending plan to the Committee on Appropriations prior to the obligation of any funds. The Committee encourages ATF to work with industry in developing this initiative.

EXPLOSIVE DETECTION TRAINING

The Committee appreciates efforts by ATF to make explosive detection training available on request to school districts nationwide. The Committee understands that ATF, in conjunction with the U.S. Department of Education, is developing a CD–ROM training program which will provide a standardized bomb threat management and response template for use by school administrators to develop a customized response program for individual schools. The Committee is pleased by this expanded assistance and encourages continued assistance to schools by ATF field office personnel as they establish and implement these necessary management and response plans.

MANAGEMENT AND TECHNOLOGICAL ENHANCEMENTS

The Committee expects that $2,500,000 will be used to continue management and technological enhancement at the AFT National Licensing Center, the Imports Branch, and the National Firearms Act Branch (NFA). The Committee notes that ATF has taken some major steps in the right direction:

—substantial progress on information management improvements for data retrieval and reporting for customers of the Firearms, Explosives and Arson Services (FEA) Division;

—increased meeting and other outreach efforts with industry to coordinate policy and operational concerns;

—a firearms importers conference and seminar to be held in the summer of 2002; and

—additional contract assistance retained and directed at FEA's service improvements efforts.

However, the Committee believes that there are critical areas of the plan which have not yet demonstrated improvement over the last 2 years.

The lack of well trained personnel still continues at certain branches. Some additional assistance is particularly needed with regard to specialized staff at the Division level to troubleshoot problems, and manage these significant improvement efforts. Operations personnel cannot be expected to perform these roles and still achieve service improvements, particularly where the operations workload has increased significantly in the last fiscal year due to the processing of import applications for nonimmigrant aliens (NIA).

Performance standards and critical elements for services positions to meet enhanced service goals in the FEA Division have not been finalized, but are still under review. The Committee has received no information that the Division as a whole has established milestones for service improvements, such as specific targets for reductions in current the processing times. The Committee notes that such milestones will have to take into account the addition of the NIA applicant workload.

Communications improvements must continue to be emphasized. In recent years, and more dramatically since new homeland security programs have been initiated, importers and NFA registrants often face inconsistent and confusing policy, law, and technical guidance that frequently changes regarding the importation of firearms, parts, and ammunition. Developments in these areas must be communicated clearly, consistently, and often to the importing and NFA communities. The Committee believes that in addition to use of the FFL newsletters and the ATF web site, a comprehensive and frequently updated guidance handbook designed for both the importing and NFA communities should be published and distributed to these communities as the Committee has recommended for the last 2 years.

ATF efforts cannot be fully achieved without serious coordination efforts, both in technology and policy, with the import and export processes at the Department of State and the U.S. Customs Service. The Committee recommends that ATF seek a working group with these agencies to consult with importers and others on solutions that will enhance the fairness and efficiency of administering or enforcing firearms-related laws by these agencies.

U.S. CUSTOMS SERVICE

SALARIES AND EXPENSES

Appropriations, 2002	$2,471,960,000
Budget estimate, 2003	2,391,952,000
Committee recommendation	2,501,488,000

The Committee recommends an appropriation of $2,501,488,000 for salaries and expenses of the U.S. Customs Service.

The Committee has included an additional $4,000,000 for forced child labor, an additional $4,000,000 for expanded intellectual property rights initiatives, $500,000 for the Vermont World Trade Center, $2,300,000 for canine curriculum on chemical and biological threats, $4,000,000 for port technology research and development, $10,000,000 for the Container Security Initiative, $2,000,000 for a bulk currency initiative, and $750,000 for the Center for Agricultural Policy and Trade Studies.

The United States Customs Service, in partnership with other Federal agencies, is one of the Nation's primary means of border enforcement. Its mission is to ensure that all goods and persons entering and exiting the United States do so in compliance with all United States laws and regulations.

Commercial.—Commercial activities are all process/business area activities (Trade Compliance, Outbound, and Passenger Processing) which occur prior to a violation being confirmed or acceptance of a referral for investigation. This includes intelligence gathering, targeting, analysis, and examination activities.

Drug and Other Enforcement.—Drug and Other Enforcement activities are process activities which occur after confirmation of a violation or acceptance of a referral for investigation. Also included are enforcement strategies to address enforcement issues which impact more than one process, intelligence activities and investigations of drug and money laundering violations, intelligence activities and investigations related to alleged/suspected violations which are independent of process activities, the air and marine interdiction programs, and radio communications management.

NORTHERN BORDER

The Committee commends the actions of the United States Customs Service insofar as the Customs Service has worked to strengthen America's border with Canada. The Committee also recognizes that the process of strengthening the Northern Border is not complete and that further adjustments in personnel assignments and resource allocations will be necessary. Customs stands at the front line in securing ''the longest open border in the world'' from potential acts of terrorism and other illegal activity. The Committee is also aware of the vital role Customs performs in supporting America's strong trade relationship with Canada, facilitating over $350,000,000,000 in trade annually.

The Committee supports full implementation of the 30-point ''Smart Border Accord,'' signed by the United States and Canada in December 2001. The Committee urges Customs to fully implement ongoing initiatives in furtherance of securing the flow of people and goods, hardening our infrastructure, and in sharing mutual enforcement objectives with Canada. Implementation of programs such as pre-clearance of U.S.-bound traffic, ''reverse inspections,'' hardening of remote ports, and expanded information sharing promises increased security and important trade benefits on the Northern Border.

The Committee commends Customs for stationing U.S. Customs officers in Canadian ports to work side by side with Canadian counterparts to target high-risk containers bound for the United States. Additionally, the Committee encourages Customs to expand use of ''smart'' processing and inspection technologies such as the NEXUS program. This joint United States-Canadian pilot is a dedicated commuter lane system which allows Customs and the Immigration and Naturalization Service to rapidly identify and clear pre-registered frequent travelers. The Committee urges Customs to implement an expansion of the program expeditiously as an integral part of a layered security framework which both secures our mutual border and facilitates this unique trade relationship.

SOUTHWEST BORDER SECURITY

The Committee commends the actions of the United States Customs Service in its efforts to combat threats entering America. The Committee also recognizes that the process of strengthening the Southwest Border is crucial to America's safety and that further adjustments in personnel assignments and resource allocations will be necessary. Customs stands at the front line in securing the United States-Mexican border from potential acts of terrorism and other illegal activity. The Committee is also aware of the vital role Customs performs in supporting America's strong trade relationship with Mexico, facilitating over $232,000,000,000 in trade annually.

The Committee urges Customs to fully implement the United States-Mexico Border Partnership, which is a 22-point program with greater cooperation and technological enhancements at the border. Implementation of programs such as pre-clearance of U.S.-bound traffic, ''reverse inspections,'' hardening of remote ports, and expanded information sharing promises increased security and important trade benefits to both the United States and Mexico.

The Committee commends Customs for its efforts to prescreen in-bound trade traffic through early cargo manifests but is concerned that more inspectors, check points, and the use of sophisticated technologies are needed to lower the risk of potential terrorism. Additionally, the Committee encourages Customs to expand use of ''smart'' processing and authorization and access technologies such as smart cards, currently used in the Department of Defense and the Department of the Treasury. Smart cards are identification cards embedded with a computer chip containing biometric data used to rapidly identify and clear preregistered and frequent travelers. The Committee urges Customs to expeditiously implement an expansion of a Southwest Border-wide security program as an integral part of a layered security framework which both secures our mutual border and facilitates this unique trade relationship with Mexico.

CONTAINER SECURITY INITIATIVE

The Customs Service announced the creation of the Container Security Initiative (CSI) on January 17, 2002. The CSI is a critical effort to address the need to protect U.S. seaports. This initiative would allow the targeting and screening of potentially dangerous cargo prior to its arrival at U.S. ports. The Committee notes that three major Canadian ports as well as the ports of Rotterdam, Singapore, Antwerp, and Le Havre have all become participants in this initiative. The Committee provides $10,000,000 to continue this effort. The Committee also urges the Customs Service to continue to evaluate best practices when investigating options for container security as stated in Senate Report 107–156.

REMOTE ADMINISTRATION TECHNOLOGY

The Committee supports ongoing efforts to enhance services at low-volume ports of entry through the use of remote administration technology. The Committee believes the additional security presence and the after-hours travel capabilities will benefit those who live near the affected border crossings. However, to ensure that commercial traffic through these ports is not negatively affected, these enhancements must not result in loss of personnel or reduction of staffed hours at these ports.

STAFFING AND SERVICE LEVELS AT CUSTOMS PORTS OF ENTRY

The Committee continues to believe that the services provided through the Charleston, WV, Customs office are very important to the State of West Virginia and the Nation as a whole. For this reason, the Committee expects the Service to maintain the level of services provided in fiscal year 1996 through fiscal year 2003 at this office.

The Committee continues to believe that the policy of providing part-time and temporary inspectors at the Honolulu International Airport is an effective way to handle the large and increasing volume of passengers arriving and departing this very busy airport in Hawaii. The Committee has again included $750,000 for part-time and temporary positions in the Honolulu Customs District. This action is intended to enhance and not supplant current staffing levels. Amounts included in this account are sufficient to maintain staffing levels at this airport through fiscal year 2003 at the fiscal year 1997 level.

The Charleston, South Carolina Port (Port) is the fourth largest cargo port in the United States, and the second largest on the East Coast. However, the Port continues to be severely understaffed by Customs and lacks the necessary resources to address the volume of cargo entering the Port yearly. As the volume of cargo traffic at the Port continues to increase, Customs resources and staffing at the Port have fallen behind. The Committee is aware that Customs dedicated to the Port, on a temporary basis, an additional canine team which resulted in commensurate increases in seizures of contraband. This is concrete evidence that increased staffing at the Port will enhance the mission of the Customs Service at this location, supporting enforcement as well as facilitating the entry of legitimate trade. The Committee recommends that Customs make every effort to provide additional staffing and equipment for use at the Port. The Committee directs that in no case shall the level of Special Agents, Inspectors, Canine Enforcement Officers or other support personnel fall below the 1999 staffing levels at the Port.

The Committee is aware that the Immigration and Naturalization Service has assigned badly needed personnel to New Mexico's major ports of entry at Santa Teresa and Columbus. Similar increases in Customs Service personnel are needed, especially in Santa Teresa which lacks the staff to operate two processing booths throughout the day. The Committee therefore strongly urges the Customs Service to review the staffing situation in Santa Teresa and to approve the addition of four Customs Service personnel to that location. Further, the Committee expects to be kept informed on the status of this review.

Legitimate, as well as illicit, trade and traffic continue to grow in the State of Florida. Customs should give a high priority to funding sufficient inspection personnel at ports of entry in Florida for fiscal year 2003.

Over the years Customs personnel in smaller States as well as rural areas have declined considerably. Problems facing these areas have not necessarily declined, and the Committee urges Customs to continually review its staffing requirements and to consider the allocation to smaller States and rural areas.

The Committee recognizes the importance of full-time staffing at the Pittsburg, New Hampshire port of entry for New Hampshire and the entire New England region. As the only port of entry in New Hampshire, the Committee directs Customs to give a high priority to funding sufficient staffing at the Pittsburg station for fiscal year 2003.

The Committee appreciates the work of the Customs Service to address issues related to the national and economic security of our Nation. As such, the Committee recognizes the significant role that the Customs Service plays in providing essential inspection services to major airports such as Louisville, Kentucky, a major shipment hub which faces acute economic pressure due to tremendous growth year after year. The Committee directs the Customs Service to identify and request resources necessary to address staffing shortfalls at the Louisville Airport, and to work closely with the Regional Airport Authority and the many businesses that rely on this location as a channel for national and international trade.

The U.S. Customs Service is the first line of homeland defense for cargo and ships that enter the Port of Virginia, which consists of the Norfolk International Terminals, the Portsmouth Marine Terminal, and the Newport News Marine Terminal. The Port of Virginia handled 1.3 million 20-foot containers and 1.6 million vessels in 2001. Located near the port are the Norfolk Naval Base, the Norfolk Naval Air Station, the Oceana Naval Air Station, Langley Air Force Base, the U.S. Army Transportation Center at Fort Eustis and Fort Story, and several other critical Department of Defense facilities. Because of the unique combination of defense facilities and large volume of international trade, the Port of Virginia is a likely target for terrorism. The Committee directs the Customs Service to conduct an in-depth review the homeland security needs of the Port of Virginia, and report back within 60 days after the date of enactment on the resources necessary and steps they are taking to address those needs.

The Committee recognizes the importance of full-time staffing for the Providence, Rhode Island port of entry. While the volume of cargo entering Rhode Island has increased annually, staffing at the Office of Field Operations in Rhode Island has been operating below full strength. The Committee directs the Customs Service to give high priority to funding sufficient staffing in Rhode Island for fiscal year 2003.

The Committee also recognizes the increased demand for criminal investigative work by the Customs Service in Rhode Island, particularly in the areas of drug smuggling and money laundering investigations. The Committee directs the Customs Service to explore the feasibility of establishing an Office of Investigations in Providence, Rhode Island, including an adequate number of special agents and support staff.

PEACE BRIDGE JOINT BORDER FACILITY

The Committee directs the Commissioner of the U.S. Customs Service, in consultation

with the Commissioner of the Immigration and Naturalization Service and the Office of Homeland Security, to submit to the Committee on Appropriations a report, within 180 days of enactment, that details how a joint United States/Canadian border inspection facility could be established on the Canadian side of the Peace Bridge in Fort Erie, Ontario. In formulating this report, the Commission shall consult with the Canadian Government, the Buffalo and Fort Erie Public Bridge Authority, and the City of Buffalo, New York. The report shall consider how such a joint facility could maximize the security and efficiency of the Peace Bridge Expansion project, which is currently being developed by the Buffalo and Fort Erie Public Bridge Authority. The report shall also include preliminary recommendations for such a joint or shared United States/Canadian facility and identify any United States or Canadian statutes or regulations that would need to be altered in order to establish such a facility.

TECHNOLOGY RESEARCH AND DEVELOPMENT

The Committee has provided $4,000,000 to the U.S. Customs Service for the establishment of a pilot program to evaluate and prototype next-generation technology to screen and detect contraband, explosives, chemical and biological weapons, and radioactive materials at the Nation's larger ports including, but not limited to, the Port of Charleston, South Carolina. The Committee is aware of proven technology and security standards currently being employed by the Department of Defense Total Asset Visibility Network and encourages Customs to evaluate such best practices when investigating options for this project. In particular, Customs shall: (a) evaluate screening technology including, but not limited to, machinery that does not require human evaluation and analysis; and (b) work with agencies like the Departments of Energy and Defense to evaluate technology to facilitate the placement of radiation detection to maximize the ability to effectively detect Nuclear, Biological, and Chemical (NBC) threats. Customs shall report to the Committee on Appropriations no later than 120 days after the enactment of this legislation on its progress in implementing this program.

VEHICLE AND CARGO INSPECTION SYSTEM

The Committee has been responsive to the needs of the Customs Service for new technology and equipment to improve the inspection of traffic across both the Northern and Southwest Borders. One example is the use of the Vehicle and Cargo Inspection System (VACIS) technology which is a non-intrusive inspection technology used to scan vehicles, primarily trucks, and cargo containers. A new VACIS system has been developed to scan rail cars and has been installed along the Southwest Border for deployment.

An additional technology of interest to law enforcement agencies is the Weigh-In-Motion or WIM system, which can weigh commercial traffic as it passes through ports of entry. New Mexico State University's Physical Science Lab has WIM under development and has established the Santa Teresa Border Technology Deployment Center to test such technologies. The Committee strongly believes that the Customs Service should work jointly with the New Mexico State University Physical Science Lab to test the effectiveness of this technology at an operating port of entry.

VERMONT WORLD TRADE OFFICE

Vermont continues to develop a large market in international trade. Forty percent of Vermont companies, which employ approximately 70,000 individuals, are engaged in exports. In 1995, the State of Vermont created the Vermont World Trade Office to provide technical assistance to businesses and information on foreign trade opportunities. The Office has received overwhelming numbers of requests from companies interested in exploring international trade opportunities. To meet this demand, the Vermont World Trade Office hopes to open satellite offices and expand service for its clients. The Committee includes $500,000 to continue the partnership with the Vermont World Trade Office in furtherance of promoting foreign trade.

CUSTOMS INTEGRITY AWARENESS PROGRAM (CIAP)

The Committee continues its strong support for the Customs integrity awareness program. This program, begun in fiscal year 2000, is to improve hiring methodologies to ensure that applicants are of the highest quality and integrity, and to improve the recruitment process. The funding provided allows Customs to conduct polygraph examinations for candidates applying for positions which are most susceptible to corruption. The Committee encourages the Commissioner to continue efforts to improve the integrity measures of the Customs Service.

CHILD PORNOGRAPHY

The Committee directs the Customs Service to continue providing $100,000 of available funds to promote public awareness for the child pornography tipline, including ongoing efforts to make children aware of the tipline, in fiscal year 2003. The Committee recommends that the Customs Service continue to coordinate this promotional effort with the National Center for Missing and Exploited Children and the U.S. Postal Service to ensure that the publicity is diversified and effective. The Committee fully supports Customs' work in battling child pornography and is impressed with the successes Customs has had given the limited resources.

FORCED AND INDENTURED CHILD LABOR

The Committee is pleased with the continued work of Customs regarding enforcement of section 307 of the Tariff Act of 1930 as it relates to forced and indentured child labor. The Committee believes that continued focus on enforcement of the ban on importation of goods made by forced child labor is critical, and that Customs needs to continue this effort through aggressive investigation and enforcement of the applicable laws. The Committee has provided an additional $4,000,000 and expects to receive an expenditure plan prior to the obligation of funds.

INTELLECTUAL PROPERTY RIGHTS INITIATIVE

The Committee commends Customs for continuing to focus on Intellectual Property Rights violations even while it serves as America's frontline and performs critical homeland security duties. Intellectual Property Rights violation cost American businesses millions in lost revenue annually. Since its establishment in early calendar year 2002, the National Intellectual Property Rights Coordination Center, led by Customs in collaboration with the Federal Bureau of Investigation, has provided critical leadership for both domestic and international efforts. Through outreach, training, symposia, and aggressive investigations, the Center is protecting citizens from economic and other adverse impacts of counterfeit merchandise. The Committee directs Customs to aggressively continue these efforts and provides an additional $4,000,000 for domestic and international programs, staffing, as well as continued operation of the Coordination Center.

CENTER FOR AGRICULTURAL POLICY AND TRADE STUDIES

The volume of trade along the Northern border has increased dramatically in the last decade as a result of a number of free trade agreements. Implementation of World Trade Organization (WTO) policies will also have a significant impact on the Northern Border, particularly in the Northern Plains region. The Committee recognized the importance of this growth in trade and provided funds in fiscal years 2000, 2001, and 2002 to conduct research on the bilateral trade of agricultural commodities and products under the Canada-United States Trade Agreement. This research is being conducted at the Center for Agricultural Policy and Trade Studies located at North Dakota State University.

The primary purpose of this research program is to analyze a wide range of agricultural and trade policy issues for agricultural products, agribusiness firms, and the rural economies in the Northern Plains States. Specific objectives for this research are (1) to evaluate the potential impacts of multilateral and regional free trade agreements (e.g. the WTO and Free Trade Area of the Americas negotiations) on Northern Plains agricultural competitiveness in global markets, (2) to analyze net farm income and agricultural policies for the Northern Plains region, (3) to evaluate the impacts of macro policy variables, such as exchange rates and the new farm bill, on agricultural exports, (4) to develop strategies to improve export opportunities for agricultural goods from this region, and (5) to analyze the impacts of the North American Free Trade Agreement on trilateral flows of agricultural goods and net farm income in the region. The Committee has included $750,000 to continue this project.

PROJECT ALERT

The Committee instructs the Customs Service to provide no less than $200,000 to the National Center for Missing and Exploited Children for the training of retired law enforcement officers to assist in the investigation of unsolved missing children cases nationwide. The Committee anticipates that these funds will be in addition to other funds available to the Center for these purposes.

INTERDICTION OPERATIONS

Through the years, Customs has had to react to constantly changing drug smuggling methods. Consequently, interdiction methods have been adapted to challenge the nature of the ever-changing threat. This effort has proven effective, with record narcotics seizures posted annually. After the terrorist attacks of September 11, 2001, the concept of applying the lessons learned in air and marine narcotics enforcement to the precepts of counterterrorism have become particularly critical. This is especially true given the published vulnerabilities of our sovereign coastal waters, seaports, and airspace. The Committee notes that a reactive posture, oftentimes successful in counter drug activities, becomes an unacceptably passive alternative to combating the specter of terrorism proactively. The Committee believes that the threat of terrorism and the fluid patterns of drug smuggling demand forward thinking vigilance by Customs. The Committee notes that the consequences for failure in the fight against terrorism are unacceptable. The Committee therefore strongly urges Customs to apply the lessons learned from enhanced air and marine enforcement efforts in countering fluid smuggling efforts to the battle against terrorism by ensuring sufficient resources are dedicated to the interdiction mission.

CANINE DETECTION TRAINING CURRICULUM DEVELOPMENT

The Committee is encouraged with the initiatives demonstrated by the Customs Service as regards development and utilization of canine detection to combat and respond to possible future terrorist activities involving hazardous materials. The Committee is pleased that the Customs Service has continually recognized the unique and special abilities that the appropriately trained canine and handler immediately offer in this regard. The Committee has provided $2,300,000 for further canine training activities and curriculum development to enhance canine detection technology for the detection of additional chemical and biological agents. In order to comply with this section, the Committee directs the Customs Service to contract with an appropriate entity, like Auburn University, and to provide any and all technical and physical support necessary to enhance canine detection technology and operational resources for protecting the Nation against terrorism.

ADVANCED PASSENGER INFORMATION SYSTEM

The Committee commends the U.S. Customs Service for the creation and expansion of the Advanced Passenger Information System. The Committee strongly believes that the information supplied through this program will be critical in our homeland security efforts. The Committee recommends that the Customs Service recognize the unique aspects of Part 135 on-demand air taxi operators as they apply manifest requirements according to Public Law 107–71, the Aviation Transportation Security Act of 2001. Customs is encouraged to consider all transmission options for any operators or locations that do not have internet access.

CHARACTERIZATION AND RECOGNITION OF DOMESTIC AND INTERNATIONAL BULK CURRENCY

Both United States and international bulk currency are used to finance trafficking of illicit substances and in supporting terrorist activities. Funding in the amount of $2,000,000 is provided to the Customs Service for a contract with the Idaho National Engineering and Environmental Laboratory to expand the lab's support to the Department of the Treasury and the Customs Service program to characterize domestic currency and build a detector to identify illicit movement of bulk currency. The program will expand the existing effort into the characterization and recognition of international currency.

STRENGTHENED ENFORCEMENT OF U.S. TRADE LAWS PERTAINING TO STEEL

The Committee supports Customs in its enforcement of U.S. trade laws, including the Presidents' steel 201 proclamation of March 5, 2002, and all antidumping and countervailing duty orders related to steel. The Committee also understands that Customs is responsible for enforcing and monitoring imports of wire rods and certain line pipe products that were previously covered by a 201 remedy decision. The Committee is aware that Customs personnel assigned to enforce antidumping and countervailing duty orders, including import specialists, inspectors, and agents, have been increasingly burdened and many have been reassigned to meet homeland security priorities. The steel industry states that Customs would have to dedicate as many as 30 additional positions to fully enforce this set of trade laws, and the Committee understands that there are serious deficiencies in the level of training and specialized knowledge of Customs inspectors and import specialists who deal with steel tariff matters. The Committee supports assisting Customs officials, working with the steel manufacturing and trading community, to identify and apply the resources and training required to carry out these responsibilities. Such efforts may include utilizing steel industry experts through a series of national trading seminars, which could be made available to members of the trade and brokerage community who play a key role in classifying imported goods for Customs processing. Other efforts could involve assigning more import specialists, inspectors, or agents to steel trade enforcement. The Committee recommends that new steel import specialists be assigned to ports with the greatest volume of steel imports. In addition, the Committee directs Customs to report not later than 60 days after the date of enactment describing the steps it has taken to improve overall training for steel tariff implementation, enforcement efforts and manpower, including data on the types and value of illegal imports seized and the penalties awarded.

TEXTILE TRANSSHIPMENT ENFORCEMENT

Public Law 107–210 authorizes additional appropriations for textile transshipment enforcement operations by the United States Customs Service. In addition, the General Accounting Office was directed to audit efforts by the Customs Service to monitor transshipment efforts.

The Committee notes that textile transshipment enforcement is essential to help the textile industry in this country become more competitive in the international marketplace. The additional positions authorized by Public Law 107–210 would drastically increase the number of Customs import specialists, inspectors, and investigators which would help crack down on illegal transshipments into the United States. The provisions would also increase the number of auditors and attorneys to help pursue suspected illegal importers as well as emphasize agent training.

The Committee looks forward to reviewing the GAO audit, which is expected in May 2003. The Committee also expects that the administration's fiscal year 2004 budget request will include necessary funding to help ensure that the textile trade laws are strictly enforced.

DRAWBACK OFFICES

The Committee is concerned about the decision to close the Boston drawback office, even though some reports indicate that that particular office has a 3-year backlog of drawback claims. The Committee feels that closing this office without providing a clear and workable alternative for exporters who rely on the Boston drawback office may have significant adverse effects on the ability of many U.S. companies to engage in international trade. Accordingly, the Committee requests that Customs forgo any closure of the Boston drawback office in this fiscal year. Further, the Committee directs Customs to provide, within 15 days after enactment of this Act, a detailed proposal as to how to handle both the Boston drawback office backlog and future claims in a more efficient and timely manner.

TRADE STUDIES

The volume of trade along the Southern Border has increased dramatically in the last decade as a result of a number of free trade agreements, most specifically the North American Free Trade Agreement. The Committee recognizes the importance of this growth in trade and provides $550,000 to work with the Center for North American Studies to continue research on a wide range of agricultural and trade policy issues for agricultural products, agribusiness firms, and the rural economies in the Southern Plains States. The most specific objective for this research is to analyze the impacts of the North American Free Trade Agreement on trilateral flows of agricultural goods and net farm income in the region. Of the funds provided for this project, $300,000 to work with the University of Texas Magic Program to continue to produce satellite imaging crucial to analyzing the effects of the North American Free Trade Agreement.

BORDERLAND SECURITY

The University of Texas El Paso proposes to design and implement, in coordination with other government elements, a crisis management program for dealing with regional security issues and terrorist attacks along the Southern Border. The Committee recognizes that El Paso is uniquely situated to address this problem due to its position along the United States-Mexico border, its status as an economic crossroads, and that El Paso, along with Ciudad Juarez, comprises the largest international metroplex in the world. Also, nearby are two strategic targets: White Sands Missile Range and Ft. Bliss. The Committee provides $300,000 for Customs to work with the University of Texas to develop a crisis management program to protect the United States-Mexico Border.

AGRICULTURAL BIOTERRORISM

The Committee recognizes the work of the Institute for Countermeasures against Agricultural Bioterrorism (ICAB) at Texas A&M University to develop methods for rapid detection and diagnosis of bio-agents as well as prevention and mitigation of bioterrorist attacks. The Secretary of Treasury, as well as the Secretary of the new Department of Homeland Security once the Customs Service is transferred, are encouraged by the Committee to work closely with the Institute to help develop and implement new technologies to protect our borders from bioterrorism.

EL PASO RAIL YARD

The Committee is concerned about continued acts of violence against Customs, Immigration, FBI, and other Federal law enforcement personnel at the downtown El Paso, Texas rail yard and Customs inspection facility. The Committee also notes the heightened susceptibility of rail cars carrying hazardous materials to possible terrorist or other attack at the present downtown rail yard. Customs is strongly urged to continue to work closely with the City of El Paso and other relevant Federal, State, and local stakeholders to develop a plan to establish new freight rail yard and inspection facilities away from the downtown area.

DRUG DETECTION

The Committee is impressed with the U.S. Customs Service on the Southwest Border as shown by the 76 percent increase of seized cocaine due to the use of canine drug detection and advanced training. The Committee encourages Customs to expand this effort and report back both its successes and failures with this effort in 2004.

SMART BORDERS

The Texas Transportation Institute (TTI) is a leader in dealing with transportation issues across the nations and the Committee is impressed with TTI's research on security risks at border stations. TTI's Smart Border's initiative adapts and develops emerging technologies and practices to enhance the

ability of inspection agents to facilitate the flow of traffic across the United States borders. The Committee provides $125,000 for Customs to work with TTI in applying this research to its current practices.

TAMU INTERNATIONAL

Texas A&M International is in an exceptional position to assist customs in protecting our Nations. With the numerous agencies that deal with border affairs and the newly established Department of Homeland Security communication is essential to protecting America from Terrorism. The Committee provides $100,000 for Customs to work with Texas A&M International University and other Federal Agencies to create a demonstration project in Laredo, Texas focusing on enhancing collaborative efforts on the border through training, research and education.

PROGRESSO BRIDGE

The Committee is concerned about the extraneous lines at the Progresso Bridge in Progresso, Texas for pedestrians crossing the U.S.—Mexico border. Customs and INS are urged to work together to find an equitable solution to expedite this on-foot traffic. The Committee provides $75,000 for equipment-related costs to assist in this situation.

DAIRY PROTEIN BLENDS

The Committee is very concerned with the impact of imported milk protein concentrates on domestic milk use, resulting in historically low milk prices paid to dairy producers. The U.S. Customs Service of the Department of the Treasury is encouraged to expeditiously make their final decision on the reclassification of dairy protein blends within 60 days of the enactment of this Act and to report the results to the Committee.

HARBOR MAINTENANCE FEE COLLECTION

Appropriations, 2002	$3,000,000
Budget estimate, 2003	3,000,000
Committee recommendation	3,000,000

The Committee provides $3,000,000 to be transferred from the harbor maintenance trust fund to the Customs Service ''salaries and expenses'' appropriation.

The harbor maintenance fee was established to provide resources to the Army Corps of Engineers for the improvement of American channels and harbors. The fee is assessed on the value of commercial imports and exports delivered to and from certain specified ports. The fee is collected by the Customs Service. The transferred funds will offset the costs incurred by Customs in collecting these fees.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

Appropriations, 2002	$184,560,000
Budget estimate, 2003	170,829,000
Committee recommendation	177,829,000

The Committee recommends an appropriation of $177,829,000 for operation and maintenance activities of the Customs air and marine interdiction programs. This amount is $6,731,000 below fiscal year 2002 levels and $7,000,000 above the President's request. This includes an additional $7,000,000 for the Customs National Aviation Center.

The Customs Air and Marine Interdiction Program combats the illegal entry of narcotics and other goods into the United States. This appropriation provides capital procurement and total operations and maintenance for the Customs air and marine program. This program also provides support for the interdiction of narcotics by other Federal, State and local agencies.

The Customs Service will continue implementation of the Western Hemisphere Drug Elimination Act (WHDEA). At the Administration's request $35,764,000 in new funding is included to intensify WHDEA activities, including the purchase of new equipment as well as other enhancements, to improve interdiction efforts against drug operations in the source and transit zones.

CUSTOMS COUNTERDRUG RESOURCES

The Committee, supportive of the use of technology and assets as a means to enhance the Customs mission, necessarily places the priority on meeting these annualized costs over the acquisition of additional assets and the concomitant support personnel and maintenance costs. The Committee remains concerned about the Customs Service failure to consider the full budgetary impact and secure funding for items and personnel funded in addition to their congressional budget submission. The Committee encourages Customs to continue to evaluate, consider and acquire such assets in an effort to maximize its personnel and resources. However, the Committee expects that the Customs Service will responsibly address and meet all outyear costs for any new acquisitions and personnel without sacrificing existing programs in the process.

CUSTOMS NATIONAL AVIATION CENTER

The Committee has provided $7,000,000 to continue a Customs Service program to facilitate uniformity in aviation training. This standardization program will be headquartered on site at the Customs National Aviation Center (CNAC) at Oklahoma City, Oklahoma. CNAC will also be the home station for such assets as are required to implement this program, including facilities necessary for further standardization of operational training activities of the Customs Service's Air and Marine Interdiction Division.

TOTAL SYSTEMS SUPPORT

The Committee has supported and continues to support the Customs air and marine interdiction programs, and is concerned about the aging fleet of P–3 aircraft. While it would be preferable to replace these aging aircraft with new models, the Committee is mindful of funding constraints. The Committee believes that the Customs Service should take all necessary steps to protect the investment in these aircraft, while considering aircrew safety. In this regard, the Committee is aware of an unsolicited proposal to work with Customs to study the feasibility of utilizing private sector expertise to manage a wide range of engineering and maintenance requirements. The Committee urges Customs to carefully review this proposal, and provide a report within 60 days after the date of enactment to the Committee on their plans with regard to a total systems support concept.

AUTOMATION MODERNIZATION

Appropriations, 2002	$427,832,000
Budget estimate, 2003	435,332,000
Committee recommendation	435,332,000

The Committee has provided $122,432,000 for the Automated Commercial Systems (ACS), and $312,900,000 to continue work on the Automated Commercial Environment (ACE).

The Customs Service continues to modernize its trade data processing system. The current system, ACS, will be replaced with the new ACE. ACE will provide an upgrade to the system which will enable Customs to meet the demands of an increasing volume of trade and convert to a paperless process and an account-based system. These funds will support the ACS legacy system while the conversion to ACE is under way.

AUTOMATED COMMERCIAL ENVIRONMENT

Automation modernization of the aging Customs commercial systems and processes is critical to the Nation's commerce. In light of the events of September 11, 2001, it is even more imperative that all trade entering this country be as accurately tracked as possible. The Committee continues to be encouraged by the efforts and progress made by the Customs Service in its modernization effort. The Committee believes that Customs appears to be on the right track in establishing a well-considered framework necessary to proceed with the initial ACE development.

The Committee directs Customs, in concert with General Accounting Office (GAO) and the Department of the Treasury, to report periodically on the status of the project pertaining to the need for technology insertion, to include the reasons, whether through technological advancement or delay in project completion.

The Committee strongly believes that continued oversight of the program by GAO and Treasury is critical to successful adherence to the ACE expenditure plan. Periodic review of investment increments allows for oversight of the capital planning and architecture development and is consistent with best practices. The Committee directs that regular quarterly reports continue to be provided until ACE becomes functional. Additionally, the Committee directs Customs to submit requests for release of funds, including a cost-benefit analysis, in a timely manner, but in no case less than 30 days from the anticipated need for the funds.

U.S. MINT

The U.S. Mint manufactures coins, sells numismatic and investment products, and provides for security and asset protection. Public Law 104–52 established the U.S. Mint Public Enterprise Fund (the Fund). The Fund encompasses the previous Salaries and Expenses, Coinage Profit Fund, Coinage Metal Fund, and the Numismatic Public Enterprise Fund. The Mint submits annual audited business-type financial statements to the Secretary of the Treasury and to Congress in support of the operations of the revolving fund.

The operations of the Mint are divided into three major activities: Circulating Coinage; Numismatic and Investment Products; and Protection. The Mint is credited with receipts from its circulating coinage operations, equal to the full cost of producing and distributing coins that are put into circulation, including depreciation of the Mint's plant and equipment on the basis of current replacement value. From those receipts, the Mint pays its cost of operations, which includes the costs of production and distribution. The difference between the face value of the coins and these costs are profit, which is deposited as seigniorage to the general fund. In 2001, the Mint transferred $1,383,000,000 to the General Fund. Any seigniorage used to finance the Mint's capital acquisitions is recorded as budget authority in the year that funds are obligated for this purpose, and as receipts over the life of the asset.

GOLDEN DOLLAR COIN

The Committee strongly supported the creation and circulation of the Golden Dollar (Sacagawea) coin. However, the Committee notes with disappointment that nearly 2

years has passed since the coin's introduction with an exhuberant marketing campaign, and the coin has yet to enter into regular circulation in all areas. The Committee is pleased with the U.S. Mint's action plan for additional research on the future of the Golden Dollar Coin, in accordance with the findings of the recent General Accounting Office (GAO) report, ''New Dollar Coin Marketing Campaign Raised Public Awareness but Not Widespread Use'' (GAO–02–896). The Committee hopes that the results of the research received in December 2002 will provide the necessary direction for the U.S. Mint and the Federal Reserve to improve the circulation of the Golden Dollar Coin. The Committee directs the U.S Mint, in consultation with the Federal Reserve and the GAO, to submit a new marketing plan to the Committee on Appropriations no later than 15 days after the enactment of this appropriations Act.

BUREAU OF ENGRAVING AND PRINTING

The Bureau of Engraving and Printing (BEP) designs, manufactures, and supplies Federal Reserve notes, various public debt instruments, as well as most evidences of a financial character issued by the United States, such as postage and internal revenue stamps. The Bureau executes certain printings for various territories administered by the United States, particularly postage and revenue stamps.

The anticipated work volume is based on estimates of requirements submitted by agencies served. The program comprises the following activities:

Currency.—Total deliveries of currency for 2002 and 2003 are estimated to be 7 billion notes each year. During 2001, the Bureau delivered 7 billion Federal Reserve notes.

Stamps.—This category of work is comprised of postal and internal revenue stamps. The projected requirements for 2002 and 2003 are estimated to be 12 billion and 9 billion stamps, respectively. In 2001, the Bureau delivered 15.9 billion stamps.

Securities.—This program encompasses the production of a wide variety of bonds, notes, and debentures for the Bureau of Public Debt and certain other agencies of the Government.

Commissions, certificates, etc.—This program is comprised primarily of Presidential and Department of Defense commissions and certificates, White House invitations, and identification cards for various Government agencies. It represents a small portion of the Bureau's total workload.

Space utilized by other agencies.—Other agencies are charged for services provided in the space occupied in the Bureau's buildings.

Other miscellaneous services.—A wide variety of miscellaneous services are performed by Bureau personnel for other agencies, which are charged on an actual cost basis.

Purchase of operating equipment.—This category consists of new purchases and replacement of printing equipment and other related printing items.

Plant alterations and experimental equipment.—This category encompasses alterations made on the Bureau's buildings and purchases of experimental equipment. The operations of the Bureau are currently financed by means of a revolving fund established in accordance with the provisions of Public Law 656, August 4, 1950 (31 U.S.C. 181), which requires the Bureau to be reimbursed by customer agencies for all costs of manufacturing products and services performed. The Bureau is also authorized to assess amounts to acquire capital equipment and provide for working capital needs. Bureau operations during 2001 resulted in an increase to retained earnings of $45,000,000.

The Committee is concerned about the links between terrorism and counterfeiting. The Committee is also aware that a substantial degree of counterfeiting of U.S. currency takes place overseas. The Committee encourages the Department of the Treasury to consider for future currency designs, the best available, most cost effective anti-counterfeiting technology and security devices for U.S. currency, including but not limited to alternative substrates; distinctive fibers; optically variable devices; high-technology inks; and, security measures produced by modern offset printing techniques.

No direct appropriation is required to cover the activities of the Bureau.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

Appropriations, 2002	$186,953,000
Budget estimate, 2003	191,119,000
Committee recommendation	191,073,000

The Committee recommends an appropriation of $191,073,000 for the Bureau of the Public Debt in fiscal year 2003. This amount includes $2,500 within existing funds for official reception and representation expenses.

This appropriation provides funds for the conduct of all public debt operations and the promotion of the sale of U.S. savings-type securities.

Savings securities.—This activity involves the issuance, servicing, and retirement of savings bonds and notes and retirement-type securities, including: (1) the maintenance and servicing of individual accounts of owners of series H and HH bonds and the authorization of interest payments; and (2) the maintenance of accounting control over financial transactions, securities transactions and accountability, and interest cost. These functions are performed directly by the Bureau of the Public Debt, by the Federal Reserve Banks as fiscal agents of the United States, and by the qualified agents which issue and redeem savings bonds and notes. This activity also consists of sales promotion efforts, using press, radio, other advertising media, and organized groups, augmented by concentrated sales campaign emphasizing payroll savings plans.

Marketable and special securities.—This activity involves all securities of the United States, other than savings and retirement securities, including securities of Government corporations for which the Bureau of the Public Debt provides services. Functions performed relate to the issuance, servicing, and retirement of these securities, both directly by the Bureau and through the Federal Reserve Banks, as fiscal agents, including: (1) the maintenance and servicing of individual accounts of owners of registered securities and book-entry Treasury bills; (2) the authorization of interest and principal payments; and (3) the maintenance of accounting control over financial transactions, securities transactions and accountability, and interest cost.

INTERNAL REVENUE SERVICE

SUMMARY

The Committee has recommended a total of $9,899,293,000 for the Internal Revenue Service (IRS) in fiscal year 2003. This amount is $424,689,000 above the fiscal year 2002 enacted level and a decrease of $16,560,000 from the President's request.

PROCESSING, ASSISTANCE, AND MANAGEMENT

Appropriations, 2002	$3,810,880,000
Budget estimate, 2003	3,958,337,000
Committee recommendation	3,955,777,000

The Committee recommends an appropriation of $3,955,777,000 for processing, taxpayer assistance, and management.

This appropriation provides for: processing tax returns and related documents; assisting taxpayers in the filing of their returns, paying taxes that are due, and complying with tax laws; issuing technical rulings; revenue accounting, conducting background investigations; managing financial resources, rent and utilities.

Pre-Filing Taxpayer Assistance and Education.—This activity includes resources to support services provided before a return is filed to assist the taxpayer in filing a tax return correctly. Included in this activity are staffing, training and direct support for (1) pre-filing services operational management; (2) tax law interpretation and published guidance; (3) taxpayer communication and education to research customer needs, prepare tax forms and publications, develop and manage education programs, establish partnerships with stakeholder groups, and disseminate tax information to taxpayers and the general public; (4) rulings and agreements to apply the tax law to specific taxpayers in the form of pre-filing agreements, determination letters, advance pricing agreements and other pre-filing determinations and advice; (5) marketing of electronic tax administration products and services; and (6) ensuring that taxpayers have an advocate to prevent future problems by identifying the underlying causes of taxpayers' problems and to participate in the development of systemic and/or procedural remedies.

Filing and Account Services.—This activity provides resources to support services provided to a taxpayer in the process of filing returns and paying taxes in addition to issuance of refunds and maintenance of taxpayers accounts. Included in this activity are staffing, training and direct support for (1) filing and account services operational management; (2) submission processing of paper and electronically submitted tax returns and supplemental documents which account for tax revenues, and issue refunds and tax notices; (3) electronic/correspondence assistance to taxpayers to resolve account and notice inquires, either electronically or by telephone; (4) face-to-face assistance to taxpayers, including return preparation, answering tax questions, resolving account and notice inquiries, and supplying forms and publications to taxpayers; and (5) processing of information documents which enables the Service to match this information with that provided by taxpayers on their returns.

Shared Services Support.—This activity provides staffing, training and direct support for (1) services and supplies to manage IRS facilities; (2) human resources programs including recruitment, labor and employee relations, workforce planning and evaluation, performance management, employee benefits, personnel security and transactional processing; (3) procurement; (4) the Servicewide EEO and Diversity program; (5) the Servicewide Career Management and Learning Center; (6) financial services including relocation, travel, imprest fund, purchase cards, corporate express and employee clearance; and (7) Treasury complaint centers. This activity also provides resources for (1) building rent; (2) IRS building services, maintenance space alterations, guard services, custodial overtime, utility services, and non-information technology equipment; (3) shared support such as copiers, postage meters, shredders, courier services, P.O. boxes,

etc.; and (4) cleaning, maintenance, utilities, security and repair costs of delegated buildings.

General Management and Administration.—This activity provides staffing, training and direct support for (1) business unit headquarters management activities of strategic planning, communications and liaison, finance, human resources, EEO and diversity, and business systems planning; (2) national headquarters management and administration of policy making and goal setting, leadership and direction for the IRS, building partner relationships with key stakeholders (e.g., Congress, OMB, etc.); (3) strategic direction Servicewide for communications, Government liaison and disclosure, legislative affairs and public liaison; (4) general legal advice to the IRS on non-tax legal issues including procurement, personnel, labor relations, equal employment opportunity, fiscal law, tort claims and damages, ethics, and conflict of interest; and (5) payments for workmen's compensation benefits and unemployment compensation payments.

IRS STAFFING PLANS

The Committee continues to support adequate staffing levels for effective tax administration and supports the staffing plans for the Internal Revenue Service facilities in the communities of Martinsburg and Beckley, WV. Therefore, the Committee urges the IRS, within the constraints of the fiscal year 2003 funding levels, to make no staffing reductions at the Martinsburg National Computing Center and the programmed level at the Administrative Services Center in Beckley, WV.

TAXPAYER SERVICES–

The Committee is pleased that the IRS is providing more service and assistance to taxpayers, especially in rural and less populated areas. The Committee notes the benefits provided by, and increased usage of, mobile tax preparation services in North Dakota. The Committee commends the IRS for providing this mobile taxpayer service and urges the IRS to use existing resources to expand this mobile service to New Mexico, with a special emphasis on providing these services to Native American reservations and pueblos. To increase use of these mobile services, the Committee urges the IRS to make a greater effort to provide early notice to local media of the dates and times the mobile services will be in specific locations.

The Committee also directs the IRS to provide a report to the Committee at the conclusion of the filing season on its efforts to publicize the availability of these mobile taxpayer services as well as the number of taxpayers served and the types of assistance provided.

TAX COUNSELING FOR THE ELDERLY

The Committee once again believes that the Tax Counseling Program for the Elderly has proven to be most successful. To meet the goals of this program, $3,950,000 is included within the aggregate amount recommended by the Committee for processing tax returns and assistance in fiscal year 2003. To ensure that the full effect of the program is accomplished, the IRS is directed to cover administrative expenses within existing funds.

TAXPAYER SERVICES IN ALASKA AND HAWAII

Given the remote distance of Alaska and Hawaii from the U.S. mainland and the difficulty experienced by Alaska and Hawaii taxpayers in receiving needed tax assistance by the national toll-free line, it is imperative that the Taxpayer Advocate Service office in each of these States is fully staffed and capable of resolving taxpayer problems of the most complex nature. The Committee directs the Internal Revenue Service to staff each Taxpayer Advocate Service office in each of these States with a Collection Technical Advisor and an Examination Technical Advisor in addition to the current complement of office staff. Staffing shall be increased if, as the result of the IRS Restructuring and Reform Act of 1998, subsequent legislation, or other factors, the number of cases or their complexity increases.

LOW-INCOME TAXPAYER CLINIC

The Committee once again commends the IRS for the Low-Income Taxpayer Clinic (LITC) program. With the growing complexity of tax laws, this program has provided invaluable help for taxpayers who are seeking to resolve disputes with the IRS. To ensure that the goals of the LITC program are maintained, the Committee has provided a total of $7,000,000 to assist low-income taxpayer clinics across the Nation.

The Committee is concerned about recent proposed Treasury regulations that state that the Treasury Department and the Internal Revenue Service do not believe that qualified LITC's are authorized to provide tax preparation services unless it is in conjunction with a controversy or with an English as a Second Language program. Need-based tax preparation assistance through LITC and other programs such as VITA is imperative for many of our Nation's taxpayers who cannot afford commercial preparers. Without this assistance, many individuals may either not file a return or will make errors and prepare their returns improperly, ultimately leading to a controversy with the IRS. Helping taxpayers with problems with the IRS begins with the preparation and filing of the return. Without this assistance, the limited resources available to the LITC program will be insufficient to meet the demand of taxpayers with controversies with the IRS.

RHODE ISLAND LOW INCOME TAXPAYER CLINIC

The Committee acknowledges the valuable work and service to the community that the Rhode Island Low Income Taxpayer Clinic (RILITC) has provided over the past 4 years of its existence. The Committee therefore encourages the Internal Revenue Service to fund the RILITC's grant request for 2003, so that it may continue to operate and deliver its unique services to the citizens of the City of Providence.

VOLUNTEER INCOME TAX ASSISTANCE

The Committee notes that the existing Volunteer Income Tax Assistance (VITA) program provides an invaluable service by helping low income taxpayers prepare and file their Federal income tax returns. It is the Committee's understanding that IRS used Congress' fiscal year 2002 appropriation of an additional $1,000,000 for the VITA program to provide VITA sites with additional computers and computer modules to assist taxpayers to file electronically. The Committee, therefore, urges the IRS to provide such additional sums as may become available to the VITA program outside of its in-kind contribution program. These additional funds are intended to assist the IRS in expanding the VITA program to hard to serve areas, such as Indian Reservations. Additionally, these funds are intended to increase the capacity of VITA sites to file returns electronically and to cover some operational expenses. The Committee expects that IRS will continue its current level of in-kind contributions to VITA programs and directs the IRS to report to the Committee within 90 days of enactment of this Act on the steps it has taken in this regard.

PROVIDENCE, RHODE ISLAND TAXPAYER ASSISTANCE OFFICE

The Committee notes and commends the work that is being done at the Providence Field Office of the IRS to establish a Taxpayer Assistance Office, as well as to redesign the space used by the Taxpayer Advocate's Office. The Committee urges the IRS to ensure that these projects remain a priority and that funding for them remains intact.

WAGE AND INVESTMENT DIVISION

The Committee recognizes that there are ebbs and flows in employment at the Internal Revenue Service's field offices around the country, particularly in correlation to the tax filing season. However, the Committee is concerned that some of these departures may have unintended consequences, especially by stretching available resources to satisfy the needs of a particular community. Therefore, the Committee requests that the IRS report to the Committee, within 60 days after the date of enactment, with an analysis of staffing plans at IRS field offices and the impact of such plans on the communities they serve. The report also should include an analysis of staffing plans at the Providence, Rhode Island field office.

OFFICE OF APPEALS

The Committee recognizes the importance of the work provided by the IRS Office of Appeals, and strongly urges the IRS to consider establishing an Office of Appeals within the current IRS Field Office in Providence, Rhode Island.

IRS CONSORTIUM FOR LEARNING AND WORKFORCE DEVELOPMENT

The Committee is aware of the IRS Consortium for Learning and Workforce Development that incorporates technology such as e-learning to deliver training in a more cost-effective manner. The Committee is concerned that the delays in awarding the course conversion task order may jeopardize the Consortium initiative and directs the IRS to complete its negotiations expeditiously. Further, the Committee requests that the IRS provide quarterly briefings to the Committee on the work of the Consortium.

NO-COST EZ TAX FILING

The Committee understands that the IRS does not intend to enter into the tax preparation software business with respect to no- or low-cost digital filing of tax returns over the Internet. The Committee recognizes that the IRS intends to work in partnership with industry to expand the electronic filing of tax returns. The necessity of a partnership was emphasized in a statement released by the Department of the Treasury on January 30, 2002. The IRS has echoed this commitment to work with industry and notes that IRS plans do not include tax preparation services. The Committee notes that the IRS budget request sought no resources for this purpose. The Committee strongly believes in the industry-IRS partnership concept and urges the IRS to continue strengthening its ties with the private sector and computer software industry as it moves forward in this endeavor.

TAX LAW ENFORCEMENT

Appropriations, 2002	$3,542,891,000
Budget estimate, 2003	3,729,072,000
Committee recommendation	3,729,072,000

The Committee recommends an appropriation of $3,729,072,000 for tax law enforcement activities in fiscal year 2003.

This appropriation funds IRS's ability to provide equitable application and enforcement of the tax laws, identify possible nonfilers for investigations, investigate violations of criminal statutes, and supports the Statistics of Income program.

Compliance Services.—This activity funds services to taxpayers after a return is filed, identifying and attempting to correct possible errors or underpayment. It provides for the examination of tax returns, both domestic and international, and the administration and judicial settlement of taxpayer appeals of examination findings. It also provides for monitoring employee pension plans, determining qualifications of organizations seeking exempt status, examining the tax returns of exempt organizations, enforcing statutes relating to detection and investigation of criminal violations of the internal revenue laws and other financial crimes, collecting unpaid accounts, securing unfiled tax returns and payments, analyzing and determining the reasons for delinquent accounts, preventing accounts from becoming delinquent, and preventing nonfiling. This activity also provides for legal counsel regarding legal interpretation of the law and representation in litigation.

Research and Statistics of Income.—This activity funds research and statistical analysis support for the Service. It provides annual income, financial, and tax data from tax returns filed by individuals, corporations, and tax-exempt organizations. Likewise it provides resources for market-based research to identify compliance issues, for conducting tests of treatments to address non-compliance, and for the implementation of successful treatments of taxpayer non-compliant behavior.

ABUSIVE TAX SHELTERS

The Committee has become extremely concerned about the growth of abusive tax shelters and their impact on investor confidence as well as on the national economy. For instance, during Committee hearings this spring with the Internal Revenue Service the Committee explored with the Commissioner examples of these corporations, such as the Enron Corporation which apparently ran nearly 600 subsidiaries out of a single post office box in the Cayman Islands. The Committee strongly believes that these abuses are out of control and that the IRS must do more to target these abuses.

To ensure that the IRS more effectively and aggressively investigates and combats abusive tax shelters, the Committee directs the IRS to designate no less than $60,000,000 of the ''Tax Law Enforcement'' account for the purpose of targeting these abusive schemes, abusive scheme promoters, and offshore schemes. The Committee further directs the IRS to report back to the Committee within 120 days after enactment of this Act on the resources that have been directed to assist in this effort.

EARNED INCOME TAX CREDIT

Appropriations, 2002	$146,000,000
Budget estimate, 2003	146,000,000
Committee recommendation	146,000,000

The Committee recommends an appropriation of $146,000,000.

The ''Earned income tax credit'' (EITC) appropriation provides for expanded customer service and public outreach programs, strengthened enforcement activities, and enhanced research efforts to reduce overclaims and erroneous filing associated with the earned income tax credit.

Expanded customer service includes dedicated, toll-free telephone assistance, increased community-based tax preparation sites, and a coordinated marketing and educational effort (including paid advertising and direct mailings) to assist low-income taxpayers in determining their eligibility for EITC. Improved compliance includes increased staff and systemic improvements in submissions processing, examination, and criminal investigation programs. In returns processing, new procedures include expanded use of math error authority and the identification of EITC-based refund claims involving invalid or duplicate primary, secondary, and dependent tax identification numbers (TIN's). Increased examination coverage, prior to issuance of refunds, reduces overpayment and encourages compliance in subsequent filing periods. In addition, post-refund correspondence audits by service center staff aids in the recovery of erroneous refunds. Criminal investigation activities target individuals and practitioners involved in fraudulent refund schemes and generate referrals of suspicious returns for followup examination. Examination staff, assigned to district offices, audit return preparers and may apply penalties for noncompliance with due diligence requirements.

Enhanced research activities and projects focus on EITC claimant characteristics and patterns of noncompliance and are designed to improve education and outreach products, strengthen IRS abuse detection capabilities, and measure the effects of Servicewide programs on compliance levels for the EITC-eligible taxpayer population. This appropriation also funds the development of specialized research data bases and masterfile updates, reimbursement to the Social Security Administration (SSA) for enhancements to the SSA numbering systems, and cooperative efforts with State vital statistics offices.

INFORMATION SYSTEMS

Appropriations, 2002	$1,579,240,000
Budget estimate, 2003	1,632,444,000
Committee recommendation	1,632,444,000

The Committee recommends an appropriation of $1,632,444,000 for information systems activities in fiscal year 2003.

This appropriation provides for Servicewide information systems operations and maintenance, and investments to enhance or develop business applications for the IRS Business Units. The appropriation includes staffing, telecommunications, hardware and software (including commercial-off-the-shelf), and contractual services.

Information services.—This activity provides the salaries, benefits, and related costs to manage, maintain, and operate the information systems that support tax administration. The Service's business activities rely on these information systems to process tax and information returns, account for tax revenues collected, send bills for taxes owed, issue refunds, assist in the selection of tax returns for audit, and provide telecommunications services for all business activities including the public's toll free access to tax information. These systems are located in a variety of sites including the Martinsburg, West Virginia, Memphis, Tennessee, and Detroit, Michigan Computing Centers; Service Centers; and in other field office operations. Staffing in this activity develops and maintains the millions of lines of programming code supporting all aspects of tax processing; as well as operating and administering the Service's hardware infrastructure of mainframes, minicomputers, personal computers, networks, and a variety of management information systems.

Information systems improvement programs.—This activity funds improvements or enhancements to business applications that support requirements unique to one of the new IRS Business Units. These projects meet the following criteria: each project is small or medium in size and can be fully developed and implemented in 1 to 2 years; it supports specialized functions of a single Business Unit; and it conforms to the modernized IRS architecture. These projects differ in scope from those funded by the Business Systems Modernization Program, which addresses major common tax administration systems that cross Business Unit lines.

The Committee believes that funds provided under the Information Systems account, particularly for development related activities, should be managed with the same diligence and financial controls as those activities funded through the Business Systems Modernization account. In addition, the Committee expects that as the Business Systems Modernization moves an increasing number of major projects into deployment, the Service will realign development activities funded under the Information Systems account so that they are managed and integrated formally into Business Systems Modernization activity. For this reason, the Committee directs the Commissioner to submit, concurrent with the fiscal year 2004 budget submission, a detailed budget justification for funds provided in the Information Systems account that outlines the specific use of all monies allocated in this appropriation, apportioning responsibility between operations and development functions, and specifying how program governance for these funds will meet the appropriate and rigorous requirements set for comparable activities in Business Systems Modernization.

BUSINESS SYSTEMS MODERNIZATION

Appropriations, 2002	$391,593,000
Budget estimate, 2003	450,000,000
Committee recommendation	436,000,000

The Committee recommends an appropriation of $436,000,000. This amount, in addition to $14,000,000 provided in the fiscal year 2002 Supplemental, is equal to the President's fiscal year 2003 budget request. This account provides for revamping business practices and acquiring new technology. The agency is using a formal methodology to prioritize, approve, fund, and evaluate its portfolio of business systems modernization investments. This methodology enforces a documented, repeatable, and measurable process for managing investments throughout their life cycle. Investment decisions are approved by the IRS Core Business System Executive Steering Committee, chaired by the Commissioner.

BUSINESS SYSTEMS MODERNIZATION EFFORT

The Committee is pleased with the program's progress to date. In order to ensure more timely release of funds appropriated under this account in fiscal year 2003, the Committee directs the Internal Revenue Service (IRS), in consultation with the Department of the Treasury and the Office of Management and Budget, to submit a single business systems modernization spending plan to the Committee on Appropriations for the full use of this appropriation 15 days after the enactment of this appropriations Act. In addition, the IRS should articulate in its fiscal years 2003 and 2004 expenditure

plans and the fiscal year 2004 budget submission how IRS intends to guarantee that products and projects delivered under the business systems modernization program are fully integrated into the new business units. As in previous years, the Committee fully expects that the IRS will continue to brief and provide documents and all pertinent information to the General Accounting Office in a timely manner for review of the expenditure plan.

IRS—ADMINISTRATIVE PROVISIONS

The Committee has recommended approval of the following administrative provisions for the Internal Revenue Service:

Section 101 continues a provision which authorizes the IRS to transfer up to 5 percent of any appropriation made available to the agency in fiscal year 2003, to any other IRS account. The IRS is directed to follow the Committee's reprogramming procedures outlined earlier in this report.

Section 102 continues a provision which maintains a training program in taxpayer's rights and cross-cultural relations.

Section 103 continues a provision which requires the IRS to institute and enforce policies and procedures which will safeguard the confidentiality of taxpayer information.

Section 104 continues a provision which directs that funds shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 telephone assistance and that the Commissioner shall continue to make this a priority.

U.S. SECRET SERVICE

SALARIES AND EXPENSES

Appropriations, 2002	$1,025,384,000
Budget estimate, 2003	1,010,435,000
Committee recommendation	1,010,817,000

The Committee recommends an appropriation of $1,010,817,000 for the U.S. Secret Service in fiscal year 2003. The increase above the President's request reflects an additional $740,000 for the National Center for Missing and Exploited Children.

The Secret Service is responsible for the security of the President, the Vice President and other dignitaries and designated individuals; for enforcement of laws relating to obligations and securities of the United States and financial crimes such as financial institution fraud and other fraud; and for protection of the White House and other buildings within Washington, D.C.

Investigations, protection, and uniformed activities.—The Service must provide for the protection of the President of the United States, members of his immediate family, the President-elect, the Vice President, or other officer next in the order of succession to the Office of the President, and the Vice President-elect, and the members of their immediate families unless the members decline such protection; protection of the person of a visiting head and accompanying spouse of a foreign state or foreign government and, at the direction of the President, other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad; the protection of the person of former Presidents, their spouses and minor children unless such protection is declined. The Service is also responsible for the detection and arrest of persons engaged in counterfeiting, forging, or altering of any of the obligations or other securities of the United States and foreign governments; the investigation of thefts and frauds relating to Treasury electronic fund transfers; fraudulent use of debit and credit cards; fraud and related activity in connection with Government identification documents; computer fraud; food coupon fraud; and the investigation of personnel, tort claims, and other criminal and noncriminal cases.

The Secret Service Uniformed Division protects the Executive Residence and grounds in the District of Columbia; any building in which White House offices are located; the President and members of his immediate family; the official residence and grounds of the Vice President in the District of Columbia; the Vice President and members of his immediate family; foreign diplomatic missions located in the Washington metropolitan area; and the Treasury Building, its annex and grounds, and such other areas as the President may direct on a case-by-case basis.

Presidential candidate protective activities.—The Secret Service is authorized to protect major Presidential and Vice Presidential candidates, as determined by the Secretary of the Treasury after consultation with an advisory committee. In addition, the Service is authorized to protect the spouses of major Presidential and Vice Presidential candidates; however, such protection may not commence more than 120 days prior to the general Presidential election.

MISSING AND EXPLOITED CHILDREN

The Committee has included $1,633,000 for the Service's operation costs of the exploited child unit, associated with its continued efforts with the National Center for Missing and Exploited Children. The Committee has also included $3,749,000 as a grant for investigations of exploited children.

STAFFING IN RHODE ISLAND

The Committee is concerned about the declining number of Secret Service special agents in Rhode Island, particularly in light of the increased demand for criminal investigative work in the areas of identity theft, bank fraud and counterfeit currency investigations. The Committee understands that the number of special agents, excluding the supervisor, has declined from seven in fiscal year 1998 to three in fiscal year 2002. The Committee urges the Secret Service to give the highest priority to funding additional staffing in Rhode Island for fiscal year 2003.

ACQUISITION, CONSTRUCTION, IMPROVEMENT AND RELATED EXPENSES

Appropriations, 2002	$3,457,000
Budget estimate, 2003	3,519,000
Committee recommendation	3,519,000

The Committee recommends an appropriation of $3,519,000 for the ''Acquisition, construction, improvement and related expenses'' account in fiscal year 2003, which is equal to the budget estimate.

This appropriation provides funding for security upgrades of existing facilities and the James J. Rowley Training Center to continue development of the current Master Plan and to maintain and renovate existing facilities to ensure efficient and full utilization of the Center.

DEPARTMENT OF THE TREASURY

GENERAL PROVISIONS

The Committee recommends that certain general provisions be included in the Senate bill. The provisions do the following:

Section 110 continues a provision which pertains to reprogramming instructions for unobligated funds.

Section 111 continues a provision which authorizes certain basic services within the Treasury Department in fiscal year 2003, including purchase of uniforms; maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; and contracts with the Department of State for health and medical services to employees and their dependents serving in foreign countries.

Section 112 continues a provision which requires that funds provided to ATF for fiscal year 2003 will be expended in such a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

Section 113 continues a provision which authorizes transfers, up to 2 percent, between law enforcement appropriations under certain circumstances.

Section 114 continues a provision which authorizes transfers, up to 2 percent, between Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and the Bureau of the Public Debt appropriations under certain circumstances.

Section 115 continues a provision which authorizes transfer, up to 2 percent, between the Internal Revenue Service and the Treasury Inspector General for Tax Administration under certain circumstances.

Section 116 continues a provision to require that the purchase of law enforcement vehicles is consistent with Departmental vehicle management principles.

Section 117 continues a provision that prohibits the Department of the Treasury and the Bureau of Engraving and Printing from redesigning the $1 Federal Reserve Note.

Section 118 continues a provision that authorizes the Secretary of the Treasury to transfer funds from Salaries and Expenses, Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection. Such amounts shall be reimbursed to the Salaries and Expenses account from debt collections received in the Debt Services Account.

Section 119 continues a provision that extends the pilot project for designated critical occupations for 1 additional year.

Section 120 modifies and continues a provision that requires prior notification for the construction and operation of a museum by the United States Mint.

Section 121 continues a provision limiting the use of funds for the production of Customs declarations that do not inquire whether the passenger had been in the proximity of livestock.

Section 122 is a new provision directing the Federal Law Enforcement Training Center to establish an accrediting body to set standards for measuring and assessing the quality and effective of Federal law enforcement training.

Section 123 is a new provision providing for a permanent extension of the Treasury Franchise Fund.

Section 124 is a new provision providing for licensing procedures for the Office of Foreign Assets Control.

Section 125 is a new provision authorizing a pilot project concerning reverse inspections for the Customs Service.

Section 126 is a new provision to allow the John C. Stennis Center for Public Service Development Trust Fund to invest in par value special securities issued by the Department of the Treasury.

Section 127 is a new provision to allow the James Madison Memorial Fellowship Trust Fund to invest in par value special securities issued by the Department of the Treasury.

Section 128 is a new provision regarding the rum rebate to Puerto Rico.

TITLE II—U.S. POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

Appropriations, 2002	$596,093,000

Budget estimate, 2003	76,619,000
Committee recommendation	76,619,000

The Committee recommends an appropriation of $76,619,000 in fiscal year 2003 for payments to the Postal Service Fund. This includes $47,619,000 in advance appropriations made available on October 1, 2003, and $29,000,000 as partial reimbursement for losses incurred in previous years for reduced-rate mail, as required by the Revenue Forgone Act of 1993. The Committee also recommends an advance appropriation of $31,014,000 for fiscal year 2004 as requested by the President. This amount consists of $48,999,000 for providing free mail to the blind and overseas voters from which $17,985,000 has been deducted to reconcile previous fiscal year estimated mail volume with actual volume.

Revenue forgone on free and reduced-rate mail enables postage rates to be set at levels below the unsubsidized rates for certain categories of mail as authorized by subsections (c) and (d) of section 2401 of title 39, United States Code. Free mail for the blind and overseas voters will continue to be provided at the funding level recommended by the Committee.

The Committee includes provisions in the bill that would assure that mail for overseas voting and mail for the blind shall continue to be free; that 6-day delivery and rural delivery of mail shall continue at the 1983 level; and that none of the funds provided be used to consolidate or close small rural and other small post offices in fiscal year 2003. These are services that must be maintained in fiscal year 2003 and beyond.

The Committee believes that 6-day mail delivery is one of the most important services provided by the Federal Government to its citizens. Especially in rural and small town America, this critical postal service is the linchpin that serves to bind the Nation together. The Committee recognizes that the Postal Service faces fiscal woes, but it believes that there are other means available to resolve this problem than reducing mail delivery to Americans.

RESPONSE TO THE ANTHRAX THREAT TO THE MAIL

The Committee was extremely concerned about the safety and security of postal employees and the American people as well as the mail as a result of last year's anthrax attacks. Following the attacks, the Committee held a hearing in November 2001 to learn more about how to protect the Nation's mail system from biohazards. Also in November 2001, the President provided $175,000,000 in funds under his control from the funds provided by Congress in response to the September 11, 2001 terrorist attacks. In December 2001, this Committee took the lead in appropriating an additional $500,000,000 to the Postal Service to further assist its response for additional funds to protect the mail. The President requested and received an additional $87,000,000 in supplemental fiscal year 2002 funding to continue its efforts to improve mail safety and security.

The Committee understands that the Postal Service formally requested of the administration an additional $799,800,000 for fiscal year 2003. The Committee understands the threat to mail safety continues. However, the Office of Management and Budget has yet to transmit a request for these funds to the Congress and the Committee's allocation is not sufficient to meet this additional requirement.

PEST INTRODUCTIONS

The Committee is concerned that recent introductions of plant and animal pests and diseases into Hawaii may have occurred through the U.S. postal system. Such introductions have severe consequences for U.S. agriculture, biodiversity, and public health and safety. The U.S. Postal Service is directed to work with the U.S. Department of Agriculture and the Hawaii Department of Agriculture to devise and implement a program to combat pest introductions.

ELY, NEVADA POST OFFICE

The Committee requests the United States Postal Service to conduct an analysis of the recent decision to close the contract Post Office located in downtown Ely, Nevada. Within 90 days of the enactment of this Act, the Postal Service shall submit to the Committee a report on why the Ely Post Office was closed and what effect it believes the closure will have on Ely.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

EXECUTIVE OFFICE OF THE PRESIDENT CONSOLIDATION

For the second year in a row, the administration has proposed a consolidation of the various accounts which comprise the Executive Office of the President. Last year, the Committee gave this request considerable deliberation and concluded that the existing structure well served the Committee's and the public's need for sunshine in the funding and operation of these important functions. The existing structure also provides the executive branch with the flexibility it needs to reprogram funds within accounts to address unforeseen budget needs upon the notification and approval of the Committee. As noted in discussions with administration officials last year, as well as in hearings before this Committee this year, at no time has this Committee rejected an administration's request to reprogram existing funds within accounts in this Title.

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

Appropriations, 2002	$450,000
Budget estimate, 2003	450,000
Committee recommendation	450,000

The fiscal year 2003 budget request for compensation of the President is $450,000. This amount includes $400,000 for the direct salary of the President as authorized by 3 U.S.C. 102, and a $50,000 expense account for official expenses, with any unused portions reverting to the Treasury. This expense account is not considered as taxable to the President.

The Committee recommends the full budget request of $450,000 for compensation of the President.

SALARIES AND EXPENSES

Appropriations, 2002	$54,651,000
Budget estimate, 2003	84,595,000
Committee recommendation	59,735,000

The Committee recommends an appropriation of $59,735,000 for the White House Office. This is a decrease of $24,860,000 below the budget estimate because a portion of the funds requested for this account are provided in a new ''Office of Homeland Security'' account.

These funds provide the President with staff assistance and provide administrative services for the direct support of the President. Public Law 95–570 authorizes appropriations for the White House Office and codifies the activities of the White House Office.

OFFICE OF HOMELAND SECURITY

Appropriations, 2002	$27,000,000
Budget estimate, 2003	24,844,000
Committee recommendation	24,844,000

The Office of Homeland Security was created by Executive Order 13288 which was signed by the President on October 8, 2001. The purpose of the Office, as stated in the Executive Order, is ''to develop and coordinate the implementation of a comprehensive national strategy to secure the United States terrorist threats or attacks.''

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

Appropriations, 2002	$11,695,000
Budget estimate, 2003	12,228,000
Committee recommendation	12,228,000

The Committee recommends an appropriation of $12,228,000 for the Executive Residence at the White House.

These funds provide for the care, maintenance, refurnishing, improvement, heating, and lighting, including electrical power and fixtures, of the Executive Residence.

The Executive Residence staff provides for the operation of the Executive Residence. A staff of 40 domestic employees accomplish general housekeeping, prepare and serve meals, greet visitors, and provide services as required in support of official and ceremonial functions. A staff of 33 tradespersons, including plumbers, carpenters, painters, on a single shift; electricians on a double shift; and operating engineers on a 24-hour basis, maintains and makes repairs, minor modifications, and improvements to the 132 rooms and the mechanical systems, and provides support for official and ceremonial functions.

A staff of 12 specialized employees provide services necessary to the operation of the White House and official and ceremonial functions. This staff includes four florists, four curators, and four calligraphers.

An administrative staff consists of the chief usher, four assistant ushers, one executive grounds superintendent, one operating accountant, one accounting technician, one computer network engineer, and one administrative officer. This staff is charged with management and administrative functions of the Executive Residence. This requires coordination with the Executive Office of the President, the National Park Service, the military, the U.S. Secret Service, the General Services Administration, and other agencies.

During larger events, the Executive Residence staff is assisted by contract personnel under personal services contract agreements (services by agreement) to provide additional help as required for official and ceremonial functions.

WHITE HOUSE REPAIR AND RESTORATION

Appropriations, 2002	$8,625,000
Budget estimate, 2003	1,200,000
Committee recommendation	1,200,000

The Committee recommends an appropriation of $1,200,000 for White House Repair and Restoration. The Committee recommendation is equal to the budget estimate.

To provide for the repair, alteration, and improvement of the Executive Residence at the White House, a separate account was established in fiscal year 1996 to program and track expenditures for the capital improvement projects at the Executive Residence at the White House.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

Appropriations, 2002	$3,925,000
Budget estimate, 2003	4,066,000
Committee recommendation	4,066,000

The Committee recommends an appropriation of $4,066,000 for special assistance to the President.

The ''Special assistance to the President'' account was established on September 26, 1970, to enable the Vice President to provide assistance to the President. This assistance takes the form of directed and special Presidentially assigned functions.

The objective of the Office of the Vice President is to efficiently and effectively advise, assist, and support the President in the areas of domestic policy, national security affairs, counsel, administration, press, scheduling, advance, special projects, and assignments. Assistance is also provided for the wife of the Vice President.

The Vice President also has a staff funded by the Senate to assist him in the performance of his duties in the legislative branch.

The level of funding recommended by the Committee will allow for 24 full-time permanent positions in fiscal year 2003.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

Appropriations, 2002	$318,000
Budget estimate, 2003	324,000
Committee recommendation	324,000

The Committee recommends an appropriation of $324,000 for the official residence of the Vice President.

The ''Official Residence of the Vice President (residence)'' account was established by Public Law 93–346 on July 12, 1974. The residence is located on the grounds of the Naval Observatory in the District of Columbia and serves as a facility for official and ceremonial functions and as a home for the Vice President and his family.

The objective of the ''Residence'' account is to provide for the care of, operation, maintenance, refurnishing, improvement, and heating and lighting of the residence and to provide such appropriate equipment, furnishings, dining facilities, services, and provisions as may be required to enable the Vice President to perform and discharge the duties, functions, and obligations associated with his high office.

Funds to renovate the residence are provided to the residence through the Department of the Navy budget. The Committee has had a longstanding interest in the condition of the residence and expects to be kept fully apprised by the Vice President's office of any and all renovations and alterations made to the residence by the Navy.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

Appropriations, 2002	$4,211,000
Budget estimate, 2003	4,405,000
Committee recommendation	4,405,000

The Committee recommends an appropriation of $4,405,000 for salaries and expenses of the Council of Economic Advisers.

The Council of Economic Advisors analyzes the national economy and its various segments, advises the President on economic developments, recommends policies for economic growth and stability, appraises economic programs and policies of the Federal Government, and assists in the preparation of the annual Economic Report of the President to Congress.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

Appropriations, 2002	$4,142,000
Budget estimate, 2003	4,221,000
Committee recommendation	4,221,000

The Committee recommends $4,221,000 for the Office of Policy Development.

The Office of Policy Development supports the National Economic Council and the Domestic Policy Council, in carrying out their responsibilities to advise and assist the President in the formulation, coordination, and implementation of economic and domestic policy. The Office of Policy Development also provides support for other domestic policy development and implementation activities as directed by the President.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

Appropriations, 2002	$7,494,000
Budget estimate, 2003	9,525,000
Committee recommendation	9,525,000

The Committee recommends an appropriation of $9,525,000 for the salaries and expenses of the National Security Council (NSC).

The primary purpose of the Council is to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security.

The funding level provided by the Committee will support 60 full-time equivalent positions, or the same since the fiscal year 1996 level for the normal activities of the NSC.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2002	$96,995,000
Budget estimate, 2003	70,128,000
Committee recommendation	70,128,000

The Committee has provided $70,128,000 to the Office of Administration for fiscal year 2003.

The Office of Administration's mission is to provide high-quality, cost-effective administrative services to the Executive Office of the President. These services, defined by Executive Order 12028 of 1977, include financial, personnel, library and records services, information management systems support, and general office services.

The Office of Administration receives reimbursements for information management support and general office services.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

Appropriations, 2002	$70,752,000
Budget estimate, 2003	70,752,000
Committee recommendation	70,752,000

The Committee recommends an appropriation of $70,752,000.

The Office of Management and Budget (OMB) assists the President in the discharge of his budgetary, management, and other executive responsibilities.

OMB-wide offices.—Executive direction and coordination for all Office of Management and Budget activities is provided. This includes the Director's immediate office as well as staff support in the areas of budget review, administration, public affairs, office of communications, legislative reference, legislative affairs, economic policy, and general counsel. Budget instructions and procedures are developed, review of agency estimates is coordinated, budget data systems are maintained, agency financial management plans are reviewed, the budget document is prepared, and scorekeeping is accomplished.

National security and international affairs; general government and finance; natural resources, energy, and science; education, income maintenance, and labor; and health/personnel.—Agency programs, budget requests, and management activities are examined, appropriations are apportioned, proposed changes in agency functions are studied, and special studies aimed at establishing goals and objectives that would result in long- and short-range improvements in the agencies' financial, administrative, and operational management are conducted.

Financial management.—In conjunction with the Chief Financial Officers Council, prepares the Government-wide financial management status report and 5-year plan, monitors execution of the plan, provides policy guidance on preparation and audit of financial statements, financial systems requirements, management controls, and cost accounting and audit requirements for the non-Federal grantee community.

Information and regulatory affairs.—Agency proposals to implement or revise Federal regulations and information collection requirements are reviewed and coordinated. Information resources management and statistical policies and practices are analyzed and developed.

Procurement policy.—The Office of Federal Procurement Policy is responsible for promoting economy, efficiency, and effectiveness in the procurement of property and services by and for the executive branch.

HARRY S TRUMAN MEMORIAL SCHOLARSHIPS

The Committee strongly supports the Truman Scholarship program and its original intentions. The Committee is concerned, however, that the regulations regarding awarding a scholarship to at least one qualified applicant from each State has been violated numerous times in recent years. The Committee directs the Board of the Truman Scholarship program to strictly adhere to its statutory mandate to ''assure that at least one Truman scholar shall be selected each year from each State in which there is at least one resident applicant who meets the minimum criteria established by the Foundation.''

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

Appropriations, 2002	$25,263,000
Budget estimate, 2003	25,458,000
Committee recommendation	26,456,000

The Committee recommends an appropriation of $26,456,000. The Committee provides $1,000,000 for the National Alliance for Model State Drug Laws but does not recommend an increase to the official reception and representation fund.

The Office of National Drug Control Policy (ONDCP), established by the Anti-Drug Abuse Act of 1988, and reauthorized by Public Law 105–277, is charged with developing policies, objectives and priorities for the National Drug Control Program. In addition, ONDCP administers the Counterdrug Technology Assessment Center (CTAC), the High Intensity Drug Trafficking Areas (HIDTA) program and the Special Forfeiture Fund. The account provides funding for personnel compensation, travel, and other basic operations of the Office, and for general policy research to support the formulation of the National Drug Control Strategy. Funds are also provided for the National Alliance for Model State Drug Laws, which encourages

States to adopt and implement laws, policies, and regulations to reduce drug trafficking, drug use, and their related consequences.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

Appropriations, 2002	$42,300,000
Budget estimate, 2003	40,000,000
Committee recommendation	40,000,000

The Committee recommends an appropriation of $40,000,000 for the Counterdrug Technology Assessment Center (CTAC). This funding includes $22,000,000 for the continuation of the technology transfer program by CTAC to State and local law enforcement in their efforts to combat drugs. Pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (Title VII of Division C of Public Law 105–277), CTAC serves as the central counterdrug research and development organization for the U.S. Government.

The Committee expects multiagency research and development programs to be coordinated by CTAC in order to prevent duplication of effort and to assure that whenever possible, those efforts provide capabilities that transcend the need of any single Federal agency. Prior to the obligation of these funds, the Committee expects to be notified by the chief scientist on how these funds will be spent; it also expects to receive periodic reports from the chief scientist on the priority counterdrug enforcement research and development requirements identified by the Center and on the status of projects funded by CTAC.

The Committee continues to believe CTAC should work closely and cooperatively with the individual law enforcement agencies in the definition of a national research and development program which addresses agency requirements with respect to timeliness, operational utility, and consistency with agency budget plans.

Last year the Committee provided additional funds for CTAC to focus on conducting substance abuse research and training Native American physicians in the field of substance abuse research. The Committee requests that the chief scientist provide periodic updates on this process.

COUNTERDRUG TECHNOLOGY TRANSFER PROGRAM

The Committee fully supports the continuation of this program and, therefore, has provided $22,000,000 for its operation in fiscal year 2003. The Committee believes that this program demonstrates the best that the Federal Government has to offer to State and local law enforcement in their efforts to combat drug related crimes. The Committee is encouraged by the positive reception this program has received by State and local law enforcement agencies as current requests for technology continue to outpace resources by over four to one. The Committee expects that CTAC will conduct further outreach to State and local agencies to educate them about the program. Finally, the Committee would encourage CTAC to work with private industry to make their developed technology available to State and local law enforcement through this program. The Committee requests that ONDCP report within 60 days after the date of enactment of the fiscal year 2003 appropriations bill on the number of requests received, promotion efforts to State and local law enforcement, and the effectiveness and interest in this program by these law enforcement communities.

FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

HIGH-INTENSITY DRUG TRAFFICKING AREAS

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2002	$226,350,000
Budget estimate, 2003	206,350,000
Committee recommendation	226,350,000

The Committee recommends an appropriation of $226,350,000, which is $20,000,000 above the budget request. The Committee directs that funding shall be provided for the existing High Intensity Drug Trafficking Areas (HIDTA) at no less than the fiscal year 2003 budget request level.

The Committee has included a new provision to prohibit the use of funds to consolidate management of the California, Arizona, New Mexico, and Texas partnerships in the El Paso office. Such a centralization of the Southwest Border HIDTA could undermine operational flexibility and law-enforcement support for the HIDTA program, ultimately degrading its effectiveness.

The Committee is deeply disturbed over ONDCP actions and communications with the Committee concerning the HIDTA program over the past year. The Committee provided additional funds in fiscal year 2002 for the HIDTA program to increase funding for or expand existing HIDTAs, or to fund newly designated HIDTAs. The Committee was not consulted when ONDCP decided how to obligate these funds, in some cases for different purposes. In addition, the Committee is concerned that those decisions were not completely thought out, and that necessary programmatic personnel were not consulted.

The Committee is aware of the continued interest in the creation of new, and expansion of existing, HIDTAs. The Committee is also profoundly aware of proposals submitted to ONDCP for the additional $20,000,000 provided by the Congress in fiscal year 2002 that went unfunded in ONDCP's spending plan. Prior to any notification or any obligation of funds, the Committee directs ONDCP to submit for approval to the Committee on Appropriations a spending plan for the additional $20,000,000 for fiscal year 2003. The Committee directs ONDCP to review the Senate report for suggestions on how to allocate portions of the additional funds and requires ONDCP to provide a detailed explanation to the Committee on Appropriations on the reasons why any of the Senate recommendations receive an amount lower than that requested. The Committee also directs ONDCP to provide a detailed timeline and explanation to the Committee 30 days after the date of enactment on how the additional $20,000,000 provided in fiscal year 2002 was obligated.

The HIDTA program was established by the Anti-Drug Abuse Act of 1988, as amended, and the Office of National Drug Control Policy's reauthorization, Public Law 105–277, to provide assistance to Federal, State and local law enforcement entities operating in those areas most adversely affected by drug trafficking. In allocating the HIDTA funds, the Committee expects the Director of ONDCP to ensure that the activities receiving these limited additional resources are used strictly for implementing the strategy for each HIDTA, taking into consideration local conditions and resource requirements. These funds should not be used to supplant existing support for ongoing Federal, State, or local drug control operations normally funded out of the operating budgets of each agency. The remaining funds may be transferred to Federal agencies and departments to support Federal antidrug activities.

The Committee believes that the Director should take steps to ensure that the HIDTA funds are transferred to the appropriate drug control agencies expeditiously. To ensure that the funding allocations meet the priorities outlined in the strategies, the Committee instructs the Director to submit the strategies, along with the identification of how the funds will be spent, to the Committee for approval prior to the obligation of the funds. The Committee also expects to be notified if any changes are made in the spending plans presented to it during the course of the fiscal year. The Committee further instructs the Director to submit the updated 2003 strategies for each of the HIDTA's to the Committee for review and to obligate the HIDTA funds within 120 days of enactment of this Act. This provision may be waived if a request is made to the Committee and has been approved in advance according to the normal reprogramming procedures. The Committee expects the Director to take actions necessary to ensure that all HIDTA funds are being used to support only those activities which are directly linked to the individual HIDTA strategies recommended by the HIDTA coordinators and which support the goals and objectives outlined in each of these strategies.

ROCKY MOUNTAIN HIDTA

The Committee understands that the Office of National Drug Control Policy is reviewing a proposal from the Rocky Mountain High Intensity Drug Trafficking Area to expand its operation into five counties in Montana. The Committee encourages ONDCP to closely and expeditiously review the merit of this request. However, the Committee directs that any expansion of the Rocky Mountain HIDTA be accomplished in such a way so as not to diminish the funding currently available to the existing HIDTA entities.

ECSTASY REDUCTION INITIATIVE

The Committee is extremely concerned about the use of Ecstasy among teenagers and young adults. The use of this dangerous drug has reached alarming proportions among junior high and high school students, and the numerous fatalities associated with Ecstasy do not appear to have had any impact on the drug's popularity. The Committee encourages the Rocky Mountain HIDTA to continue the Ecstasy reduction initiative to help deal with this steadily increasing problem, with emphasis on designated counties in Colorado.

COMMUNITY INVOLVEMENT IN HIDTAS

The Committee recognizes the positive impact and successes of the cooperative law enforcement arrangements of the HIDTA. As HIDTAs have matured, they have demonstrated an ability to address their HIDTA-specific problems with unique and effective solutions. Many HIDTAs have begun to reach outside of the law enforcement community to other organizations which affect the effort to combat drugs in our communities. The Committee has seen success in the HIDTAs as they begin to incorporate the important work of those in the community itself, such as in the areas of treatment and counseling. The Committee is encouraged by this rounding out of the HIDTAs' efforts and encourages the HIDTAs to continue to further develop these relationships.

MIDWEST HIDTA

The Committee is concerned about the growing production, trafficking, and use of methamphetamine throughout the Midwest HIDTA. The Committee is distressed that ONDCP did not provide more funds out of the

additional $20,000,000 fiscal year 2002 to address this situation.

The Committee notes that the State of Missouri, which is part of the Midwest HIDTA, had the highest number of methamphetamine lab seizures in the country. The fight against methamphetamine places a tremendous burden on State and local law enforcement. Additional funding would allow Missouri to continue to target methamphetamine labs, and would enable ONDCP to designate additional counties, including counties in the Southern District of Illinois, as part of the Midwest HIDTA where appropriate. The Committee directs ONDCP to work with the affected counties to determine whether they meet the statutory criteria required for designation as a HIDTA.

BALANCED FOCUS BETWEEN URBAN AND RURAL AREAS

The Committee is also concerned about the direction ONDCP seems to be taking the HIDTA program with the new National Priority Targeting Project. According to ONDCP, this Project will enhance existing HIDTA–affiliated law enforcement efforts to curtail the availability of illegal drugs through the disruption and dismantlement of specific major drug trafficking organizations that coincide with Department of Justice National Priority Targets (''NPTs''). The Committee is concerned that this ''king-pin'' strategy could significantly impact the level of support provided to cases that have been regional impact targets in the past.

GULF COAST HIDTA

The Committee recognizes that the Gulf Coast HIDTA covers the full spectrum of drug trafficking and abuse, trafficking modalities and types of criminal organizations. In its continued effort to combat these threats, the Gulf Coast HIDTA is seeking to expand into new areas of Louisiana, Mississippi, and Alabama. ONDCP is encouraged to work with Louisiana and other interested States to further their initiatives.

NEW ENGLAND HIDTA

The Committee recognizes that the growing availability and abuse of inexpensive, high-purity heroin has had a harmful impact on the New England region, resulting in an increase in the number of drug-related arrests, overdose deaths and injuries, and individuals seeking treatment for addiction. The Committee is also aware of the extraordinary challenges posed by increasing drug importation into the region across the northern U.S. border and via marine transportation. Therefore, the Committee directs ONDCP to focus additional resources on these emerging drug threats and to work with the New England HIDTA to address unmet needs in the areas of task force expansion, training, intelligence, space and equipment, with a particular focus on Rhode Island.

SOUTHWEST INDIANA

The Committee is aware of a proposal to create a HIDTA in Southwest Indiana to combat the drastic increase in the production, use and distribution of methamphetamine. The Indiana State Police, in conjunction with local and Federal officials, would target the following counties in Southwest Indiana: Benton, Clay, Crawford, Daviess, Dubois, Fountain, Gibson, Greene, Jackson, Jasper, Knox, Lawrence, Martin, Monroe, Morgan, Montgomery, Newton, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spencer, Sullivan, Vanderburgh, Vigo and Warrick. The State of Indiana has experienced an exponential increase in the number of methamphetamine labs that have been seized—43 in 1998, 129 in 1999, 314 in 2000, and 546 in 2001. State Police estimate that they will seize over 800 labs in 2002. ONDCP is encouraged to work with the Indiana State Police to develop and implement this innovative approach to combating the spread and distribution of methamphetamine. Recognizing current resource limitations, the Committee has provided additional discretionary funding and directs ONDCP to work with the affected counties to determine whether they meet the statutory criteria required for designation as a HIDTA.

MILWAUKEE HIDTA

The Committee understands that the ONDCP is reviewing a proposal to expand the Milwaukee HIDTA to the metropolitan areas surrounding Milwaukee along the I–94 corridor connecting Milwaukee to Chicago. This extension of the program to Racine, Kenosha and Waukesha counties would assist Milwaukee's efforts and attack the scourge of drugs in the surrounding communities. The Committee has provided additional discretionary funding and encourages ONDCP to work with these States and communities to determine whether they meet the statutory criteria required for designation as a HIDTA and direct the necessary resources towards this proposal.

SOUTHWEST BORDER HIDTA

The Committee recognizes the strides that have been made by the New Mexico partnership of the Southwest Border HIDTA in disrupting heroin trafficking in New Mexico. Despite these gains, however, the availability of heroin continues to be prevalent in Rio Arriba County and other counties in New Mexico. The Committee directs the Director of ONDCP to evaluate the situation and work with State and local law enforcement to provide adequate resources to target this continuing threat.

PHILADELPHIA/CAMDEN HIDTA

The Committee is aware of the current coordination of the State of Delaware with the Philadelphia/Camden HIDTA. As a result of this strong relationship, the Committee directs the Director of ONDCP to evaluate the current situation to determine whether or not Delaware meets the statutory requirements to qualify for inclusion into the Philadelphia/Camden HIDTA.

APPALACHIA HIDTA

The Committee is concerned that the three Appalachia HIDTA States, West Virginia, Kentucky, and Tennessee, along with California and Hawaii, account for over 77 percent of the domestic production of marijuana. The three Appalachia HIDTA States are also producing some of the most potent marijuana available. For fiscal year 2000, the West Virginia National Guard, which has mounted a vigorous counterdrug program in cooperation with the Appalachia HIDTA, estimates that the eradicated marijuana crop in West Virginia yielded plants valued at $57,000,000. Therefore, the Committee directs ONDCP to work with State and local law enforcement officials to provide additional resources to combat this threat.

SOUTH CAROLINA HIDTA

The Committee is aware of a proposal to create a HIDTA in Charleston County, South Carolina. Charleston, South Carolina is the fourth largest port in the United States, with 177,000 containers annually entering the United States. The Committee understands the proposal would target, disrupt, and dismantle narcotics smuggling operations at the Ports of Charleston, Georgetown, and Port Royal, South Carolina. The Committee directs ONDCP to work with the Federal, State, and local law enforcement agencies in South Carolina to determine whether these areas meet the statutory criteria required for designation as a HIDTA.

NORTHWEST HIDTA

The Committee recognizes that Washington State has recently experienced tremendous growth in the production and use of methamphetamine. In fact, Washington is now second in the country in methamphetamine production, after California. Combating methamphetamine and other illegal drugs takes a multi-faceted approach, including the use of narcotics canines and support from various Federal agencies. Washington State has recently lost a number of critical drug detecting canines. Therefore, the Committee directs ONDCP to focus additional resources on these emerging drug threats, and in particular funding for additional narcotic canines to work with the Northwest HIDTA to address unmet needs in detection and enforcement.

HIDTA EFFORTS TO COMBAT METHAMPHETAMINE IN RURAL AREAS

The Committee is concerned about the increasing threat posed by methamphetamine production, trafficking, and use, especially in rural, underpopulated areas. Recognizing that the Director of ONDCP designated the Midwest HIDTA in 1996 to specifically address this threat, the Committee encourages ONDCP to continue to focus available resources on combating this emerging drug threat not only in the Midwest HIDTA, but in all HIDTAs operating in traditionally underserved areas.

WEB SERVICES TECHNOLOGY AND NETWORKING

The Committee provides $1,150,000 to the Rocky Mountain HIDTA for a demonstration project in Colorado that uses web-based technology to securely integrate disparate data bases in real time for the purpose of enhancing the ability of law enforcement agencies to share and exchange information within and between agencies in order to improve public safety.

SPECIAL FORFEITURE FUND

Appropriations, 2002	$239,400,000
Budget estimate, 2003	251,300,000
Committee recommendation	172,700,000

The Committee recommends an appropriation of $172,700,000. The Committee provides $100,000,000 for the continuation of the National Youth Anti-Drug Media Campaign. The Committee included a total of $5,900,000 for the United States Anti-Doping Agency.

The Anti-Drug Abuse Act of 1988, as amended, and the Office of National Drug Control Policy's reauthorization, Public Law 105–277, established the Special Forfeiture Fund to be administered by the Director of ONDCP. The monies deposited in the Fund support high-priority drug control programs and may be transferred to drug control agencies or may be directly obligated by the Director of ONDCP.

NATIONAL MEDIA CAMPAIGN

The Committee has been supportive of the national media campaign and has provided consistent funding for this program. When this program was initially funded by the Congress in fiscal year 1998, it was with the understanding that within 3 years there would be demonstrable behavior changes in America's youth with relation to drug use. To date, the Congress has provided over $928,872,000 for this program and has done so

at the expense of many other important law enforcement needs. The Committee is concerned that drug use is clearly increasing in spite of the national media campaign, leading some observers to conclude it has not had a noticeable impact on drug use among America's youth.

The May and November 2002 evaluations by Westat and the Annenberg School for Communication of the University of Pennsylvania confirmed numerous concerns over the effectiveness of the media campaign. It concluded that while there appears to be a favorable effect on parents, youth—the target audience for the program—do not seem to obtain similar benefits. It was the intent of both the authorizers and the appropriators to affect the behavior of drug use among youth over the course of a 5-year program. Unfortunately, we find ourselves back at square one after spending close to $1,000,000,000 of taxpayer money.

The Committee held a hearing on this subject on June 19, 2002, shortly after the release of the Westat evaluation. The issues raised during the hearing highlighted the numerous controversies associated with the campaign and speculation regarding the cause. ONDCP is staking the future of the media campaign on an advertising effort it developed outside the parameters and participants specified in the authorization. ONDCP also stated that to move forward with the campaign, additional testing needed to be performed prior to any airing of advertising. The Committee agrees with the Director on fully testing the advertising.

The Committee has cautioned ONDCP for a number of years about the growing number of controversies and maintaining the true essence of the program as authorized by Congress. Recent events have resulted in a loss of the Committee's confidence in the management of the campaign, and the reason the Committee has decreased the allocation for the campaign.

DRUG-FREE COMMUNITIES ACT

The accelerating rate of drug use by young Americans is a major concern that must be addressed. The Committee, therefore, provides $60,000,000 in support of the Drug-Free Communities Act. These funds will be used to support the establishment of local counterdrug efforts that are characterized by strong conditions for local initiatives, support, and accountability. In addition, the requirement for participating communities to match funding will help ensure the degree of commitment necessary to succeed.

The Drug Free Communities Support Program Reauthorization (Public Law 107–82) authorized ONDCP to make a grant to establish a National Community Anti-Drug Coalition Institute. ONDCP instead solicited applications for a cooperative agreement. The sponsors of the provision did not intend for the National Community Anti-Drug Coalition Institute to be hampered by layers of bureaucracy which duplicate current efforts.

Congress created an advisory commission to oversee and guide the program when it authorized the Drug Free Communities Support Program in 1997. Creating a second advisory committee to oversee the National Community Anti-Drug Coalition Institute is a needless duplication and expense. In addition, avoiding programmatic duplications of effort should be the responsibility of ONDCP, and should not be shifted to the grant recipient.

The requirements for a grant recipient were clearly written in the authorizing legislation, and the sponsors of the reauthorization legislation are unaware of any organization besides the Community Anti-Drug Coalitions of America who meet these qualifications. As a result, the Committee has included language directing ONDCP to provide a $2,000,000 grant directly to the Community Anti-Drug Coalitions of America to establish and maintain the National Community Anti-Drug Coalition Institute.

NATIONAL DRUG-FREE WORKPLACE

The Committee recognizes the work of the National Drug-Free Workplace Alliance to promote and assist the establishment of drug-free workplace programs and provide comprehensive drug-free workplace services to businesses. In addition, the Committee understands that the Alliance provides technical assistance and up-to-date workplace substance abuse information to communities, drug-free workplace organizations, and other similar groups through a national network of experts and professionals with drug-free workplace interests. The Committee urges ONDCP to work with the National Drug-Free Workplace Alliance as it coincides with ONDCP's mission and encourages cooperative efforts relating to the National Clearinghouse.

UNITED STATES ANTI-DOPING AGENCY

The Committee provides $5,900,000 for efforts of the United States Anti-Doping Agency (USADA) under the Special Forfeiture Fund. The Committee directs ONDCP to provide the entire amount directly to USADA within 30 days after enactment.

USADA was created to oversee testing, education, research, and adjudication on behalf of America's athletes participating in the Olympic, Pan American, and Paralympic Games. The Committee has provided additional funds to increase the number of ''No-Advanced-Notice'' tests, to increase research funding at university and research laboratories, and to expand their efforts to educate the youth of America on health issues and the ethics of competing fairly in sport. The Committee continues to be impressed with the operations of this new agency and wishes to congratulate them on the international recognition of their efforts.

DRUG COURT INSTITUTE

The Committee provides $1,000,000 for the National Drug Court Institute. The Committee is aware of the extraordinary growth in drug courts across the country and the important training of new drug courts that the Institute provides. Drug courts provide an effective means to fight drug-related crime through the cooperative efforts of State and local law enforcement, the judicial system, and the public health treatment network.

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

Appropriations, 2002	$4,629,000
Budget estimate, 2003	4,629,000
Committee recommendation	4,629,000

The Committee recommends $4,629,000 for the Committee for Purchase From People Who Are Blind or Severely Disabled (CPPBSD).

The CPPBSD administers the Javits-Wagner-O'Day Act (JWOD) of 1971, as amended. Its primary objective is to use the purchasing power of the Federal Government to provide people who are blind or have other severe disabilities with employment and training that will develop and improve job skills as well as prepare them for employment options outside the JWOD program. In fiscal year 2003, the Committee's goal is to employ approximately 50,000 people who are blind or have other severe disabilities in 650 producing nonprofit agencies. The Committee's duties include promoting the program; determining which products and services are suitable for Government procurement from qualified nonprofit agencies serving people who are blind or have other severe disabilities; maintaining a procurement list of such products and services; determining the fair market price for products and services on the procurement list; and making rules and regulations necessary to carry out the purposes of the Act. In fiscal year 2003, the Committee's goal is to have sales of $1.6 billion.

The Committee staff's responsibilities include promoting and assessing the overall program; supervising the selection and assignment of new products and services; assisting in establishing prices; reviewing and adjusting these prices; verifying the qualifications of nonprofit agencies; and monitoring their performance.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

Appropriations, 2002	$43,689,000
Budget estimate, 2003	45,244,000
Committee recommendation	45,244,000

The Committee recommends an appropriation of $45,244,000 for the Federal Election Commission.

The Federal Election Commission administers the disclosure of campaign finance information, enforces limitations on contributions and expenditures, supervises the public funding of Presidential elections, and performs other tasks related to Federal elections.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

Appropriations, 2002	$26,524,000
Budget estimate, 2003	28,684,000
Committee recommendation	28,677,000

The Committee recommends an appropriation of $28,677,000 for the Federal Labor Relations Authority.

The Federal Labor Relations Authority (FLRA) serves as a neutral party in the settlement of disputes that arise between unions, employees, and agencies on matters outlined in the Federal Service Labor Management Relations statute, decides major policy issues, prescribes regulations, and disseminates information appropriate to the needs of agencies, labor organizations, and the public. Establishment of the FLRA gives full recognition to the role of the Federal Government as an employer.

In addition, the FLRA is engaged in case-related interventions and training and facilitation of labor-management partnerships and in resolving disputes. FLRA promotes labor-management cooperation by providing training and assistance to labor organizations and agencies on resolving disputes, facilitates the creation of partnerships, and trains the parties on rights and responsibilities under the Federal Relations Labor Relations Management statute.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND—LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

The Federal Buildings Fund program consists of the following activities financed from rent charges:

Construction and acquisition of facilities.—Space is acquired through the construction

or purchase of facilities and prospectus-level extensions to existing buildings. All costs directly attributable to site acquisition, construction, and the full range of design and construction services, and management and inspection of construction projects are funded under this activity.

Repairs and alterations.—Repairs and alterations of public buildings as well as associated design and construction services are funded under this activity. Protection of the Government's investment, health and safety of building occupants, transfer of agencies from leased space, and cost effectiveness are the principal criteria used in establishing priorities. Primary consideration is given to repairs to prevent deterioration and damage to buildings, their support systems, and operating equipment. This activity also provides for conversion of existing facilities and non-prospectus extensions.

Installment acquisition payments.—Payments are made for liabilities incurred under purchase contract authority and lease purchase arrangements. The periodic payments cover principal, interest, and other requirements.

Rental of space.—Space is acquired through the leasing of buildings including space occupied by Federal agencies in U.S. Postal Service facilities, 153 million rentable square feet in fiscal year 2002, and 157 million rentable square feet in fiscal year 2003.

Building operations.—Services are provided for Government-owned and leased facilities, including cleaning, utilities and fuel, protection, maintenance, miscellaneous services (such as moving, evaluation of new materials and equipment, and field supervision), and general management and administration of all real property related programs including salaries and benefits paid from the Federal Buildings Fund.

Other programs.—When requested by Federal agencies, the Public Buildings Service provides building services such as tenant alterations, cleaning and other operations, and protection services which are in excess of those services provided under the commercial rental charge. For presentation purposes, the balances of the Unconditional Gifts of Real, Personal, or Other Property trust fund have been combined with the Federal Buildings Fund.

CONSTRUCTION AND ACQUISITION

Limitation on availability, 2002	$662,680,000
Limitation on availability, 2003	556,574,000
Committee recommendation	631,663,000

The Committee recommends $631,663,000 for the construction and acquisition account. The Committee recommendation is $75,089,000 above the President's request.

COURTHOUSE CONSTRUCTION

The Committee encourages the General Services Administration (GSA), the administration, and the judiciary to continue to work cooperatively to develop a single comprehensive plan upon which courthouse construction will be based. The Committee continues to believe that a model should incorporate utilization rates, courtroom sharing, and safety considerations. The use of cost savings measures and careful planning will result in a program that can be consistently supported. The Committee notes, however, that it has been extremely supportive of addressing the courthouse construction backlog. The Committee would remind the Administrative Office of the U.S. Courts (AOC) and other organizations that the Committee has adhered to the jointly agreed to priority list and that the Congress is constrained by overall budget resolutions and spending caps from accommodating every request.

COURTROOM SHARING

The Committee is aware of conflicting information regarding the issue of courtroom sharing. The Committee is concerned that in spite of the strict budgetary pressures facing the Federal Government, AOC fails to pursue a policy of fiscal restraint and approaches the Congress for increases in courthouse construction funding above the Administration's request. The Congress and the Administration have worked diligently to reign in court construction costs and the Committee will continue to pursue all avenues with respect to cost containment with or without the support of the Courts.

The Committee notes that the General Accounting Office (GAO), in a December 2000 report to the Congress on this issue, analyzed the data used in a courtroom sharing study commissioned by the Courts. That study criticized a 1997 GAO report on the same issue. GAO noted that the Courts did not agree with its recommendations, yet also commented that the AOC ''did not provide any data, analysis, or rationale that would give us [GAO] an adequate basis for changing or dropping'' the recommendations. The Committee concurs with GAO's concerns and urges the AOC to provide the Committee with persuasive courtroom use data and analysis, along with its views, to justify the number of courtrooms being requested in future courtroom construction requests.

PORT OF ENTRY INFRASTRUCTURE

The Committee notes that it has been over 2 years since the Port of Entry Infrastructure Assessment Study was delivered to the Congress. That study was required as part of the fiscal year 2000 Treasury and General Government Appropriations Act and included detailed input from the U.S. Customs Service, the Immigration and Naturalization Service, and GSA. The study identified an enormous backlog of 822 individual infrastructure requirements at our Nation's border crossings at an estimated gross cost of $784,000,000.

The events of September 11, 2001 refocused the Nation's attention on the need to reinforce our borders. While this Committee has fully funded the administration's past requests for border facility construction and repair, those projects merely scratch the surface of what is required to robustly address the infrastructure backlog. The creation of a new Department of Homeland Security, which combines the various existing border agencies, offers the opportunity to address this facilities backlog in a cohesive manner.

The Committee therefore directs GSA, in consultation with the Office of Management and Budget, the U.S. Customs Service, the Immigration and Naturalization Service, and Directorate of Border and Transportation Security within the Department of Homeland Security, to update the study and submit it to the Congress no later than 90 days after enactment of this Act.

The Committee also directs that the study identify port of entry infrastructure and technology improvements which enhance border security and facilitate the flow of legitimate commerce. The Committee urges that the study, to the greatest extent possible, prioritize projects based on the ability of the project to fulfill immediate security requirements and facilitate trade across the borders. The Committee recommends that the annual courthouse construction projects prioritization list submitted by the Administrative Office of the U.S. Courts be used as a model for this effort.

CHAMPLAIN PORT OF ENTRY

The Committee acknowledges the untenable conditions at the Champlain, New York port of entry and is aware that the General Services Administration is currently designing a new border facility to improve the safety and efficiency of this critical United States and Canada trade corridor. The Committee urges the Administration to make the completion of the Champlain port of entry a high priority and to include construction funding for the facility in the fiscal year 2004 budget request.

BURLINGTON, VT COURTHOUSE

The Committee is pleased that Burlington, VT is included in the list of recommended future construction projects provided by the Administrative Office of the U.S. Courts. The Committee expects GSA to move forward with this project in an expeditious manner and give priority to central business districts when selecting a location for the new building.

ROSENN FEDERAL COURTHOUSE

The Committee is aware of the shortage of parking in and around the Rosenn Federal Courthouse in Wilkes-Barre, Pennsylvania, which has caused a number of inconveniences for both employees and visitors to the facility. The Committee encourages GSA to work with the community to address this parking issue, utilizing up to $1,000,000 from funds provided for the construction non-prospectus account.

REPAIRS AND ALTERATIONS

Limitation on availability, 2002	$869,376,000
Limitation on availability, 2003	986,029,000
Committee recommendation	997,839,000

The Committee recommends new obligational authority of $997,839,000 for repairs and alterations in fiscal year 2003.

Under this activity, the General Services Administration (GSA) executes its responsibility for repairs and alterations (R&A) of both Government-owned and leased facilities under the control of GSA. The major goal of this activity is to provide commercially equivalent space to tenant agencies. Safety, quality, and operating efficiency of facilities are given primary consideration in carrying out this responsibility. A major portion of the fiscal year 2003 program is devoted to nondiscretionary work necessary to meet this goal and keep the buildings in an occupiable condition.

R&A workload requirements originate with scheduled onsite inspections of buildings by qualified regional engineers and building managers. The work identified through these inspections is programmed in order of priority into the repairs and alterations construction automated tracking system (RACATS) and incorporated into a 5-year plan for accomplishment, based upon funding availability, urgency, and the volume of R&A work that GSA has the capability to execute annually. Beginning in fiscal year 1995, design and construction services activities associated with the repair and alteration projects are funded in this account.

The R&A program, for purposes of funds control, is divided into two types of projects—line item and nonline item. The following is a definition of each category of projects:

Line item projects.—Line item projects are those larger projects for which a prospectus is required under the provisions of the Public Buildings Act of 1959. Generally, line item projects are similar to construction projects in the scope of work involved and the multiyear timeframe for project completion. Line item projects are listed individually in GSA's appropriations acts and the obligational authority for each project is limited to the amount shown therein.

Nonline item projects.—Projects included in this category are generally short term in nature and funds can normally be obligated within a 1-year period. This category also includes projects which are recurring in nature, such as cyclic painting and the minor repair of defective building systems; for example, mechanical, plumbing, electrical, fire safety, and elevator system components.

ROGERS COURTHOUSE RENOVATION PROJECT

The Committee provided funding for the design of the Rogers Courthouse renovation project in Denver, Colorado, in fiscal year 2002 with the expectation that the construction funding, estimated to be $40,000,000, would be requested in fiscal year 2003. However, due to funding constraints, that level of funding is not available within the Federal Buildings Fund. The timing of the project had been planned to coordinate with the completion of the new Denver courthouse in late 2002 which will house the judicial offices currently occupying the Rogers Courthouse while renovations are underway. Therefore, in an effort to keep this project moving forward, the Committee has included an additional $9,000,000 for demolition and asbestos removal. The Committee fully expects that the remaining construction funds will be requested as part of the fiscal year 2004 budget submission.

PITTSBURGH U.S. POST OFFICE AND COURTHOUSE

The Pittsburgh U.S. Post Office and Courthouse was completed in 1934 and must be expanded to accommodate the U.S. Courts. Needed alterations include an upgrade of the building's exterior, plaza and parking ramp improvements, installation of a fire safety system, and expansion of the severely undersized main lobby. The Committee provided much needed funding for this project in fiscal year 2002. However, in order to complete the project, the Committee has provided an additional $2,810,000 in fiscal year 2003 for facade and window repairs, sprinkler system testing drains, millwork repairs, refurbishment of the lobbying revolving doors, sanitary/storm pipe repairs, corridor restoration, and replacement of basement garage doors.

INSTALLMENT ACQUISITION PAYMENTS

Limitation on availability, 2002	$186,427,000
Limitation on availability, 2003	178,960,000
Committee recommendation	178,960,000

The Committee recommends a limitation of $178,960,000 for installment acquisition payments. The Committee recommendation equals the budget estimate.

The Public Buildings Amendments of 1972 enables GSA to enter into contractual arrangements for the construction of a backlog of approved but unfunded projects. The purchase contracts require the Government to make periodic payments on these facilities over varying periods until title is transferred to the Government. This activity provides for the payment of principal, interest, taxes, and other required obligations related to facilities acquired pursuant to the Public Buildings Amendments of 1972 (40 U.S.C. 602a).

RENTAL OF SPACE

Limitation on availability, 2002	$2,952,050,000
Limitation on availability, 2003	3,153,211,000
Committee recommendation	3,153,211,000

The Committee recommends a limitation of $3,153,211,000 for rental of space. The Committee recommendation is equal to the budget estimate.

GSA is responsible for leasing general purpose space and land incident thereto for Federal agencies, except cases where GSA has delegated its leasing authority (for example, the Department of Veterans Affairs, as well as the Departments of Agriculture, Commerce, and Defense). GSA's policy is to lease privately owned buildings and land only when: (1) Federal space needs cannot be otherwise accommodated satisfactorily in existing Government-owned or leased space; (2) leasing proves to be more efficient than the construction or alteration of a Federal building; (3) construction or alteration is not warranted because requirements in the community are insufficient or are indefinite in scope or duration; or (4) completion of a new Federal building within a reasonable time cannot be assured.

BUILDING OPERATIONS

Limitation on availability, 2002	$1,748,949,000
Limitation on availability, 2003	1,965,160,000
Committee recommendation	1,965,160,000

The Committee recommends a limitation of $1,965,160,000 for building operations.

This activity provides for the operation of all Government-owned facilities under the jurisdiction of GSA and building services in GSA-leased space where the terms of the lease do not require the lessor to furnish such services. Services included in building operations are cleaning, protection, maintenance, payments for utilities and fuel, grounds maintenance, and elevator operations. Other related supporting services include various real property management and staff support activities such as space acquisition and assignment; the moving of Federal agencies as a result of space alterations in order to provide better space utilization in existing buildings; onsite inspection of building services and operations accomplished by private contractors; and various highly specialized contract administration support functions.

The space, operations, and services referred to above are furnished by GSA to its tenant agencies in return for payment of rent. Due to considerations unique to their operation, GSA also provides varying levels of above-standard services in agency headquarter facilities, including those occupied by the Executive Office of the President, such as the east and west wings of the White House.

POLICY AND CITIZEN SERVICES

SALARIES AND EXPENSES

Appropriations, 2002	.....
Budget estimate, 2003	$65,995,000
Committee recommendation	65,995,000

The Committee recommends an appropriation of $65,995,000 for salaries and expenses for the policy and operations of the General Services Administration.

Office of Governmentwide Policy provides for Government-wide policy development, support, and evaluation functions associated with real and personal property, supplies, vehicles, aircraft, information technology, acquisition, transportation and travel management. This office also provides for the Federal Procurement Data Center, Workplace Initiatives, Regulatory Information Service Center, the Catalog of Federal Domestic Assistance, and the Committee Management Secretariat. The Office of Government-wide Policy, working cooperatively with other agencies, provides the leadership needed to develop and evaluate the implementation of policies designed to achieve the most cost-effective solutions for the delivery of administrative services and sound workplace practices, while reducing regulations and empowering employees.

Office of Citizen Services provides leadership and support for electronic government initiatives and operates the official Federal portal through which citizens may access Federal information services electronically. The Federal Consumer Information Center is part of this office, though funded under a separate appropriation.

CHILD CARE CENTERS

The Committee recommends that funds provided to the Office of Policy and Operations continue to be used to issue and enforce regulations requiring any entity operating a child care center in a facility owned or leased by an executive agency to (1) comply with applicable State and local licensing requirements related to the provision of child care and (2) comply with center-based accreditation standards specified by the Administrator, if such a regulatory program is authorized.

COMPUTERS TO SCHOOLS PROGRAM

The Committee is aware that Indian tribal colleges and Alaska Native and Native Hawaiian serving institutions are being asked to undertake an increasing number of activities in Native communities related to education, employment and other training as part of the ongoing ''welfare to work'' transition mandated by the 1996 welfare reform law. To complement recent private sector donations of computers and related equipment to Indian tribes and Alaska Native and Native Hawaiian serving institutions, as part of its existing ''Computers to Schools'' program, the General Services Administration (GSA) is encouraged to work with the 31 Indian tribal colleges and Alaska Native and Native Hawaiian serving institutions to provide assistance to them in developing and upgrading the colleges' electronic capabilities. As part of this effort, GSA should utilize the 31 tribal colleges and Alaska Native and Native Hawaiian serving institutions as a discrete evaluation point as it works to meet these equipment needs. GSA's technical assistance will further enable the tribal colleges and Alaska Native and Native Hawaiian serving institutions to provide a higher quality of education to their students.

TELECOMMUTING CENTERS

The Committee encourages GSA to continue to promote telecommuting centers within the Federal Government in the Washington DC metro area as an effective means to provide an alternative workplace.

FEDERAL OFFICE BUILDING IN COLORADO SPRINGS

The Federal building located at 1520 Wilamette Avenue in Colorado Springs, Colorado, is owned by GSA and is currently

leased to the U.S. Air Force Space Command. It is the Committee's understanding that Space Command is moving ahead with options to vacate the facility. In the event that Space Command does not renew its lease and the facility becomes vacant and is deemed surplus, the Committee urges GSA to strongly consider the U.S. Olympic Committee's (USOC) need for additional space and to give priority to the USOC's request to gain title or acquire the property.

GSA FLEET VEHICLE STUDY

The Committee is aware of commercially-available technologies for standard vehicles that significantly improve fuel efficiencies and reduce harmful emissions through fuel treatments and catalysts. The Committee directs GSA to explore the use of these technologies and, if determined to be appropriate and economically feasible, incorporate them into GSA Fleet vehicles. The Committee directs GSA to report its findings to the Committee within 1 year.

FEDERAL BUILDING ACCESS

The Committee has learned that not all Federal identification is acceptable for immediate access to all Federal facilities. Rather, the tenants of some Federal Buildings have decided that only identification for staff who actually work in the building would allow immediate access and all other Federal visitors must wait in line to sign in before being allowed to enter. While the Committee understands the necessity for strict security, this inconsistency has created problems in some areas. Therefore, the Committee requests that GSA review this situation and report back 30 days after the date of enactment on their recommendations for a resolution to this problem.

ANGEL ISLAND IMMIGRATION STATION

The Committee directs the GSA to submit a report to the Committee within 30 days after the date of enactment on the status of the Angel Island Immigration Station which outlines the role of the GSA, the National Archives, the National Park Service, and any other relevant Federal agency in the effort to properly maintain, preserve and restore the Station as a national landmark.

CRAWFORD STREET FEDERAL BUILDING

The Committee is pleased by the progress that GSA has been making on the transfer of the Crawford Street Federal Building parking lot to the City of Portsmouth, Virginia, but is concerned that the negotiations have been ongoing for nearly a year without any real results. The Committee strongly encourages GSA to work with city officials to effectuate the property transfer.

OPERATING EXPENSES

SALARIES AND EXPENSES

Appropriations, 2002	.....
Budget estimate, 2003	$88,263,000
Committee recommendation	94,640,000

The Committee recommends $94,640,000 for this account.

Provides for the personal property utilization and donation activities of the Federal Supply Service and for the real property utilization and disposal activities of the Public Buildings Service, as well as agency-wide management and administration. These programs include utilization of real and personal property by Federal agencies and the transfer among agencies of excess real and personal property; disposal of surplus real property by sale, exchange, lease, permit, assignment, or transfer, as well as the protection and maintenance of excess and surplus real property pending its disposition; appraisal of excess and surplus property, necessary environmental and cultural analyses, reuse planning, and real property utilization surveys; Indian Trust Accounting, administrative support of Congressional District and Senate State offices, and Critical Infrastructure Protection initiatives in the Federal Technology Service including the Federal Computer Incident Response Capability, the focal point for detecting and responding to attacks on Federal civilian computer systems, and responsibilities for the Federal Public Key Infrastructure Steering Committee and its activities.

VIRTUAL ARCHIVE STORAGE TERMINAL

The Committee recognizes that in the interest of national security, it is imperative to enhance and expand the capability to capture and archive electronic data on a government-wide scale. As such, the Committee provided funds in fiscal year 2002 to continue development of data mining tools to instantly extract and match data from multiple sources to resolve the critical security issues of today's environment. The Committee recognizes the important advancements of the Virtual Archive Storage Terminal (VAST) and the importance of adding the high performance computing capability of this data mining system and has included $2,500,000 to continue this research effort.

DIGITAL LEARNING TECHNOLOGIES

The Committee has provided an additional $500,000 to continue the development, demonstration, and research of the digital medical education project in connection with the Upper Great Plains Native American Telehealth Program.

The Committee has also provided $500,000 for The University of Colorado Health Sciences Center's Digital TeleHealth Project. This project will employ digital medical education technology to promote the health and well-being of citizens in the eight-state Rocky Mountain region as well as American Indians and Alaska Natives nationwide.

GOVERNMENT RURAL OUTREACH INITIATIVE

The Committee is pleased with the work performed thus far on this rural areas outreach initiative. The Committee notes that the funds provided in fiscal year 2002 enabled the launching of the initiative to make electronic government services accessible to rural residents and to study and develop the technologies needed to ensure secure transactions of private information. The Committee has provided an additional $1,750,000 to continue this initiative.

UNITED STATES CONSENSUS COUNCIL

The Committee is aware of a bipartisan effort to create a United States Consensus Council. The response by national leaders to the attacks of September 11, 2001 has demonstrated the benefits of working together across party and political lines to address the Nation's most urgent priorities. The Council would provide ongoing support to Congress by bringing conflicting stakeholders to the table to resolve a wide range of difficult national policy issues. The Committee has provided $1,000,000, within existing resources and subject to enactment of the authorizing legislation, to initiate this effort.

VETERANS' ORAL HISTORY

The Committee strongly supports efforts of various organizations to make oral history recordings of the veterans of the Nation's foreign wars. The Committee has provided $250,000 for a grant to the North Dakota State Historical Society for costs associated with this effort in the State.

FINANCIAL TRANSACTION SOFTWARE

The Committee acknowledges the growing homeland security requirement to provide enhanced security for financial transactions. The Committee is aware of the efforts of organizations, such as the New York Institute for Advanced Studies in Software and Information Technology, to research and develop software focused on securing these transactions and has included $1,500,000 to assist in this effort.

JOHN ADAMS COLLECTION

The Committee is aware of the interest of the Boston Public Library in preserving and making accessible to scholars, researchers, and the general public its holdings of the John Adams collection. The Committee has provided an additional $500,000 to this account to assist in this effort.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2002	$36,346,000
Budget estimate, 2003	37,617,000
Committee recommendation	37,617,000

The Committee recommends an appropriation of $37,617,000 for the Office of Inspector General.

This appropriation provides agency-wide audit and investigative functions to identify and correct management and administrative deficiencies within the General Services Administration (GSA), which create conditions for existing or potential instances of fraud, waste and mismanagement. This audit function provides internal audit and contract audit services. Contract audits provide professional advice to GSA contracting officials on accounting and financial matters relative to the negotiation, award, administration, repricing, and settlement of contracts. Internal audits review and evaluate all facets of GSA operations and programs, test internal control systems, and develop information to improve operating efficiencies and enhance customer services. The investigative function provides for the detection and investigation of improper and illegal activities involving GSA programs, personnel, and operations.

ELECTRONIC GOVERNMENT (E-GOV) FUND

Appropriations, 2002	$5,000,000
Budget estimate, 2003	45,000,000
Committee recommendation	5,000,000

The Committee has agreed with the administration's request to create a new account to support interagency electronic government or ''e-gov'' initiatives, and has recommended an appropriation of $5,000,000, to remain available through fiscal year 2004. This will allow the administration to begin this effort to develop and implement innovative uses of the Internet and other electronic media to provide individuals, businesses, and other Government agencies with simpler and more timely access to Federal information, benefits, services, and business opportunities. It is hoped that the resulting initiative will allow agencies to provide the public with optional use and acceptance of electronic information, services, and signatures by October 2003 as required under the Government Paperwork Elimination Act.

Proposals for funding must meet capital planning guidelines and include adequate documentation to demonstrate a sound business case, attention to security and privacy, and a way to measure performance against planned results. The Office of Management

and Budget would control the allocation of the fund and direct its use for information systems projects and affect multiple agencies and offer the greatest improvements in access and service.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

Appropriations, 2002	$3,196,000
Budget estimate, 2003	3,339,000
Committee recommendation	3,339,000

The Committee recommends $3,339,000 for allowances and office staff for former Presidents.

This appropriation provides support consisting of pensions, office staffs, and related expenses for former Presidents Gerald R. Ford, Jimmy Carter, Ronald Reagan, George Bush, and William Jefferson Clinton, and for pension and postal franking privileges for the widow of former President Lyndon B. Johnson.

Below is listed a detailed breakdown of the fiscal year 2003 funding:

GENERAL SERVICES ADMINISTRATION—ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

[In thousands of dollars]

	Fiscal year 2003 request—former Presidents					Widows	Total
	Ford	Carter	Reagan	Bush	Clinton		
Personnel Compensation	96	96	96	96	150	.....	534
Personnel Benefits	24	6	24	35	56	.....	145
Benefits for Former Presidents	170	170	170	170	175	20	875
Travel	50	2	16	58	58	.....	184
Rental Payments to GSA	112	102	140	174	436	.....	964
Communications, Utilities and Miscellaneous charges:							
Telephone	25	25	17	14	29	.....	110
Postage	9	20	10	14	22	2	77
Printing	6	5	13	12	15	.....	51
Other Services	14	67	20	26	82	.....	209
Supplies & Materials	11	6	21	11	25	.....	74
Equipment	4	9	3	64	36	.....	116
Total Obligations	521	508	530	674	1,084	22	3,339

GSA GENERAL PROVISIONS

The Committee has recommended the inclusion of the following general provisions:

Section 401 continues a provision which authorizes GSA to credit accounts with certain funds received from Government corporations.

Section 402 continues a provision which authorizes GSA to use funds for the hire of passenger motor vehicles.

Section 403 continues a provision which authorizes GSA to transfer funds within the Federal buildings fund for meeting program requirements.

Section 404 continues a provision which limits funding for courthouse construction which does not meet certain standards of a capital improvement plan.

Section 405 continues a provision which provides that no funds may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided, to any agency which does not pay the requested rate.

Section 406 continues a provision which allows pilot information technology projects to be repaid from the information technology fund.

Section 407 continues a provision which authorizes GSA to pay claims up to $2,000,000 from construction projects and acquisition of buildings.

Section 408 is a new provision to name the Judge Dan M. Russell, Jr. Federal Building and United States Courthouse in Gulfport, Mississippi.

Section 409 is a new provision to name the Alfonse M. D'Amato United States Courthouse in Central Islip, New York.

Section 410 is a new provision to name the Cesar E. Chavez Memorial Building in Denver, Colorado.

Section 411 is a new provision to permit GSA to sell a parcel of land on an installment payment basis over a 5-year period.

Section 412 is a new provision to name the Richard Sheppard Arnold United States Courthouse in Little Rock, Arkansas.

Section 413 is a new provision to permit GSA to acquire additional parcels of land in Salt Lake City, Utah, in order to relocate an historical building.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

Appropriations, 2002	$30,555,000
Budget estimate, 2003	31,790,000
Committee recommendation	31,788,000

The Committee recommends an appropriation of $31,788,000 for the Merit Systems Protection Board (MSPB).

MSPB assists Federal agencies in running a merit-based civil service system. This is accomplished on a case-by-case basis through hearing and deciding employee appeals, and on a systemic basis by reviewing significant actions and regulations of the Office of Personnel Management (OPM) and conducting studies of the civil service and other merit systems. These actions are designed to assure that personnel actions taken against employees are processed within the law, and that actions taken by OPM and other agencies support and enhance Federal merit principles.

LIMITATION

(TRANSFER OF TRUST FUNDS)

Appropriations, 2002	$2,520,000
Budget estimate, 2003	2,594,000
Committee recommendation	2,594,000

The Committee has recommended a limitation of $2,594,000 on the amount to be transferred from the civil service retirement and disability fund to the Board to cover administrative expenses to adjudicate retirement appeals cases.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Appropriations, 2002	$1,996,000
Budget estimate, 2003	1,996,000
Committee recommendation	1,996,000

The Committee recommends an appropriation of $1,996,000 for these activities of the Morris K. Udall Foundation. The Committee includes language to allow up to 60 percent of the appropriation to be used for the expenses of the Native Nations Institute. The Committee also includes language requiring the Foundation to report to the Committee on the amount of funding, if any, transferred from the Trust Fund for the Native Nations Institute, and directs that this report include an itemization of planned Native Nations Institute expenditures for fiscal year 2003. The Committee further directs the Foundation to describe as part of the report its justification for such a transfer. Future budget justifications submitted to Congress regarding this effort are to contain detailed information on the actual expenditures of past years as well as detailed information on planned expenditures for the current and budget years.

The General Fund payment to the Morris K. Udall Fund is invested in Treasury securities with maturities suitable to the needs of the Fund. Interest earnings from the investments are used to carry out the activities of the Morris K. Udall Foundation. The Foundation awards scholarships, fellowships and grants, and funds activities of the Udall Center.

Public Law 106–568 authorized the Morris K. Udall Foundation to establish training programs for professionals in health care policy and public policy, such as the Native Nations Institute (NNI). NNI, based at the University of Arizona, will provide Native Americans with leadership and management training and analyze policies relevant to tribes.

MORRIS K. UDALL ENVIRONMENTAL DISPUTE RESOLUTION FUND

Appropriations, 2002	$1,309,000
Budget estimate, 2003	1,309,000
Committee recommendation	1,309,000

The U.S. Institute for Environmental Conflict Resolution is a Federal program established by Public Law 105–156 to assist parties in resolving environmental, natural resource, and public lands conflicts. The Institute is part of the Morris K. Udall Foundation, and serves as an impartial, non-partisan institution providing professional expertise, services, and resources to all parties involved in such disputes. The Institute helps parties determine whether collaborative problem solving is appropriate for specific environmental conflicts, how and when to bring all the parties to the table, and whether a third-party facilitator or mediator might be helpful in assisting the parties in their efforts to each consensus or to resolve the conflict. In addition, the Institute maintains a roster of qualified facilitators and mediators with substantial experience in environmental conflict resolution, and can help parties in selecting an appropriate neutral.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

Appropriations, 2002	$245,847,000
Budget estimate, 2003	256,731,000
Committee recommendation	249,731,000

The Committee recommends an appropriation of $249,731,000 for Operating Expenses of the National Archives and Records Administration (NARA). The Committee has not included funding for Homeland Security records activities because the funds cannot be obligated during fiscal year 2003.

NARA provides for basic operations dealing with management of the Government's archives and records, operation of Presidential Libraries, and for the review for declassification of classified security information.

Records services.—This activity provides for selecting, preserving, describing, and making available to the general public, scholars, and Federal agencies the permanently valuable historical records of the Federal Government; the historical materials and Presidential records in Presidential Libraries; for preparing related publications and exhibit programs; and for conducting the appraisal of all Federal records.

Through the records declassification program, historically valuable information in the records of the Federal Government and in donated historical materials are made available to the public by declassifying as much information as possible without endangering the national security.

This activity also provides oversight for the information security program established by Executive Order 12958 as amended by Executive Order 13142 and reports annually to the President on the status of that program. It is also responsible for policy oversight for the National Industrial Security Program established under Executive Order 12829.

NARA, in research and development collaboration with national and international partners, is building an Electronic Records Archives (ERA) that will ensure the preservation of, and access to, Government electronic records. The pace of technological progress makes formats in which the records are stored obsolete within a few years, threatening to make them inaccessible even if they are preserved intact. ERA will preserve electronic records, regardless of the original format, retain them indefinitely, and enable requesters to access them on computer systems now and in the future.

Archives related services.—This activity provides for the publication of the Federal Register, the Code of Federal Regulations, the U.S. Statutes-at-Large, and Presidential documents, and for a program to improve the quality of regulations and the public's access to them. It also includes the administration and reference services portion for the National Historical Publications and Records Commission. This Commission makes grants nationwide to preserve and publish records that document American history.

Archives II Facility.—Provides for construction and related services of the new archival facility which was opened to the public in 1993. Costs of construction are financed by $302 million of federally guaranteed debt issued in 1989. Since 1994 and continuing in 2003, the Archives seeks appropriations for the annual payments for interest and redemption of debt to be made under the contract for construction and related services.

Homeland security information sharing.—Provides for training personnel at the State and local level in the proper use and handling of classified and sensitive but unclassified homeland security information. Funding will also be used to facilitate security clearances for appropriate individuals at the State and local level, and to ensure that Federal agencies have the necessary classification authority for homeland security information.

VETERAN'S RECORDS PROCESSING

The Committee is pleased to note the exceptional progress being made by the National Military Personnel Records Center, St. Louis, MO in responding to requests for military service records. The Center is ahead of the goals presented to the Committee at the beginning of the year with over 33 percent of requests being fully answered within 10 days and almost half of all requests being filled within 15 days of receipt. The Committee applauds the work of the staff of the Center and requests a report update with the submission of next year's budget.

ARCHIVES FACILITIES REPAIRS AND RESTORATION

Appropriations, 2002	$40,143,000
Budget estimate, 2003	10,458,000
Committee recommendation	14,208,000

The Committee recommends an appropriation of $14,208,000. The Committee has included $3,750,000 to acquire land in Anchorage, Alaska to build a new regional archives and records facility. The funds will be used to reimburse the General Service Administration for land acquisition services and for the purchase of approximately 10 acres of land.

This account provides for the repair, alteration, and improvement of Archives facilities and Presidential Libraries nationwide, and provides adequate storage for holdings. It will better enable the National Archives to maintain its facilities in proper condition for public visitors, researchers, and employees in NARA facilities, and also maintain the structural integrity of the buildings. These funds will determine appropriate options for preserving and providing access to 20th century military service records. These funds will allow NARA to complete preliminary design studies and analysis, including workflow and cost estimates, for housing and access options for these massive and valuable records. Technology and facility approaches will be examined.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

Appropriations, 2002	$6,436,000
Budget estimate, 2003	5,000,000
Committee recommendation	7,000,000

The Committee recommends an appropriation of $7,000,000. This amount is $2,000,000 above the budget request.

The National Historical Publications and Records Commission (NHPRC) provides grants nationwide to preserve and publish records that document American history. Administered within the National Archives, which preserves Federal records, NHPRC helps State, local, and private institutions preserve non-Federal records, helps publish the papers of major figures in American history, and helps archivists and records managers improve their techniques, training, and ability to serve a range of information users.

Records Center Revolving Fund.—The NARA Records Center Revolving Fund provides low cost services, on a standard price basis, to Federal agency customers for quality storage and accession, reference, refile, and disposal services for records stored in service centers.

National Archives Gift Fund.—The National Archives Trust Fund Board may solicit and accept gifts or bequests of money, securities, or other personal property, for the benefit of or in connection with the national archival and records activities administered by the National Archives and Records Administration (44 U.S.C. 2305).

In accordance with 44 U.S.C. 2112, the Bush Presidential Library received a $4 million endowment from the Bush Library Foundation. The money was deposited in the gift fund and invested in accordance with established National Archives Trust and Gift Fund procedures. Income earned on the investment will be used to offset a portion of the Library's operation and maintenance costs.

National Archives Trust Fund.—The Archivist of the United States furnishes, for a fee, copies of unrestricted records in the custody of the National Archives (44 U.S.C. 2116). Proceeds from the sale of copies of microfilm publications, reproductions, special works, and other publications, as well as admission fees to Presidential Library museum rooms, are deposited in this fund (44 U.S.C. 2112, 2307).

STATEHOOD INITIATIVE

Communities in Hawaii and Alaska are preparing to celebrate the 50th anniversary of Alaska and Hawaii Statehood. The Committee provides $500,000, to be split evenly between the University of Hawaii and the University of Alaska, to catalog the historic records and artifacts relating to Statehood, and to improve the exhibit presentation in preparation for the Statehood celebrations.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

Appropriations, 2002	$10,117,000
Budget estimate, 2003	10,488,000
Committee recommendation	10,486,000

The Committee recommends an appropriation of $10,486,000 for salaries and expenses of the Office of Government Ethics (OGE) in fiscal year 2003.

OGE is charged by law to provide overall direction of Executive Branch policies designed to prevent conflicts of interest and insure high ethical standards. OGE carries out these responsibilities by developing rules and regulations pertaining to conflicts of interest, post employment restrictions, standards of conduct, and public and confidential financial disclosure in the Executive Branch; by monitoring compliance with the public and confidential disclosure requirements of the Ethics Reform Act of 1978 and the Ethics Reform Act of 1989 to determine possible violations of applicable laws or regulations and recommending appropriate corrective action; by consulting with and assisting various officials in evaluating the effectiveness of applicable laws and the resolution of individual problems; and by preparing formal advisory opinions, informal letter opinions, policy memoranda, and Federal Register entries on how to interpret and comply with the requirements on conflicts of interest, post employment, standards of conduct, and financial disclosure.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

Appropriations, 2002	$99,636,000
Budget estimate, 2003	128,804,000
Committee recommendation	128,736,000

The Committee recommends an appropriation of $128,736,000 for the salaries and expenses of the Office of Personnel Management (OPM).

OPM is responsible for personnel management functions which include the following activities:

Merit systems oversight and effectiveness.—Includes evaluating human resources management in Federal agencies through various methods including on-site reviews land special studies; administering classification appeals, Fair Labor Standards Act, and Intergovernmental Personnel programs to ensure that agencies adhere to the statutory requirements; helping agencies develop merit-based human resources management accountability; assessing the effectiveness of Government-wide human resources management policies and programs, and serving as a clearinghouse for best practices; testing and evaluating innovative human resources management practices and systems, including demonstration projects; providing readily accessible statistics on the Federal workforce; and administering parts of the Voting Rights Act of 1965.

Employment service.—Provides leadership and manages the merit-based employment system for the Federal Government. In partnership with agencies, the Service provides a high-quality, diverse workforce through a mix of policy direction, technical assistance, and reimbursable services. These operations are carried out through a network of Service Centers throughout the country.

Retirement and Insurance.—This activity encompasses administration of earned employee benefits for Federal employees, retired Federal employees, and their families. These programs include the Civil Service Retirement System, the Federal Employees' Retirement System, the Federal Employees Group Life Insurance Program, and the Federal Employees and Retired Employees Health Benefits Programs. In addition, this activity includes OPM's efforts to stay abreast of, and respond to, developments in non-Federal fringe benefits practices.

Workforce compensation and performance.—This activity includes developing and implementing pay and leave administration policy and evaluating the effectiveness of alternative compensation systems; developing classification policies and systems, and designing flexible alternatives to current systems; and developing Government-wide policy concerning employee performance management.

Investigations.—Focuses on assuring applicant and appointee fitness and suitability, and oversight of the investigative contract company.

Workforce relations.—This activity includes developing and administering policies, regulations and guidelines on employee relations, including adverse and performance-based actions and violence in the workplace; facilitating and supporting Federal work and family programs; providing leadership and policy guidance in support of agency human resources development programs and training technology initiatives; and providing guidance and assistance to Federal agencies in labor-management relations and partnerships.

Executive resources.—Provides Government-wide program leadership, policy direction, and technical assistance on all aspects of the Senior Executive Service personnel system and comparable executive systems.

Executive and other services.—Includes executive direction, policy development, legal advise and representation, public affairs, legislative activities, financial management, and the operating expenses of the President's Commission on White House Fellows.

Reimbursable programs.—OPM performs reimbursable work at the request of other agencies. OPM also provides administrative, information resources management, and executive service to other OPM accounts on a reimbursable basis.

VOTING RIGHTS ACT

The Committee continues to include a provision requested by the administration to allow Federal employees acting as Voting Rights Act observers to receive per diem at their permanent duty station. This provision makes it feasible for these observers to work in local areas and allow the Government to discontinue the practice of recruiting observers from distant locations and assuming the per diem, as well as travel costs.

CHILD CARE ASSISTANCE

The Committee remains concerned that child care expenses are often the second or third largest monthly expense Federal employees face. Additionally, many lower paid Federal workers are unable to afford quality child care. As private industry has increasingly used subsidized child care for its employees as an effective productivity enhancement, retention and recruiting tool, the Committee believes the Federal Government must continue its commitment to do the same.

The Committee is concerned about the limited number of infant spots in Federal child care facilities and the resulting impact on working parents. Therefore, the Committee directs the Office of Personnel Management, working in consultation with the General Services Administration, to assess the past, current, and future needs of child care centers, including both infant and non-infant needs, in the Federal Government and provide a report to the Committee within 90 days after enactment of this Act on a plan to address these needs and the resources required to do so. The Committee expects OPM to coordinate with all Federal agencies in this effort.

BARNSTABLE COUNTY, MASSACHUSETTS

The Committee understands that on October 1, 2002, the Federal Salary Council recommended that Barnstable County be included as part of the Boston-Worcester-Lawrence, MA-NH-ME-RI-CT Locality Pay Area (LPA). The Committee directs OPM to provide a report detailing its intention with regard to implementing this recommendation within 45 days after enactment of this Act. Additionally, the Committee directs OPM to consider the Connecticut River Valley for inclusion into the Hartford Locality Pay Area, because of the difficulties some Federal agencies have documented in retaining and attracting Federal employees in the Connecticut River Valley.

LIMITATION

(TRANSFER OF TRUST FUNDS)

Limitation, 2002	$115,928,000
Budget estimate, 2003	120,791,000
Committee recommendation	120,791,000

The Committee recommends a limitation of $120,791,000.

These funds will be transferred from the appropriate trust funds of the Office of Personnel Management to cover administrative expenses for the retirement and insurance programs.

RETIREMENT SYSTEMS MODERNIZATION

Over the past several years, the Federal Government has expended hundreds of millions of dollars on automation hardware and software without significant planning and architectural design. The General Accounting Office (GAO) has documented problems with design and systems procurement on countless occasions. The Committee is supportive of providing the technology necessary to modernize the Federal employee retirement system technology, but is concerned given past history with other Federal agencies. In fiscal year 2002, the Committee recommended that OPM reach out to GAO for guidance and support on this initiative and encouraged the establishment of a relationship for the duration of this project. The Committee is disappointed that OPM did not act upon that suggestion. Therefore, the Committee directs OPM to conduct quarterly meetings with GAO and inform the Committee on the progress of this IT modernization project.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

Appropriations, 2002	$1,498,000
Budget estimate, 2003	1,498,000
Committee recommendation	1,498,000

The Committee recommends an appropriation of $1,498,000 for salaries and expenses of the Office of Inspector General in fiscal year 2003.

The Office of Inspector General is charged with establishing policies for conducting and coordinating efforts which promote economy, efficiency, and integrity in the Office of Personnel Management's activities which prevent and detect fraud, waste, and mismanagement in the agency's programs. Contract audits provide professional advice to agency contracting officials on accounting and financial matters regarding the negotiation, award, administration, repricing, and settlement of contracts. Internal agency audits review and evaluate all facets of agency operations, including financial statements. Evaluation and inspection services provide detailed technical evaluations of agency operations. Insurance audits review the operations of health and life insurance carriers, health care providers, and insurance subscribers. The investigative function provides for the detection and investigation of improper and illegal activities involving programs, personnel, and operations. Administrative sanctions debar from participation in the health insurance program those health care providers whose conduct may pose a threat to the financial integrity of the program itself or to the well-being of insurance program enrollees.

(LIMITATION ON TRANSFER FROM TRUST FUNDS)

Limitation, 2002	$10,016,000
Budget estimate, 2003	10,766,000
Committee recommendation	10,766,000

The Committee recommends a limitation on transfers from the trust funds in support of the Office of Inspector General activities totaling $10,766,000 for fiscal year 2003.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

Appropriations, 2002	$6,129,000,000
Budget estimate, 2003	6,853,000,000
Committee recommendation	6,853,000,000

The Committee recommends an appropriation of $6,853,000,000 for Government payments for annuitants, employees health benefits. The Committee recommendation equals the budget estimate.

This appropriation covers the Government's share of the cost of health insurance

for annuitants covered by the Federal Employees Health Benefits Program and the Retired Federal Employees Health Benefits Act of 1960, as well as administrative expenses incurred by OPM for these programs.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

Appropriations, 2002	$34,000,000
Budget estimate, 2003	34,000,000
Committee recommendation	34,000,000

The Committee recommends an appropriation of $34,000,000 for the Government payment for annuitants, employee life insurance. This amount equals the budget request.

Public Law 96–427, the Federal Employees' Group Life Insurance Act of 1980 requires that all employees under the age of 65 who separate from the Federal Government for purposes of retirement on or after January 1, 1990, continue to make contributions toward their basic life insurance coverage after retirement until they reach the age of 65. These retirees will contribute two-thirds of the cost of the basic life insurance premium, identical to the amount contributed by active Federal employees for basic life insurance coverage. As with the active Federal employees, the Government is required to contribute one-third of the cost of the premium for basic coverage. OPM, acting as the payroll office on behalf of Federal retirees, has requested, and the Committee has provided, the funding necessary to make the required Government contribution associated with annuitants' postretirement life insurance coverage.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

Appropriations, 2002	$9,229,000,000
Budget estimate, 2003	9,410,000,000
Committee recommendation	9,410,000,000

The Committee recommends an appropriation of $9,410,000,000 for payment to the civil service retirement and disability fund. The Committee recommendation equals the budget estimate.

The civil service retirement and disability fund was established in 1920 to administer the financing and payment of annuities to retired Federal employees and their survivors. The fund covers the operation of the Civil Service Retirement System and the Federal Employees' Retirement System.

This appropriation provides for the Government's share of retirement costs, transfers of interest on the unfunded liability and annuity disbursements attributable to military service, and survivor annuities to eligible former spouses of some annuitants who did not elect survivor coverage.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

Appropriations, 2002	$11,891,000
Budget estimate, 2003	12,434,000
Committee recommendation	12,434,000

The Committee recommends an appropriation of $12,434,000 for the Office of Special Counsel (OSC).

OSC investigates Federal employee allegations of prohibited personnel practices and, when appropriate, prosecutes cases before the Merit Systems Protection Board and enforces the Hatch Act. OSC also provides a channel for whistleblowing by Federal employees, and may transmit whistleblowing allegations to the agency head concerned and require an agency investigation and a report to Congress and the President when appropriate.

U.S. TAX COURT

SALARIES AND EXPENSES

Appropriations, 2002	$37,305,000
Budget estimate, 2003	37,305,000
Committee recommendation	37,305,000

The Committee recommends an appropriation of $37,305,000 for the U.S. Tax Court.

The U.S. Tax Court is an independent judicial body in the legislative branch under article I of the Constitution of the United States. The court is composed of a chief judge and 18 judges. Decisions by the court are reviewable by the U.S. Courts of Appeals and, if certiorari is granted, by the Supreme Court.

In their judicial duties the judges are assisted by senior judges, who participate in the adjudication of regular cases, and by special trial judges, who hear small tax cases and certain regular cases assigned to them by the chief judge.

The court conducts trial sessions throughout the United States, including Hawaii and Alaska. The matters over which the Court has jurisdiction are set forth in various sections of title 26 of the United States Code.

Tax Court Independent Counsel Fund.—This fund is established pursuant to 26 U.S.C. 7475. The fund is used by the Tax Court to employ independent counsel to pursue disciplinary matters involving practitioners admitted to practice before the Court.

Tax Court Judges Survivors Annuity Fund.—This fund established pursuant to 26 U.S.C. 7448, is used to pay survivorship benefits to eligible surviving spouses and dependent children of deceased judges of the U.S. Tax Court. Participating judges pay 3.5 percent of their salaries or retired pay into the fund to cover creditable service for which payment is required. Additional funds, as are needed, are provided through the annual appropriation to the U.S. Tax Court.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

Appropriations, 2002	$500,000
Budget estimate, 2003——	250,000
Committee recommendation——	250,000

The Committee recommends an appropriation of $250,000 for the White House Commission on the National Moment of Remembrance. This is the same as the President's request. The Commission was established and authorized by Public Law 106–579. The Commission will also accept gifts and generate product royalty revenue in order to revitalize the national understanding and commemoration of Memorial Day. The Defense Emergency Response Fund included $500,000 for the Commission in fiscal year 2002.

STATEMENT CONCERNING GENERAL PROVISIONS

Traditionally, the Treasury and General Government appropriation bill has included general provisions which govern both the activities of the agencies covered by the bill, and, in some cases, activities of agencies, programs, and general government activities that are not covered by the bill. Those general provisions that are Governmentwide in scope are contained in title VI of this bill.

The bill contains a number of general provisions that have been carried in this bill for years and which are routine in nature and scope. General provisions in the bill are explained under this section of the report. Those general provisions that deal with a single agency only are shown immediately following that particular agency's or department's appropriation accounts in the bill. Those general provisions that address activities or directives affecting all of the agencies covered in this bill are contained in title V of the bill.

TITLE V—GENERAL PROVISIONS

THIS ACT

Section 501 continues a provision which limits the use of appropriated funds to the current fiscal year.

Section 502 continues a provision regarding consultant services.

Section 503 continues a provision which prohibits the use of funds to engage in activities which would prohibit in the enforcement of section 307 of the 1930 Tariff Act.

Section 504 continues the provision concerning the employment rights of Federal employees who return to their civilian jobs after assignment with the Armed Forces.

Section 505 continues a provision which requires compliance with the Buy American Act.

Section 506 continues a provision which states the sense of Congress regarding notice and purchase of American-made products.

Section 507 continues a provision which prohibits an individual from eligibility for Government contracts if a court determines that individual has intentionally fraudulently affixed a ''Made in America'' label to any product non-American made.

Section 508 continues a provision which provides up to 50 percent of unobligated balances may remain available for authorized purposes in compliance with reprogramming guidelines.

Section 509 continues a provision which prohibits the Executive Office of the President from using appropriated funds to request FBI background investigation reports.

Section 510 continues a provision that cost accounting standards under the Federal Procurement Policy Act shall not apply to the Federal Employees Health Benefits program.

Section 511 continues a provision permitting OPM to utilize certain funds to resolve litigation and implement settlement agreements regarding the non-foreign area cost-of-living allowance program.

Section 512 continues a provision prohibiting the use of funds to any person or entity convicted of violating the Buy American Act.

Section 513 is a new provision concerning procurement of goods made with forced or indentured child labor.

Section 514 is a new provision increasing the size of the endowment for future Presidential libraries.

TITLE VI—GENERAL PROVISIONS, DEPARTMENTS, AGENCIES, AND CORPORATIONS

The Committee has recommended the inclusion of the following general provisions:

Section 601 continues a provision authorizing agencies to pay travel costs of the families of Federal employees on foreign duty to return to the United States in the event of death or a life threatening illness of an employee.

Section 602 continues a provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from the illegal use of controlled substances.

Section 603 continues a provision regarding price limitations on vehicles to be purchased by the Federal Government.

Section 604 continues a provision allowing funds made available to agencies for travel to also be used for quarters allowances and cost-of-living allowances.

Section 605 continues a provision prohibiting the Government, with certain specified exceptions, from employing non-U.S. citizens whose posts of duty would be in the continental United States.

Section 606 continues a provision ensuring that agencies will have authority to pay the General Services Administration bills for space renovation and other services.

Section 607 continues a provision allowing agencies to finance the costs of recycling and waste prevention programs with proceeds from the sale of materials recovered through such programs.

Section 608 continues a provision providing that funds may be used to pay rent and other service costs in the District of Columbia.

Section 609 continues a provision prohibiting the use of appropriated funds to pay the salary of any nominee after the Senate voted not to approve the nomination.

Section 610 continues a provision precluding interagency financing of groups absent prior statutory approval.

Section 611 continues a provision authorizing the Postal Service to employ guards.

Section 612 continues a provision prohibiting the use of appropriated funds for enforcing regulations disapproved in accordance with the applicable law of the United States.

Section 613 continues a provision limiting the pay increases of certain prevailing rate employees.

Section 614 continues a provision limiting the amount that can be used for redecoration of offices under certain circumstances.

Section 615 continues provision prohibiting the expenditure of appropriated funds for the acquisition of additional law enforcement training facilities without the advance approval of the Committees on Appropriations and allowing the Federal Law Enforcement Training Center to obtain temporary use of additional facilities for training which cannot be accommodated in existing Center facilities.

Section 616 continues a provision permitting interagency funding of national security and emergency preparedness telecommunications initiatives, which benefit multiple Federal departments, agencies, and entities.

Section 617 continues a provision requiring agencies to certify that a schedule C appointment was not created solely or primarily to detail the employee to the White House.

Section 618 continues a provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment.

Section 619 continues a provision which prohibits the U.S. Customs Service from allowing the importation of products produced by forced or indentured child labor.

Section 620 continues a provision which prohibits the use of funds to prevent Federal employees from communicating with Congress or to take disciplinary or personnel actions against employees for such communication.

Section 621 continues a provision which prohibits training not directly related to the performance of official duties.

Section 622 continues a provision prohibiting the expenditure of funds for the implementation of agreements in certain nondisclosure policies unless certain provisions are included in the policies.

Section 623 continues a provision which prohibits use of appropriated funds for publicity or propaganda designed to support or defeat legislation pending before Congress.

Section 624 continues a provision which prohibits use of appropriated funds by an agency to provide Federal employees home address to labor organizations.

Section 625 continues a provision which prohibits the use of appropriated funds to provide nonpublic information such as mailing or telephone lists to any person or organization outside of the Government.

Section 626 continues a provision which prohibits the use of appropriated funds for publicity or propaganda purposes within the United States not authorized by Congress.

Section 627 continues a provision directing agencies employees to use official time in an honest effort to perform official duties.

Section 628 continues a provision authorizing the use of current fiscal year funds to finance an appropriate share of the Joint Financial Management Improvement Program.

Section 629 modifies and continues a provision authorizing agencies to transfer funds to or reimburse the Policy and Operations account of GSA to finance an appropriate share of the Joint Financial Management Improvement Program.

Section 630 continues a provision authorizing breastfeeding at any location in a Federal building or on Federal property.

Section 631 continues a provision which permits interagency funding of the National Science and Technology Council.

Section 632 continues a provision requiring identification of the Federal agencies providing Federal funds and the amount provided for all proposals, solicitations, grant applications, forms, notifications, press releases, or other publications related to the distribution of funding to a State.

Section 633 modifies and continues a provision which extends the authorization for franchise fund pilots for 1 year.

Section 634 continues a provision prohibiting the use of funds to monitor personal information relating to the use of Federal internet sites; the conferees apply this provision government-wide.

Section 635 continues a provision regarding contraceptive coverage under the Federal Employees Health Benefits Plan.

Section 636 continues a provision which clarifies that the United States Anti-Doping Agency is the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

Section 637 is a new provision regarding Federal employee pay adjustments.

Section 638 continues a provision directing departments and agencies to comply with the Rural Development Act of 1972.

Section 639 is a new provision extending the expiration date of certain government information security requirements.

COMPLIANCE WITH PARAGRAPH 7, RULE XVI, OF THE STANDING RULES OF THE SENATE

Paragraph 7 of rule XVI requires that Committee reports on general appropriations bills identify each Committee amendment to the House bill ''which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.''

The Committee recommends the following appropriations which lack authorization:

Department of the Treasury:

Departmental Offices:

Salaries and expenses, $191,887,000

Department-wide Systems and Capital Investments Program, $68,828,000

Air Transportation Stabilization Program, $6,041,000

Treasury Building and annex, repair and restoration, $30,932,000

Financial Crimes Enforcement Network, salaries and expenses, $50,517,000

Federal Law Enforcement Training Center:

Salaries and expenses, $126,660,000

Acquisition, construction, improvements, and related expenses, $32,029,000

Financial Management Service, salaries and expenses, $220,664,000

Bureau of Alcohol, Tobacco and Firearms:

Salaries and expenses, $888,430,000

U.S. Customs Service:

Salaries and expenses, $2,501,488,000

Operation and maintenance, air and marine interdiction programs, $177,829,000

Automation modernization, $435,332,000

Internal Revenue Service:

Processing, assistance, and management, $3,955,770,000

Tax law enforcement, $3,729,072,000

Earned Income Tax Credit, $146,000,000

Information systems, $1,632,444,000

Executive Office of the President:

The White House Office, salaries and expenses, $59,735,000

Office of Homeland Security, $24,844,000

Executive Residence at the White House, operating expenses, $12,228,000

Special Assistance to the President, salaries and expenses, $4,066,000

Council of Economic Advisers, salaries and expenses, $4,405,000

National Security Council, salaries and expenses, $9,525,000

Office of Administration, salaries and expenses, $70,128,000

Office of Management and Budget, salaries and expenses, $70,752,000

Office of National Drug Control Policy, salaries and expenses, $26,456,000

Counterdrug Technology Assessment Center, salaries and expenses, $40,000,000

High-intensity drug trafficking areas, $226,350,000

Federal Election Commission, salaries and expenses, $45,244,000

Federal Labor Relations Authority, salaries and expenses, $28,677,000

General Services Administration, Federal buildings fund, limitations on availability of revenue: Construction and Acquisition of Facilities, $631,663,000

National Historical Publications and Records Commission, $7,000,000

Office of Government Ethics, salaries and expenses, $10,486,000

U.S. Tax Court, salaries and expenses, $37,305,000

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include ''(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee.''

In compliance with this rule, the following changes in existing law proposed to be made by the bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is printed in italic; and existing law in which no change is proposed is shown in roman.

With respect to this bill, it is the opinion of the Committee that it is necessary to dispense with these requirements in order to expedite the business of the Senate.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
TITLE I—DEPARTMENT OF THE TREASURY					
Departmental Offices	177,142	191,914	191,887	+14,745	−27
Department-wide systems and capital investments programs	68,828	68,828	68,828		
Office of Inspector General	35,424	35,428	35,424		−4
Treasury Inspector General for Tax Administration	123,746	123,962	123,962	+216	
9/11 Supplemental (Public Law 107–117)	2,032			−2,032	
Subtotal	125,778	123,962	123,962	−1,816	
Air Transportation Stabilization Program Account		6,041	6,041	+6,041	
Treasury Building and Annex Repair and Restoration	28,932	32,932	30,932	+2,000	−2,000
Expanded Access to Financial Services	2,000	2,000	2,000		
Counterterrorism Fund	40,000	40,000	20,000	−20,000	−20,000
Treasury franchise fund					
Financial Crimes Enforcement Network	45,837	50,517	50,517	+4,680	
9/11 Supplemental (Public Law 107–117)	1,700			−1,700	
Subtotal	47,537	50,517	50,517	+2,980	
Federal Law Enforcement Training Center:					
Salaries and Expenses	105,680	122,393	126,660	+20,980	+4,267
9/11 Supplemental (Public Law 107–117)	23,000			−23,000	
Subtotal	128,680	122,393	126,660	−2,020	+4,267
Acquisition, Construction, Improvements, and Related Expenses	33,434	23,329	32,029	−1,405	+8,700
9/11 Supplemental (Public Law 107–117)	8,500			−8,500	
Subtotal	41,934	23,329	32,029	−9,905	+8,700
Total	170,614	145,722	158,689	−11,925	+12,967
Interagency Law Enforcement:					
Interagency crime and drug enforcement	107,576	107,576	107,576		
Financial Management Service	212,850	220,712	220,664	+7,814	−48
2002 Supplemental (Public Law 107–206) (rescission)	−14,000			+14,000	
Subtotal	198,850	220,712	220,664	+21,814	−48
Bureau of Alcohol, Tobacco and Firearms	810,316	870,775	875,430	+65,114	+4,655
9/11 Supplemental (Public Law 107–117)	31,431			−31,431	
Subtotal	841,747	870,775	875,430	+33,683	+4,655
GREAT grants	13,000	13,000	13,000		
Total	854,747	883,775	888,430	+33,683	+4,655
United States Customs Service:					
Salaries and Expenses	2,079,357	2,391,952	2,501,488	+422,131	+109,536
9/11 Supplemental (Public Law 107–117)	392,603			−392,603	
Subtotal	2,471,960	2,391,952	2,501,488	+29,528	+109,536
Users fees, conveyance/passenger/other		−167,000			+167,000
Harbor Maintenance Fee Collection	3,000	3,000	3,000		
Operation, Maintenance and Procurement, Air and Marine Interdiction Programs	177,860	170,829	177,829	−31	+7,000
9/11 Supplemental (Public Law 107–117)	6,700			−6,700	
Subtotal	184,560	170,829	177,829	−6,731	+7,000
Miscellaneous appropriations (Public Law 106–554)					
Automation modernization:					
Automated Commercial System	122,432	122,432	122,432		
International Trade Data System	5,400			−5,400	
Automated Commercial Environment	300,000	312,900	312,900	+12,900	
Subtotal	427,832	435,332	435,332	+7,500	
Customs Services at Small Airports (to be derived from fees collected)	3,000	3,000	3,000		
Offsetting receipts	−3,000	−3,000	−3,000		
Total	3,087,352	2,834,113	3,117,649	+30,297	+283,536
Bureau of the Public Debt	186,953	191,119	191,073	+4,120	−46
Payment of government losses in shipment	1,000	1,000	1,000		
Internal Revenue Service:					
Processing, Assistance, and Management	3,797,890	3,958,337	3,955,777	+157,887	−2,560
9/11 Supplemental (Public Law 107–117)	12,990			−12,990	
Subtotal	3,810,880	3,958,337	3,955,777	+144,897	−2,560
Tax Law Enforcement	3,538,347	3,729,072	3,729,072	+190,725	
9/11 Supplemental (Public Law 107–117)	4,544			−4,544	
Subtotal	3,542,891	3,729,072	3,729,072	+186,181	
Earned Income Tax Credit Compliance Initiative	146,000	146,000	146,000		
Information Systems	1,563,249	1,632,444	1,632,444	+69,195	
9/11 Supplemental (Public Law 107–117)	15,991			−15,991	
2002 Supplemental (Public Law 107–206) (rescission)	−10,000			+10,000	
Subtotal	1,569,240	1,632,444	1,632,444	+63,204	
Business systems modernization	391,593	450,000	436,000	+44,407	−14,000
2002 Supplemental (Public Law 107–206)	14,000			−14,000	
Subtotal	405,593	450,000	436,000	+30,407	−14,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Total (net)	9,474,604	9,915,853	9,899,293	+424,689	−16,560
United States Secret Service:					
Salaries and Expenses	920,615	1,010,435	1,010,817	+90,202	+382
9/11 Supplemental (Public Law 107–117)	104,769			−104,769	
Subtotal	1,025,384	1,010,435	1,010,817	−14,567	+382
Acquisition, Construction, Improvements, and Related Expenses	3,457	3,519	3,519	+62	
Total	1,028,841	1,013,954	1,014,336	−14,505	+382
Total, title I, Department of the Treasury	15,636,178	15,865,446	16,128,301	+492,123	+262,855
Appropriations	15,041,918	15,865,446	16,128,301	+1,086,383	+262,855
Rescissions	−24,000			+24,000	
TITLE II—POSTAL SERVICE					
Payment to the Postal Service Fund	29,000	29,000	29,000		
9/11 Supplemental (Public Law 107–117)	500,000			−500,000	
2002 Supplemental (Public Law 107–206)	87,000			−87,000	
Subtotal	616,000	29,000	29,000	−587,000	
Advance appropriation, fiscal year 2002/2003	67,093	47,619	47,619	−19,474	
Advance appropriation, fiscal year 2004		31,014	31,014	+31,014	
Total, title II, Postal Service:					
Fiscal year 2002/2003	683,093	76,619	76,619	−606,474	
Fiscal year 2004		31,014	31,014	+31,014	
TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT					
Compensation of the President and the White House Office:					
Compensation of the President	450	450	450		
Salaries and Expenses	54,651	84,592	59,735	+5,084	−24,857
Office of Homeland Security			24,844	+24,844	+24,844
Office of Homeland Security					
Executive Residence at the White House:					
Operating Expenses	11,695	12,228	12,228	+533	
White House Repair and Restoration	8,625	1,200	1,200	−7,425	
Special Assistance to the President and the Official Residence of the Vice President:					
Salaries and Expenses	3,925	4,066	4,066	+141	
Operating expenses	318	324	324	+6	
Council of Economic Advisers	4,211	4,405	4,405	+194	
Office of Policy Development	4,142	4,221	4,221	+79	
National Security Council	7,494	9,525	9,525	+2,031	
Office of Administration	46,955	70,128	70,128	+23,173	
9/11 Supplemental (Public Law 107–117)	50,040			−50,040	
2002 Supplemental (Public Law 107–206)	3,800			−3,800	
Subtotal	100,795	70,128	70,128	−30,667	
Office of Management and Budget	70,752	70,752	70,752		
2002 Supplemental (Public Law 107–206) (rescission)	−100			+100	
Subtotal	70,652	70,752	70,752	+100	
Electronic Government (E-Gov) Fund					
Election Administration Reform					
Office of National Drug Control Policy:					
Salaries and expenses	25,263	25,458	26,456	+1,193	+998
Counterdrug Technology Assessment Center	42,300	40,000	40,000	−2,300	
Total	67,563	65,458	66,456	−1,107	+998
Federal Drug Control Programs:					
High Intensity Drug Trafficking Areas Program	226,350	206,350	226,350		+20,000
Special Forfeiture Fund	239,400	251,300	172,700	−66,700	−78,600
Unanticipated Needs	1,000	1,000	1,000		
Total, title III, Executive Office of the President and Funds Appropriated to the President	801,271	785,999	728,384	−72,887	−57,615
TITLE IV—INDEPENDENT AGENCIES					
Committee for Purchase From People Who Are Blind or Severely Disabled	4,629	4,629	4,629		
Federal Election Commission	43,689	45,244	45,244	+1,555	
2002 Supplemental (Public Law 107–206)	750			−750	
Subtotal	44,439	45,244	45,244	+805	
Federal Labor Relations Authority	26,524	28,684	28,677	+2,153	−7
General Services Administration:					
Federal Buildings Fund:					
Appropriations	284,400	276,400	363,299	+78,899	+86,899
9/11 Supplemental (Public Law 107–117)	126,512			−126,512	
2002 Supplemental (Public Law 107–206)	21,800			−21,800	
Subtotal	432,712	276,400	363,299	−69,413	+86,899
Limitations on availability of revenue:					
Construction and acquisition of facilities	(662,680)	(556,574)	(631,663)	(−31,017)	(+75,089)
Repairs and alterations	(826,676)	(986,029)	(997,839)	(+171,163)	(+11,810)
9/11 Supplemental (Public Law 107–117)	(42,700)			(−42,700)	
Subtotal	(869,376)	(986,029)	(997,839)	(+128,463)	(+11,810)
Installment acquisition payments	(186,427)	(178,960)	(178,960)	(−7,467)	
Rental of space	(2,952,050)	(3,153,211)	(3,153,211)	(+201,161)	
Building Operations	(1,748,949)	(1,965,160)	(1,965,160)	(+216,211)	
9/11 Supplemental (Public Law 107–117)	(83,812)			(−83,812)	
Subtotal	(1,832,761)	(1,965,160)	(1,965,160)	(+132,399)	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Subtotal, limitations	6,503,294	6,839,934	6,926,833	+423,539	+86,899
Repayment of Debt	(72,000)	(79,685)	(79,685)	(+7,685)	
Rental income to fund					
Total, Federal Buildings Fund	432,712	276,400	363,299	−69,413	+86,899
(Limitations)	(6,575,294)	(6,919,619)	(7,006,518)	(+431,224)	(+86,899)
Policy and Operations	143,139			−143,139	
Policy and Citizen Services		65,995	65,995	+65,995	
Operating Expenses		88,263	94,640	+94,640	+6,377
Office of Inspector General	36,346	37,617	37,617	+1,271	
Electronic Government Fund	5,000	45,000	5,000		−40,000
Allowances and Office Staff for Former Presidents	3,196	3,339	3,339	+143	
Total, General Services Administration	620,393	516,614	569,890	−50,503	+53,276
Merit Systems Protection Board:					
Salaries and Expenses	30,555	31,790	31,788	+1,233	−2
Limitation on administrative expenses	2,520	2,594	2,594	+74	
Morris K. Udall Foundation:					
Morris K. Udall Trust Fund	1,996	1,996	1,996		
Environmental Dispute Resolution Fund	1,309	1,309	1,309		
National Archives and Records Administration:					
Operating expenses	244,247	256,731	249,731	+5,484	−7,000
9/11 Supplemental (Public Law 107–117)	1,600			−1,600	
Subtotal	245,847	256,731	249,731	+3,884	−7,000
Reduction of debt	−6,612	−7,186	−7,186	−574	
Repairs and Restoration	39,143	10,458	14,208	−24,935	+3,750
9/11 Supplemental (Public Law 107–117)	1,000			−1,000	
Subtotal	40,143	10,458	14,208	−25,935	+3,750
National Historical Publications and Records Commission: Grants program	6,436	5,000	7,000	+564	+2,000
Total	285,814	265,003	263,753	−22,061	−1,250
Office of Government Ethics	10,117	10,488	10,486	+369	−2
Office of Personnel Management:					
Salaries and Expenses	99,636	128,804	128,736	+29,100	−68
Limitation on administrative expenses	115,928	120,791	120,791	+4,863	
Office of Inspector General	1,498	1,498	1,498		
Limitation on administrative expenses	10,016	10,766	10,766	+750	
Government Payment for Annuitants, Employees Health Benefits	6,129,000	6,853,000	6,853,000	+724,000	
Government Payment for Annuitants, Employee Life Insurance	34,000	34,000	34,000		
Payment to Civil Service Retirement and Disability Fund	9,229,000	9,410,000	9,410,000	+181,000	
Total, Office of Personnel Management	15,619,078	16,558,859	16,558,791	+939,713	−68
Office of Special Counsel	11,891	12,434	12,434	+543	
United States Tax Court	37,305	37,305	37,305		
White House Commission on the National Moment of Rememberance		250	250	+250	
Net fiscal year 2002 proceeds from WTC stamp					
Total, title IV, Independent Agencies	16,696,570	17,517,199	17,569,146	+872,576	+51,947
Grand total (net)	33,817,112	34,276,277	34,533,464	+716,352	+257,187
Current year, fiscal year 2003	33,750,019	34,197,644	34,454,831	+704,812	+257,187
Appropriations	(32,363,357)	(34,197,644)	(34,454,831)	(+2,091,474)	(+257,187)
Emergency funding	(1,410,762)			(−1,410,762)	
Rescissions	(−24,100)			(+24,100)	
Advance appropriations, Fiscal Year 2003/Fiscal Year 2004	67,093	78,633	78,633	+11,540	
(Limitations)	6,575,294	6,919,619	7,006,518	+431,224	+86,899

[COMMITTEE PRINT]

[NOTICE: This is a draft for use of the Committee and its staff only, in preparation for markup.]

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2003

JANUARY ____, 2003.—Ordered to be printed

Mr. BOND, from the Committee on Appropriations, submitted the following

REPORT

[To accompany S. 0000]

The Committee on Appropriations reports the bill (S. 0000) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, and for other purposes, reports favorably thereon and recommends that the bill do pass.

Amount of new budget (obligational) authority

Amount of bill as reported to Senate	$121,925,545,000
Amount of appropriations, 2002	123,820,208,000
Amount of budget estimates, 2003	124,979,700,000
Under estimates for 2003	3,054,155,000
Above appropriations for 2002	1,894,663,000

INTRODUCTION

The Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies appropriations bill for fiscal year 2003 provides a total of $121,925,545,000 in budget authority, including approximately $31,576,338,000 in mandatory spending. The Committee did its best to meet all important priorities within the bill, with the highest priority given to veterans programs and section 8 contract renewals. Other priorities included maintaining environmental programs at or above current year levels, ensuring needed funds for our Nation's space and scientific research programs, and providing critical funding for emergency management and disaster relief including initial spending for new Homeland Security priorities.

As recommended by the Committee, this bill attempts to provide a fair and balanced approach to the many competing programs and activities under the VA–HUD subcommittee's jurisdiction.

The Committee recommendation provides $26,460,257,000 in discretionary funding for the Department of Veterans Affairs, an increase of $2,489,625,000 above the fiscal year 2002 enacted level and $1,101,698,000 above the budget request. The Committee has made veterans programs the highest priority in the bill. Increases in VA programs above the

budget request are recommended for medical care and medical research.

For the Department of Housing and Urban Development, the Committee recommendation totals $31,149,157,000, a decrease of $1,044,038,000 below the fiscal year 2002 enacted level and $199,934,000 below the budget request. The Committee has provided significant funding for all HUD programs while also providing the needed funding for all expiring section 8 contracts. The Committee believes a balanced approach to the funding of housing programs is key to meeting the housing needs of low-income families.

For the Environmental Protection Agency, the Committee recommendation totals $8,205,436,000, an increase of $126,623,000 above the fiscal year 2002 enacted level and an increase of $584,923,000 above the budget request.

The Committee recommendation includes $3,203,117,000 for the Federal Emergency Management Agency, including $842,843,000 for disaster relief.

The Committee recommendation for the National Aeronautics and Space Administration totals $15,125,500,000, an increase of $223,800,000 above the fiscal year 2002 level.

For the National Science Foundation, the Committee recommendation totals $5,268,980,000, an increase of $460,440,000 above the fiscal year 2002 enacted level. The Committee views NSF as a key investment in the future and this funding is intended to reaffirm the strong and longstanding leadership of this Committee in support of scientific research and education.

REPROGRAMMING AND INITIATION OF NEW PROGRAMS

The Committee continues to have a particular interest in being informed of reprogrammings which, although they may not change either the total amount available in an account or any of the purposes for which the appropriation is legally available, represent a significant departure from budget plans presented to the Committee in an agency's budget justifications.

Consequently, the Committee directs the Departments of Veterans Affairs and Housing and Urban Development, and the agencies funded through this bill, to notify the chairman of the Committee prior to each reprogramming of funds in excess of $250,000 between programs, activities, or elements unless an alternate amount for the agency or department in question is specified elsewhere in this report. The Committee desires to be notified of reprogramming actions which involve less than the above-mentioned amounts if such actions would have the effect of changing an agency's funding requirements in future years or if programs or projects specifically cited in the Committee's reports are affected. Finally, the Committee wishes to be consulted regarding reorganizations of offices, programs, and activities prior to the planned implementation of such reorganizations.

The Committee also expects the Departments of Veterans Affairs and Housing and Urban Development, as well as the Corporation for National and Community Service, the Environmental Protection Agency, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, the National Science Foundation, the Corporation for National and Community Service, and the Consumer Product Safety Commission, to submit operating plans, signed by the respective secretary, administrator, chief executive officer, or agency head, for the Committee's approval within 30 days of the bill's enactment. Other agencies within the bill should continue to submit operating plans consistent with prior year policy.

ACCRUAL FUNDING OF RETIREMENT COSTS AND POST-RETIREMENT HEALTH BENEFITS

The President's Budget included a legislative proposal under the jurisdiction of the Senate Committee on Governmental Affairs to charge to individual agencies, starting in fiscal year 2003, the fully accrued costs related to retirement benefits of Civil Service Retirement System employees and retiree health benefits for all civilian employees. The Budget also requested an additional dollar amount in each affected discretionary account to cover these accrued costs.

The authorizing committee has not acted on this legislation, therefore the Senate Appropriations Committee has reduced the dollar amounts of the President's request shown in the ''Comparative Statement of New Budget Authority Request and Amounts Recommended in the Bill'', as well as in other tables in this report, to exclude the accrual funding proposal.

The Committee further notes that administration proposals requiring legislative action by the authorizing committees of Congress are customarily submitted in the budget as separate schedules apart from the regular appropriations requests. Should such a proposal be enacted, a budget amendment formally modifying the President's appropriation request for discretionary funding is subsequently transmitted to the Congress.

The Senate Appropriations Committee joins with the House Appropriations Committee in raising concern that this practice, which has always worked effectively for both Congress and past administrations, was not followed for the accrual funding proposal. In this case, the Office of Management and Budget (OMB) decided to include accrual amounts in the original discretionary appropriations language request. These amounts are based on legislation that has yet to be considered and approved by the appropriate committees of Congress. This led to numerous misunderstandings both inside and outside of Congress of what was the ''true'' President's budget request. The Committee believes that, in the future, OMB should follow long-established procedures with respect to discretionary spending proposals that require legislative action.

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

Appropriations, 2002	[1] $52,786,164,000
Budget estimate, 2003	54,612,197,000
Committee recommendation	58,040,545,000

[1] Reflects the latest funding levels for Compensation and Pension in the mid-session review in 2002 and 2003.

GENERAL DESCRIPTION

The Veterans Administration was established as an independent agency by Executive Order 5398 of July 21, 1930, in accordance with the Act of July 3, 1930 (46 Stat. 1016). This act authorized the President to consolidate and coordinate Federal agencies especially created for or concerned with the administration of laws providing benefits to veterans, including the Veterans' Bureau, the Bureau of Pensions, and the National Home for Disabled Volunteer Soldiers. On March 15, 1989, VA was elevated to Cabinet-level status as the Department of Veterans Affairs.

The VA's mission is to serve America's veterans and their families as their principal advocate in ensuring that they receive the care, support, and recognition they have earned in service to the Nation. The VA's operating units include the Veterans Health Administration, Veterans Benefits Administration, National Cemetery Administration, and staff offices.

The Veterans Health Administration develops, maintains, and operates a national health care delivery system for eligible veterans; carries out a program of education and training of health care personnel; carries out a program of medical research and development; and furnishes health services to members of the Armed Forces during periods of war or national emergency. A system of 172 medical centers, 864 outpatient clinics, 137 nursing homes, and 43 domiciliaries is maintained to meet the VA's medical mission.

The Veterans Benefits Administration provides an integrated program of nonmedical veteran benefits. This Administration administers a broad range of benefits to veterans and other eligible beneficiaries through 58 regional offices and the records processing center in St. Louis, MO. The benefits provided include: compensation for service-connected disabilities; pensions for wartime, needy, and totally disabled veterans; vocational rehabilitation assistance; educational and training assistance; home buying assistance; estate protection services for veterans under legal disability; information and assistance through personalized contacts; and six life insurance programs.

The National Cemetery Administration provides for the interment of the remains of eligible deceased servicepersons and discharged veterans in any national cemetery with available grave space; permanently maintains these graves; marks graves of eligible persons in national and private cemeteries; and administers the grant program for aid to States in establishing, expanding, or improving State veterans' cemeteries. The National Cemetery Administration includes 154 cemeterial installations and activities.

Other VA offices, including the general counsel, inspector general, Boards of Contract Appeals and Veterans Appeals, and the general administration, support the Secretary, Deputy Secretary, Under Secretary for Health, Under Secretary for Benefits, and the Under Secretary for Memorial Affairs.

COMMITTEE RECOMMENDATION

The Committee recommends $58,040,545,000 for the Department of Veterans Affairs, including $31,580,338,000 in mandatory spending and $26,460,207,000 in discretionary spending. The amount provided for discretionary activities represents an increase of $1,102,170,000 above the budget request and $2,489,625,000 above the fiscal year 2002 enacted level.

The Committee once again has made VA its top priority in the fiscal year 2003 VA–HUD bill. Specifically, the Committee is committed to ensuring that veterans have access to the quality medical care and services they deserve, in a timely manner.

The Committee is deeply concerned about overwhelming evidence that the VA medical system is failing its core constituency—service-connected, lower income, and special needs veterans. The Committee has learned of numerous anecdotal examples where VA's core constituency does not have access to timely, quality medical care because the networks that serve them are operating with long waiting lists. According to VA's recent estimate, there are over 310,000 veterans on waiting lists for medical care. In many instances, the wait for a doctor's appointment

is over 6 months, and VA projects the waiting list will grow even more significantly if current guidelines and expectations do not change.

The Committee believes that the VA is ''a victim of its own success'' due to its generous healthcare benefits and vastly improved quality healthcare access. Over the last decade, VA has opened over 850 new outpatient clinics around the Nation that have attracted overwhelming numbers of users to the system. This, coupled with a generous pharmacy benefit and expanded eligibility criteria enacted in 1996, has resulted in a rapidly growing VA patient population. Most notably, since 1996, VA has seen a 500 percent increase in Priority 7 veterans—veterans who are not service-connected disabled and whose income is currently greater than $24,000 per year.

Prior to 1996 eligibility reform, only veterans who were service-connected disabled or lower income were eligible for VA medical care. Eligibility reform opened the doors to all veterans—based on available resources and space—with the Secretary of Veterans Affairs expected to make an enrollment decision at the beginning of each year. Veterans were categorized into seven priority groups, with Priority 1–6 veterans being those with service-connected conditions or lower incomes. Priority 7 veterans were to be enrolled in the system on a space available basis. Receipts from first and third party payers, co-pays, and insurance, were to offset the cost of the services for Priority 7 veterans.

Of course, 1996 eligibility reform was predicated on the enactment of Medicare Subvention, whereby the VA would be reimbursed by Medicare for treating Medicare-eligible veterans. This part of the plan, however, has not come to fruition. Additionally, the lack of a national prescription drug benefit, and the failure of many privately managed care health systems, has made the VA's generous prescription benefit even more attractive. At the same time, VA has had a poor record of collecting what it is owed by private insurance companies. In short, Priority 7 veterans came to the system, but the expected funding sources from collections and Medicare did not. These events have pushed the VA healthcare system into crisis.

It is important to note that funding appropriated for VA medical care, which is allocated through the Veterans Equitable Resource Allocation (VERA) formula, only accounts for Priority 1–6 veterans. Priority 7 veterans are not included in the VERA formula. Yet in many areas of the Nation today, high priority service-connected disabled veterans are waiting in line for a doctor's appointment behind Priority 7 veterans. The Committee believes this is evidence that the system is failing its core constituency. The Committee believes it has a responsibility—an obligation—to protect the most vulnerable veterans.

The Administration's fiscal year 2003 budget proposed a new $1,500 annual medical care deductible for Priority 7 veterans. VA estimated that this proposal would have saved over $1,145,543,000 through reduced demand on the system. The Committee is concerned that this proposal would leave many veterans, especially those who do not have private health insurance, without access to affordable medical care. The Committee has, therefore, rejected this proposal.

The Committee understands that VA simply cannot sustain the timely, quality medical care services that are expected, while attempting to meet this increased demand. While the Committee has provided significant increased resources over the past several years, it recognizes that funding alone will not ensure that VA's core constituency—service-connected, lower-income, and special needs veterans—do not fall through the system's cracks.

To that end, the Committee has provided an additional $1,145,543,000 in fiscal year 2003 for VA medical care above the Administration's request. The Committee has also given the Secretary discretionary authority to establish a priority for treatment of veterans. If the Secretary takes action, VA can align its resources to meet its original mission of serving its core constituency. Finally, the Committee has extend VA's authority to collect prescription drug co-payments. Without this authority, VA projects to lose some $600,000,000 in medical care resources. Further, VA projects that the loss of these valuable resources would result in the loss of care for 110,000 veterans in 2003.

The Committee notes that the Secretary currently has the authority to suspend enrollment or take other actions, such as creating an open enrollment season, in order to better manage demand on the system within available resources. The Committee further encourages the Secretary to explore other options such as creating a tiered pharmacy co-payment structure, increasing the income thresholds, and allowing current users of the VA system to fill their privately-written prescriptions through the VA.

The Committee expects that its recommendation of significantly increased medical care funding and broad administrative discretion will give the Secretary the necessary tools to address the VA's current healthcare crisis while maintaining its vital mission of providing timely, quality medical care to service-connected disabled, lower income, and special needs veterans.

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2002	[1] $26,044,288,000
Budget estimate, 2003	26,524,300,000
Committee recommendation	28,949,000,000

[1] Reflects mid-session review funding levels.

PROGRAM DESCRIPTION

Compensation is payable to living veterans who have suffered impairment of earning power from service-connected disabilities. The amount of compensation is based upon the impact of disabilities on earning capacity. Death compensation or dependency and indemnity compensation is payable to the surviving spouses and dependents of veterans whose deaths occur while on active duty or result from service-connected disabilities. A clothing allowance may also be provided for service-connected veterans who use a prosthetic or orthopedic device.

Pensions are an income security benefit payable to needy wartime veterans who are precluded from gainful employment due to non-service-connected disabilities which render them permanently and totally disabled. Under the Omnibus Budget Reconciliation Act of 1990, veterans 65 years of age or older are no longer considered permanently and totally disabled by law and are thus subject to a medical evaluation. Death pensions are payable to needy surviving spouses and children of deceased wartime veterans. The rate payable for both disability and death pensions is determined on the basis of the annual income of the veteran or his survivors.

This account also funds burial benefits and miscellaneous assistance.

COMMITTEE RECOMMENDATION

The Committee recommends $28,949,000,000 for compensation and pensions. This is an increase of $2,904,712,000 above the fiscal year 2002 enacted level and $2,424,700,000 above the budget request because it takes into account OMB's mid-session review. This amount includes the cost of living adjustment for fiscal year 2003.

The estimated caseload and cost by program follows:

COMPENSATION AND PENSIONS

	2002 [1]	2003	Difference
Caseload:			
Compensation:			
Veterans	2,356,600	2,433,216	+76,616
Survivors	308,165	312,297	+4,132
Children	1,044	1,102	+58
(Clothing allowance)	(79,618)	(81,104)	(+1,486)
Pensions:			
Veterans	347,178	340,374	−6,804
Survivors	234,619	221,072	−13,547
Minimum income for widows (non-add)	(523)	(488)	(−35)
Vocational training (non-add)			
Burial allowances and service connected deaths	97,602	97,393	−209
Funds:			
Compensation:			
Veterans	$18,711,705,000	$21,191,850,000	+$2,480,145,000
Survivors	3,866,386,000	4,113,572,000	+247,186,000
Children	17,974,000	16,742,000	−1,232,000
Clothing allowance	46,178,000	47,640,000	+1,462,000
Payment to GOE (Public Laws 101–508 and 102–568	1,286,000	966,000	−320,000
Medical exams pilot program (Public Law 104–275	37,000,000	38,300,000	+1,300,000
Pensions:			
Veterans	2,596,916,000	2,595,459,000	−457,000
Survivors	733,584,000	761,037,000	+27,453,000
Minimum income for widows	3,444,000	3,292,000	−152,000
Vocational training			

COMPENSATION AND PENSIONS—Continued

	2002 [1]	2003	Difference
Payment to GOE (Public Laws 101–508, 102–568, and 103–446	8,564,000	7,000,000	−1,564,000
Payment to Medical Care (Public Laws 101–508 and 102–568	8,090,000	8,575,000	+485,000
Payment to Medical Facilities (non-add)	(891,000)	(937,000)	(+46,000)
Burial benefits	141,817,000	159,470,000	+17,653,000
Other assistance	4,887,000	4,935,000	+48,000
Unobligated balance and transfers	−133,543,000	−838,000	+132,705,000
Total appropriation	26,044,288,000	28,949,000,000	+2,904,712,000

[1] Does not include pending supplemental of $1,100,000 (H.R. 4775).

The appropriation includes $17,138,000 in payments to the ''General operating expenses'' and ''Medical care'' accounts for expenses related to implementing provisions of the Omnibus Budget Reconciliation Act of 1990, the Veterans' Benefits Act of 1992, the Veterans' Benefits Improvements Act of 1994, and the Veterans' Benefits Improvements Act of 1996. The amount also includes funds for a projected fiscal year 2003 cost-of-living increase of 1.8 percent for pension recipients.

READJUSTMENT BENEFITS

Appropriations, 2002	$2,135,000,000
Budget estimate, 2003	2,264,808,000
Committee recommendation	2,264,808,000

PROGRAM DESCRIPTION

The readjustment benefits appropriation finances the education and training of veterans and servicepersons whose initial entry on active duty took place on or after July 1, 1985. These benefits are included in the All-Volunteer Force Educational Assistance Program (Montgomery GI bill) authorized under 38 U.S.C. 30. Eligibility to receive this assistance began in 1987. Basic benefits are funded through appropriations made to the readjustment benefits appropriation and transfers from the Department of Defense. Supplemental benefits are also provided to certain veterans and this funding is available from transfers from the Department of Defense. This account also finances vocational rehabilitation, specially adapted housing grants, automobile grants with the associated approved adaptive equipment for certain disabled veterans, and finances educational assistance allowances for eligible dependents of those veterans who died from service-connected causes or have a total permanent service-connected disability as well as dependents of servicepersons who were captured or missing in action.

COMMITTEE RECOMMENDATION

The Committee recommends the budget estimate of $2,264,808,000 for readjustment benefits. The amount recommended is an increase of $129,808,000 above the fiscal year 2002 enacted level.

The estimated caseload and cost for this account follows:

READJUSTMENT BENEFITS

	2002	2003	Difference
Number of trainees:			
Education and training: dependents	49,949	51,746	+1,797
All-Volunteer Force educational assistance:			
Veterans and servicepersons	326,425	325,815	−610
Reservists	79,000	81,721	+2,721
Vocational rehabilitation	64,556	64,879	+323
Tuition assistance	160,000	160,000	
Total	679,930	684,161	+4,231
Licensing and certification tests	25,450	81,150	+55,700
Funds:			
Education and training: Dependents	$206,181,000	$217,472,000	+$11,291,000
All-Volunteer Force educational assistance:			
Veterans and servicepersons	1,460,321,000	1,759,683,000	+299,362,000
Reservists	135,750,000	142,858,000	+7,108,000
Vocational rehabilitation	440,896,000	452,029,000	+11,133,000
Tuition assistance	79,040,000	79,040,000	
Licensing and certification tests	5,982,000	19,071,000	+13,089,000
Housing grants	24,960,000	24,960,000	
Automobiles and other conveyances	8,750,000	8,995,000	+245,000
Adaptive equipment	27,200,000	27,100,000	−100,000
Work-study	45,900,000	51,408,000	+5,508,000
Payment to States	14,000,000	13,000,000	−1,000,000
Reporting fees	3,500,000	3,500,000	
Unobligated balance and other adjustments [1]	−317,480,000	−534,308,000	−216,828,000
Total appropriation	2,135,000,000	2,264,808,000	+129,808,000

[1] Includes offsetting collections.

VETERANS INSURANCE AND INDEMNITIES

Appropriations, 2002	$26,200,000
Budget estimate, 2003	27,530,000
Committee recommendation	27,530,000

PROGRAM DESCRIPTION

The veterans insurance and indemnities appropriation is made up of the former appropriations for military and naval insurance, applicable to World War I veterans; National Service Life Insurance, applicable to certain World War II veterans; Servicemen's indemnities, applicable to Korean conflict veterans; and veterans mortgage life insurance to individuals who have received a grant for specially adapted housing.

COMMITTEE RECOMMENDATION

The Committee recommends the budget estimate of $27,530,000 for veterans insurance and indemnities. This is an increase of $1,330,000 above the fiscal year 2002 enacted level. The Department estimates there will be 4,203,880 policies in force in fiscal year 2003 with a value of $599,263,090,000.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

	Program account	Administrative expenses
Appropriations, 2002	$203,278,000	$164,497,000
Budget estimate, 2003	437,522,000	168,207,000
Committee recommendation	437,522,000	168,207,000

PROGRAM DESCRIPTION

This appropriation provides for all costs, with the exception of the Native American Veteran Housing Loan Program, of VA's direct and guaranteed loans, as well as the administrative expenses to carry out these programs, which may be transferred to and merged with the general operating expenses appropriation.

VA loan guaranties are made to service members, veterans, reservists and unremarried surviving spouses for the purchase of homes, condominiums, manufactured homes and for refinancing loans. VA guarantees part of the total loan, permitting the purchaser to obtain a mortgage with a competitive interest rate, even without a downpayment if the lender agrees. VA requires that a downpayment be made for a manufactured home. With a VA guaranty, the lender is protected against loss up to the amount of the guaranty if the borrower fails to repay the loan.

COMMITTEE RECOMMENDATION

The Committee recommends such sums as may be necessary for funding subsidy payments, estimated to total $437,522,000, and $168,207,000 for administrative expenses. The administrative expenses may be transferred to the ''General operating expenses'' account. Bill language limits gross obligations for direct loans for specially adapted housing to $300,000.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

	Program account	Administrative expenses
Appropriations, 2002	$1,000	$64,000
Budget estimate, 2003	1,000	70,000
Committee recommendation	1,000	70,000

PROGRAM DESCRIPTION

This appropriation covers the cost of direct loans for eligible dependents and, in addition, it includes administrative expenses necessary to carry out the direct loan program. The administrative funds may be transferred to and merged with the appropriation for the general operating expenses to cover the common overhead expenses.

COMMITTEE RECOMMENDATION

The Committee recommends $1,000 for funding subsidy program costs and $70,000 for administrative expenses. The administrative expenses may be transferred to and merged with the ''General operating expenses'' account. Bill language is included limiting program direct loans to $3,400.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

	Program account	Administrative expenses
Appropriations, 2002	$72,000	$274,000
Budget estimate, 2003	55,000	289,000
Committee recommendation	55,000	289,000

PROGRAM DESCRIPTION

This appropriation covers the funding subsidy cost of direct loans for vocational rehabilitation of eligible veterans and, in addition, it includes administrative expenses necessary to carry out the direct loan program. Loans of up to $896 (based on indexed chapter 31 subsistence allowance rate) are available to service-connected disabled veterans enrolled in vocational rehabilitation programs as provided under 38 U.S.C. chapter 31 when the veteran is temporarily in need of additional assistance. Repayment is made in 10 monthly installments, without interest, through deductions from future payments of compensation, pension, subsistence allowance, educational assistance allowance, or retirement pay.

COMMITTEE RECOMMENDATION

The Committee recommends the requested $55,000 for program costs and $289,000 for administrative expenses for the Vocational Rehabilitation Loans Program account. The administrative expenses may be transferred to and merged with the ''General operating expenses'' account. Bill language is included limiting program direct loans to $3,626,000. It is estimated that VA will make 5,300 loans in fiscal year 2003, with an average amount of $684.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

	Administrative expenses
Appropriations, 2002	$544,000
Budget estimate, 2003	558,000
Committee recommendation	558,000

PROGRAM DESCRIPTION

This program will test the feasibility of enabling VA to make direct home loans to native American veterans who live on U.S. trust lands. It is a pilot program that began in 1993 and expires on December 31, 2005. Subsidy amounts necessary to support this program were appropriated in fiscal year 1993.

COMMITTEE RECOMMENDATION

The Committee recommends the budget estimate of $558,000 for administrative expenses associated with this program in fiscal year 2003. These funds may be transferred to the ''General operating expenses'' account.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

PROGRAM DESCRIPTION

This program was established by Public Law 105–368, the Veterans Programs Enhancement Act of 1998. The program is a pilot project designed to expand the supply of transitional housing for homeless veterans and to guarantee up to 15 loans with a maximum aggregate value of $100,000,000. Not more than five loans may be guaranteed in the first 3 years of the program. The project must enforce sobriety standards and provide a wide range of supportive services such as counseling for substance abuse and job readiness skills. Residents will be required to pay a reasonable fee.

COMMITTEE RECOMMENDATION

All funds authorized for this program have been appropriated. Therefore, additional appropriations are not required. Administrative expenses of the program, estimated at $750,000 for fiscal year 2003, will be borne by the ''Medical care'' and ''General operating expenses'' appropriations.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

Appropriations, 2002	[1] $21,331,164,000
Budget estimate, 2003	22,743,761,000
Committee recommendation	23,889,304,000

[1] Does not include pending supplemental of $417,000,000 (H.R. 4775) and transfers.

PROGRAM DESCRIPTION

The Department of Veterans Affairs [VA] operates the largest Federal medical care delivery system in the country, with 172 medical centers, 43 domiciliaries, 137 nursing homes, and 864 outpatient clinics which includes independent, satellite, community-based, and rural outreach clinics.

This appropriation provides for medical care and treatment of eligible beneficiaries in VA hospitals, nursing homes, domiciliaries, and outpatient clinic facilities; contract hospitals; State home facilities on a grant basis; contract community nursing homes; and through the hometown outpatient program, on a fee basis. Hospital and outpatient care also are provided for certain dependents and survivors of veterans under the Civilian Health and Medical Program of the VA [CHAMPVA]. The medical care appropriation also provides for training of medical residents and interns and other professional paramedical and administrative personnel in health science fields to support the Department's and the Nation's health manpower demands.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $23,889,304,000 for VA medical care, an increase of $2,558,140,000 over the fiscal year 2002 enacted level and $1,145,543,000 above the budget request. In addition, VA has authority to retain co-payments and third-party collections, estimated to total $1,448,874,000 in fiscal year 2003. Therefore, the Committee's recommendation represents total resources for medical care of $25,338,178,000.

Access to Care.—The Committee is deeply concerned that in some areas of the country, veterans are denied timely access to care because of long waiting lists for appointments for new patients, and directs VA to report by March 3, 2003, on plans to reduce the waitings lists, including a plan for ensuring that veterans who are on waiting lists can continue to have access to pharmaceuticals while they are waiting for their appointments.

Alaska has the highest percentage of veterans in the Nation, and among Alaskans, Alaskan Natives have an extraordinary high rate of service. However, veterans' services are often spotty or non-existent in most Alaskan Native villages. The Committee urges the Department to provide support to the Alaska Native Veterans Association to provide services to veterans living in Eskimo and Indian villages and communities.

The Committee commends the Department for opening the community-based outpatient clinic on the Kenai Peninsula, Alaska. The demand for services at the clinic, however, has been so high that many veterans often wait months to receive an appointment for routine care. The Committee urges the Department to address the resource needs of the Kenai clinic to ensure that it can meet the needs of the veterans it serves.

The Committee understands that the VA has held preliminary discussions with interested parties in Northeastern Minnesota to assess the need for a community based outpatient clinic in the Fosston/Bemidji area. The Committee strongly urges the VA to expedite this assessment, and to report to the Committee by March 3, 2003, on the feasibility of opening a clinic in the region.

The Committee urges the Department to continue its support for the Brother Francis Shelter, which provides critical services to homeless veterans in Anchorage, Alaska.

The Committee is very concerned by the results of the Inspector General's audit of the Lexington, Kentucky Research Program and the lack of properly accounting for physician's time split between research and patient care. With significant waiting lists existing and access performance standards not being met, research physicians must be meeting their full commitment to patient care. The Committee expects the Secretary to provide strong oversight in this area and to take steps system-wide, to ensure care for veterans is given the highest priority.

VERA.—The Committee continues to support the core principles underlying the Veterans Equitable Resource Allocation (VERA) system—that VA health care funds should be allocated fairly according to the number of veterans having the highest priority for health care, and aligning resources according to best practices in health care. At the same time, the Committee is supportive of ongoing studies to recommend ways to increase the level of efficiency and fairness for distributing medical care resources. However, the Committee recognizes that recent studies have indicated that modifications to the VERA formula could better account for infrastructure costs and actual patient care costs. The Committee directs the VA to complete the presently planned work as scheduled, and to continue the study in the coming year, updating the results with the most recent data and utilizing the models developed. The Committee further directs the VA to provide interim reports to the Committee in February and June 2003, and a final study with all findings by the end of fiscal year 2003. The final study should include any recommendations to better account for infrastructure costs and actual patient care costs, as well as ways to increase the level of efficiency and fairness for distributing medical care resources.

Finally, the Committee continues to believe that when any Veterans Integrated Service Network (VISN) experiences an operating shortfall that would threaten its ability to serve eligible veterans, and VHA has determined that the VISN has implemented all appropriate economies and efficiencies, VHA should consider providing supplemental allocations to that VISN. To that end, the Committee urges VA to ensure that it reserves sufficient funds to meet the operating need of those VISNs that may require supplemental funding during the year.

Prevention of Amputations, Care, and Treatment.—The Committee is aware of studies that have found that collagen based therapies can reduce the need for amputations by increasing wound heal rates, and directs VA to provide a report by April 3, 2003, on the VA's experience in this matter as well as the VA's future plans to utilize collagen based therapies.

Physician Assistant Advisor.—The Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419) directed the VHA to create a Physician Assistant (PA) Advisor position to the Office of the Under Secretary for Health. The Committee commends VA for filling this position and strongly encourages the VHA to ensure that the PA Advisor position is a full-time position, located in the VA central office or in a VA field medical center that is in close proximity to Washington, DC, and provided sufficient funding to support the administrative and travel requirements associated with the position. The Committee directs VA to report by March 3, 2003, as to the progress made on this matter.

Psychology Post-Doctoral Training Program.—The Committee continues to support the VHA's efforts to strengthen the Psychology Post-Doctoral Training Program. The Committee awaits the progress report due early this year that will include the number of training slots for psychologists and their location.

Long Distance Learning Program for Nursing.—The Committee supports the joint VA/DOD Distance Learning Program, and recommend that the VA continue the distance learning project designed to transition clinical nurse specialists into roles as adult nurse practitioners.

Joslin Vision Network (JVN).—The Committee supports the current level of support to expand the JVN to additional pilot sites in fiscal year 2003. This program benefits diabetic patients by offering improved quality of care through increased access to the highest quality medical expertise and education, and the Committee encourages the VA to initiate new pilot sites to advance the JVN technology toward off-the-shelf deployment.

Homelessness.—The Committee commends the Department's efforts to improve coordination of its homeless programs with other Federal departments and agencies. The Committee is especially pleased with the Department's participation in the Interagency Council on the Homeless. The Committee strongly urges the Department to continue participating in the Council and develop coordinated strategies with other agencies to prevent and end homelessness among veterans.

Clarksburg/Ruby Memorial demonstration.—The Committee supports continuation at current levels of the Clarksburg VAMC/Ruby Memorial hospital demonstration project.

Rural Veterans Health Care Initiative.—The Committee supports continuation at the current level of the Rural Veterans Health Care Initiative at White River Junction, VT VAMC.

Harry S. Truman VAMC.—The Committee strongly urges VA to support development of a new micro-imaging center for the Harry S. Truman VAMC in Columbia, Missouri by providing funds for a micro-MRI, a micro-SPET, and a micro-PET. These research systems will be for imaging experimental mouse or small rat models. These new instruments will assist cancer research specialists in expanding and enhancing their study and treatment of this deadly disease. These additions fill the critical remaining gap in a nationally prominent and unique program in the development of cancer therapeutics and imaging.

Fort Howard VAMC.—The Committee supports the creation of a continuum of care community for veterans at the Fort Howard VAMC in Maryland, and directs the VA to report by October 30, 2002, on the status of these efforts. The report should include specific timelines and milestones for the future.

Lakeside VAMC.—The Committee is aware of efforts in the City of Chicago, Illinois to impose possible zoning limitations on property occupied by the VA's Lakeside medical facility. The Committee strongly believes the VA must receive fair market value for the property in order to ensure that the best interests of veterans and the Federal Government are met. VA intends to transfer the Lakeside property to a successor user under an enhanced lease use agreement. However, recent efforts in the City would diminish the value of the Lakeside property, resulting in reduced proceeds for medical services needed for local area veterans. The Committee objects to these efforts and supports the VA's efforts to place the needs of veterans as their highest priority. The Committee fully supports the Department's plans to lease the property as described in their CARES plan and will explore all necessary means to prevent any effort to hurt local veterans. The Committee cautions outside interested parties that the lease of VA property in VISN 12 will be conducted in accordance with the previously announced CARES process. Accordingly, the Committee directs the VA to enter only into an enhanced lease agreement where the VA receives full value for the use of the facility, consistent with its current CARES plan. Before the VA proceeds with any lease, the Committee directs the Department to provide a professional, independent appraisal of the Lakeside property.

Ranch Hand Project.—The Committee supports the Ranch Hand project studying the impact of Agent Orange on Alaskan Native veterans and urges the Department to provide the funding necessary to complete this important project.

Minnesota Veterans Home.—The Committee is aware that the Minnesota Veterans Home has designed a comprehensive dementia care program. The Committee supports these efforts, and urges VA to provide support for this initiative.

Preventative Medicine.—The Committee is concerned that the Department's focus on acute care has overshadowed the need to include preventative medicine in its strategic healthcare delivery portfolio. To that end, the Committee urges the VA to develop strong collaborative efforts with academic public health institutions.

Complementary and Alternative Medicine.—The Committee directs the VA to review the recent final report of the White House Commission on Complementary and Alternative Medicine Policy, and to report by June 27, 2003, on the status of the VA's implementation of the report's recommendations to VA.

The Committee has included bill language delaying the availability until August 1, 2003, of $500,000,000 in the equipment, lands, and structures object classifications.

The Committee has included bill language to make available through September 30, 2003, up to $900,000,000 of the medical care appropriation. This provides flexibility to the Department as it continues to implement significant program changes.

MEDICAL CARE COLLECTIONS FUND

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2002—	[1] $1,031,000,000
Budget estimate, 2003—	[2] 1,448,874,000
Committee recommendation—	[2] 1,448,874,000

[1] Includes $805,000,000 in MCCF and $226,000,000 in HSIF funds proposed to be transferred to the MCCF.
[2] As estimated in the budget request.

PROGRAM DESCRIPTION

The Balanced Budget Act of 1997 (Public Law 105–33) established the Department of Veterans Affairs Medical Care Collections Fund (MCCF). The Department deposits co-payments and third party insurance payments into this fund.

COMMITTEE RECOMMENDATON

The budget request assumes that VA will collect $1,448,874,000 in co-payments, third party collections, and enhanced use lease proceeds. These funds will be transferred to the Medical Care account to provide direct healthcare services to our Nation's veterans. The Committee has included bill language extending VA's authority to collect co-payments for pharmaceuticals. The Committee has also included bill language making an accounting change to VA's collections account structure. The Committee's recommended change will result in all VA collections being deposited into the Medical Care Collections Fund, to be transferred to the Medical Care account in order to provide direct healthcare services to our Nation's veterans. Currently, VA has two separate collections accounts. The Committee's recommendation would place all of VA's collections into the Medical Care Collections Fund, and will result in better oversight to ensure that all co-payments, third party collections, and enhanced use lease proceeds are applied toward direct healthcare services for our Nation's veterans.

MEDICAL AND PROSTHETIC RESEARCH

Appropriations, 2002	$371,000,000
Budget estimate, 2003	394,373,000
Committee recommendation	400,000,000

PROGRAM DESCRIPTION

The ''Medical and prosthetic research'' account provides funds for medical, rehabilitative, and health services research. Medical research supports basic and clinical studies that advance knowledge leading to improvements in the prevention, diagnosis, and treatment of diseases and disabilities. Rehabilitation research focuses on rehabilitation engineering problems in the fields of prosthetics, orthotics, adaptive equipment for vehicles, sensory aids and related areas. Health services research focuses on improving the effectiveness and economy of delivery of health services.

COMMITTEE RECOMMENDATION

The Committee recommends $400,000,000 for medical and prosthetic research, an increase of $5,627,000 above the budget request and $29,000,000 above the fiscal year 2002 enacted level. The Committee remains highly supportive of this program, and recognizes its importance both in improving health care services to veterans and recruiting and retaining high-quality medical professionals in the Veterans Health Administration.

Neurofibromatosis.—Research has documented the link between neurofibromatosis (NF) and cancer, brain tumors, and heart disease. In view of this link, which suggests that research on NF stands to benefit a vast segment of the veteran population, the Committee encourages the VA to increase its NF research portfolio, in addition to continuing to collaborate with other Federal agencies, such as the Department of Defense, in joint initiatives.

Nursing Research Program.—The Committee supports the Nursing Research Program to enable nurses to conduct research that focuses on the specific health care needs of aging veterans, and urges the program's continuation.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

Appropriations, 2002	$66,731,000
Budget estimate, 2003	69,716,000
Committee recommendation	69,716,000

PROGRAM DESCRIPTION

This appropriation provides funds for central office executive direction (Under Secretary for Health and staff), administration and supervision of all VA medical and construction programs, including development and implementation of policies, plans, and program objectives.

COMMITTEE RECOMMENDATION

The Committee recommends $69,716,000 for medical administration and miscellaneous operating expenses, an increase of $2,985,000 above the fiscal year 2002 enacted level and the same as the budget request.

In 2000, VA established a reimbursement process between VHA, NCA, and VBA for project technical and consulting services to be provided by the Facilities Management Service Delivery Office. The estimated level of reimbursement to the Medical Administration and Miscellaneous Operating Expenses account in fiscal year 2003 for facilities management support is $7,155,000.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

Appropriations, 2002	$1,195,728,000
Budget estimate, 2003	1,256,418,000
Committee recommendation	1,256,418,000

PROGRAM DESCRIPTION

This appropriation provides for the administration of nonmedical veterans benefits through the Veterans Benefits Administration [VBA], the executive direction of the Department, several top level supporting offices, of the Board of Contract Appeals, and the Board of Veterans' Appeals.

COMMITTEE RECOMMENDATION

The Committee recommends $1,256,418,000 for general operating expenses, an increase of $60,690,000 above the fiscal year 2002 enacted level. The amount provided includes $992,000,000 for the Veterans Benefits Administration and $264,418,000 for general administration. In addition to this appropriation, resources are made available for general operating expenses through reimbursements totaling $423,239,000 for fiscal year 2003, with total estimated obligations of approximately $1,679,657,000.

The Committee recommends making available $65,800,000 of the GOE appropriation for 2 years, a travel limitation of $17,082,000, and the current level of $25,000 for official reception and representation expenses.

Veterans' Employment and Training Programs.—The Committee has not recommended the Administration's proposal to transfer these programs from the Department of Labor to the VA. The Committee expects that these programs will continue through the Department of Labor's Employment and Training Service, and will consider future proposals of this nature subject to the Committee's receiving more specific justifications on how such proposals will improve employment and training services for veterans.

Management Issues.—The Committee is concerned that there continues to be unclear lines of accountability within the Veterans Benefits Administration, leading to diminished enforcement of quality standards and program policies, and reduced efficiency and timeliness in claims processing. The Committee directs VA to report by May 30, 2003, on efforts to address these management issues.

VA Healthcare Information Security.—The Committee is pleased with the VA's efforts to modernize its cyber security infrastructure to ensure that sensitive VA records, and those of the VHA patient population are protected from cyber attack, and urges the VA to accomplish this high priority objective as quickly as possible. To that end, the Committee supports continuation at current levels of planning and development efforts related to the recent establishment of the Cyber Security Joint Program Office located at the Martinsburg, WV VAMC.

NATIONAL CEMETERY ADMINISTRATION

Appropriations, 2002	$121,169,000
Budget estimate, 2003	133,149,000
Committee recommendation	133,149,000

PROGRAM DESCRIPTION

The National Cemetery Administration was established in accordance with the National Cemeteries Act of 1973. It has a fourfold mission: to provide for the interment in any national cemetery the remains of eligible deceased servicepersons and discharged veterans, together with their spouses and certain dependents, and permanently to maintain their graves; to mark graves of eligible persons in national and private cemeteries; to administer the grant program for aid to States in establishing, expanding, or improving State veterans' cemeteries; and to administer the Presidential Memorial Certificate Program.

There are a total of 154 cemeterial installations in 39 States, the District of Columbia, and Puerto Rico. The Committee's recommendation for the National Cemetery Administration provides funds for all of these cemeterial installations.

COMMITTEE RECOMMENDATION

The Committee recommends $133,149,000 for the National Cemetery Administration. This is an increase of $11,980,000 over the fiscal year 2002 enacted level and the same as the budget request.

OFFICE OF THE INSPECTOR GENERAL

Appropriations, 2002	$52,308,000
Budget estimate, 2003	55,000,000
Committee recommendation	55,000,000

PROGRAM DESCRIPTION

The Office of Inspector General was established by the Inspector General Act of 1978 and is responsible for the audit and investigation and inspections of all Department of Veterans Affairs programs and operations.

COMMITTEE RECOMMENDATION

The Committee recommends the budget request of $55,000,000 for the inspector general. This is an increase of $2,692,000 above the fiscal year 2002 enacted level.

CONSTRUCTION, MAJOR PROJECTS

Appropriations, 2002	$183,180,000
Budget estimate, 2003	193,740,000
Committee recommendation	144,790,000

PROGRAM DESCRIPTION

The construction, major projects appropriation provides for constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of VA, including planning, architectural and engineering services, Capital Asset Realignment Enhanced Services (CARES) activities, assessment, and site acquisition where the estimated cost of a project is $4,000,000 or more.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $144,790,000 for construction, major projects, $38,390,000 below the fiscal year 2002 enacted level and $48,950,000 below the budget request.

The following table compares the Committee recommendation with the budget request.

CONSTRUCTION, MAJOR PROJECTS

[In thousands of dollars]

Location and description	Available through 2002	2003 request	Committee recommendation
Veterans Health Administration (VHA):			
Palo Alto (Palo Alto Division), CA, Seismic Corrections, Building 2		14,013	14,013
Palo Alto (Palo Alto Division), CA, Seismic Corrections, Building 4 (Research)		21,750	0
San Francisco, CA, Seismic Corrections, Building 203		31,000	31,000
West Los Angeles, CA, Seismic Corrections, Building 500		27,200	0
Subtotal, Seismic		93,963	45,013
Advance planning fund: Various stations		17,500	17,500
CARES Fund		5,000	5,000
Asbestos abatement: Various stations		7,977	7,977
Subtotal, VHA		124,440	75,490
National Cemetery Administration (NCA):			
Pittsburgh, PA National Cemetery, Phase I Development [1]		16,400	16,400

CONSTRUCTION, MAJOR PROJECTS—Continued

[In thousands of dollars]

Location and description	Available through 2002	2003 request	Committee recommendation
Southern Florida National Cemetery, Phase I Development [1]		23,300	23,300
Willamette National Cemetery, OR, Columbarium and Cemetery Improvements		8,400	8,400
Advance planning fund: Various stations		1,800	1,800
Design fund: Detroit, MI and Sacramento, CA		3,400	3,400
Subtotal, NCA [2]		53,300	53,300
Department Advance Planning		2,000	2,000
Claims Analyses: Various locations		1,500	1,500
Emergency Response Security Study		2,000	2,000
Judgment Fund: Various locations		10,000	10,000
Hazardous Waste: Various locations		500	500
Subtotal, Other line-items		16,000	16,000
Total construction, major projects		193,740	144,790,000

[1] Land acquisition funds ($15,000,000) in 2001 and design funds ($2,000,000) in 2002 were provided for a new cemetery in Southern Florida. Eighteen million dollars was provided in 2002 for land acquisition in Pittsburgh, Detroit, and Sacramento areas.

[2] National Cemetery Administration major project requests do not include the purchase of pre-placed crypts, which are funded by the Compensation and Pensions appropriation.

The Committee recommends the requested amounts for 2 seismic correction projects in California, but directs that the VA proceed with these projects only upon confirmation that they are found to be consistent with the strategic plan which emerges from the CARES process in VISNs 21 and 22. Due to budgetary constraints, the Committee is funding the Administration's two highest priorities under this account.

The Committee also recommends the requested amounts for development of both the Pittsburgh, Pennsylvania, and the Miami, Florida National Cemeteries, and improvements at the Willamette, Oregon National Cemetery, and design funding for new cemeteries in Detroit, Michigan, and Sacramento, California.

CARES.—The Committee remains strongly committed to the Capital Asset Realignment for Enhanced Services (CARES) initiative to ensure the VA healthcare system can meet the needs of veterans today and in the future. The Committee commends the Department for implementing the first phase of CARES in VISN 12 and supports the Department's recently announced plan to complete CARES for the rest of the VA health care system within 2 years. To that end, the Committee recognizes that VA may have additional resource needs to support CARES studies across the Nation, and directs VA to keep the Committee apprised of any additional needs to ensure that the process can move forward as scheduled.

In support of the new CARES plan, the Committee has provided a total of $40,000,000—$5,000,000 in major construction and $35,000,000 in minor construction—for CARES activities, including advance planning, design development, construction documents, and construction for major capital initiatives stemming from the CARES recommendations.

The Committee directs VA to propose, not later than February 15, 2002, a framework for prioritization of the capital improvement projects that will be identified as priorities as a result of the CARES studies. This proposal should include any necessary modifications to the VA capital investment and appropriations processes for major and minor construction funding.

The Committee also directs the VA to submit, not later than May 15, 2003, a 5-year strategic plan that describes the implementation of CARES, criteria used for priority-setting of projects, estimated funding costs per VISN by year, and estimated savings to be reinvested back into each VISN by year. The Committee directs that this plan be inclusive of all VA infrastructure needs—major, minor, research-related, safety, seismic, and other—so that ultimately, VA will produce one master list of all priority infrastructure projects. The Committee believes this is imperative to be able to plan for the future resource needs of VA and to eliminate confusion between and among VA's current differing and conflicting priority setting mechanisms.

Finally, the Committee directs that any major construction projects included in future budget submissions meet the following five basic criteria: (1) the project is CARES approved; (2) the project is included in the Department's 5-year strategic plan; (3) the project is a top priority for the VISN in which it is located; (4) the project is at least 30 percent design complete; and (5) the project is authorized.

Beckley, WV nursing home care unit.—The Committee urges the VA to include sufficient funding in the 2004 budget request for a new nursing home care unit at the Beckley, WV VAMC, upon confirmation that the project is consistent with the strategic plan which emerges from the VISN 6 CARES process.

CONSTRUCTION, MINOR PROJECTS

Appropriations, 2002	$210,900,000
Budget estimate, 2003	210,700,000
Committee recommendation	210,700,000

PROGRAM DESCRIPTION

The construction, minor projects appropriation provides for constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of VA, including planning, CARES activities, assessment of needs, architectural and engineering services, and site acquisition, where the estimated cost of a project is less than $4,000,000. Public Law 106–117, the Veterans Millennium Health Care and Benefits Act of 1999, gave VA the authority to make capital contributions from minor construction in enhanced-use leases.

COMMITTEE RECOMMENDATION

The Committee recommends $210,700,000 for minor construction, the same as the budget request and $200,000 below the fiscal year 2002 enacted level. The Committee is aware of the authorizing committees' current efforts to raise the limitation on minor construction projects. The Committee understands that the current limitation has not been raised for several years despite the inflationary cost of construction, and supports the authorizers' efforts to address this matter.

St. Louis Parking.—The Committee is aware that the Department is examining the use of enhanced-use leasing at the John Cochran Division of the VA Medical Center in St. Louis, Missouri as a means to address a severe parking deficiency and safety problem at the Medical Center. The Department is encouraged to address this problem consistent with the CARES protocols.

PARKING REVOLVING FUND

Appropriations, 2002	$4,000,000
Budget estimate, 2003	
Committee recommendation	

PROGRAM DESCRIPTION

The revolving fund provides funds for the construction, alteration, and acquisition (by purchase or lease) of parking garages at VA medical facilities authorized by 38 U.S.C. 8109.

The Secretary is required under certain circumstances to establish and collect fees for the use of such garages and parking facilities. Receipts from the parking fees are to be deposited in the revolving fund and would be used to fund future parking garage initiatives.

COMMITTEE RECOMMENDATION

No new budget authority is requested for the parking revolving fund in fiscal year 2003. Leases will be funded from parking fees collected.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

Appropriations, 2002	$100,000,000
Budget estimate, 2003	100,000,000
Committee recommendation	100,000,000

PROGRAM DESCRIPTION

This account is used to provide grants to assist States in acquiring or constructing State home facilities for furnishing domiciliary or nursing home care to veterans, and to expand, remodel or alter existing buildings for furnishing domiciliary, nursing home, or hospital care to veterans in State homes. The grant may not exceed 65 percent of the total cost of the project, and grants to any one State may not exceed one-third of the amount appropriated in any fiscal year. Public Law 102–585 granted permanent authority for this program and Public Law 106–117 provided greater specificity in directing VA to prescribe regulations for the number of beds for which grant assistance may be furnished.

COMMITTEE RECOMMENDATION

The Committee recommends $100,000,000 for grants for the construction of State extended care facilities, equal to the fiscal year 2002 enacted level and the budget request. This program cost-effectively meets long-term health care needs of veterans.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS' CEMETERIES

Appropriations, 2002	$25,000,000
Budget estimate, 2003	32,000,000
Committee recommendation	32,000,000

PROGRAM DESCRIPTION

Public Law 105–368, amended title 38 U.S.C. 2408, which established authority to provide aid to States for establishment, expansion, and improvement of State veterans' cemeteries which are operated and permanently maintained by the States. This amendment increased the maximum Federal Share from 50 percent to 100 percent in order to fund construction costs and the initial equipment expenses when the cemetery is established. The States remain responsible for providing the land and for paying all costs related to the operation and maintenance of the State cemeteries, including the costs for subsequent equipment purchases.

COMMITTEE RECOMMENDATION

The Committee recommends $32,000,000 for grants for construction of State veterans' cemeteries in fiscal year 2003, $7,000,000 above the fiscal year 2002 enacted level and the same as the budget request.

ADMINISTRATIVE PROVISIONS

The Committee has included 10 administrative provisions (Sections 101–110) carried in earlier bills. Among these are:

Section 107 enables VA to use surplus earnings from the national service life insurance, U.S. Government life insurance, and veterans special life insurance programs to administer these programs. This provision was included for the first time in fiscal year 1996 appropriations legislation. The Department estimates that $38,110,000 will be reimbursed to the ''General operating expenses'' account as a result of this provision.

Section 108 extends the VA's Franchise Fund pilot program.

Section 109 enables the VA to reimburse accounts from enhanced use lease proceeds.

Section 110 allows for fiscal year 2003 only, the reimbursement of the Office of Resolution Management (ORM) and the Office of Employment Discrimination Complaint Adjudication (OEDCA) for services provided, from funds in any appropriation for salaries and other administrative expenses.

Section 111 is a new administrative provision that: (1) reauthorizes VA's authority to collect co-payments for prescription drugs; and (2) makes an accounting change to combine the Health Services Improvement Fund (HSIF) and the Medical Care Collections Fund (MCCF), as described earlier in this report.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Appropriations, 2002	$32,148,695,000
Budget estimate, 2003	31,348,851,000
Committee recommendation	31,149,157,000

GENERAL DESCRIPTION

The Department of Housing and Urban Development [HUD] was established by the Housing and Urban Development Act (Public Law 89–174), effective November 9, 1965. This Department is the principal Federal agency responsible for programs concerned with the Nation's housing needs, fair housing opportunities, and improving and developing the Nation's communities.

In carrying out the mission of serving the needs and interests of the Nation's communities and of the people who live and work in them, HUD administers mortgage and loan insurance programs that help families become homeowners and facilitate the construction of rental housing; rental and homeownership subsidy programs for low-income families who otherwise could not afford decent housing; programs to combat discrimination in housing and affirmatively further fair housing opportunity; programs aimed at ensuring an adequate supply of mortgage credit; and programs that aid neighborhood rehabilitation, community development, and the preservation of our urban centers from blight and decay.

HUD administers programs to protect the homebuyer in the marketplace and fosters programs and research that stimulate and guide the housing industry to provide not only housing, but better communities and living environments.

COMMITTEE RECOMMENDATION

The Committee recommends for fiscal year 2003 an appropriation of $31,149,157,000 for the Department of Housing and Urban Development. This is $1,044,038,000 below the fiscal year 2002 enacted level and $199,934,000 below the budget request.

HOUSING CERTIFICATE FUND

(INCLUDING RECISSION AND TRANSFERS OF FUNDS)

Appropriations, 2002	[1] $15,641,000,000
Budget estimate, 2003	[2] 17,527,000,000
Committee recommendation	16,928,697,000

[1] Includes an advance appropriation of $4,200,000,000 for fiscal year 2002.

[2] Includes an advance appropriation of $4,200,000,000 for fiscal year 2003.

PROGRAM DESCRIPTION

This account provides funding for the section 8 programs, including vouchers, certificates, and project-based assistance. Section 8 assistance is the principal appropriation for Federal housing assistance, with over 3 million families assisted under section 8. Under these programs, eligible low-income families pay 30 percent of their adjusted income for rent, and the Federal Government is responsible for the remainder of the rent, up to the fair market rent or some other payment standard.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $16,928,697,000, including the necessary funds to renew all expiring section 8 contracts. These funds also cover the costs of enhanced vouchers for families that choose to continue to live in multifamily housing in which a mortgage is refinanced and the housing was previously eligible for the Preservation Program, as well as in certain circumstances where owners of assisted multifamily housing opt out of the section 8 program. Consistent with the budget request, this account includes an advance appropriation of $4,200,000,000 for the remaining costs of contracts renewed in calendar year 2003 for the months requiring section 8 assistance during fiscal year 2004.

Other activities eligible for funding under this account include: the conversion of section 23 projects to assistance under section 8; the relocation and replacement of demolished or disposed properties; the family unification program; and the relocation of witnesses in connection with efforts to fight crime in public and assisted housing pursuant to a law enforcement or prosecution agency.

The Committee did not include the administration's request for an additional 34,000 new vouchers because of ongoing concerns over the effectiveness of tenant-based vouchers in providing decent, safe, and affordable housing to low-income people. The Committee is deeply concerned that the tenant-based voucher program offers a false promise of rental choice that recipients cannot realize. In many instances, voucher holders have limited choices, and end up concentrated in the same low-income neighborhoods. This result is antithetical to the goals of the program, which include resident choice, mixed-income housing, and decent living conditions. The Committee urges HUD to make voucher reform a priority for the Department. The Committee strongly supports providing vouchers to people with disabilities, and has made it a priority in this Act. The Committee has included language to prioritize the reallocation of unused vouchers to people with disabilities. New language is also included to ensure that vouchers that were originally funded for use by people with disabilities remain for use by that population. Past practice by HUD and PHAs has resulted in disability vouchers being converted into non-designated vouchers. The Committee expects that these provisions will result in the same—if not greater—number of vouchers serving people with disabilities, despite the absence of a specific appropriation for disability vouchers. The Committee has also included a requirement for a HUD report on the effectiveness of vouchers for people with disabilities.

As part of a voucher reform effort, the Senate endorses a funding model developed by the House Committee on Appropriations which is designed to ensure that only the funds actually needed for vouchers in use will be made available. This model is designed to avoid the appropriation of budget authority in excess of the amount actually required while continuing the longstanding commitment to renew all currently authorized vouchers. While the Committee wishes to ensure that there are sufficient funds available to support all of the currently authorized vouchers that public housing agencies are able to use, the Committee wishes to avoid the recapture and rescission of large amounts of unused section 8 funds in future years.

The Committee also notes that it is disappointed that HUD has made so little progress in reforming the section 8 program, both in terms of poor utilization rates and by requesting funds well in excess of program needs.

To make the section 8 program more effective, the Committee directs HUD to renew annual contributions contracts with public housing agencies for the full number of vouchers reserved to date for each agency that expire during the period covered by this appropriations act. HUD is authorized, however, to contract with each public housing agency for the amount of funds needed to support the number of vouchers that the agency is expected to use in the 12-month period covered by the contract, even if this amount is less than the full amount of funds the public housing agency otherwise would receive under the current renewal formula established by 24 C.F.R. 982.102. In making this determination, HUD is directed to not arbitrarily determine the amount of funds an agency will receive based on the average number of vouchers the agency used during its previous fiscal year, but must make a reasonable determination of the number of vouchers likely to be used in the subsequent 12 months based on current utilization and recent and planned changes in the agency's administrative policies and practices that affect its voucher utilization rate. HUD is directed to collect timely information by the

end of each fiscal year that identifies the number of assisted units that are occupied and the cost of these units to HUD for each program under this account. This information is to be provided to the House and Senate Committees on Appropriations before the end of each fiscal year. This information also should be updated regularly and available to these committees by demand. The Committee does not intend to override agreements that HUD has entered into with public housing agencies participating in the Moving to Work Demonstration concerning the renewal of contracts for voucher funds, nor does the Committee intend to reduce the number of vouchers reserved for an agency as part of the settlement of litigation.

In light of the inherent impossibility of calculating exactly how many vouchers can be used and how much they will cost in fiscal year 2003, to ensure that sufficient budget authority is provided for all authorized vouchers that can be used, the Committee bill contains language establishing a central fund that has both a finite appropriation and also includes a ''current, indefinite'' appropriation. This authority is limited to the renewal of voucher contracts under this year's bill. As to the renewal of vouchers, this authority may not exceed the funding necessary for the 2,077,336 authorized vouchers for which contracts are expiring or terminating. If a public housing agency is able to lease more vouchers than agreed upon in the annual contract, HUD may fund up to the number of vouchers reserved to date for the agency with either appropriations set aside for renewal of voucher contracts, or appropriations from the central fund. HUD shall not require agencies to use their program reserves for this purpose.

Before requesting additional funds from the Treasury under the ''current, indefinite'' appropriation language, HUD must use available recaptured Section 8 funds (both project-based and tenant-based funds) that are not needed to meet the rescission amount contained in the bill. The ''current indefinite'' authority may not exceed the amount of funds needed to meet costs associated with fiscal year 2003 for renewal and incremental vouchers, and may not be used for any obligations in fiscal year 2004. In addition, the Committee directs HUD to refrain from taking steps during fiscal year 2003 that would substantially increase average per voucher costs and to notify the appropriations subcommittees before revising the regulatory criteria that apply to the determination of Fair Market Rents or exception payment standards. HUD should not, however, delay in developing more accurate methods for determining the likely average cost of vouchers in the renewal funding period.

The Committee directs HUD to continue current policies on the establishment, use and replenishment of program reserves for each public housing agency, in order to meet increases in current per voucher costs in excess of the costs assumed in calculating renewal funding. The Committee notes that HUD has an obligation to provide public housing agencies with access to up to an additional 30 days of funding, beyond the regular 30-day reserve, if necessary to serve the authorized number of families. HUD may use appropriations from the central fund to replenish reserves if prior years' appropriations are not available for this purpose.

While some agencies have used all or nearly all of their vouchers and voucher budget authority, and others have improved their performance to reach this target, some have chronically failed to utilize more than 10 percent of vouchers and related budget authority. In 2000, HUD began the process to reallocate unused vouchers from such agencies. Agencies that were warned in 2001 that they would lose vouchers if they did not bring their utilization rate up to 95 percent or higher within approximately 16 months and that failed to meet this target should have had their contracts with HUD reduced. Due to administrative error, HUD has not followed through on its initial warnings except for welfare-to-work vouchers. The Committee directs HUD to move expeditiously to implement fully the voucher reallocation policy, and permits HUD to use appropriations in the central fund for this purpose. Except for vouchers needed to meet urgent housing needs in federally-declared disaster areas, HUD should award contracts for these reallocated vouchers to the agencies most in need and able to make best use of them. If possible, reallocated vouchers should be made available to an agency in the state that can serve eligible families on the waiting list of the agency losing the funding. HUD should be able to make the awards of reallocated vouchers promptly, as interested agencies were given a deadline of August 2002 to apply for the initial round of such vouchers that were not reserved for the welfare-to-work program. To improve the reallocation process in fiscal year 2004 and thereafter, the Committee has included statutory language that would govern this process.

To help ensure that progress continues to be made to improve voucher utilization, HUD shall submit to the appropriations and authorizing committees within 4 months after enactment of this Act, a plan on the steps it intends to take to ensure that vouchers allocated to underperforming agencies are used, including, but not limited to, steps that would require changes in authorizing language or increased appropriations (or more flexibility in use of existing appropriations). The Committee recommends that continuing improvement in voucher utilization be included in the President's Management Agenda.

The Committee also notes that it is disappointed that HUD has made so little progress in reforming the section 8 program, both in terms of poor utilization rates and by requesting funds well in excess of program needs.

The Committee also directs HUD to identify in its fiscal year 2004 budget justification the renewal costs associated with each project-based section 8 program, such as the section 8 moderate rehabilitation program and the section 515 program.

The Committee urges the administration to use all available tools at its disposal to preserve existing project-based section 8 units. By one estimate, over 675,000 contracts on project-based section 8 units are due to expire by 2005. The Committee is very concerned about the loss of these units, given the shortage in the supply of affordable housing, and in light of this Committee's substantial investment in those units. With an initial report due by April 15, 2003, the Department is directed to submit quarterly reports to this Committee on the number of units and properties where owners have elected to opt out of a section 8 contract, or to prepay the HUD mortgage. The report should also detail the repair needs for apartments covered by expiring section 8 contracts, and actions taken by the Department to preserve and/or improve the units.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2002	$2,843,400,000
Budget estimate, 2003	2,425,900,000
Committee recommendation	2,683,400,000

PROGRAM DESCRIPTION

This account provides funding for modernization and capital needs of public housing authorities (except Indian housing authorities), including management improvements, resident relocation and homeownership activities.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $2,683,400,000 for the public housing capital fund, $257,500,000 more than the budget request and $160,000,000 below the fiscal year 2002 enacted level. The Committee has rejected the reduction proposed by the administration in light of the approximate $20,000,000,000 in public housing captial needs.

Of the amount made available under this section, up to $55,000,000 is for supportive services for residents of public housing, and up to $15,000,000 is for the Neighborhood Networks Initiative in public housing. Funds for the Neighborhood Networks Initiative are provided to establish and operate computer centers in and around public housing. The Committee provides these funds so that residents of public housing can have access to the technology skills that are increasingly important in the 21st century workplace. The Committee is concerned that HUD does not have a comprehensive plan to address the digital divide, despite the Committee's urging last year to develop such a plan.

HUD is prohibited from using any funds under this account as an emergency reserve under section 9(k) of the United States Housing Act of 1937, but is provided up to $75,000,000 for emergency capital needs.

The Committee does not accept the administration's legislative proposal to finance privately the capital needs of public housing with secton 8 funds. The Committee is concerned that the proposal could result in a loss of public housing units, and would not benefit public housing units with the greatest capital needs. The Committee agrees, however, that Public Housing Authorities should have the tools they need to finance improvements to public housing units. New authority is needed so that public housing authorities can use funds they receive to address critical, deferred maintenance needs. The Committee includes an administrative provision to allow public housing authorities the flexibility to use public housing funds to leverage private capital to rehabilitate distressed units and develop public housing units in mixed-income housing developments.

PUBLIC HOUSING OPERATING FUND

Appropriations, 2002	$3,494,868,000
Budget estimate, 2003	3,530,000,000
Committee recommendation	3,530,000,000

PROGRAM DESCRIPTION

This account provides funding for the payment of operating subsidies to some 3,050 public housing authorities (except Indian housing authorities) with a total of over 1.2 million units under management in order to augment rent payments by residents in order to provide sufficient revenues to meet reasonable operating costs.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $3,530,000,000 for the public housing operating fund, an increase of $35,132,000 over the fiscal year 2002 level and the same as the budget request. HUD is prohibited from

using any funds under this account as an emergency reserve under section 9(k) of the United States Housing Act of 1937.

The Committee directs HUD to use up to $250,000,000 to meet the operating expenses of those public housing agencies (PHAs) that received a shortfall in their operating assistance in the fourth quarter of fiscal year 2002. These funds are included for only those PHAs in fiscal year 2002 that received less than the amount of operating assistance expected. Apparently, HUD has engaged in a practice over the last 10 years of paying for prior year operating costs with current year appropriations. This practice has occurred using substantial funds without the apparent knowledge or approval of either Congress or OMB. It also is inconsistent with the intent of Congress and appropriations practice. While HUD has taken steps to address these problems in the Public Housing program, the Committee remains concerned about the impact of this misuse of funds on the operations of PHAs. The Committee also directs HUD to report to the House and Senate Committees on Appropriations by April 15, 2003 on actions taken to address this practice, including all sanctions for poor performance and negligence. The Committee also directs HUD fully to fund the operating assistance needs of PHAs in fiscal year 2003 solely with fiscal year 2003 funds.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING [HOPE VI]

Appropriations, 2002	$573,735,000
Budget estimate, 2003	574,000,000
Committee recommendation	574,000,000

PROGRAM DESCRIPTION

The ''Revitalization of severely distressed public housing'' account makes awards to public housing authorities on a competitive basis to demolish obsolete or failed developments or to revitalize, where appropriate, sites upon which these developments exist. This is a focused effort to eliminate public housing which was, in many cases, poorly located, ill-designed, and not well constructed. Such unsuitable housing has been very expensive to operate, and difficult to manage effectively due to multiple deficiencies.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $574,000,000 for the ''HOPE VI'' account, the same as the budget request and the same as the fiscal year 2002 enacted level. The Committee urges the Department to continue funding innovative projects that work both as public and mixed-income housing as well as building blocks to revitalizing neighborhoods.

Of the amount provided under this account, $5,000,000 is for a Neighborhood Networks Initiative in HOPE VI developments. These are additional funds for the development and operation of computer centers, and are not intended to supplant grants for computer centers that are made to PHAs in the normal HOPE VI process.

The Committee has included bill language to sunset the HOPE VI program on September 30, 2004. This is an important program that has revitalized many distressed communities and funding is expected to be included in the fiscal year 2004 budget. The Committee has concerns over the future and mandate of the HOPE VI program. Since the inception of the HOPE VI program, HUD has approved the demolition of approximately 140,000 units. The Committee directs the Department to submit a report by June 15, 2003, on the number and location of severely distressed public housing units that are in need of substantial revitalization or demolition. Further, the Committee urges the Department to use the lessons learned since the inception of the HOPE VI program to inform its reauthorization proposal. Successful HOPE VI developments have spurred the revitalization of low-income neighborhoods and provided new opportunities to residents of public housing. The Committee urges the Department to submit legislation that would codify those practices used by PHAs that have successfully implemented the HOPE VI program. The Committee stresses the importance of a meaningful reauthorization process, and urges the Department to work with the appropriate authorizing committees to make HOPE VI a viable program for future years.

NATIVE AMERICAN HOUSING BLOCK GRANT

(INCLUDING TRANSFERS OF FUNDS)

Appropriations, 2002	$648,570,000
Budget estimate, 2003	646,594,000
Committee recommendation	648,570,000

PROGRAM DESCRIPTION

This account funds the native American housing block grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA). This program provides an allocation of funds on a formula basis to Indian tribes and their tribally designated housing entities to help them address the housing needs within their communities. Under this block grant, Indian tribes will use performance measures and benchmarks that are consistent with the national goals of the program, but can base these measures on the needs and priorities established in their own Indian housing plan.

COMMITTEE RECOMMENDATION

The Committee recommends $648,570,000 for the native American housing block grant, of which $5,987,000 is set aside for a credit subsidy for the section 601 Loan Guarantee Program. The Committee recommendation is $1,976,000 more than the budget request and the same as the fiscal year 2002 enacted level.

The Committee believes that training and technical assistance in support of NAHASDA should be shared, with $2,200,000 to be administered by the National American Indian Housing Council (NAIHC) and $5,000,000 by HUD in support of the inspection of Indian housing units, contract expertise, training and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance.

The Committee notes that there is not a requirement that qualified Indian and Alaska Native owned construction companies be given priority consideration in construction of Indian housing. In many Indian and Native communities, the unemployment rate exceeds 80 percent, and housing contracts would provide much needed employment and training opportunities for Native Americans living on reservations and in Alaska Native villages. The Committee directs the agency and its grantees to give priority consideration to qualified Native owned firms in the design and construction of Indian housing.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2002	$5,987,000
Budget estimate, 2003	5,000,000
Committee recommendation	5,000,000

PROGRAM DESCRIPTION

This program provides access to private financing for Indian families, Indian tribes and their tribally designated housing entities who otherwise could not acquire housing financing because of the unique status of Indian trust land. As required by the Federal Credit Reform Act of 1990, this account includes the subsidy costs associated with the loan guarantees authorized under this program.

COMMITTEE RECOMMENDATION

The Committee recommends $5,000,000 in program subsidies to support a loan guarantee level of $197,243,000. This is $987,000 less than the fiscal year 2002 enacted level and the same as the budget request.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2002	$1,000,000
Budget estimate, 2003	1,000,000
Committee recommendation	1,000,000

PROGRAM DESCRIPTION

This program provides access to private financing for Native Hawaiians who otherwise could not acquire housing financing because of the unique status of the Hawaiian Home Lands as trust land. As required by the Federal Credit Reform Act of 1990, this account includes the subsidy costs associated with the loan guarantees authorized under this program.

COMMITTEE RECOMMENDATIONS

The Committee recommends $1,000,000 in program subsidies to support a loan guarantee level of $39,712,000. This is the same as the fiscal year 2002 enacted level and the same as the budget request.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS [HOPWA]

Appropriations, 2002	$277,432,000
Budget estimate, 2003	292,000,000
Committee recommendation	292,000,000

PROGRAM DESCRIPTION

The Housing Opportunities for Persons with AIDS [HOPWA] Program is designed to provide States and localities with resources and incentives to devise long-term comprehensive strategies for meeting the housing needs of persons living with HIV/AIDS and their families.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $292,000,000 for this program, $14,568,000 above the fiscal year 2002 enacted level and the same as the budget request.

The Committee requires HUD to allocate these funds in a manner that preserves existing HOPWA programs to the extent those programs are determined to be meeting the needs of persons with AIDS.

OFFICE OF RURAL HOUSING AND ECONOMIC DEVELOPMENT

Appropriations, 2002	$25,000,000
Budget estimate, 2003	.....
Committee recommendation	25,000,000

PROGRAM DESCRIPTION

The Office of Rural Housing and Economic Development was established to ensure that the Department has a comprehensive approach to rural housing and rural economic development issues. The account includes funding for technical assistance and capacity building in rural, underserved areas, and grants for Indian tribes, State housing finance agencies, State economic development agencies, rural nonprofits and rural community development corporations to pursue

strategies designed to meet rural housing and economic development needs.

COMMITTEE RECOMMENDATION

The Committee recommends $25,000,000 for the Office of Rural Housing and Economic Development for fiscal year 2003 to support housing and economic development in rural communities as defined by USDA and HUD. This funding level is the same as the fiscal year 2002 level and $25,000,000 above the budget request.

The Committee does not accept the administration's recommendation to eliminate funding for this program. The Committee believes that the Office of Rural Housing and Economic Development plays an important role in HUD's community development activities. Twenty-five percent of nonmetropolitan homes are renter-occupied, and the high cost of housing burdens those in rural areas, as it does in urban communities. Furthermore, the Committee notes that the programs of the Office of Rural Housing and Economic Development are sufficiently different from the housing programs administered by the Department of Agriculture to warrant separate appropriations.

HUD is directed to administer this program according to existing regulatory requirements. It is expected that any changes to the program shall be made subject to notice and comment rulemaking.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

Appropriations, 2002	$45,000,000
Budget estimate, 2003	
Committee recommendation	30,000,000

PROGRAM DESCRIPTION

The Empowerment Zones/Enterprise Communities (EZ/EC) program was authorized under the Omnibus Budget Reconciliation Act of 1993. The Taxpayer Relief Act of 1997 later authorized two additional Round I urban EZs and 15 Round II urban EZs. This interagency initiative is designed to create self-sustaining, long-term development in distressed urban and rural areas throughout the Nation. The program utilizes a combination of Federal tax incentives and flexible grant funds to reinvigorate communities that have been in decline for decades.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $30,000,000 for this program, $15,000,000 less than the fiscal year 2002 enacted level and $30,000,000 more than the budget request. These funds will be distributed to the 15 communities that received a second round EZ designation. The Committee remains concerned that the previous Administration acknowledged that this program was intended to be funded as a mandatory program and not as an obligation of this bill. The Committee expects the Senate Finance Committee to fund this program as mandatory. Moreover, the Committee remains concerned over accountability in this program and notes that the HUD Inspector General has been critical about how communities have implemented this program and used EZ funds.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

Appropriations, 2002	[1] $5,000,000,000
Budget estimate, 2003	4,732,500,000
Committee recommendation	5,050,000,000

[1] Does not include a $2,000,000,000 appropriation made in the 2002 emergency supplemental bill.

PROGRAM DESCRIPTION

Under title I of the Housing and Community Development Act of 1974, as amended, the Department is authorized to award block grants to units of general local government and States for the funding of local community development programs. A wide range of physical, economic, and social development activities are eligible with spending priorities determined at the local level, but the law enumerates general objectives which the block grants are designed to fulfill, including adequate housing, a suitable living environment, and expanded economic opportunities, principally for persons of low and moderate income. Grant recipients are required to use at least 70 percent of their block grant funds for activities that benefit low- and moderate-income persons.

Funds are distributed to eligible recipients for community development purposes utilizing the higher of two objective formulas, one of which gives somewhat greater weight to the age of housing stock. Seventy percent of appropriated funds are distributed to entitlement communities and 30 percent are distributed to nonentitlement communities after deducting designated amounts for special purpose grants and Indian tribes.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $5,000,000,000 for the Community Development Block Grant [CDBG] program in fiscal year 2003. This is an increase of $267,500,000 above the budget request for fiscal year 2003 and the same as the fiscal year 2002 enacted level.

The Committee has included $4,580,200,000 for community development block grants (CDBG). The Committee does not include funding for the Administration's Colonias Gateway Initiative. The Committee encourages the Department to seek an authorization of the legislation required for this proposal and to perform a thorough review of the CDBG formula before proposing adjustments.

Set-asides under this account include $72,500,000 for native Americans; $3,300,000 for the Housing Assistance Council; $2,600,000 for the National American Indian Housing Council; $35,500,000 for the National Community Development Initiative; and $45,500,000 for section 107 grants, including $4,000,000 to support Alaska Native-Serving Institutions and Native Hawaiian-Serving Institutions; $3,000,000 for competitive grants awarded to Tribal Colleges and Universities to build, expand, renovate, and equip their facilities; $3,000,000 for community development work study, $11,000,000 for historically black colleges and universities, of which up to $2,000,000 is for technical assistance, $7,000,000 for insular areas; and $7,500,000 for Hispanic-serving institutions. The Committee includes $10,000,000 for assistance authorized under the Hawaiian Homelands Homeownership Act of 2000 under section 107. The Administration proposed to fund this program in a separate account.

In addition, this legislation includes a set-aside of $130,500,000 for the Economic Development Initiative (EDI) to finance efforts that promote economic and social revitalization.

At a minimum, the Secretary is directed to fund the following grants as part of the economic development initiative (the bill includes language that reduces these grants by ten percent):

$1,000,000 for Arkansas State University at Mountain Home to develop community outreach programs;

$1,000,000 for Clark County, Nevada for the construction of a community center;

$900,000 for the City of Riverton, Utah for reconstruction of a Historic City Civic Center;

$1,000,000 for the RMC Aviation Training Center in Billings, Montana;

$500,000 for TechRanch in Bozeman, Montana;

$200,000 for the Bozeman Rail Depot remediation project;

$200,000 for Baltimore Clayworks in Baltimore, Maryland to expand the facility;

$200,000 for the Audubon Center in Sandstone, Minnesota for the capital construction project;

$500,000 for Boysville of Michigan in Detroit for the Samaritan Outreach Center;

$500,000 for the Detroit Housing Group Inc., for the Alter Kercheval Housing Project;

$400,000 for the Asian Pacific Community Center in St. Paul, Minnesota to create an urban village;–

$250,000 for the Friends of Youth in Redmond, Washington for the Griffin Home renovation;

$250,000 for Horizons, Inc. in Sunnyside, Washington for technology training centers;

$400,000 for Audubon Nebraska for the Spring Creek Prairie Education Center;

$800,000 for Topeka, Kansas for redevelopment activities in Topeka, Kansas;

$800,000 for the Schenectady Municipal Housing Authority, New York for community development and revitalization;

$750,000 for the City of Daytona Beach, Florida for boardwalk area revitalization;

$600,000 for the City of Baltimore, Maryland for the Main Street Initiative;

$750,000 for the County of Hawaii for the construction of an emergency homeless shelter in Kailua-Kona;

$750,000 for the City of Cincinnati, Ohio for the development of the Ohio River Trail;

$750,000 for the city of Milwaukee, Wisconsin for the Menomonee River Valley Redevelopment project;

$700,000 for the Pojoaque Pueblo of New Mexico to complete the Poeh Cultural Center and Museum;

$700,000 for Franklin County MetroParks, Franklin County, Ohio for the purchase of land in the Darby Creek Watershed;

$700,000 for the City of Charleston, South Carolina for pre- and post homeownership classes;

$1,000,000 for the City of Columbia, South Carolina for the redevelopment of the Drew Park Wellness Center;

$1,000,000 for El Paso, Texas for the renovation of the El Paso Plaza Theatre;

$600,000 for the City of Madera, California for a community cultural and youth center;

$1,300,000 for Sevier County, Utah for development of a Multi-Events Center;

$1,000,000 for Anchorage, Alaska for an expansion of the Anchorage Museum;

$600,000 for Marguerite's Place, Nashua, New Hampshire to provide transitional housing for women who are victims of domestic abuse and their children;

$600,000 for the New Jersey Community Development Corporation for the Transportation Opportunity Center;

$600,000 for the City of Portland, Oregon for a central city streetcar extension;

$200,000 for Biddeford, Maine for theater restoration;

$200,000 for the Mississippi Tribe of Choctaw for the development of a Choctaw Veterans Memorial;

$500,000 for the Mobile Historic Development Commission in Mobile, Alabama for a Neighborhood Initiative Program;

$500,000 for the Mananuska-Susitna Borough for an agricultural processing facility in Wasilla, Alaska;

$500,000 for Ketchikan, Alaska for the Tongass Coast Aquarium in Ketchikan, Alaska;

$500,000 for the Southside Community Center in Fairbanks, Alaska for an addition;

$500,000 for the World War II Lend Lease Museum in Anchorage, Alaska;

$500,000 for the Arkansas YMCAs for program development;

$500,000 for the Wilmington Housing Authority, Delaware for redevelopment of blighted land;

$500,000 for Spellman College in Atlanta, Georgia for renovations of Packard Hall;

$500,000 for the Dekalb County Community Center, Georgia for the construction of a community center;

$500,000 for the County of Kauai, Hawaii for the West Kauai High Tech Training Facility;

$1,000,000 for the City of Rugby, North Dakota to complete information technology and energy projects;

$350,000 for Providence College, Rhode Island for the construction of a cultural arts center;

$350,000 to the Vermont Housing and Conservation Board for the development of affordable housing in Vergennes, Vermont;

$1,000,000 for the North Dakota Tourism Department for the Three Affiliated Tribes Interpretative Center;

$500,000 for the Clearwater Economic Development Association in Clearwater, Idaho for the Lewis and Clark Bicentennial Solid Waste Disposal program;

$400,000 for Five Rivers Community Development Corporation in Georgetown, South Carolina for economic development and affordable housing;

$500,000 for Boise State University, Idaho for a Center for Environmental Science and Economic Development;

$500,000 to the City of Des Moines, Iowa for the Agriment Technology Park;

$500,000 for the City of Chicago, Illinois for cleanup associated with economic development in Chicago's Pilsen/Little Village Community;

$500,000 to the Chicago Park District for Phase II of Ping Tom Memorial Park development in Chicago's Chinatown community;

$500,000 for the Ernest Morial New Orleans Exhibition Hall Authority in Louisiana for the expansion of the Morial Convention Center;

$500,000 for the University of Louisiana, Lafayette for the National Wetlands Research Center;

$500,000 for the Biomedical Research Foundation in Shreveport, Louisiana for infrastructure improvements and development of an incubator;

$500,000 for University of Maine (Fort Kent and Presque Isle) Aroostook County Development Effort;

$500,000 for the Greektown Community Development Corporation in Baltimore, Maryland for the Housing and Business Stabilization Project;

$500,000 for Montgomery County, Maryland for the revitalization of Fenton Street Village;

$500,000 for Prince George's County, Maryland for acquisition and rehabilitation of properties along the Route 1 corridor;

$500,000 for the West Arlington Improvement Center to rehabilitate a water tower and construct a new multi-purpose center in Baltimore, Maryland;

$500,000 for Anne Arundel County, Maryland for the Wiley Bates High School Redevelopment project;

$500,000 for the FOCUS: HOPE Institute in Detroit, Michigan to renovate a job-training facility;

$500,000 for the NorthStar Community Development Corporation in Detroit, Michigan to build affordable housing;

$500,000 for the Northeast Ventures Corporation in Duluth, Minnesota for a revolving loan fund;

$500,000 for the Red Lake Band of Chippewa Indians in Red Lake, Minnesota for the construction of a criminal justice complex;

$500,000 for Tchula, Mississippi for the development of a municipal complex;

$500,000 for the City of Kewanee, Mississippi for the development of the Kewanee industrial park;

$3,000,000 for West Virginia Wesleyan College in Buckhannon, West Virginia for renovation/expansion of a science hall;

$500,000 for Pearl, Mississippi for the renovation of a community center;

$500,000 for the Boathouse Museum in St. Charles, Missouri;

$500,000 for the City of Chillicothe, Missouri for downtown revitalization;

$100,000 for Montgomery City, Missouri for streetscape improvements;

$500,000 for the Westside Housing Organization in Kansas City, Missouri for the Westside Agency Collaboration;

$500,000 for the Advanced Technology Center in Mexico, Missouri for expansion;

$500,000 for the City of Cape Girardeau, Missouri for downtown revitalization;

$500,000 for the Thomas Hill Enterprise Center in Macon, Missouri to build low income housing;

$500,000 for the Palestine Senior Citizens Center in Kansas City, Missouri for the Kansas City Area Assisted Living Center for the Elderly;

$500,000 for Billings, Montana for the expansion of the HRDC District 7 Building;

$400,000 for Billings Deaconess Clinic Research Facility in Billings, Montana;

$400,000 for the Yellowstone Boys and Girls Ranch in Billings, Montana for renovation;

$500,000 for the Portsmouth Riverwalk, Portsmouth, New Hampshire to assist in the creation of a safe pedestrian link between scenic and historical destinations and New Hampshire's only working deep water seaport;

$500,000 for the Bayshore Senior Center in Keansburg, New Jersey for renovations;

$500,000 for the Children's Cultural Center in Red Bank, New Jersey for the renovation of Shrewsbury Township Hall;

$500,000 for the New Mexico Food Bank Association, Albuquerque, New Mexico, for the Gleaning Project;

$500,000 for the City of North Las Vegas, Nevada for neighborhood redevelopment;

$400,000 for the City of Brookings, South Dakota for downtown redevelopment;

$400,000 for the Southeast Council of Governments, South Dakota to establish a revolving loan fund;

$500,000 for Spirit Lake Tribal Court in Fort Totten, North Dakota for renovations to the Spirit Lake Courthouse;

$500,000 for the City of Dayton, Ohio for the development of structures in the Main Street Historic Mission;

$500,000 for the Lawrence Economic Development Corporation for the development of the Point Commercial/Industrial Park in Ohio;

$500,000 for the Toledo-Lucas County Port Authority for the Northwest Ohio Brownfield Restoration Initiative;

$500,000 for Capitol University Center, Pierre, South Dakota to construct a facility for job training;

$500,000 for Center for Rural Collaboration and Partnerships for facility construction;

$500,000 for the City of Rapid City, South Dakota to build a business incubator;

$500,000 for the City of Clark, South Dakota for development of an industrial property;

$500,000 for the City of Chattanooga, Tennessee for the revitalization of Alton Park;

$500,000 for Nashville, Tennessee for the revitalization of Rolling Mill Road;

$500,000 for Lubbock, Texas for capital needs of the Lubbock Amphitheater;

$500,000 for the Vermont Institute of Science for the construction of a new public education and wildlife center;

$500,000 for the SWIFT Cyber Corporation in Washington for broadband access;

$500,000 for the YWCA of Seattle, Washington for the YWCA Opportunity Place;

$500,000 for the city of Madison, Wisconsin for the development of affordable housing;

$450,000 for Eckerd College in St. Petersburg, Florida for the expansion of the Youth Opportunity and Development Center;

$450,000 for the Discovery Center for the development of an exhibit in Springfield, Missouri;

$2,000,000 for Colorado UpLift;

$2,000,000 for Potomac State College in Keyser, West Virginia for renovation of a library;

$2,000,000 for Glenville State College in Summersville, West Virginia for the construction of a new campus community education center;

$430,000 for the Seattle Art Museum, Washington for brownfields cleanup;

$400,000 for the Town of Ledyart, Connecticut to build a public safety services building;

$400,000 for the Hartt School of Performing Arts Education Center in West Hartford, Connecticut for building renovations;

$400,000 for the Riverfront Development Corporation in Wilmington, Delaware for an environmental education center;

$400,000 to the City of Council Bluffs for land acquisition and clean-up;

$400,000 to the City of Dubuque, Iowa for land acquisition and clean-up;

$400,000 to the City of Waterloo for redevelopment of the Rath area brownfields and housing development;

$1,000,000 for the University of Missouri-Kansas City for academics investments related to the Cardiovascular Proteomics Center; –

$1,000,000 for Southeast Missouri State University to build a small business incubator;

$400,000 to the City of Davenport, Iowa for the Scott County Housing Council trust fund;

$400,000 for the Mercy Home for Boys and Girls in Chicago, Illinois for facility expansion;

$400,000 for the Merit School of Music in Chicago, Illinois for the construction of a new facility;

$1,000,000 for the Clearwater Economic Development Association in Clearwater, Idaho for the implementation of the Lewis and Clark Bicentennial Plan;

$300,000 for the City of Vidalia, Louisiana for riverfront redevelopment;

$750,000 for the County of Maui, Hawaii for senior housing;

$750,000 for the City of St. Paul, Minnesota for renovations to existing low-income housing;

$400,000 for Bethel Outreach Center in Baltimore, Maryland for development of a cyber community center;

$400,000 for Northern Forest Heritage Park, Berlin, New Hampshire to help create heritage based tourism and regional economic development;

$400,000 for the Mines Falls Park Restoration, Nashua, New Hampshire to restore historic gatehouse and assist in developing an educational resource center;

$400,000 for Capitol Center for the Arts, Concord, New Hampshire to enhance programming and make renovations to the facility;

$400,000 for the Urban League State Council in New Brunswick, New Jersey for the New Futures Projects;

$100,000 for the Carving Studio in West Rutland, Vermont for building renovations;

$100,000 for the City of Forks, Washington for telecommunications initiatives;

$400,000 for Willingboro Township, New Jersey for the Kennedy Senior Center construction project;

$400,000 for the Pueblo of Cochiti, New Mexico for the construction of a community center;

$400,000 for Turtle Mountain Community College in Belcourt, North Dakota to complete construction of an economic development complex;

$200,000 for the Meeting Street School in Providence, Rhode Island for the construction of a National Center of Excellence;

$200,000 for St. Elizabeth's Home in Providence, Rhode Island for low-income assisted living;

$400,000 for New Economy Initiative in North Dakota for technology training;

$400,000 for the Rhode Island Community Food Bank in Providence for a new warehouse facility;

$400,000 for the City of Vermillion, South Dakota for a business incubator;

$400,000 for the City of Burlington, Vermont for neighborhood revitalization;

$400,000 for the Lund Family Center in Burlington, Vermont for building renovations;

$400,000 for the Town of Madison, Wisconsin for the Novation Technology Campus;

$350,000 for the Western Massachusetts Enterprise Fund, Inc.'s small business and microenterprise loan and development programs;

$350,000 for the Missouri School Board Association for the C.L.A.S.S. Program;

$500,000 for the Alternative Structures International in Waianae, Hawaii for expansion of housing facilities;

$500,000 for the City of Wichita, Kansas for the development of Mennonite Housing;

$350,000 for the Center for Economic Growth in Albany, New York for the Regional Technology Roadmap project;

$350,000 for the Erie Municipal Airport Authority for the redevelopment of the recently acquired, former Fenestra window manufacturing facility in Erie, Pennsylvania, to serve the needs of major air express carriers as an on-airport integrated service center;

$300,000 for Haleyville, Alabama for a downtown revitalization project;

$300,000 for the Florence Crittenden Home in Little Rock, Arkansas for the expansion of services, education programs, and emergency shelter;

$300,000 for the Wadsworth Atheneum in Hartford, Connecticut for expansions and renovations;

$3,000,000 to Tuscaloosa, Alabama for the Tuscaloosa Downtown Revitalization Project;

$300,000 for Hall Neighborhood House in Bridgeport, Connecticut to build a child care center;

$300,000 for the Jacksonville Port Authority, Florida for brownfields clean-up;

$300,000 for College Partners Inc. in Atlanta, Georgia for neighborhood revitalization;

$300,000 for the Tubman Museum in Macon, Georgia for a new facility;

$300,000 for the Nanakuli Neighborhood in Oahu, Hawaii for housing management classes;

$300,000 for the State of Hawaii for the Boys and Girls Club of Hawaii;

$300,000 to the City of Clinton, Iowa for development in the business park area;

$300,000 to the Mid-American Housing Partnership in Cedar Rapids, Iowa for the Housing Trust Fund;

$900,000 for the South Carolina Association of Community Development Corporations in Charleston for job training;

$1,000,000 for the City of Summersville, West Virginia for the expansion of the National Guard Readiness Center;

$300,000 to the City of Cedar Rapids, Iowa for brownfields redevelopment;

$450,000 for the Audubon Nature Institute in New Orleans, Louisiana for revitalization of a historic building;

$300,000 for Mott Community College in Flint, Michigan to develop a program and curriculum to improve workforce and manufacturing development;

$300,000 for Pinola, Mississippi for the renovation of the historic Pinola School House;

$300,000 for Natchez, Mississippi for the development of the Natchez-Adams County industrial park;

$300,000 for Petosi/Washington County Industrial Development Authority for the Petosi Industrial Park.

$300,000 for the City of Omaha, Nebraska for the creation of information technology training;

$300,000 for Strawberry Banke, Portsmouth, New Hampshire to assist in the design and planning of programming and create partnerships with neighborhood associations and organizations for disadvantaged youth;

$300,000 for the Borough of Paulsboro, New Jersey for brownfields redevelopment;

$300,000 for the Community Pantry in Gallup, New Mexico;

$300,000 for the Boys and Girls Club of Santa Fe, New Mexico for the construction of a facility;

$300,000 for Chautauqua County, New York for high-speed, broadband fiber installation;

$300,000 for the Cleveland Foodbank for the development of a new food distribution center;

$300,000 for Crook County, Oregon to construct a human services building;

$300,000 for the City of Dalles, Oregon for the construction of the Dalles riverfront access project in Oregon;

$300,000 for the Community Initiatives Development Corporation, Our City Reading, for the rehabilitation of abandoned houses and parks in Reading, Pennsylvania, to provide quality home ownership opportunities to low-income families;

$300,000 for Lehigh County, Pennsylvania to construct a Regional Public Training Facility, which will provide services, programs and cross training to professional and volunteer service providers;

$250,000 for the Mystic Valley Development Corporation in Medford, Massachusetts for the development of a technology and research center;

$250,000 for the New Bedford Historical Society for the rehabilitation and restoration of the Nathan and Polly Johnson House;

$300,000 for the City of Sturgis, South Dakota for the construction of a community library;

$300,000 for the City of Orem, Utah for improvement of Nielsen's Grove Historical Park;

$300,000 to the Vermont Housing and Conservation Board for rehabilitation and construction of affordable housing in the historic Tuttle Building in Rutland, Vermont;

$300,000 to the City of Burlington for construction of the Intervale Food Enterprise Center in Burlington, Vermont;

$300,000 for the Vermont Development Initiative to expand their services throughout Vermont;

$300,000 for the Vermont Housing and Conservation Board in Stowe, Vermont for the creation of affordable housing;

$300,000 for the Vermont Housing and Conservation Board in Newport, Vermont for the expansion of affordable senior housing;

$250,000 for the City of Talladega, Alabama for the restoration of the Historic Antique Talladega;

$250,000 for Covenant House California in Oakland to purchase and renovate a building;

$250,000 to the Martin Luther King Jr., Freedom Center in Oakland, California to build a community center;

$250,000 to the Los Angeles Theatre Group in Culver City, California for building renovations;

$250,000 for the Corporation for Supportive Housing in California for a homeless intervention program;

$250,000 for Lewis-Clark State College for the Idaho Virtual Incubator;

$250,000 for the Historic Silver City Foundation in Silver City, Idaho for the restoration of the historic Silver City School;

$250,000 for the Youth Services Bureau of Illinois in LaSalle County for improvements and relocation of facilities;

$1,000,000 for Alaska Pacific University for the restoration of an historic property in Anchorage, Alaska;

$1,000,000 for Petersburgh, Alaska for waterfront improvements;

$250,000 for Cornerstone Services in Joliet, Illinois for renovation of facility;

$250,000 for the City of Quincy, Illinois to renovate the historic downtown Washington Theatre;

$250,000 for the City of Peoria, Illinois for infrastructure improvements to foster economic development in the biosciences field;

$250,000 for Dillard University, New Orleans, Louisiana for the International Center for Economic Freedom;

$250,000 for Advocates for Science and Math Education, New Orleans, Louisiana for construction of a building for the New Orleans Center for Science and Math;

$250,000 for the City of Westbrook, Maine for a parking facility;

$250,000 for the City of Brewer, Maine for waterfront redevelopment;

$250,000 for the Preble Street Resource Center in Maine for a homeless teen center and health clinic;

$250,000 for the Piscataquis County Economic Development Council for a business incubator in Greenville, Maine to support and house businesses seeking to commercialize wood composite material;

$250,000 for Harford County, Maryland for a digital inclusion project in Edgewood;

$250,000 for the Suitland Family and Life Development Corporation in Suitland, Maryland for development of the Suitland Technology Center;

$250,000 for Montgomery County, Maryland for façade improvements and streetscaping in Wheaton;

$250,000 for Montgomery County, Maryland for the construction of community centers in Long Branch;

$500,000 for the City of Worcester, Massachusetts for neighborhood revitalization and redevelopment;

$500,000 for the City of Boston, Massachusetts for development of low and moderate income housing;

$250,000 for Neighborhood House in St. Paul, Minnesota to construct a new city center;

$250,000 for the City of Warrensberg, Missouri for downtown revitalization;

$250,000 for the City of Beloit, New Hampshire for neighborhood redevelopment;

$250,000 for the City of Grove City, Ohio for the development of the All Children Adventure Playground at Fryer Park;

$250,000 for the Providence Public Library, Rhode Island for the South Providence Branch renovation;

$250,000 for the Town of Glocester, Rhode Island for the Glocester Senior Center;

$250,000 to the Vermont Broadband Council to promote broadband accessibility throughout Vermont;

$250,000 for Mary Baldwin College in Staunton, Virginia for the Center for the Exceptionally Gifted;

$250,000 for Transitions in Spokane, Washington to purchase a building for the Women's Drop in Center;

$250,000 for Kent Youth and Family Services in Kent, Washington to build two new community centers;

$250,000 for the Port of Chelan in Wenatchee, Washington to complete the construction of a community technology center;

$750,000 for the City of East Palo Alto, California for redevelopment to Ravenswood Industrial Area;

$250,000 for the Washington State Office of Community Development for a planning and development resource center;

$250,000 for the YWCA of Milwaukee, Wisconsin for the rehabilitation of two central city properties;

$500,000 for the City of Inglewood, California for the construction of a senior center;

$500,000 for the City of Fresno, California for the redevelopment of the Roeding Business Park;

$250,000 for city of Burlington, Wisconsin for development of the Bel-Mur site;

$250,000 for the city of Beloit, Wisconsin for the renovation of abandoned Beloit Corporation land;

$250,000 for the City of Eau Claire, Wisconsin for downtown revitalization;

$225,000 for the Redevelopment Authority of Allegheny County, Pennsylvania for the redevelopment of the East Commerce Center, which will assist in the cost assessment, remediation and demolition of existing blighted buildings and tenant relocation costs;

$220,000 for the Sankofa Community Development Corporation in Baltimore, Maryland to renovate a building for a business center;

$200,000 for Lawson State Community College in Alabama for an information technology training and placement service center;

$200,000 for the City of Dermott, Arkansas for the Dermott City Community Nursing Home expansion;

$200,000 for the Seaford Historical Society in Seaford, Delaware for the renovation of a vacant property;

$200,000 for the Waianae Coast Comprehensive Health Center for construction of an expanded facility;

$200,000 for the City of Freeport, Illinois for a new library building;

$200,000 for the City of Shreveport, Louisiana for the redevelopment of a bus terminal;

$200,000 for Lewiston, Maine for the Franco-American Heritage Center;

$200,000 for Eastern Maine Technical College for a technical resource center;

$1,500,000 for Newport News, Virginia for the development of the Newport News Fine Arts Center;

$900,000 to the Vermont Housing and Conservation Board for infrastructure improvements and other costs related to the development of affordable housing on Depot Street in Burlington, Vermont;

$200,000 for the Forum Francophone Des Affaires, Maine to facilitate exports to French-speaking markets;

$200,000 for the University of Maine at Farmington for an education center;

$200,000 for Jackson, Mississippi for the development of the Farish Street Historic Center;

$200,000 for Nashua downtown public investment initiative, City of Nashua Community Development, Nashua, New Hampshire, to revitalize the downtown community;

$200,000 for The State University of New York at Potsdam for the Northern New York Data Center;

$1,000,000 for the City of Reno, Nevada for the rehabilitation of a building for a senior center;

$1,000,000 for the Show-Me Aquatic Center in Missouri for development;

$200,000 for the City of Albany, New York for the Palace Theatre Renovation project; —

$200,000 for the Tri-County Community College in Murphy, North Carolina to build a TeleCenter;

$200,000 for the North Carolina Rural Economic Development Center in Eastern to provide housing construction and repair in rural communities;

$200,000 for the Rogers Regional Performing Arts Center Consortium in Shelby, North Carolina for the Rogers Theatre;

$200,000 for the Morton County Park District, North Dakota for the Missouri River Trail project;

$200,000 for Wasco County, Oregon for the development of a fiber optic system;

$200,000 for the City of Newberg, Oregon for the development of a Community and Family Resource Center;

$200,000 to the City of Philadelphia, Pennsylvania to support the Neighborhood Transformation Initiative, which will demolish abandoned homes as well as revitalize the Philadelphia region;

$200,000 to the City of Scranton, Pennsylvania for the revitalization of existing vacant and dilapidated buildings in the downtown area;

$200,000 for the Tides Family Services in Providence and Pawtucket, Rhode Island to acquire and renovate two buildings;

$200,000 for the Park-McCullough House in North Bennington, Vermont for preservation of property;

$200,000 for the Rural and Farmworker Housing Trust in Washington for farmworker housing;

$200,000 for the Squaxin Island tribe in Shelton, Washington for the Squaxin Island Museum, Library and Research Center;

$1,000,000 for the City of Detroit, Michigan to redevelop the Detroit River Promenade;

$1,000,000 for Alcorn State University, Mississippi for the construction and rehabilitation of buildings;

$200,000 for the Wenatchee Valley College Foundation in Wenatchee, Washington to complete construction of the Institute for Rural Innovation and Stewardship;

$175,000 for the Dorcas Place Adult and Family Learning Center in Providence, Rhode Island for facility expansion;

$175,000 for the International Institute of Rhode Island for the International Charter School to expand its facility;

$1,000,000 for the Denver Art Museum, in Denver, Colorado;

$200,000 for the Mohawk Valley Heritage Corridor Commission in Canajoharie, New York for the Heritage in Upstate New York project;

$1,000,000 for the City of Madison, Mississippi for downtown renovation;

$1,000,000 for Ebenezer Baptists Church in Atlanta, Georgia for the continued construction of a senior center;

$175,000 for the Abilene, Texas for the rehabilitation of the Matera Paper Building, including land acquisition;

$150,000 for Huntsville, Alabama for development of the Alabama Constitution Village Plaza;

$100,000 for the City of Opelousas, Louisiana, for downtown development;

$150,000 for Harford County, Maryland for the Edgewood Mobile Community Substation;

$150,000 for Assumption College, Worcester, Massachusetts for a science and technology center;

$150,000 for Universal Community Homes in Philadelphia, Pennsylvania, to continue the conversion of more than 500 parcels of land into for-sale units to low- and moderate-income families;

$100,000 for the Las Cruces Police Athletic League for the repair, remodeling and renovation of the facility housing the Sammy Burke Youth Boxing Center and a vehicle to serve the Center and the Police Athletic League Boxing Club in Las Cruces, New Mexico;

$900,000 for the construction, renovation, and restoration of the historic Rio Grande Theater in Las Cruces, New Mexico, as planned by the Dona Ana Arts Council, Inc;

$1,000,000 for the Mesilla Valley Community of Hope, Las Cruces, New Mexico for the Casa de Peregrinos Building;

$150,000 to the Ogontz Avenue Revitalization Corporation in Philadelphia, Pennsylvania to assist with substantial rehabilitation of severely deteriorated vacant properties that will be developed as a part of the West Oak Lane community development rebuilding initiative;

$150,000 to the Philadelphia Martin Luther King Center for Nonviolence in Philadelphia, Pennsylvania for the College for Teens Program;

$150,000 for the City of Freeman, South Dakota for the construction of a community library;

$150,000 for the City of Canton, South Dakota for renovations for the conversion of the train depot for economic development;

$150,000 for the city of Racine, Wisconsin for neighborhood redevelopment.

$125,000 for the Nellie Byers Training Center in Bogalusa, Louisiana for the construction of a new center;

$125,000 for Strength Incorporated's Project Blanket in Pittsburgh, Pennsylvania for a drug and alcohol prevention program for juveniles in jail;

$3,000,000 for construction of the University of Louisville library in Louisville, Kentucky;

$125,000 to the National Trust for Historic Gettysburg for the restoration of the historic Majestic Theater in Gettysburg, Pennsylvania;

$125,000 to the Westmoreland County Industrial Development Corporation for initiation of the second phase of the Westmoreland Technology Park in Westmoreland County, Pennsylvania;

$125,000 to the Invest Erie Community Development Corporation for the acquisition and development of property in Erie, Pennsylvania to establish a Parade Street Plaza;

$100,000 for the City of Prattville, Alabama for the Boys and Girls Club of Prattville;

$100,000 for the Arcata House Inc., California for facility renovations;

$100,000 for Claremont downtown revitalization, City of Claremont, New Hampshire to assist the city in improving and redeveloping the downtown area;

$100,000 for Winchester economic revitalization, Town of Winchester, New Hampshire to assist the community in redeveloping its downtown area;

$100,000 for Hood River, Oregon for an Integrated Technology Center;

$100,000 for the Santo Community Center in Medford, Oregon;

$100,000 to the City of Philadelphia for the rehabilitation of the Royal Theater, which will serve as an anchor in the emerging African American Cultural and Entertainment District;

$100,000 to the Philadelphia Chinatown Development Corporation for the construction of a Chinatown Community Center in Philadelphia, Pennsylvania;

$100,000 for the West Warwick Police Department in Rhode Island to create a community center and park;

$100,000 for the Warwick Shelter Incorporated in Rhode Island to purchase a new facility;

$100,000 for the Providence Black Repertory Theatre in Rhode Island for renovations to an abandoned building;

$100,000 for Festival Ballet Providence, Rhode Island for educational programs and a new facility;

$100,000 to the Northeastern Vermont Development Association to support the Northeast Kingdom Enterprise Collaborative and the Northeast Kingdom REAP zone in promoting economic development throughout the region;

$825,000 for Fort Worth, Texas for the revitalization of the Fort Worth Polytechnic Heights Historic Commercial and Educational Center;

$3,000,000 for Wakpa Sica Historical Society in Fort Pierre, South Dakota for the Wakpa Sica Reconciliation Center;

$100,000 for the Elks Club of Pierce and Thurston Counties in Tacoma, Washington for the Toys for Disabled Youth Project;

$100,000 for the Washington State Rural Development Council for the Rural Community Assessment Project;

$100,000 for the Lummi Indian Nation for planning and development of the Semiahmah Memorial and Coast Salish Heritage Park;

$100,000 for the Burleigh Street CDC in Milwaukee, Wisconsin for a community and enterprise center;

$100,000 for the Genesis Foundation of Madison, Wisconsin for the South Madison Incubator;

$75,000 for Oakridge, Oregon for the development of the Oakridge Community Center;

$75,000 for Deschutes County, Oregon for the renovation of the Tower Theatre;

$75,000 to the Redevelopment Authority of Cumberland County for the conversion of the Molly Pitcher Hotel in Carlisle, Pennsylvania into apartments for senior citizens who require services to live independently;

$75,000 to the Philadelphia Commerce Department for the redevelopment of the former Schmidt's Brewery site in the Northern Liberties section of Philadelphia, Pennsylvania;

$50,000 for the Children's Therapy and Early Education School in Mexico, Missouri for Mexico Special Needs Kids equipment;

$50,000 for program and technology initiatives of the Oregon Historical Society;

$125,000 for the Community Empowerment Association's ''Friend-2-Friend'' Mentoring Program in Pittsburgh, Pennsylvania which will provide mentoring for at-risk youth aged 12 to 15.

The Committee includes $65,000,000 for the Youthbuild program, of which $10,000,000 is for new programs in underserved and rural areas and $2,000,000 is for capacity building by Youthbuild USA.

The Committee includes $22,000,000 for the Self Help Homeownership Opportunity Program.

The Committee includes $2,000,000 for the Girl Scouts of the USA for youth development initiatives in public housing.

The Committee includes $2,000,000 for the Boys and Girls Clubs of America for the operating and start-up costs of clubs located in or near, and primarily serving residents of, public and Indian housing.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

	Limitation on guarantee loans	Program costs
Appropriations, 2002	$608,696,000	$15,000,000
Budget estimate, 2003	275,000,000	6,325,000
Committee recommendation	608,696,000	15,000,000

PROGRAM DESCRIPTION

Section 108 of the Housing and Community Development Act of 1974, as amended, authorizes the Secretary to issue Federal loan guarantees of private market loans used by entitlement and non-entitlement communities to cover the costs of acquiring real property, rehabilitation of publicly-owned real property, housing rehabilitation, and other economic development activities.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $15,000,000 for program costs associated with the section 108 loan guarantee program. This amount is the same as the fiscal year 2002 enacted level and $7,715,000 more than the budget request. Of the funds provided, $14,000,000 is for credit subsidy costs to guarantee $608,696,000 in section 108 loan commitments in fiscal year 2003, and $1,000,000 is for administrative expenses to be transferred to the salaries and expenses account.

BROWNFIELDS REDEVELOPMENT

Appropriations, 2002	$25,000,000
Budget estimate, 2003	25,000,000
Committee recommendation	25,000,000

PROGRAM DESCRIPTION

Section 108(q) of the Housing and Community Development Act of 1974, as amended, authorizes the Brownfields Redevelopment program. This program provides competitive economic development grants in conjunction with section 108 loan guarantees for qualified brownfields projects. Grants are made in accordance with section 108(q) selection criteria. The program supports the cleanup and economic redevelopment of contaminated sites.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $25,000,000 for this program. This amount is the same as the fiscal year 2002 enacted level and the budget request. In order to allow greater flexibility, Brownfields funds are no longer required to be tied to section 108 development funding.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2002	$1,846,040,000
Budget estimate, 2003	2,084,100,000
Committee recommendation	1,950,000,000

PROGRAM DESCRIPTION

Title II of the National Affordable Housing Act, as amended, authorizes the HOME Investment Partnerships Program. This program provides assistance to States and units of local government for the purpose of expanding the supply and affordability of housing to low- and very low-income people. Eligible activities include tenant-based rental assistance, acquisition, and rehabilitation of affordable rental and ownership housing and, also, construction of housing. To participate in the HOME program, State and local governments must develop a comprehensive housing affordability strategy. There is a 25-percent matching requirement for participating jurisdictions which can be reduced or eliminated if they are experiencing fiscal distress.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $1,950,000,000 for the HOME Investment Partnerships Program. This amount is $103,960,000 more than the fiscal year 2002 enacted level and $134,100,000 less than the budget request.

The Committee did not include any funds for the administration's proposed American Dream Downpayment Fund. The Committee supports expanding homeownership opportunities, but remains concerned that this program lacks authorization and may constrain the ability of local communities to determine how best to use HOME funds. The Committee supports any efforts the Department may undertake to educate communities on how to use HOME funds to expand homeownership, and encourages the Department to use its technical assistance funds towards this end. The Committee also reminds HUD that technical assistance funds available under this heading should be used to provide both Community Housing Development Organization (CHDO) and HOME technical assistance.

Of the amount provided for the HOME program, $40,000,000 is for housing counseling assistance. The Committee does not fund housing assistance counseling in a new account, as proposed by the administration. Funding for housing counseling assistance has been doubled from the fiscal year 2002 enacted level. The Committee views homeownership counseling, including pre- and post-purchase counseling, as an essential part of successful homeownership. The Committee expects that this program will remain available to those participating in all of HUD's homeownership programs. The Committee urges HUD to utilize this program as a means of educating homebuyers on the dangers of predatory lending, in addition to the administration's stated purpose of expanding homeownership opportunities.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2002	$1,122,525,000
Budget estimate, 2003	1,129,500,000
Committee recommendation	1,215,025,000

PROGRAM DESCRIPTION

The ''Homeless Assistance Grants Program'' account funds the emergency shelter grants program, the supportive housing program, the section 8 moderate rehabilitation single-room occupancy program, and the shelter plus care program.

COMMITTEE RECOMMENDATION

The Committee recommends $1,215,025,000 for homeless assistance grants. The amount

recommended is $92,500,000 more than the fiscal year 2002 appropriated level and $85,525,000 more than the budget request. Of the amount provided, $193,000,000 is to fund Shelter Plus Care renewals on an annual basis and $17,600,000 is for technical assistance and management information system.

The Committee also has provided funds for the Interagency Council on the Homeless through a new account established under title III of this bill.

The Committee continues to believe that HUD and local providers need to increase, over time, the supply of permanent supportive housing for chronically homeless, chronically ill people until the need is met at an estimated 150,000 units. Accordingly, the Committee again includes a requirement that a minimum of 30 percent of the funds appropriated under this account be allocated to permanent housing. To this end, the Committee urges the Department to use its technical assistance funds to increase the capacity of homeless assistance providers to finance, develop, and operate permanent supportive housing.

The Committee is concerned that the Department is not taking the proper steps to ensure that Shelter Plus Care units are targeted to chronically homeless individuals. The Committee recognizes that the goal of creating 150,000 units of permanent supportive housing will not succeed in ending chronic homelessness if the Shelter Plus Care units are not properly targeted. The Committee directs the Department to report to the Committee by June 15, 2003 on how it is ensuring that Shelter Plus Care grants are made to providers serving chronically disabled, chronically homeless people.

The Committee remains supportive of the Department's ongoing work on data collection and analysis within the homeless programs. HUD should continue its collaborative efforts with local jurisdictions to collect an array of data on homelessness in order to analyze patterns of use of assistance, including how people enter and exit the homeless assistance system, and to assess the effectiveness of the homeless assistance system. The Committee directs HUD to take the lead in working with communities toward this end, and to analyze jurisdictional data within 1 year. The Committee directs HUD to report on the progress of this data collection and analysis effort by no later than May 12, 2003.

The Committee remains concerned about the out-year costs of renewing permanent housing programs. Therefore, the Committee directs the Department to include 5-year projections, on an annual basis, for the cost of renewing the permanent housing component of the Supportive Housing Program and Shelter Plus Care grants in its fiscal year 2004 budget justifications. This legislation includes a new provision requiring HUD to include individual line requests for all housing assistance renewal requirements, including the amounts needed for expiring Supportive Housing Program and Shelter Plus Care grants.

The Committee is aware that HUD did not fund, all or part, of the State of Iowa Continuum of Care application for fiscal year 2002 because a number of pages were not present in the application as reviewed. While there are differences of opinion regarding the responsibility for the missing pages, this result would seem to be a case of form over substance with HUD apparently rejecting the application over the missing pages. Nevertheless, the Committee understands that the failure to fund the application will result in a large number of homeless individuals, including over 300 children, losing housing and supportive services without which their health and perhaps lives will be at risk. The Committee, therefore, directs HUD to quickly review the full application and make an award under the same process that was applied to other homeless grant requests with available Continuum of Care funds.

EMERGENCY FOOD AND SHELTER PROGRAM

Appropriations, 2002	.....
Budget estimate, 2003	$153,000,000
Committee recommendation	.....

PROGRAM DESCRIPTION

The Emergency Food and Shelter Program originated as a one-time emergency appropriation to combat the effects of high unemployment in the emergency jobs bill (Public Law 98–8) which was enacted in March 1983. It was authorized under title III of the Stewart B. McKinney Homeless Assistance Act of 1987, Public Law 100–177.

The program has been funded by the Federal Emergency Management Agency (FEMA) and administered by a national board and the majority of the funding has been spent for providing temporary food and shelter for the homeless. Participating organizations are restricted by legislation from spending more than 3.5 percent of the funding received for administrative costs.

COMMITTEE RECOMMENDATION

The Committee does not include the Administration's proposal to transfer the Emergency Food and Shelter Program from FEMA to HUD. The Emergency Food and Shelter Program is successfully administered at FEMA, and the Committee does not concur that there is a compelling reason to disrupt the program by transferring it. The Committee has provided funding for this program within FEMA.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2002	$1,024,151,000
Budget estimate, 2003	1,024,151,000
Committee recommendation	1,033,801,000

PROGRAM DESCRIPTION

This account consolidates the housing for the elderly under section 202 and housing for the disabled under section 811. Under these programs, the Department provides capital grants to eligible entities for the acquisition, rehabilitation, or construction of housing. Up to 25 percent of the funding provided for housing for the disabled may be made available for tenant-based assistance under section 8.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $1,033,801,000 for development of additional new subsidized housing. Included in this recommendation is $783,286,000 for capital advances for housing for the elderly (section 202 housing) and $250,515,000 for capital advances for housing for the disabled (section 811 housing). This is $9,650,000 more than the budget request for fiscal year 2002. This represents an increase of $9,650,000 for section 202 above fiscal year 2002 level, including recaptures, and an increase of $9,650,000 for section 811 over the fiscal year 2002 level. Up to 25 percent of the funding allocated for housing for the disabled can be used to fund tenant-based rental assistance for the disabled.

The section 202 funds include up to $50,000,000 for the conversion of section 202 housing to assisted living facilities, and up to $53,000,000 for service coordinators. HUD is directed to report by June 15, 2003 to the House and Senate Committees on Appropriations on the status of the conversion program, including what steps are being taken to ensure funds are being utilized.

The Committee is concerned about the growing costs of renewal contracts within the elderly and disabled housing programs. This legislation includes a new provision requiring HUD to include individual line requests for all housing assistance renewal requirements, including the amounts needed for expiring elderly and disabled housing contracts.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

PROGRAM DESCRIPTION

The Housing and Urban Development Act of 1968 authorized HUD to establish a revolving fund into which rental collections in excess of the established basic rents for units in section 236 subsidized projects are deposited. Subject to approval in appropriations acts, the Secretary is authorized under the Housing and Community Development Amendment of 1978 to transfer excess rent collections received after 1978 to the Troubled Projects Operating Subsidy program, renamed the Flexible Subsidy Fund.

COMMITTEE RECOMMENDATION

The Committee recommends that the account continue to serve as a repository of excess rental charges appropriated from the Rental Housing Assistance Fund. Although these resources will not be used for new reservations, they will continue to offset Flexible Subsidy outlays and other discretionary expenditures.

RENTAL HOUSING ASSISTANCE

PROGRAM DESCRIPTION

The section 236 Rental Housing Assistance Program is authorized by the Housing and Urban Development Act of 1968, as amended. The section 236 program subsidizes the monthly mortgage payment that an owner of a rental or cooperative project is required to make. This interest subsidy reduces rents for lower income tenants. Title V of the 1998 Appropriations Act established a program of rehabilitation grants for owners of eligible projects.

COMMITTEE RECOMMENDATION

The Committee has included a provision that directs HUD to make $100,000,000 from contract authority in excess of required payments for fiscal year 2003 available for the capital costs of rehabilitation for projects eligible under section 236(s) of the National Housing Act. The Committee believes that these funds should be dedicated to the rehabilitation of HUD assisted housing, including housing for elderly and disabled people.

MANUFACTURED HOUSING FEES TRUST FUND

Appropriations, 2002	$13,566,000
Budget request, 2002	13,000,000
Committee recommendation	13,000,000

PROGRAM DESCRIPTION

The National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by the Manufactured Housing Improvement Act of 2000, authorizes the Secretary to establish Federal manufactured home construction and safety standards for the construction, design, and performance of manufactured homes. All manufactured homes are required to meet the Federal standards, and fees are charged to producers to cover the costs of administering the Act.

COMMITTEE RECOMMENDATION

The Committee recommends $13,000,000 to support the manufactured housing standards programs to be derived from fees collected and deposited in the Manufactured Housing Fees Trust Fund account. The amount recommended is the same as the budget request and $556,000 less than the fiscal year 2002 enacted level.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

	Limitation on direct loans	Limitation on guaranteed loans	Administrative expenses
Appropriations, 2002	$250,000,000	$160,000,000,000	$336,700,000
Budget estimate, 2003	50,000,000	160,000,000,000	347,829,000
Committee recommendation	250,000,000	160,000,000,000	347,829,000

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)

	Limitation on direct loans	Limitation on guaranteed loans	Administrative expenses	Program costs
Appropriations, 2002	$50,000,000	$21,000,000,000	$216,100,000	$15,000,000
Budget estimate, 2003	50,000,000	21,000,000,000	223,716,400	15,000,000
Committee recommendation	50,000,000	21,000,000,000	223,716,400	15,000,000

PROGRAM DESCRIPTION

The Federal Housing Administration [FHA] fund covers the mortgage and loan insurance activity of about 40 HUD mortgage/loan insurance programs which are grouped into the mutual mortgage insurance [MMI] fund, cooperative management housing insurance [CMHI] fund, general insurance fund [GI] fund, and the special risk insurance [SRI] fund. For presentation and accounting control purposes, these are divided into two sets of accounts based on shared characteristics. The unsubsidized insurance programs of the mutual mortgage insurance fund and the cooperative management housing insurance fund constitute one set; and the general risk insurance and special risk insurance funds, which are partially composed of subsidized programs, make up the other.

The amounts for administrative expenses are to be transferred from appropriations made in the FHA program accounts to the HUD ''Salaries and expenses'' accounts. Additionally, funds are also appropriated for administrative contract expenses for FHA activities.

COMMITTEE RECOMMENDATION

The Committee has included the following amounts for the ''Mutual Mortgage Insurance Program'' account: a limitation on guaranteed loans of $160,000,000,000, a limitation on direct loans of $250,000,000, and an appropriation of $347,829,000 for administrative expenses. For the GI/SRI account, the Committee recommends $21,000,000,000 as a limitation on guaranteed loans, a limitation on direct loans of $50,000,000, and $223,716,400 for administrative expenses. The administrative expenses appropriation will be transferred and merged with the sums in the Department's ''Salaries and expenses'' account and the ''Office of the Inspector General'' account.

In addition, the Committee directs HUD to continue direct loan programs in 2003 for multifamily bridge loans and single family purchase money mortgages to finance the sale of certain properties owned by the Department. Temporary financing shall be provided for the acquisition and rehabilitation of multifamily projects by purchasers who have obtained commitments for permanent financing from another lender. Purchase money mortgages will enable governmental and nonprofit intermediaries to acquire properties for resale to owner-occupants in areas undergoing revitalization.

The Committee included the ''Credit Watch Act of 2001'' in the fiscal year 2002 enacted bill in order to ensure that HUD could maintain its Federal Housing Administration (FHA) lender oversight program. The Committee notes that FHA continues to be a significant engine of homeownership for low income, minority, and first time homebuyers. However, in some cases and in certain neighborhoods, FHA has been misused to underwrite bad loans that lead to defaults and foreclosed homes, contributing to neighborhood decline and destabilization. Defaulted FHA properties sit vacant for 242 days, on average, before they are sold. Because the FHA does not then rehabilitate these properties, they cause blight in neighborhoods. Faulty appraisals have contributed significantly to this problem. The Committee notes that HUD cancelled its appraisal oversight program and has yet to implement its proposed alternative, which is based on the Credit Watch model.

Credit Watch is an excellent tool for uncovering unscrupulous or careless lenders after they have originated bad loans. By eliminating fraudulent or unqualified lenders, the Committee and the Department hope to reduce the number of foreclosed properties in the future. However, the Committee notes that the Credit Watch model is only effective after problem loans default.

The Committee directs the Department to report to the appropriate Congressional Committees on further actions that can be taken to protect homebuyers and communities in census tracts that experience high rates of FHA defaults and foreclosures. Specifically, the Committee directs the Department to consider making FHA lenders responsible for the appraisals on loans in these census tracts. The Department should also consider: requiring first time homebuyers to receive counseling prior to the closing of an FHA loan; requiring home inspections on FHA-insured homes bought by first time homebuyers; and, requiring the use of specially certified FHA appraisers for the purchase of homes. In considering these and other possible options, the Committee urges the Department to avoid proposals that create additional burdens for the FHA program or FHA homebuyers as a whole.

Finally, the Committee has heard from numerous parties in areas affected by large numbers of FHA foreclosures and property flipping that certain investors are repeatedly involved in buying FHA foreclosed properties, making superficial repairs, and then reselling, or flipping them quickly at inflated prices. In some instances the unscrupulous investor that caused a borrower to default is then allowed to purchase the same property, post-foreclosure. The Committee asks the Department to explore strategies to identify investors who are involved in such schemes and prevent their purchasing FHA properties.

While the Committee recognizes that the Department continues to help ameliorate the problems created by FHA property flipping, the Department must become more aggressive in adopting the kind of preventive measures discussed here. The Department is directed to submit a report that responds directly to the issues raised by the Committee by February 25, 2003.

The Committee is concerned about the effect that the accelerated claims disposition demonstration will have in low-income, distressed communities. The Department has been unable to demonstrate how this program—in which HUD bundles delinquent loans and partners with a private bank to mitigate, or foreclose on, delinquent loans—could benefit very low-income communities, especially those where predatory lending has disproportionately occurred. The Committee is concerned that, in those communities, foreclosures will occur more frequently than they do under the current system, contributing to the deterioration of those communities. The Committee directs HUD to implement a system by which revitalization areas can be exempted from the accelerated claims disposition process should they choose to be.

The Committee remains concerned that HUD has failed to calculate adequately the amount of credit subsidy necessary to support its multifamily mortgage insurance programs. The Committee expects HUD to institute a computer program that accurately identifies the risk of default and financial risk to the insurance fund, including the ability to mark to market each day. The Committee further directs HUD to issue any premium changes through notice and comment rule making, as required by law.

The Committee further directs the Department to submit a report by February 15, 2003 that details all steps that HUD has taken to get into compliance with section 1303 of Public Law 107–206. The report should document any concerns raised by cities and non-profits over program guidelines and what the Department is doing to address those concerns. The report should also include the Department's plans for the future of the ACA program, and what steps it is taking to implement the program in communities hardest hit by FHA foreclosures. –

The Committee also requests an audit by the HUD Inspector General of the Department's compliance with section 1303 of Public Law 107–203. That provision required the Secretary to enter into ACA contracts by September 15, 2003.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2002:	
Limitation on guaranteed loans	$200,000,000,000
Administrative expenses	9,383,000
Budget estimate, 2003:	
Limitation on guaranteed loans	200,000,000,000
Administrative expenses	10,343,000
Committee recommendation:	
Limitation on guaranteed loans	200,000,000,000
Administrative expenses	10,343,000

PROGRAM DESCRIPTION

The Government National Mortgage Association [GNMA], through the mortgage-backed securities program, guarantees privately issued securities backed by pools of mortgages. GNMA is a wholly owned corporate instrumentality of the United States within the Department. Its powers are prescribed generally by title III of the National Housing Act, as amended. GNMA is authorized by section 306(g) of the act to guarantee the timely payment of principal and interest on securities that are based on and backed by a trust, or pool, composed of mortgages that are guaranteed and insured by the Federal Housing Administration, the Farmers Home Administration, or the Department of Veterans Affairs. GNMA's guarantee of mortgage-backed securities is backed by the full faith and credit of the United States.

In accord with the Omnibus Budget Reconciliation Act of 1990 [OBRA] requirements for direct and guaranteed loan programs, the administration is requesting $10,343,000 for administrative expenses in the mortgage-backed securities program. Amounts to fund this direct appropriation to the ''MBS program'' account are to be derived from offsetting receipts transferred from the ''Mortgage-backed securities financing'' account to a Treasury receipt account.

COMMITTEE RECOMMENDATION

The Committee recommends a limitation on new commitments of mortgage-backed securities of $200,000,000,000. This amount is the same level as proposed by the budget request. The Committee also has included $10,343,000 for administrative expenses, the same as the budget request and an increase of $960,000 above the fiscal year 2002 enacted level.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

Appropriations, 2002	$50,250,000
Budget estimate, 2003	47,000,000
Committee recommendation	47,000,000

PROGRAM DESCRIPTION

Title V of the Housing and Urban Development Act of 1970, as amended, directs the Secretary of the Department of Housing and Urban Development to undertake programs of research, evaluation, and reports relating to the Department's mission and programs. These functions are carried out internally and through grants and contracts with industry, nonprofit research organizations, educational institutions, and through agreements with State and local governments and other Federal agencies. The research programs seek ways to improve the efficiency, effectiveness, and equity of HUD programs and to identify methods to achieve cost reductions. Additionally, this appropriation is used to support HUD evaluation and monitoring activities and to conduct housing surveys.

COMMITTEE RECOMMENDATION

The Committee recommends $47,000,000 for research and technology activities in fiscal year 2003. This amount is $3,250,000 below the fiscal year 2002 enacted level and the same as the budget request. Of this funding, $8,750,000 is for the Partnership for Advancing Technologies in Housing (PATH) program. The Committee expects the PATH program to continue its cold climate housing research with the Cold Climate Housing Research Center in Fairbanks, Alaska. In addition, because in the past HUD has used this office's broad authority to administer new and unauthorized programs, this office is denied demonstration authority except where approval is provided by Congress in response to a reprogramming request.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

Appropriations, 2002	$45,899,000
Budget estimate, 2003	45,899,000
Committee recommendation	45,899,000

PROGRAM DESCRIPTION

The fair housing activities appropriation includes funding for both the Fair Housing Assistance Program [FHAP] and the Fair Housing Initiatives Program [FHIP].

The Fair Housing Assistance Program helps State and local agencies to implement title VIII of the Civil Rights Act of 1968, as amended, which prohibits discrimination in the sale, rental, and financing of housing and in the provision of brokerage services. The major objective of the program is to assure prompt and effective processing of title VIII complaints with appropriate remedies for complaints by State and local fair housing agencies.

The Fair Housing Initiatives Program is authorized by section 561 of the Housing and Community Development Act of 1987, as amended, and by section 905 of the Housing and Community Development Act of 1992. This initiative is designed to alleviate housing discrimination by increasing support to public and private organizations for the purpose of eliminating or preventing discrimination in housing, and to enhance fair housing opportunities.

COMMITTEE RECOMMENDATION

The Committee recommendation provides $45,899,000, of which $25,649,000 is for the fair housing assistance program [FHAP] and no more than $20,250,000 is for the fair housing initiatives program [FHIP].

The Committee emphasizes that State and local agencies under FHAP should have the primary responsibility for identifying and addressing discrimination in the sale, rental, and financing of housing and in the provision of brokerage services. It is critical that consistent fair housing policies be identified and implemented to insure continuity and fairness, and that States and localities continue to increase their understanding, expertise, and implementation of the law.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

Appropriations, 2002	$109,758,000
Budget estimate, 2003	126,000,000
Committee recommendation	201,000,000

PROGRAM DESCRIPTION

Title X of the Housing and Community Development Act of 1992 established the Residential Lead-Based Paint Hazard Reduction Act under which HUD is authorized to make grants to States, localities and native American tribes to conduct lead-based paint hazard reduction and abatement activities in private low-income housing. This has become a significant health hazard, especially for children. According to the Centers for Disease Control and Prevention [CDC], some 890,000 children have elevated blood levels, down from 1.7 million in the late 1980s. Despite this improvement, lead poisoning remains a serious childhood environmental condition, with some 4.4 percent of all children aged 1 to 5 years having elevated blood lead levels. This percentage is much higher for low-income children living in older housing.

COMMITTEE RECOMMENDATION

The Committee recommends $201,000,000 for lead-based paint hazard reduction and abatement activities for fiscal year 2003. This amount is $75,000,000 more than the budget request and $91,242,000 more than the fiscal year 2002 enacted level. Of this amount, HUD may use up to $10,000,000 for the Healthy Homes Initiative under which HUD conducts a number of activities designed to identify and address housing-related illnesses. The Committee supports the research being conducted by the National Foundation for Environmental Education on black mold, and encourages the Department to use funds provided for the Healthy Homes Initiative to fund this type of research.

The Committee recommends $75,000,000 to establish a new lead hazard reduction demonstration program focused on major urban areas where children are disproportionately at risk for lead poisoning. For more than a dozen years, the Committee has taken an active interest in ending the highest public health threat to children under the age of 6 in the United States—lead poisoning from lead-based paint. Through a combination of initiatives, the Committee's efforts have resulted in dramatic reductions to lead hazards in low-income public housing.

Unfortunately, the progress has not been as great in privately-owned housing, particularly in unsubsidized low-income units. For that reason, approximately 1 million children under the age of 6 in the United States suffer from lead poisoning. While lead poisoning crosses all socioeconomic, geographic, and racial boundaries, the burden of this disease falls disproportionately on low-income and minority families. In the United States, children from poor families are eight times more likely to be poisoned than those from higher income families.

The urban lead hazard reduction program is designed to target funding to major urban areas where the lead hazard risk for low-income children under the age of 6 is greatest. Qualified applicants are the 25 major urban areas identified by the Secretary as having: (1) the highest number of pre-1940 units of rental housing; (2) significant deterioration of paint and; (3) a disproportionately high number of documented cases of lead-poisoned children. At least 80 percent of funds must be used for abatement and interim control of lead-based paint hazards. Further, the program targets abatement to units that serve low-income families. In order to ensure that occupants of all units in multi-family housing developments are adequately protected by lead hazard reduction activities, grantees are permitted to treat all residential units in structures with 5 or more units, a majority of which are occupied by low-income families, as though they were occupied entirely by low-income people. As a condition of assistance, each major urban area shall submit

a detailed plan for use of funds that demonstrates sufficient capcity acceptable to the Secretary of Housing and Urban Development. The plans should identify units with the most significant risk, and should include strategies to reduce the risk of lead hazards and to mobilize public and private resources.

Nothing in this language is intended to mitigate the responsibility of housing owners to address the existence of lead-based paint hazards in a timely and expeditious manner.

The Committee has made this program subject to authorization by the proper committees.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

[In thousands of dollars]

	Appropriation	FHA funds by transfer	GNMA funds by transfer	CGDB funds by transfer	Title VI transfer	Indian housing	Native Hawaiian loan guarantee fund	Total
Appropriations, 2002	556,067	530,457	9,383	1,000	150	200	35	1,097,292
Budget estimate, 2003	510,299	548,202	10,343	1,000	150	200	35	1,070,229
Committee recommendation	510,299	548,202	10,343	1,000	150	200	35	1,070,229

PROGRAM DESCRIPTION

The ''Salaries and expenses'' account finances all salaries and related expenses associated with administering the programs of the Department of Housing and Urban Development. These include the following activities:

Housing and mortgage credit programs.—This activity includes staff salaries and related expenses associated with administering housing programs, the implementation of consumer protection activities in the areas of interstate land sales, mobile home construction and safety, and real estate settlement procedures.

Community planning and development programs.—Funds in this activity are for staff salaries and expenses necessary to administer community planning and development programs.

Equal opportunity and research programs.—This activity includes salaries and related expenses associated with implementing equal opportunity programs in housing and employment as required by law and Executive orders and the administration of research programs and demonstrations.

Departmental management, legal, and audit services.—This activity includes a variety of general functions required for the Department's overall administration and management. These include the Office of the Secretary, Office of General Counsel, Office of Chief Financial Officer, as well as administrative support in such areas as accounting, personnel management, contracting and procurement, and office services.

Field direction and administration.—This activity includes salaries and expenses for the regional administrators, area office managers, and their staff who are responsible for the direction, supervision, and performance of the Department's field offices, as well as administrative support in areas such as accounting, personnel management, contracting and procurement, and office services.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $1,070,229,000 for salaries and expenses. This amount is $27,063,000 less than the fiscal year 2002 enacted level and the same as the budget request. The appropriation includes the requested amount of $548,202,000 transferred from various funds from the Federal Housing Administration, $10,343,000 transferred from the Government National Mortgage Association, $1,000,000 from the community development block grant funds, $150,000 from title VI, $200,000 from the Native American Housing Block Grant, and $35,000 from the Native Hawaiian Housing Program.

In addition, the Department is prohibited from employing more than 77 schedule C and 20 noncareer senior executive service employees. The Committee understands that the Department is staffed largely by personnel who are close to retirement and at the top of the civil service pay schedule. The Committee encourages HUD to implement hiring practices that result in the hiring of young professionals who can gain experience and advancement.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

	Appropriation	FHA funds by transfer	Drug elimination grants transfer	Total
Appropriations, 2002	$66,555,000	$22,343,000	$5,000	$93,898,000
Budget estimate, 2003	74,341,000	23,343,000	.....	97,684,000
Committee recommendation	74,341,000	23,343,000	.....	97,684,000

PROGRAM DESCRIPTION

This appropriation will finance all salaries and related expenses associated with the operation of the Office of the Inspector General [OIG].

COMMITTEE RECOMMENDATIONS

The Committee recommends a funding level of $97,684,000 for the Office of Inspector General (OIG). This amount is $3,786,000 above the fiscal year 2002 enacted level and the same as the budget request. This funding level includes $23,343,000 by transfer from various FHA funds. The Committee commends OIG for its commitment and its efforts in reducing waste, fraud and abuse in HUD programs. The Committee directs that of the funds provided, $10,000,000 is to be targeted to anti-predatory lending and anti-flipping activities.

The Committee directs OIG to assess the compensation levels of employees in the Office of Federal Housing Enterprise Oversight (OFHEO) to determine whether salaries are comparable to those of the employees of other Federal financial regulators. The Committee also directs OIG to review the appropriateness of travel expenditures at OFHEO over the last 4 years.

WORKING CAPITAL FUND

Appropriations, 2002	.....
Budget estimate, 2003	$276,737,000
Committee recommendation	276,737,000

PROGRAM DESCRIPTION

The working capital fund, authorized by the Department of Housing and Urban Development Act of 1965, finances information technology and office automation initiatives on a centralized basis.

COMMITTEE RECOMMENDATION

The Committee recommends $276,737,000 for the working capital fund for fiscal year 2003. In 2001 and 2002 the fund was financed from fees charged for services performed. Fees will continue for services to develop and modify systems where the benefit is limited to a specific program.

CONSOLIDATED FEE FUND

(RESCISSION)

Appropriations, 2002	−$6,700,000
Budget estimate, 2003	−8,000,000
Committee recommendation	−8,000,000

PROGRAM DESCRIPTION

Section 7(j) of the Department of Housing and Urban Development Act establishes fees and charges from selected programs which are deposited in a fund to offset the costs of audits, inspections, and other related expenses that may be incurred by the Department in monitoring these programs. These fees were misclassified for many years as deposit funds, and are now re-classified as on-budget Federal funds.

COMMITTEE RECOMMENDATION

The Committee recommends a rescission of all unobligated balances from the fee fund, as requested by the Administration.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2002	$27,000,000
Budget estimate, 2003	30,000,000
Committee recommendation	30,000,000

PROGRAM DESCRIPTION

This appropriation funds the Office of Federal Housing Enterprise Oversight [OFHEO], which was established in 1992 to regulate the financial safety and soundness of the two housing Government sponsored enterprises [GSE's], the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation. The Office was authorized in the Federal Housing Enterprise Safety and Soundness Act of 1992, which also instituted a three-part capital standard for the

GSE's, and gave the regulator enhanced authority to enforce those standards.

COMMITTEE RECOMMENDATION

The Committee recommends $30,000,000 for the Office of Federal Housing Enterprise Oversight, which is the same as the budget request and $3,000,000 more than the fiscal year 2002 enacted level.

ADMINISTRATIVE PROVISIONS

The Committee recommends 20 administrative provisions. A brief description follows.

SEC. 201. *Financing Adjustment Factor*. Promotes the refinancing of bonds.

SEC. 202. *Fair Housing and Free Speech*. Provides free speech protections.

SEC. 203. *HOPWA*. Technical correction for allocations.

SEC. 204. *HOPWA Technical*. Extends provision requiring HUD to allocate funds directly to Wake County, North Carolina.

SEC. 205. *Assisted Living Project Waiver*. Extends the authority to waive the 40 percent rent ceiling under section 8 for certain projects.

SEC. 206. *HUD Reform Act Compliance*. Requires HUD to award funds on a competitive basis.

SEC. 207. *Section 811 Housing*. Includes Section 811 housing as eligible housing in the definition of ''federally assisted housing''.

SEC. 208. *Public Housing Financing*. Facilitates the financing of rehabilitation and development of public housing.

SEC. 209. *Payments to Public Housing Units*. Prohibits assistance for housing units defined under section 9(n) of the United States Housing Act of 1937.

SEC. 210. *Administrative Funds Reimbursement*. Allows funds to be used to reimburse GSEs and other Federal entities for various administrative expenses.

SEC. 211. *Restrictions on Spending Activities*. Limits spending to amounts set out in the budget justification.

SEC. 212. *Government Corporation Control Act*. Clarifies expenditure authority for entities subject to the Government Corporation Control Act.

SEC. 213. *Repeal of Federalization of Public Housing Units*. Amends federalization provisions.

SEC. 214. *Multifamily Disposition*. Requires HUD to maintain section 8 assistance on properties occupied by elderly or disabled families.

SEC. 215. *Welfare-to-Work Vouchers*. Amends the welfare-to-work housing voucher program.

SEC. 216. *Exemption from requirement of resident on board of PHA*. Exempts Alaska, Iowa, and Mississippi from the requirement of having a PHA resident on the board of directors for fiscal year 2003. Instead, the public housing agencies in these States are required to establish advisory boards that include public housing tenants and section 8 recipients.

SEC. 217. *Renewal Requirements*. Requires HUD to include the specific funds needed to renew expiring housing assistance grants in future budgets.

SEC. 218. *Sunset of HOPE VI Program*. Sunsets the HOPE VI program on September 30, 2004.

SEC. 219. *Section 8 Prohibition on Funds*. Prohibits HUD from waiving income eligibility on section 8 housing. Applies to instances in which a refinancing of the project occurs.

SEC. 220. *Reports on Uncommitted, Unobligated, and Excess Funds*. Requires quarterly reports on all uncommitted, unobligated and excess funds associated with HUD programs.

SEC. 221. *Multifamily Disposition and Revitalization*. Allows flexible use of certain FHA grants to be used in the revitalization of properties.

SEC. 222. *Reports on Section 8 Costs*. Requires HUD to report on the number of units being assisted under section 8 and the per unit cost of these units.

SEC. 223. Allows use of a HOPE III grant in the East Baltimore, Maryland community to serve people who are not first-time homeowners. All other program requirements, including any low-income requirements, must be adhered to.

SEC. 224. Provides a waiver for a technical violation the CDBG program.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

Appropriations, 2002	$35,466,000
Budget estimate, 2003	30,400,000
Committee recommendation	30,400,000

PROGRAM DESCRIPTION

The American Battle Monuments Commission [ABMC] is responsible for the maintenance and construction of U.S. monuments and memorials commemorating the achievements in battle of our Armed Forces where they have served since April 1917; for controlling the erection of monuments and markers by U.S. citizens and organizations in foreign countries; and for the design, construction, and maintenance of permanent military cemetery memorials in foreign countries. The Commission maintains 24 military memorial cemeteries and 31 monuments, memorials, markers, and offices in 15 countries around the world, including three large memorials on U.S. soil. It is presently charged with erecting a World War II Memorial in the Washington, DC, area.

COMMITTEE RECOMMENDATION

The Committee recommends the budget request of $30,400,000 for the American Battle Monuments Commission, which is $5,066,000 below the fiscal year 2002 enacted level.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

Appropriations, 2002	$7,850,000
Budget estimate, 2003	7,850,000
Committee recommendation	7,850,000

PROGRAM DESCRIPTION

The Chemical Safety and Hazard Investigation Board was authorized by the Clean Air Act Amendments of 1990 to investigate accidental releases of certain chemical substances resulting in serious injury, death, or substantial property damage. It became operational in fiscal year 1998.

COMMITTEE RECOMMENDATION

The Committee recommends the budget request of $7,850,000 for the Chemical Safety and Hazard Investigation Board, equal to the fiscal year 2002 enacted level.

The Committee believes that the Chemical Safety and Hazard Investigation Board serves the very important mission of promoting the prevention of accidents at chemical plants. The Committee is deeply concerned that the Board's management deficiencies, as identified in a March 2002, FEMA IG report, have done a disservice to the Board's main constituency—the workers in our Nation's chemical plants.

The Committee recognizes that the Board has accepted the FEMA IG's recommendations to rectify these unacceptable deficiencies, and has taken positive steps to implement the recommendations. The Committee continues to support the FEMA IG's ongoing review of the Board's activities.

The Committee has included bill language authorizing the Inspector General of FEMA to act as the Inspector General of the Chemical Safety Board. Funds have been included to accomplish this requirement in the FEMA OIG appropriation.

Not later than March 1, 2002, and each year thereafter, the Chief Operating Officer of the Board shall prepare a financial statement for the preceding fiscal year, covering all accounts and associated activities of the Board. Each financial statement of the Board will be prepared according to the form and content of the financial statements prescribed by the Office of Management and Budget for executive agencies required to prepare financial statements under the Chief Financial Officers Act of 1990, as amended by the Government Management Reform Act of 1994. Each financial statement prepared under 31 USC 3515 by the Board shall be audited according to applicable generally accepted government auditing standards by the Inspector General of the Board or an independent external auditor, as determined by the Inspector General. The IG shall submit to the Chief Operating Officer of the Board a report on the audit not later than June 30 following the fiscal year for which a statement was prepared.

The Committee has again included bill language limiting the number of career senior executive service positions to three.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

Appropriations, 2002	$80,000,000
Budget estimate, 2003	68,000,000
Committee recommendation	73,000,000

PROGRAM DESCRIPTION FOR CDFI FUND

The Community Development Financial Institutions Fund makes investments in the form of grants, loans, equity investments, deposits, and technical assistance grants to new and existing community development financial institutions (CDFIs), through the CDFI program. CDFIs include community development banks, credit unions, venture capital funds, revolving loan funds, and microloan funds, among others. Recipient institutions engage in lending and investment for affordable housing, small business and community development within underserved communities. The CDFI Fund administers the Bank Enterprise Award (BEA) Program, which provides a financial incentive to insured depository institutions to undertake community development finance activities. The CDFI Fund also administers the New Markets Tax Credit Program, a newly created program that will provide an incentive to investors in the form of a tax credit, which is expected to stimulate private community and economic development activities.

COMMITTEE RECOMMENDATION

The Committee recommends $73,000,000 for the CDFI Fund, which is $7,000,000 below the fiscal year 2002 level and $5,000,000 above the administration's request.

The Committee also recommends a set-aside of $5,000,000 for grants, loans, and technical assistance and training programs to benefit Native American, Alaskan Natives, and Native Hawaiian communities in the coordination of development strategies, increased access to equity investments, and

loans for development activities. This amount is an increase of $5,000,000 above the budget request and the same as the fiscal year 2002 enacted level. The Committee is concerned that the CDFI Fund has not released all funds appropriated in fiscal years 2001 and 2002 for this purpose. The Committee has included this set-aside in fiscal year 2003 because the Native American, Alaskan Natives, and Native Hawaiian communities have been historically underserved by CDFIs.

The Department of the Treasury's November 2001 Native American Lending Study confirmed the inadequacy of capital investment in Indian communities and found that the investment gap between Native American economies and the United States overall totals $44,000,000,000. The Committee directs the Fund to submit a 5-year strategic plan to the Committee that outlines its efforts to improve the economic needs of Native Americans. This report is due to the Committee by February 17, 2003.

The Committee remains concerned over the CDFI Fund's lack of data on its programs' outputs and outcomes. The Committee has difficulty making funding decisions for the Fund without an accurate accounting of the activities that the Fund has contributed to in low-income communities. The Committee recognizes that this has been a long-standing problem with the CDFI Fund, and urges the Administration to improve its monitoring systems. This is especially important now that the CDFI Fund will have administrative responsibilities for the New Markets Tax Credit Program.

INTERAGENCY COUNCIL ON THE HOMELESS

OPERATING EXPENSES

Appropriations, 2002	$500,000
Budget estimate, 2003	1,000,000
Committee recommendation	1,500,000

PROGRAM DESCRIPTION

The Interagency Council on the Homeless is an independent agency created by the McKinney-Vento Homeless Assistance Act of 1987 to coordinate and direct the multiple efforts of Federal agencies and other designated groups. The Council was authorized to review Federal programs that assist homeless persons and to take necessary actions to reduce duplication. The Council can recommend improvements in programs and activities conducted by Federal, State and local government as well as local volunteer organizations. The Council consists of the heads of 18 Federal agencies such as the Departments of Housing and Urban Development, Health and Human Services, Veterans Affairs, Agriculture, Commerce, Defense, Education, Labor, and Transportation; and other entities as deemed appropriate.

COMMITTEE RECOMMENDATION

The Committee recommends $1,500,000 for the Interagency Council on the Homeless (ICH), $500,000 more than the budget request and $1,000,000 more than the fiscal year 2002 enacted level. These funds are for carrying out the functions authorized under section 203 of the McKinney-Vento Homeless Assistance Act.

The Council was previously funded under the HUD Homeless assistance grants account. The Committee has created a separate account for the Council to reflect better the law's intent that it operate and function as an independent agency. The Committee, however, expects HUD to continue providing administrative support for the Council as mandated under section 204(d) of the McKinney-Vento Homeless Assistance Act.

The Committee expects the primary activity of the ICH to be the development of a comprehensive Federal approach to end homelessness. In order for the ICH to be successful in this endeavor relevant Federal departments and agencies should defer to the ICH on policy and funding proposals that affect homelessness. The Committee understands that homelessness is affected by factors that cut across Federal agencies, including housing costs, job readiness, education, substance abuse and mental health. The Committee believes it is important to have an independent ICH in order to assess how the multitude of Federal programs have contributed to the rise in homelessness, and how they can contribute to ending homelessness.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

Appropriations, 2002	$55,200,000
Budget estimate, 2003	56,767,000
Committee recommendation	56,767,000

PROGRAM DESCRIPTION

The Commission is an independent regulatory agency that was established on May 14, 1973, and is responsible for protecting the public against unreasonable risks of injury from consumer products; assisting consumers to evaluate the comparative safety of consumer products; developing uniform safety standards for consumer products and minimizing conflicting State and local regulations; and promoting research and investigation into the causes and prevention of product-related deaths, illnesses, and injuries.

In carrying out its mandate, the Commission establishes mandatory product safety standards, where appropriate, to reduce the unreasonable risk of injury to consumers from consumer products; helps industry develop voluntary safety standards; bans unsafe products if it finds that a safety standard is not feasible; monitors recalls of defective products; informs and educates consumers about product hazards; conducts research and develops test methods; collects and publishes injury and hazard data, and promotes uniform product regulations by governmental units.

COMMITTEE RECOMMENDATION

The Committee recommends $56,767,000 for the Consumer Product Safety Commission, equal to the budget request and an increase of $1,567,000 above the fiscal year 2002 enacted level.

The Committee does not recommend the administration's request for an exemption of CPSC's litigation travel from the travel ceiling imposed by General Provision 401 of this Act. Instead, the Committee will continue to consider CPSC's increased travel requirements through regular reprogramming requests.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2002	$401,980,000
Budget estimate, 2003	631,342,000
Committee recommendation	407,242,000

PROGRAM DESCRIPTION

The Corporation for National and Community Service, a Corporation owned by the Federal Government, was established by the National and Community Service Trust Act of 1993 (Public Law 103–82) to enhance opportunities for national and community service and provide national service educational awards. The Corporation makes grants to States, institutions of higher education, public and private nonprofit organizations, and others to create service opportunities for a wide variety of individuals such as students, out-of-school youth, and adults through innovative, full- and part-time national and community service programs. National service participants may receive education awards which may be used for full-time or part-time higher education, vocational education, job training, or school-to-work programs.

The Corporation is governed by a Board of Directors and headed by the Chief Executive Officer. Board members and the Chief Executive Officer are appointed by the President of the United States and confirmed by the Senate.

COMMITTEE RECOMMENDATION

The Committee recommends $407,242,000 for the Corporation for National and Community Service, approximately the same as the fiscal year 2002 enacted level and $224,600,000 below the budget request.

The Committee has included bill language that caps the number of AmeriCorps volunteers at 50,000 for program year 2003. The Committee has taken this step in light of recent information that the Corporation had committed more enrollment slots than it could fund under its budget. In a preliminary report to the Committee, the Corporation recently revealed that the AmeriCorps program had both approved and enrolled far more volunteer slots than budgeted. Specifically, in program year 2000, 50,000 slots were budgeted, but the Corporation approved 67,000 slots, and actually enrolled 53,000. In program year 2001, 50,000 slots were budgeted, but the Corporation approved 71,800 slots and enrolled 59,200 slots. The Corporation has also exceeded its target level for 2002. Because of these practices, the Committee is deeply concerned that the Corporation may not have adequate funds in the National Service Trust Fund to meet its outstanding liabilities, and the Committee has requested investigations by both GAO and the IG into this matter to ensure the solvency of the National Service Trust. To that end, the Committee has included $15,000,000 for the Trust Fund and $240,492,000 in the AmeriCorps program account to fund 50,000 volunteers in program year 2003. The Committee, however, recognizes that the Corporation and the Office of Management and Budget are still reviewing the AmeriCorps program budgetary needs and will work with the administration on ensuring that the Corporation has adequate funds to enroll 50,000 members. The Committee applauds the recent steps taken by the Corporation's CEO and CFO and will continue to work closely with the Corporation to ensure that the AmeriCorps budgetary and management problems are resolved as expeditiously as possible. The Committee expects the Corporation to submit a final report to the Committee on its budgetary needs for fiscal year 2003 and any legislative language, if necessary, to ensure that the Corporation is able to meet its outstanding liabilities to those AmeriCorps members enrolled in the program. In this report, the Committee directs the Corporation to include details on the steps implemented to prevent the Corporation from over-enrolling members in the future and disciplinary actions taken to those individuals responsible for the problems with the Trust Fund.

The Committee recommends the following changes to the budget request:

−$162,277,000 for AmeriCorps Grants, National Direct and State Funds, for a total of

$290,342,000. This amount is equal to the fiscal year 2002 enacted level.

Within the amount provided, the Committee directs the Corporation to continue at the least the current level of support for programs designed to help teach children to read by the third grade ($100,000,000), and for activities dedicated to developing computer and information technology skills for students and teachers in low-income communities ($25,000,000). The Committee directs the Corporation to provide specifics in its fiscal year 2003 operating plan detailing how the Corporation will fulfill these directives.

The Committee is aware that the Corporation has recently added a new criterion in its AmeriCorps application process that takes into account the leveraging of unpaid volunteers. The Committee supports this new criterion and encourages the Chief Executive Officer to focus heavily on an applicant's ability to leverage and mobilize unpaid volunteers when awarding grants under the National and Community Service Act.

In order to ensure that as many qualified grant applicants as possible have the opportunity to access Corporation resources, the Committee supports efforts to reduce grantee reliance on Federal funding, and expects that some grantees should eventually be able to operate without Federal funding. The Inspector General recently reviewed the Corporation's National Direct Grant Application Review Process and recommended that the Corporation establish a means of clearly measuring a grantee's reliance on Federal funding and consider developing a performance goal for reducing grantees' reliance on Federal funds. Accordingly, the Committee directs the Corporation to provide a report by February 21, 2003, that details its efforts to measure a grantee's reliance on Federal funding and to reduce grantee reliance on Federal funds both in terms of total Corporation resources provided to grantees, and as a percentage of grantee operating costs. Further, the Committee directs the Corporation to provide quarterly reports with the initial report due on March 5, 2003 that lists every grantee that receives a minimum of $500,000 from the Corporation. These quarterly reports should include the name of the grantee, the amount of Corporation funds it has received, the Corporation program source of funding, the amount of private sector funds it has received, and sources of other Federal or public funding.

The Committee is encouraged by the Corporation's goal to improve the accountability of its grantees. Accordingly, the Committee directs the Corporation to establish, in consultation with grantees receiving assistance under all parts of the National and Community Service Act, performance measures for each grantee. The Corporation shall require any grantee that does not achieve the established levels of performance on the measures, as determined by the Corporation, to submit to the Corporation for approval a plan of correction. If the grantee fails to achieve the established levels of performance, the Committee directs the Corporation to either reduce some portion or terminate the entire amount of assistance provided to the grantee consistent with established due process requirements.

The Committee does not recommend the request to transfer the Education Award and Promise Fellows programs from Innovation Activities to AmeriCorps grants. The Committee supports the Administration's efforts to integrate AmeriCorps activities. However, the request to transfer the program would require legislative language to exempt grantee organizations from AmeriCorps administration cost, matching requirements, and participant benefit requirements. The Committee notes that these requirements have never been part of the Education Award or Promise Fellows programs, but the Committee believes that any necessary exemptions should be addressed in the context of reauthorization of the Corporation's programs.

–$8,638,000 for innovation, demonstration, and assistance activities, for a total of $29,850,000. Within the amount provided, the Committee recommends $10,000,000 for demonstration programs, an increase of $5,000,000 above the request. The Committee directs that the Corporation use this increase to provide seed funding to start-up organizations to foster the ''next generation'' of National Direct organizations. Also within the amount provided, the Committee recommends $10,000,000 for Challenge Grants, the same as the request. The Committee intends for these grants to be administered in a manner that allows eligibility of: (1) AmeriCorps organizations; (2) non-profit organizations that may not otherwise qualify for AmeriCorps funding because they do not use AmeriCorps volunteers; and (3) non-profit organizations that are not direct service organizations. The Committee also intends for Challenge Grants to require a match of $1 in private funding for every $1 in Challenge Grant funding. The Committee directs the Corporation to notify the Committee at least 5 business days in advance of making any Challenge Grant award. Finally, the Committee's recommendation for AmeriCorps grants includes sufficient funding for the Corporation to continue the Education Award and Promise Fellows programs within this amount.

–$2,500,000 for America's Promise, for a total of $5,000,000. This amount is $2,500,000 below the fiscal year 2002 enacted level. The Committee directs America's Promise to provide the Committee a full accounting of funds from the Federal Government and nonpublic sources, a breakdown of these funds for its operating expenses, and performance outputs and outcomes such as the number of volunteers it has leveraged with Federal dollars and the number of communities it has served since its inception. The report should be submitted by March 1, 2003.

–$10,000,000 for the National Civilian Community Corps, for a total program level of $25,000,000 in fiscal year 2003. This amount is equal to the fiscal year 2002 enacted level. The Committee does not recommend funding for two additional NCCC campuses. The Committee emphasizes that it has taken this action without prejudice to a future expansion of the program, and directs the Corporation to provide a report by March 4, 2003, with a comprehensive, strategic expansion plan. The plan should include dates and milestones for establishing new campuses, including cost estimates.

–$2,575,000 for program administration/State commissions, for a total of $32,500,000 to provide support for an oversight of the Corporation's programs and projects. This amount is $1,500,000 above the fiscal year 2002 enacted level. The Committee directs the Corporation to set-aside up to $2,000,000 for the Office of the Chief Financial Officer (CFO). These funds are to be used at the CFO's sole discretion for staffing, information systems, and other relevant purposes for ensuring the financial and management integrity of the Corporation's programs. The Committee intends $19,500,000 for program administration, including staffing, compensation, and operating expenses, and $13,000,000 as support for Governor-appointed State Commissions on National and Community Service. The Committee notes that State Commissions are required to provide a 50 percent match of this funding.

The Committee commends the Corporation for the significant improvements it has made in management and financial accounting and for its second consecutive ''clean'' opinion on its financial statements audit. Nevertheless, the Committee remains concerned about the Corporation's remaining reportable condition related to grants management. Many grantees fail to provide accurate and timely information on grant expenditures and in some cases, the Inspector General has identified significant questionable costs. The Committee commends the Corporation's progress in ensuring that its new grants management and cost accounting system is fully operational by no later than the fall of 2002. The Committee also supports the recommendations from a recent PriceWaterhouseCoopers (PWC) report, especially the recommendation that the new cost accounting system is able to calculate cost per grant or cost per grant dollar so that improvements in administrative cost management can be monitored.

–$42,000,000 for the National Service Trust, for a total of $15,000,000 to support service awards, interest forbearance, and President's Student Service Scholarship payments. This reduction reflects the Committee's recommendation not to fund the Senior Service Initiative, which is a proposed new activity to allow senior volunteers to transfer their education awards to a child or grandchild. Instead, the Committee recommends that this proposal be considered in the context of reauthorization of the Corporation's programs. Further, the Committee recognizes that the Corporation may need additional funds in the Trust to meet its outstanding liabilities in 2003. The Committee did not appropriate funding into the Trust in fiscal year 2002 as it was determined that sufficient funds were available from previous years to cover all estimated awards for fiscal year 2002. The Committee directs the Corporation to provide quarterly activity reports to the Committee and the Inspector General on the expenditure of awards under the National Service Trust Fund. The initial report should be submitted by February 25, 2003.

The Committee's recommendation for the Trust includes up to $5,000,000 to support an estimated 8,000 President's Student Service Scholarship awards. This program provides $1,000 scholarships to high school juniors and seniors who have performed outstanding service to their communities during their high school years. The Corporation provides one-half of the scholarship, and local funding from schools, businesses, nonprofit organizations, or civic groups provides the other half.

The Committee also recommends the budget request of $5,000,000 for audits and evaluations, $43,000,000 for Learn and Save America, and $10,000,000 for the Points of Light Foundation. The Committee supports the Corporation's efforts to track the performance of its programs and measure outcomes.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2002	$5,000,000
Budget estimate, 2003	5,000,000
Committee recommendation	6,900,000

PROGRAM DESCRIPTION

The Office of Inspector General within the Corporation for National and Community Service is authorized by the Inspector General Act of 1978, as amended. The goals of the

Office are to increase organizational efficiency and effectiveness and to prevent fraud, waste, and abuse. The Office of Inspector General within the Corporation for National and Community Service was transferred to the Corporation from the former ACTION agency when ACTION was abolished and merged into the Corporation in April 1994.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $6,900,000 for the Office of Inspector General (OIG). This amount is $1,400,000 above the budget request and the 2002 level. The Committee recommends an increase for the Office of Inspector General in order to increase oversight of the Corporation's activities.

ADMINISTRATIVE PROVISIONS

The Committee recommends bill language to ensure that loans made, insured, or guaranteed by State agencies are considered to be qualified student loans for the purpose of making AmeriCorps education awards. A modified version of this provision has been carried in prior year appropriations acts.

The Committee also recommends new bill language to allow disability placement funds, which are primarily used to pay for reasonable accommodations and other efforts to make AmeriCorps programs accessible to persons with disabilities, available to any AmeriCorps program funded under subtitle C.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

Appropriations, 2002	$13,221,000
Budget estimate, 2003	14,326,000
Committee recommendation	14,612,000

PROGRAM DESCRIPTION

The Court of Appeals for Veterans Claims was established by the Veterans' Judicial Review Act. The court is an independent judicial tribunal with exclusive jurisdiction to review decisions of the Board of Veterans' Appeals. It has the authority to decide all relevant questions of law; interpret constitutional, statutory, and regulatory provisions; and determine the meaning or applicability of the terms of an action by the Department of Veterans Affairs. It is authorized to compel action by the Department unlawfully withheld or unreasonably delayed. It is authorized to hold unconstitutional or otherwise unlawful and set-aside decisions, findings, conclusions, rules and regulations issued or adopted by the Department of Veterans Affairs or the Board of Veterans' Appeals.

COMMITTEE RECOMMENDATION

The Committee recommends the budget request of $14,612,000 for the Court of Appeals for Veterans claims, an increase of $1,105,000 above the fiscal year 2002 enacted level.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

Appropriations, 2002	$22,537,000
Budget estimate, 2003	24,445,000
Committee recommendation	24,445,000

PROGRAM DESCRIPTION

Responsibility for the operation of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery is vested in the Secretary of the Army. As of September 30, 2001, Arlington and Soldiers' and Airmen's Home National Cemeteries contained the remains of 289,494 persons and comprised a total of approximately 628 acres. There were 3,727 interments and 2,212 inurnments in fiscal year 2001; 3,800 interments and 2,500 inurnments are estimated for the current fiscal year; and 3,925 interments and 2,700 inurnments are estimated for fiscal year 2003.

COMMITTEE RECOMMENDATION

The Committee recommends the budget request of $24,445,000 for the Army's cemeterial expenses. This amount is $1,908,000 above the fiscal year 2002 enacted level.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Appropriations, 2002	$80,728,000
Budget estimate, 2003	[1] 74,471,000
Committee recommendation	76,074,000

[1] Does not include $1,603,000 proposed transfer from the National Cancer Institute.

PROGRAM DESCRIPTION

The National Institute of Environmental Health Sciences, an agency within the National Institutes of Health, was authorized in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, to conduct multidisciplinary research and training activities associated with the Nation's Hazardous Substance Superfund program, and in section 126(g) of the Superfund Amendments and Reauthorizations Act of 1986, to conduct training and education of workers who are or may be engaged in activities related to hazardous waste removal or containment or emergency response.

COMMITTEE RECOMMENDATION

The Committee recommends $76,074,000 for the National Institute of Environmental Health Sciences, which is $4,654,000 below the fiscal year 2002 enacted level. The recommendation includes $27,137,520 for worker training grants and $48,936,480 for research.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

Appropriations, 2002	$78,235,000
Budget estimate, 2003	77,388,000
Committee recommendation	81,000,000

PROGRAM DESCRIPTION

The Agency for Toxic Substances and Disease Registry (ATSDR), an agency of the Public Health Service, was created in section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. The ATSDR's primary mission is to conduct surveys and screening programs to determine relationships between exposure to toxic substances and illness. Other activities include the maintenance and annual update of a list of hazardous substances most commonly found at Superfund sites, the preparation of toxicological profiles on each such hazardous substance, consultations on health issues relating to exposure to hazardous or toxic substances, and the development and implementation of certain research activities related to ATSDR's mission.

COMMITTEE RECOMMENDATION

The Committee recommends $81,000,000 for the Agency for Toxic Substances and Disease Registry, which is $3,612,000 above the budget request and $2,765,000 above the fiscal year 2002 enacted level.

Within the amount provided, the Committee directs ATSDR to continue at least the current level of support for the Great Lakes Fish Consumption Study. Additionally, the Committee directs ATSDR to establish a fish consumption advisory pilot program in Michigan based on the information included in the Agency's December 2001 feasibility report.

Also within the amount provided, the Committee directs ATSDR to implement a multifaceted health study of polychlorinated biphenyl (PCB) exposure in Anniston, Alabama. The study should be undertaken in consultation with community residents and in cooperation with the Alabama Department of Public Health.

The Committee also directs that within the amount provided, ATSDR monitor and assess the long-term health status of children, adolescents and young adults in Herculaneum, Missouri regarding their potential exposure to lead.

ENVIRONMENTAL PROTECTION AGENCY

Appropriations, 2002	[1] $8,078,813,000
Budget estimate, 2003	7,620,513,000
Committee recommendation	8,205,436,000

[1] Includes $175,600,000 in fiscal year 2002 supplemental funding.

GENERAL DESCRIPTION

The Environmental Protection Agency [EPA] was created through Executive Reorganization Plan No. 3 of 1970 designed to consolidate certain Federal Government environmental activities into a single agency. The plan was submitted by the President to the Congress on July 8, 1970, and the Agency was established as an independent agency in the executive branch on December 2, 1970, by consolidating 15 components from 5 departments and independent agencies.

A description of EPA's pollution control programs by media follows:

Air.—The Clean Air Act Amendments of 1990 authorize a national program of air pollution research, regulation, prevention, and enforcement activities.

Water quality.—The Federal Water Pollution Control Act, as amended, provides the framework for protection of the Nation's surface waters. The law recognizes that it is the primary responsibility of the States to prevent, reduce, and eliminate water pollution. The States determine the desired uses for their waters, set standards, identify current uses and, where uses are being impaired or threatened, develop plans for the protection or restoration of the designated use. They implement the plans through control programs such as permitting and enforcement, construction of municipal waste water treatment works, and nonpoint source control practices. The CWA also regulates discharge of dredge or fill material into waters of the United States, including wetlands.

Drinking water.—The Safe Drinking Water Act of 1974, as amended in 1996, charges EPA with the responsibility of implementing a program to assure that the Nation's public drinking water supplies are free of contamination that may pose a human health risk, and to protect and prevent the endangerment of ground water resources which serve as drinking water supplies.

Hazardous waste.—The Resource Conservation and Recovery Act of 1976 mandated EPA to develop a regulatory program to protect human health and the environment from improper hazardous waste disposal practices. The RCRA Program manages hazardous wastes from generation through disposal.

EPA's responsibilities and authorities to manage hazardous waste were greatly expanded under the Hazardous and Solid Waste Amendments of 1984. Not only did the regulated universe of wastes and facilities dealing with hazardous waste increase significantly, but past mismanagement practices, in particular prior releases at inactive hazardous and solid waste management units, were to be identified and corrective action taken. The 1984 amendments also authorized a regulatory and implementation program directed to owners and operators of underground storage tanks.

Pesticides.—The objective of the Pesticide Program is to protect the public health and the environment from unreasonable risks while permitting the use of necessary pest control approaches. This objective is pursued by EPA under the Food Quality Protection Act, the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act through three principal means: (1) review of existing and new pesticide products; (2) enforcement of pesticide use rules; and (3) research and development to reinforce the ability to evaluate the risks and benefits of pesticides.

Radiation.—The radiation program's major emphasis is to minimize the exposure of persons to ionizing radiation, whether from naturally occurring sources, from medical or industrial applications, nuclear power sources, or weapons development.

Toxic substances.—The Toxic Substances Control Act establishes a program to stimulate the development of adequate data on the effects of chemical substances on health and the environment, and institute control action for those chemicals which present an unreasonable risk of injury to health or the environment. The act's coverage affects more than 60,000 chemicals currently in commerce, and all new chemicals.

Multimedia.—Multimedia activities are designed to support programs where the problems, tools, and results are cross media and must be integrated to effect results. This integrated program encompasses the Agency's research, enforcement, and abatement activities.

Superfund.—The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 established a national program to protect public health and the environment from the threats posed by inactive hazardous waste sites and uncontrolled spills of hazardous substances. The original statute was amended by the Superfund Amendments and Reauthorization Act of 1986. Under these authorities, EPA manages a hazardous waste site cleanup program including emergency response and long-term remediation.

Leaking underground storage tanks.—The Superfund Amendments and Reauthorization Act of 1986 established the leaking underground storage tank [LUST] trust fund to conduct corrective actions for releases from leaking underground storage tanks that contain petroleum or other hazardous substances. EPA implements the LUST response program primarily through cooperative agreements with the States.

COMMITTEE RECOMMENDATION

The Committee recommends a total of $8,205,436,000 for EPA. This is an increase of $584,923,000 above the budget request and an increase of $126,623,000 above the fiscal year 2002 enacted level.

The Agency is directed to notify the Committee prior to each reprogramming in excess of $500,000 between objectives, when those reprogrammings are for different purposes. The exceptions to this limitation are as follows: (1) for the ''Environmental programs and management'' account, Committee notification is required at $500,000; Committee approval is required only above $1,000,000; and (2) for the ''State and tribal assistance grants'' account, reprogramming of performance partnership grant funds is exempt from this limitation.

SCIENCE AND TECHNOLOGY

Appropriations, 2002	[1] $788,397,000
Budget estimate, 2003	670,008,000
Committee recommendation	707,203,000

[1] Includes $90,308,000 in fiscal year 2002 supplemental funding.

PROGRAM DESCRIPTION

EPA's ''Science and technology'' account provides funding for the scientific knowledge and tools necessary to support decisions on preventing, regulating, and abating environmental pollution and to advance the base of understanding on environmental sciences. These efforts are conducted through contracts, grants, and cooperative agreements with universities, industries, other private commercial firms, nonprofit organizations, State and local government, and Federal agencies, as well as through work performed at EPA's laboratories and various field stations and field offices. In addition, Hazardous Substance Superfund Trust Fund resources are transferred to this account directly from the Hazardous Substance Superfund.

COMMITTEE RECOMMENDATION

The Committee recommends $707,203,000 for science and technology, $37,195,000 above the budget request and $81,194,000 below the enacted level including supplemental funding. In addition, the Committee recommends the transfer of $86,168,000 from the Superfund account, for a total of $793,371,000 for science and technology.

The Committee recommends the following changes to the budget request:

+$9,750,000 for the STAR Fellowships Program. The budget request proposed to transfer this program to the National Science Foundation.

−$9,750,000 for the National Environmental Technology Competition. The Committee supports the Agency's efforts to foster private and public sector development of new, cost-effective environmental technologies, and has instead recommended full funding of the budget request of two existing Agency programs designed to achieve this objective—the Small Business Innovation Research (SBIR) Program, whereby 2.5 percent of all extramural research funding is set-aside for work with small businesses, and the Environmental Technology Verification (ETV) Program ($3,618,000). The Committee urges EPA to develop a ''one stop shop'' office to coordinate these programs to ensure the greatest impact without duplication or overlap, and directs the Agency to report to the Committee by March 3, 2003, detailing such efforts.

+$10,000,000 for small system arsenic removal research, for a total of $16,800,000 in fiscal year 2003. The Committee strongly encourages EPA to utilize a significant portion of this funding to carry out demonstrations of implementation of low-cost treatment technology, and directs the Agency to report to the Committee by March 3, 2003, on its plans to carry out such demonstrations.

The following increases to the budget request are each to be reduced by 10 percent:

+$700,000 for the Center for the Conservation of Biological Resources at Black Hills State University, South Dakota.

+$750,000 for Clean Air Counts of Northeastern Illinois to develop an innovative and cost effective method to reduce smog-causing emissions in the Chicago metropolitan region. The funding will provide support for an ongoing partnership involving EPA, the Metropolitan Mayors Caucus, Illinois EPA, and the Delta Institute.

+$800,000 for the Contra Costa Water District, California, for applied research studies related to the water quality and water treatment challenges facing Bay Delta water users.

+$800,000 for Lake Superior State University for education and research on aquatic biota and their associated habitats.

+$750,000 for the Louisiana Environmental Research Center at McNeese State University for research into wetland ecology and the environmental effects of oil spills.

+$300,000 for the Foundation for the Advancement of Science and Education's pesticides recording project.

+$750,000 for the Southwest Clean Air Quality Agency's Columbia Gorge Air Quality Technical Foundation Study.

+$500,000 for the Center for the Study of Metals in the Environment.

+$1,200,000 for the Center for Air Toxic Metals at the Energy and Environmental Research Center.

+$100,000 for the University of Vermont's Proctor Maple Research Center to continue mercury deposition monitoring effects.

+$350,000 for acid rain research at the University of Vermont.

+$500,000 for the City of Glendale, California for research and development of technology for the removal of Chromium 6 from water.

+$750,000 for the Integrated Public/Private Energy and Environmental Consortium (IPEC) to develop cost-effective environmental technology, improved business practices, and technology transfer for the domestic petroleum industry.

+$500,000 for the Consortium for Plant Biotechnology Research

+$1,000,000 for the National Environmental Respiratory Center at the Lovelace Respiratory Research Institute.

+$3,900,000 for the Mine Waste Technology Program at the National Environmental Waste Technology, Testing, and Evaluation Center.

+$1,500,000 for the Connecticut River Airshed-Watershed Consortium.

+$3,600,000 for the Water Environment Research Foundation.

+$3,600,000 for the American Water Works Association Research Foundation.

+$700,000 for the Mid-America Regional Council to apply urban agroforestry technologies to meet community green infrastructure needs.

+$1,000,000 for the Center for Estuarine Research at the University of South Alabama.

+$1,000,000 for the Alabama Department of Environmental Management for the Alabama Water and Wastewater Training Program.

+$1,000,000 for the Environmental Lung Center at the National Jewish Medical and Research Center.

+$2,000,000 for air quality program for Fairbanks North Star Borough, Alaska.

Drinking Water Security.—The Committee supports the budget request of $21,900,000 in fiscal year 2003, which includes $16,900,000 in Science and Technology and $5,000,000 in STAG for water security coordinator State grants to address the security of our Nation's drinking water and wastewater systems. The Committee notes these funds, in

addition to the approximately $140,000,000 provided by the Committee in previous supplemental appropriations acts, will result in the Committee's having recommended a total of $160,000,000 for drinking water security efforts. The Committee is disappointed that the Administration did not release $50,000,000 of this funding. The Committee directs that by March 31, 2003, the Agency provide a full accounting of how these funds have been or will be expended. Additionally, within the funds provided, the Committee strongly encourages EPA to support water infrastructure research and development activities as well as security vulnerability assessments. The Committee is also aware of efforts to develop a Water Information Security Analysis Center (ISAC), and strongly encourages EPA to provide support for the implementation of this system to provide a secure communications network linking law enforcement and local drinking water systems.

Emission standards study.—EPA is directed to submit a report no later than February 15, 2004 on the practices and procedures by which States develop separate emission standards, including standards for nonroad engines or vehicles, as compared to the development by EPA of national emission standards under the Clean Air Act. This report shall include an assessment of the procedures, practices, standards and requirements used by States as opposed to those used by the EPA, including how States and the EPA take into account technological feasibility, economic feasibility, impact on the economy, costs, safety, noise and energy factors associated in the development of these standards.

Coeur d'Alene Superfund site.—In accordance with the Record of Decision (ROD) for the Bunker Hill Mining and Metallurgical Complex Operable Unit 3 issued in September 2002, remediation work has begun in the Coeur d'Alene River Basin in northern Idaho. Because of the estimated expense and duration of this remediation, the Committee makes available $850,000 from within available funds for the Agency to contract with the National Academy of Sciences (NAS) so that the NAS can independently evaluate the Coeur d'Alene Superfund site. This evaluation is to include an examination of EPA's scientific and technical practices in Superfund site area definition, human and ecological risk assessment, remedial planning, and decision making. NAS further is expected to assess the adequacy and application of EPA's own Superfund guidance in this case in terms of currently available scientific and technical knowledge and best practices, as well as to provide guidance to facilitate scientifically based and timely decision making for the Coeur d'Alene site. This funding is intended to implement the specific tasks outlined in an NAS plan of action dated June 11, 2002.

The Agency is directed to execute a contract with the NAS for this study within 120 days of approval of this legislation, and the NAS is expected to complete the study within 24 months of the contract date. In directing this study, it is the intent of the Committee that ongoing and planned remediation activities within the 21-square mile Bunker Hill site and Coeur d'Alene Basin under the Records of Decision not be disrupted, delayed, or adversely impacted in any way prior to completion of the NAS study. The EPA may choose to amend the RODs based on the findings of the NAS study once it has been completed, consistent with CERCLA.

The Committee has not included proposed bill language relative to the environmental services fund.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

Appropriations, 2002	[1] $2,093,511,000
Budget estimate, 2003	2,047,703,800
Committee recommendation	2,136,569,000

[1] Includes $39,000,000 in fiscal year 2002 supplemental funding.

PROGRAM DESCRIPTION

The Agency's ''Environmental programs and management'' account includes the development of environmental standards; monitoring and surveillance of pollution conditions; direct Federal pollution control planning; technical assistance to pollution control agencies and organizations; preparation of environmental impact statements; enforcement and compliance assurance; and assistance to Federal agencies in complying with environmental standards and insuring that their activities have minimal environmental impact. It provides personnel compensation, benefits, and travel and other administrative expenses for all agency programs except hazardous substance Superfund, LUST, Science and Technology, Oil Spill Response, and OIG.

COMMITTEE RECOMMENDATION

The Committee recommends $2,136,569,000 for environmental programs and management, an increase of $88,865,200 above the budget request and $82,058,000 above the fiscal year 2002 enacted level.

The Committee recommends the following changes to the budget request:

+$20,100,000 to fully fund enforcement FTEs at no less than the 2001 level, consistent with the 2001 operating plan. The Committee does not recommend the Administration's request to reduce funding for Federal enforcement of environmental laws to instead fund a new State enforcement grant program.

+$9,160,000 for Environmental Education, equal to the 2002 level. The budget request proposed to eliminate this program.

+$2,000,000 for Environmental Justice, for a total of $6,079,000. This amount is $1,915,000 above the 2002 program level.

+$5,275,000 for the National Estuary Program, for a total of $24,521,000. This amount is equal to the 2002 program level.

+$5,200,000 for the Energy Star program, for a total program level of $55,000,000. This amount is $6,400,000 above the 2002 level.

−$8,969,000 for regulatory development, for a total program level of $27,412,000, equal to the 2002 level.

−$3,156,500 as a general reduction, subject to normal reprogramming guidelines.

+$2,000,000 for Chesapeake Bay small watershed grants. The Committee expects that the funds provided for this program, managed by the Fish and Wildlife Foundation, shall be used for community-based projects including those that design and implement on-the-ground and in-the-water environmental restoration or protection activities to help meet Chesapeake Bay Program goals and objectives. This increase will result in a total of $22,651,000 available in fiscal year 2003 for the Chesapeake Bay Program, which is $1,383,600 above the fiscal year 2002 program level.

+$1,372,000 for the Great Lakes National Program Office, for a total program level of $16,500,000. This amount is $1,570,000 above the 2002 program level.

+$2,320,000 for the Lake Champlain Basin Program, for a total program level of $3,275,000. This amount is $775,000 above the 2002 program level.

+$2,000,000 for the Lake Pontchartrain Basin Restoration Program. The Committee directs the Administrator to give priority consideration to the proposals of the Lake Pontchartrain Basin Foundation.

+$2,523,000 for the Long Island Sound Program, for a total program level of $3,000,000. This amount is $500,000 above the 2002 program level.

The following increases to the budget are each to be reduced by 10 percent:

+$250,000 for the Maryland Bureau of Mines for an acid mine drainage remediation project.

+$5,000,000 for America's Clean Water Foundation for implementation of on-farm environmental assessments for livestock operations.

+$1,000,000 for projects demonstrating the benefits of Low Impact Development along the Anacostia Watershed in Prince Georges County, Maryland.

+$500,000 for the University of Arkansas to develop bio-environmental engineering solutions to watershed management.

+$50,000 for the Northwest Straits Commission.

+$700,000 for the Northwest Indian Fisheries Commission with distribution as follows: $160,000 to the Northwest Indian Fisheries Commission for coordination and $540,000 to be divided among the 26 participating tribes to implement this tribal initiative by integrating state, Federal, tribal and local governmental efforts to develop common water quality protection goals and reduce jurisdictional barriers.

+$200,000 for the Columbia Basin Groundwater Area Management Study.

+$500,000 for the Gateway Cities Council of Governments, California, pilot program to reduce diesel emissions.

+$750,000 for Columbus Water Works, Georgia, biosolids thermophilic treatment technology demonstration.

+$250,000 for the Illinois Department of Agriculture's Council on Best Management Practices initiative to reduce nitrate contamination in drinking water.

+$250,000 for the CropLife Foundation North Carolina environmental stewardship project.

+$500,000 for the Central California ozone study.

+$500,000 for the Center for Agricultural and Rural Development at Iowa State University for the Resource and Agricultural Policy Systems program.

+$500,000 for the Small Business Pollution Prevention Center at the University of Northern Iowa.

+$750,000 for the painting and coating assistance initiative through the University of Northern Iowa.

+$100,000 for the American Farmland Trust Center for Agriculture in the Environment for sustainable agriculture in Hawaii and the American Pacific.

+$500,000 for the Economic Development Alliance of Hawaii promote biotechnology to reduce pesticide use in tropical and subtropical agricultural production

+$250,000 for the County of Hawaii and the Hawaii Island Economic Development Board to establish and implement a community development model for renewable resource management by upgrading solid waste transfer stations into community recycling centers.

+$250,000 for a storm water research initiative at the University of Vermont.

+$200,000 for the Vermont small business compliance assistance project conducted by the Vermont Small Business Development Center.

+$500,000 for Boston Metropolitan Area Planning Council (MAPC) and the Massachusetts Technology Collaborative (MTC) to develop regional solutions for managing and protecting water resources.

+$160,000 for the Great Lakes Fish and Wildlife Commission Crandon Mine analysis.

+$500,000 for the Sand County Foundation in Wisconsin for an incentive program to promote the reduction of nitrogen discharge in the Upper Mississippi River Basin.

+$250,000 for Livingston Parish, Louisiana, for a water and wastewater infrastructure feasibility study.

+$250,000 for the Vermont Department of Agriculture to work with conservation districts and local communities to reduce nonpoint source run-off in the Potash Brook watershed.

+$500,000 for the Lohontan Regional Water Quality Control Board in California for the Board, working with California water officials and the State of Nevada, to address Lake Tahoe water quality issues.

+$50,000 for the Tioga County Department of Economic Development and Planning, New York, for the Owego infrastructure master plan.

+$200,000 for design, engineering, and planning activities related to the pollution prevention of Wreck Pond and nearby beaches in Spring Lake, New Jersey.

+$150,000 for the New Jersey EnvironMentors project.

+$350,000 for planning and engineering studies for the Storm Lake, Iowa, cleanup project.

+$250,000 for a study to address the characterization and remediation of ash sites in Jacksonville, Florida.

+$16,000,000 for rural water training and technical assistance activities and source water protection initiatives with distribution as follows: $9,000,000 for the National Rural Water Association, $3,500,000 for the Rural Community Assistance Program, $750,000 for the Ground Water Protection Council, $750,000 for the Water Systems Council to assist in the effective delivery of water to rural citizens nationwide, and $2,000,000 for the source water protection program.

+$200,000 for the Northeast Waste Management Officials Association to continue solid waste, hazardous waste, cleanup, and pollution prevention programs.

+$200,000 for the Northeast States for Coordinated Air Use Management (NESCAUM).

+$2,500,000 for the National Alternative Fuels Training Consortium.

+$1,500,000 for the Ecological and Water Resources Assessment Project.

+$500,000 for the Valley Water Mill Watershed Education and Demonstration Center.

+$175,000 for the Hypoxia Education and Stewardship Project.

+$200,000 for the Sutherlin, Oregon Water Control District's Watershed Assessment Project.

+$500,000 for the Kenai river Center in Kenai, Alaska.

+$2,000,000 for Region 10 environmental compliance activities in Alaska.

+$2,000,000 for the Coeur d'Alene Basin Commission to continue a pilot program for environmental response, natural resource restoration and related activities.

+$1,500,000 for ORSANCO for the Ohio River Pollution Reduction Program.

+$500,000 for the University of Southern Maine for environmental education activities.

+$1,500,000 for the University of Louisville for the Stream Restoration Institute.

+$2,500,000 for the Southwest Center for Environmental Research and Policy.

+$4,000,000 for the Small Public Water System Technology Centers at Western Kentucky University, the University of New Hampshire, the University of Alaska-Sitka, Pennsylvania State University, the University of Missouri-Columbia, Montana State University, the University of Illinois, and Mississippi State University.

+$1,000,000 to complete the full feasibility study/environmental impact statement for the Medford, Oregon, effluent reuse project.

Brownfields.—The Committee supports the request of $29,500,000 for Brownfields administrative costs, and has included bill language, as requested by the administration, to specify that funds in this account are available for these purposes. The Committee notes that this amount, coupled with the $170,500,000 provided in the State and Tribal Assistance Grants accounts, makes $200,000,000 available in fiscal year 2003 for implementation of the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

Enforcement.—The Committee is deeply concerned that the Agency's implementation of fiscal year 2002 enforcement funding has been inconsistent with the Committee's direction. Specifically, the fiscal year 2002 VA–HUD conference report rejected proposed cuts to enforcement, and directed the Agency to restore enforcement funding in a manner consistent with the fiscal year 2001 operating plan. Instead, the Agency has redirected 30 civil enforcement FTE to the criminal enforcement program. The Agency asserts that the conference directive occurred prior to management's understanding of the full scope and role of the EPA's participation in criminal enforcement efforts associated with homeland security. The Committee recognizes and appreciates the vital investigative expertise of EPA's criminal enforcement program—that is why the Committee also provided an additional $6,000,000 in fiscal year 2002 supplemental funds to assist the Agency's increased response to terrorism in the area of criminal investigations. Instead, the Agency has planned to spend this funding on other homeland security related priorities that the Committee did not intend to fund. The Committee maintains that any increase in criminal enforcement activities necessary should be funded through these additional supplemental funds, not at the expense of other important enforcement functions. Therefore, the Committee directs the Agency to halt the redirection of enforcement positions from civil to criminal activities, to restore civil enforcement funding to not less than the 2001 level. The Committee notes that the Agency submitted a report responding to this directive, and further directs the Agency to report to the Committee no later than February 3, 2003, on how the Agency has accomplished this directive. Additionally, the Committee continues to be concerned about the vacancy rate in the Office of Enforcement and Compliance (OECA), where over 100 FTE positions are unfilled. The Committee directs the Agency to report by February 3, 2003, with an aggressive plan to fill and retain these vacancies.

Chromated copper arsenate (CCA).—The Committee continues to be concerned about whether there are significant health and safety risks related to CCA-treated consumer products, including playground equipment, decks, picnic tables, walkways/boardwalks, landscaping timers and fences. In a February 2002 report required by the Committee, EPA informed the Committee that the Agency is currently conducting a risk assessment of CCA-treated consumer products. The Committee directs the Agency to accelerate the schedule for this risk assessment and to complete it by February 3, 2003. The Committee expects this assessment to include concrete findings and conclusions about whether there are significant health and safety risks of CCA-treated wood products. The Committee also expects the assessment to include recommendations on ways to mitigate potential risks, and the Agency's plans to conduct public education to ensure that consumers, local governments, and school systems are aware of potential risks and ways to mitigate them.

Food Quality Protection Act.—The Committee directs EPA to submit to Congress by February 3, 2003, a resource plan detailing the number of pesticide tolerance re-assessments and re-registrations required under FQPA, the number and kind of such activities completed since 1996, the status of the remaining activities, including the projected number to be completed year-by-year under FQPA, and the level of resources needed to meet these deadlines. In estimating resources, EPA should indicate the number of FTEs or contracted activities that would be required for these activities.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2002	$34,019,000
Budget estimate, 2003	35,325,000
Committee recommendation	37,325,000

PROGRAM DESCRIPTION

The Office of Inspector General (OIG) provides audit, evaluation, and investigation products and advisory services to improve the performance and integrity of EPA programs and operations.

Trust fund resources are transferred to this account directly from the hazardous substance Superfund.

COMMITTEE RECOMMENDATION

The Committee recommends $37,325,000 for the Office of Inspector General, $2,000,000 above the budget request and $3,306,000 above the fiscal year 2002 level. In addition, $12,742,000 will be available by transfer from the Superfund account, for a total of $48,067,000. The trust fund resources will be transferred to the inspector general ''General fund'' account with an expenditure transfer.

BUILDINGS AND FACILITIES

Appropriations, 2002	$25,318,000
Budget estimate, 2003	42,918,000
Committee recommendation	42,918,000

PROGRAM DESCRIPTION

The appropriation for buildings and facilities at EPA covers the necessary maintenance, and major repairs and improvements to existing installations which are used by the Agency. This appropriation also covers new construction projects when appropriate.

COMMITTEE RECOMMENDATION

The Committee recommends $42,918,000 for buildings and facilities, $17,600,000 above the fiscal year 2002 level and the same as the budget request.

The Committee notes that with this appropriation, the Committee has provided a total of $49,000,000 account-wide in fiscal years 2002 and 2003 for EPA to better secure its offices and laboratory facilities. The Committee directs that by March 31, 2002, the Agency supply an accounting of how these funds have provided a safer working environment for its

employees. This report should include a description of activities undertaken at each office or facility.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

Appropriations, 2002	[1] $1,311,292,000
Budget estimate, 2003	1,272,888,000
Committee recommendation	1,272,888,000

[1] Includes $41,292,000 in fiscal year 2002 supplemental funding.

PROGRAM DESCRIPTION

On October 17, 1986, Congress amended the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [CERCLA] through the Superfund Amendments and Reauthorization Act of 1986 [SARA]. SARA reauthorized and expanded the Hazardous Substance Superfund to address the problems of uncontrolled hazardous waste sites and spills. Specifically, the legislation mandates that EPA: (1) provide emergency response to hazardous waste spills; (2) take emergency action at hazardous waste sites that pose an imminent hazard to public health or environmentally sensitive ecosystems; (3) engage in long-term planning, remedial design, and construction to clean up hazardous waste sites where no financially viable responsible party can be found; (4) take enforcement actions to require responsible private and Federal parties to clean up hazardous waste sites; and (5) take enforcement actions to recover costs where the fund has been used for cleanup. Due to the site-specific nature of the Agency's Superfund program, site-specific travel is not considered part of the overall travel ceiling set for the Superfund account.

COMMITTEE RECOMMENDATION

The Committee recommends $1,272,888,000 for Superfund, equal to the budget request and $38,404,000 below the fiscal year 2002 enacted level including supplemental funding. The amount provided includes equal amounts of $636,444,000 from general revenues.

The Committee recommends the following changes to the budget request:

+$25,000,000 for response, for a total response level of $856,900,000.

−$25,000,000 for building decontamination research. The Committee commends EPA for its leadership role in anthrax decontamination of the Capitol complex, and supports the Agency's increased efforts in developing new technologies to decontaminate buildings from future releases of chemical and biological substances. However, the Committee is concerned that the budget proposed to fund this initiative at the expense of core Superfund cleanup activities. The Committee notes that this reduction will result in a total of $50,000,000 for EPA's building decontamination research initiative for fiscal year 2003.

The Committee does not recommend the past practice of delaying the availability of Superfund resources until later in the year.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

Appropriations, 2002	$73,000,000
Budget estimate, 2003	72,313,000
Committee recommendation	72,313,000

PROGRAM DESCRIPTION

The Superfund Amendments and Reauthorizations Act of 1986 [SARA] established the leaking underground storage tank [LUST] trust fund to conduct corrective actions for releases from leaking underground storage tanks containing petroleum and other hazardous substances. EPA implements the LUST program through State cooperative agreement grants which enable States to conduct corrective actions to protect human health and the environment, and through non-State entities including Indian tribes under section 8001 of RCRA. The trust fund is also used to enforce responsible parties to finance corrective actions and to recover expended funds used to clean up abandoned tanks.

COMMITTEE RECOMMENDATION

The Committee recommends the budget request of $72,313,000 for the Leaking Underground Storage Tank Trust Fund, a decrease of $687,000 below the fiscal year 2002 enacted level. The Committee directs that not less than 85 percent of these funds be provided to the States and tribal governments.

OIL SPILL RESPONSE

Appropriations, 2002	$15,000,000
Budget estimate, 2003	15,581,000
Committee recommendation	15,581,000

PROGRAM DESCRIPTION

This appropriation, authorized by the Federal Water Pollution Control Act of 1987 and amended by the Oil Pollution Act of 1990, provides funds to prepare for and prevent releases of oil and other petroleum products in navigable waterways. Also EPA is reimbursed for incident specific response costs through the Oil Spill Liability Trust Fund managed by the United States Coast Guard. EPA is responsible for: directing all cleanup and removal activities posing a threat to public health and the environment; conducting site inspections, including compelling responsible parties to undertake cleanup actions; reviewing containment plans at facilities; reviewing area contingency plans; pursuing cost recovery of fund-financed cleanups; and conducting research of oil cleanup techniques. Funds for this appropriation are provided through the Oilspill Liability Trust Fund which is composed of fees and collections made through provisions of the Oil Pollution Act of 1990, the Comprehensive Oil Pollution Liability and Compensation Act, the Deepwater Port Act of 1974, the Outer Continental Shelf Lands Act Amendments of 1978, and the Federal Water Pollution Control Act as amended. Pursuant to law, the Trust Fund is managed by the United States Coast Guard.

COMMITTEE RECOMMENDATION

The Committee recommends $15,581,000 for the oil spill response trust fund, $581,000 above the fiscal year 2002 enacted and the level budget request.

STATE AND TRIBAL ASSISTANCE GRANTS

Appropriations, 2002	[1] $3,738,276,000
Budget estimate, 2003	3,463,776,000
Committee recommendation	3,920,639,000

[1] Includes $5,000,000 in fiscal year 2002 supplemental funding.

PROGRAM DESCRIPTION

The ''State and tribal assistance grants'' account funds grants to support the State revolving fund programs; State, tribal, regional, and local environmental programs; and special projects to address critical water and waste water treatment needs.

Included in this account are funds for the following infrastructure grant programs: Clean Water and Drinking Water State Revolving Funds; United States-Mexico Border Program; Alaska Native villages; and Brownfield assessment and revitalization grants.

It also contains the following environmental grants, State/tribal program grants, and assistance and capacity building grants: (1) nonpoint source (sec. 319 of the Federal Water Pollution Control Act); (2) water quality cooperative agreements (sec. 104(b)(3) of FWPCA; (3) public water system supervision; (4) air resource assistance to State, regional, local, and tribal governments (secs. 105 and 103 of the Clean Air Act); (5) radon State grants; (6) water pollution control agency resource supplementation (sec. 106 of the FWPCA); (7) wetlands State program development; (8) underground injection control; (9) Pesticides Program implementation; (10) lead grants; (11) hazardous waste financial assistance; (12) pesticides enforcement grants; (13) pollution prevention; (14) toxic substances compliance; (15) Indians general assistance grants; (16) underground storage tanks; (17) enforcement and compliance assurance; (18) BEACHS Protection grants (sec. 406 of FWPCA as amended); and (19) PWSS State Counter-terrorism Coordinator grants; (20) Brownfields cleanup grants; (21) targeted watershed grants; and (22) pesticides enforcement. As with the case in past fiscal years, no reprogramming requests associated with States and Tribes applying for Performance Partnership Grants need to be submitted to the Committee for approval should such grants exceed the normal reprogramming limitations.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $3,920,639,000 for State and tribal assistance grants, an increase of $456,863,000 over the budget request and an increase of $187,363,000 above the fiscal year 2002 enacted level.

The Committee recommends the following changes to the budget request:

+$213,000,000 for the Clean Water State Revolving Loan Fund, for a total of $1,425,000,000. This amount is $75,000,000 above the 2002 level.

+$25,000,000 for the Drinking Water State Revolving Fund, for a total of $875,000,000. This amount is $25,000,000 above the 2002 level.

+$3,459,900 for Section 103 and 105 State and Local Assistance grants, for a total of $225,000,000.

+$12,100,000 for the Section 106 State Pollution Control Grant Program, which includes support for State Total Maximum Daily Load programs, for a total program level of $192,477,000. This amount is equal to the 2002 level.

+5,000,000 for Alaska Native Villages, for a total of $45,000,000.

+$3,000,000 for remediation of above ground leaking fuel tanks in Alaska as authorized by Public Law 106–554.

−$15,000,000 for State Multimedia Enforcement Grants. Instead, the Committee has recommended increased funding for Federal enforcement activities in the Environmental Programs and Management account.

−$25,000,000 for Information Exchange Network grants. The Committee supports the Agency's efforts to build an internet-based system that will enable environmental information exchanges among States, tribes, localities, the regulated community, the public and the Agency. In fiscal year 2002, the Committee provided $25,000,000 for these

grants, which the Committee understands will be awarded late in fiscal year 2002 and should be sufficient to cover State needs for fiscal year 2003. Instead, the Committee has provided only the requested $20,157,000, which includes $3,100,000 in Superfund and $17,057,000 in EPM, for the Agency's component of the information integration project.

−$8,000,000 for Homestake Mine.

−$10,000,000 for targeted watershed grants, for a total of $11,000,000 for this new program, which includes $10,000,000 within the STAG account and $1,000,000 in EPM.

+$140,000,000 for special needs infrastructure grants. This amount is to be reduced by 10 percent by reducing each grant by 10 percent. This amount, together with an additional $2,241,450 previously made available in fiscal year 2000, is to be allocated in the following manner:

$885,000 for Washoe County, Nevada for the Spanish Valley Nitrate Remediation Pilot Program;

$875,000 for the Orleans Parish Sewer and Water Board, New Orleans, Louisiana, for an inflow and infiltration project;

$875,000 for East Baton Rouge Parish, Louisiana, for water and wastewater infrastructure improvements;

$770,000 for the Mason County Public Utility District, Washington to construct a wastewater and collection facility in Hoodsport, Washington;

$750,000 for the Village of Pomeroy, Ohio for the construction of an iron and manganese removal water treatment plant;

$875,000 for the City of Lake Charles, Louisiana, for wastewater treatment plant improvements;

$2,000,000 for South and North Valley of Albuquerque and Bernalillo County, New Mexico, for water and wastewater treatment;

$2,000,000 for San Antonio, Texas for water and sewer improvements;

$2,000,000 for Flowood, Mississippi for the Hogg Creek Interceptor System;

$1,850,000 for the City of Cynthiana, Kentucky for the Cynthiana Water Treatment Plant;

$1,800,000 for the Palmer, Alaska for a water main;

$1,700,000 to Kansas City, Missouri for the water component of the Beacon Hill Redevelopment Plan;

$875,000 for Jefferson Parish, Louisiana, for sewer infrastructure improvements;

$750,000 for the Village of Belmont, Ohio for the construction of a wastewater treatment plant and collection system;

$750,000 for the County of Nassau, New York for water quality infrastructure improvements at Nassau County Park facilities;

$750,000 for the City of Van Wert, Ohio for the expansion of the reservoir;

$750,000 for the City of Huntington Beach, California for the Alabama Storm Drain project;

$750,000 for the City of Compton, California, for a water well replacement project;

$750,000 for the City of Centerville, South Dakota, for drinking water infrastructure improvements;

$575,000 for the Alabama Rural Utilities Authority for remedial onsite and collective wastewater treatment systems in Lowndes County, Alabama;

$550,000 for the State of Hawaii Health Department, for cesspool system replacement;

$550,000 for the City of Hood River, Oregon, drinking water infrastructure improvements;

$500,000 to Dudley, Missouri for the City Water Expansion Project;

$500,000 for Wrangell, Alaska for sewer expansion;

$1,000,000 for the Town of Bridgeville, Delaware, for wastewater treatment plant improvements;

$1,000,000 for the Sisseton-Wahpeton Sioux Tribe in Agency Village, South Dakota, for the expansion of the Brown Marshall Day Water System;

$1,000,000 for the Mount Pleasant Waterworks Commission, South Carolina, for the Snowden Community Wastewater Collection Project;

$1,000,000 for the Fairbanks City, Alaska sewer and storm drain connection;

$1,000,000 for the Coolin Sewer District in Idaho for a wastewater facility upgrade project;

$500,000 for Vinalhaven, Maine for its sewer system;

$500,000 for Vigo County, Indiana for the Sugar Creek Township Sanitary Sewer Project;

$500,000 for the Village of Port Byron, Illinois for drinking water improvements;

$500,000 for the Township of Vernon, New Jersey, for wastewater improvement;

$500,000 for the Town of Robbins, North Carolina, for water treatment plant improvements;

$600,000 for the Pawtucket Water Supply Board for the purchase of the City of Central Falls Water Distribution System;

$200,000 for water and sewer improvements in Morgantown, North Carolina;

$150,000 for water and sewer improvements in Albermarle, North Carolina;

$200,000 for water and sewer improvements in Gastonia, North Carolina;

$50,000 for water and sewer improvements in Valdese, North Carolina;

$500,000 for the Town of Coventry, Rhode Island, for drinking water infrastructure improvements;

$500,000 for the Northeast Public Sewer District, Missouri for the Old Highway 141 Collection System;

$1,000,000 for the City of Akron, Ohio for sewer infrastructure improvements;

$1,000,000 for Meridian, Mississippi for wastewater improvements;

$1,000,000 for Jackson, Mississippi for water infrastructure improvements;

$1,000,000 for the Upper and Lower River Road Water and Sewer District, Montana for wastewater infrastructure improvements;

$1,000,000 for Fayette, Mississippi for Jefferson County water and sewer improvements project;

$500,000 for the Kodiak, Alaska for water and sewer upgrades;

$500,000 for the Holland Regional Water System in Effingham, Illinois for a water treatment facility to improve regional drinking water;

$500,000 for the Glaize Creek Public Sewer District, Missouri for the Barnhart Subdivisions Project;

$500,000 for the Fairfax County Water Authority, Virginia for infrastructure enhancements;–

$500,000 for the City of Wilmington, Illinois to develop a new wastewater facility;

$500,000 for the City of Whittier, California, for water and sewer infrastructure improvements;

$500,000 for the City of West Liberty, Iowa, for wastewater treatment improvements;

$500,000 for the City of Shelton, Washington for design and construction of the Shelton Area Regional Water and Sewer Project;

$500,000 for the City of Sacramento, California, for Combined Sewer System Improvement and Rehabilitation Project;

$500,000 for the City of Pevely, Missouri, for wastewater treatment plant improvements;

$500,000 for the City of Omaha, Nebraska, for sewer separation construction;

$500,000 for the City of Moline, Illinois for drinking water improvements;

$500,000 for the City of Middletown, New York for the City of Middletown Filtration Plant;

$500,000 for the City of Huron, South Dakota, for drinking water infrastructure improvements;

$500,000 for the City of Georgetown, Illinois for drinking water improvements;

$500,000 for the City of Gallup, New Mexico, for wastewater treatment plant improvements and upgrades;

$500,000 for the City of Galena, Illinois to expand and improve wastewater facilities;

$500,000 for the City of Flint, Michigan to upgrade the Pierson Road water main system;

$500,000 for the City of Fayetteville, Arkansas for regional wastewater system improvements;

$500,000 for the City of Eureka, California, for the Martin Slough Interceptor project;
$500,000 for the City of Alexandria, Virginia for wastewater treatment facility upgrades;
$500,000 for the City and County of Honolulu, Hawaii, for wastewater treatment technologies;
$500,000 for Sumiton, Alabama for the Sumiton Sanitary Sewer System;
$500,000 for Saco, Maine for its sewer system; $500,000 for Latimer, Kansas for a pipeline project;
$500,000 for Lake County, California, for the Clear Lake Basin 2000 project;
$500,000 for Box Elder, South Dakota, for water and wastewater system improvements;
$500,000 for Berry, Alabama for the construction of a new sanitary wastewater lagoon system;
$500,000 for Augusta, Maine for its sewer system;
$500,000 for a water supply project in Guin, Alabama;
$450,000 to Bolivar, Missouri for the Bolivar Industrial Park Sewer and Water System;
$450,000 for Talladega, Alabama for county water supply facilities upgrades and construction;
$400,000 for the City of Deadwood, South Dakota, for a drinking water extension project;
$400,000 for Mountain Village, Colorado for water infrastructure investment;
$4,000,000 for Baltimore City, Maryland, for sewer infrastructure improvements;
$350,000 to Warrenton, Missouri for the Warrenton Industrial Park Lift Station;
$350,000 for the Community of Dakota Dunes, South Dakota, for a drinking water infrastructure connection project;
$325,000 for the Town of Notasulga, Alabama for the Notasulga Wastewater System;
$300,000 for Tillamook, Oregon for infrastructure;
$300,000 for the Albany-Millersburg Joint Water Project in Oregon;
$300,000 for Muscle Shoals, Alabama for a wastewater project;
$300,000 for Mountain Village, Colorado for remediation of aboveground storage tanks;
$250,000 to Warrensburg, Missouri for the water component of the Warrensburg Downtown Revitalization Project;
$250,000 for the Wahkiakum County Public Utility District, Washington for the Puget Island Drinking Water Project;
$250,000 for the United Water Conservation District of Ventura County, California, for the Oxnard Plain Groundwater Recharge Project;
$250,000 for the Metropolitan Wastewater Management Commission, Eugene and Springfield, Oregon, drinking and wastewater improvements;
$250,000 for the Community Water System Public Water Authority of Arkansas in Lonoke and White Counties for the Green Ferry drinking water project;
$250,000 for the City of St. George, Utah for water and sewer line extensions;
$250,000 for the City of South Salt Lake, Utah for water infrastructure improvements;
$250,000 for the City of Filer, Idaho for a new drinking water system;
$250,000 for Park City, Utah for the Judge Tunnel Water Treatment Facility;
$200,000 for Eva, Alabama for a sewer system project;
$2,500,000 for the Narragansett Bay Commission in Providence and other Bay communities in Rhode Island for sewer infrastructure improvements;
$2,500,000 for the City of Mason City, Iowa, for the Municipal Water System Radium Removal Project;
$2,500,000 for Monticello, Utah for a primary water supply pipeline;
$2,000,000 to Joplin, Missouri for the Crossroads Relief Sewer #2 and Sewer Extension Project;
$2,000,000 for the Three Rivers Wet Weather Demonstration Program, Allegheny County, Pennsylvania to fund several innovative demonstration projects in municipalities in the greater Pittsburgh area to plan, design, and construct projects to eliminate separate sewer overflows;
$2,000,000 for the Maryland Department of Environment for Woodland Village sewer and water improvements;
$2,000,000 for the City of Park River, North Dakota for the Park River Water System Improvements;
$2,000,000 for the City of Milwaukee, Wisconsin for the Central Metropolitan Interceptor Improvement Project;
$2,000,000 for the City of Atlanta, Georgia for the Nancy Creek sewer infrastructure improvement project;
$1,700,000 for the Champlain Water District, Vermont, for Chittenden County stormwater infrastructure improvements;
$500,000 for the Durango Water Treatment Facility in Durango, Colorado
$1,650,000 for the Town of Klickitat, Washington, to construct a new wastewater water treatment facility;
$1,600,000 for Brownsville District Sewer Development, Colorado for water and wastewater investments;
$1,500,000 to Monett, Missouri for the Monett Sewer Treatment Plant Upgrade;
$1,500,000 for the Town of Warren, Vermont, for wastewater treatment facility upgrades;
$1,500,000 for the City of Safford, Arizona for wastewater treatment plant construction;
$1,500,000 for the City of Norman, Oklahoma for wastewater system improvements;
$1,500,000 for the City of Lead, South Dakota, for water and wastewater system improvements;
$1,500,000 for the City of Franklin, Tennessee for water quality improvements;
$1,500,000 for the City of Conrad, Montana for a wastewater and drinking water project;
$1,500,000 for the City of Belgrade, Montana, for wastewater treatment;
$1,500,000 for the Camden County Municipal Authority, New Jersey, for sewer infrastructure improvements;
$1,500,000 for Nacogdoches, Texas for the development of a water and sewer drainage system;
$1,500,000 for Missoula, Montana for the Mullan Road Corridor Project;
$1,300,000 for the Town of Richmond, Vermont, for wastewater treatment facility upgrades;
$1,250,000 for South Florida Water Management District Tri-County (Palm Beach, Martin and St. Lucie Counties) Biosolids Project;
$1,250,000 for Eastern Orange and Seminole Counties, Florida, for the Regional Reuse Project;
$1,200,000 for the Anchorage Water and Wastewater Utility for the development of a water and sewer facility in Anchorage, Alaska;
$1,100,000 for the City of Fallon, Nevada, for construction of an arsenic treatment facility;
$1,000,000 to the Eastern Snyder County Regional Authority in Pennsylvania to upgrade its wastewater treatment plant, including replacing equipment, improving the treatment system, and installing new technology for nutrient removal, in order to improve the water quality of the Chesapeake Bay;
$700,000 for Virgin Valley Water District, Mesquite, Nevada, for construction of an arsenic treatment facility;
$1,000,000 for Upper Allen Township, Cumberland County, Pennsylvania to increase sewer treatment capacity by repairing inflow and infiltration problems in older sections of the collection

system, divert sewage to a treatment plant, and install new sanitary sewer collection system extensions to replace malfunctioning on-lot disposal systems;

$1,000,000 for the Wasilla, Alaska for water and sewer improvements;

$1,000,000 for the Town of Harrington, Delaware, for wastewater treatment plant improvements;

$1,000,000 for the Pioneer Valley Planning Commission in West Springfield, Massachusetts, for combined sewer overflow improvements;

$1,000,000 for the Commission of Public Works of the City of Charleston, South Carolina, for wastewater tunnel replacement;

$1,000,000 for the City of Saginaw, Michigan, for sewer infrastructure improvements;

$1,000,000 for the City of Racine, Wisconsin for the Racine Advanced Water Treatment System;

$1,000,000 for the City of Port Huron, Michigan, for sewer infrastructure improvements;

$1,000,000 for the City of New Britain, Connecticut for the New Britain Water Filtration Replacement Project;

$1,000,000 for the City of Nashua, New Hampshire to upgrade the waste water treatment system;

$1,000,000 for the City of Manchester, New Hampshire to assist in the water treatment plant upgrade and renovation;

$1,000,000 for the City of Greenville, South Carolina, for water and sewer infrastructure related to the Greenline-Spartanburg Neighborhood Redevelopment Project;

$750,000 for the City of Bancroft, Idaho for water system upgrades;

$750,000 for Morristown, Ohio for a sanitary sewer collection system;

$750,000 for Blanding, Utah for water infrastructure improvements;

$300,000 for the City of Las Vegas, Nevada, sewer replacement project;

$650,000 for the City of Sebree, Kentucky for the City of Sebree Sewer project,

$650,000 for Autauga County, Alabama for a sewer infrastructure construction project;

$600,000 for the Gold Hill, Oregon for a water intake relocation project;

$580,000 for the City of Richland, Washington, for wastewater infrastructure improvements;

$1,000,000 for the City of Grafton, North Dakota for the Grafton Water Treatment Plant Improvement;

$1,000,000 for the City of Española, New Mexico for water and wastewater treatment;

$1,000,000 for the City of Clay, Kentucky for the Clay Sewer project;

$1,000,000 for the City of Burley, Idaho for improvements to the wastewater treatment system;

$1,000,000 for the City of Berlin, New Hampshire to assist in construction of water delivery infrastructure;

$1,000,000 for Eastern Calhoun County, Michigan, for regional wastewater treatment infrastructure improvements;

$1,000,000 for Corinna, Maine for its sewer system;

$1,000,000 for Bristol County, Massachusetts, for sewer infrastructure improvements;

$1,000,000 for Alamogordo, New Mexico for the Alamogordo Regional Desalination Project.

Of the amount provided for high priority water and wastewater facilities in the area of the United States-Mexico border, the Committee intends $4,000,000 for the El Paso-Las Cruces Sustainable Water Project and $2,000,000 for the Brownsville water supply project.

EPA is to work with the grant recipients on appropriate cost-share arrangements consistent with past practice.

In addition, the Committee recommends the budget request for the following programs: BEACH grants ($10,000,000); Section 319 non-point source pollution grants ($238,476,800); United States-Mexico Border ($75,000,000); the Indian General Assistance Program ($57,469,700); and Brownfields infrastructure projects and grants ($170,500,000). The Committee notes that this amount, along with $29,500,000 provided in the Environmental Programs and Management account, brings total funding for Brownfields activities to $200,000,000 for fiscal year 2003.

The Committee has included bill language, as carried in previous appropriations acts, to clarify that drinking water health effects studies are to be funded through the science and technology account.

The Committee has also included bill language, as requested by the administration and as carried in previous appropriations acts, to: (1) extend for an additional year the authority for States to transfer funds between the Clean Water SRF and the Drinking Water SRF; (2) waive the 1.5 percent cap on the Tribal set aside from non-point source grants; (3) increase to 1.5 percent the cap on the Tribal set-aside for the Clean Water SRF; and (4) require that any funds provided to address the water infrastructure needs of colonias within the United States along the United States-Mexico border be spent only in areas where the local governmental entity has established an enforceable ordinance or rule which prevents additional development within colonias that lacks water, wastewater, or other necessary infrastructure.

Finally, the Committee has included bill language making a technical correction to a grant provided to the City of Welch, West Virginia, in fiscal year 2000.

ADMINISTRATIVE PROVISIONS

Cooperative Agreements with Tribes.—The Committee has included bill language, as proposed in the budget request and as carried in previous appropriations acts, permitting EPA, in carrying out environmental programs required or authorized by law in the absence of an acceptable tribal program, to use cooperative agreements with federally-recognized tribes and inter-tribal consortia.

Pesticide Tolerance Processing Fees.—The Committee has included a provision prohibiting the Agency from collecting pesticide tolerance processing fees as envisioned in the proposed rule issued on June 9, 1999. The budget request assumes that in 2003, EPA will have available to spend approximately $25,000,000 in both retroactive and current fees based on this proposed rule. However, the Committee notes that the conference agreement on the Farm Bill (H. Rpt. 107–424, page 666) questioned the legal basis of this proposed rule, and strongly encouraged the EPA to withdraw the proposed rule and work with the appropriate House and Senate oversight Committees to develop comprehensive pesticide user fee legislation. Because of this lack of consensus on the tolerance processing fee, the Committee believes it would be irresponsible to assume the availability of any funding for the Agency under this proposed rule, as the budget request does. Furthermore, the Committee believes that making such an assumption would leave the Agency without sufficient funding to run its pesticides programs, which would ultimately result in reductions to other important core environmental activities to pay the approximately 200 FTE in the pesticides programs. Therefore, to ensure that that Agency has sufficient funding to run its pesticide programs, the Committee has also included provisions to extend the pesticide maintenance fee for an additional year, including the collection of up to $23,200,000 for operation of the registration, re-registration, and tolerance assessment programs. The Committee notes that these provisions are similar to provisions included in the fiscal year 2002 VA–HUD conference agreement. Furthermore, the Committee stresses that it recommends these actions for one additional year only in order to allow for the development of a consensus proposal for all pesticide fees, and notes that it has directed the Agency to issue a final pesticide tolerance processing fee rule, exclusive of retroactivity, no later than September 3, 2003. The Committee expects these issues to be resolved for the fiscal year 2004 budget cycle, and does not intend to include this or any similar stop-gap measure as part of the fiscal year 2004 bill.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Appropriations, 2002	$5,267,000
Budget estimate, 2003	5,368,000
Committee recommendation	5,368,000

PROGRAM DESCRIPTION

The Office of Science and Technology Policy [OSTP] was created by the National Science and Technology Policy, Organization, and Priorities Act of 1976 (Public Law 94–238) and coordinates science and technology policy for the White House. OSTP provides authoritative scientific and technological information, analysis, and advice for the President, for the executive branch, and for Congress; participates in formulation, coordination, and implementation of national and international policies and programs that involve science and technology; maintains and promotes the health and vitality of the U.S. science and technology infrastructure; and coordinates research and development efforts of the Federal Government to maximize the return on the public's investment in science and technology and to ensure Federal resources are used efficiently and appropriately.

OSTP provides support for the National Science and Technology Council [NSTC].

COMMITTEE RECOMMENDATION

The Committee recommends the budget request of $5,368,000 for the Office of Science

and Technology Policy. This represents an increase of $101,000 or 1.9 percent over the fiscal year 2002 level.

The Committee supports the administration's interagency initiatives in nanoscience and engineering and information technology research. These are cutting-edge interagency programs that are important for the long term health of the Nation. In the area of nanotechnology, the National Academy of Sciences has made a number of recommendations that would strengthen the interagency National Nanotechnology Initiative (NNI). The Committee urges OSTP to give serious consideration to the Academy's recommendations. The Committee is particularly supportive of the recommendation for an independent advisory council, modeled after the one used for the information technology initiative. The Committee views such outside advice as vital to help focus the interagency program on critically important challenges. The Committee also supports the recommendation calling for increased interagency investments in areas related to nanotechnology and the life sciences. It is already apparent that applications of nanotechnology can have significant impacts in disease diagnosis and treatment. Accordingly, the Committee calls on OSTP to ensure the active participation of the National Institutes of Health in this interagency research initiative.

The Committee is concerned with recent changes made in the administration's interagency global change research program. It is vital this interagency program be based on a broad, well-balanced research agenda, focused on both short-term and long-term needs and questions, and implemented using an open peer review process to ensure scientific excellence. The Committee believes that the Science Advisor must play the lead role in the Federal Government's global environmental research program to ensure scientific excellence is maintained. OSTP is requested to provide the Committee with a progress report on this matter by February 3, 2003.

The Committee believes that the deployment of next-generation broadband networking infrastructure will stimulate cutting edge research activities, create jobs, increase productivity, and improve our quality of life. With appropriate support from the Federal Government, the research community can develop innovative last-mile technologies, cutting-edge, high-bandwidth applications such as telepresence, and advances in wide-area networking technologies. The Committee urges OSTP to expeditiously reestablish the Presidential Information Technology Advisory Committee (PITAC), and as part of their work, request PITAC to develop a proposal to support research into applications that will stimulate and promote ubiquitous broadband deployment.

The Committee remains concerned about the balance among fields in the Federal research portfolio, particularly as it relates to the physical sciences and engineering. Advances in the biomedical area are dependent on progress in such areas as physics, chemistry, electrical engineering, and chemical engineering. However, progress in these fields is being hindered by funding shortfalls. Therefore, the Committee directs the Science Advisor, in conjunction with the Presidential Council of Advisors on Science and Technology (PCAST), to develop an action plan to address this issue as a part of the fiscal year 2004 budget proposal.

The Committee is concerned that too few U.S. students are pursuing undergraduate and advanced degrees in science and engineering to meet the Nation's workforce needs. The Committee recognizes that for advanced education to be effective, it must be pursued at colleges and universities with active research programs. The NSF, NASA, and other agencies are in a unique position to help ensure that our universities are well positioned to meet the Nation's needs. The Committee believes that an overarching Federal strategy should be developed. OSTP, in cooperation with the National Science and Technology Council (NSTC) and the Nation's colleges and universities, is urged to develop a comprehensive strategy to increase the number of students pursuing degrees in science and engineering. The plan should include means to increase the number of university research and educational groups, to increase the number of new, young faculty; to build cooperative relationships between universities and the various Federal agencies; and means for attracting and supporting undergraduate and graduate students. The plan should be submitted to the Committee by March 15, 2003.

The Committee is concerned about the health of the infrastructure needed for a 21st century oceans research program, including ships, observatories and related data processing and communication capabilities. In December 2001 the Federal Oceanographic Facilities Committee reported to the National Ocean Research Leadership Council on a long range plan for the renewal of the academic research fleet. In addition, last year this Committee asked OSTP, on behalf of the administration, to develop an interagency plan for an ocean observing system. The administration's plans for fleet renewal and ocean observatories have not yet been submitted to the Committee. Nevertheless, the Committee believes OSTP should coordinate with the NORLC to exert leadership among the agencies with research responsibilities related to the oceans. Moving ahead with the modernization of the Nation's oceanographic infrastructure should be a critical priority for the administration. Therefore, the Committee directs OSTP to submit a report with recommendations and management options on the establishment of an oceans infrastructure modernization fund. Such a fund could be established in one or more agencies to be used to address issues related to modernizing the ocean research fleet, establishing an integrated ocean observation system, acquiring related instrumentation and equipment, and for other related purposes. This report should be submitted to the Committee on Appropriations by April 7, 2003.

The Committee is concerned about the long term health of this country's semi-conductor manufacturing capabilities. Other nations are moving aggressively to build up their own capabilities and this has clear implications for U.S. national and economic security. The Committee directs OSTP to assemble an interagency committee involving the defense, intelligence and civilian science and technology agencies to assess the current state and the public policy implications of future directions in semi-conductor manufacturing capabilities. This report should make recommendations to the Congress on the options available to retain a substantial manufacturing capability in the United States. In addition, the report should also include measures to ensure the domestic retention of a world class semi-conductor R&D and design capability. This report should be submitted to the Committee by June 30, 2003.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

Appropriations, 2002	$2,974,000
Budget estimate, 2003	3,031,000
Committee recommendation	3,031,000

PROGRAM DESCRIPTION

The Council on Environmental Quality/Office of Environmental Quality was established by the National Environmental Policy Act and the Environmental Quality Improvement Act of 1970. The Council serves as a source of environmental expertise and policy analysis for the White House, Executive Office of the President agencies, and other Federal agencies. CEQ promulgates regulations binding on all Federal agencies to implement the procedural provisions of the National Environmental Policy Act and resolves interagency environmental disputes informally and through issuance of findings and recommendations.

COMMITTEE RECOMMENDATION

The Committee has provided $3,031,000 for the Council on Environmental Quality, an increase of $57,000 above the fiscal year 2002 enacted level and equal to the budget request. The Committee directs CEQ to provide quarterly reports on all ongoing activities, including use of detailees and agency representatives.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

Appropriations, 2002	$33,660,000
Budget estimate, 2003	30,848,000
Committee recommendation	30,848,000

PROGRAM DESCRIPTION

Prior to 1998, the FDIC inspector general's budgets have been approved by the FDIC's Board of Directors from deposit insurance funds as part of FDIC's annual operating budget that is proposed by the FDIC Chairman. A separate appropriation more effectively ensures the independence of the OIG.

COMMITTEE RECOMMENDATION

The Committee recommends $30,848,000 for the FDIC inspector general, $2,812,000 less than the 2002 enacted level and the same as the budget request. Funds are to be derived by transfer from the bank insurance fund, the savings association insurance fund, and the FSLIC resolution fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Appropriations, 2002	$7,555,546,000
Budget estimate, 2003	6,441,846,000
Committee recommendation	3,203,117,000

GENERAL DESCRIPTION

FEMA is responsible for coordinating Federal efforts to reduce the loss of life and property through a comprehensive risk-based, all hazards emergency management program of mitigation, preparedness, response, and recovery.

COMMITTEE RECOMMENDATION

The Committee recommends $3,203,117,000 for the Federal Emergency Management Agency. This appropriation provides funding for disaster relief, emergency management planning, emergency food and shelter and the Inspector General.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2002	$6,520,871,000
Budget estimate, 2003	1,842,843,000
Committee recommendation	842,843,000

PROGRAM DESCRIPTION

Through the Disaster Relief Fund (DRF), FEMA provides a significant portion of the

total Federal response to victims in Presidentially declared major disasters and emergencies. Major disasters are declared when a State requests Federal assistance and has proven that a given disaster is beyond the State's capacity to respond. Under the DRF, FEMA provides three main types of assistance: individual and family assistance; public assistance, which includes the repair and reconstruction of State, local and non-profit infrastructure; and hazard mitigation.

COMMITTEE RECOMMENDATION

The Committee has provided $842,843,000 for FEMA disaster relief, which is $1,000,000,000 below the budget request. These are adequate funds to meet all current needs. If there are additional needs, these will be addressed when the Committee considers supplemental appropriations.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

(LIMITATION ON DIRECT LOANS)

STATE SHARE LOAN

	Program account	Administrative expenses
Appropriations, 2002	$405,000	$543,000
Budget estimate, 2003		557,000
Committee recommendation		557,000

PROGRAM DESCRIPTION

Disaster assistance loans authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act 42 U.S.C. 5121 et seq. are loans to States for the non-Federal portion of cost sharing funds and community disaster loans to local governments incurring substantial loss of tax and other revenues as a result of a major disaster. The funds requested for this program include direct loans and a subsidy based on criteria including loan amount and interest charged.

COMMITTEE RECOMMENDATION

For the State Share Loan Program, the Committee has provided $25,000,000 in loan authority and $557,000 in administrative expenses.

NATIONAL PRE-DISASTER MITIGATION FUND

Appropriations, 2002	
Budget estimate, 2003	$300,000,000
Committee recommendation	25,000,000

GENERAL DESCRIPTION

This account supports the new grant program for pre-disaster mitigation. Grants are available through a competitive process to eligible States and local jurisdictions to reduce the risk of future damage in hazard areas and to ultimately reduce the future needs for Federal disaster assistance by encouraging the building of an environment increasingly resistant to the effects of natural hazards.

COMMITTEE RECOMMENDATION

The Committee recommends $25,000,000 for pre-disaster mitigation. This is $275,000,000 below the budget request and $25,000,000 above the fiscal year 2002 enacted level.

SALARIES AND EXPENSES

Appropriations, 2002	$266,114,000
Budget estimate, 2003	239,690,000
Committee recommendation	239,690,000

PROGRAM DESCRIPTION

This account provides the necessary resources to administer the Agency's various programs at headquarters and in the regions; and the general management and administration of the Agency in legal, congressional, intergovernmental, international, and media affairs, and financial and personnel management, as well as the management of the Agency's facilities.

COMMITTEE RECOMMENDATION

The Committee recommends $239,690,000 for FEMA salaries and expenses. This is equal to the request and a decrease of $26,424,000 from the fiscal year 2002 enacted level.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2002	$10,303,000
Budget estimate, 2003	11,549,000
Committee recommendation	17,754,000

PROGRAM DESCRIPTION

This appropriation provides agency-wide audit and investigative functions to identify and correct management and administrative deficiencies, which create conditions for existing or potential instances of fraud, waste, and mismanagement. The audit function provides internal audit, contract audit, and inspection services. Contract audits provide professional advice to agency contracting officials on accounting and financial matters relative to the negotiation, award, administration, repricing, and settlement of contracts. Internal audits review and evaluate all facets of agency operations.

COMMITTEE RECOMMENDATION

The Committee recommends $17,754,000 for the Office of the Inspector General, an increase of $7,451,000 above the fiscal year 2002 enacted level.

Bill language has been retained which authorizes the FEMA Inspector General to serve also as the IG for the Chemical Safety and Hazard Investigation Board.

The Committee has included funding for FEMA to continue to undertake new initiatives to enhance State and local terrorism preparedness and to improve disaster prevention strategies as a response to the terrorist attacks of September 11, 2001. Consequently, additional funds have been recommended to enable the OIG to acquire the necessary staffing and contract support services for the audit, investigation, and inspection of these new initiatives.

The Committee directs the FEMA Inspector General to review the Assistance to Firefighters Grants program to assess the extent to which FEMA is implementing the ''maintenance of needs'' requirements under to this program. A report is due no later than August 15, 2003.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2002	$617,310,000
Budget estimate, 2003	3,747,214,000
Committee recommendation	1,615,214,000

PROGRAM DESCRIPTION

The emergency management planning and assistance appropriation provides resources for the following activities: readiness, response, and recovery; information technology services; fire prevention and training; national preparedness; policy and regional operations; mitigation programs; and executive direction.

COMMITTEE RECOMMENDATION

The Committee recommends $1,615,214,000 for emergency management planning and assistance. This is an increase of $997,904,000 above the fiscal year 2002 level and $2,132,000,000 below the request. Of this amount, $900,000,000 is for the fire grant program; $114,000,000 is for interoperable communications equipment for firefighters and EMS personnel; $75,000,000 is for Urban Search and Rescue Teams; $75,000,000 is for State and local emergency planning grants; $114,000,000 is for emergency operations centers; $15,000,000 is for mutual aid; $60,000,000 is for emergency responder training; $15,000,000 is for the CERT program; and $1,100,000 is for security clearances for State and local emergency management personnel.

Fire Grants.—The Committee has provided $900,000,000 for the fire grant program, the fully authorized level. This amount is $540,000,000 above the fiscal year 2002 enacted level. The Committee has provided the fully authorized level of funding for the fire grant program to provide the maximum level of funding directly to the Nation's firefighters. The Committee notes that FEMA has done an exemplary job in administering the program by obligating almost all of the funds within 1 year. Nevertheless, to ensure the continued effective use of these funds, the Committee has made the fiscal year 2003 funding for fire grants available for 2 years instead of 1 year.

Interoperable Communications Equipment.—The Committee has provided $114,000,000 for grants to firefighters and related emergency medical services for interoperable communications equipment. The Committee urges that grants under this program be used to purchase cost effective solutions which allow entities to make existing communications interoperable such as cross band repeaters, frequency band patching and other network level solutions. In addition, equipment provided under these programs should be compatible with public safety analog ANSI/TIA–603 and/or digital radio ANSI/TIA–102 Standards.

Emergency Operations Centers.—The Committee has included $114,000,000 for grants to State emergency operations centers. The Committee is aware that many State and local emergency operation centers are in need of physical and technical improvements to enable them to provide an effective command and control structure in response to large catastrophic disasters as well as acts of terrorism.

Search and Rescue Teams.—The Committee has included $75,000,000 to upgrade all 28 existing search and rescue teams to ensure that each team has the necessary equipment to respond to any disaster including weapons of mass destruction.

State and Local Planning Grants.—The Committee has provided $75,000,000 for grants to States to upgrade their State and local emergency operations plans. This funding is provided to ensure that State and local emergency operations plans cover all hazards including natural disasters and weapons of mass destruction. The Committee urges FEMA to work with the Office of Domestic Preparedness to ensure coordination at the State and local level.

Community Emergency Response Teams (CERT).—The Committee has included the budget request of $15,000,000 for CERT.

Emergency Responder Training.—The Committee has provided $60,000,000 for emergency responder training. FEMA offers training to local first responders through the U.S. Fire Administration and other institutions to provide first responders with new and improved training procedures and management expertise.

Mutual Aid.—The Committee has included $15,000,000 to help initiate mutual aid agreements among State and local governments to maximize local resources in the event of a natural disaster or an act of terrorism.

First Responder Training.—The Committee commends the Nation's first responders for

their dedicated service to their communities in times of natural or man-made disasters. In 1996, Congress first recognized the potential for terrorist attacks using weapons of mass destruction with the creation of the Nunn-Lugar-Domenici program to train first responders in 120 major U.S. cities. Department of Justice programs continue to prepare first responders for potential terrorist attacks. In addition, FEMA has longstanding experience in consequence management as the primary Federal agency with responsibility for responding to natural and man-made disasters. As FEMA becomes incorporated in the new Department of Homeland Security, the Committee urges that priority be given to maintaining comprehensive and coordinated training programs to best serve our first responders and all America.

In addition, the Committee has included transfer authority of up to 5 percent of the amounts made available for both the fire grant program and for the urban search and rescue task force assistance program (USAR program) for salaries and expenses for the administrative costs associated with these programs. Each program is to be independently administered at the Fire Academy in Emmittsburg, Maryland. In addition, FEMA is directed to administer the new USAR program as a competitive grants program designed to fund fully all training and equipment needs of the existing 28 USAR task forces as well as the administrative costs of these teams. FEMA is expected to issue interim regulations for the USAR program that are published in the Federal Register no later than March 15, 2003.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The Radiological Emergency Preparedness [REP] Program assists State and local governments in the development of offsite radiological emergency preparedness plans within the emergency planning zones of commercial nuclear power facilities licensed by the Nuclear Regulatory Commission [NRC].

The fund is financed from fees assessed and collected from the NRC licensees to recover the amounts anticipated by FEMA to be obligated in the next fiscal year for expenses related to REP program activities. Estimated collections for fiscal year 2003 are $347,000.

CERRO GRANDE FIRE GRANTS

Appropriations, 2002	.....
Budget estimate, 2003	.....
Committee recommendation	$100,000,000

PROGRAM DESCRIPTION

The Cerro Grande Fire grants program is Federal response to the failure of the National Park Service to maintain control of a ''controlled'' burn in New Mexico on May 5, 2000. Under this program, FEMA is tasked to assess the damage from this fire and make reparations.

COMMITTEE RECOMMENDATIONS

The Committee recommends $100,000,000 to close out this program. This will be adequate to meet all claims by private citizens, at a minimum. While FEMA recently increased the estimate on the costs needed to close out this program to $155,000,000, the Committee is concerned that this estimate currently is unsubstantiated since neither the FEMA Inspector General nor GAO have finished their audits of the awards. The Committee will consider additional funds after the audits have been completed and may require an additional audit by a private auditor. The Committee also is concerned that the Administration has not submitted a budget amendment nor proposed funding for this program.

EMERGENCY FOOD AND SHELTER PROGRAM

Appropriations, 2002	$140,000,000
Budget estimate, 2003	[1] 153,000,000
Committee recommendation	153,000,000

[1] The fiscal year 2003 budget request proposed to transfer this program to the Department of Housing and Urban Development.

PROGRAM DESCRIPTION

The Emergency Food and Shelter Program originated as a one-time emergency appropriation to combat the effects of high unemployment in the emergency jobs bill (Public Law 98–8) which was enacted in March 1983. It was authorized under title III of the Stewart B. McKinney Homeless Assistance Act of 1987, Public Law 100–177.

The program has been administered by a national board and the majority of the funding has been spent for providing temporary food and shelter for the homeless, participating organizations being restricted by legislation from spending more than 3.5 percent of the funding received for administrative costs.

COMMITTEE RECOMMENDATION

The fiscal year 2003 budget request proposed the transfer of Emergency Food and Shelter program to the Department of Housing and Urban Development. The Committee did not agree with this proposal and has decided to retain the program within FEMA. The Committee recommends $153,000,000 for the Emergency Food and Shelter Program, the same as the budget request.

FLOOD MAP MODERNIZATION FUND

Appropriations, 2002	.....
Budget estimate, 2003	$300,000,000
Committee recommendation	300,000,000

GENERAL DESCRIPTION

This program provides funds to modernize and digitize FEMA's inventory of over 100,000 flood maps. These flood maps are used to determine appropriate risk-based premium rates for the National Flood Insurance Program, complete hazard determinations required for the Nation's lending institutions, and to develop appropriate disaster response plans for Federal, State, and local emergency management personnel.

COMMITTEE RECOMMENDATION

The Committee has provided $100,000,000 for a new floodplain map modernization program, instead of the budget request of $300,000,000.

Floodplain mapping, including both new mapping as well as updates of existing floodplain maps, is critical to successful community planning for purposes of mitigation and risk of loss associated with flooding. Unfortunately, much of the floodplain mapping throughout the Nation is out of date and in many cases obsolete. This new program will allow FEMA to move forward in meeting these floodplain mapping needs.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

PROGRAM DESCRIPTION

The National Flood Insurance Act of 1968, as amended, authorizes the Federal Government to provide flood insurance on a national basis. Flood insurance may be sold or continued in force only in communities which enact and enforce appropriate flood plain management measures. Communities must participate in the program within 1 year of the time they are identified as flood-prone in order to be eligible for flood insurance and some forms of Federal financial assistance for acquisition or construction purposes. In 2003, the budget assumes collection of all the administrative and program costs associated with flood insurance activities from policyholders.

Under the Emergency Program, structures in identified flood-prone areas are eligible for limited amounts of coverage at subsidized insurance rates. Under the regular program, studies must be made of different flood risks in flood-prone areas to establish actuarial premium rates. These rates are charged for insurance on new construction.

The Committee remains very concerned that FEMA has not taken the necessary steps to ensure the success of the National Flood Insurance program. In particular, participation in the National Flood Insurance is very low in many areas of the country vulnerable to flooding, including areas which have been damaged in the recent past by extreme flooding. In addition, without increased participation, the flood insurance program will continue to suffer large financial losses that cannot be sustained by premiums and are covered instead by borrowing from the United States Treasury. The Committee believes that much of the problem of low participation is the result of inattention to the National Flood Insurance program by FEMA, including decisions that are inconsistent with program requirements and good policy. In particular, the Committee expects FEMA to require all homeowners to obtain flood insurance if they have received assistance in replacing, repairing or restoring property damaged by flooding. Consistent with section 532 of the National Flood Insurance Reform Act of 1994, FEMA is expected to deny flood disaster assistance, including buyout assistance, to any homeowner that has failed to obtain or maintain flood insurance as required by this section.

COMMITTEE RECOMMENDATION

The Committee has included bill language, providing up to $32,393,000 for administrative costs from the Flood Insurance Program for salaries and expenses. The Committee has also included bill language providing up to $77,666,000 for flood mitigation activities including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act.

The bill includes retroactive authority to extend certain authorities under the National Flood Insurance program, including the authority to issue and renew flood insurance policies. These authorities lapsed on January 1, 2003 and these provisions are designed to ensure that FEMA has the authority to maintain the program throughout any lapsed period of time. Without retroactive authority, some 400,000 homeowners risk flood damage without needed financial protection against flooding. It is expected that lenders will continue to process flood insurance polices and collect flood insurance premiums during the lapse.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

PROGRAM DESCRIPTION

Through fee-generated funds transferred from the National Flood Insurance Fund, this fund supports activities to eliminate pre-existing, at-risk structures that are repetitively flooded, and provides flood mitigation assistance planning support to States.

COMMITTEE RECOMMENDATION

Through fee-generated funds totaling $20,000,000 transferred from the National

Flood Insurance Fund, the National Flood Mitigation Fund will provide a mechanism to reduce the financial burden of pre-existing, at-risk structures that are repetitively flooded by removing or elevating these structures out of flood hazard areas, as well as provide flood mitigation assistance planning support to States and communities.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

Appropriations, 2002	$7,276,000
Budget estimate, 2003	12,541,000
Committee recommendation	12,541,000

PROGRAM DESCRIPTION

The Consumer Information Center [CIC] was established within the General Services Administration [GSA] by Executive Order on October 26, 1970, to help Federal departments and agencies promote and distribute consumer information collected as a byproduct of the Government's program activities.

On January 28, 2000, the Consumer Information Center assumed responsibility for the operations of the Federal Information Center [FIC] program with the resulting organization being officially named the Federal Consumer Information Center [FCIC]. The FIC program was established within the General Services Administration in 1966, and was formalized by Public Law 95–491 in 1980. The program's purpose is to provide the public with direct information about all aspects of Federal programs, regulations, and services. To accomplish this mission, contractual services are used to respond to public inquiries via a nationwide toll-free telephone call center. The FIC was previously funded by the Treasury and General Government Appropriations Act.

The Federal Consumer Information Center combines the nationwide toll-free telephone assistance program and the database of the FIC with the CIC website and publications distribution programs. The FCIC is a one-stop source for citizens to get information about government programs and everyday consumer issues.

During fiscal year 2002, FCIC became a critical part of GSA's newly established Office of Citizen Services and Communications which brings together all of GSA's citizen-centered programs. The new Office will serve as a central Federal gateway for citizens, businesses, other governments, and the media to easily obtain information and services from the government. Under this new organization, FCIC remains committed to its consumer information outreach mission mandate but adds additional channels to broaden its scope to provide all citizens with access to the information and services available from government. FCIC assumed operational control of the FirstGov.gov website and plans to begin accepting e-mail and fax inquiries from the public in fiscal year 2003.

Public Law 98–63, enacted July 30, 1983, established a revolving fund for the CIC. Under this fund, FCIC activities are financed from the following: annual appropriations from the general funds of the Treasury, reimbursements from agencies for distribution of publications, user fees collected from the public, and any other income incident to FCIC activities. All are available as authorized in appropriation acts without regard to fiscal year limitations.

COMMITTEE RECOMMENDATION

The Committee recommends $12,541,000 for the Federal Consumer Information Center, an increase of $5,265,000 above the fiscal year 2002 enacted level. This increase is provided to enable FCIC to begin accepting and responding to e-mail and fax inquires from the public in fiscal year 2003.

The appropriation will be augmented by a projected $556,000 reimbursements from Federal agencies for distribution of consumer publications, user fees from the public, and other income. FCIC's anticipated resources for fiscal year 2003 will total approximately $13,097,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Appropriations, 2002	$14,901,600,000
Budget estimate, 2003	15,000,000,000
Committee recommendation	15,125,500,000

GENERAL DESCRIPTION

The National Aeronautics and Space Administration (NASA) was established by the National Aeronautics and Space Act of 1958 to conduct space and aeronautical research, development, and flight activities for peaceful purposes designed to maintain U.S. pre-eminence in aeronautics and space. NASA's unique mission of exploration, discovery, and innovation is intended to preserve the United States' role as both a leader in world aviation and as the pre-eminent space-faring nation. It is NASA's mission to: advance human exploration, use and development of space; advance and communicate scientific knowledge and understanding of the Earth, the Solar System and the Universe; and research, develop, verify and transfer advanced aeronautics and space technologies.

COMMITTEE RECOMMENDATION

The Committee recommends $15,125,500,000 for the National Aeronautics and Space Administration for fiscal year 2003, an increase of $125,500,000 above the budget request and $300,400,000 above the fiscal year 2002 enacted level.

The Committee remains sensitive to continuing risks regarding the illegal transfer and theft of sensitive technologies that can be used in the development of weapons by governments, entities and persons who may be hostile to the United States. The Committee commends both NASA and the NASA Inspector General (IG) for their efforts to protect sensitive NASA-related technologies. Nevertheless, this will remain an area of great sensitivity and concern as the development of technological advances likely will continue to accelerate. The Committee directs NASA and the NASA IG to report annually on these issues, including an assessment of risk.

HUMAN SPACE FLIGHT

Appropriations, 2002	$6,830,100,000
Budget estimate, 2003	6,130,900,000
Committee recommendation	6,095,900,000

GENERAL DESCRIPTION

NASA's ''Human Space Flight'' account provides for human space flight activities, and for safety, mission assurance and engineering activities supporting the Agency. The HSF activities are centered around the operation of the Space Shuttle as well as high priority investments to improve the safety of the Space Shuttle and required construction projects in direct support of the Space Station and Space Shuttle programs. This appropriation also provides for: salaries and related expenses (including travel); design, repair, rehabilitation, and modification of facilities and construction of new facilities; maintenance and operation of facilities; and other operations activities supporting human space flight programs; and space operations, safety, mission assurance and engineering activities that support the Agency.

COMMITTEE RECOMMENDATION

The Committee has provided $6,095,900,000 for the Human Space Flight account. This amount is $35,000,000 below the President's request for these activities in fiscal year 2003.

Space Station.—The Committee has provided $1,457,100,000 for the International Space Station (ISS). This amount is $35,000,000 below the President's request. This funding level will continue assembly missions through U.S. Core Complete (Flight 10A), and support early research commensurate with the build-up of on-orbit utilization capabilities.

In previous years, the Committee has criticized NASA's management of the ISS program. The lack of credible budget estimates, program mismanagement and the absence of any credible oversight forced the Committee to cut funding and impose cost caps on the program. Despite these actions by Congress, NASA was unable to correct the underlying problems associated with the program. In 2001, NASA announced that the ISS would require an additional $4,800,000,000 over previous estimates to complete the ISS, as planned.

As a result of these cost overruns, NASA and the Office of Management and Budget (OMB) eliminated certain program elements to reduce cost and provide additional time to re-scope the ISS with the international partners. In addition, NASA created an independent assessment team known as the ISS Management and Cost Evaluation (IMCE) Task Force to evaluate program management. The Committee supports the recommendations of the (IMCE) Task Force and the development of a Cost Analysis Requirements Document (CARD) to support cost estimates of the U.S. Core Complete baseline. Furthermore, the Committee notes the agency's intention to develop an integrated management action plan based on recommendations of the IMCE Task Force. The Committee fully supports this approach in order to provide the Congress with reliable cost estimates for the U.S. Core Complete and beyond.

In addition, the Committee supports the recommendations of the Research Maximization and Prioritization Task Force (REMAP) as it pertains to ISS research. The Committee views the Task Force report as the foundation upon which the OBPR sets ISS research priorities and its organizational structure. The Committee notes that a final report on the REMAP recommendations is to be provided by the NASA Advisory Council during the third quarter of calendar year 2002. Given the importance of the REMAP report to the future of the ISS and the agency's overall research agenda, the Committee directs the Administrator to report to the Committees on Appropriations by December 1, 2001 on the implementation of the REMAP recommendations in relation to the ISS as well as the overall structure of the OBPR.

The Committee remains concerned about Russia's continued policy of selling time on the ISS for tourists, especially since the guiding purpose for the construction of the ISS was to have a world class microgravity research platform, a goal which is still far away. The Committee urges NASA to strictly enforce the protocols developed in cooperation with the international partners to ensure that any space tourist is fully trained and physically capable of participating as a crew member on the ISS.

Space Shuttle.—The Committee has provided $3,208,000,000 for the Space Shuttle program, the same as the budget request. In fiscal year 2003, five Space Shuttle flights are

planned in support of ISS. The proposed budget also supports key Space Shuttle safety investments as part of the Integrated Space Transportation Plan.

The Committee believes their is no higher priority than improving the safety of the Shuttle orbiters. The Committee directs NASA to proceed with implementation of the Cockpit Avionics Upgrade, the Advanced Heath Management System and the External Tank Friction stir weld project.

In March 2002, NASA's Aerospace Safety Advisory Panel issued its Annual Report. The Committee commends the Panel for its thorough assessment of the Human Space Flight Program and its recommendations to improve ISS and Space Shuttle safety. The Committee recognizes that NASA has made safety its top priority and applauds the agency for the steps it has taken to date to reduce risks and improve the safety and reliability of all programs within the HEDS Enterprise including operation of the Space Shuttle.

However, the Panel stated that current budget projections for the Space Shuttle are insufficient to accommodate significant safety upgrades, infrastructure upgrades and maintenance of critical workforce skills over the long term. The Committee concurs with this assessment. While the Committee recognizes that NASA is studying the overall space transportation architecture, including second and third generation re-usable launch vehicles to eventually replace the Shuttle, it is clear that the Space Shuttle will continue to operate for at least the next decade, and possibly as long as two decades, as NASA's main heavy lift vehicle for human space flight. Therefore, the Committee directs the Administrator to include, as part of the fiscal year 2004 budget, a thorough assessment of flight systems, logistics, infrastructure and workforce readiness costs that would be needed to maintain and improve Space Shuttle safety over the expected operational life of the Shuttle.

The Committee remains concerned about the overall state of the infrastructure of the Space Shuttle program. While the committee is aware that NASA has conducted an assessment of some of its infrastructure, there has been no official comprehensive study of Shuttle infrastructure needs with reliable cost estimates. Therefore, the Committee directs the Administrator to report the Committees on Appropriations by May 1, 2003, on the critical infrastructure needs for the Space Shuttle program ranked by order of priority including cost estimates for each project identified.

Payload and Expendable Launch Vehicle (ELV) Support.—The Committee recommends $87,500,000 for payload and ELV support, the same as the budget request. This account provides technical expertise, facilities, flight carrier hardware and capabilities necessary to provide servicing of multiple payloads to be flown aboard the Space Shuttle. In 2002 and 2003, over 20 major and secondary payloads will be flown on the Shuttle.

In addition, this account provides funds for technical and management insight of commercial launch services, including advanced mission design/analysis and leading-edge integration services which are provided for the full range of NASA missions under consideration for launch on ELVs. In 2003, support for 10 ELV launches, including 1 secondary, is planned.

Investments and Support.—The Committee recommends $1,178,200,000 for investments and support, the same as the budget request. Funding in the account provides institutional support to the Human Exploration and Development of Space (HEDS) Enterprise through research and program management, construction of facilities, rocket propulsion testing and engineering and technical support to maintain ''core'' technical skills and capability at the NASA centers involved in human space flight.

Space Communications and Data Systems.—The Committee has provided $117,500,000 for space communications and data systems, the same as the budget request. Funding in this account provides space communications services for all NASA Enterprises not otherwise covered by each Enterprise.

Safety, Mission Assurance and Engineering.—The Committee recommends $47,600,000 for safety, mission assurance and engineering, the same as the budget request. This account provides funding for agencywide safety and engineering programs to ensure uniform safety programs, practices and procedures are implemented throughout all NASA Enterprises.

SCIENCE, AERONAUTICS, AND TECHNOLOGY

Appropriations, 2002	$8,047,800,000
Budget estimate, 2003	8,844,500,000
Committee recommendation	9,003,000,000

PROGRAM DESCRIPTION

NASA's ''Science, aeronautics and technology'' account provides funding for science, aeronautics and technology activities supporting the Agency. These activities include space science, biological and physical research, Earth science, aerospace technology and academic programs. This appropriation also provides for salaries and related expenses (including travel); design, repair, rehabilitation, and modification of facilities and construction of new facilities; maintenance and operation of facilities; and other operations activities supporting science, aeronautics, and technology programs.

COMMITTEE RECOMMENDATION

The Committee recommends $9,003,000,000 for the Science, Aeronautics and Technology account, an increase of $158,500,000 above the President's request and $955,200,000 above the fiscal year 2002 enacted level.

Space Science.—The activities of NASA's Space Science Enterprise seek to chart the evolution of the universe, from origins to destiny, and understand its galaxies, stars, planetary bodies, and life. The Enterprise asks basic questions that have eternally perplexed human beings, such as how the universe began and evolved and whether there is other intelligent life in the universe. The Space Science Enterprise develops space observatories and directs robotic spacecraft into the solar system and beyond to investigate the nature of the universe.

The quest for this information, and the answers themselves, is intended to maintain scientific leadership, excite and inspire our society, strengthen education and scientific literacy, develop and transfer technologies to promote U.S. competitiveness, foster international cooperation to enhance programs and share their benefits, and set the stage for future space ventures.

The Committee has made the following adjustments to the budget request:

An increase of $105,000,000 for the New Horizons Program for the Pluto-Kuiper Belt (PKB) mission to be used for the spacecraft, instruments, project management, the radioisotope thermoelectric generator and the launch vehicle. The Committee has added funding to continue development work on the Pluto-Kuiper Belt mission as the first mission in the New Horizons Program. The Committee notes that the PKB mission meets all of the criteria for the New Horizons Program and expects the agency to include funding for PKB in subsequent budget submissions in order to launch the mission by 2006.

The following increases to the budget request are reduced by 10 percent:

An increase of $2,000,000 for a center on life in extreme thermal environments at Montana State University.

An increase of $500,000 to the University of Alaska, Anchorage, for broadband riverine research in Alaska.

A decrease of $16,500,000 from the flight projects building at the Jet Propulsion Laboratory. The Committee makes this reduction without prejudice in light of the Agency's decision to postpone construction in fiscal year 2002.

A decrease of $9,000,000 from the proposed Nuclear Power Program and a decrease of $4,000,000 from the proposed Nuclear Electric Propulsion program. The Committee supports both new programs, but believes that the necessary technology will be slow to ramp up. Moreover, the Committee is concerned about out year budget costs of these programs, the Space Launch Initiative and Shuttle upgrades, all program that will need to complement each other.

Mars Program.—The Committee has provided the full budget request for the Mars Program.

Hubble Space Telescope.—The Committee has provided the full budget request for the Hubble Space Telescope and the Next Generation Space Telescope. The Committee has provided an additional $23,400,000 to the Office of Space Science for costs associated with the SM–4 servicing mission of the Hubble Space Telescope. The Committee is concerned with additional costs that will result from further delays in the scheduling of the mission. Accordingly, the Committee has provided additional funds to offset the increase in costs. The Committee commends the Agency for the continued success of the Hubble Space Telescope and the extraordinary contributions it has made to the advancement of science.

Solar Probe.—The Committee fully expects NASA to provide sufficient funds in the fiscal year 2003 budget for the solar probe mission to retire technical risk on the program in anticipation of a decision about the mission's future thereafter.

Living With A Star.—The Committee remains strongly supportive of the Living With A Star program because of the critical role its missions will play in understanding the effect of the Sun on our solar system particularly its impact on space weather which can have a profound impact on the Earth. Therefore, the Committee has provided the full budget request for technology development requested for the magnetospheric multiscale mission (MMS), the Solar Dynamics Observatory (SDO) and the Geospace Missions. Should the Agency wish to reallocate funds within these missions, the Committee will entertain a re-programming request in the operating plan provided that any re-programming preserves the LWS objective of maintaining contemporaneous science.

Earth Science.—The activities of NASA's Earth Science Enterprise seek to understand the total Earth system and the effects of humans on the global environment. This pioneering program of studying global climate change is developing many of the capabilities that will be needed for long-term environment and climate monitoring and prediction. Governments around the world need

information based on the strongest possible scientific understanding. The unique vantage-point of space provides information about the Earth's land, atmosphere, ice, oceans, and biota as a global system, which is available in no other way. In concert with the global research community, the Earth Science Enterprise is developing the understanding needed to support the complex environmental policy decisions that lie ahead.

However, the Committee is concerned about the potential for the administration to diminish NASA's pre-eminent role in earth science and earth science applications. As the Committee noted during its fiscal year 2003 hearings, the Agency's development and launch of a series of major earth science missions combined with a successful ground system that is processing and distributing the largest volumes of data ever received by civilian users from space are among NASA highest technological and scientific achievements. The Committee wishes to affirm its unequivocal support for expanding NASA's role in earth science and earth science applications.

Within the applications program, the Committee believes that the Agency's approach needs more refinement and integration of emerging programs, like Synergy, the Regional Earth Science Applications Centers (RESACs), the Earth Science Information Partnerships (ESIPS) and the considerable in-house scientific capability at the NASA Centers. Such integration should not disrupt the existing program structure in 2003, but should plan for an evolutionary approach in fiscal year 2004. The Committee is pleased with efforts to integrate key Federal agency requirements as objectives of the applications program and expects a progress report on these efforts in the operating plan.

The Committee strongly supports the development of remote sensing research and technology as a collaboration and partnership between NASA, universities and the private sector. The Committee commends both SSC and Goddard for their investment and commitment to the commercial aspects of remote sensing research and technology. There already have been significant advances made with regard to remote sensing applications in agriculture, flood mapping, environmental protection, urban planning, firefighting and land use issues. The Committee urges both Goddard and SSC to work together to continue to develop those remote sensing research and technology projects that have the strongest potential for commercial applications.

The following increases to the budget request are reduced by 10 percent:

An increase of $25,000,000 for EOSDIS for the Synergy Program at the Goddard Space Flight Center.

An increase of $20,000,000 for pre-formulation studies. The additional funding provided for this program is to be used to continue pre-formulation studies for solar irradiance, total column ozone and ocean vector winds.

An increase of $2,500,000 to the University of Washington, Pacific Northwest Regional Collaboratory to develop applications and end-uses for earth science data in the Northwest.

An increase of $750,000 for Utah State University for landscape analysis, planning and monitoring at the Intermountain Region Digital Image Archive and Processing Center.

An increase of $1,000,000 for the University of Montana for an International Earth Observing System Natural Resource Training and Data Center.

An increase of $2,000,000 for joint weather and ocean research at the University of Massachusetts and the University of Alaska.

An increase of $1,500,000 for the University of Louisville for the Bio-MEMS Microtechnology Center in Louisville, Kentucky.

An increase of $2,000,000 for the University of New Mexico for the development of the Center for Rapid Environmental Assessment and Terrain Evaluation (Create) which would provide for the rapid acquisition, processing and dissemination of environmental data.

An increase of $1,500,000 for George Mason University in Fairfax, Virginia for the Mid-Atlantic Geospatial Information Consortium.

A decrease of $3,400,000 from the flight projects building at JPL. The Committee makes this reduction without prejudice in light of the Agency's decision to postpone construction in fiscal year 2002.

Biological and Physical Research.—NASA's Biological and Physical Research (BPR) Enterprise recognizes the essential role biology will play in the 21st century and pursues the core of biological and physical sciences research needed to support NASA's strategic objectives. BPR fosters and enhances rigorous interdisciplinary research, closely linking fundamental biological and physical sciences in order to develop leading-edge, world-class research programs. BPR uses the unique characteristics of the space environment to understand biological, physical, and chemical processes, conducting science and technology research required to enable humans to safely and effectively live and work in space, and transferring knowledge and technologies for Earth benefits. BPR also fosters commercial space research by the private sector toward new or improved products and/or services on Earth, in support of the commercial use of space.

The following increases to the budget request are reduced by 10 percent:

An increase of $7,500,000 for the National Space Biomedical Research Institute.

An increase of $600,000 to North Carolina State University, Raleigh, North Carolina for gravitational and space biology.

An increase of $1,000,000 to the University of Connecticut Health Center, Farmington, Connecticut for bone and muscle loss studies.

An increase of $1,500,000 for interactive biological crystallization technology development.

Aero-Space Technology.—NASA's Aerospace Technology Enterprise works to maintain U.S. preeminence in aerospace research and technology. The Enterprise aims to radically improve air travel, making it safer, faster, and quieter as well as more affordable, accessible, and environmentally sound. The Enterprise is also working to develop more affordable, reliable, and safe access to space; improve the way in which air and space vehicles are designed and built; and ensure new aerospace technologies are available to benefit the public.

The Committee is concerned about the status of aerospace technology within NASA's budget and emphasizes the important role that NASA plays in developing new aerospace technologies that are key to the continued development of such aircraft needs as long range aircraft, supersonic transports, global reach transports as well as cost-effective access to space. The Committee especially is interested in the viability of ''intelligent'' engine systems such as ''Propulsion 21'' which could build on current investments in the Ultra Efficient Engine Technology (UEET) and Quiet Aircraft Technology (QAT) because of the potential benefits to the U.S. aerospace industry.

However, the Committee recognizes that the budget will not permit the funding of all proposals or promising technologies. The Committee also believes that the development of aerospace technologies must be based in public/private partnerships guided by cost-sharing principles. Therefore, the Committee directs NASA to submit a report by August 30, 2003 on NASA's 5-year investment plan for aerospace technology including a list of technology goals and priorities, funding needs of these goals and priorities, the criteria used for selecting these priorities and goals, and the nature of the public-private partnership in reaching these priorities and goals.

The following increases to the budget request are reduced by 10 percent:

An increase of $3,000,000 for the Chesapeake Information Based Aeronautics Consortium based in partnership at Morgan State University, Baltimore, Maryland, Bowie State University and the University of Maryland, Eastern Shore.

An increase of $3,000,000 for the Stennis Space Center for the development of a visitors center.

An increase of $1,000,000 for the Educational Training Center at the U.S. Space & Rocket Center in Huntsville, Alabama.

An increase of $3,000,000 for the Alabama Science Center Alliance (Sci Quest) for the acquisition of addition ''immersive reality laboratories'' and networking capacity.

An increase of $2,000,000 for the University of Alabama in Huntsville to augment the UAH Propulsion Test Facility.

An increase of $750,000 for the National Institute for Aviation Research for icing aviation safety research in Kansas;

An increase of $1,500,000 for the Glenn Research Center for the Glennan Microsystems Initiative.

An increase of $1,000,000 for the Glenn Research Center for the Garrett Morgan Commercialization Initiative.

An increase of $7,000,000 to build on investments in the Ultra Efficient Engine Technology and Quiet Aircraft Technology by demonstrating related engine technology including low noise, active control of engine air flows and combustion processes, emissions and fuel reduction concepts and a ''virtual engine simulation'' capability.

An increase of $4,500,000 to for propulsion test complex upgrades and other basic infrastructure upgrades at the Stennis Space Center. An increase of $2,000,000 for the National Technology Transfer Center at Wheeling Jesuit University.

Aviation.—The Committee has provided $541,400,000 for aviation programs, the same as the budget request. This includes funding for aviation safety, vehicle systems and airspace systems programs.

Advanced Space Transportation.—The Committee recommends $800,000,000 for advanced space transportation. On November 13, 2002, the Committee received a budget amendment regarding proposed changes to the Strategic Launch Initiative for fiscal year 2003. The Committee agrees with the proposed change to the program at modified funding levels. Accordingly, the Committee recommends $800,000,000 for advanced space transportation of which $115,000,000 shall be for the Orbital Space Plane. Furthermore, the Committee concurs with the request to transfer $120,000,000 from the Third Generation Reusable Launch Vehicle to the Strategic Launch Initiative. The Committee will conduct a thorough review of the Orbital

Space Plane and other changes to the SLI in the context of the fiscal year 2003 appropriations bill.

The Committee recognizes the Wallops Flight Facility (WFF) as a launch and recovery site for small commercial and scientific payloads. The Committee directs the Marshall Space Flight Center (MSFC) to utilize the WFF as a site for testing and demonstration of new launch vehicle technologies that are appropriate for the facility. The Committee directs NASA to report to Congress by May 1, 2003 on how the MSFC will utilize Wallops as a testing and launch facility.

Revolutionary Technology.—The Committee has provided $274,900,000 for revolutionary technology development, the same as the budget request. Funding in this initiative includes computing, information and communications technology, engineering for complex systems and enabling concepts and technologies.

Commercial Technology.—The Committee recommends $146,900,000 for commercial technology development including commercial technology transfer and the Small Business Innovation Research Programs. This is the same amount as the budget request.

Aerospace Institutional Support.—The Committee recommends $973,200,000 for aerospace institutional support, the same as the budget request.

Academic Programs.—The objective of NASA's academic programs is to promote excellence in America's education system through enhancing and expanding scientific and technological competence. Activities conducted within academic programs capture the interest of students in science and technology, develop talented students at the undergraduate and graduate levels, provide research opportunities for students and faculty members at NASA centers, and strengthen and enhance the research capabilities of the Nation's colleges and universities. NASA's education programs span from the elementary through graduate levels, and are directed at students and faculty. Academic programs includes the Minority University Research Program, which expands opportunities for talented students from underrepresented groups who are pursuing degrees in science and engineering, and to strengthen the research capabilities of minority universities and colleges.

The Committee recommendation has included $10,000,000 for the NASA EPSCoR Program, $5,400,000 above the budget request and the same as the fiscal year 2002 level. The Committee expects NASA EPSCoR to support a broad range of research areas in each EPSCoR State, drawn from Earth science, space science, aeronautics and space transportation technology, and human exploration and development of space, and to distribute the awards, competitively, to the largest number of eligible States possible.

The Committee has provided $82,100,000 for NASA's minority university research and education activities. This is the same as the budget request. Furthermore, the Committee supports the continuation of a stand-alone Minority University Research and Education Division.

The following increases to the budget request are reduced by 10 percent:

An increase of $1,000,000 to the Delaware Aerospace Education Foundation, Kent County, Delaware.

An increase of $750,000 to the Chabot Space and Science Center, Oakland, California.

An increase of $2,500,000 to Marshall University, Bridgeport, West Virginia, for the Hubble Telescope Project.

An increase of $1,500,000 to the University of Missouri-Columbia for the Life Sciences Center.

An increase of $1,000,000 to Wesleyan College, Macon, Georgia for the Monroe Science Center.

An increase of $1,000,000 to Morehouse College, Atlanta, Georgia, for the Center of Excellence in Telecommunication and Space.

An increase of $1,000,000 to the Montefiore Medical Center, Bronx, New York for the Discovery Center.

An increase of $1,000,000 to Rutgers University, Piscataway, New Jersey for the Biomedical Engineering Facility.

An increase of $3,000,000 to the University of North Dakota Upper Midwest Aerospace Consortium, Grand Forks, North Dakota, for earth science education and remote sensing activities.

An increase of $1,000,000 to the Museum of Science and Industry, Chicago, Illinois, for the Henry Crown Space Center.

An increase of $2,500,000 to Iowa State University, Ames, Iowa for non-destructive evaluation studies.

An increase of $750,000 to the City of Des Moines, Iowa, for the Des Moines Science Center.

An increase of $750,000 for the California Science Center.

An increase of $2,000,000 to the South Carolina Association of School Administrators, Columbia, South Carolina for the Blue Ribbon School Reform Project and Interactive Library.

An increase of $2,000,000 to the College of Charleston, Charleston, South Carolina, for the School of Science and Mathematics.

An increase of $4,000,000 to the University of Hawaii, Hilo, for the Mauna Kea Astronomy Education Center.

An increase of $2,000,000 to the University of Wisconsin, Green Bay, for the Wisconsin Initiative for Math, Science and Technology Education.

An increase of $4,000,000 to develop advanced metallic joining technologies for aerospace applications at Michoud Space Center.

An increase of $250,000 for the University of Vermont for muscle, bone blood studies related to human space flight.

An increase of $3,000,000 to the Mitchell Foundation, Portland, Maine for an endowment for science and engineering education.

An increase of $1,500,000 to the Maryland Science Center, Baltimore, Maryland for expansion of the earth science hall.

An increase of $750,000 to the University of Arkansas, Little Rock, for minority recruitment in science and engineering.

An increase of $2,500,000 to Brown University, Providence, Rhode Island for the Life Sciences Building.

An increase of $1,000,000 to the State University of New York, Buffalo, for the Center of Excellence in Bioinformatics.

An increase of $1,000,000 to Lane County, Oregon for the Planetarium Learning Center.

An increase of $500,000 for Virginia Commonwealth University for advance research in batteries and fuel cells.

An increase of $2,000,000 for the Gulf of Maine Aquarium Foundation for the construction of a Gulf of Maine Laboratory.

An increase of $1,000,000 for the University of North Carolina-Chapel Hill for the Destiny Mobile Science Laboratory.

An increase of $500,000 for Widener University in Pennsylvania for the development of a rooftop observatory.

An increase of $1,500,000 for the University of Missouri's Center for Gender Physiology for infrastructure and research needs.

An increase of $3,500,000 for the University of Missouri-Rolla for a Center of Excellence for Aerospace Propulsion Particulate Emissions Reduction.

An increase of $1,500,000 for Montana State University in Bozeman, Montana for space science and engineering laboratory.

An increase of $2,000,000 for the University of Montana in Missoula, Montana for the Northern Rockies Center for space privatization of microgravity research.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2002	$23,700,000
Budget estimate, 2003	24,600,000
Committee recommendation	26,600,000

PROGRAM DESCRIPTION

The Office of Inspector General was established by the Inspector General Act of 1978. The Office is responsible for providing agencywide audit and investigative functions to identify and correct management and administrative deficiencies which create conditions for existing or potential instances of fraud, waste, and mismanagement.

COMMITTEE RECOMMENDATION

The Committee recommends $26,600,000 for fiscal year 2003, $2,000,000 above the President's budget request. The Committee commends the NASA IG's diligence in addressing issues of fraud and abuse.

ADMINISTRATIVE PROVISIONS

The Committee recommendation includes a series of provisions, proposed by the administration, which are largely technical in nature, concerning the availability of funds. These provisions have been carried largely, in prior-year appropriation acts.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

	Direct loan limitation	Administrative expenses
Appropriations, 2002	$1,500,000,000	$309,000
Budget estimate, 2003	1,500,000,000	309,000
Committee recommendation	1,500,000,000	309,000

PROGRAM DESCRIPTION

The National Credit Union Administration [NCUA] Central Liquidity Facility [CLF] was created by the National Credit Union Central Liquidity Facility Act (Public Law 95–630). The CLF is a mixed-ownership Government corporation managed by the National Credit Union Administration Board and owned by its member credit unions.

The purpose of the facility is to improve the general financial stability of credit unions by meeting their seasonal and emergency liquidity needs and thereby encourage savings, support consumer and mortgage lending, and provide basic financial resources to all segments of the economy. To become eligible for facility services, credit unions invest in the capital stock of the CLF, and the facility uses the proceeds of such investments and the proceeds of borrowed funds to meet the liquidity needs of credit unions. The primary sources of funds for the CLF are stock subscriptions from credit unions and borrowings.

The CLF may borrow funds from any source, with the amount of borrowing limited to 12 times the amount of subscribed capital stock and surplus.

Loans are available to meet short-term requirements for funds attributable to emergency outflows from managerial difficulties or local economic downturns. Seasonal credit is also provided to accommodate fluctuations caused by cyclical changes in such areas as agriculture, education, and retail

business. Loans can also be made to offset protracted credit problems caused by factors such as regional economic decline.

COMMITTEE RECOMMENDATION

The Committee recommends the budget request of limiting administrative expenses for the Central Liquidity Fund [CLF] to $309,000 in fiscal year 2003. The Committee recommends a limitation of $1,500,000 for the principal amount of new direct loans to member credit unions. These amounts are the same as the budget request. Funds provided for administrative expenses are the same as the fiscal year 2002 enacted level.

The Committee directs the National Credit Union Administration (NCUA) to continue to provide reports on the lending activities under CLF. This information should be provided to the Committee on a quarterly basis through September 2003.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

Appropriations, 2002	$1,000,000
Budget estimate, 2003	1,000,000
Committee recommendation	1,000,000

PROGRAM DESCRIPTION

The Community Development Revolving Loan Fund Program (CDRLF) was established in 1979 to assist officially designated ''low-income'' credit unions in providing basic financial services to low-income communities. Low-interest loans and deposits are made available to assist these credit unions. Loans or deposits are normally repaid in 5 years, although shorter repayment periods may be considered. Technical assistance grants are also available to low-income credit unions. Until fiscal year 2001, only earnings generated from the CDRLF were available to fund technical assistance grants. Grants are available for improving operations as well as addressing safety and soundness issues.

COMMITTEE RECOMMENDATION

The Committee provides $1,000,000 for loans and technical assistance to community development credit unions. These amounts are equal to the budget request and the fiscal year 2001 enacted level.

The Committee's recommendation includes $700,000 for loans to community development credit unions and $300,000 for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

Appropriations, 2002	[1] $4,789,240,000
Budget estimate, 2003	5,028,220,000
Committee recommendation	5,268,980,000

[1] Includes $300,000 in fiscal year 2002 emergency supplemental funding.

GENERAL DESCRIPTION

The National Science Foundation was established as an independent agency by the National Science Foundation Act of 1950 (Public Law 81–507) and is authorized to support research and education programs that promote the progress of science and engineering in the United States. The Foundation supports research and education in all major scientific and engineering disciplines, through grants, contracts, and other forms of assistance awarded to more than 2,000 colleges and universities, nonprofit organizations, small businesses, and other organizations in all parts of the United States. The Foundation also supports international programs and unique, large scale, national user research facilities.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $5,268,980,000 for the National Science Foundation in fiscal year 2003. This represents an increase of $460,440,000 over the fiscal year 2002 level and $240,770,000 more than the budget request. The Committee was guided in its allocation of resources for the Foundation by two central considerations.

First, productivity growth, powered by new knowledge and technological innovation, makes the economic benefits of a comprehensive fundamental research and education enterprise abundantly clear. New products, processes, entire new industries, and the employment opportunities that result, depend upon rapid advances in research and their equally rapid movement into the marketplace. In today's global economy, continued progress in science and engineering and the transfer of the knowledge developed is vital if the United States is to maintain its competitiveness.

In addition, the events of September 11 and subsequent anthrax attacks demonstrate that a nation strong in science and technology can respond rapidly and effectively to crises and changing national circumstances. Fundamental research across the full spectrum of science and engineering disciplines in an appropriately balanced manner, together with the highly skilled workforce that makes research and innovation possible, provides the intellectual capital for the nation to draw upon in times of need. A growing stock of knowledge focused on the frontiers of research increases the options available for response. A diverse, internationally competitive, and globally engaged science and engineering workforce accelerates the development of new technologies to meet unexpected needs.

The Committee reiterates its long standing requirement for reprogramming, initiation of new programs or activities, and reorganizations. The Committee directs the Foundation to notify the chairman and ranking minority member prior to each reprogramming of funds in excess of $250,000 between programs, activities, or elements unless an alternate amount is specified elsewhere by the Committee. The Committee expects to be notified of reprogramming actions which involve less than the above-mentioned amount if such actions would have the effect of changing the agency's funding requirements in future years or if programs or projects specifically cited in the Committee's reports are affected. Finally, the Committee wishes to be consulted regarding reorganizations of offices, programs, and activities prior to the planned implementation of such reorganizations.

RESEARCH AND RELATED ACTIVITIES

Appropriations, 2002	[1] $3,598,640,000
Budget estimate, 2003	3,783,210,000
Committee recommendation	4,081,650,000

[1] Includes $300,000 in fiscal year 2002 emergency supplemental funding.

PROGRAM DESCRIPTION

The research and related activities appropriation addresses the Foundation's three strategic outcomes: people—developing a diverse, internationally competitive and globally-engaged workforce of scientists, engineers, and well-prepared citizens; ideas—enabling discovery across the frontiers of science and engineering, connected to learning, innovation, and service to society; and tools—providing broadly accessible, state-of-the-art information bases and shared research and education tools. Research activities will contribute to the achievement of these outcomes through expansion of the knowledge base; integration of research and education; stimulation of knowledge transfer among academia and the public and private sectors; and bring the perspectives of many disciplines to bear on complex problems important to the Nation. The Foundation's discipline-oriented research programs are: biological sciences; computer and information science and engineering; engineering; geosciences; mathematical and physical sciences; and social, behavioral and economic sciences. Also included are U.S. polar research programs and related logistical support and integrative activities.

COMMITTEE RECOMMENDATION

The Committee recommends $4,081,650,000 for research and related activities. This amount is $483,010,000 or 13.4 percent more than the fiscal year 2002 level and $298,440,000 more than the budget request. This funding level is consistent with proposals to double the NSF research budget over 5 years.

The Committee is concerned that the size and number of awards made by the Foundation are far below what is needed to enable our research scientists and engineers to meet the challenges presented by our global competitors. The Committee urges the Foundation, to the maximum extent possible, to use the growth in resources being provided to make a marked and substantial increase in the average award, as well as increase the number of awards being made with special efforts made to include those individuals and institutions not well represented in the Nation's research enterprise.

The Committee's recommendation includes a total of $604,000,000 for computer and information science and engineering. This is $77,060,000 more than the request of which $67,000,000 is for information technology research and $10,000,000 is for the terascale computing systems. Within the additional funds provided for information technology research, the Committee directs NSF to provide $25,000,000 for cyber security research for individual investigators and multidisciplinary research centers and $15,000,000 is for advanced broadband research.

The Nation has become vulnerable to cyber-attacks, in part, because critical aspects of daily life rely on computer systems, networks, and the internet (e.g., water systems and electricity grids). Currently available technologies provide inadequate protection, yet relatively little research is being conducted to develop new approaches to protecting computer systems and networks. The private sector has had little incentive to invest in cyber security because the market emphasizes only speed and convenience. The Federal Government has not filled the gap, but instead has chronically underinvested in cyber security. As a result, what little research has been done on cyber security has been incremental, leaving the basic approaches to cyber security unchanged for decades. As a field with relatively modest support, few researchers, and minimal attention, cyber security fails to attract the interest of students, perpetuating the problems of a lack of trained personnel. Therefore, the Committee is providing $25,000,000 to be used to strengthen support for research in computer and network security. The Committee expects these funds will be used to support both individual investigators and a number of interdisciplinary research centers in computer and network security research.

The universal availability of broadband in the United States will increase productivity, create high-wage jobs, and expand access to healthcare and life-long learning. The Committee believes that the NSF and research community can and should do more to support this national imperative along the lines

suggested in the recent National Academy of Sciences report, Broadband: Bringing Home the Bits. In particular, R&D on innovative ''last mile'' technologies (both wired and wireless) could significantly reduce the cost of national broadband deployment, particularly in remote and rural areas. NSF should use the additional $15,000,000 being provided to support research and education activities in this area.

The Committee is aware of the recent report by the NSF's Blue-Ribbon Advisory Committee on Cyber-infrastructure. This advisory Committee called for a significant expansion in high-performance computing, optical networking, software applications for ''e-science,'' and large-scale digital libraries. Such an initiative, if focused around a number of critically important challenges, could accelerate the pace of discovery in all science and engineering disciplines, and serve as a ''multiplier'' for the Government's substantial investment in R&D. The Committee urges NSF to give this careful consideration in developing the fiscal year 2004 proposal.

The Committee's recommendation provides $556,400,000 for engineering. This is $68,000,000 more than the request. These additional funds are to strengthen the nanoscience and engineering initiative in the engineering directorate.

The Committee is providing $1,056,570,000 for the mathematical and physical sciences. The Committee has increased the fiscal year 2003 request for the physics, chemistry, astronomy, materials research and multidisciplinary research subactivities by a total of $135,000,000. The Committee remains concerned that support for the physical sciences has not kept pace with the growth in other disciplines. Yet it is the sustained investment in these disciplines that has enabled the development of today's advanced weapon systems, state-of-the-art medical diagnostic equipment, and improved communications systems. The Committee's recommendation will strengthen the core research and instrumentation programs in these subactivities as well as adequately support the national astronomy centers in West Virginia, New Mexico, and elsewhere, and other NSF physical science facilities. The Committee also directs NSF to provide adequate support for preparatory work for the Giant Segmented Mirror Telescope (GSMT). The GSMT was one of the highest priorities recommended in the National Academy of Sciences Astronomy and Astrophysics Committee's decadal survey.

The Committee also encourages NASA and NSF to work together on the Large-aperture Synoptic Survey Telescope (LSST). The LSST was highly recommended in the recent National Academy of Sciences decadal survey and is designed to survey the visible sky to a much fainter level than that reached by existing surveys. It is expected to catalog 90 percent of the near-Earth objects larger than 300 meters and assess the threat they pose to life on Earth. Its ability to find and catalog primitive objects in the Kuiper Belt is expected to significantly aid in the success of NASA's Pluto-Kuiper Belt Explorer mission.

From the additional funds provided for the mathematical and physical sciences directorate, the Committee is adjusting the request by providing an additional $7,300,000 for the national radio astronomy observatories, $4,200,000 for the national optical astronomy observatories, and $14,500,000 for the National Nano-fabrication Users Network, the National High Magnetic Field Laboratory, the Wisconsin Synchrotron Radiation Center, and other facilities. The Committee's recommendation also includes the $4,000,000 requested for the continuation of the Telescope System Instrumentation Program which was initiated by the Committee in fiscal year 2002.

The Committee is recommending that the mathematical sciences be funded at $162,000,000, an increase of $10,000,000 over the fiscal year 2002 level. With this appropriation, the mathematical sciences will have grown by over 50 percent since fiscal year 2000. Consistent with the NSF budget request, nearly $13,000,000 in additional support for interdisciplinary mathematics is available in the other research and education directorates within the Foundation. The Committee directs NSF to provide a report documenting what has been accomplished as a result of this growth in mathematics research. The report should be submitted to the Committee by March 31, 2003.

The Committee recommends $535,000,000 for the biological sciences activity, of which $85,000,000 is to support ongoing research on the genomics of plants of major economic importance. With this support, researchers will be able to focus on functional genomics, large-scale sequencing, and developing tools and resources for plant genomics studies. Also within the biological sciences activity, the Committee is providing $26,000,000 for biocomplexity research; this represents a 53 percent increase over the comparable fiscal year 2002 level.

The Committee encourages the NSF to continue its participation in the interagency microbial genomics sequencing program, especially as it relates to sequencing of plant pathogens, and to support comparable interagency efforts on sequencing the genomes of domesticated animals. In terms of the plant genome program, the Committee continues to be interested in the sequencing of economically important crops, such as corn, wheat, and barley. Accordingly, the Committee directs the NSF to fund the sequencing of one or more of the crops that are the most economically important to the United States and expects the NSF to complete the sequencing of at least one of the crops by 2004. To accomplish this objective, the Committee expects the Foundation to work with the large-scale sequencing centers involved in sequencing the human genome, the Department of Energy Joint Genome Institute, the Department of Agriculture, and other large-scale sequencing centers to ensure that the funding is utilized in the most cost-effective and timely manner. Finally, the Committee is interested in developing research partnerships supporting plant biotechnology targeted to the needs of the developing world and encourages NSF to work with the U.S. Agency for International Development in creating opportunities for U.S. research institutions to partner with research institutions in a developing country.

The Committee's recommendation provides $680,000,000 for geosciences research. This is $70,530,000 more than the fiscal year 2002 level. The Committee has rejected the Administration's proposal to transfer programs from NOAA, EPA and the USGS. In lieu of the transfer, the Committee is directing that the funds provided be used to augment high priority research activities in the earth, atmospheric, and ocean sciences. The Committee supports the efforts being made to develop multi-year strategic plans in the atmospheric sciences and in ocean drilling. As a result, the Committee expects NSF will use $15,000,000 of the increase to augment support for the national user facilities in this directorate and move forward on the integrated ocean drilling program.

The Committee supports the important research being performed at the International Arctic Research Center (IARC). The Committee understands that the cooperative agreement between the Foundation and the International Arctic Research Center (IARC) will expire on April 30, 2003. Accordingly, the Committee urges NSF to work with the Center and the University of Alaska to renew the cooperative agreement.

The Committee provided funds in fiscal year 2001 to begin the design and model testing of a vessel to replace the R/V Alpha Helix. While NSF has made some progress in the design and model testing stages, the Committee is concerned that it may not be developed adequately for its consideration in the fiscal year 2004 budget. The Committee, therefore, urges the Foundation to expedite the completion of the design of the vessel and submit the proposal to the Board for its consideration so that the next phase of construction can go forward in fiscal year 2004.

The Committee has also increased the request for U.S. polar research programs by $10,260,000 to support priority research and infrastructure needs.

As a key part of the Administration's climate change research initiative, the Committee recognizes the Nation needs substantially better information on the current and future state of the ocean and its role in environmental change. Adequate predictive capability is a prerequisite to the development of sound policies at the national and regional level, policies ranging from maritime commerce to public health, from fisheries to safety of life and property, from climate change to national security. The Committee urges NSF to move ahead to support an ocean observatories initiative that is tightly integrated with the Administration's interagency climate change science program.

The Committee supports the social, behavioral and economic sciences. Within the $190,000,000 the Committee is recommending, a total of $6,000,000 should be made available for the children's research initiative.

The Committee is providing an additional $30,000,000 to augment the request for the major research instrumentation program. The Committee reiterates its long-standing concern about the infrastructure needs of developing institutions, historically black colleges and universities; and other minority-serving colleges and universities. The Committee directs NSF to use these additional funds to support the merit-based instrumentation and infrastructure needs of these institutions.

The Committee's recommendation includes an additional $5,000,000 for the innovation partnership program. With these funds, NSF is to support competitive, merit-based partnerships, consisting of States, local and regional entities, industry, academic institutions, and other related organizations for innovation-focused local and regional technology development strategies.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

Appropriations, 2002	$138,800,000
Budget estimate, 2003	126,280,000
Committee recommendation	59,280,000

PROGRAM DESCRIPTION

The major research equipment and facilities construction appropriation supports the acquisition, procurement, construction, and commissioning of unique national research platforms, research resources and major research equipment. Projects supported by this

appropriation will push the boundaries of technology and will offer significant expansion of opportunities, often in new directions, for the science and engineering community. Preliminary design and development activities, and on-going operations and maintenance costs of the facilities are provided through the research and related activities appropriation account.

COMMITTEE RECOMMENDATION

The Committee recommends $59,280,000 for major research equipment and facilities construction. Support for the terascale computing systems has been provided in the Research and Related Activities Appropriations Account. Within this account, the Committee's recommendation includes funding for the following projects:

$30,000,000 for the Atacama Large Millimeter Array telescope; $9,720,000 for the Large Hadron Collider; $13,560,000 for the Network for Earthquake Engineering Simulation; and $6,000,000 for South Pole Station.

The Committee remains concerned about the Foundation's management of large scale construction projects and the priority setting process used to select projects to be funded. The Committee received a report from NSF required by Public Law 107–73 which addressed a number of issues of concern to the Committee. However neither the report nor the budget justifications addressed the way in which criteria are used by the agency and the National Science Board in setting priorities among new and potential new starts. A recent audit by the Inspector General identified a number of issues in both the financial management and project management of previously funded projects. In addition, since 2001 NSF has been recruiting for a Deputy Director for Large Facility Projects. However, this position has not yet been filled on a permanent basis. Finally the National Academy of Sciences has been asked by the Committee and NSF's authorizing committees to assist in the development of a process for prioritizing projects to be funded out of this account. The Committee directs NSF to provide up to $750,000 to support the Academy's work on this matter. These funds should be made available from resources used for Planning and Evaluation. As a result of all of these continuing concerns, the Committee has deferred support for the two ''new starts'' proposed by the administration—Earthscope and the National Ecological Observatory Network.

The Committee also supports provisions under consideration by the authorizing committees to establish a more transparent process for the establishment of priorities with respect to the funding of major research equipment and facilities construction. The Committee believes a more open and understandable process, which includes National Science Board and NSB Committee meetings, are important aspects of such a priority setting process.

In addition, despite repeated concerns expressed by the Congress and the Inspector General, NSF has not addressed adequately the management and funding problems associated with large research facilities funded through the major research equipment and facilities construction account (formerly named the major research equipment or MRE account). The Inspector General's May 1, 2002 report found that the lack of adequate guidance ''have allowed NSF to use multiple appropriation accounts to fund the acquisition and construction costs of major research equipment and facilities, and led to inconsistencies in the types of costs funded through the MRE account.'' This practice has led to the use of funds from the research and related activities account to pay for cost overruns and scope increases of large facility projects without adequate notification and consultation with the Committee. Accordingly, the Committee directs NSF to include in its fiscal year 2003 operating plan to the Committee a report that details approved budgeted and actual expenditure information on each individual large research facility projects approved by the Congress. The report should include information on the amount of funds approved by the Congress from its inception by year, the amount of actual funds spent on the project by year, and a breakdown of the budgeted and actual expenditures by appropriation account. In addition, the Committee notes the findings and recommendations contained in the OIG report pertaining to NSF's cost accounting system. As a result, the Committee also directs NSF to address the deficiencies in its cost accounting system to ensure that the system is capable of readily and reliably providing the Foundation and the Committee with information on the actual cost of NSF programs and activities.

The Committee urges NSF to continue moving forward with the IceCube Neutrino Detector Observatory. The technology developed by IceCube's precursor project has proven successful at detecting high-energy atmospheric neutrinos. Continued development is expected to lead to a new era in astronomy in which researchers will have unique opportunities to analyze some of the most distant and significant events in the formulation and evolution of the universe.

EDUCATION AND HUMAN RESOURCES

Appropriations, 2002	$875,000,000
Budget estimate, 2003	908,080,000
Committee recommendation	932,730,000

PROGRAM DESCRIPTION

The education and human resources appropriation supports a comprehensive set of programs across all levels of education in science, technology, engineering and mathematics (STEM). The appropriation supports activities that unite school districts with institutions of higher learning to improve precollege education. Other precollege activities include development of the next generation of precollege STEM education leaders; instructional materials; and the stem instructional workforce. Undergraduate activities support curriculum, laboratory, and instructional improvement; expand the STEM talent pool through scholarships and attracting STEM participants to teaching; augment advanced technological education at 2-year colleges; and develop dissemination tools. Graduate support is directed to research and teaching fellowships and traineeships, and linking precollege systems with higher education to improve the instructional workforce. Programs also seek to broaden the participation of groups underrepresented in the STEM enterprise; build State and regional capacity to compete successfully for research funding; and promote informal science education. Ongoing evaluation efforts and research on learning strengthen the base for these programs. In addition to this appropriation, the Foundation supports private-public K–12 partnerships and undergraduate scholarships in high-need fields through H–1B Nonimmigrant Petitioner Fees provided through Public Law 105–277, as amended.

COMMITTEE RECOMMENDATION

The Committee has recommended $932,730,000 for this account. This amount is $57,730,000 more than the fiscal year 2002.

The Committee provided $160,000,000 last year to start the new Math and Science Partnership program. NSF was unable to obligate all of these funds in fiscal year 2002. As a result, the Committee is providing $105,000,000 in new funds for fiscal year 2003. NSF should augment this funding with the funds carried over from fiscal year 2002.

To support additional K–12 math and science education efforts, the Committee is also providing a total of $223,550,000 for elementary, secondary, and informal science education, of which $37,460,000 is from the H–1B nonimmigrant petitioner fees.

The Committee is aware of the unique and important relationship between historically black colleges and universities (HBCUs) and their surrounding communities, especially with schools located in some of the nation's most underserved, economically disadvantaged, and isolated areas, and recognizes that there is a natural linkage between school districts with high minority enrollments and HBCUs. The Committee expects the National Science Foundation will take explicit actions to include HBCUs among the set of institutions of higher education participating in its efforts to increase this nation's supply of math and science teachers.

Recent data suggest a number of important trends regarding the development of the Nation's high-tech workforce. Student interest has shifted markedly from the physical sciences and mathematics to the life sciences and computer science. This trend seems to parallel Federal funding trends for research support. In addition, in a number of fields, the percentage of degrees awarded to foreign students has been steadily increasing. At the same time, the demand for jobs requiring technical expertise is growing. Given the demands of our knowledge-based economy, the United States needs to increase the number and diversity of our scientific and technical workforce and facilitate an understanding of basic scientific principles among non-scientists. For this reason, the Committee has focused on a set of NSF programs that relate to education and training at all levels of math and science education.

The Committee has increased the budget request for NSF's graduate and professional education programs by $25,000,000. These additional funds are to be used to increase graduate student stipends in the fellowship programs and the traineeship program to a level of $30,000 per year. The Committee recognizes that graduate stipends in science and engineering need to be made more attractive to students to compensate for the cost of education and mounting student debt, and to offset opportunities for higher salaries offered by employers to science and engineering baccalaureate degree holders.

The Informal Science Education program, which provides support to museums and science centers, is funded at $70,000,000. This represents the first increase in this program in 3 years.

The undergraduate ''tech talent'' expansion program is increased by $20,000,000. The Committee is informed that nearly $70,000,000 was requested by the proposals submitted for the fiscal year 2002 competition in which only $5,000,000 was available. The Committee is also providing an additional $5,000,000 to increase the Advanced Technological Education program. This important NSF program supports undergraduate science education activities at the Nation's community colleges. The Committee strongly encourages NSF to develop a robust and comprehensive plan for undergraduate science and engineering education

that builds on the ''tech talent'' program and other NSF undergraduate activities.

The Committee is recommending an increase for the HBCU-Research University Science & Technology (THRUST) initiative within the Centers of Research Excellence in Science and Technology (CREST) program of $10,000,000. Eligibility for THRUST should not exclude CREST recipients, but funds provided in fiscal year 2003 should be used to first fully-fund multi-year awards to recipients of THRUST awards in the program's first year.

The Committee does not agree with the budget request to reduce funding for the Louis Stokes Alliances for Minority Participation program (LSAMP) or the Historically Black Colleges and Universities—Undergraduate Program (HBCU–UP). Both of these programs play important roles in attracting and retaining minorities into science and engineering. In lieu of the reductions proposed by the Administration, the Committee is adding $5,000,000 to LSAMP and $5,000,000 to HBCU–UP.

The Committee has included $110,000,000 for the States currently participating in the Experimental Program to Stimulate Competitive Research (EPSCoR). These funds will allow full implementation of the infrastructure awards as well as continuation of other activities. The Committee's recommendation is $35,000,000 more than the budget request and reverses the Administration's proposed $10,000,000 reduction from the fiscal year 2002 level. In addition, the Committee notes that at least $30,000,000 will be available for EPSCoR activities from the research programs through their share of co-funding.

SALARIES AND EXPENSES

Appropriations, 2002	$170,040,000
Budget estimate, 2003	202,950,000
Committee recommendation	182,160,000

PROGRAM DESCRIPTION

The salaries and expenses appropriation provides funds for staff salaries, benefits, travel, training, rent, advisory and assistance services, communications and utilities expenses, supplies, equipment, and other operating expenses necessary for management of the agency's research and education activities.

COMMITTEE RECOMMENDATION

The Committee is providing $182,160,000 for salaries and expenses. This represents an increase of 7 percent over the fiscal year 2002 level. In light of the Committee's rejection of the transfer of programs from NOAA, EPA, and the U.S. Geological Survey, the Committee has not provided the resources requested for the 17 full-time equivalents that had been proposed in connection with the program transfers. The balance of the adjustment to the request should be taken at the Foundation's discretion.

OFFICE OF THE NATIONAL SCIENCE BOARD

Appropriations, 2002	
Budget estimate, 2003	
Committee recommendation	$3,500,000

PROGRAM DESCRIPTION

The National Science Board is the governing body of the National Science Foundation. The Board is composed of 24 members, appointed by the President and confirmed by the Senate. The Board is charged with serving as adviser to the President and Congress on policy matters related to science and engineering. By law, the Board establishes the policies of the National Science Foundation, providing oversight of its programs and activities, and approval of its strategic directions and budgets. The Board reviews and approves NSF awards, at levels above its delegation of authority to the NSF Director.

COMMITTEE RECOMMENDATION

The Committee has established a separate appropriation account with $3,500,000 for the Office of National Science Board. The Committee directs that these funds be used for salaries and compensation for the staff the Office of the National Science Board as well as the Members of the Board. The funding in this account should also be used for travel, training, general operating expenses, Board operating expenses, representational expenses, honorary awards, NSB reports and contracts. Support for the Science and Engineering Indicators report, including the staff support provided by the Division of Science Resources Studies for this NSB report should continue to be provided by the Foundation on a non-reimbursable basis. Further, the NSF shall continue to provide, on a non-reimbursable basis, budget development and execution assistance, personnel assistance, space, NSB Committee staff support and other assistance in the same manner has it did in fiscal year 2002.

The Committee strongly urges the authorizing committees to consider the merits of having the selection of the Chairman of the Board subject to Senate confirmation to further ensure the independence of the Chairman and the Board. The Committee also urges the authorizing committees to consider enacting legislation that would give the executive committee of the National Science Board the authority to elect its chairman.

The Committee supports the Board's new authority to hire its own professional staff. The Committee directs the Foundation to support fully the Board's efforts to meet its staffing needs.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2002	$7,040,000
Budget estimate, 2003	7,700,000
Committee recommendation	9,060,000

PROGRAM DESCRIPTION

The Office of Inspector General appropriation provides audit and investigation functions to identify and correct deficiencies which could create potential instances of fraud, waste, or mismanagement.

COMMITTEE RECOMMENDATION

The Committee is providing $9,060,000 for the Office of Inspector General to support the increasing audit and oversight activities of this office driven by the substantial growth in the size and complexity of NSF research and education programs.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

Appropriations, 2002	$105,000,000
Budget estimate, 2003	105,000,000
Committee recommendation	110,000,000

PROGRAM DESCRIPTION

The Neighborhood Reinvestment Corporation was created by the Neighborhood Reinvestment Corporation Act (title VI of the Housing and Community Development Amendments of 1978, Public Law 95–557, October 31, 1978). Neighborhood Reinvestment helps local communities establish working partnerships between residents and representatives of the public and private sectors. These partnership-based organizations are independent, tax-exempt, nonprofit entities and are often known as Neighborhood Housing Services [NHS] or mutual housing associations. Collectively, these organizations are known as the NeighborWorks® network.

Nationally, over 225 NeighborWorks® organizations serve over 2,100 urban, suburban and rural communities in 49 States, the District of Columbia, and Puerto Rico. In fiscal year 2001, the NeighborWorks® network assisted nearly 64,000 families obtain and maintain safe and affordable rental and homeownership housing, where 71 percent of the people served are in the very low and low-income brackets.

The NeighborWorks® network improves the quality of life in distressed neighborhoods for current residents, increases homeownership through targeted lending efforts, exerts a long-term, stabilizing influence on the neighborhood business environment, and reverses neighborhood decline. NeighborWorks® organizations have been positively impacting urban communities for nearly 25 years, and more recent experience is demonstrating the success of this approach in rural communities when adequate resources are available.

Neighborhood Reinvestment will continue to provide grants to Neighborhood Housing Services of America [NHSA], the NeighborWorks® network's national secondary market. The mission of NHSA is to utilize private sector support to replenish local NeighborWorks® organizations' revolving loan funds. These loans are used to back securities that are placed with private sector social investors.

COMMITTEE RECOMMENDATION

The Committee recommends $110,000,000 for the Neighborhood Reinvestment Corporation, $5,000,000 above the budget request and $5,000,000 above the fiscal year 2002 enacted level. The Committee has also included a set-aside of $5,000,000 for the section 8 homeownership program. The administration requested $10,000,000 for this program.

The Committee is including $5,000,000 above the budget request to continue the Corporation's multi-family rental housing initiative. The Corporation has demonstrated success with this program; in fiscal year 2002, 110 extremely low-income people benefited from the production of new multi-family housing units.

The Committee continues to support the work being done by NeighborWorks® members to combat predatory lending practices. The Committee recognizes the importance that financial literacy and homeownership counseling have in preventing people from becoming victims of predatory schemes. The Committee also recognizes that NeighborWorks® members have successfully counseled 50,000 people who went on to become homeowners and encourages the Neighborhood Reinvestment Corporation and its network to expand its education and counseling programs.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

Appropriations, 2002	$25,003,000
Budget estimate, 2003	26,480,000
Committee recommendation	26,480,000

PROGRAM DESCRIPTION

The Selective Service System [SSS] was reestablished by the Selective Service Act of 1948. The basic mission of the System is to be prepared to supply manpower to the Armed Forces adequate to ensure the security of the United States during a time of national

emergency. Since 1973, the Armed Forces have relied on volunteers to fill military manpower requirements. However, the Selective Service System remains the primary vehicle by which men will be brought into the military if Congress and the President should authorize a return to the draft.

In December 1987, Selective Service was tasked by law (Public Law 100–180, sec. 715) to develop plans for a postmobilization health care personnel delivery system capable of providing the necessary critically skilled health care personnel to the Armed Forces in time of emergency. An automated system capable of handling mass registration and inductions is now complete, together with necessary draft legislation, a draft Presidential proclamation, prototype forms and letters, et cetera. These products will be available should the need arise. The development of supplemental standby products, such as a compliance system for health care personnel, continues using very limited existing resources.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $26,480,000 for the Selective Service System. This amount is the same as the budget request for fiscal year 2003 and an increase of $1,477,000 over the fiscal year 2002 enacted level.

TITLE IV—GENERAL PROVISIONS

The Committee recommends inclusion of 19 general provisions previously enacted. There are three new provisions that are noncontroversial. They are largely standard limitations which have been carried in the VA, HUD, and Independent Agencies appropriations bill in the past.

COMPLIANCE WITH PARAGRAPH 7, RULE XVI, OF THE STANDING RULES OF THE SENATE

Paragraph 7 of Rule XVI requires that Committee reports on general appropriations bills identify each Committee amendment to the House bill ''which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.''

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing certificate fund: $16,928,697,228.

Fair housing activities: $45,899,000.

HOME Investment Partnerships Program: $1,950,000,000.

Homeless assistance grants: $1,215,025,000.

Community development block grants: $5,000,000,000.

Rural housing and economic development: $25,000,000.

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund: $73,000,000.

CONSUMER PRODUCT SAFETY COMMISSION

Salaries and expenses: $56,767,000.

ENVIRONMENTAL PROTECTION AGENCY

Environmental programs and management: $2,136,569,000.

Science and technology: $793,371,000.

State and tribal assistance grants: $3,920,639,000.

Superfund: $1,272,888,000.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Salaries and expenses: $239,690,000.

Emergency management planning and assistance: $1,547,214,000.

Emergency food and shelter: $153,000,000.

GENERAL SERVICES ADMINISTRATION

Federal Consumer Information Center: $15,000,000.

NATIONAL SCIENCE FOUNDATION

Research and related activities: $4,131,630,000.

Major research equipment and facilities management: $79,280,000.

Education and human resources: $947,730,000.

Salaries and expenses: $182,160,000.

National Science Board: $3,500,000.

Office of Inspector General: $9,660,000.

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include ''(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee.''

With respect to this bill, it is the opinion of the Committee that it is necessary to dispense with these requirements in order to expedite the business of the Senate.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
TITLE I					
DEPARTMENT OF VETERANS AFFAIRS					
Veterans Benefits Administration					
Compensation and pensions	24,944,288	28,949,000	28,949,000	+4,004,712	
2002 Supplemental (Public Law 107–206)	1,100,000			−1,100,000	
Readjustment benefits	2,135,000	2,264,808	2,264,808	+129,808	
Veterans insurance and indemnities	26,200	27,530	27,530	+1,330	
Veterans housing benefit program fund program account (indefinite)	203,278	437,522	339,000	+135,722	−98,522
(Limitation on direct loans)	(300)			(−300)	
Credit subsidy		−98,000			+98,000
Administrative expenses	164,497	168,207	168,207	+3,710	
Education loan fund program account	1	1	1		
(Limitation on direct loans)	(3)	(3)	(3)		
Administrative expenses	64	70	70	+6	
Vocational rehabilitation loans program account	72	55	55	−17	
(Limitation on direct loans)	(3,301)	(3,626)	(3,626)	(+325)	
Administrative expenses	274	289	289	+15	
Native American Veteran Housing Loan Program Account	544	558	558	+14	
Total, Veterans Benefits Administration	28,574,218	31,750,040	31,749,518	+3,175,300	−522
Veterans Health Administration					
Medical care	20,656,164	22,243,761	23,389,304	+2,733,140	+1,145,543
2002 Supplemental (Public Law 107–206)	142,000			−142,000	
Delayed equipment obligation	675,000	500,000	500,000	−175,000	
Total	21,473,164	22,743,761	23,889,304	+2,416,140	+1,145,543
Medical care cost recovery collections:					
Offsetting receipts	−691,000	−752,000	−1,386,000	−695,000	−634,000
Appropriations (indefinite)	691,000	752,000	1,386,000	+695,000	+634,000
Total available (excludes offsetting receipts)	22,164,164	23,495,761	25,275,304	+3,111,140	+1,779,543
Medical and prosthetic research	371,000	394,373	400,000	+29,000	+5,627
Medical administration and miscellaneous operating expenses	66,731	69,716	69,716	+2,985	
Total, Veterans Health Administration	21,910,895	23,207,850	24,359,020	+2,448,125	+1,151,170
Departmental Administration					
General operating expenses	1,195,728	1,256,418	1,256,418	+60,690	
Offsetting receipts					

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Total, Program Level	(1,195,728)	(1,256,418)	(1,256,418)	(+60,690)	
Emergency supplemental	2,000			−2,000	
National Cemetery Administration	121,169	133,149	133,149	+11,980	
Office of Inspector General	52,308	55,000	55,000	+2,692	
(Transfer to general operating expenses)					
Construction, major projects	183,180	193,740	144,740	−38,440	−49,000
Facility rehabilitation fund					
Construction, minor projects	210,900	210,700	210,700	−200	
(Transfer to Parking Revolving Fund)					
Grants for construction of State extended care facilities	100,000	100,000	100,000		
Parking Revolving Fund	4,000			−4,000	
Grants for the construction of State veterans cemeteries	25,000	32,000	32,000	+7,000	
(Transfer from Parking Revolving Fund)					
Total, Departmental Administration	1,894,285	1,981,007	1,932,007	+37,722	−49,000
Total, title I, Department of Veterans Affairs	52,379,398	56,938,897	58,040,545	+5,661,147	+1,101,648
(By transfer)					
(Limitation on direct loans)	(3,604)	(3,629)	(3,629)	(+25)	
Consisting of:					
Mandatory	(28,408,766)	(31,580,860)	(31,580,338)	(+3,171,572)	(−522)
Discretionary	(23,970,632)	(25,358,037)	(26,460,207)	(+2,489,575)	(+1,102,170)
TITLE II					
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Public and Indian Housing					
Housing Certificate Fund:					
Direct appropriation	11,440,975	13,326,559	12,728,697	+1,287,722	−597,862
Advance appropriations provided in previous acts	4,200,000	4,200,000	4,200,000		
Subtotal, discretionary	15,640,975	17,526,559	16,928,697	+1,287,722	−597,862
(Advance appropriation)	(4,200,000)	(4,200,000)	(4,200,000)		
Rescission of unobligated balances:					
Rescission of unobligated balances	−1,200,000	−1,100,000	−1,400,000	−200,000	−300,000
Rescission (Public Law 107–206)	−388,500			+388,500	
Public housing capital fund	2,843,400	2,425,900	2,683,400	−160,000	+257,500
Public housing operating fund	3,494,868	3,530,000	3,530,000	+35,132	
Operation Safe Home (rescission)	−11,000			+11,000	
Revitalization of severely distressed public housing	573,735	574,000	574,000	+265	
Native American housing block grants	648,570	646,594	648,570		+1,976
Indian housing loan guarantee fund program account	5,987	5,200	5,000	−987	−200
(Limitation on guaranteed loans)	(234,283)	(197,243)	(197,243)	(−37,040)	
Native Hawiian housing block grant		10,000			−10,000
Native Hawaiian housing loan guarantee fund	1,000	1,035	1,000		−35
(Limitation on guaranteed loans)	(40,000)	(39,712)	(39,712)	(−288)	
Total, Public and Indian Housing	22,008,535	23,619,288	22,970,667	+962,132	−648,621
Community Planning and Development					
Housing opportunities for persons with AIDS	277,432	292,000	292,000	+14,568	
Rural housing and economic development	25,000		25,000		+25,000
Empowerment zones/enterprise communities	45,000		30,000	−15,000	+30,000
Community development block grants	5,000,000	4,715,500	5,000,000		+284,500
Community development fund (emergency supplemental)	2,000,000			−2,000,000	
Emergency supplemental (Public Law 107–206)	783,000			−783,000	
Section 108 loan guarantees:.					
(Limitation on guaranteed loans)	(608,696)	(275,000)	(608,696)		(+333,696)
Credit subsidy	14,000	6,325	14,000		+7,675
Administrative expenses	1,000	1,000	1,000		
Brownfields redevelopment	25,000	25,000	25,000		
HOME investment partnerships program	1,846,040	2,084,100	1,950,000	+103,960	−134,100
Rescission (Public Law 107–206)	−50,000			+50,000	
Homeless assistance grants	1,122,525	1,129,500	1,215,025	+92,500	+85,525
Total, Community planning and development	8,355,997	8,253,425	8,552,025	+196,028	+298,600
Housing Programs					
Housing for special populations	1,024,151	1,024,151	1,033,801	+9,650	+9,650
Housing for the elderly	(783,286)	(773,636)	(783,286)		(+9,650)
Housing for the disabled	(240,865)	(250,515)	(250,515)	(+9,650)	
Housing counseling assistance		35,000			−35,000
Rental Housing assistance			100,000	+100,000	+100,000
Rescission		−100,000	−100,000	−100,000	
Rescission (Public Law 107–206)	−300,000			+300,000	
Manufactured housing fees trust fund	13,566	13,000	13,000	−566	
Offsetting collections	−13,566	−13,000	−13,000	+566	
Savings from canceling S.1029	−8,000			+8,000	
Federal Housing Administration					
FHA—Mutual mortgage insurance program account:					
(Limitation on guaranteed loans)	(160,000,000)	(160,000,000)	(160,000,000)		
(Limitation on direct loans)	(250,000)	(50,000)	(250,000)		(+200,000)
Administrative expenses	336,700	347,829	347,829	+11,129	
Negative subsidy	−2,323,000	−2,753,000	−2,753,000	−430,000	
Administrative contract expenses	160,000	85,720	85,720	−74,280	
Additional contract expenses	1,000	1,000	1,000		
FHA—General and special risk program account:					
(Limitation on guaranteed loans)	(21,000,000)	(21,000,000)	(21,000,000)		
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)		
Administrative expenses	216,100	223,716	223,716	+7,616	
Negative subsidy	−225,000	−225,000	−225,000		
Subsidy	15,000	15,000	15,000		
Non-overhead administrative expenses	144,000	93,780	93,780	−50,220	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Additional contract expenses	4,000	4,000	4,000		
Total, Federal Housing Administration	−1,671,200	−2,206,955	−2,206,955	−535,755	
Government National Mortgage Association (GNMA)					
Guarantees of mortgage-backed securities loan guarantee program account:					
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)		
Administrative expenses	9,383	10,343	10,343	+960	
Offsetting receipts	−382,000	−358,000	−358,000	+24,000	
Policy Development and Research					
Research and technology	50,250	47,000	47,000	−3,250	
Fair Housing and Equal Opportunity					
Fair housing activities	45,899	45,899	45,899		
Office of Lead Hazard Control					
Lead hazard reduction	109,758	126,000	201,000	+91,242	+75,000
Management and Administration					
Salaries and expenses	556,067	510,299	510,299	−45,768	
Transfer from:					
Limitation on FHA corporate funds	(530,457)	(548,202)	(548,202)	(+17,745)	
GNMA	(9,383)	(10,343)	(10,343)	(+960)	
Community Development Loan Guarantees Program	(1,000)	(1,000)	(1,000)		
Native American Housing Block Grants	(150)	(150)	(150)		
Indian Housing Loan Guarantee Fund Program	(200)	(200)	(200)		
Native Hawaiian Housing Loan Guarantees	(35)	(35)	(35)		
Total, Salaries and expenses	(1,097,292)	(1,070,229)	(1,070,229)	(−27,063)	
Working capital fund		276,300	276,737	+276,737	+437
Office of Inspector General	66,555	74,341	74,341	+7,786	
(By transfer, limitation on FHA corporate funds)	(22,343)	(23,343)	(23,343)	(+1,000)	
(By transfer from Public Housing Oper Subsidy)	(5,000)			(−5,000)	
Total, Office of Inspector General	(93,898)	(97,684)	(97,684)	(+3,786)	
Emergency supplemental	1,000			−1,000	
Consolidated fee fund (rescission)	−6,700	−8,000	−8,000	−1,300	
Office of Federal Housing Enterprise Oversight	27,000	30,000	30,000	+3,000	
Offsetting receipts	−27,000	−30,000	−30,000	−3,000	
Total, title II, Department of Housing and Urban Development	30,147,695	31,449,091	31,249,157	+1,101,462	−199,934
2002 Emergency Supplementals and Recissions	2,045,500	−100,000	−100,000	−2,145,500	
Total, title II, Department of Housing and Urban Development (net)	32,193,195	31,349,091	31,149,157	−1,044,038	−199,934
Appropriations	(27,165,395)	(28,357,091)	(28,457,157)	(+1,291,762)	(+100,066)
Rescissions	(−1,956,200)	(−1,208,000)	(−1,508,000)	(+448,200)	(−300,000)
Emergency appropriations	(2,784,000)			(−2,784,000)	
Advance provided in previous acts	(4,200,000)	(4,200,000)	(4,200,000)		
(Limitation on direct loans)	(300,000)	(100,000)	(300,000)		(+200,000)
(Limitation on guaranteed loans)	(381,882,979)	(381,511,955)	(381,845,651)	(−37,328)	(+333,696)
(Limitation on corporate funds)	(563,568)	(583,273)	(583,273)	(+19,705)	
TITLE III					
INDEPENDENT AGENCIES					
American Battle Monuments Commission					
Salaries and expenses	35,466	30,400	30,400	−5,066	
Chemical Safety and Hazard Investigation Board					
Salaries and expenses	7,850	7,850	7,850		
Department of the Treasury					
Community Development Financial Institutions					
Community development financial institutions fund program account	80,000	68,000	73,000	−7,000	+5,000
Interagency Council on the Homeless					
Operating expenses			1,500	+1,500	+1,500
Consumer Product Safety Commission					
Salaries and expenses	55,200	56,767	56,767	+1,567	
Corporation for National and Community Service					
National and community service programs operating expenses	401,980	631,342	405,842	+3,862	−225,500
Office of Inspector General	5,000	5,000	6,900	+1,900	+1,900
Total	406,980	636,342	412,742	+5,762	−223,600
U.S. Court of Appeals for Veterans Claims					
Salaries and expenses	13,221	14,994	14,612	+1,391	−382
Department of Defense—Civil					
Cemeterial Expenses, Army					
Salaries and expenses	22,537	24,445	24,445	+1,908	
Department of Health and Human Services					
National Institute of Health					
National Institute of Environmental Health Sciences	70,228	74,471	76,074	+5,846	+1,603
Emergency supplemental	10,500			−10,500	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Centers for Disease Control and Prevention					
Agency for Toxic Substances and Disease Registry					
Toxic substances and environmental public health	78,235	77,388	81,000	+2,765	+3,612
Total, Department of Health and Human Services	158,963	151,859	157,074	−1,889	+5,215
Environmental Protection Agency					
Science and Technology	698,089	670,008	707,203	+9,114	+37,195
Transfer from Hazardous Substance Superfund	36,891	111,168	86,168	+49,277	−25,000
Subtotal, Science and Technology	734,980	781,176	793,371	+58,391	+12,195
Emergency supplemental	90,308			−90,308	
Environmental Programs and Management	2,054,511	2,047,704	2,136,569	+82,058	+88,865
Emergency supplemental	39,000			−39,000	
Office of Inspector General	34,019	35,325	37,325	+3,306	+2,000
Transfer from Hazardous Substance Superfund	11,867	12,742	12,742	+875	
Subtotal, OIG	45,886	48,067	50,067	+4,181	+2,000
Buildings and facilities	25,318	42,918	42,918	+17,600	
Hazardous Substance Superfund	1,170,000	1,272,888	1,272,888	+102,888	
Delay of obligation	100,000			−100,000	
Transfer to Office of Inspector General	−11,867	−12,742	−12,742	−875	
Transfer to Science and Technology	−36,891	−111,168	−86,168	−49,277	+25,000
Subtotal, Hazardous Substance Superfund	1,221,242	1,148,978	1,173,978	−47,264	+25,000
Emergency supplemental	41,292			−41,292	
Leaking Underground Storage Tank Program	73,000	72,313	72,313	−687	
Oil spill response	15,000	15,581	15,581	+581	
State and Tribal Assistance Grants	2,658,900	2,305,500	2,796,804	+137,904	+491,304
Categorical grants	1,074,376	1,158,276	1,123,835	+49,459	−34,441
Subtotal, STAG	3,733,276	3,463,776	3,920,639	+187,363	+456,863
Emergency supplemental	5,000			−5,000	
Total, EPA	8,078,813	7,620,513	8,205,436	+126,623	+584,923
Executive Office of the President					
Office of Science and Technology Policy	5,267	5,368	5,368	+101	
Council on Environmental Quality and Office of Environmental Quality	2,974	3,031	3,031	+57	
Total	8,241	8,399	8,399	+158	
Federal Deposit Insurance Corporation					
Office of Inspector General (transfer)	(33,660)	(31,388)	(30,848)	(−2,812)	(−540)
Federal Emergency Management Agency					
Disaster relief	664,000	1,842,843	842,843	+178,843	−1,000,000
(Transfer to EMPA)	(−2,900)	(−2,900)	(−2,900)		
(Transfer to OIG)		(−21,577)	(−21,577)	(−21,577)	
Contingent emergency appropriations	1,500,000			−1,500,000	
Emergency supplemental	4,356,871			−4,356,871	
Emergency supplemental (Public Law 107–206)	2,650,700			−2,650,700	
Subtotal	9,171,571	1,842,843	842,843	−8,328,728	−1,000,000
National pre-disaster mitigation fund		300,000	25,000	+25,000	−275,000
Disaster assistance direct loan program account:					
State share loan	405			−405	
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)		
Administrative expenses	543	557	557	+14	
Salaries and expenses	203,801	209,163	209,163	+5,362	
Defense function	30,000	30,527	30,527	+527	
Subtotal	233,801	239,690	239,690	+5,889	
Emergency supplemental	25,000			−25,000	
Office of Inspector General	10,303	11,549	17,754	+7,451	+6,205
(Transfer from Disaster relief)		(21,577)	(21,577)	(+21,577)	
Emergency management planning and assistance	384,623	3,727,914	696,214	+311,591	−3,031,700
Defense function	20,000	19,300	19,000	−1,000	−300
Fire Act			900,000	+900,000	+900,000
National Preparedness					
Subtotal	404,623	3,747,214	1,615,214	+1,210,591	−2,132,000
(Transfer from Disaster relief)	(2,900)	(2,900)	(2,900)		
Emergency supplemental	220,000			−220,000	
Emergency supplemental (Public Law 107–206)	225,400			−225,400	
Radiological emergency preparedness fund	−1,000	−1,000	−1,000		
Cerro Grande Fire Claims			100,000	+100,000	+100,000
Emergency food and shelter program	140,000	153,000	153,000	+13,000	
Flood map modernization fund		300,000	100,000	+100,000	−200,000
National Flood Insurance Fund:					
(Limitation on administrative expenses):					
Salaries and expenses	28,798	32,393	32,393	+3,595	
Flood mitigation	76,381	77,666	77,666	+1,285	
(Transfer out)	(−20,000)	(−20,000)	(−20,000)		
National Flood Migration Fund (by transfer)	(20,000)	(20,000)	(20,000)		

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2002 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2003—Continued

[In thousands of dollars]

Item	2002 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2002 appropriation	Budget estimate
Total, Federal Emergency Management Agency	10,535,825	6,703,912	3,203,117	−7,332,708	−3,500,795
Appropriations	(1,557,854)	(6,703,912)	(3,203,117)	(+1,645,263)	(−3,500,795)
(By transfer)	(22,900)	(44,477)	(44,477)	(+21,577)	
Emergency appropriations	(8,977,971)			(−8,977,971)	
General Services Administration					
Federal Consumer Information Center Fund	7,276	12,541	12,541	+5,265	
National Aeronautics and Space Administration					
Human space flight	6,912,400	6,130,900	6,095,900	−816,500	−35,000
Emergency supplemental	76,000			−76,000	
Science, aeronautics and technology	7,857,100	8,844,500	9,003,000	+1,145,900	+158,500
Emergency supplemental	32,500			−32,500	
Office of Inspector General	23,700	24,600	26,600	+2,900	+2,000
Total, NASA	14,901,700	15,000,000	15,125,500	+223,800	+125,500
National Credit Union Administration					
Central liquidity facility:					
(Limitation on direct loans)	(1,500,000)	(1,500,000)	(1,500,000)		
(Limitation on administrative expenses, corporate funds)	(309)	(309)	(309)		
Community Development Revolving Loan Fund	1,000	1,000	1,000		
National Science Foundation					
Research and related activities	3,530,270	3,715,200	4,013,580	+483,310	+298,380
Defense function	68,070	68,000	68,070		+70
Subtotal	3,598,340	3,783,200	4,081,650	+483,310	+298,450
Emergency supplemental	300			−300	
Major research equipment and facilities construction	138,800	126,280	59,280	−79,520	−67,000
Education and human resources	875,000	908,080	932,730	+57,730	+24,650
Emergency supplemental (Public Law 107–206)	19,300			−19,300	
Salaries and expenses	170,040	202,950	182,160	+12,120	−20,790
National Science Board			3,500	+3,500	+3,500
Office of Inspector General	6,760	7,700	9,660	+2,900	+1,960
Total, NSF	4,808,540	5,028,210	5,268,980	+460,440	+240,770
Neighborhood Reinvestment Corporation					
Payment to the Neighborhood Reinvestment Corporation	105,000	105,000	110,000	+5,000	+5,000
Selective Service System					
Salaries and expenses	25,003	26,480	26,480	+1,477	
Total, title III, Independent agencies	39,251,615	35,496,712	32,739,843	−6,511,772	−2,756,869
Appropriations	(29,959,444)	(35,496,712)	(32,739,843)	(+2,780,399)	(−2,756,869)
Rescissions					
(Transfer out)	(−22,900)	(−44,477)	(−44,477)	(−21,577)	
(By transfer)	(56,560)	(75,865)	(75,325)	(+18,765)	(−540)
(Limitation on direct loans)	(1,525,000)	(1,525,000)	(1,525,000)		
(Limitation on corporate funds)	(309)	(309)	(309)		
Grand total (net)	123,824,208	123,784,700	121,929,545	−1,894,663	−1,855,155
Appropriations	(109,502,237)	(120,792,700)	(119,237,545)	(+9,735,308)	(−1,555,155)
Rescissions	(−1,956,200)	(−1,208,000)	(−1,508,000)	(+448,200)	(−300,000)
Emergency appropriations	(12,078,171)			(−12,078,171)	
Advance provided in previous acts	(4,200,000)	(4,200,000)	(4,200,000)		
(By transfer)	(61,560)	(75,865)	(75,325)	(+13,765)	(−540)
(Transfer out)	(−22,900)	(−44,477)	(−44,477)	(−21,577)	
(Limitation on direct loans)	(1,828,604)	(1,628,629)	(1,828,629)	(+25)	(+200,000)
(Limitation on guaranteed loans)	(381,882,979)	(381,511,955)	(381,845,651)	(−37,328)	(+333,696)
(Limitation on corporate funds)	(563,877)	(583,582)	(583,582)	(+19,705)	

DIVISION L—HOMELAND SECURITY ACT OF 2002 AMENDMENTS

The Committee recommends the following general provisions that modify the Homeland Security Act of 2002 (Public Law 107–296):

SEC. 101. Modifies sections 308 and 835 of Public Law 107–296 as follows—

Conduct of research, development, demonstration, testing, and evaluation.—Amends section 308 by granting discretion to the Homeland Secretary in his application of the listed criteria when designating one (or more) of the Nation's colleges or universities as a college- or university-based center for homeland security that shall conduct extramural research, development, demonstration, testing, and evaluation programs.

Prohibition on contracts with corporate expatriates.—Amends subsection 835(d) to limit the authority of the Secretary of the Department of Homeland Security to waive the prohibition on entering into contracts with a foreign incorporated entity which is treated as an inverted domestic corporation; the amendment would restrict the waiver authority only to contracts for which the Secretary determines that the waiver is required in the interest of homeland security.

SEC. 102. *Clarification of definition of manufacturer; Clarification of definition of vaccine-related injury or death; Clarification of definition of vaccine; Effective date.*—Repeals sections 1714 through 1717 as if such sections never were effective and replaces these sections with alternative language regarding the application of the Public Health Service Act. No legal inference regarding existing law prior to or after the enactment and repeal of these sections shall be drawn by the courts from the enactment and subsequent repeal of these provisions. The repeal leaves unaffected pre-existing case law, such as *Leroy* v. *Secretary of Health and Human Services, Office of Special Master*, N. 02–392V (October 11, 2002).

The alternative language also states the Sense of the Senate that the Committee on Health, Education, Labor, and Pensions should report legislation within six months to protect the public health and the Nation's ability to produce existing vaccines, as well as to develop new and more effective vaccines, particularly in these critical times. This legislation should ensure that patients injured by vaccines have the opportunity to seek fair and timely redress and should provide vaccine manufacturers, manufacturers of components or ingredients of vaccines, and physicians and other administrators of vaccines with adequate protection. Such legislation should be based upon expert recommendations, including those of the Secretary of Health and Human Services' Advisory Commission on Childhood Vaccines.

SEC. 103. Modifies subsections 232(f), 234(b), 873(b), and 1511(e)(2) and adds a new section at the end of the Act as follows—

Mission of office; Duties; Transfer of funds/Abolishment of Office of Science and Technology of National Institute of Justice; Transfer of functions; Transfer of personnel and assets.—

Amends subsections 232(f) and 234(b) to ensure that transfers of funds, personnel, and assets within and from the Department of Justice are governed by the procedures established in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107–77).

Use of appropriated funds; Gifts.—Amends subsection 873(b) to permit the Coast Guard to use pre-existing authority to accept gifts and donations of services.

Transitional authorities; Prohibition on use of transportation trust funds.—Amends subsection 1511(e)(2) to permit the Coast Guard to continue to receive funds from the Aquatic Resources Trust Fund of the Highway Trust Fund for boating safety programs.

Reports and notifications to, and consultations with, the Committees on Appropriations.—Recommends a new section at the end of Public Law 107–296 that requires that any report or notification to, or consultation with, the Congress or any Congressional committee required by the Act, and addressing directly or indirectly the use of appropriated funds, also be submitted to or held with the Committees on Appropriations of the Senate and the House of Representatives.

OVERSIGHT AND USE OF APPROPRIATED FUNDS

The Committee is aware of many sections of the Homeland Security Act of 2002 that directly or indirectly address the oversight and use of appropriated funds—matters that fall within the jurisdiction and purview of the Committees on Appropriations of the Senate and the House of Representatives. In order to ensure the expeditious consideration and passage of the final version of the Homeland Security Act, the Committee did not raise these issues during the necessarily foreshortened period between the time that the final version became available for review and the vote on final passage.

The Committee intends to review these provisions in depth. The Committee's preliminary review of the Homeland Security Act indicates that, at a minimum, these provisions include:

(1) subsection 201(f)(4) regarding the non-reimbursable status of personnel detailed from other agencies to the Directorate for Information Analysis and Infrastructure Protection;

(2) section 305 regarding federally funded research and development centers (FFRDCs);

(3) section 307 regarding the Homeland Security Advanced Research Projects Agency and the Acceleration Fund for Research and Development of Homeland Security Technologies;

(4) section 312 regarding establishment of a Homeland Security Institute FFRDC;

(5) section 413 regarding the transfer of funds from the U.S. Customs Service or of funds collected under certain provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985;

(6) section 419 regarding Customs User Fees;

(7) subsections 421(e) and (f) regarding the transfer of functions and funds by the Secretary of Agriculture to the Department of Homeland Security;

(8) subsection 422(b)(2) regarding the use of funds transferred by the Administrator of the General Services Administration;

(9) section 456 regarding the transition and transfer and allocation of appropriations and personnel to the Bureau of Citizenship and Immigration Services;

(10) subsection 462(f)(3) regarding the transfer and allocation of appropriations and personnel to be transferred to the Office of Refugee Resettlement of the Department of Health and Human Services;

(11) section 476 regarding separation of funding for the Bureau of Citizenship and Immigration Services and the Bureau of Border Security, especially with respect to the deposit and transfer of fees;

(12) subsection 502(2)(C) regarding the provision of funds to the Department of Energy and the Environmental Protection Agency;

(13) section 507 regarding the role of the Federal Emergency Management Agency with respect to all hazards;

(14) section 831 regarding research and development projects;

(15) section 833 regarding special streamlined acquisition authorities;

(16) section 855 regarding the application of certain commercial items authorities to certain procurements;

(17) section 872 regarding the reorganization authority of the Secretary;

(18) subsection 1114(c)(2) regarding the availability of funds for an Explosives Training and Research Facility;

(19) section 1502 regarding a departmental reorganization plan;

(20) section 1511 regarding transitional authorities; and

(21) section 1516 regarding incidental transfer and dispositions of personnel, assets, and liabilities.

DIVISION M—OTHER MATTERS

TITLE I—DEFENSE RELATED TECHNICAL CORRECTIONS

The Committee has included several technical corrections to enacted fiscal year 2003 appropriations acts. These correct errors or omissions made in either the Department of Defense Appropriations Act, 2003 (Public Law 107–248) or the Military Construction Appropriation Act, 2003 (Public Law 107–249).

Section 101 specifies a sum available to settle disputes related to a land taking at the Army Tooele Depot.

Section 102 provides authority to allow for the scrapping of ships.

Section 103 clarifies the cost cap related to Partnership for Peace activities.

Section 104 makes funds available to the Air Force's reserve component instead of the Air Force's active component.

Section 105 clarifies the purpose of funds available for land acquisition at Nellis Air Force Base.

Section 106 revises the expense/investment threshold for items purchased with Operation and maintenance funds.

Section 107 transfers $104,000,000 based upon an urgent reprogramming request (fiscal year 2003–02 PA) received from the Department of Defense. The $13,900,000 transferred from Research, Development, Test & Evaluation, Defense-Wide, 2003/2004, is to be sourced only from sea-based mid-course defense X-band radar. The $10,100,000 transferred from Procurement of Ammunition, Army, 2002/2004, is to be sourced only from Budget Activity 1 for close-out liability and items less than $5,000,000.

Section 108 provides authority for a grant to aid in the Quecreek Mine disaster rescue and recovery efforts.

Section 109 provides additional appropriations for the Department of Defense. The purposes for which these funds are appropriated are described in the classified annex.

REPROGRAMMING LIMITATIONS

The Committee recognizes that current thresholds below which the Department of Defense may reprogram funds without requiring the prior approval of the congressional defense committees were established in 1961. These limitations have not been significantly modified over the past twenty years nor kept pace with inflation.

The Committee recommends increasing these below threshold reprogramming ceilings. The Department shall submit a Prior Approval reprogramming request, DD Form 1415–1, in those instances when reprogramming of funds exceed the following thresholds:

—An increase of $20,000,000 or more in any budget activity in Military Personnel.

—An increase of $20,000,000 or more in any budget activity in Operation and Maintenance.

—An increase of $20,000,000 for any program year for a Procurement line item.

—An increase of $10,000,000 for any program year for a Research, Development, Test and Evaluation program element.

Each of the reprogramming ceilings described above reflects aggregate levels of reprogramming activity within Military Personnel or Operation and Maintenance budget activities, Procurement line items, and Research, Development, test and Evaluation program elements.

The reprogramming of funds below these ceilings shall not increase lines specifically reduced by congressional action or decrease congressional interest items. No below threshold decrease may exceed twenty percent of congressional levels for each budget activity, procurement line, or program element. Below threshold reprogramming may restore non-specific reductions to the original level of the budget request or the level determined in account tables, whichever is less.

TITLE II—PRICE ANDERSON ACT AMENDMENTS

The Committee recommendation includes the Price-Anderson Amendments Act of 2002 which provides an extension of indemnification authority to certain Nuclear Regulatory Commission licensees, Department of Energy contractors, and nonprofit educational institutions.

DIVISION N—EMERGENCY RELIEF AND OFFSETS

TITLE I—ELECTION REFORM

Section 101 establishes a grant program to improve the administration of Federal elections.

TITLE III—WILDLAND FIRE EMERGENCY APPROPRIATION

The Committee has provided a total of $825,000,000, as requested by the President, to repay funds which were advanced from various Forest Service and Department of the Interior accounts during wildfire suppression emergencies in fiscal year 2002. Specifically, this title provides funds to repay $636,000,000 of the total amount borrowed by the Forest Service and would repay $189,000,000 of the total amount borrowed by the Department of the Interior.

TITLE VI—OFFSETS

The Committee recommends an across-the-board rescission of ___ percent to the eleven appropriations bills contained in divisions A through K of this joint resolution. This rescission offsets the budget authority added in this division.

Mr. STEVENS. Mr. President, we previously entered into a unanimous consent request concerning H.J. Res. 2. I have been asked and do offer an

amendment to that. I ask unanimous consent the consent agreement for H.J. Res. 2 be modified to provide for a motion to instruct the conferees to be made by Senator STABENOW or her designee, and there be a 20-minute time limitation for debate, equally divided in the usual form, with no amendments in order to the motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. It is my understanding this has been cleared by both sides. But it provides that the Senator may offer a motion to instruct the conferees, which she had a right to do. But that request, unfortunately, was not presented by those who were working up the consent agreement. I appreciate the Chair allowing me to modify it at the request of Senator STABENOW.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING MAJORITY PARTY APPOINTMENTS—Resumed

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate resume consideration of S. Res. 18.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I am pleased to inform my colleagues that we are finally prepared to adopt our respective committee resolutions. It gives me great pleasure, after negotiation in good faith by both sides that we are bringing this issue to a conclusion. I believe this understanding for this 108th Congress is fair to both sides of the aisle. With this agreement, I am grateful that we are able to proceed with assigning committee seats and that we will be able to begin what we are here to accomplish and what we are all about in this Nation's business.

I do want to thank Members on both sides of the aisle for their patience as we have worked constructively together—Democrat and Republican—to accomplish what we are about to do. I particularly thank the Democratic leader, and, as I mentioned this morning and I think he mentioned as well late last night and throughout the course of today, we have had both of our staffs working together very closely. So I thank the Democratic leader for his efforts.

Mr. President, I ask unanimous consent that the pending resolution be modified with the change that I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I further ask unanimous consent that the resolution, as modified, be agreed to and the motion to reconsider be laid upon the table; further, that immediately upon its passage, a joint leadership letter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 18), as modified, was agreed to, as follows:

S. RES. 18

Resolved, That notwithstanding the provisions of Rule XXV, the following shall constitute the majority party's membership on the following standing committees for the 108th Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition and Forestry: Mr. Cochran (Chairman), Mr. LUGAR, Mr. McConnell, Mr. Roberts, Mr. Fitzgerald, Mr. Chambliss, Mr. Coleman, Mr. Crapo, Mr. Talent, Mrs. Dole, and Mr. Grassley.

Committee on Appropriations: Mr. Stevens (Chairman), Mr. Cochran, Mr. Specter, Mr. Domenici, Mr. Bond, Mr. McConnell, Mr. Burns, Mr. Shelby, Mr. Gregg, Mr. Bennett, Mr. Campbell, Mr. Craig, Mrs. Hutchison, Mr. DeWine, and Mr. Brownback.

Committee on Armed Services: Mr. Warner (Chairman), Mr. McCain, Mr. Inhofe, Mr. Roberts, Mr. Allard, Mr. Sessions, Ms. Collins, Mr. Ensign, Mr. Talent, Mr. Chambliss, Mr. Graham of South Carolina, Mrs. Dole, and Mr. Cornyn.

Committee on Banking, Housing, and Urban Affairs: Mr. Shelby (Chairman), Mr. Bennett, Mr. Allard, Mr. Enzi, Mr. Hagel, Mr. Santorum, Mr. Bunning, Mr. Crapo, Mr. Sununu, Mrs. Dole, and Mr. Chafee.

Committee on Commerce, Science, and Transportation: Mr. McCain (Chairman), Mr. Stevens, Mr. Burns, Mr. Lott, Mrs. Hutchison, Ms. Snowe, Mr. Brownback, Mr. Smith, Mr. Fitzgerald, Mr. Ensign, Mr. Allen, and Mr. Sununu.

Committee on Energy and Natural Resources: Mr. Domenici (Chairman), Mr. Nickles, Mr. Craig, Mr. Campbell, Mr. Thomas, Mr. Alexander, Ms. Murkowski, Mr. Talent, Mr. Burns, Mr. Smith, Mr. Bunning, and Mr. Kyl.

Committee on Environment and Public Works: Mr. Inhofe (Chairman), Mr. Warner, Mr. Bond, Mr. Voinovich, Mr. Crapo, Mr. Chafee, Mr. Cornyn, Ms. Murkowski, Mr. Thomas, and Mr. Allard.

Committee on Finance: Mr. Grassley (Chairman), Mr. Hatch, Mr. Nickles, Mr. Lott, Ms. Snowe, Mr. Kyl, Mr. Thomas, Mr. Santorum, Mr. Frist, Mr. Smith, and Mr. Bunning.

Committee on Foreign Relations: Mr. Lugar (Chairman), Mr. Hagel, Mr. Chafee, Mr. Allen, Mr. Brownback, Mr. Enzi, Mr. Voinovich, Mr. Alexander, Mr. Coleman, and Mr. Sununu.

Committee on Governmental Affairs: Ms. Collins (Chairman), Mr. Stevens, Mr. Voinovich, Mr. Coleman, Mr. Specter, Mr. Bennett, Mr. Fitzgerald, Mr. Sununu, and Mr. Shelby.

Committee on Health, Education, Labor and Pensions: Mr. Gregg (Chairman), Mr. Frist, Mr. Enzi, Mr. Alexander, Mr. Bond, Mr. DeWine, Mr. Roberts, Mr. Sessions, Mr. Ensign, Mr. Graham of South Carolina, and Mr. Warner.

Committee on the Judiciary: Mr. Hatch (Chairman), Mr. Grassley, Mr. Specter, Mr. Kyl, Mr. DeWine, Mr. Sessions, Mr. Graham of South Carolina, Mr. Craig, Mr. Chambliss, and Mr. Cornyn.

Committee on the Judiciary: Mr. Hatch (Chairman), Mr. Grassley, Mr. Specter, Mr. Kyl, Mr. DeWine, Mr. Sessions, Mr. Graham of South Carolina, Mr. Craig, Mr. Chambliss, and Mr. Cornyn.

Committee on Rules and Administration: Mr. Lott (Chairman), Mr. Stevens, Mr. McConnell, Mr. Cochran, Mr. Santorum, Mr. Nickles, Mrs. Hutchison, Mr. Frist, Mr. Smith, and Mr. Chambliss.

Committee on Small Business and Entrepreneurship: Ms. Snowe (Chairman), Mr. Bond, Mr. Burns, Mr. Bennett, Mr. Enzi, Mr. Fitzgerald, Mr. Crapo, Mr. Allen, Mr. Ensign, and Mr. Coleman.

Committee on Veterans' Affairs: Mr. Specter (Chairman), Mr. Campbell, Mr. Craig, Mrs. Hutchison, Mr. Bunning, Mr. Ensign, Mr. Graham of South Carolina, and Mr. Murkoswki.

Special Committee on Aging: Mr. Craig (Chairman), Mr. Shelby, Ms. Collins, Mr. Enzi, Mr. Smith, Mr. Talent, Mr. Fitzgerald, Mr. Hatch, Mrs. Dole, Mr. Stevens, and Mr. Santorum.

Committee on the Budget: Mr. Nickles (Chairman), Mr. Domenici, Mr. Grassley, Mr. Gregg, Mr. Allard, Mr. Burns, Mr. Enzi, Mr. Sessions, Mr. Bunning, Mr. Crapo, Mr. Ensign, and Mr. Cornyn.

Select Committee on Ethics: Mr. Voinovich (Chairman), Mr. Roberts, and Mr. Thomas.

Committee on Indian Affairs: Mr. Campbell (Chairman), Mr. McCain, Mr. Domenici, Mr. Thomas, Mr. Hatch, Mr. Inhofe, Mr. Smith, and Ms. Murkowski.

Select Committee on Intelligence: Mr. Roberts (Chairman), Mr. Hatch, Mr. DeWine, Mr. Bond, Mr. Lott, Ms. Snowe, Mr. Hagel, Mr. Chambliss, and Mr. Warner.

Joint Economic Committee: Mr. Bennett (Chairman), Mr. Brownback, Mr. Sessions, Mr. Sununu, Mr. Alexander, and Ms. Collins.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC

JOINT LEADERSHIP LETTER

We mutually commit to the following for only the 108th Congress:

The budgets of the Committees of the Senate, including Joint and Special Committees, and all other subgroups, shall be apportioned to reflect the ratio of the Senate as of this date, with up to an additional ten percent (10%) to be allocated to Chairmen for administrative expenses, to be determined by the Rules committee, with the total administrative expenses allocation for all Committees not to exceed historic levels. The additional administrative expenses described above shall be available to be expended by a Committee Chairman, after consultation with the Ranking Member of the Committee. Funds for committee expenses shall be available to Chairmen consistent with Senate rules and practices of the 107th Congress. No committee budget shall be allocated to reduce the Democratic staff salary baseline from that of fiscal year 2002 (including COLA), as adjusted by approved COLAs for fiscal year 2003 and fiscal year 2004. The Chairman and Ranking Member of any committee may, by mutual agreement, modify the apportionment of Committee funding referenced in this letter. The division of Committee office space shall be commensurate with this funding agreement.

BILL FRIST,
Majority Leader.
TED STEVENS.
TRENT LOTT.
THOMAS A. DASCHLE,
Democratic Leader.

ROBERT C. BYRD.
CHRISTOPHER J. DODD.

Mr. FRIST. Mr. President, I understand the Democratic leader is prepared to offer his resolution at this time.

Mr. DASCHLE. Mr. President, I commend the distinguished majority leader, and let me just say how grateful I am for the work done by his primary staff person, Mitch Bainwol, and my staff person, Mark Childress. These two men have done a remarkable job. I don't know Mr. Bainwol, but I must say that Mark Childress deserves special commendation, as does Mitch Bainwol, for the work they have done in bringing us to this point, working in good faith to resolve these many questions. So I thank our staff.

I thank all of those Senators with whom we consulted throughout this process. I agree with what the majority leader has said; this is a fair resolution that accommodates the needs of both of our caucuses.

MAKING MINORITY PARTY ASSIGNMENTS

Mr. DASCHLE. Mr. President, I send S. Res. 20, the Democratic committee assignment resolution, to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 20) making minority party appointments to certain Senate committees for the 108th Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, the resolution just sent to the desk is one that provides for the organization of the U.S. Senate in the 108th Congress.

In the last Congress, we saw unprecedented challenges in the Senate. A switch in power September 11, anthrax, and the loss of our friend and colleague, Paul Wellstone.

I believe, in working through those challenges—and, in many cases, our own grief—we lived up to James Madison's expectation that the Senate would be the great ''anchor'' of the Government.

Now, in the Congress, we face new and growing challenges:

We need to do far more to tackle terrorism abroad, and make our country more secure at home.

We also need to recognize that national strength depends on economic strength, and work to get the economy growing—with new jobs and better incomes.

We need to deal with a growing deficit that poses a growing danger to Social Security and Medicare.

On these issues, and so many more, we have much to do. And that requires getting the Senate organized to do it.

By passing this resolution, our new colleagues and new chairmen can take their places on committees and committees can take action on legislation.

This resolution provides, consistent with Senate precedent, for a one-seat margin on Senate committees.

We have agreed that committee funds will be divided by a ratio of 51 percent to 49 percent.

As in the 107th Congress, we have also agreed to provide an additional 10 percent to be spent for administrative expenses.

We are also assuring a smooth transition period by guaranteeing that our new ranking members' salary budgets are maintained at the same level they received as chairmen in the last Congress.

Finally, the understanding entered into by myself, the distinguished majority leader, and the chairs and ranking members of the Rules and Appropriations Committees provides that the division of committee space will commensurate with this funding agreement.

The agreement we have reached today reflects the same arrangement we had in 107th Congress when Democrats were a 51–49 majority.

It is fair to both parties, it is equitable, and I hope that it is indicative of a spirit of fairness that will mark the way we work in this Congress.

This organizing resolution is the result of a series of conversations I had with Senator FRIST.

We all know that Senator FRIST took on a great deal of responsibility in a very short time I hope that our ability to work together on this agreement will pave the way for future agreements.

I also thank Senators LOTT, DODD, STEVENS and BYRD for their help in helping us reach this agreement.

I am confident that this resolution is the right way to keep the Senate working. I ask my colleagues to support it so that we can continue with the work of the Senate.

Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 20) was agreed to, as follows:

S. RES. 20

Resolved, That notwithstanding the provisions of Rule XXV, the following shall constitute the minority party's membership on the following standing committees for the 108th Congress, or until their successors are chosen:

Committee on Agriculture Nutrition and Forestry: Mr. Harkin (Ranking Member), Mr. Leahy, Mr. Conrad, Mr. Daschle, Mr. Baucus, Mrs. Lincoln, Mr. Miller, Ms. Stabenow, Mr. Nelson of Nebraska, and Mr. Dayton.

Committee on Appropriations: Mr. Byrd (Ranking Member), Mr. Inouye, Mr. Hollings, Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Reid, Mr. Kohl, Mrs. Murray, Mr. Dorgan, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, and Ms. Landrieu.

Committee on Armed Services: Mr. Levin (Ranking Member), Mr. Kennedy, Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Dayton, Mr. Bayh, Mrs. Clinton, and Mr. Pryor.

Committee Banking, Housing, and Urban Affairs: Mr. Sarbanes (Ranking Member), Mr. Dodd, Mr. Johnson, Mr. Reed, Mr. Schumer, Mr. Bayh, Mr. Miller, Mr. Carper, Ms. Stabenow, and Mr. Corzine.

Committee on Commerce, Science, and Transportation: Mr. Hollings (Ranking Member), Mr. Inouye, Mr. Rockefeller, Mr. Kerry, Mr. Breaux, Mr. Dorgan, Mr. Wyden, Mrs. Boxer, Mr. Nelson of Florida, Ms. Cantwell, and Mr. Lautenberg.

Committee on Energy and Natural Resources: Mr. Bingaman (Ranking Member), Mr. Akaka, Mr. Dorgan, Mr. Graham, Mr. Wyden, Mr. Johnson, Ms. Landrieu, Mr. Bayh, Mrs. Feinstein, Mr. Schumer, and Ms. Cantwell.

Committee on Environment and Public Works: Mr. Jeffords (Ranking Member), Mr. Baucus, Mr. Reid, Mr. Graham, Mr. Lieberman, Mrs. Boxer, Mr. Wyden, Mr. Carper and Mrs. Clinton.

Committee on Finance: Mr. Baucus (Ranking Member), Mr. Rockefeller, Mr. Daschle, Mr. Breaux, Mr. Conrad, Mr. Graham, Mr. Jeffords, Mr. Bingaman, Mr. Kerry, and Mrs. Lincoln.

Committee on Foreign Relations: Mr. Biden (Ranking Member), Mr. Sarbanes, Mr. Dodd, Mr. Kerry, Mr. Feingold, Mrs. Boxer, Mr. Nelson of Florida, Mr. Rockefeller, and Mr. Corzine.

Committee on Governmental Affairs: Mr. Lieberman (Ranking Member), Mr. Levin, Mr. Akaka, Mr. Durbin, Mr. Carper, Mr. Dayton, Mr. Lautenberg, and Mr. Pryor.

Committee on Health, Education, Labor and Pensions: Mr. Kennedy (Ranking Member), Mr. Dodd, Mr. Harkin, Ms. Milkulski, Mr. Jeffords, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Edwards, and Mrs. Clinton.

Committee on the Judiciary: Mr. Leahy (Ranking Member), Mr. Kennedy, Mr. Biden, Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, and Mr. Edwards.

Committee on Rules and Administration: Mr. Dodd (Ranking Member), Mr. Byrd, Mr. Inouye, Mrs. Feinstein, Mr. Schumer, Mr. Breaux, Mr. Daschle, Mr. Dayton, and Mr. Durbin.

Committee on Small Business and Entrepreneurship: Mr. Kerry (Ranking Member), Mr. Levin, Mr. Harkin, Mr. Lieberman, Ms. Landrieu, Mr. Edwards, Ms. Cantwell, Mr. Bayh, and Mr. Pryor.

Committee on Veterans' Affairs: Mr. Graham (Ranking Member), Mr. Rockefeller, Mr. Jeffords, Mr. Akaka, Mrs. Murray, Mr. Miller, and Mr. Nelson of Nebraska.

Special Committee on Aging: Mr. Breaux (Ranking Member), Mr. Reid, Mr. Kohl, Mr. Jeffords, Mr. Feingold, Mr. Wyden, Mrs. Lincoln, Mr. Bayh, Mr. Carper, and Ms. Stabenow.

Committee on the Budget: Mr. Conrad (Ranking Member), Mr. Hollings, Mr. Sarbanes, Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Johnson, Mr. Byrd, Mr. Nelson of Florida, Ms. Stabenow, and Mr. Corzine.

Select Committee on Ethics: Mr. Reid (Vice Chairman), Mr. Akaka, and Mrs. Lincoln.

Committee on Indian Affairs: Mr. Inouye (Vice Chairman), Mr. Conrad, Mr. Reid, Mr.

Akaka, Mr. Dorgan, Mr. Johnson, and Ms. Cantwell.

Select Committee on Intelligence: Mr. Rockefeller (Vice Chairman), Mr. Levin, Mrs. Feinstein, Mr. Wyden, Mr. Durbin, Mr. Bayh, Mr. Edwards and Ms Mikulski.

Joint Economic Committee: Mr. Reed (Vice Chairman), Mr. Kennedy, Mr. Sarbanes, and Mr. Bingaman.

SEC.____. The salary allocation for each Senate committee and subgroup shall reflect the level set forth in the Senate Joint Leadership letter which shall be printed in the CONGRESSIONAL RECORD following the adoption of this resolution.

THANKS TO THE HONORABLE ROBERT C. BYRD AND HIS DESIGNATION AS PRESIDENT PRO TEMPORE EMERITUS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 21 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 21) expressing the thanks of the Senate to the Honorable Robert C. Byrd for his service as President pro tempore of the United States Senate and to designate Senator BYRD as President Pro Tempore Emeritus of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 21) was agreed to, as follows:

S. RES. 21

Resolved, That the United States Senate expresses its deepest gratitude to Senator Robert C. Byrd for his dedication and commitment during his service to the Senate as the President Pro Tempore.

Further, as a token of appreciation of the Senate for his long and faithful service, Senator Robert C. Byrd is hereby designated President Pro Tempore Emeritus of the United States Senate.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred November 1, 2001 in Manassas, VA. Two men severely beat a Pakistani taxi driver. The attack took place after the two assailants, Stanley Elburn Smith III, 27, and James M. Terrell, 25, berated the victim because he looked to be of Middle-Eastern descent. The victim suffered a concussion and several other wounds during the attack.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ILLINOIS GOVERNOR GEORGE RYAN'S CLEMENCY DECISION

Mr. FEINGOLD. Mr. President, I rise today to give my perspective on the recent decision by Illinois Governor George Ryan to pardon four death row inmates and to commute the death sentences of 167 other death row inmates. His action effectively clears Illinois' death row, the eighth largest death row in the Nation. It is the broadest clemency of death row inmates ever granted by a Governor.

I understand that there are some, particularly, State prosecutors and victims' families, who are unhappy with Governor Ryan's decision. I understand that victims' families who support capital punishment have, justifiably, very strong feelings.

But these 167 inmates are not walking free. They won't be executed, but almost all of them will spend the rest of their lives behind bars without the possibility of parole. But it also means that if, in fact, it is shown in the near future they did not commit murder, they still have the chance to be set free.

Many murderers do not receive the death penalty, even in Illinois. Indeed, the Illinois Governor's Commission on Capital Punishment found that decisions to put these particular individuals on death row, while sparing others, were not made by a system that meets basic standards of fairness and justice.

Fairness and justice, those are the principles that should guide our criminal justice system, especially the administration of the death penalty.

Regardless of whether one agrees or disagrees with Governor Ryan's clemency decision, most Americans should be able to agree that the current system is broken. Even some State prosecutors in Illinois, who disagreed with Ryan's clemency decision, acknowledged that the people of Illinois must debate whether they want a death penalty at all, before debating what kinds of reforms the State should adopt. I think it is important to take a moment to review how Illinois reached this point because I think Congress and the Nation can learn a valuable lesson from Illinois' remarkable experience.

Three years ago, Governor Ryan, a death penalty supporter, first made national headlines when he was the first Governor in the Nation to place a moratorium on executions. He did so after seeing irrefutable evidence that the system in Illinois risks executing the innocent. Since the death penalty was reinstated in Illinois in 1977, Illinois had executed 12 people. But, during this same time, another 13 death row inmates were found to be innocent and to have been wrongfully sentenced to death.

I believe that Governor Ryan has showed uncommon courage. He acknowledged that the system is broken. But he did not stop there. He took steps to address the flaws in his State's death penalty system. First, he took the reasonable and necessary step of placing a moratorium on executions. He then created a blue ribbon commission, including former U.S. Attorney Thomas Sullivan, one of our former colleagues, Senator Paul Simon, and lawyer and novelist, Scott Turow. The Commission included both death penalty proponents and opponents.

Governor Ryan instructed the Commission to review the State's death penalty system and to advise him on how to reduce the risk of executing the innocent and to ensure fairness in the system. After a 2-year long study, the Commission issued a comprehensive report and set forth 85 recommendations for reform of the Illinois death penalty system. These recommendations address difficult issues like inadequate defense counsel, executions of the mentally retarded, coerced confessions, and the problem of wrongful convictions based solely on the testimony of a jailhouse snitch or a single eyewitness. The Commission's work is the first, and, so far, only, comprehensive review of a death penalty system undertaken by a State or Federal Government in the modern death penalty era.

When the Commission released its report last April, Governor Ryan again acted decisively. He supported its recommendations and urged the Illinois State legislature to implement the necessary reforms of the system. Unfortunately, the legislative session ended without the legislature passing even a single one of the Commission's 85 recommendations.

Faced with the legislature's failure to act to fix the system and the fact that the fate of over 160 death row inmates remained in the balance, Governor Ryan took yet another bold, but

reasonable step. He conducted clemency hearings and reviewed the records of each person on death row. He heard from victims' families, from prosecutors, from defense counsel, and from the families of death row inmates. After this careful and painstaking review, he pardoned four men whom he believed had compelling claims of innocence. Unable to conclude that the remaining sentences were not tainted by the problems with the system catalogued by the Commission, he decided to commute them to life in prison without parole.

Governor Ryan's leadership on this issue is a model for the Nation, a legacy that I am convinced will live on long after he leaves office.

He now joins Americans like former Supreme Court Justices Lewis Powell and Harry Blackmun, who supported capital punishment but later in their lives came to re-think their position on the issue.

When the Supreme Court struck down the death penalty as a form of cruel and unusual punishment in 1972 in Furman v. Georgia, Justice Powell dissented from the majority position. He supported capital punishment. In fact, he later wrote the decision in McCleskey v. Kemp in 1987, which denied a challenge to the death penalty on the grounds that it was applied in a discriminatory manner against African Americans. In 1991, however, Justice Powell told his biographer that he had decided that capital punishment should be abolished.

Late in his career on the Court, Justice Blackmun penned the following eloquent, frequently quoted dissent, in 1994:

> From this day forward, I no longer shall tinker with the machinery of death. For more than 20 years I have endeavored—indeed, I have struggled—along with a majority of this Court, to develop procedural and substantive rules that would lend more than the mere appearance of fairness to the death penalty endeavor. Rather than continue to coddle the Court's delusion that the desired level of fairness has been achieved and the need for regulation eviscerated, I feel morally and intellectually obligated simply to concede that the death penalty experiment has failed.

Like Justice Powell, Justice Blackmun, and now Governor Ryan, it is my hope that other judges and public officials will take the time to reexamine the ultimate punishment our society imposes.

Governor Ryan acted only after a lengthy study and a consideration of all the alternatives. In a civilized country committed to equal justice, I hope that other public officials, including my colleagues here in the Congress, can be strong enough to take the steps that Governor Ryan took to reconsider the flawed death penalty system in this country.

Last week, the University of Maryland released a study showing significant racial and geographic disparities in the Maryland death penalty system. While this study is not a comprehensive review of the entire Maryland death penalty system, its disturbing findings should be reason enough to continue the moratorium on executions until the concerns raised by the study are addressed.

More importantly, we know that the Illinois and Maryland experiences are not unique. With over 100 innocent people on death row across the Nation later exonerated in the modern death penalty era, some just days before they were scheduled to be executed, we know that the administration of the death penalty nationwide is seriously flawed.

It is past time for Congress to meet its responsibility of ensuring fairness and justice in our criminal justice system, especially concerning the administration of the death penalty. Congress should place a moratorium on Federal executions and urge the States to do the same, while a National Commission on the Death Penalty reviews the fairness of the death penalty systems at the Federal and State levels. I urge my colleagues to support my bill, S. 132, the National Death Penalty Moratorium Act.

Congress has an important responsibility to ensure that innocent people are not executed and that constitutional protections are respected in the administration of capital punishment across the country. Congress should not shirk this responsibility. It is time to take a timeout on executions and to conduct a thorough, top-to-bottom review of the death penalty, not only in Illinois or Maryland, but nationwide.

TRIBUTE TO NORMA S. HOLMGREN

Mr. HATCH. Mr. President, thank you for this opportunity today to pay tribute to a wonderful woman who has worked by my side for 26 years, Norma Holmgren. Norma has been my Northern Utah Area Director since the day I took office and is now retiring to enjoy the many wonderful things life has to offer. Norma has done an absolutely tremendous job in serving thousands of Utahns who needed assistance, direction, or just a listening ear.

Norma has worked on many important issues affecting our state including health care, private property rights, business expansion, and civic and community affairs. She has been a vital liaison between my office and the leadership of Hill Air Force Base, one of the State's largest employers, and is well respected and admired by the military officers and personnel on the base. Throughout her years of service, she has always conducted herself with professionalism and concern for the people she is serving.

Norma has always played a vital role in many northern Utah communities serving on various boards and commissions, including the Garland Civic and Home Arts Club and the Box Elder County Fair. She was recognized for her dedication to improving the lives of young people when she was named the 1990 Weber County Youth Community Connection Woman of the Year, a recognition I know she treasures.

Norma has also been a driving force in many of Utah's premier women's organizations, including the National and State Federation of Women's Clubs and the Utah Womens' Legislative Council. In both of these organizations, Norma assumed numerous leadership positions helping to implement policy that directly affected the health and well-being of Utah women.

Norma's love and loyalty for the Republican philosophy has been evident in the many years she has served promoting the ideals and values of the Republican party. She has literally donated thousands of hours to the party, candidates, and campaigns who share her commitment to republican principles. She has served as the President of the Box Elder County Republican Women's Club and in many positions within the Box Elder County Republican Party. I am confident that her service to the Republican party will continue for many years to come.

In addition to the service she has rendered in the community and office, Norma is a loving mother to her son, Randy, and a loving grandmother. In fact, her granddaughter Emily will be joining us on the floor of the Senate as a page next fall. Norma takes great pride in her family and is grateful for the love that they share. She has a keen interest in and love for antiques and has made her home truly a treasure. She has welcomed many people into her home over the years to share with them the history of the antique pieces she has found and lovingly displays.

I am grateful for the service that Norma Holmgren has given to me, to her community, and to the state. She has been by my side from day one and has always been a vital component of my Senate organization. I will miss her tremendously but know that life holds many wonderful things for her to savor and enjoy. Norma Holmgren is a dedicated public servant, loving mother and grandmother, and fervently patriotic American. I want to wish her the very best in retirement and pray for her continued good health, success, and happiness.

ADDITIONAL STATEMENTS

CARRINGTON WILLIAMS

• Mr. ALLEN. Mr. President, I rise today to honor the Honorable Carrington Williams, a great Virginian who positively contributed to the

Commonweath as both a public servant and a community leader. It was a sad day in Virginia when Carrington Williams passed away on August 3, 2002 at the age of 83. Carrington Williams leaves behind him a legacy of service to Virginia and so many worthy causes. I speak today of Carrington Williams not only from the perspective of a grateful Virginian, but also as someone who is proud to have called Carrington a friend.

Carrington Williams was born and died a Virginian. During his life, he served in numerous leadership positions, as well as elected ones. Early in his life, Carrington served the United States in the Army Air Corps. Later on, Mr. Williams was a member of the Virginia House of Delegates.

What many will remember Carrington for was his tireless commitment to historic preservation. Mr. Williams was the founding Chairman of the Civil War Preservation Trust and the Shenandoah Valley Battlefields National Historic District Commission, which later became the Shenandoah Valley Battlefields Foundation. Every time one sees the many historic battlefields in Virginia, one should be thankful to Carrington for his commitment to preserving our nation's treasures for many future generations to enjoy and reflect upon.

In addition to these commitments, Carrington served in the positions of chairman of the board of the Washington Airports Task Force, the Dulles Airport Regional Economic Study Commission, and the Western Transportation Corridor Study Commission, and as a member of the Metropolitan Washington Airports Authority.

While our dear Delegate Carrington Williams is no longer here with us, he will always be remembered by the thousands of Virginians touched by his life. I appreciate having the opportunity to honor Carrington and my thoughts are with his wife, Doreen, and his son and stepdaughter who carry on with his blood and spirit.●

TRIBUTE TO THE HONORABLE SOLOMAN BLATT, JR.

● Mr. HOLLINGS. Mr. President, I rise today to recognize and salute a dear friend of mine and tireless servant of the American people for his long and distinguished service on the Budget Committee of the Judicial Conference of the United States. After 25 years of service, the Honorable Soloman Blatt, Jr., Senior Judge for the United States District Court for the District of South Carolina, will step down as a member of the Budget Committee of the Judicial Conference.

Effective January 20, 2003, the longest tenure of any current member of any Judicial Conference Committee, as well as one of the longest tenures during any era, will come to an end and both the judiciary and the Congress will have lost a tremendous resource.

Ever mindful of the fiscal realities facing Congress and the Appropriations Subcommittee on Commerce, Justice and State, the Judiciary, and Related Agencies, Judge Blatt has always demonstrated the unique ability to strike a balance, articulating well the most critical needs of the judiciary while recognizing and appreciating the competing demands the subcommittee faces within its vast jurisdiction. During Judge Blatt's more than 25 years of service on the Budget Committee, the judiciary's budget grew from $438.5 million in fiscal year 1978, to a request of approximately $5 billion for fiscal year 2003. But perhaps on of his greatest achievements during his tenure on the Budget Committee was revising the role of the committee from that of simply assembling or adding up the resource requirements coming from the substantive committees of the Judicial Conference, to that of formulating a budget request that was fiscally responsible and politically acceptable outside the judiciary, while also addressing the immediate needs of the judiciary's burgeoning workload.

Judge Blatt is an honest broker. Appropriations Subcommittee allocations get tighter and tighter each year, pitting the needs of executive branch agencies against the needs of the judiciary. But I always knew when Judge Blatt came to me concerned about a particular aspect of the Federal courts, it was real, and I would do my best to accommodate his request.

Mr. President, the judiciary, and indeed the Congress, will always be indebted to Judge Blatt for his years of service on behalf of the Federal court system. I know that I will miss his input and candor during our deliberations on funding for the Federal judiciary within the annual Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations bills.●

TRIBUTE TO BOB STEELE

● Mr. LIEBERMAN. Mr. President, I rise to honor a man who over the course of three generations brought joy into millions of Connecticut homes, Bob Steele. Bob died on Friday, December 6 at the age of 91 after a wonderful life and career on and off the airwaves.

Bob was with WTIC in the weekday early morning slot for an astounding 55 years, from 1936 to 1991. And he even continued doing the show for the past decade, after his official retirement, on the first Saturday of most months. He hosted his last broadcast on November 2 of this year, at age 91.

For all that time, we in Connecticut woke up with Bob, and that made our days a bit brighter. He would talk about the world. He would predict sports scores. He would play from his eclectic collection of music, and whistle some tunes himself. He would carefully pronounce and define the word of the day. He would tell corny jokes, which, I must admit, are my favorite kind. He would tell us the secret to making great scrambled eggs. He would remind us not to leave the house without our keys.

The broadcast I have described may sound more fitting for a small town than for a State of nearly 3½ million people. But that is the way Bob was. He was always, pun intended, on our wavelength, always on our frequency.

That is what made Bob a legend. That is what got him enshrined in the Radio Hall of Fame, the same hall where Jack Benny and Bob Hope are canonized.

The life he lived and the legacy he leaves are even more amazing when you consider Bob's personal journey. He grew up in Kansas City, MO, with his mother, who rented rooms in their apartment to pay the bills. Bob made ends meet himself by delivering telegrams by bicycle and then delivering emergency drug prescriptions by motorcycle. After high school, he tried professional boxing as a welterweight, but couldn't quite hack it in the ring. So he headed out West to Los Angeles, where he got a few bit parts and took to announcing motorcycle races. Then, in the spring, 1936 season, a Hartford motorcycle race promoter recruited him. With no money in his pocket, not even enough to pay the YMCA the $1 deposit they required for a room, he came to Connecticut. Since then things have never been the same over the airwaves of our great state.

We should have a special appreciation for Bob Steele today. In this era of nonstop news, shrill political debate, and shock jocks, Bob's voice, one of strength, warmth, kindness, and gentle humor, will resonate for generations.

When he wasn't on the airwaves, Bob was a great family man, and a champion of literacy throughout Connecticut's communities. Bob helped create the Bob Steele Literacy Volunteers Reading Center in Hartford and wrote a book called, ''The Word for the Day: 65 Years of Wit & Wisdom on Mispronunciation.''

Wit and wisdom were two things he had in surplus. One morning a few years ago, when Bob blew a cue, something that was very rare for someone so seasoned, he recovered gracefully. ''That 5-second pause was due to my inexperience,'' he said. ''I'm new here.''

The word of the day, which Bob taught us every single morning, was his trademark. In that spirit, let me suggest that one word exemplified every day in Bob's life and career. That word is ''friend.''

Our thoughts and prayers go out to his widow Shirley, their four sons Robert, Paul, Philip and Steven, and their grandchildren and great grandchildren. May God bless them and bless the memory of Bob Steele.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–342. A communication from the Senior Paralegal, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Alternative Mortgage Transaction Parity Act; Preemption—Delay of Effective Date (RIN1550–AB51)'' received on December 12, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–343. A communication from the Senior Paralegal, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Record keeping and Confirmation Requirements for Securities Transactions; Fiduciary Powers of Savings Associations (RIN1550–AB49)'' received on December 12, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–344. A communication from the Senior Paralegal, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Reporting Standards: Qualifications for Independent Public Accounting Performing Audit Services for Voluntary Audit Filers (RIN1550–AB54)'' received on December 12, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–345. A communication from the Chief Counsel, Bureau of Public Debt, Assistant Secretary for Financial Markets, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Governmental Securities Act Regulations: Large Position Rules, amends 17 CFR Part 420 (RIN1505–AA88)'' received on December 17, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–346. A communication from the Deputy Congressional Liaison, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled ''Transaction Between Member Banks and Their Affiliates—Miscellaneous Interpretations'' received on December 2, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–347. A communication from the Assistant Secretary, Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Disclosure of Costs and Expenses by Insurance Company Separate Accounts Registered as Unit Investment Trusts That Offer Variable Annuity Contracts (RIN3235–AI39)'' received on November 18, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–348. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Minimum Standards of Integrity and Fitness for an FDIC Contractor (RIN3064–AC29)'' received on December 12, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–349. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Fair Housing and Equal Opportunity, received on December 12, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–350. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Policy Development and Research, received on December 12, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–351. A communication from the Vice Chairman, Export-Import Bank, transmitting, pursuant to law, the report relative to transactions involving U.S. exports to South Africa, received on November 25, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–352. A communication from the Vice Chairman, Export-Import Bank, transmitting, pursuant to law, the report relative to U.S. export transactions involving U.S. exports to Australia, received on December 12, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–353. A communication from the Vice Chairman, Export-Import Bank, transmitting, pursuant to law, the report relative to transactions involving U.S. exports to Ireland, received on November 18, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–354. A communication from the Vice Chairman, Export-Import Bank, transmitting, pursuant to law, the report relative to transactions involving U.S. exports to Romania, received on November 18, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–355. A communication from the General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled ''Affordable Housing Program Amendments (RIN3069–AB16)'' received on November 25, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–356. A communication from the Under Secretary, Arms Control and International Security, Department of State, transmitting, pursuant to law, the report concerning an amendment to Part 121 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC–357. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States under the Case-Zablocki Act, received on November 25, 2002; to the Committee on Foreign Relations.

EC–358. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the temporary export of defense articles or defense services sold commercially under a contract to International Waters, Pacific Ocean or French Guiana; to the Committee on Foreign Relations.

EC–359. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the International Traffic in Arms Regulations concerning major program authorization (MPA) and Arms Export Control Act, the report of a certification involving the export of electronic power generating systems to Germany, Italy, Spain and the United Kingdom in support of the Eurofighter program; to the Committee on Foreign Relations.

EC–360. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement for the export of defense articles or defense services sold commercially involving the sale of the TELEKOM-2 commercial communications satellite to Indonesia, jointly with Canada, and its launch from French Guiana; to the Committee on Foreign Relations.

EC–361. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, the first annual report on the Benjamin A. Gilman International Scholarship Program; to the Committee on Foreign Relations.

EC–362. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report entitled ''SEMI-ANNUAL REPORT ON PROGRESS TOWARD REGIONAL NUCLEAR NONPROLIFERATION IN SOUTH ASIA'' covering periods April 1 to September 30, 2001, October 1, 2001 to March 31, 2002 and April 1 to September 30, 2002, received on December 2, 2002; to the Committee on Foreign Relations.

EC–363. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule that amends 40.53 of Part 22 of the Code of Federal Regulations, changing the requirements pertaining to the issuance of visas to certain foreign healthcare workers, received on December 12, 2002; to the Committee on Foreign Relations.

EC–364. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report relative to the designation of a twenty-five percent danger pay allowance for U.S. civilian employees in Indonesia; to the Committee on Foreign Relations.

EC–365. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report concerning an amendment to Part 126 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC–366. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Currell v. United States'' received on December 12, 2002; to the Committee on Finance .

EC–367. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling 2002–87—Bureau of Labor Statistics Price Indexes for Department Stores—October 2002'' received on December 12, 2002; to the Committee on Finance.

EC–368. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Robert L. Beck v. Commissioner'' received on December 12, 2002; to the Committee on Finance .

EC–369. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Information Reporting for Qualified Tuition and Related Expenses; Magnetic Media Filing Requirements for Information Returns'' received on December 20, 2002; to the Committee on Finance.

EC–370. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Third Party Contacts (RIN1545–AX04)'' received on December 20, 2002; to the Committee on Finance.

EC–371. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Levy Restrictions During Installment Agreements (RIN1545–AX89)'' received on December 20, 2002; to the Committee on Finance .

EC–372. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Low-income Taxpayer Clinics—Definitions of Income Tax Return Preparer (RIN1545–BA95)'' received on December 17, 2002; to the Committee on Finance.

EC–373. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—January 2003 (Rev. Rul. 2003–5)'' received on December 17, 2002; to the Committee on Finance.

EC–374. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 809 recomputed differential earning rate (Rev. Rul. 2003–4)'' received on December 17, 2002; to the Committee on Finance.

EC–375. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Subchapter S corporations and ESOP abuse (Rev. Rul. 2003–6)'' received on December 17, 2002; to the Committee on Finance.

EC–376. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Exclusion of Gain on the Sale or Exchange of a Principle Residence (RIN1545–AX28)'' received on January 2, 2003; to the Committee on Finance.

EC–377. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Reduced Exclusion of Gain from Sale of Principle Residence (RIN1545–BB02)'' received on January 2, 2003; to the Committee on Finance.

EC–378. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Education Tax Credit (RIN1545–AW65)'' received on January 2, 2003; to the Committee on Finance.

EC–379. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 6038—Returns with respect to controlled foreign partnerships (RIN1545–BB36)'' received on January 2, 2003; to the Committee on Finance.

EC–380. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Delayed amendment date for defined benefit plans for certain minimum distribution regulations (Rev. Proc. 2003–10)'' received on January 2, 2003; to the Committee on Finance.

EC–381. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Relief from nondiscrimination rules for certain church plans and federal/international plans (Notice 2003–6)'' received on January 2, 2003; to the Committee on Finance.

EC–382. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Required minimum distributions and section 1.401(a)(9)–6T (Notice 2003–2)'' received on January 2, 2003; to the Committee on Finance.

EC–383. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Clarification of Form 1099–R reporting (Notice 2003–3)'' received on January 2, 2003; to the Committee on Finance.

EC–384. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling 2003–12—Disaster Relief Assistance to Individuals'' received on January 2, 2003; to the Committee on Finance.

EC–385. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Limitation on compensation and section 611(c) of ECTRRA (Rev. Ruling 2003–11)'' received on January 2, 2003; to the Committee on Finance.

EC–386. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Election to treat trust as part of an estate (RIN1545–AW24)'' received on January 2, 2003; to the Committee on Finance.

EC–387. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Application of separate limitations to dividends from noncontrolled section 902 corporations (Notice 2003–5)'' received on January 2, 2003; to the Committee on Finance.

EC–388. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Duration of COBRA Coverage and Divorce (Rev. Rul. 2002–88)'' received on January 2, 2003; to the Committee on Finance.

EC–389. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Capay Valley Viticultural Area ((99R–449P)(RIN1512–AC71))'' received on January 2, 2003; to the Committee on Finance.

EC–390. A communication from the Acting White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Treasury Inspector General for Tax Administration, received on October 9, 2002; to the Committee on Finance.

EC–391. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report on the strategy of the executive branch to address the concerns of Congress in Section 2103(b)(3) of the Act reguarding recent decisions of dispute settlement panels and the Appellate Body of the World Trade Organization (WTO) in the areas of trade remedies and safeguards; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. McCAIN:

S. 162. A bill to provide for the use of distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, and for other purposes; to the Committee on Indian Affairs.

By Mr. McCAIN (for himself, Mr. JEFFORDS, and Mr. DASCHLE):

S. 163. A bill to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes; to the Committee on Environment and Public Works.

By Mr. McCAIN:

S. 164. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON (for herself and Mrs. FEINSTEIN):

S. 165. A bill to improve air cargo security; to the Committee on Commerce, Science, and Transportation.

By Mrs. LINCOLN:

S. 166. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. DEWINE):

S. 167. A bill to direct the Secretary of Energy to carry out a Next Generation Lighting Initiative; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 168. A bill to require the Secretary of the Treasury to mint coins in commemoration of the San Francisco Old Mint; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KYL:

S. 169. A bill to permanently repeal the estate and generation-skipping transfer taxes; to the Committee on Finance.

By Mr. VOINOVICH:

S. 170. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and further purposes; to the Committee on Environment and Public Works.

By Mr. DAYTON:

S. 171. A bill to amend title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full

costs of providing such services, and for other purposes; to the Committee on Finance.

By Mr. DAYTON:

S. 172. A bill to amend title XVIII of the Social Security Act to improve the access of medicare beneficiaries to services in rural hospitals and critical access hospitals, and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. CHAFEE, Mr. JEFFORDS, Mr. CORZINE, Mr. BIDEN, and Mr. DURBIN):

S. 173. A bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund; to the Committee on Finance.

By Mr. BIDEN:

S. 174. A bill to put a college education within reach, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. DASCHLE, and Mr. JOHNSON):

S. 175. A bill to establish a direct line of authority for the Office of Trust Reform Implementation and Oversight to oversee the management and reform of Indian trust funds and assets under the jurisdiction of the Department of the Interior, and to advance tribal management of such funds and assets, pursuant to the Indian Self-Determination Act and for other purposes; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE:

S. Res. 20. A resolution making minority appointments to certain Senate committees for the 108th Congress; considered and agreed to.

By Mr. DASCHLE:

S. Res. 21. A resolution expressing the thanks of the Senate to the Honorable Robert C. Byrd for his service as President Pro Tempore of the United States Senate and to designate Senator Byrd as President Pro Tempore Emeritus of the United States Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. DASCHLE, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 19, a bill to amend the Internal Revenue Code of 1986 and titles 10 and 38, United States Code, to improve benefits for members of the uniformed services and for veterans, and for other purposes.

S. 36

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 36, a bill to amend title XVIII of the Social Security Act to eliminate the geographic physician work adjustment factor from the geographic indices used to adjust payments under the physician fee schedule, to provide incentives necessary to attract educators and clinical practitioners to underserved areas, and to revise the area wage adjustment applicable under the prospective payment system for skilled nursing facilities.

S. 120

At the request of Mrs. HUTCHISON, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 120, a bill to eliminate the marriage tax penalty permanently in 2003.

S. 121

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 121, a bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes.

S. 140

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 140, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 145

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 145, a bill to prohibit assistance to North Korea or the Korean Peninsula Development Organization, and for other purposes.

S. 151

At the request of Mr. HATCH, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 151, a bill to amend title 18, United States Code, with respect to the sexual exploitation of children.

S. RES. 19

At the request of Mr. FEINGOLD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 19, A resolution expressing the sense of the Senate that Congress should increase the maximum individual Federal Pell Grant award to $9,000 by 2010.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN:

S. 162. A bill to provide for the use of distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, and for other purposes; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, I rise to introduce legislation to authorize the distribution of judgment funds to eligible tribal members of the Gila River Indian Community in Arizona. Identical legislation unanimously passed the Senate last year, but was not able to be considered by the House of Representatives prior to the adjournment of the 107th Congress.

The Gila River Indian Community Judgment Fund Distribution Act resolves two half-century old claims by the Gila River tribe against the United States for failure to meet Federal obligations to protect the community's use of water from the Gila River and Salt River in Arizona. The original complaint was filed before the Indian Claims Commission on August 8, 1951. In 1982, the United States Court of Claims confirmed liability of the United States to the community, and recently the settlement of these two claims was determined to be 7 million.

So much time has passed that the Indian Claims Commission formerly in charge of fund distributions no longer exists. However, a debt does not disappear. The judgment award has since been transferred from the Indian Claims Commission to a trust account on behalf of the community, managed by the Office of Trust Management at the Department of the Interior.

This judgment award was certified by the Treasury Department on October 6, 1999 for the final portion of the litigation to the two remaining dockets of the Gila River Indian Community. Since that time, the community has been working with the BIA in an attempt to finalize a use and distribution plan to submit to Congress for approval. As outlined in its plan, the community has decided to distribute the judgment award equally to eligible tribal members.

The purpose of this legislation is to comply with Federal regulations which requires congressional approval for distribution of judgment funds to tribal members. The terms of the legislation reflect an agreement by all parties for a distribution plan for final approval by the Congress. As part of this legislation, the BIA is also seeking to resolve remaining expert assistance loans by the Gila River Indian Community, the Oglala Sioux Tribe, and the Seminole Tribe of Florida, as originally authorized by the Indian Claims Commission.

Members of the Gila River Indian Community have waited half a century for final resolution of all their legal claims regarding this matter. After considerable delay, it is only fair to resolve this matter and provide compensation as soon as possible. I hope that my colleagues will act quickly to move this legislation through the process.

By Mr. MCCAIN (for himself, Mr. JEFFORDS, and Mr. DASCHLE):

S. 163. A bill to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes; to the Committee on Environment and Public Works.

Mr. MCCAIN. Mr. President, I am pleased to introduce legislation to continue Federal support for the U.S. Institute for Environmental Conflict Resolution. This legislation is identical to legislation which passed the Senate unanimously in September of last year.

The Congress enacted legislation to establish the U.S. Institute for Environmental Conflict Resolution in 1998, with the purpose of offering an alternative to litigation for parties in dispute over environmental conflicts. As we know, many environmental conflicts often result in lengthy and costly court proceedings and may take years to resolve. In cases involving Federal Government agencies, the costs for court proceeding are usually paid for by taxpayers. While litigation is still a recourse to resolve disputes, the Congress recognized the need for alternatives, such as mediation and facilitated collaboration, to address the rising number of environmental conflicts that have clogged Federal courts, executive agencies, and the Congress.

The Institute was placed at the Morris K. Udall Foundation in recognition of former Representative Morris K. Udall from Arizona and his exceptional environmental record, as well as his unusual ability to build a consensus amoung fractious and even hostile interests. The Institute was established as an experiment with the idea that hidden within fractured environmental debates lay the seeds for many agreements, an approach applied by Mo Udall with unsurpassed ability.

The success of the Institute is far greater than we could have imagined. The Institute began operations in 1999 and has already provided assistance to parties in more than 100 environmental conflicts across 30 states.

Agencies from the Environmental Protection Agency, the Departments of Interior and Agriculture, the U.S. Navy, the Army Corps of Engineers, the Federal Highway Administration, the Federal Energy Regulatory Commission, and others have all called upon the Institute for assistance. Even the Federal courts are referring cases to the Institute for mediation, including such high profile cases as the management of endangered salmon throughout the Columbia River Basin in the Northwest.

The Institution also assisted in facilitating interagency teamwork for the Everglades Task Force which oversees the South Everglades Restoration Project. The U.S. Forest Service requested assistance to bring ranchers and environmental advocates in the southwest to work on grazing and environmental compliance issues. Even members of Congress have sought the Institute's assistance to review implementation of the Nation's fundamental environmental law, the National Environmental Policy Act, to assess how it can be improved using collaborative processes.

The Institute accomplishes its work by maintaining a national roster of 180 environmental mediators and facilitators located in 39 states. We believe that mediators should be involved in the geographic area of the dispute whenever possible and that system is working.

The demand on the Institute's assistance had been much greater than anticipated. At the time the Institute was created, we did not anticipate the magnitude of the role it would serve to the Federal Government. The Institute has served as a mediator between agencies and as an advisor to agency dispute resolution efforts involving overlapping or competing jurisdictions and mandates, developing long-term solutions, training personnel in consensus-building efforts, and designing international systems for preventing or resolving disputes.

Unfortunately, experience has also taught us that most Federal agencies are limited from participating because of inadequate funds to pay for mediation services. This legislation will authorize a participation fund to be used to support meaningful participation of parties to Federal environmental disputes. The participation fund will provide matching funds to stakeholders who cannot otherwise afford mediation fees or costs of providing technical assistance.

In addition to creating this new participation fund, this legislation simply extends the authorization for the Institute for an additional five years with a modest increase in its operation budget. The proposed increase is in response to the overwhelming demand on the Institute's services, an investment that will ultimately benefit taxpayers by preventing costly litigation.

I hope that we can consider this legislation expeditiously to ensure continuing support for the valuable services of the U.S. Institute for Environmental Conflict Resolution to our Nation.

By Mr. McCAIN:

S. 164. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; to the Committee on Energy and Natural resources.

Mr. McCAIN. Mr. President, I am reintroducing legislation today to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez. Chavez is one of the most revered public servants in our history for his leadership in helping organize migrant farm workers, and for providing inspiration to those most oppressed in our society. He is an exemplary American hero. It is important that we honor his struggle and do what we can to preserve certain sites located in Arizona, California and other States that are significant to his life.

Cesar Chavez, a fellow Arizonan born in Yuma, was the son of migrant farm workers. He no doubt loved qualities of life associated with his family's Hispanic heritage, but he will be remembered for the sincerity of his American patriotism. He fought to help Americans transcend distinctions of experience, and share equally in the rights and responsibilities of freedom. He made America a bigger and better nation.

While Chavez and his family migrated across the southwest looking for farm work, he evolved into a defender to worker's rights. He founded the National Farm Workers Association in 1962, which latter became the United Farm Workers of America. Essentially, he gave a voice to those that had no voice. In his words: ''We cannot seek achievement for ourselves and forget about progress and prosperity for our community . . . our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own.''

I introduced this legislation last October and received an overwhelming positive response, not only from my constituents in Arizona, but from Americans all across the nation. Similar legislation was introduced by Congresswoman HILDA SOLIS, D–CA, in September 2001. The bill specifically authorizes the Secretary of the Interior to determine whether any of the sites meet the criteria for being listed on the National Register of Historic Landmarks. The study would be conducted within three years. The goal of this legislation is to establish a foundation for a future bill that will designate land for these sites to become historic landmarks.

Cesar Chavez was a humble man of deep conviction who understood what it meant to serve and sacrifice for others. He was a true American hero who embodied the values of justice and freedom this nation holds dear. Honoring the places of his life will enable his legacy to inspire and serve as an example for our future leaders.

I ask unanimous consent that the text of the bill and a letter of support from the Cesar E. Chavez Foundation be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

S. 164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''César Estrada Chávez Study Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) on March 31, 1927, César Estrada Chávez was born on a small farm near Yuma, Arizona;

(2) at age 10, Chávez and his family became migrant farm workers after they lost their farm in the Great Depression;

(3) throughout his youth and into adulthood, Chávez migrated across the Southwest, laboring in fields and vineyards;

(4) during this period, Chávez was exposed to the hardships and injustices of farm worker life;

(5) in 1952, Chávez's life as an organizer and public servant began when he left the fields and joined the Community Service Organization, a community-based self-help organization;

(6) while with the Community Service Organization, Chávez conducted—

(A) voter registration drives; and

(B) campaigns against racial and economic discrimination;

(7) during the late 1950's and early 1960's, Chávez served as the national director of the Community Service Organization;

(8) in 1962, Chávez founded the National Farm Workers Association, an organization that—

(A) was the first successful farm workers union in the United States; and

(B) became known as the ''United Farm Workers of America'';

(9) from 1962 to 1993, as leader of United Farm Workers of America, Chávez achieved for tens of thousands of farm workers—

(A) dignity and respect;

(B) fair wages;

(C) medical coverage;

(D) pension benefits;

(E) humane living conditions; and

(F) other rights and protections;

(10) the leadership and humanitarianism of César Chávez continue to influence and inspire millions of citizens of the United States to seek social justice and civil rights for the poor and disenfranchised; and

(11) the life of César Chávez and his family provides an outstanding opportunity to illustrate and interpret the history of agricultural labor in the western United States.

SEC. 3. RESOURCE STUDY.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall complete a resource study of sites in the State of Arizona, the State of California, and other States that are significant to the life of César E. Chávez and the farm labor movement in the western United States to determine—

(1) appropriate methods for preserving and interpreting the sites; and

(2) whether any of the sites meets the criteria for listing on the National Register of Historic Places or designation as a national historic landmark under—

(A) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and

(B) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(b) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) consider the criteria for the study of areas for potential inclusion in the National Park System under section 8(b)(2) of Public Law 91–383 (16 U.S.C. 1a–5(b)(2)); and

(2) consult with—

(A) the César E. Chávez Foundation;

(B) the United Farm Workers Union;

(C) State and local historical associations and societies; and

(D) the State Historic Preservation Officers of the State of Arizona, the State of California, and any other State in which a site described in subsection (a) is located.

(c) REPORT.—On completion of the study under subsection (a), the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on—

(1) the findings of the study; and

(2) any recommendations of the Secretary.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

CESAR E. CHAVEZ FOUNDATION,
Los Angeles, CA, January 13, 2003.

HON. JOHN MCCAIN,
U.S. Senate, 241 Russell Office Building, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the Cesar E. Chavez Foundation and the Chavez family, thank you for interest in the life, work, and ideals of Cesar E. Chavez, a true American hero. Your efforts to further Cesar's legacy by reintroducing the bill for the study, documentation, and preservation of historically significant sites related to Cesar are to be applauded.

The Cesar E. Chavez Foundation understands the importance of such initiatives, which provide a powerful vehicle to educate and inspire Americans to carry on Cesar's values and his timeless vision for a better world. It is through initiatives such as yours, that current and future generations will continue to learn about Cesar and his vital contributions to our nation.

Your steadfast commitment to teaching our youth about Cesar's philosophies of nonviolent social change; his unconditional acceptance of all people; and his profound respect for life and the environment is an example of how Cesar's legacy continues today.

We look forward to continuing to work together with you on this very important matter.

Sincerely,

ANDRÉS F. IRLANDO,
Executive Director.

By Mrs. HUTCHISON (for herself and Mrs. FEINSTEIN):

S. 165. A bill to improve air cargo security; to the Committee on Commerce, Science, and Transportation.

Mrs. HUTCHISON. Mr. President, I rise today to introduce, along with my colleague Senator FEINSTEIN, the Air Cargo Security Act.

Since the 9/11 attacks, we in Congress, working with the Administration, the aviation industry, and the flying public have made tremendous progress in transportation security. Together we have created the new Department of Homeland Security, signifying the largest governmental reorganization in 50 years. We have created the Transportation Security Administration, TSA, and worked together with the Administration to hire and train over 40,000 new security employees. We have invested heavily in our personnel and equipment, and we have revamped screening procedures in virtually every aspect of passenger air travel.

Today, there is no doubt in my mind that the traveling public is considerably safer than we were on September 10, 2001. That is important to recognize. I think it is also important to note that our progress is due in large part to those Americans who continue to patiently cooperate with personnel during the security overhaul. The importance of their contributions and vigilance during this time cannot be overstated. With their cooperation, passengers today are screened more carefully. Bags are being checked more thoroughly, and we all are traveling under a more secure system.

While our efforts in the 107th Congress have dramatically improved our transportation security, we in the 108th must continue to strive for seamless security operations. This responsibility includes closing the cargo security loophole. It just does not make any sense to go to the trouble of inconveniencing airline passengers with security screening and baggage checking if we are then willing to leave the contents of the plane's belly unchecked. Currently, twenty-two percent of all air cargo in the U.S. is carried on passenger flights, only a tiny fraction of which is inspected. That is inexcusable.

The measures that I am introducing today, with my good friend from California, DIANNE FEINSTEIN, have already received the unanimous support of the full Senate, as well as the Commerce Committee last year. The purpose of the Air Cargo Security Act will be to strengthen air cargo security on all commercial flights. Specifically, this bill establishes a more reliable known shipper program by requiring random shipping facility inspections, creating an accessible shipper database, and providing for tamper-proof identification cards for airport personnel. It also gives the TSA the tools required to hold shippers accountable for the contents they ship by allowing the Administration to revoke the license of a shipper and freight forwarder engaged in unsound or illegal practices.

This legislation also requires the TSA to develop a comprehensive training program for cargo professionals as well as an approved cargo security plan. The rules and procedures that are strengthened in this bill were developed in consultation with the TSA, the airlines, and the cargo carriers to ensure that the requirements were aggressive. Working together has allowed us to remain sensitive to the airline industry that finds itself in dire financial straits.

What this vote boils down to is the simple question of, ''Are we going to continue doing everything we can to ensure the safety of our passenger airplanes?'' By closing the cargo security loophole and passing the Air Cargo Security Act, we will demonstrate our commitment to finishing the job we started after 9/11/01.

To strengthen air cargo security and passenger safety, I urge my colleagues to support the Air Cargo Security Act of 2003.

Mrs. FEINSTEIN. Mr. President, I rise today to join Senator HUTCHISON in introducing the Air Cargo Security Act, a bill that passed the Senate by Unanimous Consent in the 107th Congress.

Today Senator HUTCHISON and I released a report from the General Accounting Office that demonstrates why

the Congress and the Transportation Security Administration must, together, move quickly to shore up our vulnerabilities to protect against another terrorist attack.

I strongly believe that we must increase our defenses across the board to anticipate the next attack, not just correct the vulnerabilities that were already exploited by terrorists on September 11th.

After September 11th, Congress moved quickly to federalize the airport security screening workforce to prevent more hijackings, but we have not done enough to increase our air cargo security.

The General Accounting Office report shows that Congress must require the TSA to develop a strategic plan to screen and inspect air cargo to protect our Nation's air transportation system. According to this report, our air cargo system remains vulnerable to a terrorist attack because: first, there aren't enough safeguards in place to ensure that someone shipping air cargo under the ''known shipper'' program has taken the proper steps to protect against use by terrorists; second, cargo tampering is possible at various points where cargo transfers from company to company; third, air cargo handlers are not required to have criminal background checks, and they do not always have their identification verified; fourth and most importantly, most cargo shipped by air is never screened.

To address these problems, the GAO recommends that the Transportation Security Administration develop a comprehensive plan for improving air cargo security.

The legislation we are reintroducing today, directs the TSA to: 1. Develop a strategic plan to ensure the security of all air cargo; 2. Establish an industrywide pilot program database of known shippers; 3. set up a training program for handlers to learn how to safe-guard cargo from tampering; and 4. Inspect air cargo shipping facilities on a regular basis.

The Aviation Security Act Congress passed after September 11 required the Transportation Security Administration to screen and inspect air cargo ''as soon as practicable.'' This report shows we cannot wait any longer. The time is now for the Senate to again take up this legislation, again pass this legislation, and for the TSA to prevent terrorists from tampering with the cargo loaded into the underbelly of our airplanes.

The General Accounting Office recommends that the Under Secretary for Transportation develop a comprehensive plan for air cargo security that includes priority actions identified on the basis of risk, costs, deadlines for completing those actions, and performance targets.

The TSA has a great deal of options at its disposal. The TSA could: screen air cargo for explosives; secure cargo with high-tech seals; control access to holding areas containing cargo; use cargo tracking systems; install more cameras in cargo areas at airports; use blast resistant containers; have more bomb-sniffing dogs; put cargo in decompression chambers before loading it onto an aircraft; require the identity of people making air cargo deliveries to be checked; establish an industrywide computer profiling system; require criminal background checks for employees at freight forwarders and consolidators; and require third party inspections.

We do not expect the TSA to X-ray and scan all cargo for explosives because shippers and carriers would be able to process only 4 percent of cargo received daily, which would severely disrupt the air cargo industry. However, the Federal Government can deploy a combination of the techniques I have listed to implement a comprehensive security plan for air cargo.

Since one half of the hull of each passenger aircraft is typically filled with cargo and 22 percent of all cargo transported by plane is loaded on passenger flights, I believe air cargo security is just as important as passenger security. In fact, you cannot keep passengers safe without stronger air cargo security.

Each time there is a major jet crash or bombing, we reexamine our aviation security. I hope it will not take another accident or attack for us to finally pass this legislation into law.

I would like to thank Senator HUTCHISON for her leadership on the issue of transportation security and I urge my colleagues to support our legislation.

By Mrs. LINCOLN:

S. 166. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I am pleased to introduce legislation that codifies the exclusion of irrevocable funeral trusts from Supplemental Security Income, SSI, resource calculations.

Irrevocable funeral trusts are funds set aside for funeral and burial expenses. These funds cannot be accessed until after the owner's death. Until recently, these trusts were not included in SSI resource calculations, but an administrative misinterpretation in 2001 dropped this important exclusion.

This misinterpretation has since been corrected, but it had serious repercussions for many senior citizens while it was in effect. When irrevocable funeral and burial trusts were included in SSI calculations, it penalized those SSI applicants who chose to save for their funeral by inflating their actual individual wealth, even though the trusts could not be accessed. The end result was that many senior citizens' SSI applications were rejected. Because the SSI definition of resources and exclusions is used for Medicaid eligibility determinations, the inclusion also affected Medicaid applicants.

I am introducing this bill to codify the exclusion to give senior citizens certainty that future administrations will not be able to misinterpret Congressional intent.

In the past, Congress has recognized the value of funeral planning as good social policy. We have encouraged consumers to engage in ''pre-need'' funeral planning in a number of ways.

This legislation will encourage people to engage in pre-need planning. It will codify the existing practice of excluding irrevocable funeral trusts from SSI calculations and ensure that future misinterpretations are avoided. We must ensure that people are not penalized for providing for their own funerals. I encourage my colleagues to give this legislation serious consideration.

By Mr. BINGAMAN (for himself and Mr. DEWINE):

S. 167. A bill to direct the Secretary of Energy to carry out a Next Generation Lighting Initiative; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today with my colleague, Senator DEWINE, to introduce legislation which will help maintain our leadership in a field Thomas Edison invented over 100 years ago, lighting.

The title of this bill is the Next Generation Lighting Initiative, or NGLI. The NGLI's purpose is to develop a partnership between our government, industry, and the research community, to enable the U.S. lighting to illuminate our surroundings using energy efficient semiconductors. This bill is structured along the lines of the well known government—industry semiconductor partnership called SEMATECH which the Congress authorized in the 1988 National Defense Authorization Act.

Lighting currently accounts for roughly 19 percent of the energy use in the United States. Lighting is a $40 billion dollar global industry. The United States occupies roughly one-third of that market. Today's lighting market primarily consists of two technologies. The first technology is incandescent lighting, that's the one Thomas Edison invented over 100 years ago. Incandescent lighting relies on running a current through a wire to heat it up and illuminate your surroundings, but only 5 percent of the electricity in a conventional bulb is converted into visible light. The second type of lighting is fluorescent lights, which use a combination of chemical vapors, mainly

mercury, to discharge light when current is passed through it. Fluorescent lights are six times more efficient than a light bulb.

In 1998, electricity from lighting cost about 47 billion dollars, which accounted for about 100 million tons of carbon equivalent from fossil energy plants.

Today, this paradign is changing, because some scientists recently made a leap ahead in lighting research. Technology leaps displace, very quickly, traditional markets. We know the stories all too well, the horse courier, the telegraph, the telephone and finally the Internet.

That's why we are proposing this legislation, because some advances have been made in the areas of solid state lighting that require a national investment that no one lighting industry can match. This emerging technology has the capability to disrupt our existing lighting markets. So quickly in fact, that other countries have formed consortia between their governments, industries, laboratories and universities. Solid state lighting is being taken very seriously around the world.

Let me describe solid state lighting. The best examples are red light emitting diodes, or ''LED's'', found in digital clocks. LED's produce only one color but they do not burn up a wire like a bulb and are seven times more efficient.

Until recently LED's were limited to yellow or red. That all changed in 1995. In 1995, some Japanese researchers developed a blue LED. Soon other bright colors started to emerge, such as green. That is when things started to change. Because, white light is a combination of red, blue, the recent Japanese breakthrough, and green or yellow. The recent Japanese breakthrough of that simple blue LED has now made it possible to produce white light from LED's ten times more efficient than a light bulb.

If it's successful, white light LED's will revolutionize lighting technology and will disrupt the existing industries. It's imperative that we move quickly on these advances. We need a consortia between our government, industry, research labs and academia to develop the necessary pre-competitive research to maintain our leadership role in this field.

I'd like to mention one other technology that will change lighting. That technology is found in your cell phone and on your computer screen. It's called conductive polymers. Three Nobel Prizes were just awarded for this technology. Conductive polymers offer the possibility of covering large surface areas and replacing fluorescent lamps. These materials will not only provide white light, but can display text or programmed color pictures. These technologies can be Internet controlled to adjust building lighting across the country.

Let me describe the Next Generation Lighting Initiative Act. If enacted, it will allow our country to capture these revolutionary mergers between lighting and information. It will supply the necessary pre-competitive R&D which no one industry alone can provide, and, which we as holders of the public trust of basic research owe a duty to further. It will keep the United States in a leadership role for commercial lighting and promote energy efficiency that is ten times that of incandescent lights and twice that of fluorescent lights. We need to enact this legislation now.

The Next Generation Lighting Initiative authorizes the Department of Energy to grant up to $460 million over ten years to a consortium of the United States lighting industry and research institutions. The goals of the Act are to have a 25 percent penetration of solid state lighting into the commercial markets by the 2013. The Next Generation's consortium will perform the basic and manufacturing research. The lighting industry will take this R&D and develop the necessary technologies to make it commercially viable.

This is precompetitive research. It is research that no one industry by itself can perform and which we have a duty to promote together with industry. It has implications for our country's energy policy far broader than economic competitiveness. The potential reduction in energy consumption makes it a national initiative. Once the pre-competitive research is transitioned to industry then it should be terminated, we think that will take about 10 years.

If this initiative is successful, then by 2025, it can reduce our energy consumption by roughly 17 billion watts of power or eliminate the need for 17 large electricity generating plants. That's as much as 17 million homes consume in a single day. That's more homes than in California, Oregon, and Washington combined.

Almost all of the language of this bill was worked out in detail with the House during the 107th Congress as part of the energy bill conference. We feel it is not only bipartisan but bicameral, and we hope that in this Congress it becomes law.

So let me conclude, by saying that the Next Generation Lighting Initiative will carry that U.S. lighting industry into the twenty-first century. It capitalizes on technologies that have the potential to displace our lighting industry. This Initiative will reduce our nation's energy consumption and greenhouse gas emissions. The research necessary to advance this technology requires a national investment that must be in partnership with industry.

I encourage my colleagues to review this bill, offer their comments, and join us in its support. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD as follows:

S. 167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NEXT GENERATION LIGHTING INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) CONSORTIUM.—The term ''consortium'' means the consortium selected by the Secretary under subsection (d)(1).

(2) INITIATIVE.—The term ''Initiative'' means the Next Generation Lighting Initiative carried out under subsection (b).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) GENERAL AUTHORITY.—The Secretary shall carry out a program, to be known as the ''Next Generation Lighting Initiative'', to support research, development, demonstration, and commercial application activities related to advanced solid-state lighting technologies based on white light emitting diodes.

(c) OBJECTIVES.—The objectives of the Initiative shall be—

(1) to develop, by 2012, advanced solid-state lighting technologies based on white light emitting diodes that, compared to incandescent and fluorescent lighting technologies, are—

(A) longer lasting;

(B) more energy-efficient; and

(C) cost-competitive;

(2) to develop an inorganic white light emitting diode that has an efficiency of 160 lumens per watt and a 10-year lifetime; and

(3) to develop an organic white light emitting diode with an efficiency of 100 lumens per watt with a 5-year lifetime that—

(A) illuminates over a full color spectrum;

(B) covers large areas over flexible surfaces; and

(C) does not contain harmful pollutants (such as mercury) that are typical of fluorescent lamps.

(d) FUNDAMENTAL RESEARCH.—

(1) CONSORTIUM.—The Secretary shall carry out the fundamental research activities of the Initiative through a private consortium (which may include private firms, trade associations and institutions of higher education), which the Secretary shall select through a competitive process.

(2) SUBMISSION OF INFORMATION.—Each proposed consortium shall submit to the Secretary such information as the Secretary may require, including a program plan agreed to by all participants of the consortium.

(3) JOINT VENTURE.—The consortium shall be structured as a joint venture among the participants of the consortium.

(4) GOVERNING COUNCIL.—The Secretary shall serve on the governing council of the consortium.

(5) ELIGIBILITY.—To be eligible for a grant under paragraph (6), an applicant shall be broadly representative of United States solid-state lighting research, development, and manufacturing expertise.

(6) GRANTS.—

(A) IN GENERAL.—The Secretary shall award grants for fundamental research to the consortium, which the consortium may disburse to researchers, including researchers that are not participants in the consortium.

(B) SUBMISSION.—To receive a grant, the consortium shall submit to the Secretary a description of the proposed research and a list of the persons that will receive funding.

(C) COST-SHARING.—Grants shall be matched by the consortium in accordance with subsection (h).

(7) NATIONAL LABORATORIES.—National Laboratories may participate in the research under this section and receive funds from the consortium.

(8) INTELLECTUAL PROPERTY.—Participants in the consortium and the Federal Government shall have royalty-free nonexclusive rights to use intellectual property derived from research funded under this subsection.

(e) DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.—

(1) IN GENERAL.—The Secretary shall carry out the development, demonstration, and commercial application activities of the Initiative through awards to private firms, trade associations, and institutions of higher education.

(2) PREFERENCE.—In selecting awardees, the Secretary shall give preference to members of the consortium.

(f) PLANS AND ASSESSMENTS.—

(1) IN GENERAL.—The consortium shall formulate an annual operating plan which shall include research priorities, technical milestones, and plans for technology transfer, and which shall be subject to approval by the Secretary.

(2) REVIEW.—

(A) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct periodic reviews of the Initiative.

(B) DUTIES.—The Academy shall review the research priorities, technical milestones, and plans for technology transfer established under paragraph (1) and evaluate the progress toward achieving them.

(C) CONSIDERATION OF RESULTS.—The Secretary shall consider the results of the reviews in evaluating the plans submitted under paragraph (1).

(g) AUDIT.—

(1) IN GENERAL.—The Secretary shall retain an independent, commercial auditor to perform an audit of the consortium to determine the extent to which the funds authorized by this section have been expended in a manner consistent with this section.

(2) REPORT.—

(A) TO THE SECRETARY.—The auditor shall annually submit to the Secretary a report describing the results of the audit under paragraph (1).

(B) TO CONGRESS.—The Secretary shall transmit to Congress a copy of each report submitted under subparagraph (A), including a plan to remedy any deficiencies noted in the report.

(h) COST SHARING.—

(1) RESEARCH AND DEVELOPMENT.—

(A) IN GENERAL.—For research and development programs carried out under this section, the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project.

(B) REDUCTION OR WAIVER.—The Secretary may reduce or waive the non-Federal requirement under this subsection if the Secretary determines that the research and development is of a basic or fundamental nature.

(2) DEMONSTRATION AND COMMERCIAL APPLICATION.—

(A) IN GENERAL.—The Secretary shall require at least 50 percent of the costs directly and specifically related to any demonstration or commercial application project under this section to be provided from non-Federal sources.

(B) REDUCTION.—The Secretary may reduce the non-Federal requirement under this subsection if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this title.

(3) CALCULATION OF AMOUNT.—In calculating the amount of the non-Federal commitment under paragraph (1) or (2), the Secretary may include personnel, services, equipment, and other resources.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $10,000,000 for fiscal year 2004; and

(2) $50,000,000 for each of fiscal years 2005 through 2013.

(j) TERMINATION OF INITIATIVE.—The Secretary shall terminate the Initiative not later than September 30, 2013.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 168. A bill to require the Secretary of the Treasury to mint coins in commemoration of the San Francisco Old Mint; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to join my colleague Senator BOXER, to introduce the ''San Francisco Old Mint Commemorative Coin Act'' to authorize the United States Mint to issue a commemorative coin that will honor the San Francisco Old Mint and help restore this historic building in downtown San Francisco.

The San Francisco Old Mint Building is an important historical landmark for San Francisco, the State of California, and the United States. Beginning its operations in 1854, the San Francisco Mint was established to take advantage of the plentiful gold and silver mined in the West during the California Gold Rush. At one point, more than half of the money minted in the United States came from the San Francisco Mint, and it once held a third of the Nation's gold supply. Today the ''S'' Mint Mark is found on many rare coins as well as on many new proof coin sets.

The Old Mint Building, located in the heart of the city, has been standing for more than 125 years as the oldest stone building in San Francisco. It is the Old Mint opened in 1874, it was the largest Federal building in the West. Architect Alfred B. Mullet designed this building which is listed on the National Register of Historic Places. A.B. Mullet is the same architect who designed both the U.S. Treasury building and the Old Executive Office Building here in Washington D.C.

A product of America's ''Gilded Age,'' the Old Mint is architecturally reflective of a distinguished line of Greek revival-style buildings that were soon to be eclipsed by other designs at the turn of the century.

Aided by its magnificent stone structure, the Old Mint Building was able to survive the San Francisco earthquake and fire of 1906. In fact, the Mint was the only financial institution that remained operable after the earthquake and the building was used as the treasury for the city's disaster relief funds.

The San Francisco Old Mint Building minted coins until 1937 when the building became too small and its operations moved to a larger space elsewhere in San Francisco. In the years since then, the building has deteriorated. In 1994, the Bureau of the Mint closed the Old Mint because it could not afford the then-estimated $20 million seismic retrofit to bring the building up to code. Since then the building, transferred to the General Services Administration, has remained closed.

Now, the San Francisco Museum and Historical Society has proposed an exciting project to restore and rejuvenate the Old Mint Building in downtown San Francisco. A fine history museum supported by shops, restaurants, community office space, a coin shop, and a visitors center will combine to make the building a striking and viable destination.

I am introducing this legislation to honor the history of the San Francisco Old Mint and the role it played in rebuilding the great ''City by the Bay'' after the 1906 earthquake and fire. This legislation will authorize the Secretary of the Treasury to mint and issue 100,000 $5 gold coins and 500,000 $1 silver coins, which will be emblematic of the San Francisco Old Mint Building and its importance to California and the United States.

The commemorative coin will also help provide funds for the building's restoration. The proceeds generated from the sale of these commemorative coins will be paid to the San Francisco Museum and Historical Society for the building's rehabilitation.

The San Francisco Old Mint is venerated by coin collectors as the ''Granite Lady'' and I believe it is worthy of a commemorative coin. I am very pleased to note that the Citizens Commemorative Coin Advisory Committee, CCCAC, has agreed and that its members have unanimously endorsed this legislation for a 2006 coin, a year that will mark the 100-year anniversary of the building's survival of the 1906 earthquake and fire.

2006 is also the year the U.S. Mint will issue the California quarter and I expect both coins will be attractive to coin collectors. The CCCAC's recommendation will be included in its 2002 annual report that will be delivered to Congress before the end of this month.

Collectors, Californians, and millions of Americans hold the San Francisco Old Mint in the highest regard as a national treasure. Because no other such icon of the numismatic community has been honored by the issuance of a commemorative coin, I believe the San Francisco Old Mint merits commemoration at this time.

I believe honoring and restoring the San Francisco Old Mint Building is an

important historic preservation project. I hope my colleagues will join me to support the San Francisco Old Mint Commemorative Coin Act to honor the unique and proud history of the ''Granite Lady.''

By Mr. KYL:

S. 169. A bill to permanently repeal the estate and generation-skipping transfer taxes; to the Committee on Finance.

Mr. KYL. Mr. President, today I am introducing legislation to repeal the death tax permanently, effective January 1, 2005. While I strongly believe that Congress must make all of the tax cuts enacted in 2001 permanent, and I have introduced S. 96, the ''Contract with Investors,'' that would make this and other important tax law changes, I want to make a separate and special case for repealing the death tax forever.

It is an unfair, inefficient, economically unsound and, frankly, immoral tax that should not come back. In 2001, President Bush and Congress agreed to repeal the death tax. Repeal was tremendously popular. Even though most Americans may never be subject to the death tax, the vast majority know it is terribly unfair to allow Washington to seize more than half of a person's assets when he or she dies. According to a 2001 McLaughlin and Associates poll, 79 percent of respondents approve of the idea of abolishing the death tax.

It is unfair, first of all, to the decedent and to his or her heirs. A person who works hard throughout his or her life, perhaps starts a business, and buys a home in a fast-growing metropolitan area where real estate values are skyrocketing. Or perhaps the person owns a farm or just works hard in a company owned by others, but that person saves and invests and eventually accumulates a small but respectable nest egg. The American dream is to be able to leave these assets to one's children so that they might enjoy a slightly better life than their parents. It is simply unfair and immoral for the government to take more than half of these assets at death.

The impact of the death tax on small, family-owned businesses highlights another inequity, that small businesses often pay taxes at the highest individual rate, currently set at 38.6 percent, while the highest corporate tax rate is 35 percent. When the owner of a small business dies, the heirs may be forced to sell off the business to pay the applicable death tax. When the head of a C corporation dies, his or her heirs may have to sell some assets to pay the death taxes, but generally there is no need for the business to be sold. While Congress has tried to make provisions to ease the impact of the death tax on family businesses, the rules are so restrictive that a business owner can never be sure if he or she qualifies. Furthermore, the family business provisions restrict the size to which the business can grow and still quality for special treatment, creating a disincentive for businesses to expand and create new jobs. A far better solution is to repeal the death tax entirely and permanently.

The death tax also causes collateral damage. Take our small entrepreneur described above. Suppose the business employs 25, maybe 30 people, all of whom rely on the business for their livelihood, health insurance, and retirement savings. The entrepreneur's heirs may not have enough cash to pay the applicable death tax and, therefore, may be forced to liquidate the business. All its employees must now find other jobs. Or suppose the heirs cannot find a ready purchaser for the business and must sell it off in pieces. All of the companies that sold items to or bought items from this business must find other suppliers or customers, leaving a hole in the economy. Although the death tax brings in only about one-and-a-half percent of the Federal Government's annual revenue, it inflicts a disproportionately large and negative impact on the economy.

Not only does the death tax cost jobs directly when heirs are forced to liquidate businesses, it actually reduces Federal revenues by weakening the incentive to save and invest. One of the biggest problems our economy is facing now is that individuals are unwilling to invest at sufficient levels, leading to lower profits, interest, dividends and capital gains, not to mention reduced productivity and lower taxable wages. Economists Gary and Aldona Robbins estimate that repeal of the death tax would increase gross domestic product to such an extent that in 10 years' time, Federal tax revenue would be higher than it would be if the tax were retained. Of course, if the tax comes back after only one year of repeal, this growth will go unrealized.

Beyond lost jobs, liquidated businesses, and confiscatory tax rates, the death tax is inefficient because people pay tremendous sums to tax-planners in hopes of avoiding as much of the tax as possible. Alicia Munnell, a former member of President Clinton's Council of Economic Advisors, estimates that the costs of complying with death tax laws are roughly equal to the revenue raised, or about $23 billion in 1998.

In addition to being unfair and a drag on the economy, the current plan for repealing the death tax and then reinstating it the next year is incomprehensible to most Americans. Under current law, the exemption is $1 million in 2003, gradually raising to $3.5 million in 2009. At the same time, the tax rate drops from its original high of 55 percent down to 45 percent by 2007 and stays there until the death tax is repealed in 2010. In that year, heirs will only be taxed on any inherited property when they sell or otherwise dispose of the property, applying carryover basis, and then at capital gains rates and with an exemption of $1.3 million, and an additional $3 million for a surviving spouse. But, the entire death tax returns the following year at the 2001 rate of 55 percent, with the 2001 exemption of $675,000. The American people know that this makes absolutely no sense. We must fix this problem now and fix it permanently.

My legislation, the Permanent Death Tax Repeal Act of 2003, abolishes the death tax permanently, effective January 1, 2005. I suggest 2005 to give people time to plan for the altered date of repeal. I believe that fairness and sound economic policy require that we enact my legislation as soon as possible, so that people will know that when the death tax disappears, it will disappear for good. As Edward J. McCaffrey, a law professor from the University of Southern California and self-described liberal, said in testimony before the Senate Finance Committee a few years back: ''Polls and practices show that we like sin taxes, such as on alcohol and cigarettes. . . . The estate tax is an anti-sin, or a virtue, tax. It is a tax on work and savings without consumption, on thrift, on long term savings.'' We must end this tax on virtue, work, savings, job creation and the American dream, and we must end it permanently.

By Mr. VOINOVICH:

S. 170. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and further purposes; to the Committee on Environment and Public Works.

Mr. VOINOVICH. Mr. President, I rise today to introduce the Clean Water Infrastructure Financing Act of 2003, legislation which will reauthorize the highly successful, but undercapitalized, Clean Water State Revolving Loan Fund, SRF, Program administered by the U.S. Environmental Protection Agency, EPA. As many of my colleagues know, the Clean Water SRF Program is an effective and immensely popular source of funding for wastewater collection and treatment projects. Congress created the SRF in 1987 to replace the direct grants program that was enacted as part of the landmark 1972 Federal Water Pollution Control Act, or, as it is also known, the Clean Water Act. State and local governments have used the Federal Clean Water SRF to help meet critical environmental infrastructure financing needs. The program operates much like a community bank, where each State determines which projects are built.

The performance of the Clean Water SRF Program has been spectacular. Total Federal capitalization grants have been nearly doubled by non-Federal funding sources, including State

contributions, leveraged bonds, and principal and interest payments. Communities of all sizes are participating in the program, and approximately 11,000 low-interest loans totaling more than $34.3 billion have been approved to date. As in many States, Ohio has needs for public wastewater system improvements which greatly exceed typical Clean Water SRF funding levels. For instance, in fiscal year 2002, a level of $1.35 billion was appropriated for the Clean Water [SRF program nationwide. However, according to the EPA's 1996 Clean Water] Needs Survey, Ohio's 20-year capital investment needs for publicly owned wastewater treatment facilities are $7.4 billion. Of that amount, over $4 billion of improvements have been identified as necessary to address combined serve overflow, CSO, problems in over 100 communities in Ohio. The city of Akron, for example, has proposed to spend $377 million over 30 years to fix the city's CSO problems.

Due to the CSO problem, many Ohio communities face millions of dollars worth of wastewater infrastructure improvements and the likelihood of increased sewer rates without receiving outside funding. In recent years, Ohio cities and villages also have been spending more on maintaining and operating their systems in order to postpone the inevitable upgrades. Nevertheless, their systems are aging and will soon need to be replaced.

While the Clean Water SRF Program's track record is excellent, the condition of our Nation's overall environmental infrastructure remains alarming. A 20-year needs survey conducted by the EPA in 1996 documented $139 billion worth of wastewater capital needs nationwide. In 1999, the national assessment was revised upward to nearly $200 billion, in order to more accurately account for expected sanitary sewer needs. Private studies demonstrate that total needs exceed $300 billion, when anticipated replacement costs are considered. EPA's most recent Clean Water Gap Analysis projected a $6 billion per year capital payments gap for clean water over the next two decades.

Authorization for the Clean Water SRF expired at the end of fiscal year 1994, and the failure of Congress to reauthorize the program sends an implicit message that wastewater collection and treatment is not a national priority. The longer we wait to re-authorize this program, the longer it creates uncertainty about the program's future in the eyes of borrowers, which could delay or in some cases prevent project financing. In order to allow any kind of substantial increase in spending, reauthorization of the Clean Water SRF program is necessary.

The bill that I am introducing today will authorize a total of $15 billion over the next five years for the Clean Water SRF. Not only would this authorization help bridge the enormous infrastructure funding gap, the investment also would pay for itself in perpetuity by protecting our environment, enhancing public health, creating jobs and increasing numerous tax bases across the country. Additionally, the bill will provide technical and planning assistance for small systems, expand the types of projects eligible for loan assistance, and offer financially-distressed communities extended loan repayment periods and principal subsidies. The bill also will allow states to give priority consideration to financially-distressed communities when making loans.

The health and well-being of the American public depends on the condition of our nation's wastewater collection and treatment systems. Unfortunately, the facilities that comprise these systems are often taken for granted absent a crisis. Let me emphasize to my colleagues that the costs of poor environmental infrastructure cannot be ignored. Last year marked the 30th Anniversary of the Clean Water Act. We have come a long way since the Clean Water Act's implementation in 1972. Yet, we still have a long way to go. After 30 years since the passage of the Clean Water Act approximately 45 percent of U.S. waters are still not clean enough for fishing or swimming. The 30th Anniversary of the Clean Water Act is cause for celebration of our accomplishments. It is also an opportunity to recommit ourselves to achieving the goals of the Clean Water Act. The Federal Government must maintain a strong partnership with States and local communities and share in the financial burden of sustaining hard-won water quality gains and making additional improvements to the quality of the Nation's waters.

In just over a decade, the Clean Water SRF Program has helped thousands of communities meet their wastewater treatment needs. My bill will help ensure that the Clean Water SRF Program remains a viable component in the overall development of our Nation's infrastructure for years to come. I urge my colleagues to join me in cosponsoring this legislation, and I urge its speedy consideration by the Senate.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clean Water Infrastructure Financing Act of 2003''.

SEC. 2. GENERAL AUTHORITY FOR CAPITALIZATION GRANTS.

Section 601(a) of the Federal Water Pollution Control Act (33 U.S.C. 1381(a)) is amended by striking ''(1) for construction'' and all that follows through the period at the end and inserting ''to accomplish the purposes of this Act.''.

SEC. 3. CAPITALIZATION GRANTS AGREEMENTS.

(a) REQUIREMENTS FOR CONSTRUCTION OF TREATMENT WORKS.—Section 602(b)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1382(b)(6)) is amended—

(1) by striking ''before fiscal year 1995''; and

(2) by striking ''201(b)'' and all that follows through ''218,'' and inserting ''211,''.

(b) GUIDANCE FOR SMALL SYSTEMS.—Section 602 of the Federal Water Pollution Control Act (33 U.S.C. 1382) is amended by adding at the end the following:

''(c) GUIDANCE FOR SMALL SYSTEMS.—

''(1) SIMPLIFIED PROCEDURES.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall assist the States in establishing simplified procedures for small systems to obtain assistance under this title.

''(2) PUBLICATION OF MANUAL.—Not later than 1 year after the date of enactment of this subsection, after providing notice and opportunity for public comment, the Administrator shall publish—

''(A) a manual to assist small systems in obtaining assistance under this title; and

''(B) in the Federal Register, notice of the availability of the manual.

''(3) DEFINITION OF SMALL SYSTEM.—In this title, the term 'small system' means a system for which a municipality or intermunicipal, interstate, or State agency seeks assistance under this title and that serves a population of 20,000 or fewer inhabitants.''.

SEC. 4. WATER POLLUTION CONTROL REVOLVING FUNDS.

(a) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended by striking subsection (c) and inserting the following:

''(c) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—

''(1) IN GENERAL.—The water pollution control revolving fund of a State shall be used only for providing financial assistance for activities that have, as a principal benefit, the improvement or protection of the water quality of navigable waters to a municipality, intermunicipal, interstate, or State agency, or other person, including activities such as—

''(A) construction of a publicly owned treatment works;

''(B) implementation of lake protection programs and projects under section 314;

''(C) implementation of a nonpoint source management program under section 319;

''(D) implementation of an estuary conservation and management plan under section 320;

''(E) restoration or protection of publicly or privately owned riparian areas, including acquisition of property rights;

''(F) implementation of measures to improve the efficiency of public water use;

''(G) development and implementation of plans by a public recipient to prevent water pollution; and

''(H) acquisition of land necessary to meet any mitigation requirements related to construction of a publicly owned treatment works.

''(2) FUND AMOUNTS.—

''(A) REPAYMENTS.—The water pollution control revolving fund of a State shall be established, maintained, and credited with repayments.

''(B) AVAILABILITY.—The balance in the fund shall be available in perpetuity for providing financial assistance described in paragraph (1).

''(C) FEES.—Fees charged by a State to recipients of the assistance may be deposited in the fund and may be used only to pay the cost of administering this title.''.

(b) EXTENDED REPAYMENT PERIOD FOR FINANCIALLY DISTRESSED COMMUNITIES.—Section 603(d)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)(1)) is amended—

(1) in subparagraph (A), by inserting after ''20 years'' the following: ''or, in the case of a financially distressed community, the lesser of 40 years or the expected life of the project to be financed with the proceeds of the loan''; and

(2) in subparagraph (B), by striking ''not later than 20 years after project completion'' and inserting ''on the expiration of the term of the loan''.

(c) LOAN GUARANTEES.—Section 603(d) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)) is amended by striking paragraph (5) and inserting the following:

''(5) to provide loan guarantees for—

''(A) similar revolving funds established by municipalities or intermunicipal agencies; and

''(B) developing and implementing innovative technologies;''.

(d) ADMINISTRATIVE EXPENSES.—Section 603(d)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)(7)) is amended by inserting before the period at the end the following: ''or the greater of $400,000 per year or an amount equal to ½ percent per year of the current valuation of the fund, plus the amount of any fees collected by the State under subsection (c)(2)(C)''.

(e) TECHNICAL AND PLANNING ASSISTANCE FOR SMALL SYSTEMS.—Section 603(d) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)) is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) to provide to small systems technical and planning assistance and assistance in financial management, user fee analysis, budgeting, capital improvement planning, facility operation and maintenance, repair schedules, and other activities to improve wastewater treatment plant operations, except that the amounts used under this paragraph for a fiscal year shall not exceed 2 percent of all grants provided to the fund for the fiscal year under this title.''.

(f) CONSISTENCY WITH PLANNING REQUIREMENTS.—Section 603(f) of the Federal Water Pollution Control Act (33 U.S.C. 1383(f)) is amended by striking ''is consistent'' and inserting ''is not inconsistent''.

(g) CONSTRUCTION ASSISTANCE.—Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended by striking subsection (g) and inserting the following:

''(g) CONSTRUCTION ASSISTANCE.—

''(1) PRIORITY LIST REQUIREMENT.—The State may provide financial assistance from the water pollution control revolving fund of the State for a project for construction of a publicly owned treatment works only if the project is on the priority list of the State under section 216, without regard to the rank of the project on the list.

''(2) ELIGIBILITY OF CERTAIN TREATMENT WORKS.—A treatment works shall be treated as a publicly owned treatment works for purposes of subsection (c) if the treatment works, without regard to ownership, would be considered a publicly owned treatment works and is principally treating municipal waste water or domestic sewage.''.

(h) PRINCIPAL SUBSIDIZATION.—Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended by adding at the end the following:

''(i) PRINCIPAL SUBSIDIZATION.—

''(1) IN GENERAL.—Subject to paragraph (2), in a case in which a State makes a loan under subsection (d)(1) to a financially distressed community, the State may provide additional subsidization to the loan recipient (including forgiveness of principal).

''(2) LIMITATION.—For each fiscal year, the total amount of loan subsidies made by a State under this subsection shall not exceed 30 percent of the amount of the capitalization grant received by the State for that fiscal year.

''(j) INFORMATION TO ASSIST STATES.—The Administrator may publish information to assist States in establishing the affordability criteria referred to in subsection (l).

''(k) PRIORITY.—In making a loan under this section, a State may give priority to a financially distressed community.

''(l) DEFINITION OF FINANCIALLY DISTRESSED COMMUNITY.—In this section, the term 'financially distressed community' means any community that meets affordability criteria that are—

''(1) established by the State in which the community is located; and

''(2) developed after public review and comment.''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 607 of the Federal Water Pollution Control Act (33 U.S.C. 1387) is amended by striking ''the following sums:'' and all that follows through the period at the end of paragraph (5) and inserting ''$3,000,000,000 for each of fiscal years 2003 through 2007.''.

By Mr. DAYTON:

S. 171. A bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes; to the Committee on Finance.

Mr. DAYTON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Ambulance Payment Reform Act of 2003''.

SEC. 2. AMBULANCE PAYMENT RATES.

(a) PAYMENT RATES.—

(1) IN GENERAL.—Section 1834(l)(3) of the Social Security Act (42 U.S.C. 1395m(l)(3)) is amended to read as follows:

''(3) PAYMENT RATES.—

''(A) IN GENERAL.—Subject to any adjustment under subparagraph (B) and paragraph (9) and the full payment of a national mileage rate pursuant to paragraph (2)(E), in establishing such fee schedule, the following rules shall apply:

''(i) PAYMENT RATES IN 2003.—

''(I) GROUND AMBULANCE SERVICES.—In the case of ground ambulance services furnished under this part in 2003, the Secretary shall set the payment rates under the fee schedule for such services at a rate based on the average costs (as determined by the Secretary on the basis of the most recent and reliable information available) incurred by full cost ambulance suppliers in providing nonemergency basic life support ambulance services covered under this title, with adjustments to the rates for other ground ambulance service levels to be determined based on the rule established under paragraph (1). For the purposes of the preceding sentence, the term 'full cost ambulance supplier' means a supplier for which volunteers or other unpaid staff comprise less than 20 percent of the supplier's total staff and which receives less than 20 percent of space and other capital assets free of charge.

''(II) OTHER AMBULANCE SERVICES.—In the case of ambulance services not described in subclause (I) that are furnished under this part in 2003, the Secretary shall set the payment rates under the fee schedule for such services based on the rule established under paragraph (1).

''(ii) PAYMENT RATES IN SUBSEQUENT YEARS FOR ALL AMBULANCE SERVICES.—In the case of any ambulance service furnished under this part in 2004 or any subsequent year, the Secretary shall set the payment rates under the fee schedule for such service at amounts equal to the payment rate under the fee schedule for that service furnished during the previous year, increased by the percentage increase in the Consumer Price Index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year.

''(B) ADJUSTMENT IN RURAL RATES.—For years beginning with 2004, the Secretary, after taking into consideration the recommendations contained in the report submitted under section 221(b)(3) the Medicare, Medicaid, and SCHIP Benefits Improvements and Protection Act of 2000, shall adjust the fee schedule payment rates that would otherwise apply under this subsection for ambulance services provided in low density rural areas based on the increased cost (if any) of providing such services in such areas.''.

(2) CONFORMING AMENDMENT.—Section 221(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–487), as enacted into law by section 1(a)(6) of Public Law 106–554, is repealed.

(b) USE OF MEDICAL CONDITIONS FOR CODING AMBULANCE SERVICES.—Section 1834(l)(7) of the Social Security Act (42 U.S.C. 1395m(l)(7)) is amended to read as follows:

''(7) CODING SYSTEM.—

''(A) IN GENERAL.—The Secretary shall, in accordance with section 1173(c)(1)(B), establish a system or systems for the coding of claims for ambulance services for which payment is made under this subsection, including a code set specifying the medical condition of the individual who is transported and the level of service that is appropriate for the transportation of an individual with that medical condition.

''(B) MEDICAL CONDITIONS.—The code set established under subparagraph (A) shall—

''(i) take into account the list of medical conditions developed in the course of the negotiated rulemaking process conducted under paragraph (1); and

''(ii) notwithstanding any other provision of law, be adopted as a standard code set under section 1173(c).''.

By Mr. DAYTON:

S. 172. A bill to amend title XVIII of the Social Security Act to improve the access of medicare beneficiaries to

services in rural hospitals and critical access hospitals, and for other purposes; to the Committee on Finance.

Mr. DAYTON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENTS TO THE SOCIAL SECURITY ACT.

(a) SHORT TITLE.—This Act may be cited as the ''Rural Health Care Equity Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Permitting hospitals to allocate swing beds and acute care inpatient beds subject to a total limit of 25 beds.
Sec. 3. Elimination of isolation test for cost-based CAH ambulance services.
Sec. 4. Adjustment to wage index.
Sec. 5. Establishing a single standardized amount under medicare inpatient hospital PPS.
Sec. 6. Restoring full market basket update for inpatient PPS hospitals.
Sec. 7. Freezing indirect medical education (IME) adjustment percentage at 6.5 percent.
Sec. 8. Establishment of rural community hospital (RCH) program.
Sec. 9. Removing barriers to establishment of distinct part units by RCH and CAH facilities.
Sec. 10. Improvements to medicare critical access hospital (CAH) program.
Sec. 11. 5-year extension of the authorization for appropriations grant program.
Sec. 12. GAO study on wage indexing and placement of hospitals in MSAs.

(c) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered a reference to that section or other provision of the Social Security Act.

SEC. 2. PERMITTING HOSPITALS TO ALLOCATE SWING BEDS AND ACUTE CARE INPATIENT BEDS SUBJECT TO A TOTAL LIMIT OF 25 BEDS.

(a) IN GENERAL.—Section 1820(c)(2)(B)(iii) (42 U.S.C. 1395i–4(c)(2)(B)(iii)) is amended to read as follows:

''(iii) provides not more than a total of 25 extended care service beds (pursuant to an agreement under subsection (f)) or acute care inpatient beds (meeting such standards as the Secretary may establish) for providing inpatient care for a period that does not exceed, as determined on an annual, average basis, 96 hours per patient;''.

(b) CONFORMING AMENDMENT.—Section 1820(f) (42 U.S.C. 1395i–4(f)) is amended by striking ''and the number of beds used at any time for acute care inpatient services does not exceed 15 beds''.

SEC. 3. ELIMINATION OF ISOLATION TEST FOR COST-BASED CAH AMBULANCE SERVICES.

Section 1834(l)(8) (42 U.S.C. 1395m(l)), as added by section 205(a) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (Appendix F, 114 Stat. 2763A–463), as enacted into law by section 1(a)(6) of Public Law 106–554, is amended by striking the comma at the end of subparagraph (B) and all that follows and inserting a period.

SEC. 4. ADJUSTMENT TO WAGE INDEX.

(a) IN GENERAL.—Section 1886(d)(3)(E) (42 U.S.C. 1395ww(d)(3)(E)) is amended—

(1) by striking ''WAGE LEVELS.—The Secretary'' and inserting ''WAGE LEVELS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary''; and

(2) by adding at the end the following new clause:

''(ii) ALTERNATIVE PROPORTION TO BE ADJUSTED IN FISCAL YEARS 2003, 2004, AND 2005.—

''(I) IN GENERAL.—Except as provided in subclause (II), for discharges occurring on or after October 1, 2002, and before October 1, 2005, the Secretary shall substitute '63 percent' for the proportion described in the first sentence of clause (i).

''(II) HOLD HARMLESS FOR CERTAIN HOSPITALS.—For discharges occurring on or after October 1, 2002, and before October 1, 2005, if the application of subclause (I) would result in lower payments to a hospital than would otherwise be made, then this subparagraph shall be applied as if this clause had not been enacted.

(b) WAIVING BUDGET NEUTRALITY.—Section 1886(d)(3)(E) (42 U.S.C. 1395ww(d)(3)(E)), as amended by subsection (a), is amended by adding at the end of clause (i) the following new sentence: ''The Secretary shall apply the previous sentence for any period as if clause (ii) had not been enacted.''.

SEC. 5. ESTABLISHING A SINGLE STANDARDIZED AMOUNT UNDER MEDICARE INPATIENT HOSPITAL PPS.

(a) IN GENERAL.—Section 1886(d)(3)(A) (42 U.S.C. 1395ww(d)(3)(A)) is amended—

(1) in clause (iv), by inserting ''and ending on or before September 30, 2002,'' after ''October 1, 1995,''; and

(2) by redesignating clauses (v) and (vi) as clauses (vii) and (viii), respectively, and inserting after clause (iv) the following new clauses:

''(v) For discharges occurring in the fiscal year beginning on October 1, 2002, the average standardized amount for hospitals located in areas other than a large urban area shall be equal to the average standardized amount for hospitals located in a large urban area.

''(vi) For discharges occurring in a fiscal year beginning on or after October 1, 2003, the Secretary shall compute an average standardized amount for hospitals located in all areas within the United States equal to the average standardized amount computed under clause (v) or this clause for the previous fiscal year increased by the applicable percentage increase under subsection (b)(3)(B)(i) for the fiscal year involved.''.

(b) CONFORMING AMENDMENTS.—

(1) UPDATE FACTOR.—Section 1886(b)(3)(B)(i)(XVII) (42 U.S.C. 1395ww(b)(3)(B)(i)(XVII)) is amended by striking ''for hospitals in all areas,'' and inserting ''for hospitals located in a large urban area,''.

(2) COMPUTING DRG-SPECIFIC RATES.—

(A) IN GENERAL.—Section 1886(d)(3)(D) (42 U.S.C. 1395ww(d)(3)(D)) is amended—

(i) in the heading by striking ''IN DIFFERENT AREAS'';

(ii) in the matter preceding clause (i)—

(I) by inserting ''for fiscal years before fiscal year 1997'' before ''a regional DRG prospective payment rate for each region,''; and

(II) by striking ''each of which is'';

(iii) in clause (i)—

(I) by inserting ''for fiscal years before fiscal year 2003,'' after ''(i)''; and

(II) in subclause (II), by striking ''and'' after the semicolon at the end;

(iv) in clause (ii)—

(I) by inserting ''for fiscal years before fiscal year 2003,'' after ''(ii)''; and

(II) in subclause (II), by striking the period at the end and inserting ''; and''; and

(v) by adding at the end the following new clause:

''(iii) for a fiscal year beginning after fiscal year 2002, for hospitals located in all areas, to the product of—

''(I) the applicable average standardized amount (computed under subparagraph (A)), reduced under subparagraph (B), and adjusted or reduced under subparagraph (C) for the fiscal year; and

''(II) the weighting factor (determined under paragraph (4)(B)) for that diagnosis-related group.''.

(B) TECHNICAL CONFORMING SUNSET.—Section 1886(d)(3) of such Act (42 U.S.C. 1395ww(d)(3)) is amended in the matter preceding subparagraph (A) by inserting ''for fiscal years before fiscal year 1997'' before ''a regional DRG prospective payment rate''.

SEC. 6. RESTORING FULL MARKET BASKET UPDATE FOR INPATIENT PPS HOSPITALS.

Section 1886(b)(3)(B)(i) (42 U.S.C. 1395ww(b)(3)(B)(i)) is amended—

(1) in subclause (XV), by adding ''and'' at the end;

(2) in subclause (XVI)—

(A) by inserting ''and each subsequent fiscal year'' after ''for fiscal year 2001''; and

(B) by striking the comma at the end and inserting a period; and

(3) by striking subclauses (XVII), (XVIII), and (XIX).

SEC. 7. FREEZING INDIRECT MEDICAL EDUCATION (IME) ADJUSTMENT PERCENTAGE AT 6.5 PERCENT.

(a) IN GENERAL.—Section 1886(d)(5)(B)(ii) (42 U.S.C. 1395ww(d)(5)(B)(ii)) is amended—

(1) in subclause (V), by adding ''and'' at the end; and

(2) by striking subclauses (VI) and (VII) and inserting the following:

''(VI) on or after October 1, 2001, 'c' is equal to 1.6.''.

(b) CONFORMING AMENDMENT RELATING TO DETERMINATION OF STANDARDIZED AMOUNT.—Section 1886(d)(2)(C)(i) (42 U.S.C. 1395ww(d)(2)(C)(i)) is amended—

(1) by striking ''1999 or'' and inserting ''1999,''; and

(2) by inserting '', or of section 7 of the Rural Health Care Equity Act of 2003'' after ''2000''.

SEC. 8. ESTABLISHMENT OF RURAL COMMUNITY HOSPITAL (RCH) PROGRAM.

(a) IN GENERAL.—Section 1861 (42 U.S.C. 1395x) is amended by adding at the end of the following new subsection:

''Rural Community Hospital; Rural Community Hospital Services

''(ww)(1) The term 'rural community hospital' means a hospital (as defined in subsection (e)) that—

''(A) is located in a rural area (as defined in section 1886(d)(2)(D)) or treated as being so located pursuant to section 1886(d)(8)(E);

''(B) subject to subparagraph (B), has less than 51 acute care inpatient beds, as reported in its most recent cost report;

''(C) makes available 24-hour emergency care services;

''(D) subject to subparagraph (C), has a provider agreement in effect with the Secretary and is open to the public as of January 1, 2002; and

''(E) applies to the Secretary for such designation.

''(2) For purposes of paragraph (1)(B), beds in a psychiatric or rehabilitation unit of the hospital which is a distinct part of the hospital shall not be counted.

''(3) Subparagraph (1)(C) shall not be construed to prohibit any of the following from qualifying as a rural community hospital:

''(A) A replacement facility (as defined by the Secretary in regulations in effect on January 1, 2002) with the same service area (as defined by the Secretary in regulations in effect on such date).

''(B) A facility obtaining a new provider number pursuant to a change of ownership.

''(C) A facility which has a binding written agreement with an outside, unrelated party for the construction, reconstruction, lease, rental, or financing of a building as of January 1, 2002.

''(4) Nothing in this subsection shall be construed as prohibiting a critical access hospital from qualifying as a rural community hospital if the critical access hospital meets the conditions otherwise applicable to hospitals under subsection (e) and section 1866.''.

(b) PAYMENT.—

(1) INPATIENT SERVICES.—Section 1814 (42 U.S.C. 1395f) is amended by adding at the end the following new subsection:

''Payment for Inpatient Services Furnished in Rural Community Hospitals

''(m) The amount of payment under this part for inpatient hospital services furnished in a rural community hospital, other than such services furnished in a psychiatric or rehabilitation unit of the hospital which is a distinct part, is, at the election of the hospital in the application referred to in section 1861(ww)(1)(D)—

''(1) the reasonable costs of providing such services, without regard to the amount of the customary or other charge, or

''(2) the amount of payment provided for under the prospective payment system for inpatient hospital services under section 1886(d).''.

(2) OUTPATIENT SERVICES.—Section 1834 (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

''(n) PAYMENT FOR OUTPATIENT SERVICES FURNISHED IN RURAL COMMUNITY HOSPITALS.—

''(1) IN GENERAL.—The amount of payment under this part for outpatient services furnished in a rural community hospital is, at the election of the hospital in the application referred to in section 1861(ww)(1)(D)—

''(A) the reasonable costs of providing such services, without regard to the amount of the customary or other charge and any limitation under section 1861(v)(1)(U), or

''(B) the amount of payment provided for under the prospective payment system for covered OPD services under section 1833(t).

''(2) BENEFICIARY COST SHARING FOR OUTPATIENT SERVICES FURNISHED IN A RURAL COMMUNITY HOSPITAL.—The amounts of beneficiary cost sharing for outpatient services furnished in a rural community hospital under this part shall be as follows:

''(A) For items and services that would have been paid under section 1833(t) if provided by a hospital, the amount of cost sharing determined under paragraph (8) of such section.

''(B) For items and services that would have been paid under section 1833(h) if furnished by a provider or supplier, no cost sharing shall apply.

''(C) For all other items and services, the amount of cost sharing that would apply to the item or service under the methodology that would be used to determine payment for such item or service if provided by a physician, provider, or supplier, as the case may be.''.

(3) HOME HEALTH SERVICES.—

(A) EXCLUSION FROM HOME HEALTH PPS.—

(i) IN GENERAL.—Section 1895 (42 U.S.C. 1395fff) is amended by adding at the end the following:

''(f) EXCLUSION.—

''(1) IN GENERAL.—In determining payments under this title for home health services furnished on or after October 1, 2002, by a qualified RCH-based home health agency (as defined in paragraph (2))—

''(A) the agency may make a one-time election to waive application of the prospective payment system established under this section to such services furnished by the agency shall not apply; and

''(B) in the case of such an election, payment shall be made on the basis of the reasonable costs incurred in furnishing such services as determined under section 1861(v), but without regard to the amount of the customary or other charges with respect to such services or the limitations established under paragraph (1)(L) of such section.

''(2) QUALIFIED RCH-BASED HOME HEALTH AGENCY DEFINED.—For purposes of paragraph (1), a 'qualified RCH-based home health agency' is a home health agency that is a provider-based entity (as defined in section 404 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (Public Law 106–554; Appendix F, 114 Stat. 2763A–506) of a rural community hospital that is located—

''(A) in a county in which no main or branch office of another home health agency is located; or

''(B) at least 35 miles from any main or branch office of another home health agency.''.

(ii) CONFORMING CHANGES.—

(I) PAYMENTS UNDER PART A.—Section 1814(b) (42 U.S.C. 1395f(b)) is amended by inserting ''or with respect to services to which section 1895(f) applies'' after ''equipment'' in the matter preceding paragraph (1).

(II) PAYMENTS UNDER PART B.—Section 1833(a)(2)(A) (42 U.S.C. 1395l(a)(2)(A)) is amended by striking ''the prospective payment system under''.

(III) PER VISIT LIMITS.—Section 1861(v)(1)(L)(i) (42 U.S.C. 1395x(v)(1)(L)(i)) is amended by inserting ''(other than by a qualified RCH-based home health agency (as defined in section 1895(f)(2))'' after ''with respect to services furnished by home health agencies''.

(iii) CONSOLIDATED BILLING.—

(I) RECIPIENT OF PAYMENT.—Section 1842(b)(6)(F) (42 U.S.C. 1395u(b)(6)(F)) is amended by inserting ''and excluding home health services to which section 1895(f) applies'' after ''provided for in such section''.

(II) EXCEPTION TO EXCLUSION FROM COVERAGE.—Section 1862(a) (42 U.S.C. 1395y(a)) is amended by inserting before the period at the end of the second sentence the following: ''and paragraph (21) shall not apply to home health services to which section 1895(f) applies''.

(4) RETURN ON EQUITY.—Section 1861(v)(1)(P) (42 U.S.C. 1395x(v)(1)(P)) is amended—

(A) by inserting ''(i)'' after ''(P)''; and

(B) by adding at the end the following:

''(ii)(I) Notwithstanding clause (i), subparagraph (S)(i), and section 1886(g)(2), such regulations shall provide, in determining the reasonable costs of the services described in subclause (II) furnished by a rural community hospital on or after October 1, 2002, for payment of a return on equity capital at a rate of return equal to 150 percent of the average specified in clause (i).

''(II) The services described in this subparagraph are inpatient hospital services, outpatient hospital services, home health services furnished by a qualified RCH-based home health agency (as defined in section 1895(f)(2)), and ambulance services.

''(III) Payment under this clause shall be made without regard to whether a provider is a proprietary provider.''.

(5) EXEMPTION FROM 30 PERCENT REDUCTION IN REIMBURSEMENT FOR BAD DEBT.—Section 1861(v)(1)(T) (42 U.S.C. 1395x(v)(1)(T)) is amended by inserting ''(other than a rural community hospital)'' after ''In determining such reasonable costs for hospitals''.

(c) CONFORMING AMENDMENTS.—

(1) PART A PAYMENT.—Section 1814(b) (42 U.S.C. 1395f(b)) is amended by inserting ''other than a rural community hospital furnishing inpatient hospital services,'' after ''critical access hospital services,'' in the matter preceding paragraph (1).

(2) PART B PAYMENT.—

(A) IN GENERAL.—Section 1833(a) (42 U.S.C. 1395l(a)) is amended—

(i) in paragraph (2), in the matter preceding subparagraph (A), by striking ''and (I)'' and inserting ''(I), and (K)'';

(ii) in paragraph (8), by striking ''and'' after the semicolon at the end;

(iii) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following new paragraph:

''(10) in the case of outpatient services furnished by a rural community hospital, the amounts described in section 1834(n).''.

(B) AMBULANCE SERVICES.—Section 1834(l)(8) (42 U.S.C. 1395m(l)(8)), as added by section 205(a) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (Appendix F, 114 Stat. 2763A–463), as enacted into law by section 1(a)(6) of Public Law 106–554, is amended—

(i) in the heading, by striking ''CRITICAL ACCESS HOSPITALS'' and inserting ''CERTAIN FACILITIES'';

(ii) by striking ''or'' at the end of subparagraph (A);

(iii) by redesignating subparagraph (B) as subparagraph (C);

(iv) by inserting after subparagraph (A) the following new subparagraph:

''(B) by a rural community hospital (as defined in section 1861(ww)(1)), or''; and

(v) in subparagraph (C), as so redesignated, by inserting ''or a rural community hospital'' after ''critical access hospital''.

(3) TECHNICAL AMENDMENTS.—

(A) CONSULTATION WITH STATE AGENCIES.—Section 1863 (42 U.S.C. 1395z) is amended by striking ''and (dd)(2)'' and inserting ''(dd)(2), (mm)(1), and (ww)(1)''.

(B) PROVIDER AGREEMENTS.—The first sentence of section 1866(a)(2)(A) (42 U.S.C. 1395cc(a)(2)(A)) is amended by inserting ''section 1834(n)(2),'' after ''section 1833(b),''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after October 1, 2002.

SEC. 9. REMOVING BARRIERS TO ESTABLISHMENT OF DISTINCT PART UNITS BY RCH AND CAH FACILITIES.

(a) IN GENERAL.—Section 1886(d)(1)(B) (42 U.S.C. 1395ww(d)(1)(B)) is amended by striking ''a distinct part of the hospital (as defined by the Secretary)'' and inserting ''a distinct part (as defined by the Secretary) of

the hospital, critical access hospital, or rural community hospital'' in the matter following clause (v)(III).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to determinations with respect to distinct part unit status that are made on or after October 1, 2002.

SEC. 10. IMPROVEMENTS TO MEDICARE CRITICAL ACCESS HOSPITAL (CAH) PROGRAM.

(a) EXCLUSION OF CERTAIN BEDS FROM BED COUNT.—Section 1820(c)(2) (42 U.S.C. 1395i–4(c)(2)) is amended by adding at the end the following new subparagraph:

''(E) EXCLUSION OF CERTAIN BEDS FROM BED COUNT.—In determining the number of beds of a facility for purposes of applying the bed limitations referred to in subparagraph (B)(iii) and subsection (f), the Secretary shall not take into account any bed of a distinct part psychiatric or rehabilitation unit (described in the matter following clause (v) of section 1886(d)(1)(B)) of the facility, except that the total number of beds that are not taken into account pursuant to this subparagraph with respect to a facility shall not exceed 10.''.

(b) PAYMENTS TO HOME HEALTH AGENCIES OWNED AND OPERATED BY A CAH.—Section 1895(f)(1) (42 U.S.C. 1395fff(f)(1)), as added by this title, is further amended by inserting ''or by a home health agency that is owned and operated by a critical access hospital (as defined in section 1861(mm)(1))'' after ''as defined in paragraph (2))'' in the matter preceding subparagraph (A).

(c) PAYMENTS TO CAH-OWNED SNFS.—

(1) IN GENERAL.—Section 1888(e) (42 U.S.C. 1395yy(e)) is amended—

(A) in paragraph (1), by striking ''and (12)'' and inserting ''(12), and (13)''; and

(B) by adding at the end the following new paragraph:

''(13) EXEMPTION OF CAH FACILITIES FROM PPS.—In determining payments under this part for covered skilled nursing facility services furnished on or after October 1, 2002, by a skilled nursing facility that is a distinct part unit of a critical access hospital (as defined in section 1861(mm)(1)) or is owned and operated by a critical access hospital—

''(A) the prospective payment system established under this subsection shall not apply; and

''(B) payment shall be made on the basis of the reasonable costs incurred in furnishing such services as determined under section 1861(v), but without regard to the amount of the customary or other charges with respect to such services or the limitations established under subsection (a).''.

(2) CONFORMING CHANGES.—

(A) IN GENERAL.—Section 1814(b) (42 U.S.C. 1395f(b)), as amended by section 8(c)(1), is further amended in the matter preceding paragraph (1)—

(i) by inserting ''other than a skilled nursing facility providing covered skilled nursing facility services (as defined in section 1888(e)(2)) or posthospital extended care services to which section 1888(e)(13) applies,'' after ''inpatient critical access hospital services''; and

(ii) by striking ''1813 1886,'' and inserting ''1813, 1886, 1888,''.

(B) CONSOLIDATED BILLING.—

(i) RECIPIENT OF PAYMENT.—Section 1842(b)(6)(E) (42 U.S.C. 1395u(b)(6)(E)) is amended by inserting ''services to which paragraph (7)(C) or (13) of section 1888(e) applies and'' after ''other than''.

(ii) EXCEPTION TO EXCLUSION FROM COVERAGE.—Section 1862(a)(18) (42 U.S.C. 1395y(a)(18)) is amended by inserting ''(other than services to which paragraph (7)(C) or (13) of section 1888(e) applies)'' after ''section 1888(e)(2)(A)(i)''.

(d) PAYMENTS TO DISTINCT PART PSYCHIATRIC OR REHABILITATION UNITS OF CAHS.—Section 1886(b) (42 U.S.C. 1395ww(b)) is amended—

(1) in paragraph (1), by inserting '', other than a distinct part psychiatric or rehabilitation unit to which paragraph (8) applies,'' after ''subsection (d)(1)(B)''; and

(2) by adding at the end the following new paragraph:

''(8) EXEMPTION OF CERTAIN DISTINCT PART PSYCHIATRIC OR REHABILITATION UNITS FROM COST LIMITS.—In determining payments under this part for inpatient hospital services furnished on or after October 1, 2002, by a distinct part psychiatric or rehabilitation unit (described in the matter following clause (v) of subsection (d)(1)(B)) of a critical access hospital (as defined in section 1861(mm)(1))—

''(A) the limits imposed under the preceding paragraphs of this subsection shall not apply; and

''(B) payment shall be made on the basis of the reasonable costs incurred in furnishing such services as determined under section 1861(v), but without regard to the amount of the customary or other charges with respect to such services.''.

(e) RETURN ON EQUITY.—Section 1861(v)(1)(P) (42 U.S.C. 1395x(v)(1)(P)), as amended by section 8(b)(4), is further amended by adding at the end the following new clause:

''(iii)(I) Notwithstanding clause (i), subparagraph (S)(i), and section 1886(g)(2), such regulations shall provide, in determining the reasonable costs of the services described in subclause (II) furnished by a rural community hospital on or after October 1, 2002, for payment of a return on equity capital at a rate of return equal to 150 percent of the average specified in clause (i).

''(II) The services described in this subclause are inpatient critical access hospital services (as defined in section 1861(mm)(2)), outpatient critical access hospital services (as defined in section 1861(mm)(3)), extended care services provided pursuant to an agreement under section 1883, posthospital extended care services to which section 1888(e)(13) applies, home health services to which section 1895(f) applies, ambulance services to which section 1834(l) applies, and inpatient hospital services to which section 1886(b)(8) applies.

''(III) Payment under this clause shall be made without regard to whether a provider is a proprietary provider.''.

(f) TECHNICAL CORRECTIONS.—

(1) SECTION 403(b) OF BBRA 1999.—Section 1820(b)(2) (42 U.S.C. 1395i–4(b)(2)) is amended by striking ''nonprofit or public hospitals'' and inserting ''hospitals''.

(2) SECTION 203(b) OF BIPA 2000.—Section 1883(a)(3) (42 U.S.C. 1395tt(a)(3)) is amended—

(A) by inserting ''section 1861(v)(1)(G) or'' after ''Notwithstanding''; and

(B) by striking ''covered skilled nursing facility''.

(g) EFFECTIVE DATES.—

(1) ELIMINATION OF REQUIREMENTS.—The amendment made by subsections (a) and (b) shall apply to services furnished on or after October 1, 2002.

(2) TECHNICAL CORRECTIONS.—

(A) BBRA.—The amendment made by subsection (f)(1) shall be effective as if included in the enactment of section 403(b) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (Appendix F, 113 Stat. 1501A–321), as enacted into law by section 1000(a)(6) of Public Law 106–113.

(B) BIPA.—The amendment made by subsection (f)(2) shall be effective as if included in the enactment of section 203(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (Appendix F, 114 Stat. 2763A–463), as enacted into law by section 1(a)(6) of Public Law 106–554.

SEC. 11. 5-YEAR EXTENSION OF THE AUTHORIZATION FOR APPROPRIATIONS FOR GRANT PROGRAM.

Section 1820(j) (42 U.S.C. 1395i–4(j)) is amended by striking ''through 2002'' and inserting ''through 2007''.

SEC. 12. GAO STUDY ON WAGE INDEXING AND PLACEMENT OF HOSPITALS IN MSAs.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the reformation of wage indexing and the rules governing the placement of hospitals in metropolitan statistical areas.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a) together with recommendations for such legislation or administrative actions as the Comptroller General considers appropriate.

By Mrs. BOXER (for herself, Mr. CHAFEE, Mr. JEFFORDS, Mr. CORZINE, Mr. BIDEN, and Mr. DURBIN):

S. 173. A bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund; to the Committee on Finance.

Mrs. BOXER. Mr. President, today I am reintroducing a bill that addresses a critical gap that now exists in the funding for the clean-up of the Nation's most toxic waste sites. The Toxic Clean-up Polluter Pays Renewal Act restores fees on oil, chemical and other industries to ensure that the Superfund Trust Fund, is solvent and that polluters, not American taxpayers, bear the burden of cleaning up sites that pose a threat to the health and safety of our communities.

I am pleased to be reintroducing this bill with Senator CHAFEE. In the 107th Congress, we worked together on a number of issues as the Chair and Ranking Member of the Superfund Subcommittee of the Environmental and Public Works Committee. I look forward to continuing that relationship.

The threats posed by Superfund sites affect communities in every corner of the country. One in every four Americans lives within four miles of a Superfund site. That's 70 million Americans and that includes 10 million children who are at risk of cancer and other health problems.

My State of California has the second highest number of Superfund sites in the country after New Jersey. And more that 40 percent of Californians live within four miles of a Superfund site.

Anyone who lives anywhere near a Superfund site knows about the terrible damage these industrial sites do to the community. Parents worry if

their kids are safe when they find out there is a toxic mess down the street; real estate values go down the drain; and major challenges must be overcome to get the responsible parties to own up to their responsibility.

Fortunately, after Love Canal in 1980, Congress enacted the Superfund law to address the serious threat posed by these sites. And this law worked. Great progress was being made. Since the creation of this program, over 800 sites have been cleaned up. During the last four years of the Clinton administration, an average of 87 final cleanups occurred each year.

Unfortunately, this program has seen a sharp decline since the start of the Bush administration. The pace of cleanups has slowed to a crawl. Instead of 87 National Priority List sites a year, less than half of that are now being cleaned up. In 2002, only 42 sites were cleaned up.

At the same time, the heart of the Superfund law is under attack: the principle that polluters must pay for cleanups. And that is the issue that my bill will address.

The Superfund Trust Fund, which includes funds from Superfund fees previously paid by oil, chemical, and other industries, is nearly gone. It will be depleted by 2004. These fees are not large in scope. For example, for every barrel of oil it would only cost 9.7 cents. Manufacturers would only pay $4.45 for every ton of arsenic or mercury they produce. In addition, corporations that have over $2 million in taxable income under the alternative minimum tax would be required to pay only 0.12 percent on taxable income above $2 million dollars. That means that a company that has a taxable income of $2,010,000 would pay only $12.

These companies make millions on their sales. This fee is a small price to pay for a healthy, safe environment.

Unfortunately, the polluter's fee expired in 1995. President Clinton repeatedly tried to get it reinstated. President Bush has refused to do so in his past budgets, and indications are that he will not do so in the future. This means that a greater and greater share of the cost of Superfund cleanups will be borne by taxpayers rather than polluters.

In fact, the general taxpayers contributed just 18 percent to the Superfund in 1995. The figure is rising and American taxpayers will pay 54 percent of the Superfund budget by 2003.

This is unacceptable. That is why we are introducing the Toxic Clean-up Polluter Pays Renewal Act. The principle of ''polluter pays'' must be protected, and the Superfund fees must be reinstated.

Polluter pays is fair. Polluter pays works. And polluter pays must continue. To shift the burden to all taxpayers is wrong, and we will fight this Administration's attempt to turn it back on the health of the American people.

Mr. DASCHLE. Mr. President, today I join Senators BOXER, CHAFEE, and others to introduce The Toxic Clean Up and Polluter Pays Renewal Act for. For more than 20 years, the polluter pays principle has been a cornerstone of environmental policy. The Superfund toxic waste cleanup program, based on that principle, has made it possible to clean up hundreds of toxic waste dumps across the country, and has led to better management of industrial pollution and waste.

The polluter pays principle is now under attack. Last year, the Bush administration announced that it would not seek reauthorization of the taxes levied on oil and chemical companies that go into the Superfund trust fund, which is used to pay for cleanup of toxic waste sites.

The Superfund program established three ways to pay for the cost of cleanups: 1) the company or individual responsible for creating the site pays for its cleanup; 2) the Environmental Protection Agency performs the cleanups and recoups the costs from the responsible party or parties; and 3) for those ''orphan'' sites where no responsible party can be found, or the party is insolvent or no longer in business, the cleanup is paid for out of the trust fund.

The Superfund trust fund was created primarily with revenue from a corporate environmental income tax and excise taxes on petroleum and certain chemicals. The trust fund received about $1.5 billion per year before the legislative authority to collect the taxes expired at the end of 1995. The trust fund is expected to run out of money in 2004, having dwindled from a high of $3.8 billion in 1996 to $28 million this year.

There are 1,234 sites on the EPA national priority list of toxic waste sites that need to be cleaned up. One in four Americans live within 4 miles of a Superfund site. These sites contain hazardous pollutants like arsenic, cyanide, and agent orange. Last year, EPA Administrator Christine Whitman told Congress that 75 sites on the national priority list would be cleaned up in 2001 and 65 sites would be cleaned up in 2002. The Bush administration then revised its plan, requiring that only 47 site cleanups be completed in 2001 and 42 in 2002. For 2003, the Bush administration has proposed to further decrease cleanups. On October 25, 2002, the EPA Inspector General found that the Bush administration has cut funding at 55 Superfund sites in 25 states for which regional officials had requested cleanup. For Fiscal Year 2002, EPA regional officials requested $510 million to clean up waste sites. In response, EPA headquarters obligated only $280 million, resulting in a shortfall of $229 million, or 45 percent.

The program is insufficiently funded to allow sites that are already scheduled to be cleaned up to move forward. This results in increased risks to human health and the environment and increased cleanup costs in the long term. Reinstating the Superfund fee would restore a source of funding to the program at a time when the backlog of sites requires more resources if the program is to be successful. The Bush administration is the first administration since Superfund was enacted in 1980 to oppose reinstating this tax on polluters—a policy that either halts cleanup efforts or shifts the cost to rank-and-file taxpayers. Either result is unacceptable.

The administration's plan to cut the Superfund program would seriously compromise the health of our communities and amount to an enormous windfall for the oil and chemical industries. Funding is the key to cleaning up these sites and protecting communities from harm. The ''polluter pays'' principle has worked well over the last two decades, and the financial burden should not be shifted from polluters to average taxpayers. The administration should change course and find ways to restore the ''polluter pays'' principle to the program and aggressively fund cleanups at contaminated sites.

By Mr. BIDEN:

S. 174. A bill to put a college education within reach, and for other purposes; to the Committee on Finance.

Mr. BIDEN. Mr. President, as another semester begins, many college students are worrying not only about their course loads and class work, but about how they will pay for school. Today, the average cost of room, board and tuition at a public four-year college has jumped to over $9,000. Tuition and fees alone jumped 9.6 percent from last year. The average cost of room, board and tuition at a private four-year college has jumped to just over $25,000 with tuition and fees having risen 5.8 percent.

What do the rising costs of attending a college or university mean for American families? It means that despite their best efforts to save and plan ahead, hard working families have to spend a larger percentage of their income than ever before to send their children to school. To attend my alma mater, the University of Delaware, it costs nearly 20 percent of a Delaware family's average annual income to cover costs. In fact just a few months ago, tuition was increased from the Fall to Spring semester by $120 to make up for an expected $3.1 cut in state aid to the university. If a Delaware family wants to send their child to a private university, approximately 50 percent of their income is required.

To help counteract these spiraling costs, I come to the floor today to reintroduce ''The Tuition Assistance for

Families Act,'' a comprehensive package of tax credits and deductions, grants and scholarships that will assist American families in sending their children to college. Building upon the previous efforts of mine and others, this legislation will provide more families with much needed assistance so that the decision to send one's child to school will not be overshadowed by the decision of how to pay for it.

Specifically, the ''Tuition Assistance for Families Act'' will raise the current tuition tax deduction for higher education expenses from $3,000 to $12,000. Based on legislation that I previously sponsored with Senator SCHUMER, this $9,000 increase will go a long way in helping middle class American families afford tuition.

The ''Tuition Assistance for Families Act'' expands tuition tax credits already in law, the Hope Scholarship and the Lifetime Learning Tax Credit. Currently, the Lifetime Learning Credit allows a 20 percent tax credit on the first $10,000 of one's higher education expenses. Under my bill, this percentage jumps to 25 percent while the amount of expenses subjected to the credit rises to $12,000. This means that a student who files a return in tax year 2003 under my plan could get up to $3,000 back in taxes. This is $1,000 more than the $2,000 maximum allowable credit available under current law. That means that under my plan, up to an additional $1,000 can go directly back into a student's pocket to pay for books, a computer or tuition. To maximize the utility of the tax credits, my bill also raises the income limits for both the Hope Scholarship and the Lifetime Learning Credit to up to $130,000 per family, per year. This will allow more families to access the help that they need.

My bill reintroduces the idea of a $1,000 merit scholarship to be awarded to each high school senior graduating in the top 5 percent of his or her class. These types of scholarships not only reward student achievement, they help to ensure that the best and brightest students have the ability to go on to college thereby increasing the pool of well-qualified Americans in the workforce.

Finally, the ''Tuition Assistance for Families Act'' will increase the maximum Pell Grant award from $4,000 to $4,500. During the 2001–2002 school year, the maximum Pell Grant award covered approximately 42 percent of the average tuition, room and board at a public four-year university. During the 1975–76 it covered 84 percent of these same costs. Clearly, the purchasing power of these grants has declined dramatically over the years. As such, the debt load of American students and American families has increased as students have looked to federal and private loans to finance their education. Shockingly but not surprisingly, 64 percent of today's college students graduate with student loan debt at an average of $16,928, double the debt load of 1994.

It is the dream of every American parent to provide for their child a better life than they had themselves. Part of doing this involves sending your kids to college. This is why I have spent a great deal of my time in the Senate fighting to provide tax relief for middle class American families struggling with college costs. And while I was pleased when some of the ideas I advocated were adopted in the 1997 tax cut bill, it is clear that as tuition costs rise dramatically, Americans need additional assistance. The ''Tuition Assistance for Families Act'' will provide extra help so that more families can afford to give their children a brighter and better future. The ''Tuition Assistance for Families Act'' goes one step further in committing the federal government to making college more affordable for Americans.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows

S. 174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tuition Assistance for Families Act''.

SEC. 2. EXPANSION OF TUITION TAX DEDUCTION.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 222(b)(2) of the Internal Revenue Code of 1986 (relating to dollar limitation) are amended to read as follows:

''(A) IN GENERAL.—The applicable dollar limit shall be equal to—

''(i) in the case of a taxpayer whose adjusted gross income for the taxable year does not exceed $65,000 ($130,000 in the case of a joint return), $12,000,

''(ii) with respect to any taxable year beginning in 2004 or 2005, in the case of a taxpayer not described in clause (i) whose adjusted gross income for the taxable year does not exceed $80,000 ($160,000 in the case of a joint return), $2,000, and

''(iii) in the case of any other taxpayer, zero.

''(B) INFLATION ADJUSTMENT.—

''(i) IN GENERAL.—In the case of any taxable year beginning after 2003, each dollar amount referred to in subparagraph (A)(i) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2002' for '1992'.

''(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $100.''.

(b) PERMANENT DEDUCTION.—Section 222 of the Internal Revenue Code of 1986 (relating to qualified tuition and related expenses) is amended by striking subsection (e).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made in taxable years beginning after December 31, 2002.

SEC. 3. EXPANSION OF LIFETIME LEARNING CREDIT.

(a) IN GENERAL.—Section 25A(c)(1) of the Internal Revenue Code of 1986 (relating to per taxpayer credit) is amended—

(1) by striking ''20 percent'' and inserting ''25 percent'', and

(2) by striking ''$10,000 ($5,000 in the case of taxable years beginning before January 1, 2003)'' and inserting ''$12,000''.

(b) INFLATION ADJUSTMENT.—Section 25A(h) of the Internal Revenue Code of 1986 (relating to inflation adjustments) is amended by adding at the end the following new paragraph:

''(3) DOLLAR LIMITATION ON AMOUNT OF LIFETIME LEARNING CREDIT.—

''(A) IN GENERAL.—In the case of any taxable year beginning after 2003, the dollar amount referred to in subsection (c)(1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2002' for '1992'.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $100.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made in taxable years beginning after December 31, 2002.

SEC. 4. INCREASE IN INCOME LIMITS FOR HOPE AND LIFETIME LEARNING CREDITS.

(a) IN GENERAL.—Section 25A(d)(2)(A)(ii) of the Internal Revenue Code of 1986 (relating to limitation based on modified adjusted gross income) is amended by striking ''$40,000 ($80,000'' and inserting ''$55,000 ($110,000''.

(b) CONFORMING AMENDMENTS.—Section 25A(h)(2)(A) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''2001'' in the matter preceding clause (i) and inserting ''2003'',

(2) by striking ''the $40,000 and $80,000 amounts'' in such matter and inserting ''the $55,000 and $110,000 amounts'', and

(3) by striking ''2000'' in clause (ii) and inserting ''2002''..

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made in taxable years beginning after December 31, 2002.

SEC. 5. MAXIMUM PELL GRANT AWARDS.

The Department of Education Appropriations Act, 2002 (Public Law 107–116) is amended under the heading ''Student Financial Assistance'' by striking ''$4,000'' and inserting ''$4,500''.

SEC. 6. ACADEMIC ACHIEVEMENT SCHOLARSHIPS.

(a) SCHOLARSHIPS.—The Secretary of Education is authorized to award a scholarship for academic year 2003–2004 and succeeding academic years to each student in a State who graduated in the top 5 percent of such student's graduating class from an accredited secondary school in academic year 2002-2003 or a succeeding academic year to enable such student to pay the cost of attendance at an institution of higher education.

(b) AMOUNT.—Each scholarship awarded under this section shall be in the amount of $1,000.

(c) USE.—Each student awarded a scholarship under this section shall use the funds to pay the cost of attendance at an institution of higher education.

(d) CONSTRUCTION OF NEEDS PROVISION.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section, or any

other Act, shall be construed to permit the receipt of a scholarship under this section to be counted for any needs test in connection with the awarding of any grant or the making of any loan under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) or any other provision of Federal law relating to educational assistance.

(2) EXCEPTION.—In determining the need of a student for Federal financial assistance, an institution of higher education may take into consideration the amount of scholarship assistance received under this section if the total amount of scholarship assistance received under this section plus the amount of other financial assistance available to a student exceeds the student's cost of attendance at the institution.

(e) REGULATIONS.—The Secretary of Education shall promulgate regulations regarding how scholarships awarded under this section will be allocated to both public and private school students.

(f) DEFINITIONS.—In this section:

(1) COST OF ATTENDANCE.—The term 'cost of attendance' has the meaning given the term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

By Mr. MCCAIN (for himself, Mr. DASCHLE, and Mr. JOHNSON):

S. 175. A bill to establish a direct line of authority for the Office of Trust Reform Implementation and Oversight to oversee the management and reform of Indian trust funds and assets under the jurisdiction of the Department of the Interior, and to advance tribal management of such funds and assets, pursuant to the Indian Self-Determination Act and for other purposes; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, today I am proposing bipartisan legislation to provide the basis for reform of the administration and management of the assets and funds held by the United States in trust for federally recognized Indian tribes and individual Indians. I am pleased that my two colleagues from South Dakota, Senators DASCHLE and JOHNSON, are once again joining me in this effort.

Last year, we introduced a similar bill to serve as a legislative vehicle in the event a consensus agreement could be reached during an extensive dialogue between a designated tribal task force and the U.S. Department of Interior on administrative and legislative reforms to federal management of trust funds and assets. Unfortunately, the dialogue resulted in a stalemate. While we received many favorable comments to move forward with this legislation, and conducted a full committee hearing to consider it, a sufficient consensus did not exist to approve the legislation prior to the adjournment of the 107th session.

We are reintroducing this legislation again because we believe it is important to continue to offer a legislative remedy to the management problems plaguing the Interior Department and instill a meaningful role for Indian tribes in the process. Indian trust funds management continues to be mired in controversy and systemic mismanagement. Native American beneficiaries continue to be denied a full reconciliation of money rightfully belonging to them.

The history of Indian trust funds management is long, exhaustive and fraught with controversy. It is a problem inherited by successive Administrations yet only limited progress has been made. The major structural changes called for in the 1994 American Indian Trust Fund Management Reform Act have not been accomplished. Two Special Trustees have resigned in frustration and high-level government officials have twice been held in civil contempt by the U.S. District Court in Washington, D.C. for breach of fiduciary duties.

No one is more frustrated about the lack of resolution to these long-standing problems than the Native American beneficiaries. However, recent reorganization plans submitted to the Court by the Interior Department earlier this month have only raised more controversy and concern among Indian tribes and beneficiaries as to the extent the Department will fully account for lost and mismanaged trust accounts. Significant questions have also been raised as to the impact of these proposed plans on long-standing Federal policies of self-determination and the function of the Bureau of Indian Affairs.

I cannot speak as to the merits of the Department's recent plans. The fact is, many in the Congress were not notified of the Department's intended actions nor has there been an opportunity to evaluate these plans through the respective legislative committees of jurisdiction. I have sought a commitment from the incoming Chairman of the Senate Committee on Indian Affairs, Senator BEN NIGHTHORSE CAMPBELL, to hold hearings as soon as possible on recent Department proposals that will restructure trust funds management as well as to consider legislative proposals such as the one we're proposing today.

The purpose of this legislation we are introducing is simple. It focuses on two primary changes to the 1994 American Indian Trust Fund Management Reform Act, the underlying law governing Indian trust funds management. First, it creates a single line-of-authority in the Interior Department by establishing a Deputy Secretary for Trust Management and Reform; and second, the bill strengthens provisions for Indian tribes and beneficiaries to directly manage or co-manage with the Interior secretary trust funds and assets, based on successful self-determination policies.

A fundamental objective of this legislation is to raise the profile of Indian trust funds management within the Interior Department and provide a statutory basis for Indian tribes to assume a greater management role in future management of their trust funds and trust assets. The structure of this legislation is similar to the bill introduced last year, but it is modified to reflect comments received from Indian tribes.

The legislation affirms the fiduciary standards to be applied to the management of Indian trust funds and assets. The Office of Special Trustee is abolished and replaced with the Office of Trust Reform under the direction of a new Deputy Secretary. The existing Advisory Committee to the Special Trustee is replaced with a Task Force composed of representatives of the tribes and the Department who will work with the new Deputy Secretary to develop appropriate standards and further necessary changes.

Senator DASCHLE, Senator JOHNSON and I introduce this legislation as a demonstration of our continuing commitment to seek a real and meaningful trust reform solution that provides an active role for tribal participation and consultation. We hope this legislation will prompt the necessary dialogue to ensure reform to Indian trust funds and trust assets management in a way that increases accountability of the Interior Department and respects the fact that the tribes must be involved as active participants without the threat of termination of the trust responsibility.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian Trust Asset and Trust Fund Management and Reform Act of 2003''.

SEC. 2. FINDINGS.

Congress finds and affirms that the proper discharge of trust responsibility of the United States requires, without limitation, that the trustee, using a high degree of care, skill, and loyalty—

(1) protect and preserve Indian trust assets from loss, damage, unlawful alienation, waste, and depletion;

(2) ensure that any management of Indian trust assets required to be carried out by the Secretary—

(A) promotes the interest of the beneficial owner; and

(B) supports, to the maximum extent practicable in accordance with the trust responsibility of the Secretary, the beneficial owner's intended use of the assets;

(3)(A) enforce the terms of all leases or other agreements that provide for the use of trust assets; and

(B) take appropriate steps to remedy trespass on trust or restricted land;

(4) promote tribal control and self-determination over tribal trust land and resources;

(5) select and oversee persons that manage Indian trust assets;

(6) confirm that Indian tribes that manage Indian trust assets pursuant to contracts and compacts authorized by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) protect and prudently manage those Indian trust assets;

(7) provide oversight and review of the performance of the trust responsibility of the Secretary, including Indian trust asset and investment management programs, operational systems, and information systems;

(8) account for and identify, collect, deposit, invest, and distribute, in a timely manner, income due or held on behalf of tribal and individual Indian account holders;

(9) maintain a verifiable system of records that, at a minimum, is capable of identifying, with respect to a trust asset—

(A) the location of the trust asset;

(B) the beneficial owners of the trust asset;

(C) any legal encumbrances (such as leases or permits) applicable to the trust asset;

(D) the user of the trust asset;

(E) any rent or other payments made;

(F) the value of trust or restricted land and resources associated with the trust asset;

(G) dates of—

(i) collections;

(ii) deposits;

(iii) transfers;

(iv) disbursements;

(v) imposition of third-party obligations (such as court-ordered child support or judgments);

(vi) statements of earnings;

(vii) investment instruments; and

(viii) closure of all trust fund accounts relating to the trust fund asset;

(H) documents pertaining to actions taken to prevent or compensate for any diminishment of the Indian trust asset; and

(I) documents that evidence the actions of the Secretary regarding the management and disposition of the Indian trust asset;

(10) establish and maintain a system of records that—

(A) permits beneficial owners to obtain information regarding Indian trust assets in a timely manner; and

(B) protects the privacy of that information;

(11) invest tribal and individual Indian trust funds to ensure that the trust account remains reasonably productive for the beneficial owner consistent with market conditions existing at the time at which investment is made;

(12) communicate with beneficial owners regarding the management and administration of Indian trust assets; and

(13) protect treaty-based fishing, hunting, gathering, and similar rights-of-access and resource use on traditional tribal land.

SEC. 3. DEFINITIONS.

Section 2 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2), by striking ''(2) The term'' and inserting the following:

''(5) INDIAN TRIBE.—The term'';

(3) in paragraph (3), by striking ''(3) The term'' and inserting the following:

''(8) SECRETARY.—The term'';

(4) in paragraph (4), by striking ''(4) The term'' and inserting the following:

''(6) OFFICE.—The term'';

(5) in paragraph (5), by striking ''(5) The term'' and inserting the following:

''(2) BUREAU.—The term'';

(6) in paragraph (6), by striking ''(6) The term'' and inserting the following:

''(3) DEPARTMENT.—The term'';

(7) by moving paragraphs (2), (3), (5), (6), and (8) (as redesignated by this subsection) so as to appear in numerical order;

(8) by inserting before paragraph (2) (as redesignated by paragraph (5)) the following:

''(1) BENEFICIAL OWNER.—The term 'beneficial owner' means an Indian tribe or member of an Indian tribe that is the beneficial owner of Indian trust assets.'';

(9) by inserting after paragraph (3) (as redesignated by paragraph (6)) the following:

''(4) DEPUTY SECRETARY.—The term 'Deputy Secretary' means the Deputy Secretary for Trust Management and Reform appointed under section 307(a)(2).'';

(10) by inserting after paragraph (6) (as redesignated by paragraph (4)) the following:

''(7) REFORM OFFICE.—The term 'Reform Office' means the Office of Trust Reform Implementation and Oversight established by section 307(e).''; and

(11) by adding at the end the following:

''(9) TASK FORCE.—The term 'Task Force' means the Tribal Task Force for Trust Reform established under section 307(a).

''(10) TRUST ASSETS.—The term 'trust assets' means all tangible property including land, minerals, coal, oil and gas, forest resources, agricultural resources, water and water sources, and fish and wildlife held by the Secretary for the benefit of an Indian tribe or an individual member of an Indian tribe pursuant to Federal law.

''(11) TRUST FUNDS.—The term 'trust funds' means all funds held by the Secretary for the benefit of an Indian tribe or and individual member of an Indian tribe pursuant to Federal law.

''(12) TRUSTEE.—The term 'trustee' means the Secretary or any other person that is authorized to act as a trustee for Indian trust assets and trust funds.''.

SEC. 4. RESPONSIBILITIES OF SECRETARY.

Section 102 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4011) is amended to read as follows:

''SEC. 4011. RESPONSIBILITIES OF SECRETARY.

''(a) ACCOUNTING FOR DAILY AND ANNUAL BALANCES OF INDIAN TRUST FUNDS.—

''(1) IN GENERAL.—The Secretary shall account for the daily and annual balances of all trust funds that are deposited or invested pursuant to the Act of June 24, 1938 (25 U.S.C. 162a).

''(2) PERIODIC STATEMENT OF PERFORMANCE.—

''(A) IN GENERAL.—Not later than 20 business days after the close of a calendar quarter, the Secretary shall provide a statement of performance to each Indian tribe and member of Indian tribe with respect to which funds are deposited or invested pursuant to the Act of June 24, 1938 (25 U.S.C. 162a).

''(B) REQUIREMENTS.—Each statement under subparagraph (A) shall identify, with respect to the period covered by the statement—

''(i) the source, type, and status of the funds;

''(ii) the beginning balance of the funds;

''(iii) the gains and losses of the funds;

''(iv) receipts and disbursements of the funds; and

''(v) the ending balance of the funds.

''(3) ANNUAL AUDIT.—With respect to each account containing trust funds in an amount in excess of $1,000, the Secretary shall—

''(A) conduct, for each fiscal year, an audit of all trust funds described in paragraph (1); and

''(B) include, in the first statement of performance completed under paragraph (2) after completion of the audit, a letter describing the results of the audit.

''(b) ADDITIONAL RESPONSIBILITIES.—In addition to the responsibilities described in subsection (a), subject to the availability of appropriations, the Secretary, in carrying out the trust responsibility of the United States, shall, at a minimum—

''(1) provide for adequate systems for accounting for and reporting trust fund balances;

''(2) provide for adequate controls over receipts and disbursements;

''(3) provide for periodic, timely reconciliations of financial records to ensure the accuracy of account information;

''(4) determine accurate cash balances;

''(5) prepare and supply to account holders periodic account statements;

''(6) establish and publish in the Federal Register consistent policies and procedures for trust fund management and accounting;

''(7) provide adequate staffing, supervision, and training for trust fund management and accounting; and

''(8) manage natural resources located within the boundaries of Indian reservations and trust land.''.

SEC. 5. INDIAN PARTICIPATION IN TRUST FUND ACTIVITIES.

Title II of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4021 et seq.) is amended—

(1) by striking sections 202 and 203; and

(2) by inserting after section 201 the following:

''SEC. 202. PARTICIPATION IN TRUST FUND AND TRUST ASSET MANAGEMENT ACTIVITIES BY INDIAN TRIBES.

''(a) PLANNING PROGRAM.—To meet the purposes of this title, an Indian Trust Fund and Trust Asset Management and Monitoring Plan (in this section referred to as the 'Plan') shall be developed and implemented as follows:

''(1) Pursuant to a self-determination contract or compact under section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) or section 403 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 458cc), an Indian tribe may develop or implement a Plan to provide for management of the trust funds and assets (or portions of trust funds or assets) of which the Indian tribe is the beneficial owner. Subject to the provisions of paragraphs (3) and (4), the tribe shall have broad discretion in designing and carrying out the planning process.

''(2) To include in a Plan particular trust funds or assets held by multiple individuals, an Indian tribe shall obtain the approval of a majority of the individuals who hold an interest in any such trust funds or assets.

''(3) The Plan shall be submitted to the Secretary for approval pursuant to the Indian Self-Determination Act (25 U.S.C. 450f et seq.).

''(4) If an Indian tribe chooses not to develop or implement a Plan, the Secretary shall, at the request of the Indian tribe, develop or implement, as appropriate, a Plan in close consultation with the affected Indian tribe.

''(5) Whether developed directly by the Indian tribe or by the Secretary, the Plan shall—

''(A) determine the amount and source of funds held in trust;

''(B) identify and include an inventory of trust assets based on the information available to the Indian tribe and the Secretary;

''(C) identify specific tribal goals and objectives;

''(D) establish management objectives for the funds and assets held in trust;

''(E) define critical values of the Indian tribe and its members and provide identified management objectives;

''(F) identify actions to be taken to reach established objectives;

''(G) use existing survey documents, reports and other research from Federal agencies, tribal community colleges, and land grant universities; and

''(H)(i) be completed not later than 3 years after the date of initiation of activity to establish the Plan; and

''(ii) be revised periodically thereafter as necessary to accomplish the purposes of this Act.

''(b) MANAGEMENT AND ADMINISTRATION.—Plans developed and approved under subsection (a) shall govern the management and administration of funds and assets (or portions of funds and assets) held in trust by the Bureau and the Indian tribal government.

''(c) PLAN DOES NOT TERMINATE TRUST.—Developing or implementing a Plan shall not be construed or deemed to constitute a termination of the trust status of the assets or funds that are included in, or subject to, the Plan.

''(d) LIABILITY.—An Indian tribe managing and administering trust funds and trust assets in a manner that is consistent with an approved Plan shall not be liable for waste or loss of an asset or funds that are included in such Plan.

''(e) INDIAN PARTICIPATION IN MANAGEMENT ACTIVITIES.—

''(1) TRIBAL RECOGNITION.—The Secretary shall conduct all management activities of funds and assets held in trust in accordance with goals and objectives set forth in a Plan approved pursuant to and in accordance with all tribal laws and ordinances, except in specific instances where such compliance would be contrary to the trust responsibility of the United States.

''(2) TRIBAL LAWS.—

''(A) IN GENERAL.—Unless otherwise prohibited by Federal law, the Secretary shall comply with tribal law pertaining to the management of funds and assets held in trust.

''(B) DUTIES.—The Secretary shall—

''(i) provide assistance in the enforcement of tribal laws described in subparagraph (A);

''(ii) provide notice of such tribal laws to persons or entities dealing with tribal funds and assets held in trust; and

''(iii) upon the request of an Indian tribe, require appropriate Federal officials to appear in tribal forums.

''(3) WAIVER OF REGULATIONS.—In any case in which a regulation or administrative policy of the Department of the Interior conflicts with the objectives of the Plan, or with a tribal law, the Secretary shall waive the application of such regulation or administrative policy unless such waiver would constitute a violation of a Federal statute or judicial decision or would conflict with the Secretary's trust responsibility under Federal law.

''(4) SOVEREIGN IMMUNITY.—This section does not constitute a waiver of the sovereign immunity of the United States, nor does it authorize tribal justice systems to review actions of the Secretary.

''(5) TRUST RESPONSIBILITY.—Nothing in this section shall be construed to diminish or expand the trust responsibility of the United States toward Indian funds and assets held in trust, or any legal obligation or remedy resulting from such funds and assets.

''(f) REPORT.—

''(1) IN GENERAL.—Not later than 180 days after the enactment of this section, and annually thereafter, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives.

''(2) CONTENTS.—The report required under paragraph (1) shall detail the following:

''(A) The efforts of the Department to implement this section.

''(B) The nature and extent of consultation between the Department, Tribes, and individual Indians with respect to implementation of this section.

''(C) Any recommendations of the Department for further changes to this Act, accompanied by a record of consultation with Tribes and individual Indians regarding such recommendations.''.

SEC. 6. DEPUTY SECRETARY FOR TRUST MANAGEMENT AND REFORM.

(a) IN GENERAL.—Section 302 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4042) is amended to read as follows:

''SEC. 302. DEPUTY SECRETARY FOR TRUST MANAGEMENT AND REFORM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Department the position of Deputy Secretary for Trust Management and Reform.

''(2) APPOINTMENT AND REMOVAL.—

''(A) APPOINTMENT.—The Deputy Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

''(B) TERM.—The Deputy Secretary shall be appointed for a term of 6 years.

''(C) REMOVAL.—The Deputy Secretary may be removed only for good cause.

''(3) ADMINISTRATIVE AUTHORITY.—The Deputy Secretary shall report directly to the Secretary.

''(4) COMPENSATION.—The Deputy Secretary shall be paid at a rate determined by the Secretary to be appropriate for the position, but not less than the rate of basic pay prescribed for Level II of the Executive Schedule under section 5313 of title 5, United States Code.

''(b) DUTIES.—The Deputy Secretary shall—

''(1) oversee all trust fund and trust asset matters of the Department, including—

''(A) administration and management of the Reform Office;

''(B) financial and human resource matters of the Reform Office; and

''(C) all duties relating to trust fund and trust asset matters; and

''(2) engage in appropriate government-to-government relations and consultations with Indian tribes and individual trust asset and trust fund account holders on matters involving trust asset and trust fund management and reform within the Department.

''(c) STAFF.—In carrying out this section, the Deputy Secretary may hire such staff having expertise in trust asset and trust fund management, financial organization and management, and tribal policy as the Deputy Secretary determines is necessary to carry out this title.

''(d) EFFECT ON DUTIES OF OTHER OFFICIALS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section shall be construed to diminish any responsibility or duty of the Assistant Secretary of the Interior for Indian Affairs, or any other Federal official, relating to any duty of the Assistant Secretary or official established under this Act or any other provision of law.

''(2) TRUST ASSET AND TRUST FUND MANAGEMENT AND REFORM.—Notwithstanding any other provision of law, the Deputy Secretary shall have overall management and oversight authority on matters of the Department relating to trust asset and trust fund management and reform (including matters that, as of the day before the date of enactment of the Indian Trust Asset and Trust Fund Management and Reform Act of 2003, were carried out by the Commissioner of Indian Affairs).

''(e) OFFICE OF TRUST REFORM IMPLEMENTATION AND OVERSIGHT.—

''(1) ESTABLISHMENT.—There is established within the Office of the Secretary the Office of Trust Reform Implementation and Oversight.

''(2) REFORM OFFICE HEAD.—The Reform Office shall be headed by the Deputy Secretary.

''(3) DUTIES.—The Reform Office shall—

''(A) supervise and direct the day-to-day activities of the Assistant Secretary of the Interior for Indian Affairs, the Commissioner of Reclamation, the Director of the Bureau of Land Management, and the Director of the Minerals Management Service, to the extent they administer or manage any Indian trust assets or funds;

''(B) administer, in accordance with title II, all trust properties, funds, and other assets held by the United States for the benefit of Indian tribes and individual members of Indian tribes;

''(C) require the development and maintenance of an accurate inventory of all trust funds and trust assets;

''(D) ensure the prompt posting of revenue derived from a trust fund or trust asset for the benefit of each Indian tribe (or individual member of each Indian tribe) that owns a beneficial interest in the trust fund or trust asset;

''(E) ensure that all trust fund accounts are audited at least annually, and more frequently as determined to be necessary by the Deputy Secretary;

''(F) ensure that the Assistant Secretary of the Interior for Indian Affairs, the Director of the Bureau of Land Management, the Commissioner of Reclamation, and the Director of the Minerals Management Service provide to the Secretary current and accurate information relating to the administration and management of trust funds and trust assets;

''(G) provide for regular consultation with trust fund account holders on the administration of trust funds and trust assets to ensure, to the maximum extent practicable in accordance with applicable law and a Plan approved under section 202, the greatest return on those funds and assets for the trust fund account holders; and

''(H) enter into contracts and compacts under section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) or section 403 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 458cc) to provide for the management of trust assets and trust funds by Indian tribes pursuant to a Trust Fund and Trust Asset Management and Monitoring Plan developed under section 202 of this Act.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Title III of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4041 et seq.) is amended by striking the title heading and inserting the following:

''TITLE III—REFORMS RELATING TO TRUST RESPONSIBILITY''.

(2) Section 301(1) of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4041(1)) is amended by striking ''by

establishing in the Department of this Interior an Office of Special Trustee for American Indians'' and inserting ''by directing the Deputy Secretary''.

(3) Section 303 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4043) is amended—

(A) by striking the section heading and inserting the following:

''SEC. 303. ADDITIONAL AUTHORITIES AND FUNCTIONS OF THE DEPUTY SECRETARY.'';

(B) in subsection (a)(1), by striking ''section 302(b) of this title'' and inserting ''section 302(a)(2)'';

(C) in subsection (e)—

(i) by striking the subsection heading and inserting the following:

''(e) ACCESS OF DEPUTY SECRETARY.—''; and

(ii) by striking ''and his staff'' and inserting ''and staff of the Deputy Secretary''; and

(D) by striking ''Special Trustee'' each place it appears and inserting ''Deputy Secretary''.

(4) Sections 304 and 305 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4044, 4045) are amended by striking ''Special Trustee'' each place it appears and inserting ''Deputy Secretary''.

SEC. 7. ADVISORY BOARD AND TRIBAL TASK FORCE.

The American Indian Trust Fund Management Reform Act of 1994 is amended by striking section 306 (25 U.S.C. 4046) and inserting the following:

''SEC. 306. TRIBAL TASK FORCE ON TRUST REFORM.

''(a) ESTABLISHMENT.—As soon as practicable after the date of enactment of this section, the Deputy Secretary shall establish a Tribal Task Force on Trust Reform.

''(b) COMPOSITION.—

''(1) IN GENERAL.—The Task Force shall be composed of 18 members and 12 alternates, of which—

''(A) 6 members shall—

''(i) serve as primary members; and

''(ii) be selected by the Deputy Secretary;

''(B) 12 members shall—

''(i) serve as primary members; and

''(ii) be selected by members of federally-recognized Indian tribes located within the regions of the Bureau represented by the members; and

''(C) the 12 alternates shall—

''(i) serve as alternate members for the members described in subparagraph (B); and

''(ii) be selected by members of federally-recognized Indian tribes located within the regions of the Bureau represented by the members.

''(2) REGIONAL REPRESENTATION.—Each region of the Bureau shall be represented by a primary member and alternate member on the Task Force.

''(3) TERM.—A member of the Task Force shall serve for a term of 2 years.

''(c) DUTIES.—The Task Force, in cooperation with the Deputy Secretary, shall—

''(1) not later than 1 year after the date of enactment of this section, conduct and submit to Congress a report on a study of appropriate standards and procedures for inventorying and management of trust assets; and

''(2) not later than 2 years after the date of enactment of this section, identify, and submit to Congress a report that includes recommendations relating to, modifications to existing law relating to trust reform, including recommendations on matters such as—

''(A) the need for an independent commission to oversee the administration of trust funds and assets; and

''(B) the most beneficial administrative structure and procedures.

''(d) FACA.—The Task Force shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

''(f) TERMINATION OF AUTHORITY.—The Task Force and authority of the Task Force under this section terminate on the date that is 3 years after the date of enactment of the Indian Trust Asset and Trust Fund Management and Reform Act of 2003.''.

SEC. 8. REGULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall promulgate regulations to carry out the amendments made by this Act.

(b) ACTIVE PARTICIPATION.—

(1) IN GENERAL.—All regulations promulgated under subsection (a) shall be developed through a negotiated rulemaking in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedures Act'').

(2) PARTICIPANTS.—With the exception of the Secretary of the Interior, each participant in the negotiated rulemaking under paragraph (1) shall be a federally-recognized Indian tribe.

SEC. 9. NO EFFECT ON CERTAIN JUDICIAL DECISION.

Nothing in this Act or any amendment made by this Act limits or otherwise affects any finding, remedy, jurisdiction, authority, or discretion of any court with respect to Cobell v. Norton, Civ. No. 96–1285 (RCL).

Mr. DASCHLE. Mr. President, today I am joining with Senators JOHN MCCAIN and TIM JOHNSON in reintroducing legislation that will focus attention on the need to address and correct the longstanding problem of mismanagement of the assets and funds held by the United States in trust for federally-recognized Indian tribes and individual American Indians.

This is a problem that has festered for far too long outside the spotlight of public recognition. And it is a problem that is undermining urgently needed efforts to improve the quality of life in Indian Country.

Indian Country has faced many challenges over the years. Few, however, have been more important, or more vexing, than that of restoring integrity to trust fund management.

For over a hundred years, the Department of Interior has managed a trust fund funded with the proceeds of leasing of oil, gas, land and mineral rights for the benefit of Indian people. Today, the trust fund may owe as much as $10 billion to as many as 500,000 Indians.

To provide some perspective, the 16 tribes of the Great Plains in South Dakota, North Dakota and Nebraska comprise 10 million acres of trust lands representing over one-third of the tribal trust assets. Many enrolled members of the nine South Dakota tribes have individual trust accounts.

How these trust funds have been and will be managed is being litigated in Cobell v. Norton, and the resolution of this lawsuit will have far-reaching implications throughout Indian Country. It is foolhardly not to evaluate potential solutions in the context of this lawsuit.

There is clear consensus in Indian Country that the current administration of the trust fund is a failure. The daunting question has always been how to reform it.

In November 2001, the Secretary of the Interior unveiled her controversial plan to reorganize the Bureau of Indian Affairs, BIA, and segregate the oversight and accounting of trust-related assets in a new Bureau of Indian Trust Asset Management, BITAM. In testimony before the U.S. District Court, the Secretary acknowledged that, ''We undoubtedly do have some missing data, and we are all going to have to find a way to deal with the fact that some information no longer exists.''

The Secretary's controversial reorganization proposal, a hasty effort to avoid being held in contempt of court, was presented with minimal consultation with the tribes or individual Indian account holders, not to mention Congress.

In South Dakota, tribal leaders communicated to TIM JOHNSON and me their concern that the Secretary's solution appeared to be a fait accompli, conceived without meaningful participation of the stakeholders most directly affected by it. They felt strongly that this proposal should not be implemented without further consultation with the tribes. Meanwhile, the Secretary of the Interior and the Assistant Secretary on Indian Affairs, despite their reorganization plan, were both subsequently found in contempt of court.

In the early months of 2002, in the face of Administration assurances that its reorganization plan was not set in stone, the Interior Department requested that $200 million from the BIA and $100 million from the Office of the Special Trustee, be reprogrammed to ''a single organization that will report to the Secretary through an Assistant Secretary, Indian Trust.'' This contradiction set off red flags in Congress, and a clear and direct message was sent to Secretary Norton by Senators INOUYE, CAMPBELL, BYRD, JOHNSON and others that no action should be taken to implement her proposed reorganization plan administratively. Notwithstanding this clear signal, just this last December, while most members of Congress were out of town and with very little fanfare, the Secretary submitted yet another smaller request to reprogram BIA funds for trust fund reform activities.

Given these developments, Senators MCCAIN, JOHNSON and I feel that Congress should be more assertive in forcing discussion of what role Congress might play in ensuring that tribes and

individual Indian account holders have a voice on shaping trust reform policy. It is our hope that this bill will promote more constructive dialogue among the Congress, the Interior Department and Indian Country on this problem and lead to a true consensus solution.

With that goal in mind, the bill was received by representatives of the Great Plains tribes last Congress at a recent meeting in Rapid City. And earlier today, the Great Plains Tribal Chairman's Association urged me to reintroduce this legislation in the new Congress.

Mike Jandreau, Chairman of the Lower Brule Sioux Tribe and member of the Secretary's Trust Reform Task Force, has been an effective advocate and champion of trust reform, not only for his tribe, but also for all Indian people. He and Flandreau-Santee Sioux Tribal Chairman and Great Plains Tribal Chairman's Association President Tom Ranfranz led a very impressive and productive working sessions with tribal leaders from South Dakota, North Dakota and Nebraska. Mike and Tom have also worked with tribal leaders from Montana and Wyoming to raise awareness of the stakes of this issue and build support for the bill that regrettably died at the end of the 107th Congress due to Administration opposition.

I commend the willingness of these participating Great Plains and Rocky Mountain regional tribal leaders to be part of a public process that will hopefully will not stop until Indian Country feels comfortable with a final product they create. The McCain-Johnson-Daschle bill is intended to contribute to this result.

At this point, I would like to remind my colleagues some initial observations on this proposal that were raised in the last Congress by participating South Dakota treaty tribes and tribes of the Great Plains and Rocky Mountain regions that are still relevant in the 108th Congress. These comments demonstrate how thoughtfully Indian leaders are approaching the trust problem, and I fully expect that their suggestions will be considered and incorporated as the bill moves through the committee process.

The following issues are of great importance to the Great Plains Tribal Chairman's Association:

1. Providing the Deputy Secretary with sufficient authority to ensure that reform of the administration of trust assets is permanent. They do not believe the bill at present gives the Deputy Secretary the full and unified authority needed;

2. Including cultural resources as a trust asset for management purposes;

3. Incorporating the Office of Surface Mining and Bureau of Reclamation and other related agencies within the Department of the Interior and the Federal government under the purview of the Deputy Secretary;

4. Assuring that the legislation not infringe on tribal sovereignty by interfering with tribal involvement in the management of individual trust assets or tribal assets, or both;

5. Maintaining the Bureau of Indian Affairs' role as an advocate for tribe;

6. Maintaining current levels of Bureau of Indian Affairs employment;

7. Applying Indian employment preference to all positions created by the legislation;

8. Providing in law that Bureau of Indian Affairs funds not be used to fund the Deputy Secretary appointed by the legislation;

9. Stressing the importance of appropriating adequate funding to allow reform to succeed;

10. Reflecting in the legislative history that much of the funding needed for real trust reform be allocated at the local agency and regional levels of the Bureau of Indian Affairs; and

11. Placing more tribal representatives, including tribal resource managers, from various Bureau of Indian Affairs regions on the advisory board to the Office of Trust Reform.

The issues of trust reform and reorganization within the Bureau of Indian Affairs are nothing new to us here on Capitol Hill, or in Indian Country. Collectively, we have endured many efforts, some well intentioned and some clearly not, to fix, reform, adjust, improve, streamline, downsize, and even terminate the Bureau of Indian Affairs and its trust activities.

These efforts have been pursued under both Republican and Democratic administrations. Unfortunately, they have rarely included meaningful involvement from tribal leadership, or recognized the Federal Government's treaty obligation to tribes.

I would be remiss if I did not commend this Administration for taking the time to travel to Indian Country to discuss this problem. Their interest in promoting dialogue with tribal leaders was welcome and appreciated. At the same time, however, talk must be supported by action if the trust management problem is to be successfully resolved.

The recent unveiling last month of the Department of the Interior's attempt to implement a trust reorganization plan without full tribal or congressional consultation in response to the Cobell v. Norton case was appalling and an egregious act by the federal government to Indian stakeholders. One tribal task force member described Interior's latest deceptive actions as ''a sham.'' That sentiment is widespread in Indian Country and exacerbates an underlying frustration and disappointment that is both understandable and disconcerting.

I share this frustration and disappointment. And I am concerned that the progress made jointly last year could be wasted away by a rising tide of disillusionment and mounting sense of betrayal.

The message I have heard from tribal leaders is clear. What is needed to achieve true reform are clear trust standards, one clear line of authority for trust management and the resources necessary to achieve meaningful reform, respect for self-determination, and meaningful consultation.

Meaningful consultation and acceptance of tribal status is the critical starting point if we hope to find a workable solution to the very real problem of trust management. The bill Senators MCCAIN, JOHNSON and I are introducing today reflects this conviction.

There is no more important challenge facing the tribes and their representatives in Congress than that of restoring accountability and efficiency to trust management. And nowhere do the principles of self-determination and tribal sovereignty come more into play than in the management and distribution of trust funds and assets.

I am disappointed that this problem was not solved to the satisfaction of tribal leaders in the last Congress. Yet, that fight is not over, and my commitment to my South Dakota tribal constituents and Indian Country on this important issue has not diminished.

Last week, the Senate Democratic leadership introduced its priority bills for the 108th Congress. I am proud that trust reform is included as part of our civil rights legislation.

An effective long-term solution to the trust problem must be based on government-to-government dialogue. The McCain/Johnson/Daschle bill will not only provide the catalyst for meaningful tribal involvement in the search for solutions, it can also form the basis for true trust reform. I look forward to participating with tribal leaders, Administration officials and my congressional colleagues in pursuit of this essential objective.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 20—MAKING MINORITY APPOINTMENTS TO CERTAIN SENATE COMMITTEES FOR THE 108TH CONGRESS

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 20

Resolved, That notwithstanding the provisions of Rule XXV, the following shall constitute the minority party's membership on the following standing committees for the 108th Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Harkin (Ranking Member), Mr. Leahy, Mr. Conrad, Mr. Daschle, Mr. Baucus, Mrs. Lincoln, Mr. Miller, Ms. Stabenow, Mr. Nelson of Nebraska, and Mr. Dayton.

Committee on Appropriations: Mr. Byrd (Ranking Member), Mr. Inouye, Mr. Hollings, Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Reid, Mr. Kohl, Mrs. Murray, Mr. Dorgan, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, and Ms. Landrieu.

Committee on Armed Services: Mr. Levin (Ranking Member), Mr. Kennedy, Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Dayton, Mr. Bayh, Mrs. Clinton, and Mr. Pryor.

Committee on Banking, Housing, and Urban Affairs: Mr. Sarbanes (Ranking Member), Mr. Dodd, Mr. Johnson, Mr. Reed, Mr. Schumer, Mr. Bayh, Mr. Miller, Mr. Carper, Ms. Stabenow, and Mr. Corzine.

Committee on Commerce, Science, and Transportation: Mr. Hollings (Ranking Member), Mr. Inouye, Mr. Rockefeller, Mr. Kerry, Mr. Breaux, Mr. Dorgan, Mr. Wyden, Mrs. Boxer, Mr. Nelson of Florida, Ms. Cantwell, and Mr. Lautenberg.

Committee on Energy and Natural Resources: Mr. Bingaman (Ranking Member), Mr. Akaka, Mr. Dorgan, Mr. Graham, Mr. Wyden, Mr. Johnson, Ms. Landrieu, Mr. Bayh, Mrs. Feinstein, Mr. Schumer, and Ms. Cantwell.

Committee on Environment and Public Works: Mr. Jeffords (Ranking Member), Mr. Baucus, Mr. Reid, Mr. Graham, Mr. Lieberman, Mrs. Boxer, Mr. Wyden, Mr. Carper, and Mrs. Clinton.

Committee on Finance: Mr. Baucus (Ranking Member), Mr. Rockefeller, Mr. Daschle, Mr. Breaux, Mr. Conrad, Mr. Graham, Mr. Jeffords, Mr. Bingaman, Mr. Kerry, and Mrs. Lincoln.

Committee on Foreign Relations: Mr. Biden (Ranking Member) Mr. Sarbanes, Mr. Dodd, Mr. Kerry, Mr. Feingold, Mrs. Boxer, Mr. Nelson of Florida, Mr. Rockefeller, and Mr. Corzine.

Committee on Governmental Affairs: Mr. Lieberman (Ranking Member), Mr. Levin, Mr. Akaka, Mr. Durbin, Mr. Carper, Mr. Dayton, Mr. Lautenberg, and Mr. Pryor.

Committee on Health, Education, Labor, and Pensions: Mr. Kennedy (Ranking Member), Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mr. Jeffords, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Edwards, and Mrs. Clinton.

Committee on the Judiciary: Mr. Leahy (Ranking Member), Mr. Kennedy, Mr. Biden, Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, and Mr. Edwards.

Committee on Rules and Administration: Mr. Dodd (Ranking Member), Mr. Byrd, Mr. Inouye, Mrs. Feinstein, Mr. Schumer, Mr. Breaux, Mr. Daschle, Mr. Dayton, and Mr. Durbin.

Committee on Small Business and Entrepreneurship: Mr. Kerry (Ranking Member), Mr. Levin, Mr. Harkin, Mr. Lieberman, Ms. Landrieu, Mr. Edwards, Ms. Cantwell, Mr. Bayh, and Mr. Pryor.

Committee on Veterans' Affairs: Mr. Graham (Ranking Member), Mr. Rockefeller, Mr. Jeffords, Mr. Akaka, Mrs. Murray, Mr. Miller, and Mr. Nelson of Nebraska.

Special Committee on Aging: Mr. Breaux (Ranking Member), Mr. Reid, Mr. Kohl, Mr. Jeffords, Mr. Feingold, Mr. Wyden, Mrs. Lincoln, Mr. Bayh, Mr. Carper, and Ms. Stabenow.

Committee on the Budget: Mr. Conrad (Ranking Member), Mr. Hollings, Mr. Sarbanes, Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Johnson, Mr. Byrd, Mr. Nelson of Florida, Ms. Stabenow, and Mr. Corzine.

Select Committee on Ethics: Mr. Reid (Vice Chairman), Mr. Akaka, and Mrs. Lincoln.

Committee on Indian Affairs: Mr. Inouye (Vice Chairman), Mr. Conrad, Mr. Reid, Mr. Akaka, Mr. Dorgan, Mr. Johnson, and Ms. Cantwell.

Select Committee on Intelligence: Mr. Rockefeller (Vice Chairman), Mr. Levin, Mrs. Feinstein, Mr. Wyden, Mr. Durbin, Mr. Bayh, Mr. Edwards, and Ms. Mikulski.

Joint Economic Committee: Mr. Reed (Vice Chairman), Mr. Kennedy, Mr. Sarbanes, and Mr. Bingaman.

The salary allocation for each Senate committee and subgroup shall reflect the level set forth in the Senate Joint Leadership letter which shall be printed in the Congressional Record following the adoption of this resolution.

SENATE RESOLUTION 21—EXPRESSING THE THANKS OF THE SENATE TO THE HONORABLE ROBERT C. BYRD FOR HIS SERVICE AS PRESIDENT PRO TEMPORE OF THE UNITED STATES SENATE AND TO DESIGNATE SENATOR BYRD AS PRESIDENT PRO TEMPORE EMERITUS OF THE UNITED STATES SENATE

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 21

Resolved, That the United States Senate expresses its deepest gratitude to Senator Robert C. Byrd for his dedication and commitment during his service to the Senate as the President Pro Tempore.

Further, as a token of appreciation of the Senate for his long and faithful service, Senator Robert C. Byrd is hereby designated President Pro Tempore Emeritus of the United States Senate.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1. Mr. STEVENS proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes.

SA 2. Mr. BYRD proposed an amendment to the joint resolution H.J. Res. 2, supra.

SA 3. Mr. WYDEN (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1. Mr. STEVENS proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

Strike all after the resolving clause and insert:

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS APPROPRIATIONS, 2003

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $3,412,000: *Provided,* That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $12,016,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $13,759,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $7,358,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $31,275,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service and Rural Development mission areas for information technology, systems, and services, $133,155,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: *Provided,* That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $7,877,000: *Provided,* That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $400,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, $780,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $197,662,000, to remain available until expended: *Provided*, That the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation to cover the costs of new or replacement space for such agency, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $15,685,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $42,479,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $4,157,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $9,637,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, $78,127,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed $50,000 for employment under 5 U.S.C. 3109; and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $35,588,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $780,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $65,123,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627 and 2204g, and other laws, $140,854,000, of which up to $41,274,000 shall be available until expended for the Census of Agriculture: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,053,597,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2003, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account, and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities

as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $100,955,000, to remain available until expended: *Provided,* That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $651,411,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $185,553,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $22,541,000; for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), $35,643,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $103,834,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $15,006,000; for competitive research grants (7 U.S.C. 450i(b)), $204,263,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,251,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $1,000,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,500,000, to remain available until expended; for research grants for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,000,000, to remain available until expended; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $2,993,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $4,340,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $3,500,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,500,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $1,000,000; for aquaculture grants (7 U.S.C. 3322), $5,000,000; for sustainable agriculture research and education (7 U.S.C. 5811), $15,000,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, $11,479,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $1,700,000; and for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109, $26,310,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products: *Provided,* That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $7,100,000.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $452,767,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $284,218,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,500,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,566,000; payments for the pest management program under section 3(d) of the Act, $10,759,000; payments for the farm safety program under section 3(d) of the Act, $5,250,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $15,000,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,481,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $499,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,093,000; payments for Indian reservation agents under section 3(d) of the Smith-Lever Act, $1,996,000; payments for sustainable agriculture programs under section 3(d) of the Act, $5,000,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $2,622,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, $32,117,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; and for necessary expenses of extension activities, $20,666,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $48,218,000, as follows: payments for the water quality program, $12,971,000; payments for the food safety program, $14,967,000; payments for the regional pest management centers program, $4,531,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, $4,889,000; payments for the crops affected by Food Quality Protection Act implementation, $1,497,000; payments for the methyl bromide transition program, $3,000,000; payments for the organic transition program, $1,750,000; and payments for agricultural technology, $2,600,000: *Provided,* That of the funds made available under this heading, $500,000 shall be for payments for the critical issues program under 7 U.S.C. 450i(c) and $1,513,000 shall be for payments for the regional rural development centers program under 7 U.S.C. 450i(c).

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,493,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $780,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $735,673,000, of which $4,103,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $62,000,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: *Provided,* That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further,* That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further,* That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further,* That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2003, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such

that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $13,189,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $90,000 for employment under 5 U.S.C. 3109, $75,411,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES LEVEL

Not to exceed $61,619,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided,* That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $14,910,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,347,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $44,475,000: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided,* That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $780,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $759,759,000, of which no less than $649,082,000 shall be available for Federal food safety inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided,* That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $899,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $986,913,000: *Provided,* That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further,* That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further,* That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5102(b)), $4,000,000.

DAIRY INDEMNITY PROGRAM

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: *Provided,* That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,146,996,000, of which $1,000,000,000 shall be for guaranteed loans and $146,996,000 shall be for direct loans; operating loans, $2,816,729,000, of which $1,700,000,000 shall be for unsubsidized guaranteed loans, $505,531,000 shall be for subsidized guaranteed loans and $611,198,000 shall be for direct loans; Indian tribe land acquisition loans, $2,000,000; and for boll weevil eradication program loans, $100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $24,566,000, of which $7,500,000 shall be for guaranteed loans, and $17,066,000 shall be for direct loans; operating loans, $219,036,000, of which $53,890,000 shall be for unsubsidized guaranteed loans, $59,653,000 shall be for subsidized guaranteed loans, and $105,493,000 shall be for direct loans; and Indian tribe land acquisition loans, $179,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $287,176,000, of which $279,176,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: *Provided,* That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $70,708,000: *Provided,* That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2003, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For fiscal year 2003, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $902,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $840,002,000, to remain available until expended, of which not less than $9,162,000 is for snow survey and water forecasting, and not less than $10,701,000 is for operation and establishment of the plant materials centers, and of which not less than $23,500,000 shall be for the grazing lands conservation initiative: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service: *Provided further*, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $10,960,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $105,000,000, to remain available until expended (of which up to $15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): *Provided*, That not to exceed $45,514,000 of this appropriation shall be available for technical assistance: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $30,000,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $50,000,000, to remain available until expended: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $898,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $867,176,000, to remain available until expended, of which $97,600,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $682,814,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which $86,762,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided*, That of the total amount appropriated in this account, $24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated for rural community programs, $10,000,000 shall be available for a Rural Community Development Initiative: *Provided further*, That of the amount appropriated for the Rural Community Development Initiative, not less than $4,000,000 shall be available until expended to carry out a demonstration program on Replicating and Creating Rural Cooperative Home Based Health Care: *Provided further*, That of the $4,000,000 made available, not less than $1,500,000 shall be in the form of predevelopment planning grants, not to exceed $50,000 each, with the balance for low-interest revolving loans to be used for capital and other related expenses, and made available to nonprofit based community development organizations: *Provided further*,

That such organizations should demonstrate experience in the administration of revolving loan programs and providing technical assistance to cooperatives: *Provided further*, That a minimum of one planning grant should be provided to a minority sponsored entity with three years experience in rural cooperative development: *Provided further*, That of funds appropriated for the Rural Community Development Initiative, $6,000,000 shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; and $2,000,000 shall be for grants to Delta Regional Authority (7 U.S.C. 1921 et seq.): *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed $20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed $30,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to 1 percent available to administer the program and up to 1 percent available to improve interagency coordination may be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''; not to exceed $19,200,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, of which $5,775,000 shall be for Rural Community Assistance Programs; and not to exceed $12,100,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed $37,624,000 shall be available through June 30, 2003, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,163,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $27,431,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $9,030,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided further*, That of the amount appropriated for rural community programs, not to exceed $25,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with 5 percent for administration and capacity building in the State rural development offices: *Provided further*, That of the amount appropriated, $30,000,000 shall be transferred to and merged with the ''Rural Utilities Service, High Energy Cost Grants Account'' to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): *Provided further*, That any funds in the ''Rural Utilities Service, High Energy Cost Grants Account'' and any remaining funds specifically appropriated in fiscal year 2002 for rural communities with extremely high energy costs under the Rural Community Advancement Program shall be merged and transferred into the Account: *Provided further*, That any funds in the Account shall be used to provide grants authorized under section 19 of that Act: *Provided further*, That of the funds appropriated by this Act to the Rural Community Advancement Program for guaranteed business and industry loans, funds may be transferred to direct business and industry loans as deemed necessary by the Secretary and with prior approval of the Committees on Appropriations of both Houses of Congress.

RURAL DEVELOPMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $127,502,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 may be used for employment under 5 U.S.C. 3109: *Provided further*, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $3,755,162,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,005,162,000 shall be for direct loans, and of which $2,750,000,000 shall be for unsubsidized guaranteed loans; $35,000,000 for section 504 housing repair loans; $120,000,000 for new construction, repair, rehabilitation, and preservation of section 515 rental housing; $5,000,000 for section 524 site loans; $12,000,000 for credit sales of acquired property, of which up to $2,000,000 may be for multi-family credit sales; and $5,011,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $214,500,000, of which $194,700,000 shall be for direct loans, and of which $19,800,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,857,000; section 515 rental housing, $55,956,000; section 524 site loans, $55,000; multi-family credit sales of acquired property, $934,000; and section 523 self-help housing land development loans, $221,000: *Provided*, That of the total amount appropriated in this paragraph, $11,656,000 shall be available through June 30, 2003, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $455,630,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $730,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during fiscal year 2003 shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $35,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2003, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $47,498,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2003, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $34,615,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $40,000,000.

For the cost of direct loans, $19,304,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2003, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2003, for Mississippi Delta Region counties (as defined by Public Law 100–460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated, $2,730,000 shall be available through June 30, 2003, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,290,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $14,967,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,197,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2003, as authorized by section 313 of the Rural Electrification Act of 1936, $3,197,000 shall not be obligated and $3,197,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $9,000,000, of which $2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed $1,500,000 of the total amount appropriated shall be made available to cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority.

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with a second round of empowerment zones and enterprise communities, $14,967,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277).

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $121,103,000; municipal rate rural electric loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $2,700,000,000; Treasury rate direct electric loans, $1,150,000,000; 5 percent rural telecommunications loans, $75,029,000; cost of money rural telecommunications loans, $300,000,000; and loans made pursuant to section 306 of that Act, rural telecommunications loans, $120,000,000; and for guaranteed underwriting loans pursuant to section 313A, $1,000,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $11,025,000, and the cost of telecommunication loans, $1,433,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $38,035,000 which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2003 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $174,615,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), $2,410,000.

In addition, for administrative expenses, including audits, necessary to carry out the loan programs, $3,082,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the principal amount of direct distance learning and telemedicine loans, $50,000,000; and for the principal amount of broadband telecommunication loans, $79,535,000.

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., $51,941,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: *Provided*, That $10,000,000 may be available for the continuation of a project for a loan and grant program to finance broadband transmission and local dial-up Internet service in areas that meet the definition of ''rural area'' used for the Distance Learning and Telemedicine Program authorized by 7 U.S.C. 950aaa: *Provided further*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $774,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $10,580,169,000, to remain available through September 30, 2004, of which $5,834,506,000 is hereby appropriated and $4,745,663,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That of the funds made available under this heading, $3,300,000 shall be for a School Breakfast Program startup grant pilot program, of which no less than $1,000,000 is for the State of Wisconsin: *Provided further*, That $200,000 shall be for the Common Roots Program: *Provided further*, That $500,000 shall be for the Child Nutrition Archive Resource Center: *Provided further*, That up to $5,080,000 shall be for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $4,751,000,000, to remain available through September 30, 2004, of which $125,000,000 shall be placed in reserve, to remain available until expended, for use in only such amounts, and in such manner, as the Secretary determines necessary, not withstanding section 17(i) of the Child Nutrition Act, to provide funds to support participation, should costs or participation exceed budget estimates: *Provided*, That of the total amount available, the Secretary shall obligate $25,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act: *Provided further*, That notwithstanding section 17(h)(10)(A) of such Act, $14,000,000 shall be available for the purposes specified in section 17(h)(10)(B): *Provided further*, That $2,000,000 shall be available for the Food and Nutrition Service to conduct a study of WIC vendor practices: *Provided further*, That no other funds made available under this heading shall be used for studies and evaluations: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $26,289,692,000, of which $2,000,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to exceed $4,000,000 shall be used to purchase bison meat for the FDPIR from Native American bison producers as well as from producer-owned cooperatives of bison ranchers: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this

appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further,* That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) and the Emergency Food Assistance Act of 1983, $167,000,000, to remain available through September 30, 2004: *Provided,* That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further,* That of the total amount available, the Secretary shall provide $5,000,000 for senior farmers' market activities: *Provided further,* That at the discretion of the States, any State may request that USDA use a portion of its storage and distribution funds for the Emergency Food Assistance Program to purchase additional commodities for distribution within that State.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 and special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, $1,081,000, to remain available through September 30, 2004.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $136,865,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than $11,000,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1769), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $131,198,000: *Provided,* That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $116,171,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, $2,059,000, of which $1,033,000 may be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $1,026,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFER OF FUNDS)

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, $25,159,000, to remain available until expended: *Provided,* That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, $1,185,000,000, to remain available until expended for commodities supplied in connection with dispositions abroad under title II of said Act.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $4,058,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,224,000 may be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $834,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $1,631,530,000, of which not to exceed $222,900,000 to be derived from prescription drug user fees authorized by 21 U.S.C. 379h, including any such fees assessed prior to the current fiscal year but credited during the current year, in accordance with section 736(g)(4), shall be credited to this appropriation and remain available until expended; and of which not to exceed $25,125,000 to be derived from device user fees authorized by 21 U.S.C. 379j shall be credited to this appropriation, to remain available until expended: *Provided,* That fees derived from applications received during fiscal year 2003 shall be subject to the fiscal year 2003 limitation: *Provided further,* That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further,* That of the total amount appropriated: (1) $412,404,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $426,232,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $13,357,000 shall be available for grants and contracts awarded under section 5 of the Orphan Drug Act (21 U.S.C. 360ee); (3) $199,117,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $88,342,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $211,819,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $40,509,000 shall be for the National Center for Toxicological Research; (7) $36,914,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration; (8) $108,269,000 shall be for payments to the General Services Administration for rent and related costs; and (9) $107,924,000 shall be for other activities, including the Office of the Commissioner; the Office of Management and Systems; the Office of the Senior Associate Commissioner; the Office of International and Constituent Relations; the Office of Policy, Legislation, and Planning; and central services for these offices: *Provided further,* That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $11,000,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act

(7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109, $93,985,000, including not to exceed $2,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $38,404,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided,* That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for fiscal year 2003 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 374 passenger motor vehicles, of which 372 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by sections 1 and 10 of the Act of June 29, 1935 (7 U.S.C. 427, 427i; commonly known as the Bankhead-Jones Act), subtitle A of title II and section 302 of the Act of August 14, 1946 (7 U.S.C. 1621 et seq.), and chapter 63 of title 31, United States Code, shall be available for contracting in accordance with such Acts and chapter.

SEC. 704. The Secretary of Agriculture may transfer unobligated balances of funds appropriated by this Act or other available unobligated balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided,* That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further,* That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, emerging plant pests, integrated systems acquisition project, boll weevil program, up to 25 percent of the screwworm program, and up to $2,000,000 for costs associated with collocating regional offices; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education and Economics Information System (REEIS), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: *Provided,* That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2003 shall remain available until expended to cover obligations made in fiscal year 2003 for the following accounts: the Rural Development Loan Fund program account, the Rural Telephone Bank program account, the Rural Electrification and Telecommunications Loans program account, the Rural Housing Insurance Fund program, and the Rural Economic Development Loans program account.

SEC. 713. Notwithstanding chapter 63 of title 31, United States Code, marketing services of the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a state or cooperator to carry out agricultural marketing programs, to carry out programs to protect the nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the nation's food supply.

SEC. 714. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: *Provided,* That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 715. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 716. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 717. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 718. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 719. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided,* That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 720. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this

Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 721. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 722. None of the funds made available to the Food and Drug Administration by this Act shall be used to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office: *Provided*, That this section shall not apply to Food and Drug Administration field laboratory facilities or operations currently located in Detroit, Michigan, except that field laboratory personnel shall be assigned to locations in the general vicinity of Detroit, Michigan, pursuant to cooperative agreements between the Food and Drug Administration and other laboratory facilities associated with the State of Michigan.

SEC. 723. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2004 appropriations Act.

SEC. 724. None of the funds made available by this Act or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 725. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than $25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities; and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

SEC. 726. In addition to amounts otherwise appropriated or made available by this Act, $2,496,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, as authorized by section 4404 of Public Law 107–71 (2 U.S.C. 1161).

SEC. 727. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f), any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 728. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $5,000,000 for administrative costs associated with the distribution of commodities.

SEC. 729. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri outside the city or county limits of St. Louis, Missouri.

SEC. 730. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

SEC. 731. Section 17(a)(2)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B)) is amended by striking "2002" and inserting "2003".

SEC. 732. Notwithstanding any other provision of law, the City of Dunkirk, New York, shall be eligible for grants and loans provided through the Rural Community Advancement Program.

SEC. 733. Notwithstanding any other provision of law, of funds appropriated under the Rural Housing Assistance Grant account, $4,000,000 shall be for demonstration housing grants for agriculture processing workers in the State of Wisconsin.

SEC. 734. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance for projects in the Embarras River Basin, Lake County Watersheds, and DuPage County, Illinois, from funds made available for Watershed and Flood Prevention Operations by Public Law 107–76.

SEC. 735. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 20 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 736. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance through the Watershed and Flood Prevention Operations program to carry out the Upper Tygart Valley Watershed project, West Virginia: *Provided*, That the Natural Resources Conservation Service is authorized to provide 100 percent of the engineering assistance and 75 percent cost share for installation of the water supply component of this project.

SEC. 737. Agencies and offices of the Department of Agriculture may utilize any unobligated salaries and expenses funds to reimburse the Office of the General Counsel for salaries and expenses of personnel, and for other related expenses, incurred in representing such agencies and offices in the resolution of complaints by employees or applicants for employment, and in cases and other matters pending before the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Merit Systems Protection Board with the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 738. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 739. None of the funds appropriated or made available by this Act, or any other Act, may be used to pay the salaries and expenses of personnel to carry out subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd through dd–7).

SEC. 740. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 6405 of Public Law 107–171 (7 U.S.C. 2655).

SEC. 741. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 9010 of Public Law 107–171 that exceed $50,000,000 (7 U.S.C. 8108).

SEC. 742. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and technical assistance through the Watershed and Flood Prevention Operations program for the Kuhn Bayou (Point Remove) project in Arkansas.

SEC. 743. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and technical assistance through the Watershed and

Flood Prevention Operations program for the Matanuska River erosion control project in Alaska.

SEC. 744. FOOD FOR PROGRESS. The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in subsections (c) and (g), by striking ''may'' each place it appears and inserting ''shall''; and

(2) by adding at the end the following:

''(o) PRIVATE VOLUNTARY ORGANIZATIONS AND OTHER PRIVATE ENTITIES.—In entering into agreements described in subsection (c), the President (acting through the Secretary)—

''(1) shall enter into agreements with eligible entities described in subparagraphs (C) and (F) of subsection (b)(5); and

''(2) shall not discriminate against such eligible entities.''.

SEC. 745. Of the unobligated balances of funds made available under the Cooperative State Research, Education, and Extension Service, Buildings and Facilities appropriation in Public Law 104–180, $795,400 are hereby rescinded.

SEC. 746. None of the funds made available in fiscal year 2003 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.] in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act [7 U.S.C. 1736f–1]: *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 747. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and technical assistance to the Dry Creek/Neff's Grove project, Utah, and the Jefferson River Watershed, Montana.

SEC. 748. Section 307 of Title III—Denali Commission of Division C—Other Matters of Public Law 105–277, as amended, is further amended by adding a new subsection at the end thereof as follows:

''(d) SOLID WASTE.—The Secretary of Agriculture is authorized to make direct lump sum payments to the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.''.

SEC. 749. The $5,000,000 of unobligated balances available at the beginning of fiscal year 2003 for the experimental Rural Clean Water Program authorized under the headings ''Agricultural Stabilization and Conservation Service—Rural Clean Water Program'' in Public Law 96–108 (93 Stat. 835) and Public Law 96–528 (95 Stat. 3111) are hereby rescinded.

SEC. 750. The Secretary of Agriculture is authorized to make loans and grants to expand the state of Alaska's dairy industry and related milk processing and packaging facilities. There is authorized to be appropriated $5,000,000 to carry out this section for each fiscal years 2003 through 2007.

SEC. 751. Up to $2,000,000 of the funds made available to the Food and Nutrition Service for studies and evaluations may be transferred to and merged with the appropriation for the Economic Research Service, to conduct studies and evaluations on behalf of the Food and Nutrition Service.

SEC. 752. The Secretary, if presented with a complete and fully compliant application, including an approved third party to hold the development easement, to protect the 33.8 acre farm formerly operated by American Airlines Captain John Ogonowski from development through the Farmland Protection Program, shall waive the matching fund requirements of the program, if necessary. Farmland Protection Program funds provided shall not exceed the appraised fair market value of the land, as determined consistent with program requirements. Any additional funding provided to carry out this project shall not come at the expense of an allocation to any other State.

SEC. 753. The Secretary of Agriculture is authorized to permit employees of the United States Department of Agriculture to carry and use firearms for personal protection while conducting field work in remote locations in the performance of their official duties.

SEC. 754. Of the funds made available for the Export Enhancement Program, pursuant to section 301(e) of the Agricultural Trade Act of 1978, as amended by Public Law 104–127, not more than $28,000,000 shall be available in fiscal year 2003.

SEC. 755. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

This division may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003''.

DIVISION B—COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $99,696,000, of which not to exceed $3,137,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $8,625,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2002: *Provided further*, That not to exceed 31 permanent positions, 33 full-time equivalent workyears and $3,225,000 shall be expended for the Office of Legislative Affairs: *Provided further*, That not to exceed 15 permanent positions, 20 full-time equivalent workyears and $1,848,000 shall be expended for the Office of Public Affairs: *Provided further*, That the Offices of Legislative and Public Affairs may utilize non-reimbursable details of career employees within the caps described in the preceding two provisos: *Provided further*, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: *Provided further*, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

ANTI-TERRORISM TASK FORCES

For expenses necessary for Anti-Terrorism Task Forces, including salaries and expenses, operations, equipment, and facilities, $63,700,000, notwithstanding any other provision of law.

JOINT TERRORISM TASK FORCES

For expenses necessary for Joint Terrorism Task Forces, including salaries and expenses, operations, equipment, and facilities, $158,547,000, notwithstanding any other provision of law.

FOREIGN TERRORIST TRACKING TASK FORCE

For expenses necessary for the Foreign Terrorist Tracking Task Force, including salaries and expenses, operations, equipment, and facilities, $62,000,000, notwithstanding any other provision of law.

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, $15,973,000, notwithstanding any other provision of law, to remain available until expended.

AUTOMATED BIOMETRIC IDENTIFICATION SYSTEM/INTEGRATED AUTOMATED IDENTIFICATION SYSTEM INTEGRATION

For expenses necessary for the planning, development, and deployment of an integrated fingerprint identification system, including automated capability to transmit fingerprint and image data, $9,000,000, to remain available until expended.

CHIMERA

For expenses necessary for the design, development, test, and deployment of a standards-based, integrated, interoperable computer system for the Immigration and Naturalization Service, as authorized, to be managed by Justice Management Division, $83,400,000, to remain available until expended.

LEGAL ACTIVITIES OFFICE AUTOMATION

For necessary expenses related to the design, development, engineering, acquisition, and implementation of office automation systems for the organizations funded under the headings ''Salaries and Expenses, General Legal Activities'', and ''General Administration, Salaries and Expenses'', and the United States Attorneys, the United States Marshals Service, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, the Community Relations Service, the Bureau of Prisons, and the Office of Justice Programs, $77,127,000, notwithstanding any other provision of law, to remain available until expended.

NARROWBAND COMMUNICATIONS

For the expenses necessary to convert to narrowband communications, including for operation and maintenance of Land Mobile Radio legacy systems, $149,254,000, to remain available until expended.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $180,466,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration and Naturalization Service, $1,385,966,000, to remain available until expended: *Provided,* That the Trustee shall be responsible for managing detention personnel and the Justice Prisoner and Alien Transportation System and for overseeing construction of detention facilities or for housing related to such detention; the management of funds appropriated to the Department for the exercise of any detention functions; and the direction of the United States Marshals Service and Immigration and Naturalization Service with respect to the exercise of detention policy setting and operations for the Department.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $54,825,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, $10,114,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $537,502,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended, and of which not less than $1,996,000 shall be available for necessary administrative expenses in accordance with the Radiation Exposure Compensation Act: *Provided,* That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further,* That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $133,133,000: *Provided,* That, notwithstanding any other provision of law, not to exceed $133,133,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2003, so as to result in a final fiscal year 2003 appropriation from the general fund estimated at not more than $0.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,320,160,000; of which not to exceed $2,500,000 shall be available until September 30, 2004, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: *Provided,* That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further,* That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: *Provided further,* That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,571 positions and 9,776 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys: *Provided further,* That the fourth proviso under the heading ''Salaries and Expenses, United States Attorneys'' in title I of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106–113 shall apply to amounts made available under this heading for fiscal year 2003: *Provided further,* That of the total amount appropriated, $20,000,000 shall be for the Anti-terrorism Task Forces to coordinate Port Security pilot projects in Norfolk, Virginia, Charleston, South Carolina, New Orleans, Louisiana, and Long Beach, California, and for the costs of reimbursable details, overtime for State and local law enforcement personnel, equipment, facilities, and other associated operational costs.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $150,381,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided,* That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further,* That, notwithstanding any other provision of law, $150,381,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further,* That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2003, so as to result in a final fiscal year 2003 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, $1,136,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $661,085,000, of which not to exceed $6,000 shall be available for official reception and representation expenses, and of which not to exceed $4,000,000 shall remain available until expended for development, implementation, maintenance and support, and training for an automated prisoner information system.

In addition, for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, $12,061,000, to remain available until expended.

CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, $17,378,000, notwithstanding any other provision of law, to remain available until expended.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM

For necessary expenses to procure four modern, fuel efficient, wide body replacement aircraft and spares, $77,694,000, notwithstanding any other provision of law, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $156,145,000, to remain available until expended; of which not to exceed $6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,474,000.

ASSETS FORFEITURE FUND

For authorized expenses, $22,949,000, to be derived from the Department of Justice Assets Forfeiture Fund.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $400,102,000, of which $50,000,000 shall remain available until expended: *Provided,* That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further,* That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures set forth in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,576 passenger motor vehicles, of which 1,085 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $3,927,587,000; of which not to exceed $65,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 2004; of which $475,300,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations: *Provided,* That not to exceed $45,000 shall be available for official reception and representation expenses: *Provided further,* That funds provided under this heading shall be distributed in the manner described in the following table:

Decision unit	*Amount*
Counterterrorism	$577,846,000
National Security	644,483,000
Cyber-investigations	155,189,000
Criminal Enterprises and Federal Crimes	1,412,309,000
Forensic and Technical Services	494,499,000
Field Support	224,876,000
Training and Education	111,831,000
Criminal Justice Services	306,554,000.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $1,250,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,374 passenger motor vehicles, of which 1,354 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, $1,477,470,000: *Provided,* That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 7,654 positions and 7,515 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, $3,076,509,000.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $267,138,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 713, of which 504 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $4,068,237,000: *Provided,* That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further,* That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further,* That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2004: *Provided further,* That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities: *Provided further,* That funds provided under this heading shall be distributed in the manner described in the following table:

Decision unit	*Amount*
Inmate Care and Programs	$1,462,490,000
Institution Security and Administration	1,879,256,000
Contract Confinement	571,077,000
Management and Administration	155,414,000.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $470,221,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided,* That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''), and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $194,057,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102–534 (106 Stat. 3524).

In addition, for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and for other counterterrorism programs, notwithstanding any other provision of law, $2,038,000,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''); and the Victims of Child Abuse Act of 1990, as amended (''the 1990 Act''); $1,368,415,000 (including amounts for administrative costs, which shall be transferred to and merged with the ''Justice Assistance'' account), to remain available until expended as follows:

(1) $400,000,000 for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act and retroactive to October 1, 2000, Guam shall be considered as one ''State'' for all purposes under H.R. 728, notwithstanding any provision of section 108(3) thereof: *Provided,* That no funds provided under this heading may be used as matching funds for any other Federal grant program, of which:

(A) $90,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: *Provided,* That funds may also be used to defray the costs of indemnification insurance for law enforcement officers;

(B) $20,000,000 shall be available for grants, contracts, and other assistance to carry out section 102(c) of H.R. 728;

(2) $20,000,000 for the Cooperative Agreement Program;

(3) $48,000,000 for assistance to Indian tribes, of which:

(A) $35,000,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(B) $8,000,000 shall be available for the Tribal Courts Initiative; and

(C) $5,000,000 shall be available for demonstration grants on alcohol and crime in Indian Country;

(4) $134,700,000 for programs authorized by part E of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act, of which $134,700,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs;

(5) $12,000,000 for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act;

(6) $2,300,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act;

(7) $1,000,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act;

(8) $184,765,000 for Grants to Combat Violence Against Women, as authorized by section 1001(a)(18) of the 1968 Act, of which:

(A) $1,000,000 shall be for the Bureau of Justice Statistics for grants, contracts, and other assistance for a domestic violence Federal case processing study;

(B) $5,200,000 shall be for the National Institute of Justice for grants, contracts, and other assistance for research and evaluation of violence against women;

(C) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended;

(9) $65,000,000 for Grants to Encourage Arrest Policies, as authorized by section 1001(a)(19) of the 1968 Act;

(10) $40,000,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act;

(11) $5,000,000 for training programs, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects;

(12) $3,000,000 for grants to improve the process for entering data regarding stalking and domestic violence into local, State, and national crime information databases, as authorized by section 40602 of the 1994 Act;

(13) $10,000,000 for grants to reduce Violent Crimes Against Women on Campus, as authorized by section 1108(a) of Public Law 106–386;

(14) $40,000,000 for Legal Assistance for Victims, as authorized by section 1201 of Public Law 106–386;

(15) $5,000,000 for enhancing protection for older and disabled women from domestic violence and sexual assault as authorized by section 40801 of the 1994 Act;

(16) $15,000,000 for the Safe Havens for Children Pilot Program as authorized by section 1301 of Public Law 106–386;

(17) $7,500,000 for Education and Training to end violence against and abuse of women with disabilities, as authorized by section 1402 of Public Law 106–386;

(18) $70,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act;

(19) $900,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(20) $50,000,000 for Drug Courts, as authorized by title I, part EE of the 1968 Act;

(21) $1,500,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act;

(22) $2,000,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(23) $249,450,000 for Juvenile Accountability Incentive Block Grants.

(24) $1,300,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act:

Provided, That funds made available in fiscal year 2003 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further,* That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement ''Weed and Seed'' program activities, $58,925,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government engaged in the investigation and prosecution of violent crimes and drug offenses in ''Weed and Seed'' designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the ''Weed and Seed'' program strategy: *Provided,* That funds designated by Congress through language for other Department of Justice appropriation accounts for ''Weed and Seed'' program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further,* That the Attorney General may direct the use of other Department of Justice funds and personnel in support of ''Weed and Seed'' program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (''the 1994 Act'') (including administrative costs), $1,120,228,000, to remain available until expended: *Provided,* That prior year balances available in this program shall be used for the direct hiring of law enforcement officers through the Universal Hiring Program: *Provided further,* That section 1703 (b) and (c) of the 1968 Act shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.): *Provided further,* That all prior year balances derived from the Violent Crime Trust Fund for Community Oriented Policing Services may be transferred into this appropriation: *Provided further,* That the officer redeployment demonstration described in section 1701(b)(1)(C) shall not apply to equipment, technology, support system or overtime grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.).

Of the amounts provided:

(1) for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, $492,000,000 as follows: $330,000,000 for the hiring of law enforcement officers, including up to $180,000,000 for school resource officers; $10,000,000 for training school resource officers on issues related to terrorism; $21,000,000 for training and technical assistance; $26,000,000 for the matching grant program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''); $40,000,000 to improve tribal law enforcement including equipment and training; $50,000,000 for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in ''drug hot spots''; and $15,000,000 for Police Corps education, training, and service under sections 200101–200113 of the 1994 Act;

(2) for crime technology, $426,215,000 as follows: $158,815,000 for a law enforcement technology program; $100,000,000 for the COPS Interoperable Communications Technology Program; $35,000,000 for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601); $40,000,000 for DNA analysis and backlog reduction of which $35,000,000 shall be used as authorized by the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546) and of which $5,000,000 shall be available for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the Omnibus Crime Control and

Safe Streets Act of 1968 (42 U.S.C. 3797j et seq.); $40,000,000 for State and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, and improvements to forensic laboratory general forensic science capacity and capabilities; and $45,000,000 for grants, contracts and other assistance to States under section 102(b) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which $17,000,000 is for the National Institute of Justice for grants, contracts, and other agreements to develop school safety technologies and training;

(3) for prosecution assistance, $100,000,000 as follows: $50,000,000 for a national program to reduce gun violence, and $50,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for Federal costs associated with the prosecution of criminal cases declined by local U.S. Attorneys offices;

(4) for grants, training, technical assistance, and other expenses to support community crime prevention efforts, $67,013,000 as follows: $15,000,000 for Project Sentry; $15,000,000 for an offender re-entry program; $20,013,000 for the Safe Schools Initiative; and $17,000,000 for a police integrity program; and

(5) not to exceed $35,000,000 for program management and administration.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (''the Act''), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $315,425,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which: (1) notwithstanding any other provision of law, $7,112,000 shall be available for expenses authorized by part A of title II of the Act, $88,800,000 shall be available for expenses authorized by part B of title II of the Act, and $75,513,000 shall be available for expenses authorized by part C of title II of the Act: *Provided*, That $26,442,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $12,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $16,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $95,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which $12,500,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which $15,000,000 shall be available for the Safe Schools Initiative including $5,000,000 for grants, contracts, and other assistance under the Project Sentry Initiative; and of which $25,000,000 shall be available for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training: *Provided further*, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $11,000,000, to remain available until expended, as authorized by section 214B of the Act.

ELECTION REFORM GRANT PROGRAM

For an amount to establish the Election Reform Grant Program, to provide assistance to States and localities in improving election technology and the administration of Federal elections, $50,000,000: *Provided*, That, notwithstanding any other provision of law, in the awarding of grants pursuant to Public Law 107–252, priority shall be given to districts where greater than 50 percent of registered voters are Federally-recognized racial or ethnic minorities and disabled persons.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $4,000,000, to remain available until expended for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $60,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. (a) Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated: *Provided further*, That rewards made pursuant to section 501 of Public Law 107–56 shall not be subject to this section.

(b) Notwithstanding any other provision of law, payments made during fiscal year 2003 resulting from Doe v. United States [docket #98–896C], before the Court of Federal Claims, shall only be paid from appropriations made available under the headings ''Salaries and Expenses, General Legal Activities'' and ''Salaries and Expenses, United States Attorneys'' in title I of this Act.

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 104. Notwithstanding any other provision of law, $1,000,000 shall be available for technical assistance from the funds appropriated for part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

SEC. 105. The Immigration and Nationality Act of 1953 is amended—

(1) in section 344(c) (8 U.S.C. 1455(c)), by replacing ''All'' with ''Except as provided by section 286(q)(2) or any other law, all''; and

(2) in section 286(q)(2) (8 U.S.C. 1356(q)(2)), by inserting '', including receipts for services performed in processing forms I–94, I–94W, and I–68, and other similar applications processed at land border ports of entry,'' after ''subsection''.

SEC. 106. In instances where the Attorney General determines that law enforcement-, security-, or mission-related considerations mitigate against obtaining maintenance or repair services from private sector entities for equipment under warranty, the Attorney General is authorized to seek reimbursement from such entities for warranty work performed at Department of Justice facilities and, notwithstanding any other provision of law, to credit any payment made for such work to any appropriation charged therefore.

SEC. 107. Public Law 107–273 is amended—

(1) in section 12222(b), strike ''on October 1, 2002'' and insert in lieu thereof the following: ''on the effective date provided in section 12102(b)'';

(2) in section 12223(a), strike ''on the date of the enactment of this Act'' and insert in lieu thereof the following: ''on the effective date provided in section 12102(b)'';

(3) in section 12223(b), by replacing ''Act'' with ''subtitle'', and all the matter after ''beginning'' with ''on or after the effective date provided in subsection (a).''.

SEC. 108. The law enforcement training facility described in section 8150 of Public Law 107–248 is hereby established as a permanent training facility.

SEC. 109. Notwithstanding any other provision of law, in fiscal year 2003 and thereafter the Attorney General shall transfer to the ''Narrowband Communications'' account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided*, That the Attorney General shall notify the Committees on Appropriations of the Senate and House of Representatives of any transfers made under this section.

This title may be cited as the ''Department of Justice Appropriations Act, 2003''.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $33,000,000, of which $1,000,000 shall remain available until expended: *Provided,* That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $54,600,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $353,242,000, to remain available until expended, of which $3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided,* That $68,083,000 shall be for Trade Development, $28,197,000 shall be for Market Access and Compliance, $44,006,000 shall be for the Import Administration, $199,631,000 shall be for the United States and Foreign Commercial Service, and $13,325,000 shall be for Executive Direction and Administration: *Provided further,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $100,198,000, to remain available until expended: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further,* That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments: *Provided further,* That all programs and activities under this heading related to industry development shall be transferred to and merged with relevant programs and activities under the heading ''International Trade Administration, Operations and Administration''.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, $257,886,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,765,000: *Provided,* That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $28,906,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $72,158,000, to remain available until September 30, 2004.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $173,223,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, $385,696,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $14,352,000, to remain available until expended: *Provided,* That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further,* That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the National Telecommunications and Information Administration Organization Act, 47 U.S.C. 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: *Provided further,* That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $43,616,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided,* That not to exceed $2,478,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further,* That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $15,560,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided,* That not to exceed $3,097,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further,* That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further,* That, notwithstanding the requirements of sections 392(a) and 392(c) of

the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: *Provided further*, That, notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,038,800,000, to remain available until expended, which amount shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2003, so as to result in a fiscal year 2003 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2003, should the total amount of offsetting fee collections be less than $1,038,800,000, the total amounts available to the United States Patent and Trademark Office shall be reduced accordingly: *Provided further*, That an additional amount not to exceed $166,771,000 from fees collected in prior fiscal years shall be available for obligation in fiscal year 2003, to remain available until expended: *Provided further*, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2003 for official reception and representation expenses.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $7,886,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $363,433,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $106,623,000, to remain available until expended: *Provided*, That hereafter the Secretary of Commerce is authorized to enter into agreements with one or more nonprofit organizations for the purpose of carrying out collective research and development initiatives pertaining to 15 U.S.C. 278k paragraph (a), and is authorized to seek and accept contributions from public and private sources to support these efforts as necessary.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $185,353,000, to remain available until expended, of which $60,700,000 shall be expended for the award of new grants before October 1, 2003.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $65,460,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized, $2,349,301,000: *Provided*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That the Secretary of Commerce will designate a National Marine Fisheries Service Regional Office for the Pacific Area within sixty days of enactment of this Act: *Provided further*, That the Regional Administrator of the regional office for the Pacific Area, who shall be hired within sixty days of enactment of this Act, shall be a current employee of the Pacific Island Area Office and shall be an employee at the grade of GS–14 promotable to the grade of GS–15: *Provided further*, That, in addition, $55,000,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': *Provided further*, That in addition to the amounts provided, $3,000,000 shall be derived by transfer from the fund entitled, ''Coastal Zone Management'': *Provided further*, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000, unless funds provided for ''Coastal Zone Management Grants'' exceed funds provided in the previous fiscal year: *Provided further*, That if funds provided for ''Coastal Zone Management Grants'' exceed funds provided in the previous fiscal year, then no State shall receive more than five percent or less than one percent of the additional funds: *Provided further*, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity: *Provided further*, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act.

There shall be established the Business Management Fund of the National Oceanic and Atmospheric Administration, which shall be available without fiscal year limitation for expense and equipment necessary for the maintenance and operations of such services and projects as the Administrator of the National Oceanic and Atmospheric Administration determines may be performed more advantageously when centralized: *Provided*, That a separate schedule of expenditures and reimbursements, and a statement of the current assets and liabilities of the Business Management Fund as of the close of the completed fiscal year, shall be prepared each year: *Provided further*, That notwithstanding 31 U.S.C. 3302(b), the Business Management Fund may be credited with advances and reimbursements from applicable appropriations of the National Oceanic and Atmospheric Administration and from funds of other agencies or entities for services furnished pursuant to law: *Provided further*, That any inventories, equipment, systems, real property and other assets over $25,000, pertaining to the services to be provided by such funds, either on hand or on order, less the related liabilities or unpaid obligations, shall be used to capitalize the Business Management Fund: *Provided further*, That the National Oceanic and Atmospheric Administration shall provide for centralized services at rates which return in full all expenses of operation and services, including the full cost of salaries and accruing benefits and the annual costs of plant and equipment associated with services to be provided, plus an amount equal to projected inflation, amortization of automated data processing software and hardware systems, and an amount not to exceed four percent of the full costs necessary to maintain a reasonable operating reserve and fund new requirements as determined by the Administrator: *Provided further*, That the Business Management Fund shall become operational no later than thirty days after enactment of this Act.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $903,410,000, to remain available until September 30, 2005: *Provided*, That unexpended balances of amounts previously made available in the ''Operations, Research, and Facilities'' account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated: *Provided further*, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: *Provided further*, That the Secretary shall establish a Coastal and Estuarine Land Conservation Program, for the purpose of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses: *Provided further*, That none of the funds provided in this Act or any other Act under the heading ''National Oceanic and Atmospheric Administration, Procurement, Acquisition and

Construction'' shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada, $78,650,000, to remain available until September 30, 2004.

In addition, for implementation of the 1999 Pacific Salmon Treaty Agreement, $20,000,000, of which $10,000,000 shall be deposited in the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund, of which $10,000,000 shall be deposited in the Southern Boundary Restoration and Enhancement Fund.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $954,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $191,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $287,000, as authorized by the Merchant Marine Act of 1936, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $5,000,000 for Individual Fishing Quota loans, and not to exceed $19,000,000 for Traditional direct loans: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $41,494,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11, as amended by Public Law 100–504), $20,635,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized; services as authorized; and uniforms or allowances therefore, as authorized.

SEC. 203. Hereafter none of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Hereafter the Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949.

SEC. 206. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2003 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: *Provided further*, That such amounts retained in the fund for fiscal year 2003 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

SEC. 207. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the ''National Institute of Standards and Technology, Construction of Research Facilities'', $14,000,000 is appropriated to fund a cooperative agreement with the Medical University of South Carolina, $6,000,000 is appropriated to the Thayer School of Engineering for the nanocrystalline materials and biomass research initiative, $3,000,000 is appropriated to the Institute for Information Infrastructure Protection at the Institute for Security Technology Studies, $4,000,000 is appropriated for the Institute for Politics, and $1,260,000 is appropriated to the Franklin Pierce College.

SEC. 208. Of the amounts available from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'', Saltonstall-Kennedy grants may be issued only in the priority funding areas of Fishing Capacity Reduction under the Magnuson-Stevens Act Sections 312(b)–(e), Conservation Engineering, Optimum Utilization of Harvested Resources under Federal or State Management, Marine Aquaculture, and Fisheries Socioeconomics: *Provided*, That no funds shall be provided under the Saltonstall-Kennedy Grant Program for any grant related to Atlantic salmon aquaculture development considering the endangered species status of Atlantic salmon.

SEC. 209. Of the amount available from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'', $20,000,000 shall be provided to develop an Alaska seafood marketing program.

SEC. 210. (a) The Secretary of Commerce is authorized to award grants and make direct lump sum payments in support of an international advertising and promotional campaign developed in consultation with the private sector to encourage individuals to travel to the United States consisting of radio, television, and print advertising and marketing programs.

(b) The United States Travel and Tourism Promotion Advisory Board (hereinafter ''Board'') is established to recommend the appropriate coordinated activities to the Secretary for funding.

(c) The Secretary shall appoint the Board within 30 days of enactment and shall include tourism-related entities he deems appropriate.

(d) The Secretary shall consult with the Board and state and regional tourism officials on the disbursement of funds.

(e) There is authorized to be appropriated $50,000,000, to remain available until expended, and $50,000,000 is appropriated to implement this section.

SEC. 211. From funds made available from the ''Operations and Training'' account, not more than $50,000 shall be made available to the Maritime Administration for administrative expenses to oversee the implementation of this section for the purpose of recovering economic and national security benefits to the United States following the default under the construction contract described in section 8109 of the Department of Defense Appropriations Act for Fiscal Year 1998 (Public Law 105–56): *Provided*, That the owner of any ship documented under the authority of this section shall offset such appropriation through the payment of fees to the Maritime Administration not to exceed the appropriation and that such fees be deposited as an offsetting collection to this appropriation: *Provided further*, That notwithstanding any other provision of law, one or both ships originally contracted under section 8109 of Public Law 105–56 may be constructed to completion in a shipyard located outside of

the United States and the owner thereof (or a related person with respect to that owner) may document one or both ships under U.S. flag with a coastwise endorsement, and notwithstanding any other provision of law, and not later than two years after entry into service of the first ship contracted for under section 8109 of Public Law 105–56, that owner (or a related person with respect to that owner) may re-document under U.S. flag with a coastwise endorsement one additional foreign-built cruise ship: *Provided further*, That: (1) the owner of any cruise ship documented under the authority of this section is a citizen of the United States within the meaning of 46 U.S.C. 12102(a), (2) the foreign-built cruise ship re-documented under the authority of this section meets the eligibility requirements for a certificate of inspection under section 1137(a) of Public Law 104–324 and applicable international agreements and guidelines referred to in section 1137(a)(2) thereof and the 1992 Amendments to the Safety of Life at Sea Convention of 1974, and that with respect to the re-documented foreign-built cruise ship, any repair, maintenance, alteration, or other preparation necessary to meet such requirements be performed in a United States shipyard, (3) any non-warranty repair, maintenance, or alteration work performed on any ship documented under the authority of this section shall be performed in a United States shipyard unless the Administrator of the Maritime Administration finds that such services are not available in the United States or if an emergency dictates that the ship proceed to a foreign port for such work, (4) any ship documented under the authority of this section shall operate in regular service between or among the islands of Hawaii, (5) no person, nor any ship operating between or among the islands of Hawaii, shall be entitled to the preference contained in the second proviso of section 8109 of Public Law 105–56, and (6) no cruise ship operating in coastwise trade under the authority of this section or constructed under the authority of this section shall be eligible for a guarantee of financing under title XI of the Merchant Marine Act 1936: *Provided further*, That any cruise ship to be documented under the authority of this section shall be immediately eligible before documentation of the vessel for the approval contained in section 1136(b) of Public Law 104–324: *Provided further*, That for purposes of this section the term ''cruise ship'' means a vessel that is at least 60,000 gross tons and not more than 120,000 gross tons (as measured under chapter 143 of title 46, United States Code) and has berth or stateroom accommodations for at least 1,600 passengers, the term ''one or both ships'' means collectively the partially completed hull and related components, equipment, and parts of whatever kind acquired pursuant to the construction contract described in section 8109 of Public Law 105–56 and intended to be incorporated into the ships constructed thereto, the term ''related person'' means with respect to a person: a holding company, subsidiary, or affiliate of such person meeting the citizenship requirements of section 12102(a) of title 46, United States Code, and the term ''regular service'' means the primary service in which the ship is engaged on an annual basis.

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 2003''.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, excluding care of the building and grounds; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, $44,399,000.

CARE OF THE BUILDING AND GROUNDS

For expenses necessary for the care of building and grounds, $53,304,000, to remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, $20,136,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, $13,529,000.

COURT OF APPEALS, DISTRICT, MAGISTRATE, AND BANKRUPTCY COURT JUDGES AND STAFF

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and their staff, $718,736,000.

COURT SUPPORT

SALARIES AND EXPENSES

For expenses necessary for the operation of the courts, including travel and hire of passenger motor vehicles, $1,048,877,000, of which not to exceed $45,000 is authorized for official reception and representation expenses.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,784,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

COURT SERVICES

SALARIES AND EXPENSES

For expenses necessary for court services, including the purchase of firearms and ammunition, supplies, and equipment and the payment of rent to the General Services Administration, $1,394,039,000, of which not to exceed $29,277,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

PROBATION AND PRETRIAL SERVICES

SALARIES AND EXPENSES

For expenses necessary for probation and pretrial services, $717,214,000.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964; the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized; and for necessary training and general administrative expenses, $531,792,000, to remain available until September 30, 2004.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized; compensation of jury commissioners as authorized; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure, $54,636,000, to remain available until September 30, 2004: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective guard services for United States courthouses and the procurement, installation, and maintenance of security equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, and other similar activities, $276,342,000, of which not to exceed $10,000,000 shall remain available until expended for security systems or contract costs for court security officers: *Provided*, That, of the amounts made available under this heading, $1,000,000 shall be transferred to, and merged with, funds in the ''Salaries and Expenses, United States Marshals Service'' appropriations account, to be available only for a courthouse security survey to be conducted by Judicial Security Division/Judicial Security Systems personnel.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, $20,156,000; of which $1,800,000 shall remain available through September 30, 2004, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized, $27,700,000; to the Judicial Survivors' Annuities Fund, as authorized, $5,200,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized, $2,400,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $11,835,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to

this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, any salaries and expenses appropriation in this title, except probation and pretrial services, shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided,* That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Pursuant to section 140 of Public Law 97–92, Justices and judges of the United States are authorized during fiscal year 2003, to receive a salary adjustment in accordance with 28 U.S.C. 461: *Provided,* That $7,972,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act.

This title may be cited as the ''Judiciary Appropriations Act, 2003''.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, as amended; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,042,096,000: *Provided,* That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further,* That of the amount made available under this heading for Oceans and International Environmental and Scientific Affairs, $4,000,000 shall be for negotiations of a binding turtle bycatch reduction agreement for the Western and Central Pacific: *Provided further,* That, of the amount made available under this heading, $5,000,000 shall be made available only for the renovation of the United States Consulate facility in Istanbul for the purposes of housing an International Center on Muslim-Western Dialogue: *Provided further,* That, the Secretary of State shall develop a plan for the five-year graduated synchronization of the United States' and the United Nations' budget cycles: *Provided further,* That, of the amount made available under this heading, $1,500,000 shall be available for a grant to conduct an international forum on the rule of law: *Provided further,* That, of the amount made available under this heading, $500,000 shall be available for a grant to conduct an international conference on best practices on adoption: *Provided further,* That of the amount made available under this heading, $200,000 shall be available to conduct the Girls' International Forum: *Provided further,* That of the amount made available under this heading, $100,000 shall be available to conduct the Winter Cities Conference: *Provided further,* That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action.

In addition, not to exceed $1,343,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $579,086,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $210,000,000, to remain available until expended, as authorized: *Provided,* That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $30,844,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $237,881,000, to remain available until expended: *Provided,* That not to exceed $2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $6,485,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $9,400,000, to remain available until September 30, 2004.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S. Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $523,000,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided,* That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $732,700,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $6,500,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $612,000, as authorized: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $17,044,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $138,200,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $866,000,000: *Provided,* That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further,* That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further,* That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping

activities directed to the maintenance or restoration of international peace and security, $673,710,000, of which 15 percent shall remain available until September 30, 2004: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $25,155,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,488,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $10,023,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $20,480,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), as amended, $10,250,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2003, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2003, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $18,000,000, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $46,500,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors to carry out international communication activities, $431,456,000.

BROADCASTING TO CUBA

For necessary expenses to enable the Broadcasting Board of Governors to carry out broadcasting to Cuba, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $24,996,000, to remain available until expended.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $13,740,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2003 or any fiscal year thereafter may be obligated or expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

SEC. 405. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2003 or any fiscal year thereafter may be obligated or expended for the publication of any official Government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

SEC. 406. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.

SEC. 407. (a) Not later than February 15, 2003, the Secretary of the Navy shall transfer, without reimbursement, to the Secretary of State administrative jurisdiction over the parcels of real property, together with any improvements thereon, consisting in aggregate of approximately 10 acres at Naval Base, Charleston, South Carolina, described in subsection (b).

(b) The parcels of real property described in this subsection are as follows:

(1) A parcel bounded by Holland Street, Dyess Avenue, and Hobson Avenue to the entrance way immediately west of Building 202.

(2) A parcel bounded on the north by Dyess Avenue comprising Building 644.

(c) The transfer of jurisdiction of real property under subsection (a) shall not effect the validity or term of any lease with respect to such real property in effect as of the date of the transfer.

(d) The Secretary of State shall use the property transferred under subsection (a) for support of diplomatic and consular operations.

(e) The exact acreage and legal description of the property transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of the survey shall be borne by the Secretary.

(f) The Secretary of the Navy may require such additional terms and conditions in connection with the transfer of property under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

This title may be cited as the ''Department of State and Related Agency Appropriations Act, 2003''.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until September 30, 2005.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities, $89,904,000, of which $13,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized, $32,852,000, to remain available until September 30, 2005: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $4,144,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided,* That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior Appropriations Act.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $659,000.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,096,000: *Provided,* That not to exceed $50,000 may be used to employ consultants: *Provided further,* That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further,* That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized, $3,000,000.

COMMISSION ON OCEAN POLICY

SALARIES AND EXPENSES

For the necessary expenses of the Commission on Ocean Policy, $3,000,000.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, $1,550,000.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, $1,000,000.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission, including services as authorized; hire of passenger motor vehicles as authorized; non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for authorized services to the Commission, $320,436,000: *Provided,* That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $275,400,000, of which not to exceed $300,000 shall remain available until September 30, 2004, for research and policy studies: *Provided,* That $275,400,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2003: *Provided further,* That any offsetting collections received in excess of $275,400,000 in fiscal year 2003 shall remain available until expended, but shall not be available for obligation until October 1, 2003.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized, including services; hire of passenger motor vehicles; and uniforms or allowances therefor, $16,795,000: *Provided,* That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $2,000 for official reception and representation expenses, $175,148,000, to remain available until expended: *Provided,* That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further,* That, notwithstanding any other provision of law, not to exceed $166,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, and offsetting collections derived from fees sufficient to implement and enforce the do-not-call provisions of the Telemarketing Sales Rule, 16 C.F.R. Part 310, promulgated under the Telephone Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), estimated at $16,000,000, shall be collected pursuant to this authority: *Provided further,* That all offsetting collections shall be credited to this appropriation, used for necessary expenses, and remain available until expended: *Provided further,* That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2003, so as to result in a final fiscal year 2003 appropriation from the general fund estimated at not more than $9,148,000: *Provided further,* That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2282–2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $329,397,000, of which $310,097,000 is for basic field programs and required independent audits; $2,600,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $13,300,000 is for management and administration; and $3,400,000 is for client self-help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2002 and 2003, respectively.

Section 504(a)(16) of Public Law 104–134 is hereafter amended by striking ''if such relief does not involve'' and all that follows through ''representation''.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission, $2,050,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

For necessary expenses of the National Veterans Business Development Corporation, $2,000,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $656,700,000; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided,* That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee) shall be credited to this account as offsetting collections: *Provided further,* That not to exceed $656,700,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further,* That the total amount appropriated under this heading from the general fund for fiscal year 2003 shall be reduced as such offsetting fees are received so as to result in a final total fiscal 2003 appropriation from the general fund estimated at not more than $0.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized, including hire of passenger motor vehicles, and not to exceed $3,500 for official reception and representation expenses, $364,357,000: *Provided,* That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further,* That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: *Provided further,* That $88,000,000 shall be available to fund grants for performance in fiscal year 2003 or fiscal year 2004 as authorized.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $11,600,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $3,726,000, to be available until expended; and for the cost of guaranteed loans, $85,360,000, as authorized, of which $45,000,000 shall remain available until September 30, 2004: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That during fiscal year 2003 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed $4,500,000,000, as provided under section 20(h)(1)(B)(ii) of the Small Business Act: *Provided further,* That during fiscal year 2003 commitments to guarantee loans for debentures and participating securities under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed the levels established by section 20(i)(1)(C) of the Small Business Act.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $76,140,000, to remain available until expended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, $118,354,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $108,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which $9,854,000 is for indirect administrative expenses: *Provided,* That any amount in excess of $9,854,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, $3,100,000: *Provided,* That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds appropriated or otherwise made available by this Act or any other Act may be used to implement, enforce, or otherwise abide by the Memorandum of Agreement signed by the Federal Trade Commission and the Antitrust Division of the Department of Justice on March 5, 2002.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects (including construction projects), or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. Of the funds appropriated in this Act under the heading ''Office of Justice Programs—State and Local Law Enforcement

Assistance'', not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 608. Hereafter, none of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 609. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as amended.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2003.

(c) Notwithstanding any other provision of law, attorneys in positions funded with amounts made available under the headings ''Salaries and Expenses, General Legal Activities'' and ''Salaries and Expenses, United States Attorneys'' in title I of this Act shall be compensated on an hourly basis, weekly compensation to be determined by mechanical means, and shall have such fixed breaks each work day as are afforded other hourly workers employed by the Department of Justice.

SEC. 610. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 611. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $566,500,000 shall not be available for obligation until the following fiscal year, with the exception of emergency appropriations made available by Public Law 107–38 and transferred to the Fund.

SEC. 612. None of the funds appropriated or otherwise made available to the Department of State and the Department of Justice shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 613. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 614. Hereafter, none of the funds appropriated by this Act or any other Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

SEC. 615. Of the amounts provided for ''Small Business Administration, Salaries and Expenses'', $31,625,000, of which $2,000,000 shall be available for a grant to the Innovation and Commercialization Center; $2,000,000 shall be available for the Mississippi State University MAF/TIGER database project; $1,000,000 shall be for the Black Hills Rural Tourism Marketing Program; $1,500,000 shall be for the Center for Tourism Research; $3,125,000 shall be for the National Inventor's Hall of Fame; $5,000,000 shall be for the Boston Museum of Science; $2,000,000 shall be for the Tuck School and Minority Business Development Agency Partnership; $2,000,000 shall be for the Oklahoma International Trade Processing Center; $300,000 shall be for the Center for Women and Enterprise; $500,000 shall be for the Ogontz Revitalization Corporation; $800,000 shall be for Kennesaw State University Family Business Initiative; $500,000 shall be for the Idaho Virtual Incubator, Phase III; $1,600,000 shall be for the Adelante grant; $300,000 shall be for the Immigration Services project in Iowa; $2,000,000 shall be for the Microdevice Fabrication Facility; $4,000,000 shall be for the Marine Mammal Commission; $600,000 shall be for the Carvers Bay Library; $1,000,000 shall be for technical upgrades for the Northwest Center for Engineering, Science, and Technology; $200,000 shall be for the Southern New Mexico High Technology Consortium; $1,000,000 shall be for the American Museum of Natural History; and $200,000 shall be for the Program for International Education and Training.

SEC. 616. Section 1605 of title 28, United States Code is amended by adding a new subsection (h) as follows:

''(h) CAUSE OF ACTION FOR IRANIAN HOSTAGES.—Notwithstanding any provision of the Algiers Accords, or any other international agreement, any United States citizen held hostage in Iran after November 1, 1979, and their spouses and children at the time, shall have a claim for money damages against the government of Iran. Any provision in an international agreement, including the Algiers Accords that purports to bar such suit is abrogated. This subsection shall apply retroactively to any cause of action cited in 28 U.S.C. 1605 (a)(7)(A).

SEC. 617. Any amounts previously appropriated for the Port of Anchorage for an intermodal marine facility and access thereto shall be transferred to and administered by the Administrator for the Maritime Administration including non-federal contributions.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $36,230,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $50,874,000 are rescinded.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $120,000,000 are rescinded.

This division may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003''.

DIVISION C—DISTRICT OF COLUMBIA APPROPRIATIONS, 2003

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $17,000,000, to remain available until expended: *Provided,* That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further,* That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further,* That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further,* That the account shall be under the control of the District of Columbia Chief Financial Officer who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further,* That the Resident Tuition Support Program Office and the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the Senate and House of Representatives for these funds showing, by object class, the expenditures made and the purpose therefor: *Provided further,* That not more than seven percent of the total amount appropriated for this program may be used for administrative expenses.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For necessary expenses, as determined by the Mayor of the District of Columbia in

written consultation with the elected county or city officials of surrounding jurisdictions, $15,000,000, to remain available until expended, to reimburse the District of Columbia for the costs of public safety expenses related to security events in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: *Provided,* That the Chief Financial Officer of the District of Columbia shall provide a report, within 15 days of an expenditure, to the President and to the Committees on Appropriations of the Senate and the House of Representatives, detailing any expenditure of these funds for public safety purposes: *Provided further,* That the Office of Management and Budget shall, in consultation with the United States Park Police, the National Park Service, the Secret Service, the Federal Bureau of Investigation, the United States Protective Service, the Department of State, and the General Services Administration, review the National Capital Planning Commission study on ''Designing for Security in the Nation's Capital'' and report to the Committees on Appropriations of the Senate and House of Representatives on the steps these agencies will take to improve the appearance of security measures in the District of Columbia in accordance with the National Capital Planning Commission recommendations, no later than February 5, 2003: *Provided further,* That the report shall include the recommendations of each agency.

FEDERAL PAYMENT FOR HOSPITAL BIOTERRORISM PREPAREDNESS IN THE DISTRICT OF COLUMBIA

For a Federal payment to support bioterrorism hospital preparedness in the District of Columbia, $10,000,000, of which $5,000,000 shall be for the Children's National Medical Center in the District of Columbia for the expansion of quarantine facilities and the establishment of a decontamination facility, and $5,000,000 shall be for the Washington Hospital Center for construction of containment facilities.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Chief Financial Officer of the District of Columbia, $15,000,000, for education, security, economic development, and health initiatives in the District of Columbia.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $166,193,000, to be allocated as follows: for the District of Columbia Court of Appeals, $8,551,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $81,265,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $39,676,000, of which not to exceed $1,500 is for official reception and representation expenses; and $35,201,000 for capital improvements for District of Columbia courthouse facilities: *Provided,* That these funds are expended consistent with the General Services Administration master plan study and building evaluation report: *Provided further,* That $1,500,000, of the funds made available under this heading, shall be deposited into a dedicated account in the U.S. Treasury and shall remain available until expended, for a program to be administered by the District of Columbia Superior Court to provide guardians ad litem to abused and neglected children: *Provided further,* That such program shall develop the capacity to improve the quality, training and recruitment of guardians ad litem to abused and neglected children: *Provided further,* That such funds, including any interest accrued thereon, shall be used to contract with a non-profit organization to act as guardians ad litem, provide training, technical assistance, and other such services including infrastructure development as are necessary to improve the quality of guardian ad litem representation to abused and neglected children in the District of Columbia Family Court: *Provided further,* That the non-profit organization shall have expertise in the following areas: representing children, child welfare, adoption, guardianship, special education and domestic violence: *Provided further,* That the District of Columbia Superior Court shall establish a dedicated account in the U.S. Treasury for the Guardian ad Litem Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any necessary funds provided under the heading ''Defender Services in the District of Columbia Courts'', any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further,* That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: *Provided further,* That funds made available for capital improvements may remain available until September 30, 2004: *Provided further,* That 30 days after providing written notice to the Committees on Appropriations of the Senate and House of Representatives, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under such heading: *Provided further,* That notwithstanding Section 446 of the District of Columbia Home Rule Act or any provision of subchapter III of chapter 13 of title 31, United States Code, the use of interest earned on the Federal payment made to the District of Columbia Courts under the District of Columbia Appropriations Act, 1998, by the Courts during fiscal year 1998 shall not constitute a violation of such Act or such subchapter.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, or pursuant to a contract with a non-profit organization to provide guardian ad litem representation, training, technical assistance and such other services as are necessary to improve the quality of guardian ad litem representation, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $34,000,000, to remain available until expended: *Provided,* That the funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $35,201,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further,* That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $35,201,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further,* That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further,* That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 1. PAYMENTS FOR REPRESENTATION OF INDIGENTS. (a) SERVICES OF COUNSEL.—Section 11–2604, District of Columbia Code, is amended in subsection (a), by striking ''$65'' and inserting ''$75''.

(b) EFFECTIVE DATE.—The amendment made by this provision shall apply with respect to cases and proceedings initiated on or after October 1, 2002.

(c) The hourly rate paid to attorneys representing indigent defendants in the District of Columbia, subject to Section 11–2604 and Section 16–2326.01(b) of the District of Columbia Code shall be $90 per hour, effective October 1, 2003.

SEC. 2. INCLUSION OF COURT EMPLOYEES IN LONG TERM CARE PROGRAM. (a) Section 9001(1) of Title 5, United States Code, is amended by adding before the period ''(other than an employee of the District of Columbia Courts)''.

(b) Section 11–1726, District of Columbia Code, is amended as follows:

(1) in subsection (b)(1), by adding at the end: ''(F) Chapter 90 (relating to long-term care insurance).''.

(2) in subsection (c)(1), by adding at the end: ''(D) Chapter 90 (relating to long-term care insurance).''.

SEC. 3. CRIME VICTIMS COMPENSATION FUND. All funds from the Crime Victims Compensation Fund, established by section 16 of the Victims of Violent Crime Compensation Act of 1996, effective April 9, 1997 (D.C. Law 11–243; D.C. Official Code, sec. 4–514) (''Compensation Act''), that are designated for outreach activities pursuant to section 16(d)(2)

of the Compensation Act shall be deposited in the Crime Victims Assistance Fund, established by section 16a of the Compensation Act, for the purpose of outreach activities, and shall remain available until expended.

SEC. 4. TRANSFER OF FINES. Notwithstanding any other law, the District of Columbia Courts shall transfer to the D.C. Treasury all fines levied and collected by the Courts in cases charging Driving Under the Influence and Driving While Impaired. The transferred funds shall remain available until expended and shall be used by the Office of the Corporation Counsel, for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Control Act, approved March 3, 1925 (43 Stat. 1124; D.C. Official Code, sec. 50–2201.05(b)(3)).

SEC. 5. TRANSFER TO CHILD AND FAMILY SERVICES AGENCY. Of the amount appropriated as a Federal payment to the District of Columbia Courts in the Fiscal Year 2002 District of Columbia Appropriations Act (Public Law 107–96; 115 Stat. 927) that remain available through September 30, 2003, $560,000 are hereby transferred to the District of Columbia Child and Family Services Agency for child abuse services.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712), $154,707,000 of which not to exceed $2,000 is for official receptions related to offender and defendant support programs; of which $95,682,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $23,070,000 shall be transferred to the Public Defender Service; and $35,955,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That notwithstanding chapter 12 of title 40, United States Code, the Director may acquire by purchase, lease, condemnation, or donation, and renovate as necessary, Building Number 17, 1900 Massachusetts Avenue, Southeast, Washington, District of Columbia, to house or supervise offenders and defendants, with funds made available for this purpose in Public Law 107–96: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection.

FEDERAL PAYMENT TO THE CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal payment to the Children's National Medical Center in the District of Columbia, $5,000,000 for capital and equipment improvements.

ST. COLETTA OF GREATER WASHINGTON EXPANSION PROJECT

For a Federal contribution to St. Coletta of Greater Washington, Inc., for costs associated with the establishment of a day program and comprehensive case management services for mentally retarded and multiple-handicapped adolescents and adults in the District of Columbia, including property acquisition and construction, $2,000,000.

FEDERAL PAYMENT TO THE DEPARTMENT OF TRANSPORTATION

For a Federal Payment to the Department of Transportation in the District of Columbia, $1,000,000: *Provided*, That such funds will be used to implement Transportation Systems Management initiatives and strategies recommended in the October 2001 report by the Interagency Task Force of the National Capital Planning Commission in coordination with the National Capital Planning Commission.

FEDERAL PAYMENT FOR ANACOSTIA WATERFRONT INITIATIVE IN THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia for implementation of the Anacostia Waterfront Initiative, $55,000,000, to remain available until expended, of which $50,000,000 shall be for the District of Columbia Water and Sewer Authority for the Combined Sewer Overflow Long-Term Control Plan, to be used for system design and upgrades: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for the fiscal year 2003 Federal contribution of $50,000,000 to begin implementing the multi-year Long-Term Control Plan: *Provided further*, That $5,000,000 of the funds made available under this heading, shall be for environmental and infrastructure costs related to development of parks and recreation facilities on the Anacostia River.

FEDERAL PAYMENT FOR CAPITAL INFRASTRUCTURE DEVELOPMENT

For a Federal payment to the District of Columbia for improvement of city-wide capital infrastructure, $13,100,000, of which $10,000,000 shall be for construction of interoperable communications infrastructure in the Unified Communications Center; $100,000 shall be for capital improvements of Eastern Market; and $3,000,000 shall be to begin the design and construction of a state-of-the-art forensics laboratory.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR FAMILY LITERACY

For a Federal payment to the District of Columbia, $4,000,000, shall be for the Family Literacy Program to address the needs of literacy-challenged parents while endowing their children with an appreciation for literacy and strengthening familial ties.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR CHARTER SCHOOL FACILITIES

For a Federal Payment to the District of Columbia for development of Charter School facilities, $20,000,000, to remain available until expended, to be allocated as follows:

(1) ADMINISTRATION AND SUPPORT.—$1,000,000 for administration and contracting costs of the Office of Charter School Financing and Support to administer the Credit Enhancement Fund for Public Charter Schools, the Direct Loan Program, and other public charter school financing programs and support services as requested by the Mayor and Council of the District of Columbia.

(2) CREDIT ENHANCEMENT FUND FOR PUBLIC CHARTER SCHOOLS.—$5,000,000 to be deposited in, and administered through, the credit enhancement revolving fund established under section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104–208; 110 Stat. 3009–293), as amended by the Fiscal Year 2002 District of Columbia Appropriations Act (Public Law 107–96; 115 Stat. 936) and this Act.

(3) DIRECT LOAN FUND FOR CHARTER SCHOOL IMPROVEMENT.—$10,000,000 for a Direct Loan Fund for Charter School Improvement, to be administered by the Office of Charter School Financing and Support: *Provided*, That loans distributed to charter schools from these funds shall not exceed $2,000,000 per charter school.

(4) PER PUPIL ALLOCATION.—$4,000,000 shall be used by the District of Columbia to supplement the per pupil facilities allocation to public charter schools in fiscal year 2003: *Provided*, That the per pupil facilities allocation to public charter schools shall not be less than $1,500.

ADMINISTRATIVE PROVISIONS

SEC. 6. CHARTER SCHOOL DEVELOPMENT. Section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104–208; 110 Stat. 3009–293), as amended by section 153 of the District of Columbia Appropriations Act, 2000, is amended by inserting the following new paragraphs—

''(3) OFFICE OF CHARTER SCHOOL FINANCING AND SUPPORT.—

''(A) ESTABLISHMENT.—There is established within the District of Columbia, under the authority of the Department of Banking and Financial Institutions, an Office of Public Charter School Financing and Support.

''(B) FUNCTIONS.—The office shall have the following three functions—

''(i) CREDIT ENHANCEMENT FUND.—To administer the Credit Enhancement Fund for Public Charter Schools.

''(ii) DIRECT LOAN PROGRAM.—To administer the Direct Loan Program.

''(iii) OTHER.—To develop, implement and provide oversight for other public charter school financing programs and support services as requested by the Mayor and the Council of the District of Columbia.

''(C) CONTRACT AUTHORITY.—The functions described in sections (1), (2) and (3) may be provided by the Office of Public Charter School Financing and Support or under contract with a qualified provider.

''(4) CREDIT ENHANCEMENT FUND FOR PUBLIC CHARTER SCHOOLS.—

''(A) ADMINISTRATION OF PROGRAM.—The Credit Enhancement Fund for Charter Schools shall be administered by the Office of Charter School Financing and Support.

''(B) DISTRIBUTION OF AMOUNTS.—Of the amounts in the credit enhancement fund established under paragraph (2)(B)—

''(i) 50 percent shall be used to make grants under subparagraph (B); and

''(ii) 50 percent shall be used to make grants under subparagraph (C).

''(5) DIRECT LOAN FUND FOR CHARTER SCHOOL IMPROVEMENT.—

''(A) ESTABLISHMENT.—There is established a Direct Loan Fund for Charter School Improvement.

''(B) ADMINISTRATION OF PROGRAM.—The Direct Loan Fund for Charter School Improvement shall be administered by the Office of Charter School Financing and Support.

''(C) USE OF FUNDS.—Funds distributed under this paragraph shall be for construction, purchase, renovation, and maintenance of charter school facilities.

''(D) AMOUNT OF LOANS.—Loans distributed under this paragraph shall not exceed $2,000,000 per charter school.

''(E) INTEREST AND TERMS.—The Office of Charter School Financing and Support shall determine what interest rates and terms apply to loans granted under this part. In determining the rates and terms of a loan granted to a charter school, the Office of Charter School Financing and Support should do its best to provide low interest options and flexible terms.

''(F) ELIGIBLE ENTITY.—To be eligible for a loan under this paragraph, an applicant shall be—

''(i) A public charter school approved pursuant to the School Reform Act by the Chartering Authority of the District of Columbia.

''(ii) Meeting or exceeding its performance goals as outlined in its originating charter.

''(G) USE OF PER PUPIL FACILITIES ALLOWANCE IN REPAYMENT OF LOANS.—In repaying a loan granted under this paragraph, a debtor may use facility maintenance funds granted to them by the District of Columbia Public Schools.''.

SEC. 7. REPORT TO CONGRESS. No later than April 1, 2003, the Comptroller General shall prepare and submit to the Committees on Appropriations of the Senate and the House of Representatives, a detailed analysis of the national effort to establish adequate charter school facilities including a comparison to the efforts in the District of Columbia.

SEC. 8. SURPLUS BUILDINGS. The Mayor of the District of Columbia and the Chairman of the Council of the District of Columbia, in consultation with the General Services Administration, shall conduct an assessment of all buildings currently held in surplus and those that might be made available within one year of the date of enactment of this Act: *Provided*, That such assessment include a survey of the space available, a listing of appropriate uses, a listing of potential occupants, and the renovations or construction necessary to accommodate proposed uses: *Provided further*, That within 180 days of enactment, the Mayor shall report to the Committees on Appropriations of the Senate and the House of Representatives the findings of such assessment along with a plan for occupying at least 50 percent of the space available at the time such report is submitted: *Provided further*, That assignments of space included in this plan shall be in compliance with preferences outlined in the D.C. School Reform Act.

SEC. 9. INCENTIVES TO PROMOTE THE ADOPTION OF CHILDREN. The Mayor of the District of Columbia, in administering funds provided under the heading ''Federal Payment for Incentives for Adoption of Children'' in Public Law 106–113 (113 Stat. 1501), approved November 29, 1999, as modified by Public Law 107–96 (115 Stat. 924), approved December 21, 2001, shall establish and fulfill the following performance measures within nine months of the date of enactment of this Act: (i) the Chief Financial Officer of the District of Columbia shall certify that not less than 50 percent of the funds provided for attorney fees and home studies have been expended; (ii) the Mayor shall establish an outreach program to inform adoptive families and children without parents about the scholarship fund established with these funds; (iii) the Mayor shall establish the location, necessary personnel and mission of the adoptive family resource center in the District of Columbia; (iv) the Mayor shall identify not less than 25 percent of the eligible children in the District of Columbia foster care system with special needs and obligate not less than 25 percent of the funds provided in Public Law 106–113 (113 Stat. 1501) for adoption incentives and support for children with special needs: *Provided*, That the Mayor of the District of Columbia and the Chairman of the Council of the District of Columbia shall provide quarterly reports beginning on the date of enactment of this Act to the Committees on Appropriations of the Senate and the House of Representatives, detailing the expenditure of funds provided for the promotion of adoption and performance in actually promoting adoption; and (v) the Mayor and Child and Family Services Agency of the District of Columbia shall increase the number of waiting children listed in the Child and Family Services Agency of the District of Columbia adoption photo-listing by 75 percent.

SEC. 10. SPECIAL EDUCATION ACCOUNTABILITY. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Act (IDEA) in the District of Columbia to certify in writing that the attorney or representative rendered any and all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia: *Provided*, That as part of the certification, the Chief Financial Officer of the District of Columbia require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification: *Provided further*, That the Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA: *Provided further*, That the Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act and section 119 of this Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a), the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2003 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $6,433,359,000 (of which $3,783,948,000 shall be from local funds, $1,824,578,000 shall be from Federal funds, and $879,813,000 shall be from private and other funds) and $156,121,000 from intra-District funds: *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act as amended by this Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2003, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $295,136,000 (including $225,234,000 from local funds, $51,554,000 from Federal funds, and $18,348,000 from other funds): *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes, and $2,500 for the Office of the Chief Financial Officer: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That of all funds in the District of Columbia Antitrust Fund established pursuant to section 2 of the District of Columbia Antitrust Act of 1980, effective March 5, 1981 (D.C. Law 3–169; D.C. Official Code §28–4516), an amount not to exceed $500,000, of all funds in the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Official Code §2–308.20), an amount not to exceed $100,000, and of all funds in the District of Columbia Consumer Protection Fund established pursuant to section 1402 of the District of Columbia Budget Support Act for Fiscal Year 2001, effective October 19, 2000 (D.C. Law 13–172; D.C. Official Code §28–3911), an amount not to exceed $910,000, are hereby made available for the use of the Office of the Corporation Counsel of the District of Columbia until September 30, 2004, in accordance with the statutes that established these funds: *Provided further*, That $15,000,000, from funds appropriated earlier in this Act as a Federal Payment to the Chief Financial Officer of the District of Columbia, shall be administered by the Chief Financial Officer for education, security, economic development, and health initiatives in the District of Columbia.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $258,539,000 (including $64,553,000 from local funds, $97,796,000 from Federal funds, and $96,190,000 from other funds), of which

$15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Official Code, sec. 2–1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12–26; D.C. Official Code, sec. 2–1215.15 et seq.): *Provided,* That such funds are available for acquiring services provided by the General Services Administration: *Provided further,* That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: *Provided further,* That $725,400, of which no amount may be expended for administrative expenses, shall be available to Department of Employment Services when the Council Committee on Public Services approves a spending plan prepared and submitted, by the agency, to the Committee on Public Services for its approval.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, $639,892,000 (including $620,039,000 from local funds, $11,329,000 from Federal funds, and $8,524,000 from other funds): *Provided,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That not less than $240,000 shall be for the Corrections Information Council, established by section 11201(g) of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (111 Stat. 736; D.C. Official Code, sec. 24–101(h)), to support its operations and perform its duties; not less than $169,000 shall be for the Criminal Justice Coordinating Council, established by the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14–28; D.C. Official Code, sec. 22–4231 et seq.), to support its operations and perform its duties: *Provided further,* That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further,* That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

(INCLUDING TRANSFER OF FUNDS)

Public education system, including the development of national defense education programs, $1,220,201,000 (including $980,206,000 from local funds, $208,870,000 from Federal funds, $31,525,000 from other funds), and an additional amount, not to exceed $27,000,000, which may be transferred from the Medicaid and Special Education Reform Fund, established by the Medicaid and Special Education Reform Fund Establishment Act of 2002, approved by the Council of the District of Columbia on 1st reading on May 7, 2002 (Bill 14–609): to be allocated as follows:

(1) PUBLIC SCHOOLS FOR THE DISTRICT OF COLUMBIA.—$903,157,000 (including $743,715,000 from local funds, $147,800,000 from Federal funds, $11,642,000 from other funds, for the public schools of the District of Columbia), and an additional amount, not to exceed $27,000,000 in local funds, which may be transferred from the Medicaid and Special Education Reform Fund, established by the Medicaid and Special Education Reform Fund Establishment Act of 2002, approved by the Council of the District of Columbia on 1st reading on May 7, 2002 (Bill 14–609): *Provided,* That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: *Provided further,* That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2003 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further,* That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2003, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2004 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2004: *Provided further,* That the District of Columbia Public Schools shall not spend less than $496,000,000 in the ''Schools'' responsibility centers, including 5100 (Elementary Schools), 6300 (Middle/Junior High Schools), 7100 (Senior High Schools), and 7700 (Charter and Private Schools): *Provided further,* That $16,800,000 shall be for negotiated teacher wage increases.

(2) THE STATE EDUCATION OFFICE.—$49,687,000 (including $22,594,000 from local funds, $26,917,000 from Federal funds, $176,000 from other funds), shall be available for the State Education Office: *Provided,* That of the amounts provided to the State Education Office, $500,000 from local funds shall remain available until June 30, 2004 for an audit of the student enrollment of each District of Columbia Public School and of each public charter school.

(3) THE DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOLS.—$132,865,000 from local funds shall be available for public charter schools: *Provided,* That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: *Provided further,* That if the entirety of this allocation has not been provided as payments to any public charter school currently in operation through the per pupil funding formula, the funds shall be available in accordance with the School Reform Act of 1995 (Public Law 105–100, sec. 172; D.C. Official Code, sec. 38–1804.03(b)(2)): *Provided further,* That of the amounts made available to public charter schools, $25,000 shall be made available to the Office of the Chief Financial Officer as authorized by D.C. Official Code, sec. 38–1804.03(b)(6): *Provided further,* That $589,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further,* That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2003, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2004 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2004.

(4) THE UNIVERSITY OF THE DISTRICT OF COLUMBIA.—$83,990,000 (including $52,272,000 from local funds, $12,668,000 from Federal funds, and $19,050,000 from other funds) shall be available for the University of the District of Columbia: *Provided,* That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2003, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further,* That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the University of the District of Columbia on July 1, 2003, an amount equal to 10 percent of the total amount provided for the University of the District of Columbia in the proposed budget of the District of Columbia for fiscal year 2004 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the University of the District of Columbia under the District of Columbia Appropriations Act, 2004: *Provided further,* That not to exceed $2,500 for the President of the University of the District of Columbia shall be available from this appropriation for official purposes.

(5) THE DISTRICT OF COLUMBIA PUBLIC LIBRARY.—$28,150,000 (including $27,003,000 from local funds, $610,000 from Federal funds and $537,000 other funds) shall be available for the Public Library: *Provided,* That not to exceed $2,000 for the Public Librarian shall be available from this appropriation for official purposes.

(6) THE COMMISSION ON THE ARTS AND HUMANITIES.—$2,352,000 (including $1,757,000 from local funds, $475,000 from Federal funds and $120,000 from other funds) shall be available for the Commission on the Arts and Humanities.

(7) CHARTER SCHOOL FACILITIES.—$20,000,000, from funds appropriated earlier in this Act as a Federal Payment, to remain available until expended, for development of Charter School facilities in the District of Columbia.

ADMINISTRATIVE PROVISION

SEC. 11. CHARTER SCHOOL FUND. The School Reform Act of 1995, approved November 19, 1997 (Public Law 105–100, sec. 172; 111 Stat. 2191; D.C. Official Code, sec. 38–1804.03(b)), is amended to read as follows:

''(b) PAYMENTS TO CHARTER SCHOOLS.—

''(1) ESTABLISHMENT OF FUND.—The fund previously established in the general fund of the District of Columbia known as the 'New Charter School Fund' shall now be known as the 'Charter School Fund'.

''(2) CONTENTS OF FUND.—The Charter School Fund shall consist of:

''(A) unexpended and unobligated amounts appropriated from local funds for public charter schools for each fiscal year that reverted to the general fund of the District of Columbia: *Provided,* That the amount of

funds deposited shall not be an amount greater than is necessary to reach a balance of $10,000,000 from the fiscal year 2002 appropriation, and $5,000,000 from fiscal year 2003 and succeeding years appropriation; and

''(B) any interest earned on such amounts, to carry out the purposes described in paragraph (3) of this subsection.

''(3) PURPOSES OF FUND.—The Charter School Fund shall be used to carry out the activities to assist public charter schools in the District of Columbia in providing funding in such cases where the total audited enrollment, including enrollment in special needs categories, exceeds that of the student enrollment on which the annual appropriation is based in that fiscal year.

''(4) EXPENDITURES FROM FUND.—

''(A) EXPENDITURES FROM THE FUND FOR ENROLLMENT IN EXCESS OF ANNUAL PUBLIC CHARTER SCHOOL PROJECTIONS.—Funds shall be available from the Charter School Fund for any public charter school operating in that fiscal year, in such cases where the total audited enrollment, including enrollment in special needs categories, exceeds that of the student enrollment on which the annual appropriation is based in that fiscal year.

''(B) FORM OF PAYMENT.—Payments under this subsection shall be made by electronic funds transfer from the Charter School Fund to a bank designated by a public charter school.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Chief Financial Officer of the District of Columbia such sums as may be necessary to carry out the purposes of this subsection for each fiscal year.''.

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

Human support services, $2,500,297,000 (including $1,069,630,000 from local funds, $1,377,680,000 from Federal funds, and $52,987,000 from other funds): *Provided,* That an additional amount of $23,867,000 from funds appropriated in this Act under the heading ''Tobacco Settlement Trust Fund Transfer Payment'', which may be transferred from the Medicaid and Special Education Reform Fund, established by the Medicaid and Special Education Reform Fund Establishment Act of 2002, approved by the Council of the District of Columbia on 1st reading on May 7, 2002 (Bill 14–609), of which, not to exceed, $7,072,000 for Child and Family Services, $5,795,000 for the Department of Human Services, and $1,000,000 for the Department of Health: *Provided further,* That $49,867,000, to remain available until expended, shall be deposited in the Medicaid and Special Education Reform Fund for the purpose of ensuring there are adequate resources available to support Medicaid costs and revenue shortfalls: *Provided further,* That $27,959,000, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That $7,000,000, to remain available until expended, shall be deposited in the Addiction Recovery Fund, established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, effective July 8, 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3004), and used exclusively for the purpose of the Drug Treatment Choice Program, established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3003): *Provided further,* That no less than $2,000,000 shall be available exclusively for the purpose of funding the pilot substance abuse program for youths 16 through 21 years of age established by section 4212 of the Pilot Substance Abuse Program for Youth Act of 2001, effective October 3, 2001 (D.C. Law 14–28; D.C. Official Code, sec. 7–3101): *Provided further,* That $7,309,000 of this appropriation, to remain available until expended, shall be deposited in the Interim Disability Assistance Fund to be used exclusively for the Interim Disability Assistance program established by section 201 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Official Code, sec. 4–202.01), and the purposes for that program set forth in section 407 of the District of Columbia Public Assistance Act of 1982, effective April 3, 2001 (D.C. Law 13–252; D.C. Official Code, sec. 4–204.07): *Provided further,* That no less than $500,000 shall be available exclusively for the Mobile Crisis Intervention Program for Kids: *Provided further,* That the paragraph under the heading ''Human Support Services'' in Public Law 107–96, approved December 21, 2001, is amended to add the following: '': *Provided further,* That $2,468,000 shall remain available until expended for Interim Disability Assistance'': *Provided further,* That $4,000,000, from funds previously appropriated in this Act as a Federal Payment for Family Literacy, shall be used for the Family Literacy Program in the District of Columbia.

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $324,828,000 (including $309,834,000 from local funds, $4,669,000 from Federal funds, and $10,325,000 from other funds): *Provided,* That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WORKFORCE INVESTMENTS

For workforce investments, $54,186,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

RESERVE

For replacement of funds expended, if any, during fiscal year 2002 from the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8, $70,000,000 from local funds.

EMERGENCY AND CONTINGENCY RESERVE FUNDS

For the Emergency and Contingency Reserve Funds established under section 450A(b) of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a(b)), the Mayor may deposit from local funds the proceeds required to maintain balance requirements pursuant to section 159(a) of Public Law 106–522 and section 404(c) of Public Law 106–554.

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, secs. 1–204.62, 1–204.75, 1–204.90), $267,451,000 from local funds: *Provided,* That for equipment leases, the Mayor may finance $14,300,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, (105 Stat. 540; D.C. Official Code, sec. 1–204.61(a)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $1,000,000 from local funds.

WILSON BUILDING

For expenses associated with the John A. Wilson Building, $4,194,000 from local funds.

NON-DEPARTMENTAL AGENCY

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget including anticipated employee health insurance cost increases and contract security costs, $5,799,000 from local funds.

CERTIFICATES OF PARTICIPATION

For principal and interest payments on the District's Certificates of Participation, issued to finance the ground lease underlying the building located at One Judiciary Square $7,950,000 from local funds.

SETTLEMENTS AND JUDGMENTS

For making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government $22,822,000: *Provided,* That this appropriation shall not be construed as modifying or affecting the provisions of section 103 of this Act.

TOBACCO SETTLEMENT TRUST FUND TRANSFER PAYMENT

Subject to the issuance of bonds to pay the purchase price of the District of Columbia's right, title, and interest in and to the Master Settlement Agreement, and consistent with the Tobacco Settlement Trust Fund Amendment Act of 2000, effective October 20, 1999 (D.C. Law 13–38; D.C. Official Code sec. 7–1811.01 et. seq), there is transferred the amount available pursuant thereto, but not to exceed $50,867,000 to the Tobacco Settlement Trust Fund established pursuant to section 2302 of the Tobacco Settlement Trust Fund Establishment Act of 1999 (D.C. Official Code, sec. 7–1811.01) and the Tobacco Settlement Financing Act of 2000, effective October 19, 2000 (D.C. Law 13–172; D.C. Official Code, sec. 7–1831.03 et seq.): *Provided,* That no more than $27,000,000 is authorized to be transferred to the Public Education System: *Provided further,* That no more than $23,867,000 is authorized to be transferred to Human Support Services: *Provided further,* that $50,867,000 shall remain available until expended: *Provided further,* That such transfers are subject to local law.

EMERGENCY PREPAREDNESS

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $15,000,000, from funds appropriated earlier in this Act as a Federal Payment, to remain available until expended, to reimburse the District of Columbia for the costs of public safety expenses related to security events in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: *Provided,* That the Chief Financial Officer of the District of Columbia shall provide a report, within 15 days of an expenditure, to the President and to the Committees on Appropriations of the Senate and the

House of Representatives, detailing any expenditure of these funds for public safety purposes.

PAY-AS-YOU-GO CAPITAL

For Pay-As-You-Go Capital funds in lieu of capital financing, $16,750,000, to be transferred to the Capital Fund, subject to the ''Criteria for Spending Pay-as-You-Go Funding Amendment Act of 2002, approved by the Council of the District of Columbia on 1st reading, May 7, 2002 (Title 34 of Bill 14–609). Pursuant to that Act, there are authorized to be transferred from Pay-As-You-Go Capital funds to other headings of this Act, as necessary to carry out the purposes of that Act.

CAPITAL INFRASTRUCTURE DEVELOPMENT

For improvement of city-wide capital infrastructure in the District of Columbia, $13,100,000, from funds appropriated earlier in this Act as a Federal payment, of which $10,000,000 shall be for construction of interoperable communications infrastructure in the Unified Communications Center; $100,000 shall be for capital improvements of Eastern Market; $3,000,000 shall be to begin the design and construction of a state-of-the-art forensics laboratory.

ADMINISTRATIVE PROVISIONS

SEC. 12. CHARTER SCHOOL FUND TRANSFER. Notwithstanding any other provision of law, $5,000,000 from the New Charter School Fund (renamed by this Act, ''Charter School Fund''), established pursuant to the School Reform Act of 1995 (Public Law 105–100, sec. 172; 111 Stat. 2191, 2192, 2193; D.C. Official Code, sec. 38–1804.03(b)), shall be deposited, not later than January 1, 2003, into the credit enhancement revolving fund, established pursuant to the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104–208; 110 Stat. 3009–293, as amended by Public Law 107–96, Fsical Year 2002 District of Columbia Appropriations Act).

SEC. 13. REPROGRAMMING DURING FISCAL YEAR THAT IS NOT A CONTROL YEAR. Section 47–363(a–1) of the District of Columbia Official Code is amended by adding new paragraphs (3), (4), and (5) to read as follows:

''(3)(A) After the adoption of the annual budget for a fiscal year that is not a control year, no reprogramming of amounts in the budget may occur unless:

''(i) The Mayor submits a request for such reprogramming to the Chief Financial Officer of the District of Columbia;

''(ii) The Chief Financial Officer transmits to the Council a statement certifying the availability of the funds for such reprogramming and containing an analysis of the effect of the proposed reprogramming on the financial plan and budget for the fiscal year; and

''(iii) The Council approves the request after receiving the statement described in sub-subparagraph (ii) of this subparagraph from the Chief Financial Officer.

''(B) If the Chief Financial Officer does not transmit to the Council the statement described in subparagraph (A)(ii) of this paragraph during the 15-day period, which begins on the date the Chief Financial Officer receives the request for reprogramming from the Mayor, the Chief Financial Officer shall be deemed to have transmitted the statement to the Council. With written notice to the Mayor and Council, the Chief Financial Officer may extend the time period to transmit the statement and analysis to the Council, not to exceed 10 additional days.

''(4) After the adoption of the annual budget for a fiscal year that is a non-control year, no reprogramming of amounts in the budget may occur unless the Mayor submits to the Council a request for such reprogramming and the Council approves the request, but only if any additional expenditures provided under such request for an activity are offset by reductions in expenditures for another activity.

''(5) For the purposes of this subsection, the term control year has the meaning given such term in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 152; D.C. Official Code, sec. 47–393(4)).''.

SEC. 14. COLLECTIVE BARGAINING REPRESENTATION. From the funds appropriated under this act, any agency of the District government may transfer to the Office of Labor Relations and Collective Bargaining (OLRCB) such amounts as may be necessary to pay for representation by OLRCB in third-party cases, grievances, and dispute resolution, pursuant to an intra-District agreement with OLRCB. These amounts shall be available for use by OLRCB to reimburse the cost of providing the representation.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY

For operation of the Water and Sewer Authority, $253,743,000 from other funds of which $18,093,000 shall be apportioned for repayment to the District's debt service fund for repayment of loans and interest incurred on capital improvement projects.

For construction projects, $342,458,000, in the following capital programs: $213,669,000 for the Blue Plains Wastewater Treatment Plant, $24,539,000 for the sewer program, $56,561,000 for the combined sewer program, of which $50,000,000 is from funds appropriated earlier in this Act as a Federal Payment for Anacostia Waterfront Initiative, $5,635,000 for the stormwater program, $34,054,000 for the water program, $8,000,000 for the capital equipment program: *Provided*, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct, $57,847,000 from other funds.

STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

For operation of the Stormwater Permit Compliance Enterprise Fund, $3,100,000 from other funds.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act, 1982 (95 Stat. 1174, 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Official Code, sec. 3–1301 et seq. and sec. 22–1716 et seq.), $232,881,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $20,510,000, of which $15,510,000 is from other funds and $5,000,000 is from funds appropriated earlier in this Act as a Federal Payment for Anacostia Waterfront Initiative.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Official Code, sec. 1–711), $13,388,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $78,700,000 from other funds.

NATIONAL CAPITAL REVITALIZATION CORPORATION

For the National Capital Revitalization Corporation, $6,745,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of $1,235,518,908 of which $253,991,128 shall be from a rescission from local funds appropriated under this heading in prior fiscal years, for a net amount of $981,527,780 to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That the District of Columbia Public Libraries shall allocate capital funds, from existing resources, in fiscal year 2003 for the planning and design of a new Francis Gregory Public Library.

GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat.

78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 104. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 105. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 106. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, and salary are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 107. (a) Except as provided in subsection (b), no part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this Act to carry out lobbying activities on any matter other than—

(1) the promotion or support of any boycott; or

(2) statehood for the District of Columbia or voting representation in Congress for the District of Columbia.

(c) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any of the issues referred to in subsection (b).

SEC. 108. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 109. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center; unless the Committees on Appropriations of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds from one appropriation heading to another unless the Committees on Appropriations of the Senate and House of Representatives are notified in writing 30 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed four percent of the local funds in the appropriation.

SEC. 110. Consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 111. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Official Code, sec. 1–601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Official Code, sec. 1–204.22(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 112. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2003, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2003 revenue estimates as of the end of the first quarter of fiscal year 2003. These estimates shall be used in the budget request for the fiscal year ending September 30, 2004. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 113. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Code, sec. 2–303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: *Provided*, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 114. (a) In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

(b) For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term ''program, project, and activity'' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 115. (a)(1) IN GENERAL.—An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2003 and any subsequent fiscal year if—

(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2)); and

(B) the entity uses the gift or donation to carry out its authorized functions or duties.

(2) The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term ''entity of the District of Columbia government'' includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 116. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 117. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 118. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Official Code, sec. 32–701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 119. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b) No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—

(1) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(2) the Council within 15 calendar days after receipt of the report submitted under paragraph (1) has reviewed and approved the

acceptance, obligation, and expenditure of such grant.

(c) No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to this subsection.

(d) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

SEC. 120. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day;

(3) the Mayor of the District of Columbia; and

(4) the Chairman of the Council of the District of Columbia).

(b) The Chief Financial Officer of the District of Columbia shall submit, by February 15, 2003, an inventory, as of September 30, 2002, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

(c) No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the Office of the Chief Technology Officer, the Chief Financial Officer of the District of Colubmia, and the Metropolitan Police Department) may enter into an agreement in excess of $2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 121. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 122. (a) No funds appropriated in this Act may be made available to any person or entity that violates the Buy American Act (41 U.S.C. 10a–10c).

(b)(1) In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 123. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2003 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, sec. 2–302.8); and

(2) the audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.

SEC. 124. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 125. (a) None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 126. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted, and the District's Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and the House of Representatives by the 10th day after the end of each quarter a summary list showing each report, the due date and the date submitted to the committees.

SEC. 127. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 128. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a ''conscience clause'' which provides exceptions for religious beliefs and moral convictions.

SEC. 129. (a) If the Superior Court of the District of Columbia or the District of Columbia Court of Appeals does not make a payment described in subsection (b) prior to the expiration of the 45-day period which begins on the date the Court receives a completed voucher for a claim for the payment, interest shall be assessed against the amount of the payment which would otherwise be made to take into account the period which begins on the day after the expiration of such 45-day period and which ends on the day the Court makes the payment.

(b) A payment described in this subsection is—

(1) a payment authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code; or

(3) a payment for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for

payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

(d) Nothing in this section shall be construed to require the assessment of interest against any claim (or portion of any claim) which is denied by the Court involved.

(e) This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals during fiscal year 2003, claims received previously that remained unpaid at the end of fiscal year 2002, which would have qualified for interest payment under this section, and to claims in any subsequent fiscal year.

SEC. 130. The Mayor of the District of Columbia shall submit to the Senate and House Committees on Appropriations, the Senate Governmental Affairs Committee, and the House Government Reform Committee quarterly reports addressing the following issues—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and

(7) indicators of child well-being.

SEC. 131. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 132. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 133. In addition to any other authority to pay claims and judgments, any department, agency, or instrumentality of the District government may pay the settlement or judgment of a claim or lawsuit in an amount less than $10,000, in accordance with the Risk Management for Settlements and Judgments Amendment Act of 2000, effective October 19, 2000 (D.C. Law 13–172; D.C. Official Code, sec. 2–402).

SEC. 134. None of the funds contained in this Act may be used to issue, administer, or enforce any order by the District of Columbia Commission on Human Rights relating to docket numbers 93–030–(PA) and 93–031–(PA).

SEC. 135. None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party in an action or any attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $3,000 for that action.

This division may be cited as the ''District of Columbia Appropriations Act, 2003''.

DIVISION D—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 2003

Making appropriations for energy and water development for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $148,304,000, to remain available until expended.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,636,602,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 12, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; and London Locks and Dam, Kanawha River, West Virginia, projects: *Provided*, That using $2,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct, at full Federal expense, technical studies of individual ditch systems identified by the State of Hawaii, and to assist the State in diversification by helping to define the cost of repairing and maintaining selected ditch systems: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $2,000,000 of the funds appropriated herein to continue construction of the navigation project at Kaumalapau Harbor, Hawaii: *Provided further*, That the Secretary of the Army is directed to use $5,000,000 of the funds provided herein for the Dam Safety and Seepage/Stability Correction Program to continue construction of seepage control features at Waterbury Dam, Vermont: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $11,400,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $5,500,000 of the funds appropriated herein to proceed with the planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the Section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: *Provided further*, That the Assistant Secretary of the Army, acting through the Chief of Engineers is directed to proceed with the construction of the Dallas Floodway Extension, Texas, in accordance with the Chief of Engineers report dated December 7, 1999: *Provided further*, That the Assistant Secretary of the Army, acting through the Chief of Engineers is directed to proceed with the construction of the Seward Harbor, Alaska project, in accordance with the Report of the Chief of Engineers dated June 8, 1999 and the economic justification contained therein: *Provided further*, That the Assistant Secretary of the Army, acting through the Chief of Engineers is directed to proceed with the construction of the Wrangell Harbor, Alaska project in accordance with the Chief of Engineer's report dated December 23, 1999: *Provided further*, That, of the funds provided herein, $3,000,000 shall be made available for the Galena Bank Stabilization Project in Galena, Alaska: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use $5,000,000 of Construction, General funding as provided herein for construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, at an estimated total cost of $100,000,000, which shall

be cost-shared in accordance with section 103 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2213), except that the funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound and environmentally acceptable, and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the justification for the emergency outlet shall be fully described, including the analysis of the benefits and costs, in the project plan documents: *Provided further*, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, that the project will not violate the Treaty Between the United States and Great Britain Relating to the Boundary Waters Between the United States and Canada, signed at Washington, January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the ''Boundary Waters Treaty of 1909''): *Provided further*, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: *Provided further*, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g–1), $346,437,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, using $15,000,000 of the funds provided herein, is directed to continue design and real estate activities and to initiate the pump supply contract for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: *Provided further*, That the pump supply contract shall be performed by awarding continuing contracts in accordance with 33 U.S.C. §621.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the protection, preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,956,182,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities: *Provided*, That of funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between May 12, 1997 and September 30, 2002.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $144,252,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, $140,298,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane response, and emergency shore protection, and related activities, $20,227,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, and headquarters support functions at the USACE Finance Center, $155,651,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: *Provided further*, That none of these funds shall be available to support an Office of Congressional Affairs within the Executive Office of the Chief of Engineers.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended (Public Law 99–662); section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303, and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year.

SEC. 102. ST. GEORGES BRIDGE, DELAWARE. None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 103. Section 595(h)(1) of Public Law 106–53 is amended by striking ''$25,000,000'' and inserting in lieu thereof ''$100,000,000''.

SEC. 104. The Secretary of the Army, acting through the Chief of Engineers is directed to increase the use of the private sector in performing planning, engineering and design work for Corps' projects to 40 percent of the planning, engineering and design work conducted by the Corps.

SEC. 105. ST. PAUL ISLAND HARBOR, ST. PAUL, ALASKA TECHNICAL CORRECTIONS. Section 101(b)(3) of Public Law 104–303 (the Water Resources Development Act of 1996), (110 Stat. 3667) is amended by—

(1) striking ''$18,981,000'' and inserting in lieu thereof ''$52,300,000''; and

(2) striking ''$12,239,000'' and inserting in lieu thereof ''$45,558,000''.

SEC. 106. ABIQUIU DAM, NEW MEXICO. Section 1112 of Public Law 99–662 (the Water Resources Development Act of 1986), (100 Stat. 4232) is amended by striking ''$2,700,000'' and inserting in lieu thereof ''$10,000,000''.

SEC. 107. The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of Public Law 102–580 [106 Stat. 4803] is modified to include as a part of the project channel crossings that are necessary for those existing and proposed highways and roads shown on the Clark County Comprehensive Plan Transportation Element, approved by the Clark County Board of County Commissioners on October 1, 1996. The performance of work required for construction of such channel crossings and the costs incurred in performing such work shall be considered part of the non-Federal sponsor's responsibility to provide lands, easements, and rights-of-way, and to perform relocations for the project. Costs incurred in performing such work may not exceed $16,000,000.

SEC. 108. The Secretary of the Army may expend funds under normal competitive procedures for necessary maintenance of the dredge McFARLAND. The Secretary shall not obligate any funds to place the dredge in ready reserve status.

SEC. 109. ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT AT GREAT BRIDGE, CHESAPEAKE, VIRGINIA. The project for replacement of the bridge at Great Bridge, Chesapeake, Virginia, authorized by Section 339(h) of Public Law 104–59 is modified to authorize the Secretary to construct the project at an estimated cost of $46,000,000.

SEC. 110. None of the funds appropriated herein or hereafter in this Act, or any other Act, shall be used to study or implement any plans privatizing, divesting or transferring of any Civil Works missions, functions, or responsibilities for the U.S. Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 111. The project for flood control for the American and Sacramento Rivers, California, authorized by Section 101(a)(1) of the Water Resources Development Act of 1996 (Public Law 104–303) and Section 366 of the Water Resources Development Act of 1999, is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project at a total cost of $205,000,000, with an estimated Federal share of $153,840,000 and an estimated non-Federal share of $51,160,000. For purposes of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), the modifications authorized by this section shall be subject to the same cost sharing in effect for the project authorized by 101(a)(1) of the Water Resources Development Act of 1996.

SEC. 112. The project for flood control for Terminus Dam, Kaweah River, California, authorized by Section 101(b)(5) of the Water Resources Development Act of 1996, is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project at a total cost of $50,000,000, with an estimated Federal share of $28,600,000 and an estimated non-Federal share of $21,400,000.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $34,902,000, to remain available until expended, of which $11,259,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,326,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $816,147,000, to remain available until expended, of which $36,400,000 shall be available for transfer to the Upper Colorado River Basin Fund and $34,327,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which $4,600,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106–163; (of which not more than 25 percent of the amount provided for drought emergency assistance may be used for financial assistance for the preparation of cooperative drought contingency plans under title II of Public Law 102–250;) and of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided,* That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further,* That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: *Provided further,* That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further,* That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further,* That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further,* That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting ''2002, and 2003'' in lieu of ''and 2002''.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $48,904,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: *Provided,* That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out authorized activities that are in accord with the CALFED Bay-Delta Program, including activities that would improve fish and wildlife habitat, water supply reliability, and water quality, consistent with plans to be approved by the Secretary of the Interior, $0, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided,* That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $54,870,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided,* That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed four passenger motor vehicles for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 202. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: *Provided,* That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 203. The natural desert terminal lakes program administered by the Bureau of Reclamation shall apply only to Walker and Pyramid Lakes in the State of Nevada.

SEC. 204. The Commissioner of the Bureau of Reclamation is directed to increase the use of the private sector in performing planning, engineering and design work for Bureau of Reclamation's projects to 10 percent in fiscal year 2003, and in each subsequent year until the level of work is at least 40 percent for the planning, engineering and design work conducted by the Bureau of Reclamation.

SEC. 205. NORTH CENTRAL MONTANA RURAL WATER SUPPLY. Using previously appropriated funds, the Bureau is directed to undertake activities related to the development of the North Central Montana Rural Water Supply system. Such sums shall remain available, without fiscal year limitation, until expended.

SEC. 206. Section 8 of Public Law 104–298 (the Water Desalination Act of 1996), (110 Stat. 3624) is amended further by—

(1) in paragraph (a) by striking ''2002'' and inserting in lieu thereof ''2004''; and

(2) in paragraph (b) by striking ''2002'' and inserting in lieu thereof ''2004''.

SEC. 207. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program—Alternative Repayment Plan'' and the ''SJVDP—Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $815,306,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $176,000,000, to remain available until expended.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, $471,154,000, of which $334,523,000 shall be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, all of which shall remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 25 passenger motor vehicles for replacement only, $3,329,456,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $56,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: *Provided*, That $2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: *Provided further*, That $6,000,000 shall be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: *Provided further*, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97–425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982 in Public Law 97–425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $235,000,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $137,524,000 in fiscal year 2003 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation from the General Fund estimated at not more than $97,476,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $37,671,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed one for replacement only), $6,108,959,000, to remain available until expended: *Provided*, That $16,000,000 is authorized to be appropriated for Project 03–D–103, LANL administration building, Los Alamos National Laboratory, Los Alamos, New Mexico: *Provided further*, That $123,000,000 is authorized to be appropriated for Project 01–D–108, Microsystems and engineering sciences applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, Defense Nuclear Nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,115,630,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $706,790,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator of the National Nuclear Security Administration, including official reception and representation expenses (not to exceed $12,000), $335,929,000, to remain available until expended.

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of 24 passenger motor vehicles for replacement only, $5,370,532,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, $1,125,314,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $158,399,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy

defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $537,664,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $280,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2003, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $4,534,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, up to $14,463,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $27,378,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $16,455,000 in reimbursements, to remain available until expended: *Provided,* That up to $1,912,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $168,858,000, to remain available until expended, of which $156,124,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided,* That of the amount herein appropriated, $6,100,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further,* That up to $186,124,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further,* That, of the amounts appropriated, not less than $400,000 to be spent as described in House Report 107–258 under this heading shall be nonreimbursable: *Provided further,* That, of the amount appropriated for corridor review and environmental review required for the construction of a 230 kv transmission line between Belfield and Hettinger, not less than $200,000 shall be provided for corridor review and environmental review for the construction of a high voltage line in Western North Dakota that would facilitate the upgrade of the Miles City DC tie.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,734,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $192,000,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, not to exceed $192,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2003 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation from the General Fund estimated at not more than $0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy,

under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the $22,965,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purposes of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residues; (3) wet residues; (4) direct repackage residues; and (5) scrub alloy as referenced in the ''Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site''.

SEC. 307. The Administrator of the National Nuclear Security Administration may authorize the plant manager of a covered nuclear weapons production plant to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such plant in order to maintain and enhance such capabilities at such plant: *Provided,* That of the amount allocated to a covered nuclear weapons production plant each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: *Provided further,* That for purposes of this section, the term ''covered nuclear weapons production plant'' means the following:

(1) The Kansas City Plant, Kansas City, Missouri.

(2) The Y–12 Plant, Oak Ridge, Tennessee.

(3) The Pantex Plant, Amarillo, Texas.

(4) The Savannah River Plant, South Carolina.

SEC. 308. The Administrator of the National Nuclear Security Administration may

authorize the manager of the Nevada Operations Office to engage in research, development, and demonstration activities with respect to the development, test, and evaluation capabilities necessary for operations and readiness of the Nevada Test Site: *Provided,* That of the amount allocated to the Nevada Operations Office each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs at the Nevada Test Site, not more than an amount equal to 2 percent of such amount may be used for these activities.

SEC. 309. Funds appropriated in Public Law 107–066 for the Kachemak Bay submarine cable project may be available to reimburse the local sponsor for the federal share of the project costs assumed by the local sponsor prior to final passage of that Act.

SEC. 310. STAY AND REINSTATEMENT OF FERC LICENSE NO. 11393. (a) Upon the request of the licensee for FERC Project No. 11393, the Federal Energy Regulatory Commission shall issue an order staying the license.

(b) Upon the request of the licensee for FERC Project No. 11393, but not later than 6 years after the date that the Federal Energy Regulatory Commission receives written notice that construction of the Swan-Tyee transmission line is completed, the Federal Energy Regulatory Commission shall issue an order lifting the stay and make the effective date of the license the date on which the stay is lifted.

(c) Upon request of the licensee for FERC Project No. 11393 and notwithstanding the time period specified in section 13 of the Federal Power Act for the commencement of construction, the Commission shall, after reasonable notice and in accordance with the good faith, due diligence, and public interest requirements of that section, extend the time period during which licensee is required to commence the construction of the project for not more than one 2-year time period.

SEC. 311. (a) None of the funds made available under the accounts ''non-defense environmental management'', ''uranium facilities maintenance and remediation'', ''defense environmental restoration and waste management'', or ''defense facilities closure projects'' may be obligated at a Department of Energy site or laboratory, or in association with a site or laboratory, if the effect of such would result in the Department of Energy exceeding for that site or laboratory the comparable current-year level of funding, or the amount of the fiscal year 2003 budget request, whichever is greater.

(b) The limitation of subsection (a) will not apply to a site or laboratory after such time that the Department has entered into a final revised clean-up agreement and a final performance management plan for that site or laboratory consistent with the intent of the Department's environmental management acceleration and reform initiative.

TITLE IV
INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $74,400,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $19,000,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding section 382N of said Act, $15,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $50,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $578,184,000, to remain available until expended: *Provided,* That of the amount appropriated herein, $24,900,000 shall be derived from the Nuclear Waste Fund: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections estimated at $520,087,000 in fiscal year 2003 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation estimated at not more than $58,097,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $6,800,000, to remain available until expended: *Provided,* That revenues from licensing fees, inspection services, and other services and collections estimated at $6,392,000 in fiscal year 2003 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation estimated at not more than $408,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,200,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V
GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 503. Section 309 of Title III—Denali Commission of Division C—Other Matters of Public Law 105–277, as amended, is further amended by striking ''2003'' and inserting in lieu thereof ''thereafter''.

This division may be cited as the ''Energy and Water Development Appropriations Act, 2003''.

DIVISION E—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 2003

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided,* That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further,* That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through September 30, 2003.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import

Bank Act of 1945, as amended, $541,400,000, to remain available until September 30, 2006: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until September 30, 2021 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2003, 2004, 2005, and 2006: *Provided further*, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $68,300,000: *Provided*, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2003.

OVERSEAS PRIVATE INVESTMENT CORPORATION NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $39,885,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2003 and 2004: *Provided further*, That such sums shall remain available through fiscal year 2011 for the disbursement of direct and guaranteed loans obligated in fiscal year 2003, and through fiscal year 2012 for the disbursement of direct and guaranteed loans obligated in fiscal year 2004.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $44,696,000, to remain available until September 30, 2004.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2003, unless otherwise specified herein, as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, $1,790,000,000, to remain available until expended: *Provided*, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for displaced and orphaned children; (5) programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases; and (6) family planning/reproductive health: *Provided further*, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: *Provided further*, That of the funds appropriated under this heading, not to exceed $125,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: *Provided further*, That the following amounts should be allocated as follows: $350,000,000 for child survival and maternal health; $25,000,000 for vulnerable children; $541,500,000 for HIV/AIDS including not less than $18,000,000 which shall be made available to support the development of microbicides as a means for combating HIV/AIDS; $185,000,000 for other infectious diseases, of which not less than $65,000,000 should be made available for the prevention, treatment, and control of, and research on, tuberculosis, and of which not less than $75,000,000 should be made available to combat malaria; $368,500,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species; and $120,000,000 for UNICEF: *Provided further*, That of the funds appropriated under this heading, and in addition to funds allocated under the previous proviso, $200,000,000 shall be made available, notwithstanding any other provision of law, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That of the funds appropriated under this heading that are available for HIV/AIDS programs and activities, up to $60,000,000 should be made available for a United States contribution to The Vaccine Fund, up to $12,000,000 should be made available for the International AIDS Vaccine Initiative, and $100,000,000 should be made available for the International Mother and Child HIV Prevention Initiative: *Provided further*, That notwithstanding any other provision of this Act, funds appropriated under this heading that are available for child survival and health programs shall be apportioned to the United States Agency for International Development, and the authority of sections 632(a) or 632(b) of the Foreign Assistance Act of 1961, or any comparable provision of law, may not be used to transfer or allocate any part of such funds to the Department of Health and Human Services including any office of that agency, except that the authority of those sections may be used to transfer or allocate up to $25,000,000 of such funds to the Centers for Disease Control and Prevention: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the

project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further,* That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further,* That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further,* That restrictions with respect to assistance for HIV/AIDS, family planning, or child survival and health activities shall not be construed to restrict assistance in support of programs to expand the availability and use of condoms for HIV/AIDS prevention and of contraceptives from funds appropriated by this Act: *Provided further,* That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and 131, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,365,500,000, to remain available until September 30, 2004: *Provided,* That none of the funds appropriated under title II of this Act that are managed by or allocated to the United States Agency for International Development's Global Development Alliance Secretariat, may be made available except through the regular notification procedures of the Committees on Appropriations: *Provided further,* That $200,000,000 should be allocated for children's basic education: *Provided further,* That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna: *Provided further,* That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $32,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further,* That of the aggregate amount of the funds appropriated by this Act that are made available for agriculture and rural development programs, $35,000,000 should be made available for plant biotechnology research and development: *Provided further,* That not less than $2,300,000 should be made available for core support for the International Fertilizer Development Center: *Provided further,* That of the funds appropriated under this heading, not less than $1,000,000 shall be made available for support of the United States Telecommunications Training Institute: *Provided further,* That of the funds appropriated under this heading, not less than $19,000,000 should be made available for the American Schools and Hospitals Abroad program: *Provided further,* That of the funds appropriated by this Act, $450,000,000 should be made available for water-related assistance programs, of which $100,000,000 shall be made available for drinking water supply projects: *Provided further,* That funds made available under this heading should be made available for programs to provide alternative livelihoods for Vietnamese coffee growers.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $230,000,000, to remain available until expended.

In addition, for assistance for Afghanistan, $60,000,000 to remain available until expended: *Provided,* That these funds shall be used for humanitarian and reconstruction assistance for the Afghan people including health and education programs, housing, to improve the status of women, infrastructure, to further political reforms, and assistance for victims of war and displaced persons.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $55,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided,* That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further,* That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees, as authorized by sections 108 and 635 of the Foreign Assistance Act of 1961, funds may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading ''Assistance for Eastern Europe and the Baltic States'': *Provided,* That such funds when added to the funds transferred pursuant to the authority contained under this heading in Public Law 107–115, shall not exceed $24,500,000, which shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: *Provided further,* That of the funds made available pursuant to the previous proviso, not less than $4,000,000 shall be made available for urban programs: *Provided further,* That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading. In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $7,591,000, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: *Provided further,* That funds made available under this heading shall remain available until September 30, 2007.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the ''Foreign Service Retirement and Disability Fund'', as authorized by the Foreign Service Act of 1980, $45,200,000.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $571,087,000: *Provided,* That none of the funds appropriated under this heading may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: *Provided further,* That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed $1,000,000.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667, $65,000,000, to remain available until expended: *Provided,* That of the funds appropriated under this heading, not less than $13,000,000 shall be available for the procurement and enhancement of information technology and related capital investments: *Provided further,* That of the funds appropriated under this heading, up to $10,000,000 shall be made available for costs related to the construction of temporary, secure facilities for United States Agency for International Development personnel in Afghanistan: *Provided further,* That the funds appropriated under this heading are in addition to funds otherwise available for such purposes.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $33,046,000, to remain available until September 30, 2004, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,260,000,000, to remain available until September 30, 2004: *Provided,* That of the funds appropriated under this heading, not less than $600,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act: *Provided further,* That not less than $615,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance

shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: *Provided further*, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: *Provided further*, That of the funds appropriated under this heading and in addition to funds previously allocated, not less than $5,000,000 should be made available for programs and activities which bring together Arabs and Israelis to promote understanding and shared solutions to common problems, including through the ''Arava Institute for Environmental Studies'', ''Seeds of Peace'', and ''Jerusalem International YMCA'': *Provided further*, That of the funds appropriated under this heading, $250,000,000 shall be made available for assistance for Jordan: *Provided further*, That of the funds appropriated under this heading, not less than $75,000,000 shall be made available for humanitarian, refugee, reconstruction, and development activities, including activities to promote democratic and economic reform, for the West Bank and Gaza: *Provided further*, That not less than $1,000,000 of the funds provided in the previous proviso may be used to further legal reforms in the West Bank and Gaza, including judicial training on commercial disputes and ethics: *Provided further*, That $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That $35,000,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon: *Provided further*, That none of the funds appropriated under this heading may be made available for assistance for the Central Government of Lebanon: *Provided further*, That the Government of Lebanon should enforce the custody and international pickup orders, issued during calendar year 2001, of Lebanon's civil courts regarding abducted American children in Lebanon: *Provided further*, That not less than $150,000,000 of the funds appropriated under this Act shall be made available for assistance for Indonesia, of which not less than $10,000,000 shall be made available for programs and activities in Aceh, and not less than $5,000,000 for reconstruction and recovery efforts in Bali: *Provided further*, That none of the funds made available for Aceh in this Act may be used to construct roads or other infrastructure that threatens the habitat of orangutans or other endangered species: *Provided further*, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for assistance for the Democratic Republic of Timor-Leste of which up to $1,000,000 may be available for administrative expenses of the United States Agency for International Development: *Provided further*, That of the funds appropriated under this heading, not less than $3,500,000 shall be made available for assistance for countries to implement and enforce the Kimberly Process Certification Scheme: *Provided further*, That of the funds appropriated under this heading, not less than $250,000 shall be made available for programs and activities administered by the National Endowment for Democracy that promote human rights in North Korea: *Provided further*, That $3,000,000 shall be made available for the international youth exchange program for secondary students from countries with significant Muslim populations: *Provided further*, That of the funds appropriated under this heading, $10,000,000 shall be made available to continue to support the provision of wheelchairs for needy persons in developing countries: *Provided further*, That funds appropriated under this heading may be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies, and the provision of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That in the previous proviso, the term ''assistance'' includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes: *Provided further*, That of the funds appropriated under this heading, not less than $10,000,000 shall be made available during fiscal year 2003 for a contribution to the Special Court for Sierra Leone: *Provided further*, That with respect to funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $530,000,000, to remain available until September 30, 2004, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: *Provided*, That funds made available for assistance for Kosovo from funds appropriated under this heading and under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' should not exceed 15 percent of the total resources pledged by all donors for calendar year 2003 for assistance for Kosovo as of March 31, 2003: *Provided further*, That none of the funds made available under this Act for assistance for Kosovo shall be made available for large scale physical infrastructure reconstruction: *Provided further*, That of the funds made available under this heading for assistance for Kosovo, $2,000,000 shall be made available for assistance to support training programs for Kosovar women: *Provided further*, That of the funds made available under this heading for assistance for Bulgaria, $5,000,000 shall be made available for full scope simulators to enhance safety at nuclear power plants: *Provided further*, That of the funds made available under this heading, $750,000 shall be made available for regional programs and activities to promote reconciliation among ethnic groups within the former Yugoslavia.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the United States Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(e) The provisions of section 528 of this Act shall apply to funds made available under subsection (d) and to funds appropriated under this heading: *Provided*, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 528 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between state sponsors of terrorism and terrorist organizations and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $765,000,000, to remain available until September 30, 2004: *Provided*, That the provisions of such chapters shall apply to funds appropriated by this paragraph: *Provided further*, That of the

funds made available for the Southern Caucasus region, notwithstanding any other provision of law, funds may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: *Provided further*, That of the funds appropriated under this heading $17,500,000 shall be made available solely for assistance for the Russian Far East: *Provided further*, That, notwithstanding any other provision of law, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to the provisions of section 807 of the FREEDOM Support Act (Public Law 102–511) shall be subject to the ceiling on administrative expenses contained in section 807(a)(5) of the FREEDOM Support Act.

(b) Of the funds appropriated under this heading that are made available for assistance for Ukraine, not less than $30,000,000 shall be made available for nuclear reactor safety initiatives and not less than $3,000,000 shall be made available for coal mine safety programs, including mine ventilation and fire prevention and control.

(c) Of the funds appropriated under this heading, not less than $90,000,000 shall be made available for assistance for Armenia.

(d) Of the funds appropriated under this heading, $87,000,000 should be made available for assistance for Georgia.

(e)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation:

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing unimpeded access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(f) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $16,385,000, to remain available until September 30, 2004.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, $17,689,000, to remain available until September 30, 2004: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the board of directors of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That this authority applies to interest earned both prior to and following enactment of this provision: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $285,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 2004.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $196,713,000, to remain available until expended: *Provided*, That any funds made available under this heading for anti-crime programs and activities shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That during fiscal year 2003, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading, $20,000,000 should be made available for anti-trafficking in persons programs, including trafficking prevention, protection and assistance for victims, and prosecution of traffickers: *Provided further*, That of the funds appropriated under this heading, not more than $24,300,000 may be available for administrative expenses.

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 solely to support counterdrug activities in the Andean region of South America, $650,000,000, to remain available until expended: *Provided*, That in addition to the funds appropriated under this heading and subject to the regular notification procedures of the Committees on Appropriations, the President may make available up to an additional $35,000,000 for the Andean Counterdrug Initiative, which may be derived from funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs: *Provided further*, That of the amount appropriated under this heading, not less than $225,000,000 shall be apportioned directly to the United States Agency for International Development, to be used for economic and social programs: *Provided further*, That of the funds appropriated under this heading and under the heading ''Foreign Military Financing Program'', not less than $5,000,000 shall be made available to train and equip a Colombian Armed Forces unit dedicated to apprehending the leaders of paramilitary organizations: *Provided further*, That of the funds made available for assistance for Colombia under this heading, up to $3,000,000 shall be made available for commercially developed, web monitoring software, and training on the usage thereof, for the Colombian National Police: *Provided further*, That of the funds made available for assistance for Colombia under this heading, not less than $2,000,000 shall be made available for vehicles, equipment, and other assistance for the human rights unit of the Procurador General: *Provided further*, That funds appropriated by this Act that are used for the procurement of chemicals, equipment or services for aerial coca and poppy fumigation programs may be made available for such programs only if the Secretary of State and the Administrator of the Environmental Protection Agency (EPA) certify to the Committees on Appropriations that (1) an environmental impact statement (EIS) has been completed in a manner consistent with that required for comparable use of the herbicide mixture in the United States; (2) the herbicide mixture is being used in accordance with the EIS, EPA label requirements for comparable use in the United States and any additional controls recommended by the EPA for this program, and with Colombian laws including the Environmental Management Plan for aerial fumigation; (3) the herbicide mixture, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment; and (4) there is effective monitoring of compliance with the requirements of this proviso; and the Secretary of State certifies that effective procedures are being utilized to evaluate claims of local citizens that their health was harmed or their licit agricultural crops were damaged by such aerial coca and poppy fumigation, and to provide fair compensation for meritorious claims; and such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development and the Government of Colombia, in consultation with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers whose illicit crops are targeted for fumigation: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further*, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961, as amended, shall be made available subject to the regular notification procedures of the

Committees on Appropriations: *Provided further,* That the provisions of section 3204(b) through (h) of Public Law 106–246, as amended by Public Law 107–115, shall be applicable to funds appropriated for fiscal year 2003: *Provided further,* That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: *Provided further,* That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: *Provided further,* That of the funds appropriated under this heading, not less than $3,500,000 shall be made available for assistance for the Colombian National Park Service for training, equipment, and other assistance to protect Colombia's national parks and reserves: *Provided further,* That funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That of the funds appropriated under this heading, not more than $14,800,000 may be available for administrative expenses of the Department of State, and not more than $4,500,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $787,000,000, which shall remain available until expended: *Provided,* That not more than $16,565,000 may be available for administrative expenses: *Provided further,* That not less than $60,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel: *Provided further,* That funds made available under this heading should be made available to international organizations for assistance for refugees from North Korea.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $32,000,000, to remain available until expended: *Provided,* That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $306,400,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency: *Provided,* That of this amount, $17,300,000 shall be made available for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided further,* That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided further,* That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so following consultation with the appropriate committees of Congress: *Provided further,* That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further,* That of the funds appropriated under this heading, $57,000,000 should be made available for demining and related activities, of which not to exceed $675,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: *Provided further,* That the Secretary of State is authorized to support public-private partnerships for mine action by grant, cooperative agreement, or otherwise: *Provided further,* That of the funds appropriated under this heading, $54,400,000 should be made available for a voluntary contribution to the International Atomic Energy Agency: *Provided further,* That of the funds appropriated under this heading, $4,000,000 should be made available to support the Small Arms Destruction Initiative.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), $10,500,000, to remain available until expended, which shall be available notwithstanding any other provision of law.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $80,000,000, of which up to $3,000,000 may remain available until expended: *Provided,* That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further,* That none of the funds appropriated under this heading may be made available for travel or other purposes that do not directly expose the individual participants to government officials or institutions or to other individuals or organizations engaged in activities involving public policy: *Provided further,* That funds appropriated under this heading for military education and training for Guatemala may only be available for expanded international military education and training and funds made available for Algeria and Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations: *Provided further,* That the Secretary of Defense, in consultation with the Secretary of State, shall keep a record of each foreign military and civilian participant in activities provided under this heading, consistent with current Security Assistance Management Manual practices, updated annually for at least six years after the individual completes participation in such activities, and such records shall be included in the database required by section 548 of the Foreign Assistance Act of 1961.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,072,000,000: *Provided,* That of the funds appropriated under this heading, not less than $2,100,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: *Provided further,* That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: *Provided further,* That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $550,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further,* That of the funds appropriated by this paragraph, $198,000,000 shall be made available for assistance for Jordan: *Provided further,* That of the funds appropriated by this paragraph, not less than $3,000,000 shall be made available for assistance for Armenia: *Provided further,* That except as provided in the following proviso, none of the funds appropriated by this paragraph shall be made available for helicopters and related support costs for Colombia: *Provided further,* That up to $88,000,000 of the funds appropriated by this paragraph may be transferred to and merged with funds appropriated under the heading ''Andean Counterdrug Initiative'' for helicopters, training and other assistance for the Colombian Armed Forces for security for the Cano Limon pipeline: *Provided further,* That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further,* That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act

unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided,* That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further,* That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: *Provided further,* That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further,* That none of the funds appropriated under this heading shall be available for assistance for Guatemala: *Provided further,* That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further,* That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further,* That not more than $38,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further,* That not more than $356,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2003 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further,* That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2003 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act .

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $120,250,000: *Provided,* That of the funds appropriated under this heading, not less than $7,000,000 should be made available for assistance for Afghanistan: *Provided further,* That of the funds appropriated under this heading, not less than $50,000,000 should be available for assistance for Africa Regional Peacekeeping Operations and the Africa Crisis Response Initiative: *Provided further,* That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $177,812,533, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $837,338,333, to remain available until expended: *Provided,* That in negotiating United States participation in the next replenishment of the International Development Association, the Secretary of the Treasury shall accord high priority to providing the International Development Association with the policy flexibility to provide new grant assistance to countries eligible for debt reduction under the enhanced HIPC Initiative.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $1,631,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $14,825,178.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, $18,351,667, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $29,590,667, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $100,386,133, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $5,104,473, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $79,602,688.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $108,073,333, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,804,955 for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,328,178.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $15,003,667, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $215,000,000: *Provided,* That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization or the International Atomic Energy Agency: *Provided further,* That funds appropriated under this heading in this Act and in Public Law 107–115 that were available for the United Nations Population Fund (UNFPA) shall be made available for UNFPA if the Secretary of State determines that UNFPA no longer supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further,* That none of the funds made available for the UNFPA may be used in the People's Republic of China: *Provided further,* That the conditions on availability of funds for the UNFPA as contained in section 576(c) of Public Law 107–115 shall apply to any assistance provided for the UNFPA in this Act: *Provided further,* That of the funds appropriated under this heading, $12,025,000 shall be made available for the United Nations Environment Program: *Provided further,* That of the funds appropriated under this heading, a total of $12,825,000 should be made available for International Conservation Programs and the International Panel on Climate Change/United Nations Framework Convention on Climate Change: *Provided further,* That of the funds appropriated under this heading, not less than the following amounts should be made available for the following programs: $6,500,000 for Organization of American States Democracy Assistance Programs, $3,500,000 for the Organization of American States Fund for Strengthening Democracy, $6,000,000 for the World Food Program, $2,000,000 for International Contributions for Scientific, Educational, and Cultural Activities, and $1,000,000 for the United Nations Center for Human Settlements: *Provided further,* That of the funds appropriated under this heading not less than $500,000 should be made available for a United States contribution to the International Coffee Organization (ICO) if the United States becomes a member of the ICO prior to June 1, 2003.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled ''International Disaster Assistance'',

and ''United States Emergency Refugee and Migration Assistance Fund'', not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PRIVATE AND VOLUNTARY ORGANIZATIONS

SEC. 502. (a) None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the Administrator of the United States Agency for International Development, after informing the Committees on Appropriations, may, on a case-by-case basis, waive the restriction contained in this subsection, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

(b) Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $125,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading ''Foreign Military Financing Program'', not to exceed $2,000 shall be available for entertainment expenses and not to exceed $125,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading ''International Military Education and Training'', not to exceed $50,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading ''Trade and Development Agency'', not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for ''Nonproliferation, Anti-terrorism, Demining and Related Programs'') pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents: *Provided further*, That assistance or other financing under this Act may be provided for Iraq notwithstanding the provisions of this section or any other law, including comparable provisions contained in prior foreign operations, export financing, and related programs appropriations Acts, if the President determines that the provision of assistance or other financing for Iraq is important to the national security interests of the United States: *Provided further*, That such assistance or financing shall be subject to the regular notification procedures of the Committees on Appropriations.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by decree or military coup: *Provided*, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: *Provided*, That the authority of this section may not be used in fiscal year 2003.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, section 23 of the Arms Export Control Act, and funds provided under the heading ''Assistance for Eastern Europe and the Baltic States'', shall remain available for an additional four years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to an assistance program for which funds are appropriated under this Act unless the Secretary of State determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact

in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for ''Child Survival and Health Programs Fund'', ''Development Assistance'', ''International Organizations and Programs'', ''Trade and Development Agency'', ''International Narcotics Control and Law Enforcement'', ''Andean Counterdrug Initiative'', ''Assistance for Eastern Europe and the Baltic States'', ''Assistance for the Independent States of the Former Soviet Union'', ''Economic Support Fund'', ''Peacekeeping Operations'', ''Operating Expenses of the United States Agency for International Development'', ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Peace Corps'', and ''Migration and Refugee Assistance'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: *Provided,* That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further,* That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further,* That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further,* That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further,* That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2004.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided,* That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for any state to enhance its military capability: *Provided,* That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading ''Assistance for the Independent States of the Former Soviet Union'' and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 518. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2003, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided,* That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 519. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Haiti, Liberia, Serbia, Sudan, Zimbabwe, Nigeria, Pakistan, or the Democratic Republic of the Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 520. For the purpose of this Act, ''program, project, and activity'' shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development ''program, project, and activity'' shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the

Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 521. Up to $15,500,000 of the funds made available by this Act for assistance under the heading ''Child Survival and Health Programs Fund'', may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: *Provided*, That up to $3,500,000 of the funds made available by this Act for assistance under the heading ''Development Assistance'' may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: *Provided further*, That funds appropriated by this Act that are made available for child survival activities or health programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law: *Provided further*, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 522. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 523. Funds appropriated by this Act, except funds appropriated under the heading ''Trade and Development Agency'', may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY PROGRAMS

SEC. 524. (a) Notwithstanding any other provision of law, of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $25,000,000 shall be made available for assistance for activities to support democracy, human rights, and the rule of law in the People's Republic of China, Hong Kong and Tibet, of which not less than $15,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, for such activities in the People's Republic of China: *Provided*, That not to exceed $3,000,000 may be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in Tibetan autonomous areas, including the area designated as the ''Tibetan Autonomous Region'': *Provided further*, That funds appropriated under this heading should be made available for assistance for Taiwan for the purposes of furthering political and legal reforms: *Provided further*, That such funds shall only be made available to the extent that they are matched from sources other than the United States Government: *Provided further*, That funds appropriated by this Act that are provided to the National Endowment for Democracy may be made available notwithstanding any other provision of law or regulation and shall be obligated and disbursed within 90 days of enactment of this Act: *Provided further*, That funds made available pursuant to the authority of this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) In addition to the funds made available in subsection (a), of the funds appropriated by this Act under the heading ''Economic Support Fund'' not less than $20,000,000 shall be made available for programs and activities to foster democracy, human rights, civic education, women's development, press freedoms, and the rule of law in countries with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism: *Provided*, That funds made available pursuant to the authority of this subsection should support new initiatives or bolster ongoing programs and activities in those countries: *Provided further*, That of this amount, not less than $10,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and not less than $3,000,000 shall be made available for programs and activities that provide professional training for journalists: *Provided further*, That notwithstanding any other provision of law, funds made available pursuant to the authority of this subsection may be made available to support the advancement of democracy and human rights in Iran: *Provided further*, That funds made available pursuant to this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) Funds made available under this section that are made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, are in addition to the $12,000,000 requested by the President for the Fund for fiscal year 2003.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 525. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to the government of any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to the government of a country if the President determines that national security or humanitarian reasons justify such waiver. At least 15 days before the waiver takes effect, the President shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 526. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

DEBT-FOR-DEVELOPMENT

SEC. 527. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 528. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 529. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, ''international financial institutions'' are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 530. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 531. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 532. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(b) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 533. (a) AFGHANISTAN, VICTIMS OF WAR, DISPLACED CHILDREN, VICTIMS OF HUMAN TRAFFICKING AND DISPLACED BURMESE.—Funds appropriated by this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 512 of this Act and any similar provision of law, and funds appropriated in titles I and II of this Act that are made available for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law: *Provided,* That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities and managed by the agency until permanent direct hire personnel are hired and trained: *Provided,* That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further,* That such funds appropriated to carry out the Foreign Assistance Act of 1961 may be made available for personal services contractors assigned only to the Office of Health and Nutrition; the Office of Procurement; the Bureau for Africa; the Bureau for Latin America and the Caribbean;

and the Bureau for Asia and the Near East: *Provided further,* That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) CONTINGENCIES.—During fiscal year 2003, the President may use up to $45,000,000 under the authority of section 451 of the Foreign Assistance Act, notwithstanding the funding ceiling in section 451(a).

(f) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(g) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other subnational entity emerging from instability, as well as a nation emerging from instability.

(h) REPEAL.—Section 545(d) of Public Law 106–429, and comparable provisions contained in prior Acts making appropriations for foreign operations, export financing, and related programs, are hereby repealed.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 534. It is the sense of the Senate that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) the three Arab League countries with diplomatic and trade relations with Israel should return their ambassadors to Israel, should refrain from downgrading their relations with Israel, and should play a constructive role in securing a peaceful resolution of the Israeli-Arab conflict;

(4) the remaining Arab League states should normalize relations with their neighbor Israel;

(5) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and,

(6) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ADMINISTRATION OF JUSTICE ACTIVITIES

SEC. 535. Of the funds appropriated or otherwise made available by this Act for ''Economic Support Fund'', assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 536. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'': *Provided,* That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further,* That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2003, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided,* That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

EARMARKS

SEC. 537. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: *Provided,* That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: *Provided,* That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 538. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 539. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: *Provided,* That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 540. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 541. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 542. (a) IN GENERAL.—Of the funds appropriated under this Act that are made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fines determined to be owed under the parking programs in the District of Columbia and New York City, New York by such country as of September 30, 2002 that were incurred after the first day of the fiscal year preceding the current fiscal year shall

be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the governments of the District of Columbia and New York City, New York.

(b) DEFINITION.—For purposes of this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 543. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 544. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 545. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 546. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 547. None of the funds appropriated or otherwise made available by this Act under the heading ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities or under the headings ''Child Survival and Health Programs Fund'', ''Development Assistance'', and ''Economic Support Fund'' may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PALESTINIAN STATEHOOD

SEC. 548. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated by this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) a new leadership of a Palestinian governing entity, that has not supported acts of terrorism, has been democratically elected through free and fair elections;

(2) the newly elected Palestinian governing entity—

(A) has demonstrated a firm commitment to peaceful coexistence with the State of Israel;

(B) has taken appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures;

(C) has established a Palestinian security entity that is fully cooperating with appropriate Israeli security organizations; and,

(D) has taken appropriate measures to enact a constitution assuring the rule of law and other reforms assuring transparent and accountable governance.

(b) WAIVER.—The President may waive the requirements of subsection (a) if he determines that it is important to the national security interests of the United States to do so.

(c) EXEMPTION.—The restriction of subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or a newly elected governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of sections 543 and 551 of this Act.

TIBET

SEC. 549. The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

HAITI COAST GUARD

SEC. 550. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 551. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 552. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: *Provided*, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

PROTECTION OF TROPICAL FORESTS AND BIODIVERSITY

SEC. 553. Of the funds appropriated under the heading ''Development Assistance'', not less than $150,000,000 shall be made available for programs and activities which directly protect tropical forests and biodiversity, including activities to deter illegal logging: *Provided*, That of the funds made available pursuant to this section, not less than $15,000,000 shall be made available for the Central African Regional Program for the Environment.

ENERGY CONSERVATION, ENERGY EFFICIENCY AND CLEAN ENERGY PROGRAMS

SEC. 554. (a) FUNDING.—Of the funds appropriated by this Act, not less than $185,000,000 shall be made available to support policies and programs in developing countries, countries in transition and other partner countries that directly (1) promote a wide range

of energy conservation, energy efficiency and clean energy programs and activities, including the transfer of clean and environmentally sustainable energy technologies; (2) measure, monitor, and reduce greenhouse gas emissions; (3) increase carbon sequestration activities; and (4) enhance climate change mitigation and adaptation programs: *Provided,* That of the funds made available under this heading, not less than $13,000,000 should be made available for the United States Agency for International Development's Office of Energy and Information Technology.

(b) GREENHOUSE GAS EMISSIONS REPORT.—Not later than 45 days after the date on which the President's fiscal year 2004 budget request is submitted to Congress, the President shall submit a report to the Committees on Appropriations describing in detail the following—

(1) all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2003, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix; and

(2) all fiscal year 2002 obligations and estimated expenditures, fiscal year 2003 estimated expenditures and estimated obligations, and fiscal year 2004 requested funds by the United States Agency for International Development, by country and central program, for each of the following: (1) to promote the transfer and deployment of a wide range of United States clean energy and energy efficiency technologies; (2) to assist in the measurement, monitoring, reporting, verification, and reduction of greenhouse gas emissions; (3) to promote carbon capture and sequestration measures; (4) to help meet such countries' responsibilities under the Framework Convention on Climate Change; and (5) to develop assessments of the vulnerability to impacts of climate change and mitigation and adaptation response strategies.

AFGHANISTAN

SEC. 555. Of the funds appropriated by this Act under the headings ''Child Survival and Health Programs Fund'', ''Development Assistance'', ''International Disaster Assistance'', ''Transition Initiatives'', ''Economic Support Fund'', ''International Narcotics Control and Law Enforcement'', ''Migration and Refugee Assistance'', ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', ''International Military Education and Training'', and ''Foreign Military Financing Program'', not less than $213,000,000 should be made available for humanitarian, reconstruction, and other assistance for Afghanistan, including repairing homes of Afghan citizens that were damaged or destroyed as a result of military operations: *Provided,* That of the funds made available pursuant to this section that are appropriated under the heading ''Economic Support Fund'', not less than $5,000,000 shall be made available for assistance for women's resource centers and other programs and activities directed by the Afghan Ministry of Women's Affairs to promote girl's and women's education, reproductive health, legal rights, and economic opportunities.

ZIMBABWE

SEC. 556. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans, to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

NIGERIA

SEC. 557. Funds appropriated under the headings ''International Military Education and Training'' and ''Foreign Military Financing Program'' may be made available for Nigeria only for expanded international military education and training and non-lethal defense articles, until the President certifies to the appropriate congressional committees that the Nigerian Minister of Defense, the Chief of the Army Staff, and the Minister of State for Defense/Army are suspending from the Armed Forces those members, of whatever rank, against whom there is credible evidence of gross violations of human rights in Benue State in October 2001, and the Government of Nigeria and the Nigerian Armed Forces are taking effective measures to bring such individuals to justice.

BURMA

SEC. 558. Of the funds appropriated under the heading ''Economic Support Fund'', not less than $6,500,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: *Provided,* That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: *Provided further,* That funds made available by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 559. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 560. (a) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to meet basic human needs.

(b)(1) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

(2) Paragraph (1) shall not apply to assistance for basic education, reproductive and maternal and child health, cultural and historic preservation, and for the Ministry of Women and Veterans Affairs to combat human trafficking.

(c) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', $5,000,000 shall be made available, notwithstanding subsection (b), for assistance for democratic opposition political parties in Cambodia.

(d) Of the funds appropriated by this Act, $3,750,000 shall be made available, notwithstanding subsection (b), as a contribution for an endowment to sustain rehabilitation programs for Cambodians suffering from physical disabilities that are administered by an American nongovernmental organization that is directly supported by the United States Agency for International Development: *Provided,* That funds made available for such assistance shall be in addition to the level of assistance proposed by the President for Cambodia for fiscal year 2003: *Provided further,* That such funds may be made available only if an amount at least equal to one-half the United States contribution is provided for the endowment from sources other than the United States Government.

FOREIGN MILITARY TRAINING REPORT

SEC. 561. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by March 1, 2003, a report on all military training provided to foreign military personnel (excluding sales, and excluding training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization) under programs administered by the Department of Defense and the Department of State during fiscal years 2002 and 2003, including those proposed for fiscal year 2003. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 562. None of the funds appropriated by this Act, or prior Acts making appropriations for foreign operations, export financing, and related programs, may be made available for assistance to the Korean Peninsula Energy Organization (KEDO): *Provided,* That the President may waive this restriction and provide up to $3,500,000 of funds appropriated under the heading ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'' for assistance to KEDO for administrative expenses only notwithstanding any other provision of law, if he determines that it is vital to the national security interests of the United States and provides a written policy justification to the appropriate congressional committees: *Provided further,* That funds may be obligated for assistance to KEDO subject to the regular notification procedures of the Committees on Appropriations.

COLOMBIA

SEC. 563. (a) DETERMINATION AND CERTIFICATION REQUIRED.—Notwithstanding any other provision of law, funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available for assistance to support the Colombian Government's unified campaign against narcotics trafficking and against paramilitary and guerrilla organizations designated as terrorist organizations in that country, as follows:

(1) Up to 75 percent of such funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (2).

(2) Up to 12.5 percent of such funds may be obligated only after the Secretary of State certifies and reports to the appropriate congressional committees that:

(A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

(B) The Colombian Government is prosecuting and punishing those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and the Colombian Armed Forces are cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

(C) The Colombian Armed Forces are severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations.

(D) The Colombian Armed Forces are apprehending the leaders of paramilitary organizations.

(3) The balance of such funds may be obligated after July 1, 2003, if the Secretary of State certifies and reports to the appropriate congressional committees, after such date, that the Colombian Armed Forces are continuing to meet the conditions contained in paragraph (2) and are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

(b) CONSULTATIVE PROCESS.—At least 10 days prior to making the certifications required by subsection (a), the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in that subsection.

(c) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term ''aided or abetted'' means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term ''paramilitary groups'' means illegal self-defense groups and illegal security cooperatives.

ILLEGAL ARMED GROUPS

SEC. 564. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 565. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

IRAQ

SEC. 566. Notwithstanding any other provision of law, funds appropriated under the heading ''Economic Support Fund'' may be made available for programs benefitting the Iraqi people and to support efforts to bring about a transition to democracy in Iraq: *Provided*, That not more than 15 percent of the funds, except for costs related to broadcasting activities, may be used for administrative and representational expenses, including expenditures for salaries, office rent and equipment: *Provided further*, That none of the funds made available pursuant to the authorities provided in this section may be made available to any organization to reimburse or pay for costs incurred by such organization in prior fiscal years: *Provided further*, That funds made available under this heading are made available subject to the regular notification procedures of the Committees on Appropriations.

WEST BANK AND GAZA PROGRAM

SEC. 567. For fiscal year 2003, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading ''Economic Support Fund'' for the West Bank and Gaza.

INDONESIA

SEC. 568. (a) Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for Indonesia, and licenses may be issued for the export of lethal defense articles to Indonesia, only if the President certifies to the appropriate congressional committees that—

(1) the Indonesia Minister of Defense is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, or to have aided or abetted militia groups;

(2) the Indonesian Government is prosecuting and punishing those members of the Indonesian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, or to have aided or abetted militia groups, and the Indonesian Armed Forces are cooperating with civilian prosecutors and judicial authorities in such cases (including providing access to witnesses, relevant military documents, and other requested information); and

(3) the Minister of Defense is making publicly available audits of receipts and expenditures of the Indonesian Armed Forces, including audits of receipts from private enterprises and foundations.

RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS DESTABILIZING SIERRA LEONE

SEC. 569. (a) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has knowingly facilitated the safe passage of weapons or other equipment, or has provided lethal or non-lethal military support or equipment, directly or through intermediaries, within the previous six months to the Sierra Leone Revolutionary United Front, Liberian Security Forces, or any other group intent on destabilizing the democratically elected government of the Republic of Sierra Leone.

(b) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has aided or abetted, within the previous six months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone.

(c) Whenever the prohibition on assistance required under subsection (a) or (b) is exercised, the Secretary of State shall notify the Committees on Appropriations in a timely manner.

VOLUNTARY SEPARATION INCENTIVES

SEC. 570. Section 579(c)(2)(D) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, as enacted by section 1000(a)(2) of the Consolidated Appropriations Act, 2000 (Public Law 106–113), as amended, is amended by striking ''December 31, 2002'' and inserting in lieu thereof ''December 31, 2003''.

CENTRAL ASIA

SEC. 571. (a) Funds appropriated by this Act may be made available for assistance for the Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress in meeting its commitments under the ''Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America''.

(b) Funds appropriated by this Act may be made available for assistance for the Government of Kazakhstan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Kazakhstan has made significant improvements in the protection of human rights during the preceding six month period.

(c) Not later than three months after the date of the enactment of this Act, and seven months thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to the countries of Central Asia during the six-month period ending 30 days prior to submission of each such report.

(2) The use during such period of defense articles, defense services, and financial assistance provided by the United States by units of the armed forces, border guards, or other security forces of such countries.

(d) For purposes of this section, the term ''countries of Central Asia'' means

Uzbekistan, Kazakhstan, Kyrgyz Republic, Tajikistan, and Turkmenistan.

AMERICAN CHURCHWOMEN AND OTHER CITIZENS IN EL SALVADOR AND GUATEMALA

SEC. 572. (a) Information relevant to the December 2, 1980, murders of four American churchwomen in El Salvador, and the May 5, 2001, murder of Sister Barbara Ann Ford and the murders of other American citizens in Guatemala since December 1999, should be investigated and made public.

(b) Not later than 45 days after enactment of this Act, the President shall order all Federal agencies and departments, including the Federal Bureau of Investigation, that possess relevant information, to expeditiously declassify and release to the victims' families such information, consistent with existing standards and procedures on classification, and shall provide a copy of such order to the Committees on Appropriations.

(c) In making determinations concerning declassification and release of relevant information, all Federal agencies and departments should use the discretion contained within such existing standards and procedures on classification in support of releasing, rather than withholding, such information.

(d) All reasonable efforts should be taken by the American Embassy in Guatemala to work with relevant agencies of the Guatemalan Government to protect the safety of American citizens in Guatemala, and to assist in the investigations of violations of human rights.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 573. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

WAR CRIMINALS

SEC. 574. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the ''Tribunal'') all persons in their territory who have been publicly indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including unimpeded access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 10 days before any vote in an international financial institution regarding the extension of any new project involving financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to projects within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords.

(f) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term ''country'' means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term ''entity'' refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term ''municipality'' means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term ''Dayton Accords'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

USER FEES

SEC. 575. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

FUNDING FOR SERBIA

SEC. 576. (a) Funds appropriated by this Act may be made available for assistance for Serbia after March 31, 2003, if the President has made the determination and certification contained in subsection (c).

(b) After March 31, 2003, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of the Federal Republic of Yugoslavia subject to the conditions in subsection (c): *Provided*, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Federal Republic of Yugoslavia through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of the Federal Republic of Yugoslavia is—

(1) cooperating, on a continuing basis, with the International Criminal Tribunal for the former Yugoslavia including unimpeded access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension;

(2) taking steps to implement policies which reflect a respect for minority rights and the rule of law, including ending Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions.

(d) Subsections (b) and (c) shall not apply to Montenegro, Kosovo, humanitarian assistance, assistance to promote democracy in municipalities, or assistance to promote reconciliation among ethnic groups within the former Yugoslavia.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 577. (a) AUTHORITY.—Funds made available to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority in Jamaica, Indonesia, and El Salvador through training and technical assistance in human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict and foster improved police relations with the communities they serve.

(b) REPORT.—

(1) The Administrator of the United States Agency for International Development shall submit, at the time of submission of the agency's Congressional Budget Justification Document for fiscal year 2004, and annually thereafter, a report to the Committees on Appropriations describing the progress these programs are making toward improving police relations with the communities they serve and institutionalizing an effective community-based police program.

(2) The requirements of paragraph (1) are in lieu of the requirements contains in section 587(b) of Public Law 107–115.

(c) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTHERN EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES

SEC. 578. Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during each of the fiscal years 2003 and 2004, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Bulgaria, Croatia, Estonia, Former

Yugoslavia Republic of Macedonia, Georgia, India, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Slovenia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan: *Provided*, That section 105 of Public Law 104–164 is amended by striking ''2002 and 2003'' and inserting ''2003 and 2004''.

OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK RESTRICTIONS

SEC. 579. (a) LIMITATION ON USE OF FUNDS BY OPIC.—None of the funds made available in this Act may be used by the Overseas Private Investment Corporation to insure, reinsure, guarantee, or finance any investment in connection with a project involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(b) LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK.—None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in an extension of credit in connection with the export of any goods to a country for use in an enterprise involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(c) REQUIREMENTS.—The requirements referred to in subsections (a) and (b) are that the country concerned is implementing the recommendations, obligations and requirements developed by the Kimberley Process on conflict diamonds, or taking other measures that the Secretary of State determines to contribute effectively to preventing and eliminating the trade in conflict diamonds.

COOPERATION WITH CUBA ON COUNTER-NARCOTICS MATTERS

SEC. 580. (a) Subject to subsection (b), of the funds appropriated under the heading ''International Narcotics Control and Law Enforcement'', $3,000,000 should be made available for the purposes of preliminary work by the Department of State, or such other entities as the Secretary of State may designate, to establish cooperation with appropriate agencies of the Government of Cuba on counter-narcotics matters, including matters relating to cooperation, coordination, and mutual assistance in the interdiction of illicit drugs being transported through Cuba airspace or over Cuba waters.

(b) The amount in subsection (a) shall not be available if the President certifies that—

(1) Cuba does not have in place appropriate procedures to protect against the loss of innocent life in the air and on the ground in connection with the interdiction of illegal drugs; and

(2) there is evidence of involvement of the Government of Cuba in drug trafficking.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 581. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

TROPICAL FOREST CONSERVATION

SEC. 582. Of the funds appropriated under the headings ''Development Assistance'' and ''Economic Support Fund'', $50,000,000 is available to carry out tropical forest conservation activities authorized by the Foreign Assistance Act of 1961, of which amount up to $40,000,000 may be available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, pursuant to the provisions of part V of such Act, the Tropical Forest Conservation Act of 1998.

REGIONAL DEMOCRACY PROGRAMS FOR EAST ASIA AND THE PACIFIC

SEC. 583. Funds appropriated by this Act under the heading ''Economic Support Fund'' that are available for ''Regional Democracy'' assistance for East Asia and the Pacific shall be made available only through the National Endowment for Democracy.

TRANSPARENCY AND ACCOUNTABILITY

SEC. 584. (a) FINDINGS.—The Congress finds that—

(1) There is a lack of transparency in the revenues and expenditures of the national budgets of many developing countries that receive United States assistance.

(2) In such countries, official revenues—particularly from natural resource extraction—are often unreported, under-reported, or inaccurately recorded by foreign government agencies.

(3) Such inefficiencies—which in some instances mask outright theft—result in the failure of such governments to adequately provide their citizens with social, political, economic, and legal benefits and opportunities, and undermine the effectiveness of assistance provided to such countries by the United States and other international donors.

(4) Good governance and respect for the rule of law are critical to a nation's development.

(b) REPORT.—Not more than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations, describing in detail—

(1) Those countries whose central governments receive foreign assistance from the United States;

(2) Relevant laws and regulations in such countries governing the public disclosure of revenues and expenditures in national budgets;

(3) The adequacy of those laws and regulations, and the extent to which they are implemented and enforced;

(4) Those countries receiving such assistance where no such laws or regulations exist, and the extent to which such revenues and expenditures are publicly disclosed; and

(5) Programs and activities sponsored by the United States Government to promote accurate disclosure of revenues and expenditures in the national budgets of such countries, and the results of those programs and activities.

This division may be cited as the ''Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003''.

DIVISION F—INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $816,062,000, to remain available until expended, of which $1,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps; of which $4,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2003 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,696,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $816,062,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $654,254,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding

42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further,* That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further,* That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further,* That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: *Provided further,* That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: *Provided,* That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: *Provided further,* That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $12,976,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $210,000,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided,* That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $30,150,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $105,633,000, to remain available until expended: *Provided,* That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided,* That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided,* That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further,* That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: *Provided,* That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $902,697,000, to remain available until September 30, 2004, except as otherwise provided herein: *Provided,* That not less than

$2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: *Provided further*, That $2,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps: *Provided further*, That not to exceed $9,077,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $5,000,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: *Provided further*, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $42,882,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, a single procurement for the construction of the Kodiak National Wildlife Refuge visitor center may be issued which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $81,555,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For administrative expenses associated with a Landowner Incentive Program established in Public Law 107–63, $600,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

STEWARDSHIP GRANTS

For administrative expenses associated with a Private Stewardship Program established in Public Law 107–63, $200,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $81,000,000, to be derived from the Cooperative Endangered Species Conservation Fund and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $38,560,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $2,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $4,200,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $45,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That of the amount provided herein, $3,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said $3,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That any amount apportioned in 2003 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2004, shall be reapportioned, together with funds appropriated in 2005, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 102 passenger motor vehicles, of which 75 are for replacement only (including 39 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That the United States Fish and Wildlife Service is authorized to grant $500,000 appropriated in Public Law 107–63 for land acquisition to the Narragansett Indian Tribe for acquisition of the Great Salt Pond burial tract: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 107–63.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service,

$1,571,065,000, of which $6,878,000 for planning and interagency coordination in support of Everglades restoration shall remain available until expended; of which $88,280,000, to remain available until September 30, 2004, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; of which not less than $9,000,000 is for reimbursement of the United States Geological Survey for conduct of National Park Service natural resource challenge activities; and of which $2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided,* That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $78,431,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $62,978,000.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $10,000,000, to remain available until expended.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $67,000,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2004: *Provided,* That of the total amount provided, $30,000,000 shall be for Save America's Treasures for priority preservation projects of nationally significant sites, structures, and artifacts: *Provided further,* That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further,* That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations prior to the commitment of grant funds: *Provided further,* That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior, in consultation with the President's Committee on the Arts and Humanities: *Provided further,* That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $322,826,000, to remain available until expended, of which $2,500,000 for the Virginia City Historic District, and $500,000 for the Fort Osage National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2003 by 16 U.S.C. 4601–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $204,005,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $115,000,000 is for the State assistance program including $4,000,000 to administer the State assistance program: *Provided,* That of the amounts provided under this heading, $20,000,000 may be for Federal grants, including Federal administrative expenses, to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: *Provided further,* That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State, or are matched by the State pursuant to the cost-sharing provisions of section 316(b) of Public Law 104–303, and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: *Provided further,* That none of the funds provided for the State Assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 301 passenger motor vehicles, of which 273 shall be for replacement only, including not to exceed 226 for police-type use, 10 buses, and 8 ambulances: *Provided,* That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further,* That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2003 and thereafter, sums provided to the National Park Service by private entities for utility services shall be credited to the appropriate account and remain available until expended: *Provided,* That heretofore and hereafter, in carrying out the work under reimbursable agreements with any State, local or tribal government, the National Park Service may, without regard to 31 U.S.C. 1341 or any other provision of law or regulation, record obligations against accounts receivable from such entities, and shall credit amounts received from such entities to the appropriate account, such credit to occur within 90 days of the date of the original request by the National Park Service for payment.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $914,617,000, of which $64,974,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $15,499,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $22,623,000 shall be available until September 30, 2004, for the operation and maintenance of facilities and deferred maintenance; and of which $166,927,000 shall be available until September 30, 2004, for the biological research activity and the operation of the Cooperative Research Units; and of which $4,000,000 shall remain available until expended for interagency research, planning, monitoring, and assessment, for everglades restoration: *Provided,* That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further,* That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISION

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided,* That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $164,322,000, of which $83,284,000, shall be available for royalty management activities; and an amount not to exceed $100,230,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided,* That to the extent $100,230,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $100,230,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further,* That $3,000,000 for computer acquisitions shall remain available until September 30, 2004: *Provided further,* That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further,* That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further,* That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service (MMS) concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further,* That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: *Provided further,* That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $105,092,000: *Provided,* That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2003 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further,* That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $191,745,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided,* That grants to minimum program States will be $1,500,000 per State in fiscal year 2003: *Provided further,* That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further,* That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further,* That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further,* That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further,* That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further,* That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,855,635,000, to remain available until September 30, 2004 except as otherwise provided herein, of which not to exceed $85,857,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $133,209,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2003, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $2,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed $442,985,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2003, and shall remain available until September 30, 2004; and of which not to exceed $57,686,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided,* That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,065,000 within

and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2004, may be transferred during fiscal year 2005 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2005.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $348,252,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2003, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $57,949,000, to remain available until expended; of which $24,870,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which $5,068,000 shall be available for future water supplies facilities under Public Law 106–163; and of which $28,011,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–263, 106–425 and 106–554.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $5,000,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $72,464,000.

In addition, for administrative expenses to carry out the guaranteed and insured loan programs, $493,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $75,217,000, of which: (1) $70,102,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $5,295,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as

provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,925,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $72,427,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $47,773,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $36,239,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $151,027,000, to remain available until expended: *Provided,* That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs ''Operation of Indian Programs'' account and to the Departmental Management ''Salaries and Expenses'' account: *Provided further,* That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2003, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further,* That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further,* That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: *Provided further,* That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further,* That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further,* That erroneous payments that are recovered shall be credited to this account.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $7,980,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management.

For implementation of a water rights and habitat acquisition program pursuant to section 10 of Public Law 106–263, $3,000,000, to remain available until expended and to be derived from the Land and Water Conservation Fund: *Provided,* That these funds may be available for transfer to the Bureau of Indian Affairs.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,538,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided,* That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further,* That notwithstanding any other provision of law, the Office of Aircraft Services shall transfer to the Sheriff's Office, Kane County, Utah, without restriction, a Cessna U206G, identification number N211S, serial number 20606916, for the purpose of facilitating more efficient law enforcement activities at Glen Canyon National Recreation Area and the Grand Staircase Escalante National Monument: *Provided further,* That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further,* That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided,* That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further,* That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within 30 days: *Provided further,* That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further,* That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided,* That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field,

when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided,* That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2003. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 115. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2003 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 116. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 117. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided,* That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 118. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2002, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 120. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM. (a) DEFINITIONS.—In this section:

(1) CONSTRUCTION.—The term ''construction'', with respect to a tribally controlled school, includes the construction or renovation of that school.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRIBALLY CONTROLLED SCHOOL.—The term ''tribally controlled school'' has the meaning given that term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

(5) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

(6) DEMONSTRATION PROGRAM.—The term ''demonstration program'' means the Tribal School Construction Demonstration Program.

(b) IN GENERAL.—The Secretary shall carry out a demonstration program for fiscal years 2003 through 2007 to provide grants to Indian tribes for the construction of tribally controlled schools.

(1) IN GENERAL.—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application that is approved by the Secretary under paragraph (2). The Secretary shall ensure that an Indian tribe that agrees to fund all future operation and maintenance costs of the tribally controlled school constructed under the demonstration program from other than federal funds receives the highest priority for a grant under this section.

(2) GRANT APPLICATIONS.—An application for a grant under the section shall—

(A) include a proposal for the construction of a tribally controlled school of the Indian tribe that submits the application; and

(B) be in such form as the Secretary determines appropriate.

(3) GRANT AGREEMENT.—As a condition to receiving a grant under this section, the Indian tribe shall enter into an agreement with the Secretary that specifies—

(A) the costs of construction under the grant;

(B) that the Indian tribe shall be required to contribute towards the cost of the construction a tribal share equal to 50 percent of the costs; and

(C) any other term or condition that the Secretary determines to be appropriate.

(4) ELIGIBILITY.—Grants awarded under the demonstration program shall be used only for construction or replacement of a tribally controlled school.

(c) EFFECT OF GRANT.—A grant received under this section shall be in addition to any other funds received by an Indian tribe under any other provision of law. The receipt of a grant under this section shall not affect the eligibility of an Indian tribe receiving funding, or the amount of funding received by the Indian tribe, under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(d) REPORT.—At the conclusion of the five-year demonstration program, the Secretary shall report to Congress as to whether the

demonstration program has achieved its purposes of providing additional tribes fair opportunities to construct tribally controlled schools, accelerating construction of needed educational facilities in Indian Country, and permitting additional funds to be provided for the Department's priority list for construction of replacement educational facilities.

SEC. 121. WHITE RIVER OIL SHALE MINE, UTAH. SALE.—Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States in and to the improvements and equipment of the White River Oil Shale Mine.

SEC. 122. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 123. No funds contained in this Act shall be used to approve the transfer of lands on South Fox Island, Michigan until Congress has authorized such transfer.

SEC. 124. In fiscal year 2003 and each fiscal year thereafter, notwithstanding any other provision of law, with respect to a service contract for the provision solely of transportation services at Zion National Park or Rocky Mountain National Park, the Secretary of the Interior may obligate the expenditure of fees expected to be received in that fiscal year before the fees are received, so long as total obligations do not exceed fee collections retained at Zion National Park or Rocky Mountain National Park, respectively, by the end of that fiscal year.

SEC. 125. Section 6(f) of Public Law 88–578 as amended shall not apply to LWCF program #02–00010.

SEC. 126. None of the funds made available in this Act or any other Act providing appropriations for the Department of the Interior may be expended or obligated to issue a Record of Decision or take any action to issue a right-of-way grant for a pipeline or associated facilities related to the Cadiz groundwater storage and dry-year supply program.

SEC. 127. Notwithstanding section 1(d) of Public Law 107–62, the National Park Service is authorized to obligate $1,000,000 made available in fiscal year 2002 to plan the John Adams Presidential memorial in cooperation with non-Federal partners.

SEC. 128. Notwithstanding any other provision of law, funds appropriated and remaining available in the Construction (Trust Fund) account of the National Park Service at the completion of all authorized projects, shall be available for the rehabilitation and improvement of Going-to-the-Sun Road in Glacier National Park.

SEC. 129. Using funds appropriated by section 501(d) of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106–31), the Secretary shall provide interim compensation payments of up to $10,000 each within 30 days of the date of the enactment of this Act to all claimants who filed a claim for compensation under the Glacier Bay compensation plan and which has not been rejected or withdrawn and have not received a compensation payment. The amount of final compensation paid to any such claimant shall be reduced by the total dollar amount of any interim compensation payments received.

SEC. 130. Hereafter, the Department of the Interior National Business Center may continue to enter into grants, cooperative agreements, and other transactions, under the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, and other related legislation.

SEC. 131. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SEC. 132. Section 3(f)(2)(B) of Public Law 99–548 (100 Stat. 3061; 113 Stat. 1501A–168) is amended by striking ''(iv) Sec. 8.'' and inserting the following:

''(iv) Sec. 7.

''(v) Sec. 8.''.

SEC. 133. Of the funds made available under the heading ''United States Fish and Wildlife Service, Construction'' in Public Law 107–63 for hangar roof replacement at Midway Atoll National Wildlife Refuge, not to exceed $650,000 may be transferred to ''United States Fish and Wildlife Service, Resource Management'' for operational needs at Midway Atoll National Wildlife Refuge.

SEC. 134. Public Law 107–331 is amended in Sections 301(b) and 301(d) by striking the word ''Secretary'' each place it appears and inserting in lieu thereof the word ''Director'', and by striking the text of Section 301(c)(3) and inserting in lieu thereof ''DIRECTOR.—The term 'Director' means the Director of the Institute of Museum and Library Services.''.

SEC. 135. Section 113 of Public Law 104–208 (31 U.S.C. 501 note.) is amended by deleting ''That such fund shall be paid in advance'' and inserting ''That such fund may be paid in advance''.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $247,804,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, treatment of pests, pathogens, and invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $297,472,000, to remain available until expended, as authorized by law: *Provided*, That notwithstanding any other provision of law, of the funds provided under this heading, $2,000,000 shall be made available to Kake Tribal Corporation as an advanced direct lump sum payment to implement the Kake Tribal Corporation Land Transfer Act (Public Law 106–283).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,352,999,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): *Provided*, That unobligated balances available at the start of fiscal year 2003 shall be displayed by budget line item in the fiscal year 2004 budget justification: *Provided further*, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands: *Provided further*, That of the funds provided under this heading for Forest Products, $4,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuel reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,349,291,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2002 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided further*, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazard reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service; *Provided further*, That of the funds provided, $228,109,000 is for hazardous fuel treatment, $3,624,000 is for rehabilitation and restoration, $21,427,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $46,555,000 is for state fire assistance, $8,240,000 is for volunteer fire assistance, $11,934,000 is for forest health activities on state, private, and Federal lands: *Provided further*, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research''

accounts to fund state fire assistance, volunteer fire assistance, and forest health management, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: *Provided further*, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged businesses: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further*, That in expending the funds provided with respect to this Act for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries applicable to hazardous fuel reduction activities under the wildland fire management accounts. Notwithstanding Federal government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized in this section, on and adjacent to Federal lands using grants and cooperative agreements. Notwithstanding Federal government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to—

(1) local private, nonprofit, or cooperative entities;

(2) Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups;

(3) small or micro-businesses; or

(4) other entities that will hire or train a significant percentage of local people to complete such contracts. The authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $543,656,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: *Provided further*, That the Forest Service shall transfer $500,000 appropriated in Public Law 107–63 within the Capital Improvement and Maintenance appropriation, to the State and Private Forestry appropriation, and shall provide these funds in an advance direct lump sum payment to Purdue University for planning and construction of a hardwood tree improvement and generation facility: *Provided further*, That notwithstanding any provision of law, funds provided for construction of facilities at Purdue University in Indiana in this Act, in the amount of $3,100,000 shall be available to the University.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $148,263,000 to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,542,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 113 passenger motor vehicles of which 10 will be used primarily for law enforcement purposes and of which 113 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed seven for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the

advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the ''National Forest System'' and ''Capital Improvement and Maintenance'' accounts and planned to be allocated to activities under the ''Jobs in the Woods'' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: *Provided*, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: *Provided further*, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed $1,000,000.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $70,000,000 shall not be available until October 1, 2003: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $625,665,000, to remain available until expended, of which $4,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; and of which $150,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided*, That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in prior appropriations: *Provided further*, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further*, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further*, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. §7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $20,831,000, to remain available until expended: *Provided*, That, notwithstanding any

other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2003 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $884,293,000, to remain available until expended: *Provided,* That $270,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): *Provided further,* That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $225,000,000 for weatherization assistance grants and $45,000,000 for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,487,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $172,856,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

For the acquisition and transportation of petroleum and for other necessary expenses pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $7,000,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, $6,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $80,111,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided,* That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further,* That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further,* That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,455,881,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided,* That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further,* That $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further,* That $450,130,000 for contract medical care shall remain available for obligation until September 30, 2004: *Provided further,* That of the funds provided, up to $22,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further,* That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further,* That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further,* That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2004: *Provided further,* That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further,* That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $270,734,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2003, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further,* That notwithstanding any other provision of law, contributions authorized by 10 U.S.C. 1111 for the Uniformed Service of the Public Health Service shall be paid in fiscal year 2003 from the Department of Health and Human Services's Retirement Pay and Medical Benefits for Commissioned Officers account without charges billed to the Indian Health Service: *Provided further,* That the provisions of 10 U.S.C. 1116 shall not apply to the Indian Health Service: *Provided further,* That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: *Provided further,* That of the amounts provided for Indian Health Services, $15,000,000 is provided to the Alaska Federation of Natives for alcohol control, prevention, treatment, sobriety and wellness, of which at least $100,000 shall be available for an independent third party to conduct an evaluation of the program: *Provided further,* That no more than 5 percent may be used by any entity receiving funding for administrative overhead including indirect costs: *Provided further,* That prior to the release of funds to a regional Native non-profit entity, it must enter into an agreement with the regional Native health corporation on allocation of resources to avoid duplication of effort and to foster cooperation.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service

Act with respect to environmental health and facilities support activities of the Indian Health Service, $365,390,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further,* That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to continue a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: *Provided further,* That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: *Provided further,* That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: *Provided further,* That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: *Provided further,* That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further,* That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the U.S. Department of Housing and Urban Development: *Provided further,* That not to exceed $1,000,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further,* That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: *Provided further,* That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94–437, as amended), construction contracts authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: *Provided further,* That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract: *Provided further,* That notwithstanding any other provision of law or regulation, for purposes of acquiring sites for a new clinic and staff quarters in St. Paul Island, Alaska, the Secretary of Health and Human Services may accept land donated by the Tanadgusix Corporation.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

Funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $14,491,000, to remain available until expended: *Provided,* That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further,* That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further,* That no relocatee will be provided with more than one new or replacement home: *Provided further,* That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $5,130,000, of which $1,000,000 shall remain available until expended for construction of the Library Technology Center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $450,760,000, of which not to exceed $43,884,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in

official Smithsonian presentations: *Provided further,* That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further,* That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further,* That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building: *Provided further,* That from unobligated balances of prior year appropriations, $14,100,000 is rescinded.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of maintenance, repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, including necessary personnel, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), $78,300,000, to remain available until expended, of which $16,750,000 is provided for maintenance, repair, rehabilitation and alteration of facilities at the National Zoological Park, and of which not to exceed $100,000 is for services as authorized by 5 U.S.C. 3109: *Provided,* That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further,* That notwithstanding any other provision of law, a single procurement contract for the repair and renovation of the Patent Office Building may be issued which includes the full scope of the project: *Provided further,* That the solicitation of the contract and the contract shall contain the clause ''availability of funds'' found at 48 C.F.R. 52.232–18.

CONSTRUCTION

For necessary expenses for construction of the National Museum of the American Indian, including necessary personnel, $16,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $77,219,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $16,230,000, to remain available until expended: *Provided,* That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $16,310,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $17,600,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,488,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $116,489,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $17,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided,* That funds previously appropriated to the National Endowment for the Arts ''Matching Grants'' account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $109,632,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISION

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided,* That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further,* That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,224,000: *Provided,* That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $3,667,000: *Provided,* That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $7,253,000: *Provided,* That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $38,663,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $21,327,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2002.

SEC. 307. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 308. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2003, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 309. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, and 107–63 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2002 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 310. Notwithstanding any other provision of law, for fiscal year 2003 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 311. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 312. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 313. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of

such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 314. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 315. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 316. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 317. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 318. Amounts deposited during fiscal year 2002 in the roads and trails fund provided for in the 14th paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 319. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2003, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska, and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 320. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 321. REVISION OF FOREST PLANS. Prior to October 1, 2003, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 322. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 323. Section 347(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277 is amended by striking ''2004'' and inserting ''2005''. The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105–277 is hereby expanded to authorize the Forest Service to enter into an additional 28 contracts subject to the same terms and conditions as provided in that section: *Provided*, That of the additional contracts authorized by this section at least 9 shall be allocated to Region 1.

SEC. 324. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, beginning in fiscal year 2004, qualify for General Service Administration contract airfares.

SEC. 325. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are fighting fires. The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country. When an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country. Neither the sending country nor any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of fighting fires.

SEC. 326. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal year 2003 shall be renewed under Section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), Section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing

of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: *Provided,* That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to fiscal year 2003 under the authority of Section 504 of the Rescissions Act of 1995 (Public Law 104–19), the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary of Agriculture's statutory authority.

SEC. 327. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided,* That the contract is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further,* That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: *Provided further,* That the Secretaries shall develop guidance to implement this section: *Provided further,* That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 328. Section 401(e)(4)(B) of Public Law 105–83 is amended after ''Not more than'' by striking ''5 percent'' and inserting ''15 percent''.

SEC. 329. The Record of Decision for the 2002 Supplemental Environmental Impact Statement for the 1997 Tongass Land Management Plan shall not be reviewed under any Forest Service administrative appeal process, and its adequacy shall not be subject to judicial review by any court of the United States.

This division may be cited as the ''Department of the Interior and Related Agencies Appropriations Act, 2003''.

DIVISION G—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act and the Women in Apprenticeship and Nontraditional Occupations Act; and the National Skill Standards Act of 1994; $2,657,084,000 plus reimbursements, of which $1,583,069,000 is available for obligation for the period July 1, 2003 through June 30, 2004; of which $1,045,465,000 is available for obligation for the period April 1, 2003 through June 30, 2004, including $1,000,965,000 to carry out chapter 4 of the Workforce Investment Act and $44,500,000 to carry out section 169 of such Act; and of which $27,550,000 is available for the period July 1, 2003 through June 30, 2006 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided,* That $9,098,000 shall be for carrying out section 172 of the Workforce Investment Act: *Provided further,* That, notwithstanding any other provision of law or related regulation, $80,770,000 shall be for carrying out section 167 of the Workforce Investment Act, including $74,965,000 for formula grants, $4,786,000 for migrant and seasonal housing, and $1,019,000 for other discretionary purposes: *Provided further,* That funds provided to carry out section 171(d) of the Workforce Investment Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2003 through June 30, 2004, and of which $100,000,000 is available for the period October 1, 2003 through June 30, 2006, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $440,200,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $972,200,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $143,452,000, together with not to exceed $3,475,451,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2003, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2005; of which $143,452,000, together with not to exceed $773,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2003 through June 30, 2004, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided,* That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2003 is projected by the Department of Labor to exceed 4,526,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further,* That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further,* That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 2004, $463,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2003, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $121,032,000, including $4,711,000 to administer welfare-to-work grants, together with not to exceed $56,610,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $117,044,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2003, for such Corporation: *Provided,* That not to exceed $13,050,000 shall be available for administrative expenses of the Corporation: *Provided further,* That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as nonadministrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $383,428,000, together with $2,029,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided,* That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further,* That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further,* That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $163,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided,* That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further,* That balances of reimbursements unobligated on September 30, 2002, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further,* That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2003: *Provided further,* That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $37,657,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging and conversion to a paperless office, $24,928,000; (2) for medical bill review and periodic roll management, $12,027,000; (3) for communications redesign, $702,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further,* That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $104,867,000, to remain available until expended: *Provided,* That the Secretary of Labor is authorized to transfer to any Executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2003 to carry out those authorities: *Provided further,* That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Beginning in fiscal year 2003 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2003 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): $31,987,000 for transfer to the Employment Standards Administration, ''Salaries and Expenses''; $22,952,000 for transfer to Departmental Management, ''Salaries and Expenses''; $334,000 for transfer to Departmental Management, ''Office of Inspector General''; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $462,314,000, including not to exceed $92,531,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the ''Act''), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act, and including $18,000,000 for safety and health standards, of which notwithstanding any other provision of law, not less than $2,000,000 is available to provide for the reissuance of a rule relating to ergonomics by the Secretary of Labor, in accordance with section 6 of the Occupational Safety and Health Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided,* That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2003, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further,* That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further,* That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently

published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That not less than $3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2003 to September 30, 2004, provided that a grantee has demonstrated satisfactory performance.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $271,841,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to $2,000,000 for mine rescue and recovery activities; and including $10,000,000 for digitizing mine maps and developing technologies to detect mine voids, through contracts, grants, or other arrangements, to remain available until expended; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $415,855,000, together with not to exceed $72,029,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund; and $2,570,000 which shall be available for obligation for the period July 1, 2003 through September 30, 2003, for Occupational Employment Statistics.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $47,015,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, of which the funds designated to carry out bilateral assistance under the international child labor initiative shall be available for obligation through September 30, 2004, and not less than $3,000,000 shall be for an Office of Pension Participant Advocacy, and $55,000,000, for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; $396,313,000; together with not to exceed $310,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided,* That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: *Provided further,* That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further,* That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further,* That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $191,537,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2003. To carry out the Stewart B. McKinney Homeless Assistance Act and section 168 of the Workforce Investment Act of 1998, $26,550,000, of which $7,550,000 shall be available for obligation for the period July 1, 2003 through June 30, 2004.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $56,659,000, together with not to exceed $5,597,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided,* That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the U.S. Department of Labor prior to enactment of this Act.

SEC. 104. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

This title may be cited as the ''Department of Labor Appropriations Act, 2003''.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V (including section 510), and sections 1128E and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, $6,115,654,000, of which $45,000,000 from general revenues, notwithstanding section

1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program'', authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $50,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $285,000,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $739,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of Title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: *Provided further*, That $40,000,000 is available for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, which shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act, and which shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: *Provided further*, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: *Provided further*, That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,914,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $2,991,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $4,302,749,000, of which $270,000,000 shall remain available until expended for equipment, and construction and renovation of facilities, and of which $168,763,000 for international HIV/AIDS shall remain available until September 30, 2004, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, $14,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Immunization Surveys: *Provided further*, That in addition to amounts provided herein, $28,600,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out information systems standards development and architecture and applications-based research used at local public health levels: *Provided further*, That in addition to amounts provided herein, $41,900,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Research Tools and Approaches activities within the National Occupational Research Agenda: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities or other organizations under authority of Section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That not to exceed $15,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States: *Provided further*, That without regard to existing statute, funds appropriated may be used to proceed, at CDC's discretion, with property acquisition, including a long-term ground lease for construction on non-federal land, to support the construction of a replacement laboratory in the Fort Collins, Colorado area: *Provided further*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,642,394,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,820,011,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $374,067,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,637,347,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,466,005,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $3,727,473,000: *Provided*, That $100,000,000 may be made available to International Assistance Programs, ''Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis'', to remain available until expended: *Provided further*, That up to $150,000,000 shall be for extramural facilities construction grants to enhance the Nation's capability to do research on biological and other agents.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,853,584,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,213,817,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $634,290,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act

with respect to environmental health sciences, $617,258,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,000,099,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $489,324,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $372,805,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $131,438,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $418,773,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $968,013,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,350,788,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $468,037,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $283,100,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,161,272,000: *Provided,* That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further,* That $125,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $114,149,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $186,929,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $60,880,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $302,099,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided,* That in fiscal year 2003, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further,* That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $257,974,000: *Provided,* That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further,* That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further,* That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further,* That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further,* That all funds credited to the National Institutes of Health Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: *Provided further,* That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $607,800,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, single contracts or related contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center: *Provided further,* That the solicitations and contracts shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $3,129,717,000: *Provided,* That, $955,000, to remain available until expended, shall be for protection, maintenance, and environmental remediation of the Federally owned facilities at St. Elizabeths Hospital: *Provided further,* That in addition to amounts provided herein, $62,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Subpart II of Title XIX of the Public Health Service Act to fund section 1935(b) national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for Subpart II of Title XIX: *Provided further,* That in addition to amounts provided herein, $12,000,000 shall be made available from amounts available under section 241 of the Public Health Service Act to carry out data collection activities supporting the annual National Household Survey.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $308,645,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $112,090,218,000, to remain available until expended.

For making, after May 31, 2003, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2003 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2004, $51,861,386,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $81,462,700,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,559,664,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: *Provided,* That all funds derived in accordance with 31 U.S.C.

9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That from amounts appropriated under this heading, $3,000,000 for the managed care system redesign shall remain available until expended: *Provided further*, That $51,000,000, to remain available until September 30, 2004, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That to the extent Medicare claims volume is projected by the Centers for Medicare and Medicaid Services (CMS) to exceed 223,500,000 Part A claims and/or 870,000,000 Part B claims, an additional $46,800,000 shall be available for obligation for every 50,000,000 increase in Medicare claims volume (including a pro rata amount for any increment less than 50,000,000) from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Fund: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2003 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2003, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,475,800,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2004, $1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,700,000,000.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $432,724,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2003 shall be available for the costs of assistance provided and other activities through September 30, 2005: *Provided further*, That up to $10,000,000 is available to carry out the Trafficking Victims Protection Act of 2000.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $10,000,000.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,099,994,000 shall be used to supplement, not supplant state general revenue funds for child care assistance for low-income families: *Provided*, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That $10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, the Early Learning Opportunities Act, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A and 477(h)(2) of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $8,648,884,000, of which $43,000,000, to remain available until September 30, 2004, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed in fiscal years 2001 and 2002; of which $6,667,533,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2003 and remain available through September 30, 2004; and of which $740,477,000 shall be for making payments under the Community Services Block Grant Act: *Provided*, That not less than $7,500,000 shall be for section 680(3)(B) of the Community Services Block Grant Act, as amended: *Provided further*, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of Section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That $93,000,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which $41,800,000 is for the transitional living program: *Provided further*, That $45,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $305,000,000 and for section 437, $200,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,855,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2004, $1,745,600,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of

1965, as amended, and section 398 of the Public Health Service Act, $1,369,290,000, of which $6,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: *Provided*, That $149,670,000 shall be available for carrying out section 311 of the Older Americans Act of 1965 consistent with the formula of such Act (as amended by section 217 of this Act).

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $368,535,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $11,885,000 shall be for activities specified under section 2003(b)(2), of which $10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further*, That of this amount, $50,000,000 is for minority AIDS prevention and treatment activities; and $20,000,000 shall be for an Information Technology Security and Innovation Fund for Department-wide activities involving cybersecurity, information technology security, and related innovation projects.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $39,747,000: *Provided*, That, of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $30,328,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, $2,499,000: *Provided*, That in addition to amounts provided herein, $18,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: *Provided further*, That the expenditure of any funds available under section 241 of the Public Health Service Act are subject to the requirements of section 205 of this Act.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55 and 56), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year. The following are definitions for the medical benefits of the Public Health Service Commissioned Officers that apply to 10 U.S.C. chapter 56, section 1116(c). The source of funds for the monthly accrual payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund shall be the Retirement Pay and Medical Benefits for Commissioned Officers account. For purposes of this Act, the term ''pay of members'' shall be construed to be synonymous with retirement payments to U.S. Public Health Service officers who are retired for age, disability, or length of service; payments to survivors of deceased officers; medical care to active duty and retired members and dependents and beneficiaries; and for payments to the Social Security Administration for military service credits; all of which payments are provided for by the Retirement Pay and Medical Benefits for Commissioned Officers account.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $2,255,980,000: *Provided*, That this amount is distributed as follows: Centers for Disease Control and Prevention, $1,541,740,000 of which $300,000,000 shall remain available until expended for the National Pharmaceutical Stockpile; Office of the Secretary, $152,240,000; Health Resources and Services Administration, $547,000,000; Substance Abuse and Mental Health Services Administration, $10,000,000; and the Agency for Healthcare Research and Quality, $5,000,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 1.25 percent, of any amounts appropriated for programs authorized under said Act and other Acts shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall

be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''1997, 1998, 1999, 2000, and 2001'' and inserting ''1997, 1998, 1999, 2000, 2001, 2002 and 2003''; and

(B) in subsection (e), by striking ''October 1, 2002'' each place it appears and inserting ''October 1, 2003''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''September 30, 2002'' and inserting ''September 30, 2003''.

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2003 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2003 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2002, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2002 State expenditures and all fiscal year 2003 obligations for tobacco prevention and compliance activities by program activity by July 31, 2003.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2003.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 215. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2003, the Secretary of Health and Human Services is authorized to—

(1) utilize the authorities contained in subsection 2(c) of the State Department Basic Authorities Act of 1956, as amended; and

(2) utilize the authorities contained in 22 U.S.C. 291 and 292 and directly or through contract or cooperative agreement to lease, alter or renovate facilities in foreign countries, to carry out programs supported by this appropriation notwithstanding section 307 of the Public Health Service Act.

In exercising the authority set forth in paragraphs (1) and (2), the Secretary of Health and Human Services shall consult with the Department of State to assure that planned activities are within the legal strictures of the State Department Basic Authorities Act of 1956, as amended, and other applicable parts of title 22, United States Code.

SEC. 216. The Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. (a) Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended—

(1) in subsection (b)—

(A) in the caption, by striking ''of cash or commodities'' and inserting ''and payment''; and

(B) in paragraph (1)—

(i) by striking ''The Secretary of Agriculture shall allot and provide in the form of cash or commodities or a combination thereof (at the discretion of the State) to each State agency'' and inserting ''The Secretary shall allot and provide, in accordance with this section, to or on behalf of each State agency''; and

(ii) by striking ''to each grantee'' and inserting ''to or on behalf of each grantee''; and

(2) in subsection (d)—

(A) in the caption, to read as follows: ''Option to obtain commodities from Secretary of Agriculture'';

(B) in paragraph (1), to read as follows: ''Each State agency and each grantee under title VI shall be entitled to use all or any part of amounts allotted under subsection (b) to obtain from the Secretary of Agriculture commodities available through any Federal food commodity processing program, at the rates at which such commodities are valued for purposes of such program.'';

(C) by redesignating paragraphs (2) and (4) as paragraphs (4) and (5), respectively;

(D) by striking paragraph (3);

(E) by adding after paragraph (1) the following new paragraphs:

''(2) The Secretary of Agriculture shall determine and report to the Secretary, by such date as the Secretary may require, the amount (if any) of its allotment under subsection (b) which each State agency and title VI grantee has elected to receive in the form of commodities. Such amount shall include an amount bearing the same ratio to the costs to the Secretary of Agriculture of providing such commodities under this subsection as the value of commodities received by such State agency or title VI grantee under this subsection bears to the total value of commodities so received.

''(3) From the allotment under subsection (b) for each State agency and title VI grantee, the Secretary shall first reimburse the Secretary of Agriculture for costs of commodities received by such State agency or grantee under this subsection, and shall then pay the balance (if any) to such State agency or grantee.'';

(F) in paragraph (4), as redesignated, in the first sentence, to read as follows: ''Each State agency shall promptly and equitably disburse amounts received under this subsection to recipients of grants and contracts.''; and

(G) in paragraph (5), as redesignated, by striking ''donation'' and inserting ''provision''.

SEC. 218. Notwithstanding section 409B(c) of the Public Health Service Act regarding a limitation on the number of such grants, funds appropriated in this Act may be expended by the Director of the National Institutes of Health to award Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's disease. Each center funded under such grants shall be designated as a Morris K. Udall Center for Research on Parkinson's Disease.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2003''.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (''ESEA'') and section 418A of the Higher Education Act of 1965, $13,178,400,000, of which $4,354,199,000 shall become available on July 1, 2003, and shall remain available through September 30, 2004, and of which $8,627,301,000 shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: *Provided*, That $7,172,971,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2002, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,365,031,000 shall be available for concentration grants under section 1124A: *Provided further*, That $1,405,999,000 shall be available for targeted grants under section 1125: *Provided further*, That $1,405,999,000 shall be available for education finance incentive grants under section 1125A.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,176,500,000, of which $1,012,500,000 shall be for basic support payments under section 8003(b), $52,000,000 shall be for payments for children with disabilities under section 8003(d), $47,000,000 shall be for construction under section 8007 and shall remain available through September 30, 2004, $57,000,000 shall be for Federal property payments under section 8002, and $8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV, V, VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (''ESEA''); part B of title II of the Higher Education Act; the McKinney-Vento Homeless Assistance Act; and the Civil Rights Act of 1964, $7,788,329,000, of which $500,000,000 shall become available October 1, 2002, and shall remain available through September 30, 2004, of which $3,818,517,000 shall become available on July 1, 2003, and remain available through September 30, 2004, and of which $1,765,000,000 shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: *Provided*, That of the amount made available for subpart 3, part C, of title II of the ESEA, $3,000,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the state legislatures: *Provided further*, That of the funds made available for subpart 2 of part A of title IV of the ESEA, $5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494

under the Elementary and Secondary Education Act: *Provided further*, That $735,661,000 shall be available to carry out part D of title V of the ESEA.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $122,368,000.

ENGLISH LANGUAGE ACQUISITION

For carrying out title III, part A of the ESEA, $690,000,000, of which $494,000,000 shall become available on July 1, 2003, and shall remain available through September 30, 2004.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $9,691,424,000, of which $3,335,233,000 shall become available for obligation on July 1, 2003, and shall remain available through September 30, 2004, and of which $6,072,000,000 shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: *Provided*, That $9,500,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: *Provided further*, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(c) of the Act shall be equal to the amount available for that section in the Department of Education Appropriations Act, 2002, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,959,838,000, of which $1,000,000 available for section 303(b) of the Rehabilitation Act of 1973 shall be used to improve the quality of applied orthotic and prosthetic research and help meet the demand for provider services: *Provided*, That the funds provided for title I of the Assistive Technology Act of 1998 (''the AT Act'') shall be allocated notwithstanding section 105(b)(1) of the AT Act: *Provided further*, That section 101(f) of the AT Act shall not limit the award of an extension grant to three years: *Provided further*, That no State or outlying area awarded funds under section 101 shall receive less than the amount received in fiscal year 2002: *Provided further*, That each State shall be provided $100,000 and each outlying area $30,000 for activities under section 102 of the AT Act.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $15,500,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $54,600,000, of which $1,600,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $98,438,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, and the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Act of 1965, as amended, and Public Law 102–73, $1,938,060,000, of which $1,140,060,000 shall become available on July 1, 2003 and shall remain available through September 30, 2004 and of which $791,000,000 shall become available on October 1, 2003 and shall remain available through September 30, 2004: *Provided*, That of the amounts made available for the Carl D. Perkins Vocational and Applied Technology Education Act, $7,000,000 shall be for tribally controlled postsecondary vocational and technical institutions under section 117: *Provided further*, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Applied Technology Education Act: *Provided further*, That $10,000,000 shall be for carrying out section 118 of such Act: *Provided further*, That of the amounts made available for the Carl D. Perkins Vocational and Applied Technology Education Act, $5,000,000 shall be for demonstration activities authorized by section 207: *Provided further*, That of the amount provided for Adult Education State Grants, $70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $9,500,000 shall be for national leadership activities under section 243 and $6,560,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $25,000,000 shall be for Youth Offender Grants, of which $5,000,000 shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to the enactment of Public Law 105–220.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, $13,151,500,000, which shall remain available through September 30, 2004.

The maximum Pell Grant for which a student shall be eligible during award year 2003–2004 shall be $4,100.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (''HEA''), as amended, title VIII of the Higher Education Amendments of 1998, and the Mutual Educational and Cultural Exchange Act of 1961, $2,047,640,000, of which $3,000,000 for interest subsidies authorized by section 121 of the HEA, shall remain available until expended: *Provided*, That $10,000,000, to remain available through September 30, 2004, shall be available to fund fellowships for academic year 2004–2005 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That $1,000,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That up to one percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information dissemination activities.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $239,974,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $762,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $208,000.

INSTITUTE OF EDUCATION SCIENCE

For carrying out activities authorized by Public Law 107–279, $397,387,000: *Provided*, That of the amount appropriated, $89,500,000 shall be available for obligation through September 30, 2004.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia

and hire of three passenger motor vehicles, $412,093,000, of which $12,795,000, to remain available until expended, shall be for building alterations and related expenses for the modernization of the Mary E. Switzer Building in Washington, D.C.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $86,276,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $41,000,000.

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D and E of title IV of the Higher Education Act of 1965, as amended, $105,388,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. Section 1202 of the Elementary and Secondary Education Act of 1965 is amended by inserting the following subsection at the end thereof:

''(g) SUPPLEMENT, NOT SUPPLANT.—State or local educational agency shall use funds received under this subpart only to supplement the level of non-Federal funds that, in the absence of funds under this subpart, would be expended for activities authorized under this subpart, and not to supplant those non-Federal funds.''.

SEC. 306. Notwithstanding section 1124(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(2)), for each fiscal year, if the local educational agency serving New York City receives an allocation under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332) in an amount that is greater than the amount received by the agency under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332) for fiscal year 2002, then—

(1) the agency shall distribute any funds received under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332) in excess of the amount of the fiscal year 2002 allocation consistent with section 1113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)); and

(2) each county in New York City shall receive an amount from the agency that is not less than the amount the county received in fiscal year 2002.

SEC. 307. Section 7304 of the No Child Left Behind Act of 2001, Public Law 107–110 is amended—

(1) by striking ''(a)(2)(P) Dropout prevention programs such as'' and inserting ''(a)(2)(P) Dropout prevention programs operated by''; and

(2) by striking ''(a)(2)(S) Provision of operational support and purchasing equipment,'' and inserting ''(a)(2)(S) Provision of operational support and construction funding, and purchasing of equipment,''.

SEC. 308. Section 7205 of the No Child Left Behind Act of 2001, Public Law 107–110 is amended by adding the following new subsection after subsection (L):

''(M) construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body.''.

This title may be cited as the ''Department of Education Appropriations Act, 2003''.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $67,340,000, of which $5,712,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport: *Provided*, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a facility at the United States Naval Home, may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $351,063,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed the restrictions outlined in Part B of title II of such Act.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2005, $395,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That for fiscal year 2003, in addition to the amounts provided above, $48,744,000, for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $40,718,000, including $1,500,000, to remain available through September 30, 2004, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $7,127,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

For carrying out the Museum and Library Services Act, $203,000,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $8,250,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,000,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,830,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $238,223,000: *Provided,* That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $11,203,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $9,577,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $132,000,000, which shall include amounts becoming available in fiscal year 2003 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $132,000,000: *Provided,* That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2004, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $97,720,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund: *Provided,* That notwithstanding any other provision of law, no monies made available under this head for administration of the Railroad Retirement or Railroad Unemployment Insurance Acts shall be available for payment of charges, in excess of actual rent costs, pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j)).

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $6,300,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided,* That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: *Provided further,* That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, may be used for any audit, investigation, or review of the Medicare program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,400,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $300,177,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2004, $97,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $23,914,392,000, to remain available until expended: *Provided,* That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2004, $11,080,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $20,000 for official reception and representation expenses, not more than $7,825,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided,* That not less than $1,800,000 shall be for the Social Security Advisory Board: *Provided further,* That unobligated balances of funds provided under this paragraph at the end of fiscal year 2003 not needed for fiscal year 2003 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further,* That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, $111,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2003 exceed $111,000,000, the amounts shall be available in fiscal year 2004 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2002 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $21,000,000, together with not to exceed $62,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided,* That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $16,200,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided,* That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for ''Salaries and expenses, National Mediation Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. (a) Section 1708 of the United States Institute of Peace Act (22 U.S.C. 4607) is amended in subsection (g), by striking ''on or before December 31, 1970''.

(b) Section 1710 of the United States Institute of Peace Act (22 U.S.C. 4609) is amended in subsection (a)(1), by striking the numeral ''4'' preceding the phrase ''succeeding fiscal years'' and inserting the numeral ''5''.

SEC. 515. Of the budgetary resources available to the Departments of Labor, Health and Human Services, and Education in this Act for salaries and expenses during fiscal year 2003, $96,664,000, to be allocated by the Office of Management and Budget, are permanently canceled.

This division may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003''.

DIVISION H—LEGISLATIVE BRANCH APPROPRIATIONS, 2003

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—LEGISLATIVE BRANCH APPROPRIATIONS

SENATE

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Paul David Wellstone, Jr., son of Paul David Wellstone, late a Senator from Minnesota, $50,000; Mark D.

Wellstone, son of Paul David Wellstone, late a Senator from Minnesota, $50,000; and Michael Kerner, Guardian of the Estate of Joshua Kerner, for Joshua Kerner, minor, son of Marcia Wellstone Markuson, deceased, daughter of Paul David Wellstone, late a Senator from Minnesota, $50,000.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $20,000; Majority Leader of the Senate, $20,000; Minority Leader of the Senate, $20,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $120,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $116,891,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,949,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $518,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $3,094,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $2,042,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $11,266,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,305,000 for each such committee; in all, $2,610,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $648,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,362,000 for each such committee; in all, $2,724,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $315,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $17,079,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $43,161,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,410,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $30,075,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $4,581,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,176,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under section 134(a) of Public Law 601, Seventy-ninth Congress section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $109,450,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $7,077,000, of which $5,000,000 shall remain available until September 30, 2007.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $114,423,000, of which $9,570,000 shall remain available until September 30, 2005, and of which $13,574,000 shall remain available until September 30, 2007.

MISCELLANEOUS ITEMS

For miscellaneous items, $18,513,000, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) with a population of less than 250,000 and at which the Senator will personally attend: *Provided*, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator: *Provided further*, That not later than October 31, 2003, the Sergeant at Arms and Doorkeeper of the Senate shall submit a report to the Committee on Rules and Administration and Committee on Appropriations of the Senate on the results of the program.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $294,545,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

SEC. 1. (a) Section 111 of title 3, United States Code, is amended by striking ''$10,000'' and inserting ''$20,000''.

(b) The matter under the subheading ''EXPENSE ALLOWANCES OF THE VICE PRESIDENT, PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS AND MAJORITY AND MINORITY WHIPS'' under the heading ''LEGISLATIVE BRANCH'' under chapter VI of title I of the Second Supplemental Appropriations Act, 1978 (Public Law 95–355; 92 Stat. 532) is amended—

(1) in the second sentence (2 U.S.C. 31a–1) (relating to the Majority and Minority Leaders of the Senate) by striking ''$10,000'' and inserting ''$20,000''; and

(2) in the third sentence (2 U.S.C. 32b) (relating to the President pro tempore) by striking ''$10,000'' and inserting ''$20,000''.

(c) The matter under the subheading ''EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS'' under the heading ''LEGISLATIVE BRANCH'' under chapter IX of title I of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31a–1; Public Law 98–63; 97 Stat. 333) (relating to the Majority and Minority Whips) is amended by striking ''not exceed $5,000'' and inserting ''not exceed $10,000''.

(d) The matter under the subheading ''EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, THE MAJORITY AND MINORITY WHIPS, AND THE CHAIRMEN OF THE MAJORITY AND MINORITY CONFERENCE COMMITTEES'' under the heading ''LEGISLATIVE BRANCH'' under chapter IX of title I of the Supplemental Appropriations Act, 1985 (2 U.S.C. 31a–3; Public Law 99–88; 99 Stat. 348) (relating to the Chairmen of the Majority and Minority Conference Committees) is amended by striking ''not exceed $3,000'' and inserting ''not exceed $5,000''.

(e) Section 5 of title I of the Legislative Branch Appropriations Act, 2001, as enacted into law by section 1(a) of Public Law 106–554 (2 U.S.C. 31a–4; 114 Stat. 2763A–97) (relating to the Chairmen of the Majority and Minority Policy Committees) is amended by striking ''$3,000'' and inserting ''$5,000''.

(f) The amendments made by this section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 2. (a) The matter under the subheading ''STATIONERY (REVOLVING FUND)'' under the heading ''CONTINGENT EXPENSES OF THE SENATE'' under the heading ''LEGISLATIVE BRANCH'' under chapter VII of title I of the Second Supplemental Appropriations Act, 1975 (2 U.S.C. 46a; Public Law 94–32; 89 Stat. 182) is amended by striking ''$4,500'' and inserting ''$8,000''.

(b) The amendment made by this section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 3. Effective on and after October 1, 2002, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2002, increased by an additional $50,000 each.

SEC. 4. (a) The Majority Policy Committee, Minority Policy Committee, Conference of the Majority, and Conference of the Minority of the Senate are authorized, in the discretion of each committee or conference, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration of the Senate to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 5. PUBLIC SAFETY EXCEPTION TO INSCRIPTIONS REQUIREMENT ON MOBILE OFFICES. (a) IN GENERAL.—Section 3(f)(3) under the subheading ''ADMINISTRATIVE PROVISIONS'' under the heading ''SENATE'' in the Legislative Branch Appropriation Act, 1975 (2 U.S.C. 59(f)(3)) is amended by adding at the end the following flush sentence:

''The Committee on Rules and Administration of the Senate may prescribe regulations to waive or modify the requirement under subparagraph (B) if such waiver or modification is necessary to provide for the public safety of a Senator and the Senator's staff and constituents.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act and apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 6. MULTI-YEAR CONTRACTING AUTHORITY. (a) Subject to regulations prescribed by the Committee on Rules and Administration of the Senate, the Secretary and the Sergeant at Arms and Doorkeeper of the Senate may—

(1) enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year to the same extent and under the same conditions as the head of an executive agency under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 2531); and

(2) enter into multiyear contracts for the acquisition of property and services to the same extent and under the same conditions as the head of an executive agency under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c).

(b) This section shall take effect on October 1, 2002, and shall apply in fiscal year 2003 and successive fiscal years.

SEC. 7. CONSULTANTS. (a) IN GENERAL.—Section 101 of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6) is amended—

(1) in subsection (a), in the first sentence by striking ''six individual consultants'' and inserting ''eight individual consultants''; and

(2) by adding at the end the following:

''(C) Each appointing authority under subsection (a) may designate the title of the position of any individual appointed under that subsection.''.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,658,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $7,323,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,414,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,000,000, of which $300,000 shall remain available until expended, to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $3,035,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than 58 individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the One Hundred Seventh Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $175,675,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $28,100,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2003 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY.—Amounts appropriated for fiscal year 2003 for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 1002. CAPITOL POLICE CONTRACT AUTHORITY. (a) IN GENERAL.—The United States Capitol Police may—

(1) enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 2531); and

(2) enter into multiyear contracts for the acquisitions of property and nonaudit-related services to the same extent as executive agencies under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c).

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1003. DISPOSAL OF SURPLUS PROPERTY. (a) IN GENERAL.—Within the limits of available appropriations, the Capitol Police may dispose of surplus or obsolete property of the Capitol Police by interagency transfer, donation, sale, trade-in, or other appropriate method.

(b) AMOUNTS RECEIVED.—Any amounts received by the Capitol Police from the disposition of property under subsection (a) shall be credited to the account established for the general expenses of the Capitol Police, and shall be available to carry out the purposes of such account during the fiscal year in which the amounts are received and the following fiscal year.

(c) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1004. RECRUITMENT AND RELOCATION BONUSES. Section 909 of the Emergency Supplemental Act, 2002 (Public Law 107–117; 115 Stat. 2320) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''the Board determines that the Capitol Police would be likely, in the absence of such a bonus, to encounter difficulty in filling the position'' and inserting ''the Chief, in the Chief's sole discretion, determines that such a bonus will assist the Capitol Police in recruitment efforts''; and

(B) by adding at the end the following:

''(6) DETERMINATION NOT APPEALABLE OR REVIEWABLE.—Any determination of the Chief under this subsection shall not be appealable or reviewable in any manner.'';

(2) by striking subsections (e) and (f)(2); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 1005. RECRUITMENT OF INDIVIDUALS WITHOUT REGARD TO AGE. (a) IN GENERAL.—The Chief of the Capitol Police shall carry out any activities and programs to recruit individuals to serve as members of the Capitol Police without regard to the age of the individuals.

(b) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect any provision of law of any rule or regulation providing for the mandatory separation of members of the Capitol Police on the basis of age, or any provision of law or any rule or regulation regarding the calculation of retirement or other benefits for members of the Capitol Police.

SEC. 1006. RETENTION ALLOWANCES. Section 909(b) of the Emergency Supplemental Act,

2002 (Public Law 107–117; 115 Stat. 2320) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A) and (B); and

(B) by striking ''if—'' and inserting ''if the Chief, in the Chief's sole discretion, determines that such a bonus will assist the Capitol Police in retention efforts.''; and

(2) in paragraph (3), by striking ''the reduction or the elimination of a retention allowance may not be appealed'' and inserting ''any determination of the Chief under this subsection, or the reduction or elimination of a retention allowance, shall not be appealable or reviewable in any manner''.

SEC. 1007. EDUCATIONAL ASSISTANCE PROGRAM. Section 908 of the Emergency Supplemental Act, 2002 (2 U.S.C. 1924; Public Law 107–117; 115 Stat. 2319) is amended to read as follows:

''EDUCATIONAL ASSISTANCE PROGRAM FOR EMPLOYEES

''SEC. 908. (a) ESTABLISHMENT.—In order to recruit or retain qualified personnel, the Chief of the Capitol Police may establish an educational assistance program for employees of the Capitol Police under which the Capitol Police may agree—

''(1) to repay (by direct payments on behalf of the participating employee) all or any portion of a student loan previously taken out by the employee;

''(2) to make direct payments to an educational institution on behalf of a participating employee or to reimburse a participating employee for all or any portion of any tuition or related educational expenses paid by the employee.

''(b) SPECIAL RULES FOR STUDENT LOAN REPAYMENTS.—

''(1) APPLICATION OF REGULATIONS UNDER EXECUTIVE BRANCH PROGRAM.—In carrying out subsection (a)(1), the Capitol Police Board may, by regulation, make applicable such provisions of section 5379 of title 5, United States Code, as the Board determines necessary to provide for such program.

''(2) RESTRICTIONS ON PRIOR REIMBURSEMENTS.—The Capitol Police may not reimburse any individual under subsection (a)(1) for any repayments made by the individual prior to entering into an agreement with the Capitol Police to participate in the program under this section.

''(3) USE OF RECOVERED AMOUNTS.—Any amount repaid by, or recovered from, an individual under subsection (a)(1) and its implementing regulations shall be credited to the appropriation account available for salaries and expenses of the Capitol Police at the time of repayment or recovery. Such credited amount may be used for any authorized purpose of the account and shall remain available until expended.

''(c) LIMIT ON AMOUNT OF PAYMENTS.—The total amount paid by the Capitol Police with respect to any individual under the program under this section may not exceed $40,000.

''(d) NO REVIEW OF DETERMINATIONS.—Any determination made under the program under this section shall not be reviewable or appealable in any manner.

''(e) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2003 and each succeeding fiscal year.''.

SEC. 1008. APPLICABLE PAY RATE UPON APPOINTMENT. (a) IN GENERAL.—Notwithstanding any other provision of law, the rate of basic pay payable to an individual upon appointment to a position with the Capitol Police shall be at a rate within the minimum and maximum pay rates applicable to the position.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1009. OVERTIME COMPENSATION FOR OFFICERS AT RANK OF LIEUTENANT OR HIGHER. (a) IN GENERAL.—The Chief of the Capitol Police may provide for the compensation of overtime work of officers of the Capitol Police at the rank of lieutenant and higher. Nothing in this subsection may be construed to affect the compensation of overtime work of officers of the Capitol Police at any rank not described in the previous sentence.

(b) TERMS AND CONDITIONS.—In providing for the compensation of overtime work under this section, the Chief shall provide the compensation in the same manner and subject to the same terms and conditions which are applicable to the compensation of overtime work of officers and members of the United States Secret Service Uniformed Division and the United States Park Police who serve at the rank of lieutenant and higher, in accordance with section 1 of the Act entitled ''An Act to provide a 5-day week for officers and members of the Metropolitan Police force, the United States Park Police force, and the White House Police force, and for other purposes'', approved August 15, 1950 (sec. 5–1304, D.C. Official Code).

SEC. 1010. TRAINING PROGRAMS FOR PERSONNEL. (a) IN GENERAL.—Chapter 41 of title 5, United States Code, is amended by adding at the end the following new section:

''§ 4120. Training for employees of the Capitol Police

''(a) The Chief of the Capitol Police may, by regulation, make applicable such provisions of this chapter as the Chief determines necessary to provide for training of employees of the Capitol Police. The regulations shall provide for training which, in the determination of the Chief, is consistent with the training provided by agencies under the preceding sections of this chapter.

''(b) The Office of Personnel Management shall provide the Chief of the Capitol Police with such advice and assistance as the Chief may request in order to enable the Chief to carry out the purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 41 of such title is amended by adding at the end the following:

''4120. Training for employees of the Capitol Police.''.

SEC. 1011. ADDITIONAL COMPENSATION FOR EMPLOYEES WITH SPECIALTY ASSIGNMENTS AND PROFICIENCIES. (a) ESTABLISHMENT OF POSITIONS.—The Chief of the Capitol Police may establish and determine, from time to time, positions in salary classes of employees of the Capitol Police to be designated as employees with specialty assignments or proficiencies, based on the experience, education, training, or other appropriate factors required to carry out the duties of such employees.

(b) ADDITIONAL COMPENSATION.—In addition to the regularly scheduled rate of basic pay, each employee holding a position designated under this section shall receive a per annum amount determined by the Chief, except that—

(1) such amount may not exceed 25 percent of the employee's annual rate of basic pay; and

(2) such amount may not be paid in a calendar year to the extent that, when added to the total basic pay paid or payable to such employee for service performed in the year, such amount would cause the total to exceed the annual rate of basic pay payable for level II of the Executive Schedule, as of the end of such year.

(c) MANNER OF PAYMENT.—The additional compensation authorized by this subsection shall be paid to an employee in a manner determined by the Chief or his designee except when the employee ceases to be assigned to the specialty assignment or ceases to maintain the required proficiency. The loss of such additional compensation shall not constitute an adverse action for any purpose.

(d) DETERMINATION NOT APPEALABLE OR REVIEWABLE.—Any determination under section (a) shall not be appealable or reviewable in any manner.

SEC. 1012. APPLICATION OF PREMIUM PAY LIMITS ON ANNUALIZED BASIS. (a) IN GENERAL.—Any limits on the amount of premium pay which may be earned by officers and members of the Capitol Police during emergencies (as determined by the Capitol Police Board) shall be applied by the Chief of the Capitol Police on an annual basis and not on a pay period basis. Any determination under this subsection shall not be reviewable or appealable in any manner.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to hours of duty occurring on or after September 11, 2001.

SEC. 1013. TRANSFER OF LIBRARY OF CONGRESS POLICE TO THE UNITED STATES CAPITOL POLICE. (a) TRANSFER OF LIBRARY OF CONGRESS POLICE TO THE UNITED STATES CAPITOL POLICE.—

(1) TRANSFER OF PERSONNEL AND FUNCTIONS.—There are transferred to the United States Capitol Police—

(A) each Library of Congress Police employee; and

(B) any functions performed under the first section of the Act of August 4, 1950 (2 U.S.C. 167) and section 9 of that Act (2 U.S.C. 167h) (as in effect immediately before the effective date of this section).

(2) EFFECT ON PERSONNEL.—

(A) ANNUAL AND SICK LEAVE.—Any annual or sick leave to the credit of an individual transferred under paragraph (1) shall be transferred to the credit of that individual as an employee of the United States Capitol Police.

(B) SERVICE PERFORMED FOR RETIREMENT PURPOSES.—For those Library of Congress Police employees transferred under paragraph (1)(A), any period of service performed by a Library of Congress Police employee shall be deemed to be service performed as a member of the United States Capitol Police for purposes of chapters 83 and 84 of title 5, United States Code.

(C) VACANCIES.—Notwithstanding any other provision of law, upon the date of enactment of this section and until completion of the transfer under paragraph (1), vacancies in Library of Congress police employee positions, if filled, shall be filled in accordance with the employment standards of the United States Capitol Police, to the extent practicable.

(3) EFFECTIVE DATE OF TRANSFER OF PERSONNEL AND FUNCTIONS.—Library of Congress employees transferred to the United States Capitol Police under paragraph (1)(A), and Library of Congress functions transferred under paragraph (1)(B) shall be transferred to the United States Capitol Police as specified in the implementation plan under subsection (b)(1), but no later than 3 years after the date of enactment of this section.

(b) TRANSITION.—

(1) IMPLEMENTATION PLAN.—

(A) PLAN.—Not later than 180 days after the date of enactment of this section, the Chief of the Capitol Police shall prepare and submit to the appropriate committees of Congress, the Capitol Police Board, and the Librarian of Congress, a plan—

(i) describing the policies and procedures, and actions the Chief of the Capitol Police will take in implementing the transfer provisions under this section;

(ii) establishing dates by which Library of Congress personnel and functions authorized to be transferred under subsection (a)(1) shall be transferred to the United States Capitol Police, with all such transfers completed not later than 3 years after the date of enactment of this section;

(iii) in consultation with the Librarian of Congress, providing for the performance of law enforcement and protection functions relating to the buildings and grounds of the Library of Congress, including collections security, within the overall security responsibilities of the United States Capitol Police;

(iv) recommending legislative changes needed to implement the transfers under subsection (a)(1), including—

(I) identifying options for addressing how to apply United States Capitol Police retirement provisions to such transferred personnel;

(II) identifying options related to providing voluntary separation incentives to transferred personnel; and

(III) identifying options to ensure the Librarian of Congress maintains appropriate authority to execute his security responsibilities;

(v) detailing the mechanisms to be used by the Chief of the Capitol Police for ensuring that Library of Congress employees transferred to the United States Capitol Police under subsection (a)(1) are not adversely affected by the transfer with respect to pay;

(vi) addressing—

(I) how United States Capitol Police training and qualification requirements will be applied to Library of Congress employees transferred under subsection (a)(1); and

(II) the overall training needs of the merged police force; and

(vii) providing an analysis of the cost implications of implementing the plan.

(2) IMPLEMENTATION REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter until the transfer is fully implemented, the Chief of the Capitol Police shall prepare and submit a report to the appropriate committees of Congress, the Capitol Police Board, and the Librarian of Congress, on the Chief of the Capitol Police's progress in implementing the plan required in paragraph (1)(A) of this subsection, including any adjustments to cost estimates or legislative changes needed to implement the provisions of this section.

(c) DEFINITIONS.—In this section—

(1) the term ''Act of August 4, 1950'' means the Act entitled ''An Act relating to the policing of the buildings and grounds of the Library of Congress'', approved August 4, 1950 (2 U.S.C. 167 et seq.); and

(2) the term ''Library of Congress Police employee''—

(A) means an employee of the Library of Congress designated as police under the first section of the Act of August 4, 1950 (2 U.S.C. 167) (as in effect immediately before the effective date of this section); and

(B) does not include any civilian employee performing police support functions.

(d) EFFECTIVE DATE.—Except as otherwise provided in this section, this section shall take effect on the date of enactment of this section.

SEC. 1014. CLARIFICATION OF AUTHORITY OF CAPITOL POLICE TO POLICE BOTANIC GARDEN. (a) BUILDINGS.—Section 5101 of title 40, United States Code, is amended by inserting ''all buildings on the real property described under section 5102(c) (including the Administrative Building of the United States Botanic Garden),'' after ''Capitol Power Plant,''.

(b) GROUNDS.—Section 5102 of title 40, United States Code, is amended by adding at the end the following:

''(c) NATIONAL GARDEN OF THE UNITED STATES BOTANIC GARDEN.—

''(1) IN GENERAL.—Except as provided under paragraph (2), the United States Capitol Grounds shall include—

''(A) the National Garden of the United States Botanic Garden;

''(B) all grounds contiguous to the Administrative Building of the United States Botanic Garden, including Bartholdi Park; and

''(C) all grounds bounded by the curblines of First Street, Southwest on the east; Washington Avenue, Southwest to its intersection with Independence Avenue, and Independence Avenue from such intersection to its intersection with Third Street, Southwest on the south; Third Street, Southwest on the west; and Maryland Avenue, Southwest on the north.

''(2) MAINTENANCE AND IMPROVEMENTS.—Notwithstanding subsections (a) and (b), jurisdiction and control over the buildings on the grounds described in paragraph (1) shall be retained by the Joint Committee on the Library, and the Joint Committee on the Library shall continue to be solely responsible for the maintenance and improvement of the grounds described in such paragraph.

''(3) AUTHORITY NOT LIMITED.—Nothing in this subsection shall limit the authority of the Architect of the Capitol under section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c).''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 9(a) of the Act of July 31, 1946 (2 U.S.C. 1961(a)) is amended by striking ''sections 193a to 193m, 212a, 212a–2, and 212b of this title and regulations promulgated under section 212b of this title,'' and inserting ''this Act (and regulations promulgated under section 14 of this Act (2 U.S.C. 1969)), and chapter 51 of title 40, United States Code,''.

(d) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1015. CAPITOL POLICE SPECIAL OFFICERS. (a) IN GENERAL.—In the event of an emergency, as determined by the Capitol Police Board or in a concurrent resolution of Congress, the Chief of the Capitol Police may appoint—

(1) any law enforcement officer from any Federal agency or State or local government agency made available by that agency to serve as a special officer of the Capitol Police; and

(2) any member of the uniformed services, including members of the National Guard, made available by the appropriate authority to serve as a special officer of the Capitol Police.

(b) CONDITIONS OF APPOINTMENT.—An individual appointed as a special officer under this section shall—

(1) serve without pay for service performed as a special officer (other than pay received from the applicable employing agency or service);

(2) serve as a special officer no longer than a period specified at the time of appointment;

(3) not be a Federal employee by reason of service as a special officer, except as provided under paragraph (4); and

(4) shall be an employee of the Government for purposes of chapter 171 of title 28, United States Code, if that individual is acting within the scope of his office or employment in service as a special officer.

(c) QUALIFICATIONS.—Any individual appointed under subsection (a) shall be subject to—

(1) qualification requirements as the Chief of the Capitol Police determines necessary; and

(2) approval by the Capitol Police Board.

(d) AUTHORITIES AND DUTIES.—During any period of service as a special officer under this section, a special officer—

(1) may exercise all authorities and perform all duties of members of the Capitol Police in any appropriate capacity, in the policing, protection, and physical security responsibilities of the Capitol Police Board and Capitol Police; and

(2) shall wear an emblem provided by the Chief of the Capitol Police that designates the wearer as a special officer.

(e) REIMBURSEMENT AGREEMENTS.—Nothing in this section shall prohibit the Capitol Police from entering into an agreement for the reimbursement of services provided under this section with any Federal, State, or local agency.

(f) REGULATIONS.—The Capitol Police Board may prescribe regulations to carry out this section.

(g) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1016. TRANSFER OF DISBURSING FUNCTION. (a) IN GENERAL.—

(1) DISBURSING OFFICER.—The Chief of the Capitol Police shall be the disbursing officer for the Capitol Police. Any reference in any law or resolution before the date of enactment of this section to funds paid or disbursed by the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate relating to the pay and allowances of Capitol Police employees shall be deemed to refer to the Chief of the Capitol Police.

(2) TRANSFER.—Any statutory function, duty, or authority of the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate as disbursing officers for the Capitol Police shall transfer to the Chief of the Capitol Police as the single disbursing officer for the Capitol Police.

(3) CONTINUITY OF FUNCTION DURING TRANSITION.—Until such time as the Chief notifies the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate that systems are in place for discharging the disbursing functions under this subsection, the House of Representatives and the Senate shall continue to serve as the disbursing authority on behalf of the Capitol Police.

(b) TREASURY ACCOUNTS.—

(1) SALARIES.—

(A) IN GENERAL.—There is established in the Treasury of the United States a separate account for the Capitol Police, into which shall be deposited appropriations received by the Chief of the Capitol Police and available for the salaries of the Capitol Police.

(B) TRANSFER AUTHORITY DURING TRANSITION.—Until such time as the Chief notifies the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate that systems are in place for discharging the disbursing functions under subsection (a), the Chief shall have the authority to transfer amounts in the account to the House of Representatives and the Senate to the extent necessary to enable the Chief Administrative Officer of the House of

Representatives and the Secretary of the Senate to continue to serve as the disbursing authority on behalf of the Capitol Police pursuant to subsection (a)(3).

(2) GENERAL EXPENSES.—There is established in the Treasury of the United States a separate account for the Capitol Police, into which shall be deposited appropriations received by the Chief of the Capitol Police and available for the general expenses of the Capitol Police.

(c) TRANSFER OF FUNDS, ASSETS, ACCOUNTS, RECORDS, AND AUTHORITY.—

(1) IN GENERAL.—The Chief Administrative Officer of the House of Representatives and the Secretary of the Senate are authorized and directed to transfer to the Chief of the Capitol Police all funds, assets, accounts, and copies of original records of the Capitol Police that are in the possession or under the control of the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate in order that all such items may be available for the unified operation of the Capitol Police. Any funds so transferred shall be deposited in the Treasury accounts established under subsection (b) and be available to the Chief of the Capitol Police for the same purposes as, and in like manner and subject to the same conditions as, the funds prior to the transfer.

(2) EXISTING TRANSFER AUTHORITY.—Any transfer authority existing before the date of enactment of this Act granted to the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate for salaries, expenses, and operations of the Capitol Police shall be transferred to the Chief of the Capitol Police.

(d) UNEXPENDED BALANCES.—Except as may otherwise be provided in law, the unexpended balances of appropriations for the fiscal year 2003 and succeeding fiscal years that are subject to disbursement by the Chief of the Capitol Police shall be withdrawn as of September 30 of the fifth fiscal year following the period or year for which provided. Unpaid obligations chargeable to any of the balances so withdrawn or appropriations for prior years shall be liquidated from any appropriations for the same general purpose, which, at the time of payment, are available for disbursement.

(e) HIRING AUTHORITY; ELIGIBILITY FOR SAME BENEFITS AS HOUSE EMPLOYEES.—

(1) AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the Chief of the Capitol Police, in carrying out the duties of office, is authorized to appoint, hire, discharge, and set the terms, conditions, and privileges of employment of employees of the Capitol Police, subject to and in accordance with applicable laws and regulations.

(B) REVIEW OR APPROVAL.—In carrying out the authority provided under this paragraph, the Chief of the Capitol Police shall be subject to the same statutory requirements for review or approval by committees of Congress that were applicable to the Capitol Police Board on the day before the date of enactment of this Act.

(2) BENEFITS.—Employees of the Capitol Police who are appointed by the Chief under the authority of this subsection shall be subject to the same type of benefits (including the payment of death gratuities, the withholding of debt, and health, retirement, Social Security, and other applicable employee benefits) as are provided to employees of the House of Representatives, and any such individuals serving as employees of the Capitol Police as of the date of enactment of this Act shall be subject to the same rules governing rights, protections, pay, and benefits in effect immediately before such date until such rules are changed under applicable laws or regulations.

(f) WORKER'S COMPENSATION.—

(1) ACCOUNT.—There shall be established a separate account in the Capitol Police for purposes of making payments for employees of the Capitol Police under section 8147 of title 5, United States Code.

(2) PAYMENTS WITHOUT FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, payments may be made from the account established under paragraph (1) of this subsection without regard to the fiscal year for which the obligation to make such payments is incurred.

(g) EFFECT ON EXISTING LAW.—

(1) IN GENERAL.—The provisions of this section shall not be construed to reduce the pay or benefits of any employee of the Capitol Police whose pay was disbursed by the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate before the date of enactment of this Act.

(2) SUPERSEDING PROVISIONS.—All provisions of law inconsistent with this section are hereby superseded to the extent of the inconsistency.

(h) CONFORMING AMENDMENTS.—(1) Section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901) is amended by striking the third sentence.

(2) Section 1822 of the Revised Statutes of the United States (2 U.S.C. 1921) is repealed.

(3) Section 111 of title I of the Act entitled ''Making supplemental appropriations for the fiscal year ending September 30, 1977, and for other purposes'', approved May 4, 1977 (2 U.S.C. 64–3), is amended—

(A) by striking ''Secretary of the Senate'' and inserting ''Chief of the Capitol Police''; and

(B) by striking ''United States Senate'' and inserting ''Capitol Police''.

(i) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of enactment of this Act and shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1017. DEADLINE FOR REGULATIONS. Not later than 60 days after the date of the enactment of this Act, the Chief of the Capitol Police shall promulgate any regulations required by Sections 1004, 1006, 1007 and 1011 of this Act.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,059,000, of which $254,000 shall remain available until September 30, 2004: *Provided,* That the Executive Director of the Office of Compliance may have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $32,101,000, of which not more than $100,000 is to remain available until September 30, 2006, for the acquisition and partial support for implementation of a Central Financial Management System: *Provided,* That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ADMINISTRATIVE PROVISIONS

SEC. 1101. (a) The Director of the Congressional Budget Office may, by regulation, make applicable such provisions of section 3396 of title 5, United States Code, as the Director determines necessary to establish a program providing opportunities for employees of the Office to engage in details or other temporary assignments in other agencies, study or uncompensated work experience which will contribute to the employees' development and effectiveness.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1102. (a) The Director of the Congressional Budget Office may enter into agreements or contracts without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $59,343,000, of which $450,000 shall remain available until September 30, 2007.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $32,094,000, of which $19,065,000 shall remain available until September 30, 2007.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $8,356,000, of which $1,780,000 shall remain available until September 30, 2007.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $64,871,000, of which $21,600,000 shall remain available until September 30, 2007.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the

Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $102,286,000, of which $61,739,000 shall remain available until September 30, 2007: *Provided*, That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2003.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $37,521,000, of which $18,014,000 shall remain available until September 30, 2007 and $5,500,000 shall remain available until expended.

CAPITOL POLICE BUILDINGS AND GROUNDS

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police, $23,900,000, of which $23,500,000 shall remain available until September 30, 2007: *Provided*, That $22,000,000 of the amount provided is withheld from obligation subject to the notification of the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That any amounts provided to the Architect of the Capitol prior to the date of the enactment of this Act for maintenance, care, and operation of buildings of the United States Capitol Police which remain unobligated as of the date of the enactment of this Act shall be transferred to the account under this heading.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $6,103,000, of which $120,000 shall remain available until September 30, 2007: *Provided*, That this appropriation shall not be available for any activities of the National Garden.

ADMINISTRATIVE PROVISIONS

SEC. 1201. SMALL PURCHASE CONTRACTING AUTHORITY. (a) IN GENERAL.—Notwithstanding any other provision of law—

(1) section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) shall apply with respect to purchases and contracts for the Architect of the Capitol as if the reference to ''$25,000'' in paragraph (1) of such section were a reference to ''$100,000''; and

(2) the Architect may procure services, equipment, and construction for security related projects in the most efficient manner he determines appropriate.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1202. MULTI-YEAR CONTRACT AUTHORITY. (a) IN GENERAL.—The Architect of the Capitol may—

(1) enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 2531); and

(2) enter into multiyear contracts for the acquisitions of property and nonaudit-related services to the same extent as executive agencies under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c).

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1203. DEPUTY ARCHITECT OF THE CAPITOL/CHIEF OPERATING OFFICER. (a) ESTABLISHMENT OF DEPUTY ARCHITECT OF THE CAPITOL.—There shall be a Deputy Architect of the Capitol who shall serve as the Chief Operating Officer of the Office of the Architect of the Capitol. The Deputy Architect of the Capitol shall be appointed by the Architect of the Capitol and shall report directly to the Architect of the Capitol and shall be subject to the authority of the Architect of the Capitol. The Architect of the Capitol shall appoint the Deputy Architect of the Capitol not later than 90 days after the date of enactment of this Act. The appointment shall be made without regard to political affiliation or activity. The Architect of the Capitol shall consult with the Comptroller General or his designee before making the appointment.

(b) QUALIFICATIONS.—The Deputy Architect of the Capitol shall have strong leadership skills and demonstrated ability in management, including in such areas as strategic planning, performance management, worker safety, customer satisfaction, and service quality.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Deputy Architect of the Capitol shall be responsible to the Architect of the Capitol for the overall direction, operation, and management of the Office of the Architect of the Capitol, including implementing the Office's goals and mission; providing overall organization management to improve the Office's performance; and assisting the Architect of the Capitol in promoting reform, and measuring results.

(2) RESPONSIBILITIES.—The Deputy Architect's responsibilities include—

(A) developing, implementing, annually updating, and maintaining a long-term strategic plan covering a period of not less than 5 years for the Office of the Architect of the Capitol, including the establishment of—

(i) a comprehensive mission statement covering the major functions and operations of the Office; and

(ii) general goals and objectives, including outcome-related goals and objectives, for the major functions and operations of the Office;

(B) developing and implementing an annual performance plan that includes annual performance goals covering each of the general goals and objectives in the strategic plan and including to the extent practicable quantifiable performance measures for the annual goals;

(C) proposing organizational changes and new positions needed to carry out the Office of the Architect of the Capitol's mission and strategic and annual performance goals; and

(D) reviewing and directing the operational functions of the Office of the Architect of the Capitol, including—

(i) facilities and project management;

(ii) administration and modernization of systems employed by the Office;

(iii) productivity and cost-saving measures;

(iv) strategic human capital management, including performance management and training and development initiatives; and

(v) financial management, including the integration of operational functions and financial management to ensure that budgets, financial information, and systems support the strategic and annual plans developed under this subsection.

(d) ADDITIONAL RESPONSIBILITIES.—The Architect of the Capitol may delegate to the Deputy Architect such additional duties as the Architect determines are necessary or appropriate.

(e) ACTION PLAN.—

(1) IN GENERAL.—No later than 180 days after the appointment, the Deputy Architect shall prepare and submit to the Committees on Appropriations of the House of Representatives and Senate and the Committee on Rules and Administration of the Senate, an action plan describing the policies, procedures, and actions the Deputy Architect will implement and timeframes for carrying out the responsibilities under this section.

(2) ACTION PLAN.—The action plan shall be—

(A) approved and signed by both the Architect of the Capitol and the Deputy Architect; and

(B) developed concurrently and consistent with the development of a strategic plan.

(3) ADDITIONAL SENIOR POSITIONS.—Notwithstanding the provisions in section 129(c) of the Legislative Branch Appropriations Act, 2002, Public Law 107–68, the Architect of the Capitol may, upon submission of the action plan, fix the rate of basic pay for not more than 3 additional positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved, in order to implement the action plan.

(f) EVALUATION.—Effective 180 days from the appointment of the Deputy Architect of the Capitol, the General Accounting Office shall evaluate at least annually the implementation of the action plan and provide the results of the evaluation to the Architect of the Capitol, the Committees on Appropriations of the House of Representatives and Senate and the Committee on Rules and Administration of the Senate.

(g) REMOVAL.—The Deputy Architect of the Capitol may be removed by the Architect of the Capitol for misconduct or failure to meet performance goals set forth in the performance agreement in subsection (i). Upon the removal of the Deputy Architect of the Capitol, the Architect of the Capitol shall immediately notify in writing the Committees on Appropriations of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate, stating the specific reasons for the removal.

(h) COMPENSATION.—The Deputy Architect of the Capitol shall be paid at an annual rate of pay to be determined by the Architect but not to exceed $1,000 less than the annual rate of pay for the Architect of the Capitol.

(i) ANNUAL PERFORMANCE AGREEMENT.—The Architect of the Capitol and the Deputy Architect of the Capitol, shall enter into an annual performance agreement that sets forth measurable individual goals linked to the organizational goals in the Office of the Architect of the Capitol's annual performance plan for the Deputy Architect of the Capitol in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

(j) ANNUAL PERFORMANCE REPORT.—The Deputy Architect of the Capitol shall prepare and transmit to the Architect of the Capitol an annual performance report. This report shall contain an evaluation of the extent to which the Office of the Architect of

the Capitol met the goals and objectives identified in the annual performance plan in subsection (c)(2) for the preceding year and an explanation of the results achieved during the preceding year relative to the established goals. This report shall also include the evaluation rating of the performance of the Deputy Architect of the Capitol under subsection (h), including the amounts of bonus compensation awarded to the Deputy Architect of the Capitol, and such additional information as may be prescribed by the Architect of the Capitol.

(k) TERMINATION OF ROLE.—As of October 1, 2004, the role of the Comptroller General and the General Accounting Office, as established by this section, will cease.

SEC. 1204. DEPUTY ARCHITECT TO ACT IN CASE OF ABSENCE, DISABILITY, OR VACANCY. The proviso under the subheading ''SALARIES'' under the heading ''OFFICE OF THE ARCHITECT OF THE CAPITOL'' under the heading ''ARCHITECT OF THE CAPITOL'' of the Legislative Branch Appropriations Act, 1971 (40 U.S.C. 164a) is amended by striking ''Assistant Architect'' and inserting ''Deputy Architect''.

SEC. 1205. DELEGATION OF AUTHORITY BY ARCHITECT OF THE CAPITOL. The matter under the subheading ''OFFICE OF THE ARCHITECT OF THE CAPITOL'' under the heading ''ARCHITECT OF THE CAPITOL'' of the Legislative Appropriation Act, 1956 (40 U.S.C. 163b) is amended by striking ''Architect of the Capitol is authorized'' through ''proper'' and inserting ''Architect of the Capitol may delegate to the assistants of the Architect such authority of the Architect as the Architect may determine proper, except those authorities, duties, and responsibilities specifically assigned to the Deputy Architect of the Capitol by the Legislative Branch Appropriations Act, 2003''.

SEC. 1206. ASSISTANT ARCHITECT. Notwithstanding any other provision of law, the compensation of the Assistant Architect who is incumbent in that position when the position of Assistant Architect is abolished shall not be reduced so long as the former Assistant Architect is employed at the Office of the Architect of the Capitol. Whenever the Architect of the Capitol receives a pay adjustment after the date of enactment of this section, the compensation of such former Assistant Architect shall be adjusted by the same percentage as the compensation of the Architect of the Capitol. The authority granted in this section shall be in addition to the authority the Architect of the Capitol has in section 129(c)(1)(A) of the Legislative Branch Appropriations Act, 2002, as amended by this Act, to fix the rate of basic pay for not more than 15 positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.

SEC. 1207. SENATE STAFF HEALTH AND FITNESS FACILITY. Section 4 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 121f) is amended—

(1) in subsection (a), by inserting ''Staff'' after ''Senate'';

(2) in subsection (b)(1), by inserting ''Staff'' after ''Senate'';

(3) in subsection (c), by inserting ''Staff'' after ''costs of the Senate'';

(4) in subsection (d), by inserting ''Staff'' after ''Senate''; and

(5) by striking subsection (e) and inserting the following:

''(e) The Committee on Rules and Administration of the Senate shall promulgate regulations pertaining to the operation and use of the Senate Staff Health and Fitness Facility.''.

SEC. 1208. ALLOCATION OF RESPONSIBILITY FOR LIBRARY BUILDINGS AND GROUNDS. (a) IN GENERAL.—The first section of the Act of June 29, 1922 (2 U.S.C. 141) is amended to read as follows:

''SECTION 1. ALLOCATION OF RESPONSIBILITIES FOR LIBRARY BUILDINGS AND GROUNDS.

''(a) ARCHITECT OF THE CAPITOL.—

''(1) IN GENERAL.—The Architect of the Capitol shall have charge of all work at the Library of Congress buildings and grounds (as defined in section 11 of the Act entitled 'An Act relating to the policing of the buildings of the Library of Congress' approved August 4, 1950 (2 U.S.C. 167(j)) that affects—

''(A) the structural integrity of the buildings;

''(B) buildings systems, including mechanical, electrical, plumbing, and elevators;

''(C) the architectural features of the buildings;

''(D) compliance with building and fire codes, laws, and regulations with respect to the specific responsibilities set for under this paragraph;

''(E) the care and maintenance of Library grounds; and

''(F) purchase of all equipment necessary to fulfill the responsibilities set forth under this paragraph.

''(2) EMPLOYEES.—The employees required for the performance of the duties under paragraph (1) shall be appointed by the Architect of the Capitol.

''(b) LIBRARIAN OF CONGRESS.—The Librarian of Congress shall have charge of all work (other than work under subsection (a)) at the Library of Congress buildings and grounds.

''(c) TRANSFER OF FUNDS.—The Architect of the Capitol and the Librarian of Congress may enter into agreements with each other to perform work under this section, and, subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate and the Joint Committee on the Library, may transfer between themselves appropriations or other available funds to pay the costs therefor.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal year 2003 and each fiscal year thereafter.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $358,474,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2003, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2003 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: *Provided further*, That of the total amount appropriated, $10,886,000 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, $1,793,000 shall remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): *Provided further*, That of the total amount appropriated, $11,100,000 shall remain available until expended for the purpose of teaching educators how to incorporate the Library's digital collections into school curricula and shall be transferred to the educational consortium formed to conduct the ''Joining Hands Across America: Local Community Initiative'' project as approved by the Library: *Provided further*, That of the amount appropriated, $500,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which amount $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: *Provided further*, That of the total amount appropriated, $5,250,000 shall remain available until September 30, 2007 for the acquisition and partial support for implementation of a Central Financial Management System: *Provided further*, That of the total amount appropriated, $789,000 shall remain available until September 30, 2004 for the Lewis and Clark Exhibition and an additional $200,000 shall remain available until expended, and shall be transferred to Southern Illinois University for the purpose of developing a permanent commemoration of the Lewis and Clark Expedition: *Provided further*, That, of the total amount appropriated, $500,000 shall remain available until expended and shall be equally divided and transferred to the Alexandria Museum of Art and the New Orleans Museum of Art for activities relating to the Louisiana Purchase Bicentennial Celebration.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $39,226,000, of which not more than $23,321,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2003 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $6,191,000 shall be derived from collections during fiscal year 2003 under sections 111(d)(2), 119(b)(2), 802(h), and 1005 of such title: *Provided further*, That the total amount available for obligation shall be reduced by

the amount by which collections are less than $29,512,000: *Provided further,* That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further,* That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $86,952,000: *Provided,* That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $50,963,000, of which $13,697,000 shall remain available until expended: *Provided*, That, of the total amount appropriated, $1,000,000 shall remain available until expended to reimburse the National Federation of the Blind for costs incurred in the operation of its ''NEWSLINE'' program.

ADMINISTRATIVE PROVISIONS

SEC. 1301. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1302. (a) For fiscal year 2003, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $109,929,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) During fiscal year 2003, the Librarian of Congress may temporarily transfer funds appropriated in this Act under the heading ''LIBRARY OF CONGRESS—SALARIES AND EXPENSES'' to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): *Provided,* That the total amount of such transfers may not exceed $1,900,000: *Provided further,* That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1303. NATIONAL DIGITAL INFORMATION INFRASTRUCTURE AND PRESERVATION PROGRAM.—The Miscellaneous Appropriations Act, 2001 (as enacted by section 1(a)(4) of Public Law 106–554, 114 Stat. 2763A–194), division A, chapter 9, under the heading ''Library of Congress'' ''Salaries and Expenses'' is amended by striking ''March 31, 2003'' and inserting ''March 31, 2005''.

SEC. 1304. ABRAHAM LINCOLN BICENTENNIAL COMMISSION. The Abraham Lincoln Bicentennial Commission Act (36 U.S.C. note prec. 101; Public Law 106–173) is amended—

(1) in section 6(b), by striking paragraph (2) and inserting the following:

''(2) STAFF.—Consistent with all other applicable Federal laws governing appointments and compensation, the staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.''; and

(2) in section 7(h)(3), by striking ''subsection (b)(2)'' and inserting ''section 6(b)(2)''.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $90,143,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,661,000: *Provided*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 2001 and 2002 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than 3,219 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): *Provided further*, That activities financed through the revolving fund may provide information in any format.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under section 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations

prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $451,134,000: *Provided*, That not more than $2,210,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2003: *Provided further*, That not more than $790,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2003: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

PAYMENT TO THE FOREIGN LEADERSHIP DEVELOPMENT CENTER TRUST FUND

For a payment to the Foreign Leadership Development Center Trust Fund for financing activities of the Center for Foreign Development, $13,000,000.

ADMINISTRATIVE PROVISION

SEC. 1401. CENTER FOR FOREIGN LEADERSHIP DEVELOPMENT. (a) IN GENERAL.—Section 313 of the Legislative Branch Appropriations Act, 2001 (Public Law 106–554; 114 Stat. 2763A–120) is amended—

(1) in the section heading, by striking ''RUSSIAN'' and inserting ''FOREIGN'';

(2) in subsection (a)—

(A) in paragraph (1), by striking ''Russian'' and inserting ''Foreign''; and

(B) in paragraph (2)(D), by striking ''United States and Russian relations'' and inserting ''relations between the United States and eligible foreign states'';

(3) in subsection (b)—

(A) in paragraph (1), by striking ''Russia'' and inserting ''eligible foreign states'';

(B) in paragraph (2), by striking ''Russian nationals'' and inserting ''nationals of eligible foreign states'';

(C) in paragraph (3)(B), by striking ''3,000'' and inserting ''3,500''; and

(D) in paragraph (3)(C)(i), by striking ''Russia'' and inserting ''an eligible foreign state'';

(4) in subsection (c)(1), by striking ''Russian'' and inserting ''Foreign''; and

(5) by adding at the end the following:

''(i) ELIGIBLE FOREIGN STATE DEFINED.—In this section, the term 'eligible foreign state' means—

''(1) any country specified in section 3 of the FREEDOM Support Act (22 U.S.C. 5801); and

''(2) Estonia, Latvia, and Lithuania.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

TITLE II—GENERAL PROVISIONS

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2003 unless expressly so provided in this Act.

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act to pay awards and settlements as authorized under such subsection.

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

SEC. 207. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking ''2002'' and inserting ''2003''.

SEC. 208. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 209. UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION. There are appropriated, out of any funds in the Treasury not otherwise appropriated, $1,800,000, to remain available until expended, to the United States-China Economic and Security Review Commission.

SEC. 210. JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT. There are appropriated, out of any funds in the Treasury not otherwise appropriated, $300,000, to remain available until expended, to the John C. Stennis Center for Public Service Training and Development.

SEC. 211. TITLE II OF THE CONGRESSIONAL AWARD ACT. There are appropriated, out of any funds in the Treasury not otherwise appropriated, $250,000, to remain available until expended, to carry out title II of the Congressional Award Act (2 U.S.C. 811 et seq.): *Provided*, That funds appropriated for this purpose do not exceed 100 percent of funds donated to the Board in cash or in kind under section 208(c) of the Congressional Award Act: *Provided further*, That such funds are used for staff salaries and overhead, postage, travel, equipment, and accounting costs.

This division may be cited as the ''Legislative Branch Appropriations Act, 2003''.

DIVISION I—TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $83,069,000, of which not to exceed $2,201,000 shall be available for the immediate Office of the Secretary; not to exceed $799,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,507,000 shall be available for the Office of the General Counsel; not to exceed $11,123,000 shall be for the Office of the Under Secretary for Transportation Policy; not to exceed $8,375,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,282,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $26,070,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,920,000 shall be available for the Office of Public Affairs; not to exceed $1,390,000 shall be available for the Office of the Executive Secretariat; not to exceed $611,000 shall be available for the Board of Contract Appeals; not to exceed $1,304,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $11,487,000 shall be available for the Office of the Chief Information Officer: *Provided*, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,700,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $21,000,000.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed

$131,779,000, shall be paid from appropriations made available to the Department of Transportation: *Provided,* That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further,* That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further,* That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: *Provided further,* That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, to remain available until September 30, 2004: *Provided,* That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, to be derived from the Airport and Airway Trust Fund, $65,000,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Transportation Security Administration related to transportation security services pursuant to Public Law 107–71, $5,346,000,000 of which $55,000,000 shall be derived from a reimbursement from the heading, ''Facilities and Equipment'', Federal Aviation Administration for explosives detection systems in this fiscal year, to remain available until September 30, 2004: *Provided,* That, security service fees authorized under 49 U.S.C. 44940 shall be credited to this appropriation as offsetting collections and used for providing security services authorized by that section: *Provided further,* That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2003: *Provided further,* That any security service fees collected in excess of the amount appropriated under this heading shall be treated as offsetting collections in 2004.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare, $4,318,456,000, of which $340,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided,* That none of the funds appropriated in this or any other Act shall be available for pay of administrative expenses in connection with shipping commissioners in the United States: *Provided further,* That none of the funds provided in this Act shall be available to compensate in excess of 37 active duty flag officer billets: *Provided further,* That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $752,000,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $25,600,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2007; $132,700,000 shall be available for other equipment, to remain available until September 30, 2005; $48,700,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2005; $65,000,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2003; and $480,000,000 shall be available for the Integrated Deepwater Systems program, to remain available until September 30, 2006: *Provided,* That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and made available only for the National Distress and Response System Modernization program, to remain available for obligation until September 30, 2004: *Provided further,* That none of the funds provided under this heading may be obligated or expended for the Integrated Deepwater Systems (IDS) system integration contract in fiscal year 2004 until the Secretary or Deputy Secretary of Transportation and the Director, Office of Management and Budget jointly certify to the House and Senate Committees on Appropriations that funding for the IDS program for fiscal years 2004 through 2008, funding for the National Distress and Response System Modernization program to allow for full deployment of said system by 2006, and funding for other essential search and rescue procurements, are fully funded in the Coast Guard Capital Investment Plan and within the Office of Management and Budget's budgetary projections for the Coast Guard for those years: *Provided further,* That upon initial submission to the Congress of the fiscal year 2004 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2004 through 2008, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further,* That the amount herein appropriated shall be reduced by $150,000 per day for each day after initial submission of the President's budget that the plan has not been submitted to the Congress.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $17,000,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $14,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses under the National Defense Authorization Act, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $889,000,000.

RESERVE TRAINING

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, $86,522,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $22,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided,* That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $7,047,203,000, of which $3,799,278,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $5,662,037,000 shall be available for air traffic services program activities; not to exceed $839,467,000 shall be available for aviation regulation and certification program activities; not to exceed $207,600,000 shall be available for research and acquisition program activities; not to exceed $12,325,000 shall be available for commercial space transportation program activities; not to exceed $48,782,000 shall be available for financial services program activities; not to exceed $80,260,000 shall be available for human resources program activities; not to exceed $82,192,000 shall be available for regional coordination program

activities; not to exceed $84,890,000 shall be available for staff offices; and not to exceed $29,650,000 shall be available for information services: *Provided,* That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further,* That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further,* That of the funds appropriated under this heading, not less than $6,000,000 shall be for the contract tower cost-sharing program: *Provided further,* That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further,* That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further,* That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further,* That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,981,022,000, of which $2,558,455,000 shall remain available until September 30, 2005, and of which $422,567,000 shall remain available until September 30, 2003: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further,* That upon initial submission to the Congress of the fiscal year 2004 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2004 through 2008, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further,* That the amount herein appropriated shall be reduced by $150,000 per day for each day after initial submission of the President's budget that the plan has not been submitted to the Congress.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $124,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2005: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for implementation of section 203 of Public Law 106–181; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,100,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided,* That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,400,000,000 in fiscal year 2003, notwithstanding section 47117(g) of title 49, United States Code: *Provided further,* That notwithstanding any other provision of law, not more than $81,049,000 of funds limited under this heading shall be obligated for administration and for technology research and not less than $20,000,000 shall be for the Small Community Air Service Development Pilot Program.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $317,732,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided,* That of the funds available under section 104(a)(1)(A) of title 23, United States Code: $7,500,000 shall be available for ''Child Passenger Protection Education Grants'' under section 2003(b) of Public Law 105–178, as amended; $47,000,000 shall be available for construction of state border safety inspection facilities at the United States/Mexico border, and shall remain available until expended; $59,967,000 shall be available for border enforcement activities required by section 350 of Public Law 107–87, and shall remain available until expended; $69,000,000 shall be available, in addition to funds made available by section 330 of this Act, to enable the Secretary to make grants for surface transportation projects, and shall remain available until expended; and $6,000,000 shall be available for environmental streamlining activities, which may include making grants to, or entering into contracts, cooperative agreements, and other transactions, with a Federal agency, State agency, local agency, authority, association, nonprofit or for-profit corporation, or institution of higher education.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $31,800,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2003: *Provided,* That within the $232,000,000 obligation limitation on Intelligent Transportation Systems, the following sums shall be made available for Intelligent Transportation System projects that are designed to achieve the goals and purposes set forth in section 5203 of the Intelligent Transportation Systems Act of 1998 (subtitle C of title V of Public Law 105–178; 112 Stat. 453; 23 U.S.C. 502 note) in the following specified areas:

Advance Traveler Info. System & Smart Card System, OH, $2,500,000;

Alaska Statewide: Smart Emergency Medical Access System, $3,000,000;

Boston Traffic Monitoring & Security System, MA, $2,000,000;

Bozeman Pass Wildlife Channelization Study, MT, $500,000;

Cargo Mate Logistics and Intermodal Management System, NY, $2,000,000;

Cary, Computerized Traffic Signal System, NC, $1,000,000;

CCTA Burlington Multimodal Transit Center, VT, $1,000,000;

Center for Injury Sciences at UAB, Crash Notification, AL, $2,000,000;

Central Florida Regional Trans. Authority, Orange/Seminole ITS, FL, $2,000,000;

Chattanooga (CARTA) ITS, TN, $1,500,000;

Sierra Madre Intermodal Trans. Center, Los Angeles, CA, $2,500,000;

CVISN, NM, $1,125,000;

Flint Mass Transportation Authority ITS program, MI, $1,000,000;

Intelligent Transportation Center, Atlanta, GA, $500,000;

GMU, ITS Research, VA, $2,000,000;

Great Lakes ITS program, MI, $3,000,000;

Harrison County Sheriff's Department, ITS, MS, $1,000,000;

Hoosier SAFE–T, IN, $2,000,000;

Huntsville, AL, $2,000,000;

I–80 Dynamic Message Signs, Southern WY, $4,000,000;

Idaho Statewide CVISN, $2,250,000;

Illinois Statewide, $4,500,000;

Iowa Statewide ITS, $1,400,000;

Kansas City Scout, Advanced Traffic Management System, KS, $1,500,000;

Kansas City SmartPort, $1,000,000;

Kent, Intracity Transit Project, WA, $1,500,000;

Lynnwood ITS, WA, $2,000,000;

Maine Statewide, Rural Advanced Traveler Info. System, ME, $2,000,000;

Maryland Statewide ITS, $2,000,000;

Missouri Statewide Rural ITS, MO, $2,000,000;

NDSU Advanced Traffic Analysis Center, ND, $1,000,000;

Nebraska statewide ITS, $5,000,000;

New Bedford ITS Port Information Center, MA, $1,000,000;

Oklahoma Statewide ITS, $7,000,000;

Pennsylvania Turnpike Commission, PA, $5,000,000;

Program of Projects, WA, $5,500,000;

Providence Transportation Information Center, ITS, RI, $2,000,000;

Sacramento Area Council of Governments, ITS, CA, $1,000,000;

Shreveport ITS Project, LA, $1,000,000;

SCDOT Statewide ITS, $5,000,000;

SR–68/Riverside Dr. ITS, Espanola, NM, $475,000;

Surface Transportation Institute, Univ. of North Dakota, ND, $1,500,000;

T–REX Southeast Corridor Multi-Modal Project, CO, $9,000,000;

Tucson ER–LINK ITS project, AZ, $1,250,000;

Univ. of Nebraska Lincoln, SMART Transportation, NE, $2,000,000;

University of Kentucky Transportation Center, KY, $2,000,000;

Utah Commuter Link, Davis and Utah Counties, UT, $1,000,000;

Vermont Statewide Rural Advanced Traveler System, VT, $1,500,000;

Vermont Variable Message Signs, VT, $1,000,000;

Washington, DC Metro ITS, $4,000,000;

Northern Virginia ITS, VA, $4,000,000; and

Wisconsin State Patrol Mobile Data Communications Network, $2,000,000.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $32,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240, as amended, $200,000,000, to remain available until expended.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses for administration of motor carrier safety programs and motor carrier safety research, pursuant to section 104(a)(1)(B) of title 23, United States Code, not to exceed $117,464,000 shall be paid in accordance with law from appropriations made available by this Act and from any available take-down balances to the Federal Motor Carrier Safety Administration, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: *Provided,* That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 31102, 31106 and 31309, $190,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided,* That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $190,000,000 for ''Motor Carrier Safety Grants'', and ''Information Systems''.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $141,000,000, of which $98,161,131 shall remain available until September 30, 2005: *Provided,* That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2003, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000, to be derived from the Highway Trust Fund, and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, and 410, to remain available until expended, $225,000,000, to be derived from the Highway Trust Fund: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2003, are in excess of $225,000,000 for programs authorized under 23 U.S.C. 402, 405, and 410, of which $165,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402, $20,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405, and $40,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Grants'' under 23 U.S.C. 410: *Provided further,* That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further,* That not to exceed $8,150,000 of the funds made available for section 402, not to exceed $1,000,000 of the funds made available for section 405, and not to exceed $2,000,000 of the funds made available for section 410 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: *Provided further,* That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $118,264,000, of which $6,636,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $29,325,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided,* That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2003.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $30,000,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $25,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, $826,476,000, to remain available until expended, of which not more than $521,476,000 is available until submission by the Secretary of Transportation of legislation reauthorizing the National Passenger Railroad Corporation.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $14,600,000: *Provided,* That no more than $73,000,000 of budget authority shall be available for these purposes:

Provided further, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: *Provided further*, That not to exceed $2,600,000 for the National transit database shall remain available until expended.

FORMULA GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $767,800,000, to remain available until expended: *Provided*, That no more than $3,839,000,000 of budget authority shall be available for these purposes: *Provided further*, That notwithstanding section 3008 of Public Law 105–178 and 49 U.S.C. 5309(m)(3)(C), $50,000,000 of the funds to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under ''Federal Transit Administration, Capital investment grants''.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: *Provided*, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $24,200,000, to remain available until expended: *Provided*, That no more than $122,000,000 of budget authority shall be available for these purposes: *Provided further*, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), $60,385,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305), $12,614,400 is available for State planning (49 U.S.C. 5313(b)); and $31,500,000 is available for the national planning and research program (49 U.S.C. 5314).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $5,781,000,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That $3,071,200,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That $97,800,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That $58,400,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That $120,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further*, That $2,428,800,000 shall be paid to the Federal Transit Administration's capital investment grants account.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $607,200,000, to remain available until expended: *Provided*, That no more than $3,036,000,000 of budget authority shall be available for these purposes: *Provided further*, That there shall be available for fixed guideway modernization, $1,214,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $607,200,000, together with $50,000,000 made available under 5309(m)(3)(C) of this title and $50,000,000 transferred from ''Federal Transit Administration, Formula Grants''; and there shall be available for new fixed guideway systems $1,214,400,000, together with $25,000,000 transferred from the Job Access and Reverse Commute Grants Program account; to be available as follows:

Alaska-Hawaii Setaside, $10,296,000;

Allegheny Port Authority, Stage II Light Rail Transit, PA, $26,250,000;

Altamont Commuter Express San Jose to Stockton, CA, $1,000,000;

Anderson County, South Carolina Transit System, SC, $5,000,000;

Baltimore Central Light Rail Double Track Project, MD, $24,250,000;

BART, SFO Extension, CA, $100,000,000;

Birmingham Transit Corridor Study/PE, AL, $3,000,000;

Boston, North Shore Corridor Project, MA, $500,000;

Boston, MA, South Boston Piers Transitway, $681,000;

Bridgeport Intermodal Corridor Project, CT, $5,000,000;

Burlington-Middlebury Commuter Rail, VT, $2,000,000;

Canal Streetcar, New Orleans, LA, $30,000,000;

Charlotte South Corridor Light Rail Project, NC, $8,000,000;

Chicago, Douglas Blue Line Project, IL, $55,000,000;

Chicago, METRA, Expansion Project, IL, $52,000,000;

Chicago, Ravenswood Brown Line Expansion Project, IL, $2,000,000;

DART, Suburban Areas Extension, Dallas, TX, $60,000,000;

Dulles Link Project, VA, $18,000,000;

East Side Access Project, NY, $12,000,000;

Euclid Corridor Transportation Project, Cleveland, OH, $6,000,000;

Houston Advanced Metro Transit Plan, $20,000,000;

Hudson-Bergen, Hoboken to Tonnelle Ave., NJ (MOS2), $50,000,000;

Hudson-Bergen, Jersey City, Bayonne & Hoboken, NJ (MOS1), $19,200,000;

Interstate MAX Light Rail Transit Extension Project, Portland, OR, $70,000,000;

Johnson County Commuter Rail, KS, $400,000;

Little Rock River Rail, AR, $2,000,000;

Los Angeles, North Hollywood Extension, CA, $40,490,000;

Lowell, MA to Nashua, NH Commuter Rail Ext. Project, NH, $500,000;

MARC Expansion Project, MD, $12,000,000;

MARTA North Line Extension Project Completion, GA, $16,110,000;

MATA Medical Rail Extension, Memphis,TN, $15,610,000;

Medical Center Light Rail Extension, UT, $10,000,000;

Metro Link Commuter Rail, St. Clair Extension Project, IL, $3,370,000;

Metro North Rolling Stock, CT, $6,000,000;

Nashville Light Rail, TN, $3,500,000;

Newark-Elizabeth Rail Link, 15 Station Light Rail Line, NJ, $60,000,000;

North Shore Connector Project, Pittsburgh, PA, $7,025,000;

North/South TRAX Light Rail Transit Line, UT, $720,000;

Oceanside-Escondido Light Rail Project, CA, $12,200,000;

Ogden to Provo Commuter Rail Corridor, UT, $6,000,000;

Pawtucket Layover Facility, RI, $4,500,000;

Port McKenzie Ferry, AK, $5,000,000;

Raleigh, Triangle Transit Project, NC, $11,000,000;

Resort Corridor Project, Las Vegas, NV, $9,000,000;

Salt Lake City University TRAX Light Rail Transit Line, UT, $68,760,000;

San Diego Mission Valley East Line Project, CA, $65,000,000;

San Juan-Tren Urbano, $30,038,000;

Santa Fe/El Dorado Rail Link, NM, $1,000,000;

Scranton to New York City Passenger Rail Service, PA, $3,000,000;

SEPTA Schuylkill Valley Metro Project, PA, $15,000,000;

Sounder Commuter Rail, WA, $30,000,000;

Stamford Urban Transitway, Phase 2 Project, CT, $12,000,000;

T-REX Southeast Light Rail Corridor, CO, $70,000,000;

Tri-Rail, Double Track Improvement, FL, $18,500,000;

Twin Cities Hiawatha & Northstar Projects, MN, $48,000,000;

Vermont Transportation Authority Rolling Stock, VT, $1,000,000;

Virginia Railway Express VRE, Project, VA, $4,000,000;

Wilmington Train Station improvements, DE, $3,000,000;

Wilsonville to Beaverton Commuter Rail Project, OR, $4,500,000; and

WMATA Addison Rd, Largo Extension, MD, $60,000,000.

JOB ACCESS AND REVERSE COMMUTE GRANTS

Notwithstanding section 3037(1)(3) of Public Law 105–178, as amended, for necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $30,000,000, to remain available until expended: *Provided*, That no more than $150,000,000 of budget authority shall be available for these purposes: *Provided further*, That up to $300,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program: *Provided further*, That $25,000,000 shall be transferred to and merged with funds for new fixed guideway systems under the Federal Transit Administration's Capital Investment Grants account.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $13,345,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $43,725,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $3,342,000 shall remain available until September 30, 2005: *Provided,* That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further,* That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $63,857,000, of which $7,472,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2005; of which $56,385,000 shall be derived from the Pipeline Safety Fund, of which $24,823,000 shall remain available until September 30, 2005.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2005: *Provided,* That not more than $14,300,000 shall be made available for obligation in fiscal year 2003 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): *Provided further,* That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $57,421,000: *Provided,* That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further,* That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $19,459,000: *Provided,* That notwithstanding any other provision of law, not to exceed $1,000,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further,* That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2003, to result in a final appropriation from the general fund estimated at no more than $18,459,000.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $5,194,000: *Provided,* That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $72,500,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 2003 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 304. None of the funds in this Act shall be available for salaries and expenses of more than 105 political and Presidential appointees in the Department of Transportation: *Provided,* That none of the personnel covered by this provision or political and Presidential appointees in an independent agency funded in this Act may be assigned on temporary detail outside the Department of Transportation or such independent agency.

SEC. 305. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 306. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 307. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 308. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 309. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 310. (a) For fiscal year 2003, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a)(1)(A) of title 23, United States Code, for the highway use tax evasion program and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) of section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year: *Provided*, That the amount of obligation limitation distributed for each program does not exceed the amount authorized to be appropriated for such program; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year).

(c) Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1943–1945).

(d) The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 312. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 313. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: *Provided*, That, the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 314. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under ''Federal Transit Administration, Capital investment grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2005, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 315. Notwithstanding any other provision of law, any funds appropriated before October 1, 2002, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 316. Notwithstanding any other provision of law, whenever an allocation is made of the sums authorized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system, and the minimum guarantee program, the Secretary of Transportation shall—

(1) deduct a sum in such amount not to exceed .45 percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research: *Provided*, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(B) of title 23, United States Code, and the sum so deducted shall remain available until expended; and

(2) deduct a sum in such amount not to exceed 1.9 percent of all sums so made available, as the Secretary determines necessary to administer the provisions of law to be financed from appropriations for the programs authorized under chapters 1 and 2 of title 23, United States Code, and to make transfers in accordance with section 104(a)(1)(A)(ii) of title 23, United States Code: *Provided*, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(A) of title 23, United States Code, and the sum so deducted shall remain available until expended.

SEC. 317. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Transit Planning and Research'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 318. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: *Provided*, That not more than $3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry boat routes and technology: *Provided further*, that notwithstanding the provisions 49 U.S.C. 5302(a)(7), funds made available for Alaska or Hawaii ferry boats may be used to acquire passenger ferry boats and to provide passenger ferry transportation services within areas of the State of Hawaii under the control or use of the National Park Service.

SEC. 319. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be

subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 320. (a) Section 47107 of title 49, United States Code, is amended by inserting after section 47107(p) the following:

''(q) Notwithstanding any written assurances prescribed in subsections (a) through (p), a general aviation airport with more than 300,000 annual operations may be exempt from having to accept scheduled passenger air carrier service, provided that the following conditions are met:

''(1) No scheduled passenger air carrier has provided service at the airport within five years prior to January 1, 2002;

''(2) The airport is located within the Class B airspace of an airport that maintains an airport operating certificate pursuant to Section 44706 of title 49; and,

''(3) The certificated airport operating under Section 44706 of title 49 has sufficient capacity and does not contribute to significant delays as defined by DOT/FAA in the 'Airport Capacity Benchmark Report 2001'.

''(r) An airport that meets the conditions of subsections (q)(1) through (3) is not subject to Section 47524 of title 49 with respect to a prohibition on all scheduled passenger service.''

(b) This section shall be effective upon enactment, notwithstanding any other section of title 49.

SEC. 321. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation: *Provided,* That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.

SEC. 322. (a) Funds provided in Public Law 106–69 for the Wilmington, Delaware downtown transit connector and funds provided in Public Law 106–346 for the Wilmington downtown corridor project shall be available for Wilmington, Delaware commuter rail improvements.

(b) Funds provided in Public Law 106–346 for Missoula Ravalli Transportation Management Administration buses shall be available for Missoula Ravalli Transportation Management Administration buses and bus facilities.

SEC. 323. (a) IN GENERAL.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 324. Notwithstanding any other provision of law, Walnut Ridge Regional Airport shall transfer to the Federal Aviation Administration (FAA) their localizer instrument landing system, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 325. Notwithstanding any other provision of law, Williams Gateway Airport shall transfer to the Federal Aviation Administration (FAA) air traffic control tower equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 326. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2003.

SEC. 327. Section 218(a) of Title 23, United States Code, is amended by inserting ''reauthorization of the'' before ''Transportation''.

SEC. 328. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 329. Section 1211(i) of Public Law 105–178, which amended section 1105(c) of the ''Intermodal Surface Transportation Efficiency Act of 1991,'' is amended to read as follows:

''(34) THE ALAMEDA CORRIDOR EAST AND SOUTHWEST PASSAGE, CALIFORNIA. The Alameda Corridor East is generally described as a west-east rail corridor extending from east Los Angeles (terminus of Alameda Corridor) through the San Gabriel Valley in Los Angeles County, northern Orange County, San Bernardino County, and Riverside County. The Southwest Passage shall follow I–10 from San Bernardino to the Arizona State line and I–8 from San Diego to the Arizona State line.''.

SEC. 330. In addition to amounts otherwise made available in this Act, to enable the Secretary of Transportation to make grants for surface transportation projects, $90,600,000, to remain available until expended.

SEC. 331. (a) Notwithstanding any other provision of law, the Secretary shall approve the construction of Type II noise barriers from funds apportioned under sections 104(b)(1) and 104(b)(3) of title 23, United States Code at the following location in Georgia: On the West Side of I–285 between Paces Ferry Road and the Chattahoochee River.

(b) Notwithstanding any other provision of law, the Secretary of Transportation shall approve the use of funds apportioned under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, for construction of Type II noise barriers on the West side of GA 400 from the Glenridge Connector to Northland Drive.

SEC. 332. None of the funds in this Act may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award is made under section 1221 of Public Law 105–178 and before any grant award letter of intent, or full funding grant agreement totaling $500,000 or more is announced by the department or its modal administrations from any discretionary grant program within the Department: *Provided,* That no notification shall involve funds that are not available for obligation.

SEC. 333. Of the funds provided in section 101(a)(2) of Public Law 107–42, $77,100,000 are rescinded.

SEC. 334. (a) The Secretary of Transportation shall enter into an agreement with the National Academy of Sciences under which agreement the National Academy of Sciences shall conduct a study of the procedures by which the Department of Energy, together with the Department of Transportation and the Nuclear Regulatory Commission, selects routes for the shipment of spent nuclear fuel from research nuclear reactors between or among existing Department of Energy facilities currently licensed to accept such spent nuclear fuel.

(b) In conducting the study under subsection (a), the National Academy of Sciences shall analyze the manner in which the Department of Energy—

(1) selects potential routes for the shipment of spent nuclear fuel from research nuclear reactors between or among existing Department facilities currently licensed to accept such spent nuclear fuel;

(2) selects such a route for a specific shipment of such spent nuclear fuel; and

(3) conducts assessments of the risks associated with shipments of such spent nuclear fuel along such a route.

(c) The analysis under subsection (b) shall include a consideration whether, and to what extent, the procedures analyzed for purposes of that subsection take into account the following:

(1) The proximity of the routes under consideration to major population centers and the risks associated with shipments of spent nuclear fuel from research nuclear reactors through densely populated areas.

(2) Current traffic and accident data with respect to the routes under consideration.

(3) The quality of the roads comprising the routes under consideration.

(4) Emergency response capabilities along the routes under consideration.

(5) The proximity of the routes under consideration to places or venues (including sports stadiums, convention centers, concert

halls and theaters, and other venues) where large numbers of people gather.

(d) In conducting the study under subsection (a), the National Academy of Sciences shall also make such recommendations regarding the matters studied as the National Academy of Sciences considers appropriate.

(e) The Secretary shall disperse to the National Academy of Sciences the funds for the cost of the study required by subsection (a) not later than 30 days after the date of the enactment of this Act.

(f) Not later than six months after the date of the dispersal of funds under subsection (e), the National Academy of Sciences shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a), including the recommendations required by subsection (d).

(g) In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Commerce, Science, and Transportation, Energy and Natural Resources, and Environment and Public Works of the Senate;

(2) the Committee on Energy and Commerce of the House of Representatives; and

(3) the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 335. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration and the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, aviation security or weather reporting: *Provided,* That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities and the TSA for necessary security checkpoints.

SEC. 336. Using up to $300,000 of the amount appropriated for fiscal year 2002 for the Department of Transportation for the Coast Guard for acquisition, construction, and improvements by title I of Public Law 107–87 (115 Stat. 836), the Secretary of Transportation shall, by grant, reimburse the City of Escanaba, Michigan, for the costs incurred by the City for the repair of the North wall of the municipal dock, Escanaba, Michigan, a facility used by the Coast Guard.

SEC. 337. For the purpose of any applicable law, for fiscal year 2003, the city of Norman, Oklahoma, shall be considered to be part of the Oklahoma City Transportation Management Area.

SEC. 338. For an airport project that the Administrator of the Federal Aviation Administration (FAA) determines will add critical airport capacity to the national air transportation system, the Administrator is authorized to accept funds from an airport sponsor, including entitlement funds provided under the ''Grants-in-Aid for Airports'' program, for the FAA to hire additional staff or obtain the services of consultants: *Provided,* That the Administrator is authorized to accept and utilize such funds only for the purpose of facilitating the timely processing, review, and completion of environmental activities associated with such project.

SEC. 339. (a) IN GENERAL.—Notwithstanding any other provision of subchapter I of Chapter 471 of title 49, the Secretary of Transportation may provide grants under such subchapter I of chapter 471 to the airport sponsor of the Double Eagle II Airport in Albuquerque, New Mexico, for—

(1) the construction of an air traffic control tower; and

(2) the acquisition and installation of air traffic control equipment to be used in the air traffic control tower that will assist in sustaining or improving the safe and efficient movement of air traffic.

(b) ELIGIBILITY.—The sponsor shall be eligible for a grant under this section if—

(1) the sponsor would otherwise be eligible to participate in the pilot program established under section 47124(b)(3) of title 49 except for the lack of the air traffic control tower proposed to be constructed under this section; and

(2) the sponsor agrees to fund not less than 10 percent of the costs of construction of the air traffic control tower.

(c) PROJECT COSTS.—Grants under this act shall be paid only from amounts apportioned to the sponsor or for airports in the state under section 47114(d) of title 49, United States Code.

(d) FEDERAL SHARE.—The Federal share of the cost of construction of an air traffic control tower under this section may not exceed $1,800,000.

SEC. 340. Notwithstanding any other provision of law, States may use funds provided in this Act under Section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: *Provided,* That any state that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages: *Provided further,* That $10,000,000 of the funds allocated for innovative seat belt projects under Section 157 of title 23, United States Code, and $10,000,000 of funds allocated under Section 410 of title 23, United States Code, shall be used as directed by the National Highway Traffic Safety Administrator, to purchase advertising in broadcast media to support the national mobilizations conducted in all fifty states, aimed at increasing seat belt use and reducing impaired driving.

SEC. 341. For purposes of entering into joint public-private partnerships and other cooperative arrangements for the performance of work, the Coast Guard Yard and other Coast Guard specialized facilities designated by the Commandant may enter into agreements or other arrangements, receive and retain funds from and pay funds to such public and private entities, and may accept contributions of funds, materials, services, and the use of facilities from such entities: *Provided,* That amounts received under this section may be credited to appropriate Coast Guard accounts.

SEC. 342. None of the funds in this Act may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 343. Insert the following new section at the end of chapter 53 of Title 49, United States Code:

''SEC. ____. Effective for funds not yet expended on the effective date of this section, the federal share for funds under this chapter for a grantee named in section 603(14) of Public Law 97–468 shall be the same as the federal share under 23 U.S.C. section 120(b) for federal aid highway funds apportioned to the state in which it operates.''.

SEC. 344. (a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the State of Nevada, the State of Arizona, or both, to provide a method of funding for construction of a Hoover Dam Bypass Bridge from funds allocated for the Federal Lands Highway Program under section 202(b) of title 23, United States Code.

(b) METHODS OF FUNDING.—

(1) The agreement entered into under subsection (a) shall provide for funding in a manner consistent with the advance construction and debt instrument financing procedures for Federal-Aid Highways set forth in sections 115 and 122 of title 23, except that the funding source may include funds made available under the Federal Lands Highway Program.

(2) Eligibility for funding under this subsection shall not be construed as a commitment, guarantee, or obligation on the part of the United States to provide for payment of principal or interest of an eligible debt financing instrument as so defined in section 122, nor create a right of a third party against the United States for payment under an eligible debt financing instrument. The agreement entered into pursuant to subsection (a) shall make specific reference to this provision of law.

(3) The provisions of this section do not limit the use of other available funds for which the project referenced in subsection (a) is eligible.

SEC. 345. None of the funds appropriated or otherwise made available in this Act may be made available to any person or entity convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 346. For fiscal year 2003, notwithstanding any other provision of law, historic covered bridges eligible for Federal assistance under section 1224 of the Transportation Equity Act for the 21st Century, as amended, may be funded from amounts set aside for the discretionary bridge program.

SEC. 347. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard ''Acquisition, construction, and improvements'' shall be available after the fifteenth day of any quarter of any fiscal year, unless the Commandant of the Coast Guard first submits to the House and Senate Committees on Appropriations a quarterly report on the agency's mission hour emphasis and a quarterly report on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: *Provided,* That such acquisition reports shall include an acquisition schedule, estimated current and year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisition project: *Provided further,* That such acquisition reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction, and improvements account be fully funded: *Provided further,* That such acquisition reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: *Provided further,* That all

information submitted in such mission hour emphasis and acquisition reports shall be current as of the last day of the preceding quarter.

SEC. 348. Of the funds made available in fiscal year 2003 in Section 1503 of Public Law 105–178, as amended, $115,000,000 shall instead be available for the programs authorized in Section 1101(a)(9) of such Act and $15,000,000 shall instead be made available for Section 1221 of such Act.

SEC. 349. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $56,638,000, which limits fiscal year 2003 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $75,141,000: *Provided*, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center.

SEC. 350. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in Section 350 of Public Law 107–87.

SEC. 351. (a) Notwithstanding any other provision of law, and subject to the requirements of this section, the Secretary of Transportation is authorized to waive any of the terms, conditions, reservations, and restrictions contained in the deeds of conveyance and subsequent corrections to the deeds of conveyance under which the United States conveyed certain property to Gadsden, Alabama, for airport purposes.

(b) No waiver may be granted under subsection (a) if the waiver would result in the closure of an airport.

(c) Any waiver granted by the Secretary of Transportation under subsection (a) shall be subject to the following conditions:

(1) Gadsden, Alabama, shall agree that in selling, leasing, or conveying any interest in, the property for which waivers are granted under subsection (a), the amount received by the city shall be used by the city for the development, improvement, operation, or maintenance of the Gadsden Municipal Airport.

(2) The city will dedicate to the airport fund that supports the Gadsden Municipal Airport an amount which is equal to the fair lease value or the fair market value, as the case may be, of the property for which waivers are granted under subsection (a) unless any of the airport property was the subject of a taking and condemnation by the federal government.

SEC. 352. Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note; Public Law 102–240) is amended—

(1) in the subsection heading, by inserting ''OVER-THE-ROAD BUSES AND'' before ''PUBLIC''; and

(2) in paragraph (1), by striking ''to any vehicle which'' and inserting the following: ''to—

''(A) any over-the-road bus (as defined in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181)); or

''(B) any vehicle that''.

SEC. 353. Notwithstanding any other provision of law, funds made available for construction of roads and a bridge to provide access to the Rose Bluff industrial area, Lake Charles, Louisiana, under section 149(a)(87) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 194; 109 Stat. 607) and item 17 of the table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2038) shall be made available for the project in Lake Charles, Louisiana, consisting of—

(1) construction of Nelson Access Road to the Port of Lake Charles as described in item 1596 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 315);

(2) reconstruction of Cove Lane; and

(3) planning, design, and construction of Port Access Road.

SEC. 354. Section 342 of the Department of Transportation and Related Agencies Appropriations Act, 2002, is amended by striking ''Passenger only ferry to serve Kitsap and King Counties to Seattle'' and inserting ''Ferry/tunnel project in Bremerton, Washington''.

SEC. 355. Section 343 of the Department of Transportation and Related Agencies Appropriations Act, 2002, is amended by striking ''Passenger only ferry to serve Kitsap and King Counties to Seattle'' and inserting ''Ferry/tunnel project in Bremerton, Washington''.

SEC. 356. In addition to amounts otherwise made available by this Act, there is hereby appropriated $3,500,000, to remain available until expended, to enable the Secretary to maintain operations of the Midway Island airfield for a period of not less than one year beyond the date at which the U.S. Fish and Wildlife Service ceases said operations.

This division may be cited as the ''Department of Transportation and Related Agencies Appropriations Act, 2003''.

DIVISION J—TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS, 2003

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $3,500,000 for official travel expenses; not to exceed $3,813,000, to remain available until expended for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $191,887,000: *Provided*, That the Office of Foreign Assets Control shall be funded at no less than $21,206,000 and 120 full time equivalent positions: *Provided further*, That of these amounts $2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering: *Provided further*, That of these amounts, $5,893,000 shall be for the Treasury-wide Financial Statement Audit Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $68,828,000, to remain available until expended: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems or Business Systems Modernization.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $35,424,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $123,962,000.

AIR TRANSPORTATION STABILIZATION PROGRAM

For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42), $6,041,000, to remain available until expended.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $30,932,000, to remain available until expended.

EXPANDED ACCESS TO FINANCIAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

To develop and implement programs to expand access to financial services for low- and moderate-income individuals, $2,000,000, such funds to become available upon authorization of this program as provided by law and

to remain available until expended: *Provided,* That of these funds, such sums as may be necessary may be transferred to accounts of the Department's offices, bureaus, and other organizations: *Provided further,* That this transfer authority shall be in addition to any other transfer authority provided in this Act.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary, $20,000,000, to remain available until expended, to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: *Provided,* That use of such funds shall be subject to prior approval of the Committees on Appropriations in accordance with guidelines for reprogramming and transfer of funds.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $50,517,000, of which not to exceed $3,400,000 shall remain available until September 30, 2005; and of which $8,338,000 shall remain available until September 30, 2004: *Provided,* That funds appropriated in this account may be used to procure personal services contracts.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $11,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $126,660,000, of which $650,000 shall be available for an interagency effort to establish written standards on accreditation of Federal law enforcement training; and of which up to $24,266,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2005, and of which up to 20 percent of the $24,266,000 also shall be available for travel, room and board costs for participating agency basic training during the first quarter of a fiscal year, subject to full reimbursement by the benefitting agency: *Provided,* That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further,* That the Center is authorized to accept detailees from other Federal agencies, on a non-reimbursable basis, to staff the accreditation function: *Provided further,* That notwithstanding any other provision of law, students attending training at any Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further,* That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, (Public Law 104–32); training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: *Provided further,* That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further,* That the Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: *Provided further,* That the Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $32,029,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department law enforcement violations such as money laundering, violent crime, and smuggling, $107,576,000.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $220,664,000, of which not to exceed $9,220,000 shall remain available until September 30, 2005, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $20,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; not to exceed $50,000 for cooperative research and development programs for Laboratory Services and Fire Research Center activities; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $888,430,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); of which up to $2,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries including Social Security and Medicare, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms; of which $13,000,000, to remain available until expended, shall be available for disbursements through grants, cooperative agreements or contracts to local governments for Gang Resistance Education and Training; and of which $3,200,000 for a new headquarters shall remain available until September 30, 2004: *Provided,* That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further,* That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further,* That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further,* That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further,* That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,500 motor vehicles of which 550 are for replacement only and of which 1,465 are for police-type use and commercial operations; hire of motor vehicles;

contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $2,501,488,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed $4,000,000 shall be available until expended for research; not less than $100,000 shall be available to promote public awareness of the child pornography tipline; not less than $200,000 shall be available for Project Alert; not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; and not to exceed $5,000,000 shall be available until expended for repairs to Customs facilities: *Provided,* That of the total amount of funds made available for forced child labor activities in fiscal year 2003, not to exceed $5,000,000 shall remain available until expended for operations and support of such activities: *Provided further,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs ''Salaries and Expenses'' account for such purposes.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $177,829,000, which shall remain available until expended: *Provided,* That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 2003 without the prior approval of the Committees on Appropriations.

AUTOMATION MODERNIZATION

For expenses not otherwise provided for Customs automated systems, $435,332,000, to remain available until expended, of which not less than $312,900,000 shall be for the development of the Automated Commercial Environment: *Provided,* That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the United States Customs Service prepares and submits to the Committees on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the United States Customs Service's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Customs Investment Review Board, the Department of the Treasury, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: *Provided further,* That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until such expenditure plan has been approved by the Committees on Appropriations.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2003 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $34,900,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $195,473,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: *Provided,* That the sum appropriated herein from the General Fund for fiscal year 2003 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2003 appropriation from the General Fund estimated at $191,073,000. In addition, $40,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,955,777,000, of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, of which $7,000,000 shall be available for low-income taxpayer clinic grants, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,729,072,000, of which not to exceed $1,000,000 shall remain available until September 30, 2005, for research, and of which $60,000,000 shall be used to combat abusive tax shelters.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives, $146,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,632,444,000, which shall remain available until September 30, 2004.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $436,000,000, to remain available until September 30, 2005, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided,* That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 610 vehicles for police-type use for replacement only, and hire of passenger motor vehicles; purchase of American-made side-car compatible motorcycles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $25,000 for official reception and representation expenses; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $1,010,817,000, of which $1,633,000 shall be available for forensic and related support of investigations of missing and exploited children, and of which $3,749,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: *Provided,* That up to $18,000,000 provided for protective travel shall remain available until September 30, 2004.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $3,519,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2003, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2003 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, Interagency Crime and Drug Enforcement, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: *Provided,* That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 118. The Secretary of the Treasury may transfer funds from ''Salaries and Expenses'', Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: *Provided,* That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 119. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking ''4 years'' and inserting ''5 years''.

SEC. 120. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the advance notification of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 121. None of the funds appropriated or made available by this Act may be used for the production of Customs Declarations that do not inquire whether the passenger had been in the proximity of livestock.

SEC. 122. The Federal Law Enforcement Training Center is directed to establish an accrediting body that will include representatives from the Federal law enforcement community, as well as non-Federal accreditation experts involved in law enforcement training. The purpose of this body will be to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 123. The Treasury Department Appropriations Act, 1997 (as contained in section 101(f) of Division A of Public Law 104–208), under the heading ''Treasury Franchise Fund'', as amended by section 120 of the Treasury Department Appropriations Act, 2001 (enacted pursuant to section 1(a)(3) of Public Law 106–554), is further amended by striking ''until October 1, 2002''.

SEC. 124. LICENSE PROCEDURES FOR OFFICE OF FOREIGN ASSETS CONTROL. Notwithstanding any other provision of law, none of the funds appropriated to ''Departmental Offices, Salaries and Expenses'' for use by the Office of Foreign Assets Control may be expended until the Office has in place with respect to the administration of licenses for travel the following procedures:

(1) All applications for licenses pertaining to travel-related transactions submitted to the Office of Foreign Assets Control shall be considered approved if not resolved within 90 calendar days after receipt of the completed license application.

(2) Whenever the Office decides to deny a license application pertaining to travel-related transactions, the Office shall notify the applicant in writing. The notification will include:

(A) The statutory and regulatory basis for the denial;

(B) To the extent consistent with the national security of the United States, the specific considerations that led to the decision to deny the license application and;

(C) The name, phone number, and e-mail address of the Office representative in a position to discuss the issues with the applicant.

(3) The above-outlined procedures shall be effective 120 days from the date of enactment.

SEC. 125. (a) The Commissioner of Customs, in consultation with the Canadian Customs and Revenue Agency (CCRA), shall seek to establish Integrated Border Inspection Areas (IBIAs) on either side of the United States-Canada border in which United States Customs officers can inspect vehicles entering the United States from Canada before they

enter the United States, or Canadian customs officers can inspect vehicles entering Canada from the United States before they enter Canada.

(b) Using the authority granted under section 629(a) of the Tariff Act of 1930, the Commissioner of Customs, in consultation with the CCRA, shall endeavor to—

(1) locate IBIAs in an area with bridges or tunnels with high traffic volume, significant commercial activity, and that have experienced backups and delays since September 11, 2001;

(2) ensure that United States Customs officers stationed in any IBIA on the Canadian side of the border are vested with the maximum authority to carry out their duties and enforce United States law; and

(3) encourage appropriate officials of the United States to enter into an agreement with Canada permitting Canadian customs officers stationed in any IBIA on the United States side of the border to exercise the authority to enforce Canadian law as permitted by Canada.

(c) United States Customs officers stationed in an IBIA, on the Canadian side of the border, shall be afforded the same privileges and immunities for the performance of their duties as they would enjoy if they were stationed in the United States. Canadian customs officers stationed in an IBIA on the United States side of the border, shall be afforded the same privileges and immunities for the performance of their duties as they would enjoy if they were stationed in Canada.

SEC. 126. AMENDMENT TO JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT ACT.—For fiscal year 2003 and thereafter, section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) INVESTMENT OF FUND ASSETS.—

''(1) At the request of the Center, it shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund. Such investments may be made only in interest-bearing obligations of the United States issued directly to the fund.

''(2) The purposes for which obligations of the United States may be issued under chapter 31 of Title 31 are hereby extended to authorize the issuance at par of special obligations directly to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. All requests of the Center to the Secretary of the Treasury provided for in this section shall be binding upon the Secretary.''; and

(2) by striking subsection (c) and inserting the following:

''(c) AUTHORITY TO SELL OBLIGATIONS.—At the request of the Center, the Secretary of the Treasury shall redeem any obligation issued directly to the fund. Obligations issued to the fund under subsection (b)(2) shall be redeemed at par plus accrued interest. Any other obligations issued directly to the fund shall be redeemed at the market price.''.

SEC. 127. AMENDMENT TO JAMES MADISON MEMORIAL FELLOWSHIP ACT.—For fiscal year 2003 and thereafter, section 811 of the James Madison Memorial Fellowship Act (20 U.S.C. 4510) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) INVESTMENT OF AMOUNTS APPROPRIATED.—

''(1) At the request of the Trust Fund, it shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated and contributed to the fund. Such investments may be made only in interest-bearing obligations of the United States issued directly to the fund.

''(2) The purposes for which obligations of the United States may be issued under chapter 31 of Title 31 are hereby extended to authorize the issuance at par of special obligations directly to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. All requests of the Trust Fund to the Secretary of the Treasury provided for in this section shall be binding upon the Secretary.''; and

(2) by striking subsection (c) and inserting the following:

''(c) SALE OF OBLIGATIONS ACQUIRED BY FUND.—At the request of the Trust Fund, the Secretary of the Treasury shall redeem any obligation issued directly to the fund. Obligations issued to the fund under subsection (b)(2) shall be redeemed at par plus accrued interest. Any other obligations issued directly to the fund shall be redeemed at the market price.''.

SEC. 128. Until such time as the Secretary of the Treasury determines that there are no alcohol excise taxes levied by Puerto Rico that discriminate against brewers and distillers that are not located in Puerto Rico, none of the funds made available by this or any other Act may be used to implement or administer transfers into the Treasury of Puerto Rico under section 7652 of the Internal Revenue Code of 1986 in connection with rum. In the event that the Secretary makes such a determination, amounts not transferred on account of this section may be transferred or credited later, with retroactive effect.

This title may be cited as the ''Treasury Department Appropriations Act, 2003''.

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $60,014,000, of which $31,014,000 shall not be available for obligation until October 1, 2003: *Provided,* That mail for overseas voting and mail for the blind shall continue to be free: *Provided further,* That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further,* That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further,* That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2003.

This title may be cited as the ''Postal Service Appropriations Act, 2003''.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: *Provided,* That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further,* That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $59,735,000: *Provided,* That $8,650,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

OFFICE OF HOMELAND SECURITY

SALARIES AND EXPENSES

For necessary expenses of the Office of Homeland Security, pursuant to Executive Order 13288, $24,844,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,228,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided,* That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further,* That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further,* That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further,* That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000,

to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further,* That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further,* That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further,* That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further,* That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further,* That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further,* That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $1,200,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,066,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $324,000: *Provided,* That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisors in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,405,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,221,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $9,525,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $70,128,000, of which $16,775,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President: *Provided,* That the Executive Office of the President shall submit a report to the Committees on Appropriations that: (1) includes an Enterprise Architecture, as defined in OMB Circular A–130 and the Federal Chief Information Officers Council guidance; (2) presents an Information Technology (IT) Human Capital Plan, to include an inventory of current IT workforce knowledge and skills, a definition of needed IT knowledge and skills, a gap analysis of any shortfalls, and a plan for addressing any shortfalls; (3) presents a capital investment plan for implementing the Enterprise Architecture; (4) includes a description of the IT capital planning and investment control process; and (5) is reviewed and approved by the Office of Management and Budget, is reviewed by the General Accounting Office, and is approved by the Committees on Appropriations.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $70,752,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code, and of which not to exceed $3,000 shall be available for official representation expenses: *Provided,* That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further,* That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further,* That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: *Provided further,* That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $26,456,000, of which $2,350,000 shall remain available until expended, consisting of $1,350,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model State Drug Laws: *Provided,* That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $40,000,000, which shall remain available until expended, consisting of $18,000,000 for counternarcotics research and development projects, and $22,000,000 for the continued operation of the technology transfer program: *Provided,* That the $18,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $226,350,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: *Provided,* That up to 49 percent, to remain available until September 30, 2004, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,100,000 shall be used for auditing services and associated activities, and at least $500,000 of the $2,100,000 shall be used to develop and implement a data collection system to measure the performance of the High Intensity Drug Trafficking Areas Program: *Provided further,* That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2002, shall be funded at no less than the fiscal year 2002 budget request levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: *Provided further,* That no funds of an amount in excess of the fiscal year 2003 budget request shall be obligated prior to the approval of the Committee on Appropriations: *Provided further,*

That none of the funds made available in this Act or any other Act may be expended or obligated for the continued or future operation of a regional office with authority over more than one of the California, Arizona, New Mexico, or Texas partnerships without the consent of each of the affected partnerships.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $172,700,000, to remain available until expended, of which the following amounts are available as follows: $100,000,000 to support a national media campaign, as authorized by the Drug-Free Media Campaign Act of 1998; $60,000,000 to continue a program of matching grants to drug-free communities, of which $2,000,000 shall be a directed grant to the Community Anti-Drug Coalitions of America for the National Community Anti-Drug Coalition Institute, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; $3,000,000 for the Counterdrug Intelligence Executive Secretariat; $2,000,000 for evaluations and research related to National Drug Control Program performance measures; $1,000,000 for the National Drug Court Institute; $5,900,000 for the United States Anti-Doping Agency for anti-doping activities; and $800,000 for the United States membership dues to the World Anti-Doping Agency: *Provided,* That such funds may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

This title may be cited as the ''Executive Office Appropriations Act, 2003''.

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,629,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $45,244,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $28,677,000: *Provided,* That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further,* That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in, and to be used for the purposes of, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $363,299,000. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $6,926,833,000, of which: (1) $631,663,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Arkansas:

Little Rock, United States Courthouse Annex, $77,154,000

California:

San Diego, United States Courthouse Annex, $23,901,000

District of Columbia:

Washington, Southeast Federal Center Site Remediation, $8,972,000

Florida:

Fort Pierce, United States Courthouse, $2,744,000

Iowa:

Cedar Rapids, United States Courthouse, $5,167,000

Maine:

Jackman, Border Station, $9,194,000

Maryland:

Montgomery County, FDA consolidation, $25,500,000

Suitland, National Oceanic and Atmospheric Administration II, $9,461,000

Suitland, United States Census Bureau, $176,919,000

Mississippi:

Jackson, United States Courthouse, $7,276,000

Missouri:

Cape Girardeau, United States Courthouse, $49,300,000

Montana:

Raymond, Border Station, $7,753,000

New York:

Brooklyn, United States Courthouse Annex—GPO, $39,500,000

Massena, Border Station, $1,646,000

New York, United States Mission to the United Nations, $57,053,000

North Dakota:

Portal, Border Station, $2,201,000

Oregon:

Eugene, United States Courthouse, $77,374,000

Tennessee:

Nashville, United States Courthouse, $7,095,000

Texas:

Austin, United States Courthouse, $13,809,000

Utah:

Salt Lake City, United States Courthouse, $11,807,000

Washington:

Oroville, Border Station, $6,572,000

Nationwide:

Judgment Fund Repayment, $3,012,000

Nonprospectus Construction, $8,253,000:

Provided, That funding for any project identified above may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further,* That all funds for direct construction projects shall expire on September 30, 2004, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $997,839,000 shall remain available until expended for repairs and alterations which includes associated design and construction services: *Provided further,* That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project, as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount:

Repairs and Alterations:

California:

Los Angeles, Federal Building, 300 North Los Angeles Street, $93,166,000

San Francisco, Appraisers Building, $20,283,000

Tecate, Tecate United States Border Station, $5,709,000

Colorado:

Denver, Byron G. Rogers Federal Building and Courthouse, $9,000,000

Connecticut:

New Haven, Robert N. Gaimo Federal Building, $18,507,000

District of Columbia:

Federal Office Building 10A Garage, $5,454,000

Harry S Truman Building (State), $29,443,000

Illinois:

Chicago, United States Custom House, $9,000,000

Iowa:

Davenport, Federal Building and United States Courthouse, $12,586,000

Maryland:

Baltimore, Metro West, $6,162,000

Woodlawn, Operations Building, $96,905,000

Massachusetts:

Boston, John F. Kennedy Federal Building Plaza, $3,271,000

Missouri:

Kansas City, Bannister Federal Complex, Building 1, $16,130,000

Kansas City, Bannister Federal Complex, Building 2, $3,148,000

New Hampshire:

Manchester, Norris Cotton Federal Building, $17,668,000

Portsmouth, Thomas J. McIntyre Federal Building, $11,149,000

New York:

New York, Jacob K. Javits Federal Building, $7,568,000

Ohio:

Cleveland, Howard M. Metzenbaum United States Courthouse, $15,212,000

Pennsylvania:

Pittsburgh, United States Post Office and Courthouse, $2,810,000

Pittsburgh, William S. Moorhead Federal Building, $68,793,000

Texas:

Dallas, Earle Cabell Federal Building—Courthouse and Santa Fe Federal Building, $16,394,000

Fort Worth, Fritz Garland Lanham Federal Building, $15,249,000

Washington:

Seattle, Henry M. Jackson Federal Building, $26,832,000

Nationwide:

Chlorofluorocarbons Program, $8,000,000

Design Program, $52,527,000

Elevator Program, $21,533,000

Energy Program, $8,000,000

Glass Fragmentation Program, $20,000,000

Terrorism, $10,000,000

Basic Repairs and Alterations, $367,340,000: *Provided further,* That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further,* That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further,* That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further,* That all funds for repairs and alterations prospectus projects shall expire on September 30, 2004, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further,* That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $178,960,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $3,153,211,000 for rental of space which shall remain available until expended; and (5) $1,965,160,000 for building operations which shall remain available until expended: *Provided further,* That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further,* That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further,* That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further,* That revenues and collections and any other sums accruing to this Fund during fiscal year 2003, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $6,926,833,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

POLICY AND CITIZEN SERVICES

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; providing citizens with Internet access to Federal information and services; and services as authorized by 5 U.S.C. 3109, $65,995,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; telecommunications, information technology management, and related technology activities; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $94,640,000, of which $23,899,000 shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $37,617,000: *Provided,* That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further,* That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $5,000,000, to remain available until expended: *Provided,* That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: *Provided further,* That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further,* That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $3,339,000: *Provided,* That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2003 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided,* That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2004 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided,* That the fiscal year 2004 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757) and sections 5124(b) and 5128 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1424(b) and 1428), for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from

any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $2,000,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. DESIGNATION OF THE JUDGE DAN M. RUSSELL, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE. (a) The Federal building and United States courthouse located at 2015 15th Street in Gulfport, Mississippi, shall be known and designated as the ''Judge Dan M. Russell, Jr. Federal Building and United States Courthouse''.

(b) Any reference in law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Judge Dan M. Russell, Jr. Federal Building and United States Courthouse''.

SEC. 409. DESIGNATION. (a) The United States courthouse located at 100 Federal Plaza in Central Islip, New York, shall be known and designated as the ''Alfonse M. D'Amato United States Courthouse''.

(b) Any reference in law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Alfonse M. D'Amato United States Courthouse''.

SEC. 410. DESIGNATION OF CESAR E. CHAVEZ MEMORIAL BUILDING. (a) The building known as the Colonnade Center, located at 1244 Speer Boulevard, Denver, Colorado, shall be known and designated as the ''Cesar E. Chavez Memorial Building''.

(b) Any reference in law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ''Cesar E. Chavez Memorial Building''.

SEC. 411. For gross obligations for the principal amount of a direct loan as defined by Section 502 of the Congressional Budget Act of 1974, not to exceed $250,000, to be available from amounts transferred by Treasury to the ''Disposal of surplus real and related personal property'' account of the General Services Administration.

SEC. 412. DESIGNATION OF RICHARD SHEPPARD ARNOLD UNITED STATES COURTHOUSE. (a) The United States courthouse located at 600 West Capitol Avenue in Little Rock, Arkansas, and any addition to the courthouse that may hereafter be constructed, shall be known and designated as the ''Richard Sheppard Arnold United States Courthouse''.

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Richard Sheppard Arnold United States Courthouse''.

SEC. 413. (a) Notwithstanding any other provision of law, the Administrator of General Services is authorized to acquire, by purchase, condemnation, or otherwise, the properties known as 26 West Market Street, 30 West Market Street, 39 West Market Street, and 40 West Market Street in Salt Lake City, Utah. In so acquiring, the Administrator shall comply with applicable environmental and historical preservation statutes. This authority is in addition to the authority of the Administrator to acquire any sites necessary for construction of the new United States Courthouse in Salt Lake City, Utah.

(b) In addition, the Administrator is authorized to relocate the historical building currently located at 39 West Market Street, Salt Lake City, Utah, to the parcels known as 26, 30, and 40 West Market Street, Salt Lake City, Utah, and after the relocation the Administrator is authorized to sell by auction, or upon such other terms and conditions as the Administrator deems proper, the properties known as 26, 30, and 40 West Market Street. All proceeds from such sale shall be deposited into the fund established under section 592 of title 40, United States Code, and shall not be available for obligation until authorized by a future appropriations Act.

(c) Funds made available in previous appropriations Acts for site, design and construction of a new Courthouse in Salt Lake City, as well as funds that may be made available for such project in fiscal year 2003 appropriations Acts, may be used to carry out the purposes of subsections (a) and (b).

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $31,788,000 together with not to exceed $2,594,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $1,996,000, to remain available until expended: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,309,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $249,731,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $14,208,000, to remain available until expended, of which $1,250,000 is for the Military Personnel Records Center preliminary design studies, $3,250,000 is for repairs to the Lyndon Baines Johnson Presidential Library Plaza, and $3,750,000 is for locating, purchasing, and other related site location expenses for the site of a new regional archives facility to be constructed in Anchorage, Alaska.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $7,000,000, to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $10,486,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $128,736,000, of which $24,000,000 shall remain available until expended for the cost of the Government-wide human resources data network project, and $2,500,000 shall remain available until expended for the cost of leading the government-wide initiative to modernize the Federal payroll systems and service delivery; and in addition $120,791,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $27,640,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust

funds as provided by sections 8348(a)(1)(B), 8909(g), and 9004(f)(1)(A) and (2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2003, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,498,000, and in addition, not to exceed $10,766,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $12,434,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $37,305,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

For necessary expenses of the White House Commission on the National Moment of Remembrance, as authorized by Public Law 106–579, $250,000.

This title may be cited as the ''Independent Agencies Appropriations Act, 2003''.

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 505. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of the Buy American Act (41 U.S.C. 10a–10c).

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2003 from appropriations made available for salaries and expenses for fiscal year 2003 in this Act, shall remain available through September 30, 2004, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 509. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 510. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 511. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 512. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 513. None of the funds provided in this Act may be used to procure any products, articles, goods, or wares mined, manufactured, or produced wholly or in part by forced or indentured child labor as identified in the 1995 U.S. Department of Labor Report on Forced and Bonded Child Labor, the 2002 U.S. Department of Labor Findings on the Worst Forms of Child Labor, or the most recent U.S. Department of State Human Rights Country Reports.

SEC. 514. ENDOWMENT FOR PRESIDENTIAL LIBRARIES. Section 2112(g) of title 44, United States Code, is amended by adding at the end the following:

''(5)(A) Notwithstanding paragraphs (3) and (4) (to the extent that such paragraphs are inconsistent with this paragraph), this subsection shall be administered in accordance with this paragraph with respect to any Presidential archival depository created as a depository for the papers, documents, and other historical materials and Presidential

records pertaining to any President who takes the oath of office as President for the first time on or after July 1, 2002.

''(B) For purposes of subparagraphs (A)(ii), (B)(i)(II), and (B)(ii)(II) of paragraph (3) the percentage of 40 percent shall apply instead of 20 percent.

''(C)(i) In this subparagraph, the term 'base endowment amount' means the amount of the endowment required under paragraph (3).

''(ii)(I) The Archivist may give credits against the base endowment amount if the Archivist determines that the proposed Presidential archival depository will have construction features or equipment that are expected to result in quantifiable long-term savings to the Government with respect to the cost of facility operations.

''(II) The features and equipment described under subclause (I) shall comply with the standards promulgated by the Archivist under subsection (a)(2).

''(III) The Archivist shall promulgate standards to be used in calculating the dollar amount of any credit to be given, and shall consult with all donors of the endowment before giving any credits. The total dollar amount of credits given under this paragraph may not exceed 20 percent of the base endowment amount.

''(D)(i) In calculating the additional endowment amount required under paragraph (4), the Archivist shall take into account credits given under subparagraph (C), and may also give credits against the additional endowment amount required under paragraph (4), if the Archivist determines that construction features or equipment used in making or equipping the physical or material change or addition are expected to result in quantifiable long-term savings to the Government with respect to the cost of facility operations.

''(ii) The features and equipment described under clause (i) shall comply with the standards promulgated by the Archivist under subsection (a)(2).

''(iii) The Archivist shall promulgate standards to be used in calculating the dollar amount of any credit to be given, and shall consult with all donors of the endowment before giving any credits. The total dollar amount of credits given under this paragraph may not exceed 20 percent of the additional endowment amount required under paragraph (4).''.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2003 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended

(62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2003, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2002, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2003, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2003, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2003 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2003 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2002 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2002, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2002, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2002.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. None of the funds made available in this Act for the United States Customs Service may be used to allow—

(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

(2) the release into the United States of any good, ware, article, or merchandise on which the United States Customs Service has in effect a detention order, pursuant to such section 307, on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

SEC. 620. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 621. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': *Provided,* That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 624. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 625. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 626. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 627. (a) In this section the term ''agency''—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 628. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 629. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse the ''Policy and Citizen Services'' account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed $17,000,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 630. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 631. Nothwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided,* That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 632. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 633. Section 403(f) of Public Law 103–356 (31 U.S.C. 501 note) is amended by striking ''October 1, 2002'' and inserting ''October 1, 2003''.

SEC. 634. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 635. (a) None of the funds appropriated by this Act may be used to enter into or

renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 636. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 637. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2003 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.1 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2003.

SEC. 638. Not later than 6 months after the date of enactment of this Act, the Inspector General of each applicable department or agency shall submit to the Committee on Appropriations a report detailing what policies and procedures are in place for each department or agency to give first priority to the location of new offices and other facilities in rural areas, as directed by the Rural Development Act of 1972.

SEC. 639. DEFERRAL OF EXPIRATION DATE OF INFORMATION SECURITY REQUIREMENTS.—Section 3536 of title 44, United States Code, is amended by striking ''the date that is two years after the date on which this subchapter takes effect'' and inserting ''December 31, 2003''.

This division may be cited as the ''Treasury and General Government Appropriations Act, 2003''.

DIVISION K—VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veteran Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $28,949,000,000, to remain available until expended: *Provided*, That not to exceed $17,138,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses'' and ''Medical care'' for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical facilities revolving fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $2,264,808,000, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $27,530,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2003, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $168,207,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $70,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $55,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,626,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $289,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $558,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by 38 U.S.C. chapter 37, subchapter VI, not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical care'' may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., $23,889,304,000, plus reimbursements:

Provided, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: *Provided further*, That of the funds made available under this heading, $500,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2003, and shall remain available until September 30, 2004: *Provided further*, That of the funds made available under this heading, not to exceed $900,000,000 shall be available until September 30, 2004: *Provided further*, That of the funds made available under this heading for non-recurring maintenance and repair (NRM) activities, $15,000,000 shall be available without fiscal year limitation to support the NRM activities necessary to implement Capital Asset Realignment for Enhanced Services (CARES) activities: *Provided further*, That from amounts appropriated under this heading, additional amounts, as designated by the Secretary no later than September 30, 2002, may be used for CARES activities without fiscal year limitation: *Provided further*, That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: *Provided further*, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

MEDICAL CARE COLLECTIONS FUND

(INCLUDING TRANSFER OF FUNDS)

Amounts deposited during the current fiscal year in the Department of Veterans Affairs Medical Care Collections Fund under section 1729A of title 38, United States Code, may be transferred to ''Medical care'', to remain available until expended.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2004, $400,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $69,716,000, of which $3,861,000 shall be available until September 30, 2004, plus reimbursements: *Provided*, That technical and consulting services offered by the Facilities Management Field Support Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2003.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,256,418,000: *Provided*, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5), and (11) that the Secretary determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That of the funds made available under this heading, not to exceed $65,800,000 shall be available for obligation until September 30, 2004: *Provided further*, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines: *Provided further*, That travel expenses for this account shall not exceed $17,082,000.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $133,149,000, of which $6,912,000 shall be available until September 30, 2004.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $55,000,000, to remain available until September 30, 2004.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $144,790,000, to remain available until expended, of which $5,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which $10,000,000 shall be to make reimbursements as provided in 41 U.S.C. 612 for claims paid for contract disputes: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 2003, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2003; and (2) by the awarding of a construction contract by September 30, 2004: *Provided further*, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: *Provided further*, That no funds from any other account except the ''Parking revolving fund'', may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $210,700,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000, of which $35,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: *Provided*, That from amounts appropriated under this heading, additional amounts may be used for CARES activities upon notification of and approval by the Committees on Appropriations: *Provided further*, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from ''Medical care''.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and

domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $100,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $32,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2003 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2003 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for ''Construction, major projects'', ''Construction, minor projects'', and the ''Parking revolving fund'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the ''Medical care'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2003 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2002.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2003 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from ''Compensation and pensions''.

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2003, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: *Provided,* That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2003 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further,* That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further,* That the Secretary shall determine the cost of administration for fiscal year 2003 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of law, the Department of Veterans Affairs shall continue the Franchise Fund pilot program authorized to be established by section 403 of Public Law 103–356 until October 1, 2003: *Provided,* That the Franchise Fund, established by title I of Public Law 104–204 to finance the operations of the Franchise Fund pilot program, shall continue until October 1, 2003.

SEC. 109. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 110. Funds available in any Department of Veterans Affairs appropriation for fiscal year 2003 or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $29,318,000 for the Office of Resolution Management and $3,010,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided,* That payments may be made in advance for services to be furnished based on estimated costs: *Provided further,* That amounts received shall be credited to ''General operating expenses'' for use by the office that provided the service.

SEC. 111. (a)(1) Section 1729B of title 38, United States Code, is repealed. Any balance as of the date of the enactment of this Act in the Department of Veterans Affairs Health Services Improvement Fund established under such section shall be transferred to the Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of title 38, United States Code.

(2) The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1729B.

(b) Section 1729A(b) of such title is amended—

(1) by redesignating paragraph (8) as paragraph (10); and

(2) by inserting after paragraph (7) the following new paragraphs:

''(7) Section 8165(a) of this title.

''(8) Section 113 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 38 U.S.C. 8111 note).''.

(c) Section 1722A of such title is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking ''under subsection (a)'' and inserting ''under this section''; and

(B) by striking the second sentence; and

(2) by striking subsection (d).

(d)(1) Section 8165 of such title is amended by striking ''Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of this title'' and inserting ''Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of this title''.

(2) Section 113(b) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 38 U.S.C. 8111 note) is amended by striking ''Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of title 38 United States Code, as added by section 202'' and inserting ''Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of title 38, United States Code''.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For assistance under the United States Housing Act of 1937, as amended (''the Act'' herein) (42 U.S.C. 1437 et seq.), not otherwise provided for, including for activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $16,928,697,228 and amounts recaptured in this account, and except as otherwise provided, to remain available until expended: *Provided,* That of the amount provided under this heading, $4,200,000,000 shall be available on October 1, 2003: *Provided further,* That the foregoing amounts shall be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the Act (42 U.S.C. 1437f(t)), contract administrators, and contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act: *Provided further,* That the Secretary is authorized and directed to enter into contracts for 2,077,336 vouchers under Sections 8(o) and 8(t) of the Act (42 U.S.C. 1437f(o) and (t)), including moderate rehabilitation units under Section 8(e) of the Act (42 U.S.C. 1437f(e)) that are renewed as vouchers, that currently are funded under contracts that are expiring or terminating: *Provided further,* That of the amount provided under this heading, $11,676,040,908 shall be for use only for renewal of contracts for vouchers expected to be used in the period covered by the annual contracts and for administrative fees earned for such vouchers: *Provided further,* That of the amount provided under this heading, $400,170,000 shall be in a central fund to be allocated by the Secretary for amendments to contracts for periods not exceeding 12 months in duration for expenditures for up to 2,077,336 vouchers under Sections 8(o) and 8(t) of the Act (42 U.S.C. 1437f(o) and (t)), including authorized vouchers that the Secretary reallocates from agencies that have chronically failed to use them to other agencies; and in addition to amounts provided above, such sums as shall be necessary within only this fiscal year, if any, to fulfill the purposes of the preceding proviso: *Provided further,* That the Secretary shall make all needed funds available under the preceding proviso to an agency within 14 days of the agency demonstrating an ability to enter into additional housing assistance payment contracts within an agency's authorized voucher level: *Provided further,* That amounts provided under this heading shall be available for section 8 rental assistance under the Act: (1) for the relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; Stat. 1321–269); (2) for the conversion of section 23

projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; and (6) for the 1-year renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: *Provided further*, That of the amount provided under this heading, no less than $3,000,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under ''Public and Indian Housing'': *Provided further*, That the amounts made available for incremental vouchers under this heading for any fiscal year (to the extent practicable) for non-elderly disabled families shall be provided to non-elderly disabled families upon turnover or renewal: *Provided further*, That the amounts made available for incremental vouchers under this heading for any fiscal year (to the extent practicable) for welfare-to-work families shall continue to be made available for welfare-to-work families upon turnover or renewal: *Provided further*, That up to $196,000,000 from amounts made available under this heading may be made available for contract administrators: *Provided further*, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the Act: *Provided further*, That within 60 days of enactment, the Secretary shall reduce the annual contributions contracts with public housing agencies that received a warning pursuant to the notice published on April 19, 2000 (65 FR 21088) of failure to use at least 90 percent of the vouchers allocated to the agency and to spend at least 90 percent of the budget authority allocated to the agency, and that by the date of enactment or within 16 months of initial receipt of such warning (regardless of any subsequent warning notice from the Secretary), whichever is later, failed in the most recent completed month to utilize at least 95 percent of allocated vouchers or contracted budget authority with respect to vouchers that were under annual contributions contract in the agency's prior fiscal year, and within 150 days of enactment the Secretary shall reallocate the number of vouchers from such chronically underutilizing agencies necessary to bring their current rate of voucher utilization to 95 percent and enter into annual contributions contracts with other public housing agencies for the budget authority to support the reallocated vouchers pursuant to the notice published on November 1, 2001 (66 FR 55524), provided that the Secretary shall give first priority, after agencies that need additional vouchers to address urgent needs arising from federally-declared disasters, to high-performing agencies that can serve applicants on the waiting list of the public housing agency from which vouchers are reallocated and to agencies that have nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act (42 U.S.C. 13618): *Provided further*, That the fee otherwise authorized under section 8(q) of the Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: *Provided further*, That $1,400,000,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading ''Annual contributions for assisted housing'' or any other heading for fiscal year 2002 and prior years, to be effected by the Secretary no later than September 30, 2003: *Provided further*, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated may be available for this rescission, except that this proviso does not apply to reallocation of vouchers required under this Act: *Provided further*, That the Secretary shall have until September 30, 2003, to meet the rescission in the proviso preceding the immediately preceding proviso: *Provided further*, That any obligated balances of contract authority that have been terminated shall be canceled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFERS OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,683,400,000, to remain available until September 30, 2006: *Provided*, That, hereafter, notwithstanding any other provision of law or any failure of the Secretary of Housing and Urban Development to issue regulations to carry out section 9(j) of the United States Housing Act of 1937 (42 U.S.C. 1437g(j)), such section is deemed to have taken effect on October 1, 1998, and, except as otherwise provided in this heading, shall apply to all assistance made available under this same heading on or after such date: *Provided further*, That notwithstanding any other provision of law or regulation, during fiscal year 2003, the Secretary may not delegate to any Department official other than the Deputy Secretary any authority under paragraph (2) of such section 9(j) regarding the extension of the time periods under such section for obligation of amounts made available for fiscal year 1998, 1999, 2000, 2001, 2002, or 2003: *Provided further*, That notwithstanding the first proviso and paragraphs (3) and (5)(B) of such section 9(j), if at any time before the effectiveness of final regulations issued by the Secretary under section 6(j) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)) providing for assessment of public housing agencies and designation of high-performing agencies, any amounts made available under the public housing Capital Fund for fiscal year 1999, 2000, 2001, 2002, or 2003 remain unobligated in violation of paragraph (1) of such section 9(j) or unexpended in violation of paragraph (5)(A) of such section 9(j), the Secretary shall recapture any such amounts and reallocate such amounts among public housing agencies that, at the time of such reallocation, are not in violation of any requirement under paragraph (1) or (5)(A) of such section: *Provided further*, That for purposes of this heading, the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays immediately or in the future: *Provided further*, That of the total amount provided under this heading, up to $54,000,000 shall be for carrying out activities under section 9(h) of such Act, of which up to $13,000,000 shall be for the provision of remediation services to public housing agencies identified as ''troubled'' under the Section 8 Management Assessment Program and for surveys used to calculate local Fair Market Rents and assess housing conditions in connection with rental assistance under section 8 of the Act: *Provided further*, That of the total amount provided under this heading, up to $500,000 shall be for lease adjustments to section 23 projects, and no less than $18,600,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: *Provided further*, That of the total amount provided under this heading, up to $75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2003: *Provided further*, That of the total amount provided under this heading, $15,000,000 shall be for a Neighborhood Networks initiative for activities authorized in section 9(d)(1)(E) of the United States Housing Act of 1937, as amended: *Provided further*, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis as provided in section 102 of the Department of Housing and Urban Development Reform Act of 1989: *Provided further*, That of the total amount provided under this heading, up to $100,000,000 shall be made available to public housing agencies for use in the substantial rehabilitation of distressed units, the development of off-site public housing units in mixed-income housing developments, or for loan loss reserves to support such activities.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for residents of housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing and housing assisted under NAHASDA.

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), $3,530,000,000, to remain available until September 30, 2004: *Provided*, That of the total amount provided under this heading, $10,000,000 shall be for programs, as determined appropriate by the Attorney General, which assist in the investigation, prosecution, and prevention of violent crimes and drug offenses in public and federally-assisted low-income housing, including Indian housing, which shall be administered by the Department of Justice through a reimbursable agreement with the Department of Housing and Urban Development: *Provided further*, That up to $250,000,000 shall be made available for payments to public housing agencies that are eligible for additional funds in fiscal year 2002 for the operation and management of public housing: *Provided further*, That no funds may be made available under this heading in fiscal year

2004 and subsequent fiscal years for payments to public housing agencies for the operation and management of public housing in fiscal year 2003: *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $574,000,000, to remain available until September 30, 2004, of which the Secretary may use up to $6,250,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein: *Provided further*, That of the total amount provided under this heading, $5,000,000 shall be for a Neighborhood Networks initiative for activities authorized in section 24(d)(1)(G) of the United States Housing Act of 1937, as amended: *Provided further*, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis as provided in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $648,570,000, to remain available until expended, of which $2,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; of which $5,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; and of which no less than $600,000 shall be transferred to the Working Capital Fund for development of and modifications to information technology systems which serve programs or activities under ''Public and Indian housing'': *Provided*, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $16,658,000: *Provided further*, That the Secretary of Housing and Urban Development may provide technical and financial assistance to Indian tribes and their tribally-designated housing entities in accordance with the provisions of NAHASDA for emergency housing, housing assistance, and other assistance to address the problem of mold: *Provided further*, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $5,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $197,243,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $1,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $39,712,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $292,000,000, to remain available until September 30, 2004: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further*, That the Secretary may use up to $2,000,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $25,000,000 to remain available until expended, which amount shall be awarded by June 1, 2004, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: *Provided*, That all grants shall be awarded on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, $30,000,000, to remain available until expended, for ''Urban Empowerment Zones'', as authorized in section 1391(g) of the Internal Revenue Code of 1986 (26 U.S.C. 1391(g)), including $2,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone: *Provided*, That no funds shall be available under this heading for expenditure in fiscal year 2004 and thereafter unless the Congress enacts tax legislation to fund eligible activities in fiscal year 2004 and thereafter.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $5,000,000,000, to remain available until September 30, 2005: *Provided*, That of the amount provided, $4,580,200,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et seq.): *Provided further*, That $72,500,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act; $3,300,000 shall be for a grant to the Housing Assistance Council; $2,600,000 shall be for a grant to the National American Indian Housing Council; $2,000,000 shall be for a grant to Girl Scouts of the USA for youth development initiatives in public housing; $2,000,000 shall be for a grant to Boys and Girls Clubs of America for the operating and start-up costs of clubs located in or near, and primarily serving residents of, public and Indian housing; and $45,500,000 shall be for grants pursuant to section 107 of the Act of which $4,000,000 shall be to support Alaska Native serving institutions and Native Hawaiian serving institutions as defined under the Higher Education Act, as amended, $3,000,000 shall be for tribal colleges and universities to build, expand, renovate and equip their facilities, $7,000,000 shall be for insular areas, $11,000,000 shall be for historically black colleges and universities, $3,000,000 shall be for community development work study, $10,000,000 shall be for the Department of Hawaiian Homeland to provide assistance as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (22 U.S.C. 4221 et seq.) (with no more than 5 percent of such funds being available for administrative costs), and of which $7,500,000 shall be for Hispanic serving institutions: *Provided further*, That no less than $3,400,000 shall be transferred to the Working Capital Fund for the development of and modification to information technology systems which serve programs or activities under ''Community planning and development'': *Provided further*, That $3,000,000 shall be made available for construction costs of the Paul and Sheila Wellstone Center for Community Building: *Provided further*, That $22,000,000 shall be for grants pursuant to the Self Help Homeownership Opportunity Program: *Provided further*, That not to exceed 20 percent of any

grant made with funds appropriated under this heading (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Act) shall be expended for ''Planning and Management Development'' and ''Administration'', as defined in regulations promulgated by the Department.

Of the amount made available under this heading, $35,500,000 shall be for capacity building, of which $31,500,000 shall be for Capacity Building for Community Development and Affordable Housing for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas, and of which $4,000,000 shall be for capacity building activities administered by Habitat for Humanity International.

Of the amount made available under this heading, $40,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives, of which $1,000,000 shall be for a grant to National Housing Trust/Enterprise Preservation Corporation to preserve 5,000 affordable apartments for low-income people and $5,000,000 shall be for a grant to the Housing Partnership Network for a revolving loan fund for single-family homeownership development and loans to nonprofit affordable housing organizations.

Of the amount made available under this heading, notwithstanding any other provision of law, $65,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: *Provided,* That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: *Provided further,* That no more than 10 percent of any grant award may be used for administrative costs: *Provided further,* That not less than $10,000,000 shall be available for grants to establish YouthBuild programs in underserved and rural areas: *Provided further,* That of the amount provided under this paragraph, $2,000,000 shall be set aside and made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, $130,500,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of the Committee on Appropriations submitted for the record accompanying this Act: *Provided,* That each grant specified in the report shall be reduced by 10 percent.

The referenced statement of the managers under the heading ''Community development block grants'' in title II of Public Law 105–277 is deemed to be amended by striking ''$750,000 to the Maryland State Department of Housing and Community Development for relocation of residents of Wagners Point community in Baltimore, Maryland'' and insert in lieu thereof ''$750,000 to the Maryland State Department of Housing and Community Development for relocation of residents of Wagners Point community in Baltimore, Maryland ($514,000) and for recovery efforts that occurred on or after the April 28, 2002 tornado in Charles and Calvert Counties ($236,000)''.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $14,000,000, to remain available until September 30, 2004, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $608,696,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended: *Provided further,* That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for ''Salaries and expenses''.

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants for Brownfields redevelopment projects, $25,000,000, to remain available until September 30, 2004: *Provided,* That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989: *Provided further,* That notwithstanding section 108(q) of the Housing and Community Development Act of 1974, recipients of funding made available under this heading may, at the discretion of the Secretary, also apply for funding under section 108.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,950,000,000, to remain available until September 30, 2005: *Provided,* That of the total amount provided under this heading, up to $40,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968; and no less than $1,100,000 shall be transferred to the Working Capital Fund for the development of and maintenance of, and modification to information technology systems which serve Programs or activities under ''Community Planning and Development''.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,215,025,000, of which $193,000,000 shall be available to renew expiring shelter plus care grants, to remain available until September 30, 2005: *Provided,* That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: *Provided further,* That all funds awarded for services shall be matched by 25 percent in funding by each grantee: *Provided further,* That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further,* That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further,* That $17,600,000 of the funds appropriated under this heading shall be available for technical assistance and management information systems: *Provided further,* That no less than $1,500,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund: for the development of and modifications to information technology systems which serve activities under ''Community Planning and Development''.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $1,033,801,000, to remain available until September 30, 2005: *Provided,* That $783,286,000, plus recaptures or cancelled commitments, shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, which shall remain available for disbursement until September 30, 2015, and for supportive services associated with the housing, of which amount $44,000,000 plus up to $9,000,000 of amounts recaptured or commitments cancelled under this heading, shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which amount up to $50,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use: *Provided further,* That of the amount under this heading, $250,515,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-

Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, which shall remain available for disbursement until September 30, 2015, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act: *Provided further*, That no less than $500,000, to be divided evenly between the appropriations for the section 202 and section 811 programs, shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under ''Housing Programs'' or ''Federal Housing Administration,'': *Provided further*, That, in addition to amounts made available for renewal of tenant-based rental assistance contracts pursuant to the second proviso of this paragraph, the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is 5 years in duration: *Provided further*, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate, or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate: *Provided further*, That all balances and recaptures, as of October 1, 2002, remaining in the ''Congregate Housing Services'' account as authorized by the Housing and Community Development Amendments of 1978, as amended, shall be transferred to and merged with the amounts for those purposes under this heading.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2002, and any collections made during fiscal year 2003, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

RENTAL HOUSING ASSISTANCE

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z–1) is reduced in fiscal year 2003 by not more than $100,000,000 in uncommitted balances of authorizations of contract authority provided for this purpose in appropriations acts: *Provided*, That up to $100,000,000 of recaptured section 236 budget authority resulting from any actions described in section 236(s)(7)(A) of the National Housing Act (12 U.S.C. 1715z–1) shall be made available as provided under section 236(s) of the National Housing Act.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), $13,000,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2003 appropriation.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2003, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $160,000,000,000.

During fiscal year 2003, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $250,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $347,829,000, of which not to exceed $343,807,000 shall be transferred to the appropriation for ''Salaries and expenses''; and not to exceed $4,022,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses, $85,720,000, of which no less than $21,360,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under ''Housing Programs'' or ''Federal Housing Administration'': *Provided*, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2003, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $15,000,000, to remain available until expended: *Provided*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $21,000,000,000.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $223,716,400, of which $204,395,400, shall be transferred to the appropriation for ''Salaries and expenses''; and of which $19,321,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $93,780,000, of which no less than $14,240,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under ''Housing Programs'' or ''Federal Housing Administration'': *Provided*, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2003, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2004.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $10,343,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $10,343,000, shall be transferred to the appropriation for ''Salaries and expenses''.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $47,000,000, to remain available until September 30, 2004: *Provided*, That of the total amount provided under this heading, $8,750,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $45,899,000, to remain available until September 30, 2004, of which $20,250,000 shall be to carry out activities pursuant to such section 561: *Provided*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $201,000,000, to remain available until September 30, 2004, of which $10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided,* That of the total amount made available under this heading, $75,000,000 shall be made available for an urban lead hazard reduction demonstration program in the form of grants to up to 25 major urban areas, as identified by the Secretary as having: (1) the highest number of pre-1940 units of rental housing; (2) significant deterioration of paint; and (3) a disproportionately high number of documented cases of lead-poisoned children: *Provided further,* That of the amounts made available under this paragraph, grants will be allocated equally among major urban areas that meet the eligibility criteria for the abatement of lead-based paint hazards so long as a major urban area makes a contribution equal to 10 percent of the funds that are available to the grantee under this paragraph should all of the 25 eligible grantees receive awards: *Provided further,* That not less than 80 percent of the funds made available under this paragraph shall be used exclusively for abatement and interim control of lead-based hazards as defined by 42 U.S.C. 4851: *Provided further,* That of the total grant, up to 15 percent may be used for demolition and up to 20 percent of the funds may be available for other lead-based paint hazards activities including risk assessments, testing and education: *Provided further,* That each major urban area shall target those privately-owned units and multifamily buildings that serve a majority of low-income families that are defined as low-income families as provided under section 3(b)(2) of the United States Housing Act of 1937: *Provided further,* That each major urban area shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary of Housing and Urban Development on the proposed use of these funds pursuant to a Notice of Funding Availability issued by the Secretary no later than February 15, 2003: *Provided further,* That for the purposes of environmental reviews for the urban lead hazard reduction demonstration, section 1011 of Title X of the 1992 Housing and Community Development Act shall apply: *Provided further,* That units treated, and the majority of units in multifamily buildings, remain available for low-income residents for at least 3 years following treatment: *Provided further,* That where a major urban area fails to meet the requirements of this demonstration program, the Secretary shall reallocate the funds for that urban area to each of the other eligible major urban areas: *Provided further,* That the Secretary shall submit an annual report to the Congress on the effectiveness of this demonstration program concurrently with the submission of the congressional justifications for the budget of the Department of Housing and Urban Development: *Provided further,* That should legislation authorizing the urban lead hazard reduction demonstration program not be enacted by June 30, 2003, amounts designated for this initiative shall become available for any such purpose authorized under Section 1011 of the Residential Lead-based Paint Hazard Reduction Act of 1992.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $25,000 for official reception and representation expenses, $1,070,229,000, of which $548,202,400 shall be provided from the various funds of the Federal Housing Administration, $10,343,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the ''Community development loan guarantees program'' account, $150,000 shall be provided by transfer from the ''Native American housing block grants'' account, $200,000 shall be provided by transfer from the ''Indian housing loan guarantee fund program'' account and $35,000 shall be transferred from the ''Native Hawaiian housing loan guarantee fund'' account: *Provided,* That no less than $10,500,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $97,684,000, of which $23,343,000 shall be provided from the various funds of the Federal Housing Administration: *Provided,* That the Inspector General shall have independent authority over all personnel issues within this office: *Provided further,* That no less than $300,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems for the Office of Inspector General.

WORKING CAPITAL FUND

For additional capital for Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide Information technology systems, and for the continuing operation of both Department-wide and program-specific information systems, $276,737,000 to remain available until September 30, 2004: *Provided,* That any amounts transferred to this Fund under this Act shall remain available until expended.

CONSOLIDATED FEE FUND

(RESCISSION)

Of the balances remaining available from fees and charges under section 7(j) of the Department of Housing and Urban Development Act on October 1, 2002, $8,000,000 are rescinded.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $30,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: *Provided,* That not to exceed such amount shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further,* That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2003 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2003 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2003 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2003 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2003, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

SEC. 204. (a) Section 225(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, Public Law 106–74 (113 Stat. 1076), is amended by striking ''year 2000, and the amounts that would otherwise be allocated for fiscal year 2001 and fiscal year 2002'', and inserting ''years 2000, 2001, 2002, and 2003''.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County,

North Carolina, the amounts that otherwise would be allocated for fiscal year 2003 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Durham-Chapel Hill, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

SEC. 205. (a) During fiscal year 2003, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan specified in subsection (b) of this section, notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

(b) The counties specified in this subsection are Oakland County, Macomb County, Wayne County, and Washtenaw County, in the State of Michigan.

SEC. 206. Except as explicitly provided in law, any grant or assistance made pursuant to title II of this Act shall be made on a competitive basis in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

SEC. 207. Section 683(2) of the Housing and Community Development Act of 1992 is amended—

(1) in subparagraph (F), by striking ''and'';

(2) in subparagraph (G), by striking ''section.'' and inserting ''section; and''; and

(3) by adding the following new subparagraph at the end:

''(H) housing that is assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act.''.

SEC. 208. Section 9 of the United States Housing Act of 1937 is amended by inserting at the end the following new subsection:

''(o) LOAN DEVELOPMENT FUNDING.—

''(1) In order to facilitate the financing of the rehabilitation and development needs of public housing, public housing agencies may enter into loans or other financial obligations with financial institutions for the purpose of financing the rehabilitation of a portion of public housing or the development off-site of public housing in mixed income developments (including demolition costs of the public housing units to be replaced), provided that the number of public housing units developed off-site replaces no less than an equal number of on-site public housing units in a project. Loans or other obligations entered into pursuant to this subsection shall be in such form and denominations, have such maturities, and be subject to such conditions as may be prescribed by regulations issued by the Secretary.

''(2) The Secretary may prohibit a public housing agency from obtaining a loan under this subsection only if the rehabilitation or replacement housing proposed by a public housing agency is inconsistent with its Public Housing Agency Plan, as submitted under section 5A, or the proposed terms of the guaranteed loan constitutes an unacceptable financial risk to the public housing agency or for repayment of the loan under this subsection.

''(3) Notwithstanding any other provision of this title, funding allocated to a public housing agency under subsections (d)(2) and (e)(2) of this section for capital and operating funds is authorized for use in the payment of the principal and interest due (including such servicing, underwriting or other costs as may be specified in the regulations of the secretary) on the loans or other obligations entered into pursuant to this subsection.

''(4) The amount of any loan or other obligation entered into under this subsection shall not exceed in total the pro-rata amount of funds that would be allocated over a period not to exceed 30 years under subsections (d)(2) and (e)(2) of this section on a per unit basis as a percentage of the number of units that are designated to be rehabilitated or replaced under this subsection by a public housing agency as compared to the total number of units in the public housing development, as determined on the basis of funds made available under such subsections (d)(2) and (e)(2) in the previous year. Any reduction in the total amount of funds provided to a public housing agency under this section in subsequent years shall not reduce the amount of funds to be paid under a loan entered into under this subsection but instead shall reduce the capital and operating funds which are available for the other housing units in the public housing development in that fiscal year. Any additional income, including the receipt of rental income from tenants, generated by the rehabilitated or replaced units may be used to establish a loan loss reserve for the public housing agency to assist in the repayment of loans or other obligations entered into under this subsection or to address any shortfall in the operating or capital needs of the public housing agency in any fiscal year.

''(5) Subject to appropriations, the Secretary may use funds from the Public Housing Capital Fund to (A) establish a loan loss reserve account within the Department of Housing and Urban Development to minimize the risk of loss associated with the repayment of loans made under this subsection, or (B) make grants to a public housing agency for capital investment needs or for the creation of a loan loss reserve account to be used in conjunction with a loan made under this subsection for the rehabilitation of a portion of public housing or the development off-site of public housing in mixed income developments (including demolition costs of the public housing units to be replaced).

''(6) The Secretary may, to the extent approved in appropriations Acts, assist in the payment of all or a portion of the principal and interest amount due under the loan or other obligation entered into under this subsection, if the Secretary determines that the public housing agency is unable to pay the amount it owes because of circumstances of extreme hardship beyond the control of the public housing agency.

''(7) Any loan or other obligation (including any mortgage instrument) entered into under this subsection shall include use restrictions that ensure the units rehabilitated or developed under this subsection shall be reserved for occupancy by families eligible for public housing under section 3 of this Act, and such use restrictions shall continue to apply to these units upon any default or foreclosure.

''(8) The Secretary is authorized to provide mortgage insurance upon such terms and conditions as may be appropriate to underwrite any loan or other obligation (including any mortgage instrument) entered into under this subsection. The Secretary shall establish premiums to support the cost of this mortgage insurance which shall be paid by public housing agencies through funds made available under subsections (d)(2) and (e)(2) of this section. The Secretary shall maintain all units subject to a loan or other obligation insured under this section as public housing upon any default and foreclosure and shall establish upon such terms and conditions as may be appropriate to ensure repayment of any amounts that are owed upon default or foreclosure.''.

SEC. 209. Notwithstanding any other provision of law, no funds in this Act or in any other Act in any fiscal year, including all future and prior fiscal years, may be used hereafter by the Secretary of Housing and Urban Development to provide any assistance or other funds for housing units defined in section 9(n) of the United States Housing Act of 1937 (as in effect immediately before the enactment of this Act) as ''covered locally developed public housing units''. The States of New York and Massachusetts shall reimburse any funds already made available under any appropriations Act for these units to the Secretary of Housing and Urban Development for reallocation to public housing agencies: *Provided*, That, if either State fails to make such reimbursement within 12 months, the Secretary shall recapture such funds through reductions from the amounts allocated to each State under section 106 of the Housing and Community Development Act of 1974.

SEC. 210. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 211. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 212. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2003 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for

in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 213. (a) Section 9(n)(1) of the United States Housing Act of 1937 is hereby repealed.

(b) Section 226 of the Departments of Veterans Affairs and Housing and Urban development, and Independent Agencies Appropriations Act, 1999, is hereby repealed.

(c) The amendment made by subsection (a) shall be deemed to have taken effect on October 1, 1998.

(d) The amendment made by subsection (b) shall be deemed to have taken effect on October 21, 1998.

SEC. 214. Notwithstanding any other provision of law, in fiscal year 2003 and each fiscal year thereafter, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

SEC. 215. (a) Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following:

''(22) WELFARE-TO-WORK HOUSING VOUCHER PROGRAM.—

''(A) RENEWAL.—Upon renewal, incremental vouchers awarded under this paragraph shall continue to be administered under this paragraph

''(B) ELIGIBLE GRANTEES.—A public housing agency (including Indian tribes and tribally designated housing entities, as defined by the Secretary) is eligible to receive assistance under this paragraph if the public housing agency demonstrates, to the satisfaction of the Secretary—

''(i) that the agency—

''(I) is effectively administering a voucher program;

''(II) is capable of leasing the allotted number of welfare-to-work vouchers in the time allowed by the Secretary; and

''(III) has included in the annual plan of the agency a description of a program to provide welfare-to-work vouchers; and

''(ii) that the agency—

''(I) is carrying out an effective welfare-to-work housing program using Federal, State, or local funds (including vouchers funded under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276), or other vouchers), and has a collaboration with the State, local, or tribal entities administering the programs under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and under the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) that serve families in the jurisdiction; or

''(II) has entered into a memorandum of understanding with the State, local, or tribal entities that administer the programs under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and under the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) that serve families in the jurisdiction, and such memoranda specify how the agencies will collaborate with the public housing agency in identifying eligible families, determining criteria for selection among eligible families in light of the circumstances in the jurisdiction, and providing payments and services to families (including outreach to owners and case management) so that families may obtain housing in an area of greater employment opportunity or in proximity to a current place of employment or transportation to employment and overcome other barriers to obtaining or retaining employment.

''(C) ADDITIONAL CRITERIA FOR GRANTEE SELECTION.—The Secretary—

''(i) may establish criteria in addition to that established in subparagraph (B) for the selection of public housing agencies that are eligible to receive assistance under this paragraph; and

''(ii) shall consult with the Secretary of Health and Human Services and the Secretary of Labor in determining additional criteria under this subparagraph.

''(D) ELIGIBLE FAMILIES.—Families selected to receive assistance under this paragraph shall be—

''(i) receiving, or shall have received in the 2 years preceding the date on which the family was selected to receive assistance under this paragraph, assistance or other payments (including benefits provided by payments to third parties) or services funded under the Temporary Assistance for Needy Families (TANF) program under part A of title IV of the Social Security Act or as part of a qualified State expenditure of a State under section 409(a)(7)(B)(i) of such Act; and

''(ii) in need of housing voucher assistance as determined by the public housing agency, the agency that administers the Temporary Assistance for Needy Families program, or the Workforce Investment Agency in order to obtain housing in an area of greater employment opportunity or in proximity to a current place of employment or transportation to employment; participate effectively in a program to overcome barriers to employment; or retain employment or increase hours of employment.

''(E) PREFERENCE.—The Secretary shall give preference in the award of assistance under this paragraph to public housing agencies within a State—

''(i) with jurisdiction that minimizes the need to use the procedures established under subsection (r) to allow families to reside in areas with job opportunities; or

''(ii) that demonstrate, to the satisfaction of the Secretary, that the procedures under subsection (r) do not pose a barrier to the choice of housing for families.''.

SEC. 216. A public housing agency or such other entity that administers Federal housing assistance in the states of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 in the states of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 217. The Director of the Office of Management and Budget and the Secretary of Housing and Urban Development shall include as part of the fiscal year 2004 budget (and for each budget in each succeeding fiscal year) for the Department of Housing and Urban Development a separate line in each account for the cost of contract rental renewals, where applicable. The Budget Justifications for Department of Housing and Urban Development shall include a five-year run-out of the cost of all contract rental renewals.

SEC. 218. (a) Section 24(m)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437v(m)(1)) is amended by striking ''$600,000,000'' and all that follows through ''2002'' and inserting the following: ''$574,000,000 for fiscal year 2003''.

(b) Section 24(n) of the United States Housing Act of 1937 (42 U.S.C. 1437v(n)) is amended by striking ''September 30, 2002'' and inserting ''September 30, 2004''.

SEC. 219. No funds in this Act or any other Act in any fiscal year may hereafter be used by the Secretary of Housing and Urban Development to waive any income eligibility restrictions on housing that has been assisted under Section 8 of the United States Housing Act of 1937 unless explicitly authorized by law.

SEC. 220. The Director of the Office of Budget in the Department of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, and excess funds in each program and activity within the jurisdiction of the Department of Housing and Urban Development and shall submit additional, updated information to these committees within 12 hours of any request.

SEC. 221. Section 204, as amended, of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, Public Law 104–204 (12 U.S.C. 1715z–11a), is amended by inserting ''or other sites as part of a revitalization plan that includes such a property'' after the words ''on the properties (which shall be eligible whether vacant or occupied)''.

SEC. 222. The Secretary of Housing and Urban Development shall submit an annual report no later than August 30, 2003 and annually thereafter to the House and Senate Committees on Appropriations regarding the number of Federally assisted units under lease and the per unit cost of these units to the Department of Housing and Urban Development. This data shall cover all units that are assisted by funds made available under the ''Housing Certificate Fund''. This report should be accurate within 30 days of submission.

SEC. 223. Notwithstanding the requirements regarding first-time homebuyers in section 104 of the National Affordable Housing Act of 1990 (42 U.S.C. 12704), the Enterprise Housing Corporation of Maryland may use the remaining balance of the grant award, H3–95MD0005–I–N, within the East Baltimore Community of the City of Baltimore, Maryland.

SEC. 224. The part of the HUD Community Development Block Grant to the State of Iowa which is administered by the Iowa Department of Economic Development (grant number B99DC190001) and which, in turn, was

granted by the Iowa Department of Economic Development to Benton County, Iowa (Benton County contract number 01–WS–006–99), for the purpose of providing safe potable water to residences of southern Benton County through a distribution system constructed by Poweshiek Water Association, is exempt from the provisions of section 104(g)(2), (g)(3) and (g)(4) of title I of the Housing and Community Act of 1974, as amended.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $30,400,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $7,850,000, of which $7,350,000 is to remain available until September 30, 2003 and $500,000 is to remain available until September 30, 2004: *Provided,* That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: *Provided further,* That, hereafter, there shall be an Inspector General at the Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: *Provided further,* That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further,* That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $73,000,000, to remain available until September 30, 2004, of which $5,000,000 shall be for technical assistance and training programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lenders organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers, and up to $10,750,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to $250,000 may be used for administrative expenses to carry out the direct loan program: *Provided,* That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $11,000,000.

INTERAGENCY COUNCIL ON THE HOMELESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the Interagency Council on the Homeless in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $1,500,000.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $56,767,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the ''Act'') (42 U.S.C. 12501 et seq.), $405,842,000, to remain available until September 30, 2004: *Provided,* That the Corporation shall enroll no more than 50,000 members in the AmeriCorps programs: *Provided further,* That not more than $32,500,000 shall be available for administrative expenses authorized under section 501(a)(4): *Provided further,* That not more than $2,500 shall be for official reception and representation expenses: *Provided further,* That not more than $15,000,000, to remain available until expended, shall be transferred to the National Service Trust of which up to $5,000,000 shall be available for national service scholarships for high school students performing community service: *Provided further,* That not more than $240,492,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $47,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): *Provided further,* That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further,* That not more than $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: *Provided further,* That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): *Provided further,* That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: *Provided further,* That not more than $25,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further,* That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): *Provided further,* That not more than $29,850,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.), of which $10,000,000 shall be available for challenge grants to non-profit organizations: *Provided further,* That not more than $5,000,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc.: *Provided further,* That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $6,900,000, to remain available until September 30, 2004.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $14,612,000 of which $1,045,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $24,445,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $76,074,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $81,000,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): *Provided,* That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, incluidng, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further,* That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further,* That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2003, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $707,203,000, which shall remain available until September 30, 2004.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $19,000 for official reception and representation expenses, $2,136,569,000, which shall remain available until September 30, 2004, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $37,325,000, to remain available until September 30, 2004.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $42,918,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,272,888,000, to remain available until expended, consisting of $636,444,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $636,444,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided,* That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further,* That of the funds appropriated under this heading, $12,742,000 shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 2004, and $86,168,000 shall be transferred to the ''Science and technology'' appropriation to remain available until September 30, 2004.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $72,313,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,581,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,920,639,000, to remain available until expended, of which $1,425,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''); $875,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $75,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $45,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $3,000,000 shall be for remediation of above ground leaking fuel tanks pursuant to Public Law 106–554; $126,000,000, in addition to $2,241,450 previously appropriated under this heading in Public Law 106–74, shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the statement of the Committee on Appropriations submitted for the record accompanying this Act; $120,500,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; and $1,123,835,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set

forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $50,000,000 shall be for carrying out section 128 of CERCLA, as amended: *Provided,* That for fiscal year 2003, State authority under section 302(a) of Public Law 104–182 shall remain in effect: *Provided further,* That for fiscal year 2003, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act: *Provided further,* That for fiscal year 2003, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: *Provided further,* That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

The referenced statement of the managers under this heading in Public Law 106–74 is deemed to be amended by striking everything after ''137.'' in reference to item number 137 and inserting, ''$2,739,550 for the City of Welch, West Virginia, for water and sewer extensions to the Indian Ridge Industrial Park''.

ADMINISTRATIVE PROVISIONS

For fiscal year 2003, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

None of the funds appropriated or otherwise made available by this Act may be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as published on June 9, 1999, in the Federal Register (64 Fed. Reg. pages 31040 through 31050). The Environmental Protection Agency shall promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees no later than September 30, 2003. Any final regulation promulgated to implement changes in the payment of pesticide tolerance processing fees shall not require the payment of retroactive fees.

The Environmental Protection Agency may not use any of the funds appropriated or otherwise made available by this Act to implement the Registration Fee system codified at 40 Code of Federal Regulations Subpart U (sections 152.400 et seq.) if its authority to collect maintenance fees pursuant to FIFRA section 4(i)(5) is extended for at least 1 year beyond September 30, 2002.

Section 136a–1 of title 7, U.S.C. is amended—

(1) in subsection (i)(5)(C)(i) by striking ''$17,000,000 fiscal year 2002'' and inserting ''$23,200,000 for fiscal year 2003'';

(2) in subsection (i)(5)(H) by striking ''2002'' and inserting ''2003'';

(3) in subsection (i)(6) by striking ''2002'' and inserting ''2003''; and

(4) in subsection (k)(3)(A) by striking ''2002'' and inserting ''2003''.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,368,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,031,000: *Provided,* That, notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,848,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $842,843,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to ''Emergency management planning and assistance'' for the consolidated emergency management performance grant program; and not to exceed $21,577,000 may be transferred to the Office of Inspector General for audits and investigations.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program pursuant to 42 U.S.C. 5131 et seq., $25,000,000, to remain available until expended: *Provided,* That grants shall be awarded on a competitive basis subject to the criteria in 42 U.S.C. 5133(g): *Provided further,* That notwithstanding 42 U.S.C. 5133(f), grant awards shall be made without reference to State allocations, quotas, or other formula-based allocations of funds.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $557,000 as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $557,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $239,690,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $17,754,000: *Provided,* That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall hereafter also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $1,615,214,000: *Provided,* That $900,000,000 shall be for programs as authorized be section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.): *Provided further,* That up to 5 percent of this amount shall be transferred to ''Salaries and expenses'' for program administration: *Provided further,* That of the amount provided under this heading: $114,000,000 shall be for grants for interoperable communications equipment; $114,000,000 shall be for grants for emergency operations centers; $75,000,000 shall be for Urban Search and Rescue Teams; $75,000,000 shall be for grants for state and local emergency planning; $15,000,000 shall be for Community Emergency Response Teams; $60,000,000 shall be for emergency responder training programs;

$15,000,000 shall be for mutual aid agreements; and $1,100,000 for security clearances for State and local emergency management personnel.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2003, as authorized by Public Law 106–377, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2003, and remain available until expended.

CERRO GRANDE FIRE CLAIMS

For an additional amount for ''Cerro Grande Fire Claims'', up to $100,000,000 shall be made available for claims resulting from the Cerro Grande fires: *Provided,* That up to $5,000,000 may be made available for administrative purposes.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $153,000,000, to remain available until expended: *Provided,* That total administrative costs shall not exceed 3½ percent of the total appropriation.

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968, $100,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2), to remain available until expended.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (''Act'') and the Flood Disaster Protection Act of 1973, as amended, not to exceed $32,393,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $77,666,000 for flood mitigation, to remain available until September 30, 2004, including up to $20,000,000 for expenses under section 1366 of the Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2004, and which amounts shall be derived from offsetting collections assessed and collected pursuant to 42 U.S.C. 4014, and shall be retained and used for necessary expenses under this heading: *Provided,* That beginning in fiscal year 2003 and thereafter, fees authorized in 42 U.S.C. 4014(a)(1)(B)(iii) shall be collected only if provided in advance in appropriations acts. In fiscal year 2003, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $529,380,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

Section 1309(a)(2) of the Act (42 U.S.C. 4016(a)(2)), as amended, is further amended by striking ''2002'' and inserting ''2007''.

Section 1319 of the Act, as amended (42 U.S.C. 4026), is amended by striking ''December 31, 2002'' and inserting ''December 31, 2007''.

Section 1336(a) of the Act, as amended (42 U.S.C. 4056), is amended by striking ''December 31, 2002'' and inserting ''December 31, 2007''.

Section 1376(c) of the Act, as amended (42 U.S.C. 4127(c)), is amended by striking ''December 31, 2002'' and inserting ''December 31, 2007''.

The above 4 amendments will be deemed effective on January 1, 2003.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000, to remain available until September 30, 2004, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, $12,541,000, to be deposited into the Federal Consumer Information Center Fund: *Provided,* That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Consumer Information Center activities in the aggregate amount of $18,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2003 in excess of $18,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,095,900,000, to remain available until September 30, 2004, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to ''Science, aeronautics and technology'' in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

SCIENCE, AERONAUTICS AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $9,003,000,000, to remain available until September 30, 2004, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to ''Human space flight'' in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $26,600,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', or ''Science, aeronautics and technology'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', or ''Science, aeronautics and technology'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2005.

Notwithstanding the limitation on the availability of funds appropriated for ''Office of Inspector General'', amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2003 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

None of the funds provided in fiscal year 2003 under the heading ''Science, Aeronautics and Technology'' may be used to purchase items proposed for acquisition in RFP5–55151–GCE.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2003, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member

credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: *Provided,* That administrative expenses of the Central Liquidity Facility in fiscal year 2003 shall not exceed $309,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,000,000 shall be available: *Provided,* That $700,000, together with amounts of principal and interest on loans repaid, is available until expended for loans to community development credit unions and $300,000 is available until September 30, 2004 for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $4,081,650,000, of which not to exceed $320,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2004: *Provided,* That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further,* That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: *Provided further,* That $85,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $59,280,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $932,730,000, to remain available until September 30, 2004: *Provided,* That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $182,160,000: *Provided,* That contracts may be entered into under ''Salaries and expenses'' in fiscal year 2003 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $3,500,000: *Provided,* That not more than $9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $9,660,000, to remain available until September 30, 2004.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $110,000,000, of which $5,000,000 shall be for a homeownership program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937, as amended; and of which $5,000,000 shall be for a multi-family rental housing program.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $26,480,000: *Provided,* That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further,* That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided,* That this provision does not apply to accounts that do not contain an object classification for travel: *Provided further,* That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further,* That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates only to the extent such an increase is approved by the Committees on Appropriations.

SEC. 402. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 403. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 404. None of the funds provided in this Act to any department or agency may be obligated or expended for: (1) the transportation of any officer or employee of such department or agency between the domicile and the place of employment of the officer or employee, with the exception of an officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905 or (2) to provide a cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 405. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided,* That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 406. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 407. None of the funds provided in this Act may be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety

Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 408. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 409. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 410. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of the Congress approve within 30 days following the date on which the report is received.

SEC. 411. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 412. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 413. Such sums as may be necessary for fiscal year 2003 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 414. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 415. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 416. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 417. All Departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 418. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 419. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 420. Notwithstanding 42 U.S.C. 5196c, amounts provided in Public Law 107–117 and subsequent appropriations Acts for the construction of emergency operations centers (or similar facilities) shall only require a 25 percent match non-Federal share.

SEC. 421. Subsection (b) of section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended by adding at the end the following new paragraph (12):

''(12) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be considered an eligible grantee for purposes of receiving assistance under this section on behalf of Alaska Native villages.''.

SEC. 422. The Director of the Department of Homeland Security is authorized to acquire fee title to up to 178.5 acres of undeveloped property on the North and West sides of Virginia Routes 601 and 605 in Clarke County and Loudoun County, Virginia, adjacent to a Federal Emergency Management Agency facility in Clarke County and Loudoun County, Virginia.

This division may be cited as the ''Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003''.

DIVISION L—HOMELAND SECURITY ACT OF 2002 AMENDMENTS

SEC. 101. GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(1) in section 308, by striking subsections (a) through (c)(1) and inserting in lieu thereof the following:

''(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, shall carry out the responsibilities under section 302(4) through both extramural and intramural programs.

''(b) EXTRAMURAL PROGRAMS.—

''(1) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, shall operate extramural research, development, demonstration, testing, and evaluation programs so as to—

''(A) ensure that colleges, universities, private research institutes, and companies (and consortia thereof) from as many areas of the United States as practicable participate;

''(B) ensure that the research funded is of high quality, as determined through merit review processes developed under section 302(14); and

''(C) distribute funds through grants, cooperative agreements, and contracts.

''(2) UNIVERSITY-BASED CENTERS FOR HOMELAND SECURITY.—

''(A) DESIGNATION.—The Secretary, acting through the Under Secretary for Science and Technology, shall designate a university-based center or several university-based centers for homeland security. The purpose of the center or these centers shall be to establish a coordinated, university-based system to enhance the Nation's homeland security.

''(B) CRITERIA FOR DESIGNATION.—Criteria for the designation of colleges or universities as a center for homeland security, shall include, but are not limited to, demonstrated expertise in—

''(i) The training of first responders.

''(ii) Responding to incidents involving weapons of mass destruction and biological warfare.

''(iii) Emergency and diagnostic medical services.

''(iv) Chemical, biological, radiological, and nuclear countermeasures or detection.

''(v) Animal and plant health and diagnostics.

''(vi) Food safety.

''(vii) Water and wastewater operations.

''(viii) Port and waterway security.

''(ix) Multi-modal transportation.

''(x) Information security and information engineering.

''(xi) Engineering.

''(xii) Educational outreach and technical assistance.

''(xiii) Border transportation and security.

''(xiv) The public policy implications and public dissemination of homeland security related research and development.

''(C) DISCRETION OF SECRETARY.—With respect to the designation of any given university-based center for homeland security, the Secretary may except certain criteria as specified in 308(b)(2)(B) to the extent they are unnecessary to further homeland security interests for the purpose of that designation, and consider additional criteria beyond those specified in 308(b)(2)(B) if necessary to meet the needs of homeland security. Upon designation of a university-based center for homeland security, the Secretary shall that day publish in the Federal Register the criteria that were excepted or added in the selection process and the justification for the set of criteria that were used for that designation.

''(D) REPORT TO CONGRESS.—The Secretary shall report annually, from the date of enactment, to Congress concerning the implementation of this section. That report shall indicate which center or centers have been designated and how the designation or designations enhance homeland security, as well as report any decisions to revoke or modify such designations.

''(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such

sums as may be necessary to carry out this paragraph.

''(c) INTRAMURAL PROGRAMS.—

''(1) CONSULTATION.—In carrying out the duties under section 302, the Secretary, acting through the Under Secretary for Science and Technology, may draw upon the expertise of any laboratory of the Federal Government, whether operated by a contractor or the Government.''; and

(2) in subsection 835(d) by striking all after the word ''security'' and inserting in lieu thereof a period.

SEC. 102. NON-PREJUDICIAL REPEAL OF SECTIONS 1714 THROUGH 1717 OF THE HOMELAND SECURITY ACT OF 2002. (a) REPEAL.—In accordance with subsection (c), sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296) are repealed.

(b) APPLICATION OF THE PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act (42 U.S.C. 201 et seq.) shall be applied and administered as if the sections repealed by subsection (a) had never been enacted.

(c) RULE OF CONSTRUCTION.—No inference shall be drawn from the enactment of sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296), or from this repeal, regarding the law prior to enactment of sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296). Further, no inference shall be drawn that subsection (a) or (b) effects any change in that prior law, or that Leroy v. Secretary of Health and Human Services, Office of Special Master, No. 02–392V (October 11, 2002), was incorrectly decided.

(d) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Nation's ability to produce and develop new and effective vaccines faces significant challenges, and important steps are needed to revitalize our immunization efforts in order to ensure an adequate supply of vaccines and to encourage the development of new vaccines;

(2) these steps include ensuring that patients who have suffered vaccine-related injuries have the opportunity to seek fair and timely redress, and that vaccine manufacturers, manufacturers of components or ingredients of vaccines, and physicians and other administrators of vaccines have adequate protections;

(3) prompt action is particularly critical given that vaccines are a front line of defense against common childhood and adult diseases, as well as against current and future biological threats; and

(4) not later than 6 months after the date of enactment of this Act, the Committee on Health, Education, Labor, and Pensions of the Senate should report a bill addressing the issues described in paragraphs (1) through (3).

SEC. 103. GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(1) in subsection 232(f), by striking the period at the end of the sentence and inserting: '': *Provided,* That any such transfer or provision of funding shall be carried out in accordance with section 605 of Public Law 107–77.'';

(2) in subsection 234(b), by striking the period at the end of the sentence and inserting: '': *Provided,* That any such transfer shall be carried out in accordance with section 605 of Public Law 107–77.'';

(3) in subsection 873(b)—

(A) by inserting ''Except as authorized by section 2601 of title 10, United States Code, and by section 93 of title 14, United States Code,'' before the word ''Gifts'' in the second place it appears; and

(B) by striking the letter ''G'' and inserting in lieu thereof ''g'' in the word ''Gifts'' in the second place it appears;

(4) in subsection 1511(e)(2), after the word ''development'' and before the period, by inserting: '', and to any funds provided to the Coast Guard from the Aquatic Resources Trust Fund of the Highway Trust Fund for boating safety programs''; and

(5) at the end of the Act, by adding the following new section:

''SEC. 1714. Notwithstanding any other provision of this Act, any report, notification, or consultation addressing directly or indirectly the use of appropriated funds and stipulated by this Act to be submitted to, or held with, the Congress or any Congressional committee shall also be submitted to, or held with, the Committees on Appropriations of the Senate and the House of Representatives under the same conditions and with the same restrictions as stipulated by this Act.''.

DIVISION M—OTHER MATTERS

TITLE I—DEFENSE RELATED TECHNICAL CORRECTIONS

SEC. 101. Section 8126 of Public Law 107–248 is amended to read as follows: ''Of the amounts appropriated in Public Law 107–206, under the heading 'Defense Emergency Response Fund', up to $4,500,000 may be made available to settle the disputed takings of property adjacent to the Army Tooele Depot, Utah: *Provided,* That none of these funds may be used to acquire fee title to the properties.''.

SEC. 102. Of the amounts appropriated in Public Law 107–248, under the heading ''Operation and Maintenance, Navy'', $20,000,000 shall be available for use only in the disposal of obsolete vessels in the Maritime Administration National Defense Reserve Fleet. Further, the Secretary of the Navy and the Secretary of Transportation shall report to the congressional defense committees no later than March 1, 2003, regarding the total number of obsolete vessels in the Maritime Administration National Defense Reserve Fleet designated for disposal, the comparative condition of the vessels, the method of disposal, and the projected costs for disposal of each vessel.

SEC. 103. Section 124 of Public Law 107–249 is amended as follows: ''Not more than $2,000,000 of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs.''.

SEC. 104. In Public Law 107–249, the total amount appropriated under the heading ''Military Construction, Air Force'' is reduced by $18,600,000, and the total amount appropriated under the heading ''Military Construction, Air Force Reserve'' is increased by $18,600,000.

SEC. 105. (a) Of the funds appropriated in Public Law 107–249 for ''Military Construction, Air Force'', $15,000,000 for land acquisition at Nellis Air Force Base, Nevada, may be transferred by the Secretary of the Air Force to the United States Fish and Wildlife Service to fulfill the obligations of the Air Force under section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999. Upon receipt by the Service of the funds transferred in this paragraph, the obligations of the Department of the Air Force shall be considered fulfilled.

(b) The United States Fish and Wildlife Service may grant funds received by the Service under subsection (a) in a lump sum to the National Fish and Wildlife Foundation for use in accomplishing the purposes of section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999. Funds received by the Foundation under the previous paragraph shall be subject to the provisions of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709(a)).

SEC. 106. Section 8040 of Public Law 107–248 is amended by striking ''$100,000'' and inserting ''$250,000''.

SEC. 107. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided,* That the amounts transferred shall be made available for the same purpose as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further,* That the amounts shall be transferred between the following appropriations in the amount specified:

To:

Under the heading, ''Procurement, Defense-Wide, 2003/2005'', $74,000,000; and

''Procurement, Defense-Wide 2002/2004'' $30,000,000;

From:

Under the heading, ''Procurement of Weapons and Tracked Combat Vehicles, Army 2002/2004'', $5,000,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army 2003/2005'', $10,000,000;

''Procurement of Ammunition, Army, 2002/2004'', $10,100,000;

''Research, Development, Test and Evaluation, Army, 2002/2003'', $5,000,000;

''Research, Development, Test and Evaluation, Army, 2003/2004'', $60,000,000; and

''Research, Development, Test and Evaluation, Defense-Wide, 2003/2004'', $13,900,000.

SEC. 108. Notwithstanding any other provision of law, from funds made available to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'' in the Department of Defense Appropriations Act, 2003 (Public Law 107–248), the Secretary of Defense shall award a grant in the amount of $2,000,000 to the Commonwealth of Pennsylvania for Quecreek Mine disaster rescue and recovery efforts.

SEC. 109. In addition to amounts appropriated in Public Law 107–248 there are hereby appropriated the following amounts for the following accounts:

''Operation and Maintenance, Army'', $133,947,000;

''Operation and Maintenance, Navy'', $55,013,000;

''Operation and Maintenance, Air Force'', $80,158,000;

''Operation and Maintenance, Defense-Wide'', $418,297,000;

''Other Procurement, Air Force'', $2,977,841,000;

''Procurement, Defense-Wide'', $32,975,000;

''Research, Development, Test and Evaluation, Navy'', $2,000,000;

''Research, Development, Test and Evaluation, Air Force'', $26,980,000; and

''Research, Development, Test and Evaluation, Defense-Wide'', $167,718,000.

SEC. 110. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

TITLE II

PRICE-ANDERSON ACT AMENDMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Price-Anderson Amendments Act of 2002''.

SEC. 202. EXTENSION OF INDEMNIFICATION AUTHORITY.

(a) INDEMNIFICATION OF NUCLEAR REGULATORY COMMISSION LICENSEES.—Section 170 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking ''LICENSES'' and inserting ''LICENSEES''; and

(2) by striking ''August 1, 2002'' each place it appears and inserting ''August 1, 2017''.

(b) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking ''August 1, 2002'' and inserting ''August 1, 2017''.

(c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170 k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking ''August 1, 2002'' each place it appears and inserting ''August 1, 2017''.

(d) EFFECTIVE DATE.—The indemnification authority extended by this section shall apply to nuclear incidents occurring on or after August 1, 2002.

SEC. 203. MAXIMUM ASSESSMENT.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended—

(1) in the second proviso of the third sentence of subsection b.(1)—

(A) by striking ''$63,000,000'' and inserting ''$94,000,000''; and

(B) by striking ''$10,000,000 in any 1 year'' and inserting ''$15,000,000 in any 1 year (subject to adjustment for inflation under subsection t.)''; and

(2) in subsection t.(1)—

(A) by inserting ''total and annual'' after ''amount of the maximum'';

(B) by striking ''the date of the enactment of the Price-Anderson Amendments Act of 1988'' and inserting ''July 1, 2002''; and

(C) by striking ''such date of enactment'' and inserting ''July 1, 2002''.

SEC. 204. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

''(2) In an agreement of indemnification entered into under paragraph (1), the Secretary—

''(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

''(B) shall indemnify the persons indemnified against such liability above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with the contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.''.

(b) CONTRACT AMENDMENTS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking paragraph (3) and inserting the following:

''(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person under this section shall be deemed to be amended, on the date of enactment of the Price-Anderson Amendments Act of 2002, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection.''.

(c) LIABILITY LIMIT.—Section 170 e.(1)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is amended—

(1) by striking ''the maximum amount of financial protection required under subsection b. or''; and

(2) by striking ''paragraph (3) of subsection d., whichever amount is more'' and inserting ''paragraph (2) of subsection d.''.

SEC. 205. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking ''$100,000,000'' and inserting ''$500,000,000''.

(b) LIABILITY LIMIT.—Section 170 e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking ''$100,000,000'' and inserting ''$500,000,000''.

SEC. 206. REPORTS.

Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking ''August 1, 1998'' and inserting ''August 1, 2013''.

SEC. 207. INFLATION ADJUSTMENT.

Section 170 t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

''(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2002, in accordance with the aggregate percentage change in the Consumer Price Index since—

''(A) that date, in the case of the first adjustment under this paragraph; or

''(B) the previous adjustment under this paragraph.''.

SEC. 208. TREATMENT OF MODULAR REACTORS.

Section 170 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) is amended by adding at the end the following:

''(5)(A) For purposes of this section only, the Commission shall consider a combination of facilities described in subparagraph (B) to be a single facility having a rated capacity of 100,000 electrical kilowatts or more.

''(B) A combination of facilities referred to in subparagraph (A) is 2 or more facilities located at a single site, each of which has a rated capacity of 100,000 electrical kilowatts or more but not more than 300,000 electrical kilowatts, with a combined rated capacity of not more than 1,300,000 electrical kilowatts.''.

SEC. 209. APPLICABILITY.

The amendments made by sections 203, 204, and 205 do not apply to a nuclear incident that occurs before the date of the enactment of this Act.

DIVISION N—EMERGENCY RELIEF AND OFFSETS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—ELECTION REFORM

SEC. 101. (a) In addition to amounts otherwise made available in this Act, $1,500,000,000 is appropriated to establish an election reform grant program to provide assistance to States and localities in improving election technology and the administration of Federal elections.

TITLE II—EMERGENCY AGRICULTURAL ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Emergency Agricultural Assistance Act of 2003''.

SEC. 202. DEFINITIONS.

In this title:

(1) COVERED COMMODITY.—The term ''covered commodity'' has the meaning given the term in section 1001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901).

(2) ELIGIBLE NONINSURABLE COMMODITY.—The term ''eligible noninsurable commodity'' means an eligible crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(3) INSURABLE COMMODITY.—The term ''insurable commodity'' means an agricultural commodity (excluding livestock) produced in an area that is eligible for coverage under a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 203. SUPPLEMENTAL DIRECT PAYMENTS.

(a) IN GENERAL.—The Secretary shall make payments to producers on farms that are eligible for direct payments for the 2002 crop of each covered commodity and peanuts under section 1103 and 1303, respectively, of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913, 7953).

(b) AMOUNT.—The amount of the payment made to the producers on a farm under this section shall be equal to 42.25 percent of the amount of the direct payment the producers on the farm received for the 2002 crop under sections 1103 and 1303, respectively, of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913, 7953).

(c) CROP INSURANCE.—As a condition of the receipt of a payment under this section—

(1) in the case of an insurable commodity, the producers on the farm shall enter into a contract with the Secretary under which the producers on the farm agree—

(A) to obtain at least catastrophic risk protection coverage for each insurable commodity produced on the farm for each of the next 2 crop years for which crop insurance is available under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), as determined by the Secretary; and

(B) on violation of the contract, to repay to the Secretary any payment received under this section; and

(2) in the case of an eligible noninsurable commodity, the producers on the farm shall enter into a contract with the Secretary under which the producers on the farm agree—

(A) to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for each eligible noninsurable commodity produced on the farm for each of the next 2 crop or calendar years (as applicable) under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), as determined by the Secretary; and

(B) on violation of the contract, to repay to the Secretary any payment received under this section.

(d) ADMINISTRATION.—The total amount of payments made to a person under this section for 1 or more covered commodities, and the total amount of payments made to a person under this section for peanuts, shall not exceed the dollar amount that is specified in paragraphs (1) and (2), respectively, of section 1001(b) of the Food Security Act of 1985 (7 U.S.C. 1308(b)).

(e) TIME FOR PAYMENT.—The Secretary shall make payments under this section as soon as practicable after the date of enactment of this Act.

SEC. 204. LIVESTOCK COMPENSATION PROGRAM.

In carrying out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), the Secretary shall—

(1) provide assistance to any applicant that—

(A) conducts a livestock operation that is physically located in a county that requested a disaster declaration during the period beginning on January 1, 2001, and ending on the date of enactment of this Act; and

(B) meets all other eligibility requirements established by the Secretary for the Program;

(2) provide assistance to producers of an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)) that meet all other eligibility requirements established by the Secretary for the Program; and

(3) effective beginning on the date of enactment of this Act, carry out the Program using funds of the Commodity Credit Corporation.

SEC. 205. EMERGENCY SURPLUS REMOVAL.

The Secretary shall transfer $250,000,000 of funds of the Commodity Credit Corporation to the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out emergency surplus removal of agricultural commodities.

SEC. 206. SPECIALTY CROPS.

The Secretary shall use $100,000,000 of funds of the Commodity Credit Corporation to provide direct assistance to producers, make grants to States, or take such other action as the Secretary determines is appropriate to assist producers of fruits and vegetables (including nuts).

SEC. 207. COTTONSEED.

The Secretary shall use $50,000,000 of funds of the Commodity Credit Corporation to provide assistance to producers and first-handlers of the 2002 crop of cottonseed.

SEC. 208. HURRICANE ASSISTANCE.

(a) IN GENERAL.—In a State in which a major disaster or emergency is designated by the President or Secretary as a result of damaging weather or related condition, the Secretary shall make available to first processors that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) assistance in the form of payments, or commodities in the inventory of the Commodity Credit Corporation from carrying out that section, to partially compensate producers and first processors for crop and other losses that are related to the damaging weather or related condition.

(b) ADMINISTRATION.—Assistance under this section shall be—

(1) shared by an affected first processor with affected producers that provide commodities to the processor in a manner that reflects contracts entered into between the processor and the producers; and

(2) made available under such terms and conditions as the Secretary determines are necessary to carry out this section.

(c) QUANTITY.—To carry out this section, the Secretary shall—

(1) use 200,000 tons of commodities in the inventory of the Commodity Credit Corporation under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a));

(2) make payments in an aggregate amount equal to the market value of 200,000 tons of commodities described in paragraph (1); or

(3) take any combination of actions described in paragraphs (1) and (2) using commodities or payments with a total market value of 200,000 tons of commodities described in paragraph (1).

(d) LIMITATIONS.—The Secretary shall provide assistance under this section only in a State described in section 359f(c)(1)(A) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)(1)(A)) in which a major disaster or emergency is designated by the President or Secretary as a result of damaging weather or related condition that occurred during calendar year 2002.

SEC. 209. WEATHER-RELATED LOSSES.

The Secretary shall use not more than $80,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the 2002 crop year, as determined by the Secretary.

SEC. 210. ASSISTANCE TO AGRICULTURAL PRODUCERS LOCATED ALONG RIO GRANDE FOR WATER LOSSES.

(a) IN GENERAL.—The Secretary shall use $10,000,000 of funds of the Commodity Credit Corporation to make a grant to the State of Texas, acting through the Texas Department of Agriculture, to provide assistance to agricultural producers in the State of Texas with farming operations along the Rio Grande that have suffered economic losses during the 2002 crop year due to the failure of Mexico to deliver water to the United States in accordance with the Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, and Supplementary Protocol signed November 14, 1944, signed at Washington February 3, 1944 (59 Stat. 1219; TS 994).

(b) AMOUNT.—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of economic losses described in subsection (a) that were incurred by the producers.

SEC. 211. ASSISTANCE TO AGRICULTURAL PRODUCERS LOCATED IN NEW MEXICO FOR TEBUTHIURON SPRAYING LOSSES.

(a) IN GENERAL.—The Secretary shall use not more than $1,650,000 of funds of the Commodity Credit Corporation to reimburse agricultural producers on farms located in the vicinity of Malaga, New Mexico, for losses incurred during calendar years 2002 and 2003 as the result of the spraying by the Federal Government of tebuthiuron on crops of the producers during August 2002, to remain available until expended.

(b) AMOUNT.—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of losses described in subsection (a) that were incurred by the producers.

SEC. 212. FUNDING.

(a) IN GENERAL.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

(b) ADMINISTRATION.—The Secretary, acting through the Farm Service Agency, may use not more than $70,000,000 of funds of the Commodity Credit Corporation to cover administrative costs associated with the implementation of this title and title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.), to remain available until expended.

SEC. 213. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

TITLE III—WILDLAND FIRE EMERGENCY

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount to repay prior year advances from other appropriations transferred for wildfire suppression and emergency rehabilitation by the Department of the Interior, $189,000,000, to remain available until expended.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount to repay advances from other appropriations from which funds were transferred for wildfire suppression and emergency rehabilitation activities, $636,000,000, to remain available until expended. Of the funds provided, $70,000,000 shall be transferred to the Knutson Vandenburg fund, $30,000,000 shall be transferred to the Salvage Sale fund, $143,000,000 shall be transferred to the Land Acquisition account, $132,000,000 shall be transferred to the Capital Improvement and Maintenance account, $30,000,000 shall be transferred to the Timber Purchaser Election account, $77,000,000 shall be transferred to the State and Private Forestry account, $23,000,000 shall be transferred to the Forest and Rangeland Research account, $62,000,000 shall be transferred to the National Forest System account, $20,000,000 shall be transferred to the Brush Disposal Account, $30,000,000 shall be transferred to the Working Capital Fund of the Forest Service, $4,000,000 shall be transferred to the Receipts for Road and Trail fund, $1,000,000 shall be transferred to the Operations and Maintenance of Quarters fund, and $14,000,000 shall be transferred to the Forest Service Recreation Fee Demonstration fund.

TITLE IV—MEDICAID

SEC. 401. Section 114 of Public Law 107–229 is amended—

(1) by striking ''the date specified in section 107(c) of this joint resolution'' and inserting ''September 30, 2003''; and

(2) by striking '': *Provided further*,'' and all that follows through the period and inserting a period.

SEC. 402. SPECIFICATION OF THE CONVERSION FACTOR FOR PAYMENTS UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE FOR 2003. (a) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended by adding at the end the following new paragraph:

''(5) CONVERSION FACTOR FOR 2003.—

''(A) IN GENERAL.—Notwithstanding paragraph (4), the conversion factor established under this subsection for services furnished during the period beginning on March 1, 2003, and ending on September 30, 2003, shall be equal to the conversion factor established under this subsection for 2002.''.

''(B) NO EFFECT FOR SUBSEQUENT PERIODS.—The conversion factor under paragraph (1) and the update adjustment factor under

paragraph (4)(B) for the portion of 2003 occurring after September 30, 2003, and before January 1, 2004, and for a year after 2003 shall be applied and computed as if subparagraph (A) had not been in effect.

''(C) CONFORMING PROVISIONS TO ENSURE NO EFFECT FOR SUBSEQUENT PERIODS.—In carrying out subparagraph (B):

''(i) NO EFFECT ON TARGET FOR ALLOWED EXPENDITURES.—The allowed expenditures under paragraph (4)(C)(iii) for the portion of 2003 occurring after September 30, 2003, and before January 1, 2004, and for years after 2003 shall be applied and computed as if subparagraph (A) had not been in effect.

''(ii) REMOVAL OF ADDITIONAL EXPENDITURES FROM ACTUAL EXPENDITURES.—In applying paragraph (4)(B) for the portion of 2003 occurring after September 30, 2003, and before January 1, 2004, and for years beginning with 2004, the actual expenditures for 2003 shall be—

''(I) the actual expenditures otherwise determined for 2003, reduced by

''(II) the portion of such expenditures in 2003 that are attributable to the increase in the conversion factor under subparagraph (A).

''(iii) NOT TREATED AS CHANGE IN LAW AND REGULATION IN SUSTAINABLE GROWTH RATE DETERMINATION.—The enactment of this paragraph shall not be treated as a change in law for purposes of applying subsection (f)(2)(D).''.

(b) CONFORMING AMENDMENTS.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(1) in paragraph (1)(A), by inserting ''and subject to paragraph (5)'' after ''with 2001'';

(2) in paragraph (4)(A), by inserting ''(including paragraph (5))'' after ''Unless otherwise provided by law'';

(3) in paragraph (4)(B), by inserting ''and paragraphs (5)(B) and (5)(C)'' after ''subparagraph (D)'' in the matter preceding clause (i); and

(4) in paragraph (4)(C)(iii), by striking ''The allowed expenditures'' and inserting ''Subject to paragraph (5)(C)(i), the allowed expenditures''.

SEC. 403. TEMPORARY EQUALIZATION OF URBAN AND RURAL STANDARDIZED PAYMENT AMOUNTS UNDER THE MEDICARE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM. (a) IN GENERAL.—Notwithstanding the determination of the applicable standardized amounts under paragraph (3)(A) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(3)(A)), for purposes of making payments under such section for discharges occurring during the period beginning on April 1, 2003, and ending on September 30, 2003, the standardized amount applicable under such paragraph for hospitals located other than in a large urban area for that period shall be increased to an amount equal to the standardized amount otherwise applicable under such paragraph for hospitals located in a large urban area for that period.

(b) NO EFFECT ON PERIODS BEYOND SEPTEMBER 30, 2003.—The increase in the standardized amount for hospitals located other than in a large urban area provided for under subsection (a) for the period beginning on April 1, 2003, and ending on September 30, 2003, shall not apply to discharges occurring after such period, and shall not be taken into account in calculating the payment amounts applicable for discharges occurring after such period.

TITLE V—FISHERIES DISASTERS

SEC. 501. FISHERIES DISASTERS.—In addition to amounts appropriated or otherwise made available, $100,000,000 is appropriated to the Department of Commerce for fisheries disaster assistance. Not more than 5 percent of such funds may be used for administrative expenses, and no funds may be used for lobbying activities or representational expenses.

(a) WESTERN PACIFIC AND NORTH PACIFIC.—$5,000,000 shall be made available as a direct lump sum payment to the State of Hawaii for economic assistance to fisheries affected by federal closures or fishing restrictions and $35,000,000 shall be made available as a direct lump sum payment to the State of Alaska no later than 30 days after the date of enactment of this Act to make payments to persons or entities which have experienced significant economic hardship. Funds in Alaska shall be used to provide (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel including subsistence activities, and other urgent needs; (B) assistance for small businesses including fishermen, fish processors, and related businesses serving the fishing industry; (C) and assistance for local and borough governments adversely affected by reductions in fish landing fees and other fishing-related revenue; and (D) product development and marketing.

(b) NORTHEAST AND WEST COAST.—$10,000,000 shall be made available to conduct a voluntary fishing capacity reduction program in the Northeast multispecies fishery and $10,000,000 shall be made available to conduct a voluntary fishing capacity reduction program in the West Coast groundfish fishery. Such sums shall supplement the voluntary capacity reduction program authorized for the fishery in Sec. 211 of Public Law 107–206 and be consistent with section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act and the requirements relating to the capacity program in section 211 of Public Law 107–206 that shall—

(1) permanently revoke all fishery licenses, fishery permits, area and species endorsements, and any other fishery privileges issued to a vessel or vessels (or to persons on the basis of their operation or ownership of that vessel or vessels) removed under the program; and

(2) ensure that vessels removed under the program are made permanently ineligible to participate in any fishery worldwide, and that the owners of such vessels will operate only under the United States flag or be scrapped as a reduction vessel pursuant to section 600.1011(c) of title 50, Code of Federal Regulations.

(c) GULF AND SOUTH ATLANTIC.—

(1) $17,500,000 shall be made available for assistance to the shrimp industries in the states of South Carolina, Georgia, North Carolina, and Florida in proportion to the percentage of the shrimp catch landed by each state for economic assistance to the South Atlantic shrimp fishery: *Provided,* That the State of Florida shall receive only that proportion associated with landings of the Florida east coast fishery; and

(2) $17,500,000 shall be made available for assistance to the shrimp industries in the states of Mississippi, Texas, Alabama, Louisiana, and Florida in proportion to the percentage of the shrimp catch landed by each state for economic assistance to the Gulf shrimp fishery: *Provided,* That the State of Florida shall receive only that proportion associated with landings of the Florida gulf coast fishery. *Provided further,* That 2 percent of funds received by each state shall be retained by the state for distribution of additional payments to fishermen with a demonstrated record of compliance with turtle excluder and bycatch reduction device regulations, and that the remainder of the funds may be used only for: (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs; (B) assistance for small businesses including fishermen, fish processors, and related businesses serving the fishing industry; (C) domestic product marketing and seafood promotion; (D) state seafood testing programs; (E) development of limited entry programs for the fishery; (F) funding or other incentives to ensure widespread and proper use of turtle excluder devices and bycatch reduction devices in the fishery; and (G) voluntary capacity reduction programs for shrimp fisheries under limited access.

(d) BLUE CRAB FISHERY.—$5,000,000 shall be made available for assistance to blue crab fisheries affected by reduced harvests and sales of blue crab in proportion to the amount of the catch landed by each state, *Provided,* That such funds may be used only for: (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs; (B) assistance for small businesses including fishermen, fish processors, and related businesses serving the fishing industry; (C) domestic product marketing and seafood promotion; and (D) state seafood testing programs: *Provided further,* That the Secretary of Commerce, in consultation with the Commandant of the Coast Guard, shall provide coordinated, enhanced and routine support for fisheries monitoring and enforcement through use of remote sensing, aircraft and communications assets, with particular emphasis on federal waters seaward of the coasts of South Carolina and Georgia, including the Charleston Bump closed area.

TITLE VI—OFFSETS

SEC. 601. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 1.6 percent of—

(1) the budget authority provided for fiscal year 2003 for any discretionary account in divisions A through K of this joint resolution; and

(2) the budget authority provided in any advance appropriation for fiscal year 2003 for any discretionary account in any prior fiscal year appropriations Act.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

SA 2. Mr. BYRD proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

At the appropriate place in the joint resolution insert the following:

DIVISION ___—HOMELAND SECURITY SUPPLEMENTAL APPROPRIATIONS

That, in addition to the funds provided elsewhere in this joint resolution, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

INCLUDING TRANSFERS OF FUNDS

For an additional amount for ''Office of the Secretary'', $28,250,000, to remain available until expended for building security and other terrorism protection costs.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for ''Food Safety and Inspection Service'', $13,000,000, to remain available until expended.

RURAL DEVELOPMENT

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for ''Rural Community Advancement Program'' for emergency purposes for grants and loans as authorized by 7 U.S.C. 381E(d)(2), 306(a)(14), and 306C, $20,000,000, with up to $5,000,000 for contracting with qualified organization(s) to conduct vulnerability assessments for rural community water systems, to remain available until expended.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $363,000,000, to remain available until expended, only for the Entry Exit System, to be managed by the Justice Management Division: *Provided*, That none of the funds appropriated in this Act, or in Public Law 107–117, for the Immigration and Naturalization Service's Entry Exit System may be obligated until the INS submits a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: *Provided further*, That funds provided under this heading shall only be available for obligation and expenditure in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of Public Law 107–77.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For a additional amount for ''Salaries and Expenses'', $37,900,000, to remain available until expended, for increased security requirements associated with terrorist and other high threat trials.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For a additional amount for ''Salaries and Expenses'', $200,000,000, to remain available until expended: *Provided*, That of the amounts made available under this heading, $46,000,000 shall only be for aviation costs, $12,500,000 is provided for additional cybercrime, counterterrorism, and counterintelligence analytical support staff, $20,000,000 for the Drug Enforcement Administration's (DEA) Special Operations Division, to be transferred expeditiously from the FBI to the DEA in accordance with the previously established MOU, $12,000,000 for language translation services, $40,121,000 for investigative data warehousing, $18,435,000 for information assurance, $5,500,000 for collaborative capabilities, $7,500,000 for FBI HQ continuity of operations; $8,000,000 for digital storage and retrieval of documents related to counterterrorism investigations, $6,444,000 for mainframe upgrades, $4,000,000 for data mining and visualization, and $19,400,000 for the National Infrastructure Protection Center Special Technologies and Applications Unit, $8,000,00 for white collar crime squads and $3,100,000 for Computer Analysis and Response Team equipment.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

For an additional amount for ''Salaries and Expenses, Enforcement and Border Affairs'', $83,250,000, to remain available until expended, of which $25,000,000 shall be only for apprehending absconders, of which $25,000,000 shall be only for fleet management, and of which $6,250,000 shall be only for pay upgrades for Border Patrol agents and Immigration Inspectors.

CONSTRUCTION

For an additional amount for ''Construction'', $297,100,000, to remain available until expended.

OFFICE OF JUSTICE PROGRAMS

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for the Community Oriented Policing Services' Interoperable Communications Technology Program in consultation with the Office of Science and Technology within the National Institute of Justice, and the Bureau of Justice Assistance, for emergency expenses for activities related to combating terrorism by providing grants to States and localities to improve communications within, and among, law enforcement and other first responder agencies, $150,000,000, to remain available until expended.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for ''Scientific and Technical Research and Services'' for emergency expenses resulting from new homeland security activities and increased security requirements, $33,100,000 is for a cyber-security initiative.

DEPARTMENT OF STATE

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $51,100,000, to remain available until expended for site acquisition.

CHAPTER 3

DISTRICT OF COLUMBIA FEDERAL FUNDS

FEDERAL PAYMENT TO THE CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal payment to the Children's National Medical Center in the District of Columbia for implementing the District Emergency Operations Plan, $8,000,000, for the expansion of quarantine and decontamination facilities for children and families.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia to implement the District Emergency Operations Plan, $17,000,000, of which $12,000,000 is for the Unified Communications Center: *Provided*, That $5,000,000 is for the construction of containment facilities and other activities to support the regional Bioterrorism Hospital Preparedness Program at the Washington Hospital Center.

FEDERAL PAYMENT TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For a Federal payment to the Washington Metropolitan Area Transit Authority, $12,000,000, of which $10,000,000 is to expand the chemical emergency sensor and decontamination programs: *Provided*, That $2,000,000 is to be used for a feasibility study on constructing a regional transportation back-up operations control center: *Provided further*, That the Chief Executive Officer of the Washington Metropolitan Area Transit Authority shall submit a report on the findings of the study and plans for the future financing of a regional transportation back-up operations control center no later than February 5, 2004 to the Committee on Appropriations of the House of Representatives and Senate.

FEDERAL PAYMENT TO THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

For a Federal payment to the Metropolitan Washington Council of Governments, $1,750,000 for support of the Regional Incident Communication and Coordination System, as approved by the Council.

FEDERAL PAYMENT TO THE WATER AND SEWER AUTHORITY OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Water and Sewer Authority of the District of Columbia for emergency preparedness, $2,500,000, of which $1,800,000 shall be for remote monitoring of water quality: *Provided*, That $600,000 shall be used for a ventilation system at the Main Pumping Station: *Provided further*, That $100,000 shall be used to expand the Incident Response Plan.

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY CORPS OF ENGINEERS—CIVIL OPERATION AND MAINTENANCE, GENERAL

For an additional amount for ''Operation and Maintenance, General'' for emergency expenses, $108,200,000, to remain available until expended: *Provided*, That funds made available under this heading in this Act and in Public Law 107–117 may be used to fund measures and activities undertaken by the Secretary of the Army, acting through the Chief of Engineers, to protect and secure any infrastructure owned or operated by, or on behalf of, the U.S. Army Corps of Engineers, including administrative buildings and facilities.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for ''Science'' for emergency expenses necessary to support safeguards and security activities, $25,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for ''Weapons Activities'' for emergency expenses, $150,000,000: *Provided*, That $25,000,000 of the funds provided shall be available for secure transportation asset activities: *Provided further*, That $35,000,000 shall be available for construction and renovation activities at the National Center for Combating Terrorism: *Provided further*, That $90,000,000 of the funds provided shall be available to meet increased safeguard and security needs throughout the nuclear weapons complex, including at least $25,000,000 for cyber security.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for ''Defense Environmental Restoration and Waste Management'' for emergency expenses necessary to support safeguards and security activities, $56,000,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For an additional amount for ''Defense Facilities Closure Projects'' for emergency expenses necessary to support safeguards and security activities, $15,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for ''Other Defense Activities'' for emergency expenses needed to conduct critical infrastructure assessments at critical energy supply facilities nationwide, $50,000,000, to remain available until expended: *Provided,* That $25,000,000 of the funds made available shall be provided to the National Infrastructure Simulation and Analysis Center: *Provided further,* That $25,000,000 of the funds made available shall be provided to the National Energy Technology Laboratory.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for ''Construction'', $17,651,000, to remain available until expended, for security improvements at the Washington Monument and the Jefferson Memorial in Washington, DC.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For additional amounts to respond to the September 11, 2001, terrorist attacks on the United States for ''Public Health and Social Services Emergency Fund'' for baseline and follow-up screening and clinical examinations, long-term health monitoring and analysis for the emergency services personnel, rescue and recovery personnel, $90,000,000, to remain available until expended.

For additional amounts for grants to state and local health departments to support activities related to immunizing first responders against smallpox, $850,000,000: *Provided,* That this amount is transferred to the Centers for Disease Control and Prevention.

CHAPTER 7

DEPARTMENT OF TRANSPORTATION

TRANSPORTATION SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For additional amounts for necessary expenses of the Transportation Security Administration related to transportation security services pursuant to Public Law 107–71, $1,725,000,000, to remain available until September 30, 2004, of which not less than $585,000,000 shall be available for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, not less than $200,000,000 shall be available for the costs associated with the modification of airports to comply with the provisions of the Aviation and Transportation Security Act, not less than $120,000,000 shall be available for Operation Safe Commerce, not less than $300,000,000 shall be available for grants to public transit agencies in urbanized areas for enhancing the security of transit facilities against chemical, biological and other terrorist threats, and not less than $100,000,000 shall be available to compensate U.S. flag air carriers for the costs of hardening aircraft cockpit doors.

UNITED STATES COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For additional amounts for acquisition of additional Coast Guard coastal patrol boats, $40,000,000, to remain available until September 30, 2004.

CHAPTER 8

DEPARTMENT OF THE TREASURY

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for expenses of expanded law enforcement training workload resulting from the September 11, 2001 terrorist attacks against the United States, $15,870,000, to remain available until expended.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $104,600,000, to remain available until expended; of the total, not to exceed $47,000,000 shall be available for the Container Security Initiative; not to exceed $15,000,000 shall be available for pay parity; and not to exceed $42,600,000 shall be available for northern and southern border port-of-entry infrastructure.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for expenses related to the September 11, 2001 terrorist attacks against the United States, $28,500,000, to remain available until expended.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

POLICY AND CITIZEN SERVICES

For an additional amount for Government-wide telecommunications and cyber-security activities and initiatives, $25,000,000, to remain available until expended.

CHAPTER 9

INDEPENDENT AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For an additional amount for ''National Institute of Environmental Health Sciences'', $4,000,000 to carry out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986 in response to the September 11, 2001, terrorist attacks on the United States.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For an additional amount of ''Toxic substances and environmental public health'', $11,300,000, of which $1,800,000 is for additional expenses incurred in response to the September 11, 2001, terrorist attacks on the United States, and of which $9,500,000 is to enhance the States' capacity to respond to chemical terrorism events.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For an additional amount for ''Science and technology'', $50,000,000.

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for ''Emergency management planning and assistance'' for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $316,000,000.

This division may be cited as the ''Homeland Security Supplemental Appropriations Division'', of this joint resolution.

SA 3. Mr. WYDEN (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . (a) Notwithstanding any other provision of law, no funds appropriated or otherwise made available under this Act or any other Act may be obligated or expended by the Department of Defense or by any contractor of the Department of Defense to carry out any research, development, test, or evaluation on any technology or component of—

(1) the information collection program known as the Total Information Awareness program or any program whose purpose is the collection of information on United States citizens in the United States, and

(2) the information collection program known as the Total Information Awareness program or any program whose purpose is the collection of information on United States citizens in the United States for transfer to any other department or agency of the Federal Government.

(b) Within 30 days of the date of enactment of this Act, the Secretary of Defense, in conjunction with the Attorney General and the Director of the Central Intelligence Agency, shall submit to Congress a report setting forth a detailed explanation (including an expenditure plan) of the actual and intended use of the funds for all projects and activities within the Total Information Awareness program, the program's effect on the privacy and civil liberties of United States citizens, a list of the federal agencies that would have interest in utilizing the Total Information Awareness program and for what purposes, an evaluation of the effectiveness of the Total Information Awareness program in achieving its goals, a description of the ways information culled by the Total Information Awareness program may be used by law enforcement, intelligence, and other government agencies, major dates in the expected deployment of the program, a list of the laws and regulations currently governing the information to be collected by the Total Information Awareness program and any changes in these laws that will be required to use the information in the ways proposed, and recommendations for additional research, technology development or other measures necessary to ensure the protection of privacy and civil liberties of United States citizens.

(c) No funds may be obligated or expended by the Department of Defense for the Total

Information Awareness program, or any program or activity of the Department of Defense whose purpose is to collect information on United States citizens in the United States, 30 days after the date of enactment of this Act unless the President submits to Congress a written waiver stating that the obligation and expenditure of funds is critical to the protection of the National Security of the United States.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that nominations to the Office of Inspector General, except the Office of Inspector General of the Central Intelligence Agency, be referred in each case to the committee having primary jurisdiction over the Department, Agency, or entity, and if and when reported in each case, then to the Committee on Governmental Affairs for not to exceed 20 calendar days, except that in cases when the 20-day period expires while the Senate is in recess, the committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination.

Finally, I ask unanimous consent that if the nomination is not reported after the expiration of that period, the nomination be automatically discharged and placed on the Executive Calendar.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDERS FOR THURSDAY, JANUARY 16, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Thursday, January 16. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.J. Res. 2 as under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, on Thursday, there will be 2 hours of debate in relation to the pending Byrd amendment regarding homeland security. Members should therefore expect a rollcall vote at approximately 12 or 12:30 p.m. in relation to the Byrd amendment. Senators should be advised of additional amendments and, therefore, additional votes are expected during the course of Thursday's session. A late night is contemplated in order to make substantial progress or perhaps even to complete action on the omnibus appropriations bill.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:27 p.m., adjourned until Thursday, January 16, 2003, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate January 15, 2003:

DEPARTMENT OF TRANSPORTATION

ROBERT A. STURGELL, OF MARYLAND, TO BE DEPUTY ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION, VICE LINDA HALL DASCHLE.

THE JUDICIARY

JOSEPH ROBERT GOEKE, OF ILLINOIS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE, VICE HERBERT L. CHABOT.

PATRICIA HEAD MINALDI, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA, VICE JAMES T. TRIMBLE, JR., RETIRED.

DEE D. DRELL, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA, VICE F. A. LITTLE, JR., RETIRED.

CECILIA M. ALTONAGA, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE SHELBY HIGHSMITH, RETIRED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

RUSSELL J. NICELY, OF WEST VIRGINIA
MICHAEL A. SMITH, OF MARYLAND
PAUL SPENCER, OF COLORADO

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

MATEO MARTIN RAMIREZ AYALA, OF TEXAS
JAMES ANDREW COHEN, OF NEW YORK
LOUIS JOHN CRISHOCK, OF VIRGINIA
JOAN MACKLEN CRISTINI, OF NEW YORK
ROBERT C. DOMAINGUE, OF WASHINGTON
SUSAN C. DOMAN, OF KENTUCKY
ROBERT WELLS DREESEN, OF WASHINGTON
GLENN E. FEDZER, OF WASHINGTON
GREGORY G. GARRAMONE, OF TEXAS
JOHN T. GODFREY, OF CALIFORNIA
AMY RUSSELL GRIER, OF NEW HAMPSHIRE
DIANA J. HABERLACK, OF WASHINGTON
JENNIFER HALL GODFREY, OF CALIFORNIA
CHRISTINA MARIA HUTH, OF VIRGINIA
JAYNE ALLISON HOWELL, OF TEXAS
CHRISTINE MARIE KAGARISE, OF PENNSYLVANIA
THOMAS E. KELLY, OF FLORIDA
MICHAEL F. KLEINE, OF CONNECTICUT
BARBARA LANKFORD, OF MARYLAND
SANGMIN LEE, OF PENNSYLVANIA
TREVOR W. MONROE, OF VIRGINIA
JILL ALANE NYSTROM, OF NORTH CAROLINA
ANNE E. OHLRICH, OF TEXAS
DEMITRA M. PAPPAS, OF NEW YORK
DONI MARIE PHILLIPS, OF WYOMING
ALBERTO RODRIGUEZ, OF PUERTO RICO
MICHAEL JOHN SEARS, OF CALIFORNIA
SUSAN MARY TULLER, OF PENNSYLVANIA
JONAS IAN WECHSLER, OF NEW YORK
STEPHEN J. WEED, OF CALIFORNIA
MATTHEW ALAN WERNER, OF GEORGIA
J. BENEDICT WOLF, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

JONATHAN M. HEIMER, OF NEW YORK
WILLIAM LAWTON, OF WASHINGTON
SHARON J. MANN, OF WASHINGTON
CHRISTINA A. SHARKEY, OF FLORIDA
CAMERON S. WERKER, OF VIRGINIA

DEPARTMENT OF STATE

DARION K. AKINS, OF TEXAS
SERGE M. ALEKSANDROV, OF VIRGINIA
JONATHAN ARTHUR ALAN, OF NORTH CAROLINA
TYLER TRAVIS ALLEN, OF CALIFORNIA
SUMERA ASHRUF, OF COLORADO
JOSEPH GEORGE ASSAD, OF VIRGINIA
EVANGELINE LARSON BAKER, OF NEW YORK
DAVID H. BALL, OF FLORIDA
SHAWN BAXTER, OF WASHINGTON
DEBRA ANNE BENAVIDEZ, OF VIRGINIA
SARAH MARIE BERAN, OF WASHINGTON
VALERIE K. BILGRI HOLM, OF WISCONSIN
THOMAS J. BILLARD, OF MARYLAND
DAVID MATTHEW BOYD, OF VIRGINIA
MELISSA ANNE BROWN, OF NEW YORK
CHRISTOPHER L. CAMPBELL, OF OHIO
THOMAS CHOJNACKI, OF COLORADO
NICOLE ANN CHULICK, OF VIRGINIA
JEFFREY S. COLLINS, OF VIRGINIA
CHRISTINA K. CULLISON
PETER J. COVINGTON, OF CALIFORNIA
DANIEL NELS DALEY, OF THE DISTRICT OF COLUMBIA
RAYMOND MARK DAVIDSON, OF THE DISTRICT OF COLUMBIA
AARON P. DAVIET, OF TENNESSEE
RACHEL E. DAWLEY, OF TEXAS
SONDRA FERGUSON DE ROJAS, OF VIRGINIA
PAM DEVOLDER, OF WASHINGTON
MICHAEL DICKERSON, OF OHIO
MAYA HOWE DIETZ, OF WASHINGTON
STACY PEARCE DOMINGUEZ, OF NEW MEXICO
JEFFREY LYNN DUNFORD, OF VIRGINIA
BENJAMIN ANDREW EAST, OF CONNECTICUT
EMILY SANFORD FISHER, OF MARYLAND
MARK LEWIS FLEMING, OF VIRGINIA
MELISSA A. FULLER, OF VIRGINIA
DANIEL C. GAUSH, OF TEXAS
ANN T. GILBRIDE, OF VIRGINIA
AUSTIN G. GILREATH, OF THE DISTRICT OF COLUMBIA
JOHN GINKEL, OF MISSOURI
RICHARD B. GINSBURG, OF CALIFORNIA
RYAN M. GLIHA, OF ARIZONA
HEATHER GRANT, OF FLORIDA
BRIAN J. GREELEY, OF MARYLAND
WILLIAM MICHAEL HAMMAKER, OF WASHINGTON
CHRISTINE M. HARBAUGH, OF MONTANA
JANICE D. HARRIMAN, OF FLORIDA
MAYA CATHERINE HARRIS, OF MARYLAND
RYAN L. HASS, OF WASHINGTON
B. SCOTT HENDRICKSON, OF VIRGINIA
BRIAN J. HOHLFELDER, OF VIRGINIA
PATRICK C. HORNE, OF TEXAS
CAROLINE M. HOWARD, OF TEXAS
ELIZABETH HUSE, OF CALIFORNIA
JULIA INGRID JACOBY, OF NEW YORK
RONALD D. JOHNSON, OF FLORIDA
MELISSA AMY JOSLIN, OF FLORIDA
MIGUEL R. KAMAT, OF MARYLAND
NICKOLAS GEORGE KATSAKIS, OF VIRGINIA
DAVID HAJIME KORNHAUSER, OF VIRGINIA
STEPHANIE R. KUCK, OF WASHINGTON
ROSE M. LAUGHLIN, OF VIRGINIA
CHRISTINE MARIE LAWSON, OF SOUTH CAROLINA
ETIENNE S. LEBAILLY, OF WASHINGTON
VIRAJ MAJMUDAR LEBAILLY, OF WASHINGTON
JESSE S. LEVINSON, OF CALIFORNIA
LYNN E. LEWIS, OF PENNSYLVANIA
J. R. LITTLEJOHN, OF NEW YORK
BARON PHILEN LOBSTEIN, OF TEXAS
PETER W. LORD, OF FLORIDA
CHRISTIAN M. MARCHANT, OF VIRGINIA
KERRY L. MCBRIDE, OF THE DISTRICT OF COLUMBIA
PATRICK MCEACHERN, OF CALIFORNIA
MIRIAM LACHO MILLER, OF FLORIDA
PAMELA GAYLE MILLS, OF FLORIDA
JOHN S. MINER, OF VIRGINIA
DEBORAH R. MORRIS, OF VIRGINIA
KENT MORRIS, OF CALIFORNIA
JERRY E. MORRISON JR., OF VIRGINIA
RONDA L. MORRISON, OF VIRGINIA
PETER D. NEWMAN, OF VIRGINIA
ERINN PATRICK NICLEY, OF OHIO
BRADLEY STEVEN NORTON, OF TEXAS
KARI PAETZOLD, OF IOWA
TRISTRAM PERRY, OF MASSACHUSETTS
MARC ROBERTS PORTER, OF THE DISTRICT OF COLUMBIA
ROBERTO QUIROZ II, OF CALIFORNIA
HILARY FULLER RENNER, OF COLORADO
DAWN MICHELLE ROBERTS, OF CALIFORNIA
BRIAN R. RORAFF, OF ILLINOIS
TARA E. VERDONK ROUGLE, OF MONTANA
JUHA P. SALIN, OF WASHINGTON
JESSE LEON SANDERS, OF ILLINOIS
HARVEY WILLIAM SERNOVITZ, OF WISCONSIN
JENNIFER Y. SHALOFF, OF MARYLAND
GREGORY J. SHAW, OF WASHINGTON
S. SITA SONTY, OF ILLINOIS
DIANE L. SOVEREIGN, OF NEVADA
SARAH E. SPODEK, OF VIRGINIA
MARY KATHERINE STANA, OF VIRGINIA
DONALD HALL STEELE JR., OF WASHINGTON
JONAS DAMIEN STEWART, OF KANSAS
KURT H. STOPPKOTTE, OF NEBRASKA
ANDREW STOWE, OF THE DISTRICT OF COLUMBIA
LASHANDRA PATRICE SULLIVAN, OF ALABAMA
STEPHEN TAGAI TAGAI JR., OF VIRGINIA
THOMAS W. TANNER II, OF VIRGINIA

DEBORAH BARRETT THOMAS, OF VIRGINIA
ANDREA JOYCE TOMASZEWICZ, OF VIRGINIA
ALEXANDER TRATENSEK, OF VIRGINIA
CHRISTINA D. TRIBBLE, OF CALIFORNIA
SCOTT C. WALKER, OF CALIFORNIA
RACHEL A. WALLACE, OF VIRGINIA
VALERIE J. WHEAT, OF VIRGINIA
PETRA JOY ZABRISKIE, OF MARYLAND
MARK VINCENT ZIMMER, OF VIRGINIA

SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

MATHEW P. HAARSAGER, OF WASHINGTON

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER COUNSELOR:

INTERNATIONAL BROADCASTING BUREAU

GEORGE ADAMS MOORE JR., OF MARYLAND

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

NICHOLAS R. KUCHOVA, OF FLORIDA
ENRIQUE G. ORTIZ, OF THE DISTRICT OF COLUMBIA
KENNETH B. REIDBORD, OF PENNSYLVANIA

DEPARTMENT OF STATE

DEBORAH A. JONES, OF MARYLAND
ARTHUR B. MUIRHEAD, OF VIRGINIA
KEITH F. SANDERS, OF CALIFORNIA
JONITA I. WHITAKER, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JANIE A. FRIEDLEIN, OF VIRGINIA
ILYA D. LEVIN, OF TEXAS

DEPARTMENT OF COMMERCE

STEPHEN J. ANDERSON, OF VIRGINIA
MICHAEL T. CARROLL, OF VIRGINIA
TODD A. HANSEN, OF WASHINGTON
JONATHAN M. HEIMER, OF NEW YORK
ERIK HUNT, OF CALIFORNIA
PAUL J. KULLMAN, OF VIRGINIA
ALAIN Y. LETORT, OF THE DISTRICT OF COLUMBIA
MARK A. LEWIS, OF THE DISTRICT OF COLUMBIA
STUART L. SCHAAG, OF FLORIDA
PATRICIA M. WAGNER, OF TEXAS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ANITA KATHRYN ALLEGRA, OF COLORADO
ROBERT H. ARBUCKLE, OF FLORIDA
SUSAN K. ARCHER, OF FLORIDA
ANTHONY THOMAS BEAVER, OF OHIO
ROBIN ELIZABETH BLUNT, OF INDIANA
LOUIS LAWRENCE BONO, OF NEW YORK
WILLIAM HARVEY BOYLE, OF ARIZONA
KIRSTEN AILSA LESLIE BROOKS, OF FLORIDA
EMILY KATHLEEN BRUNO, OF PENNSYLVANIA
EDWARD BENNETT LLOYD BURKHALTER, OF VIRGINIA
MICHELLE A. BURTON, OF CALIFORNIA
ROBIN ALEXANDER BUSSE, OF CALIFORNIA
LUCY M. CHANG, OF MARYLAND
GARY L. CHILDS, OF INDIANA
WENDY G. CROOK, OF OREGON
PHILIP MARTIN CUMMINGS, OF CALIFORNIA
JOHN J. DAIGLE, OF LOUISIANA
LILLIAN GERMAINE DEVALCOURT-AYALA, OF CALIFORNIA
JASON A. DONOVAN, OF TEXAS
WILLIAM ERSKINE DUFF III, OF VIRGINIA
COLLEEN STACK EDDY, OF CONNECTICUT
ROBERT NICHOLS FARQUHAR JR., OF VIRGINIA
DANA JANET FRANCIS, OF MASSACHUSETTS
HEIDI NICOLE GOMEZ RAPALO, OF NEW JERSEY
MATTHEW E. GOSHKO, OF MARYLAND
ELIZABETH M. GRACON, OF VIRGINIA
BRIAN GREANEY, OF NEW HAMPSHIRE
DAVID CHRISTOPHER HANSON, OF ALABAMA
DEBORAH SUE HART, OF NORTH CAROLINA
DANIEL ORDWAY HASTINGS, OF CALIFORNIA
MELISSA PRESTON HORWITZ, OF NEW YORK
ROBERT J. JACHIM JR., OF WASHINGTON
LISBETH KEEFE, OF THE DISTRICT OF COLUMBIA
DAE B. KIM, OF CALIFORNIA
DAVID ANDREW KRZYWDA, OF VIRGINIA
JUDY HAIGUANG KUO, OF CALIFORNIA
RUTH ANN KURZBAUER, OF UTAH
STEVEN JAY LABENSKY, OF FLORIDA
CHRISTOPHER M. LIVACCARI, OF NEW YORK
JOANN MARIE LOCKARD, OF TENNESSEE
JEFFREY P. LODINSKY, OF NEW YORK
RAFIK K. MANSOUR, OF CALIFORNIA
ROBERT LYND MCKAY, OF FLORIDA
PATRICK T. MCNEIL, OF ILLINOIS
JOHN HOLMES MONGAN, OF MASSACHUSETTS
DAVID GEORGE MOSBY, OF ILLINOIS
KENDALL DUANE MOSS, OF TEXAS
KEVIN L. OLBRYSH, OF VIRGINIA
JOSEPH ANTHONY PARENTE, OF NEVADA
BRADLEY SCOTT PARKER, OF CALIFORNIA
GWENDOLYN JILL PASCOE, OF NEW YORK
ROY A. PERRIN III, OF FLORIDA
BHASKAR KOLIPAKKAM RAJAH, OF TEXAS
ERIC A. RENEW, OF TEXAS
CHARLENE L. ROBINSON, OF NEVADA
BENJAMIN A. ROCKWELL, OF ILLINOIS
KAREN M. RODRIGUEZ, OF TEXAS
SUSANNE CATHERINE ROSE, OF IOWA
ELIZABETH M. ROSENSTOCK, OF NEW YORK
JAMES L. RUSSO
JOSE K. SANTACANA, OF MASSACHUSETTS
GREGORY P. SEGAS, OF VIRGINIA
ALISON M. SHORTER-LAWRENCE, OF VIRGINIA
KARIN B. SULLIVAN, OF NEW YORK
RHETT D. TAYLOR, OF TEXAS
CHRISTOPHER TEAL, OF MARYLAND
ELIZABETH K. THOMPSON, OF WASHINGTON
MICHAEL THOMAS TROJE, OF FLORIDA
NICHOLLE MAREE MANZ URDANETA, OF WISCONSIN
RUPERT D. VAUGHAN, OF FLORIDA
CARL-HEINZ JASON WEMHOENER-CUITE, OF VIRGINIA
AMY RACHEL WENDT, OF FLORIDA
EDWARD A. WHITE, OF GEORGIA
FRANK JOSEPH WIERICHS III, OF FLORIDA
MARK J. WILDERMUTH, OF ARIZONA
STUART RAYMOND WILSON, OF CALIFORNIA
ELI THOMPSON WINKLER, OF NEW JERSEY
RICHARD TSUTOMU YONEOKA, OF NEW YORK

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

DEPARTMENT OF COMMERCE

JUANITA H. CHEN, OF VIRGINIA
DANIEL T. CROCKER, OF CALIFORNIA
JOANNA MCINERNEY, OF MASSACHUSETTS
MILLAR J. C. WHITE III, OF CALIFORNIA
MARK R. WILDMAN, OF MARYLAND

DEPARTMENT OF STATE

STEPHANIE M. ACOSTA-MIKULASEK, OF CALIFORNIA
COLLEEN ELIZABETH ALTSTOCK, OF WASHINGTON
ROBERT BLAKE ANDREW, OF TEXAS
HEIDI R. AROLA, OF MINNESOTA
NATALIE A. ASHTON, OF TEXAS
ANTHONY WALTER BAIRD, OF MASSACHUSETTS
JOSHUA NATHAN BAKER, OF FLORIDA
MAY GANAL BAPTISTA, OF CALIFORNIA
MICHELLE BARTELS, OF VIRGINIA
SARAH K. BELLMAN, OF NEW JERSEY
JONATHAN M. BERGER, OF THE DISTRICT OF COLUMBIA
LAURA L. BIEDEBACH, OF CALIFORNIA
DANIEL R. BISCHOF, OF FLORIDA
STEVEN R. BITNER, OF UTAH
GARY A. BLANKENSHIP, OF VIRGINIA
HAROLD FRANK BONACQUIST JR., OF VIRGINIA
TRACIE BOTSFORD, OF THE DISTRICT OF COLUMBIA
MICHAEL F. BRENNAN, OF TEXAS
R. CHRISTOPHER BRONK, OF NEW YORK
ZACHARY BURSTEIN, OF VIRGINIA
ELIZABETH ANN CAMPBELL, OF VIRGINIA
GINGER M. CAMPBELL, OF THE DISTRICT OF COLUMBIA
EDWARD THOMAS CANUEL, OF MASSACHUSETTS
MICHAEL ANNE CASEY, OF VIRGINIA
FRANCISCO CASTELLANOS, OF VIRGINIA
WILLEAH CATO, OF VIRGINIA
SUSAN CAROL CHEATHAM, OF CALIFORNIA
PATRICIA A. CUMMINGS, OF PENNSYLVANIA
CHRISTOPHER J. DEGNAN, OF VIRGINIA
ZOJA DERETIC, OF CALIFORNIA
TRACI A. DE WID, OF VIRGINIA
DAVID M. DOLSON, OF VIRGINIA
SHAWN HYOSEON DUNCAN, OF WASHINGTON
ROBERT L. ELSTON, OF VIRGINIA
Y. ROBERT EWING, OF TEXAS
JAMES P. FARRELL, OF VIRGINIA
SHARON K. FEATHERSTONE, OF VIRGINIA
JAMES BRENNAN FENNELL, OF NEW JERSEY
JOHN J. FILEPPO, OF VIRGINIA
AARON B. FISHER, OF VIRGINIA
MARC DAN FREIBERGER, OF VIRGINIA
J. DAVID GALBRAITH, OF THE DISTRICT OF COLUMBIA
TANYA B. GANNON, OF VIRGINIA
JESUS J. GARCIA, OF MARYLAND
VALENTINA N. GONTSCHAROW, OF MARYLAND
JOELLEN GORG, OF OREGON
MARK GRAYDON, OF VIRGINIA
KEVIN DANIEL GREEN, OF TEXAS
ANTONE C. GREUBEL, OF INDIANA
WILLIAM M. GRIMES, OF VIRGINIA
RAGINI GUPTA, OF NEW YORK
DAVID PARKER HAUGEN, OF TENNESSEE
LIAM D. HAYDEN, OF VIRGINIA
MARTIN PATRICK HEALY, OF VIRGINIA
MARGARET L. HEISER, OF VIRGINIA
JARAHN DAVONE HILLSMAN, OF CALIFORNIA
RICHARD CARROLL HINMAN, OF NEW JERSEY
DAVID ANDREW HOLMES, OF CALIFORNIA
DEWAYNE HUCKABAY, OF TEXAS
BRIAN PATRICK HUGHES, OF VIRGINIA
DESIREE LYNN HUMPHREYS, OF TEXAS
JILL E. HUTCHINGS, OF WASHINGTON
STORM P. JACKSON, OF NEW YORK
SEAN R. JOHNSON, OF VIRGINIA
FRANCES YVETTE JONES, OF NORTH CAROLINA
KALI C. JONES, OF LOUISIANA
DANIEL KACHUR, OF VIRGINIA
MICHAEL JOSEPH KELLY, OF VIRGINIA
BETHANY D. KIDD, OF FLORIDA
MICHAEL RICHARD KIDWELL, OF THE DISTRICT OF COLUMBIA
DANIEL KING, OF DELAWARE
LANCE BRYAN KINNE, OF WISCONSIN
KARIN S. KITSMAN, OF CALIFORNIA
PHILLIP J. KNECHT, OF VIRGINIA
JENNIFER KRZOS, OF VIRGINIA
TIMOTHY E. LANGFORD, OF FLORIDA
KIMBERLY BETH LANGLEY, OF FLORIDA
MATTHEW LEHRFELD, OF TEXAS
ELIZABETH ANNE LEWIS, OF PENNSYLVANIA
TACK LIM, OF MARYLAND
L. ERIC LINDBERG, OF UTAH
NANCY ELLEN LONG, OF VIRGINIA
MICHELLE GARCIA LOS BANOS, OF CALIFORNIA
LAUREN HOPE LOVELACE, OF NEW YORK
MARGUERITE MACY, OF FLORIDA
MELISSA EVETTE MARTINEZ, OF NEW MEXICO
MERRY MILLER, OF TEXAS
DOUGLAS S. MONK, OF VIRGINIA
EDWARD JOSEPH MONSTER, OF NEW YORK
JOHN STOKELEY MORGAN, OF THE DISTRICT OF COLUMBIA
AHMED MOUSTAFA, OF MARYLAND
MICHAEL MUSSI, OF VIRGINIA
BENJAMIN L. NASH, OF VIRGINIA
ROHIT S. NEPAL, OF NEW YORK
EDWARD SCHREIBER NEUMANN JR., OF VIRGINIA
KRISTA CATLETT NEUMANN, OF VIRGINIA
J. MICHAEL NEWELL, OF VIRGINIA
DOROTHY M. NGUTTER, OF MASSACHUSETTS
ADEDEJI E. OKEDIJI, OF TENNESSEE
DEBORAH J. PARTINGTON, OF PENNSYLVANIA
JARED SCOTT PENDLETON, OF CALIFORNIA
KATHLEEN PEOPLES, OF THE DISTRICT OF COLUMBIA
MATTHEW D. PILCHER, OF ILLINOIS
CHERYL BADRA QASSIS, OF MARYLAND
JENNIFER ANN RACHKO, OF VIRGINIA
JASON PAUL REBHOLZ, OF MARYLAND
CARRIE E. REICHERT, OF VIRGINIA
KEN O. REIMAN, OF ARIZONA
WESLEY WALTER ROBERTSON, OF VIRGINIA
THOMAS ANTHONY SADOWSKI, OF VIRGINIA
CORINA R. SANDERS, OF FLORIDA
GEOFFREY F. SCHADRACK, OF VIRGINIA
CATHERINE HENDERSON SCHWEITZER, OF VIRGINIA
JOHN MICHAEL SENIOR, OF LOUISIANA
TEJAL NAVINCHANDRA SHAH, OF TEXAS
PETER TIMOTHY SHEA, OF THE DISTRICT OF COLUMBIA
PETER J. SIEGEL, OF VIRGINIA
BARRY KEITH SIMMONS, OF FLORIDA
NICHOLAS JOHN CROCKER SNYDER, OF FLORIDA
MARJORIE A. STERN, OF CALIFORNIA
AMY M. STEWART, OF VIRGINIA
RAY RICHARD SUDWEEKS, OF VIRGINIA
ERICA NICOLE SWIFT, OF THE DISTRICT OF COLUMBIA
STEPHANIE LYN SWORD, OF VIRGINIA
ALEXANDRA ZWAHLEN TENNY, OF PENNSYLVANIA
MATTHEW G. TOWNER, OF VIRGINIA
BENJAMIN C. TSAI, OF VIRGINIA
TAHRA L. VOSE, OF MINNESOTA
HOLLY BETH WAEGER, OF PENNSYLVANIA
BRIDGETTE L. WALKER, OF MARYLAND
SHARON WEINBERGER, OF THE DISTRICT OF COLUMBIA
CONSTANCE M. WERNERY, OF FLORIDA
BRADLEY GIFFORD WILDE, OF TEXAS
BRUCE O. WILKINSON, OF VIRGINIA
LISA BESS WISHMAN, OF SOUTH CAROLINA
CHRISTIAN WRIGHT, OF TEXAS
TONIANN WRIGHT, OF NEW JERSEY
MEETA M. YAJNIK, OF TEXAS
THOMAS ANTHONY YEAGER, OF MARYLAND
DOROTHY ANN YOPP, OF VIRGINIA

SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF THE TREASURY

RICHARD W. JOHNSTON, OF VIRGINIA

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RICHARD L. SARGENT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

RICHARD L. NEEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOEL C. CARLSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

SCOTT C. PAUL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

STEVEN E. RITTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

MICHAEL L. A. HOLLAND
PARIMAL R. * PATEL

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

SALLYE J ALLGOOD
BRETT C ARMSTRONG
DAVID A BAKER
WILLIAM H BOISVERT
EDWARD F BZDULA
ROSALINE CARDARELLI
BRUCE E CROW
DENNIS D DOYLE
SHERMAN A DUNLOW
KARL E FRIEDL
GREGORY A GAHM
SCOTT W GORDON
EDMUND K HARAGUCHI
JEFFREY D HAUN
CASPER P JONES III
STEVEN P JONES
EDWARD A LINDEKE
THOMAS M LOGAN
BRIAN J LUKEY
KENT W MANEVAL
SCOTT C MARTIN
JANICE E MCCREARYWATSON
MERRILY A MCGOWAN
JAMES A MUNDY
RALPH H SEES
DOROTHY A SMITH
FREDERICK A SWIDERSKI
YVONNE L TUCKERHARRIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be colonel

CURTIS J ALITZ
THOMAS W ALLEN
MICHAEL A ARMSTRONG
LISA A BLACK
STANLEY A * BLOUSTINE
STEVEN E BRAVERMAN
JAY W CARLSON
PHILIP C CORCORAN
DERMOT M COTTER
SUZANNE E CUDA
BETH E DAVIS
WILLIAM B DAVIS
WILLIAM C DOUKAS
THOMAS P DOVE
SUSAN G DUNLOW
DENNIS P EASTMAN
JAMES M ECKLUND
JEFFREY M * EDMONDSON
MARY P FAIRCHOK
JAMES R FICKE
SUSAN L FRASER
GEORGE N GIACOPPE JR.
BART J HARMON
PATRICIA R * HASTINGS
CLIFTON A HAWKES
KATHLEEN M INGWERSEN
ANNESLEY W JAFFIN
BARBARA L JENNINGS
ARTHUR G KANE
KENT E KESTER
JEFFREY L LONGACRE
JEFFREY S MACINTIRE
THOMAS M MARTINKO
CHARLES S MILLIKEN
DONALD G MONDRAGON II
KEVIN J MORK
BRENT V NELSON
ROBERT K NOBACK
WILLIAM L NOVAKOSKI
ROBERT C PEDERSEN
PHILLIP R PITTMAN
MARIA E PLA
FREDRIC R PLOTKIN
JAMES A POLO
MICHAEL A RIEL
ELSPETH C RITCHIE
NOAH S SCHENKMAN
JOHN P SCHWEGMANN
RICHARD G SEDLAK
CLIFTON S SLADE
DONALD V SMITH
DON P SPEERS JR.
RICHARD S STACK
CARL C STACY
WILLIAM K STATZ
RONALD S SUTHERLAND
GILBERT R TEAGUE
RICHARD W * THOMAS
PETER G TOROK
ANDREW W TORRANCE
LEO D TUCKER II
PAULA S VOGEL
DOUGLAS A WALDREP
JOHN C WALKER
WINSTON J WARME
JOHN M WEMPE
THOMAS M WILEY
MARY J WYMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

LEONARD I. CANCIO
KAREN L. COZEAN
TIMOTHY W. FLYNN
WILLIAM J. HOWARD III
SHERRY J. MORREY
KATHLEEN S. ZURAWEL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be colonel

RICHARD P BEIN
TIMOTHY E BODEY
THOMAS J BORRIS
DERRICK R CARTER
MICHAEL R CRADDOCK
CARLOS O DELEON
DAVID J DUBOIS
WILLIAM A EVELAND III
HENRY W FERGUSON
EDWARD B FOWLER
PAUL O FRANCIS
THERESE L GALLOUCIS
DONN A GRIMES
FRED J HARMON
BERNARD J HENNESSY
PETE MINES
RICHARD A NICHOLS JR.
MARK E * PEACOCK
SERVANDO RAMOS JR.
ROBERT D ROCK
JOHN R ROYAL
CALVIN Y SHIROMA
ALAN D SMITH
KELLY E TAYLOR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be colonel

DEBORAH K BETTS
DAVID L CARDEN
BEVERLY A CORNETT
DOROTHY H COX
RAMONA S DECKER
SUZAN L DENNY
DENNIS M DRISCOLL
RAMONA M FIOREY
KAREN M GAUSMAN
DOUGLAS G JACKSON
LUISA M JANOSIK
JOHN M MODELL
TERESA A PARSONS
PATRICIA A PATRICIAN
VICTORIA J * RANSOM
RICHARD RICCIARDI
LINDA J WANZER
DAVID WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

KATHLEEN W. CARR
DALE G. DUNN
JEFFREY S. EGGERS
LESLIE G. HUCK
JOHN W. PROCTOR III
ROBERT G. WEBB

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

KENNETH T. GAREAU
KENNY C. MONTOYA
PAOLA M. OFLAHERTY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

OLIN O. OEDEKOVEN
MATTHEW D. URBANEK

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOHN A. MANNING

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL E. RODGERS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

SAMUEL S. SCIALABBA

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 531:

To be major

DANIEL W. ALEXANDER
RAYMOND G. BAKER
RICHARD S. BARNES
DANIEL E. BURTON
GUILLERMO A. CANEDO
TIMOTHY M. CHRISTENSON
VERNON S. COUCH
JOSEPH M. COUREY
STEPHEN J. CROW
SEAN R. DOBECK
PETER C. FAERBER
LARRY L. FOWLER
THOMAS J. FREEL
DARYL M. FULLER
CHRISTOPHER W. GOEDEKE
JEFFERY G. HANCOCK
WESLEY T. HAYES
DANIEL P. HINTON
KIRIAKOS J. KALOGIANNIS
ALEXANDER J. KUZMA
BRADLEY T. LANTO
JOSHUA L. LUCK
LYNE H. MILLS
TROY L. NELSON
MICHAEL T. RECCE
WADE M. REINTHALER
WILLIAM R. RUSSELL
BENNETT L. STEINER
DAVID E. STRAUB
CHRISTOPHER P. TANSEY
TRAVIS R. TIBBETTS
DIXON D. WELT
WILLIAM WROTEN JR.

To be captain

BENJAMIN J. ABBOTT
MARTIN E. ADAMS
TROY C. ADAMS
MIGUEL A. ALVAREZ JR.
CAROLINE L. AMREIN
SCOTT R. ANDERSON
JAMES P. ANKNEY
BRAD E. AUGHINBAUGH
STEPHANIE M. AUSTIN
BRANDEN G. BAILEY
JANINE L. BAILEY
GILBERT A. BARRETT III
STEPHANIE M. BECK
AARON E. BENNETT
JOHN J. BERTAGNA
JOSEPH A. BIANCO
KAREN L. BURCKART
TROY H. CAMPBELL
JOHN R. CHERRY
SCOTT E. CONWAY
JAMES A. COOPER
MARK A. COOPER
KEVIN P. COUGHLIN
MARK E. COVER
STEPHANIE L. DAUGHERTY
ANDREW J. FINAN
RONALD T. FLORA JR.
JASON R. FLYNN
JOSEPH B. FREEDLE
ROBERT J. GALLAGHER
BUCK E. GARZA
JEFFREY W. GARZA
RYAN K. GATCHELL
PETER H. GRIESCH

PETER J. GUERRANT
DENNIS W. HACKER
DENNIS A. HAGER II
BLAKE E. HAUSMAN
CHRISTOPHER C. HAY
ADAM G. HENRICH
SEAN D. HENRICKSON
JOHN P. HERRON
RALPH HERSHFELT III
WILLIAM B. HUBER
MICHAEL R. HUDSON
MICHAEL L. HUNTING JR.
BRANDON S. KNOTTS
CHRISTOPHER R. LASHER
KEVIN M. LILLY
CHRISTOPHER D. LUTHER
KIM J. MAHONEY
JAMES E. MANEL
RYAN M. MANNING
RICHARD S. MARTIN
ROBERTO J. MARTINEZ
LAWRENCE G. MASSEY JR.
JAMIE M. MCCALL
TODD A. MENKE
KOLTER R. MILLER
THOMAS F. PAQUIN
TERRY M. PAUSTENBAUGH
LAURA M. PERRONE
ROBERT F. PIPER III
JAMES S. PLUTA
HUGH J. REDMAN
JAMES J. REISS III
ROBERT T. RIGAL
JAMES M. ROBINSON
SEAN M. ROCHE
JEFFREY D. SADOWITZ
WILLIAM A. SANTMYER
WILLIAM A. SCHEETZ JR.
BRIAN C. SMITH JR.
MARK C. SMYDRA
UNN K. SOLBERG
ADAM N. SUBERVI
JUSTIN R. SWICK
KEITH H. TOPEL
MICHEAL D. TRAPP
DAVID M. TROMBLY
DAVID W. VANHOOF
JAMES W. WEIRICK
TRAVIS B. WELLS
JON R. WETZEL
RICHARD B. YOUNG JR.
JOSHUA S. ZAGER

To be second lieutenant

NICOLE V. AUNAPU
DAVID M. BANN
HOWARD G. BEASEY
JAMES M. BECKETT
ERIC A. BEVAN
KEVIN M. BICKING
KARL G. BLANKE
SAMUEL E. BOND
JAMES R. BOOTH
WILLIAM M. BOULWARE
MARK P. BRAITHWAITE
KEVIN D. BRIGGS
BRIAN R. CHONTOSH
WILLIAM C. COX
WILFREDO CRAVE JR.
CHAD E. CRAVEN
NEIL P. DAVIES
BENJAMIN T. DEDA
NATHANIEL P. DOHERTY
KIRK D. DOOLEY
PETER B. ELTRINGHAM
ALBERT G. ESKALIS
CHARLES E. FERRER
DARREN M. FISCHER
WILLIAM P. FRANK
KURT M. GALL
JOSHUA L. GLOVER
ROBERT C. GRASS
WILL F. HAAG
PAUL S. HAHN
ROBERT S. HARGATE
RUSSELL D. HARRIS
JAMES C. HAUNTY
MICHAEL G. HAYS
BENJAMIN J. HINZ
THOMAS M. HOLLMAN
NICHOLAS J. HORTON
DANIEL E. HUGHES
JEFFREY W. HULLINGER
MICHAEL A. HUNZEKER
JASON M. IVERSEN
JEREMY JOSEPH
MICHAEL R. KENDRICK
DANIEL F. LOUGHRY
WILLIAM E. MARCANTEL
CLINT R. MARSHALL
CARL B. MARTINEZ
TROY MATTERN
JOSEPH S. MCALARNEN
JON T. MCGAUGHEY
DAVID E. MILLER
MICHAEL G. MINTON
RYAN S. MURATA
DEREK C. NIELSEN
TODD B. OPALSKI
EDWARD W. ORILLION
DAVID T. POPIELSKI
VANCLEVE JOHN V. PRICE
CARL J. PUNZEL
JUSTIN E. REETZ
JACOB S. REEVES
GERALD W. ROEDER JR.
MICHAEL H. ROUNTREE
JASON P. SCHAUBLE
OSCAR V. SESSOMS
SCOTT A. SHIDELER
THOMAS P. SIMS
DAVID R. STARK
SCOTT E. STEPHAN
SCOTT T. STURROCK
WALTER SUAREZ
KEVIN J. SZEPE
JONATHAN H. VAUGHN
WILLIAM L. VAUGHN JR.
MATTHEW L. VOGT
RYAN S. WALSH
CHRISTOPHER P. WATTS
TREVOR A. WILK
CARLTON A. WILSON
NICOLAS R. WISECARVER
JAN-HENDRIK C. ZURLIPPE

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

FREDERICK J. ADAMS III
PHILIP A. GONDA
KENT A. MICHAELIS
ANDREA G. NASHOLD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

IAN G. MCLEOD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL S. MOELLER

HOUSE OF REPRESENTATIVES—*Thursday, January 16, 2003*

The House was not in session today. Its next meeting will be held on Monday, January 27, 2003.

RECALL DESIGNEE

WASHINGTON, DC,
January 14, 2003.

Hon. JEFF TRANDAHL,
Clerk of the House of Representatives,
Washington, DC.

DEAR MR. CLERK: Pursuant to section 2 of House Concurrent Resolution 8, I hereby designate Representative Tom DeLay of Texas to act jointly with the Majority Leader of the Senate or his designee, in the event of my death or inability, to notify the Members of the House and Senate, respectively, of any reassembly under that concurrent resolution. This letter is provided for insertion in the Congressional Record. In the event of the death or inability of my designee, the alternate Members of the House listed in the separate letter bearing this date that I have placed with you are designated, in turn, for the same purpose.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House of Representatives.

CORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY, JANUARY 7, 2003, AT PAGE 51

105. A communication from the President of the United States, transmitting a reorganization plan for the Department of Homeland Security; (H. Doc. No. 108—16); to the Committee on Homeland Security (Select) and ordered to be printed.

106. A communication from the President of the United States, transmitting notification of the functions, personnel, assets, and liabilities of the life sciences activities related to microbial pathogens of the Biological and Environmental Research Program of the Department of Energy, including the fuctions of the Secretary of Energy relating thereto, shall be transferred to the Secretary of Homeland Security; (H. Doc. No. 108—17); to the Committee on Homeland Security (Select) and ordered to be printed.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, JANUARY 8, 2003, AT PAGE 244

By Mr. GOODE (for himself, Mr. JONES of North Carolina, and Mr. TANCREDO):

H.R. 277. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to assign members of the Army, Navy, Air Force, and Marine Corps, under certain circumstances and subject to certain conditions, to assist the Department of Homeland Security in the performance of border protection functions; to the Committee on Armed Services, and in addition to the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

SENATE—*Thursday, January 16, 2003*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. The prayer will be offered by guest Chaplain Dr. John A. Huffman of St. Andrew's Presbyterian Church, Newport Beach, CA.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray:

Almighty God, You created us and You know us intimately. You know even better than do we why we entered the public arena. Our aspirations of service for others were and still are so high. Yet You know how hammered we are in our personal and professional lives by the realities of relational tensions, the complexity of issues, the ambiguity of solutions, our partisan agendas, and the pressures, political and financial, to remain professionally vital. These and more cause us to lose our focus on why we are doing what we are doing. Renew our vision when we temporarily lose it.

Dear Lord, may the zeal and enthusiasm of ones new to this Chamber be melded with the experience of the veterans into a synergism of governance for the common good that is both faithful to deeply held convictions while sensitive to doing together, across party lines, that which will strengthen this Nation in the challenges we face. Help us to uphold righteousness, justice, mercy and peacemaking in all affairs, domestic and international.

May our individual and corporate prayer be that of the Psalmist who vulnerably cried out: ''Search me, O God, and know my heart; test me and know my anxious thoughts. See if there is any offensive way in me and lead me in the way everlasting.''

Finally, thank You, Lord, for our brother Lloyd Ogilvie who, as Chaplain, has given 8 sterling years of service marked by dignity, sensitivity, eloquence, spirituality, and the modeling of the right priorities, as he soon leaves this office to stand caringly by his beloved Mary Jane. Bless him as You, through him, have blessed us.

In the name of Jesus I pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WILLIAM H. FRIST, a Senator from the State of Tennessee, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the majority leader.

SCHEDULE

Mr. FRIST. Mr. President, pending is the Byrd amendment. There will be 2 hours of debate on the amendment. Members should be advised that a vote will occur sometime between noon and 12:30 p.m. today.

Following the disposition of the Byrd amendment, other amendments and votes are likely. A late night is unavoidable. A number of our colleagues have asked about scheduling for today and tomorrow. My response has been that in 18 days the President of the United States will be delivering a budget to this body for consideration and for the next fiscal year. We are already about a quarter of the way through this fiscal year, yet the Senate has not yet addressed the 11 appropriations spending bills. That process is now under way.

We will be having our first vote in 2½ hours. I look forward to a very productive day. Depending on how productive the Senate is today and tonight, and we may go well into the evening because we are working against, hopefully, a coming recess, it is going to be incumbent upon us to be disciplined, to be focused. All of our colleagues will want to talk on every single issue. Clearly they have that opportunity. I do ask, in the consideration of the number of amendments on either side, that we be disciplined on both sides of the aisle so we can finish this bill before we leave.

We will be here through tomorrow; it could well be tomorrow night. It is my goal—my goal—as we are in the early stages on this bill, to finish this bill before we leave. People have asked, Could that possibly mean Saturday morning? The answer to that is yes. I think it is that important that we move forward.

If we are unable to finish tonight or tomorrow or tomorrow night or Saturday or decide that going into Saturday is not the appropriate way to address it, we absolutely will be back here Tuesday morning to finish these appropriations bills. Whether we finish it then Tuesday or later in the week, it remains on how disciplined we are.

I encourage my colleagues to consider the importance of getting this unfinished business done as soon as possible so we can move ahead with the Nation's business.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ENSIGN). Under the previous order, the leadership time is reserved.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.J. Res. 2, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes.

Pending:

Byrd Amendment No. 2, to provide additional funds for certain homeland security measures.

The PRESIDING OFFICER. Under the previous order, there will now be 2 hours of debate on the Byrd amendment No. 2, with the time to be equally divided in the usual form.

Mr. STEVENS. Mr. President, I yield myself such time as I may consume. I do intend to yield to my distinguished friend from West Virginia anytime he wishes to start discussing his amendment.

The amendment pending before us to the amendment I have offered, which contains the 11 bills that were not enacted that the majority leader mentioned, the Byrd amendment, deals with additions to the homeland security package that is contained in these 11 bills. As I stated last evening, I find myself sort of in a position of a husband who has ordered a new car for his wife and tells her, when the bill comes, he is not going to pay the bill.

I sat through the hearings Senator BYRD held as chairman on homeland security. I know the amounts that are in his amendment are amounts of money that various persons from throughout our society and from community after community all over the country have asked for. It is money they want. There is no question they want this money. We had a plan to make it available. Actually, it should have been made available sometime early last year, but we never got do that because we didn't have a budget last year. And we were unable to move the appropriations bills last year because of the lack of a budget.

What I am seeking to do today, and started yesterday, is to ask the Senate to exercise a rare type of discipline and allow us to take these bills to conference. My amendment to this pending

continuing resolution bill that is before us will allow us to take these bills to conference with the House. There are 11 bills that should have been passed before October 1 of last year. As I said yesterday, it does not do any good to try to point fingers to say why we didn't do that. The simple fact is, we did not pass them.

Now in this new Congress we have to pass bills that actually expired at the end of the last Congress. All of the work that was done on those bills in the House and the Senate was eliminated by the end of that last Congress.

We have initiated a process to catch up with those bills. There are bills that deal with the moneys to be expended by the agencies in the Federal Government between the time the President signs the bill and September 30. That is a very short period of time. It does not exceed 7½ months. It is probably 7 months. The money that is in my amendment will provide ample money for those departments for that period of time. It is less than they would have gotten on October 1 of last year, because since October 1 of last year they have been following the provisions of the continuing resolution Congress enacted, and they are using no more than the amount of money that was available to them in the fiscal year 2002 budget. The 2002 budget was contrived by the President really in the fall of 2001. We enacted it sometime in 2001.

We are dealing, in other words, with a process of funding our Government based upon decisions made in 2001, continuing down to the end of this fiscal year.

I note the distinguished Senator from West Virginia is here. I am pleased to yield to him whenever he wishes to speak.

Mr. BYRD. I thank the Senator. Go ahead.

Mr. STEVENS. Mr. President, there is money in this amendment I have offered, in one bill or another, dealing with each subject Senator BYRD wishes to cover by his amendment. I can say that the money in the Byrd amendment is going to be spent sometime by the Federal Government in dealing with these issues. The question is, when should we make it available?

The President of the United States has said, because of all the other pressures on our Federal Government, he wanted to limit spending under these bills to $750.5 billion. He has given us a new amendment—there will be a second one, too—and that adds $825 million to deal with the enormous fires that occurred in our country last year. As a consequence, we agreed before the end of last year to try to live within the President's limitations. We were unable to do so in the period after the election. Now that we have come back, of course, it is a new Congress and that agreement we made last year to limit it to the President's level was not still binding. But it is binding on me, because I went to see the President and he asked if I would try to do this and get these bills done so we can turn to the budget request, which he will submit to the Congress after the State of the Union Message. I told him I would.

I am in the position of asking the Senate to hold to the amount the President asked, the amount of these 11 bills. I didn't really decide every number in these bills. These bills came from 11 subcommittees of the Appropriations Committee, with staff members working from both the Republican and Democratic sides at my request to reduce the amount so the total did not exceed the President's request. That has been done. We have a letter now, Mr. President, which I will put into the RECORD. I will read some of it to the Senate:

> Dear Mr. Chairman:
>
> I would like to take this opportunity to thank you for your leadership—

I won't read the whole first paragraph. The second paragraph says this:

> I am writing today to strongly oppose amendments to your bill that would add extraneous spending above the levels requested by the President. In particular, the ''Byrd amendment'' purports to add $5 billion in additional ''homeland security'' spending that is unnecessary.

This letter goes on to say:

> We are now more than a quarter of the way through fiscal year 2003 and much of the funding contained in the ''Byrd amendment'' could not even be obligated in the remaining months of this year. For these reasons, I urge you to oppose the Byrd amendment.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD at the end of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Mr. President, I am prepared to try to explain any provision that is in the 11 bills that are contained in the amendment I have offered, or I will call upon the chairmen of all those subcommittees whenever anything is questioned.

My hope is the Senate will understand the problem. The problem is, do we take care of these 11 bills in a very expeditious way, get them to conference between the House and Senate, working with the President and his people, and really fashion this into a satisfactory piece of legislation which the President will sign now. If we don't, we must wait for the House to pass these bills individually. That will take a considerable time for them to pass. We are putting this amendment on a resolution that has already been passed by the House and we will send it back to the House. If we have to wait for 11 bills to come back from the House and send them to conference one by one, it will be late March or late April before we get through this process. We will not be able to deal with the pressing needs of this economy, with the problems of taxation, the problems of homeland security itself, and all of the problems that really perplex us in terms of medical problems of our Nation, the health care delivery system. We have the chance now to really try to eliminate the problems caused by a failure to act last year, and act decisively and take these 11 bills, in one bill, to a conference and work it out with the House and the President, and come back with a final bill in a conference report and send it to the President and, hopefully, obtain his signature and have this put behind us.

I intend to oppose any amendment to this bill which adds money. I intend to try to get the concept to move expeditiously, if possible. We now have the majority leader's agreement that we will stay in session until we pass this bill. We can do it sooner or we can do it later. When we get to conference, we will have representation from both sides of this aisle. We will be dealing with the Appropriations Committee from the House and from the Senate and, by definition, that committee is made up of the most experienced people on both sides of the aisle. Every point of view is represented in that conference, and every amendment that could be offered here could be offered through one of the members on that conference. We ought to be able to come back to the Senate very quickly with a final solution to this problem, and that is the problem of how do we eliminate this sword of Damocles that hangs over this new Congress—that is, the 11 bills that were not enacted.

I ask unanimous consent that a chart that my staff and the staffs of the individual subcommittees have prepared, which shows the major elements of Senator BYRD's amendment, item by item, the amount in Senator BYRD's amendment, and the amendment in my amendment for each of those items, be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. STEVENS. Mr. President, I confess that if we didn't have the limitations we face, the deficit we face, I would once again support Senator BYRD's funding in each of these items. Under the circumstances, we cannot. We must get a bill the President will sign as quickly as possible and get these bills behind us so we can come before the Senate with the individual 13 appropriations bills that represent the bills for fiscal year 2004.

I yield the floor.

EXHIBIT 1

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF HOMELAND SECURITY,

Washington, DC, January 16, 2003.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: I would like to take this opportunity to thank you for your leadership in bringing the FY 2003 Omnibus Appropriations Bill to the Senate floor and for supporting critical funding for out Nation's homeland security.

I am writing today to strongly oppose amendments to your bill that would add extraneous spending above the levels requested by the President. In particular, the ''Byrd amendment'' purports to provide $5 billion in additional ''homeland security'' spending that is unnecessary.

The base omnibus bill contains, as the Administration requested, an unprecedented 30% increase over 2002 (including supplemental funding) in the fiscal commitment to defending the homeland. The funds requested and provided are sufficient to address homeland requirements and, in many cases, are the most that can be absorbed responsibly in the remaining months of this fiscal year.

In total, the budget for FY 2003 will provide $37.7 billion in homeland security funding, nearly doubling the pre-9/11 levels. Investments made in previous supplemental appropriations and the FY 2003 Budget will build capacity in areas that will help protect our Nation against terrorist attacks. Since 9/11, the Administration and Congress have committed to providing: $9.6 billion to defend against biological terrorism, more than doubling the level that the Government spent prior; $3.3 billion to secure our borders and ports and over $10 billion for aviation security activities. The omnibus bill as proposed by Senator Stevens supports all of these homeland security initiatives and further funding is unnecessary.

We are now more than a quarter of the way through fiscal year 2003 and much of the funding contained in the ''Byrd Amendment'' could not even be obligated in the remaining months of this year. For these reasons, I urge you to oppose the Byrd amendment.

Thank you again for your support and we look forward to working with you to ensure that our homeland is protected.

Sincerely,

STEVE ABBOT,
Admiral (ret.), USN,
Deputy Homeland Security Advisor.

EXHIBIT 2

MAJOR ELEMENTS OF $5 BILLION HOMELAND SECURITY PACKAGE

	Byrd amendment	FY 2003 level/ Stevens amendment
State and Local Assistance to Combat Terrorism.	$1.4 billion	$3.7 billion
Border Security	1.0 billion	4.3 billion
Airport Security	720 million	374 million
Port Security	585 million	120 million
Nuclear Security/Energy Security	296 million	1.1 billion
Mass Transit Security	300 million	15 million
Federal Law Enforcement	212 million	1.2 billion
Water Security	178 million	65 million
Cyber Security	128 million	48 million
Other (Food Safety, Securing Biohazardous Materials at USDA Facilities, Embassy Security, Research to Combat Chemical Attacks, Security at Washington and Jefferson Memorials, and DC Emergency Response Plan).	167 million	1.9 billion
Total	5 billion	12.8 billion

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I begin my speaking with reference to my colleague, TED STEVENS. He is a beacon of reasoning. I was saying to my staff last night—or this morning, I forget; I am almost oblivious to time—here is a man who is standing up for the institution.

It is not the administration's desire that we have a time agreement that allows the minority, the Democrats, to offer amendments with up-or-down votes, with an understanding there will be no stacking of the tree. This is something new in the Senate, in a way, under this administration. Yet this man, Senator STEVENS of Alaska, has taken the position the minority is going to have its opportunity—when I say the minority, I am talking about the Democrats—to offer amendments. We will have up-or-down votes. We are not going to stack any tree. This is a breath of fresh air, and I think we ought to recognize this in Senator TED STEVENS' chairmanship. He is fighting for fairness and equality between the two parties when it comes to deliberations on the Senate floor and the offering of amendments. I want to pay this tribute to him. This is really the kind of chairman of the Appropriations Committee a Senator ought to be. We have not always seen this insofar as the other side of the aisle is concerned, when the other side has been in power. We have seen a willingness to run roughshod over the rights of the minority to offer amendments and to debate.

I do not say this to gain any favors from this chairman. He has been around a long time. I have been around a long time. We know we have to give and take, but I point this out at the beginning of this debate. If it were not for TED STEVENS, we would not be debating my amendment today. I would probably not have any amendment up. This is the way the Senate ought to work, a forum for free debate and for amendments to be offered.

So to begin with, I salute him. I admire him. I respect him. It does not matter how this finally turns out. As far as this Senator from the State of West Virginia is concerned, Senator STEVENS is my friend, I am his friend, and that is the way it is going to be.

I also recognize that Senator STEVENS would probably do things different if it were not for the circumstances that he is in. The administration kept the House from acting on appropriations bills after July of last year. This administration put their foot down, put the brakes on. The House Appropriations Committee chairman, Mr. YOUNG, wanted to go forward with additional appropriations bills. He is another man who is entitled to great credit. Of course, my counterpart in the House, Mr. OBEY, is a very knowledgeable and forceful advocate of programs, a very experienced man.

So what I say has nothing to do with Mr. OBEY or Mr. YOUNG, but Mr. STEVENS is, in a way, swimming upstream. He has the opposition, I am sure, of the administration and, being as fair as he is being, he has the opposition, I would imagine, of the House leadership. The House leadership has not wanted the appropriations process to go forward since July of last year. Of course, I can only assume that the House leadership was carrying the water for and taking its orders from the administration, which I do not exactly agree with when it comes to taking orders and giving orders, if I may use those crude forms of expression.

I pay tribute to this chairman. He is swimming upstream. I expect even on his own side he has a lot of opposition to the fairness he is displaying. I do not know that, but I have a feeling that is true. I have a feeling that is true with respect to the Republican-controlled House and the administration.

I fully understand Senator STEVENS' situation. In many ways, I expect his heart is not in the coffin with Caesar. I have a feeling he has great empathy for what he is doing, but he is also trying to get a massive bill through. We failed last year because of the administration's bullheadedness, its stubbornness, its pigheadedness in refusing to go forward with these bills and holding them back so that we would operate on automatic pilot with continuing resolutions, so spending would not be one dollar above last year's levels—if we might speak in general terms.

So I pay him tribute and I pay tribute to the Republican members of the Appropriations Committee who time after time voted to report out these appropriations bills. We had unanimity, complete bipartisanship. What a model for committee bipartisanship that committee was.

Now we come to the situation where in order to get a bill that is made up of the 11 appropriations bills that were not passed last year, the Senator from Alaska has to come in with some cuts. I do not believe his heart is in those cuts, but he has to make this presentation. He does it forcefully, and I respect him for that.

Having said that, I have to vigorously oppose the amendment offered by my distinguished colleague, Mr. STEVENS.

Before I make any further remarks, I yield 5 minutes to the distinguished Senator from Michigan, Ms. STABENOW. If she needs more time, let us know.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Ms. STABENOW. Mr. President, I thank the distinguished Senator from West Virginia for yielding 5 minutes to me. I also share his great respect and admiration for the Senator and the processes in which he is involved and the bipartisan way the Appropriations Committee has moved forward in working together with our two leaders.

I thank Senator BYRD for his leadership on the issue of homeland—many of us are saying ''hometown''—security, because that is really what it is. I come with thanks and gratitude from law enforcement, firefighters, EMS workers, hospital emergency room workers, all across the great State of Michigan.

I have held six different community meetings around Michigan in the last month asking our local first responders how they are doing, what do they need, do they feel prepared, what can we do to be of assistance. I have scheduled three more meetings in Michigan to listen, and I am hearing the same thing over and over again, and that is our first responders, our firefighters and police officers on the front line, emergency personnel, health departments, local emergency rooms, desperately need us to partner with them to give them the resources they need to take the necessary steps to be prepared in the case of terrorism in their communities.

I heard concern about training, not only the need to have a trainer but the costs that it takes to remove that police officer. In a small police department, when an officer goes to training for a week, there is the additional cost to replace that person, with overtime involved, and all kinds of concerns about training relating to the cost. They very much want this training. They need the training. But they need our help to be able to continue to provide law enforcement safety services, fire services, and other services in the community while their personnel are being training.

I heard great concern about the lack of resources for equipment and communications, one county not being able to speak to the next county, large departments in one city not being able to speak to a township, very small fire departments that are not yet on e-mail. We have information coming out from the Federal level, many of them saying they appreciate the information coming from the FBI or the Department of Justice, but small departments are not receiving that in a timely manner. There are great concerns about lack of coordination and communication, all of those things involving resources.

We have also heard great concerns about additional personnel who are needed in this time when the States are cutting back. In my own State of Michigan, because of tremendous budget crises, we have seen cuts in revenue sharing to our local governments. Police officers are being laid off. Firefighters and other front responders are coming to us and asking us to partner with them. We have a new Homeland Security Department. We have new responsibilities that have been given to our local hometown security leaders. We need to provide them the resources to be able to get the job done.

Michigan is a border State. In Senator BYRD's amendment, the resources for border security are absolutely critical. We have three of the top five busiest borders, the busiest being in Detroit.

I rise today to support Senator BYRD's amendment and to urge that we pass it as he has provided. We are in a situation that I believe is absolutely critical. We are hearing this from Republican sheriffs and Democratic sheriffs, from Republican police chiefs and Democratic police chiefs. This is not a partisan issue. This is about the local law enforcement and emergency management personnel desperately needing our help to be able to get the job done to keep families safe and secure in their homes and in their neighborhoods.

I urge colleagues to support this effort. Once last year we came together to pass emergency dollars in the supplemental. The dollars that are being proposed are absolutely critical. It is a small amount to pay in order to give the assurance to our families that they will in fact have the resources given to first responders in their community so they know they can respond in a crisis. I cannot think of anything more important today than making sure we are funding hometown security efforts. Senator BYRD's amendment is critical to that effort. I hope we will join and have 100-percent support to send a message to our police, firefighters, emergency health personnel, and medical personnel that we stand with them in partnership, the Federal Government with our local communities, and we will be there and make them a priority for the resources they need in order to keep us safe.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I yield myself such time as I may consume.

I appreciate the concerns of the Senator from West Virginia. We all admire his commitment to the issue as we all try to make sure we as a nation have prepared effectively to address the issue and the threat of terrorism in our homeland. This has been a priority. This has been the No. 1 priority of the President of the United States. I don't think anyone can argue that this President has not committed himself and his administration in an almost messianic effort to get our Nation ready to defend itself in the face of this terrorism threat.

Thus, we have to give great credibility to do what the President wants and believes he needs in order to accomplish the protection of the homeland. What he has said he wants and needs is in the bill as brought forward by Senator STEVENS, the chairman of the Appropriations Committee. In fact, the add-ons which are requested by the Senator from West Virginia, in large part, although well intentioned, may in fact undermine the effort to try to get efficiently into place a response to the threat of terrorism.

Why is that? Because sometimes when these agencies receive much more money than they can handle, they handle all their money poorly. If they receive the money they need to do the job right, they focus on doing the job right rather than simply spending the money.

The administration has written us and said they believe the additional funds requested by the Senator pro tempore emeritus are inappropriate. I have a letter signed by Admiral Abbott, the Deputy Home Security Adviser:

> I would like to take this opportunity to thank you for your leadership in bringing the fiscal year 2003 omnibus budget bill to the floor of the Senate. I am writing today to strongly oppose amendments to your bill that would add extraneous spending above the levels requested by the President. In particular, the Byrd amendment purports to provide $5 billion additional homeland spending that is unnecessary.

That is one paragraph from this letter. He is very clear. The President of the United States, through his Deputy Secretary for Homeland Security—Deputy Secretary-designee anyway—Admiral Abbott, has said this money is not needed and it is not appropriate for the effort they are trying to undertake to protect the homeland.

I don't think anyone can question but that this President understands the importance of protecting the homeland.

I will go through a few specifics relating to issues over which I have had jurisdiction with my subcommittee I have been honored to chair on the Appropriations Committee, the Commerce, Justice, State, and the Judiciary Subcommittee.

Mr. BYRD. Will the Senator yield?

Mr. GREGG. Of course, I yield——

Mr. BYRD. I will refer to something——

Mr. GREGG. For a question.

Mr. BYRD. He is citing a statement of a Deputy Director of Homeland Security; is that it?

Mr. GREGG. Designated Deputy Director.

Mr. BYRD. Citing that individual as saying that they do not need any additional moneys as we find in the amendment I have offered; is that what he is saying?

Mr. GREGG. That is correct.

Mr. BYRD. I was off the floor, and I want to make sure I heard. I make this comment in that regard. We heard that same tune last year from Mr. Ridge who was at that time the Director of Homeland Security. His comment was with respect to moneys that were in legislation I was offering. His comment was: We don't need any more. We don't need any more money. The same old tune: We don't need any more money. We heard that from Mr. Ridge last year.

I don't speak with criticism of the distinguished Senator who is on the floor, but I am simply pointing out, that is the same old saw, the same old tune we heard last year from the then-designated Director of Homeland Security, Gov. Tom Ridge. He even wrote me a letter.

Mr. GREGG. Will the Senator yield for a second? I have to reclaim my time.

Mr. BYRD. I had the floor.

Mr. GREGG. I yielded for a question.

Mr. BYRD. I am talking on my time.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. BYRD. He has the floor, but I point out that I had the floor. I had to leave the floor, and I yielded to the distinguished lady from Michigan.

The PRESIDING OFFICER. Now the Senator from New Hampshire has the floor.

Mr. BYRD. I understand that. I very well know the rules of the Senate. I am not itching for a fight with the Chair. I respect the Chair. I respect the Senator from New Hampshire. But the Senator from New Hampshire, let him understand that I am yielding—I have asked for him to yield on my time, my time.

Mr. GREGG. Fine. I am yielding for a question. I am not yielding the floor, but the time is being charged to the Senator from West Virginia; is that correct?

The PRESIDING OFFICER. That is correct. The time is so charged.

Mr. BYRD. I only want to point out that we heard that same old tune last year from then-Director Tom Ridge of the Department of Homeland Security. He wrote me a letter—probably wrote the same letter to Senator STEVENS at that time—that they didn't need the money we were trying to put in the bill. So we have heard that before.

I thank the distinguished Senator for yielding. That is the only point I wanted to make. I wanted to recall for the record that we have heard that same argument before from this administration, at that time through Director Tom Ridge, whom the President of the United States refused to let come before the Appropriations Committee and testify on budget matters.

I thank the Senator.

Mr. GREGG. I thank the Senator for his comments.

I simply add, today we have a letter from Admiral Abbott, in which it is stated that they think this money is unnecessary, and I believe their point is it is unnecessary at this time because these agencies can't handle it.

Let me go through why that is the case with the agencies with which I have some familiarity. I have been fortunate enough to serve as either ranking member or chairman of the Commerce-State-Justice Subcommittee for about 8 years, and during that time I have come to know with some familiarity of the activities of the agencies under that jurisdiction, many of which impact homeland security. Let me specifically talk about the FBI, INS, first responders, and the issue of the Marshals Service.

This amendment includes in it $137 million for the Trilogy Program. The Trilogy Program was an attempt to get coherence into the computer systems of the FBI and basically be able to get every agent at the FBI the capability to go online and instantaneously access the database of the FBI, so you would have the capacity of a field agent actually having the information necessary to find out, if they ran into a suspect, what that suspect's threat situation was and also to feed into the system information they may have developed that was important to protecting the country, especially in the area of terrorism.

Unfortunately, Trilogy has become a large disaster. A big part of the disaster of the Trilogy Program is that we, last year, threw $237 million at the program that they didn't need in order to develop it. That was part of our efforts last year to try to show that we were concerned about terrorism. This money, essentially, buried the program. As a result, in large part, the program has fallen apart. The situation is that the FBI software and hardware contracts for Trilogy have essentially become gold plated. The cost is soaring. The schedule is out of control. Right now we still do not have contracts on Trilogy hardware or Trilogy software. We are completely at the mercy of the contractors.

The practical effect of that is that we now have a program which has what is estimated to be an approximately $213 million increase in 1 year—that is a 57-percent increase—and we are not getting what we expected out of the program. The simple fact is that putting another $137 million on top of a program which already is awash with money, so much awash in money that it basically has caused the FBI to lose its focus on how to best get contracts for software and hardware, is not going to help the program at all. In fact, to put another $137 million into the program is not going to contribute anything to making Trilogy work better.

Regarding the additional funds in this amendment, there is a point made that, in the prior bill from which this bill was brought up, there is at least $100 million of unobligated funds at the FBI. We happen to think it is probably much higher than that. It may approach $150 million. It makes much more sense to say to the FBI: You spend the unobligated funds first before we put more funds on top of the funds you already have, because we already know you are having trouble managing the additional resources that you have received.

The FBI is, regrettably, a very troubled agency today. I don't think there is anybody who has been following the news who doesn't recognize that. If you happen to follow the actual substance of the situation, you can appreciate that. For example, the National Infrastructure Protection Center, NIPC, which presented a spending plan that was so at variance with what the committee guidance was—and this was committee guidance when the committee was under the chairmanship of Senator HOLLINGS, who did an extraordinary job as chairman of this subcommittee, by the way—it was so at variance with that we had to redirect $30 million and basically NIPC was transferred out of the FBI because they simply couldn't handle the program any longer.

The Foreign Terrorism Tracking Task Force—this was created on a whim. It was a press release creation. We still don't know what it does. We still can't figure out what it does. As a practical matter, it doesn't know what it does.

The efforts to implement the Webster Commission mandates on security have ended up creating unnecessary tasks because of the initial Bureau reluctance to allow us to have full oversight. That has made it impossible for us to determine whether the Webster Commission mandates are being met.

Director Mueller is trying very hard, and I have immense respect for him. I honestly believe—unfortunately, with time—he is going to get the FBI up and running, to be the type of force it needs to be in order to protect us from terrorist attacks.

But right now the FBI has serious managerial problems. It does not have serious cash problems. We have funded the FBI at very high levels in this bill, very high levels. They have significant unobligated funds. Programs such as Trilogy do not need more money. What they need is more management.

We can move on to the INS. The amendment would add $267 million more for INS construction. The fiscal year 2003 bill before us already provides $267 million for INS construction. We doubled INS construction, compared to historic levels at which INS construction was getting funded. If you take the money now being proposed in this amendment, you will be doubling it again. This is one area in the INS Department where they actually do things well—construction. They know what they are doing. They do it well. But, as any other agency, if you overwhelm it with funds, many more funds than it can handle—and I respectfully present that a quadrupling of funds in one agency's construction account is an overwhelming event—you are going to find that agency starts to erode its internal control mechanisms and you are probably going to find that money will be spent recklessly, inappropriately, and, unfortunately, wasted.

The doubling of the money in this account is a reasonable number. I don't see how anybody can say it is not a reasonable number, which is in this legislation as it comes from Senator STEVENS. It does not need to be quadrupled.

The amendment also calls for $262 million in the exit/entry program. The exit/entry system is, unfortunately, another computer disaster. It is a proposed system. Unfortunately, it is a promise; it doesn't exist. We can't even begin to develop the system until the INS has a central computer control network. The INS has so mismanaged its information technology programs over the years that we now have several core systems that cannot communicate with one another. That is one of the reasons the 9/11 disaster is so frustrating. It was the fact that the INS systems couldn't communicate with each other that didn't allow us to find out that we had folks training in flight school 9 months before the event.

The situation is so bad that the proposed fiscal year 2003 mark provides $83 million for the Justice Department to come in and develop a new central computer system for the INS, because we have decided—and this wasn't my unilateral decision; this was a decision made under Chairman HOLLINGS' leadership, and I applaud him for it because he went into this and they understand the problem—we came to the conclusion the INS couldn't straighten this out; it is such a disaster, their computer systems. The amendment would have us spend $362 million on a system that, if developed, would be standing in isolation because there is no central computer system that is working now at the INS.

What we need to do first is develop a central computer system at the INS that can communicate within the INS, and then with the exit/entry system in place. So we are putting the cart before the horse, to say the least, and it is going to cost us $360 million to do it and it makes very little sense, although it is well intentioned. But it is not good fiscal management for that agency.

Finally, the amendment adds some $80 million for salaries and expenses. The fiscal year 2003 mark already funds 500 new Border Patrol agents and 460 new inspectors. We know from the historical experience over the last few years that we have been trying to hire up the Border Patrol and that we simply can't fill these positions as fast as we would like. We can say they want 1,000 new Border Patrol agents. We know they will not get them. Why? Because we have language requirements. We require significant training experience for these individuals. And up until last year or the year before, we didn't pay them enough to get the people who had those qualities. We are losing them at a high rate, especially since TSA came into existence and the rate of pay there was better than the Border Patrol. We saw people migrating from the Border Patrol over to there. We need to fill the slots that are already there. We need to hire up those slots and not be putting another $80 million on top of that. That is $80 million that can't be used. It really isn't necessary in order to accomplish what we want in the area of hiring up the Border Patrol.

We know—once again, like the FBI—that the INS has huge amounts of money that are sitting there that are unobligated and basically becoming slush funds. That is what this $80 million would be added to.

Just last month, like a rabbit out of a hat, when a hole in the security bill was announced, they came up with $30 million at the INS, bang, just like that. We don't know where it came from, but we know they found it in that agency.

Unfortunately, this $80 million, as well intentioned as it is, is simply not going to be able to be used because we have already put in place as many new positions as they possibly can hire up in the next 8 months which this bill covers.

In the area of the U.S. Marshals, the U.S. Marshals is a small agency that is trying hard. They are sort of like the little-engine-that-could agency. This amendment is suggesting $537 million for 200 new deputy U.S. marshals—the revival of an idea that I think was initially put on the floor here by Senator GRAHAM of Florida last year. Again, it is well intentioned. But this is especially an agency that we do not want to overload with money they can't use and with which they would potentially end up producing inefficiencies and waste.

Rather than throwing a whole lot of money and saying hire up a whole lot of new people at the U.S. Marshals Service, this bill suggests that we shift 106 presently underused senior U.S. marshalls away from their desks and back onto the front lines. What is the advantage of doing this versus hiring up? The advantage is you don't end up with fresh, new faces out there; you end up with people who have line experience, knowledge, and ability, and who will from day 1 know how to handle a difficult situation should they confront it in a courthouse. This is a prudent course.

The amendment of the Senator from West Virginia, unfortunately, in my opinion, would simply swamp the marshals. It is better to bring 106 senior deputies back to the fold than to chase and try to capture 200 rookies who may or may not be able to be added in time, and may or may not be able to be constructive, compared to moving the 106 onto the front line.

By moving those senior marshals to those positions, we will address the problem most effectively. That is why the bill takes this approach rather than additional funding.

The bill has also added a huge new increase on top of the very dramatic increase that is in the bill for first responders. This is an area where I have spent a huge amount of time, as has Senator HOLLINGS. Our committee basically first began the first responder effort 3 years before the 9/11 event. We set up five major schools across the country. We started with training. Actually, we had them in 167 cities before 9/11. We wish we had been able to do more. We weren't. But as a practical matter, this is an area where we have focused a lot of energy and a lot of time to get this program to work right. It is working right. This is one of the real things in our efforts to address terrorism that is working right.

This bill has put $2 billion into what used to be DPO, the Domestic Preparedness Office, which will go out to the police and the emergency responders. Then it has another $1 billion-plus going over to FEMA, which will help with fire first responders.

We don't want to put more money on top of that—and I will be willing to place odds on this one—than these agencies are going to be able to handle in the next 8 months, and at the end of the next 8 months we are going to pour another dramatic amount of money into this account.

We understand that these are the people who need the support. They need the technical support and the training. They need the equipment. But we also understand, once again, that putting these types of dollars into these agencies this fast—into the local fire departments, local police departments, local public health departments—if you do it at a rate that you can't keep track of it and you can't manage it effectively, you are going to end up with a lot of bells and whistles rather than substantive equipment. That is what we don't want. We don't want people buying blue lights; we want people taking care of the equipment they should be buying—respirators or machines—and we want the training to be directed at the training needed by a first responder in a terrorism event—especially weapons of mass destruction. We don't want this money simply ending up by placing dollars that are flowing into these agencies.

The $2 billion that is coming out of our subcommittee and the $1 billion-plus coming out of the FEMA subcommittee is a dramatic increase and a very significant commitment to the first responder program. Putting more money on top of that, as the Homeland Security Assistant Secretary, Admiral Abbott, pointed out, simply isn't going to add to solving the problem.

As well intentioned as this amendment is—it is well intentioned, and I respect immensely the author, but certainly the author's commitment to this issue which has been acted on for

the last few years in a very aggressive way—I think at this time that the administration has it right and knows what it is doing as well as anyone can in this type of a climate and that this bill properly funded was brought to the floor by Senator STEVENS.

I yield the floor.

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 52 minutes 43 seconds.

Mr. BYRD. I yield myself 2 minutes.

Mr. STEVENS. Mr. President, will the Senator yield for 1 minute?

Mr. BYRD. I yield on the Senator's time.

Mr. STEVENS. Yes.

Mr. President, I ask unanimous consent that the time for the rollcall on Senator BYRD's amendment be changed to commence at 12:30, with the time added to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, let me compliment the distinguished Senator from New Hampshire. He is a very knowledgeable Senator. He is a reasonable Senator, and he is a courageous Senator. He doesn't always fall in line and do the party thing. But let me say this. He raises a straw man when he talks about computers. We are knowledgeable. He is right on the computers. So we didn't ask to put any money in this amendment for computers.

Let me also say this. Is there anybody in this Chamber who would maintain that we know who is coming into this country and who is going out of this country from day to day? The borders are wide open. We know that. So let it not be said that the FBI and the other agencies, the Border Patrol people, and all of those are awash with money. Don't listen to that. Our country is not secure. This amendment is attempting to make our Nation secure.

With regard to the FBI, we have $46 million. We say we are awash with money, that we don't need any more money. That was a mainstay of the distinguished Senator's argument. I will defer to Senator HOLLINGS because he can best speak to this subject matter with respect to the FBI, and so forth.

But the Senator from New Hampshire says we are awash with money; we don't need any more money. Well, in this amendment, there is $46 million for aviation support, including funding for additional pilots and mechanics, for two Blackhawk helicopters and surveillance aircraft, funding for maintenance and equipment, and other items needed by the aviation program.

This money has been requested by the President of the United States. Does the right hand know what the left hand is doing here? This amendment is attempting to, in this instance, with respect to the $46 million—nothing was said about that by the distinguished Senator from New Hampshire. Now they are sending in their top artillery people over here on this amendment. I hope our top artillery people will come and address these comments.

But let it not be said that we are spending more money on computers. We are not doing it in this amendment. The Senator from New Hampshire is exactly correct. We know that, so we did not add money for that.

But there is other money here requested by the President. So let it not be said we do not need that money. Who is right? If a President requests the money, is the Senator from New Hampshire, or any other Senator on that side of the aisle, or any Senator who is opposed to this amendment, willing to stand on the floor and say the President is mistaken, the President does not know what he is talking about, the President does not speak for us?

Mr. REID. Will the Senator yield for a question?

Mr. BYRD. Yes, I yield.

Mr. REID. I have listened to this debate, and it appears, with the remarks from the distinguished Senator from New Hampshire, that these amounts in this amendment which the Senator from West Virginia has filed were just brought out of the sky someplace. The fact is, agencies of the executive department requested these matters initially; is that true?

Mr. BYRD. That is true. And not only the agencies in the executive department, but the distinguished Senator from Utah, for example, talked about cybercrime, cyberterrorism, the distinguished Senator from Utah, Mr. BENNETT. He is a very knowledgeable Senator on this subject. So in this amendment we have $70,600,000 to combat cybercrime and cyberterrorism. We have taken this from testimony at last spring's homeland security hearings. These are funds that were blocked—blocked—by the President in the $2.5 billion supplemental.

Hear me now. Who asked for this money? Senators on that side of the aisle have maintained that this is a very, very worthy cause; we need to combat cybercrime and cyberterrorism. This amendment is trying to respond to that need that was evidenced by Senator BENNETT at the hearings.

Everybody knows we have a language translation problem in the services. We have heard that from all sources in the hearings that were held by the Appropriations Committee last spring. We heard it from the people at the local level. They could not talk with one another. And there are problems in language translation. So this was a Hart-Rudman report recommendation, and this amendment is trying to respond to that.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 49 minutes 45 seconds.

Mr. BYRD. I thank the Chair.

How much time does the Senator from New York want?

Mr. SCHUMER. If it is all right with the Senator, 6 minutes.

Mr. BYRD. I yield 6 minutes to the Senator.

Mr. SCHUMER. I thank my colleague.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I stand here to back up our leader, the Senator from West Virginia, who has waged a long fight.

First, I wish to say that the Senator from New Hampshire is very erudite, and I am glad he chairs his subcommittee, but what he is saying, that we do not need money, does not square with the facts. The bottom line, if you have followed the fight of our good friend, our leader, the Senator from West Virginia, is that this administration has constantly cut back on homeland security, on requests they have made, and on things that we need.

We are in a strange situation; that is, when we fight a war on terrorism overseas, every penny is available, as it should be. We back up our men and women who are overseas. But when it comes to fighting here at the homeland, we have no money. The analogy would be telling the generals to fight the war in Iraq—the upcoming war we pray to God will not happen; but if it does, fight the war in Iraq—with no new money. It makes no sense.

I want to point out three areas because I heard my colleague from New Hampshire.

First, in my State—all of which I know from my State; and I will take one end of my State and the other—at one end we have a northern border; at the other end we have a port. The northern border is totally unguarded. Every 2 weeks we hear on television the fact that some unknown group may have come over the northern border.

In the PATRIOT Act, a bipartisan act which the Justice Department pushed, we called for tripling the Border Patrol, Customs, and INS on the northern border. In Buffalo we have the second largest port of entry between Canada and the United States. I have been there. I have talked to the head of the Border Patrol in New York on the northern border. I have talked to the head of Customs. I have talked to INS. They are desperately short of people.

If my friend from New Hampshire thinks we don't need money to increase personnel for Customs, INS, and the Border Patrol, I would invite him to come to my State.

For the southern border, we have some guards and strictures, and, unfortunately, the terrorists have realized that and they use the northern border.

Again, the President called for tripling—tripling—in the PATRIOT Act, the personnel of those three Departments on the northern border. The underlying amendment does virtually

nothing. Even the amendment offered by my good friend from West Virginia does not triple the amount we need on the northern border, but at least it takes a step in that direction.

I have asked the people in Buffalo and in Plattsburgh and in Ogdensburg why they can't hire people. Because they don't have the money. Not that the personnel aren't there, not that there are bureaucratic bottlenecks, but they don't have the money.

Let's go to the southern end of my State, New York City, the port. Right now, unfortunately—and this is well known—we are wide open in terms of what can be smuggled into our ports on the Pacific, on the Atlantic, and on the gulf coast. God forbid if a nuclear weapon was smuggled in.

My good friend from Virginia and I, Senator WARNER and I, put in an amendment in the homeland security bill, and then in Senator HOLLINGS's port security bill, to create detection devices to prevent these nuclear weapons from coming in. Do you know what we were told? There is no money. The President asked that it be taken out.

How can we say we need to go into Iraq to find nuclear weapons—I supported the President in his move to go into Iraq—and at the same time leave our ports wide open to someone else—al-Qaida, a Chechen—smuggling in a weapon?

Again, the amendment of our leader, the distinguished Senator from West Virginia, does not come close to putting the money in we need, but he puts in some. At the same time we are raising the budget for the war overseas by tens of billions of dollars, we refuse to even begin to do what we need on homeland security.

Let me say to my friend from New Hampshire, the only bottleneck that prevents us from developing a detection device and implementing it on every container, on every toll booth at the northern and southern borders, to prevent nuclear weapons from coming in, is money. Again, if we are going to fight this war on terrorism abroad, we need the dollars to do it. Everyone agrees. But, somehow, there is a disconnect, and when we fight the war on terrorism at home, we say there are no dollars.

God forbid that something happens and we rue the day.

One final point. My friend, again, from New Hampshire was saying that our first responders in our localities do not need any more money, that the $3.4 billion they put in is enough. I beg to differ.

Let me talk about New York City.

If you drive over the Brooklyn Bridge, there is a police officer at each end of the bridge now. There never used to be. Now that has to be 24 hours, 7 days a week, to prevent someone from placing a bomb there. That is six police officers—three shifts, 24 hours a day—for each end of that bridge and for each end of every one of our bridges.

We, in New York City alone—Commissioner Kelly, Mayor Bloomberg—have requested $265 million of this committee, not for anything new, and not for the new equipment that my good friend from New Hampshire talks about, but simply to pay for some of the costs.

Let's face it, ladies and gentlemen, the city of New York has been—up until now; I hope it does not happen again—their No. 1 target.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHUMER. Mr. President, I ask the Senator for 2 more minutes to complete my point.

Mr. BYRD. Two more minutes.

Mr. SCHUMER. I thank the Senator very much.

The PRESIDING OFFICER. The Senator is recognized for 2 more minutes.

Mr. SCHUMER. We, in New York City, are stretched. I know what is going to happen. They are going to say: New York City, $265 million out of $3.4 billion? That is unfair. Everyone else needs the money.

Well, we are the No. 1 target. We don't have enough money for the first responders. And this is true throughout every part of our community—our hospitals, our firefighters. Everyone is stretched. Our States and local governments have no money to do all this. So, of course, we need more. The amendment of the Senator from West Virginia doesn't do enough, but at least it is a step on the road.

I could go on and on. I have talked about the northern border, which involves Customs, INS, and Border Patrol. I have talked about the port of New York and all the ports of the country which involve both TSA and some of the scientific research. I have talked about first responders. I could go on and on, but I know there is not enough time. We desperately need this money. Let us hope and pray that our stinginess in this vital area, where there is no ideological dispute, doesn't hurt our people this year or next year or the year after.

The Senator from West Virginia is making a lonely and difficult fight. He has done it for 6 months. But once again, we will look back on history and say he was right. We cannot fight a war on terror at home if we don't appropriate the dollars.

My good friend from New Hampshire can say we may not need this or we may not need that. In my State, the focal point of terrorism, we are not doing what we should on homeland security because we don't have the dollars—plain and simple.

I will enthusiastically support the amendment by the Senator from West Virginia, my leader. I hope the rest of the Senate will, too. God forbid we regret the day we do not.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New York. I yield myself 2 minutes.

The PRESIDING OFFICER (Mr. BURNS). The Senator from West Virginia.

Mr. BYRD. Recently, former Senators Rudman and Hart released a report that concluded that American transportation, water, food, power, communications, and banking systems remain easy targets for terrorist attacks.

The report highlighted the vulnerabilities created by the miniscule fraction of trains, ships, trucks and containers that are searched for weapons of mass destruction; poor radio communications and equipment and training for police, fire, and emergency medical personnel; inadequate coordination and focus on threats to food safety; lack of lab capacity to test for biological or chemical contaminants; and insufficient sharing of intelligence information with State and local governments on potential terrorist threats.

Not only has President Bush failed—failed, failed—to lead the Nation in addressing these vulnerabilities, he has in fact actively opposed efforts to provide the resources necessary to address these significant weaknesses. The record will show that. When it comes to homeland defense, the President is strong on rhetoric and weak on resources. The record will substantiate that statement of mine.

Under pressure from the White House since September 11, 2001, $8.9 billion of critical funding to address the specific concerns identified in the Rudman-Hart report and in our bipartisan Senate Appropriations Committee hearings have been squeezed out of spending bills considered by the Congress. In November of 2001, just 2 months after the attacks of September 11, the President said: Wait.

The PRESIDING OFFICER. The Senator has used 2 minutes.

Mr. BYRD. I yield myself an additional 2 minutes.

The President said: Wait, we can wait until 2003 to begin spending more on homeland security.

Now it is 2003. What is the President saying? He is saying: Let's wait until 2004.

Now the administration is saying we don't need more money for fiscal year 2003 because the administration has not spent some of the money that was appropriated for fiscal year 2002. The administration is leaving itself wide open to justified criticism when it maintains that. So it is saying we don't need more money because the administration has not spent some of the money that was appropriated for fiscal year 2002. What poppycock.

If the administration has not spent essential funds approved by the Congress over 1 year ago for homeland security, then the Senate Appropriations

Committee should be holding hearings to find out why. Where does the fault lie? Who is right here? Who is wrong? What are we doing?

Very little is being said on the part of the administration these days about protecting the homeland. Everything is go, go, go, go, go. They are sending off our National Guardsmen. We see the tears streaming down the cheeks of the wives and the children and of the guardsmen and reservists themselves. We see this on television every day or so. These people are part-time soldiers, but they are full-time community workers. They are lawyers. They are doctors. They are firemen. They are policemen. They are State policemen. These people are being sent overseas to fight a war in Iraq, an undeclared war on the part of the Congress.

The PRESIDING OFFICER. The Senator has used 2 minutes.

Mr. BYRD. I yield myself whatever time I need from my time.

It is time somebody says something about what is going on in this country.

Mr. DURBIN. Will the Senator yield?

Mr. BYRD. Not for the moment. I will shortly.

Mr. President, I don't hear a whimper from the Congress which only a short time ago attempted to give up its constitutional power to declare war to one man. He will determine when, how, and where our military forces will be used in an unprovoked war against a sovereign state that has not attacked us in this new doctrine of preemption. It is a new doctrine.

This Senator is just not going to take this lying down. I don't care how popular Mr. Bush may be. I answer to my constituents, I answer to my Constitution, and I answer to my conscience.

Here we are penny pinching when it comes to protecting the homeland. This administration is not paying enough attention to the protection of the homeland—our country, our people, our institutions, our installations.

I think it is time we called the hand of this administration. If the administration says: We don't need any more money, we are awash with money, well, then, if the administration has not spent essential funds approved by the Congress over 1 year ago for homeland security, the Senate Appropriations Committee ought to be holding hearings to find out why. Let's find out why.

We need these homeland security resources now to meet real needs that have been authorized by the Congress for port security, airport security, border security, nuclear security.

I understand the Senator would like for me to yield. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 34 minutes.

Mr. BYRD. I thank the distinguished chair. I yield time to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from West Virginia.

One of my favorite historians, William Manchester, in writing his volumes concerning the life of a great man named Winston Churchill, entitled the second volume ''Alone,'' telling of that period in Winston Churchill's career in the 1930s when he stood in the House of Commons in England as a lonely voice warning his countrymen of the impending peril of what was to occur in World War II. He was ignored. He was derided. He was ridiculed. Eventually, history vindicated him.

The same will be true of the Senator from West Virginia. I want to let him know, he does not stand alone in this battle. There are many of us who believe we need to step up at this moment in time and speak up for not just the defense of America from foes who attack us overseas but the defense of hometown America, the defense of our homeland. It is not enough to create a new bureaucracy and a multi-agency unit with a high-sounding name, the Department of Homeland Security, and not provide the resources that are essential to protect hometown America.

My colleague from New York recounted the challenges in New York City. The same can be said for the city of Chicago and for small towns and villages all across Illinois. Something as basic as establishing a communications network for police and fire first responders and the medical community is essential to respond to a crisis. The money is not there. My State is deep in debt, as are many States across the Nation. The question is whether this administration will come forward and support Senator BYRD's amendment to put in a small proportional increase, a small incremental increase in terms of homeland security, and to think this would be resisted is an open invitation for critics to say this administration supports a hollow homeland security—one that will not be there when we need it. I hope this great Nation and our people never face an act of terrorism again. But it is foolhardy for us to ignore the threat of September 11, 2001, and its repetition. We live on Capitol Hill most of our working lives and we know that two letters mailed to an office in Capitol Hill containing anthrax cost us $20 million to clean up, cost us American lives, and closed down office buildings for months—two envelopes. That is our vulnerability. That is the vulnerability of America.

Senator BYRD, you do not stand alone. I hope there are Members across the aisle who will join us in this effort to make certain our commitment to homeland security goes beyond rhetoric.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Illinois. He stood with me when we opposed the Iraq resolution, and we stand together today.

Let me say this, Mr. President: This is not the last word with respect to sending our men and women across the seas to fight a war that has been unprovoked. We have not been attacked. We will have more to say about that later.

We do need to protect this homeland. This amendment will do that. The Senate is at a crossroads. We face a choice: Will we allow partisan politics to rule the day or will we step up to the responsibility to respond to the growing security crisis facing our country? Of course, this administration is not going to support me in this amendment. The administration has opposed every effort I have made in the past to add moneys for homeland security. The administration, the White House, would not let their key point man on homeland security come before the Appropriations Committee in the Senate last year. They said: He is a staff person. Yes, he was, but he was the administration's point man on homeland security. They kept him from coming. Then when we tried to appropriate more money—unanimously—in the committee, what did we get? We got veto threats from this administration.

Now, what does that tell you about this administration? They don't want to work with the Congress. They want to have it their way all the way. They don't want to admit there are weaknesses, admit Congress can be right, and is right on many occasions. No, we don't expect them to support this amendment. They have not supported our amendments in the past.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 29 minutes.

Mr. BYRD. I see my distinguished chairman and I will be glad to yield the floor for now.

Mr. STEVENS. Mr. President, I thank the Senator from West Virginia. Again, I have to come back to where we are. We are trying to send to the House, in order that we might convene a conference between the House and Senate, the 11 bills we did not pass last year, governing 11 different appropriations bills. The President has to be taken into consideration because we are asking him to sign 11 bills with one signature. Rather than have 11 bills individually come over here from the House, handle them individually in committee, bring them to the floor and handle them individually, take them to conference and handle them individually, pass them by the Senate again individually, and send them one by one to the President, we are asking to play catchup, send them to conference, work it out with the President, within his limits, and he will sign the bills and we will put this problem behind us.

The Senator from West Virginia raises a series of issues about homeland security. This Senator does not dispute

the fact that additional funds will be needed for homeland security. For instance, if we go back to the State, Justice, Commerce bill, the section of the amendment I have put before the Senate contains $11.3 billion for homeland security for State, Justice, Commerce functions only—Department of Commerce, Department of Justice, Department of State. There is $8 billion for the Department of Justice, $222.7 million for the judiciary, $262.8 million for the Department of Commerce, and $280 million for the Department of State.

Adding another $1.2 billion, as the Senator from West Virginia directs under his amendment, would not be something that can be used by these departments in the 7-plus months that are left—plus maybe a week or two—to spend that money.

My position is, let's get this behind us. In every instance, there is money in the bill that would deal with the issues at the President's level; but Senator BYRD wants to increase that money. For instance, for the DC emergency response plan, Senator BYRD wants to add $12 million for the District's unified communication center. We have $10 million for that purpose in this amendment. The President didn't request any money, so we have already added $10 million. Senator BYRD wants to add $12 million to that.

In the District of Columbia, Senator BYRD wants to add $13 million for the bioterrorism hospital preparedness account. We already included $10 million in this amendment, and there is $8 million already available from the supplemental passed late last year for the fiscal year 2003. So the District of Columbia has already $18 million for that function to which the Senator wants to add $13 million.

In the civil defense area—this is under the Energy and Water Subcommittee—the Senator from West Virginia wants an additional $100 million for security upgrades for the Army Corps of Engineers. That is for reviewing facilities such as dams, water treatment plants, et cetera. We already have $65 billion to be spent in less than 8 months. My friend wishes another $211 million for security upgrades for the Department of Energy's nuclear facilities. In this omnibus amendment before us, we have $1.2 billion for that purpose. Even that money will not be spent in the balance of fiscal 2003.

It doesn't do us any good to pass bills that contain surplus money that cannot be spent in this fiscal year. This omnibus bill is for funding the balance of fiscal year 2003.

For the Department of Homeland Security's national infrastructure simulation and analysis center in New Mexico, the Senator from West Virginia wants to add $25 million. The President asked for $20 million. We have increased that to $30 million—more money than requested for that function. We increased it 50 percent already. This agreement is not with the function, it is with the pace of spending. The money the Senator wants just cannot be spent in this period of time. I say that respectfully because we have already passed 4 months. At the end of this month, it is 4 months of the fiscal year that is gone. It takes about a month to allocate money, get it out to where people can use it, and it takes time to contract it and hire new people to spend it. It is not physically possible, administratively possible, to spend this additional money. The main thing is, if it is needed, we have a supplemental that is coming along. We will be looking at additions to these bills.

We will have money in the 2004 bill which will be available in the last 3 months of this calendar year, this coming October 1. I urge the Senate to look at each issue.

Again, I sat with my good friend when we had those hearings. There was not a person there who did not want more money. I do not remember one single person who did not want more money. As a matter of fact, as a father of six, I have had people around me who wanted money all my life. The question is: How much should be allocated, and how fast should they spend it?

Now, on this concept of taking the bill and saying, we want to add $5 billion to this omnibus amendment I have, we will take it back into the same fight we had last year, the same thing that delayed us last year, and it will delay us so we cannot even get to the battle for the 2004 appropriations bills.

Not to be disrespectful to my friend from West Virginia, but I urge the Senate to not approve this amendment that really does not solve the problem. The problem is, how do we catch up with the appropriations process? How do we face up to the fact that the last Congress did not pass 11 of the 13 bills?

I admit I have suggested a rather abrupt and arbitrary procedure, putting them all together in one package, but I did not do it alone. Each of the subcommittees reviewed every single line in these bills.

I put into the RECORD last night the summary of the reports that would have been prepared had we brought out 11 separate bills so that everybody can see where this money is intended to go.

Very clearly, it is designed to go to conference with the House. As we go to the conference with the House, I hope we can have a wide-open conference that deals with the issues, and it may be that some of the items that Senator BYRD wants will be brought to us by the House. I do not know, but I know every issue the Senator wants to cover goes into conference. We have rule 28, and those things will be in conference. They can be increased if the conference wishes to do so.

I know of no instance where anyone has come to this Senator and said the amount of money that is in this omnibus bill is not enough to finish their functions for fiscal year 2003. There are a lot of them who want more money, but there is not one of them who said, we cannot survive with that amount of money.

We have ample money for every function of homeland security that I know of in this bill, and we should not confuse the issue. The Senator's amendment does not address how much money is required for homeland security but whether we should go beyond the President's total request for homeland security.

As I mentioned in several instances, we have recommended more than the President requested, but we offset it with cuts from other areas. Unfortunately, the amendment of the Senator from West Virginia does not offset at all. It adds to the bill. There are no offsets. So we do not have a budget resolution. We ought to have agreed to that level right after the election, and had we had the chance to move before then, Senator BYRD would have had the job I have of coming down to that level.

Now the gavel has shifted, but the problem has not changed, and I am asking the Senate to do what I think Senator BYRD would have asked last November/December had we gotten to the point where we are now, actually considering the bills on the floor.

Again, I do not want to put all of this in the RECORD, but, again, I will put the summary in the RECORD in terms of the charts I have prepared. We have covered these functions. We have funded the functions for the amount that the subcommittees, working with the staff of both Republicans and Democrats, believe is sufficient to carry this through until October 1 of this year, fulfilling the obligation to fund the fiscal year 2003 functions of Government.

If we do not do this now, there is not one agency that is going to get any money until at least the end of March. It would be a miracle for any one of these bills to pass before the end of March.

My suggestion is, let's take it to conference now, and if anyone wants to come in and convince the conference that something is underfunded, do it. These are the collective recommendations of the staff, the chairmen, and ranking members of these subcommittees as to how they would live under this lid of $750.5 billion, as I agreed to do, staying within the President's level, get it to him, and let him sign the bills.

Don't misunderstand me. The President is not too happy with this omnibus package either because there are lots of items that are increased and others decreased in terms of his requests. It is not over until the pen moves, until the President signs the bill.

I think the only place we can get to the point where he will sign the bill is in conference, and I urge the Senate not to approve this amendment and not to approve the other amendments. Let's take this omnibus package to the conference and work with our counterparts in the House on a bipartisan basis and fashion a bill that the President will sign.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I realize my leader is in the Chamber and wishes to speak on leader time, and we have other Senators who wish to speak. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 28 minutes remaining.

Mr. BYRD. I thank the Chair.

Mr. President, I yield myself 3 minutes.

Mr. President, I have listened to my distinguished friend, and he is my friend, but remember that my friend from Alaska said in December a year ago: Now, 4 months have already passed. We have 8 months. Let's wait until 2003. We have already gone through 4 months. Let's wait until 2003.

Now we are hearing the same argument, may I say, from my dear friend: Let's wait until 2004.

We cannot wait.

The distinguished chairman refers to the fact that the President will not like this either. Well, I accord this President the same respect I accord any other President. This President is not infallible, nor is any other President we have ever had.

The problem with what I see in this administration is they want to have it their way with every comma, semicolon, colon, and hyphen. They do not want the Congress to come forward with anything. They are against anything we propose. They have been against everything we have proposed thus far.

Let's take their own argument and turn it on its head. Congress has approved $365 billion for Defense. That is a lot of money. We have never squeezed a penny. We have never denied Defense anything. We do not deny the Defense Department anything they want. When they come up and want more money, we give them more money, almost without questions asked.

On top of the $365 billion for Defense that we have provided, this bill adds $3.9 billion. That is $3.90 for every minute since Jesus Christ was born.

Can the Defense Department spend that money? My distinguished chairman asks, can this Government responsibly spend this additional money that Senator BYRD is asking for in this amendment? Well, I ask the same question: Can the Department of Defense spend the money? Can it spend $3.9 billion more? Yes.

We are adding $5 billion for homeland defense on homeland security—the security of your people, Mr. President, my people, my children, our installations, our institutions, our borders, our country. Can we spend that money, $5 billion for homeland defense and homeland security? Yes, they can spend it, and spend it well.

Let something happen, and then we will see what the polls show. If something happens, let the American people then take a look backward and see how this Congress sought to add monies for border security, for airport security, for homeland security, for port security. Those are monies the administration threatened to veto. It turned its back on them. It turned its back on the $2.5 billion last year. The President refused to sign a bill that provided $2.5 billion for emergency planning. He turned the back of his hand. He turned his back on his own country when he turned down that opportunity to give $2.5 billion for homeland security, to put it in the hands at the local level, the law enforcement people, the health personnel, the people at the local level. He flatly rejected it. Let something happen, and then see what the polls show. Then see where the questions are asked. Then hear what the answers will be. I say a stitch in time saves nine.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I will use leader time that I have under the order of the day.

Let me begin by congratulating the distinguished Senator from West Virginia for his eloquence and for his leadership on this critical issue. As we consider all of the priorities we ought to be concerned about in this bill, there is no priority of greater import than the homeland defense of this Nation. I have immense respect for the chairman of the Appropriations Committee, and I admire the way he works and his dedication to his work and the leadership he provides. I can only surmise this would not be his package, either, had he had the opportunity to do this on his own. He is forced to work with an administration and people in the House that have different priorities. I understand that.

We have differences and disagreements with regard to priorities, but there should not be any disagreement under the Constitution as to what the most important priority is. It is to protect and defend this country against enemies, both foreign and domestic. That is what the Constitution says. They leave no doubt, our Founding Fathers, about what our priorities ought to be as we consider budgets, as we consider each year what should be our priorities under fiscal management. Over the course of the last couple of years we have turned to experts to ask, How are we doing with that constitutional responsibility in light of 9/11?

The Conference of Mayors, under the leadership of President Tom Morino, said about a year ago: It has been 16 months since 9/11, and the Congress has still failed to deliver public safety money for first responders. They vote for tax cuts for special interests but deny cities and States money for critical programs. Washington, he said, is out of step with the rest of the country.

We asked two of the most respected experts in the Senate, former colleagues, to give their evaluation of how it is we are doing as we attempt to protect this country against enemies both foreign and domestic. Their response: America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil.

We hear from the experts. We hear from those people who are charged with the responsibility of ensuring that first responders have the ability to do what our constitutional obligations require. Today what Senator BYRD is proposing is we put our money where our mouth is, that we make the commitment required to live up to those constitutional obligations.

I find the current circumstances in the Senate absolutely bizarre because, on one hand, we are told by our colleagues on the other side of the aisle that we can afford a tax cut of the magnitude almost equal to what we passed 2 years ago. Take the President's recently proposed tax package, add to it the cost of interest, and add to that his proposal that we make those tax cuts permanent, and you come to about $1.3 trillion. Now they tell us we can afford that. We can pass this ''leave no millionaires behind'' bill. We can do that. We can somehow find the resources to give more tax breaks to 226,000 millionaires, but we do not have $5 billion to live up to our constitutional obligations. That is bizarre. That is, in my view, one of the most preposterous positions anyone could come to the Senate floor and take.

Yet that is exactly what I hear our Republican colleagues saying. I have a handout I was given this morning from the Republican caucus. It says: Homeland security funding, and it lays out the reasons why Senator BYRD's amendment ought not be supported by Senators on their side. It says the Byrd amendment is well-intentioned but unaffordable.

Unaffordable? Five billion dollars is unaffordable? Unaffordable, when we know we have to provide smallpox vaccine? Unaffordable, when we know we have to ensure that we synchronize the police and fire communication systems and have the emergency planning? Unaffordable, when we see cuts in Coast Guard programs and our efforts to try to protect our ports and bridges and infrastructure? Unaffordable, when we cannot find the money to ensure that we can even deal with the security questions we are facing right now in

protecting our nuclear facilities and our water and other unique needs to every community in the nation? Unaffordable? That is preposterous. This debate is bizarre. For the life of me, I cannot understand how anyone can say in light of their advocacy of a $1.3 trillion tax cut that defending this country, as the Constitution requires, is unaffordable.

I hope our colleagues think very long and hard about how unaffordable this is. God forbid anything happens in the coming months. God forbid we once again experience what we did on 9/11. I would think we would do exactly what Senator BYRD is proposing, and even more. I think $5 billion is just the beginning for what we are going to be required to do to make this country safer and stronger and to live up to those constitutional obligations.

If we do not start now, in this fiscal year, when do we start? Tell the mayors they cannot spend the money. Tell our firefighters and our police officers, they cannot spend the money. Tell all of those who are concerned about responding to whatever eventuality there may be, they can't spend the money. I have not found one yet who has given me that answer. When I ask them, Do you need more resources, they say yes, I needed them yesterday. Yes, if we are going to defend our water system, and if we are going to defend all of our facilities and our infrastructure in this country; I needed that money a year ago. Yes, I need the money.

But for Heavens' sake, if anyone can say with a straight face that we ought to spend $1.3 trillion more on tax cuts, they ought to be able to say yes, we have $5 billion to protect our homeland, as well.

I yield the floor.

Mr. BYRD. Will the Senator yield? Does the Senator still have time?

Mr. DASCHLE. I am sure I do.

Mr. BYRD. Mr. President, I say to the leader, how long ago was it we heard the President of the United States saying, no price is too great a price to pay for freedom? Right? When they talk about war in Afghanistan, they talk about war in Iraq, no price is too great a price to pay.

Where are those voices now from the administration? Where are the voices that say no amount of money is too much to pay? What about this? What amount of money is too much to pay for homeland security? Who knows but when the first shot ricochets in the war against Iraq—which Congress is not declaring—when that first shot is fired, is it possible we may hear some shots fired in our own country; that we may see the terrorists come out of hiding; we may see them come from the veil; we may see them come forward? What will happen then? What will happen then to this Capitol?

What saved this Capitol from being demolished on September 11? A few brave men and women on that plane that went down in Pennsylvania saved this Capitol. Who is to say that these terrorists—we don't have them among us now? Who can say there are not terrorists out here now, waiting, just waiting, waiting for the moment?

And here the people downtown, when it comes to homeland security, when it comes to the protection of our homeland, when it comes to the protection of our families, when it comes to the protection of our churches, our schools, our stores, our jobs—aha, $5 billion is too much to pay, too much to pay; we don't need it.

If you don't need it, don't spend it, and let's have some hearings as to why it isn't spent.

No price is too much to pay. No price is too much to pay for the security of this great land of ours.

I thank the distinguished leader.

Mr. DASCHLE. I would just say to the distinguished Senator from West Virginia that he is absolutely right. This city has heard a lot of great speeches since 9/11, but I keep thinking of Teddy Roosevelt who said: ''Speak softly but carry a big stick.''

What I find this administration doing is speaking loudly and carrying a small stick. It is a small stick when you consider what they are doing with homeland defense. What you want to do is give them a bigger stick. What you want to do is send as clear a message as we can that we are willing to commit the resources of this country to carry out the rhetoric that we have heard so often on the floor of the Senate and in every one of these State of the Union Messages. We have to match our commitment in resources to the rhetoric we hear from our leaders.

Mr. BYRD. Right.

Mr. DASCHLE. That is what you are doing.

Mr. BYRD. Right.

Mr. DASCHLE. I yield the floor.

Mr. REID. Will the Senator yield for a question?

Mr. DASCHLE. I would be happy to yield.

Mr. REID. Mr. President, I have heard various accounts of how much the war in Iraq will cost. The accounts range from $60 billion to $250 billion, a quarter of a trillion dollars. That is the wide range of the cost of a war in Iraq. A resolution passed here saying the President could go to Iraq when he believed it appropriate.

It seems to me that if we can spend up to a quarter of a trillion dollars to go into the Middle East, we can spend a paltry $5 billion to make sure that my people in Nevada have some semblance of protection.

Would the leader agree that if we can spend hundreds of billions of dollars going to Iraq, we can afford, we should spend, $5 billion to take care of the people in South Dakota, West Virginia, Montana, Nevada, Alaska, Kentucky—the States of the Senators I see on the floor here now?

Mr. DASCHLE. I think the Senator from Nevada makes a very important point. I have about 1,000 people from South Dakota who are now in the Persian Gulf, who are awaiting further orders from the President of the United States and from the Pentagon with regard to what may occur in the Middle East and in Iraq in the next couple of weeks.

Of course, I want to provide whatever resources are necessary to see that they are protected and that they have the ability to do their job. But I ask, if we are willing to make that commitment to those fighting the war in the gulf, why aren't we willing to make the same commitment to those fighting the war here at home? Why aren't we willing to provide the resources to the police and the first responders and to all of those who are fighting just as critical an effort to defeat terrorism here at home?

Why do we say we have the money for the people in the gulf but we don't have the money for the people here at home? Are they less vulnerable? Is their role less important? Do they have some degree of disadvantage because they are here at home? I think the Senator from Nevada makes a very critical point in the argument here. If we have the resources and if we have the commitment to fight terrorism, regardless of whether it is abroad or here at home, we ought to have the resources commensurate with that commitment.

What the President is saying is we don't have that kind of commitment here at home. That is inexcusable. And it is especially inexcusable when he says we have the resources for a tax cut of the magnitude they are considering today.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield myself 3 minutes, and then I want to yield to the distinguished Senator from Washington.

I thank the distinguished Democratic leader for his contribution today. I thank both the leader and the assistant leader for what they have contributed to this debate.

Mr. President, we talk about sending our troops, men and women, fathers, brothers, husbands, wives, overseas to fight a war in Iraq. We talk as though it is just a video game. Nobody raised a question. We don't hear a whimper—not a whimper.

We see the pictures on television every day. These people are going away. We see them kissing. We see them waving goodbye. We see them shedding tears. We know that those tears are shed at night on those pillows. There seems to be no thought to the sacrifices that may be in the offing for this country. They talk as though

it is a video game, just a matter of pushing a few buttons and we will win.

Well, now, we may be lucky. If we go to war, we may be lucky. I hope we will be lucky. But what if we are not lucky? Where will those who are silent now be? Why don't they raise their voice now? Why don't we ask questions?

I am not one to be driven in a hole. We hear a lot about driving them in the holes and we will go in and get them. Our men—our men—will go in and get them. We talk about driving the enemy into holes in Afghanistan and in Iraq—we will drive them into holes.

I yield myself as much time as I may consume.

We will drive them in the holes; we will go get them. Who is ''we''? It is not I. I don't think I will be going in those holes, driving anybody out. It is going to be those poor men and women who are giving up their salaries as lawyers, as doctors, as teachers, as security people, as law enforcement people, as firemen—they are the people who are going in those holes in Afghanistan. They are the people who are going to go into those holes and bringing out the enemy.

We talk as though it is a video game. I hope and I pray to God that if we do go to war with Iraq, we will be lucky. I hope Saddam will catch the first plane out to Libya or to some other country. I hope he will. But what if he doesn't? We have to contemplate that.

So I think it is our responsibility here in the Congress to do two things at least: Raise questions, and provide the money for the security of this homeland. We don't know what will happen to this homeland once we open fire in the hot sands of the deserts in the Middle East. We don't know what may break out in this country. Are our water resources fully protected? Are our energy resources fully protected? Are our nuclear facilities fully protected? Are our borders secure? Are our ports secure? Are our airports secure? Are our people secure? No. And here we strain at a gnat and swallow a camel when it comes to fighting and protecting ourselves on the homeland.

How many here, right here in this Chamber today, will feel secure in this very Chamber in the future? I say we had better stop, look, and listen while there is time to stop, look, and listen. I will have plenty more to say on that subject.

But on the subject of homeland security, let it not be said that we are not doing our very best to give this administration all the tools it needs, all that it can possibly usefully use, all that it can possibly efficiently use, to protect this homeland of ours. And who will say that this land is fully protected? Who feels secure in this homeland of ours today? Ask your wives. Ask your mothers if they feel secure. And here we are, quibbling over $5 billion.

Nobody is going to put you in jail if you don't spend it. But if you need to spend it and don't—don't have it, and if you haven't spent it already, why haven't you? Surely we are not perfect. Surely we are not absolutely secure.

Mr. President, how much time does the Senator wish?

How much time does the Senator from Washington want?

Mrs. MURRAY. I simply ask for 1 minute, or 2, I say to the distinguished Senator.

Mr. BYRD. I yield 2 minutes to the Senator from Washington.

Mr. REID. Will the Chair indicate at what time the vote will occur as a result of Senator DASCHLE having spoken?

The PRESIDING OFFICER. It is estimated right now by the Parliamentarian that 12:44 will be the time for the vote.

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I came to the floor last night to give extensive remarks about the tremendous importance of the amendment that has been offered by Senator BYRD in the area of transportation for port security, airport security, and transit security. I have been listening to the debate this morning.

I wanted to come to the floor to refute a critical misstatement that has been made about the amendment that has been offered by Senator BYRD. It was argued by my friends on the other side of the aisle that the funds in this bill are all over and above the funding requested by President Bush. I need to tell my colleagues that in the area of transportation that is just simply not true. In the underlying bill, the funding level for the Transportation Security Administration is some $460 million short of what is needed to fully fund all of the congressionally directed initiatives, as well as fully fund the security requests of the Bush administration. It is a simple mathematical fact. This amendment that has been offered by Senator BYRD provides $460 million for the TSA needs to fully fund what President Bush has requested for the Transportation Security Administration. Without the amendment offered by Senator BYRD—if we enact this without that—the TSA will have to cut $460 million to make way for the congressional mandates that all of us have worked on, supported, passed, and told our constituents are coming. The only way to fully fund what President Bush has requested for screening passengers at our airports and purchasing the explosive-detecting machines is by providing the funding for the Byrd amendment.

I thank the Senator from West Virginia for yielding me a minute to clarify this critical point—that we need to have this amendment to fully fund President Bush's request, particularly in the area of transportation security.

I thank the President. I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Washington for clarifying a very critical point. I thank her, and I apologize to her for keeping her waiting. She has been on the floor waiting to make this correction. I am glad she made the correction. I hope that Senators will carefully study what she has said. She has pointed to a yawning flaw in the argument of the other side. I thank her for her contributions to her country.

Mr. KOHL. Mr. President, once again Senator BYRD has taken up the fight to fund adequately our homeland security needs. I supported his efforts last year, I voted with him today, and I will continue to back his efforts to sufficiently fund out security needs in the future.

Last year the Senate included supplemental funding for homeland security needs but the President refused to spend those funds. The Senate Appropriations Committee wanted to spend an additional $8.3 billion, but the administration only agreed to spend $4.2 billion. The President effectively vetoed $2.5 billion in emergency funding for homeland security last August. We hear reports that our country is no more secure today than we were on September 10, 2001, but the administration refuses to spend the funds required. This administration seems to believe that wisdom can only come from one end of Pennsylvania Avenue.

The $5 billion in this package goes for hiring and salaries for FBI and Customs Agents. It purchases more patrol boats for the Coast Guard and improves port security. This money will help transform the Immigration and Naturalization Service and improve security at our embassies around the world. Almost $150 million will go out to our first responders through the COPS program, one of the more effective community policing programs. There are important funds in this package to protect and secure important Army Corps of Engineers infrastructure. We need to protect our dams and water projects from potential attacks or tampering.

There is also significant funding to improve our transportation infrastructure. There is $300 million for improving security at airports and hardening cockpit doors. These two issues are critical to improving safety in the air. We know these changes have to happen, and should have happened a long time ago. We can't afford to waste any more time. Two years have passed and we cannot say that our aviation network is safe from a terrorist attack.

This money meets real, documented, legitimate demands. These needs have been testified to in hearings, they were

exposed in the Hart-Rudman report, and the agencies themselves have asked for these funds but have been denied by the Office of Management and Budget. I understand that some on the other side of this issue are concerned that the money will not be spent correctly, that we are forcing these agencies to grow too quickly. I believe we have a duty to give the agencies an opportunity to do their job. We have a duty to give the agencies all the tools they need to protect the American people. I would rather be accused of trying to do too much, than not enough.

Ms. MIKULSKI. Mr. President, there is nothing more important than America's homeland security. I support Senator BYRD's amendment because it provides essential funds for hometown security.

It will improve our ability to prevent terrorism, through stronger port security, border security, and transportation security. And it will improve our ability to respond to acts of terrorism by giving first-responders the tools they need.

Local communities are on the front lines in our war against terrorism. They must not bear the full cost of this war. This means Congress must do its share by providing funds for: local law enforcement, first responders and public health professionals; extra security for critical infrastructure like public water supplies; and improved communications systems.

This amendment accomplishes six important things. First, it improves port security, airplane cockpit security, and airport security by giving the Transportation Security Administration $1.64 billion. It permits INS to better monitor who is coming into our country by giving them $363 million to develop an entry/exit system. It enables community law enforcement agencies to upgrade communications equipment by providing $100 million through the COPS program. It ensures that the Children's National Medical Center here in DC can expand their quarantine and decontamination facilities for children and families by giving the Center $8 million. Senator BYRD's amendment allows states to enhance their chemical response capabilities by giving them $9.5 million. Finally, the amendment assures that 10 million doctors, nurses, and first-responders will receive the smallpox vaccination this year by giving $850 million to state and local health departments.

Without this additional funding, States will be forced to cut back on other critical public services, such as putting more police officers on the streets to fight ''everyday'' crime, or tracking West Nile virus cases. I have received dozens of letters pleading for promised Federal assistance for first-responders. For example, Laurel, MD continues its efforts to organize and prepare their regional emergency services to respond not only to terrorism but to all local emergencies. Since September 11, Laurel has had to use their limited resources to respond to several critical events, a tornado on September 24, 2001, and the sniper shootings that required them to be on extended heightened alert. Despite this, Laurel continues to prepare its emergency service providers to respond to the various alerts and incidents that continue to occur. Baltimore, MD also has the additional task of securing large public arenas such as Camden Yards and Ravens Stadium against terrorist attacks.

This is why it is so important that we pass this amendment. Cities are on the front lines in preparing for, and responding to, acts of terror. Who are the people on the front lines? They're police, firefighters, EMS and public health responders. Firefighters in Maryland alone need $40 million for equipment, training and personnel protective gear. Our law enforcement officers play a critical role in detection and prevention, and must also have equipment, training, and better information from federal agencies to do their jobs. By investing this money today, we get double value, more money to prepare for terrorism means more money to fight crime and fires.

My own State of Maryland has made great strides in preparing our Nation against a terrorist attack, but communities need this additional funding to make sure they are combat ready and fit-for-duty. Let's protect the protectors and keep our promises to the warriors on the front lines of this new war against terrorism.

That is why I support homeland, and hometown, security, and I encourage my colleagues to vote for this amendment.

Mr. LEAHY. Mr. President, I am pleased today to strongly support the amendment by the Senior Senator from West Virginia to restore funds approved by the Senate Appropriations Committee last year to enhance our homeland security.

The Byrd amendment would be giving law enforcement the tools they need to do their job, focusing on both immediate and long-term threats we face at home and abroad. It aims to bolster our security against terrorists, and to improve the administration of justice throughout the country.

This Federal support is desperately needed by our States, counties, cities and towns, which are now facing fiscal crisis.

Since September 11, 2001, States, counties, cities and towns have become overwhelmed by increasing homeland security costs. The National Governors' Association estimated that States incurred about $7 billion in security costs in the past year alone. The National Association of Counties believes at least $5.2 billion is needed to better equip public health systems to cope with attacks and fight terrorism.

The President's ill-conceived tax cut in 2001, along with the new cuts he proposes now, are likely to exacerbate these economic woes.

The Byrd amendment would provide the Federal support that our States need by restoring $1 billion in homeland security cuts, restoring $2.5 billion of emergency homeland security funds, and funding the Airport Security Act, all critical needs.

The Byrd amendment would also provide needed funding to protect our borders. Through the USA Patriot Act and the Enhanced Border Security and Visa Reform Act, a Democratic Senate led the fight to dramatically increase authorizations for personnel and technology to guard our northern border. Unfortunately, the appropriations package before us would shortchange that pressing need.

Senator BYRD's amendment includes an additional and much-needed $83 million to enforce our immigration laws and safeguard our borders, including funding to provide pay upgrades for Border Patrol agents and Immigration inspectors. We are asking more and more of our border personnel, and we must reward them for their hard work or risk losing them altogether.

In addition, the Byrd amendment expands the COPS program by providing $150 million for grants to law enforcement and first responder agencies for improved communications systems. I know that Senator GREGG and Senator HOLLINGS, the new chairman and ranking member of the Commerce, Justice, State Appropriations Subcommittee, understand that communication is key to coordinated and effective law enforcement efforts. I thank them for their past bipartisan support in my home state for upgraded communications systems for better law enforcement.

This year marked an unfortunate turn after a decade of remarkable declines in the Nation's crime rate. The decade of progress we made under the leadership of President Clinton and Attorney General Reno helped revitalize our cities and restore a sense of security for millions of Americans. According to the latest FBI report, however, the number of murders, rapes, robberies, assaults, and property crimes is up across the United States, the first year-to-year increase since 1991.

It is troubling that, at this crucial moment, the Bush Administration is proposing to reduce by nearly 80 percent the Community Oriented Policing Services, COPS, program that has helped to put 115,000 new police officers on the beat since 1994 and Byrne grants to State and local law enforcement. I believe that we must fight to maintain and extend the COPS program and Byrne grants, which has proven its value in increasing the security of our cities, towns, and neighborhoods.

I am a strong supporter of Senator BIDEN and Senator SPECTER's bipartisan bill to reauthorize the COPS program, which the Senate Judiciary Committee approved unanimously last year only to have an anonymous Republican hold put on it to prevent final passage. I hope we can finally reauthorize the COPS program this year since it has proven to be such a crime-fighting success.

As we provide the necessary tools for federal law enforcement officials to protect our homeland security, we must remember that State and local law enforcement officers, firefighters and emergency personnel are our full partners in preventing, investigating and responding to criminal and terrorist acts.

As a former State prosecutor, I know that public safety officers are often the first responders to a crime. On September 11, the Nation saw that the first on the scene were the heroic firefighters, police officers and emergency personnel in New York City. These real-life heroes, many of whom gave the ultimate sacrifice, remind us of how important it is to support our State and local public safety partners.

In addition, the ''Comprehensive Homeland Security Act of 2003'', S. 6, and the ''Justice Enhancement and Domestic Security Act,'' S. 22, which Senator DASCHLE introduced on behalf of the Democratic Caucus and which I am proud to cosponsor, establish the First Responders Partnership Grant program, which will provide $4 billion in annual grants for each of the next 3 years to support our State and local law enforcement officers in the war against terrorism.

First Responder Grants will be made directly to State and local governments and Indian tribes for equipment, training and facilities to support public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism. Grants may be used to pay up to 90 percent of the cost of the equipment, training or facility, and each State will be guaranteed a fair minimum amount. This is essential Federal support that our State and local public safety officers need and deserve.

Our State and local public safety law enforcement partners welcome the challenge to join in our national mission to protect our homeland security. But we cannot ask State and local law enforcement officers, firefighters and emergency personnel to assume these new national responsibilities without also providing new Federal support.

The Byrd Amendment is an essential down payment and with the First Responders Partnership Grant Program, which I hope the Senate will turn to and enact without delay, we can provide the necessary federal support for our State and public safety officers to serve as full partners in our fight to protect homeland security and respond to acts of terrorism.

Mr. KENNEDY. Mr. President, I commend my colleague from West Virginia for his leadership in providing the resources needed to enhance our national security.

One of the most important aspects of the Byrd amendment is the additional resources it will provide to protect America from the threat of bioterrorism. The anthrax attack of a year ago has made all Americans aware of the grave threat posed by biological weapons. We know, for example, that terrorists bent on savage destruction may well have access to the smallpox virus, one of the deadliest plagues ever to threaten humanity.

Faced with this obvious danger, it is essential for Congress to provide adequate funds to our hospitals, medical professionals, and communities. They need to act now to prepare for this threat.

In a few days, thousands of health and emergency workers will be asked to roll up their sleeves and be vaccinated against smallpox. There is a cleave need to inoculate health care workers, so that they can quickly vaccinate millions of Americans in the event of an outbreak, as a CDC advisory committee has recommended to the White House.

We need to protect the safety of those who receive the vaccine. We need to provide financial assistance to the communities that will bear the expense of giving the vaccine to thousands of workers. We need to provide compensation to those who are injured by the vaccine and guarantee their medical care.

Smallpox vaccination must be coupled with effective education and safety programs to minimize the risks to those receiving the vaccine and to their communities. The health of those receiving the vaccine must be closely monitored. Recipients of the vaccine must be educated about its risks and potential benefits. All of these essential elements cost money.

The Nation's health departments and hospitals should not have to implement the smallpox plan by taking from other vital health priorities or risking their financial viability.

Just this month we've seen new figures that the current death toll from the flu has surpassed that from HIV/AIDS. Senior citizens around the Nation may have to go without flu vaccinations if local health departments are spending their immunization budgets on smallpox. Women may not receive needed screenings for breast cancer because scarce funds are being siphoned away. Certainly, we must enhance our homeland's security, but we must not purchase security at unacceptable price of missed immunizations or reduced care for those most vulnerable.

The cost of implementing the smallpox plan should not be reducing efforts to enhance our preparedness for other forms of biological attack. Public health organizations report that many communities are thinking of following the example of Seattle and Arlington, VA, where almost all other bioterrorism preparedness activities have been suspended in order to free up funds for smallpox vaccinations. The Massachusetts State Laboratory Institute has had to divert $110,000 from preparedness planning, $165,000 from epidemiology, $125,000 from expanding disease tracking networks, and $261,000 from health education and information, all to fund the new smallpox plan.

These diversions of funding may be just the tip of the iceberg. Although the direct costs of the smallpox plan are large, the indirect costs may be even larger. Even with the best safety measures, some individuals will be injured by the vaccine. Military personnel receiving smallpox shots can rest assured that anyone injured by the vaccine will get the best of medical care. We should do no less for the civilian heroes who put their lives on the line to safeguard our security. It would be shameful for the Federal Government to encourage any American to receive the vaccine, and then deny proper care for the consequences.

Yet this is just what the current plan would allow. Instead of assuring medical care to vaccine recipients, the plan relies on the uncertain coverage of the private insurance market or workers' compensation programs to provide care. If a health care worker who volunteers for vaccination has no coverage or has inadequate coverage, they are out of luck, and that is wrong.

Nor does the plan provide an assured system of compensation for those who are injured by the vaccine or for health workers who must take days away from work to protect their patients from the risk of accidental transmission of the live virus in the vaccine. Instead, the plan forces claimants to sue the U.S. Government in Federal courts, where they face the arduous task of proving that their injuries were due to negligence.

The Byrd amendment takes the steps that are necessary to deal with these problems. The distinguished Senator from West Virginia provides almost $1 billion to help communities around the Nation implement the administration's smallpox plan. I urge my colleagues to approve the Byrd amendment and devote adequate resources to protecting not only safety of the Nation, but the health and safety of those who defend it.

Mr. SARBANES. Mr. President, I rise today in strong support of the amendment proposed by Senator BYRD, which would restore a portion of the devastating cuts to this year's Senate-passed appropriations measures that

are contained in the pending Republican omnibus appropriations package.

In my own State of Maryland and across the Nation, State, local, and regional authorities are struggling to make even the most basic of homeland security improvements. In many cases, these communities have taken exhaustive measures to identify their areas of greatest vulnerability, and have made commendable advances in enhancing their own preparedness and response capabilities.

Last year, this body made a series of nearly unanimous legislative commitments to assist these local security efforts in several important areas. Moreover, while the House of Representatives passed only a portion of its spending measures, the Senate completed action on all 13 of its own appropriations bills. After months of hard work on behalf of both my Democratic and Republican colleagues on the Appropriations Committee, difficult decisions were made, and spending levels were agreed to. Contained in these bipartisan commitments was critical Federal support in several key homeland security areas.

The Republican omnibus appropriations proposal slashes an astonishing $9.8 billion in Federal support—funding that was overwhelmingly agreed to in the Senate during the 107th Congress. A disturbingly large portion of these cuts—approximately $1 billion—were made in the area of homeland security. Senator BYRD'S amendment would restore this important funding.

Maintaining these funding levels becomes even more critical in light of the regrettable decision made by President Bush this past summer to short-change many of our vital security needs by not spending $2.5 billion in emergency supplemental funding passed by the Congress. Senator BYRD'S amendment would also restore much of this important support.

Since the terrorist attacks of September 11, 2001, we have become increasingly aware of the woefully inadequate safeguards to our Nation's 361 seaports. Last November we took a significant first step in improving this aspect of our homeland security by passing the Maritime Transportation Security Act. I joined 94 of my Senate colleagues in supporting the passage of this measure, and the bill was signed into law by President Bush soon thereafter.

A critical section of this legislation reaffirms the importance of providing funding to the Nation's seaports for security upgrades. The omnibus appropriations package introduced yesterday by my Republican colleagues would cut this program significantly. Senator BYRD'S amendment would restore these dangerous cuts, providing $585 million for port security grants to implement the Maritime Transportation Security Act—which, I again remind my colleagues, we overwhelmingly approved a mere 2 months ago.

In my own state of Maryland, the Port of Baltimore is an important and vulnerable point of entry for the country. Indeed, handling over 30 million tons of cargo each year, it is one of the busiest seaports on the East Coast. Clearly, the volume and traffic associated with this distinction present considerable security challenges for the port. While the port has made important progress in this area, the grants provided are vital for making some of the most basic of security upgrades.

Unfortunatley, the cuts made in the Republican spending package are not confined to our Nation's seaports. As the outgoing chairman of the Congressional Fire Services Caucus, I have heard many of the concerns of first responders in Maryland and around the country.

First responders were devastated last summer when they learned last that the President would be withholding $100 million in grant funding. Another $155 million was withheld from State and local law enforcement. Now we learn that the administration and my Republican colleagues are proposing further cuts to the Senate-approved funding for first responders. This time, first responders would lose an additional $132 million. This amendment would merely provide some of the basic promises the Congress has already made to those Americans who we call on to provide our most vital emergency preparedness and response needs.

Mr. President, I urge my colleagues to support Senator BYRD'S amendment. If the Congress and the administration are to enact legislation signaling our commitment to securing the homeland, we must provide the resources to provide even the most basic levels of protection. We must demonstrate steely resolve in our efforts to protect our citizens and critical infrastructure, and this will not be achieved if the resources committed to the task are inadequate.

Mrs. BOXER. Mr. President, I strongly support Senator BYRD's amendment to increase funding for homeland security.

A little over a year ago, we experienced the worst terrorist attack in U.S. history. As a result, we began to examine where our country had security weaknesses and work to prevent another attack. Unfortunately, the appropriations bill brought forward by the Republicans does not fund homeland security to the level that is needed, which is I why I support Senator BYRD's amendment.

Since the September 11 attacks, the State of California and its cities and counties have spent almost $600 million on homeland security, on emergency operations and response, on protecting powerplants and water supplies, on fire and emergency medical services.

Our States and cities and counties need our help. The Federal Government cannot abdicate its responsibility. Yet last year, after Congress passed $5 billion in funding to improve homeland security at the national, State, and local levels, President Bush refused to spend that money. It is still needed.

Let me mention just a few things the Byrd amendment does.

It increases funds for port security by $585 million. Last year, I was a member of the Port Security Conference Committee. We ended up with a good bill to improve security at our Nation's ports. But, there was no way to pay for it, despite my efforts and the efforts of Chairman Hollings. To get the money to our ports, we need to rely on the appropriations bill, so the additional funding in the Byrd amendment is crucial.

For over a year now, I have been calling for the Federal Government to protect first responders—police, firefighters, emergency personnel, nurses, and doctors—by immunizing them against smallpox. If terrorists were able to unleash smallpox in the United States, these people would risk their lives to save us and protect us. We need to protect them now. The Byrd amendment provides $850 million to immunize first responders against the smallpox virus.

The amendment would also increase funding for the Coast Guard for patrol boats by $40 million. The Coast Guard has many important missions including homeland security, drug security, and environmental work. After September 11, Coast Guard resources needed to be shifted. We now need to provide the Coast Guard with the necessary patrol boats to protect our coastline and ports as well as undertake its other missions.

The amendment includes $200 million for airports for the installation of the baggage screening machines. Screening of all baggage was required as part of the Aviation and Transportation Security Act, which became law in November 2001. Estimates for the cost of installing these machines are, at a minimum, $2 billion. Los Angeles International Airport estimates that it will spend $135 million, San Francisco $65 million, and Oakland $16 million. So I support the $200 million that Senator BYRD proposes. This is only a downpayment.

Congress has also required that cockpit doors be reinforced. But the airlines, for a variety of reasons, are in a difficult financial situation. Senator BYRD's amendment would provide $100 million to strengthen the cockpit doors. Let's not let another terrorist gain control of an airplane.

Every day millions of people across the Nation take public transit to work. We need to ensure that these people are protected from a terrorist attack. Senator BYRD's amendment does just that

by providing $300,000 in grants to public transit agencies.

One of the problems in the aftermath of the September 11 attack was that first responders often could not communicate with each other. This amendment provides $150 million to first responders in our local communities in order to improve communications. That way, if there is another attack, and we all hope there will not be, we can rescue and save as many people as possible.

The Byrd amendment also increases funding for border security, for food safety, and for the FBI.

The Byrd amendment is vital for our nation's security for our homeland security, for the security of our cities and towns. I urge all Senators to vote for it to ensure that we can prevent more terrorist attacks.

Mr. LIEBERMAN. Mr. President, I am deeply troubled that the Bush administration has not done more since September 11, 2001, to close major gaps that remain in our domestic security. Senators Gary Hart and Warren Rudman, who presciently predicted a major terrorist attack within our borders before it actually happened, produced a new report last September in which they observed that ''America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil. In all likelihood, the next attack will result in even greater casualties and widespread disruption to American lives and the economy.''

This is a sobering prediction. And it has convinced me to make it a personal priority and mission to ensure that the Department of Homeland Security has the resources it needs and deserves.

The fact is homeland security costs money, to train people in the skills they need, to buy the right equipment, and to pay the men and women in every community across America, on police forces, in fire departments, and emergency medical services, who are our front line troops in the war against terrorism here at home.

The U.S. Conference of Mayors reported last year that cities will have already spent more than $2.6 billion on additional security costs between September 11, 2001, and the end of 2002, with precious little help from the Federal Government.

Seventeen months after the September 11 attack, thousands of communities across the country have been unable to press ahead to meet this awesome security challenge. Our firefighters are left holding the ladder. Our police departments are put in fiscal handcuffs. Washington is demanding expensive new programs without offering States the financial support to implement them. And the States, according to the National Governor's Association, are already experiencing their worst budget crises since World War II.

Governors will have a harder time developing and implementing emergency preparedness plans. And local communities may not even be able to pay for critical security projects and programs that are already underway. Federal agencies, too, are being underfunded, with the Customs Service, the Coast Guard, and others coming up hundreds of millions of dollars short of what they need to protect us.

Indeed, it may surprise some people, though not the first responders, to know that all the money appropriated by Congress in the days immediately following the terrorist attacks in 2001 has not reached its destination, and the administration has exercised no leadership that I can see to speed up the process. For example, according to a December 2 report from the Office of Management and Budget, FEMA had obligated only $33 million out of some $214 million in budget authority for States for emergency management planning and assistance. That is truly shameful.

A year ago, in his fiscal year 2003 budget, President Bush proposed spending $3.5 billion on first responders for training, equipment, and planning to respond, if necessary, to a major terrorist attack. Of course, none of that money has been appropriated, and now, as we try to resolve outstanding fiscal year 2003 appropriations, I am distressed to learn that our Republican colleagues are seeking to cut $1 billion from the homeland security funding levels Senate appropriators agreed to last year.

Homeland security cannot be had on the cheap. Therefore, I am proud to cosponsor Senator BYRD's amendment. This amendment would make good on our promises to put in place critical new programs to boost homeland security and, most important, to help State and local governments and first responders bear the costs of their frontline responsibilities in the war on terrorism.

First, it would provide the full $2.5 billion in homeland security funding in last summer's emergency supplemental appropriations bills. This is money, for first responders among others, that was approved by Congress but which the President blocked from actually being spent.

The amendment also restores about $1 billion in cuts to the fiscal year 2003 spending bills below what Senate appropriations agreed to last summer and fall.

Finally, the Byrd amendment provides money for critical new programs. It includes $850 million to help States and localities implement the President's smallpox vaccination plan. Another $585 million would go to implement the new port security law, legislation that passed overwhelmingly in November but which to date has not been funded. We will not be any more secure if we just pass these security blueprints, then walk away.

Taken together, the amendment will provide $1.4 billion to State and local governments, including grants to make first responder radio equipment compatible, a priority ever since we learned of the communications problems that hampered September 11 rescue workers.

The amendment will provide an additional $1 billion for border security, including funding new initiatives to identify suspicious container traffic and to keep track of who enters and exits our borders.

I truly hope the Bush administration hasn't settled on a strategy to talk tough on homeland security, while withholding the money necessary to make that security possible. So far, their approach has been all talk and little action, but we can't defend the country on words alone.

It is time to make our commitment to our domestic defenses ever bit as strong and bipartisan as our commitment to our Armed Forces. If we won't do that now, with September 11 still fresh in our minds and hearts and our communities still struggling to protect themselves, when will we?

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, I support Senator BYRD's amendment to add $5 billion in homeland security funding to the omnibus appropriations bill for fiscal year 2003. I cannot be here for the vote, but if I were, I would vote in favor of the amendment. The Byrd amendment provides funding for several critical initiatives aimed at strengthening our efforts to protect America and its interests. It is unbelievable to me that the President can propose a $674 billion tax cut, but can't make a sufficient investment in homeland security. When I look at the important programs that this amendment would support, I can't fathom that the Senate won't pass it. It is imperative that we provide the resources necessary to protect this Nation. Vulnerabilities exist in our homeland security infrastructure and we should not squander a single day addressing them. An independent task force, chaired by former Senators Gary Hart and Warren Rudman, recently advised that ''America remains dangerously unprepared to prevent and respond to a catastrophic attack on U.S. soil.'' We must act to ensure that the functions needed to better protect our borders, coasts, cities, and towns have sufficient resources to do so.

The Byrd amendment would provide more money to states and localities to implement President Bush's smallpox vaccination plan, to make the radio equipment of first responders interoperable, and provide emergency planning and training for terrorist attacks. It would make critical investments in our preparedness for biological attack.

It would also fortify our borders by funding such things as additional Coast Guard patrol boats and improvements to the INS entry and exit system. The Byrd amendment also fully funds the newly created Transportation Security Administration so that our airports are made as secure as possible. Mr. President, last year I was very involved in the development of the new port security law, and I am pleased that the Byrd amendment includes funding to help implement these new rigorous security requirements for our ports. Finally the Byrd amendment provides resources to secure nuclear weapons and materials and conduct vulnerability assessments for energy supply and distribution systems.

The funding that the Byrd amendment provides for the Transportation Security Administration is critical to our national security. Given the vulnerabilities that we know exist in our port and airport security, I cannot imagine that this body would opt to provide insufficient funding to address these problems. The need to fully fund the TSA cannot be overstated; installing baggage screening equipment in the top forty U.S. airports alone is expected to cost billions, and to date only one major airport has installed the necessary equipment mandated by the Aviation Security Act. Mr. President, we cannot hope to maintain the confidence of the American people in our ability to secure the nation's transportation system if we fail to adequately fund the legislation we've passed to achieve that goal. These investments are essential if we are to be fully protected from those who threaten our freedom.

Our task is to make America more secure. We cannot allow the Republican omnibus appropriations bill to undermine the war on terrorism and we must pass the Byrd amendment.●

Mr. VOINOVICH. Mr. President, I rise today to correct some inaccuracies that were stated by my colleague from Nevada during last night's session regarding nuclear security and Senator BYRD's amendment to increase funding for homeland security. My friend from Nevada came to the floor and argued that this body should support Senator BYRD's amendment because our Nation's nuclear facilities are ''inadequately protected.'' After hearing this statement, I felt it was my duty as the chairman of the Clean Air, Climate Change, and Nuclear Safety Subcommittee to set the record straight on the security of our Nation's nuclear facilities. This is an area that I have worked hard to investigate and fully understand. I urge my colleagues to also spend time carefully reviewing the existing security controls at our Nation's nuclear facilities before they rush to any judgments. The best way to do this is to go and visit the facilities in order to see the security measures in practice.

Last August, I visited the Davis Bessie Nuclear facility in Oak Harbor, OH, for the purpose of reviewing the operations of the plant. I was extremely impressed with security measures in place to gain entrance and access to the facility. Also this last April, I had the opportunity to spend a half day at the Perry Nuclear Power Plant in Perry, OH to specifically review their security systems. I received a classified security briefing at the facility, which I highly recommend to all of my colleagues. In addition, I participated in personnel and vehicle searches, and I reviewed the external security systems, including meeting with the Coast Guard which patrols Lake Erie off the coast of the Perry facility.

My tour of the security operations confirmed for me that every security measure is being taken to protect our energy supply from terrorist attack and the members of the surrounding community should be very comfortable with the level of security that protects them and the facility. In fact, if I were a terrorist the last place I would try and take over or attack would be a nuclear powerplant with the security measures at Perry and Davis Bessie. This past fall, I visited the EU Headquarters at The Hague in Brussels. I was impressed with the security required to gain entrance to the facility, but it didn't compare to the security at Perry and Davis Bessie nuclear plants.

In addition to these visits, I have participated in several committee hearings on nuclear plant security and Nuclear Regulatory Commission, including a classified security briefing. While I have found the security measures to be impressive, this does not decrease my resolve to remain at the forefront of this issue and ensure the safety of these facilities. Last Congress, I supported the Nuclear Security Act of 2002 in the EPW Committee. In the 108th Congress, I will continue to look for ways to improve our excellent security at our Nation's nuclear powerplants.

Nuclear energy is important to our Nation's economy and environment. America's nuclear energy industry currently provides approximately 20 percent of our energy. It is a safe, reliable, and zero-emission source of energy that is an important part of our energy future.

I agree with my colleague that we have an obligation to the American people to ensure the safety of these facilities. I have and will continue to scrutinize the security at our Nation's nuclear plants. However, I disagree that this is an appropriate argument for this debate on homeland security funding. I urge my colleagues to look at the facts and go and see for yourself the efforts of these plants.

Mr. BYRD. Mr. President, I yield my remaining time to myself.

In this new world, we face a new kind of war—a war on our shores, a war that is different in scope and intensity from any that we have ever faced before. The enemy is no organized army. There is no organized army of infantry, or artillery. The enemy is not an organized army with maps and bayonets. The enemy follows no rules of engagement. The enemy heeds no Geneva Convention. Their weapon is fear. Their application is destruction.

We cannot stand idly by and put our total faith in some new bureaucracy. We ought not be lulled into complacency that the hope of a new government department may eventually make us safer.

This Congress has the responsibility to protect the American people. That responsibility lies here as well as downtown in the executive branch. This Congress has the responsibility to protect the American people. This Congress has the responsibility to invest the dollars where they are most needed and to focus on the Nation's many serious vulnerabilities. But by blindly supporting the arbitrary figures that are undermining the package before this Senate, we take a dangerous gamble with the lives of the American people. And we do not have that right. We do not have the right to take that danger and gamble with the American people. The White House does not have that right. The President of the United States does not have that right. Let him come before the cameras of the electronic eye. Let him say to the American people that you are secure and you don't need more money; that we don't need to spend another dollar; and that we don't need to spend any more than we have.

I can be mistaken, and I am often mistaken. I don't maintain that I am always right. But I maintain that we have a duty to protect our people. I maintain that in the Appropriations Committee we conducted hearings—lengthy hearings. We heard from administration witnesses. We heard from the people at the local level. We heard from mayors. We heard from Governors. This Appropriations Committee, when I was in charge, unanimously voted out these bills appropriating moneys. Time and time again, this administration turned the back of its hand to the Congress and in so doing to the American people because the people in the Congress are the elected representatives of the American people. The people in the Congress are the elected representatives of those taxpayers out there who send us here. We don't come here at the bidding of any President. No President can say when I have to go home or when I can come to this place. The people of West Virginia determined that, and they are my bosses.

No President is infallible. But this administration, more than any administration that I have seen in my 50 years in Congress, maintains that it is

right; that it is always right; that Congress is wrong, always wrong.

We are coming to some very difficult showdowns in this country. Who knows what may happen in the days ahead?

This legislation would cut investments in homeland security. I appreciate the work and the effort Senator STEVENS and his staff have put into this package given the arbitrary constraints placed on them by the White House. But the Senate should not allow itself to be handcuffed by the political advisers inside the White House. Who are they? To whom do they answer? They answer to the President of the United States, I guess. They do not answer to the American people.

We should not accept the hundreds of miles of our northern and southern borders remaining unguarded. We should not accept the alarming deficiencies in our seaport security, an area that many experts have identified as perhaps the Nation's single greatest vulnerability. We should not accept the fact that first responders and local doctors and nurses do not have sufficient training and equipment to handle wide-ranging threats involving madmen who may have gotten their hands on weapons of mass destruction.

This Senator from West Virginia is not now nor will he ever be prepared to accept those dangers. This Senator is prepared to do whatever it takes to close the gaps and to protect the American people. I urge my colleagues to join me.

Since September 11, 2001, the threat of a terrorist attack has only increased. It has not decreased. Administration officials have said time and time again that another terrorist attack will happen. It is inevitable, they say, and it could involve weapons of mass destruction.

Last September, the administration raised its terrorist alert system to its second highest level and closed nine embassies for security reasons.

Last October, the FBI warned of terrorist attacks against railroads.

Last November, the FBI warned hospitals in Houston, Chicago, San Francisco, and Washington of an imminent terrorist attack. The CIA director warned of terrorist dangers, and testified that once war begins in Iraq—hear me now, hear me—the CIA director warned of terrorist dangers and testified that once war begins in Iraq, Islamic extremists will likely increase their effort to attack us here at home.

It is not to be a video game. Oh, praise God that we will be lucky. We could be. I hope we will be.

Last December, the administration reported that Islamic extremists associated with al-Qaida may have taken possession of chemical weapons. Canadian intelligence told us that al-Qaida was plotting attacks from Canada.

An increasing number of terrorist warnings threats to the use of weapons of mass destruction against us, a war with Iraq that could escalate the threat level, yet this Congress and this President process all of that information and conclude that the best place to find savings is in the funding for homeland security funds. That is simply astonishing.

Our borders remain dangerously unguarded. They leak like a sieve. We don't know if terrorists have crossed into the country, as we saw over the New Year's holiday, when the FBI was frantically looking for suspected terrorists. Do you remember that? They were frantically—frantically—looking for suspected terrorists who they later concluded had not entered the country after all. Yet this administration wants to cut border security funding by $705 million.

The Customs Service is able to inspect only 2 percent—at most, 5 percent—of cargo entering this country. We know terrorists could smuggle weapons of mass destruction into our ports, either to blow them up and cause massive economic and physical destruction or to explode those weapons within the interior of the country near a major city. Yet this Bush administration wants to cut port security funding by tens of millions of dollars. Astonishing? Yes, astonishing.

The FBI lacks the law enforcement personnel to track potential terrorists and disrupt potential terrorist cells already based inside this country. Yet this White House—this White House—the Bush administration wants to cut money for Federal law enforcement personnel by more than $250 million. Irresponsible? Yes, irresponsible.

The President has suggested that a smallpox attack is a big enough risk to the American public that a smallpox vaccine should be made available to the public by the beginning of 2004. Yet this President knows that State and local governments lack the necessary funding to administer the smallpox vaccination plan, let alone provide for the homeland security protections for which the State and local governments are responsible. Never mind. This administration wants to cut aid to the States by more than $500 million.

Our nuclear facilities remain dangerously exposed. Yet this White House, this administration, seeks to cut funding to protect our nuclear facilities by more than $230 million.

Airport security, mass transit security, cybersecurity, water security, embassy security, food safety—these are all critical vulnerabilities and yet the administration wants to whack those moneys by a total of $1.5 billion.

Then, on top of all of those reductions, this bill has an across-the-board cut of 1.6 percent for each and every Federal law enforcement and homeland security initiative across this country. It is a shameful way—a shameful way—to fund the protection of this Nation.

Sound policy decisions cannot possibly be driving these spending cuts. Clearly, these programs need more money, not less. The administration cannot blame these decisions on growing budget deficits because that same administration now argues that deficits don't matter.

It is politics. The administration chose an arbitrary number last year, and it is twisting the arms of the Congress to stick to it. The result is a disaster for homeland security programs.

While our troops overseas are equipped with high-tech gadgets to fight our enemies, our troops left at home will have to defend us with meager resources. Our troops in the desert are bouncing their communications off satellites, while our homeland defenders may have to communicate with twine and coffee cans. This may sound ridiculous, but it is much closer to the truth than many of us would like to believe. When it comes to fighting overseas, this administration's attitude is: Spare no expense. There is no pricetag on freedom. But when it comes to fighting the war here at home, this White House, this administration, prefers to shop in bargain basements.

Delays of this funding for a few months, until the next fiscal year's appropriations bills, translates into more than a calendar year. By waiting for the next fiscal year, we would force first responders to wait for help until the calendar year 2004. By waiting for the next fiscal year, we force our airports and our seaports to struggle with security until the calendar year 2004. These delays do not serve any constructive purpose, and they certainly do not help to protect American lives. If we provide these moneys, the oversight committees should do their job to ensure that the agencies invest these dollars quickly and effectively.

The amendment I have proposed would invest funds where they are most needed. First, it would restore the $1 billion in reductions in homeland security initiatives made from the original committee-passed appropriations bills and for which every member of the Appropriations Committee voted. Second, it would restore much of the $2.5 billion in emergency homeland security funds that passed this Congress overwhelmingly in the summer but was vetoed by this White House.

Finally, this amendment would fund the priorities that Congress has found so necessary and that President Bush has already signed into law. This amendment would fund the border security authorization bill that passed the Senate 97 to 0 and that the President signed last May. This amendment would fund the port security authorization bill that passed the Senate 95 to 0 and that the President signed into law last November. This amendment would provide funds—hear me now—this amendment would provide funds for the

10 million smallpox vaccinations that this administration has mandated from State and local health professionals.

These dollars address our most critical needs, Mr. President. These funds would help to shore up our defenses and could save lives here at home.

We are in new and dangerous times. No attack should be deemed so unlikely that it can be ignored. The men and women who send us here demand that we protect them, that we protect our country first. The fathers and mothers who send their children to school each morning expect us to invest the dollars to keep their little precious ones safe. That is a solemn duty that lies on the conscience of every man and woman Member of this body. It is a basic and sacred duty. And may God forgive us if we so cavalierly fail in our duty to protect our people, the American people.

Mr. SARBANES. Will the Senator yield for a question?

Mr. BYRD. Yes, I yield.

How much time do I have, Mr. President?

The PRESIDING OFFICER. One minute twenty seconds.

Mr. BYRD. How much time?

The PRESIDING OFFICER. One minute twenty seconds.

Mr. BYRD. I thank the Chair.

Mr. SARBANES. First, I commend the very able Senator from West Virginia for this amendment. This is an extraordinarily important amendment. If we are going to provide for homeland security, we must provide the resources for homeland security; otherwise, it is all a charade.

I wish to focus on just one thing. I represent a great port, one of the world's great ports. In fact, the distinguished Senator from West Virginia worked in the Port of Baltimore in World War II.

Mr. BYRD. That is right.

Mr. SARBANES. Contributing to the war effort in the construction of Liberty ships.

We passed the Maritime Transportation Security Act last year; 95 to 0 I believe was the vote in this body. But what good does that bill do us if we do not have the resources with which to carry out the promises and the concepts that are contained in the legislation?

Mr. BYRD. Right. Right.

Mr. SARBANES. What good does it do us if we pass this legislation on homeland security, we beat our chests about it, and then we don't provide the resources? The Senator's amendment will provide the resources to carry out this legislation.

Mr. BYRD. It will. It will.

Mr. SARBANES. Is that correct?

Mr. BYRD. Absolutely.

Mr. SARBANES. I very strongly support the amendment.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Who yields time?

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I understand the time of the Senator from West Virginia has expired.

The PRESIDING OFFICER. That is correct.

Mr. REID. I have spoken to the majority whip, and he has allowed me to read a letter Senator BYRD has asked me to read into the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. This letter is from the American Public Health Association, addressed to the Honorable ROBERT BYRD.

DEAR SENATOR BYRD: On behalf of the American Public Health Association (APHA), the largest and oldest organization of public health professionals in the nation, representing more than 50,000 members from over 50 public health occupations, I write in strong support of your amendment that would provide an additional $850 million to assist state and local governments with implementing the Administration's smallpox vaccination plan.

States and localities are preparing to vaccinate more than 500,000 public health and hospital response teams. Should the risk be elevated to merit the need for a broader smallpox vaccination program, significant new resources will be required. Beyond vaccinating workers, funding will be needed to educate volunteers, monitor adverse events, treat complications and train personnel.

APHA believes this additional funding is essential to provide local health departments with the resources they will need to implement the Administration's plan without having to divert scarce funds and staff away from other important bioterrorism preparedness and public health programs. At a time when many states are facing large budget deficits, it is essential that the federal government assist state and local governments in undertaking this expensive and labor intensive task.

APHA also believes that those who volunteer to receive and administer the vaccine must be protected from liability and compensated for vaccine-related injuries that result in medical costs, lost wages and pain and suffering. We hope that Congress will address these issues as soon as possible.

Thank you for your efforts to address this important issue facing our nation's public health system.

The letter is signed by George C. Benjamin, Medical Doctor, Fellow of the American College of Physicians, who is executive director of the American Public Health Association.

I thank my friend from Kentucky.

Mr. MCCONNELL. Mr. President, I announce for the information of all Senators it would be our intent to yield back the balance of the time at 12:30 so the vote can commence at that time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I yield back the remainder of the time on this side.

The PRESIDING OFFICER. All time is yielded back. All time has expired.

Under the previous order, the question is on agreeing to amendment No. 2 offered by the Senator from West Virginia.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL, I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

Mr. REID, I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. CONRAD), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) would each vote ''aye''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 51, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—45

Akaka	Dorgan	Levin
Baucus	Durbin	Lieberman
Bayh	Feingold	Lincoln
Biden	Feinstein	Mikulski
Bingaman	Graham (FL)	Murray
Boxer	Harkin	Nelson (FL)
Breaux	Hollings	Nelson (NE)
Byrd	Inouye	Pryor
Cantwell	Jeffords	Reed
Carper	Johnson	Reid
Clinton	Kennedy	Rockefeller
Corzine	Kohl	Sarbanes
Daschle	Landrieu	Schumer
Dayton	Lautenberg	Stabenow
Dodd	Leahy	Wyden

NAYS—51

Alexander	Coleman	Graham (SC)
Allard	Collins	Grassley
Allen	Cornyn	Gregg
Bennett	Craig	Hatch
Bond	Crapo	Hutchison
Brownback	DeWine	Inhofe
Bunning	Dole	Kyl
Burns	Domenici	Lott
Campbell	Ensign	Lugar
Chafee	Enzi	McCain
Chambliss	Fitzgerald	McConnell
Cochran	Frist	Miller

Murkowski	Shelby	Sununu
Nickles	Smith	Talent
Roberts	Snowe	Thomas
Santorum	Specter	Voinovich
Sessions	Stevens	Warner

NOT VOTING—4

Conrad	Hagel
Edwards	Kerry

The amendment (No. 2) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. ENSIGN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, in order to give Senator BYRD a chance to review the amendment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent that Senator MIKULSKI be allowed to speak as in morning business for 10 minutes and that I retain the floor thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

(The remarks of Ms. MIKULSKI are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we have an understanding with Senator BYRD. He will have the floor to offer the second amendment, if he desires to do so. We await that decision.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment Senator BYRD will offer now be subject to a time agreement under which Senator BYRD has an hour and a half for his amendment and I have one half hour in rebuttal.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I add to that request that this amendment not be subject to second-degree amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. How much time do I have?

The PRESIDING OFFICER. The Senator has 90 minutes.

Mr. BYRD. On the last amendment, what was the vote?

The PRESIDING OFFICER. On the last amendment, the vote was 51 to 45; 45 ayes and 51 nays.

Mr. BYRD. How many absentees were there on my side?

The PRESIDING OFFICER. There were three on the minority side not voting, one on the majority side not voting.

Mr. BYRD. One Democrat voted against my amendment?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 8

Mr. BYRD. Mr. President, I make another plea to my colleagues, and I speak on behalf of the American people in doing so because it is their security I am talking about. By all let this be heard, by Democrats as well as Republicans. I make this last plea to my colleagues with respect to homeland security. If they will not allow the Government to invest $5 billion to protect the lives of the American people from terrorist attacks, at least let us invest in the most obviously vulnerable segments of our infrastructure.

Now listen to me, colleagues. You are going to have to answer to the American people for your vote. Democrats are going to have to answer for their votes. Republicans are going to have to answer for their votes. You may say, well, I am ready. That is all right. You be ready. You be ready. And the record will follow you. The record will follow you.

You cannot nonchalantly say: Well, we had a caucus and we decided we would have a party-line vote; we would stand against Senator BYRD's amendment and we would oppose all amendments, et cetera, et cetera—if that is the case. That may be OK here, but wait until the American people look at the record. It was their safety that you are compromising when you voted against this past amendment. I am surprised that we had any votes at all, at least from this side of the aisle, against that amendment. But every Senator has to answer to his own conscience and to his own people. I respect that on any Senator's part.

I will send up an amendment in due time, and I understand the time is limited on this amendment whether I send it up or not, so that is understood to start with.

In the past year and a half, this Senate, and indeed the entire Congress, have voted overwhelmingly for authorization bills that commit funds for the protection of the American people. This Senate and the entire Congress have voted overwhelmingly for authorization bills that commit funds for the protection of the American people.

In November 2001, this Senate, by a 100-to-0 vote, approved the Federal Aviation Security Act: a vote of 100 to 0. The President signed this legislation amid great fanfare—how sweet it is. Oh, it was great to pass the legislation. But despite the high-toned rhetoric, the resources to implement this act have been denied.

Last May the Senate passed the U.S. Border Security Act under an array of great speeches, noteworthy speeches. Oh, the speeches, I can hear them yet. I can hear the reverberation of those stentorian tones—the reverberations around this great Chamber and outside the Chamber as well, and other places.

The border security bill passed the Senate 97 to nothing, and the President very accommodatingly and happily signed that legislation into law. So with a flourish of the pen it became law, a flourish of the pen in the mighty hand of the chief magistrate of this country, a great flourish of the pen. Headlines in the newspaper, excellent paragraphs as to the comments that were made, worthy of keeping in our scrapbooks, may I say.

And then this past November, by a vote of 95 to 0 again—95 to zero? Where was the opposition then? A vote of 95 to zero the Senate passed the Port and Maritime Security Act, giving approval for massive investments at the Nation's seaports. And, again, the Commander in Chief—if I may use that term, if I may pluck that term out of the Constitution—the Commander in Chief signed the bill into law.

Despite these overwhelming bipartisan votes, despite the stentorian rhetoric that came from many voices that spoke as though they had lungs of brass, despite that great rhetoric that accompanied the signing of these bills, the resources have been slow in coming, to say the least. As a result, our Nation's defenses against terrorist attack have remained vulnerable—vulnerable. You better ponder that word.

I have seen more than 85 summers. More than 85 years have passed; 50 of those 85 years have been spent in the Congress of the United States. Never have I seen a Congress that has been more recreant in its duty to stand up against an executive branch that looks with utter contempt on the elected Representatives of the people in this, the legislative branch.

People downtown, many of them it seems, feel that the legislative branch is beneath the dignity of the executive branch. They have nothing but contempt for this branch.

So when this branch comes forward with recommendations as to what is needed to ensure the people's security, the executive branch turns the back of its hand to the recommendations of the legislative branch. And it has done that repeatedly, time after time, over the past year.

The fact of the matter is that the Senate Appropriations Committee in the 107th Congress did its work. It passed all 13 appropriations bills. It did so responsibly. It did so in a bipartisan fashion, in a fashion that was remarkably bipartisan. What we have before

us is not merely the last year's committee-passed bills for fiscal 2003 with a nip here and a tuck there to address new budgetary circumstances. The bills that are now before us are shaped around policy completely divorced from reality.

Mr. President, the Chamber is empty. I, too, would like to be sitting somewhere. It is not easy. It is not easy to make this fight. But who cares whether it is easy or not. That is not important. I will give the last vestige of my strength to stand and speak on behalf of the security of the American people. I am putting this amendment before the Senate today, and I am asking Senators to carefully weigh the amendment on behalf of the American people. It is not easy. But never was I more willing to expend my limited energies and my frail voice on behalf of the safety of the American people than I am here today.

I know that what I am saying will fall upon deaf ears in some quarters. But the bill before us now, let me say again, was shaped around sound policy that is completely divorced from reality. If we are to be treated to speeches touting what this administration can do when it controls the Congress, perhaps we should take a close look. The most telling example of what we are in for is demonstrated in how these appropriations bills treat domestic security.

Just yesterday, two distinguished Members of this body, the senior Senator from California, Mrs. FEINSTEIN, and the senior Senator from Texas, Mrs. HUTCHISON, released a report from the General Accounting Office that examined the vulnerabilities in the Nation's air cargo system.

Let me say that again. Two distinguished Members of this body on yesterday, the senior Senator from California, Mrs. FEINSTEIN, and the senior Senator from Texas, Mrs. HUTCHISON, released a report from the General Accounting Office that examined the vulnerabilities in the Nation's air cargo system.

The GAO found that while 22 percent of the Nation's air cargo is sent on passenger aircraft, very little of that cargo is ever inspected.

Listen to that. How many Senators have ridden on cargo planes? I have. Does it make one pause to reflect upon the fact that so little of that air cargo is ever inspected?

Your life and the lives of others who ride those cargo planes are in the hands of God. He isn't getting much help from this administration, and He isn't getting much help from the Congress of the United States as reflected by this last vote, for example.

The GAO found that while 22 percent of the Nation's air cargo is sent on passenger aircraft, very little of that cargo is ever inspected.

The GAO reported that:

First, there are simply not enough safeguards in place to ensure that someone shipping air cargo under the existing protocols has taken the proper steps to protect against the use of that shipment by terrorists.

Second, cargo tampering is possible at various points where shipments transfer from company to company.

Third, air cargo handlers are not required to have criminal background checks and do not always have their identities verified.

Fourth, most cargo shipped by air is never screened.

How many more attacks, how many more warnings, how many more reports will it take before this Congress awakens, before it believes that this Nation is seriously at risk?

Instead of simply paying lipservice to the many vulnerabilities in this Nation, it is time to invest real resources to protect the American people from terrorist attack. We cannot nickel and dime the protections of American lives. Think of your own. National security requires national investments. We hear that freedom has no price. The same can be said of safety—the safety of the American people. The safety of the American people should have no pricetag.

The lessons from September 11, 2001, are clear—as clear as the noonday Sun on a cloudless sky. Terrorists live among us, and they traverse our open borders with relative ease.

We know that the enemy prefers weapons fashioned from the ordinary infrastructure of modern life—trucks, trains, planes, mail delivery, envelopes in the mail, ports, energy sources, cyberspace, spent nuclear materials, and one can go on and on. All of these, we are told, can be easily adapted to cause death, sudden death and destruction, fear and panic.

At home, our technology is deficient, with outdated computers in key government agencies unable to easily transmit vital information back and forth.

Last April and May, in 5 days of hearings, the Senate Appropriations Committee heard testimony that indicated our adversaries could cripple the U.S. economy without great difficulty and without enormous cost. It can be done on the cheap.

The warnings have been prolific. The warnings that have come down from the various agencies of this administration have made it clear time and again that we are at great risk. This country is at great risk. With these warnings in mind and with the realization of the many gaps in our homeland security network, the men and the women of this Congress are playing Russian roulette with the safety of our people unless we take immediate steps to protect American lives and to avoid future tragedies.

I could go on and on. But Senators already know where we are vulnerable—border security, airport security, port security. We are well aware of the gaps in our protections. If we know where those gaps are—if we know where those gaps are—you can be sure that the terrorists know where those gaps are.

Further delay is unconscionable. Further delay on the part of the elected representatives of the American people is unconscionable. This is not a time for politics. We may think we can play politics. But this is not something with which we can play politics. Further delay is unconscionable.

That is why I offer an amendment that is smaller in scope and more narrowly defined than the one that was just considered by the Senate and defeated by the Senate. This amendment, which I shall shortly send to the desk, would fund the core mandates of the authorization bills which the Congress last approved and the President of the United States has signed into law. What are they? The Airport Security Act, the Border Security Act, the Seaport Security Act. Let us match the rhetoric with resources. Let us fulfill the promises that we made to provide the necessary funds when we voted for and last passed those authorization bills and when they were signed.

I urge Senators to expedite this much needed assistance for our Nation. We must not turn our backs on the efforts to bolster our weaknesses, on the effort to address our vulnerabilities, on the effort to protect American lives, the lives we say may be our own.

Now, the amendment which I am going to send to the desk shortly, I shall explain. This is the summary of the amendment.

This amendment provides $500 million for aviation security—get that, $500 million for aviation security—to implement the law signed by President Bush in November of 2001.

The amendment directs $750 million for border security to implement the law signed by President Bush in May 2002.

The amendment invests $500 million for seaport security to implement the law signed by President Bush in November 2002.

The amendment provides $850 million to State and local health professionals to implement the President's announced plan from December 2002 to vaccinate 10 million first responders and health care workers against smallpox.

Are you going to vote against that? This is your President. This is my President. This is our President. Are you going to vote against that?

Let me say it again, lest you did not hear. This amendment provides $850 million to State and local health professionals to implement the President's announced plan to vaccinate 10 million first responders and health care workers against smallpox. The President

mandated that the States—including West Virginia, including New York, including California, including Alaska, including Washington, including Texas, including Florida—and local governments carry out this vaccination plan but provided no financial support to implement it.

Let me say that again. The President mandated that the States and local governments carry out this vaccination plan—we are talking about a plan to vaccinate responders, local responders, and health care workers against smallpox—the President mandated that the States and local governments carry out this vaccination plan but provided no financial support to implement it.

This amendment directs $200 million for law enforcement agencies and other first responders to address the communications conflicts that exist in their current radio systems.

How many times have we heard that the local responders—the fire department people, the law enforcement personnel—could not talk with one another? Law enforcement could not talk with firefighters. Firefighters could not talk with emergency health personnel. How many times have we heard that? How many times did we hear it during the course of those hearings last year in which both parties worked together, in a bipartisan fashion, to have the hearings, to shape the hearings, to determine who would be called, and to pass the legislation implementing the requests of the people from the local levels—the mayors, the Governors, the first responders?

So I say again, the amendment directs $200 million for law enforcement agencies and other first responders to address the communications conflicts that exist in their current radio systems.

The amendment invests $200 million for nuclear security to protect against theft of nuclear materials and to provide increased security at nuclear facilities.

Did we hear Sam Nunn? Did we hear former Senator Sam Nunn when he appeared before the Appropriations Committee in last year's hearings? Did we listen to former Senator Rudman when he appeared there before the Senate Appropriations Committee in those hearings? Senator Nunn, working with Senator LUGAR, addressed these problems. And they continue to be very concerned about the problems involved in nuclear security.

This amendment invests $200 million for nuclear security to protect against theft of nuclear material and to provide security at nuclear facilities.

Now, Mr. President, that is all I shall have to say.

I send the amendment to the desk, and I ask that it be read in its entirety so that all Senators will hear it today, not wait until tomorrow to read it in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment numbered 8.

At the appropriate place in the joint resolution insert the following:

DIVISION —HOMELAND SECURITY SUPPLEMENTAL APPROPRIATIONS

That, in addition to the funds provided elsewhere in this joint resolution, the following sums are appropriated, out of any money in Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

CHAPTER 1

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $363,000,000, to remain available until expended, only for the Entry Exit System, to be managed by the Justice Management Division: *Provided*, That none of the funds appropriated in this Act, or in Public Law 107–117, for the Immigration and Naturalization Service's Entry Exit System may be obligated until the INS submits a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11; part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: *Provided further*, That funds provided under this heading shall only be available for obligation and expenditure in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of Public Law 107–77.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

For an additional amount for ''Salaries and Expenses, Enforcement and Border Affairs'', $77,000,000, to remain available until expended, of which $25,000,000 shall be only for apprehending absconders, of which $25,000,000 shall be only for fleet management, and of which $6,250,000 shall be only for pay upgrades for Border Patrol agents and Immigration Inspectors.

CONSTRUCTION

For an additional amount for ''Construction'', $100,000,000, to remain available until expended.

OFFICE OF JUSTICE PROGRAMS

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for the Community Oriented Policing Services' Interoperable Communications Technology Program in consultation with the Office of Science and Technology within the National Institute of Justice, and the Bureau of Justice Assistance, for emergency expenses for activities related to combating terrorism by providing grants to States and localities to improve communications within, and among, law enforcement and other first responder agencies, $100,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for ''Weapons Activities'' for emergency expenses, $150,000,000: *Provided*, That $25,000,000 of the funds provided shall be available for secure transportation asset activities: *Provided further*, That $35,000,000 shall be available for construction and renovation activities at the National Center for Combating Terrorism: *Provided further*, That $90,000,000 of the funds provided shall be available to meet increased safeguard and security needs throughout the nuclear weapons complex, including at least $25,000,000 for cyber security.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

OTHER DEFENSE ACTIVITIES

For an additional amount for ''Other Defense Activities'' for emergency expenses needed to conduct critical infrastructure assessments at critical energy supply facilities nationwide, $50,000,000, to remain available until expended: *Provided*, That $25,000,000 of the funds made available shall be provided to the National Infrastructure Simulation and Analysis Center: *Provided further*, That $25,000,000 of the funds made available shall be provided to the National Energy Technology Laboratory.

CHAPTER 3

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For additional amounts for grants to state and local health departments to support activities related to immunizing first responders against smallpox, $850,000,000: *Provided*, that this amount is transferred to the Centers for Disease Control and Prevention.

CHAPTER 4

DEPARTMENT OF TRANSPORTATION

TRANSPORTATION SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For additional amounts for necessary expenses of the Transportation Security Administration related to transportation security services pursuant to Public Law 107–71, $1,120,000,000, to remain available until September 30, 2004, of which not less than $500,000,000 shall be available for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, not less than $200,000,000 shall be available for the costs associated with the modification of airports to comply with the provisions of the Aviation and Transportation Security Act, and not less than $120,000,000 shall be available for Operation Safe Commerce.

CHAPTER 5

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $89,600,000, to remain available until expended; of the total, not to exceed $47,000,000 shall be available for the Container Security Initiative; not to exceed $15,000,000 shall be available for pay parity; and not to exceed $27,600,000 shall be available for northern and southern border port-of-entry infrastructure.

CHAPTER 6

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for ''Emergency management planning and assistance'' for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $100,000,000.

This division may be cited as the ''Homeland Security Supplemental Appropriations Division'', of this joint resolution.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. STEVENS. Mr. President, I have not yet seen a copy of the amendment. I need to have a copy in order that I may address it.

I have a summary of the major elements of this. This is a $3 billion package as opposed to the one we just voted upon that was $5.1 billion. I am compelled to make the same statement I made before, that unless this is offset, we would not be within the guidelines of the commitment I made; that is, to take a bill to conference which does not exceed the President's total request to the Congress for the fiscal year 2003 appropriations bills.

I can hear and see that a great many of the items in this amendment are items for which we will appropriate these moneys sometime, but the Homeland Security department itself is not yet organized. The funds already contained in the Omnibus and prior year funding is sufficient to begin the first phase of the smallpox vaccination program. The border security systems, the security systems, are still in the process of being evaluated. We do have sufficient money in the bill, a substantial amount of money, as a matter of fact, in the bill to deal with those issues.

It is with a great deal of sadness that I must tell the Senator, I continue to oppose his efforts to increase the amount of money that would be available to be spent during the fiscal year 2003. I do so with great respect but with total confidence that each of these agencies has enough money to go forward. If they run into problems that are really serious, we can act expeditiously to meet them.

The goal we want to achieve now is to get the bill to conference and to get it to conference in a way that we can work out differences with the House over the total amount of money that is to be made available to the administration for these various items.

For instance, there is already $24.7 billion in this bill, the amendment I have offered, for homeland security efforts; $4.3 billion of that is for INS, $1.26 billion is for the FBI. We have $5.3 billion for the Transportation Security Administration, including an increase of $1.84 billion for that agency. There are funds for the airport security concepts. We have money for the port security concepts. Each of these items has been covered by the bill that is before us in my amendment.

I say to my friend, I cannot in good conscience support this, having opposed the same amounts of money in the larger amendment upon which we just voted.

I would hope the Senator would understand, again, what I am trying to do. I am trying to get the 11 bills to conference as a whole and to work with the House and try to come back with a bill the President will sign, if possible, this month. If it can get to the President this month, we will have this money working by February. If we don't do that and the House has to start moving single bills, the 11 bills that affect 2003, when they should be starting to move the 2004 bills, we will be more than a full year behind by the end of this year. That will be a collapse of the appropriations process. I hope we don't have to face that.

I urge the Senate to defeat amendments to add money to this Omnibus bill unless it is offset. If the offsets are valid, we will be pleased to consider such amendments.

I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 61 minutes remaining.

Mr. BYRD. I thank the Chair.

Mr. President, the distinguished Senator from Alaska need have no second thoughts as to where I stand. I understand the problem he has to deal with and the efforts he is making, trying to do what he sees as the right thing under the circumstances. I can understand that. I sympathize with what he says regarding offsets. But I don't believe all this defense money is offset either. I haven't heard anything about offsetting defense moneys in this amendment. Perhaps I missed something. I haven't heard anything said about offsetting defense moneys.

The $24.7 billion in the bill compares to $24.2 billion for fiscal year 2002. That is hardly a significant increase in our commitment to homeland defense.

For 50 years, I have been supporting funds for the defense of this country. For 50 years, I have been supporting the appropriations for our military men and women. So when it comes to supporting funds for the defense of this Nation, I have been at that job 50 years. I think I am doing that now. I support the moneys for defense. I consider homeland security, homeland defense as much a part of defense, the overall rubric, as anything else or more.

The defense of our homeland is No. 1, as far as I am concerned. We have a war on terrorism going on right here at home. I don't hear much about it anymore. I hear more about fighting a war in foreign lands, across the seas. I hear more about sending our men and our women away from their homes, away from the fatherland, sending them abroad to deal with an enemy that has not attacked our country.

We are sending those men and women at great cost. Are they fully prepared? I don't know. I hear that they are not fully prepared to meet and contend with biological weapons, which might be lodged against them. I understand that there is equipment—by way of protecting our troops from biological warfare—that is unaccounted for, and there is equipment that is untested.

I am not for pinching pennies when it comes to our troops. I will support those troops as they are sent across the seas by air and by water, perhaps against their own personal will, certainly at great cost to themselves personally. They give up salaries; they give up the wages of sweat and labor and work and thought; they give up those wages to go abroad, to answer to the call of a war overseas; they give up home and fireside, warm quarters at home, where they can be with their families, where they can be with their wives, children, parents; they sacrifice their own businesses—small businesses perhaps—and their own professions. I am for every penny; I am not for pinching pennies when it comes to our men and women who are sent overseas. For 50 years I have never been for pinching pennies.

I am not for wasting money. I often think of myself as the last warrior in Vietnam, the last man to come out of Vietnam. I stood at the elbows of the then-Commander in Chief, Richard Nixon. I supported him in his efforts to protect our men who were sent overseas, sent to Cambodia, sent to fight the Vietcong across the borders in Vietnam, to deal with people in the Vietcong located in Cambodia and striking our own men. I stood by the Commander in Chief in those days, and we were under a Republican administration at that time. I stood with that President, at times against my own then-majority leader. I don't know how many other Senators in this body would do that. But my credentials are pretty good when it comes to supporting and standing up for defense.

But today I am pleading on behalf of the unprotected men and women, boys and girls, in this country who may be subject to terrorist attack at any moment. I am pleading with my colleagues here on both sides of the aisle to forget politics and to vote for what is right and to vote for the security of the American people.

I am trying to support funds here for the legislation that we passed—with great fanfare—to protect the airports, to protect the ports, to protect the borders. I am fighting for funds to provide vaccinations for those first responders,

the people at the local level who will possibly have to deal with biological and chemical warfare. So when you say stand up for the defense of the country, count me No. 1. I am up there first in the ranks.

Mr. President, this is not a political matter. I note that, again, the Deputy Homeland Security Adviser, Mr. Steve Abbott, wrote Senator STEVENS to strongly oppose amendments to Senator STEVENS' bill that would ''add extraneous spending.''

Well, can you imagine extraneous spending to protect our homeland? This amendment is not about politics; it is about a vulnerable nation. Any Member who has told his or her constituents that he or she will work for homeland security should vote for this amendment. Our President has signed an authorizing bill to improve port security, border security, airport security, and he has called on State and local governments to implement his smallpox vaccination plan. All right. Step up, belly up to the bar here. Let's put the money where our mouth is. This amendment funds those important programs.

Mr. President, I hope other Senators will come to the floor and speak on behalf of this amendment. I will be glad to yield to the distinguished Senator from Alaska at any time he wishes.

Mr. STEVENS. Mr. President, I inform my friend that none of the persons who spoke on the previous, similar amendment by my colleague from West Virginia wish to speak on this amendment. They have called my attention to the fact that this amendment deals with the first five items in the last amendment.

What was in the first amendment for State and local assistance to combat terrorism, the $1.406 billion has been reduced to $1.05 billion; for border security, the $1.008 billion is reduced to $750 million; for airport security, the $720 million has been reduced to $500 million; for port security, the $585 million has been reduced to $500 million; for nuclear security and energy security, the $296 million is reduced to $200 million.

In other words, the Senator's amendment takes the first five items he had in the last amendment and reduces them by a reasonable amount in an attempt to reduce its impact in terms of the budget. He has reduced it, by quick calculation, by $1.015 billion in those five areas. He also has deleted another $985 million in other categories.

I commend the Senator for being willing to come down in his request. It still amounts to a concept of offering a portion of the last amendment. Instead of the amount that would have been requested—$5 billion—the Senator now says $3 billion.

Under the circumstances, I am constrained to again say I oppose the amendment. I would like to have a vote on it. I have no requests for time on this side. I am prepared to yield back the remainder of my time.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). Who yields time?

Mr. BYRD. Mr. President, I yield myself whatever time I may consume. I will not be long. I think Senators ought to be aware that a vote can take place on this amendment momentarily, virtually.

Let me simply say, in closing my remarks on this amendment, I think the record is clear, and I thank my colleague, Senator STEVENS, for his having accommodated me, and those Members who may wish to speak on the previous amendment that I offered and on this amendment. He has done everything he possibly could do to accommodate us. We have not been cramped for time on these amendments. I again want to thank him for his fairness, absolute fairness.

I also want to thank the two leaders for their fairness. I thank our new Republican leader for his fairness. He has been willing to debate this matter at considerable length. I am not aware if he has pressured my colleague, Mr. STEVENS, to cut the debate short, not have the debate, to try to thwart the efforts on the part of Members on this side to call up amendments. I am not aware of any effort toward that end. I am only aware of the fact that we have been allowed ample time to debate. I have been allowed ample time to offer amendments, other Members on my side allowed to offer additional amendments dealing with education, dealing with Amtrak, and other matters involved in homeland security.

I thank Senator STEVENS again. I thank Senator FRIST. I think this is a good indication on his part that we are going to debate matters in this forum and that we are going to be allowed to call up amendments. That is what the Senate is all about. That is why we are here. That was the beauty of the Great Compromise of July 16, 1787, when it was decided there would be two bodies and that the size of one body would be determined on the basis of population, while in the other body States would speak with equality. A small State would be equal with a large State and with the largest States in our numbers here. That is what the Senate is all about.

I am glad to see that in this instance we are being allowed to work our will. The Senate is being allowed to work its will on this important matter. We have offered the amendment. We have had our say. We have not been shut off at the pass. There has not been an effort here to gag the Members. We have had our say. I do not ask for anything else. That is the Senate.

I say that to the distinguished Senator from Tennessee who now presides over this Senate with a degree of dignity and aplomb and poise that is so rare as a day in June. When I see our former colleague, our quondam colleague, Howard Baker, I want to pass along to Howard Baker a good word concerning the new Senator from Tennessee who sits in the Chair today, as he listens. He is sitting at the desk. He is not reading newspapers. He is not reading letters. He listens to what is said. That is the appropriate role of a Presiding Officer.

Mr. President, we do not have any complaints. I am ready to have a vote. I do not think I have anything else to say at this point, so I yield the floor. I am ready for a vote.

Mr. STEVENS. Mr. President, I am prepared to yield back the remainder of my time.

Mr. BYRD. I yield back the remainder of my time.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask for the yeas and nays on Senator BYRD's amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 8. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

Mr. REID. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. CONRAD), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) would each vote ''Aye''.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 51, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—45

Akaka	Carper	Feinstein
Baucus	Clinton	Graham (FL)
Bayh	Corzine	Harkin
Biden	Daschle	Hollings
Bingaman	Dayton	Inouye
Boxer	Dodd	Jeffords
Breaux	Dorgan	Johnson
Byrd	Durbin	Kennedy
Cantwell	Feingold	Kohl

Landrieu	Mikulski	Reid
Lautenberg	Murray	Rockefeller
Leahy	Nelson (FL)	Sarbanes
Levin	Nelson (NE)	Schumer
Lieberman	Pryor	Stabenow
Lincoln	Reed	Wyden

NAYS—51

Alexander	DeWine	McConnell
Allard	Dole	Miller
Allen	Domenici	Murkowski
Bennett	Ensign	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Kyl	Talent
Cornyn	Lott	Thomas
Craig	Lugar	Voinovich
Crapo	McCain	Warner

NOT VOTING—4

Conrad	Hagel
Edwards	Kerry

The amendment (No. 8) was rejected.

Mr. FRIST. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that Senator KENNEDY be recognized in order to offer an amendment relating to education; provided further that when Senator GREGG is recognized, Senator KENNEDY's amendment be temporarily set aside in order for Senator GREGG to offer a first-degree amendment relating to education; further, that no second-degree amendments be in order to the amendments prior to votes in relation to the amendments.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, is it the understanding then that the first vote will be on my amendment and the second vote will be on Senator KENNEDY's amendment?

Mr. KENNEDY. That is my understanding.

Mr. FRIST. That is the understanding.

Mr. GREGG. I do not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 13

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), for himself and Mr. DASCHLE, Mr. DODD, Mr. REED, Mr. BINGAMAN, Mrs. MURRAY, Mrs. CLINTON, Ms. MIKULSKI, Mr. JEFFORDS, Mr. HARKIN, and Mr. LIEBERMAN, proposes an amendment numbered 13.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for education)

At the appropriate place in division G, insert the following:

TITLE ____—EDUCATION TO SECURE TOMORROW

SEC. ____. SHORT TITLE.

This title may be cited as the ''Trust in Education to Secure Tomorrow (TEST) for America's Future''.

SEC. ____. DECLARATION OF PURPOSE AND POLICY; FINDINGS.

(a) DECLARATION OF PURPOSE AND POLICY.—Congress declares the following:

(1) The security of the Nation requires the fullest development of the mental resources and technical skills of its young men and women. The present national security emergency demands that additional and more adequate educational opportunities be made available. The defense of this Nation depends upon the mastery of modern techniques developed from complex scientific principles. It depends as well upon the discovery and development of new principles, new techniques, and new knowledge.

(2) We must increase our efforts to identify and educate more of the talent of our Nation. This requires programs that will correct as rapidly as possible the existing imbalances in our educational system and will give assurance that no student of ability will be denied an opportunity for higher education because of financial need.

(3) Congress reaffirms the principle and declares that the States and local communities have and must retain control over and primary responsibility for public education. The national interest requires, however, that the Federal Government give assistance to education for programs which are important to our defense.

(4) To meet the present emergency requires additional effort at all levels of government. It is therefore the purpose of this division to provide substantial assistance in various forms to individuals, and to States and their subdivisions, in order to insure trained manpower of sufficient quality and quantity to meet the national defense needs of the United States.

(b) FINDINGS.—Congress finds the following:

(1) In fiscal year 2002, the No Child Left Behind Act of 2001 (Public Law 107–110) was funded at $22,195,000,000. The Budget of the United States Government for Fiscal Year 2003, as submitted to Congress, proposes to fund the No Child Left Behind Act of 2001 (Public Law 107–110) at $22,105,000,000.

(2) The size of the maximum Federal Pell Grant is authorized to be $5,800, but because of insufficient funding, in fiscal year 2002, the maximum Federal Pell Grant was only $4,000.

(3) State budget deficits are having a pronounced effect on State education funding and public college and university tuition.

(4) In fiscal year 1946, the share of the Federal budget dedicated to education was 10.4 percent. In fiscal year 2002, the share of the Federal budget dedicated to education was 2.5 percent. On March 23, 1994, the United States Senate unanimously resolved to increase to 10 percent by 2004 the share of the Federal budget dedicated to education.

SEC. ____. MEET THE PROMISE OF THE NO CHILD LEFT BEHIND ACT.

In addition to any amounts otherwise appropriated under this Act for part A of title I of the Elementary and Secondary Education Act of 1965, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, $4,650,000,000 for carrying out such part, to remain available through September 30, 2004: *Provided*, That $2,325,000,000 of the amount of funding appropriated under this section for part A of title I of the Elementary and Secondary Education Act of 1965 shall be distributed according to section 1125 of such Act: *Provided further*, That $2,325,000,000 of the amount of funding appropriated under this section for part A of title I of the Elementary and Secondary Education Act of 1965 shall be distributed according to section 1125A of such Act.

SEC. ____. HELP FOR FAMILIES PAYING FOR COLLEGE.

(a) ADDITIONAL APPROPRIATIONS.—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, for an additional amount for ''Student Financial Assistance'' for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965, $1,350,000,000 to remain available through September 30, 2004.

(b) MAXIMUM PELL GRANT.—Notwithstanding any other provision of this Act, the maximum Pell Grant for which a student shall be eligible during award year 2003-2004 shall be $4,500.

SEC. ____. RESTORATION OF FUNDING FOR EDUCATION.

Section 601 of Division N shall not apply with respect to programs funded under title III of Division G.

Mr. KENNEDY. Mr. President, as all of us in this Chamber understand, and perhaps those American citizens who are watching this debate do not understand, this matter that we are considering is also the instrument by which we are going to fund the support for educational programs. The amendment which we offer is directed primarily at the title I parts of the educational programs. It also has an important addition in terms of the Pell provisions which make such a difference to children who have considerable ability but lack financial support.

I wish to review very briefly where we have been in terms of the funding of education. The Federal role in the area of education has been limited but very important. It goes back to the early mid-1960s when the Congress and the President at that time made a decision that it was in the national interest to try to provide some help and assistance to the neediest and poorest children of this country, recognizing that education was a local and State responsibility. And they continue to remain the responsibilities for the localities and the States. But, nonetheless, the issue of very poor children in our society was a matter of national interest and national concern, and so we tried to fashion an educational program to provide assistance so those children would not be left out and left behind.

That was, basically, the reason for the development of the title I program in the mid-1960s.

In the 1960s, as that went through the Senate and eventually went to the

House of Representatives, the formula for the implementation of that program spread those resources far and wide. Rather than being really targeted on the neediest children, it was spread among a broader area. The actual resources that went to aid the neediest children was very little, sometimes $100 or $200, but essentially small, generally speaking.

In the review of the effectiveness of title I, we have seen over a long period of time that hasn't produced the kinds of results that many of us had hoped would be achieved. We have seen a number of different steps that were taken during the Clinton administration where we had a variety of different pieces of legislation, for instance, the Goals 2000, which provides help and assistance to localities through the States. That was the legislation that helped develop the concept of standards which has been so important and embraced in the No Child Left Behind bill, with the idea that States would develop the kinds of standards they thought necessary for each grade in that particular State.

What No Child Left Behind tried to do was say these are the standards established by the States, this is the curriculum for teaching those standards, and these are the tests to try to make sure those children are learning what was intended they should learn, and then these are the supplementary services to try to help those children who are falling further behind.

That was the concept in the No Child Left Behind bill. Nonetheless, the good work of the Goals 2000 made an important downpayment.

There was also the efforts of the School-to-Work Program to assist some of the children who might have been dropping out. We have close to 500,000 children a year who drop out of school, who think they can not make it academically. This program provided help and assistance when they went from school to work. We have had strong success in a number of different areas, and continue to, even though the legislation has expired.

We had additional educational funds in the AmeriCorps and in the direct loan program to try to provide help and assistance to children in higher education—a whole range of HOPE scholarships, and lifelong learning scholarships for educational efforts during that period of time.

Nonetheless, if we look back over the focus and attention of where this institution has been in funding educational programs, it is not a strong record.

I wish to review very quickly as we put into perspective the needs of this amendment, which adds some $6 billion to the overall omnibus bill, meaning we would have $16 billion in the title I program and which effectively is what our conference committee agreed to when we reported out and accepted the No Child Left Behind bill that the President signed.

In my opening comments, looking at the figures, I mention to the body the amendment that was offered by my friends and colleagues from Connecticut and Maine. During authorization of the No Child Left Behind bill, we took the time to consider the Dodd-Collins amendment which would have provided $18 billion. That was agreed to by 79 Members of this body. It had 29 Republican votes supporting that increase of $18 billion as the total amount in title I. This is $16 billion. We are going to find out this afternoon whether there is that kind of commitment so clear from the debate and discussion and vote that we had on May 3 which provided 79 votes in favor of that, with virtually no Democrats voting in opposition to it.

Now we have a chance for real money. This is real money. That is the authorization. Now we have the chance to implement what we voted for some time ago in terms of the No Child Left Behind bill.

As we look over the last years in terms of where we are and what the record is in this body on various educational funding, the reason this is so important is that we find there has been a strong element in this body that believes there is no role whatsoever for the Federal Government in the field of education. I understand that. I respect that. I differ with it. I think most parents want to see their children learn. They want to see smaller class sizes as we have seen in recognizing the distinguished Presiding Officer's State of Tennessee which has moved to get smaller class sizes. They want well-qualified teachers. They want after-school programs to help and assist the students who are falling further behind. They want that certainly. They need that kind of a program. They want some help and assistance for limited-English-speaking students to help and assist those individuals. They want to make sure when these children, who may come from limited resources, also have an opportunity to continue their education in terms of help and assistance with either Pell grants and loan programs. They work hard during the course of the summer and they may want to take out some loans to continue their education. I think that is what the American people expect.

There should be no mistake about it. In this body, we have had a long, hard battle in getting adequate funding in education.

In considering the No Child Left Behind bill, we have a great sense of expectation for the children in this country. No Child Left Behind said to the young people in this country: We will do our best to give you a well-qualified teacher, smaller classrooms, and help and assistance when you need it. And we are going to be committed to trying to assist you to continue your education.

We put strong responsibility on the children. We put strong responsibility on the schools that if they are failing, they have to reorganize or restructure themselves or there will be action by the States. We put responsibility on the parents with the report card to inform parents how their children are performing. We have even involved the parents in a variety of educational alternatives, all of which have been recommendations and experiences which we have found to have benefited the children left behind.

We have to ask ourselves today, who is failing in meeting their responsibilities? It is right here in the Congress of the United States that we are failing the children of America. This omnibus bill is failing the children of America. With this amendment we have an opportunity to provide the kind of assistance to the children all across this country that the No Child Left Behind bill was intended to provide.

This has been a long and continuing struggle. Many of us can remember, going back to 1995, when we had already appropriated funding in the area of education, and there was actually a rescission offered by the new Republican leadership for moneys going to education of $1.7 billion. And we were able to get $1.1 billion restored with the Democratic support.

The next year, there was a $3.9 billion reduction in the cut in the Republican House of Representatives. We, the Democrats, were able to restore $3.5 billion. It was repeated again in 1997. It was repeated again in 1998. In 1999, the Republicans authorized and appropriated $2 billion below what the President requested. And then, after tough negotiations, President Clinton was able to get the $3.6 billion. And the list goes on.

I want to bring to the attention of the Senate, and our friends who are watching this debate, these figures. This is what was actually offered by the President of the United States. In the year 2000, he asked for a $2.5 billion increase, and we stood for, with the reform, $7.7 billion.

We are going to hear a lot about increases over 2002. Let's remember theirs was $2.5 billion and this was $7.7 billion. Then, this year, they asked for $1.4 billion, which is 2.8 percent above what was asked for in the previous years.

I want to say, right at the outset of this debate, money isn't everything, but it is a pretty clear indication of a nation's priorities. That is what this debate is about: a nation's priorities. That is what the omnibus bill is about: reflecting the Nation's priorities in the amount of moneys that are going to be appropriated by the Congress and Senate of the United States. That is what this debate is all about.

When we talk about these figures, we are not just talking about dollars—hundreds of millions or billions of dollars—we are talking about making sure qualified teachers get in those classrooms. That is what money represents. It is not just spending; it is providing qualified teachers. It means smaller classrooms and afterschool programs and assistance to students with limited English.

We do not have the construction money in here that we had in the previous administration. So we effectively made a contract with the American people. We said: Look, we will pass No Child Left Behind. We had made a contract with the parents, with the students, with the States, with the local communities, and we were signatories. The President was a signatory. Every Member of this Congress, at that time, was a signatory with their vote. There were a handful of Members who voted in opposition, but those who voted in favor were signatories to that particular proposal.

So we are looking, effectively, with the report that we have before us, at an increase of $1.7 billion instead of the amount that was requested, $1.4 billion. We will hear a good deal on the floor of the Senate about what kind of increase this is, what kind of increase it isn't, that it is a large increase or that it is really just a small increase, as I have described it.

I have here the Department of Education Fiscal 2003 Budget Summary. It says on page 2: The President is requesting $50 billion in discretionary appropriations for the Department of Education, an increase of $1.4 billion or 2.8 percent over the 2002-enacted level. So 2.8 percent over the 2002 level.

That does not even take care of inflation. That is effectively a cut.

Let me show you what has happened over the previous years in education. Let me just show you what has happened over the last several years in the areas of education funding. This chart includes total education. Going back to 1997, a 16-percent increase; 1998, 12 percent; 1999, 12 percent; 2000, 6 percent; 2002, 19 percent; 2002, 16 percent.

Now, the administration's budget is at 2.8 percent—the lowest we have had over this whole period of time. This is when we have the most important education legislation before the children of America. That is wrong. That is wrong. And that is what we are attempting to address.

This is, as I mentioned, under the Department of Education, 2.8 percent. I mention this because we will hear others talk about: Oh, we have the largest increase we have seen in recent times.

Listen to this. I have here a page, which I will print in the RECORD, entitled ''Labor, Health and Human Services, Education and Related Agencies Appropriations.'' It says: ''Republican House Appropriations Staff Document Accompanying [their bill] H.R. 246.]''

If you look down at ''Total: Elementary and Secondary Education Act programs,'' there is a cut of $89.655 million. So a $90 million cut right here in the effect of their program, a $90 million cut, because their funding does not even meet the education inflationary needs.

Mr. President, I ask unanimous consent that the item to which I just referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Labor, Health and Human Services, Education and Related Agencies Appropriations

[$ in 000s]

		FY 2002 comparable	President's budget request	House bill	Difference President's request/2002 comp.	Difference House bill/ 2002 comp.	Difference House bill President's request
Research and Statistics:							
Research	D	121,817	175,000	140,000	+53,183	+18,183	−35,000
Regional Research Laboratories	D	67,500	67,500	67,500	0	0	0
Statistics	D	85,000	95,000	95,000	+10,000	0	
Assessment:							
National Assessment	D	107,500	90,825	90,825	−16,675	−16,675	0
National Assessment Governing Board	D	4,053	4,682	4,562	+509	+509	0
Subtotal: Assessment	.....	111,553	95,387	95,387	−16,166	−16,166	0
Total: Research and Statistics	.....	385,870	432,887	397,887	+47,017	+12,017	−35,000
Multi-year Grants and Contracts	D	58,000	0	0	−58,000	−58,000	0
Total: ERSI	.....	443,870	432,887	387,887	−10,983	−45,983	−35,000
Departmental Management:							
Program Administration	D	418,798	411,795	411,754	−7,003	−7,003	0
Office for Civil Rights	D	79,666	86,276	86,276	+6,610	+6,610	0
Office of the Inspector General	D	38,588	41,000	41,000	+2,412	+2,412	0
Total: Departmental Management	.....	537,052	539,071	539,071	+2,019	+2,019	0
Student Aid Administration:							
Administrative Costs	D	0	932,000	105,388	+932,000	+105,388	−826,612
Federal Direct Student Loan Reclassification (Legislative proposal)	D	0	−795,000	0	−795,000	0	+795,000
Total: Elementary and Secondary Education Act programs	.....	22,222,794	22,133,139	22,292,239	−89,655	+69,445	+159,100
Total: Departmental of Education	.....	52,416,982	52,843,371	52,843,371	+426,389	+426,389	0
Current Year	.....	37,405,681	37,832,070	37,832,070	+426,389	+426,389	0
FY04	.....	15,011,301	15,011,301	15,011,301	0	0	0
Related Agencies:							
Armed Forces Retirement Home:.							
Operations and Maintenance	D	61,628	61,628	61,628	0	0	
Capital Program	D	9,812	5,712	5,712	−4,100	−4,100	0

Note.—This document is an unofficial staff description of Appropriations Committee activities.

Mr. KENNEDY. Mr. President, this is all against a background of what is happening out there in the States. Six months ago, we thought the States had about a $45 billion shortfall; now the best estimates are $90 billion. A conservative estimate is that a third of those budgets are education budgets, divided between higher education and elementary and secondary education. But that is $30 billion that is going to be withdrawn from the States in terms of education.

We have an administration program which is effectively cutting back on the title I at the same time that we are considering the largest tax reduction in the history of the country—$670 billion now over the next 10 years. When you add on the costs of carrying that out, another $300 billion. So it is close to $1 trillion. And the administration cannot find $16 billion out of that $640 billion tax cut, much of it going to the wealthiest individuals in this country, to say: Let's invest in what America was proud of when the President of the United States signed the No Child Left Behind bill.

How do you explain that? How do you explain that to parents in this country? How do you explain that? This is an institution of choices. We have choices. We have choices here this afternoon. And we have the recognition, when all is said and done, that this proposal before the Senate of the United States is $10 billion less than what was generally agreed to in the last Congress by Republicans and Democrats, reflected in a vote of 59 Senators but agreed to as being the target figure for the appropriators.

This bill is $10 billion less. Republicans voted for that higher number. I am not asking to exceed it. I am just saying, instead of $10 billion, let's fund education including title I programs and the Pell grants and use up $6 of that $10 billion, which would move us a little closer to what we voted for.

Is that so irresponsible? Is that so outrageous, when we have the kind of need and opportunity taking place all across the country? This is a matter of enormous importance to the children.

I see my colleagues on the floor who want to speak. Let me wind up this phase quickly.

We know that the earlier the intervention in terms of children, the better the opportunity that they will have a successful education. We are not talking here about early education, which I hope later in the session we will be able to address in a bipartisan way. Hopefully we will. But all of the Academy of Science's studies show that early education is absolutely crucial in terms of children. And that is effectively what the title I program is all about, trying to intervene in the early years.

We have tried to coordinate the Head Start Program with the first year of education training and with the title I. We have made efforts and we will make more of an effort this year on reauthorization. We tried in the last Congress, with the last reauthorization, increasing and enhancing the quality of the Head Start Program, and we are going to try and bring this into greater conformity in the course of this year. But all of our efforts are going to be weakened dramatically if we are going to fail to meet even our minimum responsibilities to the children by investing and restoring this kind of commitment.

The amendment which we offer today will invest $16 million in the title I program. It was passed overwhelmingly, in a bipartisan way, on the reauthorization. I am hopeful we can have bipartisan effort when we vote later in the afternoon. By doing so, we will live up to our commitment and meet our responsibility in the contract of No Child Left Behind.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I note the presence of several of my colleagues. I will not take long.

I commend our friend and colleague from Massachusetts for offering this amendment. He mentioned at the close of his remarks how this body in the previous Congress had voted some $16 billion in authorization moneys for title I. That amendment was offered by myself and my colleague from the State of Maine, Senator COLLINS. We received 79 votes on that amendment, a recorded vote, supporting the $16 billion figure to authorize the title I funds.

What we are doing here today with this amendment is merely trying to confirm once again the Senate's commitment in the previous Congress to that dollar amount. My colleague from Massachusetts has laid out the substantive arguments—in fact, even gone back and reminded us of the history of our efforts to try and get additional funding for the critical area of elementary and secondary education. I rise to support this effort and hope once again for the same spirit that imbued this body only a Congress ago, when 79 of us thought this was so important we ought to support the authorization figure of $16 billion. You now have an opportunity, albeit a bit late, but nonetheless an opportunity to reconfirm the commitment made by most of us to that dollar amount.

We have all heard the language and the rhetoric over the last several years about leaving no child behind. Nothing could be more important to the well-being of this country than to see to it that we make the necessary investments our children will absolutely need if they are going to have the quality of education necessary to maximize their potential in the 21st century. I can't think of a better way to begin that effort than by providing the resources necessary.

We have already seen the budget cuts, some $4.6 billion short of the promise made when the President signed into law the $16 billion authorization level. Yet hardly before the ink was dry on that commitment we saw the cuts come in. How many of us remember the President traveling around the country, celebrating this major first initiative of his administration, proud of the fact he had built bipartisan support for dealing with the educational needs of America's children. What a great irony to find ourselves back here in this Congress arguing with the administration about restoring some funds to a program that was so highly celebrated by them.

This is an issue that should not divide Americans by ideology or party or partisanship. I do not know of a single citizen who believes we can continue to prosper and grow as a people while simultaneously depriving the youngest of our citizens the opportunity to acquire the skills necessary to do what will have to be done to make us a strong and prosperous Nation in the 21st century.

We all know how painfully difficult it is to provide that opportunity of education today at the local level, with property taxes being the major source of funding for educational needs, and in some areas State budgets also contribute. It is incredible to me that we contribute less than 2 percent of the entire Federal budget to the elementary and secondary educational needs of our students. About 6 cents on the education dollar comes from the national Government, and the overwhelming burden falls on local property taxpayers.

We have been debating the issue of affirmative action and the President's decision yesterday to oppose the plan at the University of Michigan. I will find another moment and time to address that issue head on. But let me suggest to the President and others, if you want to know why there is a need for affirmative action, you merely have to look at how we spend money when it comes to elementary and secondary education and on title I. If you are wondering why a child entering college may need some further consideration when it comes to accepting them or rejecting them to a higher educational opportunity, consider what we do at the earliest stages of their educational development.

In most States in this country, if you go to the inner city urban schools, you will find that 35 or 36 percent of the teachers are not certified to teach the course the children are taking; whereas Statewide, in the more affluent communities, those numbers are dramatically lower.

We should be doing everything we can. If you want to eliminate affirmative action, then you better begin here with the amendment offered by the Senator from Massachusetts, to make it possible for every child to have an equal opportunity to learn. Today, given the disparities in our communities based on the wealth, the poverty, or affluence of those communities increases the likelihood of an educational opportunity. It should not be a question of where you were born as to whether you will have a right or an opportunity to succeed. We ought to be doing everything we can to see to it that every child, regardless of the circumstances of their birth, will have an opportunity to achieve to their maximum potential.

We bear no responsibility to guarantee success. We bear every responsibility to see to it that there is an opportunity to succeed or fail. That is all we are trying to do in this one area of title I and Pell grants which the Senator rightly has added to the amendment.

I can't recall a prouder day in the last Congress than when we stood here, 79 of us, and Senator COLLINS and I offered that amendment.

Many thought we could not pass it. But 79 of us here said we ought to do

this on title I. I hope the Members who cast the vote that day, as they walk into this Chamber in the coming hour or 2, will recall how they felt when they actually voted to see to it that we maximize the dollars necessary to support this critically important program and cast a ballot again today in this Congress to see that we have full funding for title I and the necessary dollars to support the Pell Grant Program, which will make it possible for children of modest means to achieve a higher education which, in the absence of this amendment, would be difficult to do.

This is important to children at both the elementary and secondary school levels. It is important to the security of America. Our security is directly linked to the wellness and ability of our children to acquire the educational skills they will need. This is a national security issue, not just an education issue. I look forward to supporting this amendment when the vote occurs.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I also want to speak in favor of the amendment my colleague from Massachusetts, Senator KENNEDY, has offered. I commend him and Senator HARKIN, in particular, for the leadership they have shown in trying to maintain an adequate level of funding for education. I am proud to be a cosponsor of this amendment and the amendment Senator HARKIN will offer later today.

The pending omnibus appropriations bill we are debating on the floor is woefully inadequate when it comes to funding education. Senator KENNEDY and Senator DODD have just pointed out that last year, with great acclaim, we passed the No Child Left Behind Act, and I supported that. I believe there are accountability provisions in that act that will move us in the way of implementing major changes in our educational system and will bring us a long way toward ensuring equal educational opportunity for all children in this country.

What we were starting to do with that act, as I understood it, was to work in partnership with States and local governments to see this improvement occur, and part of that partnership was that we would help provide resources to the schools and the teachers so that those children could succeed.

The President's budget abandoned that effort. This bill that we have on the floor today—although it is slightly better than the President's budget—also abandons the promise to leave no child behind.

Like the President's budget, the pending bill underfunds the No Child Left Behind Act by several billion dollars. I do think the context is important here. The context is the one to which Senator KENNEDY referred. We are being urged as a Congress and a nation to embrace some $660 billion or $670 billion worth of new tax cuts. At the same time, we are being told now there is not enough money to adequately fund the No Child Left Behind Act: We cannot make good on the promise that we made when we passed that act because we cannot afford it, but, by the way, why don't you speed up and pass this $660 billion tax bill, which is really focused on assisting those who are the best off in our society.

So you have an interesting juxtaposition, where tax cuts are targeted at the wealthiest versus having adequate funding for programs to benefit our most disadvantaged children. That is the choice we are going to have to make in the Senate this afternoon.

Unlike the President's budget, this bill has a small increase for programs authorized in the No Child Left Behind Act—an increase of $400 million. But that funding level will mean a significant cut in services because of expected inflation. Inflation is not going to be much; it is expected to be 1.8 percent. But even with that, we are not providing the funds to make up for it. The only significant increases for education in the bill are a billion dollars for title I and a billion dollars for IDEA.

This bill—like the President's budget—makes those increases at the expense of other very crucial programs. In addition, even with the increase for title I—the program targeted on districts and schools with large numbers of our most disadvantaged students—in this bill, the program is $4.6 billion short of the levels agreed to on a bipartisan basis when we passed the No Child Left Behind Act.

The proposed funding level will not be sufficient to keep pace with the growth in child poverty. It will mean that over 6 million poor children will in fact be left behind.

If we truly intend to leave no child behind, then education funding, particularly targeted at this group of disadvantaged children, needs to be our top priority.

The increase for IDEA is also insufficient. I am sure people will come to the floor today and say, no, we are increasing IDEA. At the rate of increase provided for in the underlying bill today, it will only take us 33 more years to get to the level we promised the Federal Government achieve when we enacted that program. That is covering 40 percent of the cost of that program. So the funding level in this year's bill is a mere 17 percent of those costs.

The pending amendment would go a long way toward ensuring that no child, in fact, will be left behind. If Senator KENNEDY's amendment prevails—which I hope it will—we will have over 2 million more needy children who will be fully served by the title I program. It will provide sufficient funding to hire 50,000 fully qualified new teachers. It will provide after-school opportunities for a million more children. Every one of the 10,000 schools currently identified as not meeting the standards provided in the No Child Left Behind Act will be able to implement research-based school reform models. There are 200,000 college students nationally who will be able to receive a Pell grant to defray the cost of college. So this amendment can make a great difference.

Let me give a few statistics about my home State of New Mexico, and then I will yield to my colleagues who also wish to speak on this important amendment.

This amendment will provide the Albuquerque Public Schools $9.8 million in increased funding. In my home State, we will receive approximately $54 million under this amendment; 1,400 more college students will be eligible for a Pell grant in New Mexico and over 42,000 grant recipients will receive a substantial increase.

This is an important amendment for my State, and it is an important amendment for all the schoolchildren in the country. I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I also come to the floor to support the extremely important amendment offered by the Senator from Massachusetts, which is offered to ensure that all students get the educational resources they deserve.

This amendment funds title I at the level we agreed to when we passed the No Child Left Behind Act and increases Pell grants so we can help more low-income students afford college. This is the minimum investment we need to make if we truly are going to leave no child behind.

Leaving no child behind is a noble goal, one that we all endorse. But it is a travesty to use the mantra of the Children's Defense Fund as a cover for policies and budgets that hurt rather than help American students. Make no mistake, the bill before us, based on the President's budget, will leave students behind.

I find it particularly incredible that at the same time the President and his friends in Congress are pushing for a $674 billion tax cut, they are insisting that we provide less money for the education of our children.

Look at title I. Title I pays for things such as books, teachers, tutoring, and preschool for our most needy students. The President and his party are saying that we can no longer afford the $1.5 billion increase slated for title I last year, yet we can afford to give $20 billion to 226,000 millionaires.

One year ago, when we passed the No Child Left Behind Act, we agreed on new sweeping requirements and mandates. We also agreed that title I would need to be funded at $16 billion this year for schools to meet those requirements. America's students and their parents have entrusted us with their future. We cannot turn our backs on them and say we have done our part by setting high standards and creating tough accountability, and the rest is up to you—even if you are trying to learn in overcrowded classrooms or from unqualified teachers or you are coping with crumbling school buildings. That is what they are really saying.

Last week, the President celebrated the 1-year anniversary of the No Child Left Behind Act by calling it the most meaningful education reform probably ever. But that reform had two parts. On the one hand, it called for higher standards and accountability, and on the other hand it promised more investment so schools could make progress.

My good friend, Senator Paul Wellstone, spent many hours on this floor reminding all of us that the so-called No Child Left Behind Act would, at best, be a sham and, at worst, a serious blow to the public school students of our country if it was funded on a tin cup budget. I fear this appropriations bill will prove him right.

By providing only an inflationary increase in education funding while significantly raising the demands on our schools, we have reduced America's students to begging for the Government's spare change to finance their future.

Setting a high bar is important, but setting a high bar and failing to give kids the resources to succeed is just setting them up for failure.

The appropriations bill before us offers the smallest increase in education funding in 7 years. It freezes the State grants that reduced class size and improved teacher quality and, as a result, no new teachers will be hired and fewer teachers will get professional development.

This bill does not fully fund our share of special education costs, failing yet again to fulfill that commitment to our communities, our schools, and our disabled students. And it falls far short of title I funding we included in the No Child Left Behind Act because we knew it was necessary to help our students succeed.

We know what the needs are. We know what works to help our children succeed. And we also know that making college affordable is critical to helping students succeed and to helping our economy grow. Senate Democrats have worked to increase funding for Pell grants. In fiscal year 2002, while the Bush administration proposed no increase in Pell grants, Senate Democrats increased the top limit from $3,750 per year to $4,000 per year.

Again this year, the President proposed no increase in Pell grants. It is a good step that this bill includes a small increase for Pell grants, but it is not nearly enough to meet the rapidly rising needs. In my home State of Washington, our legislature cut $1.6 billion out of their budget last year. This year they are suffering from even deeper economic stress, and they need to cut an additional $2.5 billion. A result of that is tuition at our public colleges and universities increased 12 to 16 percent this year, and we could be looking at similar increases next year. I am really worried that students will look at that increase in tuition, see no significant increase in Federal aid, and decide they cannot afford to go to college.

One of the most important things we can do to ensure a safe and secure future is to help educate our young people. We know a college degree means on average an additional $20,000 a year for men and an additional $15,000 a year for women. Given today's global-based economy, the gap in earnings between those Americans who have a college degree and those who only have a high school degree is likely to grow. Ensuring that our young people have the resources to go to college is a critical national priority.

Putting America's future first means putting our children's education first. But the sad truth is that this appropriations bill shortchanges all of America's students. We have spent so much time talking about how we can hold teachers, administrators, and parents accountable for doing their jobs well. I think we ought to focus on how well we are doing our job, and that means making good choices for our children and investing in their futures.

At a time when we are and should be demanding more than ever from our schools, we must not slow down the Federal investments in our schools. We must not abandon our commitment to help reduce class sizes and provide quality teachers. We must not continue to shirk our responsibility to disadvantaged students.

The Republican bill freezes our progress. That is why we have offered this amendment. That is why Senator KENNEDY has offered this amendment: To provide the resources that parents, teachers, and students need.

This amendment will ensure more children start school ready to learn. It can help children learn in smaller, well disciplined classes by hiring 50,000 fully qualified teachers so we can reduce the size of classes. It will help our local districts that are badly in need of help right now to ensure there is a high quality teacher in every classroom. It could allow communities to offer more afterschool programs to keep 1 million additional latchkey children safe and learning, and it would help more Americans afford college at this critical time.

Mr. KENNEDY. Will the Senator yield on that point?

Mrs. MURRAY. I will be happy to yield.

Mr. KENNEDY. I was listening to the Senator. I see my colleagues who have not spoken. I will only take a minute.

I was listening to the Senator talk about opportunities for young children to go to college. I have here a chart which indicates the average requested increase during the Clinton years was $167. Last year, the Bush request was $100 in Pell grants. The Congress raised that to $250. This year it is zero. In the matter before us, this amendment raises it by $500. I want the Senator to know, as she talks about higher education, the administration request was zero. Last year it was $100, and we raised it to $250.

If this amendment is successful, it will be $500. There will be 200,000 new Pell grant recipients, 4.5 million college students with Pell grants that on average are $300 higher, and it hikes the maximum Pell grant to these needy students by $500.

As she was talking about the importance of higher education, after being the leader in this body on the issue of smaller class size and qualified teachers over the years, and I believe the only former member of a school board, as well as a teacher, it is wise that our colleagues listen to the Senator from the State of Washington.

Mrs. MURRAY. The Senator from Massachusetts is absolutely correct. On his point on the Pell grants, I remind us again that our States are suffering severe budget crises. Some people estimate as much as a $100 billion shortfall in our State legislative budget this year. Those State legislatures are going to have to look toward increasing revenue in their States at this difficult time because they have to balance their budget. Many of those States will do as my State has done—raise college tuition. At the same time, if we do not have Pell grants available to students under this appropriations bill presented to us, we are going to have kids say: I cannot afford to go to college. That is the wrong message for our students at this time in our Nation's history.

Mr. SARBANES. Will the Senator yield for a question?

Mrs. MURRAY. I will be happy to yield.

Mr. SARBANES. It is my understanding in some schools they are cutting back the school week from 5 days to 4 days because they have inadequate resources.

Mrs. MURRAY. The Senator is correct. Many State legislatures are looking to cut back the school week because of lack of resources for education at this time because of the effects of the economy.

Mr. SARBANES. Would the Senator agree with me that you cannot give meaning to the Leave No Child Behind legislation, which not only did the President sign but made a great to-do about signing it? He traveled around the country and said this was his commitment to education, but you cannot make a reality out of what that legislation contains if you do not provide the resources with which to carry it out. Would that not be the case?

Mrs. MURRAY. The Senator from Maryland makes an absolutely critical point. He knows as well as I do that we sincerely miss Senator Paul Wellstone who I know would be sitting next to Senator TED KENNEDY—actually, he would be roaming up and down this aisle saying: I told all of you this No Child Left Behind hype is a sham if we do not provide the resources. Providing accountability on one hand and not providing resources on the other hand says we only did half what we promised.

Mr. SARBANES. What does the distinguished Senator from Washington make of the contrast that the President, while not providing the resources to carry through on the promises contained in the Leave No Child Behind legislation, is pushing very hard in every way he possibly can for a tax cut for very wealthy people, what I have characterized as the ''leave no millionaire behind'' legislation?

So the sense of priorities from the administration is that they are determined to try to get this tax cut to benefit the very wealthy so no millionaire is left behind, at the same time that they are failing to provide the resources in order to deliver on the Leave No Child Behind. These connections must be made.

There is a tendency to look at the tax side as though it is somehow something separate, but the fact is, the President wants to commit scarce resources, given our fiscal position, to the tax cut to benefit the very wealthy at the same time that he is unwilling to commit the resources in order to fund the educational programs.

Mrs. MURRAY. The Senator from Maryland is absolutely correct. The President is asking for a $674 billion tax cut that essentially means we can no longer afford the $1.5 billion increase to title I funds that we promised in No Child Left Behind at the same time he is giving 226,000 millionaires a $20 billion tax cut.

Mr. SARBANES. Absolutely.

Mr. KENNEDY. On this point, will the Senator give a reaction to this particular chart? This chart provides a tax cut for the top 1 percent versus the Leave No Child Behind. This is the point the Senator from Maryland made so eloquently. That amounts to a $180 billion tax cut for the top 1 percent versus No Child Left Behind.

Mr. SARBANES. That is the top 1 percent of the income and wealth scale; is that correct?

Mr. KENNEDY. The Senator is correct.

Now, this is the choice for the Senate. We can fully fund No Child Left Behind, reach the 10.8 million children all across this country; we can provide for universal afterschool programs, provide the needed resources to assist those children who need the extra help and assistance in afterschool programs. We can make sure there is a qualified teacher in every title I classroom in America, and provide help and assistance for the English instruction to every LEP child, every child who needs language training in English.

We have the alternative of funding the tax cut for the 1 percent, the wealthiest individuals, or all of these items of the No Child Left Behind. That is the choice the Senator from the State of Washington has posed to this body and that the Senator from Maryland has underlined, and I think it is important that our colleagues and the American people understand what this debate is all about.

Mrs. MURRAY. The Senator from Massachusetts is correct, and I appreciate the comments of the Senator from Maryland. I think we should ask the millionaires in this country whether they want the tax cut or whether they would prefer to see no child left behind. My guess is many of them would prefer to make sure that the generation that follows them has the same opportunities they have had in this country.

Mr. SARBANES. If the Senator would yield, hopefully many of them would be sufficiently enlightened to perceive that by strengthening our society through implementing the Leave No Child—actually, this goes beyond implementing the legislation because it sets out other priorities that we can accomplish to succeed in strengthening our society to the benefit of everyone. It is a clear choice of priorities, what we are going to put first.

I think most of the American people would put education first, recognizing that it not only benefits the students who gain the education but benefits the society generally. We all draw a benefit from having a well-educated society with people who are able to work to the very limits of their capacities.

Mrs. MURRAY. I thank the Senator from Maryland for his comments because I think they are essential to this debate. I also thank the Senator from Massachusetts.

Mr. KENNEDY. Will the Senator yield for one more observation and indicate whether she agrees, and I hope I have the attention of the Senator from Maryland.

I will read these words. It will take less than a minute.

The security of the Nation requires the fullest development of the mental resources and technical skills of its young men and women. The present national security emergency demands that additional and more adequate educational opportunities be made available. The defense of this Nation depends upon the mastery of modern techniques developed from complex scientific principles. It depends as well upon the discovery and development of new principles, new techniques, and new knowledge.

We must increase our efforts to identify and educate more of the talent of our Nation.

That was President Dwight Eisenhower in 1958. Those words are the same words that we need today when we are talking about the defense of our country as well, and that had virtually unanimous support in this body at that time in 1958. That is the same principle we are trying to support with this amendment today.

Mr. SARBANES. Absolutely.

Mrs. MURRAY. I thank the Senator from Massachusetts for that statement as well.

As I finish my statement, and I know the Senator from Iowa also wants to speak, I think we have to ask ourselves are we going to let our kids go to school in overcrowded classrooms in crumbling school buildings with underpaid and inadequately prepared teachers or are we going to rise to the occasion and make the choices to invest in our children's futures?

We know what the needs are out there. We know what helps our kids succeed. We need Members of Congress to stand up and put the money where their mouths are.

Parents, teachers, students, and community leaders are saying do not just talk about the importance of education funding, make the tough choices to show the American public that education is truly a priority, and that means giving our local school districts the resources they need to provide a first-rate education to every student in this country by supporting this amendment.

I urge the millionaires in this country who are looking at a tax cut to let this Congress know that the education of the next generation, the possibility of creating future millionaires, is far more important than the tax cut they have been promised by this administration. I urge my colleagues to vote yes on this extremely important amendment that will benefit our children and grandchildren and their future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, first, I thank the Senator from Massachusetts for his great leadership on this specific item, but also his great leadership on all issues concerning education, both in this Congress and in Congresses of the last 25 or 30 years.

This amendment is one that is needed to meet the barest of needs of this country in terms of educating our children and making sure we live up to the

commitments we made a year ago when the President signed into law the Leave No Child Behind Act.

It is time to stop talking about a commitment to education and start proving it. All across my State of Iowa, all over the Nation, teachers, principals, and parents are deeply worried about this new education law. They are on edge not because they are afraid of accountability—teachers and parents want their schools to be held accountable—but they are on edge because they are afraid the Government is going to come in and label their schools a failure without giving them the resources they need to succeed.

People all over this country are now beginning to see this law for what it is: an unfunded Federal mandate. President Bush keeps saying that schools do not need more money. His attitude is more tests are needed, more unfunded mandates; the schools do not need more money.

Well, it is a funny thing about money. It sure comes in handy when tax cuts are being given to the rich. When it comes to tax breaks for millionaires, why, money seems like a pretty nice thing to have, according to this White House. But when it comes to education, President Bush's education plan sounds more like that old beer ad, the Miller Lite ad: Great tests, less funding. In essence, what it is all about is priorities, President Bush's priority, as we have seen now, is leave no millionaire behind.

Instead of focusing on dividends for millionaires, we should be focusing on making sure our kids can multiply and divide. If we really want to do something that will pay dividends for our country, we need to invest in our children.

No one in this Chamber thinks money is the only answer to improving schools. We all can come up with examples and instances of chasing bad money with good in education. But it takes money to hire a highly qualified teacher. In fact, I submit that what we are seeing happening in education in America today is what I call ''finally the education system is meeting the marketplace.'' More and more of our teachers are finding they can make a better living doing something else than what they went to school for and were trained for. That is why we have so many teachers leaving education after two or three years, because the market in the private sector will pay them more for their skills and their learning than they can get in education.

In my time, when I was in elementary school and high school, perhaps even college, there were not that many opportunities for a lot of the people who were teachers. Most of the teachers in those days were women. Women did not have access openings. You could be a teacher or a nurse and that was about it. Thankfully this country, through various Civil Rights Acts, now has a society where an American woman can become anything she wants. So we have women who are lawyers, doctors, Senators and Congresspeople, truck drivers and welders, and everything else. Therefore, we do not get the teacher on the cheap anymore like we did when I was younger. If you want a good, qualified teacher, you have to pay the money. There is no way around it.

If we want to reduce class sizes so kids can learn better and have a better learning environment, that takes some money. If we want to send a poor middle-class kid to college, that also takes some money. If we want to fix up our broken-down school buildings—the average age is almost 50 years old—and get the new technologies in the classroom, that is not free. That costs some money.

President Bush does not want to face that fact. As soon as he signed the No Child Left Behind Act, he walked away from the job of improving our schools. Take a look at this chart. There seem to be mistakes made on the Senate floor a week ago by my friend from New Hampshire. I thought I might correct the RECORD. About a week ago, I was on the floor talking about how the President actually cut funding for Leave No Child Behind. Secretary Paige said that was not true, and the Senator from New Hampshire, in the RECORD of January 10, also said Senator KENNEDY and Senator HARKIN had it wrong and that it was not cut. Just get the executive branch budget book, what he requested in funding for this year. In fiscal year 2002 we put $22.195 billion into the programs authorized by the No Child Left Behind Act. The President's request in the budget for this year was $22.105, a $90 million cut. One might say that is not much. All right, it is not, but my point is that right after signing the Leave No Child Behind Act the President submits his budget to this Congress and actually cuts the programs authorized by No Child Left Behind Act.

The Senator from New Hampshire last week was talking about $90 million from earmarked programs, which he says is not working to begin with, which has virtually no purpose other than to fund special interest activities which is worth $90 million. The fact is there were 25 programs authorized by the No Child Left Behind Act.

For instance, rural education in fiscal year 2003 was $162 million. This is part of No Child Left Behind. We do not want to leave rural kids behind. It is part of the bill. For this year, President Bush zeroed it out. He requested zero dollars for rural education. School counselors, $32 million in the previous year—this is the previous year before we had No Child Left Behind. These were specifically authorized by No Child Left Behind. These are not earmarked programs, not in the least. These are authorized under the heading of No Child Left Behind Act. Dropout prevention; $11 million to zero for gifted and talented. Zeroed it out. The national writing project, of which I know the Senator from Mississippi has been supportive, $14 million before, is zeroed out. This is just a partial list of the 25 that were cut—either zeroed out or cut—under the President's budget.

Again, we in Congress in both the Senate and the House did not follow President Bush's lead. We put money back into these programs. The fact is the money we put in is now cut out by the appropriations bill we have before us in the Senate. The amendment offered by Senator KENNEDY puts that money back in. President Bush requested this $22.105 billion for all of the programs under No Child Left Behind, less than what we had the year before. Our Appropriations Committee last year bumped that up to $24.512 billion. Every Republican on the Appropriations Committee voted for that. It passed unanimously. The bill before the Senate today cuts that back down to $22.65 billion. The amendment offered by Senator KENNEDY, of which I am a cosponsor and many others are, brings that back up to over $27 billion, to meet the minimal requirements of what we need around the country to support No Child Left Behind.

The real question is, Are we going to do it? The President, we know, says, no, we do not have to. Now we are fighting to make sure we live up to our promise we made just 1 year ago when the President signed No Child Left Behind. As this chart demonstrates, President Bush's request for this year for education was the lowest, 2.8 percent, of the last 7 years. One might say you could live with that but for the fact a year ago the President signed into law No Child Left Behind, touted it widely, said it is a new era in education, and we are not going to leave kids behind, and then sends Congress a bill that gives us the lowest increase in education in 7 years.

I suppose maybe the President and others might say we will leave it up to the States and local schools. They just got hit with the biggest Federal mandate in education in over 30 years at the same time they are facing the worst fiscal crisis they have had since World War II.

Again, why am I spending so much time talking about funding? I suppose I will be accused of saying money is the answer to education. That is not it at all. I support accountability. I support making sure parents of all kids, including poor kids, get a report card and know how their kids are doing so they can hold their schools accountable. I support the law. I voted for it. But I voted for it because there were representations made to us by this administration that they were going to back it. In fact, they walked away from it.

I read this weekend that schools in Portland, or may have to cut 24 days from the school year because they have run out of money. More than 100 school districts in 7 States have switched to a 4-day week during this school year because they are out of money.

If students are not in class, they are not going to reach the standards we set for them in No Child Left Behind. Right now, the Federal Government is leaving behind 6.2 million students who are not being fully served by the title I program, the main Federal program for educating disadvantaged students. That is what the Kennedy amendment will do, get these title I students back to where we make sure we meet the needs of these title I students. Only 4.1 million out of the 10.3 million needy students are getting the services for which they are eligible.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. HARKIN. I am glad to yield to the Senator.

Mr. KENNEDY. As the Senator remembers, the legislation actually is a guarantee that all of those children, the whole 10 million, will reach what we call proficiency.

Mr. HARKIN. That's right.

Mr. KENNEDY. That means they will have the basic kinds of educational skills over a 12-year period. That was the national goal. That is what had the support of the President, Republicans, and Democrats alike.

Can the Senator possibly explain how we are ever going to have those 6 million begin to even reach proficiency when, year after year, they are left out of any kind of coverage, any help—a qualified teacher, smaller classroom with supplementary services, which is guaranteed in the legislation?

Mr. HARKIN. I respond to the Senator, it is a promise delayed. We promise these kids and their families we are not going to leave them behind, that they are going to have good teachers, good education—but not these kids, not this year, maybe not even next year but sometime in the distant future. But in the distant future these kids will be out of school and they will be ill-educated. They will not be fully productive members of our society. A day lost in education today is a day you cannot make up. A year lost to these students is a year that cannot be made up. That is why we have to put this money back, to make sure we meet our commitments.

The bill before us would add just 289,000 students. We have 4.1 million out of 10.3 million needy students. The Republican bill would only add 289,000 students to that total. That does not even keep pace with the growing number of needy students in this country. They are falling backwards.

This amendment would make it possible to serve another 2 million students—not 289,000 students, 2 million students—by funding title I at $16 billion. That is the level we committed to, if I am not mistaken, in the bill last year.

Mr. KENNEDY. That's right.

Mr. HARKIN. I ask the Senator from Massachusetts, is that not the level to which we committed?

Mr. KENNEDY. That is the figure that came out of the conference. That is the figure the President agreed to and signed to. That, actually, is $2 billion less than was voted on by 79 Members of the Senate in the Dodd-Collins amendment, which would have added $18 billion. This is $16 billion. That's what came out of the conference.

Mr. HARKIN. That's right.

Mr. KENNEDY. So the Senator is absolutely correct.

Mr. HARKIN. I thank the Senator. Last year this Senate voted, 79 Senators voted to increase title I by even more than what Senator KENNEDY has proposed in his amendment. We will see how they vote today.

There is one other aspect of this amendment, too, to which I just want to address myself. It addresses the needs of students who cannot afford to go to college. This amendment would add $1.35 billion to the Pell Grant Program, which would make it possible to increase the maximum grant award from $4,000 to $4,500. Pell grants are the key program for making sure that poor and middle class students have the same opportunity to attend college as our wealthy students. Pell grants buy a lot less than they used to. In 1976 the maximum Pell grant award paid for 84 percent of the average 4-year public college tuition. Last year it paid for half of that, just 42 percent. So we have fallen far behind in Pell grants.

With the economy still in a rut, more people laid off, more unemployment, two things are going to happen. More students would like to go to college, to fine-tune their job skills and enhance their careers. Second, more and more families will fall below the eligibility line. So kids who may not have qualified for Pell grants in the past will now qualify because their parents are unemployed, or not employed full time. So the demand in the Pell grant program will go up as the economy continues to slow down. The Kennedy amendment would provide 4.5 million college students an average increase of $300 a year.

Think about this, think about $300 a year for the neediest students in this country to go to college, that juxtaposed against the President's proposed tax plan to give more and more tax breaks to the richest people in this country.

Again, as I said, it is really a matter of priorities. This amendment is one that ought to have strong support in the Senate from both sides of the aisle. It is the right thing to do for our kids. It is the right thing to do for our country. Frankly, in the end, what it does is it just makes us live up to the commitment we made 1 year ago, to actually leave no child behind.

I commend the Senator from Massachusetts for his leadership. I hope we have an overwhelming vote in support of education, making sure we do not leave any kids behind.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I join the Senator from Massachusetts and all the others who have come before us this afternoon supporting this amendment. This amendment supports funding for two significant programs, title I and Pell grants.

I have been in the Congress 30 years now and this is the worst education crisis this Nation has seen in that 30 years. I will go back to some of those that we faced before.

I come from the State of Justin Morrill, a United States Senator who gave America the Land Grant College System. The Land Grant College System opened the doors for college education for every American child, and I am proud of that. I am proud of Vermont's history in education.

I have spent 30 years, as I said, in Congress, and this is the worst education crisis I have seen in that time.

I should have known this was coming because I was the chairman of the education committee when it was introduced. I realized, as we started that it was going to be tough. We gave the tests out and did a model on it and found out every school in America, I think, failed to pass it.

Then I asked them who was going to pay for the cost of the test, to find out how bad you were. They said: Oh, that will be up to the schools. I think I finally won a battle and shamed them into thinking that maybe at least they ought to pay for the tests that were going to prove how bad they were, and they agreed to do that.

Unfortunately, though, now, due to budget cuts at the State, local, and Federal level, those doors we thought we were opening are becoming closed. We have the worst education crisis in this Nation in 60 years.

Pell grants are important avenues toward making higher education available. The amendment before us will increase higher education opportunities for today's students who will be tomorrow's workforce.

The worst crisis we had was at the end of World War II, where thousands of young people came back. I was a young person at that time. But I know that my neighbors came back and they had been interrupted in their studies in high school. They had been interrupted going to college. So we had a crisis of a magnitude that was even worse than today. Hundreds of thousands of young people came back without any high

school education. With huge increases in Federal funds we made at that time, we finally got a sufficient amount of money into the system to allow the creation of junior colleges all over this Nation, and allowed people to get back to try to make up all they had lost.

So we have experiences of how it is to react to crises and that we can react if we have to. Our higher education institutions are the envy of the world. Yet we have so many individuals who graduate high school first in their class and so desperately want a higher education, but the means are not there for them to make that goal a reality. That is a sad situation.

A similar crisis existed in this Nation in the 1960s, when the Sputnik launch came. All of a sudden, we who thought we were the best in the world in science and all found that a Sputnik was raised into the sky by Russia, and we recognized that we were defenseless against that. Our institutions of higher education rallied due to some good strong economic help. They became the best in the world. Federal funds were provided to make that possible.

Instead of being behind the eight ball, we had thousands and thousands of students coming from all over the world to come to our institutions of higher learning, to pass and to be ready to bring this country up to a position where we could hopefully be able to head off attacks by missiles.

But we have slipped again. Our schools are in dire need, and it is perhaps the worst position we have been in since World War II.

Last week we celebrated the 1-week anniversary of No Child Left Behind—the law that is to provide the tools so every child will be able to receive a quality education. In order to accomplish this mission, significant commitments were made to fund K–12 programs authorized under No Child Left Behind. We have yet to see those commitments realized.

In addition, the Federal Government, all 50 States, and cities and towns, are facing budget troubles as well. This is especially true in the area of education—both undergraduate and graduate. For example, some of our school districts are considering 4-day weeks. The Tulsa School District recently announced that it could no longer afford to hire substitute teachers for the remainder of the school year.

Beginning in the late 1940s, and continuing through the 1960s, this Nation decided that education was a top domestic priority. I mentioned earlier what we did at the end of World War II. The passage of the GI bill at that time gave veterans access to higher education. The passage of the Defense Education Act, which concentrated on teacher preparation for math and science, and title I which realized the importance of providing education resources to our children so economically disadvantaged children could also receive a quality education. We gave them an opportunity, and we succeeded in doing what had to be done to get the quality of our education up.

Now we jump back to World War II again and the horrible problems we had in education when hundreds of thousands and perhaps millions of young people arrived without the opportunity to have had even a high school education, to say anything about higher education. We found that we had a crisis of great magnitude about which we had to do something. We did. We made the highest increase in educational spending that probably will ever be made because we increased it from 2 percent of the Federal budget to 10 percent of the Federal budget—a huge increase.

It worked. We were able to make sure those young people could flourish and that this country could flourish and that it could be the economic wonder it turned into. But now we are in a similar situation which we need to do something about.

To give you an example of the comparison of what our Federal Government pays for education with the rest of the world, almost all of our economic competitors pay a substantial percentage of the local school money. In Japan and other countries, 40 percent of the money that goes to the local schools comes from their federal government. What is it in the United States? Right now, less than 2 percent—right around 2 percent—of the moneys for local schools comes from the Federal Government. We need to recognize that our schools are having deep financial problems.

We have to, as every other country has, recognize the modern needs and get our share of the education up in the area of 30 to 40 percent for our local schools rather than the meager 7 percent that it is now. That is a big charge and a big challenge for us in the future.

Right now we must correct the problems created by the committee in marking up this particular piece of legislation and make sure we bring it up to a more reasonable and effective amount of funding to make sure that every child will not be left behind, but, even more than that, that every child will have some chance of being able to have the education they need.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise to support the compelling notion that we need to as a Congress and as a Senate and, hopefully, with this administration, find a way to fully fund the Leave No Child Behind Act.

It is imperative for any number of reasons. I would like to speak to a few of those reasons for a few minutes and join my colleagues who have so eloquently expressed in their own ways and in their own words why this is so important.

Let me give you just three reasons why I think it is very important, critical, and essential that we have this amendment, or something similar to it, and continue to fight for full funding.

No. 1, it is important that this Senate and this Congress in a bipartisan way continue to push for reform. We must not fail in that effort or we will not be able to reform our schools, whether the schools are in Louisiana, Mississippi, Massachusetts, Vermont, or California. We cannot continue to encourage them and push them to reform in excellence and greatness if we don't help fund them.

No. 2, I think it is important that as an adult, as a citizen, as a mother, and as a Senator we keep promises when we make them. We are, unfortunately, in the process, with this administration leading us, to cause us to break a promise. We shouldn't be breaking our promises to anyone, let alone the children, the schoolchildren and the students and their parents and families at a time such as this. We simply shouldn't break our promises.

The President is wrong to break his promise to the schoolchildren and to the families and to the Americans when he did not sign the act that those of us on both sides of the aisle helped to craft. He just simply should do that. He doesn't have to do it because there is money enough to fund it. It is a matter of priority.

A third good reason why we shouldn't go down this path is that if we want to promote long-term stimulus, which I actually believe we should—I believe in short-term stimulus, and there are a number of things that would do that—the tax cut for dividends is not one of them, but there are many ways that we could do that.

But one of the things that is clear to me and should be crystal clear to everyone in this Chamber is that a college graduate makes 50 percent more over a lifetime than a person without a degree.

In a country where we have 260 million-plus people—maybe close to 300 million now—it would be very important for us to make investments today that help our children, teenagers, citizens, and citizens of all ages, to get that college degree by preparing them before they even hit the kindergarten door, and then promoting their lifelong learning.

Why? Not only is it good for them personally and their personal growth and development as a human being, and their immediate family, but for a nation, for long-term economic stimulus it brings wealth to America. When America has wealth, and when America spends its wealth correctly, we help to lift the world to a higher place, including ourselves. Those are just three reasons why this amendment is worth considering and just three reasons why we

should respond in the Senate, and in Congress, to what the American people are asking us, imploring us, and telling us how they would like to have their money spent.

Let me just begin by giving a very brief history of how we got here. About 30 years ago or more, 35 years, the Federal Government decided that States alone should not have to fund the education of its citizens. While the bulk of that has to be picked up at the State and local level, the Federal Government decided it was in the Federal Government's interest to make sure every child was getting a quality education. Regardless of whether a child was born or grew up in a very poor, small town, with limited resources, and a limited tax base, or whether a child was born in a very wealthy part of the country, it was in the country's interest to have a school system that was strong in educating the citizens of the future.

So the Federal Government enacted, 35 years ago, a way for us to supplement in a small way, but in an important way, money for education, and we went along that road for over 35 years. Every 5 years we would reauthorize the elementary and secondary account, adding program after program, trying to get money to places that needed it, trying to help promote and urge and encourage States to, at first, help all students, and then we helped disabled students, and then there have been many early reading programs. I could go on—arts in education. We tried it, and many of these programs worked. Some of them did not work, but many of them worked.

But then, just a few years ago—2 years ago—after 35 years of this general framework, we said: That is not enough. Because the public isn't just asking us to spend more money, the public wants results for the money we spend. Why are we continuing to fund schools that fail? Why is it every time there is a problem, we just add a new program? So some of us said: It doesn't make sense. We have been doing it for 35 years. Let's do something differently. And we did.

We joined forces, Republicans and Democrats, and we said: No, we are not going to abandon the public school system and come up with a system of vouchers. We said no to a group of people who only wanted to send more money. And do you know what? We won that battle, and the President helped to lead that battle. We said: No, we are not going to abandon the public school system, but we are also not going to keep funding just yet one more program and throwing money at it. We are going to reform the schools.

So we raised standards. We instituted pretty rigorous tests. We put on deadlines, to tell our schools—and in Louisiana this is a big deadline for us to meet—no longer can you have unqualified or uncertified teachers. You have to have completely certified teachers. I am happy with that. I helped to initiate that as one of the major reforms. But it is going to be a heavy lift in Louisiana and in other States, even with alternative certification, even with recruiting, even with raising the teachers' salaries, even with improving their benefits, to get a qualified, certified teacher in every classroom in America. But we did that. We put that deadline in the bill.

We also, besides the testing, besides the qualification, increased standards. Then we turned around and pulled the plug on funding. So we have set our students up and our system up, made them a real big promise, and then are just about getting ready to walk away. And it should not happen. I am going to fight, along with many Senators in this Chamber, to make sure it does not happen because it is not right, it is not smart, and it is not fair.

So we did not just throw more money. We said: Investment in education without accountability is a waste of resources. I do not believe in wasting resources. Why? Because we have a couple of wars we might have to fund. We cannot waste a penny. We are fighting in Iraq. We are helping rebuild Afghanistan, holding off a potential conflict in Korea. We do not have time in this Chamber to waste any money.

So we have reformed the system, retooled the system, and said: We don't want you to just continue funding failure. So the States all over this Union—and there are a lot of people engaged in this effort—are depending on us to deliver the funding to help them. And what do we do, at the first chance? This administration backs down from its commitment to fund it.

I am hoping we can reverse this decision, move some money into this area, so we can eventually increase the share of Federal funds to education, maybe yet, to a percentage of somewhere between 10 and 20 percent. We were at 7 percent. We got up to 12 percent. I would like to see us get up to 20 percent.

Why? There is no magic number, but if we want to be honest with ourselves, and we want to say, as a Federal Government, what portion we have to contribute so we can pretty much guarantee that even if you were born in a poor little town, with very little tax revenue to support your school, or you graduated, like HARRY REID did, from Searchlight, NV—he had eight people in his graduating class; I don't know how rich Searchlight is, but probably it is not a very rich town—or a small town in Louisiana, such as Dulac—whether you come from a small town or whether you happen to be born in a very wealthy place, because you are an American, and because we think it is important for a democracy to be educated in order for it to exist, the Federal Government thinks we should contribute at least 20 percent to the education of our children.

We are not even anywhere near there, and the Senator from New Hampshire understands this. We need to be moving, not in the direction we are going but in a different direction, even if it means cutting down on some tax cuts we would like to give.

If the President would fund this, I don't care if he would give every millionaire in the country a big tax cut. I don't have a problem with that. What I do have a problem with is suggesting tax cuts before he lives up to his promises he made, with our support, to the children of this country.

Let me also say, this is pretty much of a crisis. I will tell you why. Everybody says everything is a crisis on this floor, but let me try to give you some hard numbers.

The States have a shortfall. Maybe it is because they do not manage their money well. Some people think that: They have a shortfall because they cannot run any good programs and Government is bad and Government does not do anything good. But, for whatever the reason, the States are going to be short $17.5 billion.

As you will recall, what I just said is that the States pick up the most important part of funding for schools. In my State, it is a great percentage because we rely less on property taxes at the local level and more at the State level. So my State government contributes between 60 and 70 percent of the total education budget for all of the schoolchildren in Louisiana.

Maybe in other States the local governments pick up more of that funding. But as States have crises in their budgets, they are going to pass that headache of the shortfall on to their cities and on to their counties, and, in our State, on to their parishes.

So the States are going to have to probably cut their education budgets unless they are in some kind of trust fund. While our State has something like that, we cannot completely protect our education dollars.

So if we do not step to the plate and live up to our promise, they are going to get a double whammy. We have said—and basically did not tell the truth about funding this new reform act: You raise your standards, you put in these goals and objectives, and we will be there with you, buddy, every step of the way. And the first chance we get, we walk away. Then, on top of that, you could argue that policies conducted by this Congress, and things that are out of our control—such as 9/11 and terrorist attacks, which we, of course, are doing everything we can to fight against—have caused the economy to turn sour in many ways. But they find themselves $17.5 billion short.

Where are the States going to go to get their money? To their education

budgets, which will make the situation worse. I know the Senator from Massachusetts wants to engage others in the debate. I want him to know the reason I would like to stay on the floor for a couple of hours is that this isn't a little change to Louisiana, this is $122 million that is going to be short in my State, on top of which they are going to have to probably cut the education budget to balance their budget. Why? Because States can't deficit spend like we do—sometimes in a more haughty fashion than we should. They can't deficit spend. They have to balance the budget.

On whose backs are they going to balance the budget in the State? The backs of the children who are trying to learn to read but they can't learn to read because we won't put a qualified teacher in their classroom.

When you want to spread the responsibility for fighting a war and for other things, then put the responsibility at least on the backs of those physically strong enough to bear it. But no, we are about ready to put it on the backs of kids who can't bear the burden and should not have to bear the burden. It is wrong.

I hope we will find the wherewithal, from wherever we get the money, or, if we have to, put this on par with the tax cut. We are deficit spending for a tax cut. Why not deficit spend for education? What answer will the President give to the Senate? What will he say? I think it is OK to deficit spend for a tax cut but it is not OK to deficit spend for education? What is his answer? He doesn't have an answer.

I have a quote I keep in my office. I try to read it to myself to remind me of why I am here: If you want 1 year of prosperity, you grow grain. If you want 10 years of prosperity, you grow trees. And if you want 100 years of prosperity, you invest in people.

The best way we can invest in people is to invest in an education system. If we don't want to invest in it, then we should not be telling them every year what to do, what tests to give, how many teachers to hire. We should just keep our mouths shut and walk away and let them figure it out. But we dragged them to the deal. We dragged them to the table. Some of them came more happily than others. And we got a new act and a new approach. And then the first thing we do is walk away. I think it is a disgrace.

I know my colleagues are going to come down here and they are going to talk about the other side of the aisle: All the Democrats want to do is spend more money. I am not one of those Democrats. And I don't think Democrats generally want to. But I most certainly have shown on this issue I am not just willing to spend more money for education. I will fight the good fight for accountability, but I will be darned if I am going to fight the fight for accountability and then have the Republicans say they will deficit spend for everything—the military, tax cuts—but won't deficit spend for education, leaving the country vulnerable in the short term and in the long term because of it.

I rise to support the amendment. I would like to fund it in many different ways. It could be funded. It is a relatively small amount of money, $6 billion to live up to even a partial part of our promise, over 10 years $60 billion, one-tenth of what the President is suggesting for a tax cut.

For those reasons and others, I strongly suggest that we reverse course, that the public, the people in Louisiana, the viewing audience would let the President of the United States know how disappointed they are that his budget and his proposal fail to live up to the promises he made when he signed the bill for education. Let Democrats themselves recommit to make sure that we have our priorities in order and that we put the education of our children and their ability to grow and to become all that God intended for them to be when He created them, let us be part of that part of strengthening our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I am hopeful we can arrive at some timeframe for wrapping this up and getting on to a vote. I have spoken with the Senator from Massachusetts about that. I believe he is also amenable to that approach. I do intend to lay down an amendment in a few minutes which we have already represented will be one of two amendments voted on.

Prior to laying down that amendment, I did want to respond to a number of the representations made over the last hour or so on the issue of the President's commitment to No Child Left Behind and the Republican Party's commitment to it and how we will make this law work well.

First, let's remember, when this law was passed, it really was a bipartisan effort to try to accomplish something special for our kids, especially low-income kids on whom we had just an inordinate amount of data and, unfortunately, real-life examples of the fact that they were not being educated at a level that made them competitive in America, that low-income kids were being left behind and that, as a result, we were turning out generations of children who were not able to participate in the American dream because they were not able to read and write and to add and subtract and do math at a level competitive with their peers.

All these numbers get thrown out here, but this bill, No Child Left Behind, has at its core the simple purpose of making sure that American children, children in our public school system, which is the essence of the strength of our Nation—we all understand that; the ability to get an education in America and the public school system has and always will be the essence of our strength—learn what they need to learn, that they are able, when they finish their elementary and secondary school experience, to participate in American society, to find a good job, and take part in the American dream. That was the purpose.

You have to thank the President for leading the Nation in this direction. He feels it with great emotion and purpose, as does the Senator from Massachusetts, as do many people who worked on this bill. We want to do something that gives those kids an extra shot at the American dream, make sure they do not get left behind.

No Child Left Behind was passed, and it had four basic purposes. I will just quickly recite them so we are all working off the same page. The first purpose was to give local school districts more flexibility over how they managed their dollars, Federal dollars specifically.

The second purpose was to make sure there was an accountability system where, when a child goes through the system, how a child is doing at different grade levels could be compared to other grade levels.

The third purpose, of course, was to fund adequately this bill, which I believe was done, and which I think we can defend. On that point of funding, I want to start with a little bit of a comparison. When the President came into office, we, of course, had the experience of a prior administration in the area of title I, low-income programs. The Clinton administration—in the 7 years leading up to President Bush's undertaking of this effort—had put approximately $2 billion into title I.

Within the first 2 years of President Bush's administration, he added $2.5 billion to title I. The single largest increase ever experienced by title I occurred in his first year, the second largest increase was in his second year, and probably the third largest will occur in the third year—if he gets the billion dollars he asked for. That is title I.

The practical implications of this are that increases under President Bush represented about a 27-percent jump in title I over what the prior administration did. If you look at it in cumulative years, you see it is rather startling. Over 7 years, the Clinton administration did $2 billion. Over 2 years, President Bush did $2.5 billion. Massive increases. To put it into real dollar terms, the difference in new education funding—total—between the last year of the Clinton administration and the first year of the Bush administration is, again, $20 billion—$42 billion versus $60 billion. These are massive increases of funding into the educational system

in order to try to make sure we meet the requirements and needs of No Child Left Behind.

In addition to this type of funding, which was direct cash into the school systems type of funding on the discretionary side, the President also made a huge and dramatic commitment in the area of giving parents more dollars in their pockets, through a tax cut, which was directed specifically at the issue of helping parents educate their children—a $30 billion tax cut, which created new deductions for qualified high education expenditures, increased the amount individuals could contribute to their educational savings accounts, and dramatically expanded the availability of tax-free distributions for qualified tuition plans—a very significant effort, which has basically been overlooked and never even mentioned in the debate on the other side.

This tax cut the President put in place, which benefits moderate-income Americans as they attempt to educate their children with cash in their pockets, which they can then put into the savings vehicles and other vehicles that assist them as their children get ready for college—and also assist in the elementary and secondary school area—also helped teachers by giving them some deductions that they didn't have before as they spend money in doing things relative to their classrooms, such as buying books, maps, and things such as that.

In addition to the huge increases, the $20 billion actual increase—a huge increase in title I funding—the President made a dramatic commitment to IDEA, special education, the biggest single commitment to special education in the history of the country. Again, this dwarfs the effort made by the Clinton administration in special education. During the run-up years before President Bush came into office, President Clinton actually proposed virtually no increase in special education. In fact, in 1992–93 when he came into office, you would see virtually no green bar. The only year the Clinton administration asked for a significant increase was in his last year in office when they asked for $300 million, I think. There were dramatic increases made in this period—in 1999, 2000, 2001—and they came as a result of the Republican Congress and the leadership. I would like to think I played a role in that, along with Senator LOTT and Senator SPECTER. We were able to dramatically increase special education funding during this period.

When President Bush came into office, he ratcheted up special education funding dramatically, putting a billion dollars of new money into special education in each of the first 2 years of his term in office, which translated to money going back into the school districts to assist them in moving forward and addressing the requirements of special needs children.

So we have had increases in title I, which are historic under this administration, and which dwarfed the increases in title I put in by President Clinton's administration—a 27-percent increase just in year 1. We have increases in overall discretionary education funding of $20 billion year to year. We have the increases in special education funding—again, dwarfing anything done in the prior administration—a billion-dollar annual increase each year. And we have the massive increase in availability of money to parents to save for their children's education through the tax cut.

So the effort here has not been anything but significant in the area of trying to make sure we have funding in education, and this administration has certainly made that commitment. This chart shows how that works in relationship to all the other funding going on in the Federal Government. Here we are in the midst of a war on terrorism. We have a health care concern. If you look at the education funding, it has gone up 132 percent. Health care funding has gone up 96 percent. Defense spending has gone up 48 percent. The fact is that education funding is outstripping every other element of the Federal budget by dramatic amounts as a percentage and, in real terms, in real dollars flowing back to the States.

No Child Left Behind specifically. I already mentioned that the title I money has jumped by 27 percent. Let's look behind that to some of the other accounts that are involved in the No Child Left Behind bill. One of the important things the No Child Left Behind bill did was to take all sorts of accounts, merge them together, and then say to the local communities: Here is the money, with no strings attached. You can do what you want with this money. But in the end, what we want is to make sure that every child at the third-grade, fourth-grade, fifth-grade, or sixth-grade level has learned enough so that their parents and the other people in the community can compare whether or not that child is learning at a level that is competitive with their peers and with other school districts: Accountability, to put it quite simply.

Instead of controlling input and having lots of strings running to the child and to the funding, as it came out of the Congress, we reversed that trend and said: We are not going to put a lot of strings on what comes out of the Congress, but we are going to expect results. We have had discussion of this before. One area where I think this has been most telling and constructive is that of teachers. This bill took a lot of the different teacher funds, such as the Eisenhower Fund and the classroom size fund, and moved them into a pool of money, and then it said to the local school district—principals especially because they are key here—you can take this new pool of money, and instead of having to spend it under the categorical terms you used to get it under so you could only spend it for the purpose of basically classroom size reduction or teaching math-science, you can use it however you want for your teachers, to improve your teacher situation. If you want to hire more teachers, you can do that. If you want to have your teachers better trained, you can do that. If you want your teachers to have better technical support, you can do that. If you have good teachers and you want to pay them more to keep them, you can do that with the money. All sorts of different options were given to the local school districts to make sure that teacher money was more effectively used. And then we increased the money flowing into that account, again dramatically—35 percent. That was up by $742 million over the last year of the Clinton administration.

So, once again, I think you can see that the game plan of No Child Left Behind was to fund aggressively, with flexibility, and then leave it to the local school districts to find out how to best use the dollars. That is exactly what has been accomplished. The number increases, as I have said, are rather dramatic in this area. In fact, the number increase in education has been so dramatic that we presently have here at the Federal Government approximately $4.5 billion that has not been drawn down by the States and local communities because the money has been flowing in so fast that they cannot keep up with how to spend it. That is hard to believe, but it is true.

Here is a chart that reflects that $4.5 billion. The majority of it is in the school improvement program, and in the special education grant program, and in the education for disadvantaged program. But it is there, and it is available, and it hasn't been spent yet.

When I hear colleagues on the other side saying there is a dearth of money available in the Federal Government, and just because we have increased it by 27 percent, that is not enough; and because we increased it by $20 billion in a year, that is not enough; and just because we cut these taxes, that is not enough; and just because we have a 12-percent increase in educational funding, that is not enough, it does seem to me when we have $4.5 billion sitting down there at the Department of Education waiting to be distributed, that might be a sign we are doing a pretty good job in putting money into the system and, hopefully, we are going to start getting it out the door, too, fairly soon.

That is where we stand today. A very important point is that if you want to do another comparison, which I think is fairly interesting, we have heard almost incessantly we have to fund the authorization level; we have to fund the authorization level; we have to

fund the authorization level. The only problem with that argument is the Congress almost never funds the authorization level. Authorization is a goal, but it is hardly ever attained. The purpose of authorization and appropriations is sometimes quite different.

If we are to assume that is the purpose—that we must fund the authorization level—then I have to ask my colleagues on the other side of the aisle: What were they doing the last time they controlled the Congress and the Presidency? What were they doing? Because at that time there was a $2.7 billion difference between the authorized level and the appropriated level, which represented a 21-percent difference.

If we look at the Bush administration's difference between authorized and appropriated levels, it is 15 percent. We are doing 50 percent better under this administration. It is pretty hard to defend this authorization argument, in my opinion.

That puts us at the point where we are now, and I hope I have adequately responded to some of the comments on the other side, although I suspect I might have engendered some other comments from the other side. But let me go on to the amendment which I intend to offer. I am still awaiting its arrival, so I will have to wait before I can send it to the desk.

The purpose of the amendment is to say: OK, I am willing to increase the funding for education, and I think people on our side are willing to increase the funding for education, but let's do it in a way that is responsible. The President has said—and it was agreed to at one point—that we will stay at a $750 billion discretionary number. I think it is pretty important we start getting fiscal discipline around here or we are going to be in big trouble. I think that is obvious.

In order to accomplish this—I do think education is a priority, and I do think as we prioritize items within the Federal Government we have to put education right up there. In fact, if I were to prioritize, I would put fighting terrorism as No. 1, and that is in a class by itself because we have to defend ourselves. These people want to kill us because we are Americans, and we have to make sure we are ready to respond to them and defend ourselves. Fighting terrorism is No. 1.

Right behind fighting terrorism comes the issue of education. I believe a reasonable approach to this question of how we fund education is that if we are going to jump the number significantly—and under the proposal of the Senator from Massachusetts, he has about $4.6 billion in here for No Child Left Behind, we are going to jump that amount dramatically, then we ought to do it in a way that is fiscally responsible.

I am offering an amendment which increases the funding by $5 billion, but it says that we do an across-the-board cut to get to that number so that we are going to stay under the $750 level.

In addition, I do not know about my colleagues, but I am hearing from my school systems again: We need more flexibility. I am saying we have $5 billion you can fund No Child Left Behind, you can fund anything under the No Child Left Behind bill, but we are not going to put any strings on this. You are, basically, going to get this money to assist you at the local schools in undertaking and accomplishing the No Child Left Behind effort. In addition, you can use this money, if you feel you need to, for IDEA and for programs like TRIO.

Essentially, we are not going to put any strings on this. We are going to send it back to the States and say: All right, States, this is an add-on. You are concerned about unfunded mandates. If there is anything in this bill that is unfunded and is a mandate, these dollars will certainly take care of it.

I want to touch base on that because there was some representation out here that the testing regime in the bill is an unfunded mandate. It simply is not. It is fully funded under this bill, and the bill specifically says you do not have to pursue the testing regime if it is not paid for. That is a totally irresponsible statement.

In fact, and I know in my State, they are spending $300,000 per test. Under this bill, they are going to get $500,000 per test. So they are actually going to make money in their testing regime in New Hampshire, which I am sure they will put to good use in some other area of education.

This amendment is a fairly reasonable, straightforward amendment. It is $5 billion more. It is actually a little higher than the proposal of the Senator from Massachusetts in the area of No Child Left Behind funding—$5 billion more—but it is going to be done by an across-the-board cut so it is fiscally responsible. The money will be available with no strings attached. Our local school districts and State school districts can see we mean it when we say there is no unfunded mandate in this bill.

AMENDMENT NO. 19

Mr. GREGG. Mr. President, I send my amendment to the desk. I hope we can enter a time agreement for a vote on these two amendments. I ask the Senator from Massachusetts if he feels we can enter such a time agreement.

Mr. KENNEDY. Mr. President, I have yet to see the Senator's amendment.

Mr. GREGG. It is being brought to the Senator at this moment.

Mr. KENNEDY. Let me have a chance to review it.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 19.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for innovative programs at the state and local level)

At the appropriate place add the following:

"SEC. . FUNDING FOR INNOVATIVE PROGRAMS.

In addition to any amounts otherwise appropriated under this Act for part A of title I of the Elementary and Secondary Education Act of 1965, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, $5,000,000,000 for carrying out such part, to remain available through September 30, 2004; *Provided*, that notwithstanding any other provision of this Act, any amounts appropriated for programs or activities under title III of Division G that are in excess of $54,195,685,000 shall be distributed to States and local educational agencies in accordance with sections 5111 and 5112 of the Elementary and Secondary Education Act of 1965 to be used by such States and local educational agencies to carry out any activity authorized under the Elementary and Secondary Education Act of 1965, the Individuals with Disabilities in Education Act, or the Higher Education Act of 1965, to remain available through September 30, 2004: *Provided further*, that the percentage amount of any across-the-board rescission provided for under section 601 of Division N of this Act shall be increased by the percentage amount necessary to rescind an amount of funds equal to the total amounts appropriated in excess of $54,195,685,000 for title III of Division G.

Mr. GREGG. Mr. President, I reserve my request of the Senator from Massachusetts and yield the floor.

Mr. KENNEDY. I thank the Senator. I want to have a chance to review the amendment.

Mr. President, we have had a very good discussion with seven or eight of our colleagues who have spoken. Senator REED wants to speak. Senator CLINTON, Senator CORZINE, and Senator STABENOW also want to make comments.

This has been an important debate. I agree with the Senator from New Hampshire that the issues of ensuring protection at home and education are the Nation's top two priorities. We do not differ, evidently, on those issues. We have important differences on how to assist in education. I will mention a couple quick responses to the Senator.

My first response is about the unspent figures, about $4.5 billion. Most agencies, not all, but most agencies have unspent funding. The reason the funds are not spent is because we are in the middle of the school year. Do we understand that the funds that will be in this omnibus bill will be for the next year, for July? That is when they will be committed.

We have unspent money because we are only halfway through the school year. The districts have already obligated these funds. Anyone who does

not believe that there are severe fiscal challenges in local school districts has not talked with their local school board, principals, students, or the teachers in communities across this country. That is number one.

Second, I welcome the fact the Senator from New Hampshire wants to effectively take credit for the increases we were able to agree on in the No Child Left Behind legislation. As he remembers very well, when the bill was first introduced, it was $500 million. It ended up at $1.5 billion because we insisted on it. I am glad we worked that out in a bipartisan way. I am glad he is prepared to say that is part of the Bush commitment at this time.

We ought to understand exactly what the history has been. When he talks about the increase over the last 2 years, he is talking about the increase which the Democrats were able to get, with the agreement of the Republicans, in the last year of the Clinton proposal.

The Senator makes a fair point in terms of the funding of Title I under the previous administration. I would have liked to have seen this funding higher, but it was not higher. We have to recognize all that was being done in the area of education during that period of time, which was extremely important, to respond to many of the challenges in the areas of title I.

Under the previous administration, what did they have? They had no school left behind. To do what? To provide funds at the local school level. To do what? To establish standards, which were eventually adopted in the No Child Left Behind legislation. There was basic school reform in the good legislation of Goals 2000 that was passed. We had the school-to-work program, that has not been referenced, but has been very important in terms of opening opportunities for students moving out of high schools.

There was expansion of the TRIO program, which also is a program which targets the disadvantaged. We also had expansion and improvement of Head Start. We had AmeriCorps, which was a new educational opportunity. We had the GEAR UP program, which built upon the concept that rather than just looking for individuals whose education ought to be furthered by special individual help and assistance at the university, to look instead at the idea of helping a whole class, moving a whole class forward. A very interesting and new concept, particularly to tie universities to school districts with disadvantaged children. A great deal was done in that time.

There was also the HOPE scholarship, the lifelong learning scholarship. There was a lot of educational activity during that period of time. I think it is fair to say that we did not see the expansion in Title I that we have seen in recent times; but in the area of prioritizing education, no administration can compete with what was achieved in the Clinton administration, quite frankly. Many of us are proud to be a part of it.

Nonetheless, when we take all of that apart, let us get to what the facts are. I have in my hand a report by the Center on Education Policy. This is not a Democratic report. This is not a Republican report. This is a board of some of the most distinguished educators across the country, and this is what it says, effectively: We have found that the fiscal crisis in most States, coupled with the prospect of limited Federal aid, threatens the successful implementation of this ambitious law, the No Child Left Behind Act.

There it is. At this time, we have more than 6 million children who qualify for assistance under Title I who are not assisted without this kind of amendment. With this amendment, we would include 2 million more of those children. Without this amendment, maybe 354,000 of those children are helped. So are we going to try to reach out to children who are being challenged educationally in every community, as the Senator, my friend from New Hampshire, Mr. GREGG, has pointed out, which is a major kind of reform in terms of advancing teacher training, involving the parents, developing good curriculum and working with after-school programs, or are we going to cast them adrift?

We have the framework. We will lose the opportunity. Those are the facts concerning the number of children who still remain to be covered. That is the essential part of where we are in the funding.

Now I will say a word about the Gregg amendment, and then I will yield. This puts $5 billion in a block grant which will go to the States. As far as we are reading it now, it is not directed toward the title I program. If I am wrong on that, I hope to be corrected because we just received this amendment.

What our amendment does is, it deals with the title I program. It also deals with Pell grants, but it is primarily for title I, the neediest children. The primary purpose of President Bush's program was title I, but the Gregg amendment is not a title I program, it is basically a block grant to the States. It does not focus on or require that it be spent on title I.

It provides for a 1.3-percent across-the-board cut in addition to the 1.6-percent cut, which is almost double the amounts that previously would have been cut. If this program is supported, this will mean 248,000 women, infants, and children will be turned away from the WIC program. It eliminates 8,600 children from the Head Start program. It means 250,000 fewer veterans being treated, 1.6 million fewer visits by veterans to outpatient clinics. Eighty-eight thousand fewer families would receive housing assistance. And the list goes on.

This omnibus bill is $10 billion less than what was basically agreed to in the previous Congress. My amendment says $6 billion of that will be used now. It will still be $4 billion less than what was agreed to last year, even with this amendment. It is effectively replicating what 79 Members of the Senate voted for.

Some say, well, that does not really make much difference because it was an authorization. It evidently made a difference to the Senators from Maine and Connecticut who offered the amendment and to the 79 Members who voted for it and went back to their constituents and said they voted for it, said: This is what we believe in.

I take their votes seriously. That was for $18 billion. This would be a total of $16 billion. I hope the Senator's amendment will not be agreed to.

Mr. SARBANES. Mr. President, as we consider appropriations for fiscal year 2003, I want to express my strong support for Senator KENNEDY's amendment to increase funds for education spending by $6 billion. This increase would bring the total funding for Title I programs to $16 billion, the level authorized by the No Child Left Behind Act that was signed into law by the President. It is imperative that Congress sends a strong message supporting education accompanied by strong funding for this important goal. The practice of paying lip service to improving education for our Nation's children without following up with the money that States and local school districts to do so must cease. Only then will children and educators receive the resources they need to meet higher standards and eliminate barriers to higher education.

States are struggling with budget shortfalls, rising student enrollment, and an increasing number student with limited English proficiency. At the same time, States are working to meet the new requirements of the No Child Left Behind Act. I supported the No Child Left Behind Act because I agreed with its principles, all public school children should be able to achieve and all schools should be held accountable in seeing that they do so.

I believed the President when he said education would be a priority. But now the Senate is considering a spending bill that encapsulates the President's proposed education funding levels, a bill that does not even provide a 1 percent increase over fiscal year 2002 spending. The No Child Left Behind Act requires a variety of new requirements including annual standardized testing and increased teacher certification. While we can expect our educators to do all within their power to improve our schools, we cannot expect this landmark legislation to be effective if States and school districts are

not given the resources to implement these programs.

Congress must also demonstrate its commitment higher education. We all know that pursuing a college degree dramatically increases earning potential. According to the Bureau of Labor Statistics, the median income for high school graduates is $28,800 but is $46,300 for those with a bachelor's degree. However, the burden of higher education costs is crushing low-income students and their families. The inability to pay for college makes it more and more likely low-income students will be unable to pursue higher education or do so facing staggering debt upon completion. The economic benefits are clear but the promise of many will not be fulfilled if Congress does not assure that every student eligible for a Federal student aid receives it and if the maximum Pell Grant award is not raised to bridge the gap between higher education costs and the ability of many to pay.

Many States are considering stiff tuition hikes at their public institutions. Between 1991–1992 and 2001–2002, average tuition and fees grew 37 percent in private 4-year institutions and 38 percent in public 4-year institutions, outstripping the 8 percent growth in inflation-adjusted median family income over that same period. Maryland's public university system is notifying its students that it may have to raise tuition by up to five percent for the Spring 2003 semester so these young people have to face the dilemma of addressing increases after already budgeting for a certain amount. The National Center for Education Statistics estimates that annual prices for undergraduate tuition, room, and board were estimated to be $7,621 at public colleges and $21,423 at private colleges for the 2000–2001 academic year. Yet the maximum Pell Grant award is only $4,000 per year. In addition, more and more student aid is being shifted from grant money to loans. Senator KENNEDY's amendment would help over 200,000 students by adding $1.35 billion for the Pell Grant program making it possible to increase the maximum award to $4,500.

While we consider education funding, it is important to note the challenges we face in educating children with disabilities. Congress must increase the Federal contribution for the Individuals with Disabilities Act, IDEA. When Congress enacted IDEA, it committed the Federal Government to pay 40 percent of the average per pupil cost of educating students with disabilities. However, to this day, the Federal Government has provided only 16.7 percent. The Federal Government must make good on its promise and provides the resources disabled students and their families need.

That we can consider a tax cut aimed at the wealthiest Americans while purporting to be unable to adequately fund education programs is absurd. Where are our priorities? Now is the time to move beyond the rhetoric of the No Child Left Behind Act and deliver the resources that teachers and students so desperately need. I urge my colleagues to vote in favor of Senator KENNEDY's amendment and to support meaningful increased in education spending.

Mr. VOINOVICH. Mr. President, if there is one thing that this Senate can agree on wholeheartedly is that we, as a Nation, need to invest in our children's educational future. There is no other issue that hits closer to home for America's families.

But even as we recognize the importance of education, we must realize that close to home is where education works best in America, and simply spending more and more Federal dollars on more and more Federal ''one size fits all'' education directives will not, by itself, make our education system perform better.

When this body voted to pass the No Child Left Behind Act of 2001, I did not vote for this bill. I could not vote for this bill in good conscience for two reasons. One, the bill fundamentally usurped control over education from those closest to the students. Education has been and should continue to be a State and local responsibility. Additionally, the excessive spending within the bill provided unrealistic expectations.

Over the course of my 36 years of public service to the people of Ohio, I have developed a passion for the issue of federalism, that is, assigning the appropriate role of the Federal Government in relaxation to State and local government.

Our forefathers outlined this relationship in the 10th Amendment: The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Education is one such responsibility. And this was the tradition in America for 200 years. Only in the last 35 years has the Federal Government played a prominent role in education in America. And even then, the most we sent to our State and localities is 7 percent of the education spending in America.

In my view, the No Child Left Behind Act not only violated that principle of federalism, it puts us on a fast-track towards thoroughly federalizing education and violates local control of schools.

Some of my colleagues think that the Congress is the national school board. Well, we are not the national school board here in this Congress.

With the expansion of education programs that the Federal Government undertook in that bill, I have a genuine concern that in ten or fifteen years, Washington will be dictating what is happening in every school house in America. In spite of the limited contribution of the Federal Government, under the No Child Left Behind Act, Washington will be mandating annual tests for elementary and middle school children in America regardless of how the kids are doing or whether or not the States already have sophisticated testing regimes in place.

States as Ohio, where the Governor signed a new testing system into law on June 12, 2002, detailed testing systems are already in place. And no one understands how onerous additional testing programs will be. Principals, local school boards, parents and especially teachers in Ohio are saying, ''Here we go again.''

We are already seeing the results of Federal intrusion into our Nation's schools. It is an unworkable, unflexible plan that is punitive to our children. Simply spending more Federal dollars on more Federal ''one size fits all'' education directives will not make our education system perform better.

Besides the dangerous increase in Federal control of education, I want to point out the real increase in funding the Department of Education has received over the past several years, during which deficits have only grown. From 1998 to 2002, we have increased total funding for the Department of Education by 57 percent or $20.3 billion.

Specifically following the passage of the No Child Left Behind legislation, according to the Congressional Research Service, funding for ESEA in Fiscal Year 2002 increased more by than $3 billion, 17 percent, from fiscal year 2001.

Unfortunately, because the majority of No Child Left Behind does not provide actual monetary guidelines for its authorization—instead utilizing ''as such sums''—we have no idea of the potential costs of the bill.

However, we can look at Title I, one of the largest accounts within the No Child Left Behind Act.

In the Omnibus bill before us, the base text already includes an increase for Title I funding of $1 billion, a 10 percent increase from fiscal year 2002.

Senator KENNEDY has brought an amendment to the floor that seeks to appropriate the entire amount of the authorization for Title I—$16 billion for fiscal year 2003. His one amendment alone would cost $6 billion.

If we follow the argument that my colleagues on the other side of the aisle make, that the authorization level is a mandate to fully fund these account, in this case Title I, this body will vacate any fiscal responsibility we have.

Just look at the increases for Title I if we were to fully fund them: from fiscal year 2002 to fiscal year 2003, an increase of 18.5 percent; from fiscal year 2003 to fiscal year 2004, an increase of 15.6 percent; from fiscal year 2004 to fiscal year 2005, an increase of 11 percent;

from fiscal year 2005 to fiscal year 2006, an increase of 11 percent; from fiscal year 2006 to fiscal year 2007, an increase of 10 percent; where is this money coming from? We are spending money we don't have.

The projected deficit for fiscal year 2003 is already $315 billion, and don't forget, folks, we have a $6.2 trillion national debt.

According to CBO projections that I recently requested, if we continue spending at the rate we have been spending and extend the tax cut, we could rack up an additional $5.4 trillion in debt by fiscal year 2012.

This means that by fiscal year 2012, our national debt could stand at a whopping $11.6 trillion.

Leaving this sort of burden on our children and grandchildren is simply wrong. We need to make hard choices now so that this doesn't happen.

We just increased the debt ceiling in June 2002, and we will probably need to increase it again before the end of this year. We are looking at oceans of red as far as the eye can see.

This entire omnibus process is indicative of how the entire budget process has slipped.

While the House passed a budget resolution in March 2002, the Senate never did.

That was the first time in the history of the budget process that the Senate failed to enact a budget resolution. Not only did we not pass a budget, the Democrat leadership did not even bring a resolution to floor for consideration.

This only precipitated what has become modus operandi for the Senate—not getting our appropriations bills out in time.

This body cannot go back in time to correct our past mistakes. We need to move forward and we need to move forward now.

The executive branch is already one-third through the fiscal year. Starting this week, executive branch agencies must absorb a 3.1 percent pay raise within Fiscal Year 2002 funding levels.

Many agencies will be unable to effectively allocate funds prior to the end of the fiscal year without a final appropriation in the next 20 to 30 days.

Let's get on with the business at hand. This Congress has much work to do, not the least of which is providing our Nation's seniors with a prescription drug benefit and an economic growth package to stimulate the sagging economy.

The Congress and the administration have already agreed on a $750 billion cap for fiscal year 2003. This amount meets President Bush's request and will fund critical priorities.

And let me remind my colleagues who seek to spend additional money; $750 billion represents an increase of over 12 percent in discretionary spending in just the last two fiscal years.

We need to be real in our assumptions and our spending habits.

If Congress doesn't wake up and smell the coffee, we are going to wake up with enormous deficits—by CBO's most recent projections, $866 billion in fiscal year 2012.

Enough is enough.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, I strongly support the Kennedy-Harkin amendment to increase education funding by $6 billion in Fiscal Year 2003. I cannot be present for the vote on the Kennedy-Harkin amendment, but I would vote for it if I were present. The increased accountability and teacher quality requirements of the No Child Left Behind Act necessitate a significant investment in our schools, but the omnibus appropriations bill before the Senate falls short of the needed investment. The Kennedy-Harkin amendment is critically important to ensuring that all children can learn to high standards, which is the goal of the No Child Left Behind Act. States, schools, and districts are diligently working to meet the stringent requirements of the new law at a time when they are facing shrinking education budgets due to the state fiscal crisis. Right now states are facing a shocking $75 billion budget deficit. Twelve states cut K–12 education spending last year and another eleven are poised to do so this year.

The Kennedy-Harkin amendment would increase funding for the Title I program—the education program that provides resources for the most economically disadvantaged students in the country—to the level that was authorized for Fiscal Year 2003. The omnibus appropriations bill includes an increase of only $1 billion, falling $4.65 billion short of the level authorized by the No Child Left Behind Act. The Department of Education announced that 8,652 schools will begin the 2002–2003 school year ''in need of improvement.'' How will these schools be able to perform Mr. President, if they are not provided with the resources to attract and retain high quality teachers and to implement reforms that will ensure all children can learn to high standards? As I stated many times during debate on the No Child Left Behind Act, tough accountability requirements without sufficient resources to meet the requirements is cruel to students, teachers, administrators, and parents and ultimately it will undermine the success of the education law.

The Kennedy-Harkin amendment would also provide $1.35 billion to increase the maximum Pell grant award from $4,100 to $4,500. Pell grants are extremely important in helping financially needy students enroll and stay in college, many of whom would not otherwise have the opportunity to attend college. According to Empty Promises, a report released in June 2002 by the congressionally-mandated Advisory Committee on Student Financial Assistance: ''. . . this year alone due to record-high financial barriers, nearly one-half of all college-qualified, low- and moderate-income high school graduates—over 400,000 students fully prepared to attend a four-year college—will be unable to do so, and 170,000 of these students will attend no college at all.'' If we are to reduce income inequality in this country, then we must support students who are academically prepared to attend college, but do not have the financial means to do so on their own.

The Kennedy-Harkin amendment is about opportunity. The chance for economically disadvantaged students to succeed in school, and the chance for those same students to attend college. I urge my colleagues to support the amendment.•

Ms. MIKULSKI. Mr. President, I rise in support of the Kennedy amendment to increase funding for vital education programs. There is a lot of talk about leaving no child behind. Yet the No Child Left Behind Act, which we passed just last year, will be a hollow promise if we don't match our rhetoric with resources. We must make sure no child is left out of the budget. This amendment increases funding for two of the most vital educational programs—title I and Pell grants.

The No Child Left Behind Act placed the burden on schools to improve. It is a worthy goal, but it will be a difficult task for our schools. We knew this when we passed the No Child Left Behind Act, and so we promised to give schools adequate resources. I am outraged that only 1 year later, we are already falling behind in our commitment to providing the resources needed to make the reforms work. By increasing funding for title I, our Nation's poorest schools will be able to hire more teachers, buy more computers, and implement the kind of reforms they need to improve student achievement.

Increasing funding for Pell Grants is equally vital. In the 21st century, a college education is the key to moving up the opportunity ladder. Yet the average Pell grant doesn't come close to covering tuition at a State college, and the gap between the cost of college and the amount of financial aid available to the neediest students is only getting bigger. In my own State of Maryland, colleges have had to raise tuition by 5 percent this year because of the State budget shortfall. This amendment raises the maximum Pell grant from $4,000 to $4,500. That is a big step on the way to making college more affordable for students of all backgrounds.

Education and the opportunity to go on to higher education are what give parents hope for their children. Yet today we are still fighting to make sure our children go to good schools with good teachers and up-to-date

books and facilities. That is why this amendment is so important. It will help the neediest students of all ages, elementary school, middle school, high school, and college.

Mr. LIEBERMAN. Mr. President, I am proud to join my good colleagues, Senator KENNEDY and Senator HARKIN, in offering this amendment to ensure that we live up to the promise we made just over 1 year ago to improve student achievement by raising standards, increasing accountability, and investing more resources in the classroom.

Recently we celebrated that 1-year anniversary of the most far-reaching Federal education reform in a generation. Today, we ought to be celebrating our progress and looking forward to more. Instead, too many public schools across the country are being taught the difference between rhetoric and reality, and when they read the name of this bill, the No Child Left Behind Act, they are being taught the meaning of irony.

It is sadly fitting that the traditional first anniversary gift is paper because so far, this education reform has happened only on paper, not in practice. The bill was signed, but the bills haven't been paid.

The No Child Left Behind Act is an important law. It is a bipartisan law. It is a strong expression of our intent to prepare all our children to excel in our increasingly competitive information economy. I am proud to have helped shape it.

But what good is a piece of legislation if the executive branch ducks its implementation? What value is a bill if government lacks the will to make it happen?

A little over a year after signing the bill, the President deserves a report card on putting it into action. And here is what I would give him: an ''A'' for words, a ''D'' for deeds, dollars, and dedication. In Stamford Public Schools, where I was educated, those are pretty bad grades.

President Bush talks plenty about the soft bigotry of low expectations; somebody needs to make sure he understands the hard reality of inadequate appropriations. The fact is the funding levels that the President has requested have been consistently, dramatically below what was originally promised, leaving inadequate funding to educate our neediest children.

Money isn't everything, but schools need money to hire good teachers. They need money to implement high quality reforms. They need money to truly raise standards. Without those resources, the new bill is just Washington's hollow holler for them to change.

It is a disgrace that the President has underfunded title I by nearly $5 billion compared to what was called for in the bill he himself signed with great fanfare. Our amendment would, will, fill that gap by funding an additional $4.65 billion, to ensure that we meet our commitment to fully fund education for our Nation's most disadvantaged students.

In my own State of Connecticut, this would mean an addition of nearly $11 million for local schools to help them fund the critical reforms that will raise academic achievement for all students.

It would also raise the maximum amount of the Pell grant to $4,500 so that more low-income students are not priced out of higher education. My father worked days and nights in his store to earn enough to send me to college. I was the first in my family to go. But for most families in an equivalent position today, even two incomes aren't enough to cover tuition.

The Pell grant increase we propose is not nearly enough to fully meet the needs of low- and moderate-income students, but it is a positive step forward. It will help make the college dream, the dream to keep climbing the learning ladder and get the skills necessary to compete in this information economy, a reality for more students.

Of course Federal money can't flow freely, not while we fight a war against terrorism at home and abroad. But the choice we face isn't between fighting the war against terrorism and fixing our schools. It is infuriating to hear people suggest that false choice.

The truth is, this administration's unfair and unaffordable tax cut, which does too little to grow the economy and too much to reward a few taxpayers, has made it all but impossible to meet other critical needs.

Think about what it would cost to fully fund the new education law and raise Pell grants versus what the President wants to spend on the least effective pieces of his 2001 tax cut, or on his misguided so-called stimulus plan proposed earlier this month.

This is about priorities. Do we spur economic growth with responsible tax cuts and necessary investments in education, or do we blow the bank on unaffordable and ineffective tax cuts and chronically fail to rise to our commitment to education?

Throughout our history, public schools have been the ladder that children in poverty climb to enter the middle class, the ladder that kids at all economic levels climb to reach greater heights and access new opportunities. More and more that ladder is extending into higher education as well.

But in recent years, for too many kids those rungs have gotten slippery. The ladder has gotten rickety. If passed, this amendment will help make the learning ladder steady and strong again. But if not, as standards continue to rise in our elementary and secondary schools, and college costs continue to soar, we will be setting up our kids for a long, hard fall.

Mr. President, I urge my colleagues, on both sides of the aisle, to join me in supporting this amendment that will restore $6 billion to our public schools, and put us back on track for meeting our funding commitment to the high-quality academic reforms Congress strongly supported last year.

Mr. KOHL. Mr. President, I rise today in strong support of the amendment by Senator KENNEDY. But frankly, I am surprised and disappointed that it is even necessary.

Just one year ago, Congress overwhelmingly passed, on a bipartisan basis, the No Child Left Behind Act. Eighty-seven Senators supported it. Three hundred eighty-one House Member supported it. And the President signed it into law, hailing it as the most sweeping reform of Federal education policy in a generation.'' We all agreed that the combination of flexibility, accountability, and investment were the key to making the new law work.

Now, a year later, States and school districts are working hard to meet their responsibilities. But the Republican majority in Congress and the President are reneging on that deal.

The omnibus bill before us falls far short of the funding we promised just a year ago. In other words, just as we are asking States, teachers and students to achieve more, we are taking away the funding they need to succeed. That is a cruel joke to play on students who we committed to help 12 months ago.

The Kennedy amendment would increase education funding by $6 billion overall—rather than the $90 million cut recommended by the President. It would ensure that Title I, the main Federal program that serves poor, disadvantaged children, would be fully funded. That means 2 million more poor children would be served nationwide. Wisconsin would receive $229 million, an increase of nearly $80 million over fiscal year 2002 levels.

In addition, this amendment would ensure that 200,000 more students in our nation have the opportunity to go to college. Unlike the President's budget request, which flatlines Pell grants, this amendment would provide $1.4 billion more for Pell grants. It would increase the maximum award to $4,500—the highest level ever.

The amendment before us would keep the promises we made to States, school boards, teachers and parents across this country. It would increase funding—not exhorbitantly, not unnecessarily—it simply provides the funding we have already promised. States and school districts are working hard to do their part to improve education. It is time that the President and Congress take responsibility and do our part.

I realize that our country has tremendous needs. We need to fully fund homeland security. We need to spur strong economic growth. But we cannot turn our backs on our children. We can afford to fully fund education if we

are serious about making it a priority and not just a soundbite.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Are we under a time agreement at this time?

The PRESIDING OFFICER. We are not.

Mr. DASCHLE. I come to the floor to congratulate the distinguished Senator from Massachusetts on his amendment and on his efforts this afternoon. I said this morning I believed the amendment offered by the distinguished Senator from West Virginia was perhaps the most significant priority we could address, and indeed in terms of our personal security that is true, but I cannot think of a higher priority, in terms of the long-term future and strength of this country, than this issue and this amendment.

We talk about the need for strength. This amendment provides it. I have been home a good deal over the course of the last several months, and I do not know that I have ever seen a time when my teachers, my school districts, my school superintendents, were more alarmed at the circumstances they faced than they are today.

We are not alone. There are many schools in South Dakota that have now been forced to move from 5-day-a-week school sessions to 4 days a week. Why? Because they do not have the resources. Why? Because they have to share teachers. Why? Because in many cases the Federal requirements are putting burdens on them that they simply cannot meet budgetarily.

I recall a debate we had years ago about unfunded mandates. I recall that debate so vividly because, I think probably with unanimity, we said: Let's put an end to unfunded mandates. Let's say we are no longer going to press upon States and local governments more regulation if we are not going to provide the funding for them.

What has happened since that vote? Year after year, session after session, we have done just the opposite. There is layer after layer of additional unfunded mandates. I cannot think of anything more critical and more in evidence of that trend than this.

I was an enthusiastic backer of the No Child Left Behind Act when we passed it. There is a need for greater accountability. There is a need to recognize the importance of more shared information and a better understanding of how schools are performing. We know we need that. We said at the time, as important as reform is, it is impossible without resources. So we said at that time, in order to ensure that we do not get to the position once more of imposing unfunded mandates and impressing upon school districts the need for reform without the support for reform, we would guarantee them the resources, guarantee them the support. Guarantee them they would not be facing the extraordinary nightmare that my school districts are facing right now.

That is what this amendment does. This amendment says we are serious about providing those resources. We are serious about providing the opportunity for meaningful reform. If we are going to do it, we have to start in this year's appropriations bill. We cannot wait 6 more months. We cannot tell the school districts, hold on, help is on the way. Help is needed now.

This amendment fully funds title I. As I talk to school districts all over my State and around the country, they say, if there is one thing you can do to help, it is ensuring we have the resources for title I.

What is troubling to me is the bizarre set of priorities we continue to face as we look at the budgetary questions that have come before the Congress in the early days of the 108th Congress. We are told we cannot afford this amendment. We are told the cut is necessary because it is in keeping with a budget that requires us to cut $10 billion, first, and another 1.7 percent, or $6 billion, second, out of an appropriations bill that is already inadequate. That is what we are told. We are told the only way we are going to be able to meet our obligations is if we make these cuts.

I guarantee in a couple of weeks we will be right back, saying in spite of all the need for the cuts, we have plenty of room for a $1 trillion tax cut, most of which will go to those in the very top brackets of income in the country. That is a bizarre juxtaposition of priorities. We have a choice of helping our kids, building strength for our future, recognizing that school districts are in dire straits and in desperate need of this help, or turn around and say no to those children, no to those school districts, no to those States, and yes to the millionaires, yes to the tax cuts, yes to this extraordinary zeal, in spite of the need we find this very afternoon.

I hope on a bipartisan basis we can recognize that if we were serious about passing real reform a year ago last December, if we were serious about suggesting that school districts would have a new day, a new opportunity for meaningful reform with accountability and resources, we are going to support this amendment. We are going to recognize that school districts have no choice but to rely on us for help through this amendment. We are going to say yes, we recognize this is important from an educational point of view, from a stimulus point of view, from the point of view of providing strength to our schools and to our kids. There can be no more important amendment we could take up on this appropriations bill than this amendment this afternoon. We have to recognize that.

I can say with unanimity, we do on this side. I only hope there are those on the Republican side who recognize it, too. Let's put our real commitment where our mouths were a little over a year ago. Let's say we understand the need for reform but we also understand the need for resources. That is what this amendment does. That is why I feel so strongly about supporting it. That is why I applaud its author, Senator KENNEDY, and others, who have presented it to us today.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from New Hampshire.

Mr. GREGG. I would appreciate it if the Senator from Rhode Island would allow me to proceed with a unanimous consent request.

I ask unanimous consent there now be 60 minutes equally divided between myself and Senator KENNEDY; provided further that following the use or yielding back of the time, the Senate proceed to a vote in relationship to my amendment, to be followed immediately by a vote in relationship to Senator KENNEDY's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I appreciate the courtesy of the Senator from Rhode Island. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 10 minutes to the Senator from Rhode Island.

Mr. REED. Mr. President, I rise to support the Kennedy amendment which would allow us to live up to the commitment we made just over a year ago in the No Child Left Behind Act, that we would fully fund educational programs contained in that law and other educational initiatives that are so important to all of our citizens. Today we are facing a budget that does not do that.

I was listening to my colleague who talked about President Bush's efforts of the last two years with title I, which is very important. These increases are commendable. I was listening to comparisons with President Clinton. I think President Clinton did extremely well in terms of funding education, and he focused not just on title I but also efforts to reduce class sizes, increase professional development, and increase and improve the quality of the educational efforts throughout this country.

It is particularly noteworthy that President Clinton exceeded all of his recent predecessors in terms of Title I increases. President Reagan proposed a 2.99-percent cut; President George Herbert Walker Bush, a 2.31-percent increase; and President Clinton, a 4.01-percent per year increase.

When I arrived in 1990 in the other body and served on the Education Committee there, it was recognized that education was important, but by 1995 a Republican Congress was making its

first priority the elimination of the Department of Education. Yet in that environment we were still able to increase funding for title I and other educational programs.

The issue is not about comparing President George W. Bush to President Clinton. We are simply asking President Bush to do what he said he would do when he signed the No Child Left Behind Act, when he embraced all of the reforms within this act, when he touted these reforms as a path-breaking development in Federal education policy.

He understood, I think, and certainly in the deliberations we all came to the understanding, that education is not just about one segment, not just about students. It is about teachers. It is about facilities. It is about giving local school districts incentives to improve and ensuring they do improve by setting up accountability measures. We cannot do that without providing the resources.

There have been discussions in the Chamber about unfunded mandates, and my colleague from New Hampshire pointed out that in his view the testing is not an unfunded mandate because we will fund the testing. The reality is that we are telling school districts to not only test, but then to take those results and improve schools.

I already have schools in Rhode Island that have been required by the Department of Education to be certified as not making sufficient progress. Under our legislation, that triggers steps the State and school districts must take. Those steps are not without costs. Yet we are not providing sufficient resources to meet all of those costs.

That is the unfunded mandate. That is what is objectionable. That is what we hear in every State capital in every community. You asked us to go out and test our children, you asked us to start reforming, you asked us to have better teachers, better facilities, better libraries. You give us money to test, but where are the other resources? That is the heart of this whole discussion and whole debate.

I recall, they were so eloquent and so passionate, the words of our late colleague, Paul Wellstone, who said repeatedly:

> We cannot realize the goal of leaving no child behind on a tin cup budget.

There were loads of us who, a year ago, applauded the approach but feared the authorization would be what it seems to be on the floor this evening, just a hortatory, nice thing to do, rather than a goal we are bound and committed to achieve.

Last year, no one was talking about this as just merely suggestions, these authorization levels. They talked about it as a real commitment. That is why we are here. That is why Senator KENNEDY has this amendment. Let's make a real commitment, not just a rhetorical one. Let's put our money where our mouth was last year and should be this year. We have to do that because we recognize unless we invest in education we are not going to be able to prepare young people to assume roles, not just in our economy, but also in our civic life.

The tasks before schools today are so much more complicated. The new Americans who arrive daily with different languages and different cultural viewpoints have to be, we hope, seamlessly brought into our system, and public education has been the great institution to do that. We have to support that.

So we are here today to be very serious about education, not just to pass a bill that we can go out and tout in our states and then come back here and say that was just rhetoric. We are here for the resources. We are here for the second part of the equation.

The goals are there. The structure is there. Now we really have to put the resources to those goals and to that structure. Senator KENNEDY has identified two of the key components: title I, which serves practically every community in this country, and also Pell grants.

In distinction to the approach of Senator KENNEDY, my colleague from New Hampshire would suggest an across-the-board cut. So many people have already pointed out this overall omnibus is deficient in so many different ways, to take from the Department of Veterans Affairs, to take from the other departments, is not a way to solve this issue. We have to stand up and fund these programs in education without denying other worthwhile programs. I think we can. I think we should.

Of course, all of this is in the context of what follows this appropriations process. It is already the announced goal, the objective of the President, to propose a huge tax cut. We should ask ourselves why can't we, today, simply reserve from that proposed tax cut sufficient moneys this year and in the years to come to fully fund education? I would suspect, and I would even wager that, if you asked most Americans whether they would prefer to fund this bipartisan education act—which has been touted, supported, embraced by all sides, President Bush, Republican congressional leaders, and Democratic congressional leaders—by taking money from that tax cut and putting it into this sound program, and they agree it is sound, they would agree overwhelmingly.

In a way, we are not doing that directly, but that is the overarching context of our efforts this afternoon. We want to put the resources where they should be, in title I and in Pell grants. We want to keep our promises. We want to make sure all the provisions of this No Child Left Behind Act have a fair chance to operate and succeed.

Let me just conclude by saying one of the major points that persuaded me with some—I wouldn't say reluctance, but with some hesitancy, because I feared this day where we, a year after our press releases, would be coming here and finding the money is not there to do the job—but what persuaded me is that this bill essentially recognized that education is not just one thing, it is many things. That is why this No Child Left Behind Act has funding for professional development, parental involvement, school libraries, and a host of other programs.

Let me tell you, those programs are going to be drastically underfunded in the President's budget, as I see it, even if we put more money into the title I program.

But the point is, if we do not commit ourselves to the full change of educational reform we are going to, I think, sadly misspend even the money we commit to the program.

I hope we can support the Kennedy amendment. I hope we can support additional resources for education. In doing so, let's fulfill our commitment, not just our commitment to the act that was passed last year, but a greater commitment, to give every citizen in this country the opportunity to succeed, and the best instrument to do that is good education. We all believe that. Let's translate our beliefs into votes this evening and put the money where it should be.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, every time we have the education debate I feel a little bit compelled to come over to the floor and point out to my colleagues the extent of what we are talking about. We are talking today as if the Federal Government solves all education problems. We are the problem. We provide about 8 percent of the funding for education and we provide over 50 percent of the paperwork for education. We have been attacking this accountability thing with papers that have to be turned in to the Department of Education for years.

I have a person on my staff who is a former principal. He was a principal and he took a leave of absence to come back to Washington and take a look at what happens to the forms he fills out. He spent a semester at the Department of Education. When he reported back he said: You know, they actually read all of those documents. They make sure that every ''i'' is dotted and every ''t'' is crossed. He said the big disappointment is then there is no use for the paperwork. Nothing happens with it. There is no accountability. There is no support. There is no help to the

schools. We need to do something differently.

That is what No Child Left Behind is about, taking a different approach to accountability. We have been placing this huge burden on schools for a long time. We have not been providing the money to provide the paperwork. Now we said let's try a different approach; let's let them set up an accountability mechanism; let's give them some money so they can do the accountability; and then let's see if we can hold their feet to the fire with that so it's not just another report going into the garbage can. Actually, they don't go into the garbage can; they go into some file cabinets that we also pay a lot of money for.

I am not going to spend a lot of time defending the levels of funding or trying to show who is outbidding whom—and that is what this is, just a bidding war, and we do it every year. Of course, what I would like to ask the other side of the aisle is, if the increases in funding and the funding is so important, why did we have to change majorities before we could even debate it? Why wasn't this appropriations bill done last summer? Why wasn't it done in July or September? We are just debating it now, and 4½ months of the time has already passed and we are saying this is a crisis and we need to outbid each other.

This is a crisis and we need to get it done, but it doesn't have to be a bidding war. We need to get this done so we can get to the next part of the process, which is to do a budget. Remember, we missed having a budget last year, the first time in 32 years that we had not had a budget. That kind of kept us from getting to those appropriations bills. And we did not. Now what we need to do is get this done, get on to the budget, get on to the appropriations, and do it correctly this next year; have the hearings, have the debates on this floor without the time constraints of being 4½ months late.

I thank the Senator from New Hampshire for his presentation on the way the Bush administration has increased funding for schools. As the accountant, I am pleased with the charts he has done and the figures he has given on the increases the Bush administration has done for education.

Elementary and secondary education funding is growing at a faster rate than enrollment. In 2002, there was a 27 percent increase in elementary and secondary education funding, and that was compared to a 0.3 percent increase in enrollment.

Let me say that again. In 2002 we did a 27 percent increase in education funding, and that was compared to a 0.3 percent increase in enrollment.

Since much of the new money from 2002 is just reaching the schools for the first time, the massive increase for 2002 began reaching them in last July. It is disingenuous to make the case that the Federal Government isn't doing its share when it comes to dollars for education. Again, I point out the delay in appropriations this year. In fact, a total of $19 billion from 2002 is still sitting over at the Department of Education and has not been drawn down by the schools. That is $19 billion. That is more than we are talking about in any bidding wars we are doing here.

But let us not forget that the No Child Left Behind Act is not just about Federal investment in education. It is about getting a return on that investment and improved student achievement for all of our children. That means dedication of the States, too. It is not just an effort to move the burden to the Federal Government. The States have to be involved.

I am pleased to say that according to the Washington Post there are two States in the United States that fully fund their education plan. One of those is Wyoming. When we are talking about increases in dollars, we are certainly hoping it can have the flexibility that will go to the kinds of programs to help develop our kids for the kind of jobs there will be in the future so they can stay in Wyoming and so they can compete in the global market. We have recognized the importance of education. We have fully funded education. That isn't enough money. We are also one of those States with a declining enrollment. We aren't even three-fifths of 1 percent in increase in enrollment.

Let us keep in mind that, even with limited resources, economic concerns, and many additional important national priorities as a result of our Nation's war on terrorism, the President's 2003 budget and this bill contain significant increases in the areas that most directly affect the neediest children.

I could go into some more detail on that. We have a time agreement. I appreciate having a time agreement so we can begin some votes.

But I do think we have the capabilities to do the kind of things for which the No Child Left Behind Act is intended. We can do better next year, and we will as we do the process the way it was designed to be done.

We know well-prepared teachers lead to a child's success in school. However, millions of children don't have the benefit of a qualified teacher in their classroom. That is why this bill provides almost $3 billion this year to support our Nation's teachers.

I am particularly sensitive to that because my oldest daughter is a principal in the Wyoming School System. She was a teacher. She taught English to seventh graders for about 6 years. I think that is one of the challenging places to teach because students have all those hormones and body changes and all of those things. She really enjoys it. She got two masters degrees while she was doing that, and one of them entitled her to be a principal. She was hired principal in a little community called Chugwater. I hope you will try Chugwater chili and the great spices for the chili. It is the community activity and the community business in a town of 256 people.

Enrollment in the school, kindergarten through 12th grade, is 130. She found out there are some experiences the education textbooks don't cover. On the the first day of school there was a rattle snake in the building. On the second day, a seventh grader found a black widow spider. Day before yesterday, there was a skunk in the schoolyard. This is 45 miles from anywhere. There are some different problems dealing with a situation such as that. It took 45 minutes for the police to get there to remove the skunk.

Teachers are challenged. Principals are challenged. We need to have well-prepared teachers who are qualified to teach. I am blessed to say that in Wyoming that we have met that goal—not completely. We are still working on having better teachers all the time.

I remember one fellow running for superintendent in the public schools saying the job of the principal was to make sure good teachers got better and bad teachers got better somewhere else.

But I do want to say the President's budget asks for money for increases in teachers and increases for reading programs.

I want to close by saying that the combination of the very substantial new funding provided over the past 3 years and the reforms in the No Child Left Behind Act will make a real difference in improving the performance of our schools and the achievement of all students.

What I have said today shows the picture in addition to what the Senator from New Hampshire said. He has put in an amendment that does call for an increase in spending and the flexibility that I have been talking about for the Wyoming schools and for other States that have been doing an adequate job of funding their students presently. It gives them the flexibility to spend it on the things they think are needed the worst.

I hope you will support the Gregg amendment. I hope you will defeat the Kennedy amendment and provide for a budget and appropriations now.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from New Jersey.

Mr. CORZINE. Mr. President, I ask unanimous consent to have 6 minutes from the time allotted to Senator KENNEDY.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORZINE. Mr. President, I want to say a few words to reflect what I know the people of New Jersey believe with regard to the debate we are having on the floor about the omnibus appropriations bill, particularly with regard to the two priorities we talked about today—homeland defense, but particularly as it relates to our educational priorities in this country.

I feel as if I am living in a different world from what I hear talked about on the floor of the Senate. We are experiencing in my home State a severe fiscal crisis. We have a $5 billion budget deficit this year that has to be closed at the expense of our kids and investing properly in our homeland defense. Then I hear, by the way, that we are having on average, across our local communities, about a 7-percent increase in property taxes, which is really going to fund education.

Since I have been here in Congress, we are doing a lot to put new mandates on our local communities about what their responsibilities are with regard to education. But we are not providing the kind of resources that will allow them to fulfill those mandates effectively to meet the needs of our kids—those 6 million children left behind under title I whom Senator KENNEDY so appropriately tried to address with his amendment.

I just have an incredible misunderstanding of why we think we need a $675 billion tax cut and $375 billion of it going to dividend exclusions, 80 percent of the overall tax cut going to the top 5 percent, and 60 percent going to the top 10 percent in our society, when we are unwilling to invest in those 6 million kids and the 10,000 failing schools that have already been identified. And 40 percent of the title I schools don't have teachers who are qualified to sit in the classroom. I don't get it. I don't understand why there is this serious deficit problem back in our State and local communities and we are talking about a tax cut and a priority that doesn't relate to the long-term health and growth of our Nation. It just doesn't make sense.

I hear all the arguments about who is growing the educational budget faster, or whether it is this year or over in the Clinton administration. The fact is we have a real need. These are tangible needs to be addressed. They need to be addressed now. We have choices. Six billion dollars is not even a tenth of the $675 billion we are talking about in the tax cut. And, by the way, when you add the interest, it is $1 trillion. What is $6 billion among friends?

This is not the right priority, in my view, and it certainly is not what the people of New Jersey are telling me they want.

Mr. KENNEDY. Will the Senator yield on that point? I yield myself 2 minutes on this.

Is the Senator saying as we are considering the omnibus bill and the money which is going to be expended on that—of which $10 billion was generally agreed to last year by Republicans and Democrats—that we would take $6 billion of that $10 billion—and there are those who are opposing it—that we are still going to say we can afford the $670 billion, and a great percentage of that will go to the top 1 percent of the wealthiest individuals, and that is a higher priority than meeting what President Bush and a bipartisan group pointed out were the needs of children in many of the poorest areas of this country?

Mr. CORZINE. The Senator from Massachusetts is, as always, using common sense. We are saying this tax cut is more important than investing in our kids, investing in our schools, fulfilling the promise that we talked about and debated and worked, on a bipartisan basis, to provide. Improvement and flexibility—all the things the distinguished Senator from New Hampshire talked about in principles—we are all for that, but we are saying this darn tax cut is a lot more important than the priorities of educating our kids.

Mr. KENNEDY. Mr. President, I yield myself one more minute.

Is the Senator, therefore, suggesting, as we look down the line in terms of the national budget—and what the budget is going to be—that we have the choice of having the $6 billion to take care of 2 million more children, who we promised we would take care of in title I, and perhaps reducing the President's tax cut by $10 billion this year?

That could be done, as the Senator said. We could say: Look, we, in the Senate, say, OK, we think it is more important to provide funding for the children and to reduce the President's tax cut by the $6 billion that would be affected this year. We have that choice, do we not?

Mr. CORZINE. I think it is absolutely in the hands of the people who sit in this Chamber to make the decisions. We are elected to talk about priorities. Where are the priorities in this Nation with regard to homeland defense, and certainly with our longrun health and security—that American promise that we hear and we all embrace?

We are making a choice that a tax cut, which is going to promise those who are already doing really well—that 1 percent, that 5 percent, or 20 percent; however you cut it—they are more important than our kids in making sure that everybody has access to the American promise.

Mr. KENNEDY. I thank the Senator again and appreciate his comments. I hope he will continue.

Mr. CORZINE. I will just wrap up.

Again, I have a hard time understanding this debate, when we have such a clear choice in front of us, when we talk about the needs of these 6 million kids, the 10,000 identified failing schools.

By the way, we are all in favor of the flexibility and making sure that the local school districts have the ability to deal with a lot of these issues. But we cannot turn around failed schools if we don't have teachers who are qualified to sit in the classrooms. And we need to do it.

By the way, one of the ways we get those qualified teachers in those classrooms is to make sure the Pell grant program is properly funded, where people who need the opportunity to get a higher education actually have access.

I hear about the tax cut, $30 billion that went into the tax system. That is great, as long as you have taxable income. If you don't have anything to have a tax credit against, it is pretty hard to figure out how you are going to use that to fund higher education that will ultimately end up providing our teachers, our doctors, our researchers, and all the people to go forward.

So I hope my colleagues can understand the simple concept: Do we really need a $675 billion tax cut, for those who are already doing well, when we can't make the choice to provide the $6 billion that we want to invest in our schools?

I appreciate Senator KENNEDY's efforts here. I wholeheartedly support them and hope my colleagues will as well.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains on either side?

The PRESIDING OFFICER. The Senator from Massachusetts has 11½ minutes. The Senator from New Hampshire has 19 minutes.

Mr. KENNEDY. I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Massachusetts not only for yielding time but also for his leadership on this issue.

I would like to note to the Senator from Massachusetts that the President gave a speech last night relative to the issue of affirmative action in which he said he did not believe preferences should be given based on race but, rather, people should be chosen based on merit.

If you accept the President's premise, that Americans should have an opportunity to be educated, and then compete for spots at good universities, then doesn't it follow you would want to make certain that people across America have equal opportunity in education? Because how can you compete on the basis of merit and education if you don't have a good school and a good teacher, a good curriculum, and an opportunity to learn?

Senator KENNEDY comes to us today offering this amendment saying: Why

aren't we putting money into education so that children—all children, minority children as well as majority children—have an opportunity to learn?

I think this is a test for the other side of the aisle. If you support the President's position, in opposition to affirmative action, and believe people should be judged on merit, then, for goodness sakes, create a level playing field, so the children from the poorest families, in the poorest schools, have a chance to learn, compete, and lead fulfilled lives.

It will be interesting to see what happens, whether the same Senators who oppose affirmative action will also oppose funding education.

Secondly, let me suggest Senator KENNEDY is keeping his word. When he and I and others joined the President in voting for No Child Left Behind, it was not an empty promise; it was a promise that we would stand with the schools, the families, and the children in improving the quality of education across America.

The President took great pride in this education bill, and he passed it and said: The first thing we need is accountability. I certainly agree with that. But he called for more tests than usual, so that we could monitor, on an annual basis, how our children are doing in school. And, of course, those schools that are not doing a good job, where children are falling behind, will require some remedial effort. The remedial effort involves title I, part of the Elementary and Secondary Education Act, which Senator KENNEDY is trying to fund.

Senator KENNEDY is trying to keep President Bush's promise to America when it comes to education. It is not enough to say that the schools are failing us, the schools are falling behind. Senator KENNEDY brings, with this amendment, a chance for every Republican who voted for No Child Left Behind, and those of us on the Democratic side who joined, to keep our promise and keep our word.

Failing that, if we do not come up with the resources for West Virginia, for Massachusetts, or New Hampshire, then they will have to make difficult decisions.

They will have the Federal requirements of No Child Left Behind—requirements to improve their curriculum, improve their teachers, improve their teaching assistants, formulate all sorts of tests and evaluate the students—but they will not have the resources to improve their schools.

What will we have accomplished? We will have diagnosed an illness, but the President refuses to come up with the drugs necessary to cure it. Senator KENNEDY's amendment does. Senator KENNEDY comes forward and says: Let's put the money we promised on the table. If you don't do that, I will tell you what will happen in my State and most other States. You will have a mandate from Washington, under President Bush's No Child Left Behind, and no funds to meet the mandate. And what a terrible time for that to happen.

Estimates across the Nation suggest that States are falling behind $90- or $100 billion this year. In my State, it is $5 billion. I can tell you where the cuts will be made. Sadly, they will be made in education. And so, in Illinois, we will be cutting basic funds for education while President Bush's requirements under No Child Left Behind are being imposed on Illinois school districts facing bankruptcy.

Where is the fairness in that outcome? And the Senator from New Hampshire suggested we do across-the-board cuts from all the other agencies to come up with a pot of money, and send it to the States to deal with on a grant basis. You can certainly argue with his premise as to whether or not we can continue to make cuts in a lot of different agencies that have already been cut and trimmed, time and time again—whether it is the Veterans' Administration or homeland security; and those are certainly areas where we could debate long and hard as to whether that is the right thing to do—but what Senator KENNEDY is doing with this amendment is asking Congress to keep its word.

All of those who posed for those political ''holy'' pictures with the President, which showed us being friends of the education President and friends of education, now have to come through with the money to make sure it happens. If we do not, then, frankly, we should be held accountable.

Those who vote no on this amendment—

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. DURBIN. Mr. President, I ask for 30 additional seconds.

Mr. KENNEDY. Thirty seconds.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, those who vote no on this amendment have basically asked for the best of both worlds. They want all the positive publicity for reforming education, but they don't want to pay the bill. That is an abdication of responsibility to my State and every other State.

I urge Senators who believe in the President's program to stand with the program when it comes to providing the funds. This amendment will give them that chance to do so.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, what is the status of the time?

The PRESIDING OFFICER. The Senator from New Hampshire has 19 minutes 17 seconds. The Senator from Massachusetts has 5 minutes 50 seconds.

Mr. GREGG. I thank the Chair.

Mr. President, let's remember what we are debating here relative to the merits of the various amendments. We heard another restatement of this representation that the President has not made a commitment to No Child Left Behind. He has not only made a commitment, he has made the most significant commitment to education in recent history, the most significant commitment to title I in history, and the most significant commitment to IDEA in history. Compared to the prior administration, his commitment represents a massive increase. In fact, if you take the 7 years of the prior administration, running up to 2001, and compare it to the President's first 2 years, the President has actually made a commitment that exceeds those 7 years in 2 years by approximately $500 million. Or almost 25 percent more than what President Clinton put into education over 7 years, President Bush has put into education in 2 years.

His commitment to title I has been a 27-percent increase over the Clinton commitment. His commitment to special education has been $1 billion a year each year for the first 2 years of his administration, the two most significant increases in history compared, again, to the Clinton years. It dwarfs what the administration did during that period. That isn't necessarily the issue, although it has been a matter of debate.

The issue is the appropriateness of the two different amendments. The Kennedy amendment essentially tries to fund No Child Left Behind at about a $4.6 billion level of additional funding, which theoretically gets to an authorized level, which is pretty hard to put your hand around but theoretically gets there. We are talking about putting $5 billion, which works out to about the same number as Senator KENNEDY's, into the No Child Left Behind bill.

From a dollar standpoint, the two amendments are essentially the same. Where they differ is in how they approach those dollars. We say to local school districts: Here is the money. You can take it. You can use it to address your needs in your local school systems as you try to respond to No Child Left Behind.

We know that many of our school systems think that in areas such as teacher training or classrooms or maybe just testing or whatever it is, they think they need more money for No Child Left Behind. This money we are proposing goes to them without any strings, without any controls coming from Washington. It says, you have to use it for No Child Left Behind initiatives. As a result, it is going to give the flexibility to local school districts which they really want with these dollars to accomplish the goal which, let's not forget, is to make sure the kids

learn. The whole purpose of this bill is to make sure the kids learn. The priorities should be how we get to that point.

The second thing we do in our amendment, which is not done under the Kennedy amendment, is that we pay for it. I just heard the Senator from Illinois say: We don't need to pay for this. We can't cut anything else.

Listen, we are running a deficit. We are at war. We are a nation which is under some fiscal strain in our economy. The fact is, we have to reinstitute fiscal discipline in the Congress. Regrettably, under the prior Congress, no budget was passed. The Democratic Party, for whatever reason, decided not to bring a budget to the floor of the Senate in the last session of the last Congress, which left us without any enforcement mechanisms. It was, in my opinion, a grossly irresponsible act; the first time in my experience in this Congress that we did not have a budget. Therefore, we did not have enforcement mechanisms.

Now we are in a situation where the President has said, through the force of his bully pulpit: Here is the number, 750. It is a reasonable number. It represents a significant, dramatic increase in funding by the Federal Government. It represents a massive increase in Federal spending. It is a double-digit increase in Federal spending. He said: Hold that 750 number.

Members of the other side are not willing to do that. They don't want any budget discipline. We believe there should be budget discipline. We believe our job as legislators is to prioritize.

The first order of business is to defend our Nation with strong and effective antiterrorism activity, and we have a President who is doing that. We have aggressively funded that.

I happen to believe the second order of business is to fund education. That is why we propose this amendment which basically reallocates funds from other accounts into the education account and fully funds No Child Left Behind as defined by Senator KENNEDY's definition.

I happen to believe No Child Left Behind is getting significant dollars, probably more than they can spend, but these additional dollars will absolutely guarantee that our local school districts have the money they need.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 5 minutes 45 seconds.

Mr. KENNEDY. Mr. President, I yield myself 2½ minutes.

I ask unanimous consent that Senators DAYTON, DURBIN, EDWARDS, KERRY, CORZINE, and LANDRIEU be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. We will have a chance to vote in a few minutes. One will be for the Gregg amendment. And I hope our colleagues will vote against it. Then we will have an opportunity to vote for the amendment I have introduced with a number of our colleagues that will add some $6 billion and achieve what the President had actually committed; that is, to begin the real downpayment in reaching all the children who need the Title I funding.

If you accept the Gregg amendment, that will result in reducing funding for Head Start by $104 million; NIH by $410 million; highways by $501 million, NSF by $64 million.

I see our ranking member of the Appropriations Committee. He talked about a 1.3-percent cut. I have indicated what the 1.3 percent would be over the year. But as the good Senator from West Virginia knows, we are talking about a budget that is only 9 months. So the 1.3 will mean deeper cuts in each and every one of these programs. If you vote for that, that is what you are voting for in the Gregg amendment.

Secondly, on the Gregg amendment, it is basically the block grant program that will go for any education purposes. I remind my colleagues what the President of the United States said, and I agree with him. This is in his report from the Department of Education: President Bush emphasized his deep belief in public schools, but even a greater concern about too many of our neediest children being left behind.

That is President Bush.

That is what we are trying to get at. The Gregg amendment doesn't even address that issue. It doesn't say, look, I will take $5 billion; I will just put it toward title I. He says it can be used for anything.

President Bush says he is concerned about the neediest children being left behind. Then this amendment really makes very little sense.

I see my friend from Florida. How much time do I have totally?

The PRESIDING OFFICER. The Senator from Massachusetts has 3 minutes 22 seconds.

Mr. KENNEDY. I am glad to yield a minute to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. I thank the Senator for the time.

Mr. President, I wish to express support. I thought a deal was a deal. Last year, when the Senator from Massachusetts negotiated the authorizing bill with the White House, it was that we would increase the funding level from the Federal Government, which is only 7 percent of all of the educational funding, because most of the educational funding is at the State and local level, as it should be, but the Federal Government had a unique position, especially for the disadvantaged, to help out the States so that a child would have an equal opportunity to learn.

So in the minute that the Senator has given me, I wanted to express my support for his position to honor the agreement that was made between the White House and the Congress last year on educational funding.

The PRESIDING OFFICER. The Senator has used 1 minute.

Who yields time?

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, Senator GREGG has authorized me to yield 10 minutes to myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SPECTER. Mr. President, it is always difficult to oppose increases in education funding because education is the greatest capital asset this country has. However, in approaching this legislation today, with an omnibus bill on the floor, an effort is being made to cram into two days what should have occurred during the course of a year. Last year the Senate did not have a budget.

I have just returned from a trip to Israel where the Palestinian Authority has a budget, but the United States Senate doesn't have a budget. Now, we are being called upon in the course of a few hours to make decisions involving billions of dollars.

What we have here, realistically, is an auction, a bidding war, a political bidding war to see who will look the best, trying to clothe themselves with being the protectors of education. We have a duty to the taxpayers of America to make rational decisions. I am the chairman of the Appropriations subcommittee that has jurisdiction over the Department of Education. I have been on the subcommittee, and I am now in my 23rd year. I took over the chairmanship in 1995 and have worked very closely and coordinated with Senator TOM HARKIN. On a bipartisan basis, we have added an enormous amount to the Department of Education, starting in my first year as chairman with $23 billion, and now being up to $51.5 billion. Since the year 2000, we have had a 45 percent increase in education funding.

Now, maybe we do need an additional $6 billion, or maybe we don't need an additional $6 billion. It cannot be rationally decided in the course of a few hours on the Senate floor. We ought to have hearings and have experts and have witnesses come in and define the subject and delineate the subject to allow us to analyze it and to make rational decisions.

It is widely noted that the two things you never want to see made are sausage and legislation. Well, this legislation is giving sausage a bad name. We

are being asked to make this decision in a rushed way in the course of a few hours.

Now, on the Pell grants, I agree the Pell grants are very valuable, but take a look at what has happened in the course of the last several years on Pell grants. They have gone from $2,600 in 1997, up to $3,300 in 2000, up to $4,000 last year. When Senator HARKIN and I put that $4,000 figure in, the director of Management and Budget, Mitch Daniels, came to my office and complained bitterly that it was too much money and wanted it offset. Senator HARKIN and I stood by our guns. This year, they are going to go up to $4,100.

We have a budget that has to accommodate a great many factors. One of my other jobs is chairing the Veterans Affairs Committee. This afternoon, I sat down with Secretary Tony Principi to go over a program he has to reduce eligibility for VA care. He has to do that because the veterans covered were 2.9 million in 1998, when we went to open enrollment, and now it is 6.8 million. There simply isn't enough money in the VA budget. I would like to see more money in the VA budget. I am concerned about what is going to happen in the National Institutes of Health budget when and if this is adopted. Senator GREGG's amendment is the less irrational of the two amendments on the floor—the less irrational. I don't think either is rational. We have to make a judgment and a choice about which is the least undesirable. If the Gregg amendment is adopted, we are going to be cutting the NIH. Why? Because Senator GREGG, realistically, is offering a counterbalance to what Senator KENNEDY is offering, and that is because we are in an auction and a bidding war for political cover, because everybody wants to look good by adding money to education.

Maybe we ought to take more money for education from some of the other accounts. But, it ought not be done on an afternoon when we are racing against time to finish this multibillion dollar omnibus bill so we can get out of here for the weekend and give 600 speeches over the weekend that are already committed to, and the Martin Luther King holiday is on Monday, and the prospect of being here Sunday, or coming in on Tuesday—if people really knew what we did and what the pressures were on spending billions of dollars of taxpayers' money, they would throw all the rascals out. Unfortunately, C–SPAN 2 doesn't have sufficient coverage to really tell the American people what is going on here.

If you take a look at what Senator HARKIN and I have done as we have changed the gavel over the years, raising the education budget from $23 billion in 1996 to $51.5 billion-plus now, at a 45 percent increase since the year 2000, and the way we have raised the Pell grant awards, there has been a tremendous increase.

I am prepared, in my capacity as chairman of the subcommittee, to go to work and see whether you need more money here so as to not to leave any child behind. However, I must protest the way we are conducting the business of the Senate because we didn't get a budget last year. It is just absolutely inexcusable. The Palestinian Authority has a budget, but the Senate doesn't have a budget. Now we are being asked to appropriate billions of dollars under time pressure, which is simply not right. Between the lesser of the irrational amendments, I choose Senator GREGG's. I think we ought to go through the hearing process, the legitimate process, and do our jobs for the public interest and not pass these amendments, which are really a political bidding war to look good under the mantle of backing education.

Let me repeat, in the 23 years I have been in this body, I have seldom, if ever, voted against increasing money for education, but this goes too far.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, first, let me state I greatly admire the Senator from Pennsylvania, who has done an extraordinary job of attempting to fund some very complicated issues, with lots of different priorities. He has driven increases in special ed funding and has been a huge player in title I and many other positive efforts as ranking member and chairman of the subcommittee. I congratulate him. I am always happy to be the more rational of the irrational.

I yield 2 minutes to the Senator from Pennsylvania, Senator SANTORUM.

Mr. SANTORUM. Mr. President, we have heard a lot of talk on the floor in the last few weeks about the deficits we are facing and about the irrational conduct of the President proposing reductions in taxes. I want to point out the exercise we are engaged in right now. As the Senator from Massachusetts said, we are talking about real money. It is real money. What is being proposed in these amendments is real money that will add real dollars to the deficit.

I am going to start a process with every amendment we vote on. We are going to keep a running tally of how much money—over this period of time we are proposing amendments to add spending—we will add to the deficits over the next 10 years. The Byrd amendment, which got 45 Democratic votes, adds $5 billion for this year. People have to understand when you add $5 billion this year, it becomes part of the baseline, which is $5 billion not just this year but for 10 more years, plus inflation and the interest costs it takes to finance that deficit; that is $70 billion over 10 years. That $5 billion you voted for this year is $70 billion over 10 years.

We don't know what the vote is yet on the Kennedy amendment, but it is $6 billion; over 10 years, it is $84 billion. So these two votes add up to $154 billion. And we are just starting, folks. It is $154 billion added to the deficit.

So let's look at the folks who are crying about how we don't have enough money to let people keep some of it, but we certainly have enough to spend more of it. I am going to warn my colleagues that this is the starting of a, hopefully, short but presumably long process of adding the numbers of how much our colleagues on the other side of the aisle are going to add to the deficit; and when we reach about $600 billion—and I would not be surprised if we do—you will be at the amount the President wants to give back.

Mr. GREGG. Mr. President, I ask unanimous consent that there be 2 minutes for debate equally divided prior to the beginning of the second vote on the Kennedy amendment.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Hampshire has 2 minutes 52 seconds.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have 2 minutes. I yield myself 1½ minutes.

I have difficulty in understanding the argument of my good friend from Pennsylvania. We debated the No Child Left Behind legislation for 7 weeks. On May 3, the Senator from Pennsylvania, Mr. SPECTER, voted for an $18 billion increase in No Child Left Behind. This is $16 billion. This comes as no surprise to any of the Members who are debating the issues of Title I.

President Bush galvanized the Nation in giving attention to the neediest children in this country. He recognized that there are 11 million children who have been left out and left behind. He talked about a partnership between the Federal Government, the students, the States, the local communities, and the parents; that we were going to work together to enhance academic achievement and responsibility, and that there was going to be tough accountability. We supported that in a bipartisan way in this Senate, in the House of Representatives, and all across this country.

All this amendment does is make sure we are going to have a real downpayment to that commitment by ensuring that at least 2 million more children will be included in the No Child Left Behind legislation. Four million will still be left out. Four million will still be left behind. This

amendment is just a downpayment on that pledge made in the No Child Left Behind Act.

If my colleagues support this amendment, we are still under the overall caps that were agreed to. For anyone worried about the budget, I say this is a better investment in the future of our country than the $670 billion that the Republicans and the administration are supporting in tax breaks. This is what the American families want: Invest in their children, invest in education. That is what our amendment does.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. Mr. President, what is the status of the time?

The PRESIDING OFFICER. The Senator has 2 minutes 52 seconds remaining.

Mr. GREGG. Does the Senator from Massachusetts retain any time?

The PRESIDING OFFICER. He is out of time.

Mr. GREGG. Mr. President, let us return to the amendments. The amendment I put forward is a $5 billion increase in educational funding. It is a process of funding, however, that sends the money back to the States without strings, gives them the flexibility they need to meet the obligations of the No Child Left Behind legislation. It addresses many of the concerns we are hearing from our local educators and our communities about whether they are going to have adequate funds and whether those funds are going to be free enough for them to accomplish what they need to do to bring these children up to speed and educated.

It is a paid-for amendment. That is probably the most significant difference. This is a paid-for amendment, and in a time of deficits, in a time of economic concern, in a time of war, we need to be setting priorities and be willing to pay for them and make the tough decisions on those priorities, and this amendment does that.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 19. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) would each vote ''no''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—52

Alexander	Dole	Murkowski
Allard	Domenici	Nelson (NE)
Allen	Ensign	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Brownback	Frist	Sessions
Bunning	Graham (SC)	Shelby
Burns	Grassley	Smith
Campbell	Gregg	Snowe
Chafee	Hatch	Specter
Chambliss	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Kyl	Talent
Collins	Lott	Thomas
Cornyn	Lugar	Voinovich
Craig	McCain	Warner
Crapo	McConnell	
DeWine	Miller	

NAYS—45

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lieberman
Biden	Feingold	Lincoln
Bingaman	Feinstein	Mikulski
Boxer	Graham (FL)	Murray
Breaux	Harkin	Nelson (FL)
Byrd	Hollings	Pryor
Cantwell	Inouye	Reed
Carper	Jeffords	Reid
Clinton	Johnson	Rockefeller
Conrad	Kennedy	Sarbanes
Corzine	Kohl	Schumer
Daschle	Landrieu	Stabenow
Dayton	Lautenberg	Wyden

NOT VOTING—3

Edwards	Hagel	Kerry

The amendment (No. 19) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. BROWNBACK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 13

Mr. STEVENS. Mr. President, what is the pending business?

The PRESIDING OFFICER. There are 2 minutes evenly divided before a pending vote on the Kennedy amendment.

Mr. STEVENS. Two minutes to each side?

The PRESIDING OFFICER. One minute on each side.

Mr. REID. That wasn't the unanimous consent.

Mr. STEVENS. There seems to be some disagreement about it.

The PRESIDING OFFICER. The Democratic whip.

Mr. STEVENS. I yield for a question. I don't want to lose the floor.

Mr. REID. I was on the floor when the Senator from New Hampshire offered a unanimous consent agreement. I understood it would be 4 minutes evenly divided.

Mr. GREGG. Mr. President, if the Senator will yield, it was 2 minutes equally divided.

Mr. REID. I apologize, Mr. President.

Mr. STEVENS. If they want 2 minutes for each side, let's do it. I ask unanimous consent it be 2 minutes on each side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. May we have order, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thought, since it is my amendment, we would have the opportunity to go last, if that is agreeable to the Senator. Can we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New Hampshire.

Mr. STEVENS. Will the chair please use his gavel and get some attention and tell Senators to keep quiet.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, although I do not believe it is stated, I believe it is the proper protocol for me to go first. The amendment is different from the one that was just passed. I think it was a good decision by the Chamber to pass the one that was just passed. The way the Kennedy amendment differs is, first, it costs more money; but, second, it is not paid for; and, third, it comes with strings.

Obviously, in a time of fiscal discipline, under which we should be functioning, it is inappropriate to be passing plus-up amendments without paying for them. This amendment would take us over the $750 billion number, which is the number at which the President has requested us to stay.

Regrettably, we do not have a budget resolution. We should have a budget resolution, but no budget resolution was brought to the floor of the Senate under the leadership of the other party during the 107th Congress in the second session. Therefore, we have to sort of self-discipline around here.

We have just done that by passing the amendment I have offered. We will not do it if we pass the amendment the Senator from Massachusetts offers.

I yield my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the overall budget figure we are considering is $10 million less than what was effectively agreed to last year in a bipartisan way, and which the Appropriations Committee marked up. This would take $6 billion of that, which is the amount the President signed into law under the authorization. This figure was effectively supported by a 79-vote majority here in the Senate when we debated the authorization. It had strong bipartisan support.

With all respect to the previous amendment, it is not targeted on the neediest children in this country. President Bush, to his credit, aroused the Nation to give focus and attention

to the neediest children in this country, that they should not be left out and should not be left behind.

We made a commitment with the No Child Left Behind Act that over a period of 12 years, every child in this country would reach proficiency. Now, unless we are going to pass this amendment, we are going to only include 354,000 more children—and not meet what the administration had committed itself to, and what the President had committed himself to, and what I think the bipartisan membership committed itself to. That is to include the 2 million children. We will still have a long way to go.

Mr. President, this is about education. This is about teachers. This is about parents. This is about local schools. This is about local school boards.

This is needed across the country. There isn't a school district in this country that does not have a financial crisis. This will be a lifeline to those children who are going to need these resources. The States are $90 billion in debt. A third of that comes from education. So we are seeing enormous cuts in the support of children, and the neediest children. This will continue the strong commitment we made to accountability, to reliability, to better teachers, smaller class sizes, and after-school programs. I hope the Senate will accept the amendment.

Mr. STEVENS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) would each vote ''aye''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—46

Akaka	Boxer	Clinton
Baucus	Breaux	Conrad
Bayh	Byrd	Corzine
Biden	Cantwell	Daschle
Bingaman	Carper	Dayton
Dodd	Kennedy	Nelson (NE)
Dorgan	Kohl	Pryor
Durbin	Landrieu	Reed
Feingold	Lautenberg	Reid
Feinstein	Leahy	Rockefeller
Graham (FL)	Levin	Sarbanes
Harkin	Lieberman	Schumer
Hollings	Lincoln	Stabenow
Inouye	Mikulski	Wyden
Jeffords	Murray	
Johnson	Nelson (FL)	

NAYS—51

Alexander	DeWine	McConnell
Allard	Dole	Miller
Allen	Domenici	Murkowski
Bennett	Ensign	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Kyl	Talent
Cornyn	Lott	Thomas
Craig	Lugar	Voinovich
Crapo	McCain	Warner

NOT VOTING—3

Edwards	Hagel	Kerry

The amendment was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator MURRAY now be recognized to offer an amendment regarding Amtrak; I further ask unanimous consent that there be 90 minutes for debate equally divided in the usual form, and that following the use or yielding back of time the Senate proceed to a vote in relationship to the amendment without further intervening action or debate; further, I ask that following the disposition of the above amendment Senator HARKIN be recognized to offer an amendment regarding the Byrne grants and there be 60 minutes for debate equally divided in the usual form to be used this evening; provided further that following the debate the amendment be temporarily set aside and Senator SCHUMER be recognized to offer an amendment relating to port security and there be 60 minutes for debate equally divided in the usual form to be used this evening; further, I ask consent that when the Senate resumes consideration of the bill tomorrow morning at 9:30, the Senate proceed to a vote in relation to the Harkin amendment, to be followed immediately by a vote in relation to the Schumer amendment, with no amendments in order to any of the above prior to the votes, with 5 minutes for debate equally divided before each vote.

Mr. REID. Mr. President, reserving the right to object, it is my understanding that the Murray amendment will be accepted by voice vote.

Mr. STEVENS. It is our intention that we will accept that amendment by voice vote. It is my understanding that 90 minutes will probably not be used.

Mr. REID. With both leaders on the floor, it is my understanding there will be no more rollcall votes tonight.

Mr. STEVENS. I am not authorized to say that.

Mr. REID. I said to Senator STEVENS that with both leaders on the floor, it is my understanding that if this agreement is accepted there will be no more rollcall votes tonight.

Mr. STEVENS. The majority leader has agreed that is the case. There will be no more rollcall votes tonight.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, reserving the right to object, I wasn't hearing so well back here. As I understand it, because I have an amendment involved in this agreement, there are 60 minutes equally divided but we will not be voting on it tonight; we will vote tomorrow.

Mr. STEVENS. That request was put forward by your side. We agreed to that.

Mr. HARKIN. With 5 minutes of debate before each vote?

Mr. STEVENS. Before each of the two votes—your vote and the vote on the amendment of the Senator from New York, and 5 minutes prior to votes on each amendment tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. There is no objection. I understand we probably will not use that 90 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

AMENDMENT NO. 30

Mrs. MURRAY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington (Mrs. MURRAY), for herself and Mrs. HUTCHISON, Mr. BYRD, Ms. SNOWE, Mr. HOLLINGS, Mr. CHAFEE, Mr. BIDEN, Mr. SPECTER, Mr. LEAHY, Mr. CARPER, Mr. LAUTENBERG, and Mr. CORZINE, proposes an amendment numbered 30.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure the continued viability of the National Railroad Passenger Corporation)

On page 741, strike lines 3 through 9, and insert:

For necessary expenses of operating costs and capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $1,200,000,000, to remain available until expended, of which $550,000,000 shall be for operating expenses, $369,000,000 shall be for capital expenses along the Northeast Corridor Mainline, and $281,000,000 shall be for capital expenses along the remainder of the Corporation's national rail network.

Mrs. MURRAY. Mr. President, I am very pleased to rise, along with the ranking member of the full Appropriations Committee, Senator BYRD, and my other colleagues who are in the Chamber tonight, to offer this amendment to boost funding for Amtrak to a level that was included in our Transportation appropriations bill that was reported back in July of last year.

Six months ago, the Appropriations Committee unanimously reported a bill that funded Amtrak at the level of $1.2 billion. That is the same level that was requested of us by the Amtrak board of directors.

Some people seem to believe that the funding level of $1.2 billion represents a massive funding increase for Amtrak. As all Members know, the appropriations bills that we approved last year have now been rewritten by the majority to reflect their priorities, and those new bills are now before us. For Amtrak, that means a cut of $374 million below the level we provided back in July. It also means a $318 million cut, or a 27-percent cut, below the level the railroad received in fiscal year 2002.

I am not familiar with the funding level proposed for every single program that is funded in this massive bill, but I suspect there are very few, if any, other programs that have been singled out for a 27-percent cut below last year's level.

There is no question that at this funding level Amtrak is heading straight for bankruptcy. That is not a debatable point. That representation is simply not true.

We have a letter from Amtrak's new president and chief executive officer, Mr. David Gunn, that makes it clear that Amtrak will be insolvent by spring should this funding level become law.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL RAILROAD PASSENGER CORPORATION,
Washington, DC, January 16, 2003.

Hon. PATTY MURRAY,
Chair, Subcommittee on Transportation, Committee on Appropriations, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR MURRAY: I appreciate the opportunity to have met with you and your staff yesterday to discuss the crisis that will occur this Spring at Amtrak if the FY03 funding level is below $1.2 billion. Neither the revised Senate level of $826 million nor the House level of $762 million will be adequate. As I said to you yesterday, any level less than $1.2 billion, will leave us with no choice but to begin plans for a total shutdown of the railroad, including all operations in the Northeast Corridor in the Spring. We are into the second quarter of the fiscal year and we are beyond the point where we can make significant changes to avoid a shutdown. None of us want to repeat a financial crisis similar to the one we experienced last year.

As I told you, Amtrak's FY03 request of $1.2 billion is, in reality, a small increase of the money made available to Amtrak in FY02. Including $310 million in supplemental funding, Amtrak received a total funding of $1.4 billion last year. The number currently in the Senate bill is a significant cut from the FY02 level.

We have taken significant steps to stabilize Amtrak. We have opened our books and made them available to the United States Department of Transportation and the appropriate oversight committees in Congress as you have requested. As I told you yesterday, we are making progress to stabilize the organization. I hope that you will be able to convince your fellow Senators to give me a chance to turn this railroad around by restoring the money to the level that was previously recommended by the full Appropriations Committee.

Sincerely,

DAVID L. GUNN,
President and Chief Executive Officer.

Mrs. MURRAY. Mr. President, let me remind my colleagues that this is not one of those situations where we can just make everything OK in conference. My colleagues need to know that while the House of Representatives never passed a transportation bill for the current fiscal year, the House Appropriations Committee did report a bill to the floor, and it included only $762 million for Amtrak. So if we do not restore the funding needed to keep Amtrak alive today, Members should not expect this will be rescued later.

For those of my colleagues who don't want to accept the word of Amtrak's president or even my word on what will happen to Amtrak without this funding, they can look to the words of the Department of Transportation Inspector General. The DOT IG's office conducts an annual audit of Amtrak's finances. They are as familiar with Amtrak's books as anyone in this country.

The DOT IG's office was asked to review every element of Amtrak's request for $1.2 billion. What they concluded, after an extensive review, was that the budget request was indeed flawed. The Inspector General concluded the budget request was $12 million too low.

One thing we know for sure is that Amtrak is not going to get its final appropriation level until almost half the fiscal year has been completed. No observer of Amtrak's financial situation—not the Secretary of Transportation, not the Federal Railroad Administrator, not the DOT IG, no one on the Amtrak board of directors, including the three Republican appointees on that board—no one has put forward a credible argument that Amtrak can absorb a funding cut of this size in the middle of the fiscal year and do anything other than declare bankruptcy.

So let me remind my colleagues that we are not talking about a bankruptcy like we are experiencing with some of our airlines, such as USAirways and United. Amtrak will not keep operating with the benefit of bankruptcy protection. It will stop the trains, and they will shut their doors.

Members will recall last summer when we faced an Amtrak crisis. The railroad was days away from running out of cash, and we were still working on a supplemental appropriations bill, a bill that would eventually provide $205 million in additional cash for Amtrak to continue operations.

It was not just Amtrak service that was at risk; it was not just the tens of thousands of Amtrak passengers that were going to be left standing on the platform; there were hundreds of thousands of daily transit riders utilizing commuter rail systems from Boston to San Diego, from suburban Virginia to Seattle, WA—systems that depend on Amtrak remaining a viable entity in order to continue their daily operations.

Thankfully, due to the enactment of the supplemental appropriations bill, and a $100 million temporary loan that was extended by the Bush administration, we avoided an Amtrak catastrophe last summer. However, if we enact the bill currently before us without getting the additional $374 million called for under the amendment that is pending, we will once again face that crisis in just a few months' time.

Some of my colleagues in the Senate continue to press their position that Amtrak needs to tighten their belt. Well, Amtrak has been tightening their belt. Since David Gunn took control of the company 8 months ago, hundreds of employees have been let go, certain trains have been eliminated, and dramatic efforts have been initiated to rid the corporation of unnecessary costs. But we need to recognize that the funding level included in the underlying bill for Amtrak is not an exercise in tightening the company's belt. It is a death sentence.

Those who would impose these cuts on the Amtrak budget may have forgotten the experience of September 11, 2001, when our aviation system was brought to a halt for almost a week and travelers flocked to Amtrak trains in order to get to their destinations.

The Senate needs to have a meaningful debate about Amtrak. We need to have a debate that is based on facts. We need to focus on the fact that Amtrak is burdened with a huge debt. We need to focus on the fact that Amtrak

has billions of dollars in capital needs on the Northeast corridor and no way to pay for them.

We need to focus on the fact that terminating Amtrak's long distance trains effectively saves the railroad almost no money. We need to have that fact-based debate without the distraction of another Amtrak funding crisis every few months due to congressional budgetary shenanigans.

I was hopeful last year we were going to have that debate. Last year the Senate Commerce Committee, by a vote of 20 to 3, reported an authorization bill for Amtrak calling for funding of just under $4 billion in fiscal year 2003. Not only a majority of Democrats on the Commerce Committee but also a majority of the Republicans on the Commerce Committee supported that bill.

The returning chairman of the Senate Commerce Committee, Senator MCCAIN, did not support that bill. However, he did introduce his own Amtrak authorization bill calling for Amtrak funding in fiscal year 2003 to be at the level of $1.3 billion. My amendment would not succeed in providing that level of funding. It would only succeed in providing $1.2 billion.

There is a widely held myth that the principal financial drag on Amtrak's finances is the long distance trains that travel across this country. One of those trains is the Empire Builder which originates in Chicago but provides service between eastern and western Washington, as well.

The fact is, the long distance trains pose a comparatively little cost to Amtrak each year because they carry with them extremely small capital costs. These trains run over tracks that are owned and maintained by the Nation's freight railroads. By comparison, the Northeast corridor between Boston and Washington, DC, is owned by Amtrak and burdens Amtrak with hundreds of millions of dollars in capital costs every year.

Using generally accepted accounting principles, Amtrak's Northeast corridor has not yielded profits, as some are fond of saying. It never has and it never will. In fact, just last year, Amtrak's Northeast corridor lost a total of $367 million.

It is also estimated that the Northeast corridor has a critical maintenance backlog of between $5 and $6 billion. Even the Bush administration concedes that fact.

During a hearing I held on Amtrak's finances last year with the administration and the DOT Inspector General, I asked them about the comparative financial burden of the long distance trains versus the Northeast corridor. DOT Inspector General Ken Mead made the following statement:

> Some have suggested that Amtrak's financial woes would go away if you would cut out the trains outside the Northeast corridor. That is not true. In fact, the annual net operating subsidy that is required to continue Amtrak's most unprofitable trains is less than one-third of the annual capital subsidy that is required to operate the most profitable trains in the Northeast Corridor.

To those who would say that Amtrak just needs to eliminate its long distance trains to get its finances in order, I tell them to look at the numbers.

Amtrak's own financial analysis of savings associated with eliminating 18 of the long distance trains—those are 18 trains that are considered the worst performers in the national system—would effectively yield zero savings in the first year.

In the second year, the net savings of eliminating all 18 of those trains would only be about $18 million. Only after 5 years would the elimination of those trains yield savings that exceed $200 million.

Let me say that again. If we eliminated all of Amtrak's 18 long distance trains, the railroad would eventually yield savings of $200 million—only after 5 years.

However, the underlying appropriations bill would call on Amtrak to absorb a cut of some $400 million right now, today, with only 9 months left in this fiscal year.

These are the unpleasant facts that no one wants to face.

So I encourage all Members to support this amendment. I would love to tell my colleagues there is an easy way to make significant savings in the Amtrak budget—such as the company could absorb funding reductions this year and next year—but the fact is there is not.

So I ask that we provide stability for Amtrak while we debate the larger issues regarding the company's future. I ask that we provide some surety to the millions of Amtrak riders and commuter rail passengers across the country who depend on a solvent Amtrak. I ask that we provide sufficient funding so Amtrak can approach the level of funding it received in total in fiscal year 2002.

Mr. President, I know there are a number of colleagues who wish to discuss this amendment as well. I thank Senator MCCAIN, chairman of the Commerce Committee, for agreeing to accept this amendment at this time. I understand his need to have a reauthorization. I look forward to working with him on that.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, will the Senator yield me time?

Mr. MCCAIN. Mr. President, I think Senator HOLLINGS controls the time for the other side.

The PRESIDING OFFICER. Senator MURRAY controls the time.

Does the Senator wish to yield?

Mrs. MURRAY. I yield to the Senator from South Carolina such time as he may need.

Mr. HOLLINGS. I thank the distinguished chairwoman.

Let's talk about the good news with respect to Amtrak. Eight months ago, the Bush administration worked with the Amtrak board to get a new director to operate this particular railroad. The selection, of course, was Mr. David Gunn who had operated the Metro system here in Washington and up in New York, another particular system, but more particularly, the Canadian railroad, with tremendous success. He had just retired to his home there in Nova Scotia, and they finally persuaded him to come and take on this task because he knows railroads. He knows what needs to be done. He is for reform, and he set about doing just that in the last 8 months.

What has happened is that he has turned around and gotten out of the express business. If my distinguished colleague from Arizona, the chairman of our authorization committee, Senator MCCAIN—if I could get his attention, the distinguished chairman of our authorizing committee, Senator MCCAIN, I wanted him to know that our David Gunn, who is operating Amtrak, went first right to the heart of the number of employees. And those who were not producing he has already eliminated. He got out of the express business. That wasn't paying at all. And with a lot of objections and everything else from fruit growers, flower folks, and everything else, he got out of the express business. He took the Kentucky Cardinal line, a passenger line that I think the distinguished Senator from Arizona cited several times in the debate about a tremendous waste, and discontinued it.

But more particularly, he opened up his books—which has never been done before—to the Department of Transportation. And the budget he is now operating under was OK'd, signed off on by this administration by the inspector general of the Department of Transportation, plus the Secretary.

That reminds me to thank colleagues who are cosponsors on the other side: The distinguished Senator from Texas, Mrs. KAY BAILEY HUTCHISON, who has been the chairman of our Surface Transportation Committee; Senator OLYMPIA SNOWE of Maine; Senator LINCOLN CHAFEE of Rhode Island; and Senator ARLEN SPECTER of Pittsburgh.

When I approached Senator SPECTER earlier today, he said: Let me just do some checking. He wanted to make sure this was in consonance with what the administration was having done. That is the case today.

So the good news is that we are on course with what Mr. Gunn calls the conservative, tight budget. We are not in the red there right now. Yes, this $1.2 billion allows for the payback to the Department of Transportation. In other words, it is just swapping moneys of a $100 million loan back to the Department of Transportation. But he is

working again on the reservation system with the Internet reservations and otherwise. Some economies can be had there with the personnel. A lot of these reservations now are coming through with the Internet.

I could list out many other good things. There is a bill in Chairman MCCAIN's committee with 30 cosponsors for reform. I pledge to work with the distinguished Senator from Arizona, with whom I have worked during the past few years in perfect harmony. We have agreed on just about everything. We wanted reform. He wants reform. I want reform.

I was having difficulties from time to time trying to explain what they were doing because I couldn't get the information. But we now have an open operation there with David Gunn.

What happens is, with the $1.2 billion the Appropriations Committee just reported out, they thought they had some carryovers and everything else and cut it back to $826 million. With that cutback to $826 million—it was not considered by us or anybody on the committee—that actually is a 27-percent cut under the present operation. We presently are operating on a continuing resolution of 1.1, plus the $100 million loan to pay back to the Department of Transportation. So what happens is, that is a 27-percent cut.

Mr. Gunn comes in in distress and says: Look, if that occurs, we will run out. We are operating very economically, very conservatively. I have some other initiatives that I will put in, but by April, under this particular $826 million amount, I will have to be closing down sometime this spring.

None of us wants that. I am sure the chairman of the committee and all of us want to make sure we do the right thing.

Incidentally, we have an operator in Mr. Gunn who is not going to play games. We have had others who evidently liked the job, needed the job, or wanted the job, or whatever it was, and so they went along over the last 30 years. To give colleagues some grasp of this situation, Amtrak has always come for over $1 billion in requests, and they have always compromised at around $500 million. So at $500 million, on an average, per year, it amounts to about $15 billion in a 30-year period.

Now, wait a minute; 9/11; the airlines immediately got $15 billion. Plus the airport and airways transportation act is another $15 billion. Here comes where we really need some reform, $30 billion in 1 year, and we keep jumping and picking and picking and nagging and fussing at Amtrak when we ought to be fussing at each other. We are the ones who really haven't gotten into it.

Thanks to the leadership of Senator MCCAIN, we are getting into it because, as chairman, he has said: We are not going to let this one go unless we work together on reform.

With that in mind, let me yield the floor and thank these particular Senators and Chairman MURRAY here on her leadership also.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Twenty-five minutes.

Mrs. MURRAY. I thank the Chair.

Mr. LAUTENBERG. May I have 5 minutes?

Mrs. MURRAY. Mr. President, I will yield 5 minutes to the Senator from New Jersey and 5 minutes to the Senator from Vermont, and I ask the Senator from Arizona if he wants to use time before us since he has not had time on his side.

Mr. MCCAIN. Go ahead. I am fine.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Washington and commend her and Senator HOLLINGS for their work on getting this amendment in front of us. And I am pleased to see the chairman of the Commerce Committee here because over the years, while this is the first time I have spoken on the floor in a couple of years, nevertheless, the tune is similar and we have sung it before. I hope that finally we will come to the realization that Amtrak is not simply a Northeast corridor program, that it is an essential part of an intermodal transportation system. That fact was made abundantly clear on September 11, 2001, when jet-liners crashed into the World Trade Center and shocked America to its very core. Aviation—I never believed that it would shut down—was shut down across the country as a result of that terrible tragedy. Highways were jammed. Thank goodness we had Amtrak still running. It kept some semblance of order going between Washington and New York and throughout the Northeast region.

How quickly this seems to be forgotten when we get to appropriating proper funding for Amtrak to continue its operations. Amtrak has been starved almost since birth. We heard the distinguished Senator from South Carolina talk about the amount of funds that were put into Amtrak over a 30-year period—something like $500 to $750 million a year, which is certainly not peanuts in anybody's vocabulary—but the fact is, we have just never spent enough.

Last fall, the Senate Appropriations Committee provided $1.20 billion for Amtrak. The bill we are considering tonight cuts that amount by $374 million, to $826 million. That's a cut of nearly one-third! Amtrak would be better off under the Continuing Resolution, which at least provides $1.04 billion. Amtrak can't survive on $826 million—it's that simple, that stark.

I was with the distinguished Senator from Arizona at a meeting in Brussels when there was a NATO gathering there, and I took the train from Brussels to Paris. The train ride was about 200 miles—roughly the equivalent of the ride to Washington from New York, which is 225 miles—and it took an hour and 25 minutes. Can you imagine what would happen to the traffic along I–95 if we could ride like that from Washington to New York? Even if the New York to DC trip were 2 hours, frankly, it would not pay to go near the airport—not by the time you get out to the airport, finish parking and unloading, and all that. We could avoid so many problems. Two hours, city to city, would facilitate so much travel and commerce between these two capitals, New York City, the financial capital of the world, and Washington, DC, the capital of our great country.

So when we look at what we have done, what we have done is just not enough. Amtrak has received $24.2 billion in Federal support since its creation in 1971. To put that in perspective, it's less than we spent on highways just in 2001 alone. In the 1980s, the Western European nations made a push to develop their high speed corridors and spent $101 billion in just ten years. That is more than four times what we have spent in 30 years.

It is time now to start facing up to the reality. The Federal Aviation Administration (FAA)—a precious instrument in terms of our aviation system—got $13 billion worth of funds this year; $3 billion of that came from the General Treasury and $10 billion came from passenger facility charges and taxes on aviation.

What happened after 9/11 with aviation? I think the Senator from South Carolina made reference to it. The fact is, we had to go to the airlines and bail them out further, make sure they got plenty of subsidies.

I hope this amendment that is being offered here to restore fiscal year 2003 funding for Amtrak to $1.2 billion is passed—but not only passed here. I ask the Senator from South Carolina, can we be confident that this amendment won't fall by the wayside in conference? Can we be confident that we have the full support of the leadership in the Senate, especially on the Majority's side, when Committee Members sit down at the table with their House counterparts to discuss this funding? I certainly hope so because it is essential.

We spent almost $10 billion on Northeast Corridor infrastructure improvements. About a third of that amount was for the electrification of the line from New Haven to Boston to make sure we had continuous service. There has been a real improvement in rail passenger service in the Northeast as a result, and there has been an improvement in rail passenger service in the country. But we can and need to do more.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. I ask for 1 more minute.

Mrs. MURRAY. I yield 1 additional minute.

Mr. LAUTENBERG. I thank the Senator. So we have made improvements and they have been popularly received. People could not stop talking about what a nice ride it is from Washington to Wilmington to New York to—you name it, along the way. What a change from what we used to have.

I hope my colleagues will recognize that continued investment in Amtrak and higher speed rail is essential for our Nation. It is not just a Northeast corridor thing, which is often the mythology here. And I hope that we will see a positive vote on this amendment, supported further by an insistence that the conference committee retain the full funding.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. JEFFORDS. Mr. President, I rise in support of the amendment to restore funding to Amtrak. I just served as chairman of the Environment and Public Works Committee and we had a great interest—and still do—in the health of Amtrak.

Amtrak president, David Gunn, has made clear that failure to adequately fund the railroad will lead to its bankruptcy and liquidation of its assets. This will cost us far more than the dollar value of this amendment. That is unacceptable to my State of Vermont and to the Nation.

Across the Nation, Amtrak carries over 23 million riders a year, or roughly 65,000 riders each day. On holidays and other peak times, Amtrak is the best option for many of our citizens.

An Amtrak bankruptcy will have a devastating effect on employment and the economy. Amtrak alone employs over 23,000 Americans, and roughly 233,000 commuters will find their daily trip to work delayed and disrupted.

In Vermont, as in many rural States, Amtrak is an essential service. My home State provides over $2 million a year to maintain Amtrak service to our towns and villages. If we turn away from Amtrak tonight, Vermonters will surely lose this very vital service.

On September 11, Amtrak kept America moving as our airports were idled. I was chairman of the committee at that time and I know the fear we had that Amtrak would not be able to keep going. We need the redundancy in our transportation system, especially in light of the continuing threats.

Even when it is Mother Nature who comes calling, as in the blizzards on the east coast in recent years, the rail mode makes it through while our highways and airports are buried and stopped.

I have spent the last year examining the state of our Nation's transportation system. The system is hemorrhaging. Our highways and airports are congested and unreliable. We need a viable third choice. Passenger rail is that choice.

The United States stands alone among the world's advanced countries in our neglect of the rail mode. Europe, in particular, has a modern rail system, a key part of its balanced continental transportation network. Europe is developing new and advanced rail technologies and exporting these technologies around the world. I have seen demonstrations of those technologies.

Our Nation's surface and aviation programs are up for renewal during this session of Congress. So is Amtrak. This is the year to shape America's transportation future, and that is a job for Congress, not for the bankruptcy court.

As the ranking member on the Committee on Environment and Public Works, I don't want to give away a third of our option—our passenger rail system—before we even begin.

Our choice is clear. We can shortchange Amtrak, throw away its assets, disrupt the economy, and forfeit this unique chance to create a balanced transportation system or we can restore Amtrak funding, preserve our options, and bring our Nation's transportation system into the 21st century.

I urge my colleagues to vote yes for this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I yield myself such time as I may consume.

First, I thank Senator HOLLINGS for his continued efforts on this issue. It has been a great pleasure and honor for me to have had the privilege of working with him for the last 16, 17 years as a member of the Commerce Committee, where I find the most interesting and challenging issues.

Frankly, this issue of Amtrak, to me, has been one of complete frustration. I say that because time after time after time, until the present administrator of Amtrak became the head of Amtrak, Mr. Gunn, with those who ran this organization, which was put together in 1973, I believe, and was committed to being financially independent within 3 years, there has been an endless drain of resources, an endless series of frustrations, and a continuous battle, which goes on as we speak.

I think it is important, particularly in light of the last comments made by my dear friend from Vermont and my newly renewed friend from New Jersey, who rejoins us, about the importance of Amtrak. The fact is, Amtrak carries less than 1 percent of the traveling public, and we continue to pour in billions of dollars.

We are subsidizing—it is remarkable—we are subsidizing long distance the Lake County Limited, $1,218.45 per passenger—per passenger. You could charter an airplane and fly these passengers from one place to the other rather than pay $1,200; the Sunset Limited, $347.45; the Pennsylvania, $292.34; the Three Rivers, $244.99 per passenger. We recently, thank God, canceled the Lake County Limited which was subsidizing $1,218.45 per passenger.

I say to my friends, the reality is that Amtrak is probably a vital and important means of transportation for the Northeast corridor. It has the potential to perform that same vital function in the Far West. But to continue with this grandiose vision of a national train system where you envision someone getting on a train in Dallas and riding that train all the way to Los Angeles, which takes about 2 days now, where they can go to the airport in Dallas and fly to Los Angeles in about 2 ½ hours, is crazy. It is crazy.

Americans are not interested, even if you have a 200-mile-an-hour train. I say to the Presiding Officer, at present, they are not going to get on a train in Atlanta and go to San Francisco. They may for vacation, and they may for recreation, but to think it will ever be anything close to sustaining just flies in the face of every experience we have had since Amtrak was formed.

I am glad to hear of the commitment to reform Amtrak on the part of my distinguished friend from South Carolina who knows as much about this issue as any Member of this body. I am pleased the Senator from Alaska who, in negotiations, as this bill goes into conference, will insist that we come up with a reform plan. I am encouraged, I am exuberant that Mr. Gunn has taken control, and already, as my friend from South Carolina has pointed out, has made some very tough decisions and increased efficiency rather dramatically.

Let me also point out to my friends, despite claims that it is essentially the same level, ridership is the same level as it was in 1979. I remind my friends to read again the August 6 Washington Post.

> The Acela Express, the premium high-speed train that Amtrak has counted on. . . .

That I heard for years was the panacea; this was the pot of gold we were looking for.

> Amtrak President David L. Gunn said that Amtrak will never order another Acela Express, which is manufactured by a consortium of Bombardier Transportation of Montreal and Alstom of Paris.
>
> The train has become highly popular with travelers in the Northeast Corridor but has also become increasingly unreliable. In July, the number of Acela problems spiked. There was an average of one cancellation or en-route breakdown for mechanical reasons every day. The train also has the worst on-time record for any Northeast Corridor train.

This, I say to my friends, is the train that was going to solve all our problems because we would be able to get from Washington to New York in an hour to an hour and a half. Now Mr. Gunn is not going to order any more of them. In fact, he is going to go to court and sue them for the lousy product he got.

But the trains experienced repeated delays and developmental problems. The first one arrived more than a year after the last extended deadline. In a rush to get the trains on line, the manufacturer made modifications to each train set to solve the latest problem, meaning that none of the 18 train sets delivered to Amtrak so far is the same as any other.

My God.

That fact complicates maintenance and trouble shooting.

Gunn said the problems range from the serious—one Acela electronic braking system froze up and blocked other traffic North of Union Station—to less serious, such as restroom doors that sometimes stick and trap passengers inside.

''You'd think that after 170 years of railroading, you could have a crapper door that works,'' Gunn says.

Some of this is entertaining, but it is also the investment of billions of taxpayers' money. I urge all of my colleagues to read a very interesting article out of the New York Times Sunday magazine, ''Amtrak Must Die: A Train Lover's Lament.'' It is a very interesting and entertaining article which I will not read because it is at some length. But it talks about an individual who got on a train in Chicago and tried to get out to L.A. hours late. It is just a sad story, but it is a story that is repeated.

My point is, after dealing with this issue for all these years, we need fundamental reform. I wish to point out—and I think all my colleagues should know—we are going to provide them now with enough to meet the $1.2 billion Mr. Gunn says he needs. He also says he needs $2.2 billion next year. He needs $2.2 billion next year to keep operating.

Now remember, we are talking about less than 1 percent of the passengers of the traveling public. For less than 1 percent of the traveling public, we are going to spend $1.2 billion this year, $2.2 billion next year, and God only knows when this will stop.

We have every right to expect reform, and if that reform means cutting long distance lines, then we ought to admit there is a clear record that some long distance lines do not work and no one wants to ride them. The facts are overwhelming.

When I say we are going to have reform, I mean reform, and that means the Department of Transportation has to come up with a plan, and that plan has to be validated by Mr. Gunn, who has already gained great credibility amongst all of us, and then that plan has to be put into effect.

I wish to point out one other point in my conversation, and I am sure Senator HOLLINGS had the same conversation with Mr. Gunn. If the States want to contribute, and admittedly States are in severe difficulty now, including my own, to maintain these routes, then we welcome it. I think it is a fine idea. It may be difficult because when you go through one State from another to another, then you have to have participation of all the States. But we have to think outside the box.

Thirty years ago we were going to have a fiscally independent Amtrak in 3 years. Maybe that was unrealistic at the time, but as short a time as 2 years ago, Mr. Gunn's predecessor testified before the Commerce Committee and said: We are on the glidepath to fiscal independence. Those were his exact words. I looked at him with astonishment and amazement because nobody who knew anything about Amtrak believed that. But yet we sat there and watched Amtrak deteriorate further and further.

The Amtrak Reform and Accountability Act of 1997, an attempt that again Senator HOLLINGS and I and Members of the Commerce Committee made, provided the operational procurement, labor and liability reforms that Amtrak requested so it could operate more as a legitimate business. The reforms were designed to allow Amtrak to run its operations based on good business decisions rather than political pressures. For example, reforms allowed Amtrak to set its own route structure instead of conform to a statutory mandate. Reforms allowed Amtrak to contract out work where it decided it would make sense. Reforms allowed Amtrak to negotiate reasonable labor protection agreements. Unfortunately, little, if any, progress was made as a result.

As I said, for years after the passage of that bill, Amtrak presented glowing reports on its achievement that it was on a glide path to self-sufficiency. How many times did members of the Commerce Committee hear those words: We are on a glide path to self-sufficiency?

If I sound a bit cynical, it is because we have not been told the truth, but I do believe that Mr. Gunn has. Mr. Gunn's straight talk has been refreshing.

In a letter to me, Mr. Gunn stated:

Amtrak pretended it was on a glide path to self-sufficiency and maintained that fiction far too long. It took actions such as borrowing money through a variety of means, the primary example being the mortgage of Penn Station last year, and now debt service is a huge cost. This is not a way to run a railroad and not the way I will run the railroad. Too many happy words have hidden some very dismal financial results.

That really is the first time, in Mr. Gunn's letter to me, that we have had a straightforward and honest depiction of Amtrak's conditions. I think that was the day when many of us began having confidence that Mr. Gunn's stewardship would lead to some beneficial results.

Over the past decade, Amtrak spent almost $3 billion in taxpayers' dollars on the Northeast corridor to develop higher speed service, as I mentioned. Acela was to have been Amtrak's silver bullet for achieving operational self-sufficiency, reportedly generating $180 million in profits annually. Instead, it has become another of their many failures over the past 5 years and has raised concerns about Amtrak's ability to handle major rail infrastructure projects.

Problems with the project, as I mentioned, have included significant cost overruns, a year's delay in the introduction of Acela service and ongoing mechanical problems with the equipment. The latter recently became so severe that Amtrak was forced to remove the train sets from service for considerable periods of time. Again, we are losing a huge amount of money per passenger on those routes I mentioned before.

So I want to thank my colleagues for their involvement in this issue. I really believe we have every right to demand a genuine proposal to reform the system. I believe we need a Northeast corridor. I believe we may need them in the West and we may need them in other parts of the country, but the burden of proof of having to need them lies with Amtrak and its proponents, and we should not be asking our citizens to continue to subsidize routes in the hundreds and sometimes even thousands of dollars per passenger that will never, ever, become economically viable.

So the status quo at $2 billion, in my view, which will be what Amtrak will be asking for next year, is not affordable or acceptable.

I guess this is a triumph of hope over good sense. I hope it is not, but I have some confidence that Mr. Gunn will work with us and the appropriators, as well as the authorizers, and come up with a reform plan that will give us a system that Americans can be proud of rather than the shameful history of Amtrak over the last 30 years.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. I ask unanimous consent that I be joined as a cosponsor on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I know the Senator from Alaska, the manager of this bill, has been confined to quarters, so to speak, but I wanted to make sure everyone understood the snow is starting, and so maybe that will shorten some of the speeches.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I would be pleased to go out and see my normal condition of life and enjoy the snow this evening.

Does the Senator from Delaware expect to speak tonight?

Mr. CARPER. Yes.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. How much time do I have remaining on my side?

The PRESIDING OFFICER. Fourteen and a half minutes are remaining.

Mrs. MURRAY. I ask unanimous consent that Senator JEFFORDS be listed as a cosponsor on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. How much time does Senator CARPER need?

Mr. CARPER. I would appreciate 5 minutes.

Mrs. MURRAY. Five or less, and the Senator from Illinois would like 3 minutes. And I believe that is all we have.

I yield 5 minutes to the Senator from Delaware and 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I thank the Senator from Washington for yielding 5 minutes. I also express my thanks to her, and especially Senator HOLLINGS, for their work. I say to Senator MCCAIN that I appreciate his comments and his willingness to join with the Senator from Delaware last year as we tried to address the issue of rail security.

It looks like we will pass, on a voice vote, an appropriation level for Amtrak which will carry Amtrak through the balance of this fiscal year. That sets the stage for a robust debate, which we need to have, on whether the future of passenger rail service in this country is the Northeast corridor and maybe some routes on the West Coast. If there are other high speed corridors that make sense, if there are long distance trains such as the Auto Train that make sense, I welcome that debate. The concurrence of reauthorization of T–21, reauthorization of our transportation programs along with reauthorization of Amtrak, is a very fortunate confluence of events. I think we will have the opportunity to maybe do the right thing not just by Amtrak but by the people of this country.

I have said on this floor before and I will say it again tonight, when Amtrak was created roughly 30 years ago it was created at a time when private rail companies wanted out of the passenger business. They could not make money carrying passengers. They said to Congress: Let us out of that business, and Congress freed them of that responsibility.

Amtrak was created with the private railroads, the freight railroads, giving to this new entity their old rolling stock, their old passenger cars, their old cafe cars, their old locomotives. Amtrak was given the old track bed from Washington to Boston. Amtrak was given the old repair shops, the old train stations. Somehow, given all this old equipment and being undercapitalized for 30 years, we said to Amtrak we expect them to make money when nobody in the private sector could make money.

There are a number of other countries around the world that have terrific passenger rail service. We have talked about some of them tonight. The reason why they have good passenger rail service is because they believe it is in the naked self-interest of their country to invest in passenger rail, and that is some of the reason why they do it. They want to reduce their reliance on foreign oil. They want to reduce the size of their trade deficits that grow out of importing foreign oil. They want to reduce the amount of congestion they have on their highways and at their airports. They are concerned about the quality of the air and the kinds of emissions that their cars, trucks, and vans put up into the air.

As a result, those countries rather generously support passenger rail service. They do not do it for reasons of altruism or nostalgia. They think it is in their naked self-interest, and it is. When we think about it, we have an interest in clean air as well in this country. We have problems with congestion around our airports and our roads as well. We have a huge trade deficit, $400 billion this year. About a third of that is imported oil.

I say to my friend from Arizona, I do not think it makes sense for us to run trains where people do not want to ride them. But today in this country, 75 percent of Americans live within 50 miles of one of our coasts. Think about that. That provides for a lot of congestion, but it also provides for some wonderful high speed train routes that if we are smart we will figure out how to take advantage of and give people the chance to move throughout those densely populated corridors more quickly.

From time to time, there is going to be a train like the Auto Train which runs south of Washington, DC, down to Orlando. It leaves every day and comes back every day. It basically makes money. A lot of people ride the train. It is the longest train in the world. They take their cars, trucks, and vans, hitch them up to the train and head on south or bring them back from Florida. There are probably some other routes like that around the country that would make sense, too.

Then there are some States where, frankly, the States would like to put in some of their own money in order to have passenger rail service to routes that are losing money, but inexplicably, at least to me as an old Governor, I was never allowed to use Delaware's Federal transportation money or congestion mitigation money to help provide for passenger rail. We could use that money in our State for freight railroads, for bicycle paths, but we could not use it to help pay for passenger rail service. That makes no sense. We should give States and Governors the flexibility to use a portion—not all, a portion—of their Federal transportation money to invest in passenger rail if it makes sense for the States.

We will have a great debate this year. It is time for that debate. I am pleased to participate with all my colleagues on this. I thank Senator MURRAY for her leadership, Senator BYRD and Senator HOLLINGS for their work, Senator HUTCHISON, Senator SPECTER, and others who believe in the cause.

I say to my friend from Arizona, we look forward to a debate that will lead to better passenger rail service and, frankly, the return of common sense.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Illinois is recognized for 3 minutes.

Mr. DURBIN. I yield to the Senator from New York if he has a request.

Mr. SCHUMER. I ask unanimous consent that I be allowed to address the body for 7 minutes after my colleague from Oregon.

Mrs. MURRAY. How much time remains?

The PRESIDING OFFICER. The Senator from South Carolina has 8½ minutes and already yielded 3 to the Senator from Illinois, so there are about 5½ minutes remaining.

Mr. DURBIN. Mr. President, I thank the Senator from Washington. I ask unanimous consent to be included as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I know the Senator from Arizona is a skeptic on Amtrak, and whether there is forbearance or blind hope, thank you. And thank you to the Senator from Washington for showing leadership because $1.2 billion means Amtrak has hope and an opportunity.

It means a lot when you consider the context of our Federal support for transportation: Over $30 billion for highways each year, over $10 billion for airports, so $1.2 billion for national passenger rail service is not an extraordinary amount of money in that context.

People talk about the coastal service. The Senator from Delaware made that point a moment ago. But for the State of Illinois, it means that 2.6 million passengers last year used Amtrak. If Amtrak disappears and we do not provide the money the Senator from Washington asks for, 2.6 million trips will be converted into automobile trips, by and large, and that means more highway congestion, more pollution, more use of petroleum products, and more dependence on foreign oil. None of that is good for my State of Illinois. We value Amtrak. It not only means a lot of service, it means a lot of jobs. I think it is important to our economy.

My hometown, a downstate city, is the largest user of Amtrak outside of the city of Chicago. We believe in Amtrak. We believe investing in Amtrak and improving its service so we can have high-speed rail is going to dramatically increase passenger ridership. I hope those who are skeptical of Amtrak will understand we have in this new administrator, Mr. Gunn, a man who has been brutally honest in terms of the future of Amtrak and what it needs, and the Senator from Washington is offering him the resources he needs to continue to reform this important service to our Nation. I thank the Senator from Washington for her leadership on this.

I yield the remainder of my time.

Mr. BYRD. Mr. President, on July 26, 2002, just 6 months ago, the Committee on Appropriations, on a unanimous, bipartisan vote reported a Transportation Appropriations bill that included $1.2 billion in funding for Amtrak.

At that time, Amtrak had just weathered a severe financial crisis. Amtrak's President, Mr. David Gunn, testified before the Transportation Appropriations Subcommittee, just a few weeks into his tenure, and described to us the desperate financial conditions he found when he assumed control of the railroad.

It was only through a combination of a $205 million supplemental appropriation that our Committee approved back in July, as well as a temporary loan by the Bush Administration against the railroad's 2003 appropriation, that the railroad survived and continues to run to this day.

That Amtrak funding crisis served as a wake-up call for many of us in Congress as well as for the millions of Amtrak riders and the millions of commuter rail riders whose train service depends on a viable operating Amtrak system.

However, when the new Republican majority drafted its new appropriations bill for the Transportation Department, it singled out Amtrak for a whopping $374 million cut, a reduction of over 31 percent.

Amtrak's new President, David Gunn, has made clear in letters to me and to Senator STEVENS, Senator SHELBY, Senator MURRAY, and others that a funding cut of this kind will mean certain bankruptcy for Amtrak by this coming Spring.

Now many Senators will speak on this amendment, including a great many that represent the states along the Northeast Corridor.

These Members will speak to the impact of an Amtrak bankruptcy on the very fine rail service that we have between Boston and Washington, DC.

These Members will speak on what a bankrupt Amtrak means for their daily commuter lines that are either operated by Amtrak under contract or operate over Amtrak's property. But as a Senator from West Virginia, I want to speak today on what Amtrak means to rural America. Amtrak does not just stop in cities like Boston, New York, and Washington, DC.

Amtrak serves communities like Beckley, WV; Hinton, WV; Alderson, WV; Charleston, WV; Huntington, WV; Martinsburg, WV, and, Harpers Ferry, WV. These are some of the communities in my state that are served by Amtrak.

I can tell you that for a great many of the citizens in those communities, the Amtrak train may be the only way into town and the only way out. When you talk about long-distance travel, the situation is no different in the great many other communities that are served by Amtrak: communities like Pascagoula, MS; Lordsburg, NM; Crestview, FL; Gilman, IL; Wilson, NC; Libby, MT; Winona, MN; Fort Morgan, CO; White Salmon, WA; Sun River, OR; Fulton, KY; Ardmore, OK; and Weaverville, CA.

Many of the communities I have just named, like so many communities across the United States, were put on the map by the arrival of the freight railroads as they were built across our country east and west, north and south.

Those communities continue to be connected to our national rail network and our national economy through Amtrak.

The service may not be the kind of high speed, high comfort rail service that people have come to expect in the Northeast, but it is service that gets grandmothers to their grandchildren; it gets soldiers home to see their parents; it gets college students home for the holidays; and lest we forget, Amtrak moved Americans all over this country, immediately after September 11, when our aviation system was brought to a complete halt.

We are now faced with a funding proposal to take all of rural America off of the national rail map and do away with passenger service in its entirety; not just in the heartland of America, but in the Northeast as well.

I encourage my colleagues in the Senate to talk to the mayors of their towns on the Amtrak rail map and see how they feel about losing their daily service. At a time when rural communities across the country are suffering from economic isolation, ask the people of those communities if they want even greater isolation by losing their rail service.

The Amendment that we have offered here today holds the promise of continued rail service and the promise that Amtrak's new president, Mr. David Gunn, will continue his efforts that he just started in getting the railroad's costs under control and creating a national network of which we all can be proud. I ask all of my colleagues to support this Amendment.

Mrs. MURRAY. I ask unanimous consent that the Senator from New York be given 2 minutes of my remaining time and the Senator from Delaware be given 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from Washington for her leadership, the Senator from South Carolina, the Senator from West Virginia, and I thank our Senator from Arizona for letting this amendment go through. If we did not, we would have the same situation we had last August when Amtrak closed.

I find it rather perplexing that so many of my colleagues are willing to subsidize the basic transportation infrastructure for roads—it is the Federal Government, not the passengers, that pays for roads—we are willing to pay for airports—again, Federal Government money pays for airports, both general aviation and commercial aviation—but we are not willing to do it for rail. It makes no sense, no sense whatever. It is unfair. It is probably geographic. Every State has airports and every State has roads but not every State has Amtrak. So people who do the same thing for air and for roads do not do it for rail.

Mr. STEVENS. Will the Senator yield on my time?

Mr. SCHUMER. On the Senator's time.

Mr. STEVENS. There is a tax fund for roads with the gasoline tax; there is a fund for airports with airplane tickets. How about a program that charges people on trains to pay for whatever you need for trains?

Mr. SCHUMER. Reclaiming my time, that is something we could consider. May I answer on the Senator's time?

Mr. STEVENS. It is not my time now.

Mr. SCHUMER. That is something we should consider, but we should not consider pulling the rug out from Amtrak. Roads are subsidized far beyond the nickel gas tax, and airports are taxed far beyond the ticket price. Federal dollars go into each of those; we all know that. It is not simply that one is subsidized by the other. It makes no sense if you just believe in air and roads.

Before September 11, we had delay after delay after delay in the Northeast and then throughout the country in the air. In Europe, where they have as great a density, they do not have it. If you go a short distance, you take a speedy train. If you go from Paris to London, you take the Chunnel. From Paris to Frankfurt, you take the TGV. We will have to have rail in this country because we do not have enough space at the airports, we do not have enough space on the roads in the Northeast corridor, in California, and

in so many other parts of the country where we have dense populations. So let's all pull together.

My good friend from Arizona fights subsidies in a lot of places, and I appreciate that. But so many others will vote for subsidies in every other place, but when it comes to rail, we say no. That makes no sense. It is unfair.

I am glad we have this amendment on the floor. I salute the leadership of my colleagues. I hope we will do something about Amtrak. The new head of Amtrak will shut that place down if we do not fund it, and then the country will have an economic cataclysm that will affect everyone, whether you have Amtrak in your community and in your State or not.

I yield the floor.

Mr. BIDEN. Mr. President, we are once again back here on the Senate floor fighting for the future of passenger rail in this country.

Everyone here is well aware of my position on railroads. Unfortunately, this is a battle that those of us who believe in passenger rail service have had to make over and over.

I don't need to tell anyone here that our national rail system is at a crossroads. Decades of underfunding have finally caught up to us.

Amtrak is struggling to stay afloat. They have imposed drastic spending cuts in the last 2 years. They have deferred key capital maintenance projects. They have mortgaged Penn Station in New York—their most valuable asset. They have slashed jobs.

These short-term moves have only served to worsen Amtrak's long-term financial viability and put its future in jeopardy.

For 30 years, Congress has dragged its feet. It has taken a back-seat approach to dealing with the long-term needs of a national passenger rail system. It stalled. It bickered. In the end, it provided only enough money to allow Amtrak to continue to limp along.

And we broke the deal we made with Amtrak to help it meet its capital needs. Year after year, Amtrak received only $521 million—far less than it was promised—forcing it to turn to private sector loans and dramatically increasing it debt burden.

No industrialized country in the world operates a rail system that is completely self-sufficient. Japan, Germany, France—all of the supposedly superior, successful rail systems, received some level of subsidy from their governments, in most cases far more than that sought by Amtrak.

They understand the enormous capital costs involved in developing and maintaining a national rail system. Why don't we? Why don't we speak the truth: America needs a passenger rail system and it will take a national commitment. It makes sense. It's simple common sense.

And yet, though we've made a substantial commitment to highway and aviation development—over $750 billion since 1971—somehow we don't seem to get it. We don't seem to understand the parallel commitment necessary for railroads.

Instead, we have starved the rail system. And that's why Amtrak is in this situation today.

We have to end that practice. We have to sit down with governors, mayors, railroad workers—with everyone who cares about keeping the railroads solvent, safe, and moving.

We need to discuss and resolve the kind of passenger rail system this country deserves. And how much support from Federal, State, and local agencies will be needed to sustain it now and over time.

And we need to do this in the larger context—taking into account increasing capacity constraints on our highways, at our airports, the chronic overcrowding, and the air pollution that comes from that.

I commend my good friend, the Senator from South Carolina, Senator HOLLINGS, because as chairman of the Commerce Committee, he made the reauthorization of Amtrak a priority and stepped up to the plate—recognizing the depth of commitment that is needed. I am proud to cosponsor his bill.

But this is not what we're fighting over today. Today, we are asking for the life-support to keep Amtrak moving until we are able to reach a consensus on its future. If we don't adopt this amendment, if we don't fund Amtrak at $1.2 billion this year, this system will die, commerce will be disrupted, passengers will be abandoned, and it will cost us much more to build a new rail system down the road.

I want to thank the Senator from Washington, Senator MURRAY, and the Transportation Appropriations Subcommittee, for giving Amtrak a fighting chance, and to give us the time we need to resolve these issues.

Last spring, Amtrak got a new president, David Gunn. Right out of the gate he was faced with the prospects of shutting down the system because of the lack of operating funds.

We were here less than a year ago, fighting for an emergency $200 million to keep the trains running.

This administration was not especially receptive to the idea of helping, but in the end, after long hours, an agreement was reached and Amtrak got the infusion of funds it needed to keep going.

But David Gunn made it clear to the Congress even before then that in this fiscal year—the one we are in right now—Amtrak was going to need $1.2 billion in this year to stay alive.

The administration sent up a budget with just a placeholder number in it: $521 million—the same number Amtrak has received in other recent years. But everyone knew that number wasn't real, that it was grossly insufficient.

The number in this bill is grossly insufficient as well. Its $374 million short. Once more, Amtrak is getting underfunded. But this time we can't expect it to keep limping along. This time—if we don't step up to our commitment—we're going to strand millions of rail passengers.

We need to give David Gunn the resources he needs to get Amtrak back on its feet again. Now—with new leadership at the helm—it is critical that we don't short change Amtrak one more time.

Mr. President, this is unusual for me. I thank my friend from Arizona. I appreciate him. My friend from Arizona is right on one very basic point. We have had such a stark disagreement, he and I, for so many years, as close as we are. It is the only thing ever where we have gotten each other's hackles up, and in the middle of these debates we have occasionally felt like walking across and pummeling one another, but we are close friends.

But he is right—and I mean this sincerely—about one important thing. We should make a decision. We should shut this sucker down or we should fund it. I have been fighting this fight for 30 years as a Senator, and it is always a bridge too far. I am not referring to my friend from Arizona because he says: Look, let's figure out how to reorganize this sucker; let's chop it, move it, change it, but whatever we are going to do, let's do it.

I agree. Let's have the final fight here. Not tonight. Let's this year have a fight over whether or not to reauthorize Amtrak. Let's do it. If we do it—whatever we call it, subsidy or not—let's pay for it. If we call them giveaways, whatever it is, let's just be realistic and decide, is it worth the price?

It reminds me—and I will end with this—every single year I have come on this floor since the Nixon administration, and said: I will take whatever you can give me; just keep part of it open; just keep it open. It was always less than everyone said was needed to make it run. It kind of reminds me of when we talk about vouchers—I am not talking about my friend from Arizona—we talk about vouchers for school.

In my State, the cost of the average private school is about $1,500. If you go to the real private schools, they cost about $13,000 a year, like down here in Washington. If I go to some African-American or Latino kid in the neighborhood and say: You have $500. Here it is. I could give him $5,000, if the cost is $13,000—I could give him $10,000—and he can't get there. That is kind of where Amtrak is. There is no way to get from here to there without funding it, like I guess we have basically reached an agreement on. We are going to get, at least initially here, a reform.

I thank my friend. I really hope this year he and I and others—the leader in this deal for me has always been Senator HOLLINGS, and now PATTY MURRAY, who has for the last I don't know how many years headed up this subcommittee. I think we should just have a knockdown, drag it out debate about whether we should have the railroad or not. If we have it, fund it. If not, let's get rid of it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 28 minutes.

Mr. MCCAIN. Would the Senator from Delaware like to take a couple of extra minutes?

Mr. BIDEN. No, I am fine. I said all I want to say. I sincerely mean what I said about let's decide whether we are going to have this system or not.

Mr. MCCAIN. I thank the Senator from Delaware. I will just take a few minutes, I say to my dear friend from Delaware. I just want to point out I don't think the decision necessarily has to be to shut it down or to fund it. I think it is to reform the system.

The Senator from New York just came on and talked about how the general funds subsidize aviation. The fact is that $3.08 over the last 5 years has come out of the general fund per passenger. Compare that with the Sunset Limited, which is $347 per passenger; the Texas Eagle, which is $258 per passenger; the Pennsylvanian, which is $292 per passenger; the Lake County Limited, which has been canceled—$1,200 per passenger.

The fact is that most of the funding for highways and for air service in America comes out of user fees. It comes out of trust funds that are funded by user fees. And we just laid a whole lot more on the airlines in the interest of aviation safety.

But the fact is that if it is going to cost $347 per passenger, then the Senator from Delaware is right: You either shut it down or you tell the American people that we are going to fund the Sunset Limited for $347 per passenger forever. Or we are going to tell the American people that we are going to fund the Northeast corridor, we are going to fund the Far West and other places in the country where it is economically viable and, in many cases, as the Senator from Delaware and the Senator from Vermont have pointed out, vital to have that service.

The problem with Amtrak has not been in the Northeast, although the mismanagement—I am sorry you were not here while we talked about Acela and those incredible failures.

Mr. BIDEN. If the Senator will yield, I think I could have guessed what he said.

Mr. MCCAIN. They are the words of Mr. Gunn, the new President, not mine—the new President of Amtrak, Mr. Gunn, about their failures. I am sorry the Senator from Delaware wasn't here:

> Amtrak pretended it was on a glidepath to self-sufficiency and maintained that fiction far too long. It took action such as borrowing money through a variety of means, the primary example being the mortgaging of Penn Station last year, and now debt service is a huge cost. That's not the way to run a railroad and not the way I will run the railroad. Too many happy words have hidden very dismal financial results.

I come to this floor year after year, talking about these problems and, in all due respect to my dear friend from Delaware, he never recognized these problems. These problems were never recognized by the proponents of Amtrak. These were serious problems.

Mr. BIDEN. Will the Senator yield?

Mr. MCCAIN. I am glad to yield to my friend from Delaware.

Mr. BIDEN. I will only take 2 minutes. The Senator is right. It's like going to someone and saying: By the way, we are going to demand that you be self-sufficient within the next 2 weeks or 2 years. By the way, we are going to give you half of what you need to be self-sufficient. And now you have to promise me you are going to be self-sufficient.

I know darned well I can't get self-sufficient based on what I have to operate with. But what do I do? What has been done—and this is the lie of it, in effect—what has been done too long, they say: OK, don't shut us down now. We will be self-sufficient—hoping that something happens in the next year and the year after and the year after.

So my friend is exactly right. He made a believer out of me. He's absolutely right. That is what I mean by let's not do that anymore, let's shut it down or whatever we want to do.

Mr. MCCAIN. I would be glad to yield an additional 2 minutes to the Senator from Delaware if he wants.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I really appreciate the courtesy, and this is really the last thing I will say. I realize, and I don't think other people here do—I realize my friend is not "against rail." He has said to me, I don't know how many times over the years: Why can't we work something out, Joe, that funds the places needed, the dense populations, the Northeast corridor? But the rest of this apparatus is bleeding us to death. And you have inefficiencies even in the corridor. Why don't we work that out?

What I am saying to my friend, and I say it sincerely, he is right in this respect. We should either decide what we mean by Amtrak, that it is the Northeast corridor and West Coast system and that's it, or we should decide it is a national system and we are going to pay the price. We should decide what it is. He is right about that debate. Let's have that debate. Whatever it comes out, in terms of reorganization, let's then make sure it can function.

I wasn't being smart with my friend. I am sincere when I say I know he is not "against rail." He is against what he believes to be—and in many cases is right—total inefficiency and outrageous subsidies. That's the only way we have been able to keep the Northeast corridor going, because we had to get everyone from Texas to West Virginia and Minnesota to vote for it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Let me add one additional point. The thing that frustrated me—and I know my friend from Delaware appreciates this—is that people who are running Amtrak would come before the Commerce Committee and say: We are on a glidepath to self-sufficiency.

We have kind of an odd thing, that we have hearings and witnesses come and testify and we take their word for it. We say: Gee, that's wonderful. Time after time after time.

The reason why we express our frustrations is because, despite the assurances that are made, "glidepath to self-sufficiency," it was far from the truth. That is why I know the Senator from Delaware and I are both very pleased that Mr. Gunn is telling us exactly how it is. That is a critical aspect of this whole issue and frankly one of the reasons why I believe that Mr. Gunn has said he needs this $1.2 billion to continue operating while he institutes these reforms. That's one of the reasons why I am in favor of it and I think the reason why the Senator from Alaska very reluctantly agreed to allow this amendment to go through.

I am sorry. I want to apologize to my colleagues. I have probably overtalked this issue. But I do take them at their word, that we will sit down this year and work together: First with the Department of Transportation, sending over their reform plan. Then working with Amtrak and working with all of our colleagues and coming up with a plan for genuine reform of Amtrak so we don't have to go through this debate on an annual basis. And it will remove the only existing impediment to the friendship and affection that I feel for my friend from Delaware.

Mr. President, I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today in support of Senator MURRAY's amendment to add $438 million to Amtrak to fund system-wide rail security upgrades and to reiterate my unwavering support for Amtrak.

I believe it is essential to fund Amtrak at $1.2 billion in fiscal year 2003 to prevent our passenger rail system from grinding to a halt and stranding millions of commuters coast to coast. In fact, Amtrak's President David Gunn has said a funding level of only $762 million would "guarantee insolvency

by spring and the shutting down of the railroad at that time.''

And as James Jones, California State Legislative Director of the United Transportation Union, wrote to me in a recent letter:

> This shutdown would end all intercity rail and much of the commuter operations in California. This would cause a serious adverse effect on the general public, the Amtrak employees that would be out of work, as well as the California economy.

Amtrak's passenger rail service is an essential link in our transportation system and our economy.

Every day, Americans use Amtrak and local commuter rail systems that depend on Amtrak to get to and from work. More and more Americans are relying on long distance Amtrak trains for their travel because of security changes at our Nation's airports.

I cannot think of a worse time to underfund Amtrak.

What will happen if Amtrak shuts down? Well, you can be sure the roads will jam up even more and air travel will become an even greater headache.

Last year, I joined many of my colleagues in a commitment to fund $1.2 billion for Amtrak in fiscal year 2003. This is the amount Amtrak needs and it was the amount the Appropriations Committee unanimously approved last year despite the Bush administration's paltry budget request of $521 million for fiscal year 2003.

I cannot understand why President Bush continues to stand by his budget request of $521 million.

Amtrak needs more funding, not less and last week I was pleased to again co-sponsor Senator HOLLINGS's legislation to fund Amtrak for the next 5 years. The National Defense Rail Act would authorize $4.6 billion annually for passenger rail service. The legislation, which passed the Commerce Committee by a vote of 20–3 last April would fund rail security improvements, high-speed rail development, and operational costs for existing rail routes.

I strongly believe that Amtrak is not a failure, it is the government that has failed Amtrak. If we do not properly fund our rail system, how do we expect it to thrive?

Since 1971, when Amtrak was founded, only $25 billion has been spent on passenger rail, compared to over $750 billion that has been invested in highways and aviation. The Federal Government has made a commitment to fund road construction and expand aviation capacity, but we have always come up short to provide fair funding for our rail system.

The Federal Government provided $15 billion in payments and loan guaranties to aid the airlines after the September 11th terrorist attacks. Why can't we provide $438 million more to keep our trains running?

Imagine the chaos that will ensue if Amtrak does shut down. There will be even more traffic on our roads and air travel will slow down if trains are not an option for commuters heading to work or travelers on vacation.

Last summer, Senator BOXER and I wrote President Bush to ask him to approve Amtrak's $200 million loan guarantee to prevent the rail system from grinding to a halt. I cannot believe that 6 months later Amtrak is again being denied life support.

If Amtrak shuts down, thousands of people in California who depend on Amtrak service every day will be stranded. Since most rail lines in California are run by Amtrak or depend on Amtrak, everything is in jeopardy.

These include three Amtrak routes funded by the State and the Federal Government:

> No. 1, the Capitol Corridor route between San Jose and Auburn;
>
> No. 2, the San Joaquin route between Oakland and Bakersfield; and
>
> No. 3, the Pacific Surfliner route between San Diego and San Luis Obispo.

These are three of the most successful routes in the United States. In fact, all three are among the top five intercity rail corridors, and the Pacific Surfliner is the fastest growing route in the Nation. Overall the State of California has added 28 new daily trains since 1995, and over 1.5 million new passengers.

But a shutdown will also threaten some of California's largest regional transportation systems including:

> No. 1, Caltrain, the rail service between San Francisco and San Jose;
>
> No. 2, Metrolink, Southern California's regional transit system; and
>
> No. 3, the Coaster, San Diego County's regional train.

It is clear to me that a shutdown of Amtrak will be devastating for rail passengers across the Nation. I believe we must act immediately to avoid it. I urge my colleagues to approve Senator MURRAY's amendment to add $438 million to Amtrak to fund system-wide rail security upgrades.

Mr. SARBANES. Mr. President, I rise in strong support of the amendment offered by Senator Murray to restore funding for Amtrak to the full $1.2 billion level needed to ensure the solvency and continued operations of the railroad. I am deeply troubled by this administration's failure to address Amtrak's financial needs.

Since it was first established in 1970, Amtrak has been an essential part of our transportation network. The railroad currently carries nearly 23 million passengers each year including over 1.7 million travelers in Maryland who rely on Amtrak for commuting to work and other transportation needs. Amtrak operates 87 trains daily in Maryland alone. And these figures do not include the MARC trains or the 1.9 million passengers annually who use the MARC/Amtrak lines for service.

In recent years, we have made great strides toward improving our highway, mass transit, and aviation systems. In 1998, we enacted TEA–21, providing record levels of funding for highway and mass transit improvements throughout the country. In 2000, we enacted AIR–21, substantially increasing funds for needed airport infrastructure. To ensure a transportation system that is truly intermodal, we need to continue to invest in Amtrak, doing for inter-city rail what we have already done for highways, transit, and aviation. The level of government support for passenger rail in Japan and European countries far exceeds the level of government support in the United States. In my view, we cannot afford to be the only industrialized country without a comprehensive national passenger rail system.

Across the Nation, congestion and gridlock are taking their toll in terms of economic loss, environmental impacts, and personal frustration. According to the Texas Transportation Institute's Annual Mobility Report, in 1997, Americans in 68 urban areas spent 4.3 billion hours stuck in traffic, with an estimated cost to the Nation of $72 billion in lost time and wasted fuel. It is clear that highway and airport expansion cannot be our only solution. We need a balanced approach, and passenger rail must be a part of that approach. Without the additional funds provided by Senator Murray's amendment, Amtrak cannot continue to operate.

Mr. CORZINE. Mr. President, I rise in support of the amendment offered by Senator MURRAY to restore funding for Amtrak for the remainder of this fiscal year.

The underlying amendment before the Senate includes a $374 million cut in Amtrak relative to the level approved on a bipartisan basis by the Senate Appropriations Committee last year, and relative to the level requested by Amtrak. Amtrak tells us that if this cut remains in place, Amtrak would have to shut down as early as March.

This amendment would restore Amtrak funding to $1.2 billion, the level it needs, and the level that originally was approved by the Appropriations Committee.

It is absolutely critical that we approve this amendment, and save Amtrak from bankruptcy. I am sure I don't need to remind my colleagues how important it was to have a national intercity rail system in the immediate aftermath of September 11th. On that terrible day, our commercial aviation system was shut down, stranding thousands of travelers. Meanwhile, Amtrak ridership surged, as thousands of people took Amtrak to get home to their loved ones. It has been clear from that day that we can never afford to let this vital lifeline be shut down.

A shutdown of Amtrak would have an especially devastating effect on commuters in my State of New Jersey;

that is because Amtrak owns the Northeast Corridor, upon which many trains of New Jersey Transit also depend. So an Amtrak shutdown would not only inconvenience the many New Jerseyans who depend on Amtrak directly, but it would force more than 80,000 riders of New Jersey Transit to find another way to work. The end result clearly would be a disaster for New Jersey.

Amtrak badly needs a guarantee of the financial assistance that will allow it to survive. Senator MURRAY's amendment would help ensure Amtrak's operations for the remainder of the fiscal year. We should approve it today. And then, before too long, we should take up and pass the National Defense Rail Act of 2003. That bill would authorize $35 billion to maintain and further develop our passenger rail system. It also would provide more than $800 million for vital safety improvements to the tunnels under the Hudson River that connect New Jersey with New York City. These tunnels are used on a daily basis by over 300,000 New Jerseyans. I was proud to get $100 million to begin work on these tunnels in the supplemental defense appropriations bill signed by the President last year. But we need to do more.

In conclusion, I urge my colleagues to support the Murray Amendment. It is absolutely critical that Amtrak remains a safe and viable transportation alternative in the 21st century. And only by adopting this amendment can we make that happen.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty minutes.

Mr. McCAIN. Mr. President, if the Senator wants me to, I yield back the remainder of my time.

Mr. STEVENS. Mr. President, I am constrained to say at this late time of the night, that President Lincoln offered a bonus of $1 million and every odd section along the railroad right of way to anyone who completed the transcontinental railroad. Subsidies to railroads are 150 years old.

But the problem is that was not a taxpayer burden. I think we have to really examine this and find out what is the taxpayer burden for the future as far as Amtrak.

I yield the remainder of my time and I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 30.

The amendment (No. 30) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, what is the next order of business?

The PRESIDING OFFICER. Under the previous order, there are 60 minutes on the Harkin amendment. The Senator from Iowa is recognized.

AMENDMENT NO. 32

(Purpose: To restore funding for nondiscretionary Byrne grants to a level of $500,000,000)

Mr. HARKIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa (Mr. HARKIN), for himself, Mrs. FEINSTEIN, Mr. BIDEN, Mr. LEAHY, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. JOHNSON, Mr. JEFFORDS, Mr. NELSON of Florida, Mr. AKAKA, Mr. KOHL, and Mr. LAUTENBERG, proposes an amendment numbered 32.

On page 101, line 1, strike ''$134,700,000'' and insert ''$634,700,000''.

Mr. HARKIN. Mr. President, this is a very simple amendment which I send to the desk on behalf of myself and Senators FEINSTEIN, BIDEN, LEAHY, MURRAY, ROCKEFELLER, JOHNSON, NELSON of Florida, KOHL, and LAUTENBERG.

This amendment will restore the funding for the Edward Byrne Memorial Grant Program at the fiscal year 2002 level. The bill before us virtually eliminates this grant program which provides a critical resource directly toward our State and local law enforcement communities.

The bottom line is if you eliminate the Byrne grant program, you eliminate most of the local counterdrug task forces in rural America. Our amendment would restore those cuts to fully fund Byrne at $500 million at the fiscal year 2002 level.

I am sure every Senator on this floor on both sides of the aisle has on more than one occasion talked to their local police departments, their State sheriffs, or narcotics enforcement agencies in their States about the vital necessity of having this Byrne grant program for local law enforcement to battle drugs throughout this country.

To give you an example of how critically needed this funding is, in my State of Iowa, 25 of the multicounty task forces are funded through the Byrne grant program. Without the Byrne grant, those task forces are gone. Iowa receives about $5.4 million a year from Byrne. Believe me, we use every cent of it well and wisely.

It is a formula grant program that goes out to States, and basically it is based on population. As I said, Iowa gets about $5.5 million, Texas gets about $32 million, Alaska gets $2.1 million, Massachusetts gets $11.5 million, and California gets $50.9 million, and on and on.

I ask unanimous consent that the State-by-State breakdown of the amount of money for the Byrne grant program listed by State as of January 14 of last year be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FY 2002 Byrne Formula Grant Program—State Allocations

State	*Amount*
Alabama	$7,763,473
Alaska	2,158,472
Arizona	8,766,474
Arkansas	5,670,673
California	50,933,474
Colorado	7,549,473
Connecticut	6,235,473
Delaware	2,388,472
District of Columbia	2,078,472
Florida	24,687,474
Georgia	13,249,474
Hawaii	3,016,472
Idaho	3,137,473
Illinois	19,460,474
Indiana	10,160,474
Iowa	5,532,473
Kansas	5,183,473
Kentucky	7,169,373
Louisiana	7,795,473
Maine	3,109,473
Maryland	9,009,474
Massachusetts	11,591,053
Michigan	15,820,474
Minnesota	8,456,474
Mississippi	5,412,473
Missouri	9,448,474
Montana	2,562,472
Nebraska	3,749,473
Nevada	4,170,473
New Hampshire	3,052,472
New Jersey	13,584,474
New Mexico	3,907,473
New York	29,080,474
North Carolina	13,048,474
North Dakota	2,181,472
Ohio	17,895,474
Oklahoma	6,301,473
Oregon	6,258,473
Pennsylvania	19,257,474
Rhode Island	2,777,472
South Carolina	7,125,473
South Dakota	2,346,472
Tennessee	9,586,474
Texas	31,831,474
Utah	4,515,473
Vermont	2,344,472
Virginia	11,624,474
Washington	9,886,474
West Virginia	3,892,473
Wisconsin	9,108,474
Wyoming	1,963,472
Puerto Rico	6,826,473
Virgin Islands	1,398,472
Guam	1,443,752
American Samoa	953,222
No. Mariana	470,076

Mr. HARKIN. Mr. President, the Byrne program is one of the most successful Federal anticrime programs ever. It pays for drug enforcement task forces, more cops on the street, improved technology, and countless other valuable antidrug and anticrime efforts in local communities. Restoring the Byrne funds is a top priority of law enforcement groups who know the impact the program has had on crime and drugs.

The National Association of Police Organizations, the National Sheriffs Association, and the International Association of Chiefs of Police have contacted me urging full funding of this program.

For example, Iowa and the Midwest have made great strides in reducing methamphetamine production and supply over the last few years. These cuts will only set them back in their uphill battle. Without Byrne, most of the small agencies in that region would lack the manpower, funding, and technology necessary to combat this methamphetamine problem.

I have heard this story over and over again from my contacts in Iowa. These drug task forces are funded primarily by the Byrne grant, and they are desperately needed to fight our State's uphill battle against methamphetamine. I know that is the case in States across the country.

I also want to make one more point. At this crucial time in our history, we cannot afford to reduce the effectiveness of our Nation's State and local law enforcement agencies. It makes no sense to cut this successful program that directly benefits our local communities.

Today, I received various letters from various organizations I just mentioned in support of putting the funding back in for the Byrne program.

I have a letter dated today from the National Association of Police Organizations.

Dear Senator HARKIN:

On behalf of the National Association of Police Organizations representing 220,000 rank-and-file police officers from across the United States, I would like to bring to your attention our wholehearted support for your amendment to the Omnibus Appropriations bill currently before the Senate.

Under the proposed Omnibus bill, funding of the Byrne Grant Program would be virtually eliminated. In a time when our country is focused on the varied aspects of homeland security, the loss of a key source of Federal funding to State and local law enforcement initiatives would be unacceptable. Your amendment will rightly restore to Fiscal Year 2002 levels this necessary funding.

NAPO is proud to stand in support of your efforts and we thank you for your hard work on this important issue.

Sincerely,

WILLIAM JOHNSON,
Executive Director.

I have another letter from the International Association of Chiefs of Police:

I am writing to express our strong support for your efforts to ensure that the Edward Byrne Memorial Grant Program is fully funded in FY 2003. As you know, the IACP is the world's oldest and largest association of police executives representing more than 19,000 members in over 90 countries.

Since its inception, the Byrne Grant Program has proven itself an invaluable resource for cooperative Federal, State, and local anti-crime policing strategies, such as multi-jurisdictional drug task forces and DARE training. In addition, the close working relationship—

I want to make this point very clear—

between law enforcement agencies that is fostered by the Byrne program is invaluable in law enforcement's efforts to secure our communities and to combat terrorism.

That letter is signed by Joseph Samuels, president of the International Association of Chiefs of Police.

Now I have a letter here from the National Governors Association to both Senator FRIST, the majority leader, and Senator DASCHLE, the minority leader. Basically, they say they would like to express their support for the following amendments. They mention the Harkin amendment. The Governors urge support for restoring current funding levels to the Edward Byrne block grant program for State and local law enforcement activities.

It is signed by Gov. Paul Patton and Gov. Dirk Kempthorne, vice chairman, Governor Kempthorne having been a member of this Senate just a few years ago.

I ask unanimous consent to have those letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE,
Alexandria, VA, January 16, 2003.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: On behalf of the International Association of Chiefs of Police (IACP), I am writing to express our strong support for your efforts to ensure that the Edward Byrne Memorial Grant Program is fully funded in FY 2003. As you know, the IACP is the world's oldest and largest association of police executives, representing more than 19,000 members in over 90 countries.

Since its inception, the Byrne Grant Program has proven itself an invaluable resource for cooperative federal, state and local anti-crime policing strategies, such as multijurisdictional drug task forces and DARE training. In addition, the close working relationship between law enforcement agencies that is fostered by the Byrne program is invaluable in law enforcement's efforts to secure our communities and combat terrorism.

The IACP believes that at this crucial time in our history, we cannot afford to reduce the effectiveness of our nation's state and local law enforcement agencies. Over the last decade, the funds provided by the Byrne Grant program have dramatically increased the capabilities and effectiveness of these agencies. It is imperative that departments continue to receive this assistance. We have entered a new era for law enforcement; we are faced with new and daunting challenges; we are asking more of our officers; and our communities are turning to us for protection. Only with federal assistance funds that are specifically targeted for law enforcement and its unique role can we hope to successfully meet this challenge.

Once again, the IACP strongly urges Congress to maintain current funding levels for the Byrne Memorial grant program.

Thank you for your assistance in this matter.

Sincerely,

JOSEPH SAMUELS, JR.,
President.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, January 16, 2003.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. TOM DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST AND SENATOR DASCHLE: On behalf of the nation's Governors, we are writing to express our support for several key provisions of the (FY) 2003 omnibus appropriations bill affecting state programs. First, we appreciate that the bill would maintain the FY 2003 highway program investment level at $31.8 billion. With a sluggish economy and many states facing budgetary difficulties, now is not the time to cut federal highway investment. In addition, Governors strongly support the $1.5 billion provided in the bill to implement the new election reform law. We also appreciate that the bill includes an extension of the Temporary Assistance for Needy Families (TANF) block grant and related programs through September 30, 3002. It is critical that states have reliability of funds in order to continue operating their welfare reform programs while Congress considers TANF reauthorization.

We would also like to express our support for the following amendments:

Dodd amendment. The Governors support Senator Dodd's amendment calling for a $1.5 billion increase in state grants for special education. We are committed to continuously improving the academic performance of all students, including students with disabilities. The nation's Governors support this amendment and urge Congress to continue to work toward enacting legislation that makes the Individuals with Disabilities Education Act (IDEA) funding a mandatory expenditure with incremental increases towards meeting the 40 percent federal requirement;

Murray amendment. The Governors support providing the necessary funding for Amtrak to support the continuation of a national passenger rail system as proposed by Senator Murray. Amtrak must be provided a sufficient level of funding to guarantee there will be no break or threat of a break in service. We must be certain that Amtrak will not encounter the rolling financial crises it experienced during the past year;

Chafee-Rockefeller amendment. The nation's Governors urge your support for quick action on a bipartisan compromise to protect resources in the State Children's Health Insurance Program (S–CHIP). Preserving the S–CHIP funds that have reverted to the federal treasury would keep $1.2 billion of the FY 1998 and FY 1999 allocations within the program until 2004; and

Harkin amendment. The Governors urge support for restoring current funding levels to the Edward Byrne block grant program for state and local law enforcement activities.

Finally, while Governors appreciate the inclusion of $2 billion for first responder grants, we urge support for the President's original request of providing $3.5 billion coordinated through the states. Just as Congress and the President have responded by acting on a far-reaching reorganization and consolidation of federal agencies, so too the President recognized the critical role of states—the first line of defense and the first line of coordination of response to any attack. Thus, this should be meaningful, new resources that respect the diversity, responsibilities, and capabilities of states and the

immediate need for resources for national defense. Therefore, we encourage you to add an additional $1.5 billion in first responder grant funds to the $2 billion, so that we meet the President's recognition of the need to be prepared to respond to and recover from any terrorist attacks.

We greatly appreciate your consideration of our views.

Sincerely,

Governor PAUL E. PATTON,
Chairman.
Governor DIRK KEMPTHORNE,
Vice Chairman.

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.
Washington, DC, January 16, 2003.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: On behalf of the National Association of Police Organizations (NAPO), representing 220,000 rank-and-file police officers from across the United States, I would like to bring to your attention our wholehearted support for your amendment to the Omnibus Appropriations bill, currently before the Senate.

Under the proposed Omnibus bill, funding of the Byrne Grant program would be virtually eliminated. In a time when our country is focused on the varied aspects of homeland security, the loss of a key source of federal funding to state and local law enforcement initiatives would be unacceptable. Your amendment will rightly restore to Fiscal Year 2002 levels, this necessary funding.

NAPO is proud to stand in support of your efforts and we thank you for your hard work on this important funding issue.

Sincerely,

WILLIAM J. JOHNSON,
Executive Director.

Mr. HARKIN. Mr. President, the Byrne grant program has been a great success in rural America. In Iowa, in 2000, we found over 641 methamphetamine laboratories. In 2002, we found over 800. Without the 25 task forces that I talked about, these laboratories wouldn't be found by law enforcement. But they could have been found by children playing in rural areas around abandoned sheds, barns, and farms.

Again, that is the Byrne Grant Program that does this. It goes to the States. It is for law enforcement and also for prevention activities.

This program was started under President Reagan, named for Edward Byrne, who was a police officer, I am told, in New York City, who was gunned down and killed while he was actively pursuing drug traffickers in the city of New York.

At a time when our States are having serious budget problems, at a time when we are making great inroads and strides in the fight against especially methamphetamine, at a time when we need our local law enforcement agencies—the sheriffs, the police departments, our DEAs, our narcotics law enforcement officers—we need them all working together, both for combating the scourge of drugs but also, as was mentioned in the letter, I believe, from the Police Chiefs Association, for making our communities safe from the threats of terrorism. And to combat terrorism we need coordination and communication among small towns and communities in rural areas. It is vital for tracking and for surveillance.

I find it kind of odd that our national drug czar, Mr. John Walters, with Federal money, with taxpayer money, is running ads all over America—and those ads are tying drug traffickers and the drug trade to the funneling of money to terrorists; making the point, in these ads, that we have to go after the drug traffickers to keep them from funneling money to terrorists—I find it odd they are running those ads and, at the same time, the omnibus bill before us would cut out all funding for the Byrne program, which is the basic funding for local law enforcement for combating drug trafficking.

I have made this a battle of mine now for going on almost 10 years, to make sure we fund the Byrne Grant Program, and, I might add, both through Democratic administrations and Republican administrations.

As I have traveled around the country, I have found local law enforcement so grateful for the fact that they are able to get this money. And it goes down without strings attached. It is not a mandate. What they have used that money for, as I said, is to combat drug trafficking, with coordination, surveillance, and now for counterterrorism activities.

It has been a long battle. We have been successful in keeping the funding up on both sides of the aisle. I might say, this has not been a partisan battle at all. We have had great support from both sides of the aisle in continuing the Byrne Grant Program. I am hopeful we will find that same kind of support now. As I said, it is $500 million to put back in, just to get it up to the fiscal year 2002 level. At least if we have that, we can continue the program. So I hope we will have a successful vote on both sides of the aisle.

I might just add that if we are not successful on this amendment, it will not go away. I will be back again and again and again because I am not going to let this issue drop. It is too important in a matter of minutes, or in a late evening or 1-day rush to judgment on an appropriations bill, to just throw out. It is one of the most important law enforcement programs we have had over the last nearly 20 years in this country.

So, again, I guess the vote will be in the morning at 9:30. I will sum up my arguments again at that time. But I am hopeful we can have a good, strong vote to reassure our local law enforcement officials around the United States that the Senate stands behind them, that we are not going to pull the rug out from underneath them, and we are going to make sure the Byrne Grant Program is fully funded.

Mr. President, I reserve the remainder of my time. If anybody wants to engage in a colloquy or debate, I am prepared to do so. If not, I will yield back the remainder of my time.

Mr. STEVENS. Mr. President, does the Senator wish to have any further comments tonight? It would be my intention to yield back the time on our side because there is a 2½-minute comment period in the morning when we take up this amendment.

Mr. HARKIN. That is fine.

Mr. STEVENS. Does the Senator yield back the remainder of his time?

Mr. HARKIN. I yield back the remainder of my time.

Mr. STEVENS. I yield back the remainder of our time.

The PRESIDING OFFICER. Under the previous order, the Senator from New York is to be recognized.

AMENDMENT NO. 31

Mr. SCHUMER. Mr. President, I call up amendment No. 31.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 31.

The amendment is as follows:

(Purpose: To provide funds for research and development grants to increase security for United States ports)

On page 723, strike lines 16 through 23, and insert the following:

''$72,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation: *Provided, further*, That, of the total amount appropriated under this paragraph, $50,000,000 shall be available for the Secretary of Homeland Security to award grants to national laboratories, private nonprofit organizations, institutions of higher education, and other entities for the support of research and development of technologies that can be used to secure the ports of the United States: *Provided, further*, That, the proceeds of grants made under the preceding proviso may be used to develop technologies such as equipment that accurately detects explosives or chemical and biological agents that could be used to commit terrorist acts in the United States, equipment that accurately detects nuclear materials (including scintillation-based detection equipment capable of attachment to spreaders to signal the presence of nuclear materials during the unloading of containers), improved tags and seals designed for use on shipping containers to track the transportation of the merchandise in such containers (including ''smart sensors'' that are able to track a container throughout its entire supply chain, detect hazardous and radioactive materials within that container, and transmit such information to the appropriate authorities at a remote location), and tools to mitigate the consequences of a terrorist act at a port of the United States (including a network of sensors to predict the dispersion

of radiological, chemical, or biological agents that might be intentionally or accidentally released): *Provided, further,* That the proceeds of grants made under such preceding proviso may also be used to develop pilot projects that could be implemented within 12 months at the Port of New York and New Jersey, the port of Los Angeles and Long Beach, California, and the port of Virginia to demonstrate the effectiveness of a system of radiation detection monitors located throughout the port to detect nuclear or radiological material: *Provided, further,* That each entity desiring a grant under such preceding proviso shall submit an application to the Secretary of Homeland Security at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.''.

AMENDMENT NO. 31, AS MODIFIED

Mr. SCHUMER. Mr. President, send a modification to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. STEVENS. Reserving the right to object, I have not seen the amendment yet.

Mr. SCHUMER. I believe the majority was given a copy of the amendment.

Mr. STEVENS. It may have gone to the leader, but I didn't get it.

Mr. SCHUMER. The only change I am changing, I inform my friend from Alaska, is on the second page where it says ''$50 million,'' it should say ''$150 million.''

Mr. STEVENS. Mr. President, reserving the right to object again, wouldn't it be necessary to amend this amendment in more than one place in order to accommodate that change?

Mr. SCHUMER. I believe it would, yes. I believe it would.

Mr. STEVENS. It is my understanding it would have to insert a figure ''1'' before the ''7'' in the third line.

Mr. SCHUMER. The Senator from Alaska is correct. That is in the modified amendment.

Mr. STEVENS. As I understand it, that was a mistake in drafting the amendment. I have no objection.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 723, strike lines 16 through 23, and insert the following:

''$172,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided,* That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation: *Provided, further,* That, of the total amount appropriated under this paragraph, $150,000,000 shall be available for the Secretary of Homeland Security to award grants to national laboratories, private nonprofit organizations, institutions of higher education, and other entities for the support of research and development of technologies that can be used to secure the ports of the United States: *Provided, further,* That, the proceeds of grants made under the preceding proviso may be used to develop technologies such as equipment that accurately detects explosives or chemical and biological agents that could be used to commit terrorist acts in the United States, equipment that accurately detects nuclear materials (including scintillation-based detection equipment capable of attachment to spreaders to signal the presence of nuclear materials during the unloading of containers), improved tags and seals designed for use on shipping containers to track the transportation of the merchandise in such containers (including ''smart sensors'' that are able to track a container throughout its entire supply chain, detect hazardous and radioactive materials within that container, and transmit such information to the appropriate authorities at a remote location), and tools to mitigate the consequences of a terrorist act at a port of the United States (including a network of sensors to predict the dispersion of radiological, chemical, or biological agents that might be intentionally or accidentally released): *Provided, further,* That the proceeds of grants made under such preceding proviso may also be used to develop pilot projects that could be implemented within 12 months at the Port of New York and New Jersey, the port of Los Angeles and Long Beach, California, and the port of Virginia to demonstrate the effectiveness of a system of radiation detection monitors located throughout the port to detect nuclear or radiological material: *Provided, further,* That each entity desiring a grant under such preceding proviso shall submit an application to the Secretary of Homeland Security at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.''.

Mr. SCHUMER. I thank my colleague from Alaska. I will try to be brief on this amendment.

Mr. President, this amendment deals with port security, particularly port security research and development. And it increases the funding by $150 million. I believe this is a bare minimum of what we should be passing. First, let me make a point that we have lax security at our ports. And that has created a terrorist threat that jeopardizes not only the ports themselves but cities near the ports and any city in America because so much can be brought in through the ports and then be trucked elsewhere and cause untold damage.

The statistics are chilling. Mr. President, 95 percent of U.S. overseas trade is conducted at our Nation's 361 ports. The Port of New York and New Jersey, for my home State, in part, is the largest on the east coast. Yet in that port less than 3 percent of the total cargo is scanned or inspected. Despite the risk we face, despite the threat that hangs over our head, ports are receiving an extremely small amount of Federal funding—basically nothing. We need to do more.

Let me explain to my colleagues what the problem is.

What is the greatest danger that we could face here in America? It is very simple. A terrorist group could—it could be a country; it could be a group—smuggle a nuclear weapon into one of the large containers that comes to our ports by the tens of thousands every month.

They can put that container on a ship. They can put the container on a truck as it drives over the Canadian and Mexican borders. If that nuclear weapon is successfully smuggled into this country and detonated, as bad as 9/11 was, the damage would be much worse.

Right now we have no way to check whether such a nuclear weapon could be smuggled into our country. I have been worried about this. So I did some research. Here is what I found. I talked to scientists at Brookhaven National Laboratory on Long Island and at Argonne National Laboratory in Illinois. Those are two energy labs that don't produce weapons. I asked: What can we do to prevent a nuclear weapon from being smuggled into our ports?

They said: There is good news and bad news. The good news is that every radioactive device emits gamma rays which can pass through anything except lead and tungsten and some very thick metals. The bad news is, the only way to detect these devices right now in a practical way is a Geiger counter, and it has to be held about 3 feet in front of the nuclear source of the radioactive device.

You can't go on every container, each of which contains scores of these crates, put a Geiger counter by each one, and hope that you could detect any nuclear weapon that might be smuggled in because that would bring commerce to a standstill. They said: However, in that cyclotron in their laboratories, the scientists can detect radiation 50, 60, 70, 80 feet away, but the devices that detect nuclear radiation are big and delicate. They can't be bounced around.

The main purpose of this proposal is to make those devices practical, to make them smaller and more robust, and then they could be put on every crane that loads or unloads containers of ships, on every toll booth as the container goes through the toll booth, and any nuclear weapon smuggled into this country could be detected.

Our money here is for research and development. Such a device could probably be developed within a short period of time, as little as a year or two. And I find it totally anomalous that we are willing to go to war in Iraq, a war in which I have supported the President, to make sure they don't have nuclear weapons, when our whole foreign policy establishment is focused on North Korea, but when it comes to detection devices for al-Qaida or any other terrorist group that might smuggle those weapons in, we say we don't have the dollars.

The amendment I originally offered was with my good friend, Senator WARNER. We were able to get it in the homeland security bill, through the

support of former Senator Thompson, Senator LIEBERMAN, as well as Senator HOLLINGS and Senator MCCAIN. When it came to the end of the day, we were told the administration wanted no spending in the homeland security bill. So our amendment didn't have the dollars, although it was authorized by Senator HOLLINGS in the port security bill.

This is a relatively small amount of money that could save us from the worst catastrophe possible. One hundred fifty million dollars to develop such detection devices that could prevent any nuclear weapon from being smuggled in through our ports is something every one of us should support. Unfortunately, it is not in the bill. I understand there are lots of needs. I am hoping that my colleague from Alaska would examine this amendment and support it and accept it. The ports everywhere in America are vulnerable, and this is not just money at a random purpose. It is not pork. It is designed simply to deal with nuclear weapons that might be smuggled into our country.

We can't do it unless we have such devices. We are not going to be able to stop each container and inspect each one. As I said, we inspect 3 percent. Just as we can have X-ray machines at our airports that can detect explosives, we can have such devices at our ports and at our border crossings that detect an even worse danger—nuclear weapons.

In the Hollings port security bill, there was authorizing language. So this appropriation is authorized. It is, again, a small amount of money that would stop a nuclear weapon from being smuggled into this country. The shame of it is, this is not a very difficult thing to do. The science is there. The experts say we can create such a device. The danger is enormous. I don't know a single argument against doing this.

As I say, it is a bipartisan proposal. The original bill was by Senator WARNER and myself. It was supported by both Democratic and Republican members of the Homeland Security Committee, but because the administration didn't want any spending in the homeland security bill, we are here.

I am hopeful that my colleagues will look at this amendment and support it because the safety of our country depends on it. If a nuclear weapon were smuggled in a container, put on a truck and exploded, whether it be in New York or Los Angeles or Chicago or St. Louis or any inland city because they can be put on that truck and driven there, we would rue the day we didn't develop such detection devices. The terrorists know our weaknesses. They know we have done a pretty good job on airport security. They know our ports are wide open. If they should get hold of a nuclear device right now, we would be naked to them. We can stop that. But we can stop it in a year or two for a small amount of money.

I am hopeful my colleagues will support this amendment.

With that, I don't know if my colleague has any questions or any comments, but I don't have anything more to say. I will only yield any time I might need to answer any of his questions or respond.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the hour is late, but we have in the amendment that contains the 11 bills a total of $24.7 billion for homeland security. That is better than $3 billion a month to be spent for homeland security.

There is nothing that prevents the homeland security agencies from pursuing this task that the Senator's amendment would fund. What this does, however, is add another $150 million to the total of this bill and makes it subject to a veto by the President. We have no more room for amendments. We have just used up the balance of the offset that we had available.

This amendment, as worthy as it may seem, in my judgment is unnecessary because there is plenty of money in this bill. There is an overwhelming amount of money. I really stake my reputation on the fact that some of that money will carry over to the next fiscal year. It just cannot be spent as fast as people want to spend it.

The $20 billion we put up for New York in 2001 has not been spent yet. The $20 billion we gave to the President of the United States to pursue al-Qaida and to prepare our homeland security defenses has not totally been spent yet. Why should we continue adding amounts to this bill because people want to assure that their project is going to be built before the homeland security agency is even established?

I don't want to debate at length here. I do believe it is a matter of discipline. We do not have a budget resolution. If we had a budget resolution, this would be subject to a point of order. But each one of these amendments that is going to come at us now is going to add a little bit more.

This subject was covered in the Byrd amendment which we defeated. Senator BYRD wanted to add more money to the $24.7 billion. One of them was this port security project. Now we have this little amendment coming in, $150 million. It has been here too long. One hundred fifty million dollars is a lot of money, and to add it to this bill is going to make it subject to a veto. Tomorrow morning, I shall oppose this amendment and show that this amount was in the Byrd amendments—both of them—which have been defeated. This is part of it.

I predict, if this one is passed, we are going to see 50 small amendments and we will have put the $5 billion back in the bill. So I am not prepared to do that. Maybe the Senate is willing to do that. I told somebody else that it is hard for a person to eat a pound of cheese unless he takes it a half ounce at a time. That is what we are going to be looking at—50 amendments to put $5 billion back into this bill and make it subject to a veto. Now I am not going to permit that without a fight.

We have reserved the right to table, and I shall make a motion to table this at the appropriate time tomorrow because it is the same subject once again.

The money is there. We just don't need redundant money. We do not need redundant money for homeland security. It forces us to go into a concept of how big the deficit is and yet we won't spend the money.

Mr. SCHUMER. Will my colleague yield for a question?

Mr. STEVENS. Yes.

Mr. SCHUMER. I understand this is a large bill. I just ask my colleague, from what section of the bill could this be funded?

Mr. STEVENS. In the homeland security portions of the bill we have $24.7 billion, and it is subject to immense discretion as to how the money is spread. It is spread throughout the bill—$24.7 billion—for homeland security.

Mr. SCHUMER. If I might, I understand there is a lot of money for homeland security, and I understand there are huge needs. I appreciate that my colleague said this is an important subject and probably needs to be done, but he has been around here much longer than I have. I have been in the House 18 years and now in the Senate 4. But in my experience, something like this that has no lobby behind it, has no interest pushing for it, no State or city is going to lobby, no group is going to lobby, no company is going to lobby, no union is going to lobby—in my experience, unless you earmark a certain amount of money—and I am not out to increase the budget. If my friend from Alaska would be willing to take a part of that $24 billion and earmark $150 million for this subject, I would be happy to withdraw the amendment. I don't want to increase the budget.

My worry is, even though we say we have a lot of money in homeland security, in the scheme of things, this may not be funded. I am obsessed with this issue. I think this is the greatest danger we can face in the country, and I am worried we will not do it. I would wait until tomorrow morning, but if the Senator could show me a way to take it out of some existing pool of money and earmark it so it would not be caught in the political vicissitudes, I would support that. I don't want to add any more money, but I know there is a huge pot of money, and this is out there. The odds are that it is not going to be funded, as important as it is.

Mr. STEVENS. The Senator makes a valid request. The staff with whom I have to confer are gone now. We might pursue that. I will be pleased to report to him in the morning precisely if we can do that.

I recall the subject, however, because this system has not been deployed yet. If the Senator read his hometown paper the other day, they have accused me of taking this money out, that it was never in specifically. However, the money was in the bill to do it if the Homeland Security Department decided to do it. It may be possible for us to earmark a portion of that money to pursue the experiment that the Senator wishes. Whether we would earmark the money specifically for these specific reports, again, I don't know.

The Senator's amendment would, in fact, deal with pilot projects for the Port of New York and New Jersey, the Port of Los Angeles and Long Beach, and the Port of Virginia, and there is a ''may'' in there.

Mr. SCHUMER. If the Senator would yield, I am not out to specifically do it for any one port. I rather want the research done to develop the devices. Once the devices were developed, we would have to deploy them at all our ports.

Mr. STEVENS. That is the specific question I asked after I read the article. I was told there is money to pursue the development and testing of the system to which I believe you are referring.

Let us finish this tonight now, and I will report back to him before the vote tomorrow as to whether or not it is possible to achieve the Senator's result without adopting this amendment. I agree. We have a lot of ports on the coast of Alaska. We have 25 percent of the domestic oil coming out of those ports. So I understand port security. I am willing to work with the Senator from New York on port security. It may be possible to earmark money to see to it that this pilot project is pursued.

If the Senator wishes to respond, OK. Otherwise, I am prepared to yield back the remainder of my time tonight. We have 2 ½ minutes on each side tomorrow. I hope we can reach a conclusion that we can adopt the Senator's proposal.

I yield back the remainder of our time.

Mr. SCHUMER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

MORNING BUSINESS

HONORING DR. MARTIN LUTHER KING

Ms. MIKULSKI. Mr. President, I want to say a few words to commemorate the life and legacy of Dr. Martin Luther King. Yesterday was Dr. King's birthday, and on Monday we celebrate the National Holiday of Dr. King.

He had a dream: Equal opportunity for all Americans. That dream is unfulfilled today. In the 1960s, Dr. King spoke out against segregation and dehumanization. He stood up for workers' rights and voting rights. He won a Nobel Prize.

I often think what Dr. King would call for today. He would say there is still injustice in America; there is still more work to be done. As we look at what we need to do, we need to know that we need an independent judiciary. In order to protect our civil rights, we need to make sure we have judges who respect the 14th amendment and the civil rights laws. When someone walks in the courthouse door, they must be able to count on everyone being treated fairly. They must be able to trust that the law on the books will be enforced and that their constitutional rights will be respected. Let's make sure we have an independent judiciary. America needs judges on the bench who will enforce the laws on the books, the Civil Rights Act, the Voting Rights Act. Courtrooms across the country need to protect against redlining and discrimination. The courts must not undo, rewrite, or reinvent the spirit of our laws protecting America's civil rights.

Dr. King fought not only for equality under law but for economic justice. When he came for his famous Walk on Washington, it was about jobs and freedom. In 1968, Dr. King marched with 1,300 sanitation workers in Memphis. Let me tell you what he said that day on that march. He said he was fighting for decent wages, fair working conditions, livable housing. He said that old-age Social Security, health and welfare measures should be at the top of our national agenda and that education for the children and respect for the community should be No. 1.

I say to my colleagues, if we choose to honor Dr. King, let's fight for economic justice. I am so pleased we passed the unemployment insurance. Now we need to raise the minimum wage. The minimum wage is $10,700 a year. That means a full-time job still leaves you in full-time poverty. Let's keep the dream alive and raise the minimum wage.

The first civil rights battles were over education. At that time, education was separate and unequal. Today, we are still fighting to make sure our children go to good schools with properly trained teachers and up-to-date books and technology. We need to make sure we back our educational system. This can mean technology training at a community college, Ph.D.s or MBAs, but at the same time, while we look at higher education, make sure we focus on that elementary and secondary level. Let's leave no child behind but make sure no child is left out of the budget.

Dr. King's legacy for America must be a living legacy. We in the Senate must continue to fight for the values Dr. King stood for and make sure the American dream is a reality for others.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred March 25, 2002 in Dubuque, IA. Elizabeth Tran was assaulted by Carla Kaufman, 17, while she was walking home from school. Without warning, Kaufman attacked the victim, beating her and using racial slurs associated with the victim's Chinese heritage. The victim was treated in a local hospital following the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

WTO DECISION ON THE CDO ACT

Mr. HOLLINGS. Mr. President, earlier today, a WTO appeals panel ''ruled'' that the United States violated our WTO obligations with the enactment of the Continued Dumping and Subsidy Offset, CDO, Act, commonly known as the Byrd amendment. This continues a longstanding effort by the WTO to systematically undermine U.S. laws that assist our besieged manufacturing sector. The CDO ensures that the U.S. companies and their workers can compete against unfair imports from foreign companies who dump their products in the U.S. If a foreign company continues to dump its products in the U.S. after having been found guilty of that practice, the CDO allows that future penalty tariffs payments be made to the companies who are being injured. We would all prefer that companies halt their illegal dumping, but if a foreign competitor chooses to continue the predatory practices, then the tariffs assist the U.S. workers and industry to remain competitive.

The CDO provides that antidumping tariffs benefit the companies injured from foreign dumping. Previously, this money went to the U.S. Treasury. Now the money assists the impacted companies to help them remain competitive.

invest in new technologies and keep jobs in the U.S. In 2001, less than $230 million was paid out to 900 companies. In September 2002, a WTO panel ruled that CDO placed the U.S. in violation of its obligations. Today, a WTO appellate upheld that decision. It is becoming obvious that the WTO is intruding on U.S. sovereignty and has acted beyond the scope of its mandate in this case. Even the Bush administration has recognized this trend nothing that the WTO ''. . . has created obligations that do not exist.''

The WTO dispute resolution system is in need of serious overhaul. The WTO and its appellate body are creating new rights and obligations where none exist in the actual WTO agreement. U.S. trade laws designed to insure a level playing field for U.S. industries and their workers are being seriously eroded by the WTO. This must end.

The CDO is good public policy. In a time of uncertainty, it benefits U.S. manufacturers and workers. It must be retained.

THE PERFORMING ARTS IN AMERICA

Mr. KENNEDY. Mr. President, I would like to bring a recent article in the Washington Post to the attention of our colleagues. Michael Kaiser, who is the President of the Kennedy Center, has written a thoughtful and articulate article on the serious challenges facing the performing arts in America.

Mr. Kaiser is an impressive leader for the Kennedy Center. In the 2 years he has been its President, the Center has staged a broad range of programs in dance, music and drama and has significantly expanded its efforts to reach out through the arts to improve the lives of all Americans.

I commend all that Mr. Kaiser is doing so effectively, and I ask unanimous consent that his recent article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 9, 2002]

HOW TO SAVE THE PERFORMING ARTS

(By Michael M. Kaiser)

The world of the performing arts is sick and needs attention. Several underlying problems currently affecting the ecology of the arts were in evidence long before the stock market collapse and Sept. 11, 2001. They need to be addressed, not simply accepted as an unsolvable result of the environment in which we live.

The arts world needs leadership. It needs concerted action. And it needs them fast. There are five key issues that must be addressed if we are to solve the problems arts organizations face today.

1. Such organizations must once again be willing to develop and implement large-scale, important projects that are risky and emerging. The arts world used to produce numerous big, daring projects each year; the construction of major arts, facilities from Lincoln Center to the Kennedy Center, the production of large-scale dramatic works, such as ''Nicholas Nickleby,'' the mounting of new Ring Cycles, even by small opera companies. It wasn't so long ago that Alvin Ailey or George Balanchine would create four or five or even six new works in a season. Now a choreographer is lucky to be able to produce one major work a year.

We have been scared into thinking small. And small thinking begets smaller revenue that begets even smaller institutions and reduced public excitement and involvement. No wonder so many arts organizations are announcing record deficits.

The Sondheim Celebration we mounted this summer at the Kennedy Center is one example of the kind of project I am hoping to see duplicated by others. We took a large but measured risk, and it paid off handsomely. The level of press coverage was phenomenal. The way the Kennedy Center is perceived has changed dramatically. We will never be the same institution again. We must all be thinking large and creatively at this time. That is what the arts are about.

2. If arts organizations, large and small, are going to take risks on meaningful projects and maximize their impact, they need entrepreneurial management better suited to the current climate in which they operate. Hundreds of millions of dollars are spent throughout the world each year training young performers, but only a small fraction of that amount is devoted to training the people who will employ and market these performers. While several universities mount arts management programs, they are not sufficient to fill all our needs. There is no shortage of great artists in this world, but there is a shortage of trained, skilled managers.

We are operating in a highly challenging environment, and only the most sophisticated managers will be able to acquire the support needed to help their organizations thrive. I hope serious arts funders will begin to pay far more attention to this need; otherwise, we will see a serious decline in arts institutions throughout the world.

3. As we train arts managers, we must actively focus on the needs of all kinds of arts organizations.

The arts world is moving close to becoming a virtual cartel of a few large mainstream organizations that survive and thrive. This would be catastrophic. A healthy arts ecology demands that we have large and small organizations, mainstream and edgy, and of all ethnic backgrounds. The theater world, for example, has lost many of its minority organizations in the past few years. Those that remain are terribly small compared with their white counterparts.

We who run large arts organizations have become so scared about keeping our organizations solvent that we have forgotten we will have a healthy arts environment only if we support the smaller and diverse organizations that create great works, great artists and new audiences. The tradition that created the Alvin Ailey American Dance Theater, Ballet Hispanico and the now-defunct Crossroads Theater is close to evaporating.

4. The need for diversity in performers and performing institutions is equally strong with respect to audiences. Alvin Ailey said that ''dance is for everyone.'' I know he meant that ''art is for everyone.'' We are heading toward a world where only white, upper-middle-class people come to the theater, because only white, upper-middle-class children are being exposed to the theater. Public school arts education is virtually dead, not just in the United States but in most countries.

The Kennedy Center, like most arts organizations, has jumped into the breach. We spend $15 million each year on arts education, working actively with 5 million children around the United States. But our efforts are not coordinated with those of other arts organizations, and the arts exposure enjoyed by virtually every child is episodic. For some children in some schools, the exposure is tremendous; other children may get no arts programming for years. We owe every child in this nation a chance to experience the joy of self-expression, the power of discipline and the self-fulfillment of achievement that come from the performing arts.

5. Finally, we must address the need to record the performances of merit that are mounted each day of the year.

The collapse of the recording industry, the lack of resources available to public broadcasting to record performances and the prohibitive costs of producing recordings and videos mean that it is easier to obtain a recording of Enrico Caruso than of most great opera singers today. We need the support of PBS, the unions and all artists to ensure that an entire generation of performances is not lost.

This is critical if we are to create the history of performance and creativity that inspires future generations and that allows for performances enjoyed by a few to be available to many. The Kennedy Center broadcasts on the Internet the daily free concerts we give on our Millennium Stage. But so many more performances in our halls and in theaters around the world go unrecorded.

If we can take all these necessary steps, we will create an arts ecology that can withstand the horrors of terrorism, economic decline and social unrest. If we don't, even a healthy economic and social climate will not save us.

ADDITIONAL STATEMENTS

TRIBUTE TO ELMO JOHNSON

• Mr. KOHL. Mr. President, it is my honor to rise today in recognition of an outstanding World War II veteran from Wisconsin, Mr. Elmo Johnson. Originally from Black River Falls, Mr. Johnson joined the Army in 1945 and was stationed near Guam at Saipan. A trumpet player since the age of 11, he played for the troops as part of the 285th AGF Band Unit. Mr. Johnson also organized a band called Swingmasters which performed at local Saipan clubs.

Later in his career, while stationed at Iwogima, Japan, he started to play Taps for his unit. Ever since returning from World War II, Mr. Johnson has volunteered to play Taps at funerals for other Wisconsin veterans. He has been a member of the Black River Falls Miles-Hagen American Legion Post for over 50 years, and was named commander in 1946. Mr. Johnson has played Taps over 950 times, and I praise his goal of 1,000 farewells. His band, renamed ''Elmo Johnson and the Johnny Brass Band,'' performs extensively throughout Western Wisconsin.

I would like to acknowledge the contributions Mr. Elmo Johnson and other

brave veterans have made to the State of Wisconsin. We honor Mr. Johnson as he continues to demonstrate his generous spirit by sharing his musical gift around the State.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–392. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NMFS reduces the trip limit in the commercial hook-and-line fishery for king mackerel in the northern Florida west coast subzone to 500 lb (227 kg) of king mackerel per day in or from the exclusive economic zone (EEZ). This trip limit reduction is necessary to protect the Gulf king mackerel resource'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–393. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NMFS closes the commercial fishery for king mackerel in the exclusive economic zone (EEZ) in the northern Florida west coast subzone. This closure is necessary to protect the Gulf king mackerel resource'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–394. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure Notice for Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 4'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–395. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries, Office of Sustainable Fisheries, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Framework Adjustment 35 Modification to the Northeast Multispecies Fishery Management Plan (RIN 0648–AQ50)'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–396. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; (Including 2 regulations) [CGD07–02–144] [CGD07–02–145] (RIN 2115–AE47)'' received on December 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–397. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Ports of Jacksonville and Canaveral, FL [CGD07–02–148] (RIN 2115–AA97)'' received on December 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–398. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Harlem River, NY (CGD01–02–135) (RIN 2115–AE47)'' received on December 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–399. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Northeast Cape Fear River, Wilmington, NC (CGD05–02–014) (RIN 2115–AE47)'' received on December 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–400. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; (Including 7 regulations) [CGD08–02–033] [CGD08–02–026] [CGD01–02–026] [CGD01–02–133] [CGD08–02–039] [CGD08–02–038] [CGD08–02–037] [CGD08–02–040] (RIN 2115–AE47)'' received on December 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–401. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Final rule to Implement Amendment 60 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (RIN 0648–AP79)'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–402. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NMFS is reallocating the projected unused amount of Pacific cod from vessels using pot and trawl gear to catcher/processor vessels using hook-and-line gear in the BSAI. These actions are necessary to allow the 2002 total allowable catch (TAC) of Pacific cod to be harvested'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–403. A communication from the Associate Assistant Administrator for Ocean Services and Coastal Zone Management, National Ocean Service/Center for Sponsored Coastal Ocean Research Coastal Ocean Program, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''General Grant Administration Terms and Conditions of the Coastal Ocean Program for FY2003 (RIN 0648–ZA92)'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–404. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Textiles Rules, 16 C.F.R. Part 303 (RIN 3084–0101)'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–405. A communication from the Trial Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Acceleration of Manufacturer's Remedy Program (RIN 2127–AI27)'' received on December 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–406. A communication from the Trail Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Retention of Current Monetary Threshold for Reporting Rail Equipment Accidents/Incidents During Calendar Year 2003 and Until Further Amended (RIN 2130–AB57)'' received on January 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC–407. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''National Parks Air Tour Management; Docket No. FAA–2001–8690 [10–25/12–2] (RIN 2120–AF46)'' received on December 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–408. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Wheelchair Lifts (RIN 2127–AD50)'' received on January 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC–409. A communication from the Administrator, Poultry Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading (RIN 0581–AC10)'' received on January 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–410. A communication from the Administrator, Cotton Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Revision of Regulations for Determining Price Quotations for Spot Cotton (RIN 0581–AC00)'' received on December 20, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–411. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California; Temporary Suspension of a Provision, and Extension of Certain Deadlines Under the Raisin Diversion Program (Doc. No. FV03–989–21FR)'' received on December 20, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–412. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Change to the Minimum Maturity Requirements for Fresh Grapefruit (Doc. No.

FV02–905–2 FIR)'' received on December 20, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–413. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California; Decrease in Desirable Carryout Used to Compute Trade Demand (Doc. No. FV02–989–6FIR)'' received on December 20, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–414. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mexican Fruit Fly; Addition of Regulated Area (Doc. No. 02–212–1)'' received on January 2, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–415. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Change in Disease Status of Great Britain with Reguard to Foot-and-Mouth Disease (Doc. No. 01–018–4)'' received on December 17, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–416. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Agriculture Bioterrorism Act of 2002; Possession, Use, and Transfer of Biological Agents and Toxins (Doc. No. 02–088–1)'' received on December 17, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–417. A communication from the Under Secretary of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Rural Business Enterprise Grants and Television Demonstration Grants; Definition of 'rural and rural areas' and new types of 'eligible small and emerging private business enterprises' (RIN 0570–AA36)'' received on December 17, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–418. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Reengineering and Reinvention of the Direct Section 502 and 504 Single Family Housing (SFH) Programs (RIN 0575–AB99)'' received on December 17, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–419. A communication from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Business and Industry Loans; Revisions to Definitions of Rural Area (RIN 0570–AA38)'' received on December 17, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–420. A communication from the Acting Principal Associate Deputy Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Urea: Revocation of Tolerance Exemptions (FRL7284–3)'' received on December 20, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–421. A communication from the Acting Principle Associate Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Urea: Exemption from the Requirement of a Tolerance (FRL 7284–2)'' received on December 20, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–422. A communication from the Chairman, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Bipartisan Campaign Reform Act of 2002 Reporting'' received on December 18, 2002; to the Committee on Rules and Administration.

EC–423. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Small Entity Compliance Guide—Centralized Waste Treatment Effluent Limitations Guidelines and Pretreatment Standards'' received on December 17, 2002; to the Committee on Environment and Public Works.

EC–424. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Lead in Drinking Water Regulations Public Education Guidance'' received on December 17, 2002; to the Committee on Environment and Public Works.

EC–425. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Low Emmission Vehicle Program (FRL7418–7)'' received on December 17, 2002; to the Committee on Environment and Public Works.

EC–426. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans for Mississippi; Infections Waste Incinerator Requirements (FRL7424–3)'' received on December 17, 2002; to the Committee on Environment and Public Works.

EC–427. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions to Miscellaneous Regulations Within the North Carolina State Implementation Plan (FRL7425–2)'' received on December 17, 2002; to the Committee on Environment and Public Works.

EC–428. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors—Correction (FRL7424–2)'' received on December 17, 2002; to the Committee on Environment and Public Works.

EC–429. A communication from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Material Control and Accounting Amendments (RIN3150–AG69)'' received on December 20, 2002; to the Committee on Environment and Public Works.

EC–430. A communication from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Decommissioning Trust Provisions (RIN3150–AG52)'' received on December 20, 2002; to the Committee on Environment and Public Works.

EC–431. A communication from the Assistant Secretary—Indian Affairs, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Partial Distribution of Fiscal Year 2003 Indian Reservation Roads Funds (RIN1076–AE34)'' received on January 6, 2003; to the Committee on Indian Affairs.

EC–432. A communication from the Acting Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards; Inflation Adjustment to Size Standards (RIN3245–AE56)'' received on January 11, 2003; to the Committee on Small Business and Entrepreneurship.

EC–433. A communication from the Acting Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Regulations ; Size Standards for Programs of Other Agencies (RIN3245–AE42)'' received on January 11, 2003; to the Committee on Small Business and Entrepreneurship.

EC–434. A communication from the Acting Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards; Travel Agencies; Economic Injury Disaster Loan Program (RIN3245–AE93)'' received on January 11 , 2003; to the Committee on Small Business and Entrepreneurship.

EC–435. A communication from the Acting Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards; Inflation Adjustment to Size Standards (RIN3245–AE56)'' received on December 17, 2002; to the Committee on Small Business and Entrepreneurship.

EC–436. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocations of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on December 17, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–437. A communication from the White House Liaison, Institute of Education Sciences, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Commissioner for Education Sciences, received on December 17, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–438. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Aluminum in Large and Small Volume Parenterals Used in Total Parenteral Nutrition; Amendment; Delay of Effective Date (RIN0910–AA74)'' received on January 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–439. A communication from the Director of Benefits and Plan Administrator, CoBank, transmitting, pursuant to law, the report of the CoBank, ACB Retirement Plan year ending December 31, 2001, received on December 19, 2002; to the Committee on Governmental Affairs.

EC–440. A communication from the General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Inspector General's Semiannual Report for the National Labor Relations Board, received on December 17, 2002; to the Committee on Governmental Affairs.

EC–441. A communication from the Chairman, U.S. Consumer Product Safety Commission, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period April 1 through September 30, 2002, received on December 17, 2002; to the Committee on Governmental Affairs.

EC–442. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Inspector General's Semiannual report for the Period of April 1, 2002, through September 30, 2002 for the Farm Credit Administration, received on December 17, 2002; to the Committee on Governmental Affairs.

EC–443. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period of April 1, 2002 to September 30, 2002 for the Office of Personnel Management; to the Committee on Governmental Affairs.

EC–444. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period of April 1, 2002 to September 30, 2002 for the National Credit Union Administration, received on January 2, 2003; to the Committee on Governmental Affairs.

EC–445. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period of April 1, 2002 to September 30, 2002 for the Department of the Treasury; to the Committee on Governmental Affairs.

EC–446. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period of April 1, 2002 to September 30, 2002 for Tax Administration; to the Committee on Governmental Affairs.

EC–447. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the Semiannual report of the Inspector General of the Small Business Administration (SBA), received on January 2, 2003; to the Committee on Governmental Affairs.

EC–448. A communication from the Chief Executive Officer, National Community Service, transmitting, pursuant to law, the Semiannual report of the Inspector General for the period of April 1, 2002 through September 30, 2002; to the Committee on Governmental Affairs.

EC–449. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the report that the Trade Representative's internal controls, taken as a whole, provide reasonable assurance that the objectives of the Federal Managers' Financial Integrity Act have been acheived, received on January 2, 2003; to the Committee on Governmental Affairs.

EC–450. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Management Response for the period of April 1, 2002 to September 30, 2002; to the Committee on Governmental Affairs.

EC–451. A communication from the Federal Co-Chairman, Appalachian Regional Commission, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period of April 1, 2002 to September 30, 2002, received on January 2, 2003; to the Committee on Governmental Affairs.

EC–452. A communication from the Secretary of Energy, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period of April 1, 2002 to September 30, 2002 for the Department of Energy, received on January 2, 2003; to the Committee on Governmental Affairs.

EC–453. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period of April 1, 2002 to September 30, 2002; to the Committee on Governmental Affairs.

EC–454. A communication from the Assistant Secretary—Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, the report entitled ''Department of the Interior Year 2002 Fair Act Inventory of Commercial Activities'' received on January 6, 2003; to the Committee on Governmental Affairs.

EC–455. A communication from the Director, Bureau of the Census, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Geographically Updated Population Certification Program (RIN0607–AA37)'' received on December 17, 2002; to the Committee on Governmental Affairs.

EC–456. A communication from the Secretary to the Council, Council of the District of Columbia, transmitting, the report of a resolution entitled ''Sense of the Council on Criteria for Use of War Powers Against Iraq Emergency Resolution of 2002'' received on December 17, 2002; to the Committee on Governmental Affairs.

EC–457. A communication from the Regulatory Contact, National Archives and Records Administration, transmitting, pursuant to law, the report of rule entitled ''Expanding Transfer Options for Electronic Records'' received on January 2, 2003; to the Committee on Governmental Affairs.

EC–458. A communication from the Deputy Associate Administration, Office of Acquisition Policy, General Service Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2001–10 (FAC2001–10)'' received on December 17, 2002; to the Committee on Governmental Affairs.

EC–459. A communication from the Director, Employment Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Excepted Service—Schedule A Authority for Chinese, Japanese, and Hindu Interpreters (RIN 3206–AJ53)'' received on December 17, 2002; to the Committee on Governmental Affairs.

EC–460. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling: Health Claims; D-tagatose and Dental Caries (Doc. No. 02P–0177)'' received on December 17, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–461. A communication from the Director, Office of Workers' Compensation Programs, Employment Standards Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Performance of Functions Under this Chapter; Claims for Compensation Under the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended, 20 C.F.R. Parts 1 and 30 (RIN1215–AB32)'' received on January 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–462. A communication from the Director , Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled ''Occupational Injury and Illness Recording and Reporting—Delay of Effective Dates (RIN1218–AC06)'' received on December 17, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–463. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, the report relative to steps taken over the past 2 years to expand the Corporation's activities in sub-Saharan Africa , received on December 17, 2002; to the Committee on Foreign Relations.

EC–464. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report relative to international agreements other than treaties entered into by the United States under the Case-Zablocki Act; to the Committee on Foreign Relations.

EC–465. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report relative to Presidential Determination on Suspension of Limitations Under the Jerusalem Embassy Act, received on January 2, 2002; to the Committee on Foreign Relations.

EC–466. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure 2003–7 (RP–153821–02)'' received on January 6, 2003; to the Committee on Finance.

EC–467. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Annual EP/EO letter ruling revenue procedure (Rev. Proc. 2003–4)'' received on January 6, 2003; to the Committee on Finance.

EC–468. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Annual EP/EO user fee revenue procedure (Rev. Proc. 2003–8)'' received on January 6, 2003; to the Committee on Finance.

EC–469. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice (Notice 2003–7)'' received on January 6, 2003; to the Committee on Finance.

EC–470. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Annual EP/EO technical advice revenue procedure (Rev. Proc. 2003–5)'' received on January 6, 2003; to the Committee on Finance.

EC–471. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Doyle, Dane, Bernbach, Inc. v. Commissioner'' received on January 6, 2003; to the Committee on Finance.

EC–472. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled

''Deemed IRAs as added to the Code by Section 602 of EGTRRA (Rev. Proc. 2003–13)'' received on January 6, 2003; to the Committee on Finance.

EC–473. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 2003–4—LIFO Recapture Installment Payments under 1363 (NOT–159961–02)'' received on January 6, 2003; to the Committee on Finance.

EC–474. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Costa Rican Soak-Up Tax Revenue Ruling (Rev. Rul. 2003–8)'' received on January 6, 2003; to the Committee on Finance.

EC–475. A communication from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, the report relative to the Department of Defense's purchases from foreign entities, received on December 17, 2002; to the Committee on Armed Services.

EC–476. A communication from the Secretary of the Navy, transmitting, pursuant to law, the report relative to the Authority to Limit the Competition for a Foreign Military Sales Contract for Diesel Submarines for Taiwan Based on the Public Interest Exception to the Requirement for full and Open Competition; to the Committee on Armed Services.

EC–477. A communication from then Assistant Secretary of the Navy, Installations and Environment, transmitting, pursuant to law, the report relative to the notification to study certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors; to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DAYTON:

S. 176. A bill to amend title XVIII of the Social Security Act to establish a program to provide for medicare reimbursement for health care services provided to certain medicare-eligible veterans in facilities of the Department of Veterans Affairs; to the Committee on Finance.

By Mr. DAYTON:

S. 177. A bill to amend title 38, United States Code, to improve benefits under the Montgomery GI Bill by establishing an enhanced educational assistance program and by repealing the requirement for reduction in pay for participation in the program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DURBIN (for himself and Mr. DEWINE):

S. 178. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant; to the Committee on Finance.

By Mr. CORZINE:

S. 179. A bill to amend title 23, United States Code, to provide for a prohibition on use of mobile telephones while operating a motor vehicle; to the Committee on Environment and Public Works.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 180. A bill to establish the National Aviation Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself and Mr. MCCAIN):

S. 181. A bill to require a review of accounting treatment of stock option plans, and the establishment of an appropriate stock option accounting principle within 1 year; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN (for himself, Mr. MCCAIN, Mr. DURBIN, and Mr. FEINGOLD):

S. 182. A bill to amend the Internal Revenue Code of 1986 to provide that corporate tax benefits from stock option compensation expenses are allowed only to the extent such expenses are included in a corporation's financial statements; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. NELSON of Florida, Mr. CORZINE, and Mr. BIDEN):

S. 183. A bill to address Securities and Exchange Commission authority to impose civil money penalties in administrative proceedings for violations of securities laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself, Ms. MIKULSKI, Mr. JEFFORDS, Mrs. MURRAY, Ms. LANDRIEU, and Mr. DAYTON):

S. 184. A bill to amend section 401 (b)(2) of the Higher Education Act of 1965 regarding the Federal Pell Grant maximum amount; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. DODD, Mr. KERRY, and Mr. BIDEN):

S. 185. A bill to authorize emergency supplemental assistance to combat the growing humanitarian crisis in sub-Saharan Africa; to the Committee on Foreign Relations.

By Mr. DEWINE (for himself and Mr. DURBIN):

S. 186. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to provide health insurance protections for individuals who are living organ donors; to the Committee on Health, Education, Labor, and Pensions.

By Mr. EDWARDS:

S. 187. A bill to provide for the elimination of significant vulnerabilities in the information technology of the Federal Government , and for other purposes; to the Committee on Governmental Affairs.

By Mr. FEINGOLD (for himself, Mr. CORZINE, Mr. WYDEN, and Mr. NELSON of Florida):

S. 188. A bill to impose a moratorium on the implementation of datamining under the Total Information Awareness program of the Department of Defense and any similar program of the Department of Homeland Security, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN (for himself, Mr. ALLEN, Mr. LIEBERMAN, Mr . WARNER, Ms. MIKULSKI, Mr. HOLLINGS, Ms. LANDRIEU, Mrs. CLINTON, Mr. LEVIN, and Mr. BAYH):

S. 189. A bill to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN:

S. 190. A bill to establish the Director of National Intelligence as head of the intelligence community, to modify and enhance authorities and responsibilities relating to the administration of intelligence and the intelligence community, and for other purposes; to the Select Committee on Intelligence.

By Mr. DEWINE:

S. 191. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received a kidney transplant, and for other purposes; to the Committee on Finance.

By Mr. CORZINE:

S. 192. A bill to amend title 23, United States Code, to provide for criminal and civil liability for permitting an intoxicated arrestee to operate a motor vehicle; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. STEVENS, Mr. MILLER, Mr. CAMPBELL, Mr. MCCAIN, Mr. BREAUX, Mr. CRAIG, Mr. ENSIGN, Mr. LUGAR, Mrs. LINCOLN, Mr. BAUCUS, Mr. BOND, Mr. LOTT, Mr. HOLLINGS, Mr. DAYTON, Mr. SESSIONS, Mr. NELSON of Nebraska, Mr. INHOFE, Mr. BUNNING, Mr. ALLARD, Ms. COLLINS, Mr. CRAPO, Mr. DEWINE, Mr. FRIST, Mr. GRASSLEY, Mr. HAGEL, Mrs. HUTCHISON, Mr. ROBERTS, Mr. WARNER, Mr. ALLEN, Mr. BROWNBACK, Mr. BURNS, Mr. DOMENICI, Mr. GREGG, Mr. SANTORUM, Mr. SHELBY, Ms. SNOWE, Mr. GRAHAM of South Carolina, Mr. CORNYN, Mr. TALENT, and Mr. ALEXANDER):

S.J. Res. 4. A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself and Mr. CONRAD):

S. Res. 22. A resolution expressing the sense of the Senate regarding the implementation of the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself and Mr. GRAHAM of Florida):

S. Res. 23. A resolution supporting a decision of the United States Court of Appeals for the Sixth Circuit relating to the admissions policy of the University of Michigan; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. DASCHLE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 22, a bill to enhance domestic security, and for other purposes.

S. 27

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 27, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own,

feed, or control livestock intended for slaughter.

S. 83

At the request of Mr. DURBIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 83, a bill to expand aviation capacity in the Chicago area, and for other purposes.

S. 119

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 119, a bill to provide special minimum funding requirements for certain pension plans maintained pursuant to collective bargaining agreements.

S. 138

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 138, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 140

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 140, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 151

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 151, a bill to amend title 18, United States Code, with respect to the sexual exploitation of children.

S. 152

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 152, a bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

S. 156

At the request of Mr. VOINOVICH, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 156, a bill to amend the Atomic Energy Act of 1954 to reauthorize the Price-Anderson provisions.

S. 163

At the request of Mr. MCCAIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 163, a bill to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes.

S. 173

At the request of Mrs. BOXER, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from Nevada (Mr. REID) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 173, a bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund.

S. RES. 19

At the request of Mr. FEINGOLD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 19, A resolution expressing the sense of the Senate that Congress should increase the maximum individual Federal Pell Grant award to $9,000 by 2010.

AMENDMENT NO. 2

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of amendment No. 2 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. DEWINE):

S. 178. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant; to the Committee on Finance.

Mr. DURBIN. Mr. President, I rise to make a few remarks concerning this bill I am introducing today with my colleague from Ohio, which will help many Medicare beneficiaries who have had organ transplants.

Last year over 4,400 people died while waiting for an organ transplant, including 257 in my home State of Illinois. Currently, over 80,000 Americans are waiting for a donor organ with 4,349 waiting in Illinois. It is this scarcity that has fueled the controversy over organ allocation.

Given that organs are extremely scarce, Federal law should not compromise the success of organ transplantation. Yet that is exactly what current Medicare policy does, because Medicare denies certain transplant patients coverage for the drugs needed to prevent rejection.

Medicare does this in several different ways. First, Medicare does not pay for anti-rejection drugs for Medicare beneficiaries, who received their transplants prior to becoming a Medicare beneficiary. So for instance, if a person received a transplant at aged 64 through their health insurance plan, when they retire and rely on Medicare for their health care they will no longer have immunosuppressive drug coverage. Transplanation is the only medical condition that Medicare treats as a pre-existing condition so as to deny a Medicare beneficiary a health care service that would otherwise be covered.

Second, Medicare only pays for anti-rejection drugs for transplants performed in a Medicare approved transplant facility. However, many beneficiaries are completely unaware of this fact and how it can jeopardize their future coverage of immunosuppressive drugs. To receive an organ transplant, a person must be very ill and many are far too ill at the time of transplantation to be researching the intricate nuances of Medicare coverage policy.

Finally, Medicare has a special program for End Stage Renal Disease, ESRD, patients. Medicare pays for their dialysis at a cost of over $100,000 per year and provides for all their health care costs. However, it a transplant becomes available to an ESRD patient, Medicare only provides them with health care for three years post-transplantation. The fact is, however, that they will need to use immunosuppressive drugs for the rest of their life to maintain their transplant. But after the three years are up, their entire Medicare coverage, including immunosuppressive drug coverage is terminated. If that person's transplant is rejected because they can no longer afford their immunosuppressive drugs, then Medicare will again pay for their dialysis and all of their health care costs. This is ludicrous. It would make more sense for Medicare to continue to provide them with the lifesaving immunosuppressive drugs that they need.

The bill that I am introducing today, the ''Comprehensive Immunosuppressive Drug Coverage for Transplant Patients of 2000 Act'' would remove these short-sighted limitations. The bill sets up a new, easy to follow policy: All Medicare beneficiaries who have had a transplant and need immunosuppressive drugs to prevent rejection of their transplant, would be covered as long as such anti-rejection drugs were needed.

I am introducing this bill on behalf of some of the constituents that I have met who are unfortunately very adversely affected by the current gaps in Medicare coverage.

Richard Hevrdejs was a Chicago attorney in private practice until 1993. Unfortunately, he suffered a debilitating heart attack that year, which left him unable to work and on disability. In 1997 suffering from congestive heart failure, he was placed on a Heart-Mate machine at the University of Illinois Medical Center, UIC. In April of 1998, he received a heart transplant at UIC but because UIC was not

at the time a Medicare approved facility for heart transplants, Medicare will not cover his immunosuppressive drugs. Richard was near death when he had his transplant and was in no condition to research the intricacies of Medicare coverage policies. His drug costs are now around $25,000 per year. He gets some assistance from the drug company medical assistance plans and he has a Medigap policy that provides a little assistance. But for the most part, he is forced to watch all his savings dwindle because of Medicare's coverage gaps.

Anita Milton was from Morris, Illinois. In 1995, she became so disabled that she was no longer able to work and was forced onto disability. The following year, he lungs gave up and she had to have a bilateral lung transplant. Because Medicare is not available for 2 years after a person becomes eligible for disability, Anita was not on Medicare when she had the transplant. The huge bills for the transplant remained at collection agencies till her death several years ago. Because Anita was not on Medicare when she received her transplant, she did not receive Medicare coverage for the anti-rejection drugs that she needs. She received $940 in disability payments per month. She than went on Medicaid but due to the spend down requirements in Illinois, she had to spend $689 on drug costs to get Medicare coverage for her drugs. In effect she got coverage every second month. Anita couldn't afford her anti-rejection drugs and she tried to scale back on them. This caused her to nearly reject the transplant. Consequently, she lost a third of her lung capacity permanently. As Anita said at a Town Hall meeting in Chicago in January 1998 ''these Medicare and Medicaid rules make no sense.''

I am introducing this bill on the same day that another bill the ''Living Donor Access Act of 2003'', which I am an original cosponsor, is also being introduced by my colleague Senator DeWine. The ''Living Donor Access Act'' also seeks to improve the lives of transplant patients. The ''Living Donor Access Act'' would prohibit insurers in the group market from imposing additional premiums or preexisting condition exclusions on living organ donors. There are currently more than 25,000 living organ donors, but no law protects these individuals against discrimination in the group health insurance market. The two bills are good companions. It is important that we root out all discrimination against both those who have received transplants and those who are so generous as to donate.

I ask unanimous consent that the text of the bill, the ''Comprehensive Immunosuppressive Drug Coverage for Transplant Patients of 2003'', be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2003''.

SEC. 2. COMPREHENSIVE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1861(s)(2)(J) of the Social Security Act (42 U.S.C. 1395x(s)(2)(J)) is amended by striking '', to an individual who receives'' and all that follows before the semicolon at the end and inserting ''to an individual who has received an organ transplant''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of enactment of this Act.

SEC. 3. PROVISION OF APPROPRIATE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM FOR ORGAN TRANSPLANT RECIPIENTS.

(a) CONTINUED ENTITLEMENT TO IMMUNOSUPPRESSIVE DRUGS.—

(1) KIDNEY TRANSPLANT RECIPIENTS.—Section 226A(b)(2) of the Social Security Act (42 U.S.C. 426–1(b)(2)) is amended by inserting ''(except for coverage of immunosuppressive drugs under section 1861(s)(2)(J))'' after ''shall end''.

(2) OTHER TRANSPLANT RECIPIENTS.—The flush matter following paragraph (2)(C)(ii)(II) of section 226(b) of the Social Security Act (42 U.S.C. 426(b)) is amended by striking ''of this subsection)'' and inserting ''of this subsection and except for coverage of immunosuppressive drugs under section 1861(s)(2)(J))''.

(3) APPLICATION.—Section 1836 of the Social Security Act (42 U.S.C. 1395o) is amended—

(A) by striking ''Every individual who'' and inserting ''(a) IN GENERAL.—Every individual who''; and

(B) by adding at the end the following new subsection:

''(b) SPECIAL RULES APPLICABLE TO INDIVIDUALS ONLY ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

''(1) IN GENERAL.—In the case of an individual whose eligibility for benefits under this title has ended except for the coverage of immunosuppressive drugs by reason of section 226(b) or 226A(b)(2), the following rules shall apply:

''(A) The individual shall be deemed to be enrolled under this part for purposes of receiving coverage of such drugs.

''(B) The individual shall be responsible for the full amount of the premium under section 1839 in order to receive such coverage.

''(C) The provision of such drugs shall be subject to the application of—

''(i) the deductible under section 1833(b); and

''(ii) the coinsurance amount applicable for such drugs (as determined under this part).

''(D) If the individual is an inpatient of a hospital or other entity, the individual is entitled to receive coverage of such drugs under this part.

''(2) ESTABLISHMENT OF PROCEDURES IN ORDER TO IMPLEMENT COVERAGE.—The Secretary shall establish procedures for—

''(A) identifying beneficiaries that are entitled to coverage of immunosuppressive drugs by reason of section 226(b) or 226A(b)(2); and

''(B) distinguishing such beneficiaries from beneficiaries that are enrolled under this part for the complete package of benefits under this part.''.

(4) TECHNICAL AMENDMENT.—Subsection (c) of section 226A of the Social Security Act (42 U.S.C. 426–1), as added by section 201(a)(3)(D)(ii) of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1497), is redesignated as subsection (d).

(b) EXTENSION OF SECONDARY PAYER REQUIREMENTS FOR ESRD BENEFICIARIES.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following new sentence: ''With regard to immunosuppressive drugs furnished on or after the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2003, this subparagraph shall be applied without regard to any time limitation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of enactment of this Act.

SEC. 4. PLANS REQUIRED TO MAINTAIN COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

(a) APPLICATION TO CERTAIN HEALTH INSURANCE COVERAGE.—

(1) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following:

''SEC. 2707. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

''A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2003, and such requirement shall be deemed to be incorporated into this section.''.

(2) CONFORMING AMENDMENT.—Section 2721(b)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg–21(b)(2)(A)) is amended by inserting ''(other than section 2707)'' after ''requirements of such subparts''.

(b) APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

''SEC. 714. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

''A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2003, and such requirement shall be deemed to be incorporated into this section.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185(a)) is amended by striking ''section 711'' and inserting ''sections 711 and 714''.

(B) The table of contents in section 1 of the Employee Retirement Income Security Act

of 1974 is amended by inserting after the item relating to section 713 the following new item:

''Sec. 714. Coverage of immunosuppressive drugs.''.

(c) APPLICATION TO GROUP HEALTH PLANS UNDER THE INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

''Sec. 9813. Coverage of immunosuppressive drugs.'';

and

(2) by inserting after section 9812 the following:

''SEC. 9813. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

''A group health plan shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2003, and such requirement shall be deemed to be incorporated into this section.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2004.

By Mr. CORZINE:

S. 179. A bill to amend title 23, United States Code, to provide for a prohibition on use of mobile telephones while operating a motor vehicle; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President, today I am introducing legislation, the Mobile Telephone Driving Safety Act, to enhance highway safety by encouraging States to restrict the use of cell phones by drivers while they are operating a motor vehicle.

I am introducing this legislation because of the significant threat posed by people who use cell phones while driving. According to a study by the Harvard Center for Risk Analysis released in December of 2002, ''the use of cell phones by drivers may result in approximately 2,600 deaths, 330,000 moderate to critical injuries and 1.5 million instances of property damage in America per year''. Other studies have reached similar conclusions. One, published in the New England Journal of Medicine in 1997, concluded that the ''use of cellular telephones in motor vehicles is associated with a quadrupling of the risks of a collision during the brief period of a call''. That study went on to say ''this relative risk is similar to the hazard associated with driving with a blood alcohol level at the legal limit''.

States, counties and municipalities around the country have considered bans on hand-held cell phone use while driving. New York actually enacted such a ban in 2001. The Governor of New Jersey has proposed such a ban and related legislation has been unanimously approved by the New Jersey State Senate. A number of New Jersey municipalities also have chosen to enforce bans within their borders, including Marlboro, Carteret and Nutley.

This patchwork of laws, however, does not take the place of a consistent, nation-wide ban. Congress needs to step forward and pass legislation that will ban the use of hand-held cell phones nationwide.

The Mobile Telephone Driving Safety Act of 2003 is structured in a manner similar to other federal laws designed to promote highway safety, such as laws that encourage states to enact tough drunk driving standards. Under the legislation, a portion of Federal highway funds would be withheld from States that do not enact a ban on cell phone use while driving. Initially, this funding could be restored if states act to move into compliance. Later, the highway funding forfeited by one state would be distributed to other states that are in compliance. Experience has shown that the threat of losing highway funding is very effective in ensuring that states comply.

To meet the bill's requirements, States would have to ban cell phone use while driving. However, such a ban need not be absolute. It could include an exception where there are exceptional circumstances, such as the use of a phone to report a disabled vehicle or medical emergency. In addition, if a State makes a determination that the use of ''hands free'' cell phones does not pose a threat to public safety, such use could be exempted from the ban, as well.

This is a necessary bill to keep our streets and highways safe. I urge my colleagues to support this legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 179

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mobile Telephone Driving Safety Act of 2003''.

SEC 2. MOBILE TELEPHONE USE WHILE OPERATING MOTOR VEHICLES.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''§ 165. Mobile telephone use while operating motor vehicles

''(a) DEFINITION OF MOTOR VEHICLE.—In this section, the term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated only on a rail.

''(b) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

''(1) FISCAL YEAR 2005.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2004, if the State does not meet the requirements of paragraph (3) on that date.

''(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2005, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

''(3) REQUIREMENTS.—

''(A) IN GENERAL.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law that prohibits an individual from using a mobile telephone (other than a mobile telephone used as described in subparagraph (B)) while operating a motor vehicle, except in the case of an emergency or other exceptional circumstance (as determined by the State).

''(B) HANDS-FREE DEVICES.—A State law described in subparagraph (A) may permit an individual operating a motor vehicle to use a mobile telephone with a device that permits hands-free operation of the telephone if the State determines that such use does not pose a threat to public safety.

''(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

''(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—Any funds withheld under subsection (b) from apportionment to any State shall remain available until the end of the fourth fiscal year following the fiscal year for which the funds are authorized to be appropriated.

''(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (b) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (b) that remain available for apportionment to the State.

''(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

''(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

''(B) TREATMENT OF CERTAIN FUNDS.—Any funds apportioned under paragraph (2) that are not obligated at the end of the period referred to in subparagraph (A) shall be allocated equally among the States that meet the requirements of subsection (a)(3).

''(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (b) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), the funds shall be allocated equally among the States that meet the requirements of subsection (a)(3).''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''165. Mobile telephone use while operating motor vehicles.''.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 180. A bill to establish the National Aviation Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DEWINE. Mr. President, today I join my friend and colleague from

Ohio, Senator GEORGE VOINOVICH, to introduce the National Aviation Heritage Area Act, an act to establish a National Aviation Heritage Area within our home State of Ohio.

For hundreds of years prior to the 20th Century, man dreamt of flying. Some of the earliest records of mankind reveal a fascination with birds and the ability to leave the ground. In fact, the Renaissance revolution in art showed us many of the first recorded designs for achieving this feat. By 1903, man succeeded, altering the course of modern history.

This year, we mark the 100th anniversary of manned flight. I am proud to say that the famed Wright Brothers, Wilbur and Orville, were native Ohioans. These two men are important symbols of an evolving age of discovery, an age beginning with the Wright Brothers' first controlled, heavier-than-air flight on December 17, 1903. A mere half-a-century or so later, mankind was flying not just above the ground, but above our planet Earth, which was quickly followed by Neil Armstrong's first steps on the moon. It is amazing to just sit back and consider that all of these things, all of these incredible achievements have all occurred in a very short span of less than one hundred years.

There is so much to say about the historical and cultural significance of the birth of aviation, but I think one of its unique educational aspects is its ability to be interactive with students outside of the classroom. And, that is one of the main reasons we are introducing our National Aviation Heritage Area legislation today.

Our bill seeks to help foster strong public and private investments in many of Ohio's aviation landmarks, landmarks that have enormous educational value. Some of these landmarks include the Wright Brothers' ''Wright Cycle Company,'' located in Dayton and the Wright-Dunbar Interpretive Center, where students of all ages can learn about the painstaking measures the Wright Brothers and many of their predecessors took to achieve what today seems to be so commonplace. Other landmarks include the Huffman Prairie Flying Field, where, after the Wright Brothers' famous flight in Kitty Hawk, NC, the Brothers returned home to perfect the design of the world's first airplane and the Paul Laurence Dunbar State Memorial, which showcases this great African American poet's strong international voice for racial equality and justice. The Heritage Area also includes the Neil Armstrong Museum, which highlights the great achievements of man's first walk on the moon. If I may add also, Neil Armstrong is a native Ohioan.

Flight has become a very important square in the patchwork of our nation's history, and I am proud that my home State of Ohio has played such a large role in its evolution. We are reminded of how manned flight has changed our history every time we look skyward and see the crisscross of jet contrails. We are reminded of this every time we walk through the Rotunda of our very own U.S. Capitol and see the last frieze square that depicts the Wright Brothers and their invention. And, we are reminded of this by one of the great symbols of America, the eagle, a flying bird that represents the freedom of a people.

It is vital that we protect the sites that have played such an important role in aviation. In doing so, we can enhance the education and enrichment of our children and our grandchildren for many years to come.

By Mr. LEVIN (for himself and Mr. MCCAIN):

S. 181. A bill to require a review of accounting treatment of stock option plans, and the establishment of an appropriate stock option accounting principle within 1 year; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN (for himself, Mr. MCCAIN, Mr. DURBIN, and Mr. FEINGOLD):

S. 182. A bill to amend the Internal Revenue Code of 1986 to provide that corporate tax benefits from stock option compensation expenses are allowed only to the extent such expenses are included in a corporation's financial statements; to the Committee on Finance.

Mr. LEVIN. Mr. President, I am introducing today on behalf of myself and Sen. MCCAIN two separate bills relating to stock options. Stock options are unfinished business from the last Congress. They are the 800-pound gorilla that has yet to be caged by corporate reform.

Stock options allow a company's employees, usually its top executives, to purchase company stock at a set price for a specified period of time, perhaps 10 years. If the stock price rises after the option is issued, the executive can exercise the option, buy the stock at the set price, and then sell it on the open market at a profit. Today, most CEOs of U.S. publicly traded companies receive a large percentage of their pay from stock options.

Despite their widespread use, stock options remain a stealth form of compensation because, under current accounting rules, they never have to appear on the company books as a compensation expense. In fact, they are the only form of compensation that companies do not have to book as an expense at any time. In addition, stock options are the only form of compensation that a company can claim as a deductible business expense on its tax return, even when no expense is ever recorded on the company books.

These stock option accounting and tax rules are inconsistent and illogical. The two bills we are introducing today, the Stock Option Accounting Review Act, and the Ending the Double Standard for Stock Options Act, were introduced in the last Congress to address this problem. Each bill tackles a different aspect of the stock option issue. One addresses stock option accounting; the other addresses the stock option tax deduction.

Last year, Senator MCCAIN and I proposed the accounting provision as an amendment to the Sarbanes-Oxley corporate reform bill that was before the Senate in July. There appeared to be sufficient support to pass it at the time, but we were unable to obtain a vote on it or on any other stock option legislation. That is why we are back this Congress.

Congress failed to resolve the issue last year, even though stock option abuses were repeatedly linked to serious corporate abuses and dishonest accounting. In fact, virtually every corporate disaster that has struck in recent years has had a stock option component.

Enron, of course, was the poster child. Congressional investigations, including by the Permanent Subcommittee on Investigations on which I sit, showed that, at the same time Enron investors and employees were losing their shirts, Enron executives were cashing in their stock options for tens or hundreds of millions of dollars. Ken Lay, the Chairman of the Board, took home $123 million from stock options in 2000 alone. Jeff Skilling, the CEO, took home over $60 million. Another executive, Lou Pai, topped them all by cashing in Enron stock options, in 2000, for $265 million.

Stock options also contributed to Enron's inflated earnings, since despite providing the lion's share of executive pay, this compensation never appeared on the company books as an expense nor was it ever deducted from earnings. And many have blamed stock options for encouraging Enron management to rig the company's financial statements through other accounting deceptions to help boost apparent income and, in turn, the company stock price, so they could sell their Enron stock at enormous profit.

Still others have noted that Enron used about $600 million in stock option tax deductions to avoid paying any corporate income taxes in four out of the last five years before its bankruptcy while, at the same time, touting record amounts of corporate income. What is now only beginning to be understood is that Enron's stock option tax deductions played a central role in much of its wrongdoing, after all, Enron was able to inflate its corporate income with impunity, in part, because its stock option tax deductions allowed it to avoid paying taxes on any of its phony inflated income.

Enron was the poster child for stock option abuses, but it was far from the only company in that category last year. Worldcom, Tyco, Qwest Communications, and many others have stock option stories that are equally disturbing.

And the problems did not stop with companies engaged in accounting deceptions or other corporate misconduct. Even companies that never appeared on the 2002 rollcall of corporate deception have been excoriated in media reports for giving huge stock option pay to executives while socking employees and investors with lower stock prices, mounting losses, and lousy corporate performance.

High tech companies that have been the biggest promoters of stock options have been some of the biggest culprits. Company after company in Silicon Valley paid their executives big bucks via stock options while laying off employees, losing money or market share, and stiffing investors. One example frequently cited in the media is Lawrence Ellison, CEO of Oracle Corp., who exercised options in 2001 to obtain profits of $706 million, while his company's stock price dropped by more than 50 percent.

Aggregate stock option statistics are also sobering. Business Week, for example, has estimated that stock options now account for ''a staggering 15 percent of all shares outstanding.'' Federal Reserve Chairman Alan Greenspan estimated that stock options have been used to overstate reported company earnings by an average of 6 to 9 percent. Perhaps that is why Chairman Greenspan has picked honest stock option accounting as his number one post-Enron reform.

Stock option abuses have been linked to inflated company earnings, dishonest accounting, and executive misconduct. These abuses have been facilitated by existing accounting and tax rules which allow stock option compensation to never appear on a company's books as an expense, even when a company claims this compensation as a business expense on its tax return. This double standard is fueling Enron-style abuses, and it is time for it to end.

Many in the U.S. business community apparently agree and, unlike the Congress, have taken direct action on the stock option issue. In fact, over the last year, there has been significant movement in the business world to end dishonest stock option accounting.

Over 120 companies, including such American giants as Coca-Cola, General Motors, General Electric, Dow Chemical, Wal-Mart, and Home Depot have announced that they will begin expensing options in 2003, joining longtime expensers like Boeing and Winn-Dixie. Standard and Poors has created additional pressure for honest stock option accounting by announcing a new ''core earnings'' calculation for companies which requires stock option compensation to be subtracted from a company's earnings.

Accounting experts are also moving. The International Accounting Standards Board in London has announced that, by the end of 2003, it will issue accounting standards requiring companies to expense stock options. The U.S. equivalent, the Financial Accounting Standards Board, or FASB, has announced that it will decide by the end of the first quarter of this year whether it will issue stock option accounting standards similar to those of the International Board.

While there has been a major shift in the U.S. business world toward honest stock option accounting, not all companies are on board. Some companies, especially those in the high tech sector, have announced that they will not expense stock options until forced to do so. That means, until FASB acts, there will be a discrepancy between those companies that are voluntarily expensing options and those that are not, when there ought to be a level playing field where everyone plays by the same accounting rules. It is this discrepancy that continues to make our stock option legislation relevant and necessary for Congressional action this year.

Let me describe both bills.

First is the Stock Option Accounting Review Act. This bill is very simple. It would direct FASB to conduct a fresh review of the current accounting treatment for stock options and, within one year, establish what it deems to be the appropriate stock option accounting standards.

The bill does not specify the stock option accounting standards that FASB should issue; that matter is left to the experts where it belongs. But the bill does put the Senate on record as urging FASB to review the existing rules and take appropriate action within one year. This legislative directive is important, because the only other time the Senate has spoken on this issue, in 1994, the Senate majority urged FASB to keep allowing companies to exclude stock option expenses from their financial statements. The Senate's position contradicted FASB's position at the time which was to require stock option expensing. It is long past time for the Senate to rescind its mistaken advice.

The second bill we are introducing today is the Ending the Double Standard for Stock Options Act. This bill would not address the accounting treatment of stock options. Instead, it would address the tax treatment of stock option compensation, ending the costly double standard in federal law which allows a company to take a tax deduction for stock option compensation, even if the company does not show that compensation as a business expense on its financial statements.

Essentially, our bill would prevent a company from claiming a stock option expense on its tax return unless the company also includes that expense on its books. It would require companies to be consistent in how they treat stock options, and take a corporate tax deduction that mirrors the expense shown on the company books. If a company took the position that it incurred no expense from stock option compensation on its books, the bill would allow the company to take that position, but would also require it to take the same approach on its tax return and forego any deduction. The bill would stop companies from telling stockholders one thing, that it has no stock option expenses, while telling the opposite to Uncle Sam.

And to add insult to injury, in 2001, the IRS issued Revenue Ruling 2001–1 which determined that companies whose tax liability was erased through stock option expenses were not subject to the corporate alternative minimum tax. That revenue ruling meant that our most successful publicly traded companies, if they doled out enough stock options to insiders, could arrange their affairs to escape paying any taxes. That absurd result leaves the average taxpayer feeling like a chump for paying his fair share when a company like Enron can use its success in the stock market to apparently end up tax free.

One last point. Some opponents of stock option reform argue that reining in stock options would hurt the average worker, but this contention is nothing more than a red herring. While many average workers are eligible for stock options, few actually receive them. Stock options are overwhelmingly reserved for top corporate executives.

A recent Bureau of Labor Statistics survey did the research. This nationwide government survey found that in 2000, a banner year for stock options, only 1.7 percent of non-executive workers actually got any stock options. The BLS survey also looked at corporate executives and found that only about 5 percent of these corporate executives received any stock options. These results are consistent with the findings of a private sector group not associated with the government called the National Center for Employee Ownership, which favors stock options. Looking at a small sample of companies, the Center reported that 70 percent of all stock options were given to managers rather than other employees, and about 50 percent were given to the most senior executives. The reality is that stock options are a perk mainly reserved for a very small group, and neither average workers nor most executives would be affected by honest accounting or consistent tax and accounting treatment for stock options.

It is also important to understand that neither of our bills would bar any

company from issuing stock options. Companies would still be able to issue stock options to their executives and other employees. The goal of this legislation is not to stop the use of stock options, but to promote honest accounting and consistent treatment of stock options on federal corporate tax returns.

Stock option abuses have damaged investor confidence in American business. I hope our colleagues will support enactment of these bills to help restore investor confidence and end stock option abuses. I ask unanimous consent to have reprinted in the RECORD after my remarks the text of both bills.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stock Option Accounting Review Act''.

SEC. 2. REVIEW OF STOCK OPTION ACCOUNTING TREATMENT.

Section 108 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7218, 116 Stat. 768) is amended by adding at the end the following:

''(e) STOCK OPTION ACCOUNTING TREATMENT.—The standard setting body described in section 19(b)(1) of the Securities Act of 1933 shall, for purposes of establishing generally accepted accounting principles—

''(1) review the accounting treatment of employee stock options; and

''(2) not later than 1 year after the date of enactment of this subsection, adopt an appropriate generally accepted accounting principle for the treatment of employee stock options.''.

S. 182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ending the Double Standard for Stock Options Act''.

SEC. 2. REQUIREMENTS FOR CONSISTENT TREATMENT OF STOCK OPTIONS BY CORPORATIONS.

(a) CONSISTENT TREATMENT FOR TAX DEDUCTION.—Section 83(h) of the Internal Revenue Code of 1986 (relating to deduction of employer) is amended—

(1) by striking ''In the case of'' and inserting:

''(1) IN GENERAL.—In the case of'', and

(2) by adding at the end the following new paragraph:

''(2) SPECIAL RULES FOR PROPERTY TRANSFERRED PURSUANT TO STOCK OPTIONS.—

''(A) IN GENERAL.—In the case of property transferred in connection with a stock option, the deduction otherwise allowable under paragraph (1) shall not exceed the amount the taxpayer has treated as an expense for the purpose of ascertaining income, profit, or loss in a report or statement to shareholders, partners, or other proprietors (or to beneficiaries). In no event shall such deduction be allowed before the taxable year described in paragraph (1).

''(B) SPECIAL RULES FOR CONTROLLED GROUPS.—The Secretary shall prescribe rules for the application of this paragraph in cases where the stock option is granted by a parent or subsidiary corporation (within the meaning of section 424) of the employer corporation.''.

(b) CONSISTENT TREATMENT FOR RESEARCH TAX CREDIT.—Section 41(b)(2)(D) of the Internal Revenue Code of 1986 (defining wages for purposes of credit for increasing research expenses) is amended by inserting at the end the following new clause:

''(iv) SPECIAL RULE FOR STOCK OPTIONS AND STOCK-BASED PLANS.—The term 'wages' shall not include any amount of property transferred in connection with a stock option and required to be included in a report or statement under section 83(h)(2) until it is so included, and the portion of such amount which may be treated as wages for a taxable year shall not exceed the amount of the deduction allowed under section 83(h) for such taxable year with respect to such amount.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property transferred and wages provided on or after the date of the enactment of this Act.

By Mr. LEVIN (for himself, Mr. NELSON of Florida, Mr. CORZINE, and Mr. BIDEN):

S. 183. A bill to address Securities and Exchange Commission authority to impose civil money penalties in administrative proceedings for violations of securities laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEVIN. Mr. President, I am introducing today legislation to provide the Securities and Exchange Commission with stronger administrative authority to detect, investigate, and punish corporate and individual misconduct. This legislation, the SEC Civil Enforcement Act, among other measures, would provide the SEC with new authority to impose administrative civil fines on those who violate federal securities laws. The bill is cosponsored by Senators BILL NELSON, CORZINE, and BIDEN.

The SEC has repeatedly requested the new enforcement tools that this bill would provide, and I ask unanimous consent to print in the RECORD after my remarks a copy of a letter from SEC Chairman Harvey Pitt supporting enactment of this legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SECURITIES AND EXCHANGE COMMISSION,
Washington, DC, August 30, 2002.

Hon. CARL LEVIN,
Chairman, Permanent Subcommittee on Investigations, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEVIN: This letter responds to your letter of August 9th, seeking my views on your proposal to enhance the Commission's authority to seek civil penalties for violations of the federal securities laws, increase the penalties the Commission may seek, and eliminate a procedural requirement that may slow the Commission's efforts to trace and recover misappropriated investor funds.

The three additional enforcement tools you contemplate reflect recommendations we have made previously in an effort to facilitate our goal of achieving ''real-time enforcement.'' Especially in light of recent events, I believe these proposals would enhance our efforts and the interest of investors. As you know, during this Congressional session, with the bipartisan support of Congress and the Administration, the Commission already has been given, and has begun to implement, greater authority to pursue and punish corporate wrongdoers and enhance corporate accountability. The additional authority about which you inquire would be a welcome addition to our enforcement arsenal, if the proposals achieve bipartisan support.

Again, thank you for your interest in strengthening penalties for securities fraud violations. Please do not hesitate to contact me or Stephen Cutler, Director of the Division of Enforcement, at (202) 942–4500 if we can be of further assistance.

Yours truly,

HARVEY L. PITT.

Here is a description of what the bill would do.

First, the bill would grant the SEC additional administrative authority to impose civil monetary fines on those who violate federal securities laws. Under current law, only broker dealers, investment advisers, and certain other persons regulated by the SEC are now subject to civil fines. Our bill would expand SEC authority to allow it to impose fines on such wrongdoers as, for example, corporate officers, directors, auditors, lawyers, or publicly traded companies, none of which can now be fined by the SEC in an administrative proceeding. These fines would, of course, be subject to judicial review, as are all current SEC administrative determinations.

Hearings held and reports issued by the Permanent Subcommittee on Investigations, which spent the last year investigating Enron's collapse, determined that the Enron Board of Directors and certain highly respected financial institutions helped Enron carry out deceptive accounting transactions or other corporate abuses, misleading investors and analysts about the company's finances. The latest hearing in December also highlighted the fact that the SEC needs additional tools to deal with financial institutions. Our bill would give the SEC new authority to impose an administrative fine on any bank or individual banker who violates the federal securities laws including, as in Enron, by helping a public company doctor its books or engage in misleading transactions.

Second, this bill would significantly increase the maximum civil fine that the SEC could impose on those whom it has authority to regulate. The civil fines that the SEC currently may impose have maximum amounts that range from $6,500 to $600,000 per violation. In a day and age where some CEOs are making $100 million in a year, and a company like Enron reported gross revenues of $100 billion in a single year, a civil fine of $6,500 is laughable. Here is what one SEC staff

document stated in June 2002, explaining why the agency is seeking an increase in its civil fine limits:

The current maximum penalty amounts may not have the desired deterrent effect on an individual or corporate violator. For example, an individual who commits a negligent act is subject to a maximum penalty amount of $6,500 per violation. This amount is so trivial it cannot possibly have a deterrent effect on the violator.

Our bill would increase the maximum fines from a range of $6,500 to $600,000 per violation, to a range that goes from $100,000 to $2 million per violation. When we are seeing corporate restatements and corporate misconduct involving billions of dollars, these larger cash fines are critical if they are to have an effective deterrent or punitive impact on wrongdoers in the corporate world today.

Third, the bill would grant the SEC new administrative authority, when the SEC has opened an official SEC investigation, to subpoena financial records from a financial institution without having to notify the subject that such a records request has been made. This authority will allow the SEC to evaluate financial transactions, trace funds, and analyze relationships without having to alert the subject of the investigation to the SEC's actions. Under current law, the SEC either has to give the subject advance notice of the subpoena or obtain a court order that can delay notification for no longer than 90 days.

In the cases we are seeing today, where there are allegations that officers, directors, and companies are using offshore accounts to deposit millions of dollars, enlist foreign investors, and affect the accounting and tax treatment of various complex transactions, the SEC must be able to look at financial records without giving the account holder an opportunity to move funds, change accounts, and further muddy the investigative waters. This authority is particularly important in light of the Patriot Act, which Congress enacted after the 9–11 tragedy, requiring the SEC to be on the lookout for money laundering through securities accounts. The SEC cannot afford to alert potential money launderers to the agency's efforts to review their financial accounts for possible money laundering. This bill would bring the SEC's subpoena authority into alignment with the subpoena authority of federal banking agencies that are already exempted by statute from having to notify account holders of agency subpoenas to review their financial records. Again, the SEC has requested this new enforcement tool, and this bill would provide it.

This bill is an important compliment to the new Sarbanes-Oxley law which stiffened criminal penalties for securities fraud, because this bill would stiffen enforcement mechanisms on the civil side. Last year, I tried to incorporate it into the Sarbanes-Oxley Act, but was unable to obtain a vote on my amendment. That is why I am reintroducing the legislation this year. Since many corporate and accounting cases warrant civil rather than criminal treatment, strengthening the SEC's civil enforcement authority is another critical step in improving its effectiveness as an enforcement agency to deter and punish this misconduct.

Given the current disillusionment among the American people and other investors with American public companies, Congress needs to provide leadership to restore investor confidence in our markets, in SEC oversight, and in company financial statements so that investors can trust them to reflect the true state of a company's financial condition. I hope my colleagues will join me in supporting this legislation and winning its enactment during the 108th Congress.

I ask unanimous consent to have printed in the RECORD the full text of the bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''SEC Civil Enforcement Act''.

SEC. 2. SECURITIES CIVIL ENFORCEMENT PROVISIONS.

(a) AUTHORITY TO ASSESS CIVIL MONEY PENALTIES.—

(1) SECURITIES ACT OF 1933.—Section 8A of the Securities Act of 1933 (15 U.S.C. 77h–1) is amended by adding at the end the following new subsection:

''(g) AUTHORITY OF THE COMMISSION TO ASSESS MONEY PENALTY.—

''(1) IN GENERAL.—In any cease-and-desist proceeding under subsection (a), the Commission may impose a civil monetary penalty if it finds, on the record after notice and opportunity for hearing, that a person is violating, has violated, or is or was a cause of the violation of, any provision of this title or any rule or regulation thereunder, and that such penalty is in the public interest.

''(2) MAXIMUM AMOUNT OF PENALTY.—

''(A) FIRST TIER.—The maximum amount of penalty for each act or omission described in paragraph (1) shall be $100,000 for a natural person or $250,000 for any other person.

''(B) SECOND TIER.—Notwithstanding subparagraph (A), the maximum amount of penalty for such act or omission described in paragraph (1) shall be $500,000 for a natural person or $1,000,000 for any other person, if the act or omission involved fraud, deceit, manipulation, or deliberate or reckless disregard of a statutory or regulatory requirement.

''(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the maximum amount of penalty for each act or omission described in paragraph (1) shall be $1,000,000 for a natural person or $2,000,000 for any other person, if—

''(i) the act or omission involved fraud, deceit, manipulation, or deliberate or reckless disregard of a statutory or regulatory requirement; and

''(ii) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.

''(3) EVIDENCE CONCERNING ABILITY TO PAY.—In any proceeding in which the Commission or the appropriate regulatory agency may impose a penalty under this section, a respondent may present evidence of the ability of the respondent to pay such penalty. The Commission or the appropriate regulatory agency may, in its discretion, consider such evidence in determining whether the penalty is in the public interest. Such evidence may relate to the extent of the person's ability to continue in business and the collectability of a penalty, taking into account any other claims of the United States or third parties upon the assets of that person and the amount of the assets of that person.''.

(2) SECURITIES EXCHANGE ACT OF 1934.—Section 21B(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(a)) is amended—

(A) in paragraph (4), by striking ''supervision;'' and all that follows through the end of the subsection and inserting ''supervision.'';

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and moving the margins 2 ems to the right;

(C) by inserting ''that such penalty is in the public interest and'' after ''hearing,'';

(D) by striking ''In any proceeding'' and inserting the following:

''(1) IN GENERAL.—In any proceeding''; and

(E) by adding at the end the following:

''(2) OTHER MONEY PENALTIES.—In any proceeding under section 21C against any person, the Commission may impose a civil monetary penalty if it finds, on the record after notice and opportunity for hearing, that such person is violating, has violated, or is or was a cause of the violation of, any provision of this title or any rule or regulation thereunder, and that such penalty is in the public interest.''.

(3) INVESTMENT COMPANY ACT OF 1940.—Section 9(d)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(1)) is amended—

(A) in subparagraph (C), by striking ''therein;'' and all that follows through the end of the paragraph and inserting ''supervision.'';

(B) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and moving the margins 2 ems to the right;

(C) by inserting ''that such penalty is in the public interest and'' after ''hearing,'';

(D) by striking ''In any proceeding'' and inserting the following:

''(A) IN GENERAL.—In any proceeding''; and

(E) by adding at the end the following:

''(B) OTHER MONEY PENALTIES.—In any proceeding under subsection (f) against any person, the Commission may impose a civil monetary penalty if it finds, on the record after notice and opportunity for hearing, that such person is violating, has violated, or is or was a cause of the violation of, any provision of this title or any rule or regulation thereunder, and that such penalty is in the public interest.''.

(4) INVESTMENT ADVISERS ACT OF 1940.—Section 203(i)(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(i)(1)) is amended—

(A) in subparagraph (D), by striking ''supervision;'' and all that follows through the end of the paragraph and inserting ''supervision.'';

(B) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and moving the margins 2 ems to the right;

(C) by inserting ''that such penalty is in the public interest and'' after ''hearing,'';

(D) by striking ''In any proceeding'' and inserting the following:

''(A) IN GENERAL.—In any proceeding''; and

(E) by adding at the end the following:

''(B) OTHER MONEY PENALTIES.—In any proceeding under subsection (k) against any person, the Commission may impose a civil monetary penalty if it finds, on the record after notice and opportunity for hearing, that such person is violating, has violated, or is or was a cause of the violation of, any provision of this title or any rule or regulation thereunder, and that such penalty is in the public interest.''.

(b) INCREASED MAXIMUM CIVIL MONEY PENALTIES.—

(1) SECURITIES ACT OF 1933.—Section 20(d)(2) of the Securities Act of 1933 (15 U.S.C. 77t(d)(2)) is amended—

(A) in subparagraph (A)(i)—

(i) by striking ''$5,000'' and inserting ''$100,000''; and

(ii) by striking ''$50,000'' and inserting ''$250,000'';

(B) in subparagraph (B)(i)—

(i) by striking ''$50,000'' and inserting ''$500,000''; and

(ii) by striking ''$250,000'' and inserting ''$1,000,000''; and

(C) in subparagraph (C)(i)—

(i) by striking ''$100,000'' and inserting ''$1,000,000''; and

(ii) by striking ''$500,000'' and inserting ''$2,000,000''.

(2) SECURITIES EXCHANGE ACT OF 1934.—

(A) PENALTIES.—Section 32 of the Securities Exchange Act of 1934 (15 U.S.C. 78ff) is amended—

(i) in subsection (b), by striking ''$100'' and inserting ''$10,000''; and

(ii) in subsection (c)—

(I) in paragraph (1)(B), by striking ''$10,000'' and inserting ''$500,000''; and

(II) in paragraph (2)(B), by striking ''$10,000'' and inserting ''$500,000''.

(B) INSIDER TRADING.—Section 21A(a)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1(a)(3)) is amended by striking ''$1,000,000'' and inserting ''$2,000,000''.

(C) ADMINISTRATIVE PROCEEDINGS.—Section 21B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(b)) is amended—

(i) in paragraph (1)—

(I) by striking ''$5,000'' and inserting ''$100,000''; and

(II) by striking ''$50,000'' and inserting ''$250,000'';

(ii) in paragraph (2)—

(I) by striking ''$50,000'' and inserting ''$500,000''; and

(II) by striking ''$250,000'' and inserting ''$1,000,000''; and

(iii) in paragraph (3)—

(I) by striking ''$100,000'' and inserting ''$1,000,000''; and

(II) by striking ''$500,000'' and inserting ''$2,000,000''.

(D) CIVIL ACTIONS.—Section 21(d)(3)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)(B)) is amended—

(i) in clause (i)—

(I) by striking ''$5,000'' and inserting ''$100,000''; and

(II) by striking ''$50,000'' and inserting ''$250,000'';

(ii) in clause (ii)—

(I) by striking ''$50,000'' and inserting ''$500,000''; and

(II) by striking ''$250,000'' and inserting ''$1,000,000''; and

(iii) in clause (iii)—

(I) by striking ''$100,000'' and inserting ''$1,000,000''; and

(II) by striking ''$500,000'' and inserting ''$2,000,000''.

(3) INVESTMENT COMPANY ACT OF 1940.—

(A) INELIGIBILITY.—Section 9(d)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(2)) is amended—

(i) in subparagraph (A)—

(I) by striking ''$5,000'' and inserting ''$100,000''; and

(II) by striking ''$50,000'' and inserting ''$250,000'';

(ii) in subparagraph (B)—

(I) by striking ''$50,000'' and inserting ''$500,000''; and

(II) by striking ''$250,000'' and inserting ''$1,000,000''; and

(iii) in subparagraph (C)—

(I) by striking ''$100,000'' and inserting ''$1,000,000''; and

(II) by striking ''$500,000'' and inserting ''$2,000,000''.

(B) ENFORCEMENT OF INVESTMENT COMPANY ACT.—Section 42(e)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–41(e)(2)) is amended—

(i) in subparagraph (A)—

(I) by striking ''$5,000'' and inserting ''$100,000''; and

(II) by striking ''$50,000'' and inserting ''$250,000'';

(ii) in subparagraph (B)—

(I) by striking ''$50,000'' and inserting ''$500,000''; and

(II) by striking ''$250,000'' and inserting ''$1,000,000''; and

(iii) in subparagraph (C)—

(I) by striking ''$100,000'' and inserting ''$1,000,000''; and

(II) by striking ''$500,000'' and inserting ''$2,000,000''.

(4) INVESTMENT ADVISERS ACT OF 1940.—

(A) REGISTRATION.—Section 203(i)(2) of the Investment advisers Act of 1940 (15 U.S.C. 80b–3(i)(2)) is amended—

(i) in subparagraph (A)—

(I) by striking ''$5,000'' and inserting ''$100,000''; and

(II) by striking ''$50,000'' and inserting ''$250,000'';

(ii) in subparagraph (B)—

(I) by striking ''$50,000'' and inserting ''$500,000''; and

(II) by striking ''$250,000'' and inserting ''$1,000,000''; and

(iii) in subparagraph (C)—

(I) by striking ''$100,000'' and inserting ''$1,000,000''; and

(II) by striking ''$500,000'' and inserting ''$2,000,000''.

(B) ENFORCEMENT OF INVESTMENT ADVISERS ACT.—Section 209(e)(2) of the Investment advisers Act of 1940 (15 U.S.C. 80b–9(e)(2)) is amended—

(i) in subparagraph (A)—

(I) by striking ''$5,000'' and inserting ''$100,000''; and

(II) by striking ''$50,000'' and inserting ''$250,000'';

(ii) in subparagraph (B)—

(I) by striking ''$50,000'' and inserting ''$500,000''; and

(II) by striking ''$250,000'' and inserting ''$1,000,000''; and

(iii) in subparagraph (C)—

(I) by striking ''$100,000'' and inserting ''$1,000,000''; and

(II) by striking ''$500,000'' and inserting ''$2,000,000''.

(c) AUTHORITY TO OBTAIN FINANCIAL RECORDS.—Section 21(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(h)) is amended—

(1) by striking paragraphs (2) through (8);

(2) in paragraph (9), by striking ''(9)(A)'' and all that follows through ''(B) The'' and inserting ''(3) The'';

(3) by inserting after paragraph (1), the following:

''(2) ACCESS TO FINANCIAL RECORDS.—

''(A) IN GENERAL.—Notwithstanding section 1105 or 1107 of the Right to Financial Privacy Act of 1978, the Commission may obtain access to and copies of, or the information contained in, financial records of any person held by a financial institution, including the financial records of a customer, without notice to that person, when it acts pursuant to a subpoena authorized by a formal order of investigation of the Commission and issued under the securities laws or pursuant to an administrative or judicial subpoena issued in a proceeding or action to enforce the securities laws.

''(B) NONDISCLOSURE OF REQUESTS.—If the Commission so directs in its subpoena, no financial institution, or officer, director, partner, employee, shareholder, representative or agent of such financial institution, shall, directly or indirectly, disclose that records have been requested or provided in accordance with subparagraph (A), if the Commission finds reason to believe that such disclosure may—

''(i) result in the transfer of assets or records outside the territorial limits of the United States;

''(ii) result in improper conversion of investor assets;

''(iii) impede the ability of the Commission to identify, trace, or freeze funds involved in any securities transaction;

''(iv) endanger the life or physical safety of an individual;

''(v) result in flight from prosecution;

''(vi) result in destruction of or tampering with evidence;

''(vii) result in intimidation of potential witnesses; or

''(viii) otherwise seriously jeopardize an investigation or unduly delay a trial.

''(C) TRANSFER OF RECORDS TO GOVERNMENT AUTHORITIES.—The Commission may transfer financial records or the information contained therein to any government authority, if the Commission proceeds as a transferring agency in accordance with section 1112 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412), except that a customer notice shall not be required under subsection (b) or (c) of that section 1112, if the Commission determines that there is reason to believe that such notification may result in or lead to any of the factors identified under clauses (i) through (viii) of subparagraph (B) of this paragraph.'';

(4) by striking paragraph (10); and

(5) by redesignating paragraphs (11), (12), and (13) as paragraphs (4), (5), and (6), respectively.

By Mr. DODD (for himself, Ms. MIKULSKI, Mr. JEFFORDS, Mrs. MURRAY, Ms. LANDRIEU, and Mr. DAYTON):

S. 184. A bill to amend section 401(b)(2) of the Higher Education Act of 1965 regarding the Federal Pell Grant maximum amount; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise, and am joined by my colleagues Senator MIKULSKI, Senator JEFFORDS, Senator

MURRAY, Senator LANDRIEU and Senator DAYTON, to introduce legislation to amend the Higher Education Act to improve access to higher education for low- and middle-income students by doubling the authorized maximum Pell Grant within six years. This bill has the strong support of the Student Aid Alliance, whose 60 organizations represent students, colleges, parents, and others who care about higher education.

Pell Grants were established in the early 1970s by our former colleague, Claiborne Pell, of Rhode Island. They are the largest source of federal grant aid for college students. For millions of low- and middle-income students they are the difference between attending or not attending college. But, unfortunately, they don't make as much of a difference as they used to.

In 1975, the maximum appropriated Pell Grant covered all of the average student's tuition, fees, room, and board at community colleges. It covered about 80 percent of those costs at public universities and about 40 percent at private universities. Today, Pell Grant's purchasing power has dropped by more than 30 percent at community colleges and been more than cut in half at universities. It covers only 38 percent of the costs at public universities and 15 percent at private universities. That's not just a drop, it's a free-fall.

For students from the lowest income families, college is getting farther and farther out of reach. Since 1975, as a percentage of the family income of the poorest 20 percent of families, the cost of public universities has increased by half and the cost of private universities has doubled. For middle-income families, the cost of college also has increased significantly as a percentage of income.

As a result of all this, low- and middle-income students who want to attend college are forced to finance their education with an ever-increasing percentage of loans as opposed to grants, which effectively increases their cost of attendance even more and in many cases, keeps them from going to college at all.

Of course, the President's budget would have frozen the maximum Pell Grant. So, on top of leaving millions of children behind by failing to meet the bipartisan promises of the No Child Left Behind Act, the President's budget would leave even more children behind who work hard and do well in school and want to go on to college.

We can't kid ourselves, if we're serious about leaving no child behind, if we're serious about having a society where equal opportunity for all is more than just rhetoric, then we need to reinvigorate the Pell program.

The Student Aid Alliance put it very well, in talking about students, when they said that ''investing in their future is investing in our nation's future.'' We can start investing in our Nation's future by supporting the amendment that will be offered to the Omnibus appropriations bill today to increase the maximum appropriated Pell Grant to $4,500.

That won't bring Pell Grant's purchasing power back to where it was in 1975, but it is a critical first step, and I intend to continue the effort through this bill and other measures as we reauthorize the Higher Education Act this Congress.

I hope that my colleagues will join me.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEDERAL PELL GRANT MAXIMUM AMOUNT.

Section 401(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(2)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C);

(2) by amending subparagraph (A) to read as follows:

''(A) Except as provided in subparagraph (B), the amount of the Federal Pell Grant for a student eligible under this part shall be—

''(i) $6,700 for academic year 2004–2005;

''(ii) $7,600 for academic year 2005–2006;

''(iii) $8,600 for academic year 2006–2007;

''(iv) $9,600 for academic year 2007–2008;

''(v) $10,600 for academic year 2008–2009; and

''(vi) $11,600 for academic year 2009–2010,

less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.''; and

(3) by inserting after subparagraph (A) (as so amended) the following:

''(B) If the Secretary determines that the increase from one academic year to the next in the amount of the maximum Federal Pell Grant authorized under subparagraph (A) does not increase students' purchasing power (relative to the cost of attendance at an institution of higher education) by at least 5 percentage points, then the amount of the maximum Federal Pell Grant authorized under subparagraph (A) for the academic year for which the determination is made shall be increased by an amount sufficient to achieve such a 5 percentage point increase.''.

By Mr. DEWINE (for himself and Mr. DURBIN):

S. 186. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to provide health insurance protections for individuals who are living organ donors; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I rise today to raise further awareness of an issue that affects over 22,000 people a year, and that issue is organ donation. The sad fact about organ donations is this: We have the medical know-how to save lives, but we lack the organs. We lack organs because most Americans simply are unaware of the life-giving difference they can make by choosing to become organ donors.

Sadly, each day the waiting list for those needing organs continues to grow. Today, over 80,000 people remain on the national transplant waiting list. Right now, more than 56,000 people, alone, are waiting for kidney transplants. That number is expected to double within the next decade. Additionally, close to 6,000 people die each year just waiting for an available organ.

To remedy the organ shortage, we must increase public awareness. By educating the public and raising awareness, more people will choose to become organ donors. At the very least, through these efforts, we can encourage more families to discuss what their wishes are and whether they would want to be organ donors.

But, our efforts must not stop there. We must do more than just implement public awareness campaigns, because the face of organ donation is changing. For the first time ever, the number of living organ donors outnumbered cadaver donors. In 2001, there were 6,082 donor cadavers while 6,534 people opted to become living donors, usually giving up a healthy kidney to help a family member or friend.

Recognizing this, my colleague, Senator DURBIN, and I are introducing a bill today that would help protect living organ donors in the group insurance market. Our bill would ensure that those individuals who choose to be living organ donors are not discriminated against in the insurance marketplace. Our bill builds on the protections provided by the Health Insurance Portability and Accountability Act, so that living organ donors are not denied insurance nor are they applied discriminatory insurance premiums because of their living organ donor status.

Quite simply, a brother who donates a part of his kidney to his sister should not be denied health insurance. But tragically, that is what oftentimes happens. Frequently, individuals who are living organ donors are denied health insurance or restricted from the insurance market. Instead, we should celebrate living organ donors and remove obstacles and barriers for the successful donation of organs. Insurance concerns should not undermine someone's decision to be a living organ donor.

Some states are evaluating how living organ donors affect the market. States are amending their Family Medical Leave eligibility so that living organ donors can participate and benefit from the program. The Federal Government, with the Organ Donor Leave Act of 1999, offered 30 days paid leave to Federal employees who chose

to be an organ donor. But, paid leave and job protection doesn't mean much if people are denied health insurance or are required to pay higher premiums because they donated an organ to save another person's life.

The impact of living organ donation is profound. A living organ donor not only can save the life of one patient, but can also take that person off the waiting list for a cadaver donation. That means the next person on the waiting list is ''bumped up'' a spot, giving additional hope to the 86,000 persons on the national transplant waiting list.

Living organ donors give family members and friends a second chance at life and the opportunity to reduce the number of people on the waiting list to receive an organ. It is time for Congress to make a sensible decision in support of a person's decision to be a living organ donor.

I encourage my colleagues to join me in co-sponsoring this bill.

By Mr. EDWARDS:

S. 187. A bill to provide for the elimination of significant vulnerabilities in the information technology of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

Mr. EDWARDS. Mr. President, I rise today to introduce the National Cyber Security Leadership Act of 2003, a bill that calls on the Federal Government to lead by example in shoring up its computers and protecting them against cyber attacks.

I introduce this bill because our Nation's computers and networks are increasingly vulnerable to cyber attacks. A week after the September 11 attacks, a cyber attack spread across 86,000 computers over several days, causing unknown amounts of financial and economic damage. Two months before that, a cyber attack called Code Red infected 150,000 computers in 14 hours. According to cyber security experts, Federal computers have already been used as weapons in large-scale cyber attack.

There aren't just amateur teenage hackers. Terrorists, including al Qaeda operatives, have browsed Internet sites offering software that would help them take down power, water, transport and communications grids.

One of the principal reasons that companies do not act to secure their systems is that the Federal Government does not act to secure its own systems. Unfortunately, Federal agencies continue to be among the worst offenders failing to protect themselves against cyber attack. Last November, a Congressional report card gave 14 agencies a failing grade for their computer security efforts. These vulnerabilities leave our Federal agencies exposed to hackers, system shutdowns, and cyber terrorist infiltration.

Clearly, we need to act now to strengthen our computer systems. I believe the first step in this process is to have our Federal agencies lead by example.

The National Cyber Security Leadership Act of 2003 would establish higher standards for Federal Government computer safety. The National Institute of Standards and Technology would establish the standards after individual agencies conduct comprehensive tests of their network systems and report on their weaknesses. These procedures will strengthen our government's resistance to cyber attacks and will demonstrate to the business community the tremendous value in conducting comprehensive security tests and monitoring new developments.

I have developed this important piece of legislation with assistance from Mr. Alan Paller, Director of Research for the SANS Institute; Mr. Franklin S. Reeder, Chairman of the Center for Internet Security and of the Computer System Security and Privacy Advisory Committee; and several computer security experts in the Federal Government.

We cannot afford to wait until we experience a computer meltdown. I urge my colleagues to join with me in helping our Federal agencies to lead by example.

By Mr. FEINGOLD (for himself, Mr. CORZINE, Mr. WYDEN, and Mr. NELSON of Florida):

S. 188. A bill to impose a moratorium on the implementation of data-mining under the Total Information Awareness program of the Department of Defense and any similar program of the Department of Homeland Security, and for other purposes; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I am pleased today to introduce the Data-Mining Moratorium Act of 2003. Like many Americans, I was surprised to learn during the last few months that the Department of Defense has spent hundreds of millions of dollars developing a data-mining system called Total Information Awareness while permitting the progeny of Total Information Awareness to appear in places like the Department of Homeland Security. The untested and controversial intelligence procedure known as data-mining is capable of maintaining extensive files containing both public and private records on each and every American. Coupled with the expanded domestic surveillance already underway by this Administration, this unchecked system is a dangerous step forward and threatens one of the values that we're fighting for, freedom. The Administration has a heavy burden of proof that such extreme measures are necessary.

The Data-Mining Moratorium Act of 2003 would immediately suspend data-mining in the Department of Defense and the Department of Homeland Security until Congress has conducted a thorough review of Total Information Awareness and the practice of data-mining.

Without Congressional review and oversight, data-mining would allow the Department of Homeland Security, the Department of Defense and other government agencies to collect and analyze a combination of intelligence data and personal information like individuals' traffic violations, credit card purchases, travel records, medical records, communications records, and virtually any information collected on commercial or public databases. Through comprehensive data-mining, as envisioned with Total Information Awareness, everything from people's video rentals or drugstore purchases made with a credit card to their most private health concerns could be fed into a computer and monitored by the Federal Government.

Using massive data mining, like Total Information Awareness, the government hopes to be able to detect potential terrorists. There is no evidence that data-mining will, in fact, prevent terrorism. And when one considers the potential for errors in data, for example, credit agencies that have data about John R. Smith on John D. Smith's credit report, the prospect of ensnaring many innocents is real. This approach might also lead to the same kinds of so-called ''preventive'' detentions that are unconstitutional and put more than 1,100 individuals in jail after September 11. Although none of these people were ever charged with orchestrating or aiding the attacks, they were often held for months on end, and went for weeks without access to counsel. There is every reason to be concerned that uncontrolled data-mining systems would lead to the same abuse of power.

The Administration's assurances that a data-mining system will not abuse our privacy rights ring hollow, particularly to those of us who questioned the breathtaking new Federal powers in the USA PATRIOT Act. We heard these same assurances when the Administration pressed for enactment of that sweeping legislation in the months after September 11th, that the government would act with restraint to ensure that its application of the Act would not infringe on our liberties. The opposite has turned out to be true. In fact, some of the most serious infringements on our personal freedoms in the USA PATRIOT Act can now contribute to the data-mining effort.

The USA PATRIOT Act allows the government to compel businesses to produce records about people who had only a remote contact with a person sought in connection with an investigation of terrorism, including sitting on an airplane with the suspect, or having used the same payphone as the

suspect. Under the PATRIOT Act, any business records can be compelled, including those containing sensitive personal information like medical records from hospitals or doctors, financial records, or records of what books someone has taken out of the liberary. This information is exactly the kind of data that data-mining programs like Total Information Awareness will use when compiling its files on the American people.

The danger of data-mining is compounded not only by provisions in the USA PATRIOT Act, but also by the Administration's loosening of domestic surveillance restrictions for FBI agents last year, restrictions that were put in place following FBI abuses under J. Edgar Hoover. These various initiatives of the Administration are building on each other to give away more and more of our personal information, and give away more and more of our personal freedoms.

It is reasonable to ask Americans to sacrifice some personal freedom like submitting to more extensive security screenings at airports. But should we allow the government to track our every move, from what items we purchase online, to our medical records, to our financial records, without limits and without accountability? I believe most Americans would say that that's a police state, not the America we know and love. We would catch more terroists in a police state. I don't doubt that. But that's not a country in which most Americans would want to live.

Each time we have been told that government authorities would use restraint with its new powers, but Congress and the American people should not find comfort in these assurances, especially since they have been made by an Administration that has been operating in greater and greater secrecy. The Administration must suspend this massive data mining project until Congress can determine whether the proposed benefits of this practice come at too high a price to our privacy and personal liberties.

I urge my colleagues to support this measure, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Data-Mining Moratorium Act of 2003''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Use of advanced technology is an essential tool in the fight against terrorism.

(2) There has been no demonstration that data-mining by a government, including data-mining such as that which is to occur under the Total Information Awareness program, is an effective tool for preventing terrorism.

(3) Data-mining under the Total Information Awareness program or a similar program would provide the Federal Government with access to extensive files of private as well as public information on an individual.

(4) There are significant concerns regarding the extent to which privacy rights of individuals would be adversely affected by data-mining carried out by their government.

(5) Congress has not reviewed any guidelines, rules, or laws concerning implementation and use of data-mining by Federal Government agencies.

SEC. 3. MORATORIUM ON IMPLEMENTATION OF TOTAL INFORMATION AWARENESS PROGRAM FOR DATA-MINING.

(a) MORATORIUM.—During the period described in subsection (b), no officer or employee of the Department of Defense or the Department of Homeland Security may take any action to implement or carry out for data-mining purposes any part of (including any research or development under)—

(1) the Department of Defense component of the Total Information Awareness program or any other data-mining program of the Department of Defense; or

(2) any data-mining program of the Department of Homeland Security that is similar or related to the Total Information Awareness program.

(b) MORATORIUM PERIOD.—The period referred to in subsection (a) for a department of the Federal Government is the period beginning on the date of the enactment of this Act and ending on the date (after the date of the enactment of this Act) on which there is enacted a law specifically authorizing data-mining by such department.

SEC. 4. REPORTS ON DATA-MINING ACTIVITIES.

(a) REQUIREMENT FOR REPORT.—The Secretary of Defense, the Attorney General, and the head of each other department or agency of the Federal Government that is engaged in any activity to use or develop data-mining technology shall each submit to Congress a report on all such activities of the department or agency under the jurisdiction of that official.

(b) CONTENT OF REPORT.—A report submitted under subsection (a) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(1) A thorough description of the activity.

(2) A thorough discussion of the plans for the use of such technology.

(3) A thorough discussion of the policies, procedures, and guidelines that are to be applied in the use of such technology for data-mining in order to—

(A) protect the privacy rights of individuals; and

(B) ensure that only accurate information is collected.

(c) TIME FOR REPORT.—Each report required under subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 5. CONSTRUCTION OF PROVISIONS.

Nothing in this Act shall be construed to preclude the Department of Defense or the Department of Homeland Security from conducting—

(1) computer searches of public information; or

(2) computer searches that are based on a particularized suspicion of an individual.

By Mr. WYDEN (for himself, Mr. ALLEN, Mr. LIEBERMAN, Mr. WARNER, Ms. MIKULSKI, Mr. HOLLINGS, Ms. LANDRIEU, Mrs. CLINTON, Mr. LEVIN, and Mr. BAYH):

S. 189. A bill to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, far from the stuff of science fiction, nanotechnology has become a reality in the lives of many Americans. While there is tremendous potential for further study in this field, nanotechnology's current impacts range from the pedestrian to the extraordinary. A TV commercial demonstrates the practicality of nanotechnology through stain-resistant pants. Prosthetic and medical implants have been improved through molecularly designed surfaces that interact with the cells of the body. There is no question that this field will dramatically change the way Americans live.

I was pleased that my colleagues in the Commerce Committee in the last Congress recognized the tremendous potential of nanotechnology and passed this bill out of committee with unanimous bipartisan support. Nanotechnology innovations will bring enormous benefits to America's economy and to nearly every aspect of life in the coming decades. My own judgment is the nanotechnology revolution has the potential to change America on a scale equal to, if not greater than, the computer revolution. I am determined that the United States will not miss, but will mine the opportunities of nanotechnology. At present, efforts in the nanotechnology field are strewn across a half-dozen Federal agencies. I want America to marshal its various nanotechnology efforts into one driving force to remain the world's leader in this burgeoning field. And I believe Federal support is essential to achieving that goal.

Legislation I am introducing today will provide a smart, accelerated, and organized approach to nanotechnology research, development, and education. In my view, there are three major steps America must take to ensure the highest success for its nanotechnology efforts.

First, a National nanotechnology Research Program should be established to superintend long-term fundamental nanoscience and engineering research. The program's goals will be to ensure America's leadership and economic competitiveness in nanotechnology, and to make sure ethical and social concerns are taken into account alongside the development of this discipline.

Second, the Federal Government should support nanoscience through a program of research grants, and also through the establishment of nanotechnology research centers. These

centers would serve as key components of a national research infrastructure, bringing together experts from the various disciplines that must intersect for nanoscale projects to succeed and building a network that includes State-supported centers. As these research efforts take shape, educational opportunities will be the key to their long-term success. Through this legislation, I commit to helping students who would enter the field of nanotechnology. This discipline requires multiple areas of expertise. Students with the drive and the talent to tackle physics, chemistry, and the material sciences simultaneously deserve all the support we can offer.

Third, the government should create connections across its agencies to aid in the meshing of various nanotechnology efforts. These could include a national steering office, and a Presidential nanotechnology Advisory Committee, modeled on the President's Information Technology Advisory Committee.

I also believe that as these organizational support structures are put into place, rigorous evaluation must take place to ensure the maximum efficiency of our efforts. Personally, I would call for an annual review of America's nanotechnology efforts from the Presidential Advisory Committee, and a periodic review from the National Academy of Sciences. In addition to monitoring our own progress, the United States should keep abreast of the world's nanotechnology efforts through a series of benchmarking studies.

If the Federal Government fails to get behind nanotechnology now with organized, goal-oriented support, this Nation runs the risk of falling behind others in the world who recognize the potential of this discipline. Nanotechnology is already making pants more stain-resistant, making windows self-washing and making car parts stronger with tiny particles of clay. What America risks missing is the next generation of nanotechnology. In the next wave, nanoparticles and nanodevices will become the building blocks of our health care, agriculture, manufacturing, environmental cleanup, and even national security.

America risks missing a revolution in electronics, where a device the size of a sugar cube could hold all of the information in the Library of Congress. Today's silicon-based technologies can only shrink so small. Eventually, nanotechnologies will grow devices from the molecular level up. Small though they may be, their capabilities and their impact will be enormous. Spacecraft could be the size of mere molecules.

America risks missing a revolution in health care. In my home State, Oregon State University researchers are working on the microscale to create lapel-pin-sized biosensors that use the color-changing cells of the Siamese fighting fish to provide instant visual warnings when a biotoxin is present. An antimicrobial dressing for battlefield wounds is already available today, containing silver nanocrystals that prevent infection and reduce inflammation. The health care possibilities for nanotechnology are limitless. Eventually, nanoscale particles will travel human bodies to detect and cure disease. Chemotherapy could attack individual cancer cells and leave healthy cells intact. Tiny bulldozers could unclog blocked arteries. Human disease will be fought cell by cell, molecule by molecule, and nanotechnology will provide victories over disease that we can't even conceive today.

America risks missing a host of beneficial breakthroughs. American scientists could be the first to create nanomaterials for manufacturing and design that are stronger, lighter, harder, self-repairing, and safer. Nanoscale devices could scrub automobile pollution out of the air as it is produced. Nanoparticles could cover armor to make American soldiers almost invisible to enemies and even tend their wounds. Nanotechnology could grow steel stronger than what's made today, with little or no waste to pollute the environment.

Moreover, and this is even more important given our struggling economy, America risks missing an economic revolution based on nanotechnology. With much of nanotechnology existing in a research milieu, venture capitalists are already investing $1 billion in American nanotech interests this year alone. It's estimated that nanotechnology will become a trillion-dollar industry over the next 10 years. As nanotechnology grows, the ranks of skilled workers needed to discover and apply its capabilities must grow too. In the nanotechnology revolution, areas of high unemployment could become magnets for domestic production, engineering and research for nanotechnology applications—but only if government doesn't miss the boat.

Our country's National Nanotechnology Initiative is a step in the right direction. This Nation has already committed substantial funds to nanotechnology research and development in the coming years. But funding is not enough. There must be careful planning to make sure that money is used for sound science over the long-term. That is the reason for the legislation I am issuing today. The strategic planning it prescribes will ensure that scientists get the support they need to realize nanotechnology's greatest potential.

In 1944 the visionary President Franklin Delano Roosevelt requested a leading American scientist's opinion on advancing the United States' scientific efforts to benefit the world. Dr. Vannevar Bush offered his reply to President Harry S Truman the next year, following FDR's death. In his report to the President, Dr. Bush wrote, ''The Government should accept new responsibilities for promoting the flow of new scientific knowledge and the development of scientific talent in our youth. These responsibilities are the proper concern of the Government, for they vitally affect our health, our jobs, and our national security. It is in keeping also with basic United States policy that the Government should foster the opening of new frontiers and this is the modern way to do it.''

Those principles, so true nearly 60 years ago, are truer still today. I propose that the government now accept new responsibilities in promoting and developing nanotechnology. I am pleased to be joined on this legislation by Senators ALLEN, LIEBERMAN, MIKULSKI, HOLLINGS, LANDRIEU, CLINTON, and LEVIN. I ask unanimous consent that this statement be entered in the RECORD.

By Mrs. FEINSTEIN:

S. 190. A bill to establish the Director of National Intelligence as head of the intelligence community, to modify and enhance authorities and responsibilities relating to the administration of intelligence and the intelligence community, and for other purposes; to the Select Committee on Intelligence.

Mrs. FEINSTEIN. Mr. President, I rise today to offer the Intelligence Community Leadership Act of 2003. This legislation creates the position of Director of National Intelligence to provide budget and statutory authority over coordinating our intelligence efforts. This will help assure that the sort of communication problems that prevented the various elements of our intelligence community from working together effectively before September 11 never happens again.

Today there are 14 different agencies and departments which make up the Intelligence Community: the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the National Reconnaissance Office, the National Imagery and Mapping Agency, Army Intelligence, Air Force Intelligence, Marine Corps Intelligence, intelligence elements of the Departments of State, Treasury, Energy, as well as the Federal Bureau of Investigation and the United States Coast Guard. Together they make up a huge network, with thousands of employees and a significant, secret, budget.

Interestingly, there is no real head of this sprawling Community. In law the Director of Central Intelligence leads both the CIA and the Intelligence Community, but in practice he is unable to exercise meaningful control and leadership. The Community is plagued by

acute turf battles, incompatible information systems and uncoordinated operations. The present structure makes coordination and movement of personnel within the Intelligence Community more difficult than it should be.

Last Spring I offered legislation to address this problem, S. 2645, which created the position of Director of National Intelligence.

Since then the Joint Inquiry of the Senate and House Intelligence Committees completed its investigations into the Intelligence Community role in the attacks of September 11.

The Joint Inquiries' major recommendation was the creation of a ''Director of National Intelligence'', DNI, with real authority to run the Intelligence Community, separate from the head of the CIA, and thus free from having to run both the Community and one of its major constituent agencies.

Working with those recommendations, I have updated the bill I introduced last year to reflect the Joint Inquiries' findings. The changes include adding specific language to ensure that the new Director of National Intelligence has meaningful and effective budget and personnel authority.

Specifically this legislation would create the new position of Director of National Intelligence who would head the intelligence community, serving at the pleasure of the President, with the proper and necessary authority to coordinate activities, direct priorities, and develop and execute the budget for our nation's national intelligence community.

The DNI would be responsible for all of the functions now performed by the Director of Central Intelligence in his role as head of the intelligence community, while a separate individual would be Director of the CIA.

Nominated by the President and confirmed by the Senate, the DNI would be empowered to create and execute the national intelligence budget in conjunction with the various intelligence agencies within our government.

The Director of the Central Intelligence Agency, DCIA, freed from the double burden as head of the intelligence community, would then be able to concentrate on the critical missions of the CIA alone: Assure the collection of intelligence from human sources, and that intelligence is properly correlated, evaluated, and disseminated throughout the intelligence community and to decision makers.

I recognize that this bill will certainly not solve every problem within the intelligence community, but I believe it is an important, perhaps critical, first step. My hope is that introduction of this bill will move the much-needed debate on Intelligence Community reform forward.

By Mr. DEWINE:

S. 191. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received a kidney transplant, and for other purposes; to the Committee on Finance.

Mr. DEWINE. Mr. President, I rise today to join my friend and colleague, Senator DURBIN, in introducing a bill to help organ transplant patients maintain access to the life-saving drugs necessary to prevent their immune systems from rejecting their new organs.

Tragically, today over 86,000 Americans are waiting for a donor organ. Those individuals who are blessed to receive an organ transplant must take immunosuppressive drugs every day for the life of their transplant. Failure to take these drugs significantly increases the risk that the transplanted organ will be rejected.

We need this bill, because Federal law is compromising the success of organ transplants. Let me explain. Right now, current Medicare policy denies certain transplant patients coverage for the drugs needed to prevent rejection. Medicare does not pay for anti-rejection drugs for Medicare beneficiaries, who received their transplants prior to becoming a Medicare beneficiary. So, for instance, if a person received a transplant at age 64 through his or her health insurance plan, when that person retires and relies on Medicare for health care coverage, he or she would no longer have immunosuppressive drug coverage.

Medicare only pays for anti-rejection drugs for transplants performed in a Medicare-approved transplant facility. However, many beneficiaries are completely unaware of this fact and how it can jeopardize their future coverage of immunosuppressive drugs. To receive an organ transplant, a person must be very ill and many are far too ill at the time of transplantation to be researching the intricate nuances of Medicare coverage policy.

End Stage Renal Disease, ESRD, patients qualify for Medicare on the basis of needing dialysis. If End Stage Renal Disease patients receive a kidney transplant, they qualify for Medicare coverage for three years after the transplant. After the three years are up, they lose not only their general Medicare coverage, but also their coverage for immunosuppressive drugs.

The amendment that Senator DURBIN and I are introducing today would remove the Medicare limitations and make clear that all Medicare beneficiaries including End Stage Renal Disease patients who have had a transplant and need immunosuppressive drugs to prevent rejection of their transplant, will be covered as long as such anti-rejection drugs are needed.

In the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act, Congress eliminated the 36-month time limitation for transplant recipients who both receive a Medicare eligible transplant and are eligible for Medicare based on age or disability. Our bill would provide the same indefinite coverage to kidney transplant recipients who are not Medicare-aged or Medicare-disabled.

I urge my colleagues to support this legislation and help those who receive Medicare-eligible transplants to gain access to the immunosuppressive drugs they need to live healthy, productive lives.

By Mr. CORZINE:

S. 192. A bill to amend title 23, United States Code, to provide for criminal and civil liability for permitting an intoxicated arrestee to operate a motor vehicle; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President, today I am introducing legislation that would address the serious national problem of drunk driving. This bill, entitled ''John's Law of 2003,'' would help ensure that when drunken drivers are arrested, they cannot simply get back into the car and put the lives of others in jeopardy.

On July 22, 2000, Navy Ensign John Elliott was driving home from the United States Naval Academy in Annapolis for his mother's birthday when his car was struck by another car. Both Ensign Elliott and the driver of that car were killed. The driver of the car that caused the collision had a blood alcohol level that exceeded twice the legal limit.

When makes this tragedy especially distressing is that this same driver had been arrested and charged with driving under the influence of alcohol, DUI, just three hours before the crash. After being processed for that offense, he had been released into the custody of a friend who drove him back to his car and allowed him to get behind the wheel, with tragic results.

We need to ensure that drunken drivers do not get back behind the wheel before they sober up. New Jersey took steps to do this when they enacted John's Law at the State level. I am pleased to offer a Federal version of this legislation today.

This bill would require States to impound the vehicle of an offender for a period of at least 12 hours after the offense. This would ensure that the arrestee cannot get back behind the wheel of his car until he is sober.

Further, the bill would require States to ensure that if a DUI offender arrestee is released into the custody of another, that person must be provided with notice of his or her potential civil or criminal liability for permitting the arrestee's operation of a motor vehicle while intoxicated. While this bill does not create new liability under Federal law, notifying such individuals of their prospective liability under State law

should encourage them to act responsibly.

John's Law of 2003 is structured in a manner similar to other Federal laws designed to promote highway safety, such as laws that encourage States to enact tough drunk driving standards. Under the legislation, a portion of Federal highways funds would be withheld from States that do not comply. Initially, this funding could be restored if States move into compliance. Later, the highway funding forfeited by one State would be distributed to other States that are in compliance. Experience has shown that the threat of losing highway funding is very effective in ensuring that States comply.

Mr. President, I believe that this legislation would help make our roads safer and save many lives. I hope my colleagues will support it, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''John's Law of 2003''.

SEC. 2. LIABILITY FOR PERMITTING AN INTOXICATED ARRESTEE TO OPERATE A MOTOR VEHICLE.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''§ 165. Liability for permitting an intoxicated arrestee to operate a motor vehicle

''(a) DEFINITION OF MOTOR VEHICLE.—In this section, the term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated only on a rail.

''(b) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

''(1) FISCAL YEAR 2005.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2004, if the State does not meet the requirements of paragraph (3) on that date.

''(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2005, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

''(3) REQUIREMENTS.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law that is substantially as follows:

''(A) WRITTEN STATEMENT.—If a person is summoned by or on behalf of a person who has been arrested for public intoxication in order to transport or accompany the arrestee from the premises of a law enforcement agency, the law enforcement agency shall provide that person with a written statement advising him of his potential criminal and civil liability for permitting or facilitating the arrestee's operation of a motor vehicle while the arrestee remains intoxicated. The person to whom the statement is issued shall acknowledge, in writing, receipt of the statement, or the law enforcement agency shall record the fact that the written statement was provided, but the person refused to sign an acknowledgment. The State shall establish the content and form of the written statement and acknowledgment to be used by law enforcement agencies throughout the State and may issue directives to ensure the uniform implementation of this subparagraph. Nothing in this subparagraph shall impose any obligation on a physician or other health care provider involved in the treatment or evaluation of the arrestee.

''(B) IMPOUNDMENT OF VEHICLE OPERATED BY ARRESTEE; CONDITIONS OF RELEASE; FEE FOR TOWING, STORAGE.—

''(i) If a person has been arrested for public intoxication, the arresting law enforcement agency shall impound the vehicle that the person was operating at the time of arrest.

''(ii) A vehicle impounded pursuant to this subparagraph shall be impounded for a period of 12 hours after the time of arrest or until such later time as the arrestee claiming the vehicle meets the conditions for release in clause (iv).

''(iii) A vehicle impounded pursuant to this subparagraph may be released to a person other than the arrestee prior to the end of the impoundment period only if—

''(I) the vehicle is not owned or leased by the person under arrest and the person who owns or leases the vehicle claims the vehicle and meets the conditions for release in clause (iv); or

''(II) the vehicle is owned or leased by the arrestee, the arrestee gives permission to another person, who has acknowledged in writing receipt of the statement to operate the vehicle and the conditions for release in clause (iv).

''(iv) A vehicle impounded pursuant to this subparagraph shall not be released unless the person claiming the vehicle—

''(I) presents a valid operator's license, proof of ownership or lawful authority to operate the vehicle, and proof of valid motor vehicle insurance for that vehicle;

''(II) is able to operate the vehicle in a safe manner and would not be in violation driving while intoxicated laws; and

''(III) meets any other conditions for release established by the law enforcement agency.

''(v) A law enforcement agency impounding a vehicle pursuant to this subparagraph is authorized to charge a reasonable fee for towing and storage of the vehicle. The law enforcement agency is further authorized to retain custody of the vehicle until that fee is paid.

''(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

''(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—Any funds withheld under subsection (b) from apportionment to any State shall remain available until the end of the fourth fiscal year following the fiscal year for which the funds are authorized to be appropriated.

''(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (b) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (b) that remain available for apportionment to the State.

''(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

''(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

''(B) TREATMENT OF CERTAIN FUNDS.—Any funds apportioned under paragraph (2) that are not obligated at the end of the period referred to in subparagraph (A) shall be allocated equally among the States that meet the requirements of subsection (a)(3).

''(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (b) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), the funds shall be allocated equally among the States that meet the requirements of subsection (a)(3).''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''165. Liability for permitting an intoxicated arrestee to operate a motor vehicle.''.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. STEVENS, Mr. MILLER, Mr. CAMPBELL, Mr. MCCAIN, Mr. BREAUX, Mr. CRAIG, Mr. ENSIGN, Mr. LUGAR, Mrs. LINCOLN, Mr. BAUCUS, Mr. BOND, Mr. LOTT, Mr. HOLLINGS, Mr. DAYTON, Mr. SESSIONS, Mr. NELSON of Nebraska, Mr. INHOFE, Mr. BUNNING, Mr. ALLARD, Ms. COLLINS, Mr. CRAPO, Mr. DEWINE, Mr. FRIST, Mr. GRASSLEY, Mr. HAGEL, Mrs. HUTCHISON, Mr. ROBERTS, Mr. WARNER, Mr. ALLEN, Mr. BROWNBACK, Mr. BURNS, Mr. DOMENICI, Mr. GREGG, Mr. SANTORUM, Mr. SHELBY, Ms. SNOWE, Mr. GRAHAM of South Carolina, Mr. CORNYN, Mr. TALENT, and Mr. ALEXANDER):

S.J. Res 4. A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, it is with profound honor and reverence that I, together with my friend and colleague, Senator FEINSTEIN, introduce a bipartisan constitutional amendment to permit Congress to prohibit the physical desecration of the American flag.

The American flag serves as a symbol of our great Nation. The flag represents, in a way nothing else can, the common bond shared by an otherwise diverse people. As a sponsor and longtime supporter of the proposed constitutional amendment to protect the American flag, I am very pleased, but not surprised, by the way Americans have been waving the flag as a symbol of solidarity following the September 11 attacks of 2001. The emotion that Americans feel when they see the stars and stripes confirms my view that the

flag is much more than a piece of cloth—it is a unifying force that represents the common core ideals all Americans share. Whatever our differences of party, race, religion, or socio-economic status, the flag reminds us that we are very much one people, united in a shared destiny, bonded in a common faith in our nation.

More than a decade ago, Supreme Court Justice John Paul Stevens reminded us of the significance of our unique emblem when he wrote:

> A country's flag is a symbol of more than nationhood and national unity. It also signifies the ideas that characterize the society that has chosen that emblem as well as the special history that has animated the growth and power of those ideas. . . . So it is with the American flag. It is more than a proud symbol of the courage, the determination, and the gifts of a nation that transformed 13 fledgling colonies into a world power. It is a symbol of freedom, of equal opportunity, of religious tolerance, and of goodwill for other peoples who share our aspirations.

Throughout our history, the flag has captured the hearts and minds of all types of people—ranging from school teachers to union workers, traffic cops, grandmothers, and combat veterans. In 1861, President Abraham Lincoln called our young men to put their lives on the line to preserve the Union. When Union troops were beaten and demoralized, General Ulysses Grant ordered a detachment of men to make an early morning attack on Lookout Mountain in Tennessee. When the fog lifted from Lookout Mountain, the rest of the Union troops saw the American flag flying and cheered with a newfound courage. This courage eventually led to a nation of free men—not half-free and half-slave.

In 1941, President Franklin Roosevelt called on all Americans to fight the aggression of the Axis powers. After suffering numerous early defeats, the free world watched in awe as five Marines and one sailor raised the American flag on Iwo Jima. Their undaunted, courageous act, for which three of the six men died, inspired the Allied troops to attain victory over fascism.

In 1990, President Bush called on our young men and women to go to the Mideast for Operations Desert Shield and Desert Storm. After an unprovoked attack by the terrorist dictator Saddam Hussein on the Kingdom of Kuwait, American troops, wearing arm patches with the American flag on their shoulders, led the way to victory. General Norman Schwarzkopf addressed a joint session of Congress describing the American men and women who fought for the ideals symbolized by the American flag:

> [W]e were Protestants and Catholics and Jews and Moslems and Buddhists, and many other religions, fighting for a common and just cause. Because that's what your military is. And we were black and white and yellow and brown and red. And we noticed that when our blood was shed in the desert, it didn't separate by race. It flowed together.

General Schwarzkopf then thanked the American people for their support, stating:

> The prophets of doom, the naysayers, the protesters and the flag-burners all said that you wouldn't stick by us, but we knew better. We knew you'd never let us down. By golly, you didn't.

The pages of our history show that when this country has called our young men and women to serve under the American flag from Lookout Mountain to Iwo Jima to Kuwait, they have given their blood and lives. The crosses at Arlington, the Iwo Jima memorial, and the Vietnam Memorial honor those sacrifices. But there were those who did not.

In 1984, Greg Johnson led a group of radicals in a protest march in which he doused an American flag with kerosene and set it on fire as his fellow protestors chanted: ''America, the red, white, and blue, we spit on you.'' Sadly, the radical extremists, most of whom have given nothing, suffered nothing, and who respect nothing, would rather burn and spit on the American flag than honor it.

Contrast this image with the deeds of Roy Benavidez, an Army Sergeant from Texas, who led a helicopter extraction force to rescue a reconnaissance team in Vietnam. Despite being wounded in the leg, face, back, head, and abdomen by small arms fire, grenades, and hand-to-hand combat with vicious North Vietnamese soldiers, Benavidez held off the enemy and carried several wounded to the helicopters, until finally collapsing from a loss of blood. Benavidez earned the Medal of Honor. When Benavidez was buried in Arlington National Cemetery, the honor guard placed an American flag on his coffin and then folded it and gave it to his widow. The purpose of Roy Benavidez' heroic sacrifice—and the purpose of the American people's ratification of the First Amendment—was not to protect the right of radicals like Greg Johnson to burn and spit on the American flag.

The American people have long distinguished between the First Amendment right to speak and write one's political opinions and the disrespectful, and often violent, physical destruction of the flag. For many years, the people's elected representatives in Congress and 49 state legislatures passed statutes prohibiting the physical desecration of the flag. Our founding fathers, Chief Justice Earl Warren, and Justice Hugo Black believed these laws to be completely consistent with the First Amendment's protection of the spoken and written word and not disrespectful, extremist conduct.

In 1989, however, the Supreme Court abandoned the history and intent of the First Amendment to embrace a philosophy that made no distinction between oral and written speech about the flag and extremist, disrespectful destruction of the flag. In Texas v. Johnson, five members of the Court, for the first time ever, struck down a flag protection statute. The majority argued that the First Amendment had somehow changed and now prevented a state from protecting the American flag from radical, disrespectful, and violent actions. When Congress responded with a federal flag protection statute, the Supreme Court, in United States v. Eichman, used its new and changed interpretation of the First Amendment to strike it down by another five-to-four vote.

Under this new interpretation of the First Amendment, it is assumed that the people, their elected legislators, and the courts can no longer distinguish between expressions concerning the flag that are more akin to spoken and written expression and expressions that constitute the disrespectful physical desecration of the flag. Because of this assumed inability to make such distinctions, it is argued that all of our freedoms to speak and write political ideas are wholly dependent on Greg Johnson's newly created ''right'' to burn and spit on the American flag.

This ill-advised and radical philosophy fails because its basic premise—that laws and judges cannot distinguish between political expression and disrespectful physical desecration—is so obviously false. It is precisely this distinction that laws and judges did in fact make for over 200 years. Just as judges have distinguished which laws and actions comply with the constitutional command to provide ''equal protection of the laws'' and ''due process of law,'' so too have judges been able to distinguish between free expression and disrespectful destruction.

Certainly, extremist conduct such as smashing in the doors of the State Department may be a way of expressing one's dissatisfaction with the nation's foreign policy objectives. And one may even consider such behavior speech. Laws, however, can be enacted preventing such actions in large part because there are peaceful alternatives that can be equally powerful. After all, right here in the United States Senate, we prohibit speeches or demonstrations of any kind, even the silent display of signs or banners, in the public galleries.

Moreover, it was not this radical philosophy of protecting disrespectful destruction that the people elevated to the status of constitutional law. Such an extremist philosophy was never ratified. Such a philosophy is not found in the original and historic intent of the First Amendment. Thus, in this Senator's view, the Supreme Court erred in Texas v. Johnson and in United States v. Eichman.

Since Johnson and Eichman, constitutional scholars have opined that an attempt by Congress to protect the flag with another statute would fail in light of the new interpretation currently embraced by the Supreme Court.

Thus, an amendment is the only legal means to protect the flag.

This amendment affects only the most radical forms of conduct and will leave untouched the current constitutional protections for Americans to speak their sentiments in a rally, to write their sentiments to their newspaper, and to vote their sentiments at the ballot box. The amendment simply restores the traditional and historic power of the people's elected representatives to prohibit the radical and extremist physical desecration of the flag.

Restoring legal protection to the American flag will not place us on a slippery slope to limit other freedoms. No other symbol of our bi-partisan national ideals has flown over the battlefields, cemeteries, football fields, and school yards of America. No other symbol has lifted the hearts of ordinary men and women seeking liberty around the world. No other symbol has been paid for with so much blood of our countrymen. The American people have paid for their flag, and it is our duty to let them protect it.

This amendment offers Senators, from both sides of the aisle, the opportunity to stand united for the protection of the sacred symbol of our nation.

Restoring legal protection to the American flag is not, nor should it be, a partisan issue. More than 40 Senators, both Republicans and Democrats, have already joined with Senator FEINSTEIN and myself as original cosponsors of this amendment. I am pleased that this amendment has the unqualified support of our distinguished colleagues: Senators TED STEVENS; ZELL MILLER; JOHN MCCAIN; JOHN B. BREAUX; LARRY E. CRAIG; JOHN E. ENSIGN; RICHARD G. LUGAR; BLANCHE LINCOLN; MAX BAUCUS; CHRISTOPHER S. BOND; TRENT LOTT; ERNEST F. HOLLINGS; MARK DAYTON; JEFF SESSIONS; E. BENJAMIN NELSON; JAMES M. INHOFE; JIM BUNNING; WAYNE ALLARD; SUSAN M. COLLINS; MICHAEL D. CRAPO; MICHAEL DEWINE; BILL FRIST; CHARLES E. GRASSLEY; CHUCK HAGEL; KAY BAILEY HUTCHINSON; PAT ROBERTS; JOHN W. WARNER; GEORGE ALLEN; SAM BROWNBACK; CONRAD R. BURNS; PETE V. DOMENICI; JUDD GREGG; RICK SANTORUM; RICHARD C. SHELBY; OLYMPIA J. SNOWE; LINDSEY GRAHAM; JOHN CORNYN; JAMES TALENT; LAMAR ALEXANDER; BEN NIGHTHORSE CAMPBELL.

Polls have shown that 80 percent of the American people want the opportunity to vote to protect their flag. Numerous organizations from the American Legion to the Women's War Veterans to the African-American Women's clergy all support the flag protection amendment. All 50 State legislatures have passed resolutions calling for constitutional protection for the flag.

I am, therefore, proud to rise today to introduce a constitutional amendment that would restore to the people's elected representatives the right to protect our unique national symbol, the American flag, from acts of physical desecration.

I ask unanimous consent that the text of the proposed amendment be printed in the RECORD.

I am very honored to be a cosponsor with my dear friend from California, Senator FEINSTEIN. I appreciate the effort and unwavering support she has put forth in this battle. I am proud and privileged to be able to work with her.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 4

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of its submission for ratification:

''ARTICLE—

''The Congress shall have power to prohibit the physical desecration of the flag of the United States.''.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 22—EXPRESSING THE SENSE OF THE SENATE REGARDING THE IMPLEMENTATION OF THE NO CHILD LEFT BEHIND ACT OF 2001

Mr. DORGAN (for himself and Mr. CONRAD) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 22

Whereas all students, no matter where they live, should receive the highest quality education possible, and Congress and the President enacted the No Child Left Behind Act of 2001 (Public Law 107–110) to ensure high academic standards and the tools and resources to meet those standards;

Whereas the No Child Left Behind Act of 2001 imposes many new requirements and challenges for States, school districts, and individual educators;

Whereas many States and school districts are struggling to understand the requirements of the No Child Left Behind Act of 2001, even as additional regulations and guidance continue to be forthcoming from the Department of Education;

Whereas the small size, remoteness, and lack of resources of many rural schools pose potential additional problems in implementing the No Child Left Behind Act of 2001;

Whereas many rural schools and school districts have very small numbers of students, such that the performance of a few students on the assessments required by the No Child Left Behind Act of 2001 can determine the progress or lack of progress of that school or school district;

Whereas the small number of students in many rural schools can make the disaggregation of testing results difficult and even statistically unreliable;

Whereas some of the options created for students attending failing schools, including the choice to attend another public school and the availability of supplemental tutoring services, simply may not be available in rural areas or may be prohibitively expensive due to the cost of transportation over long distances;

Whereas many rural schools already have shortages of teachers in key subject areas, rural teachers frequently teach in multiple subject areas, and rural teachers tend to be older, and lower paid than their urban counterparts;

Whereas many experienced teachers and paraprofessionals in rural schools may not meet the definition of ''highly qualified'' in the No Child Left Behind Act of 2001 and rural school districts will have difficulty competing with large school districts in recruiting and retaining quality teachers;

Whereas the No Child Left Behind Act of 2001 imposes many new requirements on schools and school districts, but the President's budget request for fiscal year 2003 does not provide the level of funding needed and authorized to meet those requirements and in fact cuts funding by $90,000,000 for programs contained in the No Child Left Behind Act of 2001; and

Whereas a majority of the States are being forced to cut budgets and local governments are also struggling with revenue shortfalls that make it difficult to provide the increased resources necessary to implement the No Child Left Behind Act of 2001 in the absence of adequate federal funding: Now, therefore, be it

Resolved, That—

(1) the Secretary of Education should provide the maximum flexibility possible in assisting predominantly rural States and school districts in meeting the unique challenges presented to them by the No Child Left Behind Act of 2001 (Public Law 107–110);

(2) the President should, in his fiscal year 2004 budget request, request the full levels of funding authorized under the No Child Left Behind Act of 2001 for all programs, including the Rural Education Achievement Program (20 U.S.C. 7341 et seq.); and

(3) it is the sense of the Senate that, if the President does not request and Congress does not provide full funding for the No Child Left Behind Act of 2001 in fiscal year 2004, Congress should suspend the enforcement of the implementation of the requirements of the No Child Left Behind Act of 2001 until full funding is provided.

Mr. DORGAN. Mr. President, today, I am submitting a Sense of the Senate Resolution that expresses my concerns about the implementation of the No Child Left Behind Act.

I supported this law when it was passed by the Senate with overwhelming bipartisan support, and I still support it. In general, I think it is very appropriate and important for us as a Nation to demand very high standards of performance from our schools and to identify those schools that should be doing better and give them the assistance they need to improve.

Having said that, I do have concerns that a lack of adequate funding and a potential lack of flexibility in the implementation of this new law could set out public schools up for failure, and that is wrong. All of us have an obligation, as parents, educators, concerned citizens, and policymakers, to get the implementation of this law right.

Nationwide, about 25 percent of public schools are rural. In North Dakota, fully 89 percent of our public school districts are rural. The No Child Left Behind Act imposes many new requirements that will be challenging for all States and schools to meet. However, rural school districts face unique challenges that are compounded by the small size, remoteness, and lack of resources facing many rural schools.

Rural educators in my State have pointed out a number of unique concerns facing them. For example, many rural school districts in North Dakota have very small numbers of students. The poor performance of just a few students on the tests required by the No Child Left Behind Act could result in a school being identified as needing improvement, even when most of the students are performing very well.

In addition, some of the options created under the No Child Left Behind Act for students attending schools identified for improvement simply may not be available in rural areas. For instance, most of the school districts in my State only include one school, so another public school choice is not an option. Likewise, the distance to the next nearest school district may be impractical or the cost of transportation may be prohibitively expensive. Similar concerns exist with the availability of supplemental tutoring services.

Many rural schools already have shortages of teachers in key subject areas, even though rural instructors frequently tech in multiple subject areas. Some of the experienced teachers and paraprofessionals in rural schools may not meet the new ''highly qualified'' requirements of the No Child Left Behind Act, and it will be very difficult for rural school districts to complete with large school districts in recruiting and retaining quality teachers.

I believe the No Child Left Behind Law provides States with the flexibility that is needed to address these and other concerns, if the Department of Education allows States to use that flexibility and the States take advantage of it. As President Bush himself said last week, ''One size doesn't fit all when it comes to public education.''

Of course, the other ingredient that is needed is funding. Even with the necessary flexibility, if schools do not have the resources to make needed reforms, they will not be able to improve.

When the Congress and the President last year reached bipartisan agreement on the No Child Left Behind Act, we agreed on the levels of funding that would be necessary to meet the new expectations and requirements. That law authorizes $31 billion for the No Child Left Behind Act in fiscal year 2003, a $9 billion increase over the fiscal year 2002 level.

Unfortuantely, barely a month after this legislation was signed into law, the President sent to Congress a budget that no only did not fully fund the increases in the No Child Left Behind Act, it actually cut funding by $90 million.

One cut of particular concern to me is the President's proposal to eliminate funding for the Rural Education Achievement Program, REAP, which was funded in fiscal year 2002 at $162.5 million. REAP funding is particularly important because it is targeted at small, rural districts that do not receive large enough amounts of money through the individual federal formula ''title programs'' to make substantive changes or investments. In addition, because small rural districts often lack the administrative staff to apply for competitive grants from the State and Federal level, they receive a smaller proportion of federal dollars then their suburban or urban counterparts.

For many rural school districts, REAP will mean an additional $20,000 to $60,000 in new funding that will help them to meet the challenges of implementing the No Child Left Behind Act. While this may not seem like much funding to an urban or suburban district, to a small rural district it makes a real impact.

As Congress completes work on the fiscal year 2003 Education appropriations bill, I hope we will provide the $31 billion authorized in No Child Left Behind. I understand that Senator HARKIN plans to offer an amendment to bring the funding level up to the authorized amount. Given that the No Child Left Behind Act was passed by the Senate by an 87–10 vote, I would hope and expect that Senator HARKIN's amendment would receive similarly strong bipartisan support.

However, my Sense of the Senate resolution also calls on President Bush to request the authorized level of funding of $34 billion in his fiscal year 2004 budget he will send to Congress next month, and it calls on Congress to appropriate that level of funding in fiscal year 2004.

If full funding is not provided in fiscal year 2004, my resolution expresses the ''Sense of the Senate'' that enforcement of the No Child Left Behind Act should be suspended. A moratorium on enforcement is not my preference. Our children would be much better off if Congress and the President simply lived up to their commitment to provide the level of funding and flexibility needed to implement this law correctly. That should be our goal.

However, without this funding, we are simply imposing an enormous ''unfunded mandate'' on states and local school districts. The reality is that the budget crises facing just about every state and local government make it virtually impossible for states and local governments to make up for the lack of resources from the federal government.

Fundamentally, this can be a good law, and I think it would be a shame, and irresponsible to our children, if it cannot be implemented properly because Congress did not provide the resources it said it would.

SENATE RESOLUTION 23—SUPPORTING A DECISION OF THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT RELATING TO THE ADMISSIONS POLICY OF THE UNIVERSITY OF MICHIGAN

Mr. DASCHLE (for himself and Mr. GRAHAM of Florida) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 23

Whereas racial and ethnic diversity has far-reaching benefits for all students, nonminorities and minorities alike;

Whereas racial and ethnic diversity increases the range of ideas and perspectives raised in the classroom, generates complex thinking, and prepares students to become participants in a pluralistic democratic society;

Whereas racial and ethnic diversity has a positive effect on students' intellectual and personal development because such diversity causes students to challenge stereotypes, broaden perspectives, and sharpen critical thinking skills;

Whereas a study done in 2000 by the American College on Education and the American Association of University Professors found that students and faculty believe that having multiracial and multiethnic student populations has a positive effect on students' cognitive and personal development;

Whereas in 1955, 1 year after the Supreme Court decided Brown v. Board of Education, 347 U.S. 483 (1954), less than 5 percent of college students in the United States were African-American;

Whereas by 1990, because of affirmative action and other initiatives, over 11 percent of college students in the United States were African-American;

Whereas after the United States Court of Appeals for the Fifth Circuit ruled, in Hopwood v. Texas, 78 F.3d 932 (5th Cir. 1996), that the University of Texas Law School's affirmative action program was unconstitutional, Latino and African-American admissions to the law school plummeted by 64 percent and 88 percent, respectively;

Whereas after California's anti-affirmative action measure, Proposition 209, took affect, law school admissions dropped nearly 72 percent among African-American applicants and 35 percent among Latino applicants;

Whereas, even with affirmative action measures there continues to be significant racial disparities between the enrollment rates of minority students and white students;

Whereas in 1978, in Regents of University of California v. Bakke, 438 U.S. 265 (1978), the Supreme Court ruled that campus diversity is a ''compelling governmental interest''

that justifies race and ethnicity as one of many factors that a university may consider in developing a diverse student body;

Whereas the admissions policy of the University of Michigan adheres to the standards set out in the landmark Bakke decision;

Whereas the University of Michigan does not have racial quotas for admission, and instead uses many factors to select students, including race, social and economic background, geographic origin, athletic ability, and a relationship to alumni, as well as test scores, grades, and essay scores;

Whereas all of those factors help the University of Michigan select a diverse well-rounded student body that is not just racially diverse, but economically and geographically diverse; and

Whereas the University of Michigan's admissions policy so far has been upheld as constitutional by the United States Court of Appeals for the Sixth Circuit, in the case of Grutter v. Bollinger, 288 F.3d 732 (6th Cir. 2002): Now, therefore, be it

Resolved, that the Senate—

(1) strongly supports the decision of the United States Court of Appeals for the Sixth Circuit, in the case of Grutter v. Bollinger; and

(2) authorizes and instructs the Senate Legal Counsel to appear as amicus curiae in that case, in the name of the Senate, to defend the constitutionality of the University of Michigan's admissions policy to ensure a diverse student body.

AMENDMENTS SUBMITTED & PROPOSED

SA 4. Mr. LUGAR submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table.

SA 5. Mrs. CLINTON submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 6. Mr. COLEMAN (for himself and Mr. DAYTON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 7. Mr. GRAHAM, of Florida (for himself, Mr. NELSON, of Florida, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 8. Mr. BYRD (for himself and Mr. ROCKEFELLER) proposed an amendment to the joint resolution H.J. Res. 2, supra.

SA 9. Mr. KERRY (for himself, Mr. KENNEDY, Mr. SCHUMER, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 10. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 11. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 12. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 13. Mr. KENNEDY (for himself, Mr. DASCHLE, Mr. DODD, Mr. REED, Mr. BINGAMAN, Mrs. MURRAY, Mrs. CLINTON, Ms. MIKULSKI, Mr. JEFFORDS, Mr. SCHUMER, Mr. LAUTENBERG, Mr. SARBANES, Mr. JOHNSON, and Mr. KOHL) proposed an amendment to the joint resolution H.J. Res. 2, supra.

SA 14. Mr. GRAHAM, of Florida (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 15. Mr. GRAHAM, of Florida (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 16. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 17. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 18. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 19. Mr. GREGG proposed an amendment to the joint resolution H.J. Res. 2, supra.

SA 20. Ms. SNOWE submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 21. Ms. SNOWE submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 22. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 23. Mr. GRASSLEY (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 24. Mr. DAYTON submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 25. Mr. DAYTON submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 26. Mr. LOTT submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 27. Mr. REED (for himself, Ms. COLLINS, Mr. DAYTON, Mr. JEFFORDS, Mr. DEWINE, Mr. KENNEDY, Mr. SARBANES, Ms. CANTWELL, Ms. STABENOW, Mrs. CLINTON, Mr. DODD, Mr. KERRY , Mr. LEVIN, Mr. CORZINE, Mr. LEAHY, Mr. DURBIN, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 28. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 29. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 30. Mrs. MURRAY (for herself, Mrs. HUTCHISON, Mr. BYRD, Ms. SNOWE, Mr. HOLLINGS, Mr. CHAFEE, Mr. BIDEN, Mr. SPECTER, Mr. LEAHY, Mr. CARPER, Mr. LAUTENBERG, Mr. CORZINE, Mr. KERRY, Mr. ROCKEFELLER, Mr. DODD, Mrs. CLINTON, Mr. REID, Mr. JEFFORDS, Ms. COLLINS, and Mr. DURBIN) proposed an amendment to the joint resolution H.J. Res. 2, supra.

SA 31. Mr. SCHUMER submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra.

SA 32. Mr. HARKIN (for himself, Mrs. FEINSTEIN, Mr. LEAHY, Mr. BIDEN, Mr. KOHL, Mr. JOHNSON, Mr. NELSON, of Florida, Mr. ROCKEFELLER, Mr. AKAKA, Mr. JEFFORDS, Mrs. MURRAY, and Mr. LAUTENBERG) proposed an amendment to the joint resolution H.J. Res. 2, supra.

SA 33. Mr. CRAIG (for himself, Mr. DORGAN, Mr. CRAPO, Mrs. MURRAY, Mr. JOHNSON, Mr. CONRAD , and Mr. ALLARD) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 34. Mr. CRAIG (for himself, Mr. BURNS, Mrs. MURRAY, Mr. SMITH, Mr. CRAPO, Mr. BAUCUS, Ms. CANTWELL, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4. Mr. LUGAR submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by this title for Atomic Energy Defense Activities for Defense Nuclear Nonproliferation, $8,000,000 shall be available to the Secretary of Energy to carry out a program to encourage graduate students in the United States, and in the Russian Federation, to pursue careers in areas relating to nonproliferation.

SA 5. Mrs. CLINTON submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. HEALTH EXAMINATIONS OF EMERGENCY SERVICES PERSONNEL.

From amounts previously appropriated in chapter 13 of title I of Public Law 107–206 (116 Stat. 894) to the Federal Emergency Management Agency to respond to the September 11, 2001, terrorist attacks on the United States, not less than $90,000,000 shall be made available, until expended, for baseline and follow-up screening and clinical examinations and long-term health monitoring and analysis for emergency services personnel and rescue and recovery personnel, of which not less than $25,000,000 shall be made available for such services for current and retired firefighters.

SA 6. Mr. COLEMAN (for himself and Mr. DAYTON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 928, line 24, strike ''$3,000,000'' and insert in lieu thereof ''$10,000,000''.

SA 7. Mr. GRAHAM of Florida (for himself, Mr. NELSON of Florida, and

Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert:

Notwithstanding any other provision of law, the Corps of Engineers, using funds made available by this Act and funds made available under any Act enacted before the date of enactment of this Act for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8), shall immediately carry out alternative 6D (including paying 100 percent of the cost of acquiring land or an interest in land) for the purpose of providing a flood protection system for the 8.5 square mile area described in the report entitled ''Central and South Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement'' and dated July 2000.

SA 8. Mr. BYRD (for himself and Mr. ROCKEFELLER) proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

At the appropriate place in the joint resolution insert the following:

DIVISION___HOMELAND SECURITY SUPPLEMENTAL APPROPRIATIONS

That, in addition to the funds provided elsewhere in this joint resolution, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

CHAPTER 1

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $363,000,000, to remain available until expended, only for the Entry Exit System, to be managed by the Justice Management Division: *Provided,* That none of the funds appropriated in this Act, or in Public Law 107–117, for the Immigration and Naturalization Service's Entry Exit System may be obligated until the INS submits a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: *Provided further,* That funds provided under this heading shall only be available for obligation and expenditure in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of Public Law 107–77.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

For an additional amount for ''Salaries and Expenses, Enforcement and Border Affairs'', $77,000,000, to remain available until expended, of which $25,000,000 shall be only for apprehending absconders, of which $25,000,000 shall be for fleet management, and of which $6,250,000 shall be only for pay upgrades for Border Patrol agents and Immigration Inspectors.

CONSTRUCTION

For an additional amount for ''Construction'', $100,000,000, to remain available until expended.

OFFICE OF JUSTICE PROGRAMS

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for the Community Oriented Policing Services, Interoperable Communications Technology Program in consultation with the Office of Science and Technology within the National Institute of Justice, and the Bureau of Justice Assistance, for emergency expenses for activities related to combating terrorism by providing grants to States and localities to improve communications within, and among, law enforcement and other first responder agencies, $100,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for ''Weapons Activities'' for emergency expenses, $150,000,000: *Provided,* That $25,000,000 of the funds provided shall be available for secure transportation asset activities: *Provided further,* That $35,000,000 shall be available for construction and renovation activities at the National Center for Combating Terrorism: *Provided further,* That $90,000,000 of the funds provided shall be available to meet increased safeguard and security needs throughout the nuclear weapons complex, including at least $25,000,000 for cyber security.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

OTHER DEFENSE ACTIVITIES

For an additional amount for ''Other Defense Activities'' for emergency expenses needed to conduct critical infrastructure assessments at critical energy supply facilities nationwide, $50,000,000, to remain available until expended: *Provided,* That $25,000,000 of the funds made available shall be provided to the National Infrastructure Simulation and Analysis Center: *Provided further,* That $25,000,000 of the funds made available shall be provided to the National Energy Technology Laboratory.

CHAPTER 3

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For additional amounts for grants to state and local health departments to support activities related to immunizing first responders against smallpox, $850,000,000: *Provided,* That this amount is transferred to the Centers for Disease Control and Prevention.

CHAPTER 4

DEPARTMENT OF TRANSPORTATION

TRANSPORTATION SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For additional amounts for necessary expenses of the Transportation Security Administration related to transportation security services pursuant to Public Law 107–71, $1,120,000,000, to remain available until September 30, 2004, of which not less than $500,000,000 shall be available for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, not less than $200,000,000 shall be available for the costs associated with the modification of airports to comply with the provisions of the Aviation and Transportation Security Act, and not less than $120,000,000 shall be available for Operation Safe Commerce.

CHAPTER 5

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For additional amount for ''Salaries and Expenses'', $89,600,000, to remain available until expended; of the total, not to exceed $47,000,000 shall be available for the Container Security Initiative; not to exceed $15,000,000 shall be available for pay parity; and not to exceed $27,600,000 shall be available for northern and southern border port-of-entry infrastructure.

CHAPTER 6

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for ''Emergency management planning and assistance'' for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $100,000,000.

This division may be cited as the ''Homeland Security Supplemental Appropriations Division'', of this joint resolution.

SA 9. Mr. KERRY (for himself Mr. KENNEDY, Mr. SCHUMER, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 213 and insert the following:

SEC. 213. The Department of Housing and Urban Development shall not be responsible for any monetary liabilities incurred by the implementation of section 9(n)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(n)(1)) between the date of enactment of that section and the final disposition and judgement, including any appeals, of Auburn Housing Authority vs. Martinez, 277 F.3d 138 (2d Cir. 2002).

SA 10. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the joint resolution H.J. Res 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(a) The Administrator of General Services shall accept all right, title and interest in the property described in subsection (b), if written offer therefore (accompanied by such proof of title, property descriptions and other information as the Administration may require) is received by the Administrator from the owner of such property within 12 months after the date of the enactment of this Act.

(b) The property described in this subsection is the property located at 5401 NW

Broken Sound Boulevard, Boca Raton, Florida and all improvements thereon.

(c) The United States shall pay an amount that does not exceed $1 in consideration of any right, title, or interest received by the United States under this section.

SA. 11. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

''Of the funds appropriated for the Centers for Disease Control, not less then $300,000 shall be made available to assist Citizens Against Toxic Exposure (CATE) in Pensacola, Florida, in locating and screening individuals for health problems associated with local toxic pollution, and in assisting those who have been exposed to these environmental toxins.''

And, at the appropriate place, insert the following:

''Of the funds appropriated for the Health Care Financing Administration, not less then $850,000 shall be made available to the University of West Florida for the P.E.R.C.H. (Partnership for Environmental and Community Health) research project.''

SA 12. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

''Of the funds appropriated for the Environmental Protection Agency, not less then $850,000 shall be made available to the University of West Florida for the P.E.R.C.H. (Partnership for Environmental and Community Health) research project.''

SA 13. Mr. KENNEDY (for himself, Mr. DASCHLE, Mr. DODD, Mr. REED, Mr. BINGAMAN, Mrs. MURRAY, Mrs. CLINTON, Ms. MIKULSKI, Mr. JEFFORDS, Mr. SCHUMER, Mr. LAUTENBERG, Mr. SARBANES, Mr. JOHNSON, and Mr. KOHL) proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

At the appropriate place in division G, insert the following:

TITLE ____—EDUCATION TO SECURE TOMORROW

SEC. ____. SHORT TITLE.

This title may be cited as the ''Trust in Education to Secure Tomorrow (TEST) for America's Future''.

SEC. ____. DECLARATION OF PURPOSE AND POLICY; FINDINGS.

(a) DECLARATION OF PURPOSE AND POLICY.—Congress declares the following:

(1) The security of the Nation requires the fullest development of the mental resources and technical skills of its young men and women. The present national security emergency demands that additional and more adequate educational opportunities be made available. The defense of this Nation depends upon the mastery of modern techniques developed from complex scientific principles. It depends as well upon the discovery and development of new principles, new techniques, and new knowledge.

(2) We must increase our efforts to identify and educate more of the talent of our Nation. This requires programs that will correct as rapidly as possible the existing imbalances in our educational system and will give assurance that no student of ability will be denied an opportunity for higher education because of financial need.

(3) Congress reaffirms the principle and declares that the States and local communities have and must retain control over and primary responsibility for public education. The national interest requires, however, that the Federal Government give assistance to education for programs which are important to our defense.

(4) To meet the present emergency requires additional effort at all levels of government. It is therefore the purpose of this division to provide substantial assistance in various forms to individuals, and to States and their subdivisions, in order to insure trained manpower of sufficient quality and quantity to meet the national defense needs of the United States.

(b) FINDINGS.—Congress finds the following:

(1) In fiscal year 2002, the No Child Left Behind Act of 2001 (Public Law 107–110) was funded at $22,195,000,000. The Budget of the United States Government for Fiscal Year 2003, as submitted to Congress, proposes to fund the No Child Left Behind Act of 2001 (Public Law 107–110) at $22,105,000,000.

(2) The size of the maximum Federal Pell Grant is authorized to be $5,800, but because of insufficient funding, in fiscal year 2002, the maximum Federal Pell Grant was only $4,000.

(3) State budget deficits are having a pronounced effect on State education funding and public college and university tuition.

(4) In fiscal year 1946, the share of the Federal budget dedicated to education was 10.4 percent. In fiscal year 2002, the share of the Federal budget dedicated to education was 2.5 percent. On March 23, 1994, the United States Senate unanimously resolved to increase to 10 percent by 2004 the share of the Federal budget dedicated to education.

SEC. ____. MEET THE PROMISE OF THE NO CHILD LEFT BEHIND ACT.

In addition to any amounts otherwise appropriated under this Act for part A of title I of the Elementary and Secondary Education Act of 1965, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, $4,650,000,000 for carrying out such part, to remain available through September 30, 2004: *Provided,* That $2,325,000,000 of the amount of funding appropriated under this section for part A of title I of the Elementary and Secondary Education Act of 1965 shall be distributed according to section 1125 of such Act: *Provided further,* That $2,325,000,000 of the amount of funding appropriated under this section for part A of title I of the Elementary and Secondary Education Act of 1965 shall be distributed according to section 1125A of such Act.

SEC. ____. HELP FOR FAMILIES PAYING FOR COLLEGE.

(a) ADDITIONAL APPROPRIATIONS.—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, for an additional amount for ''Student Financial Assistance'' for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965, $1,350,000,000 to remain available through September 30, 2004.

(b) MAXIMUM PELL GRANT.—Notwithstanding any other provision of this Act, the maximum Pell Grant for which a student shall be eligible during award year 2003-2004 shall be $4,500.

SEC. ____. RESTORATION OF FUNDING FOR EDUCATION.

Section 601 of Division N shall not apply with respect to programs funded under title III of Division G.

SA 14. Mr. GRAHAM of Florida (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

''Of the funds made available under the heading 'OPERATION AND MAINTENANCE, GENERAL' for the Apalachicola, Chattahoochee, and Flint Rivers, $3,000,000 shall be transferred to, and merged with, funds made available for the Upper Mississippi River System Environmental Management Program.''

SA 15. Mr. GRAHAM of Florida (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

''On the funds appropriated for the National Oceanic and Atmospheric Administration, not less than $7,500,000 shall be made available to the State University System of Florida for the Hurricane Mitigation Alliance.'';

At the appropriate place insert the following:

''Of the funds appropriated for the National Oceanic and Atmospheric Administration, not less than $250,000 shall be made available to New College in Florida for the Sarasota/Manatee Regional Data Sharing Project.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Telecommunications and Information Applications Program, not less than $400,000 shall be made available to Florida Agricultural and Manufacturing University for the WANM Intereconnection Project.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Technology Innovation Program, not less than $2,500,000 shall be made available to the University of South Florida for the Wireless and Microwave Broadband High Power Project,'';

At the appropriate place insert the following:

''Of the funds appropriated for the Office of Juvenile Justice and Delinquency Prevention, not less than $500,000 shall be made available to Florida Gulf Coast University for the Delinquency Prevention and Reduction Project.'';

At the appropriate place insert the following:

''Of the funds appropriated for the National Oceanographic and Atmospheric Administration, not less than $215,000 shall be made available to New College in Florida for Aquarium and Marine Science Education Outreach.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Department of Commerce Office of Technology Innovation, not less than $3,700,000 shall be made available to the University of West Florida for the Business Technology Development Infrastructure Project.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Department of Energy Office of Science, not less than $5,000,000 shall be made available to Florida International University for the Center for Hemispheric Energy Cooperation and Technology.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Department of Energy Office of Science, not less than $4,000,000 shall be made available to the University of Florida for the Orthopedic Science and Engineering Project.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Transportation Security Administration, not less than $6,000,000 shall be made available to the State University System of Florida for the Intermodal Transportation Safety and Security Initiative.'';

At the appropriate place insert the following:

''Of the funds appropriated for Transit Planning and Research, not less than $2,000,000 shall be made available to the University of South Florida for the National Bus Rapid Transit Institute.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Transportation Security Administration, not less than $3,000,000 shall be made available to the University of Central Florida for the Center for Advanced Human Factors in Transportation Security.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Environmental Protection Agency Office of Science and Technology, not less than $2,000,000 shall be made available to Florida Atlantic University for the Biodiversity and Ecosystems Survey Project.'';

At the appropriate place insert the following:

''Of the funds appropriated for Environmental Programs and Management, not less than $3,000,000 shall be made available to Florida International University for the National Center for Brownfields Remediation.'';

At the appropriate place insert the following:

''Of the funds appropriated for Environmental Programs and Management, not less than $3,000,000 shall be made available to the University of West Florida for the Partnership for Environmental Research.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Administration on Aging, not less than $6,300,000 shall be made available to the State University System of Florida for the Preparing for an Aging Society project.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Department of Education Office of Education Research and Improvement, not less than $4,000,000 shall be made available to the State University System of Florida for the Community Based Learning Hubs project.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Health Resources and Services Administration, not less than $1,500,000 shall be available to the University of Florida for the Telemedicine and Community Health Centers project.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Fund for the Improvement of Education, not less than $6,000,000 shall be available to the State University System of Florida for the Reading/Math/Science Initiative.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Fund for the Improvement of Post-Secondary Education, not less than $5,000,000 shall be available to University of South Florida for the Globalization Research Network.''

SA 16. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, line 22, strike ''$99,696,000'' and all that follows through ''*Provided*, That'' and insert the following: ''$461,696,000, of which not to exceed $3,137,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That of the amount appropriated under this heading $362,000,000 shall be available only for the Entry Exit System, to be managed by the Justice Management Division: *Provided further*, That none of the funds appropriated in this Act, or in Public Law 107–117, for the Immigration and Naturalization Service's Entry Exit System may be obligated until the INS submits a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: *Provided further*, That funds provided under this heading shall only be available for obligation and expenditure in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of Public Law 107–77: *Provided further*, That''.

SA 17. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following new section:

SEC. ____. Notwithstanding any other provision of law, none of the funds provided for in this Act shall be obligated or expended to privatize all, or any part, of the air traffic control system as defined in section 40102(42) of title 49, United States Code.

SA 18. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 741, strike lines 5 through 9 and insert ''$1,200,000,000, to remain available until expended.''.

SA 19. Mr. GREGG proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

At the appropriate place add the following:

''SEC. . FUNDING FOR INNOVATIVE PROGRAMS

In addition to any amounts otherwise appropriated under this Act for part A of title I of the Elementary and Secondary Education Act of 1965, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, $5,000,000,000 for carrying out such part, to remain available through September 30, 2004; *Provided*, that notwithstanding any other provision of this Act, any amounts appropriated for programs or activities under title III of Division G that are in excess of $54,195,685,000 shall be distributed to States and local educational agencies in accordance with sections 5111 and 5112 of the Elementary and Secondary Education Act of 1965 to be used by such States and local educational agencies to carry out any activity authorized under the Elementary and Secondary Education Act of 1965, the Individuals with Disabilities in Education Act, or the Higher Education Act of 1965, to remain available through September 30, 2004: *Provided further*, that the percentage amount of any across-the-board rescission provided for under section 601 of Division N of this Act shall be increased by the percentage amount necessary to rescind an amount of funds equal to the total amounts appropriated in excess of $54,195,685,000 for title III of Division G.

SA 20. Ms. SNOWE submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading ''RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS'' under the heading ''RURAL BUSINESS-COOPERATIVE SERVICE'' in title III—

(1) strike ''$14,967,000'' and insert ''$32,967,000''; and

(2) insert before the period at the end the following: '', of which $19,978,000 shall be used to make grants to rural empowerment zones designated in the second round of designations and of which $8,000,000 shall be used to make grants to rural empowerment zones designated in the third round of designations: *Provided*, That the Secretary of Agriculture shall use $18,000,000 of funds of the Commodity Credit Corporation to make the grants to rural empowerment zones required under this heading''.

SA 21. Ms. SNOWE submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading ''RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS'' under the heading ''RURAL BUSINESS-COOPERATIVE SERVICE'' in title III—

(1) strike ''$14,967,000'' and insert ''$16,167,000''; and

(2) insert before the period at the end the following: '', of which $1,200,000 shall be used to make a grant to the Aroostook County Empowerment Zone: *Provided*, That the Secretary of Agriculture shall use $1,200,000 of funds of the Commodity Credit Corporation to make the grant''.

SA 22. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

Beginning with line 12 on page 138, strike through line 14 on page 141.

SA 23. Mr. GRASSLEY (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 820, strike lines 3 through 13.

SA 24. Mr. DAYTON submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MANDATORY FUNDING OF IDEA.

Section 611(j) of the Individuals with Disabilities Education Act (29 U.S.C. 1411(j)) is amended to read as follows:

''(j) MANDATORY FUNDING.—

''(1) IN GENERAL.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated, and there are appropriated, such sums as may be necessary for fiscal year 2004 and each subsequent fiscal year to fully fund 40 percent of the average per pupil expenditure for programs under this part, other than section 619.

''(2) FORWARD FUNDING.—Funds appropriated for a fiscal year shall become available for obligation on July 1 of that fiscal year and remain available until September 30 of the following fiscal year.''.

SA 25. Mr. DAYTON submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC ___. CONTRACTS WITH CORPORATE EXPATRIATES.

(a) SHORT TITLE.—This section may be cited as the ''Senator Paul Wellstone Corporate Patriotism Act of 2003''.

(b) LIMITATION ON WAIVERS.—Section 835 of the Homeland Security Act of 2002 (Public Law 107–296) is amended by striking subsection (d) and inserting the following:

''(d) WAIVERS.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is essential to the national security.''.

(c) EXPANDED COVERAGE OF ENTITIES.—Section 835(a) of such Act is amended by inserting ''nor any directly or indirectly held subsidiary of such entity'' after ''subsection (b)''.

SA 26. Mr. LOTT submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place add the following:

Section 145[c] of P.L. 107–71 is amended by striking the number (18) and inserting the number (36).

SA 27. Mr. REED (for himself Ms. COLLINS, Mr. DAYTON, Mr. JEFFORDS, Mr. DEWINE, Mr. KENNEDY, Mr. SARBANES, Ms. CANTWELL, Ms. STABENOW, Mrs. CLINTON, Mr. DODD, Mr. KERRY, Mr. LEVIN, Mr. CORZINE, Mr. LEAHY, Mr. DURBIN, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the general provisions relating to the Department of Health and Human Services, add the following:

SEC. ___. The Supplemental Appropriations Act, 2001 (Public Law 107–020) is amended, in the matter under the heading ''LOW INCOME HOME ENERGY ASSISTANCE'' under the heading ''ADMINISTRATION FOR CHILDREN AND FAMILIES'' under the heading ''DEPARTMENT OF HEALTH AND HUMAN SERVICES'', in chapter 7 of title II, by striking ''amount for'' and all that follows, and inserting the following: ''amount for making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000.''.

SA 28. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Section XXX. Section 511(g)(2)(A) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 410ddd(g)(2)(A)) is amended by striking ''$2,000,000'' and inserting ''$5,000,000''.

SA 29. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Section XXX. Notwithstanding any other provision of law, the Secretary of the Army is directed to use $400,000 of the funds appropriated in Public Law 107–66 for projects carried out pursuant to 33 U.S.C. 2330 to reimburse the non-Federal interest for work undertaken by the non-Federal interest on the Lawrence Gateway Project, Massachusetts.

SA 30. Mrs. MURRAY (for herself, Mrs. HUTCHISON, Mr. BYRD, Ms. SNOWE, Mr. HOLLINGS, Mr. CHAFEE, Mr. BIDEN, Mr. SPECTER, Mr. LEAHY, Mr. CARPER, Mr. LAUTENBERG, Mr. CORZINE, Mr. KERRY, Mr. ROCKEFELLER, Mr. DODD, Mrs. CLINTON, Mr. REID, Mr. JEFFORDS, Ms. COLLINS, and Mr. DURBIN) proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

On page 741, strike lines 3 through 9, and insert:

For necessary expenses of operating costs and capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $1,200,000,000, to remain available until expended, of which $550,000,000 shall be for operating expenses, $369,000,000 shall be for capital expenses along the Northeast Corridor Mainline, and $281,000,000 shall be for capital expenses along the remainder of the Corporation's national rail network.

SA 31. Mr. SCHUMER submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

On page 723, strike lines 16 through 23, and insert the following:

''$72,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation: *Provided further*, That, of the total amount appropriated under this paragraph, $50,000,000 shall be available for the Secretary of Homeland Security to award grants to national laboratories, private nonprofit organizations, institutions of higher education, and other entities for the support of research and development of technologies that can be used to secure the ports of the United States: *Provided further*, That, the proceeds of grants made under the preceding proviso may be used to develop technologies such as equipment that accurately detects explosives or chemical and biological agents that could be used to commit terrorist acts in the United States, equipment that accurately detects nuclear materials (including scintillation-based detection equipment capable of attachment to spreaders to signal the presence of nuclear materials during the unloading of containers), improved tags and seals designed for use on shipping containers to track the transportation of the merchandise in such containers (including ''smart sensors'' that are able to track a container throughout its entire supply chain, detect hazardous and radioactive materials within that container, and transmit such information to the appropriate authorities at a remote location), and tools to mitigate the consequences of a terrorist act at a port of the United States (including a network of

sensors to predict the dispersion of radiological, chemical, or biological agents that might be intentionally or accidentally released): *Provided further*, That the proceeds of grants made under such preceding proviso may also be used to develop pilot projects that could be implemented within 12 months at the Port of New York and New Jersey, the port of Los Angeles and Long Beach, California, and the port of Virginia to demonstrate the effectiveness of a system of radiation detection monitors located throughout the port to detect nuclear or radiological material: *Provided further*, That each entity desiring a grant under such preceding proviso shall submit an application to the Secretary of Homeland Security at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.''.

SA 32. Mr. HARKIN (for himself, Mrs. FEINSTEIN, Mr. LEAHY, Mr. BIDEN, Mr. KOHL, Mr. JOHNSON, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. AKAKA, Mr. JEFFORDS, Mrs. MURRAY, and Mr. LAUTENBERG) proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

On page 101, line 1, strike ''$134,700,000'' and insert ''$634,700,000''.

SA 33. Mr. CRAIG (for himself, Mr. DORGAN, Mr. CRAPO, Mrs. MURRAY, Mr. JOHNSON, Mr. CONRAD, and Mr. ALLARD) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in Division A, insert the following:

SEC. ___. MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS FOR OTHER OILSEEDS, DRY PEAS, LENTILS, AND SMALL CHICKPEAS.

(a) DEFINITION OF OTHER OILSEED.—Section 1001(9) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901(9)) is amended by inserting ''crambe, sesame seed,'' after ''mustard seed,''.

(b) LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.—Section 1202 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7932) is amended—

(1) in subsection (a), by striking paragraph (10) and inserting the following:

''(10) In the case of other oilseeds, $.0960 per pound for each of the following kinds of oilseeds:

''(A) Sunflower seed.
''(B) Rapeseed.
''(C) Canola.
''(D) Safflower.
''(E) Flaxseed.
''(F) Mustard seed.
''(G) Crambe.
''(H) Sesame seed.
''(I) Other oilseeds designated by the Secretary.'';

(2) in subsection (b), by striking paragraph (10) and inserting the following:

''(10) In the case of other oilseeds, $.0930 per pound for each of the following kinds of oilseeds:

''(A) Sunflower seed.
''(B) Rapeseed.
''(C) Canola.
''(D) Safflower.
''(E) Flaxseed.
''(F) Mustard seed.
''(G) Crambe.
''(H) Sesame seed.
''(I) Other oilseeds designated by the Secretary.'';

(3) by adding at the end the following:

''(c) SINGLE COUNTY LOAN RATE FOR OTHER OILSEEDS.—The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsections (a)(10) and (b)(10).

''(d) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan rate for dry peas, lentils, and small chickpeas shall be based on—

''(1) in the case of dry peas, United States feed peas;

''(2) in the case of lentils, United States number 3 lentils; and

''(3) in the case of small chickpeas, United States number 3 small chickpeas that drop below a 20/64 screen.''.

(c) REPAYMENT OF LOANS.—Section 1204 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7934) is amended—

(1) in subsection (a), by striking ''and extra long staple cotton'' and inserting ''extra long staple cotton, and confectionery and each other kind of sunflower seed (other than oil sunflower seed)'';

(2) by redesignating subsection (f) as subsection (h); and

(3) by inserting after subsection (e) the following:

''(f) REPAYMENT RATES FOR CONFECTIONERY AND OTHER KINDS OF SUNFLOWER SEEDS.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

''(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

''(2) the repayment rate established for oil sunflower seed.

''(g) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan repayment rate for dry peas, lentils, and small chickpeas shall be based on the quality grades for the applicable commodity specified in section 1202(d).''.

(d) APPLICABILITY.—This section and the amendments made by this section apply beginning with the 2003 crop of other oilseeds (as defined in section 1001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901)), dry peas, lentils, and small chickpeas.

SA 34. Mr. CRAIG (for himself, Mr. BURNS, Mrs. MURRAY, Mr. SMITH, Mr. CRAPO, Mr. BAUCUS, Ms. CANTWELL, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 286, between lines 15 and 16, insert the following:

For the purposes of providing funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration and to implement the authority of the Administrator under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), an additional $700,000,000 in borrowing authority is made available under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.), to remain outstanding at any time: *Provided*, That the Bonneville Power Administration shall not use more than $531,000,000 of its permanent borrowing authority in fiscal year 2003.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Britt Jung, a legislative fellow in my office, be granted the privilege of the floor during debate on the omnibus bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE—REGISTRATION OF MASS MAILINGS

The filing date for 2002 fourth quarter mass mailings is Monday, January 27, 2003. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 9 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

ORDERS FOR FRIDAY, JANUARY 17, 2003

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Friday, January 17. I further ask that following the prayer and pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.J. Res. 2, as under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, tomorrow morning the Senate will resume consideration of this appropriations bill. At 9:30, there will be two consecutive votes on the pending amendments. The first is in relation to the Harkin amendment on Byrne grants, and the second is in relation to the Schumer amendment regarding port security.

Senators should be advised that additional amendments and, therefore, additional votes are expected during tomorrow's session. The Senate will remain in session and a late night is contemplated in order to make substantial

progress. If the Senate is unable to finish the bill during tomorrow's session, the Members may expect to return on Tuesday and remain in session until the bill is completed.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, after consultation with the chairman of the Select Committee on Intelligence, and pursuant to provisions of Public Law 107–306, announces the appointment of the Senator from Arizona (Mr. KYL) to serve as a member of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

The Chair, on behalf of the Democratic leader, after consultation with the vice chairman of the Select Committee on Intelligence, and pursuant to provisions of Public Law 107–306, announces the appointment of the following individuals to serve as members of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: The Senator from Florida (Mr. GRAHAM); Dr. Paul G. Kaminski of Virginia.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:58 p.m., adjourned until Friday, January 17, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 16, 2003:

UNITED STATES SENTENCING COMMISSION

MICHAEL E. HOROWITZ, OF MARYLAND, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2007, VICE STERLING JOHNSON, JR., TERM EXPIRED.

RICARDO H. HINOJOSA, OF TEXAS, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2007, VICE JOE KENDALL, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DAVID G. YOUNG III

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

EDWARD D. PETERSON
WILLIAM M. ZIEGLER

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

BENEDICT N. ANTONECCHIA
THOMAS S. TUCKER

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

BRITTA A. ANDERSON
DEBORAH C. MESSECAR

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

LEWIS A. BRANDES
EARL L. COTTON SR.
BARRY K. MADDIX
SANDRA G. MARSH
THOMAS M. REEVES
CHARLES E. TUCKER JR.
CHARLES A. WALDEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

RAYMOND B. ABARCA
SHANE L. *ABRAHAMSON
MICHAEL L. *ACKER
LANCE K. *ADKINS
KATHERINE *AGLER
KEITH E. *ALBEE
DAVID J. L. ALBRECHT
TIMOTHY W. *ALBRECHT
EDWARD J. ALCOCER
JOSEPH A. *ALDRICH
MARSHA L. *ALEEM
KRISTAL L. ALFONSO
PAUL A. ALFONSO JR.
ROBERT E. ALLARD
GREGORY S. *ALLEN
STEPHEN R. *ALLEN
MICHAEL L. ALLEY JR.
DAVID W. *ALLGOOD
MICHAEL D. *ALMY
STEVEN R. *AMBRICO
LUCIANO H. AMUTAN
STACEY L. ANASON
CAROL D. *ANDERSON
GARY L. *ANDERSON
JASON *ANDERSON
JOHN H. *ANDERSON III
JULIA C. ANDERSON
MARK C. ANDERSON
REID E. *ANDERSON
STEPHEN M. ANDERSON
AMY J. ANDERSSON
RESTI ZOILO LABA *ANDIN
DOUGLAS C. *ANDRIUK
RONJON *ANNABALLI
LUIS H. *ANTEQUERA
DANIEL S. *ARABIA
JAMES M. *ARGENTO
SERENA A. *ARMSTRONG
BRIDGETT S. *ARNOLD
LYLE B. *ARNOLD
SAM *ARWOOD
WILLIAM B. ASHWORTH
VANJOHN A. *ASUNCION
JEFFREY R. *AUBIN
MARK R. AUGUST
JAMES B. *AUSTIN
JOHN C. AYRES IV
STEVEN J. *BABB
DAVID A. *BACH
ROY C. *BACOT
EWING M. *BAILEY
TIMOTHY D. *BAILEY
GREGORY C. *BAINUM
DONALD C. BAKER
DONALD E. BAKER III
JARVIS R. BAKER
TODD J. BAKER
VALERIE K. *BAKER
NANCY D. *BALDOCK
KENNETH E. BALKCUM
MICHAEL S. BALLEK
JAMES G. V. *BANDS
JOSEPH J. *BANIAK
ROBERT J. *BARAGER
ZACHERY C. BARBER
JAMES A. *BARCLAY
JAMES G. *BARKER
ROBERT S. BARKER
THOMAS E. *BARNETT
BRADLEY W. *BARNHART
MARK A. *BARRERA
WARREN *BARRETO
MICHELLE N. BARRETT
KEVIN J. BASIK
WILLIAM J. *BATES
BRADLEY S. *BAUGH
PHILIP J. *BAYLIS
MICHAEL J. *BEACH
STEVEN M. BEASLEY
W. B. BEAUMONT
MICHAEL J. *BEAVIN
BARRY N. BEHNKEN
WILLIAM D. *BELEI
BRENT D. BELL
WILLIAM S. BELL
KENNETH J. *BELMEAR
MATTHEW J. *BELMONTE
RICHARD A. BENDA
ELLEN ANN *BENGE
MATTHEW P. BENIVEGNA
CHRISTOPHER L. BENNETT
EARL R. *BENNETT JR.
JORGE E. *BENNETT
TIMOTHY M. *BENNETT
DAVID M. BENSON
JOSEPH T. *BENSON
JENISE A. *BENTLE
TODD D. *BERGE
CHRISTOPHER J. *BERGSTOL
TODD M. *BERRIER
JON F. *BERRY
MICHAEL K. *BETTS
CAROL A. *BEVERLY
MICHAEL D. BIORN
WENDY S. *BIRCH
BRADLEY C. BIRD
DUANE E. *BIRD
BYRON K. *BIROTTE
ARNO J. *BISCHOFF
DAVID M. *BISSONNETTE
JEFFREY A. *BLACKMAN
STEVEN R. *BLAIR
PETER D. *BLAKE
RAYMOND W. *BLANEY
CRAIG A. BLOOD
DEBORA L. BLOOD
JASON J. BOCK
HARLIE J. BODINE
AMY J. *BOEHLE
KARL B. *BOEHLE
BRIAN J. *BOHENEK
CHRISTOPHER A. *BOHN
DONALD V. BOHNEY
JUSTIN W. BOLDENOW
JOHN S. *BOMMER JR.
THOMAS A. *BONGIOVI
ATILANO B. *BONILLA
DARIN G. BOOTH
UNES A. BOOTH
HEATH R. *BOPE
LYNN M. BOPE
TROY L. BORN
SEAN L. *BORROR
MICHAEL BORYS
RANDY L. *BOSWELL
JAMES D. BOTTOMLEE
JOSEPH G. BOUCHARD JR.
THOMAS G. BOUSHELL
BRADLEY W. BOUSQUET
WILLIAM D. BOWMAN
TREVOR J. *BOYKO
BENJAMIN L. BRADLEY
JENNIFER K. *BRADLEY
EARL E. *BRADSHAW
RICHARD D. *BRANAM
JOSEPH D. *BRANDS
SUZANNE E. *BRAUNSCHNEIDER
MATTHEW J. BREDEN
ERIC J. *BRENNER
JOHN T. BRINER
TAB A. *BRINKMAN
ROBERT C. BROGAN
STEPHANIE W. *BRONSON
JEFFERY L. *BROOKS
KEVIN D. *BROOKS
REBECCA A. *BROOKS
STEPHEN R. *BROOKS
JOE S. BROSIOUS
JEREMY B. *BROWN
PATRICK A. *BROWN
PAUL M. *BROWN
RENE *BROWN
THOMAS H. *BROWN JR.
KENNETH S. *BROWNE
WILLIAM W. *BROWNE III
MICHAEL G. *BROWNWORTH
REN H. *BROYLES
ERIK J. *BRUCE
JAMES S. BRUCE
EMILLE M. BRYANT
WILLIAM D. BRYANT
ARTHUR J. BRYCE
KEITH E. BRYZA
HENRY P. BUCK
BRADFORD E. *BUCKMAN
KEVIN L. *BUDDELMEYER
MATTHEW R. *BUEHLER
DARWINA S. *BUGARIN
TERRY L. BULLARD
ROBERT A. BUMPUS
SCOTT A. BUMPUS
CHARLES R. BURNETT
JOSEPH K. *BURNHAM
BRIAN D. BURNS
LARRY D. BURNS
JEFFREY B. *BURRELL
JASON P. *BUSH
DANNY L. *BUTLER
LEE A. *BYERLE
ROBERT R. CADWALLADER II
WILLIAM T. CALDWELL
MICHAEL J. *CALIDONNA

ROBERT S. CALLIHAN
ANTHONY M. *CAMERINO
SHAWN D. CAMERON
DANIEL P. *CAMMACK
DAWN M. *CAMPBELL
MARK D. *CAMPBELL
RENEE N. *CAMPBELL
JASON R. CANADA
DAVID J. *CANEDA
MANUEL M. CANINO
ALAN R. *CANOVA
SEAN J. *CANTRELL
LARRY D. CARD II
ANTHONY *CARIGO
DOUGLAS B. *CARLSEN
KEVIN P. *CARLSON
TROY A. *CARLSON
ROBERT W. *CARNEAL IV
CHARLES M. CARPENTER
MARI D. CARPENTER
TRENT R. CARPENTER
DOUGLAS T. *CARROLL
BRET A. CARTER
LIESL RADERER CARTER
MARCUS D. *CARTER
JOHN J. CASEY IV
QUINN F. *CASEY
KENT W. *CAST
JONATHAN *CASTELLANOS
EUGENE M. *CAUGHEY
MARCUS P. CAVIL
KENNETH W. *CHALOUX
STEPHEN P. CHAMBAL
TYRELL A. CHAMBERLAIN
JEREMY L. *CHAMPAGNE
RHETT D. CHAMPAGNE
CAMILLE Y. CHANDLER
DAN J. *CHANDLER
JENNIFER V. CHANDLER
ERIC D. CHAPITAL
CHRISTOPHER P. CHAPLIN
BRIAN KEITH *CHAPPELL
MICHAEL A. CHARECKY
SUZE L. *CHARLES
STEPHAN H. *CHASTAIN
RAVI I. CHAUDHARY
TIMOTHY M. *CHAVEZ
DANE J. CHRISTENSEN
GLEN E. CHRISTENSEN
STEPHEN J. *CICHERSKI
MARK D. CINNAMON
BRIAN S. *CLARK
DONALD L. *CLARK
GEORGE T. CLARK
JAY L. CLARK
JOSEPH K. CLARK
KENNETH A. *CLARK
MICHAEL L. CLARK
ADRIAN N. CLARKE
JOHN C. *CLAXTON
ARTIS R. *CLAYTON JR.
STACY M. *CLEMENTS
DONALD W. CLOUD
GERALD M. *CLOUSE
FRANCIS A. *CLOUTIER IV
SCOTT S. COBURN
ALICE A. *COFFMAN
DALE L. *COFFMAN
BARRY G. COGGINS
JERAME *COHEN
DAVID A. *COLANGELO
CRAIG A. *COLE
RICHARD O. *COLE
MICHAEL W. *COLLIER
HEATH A. *COLLINS
JOHN W. *COLLINS
JOSEPH A. COLLINS
RUSSELL H. *CONN JR.
MICHAEL W. *CONNOLLY
ANNE M. *CONTE
PAMELA A. Q. *COOK
RICHARD T. COONEY JR.
JEFFREY T. *COOPER
THOMAS M. *COOPER
ROBERT B. COPES
DOUGLAS S. COPPINGER
SCOTT M. *CORBITT
JACK N. *CORCINO
CHRISTOPHER L. *CORLEY
THOMAS J. *CORMICAN
LEE C. *CORNELIUS
HEIDI E. *CORNELL
EDWARD A. *CORTRIGHT
GUY C. *COTE
KONRAD S. COTE
DONALD J. *COTHERN
JASON T. COUISINE
RONALD A. *COUTU JR.
PAUL J. COVER
STEPHEN J. COX
TIMOTHY J. *COX
RONALD LEWIS *CREECH II
DEREK M. CRINER
TERENCE P. *CROCHETIERE
EUGENE M. *CROFT
KENDALL H. *CROOK
VERONICA *CRUZ
EDWARD R. *CULBRETH
SANDRA B. *CUMMINGS
DANA *CUNNINGHAM
DOUGLAS A. CUNNINGHAM
LEE E. *CUROE
JAMES M. CURRY
ANDREW J. *CUTINELLA
DAVID A. CUTTER
JOHN W. DABERKOW
WAYNE A. DAHLKE
RICHARD C. *DAIGLE
RONALD N. *DAINS
KIMBERLY A. *DALE
CARLOS A. *DALMAU
ROBERT A. DAM
KIMBERLY A. *DAMALAS
JAMES P. DAMATO
BRIAN K. *DANIELS
ROLAND S. *DANSEREAU
MARC A. DAUTEUIL
TODD R. *DAVENPORT
MATTHEW W. *DAVIDSON
CHARLES E. *DAVIS
CHRISTOPHER M. DAVIS
JEFFREY S. *DAVIS
KIRCHNER JOYE L. *DAVIS
LELAND A. *DAVIS
MARK J. *DAVIS
SCOTT W. DAVIS
STEVIE W. *DAVIS
WILLIAM A. *DAVIS
ANDREW R. DEAN
ERIC L. *DECKER
DIANE CAROL *DEE
JAMES R. *DEHAAN
EUGENE M. DEHERRERA
CHRISTOPHER J. *DEJESUS
ERIC P. DELANGE
JOSELITO P. *DELAROSA
JOE A. LIM DELCAMPO
DAVID B. DELISLE
MARK D. *DELVECCHIO
KIERAN T. DENEHAN
JAMES L. *DENTON
WILLIAM B. *DEPRIEST
MARNE R. *DERANGER
EVAN C. DERTIEN
CHRISTOPHER S. *DESALLE
CHRISTOPHER S. *DESLONGCHAMP
JOHN M. DESTAZIO
JOHN M. *DEVILLIER
JOHN R. *DEYONKE
STAN S. *DIAMANTI
CARLOS R. *DIAZ
JEFFREY R. DIBIASI
MARK *DICARLO
STEVEN N. *DICKERSON
BARRY A. DICKEY
CLAY W. *DICKINSON
SCOTT A. *DICKSON
ROBERT A. *DIETRICK
ANTHONY N. DILLS
JAMES R. *DISHAW
JASON C. *DOELLING
KEVIN L. DOLATA
PETER A. *DOMAHOSKI
GEORGE G. *DONA
ORLANDO J. *DONA JR.
TIFFANI JUUL *DONAHUE
PATRICK W. *DONALDSON
YONEL J. *DORELIS
FRANCES K. *DORISH
JON W. DOTTER
JOHN L. *DOUCET III
DOUGLAS E. DOWNEY
MICHAEL L. DOWNS
ROBERT O. *DOWNS
TIMOTHY E. *DREIFKE
SHANNON N. *DRISCOLL
DEBORAH L. *DRIVER
PORFIRIO A. *DUBON
SHANE C. *DUCOMMUN
JOHN F. *DUDA JR.
DANIEL J. *DUFFY
ROBERT L. *DUFOUR
ERIC C. *DUNCAN
DAVID B. DUNN JR.
JOSEPH B. DUNN
TROY E. DUNN
VINCENT M. DURANT
ELVEN E. DUVALL IV
JEFFREY W. *DYBALL
AARON B. *DYKE
KENDRA A. *EAGAN
CASEY D. EATON
ELLIS E. EATON
PATRICK S. *EBERLE
CHRISTOPHER D. *ECHOLS
LEIF E. ECKHOLM
JASON S. *EDELBLUTE
MARK W. *EDENS
KENNETH S. EDGE
THOMAS R. *EDISON JR.
CHRISTOPHER K. *EDWARDS
NATHAN J. *EDWARDS
GARALD D. *EGTS
ROBERT L. *EIGEL JR.
ERIK D. *EKSTROM
NATHAN J. *ELLIOTT
DAVID G. *ELLISON
ROBERT J. *ELLISON JR.
ERIC G. *ELLMYER
DANIEL J. ELY
JULIANNE E. EMMOLO
CLINT *EPPERSON
MICHAEL T. *ERDMANN
JOHN O. *ERICKSON
JONATHAN R. ERICKSON
TODD A. ERNST
OSCAR E. *ESPINOZA
TIMM N. *ESTENSON
LARRY A. *ESTES
PAUL G. *ETTINGER
DUSTIN S. *EVANCHO
TERRY LYN *EVANS II
LORI R. EVERITT
CHARLES A. *EVITTS
MARK A. *FAHL
JOSEPH G. *FALTER
JOSEPH R. *FARRON
ROBERT D. *FASS
RODNEY L. *FAUTH JR.
ERIC J. *FELT
JEREMY J. FENCEROY
DANIEL E. *FERRIS
REGINALD P. *FESTEJO
RONALD J. *FEY JR.
THOMAS D. *FICKLIN
KENNETH O. FIELD
KIRT E. FIESBECK
RICHARD H. FILLMAN JR.
WILLIAM D. *FISCHER
MATTHEW D. *FISHER
DEAN A. *FITZGERALD
JOHN M. FITZSIMMONS
JAMIE A. *FLANDERS
MICHAEL J. *FLATTEN
JOSEPH E. FLETCHER
LARRY A. *FLOYD JR.
THOMAS E. *FOCARETO
ROBERT T. *FOLSOM
GLENN F. *FORD
SHAWN D. FORD
MATTHEW N. FORNER
DALE C. FOSTER
WILLIAM A. *FOSTER
JOHN E. *FOTHERINGHAM
CHRISTOPHER J. *FOWLER
MICHAEL W. FOWLER
JOHN F. *FOX
PATRICIA L. FOX
CARLOS G. FRAGA
STEPHEN P. FRANK
CHRISTOPHER E. FRANKLIN
PHILLIP V. FRANKLIN
JOEL B. *FRANZEN
LORINDA A. *FREDERICK
RYAN J. *FREDERICK
ROBERT C. *FREDERIKSEN
AARON B. FREED
PAMELA M. *FREELAND
TERI L. FRENCH
KYLE J. *FREUNDL
RICHARD S. FRISIUS
MATTHEW T. *FRITZ
ERIC H. FROEHLICH
DAVID W. FUJIMOTO
MATTHEW D. FULLER
JOSEPH M. *FULTON
ERIKA L. *FURLONG
DAVID M. *GAEDECKE
CHARLES S. *GALBREATH
JARRARD A. *GALBREATH
HEATHER L. *GALLUP
DANIEL S. GANOZA JR.
ELVERT L. *GARDNER
RUSSELL S. *GARNER
DANIEL J. *GAROUTTE
LAURA K. *GARRETT
TODD A. *GARRETT
JOEL W. GARTNER
MICHAEL L. GAUTHIER
PAUL F. GEEHRENG
JAMES M. GEHRINGER
GLEN M. *GENOVE
JAMES W. *GEORGE
STEPHEN M. GEORGIAN
CHERYL M. *GERHARDSTEIN
JOHN F. *GERHART JR.
CAROL HERON GERING
CHRISTOPHER A. GERING
WILLIAM D. *GERING
GEORGE E. GERMAN
KEITH H. *GERMAN
KENNETH P. GERMANN
DARIN A. *GIBBS
RICHARD W. *GIBBS
SHARON *GIBSON
BRIAN W. GIENAPP
TROY A. GIESE
KEVIN W. *GILBERT
MICHAEL L. GILCHRIST JR.
KIPPER L. *GILES
TIMOTHY A. GILLESPIE
BRADFORD WAYNE *GILLETTE
GREGORY M. GILLINGER
DOUGLAS W. GILPIN
MICHAEL E. GIMBRONE
DANIEL E. GISSELQUIST
AARON W. GITTNER
GERARD G. *GLECKEL JR.
SIDNEY W. GOEHRING
KATHY K. *GOFORTH
JOSEPH J. *GOLEMBOSKI
JOHN M. GONDOL
ADAM G. *GONZALEZ
DAVID J. GONZALEZ
RICHARD S. *GOODLETT
ERIC G. *GOODMAN

RICHARD E. *GOODMAN II
KRISTIN E. GOODWIN
SEAN P. GOOKIN
RALPH A. GORDON
STEPHEN T. GRACE
DAVID E. GRAFF
LASHEECO B. *GRAHAM
TREIA M. *GRAHAM
JEFFREY R. *GRANGER
VANESSA M. *GRANT
DON A. GRANTHAM JR.
WALTER D. GRAVES
BRADFORD S. GREEN
MATT E. GREENE
ANDY J. *GREENFIELD
BARON V. I. GREENHOUSE
BRIAN S. GREENROAD
BRYAN D. *GREENSTEIN
DAVIS F. *GREENWOOD
STEVEN C. *GREGG
KAREN M. GREMBA
MICHAEL S. *GREMILLION
JAMES S. GRIFFIN
TYRONE L. GROH
BRENT A. GROMETER
PAMELA S. *GROVER
STEVEN G. GRUBER
ALEXUS G. GRYNKEWICH
GARY K. *GUALANO
ALBERT GUERRERO
SCOTT A. *GUIDRY
WILLIAM S. GUNTER
GREGORY D. *GUNTHARP
TY D. HACHTEL
MELANIE A. *HADDOCK
MICHAEL W. *HAEDT
ANTHONY J. *HAEFFNER
TODD B. *HALE
CHRISTOPHER S. HALL
DARREN L. HALL
JAMES K. *HALL
WILLIAM B. *HALL
LOUIS J. *HALLENBECK
JESSE D. *HAMEL
JONATHAN T. HAMILL
DOUGLAS A. *HAMLIN
LONNIE P. *HAMMACK
VICTOR A. *HAMMOCK
MICHAEL T. HAMMOND
JIMMY H. *HAMMONDS
WILLIAM F. *HAMPSHIRE III
TERRY J. *HAMRICK JR.
LARRY N. *HANCOCK
ANDREW P. *HANSEN
VERNON C. *HANSEN JR.
GEORGE B. *HANSSON III
ALLISON S. *HARDING
MICHAEL D. *HARM
JON M. *HARRINGTON
ROBERT A. *HARRINGTON
BRENDAN M. HARRIS
DAVID A. *HARRIS JR.
SEAN Q. *HARRIS
TIMOTHY J. *HARRIS
BRADLEY R. *HARROFF
GEORGIA K. *HARRUP
KELLY L. HARSHBARGER
TROY R. HARTING
WILLIAM A. HASTINGS
MICHAEL L. *HASTRITER
WILLIAM L. *HATZFELD
ANTHONY S. *HATZIS
BRADY P. HAUBOLDT
MICHAEL S. HAYES
SCOTT E. HAYFORD
MICHELLE L. HAYWORTH
JOHN W. HECK
JOHN M. *HEDENBERG
TERRENCE G. *HEDLEY
STEVEN R. *HEFFINGTON
AHREN D. HEIDT
MATTHEW E. *HEIKKINEN
HARRY M. HEISER
BRIAN K. HELLINGER
ALLEN R. *HENDERSON JR.
TIMOTHY HENDERSON
HOWARD L. *HENDRICKS
PHILLIP L. HENDRIX II
MARK D. *HENRY
STEPHEN J. *HENSKE JR.
THOMAS L. HERMEL
JAMES L. *HERRICK
PAUL M. HERTZBERG
BRUCE P. *HESELTINE
TIMOTHY S. HESS
KAREN J. *HIBBARD
PAUL A. HIBBARD
JUSTIN L. *HICKMAN
KEVIN D. *HICKMAN
HAROLD C. HICKS II
PHILIP C. HICKS
LESLIE E. *HIGER
MATTHEW W. HIGER
DAVID L. HIGGINBOTHAM
BRANDON R. HILEMAN
GINA L. HILGER
LANCE E. *HILL
WILLIAM R. *HILL II
DON C. HILLIARD
MICHAEL C. *HINDLEY
JAMES S. *HINDS
ALEJANDRO HINOJOS
NATHAN S. HOBBS
ALLAN M. *HODGE
STEPHEN L. HODGE
TODD C. *HOGAN
KELLY R. *HOLBERT
TRAE D. *HOLCOMB
MICHAL D. *HOLLIDAY
CRAIG M. HOLLIS
DONALD WAYNE *HOLLOWAY
CAREY H. *HOLMES
JEFFREY D. HOLT
LILLY P. *HOLT
DAVID A. *HOLZ
AARON S. *HOMJAK
DAVID W. *HONCHUL
SEAN C. *HOOK
MATTHEW S. HOOSE
LAWRENCE V. HOPKINS JR.
SHERRI L. *HOPKINS
CHRISTOPHER M. HORGAN
STEVEN P. HORTON
EDWARD J. HOSPODAR JR.
CHAUNCEY J. *HOUSTON
ERIC P. HOVERSTEN
STEVEN *HOVSEPIAN
MICHAEL B. *HOWARD
JOHNLOUIS W. *HOWELL
PATRICK B. HUDSON
HEINZ H. HUESTER
JERRY A. HUFFMAN JR.
BART M. *HUGHES
CHRISTOPHER R. *HUISMAN
RANDALL S. HUISS
MICHAEL C. *HULIN
GINA C. HUMBLE
TYSON W. *HUMMEL
FREDERICK J. HUMPHREY III
BERNARD P. HUND
ERIC O. HUNT
STEPHEN K. HUNTER
JOANNA L. HUPP
KENT A. *HURTON
CARL D. *HUTCHERSON
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TAMMY MICHELLE TRYCHON
PHILLIP C. TUCKER
TRAVIS W. TUCKER
TONY D. *TULLIER
DEREK W. *TUPPER
JAMES E. *TURNBULL
DONNA L. TURNER
JASON M. *TURNER
JEFFREY A. *TURNER
KERRY B. *TURNER
REGINALD J. *TURNER
TRENT C. TUTHILL
MARK D. *TUTTLE
VOLODJA A. TYMOSCHENKO
KRISTIN S. UCHIMURA
RICHARD D. *UNDERWOOD
THOMAS J. *VAIL
ELIZABETH R. *VALLERY
DALEN DANETTE D. *VAN
KELLEY M. VANDERBILT
KEVIN J. *VANDERMOLEN
MARC R. *VANDEVEER
THOMAS S. *VANEGEREN
JOHN H. *VANHUFFEL
MATTHEW J. *VANPARYS
JAMES B. *VARITZ
CURTIS E. VELASQUEZ
JEFFREY R. *VENT
ANDREA J. *VERCELLONE
MICHAEL J. VETH
JANELLE K. VIERA
KEVIN M. VIRTS
MARK W. VISCONI
TIMOTHY J. VITUSZYNSKI
DAVID J. *VLOEDMAN
RUSSELL S. VOCE
HENRY R. *VOEGTLE
JEFFREY W. VOETBERG
KEVIN P. *VOGT
ROGER R. *VROOMAN
CHARLES W. WAHL
JAMES K. *WAKEFIELD
JOHN C. WALKER
PATRICK G. *WALKER
RANDAL D. *WALKER
CHARLES J. WALLACE II
JEFFREY A. *WALLACE
SCOTT T. WALLACE
JOSEPH J. WARD
RICHARD S. *WARD
LAWRENCE B. *WARNER
DOUGLAS W. *WARNOCK JR.
RANDALL E. *WARRING
ERIC W. *WATERS
DANIEL J. WATOLA
ALEXANDRIA R. WATSON
BRYAN G. *WATSON
EDWARD D. *WATSON
RALPH L. *WATSON
JAMES F. *WEAVER
RICHARD H. *WEAVER
ROBERT V. *WEAVER III
MICHAEL D. *WEBB
ROBERT R. *WEBB
SCOTT J. WEBER
JOHN A. WEBSTER
PATRICK N. *WEEKS
NATHAN S. *WEIR
DARON R. *WEISHAAR
DAVID *WEISSMILLER
MARK F. *WELCH
TED E. *WELCH
TIMOTHY G. *WELDE
GRANT T. WELLER
BARBARA A. *WELLMAN
DYLAN T. WELLS
RICHARD E. *WELLS
SHAWN D. WELSH
DOUGLAS M. *WELTER
KARI B. *WELTER
MARK A. *WENDROCK
KEVIN M. WENKS
KEVIN L. *WEPPNER
DAVID S. WERLING
ANDREW J. WERNER
HESSAM E. *WESSAL JR.
CHARLES E. WESTBROOK III
DANIEL R. *WETMORE
MATTHEW J. *WHIAT
SHAWN P. *WHITAKER
EUGENE F. *WHITE
GORDON J. *WHITE JR.
SHELDON G. WHITE
STEVEN G. *WHITE
TIMOTHY L. *WHITE
GRAHAM R. WHITEHOUSE

RANDALL S. *WHITMAN
STEVEN P. *WHITNEY
WILLIAM A. *WIENINGER JR.
TODD L. WIESER
TODD E. *WIEST
JAMES C. WIGGINS
PETER R. WILKIE
DAVID M. *WILLCOX
BRIAN S. WILLIAMS
JAMES D. *WILLIAMS
KEVIN S. WILLIAMS
MARSHALL L. *WILLIAMS
MICHAEL D. *WILLIAMS
MICHAEL R. WILLIAMS
VINCENT T. *WILLIAMS
JAMES C. *WILLIAMSON
JOSEPH C. *WILLOUGHBY
CHRISTOPHER W. WILSON
GEORGE S. *WILSON
EMMETT L. WINGFIELD III
JASON M. *WINSLOW
PENNI M. *WINSTON
ANDREW K. WOLCOTT
TIMOTHY W. *WOLF
GEORGE S. *WOLFE
RUSSELL M. WOLFE
CYRIL T. *WOLFF
BRYAN T. WOLFORD
DENNIS J. *WOLSTENHOLME
BRYAN M. *WOOD
GREGORY E. *WOOD
JAMES L. WOODHEAD
PAMELA L. *WOOLLEY
CARL D. WOOTEN
ERIC D. *WOZNIAK
DAVID F. WRIGHT
THOMAS W. *WRIGHT
TODD E. *WRIGHT
MICHAEL A. *WULFESTIEG
MATTHEW L. *WURST
CHRISTOPHER A. WYCKOFF
DEREK R. *WYLER
MICHAEL S. *WYNN
JEFFREY S. *WYSS
ALBERT K. *YATES
ROBERT B. YBARRA
MATTHEW W. YOCUM
JEFFREY L. *YORK
AMY S. YOUNG
CHARLES P. *YOUNG
MICHAEL D. YOUNG
DONALD J. W. *YU
BRIAN F. *ZANE
THOMAS J. *ZAWISZA
ANDREW J. *ZEIGLER
BRIAN P. *ZEITZ
ROBERT W. ZID
DEBRA A. *ZIDES
DUSTIN P. ZIEGLER
WILLIAM A. *ZIMMERMAN
MICHAEL A. ZROSTLIK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

WALTER S. *ADAMS
CARLTON O. *BIVENS
JAMES D. *BRANTINGHAM
DONALD W. *BRETZ
DAVID L. *CARR
JOSEPH *DEICHERT
KELVIN G. *GARDNER
JAMES M. *GLASS
GREGORY D. *JANS
WILLIAM GERALD *OSULLIVAN
THOMAS B. *PORTER
MARK W. *SAHADY
GERALD H. *SNYDER JR.
ROBERT L. *SULLIVAN JR.
WARREN A. *WATTIES
G. LLOYD *WOODBURY JR.
GEORGE T. *YOUSTRA

THE FOLLOWING NAMED STUDENTS FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 2114.

To be captain

MICHAEL ALUKER
JOANNE M. BALINTONA
JOHN N. BERRY
KENNETH S. BODE
PRYOR S. BRENNER
RUTH N. BRENNER
LISA M. BRESLOFF
DALE C. CAPENER
SANDRA L. CASTLE
LAURA P. CEBE
VICTOR C. CHANG
NIKI K. CONLIN
BRYAN C. CURTIS
AMY E. GAMMILL
DAVID K. GORDON II
ARTHUR J. GREENWOOD
KATHERINE M. HADDOCK
SHANA L. HANSEN
TRACY E. HARDWICK
KENISHA R. HILL
BRIAN L. HOLT
BRIAN S. JOHNSTON
ERIC W. KADERBEK
RONALD J. KHOURY
JULIANE B. KIM
GEORGE H. I KOTTI II
JEFFREY S. LAROCHELLE
GRANT E. LATTIN JR.
DALILA W. LEWIS
HENRY C. LIU
LAURA K. LUCAS
MICHAEL A. MADRID
JASON C. MASSENGILL
MELISSA R. MCGUINN
ARASH K. MOMENI
LEONARD E. PHILO
OWEN W. ROBERTS
DILLON J. SAVARD
MICAH D. SCHMIDT
KRISTIN L. SILVIA
MICHELLE T. SIT
JADE M. SPURGEON
MEGAN B. STEIGELMAN
JOSEPH J. STUART
SARAH N. VICK
ALAN J. WILLIAMSON
LAUREN J. WOLF
MATTHEW J. WOLF
ELY A. WOLIN
HENRY A. WOODS JR.
SCOTT A. ZAKALUZNY

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PAUL A. BAKER
RONALD A. CREWS
GARY L. DANIELSEN
GARY D. FORMBY
STANLEY A. GARTHWAIT
LAWRENCE M. HENDEL
BRYAN J. HULT
ALAN J. JOHNSON JR.
ROBERT O. KRIEGER
RICHARD T. LEEVER
HUGH A. MACKENZIE
PHILIP A. MAHALIC
MICHAEL MALONE
COYSE D. MCLEMORE
MARVIN L. MILLS
CHARLES K. MORRISON
ROBERT E. RALSTON
GARY R. SALMON
JOHN J. SOUTH
ROYCE R. THOMAS
EDWARD T. THOMPSON
ERNEST B. TODD JR.
FRANK E. ZIEMKIEWICZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHAEL P BOEHMAN
KEVIN M BOYLE
TIMOTHY J CODY
VANESSA A CROCKFORD
JANET H FENTON
JOSEPH C FETTERMAN
JAMES W FRIEND
BRIAN J GODARD
PATRICIA A HAM
JOHN M HEAD
ROBB W JEFFERSON
MARK L JOHNSON
ANTHONY D JONES
JOHN B JONES JR.
PAUL E KANTWILL
THOMAS M KULISH
CLAES H LEWENHAUPT
KATHRYN S PARK
JAMES M PATTERSON
JEFFERY D PEDERSEN
DAVID H ROBERTSON
MICHAEL G SEIDEL
MICHELE B SHIELDS
MARTIN L SIMS
MICHAEL L SMIDT
STEPHANIE L STEPHENS
MARK TELLITOCCI
TIMOTHY M TUCKEY
WALTER S WEEDMAN
KERRY M WHEELEHAN
MICHELE E WILLIAMS
JEFFREY S WILLIS
PAUL S WILSON
GREGORY G WOODS
SCOTT F YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

WHITE A *BAXTER
JOSEPH B BERGER III
DONNA M *BIVONA
KAREN J *BORGERDING
DANA J *CHASE
ERIK L CHRISTIANSEN
EVA M *CLEMENTS
MICHAEL S *DEVINE
TIERNAN P *DOLAN
BRYAN D *DOWNEY
MARK E *EICHELMAN
THOMAS A *FLEENER
DEIDRA J *FLEMING
JOHN S FROST JR.
PATRICK L *GARY
VERONICA S *HALE
LANCE S *HAMILTON
DONNA C *HANSEN
STEPHEN L *HARMS
JEFFREY R *HATCH
KWASI L HAWKS
PETER R *HAYDEN
BRIAN A *HUGHES
IAN R *IVERSON
GRETCHEN A *JACKSON
JON S *JACKSON
JAYANTH *JAYARAM
MELVIN C JENKS
JOHN P *JURDEN
NICHOLAS F *LANCASTER
KATHERINE A *LEHMANN
JEFFERY D *LIPPERT
JULIE A *LONG
KARIN M MALLARI
ELIZABETH G *MAROTTA
ALISON C *MARTIN
MICHAEL D *MIERAU JR.
SUSAN E *MITCHELL
ANISSA N *PAREKH
SEAN S *PARK
RONA M *PARSONS
RAYNETTE M *PASSOS
JOHN T *RAWCLIFFE
STEPHEN S *SIKES
CHRISTOPHER P SOUCIE
RONALD D *SULLIVAN
PETER H *TRAN
DOUGLAS K *WATKINS
SUSANA E *WATKINS
SEAN M WATTS
WARREN L *WELLS
DEAN L *WHITFORD
DARYL B *WITHERSPOON
TEZRA O *WOODY
JENNIFER S *ZUCKER

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 1211:

To be major

LARRY A. DICKEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

HARALD AAGAARD
ALLEN D AGRA
DEBBIE J ALLEN
DAWN R ALONSO
ALFRED J ALVAREZ
MICHAEL H ALVAREZ
MATTHEW F AMIDON
ARNOLD L AMPOSTA
RICHARD T ANDERSON
KARL R ARBOGAST
VIRGILIO G ARCEGA JR.
MICHAEL J ARDEN
VICTOR W ARGOBRIGHT II
BRIAN E ARGUS
WILLIAM E ARICK III
RICHARD J ARMSTRONG
ERIK A ARRINGTON
JAY T AUBIN
ANDREW J AYLWARD
TODD W BACKHUS
SPENCER W BAILEY
JAMES H BAIN
WESLEY T BANE
ANTHONY J BANKS
WILLIAM R BARBER
DENNIS C BARD
DAVID G BARDORF
CHRISTIAN D BAREFORD
JOHN B BARRANCO JR.
MARTIN L BARTLETT
STEPHEN D BATES
TIMOTHY S BAUGHMAN
TODD A BECKMAN
GREGORY M BEISBIER
AARON E BENNETT
GEORGE S BENSON
DANIEL G BENZ
ANDREW J BERGEN
JOHN J BERGERON
JESSICA M BERGMANN
DAVID R BERKE
NATHAN BERRYMAN
DAMIAN A BESS
CAROLYN D BIRD

FRED W BISTA III
THOMAS J BLACKWELL
JEFFRY A BLAKE
KEITH R BLAKELY
BRIAN R BLALOCK
PATRICK R BLANCHARD
DAVID M BLANKENSHIP
CHARLES E BODWELL
RICHARD A BOGIN
DAVID M BOLAND
DEMETRIUS J BOLDUC
HERBERT C BOLLINGER JR.
JACK G BOLTON
CHRISTOPHER J BONIFACE
MICHAEL A BOORSTEIN
ENRIQUE BOUGEOIS III
BRIAN M BOYCE
GILES R BOYCE
JOHN S BOYCE
DARREN S BOYD
WILLIAM BOZEMAN JR.
MARY J BRADFORD
WILLIAM C BRADLEY
KENNETH L BRIGGS
RODNEY S BRINTON
PHILLIP V BROOKING
MICHAEL A BROOKS JR.
DEREK J BROSTEK
BENJAMIN J BROWN
BRONCHAE M BROWN
DAREN L BROWN
TERRENCE M BROWN
MICHAEL D BRYAN
JOEL A BURDETTE
JONATHAN E BURFORD
KEITH E BURKEPILE
TIMOTHY G BURTON
JOSEPH J BUTKUS
ANDREW J BUTLER
MICHAEL J BYRNE
CHRISTOPHER T CABLE
RANDY E CADIEUX
DOUGLAS C CAMPBELL
EDWARD T CARD JR.
KEVIN T CARLISLE
DANIEL P CARLSON
CLIFTON B CARPENTER
WILLIAM P CARROLL
MICHAEL A CARTER
CHAD M CASEY
PATRICK J CASHMAN
GLEN B CAULEY
ADAM L CHALKLEY
JEROME J CHANDLER
SEAN S CHARNEY
ROBERT R CHESHIRE
MICHAEL M CHO
RONALD J CLARK
DARIN J CLARKE
RICHARD A CLEMENS JR.
MARK H CLINGAN
THOMAS E CLINTON JR.
ERIC D CLOUTIER
RAFFORD M COLEMAN
MICHAEL R COLETTA
WILLIAM D COLLIER
CHARLOTTE M COMISKY
ALFRED B CONNABLE
CHAD R CONNER
MARK S COPPESS
JOHN G CORBETT
BRYAN C CORCORAN
ELMER K COUCH
OWEN M COULMAN
AARON L CRESPIN
RICHARD J CREVIER
JOSEPH E CROSS
DARREN K CROW
SHAWN P CUNNINGHAM
JOHN W CURRIE IV
MATTHEW T CURRIN
RUSSELL J CURTIS
HUGH C CURTRIGHT IV
CHRISTOPHER H DALTON
JEFFREY K DANIELS
VALERIE C DANYLUK
VAN M DAVIDSON III
JOHNNY L DAY
JOSEPH K DECAPITE
DOMINIC J DEFAZIO
DWIGHT E DEJONG
JOSEPH E DELANEY
STEVEN J DELAZARO
CHRISTOPHER F DELONG
DOUGLAS L DEWITT
CHARLES R DEZAFRA III
FRANK D DIAZ
GEORGE W DICKEY JR.
ARTHUR A DIXON
ROSWELL V DIXON
CHARLES B DOCKERY
JOHN T DODD
EDWARD A DONOVAN III
SIMON M DORAN
MICHAEL J DOUGHERTY
LANCE A DOWD JR.
BARRY M DOWELL
KEVIN M DOWLING
CHRISTOPHER G DOWNS
DARREN E DOYLE
TIMOTHY R DREMANN
MARK D DUFFER
JONATHAN P DUNNE
DOUGLAS S DYSON
JACK C EAST II
STACY L EIBEN
ERIK B ELDRIDGE
RANDAL S ENGBERG
JACOB C ENHOLM
MICHAEL R ERCOLANO III
MONTGOMERY C ERFOURTH
MATTHEW W ERICKSON
JAMES E ERWIN III
CHRISTOPHER R ESCAMILLA
MANUEL ESCARCEGA JR.
GREGORY J ESTVANDER
TIMOTHY R ETHERTON
GABRIEL J FABBRI
NATHANIEL G FAHY
ROBERT J FAILS
DAVID M FALLON
PETER C FARNUM
TYRONE H FERREL
WALKER M FIELD
JOHN L FINCH
TIMOTHY S FITZPATRICK
SHAUN M FITZSIMMONS
SETH W FOLSOM
DOM D FORD
GORDON W FORD
DOUGLAS K FORDHAM
MARTIN J FORREST IV
LEON J FRANCIS
TYRONE R FRANKLIN
MACEO B FRANKS
JASON R FREI
FRIDRIK FRIDRIKSSON
TIMOTHY R GABRIEL
SEAN C GALLAGHER
WILLIAM A GALLARDO
CHARLES L GANT III
ADOLFO GARCIA JR.
DENISE M GARCIA
ERIC GARCIA
BRIAN E GARD
SEAN B GARICK
BUCK E GARZA
JEFFREY W GARZA
LUIS GARZA III
MICHAEL E GATHERCOLE
PATRICK A GAUGHAN
JOSHUA K GELERTER
DANA A GEMMINGEN
EDMUND L GIBSON JR.
ALLEN L GILBERT
DANIEL J GILKEY
BRIAN L GILMAN
KEVIN D GLATHAR
SCOTT A GONDEK
GRANT G GOODRICH
HOWARD L GORDON III
KURT I GORDON
RYAN G GOULETTE
KENNETH G GRAHAM
DAVID I GRAVES
JEREMY L GRAY
WILLIAM C GRAY
BARTT G GREENE
TRAVIS L GREENE
JASON S GREENWOOD
KIRK A GREINER
KRISTINA K GRIFFIN
CLARENCE J GRISHAM JR.
DARYL E GRISSOM
BRADLEY G GROSVENOR
MATTHEW S GROSZ
PAUL GULBRANDSEN
RYAN R GUTZWILLER
JOHN M HACKEL
EDWARD J HAGGERTY
DOUGLAS P HALE II
ROBERT J HALLETT
JAMES G HAMILL
RAYMOND G HAMLING
DONG K HAN
CASEY E HANNIGAN
ROGER A HARDY
JOHN P HARLOW
ELIAS B HARMAN
ANDRE T HARRELL
JOHN D HARRILL III
GARY C HARRISON JR.
GARY D HARRISON
JEFFREY A HARRISON
BRETT A HART
DENNIS J HART
EDWARD B HASTINGS
ANDREAS S HAU
DAVID B HAYNES
WINSTON A HERON
JAMES C HERRERA
ANDREW H HESTERMAN
CLEMENT W HEY
LARRY D HILLIARD
STEVEN J HIMELSPACH
ERIC HIMLER
MARTIN J HINCKLEY
BRADEN W HISEY
GARRETT R HOFFMAN
RANDALL S HOFFMAN
TRACI B HOFFMAN
CHRISTOPHER J HOFSTETTER
JASON T HOLDEN
AARON B HOLLAND
THOMAS M HOLLEY
TRAVIS L HOMIAK
DANIEL J HOUTING
SAMUEL K HOWARD
WILLIAM S HOWELL
MATTHEW F HOWES
BRIAN M HOWLETT
CHRISTOPHER D HRUDKA
DAVID W HUDSPETH
SHAWN J HUGHES
LAWRENCE K HUSSEY
CLAUDE O HUTTON JR.
ADAM E HYAMS
PHILLIP G JACKSON
LEONARDO M JAIME
EDWARD L JEEP
LARRY M JENKINS JR.
ERIC J JESSEN
DANNY L JOHNSON
ERIC S JOHNSON
SCOTT R JOHNSON
TERRY M JOHNSON
GREGG M JOHNSTON
JOHN S JOLLEY
RONALD A JONES
MICHAEL A JUENGER
JEREMY N JUNGREIS
JULIE P KAISER
DAVID A KALINSKE
ROBERT A KAMINSKI
STEPHEN M KAMPEN
BRIAN H KANE
MICHAEL P KANE
NORBERT J KARCZEWSKI III
PATRICK T KAUFMANN
GERALD W KEARNEY JR.
THOMAS D KEATING
JASON T KEEFER
JOHN E KELLER
LYLE R KENDOLL
STEPHEN J KHOOBYARIAN
SEAN C KILLEEN
SCOTT J KINNER
DAVID B KIRK
BRENDAN M KLAPAK
JOSEPH D KLOPPEL
JAMES V KNAPP II
KARL K KNAPP
ANTHONY G KNIGHT
ERIC J KNOWLTON
ERIK D KOBS
MATTHEW J KOLICH
KEITH F KOPETS
KEITH C KORENEK
MELANIE A KORTH
KURT E KROGER
STEPHEN C LABRECHE
CHARLES L LACKEY
CHARLES B LAKEY
GEORGE LAMBERT
MICHAEL L LANDREE
GREGORY J LANE
DANIEL L LANG
MARK C LARSEN
JASON C LATCHAW
CHRISTOPHER J LAUER
BRENT A LAWNICZAK
KYUWON LEE
CHRISTIAN J LEEUW
CRAIG C LEFLORE
BRIAN H LEICH
GLEN A LEWIS
GORDON J LIMB
GLEN P LINDSTROM
BRIAN L LIPIEC
MARK A LIST
GARY J LOBERG
ERIK C LOQUIST
NICHOLAS J LOURIAN
CHRISTOPHER W LOVELL
DOUGLAS G LUCCIO
SCOTT J LUCKIE
ALISON J MACBAIN
PETER J MACCARI
WAYNE K MAGRISI
NATHAN MAKER
FRANK A MAKOSKI JR.
BRYAN T MANGAN
GREGORY MARCHLINSKI
NICO MARCOLONGO
GEORGE W MARKERT V
CHARLES E MARTIN
MICHAEL J MARTIN
ROBERT E MARTIN
RUBEN A MARTINEZ
VINCE R MARTINEZ
JOHN D MARTINKO
KEVIN J MASSETT
LAWRENCE G MASSEY JR.
KEVIN S MATTIX
THOMAS F MAZZELLA
PETER L MCARDLE
BRIAN G MCAVOY
DAVID L MCCAFFREE JR.
CORY E MCCLAIN
ANDREW R MCCONVILLE
DANIEL M MCDONALD
PATRICK S MCDONIEL
JAMES P MCDONOUGH III
JAMES M MCGIVNEY
HEIDI J MCKENNA
DANIEL J MCMICHAEL

CHESTER L MCMILLON
KEVIN L MCMINDES
JEFFREY A MCNEICE
MICHAEL E MCWILLIAMS
CHARLES F MEGOWN
JESSE E MENDEZ
CHARLES C MERKEL
JASON D MERKER
PETER M MEYER
CHRISTOPHER J MICHEL
CHRISTOPHER E MICKEY
PHILIP A MIDDLETON JR.
BRIAN L MILAN
CARL W MILLER III
GORDON D MILLER
MICHAEL T MILLER
SCOTT H MILLER
TIMOTHY B MISSLER
JOSEPH F MOFFATT III
MICHAEL S MOLLOHAN SR
IVAN I MONCLOVA
RODERICK M MONTGOMERY
DEREK T MONTROY
DAVID A MOORE
MARTY A MOORE
JEFFERY M MORGAN
MATTHEW W MORGAN
DAVID C MORRIS
KAREN L MORRISROE
JAMES D MOSELEY
CHARLES J MOSES
MATTHEW T MOWERY
STEFAN J MUELLER
KIRK D MULLINS
BRENDAN S MULVANEY
MICHAEL J MURCHISON
JAMES D MURPHY
JOHN C MURRAY
MICAH T MYERS
STEVEN K NELSON
JONATHAN E NEUMAN
TIMOTHY A NEWLAND
STEPHEN L NEWSOME
MATTHEW J NOBLE
CHRISTOPHER J NODURFT
CHRISTOPHER J NOEL
KEVIN A NORTON
KIRK D NOTHELFER
DANIEL W OCONNOR
MARGERY A OGREN
THOMAS P OLAUGHLIN
BRYAN P OLEARY
CHRISTOPHER H OLIVER
ERIC R OLSON
JAMES J OLSON
JEFFREY M ONEILL
ANTHONY C ORLANDO
KEVIN T OROURKE
THOMAS F OSTERHOUDT
PRISCILLA A PAEPCKE
LARRY G PAIGE II
JEFFREY B PALMER
VAUGHN M PANGELINAN
JAMES R PARKER IV
MICHAEL A PARKER
KEITH A PARRY
CHRISTIAN E PARSON
SEAN P PATAK
RYAN W PATERSON
BRYAN E PATTERSON
MARK P PATTERSON
JEFFREY M PAVELKO
JEFFREY P PELLEGRINO
GRANT M PENNINGTON
MICHAEL J PEREZ
JACK D PERRIN
CHRISTOPHER J PERRY
BRIAN R PETERSON
ERIC J PETERSON
PETER A PETERSON
ROBERT S PETERSON
ADIN M PFEUFFER
MATTHEW H PHARES
TOLAN M PICA
ROBERT C PIDDOCK
SCOTT E PIERCE
LEONARD P PISCIOTTA
FORREST C POOLE III
ANTHONY G PORTER
JOEL P POUDRIER
TRAVIS L POWERS
JASON M PRATT
THEODORE W PRESS
BRIAN C PROCTOR
MICHAEL B PROSSER
RANDOLPH G PUGH
GREGORY T PUNTNEY
ERIC R QUEHL
SEAN P QUIGLEY
KENNETH A QUINER
INNES QUIROZ
CHRISTOPHER T RADFORD
TODD P RAMPEY
WILLIAM L RANEY III
KYLE G RASH
DAVID A RATZEL
JEFFREY A RAY
WILLIAM P RAYFIELD
MATTHEW D RAZVILLAS
CHARLES A REDDEN
WILLIAM J REDENIUS
JOSEPH D REEDY III
MATTHEW S REID
BRENT C REIFFER
JUSTIN R REIMAN
CASEY T RENFREW
JAMES V RENQUIST
MICHAEL R RENZ
MARK S REVOR
JOHN D REYES
EDWIN R RICH II
MICHAEL M RICHMAN
BRET H RITTERBY
CHARLES R RIVENBARK JR.
LENNIS R ROBBINS
CHRISTOPHER C ROBINSON
JOHN H ROCHFORD II
CHRISTOPHER W ROE
KARL C ROHR
DALE S ROLEN
JAMES M ROSE
KEVIN C ROSEN
DAVID H ROSENBERG JR.
BRIAN A ROSS
JEFFREY A ROTHSTEIN
JOHN D ROUNTREE
JOHN P RUCCI
EDWIN O RUEDA
BRIAN K RUPP
JOSEPH E RUPP
BRIAN R RUSH
RUSSELL M SAGE
EDWARD M SAGER III
HENRY R SALMANS III
PHILLIP D SANCHEZ
FRANK SANDERS
CHARLES G SASSER
DOUGLAS G SCHAFFER
JOHN L SCHAURES
DAVID J SCHEINBLUM
PHILLIP J SCHENDLER
PETER K SCHIEFELBEIN
PAUL M SCHIMPF
BYRON L SCHLATHER
KEVIN A SCHLEGEL
RICHARD J SCHMIDT
DANIEL A SCHMITT
GEORGE C SCHREFFLER III
BRYNN H SCHREINER
RAYMOND J SCHREINER
MARK R SCHROEDER
WILLIAM M SCHUCK JR.
MICHAEL J SCHULTE
JEFFREY P SCOFIELD
ANTHONY T SERMARINI
CHRISTOPHER T SEVERSON
PATRICK S SEYBOLD
THEODORE W SHACKLETON
HECTOR SHEPPARD JR.
MICHAEL S SHEWFELT
TIMOTHY A SHEYDA
BILLY J SHORT JR.
MATTHEW C SHORTAL
BRYAN W SIMMONS
JOSEPH J SINELLI
GERASIMOS J SKORDOULIS
CHARLES P SMITH
DOUGLAS W SMITH
MARY M SMITH
TROY E SMITH
DAVID R SMULLEN
THOMAS M SONGSTER II
JOHN W SPAID
SHEILA M SPEEGLE
JAMES T SPOLYAR
DANIEL N SPRENKLE JR.
WILLIE M STANSELL III
JOSEPH J STEPHENS II
KIMBERLY A STEPHENS
THOMAS S STEPHENS JR.
DANIEL E STIMPSON
JEFFREY J STOWER
ROBERT E STPETER
ANDREW J STRALEY
KURT A STRANGE
VIRGIL G STRONG
MICHAEL S STYSKAL
FARRELL J SULLIVAN
JOHN P SULLIVAN JR.
CHRISTOPHER S SUTTON
ROBERT T SWEGINNIS
JEFFREY A SYMONS
WILLIAM M TALANSKY
ANDREW J TATE
RODNEY R TATUM JR.
ANTHONY D TAYLOR
MATTHEW J TAYLOR
MICHAEL C TAYLOR
STACEY L TAYLOR
GEOFFREY T TETTERTON
JAMES C THEISEN
TYRONE P THERIOT
MARK R THRASHER
ALAN F TODL JR.
DONALD J TOMICH
RONALD TOOTLE
DAVID M TROMBLY
PATRICK M TUCKER
ERIC B TURNER
JOHN S TURNER
DAVID T VANBENNEKUM
JEFFREY A VANDAVEER
JOHN T VAUGHAN
NICHOLAS P VAVICH
JOHN F VAZQUEZ
BRIAN J VENTURA
SCOTT W VOGT
MICHAEL G VOSE
SCOTT W WADLE
CHARLES D WALKER
IAN S WALLACE
DAVID C WALLIS III
KENT E WALSH
DAVID E WATKINS II
JEFFREY A WEAVER
RICHARD J WEAVER JR.
THOMAS A WELBORN
DONALD D WELCH JR.
AREND G WESTRA
CHRISTINE D WESTRICH
JEROME S WHALEN
BRADLEY E WHITE
ROBERT S WHITE
RYDER A WHITE
JAMES B WHITLOCK JR.
BYRON T WIEDEMAN
WADE E WIEGEL
JOHN J WIENER
CRAIG W WIGGERS
DAVID H WILLIAMS
GEORGE A WILLIAMS
VERNON J WILLIAMS
AHMED T WILLIAMSON
LABIN O WILSON
RONALD S WILSON
DEVIN A WINKLOSKY
ROBERT A WINSTON
DONALD R WRIGHT
JAMES C WRIGHT
GREGORY A WYCHE
GREGORY A WYNN
ALAN R YANKOWSKY
JOHN W YARGER
VINCENT J YASAKI
KEVIN E YEO
ERIC K YINGST JR.
JASON D YORK
SETH E YOST
ERNEST B YOUNG
MATTHEW T YOUNG
ROBERT C ZYLA

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ERIC W. HERBERT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JAY R. FROHNE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ADRIAN D. TALBOT

THE FOLLOWING NAMED OFFICER FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

EVANGELINE D. SMITH

SENATE—*Friday, January 17, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Lord of history, who calls great leaders and anoints them with supernatural power to lead in times of social distress when Your righteousness and justice must be reestablished, this weekend we celebrate the birthday of Martin Luther King Jr. We praise You, O God, for his life and leadership in the cause of racial justice. You gave him a dream of equality and opportunity for all people which You empowered him to declare as a clarion call to all America.

As we honor the memory of this truly great man and courageous American, we ask You to cleanse any prejudice from our hearts and help us press on in the battle to assure the equality of education, housing, job opportunities, advancement, and social status for all people, regardless of race and creed. May this Senate be distinguished in its leadership in this ongoing challenge to assure the rights of all people in this free land. Amen.

The PRESIDENT pro tempore. Please join the distinguished assistant Republican leader in pledging allegiance to our flag.

PLEDGE OF ALLEGIANCE

The Honorable MITCH MCCONNELL, a Senator from the State of Kentucky, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The assistant majority leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, this morning we will be resuming consideration of H.J. Res. 2, the appropriations bill. Under the order, following 5 minutes of debate, there will be a vote in relation to the Harkin amendment regarding Byrne grants. Following that vote, and an additional 5 minutes of debate, there will be a vote in relation to the Schumer amendment relating to port security. Members can, therefore, expect two consecutive votes to begin shortly. I understand additional amendments are expected and, therefore, Members can expect further roll-call votes today. It is hoped we can finish this bill today or this evening. If that is not possible, it is anticipated that the Senate will resume consideration of this bill on Tuesday after the holiday and remain in session until it is completed.

The PRESIDENT pro tempore. The assistant Democratic leader.

Mr. REID. Mr. President, I ask my distinguished colleague, the senior Senator from Kentucky, I was not paying as much attention as I should have. Did the Senator announce how late we would be working today?

Mr. MCCONNELL. Mr. President, I say to my friend from Nevada, at this point, about all I can relate to our colleagues is that we will stay in session and continue to try to make progress on the bill. That is really about all the enlightenment I can offer at this particular point this morning.

Mr. REID. I am sure the Presiding Officer will be down and enlighten us further at some subsequent time.

Mr. MCCONNELL. I am confident he will.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of House Joint Resolution 2, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes.

Pending:

Harkin amendment No. 32, to restore funding for nondiscretionary Byrne grants to a level of $500,000,000.

Schumer Modified amendment No. 31, to provide funds for research and development grants to increase security for United States ports.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Alaska.

Mr. STEVENS. Will the Chair please announce what the program is.

AMENDMENT NO. 32

The PRESIDING OFFICER. Under the previous order, there will be 5 minutes of debate equally divided prior to the vote on or in relation to the Harkin amendment No. 32.

Mr. STEVENS. Mr. President, before that starts, I think we should wait for the participants. I wish to announce, assuming the Senator from New York and I can work out an understanding, there may not be a second vote. Members should be aware, there may not be the second vote. The first vote will take place as scheduled.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. HARKIN. Mr. President, parliamentary inquiry. Will the Presiding Officer state what is before the body right now?

The PRESIDING OFFICER. There are 5 minutes evenly divided on the Harkin amendment No. 32.

Mr. HARKIN. Mr. President, the omnibus bill that is before us virtually eliminates the Byrne law enforcement grant program. This amendment restores the funding to $500 million to the fiscal year 2002 level. There is no increase, but this at least holds it harmless.

On each Senator's desk is a table of how much each State's law enforcement would lose without the Byrne grant. These grants go directly to State and local law enforcement. It pays for regional drug task forces, technology, forensics, prevention, and other valuable antidrug efforts in local communities.

I have heard from the National Sheriffs Association, the International Association of Chiefs of Police, the National Association of Police Organizations, and the National Governors' Association, who have voiced strong support for this amendment.

At this crucial time in our history, we cannot afford to reduce the effectiveness of our Nation's law enforcement agencies.

I received a letter this morning from the head of the Kansas Bureau of Investigation, Mr. Larry Welch. I do not know him personally. He said:

Elimination of Byrne funding would be absolutely devastating to Kansas law enforcement.

Mr. President, this amendment is needed by local law enforcement all over the United States, and I hope we adopt it overwhelmingly.

I yield to the Senator from Delaware.

Mr. BIDEN. Mr. President, I am pleased to cosponsor Senator HARKIN'S

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

amendment to restore full funding to the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, a program which is used to fund crime and drug prevention programs in communities nationwide.

The bill before use today cuts the Byrne grant program by $500 million, in essence eviscerating it. I have trouble understanding why anyone would choose to decrease funding for a program that strives to improve the criminal justice system and increase public safety.

Cutting this program has real consequences in my home State of Delaware. There, Byrne grant money goes to fund a wide range of significant drug abuse and prevention programs, juvenile crime initiatives and other criminal justice projects, including: Delaware's Key and Crest programs, which help criminal offenders get off of drugs and decrease their chance of re-offending once they are released from jail; drug treatment services for criminal offenders in drug court programs; drunk driving patrols in Dover, DE; and drug prevention programs such as ''Heroin Hurts'' which educates teens about the dangers of the deadly pure heroin available in my State.

The Byrne program is distributed as a block grant to each State, based on a State's population. Delaware typically receives almost $2.5 million per year. It's critical funding, funding that secures the hometown and that helps keep our kids safe and drug-free.

I could go on about the good Byrne has done in Delaware. We have used Byrne funds to create eight community-based crime prevention programs around my State. In New Castle County and Dover, these programs offered training and services to adults and youth in high crime areas. Another project identified hate crime hotspots throughout New Castle County and increased police services through a specialized hate crime unit to those areas.

We have used Byrne funds to train prison officers, to improve our criminal justice records, and to expand the Delaware State Police's crime mapping project.

Byrne is an incredibly flexible law enforcement program. It's amazing to me that we would propose to eliminate it in this bill. I will fight this cut, and I am pleased to stand with my friend from Iowa in offering this amendment to restore Byrne funds.

Mr. President, I cannot fathom why my colleagues are doing this. This is the single most popular, effective program that has existed in helping State law enforcement. Everybody on that side knows that. It has all the Republican attributes. It is flexible. It is one of those programs that the States like very much.

The Presiding Officer from South Carolina knows how it works in South Carolina, and in this rush to be able to make room for these cockamamie priorities, what are we doing? We are cutting FBI agents. We eliminate the Violent Crimes Task Force. The FBI cannot function in the States on ordinary crimes such as bank robbery and interstate car theft. We cut another 800 FBI agents, or thereabouts, under this proposal.

We are cutting the COPS program. I think my colleagues have it backwards. I think this is the most cockamamie idea I have heard in a long while. This narrow definition of a constitutional national defense is going to come back to bite us.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I ask unanimous consent that Senators JEFFORDS, MURRAY, EDWARDS, CLINTON, GRAHAM, and SCHUMER be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, unfortunately, the Edward Byrne Memorial State and Local Law Enforcement Assistance Program suffered a $500 million cut in this bill. Hundreds of law enforcement agencies throughout Wisconsin depend on this money to fund a variety of crime prevention, drug interdiction, domestic violence, and many other creative, anti-crime initiatives. In fact, Wisconsin received more than $9 million in Byrne formula grant funds last year.

Eliminating this source of funding will drastically impair local law enforcement's ability to combat crime. I am pleased to co-sponsor Senator HARKIN's amendment to restore the Byrne formula grant program to last year's level of $500 million. We cannot leave our State and local law enforcement agencies out in the cold, especially at a time when we've asked them take on the additional responsibility of being the first line of defense and the first to respond in case of a terrorist incident. The safety of our communities depends on local law enforcement's ability to do their job well. At the very least, we can assist them by restoring this funding.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

Mr. KERRY. Mr. President, I strongly support the Harkin amendment to restore funding for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program to its fiscal year 2002 level. I am concerned that the omnibus appropriations bill before us eviscerates the Byrne program. The Byrne program provides a flexible source of funding to State and local law enforcement agencies to help fight crime by funding drug enforcement task forces, more cops on the street, improved technology, and other anticrime efforts. Massachusetts received over $11.5 million in Byrne funding last year. On countless occasions I have heard from law enforcement officers from Massachusetts about the value of the Byrne program to their crime-fighting efforts.

The war against terror has placed unprecedented demands on State and local law enforcement to prevent terrorist attacks and to respond to an attack should one occur. But fighting the war on terror is not the only job that we expect police officers to do. We also expect them to combat the prevalence of drugs in our cities and rural communities, we expect them to keep our homes and families safe from thieves, and we expect them to make us feel secure when we walk through our neighborhoods. We are well aware that the States are facing a severe fiscal crisis, some $75 billion collectively, what priority does it reflect to cut back on support to local law enforcement in this budget and security environment? A wrong-headed one, in my estimation.

This amendment is supported by the National Association of Police Organizations, the International Association of Chiefs of Police, and the National Governor's Association. I am proud to stand with these organizations in support of the Harkin amendment to restore funding to the Byrne amendment.

Mr. HATCH. Mr. President: I rise to comment on amendment No. 32, which would restore $500 million in funding for the Department of Justice's Edward Byrne Memorial State and Local Law Enforcement Assistance Program, the Byrne Grant Program.

There is no question we all agree on the importance of maintaining adequate funding for the Byrne Grant Program. The Byrne Grant Program does much to enhance State and local law enforcement, providing critical grants which are needed to fight violent and drug-related crime. In the last year alone, over $4 million was awarded to State and local law enforcement agencies in Utah to fight violent and drug-related crime.

As many of my colleagues, I was extremely disturbed to learn the resolution we have before us today contains absolutely no funding for the Byrne Grant Program. Obviously, it is not in the interest of supporting local law enforcement for that situation to stand.

Let me discuss another consideration. Appropriation have worked very to craft a bill that is fiscally responsible, that will balance the need for spending against restraint, and that will help us restore a balanced budget which is so vital to our country's economic security. The amendment we have before us, offered by my good friend and colleague, Senator HARKIN, proposes to add $500 million to the bottom line of this bill, without an offsetting reduction which will keep the resolution within the total funding level acceptable to the President. Thus, its passage would vastly exceed the carefully crafted Federal discretionary

spending level agreed to by President Bush and congressional appropriators last year and jeopardize the legislation we must pass to ensure continued funding for virtually all of the Government except the Department of Defense.

I am relieved to hear our chairmen, Senator STEVENS and Senator GREGG, provide assurances that if the Harkin amendment were not adopted, they will restore the funds in the conference committee with the House of Representatives. Based on those assurances, I will cast my vote to table the Harkin amendment.

Before I close, I wanted to also express my concerns about a provision in H.J. Res 2 which dramatically restructures the section 8 Housing Choice Voucher renewal calculation. The resolution states that contracts will be renewed based upon levels used in previous years to calculate future housing payments and administrative fees. This formula could result in a severe undercounting of the number of families likely to be served by vouchers in the upcoming year.

Housing Authorities are facing an ever-increasing series of challenges, including increases in low-income and disabled eligibles and rising rental costs in many areas. Many of Utah's agencies who have received new voucher awards within the last six to 12 months are projecting they will have inadequate funding to meet their needs.

As I read the resolution, any additional funding needed to support increased costs will be a limited amount that is located within a central fund allocated by the Secretary. This could force Housing Authorities to reduce staff, resulting in lost administrative fees, and a reduction in the percentage of vouchers being used. It is my hope that the conferees will be able to rectify this problem that could serve to undermine the successfulness of the Section 8 program.

Mr. SPECTER. Mr. President, I am unable to support the amendment by my colleague, Senator HARKIN, to restore $500 million in non-discretionary funding to the Edward Byrne Memorial State and Local Law Enforcement Assistance Program. I am unable to do so not based on my opposition to the program, but rather due to the fact that the chairman of the Appropriations Committee, Senator STEVENS, has outlined a separate strategy to restore this funding in conference.

The Edward Byrne Memorial State and Local Law Enforcement Assistance Program provides funding to State and local governments to help make communities safe and improve criminal justice systems. Specifically, the Byrne Program emphasizes the reduction of violent and drug-related crimes and fosters multi jurisdictional efforts to support national drug control priorities.

Byrne Program funds are awarded through both discretionary and formula grant programs. Discretionary funds are awarded directly to public and private agencies and private nonprofit organizations, while formula funds are awarded to the States, which then award subgrants to State and local units of government as well as to agencies and organizations.

Senator HARKIN's amendment would add $500 million to the overall cost of the Omnibus Appropriations bill, an amount which far exceeds the funding cap on the bill which the administration is willing to support. Chairman STEVENS has explicitly stated that although this program was taken out of the bill, additional money was put in its place because he is aware that the House of Representatives intends to restore funding for this program in conference.

I have consistently supported the Byrne Program and similar programs in the past, and have also worked tirelessly through the annual appropriations process to secure funds and grants for both rural and metropolitan law enforcement agencies in the Commonwealth of Pennsylvania and throughout the Nation. As the former District Attorney of Philadelphia, I understand the importance of Federal funds to local and state law enforcement agencies to help reduce crime and have consistently supported increased funding for that purpose.

Based on the comments made by Chairman STEVENS, I am confident that this program will be restored in conference. Accordingly, I am unable to support my colleague's amendment.

Mr. GREGG. Mr. President, what is the remaining time?

The PRESIDING OFFICER. The Senator from New Hampshire has 2½ minutes remaining.

Mr. GREGG. If the Chair would advise me when I have reached a minute, then I will yield to the chairman of the committee, the President pro tempore.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. First off, let's remember we have dramatically increased the money in this bill by $2 billion which is going back to the local police forces in this country. That is $2 billion. The Byrne program is a good program, but it is a program that buys lights and cars. It is a program that is used for basically the day-to-day operation of the police forces, and that makes sense when we can afford it.

This bill is structured in a way so that we can stay at the seven-fifty level. We expect the Byrne money to come back into this out of conference. But as a practical matter, to get to the seven-fifty level, we thought it was more important to put $2 billion of new money into the police agencies where they needed it, which is in the area of supporting their efforts to fight terrorism.

I yield to the Senator.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, this is the time when we ask both sides of the aisle to trust us. We took out a program we know is going to go back into this bill and put additional money in another place because we know the House will help us put it back in. This will help save another portion of this bill that we support.

We have done this for years. The other side has done it, too. We know what the House wants. The House wants this back in. We want to convince them the other money we have in here also is good.

I urge the Senate to give us the flexibility to deal with this bill in conference the way it is outlined. It is a very flexible bill. There are 11 bills in 1 amendment. I guarantee it will survive.

I pledge it will survive, but also what will survive is another $2 billion we need for another program. This is part of that program. So on the basis of trust, I ask my colleagues to trust us.

I move to table this amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

The Senator from Iowa.

Mr. HARKIN. Is there any time remaining on our side?

The PRESIDING OFFICER. There is no time remaining on the Democratic side.

Mr. STEVENS. If the Senator wishes a minute, I ask unanimous consent that he would have an additional minute.

Mr. HARKIN. I only need 30 seconds.

Mr. STEVENS. All right. Thirty seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I want to add Senator DORGAN as a cosponsor.

On the $2 billion that is in the bill, that is for first responders. That does not go to the same entities we are talking about in the Byrne amendment. That is the only point I want to make.

Mr. STEVENS. I agree it does not, but this money is going back in under the negotiations strategy we outlined. I guarantee it is going back in, but give us some leeway to deal with this bill. It is an enormous bill.

Again, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Regular order. A voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. I ask for the yeas and nays on the underlying amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there does not appear to be a sufficient second.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. STEVENS. I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''no''.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—52

Alexander	Dole	Miller
Allard	Domenici	Murkowski
Allen	Ensign	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Brownback	Frist	Sessions
Bunning	Graham (SC)	Shelby
Burns	Grassley	Smith
Campbell	Gregg	Snowe
Chafee	Hatch	Specter
Chambliss	Hollings	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Collins	Kyl	Thomas
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	McCain	
DeWine	McConnell	

NAYS—46

Akaka	Dorgan	Lieberman
Baucus	Durbin	Lincoln
Bayh	Edwards	Mikulski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Graham (FL)	Nelson (NE)
Breaux	Harkin	Pryor
Byrd	Inouye	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Kohl	Schumer
Corzine	Landrieu	Stabenow
Daschle	Lautenberg	Wyden
Dayton	Leahy	
Dodd	Levin	

NOT VOTING—2

Hagel	Kerry

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 31, AS MODIFIED

Mr. STEVENS. Mr. President, the Senator from New York offered the next amendment on which the yeas and nays have been ordered. As I promised last night as we wound up, we have reviewed Senator SCHUMER's amendment, and he has drafted a modified amendment which he will offer and which we will accept.

I want to call to the attention of Senators that there are some of these amendments that can be worked out, if we have a chance to work them out. We want to work with both sides of the aisle to try to accommodate the desires of Senators with regard to these 11 bills in one amendment.

I yield to my friend from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent that Senators HOLLINGS, DORGAN, KENNEDY, GRAHAM of Florida, BIDEN, CLINTON, and LAUTENBERG be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 31, AS FURTHER MODIFIED

Mr. SCHUMER. Mr. President, I ask unanimous consent to further modify my amendment with the changes that I now send to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 31), as further modified, is as follows:

(Purpose: To provide funds for research and development grants to increase security for United States ports)

On page 719, strike ''.'' on line 14, and insert the following:

Provided further, That, of such amounts provided herein, $150,000,000 shall be available for the Secretary of Homeland Security pursuant to the terms and conditions of section 70107(i) of Public Law 107–295 to award grants to national laboratories, private nonprofit organizations, institutions of higher education, and other entities for the support of research and development of technologies that can be used to secure the ports of the United States:

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

Mr. KERRY. Mr. President, I strongly support Senator SCHUMER's amendment to add $150 million for port security research grants to the omnibus appropriations bill for fiscal year 2003. I cannot be here for the vote, but if I were I would vote in favor of this amendment. We passed a comprehensive maritime security bill at the end of the last Congress because in the aftermath of September 11 it became apparent that our Nation's ports were vulnerable to terrorist attacks. Our bill provided for the creation of a port security infrastructure that will significantly increase the level of security at ports and maritime facilities across the country. However, the bill was not funded through the appropriations process and a funding mechanism has yet to be been decided. The Schumer amendment would immediately release grant money to laboratories and universities for the research and development of technologies which will help detect the presence of chemical, biological, and nuclear weapons at our Nation's ports, something we addressed in the Maritime Security Act but have yet to implement.

There is no doubt that we will need to develop new technologies and improve upon existing detection technology if we are to fully secure our ports against the threat posed by weapons of mass destruction. There are simply not enough customs inspectors to search every piece of cargo that comes into the United States. We will need to have equipment that can scan large cargo containers and detect explosives, chemical and biological agents, and any other substance that could conceivably cause harm. We will also need improved technology that will help officials track, and keep track, of cargo containers from their point of origin to their point of destination. Calling upon our scientists and educators to develop new security technologies is essential if we are to effectively wage the war on terrorism. Given the inadequacies that we know exist in our port security, I do not believe that we can afford to wait around to act. Senator SCHUMER's amendment is critical to the future of maritime security, and I urge my colleagues to vote for its passage.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we are prepared to accept this amendment. What it does is it dedicates moneys that are already in the bill to the consideration of the process of developing the system of detecting items in cargo vans as they come into our country. It is a very vital subject, and we are pleased to work with the Senator from New York.

I urge its adoption.

I yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I thank the Senator from Alaska, as well as the Senators from South Carolina, Washington State, and Arizona for their help.

Let me explain it quickly to my colleagues and how it is changed. As many of you know, something I have felt very strongly about is the ability to detect nuclear devices as they might be smuggled into this country by terrorists, either on ships in the large containers or over the Mexican or Canadian borders.

The scientists at our energy labs tell us they can develop or perfect detection devices much better than Geiger counters, which is the only detection device we have now that can prevent such devices from being smuggled in, which could cause an unimaginable tragedy—if a nuclear device were smuggled into the country and exploded.

The original amendment added $150 million for research. Through the good work of the chairman of the Appropriations Committee, we have now simply said that that money will come out of TSA. He has graciously agreed to protect that in conference. I think it is a happy compromise that solves the problem I have had getting research for this and the problem he has had making sure there are no new allocations.

It tracks the language that Senator HOLLINGS and Senator MCCAIN put in the port security bill and now provides the funding without adding any additional funding. So I am glad we have a compromise and look forward to seeing this research proceed very quickly. We cannot afford to wait.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as further modified.

The amendment (No. 31), as further modified, was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. SCHUMER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is my understanding the Senator from West Virginia will offer an amendment. I would like to inquire from my good friend if we could put a time limit on this amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, if I may respond to my friend, I am willing to enter into a time agreement. I think that is good. I wonder how many of my colleagues will want to have 2 or 3 or 5 minutes. I do not want to leave my friends out of the equation. As far as I am personally concerned, I could do with 45 minutes.

Mr. STEVENS. Mr. President, I ask unanimous consent that we have an hour on the amendment; 45 minutes for the Senator from West Virginia, 15 minutes for our side.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Is this the one on the across-the-board cuts?

Mr. BYRD. Yes.

Mr. STEVENS. Does the Senator wish to have no second-degree amendments?

Mr. BYRD. That is fine, and an up-or-down vote.

Mr. STEVENS. We agree, no second-degree amendments and an up-or-down vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 36

(Purpose: To nullify all across-the-board rescissions contained in this joint resolution.)

Mr. BYRD. Mr. President, I yield myself such time as I may consume. And I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment numbered 36:

Strike title VI of division N.

Mr. BYRD. Mr. President, the distinguished Senator from Alaska has been very gracious in proposing that I, as the author of the amendment, have 45 minutes and that he, the manager on the other side, have 15 minutes.

My hearing isn't too good at this point. I am trying to clarify.

Mr. REID. Mr. President, if I could ask the Senator from West Virginia to yield.

Mr. BYRD. Yes.

Mr. REID. It is my understanding that on this amendment the Senator from West Virginia would control 45 minutes and the Senator from Alaska 15 minutes.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. I thank the Chair.

Mr. President, let me thank my friend from Alaska again. He is, in Shakespeare's words, ''a man after my own kidney.'' He offers me three times as much time as he intends to claim. What does that tell you? That tells you he is a very fair man. And it also tells you he is very sure of his votes. We saw, yesterday, how well disciplined the Republican majority is. Every man, every woman, right down the line—no variation, no veering off course—straight to the object, no matter what the contents of the amendment, no matter what its attributes, votes it down. I say this with all due respect to Senator STEVENS. But he is sure of his votes, which indicates to me that the other side has caucused, they have said they are going to say no to every amendment we offer on this side. I respect them and I admire them for their discipline.

Now, Mr. President, to the amendment.

After the election—remember the election, my friend from Rhode Island, who presides this morning over this Chamber with a degree of discipline and poise and aplomb that is so rare as a day in June—after the election, the President of the United States threw down the gauntlet and insisted that total discretionary spending not exceed $751 billion. He said: That is it. That is the line. That is the mark. No more. That far but no further.

To meet this arbitrary target, Senator STEVENS was forced to reduce the 11 bills that were approved by the Senate Appropriations Committee last July, on bipartisan, unanimous votes, by $9.8 billion. What a change. What a change a few months can make.

These 11 bills were approved by the Senate Appropriations Committee last July, when we had 15 Democrats, 14 Republicans, and—to the man and to the woman—we had a bipartisan vote, a unanimous vote, in support of these 11 bills. And now, because the President has drawn a line in the sand and sent the message to the Republican majority: Cut it. Cut it—and we see the discipline on the other side of the aisle—everybody is marching to the tune of the President of the United States on that side of the aisle. So what he says goes. He says: That far. It will go this far, and no further.

All right. So to meet this arbitrary target, Senator STEVENS was forced to reduce the 11 bills that were approved by the Senate Appropriations Committee last July, on bipartisan, unanimous votes, by $9.8 billion. Let's see how everybody votes today.

This shortsighted and arbitrary ceiling on spending forced Senator STEVENS to make dramatic reductions in priority programs designed to defend our homeland, educate our children, improve our transportation systems, and strengthen our law enforcement programs.

The legislation before us also includes a 2.9-percent across-the-board cut in all domestic programs. Get that, an across-the-board cut in all, not just some but all domestic programs. This provision, buried in 1,052 pages of legislative text, will exacerbate the cuts that are already made in the bill. A cut of 2.9 percent now, or $11.4 billion, in domestic spending is no technical adjustment.

The President insisted that there be a vote on going to war with Iraq before the election. He insisted that he must have that vote. The Republicans insisted that we must have the vote on

Iraq before the election so that the impending election would affect the outcome of that vote. I wonder why they didn't say: Let's vote on the 11 appropriations bills before the election, with the across-the-board cut of 1.6 percent and then with the addition yesterday of 1.3 percent, making a total of 2.9 percent across the board. How would that have been before the election? How would that have been perceived before the election if we had this vote then? If we could have only had the vote that is about to come, if we could have had it before the election, what a difference that would have made.

Here we are now. This country is faced with a cut of 2.9 percent, or $11.4 billion, in domestic spending. This is no technical adjustment. This is a real cut. Nor can it be fairly characterized as capturing the savings from agencies operating under a continuing resolution for 4 months. Don't you believe that. The President's budget for fiscal year 2003 was simply inadequate when it came to critical domestic programs. The President proposed to freeze domestic spending, excluding homeland security, and last summer the Senate Appropriations Committee approved, on a bipartisan unanimous vote, an allocation that provided just enough additional resources, about $11 billion, to cover the cost of inflation for domestic programs. Every Republican on the Appropriations Committee voted for that. Every Democrat on the Appropriations Committee voted for that.

With those additional funds, the committee was able to restore essential funding for programs that the President proposed to cut, such as veterans medical care, highway funding for the States, education programs, the new No Child Left Behind law, Amtrak, and State and local law enforcement.

Now what a change. Now the President has not only insisted on virtually eliminating the $11 billion increase that the committee approved last summer, but by including this 2.9-percent cut in domestic programs, spending will actually be cut overall by 1 percent. It is also deeply troubling that some of this $11.4 billion across-the-board cut is being imposed on domestic programs to pay for increases in mandatory programs.

The mandatory side of the Federal budget is going through the roof unchecked, going through the ozone layer, while the domestic programs that are being funded through the annual appropriations process are being squeezed—like I squeezed my grapefruit this morning. The domestic programs that are being funded through the annual appropriations process are being squeezed.

Approximately $4 billion of the $11.4 billion across-the-board cut is included in the bill to pay for increased mandatory spending in Medicare, in assistance for needy families, and for drought relief. While these are important programs, should our veterans have to pay for them with longer lines at hospitals and clinics? Hear me. I am asking you, the people out there who are listening and watching through the electronic eye, I am asking you. I am asking my friends on the other side of the aisle, while these are important programs, should our veterans have to pay for them with longer lines at hospitals and clinics? How many pregnant women and infants have fewer meals through the WIC program? How about that? The silence is deafening.

Should we fail to meet our commitment to double the budget for the National Institutes of Health over 5 years? I think not. And the Senate, based on previous votes, thinks not.

Once we start down this road of paying for increases in mandatory programs by cutting domestic funding, where will it stop?

When I came to Congress more than 50 years ago, I seem to remember that the Appropriations Committees of the two Houses controlled something like 90 percent of the domestic spending programs. My memory is not infallible, but it was a tremendous figure over today's. We have been hearing in recent years that the Appropriations Committees have control over about one-third of the total expenditures.

Now what we are doing, with these mandatory programs, you might refer to them as backdoor spending. Congress, and the Appropriations Committee, has absolutely no control over that. That change has come about in my 50 years in Congress. Now what we are going to do is pay for some of those mandatory programs with an across-the-board cut in discretionary spending.

Now, go back and face your constituents. I wish we had this vote before the election. This is the vote we should have had before the election. Once we start down this road of paying for increases in mandatory programs by cutting domestic funding, where will it stop? There will be no stopping it. There is only $385 billion of domestic funding for fiscal year 2003. We are talking about funding that is important to 290 million people in this great Nation. Are we going to pay for the new prescription drug benefit with cuts in domestic programs? Are we? There simply is not enough domestic spending in the entire budget to cover such mandatory costs.

Let's be sensible about this matter. Let's forget politics for a moment. An across-the-board cut of 2.9 percent is a real, honest-to-goodness cut that would change people's lives across this Nation. Where do you stand? Go back to your constituents, tell them where you stand.

What was the first question that was ever asked since the human race began? In reading the Book of Genesis, the first chapter, the first question ever asked was when God walked through the Garden of Eden in the cool of the day, before the shades of night had fallen, and he was looking for Adam and Eve. They had eaten of the forbidden fruit.

I know some people think it is old-fashioned to refer to the Holy Bible. I don't. Right there in that first chapter of Genesis you will find the greatest scientific treatise that was ever written, giving the chronology of creation, and the scientists don't dispute that chronology as it is laid down there. But God went through the garden and he asked: ''Adam, where art thou?'' Adam was hiding. He and Eve had gotten over behind some bushes. They were hiding. Can you hide from God? They found they could not. But they were hiding over behind some bushes. God went through the garden and said: ''Adam, where art thou?'' I say to my friends, you are going to be asked by the people: Where were you? Where were you? Where were you when these cuts took place? Where were you?

Mr. REID. May I ask the Senator to yield for a question?

Mr. BYRD. Yes.

Mr. REID. The Senator is aware, I am sure, that one of the groups being affected by these vicious cuts is American veterans. I was on a cable TV show today with the Officers' Association and the Veterans of Foreign Wars. They talked about the tremendous needs of American veterans for health care and other benefits.

Mr. BYRD. Yes.

Mr. REID. Is the Senator aware that what they have done already is a $693 million cut to American veterans' health care benefits?

Mr. BYRD. Yes. I am getting to that. I want Senators to answer the question from their veterans, where were you?

Mr. REID. Almost $700 million.

Mr. BYRD. Yes, where were you?

Mr. REID. Is the Senator also aware that in the Washington Post and all over the country today there are stories that in addition to these cuts, the VA is going to cut veterans' access further? I think it is a disgrace to do to American veterans what this bill does, and I say to the Senator—I am sure he is aware but I ask this question: Isn't this exemplary of the vicious cuts that are taking place in this legislation?

Mr. BYRD. That is just one example, and it is a shameful—not just a disgrace, it is a shame, a shame. This across-the-board cut is not a careful choice. This cut would result in hamhanded reductions in veterans' programs, public health programs, education programs, and homeland security programs. Yes, this is a shame.

Mr. REID. I say to the Senator, the reason I mention this is it is descriptive, exemplary of what they are doing to the American people under the guise of fiscal conservatism. If this is ''compassionate conservatism,'' then I don't want any part of it.

Mr. BYRD. If this is compassion, the shedding of tears means nothing. Where is the compassion when it comes to spending money to send our men and women overseas, with all of this big, loose talk that we hear, and we are spending money hand over fist. Nobody suggests cutting a nickel or a dime when it comes to putting money in the military. There is no across-the-board cut there.

The taxpayers elect us to make careful choices. So I thank the distinguished Senator for bringing out this inequity.

The Women, Infants and Children Program, which provides essential sources and nutrition to millions of low-income families, would be cut by $138 million. If food costs and program demands continue to climb, this cut could mean that 224,689 eligible women, infants, and children could be turned away from the WIC program later in the year.

At a time of heightened concern about the safety of our Nation's food supply, the Food Safety Inspection Service would be cut by $22 million, eliminating the salaries of 490 food safety inspectors.

Last fall, at an Intelligence Committee hearing, FBI Director Mueller testified. He said:

> I have a hard time telling the country that you should be comfortable—

This is Mr. Mueller talking. The Director said that the FBI is focusing on the threat of terrorists who would use military action against Iraq as a pretext to strike America. That is what he said. That is not what I am saying. That is what he said. Yet, this across-the-board cut would result in the FBI losing 1,175 agents, including 188 agents through attrition, 90 agents through current vacancies, 110 agents that were requested in the fiscal year 2003 budget request, and 787 agents from the agency would have to be laid off.

Yesterday, my friend, Mr. GREGG, the distinguished senior Senator from New Hampshire, said in so many words, but I think they all added up to this: The FBI is flush with cash. Well, after this across-the-board cut, the FBI will be scrounging for pennies. How about that song, ''Pennies from Heaven.'' I don't know where the pennies will be coming from, but they are going to be pretty scarce, that is sure.

At the same Intelligence Committee hearing, FBI Director Mueller, in discussing the potential for terrorist attacks in America, focused attention on certain high-risk sectors, such as transportation, energy, and agriculture. The FBI has sent warnings urging extra precautions in those sectors. Yet, this across-the-board cut would reduce funding for security at our nuclear powerplants by $18 million. This cut will result in a reduction of more than $280 million in funding for the Transportation Security Administration and the Coast Guard, two critical agencies whose mandates are to protect our airports and our ports.

A reduction of this size will require the Coast Guard to conduct fewer port security patrols and further degrade their efforts in the areas of drug interdiction, marine safety, and fisheries patrol. Coast Guard ships will spend more time sitting at the dock for the lack of fuel, money, and operating funds.

The Customs Service would have to cut 1,600 positions, including agents and inspectors, at our Nation's seaports. Now this is serious. This is not just play money. This is serious.

The administration has continually stated that places of national interest have specifically been targeted by terrorists for attack, and yet this arbitrary cut would reduce funds for the U.S. Park Police, resulting in approximately 35 fewer Park Police officers at the very same time that the agency is beefing up its antiterrorism efforts at our most visible national symbols, such as the Statue of Liberty, the Washington Monument, and the Jefferson Memorial.

With these additional cuts, total funding in the bill for homeland security programs would be reduced to less than $24.4 billion. This is virtually a freeze at the level for fiscal year 2002. At a time of heightened vulnerability at home, the FBI will be losing agents, the Customs Service will be losing inspectors at our ports, the Food Safety Inspection Service and the Food and Drug Administration will be losing food inspectors, and the Immigration and Naturalization Service will be losing Border Patrol agents.

In addition, the resources to help State and local governments train and equip first responders for potential terrorist attacks with biological, chemical, or nuclear agents will be cut—that is right, cut—by 2.9 percent. Is this any way to govern? I think not.

Environmental cleanup activities would be cut by $203 million. Such a cut would delay short-term cleanup milestones at Hanford in Washington State, Savannah River in South Carolina, as well as in Idaho, in New Mexico, in Nevada, in Ohio, in Kentucky, yes, and even at Rocky Flats in Colorado.

Let's talk about the Head Start Program. The Head Start Program would be cut by $192 million, eliminating services for 2,722 children, adding to the 2,800 children that the National Head Start Association claims would be displaced by the President's budget. This cut would result in the elimination of services to a total of 5,522 children in fiscal year 2003.

The budget for the National Institutes of Health would be cut by $778 million, scuttling the plan to double NIH's budget over 5 years. A 2.9-percent cut would reduce VA medical care by $692 million. How about that? This would result in 230,000 fewer veterans being treated and 1.8 million fewer visits by veterans to outpatient clinics.

Go to the veterans the next time you go home; go around your State and tell the veterans what you have done. Tell them you have cut the money for their clinics. Tell them you have cut the money for VA medical care. Tell those veterans, look into their eyes, tell them we have cut their money. Yes, I voted to cut it. I voted to cut it.

Last year, though, I did not vote to cut it. When we reported out those bills last year, we supported it. So this would result in 230,000 fewer veterans—let me say it again, 230,000—being treated and 1.8 million fewer visits by veterans to outpatient clinics.

This cut would also result in 236,000 veterans remaining on VA's waiting list to see a doctor because the VA would not be able to hire additional staff to reduce the backlog of veterans waiting to see a doctor. These across-the-board cuts are simply not acceptable. They are real cuts.

If Senators care about health care for our veterans, if you care about homeland security, if you care about the National Institutes of Health, you should support this amendment regardless of political party; you should support this amendment.

I urge Members to support my amendment to strike this arbitrary and ill-considered cut.

Mr. President, I reserve the remainder of my time. How much time do I have left?

The PRESIDING OFFICER. Fourteen minutes.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I understand the position of the Senator from West Virginia. However, I wish to state the policy of this amendment that I have offered is that it does not go below the level of the 2002 appropriations that are the basis for the continuing resolution is in effect now.

I took the position if we went below the funding level that is out there now based on the 2002 level of appropriated funds, Members would say: Wait a minute, we are better off to continue on the 2002 level. The Senator's statement about what was cut are cuts from the proposal we brought before, and I joined him in bringing that before the Congress last year.

We are not cutting any veterans. We are not cutting out anyone who is receiving care now. We are cutting out the increase that would have been available under the bills that were pending before the Congress last year.

As a practical matter, there may be some items where the programs had been ramped up because of a supplemental. We are working on the basis of the appropriated level of funds for 2002.

In some instances, the continuing resolution does ramp up a little bit, as we found out with regard to an item that was before us last night in the amendment we dealt with just before we went home.

I do believe the Senator's amendment, as I understand it, strikes the offsets. We are back at the question of whether the Senate wants to discipline itself. We had no budget resolution last year. That was not the fault of any action of the Appropriations Committee under the chairmanship of the Senator from West Virginia or myself. We had no budget resolution. Had we had a budget resolution, we would have had a level of discipline, and that is the ceiling that had been established by the budget resolution.

The President sent a budget to the Congress, and it was limited to $750.5 billion. We have before us a proposal that limits that to $751.3 billion because the President submitted a subsequent request and amended his budget for the fire program of $825 million.

Lacking any other basis for a level of discipline, after the election, Senator BYRD and I, Congressman YOUNG, and Congressman OBEY got together and agreed we would hold the level of the President's $750.5 billion if we could get the bills done at that time. We did not get them done, and when we came back, the President asked me to join him and asked if I would continue the quest for a limit at that level of $750.5 billion. He agreed at that time to give us the $825 million for the fire program.

The offsets listed in title VI, which Senator BYRD would strike, are offsets that are necessary to achieve basically two things: One is the full funding for the amount that can be spent of the election reform bill in the 7½ to 8 months that are remaining, a bill that is absolutely necessary to be funded and put into place if we are to avoid, or at least try to avoid the problems of the election in the year 2000. This would modernize the election system throughout the country. This was a bipartisan bill that was passed, and this is its funding.

Secondly, the tremendous drought disaster areas of the country demand help. We faced a problem of how to deal with that, so we added the monies for drought and disaster to this bill and we offset it by an across-the-board cut in all programs.

That, again, is dealing with the basic problems of the country in a way that we will take these to conference, and we hope to come out of the conference with a bill approved by the House, that the President will sign, that will not exceed the $751.3 billion level but will take care of these and hopefully keep the two basic programs, drought disaster and election reform, and hopefully stay within the level we have agreed to try to achieve, and that is the $751.3 billion.

Our goal is to cover these, and we intend to cover them within the bill without across-the-board cuts. I do not know if we can get there. We know the House disagrees with a series of things that the Senate added. The Senate still has basic items above the President's budget request in most instances. So the House may want us to come down on a series of those. We are going to conference, and for the first time we will deal, through the full committee process, with 11 of the 13 bills, an enormous undertaking.

The only way we can get the two critical items to conference, in order to stay within our stated goal and demonstrate that we are going to stay within that goal to limit our expenditure to $751.3 billion, we provide for an across-the-board cut. I personally think it is going to end up somewhere around 1 percent by the time we are finished.

If there is not a 1-percent slush in every item in this budget, then I really have not been here 34 years, going on 35. These bills are estimates, and we are reducing estimates by 1 percent in order to take to the President the final bill at the level he sees fit to set. I think it is a legitimate objective.

Again, if we were not in the process of dealing with the post-9/11 situation, if we were not in the process of building up to try to protect the interests of our country abroad and our allies in terms of Iraq, if we were not dealing with the problems in Korea, if we did not have the problems we have abroad—they are all military in nature—we probably would not have this problem because we have already passed the two bills, the military construction bill and the Defense appropriations bill.

Even in this bill we have given the President an additional amount of money for intelligence and activities with relationship to the problems I have mentioned, and we have emphasized the protection in training and equipment for our men and women who are in uniform. There is no question about that. That has strained the national budget, and it has led the President of the United States to urge us to hold this level to $751.3 billion.

I urge the Senate to defeat the Senator's amendment. I know across the Senate, if this becomes final, people are going to say this is going to be down, that is going to be down, and that is true. There are going to be some accounts that are not as high as we would like to have them, and as I would like to have them, but there is going to be a budget the President will sign, and we can go on to the work of 2004.

We are trying to get behind us the problems of the last Congress. I really feel very uncomfortable about the fact that we are trying to pass 11 bills that should have been passed by the last Congress, and I have been trying to do it in a way that no one says who shot John or why would we not pass them. In my opinion, one of the main reasons is we did not have a budget resolution. We did not have a budget resolution for a lot of reasons.

In any event, we do not have one now, and the only way I know to get this bill to conference is to insist upon maintaining the discipline that is required to show we are going to get a bill to the President that he will sign.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Democratic leader.

Mr. DASCHLE. Mr. President, I will use my leader time to talk to this amendment.

I compliment the distinguished Senator from West Virginia for his amendment. I think this is one of the most important amendments we will vote on in this entire debate. He is simply restoring the across-the-board cut, as he indicated and outlined. We are now at a 2.9-percent across-the-board cut. That 2.9 percent represents at least $16 billion, over and above the other $5 billion that was cut, a total of $21 billion from discretionary accounts.

We have done an analysis of what those cuts actually mean in real-life terms. Those cuts mean the elimination of 1,175 FBI agents. There are 1,175 FBI agents who will lose their jobs if this cut goes into effect as it is now proposed.

The FBI Web site lists 10 priorities. The No. 1 priority is to protect the United States from terrorist attack.

The No. 2 priority is to protect the United States against foreign intelligence operations and espionage. The No. 3 priority is to protect the United States against cyberspace attacks in high-technology crime; No. 4, combat public corruption at all levels; No. 5, protect civil rights.

Which of these priorities will be sacrificed as a result of the loss of 1,175 FBI agents? Would we do that to the military? Would we do it to the National Guard? Would we do it in any other context as we consider the war on terror and the need to fulfill our constitutional responsibility to protect and defend this country against all enemies, foreign and domestic? I do not think so. Why would we cut 1,175 FBI agents at this time?

We have had serious food safety issues over the course of the last decade. I was chairman of a Subcommittee on Agriculture when the whole E. coli crisis broke out. I can recall so vividly families talking about their children being poisoned as a result of E. coli. Why? In part, because we did not have enough food safety inspectors. This 2.9-percent reduction, this $21 billion, will cut 490 food inspectors from our system today. We will have 490 fewer food inspectors. This will cut 230,000 veterans who are now getting medical services.

How ironic it is that as we send people to the Persian Gulf to fight for this country and we tell those who are already there we are going to cut them off; they are not going to have the medical assistance; they are not going to get the care.

I cannot begin to imagine how, in the name of fiscal discipline or anything else, so long as that huge tax cut is out there, our colleagues on the other side could possibly rationalize advocacy for a tax cut of that magnitude, leaving no millionaire behind, while we tell veterans they are not going to get medical services, while we tell the FBI, with all of its priorities, they are not going to have the kind of agent support for 1,175 FBI agents, we are going to eliminate their jobs.

How in the world, with all the dangers there are in food safety, can we say we do not need 500 food safety inspectors today?

That is what we are saying. That is what anybody is saying if they vote against Senator BYRD's amendment. I hope people will rethink this. As I said, this whole budget business that we are facing now is bizarre. We cannot afford $6 billion for education. We cannot afford $5 billion for homeland defense. We cannot afford the money for 1,175 FBI agents. But we can afford an $89,000 tax cut for 226,000 millionaires. I do not get it. I hope our colleagues will follow the wise counsel and leadership of our colleague from West Virginia. Let's vote for the Byrd amendment. Let's put some sanity into the budget process, into these appropriations bills this year.

I yield the floor.

Mr. REID. Will the Senator from West Virginia yield me time?

Mr. BYRD. How much time does the Senator want?

Mr. REID. Six minutes.

Mr. BYRD. I yield 6 minutes to the distinguished Senator from Nevada.

Mr. REID. I very much appreciate our leadership laying out the problem. Yesterday, instead of the FBI losing the number of agents it is losing today, 1,175 agents, it was 800. Each day, more FBI agents are lost because of this ridiculous procedure we are going through.

For my friend, and he is my friend, the Senator from Alaska, who I care a great deal about—I have served with him all my time in the Senate on the Appropriations Committee—for him to say we are funding election reform out of this, is that not good? It is money they are stealing from other accounts. Next, are they going to take care of prescription drugs by cutting off domestic discretionary spending?

Anyone who votes against Senator BYRD today is voting against the FBI, literally; 1,175 FBI agents will be eliminated.

Mr. STEVENS. Will the Senator yield on my time?

Mr. REID. For a question?

Mr. STEVENS. Yes.

Mr. REID. Sure.

Mr. STEVENS. Where does the Senator get those figures? The FBI received $3.49 billion in fiscal year 2002 and this bill has $3.92 billion. Beyond that we provided $158 million in the FBI joint task force. Not one FBI agent will be fired. We will not increase, but not one will be fired. Where does the Senator get those figures?

Mr. REID. I say to my friend from Alaska, how he or anyone else can with a straight face say you can do an across-the-board cut—''across the board'' means across the board, equal in every account in domestic discretionary spending—without money being lost, and without people losing their jobs, that is what it is all about.

These budgets, most of them, most every budget we have in the Federal Government involves employee personnel.

Where do the figures come from? They come from our staffs. This comes from the staff of the Democratic leader.

We can dwell on things other than the FBI, but the FBI is being cut. Take our word for it. These across-the-board cuts are cutting into the very heart of these programs. He talks about food safety inspectors. Anyone voting against Senator BYRD is saying food safety is not too important; we can do without approximately 500 food inspectors. Anyone voting against Senator BYRD's amendment is saying there is going to be about half a billion cut with Housing and Urban Development, which will mean 79,000 fewer families receive housing assistance.

To think you can take money from across the board and take care of election reform and other programs without these programs being hurt is mystical.

There will be a cut in the Customs Service. Already they are to the bare bone. I visited the Customs Service in Las Vegas and I was astounded 5 years ago how few people worked in the Customs department in Las Vegas. In areas where they should have a lot of Customs agents, there will be cutbacks. It will be about 1,600 Customs inspectors being cut back. This new cut means fewer agents at borders than prior to September 11.

We worked very hard to ramp up the spending for NIH. Everyone should understand when they vote against Senator BYRD's amendment they are cutting the NIH by 44 percent, including in biodefense.

We estimate there will be about 2,800 children deprived of early childhood education. This new cut on top of the original cuts in the Bush budget leaves a total of 5,522 children without any services.

This $137 million cut in WIC will mean 225,000 women, infants, and children will be left without nutritional and health care services.

The VA is about $700 million, which will mean about 225,000 veterans without medical services.

I agree with Senator GEORGE VOINOVICH, my friend from the State of Ohio, quoted as saying just a few days ago ''as far as the eye can see, I see red.'' That is what this is all about.

For my friend, my good friend, from the State of Alaska, to talk about this is a difficult job, that is an understatement. That is an understatement to try to come up with what they are doing. I heard my friend from Alaska promise one of my colleagues: we will take care of it in conference. The House is quoted as saying they will have the bill less than we have. It is magic that I don't think exists congressionally. It is magic that I don't think exists legislatively.

I say to the Senator from West Virginia, thank you very much. This is the vote of this bill. We are asking they do away with the across-the-board cuts. If they want to spend more money in these programs, get real money—not funny money—because they are stealing from the American people and trying to come up with a budget that is impossible and exists by magic.

Mr. BYRD. I thank the distinguished Senator.

How much time remains?

The PRESIDING OFFICER. The Senator from West Virginia has 8½ minutes.

Who yields time?

Mr. BYRD. I yield 3 minutes to the distinguished Senator from North Dakota, Mr. DORGAN.

Mr. DORGAN. This across-the-board cut is not a good idea. We need to make the right investments in the right agencies, to protect the American people, especially with respect to homeland security. These across-the-board cuts are not the right thing to do. Everyone knows that.

My colleague talked about the number of veterans that will be affected with respect to the diminished veterans health care, as well as the FBI. My colleague from Alaska, for whom I have great respect, said we will increase that budget. That is true. But if this is a cut, it is a cut. It is a cut below the anticipated level of spending in these areas.

It has been said this morning that part of the reason for this is to give farmers some help. Providing some money to help farmers who have experienced disaster is very important. But we did that last year by a wide bipartisan vote in the Senate and proposed a $5.9 billion program on an emergency basis. What is being proposed today, apparently—I read in the paper—is a $3.1 billion proposition that will send drought aid to farmers who never had a drought. I don't understand that. What

are we thinking about? Let's pass the disaster aid we passed last year for family farmers on an emergency basis, and then let's deal with the spending needs we have in this country. Yes, for the FBI, for the Customs Service, for all of these agencies, especially those engaged in homeland security.

Yesterday my colleague from West Virginia talked about the importance of homeland security. I understand what is going on. I understand the President has said, here is a marker; you have to meet that marker. So he wants to cut spending in the FBI, the Customs, Veterans, Health and so on, in order to meet his marker.

But on the other hand, he says while we are short of money and cannot fund what we intended for these funds, let's have a tax cut of $675 billion over 10 years. I don't understand the priority here. Either we have a homeland security issue we need to respond to or we do not.

My colleague from West Virginia said earlier today the head of the FBI told us we are in as much jeopardy today as we were the day before September 11 with respect to the potential threat from terrorists. If that is the case, how can anyone say we cannot fully fund the needs we anticipated earlier with respect to the FBI, the Customs Service, and others?

I understand what is going on. I understand someone had to bring to the floor the President's marker with respect to spending, but it is not right to do this across-the-board cut in order to meet that artificial level, especially at a time when the President says there is plenty of money for a $675 billion tax cut over the next 10 years. In terms of priorities, that is the wrong priority for this country.

Mr. STEVENS. I yield 2 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my friend and colleague from Alaska for his leadership on this bill. I have great respect for the Senator from West Virginia, and he is very consistent in wanting to spend more money in this bill. He tried yesterday and didn't win, so now he says, let's eliminate the reductions across the board. The net impact of that would be $11.4 billion this year. You might say that also would increase the base that we put in the budget, so that would be compounded every year, so this amendment would cost at least $120 billion assuming no inflation—probably closer to $140- or $150 billion—over those years.

I have heard my colleague say we are cutting the FBI. The FBI went from $3.4 billion to $4.1 if you add the two accounts together.

I heard my colleague say they are cutting the NIH. That went from $27.2 billion and received a $3.8 billion increase.

I just heard my colleague say we are cutting the VA; we are hurting veterans and veterans health care. Veterans care went from $23.9 and received a $2.6 billion increase, over a 10-percent increase.

When people are saying we are having cuts and it is going to cost thousands of jobs, it reminds me of somebody saying we are going to give you $1,000. Then they say we changed our mind, we are giving you $900—you just lost $100. We are talking about big increases, funding the priorities. I congratulate my colleague and urge my colleagues to vote no on this amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Alaska.

Mr. STEVENS. Mr. President, fear is a terrible quotient in the political spectrum. And the fear that an across-the-board cut might reduce the level of spending today, spending under the 2002 appropriations level, is a great one.

But I can state to the Senate without equivocation, not one FBI agent will be cut, not one will be lost. We have an increase, again, of nearly $500 million in the overall FBI level—rounded off a little bit. We have another increase of $158 million for the Joint Terrorism Task Force. An across-the-board cut to those two increases, $436.5 million for the FBI and $158.5 for the Joint Terrorism Task Force, is about $80 million. That still represents an increase for those two programs. An across-the-board cut would not reduce the FBI at all—there would be no reduction. The Department of Justice would still receive an increase of well over a billion dollars after the across-the-board cut.

I have respect for my friend with regard to facing the problem of an across-the-board cut. It is an indiscriminate cut and that is why I don't like it. It goes across the board and says take from each account so much money in order to achieve putting all the items you want to take to conference into conference. But remember, it is a mechanism to get to conference.

I could eliminate all of the across-the-board cuts if I took out all of the add-ons from that side of the aisle, or take out all the add-ons from this side of the aisle, the Members' requests. If the Senate wants me to do it, I will put them in the RECORD. They total a considerable amount more than 2 percent of the budget.

Under the circumstances, to accuse me of some strange tactic by having an across-the-board cut to accommodate those requests, take them to the conference with the House and see how much the House will allow us to add, for these Members to add, I think is a little duplicitous.

So before I am accused of cutting the FBI or cutting milk for babies or something such as that, keep in mind, if it keeps up, I will not put them in. We could take every one of them out with just one single amendment. If the Senate wants to do that, we wouldn't have any across-the-board cut at all. Take the Members' accounts out of this bill and there will be no across-the-board cut.

I suggest the defeat of the amendment of the Senator from West Virginia.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

Mr. KERRY. I strongly support the Byrd amendment to strike title VI of division N from the omnibus appropriations bill. Title VI includes a provision which would impose a 1.6 percent across-the-board reduction on all domestic spending. These cuts follow an earlier $9.8 billion reduction in domestic spending from the Senate Appropriations Committee passed spending bills. Together, these cuts will reduce domestic spending by more than $20 billion and will force punitive cuts in veterans health care, housing, education, homeland security, highway funding, Amtrak, the National Institutes of Health, Head Start, WIC and other important national priorities.

Today, we are not meeting our promises to our veterans. The Department of Veterans Affairs, VA, has consistently received inadequate resources to meet rising medical costs and a growing demand for its health services. In November 2001, Secretary of Veterans Affairs Principi identified a $400 million funding shortfall for fiscal year 2002. As a result of this shortfall, more than 300,000 veterans throughout the country are on waiting lists for medical care, and many must wait 6 months or longer for an appointment to see medical staff. Although Congress provided $417 million for veterans health care as part of the fiscal year 2002 emergency supplemental spending bill, passed in July 2002, the President agreed to spend only $142 million of the approved funds. In addition to the fact that the VA health system must now overcome the severely inadequate amount provided in fiscal year 2002, the VA has also been operating at last year's funding level since the onset of the 2003 fiscal year in October.

This funding crisis has forced the VA health system to resort to short-term fixes, such as discontinuing outreach activities in an effort to reduce enrollment and instituting new regulations that require the rationing of health care. Moreover, the VA has already reduced services at a number of facilities throughout the country and has closed some facilities altogether. It is crucial for the VA to receive an increase in fiscal year 2003 medical care funding provided in both the Senate and House Appropriations Committee bills. Instead, the Republican majority has decided to impose an additional 1.6 percent reduction to the already inadequate levels of funding for veterans services.

Today, our Nation is facing an affordable housing crisis. For thousands upon thousands of low-income families with children, the disabled, and the elderly, privately owned affordable housing is simply out of reach. Recent changes in the housing market have further limited the availability of affordable housing across the country, while the growth in our economy in the last decade has dramatically increased the cost of the housing that remains.

The Department of Housing and Urban Development, HUD, estimates that more than 5 million American households have what is considered worst case housing needs. Since 1990, the number of families that have worst case housing needs has increased by 12 percent, that is 600,000 more American families that cannot afford a decent and safe place to live.

Despite the fact that more families are unable to afford housing, we have decreased Federal spending on critical housing programs such as the Public Housing Capital Fund, elderly housing, and Public Housing Drug Elimination Grants since fiscal year 1995.

Earlier this month HUD also announced plans to dramatically reduce the amount of funding available for the operation of public housing by up to 30 percent. This would cost the city of Boston approximately $13 million in housing funding during fiscal year 2003. This additional across-the-board cut would impose even further cuts in the operation of public housing. This is simply unacceptable to those who depend upon housing assistance.

These are just two examples of the arbitrary cuts will be imposed on every domestic program, many of which already are inadequately funded. That is why I strongly support the Byrd amendment and urge my colleagues to support it as well.

Mr. GRAHAM. Mr. President, as the now ranking member on the Committee on Veterans' Affairs, I must make my fellow Senators aware of the impact of the proposed across-the-board cut in the appropriations for the executive branch for fiscal year 2003 on the Department of Veterans Affairs and its ability to provide health care and benefits to our Nation's veterans.

Yesterday morning we were talking about a 1.6 percent cut, of which VA's share would be over $424 million. But let me put that in context. That would have meant that 125,000 fewer veterans will be seen in VA's hospitals, that 250 benefits claims adjudicators would lose their jobs. And it would mean that a hiring freeze would be in place across the VA. These cuts are being put into place at a time when there are 235,000 veterans waiting over 6 months for an appointment at VA. It takes an average of 200 days for a veterans disability claim to be decided. But today we are talking about a 2.9 percent cut across the board. VA has not computed what this will mean to America's veterans yet.

Let me be more specific, so that my colleagues can understand the consequence of this decision. The proposed 2.9 percent cut would cost the Veterans Health Administration almost $695 million of the $2.4 billion increase VA health care was slated to receive. The VA–HUD Appropriations Committee recognized VA's dire need for health care resources, and responded accordingly in a bipartisan effort last year.

Meanwhile, VA announced just today that in light of rapidly rising numbers of veterans coming to VA for health care and prescription drugs, they will have to cut off enrollment for a certain category of veterans. How can we possibly consider cutting funding now, in the face of such sharply rising demand for VA health care? There are over 44,000 veterans waiting half a year to see a doctor in my home State of Florida right now—this is unacceptable. The system clearly needs higher increases in funding, not decreases.

Mr. President, it is also important to point out that a vital segment of the VA health system will receive a drastic cut as a result of this proposal, VA research. This program is invaluable not only to the veteran community, but to the Nation as a whole. VA research is responsible for advances such as the CT and MRI scans, the cardiac pacemaker, and performing the first kidney transplant. The groundbreaking dynamic of the VA research program also serves to attract leading researchers and physicians to VA. Reducing funding for this program is a true disservice to all Americans.

On the benefits side, this is a true cut. The original Senate-reported amount of $992 million will be reduced by $29 million. VA has been battling a backlog of claims. It has been making some progress. The VA Secretary has set a goal of deciding new claims within 100 days by the end of this fiscal year. He will not meet his target with this appropriation. As I said, FTE will be cut. There will be a hiring freeze. While the Florida office is now doing slightly better than the national average, it still takes 155 days to process a claim.

In addition, the nationwide overtime authorized at various regional offices to process disability claims will be severely curtailed. Currently, each regional office is averaging 40 overtime hours per month. This overtime program has resulted in a reduction in the pending claims backlog. An across-the-board reduction in overtime will mean that veterans will have to wait longer to have their claims reviewed. The accuracy in decisionmaking will drop. We must restore funding before the backlog grows again to unmanageable proportions.

As you all know, the veterans' population is aging rapidly. We are losing over 1,200 World War II veterans per day. While the VA is attempting to make a special effort to adjudicate claims of veterans over the age of 70, every day a veteran dies while his or her claim is awaiting a decision.

I understand that there are many competing demands being placed on the executive branch right now. But in a time when the White House can afford to offer a tax cut of $640 billion, and in time when we are asking the men and women in the military to go back into harm's way, can we really afford to turn our backs on them when they return from war?

Mr. BYRD. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 5 minutes. The Senator from Alaska has 11½ minutes.

Mr. BYRD. Mr. President, if I may have the attention of the Senator from Alaska, nobody has accused the Senator from Alaska of anything that is wrong, any underhanded tricks, any tactics that are inappropriate. The Senator from Alaska is trying to do the bidding of this President. And the bidding of the President is we will take an arbitrary figure.

Here are Senator HOLLINGS and Senator GREGG and the members of their committees—they work hard. They determine what is right for the FBI and for the other items in their budget. They make that determination based on their hearings, based on the testimony that is educed from those hearings, based on common sense. These two Senators I have mentioned have been in this business for a long time. They know what they are doing.

Then to come along with an arbitrary figure—I am not accusing the Senator from Alaska of anything. I would be the last to do that. If he wants to cut out the add-ons, let him do it. He can cut out mine if he wants and cut out his. We are not going to play blindman's bluff here. If you want to, cut those out. Those add-ons are for the people we represent, for the installations in our home towns. We can defend those add-ons. There is nothing I care about being secret on as to those add-ons.

But what I am talking about here is the fact that we are not exercising good judgment based on facts. What we are doing is taking an arbitrary figure that is set by this administration downtown, and the distinguished Senator from Alaska is doing a good soldier's work.

I would never complain about the Senator from Alaska. But I would say to you, Mr. President, these are real cuts. These are real cuts. And it is unwise to cut across the board. That is not the way to make cuts. That is not the way to reduce spending—across the board. That is unfair. It is unwise. That is what we are doing.

Mr. HARKIN. Will the Senator yield for a question?

Mr. BYRD. Yes, I yield.

Mr. HARKIN. If the Senator will yield——

Mr. BYRD. How much time do I have?

The PRESIDING OFFICER. The Senator from West Virginia has 2 minutes 50 seconds.

Mr. HARKIN. I will be brief. I just want to buttress what the Senator is saying about real cuts. Listen to this.

Mr. BYRD. Save me 1 minute, I say to the Chair.

Mr. HARKIN. The cut to NIH. We have worked hard here on a bipartisan basis to double the funding in 5 years. This is the last installment this year. The cuts we now have before us will cut $778 million out of the NIH. That is more than the entire budget for research on Alzheimer's disease.

Mr. BYRD. Yes.

Mr. HARKIN. It is more than the NIH's entire budget for research on breast cancer.

Mr. BYRD. Yes.

Mr. HARKIN. It is more than the NIH's entire budget, now get this, for research on prostate cancer, ovarian cancer, Parkinson's disease, and muscular dystrophy all combined.

Mr. BYRD. Yes.

Mr. HARKIN. That is a real cut. The Senator from West Virginia is right, that is big.

Mr. BYRD. And this amendment impugns the good judgment of the Senator who is now speaking to me and his counterpart from Pennsylvania.

Mr. HARKIN. Senator SPECTER.

Mr. BYRD. Those two Senators have chaired that committee and they have worked hard. They have used their good judgment based on the testimony and based on the facts.

Mr. HARKIN. Precisely.

Mr. BYRD. They are saying to these two Senators and the members of that subcommittee: Forget your experience, forget your wisdom, forget what you say. We are going to have an arbitrary figure. It doesn't mean anything; it is just a figure. And you are going to suffer. Your people are going to suffer—your people back home, my people.

It is unwise. It is unfair. It is unjustified. It is unreal. And I say every Senator in this body ought to think, ought to look in the mirror when he or she casts this vote and be ready to go back home and tell his constituents or her constituents: I did it.

Mr. President, this record is going to follow Senators.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. BYRD. I thank the Chair. I reserve my 1 minute.

Mr. STEVENS. Mr. President, the Senator is entitled to his last minute.

Let me tell the Senator about NIH. In fiscal year 2002, we had $23.45 billion. In this bill, we have $27.15 billion. That is an increase of almost $4 billion. An across-the-board cut takes out about $300 million. It does not reduce anything.

In my chairmanship——

Mr. HARKIN. If the Senator will yield——

Mr. STEVENS. I am not yielding. In my chairmanship, when I was chairman before, we doubled NIH. I am proud of that. We have not reduced that level. We have increased it.

No Senator on this side need fear we are cutting one FBI agent, taking one dollar away from the existing level of NIH, or taking one dollar away from anything. The guideline, again, was we kept the level of 2002 in every account.

That is a continuing resolution. To reduce the level that they are traveling on now would be wrong. We are increasing every one by passing those three bills. That is why we want to pass them.

Look at them. You can go down these Departments. Every one of them gets some kind of increase because of the fact we are going from 2002 to 2003. An across-the-board cut takes less than 2 percent out of all of them, if we have to do that when we come out of conference. We don't believe we will have to.

I really respect my friend from West Virginia. But I am carrying the President's torch, which is ''remember the deficits.'' People on this side reminded us of the deficits every day this last week. The President said: Remember the deficits. Get a guideline. Take my number for a guideline. I said: We will do that. We will take your number, we will take it to conference, and we will hold it coming out of conference and you will have a bill you can sign.

Mr. BYRD. Mr. President, the President says, ''Remember the deficits.'' I say remember the $1.6 trillion tax cut that was enacted by this body and the other body last year. I say, let us not enact a $670 billion tax cut that this President and this administration is suggesting Congress pass. Tax cuts will add to the deficit.

This is where the deficit cuts lie. These are not mere computational exercises. These are not mere budgetary exercises. These are real cuts. These mean something to the people out there in connection with their safety, their health, their welfare, and the security of their homeland. I say, Senators, look in the mirror when you cast this vote.

The PRESIDING OFFICER. All time has expired.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''Aye''.

The PRESIDING OFFICER. Are they any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—46

Akaka	Dorgan	Levin
Baucus	Durbin	Lieberman
Bayh	Edwards	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Harkin	Pryor
Byrd	Hollings	Reed
Cantwell	Inouye	Reid
Carper	Jeffords	Rockefeller
Clinton	Johnson	Sarbanes
Conrad	Kennedy	Schumer
Corzine	Kohl	Stabenow
Daschle	Landrieu	Wyden
Dayton	Lautenberg	
Dodd	Leahy	

NAYS—52

Alexander	Dole	Murkowski
Allard	Domenici	Nelson (NE)
Allen	Ensign	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Brownback	Frist	Sessions
Bunning	Graham (SC)	Shelby
Burns	Grassley	Smith
Campbell	Gregg	Snowe
Chafee	Hatch	Specter
Chambliss	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Kyl	Talent
Collins	Lott	Thomas
Cornyn	Lugar	Voinovich
Craig	McCain	Warner
Crapo	McConnell	
DeWine	Miller	

NOT VOTING—2

Hagel	Kerry

The amendment (No. 36) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I hope Senators will listen.

Rarely in recent memory has the United States faced more profoundly serious and complicated challenges to our global leadership. We are beginning our second year of war in Afghanistan, our second year of chasing after Osama bin Laden, and at the same time the Pentagon is feverishly mobilizing for possible war in Iraq. Meanwhile, North Korea is firing up its nuclear production facilities and warning of a third world war in Asia if the United States dares to interfere.

Suddenly large swathes of both the Middle East and Asia are on the brink of open warfare, and the conduct of U.S. foreign policy is facing enormous tests. Even our allies are questioning our real intentions and our ultimate ambitions. This is certainly not the

time for rash words or hasty action, but it is most definitely the time to take a long and sober look at where the United States has been and where it may be headed.

The administration's doctrine of preemption and the testing of that doctrine in Iraq have thrust the United States into a new and unflattering posture on the world stage.

In many corners of the world, America the peacemaker is now seen as the bully on the block. I believe it is time for this administration to review our national security strategy and its take-no-prisoners approach to international relations. In working through the complex process of developing strategies to protect the world from terrorists and weapons of mass destruction, we must also work to restore the image of the United States to that of strong peacekeeper instead of belligerent bully.

Terrorism is a global threat and it demands a global response. We must seek cooperation, not confrontation. The contrast between the administration's handling of the crisis in Iraq and its handling of the crisis in North Korea is a perfect illustration of why a doctrine that commits the United States to the use of preemptive force, unilaterally if necessary, to prevent unsavory regimes from acquiring weapons of mass destruction is a flawed instrument of foreign policy.

I am relieved that the administration, despite North Korea's alarming rhetoric, appears to fully comprehend the folly of a preemptive U.S. military strike on a nation which we believe is a nuclear power.

Mr. McCAIN. Mr. President, I raise a point of order that the debate has to be germane during the first 3 hours of the consideration of the bill under the so-called Pastore rule and that that be enforced.

Mr. BYRD. Mr. President, the Pastore rule, as I understand it, has run its course. The Senator is talking about the Pastore rule.

Mr. McCAIN. Mr. President, I ask for a ruling from the Chair raising a point of order that during the first 3 hours of legislation it has to be germane to the pending legislation.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator is correct that the Pastore rule requires that debate be germane during the first 3 hours of consideration of the measure.

Mr. BYRD. Mr. President, this debate is germane. I have not finished my speech yet. I hope the Senator will show me the courtesy that I would show him.

Mr. McCAIN. Mr. President, I raise the point of order that the debate is not germane at this time during the first 3 hours of the debate.

The PRESIDING OFFICER. The Senator is entitled under precedent to a reminder under this rule.

Mr. BYRD. What is the Chair's ruling?

The PRESIDING OFFICER. Under the rule, Senator, you are entitled to one reminder about the germaneness.

Mr. BYRD. Mr. President, there is $3.9 billion in this bill in defense funding for related activities. What I am saying, I think, is very germane to what we are talking about. The Senator from Arizona hasn't shown me the courtesy of even hearing my speech.

Mr. McCAIN. Mr. President, again I ask for a ruling of the Chair. The remarks the Senator from West Virginia is making are in a manager's amendment and not included in the present bill.

Mr. BYRD. Mr. President, I am speaking about the defense of this country. This bill involves the defense of this country. There is $3.9 billion in this bill for national defense.

The PRESIDING OFFICER. The Senator from West Virginia, the Chair has ruled, is within the confines of the rule and the topic in question is germane.

Mr. BYRD. I thank the Chair.

Mr. President, let me go back in my speech and pick up where I was interrupted. I have been in Congress more than 50 years. There have been 11,707 Members of the House and Senate since the Republic began. I am the fourth—only three Members, men and women, of all the 11,707 men and women elected to both Houses in the Congress exceed me. And here I am making a speech on what I consider to be important, and I think it is very germane to what we are talking about. We are talking about the national defense of this country when we have this appropriation bill up. We are talking about the expenditures for the military in this bill. We are facing a situation in which we may be spending more and more and more money for the military. I thank the Chair for the ruling. I am just sorry I was interrupted on this matter. I would not interrupt the Senator from Arizona concerning germaneness on a speech he maybe making at any time. I would not do that.

I will back up and then pick up where I was interrupted. I am relieved that the administration, despite North Korea's alarming rhetoric, appears to fully comprehend the folly of a preemptive military strike on a nation which we believe is a nuclear power, and has finally agreed to at least talk with the North Korean government and to work with other nations in the region toward a diplomatic solution to the crisis.

The situation in Iraq, however, appears to be heading in the opposite direction. Iraq, which, by all accounts, does not have nuclear weapons, and is presently the subject of scrutiny by U.N. inspectors, is under the heavy threat of a preemptive U.S. attack. The airwaves are awash with video snapshots of brave young American soldiers bidding tearful goodbyes to loved ones. When it comes to Iraq, America's war machine seems to be cranked up to a fever pitch. This is going to cost money, real money. We have talked about a 2.9 percent across-the-board cut here in domestic discretionary spending. Nobody is saying anything about a cut in military spending, no. I am not advocating that. I want to face up to the situation that confronts us. I want the American people to start looking and listening to what is going on.

Ever since Congress voted last year to hand to the President the power to decide—we did that; Congress did that over my obstreperous objection, vociferous objection; Congress did that. Twenty-three Members of the Senate did not do that. Twenty-three Members decided to vote against handing this power over to the President, the power to declare war. Ever since Congress voted last year to hand to the President the power to decide why, when, how, and where we will wage war against Iraq, the question of whether we should wage war has largely been overlooked.

It is past time to remedy that omission. Where is the debate on the wisdom of actually resorting to force? Is that going to cost money? Where is the debate? How much is it going to cost? How many men and women in the Armed Forces are we likely to lose? What may happen here at home in the war against terrorism? Where is the urgency? Why not let the inspectors do their job? Why are our allies backing away?

Congress made a serious mistake in passing the open-ended use-of-force authorization last year, but we only compound that mistake by sitting idly by while the Pentagon draws up war plans—costly war plans—and sends our young men and women abroad.

Now is the time for informed debate. Here we are about to go out for a recess. It is time for us to look at this matter. It is facing us. Now is the time for informed debate, and now is the time for a public examination of where we are headed and why.

The President has stated repeatedly that he has not decided whether to invade Iraq. We must take him at his word. It is my hope that he will not rush to judgment. The situation demands a careful and thorough examination of the views of our allies, the costs in money, the costs in lives, the risks before any final conclusion that war is the only recourse.

Congress must be part of that debate. The United Nations must be part of that debate. A vote taken last fall should not constrain Members of Congress from reevaluating the situation in light of recent developments. However bad it was—and it was very bad, I think—the use-of-force resolution passed by Congress last October did not

impose an oath of silence on Congress or on the American people. It did not prohibit the continued questioning of the administration's decisions with regard to Iraq. This may be difficult to do when the war drums are beating, but that is sometimes the uncomfortable role of the true patriot.

Mr. President, without so much as a whisper of debate, our Nation is actually mobilizing to attack a sovereign state before U.N. weapons inspectors have even made serious headway in their work. Is this what the policy of preemption means: That we preempt evidence and move to attack based on suspicions?

The administration's new policy of preemption has repercussions far beyond Iraq. Other nations are watching what we are doing. North Korea is one of those nations. Even Brazil is reported to be contemplating the development of nuclear weapons as an insurance policy against possible attack.

Iraq and North Korea are both charter members of the President's infamous ''axis of evil,'' and yet at the same time that the President is turning the heat up on Iraq, he and his administration have been vigorously downplaying the crisis in North Korea.

Iraq has at least allowed U.N. weapons inspectors into the country. North Korea threw them out. Iraq, to the best of our knowledge, does not currently have nuclear weapons. North Korea, on the other hand, has brazenly admitted that it is working to develop nuclear weapons, and there is evidence that it already has some nuclear capability. Iraq at least is going through the motions of cooperating with the United Nations. Meanwhile, North Korea has announced its withdrawal from the Nuclear Non-Proliferation Treaty, threatened to resume missile testing, and declared that U.N. sanctions will mean war. Yet the United States is mobilizing for war with Iraq while politely tiptoeing around the far more dangerous situation on the Korean peninsula.

The President, in the same breath that he assails Saddam Hussein, has gone to great lengths to assure the world he has no intention of invading North Korea. Is it any wonder that our allies are scrambling to make sense of America's foreign policy? Is it any wonder that the new image of the United States has caused turmoil and puzzlement even among our staunchest allies?

I am sure many of our friends around the globe wonder why diplomacy can remain an option with a regime as treacherous and threatening as North Korea and yet can be taken off the table when it comes to a much weaker Iraq. I wonder if the administration has calculated enough the ramifications of a military solution in Iraq not only in terms of dollars, but also in terms of bloodshed and hardship in the Middle East and terrorist attacks here at home.

What is the message we convey to the world if we are eager to apply a doctrine of preemption on those countries with limited ability to defend or counterattack and yet waffle over a preemptive response to dangerous regimes with the firepower to get back? Are we not, in effect, saying that nuclear weapons and long-range missiles can provide small countries with an insurance policy against a U.S. preemptive strike? The unanticipated result of this doctrine of preemption may be to unleash a global scramble to acquire the means to deter the United States from unprovoked attacks. We could be at the brink of a new type of arms race, unleashed by fear of a preemptive U.S. strike.

There are many risks to an inconsistent foreign policy that, in some cases, threatens the use of force as a first response and, in other cases, takes military action off the table entirely. Our national treasure will be increasingly poured into bullets and bombs at a time when homeland security is an equally pressing concern, or even greater concern. Our efforts to preach peace and restraint as a solution to the Israeli-Palestinian conflict will be sabotaged by our own—our own—foreign policies. American citizens at home will face an increased threat at the hands of terrorists lying in wait for the chance to cripple our economy and derail our war machine, and we will be increasingly hard pressed to prevent terrorist destruction because our resources will be sucked up—sucked up—by the war machine that now drives our foreign policy.

Additionally, if we stay the current course, thousands upon thousands of American families will face a painful uprooting. Many of the men and women who will be sent to Iraq are members of the National Guard and Reserve. Military officials have said that the activation of National Guard and Reserve troops for a war against Iraq could exceed 100,000.

The impact of such a large activation will reverberate throughout the Nation in communities large and small, in the small community of Sophia where I have lived and where I have voted for these many years. On January 7, the Charleston, WV, Gazette reported that a speeding motorist raced through three tollbooths and drove more than 75 miles on the West Virginia Turnpike before any State troopers were available to pursue him. The problem? The State Police force is suffering a severe shortage of troopers. The fear? The situation will get much worse if the 51 West Virginia troopers who are also members of the Guard and Reserve are called up for duty.

This problem is not unique to West Virginia. According to the Charleston Gazette, law enforcement agencies across the nation, whose members are heavily represented in the Guard and Reserve, are worried about the impact of a war on their ability to protect the public. And law enforcement will not be the only profession to be affected by a Reserve call-up. Members of the Guard and Reserve are not just part-time soldiers—they are also full-time members of their communities, holding key jobs. Policemen, firefighters, paramedics, doctors, nurses, teachers—their professions run the gamut, and their absences when on active duty leave significant voids for those left behind.

America will be at great risk of terrorist attack—we are told—if we invade Iraq. Shortages among the ranks of health and public safety professionals diverted from their civilian jobs to go to war with Iraq will leave Americans with a perilously thin margin of protection at home just when they are likely to need it most.

We must not be in a rush to initiate war against Iraq. Saddam Hussein is certainly in no position to launch a strike against the United States with thousands of our troops massed on his doorstep. Iraq will not be able to rebuild its ailing military in the coming months or to covertly produce weapons of mass destruction under the watchful gaze of the U.S. military and the U.N. weapons inspectors. Today's headlines reveal that the U.N. inspectors discovered a cache of empty chemical warheads in an ammunition dump. Who knows what tomorrow's inspections may uncover? Where is the urgency that would drive us to preempt the inspectors before they have adequate time to fulfill their mission? While there is dwindling international support for using the initial findings of the U.N. inspectors as a trigger point for invasion, there is great support for the overall United Nations arms inspection program. Saddam Hussein is politically isolated, and the world is virtually unanimous in supporting the disarmament of Iraq. I support that disarmament.

To act precipitously now, however, without the full support of our friends and allies, could cost the United States dearly in the long run. Already, some of our strongest allies in the region, most notably Turkey, must chafe at U.S. pressure to join in the war on Iraq. According to a recent survey by the nonpartisan Pew Research Center, 83 percent of Turks oppose allowing U.S. forces to use bases in their country to attack Iraq. And yet our war plans call for the stationing of as many as 80,000 U.S. troops in Turkey. In Europe, the same poll found that large percentages of the population believe that U.S. desire to control Iraqi oil is the chief reason that we are considering attacking Iraq. These perceptions can only serve to undermine our global influence in the years to come. If the U.S. can seize

Iraq for its oil, what other nation might it decide to conquer? These thoughts must be on the minds of those who question our new and belligerent foreign policy.

The possibility exists that the crisis in Iraq can be resolved without a shot being fired. With more time and increased diplomatic efforts, there is a chance that Saddam Hussein could be peacefully forced into exile. But first, the fever pitch of war rhetoric often heard from this White House must subside. If we fancy ourselves a superpower then we must behave as a superpower, with confidence, with wisdom, and with dignity.

Some very important dates are fast approaching. The first is January 27, when the United Nations weapons inspectors are due to present to the Security Council their first formal assessment of Iraqi compliance with U.N. disarmament demands. Their interim report, delivered to the Security Council on January 9, confirmed that Iraq's weapons declaration was incomplete and insufficient, but the inspectors also reported that they have found no ''smoking guns.''

I was heartened by Secretary of State Colin Powell's statement that, despite indications to the contrary, January 27 is ''not necessarily a D-Day for decision-making.'' We must give the inspectors adequate time to conduct a thorough search. While the White House continues to assert that Saddam Hussein possesses weapons of mass destruction, it is important to note that the United States has just begun to share key intelligence information on the Iraqi weapons program with the U.N. inspectors. It will take time to pursue those leads. Even our staunchest allies, including Great Britain, are urging the U.S. to slow down on Iraq and let the inspectors do their work. The January 27 report is the first, not the final, step in that process.

The second important date on the near horizon is January 28, when President Bush is due to deliver his State of the Union message. The dueling crises in Iraq and North Korea are grim reminders of his last State of the Union speech when the President branded those nations and Iran an ''axis of evil.''

The President's rhetoric that evening was colorful, but events have proved that it was not wise. I note that the President is now saying that he is ''sick and tired'' of Saddam Hussein. That is just the type of rhetoric we do not need at this volatile time. It only adds to our image of bellicosity. President Bush must resist any urge to personalize our foreign policy and tone down the supercharged public rhetoric which has been flying around for months. Whether George Bush is ''sick and tired'' is not the issue. Whether ROBERT BYRD is sick and tired is not the issue. It must not be perceived as the President's reason for sending American men and women to shed their blood in the hot sands of Iraq.

America must not be viewed globally as a reckless power which views the world in terms of simply flattening the opposition. We must not continue to brandish our awesome military might, walk away from treaties and cooperative agreements, and ignore nuances and sensitivities.

We are losing friends all around the world, and that is extremely risky business in an age of globalism and terrorism. A great nation should not have to rely solely on the force of its armies to inspire the world's admiration. A great nation should inspire other nations by the example it presents to the world.

The doctrine of preemption is likely to cause us trouble far into the future. Labeling whole countries as ''evil'' invites a response and risks arousing hatreds and passions that are best left sleeping.

Setting the United States up as the ultimate judge of good and evil, with the right to preemptively strike any nation which might pose a threat in the future, is the fastest way one can imagine to make us not only feared but also universally hated.

When one considers that a single angry person in a crowd with a vial of some dreadful, active virus is the equivalent of billions and billions of dollars worth of U.S. military might, it becomes clear that we are making the wrong choices on the foreign policy front.

When tensions across the globe are so high, the President would be prudent to measure his words carefully and reiterate for all the world to hear that he has not yet decided to attack Iraq, that he will fully engage in diplomatic solutions to the North Korean crisis, and that the United States will seek not to initiate war but to apply the soothing balm of patience to an anxious world. I call upon this Administration to cool the rhetoric; reevaluate its doctrine of preemption; initiate a return to the peace table in the Mideast; and go back to the United Nations for a final endorsement before we decide whether to unleash the deadly dogs of war.

I yield the floor.

The PRESIDING OFFICER. The galleries will refrain from making any outbursts.

The Senator from Arizona.

AMENDMENT NO. 44

(Purpose: To strike section 211 of Division B)

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. MCCAIN. While I am waiting for the clerk, I mention that I was told by the distinguished manager of the bill after the last vote that I would be recognized for the next amendment. That did not happen. In the aspect of senatorial courtesy, I believe I have been given assurances that I would propose the next amendment. It is clear we are on Friday at 12:30, and we have additional amendments, some 40 or 50 amendments, that will require recorded votes. I think it is important at this time we move forward.

I intend to be brief in my description of this amendment and ask for the yeas and nays at the appropriate time. I have an amendment at the desk and ask for its reading.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 44.

Beginning with line 12 on page 138, strike through line 14 on page 141.

Mr. MCCAIN. Mr. President, this amendment would strike section 211 of division B of the resolution. What section 211 of division B does is pretty incredible. It would give the still-to-be created subsidiary of the Malaysian-owned ''Norwegian Cruise Lines,'' owned by Malaysia, the exclusive right to operate foreign-built cruise vessels in the domestic cruise trade.

Effectively, the provision would allow Norwegian Cruise Lines, which bought the pieces and parts of two ''Project America'' cruise vessels following the bankruptcy of a company called American Classic Voyages, to incorporate these parts into large cruise vessels that would be constructed in foreign shipyards. Then, notwithstanding the Passenger Vessel Services Act, the provision would allow the Norwegian Cruise Lines to flag these vessels as if they were U.S.-built vessels and operate them in the domestic trade—guess what—requiring service in Hawaii. The provision also allows the Norwegian Cruise Lines to bring over a third foreign-built ship to operate in the United States of America, in direct violation of existing law.

As many of my colleagues know, I am no fan of the protectionist laws that require domestic cruise ships to be U.S.-owned, U.S.-built, U.S.-flagged, and U.S.-crewed. However, I strongly object to waiving these laws for only one foreign-owned company.

These proposed vessels have a long and sordid history. The pieces and parts that NCL will build into cruise ships have cost the American taxpayers close to $200 million dollars. Again, these parts were bought following American Classic Voyages' bankruptcy, which had begun construction of two vessels in Ingalls Shipyard in Mississippi after securing loan guarantees from the Federal Government through an intensive lobbying effort.

Let me provide some history of American Classic Voyages' ''Project America'' for the record: The project, which was to consist of the construction of two large cruise ships in the United States, received considerable

political support over the last several years. This political support translated into language being included in the Department of Defense Appropriation Bill for FY 1998 that granted a legal monopoly for its owner, American Classic Voyages, to operate as the only U.S. flagged operator among the Hawaiian islands. In March of 1999, the contract for Project America was signed with great fanfare in the rotunda of this very building.

Intense lobbying also created the political pressure that helped secure a $1.1 billion loan guarantee from the U.S. Maritime Administration's (MARAD) Title XI loan guarantee program for the construction of these two vessels—which is, by the way, the maximum allowable amount.

Within the first year of construction on the first of these cruise ships, the project was a year to a year and a half behind schedule. Both American Classic Voyages and Northrop Grumman Corporation—Ingalls Shipyard's parent company—were crying foul over construction problems and months of nonbinding mediation over contract disputes.

On October 19, 2001, American Classic Voyages filed a bankruptcy petition under Chapter 11 of the U.S. Bankruptcy Code. The petition listed total assets of $37.4 million and total liabilities of $452.8 million. The cruise line said in its petition that it has more than 1,000 creditors, including the American taxpayers being represented by the Department of Transportation.

Had the Project America vessels been completed, they would have been the largest cruise ships ever built in the United States and could have sparked a new phase of commercial shipbuilding in this country.

Mr. President, none of that occurred. The failed project is one of the most costly loan guarantees ever granted under the Maritime Loan Guarantee Program. I questioned the merits of the ''Project America'' at the time the special legislation was considered and went so far as to introduce an amendment to the FY 1998 Department of Defense Appropriation Bill to remove the monopoly language. Based on the information available at the time, I believed then that the project was more likely to fail than to succeed.

Guess what? The project did fail. Project America resulted in the U.S. Maritime Administration paying out over $187.3 million of the American taxpayers' money to cover the loan default for this project, and recovering only $2 million from the sale of some of the construction materials and parts. But now, the provision in the Omnibus is built around the scraps of that horribly failed pork project, which would now go into the new venture.

Like ''Project America,'' the provision in this omnibus bill singles out one company; this time it is Norwegian Cruise Lines, for preferential treatment, and gives that company privileges enjoyed by no other. There has been no analysis, no discussion, no hearing, no debate on the value of granting an exclusive exemption for this one foreign-owned company—exclusive exemption from the Passenger Vessel Services Act.

Over the last several years, I have worked with all sectors of the maritime industry to look for solutions that would provide for a healthy U.S.-flagged cruise ship industry calling on ports nationwide. While these efforts have not come to fruition, I am committed to continuing this work. But those efforts will be, and should be, taken in the committee charged with this responsibility, the Committee on Commerce, Science, and Transportation.

The author of this language is a member of the Commerce Committee, and a valued one. I strongly urge him to bring this issue on the agenda of the Commerce Committee and maybe we can work this out, rather than tucking it in as a provision, without any debate, without any discussion, without any authorization at any time, in direct violation of existing law. It is a direct violation, an exemption from existing law, the Passenger Vessel Services Act.

Any proposed legislation from the Commerce Committee will be crafted in an open and inclusive manner, not behind closed doors as appears to have occurred with section 211.

Aside from the procedural concerns I have, section 211 is fundamentally unfair. I firmly believe what is good for one corporation is good for all. Section 211, however, would create an uneven playing field for cruise operators and, depending on how the language was interpreted, also would create an uneven playing field for States by requiring these vessels to operate only in Hawaii, leaving most coastal States with no regular U.S.-flagged cruise ship service.

Following on the heels of the failed attempt by American Classic Voyages to build a large cruise ship in a U.S. shipyard—an effort driven by lobbyists and special interests—I believe further efforts to expand the U.S.-flagged cruise ship fleet should be accomplished through the normal legislative process after debate and open examination. Any solution should benefit a broad section of the U.S. maritime industry and all of our Nation's ports. In order to spur such a debate, I offered that amendment to simply strike the special interest provisions in the omnibus bill. We can do better than this provision.

Let me just give a couple of quotes from the media, this one from the New York Times, June 18, 2002:

CRITICS CHRISTEN SHIP PROJECT AS AN OFF-COURSE U.S.S. PORK.

Two years ago, with waving flags and hula dancers swaying, the government announced an ambitious program to build two passenger cruise ships—the first in a United States shipyard since the 1950's—and provided more than $1 billion in loan guarantees to get the program going.

It did not hurt that the ships were to be built in the Pascagoula, Miss., shipyard where the father of Trent Lott, the Republican Senate minority leader, once worked. As a result, Senator Lott became one of the strongest supporters of the program, which was named Project America.

Today, the project is being derided as an example of political pork gone wrong. What remains of Project America is an unfinished hull the size of two football fields and pieces for a second ship lying around. The hull is not floatable; it has neither a completed bow or stern; and its future is in doubt. The price to the government for the failed project is $187 million—money the government is trying to recoup by putting the half-finished hull on the market.

By the way, they did put it on the market. They sold it for $24 million, of which the American taxpayer got $2 million—1, 2—$2 million, in return for a $187 million default.

How can we come to this body and tell them that we ought to do anything but leave this issue alone for now? Haven't we done enough damage to the American taxpayers? Isn't a $187 million default enough?

This dismal reality only confirms the worst fears of the project's critics—and is a far cry from the high hopes of those who backed it. Critics, who call Project America corporate welfare, say it shows the dangers lurking behind the tens of billions in loan guarantees the government has extended to an array of businesses, among them airlines, the housing industry and American exporters.

''This has turned into a corporate welfare debacle.''

* * * * *

The Maritime Administration's loan program is intended to support domestic shipyards by guaranteeing the debt issued to finance commercial ship construction. Last year, the agency guaranteed $362 million; in 2000, $885 million.

When a project fails—as happened after American Classic's bankruptcy filing—the government steps in to pay off the debtholders.

You know, the interesting thing about this, too, this outfit that started this Project America, is there is a billionaire who operates a casino—riverboat. He is a billionaire. He didn't lose any money on this deal. He didn't lose any money. The American taxpayer did, because it was so well crafted, thanks to special interest lobbying, that the only exposure was to the American taxpayer—$187 million worth.

It will be argued that September 11 was the cause of the downfall of this magnificent project.

Even before Sept. 11, Project America had run into trouble. It had fallen behind schedule and was far over budget. As a result, Northrop Grumman, which owns the shipyard,

took a $60 million write-off from it and American Classic lost $100 million. The yard itself will continue to make and repair Navy vessels.

''The project was behind schedule and millions in the hole,'' said John Graykowski, former administrator of the government's shipbuilding program. ''The terrorists' attack masked this reality and perhaps allowed the emperor to maintain his modesty.''

So any argument that it was September 11 that caused this porkbarrel project to fail is simply not in compliance with the facts.

There have been a lot of articles written. There probably should have been more because of the incredible loss to the American taxpayer of $187 million—sorry, $185 million; we got $2 million back.

So now here we go. We take an omnibus appropriations bill of $400 billion and we stick into it a little amendment that violates existing law, protects a Malaysian—gives a special break to a Malaysian-owned Norwegian Cruise Lines, and we are supposed to sit back and accept that. I don't think so. I don't think so. Didn't we learn a lesson last time, when Congress got involved, when there were a few of us who said: Wait a minute, wait a minute, this is crazy; this is just crazy?

How many millions of Americans' taxpayer dollars do we have to spend before we stop this kind of activity?

There are a number of other aspects of this issue. The proposed amendment will achieve the completion of Project America. My response to that—when Project America's earmark was pushed through in 1998, the proponents alleged that the goals were to develop a U.S.-built, U.S.-flagged cruise vessel fleet by authorizing the temporary operation of foreign-built cruise ships in the domestic trade.

The provision in today's omnibus appropriations bill totally disregards the prior requirement that a company operating foreign-built U.S.-flag vessels in Hawaii trade build the U.S. vessels in the United States. Now they will be built overseas. Instead, 211 will allow the construction of two vessels, using some parts of the failed Project America project, but it would not accomplish the objectives of promoting U.S. shipbuilding, as was one of the alleged benefits under the original project. When the Project America earmark was pushed through in 1998, it was limited to one company and two vessels. When Project America encountered financial problems and then bankruptcy, all of the alleged benefits to the country were lost and cost the taxpayers nearly $200 million.

If the sponsors are now seeking to achieve a new objective—the operation of U.S.-flagged cruise vessels regardless of where they are built—then the amendment should be expanded to allow foreign-built cruise vessels to operate under the U.S. flag in all the domestic cruise ship markets in order to increase the alleged economic benefits that would result from U.S.-flagged cruise vessels.

As far as military preparedness goes, we don't need to even bother to discuss that.

The proposed amendment will benefit the U.S. economy. It has really benefited the U.S. economy a great deal so far.

The proposed amendment does not perpetuate the Project America monopoly. As drafted, the provision creates a de facto monopoly for one company in the Hawaii cruise trade, arguably in the U.S. coastal cruise market. No other company under this proposal, under this legislation, can operate foreign-built, U.S.-flagged—can, under this proposal, operate U.S.-flagged, foreign-built cruise vessels in the Hawaiian market or any other market. It is totally unrealistic to believe another company will be able to secure financing to build a vessel in the United States for operation in the Hawaii cruise trade in direct competition with the foreign-built, U.S.-flagged cruise vessels that would be authorized to operate under this provision with far less capital investment.

I will be glad to engage in more debate on this issue. This was a terrible thing we did to the U.S. taxpayers back in 1998 under a process that I have vehemently and strongly resisted because of these very circumstances. Provisions are inserted in appropriations bills without hearing, without authorization, without scrutiny.

Then some of us have to come to the floor and object to them without full and certain knowledge of the issue.

I promise you that if I had known for sure we were going to lose $187 million of the taxpayers' money, I would have filibustered.

I knew it was wrong and seriously flawed. I knew that some billionaire who operates riverboats probably isn't very good in the business of building massive cruise ships.

But we cannot continue this kind of activity. Just suppose that this is a good idea, that it is a great idea. Why are we putting it into an omnibus appropriations bill that is supposed to fund the functions of Government and not authorize in direct violation of existing law? How do we justify that?

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. McCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, in 1997 Congress, as noted by my colleague from Arizona, enacted the U.S.-Flag Cruise Ship Pilot Project in an attempt to ''jump start'' the redevelopment of a U.S.-flag cruise industry. As some of our colleagues know, the large oceangoing cruise ships, so familiar in Miami and other United States ports, all operate under foreign flag. This may be a startling fact when one considers that after the Second World War, U.S. flag ships carried some 80 percent of the world's ocean borne cargo and most of America's seagoing passengers. Today, in stark contrast, less than 4 percent of all the world's international cargo moves on ships flying the U.S. flag, and not a single large oceangoing passenger cruise ship in the world operates under U.S. registry.

The enactment of what has become known as the ''Project America'' legislation more than 5 years ago was intended to reestablish a U.S.-flag cruise ship industry. The benefits of creating a U.S.-flag cruise ship industry have long been obvious. Such an industry would maintain America's preparedness for a national emergency by developing a pool of qualified seafarers, help sustain a fleet of U.S.-flag vessels to support our military vessels and a maritime industrial base for times of national emergency, create tens of thousands of seagoing and shoreside American jobs, and stimulate the development of a U.S.-flag cruise ship tourism business with commensurate benefits to the U.S. tax base, the U.S. economy, and U.S. employment.

These were among the guiding principles and objectives of our legislative efforts to restore a U.S.-flag cruise ship industry through the Project America legislation in 1997. Under the terms of that legislation, the re-flagging of one foreign-flag cruise ship was permitted contingent on the operator contracting for construction of two new U.S.-built cruise ships—the first such vessels to be built in the U.S. in more than 40 years.

The project, while proceeding with considerable difficulty, including delays and increased costs in construction, ultimately became a victim of the September 11 attack on our Nation. The terrorist attacks dramatically impacted the U.S. economy, and caused financial difficulties for the entire travel industry. In fact, passenger bookings for American Classic Voyages Co.—AMCV—the company that undertook Project America, decreased by as much as 50 percent, and cancellations of bookings increased by as much as 30 percent in the weeks after the attacks. Ultimately, as a result, AMCV filed for bankruptcy, and construction on the two Project America ships was halted. The re-flagged vessel, the m/v Patriot, was transferred out of U.S. registry.

As a result of these events, thousands of seagoing and shoreside jobs were lost including more than 1,000 crewmembers and cruise ship service providers. Passengers experienced disruptions and lost fares. Yet, the U.S. government paid $185 million on a Title XI shipbuilding loan guarantee for the two

cruise ships under construction at Northrop Grumman Ingalls Shipbuilding—Ingalls—in Mississippi. Project America came to an abrupt halt.

At the time the Senate considered the Project America legislation, there were concerns, and in some cases opposition, expressed about Federal funds being spent for the construction of these ships and a proposed preference in market access for AMCV to serve the coastwise trade among the islands that comprise my State. But no one—not one member of the Senate—voiced an objection to the goal of further developing a U.S. flag cruise industry that would ultimately provide thousands of seafarer and shoreside jobs for Americans. Those jobs, along with the development of a qualified pool of seafarers that this country could rely upon in times of national emergency, should not become the permanent victims of the terrorist attacks. As our Nation restores the buildings and facilities that bore the brunt of that attack, we must also assist in the recovery of economic causalities. Since the demise of Project America, I have searched for a solution that would permit most of the objectives of the original legislation to be accomplished, but without any further expenditure of Federal funds, without any Federal loan guarantees, and without the need for the market preference in the 1997 law.

Last year, the U.S. Maritime Administration and Ingalls put the partially constructed Project America ships up for sale. While the sale was open to any offeror, Norwegian Cruise Line—NCL—the longest established of the U.S.-based cruise lines, placed a bid on the Project America ships that far exceeded all others. After NCL committed to acquiring the hulls, I met with company officials to discuss the possibility of completing Project America in a way that would achieve most of the main objectives of the original legislation without any further expenditure of Federal resources or any Federal loan guarantees. It is my hope that over time the United States will reap the benefits of its investment.

In the course of those discussions, completing the vessels at Ingalls did not seem possible. NCL asked Ingalls to bid on completing the vessels in Mississippi; however, the yard did not bid because it was preparing to build new ships for the U.S. Navy. Unfortunately, NCL's only option was to complete the ships elsewhere. In the meantime however, more than 250 workers in Mississippi worked on the partially completed hull over the summer to make it seaworthy for towing overseas for completion in another shipyard. It has become apparent that further legislation is necessary to reestablish the project to achieve most of the Project America goals, and to respond to concerns expressed by my colleagues about the original legislation.

Therefore, this provision in the Omnibus Appropriations bill will amend the original Project America authority. This provision, like the original Pilot Project, will apply only to cruise ships operating in regular Hawaii service. It was done that way because other areas did not want to have this competition. My provision would allow for the completion of the first hull, with an option to complete the second hull, from the material acquired in conjunction with the Project America ships that were under construction at Ingalls. Either or both of these ships may be completed in a non-U.S. shipyard experienced in cruise ship construction for operation under the U.S. flag in regular coastwise service. These new U.S.-flagged cruise ships will be required to operate with American crews, be subject to all U.S. laws, including tax, labor and environmental laws, and be owned by a U.S. corporation with United States citizens serving as chief executive officer and chairman of the board of directors, and with U.S. citizens controlling the board. Like the original Project America legislation, this bill permits increased foreign equity involvement in the enterprise. While under this new provision, the ultimate beneficial owner need not be a U.S. citizen, the requirement that the vessels be owned by an American company ensures that the ships' operations will be subject to all U.S. laws and that the vessel assets of the U.S. company will be available to our Nation in times of national emergency.

Consistent with the original Project America legislation, the U.S. corporate owner would have the right to reflag a modern foreign-built vessel under U.S. flag for operation in the coastwise trade to facilitate a cost-effective and timely transition to U.S. registry. Like the newly built ships, the reflagged vessel must have a U.S. crew and be subject to all U.S. laws. Before operating under U.S. registry, however, two conditions must be met. First, the reflagged vessel must undergo a complete inspection to ensure compliance with all relevant Federal safety and public health laws of the United States that are applicable to U.S.-flagged cruise ships. Further, any refurbishing or remodeling that may be necessary to assure compliance with these Federal laws must occur in a United States shipyard. Second, the reflagged vessel may commence operating only after the first Project America ship enters service. The U.S. Maritime Administration will be charged with overseeing the implementation of this bill, but reimbursement for costs associated with this oversight shall be obtained from those who operate cruise ships under this new authority.

The result of this provision would be the introduction of multiple modern U.S.-flagged cruise ships in regular Hawaii service. The ships would employ as many as 3,000 U.S. seamen, and all would be subject to U.S. labor, tax, and environmental laws, unlike the major foreign cruise lines. In short, these proposed changes to the original Project America legislation will still allow many of the original principles and objectives to be achieved, without additional cost to the American taxpayer.

While the legislation is limited to Hawaii, at the request of other areas, the benefits go far beyond the shores of my home State. In addition to the thousands of jobs and hundreds of millions of dollars in economic activity generated nationwide, this provision will strengthen our U.S. Merchant Marine. The ships operating under U.S.-flag will be assets available to the Department of Defense in time of national emergency, and these U.S.-flagged cruise ship operations will significantly expand our pool of qualified seafarers that man civilian-crewed military ships such as the Ready Reserve Fleet, a fleet of 76 U.S. Government-owned ships used to meet surge sealift.

The Department of Defense relies heavily on U.S. mariners to crew a large number of non-combatant vessels to deliver a wide range of supplies to United States and allied forces around the globe. In fact, as much as 95 percent of the military's fuel, food, munitions, and spare parts would move by these ships in the event of a major war.

The media have chronicled the concerns of our Nation's military and maritime officials about the Nation's ability to crew these non-combatant ships because of shortages in the numbers of civilian American seafarers. Most recently, in Defense Week, VADM David Brewer, Commander of Military Sealift Command, expressed ''concern'' that the lack of qualified seafarers might ''strain'' activation of the Ready Reserve Fleet.

CAPT Bill Schubert, Administrator of the Maritime Administration, the agency charged with ensuring a viable Ready Reserve Fleet, has been even more blunt in his assessment of the circumstances last year in a Baltimore Sun article entitled, ''Shipping Crew Deficit Called Wartime Risk,'' where he said:

> This is a very serious issue that needs to be addressed now—today . . . I'm not comfortable right now that we have the ability to respond to an emergency.

Mr. President, I ask unanimous consent that a copy of the Defense Week and Baltimore Sun articles be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. INOUYE. Mr. President, I think we should remind ourselves that not too long ago there was a war we have referred to as the Yom Kippur war that was fought in the Middle East. It was a

war that involved the Republic of Egypt and the State of Israel.

On Yom Kippur Day, a day of very holy significance in Israel, Egyptian troops went across the river, got into the Sinai, and were on the verge of successfully carrying out the military mission. We received frantic calls from Israel to resupply their troops, because their troops had a 90-day amount of ammo, but because of the intensity of the combat, over half of that had already been used.

We, therefore, called upon every American and American company that owned ships on the high seas but under foreign registry. There are hundreds upon hundreds of vessels owned by Americans or American companies that are registered in Panama, Liberia, or in someplace out in the Pacific in the trust territories. They do not pay taxes. They do not hire American crews. But we felt that because they were Americans, they might come to our aid. We wanted ships to carry these military goods to help the Israelis.

When the word reached them that the Saudis would look upon this as an unfriendly act, the response from our fellow Americans, to help Americans provide help to their allies, the Israelis, was absolutely zero. Not one ship responded. History shows, as a result, we had to carry out cargo on C–5 aircraft, huge aircraft. Two of them were buzzed by Egyptian fighters. Every time I think of this, I shudder, because if any one of them had been shot down, the question arises, would we have been involved? In all likelihood, we would have been.

Therefore, the fact that after the end of World War II we carried 80 percent of all the cargo, and today less than 4 percent, should be of concern to all of us.

What if the war many are suggesting might happen does happen and it becomes not a minor war but a major war? Do we have the vessels to carry necessary troops and equipment abroad? I believe that is a good question we should ask ourselves.

I do not suggest the Project America provision solves this problem. However, virtually every person engaged in the debate over seafarer readiness would agree that a primary way to address the problem is to promote a viable U.S.-flag fleet. My provision does just that.

With international tensions rising, I believe we must do all we can to support the Nation's military readiness. My legislation would do that by creating desperately needed American seafaring jobs that will support a military sealift.

To summarize, let me be clear what this section does. First, no Federal funds may be used to complete the Project America hulls. No Federal loan guarantees may be issued by the U.S. Government to perform work on these ships. The preference in the original Project America law that was criticized as limiting competition among the islands of the State of Hawaii does not apply to these ships. At this moment, if any American company wishes to build a ship in the United States and carry on the business in Hawaii or, for that matter, in any other port of the United States, that company may do so. Or if that company has a foreign flag vessel and believes that vessel should be reflagged to an American flag and would come before us, as we have in the past, it we may do so. This does not close that door. It just gives it a jump start.

We need something to be done. As I pointed out, Federal safety and health inspections on the proposed reflagged vessel must occur in the United States shipyard, not abroad. All future maintenance on these cruise ships and any repairs needed in order to register the vessel in the U.S. must occur in our shipyards. The U.S. Coast Guard safety regulations will govern ship operations, and U.S. mariners operating the vessel will be subject to Coast Guard licensing. The U.S. Maritime Administration will oversee the implementation of this legislation and recapture that cost from the cruise line operators.

I want to stress to my colleagues and those in the maritime industry that this provision will not adversely impact the Jones Act cargo trades where the fleet is vibrant and growing. It is strictly limited to the large oceangoing cruise ships and then only those operating in the regular Hawaii service where there are no U.S.-flag operations.

I would also like to stress I continue to support U.S. domestic shipping requirements that mandate U.S.-built, operated, and crewed vessels. I recognize that in certain circumstances, some degree of relaxation of these requirements may be necessary to stimulate growth in the United States maritime industrial base. While this particular provision is intended to fulfill the completion of Project America, and promote the use of large U.S.-flag passenger vessels in Hawaii, I have supported legislation that will provide similar flexibility for large passenger vessels throughout the United States. This legislation was introduced by my distinguished colleague from Arizona. I will continue to support such proposals that are crafted to strengthen our U.S. maritime industrial base.

However, I feel we need to move forward expeditiously with this proposal to ensure we can realize some of the benefits of the original Project America legislation. Planning requirements and operational changes necessary to complete this project to allow for the use as a U.S.-flag vessel must be made shortly or the vessels will be completed for use under a flag of convenience or foreign flag.

Yes, some $185 million in Federal funds have already been invested in this project as a result of the Maritime Administration loan guarantees that were called upon when AMCV went bankrupt. A U.S.-based cruise company has taken the risk of purchasing the hull and related materials from Project America with no assurance that legislation could be enacted to obtain coastwise privileges.

Instead of simply building the ships overseas for operation under a foreign flag with foreign crews or seeking product exemptions to the Passenger Vessel Services Act to operate these ships, NCL has stepped to the plate and is willing to hire American crews, be subject to American laws, and achieve some of the original benefits of Project America.

I will be the first to admit that the original Project America failed. There is no U.S.-built cruise ship ready for delivery on January 23, 2003, which was supposed to have been the delivery date of the first Project America ship. There is no work proceeding on a second U.S.-built cruise vessel, and the Federal Government is out $185 million for the title XI loan guarantee. While the economic downturn resulting from September 11 was the final nail in the lid of the Project America coffin, the troubles, as noted by my colleague from Arizona, began well before that catastrophic event.

No one will dispute that U.S. shipyards are inexperienced in constructing large oceangoing cruise ships. We recognized this and, through the original Project America, provided the incentive necessary for an $880 million fixed price contract to build modern state-of-the-art cruise ships in the United States.

Throughout the process, the shipyard experienced significant problems in construction of ships. For example, within the first year of construction, the yard was experiencing a projected delay in delivery of approximately 1 year and an escalation in the price of outfitting the interior of the ship by as much as $76 million. Eventually a negotiated settlement was reached, extending the delivery dates, increasing the price, and requiring additional project equity.

After the vessel owner's bankruptcy brought the work on Project America to a halt, the partially completed vessels were auctioned. The successful bidder, NCL, offered the Ingalls shipyard an opportunity to bid for completing the vessels, but Ingalls declined. The yard handled predominantly military construction and was not interested in completing the vessels. Instead, the yard retooled its operation to handle an increased order book for Navy ships.

U.S. shipyards predominantly build Navy ships. Based on past experience, the Government is more willing than the private sector to absorb increases

in the price tag or delays in delivery of the vessel. A commercial company requires more stringent pricing and schedule discipline to ensure that projects are economical.

With Project America, that discipline did not exist, and the shipyard opted to concentrate its efforts on government contracts. Other shipyards were in the same situation, with orderbooks filled with government vessels.

I remain committed to our U.S. shipyards and believe they have an important role to play in the future of the U.S. cruise ship industry. My provision will give shipyards additional business that they may not otherwise get—any conversion work necessary for certification of the new cruise ships, and any future non-warranty repairs and maintenance must be done in U.S. shipyards.

If Section 211 is not adopted, the Federal Government will lose all future benefits from its $185 million investment. My provision gives America another opportunity to jump-start a U.S.-flag cruise industry that will bring the Government a return on its investment.

NCL is the only cruise line willing to step up to the plate today and commit to a U.S.-flag, U.S.-crewed operation.

We can choose to write off the Project America investment by not acting, and watching as these completed hulls are introduced into the booming U.S. cruise market under a foreign flag, with foreign crews, operated by foreign corporations without direct benefit to the U.S. economy or American workers.

But if we are to make good on any of that investment, we must act now to generate real and lasting economic benefit to our economy—and to restore pride in the fact that the Stars and Stripes will once again fly on modern oceangoing passenger cruise ships.

By taking action now on Project America, we will begin to recover the investment our nation has made in these hulls both through revenues to the U.S. Treasury in the form of individual income taxes, Federal and State corporate income and payroll taxes, and a broad range of other Federal and State taxes paid by the cruise industry—not to mention the broader benefits this legislation will bring to our military preparedness and to our sagging economy.

No further Federal funds are required, nor are Government financial guarantees permitted. This legislation simply allows for the completion of Project America and for this company to set a shining example as a proud employer of U.S. seafarers and as a proud operator of U.S. flag ships.

I urge my colleagues to support this effort so that we can revive our U.S.-flag cruise industry, increase our military preparedness, stimulate the economy, and create thousands of good jobs for Americans.

EXHIBIT NO. 1

[From Defense Week, Nov. 12, 2002]

FORCE PROTECTION IS TOP CONCERN FOR SEALIFT COMMANDER

(By Nathan Hodge)

Protecting vulnerable cargo ships has become the main worry for the three-star admiral in charge of the fleet that is moving weapons and materiel in support of a U.S. military buildup in the Middle East.

In an interview with Defense Week, Vice Adm. David Brewer, commander of Military Sealift Command (MSC), said that force protection is MSC's ''No. 1 priority.''

At some point, that could possibly mean embarking armed guards aboard foreign-flagged ships that move sensitive U.S. military cargo. Asked if that was the case, he simply said, ''We're still working that issue,'' and declined to elaborate. MSC operates a fleet of 120 noncombatant ships to deliver a wide range of supplies to U.S. and allied forces around the globe. In event of a major war, ships controlled by MSC would move as much as 95 percent of the military's fuel, food, ammunition and spare parts.

The command augments its own fleet by contracting with commercial shippers. According to U.S. Transportation Command, the United States military relies on commercial ships—many under foreign flag-to meet as much as two-thirds of its sealift requirements.

In an ideal world, said Brewer, the U.S. military would move all its cargo under U.S.-flagged ships. But he added: ''Right now, we don't have enough. We've seen a steady decline in U.S. flag shipping over the last 10 years. I think . . . there's less than 125 U.S.-flagged [commercial] ships now.''

That means increased reliance on foreign-owned ships for military sealift, an issue that has prompted concern in policy circles. In a July report, the General Accounting Office said the Defense Department ''relinquishes control'' of sensitive military cargo when it contracts out to foreign ships.

When the U.S. military hires foreign-flagged vessels, there are no armed U.S. guards on board. When the U.S. military hires U.S.-flagged ships, sometimes there are guards on board. But when GAO reviewed many shipments of weapons on U.S.-flagged vessels, it found them unguarded.

Brewer stressed that U.S. cargo preference laws favor U.S.-flagged shippers, who get the first opportunity to bid on any of MSC's contracts for cargo movement. And he said that MSC very closely scrutinizes all the commercial vessels, including foreign ones, that carry military cargo.

''If we cannot find a U.S. flag, we sometimes will embark cargo or equipment on a foreign flag,'' he said. ''But in a perfect world, we want a U.S. flag.''

When MSC does embark equipment aboard a foreign-flagged ship, Brewer said, ''We watch those ships very closely and in some cases embark our personnel aboard those ships to make sure the cargo is secure.''

Asked if that included armed cargo supervisors, called supercargoes, Brewer said: ''We're still working that issue. Armed supercargoes is an issue we're still working.''

INVESTING IN UPGRADES

An attack last month on an oil tanker off the coast of Yemen spotlighted the vulnerability of commercial ships. In an incident reminiscent of the attack on the USS Cole (DDG 67) in 2000, a small watercraft laden with explosives struck the French supertanker Limburg, crippling the ship.

Brewer said MSC takes the threat to merchant vessels as seriously as it takes the threat to military transport ships and said his command would be investing more money over the next several years to upgrade security on board its own ships.

''We're dedicating significant resources to, number one, providing . . . force protection in terms of training and equipment to budgeting a significant amount of money actually through fiscal 2009 to make sure not only that we not only install the latest technology in terms of hull-perimeter lighting, intrusion detection systems, things of that sort, but also to make sure that we have aboard ships any technology that may be available in the future,'' he said. ''So we are investing a lot of money.''

The technology upgrades are particularly important because military transport ships, unlike Navy combatants, have small crews.

''MSC ships are 'manned to mission,' '' he said. ''So that means they're minimally manned. Therefore there's not extra people on board our ships to be armed.''

Much of the money that MSC will invest is in equipment and training. And Brewer said he was working closely with the Navy's fleet commanders in terms of developing an across-the-board force-protection policy for Navy ships.

''So we're investing quite a bit of time and money into force protection and we're working with the fleet in terms of developing and refining force-protection policy,'' he said.

BEANS AND BULLETS TO MIDEAST

Meanwhile, MSC continues to charter vessels regularly to move equipment and supplies. Earlier this month, MSC hired out two commercial ships to move a large shipment (284 containers full) of ammunition along with 28,000 square feet of rolling stock (including armored vehicles).

The ships were headed for unspecified destinations in the Middle East, said Marge Holtz, a spokeswoman for the command.

Brewer would not comment directly on deployments in support of military operations or the destination of cargoes. But he suggested that his command was keeping pace with the Navy's increased operational tempo, including the recent deployment of carrier battle groups to the Persian Gulf region.

''Our workload has increased in the sense that we are operating with the increased operational tempo with the battle groups,'' he said. ''But basically we satisfy the fleet's basic needs.''

Asked whether he is confident that his command can easily be put on a war footing, Brewer said: ''Ramping up, because of the planning we've put forth, . . . is not a problem.''

However, he did suggest that a full mobilization might put a strain on the Ready Reserve Force, a fleet of 76 government-owned ships kept in reserve by the Maritime Administration to meet surge shipping requirements for the military.

''Where that would put a strain on the maritime industry is if we have to activate the Ready Reserve Force ships,'' Brewer said. ''And with the decrease in U.S.-flagged ships, there's a concomitant decrease in U.S. mariners. So we're working with the Maritime Administration and the unions in making sure that if we have to go to war and activate the Ready Reserve Forces, there are enough mariners to man those ships.''

Most of those ships are kept in a ''reduced operating status,'' with small crews aboard for maintenance.

''If we have to take those ships to a full operating status, there is some concern there, but we're working this issue very diligently with the Maritime Administration and the maritime unions and we feel we could satisfy any wartime requirements,'' he said.

That point, he said, further reinforces the desire of the government, the shipping industry and unions to increase the number of U.S.-flagged ships.

In general, said Brewer, ''I want to see more U.S.-flagged ships. Period. More U.S.-flagged ships, number one, will be good for the economy. We are a maritime nation. More importantly, it is essential for our national security. Because [it means] the less we have to depend on foreign-flagged shipping today.''

[From the Baltimore Sun, Jan. 13, 2002]

SHIPPING CREW DEFICIT CALLED WARTIME RISK; BUSH'S MARITIME CHIEF ACKNOWLEDGES WORRIES ON READINESS; ''A VERY TOP PRIORITY''; NEW RESERVE FORCE AMONG PROPOSALS TO EASE SHORTAGE

(By Robert Little)

The Bush administration is acknowledging, after years of government denials, that the nation's ability to fight a large-scale war overseas is in peril because of a crippling shortage of manpower in the U.S. merchant marine.

William G. Schubert, Bush's maritime administrator, said in an interview that he does not believe the Pentagon could find enough sailors to operate its cargo ships if military forces were deployed for a sustained overseas campaign.

He plans to pursue several immediate remedies, including pushing for the creation of a new Merchant Marine Reserve, and said solving the manpower crisis will be ''a very top priority'' of his administration.

''This is a very serious issue that needs to be addressed right now—today,'' said Schubert, a former merchant seaman who was sworn in just over a month ago. ''We don't have time to postpone this issue any longer, or there could be some very serious consequences. I'm not very comfortable right now that we have the ability to respond to an emergency.'' A series of articles in The Sun last summer showed that a shortage of U.S. merchant sailors, brought on by declines in the nation's commercial shipping fleet, would leave many of the government's cargo ships stranded in port during a crisis.

A small military force like the one currently in Afghanistan can be deployed and re-supplied with cargo planes and helicopters. But during a large campaign involving tank divisions and heavy machinery, such as the Persian Gulf war, about 95 percent of the equipment, fuel and supplies must move in ships.

The federal government keeps almost 100 empty cargo ships scattered around the country for use in such an emergency, and it plans to crew them with civilian sailors from the U.S. merchant marine. A complete activation of the 76-ship Ready Reserve Force and about two dozen other dormant sealift vessels would require more than 3,500 mariners, all of them culled from the nation's commercial shipping industry.

Despite denials of a shortage from government and military officials, the series published in The Sun revealed that the Pentagon recycles crew members, transferring them from ship to ship giving each vessel a full crew just long enough to pass a drill verifying its readiness for war. Some mariners served on as many as five ships a year.

The series also showed that the federal government is relying on retired sailors to fill in during a crisis, even though it has no idea how many retirees are available, who they are, where they live or what qualifications they have.

Since the articles were published, leaders from the nation's merchant marine unions have acknowledged the shortages, and two senior members of Congress have introduced legislation to bolster the commercial shipping industry and reverse its decline.

''THAT'S A GOOD START''

But Schubert's comments represent the first acknowledgement from a federal official responsible for military sealift that the shortage exists—and the first pledge to do something about it.

''If he's admitting that this is a big problem, then he's the first one to do so. And that's a good start,'' said retired Navy Capt. Robert W. Kesteloot, a former director of strategic sealift for the Chief of Naval Operations who says a growing manpower shortage was apparent at the Pentagon even in the late 1980s.

''It's about time someone over there started taking this seriously,'' Kesteloot said.

The Navy is ultimately responsible for military sealift, but it has little control over the crew members hired for its dormant cargo ships because they are all temporary civilian contractors, not regular employees. The responsibility to maintain and preserve that work force rests with the U.S. Maritime Administration, a division of the Department of Transportation.

Previous maritime administrators have acknowledged concerns about manpower but have all claimed that the military's cargo ships can be fully crewed. Schubert's predecessor, Clinton-appointee Clyde J. Hart, said in an interview last year: ''It's a problem that should keep us up at nights, but it's not a readiness problem. We can man the ships.''

But Schubert, who worked for the Maritime Administration during the gulf war and watched it struggle to crew sealift vessels more than 10 years ago, said he discounts even the agency's latest survey, made public late last year, which concludes that a sufficient supply of mariners is available.

''I'd hate to put our national defense on the line based on a statistical analysis,'' he said. ''It was a problem 10 years ago, and the situation today has only gotten worse.''

The U.S. military has always relied on civilian merchant mariners for moving supplies by sea. They are cheaper than military personnel, because they are hired only when needed. And Navy sailors aren't trained in the precise skills required to operate cargo ships—and virtually all of them lack the necessary licenses and certifications.

A typical merchant mariner works four months at sea, then spends four months ashore, and few of them have permanent jobs on the same ship. Jobs are handed out by the unions based on how long a mariner has been ashore looking for his or her next ship. When a mariner has been ashore long enough to qualify for work again, most take whatever ship is available at the time.

In a crisis, the Pentagon plans to add its ships to the unions' list of commercial vessels looking for crew members, luring sailors back to sea much sooner than normal.

That strategy worked for decades, when the U.S. merchant marine dominated the globe and the fleet had thousands of vessels. But since 1950, the U.S.-flagged commercial fleet has shrunk from nearly 3,500 vessels to about 220. An industry that once kept more than 160,000 sailors employed now has fewer than 6,500 jobs.

Schubert said that correcting the manpower shortage will be a top priority in his administration. He plans to appoint a new deputy administrator with expertise in manpower and recruitment, and conduct a new, detailed survey of the merchant marine work force.

EXPANSION OF RESERVE FORCE

Schubert has already met with Navy officials to discuss creating a new merchant marine arm of the Naval Reserve. The Navy has a Merchant Marine Reserve, but it includes only ships' officers—not unlicensed seafarers that make up the bulk of a cargo ship's crew.

He is considering making service on Ready Reserve Force cargo ships an element of the service obligation for graduates of the tuition-free U.S. Merchant Marine Academy. And he wants to set up a program at the academy for emergency mariner training, to counter shortages in a crisis. Schubert graduated from the academy in 1974.

He also plans to oversee creation of a national database listing contact information for anyone—active or retired—with the Coast Guard qualifications necessary to work at sea. Today the government relies solely on unions and word of mouth to find mariners when they are needed.

But those are mostly short-term solutions. Lasting increases in the number of sailors available to the military can be accomplished only by altering the economic outlook for shipping companies that choose to register their vessels in the United States and hire American sailors, he said.

''If we don't have programs or initiatives to promote the profitability of the U.S. flag, nothing else will matter,'' he said.

The Bush administration has not taken a position on a bill before Congress that would lower taxes on American cargo ships in hopes of luring more vessels to the U.S. fleet. That legislation, sponsored by the senior Republican and Democrat on the House Transportation and Infrastructure Committee, is awaiting a hearing in the House of Representatives.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, if this amendment is allowed to stand in the appropriations bill without a hearing, without scrutiny, without any examination, without any authorization, it will be a violation of the Passenger Vessel Services Act, which required that any ship operating under these circumstances has to be built in the United States of America.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the vote in relation to the McCain amendment occur at 1:30 today, with the time equally divided in the usual form and with no amendments in order prior to the vote; further, that prior to the vote, Senator LANDRIEU be recognized as in morning business for up to 5 minutes; further, that following this vote, Senator BIDEN

be recognized to speak for up to 20 minutes and Senator BROWNBACK, for up to 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Mr. President, reserving the right to object, I ask the distinguished manager and chairman, does he anticipate further votes following the speaking?

Mr. STEVENS. Yes, we do expect further votes this afternoon. We have the prospect of a Dodd amendment and a further amendment by the Senator from Arizona. So we have the prospect of continuing votes on through the afternoon.

Mr. MCCAIN. Mr. President, I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I thank the Senator for the accommodation for me to make a few brief comments about the District of Columbia appropriations portion of this appropriations bill.

I have no amendment to offer, but I will make a few general comments about a very small portion of this underlying bill, and I am mindful that we are about to vote on Senator MCCAIN's very important amendment.

Obviously, there are pros and cons, but I wish to take this moment to talk about a $512 million budget out of a $750 billion bill. It is not a lot of money—well, obviously, it is a lot of money; $512 million is not small change, but it is such a small percentage of the total amount of the appropriations bill. But for the 500,000-plus people who are residents of the District, for the citizens of our Nation who look to the District as truly what it is—their capital, our Nation's capital, and for the many hundreds of thousands and millions of people who travel to this District every year—adults, senior citizens, children, people of all ages, I thought I would take a moment to say a few brief words.

I want to begin by thanking our chairman, now ranking member, of the Appropriations Committee for his help in crafting this important portion of this bill. The good Senator from West Virginia spent many years as chairman of this subcommittee, and he knows well the issues about which I am speaking.

I thank the chairman, Senator MIKE DEWINE from Ohio, for his leadership. We work very closely as chairman and ranking member. I thank him and his staff, Mary Dietrich, for all of their hard work in pulling this portion of the appropriations bill together.

First, I wish to speak about a couple of big points. The District's budget is in fairly good shape. It has taken effort on the part of Congress, Democrats and Republicans, as well as the mayor and his partners on the council, a lot of work by the business community and civic organizations that have given suggestions and comments, as well as a structure that was put in place after the reform board moved on, to put in place a financial infrastructure that helps the District stay on strong financial footing.

Are there challenges? Yes. Is every city in America challenged? Yes. Every State, as the Senator most certainly knows from his State of Tennessee, is challenged with budget constraints. But the District, just as every city in America, struggles with chronic problems of losing a tax base and having to provide services for hundreds of thousands of people who come into the District each day yet do not pay that full share of the tax and the political difficulty of finding an appropriate political solution.

Nonetheless, with all those challenges, this mayor and the city council have gotten the District close to a balanced budget position, and because of that, a lot of the initiatives about which we have talked in Congress are going to hopefully be brought to the forefront.

No. 1, in this budget, there is additional security for the District of Columbia. As our Nation's Capital, we should, as Members of Congress, along with the mayor and council, make sure we set as much money in place as we can to secure the many beautiful monuments and buildings. Unfortunately, this is a target-rich district and needs extra money for security. Some, not all of what we need, but some of that money is in the bill.

No. 2, the District has put forward a great and ambitious agenda for improving their schools. I am proud to say there is $20 million to create, not for the first time, to expand a revolving fund for charter schools. As the schools improve, we are able to help create the kind of physical environment that rewards excellence, and that is in this bill.

We have also created the first ever family court in the District to try to cut down on child abuse and neglect, to help strengthen our families and our neighborhoods, to create special judges who will pay attention to these very serious challenges and then support them in their efforts. I thank Senator DURBIN particularly for his work in that regard. There are other provisions worth noting.

I am proud to submit a bill that works with the mayor and with the council in a bipartisan way to help this city, which is so special to the people who live here and so special to all of us, fulfill the dreams of how we want to see this city flourish and grow in the years ahead.

Again, I thank my colleagues on the Appropriations Committee for putting forth efforts to create this bill.

The PRESIDING OFFICER (Mrs. DOLE). The Senator's time has expired.

UNANIMOUS CONSENT—S. RES 23

Mr. DASCHLE. Madam President, on Wednesday, the administration made a decision to oppose the University of Michigan's efforts to promote diversity on the campus. In making the announcement, the administration said that Michigan's process amounted to a quota, and that the university should look at other factors, such as economic and geographic backgrounds. Their statement ignores the fact that both of those factors, as well as others, are considered by the university and given the same weight as race.

I have made clear on other occasions what I and many of my colleagues believe: The Michigan system is not a quota; the Michigan system is constitutional; and that President Bush made the wrong decision. Racial and ethnic diversity in our Nation's institutions of higher education is an important goal.

A student body that reflects the diversity of America is a valuable resource for all of our students. But kind words and lofty rhetoric alone cannot open the doors of educational opportunity or guarantee a diverse student body.

We must show our commitment through our actions. That is why today I am asking consent that we adopt a resolution that supports the University of Michigan. This resolution states that the Senate supports the university's attempts to create a racially and ethnically diverse student body and directs the Senate legal counsel to file an amicus brief on behalf of the entire Senate in support.

By adopting this resolution, we can show with our actions, not just our words, that we truly believe in the importance of racial and ethnic diversity. I hope my colleagues will join me in this effort and support, certainly not stand in the way, of the resolution.

Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 23 and that the Senate then proceed to its immediate consideration; that the resolution and preamble be agreed to, en bloc; and that the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SANTORUM. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I think all of us in the Senate would love to see equal opportunity for all students. One of the great advances we have made is to eliminate discrimination—formal discrimination—that we

had in this country for a long time against people of color, but I do not believe the answer to that is by instituting something that, in fact, discriminates the other way. That is what the University of Michigan system does, to give someone, because of the color of their skin, 20 points toward the admission score and someone with a perfect SAT score—to me the values that the admission process should consider are where the person came from, the obstacles they had to overcome in their lives, their economic condition, and their family situation.

There are many issues that are intangibles that should be considered in an admissions process. But when you compare this young girl from Michigan, who was the plaintiff in this case, who happens to be white and has overcome a lot in her life to reach the point where she could apply to the University of Michigan and potentially be accepted, and you may have someone who happens to be Hispanic or African American and may have come from a privileged background, went to the finest private schools, and for them to get an advantage over someone who scratched and clawed through a very difficult situation seems to be unfair.

What the administration has done is tried to focus, as the President did at the University of Texas when he was Governor of Texas, on trying to provide opportunity for all without putting forward discriminatory impediments to people simply because of their gender, their ethnic background, or their race.

To me, it is an opportunity-based system for people who have had a disadvantaged life and I believe is a healing balm on this very difficult undertone of racism that we have seen in this country.

Madam President, I think the administration is moving in a positive direction, so I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I do not know what the agenda is. I know the chairman of the Judiciary Committee has a different opinion.

Maybe the Democratic leader decided we are not going to be dealing with the appropriations bill. We have an amendment on which we are getting ready to vote. We were supposed to vote on it a couple of minutes ago. I guess people want to debate the Michigan case, but that is really not the issue before us. The issue before us is an appropriations bill.

Eleven out of the thirteen appropriations bills have not been passed. We are trying to finish the appropriations bills. The chairman of the Appropriations Committee is trying to move the Senate forward. He has been asking for amendments. We are trying to consider amendments. We are getting ready to vote on an amendment, and the Democratic leader has a resolution that says: We want to adopt a position opposite that of the President of the United States on the Michigan case, without even advanced warning and without allowing the chairman of the Judiciary Committee, who also has a resolution taking a different position, to come forward.

There is a time and place to debate it, but this is not it. We should be doing the business we have not completed from last year, and that is the appropriations bill. I have a resolution, and I can do exactly what the Democratic leader did. I can ask unanimous consent that we take the plaintiff's side of this case and ask that it would pass. I know it would be objected to. It was actually drafted by Senator HATCH, so I will leave that to him to elect to do.

It is kind of a waste of the Senate's time for people to take a contentious issue and say: I am going to ask unanimous consent that we take one side of that issue and try to pass it, knowing it would not pass. I could make this same argument and know it would not pass. I think we would be wasting the Senate's time.

I urge our colleagues to stay with the regular order and finish the work we did not do last year, and that would be to deal with the amendments that are pending and pass the unfinished business of the appropriations bills.

I shall not ask unanimous consent at this point, but if people want to pursue this, we can.

I yield the floor.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003—Continued

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. MCCAIN. Madam President, I ask for the regular order.

Mr. STEVENS. Madam President, there is a time agreement in effect.

The PRESIDING OFFICER. The regular order is 2 minutes of debate before a vote relative to the Senator's amendment.

Who yields time?

Mr. MCCAIN. I yield to the Senator from Hawaii for his 1 minute, and I will take 1 minute.

Mr. INOUYE. Madam President, I yield back my time.

Mr. MCCAIN. I yield back my time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, I move to table the amendment.

Mr. NICKLES. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL, I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

I further announce that, if Present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''Aye''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 33, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—62

Akaka	Domenici	Lott
Baucus	Dorgan	McConnell
Bayh	Durbin	Mikulski
Biden	Ensign	Murkowski
Bingaman	Feinstein	Murray
Bond	Frist	Nelson (FL)
Boxer	Gregg	Nelson (NE)
Burns	Harkin	Pryor
Byrd	Hollings	Reed
Campbell	Hutchison	Reid
Cantwell	Inouye	Roberts
Carper	Jeffords	Rockefeller
Chafee	Johnson	Schumer
Clinton	Kennedy	Snowe
Cochran	Kohl	Specter
Collins	Landrieu	Stabenow
Conrad	Lautenberg	Stevens
Corzine	Leahy	Talent
Daschle	Levin	Warner
Dayton	Lieberman	Wyden
Dodd	Lincoln	

NAYS—33

Alexander	DeWine	Lugar
Allard	Dole	McCain
Allen	Enzi	Miller
Bennett	Feingold	Nickles
Brownback	Fitzgerald	Santorum
Bunning	Graham (FL)	Sessions
Chambliss	Graham (SC)	Shelby
Coleman	Grassley	Smith
Cornyn	Hatch	Sununu
Craig	Inhofe	Thomas
Crapo	Kyl	Voinovich

NOT VOTING—5

Breaux	Hagel	Sarbanes
Edwards	Kerry	

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, what is the regular order now?

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware has 20 minutes.

Mr. STEVENS. Madam President, under the agreement he has 20 minutes to speak. Following that, for the information of the Senate, Senator BROWNBACK has 5 minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, if I may ask the chairman of the Appropriations Committee, Senator STEVENS, a question.

Mr. STEVENS. Yes.

Mr. BIDEN. Although I have been waiting a while, I can refrain from doing that if we are likely to move on to other votes. I do not want to hold people up on Friday afternoon. But if we don't have something we are going to go to right away—in other words, I don't want to get in the chairman's way. But, otherwise, I would like to speak. But I know it is Friday afternoon. I see people with topcoats on their laps, and they have places to go. I can make this the last order of business today. But I don't want to yield to others who are not going to speak on an amendment. But I will yield if you really think we are going to move to something and we are going to act on it. That is my point.

I ask the Senator from Alaska if he can tell me what the plans are.

Mr. STEVENS. Madam President, the Senator from Delaware has given us a chance to think. This is a good time to think. So we are happy to give him 20 minutes right now.

The PRESIDING OFFICER. The Senator from Delaware.

THE UNIVERSITY OF MICHIGAN CASE

Mr. BIDEN. Madam President, I rise today to, quite frankly, compliment and add to the comments of my friend from West Virginia, Senator BYRD—although I will not be as eloquent—who spoke today on Iraq and Korea and national security policy.

Before I do, there was an intervening comment exchange that was made on the floor earlier relating to the Michigan University cases.

I rise at this moment not to speak on whether or not the merits of the Michigan cases or the merits of the Michigan admissions policies are constitutional or unconstitutional. My instinct, in what little I know about it, is that it seems to be constitutional because there is a two-pronged equal protection test that has to be met; and that is, does the University's consideration of race as one of many factors in making admissions decisions constitute a compelling Government interest, and if it does, is it narrowly tailored. It appears, from what I have read in the press, that it is.

But I want to respond in the next 2 minutes to something my friend from Pennsylvania, my neighbor, Senator SANTORUM, said. He talked about this point system. I just want to remind everyone how the University of Michigan's policy works, which is like many other universities.

Under the University's undergraduate admissions process, every applicant can get up to 150 points in seeking admission. My assumption is, what the university does, it reviews all of the applications from applicants. No one gets 150 points, necessarily, but there are methods by which you can get up to 150 points.

Madam President, 110 of the 150 points are strictly related to academic criteria. They relate to GPA, the school you went to, the high school you went to, the curricula you took, your SAT scores, et cetera. Forty points are up for grabs, and they relate to nonacademic factors.

It is possible for a minority to get 20 points because of his minority status. People are pointing to that as saying that is unfair. Well, forget the constitutional detailed arguments for just a moment, because we will have plenty of time to make those on the floor. I want everyone to remind themselves what the rest of the University of Michigan policy allows.

If you are the son or daughter of alumni, you get 4 points. If you come from an underrepresented county within the State of Michigan, you can get up to 16 points. If you are a Michigan resident, you get 10 points. If you are from an underrepresented State, you get 2 points.

Let me translate this. And I do not mean this as a criticism of anybody else's State. The most competitive, the most difficult place to gain admission, the most difficult geographic States to gain admission to the most elite colleges are Delaware, Pennsylvania, New Jersey, and New York. It is harder to get into competitive colleges if you're a resident of those States.

If you are from Mississippi or Alabama or Alaska and have the same scores as students from these northeast states—like my son or daughter from Delaware, and my nephew from Pennsylvania—and everything else is equal, the child from Mississippi or Alabama or Alaska will get into the school before the child from Delaware, Pennsylvania, New Jersey, or Maryland. That's because—rightly or wrongly—the academic standards in these latter States are considered to be higher, and the competition is more intense.

So that is a literal fact of life. You say: OK, well, why in God's name would some child who does not have quite the same marks, or has the same marks, from the Midwest or Alaska or the Deep South have an advantage over a child from a New England State or a mid-Atlantic State? The reason is not to benefit the child. It is to benefit all the other students in the university. Because we have made a judgment, historically, in this Nation that it is better for my child to go to school with someone from Alaska, Mississippi, South Carolina, North Carolina—all across the Nation—than it is to go to school with everybody being from Pennsylvania, New Jersey, and Delaware. It has been a judgment educators have made. And the more elite the university, the more diversity, geographically, they seek.

It is the same way, I might add, that Rhodes Scholarships are, in fact, awarded. It is a heck of a lot harder to get a Rhodes Scholarship as a resident from New York State than it is from South Dakota. That is a fact—a fact. It is the competition pool. Why? More money per pupil tends to be spent in those richer States than in the States that are not as wealthy.

So what have we done? In everything we do about education, we seek, as a goal, not to reward the student, the diverse student who is coming in, but the goal is to reward the student body that is there to expose them to diversity.

It is good that my middle-Atlantic State daughter is in a school with people who talk to you like this—you know what I mean—like y'all do in the South. It is a good thing. She should be exposed to that. It is good your southern son or daughter knows and has someone in class that talks like they are from Brooklyn. It is a good thing. Some may disagree, but that has been a national consensus.

Like geography, race is one of those factors colleges do and should consider. The only generic point I want to make to people, as a Senator who opposes quotas—that is not hyperbole; I oppose quotas; and I have a 30-year voting record about that—but what is good for the goose is good for the gander.

All of you who tell me this is a level playing field, give me a break. If your daddy happened to go to that school, it is not wrong that you get a preference. But at least admit you are getting a preference. Stop this game, this silly little game.

If, in fact, you come from a State that is poor, stop pretending to me that it is a level playing field for a kid from Mississippi to get to Harvard versus a kid from Westchester County, NY to get to Harvard.

Give me a break. Let's stop being phony around here. I am not suggesting anybody is phony. I am just trying to inform those of you who have not had a chance to think of this how things actually work, how they actually work.

And, by the way, even on the academic side, you get somewhere between zero and 10 points based on the school you went to.

The school I went to is a Catholic prep school, with mostly middle class kids. My daughter, who is now a senior in college, graduated from that same school several years ago. If my memory serves me correctly, I believe that out of 114 kids in her graduating class, 69 passed five or more advanced placement tests, meaning that they tested out of their entire first semesters at the universities they attended—69 out of 114 passed five or more AP tests.

According to what was then put out by the SAT outfit out of New Jersey, these kids represented the highest number in the region to test out of their first semester classes, and one of the highest in the country—this little old Catholic school I went to. Guess what. It costs 14 grand a year to go to that school. Now, my daughter, I am confident, were she applying to Michigan, could have gotten up to 18 points—up to 10 for the quality of the school and up to an additional 8 for the quality of her curriculum. And not because of anything she had, but because her old man was able to borrow the money with her mother to pay for her to go to that school and expose her to that. She may have gotten B's and my sons who went there or I who went there may have gotten B's, while a kid from a little one-room schoolhouse—some States still have one-room schoolhouses, not many—from a small school in, say, North Dakota, where you have 20 kids in a senior class, that kid got a B, same grade point. My daughter may have gotten up to 18 points; the kid from North Dakota, with the same grade point average, may get no added points.

How does it really work? A Black kid in west Philadelphia, he might have gotten B's from a school we all acknowledge isn't that great a school. My daughter gets an 18-point bump on the academic side because she went to a school that costs—guess what, when I went there, it cost $900 a year, now it is 15, 14 grand. How many middle-class Black kids out there are able to pay 14 grand, or Hispanic, Latino kids? So I just think we should be honest about this.

There is a legitimate constitutional argument to make and a test that Michigan is going to have to prove, and they should have to prove. There is a two-prong test here. When you are in a suspect category—race is a suspect category—there are two tests: One, is there a compelling Government interest in using race as one of many factors to achieve a diverse class, and, two, is that use narrowly tailored. I think Michigan can prove that. I haven't done all the work. I teach constitutional law; I think I know a little about it. I can't say to the Chamber, I am guaranteeing I know the Michigan test is constitutional. They should have to prove it. No problem. I think they will. But let's not kid each other. OK? Level playing fields? I will conclude this part and get on to what I was going to speak about and just look at it.

Of the total 150 points an applicant to the University of Michigan can get, 40 points are for non-academic factors. You can get 20 points if you're an underrepresented minority, but also if you're a scholarship athlete, or if you're a kid who is socio-economically disadvantaged; you can get 10 points if you're a Michigan resident, 16 points if you live in 2 particular counties in Michigan; 4 points if your parents are alumni; 3 points for your required personal essay; 5 points for personal achievement; 5 points for leadership and service and, guess what—I say to my friend who went to a great, great university, the Presiding Officer, Duke University, one of the great universities in America; this will not surprise her, I suspect—the provost has 20 points of discretion. How about that one? The provost has 20 points of discretion.

Do you think the provost is more likely to receive a phone call from the chairman of the board of General Motors, or do you think the provost is likely to take a phone call from Rashid's mother in Detroit? My colleagues, as the kids used to say, let's get real. Let's acknowledge the truth of this. There is no absolutely totally blind test out there.

I am not criticizing. Universities have a reason for giving alumni preference. How do you think Harvard was built? There is a little red book on how Harvard's endowment was built. You build loyalty to a university. People then do things for the university. That is a good thing, not a bad thing. It is a good thing. There is geographic diversity. It is a good thing that there is discretion built in.

But if you are going to take this purest view that race can never be considered, that minority status can't be considered and you want to be fair, be fair. Cash in your senatorial credentials when you start writing recommendations. OK? Don't write a recommendation.

You want to be really fair? Be like every other person out there, do you know what I mean? Maybe it is because I come from a place called Claymont. I come from an Irish Catholic family. I am the first one in my family to go to college—no Horatio Alger story.

I once got in an argument during the Thomas hearings which I don't like to recall very often. Someone was saying to me that there was no preference given to the Justice getting in the Yale University Law School. And I looked at this particular guy, who wasn't happy with me over another issue about logging roads through Federal lands. He was really mad at me about that. I looked at him and I said: Where did you go to school?

He said: I went to Yale.

I said: You are the guy who took my spot at Yale.

He said: What do you mean?

I said: We are the same age. You took my spot at Yale. I know you are the one.

He said: What are you talking about?

This guy happened to be from Alaska. I come from Delaware. If I'm not mistaken, you got points at Yale for being from Alaska. And probably his marks were better than mine, but I joked with him. He didn't know.

I said: I bet my marks were better than yours. I said: I'll make you another bet. I bet your daddy went to Yale.

He said: Yes, what difference does that make?

It makes a difference. Assume my marks had been the same as his. I am from Claymont, Delaware. My father is making 17,000 bucks a year, and I applied to Yale. He is from a geographically underrepresented area and his daddy went to Yale.

I mean this sincerely, I understand the anger of working-class and middle-class White people like me, my background. I can remember when my dad, who was an automobile salesman, I remember my dad being so angry when he was trying to borrow the money to get a student loan to send me to the local university and my sister almost at the same time. He was $800 over the limit. It was like 18,000 bucks he made that year, over the limit to be able to borrow.

The guy who worked on the lot came in really happy one day, and my dad was good friends with him. But the guy was the laborer who cleaned the cars. And he said: My son is getting in. I got the loan.

And my dad thought it was so unfair that this guy made one-third less than he did and he was able to get the loan, but my dad couldn't afford to send us all without the loan.

So I am not in any way belittling the legitimate concern and anxiety of middle class and lower middle class White folks who feel they are pushed out of the way. That is why I think we should give them all a $12,000 tax deduction to get to school which I have been pushing for 8 years now.

But it amazes me how some of our friends in this Chamber and in the body politic political elite really will bleed over the 1 or 2 or whatever percent of the White children who really do get bumped out of the way. Where is their bleeding for the 10, 20, or 30 percent of the Black kids or Latino kids who get pushed out of the way a thousand ways? Is anybody suggesting to me the injustice done to middle White class or any White student is anywhere nearly equivalent to the injustices done or the lack of opportunity available to minorities?

There is such an imbalance about this. That doesn't mean we should justify a wrong when it is only done to 1 percent of the people because there is a greater wrong done to another group of people. We ought to be able to figure out how to deal with this.

I will end with this: I respectfully suggest we should be making it a lot easier for kids to get to college, period, across the board. One of the things we should do is what my friend from Connecticut has devoted his career to, and

he knows more about it than I do by a long shot, and that is making elementary and secondary education truly equal. He had an amendment that said, on this big bill we passed on education, by the way, if you are going to test people equally, make sure you spend equal amounts of money on them.

If you are a kid in west Philadelphia and you are a kid in Marion, which is one of the wealthiest areas just 4 miles away, I don't remember exactly what the numbers are, but it is like two or three to one resources spent on the kid in Marion to educate him than the kid in west Philadelphia. We are going to give them the same test. It reminds me of the old separate but equal stuff. So there is a lot we can do to make sure no child, White or Black, is bumped out of the way because they are qualified, but otherwise they do not suffer from one of the litany of things listed as being able to be taken into consideration in admission.

I am not making the case on the merits. I don't know enough about the Michigan policy. I hope we have a honest discussion about this when we talk about it because there are preferences built in across the board, absolute preferences.

I know, as a middle-class White kid—lower middle class economically—growing up, who did relatively well, I knew that the kid who had a lot more money, whose parents had gone to college, had more of an advantage. I didn't begrudge them the advantage. It is just there. It is just there. Let us at least admit to that and acknowledge that. Let's stop this—and nobody has done this in the Chamber, but let's not start demagoging this notion that all these White kids are being discriminated against and so-called reverse discrimination is killing opportunities for White children.

NORTH KOREA AND IRAQ

Mr. BIDEN. Madam President, we can't afford to put either Iraq or North Korea on the back burner. Both need our immediate and sustained attention. But the crisis on the Korean peninsula, and it is a crisis—is our most urgent priority.

The situation in North Korea has gone from bad to worse. They've thrown out the international inspectors. They've turned off cameras that tracked thousands of canisters of weapons grade plutonium. They've withdrawn from the Nuclear Non-Proliferation Treaty.

The irony here is that the very rationale some in the administration cite for regime change in Iraq is an emerging reality in North Korea: A rogue regime and one of the world's worst proliferators is on the verge of becoming a plutonium factory. It will sell anything it develops to the highest bidder.

We know it doesn't take much plutonium to make a nuclear threat real. You only need something the size of the bottom of a water glass, about an eighth of an inch thick, two pieces. With a crude operation to ram it together at high speed, you have a 1 kiloton bomb in a homemade nuclear device.

My colleagues from New York will remember this: our national laboratories produced what could be a homemade nuclear weapon. They made it off the shelf with easily obtainable materials. Everything except the plutonium. I asked Senators CLINTON and SCHUMER to bring that homemade weapon up to S. 407 and they walked it right in.

The threat of proliferation exists in North Korea as we speak, right now, not tomorrow or next week or next month or next year, but right now.

And by the way, if President Clinton had not completed the Agreed Framework, North Korea would already have material for dozens of nuclear weapons.

If North Korea continues down this path, we also risk an arms race in Asia. Think about it. North Korea, South Korea, Japan. And if that happens, China will build up its nuclear weapons arsenal, India will get nervous and do the same, and Pakistan will follow suit. Everything we've been working to prevent for decades—a nuclear arms race in Asia and beyond—will become a reality. And that could have a terrible impact on economic stability, too.

The regime in Pyongyang is first and foremost to blame for this crisis. But frankly, two years of policy incoherence on our part has not helped matters. We have see-sawed back and forth between engagement and name-calling.

And the last two weeks of taking options off the table—especially talking—has made matters worse. It tied our own hands and added tension to our already strained relationship with a key ally, South Korea. We need a clear—and clear eyed—strategy for dealing with this danger.

I'm pleased the administration now seems to be on the right track. As several of us have argued for weeks, direct talks are the best way out of this impasse.

Some claim that talking is appeasement. Well, we know that not talking could result in North Korea having the material to build up to a half dozen nuclear weapons in six months—and dozens more in the months and years to follow.

We know that taking out North Korea's plutonium program must be a course of very last resort. Pyongyang has more than 10,000 heavily protected artillery pieces just miles from Seoul—it could devastate the city, its inhabitants and many of our troops before we could respond.

We know that for additional sanctions to bite, we would need the participation of South Korea and China, neither of whom so far, wants to pursue that path.

And we know that talking is not appeasement. It is the most effective way to tell North Korea what it must do if it wants more normal relations with us. In fact, in dealing with an isolated regime and a closed-off leader, talking clearly and directly is critical if we want to avoid miscommunication and miscalculation.

We cannot and should not buy the same carpet twice. We won't if we insist on getting more from North Korea than we got last time. This should include giving up the plutonium and spent fuel it already has produced and forsaking the production of plutonium and uranium in the future—all of this verified by international inspectors and monitoring.

In turn, we should hold out the prospect of a more normal relationship, including energy assistance, food aid and a ''no hostility pledge.''

IRAQ

As we contend with Korea, we also must deal with Iraq. The administration was mistaken to suggest North Korea could be put on the back burner. But so are those who suggest Iraq is not a major problem. It is, and we must continue to deal with it on its own merits, but on our own timetable.

It's no secret that the State Department, the Defense Department, and the Joint Chiefs are at odds on the best course of action in Iraq.

We have Hans Blix and the IAEA saying that the inspectors need more time to accomplish their mission—that they will have to stay in Iraq much longer to get the job done.

Secretary Rumsfeld is saying, if we get ourselves locked in for four more months we will lose our weather window and be forced to wait until the fall.

Secretary Powell is saying, look, we must make it a priority to maintain the support of the French and the Germans and everyone else, not to mention the American people. The President was right to make Iraq the world's problem, not just our own. Let's keep it that way.

In my view, the President has shown restraint on Iraq. He has gone to the United Nations. He has allowed inspectors to begin. Now he must allow them to take their course. I would say to the President, keep it going. In the eyes of the world, you're doing it right.

Inspectors are not a permanent solution and neither is our massive troop presence. But so long as the inspectors are doing their work in Iraq, backed up by the threat of our forces, it is highly unlikely Iraq could pursue a nuclear program undetected or would run the risk of selling chemical or biological weapons to terrorists. And we will sustain international support. Meanwhile, the pressure will build on Saddam. Unlike in North Korea, times is on our side, not his.

Of course, this massive deployment is costly and hard on our men and women in uniform. But going to war would be far more costly in terms of troops and treasure. It must remain a last resort.

If we do go to war, we better be absolutely certain that our friends and allies are all in the game at the outset.

Not because we cannot prevail against Saddam Hussein without them. We can—though it certainly makes sense to spread the risk and share the cost. But because without the support of other nations, we will be left with a political, financial, and, potentially, a regionally destabilizing burden after we take down Saddam. We will have to deal with the ''day after'' Saddam—or more accurately the decade after—on our own.

In the weeks ahead, if we move to war, I hope the President will tell the American people what he has not yet told them: How much will the war cost? How will he balance his guns and butter rhetoric with the bottom-line budget realities we face? How many troops will have to stay in Iraq after Saddam and for how long? How much will it cost to rebuild Iraq? Who will help us foot the bill? The American people deserve answers to these and other key questions.

The PRESIDING OFFICER. Under the previous order, the Senator from Kansas has 5 minutes.

TRIBUTE TO REVEREND DR. MARTIN LUTHER KING, JR.

Mr. BROWNBACK. Madam President, I wish to focus the body for a few minutes on January 20, 2003, when we will pause to remember Dr. Martin Luther King, Jr., a man who changed the course of history and America's conscience.

Dr. King is really one of those few individuals throughout history who has so nobly exemplified the principles of sacrificial love and devotion. He changed a country, and he gave his life in the process.

I want to read a short excerpt from a speech he gave the night before he was assassinated. On April 3, 1968, 1 day before he was killed, Dr. King said the following in a speech:

> I don't know what will happen now. We've got some difficult days ahead, but it doesn't matter with me now. I've been to the mountaintop and I don't mind. Like anybody, I would like to live a long life; longevity has its place, but I am not concerned about that now. I just want to do God's will. And he's allowed me to go up to the mountain, and I have looked over and I have seen the promised land. I may not get there with you, but I want you to know tonight that we as a people will get to the promised land.

He said that April 3, 1968, the day before he was killed. I want to particularly focus on that last sentence:

> . . . but I want you to know tonight that we as a people will get to the promised land.

In order for our Nation to reach the promised land Dr. King referenced, we must see a racial understanding, a racial reconciliation. We are still working at it and we still have a ways to go. We need to do it through education, through cooperation, through communication, and we need to do it every way we can.

For several years now, several of us have been working together—I have particularly worked with Congressman JOHN LEWIS on the House side to create a national museum of African-American history and culture on The Mall here in Washington—in our front yard. I am proud to say that I have had the support of many Members of this Chamber on this issue, including Senators SESSIONS, SPECTER, DODD, and CLINTON.

I am confident that when the Presidential commission, which we created, submits their report on the creation of this much needed piece of American history, this body will vote to create this museum—a museum that not only means a great deal to African Americans, but to this whole Nation as well.

I don't pretend that the creation of a museum will be a cure-all for racial reconciliation. It is, however, an important and, I think, a very productive step toward healing our Nation's racial wounds. I hope it can be a museum of reconciliation at the end of the day, and that we will be expanding on Dr. King's philosophy of understanding the plight of one another through education.

As we celebrate the life and legacy of one of our greatest national leaders, we need to return to those basic values which Dr. King promoted. His values are work, family, charity for our fellow man, and, most importantly, the recognition of a higher moral authority, which empowered his life so much.

I had the opportunity last year to meet in Atlanta with Dr. King's wife, Coretta Scott King. She brought up again that point of view that empowered him, which was the power of faith that was evident in all that he did. Only through those qualities he expressed and lived by will we become a nation truly worthy of Dr. King's legacy.

According to Dr. King, I will quote again:

> The ultimate measure of a man is not where he stands in moments of comfort and convenience, but at times of challenge and controversy. A true neighbor will risk his position, his prestige, and even his life for the welfare of others.

Indeed Dr. King exemplified those qualities in his life, and I invite all of my colleagues to join me in continuing this legacy.

We will be introducing—probably within a month—the bill on the national African American museum. I hope my colleagues will join us in supporting this. I think it is going to be an important statement. We have tried now for some 73 years to get this sort of museum—I have not personally, but a number of groups have. It is time that this happens in order to tell the difficulties, trials, tribulations, and triumphs of the African-American people. It is my hope that through this understanding we will start to improve and create bonds and a racial reconciliation in our land.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATURAL DISASTERS IN NORTH DAKOTA

Mr. CONRAD. Madam President, I rise to talk about a matter that is of urgent concern to the people I represent in the State of North Dakota, where we have been hit by a series of natural disasters, both drought and flood.

In northeastern North Dakota, we have had nearly a decade of overly wet conditions and, as a result, very severe crop damage, a dramatic loss in production. Ironically, in the other corner of the State, the southwestern corner, we have had the most severe drought since the 1930s. This combination has been a devastating blow to producers in my State, as it has been to producers in Montana, where they have suffered from terrible drought. Right down the core of the country, State after State has experienced overly dry conditions. On the other hand, States to our east have experienced overly wet conditions, with dramatic crop losses, and substantial damage to the economy as a result.

In the last farm bill, we passed in the Senate on a bipartisan basis a disaster relief package. When we went to conference with the House of Representatives, we were told there were two things that could not be negotiated. One was opening up Cuba to trade. The second was disaster assistance. We were told that both had to go to the Speaker of the House. When the Speaker of the House was contacted, he said that the answer on both of those questions—opening up Cuba for trade and disaster assistance—was a firm no.

The administration, in open session in the conference committee, indicated they would not support disaster assistance.

Madam President, we now come to this juncture, and we have another opportunity to respond to the extraordinary natural disasters that have been felt in various parts of the country. And the question is: What do we do? Some have suggested in this legislation

an across-the-board cut of 1.6 percent in all domestic programs, and then to take some of that money and give a bonus payment to all farmers, whether they have been hit by natural disaster or not.

As much as I would like to see a bonus payment to all farmers, I really do not think it can be justified before we provide a disaster program for those who have been hit by natural disasters.

The hard reality is that this is something we have always done, whether it was floods in other parts of the country—Missouri—or hurricanes in Florida or earthquakes in California. Every year I have been here, 16 years, we have responded to natural disasters. Last year, for the first time ever, we failed. There was no program to respond to natural disasters.

I do not think we are going to look very good to the American people or very responsive to those who have suffered from natural disasters if our answer is to cut programs across the board and give a bonus to all farmers whether they suffered from natural disaster or not. I just do not think that can be defended. I believe such an approach is going to create very hard feelings, and I do not think it is fair.

The drought we are experiencing in southwestern North Dakota has now crept across the State. We just received the latest information from the U.S. Drought Monitor. It shows that the drought is now covering virtually all of our State and, of course, it shows the terrible and prolonged drought to our west in Montana, Wyoming, Colorado, and down into Arizona. This is a drought that is expanding, that is growing, and that is devastating everything in its wake. That has to be responded to, and always before, we have had a program of natural disaster assistance.

Some have said: Just take it out of the farm bill. There are no provisions for disaster assistance in the farm bill. The administration opposed it. It is not there.

Some say it is not fiscally responsible to have a program of natural disaster assistance. We have never taken that position in the whole 16 years I have been here. We have helped every part of the country that suffered from natural disaster. Every year, we have helped those who have been hurt. I do not think we should do any less this year.

The fact is, I wrote the Congressional Budget Office and asked them: What are the savings in the farm bill because of these disasters? They wrote back to me and said: Senator, the savings, because of these natural disasters, are approaching $6 billion this year. Why? If you have natural disasters, you have less production; less production, higher prices; higher prices, lower farm program payments.

The distinguished occupant of the chair is married to a gentleman with whom I served for many years. Senator Dole, the former Republican leader, represented Kansas in the Senate. He and I worked together many times on disaster assistance in the Agriculture Committee and on the floor of the Senate. Whether it was a problem in Kansas or a problem in North Dakota or a problem outside of our States, we sought to be responsive to those who suffered from natural disaster, and I believe we should do that again.

The proposal in this appropriations bill was not done in consultation with the Agriculture Committee members, and it borders on bizarre. I do not know how else to say it. To cut every other domestic program by 1.6 percent and then give a bonus payment to every farmer, whether they have suffered losses or not, whether they have had natural disaster or not, I do not think can be justified.

We just passed a farm bill. I fought very hard for it. It is a good farm bill. It is not perfect, but it is a good farm bill, substantially stronger than the previous farm bill. For us to cut every other program 1.6 percent and give a bonus payment to every farmer in the country whether they suffered from a disaster or not, I do not think can be justified, I do not think can be supported.

Sign me up to give help to those who have suffered a natural disaster. Whether it is in the State of Kentucky, the State of North Carolina, the State of New Mexico, the States of North or South Dakota, Montana, or Colorado, we ought to have a disaster package, disaster assistance for those suffering from disaster. We should not cut everybody else and give bonus payments to those who have had no disaster.

How can that be justified? What are we going to do, cut law enforcement to give bonus payments to those who had no disaster? I do not believe that will be sustained. I do not believe that will be carried through the process. I do not believe the President of the United States would sign such legislation. Most of all, it is not right.

Let's take the resources that are available, the substantial savings that are in the farm bill because of these disasters. Because we had natural disasters, there is less production; as a result of that, there were higher prices; as a result of that, there were lower farm program payments to the tune of $6 billion, maybe more. The CBO is about to release new estimates. They may show even greater savings. I think a portion of those savings ought to be allocated to help those who suffered from natural disasters, and goodness knows those losses were widespread in 2002.

I conclude by asking my colleagues to think carefully about the precedent we are setting because always before, when others suffered natural disaster, we responded. We ought to do no less now.

Mr. SARBANES. Madam President, it is appropriate that, on the eve of the Martin Luther King, Jr. holiday, I rise today to pay tribute to a great Marylander and civil rights leader in his own right, former Baltimore Mayor Clarence ''Du'' Burns.

From humble beginnings in East Baltimore, Du Burns began a lifetime of public service and great accomplishments, eventually becoming the first African-American mayor of Baltimore. Born on September 13, 1918, in East Baltimore, Du attended Frederick Douglas High School and the Larry London School of Music, where he developed a love of jazz that would stay with him through his lifetime. At the age of 21, he married Edith Phillips, and soon thereafter joined the United States Army Air Corps. Du served in the Air Corps for 3 years before returning to Baltimore and embarking on a long career of service to the city.

For 20 years, Du Burns worked at Paul Laurence Dunbar High School as a recreational and youth hygiene counselor. In 1971, he first entered the political arena, serving as 2nd district councilman from 1971 until 1982, and later became both Vice President and the first African-American President of the city council. Then, on January 26, 1987, Du was sworn in to complete the term of Governor William Donald Schaefer, becoming the 45th mayor of Baltimore and the first African-American mayor in the history of the city.

This simple list of Du's career positions does not come close to expressing all he accomplished and all he meant to Baltimore. Du Burns got his nickname because he was always ''doing'' things for others. He made his life's work the improvement of our city, particularly those areas that others had written off as beyond help. Among his many accomplishments were the creation of the new Dunbar High School Complex; the East Baltimore Medical Plan, the first community-based HMO in the Nation; and Ashland Mews, a 372 town home community for first time homeowners. Du was one of the founding members and later a long-time chairman of the board of the East Baltimore Corporation, a nonprofit organization that provides substance abuse services, job training and placement, and numerous other services to people that desperately needed assistance in order to revitalize the community. Du likewise was a founder and chairman of the Eastside Democratic Organization. But most central in his life was his family and his church. Du was an active member of the St. Francis Xavier Roman Catholic Church for 45 years, and devoted to his wife Edith, daughter Cheryl, granddaughter, and extended family.

Like Dr. King, Du Burns serves as an example that one person can move mountains and change the world for the better with selfless service to the

community. I was privileged to attend the funeral mass for Du yesterday, which was a touching celebration of his life and legacy. I think the homily given by Father Edward Miller at that service was a wonderful tribute to the spirit that guided his life, and which we should all strive to emulate. In honor of Du Burns, I ask unanimous consent that a copy of that homily now be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EULOGY FOR CLARENCE ''DU'' BURNS

(By Father Edward Miller)

Extraordinary people are ordinary people, who allow God's Amazing Grace to touch them and transform them.

Extraordinary people are ordinary people, who, if you hinted that they were extraordinary, would deny it, with all Christian Honesty and Humility.

Extraordinary people are ordinary people, who, are graceful in life's victories, and gracious in life's defeats, because they know the God who makes the sun to shine on the just and unjust, the rain to fall on the good and not so good.

Extraordinary people are ordinary people, who, when they are 'the first' to do something, simply say that somebody had to be first, but then look out for those who come after them, knowing that ''if I can help somebody . . .''

This morning we come in faith to commend the soul of our brother in the Lord, and an extraordinary man, Clarence Du Burns, to Almighty God.

I'll bet even God calls him Du.

When I went to the hospital to give him the Last Rites of our Catholic Church, his much loved grandchild Lisa, trying to wake him up, kept calling in his ear, ''Du - Du - Du - wake up!''

Now, I come from the old school, and cannot ever imagine calling either of my grandfathers John.

But I am sure that Du would have had it no other way!

He was proud of that name! And he will probably be the only Baltimorean to ever carry it. He got it the old fashioned way: he earned it.

When you speak it, and we had better tell his story to our children and children's children, speak his name with reverence, and with respect.

Du Burns embodied what was good about politics, what was good about life, what was good about Baltimore, the city he loved.

He loved his country, which he served for 4 years in the army.

He loved his Catholic Faith, and as a convert to Catholicism 45 years ago, was a member of St. Francis Xavier Catholic Church, itself a first, the first African American Catholic Parish in the US.

It was the only church he was a member of as an adult, those 45 years, although he was known to sneak over to St. Bernardine's from time to time with Cheryl and Lisa, and soon stopped standing up when visitors stood to be recognized.

He served at St. Francis Xavier as an usher, but not in an official, usher board capacity; he stepped in when needed, when the ushers were short-handed.

That was Du.

The Sun editorial on Tuesday said ''when he ascended in 1987 to become the first Black mayor of Baltimore, Mr. Burns knew a thing or two about how to make things work. He knew how to run an organization, he knew how to look after people.''

Cardinal Keeler, that sounds like the definition of an effective pastor! And he might have made a great Catholic priest and pastor, except that God called him to another vocation, to say ''I do'' to Miss Edith 63 years ago, and to travel through life together for these past 63 years.

Du loved his family, his wife, daughter and granddaughter, as the family pictures that literally cover every square inch of the living room walls attest.

Much was always made of Du's humble beginnings, of the locker room at Dunbar. And I say, ''Tell it, tell it, tell it some more; tell it to our children, who flippantly dismiss flipping burgers, because it is beneath them.''

Our youth need to know that if you have nothing, then nothing is below you. You can't be the CEO, if you have Zero!!! We need to tell them that in life, you do, and you keep doing; and if God gives you a lemon, you make the best lemonade anyone ever drank. That was Du's way!

Tell them that if you do what is right, God will make a way, somehow! That was Du's faith!

His being present and available back then at Dunbar, led to so many other developments.

Du became a youth counselor—to shape and guide young lives; a teacher—who shared his street smarts, and mentored aspiring politicians in East Baltimore; a developer—as the Dunbar Complex rose up; this uneducated man!; an architect—of the East Baltimore Community Development; a builder—as new housing rose up for first time home owners; a negotiator—as his skills built city council coalitions; this uneducated man!; a doctor—as the East Baltimore Medical Plan came to be; a wise man—who knew that you don't hang your dirty laundry out for all to see; but you clean it up in the back room, and hang it out clean, so no one would be embarrassed; a mathematician—who knew that ''10'' was the magic number; 10 votes, you win! This uneducated man!

But most of all, Du Burns was a servant of God!

The First Letter of John tells us that we cannot say we love the God we cannot see, if we do not love the sisters and brothers we do see.

Du knew that; he saw situations, he recognized needs, and he served. The phrase ''too busy'' was not in his vocabulary.

People were housed, fed, educated, given a chance, at his initiative. That is not irrelevant; that is life-giving, that is service; and to a believer, that is living the Gospel of Jesus Christ.

Baltimore is better, because Du Burns, an ordinary man, took what God gave him, used it for others' good, and became extraordinary, and forever a piece of Baltimore history.

Too many people spend their lives climbing the ladder of success, and when they reach the top, they find out it has been leaning against the wrong building all the time.

Not so for Du.

Most important: Du knew what God would do.

He knew that it mattered not if your name appeared in Who's Who at the library; it only mattered if your name was written in the Book of Life.

Sunday afternoon, Our Father God sent an escort named Jesus, to take Du home.

As lovingly as Lisa had called his name the Sunday before, Jesus now called his name.

The man who rode to many city appointments in a city limo, now had his best ride ever, as that heavenly chariot swung down to take him to that home on the other side, to that land where he will never grow old.

And he heard the Lord say, Du, you did! You understood that, whatever you did to the least of your s/b, you did to me! Now, rest in the green pasture, sit beside the cool water, take your place at the banquet table.

On Du's tombstone will soon be inscribed his name, dates of birth and death, and a dash in between them.

What he did in that dash through life made all the difference.

The psalmist says that 70 is the sum of our years, or 80 if we are strong.

So we place a strong man, tenderly, lovingly, into God's unchanging hands.

We are better, Baltimore is better, because Du passed through.

Thank You, Lord, for Du. Give him, we pray you, the reward that his good labors deserve.

Eternal Rest grant unto him, O Lord . . .

Mr. BREAUX. Madam President, I rise today to pay tribute to a great humanitarian and a great American, Dr. Martin Luther King, Jr. This week, as our Nation honors Dr. King on what would have been his 74th birthday, we have an opportunity to reflect on his courage, his legacy, and his dream for a better and more equal America.

To honor his legacy and to more fully realize Dr. King's dream, we in public service must support an agenda that reflects what is most important in the lives of all Americans, policies that emphasize economic opportunity, improved education, an enhanced healthcare system, election reform and protection of basic civil rights.

First, as we commemorate the legacy of Dr. King and his dream for our Nation I would like to take an opportunity to recognize the brave contribution of the African-American community in my own state of Louisiana, men and women who have been true leaders and pioneers in our shared journey for equality, justice and human dignity for all Americans.

Our country's first bus boycott, before Rosa Parks' courageous stand in Montgomery, occurred in Baton Rouge. Dr. King's national civil rights organization, the Southern Christian Leadership Conference, was inaugurated and chartered in New Orleans. And the bravery exhibited by students at Southern University was responsible for the landmark Supreme Court case that desegregated the entire interstate commerce facilities.

Dr. King's dream for equality and opportunity is reflected in recent work here on the floor of this body.

Last year, Congress and President Bush worked together to improve education for all students in our public schools with increases in Federal incentives for the lowest performing schools. To that end, I intend to pursue increased funding for the TRIO and GEAR UP programs, and for Historically Black Colleges and Universities, HBCUs.

Congress has passed comprehensive election reform legislation to begin to correct the problems and prevent the abuses of the 2000 election that led to the disenfranchisement of African-Americans and other minorities.

Our country struggles through an economic slowdown with high levels of unemployment, particularly in the African-American community. Congress has acted and passed an extension of unemployment benefits.

In 1996, we changed the way welfare works to help families escape the cycle of poverty and achieve independence. This year we must reauthorize those landmark reforms, but do so with more funding for childcare, healthcare and transportation. Children should not be the victims of welfare reform, and no mother should be forced to choose between her job and the care of her child.

There is much more to do. Today there are more than 40 million Americans without health insurance. As health care costs rise, we need a new approach to health care in this country, an approach that aspires to universal access for every man, woman, and child.

It is also past time to engage in a sustained and serious dialogue on racial profiling with an eye toward more public education and antiprofiling legislation.

Our country has come a long way in working to end the plague of discrimination and prejudice. Are things better? Yes, but they can be better still. We can do better, and we must.

Mr. LEVIN. Madam President, all across America preparations are being made to commemorate the life and legacy of Dr. Martin Luther King, Jr. On Monday, January 20, we will memorialize a man who sought to protect the dignity of a people and awaken the conscience of a Nation.

Dr. King's death is 35 years behind us now. To some extent, deeply felt passions and the frustration, anguish, and bitterness with which the Nation was consumed during the tragic year of 1968 have cooled. But what remains with us and what is indelibly woven into the fabric and history of our Nation is the vision which Dr. King lived for and the dream for which he died. Dr. King embraced all Americans in his quest to make a living reality of equality of opportunity and economic and social justice for all humankind, those fundamental principles in our Constitution.

This great warrior, whose battlefield was the hearts and minds of those who did not feel that justice and dignity were meant for all people, whose shield and armor was a strong determination and an unassailable character and whose ammunition was moral conviction and self-sacrifice, continues to deserve the fullest honor of this Nation.

Dr. King gave a number of famous speeches during his time, most notably in Montgomery, Birmingham, Selma, Chicago, Detroit, and several other cities. He came to Detroit on June 23, 1963, the day after his first meeting with President Kennedy. Introduced as ''America's beloved freedom fighter,'' he called the ''Freedom Walk'' that day in Detroit ''the largest and greatest demonstration for freedom ever held in the United States.'' Dr. King went on to say, ''. . . I can assure you that what has been done here today will serve as a source of inspiration for freedom-loving people of this nation.''

Dr. King spoke about Birmingham and the vision that had been broadcast to the entire world just two months earlier, when dogs and fire hoses were turned against peaceful marchers. He said, and I quote, ''Birmingham tells us something in glaring terms—it says that the Negro is no longer willing to accept racial segregation in any of its dimensions.'' It is said that the Freedom Walk in Detroit was in many respects a rehearsal for the upcoming March on Washington and Dr. King's I Have a Dream speech, two months later on August 28, in our Nation's Capital.

Dr. King gave the people of this Nation an ethical and moral way to engage in activities designed to perfect social change without bloodshed and violence; and when violence did erupt it was that which is potential in any protest which aims to uproot deeply entrenched wrongs. Dr. King preached, ''Do not be overcome by evil, but overcome evil with good.''

He believed in a united America. He believed that the walls of separation brought on by legal and de facto segregation and discrimination based on race and color, could be eradicated. His quest was to make a living reality our fundamental principles, that ''all men are created equal,'' and with a right to ''life, liberty, and the pursuit of happiness.''

Few have dedicated their life so tirelessly in the struggle for equality as Dr. King. From the bus boycott in Montgomery to the sanitation workers in Memphis, his unyielding commitment to improve the lot of all Americans was demonstrated—he achieved significant goals by peaceful and nonviolent actions. To Dr. King, those means were beneficial to those in the struggle as the ends they were seeking.

With reference to the 11-month long successful Montgomery bus boycott, he said:

> Nonviolence had tremendous psychological importance to the Negro . . . This method was grasped by the Negro masses because it embodied the dignity of struggle, of moral conviction and self-sacrifice. The Negro was able to face his adversary, to concede to him a physical advantage and to defeat him because the superior force of the oppressor had become powerless . . . I am convinced that the courage and discipline with which Negro thousands had accepted non-violence healed the internal wounds of Negro millions who did not themselves march in the street or sit in the jails of the South. One need not participate directly in order to be involved . . . to have pride in those who were the principals . . . to restore to them some of the pride and honor which had been stripped from them over the centuries. We have come a long way toward achieving justice and equality for all.

When the Supreme Court order to end segregation on buses was delivered to Montgomery, Dr. King proudly told an overflow crowd at a local church:

> We came to see that, in the long run, it is more honorable to walk in dignity than ride in humiliation. So in a quiet dignified manner, we decided to substitute tired feet for tired souls, and walk the streets of Montgomery until the sagging walls of injustice have been crushed.

We have come a good distance in fulfilling Dr. King's dream, but there is still a ways to go. Let us rededicate ourselves today, in his name, to continuing the struggle for human rights for all, for which he lived and died.

Mr. SMITH. Madam President, I rise today to celebrate the life and remarkable work of Dr. Martin Luther King, Jr. In remembering Dr. King, I think we should all hold close to our hearts these words, spoken by Dr. King in May 1944:

> So as we gird ourselves to defend democracy from foreign attack, let us see to it that increasingly at home we give fair play and free opportunity for all people.

Even as we continue to fight the war on terrorism abroad, we are reminded of the injustice that still exists here, and we must be equally diligent to root out violence and discrimination at home.

The racial profiling and hate crimes that have occurred in the wake of September 11 are a blight on our Nation; but, we know that hate crimes are not new. June will mark the 5th anniversary of the murder of James Byrd, Jr. in Jasper, TX. James Byrd was dragged to his death for no other reason than hatred of the color of his skin. This is shameful, and our government must do more to protect all its citizens regardless of skin color, religion, gender, national origin, or sexual orientation.

As all of my colleagues know, I have been working to pass hate crimes legislation that will eliminate the bureaucratic jurisdictional hurdles that hinder our efforts to prosecute hate crimes, and give federal prosecutors new resources for cases involving race. I know that this will be the year to finally pass this legislation in the U.S. Senate. It is high time that we act to end the specter of hate across our Nation.

So as we pause to remember Dr. King next week, let us continue to look for opportunities to try to create change. We can all work a little bit harder to create the kind of world he dreamed about, a world in which things are the way they ''ought'' to be rather than the way they are.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, on the occasion of the day that honors Dr. Martin Luther King, Jr., I offer a couple of thoughts. I will share with the Senate a couple of stories.

I think of what Dr. King and his band of brothers and sisters meant to this Nation and their extraordinary success under extremely difficult circumstances and under a great deal of duress. One of his young lieutenants is a member of this Congress, Congressman JOHN LEWIS of Atlanta. He was one of the youngest of Dr. King's lieutenants, having been a very young preacher from Alabama who had joined Dr. King, a young preacher who, by the way, has regaled so many in this Congress with the stories of how he learned to preach in a rural area of Alabama, on a dirt farm, where JOHN LEWIS as a child would go out to the henhouse, and there, with an audience of hens perched on their perch in the henhouse, JOHN LEWIS would start to practice his oratory that ultimately brought him to be such a great preacher, to be such a great lieutenant of Dr. King's, or now, as we know, a great public servant, having been a Member of the House of Representatives for a number of years.

But the story I wanted to share about JOHN LEWIS, I asked him one day, there was something very special about what you and Dr. King and the rest of Dr. King's group would do because you were always together and there was not a lot of discord. How was it, in the face of all of that physical threat and at times physical brutality, you were able to be so successful and so single-minded of purpose that you ultimately achieved your goal?

He said: Bill, we always met together as a covenant group in prayer and we always prayed together that divine providence would watch over us, and that gave us the strength.

That was an insight for me into that extraordinary part of American history where they were so very successful. So, on this eve of Dr. Martin Luther King's holiday, I not only give the reverence and the respect to Dr. King, but to those who were with him, like our friend, our colleague here in the Congress, Congressman JOHN LEWIS.

But there is another story I wanted to tell you about. It is illustrative of some of the obstacles that have had to be overcome, particularly by minorities and people of color, for whom Dr. King fought so successfully. I want to tell you the story about Charlie Bolden from Columbia, SC.

One day I was down in my State and a very distinguished retired gentleman approached me. He said, You don't know me, but we know someone in common and that's Charlie Bolden. He knew that the relationship I had with Charlie Bolden was that Charlie was my pilot on the 24th flight of the space shuttle. Both of us were rookies. That is the same Charlie Bolden who went on to command two more flights, ultimately retired from the astronaut office, went back in the active duty Marines, and has just recently retired with a second star—General Charlie Bolden.

But the story this gentleman wanted to tell me was the extraordinary success story of Charlie Bolden from Columbia, SC, whose father was a football coach, whose mother was a librarian who had always taught him the value of an education and the value of hard work. Yet when this outstanding high school student applied to the Naval Academy, his representative from the South Carolina congressional delegation would not nominate him because of the color of his skin. So this gentleman I met in Florida wanted to tell me the story.

He was an Assistant Secretary of Defense under the administration of President Johnson, and one of his specific duties, in addition to his Department of Defense duties, was to go around the country and find promising minority students and try to get them married up with a sponsor who would nominate them to the service academies. This gentleman found Charlie Bolden, who could not get a nomination from his congressional representative in his home State. But Senator Hubert Humphrey of Minnesota nominated Charlie.

Charlie went to Annapolis. He was promptly elected president of the freshman class and continued as class president, interestingly, alternating as class president in that Annapolis class with another very distinguished American, the just retired Adm. Blaire, the Commander in Chief of the Pacific for the United States. Charlie, at the end of graduation, chose the Marines. He chose aviation, he became a marine test pilot, and then he applied for the astronaut office. Fate brought the two of us together on the flight that had to be scrubbed four times on the pad, delayed over the better part of a month. On the fifth try, almost a month later, we were launched into an almost flawless 6-day mission, with Charlie having to correct a helium leak immediately after launch, only to return to Earth from a very successful mission and, 10 days later, Challenger launches and blows up 10 miles high in the Florida sky.

An extraordinary success story about a fellow, an African American, who wanted to achieve, who obviously had the right stuff, who could not get in because of the color of his skin in a nomination process, who was given a break and who soared in his personal achievement and his contributions to our society. This is another example of the principles for which Dr. King fought.

I want to tell one more story. This is a story that has nothing to do with American history, but it is one of my favorite political heroes in history. A British parliamentarian by the name of William Wilburforce came to the Parliament in the 1790s and served there for almost 4 decades. He came to the Parliament at age 21. He came at the same time as his good friend, William Pitt the younger, who, 3 years later, at age 24, was elected Prime Minister and, of course, William Wilburforce, one of Pitt's best friends, could have been a part of the government. But he had an experience and he decided to devote his life to the elimination of the established economic order of the day in England at that time, the English slave trade.

Just to give you an idea of the enormous economic power of the slave trade at that time, in the 1790s and early 1800s, it would be as if you would take half of the American Fortune 500 companies, combining all of that economic power, and that was the power that invaded the whole country of England at that time. That was how much money was being made by the shipping companies, by the captains, by the seamen, by the insurance companies. They would go under the flag of truce, down off the African coast—sometimes with the complicity of some of the tribal chieftains and sometimes not—taking natives as slaves against their will and forcing them into the holds of ships, separating them from families and shipping them to the new world where they would be sold.

Wilburforce, at age 24, and a Parliamentarian, said this is wrong; it is against God's law, and he devoted himself to the abolition of the English slave trade. Time after time, again he was beaten in vote after vote, but he persevered. He overcame, and 20 years later his bill passed the Parliament. As a matter of law, the English slave trade was abolished. Some 20 years later—literally 3 days before William Wilburforce died, news was brought to him on his deathbed that the Parliament had abolished slavery, a full 2 or 3 decades before slavery was abolished in the United States.

He also had as one of his great crusades not only the English slave trade, but what he called ''The Reformation of Manners''—what we term today a moral and spiritual revitalization of the country. He did that for England in that day and was exceptionally successful, particularly after he wrote a book, which would be at the top of the New York Times best seller list today, called ''A Practical View''—written by William Wilburforce.

On this eve of Dr. King's birthday I wanted to reflect on these giants—JOHN LEWIS, a contemporary among us, a lieutenant of Dr. King; Charlie Bolden, a contemporary today, a just retired Marine two-star general, former astronaut; and William Wilburforce, one of the great leaders who single-handedly as a single member of Parliament—not in the government—changed the course of history of the world by his persistence in establishing a law to abolish the English slave trade.

What do those three people have in common, JOHN LEWIS, Charlie Bolden, and William Wilburforce? What they had in common was clearly they were courageous, clearly they were persistent, and clearly they were talented. But they also were ''overcomers''—to overcome the established order of the day, to make things different, and to make things more right.

This is my testimony to Dr. King.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the Senator from Florida for a moving and insightful tribute to William Wilburforce, someone I never heard of before I came to the Senate. Now many of our colleagues have talked about him in the same vein as the Senator from Florida has.

Picking up from the theme he has established, I would like to talk briefly about the legacy of Martin Luther King. I was in Washington when the great march took place that led to Dr. Martin Luther King's moving address ''I Have a Dream'' occurred.

One of the interesting things about that address from which I take some comfort is Dr. King left his established transcript in the speech. He started out sticking to the transcript, and as the speech built he became overcome with the spirit of what he was doing, and extemporaneously launched into the soaring phrases that he outlined of ''I Have a Dream,'' and he described to America what he saw.

One of the interesting ironies of today's debate about civil rights is the dream Martin Luther King, Jr. saw in the eyes of many is being turned on its head. He saw a country where color would make no difference, where it would make no difference in employment, where it would make no difference in academic admission, where people would be judged on the basis of anything but their skin color. He had a dream that that time would come.

I will not go into detail about the current fight that is going on with respect to the University of Michigan, but I do wonder aloud how you can square what has been going on at the University of Michigan with Dr. King's dream. If at the time he had given that speech the University of Michigan had a rating system for all of its applicants and said if you are white we will give you an automatic 20 points on our rating system, but we will deny those points to anyone who is Hispanic, Asian, or African in heritage, I think Dr. King would have had a few things to say about the inequities of that. I think clearly he would have condemned that, and he should have condemned that.

Now some of those who claim to be his spiritual heirs are applauding that when it is applied in reverse. I will leave that matter to the courts. I will let that play itself out however it happens.

But I want to make this one further observation.

What does that tell us about Dr. Martin Luther King, Jr.? That tells us he had parents who were married to each other, who were stable in their family, who loved him, and who raised him in a family circumstance.

The African-American woman who has achieved perhaps the highest degree of success in contemporary society is Condoleeza Rice. What do we know about Condoleeza Rice and her rise in this struggle? We know that she was born in Birmingham, AL where Dr. King wrote the letters from a Birmingham jail. We know at the time Birmingham, AL was regarded as the most heavily segregated city in the United States. We know that is where the riots were. That is where Dr. King was arrested. That is where he wrote his letters from that jail. That is where Condoleeza Rice grew up.

We know this about Condoleeza Rice. She had parents who were married to each other, who loved each other, and who provided her with a home in which she learned.

One of the things she learned, as outlined in her biography, was because she was black and female she would have to be twice as good and work twice as hard in order to make it in the white world. Instead of protesting that, instead of taking to the streets and complaining about that inequity, Condoleeza Rice determined she would indeed be twice as good and work twice as hard as any of her contemporaries.

The story is told that when she was at school at the college level, one of her professors began to lay out the case that blacks are inherently inferior to whites. Condoleeza Rice as a young student spoke up and said, We are the ones who play Beethoven and speak French. What about you? She is an accomplished concert pianist. She went on to a Ph.D. and she became the youngest and first female provost at Stanford University with an outstanding career as she worked twice as hard to be twice as good as anybody else.

Some would argue that the most successful black African-American of our time is Secretary Colin Powell. I have read his biography. I find, among other things, that what he talks about, in his experience dealing with segregation and discrimination in America and growing up following the contributions of Dr. Martin Luther King, Jr, is his family. He had parents who were married to each other and who provided him with a loving and nurturing home situation. He describes that in his biography.

I suggest this because I think there is a clear thread here. Martin Luther King, Jr., came from a stable family. Condoleezza Rice came from a stable family. Colin Powell came from a stable family. And in the same period that Martin Luther King, Jr., was making his contribution, a young staffer in the Johnson administration named Daniel Patrick Moynihan wrote prophetically of the breakup of Black families in America and talked about what would happen to the African-American community if the family cohesion that had been there before was somehow not preserved.

The predictions and implications of former Senator Moynihan's work have come true, tragically. Today, over two-thirds of the children born to African-American mothers are born outside of a formal marriage, outside of a stable family, outside of that one constant that provided the launching pad for the careers of those who have been successful among us.

Of course, the lack of a family, the lack of loving parents who are married to each other and provide a nurturing circumstance—the devastation of that lack knows no racial boundaries. White students, Asian students, Hispanic students—whoever it might be—who come out of a circumstance where they do not have a stable family relationship are statistically at far greater risk educationally, economically, socially—every other way—than those who come from a family background.

So as we celebrate rightly Dr. Martin Luther King and his contribution to this country, we should also recognize the importance of sustaining traditional family values in this country for everyone, regardless of race. And I would think that adding to Dr. Martin Luther King's dream, we should have a dream of a time when no child is reared in a circumstance where there is not a loving support system.

Now, it need not always be blood relatives. Clarence Thomas, who sits on the Supreme Court, has written movingly of his family, but his family was a family of Catholic nuns who gathered around him and provided surrogate parenthood and gave him the kind of nurturing opportunity as a young man that he needed if he was going to succeed.

We should understand that there is no substitute in Government programs for that kind of nurturing background. And we should look around us at the role models who have overcome discrimination and segregation and

achieved greatness and recognize that the common thread throughout most of their lives is some kind of family background, family stability; nurturing, supporting activities when they were in their formative years.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003—Continued

Mr. VOINOVICH. Mr. President, to my colleagues who have known me and who have heard me speak on spending issues before, what I am about to say may be very shocking, and it shocks me as well. I am going to vote for this appropriations bill. It contains only a 3-percent increase in total spending—can you believe that; that is mandatory and nondiscretionary domestic spending, a 3-percent increase—and a 2.4-percent increase in discretionary spending.

All of us should congratulate the President for sticking to his guns and keeping his promise that he was going to restrain spending while he was President.

We also should thank Appropriations Chairman TED STEVENS and his colleagues on the committee who have done a good job in putting this package together. It is time for us to move on.

I would first like to comment on why we are here. Why are we here today? We would not be here today if we had passed a budget last year and had not wasted so much time debating bills on the floor of the Senate that should have been taken care of properly in committee.

Last year was the first time the Senate did not pass a budget resolution since the Budget Act of 1974. Think of that. For 29 years we passed a budget, but last year we were not able to muster up the votes to get a budget passed. In addition, we have spent so much time debating bills on the floor of the Senate that should have been handled properly in the committees where those bills originated. In so many instances where the leader was unhappy with the results of the committee work, he yanked the bills out of committee, took it into his office, rewrote the bill, put it on the floor, and we debated it. For example, the energy bill, where we spent 8 weeks debating it, when it could have been taken care of in the Energy Committee. The energy bill, the farm bill, the economic stimulus bill, we spent so much time last year dealing with things that should have been done in committee.

I am hoping the new leader gives more emphasis to the importance of committees in the Senate. I cannot understand why the previous majority party's committee chairmen were not up in arms about so many bills that should have been handled in their committees, but were pulled. We wasted a lot of time last year, and the chickens have now come home to roost. We have operated on a continuing resolution for 4 months—October, November, December, and January.

The executive branch is already one-third through the fiscal year, and the President wants us to finish our work. The American people want us to finish our work. There are so many Federal agencies today that are providing services not knowing what their budget is going to be for this year. Starting this week, executive branch agencies must absorb a 3.1-percent pay raise within fiscal year 2002 funding levels. I know what that is like. I know, as a former governor and mayor, the pressure that puts on agencies. Many agencies will be unable to effectively allocate funds, particularly competitive grant funds, prior to the end of the fiscal year without a final appropriation in the next 20 to 30 days.

In other words, consider the many agencies that have competitive grant programs. These agencies will not be able to get their requests for grant applications out this year, nor the grant applications back in unless we get things done in the next few days. Also thousands of people, like my nephew, are out of work because companies they work for that have government contracts don't know if the projects that are being funded by the Federal Government will continue. Government programs have been on hold for the past 4 months and won't move forward until we pass an appropriations bill.

One of the things hurting our economy today is uncertainty. We have contributed to it because we haven't been doing our work.

My constituents ask me: Do you guys in Washington get it? Do you get it? Do you understand what is going on? We are at war. The President of the United States has more on his plate than perhaps any President in my memory. Some say FDR; some say Abraham Lincoln. The economy is sputtering. Our constituents believe we are behaving like Nero, fiddling around while Rome is burning. They continue to ask, don't you get it?

We have to understand that we cannot tolerate business as usual. In fact, business as usual looks pretty good compared to what we have been doing the last year or so, and the way we have been behaving.

If corporate executives in the private sector took this much time to implement their budgets, they would never bring any projects to market or create any new jobs and our economy would collapse.

Let's get appropriations done now. None of us are happy with everything in it, and everyone would like to add something, a pet project, a pet constituent request. All of us have them. Hopefully, some will be taken care of and smoothed out in conference. But if not, they will have to be handled in the 2004 budget.

Remember we are in this pickle because we did not do our work last year. Let's get it over so we can begin to do our work this year. Let's get on with the budget, so that we can have an aggressive effort to do the 2004 appropriations bills and the other urgent business of the American people.

God only knows what the budget environment will be if we go to war with Iraq. As all of us in this body understand, even if we do not go to war, there are likely to be supplemental expenditures for whatever the final settlement with Iraq will be.

Let's look at this proposal before us. This bill represents a compromise between true fiscal discipline and Congress' desire to spend. It is made up of 11 bills. Passage of this bill will bring non-defense discretionary spending up to $385 billion, an increase of 2.4-percent over the fiscal year 2002 level. It provides everything the President asked for except the $10 billion defense contingency fund. Although this low number is something to rejoice about, we had better understand that one of the reasons it is low is that we have had a continuing resolution for the past 4 months and we have been spending money at FY 2002 levels.

Included in the package is a 1.6-percent across-the-board cut in all domestic spending, in order to accommodate some high-priority items. Let's not forget about that. Some are talking about amending this bill. The bill already contains an across-the-board reduction so we could provide $3.1 billion for drought aid for farmers in counties that have been declared disasters. In my particular case, we have 88 counties in Ohio that have been declared disasters. Mr. President, the bill includes $1.5 billion for election reform; which is not as much as we promised the states when we passed the election reform legislation, but it is a substantial amount of money that will help the states. And the bill includes $1.6 billion for a Medicare physician's fee fix. All of us have heard from our physicians in terms of the Medicare situation they are confronted with, when every year the amount of reimbursement is going down and down.

Inflation this year is only about 2.4 percent, nevertheless, all but two appropriations bills in this package are getting increases above that rate.

The Labor-HHS appropriation has grown an average of 12.4 percent every

year since I have been here and will grow another 5.4 percent in this bill. So this bill does not represent draconian restrictions on Federal spending.

In fact, the proposed $750 billion budget the President wants can fund critical priorities within the limits of fiscal discipline. That $750 billion represents an increase of over 11 percent in discretionary spending in just the last 2 fiscal years. I don't know anybody who has had those kinds of increases. If you look at our spending during the last 5 years, you see we have increased spending in most of the 13 annual appropriations bills by about 7.1 percent each year. That is about a 43-percent increase in spending since I came to the Senate. During the same period of time we have had inflationary growth of only about 11.4 percent.

The projected deficit for fiscal year 2002 was $314 billion, which included using Social Security, and the projected deficit for 2003 is already $315 billion. Someone said at a meeting I attended yesterday that it could go up to about $370 billion because we are going to have to borrow more money than what we originally expected.

We just increased the debt ceiling last June and will probably need to increase it again before the end of this year. Therefore, we need to endorse this fiscally responsible approach presented to us by the Appropriations Committee today. All these amendments proposed in the last couple days would keep adding money and adding money to the deficit. That is what it is about. I cannot understand it.

I hear arguments on the other side expressing concern about the deficit, and these same people are on the floor trying to amend this appropriations bill. That would be fiscally irresponsible and would add to the deficit. The Appropriations Committee proposal is the lowest increase in spending I have seen since I have been in the Senate.

As I said, I have to take my hat off to the President for holding the line on spending, and I take my hat off to my friend, Appropriations Committee Chairman TED STEVENS. He and I have had some strong words over the last several years. But as Humphrey Bogart said in ''Casablanca'': ''This could be the start of a beautiful friendship.''

I want the Appropriations chairman to know I look forward to working with him and his colleagues on the committee on the 2004 budget and hope by the end of this year we can point to another set of appropriation bills with the same type of responsible and restrained growth.

Over the last 2 days, some people have come to the floor and said we need more money for various good programs. As I mentioned before, these programs are on hold until we pass an appropriations bill. In other words, nothing is happening in some of these programs until we pass an appropriations bill.

I agree that there are many things we all want money for, but I want to point out to my colleagues what we have done during the past few years in terms of the money we have put in the pipeline—I will repeat it so everybody gets it.

Since I have been in the Senate, we have increased discretionary spending by 10 percent in 1999, 15 percent in 2001, and 9 percent in 2002. We have allocated so much additional money to Federal agencies that many of them have had difficulty spending all of it. For example, the Department of Housing and Urban Development has consistently recaptured $1.5 billion to $2 billion in unallocated section 8 housing vouchers.

Mr. President, what we are doing here is fiscally responsible. Let's get it done. Let's get on with it. Let's finish the work of the 107th Congress so we can get on with the work of the 108th, starting with the 2004 budget. And we need to move aggressively with the appropriations bills, so that we can get on with an energy bill, and do something about some of the other pressing issues facing the American people.

Mr. HATCH. Mr. President, I rise to express my strong support for the Medicare provisions contained in H.J. Res. 2. These provisions would prevent unwise reductions in physician payments from taking effect by freezing Medicare reimbursement rates for doctors at the 2002 level. They would also provide much-needed, increased funding for rural hospitals.

Enacting these important provisions has been at the top of my agenda, and I am pleased that the committee was able to include them in the omnibus appropriations bill for fiscal year 2003. After extensive conversations with constituents throughout Utah, it became obvious to me that Congress must act to support Medicare providers and patients by ensuring that payments are made more fair.

In 2002, physicians' Medicare reimbursements were reduced by approximately 5 percent. And, on March 1, 2003, Medicare reimbursement rates for physicians are scheduled to be reduced by another 4.4 percent. The provisions in H.J. Res. 2 that I strongly support will protect physicians across the country by preventing the 4.4 percent cut in physician Medicare payment from going into effect in March.

It is apparent to me that Medicare constraints have made it more and more difficult for hard-working physicians to provide the level of patient care that they and their patients expect. Physicians in Utah with whom I have consulted over the past year have showed me the lasting, negative impact that the 2003 reductions would have on patient care. In addition, I have been dismayed to learn from several physicians that these unwarranted reductions would cause them to think twice about remaining in the Medicare Program.

In fact, as representatives of the Utah Medical Association have pointed out to me, Medicare's flawed reimbursement system has made it increasingly difficult for Utah physicians to accept new Medicare patients, putting many seniors who seek care in a quandary. This is not fair to the physicians, and it is not fair to the patients.

While the Centers for Medicare & Medicaid Services, CMS, reports that Medicare physician participation rate was 89.3 percent in January 2002, figures from Utah portray a dramatically different picture. In a recent survey conducted by the Utah Medical Association, the Medicare participation rate among physicians was significantly lower. The UMA found that only 77 percent of Utah's primary care physicians participated in the Medicare Program. I am hopeful that once Utah physicians see that we in Congress are listening and serious about supporting them, other doctors will consider participating in the Medicare Program once again.

I am also pleased that this legislation contains a provision which will provide additional funding for rural hospitals, something that is desperately needed in my home state of Utah. More specifically, the hospital provision contained in H.J. Res. 2 would raise the inpatient base rate upon which payments are calculated for hospitals in rural and small urban areas to the same rate as that in large urban areas for 6 months. This provision will provide both patients and hospitals in my state with necessary and welcomed relief.

Many of us who worked last year to enact needed changes such as this have been dismayed that, despite our best efforts, Congress could not find a collective way to rectify these problems that are doing so much to hurt patient care throughout Utah. It is high time we take this action.

I urge my colleagues to support these two important provisions because both will provide Medicare patients with access to quality and affordable health care across the country. Let's do the right thing and pass this legislation as quickly as possible, this issue is much too important to both Medicare beneficiaries and providers. Medicare providers, and most importantly, the beneficiaries they serve, are depending on us to get the job done.

Mr. GRASSLEY. Mr. President, I am pleased to have submitted an amendment dealing with the Total Information Awareness Program at the DOD. Many of my colleagues may know about this program designed to test technologies that collect information from public and private databases and try to find trends that could signal threats against the United States. Like many people, I have been concerned that this program could be used to invade the privacy of Americans by

snooping around in our bank accounts, personal internet computers, phone records, and the like. In November of last year, I asked the DOD Inspector General to look into the purposes of TIA and to make sure that there are appropriate controls in place to ensure that it is used only for foreign intelligence purposes to protect us against terrorism and foreign threats, but not on Americans or for domestic crime fighting. I am told that the IG investigation is proceeding, and that the IG has ordered a formal audit of TIA.

This amendment limits the use of the TIA funds appropriated by Congress to foreign intelligence purposes. DOD will be required to tell Congress what it is doing regarding TIA, and keep us in the loop on developments. It also provides that TIA can't be used on U.S. citizens once it is up and running.

But the amendment allows development of TIA to continue for foreign terrorism purposes. So it is a great compromise in that it allows the development of TIA to help track international terrorism, but protects against abuses that could violate the privacy of our own people. I encourage my colleagues to support this amendment.

Mrs. FEINSTEIN. Mr. President, as an appropriator, I come to the floor this afternoon to express my opposition to this omnibus appropriations bill.

The $385 billion omnibus appropriations bill cuts almost $10 billion from what the Senate Appropriation Committee approved last year.

On top of these Draconian cuts, the bill before us includes a 2.9 percent across the board cut, to nonmilitary programs, and will affect critical programs such as homeland security, education, and job training.

This bill is a major mistake and represents a short-sided approach to solving our Nation's problems.

What is happening is the administration's effort to starve domestic programs in order to save dollars for a $674 billion tax cut. If this effort is successful, we will see interest rates rise, the deficit balloon, and a 10-year cumulative deficit of $2 to $3 trillion.

Americans don't know it yet, but soon will learn that this bill makes a house of cards out of homeland security, which loses $1 billion which were already requested, authorized, and appropriated.

How many Americans know that this bill will likely cut 1,175 FBI agents, 490 food safety engineers, and 1,600 customs inspectors who are vital if we are to protect our homeland from contraband and those that would do us harm.

How many Americans know that the Head Start cut of $107 million could prevent 2700 youngsters from a Head Start experience, or leave 224,000 needy individuals without the meals provided by WIC, or 230,000 veterans without medical services.

To make matters worse, this bill is being offered at a time when our Nation continues to face significant challenges in protecting homeland security, increasing school achievement, and strengthening our workforce.

Essentially what this bill does is cut the money from a number of critical projects so this body can pass a tax cut of $674 billion, which will lead to a $2 trillion deficit over the next 10 years.

Every day this body is faced with tough choices. But in my decade in the Senate, I believe that this bill represents one of the worst pieces of legislation to pass this Senate.

MURDER OF AMERICANS IN INDONESIA

Mr. ALLARD. Mr. President, let us commend the chairman of the Foreign Operations Subcommittee for the strong report language on Indonesia. I particularly appreciate the reference to the Americans murdered in Papua in August 2002, and the demands that justice be served for these crimes. I share this sentiment completely and believe that inaction by Indonesia on these murders will result in a negative reaction by both the Congress and the Administration.

Mr. McCONNELL. I appreciate my friend's comments, and believe he is right that the absence of a credible investigation into these murders will have repercussions. While we all recognize that Indonesia continues on a difficult path of political and economic reform—at the same time being a frontline state on the war on terrorism—the Government of Indonesia cannot and should not underestimate the seriousness of the crimes committed in Papua and the need to bring justice to the victims and their families.

Mr. ALLARD. I understand that the Federal Bureau of Investigations may be in Indonesia in the very near future to assist in investigating this crime. Does the chairman share my support for the FBI's involvement in this case?

Mr. McCONNELL. Absolutely. The FBI should pursue all leads, and determine whether the reports of the Indonesian military's involvement in the ambush are accurate and credible.

For the benefit of my colleagues, let me take a moment to describe the Indonesia provisions in the fiscal year 2003 bill. We earmark funds for Indonesia, including $10 million for the fragile peace agreement in Aceh and $5 million for reconstruction efforts in Bali. The bill does not contain restrictions on the International Military Education and Training program for that country but maintains the conditions on assistance under the Foreign Military Financing program. The fiscal year 2003 request for IMET is $400,000, which is slightly less than that requested for Sri Lanka.

Mr. ALLARD. The Foreign Operations bill strikes an appropriate balance between our national security interests in that vast archipelago and the realities of a developing Indonesia. I want to be on record that I will continue to closely follow the investigation into the murder of Americans in Papua last year and I encourage the Chairman and all my colleagues to pay attention to that case.

I also recommend that the administration report to Congress on a regular and ongoing basis into the progress the Government of Indonesia is making into resolving these murders.

Mr. McCONNELL. My friend from Colorado's advice is excellent, and I hope that Secretary Powell will take note to the request for regular briefings into the murder of American citizens in Indonesia.

SCAAP FUNDING

Mrs. FEINSTEIN. Mr. President, I rise with a number of my colleagues and the chairman of the Commerce, Justice, State Subcommittee, the Senator from South Carolina, to discuss funding for the State Criminal Alien Assistance Program, popularly know as SCAAP. As my colleagues know, States and localities across the Nation are facing extraordinary costs associated with incarcerating criminal illegal aliens.

Since the September 11th terrorists attacks, State and local governments have borne unprecedented costs that the Nation's critical infrastructure and public are protected. As a result, State and local governments are facing tremendous budget deficits. Moreover, the budgets of local law enforcement agencies are stretched to the limit. California, for one, is estimated to face a shortfall of at least $26 billion over the next 18 months.

In the face of these new challenges, the burden placed on States by the Federal Government's long-standing inability to control illegal immigration continues to grow. States like California continue to shoulder extraordinary criminal alien incarceration costs. One out of every seven prison beds in California is occupied by an illegal criminal alien.

SCAAP funding helps all States that are experiencing increasing costs from incarcerating undocumented felons—both low-impact and high-impact States. Last year, more than 400 local jurisdictions, including all 50 States, received SCAAP funding. With States facing budget deficits reimbursement for the costs they have incurred will be even more important. Congress must continue to support communities that must shoulder the burden of what is, in essence, a Federal responsibility. Given the rising costs associated with criminal alien incarceration, I had hoped that the Senate would see fit to increase the funding for this important

program to $650 million, or at minimum, at last year's level of $565 million.

I understand that the House-passed Commerce, Justice, State appropriations bill provides $500 million for the SCAAP program. Given that fact, I would like to inquire of my friend from New Hampshire if there is something that can be done to increase funding for this bill for SCAAP to at least the funding level approved by the House.

Mr. KYL. Mr. President, I wish to associate myself with the remarks of my good friend, the Senator from California, and also look forward to working with the chairman and ranking member of the subcommittee to resolve the funding disparity in the State Criminal Alien Assistance Program (SCAAP).

Before I begin my comments about this important program and the level of funding in the Senate Commerce-Justice-State Appropriations bill, I want to state my full support for what I have been told will be a $500 million funding level for SCAAP in the House fiscal year 2003 bill.

Through the Crime Control Act of 1994, the Congress created SCAAP to reimburse States and localities for the costs they incur incarcerating criminal illegal aliens. Such costs, it has been made clear, are the responsibility of the Federal Government. Previously, SCAAP was authorized at $650 million, although total expenditures of the States and localities exceeds $1.6 billion per year. Last year, the Congress reauthorized the program for the next 2 fiscal years at an open-ended level.

Though the financial burden to process and incarcerate criminal illegal aliens overwhelms the budgets of many States and localities, SCAAP has never even been allocated to its full authorization. Over the past 5 years, SCAAP has usually been funded at levels between $500 million and $600 million, which has provided States and localities reimbursement of about 30 cents for each dollar spent on incarceration.

The Congress would be doing the right thing if it allocated $1.6 billion. In fiscal year 2002, the State of Arizona and its localities incurred costs of well over $305 million to incarcerate criminal illegal aliens, and received $24 million in Federal reimbursement—when SCAAP was funded at $565 million overall.

To reduce the total 2003 SCAAP funding from its $565 million to zero is unacceptable. Should the funding be eliminated, all 50 States, D.C. and the increasing number of localities that incur costs, which now receive an unacceptable 30 cents for each dollar spent, will receive nothing, if Congress were to eliminate funding altogether.

Mr. President, I very much hope that Senators GREGG, HOLLINGS, FEINSTEIN, SCHUMER, and I can work to resolve these issues before this bill is signed into law.

Mr. SCHUMER. Mr. President, I rise today with my colleagues from California and Arizona to ask for support for the State Criminal Alien Assistance Program (SCAAP) and to ask that it be funded, at the very least, at last year's level of $565 million in fiscal year 2003 in the Commerce, Justice, State Appropriations Report. Before I continue, I want to thank my colleagues for their hard work and dedication to the upkeep of this program.

SCAAP reimburses States and counties for the costs associated with the incarceration of undocumented criminal aliens. Unfortunately, Federal efforts are often not adequate to combat illegal immigration. By some estimates, the total annual cost to States and local governments exceeds $1.6 billion. The broad principle on which the SCAAP Program is based is simple: the control of illegal immigration is a Federal responsibility. When the Federal Government falls short in its efforts to control illegal immigration, it must bear the responsibility for the financial and human consequences of this failure. Thus, the ''State Criminal Alien Assistance Program Reauthorization Act'' would properly vest the Federal Government the fiscal burden of incarcerating illegal immigrants who commit crimes in our communities.

Southwestern States are not the only ones shouldering the extraordinary financial burdens of this type of incarceration. Northern border and interior States are increasingly bearing these costs, too. SCAAP funding has been on the rise even in historically low immigration States and counties. It is important to note that SCAAP receives widespread bipartisan and bicameral support. I encourage my colleagues on the Commerce, Justice, and State Subcommittee to support this very important program to help alleviate the impact of these unfunded Federal mandates on State, and in particular, county governments.

Mr. GREGG. Mr. President, I thank my friends from California, Arizona, and New York for their efforts in relieving the burden of illegal immigration on our State and local governments. I know that they have been tireless in their efforts to secure both an end to illegal immigration and to ensure that the Federal Government assume a share of the financial responsibility for its inability to control illegal immigration.

I know, as well, Mr. President, that my colleagues from California and Arizona were among the principal authors of the SCAAP Program when it was created by the 1994 crime bill, and that they both worked very hard to help secure the $565 million which was appropriated last year. They have also worked to ensure that the program remains authorized over the next 2 fiscal years.

Knowing of the great need for adequate funding for SCAAP, I assure the Senators that I will make it a high priority during the conference between the House and Senate.

Mr. HOLLINGS. I concur with my colleague from New Hampshire. I understand the importance of this funding for the States affected by the high rates of criminal alien incarceration and I am hopeful we can provide an adequate funding level for SCAAP during conference.

Mrs. FEINSTEIN. I thank the Senator for his encouraging words. As I am sure he knows, the SCAAP reimbursements provided in prior years did not nearly cover the costs States and localities incurred do incarcerate illegal aliens in their jurisdictions.

The cost for States and localities amounted to more than $11 billion. Thus, last year's funding level of $565 million covered a mere 5.1 percent, of the actual costs.

Failing to fund the program altogether would be devastating to our States. The State of Wisconsin, for example, would lose more than $3.5 million in funding; Massachusetts would lose over $13 million; Pennsylvania would lose over $2.6 million; Virginia would lose more than $6.4 million; North Carolina would lose $5.2 million; Michigan would lose $2.9 million; Minnesota would lose $1.8 million. Thus, even States that have not traditionally had to confront the growth in illegal immigration are now bearing the costs of this Federal responsibility.

When the Federal Government fails in its responsibility to control our Nation's borders, local taxpayers should not have to foot the bill for incarcerating undocumented criminal aliens in State and local jails. I will work closely with the Senators from New Hampshire and South Carolina and my colleagues in both bodies ensure that this bill adequately funds SCAAP.

PROSTHETIC AND SENSORY AIDS DEVICES

Mr. GREGG. Mr. President, I have come to the floor today to compliment the Chairman of the VA–HUD Appropriations Subcommittee Senator BOND and the Ranking Member Senator MIKULSKI on an excellent job of balancing all the very important programs in the VA–HUD Appropriations bill, included as part of the omnibus bill now pending before the body. I know the spending limitations imposed on the Subcommittee do not permit the chairman and other members of the Subcommittee to address each and every issue as fully as they would like to but nonetheless the chairman has achieved a balanced and good result.

Earlier this year, I contacted the subcommittee to express the view that the Veterans Health Administration be as proactive as possible to help ensure that disabled veterans have the most advanced prosthetic and sensory aids devices made available to them, as would be medically appropriate. In this regard, I was pleased to see that the

committee approved the administration's fiscal year 2003 budget request for $739.1 million for prosthetic and sensory aids devices providing an increase of $60.3 million over the last year.

One of the exciting new prosthetic and sensory aids devices known as the iBOT was invented in my home State of New Hampshire. It is a mobility device that climbs stairs, traverses all terrain and balances the seated user at standing eye-level. It would be my view that some portion, at least one percent, of the approximately 25,000 veterans with service connected spinal cord injuries should have access to this advanced mobility device. In fact, at the request of Congress, the VHA conducted a study of this mobility device last year that concluded with the finding that ''the subjects were unanimous in their recommendations that the Veterans Health Administration should provide iBOTs to veterans''—and that—''the iBOT could improve integration and work performance.'' Additionally, as Secretary Principi has established a priority of ''restoring the capability of disabled veterans to the extent possible'' it is my expectation that such devices will be actively considered and provided to disabled veterans as medically appropriate.

Mr. LEVIN. Mr. President, I want to add my praise for the job done by Senators BOND and MIKULSKI and associate myself with the comments just made by Senator GREGG. I am also familiar with the mobility device which Senator GREGG mentioned. I also believe that some of the veterans with service connected spinal cord injuries could benefit from, and should be assisted by, making these devices available to them. Therefore, it is also my expectation that the Department will aggressively pursue, within available funds and current policy, making this mobility device and other state of the art assistive technologies available to disabled veterans as medically appropriate.

RUM COVER-OVER TAX PROVISION

Mr. GRASSLEY. It has recently been brought to my attention that there has been a controversy over a Puerto Rican excise tax on beer. Unfortunately, the Omnibus Appropriations bill is an inappropriate forum to address this issue. But we realize the importance of ongoing negotiation.

Mr. BAUCUS. Mr. President, I cosponsored your amendment because I agree that inclusion of a tax provision in this bill is inappropriate. In 1983, under the Caribbean Basin Economic Recovery Act, the excise tax collections on imported rum are transferred or rebated to the treasuries of Puerto Rico and the Virgin Islands. The tax code provides a rebate of $13.25 of the $13.50 excise tax to Puerto Rico and the Virgin Islands for the excise tax collected on rum imported into the United States (without regard to the country of origin). The amount of the rebate is scheduled to decrease to the 1983 level of $10.50 after December 31st, unless Congress extends the current $13.25 rebate.

Perhaps the expiration of the increased amount transferred provides time for resolution of the dispute?

Mr. GRASSLEY. I commit to working together with those concerned to address this issue through the Finance Committee, which is the appropriate jurisdiction for resolution of this matter.

Mr. CAMPBELL. I thank the Senator for his time and efforts to work on this issue with us. This issue is a horribly excessive tax that needs to be discussed immediately, which was my motivation towards working with Senator STEVENS in addressing this issue in the appropriations bill. I agree with Senators GRASSLEY and BAUCUS that resolving this issue prior to the end of this year is very important. As such. I accept the amendment offered by Senators GRASSLEY and BAUCUS which strikes this provision from the Omnibus Appropriations bill, Title I, Section 128.

We want to encourage all parties involved to immediately come to the table to begin working together to solve this issue. As I have previously stated, this excise tax on beer hurts producers, farmers, and working people, and has to be resolved.

Mr. GRASSLEY. I look forward to working with the Senator and his staff on this issue.

CIVIL EDUCATION

Mr. MCCONNELL. One area in the Foreign Operations portion of this omnibus bill where I have had particular interest is the section entitled Democracy Programs. We have worked closely in our approach to this section where we have addressed the funding needs for democracy programs, including in predominantly Muslim countries.

The bill we are considering today will increase funding in Section 524(b) of the Foreign Operations portion from $15,000,000 to $20,000,000 and correspondingly adds ''civic education'' as a program and activity under this section that the subcommittee wishes to fund.

Does the Ranking Member agree with me that this increase of $5,000,000 is intended to ensure that democracy programs, including civic education programs, receive additional funding?

Mr. LEAHY. I agree with my friend from Kentucky, the chairman of the Foreign Operations Subcommittee. The additional $5,000,000 in section 524(b) will ensure that these programs are expanded, including through the establishment of civic education programs in countries with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism.

Is it the understanding of my friend from Kentucky that funds made available under Section 524(b) for civic education are intended to be awarded as a grant or grants to—among other eligible applicants—educational organizations with experience working in other countries, including organizations in the fields of democracy education, civic education, community service, global education and learning through interactive Internet-based technologies and experience in the field of civic and international elementary and secondary education?

Mr. MCCONNELL. The Senator from Vermont is correct, and I thank him for this useful exchange.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that all first-degree amendments to H.J. Res. 2 be filed at the desk by 6 p.m. on Tuesday, January 21, with the exception of the managers' amendments which are cleared by both managers.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate be in a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO PETER ARAPIS

Mr. REID. Mr. President, Peter Arapis, Jr. was born in Nevada at the Las Vegas Hospital Clinic on 8th Street. His father, Peter Arapis, Sr., was born in Greece and was heavily involved in the Las Vegas Greek community throughout his life. Peter Arapis, Sr. was the Head Chef at the Nevada Test Site for many years beginning in the early 1950s. Peter Arapis, Sr. was active in the election of Michael O'Callaghan as the Governor of Nevada in 1970. He always helped me whenever I ran for public office.

It was probably due to his father's involvement in politics that Peter Arapis, Jr. was quickly drawn in as well. As a student at Rancho High School, Peter volunteered to walk the neighborhoods, hanging campaign information on doors. All Peter's hard work paid off because O'Callaghan was elected as Governor, and I was elected as Lieutenant Governor. Little did I

know that Peter would one day become an invaluable member of my senior staff and a trusted friend.

After graduating from Rancho High School in Las Vegas, NV, Peter worked as a car valet for a few years before attending college at UNLV. In 1985, he received a Bachelor of Arts in Political Science. This same year, Peter was the recipient of the L.B.J. Scholarship which afforded him the opportunity to come and work in my office in the House of Representatives as a congressional fellow. This is when Peter got his first taste of politics on Capitol Hill.

Thereafter, Peter returned to Las Vegas and worked as part of my campaign staff the first time I ran for the U.S. Senate. In 1986, I was fortunate to be elected to serve my first term in the Senate, and from that date until now, Peter has been an indispensable part of my team.

One of Peter's first lessons in Nevada politics came shortly after my first Senatorial campaign. He was hiking in Nevada, east of Ely in White Pine County, and planning to camp up on top of Mt. Moriah. Mt. Moriah had a wilderness area at the top whose preservation had been an issue during the campaign. While hiking, Peter was confronted by ranchers who were trying to keep people off the mountain. They made it quite clear to him that no one was welcome on the mountain. Unbeknown to Peter, the ranchers were the very same ranchers that had been extremely cooperative with respect to the wilderness issue during the campaign. Reason being, the ranchers were mountain lion hunting guides, and they had surrounded the entire mountain. The only way to get to the roads to gain access to the wilderness area up on top was to cross over their private property. By surrounding the mountain they had in essence turned the wilderness area into their own private property to help their guide service flourish. Peter later made the connection.

After working on the 1986 election, Peter earned a master's degree in Political Science from UNLV in 1987 where he also served as a teaching assistant.

Over the years, Peter has held nearly every position in my office. He worked for 4 years, 1987 to 1991, in my Las Vegas office as a state representative. In 1992, he decided that he wanted to return to Washington, DC, and he came to work as a legislative assistant responsible for Appropriations for Energy and Water, Interior and Related Agencies, Commerce-Justice-State, and Military Construction. Shortly thereafter, he served as a deputy legislative director.

Peter returned to Nevada to work as a deputy campaign manager in my 1998 Senate race. He was a vital part of my team in a very close re-election. Realizing that he had caught the ''Potomac Fever,'' and having met Lynn Breaux at her restaurant, the famous Tunni Cliffs Tavern, Peter once again returned to Washington, DC.

From 1999 to today, Peter has diligently worked for me as my floor manager and senior policy adviser, aiding me daily in my capacity as Democratic whip. I am thankful to have had such a loyal and dedicated employee, but more importantly, I am thankful that I can call him my friend.

I say to Peter: Good luck, I will miss you, but always remember you are a Nevadan.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 6, 2001 in Topeka, KS. A 21 year-old man from Bangladesh was attacked in a convenience store. Police say that the victim entered the store when three men began asking him questions about his national origin and religion. One of the men used a racial slur and then started punching the victim. The victim was treated at a local hospital for injuries sustained during the attack.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

A REPORT CARD ON STATE GUN SAFETY LAWS

Mr. LEVIN. Mr. President, this week the Brady Campaign to Prevent Gun Violence, in partnership with the Million Mom March and State gun safety groups, released its 6th Annual Report Card on State Gun Laws Protecting Children. According to the report, the Centers for Disease Control and Prevention data showed a welcome decrease in the number of children killed by guns. However, children continue to be at great risk from gun violence.

The Brady Campaign State Report Cards evaluate each State on several criteria: Does the State have juvenile possession laws or juvenile sale and transfer laws? Does the State have child access prevention laws? Does the State have gun safety lock and safer design standards? Does the State allow cities to regulate guns? Does the State provide secondary private sales background checks? Does the State have carrying concealed weapons laws? In addition to these criteria, States can also receive extra credit and/or demerits for a variety of gun safety measures such as permits for handguns.

This year, according to the Brady Campaign, 11 States were awarded Sensible Safety Stars. These States resisted efforts to weaken gun safety laws and/or enacted gun safety laws that protect children from guns. I am disappointed to report that my home State of Michigan was not among them.

According to the Bureau of Alcohol, Tobacco, and Firearms and the Brady Campaign, seven states, all of whom received poor grades, were major sources of crime guns. Further, the ATF found that gun traffickers seek out States that allow criminals to purchase firearms without background checks at gun shows.

The Congress has the ability to pass legislation that will further reduce child firearm deaths and automatically improve the grade of many States. I urge my colleagues to take up and pass commonsense gun safety legislation that will close the gun show loophole and improve child gun access prevention laws so that we might prevent kids from gaining access to guns, and improve the quality and safety of our communities.

PROMOTING DIVERSITY IN INSTITUTIONS OF HIGHER EDUCATION

Mrs. CLINTON. Mr. President, I ask unanimous consent that the following letter to the President, regarding his Administration's decision to file a brief opposing the University of Michigan's use of affirmative action, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 17, 2003.

Hon. GEORGE W. BUSH,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: On Wednesday, as your Administration prepared to file its Supreme Court brief opposing the University of Michigan's use of affirmative action to achieve diversity in its student body, you reiterated your commitment to increasing the number of minorities on college campuses. I applaud this commitment, but do not believe that replacing traditional affirmative action with ''race neutral'' percent plans will fully accomplish our shared goal of promoting diversity throughout our institutions of higher education. I am especially concerned that such plans necessarily depend on racial segregation in high schools and, further, that a Court decision banning traditional affirmative action could trigger a domino effect undermining our nation's anti-discrimination laws.

The Michigan cases are among the most important ever to confront the Court since Brown v. Board of Education. Over the past several decades, the story of American higher education has been a story of gradually

expanding opportunity for historically excluded or marginalized groups. Anti-discrimination laws and financial aid policies have opened the doors of higher education for millions of minority students. But as you said on Wednesday, ''We should not be satisfied with the current numbers of minorities on America's college campuses. Much progress has been made; much more is needed.''

At the very top schools in this country, including Michigan, significant racial diversity is largely attributable to affirmative action. By traditional affirmative action, I do not mean quotas, and neither does the University of Michigan. I mean the use of race as one of many factors—along with geography, socioeconomic status, and other life-shaping attributes or experiences—to achieve an educationally diverse student body. Michigan's affirmative action policies work this way, and for 25 years such policies have been constitutional, just as they are today.

If our best colleges, law schools, and medical schools were to end traditional affirmative action today, without adopting any alternative, minority enrollments would drop by two-thirds or more. So a critical question, as you suggested, is whether there are alternatives to traditional affirmative action that might do as good a job—or better—at keeping the doors of selective institutions open to qualified minority students.

You applauded the innovation of states that have adopted ''percent plans'' guaranteeing college admission to top high school graduates. I agree with you that after five years, the Texas ''10 percent plan,'' where all students who graduate in the top 10 percent of their high school class are guaranteed admission to a state university of their choosing, has shown some impressive results. After an initial drop in 1997, minority enrollment at UT-Austin, one of the state's flagship schools, has rebounded almost to the levels achieved under traditional affirmative action.

In addition, UT-Austin is now drawing students from a larger number of high schools and from a wider geographic area, a change that benefits white as well as minority students. The entering class of 2000 included students from 135 schools that had not been represented there before 1996. Those schools included predominantly minority, inner-city schools as well as predominantly white, rural schools. And, despite worries that 10-percenters from poor high schools might not be prepared for the academic rigor of UT-Austin, the most recent evidence is that 10-percenters of all races are performing as well as other students who scored 200 or 300 points better on the SAT. Retention is generally higher among 10-percenters than among other students.

Notably, these results have occurred despite the fact that average SAT scores—the often cited measure of merit among opponents of traditional affirmative action—have decreased, not increased, among 10-percenters and among black and Hispanic students at UT-Austin. Like traditional affirmative action, the 10 percent plan admits qualified students with lower test scores over students with higher scores, recognizing that test scores are not the ''be all and end all'' of an applicant's merit, potential, or character.

The early evidence is very encouraging, and I am cautiously optimistic that for some schools, racial diversity can be achieved through alternatives like this one. Even so, I think it would be a mistake to shut the door on traditional affirmative action and treat percent plans as a panacea for increasing minority enrollments. While they hold promise, they also come with pitfalls.

As I am sure you are aware, Texas's other flagship institution, Texas A&M-College Station, continues to struggle with raising black and Hispanic enrollments, even under the 10 percent plan. California's 4 percent plan and Florida's 20 percent plan, though similar in concept, differ from the Texas plan in one crucial respect: They do not guarantee top graduates admission to a state university of their choosing. As a result, minority enrollment in California has increased at less selective schools like UC-Irvine and UC-Riverside, but not at the most selective schools. Between 1997 and 2001, the number of black freshmen dropped from 252 to 138 at UC-Berkeley and from 204 to 125 at UCLA. Florida's 20 percent plan, after its first year, has kept minority enrollment in the state system steady. But the flagship school, the University of Florida, saw a 40 percent drop in black enrollment and a 7.5 percent drop in Hispanic enrollment.

My primary concern, however, is that the very success of percent plans in enrolling substantial numbers of minority students is entirely dependent on racial segregation at the high school level.

For the past 30 years, the Supreme Court has turned its back on remedying inequality in elementary and secondary schools based on race or income, even going so far as to say that ''at least where wealth is involved, the Equal Protection Clause does not require absolute equality or precisely equal advantages.'' As a result, 50 years after Brown, racial segregation is increasing in our public schools. Seventy percent of black students now attend predominantly minority schools, up from 63 percent in 1980. Forty-six percent of Hispanic students in Texas, 42 percent in California, and 59 percent in New York go to schools that are 90 to 100 percent minority. And racially segregated schools, except predominantly white schools, are almost always schools with high poverty. The average black or Hispanic student goes to school with more than twice as many poor classmates as the average white student.

Any policy of college access that is in tension with efforts to integrate public schools cannot be the best option. Instead of motivating improvement in poor and segregated high schools, percent plans give minority parents an incentive to keep their children in those schools, instead of transferring them to integrated and more academically competitive schools. And no parent should have to make a trade-off between college access and high school quality.

In fact, the Texas 10 percent plan exposes the depth of inequality that can exist in a single state. Texas has 1,500 high schools. In the year 2000, nearly half the 7,600 freshman at UT-Austin came from 74 high schools, around 50 students per school. The other half came from 718 high schools, roughly 5 students per school. Approximately 700 high schools sent no student to UT-Austin in 2000.

Just as traditional affirmative action should never distract us from the task of strengthening our elementary and secondary schools, neither should percent plans. If we are serious about expanding minority access to higher education, then we should not only take a closer look at traditional affirmative action and its alternatives; we should also fully fund Title I and increase the maximum Pell Grant. The 10 percent plan will never reach students in the poorest schools unless we commit the resources to turn those schools around and make college more affordable. These are commitments we should already be making to help the 90 percent of students not covered by the 10 percent plan.

Moreover, although percent plans have been somewhat successful in sustaining minority enrollments at the undergraduate level, none of them has proven effective at graduate or professional schools. In 1995, for example, before traditional affirmative action was eliminated at the University of Texas Law School, 7.4 percent of first-year students were black and 12.5 percent were Mexican-American. But today, only 4 percent are black and 8 percent are Mexican-American. Similarly, at UC-Berkeley's law school, Boalt Hall, there were 14 blacks and 17 Hispanics in the 2001 entering class, down from 20 blacks and 28 Hispanics in 1996. At UCLA Law School, the 10 blacks and 26 Hispanics in the 2001 entering class were substantially fewer than the 19 blacks and 45 Hispanics in 1996.

Between 1997 and 2001, the number of blacks fell from 10 to 6 at UCLA Medical School and from 12 to 7 at UC-San Francisco Medical School. In the MBA program at UC-Berkeley, there were 3 blacks and 5 Hispanics in the 2001 entering class, down from 11 blacks and 15 Hispanics in 1996. And at UCLA, there were 9 blacks and 13 Hispanics in the 2001 first-year MBA class, compared to 13 blacks and 18 Hispanics in 1996.

The fact is, at the graduate level, there are few options for sustaining minority enrollments besides traditional affirmative action. Percent plans will not achieve graduate student diversity unless the undergraduate institutions they draw from are segregated. And preferences for socioeconomic disadvantage will not help very much. Although minorities are more likely than whites to come from low-income backgrounds, the vast majority of low-income people are still white.

Finally, there is little if any evidence that percent plans provide an effective substitute for traditional affirmative action at our leading private institutions. Under Title VI of the Civil Rights Act, virtually every private institution in the country is subject to the same legal standards regarding traditional affirmative action as public institutions. Any Supreme Court decision finding traditional affirmative action unconstitutional at public universities would likely end affirmative action at private universities as well—with very troubling results.

It is one thing for Florida to guarantee top 20 percenters admission to one of the state's 11 public universities, or for the University of California to guarantee top 4 percenters admission to one of 10 campuses. But what about schools like Harvard or Stanford or Columbia? Given how small and selective these schools are, even a plan guaranteeing admission to the top half of one percent of high school graduates would not work, nor would it necessarily make good sense.

While some may think it odd to worry about racial diversity at private schools, since our public university systems serve far more students, these schools have long been regarded by the American public—indeed, the world—as the very best of what higher education can offer. And those schools generate a disproportionate number of our nation's leaders in government, business, and academia. As Justice Lewis Powell said 25 years ago in the Bakke case, which featured Harvard's affirmative action policy as the gold standard for selective admissions: ''It is not too much to say that the Nation's future depends upon leaders trained through wide exposure to the ideas and mores of students as diverse as this Nation of many peoples.''

The bottom line, then, is that although percent plans and other approaches may hold promise for some institutions, they are not effective substitutes for traditional affirmative action at all institutions. There is no ''one-size-fits-all'' alternative to traditional affirmative action that works at every school, in every system, in every state. I agree with you, Mr. President, that we need to take a closer look at ways to achieve diversity besides traditional affirmative action. But I do not agree that we should foreclose traditional affirmative action as an option for pursuing diversity where the alternatives do not work.

Finally, let me mention two additional concerns. First, no one doubts that the percent plans in Texas, Florida, and California were designed to achieve exactly what traditional affirmative action was designed to achieve, namely, increased opportunity for qualified minority students. And the barometer of success has been whether these plans are keeping minority enrollments at levels achieved under traditional affirmative action. Where percent plans have been judged successful-at UT-Austin, for example-they have lowered, not raised, average SAT scores among former beneficiaries of traditional affirmative action. The fact is that percent plans, in their motivation, design, and effect, look a lot like traditional affirmative action. If the Court agrees with your Administration that traditional affirmative action is unconstitutional, aren't percent plans simply the next shoe to drop? If we accept the constitutionality, and sometimes the wisdom, of percent plans, then logic and law dictate that we also accept the constitutionality and wisdom of affirmative action

This is especially true for public universities like Michigan that strive to serve a student body representative of the taxpayers who support the system. As you said yesterday, ''America is a diverse country, racially, economically, and ethnically. And our institutions of higher education should reflect our diversity.'' I see nothing wrong with a public university doing directly what Texas, California, and Florida have been forced to do indirectly, indeed what we have applauded them for doing.

Second, I am very concerned about the unintended consequences of making a constitutional distinction between percent plans and traditional affirmative action. If admissions policies must be scrubbed clean of race, then shouldn't they also be scrubbed clean of gender? Women have made great strides in higher education, but they continue to lag behind men in areas like engineering and computer science. In fact, women are awarded 25 percent of doctoral degrees in math and the physical sciences, and only 15 percent of doctorates in engineering. Percent plans cannot solve these problems of gender inequality, just as they cannot solve every problem of racial inequality. But percent plans teach us what supporters of traditional affirmative action have long known: that there are considerations important to the distribution of educational opportunity in America other than a standardized test score.

Traditional affirmative action, whether based on race or gender, stands or falls on similar logic. And if traditional affirmative action falls, I worry it is only a small step to rolling back our most basic antidiscrimination laws, like Title VII and Title IX. Given unconscious stereotypes and structural inequalities that persist in our society, there is a very fine line between taking deliberate steps to ensure access to higher education for minorities and women, and protecting them from unlawful discrimination.

Mr. President, I urge you to carefully consider the implications of eliminating traditional affirmative action in the absence of alternatives that effectively promote, and do not work against, diversity and integration in all of our public high schools, colleges, and graduate programs. And I urge you to consider the consequences your Administration's position may have for the vigorous enforcement of our nation's anti-discrimination laws.

Sincerely yours,

HILLARY RODHAM CLINTON.

21st CENTURY NANOTECHNOLOGY RESEARCH AND DEVELOPMENT ACT

Mr. ALLEN. Mr. President, I rise today in support of the 21st Century Nanotechnology Research & Development Act. I want to thank my colleague from Oregon, Senator WYDEN, for his leadership on this important issue. I have enjoyed working with Senator WYDEN on nanotechnology for the past several years. I would also like to thank the other cosponsors on this legislation, the Senior Senator from Virginia—Mr. WARNER, Senators LIEBERMAN, MIKULSKI, HOLLINGS, LANDRIEU, CLINTON, LEVIN, and BAYH.

Today, our scientists and visionaries are quickly learning that there is a whole New Frontier of promise and human endeavor literally right under our eyes, at the nanoscale, when magnified for us to see.

The potential for nanotechnologies and the exciting work taking place in the nanoscience field are by all accounts revolutionary. Nanotechnology is still very much in its infancy, but as the technology matures it will undoubtedly have a tremendous impact on our daily lives.

Nanoscience is quickly transforming almost every aspect of our modern world and is already significantly improving our quality of life. From computer and electronic devices, to health care and pharmaceuticals, to agriculture, energy and our national defense, nanoscience will be the foundation of many of the revolutionary advances and discoveries in the decades to come and will soon occupy a major portion of the technology economy.

Through nanoscience, researchers and scientists are already beginning to develop technologies that years ago were thought to be impossible. Memory and processing chips the size of a sugar cube have the ability to store all the information in our Nation's National Archives and the Library of Congress combined. Nanoscientists are also exploring ways nanomaterials can travel through the human body to detect and cure diseases, such as target cell therapy where limited amounts of chemotherapy drugs can, cell by cell, attack individual cancer cells and leave healthy cells intact.

As production and innovation of nanotechnologies becomes easier, faster, more efficient and less costly, every market sector in the economy will begin to feel its impact. The NanoBusiness Alliance estimates that the global market for nanotechnology related products and services will reach more than $225 billion by 2005. The National Science Foundation conservatively predicts a $1 trillion global market in a little over a decade.

While nanotechnology is typically defined by size—that is 1 nanometer equaling 1 billionth of a meter—the science of nanotechnology is really the ability to pick and place or manipulate atoms 1/100,000 the width of a human hair, and eventually generate materials with properties that are fundamentally new and superior to the bulk form of the same materials.

It is the promise and potential that impels the Congress to act and introduce legislation that assures this Nation remains at the forefront of the nanoscience revolution. The United States has been the leader of virtually every important and transformative technology since the Industrial Revolution, and this legislation ensures we will continue to lead the world in this new frontier.

The 21st Century Nanotechnology Research & Development Act authorizes appropriations for the coordination of an interagency and interdisciplinary program to support long-term nanoscale research in the fields of nanoscience, nanotechnology and nanoengineering as part of the National Nanotechnology Research Program. The legislation authorizes $676 million for fiscal year 2004—a 15 percent increase from the President's budget request for fiscal year 2003—in all nine civilian Federal agencies currently conducing nanotechnology research.

The goal of the legislation is to provide an organized, structured and collaborative approach to nanotechnology research that will ensure America's leadership and economic competitiveness internationally. This legislation provides grants to support nanoscience research centers that will bring together experts from various disciplines, agencies, industries and universities.

I have wanted the Commonwealth of Virginia to recognize nanotechnology as a key element in the future of high technology and economic development and commend the establishment of the Initiative for Nanotechnology in Virginia to serve as a facilitator in the nanoscience community. This legislation takes the work being done at the State level and encourages increased collaboration with State-led initiatives like the one in Virginia as well as universities and industry led projects.

As our scientist and researchers adventure boldly into this New Frontier of nanoscience and chart new waters in lands not yet discovered, this legislation will serve as a guide and hopefully

a catalyst to the nanotechnology community. The work being done in the nanoscience field is invigorating; it's exciting, and it's important for our future health, the economy and millions of jobs.

I hope my colleagues will work with Senator WYDEN and me to pass this important legislation in a nanosecond, but recognizing the deliberative process of the Senate, passage in a nanoyear will suffice.

ADDITIONAL STATEMENTS

BETTY HAGEL BREEDING

• Mr. NELSON of Nebraska. Mr. President, on Monday, a colleague of ours lost his mother and, as always, when tragedy hits one member of our Senate family, we all feel like we have lost a member of our extended family.

Not every American is recognized for the way they lived their lives. Most Americans pass through time making contact with those around them, leading good and decent lives, praying to God for forgiveness and salvation, and leaving behind a modest legacy.

Betty Hagel Breeding was just like each one of us. She strived to live her life well; she endured life's unexpected twists and survived its tragedies for 79 years. She passed away this week, a true Nebraskan and a beloved matriarch, grandmother and mother of our colleague and friend Senator CHUCK HAGEL.

Life doesn't prepare you for much, especially the loss of your parents. It's especially difficult to lose someone who has played such an instrumental role in shaping your life, like most parents do.

According to her sons, Betty Hagel Breeding was ''the glue'' in the Hagel family, even more so after the death of her husband in 1962 and later her youngest son, Jim. From that point on, she alone faced the realities of life, the uncertainty of the future, and the wonder of fate as she guided her boys as they became young men.

When you lose someone like that, there is a bottomless hole in your life. When you reflect on the influence of your parents it crystallizes the role they played in the development of who you are and what you believe.

Our parents are the people who teach us how to be, how to treat others and how to live our lives. Betty Hagel Breeding passed away on Monday, but the lessons she taught her children and her children's children will live on through her sons. Her legacy lives today in Nebraska in those who have survived her and the lives of the Nebraskans touched by each one of them.

Senator HAGEL is in Nebraska today with his friends and family. They are reliving the memories they share of Betty Hagel Breeding and celebrating her life and how she led it. I know many Nebraskans and many in the Senate community join me in sending heartfelt condolences to the Hagel family.

In times like these, when Nebraskans reach out to support fellow Nebraskans, it reminds me of why our State motto is ''the good life;'' because neighbor to neighbor, town to town, city to city, Nebraska is home to great men and women, like Betty Hagel Breeding.•

GRAND VALLEY UNIVERSITY WINS NATIONAL FOOTBALL CHAMPIONSHIP

• Mr. LEVIN. Mr. President, I want to bring to the attention of my colleagues the recent accomplishments achieved by Grand Valley State University's, GVSU, football team who on December 14, 2002, became the 2002 National Collegiate Athletic Association, NCAA, Division II Football Champions. This championship was the first in Grand Valley's history, and completes a perfect season in which the GVSU Lakers went 14–0 maintaining their position atop the Division II football rankings for the entire season. Even more impressive is the fact that the Lakers are 33–1 in their last 34 games with their only loss coming in the 2001 title game.

Preceding their National Championship, the GVSU Lakers won the Great Lakes Intercollegiate Athletic Conference, GLIAC, Football Championship with a perfect record in league play. The Laker's depth was evidenced by their placing 18 players on the All-GLIAC team. Quarterback Curt Anes was named the GLIAC Player of the Year for the second straight season, and received the Harlon Hill Trophy as NCAA Division II's most outstanding player. In addition, head coach Brian Kelly was recently named the American Football Coaches Association Division II Coach of the Year. Coach Kelly has led the GVSU Lakers to a 104–34–2 record during his 12 years as head coach, and includes five GLIAC titles and five NCAA Division II playoff appearances.

The championship game, which I was lucky enough to see on television, was a true nail-biter. The game matched the top ranked Grand Valley State Lakers against the second ranked Valdosta State University Blazers. After marching through the playoffs with relative ease, the Lakers found a formidable opponent in Valdosta State, and the game was appropriately close to the very end. GVSU sealed the game when All-American quarterback Curt Anes tossed a 10-yard pass to fellow All-American wide receiver and his primary target David Kircus with 1 minute and 4 seconds remaining securing a 31–24 victory.

Over the last 2 years, the GVSU Lakers have demonstrated great strength, skill, unity, and perseverance. Their ability to regroup after last season's loss and maintain their top ranking all season bears witness to the focus and common purpose shared by the entire team. I commend them for their hard work and dedication. I know that my colleagues will join me in congratulating the GVSU Lakers on winning the 2002 NCAA Division II Football Championship.

I ask unanimous consent that a list of the players and coaches be printed in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

Players:
Curt Anes, Kentwood, MI
Ryan Balcom, Allendale, MI
Joe Ballard, Chesaning, MI
Mike Banaszak, Detroit, MI
Terrance Banks, Gary, IN
Matt Beaty, Detroit, MI
DeJuane Boone, Detroit, MI
Josh Bourke, Tecumseh, Ontario, Canada
Kevin Boyd, Highland, IN
Ryan Brady, Chesaning, MI
Marvis Bryant, Miami, FL
Brent Burleson, Carmel, IN
Kirk Carruth, Saginaw, MI
Roberto Cepero, Miami, FL
Justin Cessante, Dearborn Heights, MI
Dion Charity, Kentwood, MI
Michael Christmon, Pontiac, MI
Jeremy Cochrane, Montrose, MI
Dustin Cole, Mattawan, MI
Phil Condon, Fraser, MI
Kyle Daisy, Stevensville, MI
Louis Dauser, Grand Rapids, MI
Chad Day, Lake Orion, MI
Todd DeVree, Hudsonville, MI
Orlando Dickerson, Allen, TX
Jamel Dillard, Saginaw, MI
Marcel Dillard, Saginaw, MI
Jeff Dock, Stevensville, MI
Melvin Estes, Chicago, IL
Sean Ferguson, Wyoming, MI
Cullen Finnerty, Brighton, MI
Eric Fowler, New Haven, MI
William Gray, Kalamazoo, MI
Scott Greene, Hartland, MI
Lucius Hawkins, Inkster, MI
Aaron Hein, Hartland, MI
Antwaan Henderson, Stevensville, MI
David Hendrix, Stevensville, MI
Tyrone Hibbler, Flint, MI
Mike Hoad, Farmington, MI
Mike Holloway, Chelsea, MI
Boomer Hoppough, Ionia, MI
Dan Hosford, Belmont, MI
Tom Hosford, Belmont, MI
Ryan Hukill, Midland, MI
Kevin Jacksom, Grand Rapids, MI
David Kircus, Imlay City, MI
Matt Koss, Goodrich, MI
Brandon Langston, Northville, MI
Brent Lesniak, Dowagiac, MI
Sidney Lewis, Bellwood, IL
Mario Locricchio, Clinton Township, MI
Brian Lydigsen, Orlando Park, IL
Scott Mackey, Bay City, MI
Keyonta Marshall, Saginaw, MI
Scott Martin, Sterling Heights, MI
Michael McFadden, Saginaw, MI
Brian McGeath, Petoskey, MI
Chris McInally, Grand Blanc, MI
Justin McNamara, Rochester, MI
Josh Meerman, Coopersville, MI
Kevin Parsons, Detroit, MI
Colin Peterson, Grand Haven, MI
Mike Pinter, Mishawaka, IN

Robert Pratt, Kalamazoo, MI
Michael Rahn, Grosse Ile, MI
Ryan Rainwater, Grand Blanc, MI
Matt Regnery, Fenton, MI
Mark Remmler, Grand Rapids, MI
Shad Risk, Eaton Rapids, MI
Joe Rivard, Marine City, MI
Ashea Roberson, Ann Arbor, MI
Bob Roesner, Pontiac, MI
Sean Roland, Detroit, MI
Brandon Ryan, Grand Blanc, MI
Matt Sammond, Crystal Falls, MI
Ramon Scott, Redford, MI
Darren Smith, Traverse City, MI
John Smith, Southfield, MI
Jordan Soper, Midland, MI
Reggie Spearmon, Inkster, MI
Marcus Spencer, Kalamazoo, MI
Micah Staley, Concord, MI
Chris Stoddard, Hubbardston, MI
Greg Stoddard, Hubbardston, MI
James Streit, Sterling Heights, MI
Adam Sullivan, Rochester, MI
Michael Tennessee, Sterling Heights, MI
Leon Thomas, Detroit, MI
Ross VanderKamp, Holland, MI
Dan Vaughn, Stevensville, MI
Nicholas Viau, Cheboygan, MI
Derek Washington, Detroit, MI
Dale Westrick, Grand Ledge, MI
Orlando Williams, Maywood, IL
Troy Williams, Battle Creek, MI
Luke Winstrom, Zeeland, MI
Todd Wojciechowski, Clinton Township, MI
Jason Wynn, Detroit, MI
Matt Yoches, Dearborn Heights, MI
Coaches:
Brian Kelly—Head Coach
John Jancek—Defensive Coordinator/Linebackers
Jeff Quinn—Assistant Coach/Offensive Coordinator
Ron Burton—Defensive Line
Greg Forest—Wide Receivers
Chuck Martin—Defensive Backs
Jeff Duvendeck—GA Offensive Line
Cal Fox—Defensive Assistant
Todd Kolster—GA Running Backs
Jack Prince—Offensive Assistant.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–478. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, the report entitled ''Report on TRICARE Reimbursement of Professional Providers'' received on January 2, 2003; to the Committee on Armed Services.

EC–479. A communication from the Acting Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter Federal-State Joint Board on Universal Service (Doc. 96–45)'' received on January 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–480. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Textile Rules, 16 C.F.R. 303, Textile Corporate Leniency Policy (RIN3084–OI01)'' received on January 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC–481. A communication from the Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Quota and Fishing Areas; Trade Monitoring (I.D. 070201A)'' received on January 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC–482. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rule and Policies (FCC02–303)'' received on January 6, 2003; to the Committee on Commerce, Science, and Transportation.

EC–483. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Efficiency Program for Certain Commercial and Industrial Equipment: Extension of Time for Electric Motor Manufacturers To Certify Compliance With Energy Efficiency Standards (RIN1901–AB11)'' received on December 18, 2002; to the Committee on Energy and Natural Resources.

EC–484. A communication from the President of the United States, transmitting, pursuant to law, the report relative to the Department of Homeland Security Reorganization Plan, notification that the functions, personnel, assets, and liabilities of the life sciences activities related to microbial pathogens of the Biological and Environmental Research Program of the Department of Energy, shall be transferred to the Secretary of Homeland Security on March 1, 2003, received on January 2, 2003; to the Committee on Energy and Natural Resources.

EC–485. A communication from the Assistant Secretary of the Interior, Office of Regulatory Affairs, Bureau of Land Management, transmitting, pursuant to law, the report of a rule entitled ''43 subpart 1864, Recordable Disclaimers of Interest. Final Rule (RIN1004–AD50)'' received on January 6, 2003; to the Committee on Energy and Natural Resources.

EC–486. A communication from the Assistant Secretary of the Navy, Installation and Environment, transmitting, pursuant to law, the report relative to a study on certain functions at Marine Corps Bases, Camp Pendleton, California and Camp Lejeune, North Carolina, performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors; to the Committee on Armed Services.

EC–487. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report relative to a list of state advisory committees recently rechartered by the Commission; to the Committee on the Judiciary.

EC–488. A communication from the Director, Regulations and Forms Services Division, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Adjustment of Status for Certain Aliens from Vietnam, Cambodia, and Laos in the United States (RIN1115–AG14)'' received on January 2003; to the Committee on the Judiciary.

EC–489. A communication from the Director, Regulations and Forms Services Division, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Waiver of Criminal Grounds of Inadmissibility for Immigrants (RIN1115–AG90)'' received on January 2, 2003; to the Committee on the Judiciary.

EC–490. A communication from the Secretary of Labor, transmitting, pursuant to law, the report entitled ''Trade and Employment of the Andean Trade Preference Act'' received on January 2, 2003; to the Committee on Finance.

EC–491. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Republican of Rev. Proc. 2002–6 (Rev. Proc. 2003–6)'' received on January 6, 2003; to the Committee on Finance.

EC–492. A communication from the Director, Regulatory Review and Foreign Investment Disclosure Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Final Rule: Skip Row and Strip Crops (RIN0560–AG55)'' received on January 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–493. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Lambda-cyhalotrin, Pesticide Tolerance for Emergency Exemptions (FRL7285–2)'' received on January 6, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–494. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mesotrione; Pesticide Tolerance (FRL7282–4)'' received on January 6, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–495. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''S-metoachlor, Pesticide Tolerances for Emergency Exemptions (FRL7283–2)'' received on January 6, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–496. A communication from the Deputy Secretary, Division of Market Regulation, Securities Exchange Commission, transmitting, pursuant to law, the report of a rule ''Trade-Through Disclosure Rule (RIN3235–AI52)'' received on December 20, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–497. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Financial Crimes Enforcement Network; Anti-Money Laundering Requirements—Correspondent Accounts for Foreign Shell Banks; Recordkeeping and Termination of Correspondent Accounts for Foreign Banks (RIN1506–AA35)'' received on December 20, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–498. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Exemption for Standardized Options from Provisions of the Securities Act of 1933 and from the Registration Requirements of the Securities Exchange Act of 1934 (RIN3235–AI55)'' received on January 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–499. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations 67 FR70699 11/26/02 (44

CFR 67)'' received on January, 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–500. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations 67 FR70700 11/26/02 (44 CFR 67)'' received on January 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–501. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations 67 FR70696 11/26/02 (Doc. No. FEMA–P–7618)'' received on January 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–502. A communication from the Senior Paralegal, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Savings Associations—Transactions with Affiliates (RIN1550–AB55)'' received on January 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–503. A communication from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation C (Home Mortgage Disclosure)'' received on January 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–504. A communication from the President of the United States, transmitting, pursuant to law, the report relative to the continuation of the national emergency to deal with the unusual and extraordinary threat to national security constituted by Libya declared by Executive Order 12543 and 12544 to be in effect beyond January 7, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–505. A communication from the President of the United States, transmitting, pursuant to law, a Periodic Report on the National Emergency with Respect to Libya; to the Committee on Banking, Housing, and Urban Affairs.

EC–506. A message from the President of the United States, transmitting, pursuant to law, the Periodic Report on the National Emergency with Respect to the Risk of Nuclear Proliferation Created by the Accumulation of Weapons-Usable Fissile Material in the Territory of the Russian Federation; to the Committee on Banking, Housing, and Urban Affairs.

EC–507. A communication from the Senior Vice President, Congressional Affairs, Export-Import Bank, transmitting, pursuant to law, the report entitled ''Export-Import Bank of the United States Annual Report FY 2002''; to the Committee on Banking, Housing, and Urban Affairs.

EC–508. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Rome, NY; docket no. 02–AEA–13 [11–25/1–1](RIN2120–AA66)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–509. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E5 Airspace; Middlesboro, KY; Docket no. 02–ASO–20 [12–2/1–2]'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–510. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E5 Airspace; Newport, TN; Docket no. 02–ASO–21 [12–2/1–2]((RIN2120–AA66)(2003–0004))'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–511. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E5 Airspace; Taxewell, TN; Docket No. 02–ASO–23 [12–2/1–2] ((RIN2120–AA66) (2003–0005))'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–512. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Flint, MI; Docket No. 02–AGL–11 ((RIN2120–AA66) (2003–0001))'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–513. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E5 Airspace; Memphis TN; Docket No. 02–ASO–26 [11–2/1–2] ((RIN2120–AA66) (2003–0009))'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–514. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Indianapolis, IN; Docket No. 02–AGL–09 (RIN2120–AA66) (2003–0008)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–515. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D Airspace; Knob Noster, Whiteman AFB, MO; Modification of Class E Airspace; Knob Noster, Whiteman, AFB, MO; Correction; Doc. No. 02–ACE–7 (RIN2120–AA66) (2003–0007)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–516. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E5 Airspace; Rockwood, TN; doc. No. 02–ASO–22 (RIN2120–AA66) (2003–0006)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–517. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''I-G Stalling Speed as a Basis for Compliance With Part 25 of the Federal Aviation Regulations; Doc. No. 28404; (RIN2120–AD40)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–518. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric Company CF34–8CI Turbofan Engines; Docket No. 02–NE–13 (RIN2120–AA64) (2003–0001)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–519. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Security Consideration for the Flightdeck on Foreign Operated Transport Category Airplanes; Request for Comments; Docket No. FAA2002–12504 (RIN2120–AH70) (2003–0001)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–520. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD11 and MD11F Airplanes Equipped with Collins LRA 900 Radio Altimeters; Docket No. 200–NM406 (RIN2120–AA64) (2003–0006)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–521. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Cessna Model 50 Airplanes; Docket No. 99–NM218 (RIN2120–AA64) (2003–0002)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–522. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: MT Propeller Entwicklung ZGMBH Models MTV 9 B C and MTV 3 B C Propellers; Docket No. 99–NE–35 (RIN2120–AA64) (2003–0007)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–523. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: MD Helicopters, Inc. Model MD900 Helicopters; Docket No. 2001–SW–26 (RIN2120–AA64) (2003–0005)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–524. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Cameron Balloons Lrd Mk1 (BRI), and Mk2 (Mistral) Burners; Docket No. 2000–CE–50 (RIN2120–AA64) (2003–0004)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–525. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company 200, 300, and 1900 Series, and Models F90 and A100–1 Airplanes; Docket No. 2001–Ce–21 (RIN2120–AA64) (2003–0003)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–526. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B2 and B4 Series Airplanes, A300 B4–600, B4, 600R, and F4–600R Series Airplanes; and Model A310 Series Airplanes; docket No. 2002–NM–40 (RIN2120–AA64) (2003–0008)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–527. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dassault Model Falcon 900EX and Mystere Falcon 900 Series Airplanes; docket No. 200–NM–418 (RIN2120–AA64) (2003–0009)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–528. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dassault Model Falcon 2000 Series Airplanes; doc. No. 2000–NM–417 (RIN2120–AA64) (2003–0010)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–529. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Series Airplanes; docket No. 2002–NM–24 (RIN2120–AA64) (2003–0011)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–530. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives General Electric Company CF34–8c1 Turbofan Engines; Correction; Docket No. 2002–NE–13 (RIN2120–AA64)'' received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–531. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Norfolk NAS, VA; Docket No. 02–AEA–12 (RIN2120–AA66)'' received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–532. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model AS355E, F, F1, F2, and N Helicopters; Docket No. 2002–SW–48 (RIN2120–AA64)'' received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–533. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Honeywell International Inc. TPE331–3,5,6,8,10, and 11 Series Turboprop and TSE331 3 Series Turboshaft Engines; Docket No. 2001–NE–11 (RIN2120–AA64)'' received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–534. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce plc RB211–535 Turbofan Engines; CORRECTION; Docket No. 2002–NE–16 (RIN2120–AA64)'' received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–535. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standards Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 3038 (RIN2120–AA65)'' received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–536. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 3037 (RIN2120–AA65)'' received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–537. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 3035 (RIN2120–AA65)'' received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–538. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 3036 (RIN2120–AA65)'' received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–539. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Philadelphia, PA; Docket No. 02–AEA–03 (RIN2120–AA66)'' received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–540. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedure; Miscellaneous Amendments; Amdt. No. 3034 (RIN2120–AA65)'' received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–541. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Milbank, SD; Docket No. 02–AGL–10 (RIN2120–AA66)'' received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–542. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: San Francisco Bay, California ((RIN2115–AA97) (2002–0210))'' received on January; to the Committee on Commerce, Science, and Transportation.

EC–543. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: (Including 2 regulations) Lake Michigan, Chicago, IL [CGD09–02–526]; James River, Newport News, Virginia [CGD05–02–097] (RIN2115–AA97) (2002–0209)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–544. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Mississippi River, Dubuque, IA [CGD08–02–042] (RIN2115–AE470) (2002–0105)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–545. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Mississippi River, Burlington, IA [CGD08–02–043] (RIN2115–AE47) (2002–0106)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–546. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Mississippi River, Iowa and Illinois [CGD08–02–044] (RIN2115–AE47) (2002–0107)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–547. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Port of San Diego, CA [COTP San Diego 02–026] (RIN2115–AA97) (2003–0002)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–548. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Drilling and Blasting Operations, Hubline Project, Captain of the Port Boston, Massachusetts [CGD01–02–131] (RIN2115–AA97) (2003–0001)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–549. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. Ardmore, Brilliant, Brookwood, Gadsden, Hoover, Moundville, New Hope, Pleasant Grove, Russellville, Scottboro, Troy, Tuscaloosa and Winfield, Alabama, Okolona and Vardaman, Mississippi, Linden and Walden, Tennessee) (MM Doc. No. 01–62)'' received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC–550. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Fort Myers, FL (MM Doc. No. 00–180, RM–9956)'' received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC–551. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotment, FM Broadcast Stations Emmetsburg and Sanborn, Iowa (Doc. No. 01–65, RM–10078)'' received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC–552. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.2002(b),

Table of Allotments, FM Broadcast Stations Encinal, Texas (MB Doc. No. 02–188, RM–10462)'' received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC–553. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Clarksdale and Friars Point, Mississippi) (MM Doc. No. 02–119)'' received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC–554. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Boonville, California) (MB Doc. No. 02–105)'' received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC–555. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Chillicothe and Ashville, OH) (MM Doc. No. 99–322)'' received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC–556. A communication from the Staff Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law the report of a rule entitled ''Harmonization with the United National Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions; Incorporation by Reference (RIN2137–AD41)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–557. A Communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Material: Temporary Reduction of Registration Fees (RIN2137–AD53)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–558. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Occupant Crash Protection (RIN2127–AI85)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–559. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Surf Clam and Ocean Quahog Fisheries; Final Specifications for 2003 (RIN0648–AQ31)'' received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC–560. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''The NMFS announce Halibut and red king crab bycatch rate standards for the first half of 2003. Publication of these bycatch rate standards is necessary under regulations implementing the vessel incentive program (VIP). This action is necessary to implement the bycatch rate standards for trawl vessel operators who participate in the Alaska groundfish trawl fisheries. The intent of this action is to avoid excessive prohibited species bycatch rates and promote conservation of groundfish and other fishery resources'' received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC–561. A communication from the Assistant Chief Counsel, Office of Security Regulation and Policy, Transportation Security Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Aviation Security: Private Charter Security Rules (RIN2110–AA05)'' received on January 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–562. A communication from the Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report containing the four issues of the Quarterly Journal that compromise the 2001 annual report; to the Committee on Banking, Housing, and Urban Affairs.

EC–563. A communication from the Assistant Secretary of Defense, International Security Policy, transmitting, pursuant to law, the report entitled ''Cooperative Threat Reduction Annual Report to Congress Fiscal Year 2003''; to the Committee on Armed Services.

EC–564. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report entitled ''To Walk the Earth in Safety the United States Commitment to Humanitarian Demining''; to the Committee on Foreign Relations.

EC–565. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of International Agreements other than Treaties entered into with Australia, Indonesia, Federal Republic of Yugoslavia, Mexico and Croatia; to the Committee on Foreign Relations.

EC–566. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of International Agreements other than Treaties entered into with Pakistan, Italy, Japan and the Philippines; to the Committee on Foreign Relations.

EC–567. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of International Agreements other than Treaties entered into with Taiwan by the American Institute in Taiwan; to the Committee on Foreign Relations.

EC–568. A communication from the Program Analyst, Directorate of Civil Works, Operations Divisions, Army Corps of Engineers, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''United States Navy Restricted Area, Narragansett Bay, East Passage, Coddington Cove, Naval Station Newport, Newport, RI''; to the Committee on Environment and Public Works.

EC–569. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the report relative to a lease prospectus for the Department of Homeland Security in the Washington, DC, metropolitan area; to the Committee on Environment and Public Works.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Ms. COLLINS for the Committee on Governmental Affairs.

*Thomas J. Ridge, of Pennsylvania, to be Secretary of Homeland Security.

By Mr. WARNER for the Committee on Armed Services.

Army nomination of Lt. Gen. George W. Casey, Jr.

Army nomination of Lt. Gen. John P. Abizaid.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they may be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:

S. 193. A bill to direct the Secretary of Energy to carry out a program to evaluate and demonstrate the operation of radiation detection systems for use at seaports in the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. CORZINE (for himself, Mr. JEFFORDS, and Mr. LIEBERMAN):

S. 194. A bill to amend the Clean Air Act to establish an inventory, registry, and information system of United States greenhouse gas emissions to inform the public and private sector concerning, and encourage voluntary reductions in, greenhouse gas emissions; to the Committee on Environment and Public Works.

By Mr. CHAFEE (for himself, Mr. INHOFE, Mr. JEFFORDS, Mr. CARPER, and Mr. WARNER):

S. 195. A bill to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ALLEN (for himself, Mr. MCCAIN, Mr. STEVENS, Mr. HOLLINGS, and Mr. MILLER):

S. 196. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:

S. 197. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to help States expand the education system to include at least 1 year of early education preceding the year a child enters kindergarten; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORZINE (for himself and Mr. WARNER):

S. Con. Res. 2. A concurrent resolution expressing the sense of the Congress that the United States Postal Service should issue commemorative postage stamps honoring

Americans who distinguished themselves by their service in the armed forces; to the Committee on Governmental Affairs.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. JEFFORDS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 17, a bill to initiate responsible Federal actions that will reduce the risks from global warming and climate change to the economy, the environment, and quality of life, and for other purposes.

S. 85

At the request of Mr. LUGAR, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 85, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 120

At the request of Mr. BAYH, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 120, a bill to eliminate the marriage tax penalty permanently in 2003.

S. 145

At the request of Mr. KYL, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 145, a bill to prohibit assistance to North Korea or the Korean Peninsula Development Organization, and for other purposes.

S. 173

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 173, a bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund.

S. 185

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 185, a bill to authorize emergency supplemental assistance to combat the growing humanitarian crisis in sub-Saharan Africa.

AMENDMENT NO. 31

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 31 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 31

At the request of Mr. SCHUMER, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Dakota (Mr. DORGAN), the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Florida (Mr. GRAHAM), the Senator from New York (Mrs. CLINTON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 31 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 32

At the request of Mr. HARKIN, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from New York (Mrs. CLINTON), the Senator from Florida (Mr. GRAHAM), the Senator from New York (Mr. SCHUMER) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 32 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 33

At the request of Mr. CRAIG, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 33 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself, Mr. JEFFORDS, and Mr. LIEBERMAN):

S. 194. A bill to amend the Clean Air Act to establish an inventory, registry, and information system of United States greenhouse emissions to inform the public and private sector concerning, and encourage voluntary reductions in, greenhouse gas emissions; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President, I rise today to introduce a bill that represents an important step towards the goal of addressing the threats posed by global climate change. I am pleased to be joined on this bill by Senator JEFFORDS and Senator LIEBERMAN. They were cosponsors of this legislation in the 107th Congress, they are recognized environmental leaders in the Senate, and are long-standing, outspoken advocates for taking action to mitigate climate change. I appreciate their help in introducing this legislation today.

Climate change is a complex issue. Scientifically. Economically. Politically. But complexity is no excuse for inattention or inaction. Because the health and viability of the global ecosystems upon which we all depend are at stake. And the time to act is now.

In 2001, the Intergovernmental Panel on Climate Change released its Third Assessment Report. That report shows that climate change science is increasingly clear and alarming. We know that human activities, primarily fossil fuel combustion, have raised the atmospheric concentration of carbon dioxide to the highest levels in the last 420,000 years. We know that the planet is warming, and that the balance of the scientific evidence suggests that most of the recent warming can be attributed to increased atmospheric greenhouse gas levels. We know that without concerted action by the U.S. and other countries, greenhouse gases will continue to increase.

These findings were echoed by a National Academy Sciences report published later in 2001, which concluded that: ''Greenhouse gases are accumulating in Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise. Temperatures are, in fact, rising. The changes observed over the last several decades are likely mostly due to human activities, but we cannot rule out that some significant part of these changes is also a reflection of natural variability. . . . Despite the uncertainties, there is general agreement that the observed warming is real and particularly strong within the past 20 years.''

Climate science and climate modeling have improved. These models predict warming under all scenarios that have been considered. Even the smallest warming predicted by current models, 2.5 degrees Fahrenheit over the next century, would represent the greatest rate of increase in global mean surface temperature in the last 10,000 years.

If these trends continue, the results may be devastating. People in my State of New Jersey treasure their Jersey Shore. With the exception of the 50 mile northern border with New York, New Jersey is surrounded by water. The State's Atlantic coastline stretches 127 miles. Fourteen of 21 counties have estuarine or marine shorelines. Rising sea level is already having adverse impacts, by exacerbating coastal erosion, and causing inundation, flooding, and saline intrusions into ground water. The NJ coastal area also supports one of New Jersey's largest industries, tourism.

Sea level is rising more rapidly along the US coast than worldwide. Studies by EPA and others have estimated that along the Gulf and Atlantic coasts, a one-foot rise in the sea level is likely by 2050 and could occur as soon as 2025. In the next century, a two-foot rise is most likely but a four-foot rise is possible. The implications for New Jersey and many other coastal States are potentially very significant. I am concerned about this impact. And I am concerned about other climate change impacts across New Jersey, the country and the globe.

The time for inaction and delay is over. We need to take steps today to start dealing with this issue. This bill is a modest step. But I think it's an important one, and it's one that I believe we should be able to act on during the 108th Congress.

The main provisions of the bill establish a system that would require companies to estimate and report their emissions of greenhouse gases, and a place where companies can register greenhouse gas emissions reductions. In addition, the bill would require an

annual report on U.S. greenhouse gas emissions. I'd like to go through each of these components in more detail.

First, the bill requires EPA to work with the Secretaries of Energy, Commerce and Agriculture, as well as the private sector and non-governmental organizations to establish a greenhouse gas emission information system. For the purposes of the bill, greenhouse gases are carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. EPA is directed to establish threshold quantities for each of these gases. The threshold quantities will trigger the requirement for a company to report to the system, and are included to enable EPA to exclude most small businesses from the reporting requirements.

Companies that emit more than a threshold quantity of each gas will be required to report their emissions on an annual basis to EPA. The requirements will be phased in, beginning with direct, stationary source emissions in 2004. The following year, in 2005, companies subject to the reporting requirements will need to submit to EPA estimates of other types of greenhouse gas emissions, such as process emissions, fugitive emissions, mobile source emissions, forest product-sensor emissions, and indirect emissions from heat and steam. By reporting to the system, companies will be able to establish emissions baselines.

Perhaps more important than the reporting system is the greenhouse gas registry established by the bill. The bill requires EPA have a greenhouse gas registry, which will enable companies to register greenhouse gas reductions. Many companies are voluntarily implementing projects to reduce emissions or sequester carbon. The registry would establish a place for companies to be able to put these projects on public record in a consistent and reliable way.

Taken together, these provisions of the bill will accomplish several important goals. First, they will create a reliable inventory of the sources of greenhouse gas emissions within our economy. But more importantly, these provisions will provide a powerful incentive for companies to continue to make voluntary greenhouse gas reductions. The reason is that the greenhouse registry will be a place where companies can register their greenhouse gas reductions in a consistent and uniform way. This will enable companies to publicly verify the actions they are taking to reduce their emissions. It also provides a place where farmers, ranchers and foresters can register their carbon sequestration projects. They can then trade these registered reductions with any companies that might wish to purchase them. This had the potential to create a new carbon market that our farmers can benefit from.

Prior efforts to provide ''future credits'' in a registry bill have run up against a Constitutional problem in that we cannot bind future Congresses in legislation. So the bill does not provide such credits, per se. But it does establish a robust and credible reporting system and registry. And if companies register their reductions in a strong registry, they will have as much assurance as we can provide them that their reductions will be taken into account if a mandatory greenhouse gas emission reduction program is enacted.

I believe that such a mandatory emissions reduction program will be necessary, and I already support such a program, for example, Senator JEFFORDS' Clean Power Act. I don't believe that a reporting and registry system such as I am proposing is a substitute for such a mandatory emissions reductions program. But a reporting and registry system is a necessary component of any such program, and is a step that Congress may be able to agree on now, despite differences of opinion about whether mandatory emissions reductions are necessary at this time. A greenhouse gas reporting system and registry is a step we ought to take now, because it would provide a structure that encourages companies to make voluntary reductions now. That's the main purpose of the bill.

In addition, the bill requires EPA to annually publish a U.S. greenhouse gas emissions inventory. This will be a national account of greenhouse gas emissions for our nation, and will incorporate the information submitted to the greenhouse gas information system and registry. EPA has issued a similar report for several years now, and this provision is intended to explicitly authorize and specify the scope of that report going forward.

I want to add that I think that many of the emissions measurement challenges have been worked out or are being worked out now. Many advances have been made in recent years, often in a cooperative way, with industry, environmental groups and governments at the table working towards measurement protocols, such as the GHG Protocol Initiative. It's my intent that in developing the systems and protocols developed under this bill that EPA take advantage of the best practices that have been and continue to be developed in this fashion.

I first introduced this bill in December 2001. Since that time, I think it's fair to say that the Bush Administration has done literally nothing of consequence to address the climate change threat. But I think that there are many in industry who disagree with the Bush policy. Last September 16, the Pew Center ran an ad in the Washington Post that was signed by 40 major companies, including energy producers such as American Electric Power, BP, Cinergy, Entergy, and Sunoco. In that ad, these companies stated their support for policies to ''disclose major sources of greenhouse gas emissions and recognize early action.'' In addition, ExxonMobil stated in their 2002 report, ''Corporate Citizenship in a Changing World,'' that they are ''working with governments and industry associations to promote development of procedures for mandatory reporting by all businesses, so that in the future we can report emissions for activities we operate and also those in which we share ownership with others.'' So there is a willingness on the part of many major U.S. corporations to move to emissions reporting. Congress needs to follow the leads of these companies.

I also want to note that I worked on a bipartisan greenhouse gas registry and reporting bill with Senator BROWNBACK last year. That bill passed the Senate by voice vote as a Brownback-Corzine amendment to the Senate energy bill. While it did not require reporting immediately, it ensured robust participation in the reporting and registry system in the near future through a trigger mechanism. And while I preferred a mandatory system, and still do, I am primarily concerned with getting results. And the Brownback-Corzine approach had the support of the full Senate. So while I still prefer a mandatory system, as this bill would create, I remain willing and open to work with Senator BROWNBACK on an alternative again in this Congress.

In closing, it's clear that it's up to Congress to lead on climate change. I urge my colleagues to work with me this Congress to create a credible greenhouse gas reporting and registry system that will encourage voluntary reductions. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Greenhouse Gas Emissions Inventory and Registry Act of 2003''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) human activities have caused rapid increases in atmospheric concentrations of carbon dioxide and other greenhouse gases in the last century;

(2) according to the Intergovernmental Panel on Climate Change and the National Research Council—

(A) the Earth has warmed in the last century; and

(B) the majority of the observed warming is attributable to human activities;

(3) despite the fact that many uncertainties in climate science remain, the potential impacts from human-induced climate change pose a substantial risk that should be managed in a responsible manner; and

(4) to begin to manage climate change risks, public and private entities will need a comprehensive, accurate inventory, registry, and information system of the sources and quantities of United States greenhouse gas emissions.

(b) PURPOSE.—The purpose of this Act is to establish a mandatory greenhouse gas inventory, registry, and information system that—

(1) is complete, consistent, transparent, and accurate;

(2) will create accurate data that can be used by public and private entities to design efficient and effective greenhouse gas emission reduction strategies;

(3) will encourage greenhouse gas emission reductions; and

(4) can be used to establish a baseline in the event of any future greenhouse gas emission reduction requirements affecting major emitters in the United States.

SEC. 3. GREENHOUSE GAS EMISSIONS.

The Clean Air Act (42 U.S.C. 1701 et seq.) is amended by adding at the end the following:

"TITLE VII—GREENHOUSE GAS EMISSIONS

"SEC. 701. DEFINITIONS.

''In this title:

''(1) COVERED ENTITY.—The term 'covered entity' means an entity that emits more than a threshold quantity of greenhouse gas emissions.

''(2) DIRECT EMISSIONS.—The term 'direct emissions' means greenhouse gas emissions from a source that is owned or controlled by an entity.

''(3) ENTITY.—The term 'entity' includes a firm, a corporation, an association, a partnership, and a Federal agency.

''(4) GREENHOUSE GAS.—The term 'greenhouse gas' means—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons; and

''(F) sulfur hexafluoride.

''(5) GREENHOUSE GAS EMISSIONS.—The term 'greenhouse gas emissions' means emissions of a greenhouse gas, including—

''(A) stationary combustion source emissions, which are emitted as a result of combustion of fuels in stationary equipment such as boilers, furnaces, burners, turbines, heaters, incinerators, engines, flares, and other similar sources;

''(B) process emissions, which consist of emissions from chemical or physical processes other than combustion;

''(C) fugitive emissions, which consist of intentional and unintentional emissions from—

''(i) equipment leaks such as joints, seals, packing, and gaskets; and

''(ii) piles, pits, cooling towers, and other similar sources; and

''(D) mobile source emissions, which are emitted as a result of combustion of fuels in transportation equipment such as automobiles, trucks, trains, airplanes, and vessels.

''(6) GREENHOUSE GAS EMISSIONS RECORD.—The term 'greenhouse gas emissions record' means all of the historical greenhouse gas emissions and project reduction data submitted by an entity under this title, including any adjustments to such data under section 704(c).

''(7) GREENHOUSE GAS REPORT.—The term 'greenhouse gas report' means an annual list of the greenhouse gas emissions of an entity and the sources of those emissions.

''(8) INDIRECT EMISSIONS.—The term 'indirect emissions' means greenhouse gas emissions that are a consequence of the activities of an entity but that are emitted from sources owned or controlled by another entity.

''(9) NATIONAL GREENHOUSE GAS EMISSIONS INFORMATION SYSTEM.—The term 'national greenhouse gas emissions information system' means the information system established under section 702(a).

''(10) NATIONAL GREENHOUSE GAS EMISSIONS INVENTORY.—The term 'national greenhouse gas emissions inventory' means the national inventory of greenhouse gas emissions established under section 705.

''(11) NATIONAL GREENHOUSE GAS REGISTRY.—The term 'national greenhouse gas registry' means the national greenhouse gas registry established under section 703(a).

''(12) PROJECT REDUCTION.—The term 'project reduction' means—

''(A) a greenhouse gas emission reduction achieved by carrying out a greenhouse gas emission reduction project; and

''(B) sequestration achieved by carrying out a sequestration project.

''(13) REPORTING ENTITY.—The term 'reporting entity' means an entity that reports to the Administrator under subsection (a) or (b) of section 704.

''(14) SEQUESTRATION.—The term 'sequestration' means the long-term separation, isolation, or removal of greenhouse gases from the atmosphere, including through a biological or geologic method such as reforestation or an underground reservoir.

''(15) THRESHOLD QUANTITY.—The term 'threshold quantity' means a threshold quantity for mandatory greenhouse gas reporting established by the Administrator under section 704(a)(3).

''(16) VERIFICATION.—The term 'verification' means the objective and independent assessment of whether a greenhouse gas report submitted by a reporting entity accurately reflects the greenhouse gas impact of the reporting entity.

"SEC. 702. NATIONAL GREENHOUSE GAS EMISSIONS INFORMATION SYSTEM.

''(a) ESTABLISHMENT.—In consultation with the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Energy, States, the private sector, and nongovernmental organizations concerned with establishing standards for reporting of greenhouse gas emissions, the Administrator shall establish and administer a national greenhouse gas emissions information system to collect information reported under section 704(a).

''(b) SUBMISSION TO CONGRESS OF DRAFT DESIGN.—Not later than 180 days after the date of enactment of this title, the Administrator shall submit to Congress a draft design of the national greenhouse gas emissions information system.

''(c) AVAILABILITY OF DATA TO THE PUBLIC.—The Administrator shall publish all information in the national greenhouse gas emissions information system through the website of the Environmental Protection Agency, except in any case in which publishing the information would reveal a trade secret or disclose information vital to national security.

''(d) RELATIONSHIP TO OTHER GREENHOUSE GAS REGISTRIES.—To the extent practicable, the Administrator shall ensure coordination between the national greenhouse gas emissions information system and existing and developing Federal, regional, and State greenhouse gas registries.

''(e) INTEGRATION WITH OTHER ENVIRONMENTAL INFORMATION.—To the extent practicable, the Administrator shall integrate information in the national greenhouse gas emissions information system with other environmental information managed by the Administrator.

"SEC. 703. NATIONAL GREENHOUSE GAS REGISTRY.

''(a) ESTABLISHMENT.—In consultation with the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Energy, States, the private sector, and nongovernmental organizations concerned with establishing standards for reporting of greenhouse gas emissions, the Administrator shall establish and administer a national greenhouse gas registry to collect information reported under section 704(b).

''(b) AVAILABILITY OF DATA TO THE PUBLIC.—The Administrator shall publish all information in the national greenhouse gas registry through the website of the Environmental Protection Agency, except in any case in which publishing the information would reveal a trade secret or disclose information vital to national security.

''(c) RELATIONSHIP TO OTHER GREENHOUSE GAS REGISTRIES.—To the maximum extent feasible and practicable, the Administrator shall ensure coordination between the national greenhouse gas registry and existing and developing Federal, regional, and State greenhouse gas registries.

''(d) INTEGRATION WITH OTHER ENVIRONMENTAL INFORMATION.—To the maximum extent practicable, the Administrator shall integrate all information in the national greenhouse gas registry with other environmental information collected by the Administrator.

"SEC. 704. REPORTING.

''(a) MANDATORY REPORTING TO NATIONAL GREENHOUSE GAS EMISSIONS INFORMATION SYSTEM.—

''(1) INITIAL REPORTING REQUIREMENTS.—

''(A) IN GENERAL.—Not later than April 30, 2004, in accordance with this paragraph and the regulations promulgated under section 706(e)(1), each covered entity shall submit to the Administrator, for inclusion in the national greenhouse gas emissions information system, the greenhouse gas report of the covered entity with respect to—

''(i) calendar year 2003; and

''(ii) each greenhouse gas emitted by the covered entity in an amount that exceeds the applicable threshold quantity.

''(B) REQUIRED ELEMENTS.—Each greenhouse gas report submitted under subparagraph (A)—

''(i) shall include estimates of direct stationary combustion source emissions;

''(ii) shall express greenhouse gas emissions in metric tons of the carbon dioxide equivalent of each greenhouse gas emitted;

''(iii) shall specify the sources of greenhouse gas emissions that are included in the greenhouse gas report;

''(iv) shall be reported on an entity-wide basis and on a facility-wide basis; and

''(v) to the maximum extent practicable, shall be reported electronically to the Administrator in such form as the Administrator may require.

''(C) METHOD OF REPORTING OF ENTITY-WIDE EMISSIONS.—Under subparagraph (B)(iv), entity-wide emissions shall be reported on the bases of financial control and equity share in a manner consistent with the financial reporting practices of the covered entity.

''(2) FINAL REPORTING REQUIREMENTS.—

''(A) IN GENERAL.—Not later than April 30, 2005, and each April 30 thereafter (except as provided in subparagraph (B)(vii)), in accordance with this paragraph and the regulations promulgated under section 706(e)(2), each

covered entity shall submit to the Administrator the greenhouse gas report of the covered entity with respect to—

''(i) the preceding calendar year; and

''(ii) each greenhouse gas emitted by the covered entity in an amount that exceeds the applicable threshold quantity.

''(B) REQUIRED ELEMENTS.—Each greenhouse gas report submitted under subparagraph (A) shall include—

''(i) the required elements specified in paragraph (1);

''(ii) estimates of indirect emissions from imported electricity, heat, and steam;

''(iii) estimates of process emissions described in section 701(5)(B);

''(iv) estimates of fugitive emissions described in section 701(5)(C);

''(v) estimates of mobile source emissions described in section 701(5)(D), in such form as the Administrator may require;

''(vi) in the case of a covered entity that is a forest product entity, estimates of direct stationary source emissions, including emissions resulting from combustion of biomass;

''(vii) in the case of a covered entity that owns more than 250,000 acres of timberland, estimates, by State, of the timber and carbon stocks of the covered entity, which estimates shall be updated every 5 years; and

''(viii) a description of any adjustments to the greenhouse gas emissions record of the covered entity under subsection (c).

''(3) ESTABLISHMENT OF THRESHOLD QUANTITIES.—For the purpose of reporting under this subsection, the Administrator shall establish threshold quantities of emissions for each combination of a source and a greenhouse gas that is subject to the mandatory reporting requirements under this subsection.

''(b) VOLUNTARY REPORTING TO NATIONAL GREENHOUSE GAS REGISTRY.—

''(1) IN GENERAL.—Not later than April 30, 2004, and each April 30 thereafter, in accordance with this subsection and the regulations promulgated under section 706(f), an entity may voluntarily report to the Administrator, for inclusion in the national greenhouse gas registry, with respect to the preceding calendar year and any greenhouse gas emitted by the entity—

''(A) project reductions;

''(B) transfers of project reductions to and from any other entity;

''(C) project reductions and transfers of project reductions outside the United States;

''(D) indirect emissions that are not required to be reported under subsection (a)(2)(B)(ii) (such as product transport, waste disposal, product substitution, travel, and employee commuting); and

''(E) product use phase emissions.

''(2) TYPES OF ACTIVITIES.—Under paragraph (1), an entity may report activities that reduce greenhouse gas emissions or sequester a greenhouse gas, including—

''(A) fuel switching;

''(B) energy efficiency improvements;

''(C) use of renewable energy;

''(D) use of combined heat and power systems;

''(E) management of cropland, grassland, and grazing land;

''(F) forestry activities that increase carbon stocks;

''(G) carbon capture and storage;

''(H) methane recovery; and

''(I) carbon offset investments.

''(c) ADJUSTMENT FACTORS.—

''(1) IN GENERAL.—Each reporting entity shall adjust the greenhouse gas emissions record of the reporting entity in accordance with this subsection.

''(2) SIGNIFICANT STRUCTURAL CHANGES.—

''(A) IN GENERAL.—A reporting entity that experiences a significant structural change in the organization of the reporting entity (such as a merger, major acquisition, or divestiture) shall adjust its greenhouse gas emissions record for preceding years so as to maintain year-to-year comparability.

''(B) MID-YEAR CHANGES.—In the case of a reporting entity that experiences a significant structural change described in subparagraph (A) during the middle of a year, the greenhouse gas emissions record of the reporting entity for preceding years shall be adjusted on a pro-rata basis.

''(3) CALCULATION CHANGES AND ERRORS.—The greenhouse gas emissions record of a reporting entity for preceding years shall be adjusted for—

''(A) changes in calculation methodologies; or

''(B) errors that significantly affect the quantity of greenhouse gases in the greenhouse gas emissions record.

''(4) ORGANIZATIONAL GROWTH OR DECLINE.—The greenhouse gas emissions record of a reporting entity for preceding years shall not be adjusted for any organizational growth or decline of the reporting entity such as—

''(A) an increase or decrease in production output;

''(B) a change in product mix;

''(C) a plant closure; and

''(D) the opening of a new plant.

''(5) EXPLANATIONS OF ADJUSTMENTS.—A reporting entity shall explain, in a statement included in the greenhouse gas report of the reporting entity for a year—

''(A) any significant adjustment in the greenhouse gas emissions record of the reporting entity; and

''(B) any significant change between the greenhouse gas emissions record for the preceding year and the greenhouse gas emissions reported for the current year.

''(d) QUANTIFICATION AND VERIFICATION PROTOCOLS AND TOOLS.—

''(1) IN GENERAL.—The Administrator and the Secretary of Commerce, the Secretary of Agriculture, and the Secretary of Energy shall jointly work with the States, the private sector, and nongovernmental organizations to develop—

''(A) protocols for quantification and verification of greenhouse gas emissions;

''(B) electronic methods for quantification and reporting of greenhouse gas emissions; and

''(C) greenhouse gas accounting and reporting standards.

''(2) BEST PRACTICES.—The protocols and methods developed under paragraph (1) shall conform, to the maximum extent practicable, to the best practice protocols that have the greatest support of experts in the field.

''(3) INCORPORATION INTO REGULATIONS.—The Administrator shall incorporate the protocols developed under paragraph (1)(A) into the regulations promulgated under section 706.

''(4) OUTREACH PROGRAM.—The Administrator, the Secretary of Commerce, the Secretary of Agriculture, and the Secretary of Energy shall jointly conduct an outreach program to provide information to all reporting entities and the public on the protocols and methods developed under this subsection.

''(e) VERIFICATION.—

''(1) PROVISION OF INFORMATION BY REPORTING ENTITIES.—Each reporting entity shall provide information sufficient for the Administrator to verify, in accordance with greenhouse gas accounting and reporting standards developed under subsection (d)(1)(C), that the greenhouse gas report of the reporting entity—

''(A) has been accurately reported; and

''(B) in the case of each project reduction, represents actual reductions in greenhouse gas emissions or actual increases in net sequestration, as applicable.

''(2) INDEPENDENT THIRD-PARTY VERIFICATION.—A reporting entity may—

''(A) obtain independent third-party verification; and

''(B) present the results of the third-party verification to the Administrator for consideration by the Administrator in carrying out paragraph (1).

''(f) ENFORCEMENT.—The Administrator may bring a civil action in United States district court against a covered entity that fails to comply with subsection (a), or a regulation promulgated under section 706(e), to impose a civil penalty of not more than $25,000 for each day that the failure to comply continues.

"SEC. 705. NATIONAL GREENHOUSE GAS EMISSIONS INVENTORY.

''Not later than April 30, 2004, and each April 30 thereafter, the Administrator shall publish a national greenhouse gas emissions inventory that includes—

''(1) comprehensive estimates of the quantity of United States greenhouse gas emissions for the second preceding calendar year, including—

''(A) for each greenhouse gas, an estimate of the quantity of emissions contributed by each key source category;

''(B) a detailed analysis of trends in the quantity, composition, and sources of United States greenhouse gas emissions; and

''(C) a detailed explanation of the methodology used in developing the national greenhouse gas emissions inventory; and

''(2) a detailed analysis of the information reported to the national greenhouse gas emissions information system and the national greenhouse gas registry.

"SEC. 706. REGULATIONS.

''(a) IN GENERAL.—The Administrator may promulgate such regulations as are necessary to carry out this title.

''(b) BEST PRACTICES.—In developing regulations under this section, the Administrator shall seek to leverage leading protocols for the measurement, accounting, reporting, and verification of greenhouse gas emissions.

''(c) NATIONAL GREENHOUSE GAS EMISSIONS INFORMATION SYSTEM.—Not later than January 31, 2004, the Administrator shall promulgate such regulations as are necessary to establish the national greenhouse gas emissions information system.

''(d) NATIONAL GREENHOUSE GAS REGISTRY.—Not later than January 31, 2004, the Administrator shall promulgate such regulations as are necessary to establish the national greenhouse gas registry.

''(e) MANDATORY REPORTING REQUIREMENTS.—

''(1) INITIAL REPORTING REQUIREMENTS.—Not later than January 31, 2004, the Administrator shall promulgate such regulations as are necessary to implement the initial mandatory reporting requirements under section 704(a)(1).

''(2) FINAL REPORTING REQUIREMENTS.—Not later than January 31, 2005, the Administrator shall promulgate such regulations as are necessary to implement the final mandatory reporting requirements under section 704(a)(2).

''(f) VOLUNTARY REPORTING PROVISIONS.—Not later than January 31, 2004, the Administrator shall promulgate such regulations and

issue such guidance as are necessary to implement the voluntary reporting provisions under section 704(b).

''(g) ADJUSTMENT FACTORS.—Not later than January 31, 2004, the Administrator shall promulgate such regulations as are necessary to implement the adjustment factors under section 704(c).''.

By Mr. CHAFEE (for himself, Mr. INHOFE, Mr. JEFFORDS, Mr. CARPER, and Mr. WARNER):

S. 195. A bill to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes; to the Committee on Environment and Public Works.

Mr. CHAFEE. Mr. President, today I am introducing the Underground Storage Tank Compliance Act of 2003. While this bill is being introduced today, it already has a long history. The Superfund Subcommittee conducted two hearings on the bill last year. We have received solid testimony and input from interested parties throughout this process, and I believe that this measure goes a long way toward solving the problems we face with leaking underground storage tanks. In addition, the language in this bill was approved unanimously by the Environment and Public Works Committee in the 107th Congress.

The chief reason for pursuing this legislation today is to improve compliance with the December 22, 1998 deadline for tank owners and operators to upgrade, replace, or close tanks that didn't meet minimum Federal requirements. To assess the situation, I asked the U.S. General Accounting Office in April, 2000 to examine compliance of tanks with Federal requirements. GAO concluded in May, 2001 that approximately 76,000 tanks have never been upgraded to meet minimum Federal standards. In addition, GAO found that more than 200,000 tanks are not being operated and maintained properly due, in part, to infrequent tank inspections and limited funding.

Leaking tanks can have severe impacts on local communities. For example, the village of Pascoag, Rhode Island learned the hard way that the problems GAO outlined are real and have serious consequences. Twelve hundred households were without water with which to drink, bathe, or cook for over four months because MTBE contaminated fuel from a local gasoline station was leaking into the town's drinking water supply.

I believe the Underground Storage Tank Compliance Act of 2003 will assist communities that are grappling with these problems and will prevent such problems from recurring. The high cost of clean-up once a tank has leaked, demands the emphasis on prevention included in this legislation. The bill requires the inspection of all underground storage tanks every two years and for the first time focuses on the training of tank operators. It simply does not make sense to install modern, protective equipment if the people who operate them do not have the proper training. The bill also provides the Federal Government and States with the tools necessary to ensure that all parties are meeting Federal standards. In addition, the legislation emphasizes compliance of tanks owned by Federal, State, and local governments, and provides $125 million per year for cleanup of sites contaminated by MTBE.

This bill enjoys broad support, including the support of the regulated community and the environmental community. We have worked extensively with the Administration to address issues raised by the Environmental Protection Agency. I believe that this legislation goes a long way toward solving many of the problems relating to leaking tanks, and I thank all of my colleagues for working with me on this.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Underground Storage Tank Compliance Act of 2003''.

SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.

Section 9004 of the Solid Waste Disposal Act (42 U.S.C. 6991c) is amended by adding at the end the following:

''(f) TRUST FUND DISTRIBUTION.—

''(1) IN GENERAL.—

''(A) AMOUNT AND PERMITTED USES OF DISTRIBUTION.—The Administrator shall distribute to States not less than 80 percent of the funds from the Trust Fund that are made available to the Administrator under section 9014(2)(A) for each fiscal year for use in paying the reasonable costs, incurred under a cooperative agreement with any State, of—

''(i) actions taken by the State under section 9003(h)(7)(A);

''(ii) necessary administrative expenses, as determined by the Administrator, that are directly related to corrective action and compensation programs under subsection (c)(1);

''(iii) any corrective action and compensation program carried out under subsection (c)(1) for a release from an underground storage tank regulated under this subtitle to the extent that, as determined by the State in accordance with guidelines developed jointly by the Administrator and the State, the financial resources of the owner or operator of the underground storage tank (including resources provided by a program in accordance with subsection (c)(1)) are not adequate to pay the cost of a corrective action without significantly impairing the ability of the owner or operator to continue in business;

''(iv) enforcement by the State or a local government of State or local regulations pertaining to underground storage tanks regulated under this subtitle; or

''(v) State or local corrective actions carried out under regulations promulgated under section 9003(c)(4).

''(B) USE OF FUNDS FOR ENFORCEMENT.—In addition to the uses of funds authorized under subparagraph (A), the Administrator may use funds from the Trust Fund that are not distributed to States under subparagraph (A) for enforcement of any regulation promulgated by the Administrator under this subtitle.

''(C) PROHIBITED USES.—Except as provided in subparagraph (A)(iii), under any similar requirement of a State program approved under this section, or in any similar State or local provision as determined by the Administrator, funds provided to a State by the Administrator under subparagraph (A) shall not be used by the State to provide financial assistance to an owner or operator to meet any requirement relating to underground storage tanks under part 280 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

''(2) ALLOCATION.—

''(A) PROCESS.—Subject to subparagraph (B), in the case of a State with which the Administrator has entered into a cooperative agreement under section 9003(h)(7)(A), the Administrator shall distribute funds from the Trust Fund to the State using the allocation process developed by the Administrator.

''(B) REVISIONS TO PROCESS.—The Administrator may revise the allocation process referred to in subparagraph (A) with respect to a State only after—

''(i) consulting with—

''(I) State agencies responsible for overseeing corrective action for releases from underground storage tanks;

''(II) owners; and

''(III) operators; and

''(ii) taking into consideration, at a minimum—

''(I) the total tax revenue contributed to the Trust Fund from all sources within the State;

''(II) the number of confirmed releases from federally regulated underground storage tanks in the State;

''(III) the number of federally regulated underground storage tanks in the State;

''(IV) the percentage of the population of the State that uses groundwater for any beneficial purpose;

''(V) the performance of the State in implementing and enforcing the program;

''(VI) the financial needs of the State; and

''(VII) the ability of the State to use the funds referred to in subparagraph (A) in any year.

''(3) DISTRIBUTIONS TO STATE AGENCIES.—Distributions from the Trust Fund under this subsection shall be made directly to a State agency that—

''(A) enters into a cooperative agreement referred to in paragraph (2)(A); or

''(B) is enforcing a State program approved under this section.

''(4) COST RECOVERY PROHIBITION.—Funds from the Trust Fund provided by States to owners or operators under paragraph (1)(A)(iii) shall not be subject to cost recovery by the Administrator under section 9003(h)(6).''.

SEC. 3. INSPECTION OF UNDERGROUND STORAGE TANKS.

Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting before subsection (b) (as redesignated by paragraph (1)) the following:

''(a) INSPECTION REQUIREMENTS.—Not later than 2 years after the date of enactment of the Underground Storage Tank Compliance Act of 2003, and at least once every 2 years thereafter, the Administrator or a State with a program approved under section 9004, as appropriate, shall require that all underground storage tanks regulated under this subtitle undergo onsite inspections for compliance with regulations promulgated under section 9003(c).''.

SEC. 4. OPERATOR TRAINING.

Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by striking section 9010 and inserting the following:

''SEC. 9010. OPERATOR TRAINING.

''(a) GUIDELINES.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Underground Storage Tank Compliance Act of 2003, in cooperation with States, owners, and operators, the Administrator shall publish in the Federal Register, after public notice and opportunity for comment, guidelines that specify methods for training operators of underground storage tanks.

''(2) CONSIDERATIONS.—The guidelines described in paragraph (1) shall take into account—

''(A) State training programs in existence as of the date of publication of the guidelines;

''(B) training programs that are being employed by owners and operators as of the date of enactment of this paragraph;

''(C) the high turnover rate of operators;

''(D) the frequency of improvement in underground storage tank equipment technology;

''(E) the nature of the businesses in which the operators are engaged; and

''(F) such other factors as the Administrator determines to be necessary to carry out this section.

''(b) STATE PROGRAMS.—

''(1) IN GENERAL.—Not later than 2 years after the date on which the Administrator publishes the guidelines under subsection (a)(1), each State shall develop and implement a strategy for the training of operators of underground storage tanks that is consistent with paragraph (2).

''(2) REQUIREMENTS.—A State strategy described in paragraph (1) shall—

''(A) be consistent with subsection (a);

''(B) be developed in cooperation with owners and operators; and

''(C) take into consideration training programs implemented by owners and operators as of the date of enactment of this subsection.

''(3) FINANCIAL INCENTIVE.—The Administrator may award to a State that develops and implements a strategy described in paragraph (1), in addition to any funds that the State is entitled to receive under this subtitle, not more than $50,000, to be used to carry out the strategy.''.

SEC. 5. REMEDIATION OF MTBE CONTAMINATION.

Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(1) in paragraph (7)(A)—

(A) by striking ''paragraphs (1) and (2) of this subsection'' and inserting ''paragraphs (1), (2), and (12)''; and

(B) by striking '', and including the authorities of paragraphs (4), (6), and (8) of this subsection'' and inserting ''and the authority under sections 9005(a) and 9011 and paragraphs (4), (6), and (8),''; and

(2) by adding at the end the following:

''(12) REMEDIATION OF MTBE CONTAMINATION.—

''(A) IN GENERAL.—The Administrator and the States may use funds made available under section 9014(2)(B) to carry out corrective actions with respect to a release of methyl tertiary butyl ether that presents a threat to human health or welfare or the environment.

''(B) APPLICABLE AUTHORITY.—The Administrator or a State shall carry out subparagraph (A)—

''(i) in accordance with paragraph (2), except that a release with respect to which a corrective action is carried out under subparagraph (A) shall not be required to be from an underground storage tank; and

''(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).''.

SEC. 6. RELEASE PREVENTION, COMPLIANCE, AND ENFORCEMENT.

(a) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 4) is amended by adding at the end the following:

''SEC. 9011. USE OF FUNDS FOR RELEASE PREVENTION AND COMPLIANCE.

''Funds made available under section 9014(2)(D) from the Trust Fund may be used to conduct inspections, issue orders, or bring actions under this subtitle—

''(1) by a State, in accordance with a grant or cooperative agreement with the Administrator, of State regulations pertaining to underground storage tanks regulated under this subtitle; and

''(2) by the Administrator, under this subtitle (including under a State program approved under section 9004).''.

(b) GOVERNMENT-OWNED TANKS.—Section 9003 of the Solid Waste Disposal Act (42 U.S.C. 6991b) is amended by adding at the end the following:

''(i) GOVERNMENT-OWNED TANKS.—

''(1) IMPLEMENTATION REPORT.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, each State shall submit to the Administrator an implementation report that—

''(i) lists each underground storage tank described in subparagraph (B) in the State that, as of the date of submission of the report, is not in compliance with this subtitle; and

''(ii) describes the actions that have been and will be taken to ensure compliance by the underground storage tank listed under clause (i) with this subtitle.

''(B) UNDERGROUND STORAGE TANK.—An underground storage tank described in this subparagraph is an underground storage tank that is—

''(i) regulated under this subtitle; and

''(ii) owned or operated by the State government or any local government.

''(C) PUBLIC AVAILABILITY.—The Administrator shall make each report received under subparagraph (A) available to the public on the Internet.

''(2) FINANCIAL INCENTIVE.—The Administrator may award to a State that develops an implementation report described in paragraph (1), in addition to any funds that the State is entitled to receive under this subtitle, not more than $50,000, to be used to carry out the implementation report.

''(3) NOT A SAFE HARBOR.—This subsection does not relieve any person from any obligation or requirement under this subtitle.''.

(c) INCENTIVES FOR PERFORMANCE.—Section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991e) is amended by adding at the end the following:

''(e) INCENTIVES FOR PERFORMANCE.—In determining the terms of a compliance order under subsection (a), or the amount of a civil penalty under subsection (d), the Administrator, or a State under a program approved under section 9004, may take into consideration whether an owner or operator—

''(1) has a history of operating underground storage tanks of the owner or operator in accordance with—

''(A) this subtitle; or

''(B) a State program approved under section 9004;

''(2) has repeatedly violated—

''(A) this subtitle; or

''(B) a State program approved under section 9004; or

''(3) has implemented a program, consistent with guidelines published under section 9010, that provides training to persons responsible for operating any underground storage tank of the owner or operator.''.

(d) AUTHORITY TO PROHIBIT CERTAIN DELIVERIES.—Section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991e) (as amended by subsection (c)) is amended by adding at the end the following:

''(f) AUTHORITY TO PROHIBIT CERTAIN DELIVERIES.—

''(1) IN GENERAL.—Subject to paragraph (2), beginning 180 days after the date of enactment of this subsection, the Administrator or a State may prohibit the delivery of regulated substances to underground storage tanks that are not in compliance with—

''(A) a requirement or standard promulgated by the Administrator under section 9003; or

''(B) a requirement or standard of a State program approved under section 9004.

''(2) LIMITATIONS.—

''(A) SPECIFIED GEOGRAPHIC AREAS.—Subject to subparagraph (B), under paragraph (1), the Administrator or a State shall not prohibit a delivery if the prohibition would jeopardize the availability of, or access to, fuel in any specified geographic area.

''(B) APPLICABILITY OF LIMITATION.—The limitation under subparagraph (A) shall apply only during the 180-day period following the date of a determination by the Administrator that exercising the authority of paragraph (1) is limited by subparagraph (A).

''(C) GUIDELINES.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall issue guidelines that define the term 'specified geographic area' for the purpose of subparagraph (A).

''(3) AUTHORITY TO ISSUE GUIDELINES.—Subject to paragraph (2)(C), the Administrator, after consultation with States, may issue guidelines for carrying out this subsection.

''(4) ENFORCEMENT, COMPLIANCE, AND PENALTIES.—The Administrator may use the authority under the enforcement, compliance, or penalty provisions of this subtitle to carry out this subsection.

''(5) EFFECT ON STATE AUTHORITY.—Nothing in this subsection affects the authority of a State to prohibit the delivery of a regulated substance to an underground storage tank.''.

(e) PUBLIC RECORD.—Section 9002 of the Solid Waste Disposal Act (42 U.S.C. 6991a) is amended by adding at the end the following:

''(d) PUBLIC RECORD.—

''(1) IN GENERAL.—The Administrator shall require each State and Indian tribe that receives Federal funds to carry out this subtitle to maintain, update at least annually, and make available to the public, in such manner and form as the Administrator shall prescribe (after consultation with States and

Indian tribes), a record of underground storage tanks regulated under this subtitle.

''(2) CONSIDERATIONS.—To the maximum extent practicable, the public record of a State or Indian tribe, respectively, shall include, for each year—

''(A) the number, sources, and causes of underground storage tank releases in the State or tribal area;

''(B) the record of compliance by underground storage tanks in the State or tribal area with—

''(i) this subtitle; or

''(ii) an applicable State program approved under section 9004; and

''(C) data on the number of underground storage tank equipment failures in the State or tribal area.

''(3) AVAILABILITY.—The Administrator shall make the public record of each State and Indian tribe under this section available to the public electronically.''.

SEC. 7. FEDERAL FACILITIES.

Section 9007 of the Solid Waste Disposal Act (42 U.S.C. 6991f) is amended by adding at the end the following:

''(c) REVIEW OF, AND REPORT ON, FEDERAL UNDERGROUND STORAGE TANKS.—

''(1) REVIEW.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in cooperation with each Federal agency that owns or operates 1 or more underground storage tanks or that manages land on which 1 or more underground storage tanks are located, shall review the status of compliance of those underground storage tanks with this subtitle.

''(2) IMPLEMENTATION REPORT.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, each Federal agency described in paragraph (1) shall submit to the Administrator and to each State in which an underground storage tank described in paragraph (1) is located an implementation report that—

''(i) lists each underground storage tank described in paragraph (1) that, as of the date of submission of the report, is not in compliance with this subtitle; and

''(ii) describes the actions that have been and will be taken to ensure compliance by the underground storage tank with this subtitle.

''(B) PUBLIC AVAILABILITY.—The Administrator shall make each report received under subparagraph (A) available to the public on the Internet.

''(3) NOT A SAFE HARBOR.—This subsection does not relieve any person from any obligation or requirement under this subtitle.

''(d) APPLICABILITY OF CERTAIN REQUIREMENTS.—Section 6001(a) shall apply to each department, agency, and instrumentality covered by subsection (a).''.

SEC. 8. TANKS UNDER THE JURISDICTION OF INDIAN TRIBES.

Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 6(a)) is amended by adding at the end the following:

''SEC. 9012. TANKS UNDER THE JURISDICTION OF INDIAN TRIBES.

''(a) IN GENERAL.—The Administrator, in coordination with Indian tribes, shall—

''(1) not later than 1 year after the date of enactment of this section, develop and implement a strategy—

''(A) giving priority to releases that present the greatest threat to human health or the environment, to take necessary corrective action in response to releases from leaking underground storage tanks located wholly within the boundaries of—

''(i) an Indian reservation; or

''(ii) any other area under the jurisdiction of an Indian tribe; and

''(B) to implement and enforce requirements concerning underground storage tanks located wholly within the boundaries of—

''(i) an Indian reservation; or

''(ii) any other area under the jurisdiction of an Indian tribe;

''(2) not later than 2 years after the date of enactment of this section and every 2 years thereafter, submit to Congress a report that summarizes the status of implementation and enforcement of the underground storage tank program in areas located wholly within—

''(A) the boundaries of Indian reservations; and

''(B) any other areas under the jurisdiction of an Indian tribe; and

''(3) make the report described in paragraph (2) available to the public on the Internet.

''(b) NOT A SAFE HARBOR.—This section does not relieve any person from any obligation or requirement under this subtitle.

''(c) STATE AUTHORITY.—Nothing in this section applies to any underground storage tank that is located in an area under the jurisdiction of a State, or that is subject to regulation by a State, as of the date of enactment of this section.''.

SEC. 9. STATE AUTHORITY.

Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 8) is amended by adding at the end the following:

''SEC. 9013. STATE AUTHORITY.

''Nothing in this subtitle precludes a State from establishing any requirement that is more stringent than a requirement under this subtitle.''.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 9) is amended by adding at the end the following:

''SEC. 9014. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Administrator—

''(1) to carry out subtitle I (except sections 9003(h), 9005(a), and 9011) $25,000,000 for each of fiscal years 2004 through 2008; and

''(2) from the Trust Fund, notwithstanding section 9508(c)(1) of the Internal Revenue Code of 1986—

''(A) to carry out section 9003(h) (except section 9003(h)(12)) $150,000,000 for each of fiscal years 2004 through 2008;

''(B) to carry out section 9003(h)(12), $125,000,000 for each of fiscal years 2004 through 2008;

''(C) to carry out section 9005(a)—

''(i) $35,000,000 for each of fiscal years 2004 and 2005; and

''(ii) $20,000,000 for each of fiscal years 2006 through 2009; and

''(D) to carry out section 9011—

''(i) $50,000,000 for fiscal year 2004; and

''(ii) $30,000,000 for each of fiscal years 2005 through 2009.''.

SEC. 11. CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 9001 of the Solid Waste Disposal Act (42 U.S.C. 6991) is amended—

(1) by striking ''For the purposes of this subtitle—'' and inserting ''In this subtitle:'';

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (10), (7), (4), (3), (8), (5), (2), and (6), respectively, and reordering the paragraphs so as to appear in numerical order;

(3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

''(1) INDIAN TRIBE.—

''(A) IN GENERAL.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community that is recognized as being eligible for special programs and services provided by the United States to Indians because of their status as Indians.

''(B) INCLUSIONS.—The term 'Indian tribe' includes an Alaska Native village, as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).''; and

(4) by inserting after paragraph (8) (as redesignated by paragraph (2)) the following:

''(9) TRUST FUND.—The term 'Trust Fund' means the Leaking Underground Storage Tank Trust Fund established by section 9508 of the Internal Revenue Code of 1986.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended in the table of contents—

(A) in the item relating to section 9002, by inserting ''and public records'' after ''Notification''; and

(B) by striking the item relating to section 9010 and inserting the following:

''Sec. 9010. Operator training.
''Sec. 9011. Use of funds for release prevention and compliance.
''Sec. 9012. Tanks under the jurisdiction of Indian tribes.
''Sec. 9013. State authority.
''Sec. 9014. Authorization of appropriations.''.

(2) Section 9002 of the Solid Waste Disposal Act (42 U.S.C. 6991a) is amended in the section heading by inserting ''AND PUBLIC RECORDS'' after ''NOTIFICATION''.

(3) Section 9003(f) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)) is amended—

(A) in paragraph (1), by striking ''9001(2)(B)'' and inserting ''9001(7)(B)''; and

(B) in paragraphs (2) and (3), by striking ''9001(2)(A)'' each place it appears and inserting ''9001(7)(A)''.

(4) Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended in paragraphs (1), (2)(C), (7)(A), and (11) by striking ''Leaking Underground Storage Tank Trust Fund'' each place it appears and inserting ''Trust Fund''.

(5) Section 9009 of the Solid Waste Disposal Act (42 U.S.C. 6991h) is amended—

(A) in subsection (a), by striking ''9001(2)(B)'' and inserting ''9001(7)(B)''; and

(B) in subsection (d), by striking ''section 9001(1) (A) and (B)'' and inserting ''subparagraphs (A) and (B) of section 9001(10)''.

SEC. 12. TECHNICAL AMENDMENTS.

(a) Section 9001(4)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(4)(A)) (as amended by section 11(a)(2)) is amended by striking ''sustances'' and inserting ''substances''.

(b) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking ''subsection (c) and (d) of this section'' and inserting ''subsections (c) and (d)''.

(c) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended by striking ''in 9001(2) (A) or (B) or both'' and inserting ''in subparagraph (A) or (B) of section 9001(7)''.

(d) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) (as amended by section 3) is amended—

(1) in subsection (b), by striking ''study taking'' and inserting ''study, taking'';

(2) in subsection (c)(1), by striking ''relevent'' and inserting ''relevant''; and

(3) in subsection (c)(4), by striking ''Evironmental'' and inserting ''Environmental''.

By Mr. ALLEN (for himself, Mr. MCCAIN, Mr. STEVENS, Mr. HOLLINGS, and Mr. MILLER):

S. 196. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ALLEN. Mr. President, today I rise with my colleagues—Senators MCCAIN, STEVENS, HOLLINGS and MILLER to introduce the Digital & Wireless Network Technology Program Act of 2003.

Access to the Internet is no longer a luxury, but a necessity. Because of the rapid advancement and growing dependence on technology, being digitally connected becomes more essential to economic and educational advancement. 60 percent of all jobs require information technology skills and jobs in information technology pay significantly higher salaries than jobs in non-information technology fields. People who lack access to information technology tools are at an increasing disadvantage. Consequently, it is important that all institutions of higher education provide their students with access to the most current information technology and digital equipment.

As Governor of Virginia, I implemented a technology plan that created a blueprint of technology resources throughout the Virginia Community College System, VCCS. All 38 community college campuses are wired and each community college has a dedicated Commonwealth Classroom for compressed video distance education classes. Arrangements with Old Dominion University, Christopher Newport University, Virginia Tech and other institutions are offering senior level courses through distance education that actually take place on the community college campus.

Minority Serving Institutions, however, still lack basic information and digital technology infrastructure. A study completed by the Department of Commerce and the National Association for Equal Opportunity in Higher Education showed that most Historically Black Colleges and Universities do not have high-speed Internet access, and only 3 percent of these colleges and universities indicated that financial aid was available to help their students close the computer ownership gap, the digital divide.

The Digital & Wireless Network Technology Program Act of 2003 seeks to address the technology gap that exists at many Minority Serving Institutions, MSIs. Our legislation establishes a new grant program within the National Science Foundation, NSF, that provides up to $250 million to help Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges bridge the digital divide.

The legislation allows eligible institutions the opportunity through grants, contracts or cooperative agreements to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology and wireless technology/infrastructure, such as wireless fidelity or WiFi, to develop and provide educational services. Additionally, the grants could be used for such activities as equipment upgrades, technology training and hardware/software acquisition. A Minority Serving Institution also could use the funds to offer its students universal access to campus networks, dramatically increase their connectivity rates, or make necessary infrastructure improvements.

Virginia has five Historically Black Colleges and Universities: Hampton University, Norfolk State University, St. Paul's College, Virginia Union University and Virginia State University.

The best jobs in the future will go to those who are the best prepared. However, I am increasingly concerned that when it comes to high technology jobs which pay higher wages this country runs the risk of economically limiting many college students in our society. It is important for ALL Americans that we close this opportunity gap. Since my election to the Senate, my goal has always been to continue the work that I began as Governor, to look for ways to improve education, create jobs and seek out new opportunities to benefit Virginia and its citizens. By improving technology-education programs, we can accomplish all three for students throughout our nation.

I want to thank my colleagues for joining me today cosponsoring this legislation and look forward to working with fellow Senators to push this important measure across the goal-line so that many more college students are provided access to better technology and education, and most importantly, even greater opportunities in life.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Digital and Wireless Network Technology Program Act of 2003''.

SEC. 2. ESTABLISHMENT OF OFFICE.

(a) IN GENERAL.—There is established within the National Science Foundation an Office of Digital and Wireless Network Technology to carry out the provisions of this Act.

(b) PURPOSE.—The Office shall—

(1) strengthen the ability of eligible institutions to provide capacity for instruction in digital and wireless network technologies by providing grants to, or executing contracts or cooperative agreements with, those institutions to provide such instruction; and

(2) strengthen the national digital and wireless infrastructure by increasing national investment in telecommunications and technology infrastructure at eligible institutions.

SEC. 3. ACTIVITIES SUPPORTED.

An eligible institution shall use a grant, contract, or cooperative agreement awarded under this Act—

(1) to acquire the equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure;

(2) to develop and provide educational services, including faculty development, to prepare students or faculty seeking a degree or certificate that is approved by the State, or a regional accrediting body recognized by the Secretary of Education;

(3) to provide teacher education, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or instructional process;

(4) to implement joint projects and consortia to provide education regarding technology in the classroom with a State or State education agency, local education agency, community-based organization, national non-profit organization, or business, including minority businesses;

(5) to provide leadership development to administrators, board members, and faculty of eligible institutions with institutional responsibility for technology education;

(6) to provide capacity-building technical assistance to eligible institutions through technical assistance workshops, distance learning, new technologies, and other technological applications; and

(7) to foster the use of information communications technology to increase scientific, mathematical, engineering, and technology instruction and research.

SEC. 4. APPLICATION AND REVIEW PROCEDURE.

(a) IN GENERAL.—To be eligible to receive a grant, contract, or cooperative agreement under this Act, an eligible institution shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require. The Director, in consultation with the advisory council established under subsection (b), shall establish a procedure by which to accept such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

(b) ADVISORY COUNCIL.—The Director shall establish an advisory council to advise the Director on the best approaches for involving eligible institutions in the activities described in section 3. In selecting the members of the advisory council, the Director may consult with representatives of appropriate organizations, including representatives of eligible institutions, to ensure that the membership of the advisory council reflects participation by technology and telecommunications institutions, minority businesses, eligible institution communities, Federal agency personnel, and other individuals who are knowledgeable about eligible institutions and technology issues.

(c) DATA COLLECTION.—An eligible institution that receives a grant, contract, or cooperative agreement under section 2 shall provide the Office with any relevant institutional statistical or demographic data requested by the Office.

(d) INFORMATION DISSEMINATION.—The Director shall convene an annual meeting of eligible institutions receiving grants, contracts, or cooperative agreements under section 2 for the purposes of—

(1) fostering collaboration and capacity-building activities among eligible institutions; and

(2) disseminating information and ideas generated by such meetings.

SEC. 5. MATCHING REQUIREMENT.

The Director may not award a grant, contract, or cooperative agreement to an eligible institution under this Act unless such institution agrees that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant, contract, or cooperative agreement was awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to ¼ of the amount of the grant, contract, or cooperative agreement awarded by the Director, or $500,000, whichever is the lesser amount. The Director shall waive the matching requirement for any institution or consortium with no endowment, or an endowment that has a current dollar value lower than $50,000,000.

SEC. 6. LIMITATIONS.

(a) IN GENERAL.—An eligible institution that receives a grant, contract, or cooperative agreement under this Act that exceeds $2,500,000, shall not be eligible to receive another grant, contract, or cooperative agreement under this Act until every other eligible institution that has applied for a grant, contract, or cooperative agreement under this Act has received such a grant, contract, or cooperative.

(b) AWARDS ADMINISTERED BY ELIGIBLE INSTITUTION.—Each grant, contract, or cooperative agreement awarded under this Act shall be made to, and administered by, an eligible institution, even when it is awarded for the implementation of a consortium or joint project.

SEC. 7. ANNUAL REPORT AND EVALUATION.

(a) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each institution that receives a grant, contract, or cooperative agreement under this Act shall provide an annual report to the Director on its use of the grant, contract, or cooperative agreement.

(b) EVALUATION BY DIRECTOR.—The Director, in consultation with the Secretary of Education, shall—

(1) review the reports provided under subsection (a) each year; and

(2) evaluate the program authorized by section 3 on the basis of those reports every 2 years.

(c) CONTENTS OF EVALUATION.—The Director, in the evaluation, shall describe the activities undertaken by those institutions and shall assess the short-range and long-range impact of activities carried out under the grant, contract, or cooperative agreement on the students, faculty, and staff of the institutions.

(d) REPORT TO CONGRESS.—The Director shall submit a report to the Congress based on the evaluation. In the report, the Director shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program, as may be appropriate.

SEC. 8. DEFINITIONS.

In this Act:

(1) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means an institution that is—

(A) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)), an institution described in section 326(e)(1)(A), (B), or (C) of that Act (20 U.S.C. 1063b(e)(1)(A), (B), or (C)), or a consortium of institutions described in this subparagraph;

(B) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

(C) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

(D) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));

(E) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

(F) an institution determined by the Director, in consultation with the Secretary of Education, to have enrolled a substantial number of minority, low-income students during the previous academic year who received assistance under subpart I of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) for that year.

(2) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(3) MINORITY BUSINESS.—The term ''minority business'' includes HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director of the National Science Foundation $250,000,000 for each of the fiscal years 2004 through 2008 to carry out this Act.

Mr. MCCAIN. During this era of economic slowdown and global threat, it is imperative that our Nation's institutions of higher education are prepared to produce a technologically advanced workforce. Rita Colwell, Director of the National Science Foundation, NSF, stated in a recent letter to new Members of Congress that ''. . . American science and technology is failing to tap a vast pool of talent among our women and ethnic minorities.''

As the demographics of the Nation become more and more diverse, minority institutions of higher education take on an even greater importance. It is estimated that in 10 years, minorities will comprise 40 percent of the college-age Americans, the pool from which the Nation's future engineers and scientists will emerge. Therefore, to tap this underutilized pool of future engineers and scientists, it is essential to provide assistance to these minority institutions. The hundreds of minority-serving institutions, MSI, which include Historically Black Colleges and Universities (HBCU), Hispanic-serving institutions, and tribal colleges and universities, should be provided with the resources to ensure that we are indeed utilizing their large student populations.

I am pleased to join Senator ALLEN and the other sponsors in introducing the Digital and Wireless Network Technology Act of 2003. This legislation would create an office at the NSF to draw upon its resources to strengthen the ability of MSIs to provide instructions in digital and wireless network technologies.

The legislation is not the result of any special interest groups or highly financial lobbying efforts. It is based upon data provided by 80 of the 118 HBCUs in a study, entitled ''HBCU Technology Assessment Study,'' funded by the U.S. Department of Commerce and conducted by a national black college association and minority business. The study assessed the computing resources, networking, and connectivity of HBCUs and other institutions that provide educational services to predominately African-American populations.

The study concluded that ''during this era of continuous innovation and change, continual upgrading of networking and connectivity systems is critical if HBCUs are to continue to cross the digital divide and not fall victim to it. Failure to do this may result in what is a manageable digital divide today, evolving into an unmanageable digital gulf tomorrow.'' I believe there is reason to conclude that the findings from the study also would apply to Hispanic-serving institutions, and tribal colleges and universities.

This bill would build upon the work of Senator Cleland and many others during the last Congress. In testimony before the Commerce Committee last year, the president of the United Negro College Fund, Congressman William Gray, stated that we can ill afford to promote college graduates who enter the workforce without mastering the basic computer skills and understanding how information technology applies to their work or profession.

I feel it is imperative that we do all we can to improve the quality of education for students at our minority serving institutions. These institutions will continue to play an important role in providing the Nation with a well-educated and talented workforce.

Mr. President, I urge my colleagues to support this bill.

By Mrs. BOXER.

S. 197. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to help States expand the education system to include at least 1 year of early education preceding the year a child enters kindergarten; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today I am reintroducing the Early Education Act. This bill will enable millions of children to be prepared when they begin their academic careers.

In 1989, the Nation's governors established a goal that all children would have access to high quality prekindergarten programs by the year 2000. It is now the year 2003, and this goal is far from being met.

Of the nearly 8 million 3- and 4-year-olds that could be in early education,

fewer than half are enrolled in an early education program.

The result is that too many children come to school ill-prepared to learn. They lack language skills, social skills, and motivation. Almost all experts now agree that an early education experience is one of the most effective strategies for improving later school performance.

Researchers have discovered that children have a learning capacity that can and should be developed at a much earlier age than was previously thought. The National Research Council reported that prekindergarten educational opportunities are necessary if children are going to develop the language and literacy skills needed to read.

Furthermore, studies have shown that children who participate in prekindergarten programs are less likely to be held back a grade, show greater learning retention and initiative, have better social skills, are more enthusiastic about school, and are more likely to have good attendance records.

For every dollar invested in early education, about 7 dollars are saved in later costs.

My bill, the Early Education Act, would create a demonstration project in at least 10 States that want to provide one year of prekindergarten early education in the public schools. There is a 50 percent matching requirement, and the $300 million authorized under this bill would be used by States to supplement—not supplant—other Federal, State or local funds.

Our children need a solid foundation that builds on current education system by providing them with early learning skills. I urge my colleagues to support this legislation.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 2—EXPRESSING THE SENSE OF THE CONGRESS THAT THE UNITED STATES POSTAL SERVICE SHOULD ISSUE COMMEMORATIVE POSTAGE STAMPS HONORING AMERICANS WHO DISTINGUISHED THEMSELVES BY THEIR SERVICE IN THE ARMED FORCES

Mr. CORZINE (for himself and Mr. WARNER) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 2

Whereas the United States Postal Service honored four distinguished American soldiers when it issued its Distinguished Soldiers commemorative postage stamps on May 3, 2000;

Whereas such stamps not only paid tribute to the patriotism and uncommon valor of those brave soldiers, but also served as a lasting tribute to the men and women of the Army who have dedicated their lives to the defense of our country; and

Whereas it is only fitting that similar recognition be given with respect to the other branches of the armed forces: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) commemorative postage stamps should be issued by the United States Postal Service honoring Americans who distinguished themselves by their service in the Navy, Air Force, Marine Corps, and Coast Guard, respectively; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such stamps be issued.

Mr. WARNER. Mr. President, I join my colleague from New Jersey, Senator CORZINE, in support of a series of commemorative postage stamps to honor the distinguished members of our armed services.

As a veteran of World War II and Korea, I know firsthand the hardships of war. It certainly does provide a deeper appreciation for life and the struggles faced by the men and women who serve in our uniformed services. I also appreciate just how critical it is for our military personnel to be appropriately trained, well-equipped, and fairly compensated, both in times of peace and hostilities, for protecting the freedoms we enjoy as Americans.

In May of 2000, a series of four stamps were issued by the United States Postal Service to acknowledge several distinguished leaders of the United States Army. This Resolution maintains that this honor should be extended to recognize the accomplishments of notable service members of the United States Navy, United States Marine Corps, United States Air Force and the United States Coast Guard.

I take great pride in representing military personnel and the veterans of our great nation and I am pleased to support this admirable initiative.

Mr. CORZINE. Mr. President, I rise today to submit a resolution calling on the United States Postal Service to issue commemorative postage stamps honoring distinguished servicemen and servicewomen from the Navy, Marine Corps, Air Force, and Coast Guard.

On May 3, 2000 the United States Postal Service formally recognized four distinguished Army soldiers with ''Distinguished Soldiers'' commemorative postage stamps. These stamps serve as an important tribute to the patriotism and uncommon valor of four individual soldiers who risked life and limb in defense of liberty. Clearly, as our military is being mobilized for possible military action, these stamps serve as a timely recognition of the sacrifice made by our Army personnel to defend the democratic values that we hold dear.

To date, however, there has been an unfortunate, but easily remediable oversight: the Postal Service has issued a set of four stamps recognizing the accomplishments of individual U.S. Army soldiers, but has not followed through with similar stamp series commemorating the profound contributions of individual members of the armed forces from the Marines, the Navy, the Air Force, and the Coast Guard.

Recognizing all the branches of our Armed Forces is long overdue. Men and women from all the military services deserve recognition for the risks they have taken and the sacrifices they have made for the freedom we all enjoy. As Mr. Einar Dyhrkopp, then Chairman of the Postal Service Board of Governors stated in May 2000, at the dedication ceremony for the block of four stamps commemorating the valor of individual ''Distinguished Soldiers,'' ''By doing their duty, they brought honor to us all and helped preserve this country that we love. Now it's time for the nation to do its duty and honor these distinguished soldiers.''

It is a mistake to pay tribute to one service without similar tributes to the other services. The Postal Service should issue similar four-stamp sets recognizing the military accomplishments of individual members of the Air Force, the Marines, the Navy and the Coast Guard soon to redress this lamentable omission.

I am sure that each member of Congress can think of at least one military hero who deserves this special recognition. For instance, I have long felt that a stamp commemorating the courageous service of Gunnery Sergeant John Basilone would be a fitting memorial to a great Marine.

Raised in Raritan, NJ, Basilone, enlisted in the U.S. Army soon after his 18th birthday. Shortly thereafter, he was deployed to the Philippines where he earned a nickname that would stick with him for the rest of his career: ''Manila John.''

Following his tour of duty in 1937, Basilone returned to Raritan. But he wouldn't stay there long. In July 1940, with much of Europe at war and the United States on the brink, ''Manila John'' left New Jersey, enlisting in the military once again, this time joining the United States Marine Corps.

On October 24, 1942, Basilone earned his Congressional Medal of Honor. He was sent to a position on the Tenaru River at Guadalcanal and placed in command of two sections of heavy machine guns. Sergeant Basilone and his men were charged with defending Henderson Airfield, an important American foothold on the island. Although the Marine contingent was vastly outnumbered and without needed support, Basilone and his men successfully repelled a Japanese assault.

Other survivors reported that their success can be attributed to one man: ''Manila John.'' He crossed enemy lines

to replenish a dangerously low stockpile of ammunition, repaired artillery pieces, and steadied his troops in the midst of torrential rain. He went several days and nights without food or sleep, and the U.S. military was able to carry the day. His exploits became Marine lore, and served as a patriotic inspiration to others facing daunting challenges in the midst of war.

For his courage under fire and profound patriotism, Basilone was the first enlisted Marine to be awarded the Congressional Medal of Honor in World War II. When he returned to the United States, he was heralded as a hero and quickly sent on tour around the country to help finance the war through the sale of war bonds. The Marine Corps offered to commission Basilone as an officer and station him far away from the frontlines.

But Basilone was not interested in riding out the war in Washington, DC. He was quoted as saying. ''I ain't no officer, and I ain't no museum piece. I belong back with my outfit.'' In December 1944, he got his wish and returned to the frontlines.

General Douglas MacArthur called him ''a one-man army,'' and on February 19, 1945 at Iwo Jima, Basilone once against lived up to that reputation. Basilone destroyed an enemy stronghold, a blockhouse on that small Japanese island and commanded his young troops to move the heavy guns off the beach. Unfortunately, less than two hours into the assault on that fateful day in February, Basilone and four of his fellow Marines were killed when an enemy mortar shell exploded nearby.

When Gunnery Sergeant John Basilone died, he was only 27, but he had already earned the Congressional Medal of Honor, the Navy Cross, the Purple Heart, and the appreciation of his Nation. Basilone is a true American patriot whose legacy should be preserved.

Basilone is just one of the many heroes who deserve to be memorialized on a U.S. postage stamp. That is why the Military Coalition, a group that includes associations representing every aspect of our Armed Forces community, from the Reserve Officers Association to the Veterans of Foreign Wars, has endorsed the initiative to see commemorative stamps issued honoring exceptional service men and women from all branches of the military.

The Postal Service fittingly honored courageous men and women who fought in the Army by issuing stamps commemorating the tremendous sacrifice and unusual courage demonstrated by individual distinguished soldiers. Now it is time for Marines like Sergeant Basilone, and men and women from the Air Force, the Coast Guard, and the Navy to be honored in a similar fashion.

I strongly urge my colleagues to support this resolution as an important message to all our military servicemen and women that we appreciate and admire their efforts to defend our great country.

AMENDMENTS SUBMITTED & PROPOSED

SA 35. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table.

SA 36. Mr. BYRD proposed an amendment to the joint resolution H.J. Res. 2, supra.

SA 37. Mr. BUNNING (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 38. Mr. BUNNING submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 39. Mrs. MURRAY submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 40. Mr. REED (for himself, Mr. DURBIN, Mr. KENNEDY, Mr. LEVIN, Ms. CANTWELL, Mr. CORZINE, Mr. JEFFORDS, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 41. Mr. ROCKEFELLER (for himself, Mr. CHAFEE, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 42. Mr. DOMENICI submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 43. Mr. DOMENICI submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 44. Mr. MCCAIN proposed an amendment to the joint resolution H.J. Res. 2, supra.

SA 45. Mr. KYL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 46. Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 47. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 48. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 49. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 3, to disapprove under the Congressional Review Act the rule submitted by the Centers for Medicare & Medicaid Services, relating to revisions to payment policies under the Medicare physician fee schedule for calendar year 2003 and other items, published in the Federal Register on December 31, 2002 (vol. 67, page 79966); which was ordered to lie on the table.

SA 50. Mr. SARBANES submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table.

SA 51. Mr. FITZGERALD (for himself, Mr. DEWINE, Mr. BROWNBACK, Mr. KYL, Mr. ENSIGN, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 52. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 53. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 54. Mr. KYL (for himself, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. MCCAIN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 55. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 56. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 57. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 58. Ms. COLLINS (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 59. Mr. WYDEN (for himself, Mrs. FEINSTEIN, Mr. REID, Mrs. BOXER, Mr. CORZINE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 60. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 61. Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mr. AKAKA, Mr. BINGAMAN, Mr. FEINGOLD, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 62. Mr. MCCONNELL (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 63. Mr. ALLARD (for himself and Mr. CAMPBELL) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 64. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 65. Mr. KYL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 66. Mr. KYL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 35. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 563, line 14, insert before the period the following: '', and $6,600,000 to be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2).

On page 640, line 2, increase the amount by $6,600,000.

SA 36. Mr. BYRD proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

Strike title VI of division N.

SA 37. Mr. BUNNING (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GAO STUDY ON SUBTITLE D OF THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT.

(a) STUDY.—The General Accounting Office (in this section referred to as the ''GAO'') shall conduct a study on the effectiveness of the benefit program under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o) in assisting the Department of Energy (in this section referred to as the ''DOE'') contractor employees in obtaining compensation for occupational illness.

(b) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of this Act, the GAO shall submit a report to the Senate Energy and Natural Resources Committee and the House of Representatives Energy and Commerce Committee on the results of the study conducted under subsection (a).

SA 38. Mr. BUNNING submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . GAO STUDY OF CLEANUP AT THE PADUCAH GASEOUS DIFFUSION PLANT IN PADUCAH, KENTUCKY.

(a) STUDY.—The General Accounting Office (in this section referred to as the ''GAO'') shall conduct a study of the cleanup progress at the Paducah Gaseous Diffusion Plant in Paducah, Kentucky.

(b) REPORT TO CONGRESS.—Not later than six months after the date of enactment of this Act, the GAO shall submit a report to the Senate Energy and Natural Resources Committee and the House of Representatives Energy and Commerce Committee on the results of the study conducted under subsection (a).

SA 39. Mrs. MURRAY submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, line 19, insert before the period the following: ''; *Provided further*, That $120,027,000 shall be appropriated to carry out the community access program to increase the capacity and effectiveness of community health care institutions and providers who serve patients regardless of their ability to pay''.

SA 40. Mr. REED (for himself, Mr. DURBIN, Mr. KENNEDY, Mr. LEVIN, Ms. CANTWELL, Mr. CORZINE, Mr. JEFFORDS, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I of division G, insert the following:

SEC. ___. ENTITLEMENT TO ADDITIONAL WEEKS OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.

(a) ENTITLEMENT TO ADDITIONAL WEEKS.—

(1) IN GENERAL.—Paragraph (1) of section 203(b) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28) is amended to read as follows:

''(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to 26 times the individual's weekly benefit amount for the benefit year.''.

(2) REPEAL OF RESTRICTION ON AUGMENTATION DURING TRANSITIONAL PERIOD.—Section 208(b) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147), as amended by Public Law 108–1, is amended—

(A) in paragraph (1)—

(i) by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)''; and

(ii) by inserting before the period at the end the following: '', including such compensation by reason of amounts deposited in such account after such date pursuant to the application of subsection (c) of such section'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(3) EXTENSION OF TRANSITION LIMITATION.—Section 208(b)(2) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147), as amended by Public Law 108–1 and as redesignated by paragraph (2), is amended by striking ''August 30, 2003'' and inserting ''December 31, 2003''.

(4) CONFORMING AMENDMENT FOR AUGMENTED BENEFITS.—Section 203(c)(1) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28) is amended by striking ''the amount originally established in such account (as determined under subsection (b)(1))'' and inserting ''7 times the individual's average weekly benefit amount for the benefit year''.

(b) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply with respect to weeks of unemployment beginning on or after the date of enactment this Act.

(2) TEUC–X AMOUNTS DEPOSITED IN ACCOUNT PRIOR TO DATE OF ENACTMENT DEEMED TO BE THE ADDITIONAL TEUC AMOUNTS PROVIDED BY THIS SECTION.—In applying the amendments made by subsection (a) under the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 26), the Secretary of Labor shall deem any amounts deposited into an individual's temporary extended unemployment compensation account by reason of section 203(c) of such Act (commonly known as ''TEUC–X amounts'') prior to the date of enactment of this Act to be amounts deposited in such account by reason of section 203(b) of such Act, as amended by subsection (a) (commonly known as ''TEUC amounts'').

(3) APPLICATION TO EXHAUSTEES AND CURRENT BENEFICIARIES.—

(A) EXHAUSTEES.—In the case of any individual—

(i) to whom any temporary extended unemployment compensation was payable for any week beginning before the date of enactment of this Act; and

(ii) who exhausted such individual's rights to such compensation (by reason of the payment of all amounts in such individual's temporary extended unemployment compensation account) before such date,

such individual's eligibility for any additional weeks of temporary extended unemployment compensation by reason of the amendments made by subsection (a) shall apply with respect to weeks of unemployment beginning on or after the date of enactment of this Act.

(B) CURRENT BENEFICIARIES.—In the case of any individual—

(i) to whom any temporary extended unemployment compensation was payable for any week beginning before the date of enactment of this Act; and

(ii) as to whom the condition described in subparagraph (A)(ii) does not apply,

such individual shall be eligible for temporary extended unemployment compensation (in accordance with the provisions of the Temporary Extended Unemployment Compensation Act of 2002, as amended by subsection (a)) with respect to weeks of unemployment beginning on or after the date of enactment of this Act.

(4) REDETERMINATION OF ELIGIBILITY FOR AUGMENTED AMOUNTS FOR INDIVIDUALS FOR WHOM SUCH A DETERMINATION WAS MADE PRIOR TO THE DATE OF ENACTMENT.—Any determination of whether the individual's State is in an extended benefit period under section 203(c) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28) made prior to the date of enactment of this Act shall be disregarded and the determination under such section shall be made as follows:

(A) INDIVIDUALS WHO EXHAUSTED 13 TEUC AND 13 TEUX–X WEEKS PRIOR TO THE DATE OF ENACTMENT.—In the case of an individual who, prior to the date of enactment of this Act, received 26 times the individual's average weekly benefit amount through an account established under section 203 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28) (by reason of augmentation under subsection (c) of such section), the determination shall be made as of the date of the enactment of this Act.

(B) ALL OTHER INDIVIDUALS.—In the case of an individual who is not described in subparagraph (A), the determination shall be

made at the time that the individual's account established under such section 203, as amended by subsection (a), is exhausted.

SA 41. Mr. ROCKEFELLER (for himself, Mr. CHAFEE, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) EXTENDING AVAILABILITY OF SCHIP ALLOTMENTS FOR FISCAL YEARS 1998 THROUGH 2001.—

(1) RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEARS 1998 AND 1999.—Paragraphs (2)(A)(i) and (2)(A)(ii) of section 2104(g) of the Social Security Act (42 U.S.C. 1397dd(g)) are each amended by striking ''fiscal year 2002'' and inserting ''fiscal year 2004''.

(2) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2000.—

(A) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2000 ALLOTMENT.—Paragraph (2) of such section 2104(g) is amended—

(i) in the heading, by striking ''AND 1999'' and inserting ''THROUGH 2000''; and

(ii) by adding at the end of subparagraph (A) the following:

''(iii) FISCAL YEAR 2000 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2000 that were not expended by the State by the end of fiscal year 2002, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2004.''.

(B) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g) is amended—

(i) in subparagraph (A), by inserting ''or for fiscal year 2000 by the end of fiscal year 2002,'' after ''fiscal year 2001,'';

(ii) in subparagraph (A), by striking ''1998 or 1999'' and inserting ''1998, 1999, or 2000'';

(iii) in subparagraph (A)(i)—

(I) by striking ''or'' at the end of subclause (I),

(II) by striking the period at the end of subclause (II) and inserting ''; or''; and

(III) by adding at the end the following new subclause:

''(III) the fiscal year 2000 allotment, the amount specified in subparagraph (C)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (C)(ii) for the State to the amount specified in subparagraph (C)(iii).'';

(iv) in subparagraph (A)(ii), by striking ''or 1999'' and inserting '', 1999, or 2000'';

(v) in subparagraph (B), by striking ''with respect to fiscal year 1998 or 1999'';

(vi) in subparagraph (B)(ii)—

(I) by inserting ''with respect to fiscal year 1998, 1999, or 2000,'' after ''subsection (e),''; and

(II) by striking ''2002'' and inserting ''2004''; and

(vii) by adding at the end the following new subparagraph:

''(C) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2000.—For purposes of subparagraph (A)(i)(III)—

''(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2000, less the total amount remaining available pursuant to paragraph (2)(A)(iii);

''(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2000, 2001, and 2002 exceed the State's allotment for fiscal year 2000 under subsection (b); and

''(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2000, of the amounts specified in clause (ii).''.

(C) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(i) in its heading, by striking ''AND 1999'' and inserting '', 1999, AND 2000''; and

(ii) in paragraph (3)—

(I) by striking ''or fiscal year 1999'' and inserting '', fiscal year 1999, or fiscal year 2000''; and

(II) by striking ''or November 30, 2001'' and inserting ''November 30, 2001, or November 30, 2002'', respectively.

(3) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2001.—

(A) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2001 ALLOTMENT.—Paragraph (2) of such section 2104(g), as amended in paragraph (2)(A)(ii), is further amended—

(i) in the heading, by striking ''2000'' and inserting ''2001''; and

(ii) by adding at the end of subparagraph (A) the following:

''(iv) FISCAL YEAR 2001 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2001 that were not expended by the State by the end of fiscal year 2003, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2005.''.

(B) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g), as amended in paragraph (2)(B), is further amended—

(i) in subparagraph (A), by inserting ''or for fiscal year 2001 by the end of fiscal year 2003,'' after ''fiscal year 2002,'';

(ii) in subparagraph (A), by striking ''1999, or 2000'' and inserting ''1999, 2000, or 2001'';

(iii) in subparagraph (A)(i)—

(I) by striking ''or'' at the end of subclause (II),

(II) by striking the period at the end of subclause (III) and inserting ''; or''; and

(III) by adding at the end the following new subclause:

''(IV) the fiscal year 2001 allotment, the amount specified in subparagraph (D)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (D)(ii) for the State to the amount specified in subparagraph (D)(iii).'';

(iv) in subparagraph (A)(ii), by striking ''or 2000'' and inserting ''2000, or 2001'';

(v) in subparagraph (B)—

(I) by striking ''and'' at the end of clause (ii);

(II) by redesignating clause (iii) as clause (iv); and

(III) by inserting after clause (ii) the following new clause:

''(iii) notwithstanding subsection (e), with respect to fiscal year 2001, shall remain available for expenditure by the State through the end of fiscal year 2005; and''; and

(vi) by adding at the end the following new subparagraph:

''(D) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2001.—For purposes of subparagraph (A)(i)(IV)—

''(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2001, less the total amount remaining available pursuant to paragraph (2)(A)(iv);

''(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2001, 2002, and 2003 exceed the State's allotment for fiscal year 2001 under subsection (b); and

''(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2001, of the amounts specified in clause (ii).''.

(C) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(i) in its heading, by striking ''AND 2000'' and inserting ''2000, AND 2001''; and

(ii) in paragraph (3)—

(I) by striking ''or fiscal year 2000'' and inserting ''fiscal year 2000, or fiscal year 2001''; and

(II) by striking ''or November 30, 2002,'' and inserting ''November 30, 2002, or November 30, 2003,'', respectively.

(4) EFFECTIVE DATE.—This subsection, and the amendments made by this subsection, shall be effective as if this subsection had been enacted on September 30, 2002, and amounts under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) from allotments for fiscal years 1998 through 2000 are available for expenditure on and after October 1, 2002, under the amendments made by this subsection as if this subsection had been enacted on September 30, 2002.

(b) AUTHORITY FOR QUALIFYING STATES TO USE PORTION OF SCHIP FUNDS FOR MEDICAID EXPENDITURES.—Section 2105 of the Social Security Act (42 U.S.C. 1397ee) is amended by adding at the end the following:

''(g) AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.—

''(1) STATE OPTION.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, with respect to allotments for fiscal years 1998, 1999, 2000, 2001, for fiscal years in which such allotments are available under subsections (e) and (g) of section 2104, a qualifying State (as defined in paragraph (2)) may elect to use not more than 10 percent of such allotments (instead of for expenditures under this title) for payments for such fiscal year under title XIX in accordance with subparagraph (B).

''(B) PAYMENTS TO STATES.—

''(i) IN GENERAL.—In the case of a qualifying State that has elected the option described in subparagraph (A), subject to the total amount of funds described with respect to the State in subparagraph (A), the Secretary shall pay the State an amount each quarter equal to the additional amount that would have been paid to the State under title XIX for expenditures of the State for the fiscal year described in clause (ii) if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)) of such expenditures.

''(ii) EXPENDITURES DESCRIBED.—For purposes of clause (i), the expenditures described in this clause are expenditures for such fiscal years for providing medical assistance under title XIX to individuals who have not attained age 19 and whose family income exceeds 150 percent of the poverty line.

''(2) QUALIFYING STATE.—In this subsection, the term 'qualifying State' means a State that—

''(A) as of March 31, 1997, has an income eligibility standard with respect to any 1 or more categories of children (other than infants) who are eligible for medical assistance

under section 1902(a)(10)(A) or under a waiver under section 1115 implemented on January 1, 1994, that is at least 185 percent of the poverty line; and

''(B) satisfies the requirements described in paragraph (3).

''(3) REQUIREMENTS.—The requirements described in this paragraph are the following:

''(A) SCHIP INCOME ELIGIBILITY.—The State has a State child health plan that (whether implemented under title XIX or this title)—

''(i) as of January 1, 2001, has an income eligibility standard that is at least 200 percent of the poverty line or has an income eligibility standard that exceeds 200 percent of the poverty line under a waiver under section 1115 that is based on a child's lack of health insurance;

''(ii) subject to subparagraph (B), does not limit the acceptance of applications for children; and

''(iii) provides benefits to all children in the State who apply for and meet eligibility standards on a statewide basis.

''(B) NO WAITING LIST IMPOSED.—With respect to children whose family income is at or below 200 percent of the poverty line, the State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan.

''(C) ADDITIONAL REQUIREMENTS.—The State has implemented at least 4 of the following policies and procedures (relating to coverage of children under title XIX and this title):

''(i) UNIFORM, SIMPLIFIED APPLICATION FORM.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A), the State uses the same uniform, simplified application form (including, if applicable, permitting application other than in person) for purposes of establishing eligibility for benefits under title XIX and this title.

''(ii) ELIMINATION OF ASSET TEST.—The State does not apply any asset test for eligibility under section 1902(l) or this title with respect to children.

''(iii) ADOPTION OF 12-MONTH CONTINUOUS ENROLLMENT.—The State provides that eligibility shall not be regularly redetermined more often than once every year under this title or for children described in section 1902(a)(10)(A).

''(iv) SAME VERIFICATION AND REDETERMINATION POLICIES; AUTOMATIC REASSESSMENT OF ELIGIBILITY.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A), the State provides for initial eligibility determinations and redeterminations of eligibility using the same verification policies (including with respect to face-to-face interviews), forms, and frequency as the State uses for such purposes under this title, and, as part of such redeterminations, provides for the automatic reassessment of the eligibility of such children for assistance under title XIX and this title.

''(v) OUTSTATIONING ENROLLMENT STAFF.—The State provides for the receipt and initial processing of applications for benefits under this title and for children under title XIX at facilities defined as disproportionate share hospitals under section 1923(a)(1)(A) and Federally-qualified health centers described in section 1905(l)(2)(B) consistent with section 1902(a)(55).''.

SA 42. Mr. DOMENICI submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On Page 1027, line 17, strike ''August 1, 2002'' and insert ''December 31, 2004''.

On Page 1032, at the end of line 8, insert the following new section:

''SEC. 210. CIVIL PENALTIES.

''(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A b.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

''(b) LIMITATION FOR NOT-FOR-PROFIT INSTITUTIONS.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

'''d.(1) Notwithstanding subsection a., in the case of any not-for-profit contractor, subcontractor, or supplier, the total amount of civil penalties made under subsection a. may not exceed the total amount of fees paid within any one-year period (as determined by the Secretary) under the contract under which the violation occurs.

'''(2) For purposes of this section, the term 'not-for-profit' means that no part of the net earnings of the contractor, subcontractor, or supplier inures, or may lawfully inure, to the benefit of any natural person or for-profit artificial person.'.

''(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 occurring under a contract entered into before the date of enactment of this section.''

SA 43. Mr. DOMENICI submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SECTION 1. SHORT TITLE.

This section may be cited as the ''T'uf Shur Bien Preservation Trust Area Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1748, the Pueblo of Sandia received a grant from a representative of the King of Spain, which grant was recognized and confirmed by Congress in 1858 (11 Stat. 374); and

(2) in 1994, the Pueblo filed a civil action against the Secretary of the Interior and the Secretary of Agriculture in the United States District Court for the District of Columbia (Civil No. 1:94CV02624), asserting that Federal surveys of the grant boundaries erroneously excluded certain land within the Cibola National Forest, including a portion of the Sandia Mountain Wilderness.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish the T'uf Shur Bien Preservation Trust Area in the Cibola National Forest;

(2) to confirm the status of national forest land and wilderness land in the Area while resolving issues associated with the civil action referred to in subsection (a)(2) and the opinions of the Solicitor of the Department of the Interior dated December 9, 1988 (M–36963; 96 I.D. 331) and January 19, 2001 (M–37002); and

(3) to provide the Pueblo, the parties to the civil action, and the public with a fair and just settlement of the Pueblo's claim.

SEC. 3. DEFINITIONS.

In this Act:

(1) AREA.—

(A) IN GENERAL.—The term ''Area'' means the T'uf Shur Bien Preservation Trust Area, comprised of approximately 9890 acres of land in the Cibola National Forest, as depicted on the map.

(B) EXCLUSIONS.—The term ''Area'' does not include—

(i) the subdivisions;

(ii) Pueblo-owned land;

(iii) the crest facilities; or

(iv) the special use permit area.

(2) CREST FACILITIES.—The term ''crest facilities'' means—

(A) all facilities and developments located on the crest of Sandia Mountain, including the Sandia Crest Electronic Site;

(B) electronic site access roads;

(C) the Crest House;

(D) the upper terminal, restaurant, and related facilities of Sandia Peak Tram Company;

(E) the Crest Observation Area;

(F) parking lots;

(G) restrooms;

(H) the Crest Trail (Trail No. 130);

(I) hang glider launch sites;

(J) the Kiwanis cabin; and

(K) the land on which the facilities described in subparagraphs (A) through (J) are located and the land extending 100 feet along terrain to the west of each such facility, unless a different distance is agreed to in writing by the Secretary and the Pueblo and documented in the survey of the Area.

(3) EXISTING USE.—The term ''existing use'' means a use that—

(A) is occurring in the Area as of the date of enactment of this Act; or

(B) is authorized in the Area after November 1, 1995, but before the date of enactment of this Act.

(4) LA LUZ TRACT.—The term ''La Luz tract'' means the tract comprised of approximately 31 acres of land owned in fee by the Pueblo and depicted on the map.

(5) LOCAL PUBLIC BODY.—The term ''local public body'' means a political subdivision of the State of New Mexico (as defined in New Mexico Code 6–5–1).

(6) MAP.—The term ''map'' means the Forest Service map entitled ''T'uf Shur Bien Preservation Trust Area'' and dated April 2000.

(7) MODIFIED USE.—

(A) IN GENERAL.—The term ''modified use'' means an existing use that, at any time after the date of enactment of this Act, is modified or reconfigured but not significantly expanded.

(B) INCLUSIONS.—The term ''modified use'' includes—

(i) a trail or trailhead being modified, such as to accommodate handicapped access;

(ii) a parking area being reconfigured (but not expanded); and

(iii) a special use authorization for a group recreation use being authorized for a different use area or time period.

(8) NEW USE.—

(A) IN GENERAL.—The term ''new use'' means—

(i) a use that is not occurring in the Area as of the date of enactment of this Act; and

(ii) an existing use that is being modified so as to be significantly expanded or altered in scope, dimension, or impact on the land, water, air, or wildlife resources of the Area.

(B) EXCLUSIONS.—The term ''new use'' does not include a use that—

(i) is categorically excluded from documentation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(ii) is carried out to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(9) PIEDRA LISA TRACT.—The term ''Piedra Lisa tract'' means the tract comprised of approximately 160 acres of land owned by the Pueblo and depicted on the map.

(10) PUEBLO.—The term ''Pueblo'' means the Pueblo of Sandia in its governmental capacity.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(12) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the Agreement of Compromise and Settlement dated April 4, 2000, among the United States, the Pueblo, and the Sandia Peak Tram Company.

(13) SPECIAL USE PERMIT.—The term ''special use permit'' means the Special Use Permit issued December 1, 1993, by the Secretary to Sandia Peak Tram Company and Sandia Peak Ski Company

(14) SPECIAL USE PERMIT AREA.—

(A) IN GENERAL.—The term ''special use permit area'' means the land and facilities subject to the special use permit.

(B) INCLUSIONS.—The term ''special use permit area'' includes—

(i) approximately 46 acres of land used as an aerial tramway corridor;

(ii) approximately 945 acres of land used as a ski area; and

(iii) the land and facilities described in Exhibit A to the special use permit, including—

(I) the maintenance road to the lower tram tower;

(II) water storage and water distribution facilities; and

(III) 7 helispots.

(15) SUBDIVISION.—The term ''subdivision'' means—

(A) the subdivision of—

(i) Sandia Heights Addition;

(ii) Sandia Heights North Unit I, II, or 3;

(iii) Tierra Monte;

(iv) Valley View Acres; or

(v) Evergreen Hills; and

(B) any additional plat or privately-owned property depicted on the map.

(16) TRADITIONAL OR CULTURAL USE.—The term ''traditional or cultural use'' means—

(A) a ceremonial activity (including the placing of ceremonial materials in the Area); and

(B) the use, hunting, trapping, or gathering of plants, animals, wood, water, and other natural resources for a noncommercial purpose.

SEC. 4. T'UF SHUR BIEN PRESERVATION TRUST AREA.

(a) ESTABLISHMENT.—The T'uf Shur Bien Preservation Trust Area is established within the Cibola National Forest and the Sandia Mountain Wilderness as depicted on the map—

(1) to recognize and protect in perpetuity the rights and interests of the Pueblo in and to the Area, as specified in section 5(a);

(2) to preserve in perpetuity the national forest and wilderness character of the Area; and

(3) to recognize and protect in perpetuity the longstanding use and enjoyment of the Area by the public.

(b) ADMINISTRATION AND APPLICABLE LAW.—

(1) IN GENERAL.—The Secretary shall continue to administer the Area as part of the National Forest System subject to and consistent with the provisions of this Act affecting management of the Area.

(2) TRADITIONAL OR CULTURAL USES.—Traditional or cultural uses by Pueblo members and members of other federally-recognized Indian tribes authorized to use the Area by the Pueblo under section 5(a)(4) shall not be restricted except by—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; and

(B) applicable Federal wildlife protection laws, as provided in section 6(a)(2).

(3) LATER ENACTMENTS.—To the extent that any law enacted or amended after the date of enactment of this Act is inconsistent with this Act, the law shall not apply to the Area unless expressly made applicable by Congress.

(4) TRUST.—The use of the word ''Trust'' in the name of the Area—

(A) is in recognition of the specific rights and interests of the Pueblo in the Area; and

(B) does not confer on the Pueblo the ownership interest that exists in a case in which the Secretary of the Interior accepts the title to land held in trust for the benefit of an Indian tribe.

(c) MAP.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map and a legal description of the Area with the Committee on Resources of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate.

(2) PUBLIC AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(3) EFFECT.—The map and legal description filed under paragraph (1) shall have the same effect as if the map and legal description were included in this Act, except that—

(A) technical and typographical errors shall be corrected;

(B) changes that may be necessary under subsection (b), (d), or (e) of section 9 or subsection (b) or (c) of section 13 shall be made; and

(C) to the extent that the map and the language of this Act conflict, the language of this Act shall control.

(d) NO CONVEYANCE OF TITLE.—No right, title, or interest of the United States in or to the Area or any part of the Area shall be conveyed to or exchanged with any person, trust, or governmental entity, including the Pueblo, without specific authorization of Congress.

(e) PROHIBITED USES.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) no use prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) as of the date of enactment of this Act shall be permitted in the wilderness portion of the Area; and

(B) none of the following uses shall be permitted in any portion of the Area:

(i) Gaming or gambling.

(ii) Mineral production.

(iii) Timber production.

(iv) Any new use to which the Pueblo objects under section 5(a)(3).

(2) MINING CLAIMS.—The Area is closed to the location of mining claims under Section 2320 of the Revised Statutes (30 U.S.C. 23) (commonly known as the ''Mining Law of 1872'').

(f) NO MODIFICATION OF BOUNDARIES.—Establishment of the Area shall not—

(1) affect the boundaries of or repeal or disestablish the Sandia Mountain Wilderness or the Cibola National Forest; or

(2) modify the existing boundary of the Pueblo grant.

SEC. 5. PUEBLO RIGHTS AND INTERESTS IN THE AREA.

(a) IN GENERAL.—The Pueblo shall have the following rights and interests in the Area:

(1) Free and unrestricted access to the Area for traditional or cultural uses, to the extent that those uses are not inconsistent with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; or

(B) applicable Federal wildlife protection laws as provided in section 6(a)(2).

(2) Perpetual preservation of the national forest and wilderness character of the Area under this Act.

(3) Rights in the management of the Area as specified in section 7, including—

(A) the right to consent or withhold consent to a new use;

(B) the right to consultation regarding a modified use;

(C) the right to consultation regarding the management and preservation of the Area; and

(D) the right to dispute resolution procedures.

(4) Exclusive authority, in accordance with the customs and laws of the Pueblo, to administer access to the Area for traditional or cultural uses by members of the Pueblo and of other federally-recognized Indian tribes.

(5) Such other rights and interests as are recognized in sections 4, 5(c), 7, 8, and 9.

(b) ACCESS.—Except as provided in subsection (a)(4), access to and use of the Area for all other purposes shall continue to be administered by the Secretary.

(c) COMPENSABLE INTEREST.—

(1) IN GENERAL.—If, by an Act of Congress enacted after the date of enactment of this Act, Congress diminishes the national forest or wilderness designation of the Area by authorizing a use prohibited by section 4(e) in all or any portion of the Area, or denies the Pueblo access for any traditional or cultural use in all or any portion of the Area—

(A) the United States shall compensate the Pueblo as if the Pueblo held a fee title interest in the affected portion of the Area and as though the United States had acquired such an interest by legislative exercise of the power of eminent domain; and

(B) the restrictions of sections 4(e) and 6(a) shall be disregarded in determining just compensation owed to the Pueblo.

(2) EFFECT.—Any compensation made to the Pueblo under paragraph (c) shall not affect the extinguishment of claims under section 10.

SEC. 6. LIMITATIONS ON PUEBLO RIGHTS AND INTERESTS IN THE AREA.

(a) LIMITATIONS.—The rights and interests of the Pueblo recognized in this Act do not include—

(1) any right to sell, grant, lease, convey, encumber, or exchange land or any interest in land in the Area (and any such conveyance shall not have validity in law or equity);

(2) any exemption from applicable Federal wildlife protection laws;

(3) any right to engage in a use prohibited by section 4(e); or

(4) any right to exclude persons or governmental entities from the Area.

(b) EXCEPTION.—No person who exercises traditional or cultural use rights as authorized by section 5(a)(4) may be prosecuted for a Federal wildlife offense requiring proof of a violation of a State law (including regulations).

SEC. 7. MANAGEMENT OF THE AREA.

(a) PROCESS.—

(1) IN GENERAL.—The Secretary shall consult with the Pueblo not less than twice each

year, unless otherwise mutually agreed, concerning protection, preservation, and management of the Area (including proposed new uses and modified uses in the Area and authorizations that are anticipated during the next 6 months and were approved in the preceding 6 months).

(2) NEW USES.—

(A) REQUEST FOR CONSENT AFTER CONSULTATION.—

(i) DENIAL OF CONSENT.—If the Pueblo denies consent for a new use within 30 days after completion of the consultation process, the Secretary shall not proceed with the new use.

(ii) GRANTING OF CONSENT.—If the Pueblo consents to the new use in writing or fails to respond within 30 days after completion of the consultation process, the Secretary may proceed with the notice and comment process and the environmental analysis.

(B) FINAL REQUEST FOR CONSENT.—

(i) REQUEST.—Before the Secretary (or a designee) signs a record of decision or decision notice for a proposed new use, the Secretary shall again request the consent of the Pueblo.

(ii) DENIAL OF CONSENT.—If the Pueblo denies consent for a new use within 30 days after receipt by the Pueblo of the proposed record of decision or decision notice, the new use shall not be authorized.

(iii) FAILURE TO RESPOND.—If the Pueblo fails to respond to the consent request within 30 days after receipt of the proposed record of decision or decision notice—

(I) the Pueblo shall be deemed to have consented to the proposed record of decision or decision notice; and

(II) the Secretary may proceed to issue the final record of decision or decision notice.

(3) PUBLIC INVOLVEMENT.—

(A) IN GENERAL.—With respect to a proposed new use or modified use, the public shall be provided notice of—

(i) the purpose and need for the proposed new use or modified use;

(ii) the role of the Pueblo in the decision-making process; and

(iii) the position of the Pueblo on the proposal.

(B) COURT CHALLENGE.—Any person may bring a civil action in the United States District Court for the District of New Mexico to challenge a determination by the Secretary concerning whether a use constitutes a new use or a modified use.

(b) EMERGENCIES AND EMERGENCY CLOSURE ORDERS.—

(1) AUTHORITY.—The Secretary shall retain the authority of the Secretary to manage emergency situations, to—

(A) provide for public safety; and

(B) issue emergency closure orders in the Area subject to applicable law.

(2) NOTICE.—The Secretary shall notify the Pueblo regarding emergencies, public safety issues, and emergency closure orders as soon as practicable.

(3) NO CONSENT.—An action of the Secretary described in paragraph (1) shall not require the consent of the Pueblo.

(c) DISPUTES INVOLVING FOREST SERVICE MANAGEMENT AND PUEBLO TRADITIONAL USES.—

(1) IN GENERAL.—In a case in which the management of the Area by the Secretary conflicts with a traditional or cultural use, if the conflict does not pertain to a new use subject to the process specified in subsection (a)(2), the process for dispute resolution specified in this subsection shall apply.

(2) DISPUTE RESOLUTION PROCESS.—

(A) IN GENERAL.—In the case of a conflict described in paragraph (1)—

(i) the party identifying the conflict shall notify the other party in writing addressed to the Governor of the Pueblo or the Regional Forester, as appropriate, specifying the nature of the dispute; and

(ii) the Governor of the Pueblo or the Regional Forester shall attempt to resolve the dispute for a period of at least 30 days after notice has been provided before bringing a civil action in the United States District Court for the District of New Mexico.

(B) DISPUTES REQUIRING IMMEDIATE RESOLUTION.—In the case of a conflict that requires immediate resolution to avoid imminent, substantial, and irreparable harm—

(i) the party identifying the conflict shall notify the other party and seek to resolve the dispute within 3 days of the date of notification; and

(ii) if the parties are unable to resolve the dispute within 3 days—

(I) either party may bring a civil action for immediate relief in the United States District Court for the District of New Mexico; and

(II) the procedural requirements specified in subparagraph (A) shall not apply.

SEC. 8. JURISDICTION OVER THE AREA.

(a) CRIMINAL JURISDICTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, jurisdiction over crimes committed in the Area shall be allocated as provided in this paragraph.

(2) JURISDICTION OF THE PUEBLO.—The Pueblo shall have jurisdiction over an offense committed by a member of the Pueblo or of another federally-recognized Indian tribe who is present in the Area with the permission of the Pueblo under section 5(a)(4).

(3) JURISDICTION OF THE UNITED STATES.—The United States shall have jurisdiction over—

(A) an offense described in section 1153 of title 18, United States Code, committed by a member of the Pueblo or another federally-recognized Indian tribe;

(B) an offense committed by any person in violation of the laws (including regulations) pertaining to the protection and management of national forests;

(C) enforcement of Federal criminal laws of general applicability; and

(D) any other offense committed by a member of the Pueblo against a person not a member of the Pueblo.

(4) JURISDICTION OF THE STATE OF NEW MEXICO.—The State of New Mexico shall have jurisdiction over an offense under the law of the State committed by a person not a member of the Pueblo.

(5) OVERLAPPING JURISDICTION.—To the extent that the respective allocations of jurisdiction over the Area under paragraphs (2), (3), and (4) overlap, the governments shall have concurrent jurisdiction.

(6) FEDERAL USE OF STATE LAW.—Under the jurisdiction of the United States described in paragraph (3)(D), Federal law shall incorporate any offense defined and punishable under State law that is not so defined under Federal law.

(b) CIVIL JURISDICTION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the United States, the State of New Mexico, and local public bodies shall have the same civil adjudicatory, regulatory, and taxing jurisdiction over the Area as was exercised by those entities on the day before the date of enactment of this Act.

(2) JURISDICTION OF THE PUEBLO.—

(A) IN GENERAL.—The Pueblo shall have exclusive civil adjudicatory jurisdiction over—

(i) a dispute involving only members of the Pueblo;

(ii) a civil action brought by the Pueblo against a member of the Pueblo; and

(iii) a civil action brought by the Pueblo against a member of another federally-recognized Indian tribe for a violation of an understanding between the Pueblo and the other tribe regarding use of or access to the Area for traditional or cultural uses.

(B) REGULATORY JURISDICTION.—The Pueblo shall have no regulatory jurisdiction over the Area, except that the Pueblo shall have exclusive authority to—

(i) regulate traditional or cultural uses by the members of the Pueblo and administer access to the Area by other federally-recognized Indian tribes for traditional or cultural uses, to the extent such regulation is consistent with this Act; and

(ii) regulate hunting and trapping in the Area by members of the Pueblo, to the extent that the hunting or trapping is related to traditional or cultural uses, except that such hunting and trapping outside of that portion of the Area in sections 13, 14, 23, 24, and the northeast quarter of section 25 of T12N, R4E, and section 19 of T12N, R5E, N.M.P.M., Sandoval County, New Mexico, shall be regulated by the Pueblo in a manner consistent with the regulations of the State of New Mexico concerning types of weapons and proximity of hunting and trapping to trails and residences.

(C) TAXING JURISDICTION.—The Pueblo shall have no authority to impose taxes within the Area.

(3) STATE AND LOCAL TAXING JURISDICTION.—The State of New Mexico and local public bodies shall have no authority within the Area to tax the uses or the property of the Pueblo, members of the Pueblo, or members of other federally-recognized Indian tribes authorized to use the Area under section 5(a)(4).

SEC. 9. SUBDIVISIONS AND OTHER PROPERTY INTERESTS.

(a) SUBDIVISIONS.—

(1) IN GENERAL.—The subdivisions are excluded from the Area.

(2) JURISDICTION.—

(A) IN GENERAL.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the subdivisions and property interests therein, and the laws of the Pueblo shall not apply to the subdivisions.

(B) STATE JURISDICTION.—The jurisdiction of the State of New Mexico and local public bodies over the subdivisions and property interests therein shall continue in effect, except that on application of the Pueblo a tract comprised of approximately 35 contiguous, nonsubdivided acres in the northern section of Evergreen Hills owned in fee by the Pueblo at the time of enactment of this Act, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior.

(3) LIMITATIONS ON TRUST LAND.—Trust land described in paragraph (2)(B) shall be subject to all limitations on use pertaining to the Area contained in this Act.

(b) PIEDRA LISA.—

(1) IN GENERAL.—The Piedra Lisa tract is excluded from the Area.

(2) DECLARATION OF TRUST TITLE.—The Piedra Lisa tract—

(A) shall be transferred to the United States;

(B) is declared to be held in trust for the Pueblo by the United States; and

(C) shall be administered by the Secretary of the Interior subject to all limitations on

use pertaining to the Area contained in this Act.

(3) APPLICABILITY OF CERTAIN RESTRICTION.—The restriction contained in section 6(a)(4) shall not apply outside of Forest Service System trails.

(c) CREST FACILITIES.—

(1) IN GENERAL.—The land on which the crest facilities are located is excluded from the Area.

(2) JURISDICTION.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the land on which the crest facilities are located and property interests therein, and the laws of the Pueblo, shall not apply to that land. The preexisting jurisdictional status of that land shall continue in effect.

(d) SPECIAL USE PERMIT AREA.—

(1) IN GENERAL.—The land described in the special use permit is excluded from the Area.

(2) JURISDICTION.—

(A) IN GENERAL.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory, or any other form of jurisdiction, over the land described in the special use permit, and the laws of the Pueblo shall not apply to that land.

(B) PREEXISTING STATUS.—The preexisting jurisdictional status of that land shall continue in effect.

(3) AMENDMENT TO PLAN.—In the event the special use permit, during its existing term or any future terms or extensions, requires amendment to include other land in the Area necessary to realign the existing or any future replacement tram line, associated structures, or facilities, the land subject to that amendment shall thereafter be excluded from the Area and shall have the same status under this Act as the land currently described in the special use permit.

(4) LAND DEDICATED TO AERIAL TRAMWAY AND RELATED USES.—Any land dedicated to aerial tramway and related uses and associated facilities that are excluded from the special use permit through expiration, termination or the amendment process shall thereafter be included in the Area, but only after final agency action no longer subject to any appeals.

(e) LA LUZ TRACT.—

(1) IN GENERAL.—The La Luz tract now owned in fee by the Pueblo is excluded from the Area and, on application by the Pueblo, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this Act.

(2) NONAPPLICABILITY OF CERTAIN RESTRICTION.—The restriction contained in section 6(a)(4) shall not apply outside of Forest Service System trails.

(f) EVERGREEN HILLS ACCESS.—The Secretary shall ensure that Forest Service Road 333D, as depicted on the map, is maintained in an adequate condition in accordance with section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)).

(g) PUEBLO FEE LAND.—Those properties not specifically addressed in subsections (a) or (e) that are owned in fee by the Pueblo within the subdivisions are excluded from the Area and shall be subject to the jurisdictional provisions of subsection (a).

(h) RIGHTS-OF-WAY.—

(1) ROAD RIGHTS-OF-WAY.—

(A) IN GENERAL.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the County of Bernalillo, New Mexico, in perpetuity, the following irrevocable rights-of-way for roads identified on the map in order to provide for public access to the subdivisions, the special use permit land and facilities, the other leasehold and easement rights and interests of the Sandia Peak Tram Company and its affiliates, the Sandia Heights South Subdivision, and the Area—

(i) a right-of-way for Tramway Road;

(ii) a right-of-way for Juniper Hill Road North;

(iii) a right-of-way for Juniper Hill Road South;

(iv) a right-of-way for Sandia Heights Road; and

(v) a right-of-way for Juan Tabo Canyon Road (Forest Road No. 333).

(B) CONDITIONS.—The road rights-of-way shall be subject to the following conditions:

(i) Such rights-of-way may not be expanded or otherwise modified without the Pueblo's written consent, but road maintenance to the rights-of-way shall not be subject to Pueblo consent.

(ii) The rights-of-way shall not authorize uses for any purpose other than roads without the Pueblo's written consent.

(iii) Except as provided in the Settlement Agreement, existing rights-of-way or leasehold interests and obligations held by the Sandia Peak Tram Company and its affiliates, shall be preserved, protected, and unaffected by this Act.

(2) UTILITY RIGHTS-OF-WAY.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant irrevocable utility rights-of-way in perpetuity across Pueblo land to appropriate utility or other service providers serving Sandia Heights Addition, Sandia Heights North Units I, II, and 3, the special use permit land, Tierra Monte, and Valley View Acres, including rights-of-way for natural gas, power, water, telecommunications, and cable television services. Such rights-of-way shall be within existing utility corridors as depicted on the map or, for certain water lines, as described in the existing grant of easement to the Sandia Peak Utility Company; provided that use of water line easements outside the utility corridors depicted on the map shall not be used for utility purposes other than water lines and associated facilities. Except where above-ground facilities already exist, all new utility facilities shall be installed underground unless the Pueblo agrees otherwise. To the extent that enlargement of existing utility corridors is required for any technologically-advanced telecommunication, television, or utility services, the Pueblo shall not unreasonably withhold agreement to a reasonable enlargement of the easements described above.

(3) FOREST SERVICE RIGHTS-OF-WAY.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the Forest Service the following irrevocable rights-of-way in perpetuity for Forest Service trails crossing land of the Pueblo in order to provide for public access to the Area and through Pueblo land—

(A) a right-of-way for a portion of the Crest Spur Trail (Trail No. 84), crossing a portion of the La Luz tract, as identified on the map;

(B) a right-of-way for the extension of the Foothills Trail (Trail No. 365A), as identified on the map; and

(C) a right-of-way for that portion of the Piedra Lisa North-South Trail (Trail No. 135) crossing the Piedra Lisa tract.

SEC. 10. EXTINGUISHMENT OF CLAIMS.

(a) IN GENERAL.—Except for the rights and interests in and to the Area specifically recognized in sections 4, 5, 7, 8, and 9, all Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to land within the Area, any part thereof, and property interests therein, as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished. The United States' title to the Area is confirmed.

(b) SUBDIVISIONS.—Any Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to the subdivisions and property interests therein (except for land owned in fee by the Pueblo as of the date of enactment of this Act), as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished.

(c) SPECIAL USE AND CREST FACILITIES AREAS.—Any Pueblo right, title and interest of any kind, including aboriginal claims, and related boundary, survey, trespass, and monetary damage claims, are permanently extinguished in and to—

(1) the land described in the special use permit; and

(2) the land on which the crest facilities are located.

(d) PUEBLO AGREEMENT.—As provided in the Settlement Agreement, the Pueblo has agreed to the relinquishment and extinguishment of those claims, rights, titles and interests extinguished pursuant to subsection (a), (b) and (c).

(e) CONSIDERATION.—The recognition of the Pueblo's rights and interests in this Act constitutes adequate consideration for the Pueblo's agreement to the extinguishment of the Pueblo's claims in this section and the right-of-way grants contained in section 9, and it is the intent of Congress that those rights and interests may only be diminished by a future Act of Congress specifically authorizing diminishment of such rights, with express reference to this Act.

SEC. 11. CONSTRUCTION.

(a) STRICT CONSTRUCTION.—This Act recognizes only enumerated rights and interests, and no additional rights, interests, obligations, or duties shall be created by implication.

(b) EXISTING RIGHTS.—To the extent there exist within the Area as of the date of enactment of this Act any valid private property rights associated with private land that are not otherwise addressed in this Act, such rights are not modified or otherwise affected by this Act, nor is the exercise of any such right subject to the Pueblo's right to withhold consent to new uses in the Area as set forth in section 5(a)(3)(A).

(c) NOT PRECEDENT.—The provisions of this Act creating certain rights and interests in the National Forest System are uniquely suited to resolve the Pueblo's claim and the geographic and societal situation involved, and shall not be construed as precedent for any other situation involving management of the National Forest System.

(d) FISH AND WILDLIFE.—Except as provided in section 8(b)(2)(B), nothing in this Act shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, or trapping within the Area.

(e) FEDERAL LAND POLICY AND MANAGEMENT ACT.—Section 316 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1746) is amended by adding at the end the following: ''Any corrections authorized

by this section which affect the boundaries of, or jurisdiction over, land administered by another Federal agency shall be made only after consultation with, and the approval of, the head of such other agency.''

SEC. 12. JUDICIAL REVIEW.

(a) ENFORCEMENT.—A civil action to enforce the provisions of this Act may be brought to the extent permitted under chapter 7 of title 5, United States Code. Judicial review shall be based on the administrative record and subject to the applicable standard of review set forth in section 706 of title 5, United States Code.

(b) WAIVER.—A civil action may be brought against the Pueblo for declaratory judgment or injunctive relief under this Act, but no money damages, including costs or attorney's fees, may be imposed on the Pueblo as a result of such judicial action.

(c) VENUE.—Venue for any civil action provided for in this section, as well as any civil action to contest the constitutionality of this Act, shall lie only in the United States District Court for the District of New Mexico.

SEC. 13. PROVISIONS RELATING TO CONTRIBUTIONS AND LAND EXCHANGE.

(a) CONTRIBUTIONS.—

(1) IN GENERAL.—The Secretary may accept contributions from the Pueblo, or from other persons or governmental entities—

(A) to perform and complete a survey of the Area; or

(B) to carry out any other project or activity for the benefit of the Area in accordance with this Act.

(2) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete the survey of the Area under paragraph (1)(A).

(b) LAND EXCHANGE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, after consultation with the Pueblo, the Secretary shall, in accordance with applicable laws, prepare and offer a land exchange of National Forest land outside the Area and contiguous to the northern boundary of the Pueblo's Reservation within sections 10, 11, and 14 of T12N, R4E, N.M.P.M., Sandoval County, New Mexico excluding Wilderness land, for land owned by the Pueblo in the Evergreen Hills subdivision in Sandoval County contiguous to National Forest land, and the La Luz tract in Bernalillo County.

(2) ACCEPTANCE OF PAYMENT.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716(b)), the Secretary may either make or accept a cash equalization payment in excess of 25 percent of the total value of the land or interests transferred out of Federal ownership.

(3) FUNDS RECEIVED.—Any funds received by the Secretary as a result of the exchange shall be deposited in the fund established under the Act of December 4, 1967, known as the Sisk Act (16 U.S.C. 484a), and shall be available to purchase non-Federal land within or adjacent to the National Forests in the State of New Mexico.

(4) TREATMENT OF LAND EXCHANGED OR CONVEYED.—All land exchanged or conveyed to the Pueblo is declared to be held in trust for the Pueblo by the United States and added to the Pueblo's Reservation subject to all existing and outstanding rights and shall remain in its natural state and shall not be subject to commercial development of any kind. Land exchanged or conveyed to the Forest Service shall be subject to all limitations on use pertaining to the Area under this Act.

(5) FAILURE TO MAKE OFFER.—If the land exchange offer is not made by the date that is 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, a report explaining the reasons for the failure to make the offer including an assessment of the need for any additional legislation that may be necessary for the exchange. If additional legislation is not necessary, the Secretary, consistent with this section, should proceed with the exchange pursuant to existing law.

(c) LAND ACQUISITION AND OTHER COMPENSATION.—

(1) IN GENERAL.—The Secretary may acquire land owned by the Pueblo within the Evergreen Hills Subdivision in Sandoval County or any other privately held land inside of the exterior boundaries of the Area. The boundaries of the Cibola National Forest and the Area shall be adjusted to encompass any land acquired pursuant to this section.

(2) PIEDRA LISA TRACT.—The Secretary shall compensate the Pueblo for the fair market value of—

(A) the right-of-way established pursuant to section 9(h)(3)(C); and

(B) the conservation easement established by the limitations on use of the Piedra Lisa tract pursuant to section 9(b)(2).

(d) REIMBURSEMENT OF CERTAIN COSTS.—

(1) IN GENERAL.—The Pueblo, the County of Bernalillo, New Mexico, and any person that owns or has owned property inside of the exterior boundaries of the Area as designated on the map, and who has incurred actual and direct costs as a result of participating in the case of Pueblo of Sandia v. Babbitt, Civ. No. 94–2624 HHG (D.D.C.), or other proceedings directly related to resolving the issues litigated in that case, may apply for reimbursement in accordance with this section. Costs directly related to such participation which shall qualify for reimbursement shall be—

(A) dues or payments to a homeowner association for the purpose of legal representation; and

(B) legal fees and related expenses.

(2) TREATMENT OF REIMBURSEMENT.—Any reimbursement provided in this subsection shall be in lieu of that which might otherwise be available pursuant to the Equal Access to Justice Act (24 U.S.C. 2412).

(3) PAYMENTS.—The Secretary of the Treasury shall make reimbursement payments as provided in this section out of any money not otherwise appropriated.

(4) APPLICATIONS.—Not later than 180 days after the date of enactment of this Act, applications for reimbursement shall be filed with the Department of the Treasury, Financial Management Service, Washington, D.C.

(5) MAXIMUM REIMBURSEMENT.—In no event shall any 1 party be compensated in excess of $750,000 and the total amount reimbursed pursuant to this section shall not exceed $3,000,000.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, including such sums as are necessary for the Forest Service, in accordance with section 13(c), to acquire ownership of, or other interests in or to, land within the external boundaries of the Area.

SEC. 15. EFFECTIVE DATE.

The provisions of this Act shall take effect immediately on enactment of this Act.

SA 44. Mr. MCCAIN proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

Beginning with line 12 on page 138, strike through line 14 on page 141.

SA 45. Mr. KYL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 402, line 10, after ''committees'' insert '': *Provided further*, That funds made available under the preceding proviso may only be available for wind-up costs of KEDO''.

SA 46. Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page , between lines and , insert the following new section:

SEC. . WEST COAST GROUNDFISH FISHERY CAPACITY REDUCTION.

(a) The Secretary of Commerce shall implement a fishing capacity reduction program for the West Coast groundfish fishery pursuant to section 212 of P.L. 107–206 and 16 U.S.C. 1861a(b)–(e) except that: the program may apply to multiple fisheries, except that: Within 90 days after the date of enactment of this Act, the Secretary shall publish a public notice in the Federal Register and issue an invitation to bid for reduction payments that specifies the contractual terms and conditions under which bids shall be made and accepted under this section; except that: Section 144(1)(K)(3) of Title I, Division B of P.L. 106–554 shall apply to the program implemented by this section.

(b) A reduction fishery is eligible for capacity reduction under the program implemented under this section, except that no vessel harvesting and processing whiting in the catcher-processors sector (section 19 660.323(a)(4)(A) of title 50, Code of Federal Regulations) may participate in any capacity reduction referendum or industry fee established under this section.

(c) A referendum on the industry fee system shall occur after bids have been submitted, and such bids have been accepted by the Secretary, as follows: members of the reduction fishery, and persons who have been issued Washington, Oregon, or California Dungeness Crab and Pink Shrimp permits, shall be eligible to vote in the referendum to approve an industry fee system; referendum votes cast in each fishery shall be weighted in proportion to the debt obligation of each fishery, as calculated in subsection (f) of this section; the industry fee system shall be approved if the referendum votes cast in favor of the proposed system constitute a simple majority of the participants voting; except that notwithstanding 5 U.S.C. 553 and 16 U.S.C. 1861a(e), the Secretary shall not prepare or publish proposed or final regulations for the implementation of the program under this section before the referendum is conducted.

(d) Nothing in this section shall be construed to prohibit the Pacific Fishery management Council from recommending, or the Secretary from approving, changes to any

fishery management plan, in accordance with applicable law; or the Secretary from promulgating regulations (including regulations governing this program), after an industry fee system has been approved by the reduction fishery.

(e) The Secretary shall determine, and state in the public notice published under paragraph (a), all program implementation aspects the Secretary deems relevant.

(f) Any bid submitted in response to the invitation to bid issued by the Secretary under this section shall be irrevocable; the Secretary shall use a bid acceptance procedure that ranks each bid in accordance with this paragraph and with additional criteria, if any, established by the Secretary: for each bid from a qualified bidder that meets the bidding requirements in the public notice or the invitation to bid, the Secretary shall determine a bid score by dividing the bid's dollar amount by the average annual total ex-vessel dollar value of landings of Pacific groundfish, Dungeness crab, and Pink shrimp based on the 3 highest total annual revenues earned from such stocks that the bidder's reduction vessel landed during 1998, 1999, 2000, or 2001. For purposes of this paragraph, the term ''total annual revenue'' means the revenue earned in a single year from such stocks. The Secretary shall accept each qualified bid in rank order of bid score from the lowest to the highest until acceptance of the next qualified bid with the next lowest bid score would cause the reduction cost to exceed the reduction loan's maximum amount. Acceptance of a bid by the Secretary shall create a binding reduction contract between the United States and the person whose bid is accepted, the performance of which shall be subject only to the conclusion of a successful referendum, except that a person whose bid is accepted by the Secretary under this section shall relinquish all permits in the reduction fishery and any Dungeness crab and Pink shrimp permits issued by Washington, Oregon, or California; except that the Secretary shall revoke the Pacific groundfish permit, as well as all Federal fishery licenses, fishery permits, area, and species endorsements, and any other fishery privileges issued to a vessel or vessels (or to persons on the basis of their operation or ownership of that vessel or vessels) removed under the program.

(g) The Secretary shall establish separate reduction loan sub-amounts and repayment fees for fish sellers in the reduction fishery and for fish sellers in each of the fee-share fisheries by dividing the total ex-vessel dollar value during the bid scoring period of all reduction vessel landings from the reduction fishery and from each of the fee-share fisheries by the total such value of all such landings for all such fisheries; and multiplying the reduction loan amount by each of the quotients resulting from each of the divisions above. Each of the resulting products shall be the reduction loan sub-amount for the reduction fishery and for each of the fee-share fisheries to which each of such products pertains; except that, each fish seller in the reduction fishery and in each of the fee-share fisheries shall pay the fees required by the reduction loan sub-amounts allocated to it under this paragraph; except that, the Secretary may enter into agreements with Washington, Oregon, and California to collect any fees established under this paragraph.

(h) Notwithstanding 46 U.S.C. App. 1279(b)(4), the reduction loan's term shall not be less than 30 years.

(i) It is the sense of the Congress that the States of Washington, Oregon, and California should revoke all relinquishment permits in each of the fee-share fisheries immediately after reduction payment, and otherwise to implement appropriate State fisheries management and conservation provisions in each of the fee-share fisheries that establishes a program that meets the requirements of 16 U.S.C. 141861a(b)(1)(B) as if it were applicable to fee-share fisheries.

(j) The term ''fee-share fishery'' means a fishery, other than the reduction fishery, whose members are eligible to vote in a referendum for an industry fee system under paragraph (c). The term ''reduction fishery'' means that portion of a fishery holding limited entry fishing permits endorsed for the operation of trawl gear and issued under the Federal Pacific Coast Groundfish Fishery Management Plan.

SA 47. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, line 9, insert the following:

SEC. . Congress reaffirms its original intent that the Herger-Feinstein Quincy Library Group Forest Recovery Act of 1998 be implemented, and hereby extends the expiration of the Quincy Library Group Act by five years.

SA 48. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 787, after line 25, add the following:

SEC. 3___. SUSQUEHANNA GREENWAY, MARYLAND.

The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended in item 1603 (112 Stat. 316) by striking ''Construct pedestrian bicycle bridge across Susquehanna River between Havre de Grace and Perryville'' and inserting ''Develop Lower Susquehanna Heritage Greenway, including acquisition of property, construction of hiker-biker trails, and construction or use of docks, ferry boats, bridges, or vans to convey bikers and pedestrians across the Susquehanna River between Cecil County and Harford County''.

SA 49. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, to disapprove under the Congressional Review Act the rule submitted by the Centers for Medicare & Medicaid Services, relating to revisions to payment policies under the Medicare physician fee schedule for calendar year 2003 and other items, published in the Federal Register on December 31, 2002 (vol. 67, page 79966); which was ordered to lie on the table; as follows:

At the appropriate place in the division relating to energy and water, insert the following:

SEC. ___. HERRING CREEK-TALL TIMBERS, MARYLAND.

(a) IN GENERAL.—Using funds made available by this Act, the Secretary of the Army, acting through the Chief of Engineers, shall provide immediate corrective maintenance to the project at Herring Creek-Tall Timbers, Maryland, at full Federal expense.

(b) INCLUSIONS.—The corrective maintenance described in subsection (a), and any other maintenance performed after the date of enactment of this Act with respect to the project described in that subsection, shall include repair or replacement, as appropriate, of the foundation and structures adjacent and structurally integral to the project.

SA 50. Mr. SARBANES submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, between lines 8 and 9, insert the following:

SEC. ___. REPORT ON AVIAN MORTAILITY AT COMMUNICATIONS TOWERS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the United States Fish and Wildlife Service, in cooperation with the Chairman of the Federal Communications Commission and the Administrator of the Federal Aviation Administration, shall submit to the Committee on Appropriations, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate a report on avian mortality at communications towers in the United States.

(b) CONTENTS.—The report submitted under subsection (a) shall include—

(1) an estimate of the number of birds that collide with communication towers;

(2) a description of the causes of those collisions; and

(3) recommendations on how to prevent those collisions.

SA 51. Mr. FITZGERALD (for himself, Mr. DEWINE, Mr. BROWNBACK, Mr. KYL, Mr. ENSIGN, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI of division J, insert the following:

SEC. ____. (a) PROHIBITION.—No funds appropriated by this Act shall be made available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

(b) APPLICATION OF PROVISION.—The provisions of subsection (a) shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SA 52. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1043, strike line 19 and all that follows through page 1044, line 3, and insert the following:

TITLE IV—TANF AND MEDICARE

SEC. 401. Section 114 of Public Law 107–229, as amended by section 3 of Public Law 107–240 and by section 2 of Public Law 107–294, is amended—

(1) by striking ''the date specified in section 107(c) of this joint resolution'' and inserting ''September 30, 2003''; and

(2) by striking '': *Provided further*, That notwithstanding'' and all that follows through the period and inserting a period.

SA 53. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division M, add the following:

SEC. 111. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR RESEARCH AND DEVELOPMENT ON TOTAL INFORMATION AWARENESS PROGRAM.—Notwithstanding any other provision of law, funds appropriated or otherwise made available by this Act, or by any other Act, may be obligated or expended by the Department of Defense, or by any contractor of the Department, for the purpose of research, development, test, or evaluation on any technology or component of the information collection program known as the Total Information Awareness program, or any program whose purpose is the collection of information on United States citizens in the United States, regardless of whether or not such program is to be transferred to another department, agency, or element of the Federal Government only if—

(1) such technology or component is to be used, and is used, only for foreign intelligence purposes; and

(2) such technology or component is not to be used, and is not used, for domestic intelligence or law enforcement purposes.

(b) PROVISION IN CONTRACTS AND GRANTS.—Any contract or grant instrument applicable to the Total Information Awareness program or other program referred to in subsection (a) shall include appropriate controls to facilitate the limitations in that subsection.

(c) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, the Attorney General, and the Director of Central Intelligence shall jointly submit to Congress a report on the Total Information Awareness program. The report shall set forth the following:

(1) A detailed explanation (including an expenditure plan) of the actual and intended use of the funds for all projects and activities of the Total Information Awareness program.

(2) A list of the departments and agencies of the Federal Government that have, or would have, an interest in utilizing the Total Information Awareness program, and for what purposes.

(3) A description of the ways information collected by the Total Information Awareness program may be used by law enforcement, intelligence, and other agencies of the Federal Government.

(4) A list of the current laws and regulations governing the information to be collected by the Total Information Awareness program, and a description of any modifications in such laws that are required to use such information in the manner proposed under the program.

(5) Recommendations for additional research, technology development, or other measures necessary to ensure the protection of privacy and civil liberties of United States citizens during the operation of the Total Information Awareness program.

SA 54. Mr. KYL (for himself, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. MCCAIN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 95, line 7, strike ''$3,076,509,000'' and insert the following: ''$3,241,787,000: *Provided*, That of the amount appropriated under this heading $80,200,000 shall be available only for the Entry Exit System, to be managed by the Justice Management Division: *Provided further*, That, of the amounts made available in the preceding proviso, $42,400,000 shall only be available for planning, program support, environmental analysis and mitigation, real estate acquisition, design and construction: *Provided further*, That $25,500,000 shall only be available for an entry-exit system pilot, including demonstration projects on the southern and northern border, and $12,300,000 shall only be available for system development: *Provided further*, That none of the funds appropriated in this Act, or in Public Law 107–117, for the Immigration and Naturalization Service's Entry Exit System may be obligated until the INS submits a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: *Provided further*, That funds provided under this heading shall only be available for obligation and expenditure in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of Public Law 107–77: *Provided further*, That none of the funds made available by this Act shall be available for any expenses relating to the National Security Entry-Exit Registration System (NSEERS), and that the Attorney General shall provide to the Committee on Appropriations all documents and materials: (1) used in the creation of the NSEERS program, including any predecessor programs; (2) assessing the effectiveness of the NSEERS program as a tool to enhance national security; (3) used to determine the scope of the NSEERS program, including countries selected for the program, and the gender, age, and immigration status of the persons required to register under the program; (4) regarding future plans to expand the NSEERS program to additional countries, age groups, women, and persons holding other immigration statuses not already covered; (5) explaining of whether the Department of Justice consulted with other federal agencies in the development of the NSEERS programs, and if so, all documents and materials relating to those consultations; (6) concerning policy directives or guidance issued to officials about implementation of NSEERS, including the role of the FBI in conducting national security background checks of registrants; (7) explaining why certain INS District Offices detained persons with pending status-adjustment applications; and (8) explaining how information gathered during interviews of registrants will be stored, used, or transmitted to other Federal, State, or local agencies.''.

SA 55. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1026, after line 22, add the following:

SEC. 111. Section 591(j) of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 1562 note) is amended by striking ''April 24, 2003'' and inserting ''April 24, 2005''.

SA 56. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 721, line 4, before the colon, insert the following:

'', of which $8,000,000 shall be used to develop increased power capability for engines used in HH–65 helicopters in order to meet new Coast Guard requirements, and $3,000,000 shall be used to demonstrate and test the upgraded control system for such engines''

SA 57. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE WITH RESPECT TO NORTH KOREA.

(a) FINDINGS.—The Senate makes the following findings:

(1) Under the Agreed Framework of October 21, 1994, North Korea committed to—

(A) freeze and eventually dismantle its graphite-moderated reactors and related facilities;

(B) implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula, which prohibits the production, testing, or possession of nuclear weapons; and

(C) allow implementation of its IAEA safeguards agreement under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) for nuclear facilities designated under the Agreed Framework and any other North Korean nuclear facilities.

(2) The General Accounting Office has reported that North Korea has diverted heavy oil received from the United States-led Korean Peninsula Energy Development Organization for unauthorized purposes in violation of the Agreed Framework.

(3) On April 1, 2002, President George W. Bush stated that he would not certify North Korea's compliance with all provisions of the Agreed Framework.

(4) North Korea has violated the basic terms of the Agreed Framework and the North-South Joint Declaration on the Denuclearization of the Korean Peninsula by pursuing the enrichment of uranium for the purpose of building a nuclear weapon and by ''nuclearizing'' the Korean peninsula.

(5) North Korea has admitted to having a covert nuclear weapons program and declared the Agreed Framework nullified.

(6) North Korea has announced its intention to restart the 5-megawatt reactor and related reprocessing facility at Yongbyon, which were frozen under the Agreed Framework, and has expelled the IAEA personnel monitoring the freeze.

(7) North Korea has announced its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968 (21 UST 483).

(b) SENSE OF THE SENATE REGARDING THE AGREED FRAMEWORK AND THE NORTH KOREAN NUCLEAR WEAPONS PROGRAM.—It is the sense of the Senate that—

(1) the Agreed Framework is, as a result of North Korea's own illicit and deceitful actions over several years and recent declaration, null and void;

(2) North Korea's pursuit and development of nuclear weapons—

(A) is of grave concern and represents a serious threat to the security of the United States, its regional allies, and friends;

(B) is a clear and present danger to United States forces and personnel in the region and the United States homeland; and

(C) seriously undermines the security and stability of Northeast Asia; and

(3) North Korea must immediately come into compliance with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and other commitments to the international community by—

(A) renouncing its nuclear weapons and materials production ambitions;

(B) dismantling its nuclear infrastructure and facilities;

(C) transferring all sensitive nuclear materials, technologies, and equipment (including nuclear devices in any stage of development) to the IAEA forthwith; and

(D) allowing immediate, full, and unfettered access by IAEA inspectors to ensure that subparagraphs (A), (B), and (C) have been fully and verifiably achieved; and

(4) any diplomatic solution to the North Korean crisis—

(A) should take into account that North Korea is not a trustworthy negotiating partner;

(B) must achieve the total dismantlement of North Korea's nuclear weapons and nuclear production capability; and

(C) must include highly intrusive verification requirements, including on-site monitoring and free access for the investigation of all sites of concern, that are no less stringent than those imposed on Iraq pursuant to United Nations Security Council Resolution 1441 (2002) and previous corresponding resolutions.

(c) SENSE OF THE SENATE.—It is further the sense of the Senate that the United States, in conjunction with the Republic of Korea and other allies in the Pacific region, should take measures, including military reinforcements, enhanced defense exercises and other steps as appropriate, to ensure—

(1) the highest possible level of deterrence against the multiple threats that North Korea poses; and

(2) the highest level of readiness of United States and allied forces should military action become necessary.

(d) FURTHER SENSE OF THE SENATE.—It is further the sense of the Senate that the Broadcasting Board of Governors should ensure that Radio Free Asia will increase its broadcasting with respect to North Korea to 24 hours each day.

(e) DEFINITIONS.—In this section:

(1) AGREED FRAMEWORK.—The term ''Agreed Framework'' means the Agreed Framework Between the United States of America and the Democratic People's Republic of Korea, signed in Geneva on October 21, 1994, and the Confidential Minute to that agreement.

(2) IAEA.—The term ''IAEA'' means the International Atomic Energy Agency.

(3) NORTH KOREA.—The term ''North Korea'' means the Democratic People's Republic of Korea.

(4) NPT.—The term ''NPT'' means the Treaty on the Non-Proliferation of Nuclear Weapons done at Washington, London, and Moscow, July 1, 1968 (22 UST 483).

SA 58. Ms. COLLINS (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSION OF TEMPORARY INCREASE FOR HOME HEALTH SERVICES FURNISHED IN A RURAL AREA.

(a) IN GENERAL.—Section 508(a) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–533), as enacted into law by section 1(a)(6) of Public Law 106–554, is amended—

(1) by striking ''24-MONTH INCREASE BEGINNING APRIL 1, 2001'' and inserting ''IN GENERAL'';

(2) by striking ''April 1, 2003'' and inserting ''October 1, 2003''; and

(3) by inserting before the period at the end the following: ''(or 5 percent in the case of such services furnished on or after April 1, 2003, and before October 1, 2003)''.

(b) CONFORMING AMENDMENT.—Section 547(c)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–553), as enacted into law by section 1(a)(6) of Public Law 106–554, is amended by striking ''the period beginning on April 1, 2001, and ending on September 30, 2002,'' and inserting ''a period under such section''.

SA 59. Mr. WYDEN (for himself, Mrs. FEINSTEIN, Mr. REID, Mrs. BOXER, Mr. CORZINE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division M, add the following:

SEC. 111. (a) LIMITATION ON USE OF FUNDS FOR RESEARCH AND DEVELOPMENT ON TOTAL INFORMATION AWARENESS PROGRAM.—Notwithstanding any other provision of law, commencing 60 days after the date of the enactment of this Act, no funds appropriated or otherwise made available to the Department of Defense, whether to an element of the Defense Advanced Research Projects Agency or any other element, or to any other department, agency, or element of the Federal Government, may be obligated or expended on research and development on the Total Information Awareness program unless—

(1) the report described in subsection (b) is submitted to Congress not later than 60 days after the date of the enactment of this Act; or

(2) the President certifies to Congress in writing, that—

(A) the submittal of the report to Congress within 60 days after the date of the enactment of this Act is not practicable; and

(B) the cessation of research and development on the Total Information Awareness program would endanger the national security of the United States.

(b) REPORT.—The report described in this subsection is a report, in writing, of the Secretary of Defense, the Attorney General, and the Director of Central Intelligence, acting jointly, that—

(1) contains—

(A) a detailed explanation of the actual and intended use of funds for each project and activity of the Total Information Awareness program, including an expenditure plan for the use of such funds;

(B) the schedule for proposed research and development on each project and activity of the Total Information Awareness program; and

(C) target dates for the deployment of each project and activity of the Total Information Awareness program;

(2) assesses the likely efficacy of systems such as the Total Information Awareness program in providing practically valuable predictive assessments of the plans, intentions, or capabilities of terrorists or terrorist groups;

(3) assesses the likely impact of the implementation of a system such as the Total Information Awareness program on privacy and civil liberties; and

(4) sets forth a list of the laws and regulations that govern the information to be collected by the Total Information Awareness program, and a description of any modifications of such laws that will be required to use the information in the manner proposed under such program;

(5) includes recommendations, endorsed by the Attorney General, for practices, procedures, regulations, or legislation on the deployment, implementation, or use of the Total Information Awareness program to eliminate or minimize adverse effects of such program on privacy and other civil liberties.

(c) LIMITATION ON DEPLOYMENT OF TOTAL INFORMATION AWARENESS PROGRAM.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), if and when research and development on the Total Information Awareness program, or any component of such program, permits the deployment or implementation of such program or component, no department, agency, or element of the Federal Government may deploy or implement such program or component, or transfer such program or component to another department, agency, or element of the Federal Government, until the Secretary of Defense—

(A) notifies Congress of that development, including a specific and detailed description of—

(i) each element of such program or component intended to be deployed or implemented; and

(ii) the method and scope of the intended deployment or implementation of such program or component (including the data or information to be accessed or used); and

(B) has received specific authorization by law from Congress for the deployment or implementation of such program or component, including—

(i) a specific authorization by law for the deployment or implementation of such program or component; and

(ii) a specific appropriation by law of funds for the deployment or implementation of such program or component.

(2) The limitation in paragraph (1) shall not apply with respect to the deployment or implementation of the Total Information Awareness program, or a component of such program, in support of the following:

(A) Lawful military operations of the United States conducted outside the United States.

(B) Lawful foreign intelligence activities conducted wholly overseas, or wholly against non-United States persons.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Total Information Awareness program should not be used to develop technologies for use in conducting intelligence activities or law enforcement activities against United States persons without appropriate consultation with Congress or without clear adherence to principles to protect civil liberties and privacy; and

(2) the primary purpose of the Defense Advanced Research Projects Agency is to support the lawful activities of the Department of Defense and the national security programs conducted pursuant to the laws assembled for codification purposes in title 50, United States Code.

(e) DEFINITIONS.—In this section:

(1) TOTAL INFORMATION AWARENESS PROGRAM.—The term ''Total Information Awareness program''—

(A) means the computer hardware and software components of the program known as Total Information Awareness, any related information awareness program, or any successor program under the Defense Advanced Research Projects Agency or another element of the Department of Defense; and

(B) includes a program referred to in subparagraph (1), or a component of such program, that has been transferred from the Defense Advanced Research Projects Agency or another element of the Department of Defense to any other department, agency, or element of the Federal Government.

(2) NON-UNITED STATES PERSON.—The term ''non-United States person'' means any person other than a United States person.

(3) UNITED STATES PERSON.—The term ''United States person'' has the meaning given that term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

SA 60. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, line 14, strike ''basis.'' and insert ''basis; *Provided further*, That, notwithstanding any other provision of law, any person other than the owner (or a related person with respect to the owner) of the ships originally contracted under section 8109 of Public Law 105–56, may document not more than 3 cruise ships constructed to completion in a shipyard located outside of the United States under the authority of this section if the owner meets the requirements of clause (1) of the third proviso of this section and the vessel meets the requirements of clauses (2), (3), (5) and (6) of that proviso.''.

SA 61. Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mr. AKAKA, Mr. BINGAMAN, Mr. FEINGOLD, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available in this Act may be used by an Executive agency to establish, apply, or enforce any numerical goal, target, or quota for subjecting the employees of the agency to public-private competitions or converting such employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other Administrative regulation, directive, or policy.

SA 62. Mr. MCCONNELL (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 366, strike everything after ''the'' on line 3, through ''Agency'' on line 4 and insert in lieu thereof:

headings ''Trade and Development Agency'', ''International Military Education and Training'', ''Foreign Military Financing Program'', ''Migration and Refugee Assistance'', and funds appropriated under the heading ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'' to carry out the provisions of chapters 8 and 9 of part II of the Foreign Assistance Act of 1961.

SA 63. Mr. ALLARD (for himself and Mr. CAMPBELL) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. COST-SHARING REQUIREMENT FOR THE ARKANSAS VALLEY CONDUIT IN THE STATE OF COLORADO.

(a) IN GENERAL.—Section 7 of Public Law 87–590 (76 Stat. 393) is amended—

(1) by striking ''SEC. 7.'' and inserting the following: ''**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**'';

(2) in the first sentence, by striking ''There is hereby authorized'' and inserting the following:

''(a) CONSTRUCTION.—There is authorized'';

(3) in the second sentence, by striking ''There are also'' and inserting the following:

''(b) OPERATIONS AND MAINTENANCE.—There are''; and

(4) by adding at the end the following:

''(c) ARKANSAS VALLEY CONDUIT.—

''(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to pay the Federal share of the costs of constructing the Arkansas Valley Conduit in accordance with subsection (a) of the first section.

''(2) NON-FEDERAL SHARE.—

''(A) IN GENERAL.—The non-Federal share of the total costs of construction (including design and engineering costs) of the Arkansas Valley Conduit shall be not more than 25 percent.

''(B) FORM.—The non-Federal share may be in the form of in-kind contributions.''.

(b) APPLICABILITY.—The amendments made by subsection (a) apply to any costs of constructing the Arkansas Valley Conduit incurred during fiscal year 2002 or any subsequent fiscal year.

SA 64. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 259, line 19, strike ''projects:'' and insert ''projects; and of which $55,000,000 shall be available for the Southeast Louisiana project (of which $15,000,000 shall be derived by transfer from amounts made available under the heading 'DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT'):''.

SA 65. Mr. KYL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

WILDLAND FIRE MANAGEMENT

On page 488, line 10, strike ''1,349,291,000'' and insert ''$1,351,791,000.''

On page 489, line 9, strike ''$3,624,000,'' and insert ''$6,124,000.''

On page 489, line 10, following ''restoration,'' insert ''of which $2,500,000 shall be for rehabilitation and restoration on the Apache-Sitgreaves National Forest.''

LAND ACQUISITION

On page 493, line 17, strike ''$148,263,000'', and insert ''$145,763,000.''

SA 66. Mr. KYL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 3 and 4, insert the following:

SEC. 7____. EXEMPTION OF MILK HANDLERS FROM MINIMUM PRICE REQUIREMENTS.

Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:

''(M) EXEMPTION OF MILK HANDLERS FROM MINIMUM PRICE REQUIREMENTS.—Notwithstanding any other provision of this subsection, no handler with distribution of Class I milk products in the Arizona-Las Vegas marketing area (Order No. 131) shall be exempt during any month from any minimum milk price requirement established by the Secretary under this subsection if the total distribution of Class I products within the Arizona-Las Vegas marketing area of any handler's own farm production exceeds the lesser of—

''(i) 3 percent of the total quantity of Class I products distributed in the Arizona-Las Vegas marketing area (Order No. 131); or

''(ii) 5,000,000 pounds.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Friday, January 17, 2003 at 9 a.m. to consider the nomination of the Honorable Tom Ridge to be Secretary of the Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Friday, January 17, 2003 at approximately 12:30 p.m. for a business meeting to consider the nomination of the Honorable Tom Ridge to be Secretary of the Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JANUARY 21, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Tuesday, January 21; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that there be a period of morning business not to extend beyond the hour of 10:30 a.m., with the time equally divided in the usual form; further, I ask that at 10:30 a.m., the Senate then resume consideration of H.J. Res. 2, the appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 121

Mr. FRIST. Mr. President, I ask unanimous consent that at the hour of 5:05 p.m. on Tuesday, the Judiciary Committee be discharged from further consideration of S. 121, the Amber alert bill, and the Senate proceed to the consideration of the bill, and that Senators HUTCHISON and LEAHY be recognized for 5 minutes each to debate the measure; that following the use or yielding back of all time, the bill be read the third time and the Senate proceed to a vote on passage, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. For the information of all Senators, the Senate will return for business on Tuesday. On Tuesday, we will resume consideration of the appropriations measure. I understand there are several Members on the other side of the aisle who have agreed to offer their amendments during Tuesday's session. Under the previous order, the Senate will vote on passage of the Amber alert bill at 5:15 on Tuesday. Therefore, Senators can expect the first vote of next week to occur at 5:15. Additional votes will occur during Tuesday's session.

In addition to considering further amendments to the appropriations measure, it is my hope that on Tuesday the Senate will consider the nomination of Tom Ridge to be Secretary of Homeland Security. I believe some Members have indicated their desire to speak in regard to that nomination, and a rollcall vote is anticipated. I hope that on Tuesday we will be able to reach an agreement to allow for that debate and a rollcall vote Tuesday evening.

Finally, I wish to announce to Members that they should expect busy sessions and late nights next week. We have no choice but to press on and complete this matter. I hope Members will cooperate and offer their amendments in a timely manner so we can complete these appropriations next week. I thank Members for their cooperation in advance.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator HARKIN for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

DISASTER AID

Mr. HARKIN. Mr. President, I thank the leader for his kindness in letting me speak for up to 15 minutes before the Senate goes out for the long weekend before we come back in on Tuesday. I take this time to draw attention to the provision in the pending bill regarding disaster aid to our farmers.

We have been fighting here for almost 3 years to get disaster relief for farmers all over America. We had it basically in our budget a couple years ago. We had it in the farm bill, but it was taken out. We had assurances from the administration that it would come later. It never did. We have farmers who were promised disaster aid over 2 years ago, and they still have not received it.

A number of us on both sides of the aisle have been trying for some time now to fill in that hole and get aid to the farmers who have really suffered a lot from disasters. In the Presiding Officer's home State, livestock producers and grain farmers have had disasters in the last couple of years for which they have not been adequately compensated. That is true in the Midwest—some in my State, and much of it further west, and a lot along the eastern seaboard. But we have had some serious crop disasters.

Now the bill before us has some money in there for, as they say, disaster assistance. But upon reading the fine print, it turns out that it is not really disaster assistance, it is just putting money in a bushel basket and throwing it out to farmers. It just doesn't make any sense. In the Des Moines Register this morning, Philip Brasher had an article about it. Here is the headline: Bountiful Crop Could Still Draw Disaster Aid. My quote is this:

''This is just nonsense,'' said Iowa Senator Tom Harkin.

Basically, the article shows that a grain farmer in Iowa—we had really great crops in Iowa—the soybean and corn crops this year. In one part of Iowa, we had a drought. In many parts of the State, we had bumper crops and we had significantly higher prices. Under the provision in the bill before us, those farmers will get disaster assistance. What sense does that make?

Please, someone explain to me why we are taking an across-the-board cut—we are cutting education, veterans, medical research, and all this other stuff; and we are going to take some of this money and give it to farmers who have had no losses. In fact, some farmers made a lot of money because they had good crops. God bless them. I wish every farmer could have a good crop and have high prices to go with it. But this doesn't make sense in this bill. Basically, it is using the old Freedom to Farm payments.

Mr. Brasher points out in the article:

A farmer who received $40,000 last year would get a special payment of as much as $16,700.

That could be a farmer who had a great crop and made money. They don't have to have a disaster. All you have to do is be eligible for crop payments, and then you can get part of this payment.

''This is not a disaster relief package,'' said Republican Senator Pat Roberts of Kansas, which has been hard hit by a long drought.

Harkin said, ''Let's face it, there are a lot of farmers in my State and there are a lot of farmers in other States who made pretty good money this past year. Why should they get some more money from the government?''

Senator Charles Grassley agreed that the aid should be directed to farmers with crop losses.

''The farmers who didn't get hurt weren't asking for more money from the Federal Treasury,'' he said.

He is right. Why is there money in this bill for farmers who didn't have a disaster and are not asking for it?

I understand Senator DASCHLE will be offering an amendment to correct this anomaly in the bill. The provision being offered by Senator DASCHLE, whether it is next week, or whenever it is going to be offered, is already known to the Senate. In September of last year, we essentially passed the same measure by a vote of 79 to 16. So it is nothing new.

The provisions in the appropriations bill before us totally miss the mark. It is not directed toward those who actually lost crops due to natural disaster; the funding is offset by reducing funding for other important Federal programs, and it is inadequate.

We know from our experience, we know from having investigated it, from hearings we have had both in the House and the Senate, that we need somewhere in the neighborhood of $6 billion to address the needs of those who suffered a drought.

As Senator CONRAD said earlier today—and I was watching his speech—the Department already, because of the new farm bill and because the new farm bill directs payments in a more targeted fashion, we have already saved $5 billion to $6 billion, maybe a little bit more than that. So the savings have come in from the new farm bill.

We think those savings, rather than going back to the General Treasury, ought to be used to help those farmers who had a loss, who had a drought, who did not have anything because of a natural disaster.

If an argument is made that $6 billion has to be offset by cuts somewhere else, it is already offset because we have already saved the money that was previously budgeted for agricultural commodity programs. That money was budgeted, and yet we saved it. That money ought to go out to help farmers hit by this drought and hit by disaster.

To repeat for emphasis sake, this appropriations bill would simply provide a supplemental direct payment for all producers of all covered commodities and peanuts. It means that all producers of these crops who were eligible to receive a direct payment for 2002 will receive the supplemental payment regardless of whether they had an actual disaster loss in 2001, 2002, or any other time.

I repeat, why should Congress be taking money away from education, medical research, veterans, law enforcement—all these other domestic programs—for the purpose of making payments to farmers who did not even have a disaster and sometimes making a payment to a farmer who had a record yield and good prices this last year? It makes no sense to me.

I have to believe that farmers all over America, when they find this out—and they will be reading about it in their local papers; they will read about it in their farm journals; they will hear about it on their farm radio shows—they are going to laugh. They are going to say: What are those people in Washington thinking about?

Mr. President, if you are a farmer and you have had a record yield, you have had a good crop, and all of a sudden the Government comes along and wants to give you several thousand more dollars, well, hey, open the mailbox and take it out, but still they are going to think we are goofy around here for doing something like that.

Talk to farmers. Most say if farmers are hit by a disaster, whether it is a flood, a hurricane, a drought, insects—whatever it might be—or it could be in the livestock sector where they lost feed grains for the livestock, yes, they deserve to have disaster payments, but not those who are doing well.

Lastly, I notice the bill adopts the Livestock Compensation Program that was put together last summer. That program had a lot of problems. The help it provides is inadequate for those who qualify. The Livestock Compensation Program provided less than half of the funding that would be provided to livestock producers under section 3 of the Daschle amendment that will be offered.

I was told last fall that the payment offered to cattle producers who lacked forage would cover only about 2 weeks of feed cost for the herds, and that was not enough.

I note another curious feature about this bill in the drought section. The provisions of the Livestock Compensation Program are extended to catfish farming, but not to pork producers. That is very curious. We extend the Livestock Compensation Program to catfish farmers, but not to hog farmers. I am waiting to hear the explanation for that one.

I am saying livestock producers of all categories experienced significant increases in their feed costs due to higher grain and oilseed prices, not just catfish, but pork producers, cattle, sheep, and goats.

I have no problem—I want to say it right here and now—I have no problem in providing disaster assistance to catfish farmers if, in fact, they have suffered a disaster, but we cannot single out catfish farmers and say not pork producers, because pork producers have to pay higher grain prices also. Both use feed grains.

This so-called drought relief package that is in the bill before us is, No. 1, inadequate. It is about $3 billion. We need about $6 billion.

No. 2, it is totally misdirected because it takes the $3 billion and gives it to everybody. It just throws the money out there. This is Freedom to Farm revisited. We do not care whether you had a drought or not, but you are going to get money. It is misdirected.

And, No. 3, it should not be coming out of across-the-board cuts in veterans compensation, education, medical research at NIH, the Byrne grant program, and programs like those, because let the record show that we have already saved in agriculture more than enough money to pay for disaster assistance to farmers who need it nationwide. We have saved that much money. No one can deny it. So we do not need an offset. We have the offset. We have saved the money with the new farm bill.

I hope when this issue comes up next week, or whenever it comes up, that Senators will, again, call their farmers. Do not talk to staff. They can talk to their staff, but get on the phone and call the farm organization back in their States. Call the Farm Bureau, the Farmers Union, call your cattlemen's association, pork producers, catfish producers, whatever, and ask them if they believe this is the right way to proceed.

I will give you a dollar to a dime they will not find one in ten to say yes, and the one who says yes made a lot of money and wants more. Call your farmers. They will tell you what to do: Target it; get it to the farmers who had a disaster, and make sure they are compensated adequately and not just throw it out there for everybody.

Mr. President, I ask unanimous consent to print in the RECORD a letter from numerous farm organizations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 6, 2002.

U.S. Senate,
House of Representatives,
Washington, DC.

DEAR MEMBER OF CONGRESS: The undersigned organizations write to urge your support for emergency disaster assistance for crop and livestock procedures who have suffered losses during the 2001 and 2002 agriculture production years due to natural disasters. Such disaster assistance would be consistent with responses by the U.S. government to natural disasters in the past, including hurricanes, floods, and droughts.

The Food Security and Rural Investment Act of 2002 provides increased economic resources, certainty, and stability across a wide range of agricultural, rural, and nutrition programs administered by USDA. For commodities, we believe it was the intent of Congress that the new farm bill reduce or eliminate the need for future ad hoc market loss-related assistance and, instead, provide a similar level of assistance in a more efficient and cost effective manner than the legislation it replaced. In fact, projected outlays for commodity programs under the new law are projected to be significantly less than the annual average federal expenditures incurred since 1998. However, the new farm bill is incapable of predicting and adequately dealing with natural disasters.

Furthermore, due in part to increased prices resulting from the impact of natural disasters, the most recent projected outlays

for 2002 are less than originally projected at the signing of the farm bill. Despite these savings and the precedence of assistance for those who suffer from natural disasters, Congress has failed to pass emergency disaster assistance.

For U.S. farmers and ranchers, the current production disaster is multi-faceted. In many areas, drought has decimated row crops and forage and has reduced water supplies available for livestock. In other regions, farmers are experiencing crop destruction and reduced yields and quality due to flooding and an increased incidence of crop pests and diseases. Especially hard hit are the specialty crops such as apples, cherries and grapes in the Great Lakes region, the eastern states and the Pacific Northwest that suffered frost, freeze and drought damage this season and adverse weather in 2001 that caused a failure of the blossom set required to produce fruit.

The negative economic impact of natural disasters to American agriculture and rural communities continues to grow.

Almost 90 percent of U.S. counties have received a USDA disaster designation in 2002.

Over 40 percent have received designations in both 2001 and 2002.

Washington State alone suffered $100 million in apple crop losses in 2002 due to early freeze.

Adverse weather conditions cut the expected cotton crop by over 1 million bales. Drought conditions harmed the growing season, and a series of storms hit during harvest, inflicting continued quality and quantity losses. In the Southeast and Mid-South, only 55% of the crop achieved a color grade of Strict Low Middling or better. This compares to a five-year average of 81%.

The producers on the Blackfeet Reservation, Montana, lost over 3000 head of cattle in a freak June 3rd snowstorm. The storm did fill stock ponds and provided some additional spring green-up moisture but did not provide enough to alleviate the effects of four years of drought.

The wheat acreage harvested at 45 million acres is the lowest it has been since 1971.

Financial assistance is needed now if the economic ruin of farms, ranches and rural businesses caused by these natural disasters is to be averted.

Within the range of its existing options, we believe USDA has taken positive actions to address the weather and disease-related disasters experienced by crop and livestock producers during the 2001 and 2002 production years. Unfortunately, the Department's authority and resources available to mitigate the losses sustained by farmers, ranchers and rural businesses are inadequate given the full scope of the weather and disease problems confronting American agriculture.

While crop insurance, disaster loans, emergency haying and grazing of Conservation Reserve Program acreage, and the Livestock Compensation Program (LCP) are helpful, the relief they provide cannot effectively respond to the unprecedented and expansive devastation being experienced across a large part of America. We urge your active engagement and support immediately upon convening the 108th Congress of the emergency disaster assistance legislation passed by the Senate last session.

We urge Congress to approve this legislation and work with the administration to ensure that this emergency program is in place, which provides a responsible level of assistance to those suffering substantial losses as a result of natural disasters. This adequate response is needed immediately to reduce the devastating economic impacts being experienced by farmers, ranchers and their communities throughout much of rural America because of natural disasters beyond their control.

Thank you for your attention to this issue. We look forward to working with you to address this serious situation in a timely and effective manner.

Sincerely,

National Farmers Union.
American Farm Bureau Federation.
National Grange.
National Farmers Organization.
American Beekeeping Federation.
American Corn Growers Association.
American Sheep Industry Association.
American Soybean Association.
Burley Tobacco Growers Cooperative.
Cape Cod Cranberry Growers' Association.
Cherry Marketing Institute.
CoBank.
Cooperative Ginners Association of Oklahoma.
Farm Credit Council.
Intertribal Agriculture Council.
National Association of Wheat Growers.
National Barley Growers Association.
National Cotton Council.
National Grain Sorghum Producers.
National Grape Cooperative Association, Inc.
National Milk Producers Federation.
National Potato Council.
National Sunflower Association.
National Association of Farmer Elected Committees.
National Association of State Departments of Agriculture.
Northeast Farm Credit Regional Council.
Northeast States Association for Agricultural Stewardship.
R–CALF United Stockgrowers of America.
Soybean Producers of America.
Southern Peanut Farmers Federation.
Triangle Cooperative Service Company.
USA Dry Pea & Lentil Council.
U.S. Apple Association.
U.S. Canola Association.
U.S. Custom Harvesters, Inc.
U.S. Durum Growers Association.
Vidalia Onion Business Council.
Welch's.
WIFE.

Mr. HARKIN. Mr. President, I thank the leader again for giving me this time. I yield the floor.

ADJOURNMENT UNTIL 10 A.M., TUESDAY, JANUARY 21, 2003

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. on Tuesday, January 21.

Thereupon, the Senate, at 5:39 p.m., adjourned until Tuesday, January 21, 2003, at 10 a.m.